AGENDA – WORKSHOP OF THE PLANNING & ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, OCTOBER 7, 2013, AT 6:00 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

II. PURPOSE OF THE WORKSHOP:

1. **COMMISSION INPUT AND DISCUSSION: REGARDING ANNUAL DEVELOPMENT CODE UPDATE (T-16),** *Mr. Harold Ellis, City Planner*

2. **COMMISSION INPUT AND DISCUSSION:** REGARDING PROPOSED MODERN GREEN IVY DISCTRICT PLANNED DEVELOPMENT. *Lata Krishnarao, Community Development Director.*

III. ADJOURNMENT

This site is accessible to disabled individuals. For special assistance, please call Young Lorfing at 281-652-1840 prior to the meeting so that appropriate arrangements can be made.

I, Debbie Cody, Office Assistant 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 4th day of October, 2013, A.D., at 5:30 p.m.

_____
Debbie Cody, Office Assistant

Agenda removed _____ day of October 2013.

AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS

AGENDA OF: October 7, 2013 **ITEM NO.:**

DATE SUBMITTED: September 25, 2013 **DEPT. OF ORIGIN: Planning**

PREPARED BY: Harold Ellis **PRESENTOR: Harold Ellis**

REVIEWED BY: Mike Hodge **REVIEW DATE: September 27, 2013**

SUBJECT: Annual Unified Development Code Updates (T-16)

EXHIBITS: A) Agenda Request for September 16, 2013 Joint Workshop
B) Draft Cluster Development Plan amendments discussed with the Commission
C) January 7, 2013 Planning and Zoning Commission Workshop powerpoint presentation regarding Cluster Development Plans

EXPENDITURE REQUIRED: N/A **AMOUNT BUDGETED:** N/A
AMOUNT AVAILABLE: N/A **PROJECT NO.:** N/A
ACCOUNT NO.: N/A

ADDITIONAL APPROPRIATION REQUIRED: N/A
ACCOUNT NO.: N/A
PROJECT NO.: N/A

To be completed by Department:
☐ **Finance** ☐ **Legal** ☐ **Ordinance** ☐ **Resolution**

EXECUTIVE SUMMARY

The City's Unified Development Code, initially adopted in February 2006, is reviewed annually. This review is based on input over the past year from citizens, developers, City Council, the Planning and Zoning Commission, board members, and city staff. Based on this input, Planning staff creates a list of proposed amendments to the Unified Development Code. These amendments are discussed in this report in two separate sections, as outlined below:

1) UDC clarifications and minor amendments
2) Cluster Development Plan discussion

UDC Clarifications and minor amendments

Workshops were conducted with the Planning and Zoning Commission on July 15, August 5 and August 19, 2013, to discuss this year's proposed amendments. These amendments were presented to the City Council by the Planning and Zoning Commission at a Joint Workshop on September 16, 2013. This year there were a total of sixteen (16) proposed amendments. Of this number, Council concurred with 10 (ten) of the proposed amendments with little or no discussion. For reference, all of the proposed amendments are listed in attached Exhibit A, *Agenda Request for September 16, 2013 Joint Workshop.*

This report will focus on the three (3) proposed amendments which Council recommended be clarified or modified. There are three (3) originally proposed amendments which, following the Joint Workshop, have been removed from this year's annual Unified Development Code update list. These two items, which pertain electrical utility requirements and human sign requirements, need additional research and will be discussed at the next update of the UDC. The last item, which pertains to wine bars, will continue to be Texas Alcoholic Beverage Commission and County regulations.

1. Clarification of buffering along Thoroughfares:

Section of be amended - Screening 4.2.4.1 (c) (1)

Proposed amendment:

This is a clarification to ensure that when a landscape reserve is shown to be located between a subdivision and a thoroughfare, a masonry wall is required as opposed to wood fencing, unless screening alternatives are proposed. Based on feedback received at the Joint Workshop, staff has amended the language as indicated below. Council indicated that there should be a distance requirement added to this section of the code so that lots which were in excess of the specified distance would be exempt from this requirement.

This clarification will ensure that proposed subdivisions comply with all screening requirements when abutting/visible from a thoroughfare.

Amendment:

4.2.4.1 (c) (1)

(c) ***Residential Screening Along Major and Secondary Thoroughfares (Applies to the City & ETJ).***

(1) Requirement Criteria: Where residential subdivisions are platted so that the rear or side yards of single-family or two-family residential lots are adjacent to and within 200' of a major or secondary thoroughfare ~~roadway~~ right-of-way line as described in Chapter 3, or are separated from such thoroughfare by an

alley, landscape, or open space area/detention facility and utility easements*, or back up to such thoroughfare, the developer shall provide, at its sole expense, a minimum six-foot tall masonry screening wall (also see Subsection (2) below), or some other alternative form of screening, if approved by the Planning Director, according to the following alternatives and standards. All screening shall be adjacent to the right-of-way or property line and fully located on the private lot(s), including columns and decorative features. All forms of screening shall conform to the requirements of City ordinances and policies that govern sight distance for traffic safety.*

Screening Alternatives: Screening shall be provided in accordance with, and shall be constructed to, standards and criteria as set forth in the City's EDCM. An alternative form of screening, in lieu of the masonry wall, may be approved by Planning Director and the City Engineer with the Preliminary Subdivision Plat or Preliminary Development Plat application. Alternatives that may considered include:

a. A living/landscaped screen in conjunction with decorative metal (e.g., wrought iron) fence sections with masonry columns;

b. A combination of berms and living/landscaped screening;

c. A combination of berms, decorative masonry walls and living/landscaped screening, either with or without a decorative metal or "WoodCrete" type of fence with masonry columns; or

d. Some other creative screening alternative may be approved if it meets the spirit and intent of this Section, if it is demonstrated to be long-lasting and generally maintenance-free, and if the Planning Director and City Engineer find it to be in the public interest to approve the alternative screening device.

Basis for Recommendation

This language clarification will avoid confusion in the interpretation of the requirement. The Planning and Zoning Commission concurred with this clarification.

2. Prohibit Temporary Buildings for permanent commercial use:

Section to be amended - Sections proposed to be amended: **General Definitions** 5.1.1.1 (a) and **Corridor Overlay Zoning District** 2.4.5.1 (n)

Proposed amendment:

The purpose of this proposed amendment is to prevent the use of temporary buildings being located on commercial property for permanent use. This is not meant to prohibit the use of commercial construction trailers used during the construction process. At this time staff's recommendation is to add a definition to the UDC for temporary commercial buildings and add language to the Corridor Overlay District section that prohibits the use of these types of structures. This recommendation and definition comes from examples of definitions and

regulations from cities throughout the country and from discussions with local planners from surrounding communities. Council feedback generally supported the amendment, however the amendment needed to be reworded for additional clarity.

The proposed definition below is a combined effort between the Planning and Building Departments, as well as other research on the topic.

Amendment:

5.1.1.1 (a)

(68) BUILDING, TEMPORARY (COMMERCIAL): Any building or structure that is designed to be transportable in one or more sections, and placed on a temporary chassis. This definition does not include temporary construction trailers permitted as a *Contractor's Temporary On-Site Construction Office*, as defined in Section 2.5.2.1 of the Unified Development Code unless associated with a Special Event permit and or permitted outdoor activity or use in applicable zoning district.

Section 2.4.5.1 (n)

(d) No temporary building shall be permitted for any type of use.

Basis for recommendation:

The reason for the amendment is that the City has seen a few cases in which temporary buildings have been left on site for permanent use. The City responded to those cases by asking the property owner to apply a masonry material to the façade, as required by the UDC. As stucco is considered a masonry material, property owners have added a layer of stucco to a temporary building, which then meets the requirements of the code, but in reality, there is still a temporary building on site. The Pearland Economic Development Corporation and the Planning and Zoning Commission concur with this amendment.

4. Separate new and used car sales in the land use matrix:

Section to be amended - Section to be changed: 2.5.2.1

Proposed amendment:

The original proposal taken to the Joint Workshop was to separate new and used car sales and require used car sales to obtain a Conditional Use Permit prior to obtaining a Certificate of Occupancy. Based on Council's feedback at the workshop, the amended proposal is to require a Conditional Use Permit for both new and used car facilities. This will allow the City Council to look at each

request and determine if the site is best suited for the proposed use. Additionally, the proposed change will allow Council to determine what, if any, improvements need to be completed prior to issuance of a Certificate of Occupancy. This is particularly important in cases where existing facilities, not previously used for auto sales, are being converted to the auto sales use.

Recently we have had a number of used car lots open up throughout the city. The majority of these have opened on sites that do not currently comply with the Unified Development Code and no site improvements are triggered or undertaken. This has led to further deterioration of the sites as the intensity of the used car sales use exceeds that of previous uses on these sites.

Amendment:

Use	Residential Zoning Districts											Mixed Use Districts							Old Town			Non-Residential Zoning Districts							
												SPD																	
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
Auto Sales/Dealer (New and Used– In Building, (Auto Servicing as accessory uses only) Combined auto lease																				C						C	C	C	C
	Description: A paved area for the display for sale of motorized vehicles accompanied by an on-site office with staffing during normal business hours.																												
	Parking: One space per 1500 square feet of open sales lot and enclosed floor area devoted to the sale and display.																												

Basis for recommendation:

Staff believes we will continue to have requests to convert structures not designed for used car sales into those types of facilities without giving the City Council the ability to review these requests and request site improvements which may make the site better suited for the proposed use. Additionally, Council will also have the ability to review requests for new car dealerships and determine if they are best suited on site where they may be proposed in the future. The Planning and Zoning Commission concurs with this amendment.

Cluster Development Plan Discussion

The City has experienced an increase in Cluster Development Plan activity both in the form of formal Cluster Development Plan applications, as well as general discussions with developers pertaining to possible future submittals. The Planning and Zoning Commission held workshops on January 7, February 4, March 4, and May 6, 2013 to discuss the options on the best manner to address future cluster development cases. At these workshops, staff presented a history and background of Cluster Development Plans, in general; a summary of how Pearland's Comprehensive Plan and Unified Development Code currently addresses Cluster Development Plans; current and suggested review criteria of a Cluster Development Plan approval (including amenities); differences between a Cluster Development Plan and a Planned Development; and how surrounding cities address Cluster Development Plans/types of developments.

These workshops stemmed from an increase in Cluster Development Plan activity, and input from staff, the development community, City Council, and the Planning and Zoning Commission which indicated that there was currently a lack of detailed approval criteria in the Unified Development Code. Additionally, the Commission was concerned that a few Cluster Plan applications may have been approved in recent past that may not have best met the intent of a Cluster Plan. Public notification of pending Cluster Plan approvals was also discussed as being a concern, as the current process does not include a public hearing or notification process.

Two options were discussed with the Commission to address these concerns. One option was to add to the approval criteria currently in the Unified Development Code to provide applicants, staff, and the Planning and Zoning Commission clarity in expected amenities for Cluster Plans. There was also discussion of adding a public hearing component to the process as the approval of a Cluster Plan allows the ability to deviate from lot size, which may result in smaller lots abutting existing residential homes which may be on larger lots. Language was drafted by Planning and Legal staff reflecting these proposed changes to the current Cluster Development Plan section of the Unified Development Code for review by the Commission. This language is attached to this report as Exhibit B, *Draft Cluster Development Plan amendments discussed with the Commission.* Upon further discussing these changes, the Commission found it difficult to identify exactly what amenities were appropriate for Cluster Plans, and how to quantify them based on the size of development.

The second option discussed was to handle Cluster Development type proposals in the form of a Planned Development. This is the manner in which the surrounding communities address them, and allows the Commission the ability to analyze each proposal on a case by case basis and also addresses the public hearing concern. The Commission discussed the option of having detailed approval criteria (such as amenities based on a sliding scale) within the Planned Development language in the Unified Development Code. After lengthy discussion, the Commission felt that rather than having a preset list of amenities, that they, as a Commission, could hold each case to the most appropriate level of review and recommend the most appropriate amenities on an individual basis through the Planned Development process, rather than having a preset approval or amenity guide. Therefore, the Commission determined that the best

route moving forward would be to eliminate the use of the Cluster Development Plan section of the Unified Development Code and instead allow applicants to apply for a Planned Development and follow that review and approval process.

Section to be amended 2.2.4.1:

Section 2.2.4.1 Purpose and Applicability

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

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

(1) This section of the Unified Development Code shall no longer be effective or applicable with the adoption of Ordinance 2000T-16, January 9, 2014.

This was initiated by the Planning and Zoning Commission and discussions with City Council.

Recommended action:

Conduct the workshop and provide staff with direction.

AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS

AGENDA OF: September 16, 2013	**ITEM NO.:**
DATE SUBMITTED: August 28, 2013	**DEPT. OF ORIGIN: Planning**
PREPARED BY: Ian Clowes and Harold Ellis	**PRESENTOR: Harold Ellis**
REVIEWED BY: Mike Hodge	**REVIEW DATE: September 10, 2013**

SUBJECT: Annual Unified Development Code Updates (T-16)

EXHIBITS: Proposed Areas of Amendments and Recommended Language

EXPENDITURE REQUIRED: N/A
AMOUNT BUDGETED: N/A
AMOUNT AVAILABLE: N/A
PROJECT NO.: N/A
ACCOUNT NO.: N/A

ADDITIONAL APPROPRIATION REQUIRED: N/A
ACCOUNT NO.: N/A
PROJECT NO.: N/A

To be completed by Department:
☐ **Finance** ☐ **Legal** ☐ **Ordinance** ☐ **Resolution**

EXECUTIVE SUMMARY

The City's Unified Development Code, initially adopted in February 2006, is reviewed annually. This review is based on input over the past year from citizens, developers, City Council, the Planning and Zoning Commission, board members, and city staff. Based on this input, Planning staff creates a list of proposed amendments to the Unified Development Code. This year's amendments, if approved, would result in the 16th amendment to the Unified Development Code.

As the Unified Development Code is the City of Pearland's local zoning ordinance, state law and city charter require a Joint Public Hearing with the Planning and Zoning Commission and City Council, followed by two readings of the ordinance by the City Council to approve any amendments.

In the City of Pearland, City Council has directed that the Planning and Zoning Commission review these amendments in detail and make a recommendation at the joint workshop. Therefore, as in the past, this year's amendment process

began with a series of workshops with the Commission. Workshops were conducted on July 15, August 5 and August 19, 2013, to discuss the proposed amendments. From these workshops, the Commission has recommended that staff amend the UDC as detailed in this report.

This year and for the purposes of this workshop, there are a total of sixteen (16) proposed amendments. As has been done in the past, we have separated the proposed amendments into three (3) separate categories: 1) *Clarification on existing UDC language*, which includes amendments 1-3; 2) *Land Use Matrix changes*, which includes amendments 4-9; and *General Unified Development Code changes*, which includes amendments 10-16.

Additions to the Unified Development Code are shown in red font and deletions are shown in red strikeout font. Current code language is *Italicized.*

Exhibit 1 Proposed Areas of Amendments and Recommended Language:

Clarification on existing UDC language

1. *Clarification of buffering along Thoroughfares:*

Section of be amended - Screening 4.2.4.1 (c) (1)

Proposed amendment:

This is a clarification to ensure that when a landscape reserve is shown to be located between a subdivision and a thoroughfare, a masonry wall is required as opposed to wood fencing, unless screening alternatives as discussed later in this report are proposed.

This clarification will ensure that proposed subdivisions comply with all screening requirements when abutting/visible from a thoroughfare.

Amendment:

4.2.4.1 (c) (1)

(c) ***Residential Screening Along Major and Secondary Thoroughfares (Applies to the City & ETJ).***

(1) Requirement Criteria: Where residential subdivisions are platted so that the rear or side yards of single-family or two-family residential lots are adjacent to a major or secondary thoroughfare roadway as described in Chapter 3, or are separated from such thoroughfare by an alley, landscape or open space area/detention facility*, or back up to such thoroughfare, the developer shall provide, at its sole expense, a minimum six-foot tall masonry screening wall (also see Subsection (2) below), or some other alternative form of screening, if approved by the Planning Director, according to the following alternatives and standards. All screening shall be adjacent to the right-of-way or property line*

and fully located on the private lot(s), including columns and decorative features. All forms of screening shall conform to the requirements of City ordinances and policies that govern sight distance for traffic safety.

Screening Alternatives: Screening shall be provided in accordance with, and shall be constructed to, standards and criteria as set forth in the City's EDCM. An alternative form of screening, in lieu of the masonry wall, may be approved by Planning Director and the City Engineer with the Preliminary Subdivision Plat or Preliminary Development Plat application. Alternatives that may considered include:

a. *A living/landscaped screen in conjunction with decorative metal (e.g., wrought iron) fence sections with masonry columns;*
b. *A combination of berms and living/landscaped screening;*
c. *A combination of berms, decorative masonry walls and living/landscaped screening, either with or without a decorative metal or "WoodCrete" type of fence with masonry columns; or*
d. *Some other creative screening alternative may be approved if it meets the spirit and intent of this Section, if it is demonstrated to be long-lasting and generally maintenance-free, and if the Planning Director and City Engineer find it to be in the public interest to approve the alternative screening device.*

Basis for Recommendation

This language clarification will avoid confusion in the interpretation of the requirement. The Planning and Zoning Commission concurred with this clarification.

2. *Clarification of the definition of Banner Signs:*

Section to be amended – Temporary Signs 4.2.5.5 (c) (Page 4-70) and **Definitions** 5.1.1.1 (a) (370)

Proposed amendment:

Adding further clarification to differentiate Banner Signs from Temporary Signs.

Staff has seen an influx of requests to place banner like signs either on poles, vehicles, or other structures in order to advertise a specific business or event. Some of these uses may be permitted under the temporary sign definition but should not be considered under the banner sign definition.

Amendment:

5.1.1.1 (a) (370)

(c) ***Banner Defined.*** *A banner is hereby defined to be a temporary sign as that term is defined Chapter 5 of this UDC that is designed to be attached or installed with rope, wire, or other temporary means* to a portion of the on premise building façade, *so as to allow ease of installation and removal.*

Basis for Recommendation:

This amendment will help clarify the definition of a banner as a temporary sign affixed to the façade of an on premise business and add an official definition of a *Banner Sign* to Chapter 5. The Planning and Zoning Commission concurred with this clarification.

3. *Clarification on Temporary Signs as they relate to Special and Off Premise Events:*

Section to be amended – On Premise Ground Signs 4.2.5.3 (b) (12) (Page 4-67) and **Temporary Signs** 4.2.5.5 (d) (3) (Page 4-71).

Proposed amendment:

Add the phrase *Temporary Sign* to the section regarding Special Events Sign and Off Premise Special Event Signs to clarify the type of sign as it is defined in the definition section of the Unified Development Code:

For these types of signs, we need to clarify that the permitted signs are different than Portable Signs or Marquee Signs.

The Unified Development Code currently has a definition for *Temporary Sign* but this type of sign is not appropriately referenced in the sign code.

Amendment:

4.2.5.3 (b) (12)

(12) Special Events Sign: Temporary *Signs advertising a special event sponsored by a non-profit organization, charitable group, or civic club and placed on real property where said event is to take place shall be allowed subject to the following conditions:*

a. *The signs may not be displayed more than fourteen (14) days before, or five (5) days after, the event.*
b. *The sign may not exceed six feet (6') in height or thirty-two square feet (32 ft^2) in area per sign face.*
c. *Only one such sign is allowed per street frontage, with a maximum of three per property.*

d. Portable Signs as defined in section 5.1.1.1 (a) (389) are not considered Temporary Signs and will not be permitted.

4.2.5.5 (d) (3)

(3) Off-premise special events signs: Temporary *Signs advertising a special event sponsored by a non-profit organization, charitable group, or civic club may be placed off-premises of where said event is to take place shall be allowed subject to the following conditions:*

a. The signs may not be displayed more than fourteen (14) days before, or five (5) days after, the event.

b. No more than ten signs not exceeding six feet (6') in height or thirty-two square feet (32 ft^2) in area per sign face are allowed within the City's limits, limited to one per street frontage. These signs shall be exempt from sign permit fees.

c. There is no quantity limit on signs not exceeding three and a half feet (3.5') in height or five square feet (5 ft^2) in area per sign face, except only one is allowed per lot.

d. Portable Signs as defined in section 5.1.1.1 (a) (389) are not considered Temporary Signs and will not be permitted.

Basis for Recommendation:

This amendment will help to provide clarity and consistency when interpreting sign requests. The Planning and Zoning Commission concurred with this clarification.

Land Use Matrix changes

4. Combine Check Cashing use with Pawn Shop/Title Loan use and amend the definition accordingly:

Section to be amended - Section proposed to be changed: 2.5.2.1 (a) (Page 2-184 and 2-142).

Proposed amendment:

Staff feels that these uses are similar in nature and thus should be combined and allowed/disallowed in the same zoning districts. By calling out the different uses, this allows for more clarity when determining the best land use category for an applicant's proposed use.

Currently, as *Check Cashing* is a separate land use category from *Pawn Shop, Payday Loan, and Gold Exchange*, the uses are permitted in different areas of

the City. A *Check Cashing* business is permitted by right in the Old Townsite General Business Zone, General Business, General Commercial, and M-1 and M-2 Industrial districts and with the approval of a Conditional Use Permit in the BP-288, Neighborhood Service, and S1, S2, and S3 Spectrum zones.

A *Pawn Shop, Payday Loan, and Gold Exchange,* is only permitted by right in the General Commercial and Light Industrial (M-1) zones. This proposal, while adding *Check Cashing* to the same category is to continue the use by right in the same categories and add it with the approval of a Conditional Use Permit in the Old Townsite General Business, BP-288, and General Business zones.

Amendment:

Use	Residential Zoning Districts											Mixed Use Districts							Old Town			Non-Residential Zoning Districts							
												SPD																	
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH		MH	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
~~Check Cashing Service~~												~~C~~	~~C~~	~~C~~						~~P~~				~~C~~	~~C~~	~~P~~	~~P~~	~~P~~	~~P~~
	~~Description: An establishment that cashes customers' checks for a fee.~~																												
	~~Parking: One space for 200 square feet of gross floor area.~~																												

Use	Residential Zoning Districts											Mixed Use Districts							Old Town			Non-Residential Zoning Districts							
												SPD																	
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
Pawn Shop, Pay Day Loan (including Title Loans and Check Cashing) & Gold Exchange																				C				C		C	P	P	
	Description: An establishment that loans money in exchange for personal property pledged by the property owner to the business, or that buys such property from its owner for resale. Retail sales permitted, including sales of pre-owned items, provided that sales of such pre-owned items comply with all applicable law. This use includes establishments that primarily buy gold from customers, and institutions that loan money based on postdated checks and car titles, or cash personal/paychecks for a fee.																												
	Parking: One space per 300 square feet of gross floor area.																												

Other options for addressing the issue:

If council prefers to keep the uses separate, that can be done and discussions can occur with regards to where Council believes these uses are most appropriate in the City.

Basis for recommendation:

As *Check cashing* is considered to be a similar use as *Pawn Shop, Gold Exchange, and Title Loans* use and should be combined. Additionally, the

proposed amendment will give Council the ability to permit the uses in question in the General Business zone with the approval of a Conditional Use Permit and the proposed change provides additional clarity to the different types of loaning agencies. The Planning and Zoning Commission concurred with the amendment.

5. *Expand the Stable, Commercial use to allow riding schools:*

Section to be amended - Section to be changed: 2.5.2.1 (a) (Page 2-112)

Proposed amendment:

Currently this type of facility does not fit well into any existing category. Adding this use to the commercial stable category provides more clarity for the staff and potential applicant but also prevents staff from needing to add an additional use to the Land Use Matrix.

The proposal also includes adding the amended use in both General Business and General Commercial and by Conditional Use Permit in the Garden/O'day Mixed Use and Cullen Mixed Use zone. As the city has grown and matured, staff feels that these proposed zones would be a good fit for future facilities of this nature. The Conditional Use Permit in the mixed use zones allows for the Planning and Zoning and City Council to determine if the proposed site in either of those zones would be appropriate. It is not anticipated that the use of a riding school will be any more intensive than a commercial stable.

Amendment:

Use	Residential Zoning Districts											Mixed Use Districts							Old Town			Non-Residential Zoning Districts							
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
Stable/Riding Facility, Commercial																	C	C								P	P	P	P
	Description: A facility used for the rental of a stall space or spaces, or for the sale or rental of horses or mules. This also includes horseback riding, training, competition, and lessons.																												
	Parking: One space for each 5 horses that can be boarded at the maximum capacity on the property.																												

Other options for addressing the issue:

There was internal discussion with regards to classifying a riding facility as a *Private Club*, which is an existing use in the City's Land Use Matrix. However, as we already had a similar use, the *Stable, Commercial* in the Land Use Matrix, the most appropriate fit was to amend that use so as to provide the use with as much clarity as possible.

Basis for recommendation:

Staff recently received a request to enlarge an existing riding facility. In order to do so, the use needed to be formally classified in the Land Use Matrix. We discovered at that time that we did not have a use which addressed the specific operation in question. The Planning and Zoning Commission concurred with the amendment.

6. *Create a new use for Wine Bars in the Land Use Matrix:*

Section to be amended - Section proposed to be added: 2.5.2.1 (a) (Page 2-158)

Proposed amendment:

Wine bars have become a more popular use in the last couple of years. In general, the majority of requests have been for wine bars where little to no food is sold but would not be best classified as a traditional Bar or Tavern, as those establishments differ in operation (including types of beverages sold), as well as the zoning districts they are permitted in. Staff feels that a wine bar is a less intensive use than a tavern and thus would be appropriate in the General Business and General Commercial zone.

Amendment:

Use	Residential Zoning Districts											Mixed Use Districts							Old Town			Non-Residential Zoning Districts							
												SPD																	
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
Wine Bar																	C	C		C	C					P	P	P	
	Description: A facility that derives up to 100% of its revenue from the sale of wine (not beer or liquor) for consumption on the premises where the drinks are sold.																												
	Parking: One space per 300 square feet of gross floor area.																												

Other options for addressing the issue:

Wine bars could be classified as *Tavern*, an existing use in the Land Use Matrix. However, a *Tavern* would be more restrictive with regards to where they are permitted to locate as they are not currently permitted by right in any zoning district in the City.

Basis for recommendation:

Staff believes that the *Wine Bar* use is less intense than a *Tavern* and would not be an intrusive use in the districts in which it is being proposed to be allowed by right. Council will have the ability to review requests where the use is being proposed to be allowed with the approval of a Conditional Use Permit. The Planning and Zoning Commission concurred with this request.

7. *Allow the self-service carwash use as part of primary use:*

Section to be amended - Section to be changed: 2.5.2.1 and 2.4.5.1 (d) (4)

Proposed amendment:

We have had a number of Conditional Use Permit cases recently that have been for self-service drive- thru carwashes that were secondary to a permitted primary use on the same lot in the General Business zone. The basis for requiring a Conditional Use Permit in the past was to insure that any potentially negative impacts were able to be mitigated for, such as unscreened bays facing a roadway. If requirements are added to the Unified Development Code which address any potentially negative impacts, the use may be able to be permitted by right, thus eliminating the Conditional Use Permit process for this use.

The Auto Wash - Self Serve will still be listed as a standalone use in the land use matrix and would continue to require a Conditional Use Permit in the General Business zone if not associated with a permitted primary use.

Amendment:

Use	Residential Zoning Districts											Mixed Use Districts							Old Town			Non-Residential Zoning Districts							
												SPD																	
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
Gasoline Station (With or Without Auto Wash - Self Serve)																	C			P					P	P	P	P	P
	Description: An establishment where gasoline is sold and dispensed into motor vehicle tanks and may have an attached or detached auto wash use. The attached or detached auto wash must be an automated wash tunnel and does not include self serve wand style auto washes.																												
	Parking: One space per employee plus spaces required to satisfy projected peak parking demand.																												

(4) For any type of use that requires openings in the facade for vehicle entry or exit: These openings must not face a public roadway unless adequately screened to minimize the visual impact on the roadway. The screening should the meet the requirements 2.4.5.1 (i) (b), 2.4.5.1. (2), and 2.4.5.1 (3) (c) (a).

Other options for addressing the issue:

If Council is more comfortable addressing each carwash associated with a permitted primary use on a case-by-case basis, staff can continue processing them as such. If the Council has other conditions which they believe will help mitigate any potential negative impacts, those conditions may also be added to the Unified Development Code as conditions for allowing the auto-washes by right.

Basis for recommendation:

With the language above, added to the Corridor Overlay District section of the Unified Development Code, that states no bay doors shall be permitted to face the thoroughfare without adequate screening, staff believes that necessity for a Conditional Use Permit for an auto-wash, self-serve, is alleviated. The Planning and Zoning Commission concurred with this amendment.

8. *Separate new and used car sales in the land use matrix:*

Section to be amended - Section to be changed: 2.5.2.1

Proposed amendment:

The proposal is to separate new and used car sales and require used car sales to obtain a Conditional Use Permit prior to obtaining a Certificate of Occupancy. This will allow the City Council to look at each site and determine what, if any, improvements need to be completed prior to issuance of a Certificate of Occupancy.

Recently we have had a number of used car lots open up throughout the city. The majority of these have opened on sites that do not currently comply with the Unified Development Code and no site improvements are triggered or undertaken. This has led to further deterioration of the sites as the intensity of the used car sales use exceeds that of previous uses on these sites.

Amendment:

Use	Residential Zoning Districts											Mixed Use Districts							Old Town			Non-Residential Zoning Districts							
												SPD																	
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
Auto Sales/Dealer (New - ~~In Building~~, (Auto Servicing ~~and Used Auto Sales~~ as accessory uses only) Combined auto lease																				C						P	P	P	P
	Description: A paved area for the display for sale of new motorized ~~and non-motorized~~ vehicles accompanied by an on-site office with staffing during normal business hours.																												
	Parking: One space per 1500 square feet of open sales lot and enclosed floor area devoted to the sale and display.																												

Use	Residential Zoning Districts											Mixed Use Districts							Old Town			Non-Residential Zoning Districts							
												SPD																	
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
Auto Sales/Dealer Used - (Auto Servicing as accessory uses only)																				C						C	C	C	C
	Description: A paved area for the display for sale of used motorized vehicles accompanied by an on-site office with staffing during normal business hours.																												
	Parking: One space per 1500 square feet of open sales lot and enclosed floor area devoted to the sale and display.																												

Other options for addressing the issue:

The land use matrix does not currently separate new and used car sales and the existing land use designations can remain the same if we do not proceed with this amendment.

Basis for recommendation:

Staff believes we will continue to have requests to convert structures not designed for used car sales into those types of facilities without giving the City Council the ability to review these requests and request site improvements which may make the site better suited for the proposed use. The Planning and Zoning Commission concurs with this amendment.

9. Require a CUP for the operation of Bail Bonds offices:

Section to be amended - Section to be changed: 2.5.2.1

Proposed amendment:

The proposal calls for a CUP in all zones in order to allow P&Z and City Council to determine whether this particular, potentially sensitive use, should be permitted in a specific location.

With the relocation of the Police Department to the Public Safety Building, there is potential for an influx of bail bonds offices in the Cullen/Broadway corridor. Currently these operations are permitted by right in the BP-288, General Business and General Commercial zones.

Amendment:

Use	Residential Zoning Districts											Mixed Use Districts							Old Town			Non-Residential Zoning Districts							
												SPD																	
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
Office, Parole-Probation, Bail Bonds												C	C	C	C	C	C	C		C	C	C	C	~~P~~ C	C	~~P~~ C	~~P~~ C	C	
	Description: An office for conducting the supervision of recently paroled convicts for the purpose of successful integration into society. This use includes entities that issue bail bonds.																												
	Parking: One space for each 300 square feet of gross floor area																												

Other options for addressing the issue:

As previously mentioned, the land use matrix does not currently permit the use by right in the BP-288, General Business, and General Commercial zones. If Council is uncomfortable requiring a Conditional Use Permit in all zones, Council may which to continue to allow the use in the General Commercial zone, but still require a Conditional Use Permit in the less intense commercial zones, such as General Business and BP-288.

Basis for recommendation:

As discussed above, Staff has seen an increase in activity with regards to inquiries about where this particular use is permitted. We believe that by addressing the issue now, we may be able to make sure this use is not permitted in an area where it may not be best suited.

10. Human Signs:

Section to be amended - Section to be changed/added: **General Exceptions** 4.2.5.9 (b) (7) and **Temporary Signs** 4.2.5.5 (d) (4)

Proposed amendment:

Amend the section of the sign code that discusses human signs by adding moderate restrictions on how human signs can be displayed throughout the city.

This is in response to a substantial increase in the use of human signs throughout the city including costumed characters. The concerns discussed at the past workshop included traffic safety concerns, including hazards such as driver distraction caused by the signs, as well as the signs being a general visual nuisance.

The City of Webster adopted a human sign code this past May. The majority of the City of Pearland proposed language was taken from The City of Webster's ordinance with a few additional restrictions. Webster does not regulate the size or the movements of such signs. We are proposing both size restrictions and movement restrictions in order to limit possible roadway distractions. We also are limiting the location and the number per lot. Webster allows one sign per business and must be displayed at the business. We are proposing to permit only one human sign per individual lot per month and signs must not be located on any paved area of a public or private street, public medians or public swale. This will prevent a large shopping center located on one individual lot from having multiple human signs out in the ROW at the same time.

Amendment:

Section 4.2.5.9 (b) (7)

Remove Human Signs from the Exempted Signs Section and move it to the temporary signs section (below)

Section 4.2.5.9 General Exemptions

(a) ***Generally.*** *Notwithstanding any other provision in this UDC to the contrary, the following signs shall be exempt from all sign requirements contained in the UDC except for location restrictions, unless modified below, and any requirement for the sign specifically listed herein.*

(b) ***Exemptions.***

~~*(7) Human Signs. Signs carried or wholly supported by humans are allowed so long as they do not exceed thirty-two square feet (32 ft^2) in size.*~~

Section 4.2.5.5 (d) (4)

Section 4.2.5.5 Temporary Signs

(d) ***Other Temporary Signs.*** *The following signs shall be allowed, subject to any conditions set forth below.*

(7) Human signs are permitted within the city limits. Human signs are defined as a person wearing a costume or holding a sign while outside for the purpose of advertising a business, product, service, person, event or issue. Human signs are not permitted on any paved area of a public or private street, public medians or public swale. All human signs are also subject to the following:

a. A permit for up to 10 consecutive days of display per month is required. Only one such permit for one human sign will be issued to an individual lot per month.
b. Sign holders must be standing (not seated) on the sidewalk or on private property. The use of podiums, chairs, ladders, risers, silts, vehicles, roofs, or any other structure or device is prohibited.
c. The maximum size of any sign being held is six square feet.
d. Signs are not permitted to be shaken, swung, oscillated, waved, rotated, twirled or thrown.
e. No electronic displays of any type including lights, video, LED, or reader boards are allowed.

Other options for addressing the issue:

If necessary, other options may be researched based on Council input and discussion at the workshop.

Basis for recommendation:

This is a proposed amendment which has been discussed in the past with prior Unified Development Code amendments. As this issue has become more prevalent in the region as a whole, cities are beginning to regulate how to address the issue. This issue has been discussed in the past by City Council, and regulating human signs is supported by the Eyes of Pearland. The Planning and Zoning Commission also concurs with this amendment.

11. Fencing along Corridor Overlay District (COD), Screening and Fence Type:

Section to be amended - Section proposed to be amended: **Corridor Overlay**

Zoning District 2.4.5.1 (i) (3) and Section 2.4.5.1 (i) (5)

Proposed amendments:

Add clarifying language with regard to front yard fence height requirements, and allow additional fencing and landscaping options for repairing or replacing existing fences.

An example of this would be the residential lots which front onto Dixie Farm Rd. Since the front yards are located along the roadway, they would not be permitted to install privacy fences but would be able to install fences not exceeding 4' in height which are decorative in nature. This amendment is meant to clarify an existing requirement.

Additionally, new subdivision fences which abut the COD are required to be constructed of masonry materials or wood rail fencing for larger lot subdivisions. The code is not clear on what developed or vacant single family lots that are not part of a subdivision, with an existing subdivision fence, may do when it comes to constructing, replacing or repairing fences. A recent example of this situation is occurring along Bailey where as a result of the widening, existing fences need to be relocated or rebuilt. The amendment allows for other types of fencing with landscaping.

Amendment:

2.4.5.1 (i) (3)

3) *Screening Elements Prohibited:* *No fence or wall visible from a public street shall be:*
   a. *Greater than eight feet (8') in height* unless regulated by section 4.2.4.3 (a) (2) (b).
   b. *Located within any required visibility triangle.*
   c. *Constructed with any of the following materials: surface painted or coated concrete, chain link, concertina wire, barbed wire, corrugated metal, fiberglass panels, or* wood (unless completely screened with vegetation per Section 2.4.5.1 (i) (3) (c) (2) (A) (i), with a 3' landscape planting area. Landscape alternatives may be approved by the Planning Director or designee.

2.4.5.1 (i) (5)

5) *Residential ~~Subdivision~~ Fences:*

a. *Residential subdivision fences shall be uniform in style, color, and material along the length of the subdivision.*

b. *If visible from a street right-of-way, fences shall be constructed of masonry materials.*

(i) For large-lot subdivisions, which are defined as subdivisions with average lot sizes of one-half acre or more or single lots not part of a platted subdivision, wood rail fencing may be used if it is not more than 25% opaque.

(ii) In situations where single family parcels exist and where a subdivision fence or wall does not currently exist, wood fencing may be used if it is completely screened from view of the roadway by shrubs per Section 2.4.5.1 (i) (3) (c) (2) (A) (i), with a 3' landscape planting area. Landscape alternatives may be approved by the Planning Director or designee.

Basis for recommendation:

Staff believes that this amendment will help clarify existing requirements and also provide additional fencing options. Currently a fence abutting a Corridor Overlay District would not be permitted to be constructed of wood. This amendment will allow wood as a material as long it is screened with landscaping. This request stems from recent cases where fence permit applicants were unclear on what the height requirements were and what screening options were required for different types of fencing. The Planning and Zoning Commission concurs with this amendment.

12. *Fencing along Corridor Overlay District (COD), Definition's*

Sections to be amended - Sections proposed to be amended: **General Definitions** 5.1.1.1 (a)

Proposed amendment:

As we are proposing amendments which pertain to subdivision and wood rail fences (above), we believe definitions for these types of fences should be added for clarification purposes.

Amendment:

Adding 5.1.1.1 (a) (184) (185) and amending subsequent numbers:

(184) FENCE, SUBDIVISION: A cohesive fence which is typically built by and at the cost of the developer at the time of initial subdivision development. These fences surround the development and are also typically maintained by a home

owners association and are often regulated by recorded deed restrictions with design requirements.

(185) FENCE, WOOD RAIL: A fence constructed of narrow, or split wood timbers, placed between upright supporting posts and with a maximum opacity of 25%.

Basis for recommendation:

This amendment is in conjunction with the prior amendment and provides additional clarification. The Planning and Zoning Commission concurs with this request.

13. *Remove or limit asphalt parking as an allowable paving material:*

Section to be amended - Section to be amended: **Off-Street Parking Lot Construction - Subbase** 4.2.1.4 and Section 4.2.1.5 **Off-Street Parking Lot Construction – Base Course**, and Section 4.2.1.6 **Off-Street Parking Lot Construction – All-Weather Surface**

Proposed amendment:

This item was initially discussed with the Commission on July 15th. Based on recent applications for asphalt parking lots, which are currently allowed in the Unified Development Code, staff is recommending that the City limit or eliminate asphalt as an allowable material for paving. Not only is asphalt less aesthetically pleasing, it is significantly less durable than concrete.

The Commission initially indicated that they would like to see the material limited as well, but was concerned with removing it as an allowed use all together and requested staff research further options.

The Engineering Department has researched further options and believes that the durability concern will be addressed by adding language to the Unified Development Code which requires asphalt, if used, to be constructed with the same sub-base as concrete.

Amendment:

4.2.1.4

(3) Embankment:

a. Embankment material shall be consistent with the City of Pearland (COP) specification section for Bedding, Backfill, and Embankment Material.

b. Except as otherwise specified, embankment filling shall be constructed in successive layers for the full width of the individual parking lot cross section

and in lengths as are best suited to the sprinkling and compaction methods utilized.

c. *Layers of embankment may be formed by utilizing equipment which will spread the material as it is dumped, or they may be formed by being spread by blading or other acceptable methods from piles or windrows dumped from excavating or hauling equipment in amounts that provide even distribution.*

d. *Each layer of embankment fill shall be uniform as to material, density and moisture content before beginning compaction. Where layers of unlike materials abut each other, each layer shall be feather-edged for at least 100 feet or the material shall be so mixed as to prevent abrupt changes in the soil. No material placed in the embankment by dumping in a pile or windrow shall be incorporated in a layer in that position, but all piles or windrows shall be moved by blading or similar methods.*

e. *Compaction of embankments shall be obtained by the method described as "ordinary compaction".*

(4) *Ordinary Compaction: When the ordinary compaction method is specified, the following shall apply. "Depth" means the depth of material achieved upon compaction until there is no evidence of further compaction, in accordance with the provisions governing "rolling". Prior to and in conjunction with the rolling operation, each layer shall be* compacted to a minimum of 95% maximum dry density within ±3% of the optimum, unless otherwise specified by the Design Engineer *and shall be kept leveled with suitable equipment to ensure uniform compaction over the entire layer.*

(5) All parking lot pavements shall consist of a minimum 6 inch of Class A, Lime Treated Subgrade compacted to a minimum of 95% maximum dry density within ±3% of the optimum.

4.2.1.5

Base Course for Parking Areas.

(1) *Generally: For off-street parking lot pavements, flexible base shall consist of a foundation course composed of crushed stone or other stone materials as specified in the COP specification section for base course for pavement and in conformity with the typical sections shown on plans or grades established by the* Design *Engineer. Concrete parking lots* do *not require base* course.

(2) *Material:* One of the following materials; crushed stone, recycled crushed concrete base, cement-stabilized crushed stone, cement-stabilized bank-run gravel, recycled crushed stone and hot mixed asphalt base, can be used as specified in the COP specification section for Base Course for Pavement. *The material shall be a graded material that has sufficient fine material to bind the base. The material sources shall be subject to approval by the City Engineer.*

(3) *Construction Methods:*

a. *Immediately before placing the base material, the subgrade shall be checked as to conformity with* dry density, moisture content, *grade and section.*

b. *Materials deposited upon the subgrade shall be spread and shaped the same day unless otherwise approved by the City Engineer in writing. If inclement weather or other unforeseen circumstances render impractical the spreading of the material during the first 24-hour period, the material shall be scarified and spread in a manner subject to approval by the City Engineer. The material will be sprinkled, if directed, and will then be bladed, dragged and shaped to conform to typical sections as shown on the plans. All areas and "nests" of segregated coarse or fine material shall be corrected or removed and replaced with well-graded material, as directed by the City Engineer. If additional binder is considered desirable or necessary after the material is spread and shaped, it shall be furnished and applied in an amount subject to approval by the City Engineer. The binder material shall be spread by harrowing, brooming or other approved methods.*

c. The base course shall be compacted in accordance to COP specification section for Base Course for Pavement with a minimum of 95% dry density with moisture content within ±3% of the optimum, unless otherwise specified by the Design Engineer.

4.2.1.6

All-Weather Surface for Parking Areas.

(1) *Portland Cement Concrete:* *This off-street parking lot surface shall consist of a pavement of Portland cement concrete, with or without monolithic curbs, constructed as specified in this section on the prepared subgrade or other base course in conformity with the thickness and typical cross sections shown on plans and to the lines and grades established subject to approval by the City Engineer. Alternative pavement materials may be used for parking surfaces upon approval of the Building Official and the City Engineer. The paving material or concrete shall be considered of satisfactory quality if it meets the* requirement specified in the COP specification section for Concrete Pavement.

The following guidelines can be used for concrete parking lot upon verified by the Design Engineer and approved by the City engineer.

Component	Material Thickness (Inches)		
	Automobile Parking Area (EAL[1]<6)	Driveways (Light Duty) (EAL = 6-20)	Driveways and Truck Traffic Areas (Medium Duty) (EAL =21-75)
Portland Cement Concrete (Min Comp. Strength 3500 psi)	5	6	7
Lime Treated Subgrade	6	6	6
Reinf. Steel (Grade 60)	#3@18" c/c eachway	#3@12" c/c eachway	#4@18" c/c eachway
[1] Equivalent daily 18-kip single-axle load applications			

The above guideline is not intended as a substitute for geotechnical recommendation of a design professional and professional judgment.

(2) *Hot-Mixed Asphaltic Concrete:*

a. *An asphaltic concrete surface shall consist of* a lime treated subgrade, *a base course, a surface course* and leveling up surface *as needed and as shown on the plans, each to be composed of a compacted mixture of mineral aggregate and asphaltic material. The pavement shall be constructed on the previously completed and approved subbase, base or existing pavement (asphaltic or Portland cement) as specified in this division and in accordance with the construction plans.*

b. *The mineral aggregate shall be composed of a coarse aggregate and a fine aggregate bound together by* asphaltic material. *The grade of asphaltic material shall be type D of either hot mix-hot lay or hot mix-cold lay variety.* The material used for Hot-mix asphalt concrete shall be in accordance to the COP specification for Asphaltic Concrete Pavement. *The contractor shall notify the City Engineer of the source of the asphaltic material prior to the start of the project, and the source will be subject to the City Engineer's approval.*

c. *Proper compaction shall be attained to the satisfaction of the City Engineer through utilization of specified rollers or other approved rollers* as specified in the COP specification section for Asphaltic Concrete Pavement.

d. The following guidelines can be used for asphalt concrete parking lot upon verified by the Design Engineer and approved by the City engineer.

Component	Material Thickness (Inches)		
	Automobile Parking Area (EAL[1]<6)	Driveways (Light Duty) (EAL = 6-20)	Driveways and Truck Traffic Areas (Medium Duty) (EAL =21-75)
Hot Mix Asphalt Concrete	2	2	2.5
Base Course	6	8	10
Lime Treated Subgrade	6	6	6
[1] Equivalent daily 18-kip single-axle load applications			

The above guideline is not intended as a substitute for geotechnical recommendation of a design professional and professional judgment.

(3) *Masonry Paving Units: Pervious or impervious masonry paving units shall be installed and maintained according to the manufacturer's recommendations for the anticipated traffic load. Masonry paving units shall not be used without obtaining a permit from the Building Official based upon review of construction plans and specifications, provided that no separate permit for the use of masonry paving units is required when the use is in connection with a building permit for construction activity on the same lot.*

Other options for addressing the issue:

One option which was discussed with the Commission pertained to limiting asphalt parking in certain zoning districts and/or within the Corridor Overlay Districts.

Basis for recommendation:

Staff believes the current regulations in the Unified Development Code should be amended. The proposed amendment will help to address the concern that asphalt is not as durable as other paving materials. If asphalt is used and constructed in a more durable manner, aesthetic concerns will also be minimized. The Planning and Zoning Commission concurs with this request.

14. *Require that all utilities throughout the city be underground:*

Section to be amended – Sections to be amended: **Townhouse Residential District** 2.4.2.9 (j), **Multiple-Family Residential District** 2.4.2.10 (r), **Garden/O'Day Mixed Use District** 2.4.3.3 (j), **Cullen-Mixed Use District** 2.4.3.2. (i), **General Commercial** 2.4.4.6 (k), **General Business Retail District** 2.4.4.5 (m), **Neighborhood Service District** 2.4.4.4 (l), **Office & Professional District** 2.4.4.2 (l)

Proposed amendment:

Add a section under each of the indicated zoning districts which do not already require underground electrical utility lines which states no overhead utilities shall be extended to the property unless in the rear of the property and not prominently visible. Currently the City requires underground utilities in the Corridor Overlay Districts, and several other zoning districts, as indicated on the following chart.

At this time we are recommending adding the underground requirement to additional commercial, mixed use, and higher density residential zoning districts only. Below is a chart which further illustrates which zoning districts currently require underground utilities for new development as well as the districts that are being suggested to have the requirement added to:

Underground Utility Requirement

Zoning District

GC	*Proposed*	**SP1**	Required
GB	*Proposed*	**SP2**	Required
NS	*Proposed*	**SP3**	Required
OP	*Proposed*	**SP4**	Required
BP-288	Required	**SP5**	Required
C-MU	*Proposed*	**MF**	*Proposed*
G/O MU	*Proposed*	**MH**	Required
OT-GB	Required	**TH**	*Proposed*
OT-MU	Required	**PD**	Varies
OT-R	Required	**COD***	Required

*Corridor Overlay District

The language below is the language currently used in the Unified Development Code in the districts which currently require underground electrical utilities.

Amendment:

> ***Utilities.*** *All utility service lines shall be located underground. Above-ground lines may be located in the rear or other areas of the property as necessary, however such lines must not be prominent from the front view of the property or from thview of roadways (the visibility of the poles must be partially or wholly obscured). Any determination on whether utilities are noticeable shall be made by the Planning Director*

Basis for recommendation:

In light of recent cases which have resulted in new prominently visible above ground utility poles, there has been discussion on whether the City should require new poles and lines to be located underground in more areas of the City. This is being discussed not only for aesthetic reasons but also public safety concerns. The topic of this proposed amendment has been discussed at City Council in the past and the Planning and Zoning Commission concurs with the amendment as proposed.

15. Prohibit Temporary Buildings for permanent Commercial Use:

Section to be amended - Sections proposed to be amended: **General Definitions** 5.1.1.1 (a) and **Corridor Overlay Zoning District** 2.4.5.1 (n)

Proposed amendment:

The purpose of this proposed amendment is to prevent the use of temporary buildings being located on commercial property for permanent use. This is not meant to prohibit the use of commercial construction trailers used during the construction process. At this time staff's recommendation is to add a definition to the UDC for temporary commercial buildings and add language to the Corridor Overlay District section that prohibits the use of these types of structures. This recommendation and definition comes from from examples of definitions and regulations from cities throughout the country and from discussions with local planners from surrounding communities.

The proposed definition below is a combined effort between the Planning and Building Departments, as well as other research on the topic.

Amendment:

5.1.1.1 (a)

(68) BUILDING, TEMPORARY (COMMERCIAL): Any building or structure that is designed to be transportable in one or more sections, on either a permanent or temporary chassis, and which may or may not be designed to be placed on a permanent or temporary foundation. This definition does not include temporary construction trailers permitted as a *Contractor's Temporary On-Site Construction Office*, as defined in Section 2.5.2.1 of the Unified Development Code unless associated with a Special Event permit and or permitted outdoor activity or use in applicable zoning district.

Section 2.4.5.1 (n)

(d) No temporary building shall be permitted for any type of use.

Basis for recommendation:

The reason for the amendment is that the City has seen a few cases in which temporary buildings have been left on site for permanent use. The City responded to those cases by asking the property owner to apply a masonry material to the façade, as required by the UDC. As stucco is considered a masonry material, property owners have added a layer of stucco to a temporary building, which then meets the requirements of the code, but in reality, there is still a temporary building on site. The Pearland Economic Development Corporation and the Planning and Zoning Commission concur with this amendment.

16. *Proposed Amendments to allowable uses in the Spectrum S4 and S5 zoning districts.*

Section to be amended – Section 2.5.2.1 Land Use Matrix

Proposed amendment:

A Joint Workshop was conducted with City Council and the Planning and Zoning Commission on December 3, 2012 where amendments to the City's Land Use Matrix was proposed which involved adding additional allowable land uses to the Spectrum S4 and S5 zoning districts. As discussed at the workshop, these zones were established in 2004 and it was envisioned that the area would attract medical related uses and therefore medical manufacturing and uses in the medical field were permitted. In the past few years, the City has witnessed a demand for visible and accessible sites that would permit other similar manufacturing uses, in a controlled and pleasing environment. At the time of the December 2012 workshop, City Council and the Planning and Zoning Commission concurred with adding the additional land uses.

Amendment:

Land Use Matrix

P=Permitted C=Conditional Use Permit T=Temporary Commercial Permit

Proposed changes area highlighted in yellow.

(11-20-12)

Types of Uses	*SP4*	*SP5*	*M-1*	*M2*
Accessory Dwelling				
Accessory Structure (Business or Industry)	P	P	P	P
Accessory Structure (Residential)				
Adult Day Care Center(Business)				
Agricultural Animal Husbandry	C	C	P	P
Agricultural Field Crops, Orchards	P	P	P	P
Airport, Heliport/Helipad or Landing Field	C	C	C	C
All-Terrain Vehicle (Go-Carts & Motor Cycles) Dealer/Sales	P	P	P	P
Ambulance Service	~~C~~P	~~C~~P	P	
Animal Hospital (No Outside Pens)			C	
Animal Processing			P	P

Types of Uses	SP4	SP5	M-1	M2
Antenna (Commercial or Non-commercial) See Telecommunications Regulations				
Antique Shop ☐ (No outside storage)☐			C	
Antique Shop ☐ (With outside storage)☐			C	
Apparel Shop			C	
Appliance Repair ☐☐			P	P
Art Museum and/or Dealer, or Studio			C	
Asphalt Batching Plant			P	P
Asphalt/Concrete Batching Plant ☐☐			P	P
Assisted Living Facility ☐☐				
Astrology, Hypnotist or Psychic Arts			C	
Auction House				
Auto Accessories and/or Parts (Only Retail Sales in building, no outside storage or display, no repair) ☐☐			P	
Auto Assembly or Auto Parts Manufacturing	P	P	P	P
Auto Glass Repair/Tinting			P	P
Auto Interior Shop/Upholstery			P	P
Auto Parts Sale (With Outside Storage or Display)			P	P
Auto Parts Sales (Indoors Only; With Repair Bays)			P	P
Auto Rental ☐☐			P	P
Auto Repair (Major) ☐☐			P	P
Auto Repair (Minor) ☐☐			P	P
Auto Sales/Dealer ☐ (New- In Building, Auto Servicing and Used Auto Sales as accessory uses only) ☐☐			P	P
Auto Wash (Full Service/Detail Shop) ☐☐			P	P
Auto Wash (Self-Service) ☐☐			P	P
Auto Wrecker Service			P	P
Automatic Teller Machine (ATM)	P	P	P	
Automobile Driving School (including Defensive Driving)	P	P	P	
Bakery (Wholesale) ☐☐			C	
Bakery or Confectionery Shop (Retail Sales, Inside Service Only) ☐☐	P	P		
Barber/Beauty Shop/Tanning Studios (No Related School/College)			C	
Barber/Cosmetology School/College	P	P	P	
Bed & Breakfast Inn ☐☐	P	P		
Bio-Tech, High-Tech Manufacturing	~~C~~P	~~C~~P		

Types of Uses	SP4	SP5	M-1	M2
Boarding or Rooming House				
Boat Sales (New/Repair)			P	P
Building Material Sales	~~C~~P	P	P	P
Bulk Grain and/or Feed Storage			P	P
Bus or Truck Storage			P	P
Cabinet Business	P	P	P	P
Cafeteria			C	
Cannery Wholesale			P	P
Catering Service			C	
Cattle Feedlot (CAFO)			C	C
Cellular Communications Tower	C	C	C	C
Check Cashing Service			P	
Chemical Packing and/or Blending			C	C
Child Day Care Center (Business)				
Child Day Nursery				
Church/Temple/Place of Worship	P	P		
Cigars, Tobacco Shop (Retail Only)			C	
Civic Center (Municipal)				
Civic Club				
Cleaning, Dyeing or Laundry Plant, Commercial			P	P
Clinic, Medical or Dental	C	C	C	
Clothing Manufacturing	~~C~~P	P	P	P
Commercial Amusement, Indoor				
Commercial Amusement, Outdoor				
Commercial Extraction of Soil, Sand, and Gravel	C	C	C	C
Commercial Transit Terminal			P	P
Community /Group Home				
Community or Social Buildings				
Consignment Shop			C	
Construction Contractor with Storage Yard			P	P
Contractor's Temporary On-Site Construction Office (only with permit from B.O.)	P	P	P	P
Convenience Store (Without Gasoline Sales)			C	
Convent or Monastery	P	P		
Copy/Printing Shop			C	
Country Club, Private & Public Golf Course	P			
Credit Agency	P	P	C	
Dance Hall or Night Club				

Types of Uses	SP4	SP5	M-1	M2
Day Camp (For Children)				
Department Store (Retail Only, for Hardware, Sporting Goods, Toys, Paints, Wallpaper, and/or Clothing)			C	
Dinner Theatre				
Drag Strip/Race Track			C	C
Drive-In Theater				
Dumps and Landfills				C
Dwelling - Four-Family (Quadriplex) (Defined Under Dwelling - Multiple-Family)				P
Dwelling - HUD-Code Manufactured(Mobile) Home			C	C
Dwelling - Industrialized Home				
Dwelling - Mobile Home				
Dwelling - Multiple-Family				
Dwelling - Patio Home				
Dwelling - Single-Family Detached	P	P		
Dwelling - Town House				
Dwelling - Two-Family				
Electric Power Generating Plant			C	C
Electrical Substation	~~C~~P	P	C	C
Emergency Care Clinic	C	C	C	
Exhibition Hall or Public Assembly			P	P
Explosives Manufacturer and/or Storage				C
Extended Stay Hotel/Motel	C			
Exterminator Service/Company (No outdoor sales or storage)				
Fairgrounds or Rodeo Grounds			C	C
Farm (Ranch, Livestock)	P	P	P	P
Farm Accessory Building	P	P	P	P
Feed & Grain Store/Farm Supply Store			P	P
Financial Institution (No Motor Bank Services)	P	P	C	
Financial Institution (With Motor Bank Services)	P	P	C	
Flour and Other Grain Mills			P	P

Types of Uses	SP4	SP5	M-1	M2
Food Store/Supermarket ☐			C	
Franchised Private Utility ☐ (Other than those listed)	~~C~~P	P	P	P
Fraternal Organization ☐				
Fraternity or Sorority House ☐				
Funeral Home ☐			C	
Furniture and/or Appliance Store (Retail or Rental Only, Indoor Only)			C	
Furniture/Appliances - Open Storage & Retail Sale			P	P
Gaming Establishment ☐			C	C
Garage and/or Yard Sales			C	
Garden Shop & Outside Plant Sales (i.e., Plant Nursery)			C	
Gas Transmission & Metering Station	C	P	P	P
Gasoline Station ☐			P	P
General Retail Store, other than listed			C	
Governmental Building or Use (County, State or Federal)	C	C	P	P
Gravestone/Tombstone Sales			P	P
Guest, Caretakers or Security Quarters	P	P	C	C
Gym/Health Club (Physical Fitness; Indoors Only)			C	
Hardware Store ☐			C	
Hazardous Emissions				C
Heating & Air-Conditioning Sales/Services		C	P	P
Heavy Machinery Sales, Storage & Repair ☐			P	P
Heavy Manufacturing Process	P	P		P
Home for Alcoholic, Narcotic or Psychiatric Patients				
Home Sales office-temp(for new subdivision)				
Hospice (Defined Under Household Care Facility)				
Hospital (For Profit) ☐	P	P	P	P
Hospital (Non-Profit) ☐	C	C	P	P
Hotel/Motel ☐			C	
Institution of Religious, Educational or Philanthropic Nature	P	P		
Jewelry Store			C	
Laboratory, Medical or Dental	P	P	P	P

Types of Uses	SP4	SP5	M-1	M2
Laundromat (Self-Service Laundry)			P	
Library, Public, or Museum				
Light Manufacturing Process	~~C~~P	~~C~~P	P	P
Limousine/Taxi Service			P	P
Liquefied Petroleum Storage & Sales			C	C
Livestock Sales, Wholesale			P	P
Locksmith			P	P
Lumber Mill/Yard			P	P
Manufactured Home Display, Sales and/or Rental (New or Used)			P	P
Manufacturer of Chlorine or Other Toxic Gasses				C
Manufacturing, Industrial Storage or Assembly Process Not Prohibited by Law but excluding those listed in Section 2.4.4.6 and Section 2.4.4.7 of this UDC				P
Market - Open Air (i.e., Flea Market)			C	
Medical Appliances & Sales			C	
Medical Device Assembly	P	P	P	P
Metal, Machine or Wood Shop	P	P	P	P
Milk Depot - Wholesale			P	P
Mini-Warehouse/Self Storage			C	C
Minor Concrete Batching Operation & Storage of Associated Processing Material (Restricted to 1.5 Yards or Less Per Batch)				P
Mortuary/Cemetery (Including Mausoleum/Crematorium)				
Motorcycle Sales/Dealer (New/Repair)			P	P
Moving and Storage Company			P	P
Municipal Public Administration Offices	P	P	P	P
News Printing/Book Binding			P	P
Nursing/Convalescent Home (Defined Under Skilled Nursing Facility)				
Office (Other than listed)	P	P	C	
Office Warehouse Storage or Sales(Defined Under Storage or Wholesale Warehouse)	P	P	P	P

Types of Uses	SP4	SP5	M-1	M2
Office, Parole-Probation, Bail Bonds	C	C	C	
Office/Clinic, Veterinarian (No Animal Hospital or Outside Pens)	C	C	C	
Office/Clinic, Veterinarian (No Animal Hospital, With Outside Pens)	C	C	C	
Off-site Detention Facility	C	C	C	C
Off-Street Parking Incidental to Nonresidential Main Use			P	P
Off-Street Parking Incidental to Residential Main Use			P	P
Onsite Detention Facility	P	P	P	P
Outside Display {See related regulations in applicable zoning districts}			C	
Outside Storage			P	P
Park and/or Playground (Private)	~~P~~ C	~~P~~ C		
Park and/or Playground (Public; Municipal)	~~P~~ C	~~P~~ C		
Parking Lot or Garage for passenger cars and trucks of less than one (1) ton capacity	C	C	P	P
Pawn Shop, Pay Day Loan, Gold Exchange			P	
Penal or Correctional Institutions			P	P
Pet and Animal Grooming Shop				
Petrochemical or Petroleum Product Extraction	C	C	C	C
Petroleum Products Bulk Storage (Wholesale)			C	C
Petroleum Refining, Manufacturer, or Bulk Storage	C	C		C
Piano and Musical Instruments (Retail Only)			C	
Pipe Processing or Storage Yard			C	P
Plumbing or Carpenter Shop (No Outside Storage)	P	P	P	P
Printing Equipment, Supplies and Repairs			P	P
Private Club			C	C
Propane Sales (Retail)			P	P
Radio or Television or Microwave Towers (Commercial) {See Telecommunications Regulations, Chap.2, Art. 5, Div. 5 of the UDC}	C	C	P	P
Radio or Television Transmitting Station (Commercial) {See Telecommunications Regulations, Chap. 2, Art. 5, Div. 5 of the UDC}	C	C	P	P
Railroad Team Tracks, Freight, Depot or Docks			P	P

Types of Uses	SP4	SP5	M-1	M2
Railroad, Bus, Light Rail Passenger Station (Public)	C	C	P	P
Recreation Center (Private, For Profit)				
Rehabilitation Care Facility (Halfway House)			P	
Rehabilitation Care Institution (Commercial)			P	
Reproduction of Blueprints				
Restaurant (With Drive-In and/or Drive-Thru Service)			C	
Restaurant (With No Drive-In or Drive-Thru Service)			C	
Sanitary Landfill (Private)			C	C
Sanitary Landfill (Public)			C	C
Satellite Dish (greater than 4' in diameter)(See Telecommunications Regs. Chp. 2, Art. 5, Div. 5 of the UDC)	P	P	P	P
Satellite Dish (Private, less than 4' in diameter) {See Telecommunications Regs}. Chp. 2, Art. 5, Div. 5 of the UDC}	P	P	P	P
School – Elementary, Junior High, High (Public or Parochial)	C			
School - Other Than Public or Parochial	C			
Seamstress or Dressmaker (Retail Only)				
Security Monitoring Company (No Outside Storage)	P	P	C	
Sheltered Care Facility				
Shopping Center See applicable use categories				
Sign Shop			C	
Social & Recreational Building, including homeowners association neighborhood recreation centers				
Stable, Commercial			P	P
Stone Monuments – Fabrication and Outdoor Storage			C	
Stone Monuments - Retail Sales Only (indoors)			C	

Types of Uses	SP4	SP5	M-1	M2
Storage of Used Lumber and Building Materials			P	P
Studio - Tattoo or Body Piercing			C	C
Studio for Radio and/or Television (No Tower)			P	P
Studio or Learning Center for Fine or Performing Arts			P	P
Swimming Pool, Commercial				
Swimming Pool, Private (Use Only By Resident)				
Tavern			C	
Taxidermist			P	P
Telemarketing Agency			C	
Telephone Exchange Switching Relay & Transmitting Equipment	~~C~~P	~~C~~P	C	C
Temporary Outdoor Amusement/Activity*	T	T	T	T
Tennis Court (Private/ Lighted)				
Tennis or Swim Club (Private, For Profit)				
Tire Retreading and Capping			P	P
Tire Sales (Outdoors, With Open Storage)			P	P
Tool and Machinery Rental (with Outdoor Storage)			P	P
Transfer Station (Refuse/Pick-up)			P	P
Travel Trailer/RV Park/Campground (Long-Term Stays) {Travel Trailer Defined}				
Truck and Bus Rental			P	P
Truck or Freight Terminal			P	P
Upholstery Business(with Outdoor Storage)			P	P
Utility Shops or Storage, Yards and Building			P	P
Warehouse & Distribution Facility	P	P	P	P
Wholesale Trade - Nondurable Goods	P	P	P	P
Wrecking or Salvage Yard (Auto, Steel, or Building Materials			C	P

Basis for recommendation:

Staff believes that the proposed revision to the land use matrix will facilitate location of additional uses in the area. The development guidelines in the SP4 and SP5 zoning districts will ensure that the intent of the Comprehensive Plan is maintained, specifically – "mixture of architectural and design characteristics that are aesthetically pleasing".

This area currently lacks appropriate public utilities and infrastructure to accommodate future industrial development. Ideally the public will partner with private developers to improve the infrastructure in the area. Due to the significant public investment that has already been committed to in this area and the additional public and private investment that will be needed in the future, it is important that we ensure high quality development that will provide the tax base to support the investment. The Pearland Economic Development Corporation concurs with this amendment.

Recommended action:

Conduct the workshop and provide staff with direction.

EXHIBIT B

Division 4 – Application for Cluster Development Plan (CDP)

Section 2.2.4.1 Purpose and Applicability

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

(b) **Applicability**. A CDP enables an owner of property located inside the City limits to have subsequent development applications for such property reviewed under residential density standards in lieu of minimum lot size standards. No CDP shall be approved for property within six (6) months of that property's rezoning from one residential zoning classification to another that allows smaller lot sizes.

Section 2.2.4.2 Application Requirements

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

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

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

(d) Workshop Required. Before the joint public hearing is held for a CDP application, a joint workshop of the City Council and the Planning and Zoning Commission shall be held to discuss said application.

Ord. No. 2000T-3, Section 2.2.4.2, July 9, 2007.

Section 2.2.4.3 Processing of Application and Decision

(a) **Hearing and Notification.** The Director shall schedule the application for approval of a Cluster Development Plan at a meeting of the City Council, following the required workshop and joint public hearing, and upon recommendation from the Planning and Zoning Commission.

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

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Section 2.2.4.4 Development Standards

(a) **Minimum District Size.** No CDP may be approved for a gross contiguous area less than fifteen (15) acres in size.

(b) **Usable Open Space and Amenity Standards.** In all CDPs, the following standards governing usable open space shall apply:

(1) The amount of useable open space that must be provided within the Cluster Development shall be the total of:

a. A minimum of twenty percent (20%) of the gross land area within the entire Cluster Development, consistent with the open space requirements of the City's Comprehensive Plan.

b. The sum of the square footage reduction for each lot in the Cluster Development, calculated from the base zoning district based on gross density.

(2) Open space may be satisfied by either public or a combination of public and private open space. Open space requirements specified in this subsection are in addition to requirements for site landscaping and buffering. If a side yard setback requirement deviation is proposed, the minimum open space shall be increased an additional ten percent (10%)..

(3) All CDPs shall incorporate amenities into usable open space accessible to all residents of the development as follows:

a. All of the following amenities shall be provided:

1. Subdivision entry feature
2. Uniform signage
3. Uniform upgraded lighting
4. Uniform upgraded fencing (masonry/wrought iron for perimeter, detention, and other areas visible from rights-of-way)
5. Enhanced paving (brick/stone pavers at entry and strategic locations in conjunction with pedestrian crossing areas)

b. In addition to the amenities required above, Cluster Developments shall provide further amenities in accordance with the size of the development. Cluster Developments sized 15-25 acres shall provide one, greater than 25 to 35 shall provide three, and greater than 35 acres shall provide five of the following amenities:

1. Seating node

   Minimum requirements:

   -equal to one half of the mean lot size within the development

   -contain two seating structures

   -contain one shade structure

2. Pocket park (counts as two amenities)

   Minimum requirements:

   -equal in size tothe largest lot within the development

   -contain the seating node requirements, plus:

   -Play structure

   -Water fountain (drinking)

   -Bike rack

3. Trail system with landscaping (min 10', multi-purpose, paved concrete)

4. Trail connection to nearby public amenities, if applicable

5. Sports field

6. Community center/pool/recreation facility

7. Water feature

8. Gazebo with gathering area and seating

9. Preservation and enhancement of existing natural features (ex. Ponds, creeks, tree clusters, topography)

(4) Open space and amenity requirements shall be satisfied for each phase of a multi-phased residential development. If open space or amenities are not to be provided proportionally among phases of development, the applicant must execute a reservation or agreement of open space/amenity in a form that will assure the City that such open space/amenity will be provided. The City may require that all open space within the development be provided prior to completion of the development.

(5) Detention/retention facilities may be counted as open space when they are incorporated into the development as an amenity, such as a lake or pond.

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

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

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

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Section 2.2.4.5 Criteria for Approval

(a) **Factors.** The Planning and Zoning Commission and the City Council shall apply the following factors in taking action on the Cluster Development Plan application:

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

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

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

(4) The Cluster Development Plan provides open space or amenities to the development that could not be achieved through application of minimum lot size standards. As referred to herein, open space and amenities do not include any land dedicated to the City under the parkland dedication requirement in Chapter 3, Article 2, Division 10.

(b) **Conditions.** The Planning and Zoning Commission may recommend, and the Council may approve, such conditions on approval of the Cluster Development Plan as are necessary to assure compatibility with adjoining uses and neighborhood character.

Ord. No. 2000T-3, Section 2.2.4.4, July 9, 2007.

~~**Section 2.2.4.5 Appeals**~~

~~(a) The applicant or other interested person may appeal the decision of the Planning and Zoning Commission to the City Council in accordance with Chapter 1, Article 3,~~

~~Division 1. The Council shall apply the criteria in Section 2.2.4.4 in deciding whether the Commission's action should be upheld or modified.~~

Section 2.2.4.6 Expiration Extension and Reinstatement

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

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

Ord. No. 2000T-11, Section 2.2.4.6, July 27, 2009.

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Exhibit C

RESPONSIVE | RESULTS-ORIENTED | TRUST-BUILDERS | ACCOUNTABLE

PLANNING AND ZONING COMMISSION WORKSHOP

Lata Krishnarao, Director of Community Development

Harold Ellis, City Planner

January 7, 2013
6:00 p.m.

Workshop No. 2

Commission Input and Discussion: Regarding a Cluster Development Plan Workshop

Lata Krishnarao, Director of Community Development

Harold Ellis, City Planner

CLUSTER DEVELOPMENTS

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

CLUSTER DEVELOPMENTS

HISTORY

Included in the 2004 Comprehensive Plan Update in 2004.

Adopted in the Unified Development Code in 2006.

CLUSTER DEVELOPMENTS

Cluster Development – Excerpt from the Comprehensive Plan

HOUSING DEVELOPMENTS WITH OPEN SPACE

Concept - allow development to occur while preserving open space.

Houses on smaller parcels of land, with additional land that would have been allocated to individual lots converted to common shared open space.

Vary road frontage, lot size, setbacks, and other traditional subdivision regulations to permit the developer to provide or preserve open space or other features.

Lower infrastructure costs for developers (such as roads, waterlines, and sewer lines).

Reduction in the amount of impervious cover.

A homeowners Association (HOA) or other similar entity should be established to insure that open spaces areas are maintained. At least 40 percent of the overall site that is developed should be left as perpetual open space.

CLUSTER DEVELOPMENTS

Example

50-acre tract, (Minimum lot area = 10,000 square-foot per zoning)

At least 40 percent of the overall site that is to be developed should be left as perpetual open space.

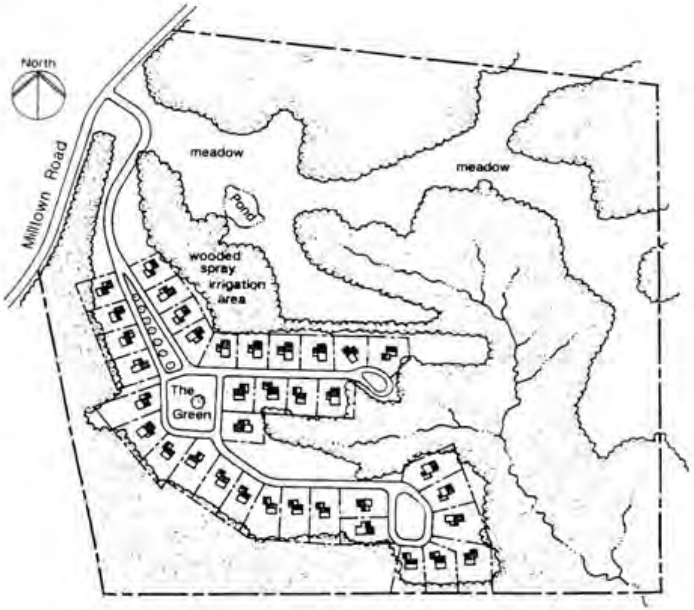
Table 7

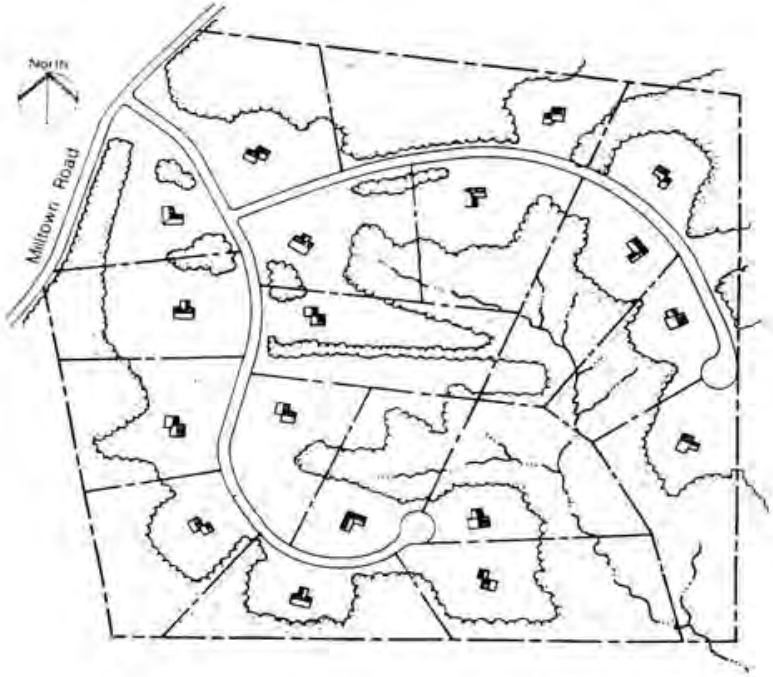
COMPARATIVE LOT YIELD OF 50 ACRES WITH CLUSTER DEVELOPMENTS & TYPICAL DEVELOPMENTS

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

Source: Dunkin, Sefko & Associates, Inc.

CLUSTER DEVELOPMENTS





CLUSTER DEVELOPMENTS

Gross Density

(The number of dwelling units per acre. 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 with the development.)

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

CLUSTER DEVELOPMENTS

Criteria for Approval – Planning and Zoning Commission

Factors

(a) Meets the standards for residential density as outlined for each zoning district

(b) Consistent with other zoning district regulations, except minimum lot size, width and depth

(c) Contains sufficient buffering to assure compatibility with adjacent uses and the character of the neighborhood

(d) 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

– **Conditions -** may impose such conditions on approval of the Cluster Development Plan as are necessary to assure compatibility with adjoining uses and neighborhood character.

– *Does not constitute an approval if density is met*

CLUSTER DEVELOPMENTS

Open space or amenities - Definition

Aesthetics or other characteristics of a development that increases 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, a recreational facility, landscaping, or large trees.

CLUSTER DEVELOPMENTS

Active and passive recreation

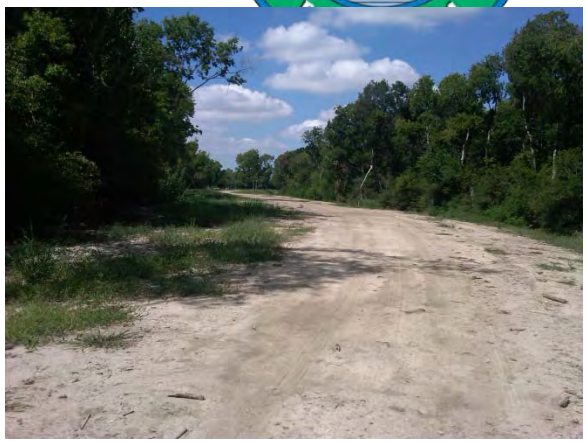
Amenities

CLUSTER DEVELOPMENTS

Tot lots for children to play within the neighborhood

Trails within the neighborhoods

CLUSTER DEVELOPMENTS

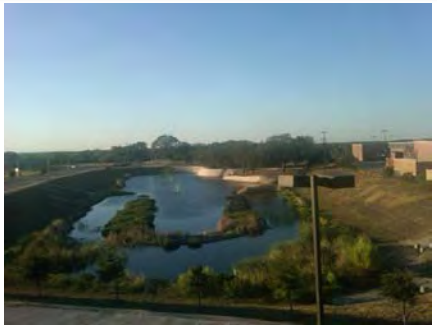


Enhancement and creation of natural open spaces and detention areas

Amenities

Multi modal access to neighborhood facilities and amenities

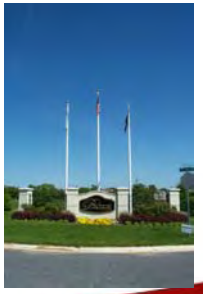
CLUSTER DEVELOPMENTS



Amenities

Site development – screening, buffering, landscaping

Entryways, water features, common areas, pavilions



CLUSTER DEVELOPMENTS

Signage, street furniture, fencing

CLUSTER DEVELOPMENTS

Other Communities and Cluster Development Plan

- Nearby cities which address Cluster type development via Planned Development
  - Missouri City
  - Sugar Land
  - Friendswood
  - League City
  - Webster

- Nearby cities which address Cluster type development via Cluster Development Plans
  - Huntsville

CLUSTER DEVELOPMENTS

Differences between Cluster Development Plans and Planned Developments

Planned Development (PD)	Cluster Plan
A PD may only be created in specific situations	No specific limit
When conventional zoning may not address buffering concerns/transition zones/ unusual land configurations	
Mixed Use Developments	
Major employment centers	
Unique situations when a PD will best benefit City	
A PD has a min acreage requirement	No min/max acreage
Max density of the base zoning district may not be exceeded	Same

CLUSTER DEVELOPMENTS

Differences between Cluster Development Plans and Planned Developments

Planned Development (PD)	Cluster Plan
A min of 20% of the acreage must remain as “open space” (UDC requirement)	40% per Comp Plan (none in UDC)
If the project is multi-phased, open space is required to be satisfied for each phase	No requirement
A joint workshop with P&Z and Council is required	No workshop
A PD involves an actual zone change/Council final approver	P&Z is the final authority

Some communities are now addressing Cluster Development plans by using the Planned Development approach

CLUSTER DEVELOPMENTS

Next Steps

- Staff recommends that we adopt additional guidelines to assist the P&Z, staff, and developer, to address the concerns discussed, especially regarding amenities/open space; OR

  Address Cluster Development Plans in the form of a Planned Development
- The Commission should provide feedback on their suggestions on proposed changes

AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS

AGENDA OF: October 7, 2013 **ITEM NO.:**

DATE SUBMITTED: October 2, 2013 **DEPARTMENT OF ORIGIN: Community Development**

PREPARED BY: Lata Krishnarao **PRESENTOR: Lata Krishnarao**

REVIEWED BY: Mike Hodge **REVIEW DATE: 10/2/2013**

SUBJECT: Proposed The Modern Green Ivy District Planned Development (PD)

EXHIBITS: Proposed PD document

EXPENDITURE REQUIRED: **AMOUNT BUDGETED:**
AMOUNT AVAILABLE: **PROJECT NO.:**
ACCOUNT NO.:

ADDITIONAL APPROPRIATION REQUIRED:
ACCOUNT NO.:
PROJECT NO.:

To be completed by Department:
☐ **Finance** ☐ **Legal** ☐ **Ordinance** ☐ **Resolution**

EXECUTIVE SUMMARY

The applicant Drew Pelter, on behalf of the owner America Modern Green Development (Houston) is proposing a 48.5 acre mixed use development located on the west side SH 288, east of Kirby Drive, south of South Spectrum Boulevard, and north of Clear Creek. This site was the location of a previously approved Planned Development of Waterlights District, also a mixed use district.

It is proposed that this “pedestrian oriented, urban” development will include offices, retail, restaurants, cafes, social and recreational center, and high density multi-family residential. Some other uses included in the PD, that were not included in the Waterlights, include assisted living, skilled nursing, and related uses.

After meeting with the developers and applicant, and reviewing the PD, it appears that this PD has a stronger focus on residential and senior living component when compared to the previously approved Waterlights PD. The Land Use Summary indicates that the Multi Family Residential component is 34.8% of the entire acreage as compared to 20% in the Waterlights PD. At previous meetings with the developers, it

was indicated that some senior and assisted living units are included in the hotel category. The land uses and their definitions need to be clarified.

Land Uses	Waterlights District 57.7 acres	% of total land	Proposed Modern Green Ivy District 48.5 acres	% of total land
Office	390,000 square feet	15.5%	110,000 square feet	5.2%
Retail Shopping & Restaurant	218,000 square feet	8.6%	80,000 square feet	3.7%
Hotel	500 keys		450 keys	
Residential	1400 1150 units* on 48.5 acres 350 units were proposed on additional 10 acres that is not included in Modern Green Ivy District	24.26 units/acre	1410 units on 48.5 acres	29 .07 units per acre
Parking	5100 – 5900 spaces		4,500 spaces	

The applicant will make a presentation of the project.

RECOMMENDED ACTION

Conduct the workshop.

REQUEST FOR A PLANNED DEVELOPMENT WORKSHOP*

***THIS IS NOT AN APPLICATION FOR A CHANGE IN ZONING TO PLANNED DEVELOPMENT (PD). PLEASE COMPLETE THE "APPLICATION FOR A CHANGE IN ZONING" BEFORE THE JOINT PUBLIC HEARING.**

Current Zoning District: PD

Proposed Zoning District: PD

Property Information:

Address or General Location of Property: WATER LIGHTS DISTRICT

Tax Account No. _____

Subdivision: _____ Lot: _____ Block: _____

A complete package must include all information shown on the checklist below.

PROPERTY OWNER INFORMATION:

NAME America Modern Green Development (Houston)
ADDRESS 9889 Bellaire Blvd., Suite 214 LLC
CITY Houston STATE Texas ZIP 77036
PHONE(202) 375 4425
FAX(281) 778 6537
E-MAIL ADDRESS mikewangmg@gmail.com

APPLICANT/AGENT INFORMATION:

NAME DREW PELTER
ADDRESS 10 COMMANDERS POINT
CITY MISSOURI CITY STATE TX ZIP 77459
PHONE(713) 775-5600
FAX(281) 778-6537
E-MAIL ADDRESS DREWPELTER@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: [signature] Date: 09/16/2013

Applicant/Agent's Signature: [signature] Date: SEPT 16, 2013

- [x] Request, filled out completely, and signed by the owner of the property to be considered for the zone change or planned development district
- [ ] 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.
- [ ] *The proposed draft 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).*

THE MODERN GREEN IVY DISTRICT

The Planned Development Zoning District (PD) Document

SEPTEMBER 16, 2013

SUBMITTED TO
City of Pearland
3519 Liberty Drive
Pearland, TX 77581

SUBMITTED BY
American Modern Green Development (Houston), LLC
9889 Bellaire Blvd., Suite 214
Houston, TX 77036

PREPARED BY
Skidmore, Owings & Merrill LLP
One Front Street
San Francisco, CA 94111

SOM

September 16, 2013

Planning & Zoning Commission
City of Pearland
3519 Liberty Drive
Pearland, Texas 77581

RE: The Planned Development Zoning District (PD) Document for The Modern Green Ivy District

Dear Ms. Krishnarao:
Skidmore, Owings & Merrill LLP (SOM) is pleased to submit the revised PD Document dated September 16, 2013 for the above property for your review. Enclosed, please find the following:

- Completed zone change Application;
- Boundary-survey for the property;
- Legal Description;
- Conceptual Design Plan;
- Conceptual Master Plan;
- Typical Roadway Sections; and
- PD document.

Please note that the property formerly known as the WaterLights District Development will now be referred to as The Modern Green Ivy District development. Revisions from the plan dated February 22, 2008 have been highlighted for your review and consideration.

If you have any questions or need additional information, please contact me at (415) 352-3862.

Thank You,

Sincerely,

Patricia Yeh
Senior Manager

SKIDMORE, OWINGS & MERRILL LLP
ONE FRONT STREET, SAN FRANCISCO, CA 94111
TEL 415.981.1555 FAX 415.398.3214
SOM.COM

The Planned Development Zoning District (PD) Document for the Proposed Modern Green Ivy District Development

November 21, 2007
Revised December 21, 2007
Revised January 7, 2008
Revised February 8, 2008
Revised February 22, 2008
Revised September 16, 2013

I. INTRODUCTION

The Modern Green Ivy District is the Greater Houston area's next major economic district. Modern Green is a $300 million-plus, 2.2 million square foot next generation planned Mixed-Use Lifestyle Center Development located only 15 minutes from the world's largest Medical and Research Center and Downtown Houston. The development will feature luxury residential condos and townhouses catering intergenerational residents, a senior care center, an office building, retail boutiques and market, restaurants and cafes, two hotels, conference facility, an intergenerational social and recreational center, multiple water features, and a public park along the Clear Creek Eco Park waterway. The Modern Green Ivy District is an intergenerational community that accommodates children, families, and seniors, is pedestrian-friendly featuring walkable, environmentally friendly, sustainable, healthier, technologically advanced features to enhance the quality of human life. The Modern Green Ivy District is a private-public partnership within the Spectrum Special Management District.

Site Description

The Modern Green Ivy District property, a 48.5-acre area, is generally located on the west side of State Highway 288 (SH-288), east of Kirby Drive, south of South Spectrum Boulevard, and north of Clear Creek within the City of Pearland (City), Harris County, Texas.

The access to the site is through South Spectrum Boulevard and an access driveway off the SH-288 Southbound Frontage Road. No manmade structures are present at the site.

The project site is primarily wooded with an approximately 20-acre open area located to the east adjacent to SH-288. The project site lies within the 100-year floodplain of Clear Creek. Clear Creek traverses through and adjacent to the site near the southern boundary. The project site is relatively flat with site elevations varying from Elevation 54.0 to El. 56.0 feet NAVD 1988.

Proposed Development

The Modern Green Ivy District master plan creates an outstanding visionary development, a dramatic residential and mixed-use destination with a contemporary style and traditional spirit. The master plan will focus on an extensive open space and waterway network that will cater to all types of intergenerational residential, commercial, community events, and recreational, needs in a pedestrian oriented, urban environment that will be seen as an alternative to suburban sprawl. The conceptual master plan for The Modern Green Ivy District includes the following components:

Office: 110,000 square feet

Retail Shopping/Restaurant/Cafe: 80,000 square feet

Hotel: 450 keys

Social & Recreational Center: 110, 000 square feet

Residential: 1410 units – Note: future 10 acre parcel not included.

Parking: 4,500 spaces – Note: future 10 acre parcel not included.

Clear Creek Lake, Park, Forest, and Waterfront (Approximately 20 acres within the area of Planned Development (PD) and approximately 40 acres outside of the development as depicted on Exhibit E).

The Conceptual Master Plan for the proposed Modern Green Ivy District is presented in Exhibit D. The individual uses within The Modern Green Ivy District shall be carefully selected to maintain the character and integrity of the development. As a result, the following uses shall not be permitted:

- "Big Box" type department stores and facilities - For the purpose of this PD, a Big Box type development is considered as a single story building with over 80,000 square feet in gross leasable area surrounded by surface parking.

- Traditional apartment complexes - For the purpose of this PD, traditional apartment complexes are defined as those without amenities such as swimming pools, tennis courts and a health club. The multifamily residences proposed in the PD will cater for all socioeconomic groups while preserving the character of the District.

- Commercial establishments that cause nuisance to the residential areas designated as First Floor Commercial, Multi Family Residential Above.

Purpose and Intent of the PD District

- *Create symbiotic mix of uses that promote day and evening activity.*

With a mix of office workers, residents, shoppers and visitors, The Modern Green Ivy District will be an active, intergenerational community, regardless of the time of the day.

- *Keep the open space & waterway network as accessible to the public as possible.*

By leaving the waterfronts open to the public, the repeat visitors to the community distribute the value of this resource throughout The Modern Green Ivy District.

- *Create a new urban center for Pearland, Texas.*

The Modern Green Ivy District will provide a place for residents to live, work, dine, shop, and enjoy Modern Green's parks and water features.

- *Organize the site around major open spaces.*

The project's significant open spaces – Clear Creek Park, Modern Green Town Square, and the Ecological Corridor – serve many purposes within the context of The Modern Green Ivy District development. Two of its most important functions will be to anchor the development of each Modern Green Ivy District neighborhood and to provide desirable addresses that command a premium for retail, office and residential uses.

- *Provide an extensive public open space network.*

"Finger Parks" extend the open space, Clear Creek nature trails, and recreation and amenity space into the neighborhood, as well as potentially connecting to larger regional parks and trail systems.

- *Bring vitality to the district.*

This new community will be a place where people can gather to stroll, enjoy beautiful water views, engage in seasonal activities, and experience an exciting mixed-use atmosphere.

- *Create a truly sustainable community: Green Community, Green Streets, Green Building.*

The Modern Green Ivy District will strive to create an environmentally friendly, economically profitable and socially sustainable development. State-of-the-art green building practices will provide added comfort for residents while advancing green planning and design.

- *Build sidewalk environments that are extensions of the park system.*

More than a pedestrian route, the sidewalks of The Modern Green Ivy District should be regarded as a series of linear parks and plazas. Including landscaping, cafes, and decorative lighting, this community's sidewalks should function as the stage for regular, casual neighborhood activity in the same manner as a great urban open store. Walkability within this mixed-use district as well as into the surrounding community is emphasized in this "pedestrians first" approach to neighborhood development.

- *Make The Modern Green Ivy District's arrival sequence unforgettable.*

The Modern Green Ivy District parks, waterways, sidewalks, events, and buildings will create a memorable destination. The process of entering this community should be equally engaging and breathtaking. A unique "Modern Green Ivy District vocabulary" will be created to support the development's identity.

- *Identify Highway 288 onto South Spectrum Boulevard as the primary entrance.*

This intersection is an opportunity to make a first impression for The Modern Green Ivy District as well as The Spectrum development visitor. As a symbol of the district, the iconic message at this location must be representative, significant, memorable and distinctive. This entrance will incorporate elements of the development's design vocabulary.

- *Create memorable, distinctive, green architectural character.*

All buildings will be site responsive, orientated for shading and views. Buildings will reflect a modern, climate-responsive approach to design. Additionally, a landmark 15-story residential tower and community center will definte the skyline along Highway 288.

- *Establish Clear Creek Park as the "main event" for The Modern Green Ivy District.*

One of The Modern Green Ivy District's distinguishing characteristics is the water and open space. Along Clear Creek Park, a lasting impression will be made through well designed buildings, sidewalks, and recreational areas that inspire active and passive community activity.

II. ZONING AND LAND USE

Existing Zoning Districts

The existing zoning districts and land area within each district within The Modern Green Ivy District are as follows:

Zoning	Approximate Site Area within the District (Acres)
PD	48.5

Zone PD is bounded by Spectrum PUD to the north, SP2 and SP3 to the west, Clear Creek to the South and SH-288 to the East.

Note: the above referenced zoning districts apply to a total site area per the legal description and the property survey drawings of 48.4712 acres.

Proposed Zoning Districts

The base zoning districts to be overlaid, together with the boundaries of the districts, and land areas in each district are as follows:

Existing Zoning	Approximate Site Area within the District (Acres)	Proposed Zoning
PD:	48.5	SP1 with PD

Note: the above referenced zoning districts apply to a total site area per the legal description and the property survey drawings of 48.4712 acres.

The following uses, in addition to those listed in the Pearland Unified Development Code, are proposed for zoning areas SP1 with PD:

- Dwelling – Multiple-Family
- Assisted Living
- Skilled Nursing

- Swimming Pool, Commercial
- Tennis Court (Private/Lighted)
- Performing Arts Space
- Parking Lot or Garage for passenger cars and trucks of less than one ton capacity
- Automatic Teller Machine (ATM)
- Child Day Nursery
- Public Assembly
- Specialty Retail Shops
- Cultural/Gallery

Access/Mobility

Vehicular Access

Access to The Modern Green Ivy District is provided initially via South Spectrum Boulevard and Promenade Shops Drive. The existing frontage Roads serving Sam Houston Tollway and SH 288 direct vehicular traffic to Promenade Shops Drive and South Spectrum Boulevard providing traffic circulation around the project site.

With the expansion of The Modern Green Ivy District, South Spectrum Boulevard will be extended to Kirby Drive and Promenade Shops Drive will be extended to Fruge Road at Kirby Drive.

Development of the access road network will be by the Developer, and the City of Pearland. Roadway development needs to be the subject of an agreement between the City, Developer, and the Special Management District.

Site access and egress will be addressed in detail in a specific Traffic Impact Analysis for the project; however, preliminary analyses indicate that the proposed roadway system can accommodate traffic generated by The Modern Green Ivy District. The development proposes a potential future eastern extension of South Spectrum Boulevard with an overpass over SH 288 and direct connection to the northbound frontage road along SH 288. A proposed extension of Promenade Shops Drive south to Shadow Creek Parkway connecting to Business Center Drive is shown, in accordance with the City of Pearland's Thoroughfare Plan.

Typical roadway sections are presented in Exhibit F.

Sidewalks/Pedestrian Paths

A network of sidewalks and pedestrian trails shall be provided to promote pedestrian circulation including access to office/commercial/retail/restaurants/residential, as well as the Clear Creek Lake and waterways. A minimum 11-foot sidewalk shall be provided along South Spectrum Boulevard and Fruge Road consistent with City of Pearland Engineering Design Criteria. Sidewalks built with block pavers, minimum 11-foot wide shall be provided along the north-south roadway between South Spectrum Boulevard and Clear Creek Park. Roadways abutting parking garages with no significant pedestrian activity shall be furnished with minimum 6-foot wide sidewalks. A minimum 11-foot sidewalk/landscaping area shall be provided at zero lot line property frontage. The minimum widths and approximate locations of sidewalks and walkways are presented on Exhibit H - Pedestrian Circulation Plan.

The exact types of material to be used for sidewalk, walkway, and trail construction shall be determined during the design process consistent with the character of the development. At a minimum, sidewalks/walkways shall be finished with concrete and block pavers. The material used for trail construction shall be consistent with the requirements of the City.

Pedestrian trails shall be provided within all open space and waterway park areas. The width of the trails shall vary from 6 feet to 12 feet. The exact width and the trail locations shall be dependent upon the anticipated pedestrian flow, layout of park features and amenities. A detail park plan including the trails shall be developed in collaboration with the City of Pearland.

Development Standards

The Modern Green Ivy District shall conform to all provisions of the City of Pearland Unified Development Code, except as addressed herein.

Area Requirements

- Minimum Lot Size- The minimum lot size within The Modern Green Ivy District shall be 0.40 Acres.

- Minimum Lot Width- There shall be no minimum lot width requirement within The Modern Green Ivy District.

- Minimum Lot Depth - There shall be no minimum lot depth requirement within The Modern Green Ivy District.

- All lots shall have frontage on private or public street right-of-way.

Yard Setback Requirements

With the exception of those lots situated adjacent to SH-288, South Spectrum Boulevard, and Fruge Road, public street, front, rear, and sideyard setbacks shall not be applicable within The Modern Green Ivy District PUD. Minimum setback requirements measured from the right-of-way line of the following roadways shall be applicable to buildings and parking structures:

- Lots abutting SH-288 - 20 feet up to and including 10 stories
  - 30 feet over 10 stories
- Lots abutting South Spectrum Boulevard - 10 feet
- Lots abutting Fruge Road - 10 feet
- Lots abutting new collector roads - 10 feet
- Lots abutting new local roads - 10 feet
- All other internal roads (private) - 0 feet

The minimum distance between buildings shall be fifteen feet (15'), however, there shall be no minimum distance between buildings housing restaurants or other retail facilities.

Parking and Loading

Parking and loading shall be in accordance with the requirements of Pearland Unified Development Code.

Parking adjacent to private streets and drives within the project shall not be considered "on-street" parking and will be allowed subject to meeting the minimum size standards.

Parking garages and decks shall be permitted for meeting off-site parking requirements.

The parking areas shall be constructed as with the progress of the development. The exact parking requirements for the development shall be based on a parking study subject to approval by the City. The joint use of parking spaces shall be permitted for the development.

Parking areas for Clear Creek Waterfront and Park shall be included in the parking garages to the west and north of the Waterfront Park.

Streetscaping/Landscaping Requirements

- A Comprehensive Streetscape and a Signage Plan shall be presented to the City Council at a later date, and upon approval by the City Council and Planning and Zoning Commission, these plans will guide the design of elements including street lighting, benches, receptacles, trees, tree well treatment, play equipment, railing, and signage.

Typical sections for streetscaping, Clear Creek Park, the Ecological Corridor, and the Town Square are presented in Exhibit G.

Building Height

The building heights shown on Conceptual Master Plan shall be for illustration purposes only. The maximum building heights shall be as follows:

- The residential buildings - 6 stories.
- The hotel buildings - 15 stories.
- The residential buildings with first floor commercial - 6 stories.
- All other nonresidential buildings - 15 stories.

Land Use

Land Use Summary			
Use	**Acres**	**Percentage of Total Acres**	**Zoning District**
Retail/Commercial/Office	6.2	23.7%	SP1 w/ PD
Multi Family Residential	14.1	34.8%	SP1 w/ PD
Right-Of-Way (Public) – Public Streets	8.8	19.1%	SP1 w/ PD
Parkland/Open Space to be Dedicated to the City	12.4	23.5%	SP1 w/ PD
Storm Water Detention/Waterway to be Dedicated to the City	5.0	8.8%	SP1 w/ PD
Others - Area South of Clear Creek	1.7	2.9%	SP1 w/ PD
Total	48.5	100.0%	

Note: the above referenced zoning districts apply to a total site area per the legal description and the property survey drawings of 48.4712 acres.

Multi-family residential use will include mid-rise buildings (approximately 5 stories) throughout the development. In addition, first floor retail establishments will be located in some of the multi- family residential structures as shown on Exhibit E. As a result, the overall gross residential density will be between 25 to 30 units per acre. Amenities including swimming pools, tennis courts, and a health club shall be provided for the areas proposed for Multi Family Residential uses. These amenities shall be located within the development with convenient access to the residents. The character of development proposed within Multi Family Residential areas shall not be traditional apartment complex development.

Based on the proposed 1410 residential units, approximately 28.2 acres of parkland common open space will be required per the Unified Development Code. A total area of 9.7 acres will be dedicated for parks and open space within the 48.5-acre area proposed for Planned Development. In addition, parks and water features extending Clear Creek Park are proposed as part of The Modern Green Ivy District Project. These facilities, which will be the subject of a Development Agreement with the City, are expected to be dedicated to the City once developed in collaboration with the City. It is anticipated that The Modern Green Ivy District as a whole will meet City's parkland and open space requirements indicated above.

III. Design Standards Applicable to the Development

Signage, Landscaping, Fencing, Parking, Screening, Trees, etc.

Signage, Landscaping, Fencing, Parking, Screening, Trees, etc. shall conform to Pearland Unified Development Code except as modified in the Unified Streetscape Plan and Comprehensive Signage Plan to be developed for the District and as modified herein.

Design Plan Changes

The enclosed Conceptual Master Plan depicts the property boundary, location of buildings and parking garages, proposed parks and water features, amenities, as well as approximate locations of the proposed thru roads within The Modern Green Ivy District. All locations shown are conceptual; however, the design intent will remain throughout the project development.

The Conceptual Design Plan presented is for the sole purpose of establishing general concept as to the basic character and physical relationships of the planned uses and facilities. Adjustments to the Conceptual Design Plan that does not alter the overall development mix presented in Page 2 of this document by more than 15% shall not require additional approvals by City Council and Planning and Zoning Commission. The exception to this shall be the residential component of the development which shall not exceed 1410 units. It is essential to the success of The Modern Green Ivy District PUD

to maintain flexibility in the site plan process in order to respond to ever changing market conditions and retail demands.

Major amendments, as determined by the Planning Director, to the Conceptual Master Plan, Conceptual Design Plan and development mix including exceeding the 1410 residential units shall require submittal to the Planning and Zoning Commission and the City Council. Approval shall be by the City Council subsequent to a joint meeting with City Council and the Planning and Zoning Commission.

Any development within the property other than the proposed Modern Green Ivy District shall require a new PD document.

Design Guidelines

The proposed development will meet all requirements of the City of Pearland Unified Development Code unless other indicated in this Modern Green Ivy District Planned Development.

IV. Required Dedications of Land or Public Improvements

The proposed Clear Creek Park and the Ecological Corridor Parks located within the proposed Planned Development will be dedicated to the City. In addition, all streets within the development will be dedicated to the City.

V. Project Phasing

The preliminary phasing plan for the Development is presented in Appendix I. The phasing plan presented shall represent the anticipated progression of the development. During each phase of the development, the roadway/sidewalk cross-section, utilities, and buildings/structures shall be constructed. Subsequent to construction of each building/structure, adjacent streetscape elements including finishing of sidewalks/walking paths, landscaping, and other amenities shall be constructed. The following are the exceptions:

- Construction of extended Clear Creek Park shall be based on the development agreement with the City.

- Amenities along the waterfront for each phase shall be constructed with the start of the first building/structure adjacent to the Clear Creek Park.

VI. EXHIBITS

A Location Map

B Survey

C Legal Description

D Conceptual Master Plan

E Conceptual Design Plan

F Typical Roadway Sections & Streetscaping

G Typical Layout - Major Open Spaces

H Pedestrian Circulation Plan

I Conceptual Phasing Plan

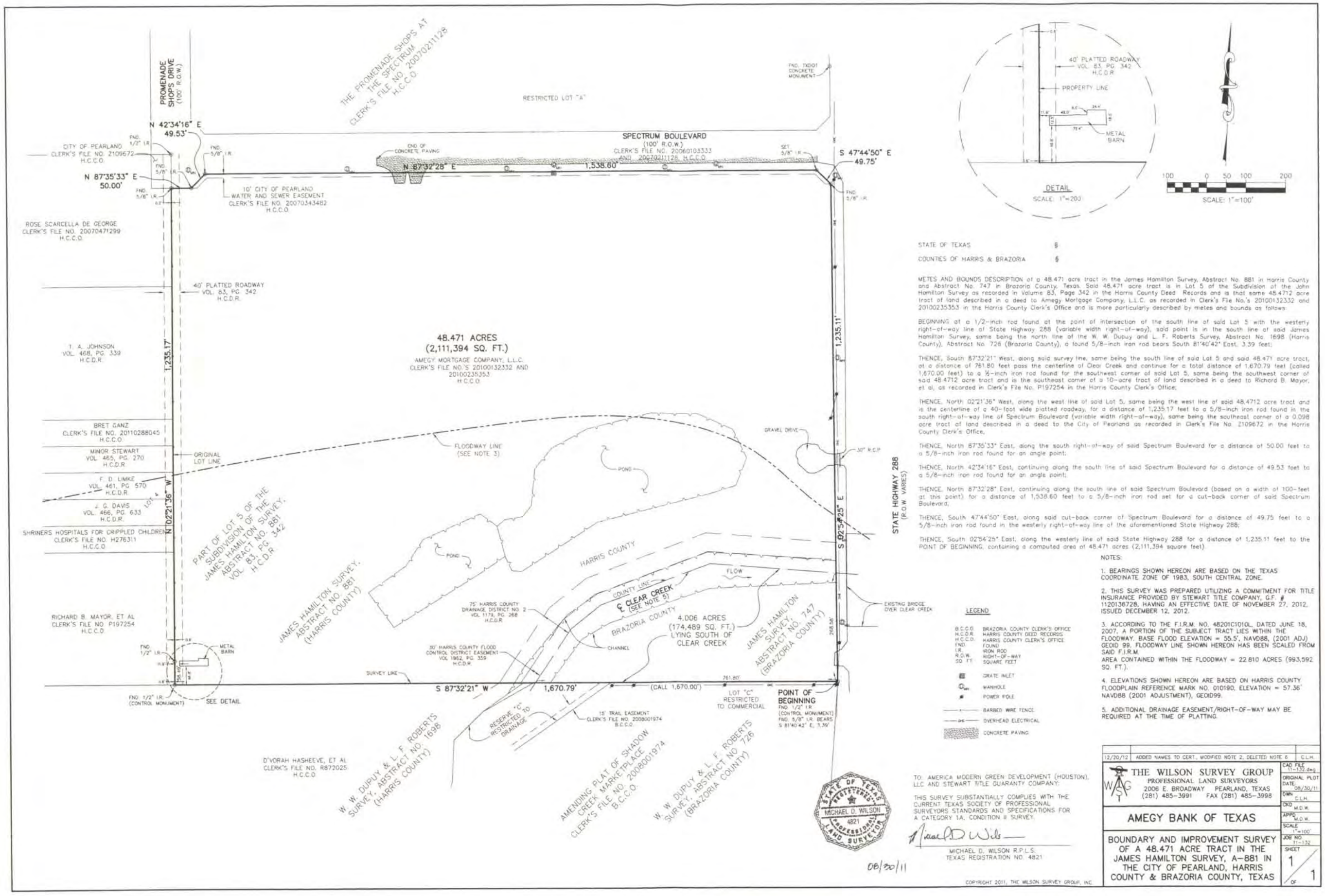
J Conceptual Renderings

Exhibit A: Project Location Map

THE MODERN GREEN IVY DISTRICT | SEPT 16, 2013

0 500' 1000' 1500' 2500'

SOM



STATE OF TEXAS §

COUNTIES OF HARRIS & BRAZORIA §

METES AND BOUNDS DESCRIPTION of a 48.471 acre tract in the James Hamilton Survey, Abstract No. 881 in Harris County and Abstract No. 747 in Brazoria County, Texas. Said 48.471 acre tract is in Lot 5 of the Subdivision of the John Hamilton Survey as recorded in Volume 83, Page 342 in the Harris County Deed Records and is that same 48.4712 acre tract of land described in a deed to Amegy Mortgage Company, L.L.C. as recorded in Clerk's File No.'s 20100132332 and 20100235353 in the Harris County Clerk's Office and is more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch rod found at the point of intersection of the south line of said Lot 5 with the westerly right-of-way line of State Highway 288 (variable width right-of-way), said point is in the south line of said James Hamilton Survey, same being the north line of the W. W. Dupuy and L. F. Roberts Survey, Abstract No. 1698 (Harris County), Abstract No. 726 (Brazoria County), a found 5/8-inch iron rod bears South 81°40'42" East, 3.39 feet;

THENCE, South 87°32'21" West, along said survey line, same being the south line of said Lot 5 and said 48.471 acre tract, at a distance of 761.80 feet pass the centerline of Clear Creek and continue for a total distance of 1,670.79 feet (called 1,670.00 feet) to a ½-inch iron rod found for the southwest corner of said Lot 5, same being the southwest corner of said 48.4712 acre tract and is the southeast corner of a 10-acre tract of land described in a deed to Richard B. Mayor, et al, as recorded in Clerk's File No. P197254 in the Harris County Clerk's Office;

THENCE, North 02°21'36" West, along the west line of said Lot 5, same being the west line of said 48.4712 acre tract and is the centerline of a 40-foot wide platted roadway, for a distance of 1,235.17 feet to a 5/8-inch iron rod found in the south right-of-way line of Spectrum Boulevard (variable width right-of-way), same being the southeast corner of a 0.098 acre tract of land described in a deed to the City of Pearland as recorded in Clerk's File No. Z109672 in the Harris County Clerk's Office;

THENCE, North 87°35'33" East, along the south right-of-way of said Spectrum Boulevard for a distance of 50.00 feet to a 5/8-inch iron rod found for an angle point;

THENCE, North 42°34'16" East, continuing along the south line of said Spectrum Boulevard for a distance of 49.53 feet to a 5/8-inch iron rod found for an angle point;

THENCE, North 87°32'28" East, continuing along the south line of said Spectrum Boulevard (based on a width of 100-feet at this point) for a distance of 1,538.60 feet to a 5/8-inch iron rod set for a cut-back corner of said Spectrum Boulevard;

THENCE, South 47°44'50" East, along said cut-back corner of Spectrum Boulevard for a distance of 49.75 feet to a 5/8-inch iron rod found in the westerly right-of-way line of the aforementioned State Highway 288;

THENCE, South 02°54'25" East, along the westerly line of said State Highway 288 for a distance of 1,235.11 feet to the POINT OF BEGINNING, containing a computed area of 48.471 acres (2,111,394 square feet).

NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE ZONE OF 1983, SOUTH CENTRAL ZONE.

2. THIS SURVEY WAS PREPARED UTILIZING A COMMITMENT FOR TITLE INSURANCE PROVIDED BY STEWART TITLE COMPANY, G.F. # 1120136728, HAVING AN EFFECTIVE DATE OF NOVEMBER 27, 2012, ISSUED DECEMBER 12, 2012.

3. ACCORDING TO THE F.I.R.M. NO. 48201C1010L, DATED JUNE 18, 2007, A PORTION OF THE SUBJECT TRACT LIES WITHIN THE FLOODWAY. BASE FLOOD ELEVATION = 55.5', NAVD88, (2001 ADJ) GEOID 99. FLOODWAY LINE SHOWN HEREON HAS BEEN SCALED FROM SAID F.I.R.M.
AREA CONTAINED WITHIN THE FLOODWAY = 22.810 ACRES (993,592 SQ. FT.).

4. ELEVATIONS SHOWN HEREON ARE BASED ON HARRIS COUNTY FLOODPLAIN REFERENCE MARK NO. 010190, ELEVATION = 57.36' NAVD88 (2001 ADJUSTMENT), GEOID99.

5. ADDITIONAL DRAINAGE EASEMENT/RIGHT-OF-WAY MAY BE REQUIRED AT THE TIME OF PLATTING.

TO: AMERICA MODERN GREEN DEVELOPMENT (HOUSTON), LLC AND STEWART TITLE GUARANTY COMPANY:

THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A, CONDITION II SURVEY.

MICHAEL D. WILSON R.P.L.S.
TEXAS REGISTRATION NO. 4821

12/20/12	ADDED NAMES TO CERT.; MODIFIED NOTE 2, DELETED NOTE 6	C.L.H.

THE WILSON SURVEY GROUP
PROFESSIONAL LAND SURVEYORS
2006 E. BROADWAY PEARLAND, TEXAS
(281) 485-3991 FAX (281) 485-3998

CAD FILE 11-132.dwg
ORIGINAL PLOT DATE 08/30/11
DWN C.L.H.
CKD M.D.W.
APPD. M.D.W.
SCALE 1"=100'
JOB NO. 11-132
SHEET 1 OF 1

AMEGY BANK OF TEXAS

BOUNDARY AND IMPROVEMENT SURVEY OF A 48.471 ACRE TRACT IN THE JAMES HAMILTON SURVEY, A-881 IN THE CITY OF PEARLAND, HARRIS COUNTY & BRAZORIA COUNTY, TEXAS

LEGAL DESCRIPTION

That portion of Lot 5 of the Subdivision of the James Hamilton Survey, Abstract No. 881, a portion lying within Harris County, Texas and the remainder lying within Brazoria, Texas, according to the map or plat thereof recorded in Volume 83, Page 342 of the Deed Records of Harris County, Texas, being described by metes and bounds description as follows;

Being a tract of land containing 48.4712-acres (2,111,404 square feet) out of 50.4429-acre tract situated in the James Hamilton Survey, A-881 in Harris County, Texas and said 50.4429-acre tract being all of a tract described as a 50.4589-acre tract as conveyed unto Ruth Y. Fruge, Dennis D. Fruge, Paul Fruge Jr. And Gary A. Fruge as recorded in Volume 63, Page 342 D.R.H.C.deed and also being out of a called 80.00-acre tract conveyed unto Paul Fruge as recorded in Volume 3298, Page 117 D.R.B.C and Volume 683, Page 471 D.R.B.C and all being out of Harris County and Brazoria County, Texas. Said 48.4712-acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod found for the Southwest corner of said 50.4429-acre tract and for a point in the North line of a 39.0027-acre tract of land as conveyed unto Elizabeth M. Powers in File No. R564784 O.P.R.R.P.H.C. and for a the Southeast corner of a 10-acre tract as conveyed unto E.A. Mayor et Al as recorded in Volume 5775, Page 89 D.R.H.C. and for the Southwest corner of said tract herein described;

THENCE North 02 18' 50" West coincident with the East line of said 10-acre tract and the West line of said 50.4429-acre tract, a distance of 1,235.18 feet to a 1/2-inch iron rod set for the Southwest corner of a 1.9718-acre tract as conveyed unto the City of Pearland in a deed as recorded in File no. 20060103333 O.P.R.R.P.H.C. and for the Southernmost Northwest corner of said tract herein described;

THENCE North 87 38' 49" East coincident with the South line of said 1.9718-acre tract, a distance of 50.00 feet to a 1/2-inch iron rod set for a cutback corner of said 1.9718-acre tract and for a corner of said tract herein described;

THENCE North 42 37' 02" East coincident with the South line of said 1.9718-acre tract, a distance of 49.53 feet to a 1/2-inch iron rod set for a the northernmost Southwest cutback corner of said 1.9718-acre tract and for a corner in the North line of said tract herein described;

THENCE North 87 35' 14" East coincident with the South line of said 1.9718-acre tract, a distance of 1,538.60 feet to a 1/2-inch iron rod set for a Northernmost Southeast cutback corner in the South line of said 1.9718-acre tract and for the Northernmost Northeast corner of said tract herein described;

THENCE South 47 42' 04" East coincident with said South line of said 1.9718-acre tract, a distance of 49.75 feet to a 1/2-inch iron set for the Southernmost Southeast cutback corner of said 1.9718-acre tract and for a point in the West right-of-way line of State Highway 288 being a 10.105-acre as conveyed unto the Texas State Highway Department in Volume 7709, Page 340 D.R.H.C. and for the Southernmost Northeast corner of said tract herein described;

THENCE South 02 51' 39" East coincident with said West right-of-way of State Highway 288, a distance of 1235.11 feet to a 1/2-inch iron rod set for the Southeast corner of said 50.4429-acre tract and for the Northeast corner of said Powers tract and for the Southeast corner of said tract herein described;

THENCE South 87 35' 07" West coincident with the South line of said 50.4429-acre tract and the North line of said Powers tract, a distance of 1,670.00 feet to the POINT OF BEGINNING, containing in all 48.4712-acre (2,111,404 square feet) of land, more or less.

Note: The Company is prohibited from insuring the area or quantity of land described herein. Any statement in the above legal description of the area or quantity of land is not a representation that such area or quantity is correct, but is made only for informational and/or identification purposes and does not override Item 2 of Schedule B hereof.

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas on

FEB 26 2007

COUNTY CLERK
HARRIS COUNTY, TEXAS

Return To
Texas Nations Title
3 Riverway, Suite 725
Houston, TX 77056

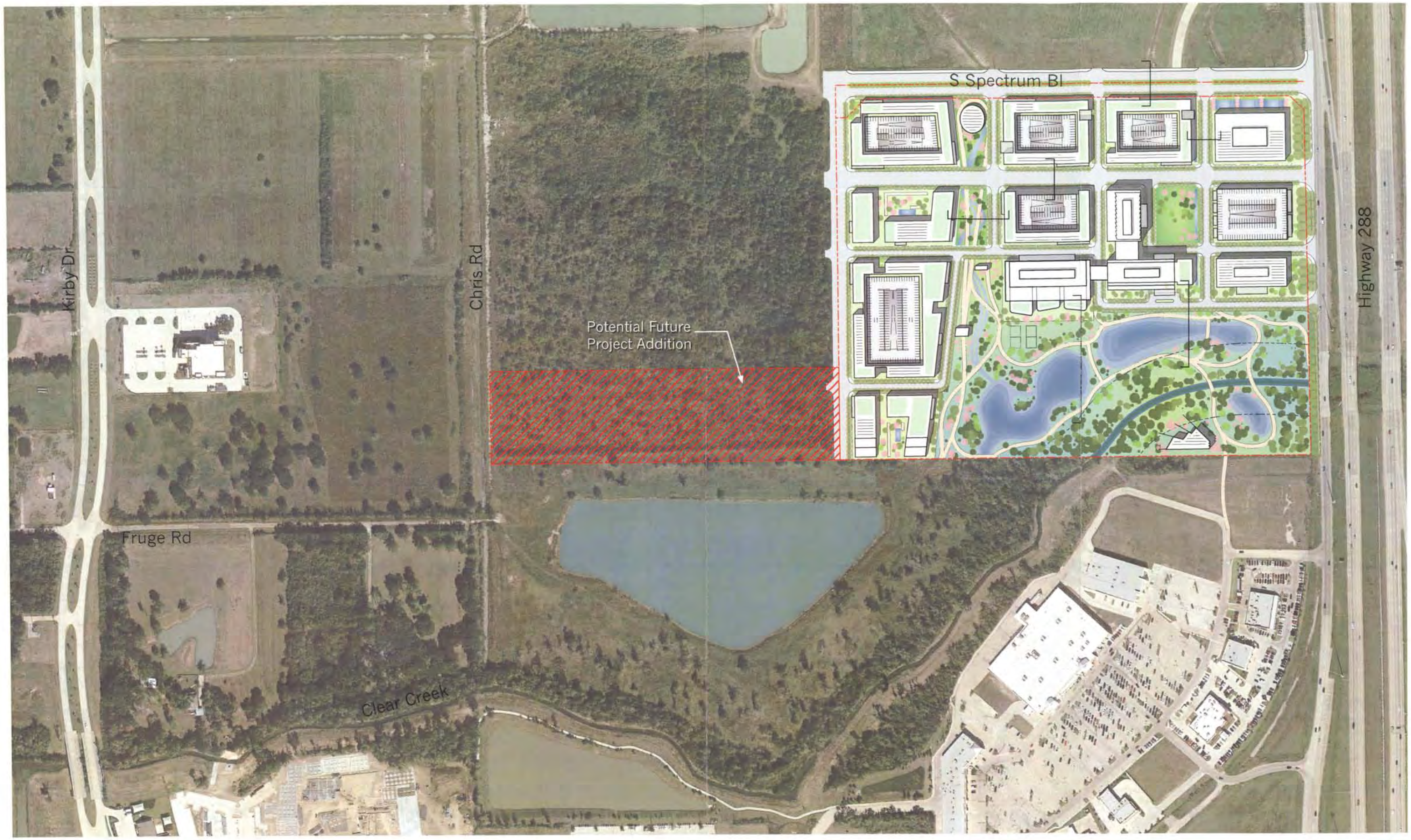


Exhibit D1: Conceptual Master Plan

THE MODERN GREEN IVY DISTRICT | SEPT 16, 2013

1"=300'
0 150' 300' 600'

SOM

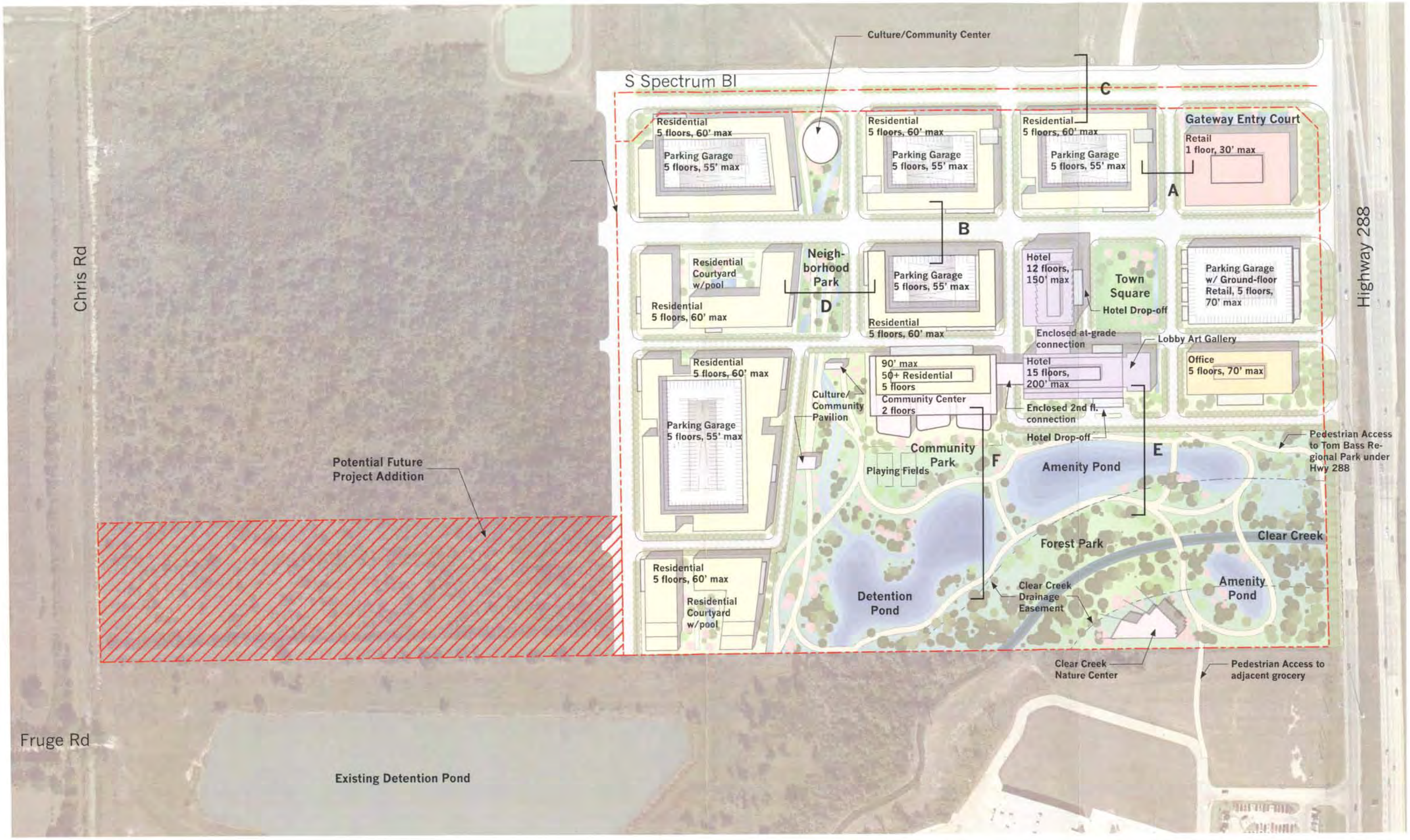


Exhibit D2: Annotated Conceptual Master Plan

THE MODERN GREEN IVY DISTRICT | SEPT 16, 2013

1"=200'
0 100' 200' 400'

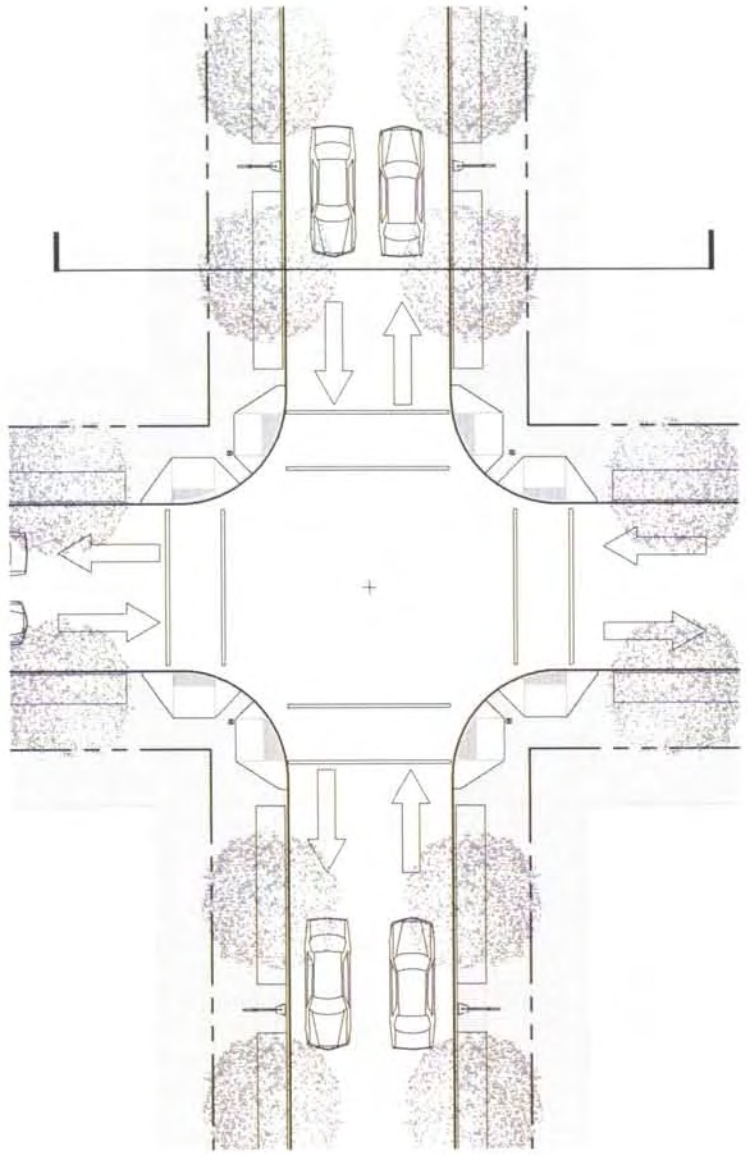
SOM

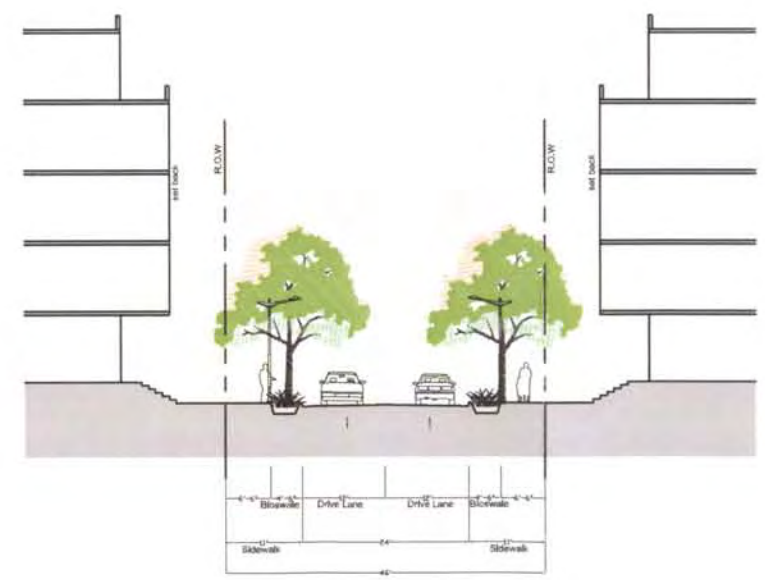
Exhibit E: Conceptual Design Plan

THE MODERN GREEN IVY DISTRICT | SEPT 16, 2013

1"=200'
0 100' 200' 400'

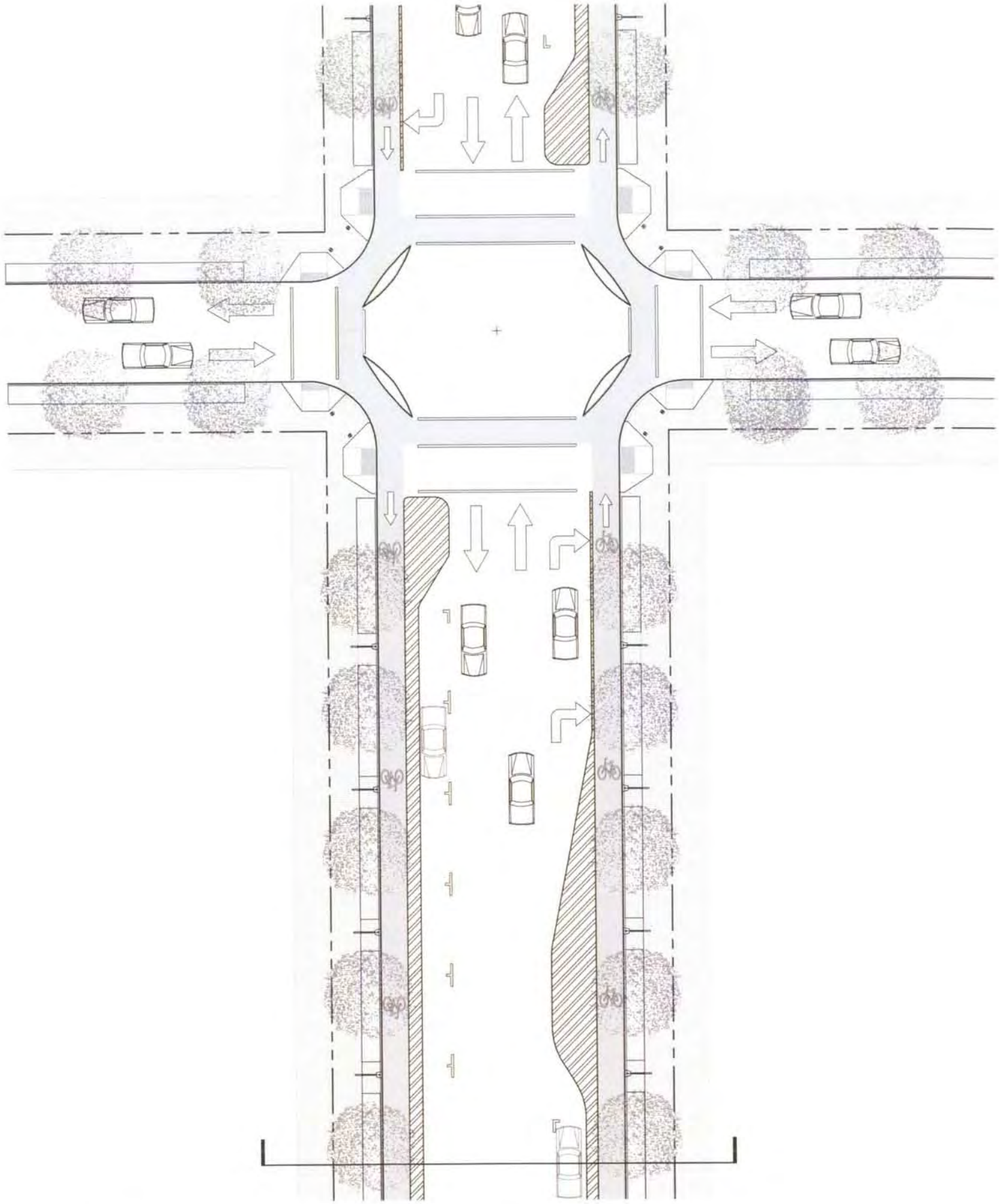
SOM

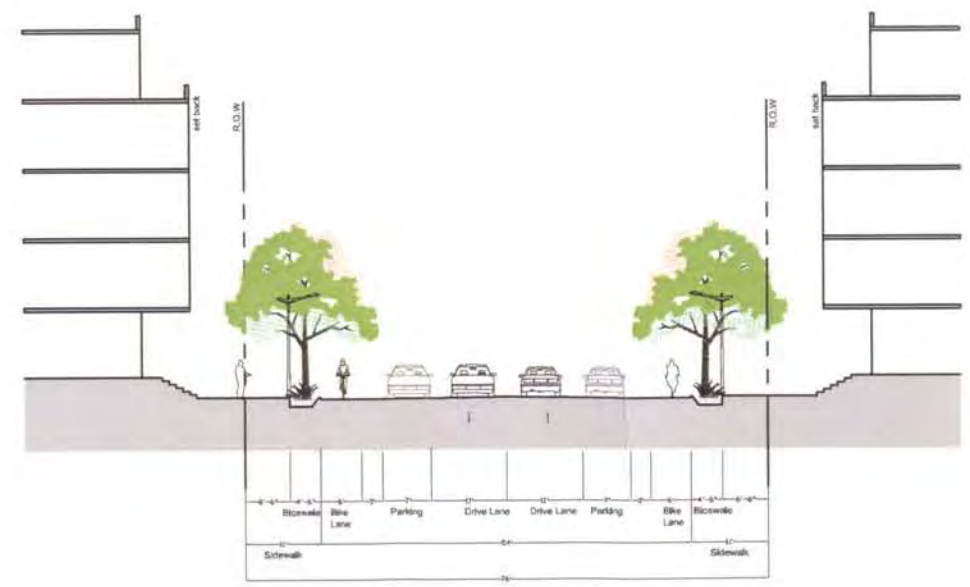




A Local Road: Typical 46' R.O.W.

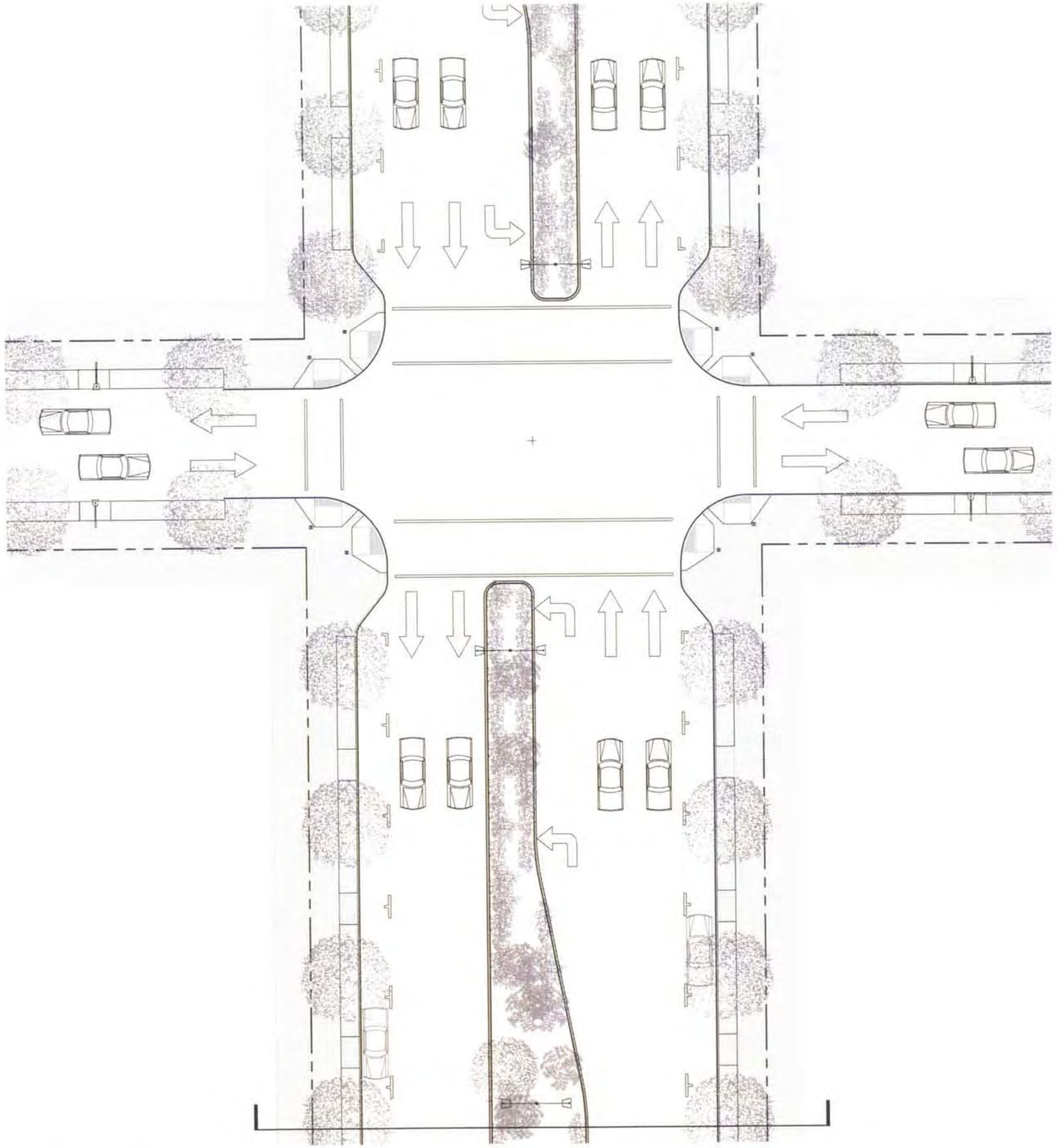
Exhibit F1: Typical Roadway Sections & Streetscaping

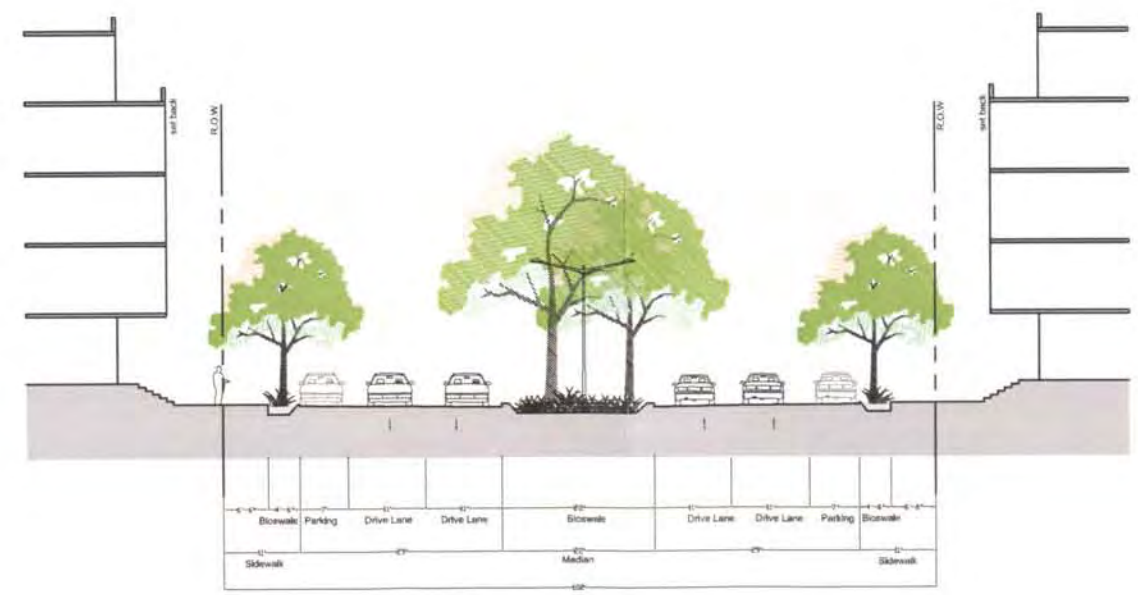




B Collector Road: Typical 76' R.O.W.

Exhibit F2: Typical Roadway Sections & Streetscaping





C Secondary Thoroughfare: Typical 102' R.O.W.

Exhibit F3: Typical Roadway Sections & Streetscaping

D Neighborhood Park

E Amenity Pond

F Eco Park and Detention Pond

Exhibit G: Typical Layout - Major Open Spaces

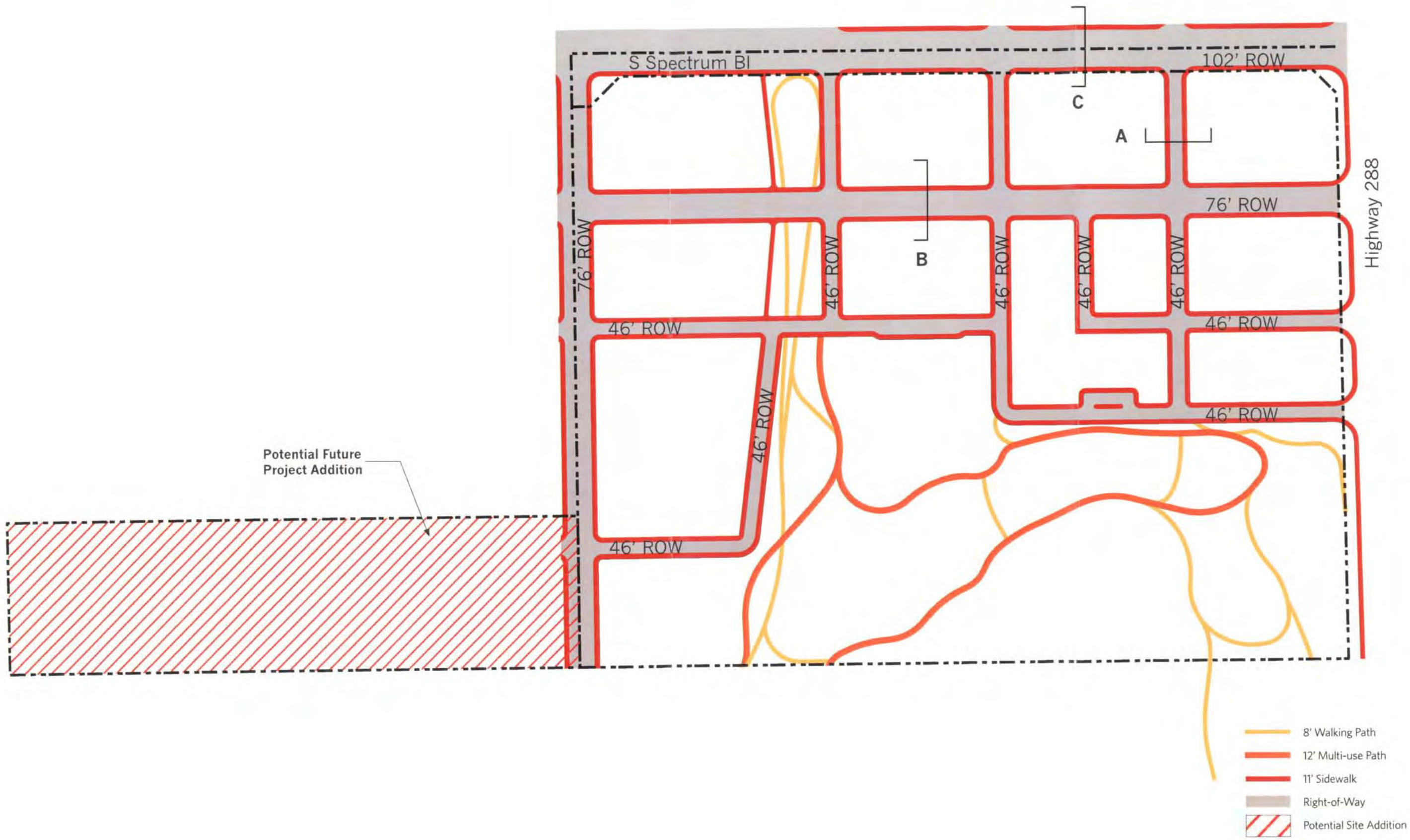


Exhibit H: Pedestrian Circulation Plan

1"=200'
0 100' 200' 400'

SOM

Exhibit I: Conceptual Phasing Plan

THE MODERN GREEN IVY DISTRICT | SEPT 16, 2013

1"=200'
0 100' 200' 400'

SOM

Exhibit J: Conceptual Rendering - Town Square

Exhibit J: Conceptual Rendering - Retail Center

Exhibit J: Conceptual Rendering - Waterfront Hotel

Exhibit J: Conceptual Rendering - Site Aerial