AGENDA

CITY OF PEARLAND
PLANNING & ZONING COMMISSION

April 7, 2014 6:30 p.m.

Henry Fuertes
P&Z CHAIRPERSON

Mary Starr
P&Z VICE-CHAIRPERSON

COMMISSIONERS

Elizabeth McLane

Derrick Reed

Daniel Tunstall

Ginger McFadden

Linda Cowles

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

REGULAR MEETING
PLANNING AND ZONING COMMISSION OF THE
CITY OF PEARLAND, TEXAS,
MONDAY, APRIL 7, 2014, AT 6:30 p.m.
COUNCIL CHAMBERS - CITY HALL - 3519 LIBERTY DRIVE

I. CALL TO ORDER

II. APPROVAL OF MINUTES

Approve the Minutes of the March 17, 2014, p.m. P&Z Regular Meeting, held at 6:30 p.m.

III. NEW BUSINESS

A. CONSIDERATION & POSSIBLE ACTION - PRELIMINARY PLAT OF BROADSTONE SHADOW CREEK

Decision Date: 4/11/2014

A request by Rene Rodriguez, from LJA, applicant; on behalf of CRP/AR Shadow Creek Owner, L.P., owner; for approval of a Preliminary Plat of Broadstone Shadow Creek, a 1 lot commercial subdivision, generally located at the 12400 Block of Shadow Creek Parkway, on the following described property, to wit

Legal Description: Being a subdivision of 18.876 acres of land situated in the S.G. Haynie Survey, Abstract 212 and T.C.R.R. Co. Survey, Sec. 3, Abstract – 678, City of Pearland, Brazoria County, Texas.

General Location: Generally located at the 12400 Block of Shadow Creek Parkway.

B. CONSIDERATION & POSSIBLE ACTION – FINAL PLAT OF HIGHLAND CROSSING SECTION 2

Decision Date: 4/11/2014

A request by Rene Rodriguez of LJA Engineering, applicant; on behalf of Beazer Homes Texas L.P., owner; for approval of the Final Plat of Highland Crossing Section 2, a 46 lot subdivision on 14.9 acres, generally located at the 1400 Block of Old Alvin Rd., on the following described property, to wit

Legal Description: Being 14.9 acres of land out of the H.T. & B.R.R. Co. Survey, A-233 and D.H.M. Hunter Survey, A-76 City of Pearland. Brazoria

County, Texas.

General Location: Generally located at 1400 Block of Old Alvin Rd.

C. CONSIDERATION AND POSSIBLE ACTION – ZONE CHANGE NO. 2014-02Z

A request of Steven Biegel, applicant; on behalf of America Modern Green Development, LLC., owner; for approval of a zone change from the Waterlights Planned Development (PD) to the Modern Green-Ivy District PD, on approximately 48.5 acres of land on the following described property, to wit:

Legal Description: That portion of Lot 5 of the subdivision of James Hamilton Survey, Abstract No. 881, a portion lying within Harris County, Texas and the remainder lying within Brazoria County, Texas, according to the map or plat thereof recorded in Volume 83, Page 342 of the deed records of Harris County, Texas.

General Location: Southwest corner of Spectrum Boulevard and State Highway 288

D. DISCUSSION ITEMS

1. Commissioners Activity Report
2. Zoning Update
3. National APA Conference, April 26-30, 2014, Atlanta, Georgia
4. Comprehensive Plan Update
5. Next P&Z/JPH Meeting April 21, 2014

IV. ADJOURNMENT

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

I, Jennifer Tatum, 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 3rd day of April, 2014, A.D., at 5:30 p.m.

_____
Jennifer Tatum, Office Assistant

Agenda removed _____ day of April, 2014.

APPROVAL

OF

MINUTES

MINUTES
OF THE REGULAR MEETING OF THE
PLANNING AND ZONING COMMISSION,
CITY OF PEARLAND, TEXAS,
MONDAY, MARCH 17, 2014, AT 6:30 p.m.
COUNCIL CHAMBERS - CITY HALL - 3519 LIBERTY DRIVE

CALL TO ORDER

P&Z Chairperson Henry Fuertes call the P&Z Regular Meeting of March 17, 2014 to order at 10:47 p.m.

APPROVAL OF MINUTES

P&Z Vice-Chairperson Mary Starr made the motion to approve the Minutes of the March 3, 2014, P&Z Regular Meeting, and P&Z Commissioner Elizabeth McLane seconded.

The vote was 7-0. The minutes of the March 3, 2014 P&Z Regular Meeting was approved.

NEW BUSINESS

CONSIDERATION & POSSIBLE ACTION – ZONE CHANGE NO. 2014-1Z

A request of Kevin Cole, applicant; on behalf of Tin Dinh, owner; for approval of a change in zoning of two tracts of land totaling approximately 20 acres each for a total of 40 acres from a Single Family Estate (R-E) and a Suburban Development (S-D) zoning district to a Single Family Residential 1 (R-1) zoning district, on the following described property, to wit:

Legal Description: Forty (40) acres of land identified as Tract 1 (20 acres) and Tract 2 (20 acres) out of the H.T & B. R.R. Company Survey, Abstract 547, Volume 2, Page 51 of the records of Brazoria County, Texas

General Location: North of Bailey Road, between County Road 107 F (CR 107 F) to the west and Manvel Road to the east

P&Z Commissioner Elizabeth McLane made the motion to approve, and P&Z Commissioner Linda Cowles seconded.

Mr. Kevin Cole, applicant, spoke with regards to the owner seeking a zone change now,

and returning in the future for a Cluster Development.

There was no discussion among the Commission/Staff.

The vote was 7-0. Zone Change No. 2014-1Z was approved.

CONSIDERATION & POSSIBLE ACTION – CONDITIONAL USE PERMIT NO. CUP 2014-02

A request of Denbury Resources, Inc., applicant; on behalf of Pat O'Day Estates, owner; for approval of a Conditional Use Permit to allow for *Petroleum Product Extraction* in the Heavy Industrial (M-2) District, on the following described property, to wit:

Legal Description: A ten (10) acre tract of land out of a 25 acres off the south side of a tract of land composed of two (2) contiguous parcels known as tract number one hundred and eighty (180) out of Section twenty seven (27), recorded in Volume 205, Page 398 and 399, H.T & B.R.R and Company Survey, in said Brazoria County, Texas

General Location: Approximately 1,200 feet west of Main Street at Dixie Farm Road

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

Interim City Planner Johnna Matthews made the staff report stating staff recommends approval of the Conditional Use Permit.

There was no discussion among the Commission/Staff.

The vote was 7-0. Conditional Use Permit Nol. CUP 2014-02 was approved.

CONSIDERATION & POSSIBLE ACTION – Zone Change No. 2014-02Z

A request of Steven Biegel, applicant; on behalf of America Modern Green Development, LLC., owner; for approval of a zone change from the Waterlights Planned Development (PD) to the Modern Green-Ivy District PD, on approximately 48.5 acres of land on the following described property, to wit:

Legal Description: That portion of Lot 5 of the subdivision of James Hamilton Survey, Abstract No. 881, a portion lying within Harris County, Texas and the remainder lying within Brazoria County, Texas, according to the map or plat thereof recorded in Volume 83, Page 342 of the deed records of Harris County, Texas.

General Location: Southwest corner of Spectrum Boulevard and State Highway 288

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

There was brief discussion and Vice-Chairperson Mary Starr stated there was a need for definitions of different types of housing.

P&Z Commissioner Daniel Tunstall made the motion to postpone, and P&Z Commissioner Derrick Reed seconded.

The vote was 7-0. Zone Change No. 2014-02Z was postponed.

CONSIDERATION & POSSIBLE ACTION – REQUEST FOR A WAIVER OF DECISION OF TIME FOR THE MASTER PLAT OF ENCLAVE AT HIGHLAND GLEN

A request by Geoff Freeman of BGE Kerry R. Gilbert and Associates, applicant; on behalf of Greg Coleman with Beazer Homes, owner; for approval of a Waiver of Decision for the Master Plat of Enclave at Highland Glen, a 187 lot subdivision on 74.3 acres of land, to wit

Legal Description: Being a subdivision of land containing 74.3 acres of land out of the Thomas J. Green Survey, A-290, City of Pearland Texas, County of Brazoria, Texas.

General Location: Generally located at the intersection of Hughes Rd. and Alexander Way.

P&Z Commissioner Linda Cowles made the motion to approve, and P&Z Commissioner Daniel Tunstall seconded.

Planner Lauren Fehr read the staff report stating the applicant requested the waiver for additional time to resolve outstanding items.

There was no discussion among the Commission/Staff.

The vote was 7-0. The request for a Waiver of Decision for Time for the Master Plat of Enclave at Highland Glen was approved.

CONSIDERATION & POSSIBLE ACTION - MASTER PLAT OF ENCLAVE AT HIGHLAND GLEN

A request by Geoff Freeman of BGE Kerry R. Gilbert and Associates, applicant; on

behalf of Greg Coleman with Beazer Homes, owner; for approval of a Master Plat of Enclave at Highland Glen, a 187 lot single-family subdivision on 74.3 acres of land, to wit

Legal Description: Being a subdivision of land containing 74.3 acres of land out of the Thomas J. Green Survey, A-290, City of Pearland Texas, County of Brazoria, Texas.

General Location: Generally located at the intersection of Hughes Road aND Alexander Way.

No action was necessary due to the Waiver of Decision of Time being approved.

CONSIDERATION & POSSIBLE ACTION – REQUEST FOR A WAIVER OF DECISION OF TIME FOR THE PRELIMINARY PLAT OF ENCLAVE AT HIGHLAND GLEN SECTION 1

A request by Geoff Freeman of BGE Kerry R. Gilbert and Associates, applicant; on behalf of Greg Coleman with Beazer Homes, owner; for approval of a Waiver of Decision for the Preliminary Plat of Enclave at Highland Glen Section 1, a 20 lot subdivision on 8.2 acres of land, to wit

Legal Description: Being a subdivision of land containing 74.3 acres of land out of the Thomas J. Green Survey, A-290, City of Pearland Texas, County of Brazoria, Texas.

General Location: Generally located at the intersection of Hughes Rd. and Alexander Way.

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

Planner Lauren Fehr read the staff report stating the applicant requested the waiver for additional time to resolve outstanding items.

The vote was 7-0. The request for a Waiver of Decision for Time for the Preliminary Plat of Enclave at Highland Glen was approved.

CONSIDERATION & POSSIBLE ACTION – PRELIMINARY PLAT OF ENCLAVE AT HIGHLAND GLEN SECTION 1

A request by Geoff Freeman of BGE Kerry R. Gilbert and Associates, applicant; on behalf of Greg Coleman with Beazer Homes, owner; for approval of a Preliminary Plat of Enclave at Highland Glen Section 1, a 20 lot single-family subdivision on 8.2 acres of

land, to wit

Legal Description: Being a subdivision of land containing 74.3 acres of land out of the Thomas J. Green Survey, A-290, City of Pearland Texas, County of Brazoria, Texas.

General Location: Generally located at the intersection of Hughes Rd. and Alexander Way.

No action was necessary due to the Waiver of Decision of Time being approved.

CONSIDERATION & POSSIBLE ACTION – PRELIMINARY PLAT OF LAUREL HEIGHTS AT SAVANNAH SECTION 4

A request by Geoff Freeman of BGE Kerry R. Gilbert and Associates., applicant; on behalf of Savannah Development LTD., owner; for approval of a Preliminary Plat of Laurel Heights at Savannah Section Four, a 38 lot single-family subdivision on 9.1 acres of land, to wit

Legal Description: Being 9.1 acres of land located in the H.T. & B.R.R. Survey, Abstract 302, Official Records of said Brazoria County, Texas.

General Location: Generally located at the northeast intersection of Linden Creek Lane and Orchard Hills Lane.

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

Planner Lauren Fehr read the staff report stating staff recommended approval and there were no outstanding items.

The vote was 7-0. The Preliminary Plat of Laurel Heights at Savannah Section 4 was approved.

CONSIDERATION & POSSIBLE ACTION – PRELIMINARY PLAT OF LAUREL HEIGHTS AT SAVANNAH SECTION 5

A request by Geoff Freeman of BGE Kerry R. Gilbert and Associates., applicant; on behalf of Savannah Development LTD., owner; for approval of a Preliminary Plat of Laurel Heights at Savannah Section Five, a 56 lot single-family subdivision on 12.5 acres of land, to wit

Legal Description: Being 12.5 acres of land located in the H.T. & B.R.R. Survey, Abstract 302, Official Records of said Brazoria County, Texas.

General Location: Generally located at the Northeast intersection of Mayfield Creek Lane and Applewood Crest Lane

P&Z Commissioner Elizabeth McLane made the motion to approve, and P&Z Vice Chairperson Mary Starr seconded.

Planner Lauren Fehr read the staff report stating there were no outstanding items and staff recommended approval.

The vote was 7-0. The Preliminary Plat of Laurel Heights at Savannah Section 5 was approved.

CONSIDERATION & POSSIBLE ACTION – FINAL PLAT OF PEARLAND ESTATES

A request by Chuck Davis, applicant; on behalf of Meritage Homes of Texas, owner; for approval of a Final Plat of Pearland Estates, a 56 lot single-family residential subdivision on 20.34 acres of land, to wit

Legal Description: Being 20.3419 acres out of lots 25 & 26 out of Section 21 Allison – Richey Gulf Coast Homes Co.'s Subdivision (Vol. 2, Pg. 24 B.C.P.R.) in the H.T. 7 B. R. R. Co. Survey, Abstract 309 City of Pearland, Brazoria County, Texas.

General Location: Generally located at the 8500 Block of Fite Road

P&Z Commissioner Derrick Reed made the motion to approve, and P&Z Vice Chairperson Mary Starr seconded.

Planner Lauren Fehr read the staff report stating there were outstanding items to be completed but a surety bond was in place.

Mr. Eddie Kirst of Kirst Kosmosky 1908 Lazy Creek Lane, Pearland, Texas spoke about the detention, streets and sidewalks.

The vote was 7-0. The Final Plat of Pearland Estates was approved.

CONSIDERATION & POSSIBLE ACTION – PRELIMINARY PLAT OF SOUTHLAKE SECTION 6

A request by Rene Rodriguez of LJA Engineering, applicant; on behalf of 518 SCR, LTD., owner; for approval of a Preliminary Plat of Southlake Section 6, a 74 lot single family subdivision on 22.133 acres of land within the Southlake Subdivision, to wit

Legal Description: Being a subdivision of 22.133 acres of land situated in the H.T. & B.R.R. Co. Survey, Section 84, Abstract Number 538, City of Pearland, Brazoria County,

General Location: Approximately half of a mile south of the intersection of Broadway St. and Southlake Blvd.

P&Z Commissioner Elizabeth McLane made the motion to approve, and P&Z Commissioner Linda Cowles seconded.

Planner Lauren Fehr read the staff report stating there were no outstanding items and staff recommended approval.

The vote was 7-0. The Preliminary Plat of Southlake Section 6 was approved.

CONSIDERATION & POSSIBLE ACTION – PRELIMINARY PLAT OF SOUTHLAKE SECTION 7

A request by Rene Rodriguez of LJA Engineering, applicant; on behalf of 518 SCR, LTD., owner; for approval of a Preliminary Plat of Southlake Section 7, a 62 lot single family subdivision on 15.633 acres of land within the Southlake Subdivision, to wit

Legal Description: Being a subdivision of 15.633 acres of land situated in the H.T. & B.R.R. Co. Survey, Section 84, Abstract Number 538, City of Pearland, Brazoria County,

General Location: Approximately half of a mile south of the intersection of Broadway St. and Southlake Blvd.

P&Z Commissioner Linda Cowles made the motion to approve, and P&Z Commissioner Ginger McFadden seconded.

Planner Lauren Fehr read the staff report stating there were no outstanding items and staff recommended approval.

The vote was 7-0. The Preliminary Plat of Southlake Section 7 was approved.

DISCUSSION ITEMS

1. Commissioners Activity Report – there were no reports
2. National APA Conference, April 26-30, 2014, Atlanta, Georgia – Commissioners Reed and McLane will be attending, along with staff members Lata Krishnarao and Lauren Stanley.
3. Comprehensive Plan Update – the next CPAC meeting is scheduled for March 19, 2014.
4. Next P&Z Meeting is April 7, 2014. Deputy City Attorney Nghiem Doan will do a Workshop for P&Z Commissioner Annual Training – Rules of Procedures

ADJOURNMENT

P&Z Chairperson Henry Fuertes adjourned the P&Z Regular meeting at 11:19 p.m.

These minutes were respectfully submitted by:

_____

Judy Brown, Office Supervisor

Minutes approved as submitted and/or corrected on this 7th day of April 2014, A.D.

_____

Henry Fuertes, Chairperson

NEW BUSINESS

P&Z AGENDA ITEM

A

City of Pearland

P&Z AGENDA REQUEST

TO: **Planning & Zoning Commission**

REQUESTOR: **Ian Clowes**

DATE: **04/07/2014**

AGENDA ITEM SUBJECT: **Preliminary Plat of Broadstone Shadow Creek**

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

Summary: A request by Rene Rodriguez, from LJA, applicant; on behalf of CRP/AR Shadow Creek Owner, L.P., owner; for approval of a Preliminary Plat of Broadstone Shadow Creek, a 1 lot commercial subdivision, generally located at the 12400 Block of Shadow Creek Pkwy.

Staff Recommendation: Approval

PLANNING AND ZONING COMMISSION
MEETING OF APRIL 7, 2014

PRELIMINARY PLAT OF BROADSTONE SHADOW CREEK

A request by Rene Rodriguez, from LJA, applicant; on behalf of CRP/AR Shadow Creek Owner, L.P., owner; for approval of a Preliminary Plat of Broadstone Shadow Creek, a 1 lot commercial subdivision, generally located at the 12400 Block of Shadow Creek Parkway, on the following described property, to wit

Legal Description: A subdivision of 18.876 acres of land situated in the S.G. Haynie Survey, Abstract 212 and T.C.R.R. Co. Survey, Sec. 3, Abstract – 678, City of Pearland, Brazoria County, Texas.

General Location: 12400 Block of Shadow Creek Parkway.

SUMMARY: This is a request for a Preliminary Plat of Broadstone Shadow Creek, a proposed 1 lot commercial subdivision on 18.876 acres. This proposed subdivision is located within the Shadow Creek Ranch Planned Unit Development (PUD). The Shadow Creek Ranch PUD was approved in September of 1999 for approximately 3305 acres of land within the City of Pearland.

The property is being platted in preparation for a future apartment complex. The proposed construction requires the extension of city sewer and water service which will also serve future development on adjoining sites. The extension of city services and subsequent dedication of these lines to the city requires the applicant to proceed with a preliminary and final plat.

SURROUNDING ZONING AND LAND USES:

	Zoning	Land Use
North	PUD (Planned Unit Development – Shadow Creek)	Vacant
South	PUD (Planned Unit Development – Shadow Creek)	Multi-family
East	PUD (Planned Unit Development – Shadow Creek)	Commercial Strip Center
West	PUD (Planned Unit Development – Shadow Creek)	Future City Park

UNIFIED DEVELOPMENT CODE: The Unified Development Code does not apply to the subject development as it is under the previous Land Use and Urban Development Ordinance. Any development regulations that are not part of the Shadow Creek PUD would be subject to the Land Use and Urban Development Ordinance.

SHADOW CREEK RANCH PUD: The Shadow Creek Ranch development allows for a combination of single family lots, multi-family, commercial sites, parks, and wet and dry detention. All development with the boundaries of the PUD are subject to the development guidelines of both the PUD and Land Use and Urban Development Ordinance.

LAND USE & URBAN DEVELOPMENT ORDINANCE: The Shadow Creek Ranch Planned Unit Development has its own land use regulations from the approved PUD, in addition to the Land Use and Urban Development Ordinance. The proposed plat does conform to the Land Use and Urban Development Regulations specifically in regards to lot size.

PLATTING STATUS: This is the first plat for Broadstone Shadow Creek. The plat was originally submitted as a development plat but was changed to a preliminary plat due to the extension of public infrastructure that will serve more than one lot.

COMFORMANCE TO THE COMPREHENSIVE PLAN: The subject property is within the Medium Density Residential future land use designation. The Medium Density Residential future land use designation is for medium lot single family development. This submittal is not in conformance with this land use designation as the proposed use is multi-family. The City of Pearland uses the Future Land Use Plan as a guide to implement zoning, in this case, the approved Shadow Creek Ranch PUD had a higher density then the Future Land Use Plan allows.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property is served by Shadow Creek Parkway which is a 120-foot Major Thoroughfare. .

TRAFFIC AND TRANSPORTATION: A Traffic Impact Analysis has been reviewed and accepted by the Engineering Department.

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

STORMWATER MANAGEMENT: A Preliminary Drainage Plan will have to be approved by the Engineering Department prior to the approval of any final plat.

PARKS, OPEN SPACE, AND TREES: Park fees are not required within the Shadow Creek Ranch Development.

STAFF RECOMMENDATION: Staff recommends approval of this Preliminary Plat of Broadstone Shadow Creek as proposed by the applicant for the following reasons:

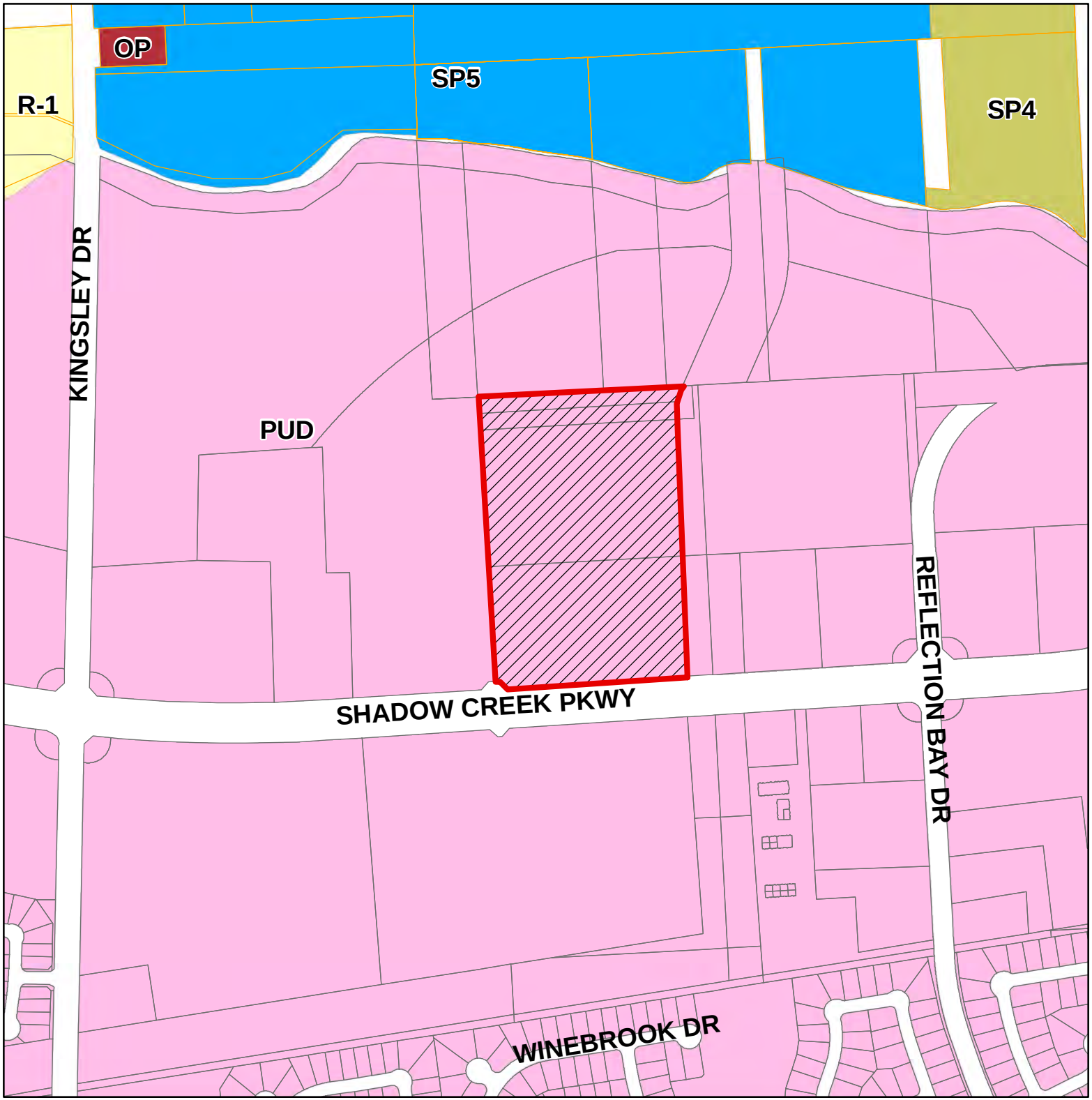
1. The proposed preliminary plat will not cause any adverse impacts on the surrounding properties.

2. This request is in conformance with the comprehensive plan with the approved Shadow Creek Ranch PUD.

3. This request is in conformance with the Shadow Creek Ranch Development as well as the Land Use and Urban Development Ordinance.

SUPPORTING DOCUMENTS:

- Vicinity and Zoning Map
- Future Land Use Map
- Aerial Map
- Preliminary Plat of Broadstone Shadow Creek



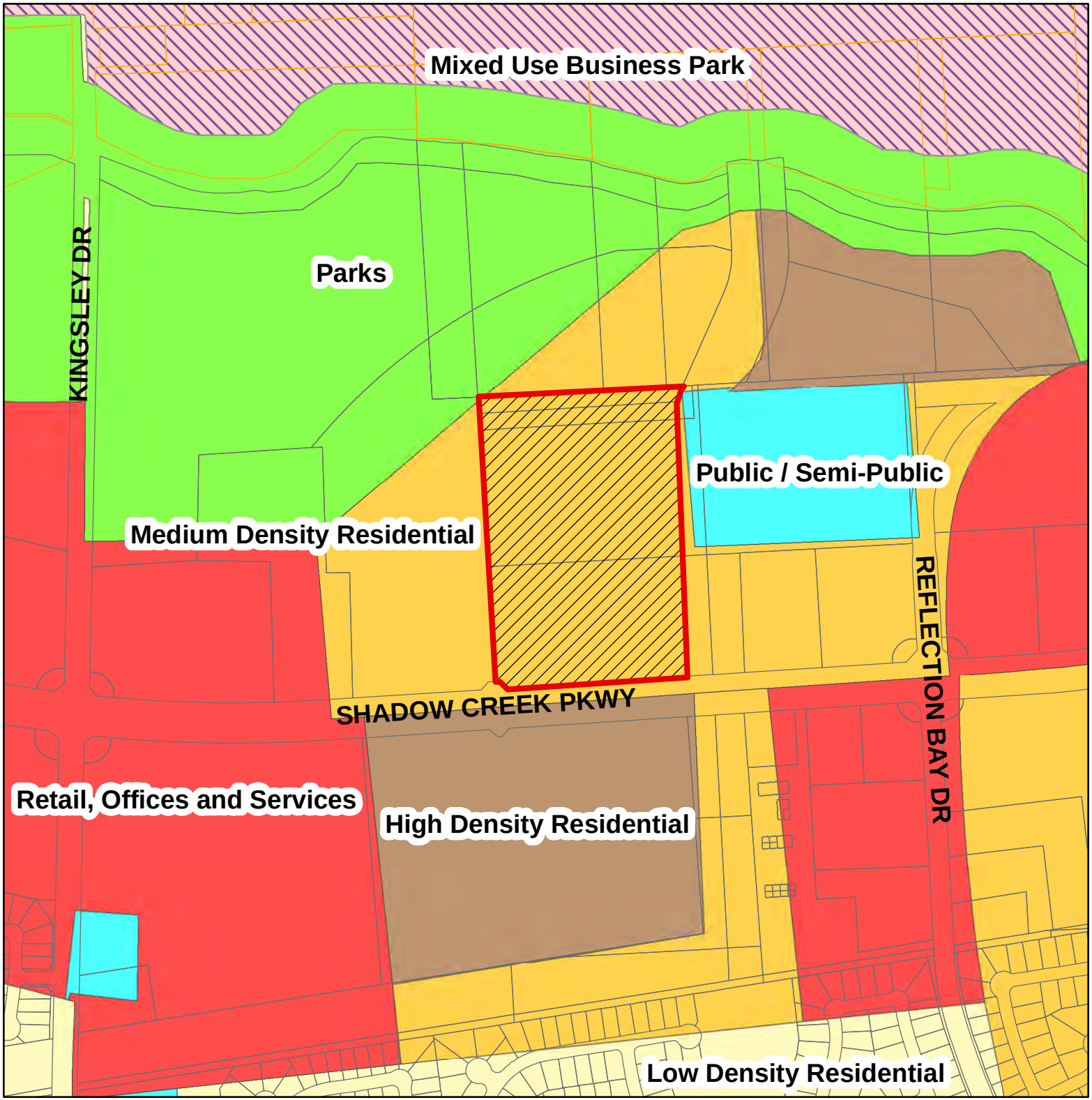
Zoning and Vicinity Map

Preliminary Plat
Broadstone
Shadow Creek

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

N

0 145 290 580 Feet



FLUP Map

Preliminary Plat
Broadstone
Shadow Creek

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

N

0 145 290 580 Feet

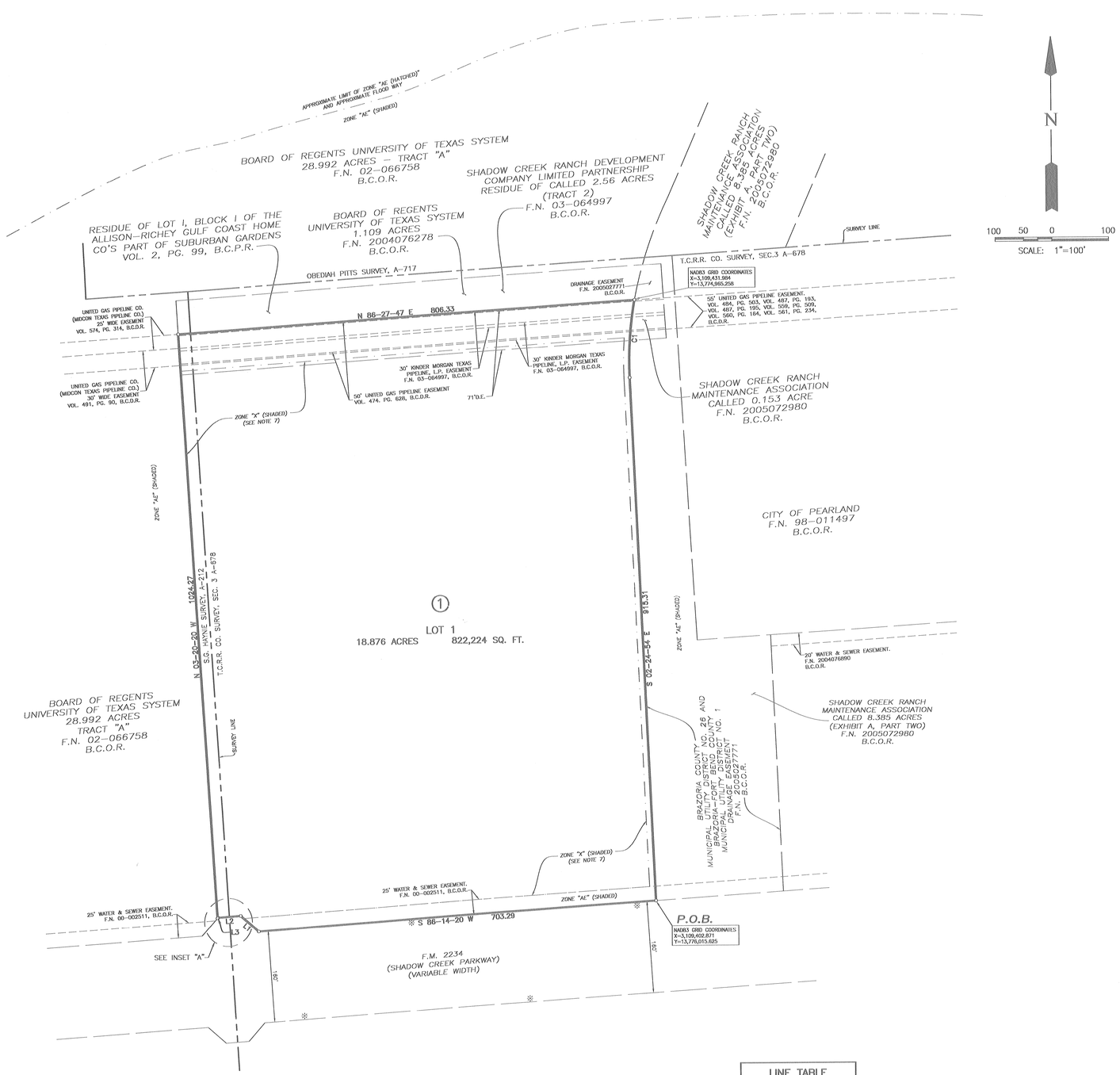
Aerial Map

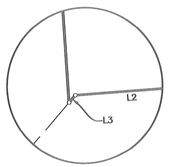
Preliminary Plat
Broadstone
Shadow Creek

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

N

0 145 290 580 Feet

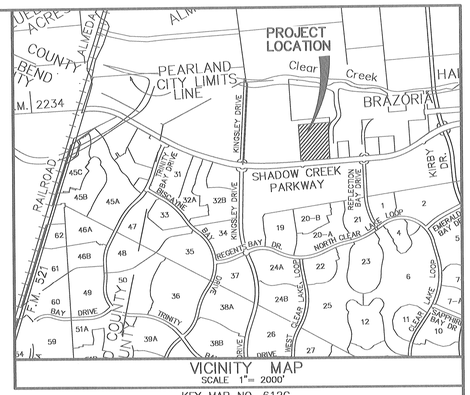




INSET "A"
SCALE: 1"=10'

N

100 50 0 100
SCALE: 1"=100'



VICINITY MAP
SCALE 1"= 2000'

KEY MAP NO. 612G

NOTES:

1. THIS PLAT HAS BEEN PREPARED TO MEET THE REQUIREMENTS OF THE STATE OF TEXAS, BRAZORIA COUNTY AND THE CITY OF PEARLAND.
2. THIS PLAT WAS PREPARED FROM INFORMATION PROVIDED BY FIRST AMERICAN TITLE INSURANCE COMPANY, FILE NO. NCS–649962–HOU1, EFFECTIVE DATE FEBRUARY 2, 2014, ISSUED FEBRUARY 7, 2014.
3. ALL BEARINGS REFERENCES ARE TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE NAD27.
4. ALL SUBDIVISION COMMON AREAS INCLUDING BUT NOT LIMITED TO DETENTION FACILITIES, EASEMENTS, AND OPEN SPACE WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE MAINTAINED BY A HOMEOWNERS ASSOCIATION, COMMERCIAL PROPERTY ASSOCIATION OR OTHER ENTITY AND SHALL NOT BE THE RESPONSIBILITY OF THE CITY OF PEARLAND OR BRAZORIA COUNTY.
5. FIVE–EIGHTHS INCH (5/8") IRON RODS THREE FEET IN LENGTH ARE SET ON ALL PERIMETER BOUNDARY CORNERS, UNLESS OTHERWISE NOTED. BLOCK CORNERS OR STREET RIGHT–OF–WAYS HAVE NOT BEEN MONUMENTED.
6. BENCHMARK: MONUMENT GPS – 9 BRASS CAP SET FLUSH IN CONCRETE, STAMPED "CITY OF PEARLAND 9 GPS MONU. 1995". THE MONUMENT IS LOCATED IN THE NORTHWEST CORNER OF THE INTERSECTION OF THE WEST ACCESS ROAD TO HIGHWAY 288 AND COUNTY ROAD 92 AND F.M. 518. THE MONUMENT IS APPROXIMATELY 500 FEET NORTH OF COUNTY ROAD 92 AND 32.5 FEET NORTHWEST OF THE SOUTHWEST CORNER OF A CONCRETE PAD FOR STORM SEWER DRAIN INLETS.

   ELEV.= 59.03, NGVD 29 1987 ADJUSTMENT
   (ADD 1.84 FEET FOR NGVD 29, 1973 ADJUSTMENT)
7. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) MAP NO. 48039C0010 I, REVISED TO REFLECT LOMR DATED MAY 31, 2006, CASE NUMBER 06–06–BA53A, THE PROPERTY LIES WITHIN ZONE "AE" (SHADED ON THE FIRM MAP) AND ZONE "X" (SHADED ON THE FIRM MAP). ZONE "AE" (SHADED) IS DEFINED AS "A SPECIAL FLOOD HAZARD AREA INUNDATED BY 100–YEAR FLOOD WITH BASE FLOOD ELEVATION DETERMINED" AND ZONE "X" (SHADED) IS DEFINED AS "AREAS OF 500–YEAR FLOOD; AREAS OF 100–YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 100–YEAR FLOOD.

   ALL FLOODPLAIN INFORMATION NOTED IN THE PLAT REFLECTS THE STATUS PER THE FEMA FIRM MAP THAT IS EFFECTIVE AT THE TIME THAT THE PLAT IS RECORDED. FLOODPLAIN STATUS IS SUBJECT TO CHANGE AS FEMA FIRM MAPS ARE UPDATED.
8. ANY CONSTRUCTION PROPOSED TO BE INSTALLED WITHIN A PROPERTY EASEMENT WITH PRESCRIBED RIGHTS TO A PRIVATE ENTITY MAY REQUIRE THE PERMISSION OF THE PRIVATE ENTITY PRIOR TO THE START OF CONSTRUCTION. FAILURE TO SECURE SUCH PERMISSION MAY RESULT IN THE RIGHT HOLDER(S) OF THE EASEMENT REMOVING ANY UNAPPROVED PAVEMENT, STRUCTURES, UTILITIES, OR OTHER FACILITIES LOCATED WITHIN THE EASEMENT. THE RESPONSIBILITY OF SECURING APPROVAL FROM THE PRIVATE ENTITIES TO BUILD WITHIN AN EASEMENT IS SOLELY THAT OF THE PROPERTY OWNER.
9. ACCESS RIGHTS TO PARKING AREAS AND DRIVEWAYS ARE HEREBY GRANTED TO ALL ADJOINING COMMERCIAL PROPERTIES.
10. THE MINIMUM SLAB ELEVATION FOR ALL BUILDINGS LOCATED WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE THE HIGHER OF (1) EITHER 12 INCHES ABOVE THE TOP OF CURB ELEVATION FOR A CURB STREET OR 12 INCHES ABOVE THE ELEVATION OF THE EDGE OF THE ROADWAY IF NO CURB EXISTS, OR (2) 12 INCHES ABOVE THE 100 YEAR FLOODPLAIN WATER SURFACE ELEVATION FOR STRUCTURES TO BE LOCATED WITHIN THE 100 YEAR FLOODPLAIN.
11. ANY PROPOSED DRAINAGE SYSTEM FOR THIS SUBDIVISION SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE CITY OF PEARLAND AND BRAZORIA DRAINAGE DISTRICT #4.
12. THIS PROPERTY IS ZONED SCR–PUD (SHADOW CREEK RANCH–PLANNED UNIT DEVELOPMENT) AT THE TIME OF PLATTING.
13. ALL LANDSCAPING AND STRUCTURES, INCLUDING FENCES AT INTERSECTIONS SHALL CONFORM TO THE CITY OF PEARLAND AND AASHTO SIGHT DISTANCE REQUIREMENTS FOR MOTORISTS.
14. DRIVEWAY REQUIREMENTS FOR THE LOCATION, WIDTHS AND OFFSETS FROM AN INTERSECTION AND ANY EXISTING DRIVEWAY OR PROPOSED DRIVEWAYS, SHALL CONFORM TO THE REQUIREMENTS OF THE CITY OF PEARLAND ENGINEERING DESIGN CRITERIA MANUAL AND UNIFIED DEVELOPMENT CODE.
15. A SIX (6) FOOT SIDEWALK SHALL BE BUILT ALONG SHADOW CREEK PARKWAY.

LEGEND

B.C.P.R	INDICATES BRAZORIA COUNTY PLAT RECORDS
B.C.D.R	INDICATES BRAZORIA COUNTY DEED RECORDS
B.C.O.R.	INDICATES BRAZORIA COUNTY OFFICIAL PROPERTY RECORDS
B.C.M.U.D.	INDICATES BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT
F.N.	INDICATES FILE NUMBER
VOL.	INDICATES VOLUME
PG.	INDICATES PAGE

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 48–33–00 W	42.27
L2	S 86–14–20 W	40.00
L3	S 41–27–02 W	1.33

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	TANGENT	CHORD	CHORD BEARING
C1	612.50	12–46–44	136.61	68.59	136.33	S 03–58–28 W

PRELIMINARY OF
BROADSTONE SHADOW CREEK

A SUBDIVISION OF 18.876 ACRES OF LAND SITUATED IN THE S. G. HAYNIE SURVEY, ABSTRACT 212 AND T.C.R.R. CO. SURVEY, SEC. 3, ABSTRACT–678, CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS.

1 LOT 1 BLOCK

MARCH 31, 2014 JOB NO. 1167–0004–310

OWNERS:

CRP/AR SHADOW CREEK OWNER, L.P.,
A DELAWARE LIMITED PARTNERSHIP
BRIAN AUSTIN, VICE PRESIDENT
2947 E. BROADWAY, STE. 300, PEARLAND, TEXAS 77581
PH. (281) 412–3733

ENGINEER:

LJA Engineering, Inc.
2929 Briarpark Drive
Suite 600
Houston, Texas 77042
Phone 713.953.5200
Fax 713.953.5026
CONTACT: RENE RODRIGUEZ

MYLAR CHECK: COORD _____ DIR. _____

Date/Time : Mar 31, 2014 – 7:34am
Drawing : J:\Projects\PASTING 1167\FINPLT\Broadstone Shadow Creek_FP.dwg

STATE OF TEXAS
COUNTY OF BRAZORIA

WE, CRP/AR SHADOW CREEK OWNER, L.P., A DELAWARE LIMITED PARTNERSHIP ACTING BY AND THROUGH BRIAN AUSTIN, VICE PRESIDENT, OWNERS OF THE PROPERTY SUBDIVIDED IN THIS PLAT OF BROADSTONE SHADOW CREEK, 18.876 ACRES OUT OF THE S.G. HAYNIE SURVEY, ABSTRACT 212 AND T.C.R.R. CO. SURVEY, SEC. 3, ABSTRACT 678 BRAZORIA COUNTY, TEXAS, DO HEREBY MAKE SUBDIVISION OF SAID PROPERTY FOR AND ON BEHALF OF SAID PARTNERSHIP, ACCORDING TO THE LINES, LOTS, STREETS, ALLEYS, RESERVES, PARKS, AND EASEMENTS AS SHOWN HEREON AND DEDICATE FOR PUBLIC USE AS SUCH THE STREETS, ALLEYS, PARKS, AND EASEMENTS SHOWN HEREON FOREVER, AND DO HEREBY WAIVE ALL CLAIMS FOR DAMAGES OCCASIONED BY THE ESTABLISHMENT OF GRADES AS APPROVED FOR THE STREETS AND DRAINAGE EASEMENTS DEDICATED, OR OCCASIONED BY THE ALTERATION OF THE SURFACE, OR ANY PORTION OF THE STREETS OR DRAINAGE EASEMENTS TO CONFORM TO SUCH GRADES, AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND DEFEND THE TITLE TO THE LAND SO DEDICATED.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC, FOR PUBLIC UTILITY PURPOSES FOREVER, UNOBSTRUCTED AERIAL EASEMENTS. THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL ELEVEN FEET, SIX INCHES (11' 6") FOR TEN FEET (10' 0") PERIMETER GROUND EASEMENTS OR SEVEN FEET, SIX INCHES (7' 6") FOR FOURTEEN FEET (14' 0") PERIMETER GROUND EASEMENTS OR FIVE FOOT, SIX INCHES (5' 6") FOR SIXTEEN FEET (16' 0") PERIMETER GROUND EASEMENTS, FROM A PLANE SIXTEEN FEET (16' 0") ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED HEREON WHEREBY EACH AERIAL EASEMENT TOTALS TWENTY--ONE FEET, SIX INCHES (21' 6") IN WIDTH.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC, FOR PUBLIC UTILITY PURPOSES FOREVER, UNOBSTRUCTED AERIAL EASEMENTS. THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL TEN FEET (10' 0") FOR TEN FEET (10' 0") BACK--TO--BACK GROUND EASEMENTS, OR EIGHT FEET (8' 0") FOR FOURTEEN FEET (14' 0") BACK--TO--BACK GROUND EASEMENTS OR SEVEN FEET (7' 0") FOR SIXTEEN FEET (16' 0") BACK--TO--BACK GROUND EASEMENTS, FROM A PLANE SIXTEEN FEET (16' 0") ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO BOTH SIDES AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY EACH AERIAL EASEMENT TOTALS THIRTY FEET (30' 0") IN WIDTH.

IN TESTIMONY HERETO, CRP/AR SHADOW CREEK OWNER, L.P., A DELAWARE LIMITED PARTNERSHIP, HAS CAUSED THESE PRESENTS TO BE SIGNED BY BRIAN AUSTIN, VICE PRESIDENT THIS _____ DAY OF _____, 2014.

CRP/AR SHADOW CREEK OWNER, L.P.,
A DELAWARE LIMITED PARTNERSHIP

BY: _____
BRIAN AUSTIN, VICE PRESIDENT

STATE OF TEXAS
COUNTY OF BRAZORIA

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED BRIAN AUSTIN, VICE PRESIDENT, OF CRP/AR SHADOW CREEK OWNER, L.P., A DELAWARE LIMITED PARTNERSHIP, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ OF _____, 2014.

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

I, GARY S. NUTTER, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE UNDER MY SUPERVISION ON THE GROUND IN ACCORDANCE WITH THE INFORMATION PROVIDED ME AND CORRECTLY REPRESENTS THE FACTS AS FOUND AT THE TIME OF SURVEY AND IS TRUE AND CORRECT AND THAT ALL BOUNDARY CORNERS, LOT CORNERS, ANGLE POINTS, AND POINTS OF CURVATURE ARE PROPERLY MARKED WITH 5/8 INCH DIAMETER IRON RODS THREE FEET LONG OR AS SHOWN ON THE PLAT.
(SEE NOTE 5)

_____
GARY D. NUTTER, R.P.L.S.
REGISTER PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 5659

THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS HAS APPROVED THIS DEVELOPMENT PLAT OF BROADSTONE SHADOW CREEK AND IS IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF PEARLAND AS SHOWN HEREON AND AUTHORIZES THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2014.

_____
HENRY N. FUERTES, CHAIRPERSON
PLANNING & ZONING COMMISSION
CITY OF PEARLAND, TEXAS

APPROVED FOR THE CITY OF PEARLAND, TEXAS THIS _____ DAY OF _____, 2014.

_____
DARRIN COKER
CITY ATTORNEY

_____
ANDREA BROUGHTON, P.E., C.F.M.
CITY ENGINEER

BEING 18.876 ACRES OF LAND LOCATED IN THE T.C.R.R. Co. SURVEY, SECTION 3, ABSTRACT 678, AND THE S.G. HAYNIE SURVEY, ABSTRACT 212, BRAZORIA COUNTY, TEXAS, MORE PARTICULARLY BEING A PORTION OF THAT CERTAIN CALLED 2.56 ACRE TRACT (DESCRIBED AS TRACT 2) CONVEYED TO SHADOW CREEK RANCH DEVELOPMENT COMPANY LIMITED PARTNERSHIP BY AN INSTRUMENT OR RECORD UNDER FILE NUMBER 03-064997, OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS (B.C.O.R.), SAID 2.56 ACRE TRACT BEING THE RESIDUE OF LOT 1, BLOCK 1 OF THE ALLISON-RICHEY GULF COAST HOME CO'S PART OF SUBURBAN GARDENS, A SUBDIVISION OF RECORD IN VOLUME 2, PAGE 99, PLAT RECORDS OF BRAZORIA COUNTY, TEXAS AND A PORTION OF THOSE CERTAIN TRACTS OF LAND DESCRIBED AS TRACTS I AND II CONVEYED TO PEARLAND INVESTMENTS LIMITED PARTNERSHIP BY AN INSTRUMENT OR RECORD UNDER FILE NUMBER 98-045472, B.C.O.R., AND THAT CERTAIN CALLED 92.7860 ACRE TRACK BY AN INSTRUMENT OF RECORD UNDER FILE NUMBER 99-015970, B.C.O.R., SAID 18.876 BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (ALL BEARINGS REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 27);

BEGINNING AT THE SOUTHWEST CORNER OF THAT CERTAIN CALLED 8.385 ACRE TRACT (DESCRIBED AS EXHIBIT "A", PART TWO), SAID 8.385 ACRE TRACT BEING A PORTION OF THAT CERTAIN CALLED 26.379 ACRE TRACT CONVEYED TO SHADOW CREEK RANCH MAINTENANCE ASSOCIATION BY AN INSTRUMENT OF RECORD UNDER FILE NUMBER 2005072980, B.C.O.R., SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF F.M. 2234 (SHADOW CREEK PARKWAY, WIDTH VARIES);

THENCE, SOUTH 86° 14' 20" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 703.29 FEET TO A POINT FOR CORNER;

THENCE, NORTH 48° 33' 00" WEST, CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 42.27 FEET TO A POINT FOR CORNER;

THENCE, SOUTH 86° 14' 20" WEST, CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 40.00 FEET TO A POINT FOR CORNER;

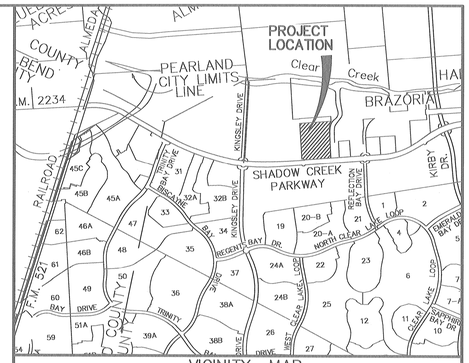
THENCE, SOUTH 41° 27' 02" WEST, 1.33 FEET TO A CORNER ON AN EASTERLY LINE OF THAT CERTAIN CALLED 28.992 ACRE TRACT CONVEYED TO BOARD OF REGENTS UNIVERSITY OF TEXAS BY AN INSTRUMENT OF RECORD UNDER FILE NUMBER 02-066758, B.C.O.R.;

THENCE, NORTH 03° 20' 20" WEST, ALONG AN EASTERLY LINE OF THE AFOREMENTIONED 28.992 ACRE TRACT, 1024.27 FEET TO A POINT FOR THE SOUTHWEST CORNER OF THAT CERTAIN CALLED 1.109 ACRE TRACT CONVEYED TO BOARD OF REGENTS UNIVERSITY OF TEXAS SYSTEM BY AN INSTRUMENT OF RECORD UNDER FILE NUMBER 2004076278, B.C.O.R.;

THENCE, NORTH 86° 27' 47" EAST, ALONG SOUTH LINE OF SAID 1.109 ACRE TRACT, 806.33 FEET TO A POINT FOR CORNER ON THE WESTERLY LINE OF THAT CERTAIN CALLED 0.153 ACRE TRACT CONVEYED TO SHADOW CREEK RANCH MAINTENANCE ASSOCIATION BY AN INSTRUMENT OF RECORD UNDER FILE NUMBER 2005072980, B.C.O.R., THE BEGINNING OF A CURVE;

THENCE, LONG THE WESTERLY LINE OF SAID 0.153 ACRE TRACT AND THE AFOREMENTIONED 8.385 ACRE TRACT, 136.61 FEEL ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 612.50 FEET, A CENTRAL ANGLE OF 12° 46' 44", AND A CHORD THAT BEARS SOUTH 03° 58' 28" WEST, 136.33 FEET TO A POINT FOR CORNER;

THENCE, SOUTH 02° 24' 54" EAST, ALONG THE WESTERLY LINE OF SAID 8.385 ACRE TRACT, 915.31 FEET TO THE POINT OF BEGINNING AND CONTAINING 18.876 ACRES OF LAND.



VICINITY MAP
SCALE 1"= 2000'

KEY MAP NO. 612G

PRELIMINARY

BROADSTONE SHADOW CREEK

A SUBDIVISION OF 18.876 ACRES OF LAND SITUATED IN THE
S. G. HAYNIE SURVEY, ABSTRACT 212 AND
T.C.R.R. CO. SURVEY, SEC. 3, ABSTRACT-678,
CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS.

1 LOT 1 BLOCK

MARCH 31, 2014 JOB NO. 1167-0004-310

OWNERS:

CRP/AR SHADOW CREEK OWNER, L.P.,
A DELAWARE LIMITED PARTNERSHIP
BRIAN AUSTIN, VICE PRESIDENT
2947 E. BROADWAY, STE. 300, PEARLAND, TEXAS 77581
PH. (281) 412-3733

ENGINEER:

LJA Engineering, Inc.
2929 Briarpark Drive
Suite 600
Houston, Texas 77042
Phone 713.953.5200
Fax 713.953.5026
CONTACT: RENE RODRIGUEZ

MYLAR CHECK: COORD _____ DIR _____

Date\Time : Mon, 31 Mar 2014 - 7:45pm
Path\Name : J:\Projects\2011\167\INFL\Broadstone Shadow Creek_PP.dwg

P&Z AGENDA ITEM

B

City of Pearland

P&Z AGENDA REQUEST

TO: Planning & Zoning Commission

REQUESTOR: Ian Clowes

DATE: 04/01/2014

AGENDA ITEM SUBJECT: Final Plat of Highland Crossing Section 2

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

Summary: A request by Rene Rodriguez of LJA Engineering, applicant; on behalf of Beazer Homes Texas L.P., owner; for approval of the Final Plat of Highland Crossing Section 2, a 46 lot subdivision on 14.9 acres, generally located at the 1400 Block of Old Alvin Rd.

Staff Recommendation: Approval

PLANNING AND ZONING COMMISSION
MEETING OF APRIL 7, 2014

FINAL PLAT OF HIGHLAND CROSSING SECTION 2

A request by Rene Rodriguez of LJA Engineering, applicant; on behalf of Beazer Homes Texas L.P., owner; for approval of the Final Plat of Highland Crossing Section 2, a 46 lot subdivision on 14.9 acres, generally located at the 1400 Block of Old Alvin Rd., on the following described property, to wit:

Legal Description: Being 14.9 acres of land out of the H.T. & B.R.R. Co. Survey, A-233 and D.H.M. Hunter Survey, A-76 City of Pearland. Brazoria County, Texas.

General Location: 1400 Block of Old Alvin Rd.

SUMMARY: This is a request for a Final Plat of Highland Crossing Section 2, a proposed 46 lot single-family residential subdivision on approximately 14.9 acres. This proposed subdivision is zoned Single Family Residential (R-2) and has an approved cluster development plan in place that allows for deviations in lot sizes in return for additional open space and amenities which would not normally be required under the standard development requirements. This final plat is part of Phase 1 of the Master Plat of Old Alvin Tract.

The approved Cluster Development Plan has a large amount of open space mostly located near the center of the development. A trail is required down the center of the project located within an existing pipeline easement. The central trail will branch out into the subdivision providing multiple access points. The Cluster Development Plan allows the applicant up to 120 days after the approval of the final plat to complete the construction of all required amenities. At this time, the applicant has executed a subdivision improvement agreement with the city to ensure that all infrastructure and amenities will be completed within a specified time frame.

SURROUNDING ZONING AND LAND USES:

	Zoning	Land Use
North	General Business (GB).Single Family Residential (R-2)	Crosspoint Church, Single Family Residential
South	Single Family Residential (R-2) Cluster	Vacant Single Family Residential
East	Single Family Residential (R-2) Cluster	Vacant Single Family Residential
West	General Commercial (GC)	Vacant Commercial Land, Cemetery

UNIFIED DEVELOPMENT CODE: The subject parcel is zoned Single Family Residential – 2 (R-2) and is in conformance with the Unified Development Code with the approved cluster development plan. The cluster development plan allows for a deviation in lot sizes in exchange for additional open and green space. The cluster development plan was approved in December of 2012.

OLD ALVIN CLUSTER DEVELOPMENT PLAN: The property is zoned Single Family Residential – 2 (R-2) and has an approved cluster development plan which permits the applicant to deviate from the required lot sizes. Below is a table showing the requirements for R-2 and the approved cluster development plan requirements.

	Table 2: R-4 Single-Family Dwelling District	
	R-2 Requirements	**R-2 Cluster Requirements**
Minimum Lot Size:	7,000 square feet	6,600 square feet
Minimum Lot Width:	70 Feet	55 Feet
Minimum Lot Depth:	90 Feet	120 Feet
Total Open Space:	No requirement	7.91 Acres

PLATTING STATUS: This is the second final plat out of five proposed sections from the original Master Plat of Old Alvin Tract. The preliminary plat for Section 2 was approved by the Planning and Zoning Commission in July of 2013.

COMFORMANCE TO THE COMPREHENSIVE PLAN: The subject property is within the Low Density Residential future land use designation. The Low Density Residential future land use designation would normally apply to the Suburban Residential (SR-12) and Single Family Residential – 1 (R-1) zoning designation. These zones require minimum lot sizes of 12,000 and 8,800 square feet. This proposed section is not in conformance with the Low Density Residential land use designation. As previously stated, a Zone Change and Cluster Development Plan were approved in 2012 for this site, allowing for the deviation in lot sizes.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property is served by Old Alvin Rd., which is a Major Collector and requires 80 feet of right-of-way. Internally this development will be served by local roads with 50 feet of right-of-way.

TRAFFIC AND TRANSPORTATION: A traffic impact analysis has been reviewed and accepted by the Engineering Department.

UTILIITES AND INFRASTRUCTURE: Water and sewer service are available for this subdivision and will be extended by the developer.

STORMWATER MANAGEMENT: A Drainage Plan has been approved by the Engineering Department.

PARKS, OPEN SPACE, AND AMENITIES: Parkland dedication fees have not been paid at this time. The applicant has stated that they will be paid prior to approval by the Planning and Zoning Commission. The trail located along and within the pipeline easement will be constructed as part of this section and must be in place within 120 days of the approval of the final plat.

ADDITONAL COMMENTS: This request has been reviewed by the city's Development Review Committee and there were no additional comments.

STAFF RECOMMENDATION: Staff recommends approval of the Final Plat of Highland Crossing Section 2 as proposed by the applicant for the following reasons:

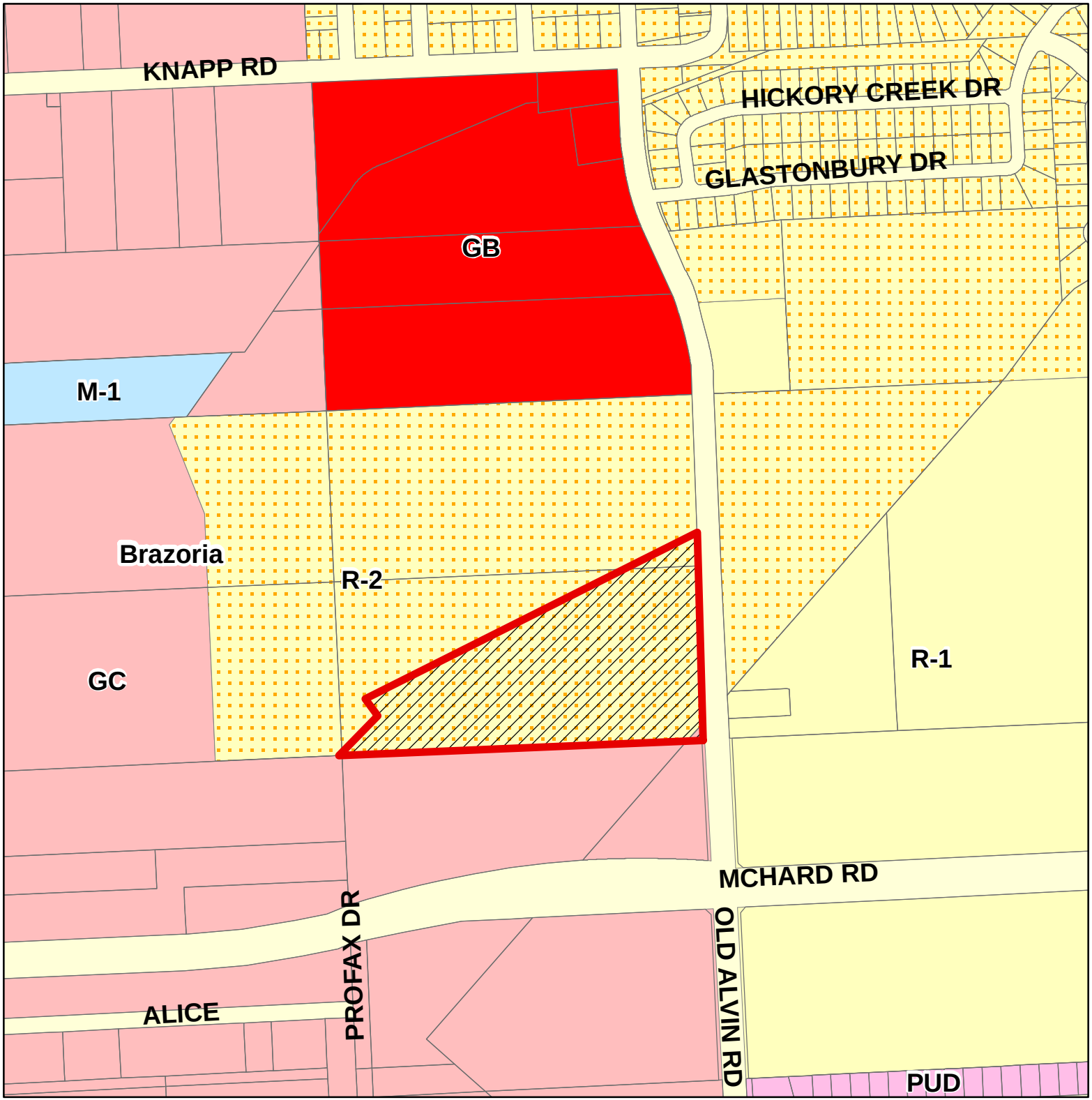
1. The proposed final plat will not cause any adverse impacts on the surrounding properties.

2. This request is in conformance with the Unified Development Code with the approved cluster development plan

3. The request is in conformance with the approved Old Alvin Tract Cluster Development Plan.

SUPPORTING DOCUMENTS:

- Vicinity and Zoning Map
- Future Land Use Map
- Aerial Map
- Final Plat of Highland Crossing Section 2



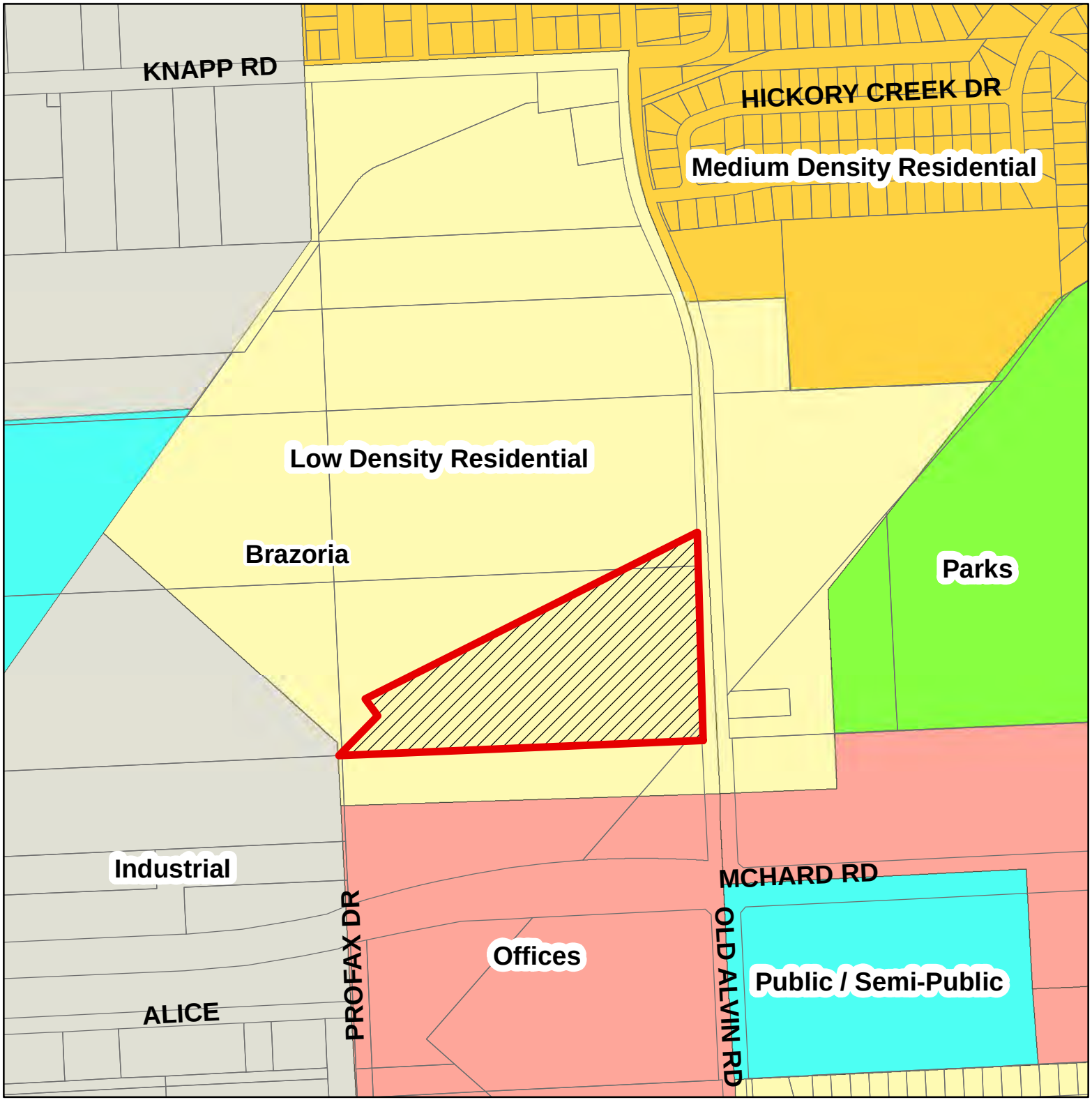
Vicinity and Zoning Map

Final Plat of Highland Crossing Sec. 2

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

N

0 120 240 480 Feet



FLUP Map

Final Plat of
Highland Crossing Sec. 2

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

N

0 120 240 480 Feet

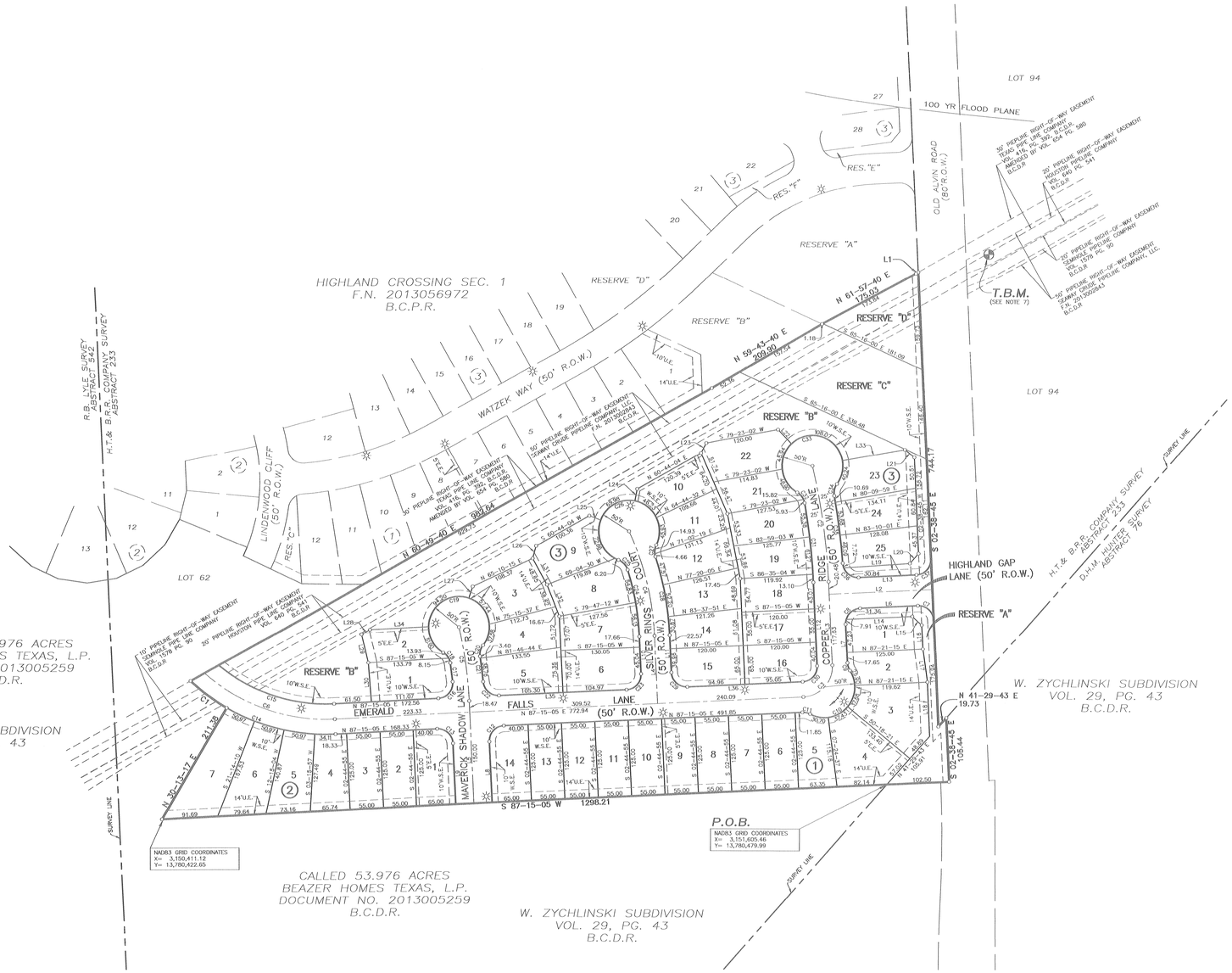
Aerial Map

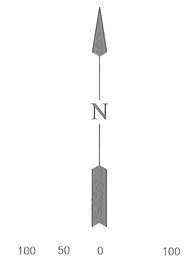
Final Plat of Highland Crossing Sec. 2

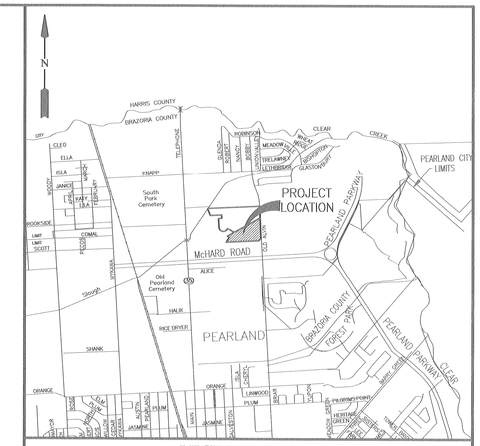
This product is for information purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

N

0 120 240 480 Feet







VICINITY MAP
SCALE: 1"= 1,200'

CURVE TABLE						
CURVE	RADIUS	DELTA	ARC	TANGENT	CHORD	CHORD BEARING
C1	325.00	13-06-02	74.31	37.32	74.15	S 53-13-42 E
C2	1000.00	10-54-40	190.44	95.51	190.15	N 08-06-05 W
C3	50.00	89-53-50	78.45	49.91	70.65	N 42-18-10 E
C4	450.00	22-30-50	176.82	89.57	175.69	N 13-54-10 W
C5	700.00	10-09-47	124.17	62.25	124.00	N 07-49-48 W
C6	300.00	44-33-28	233.30	122.91	227.47	S 70-28-10 E
C7	25.00	90-00-00	39.27	25.00	35.36	N 47-38-45 W
C8	25.00	90-00-00	39.27	25.00	35.36	S 42-21-15 W
C9	25.00	30-30-50	13.31	6.82	13.16	S 17-54-10 E
C10	50.00	150-55-30	131.71	192.81	96.80	N 42-18-10 E
C11	25.00	30-30-50	13.31	6.82	13.16	N 77-29-30 W
C12	25.00	90-00-00	39.27	25.00	35.36	S 42-15-05 W
C13	25.00	90-00-00	39.27	25.00	35.36	N 47-44-55 W
C14	325.00	46-04-13	261.33	138.19	254.34	S 69-42-48 E
C15	276.00	42-35-24	205.16	107.58	200.47	S 71-22-20 E
C16	25.00	92-46-48	40.48	26.24	36.20	N 40-51-41 E
C17	675.00	2-38-00	31.02	15.51	31.02	N 06-50-43 W
C18	25.00	50-36-31	22.08	11.82	21.37	N 33-27-58 W
C19	50.00	276-17-51	241.11	44.79	66.72	S 79-22-42 W
C20	25.00	46-01-01	20.08	10.62	19.54	S 14-31-06 W
C21	725.00	3-19-57	42.17	21.09	42.16	N 06-49-26 W
C22	25.00	87-35-27	38.22	23.97	34.60	S 48-57-11 E
C23	25.00	89-53-50	39.23	24.96	35.32	N 42-18-10 E
C24	425.00	14-57-33	110.96	55.80	110.65	N 10-07-31 W
C25	25.00	52-04-42	22.72	12.21	21.95	N 43-38-39 W
C26	50.00	276-10-49	241.01	44.88	66.80	S 68-24-25 W
C27	25.00	44-54-02	19.59	10.33	19.09	S 04-02-49 W
C28	475.00	15-45-28	130.64	65.73	130.23	N 10-31-29 W
C29	25.00	90-06-10	39.31	25.04	35.39	S 47-41-50 E
C30	25.00	89-53-50	39.23	24.96	35.32	N 42-18-10 E
C31	975.00	7-37-29	129.75	64.97	129.65	N 06-27-29 W
C32	25.00	49-51-15	21.75	11.62	21.07	N 35-11-51 W
C33	50.00	276-20-21	241.15	44.75	66.69	S 78-02-43 W
C34	25.00	46-38-44	20.35	10.78	19.80	S 12-53-31 W
C35	1025.00	6-10-26	110.45	55.28	110.40	N 07-20-38 W
C36	25.00	88-23-20	38.57	24.31	34.85	S 48-27-05 E
C37	25.00	90-00-00	39.27	25.00	35.36	N 42-21-15 E

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 60-26-40 E	4.21
L2	N 87-21-15 E	170.00
L3	N 02-38-45 W	138.11
L4	N 02-38-45 W	112.62
L5	N 02-44-55 W	168.47
L6	N 87-21-15 E	95.00
L7	N 02-38-45 W	64.87
L8	N 02-44-55 W	100.00
L9	N 02-44-55 W	100.00
L10	N 02-38-45 W	62.71
L11	N 02-38-45 W	62.53
L12	N 02-38-45 W	138.11
L13	N 87-21-15 E	95.42
L14	S 87-21-15 W	108.76
L15	N 47-38-45 W	21.21
L16	N 02-38-45 W	40.00
L17	N 07-50-25 W	55.23
L18	N 02-38-45 W	89.17
L19	N 86-10-03 E	109.04
L20	N 41-45-39 E	21.43
L21	N 51-14-23 W	19.84
L22	N 43-44-20 W	32.02
L23	S 27-50-03 W	18.66
L24	S 10-52-58 W	20.00
L25	N 69-18-46 W	20.00
L26	S 15-44-04 W	21.21
L27	S 18-38-55 W	20.00
L28	S 60-44-04 W	16.04
L29	S 13-20-21 E	48.67
L30	S 04-32-29 E	65.03
L31	N 29-15-56 W	48.65
L32	N 21-41-08 W	55.29
L33	N 80-09-59 E	104.42
L34	S 87-15-05 W	97.56
L35	N 87-15-05 E	210.27
L36	N 87-15-05 E	190.00

LEGEND

EXIST.	INDICATES EXISTING
U.E.	INDICATES UTILITY EASEMENT
W.S.E.	INDICATES WATER AND SEWER EASEMENT
D.E.	INDICATES DRAINAGE EASEMENT
E.E.	INDICATES ELECTRICAL EASEMENT
B.C.P.R	INDICATES BRAZORIA COUNTY PLAT RECORDS
B.C.D.R	INDICATES BRAZORIA COUNTY DEED RECORDS
B.C.C.F.	INDICATES BRAZORIA COUNTY CLERKS FILE
B.C.O.P.R.	INDICATES BRAZORIA COUNTY OFFICIAL PROPERTY RECORDS
B.C.M.U.D.	INDICATES BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT
F.N.	INDICATES FILE NUMBER
✳	INDICATES PROPOSED STREET LIGHT
⟶	INDICATES STREET NAME CHANGE
VOL.	INDICATES VOLUME
PG.	INDICATES PAGE

RESERVE TABLE			
RESERVE	ACREAGE	SQ.FT.	TYPE
A	0.129	5,629	RESTRICTED TO LANDSCAPE/OPEN SPACE
B	2.573	112,101	RESTRICTED TO LANDSCAPE/OPEN SPACE
C	0.777	33,840	RESTRICTED TO LANDSCAPE/OPEN SPACE
D	0.294	12,833	RESTRICTED TO LANDSCAPE/OPEN SPACE
TOTAL	3.774	164,403	

1400 BLOCK OF OLD ALVIN ROAD

FINAL PLAT OF

HIGHLAND CROSSING
SECTION 2

A SUBDIVISION OF 14.872 ACRES OF LAND SITUATED IN THE
H.T.& B. R.R. SURVEY, ABSTRACT 233 AND
D.H.M. HUNTER SURVEY, ABSTRACT 76,
CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS.

46 LOTS 4 RESERVES (3.774 ACRES) 3 BLOCKS

FEBRUARY 10, 2014 JOB NO. 1406-3110C-310

OWNERS:
BEAZER HOMES TEXAS, L.P.
BY: BEAZER HOMES TEXAS HOLDINGS, INC.
ITS GENERAL PARTNER
BRUCE CRAIG, DIVISION PRESIDENT
10110 W. SAM HOUSTON PARKWAY N., SUITE A-100, HOUSTON, TEXAS 77064
PH. (713) 849-5017

ENGINEER:
LJA Engineering, Inc.
2929 Briarpark Drive
Suite 600
Houston, Texas 77042
Phone 713.953.5200
Fax 713.953.5026

CONTACT: RENE RODRIGUEZ

P&Z AGENDA ITEM

C

City of Pearland

Reviewed by:
LK

Reviewed Date:
4/3/2014

P&Z AGENDA REQUEST

TO:	**Planning & Zoning Commission**
REQUESTOR:	**Planning Staff (Lata Krishnarao)**
DATE:	**April 3, 2014**
AGENDA ITEM SUBJECT:	**Modern Green Ivy District PD**

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

Summary:

The applicant Steven Beigel, on behalf of the owner America Modern Green Development (Houston) LLC 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 in March 2008, also a mixed use district.

The site is currently vacant, with a detention pond that was constructed a few years back, in anticipation of the first phase of Waterlights development. Due to the downturn in the economy, the Waterlights project did not advance, and the property was foreclosed by Amegy in 2010. The property is currently owned by the applicant America Modern Green Development LLC.

It is proposed that this "pedestrian oriented, urban" development could include an unspecified mix of offices, retail, restaurants, cafes, social and recreational center, and high density multi-family residential. Some other potential uses listed in the PD, which were not included in the Waterlights, include assisted living, skilled nursing, long-term stay hotel, and related uses.

A Joint Public Hearing was conducted in March 2014, and P & Z postponed action on to provide applicant an opportunity to address the concerns raised at that hearing. The concerns were:

Areas of Concern:

1. **Land Use Breakdown** – Staff recommends that a true mix of uses, both vertical and horizontal be considered.

While the previously approved Waterlights PD had proposed 1150 units on 48.5 acres, this PD proposes 1300 residential units and 310 units in the Senior Facility, totaling to 1610 units on same acreage. Additionally, the allowed 25% increase could result in **1705** total units.

Currently Office use is at 4.7% of the total land area, and Retail, Shopping and Restaurant is at 6.1%. Cumulatively, these have not increased substantially since the last workshop. Staff recommends that these percentages be increased to 8-10% for Office use, and 12-15% for Retail, Shopping and Restaurants.

Comments from Public Hearing- Meet the Waterlights breakdown.

Current Proposal: The attached spreadsheet shows the current proposal with minimum and maximum percentages.

Use	*Cureton proposed*	*Waterlights*
Office use	*6.6%*	*15.5%*
Retail, Shopping & Restaurant	*7.6%*	*8.6%*
Hotel	*150 keys*	*500 keys*
Conference Center	*15,000 square feet*	*None*
Continuous Care Retirement Comm.	*225 units*	*None*
Residential	*1150 units, 400 rental/750 condos*	*1150 in Waterlights*
Multipurpose assembly area	*15,000 sf*	*None*

The PD proposes maximum percentages also. It is staff's opinion that the maximum percentages would match the Waterlights better, and should be included as minimum percentages.

2. **Open Space and Parkland Dedication** – The PUD will need to address how the applicant will meet the parkland dedication and open space requirements. Details of acreages, amenities, and quantities need to be included. Amenities and non-traditional open spaces (plazas etc.) are eligible for credit towards this requirement. Staff recommends that all UDC requirements (including quantity) be met by a combination of open space, amenities, and parkland dedication fees. The UDC requires the following quantities for 1610 units:

   Parkland dedication at 1 acre per 50 units or $750/units =32.2 acres
   Open space requirement at 900 square feet/residential unit = 33.2 acres

   Other open space requirements of the UDC Section 2.4.2.10.g and Section 2.2.2.1 need to be met. Staff recommends that acreages be added in Appendix I with appropriate coding to identity the type of open space in conformance with Chapter 11. Images need to be tied to the map and to the components for better clarity to assist in review and approval of future permits.

   Since the PD does not provide a breakdown on the type of units included in the Senior Facility, this calculation assumes that Senior Housing will comprise of independent 55+ older units, which are subject to the open space and parkland dedication calculations.

   Comments from Public Hearing- Meet the City's requirements.

Current Proposal: The PD proposes to meet the City's requirements by meeting the area requirements of Open Space requirements and by providing amenities or paying into the parkland fund to meet the Parkland Dedication requirement.

3. **Multi-Family Housing Form** – The PD lacks regulations to prevent "garden style" development. Staff recommends that the built form be better defined, and include minimum heights, details on designs, and restrictions on parking in areas along the streets by limiting the building setbacks. This would ensure a development that is pedestrian oriented, high-density, with parking area/structure enveloped by housing, and shared parking for commercial and residential uses (Texas Wrap Housing Product).

   Comments from Public Hearing- Regulations need to be added to prohibit garden style apartments and codify the form shown in the presentation.

   Current Proposal: Applicant has stated that garden style apartments will be prohibited. The PD proposes details regarding housing form. Staff is reviewing these standards.

4. **Street Network** – The PD should clarify that all external roads will be public and constructed by the developer. Internal roads can be private. The ownership and maintenance responsibility of all roads needs to be clearly identified in the PD.

   Comments from Public Hearing- Applicant agreed.

   Current Proposal: Has met City's requirement.

5. **Deviations** – The following deviations proposed in the proposed PD would not be permitted by the UDC.

   a. Twenty Five (25) percent modification for land uses.
   b. Fifteen (15) percent change in setbacks would be in addition to the range specified already.
   c. Deviations for street screen.
   d. Page 33, Table 9.1 - South Spectrum is a secondary thoroughfare on our Thoroughfare Plan and is not conducive to on street parking, especially since the road continue west of this development. Promenade Shops is a major collector (4 lanes, no on-street parking) with western frontage on another property. Staff recommends that the on-street parking be confined to their internal streets.

   Comments from Public Hearing- Meet UDC.

   Current Proposal: Will meet UDC requirements. Language needs to be modified.

6. **Definitions** - Add definitions to clarify the Assisted Living component.

Comments from Public Hearing- Need clarification.

Current Proposal: Staff is reviewing these definitions. Some preliminary comments have been listed in this memo. The definitions need to be more specific in terms of age restriction, number of units for each category, etc..

The applicant has submitted a packet, attached with this memo, which addresses these issues. The responses will be discussed at the workshop. The purpose of the workshop is to review the responses and provide guidance to the applicant on how to proceed.

Planning staff has reviewed the response and has the following comments:

Land Use Breakdown:

- Size of the community center decreased significantly. The comments from the 3/17 meeting indicated a desire for a large community center space to be used as a multi-use center/civic/concert hall. This decrease in size from 80,000 to 10,000 sf lowers the likelihood of that space becoming a large multi-use event center.
- Why is parking "TBD" in this new iteration? We need to have a parking count and an understanding of how the parking will be built.
- The ratio of residential seems too large and may allow for more land use variation than we would prefer to have in terms of rental versus condo. Do we have a definition of condo? Could the definition be open enough to include a townhome/brownstone component? Distinction between "Rental" and "Condo" not clear. There maybe be opposition to this much rental.
- The ratio of Retail, Shopping & Restaurant calls for 55,000 sf of stand-alone retail and 105,000 sf of retail w/ residential. Not sure this accomplishes what Council and P & Z wanted to see in terms of adding more retail since the previous version called for 130,000 sf of retail and did not differentiate between stand alone and mixed use.

Residential Typologies:

- Looking at the first and second residential examples of apartment buildings, are these supposed to be more like condos or a typical apartment tower? The option with no internal parking doesn't seem much different than a normal apartment. They don't look that much different than the garden style apartment that is prohibited.

Continuous Care Retirement Community:

- There is a difference between independent living units, assisted living units, memory care units, and skilled nursing units. Memory care and skilled nursing typically require much more staff supervision around the clock and are not able to live in the same manner as independent or even assisted living. It was mentioned that it would be support -staff intensive which indicates that it will be heavy on the memory care and skilled nursing units. Need to clarify what type and whether this is going to be a senior living facility. Are these units going to be considered rental units? Will they be leased out to a specific age group of people as independent living units? Any possibility for owner-occupied?

Open Space & Parkland:

- Only 10 shade trees per acre of open space. Corridor Overlay standards typically require more than this. The PD needs to clarify that other parcel that area developed will meet the standards in the PD or the UDC. Additionally landscaping needs to be tied to a conceptual Open Space Plan

PD Deviations:

- "Land Use deviation will match UDC requirements" - what UDC requirements are being referred?
- "Street screens will abide by UDC requirements" - again, which UDC requirements are being referred?

MO MC 当代绿色

America Modern Green Development (Houston) LLC

11233 Shadow Creek Parkway,

Suite 289, Pearland,Texas 77584

Tel: 832-617-7196

March 28, 2014

Ms. Lata Krishnarao
Director of Community Development
City of Pearland
3519 Liberty Drive
Pearland, TX 77581

RE: Modern Green "Ivy District" Planned Development
Packet for April 7, 2014, Planning and Zoning Commission Workshop

Dear Ms. Krishnaro:

Attached is a PowerPoint presentation which, together with this letter, constitutes our "packet" for an anticipated April 7, 2014, workshop. The presentation addresses the major concerns conveyed by the City of Pearland's Community Development and Planning Departments ("Planning") at the March 17, 2014, Planning and Zoning Commission ("P&Z") and City Council joint public hearing for the America Modern Green Development (Houston), LLC ("Modern Green") "Ivy District" Planned Development ("PD") as proposed in our January 2014 PD document. Below is a summary of our understanding of Planning's concerns and our responses.

1. Land Use Breakdown

Planning requested (a) minimum and maximum values for proposed land use units (i.e., square footage, number of residential units, hotel "keys"), (b) more office and retail space, and (c) a reduction in residential units resulting in a higher ratio of office space and retail to residential units. In the attached presentation for the April 7 workshop, we have (a) added minimum and maximum values for our land use categories, (b) increased the minimum square footage of office and retail (including shopping, restaurants and services), and decreased the maximum number of residential units to the same level proposed by the Waterlights PD on the same 48.5 acre land area as the proposed Ivy District PD. As desired by Planning, the result is a higher percentage of minimum office and retail space to total land area, and lower ratio of the number of residential units to office and retail space, as indicated below:

Proposed Modern Green "Ivy District" PD	Percentage of office area (sf) to total land area	Percentage of retail area (sf) to total land area	Number of residential units per acre
January 2014	4.7%	6.1%	26.8
April 2014	6.6% (minimum)	7.6% (minimum)	23.7 (maximum)

Note also that we have added a conference center component to the hotel and redefined "Community Center" in the proposed revised land use breakdown. We consider the Community Center, a "multi-purpose public assembly" building, to be non-commercial amenity and we will be prepared to discuss it in further detail at the workshop.

2. Residential Buildings

Planning requested more definition as to what types of residential buildings would be permitted and not permitted. Planning specifically desires to prohibit "garden style" apartments. In the attached presentation, we are proposing the follow types (or typologies) of residential buildings that will be permitted:

- Apartment buildings with internal parking
- Apartment buildings with no internal parking
- Townhouses
- Flats or Lofts

Note that all of the dwelling units in the above building types, including apartments, could either be rental units on a rental building or individually owned units in a condominium building. Our presentation includes diagrams and definitions describing these types of buildings, and we look forward to reviewing and discussing that information in further detail at the workshop.

We have also included diagrams and a definition to describe garden apartments which are to be prohibited.

3. Continuous Care Retirement Community

Planning requested better definition of what was referred to as the "Senior Facility" in the January 2014 PD proposal. To address that request, we have renamed the facility "Continuous Care Retirement Community" ("CCRC") in the attached presentation and included a summary of its key attributes and elements. A key point in terms of land use, is that we consider the CCRC to be a "commercial" use, similar to a hotel. We will be prepared to discuss the CCRC further and provide additional information at the workshop.

4. Open Space and Parkland Dedication Requirements

Planning requested an explanation of how open space and parkland dedication was calculated in the January 2014 PD proposal. In the attached presentation, we indicate the following:

- The method of calculating the open space requirement is 900 sf/residential unit, which based on a maximum of 1,150 units would be 23.8 acres. Our revised PD proposal will exceed that amount, and our current estimate is 25.9 acres of open space.

- The method that we propose for calculating parkland dedication is based on an option to provide parkland amenities with a minimum value of $750/residential unit, which based on 1,150 units would be $862,500. Although we have not yet determined the value of the parkland

amenities proposed for our PD, that value will exceed the minimum requirement. Additional information on parkland amenities is provided in the attached presentation and we will be prepared to discuss this in further detail at the workshop.

5. Street Network

Planning requested clarification of our proposed intent for construction, ownership and maintenance responsibilities for external public streets and internal private streets. The attached presentation includes a diagram that indicates the roads that we consider to be public and private in our PD, and the following is an explanation of our intent for construction, ownership and maintenance:

- Public Streets – Our understanding is that public streets will be designed and built strictly to City standards by the developer, but that construction will be funded by the City. We further understand that the City will own and maintain all public streets.

- Private Streets – Our intent is that design of private streets will deviate from the standards applicable to public streets, in that we intend to reduce traffic lanes from 12' to 11' in width, allow street parking, and incorporate bioswales. Our understanding is that private streets will be designed and built by the developer, that construction will be funded by the developer, and that some of the costs will be reimbursed by the Lower Kirby Management District. Although private streets are categorized as "private" for the aforementioned reasons, their access will not be restricted and they will become part of the overall regional street network; therefore, our understanding is that once constructed the streets will be owned and maintained by the City.

We acknowledge that our understanding of construction funding, reimbursement, ownership and maintenance responsibilities for public and/or private streets may be different than the City's expectations; if so, then we look forward to discussing this matter further at the workshop.

6. Deviations

Planning expressed concern that the January PD proposal included deviations that are not permitted by the UDC. Below are the specific concerns cited and our responses:

a. Concern: 25% modification for land uses

   Response: Our revised PD proposal will state that land use deviation limitations will be per the UDC.

b. Concern: 15% change in setbacks would be in addition to the range already specified in the Setback Regulating Plan

   Response: Our revised PD proposal will not permit setback deviations that are in addition to the range specified in the regulating plan.

c. Concern: Deviation for street screens

Our intent is for street screens to abide by UDC requirements; however, our proposed PD addresses a potential situation that is not addressed specifically in the UDC. If a site that will be built out in a future phase is used in the interim for a temporary parking lot, then we are proposing that there be no screening requirement along the frontage of adjacent private streets only. As with all of our responses, we are open to discussing this further at the workshop.

d. Concern: On-street parking

Response: Our revised PD proposal will indicate that street parking is not permitted on public streets: South Spectrum (secondary thoroughfare) and Promenade Shops Drive (major collector)

7. Vertical Mix

Planning expressed a desire for there to be more first floor office and retail uses in the residential buildings. It is our intent to provide significant office and, especially, retail space on the first floor of the residential buildings, and we will be prepared to demonstrate that and discuss the matter in greater detail at the workshop to ensure that we are meeting Planning's expectations.

8. Codification of Design Standards

Planning expressed concerns that in some cases the January PD proposal did provide sufficient information to establish and codify design standards for built forms; in other cases, information was provided that was indicative of design standards or intent, but it was not clear where that information applied and how it would be codified. Our intent is to provide information that is consistent with the City's requirements for a PD design plan and meets Planning's expectations. It is also our intent to clearly indicate in our PD document how that information will inform the design of our built forms and thereby codify the design standards.

We will be prepared to present specific examples (including, building elevations and parkland amenities plan) for further discussion at the workshop.

We greatly appreciate your assistance and the assistance of the Community Development and Planning Departments' staff in the refinement of our PD design plan and document, and look forward to a productive workshop with the Planning and Zoning Commission on April 7. Please contact Kevin Cole, Modern Green's Assistant Manager, Business Development and Marketing Department, if you have any questions or require additional information.

Sincerely,

Guangming (Gavin) Liang
General Manager and Chief Architect

Copy: Kevin Cole, Modern Green; Jack Parker, SOM; Steven Biegel, Matrix

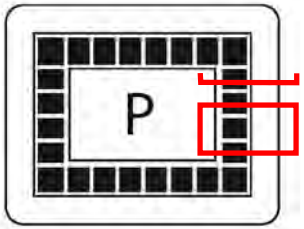
1. LAND USE BREAKDOWN

LAND USE BREAKDOWN

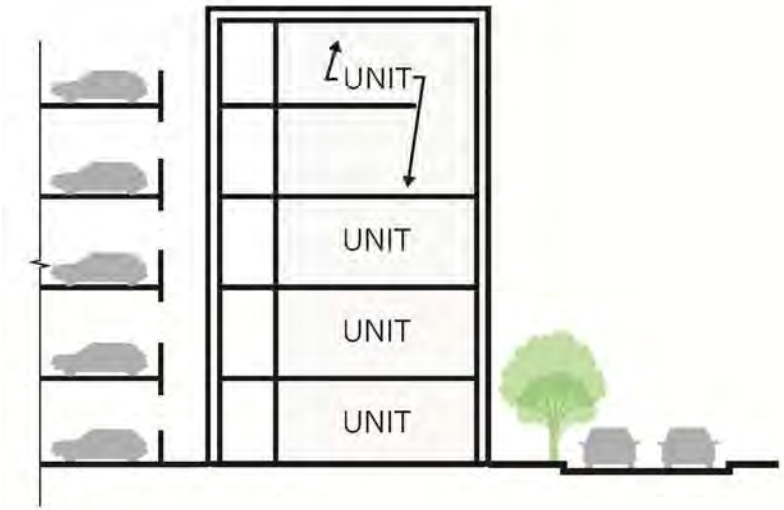
	Waterlights District	% of total land	Proposed Modern Green Ivy District, Nov. 2013	% of total land	Proposed Modern Green Ivy District, Jan. 2014	% of total land	Proposed Modern Green Ivy District, April 2014			
							MINIMUM		MAXIMUM	
Site Area	57.7 acres	NA	48.5 acres	NA	48.5 acres	NA	48.5 acres	NA	48.5 acres	NA
Office	390,000 square feet	15.5%	110,000 square feet	5.2%	100,000 square feet	4.70%	140,000 square feet	6.6%	200,000 square feet	9.5%
Retail Shopping & Restaurant	218,000 square feet	8.6%	80,000 square feet	3.7%	130,000 square feet	6.10%	160,000 square feet Stand alone retail - 55,000 sf Retail w/ residential above - 105,000 sf	7.6%	210,000 square feet Stand alone retail -70,000 sf Retail w/ residential above - 140,000 sf	9.9%
Hotel Short Stay	500 keys		450keys		100 keys		150 keys		250 keys	
Hotel Conference Center							15,000 square feet	0.7%	25,000 square feet	1.2%
Continuous Care Retirement Community			Included above		310 keys		225 units		325 units	
Residential	1150 units on 48.5 acres (Note: 350 units were proposed on an additional 10 acres that is not included in the Modern Green Ivy District. Therefore, the total of 1400 units on 57.7 acres = 24.26 units/acre)	23.71 units/ acre	1410 units on 48.5 acres	29.07 units/ acre	1300 units on 48.5 acres Rental: 400 units Condo:900 units	26.8 units/ acre	885 units on 48.5 acres Rental: 400 units Condo:485 units	18.25 units/ acre	1150 units on 48.5 acres Rental: 400 units Condo:750 units	23.71 units/ acre
Community Center	Within each residential block		Not calculated		80,000 sf	3.80%	10,000 sf Multi Purpose Assembly	0.5%	15,000 sf Multi Purpose Assembly	0.7%
Parking	5100 – 5900 spaces		4,500 spaces		3,600 spaces		TBD		TBD	

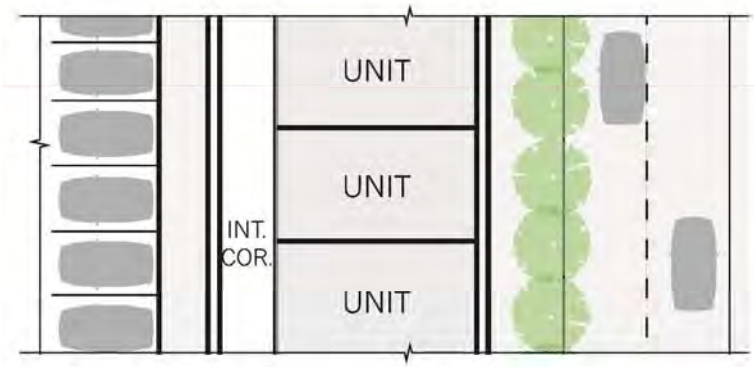
2. RESIDENTIAL TYPOLOGIES

1. RESIDENTIAL: APARTMENT BUILDING WITH INTERNAL PARKING



Block Plan
Residential Building at Grade





Standards and Criteria

1. Setbacks are regulated to be between 5'-10', and 15' along retail promenades.
2. Ground floor single unit access from street is permitted.
3. Ground floor retail is permitted.
4. All parking structures must have at least 3 sides of occupiable uses and the remaining side must have an architectural screen.

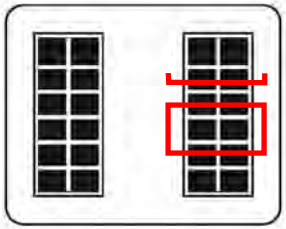
Location

Blocks 3, 5, 6, 8, and 10

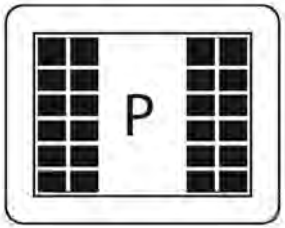
TYPICAL CHARACTERISTICS

Plan organization where all the dwelling units are along one side of the access corridor with self-contained dwelling units that occupy only part of a building. Residential units surround an internal parking structure. Buildings are usually 3 to 5-stories tall and reinforce the street edge.

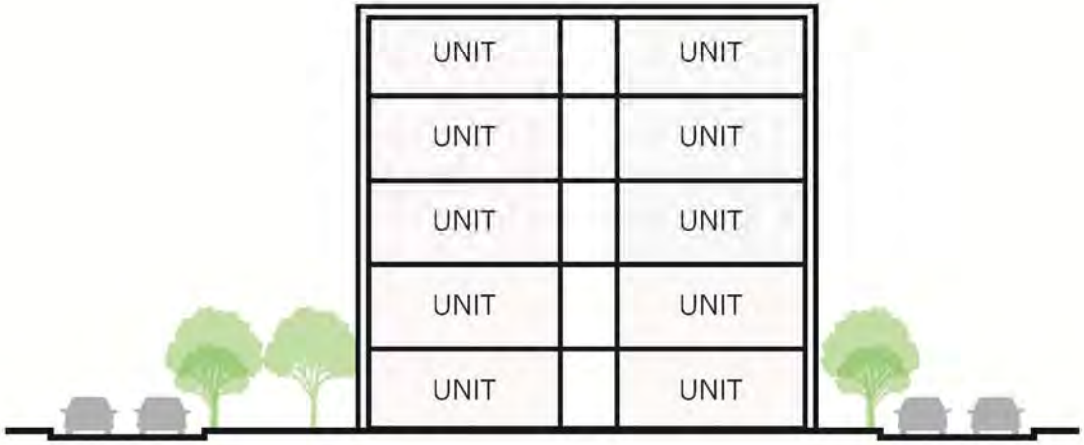
2. RESIDENTIAL: APARTMENT BUILDING WITH NO INTERNAL PARKING

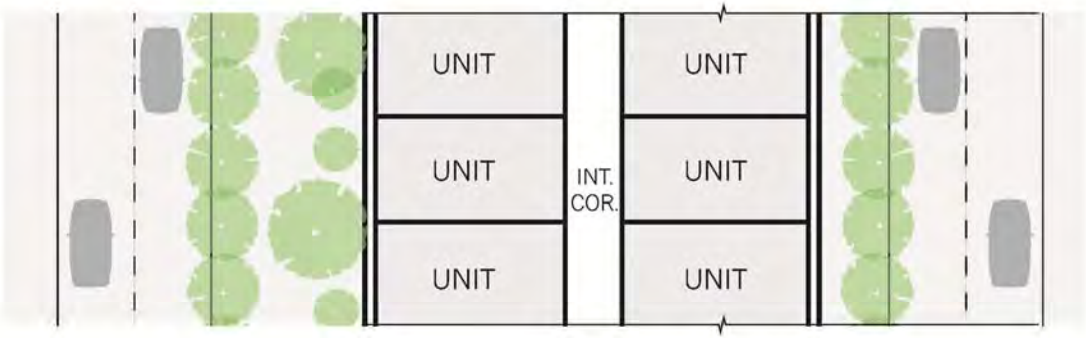


Block Plan
Residential Building at Grade



Block Plan
Residential Building above Retail & Parking





Standards and Criteria

1. Setbacks are regulated to be between 5'-10', and 15' along retail promenades.
2. Ground floor single unit access from street is permitted.
3. Ground floor retail is permitted.
4. All parking structures must have at least 3 sides of occupiable uses and the remaining side must have an architectural screen.

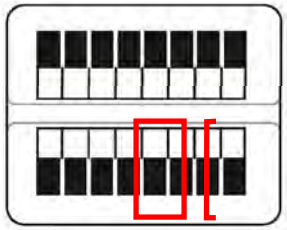
Location

Blocks 7, 9, 10 and 11

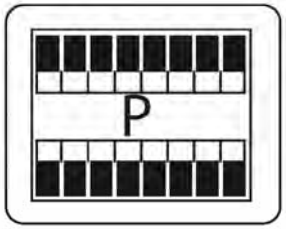
TYPICAL CHARACTERISTICS

Plan organization where all the dwelling units are along either side of a corridor with self-contained dwelling units that occupy only part of a building. Buildings are usually 3 to 5-stories tall and reinforce the street edge.

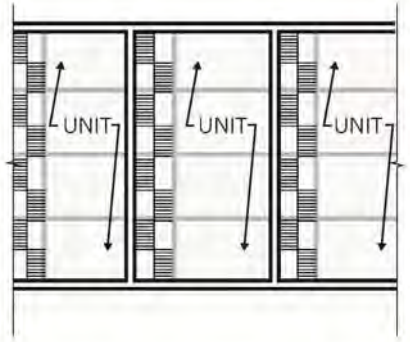
3. RESIDENTIAL: TOWNHOUSE

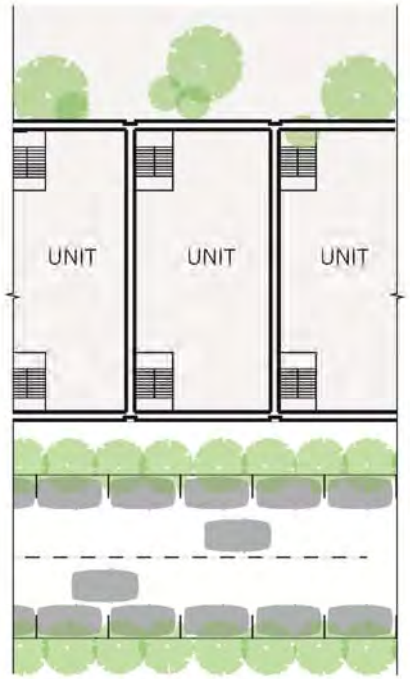


Block Plan
Residential Building at Grade



Block Plan
Residential Building above Retail & Parking





Standards and Criteria

1. Setbacks are regulated to be between 5’-10’, and 15’ along retail promenades.
2. Ground floor single unit access from street is permitted.
3. Ground floor retail is permitted.
4. Townhouse built above retail and parking podium permitted.
5. Parking is integrated with each unit.
6. All parking structures must have at least 3 sides of occupiable uses and the remaining side must have an architectural screen.

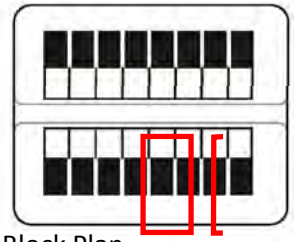
Location

Blocks 5, 6, 7, 8, 9, 10 and 11

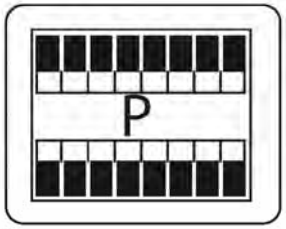
TYPICAL CHARACTERISTICS

A dwelling unit having a common wall with or abutting one or more adjacent buildings, with its own front and rear access to the outside, and neither above nor below any other dwelling unit.

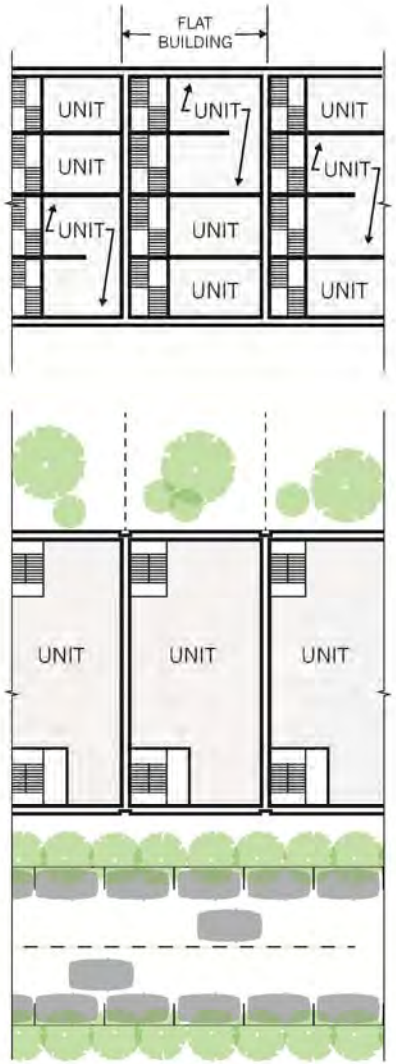
4. RESIDENTIAL: FLATS OR LOFTS



Block Plan
Residential Building at Grade



Block Plan
Residential Building above Retail & Parking



Standards and Criteria

1. Setbacks are regulated to be between 5'-10', and 15' along retail promenades.
2. Ground floor single unit access from street is permitted.
3. Ground floor retail is permitted.
4. Units built above retail and parking podium permitted.
5. Parking is integrated with each unit.
6. All parking structures must have at least 3 sides of occupiable uses and the remaining side must have an architectural screen.

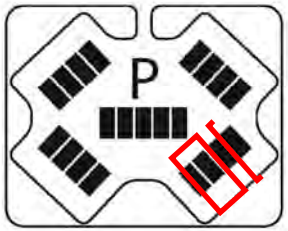
Location

Blocks 5, 6, 7, 8, 9, 10 and 11

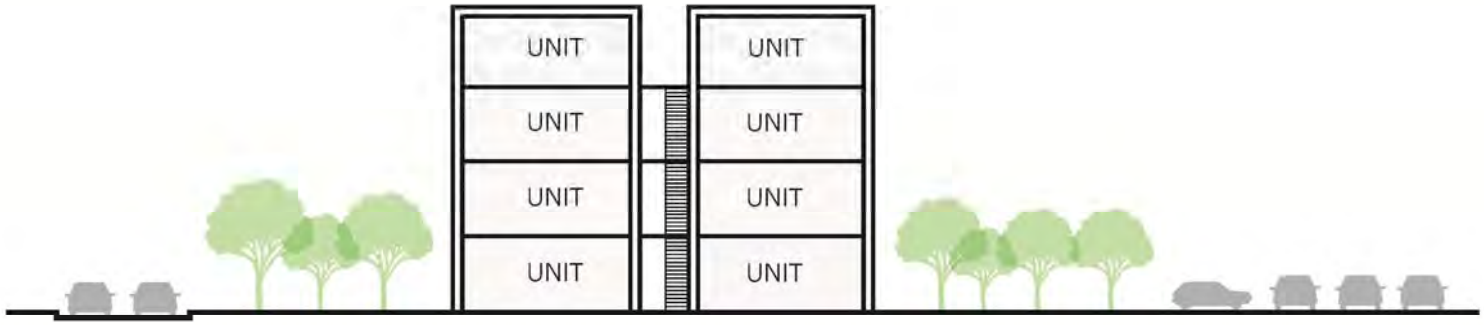
TYPICAL CHARACTERISTICS

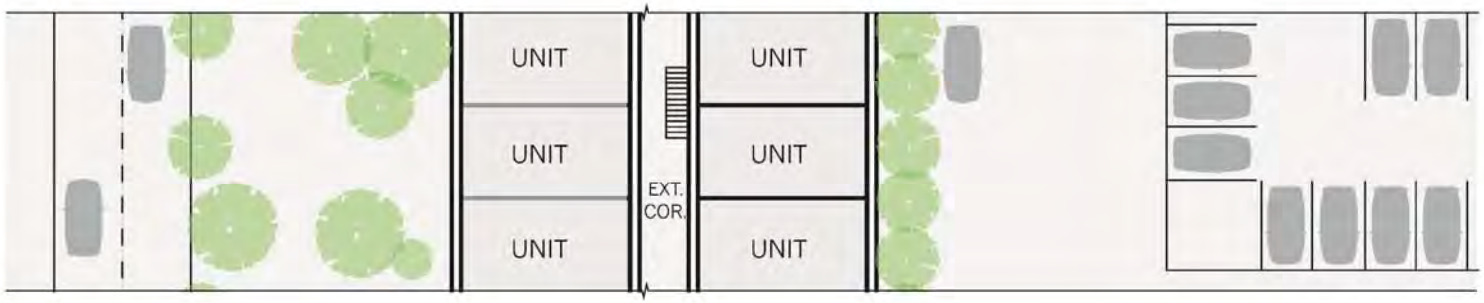
A dwelling unit having a common wall with or abutting one or more adjacent buildings, with its own front and rear access to the outside. A flat building contains multiple dwelling units organized vertically and is adjacent to other flat buildings on either side, but not on its front or back.

5. RESIDENTIAL: GARDEN STYLE APARTMENT – TO BE PROHIBITED



Block Plan
Residential Building at Grade





Standards and Criteria

1. Typically setbacks are between 30’-60’.
2. Ground floor single unit access from street is permitted.
3. Ground floor retail is permitted.
4. Townhouse built above retail and parking podium permitted.
5. Parking is integrated with each unit.

Location

Not allowed on any blocks

TYPICAL CHARACTERISTICS

A large development of small apartment buildings. Each building is usually two to four stories tall, and there are no internal hallways, although adjacent apartments may share a wall. Each apartment entrance is from a common stairwell or patio, and the buildings are typically surrounded by outdoor landscaping, patios, and large surface parking lots.

3. CONTINUOUS CARE RETIREMENT COMMUNITY

KEY ATTRIBUTES:

- Commercial Use
- Licensed by the State of Texas
- Entry fee and monthly fee
- Support-staff intensive
- Age-restricted population
- Aging in place
- Hospitality and Healthcare

ELEMENTS:

- Independent Living Units
- Assisted Living Units
- Memory Care Units
- Skilled Nursing Units

4. OPEN SPACE AND PARKLAND DEDICATION CALCULATIONS

OPEN SPACE REQUIREMENT:

✓ 1,150 units X 900 sf/unit = 23.8 acres

Open Space Proposed: 25.9 acres

PARKLAND DEDICATION REQUIREMENT:

(a) 1 acre per 50 units = 23 acres,

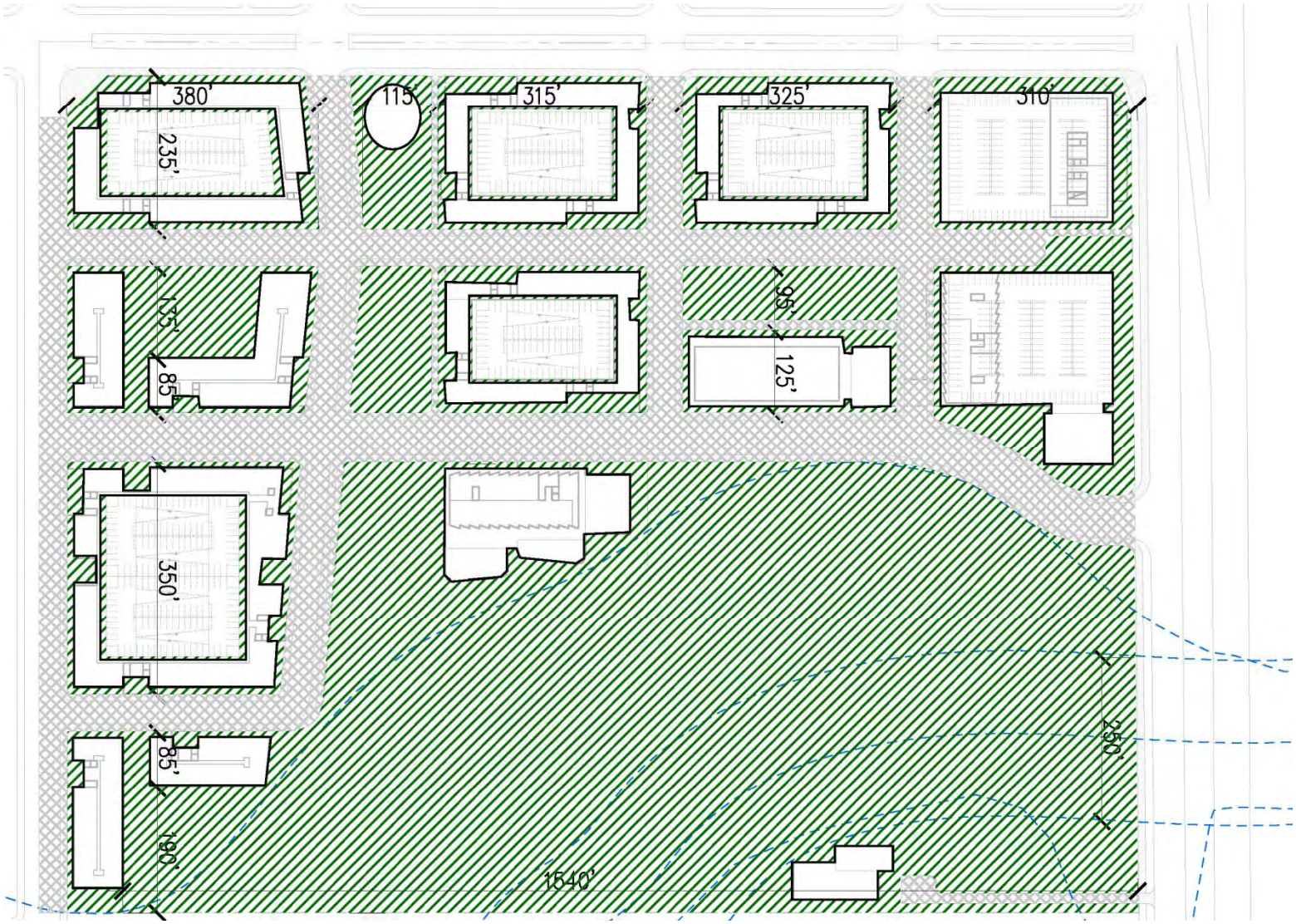
(b) Fee in lieu of dedication, or

✓ (c) Amenities value @ $750/unit =
1150 units x $750 = $862,500

Value of proposed amenities will exceed $862,500

OPEN SPACE CALCULATION

OPEN SPACE	25.9 acres	53.3%
BUILDINGS	13.4 acres	27.5%
ROADS	9.2 acres	19.2%



PARKLAND AMENITIES

Item	Notes	Quantity	Estimated Value
***PARKLAND AMENITIES CALCULATION**	@ $750/unit	1,150 units	**$862,500**
****OPEN SPACE AMENITIES**			
Open Lawns and Meadows	*including plants and shrubs*	41,260 sf/acre of open space	***TBD
Shade Trees	*3"-6" caliper*	10 trees/acre of open space	***TBD
Picnic and Gathering Areas	*aggregate area may be larger based on plan*	100 sf/acre of open space	***TBD
Trails	*Including bicycle and walking/jogging trails*	1,200 sf/acre of open space	***TBD
PARKLAND AMENITY VALUE			**Will Exceed $862,500**

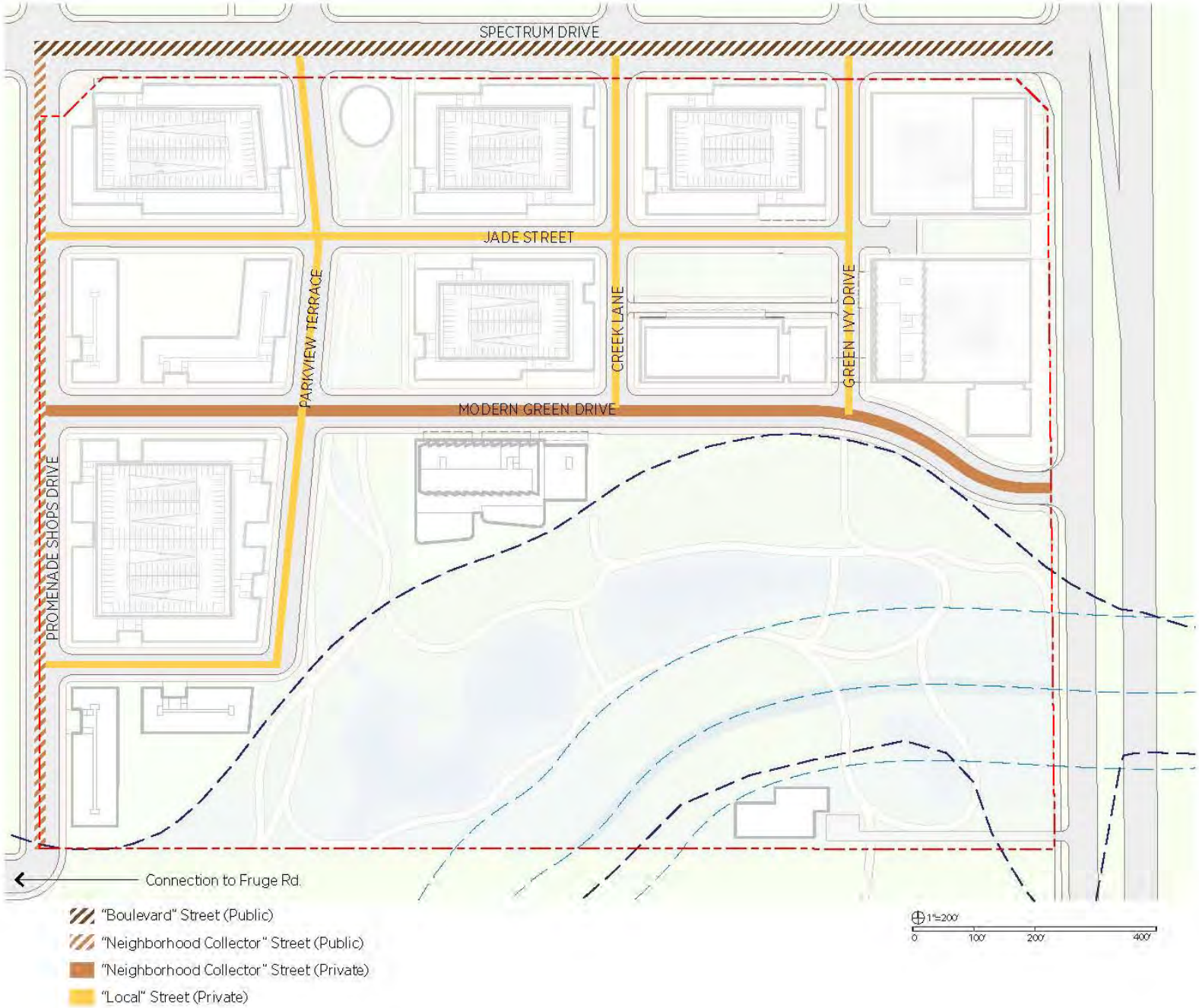
* Per City of Pearland UDC, 8th Edition, Jan. 2013 and the T-15 and T-16 amendments approved June 24, 2013 and Dec, 16, 2013.

** Open space amenity value estimate excludes any costs related to the construction of the drainage pond area.

*** Estimated amenities value will be provided in revised PD document. Cost of open space amenities to be verified prior to the application for any building permit for construction of any open space.

5. PUBLIC AND PRIVATE STREETS

PUBLIC AND PRIVATE STREETS



6. PD DEVIATIONS

MGID deviations will conform to the UDC, including:

- Land Use deviation will match UDC requirements
- Setback deviation will not be permitted
- Street screens will abide by UDC requirements
- There will be no parking on Public Streets: South Spectrum Boulevard and Promenade Shops Drive

THE MODERN | GREEN
IVY DISTRICT

The Planned Development Zoning District (PD) Document
Submitted to the City of Pearland | November 15, 2013
Revision Submitted to the City of Pearland | January 31, 2014

THE MODERN | GREEN
IVY DISTRICT

The Planned Development Zoning District (PD) Document
Submitted to the City of Pearland | November 15, 2013
Revision Submitted to the City of Pearland | January 31, 2014

American Modern Green Development (Houston) LLC | Skidmore, Owings & Merrill LLP | Hargreaves Associates

TABLE OF

CONTENTS

Part 1 Purpose and Intent	7
Part 2 Components of the PD	7
Part 3 Administration	8
Part 4 Definitions	11
Part 5 Regulating Plan	16
Part 6 Schedule of Permitted Uses	16
Part 7 Building Form and Development Standards	21
Part 8 Building Design Standards	24
Part 9 Street and Streetscape Design Standards	32
Part 10 Signage Standards	48
Part 11 Public Open Space and Private Open Space Standards	50
Appendix A Sub-District/Open Space Regulating Plan	i
Appendix B Land Use Regulating Plan	ii
Appendix C Program Regulating Plan	iii
Appendix D Street Network Regulating Plan	iv
Appendix E Setback Regulating Plan	v
Appendix F Service and Loading Regulating Plan	vi
Appendix G Phasing Regulating Plan	vii
Appendix H Drainage Regulating Plan	viii
Appendix I Illustrative Plan	ix
Appendix J Location Map	x
Appendix K Survey	xi
Appendix L Legal Description	xii
Appendix M Revised 2011 CLOMR Plan	xiii
Appendix N FEMA Letter	xiv

The goal of the Modern Green Ivy District is to promote a range of development within an overall street network, public space, and sustainable infrastructure framework that will become a model vibrant, walkable, and ecological neighborhood for the City of Pearland, Texas. The vision for this new district builds upon the recent growth and momentum that has shaped the City of Pearland into one of Houston's most desirable regional urban centers, setting a new standard for building the highest quality urban environment for residents and visitors alike.

1 | PURPOSE & INTENT

The purpose of the Modern Green Ivy District PD (MGID PD), hereafter known as the MGID PD, is to guide the future development of the Modern Green Ivy District (MGID), located at the southwest corner of SH 288 and Spectrum Drive intersection.

A. The MGID is intended to be a diverse multi-generational, mixed-use, residential neighborhood that includes retail streets, a neighborhood office complex, senior facilities, hotel, a community center, and multi-family and townhouse residential units centered around a neighborhood park and a town square.

B. The objective of the MGID is to build a residential community that is both highly sustainable and unique in character, while offering a range of amenities for residents, set within an attractive pedestrian environment.

C. The MGID land use strategy focuses on several key neighborhood spaces within convenient walking distance for all residents. The result will be a neighborhood in which residents can easily engage in a wide range of public spaces and supporting amenities without requiring the use of cars.

2 | COMPONENTS OF THE PD

This MGID PD shall apply to the MGID as identified in the Regulating Plan (Appendices A-N), unless otherwise specified in this PD. Development of property within the MGID shall comply with all applicable development standards set forth in this PD. The components of this MGID PD consist of:

A. The MGID Regulating Plans: The MGID Regulating Plans, hereafter known as the "Regulating Plans", are the project's official zoning plans.

1. ***Sub-District*** – The MGID is divided into two "Sub-Districts": the Town Center and the Parkside Neighborhood. The Required Public Open Space areas, shown on the Sub-District/Open Space Regulating Plan, designate the locations of proposed Required Public Open Spaces (including parks, plazas, greens, and squares). The Recommended Public Open Space designation indicates the locations of desired, but not required civic/open spaces (including parks, plazas, greens, and squares) to implement the Sub-District/Open Space Regulating Plan. Recommended Public Open Spaces are not required, but are the election of the applicant. The design of Public Open Spaces shall be guided by Part 11 of this PD.

2. ***Land Use*** – The Land Use Plan specifies the type and location of the programed land use for each building plot in the MGID. Detailed program areas can be found on Table 6.1 - Modern Green Ivy District Program Summary in Part 6 of this PD.
3. ***Street Network*** – The Street Network Plan specifies the future streets needed to implement the MGID PD. The streets shall generally meet the locational and connectivity goals of the PD. Their design shall be guided by Part 9 of this PD.
4. ***Setback*** – The Setback Plan specifies the location of all building facade setback requirements for the MGID. Additional setback, build-to-zone, and frontage requirements can be found in Part 7 of this PD.
5. ***Service and Loading*** – The Service and Loading Plan represents a organization of on and off street service and loading areas that minimize disruption to traffic and pedestrians.
6. ***Phasing*** - The Phasing Plan is a proposed phased development strategy for the site. Traffic, open space, hydrology and street network connection requirements will be based on the incremental loads of each phase.

B. Development Standards: The MGID PD (the text portion of the PD document) enumerates the development standards with text and graphics for:

1. Sub-Districts;
2. Building Form;
3. Building Design & Sustainability;
4. Standards for Streets, Street Furniture, Lighting, and Materials;
5. Signage;
6. Public Open Space;
7. Private Open Space.

3 ADMINISTRATION

This part sets forth the following provisions for reviewing and approving development applications within the MGID. The intent is to provide that all development is consistent with the provisions of this PD. All portions of this PD shall be applied during the review process.

A. The basis for this PD document is the proposed form based code for the Lower Kirby Urban Center, prepared for the City of Pearland, dated June 24 2011. The development standards under the City of Pearland Unified Development Code, 8th Edition, January 2013 (UDC), as amended, shall not apply to MGID, except as specifically referenced herein. Development standards not addressed in this ordinance shall be governed by the District S3, SPD Spectrum District in the City of Pearland UDC, 8th Edition, January 2013, to the extent they are not in conflict with the intent or text of the MGID PD.

B. Sign Standards under Chapter 4 Site Development, Article 2, Division 5 Signage, as amended, of the City of Pearland UDC, 8th Edition, January 2013, shall not apply to the MGID, except as specifically referenced herein.

C. Using this PD, the following basic steps should be followed to determine the uses and development standards applicable on property within MGID:

1. Locate the subject property on the MGID Regulating Plans.
2. Identify:
   - **i.** the Sub-District, Appendix A in which the property is located;
   - **ii.** the Street Type, Appendix D designation along all its street frontages.
3. Review the Schedule of Uses by Sub-District as listed in Table 6.4 to determine allowed uses.
4. Examine the corresponding district standards in the

Building Form and Development Standards in Part 7 to determine the applicable development standards.

5. Refer to Part 8 for Building Design Standards.
6. Refer to Part 9 for Street Type and Streetscape Standards.
7. Refer to Part 10 for Signage Standards
8. Refer to Part 11 for Public Open Space and Private Open Space Standards.

The information from the above listed steps explains where the building will sit on the lot, the limits on its three-dimensional form, the range of uses, and the palette of materials that will cover it.

D. Minor Modifications to the MGID PD: The City Manager or designee shall have the authority to approve a request for minor modifications to MGID PD that:

1. Does not change the circulation and building location on the site;
2. Does not increase the building area permitted under this PD;
3. Does not change the relationship between the buildings and the street;
4. Does not allow a use not otherwise authorized in this PD;
5. Does not allow greater height of any building or reduction of any parking requirement established in this PD; or
6. Does not change established street cross sections except as noted in Table 3.1 below and Part 9 of this PD.

The City Manager or designee shall also have the authority to approve minor modifications outlined in Table 3.1. Minor modifications shall be heard by the City Council. Appeal of City Manager decision shall be though an application process and the resulting decision or outcome shall be made without a public hearing process. Any City Council denials of minor modifications or any changes beyond those that meet the criteria above or the thresholds established in Table 3.1, shall be processed as a separate Planned Development (PD) application under the City of Pearland UDC, 8th Edition, January 2013 (UDC).

TABLE 3.1 MINOR MODIFICATIONS ALLOWED		
Standard	***Minor Modification Allowed***	***Standards and Criteria***
Area/boundary (including any Public Open Spaces)	No more than a 25% change (increase or decrease) in the area of any Sub-District (aggregate or per block). Refer to Table 6.1 - MGID Sub District Area Summary	– Shall not eliminate any Sub-District – 25% measurement shall be based on the total area within the entire MGID – For the purposes of this PD, any increase that results from the elimination of a street shall not count towards the 25% threshold.
Location of any Required Street	Location shall not move more than 100' in any direction	– Shall maintain the connectivity intended by the Street Network Regulating Plan
Building Form and Development Standards		
Build to zones/setbacks	No more than a 15% change in the maximum or minimum setback. Refer to Appendix D - Setback Regulating Plan	– Changes to the build to zones and setbacks may only be due to any changes to the street cross sections, change in the width of a sidewalk, or provision of a Public Open Space. – In no case shall the sidewalk be less than 6 feet in width.
Building Frontage	No more than a 15% reduction in the length of required building frontage	– Any reduction in the required building frontage shall be to accommodate port-cocheres for drop-off and pick-up.
Street Screen	Waiver of street screen requirement	– Requirement for a street screen may be waived along 50% of any single building frontage and 20% along the frontage or 30' setback of any interim surface parking lot (off-street) that is intended to be infilled with a parking structure. – In no case shall the (off-street) surface parking lot be located at a street intersection for a minimum depth of 30' along each street.
Street Cross Sections	Cross sections of new streets may be adjusted with respect to number of lanes, lane widths, on-street parking configuration, pedestrian accommodation, and street tree planting	– Any changes in the street cross sections shall be based on specific development context, such as vegetation, natural features, drainage, and fire access.
Detention/retention areas	Location, configuration, and/or shape of detention/retention areas that do not decrease volume or capacity	– If the regional detention plan for the MGID has not been implemented at the time of development, local detention may be required on site.

4 | DEFINITIONS

In addition to Definitions in Chapter 5 of the City of Pearland UDC, 8th Edition, January 2013, the following terms shall have the corresponding interpretations. The definitions in this subsection under the MGID PD shall supersede definitions of any terms also in Chapter 5 of the UDC and shall only apply to development within the MGID.

Arcade means a portion of the main façade of the building that is at or near the property line and a colonnade that supports the upper floors of the building. Arcades are intended for buildings with ground floor commercial or retail uses and the arcade may be one or two stories.

Auto-Related Sales and Service Uses means establishments that provide retail sales and services related to automobiles including, but not limited to, cars, tires, parts, batteries, gasoline, etc.

Block Face Dimensions means the linear dimension of a block along one of its street frontages.

Bioswales are landscape elements designed to remove silt and pollution from surface runoff water. They consist of a swaled drainage course with gently sloped sides (less than six percent) and filled with vegetation and/or compost. The water's flow path, along with the wide and shallow ditch, is designed to maximize the time water spends in the swale, which aids the trapping of pollutants and silt.

Block Perimeter means the aggregate dimension of a block along all of its street frontages.

Block means the aggregate of lots, pedestrian passages and rear alleys, circumscribed on all sides by streets.

Build-to Line means the line at which the principal building's front façade shall be built.

Build-to Zone (BTZ) means the area between the minimum and maximum setbacks within which the principal building's front façade (building façade line) is to be located.

Building Façade Line means the vertical plane along a lot where the portion of the building's front facade closest to the street is actually located.

Building Form Standards means the standards established for each Sub-District that specify the height, bulk, orientation, and elements for all new construction and development.

Building Frontage means the percentage of the building's front façade that is required to be located at the front Build-to Line or Zone as a proportion of the lot's frontage along that public street. Parks, plazas, squares, improved forecourts, and pedestrian breezeway frontages shall be considered as buildings for the calculation of building frontage.

Canopy means an awning-like projection from a wall that is made of rigid materials and is permanently attached to a building's facade and allowed to project over public sidewalks.

City Manager means the City Manager of the City of Pearland or his/her designee.

Colonnade means a structure that is similar to an arcade except that it is supported by vertical columns without arches.

Commercial or Mixed Use Building means a building in which the ground floor of the building is built to commercial ready standards and any of the floors are occupied by non-residential or residential uses.

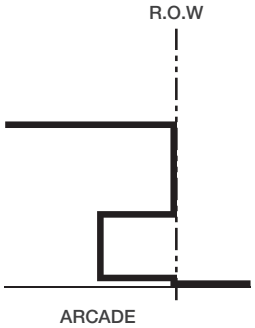
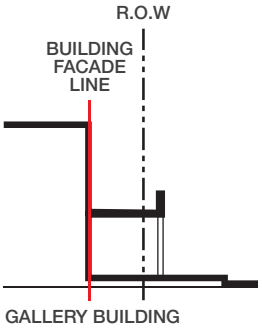
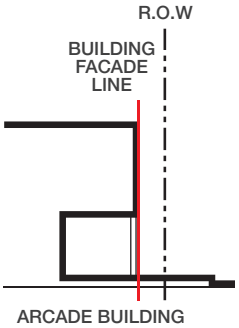
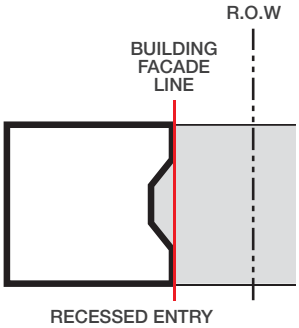


Image of an Arcade







Building Facade Line Illustrations

Commercial Ready means space constructed at a minimum floor to floor height of 15 feet which may be used for non-commercial uses and can be converted into retail/commercial use. Prior to the issuance of a certificate of occupancy for a retail/commercial use in a Commercial Ready space, the space must comply with all building and construction codes for that use. The intent of Commercial Ready space is to provide the flexibility of occupying a space in accordance with market demand and allowing the use in such space to change to retail/commercial uses accordingly.

Comprehensive Plan means the City of Pearland Comprehensive Plan that establishes policy guidance for the long-term growth and development of the City as adopted on the effective date of this PD.

Encroachment means any structural or non-structural element such as a sign, awning, canopy, terrace, or balcony that breaks the plane of a vertical or horizontal regulatory limit, extending into a Setback, into the Public R.O.W, into an Easement, or above a height limit.

Extended Stay Hotel means a multi-unit, extended stay lodging facility consisting of efficiency units of suites with complete kitchen facilities and which is suitable for long-term occupancy. Customary hotel services such as linens and housekeeping, telephones, and upkeep of furniture shall be provided. Meeting rooms, club house, and recreational facilities intended for the use of residents and their guests are permitted. This definition shall not include other dwelling units as defined by the UDC 8th Edition, January 2013.

Façade Rhythm means the repetition of a vertical feature, bay width or architectural element on a façade at a regular interval that provides scale and massing to a building.

Formula Retail means a retail business which, along with seven or more business locations, is required by contractual or other arrangement to maintain any of the following: standardized merchandise, services, décor, uniforms, architecture, colors, signs or other similar features.

Gallery means an extension of the main façade of the building that is at or near the front property line and the gallery or column supported canopy like structure may overlap the public sidewalk as long as all columns remain within the property line of the building.

Kiosk means a small temporary or permanent structure often open on one or more sides used for sales in civic/open spaces.

Live-Work Unit means a mixed-use building type with a dwelling unit that may also be used for work purposes, provided that the 'work' component is restricted to the uses of professional office, artist's workshop, studio, or other similar uses and is located on the street level and constructed as separate units under a condominium regime or as a single

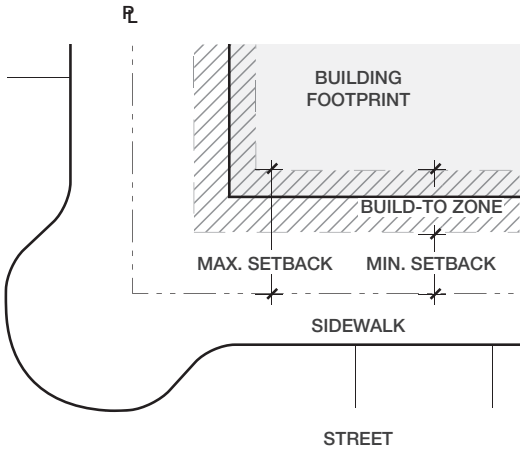


Illustration indicating build-to zone

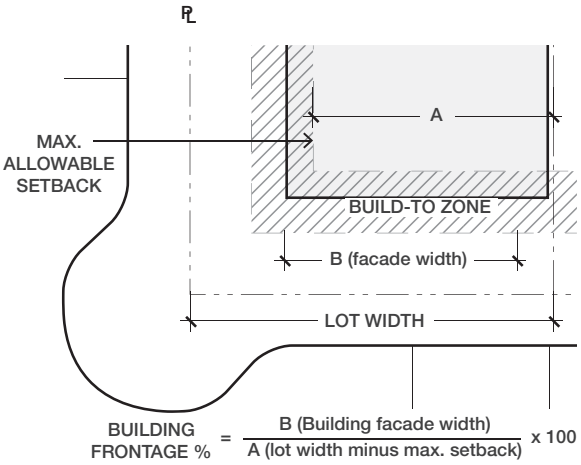


Image showing how building frontage calculation

unit. The 'work' component is usually located on the ground floor which is built to Commercial Ready standards. The 'live' component may be located on the street level (behind the work component) or any other level of the building. Live-work unit is distinguished from a home occupation otherwise defined by this ordinance in that the work use is not required to be incidental to the dwelling unit, non-resident employees may be present on the premises, and customers may be served on site.

Living Screen means a Street Screen composed of landscaping in the form of vegetation.

Master Sign Plan means a unique sign plan to implement a specific vision for a portion or all of the development that meets Part 10 b. of this PD.

Minor Modification means any changes to the MGID PD that meet the threshold criteria established in Part 3 h. and Table 3.1.

Pedestrian Easement means a grant of use of private property to the public for pedestrian access and use.

Private Open Space means open space provided for all residential uses, privately accessible open spaces such as courtyards, porches, and balconies.

Public Open Space means publicly accessible open space in the form of parks, courtyards, forecourts, plazas, greens, pocket parks, playgrounds, etc. that may be privately or publicly owned.

> ***Green*** means a Public Open Space intended for unstructured recreation, spatially defined by landscaping rather than building frontages.
>
> ***Park*** means a Public Open Space that is a preserve largely available for unstructured recreation.
>
> ***Plaza*** means a primarily hardscaped Public Open Space with formal landscaping, available for civic purposes and commercial activities. A plaza shall be spatially defined by buildings.
>
> ***Playground*** is a civic/Private Open Space designed and equipped for children's recreation. A playground may be fenced and may include an open shelter. Playgrounds may be located within residential areas and may be placed within a block. They may be included in other civic/ open spaces.
>
> ***Square*** means a Public Open Space designed for unstructured recreation and civic purposes, spatially defined by building frontages and consisting of paths, lawns and trees, formally arranged.

Recommended Public Open Space means plaza, green, square, or park area identified on Appendix A, Sub-District Regulating Plan, which is shown as a suggested feature within the MGID. A Recommended Public Open Space is not required and is at the election of an applicant or developer.

Regulating Plan means the MGID Zoning Plans attached hereto as Appendix A - N that shows the Sub-Districts, Public Open Spaces, location of Streets, and other Special Requirements applicable to the MGID subject to the standards in this PD.

Required Public Open Space means plaza, green, square, or park area identified on Appendix A, Sub-District Regulating Plan, which is shown as a mandatory feature within the MGID. A Required Public Open Space shall be provided at the time of development and its design and location may be adjusted to meet the context of the development provided it meets the standards established in Part 11 of this PD.

Residential Building means a building type that is built to accommodate only residential uses on all floors of the building such as townhomes, apartment buildings, duplexes, etc.

Retail Sales Retail establishments are the final step in the distribution of merchandise. They are organized to sell in small quantities to many customers. Establishments in stores operate as fixed point-of-sale locations, which are designed to attract walk-in customers. Retail establishments often have displays of merchandise and sell to the general public for personal or household consumption, though they may also serve businesses and institutions. Some establishments may further provide after-sales services, such as repair and installation. Included in, but not limited to this category, are durable consumer goods sales and service, consumer goods, other grocery, food, specialty food, beverage, dairy, etc., and health and personal services. Excluded from this category are formula retail establishments (refer to formula retail definition).

Senior Citizen includes any elderly person over the age of 55 (This age criteria is the same as the City of Pearland UDC, 8th Edition, January 2013 definition for "Assisted Living Facility")

Senior Facility means any buildings specifically designed for and occupied by senior citizens, designed to meet the physical or social needs of senior citizens, which may include: extended stay hotel suites, assisted living or skilled nursing facilities, rehabilitative services, medical or personal care services, social gathering space, restaurant and dining space, assembly and entertainment space, or education and cultural space.

Service Uses means a category for limited personal service establishments which offer a range of personal services that include (but not limited to) clothing alterations, shoe repair, dry cleaners, laundry, health and beauty spas, tanning and nail salons, hair care, etc.

Sign, Building Blade means a pedestrian-oriented sign that is affixed perpendicular to the corner of a building or to the front façade of a building above the ground floor to provide identification for the whole building.

Sign, Marquee means a sign structure placed over the entrance to a theatre or other public gathering venue. It has signage stating either the name of the establishment or the name of the event, artist, and other details of the event appearing at that venue. The marquee is often identifiable by a surrounding cache of light bulbs, usually yellow or white, that flash intermittently or as chasing lights. Marquee signs may often be combined with Building Blade signs.

Sign, Monument means any sign which is connected to the ground and which has no clear space for the full width of the sign between the bottom of the sign and the surface of the ground. A monument sign may include a sign face and sign structure, and may also include a sign base and sign cap.

Clockwise from top left: Blade Sign, Marquee Sign, Monument Sign, Tenant Sign, Tenant Blade Sign, and Sandwich Board Sign

Sign, Sandwich Board means a portable sign consisting of two panels of equal size, which are hinged at the top or one panel with a support and placed on the ground or pavement so as to be self-supporting.

Sign, Tenant Blade means a smaller pedestrian-oriented sign that is affixed perpendicular to the building façade under a canopy or awning or immediately over a tenant space and provides identification for individual tenants within a building.

Street Screen means a freestanding wall or living screen built along the BTZ or in line with the building façade line along the street. It may mask a parking lot or a loading/service area from view or provide privacy to a side yard and/or strengthen the spatial definition of the public realm.

Street Type means a specific designation for streets in the MGID that establishes a certain character and cross-sections to improve walkability within the development.

Street Network means the Required and Recommended network for new and existing streets within the MGID as established in the Street Network Regulating Plan Appendix D.

Sub-District means an area within the MGID development that creates a distinct urban form different from other areas within the MGID. Sub-Districts are identified in the Sub-District Regulating Plan Appendix A.

Tree Planting Area means the actual ground area which is disturbed for planting a tree. It shall include the root ball and backfill soil around it. The tree planting area may be larger than the tree well which is placed over the tree planting area.

Tree Well means an unpaved area around the trunk of a tree within the sidewalk area that is either landscaped with ground cover or covered with a tree grate.

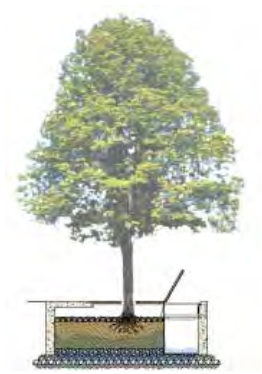


Image of Street Screen

Tree Well Illustrations

5 COMPONENTS OF THE REGULATING PLANS

The Regulating Plans (Appendices A-N) are hereby adopted as the official zoning drawings for the MGID.

E. **Sub-Districts Established** – the following Sub-Districts are established. The boundaries of the specific Sub-Districts shall be established in the Sub-District/Open Space Regulating Plan (Appendix A).

1. ***Town Center:*** The Town Center consists of the highest density and height, with the greatest variety of uses. It is the area that has the most pedestrian activity. Development within the Town Center shall meet the Building Form and Development Standards in Part 7a. of this PD.
2. ***Parkside Neighborhood***: The Parkside Neighborhood consists primarily of a residential fabric. The area is intended to have a mix of small apartments, townhomes and live-work units and may have limited commercial activity concentrated at street intersections and along the Clear Creek Recreational Park. Development within the Parkside Neighborhood shall meet the Building Form and Development Standards in Part 7b. of this PD.

F. **Public Open Space and Park Dedication** – The Sub-District/Open Space Regulating Plan (Appendix A) indicates Required and Recommended Public Open Spaces. The specific standards for Public Open Space are established in Part 11.

G. **Land Use** is indicated on the Land Use Regulating Plan (Appendix B).

H. **Program area** is located on the Program Area Regulating Plan (Appendix C).

I. **The Street Network** indicates streets needed to implement the MGID as shown in the Street Network Regulating Plan (Appendix D). The Street Network Regulating Plan designates the type and location of streets. All new and improved streets in the MGID shall meet the street design standards established in Part 9 herein. The proposed cross sections may be adjusted prior to plat approval to meet the requirements of the MGID Traffic Impact Analysis Report in order to ensure that all roads comply with applicable engineering requirements and traffic policies of the City of Pearland in compliance with Texas Municipal Uniform Traffic Control Devices and AASHTO, latest edition, as well as the most recent fire codes in effect at the time of development.

J. **Building Setback** requirements can be found in the Setback Regulating Plan (Appendix E) and overlay with the specific Sub-District requirements.

K. **Service and Loading Locations** are indicated on the Service and Loading Regulating Plan (Appendix F).

L. **Phasing** is indicated on the Phasing Regulating Plan (Appendix G).

6 SCHEDULE OF PERMITTED USES

A. Generally, due to the emphasis on urban form over land uses in the MGID, general use categories have been identified by Sub-Districts. Uses not listed in the following schedule, but are substantially similar, may be permitted upon the approval of the City Manager or designee, subject to appeal directly to the City Council. Appeal of City Manager decision shall be though an application process and the resulting decision or outcome shall be made without a public hearing process.

B. MGID Sub-District Area Summary: Table 6.1

C. MGID Land Use Summary: Table 6.2

D. MGID Program Summary: Table 6.3

E. Schedule of Uses: Table 6.4

F. Use Criteria: All uses listed as P/C in Table 6.4 shall also meet the following standards in Table 6.5

G. The term "Senior Facility" is used to describe the multi-generational component of the vision for the MGID. The Senior Facility is located within the "Town Center" sub-district (refer to Appendix A & C). Detailed use criteria can be found on table 6.5 for specific terms and limitations on the extended stay hotel, which is central to the senior facilities. Reference should also be made to the definition of "Senior Facility".

TABLE 6.1 - MGID SUB-DISTRICT AREA SUMMARY	
Parkside Neighborhood	11.5 acres
Town Center	6.6 acres
Required Public Open Space	9.9 acres
Recommended Open Space	1.5 acres
*Dedicated Required Open Space****	9.7 acres
Private Streets and Sidewalks	9.3 acres
Total	48.5 acres

TABLE 6.2 - MODERN GREEN IVY DISTRICT LAND USE SUMMARY*				
Use	*Net Residential Density*	*Gross Residential Density*	*Area (acres)*	*Percent of Total*
Primary Residential	43.4 units/acre	33.1 units/acre	10.3 acres	21.4%
Personal and Business			8.2 acres	16.8%
Entertainment and Recreations			1.1 acres	2.2%
Required Public Open Space			9.9 acres	20.4%
*Dedicated Required Open Space****			9.7 acres	20.0%
*Private Streets and Sidewalks***			9.3 acres	19.2%
Total			48.5 acres	100%

* All land use categories are based on the City of Pearland UDC, 8th Edition, January 2013.

** Specific terms regarding the management and maintenance of the sidewalks and roads dedicated to the city shall be outlined in the Development Agreement between the MGID and the City of Pearland before any site work permit can be applied for.

***Open Space/Parkland dedicated to the city to be retained under private ownership on the 48.5 acre MGID parcel shall be maintained through the use of a recorded easement prohibiting future development of Open Space/Parkland. Open Space/Parkland dedicated to the city for public use shall be maintained and managed by the city and the MGID. Specific terms regarding the management and maintenance of the Open Space/Parkland dedicated to the city shall be outlined in the Development Agreement between the MGID and the city before any site work permit can be applied for.

TABLE 6.3 - MODERN GREEN IVY DISTRICT PROGRAM SUMMARY	
Residential	400 Multi-Family Units, 900 Condo Units
Retail	70,000 sf total
Retail, Residential Above	60,000 sf total
Office	100,000 sf total
Hotel	100 Hotel Keys
Senior Facility	Including 310 Long-Term Hotel Keys
Community Center	80,000 sf total
*Parking**	3,600 spaces
Total	48.5 acres

* Refer to tables 7a. and 7b. for required off-street parking guidelines. The guidelines are identical to those found in the "Proposed Form-Based Code for Lower Kirby Urban Center" dated November 17, 2011, Ordinance 943-20, from which this the MGID PD document is based.

TABLE 6.4 - SCHEDULE OF USES	*Sub-District*	*Town Center*	*Parkside Neighborhood*
Commercial Uses (Office, Retail, Sales & Service Uses)			
Formula Retail		P/C	P/C
Retail Sales or Service with no drive through facility (includes alcohol sales which shall meet Chapter 4 of the City of Pearland Code of Ordinances). Excluded from this category are Auto-Retail Sales and Service Uses (see Part 4 of this PD for Definition of Retail, Service uses, and Auto-related Sales and Service)		P	P/C
Finance, Insurance, and Real Estate establishments including banks, credit unions, real estate, and property management services, with no drive through facility		P	P/C
Offices for business, professional, and technical uses such as accountants, architects, lawyers, doctors, etc.		P	P/C
Research laboratory headquarters, laboratories and associated facilities		P	NP
Food Service Uses such as full-service restaurants, cafeterias, caterers, bakeries and snack bars with no drive through facilities Included in this category is café seating within a public or private sidewalk area with no obstruction of pedestrian circulation. Also included in this category is the sale of alcoholic beverages which shall meet Chapter 4 of the City of Pearland Code of Ordinances.		P	P/C
Cigars, Tobacco Shops (Retail Only)		P/CUP	NP
Veterinarian Animal Hospital (No Animal Hospital with Outside Pens)		P	NP
Senior Facility		P/C	P/C
Any use with a drive through facility		NP	NP
Auto-related Service, Bail Bonds, Crematorium, Travel Trailer, Home for Alcoholic, Narcotic or Psychiatric Patients or Pawn Shop		NP	NP
Arts, Entertainment, and Recreation Uses			
Art galleries		P	P/C
Art, antique, furniture or electronics studio (retail, repair or fabrication; excludes auto electronics sales or service)		P	NP
Games arcade establishments		P/CUP	NP
Theater, cinema, dance, music or other entertainment establishment		P	NP
Museums and other special purpose recreational institutions		P	NP
Fitness, recreational sports, gym, or athletic club		P	NP
Parks, greens, plazas, squares, and playgrounds		P	P
Drag Strip, Fairgrounds, Gaming Establishment, Private Club or Adult Entertainment		NP	NP
Educational, Public Administration, Health Care and Other Institutional Uses			
Business associations and professional membership organizations		P	P/C
Child day care and preschools		P	P
Schools, libraries, and community halls		P	NP
Universities and Colleges		P	NP
Hospital		NP	NP
Clinic or Medical Office Building		P	NP
Civic uses		P	NP
Social services and philanthropic organizations		P	NP
Religious Institutions		P	NP
Funeral homes		P	NP

	Sub-District	Town Center	Parkside Neighborhood
Residential Uses			
Home Occupations		P/A	P/A
Multi-family Residential			
Ground Floor		P/C	P/C
Upper Floor		P	P
Residential Lofts		P	P
Single-family residential attached dwelling unit (Townhomes)		P/C	P
Live-work unit		P	P
Manufacturing, Communications, and Utility Uses			
Warehouse and storage		NP	NP
Artisanal Production (included in this category are jewelry, silverware, personal metal goods, flatware, dolls, toys, games, musical instruments, medical equipment, high-tech/clean manufacturing, office supplies, and signs.)		P/C	P/C
Wholesale trade establishment, Manufacturing or Assembly		NP	NP
Publishing (newspaper, books, periodicals, software)		NP	NP
Motion picture and sound recording		P	NP
Telecommunications and broadcasting (radio, TV, cable, wireless communications, telephone, etc.)		NP	NP
Information services and data processing		P	NP
Other Uses			
Model homes for sales and promotion**		P	P
Hotels		P/C	NP
Parking, surface (primary use of property)		P/C	P/C
Parking, surface (accessory use of property)		P/C	P/C
Parking, structure		P	P
Private attached garage		NP	P
Private detached garage		NP	P
Sales from kiosks		P	NP
Community garden		P	P
Antennas including cell, accessory, and mounted on top of buildings		P/A/C	NP
Solar energy equipment		P/A/C	P/A
Special Event		P/C	P/C
Rain harvesting equipment		P/C	P/C
Utility equipment (includes electrical transformers, gas meters, etc.)		P/A/C	P/A/C

P	Permitted by right	P/C	Permitted with design criteria per Table 6.5	P/A	Permitted Accessory Use	P/A/C	Permitted as an Accessory Use with design criteria per Table 6.5
NP	Not Permitted	P/CUP	Permitted with a Conditional Use Permit	NA	Not applicable	A	Accessory use to not exceed 25% of the primary use building square footage

**Model homes are limited to a time period until all homes are sold in the neighborhood.

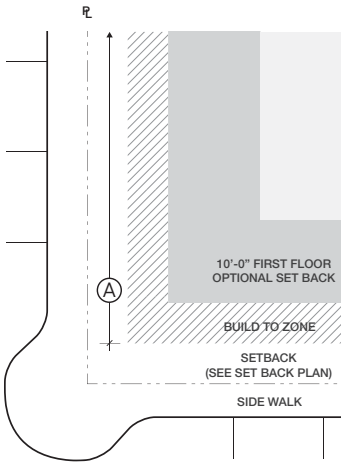
TABLE 6.5 - USE CRITERIA		
Use	***District***	***Location and Design Criteria***
Commercial Uses (Office, Retail, Sales & Service Uses)		
Formula Retail	All districts	– No Restaurants (including shops providing one type of food, but not including Coffee Shops), Convenience Stores or Big Box retail are permitted in the development.
Retail sales and service	Parkside Neighborhood	– Building area shall not exceed 5,000 sf per instance, per block.
Finance, Insurance, and Real Estate establishments		
Food Service Uses such as full-service restaurants, cafeterias, bakeries and snack bars with no drive through facilities		
Offices for business, professional, and technical uses	All districts	– Shall be permitted in any live-work building where the ground floor is built to Commercial Ready standards with 14' ground floor clear height and handicapped access. – All other buildings for office and art gallery uses shall be limited to 6,000 sf, except in Block 13.
Assisted Living & Skilled Nursing	Town Center	– Assisted living or skilled nursing units shall not exceed more than 30% of the unit mix of the senior facility.
Arts, Entertainment, and Recreation Uses		
Art Galleries	All districts	– Shall be permitted in any live-work building or any commercial building where the ground floor is built to Commercial Ready standards with 14' ground floor clear height and handicapped access. – All other buildings for office and art gallery uses shall be limited to 6,000 sf.
Educational, Public Administration, Health Care and Other Institutional Uses		
Business Associations and professional membership organizations	Parkside Neighborhood	– Shall only be permitted on corner lots in the Parkside Neighborhood – Building area shall not exceed 5,000 sf per block
Residential Uses		
Multi-family residential Ground Floor	All districts	– All Multi-family residential on the ground floor shall be elevated at least 30" above the sidewalk elevation. Efficiency units shall not exceed more the 25% of overall unit mix.
Single-family residential attached dwelling unit (Townhomes)	Town Center	– Frontages along street intersections shall be built to Commercial Ready standards for a minimum of 30' along each street or the width of the lot, whichever is less. – Minimum Lot Width - Twenty feet (20')
Manufacturing, Communications, and Utility Uses		
Miscellaneous manufacturing and assembly (included in this category are jewelry, silverware, personal metal goods, flatware, dolls, toys, games, musical instruments, medical equipment, high-tech/clean manufacturing, office supplies, and signs.)	All districts	– No outdoor storage is permitted. – Service, loading, unloading and truck access shall be located in compliance with the Service and Loading Regulating Plan (Appendix F) – All buildings for manufacturing, assembly and wholesale trade uses shall be limited to 1,000 sf per unit in the Parkside Neighborhood and 3,000 sf per user in the Town Center.
Wholesale trade establishment		
Other Uses		
Hotel	Town Center	– The hotel shall include specific design provisions or guest services for senior citizens, such as enhanced accessibility design standards and concierge services.
Extended Stay Hotel	Town Center	– Each proposed dwelling unit must be initially rented by a senior citizen and shall limit any future occupancy to senior citizens or other qualified residents for the lifetime of the building, regardless of future ownership transfer of the long-term hotel.
Parking, Surface (primary use)	All districts	– Shall only be permitted on building parcels designated as future phase building sites. Unbuilt building parcels/pads shall allow temporary parking only until such time as the building parcel/pad is built out. Permanent surface parking is not permitted.
Parking, Surface (accessory use)	All districts	– Shall only be permitted within designated building drop off zones.
Antennas including cell, accessory and mounted (Excluded from this category are freestanding and commercial antennas and equipment buildings)	Town Center	– Antennas shall be permitted on rooftops. – Antennas shall be screened entirely. – Antennas shall not be visible from the ground and any area below 50'-0" in height.
Special Events such farmers' market, holiday sales and festivals	All districts	The Building Official shall issue a permit for special events when he finds: – That there is an adequate off-street parking area, approved by the City; and – That the location and layout of drives and parking areas, of lighting, and of temporary event signs will not constitute a hazard to the public traveling to the abutting public streets and will not obstruct the visibility along such streets.
Rainwater harvesting equipment	All districts	– Rainwater harvesting equipment must be installed in buildings or below grade
Utility equipment (includes electrical transformers, gas meters, etc)	All districts	– Utility equipment shall be integrated and screened from view within buildings. All utility distribution throughout the district shall be located below grade.

7 BUILDING FORM & DEVELOPMENT STANDARDS

The following portion of the PD establishes the Building Form and Development Standards for all Sub-Districts within the MGID. Diagrams and reference letters are used for illustrations purposes only. Reference letters may not be in continuous sequence.

7a. Town Center

1) BUILDING PLACEMENT



Build-To Zone (BTZ) (Distance from property line to the edge of the BTZ)
See Setback Regulating Plan (Appendix E)

Setback (Distance from property line)
See Setback Regulating Plan (Appendix E)

Building Frontage

Building Frontage required	80% (min.)	A

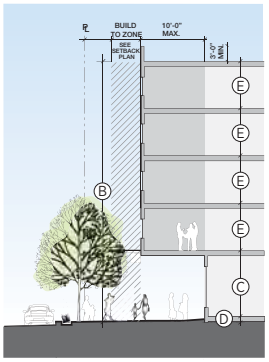
2) COMMERCIAL REQUIREMENTS

Ground floors of Retail uses shall be built to include first floor-to-floor height of 15'-0" minimum, ingress and egress, handicap access, and first floor elevation flush with the sidewalk. Additionally a setback of up to 10'-0" shall be permitted for purposes of outdoor dining in retail usages.

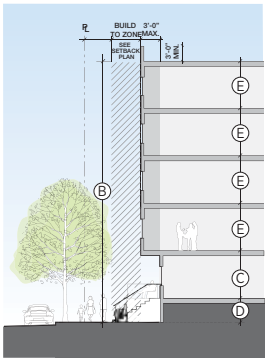
3) SPECIAL REQUIREMENTS

Ground floors of all buildings fronting Ivy Square shall be occupied by Retail uses.

4) BUILDING HEIGHT



Commercial



Residential

Principal Building Standards

Building maximum	20 stories (see #2 and #5). Refer to Table 8.1 - Modern Green Ivy District Block Height/No. of Floors	B
First floor to floor height	15 ft. min. for non-residential 10 ft. min for residential	C
Ground floor finish level	12 in. max. above sidewalk for ground floor commercial uses 30in. min- 60in. max for residential uses	D
Upper floor(s) height (floor-to-floor)	10 feet min.	E

5) PARKING & SERVICE ACCESS

(i) Required Off-Street Parking Spaces (see #8)

Non-residential uses	1 space/300 square feet (gross)
Residential uses	1.0 space/unit

(ii) Driveways and Service Access

Parking driveway width	20 feet max. (except when drives may need to be wider to address service access or fire lane standards)

Shared driveways and cross access easements are required between lots to minimize curb cuts.

6) ENCROACHMENTS

Canopies, signs, awnings and balconies may encroach over the sidewalk as long as the vertical clearance is a minimum of 8 feet. In no case shall an encroachment be located over an on-street parking or travel lane. All encroachments over public rights-of-way shall obtain a Waiver of Encroachment from the City of Pearland.

7) APPLICABILITY

Building Form and Development Standards shall apply to all development within this Sub-District.

Notes

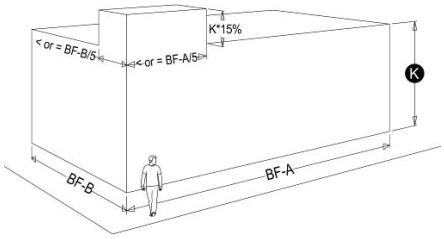
#1 – The area between the building and the edge of the BTZ or the edge of the public sidewalk shall be paved flush with the sidewalk. This area can have landscaping and planting within tree wells and planters but shall not have lawns or landscape islands.

#2 – Attics and mezzanines less than 7' (avg.) height shall not be counted as a story.

#3 – First floor heights shall not apply to parking structures.

#4 – All buildings in the Town Center shall meet the Building Design Standards in Part 8.

#5 – Corner buildings may exceed the maximum building height by 15% for 20% of the building's frontage along each corresponding street façade.



#6- Ground and roof mounted mechanical equipment shall be screened from direct ground level view from adjoining public rights-of-way. In addition to a parapet wall no lower than 36 inches, the perimeter of any visible roof mounted mechanical equipment shall be circumscribed by a wall or permanent screen that is at least as tall as the equipment itself.

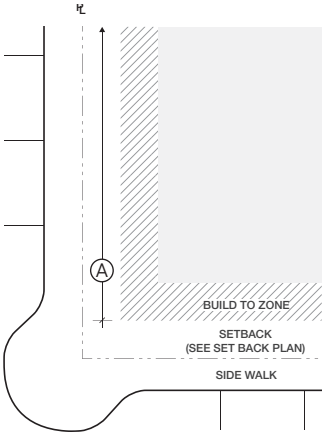
#7 – Setbacks and build-to lines on recessed entries and arcade buildings shall be measured from the building façade line.

#8 - Chapter 4 Site Development Section 4.2.1.3 of the City of Pearland Unified Development Code, Eight Edition, January 2013, shall apply for design of off-street parking areas.

#9 - All parking structures must have at least 3 sides of occupiable uses (at all floor levels) and the remaining side must be clad in an architectural screen. One district parking structure may be allowed with all sides clad in an architectural screen, in lieu of an occupiable use.

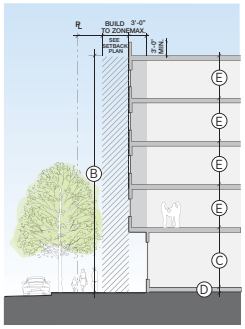
7b. Parkside Neighborhood

1) BUILDING PLACEMENT

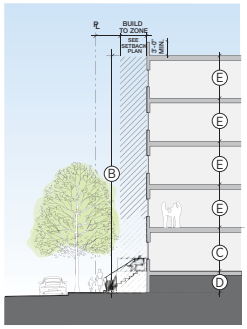


Build-To Zone (BTZ) (Distance from property line to the edge of the BTZ) See Setback Regulating Plan (Appendix E)		
Setback (Distance from property line) See Setback Regulating Plan (Appendix E)		
Building Frontage		
Building Frontage required	60% (min.) (see #3 and #6)	A

2) BUILDING HEIGHT



Commercial



Residential

Principal Building Standards		
Building maximum	15 stories (see #4 and #7)	B
First floor to floor height	15 ft. min. for non-residential 10 ft. min for residential	C
Ground floor finish level	12 in. max. above sidewalk for ground floor commercial uses 30in. min- 60in. max for residential uses	D
Upper floor(s) height (floor-to-floor)	10 ft. min.	E
Accessory Building Standards		
Building maximum	1 stories	

(i) Required Off-Street Parking Spaces (see #10)	
Non-residential uses	1 space/300 square feet (gross)
Residential uses	1.5 space/unit
(ii) Driveways and Service Access	
Parking driveway width	20 feet max. (except when drives may need to be wider to address service access or fire lane standards)

Shared driveways and cross access easements are required between lots to minimize curb cuts.

3) ENCROACHMENTS

Corner Lots: Canopies, signs, awnings and balconies may encroach over the sidewalk as long as the vertical clearance is a minimum of 8 ft. In no case shall an encroachment be located over an on-street parking or travel lane. All encroachments over public rights-of-way shall obtain a Waiver of Encroachment from the City of Pearland.

4) APPLICABILITY

Building Form and Development Standards shall apply to all development within this Sub-District.

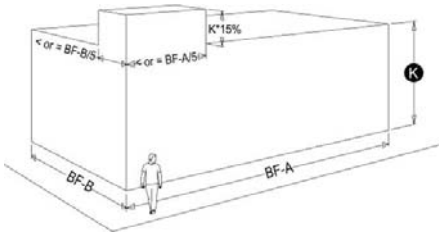
Notes

#1 - The area between the building and the edge of the BTZ or the edge of the public sidewalk shall be paved flush with the sidewalk. This area can have landscaping and planting within tree wells and planters but shall not have lawns or landscape islands.

#2 – Attics and mezzanines less than 7' (avg.) height shall not be counted as a story.

#3 – All buildings in the Parkside Neighborhood District shall meet the Building Design Standards in Part 8.

#4 – Corner buildings may exceed the maximum building height by 15% for 20% of the building's frontage along each corresponding street façade.



#5 - Ground and roof mounted mechanical equipment shall be screened from direct ground level view from adjoining public rights-of-way. In addition to a parapet wall no lower than 36", the perimeter of any visible roof mounted mechanical equipment shall be circumscribed by a wall or permanent screen that is at least as tall as the equipment itself.

#6 – Setbacks and build-to lines on recessed entries and arcade buildings shall be measured from the front of façade with the recessed entry or arcade.

#7 – Chapter 4 Site Development Section 4.2.1.3 of the City of Pearland Unified Development Code, Eight Edition, January 2013, shall apply for design of off-street parking areas.

#8 - All parking structures must have at least 3 sides of occupiable uses (at all floor levels) and the remaining side must be clad in an architectural screen.

8 BUILDING DESIGN STANDARDS

The Building Design Standards for the MGID shall establish a coherent urban character and encourage enduring and attractive development. Development plans or site plans shall be reviewed by the City Manager or designee for compliance with the standards below.

The key design principles establish essential goals for development in the MGID to encourage the preservation, sustainability, and visual quality of this unique environment. Buildings shall be located and designed so that they provide visual interest and create enjoyable, human-scaled spaces. The key design principles are:

1. New buildings shall utilize building elements and details to achieve a pedestrian-oriented public realm.
2. Compatibility is not meant to be achieved through uniformity, but through the use of variations in building elements to achieve individual building identity.
3. Building facades shall include appropriate architectural details to create variety and interest.
4. Open space(s) shall be incorporated to provide usable public areas integral to the urban environment.

A. General to all Sub-Districts

1. ***Building Orientation***

   i. Primary entrance to buildings shall be located on the street along which the building is oriented. At intersections, corner buildings may have their primary entrances oriented at an angle to the intersection.

   ii. All primary entrances shall be oriented to the public sidewalk for ease of pedestrian access. Secondary and service entrances may be located from internal parking areas or alleys.

2. ***Design of Parking Structures***

   i. Where above ground structured parking is located at the perimeter of a building, it shall be screened in such a way that cars on all parking levels are completely hidden from view from all adjacent public and private streets. Parking garage ramps shall not be visible from any public street. Ramps shall not be located along the perimeter of the parking structure. Architectural screens shall be used to articulate the façade, hide parked vehicles, and shield lighting. Architectural screens shall have consistent facade materials with neighboring buildings and shall be complementary in their articulation. In addition, the ground floor façade treatment (building materials, windows, and architectural detailing) shall be continued to the second floor of a parking structure.

   ii. When parking structures are located at street intersections, corner architectural elements shall be incorporated, such as corner entrance, signage and glazing.

   iii. Parking structures and adjacent sidewalks shall be designed so pedestrians and bicyclists are clearly visible to entering and exiting automobiles.

3. ***Façade Composition***

   i. Buildings shall maintain a façade rhythm between 20 feet and 30 feet. Any facade articulation shall be based on the overall building size and height in order to be legible at an urban scale. Buildings three stories or higher shall provide facade articulation which distinguishes between the street level and the upper level of the building.

   ii. This rhythm shall be expressed by changing materials, or color, or by using design elements such as fenestration, columns, or by varying the setback of portions of the façade.

   iii. For retail storefront buildings, display window areas shall be utilized.

iv. Storefronts on facades that span multiple tenants shall use architecturally compatible materials, colors, details, awnings, signage, and lighting fixtures.

v. Building entrances shall be defined and articulated by architectural elements such as entry portals, porches, overhangs, railings, balustrades, and others as appropriate. All building elements shall be compatible with the architectural style, materials, colors, and details of the building as a whole. Entrances to upper level uses may be defined and integrated into the design of the overall building facade.

vi. Corner emphasizing architectural features, awnings, blade signs, arcades, colonnades and balconies may be used along commercial storefronts to add pedestrian interest.

vii. Buildings which are located on axis with a terminating street or at the intersection of streets may be considered as feature buildings. Such buildings may be designed with features which take advantage of that location, such as an accentuated entry and a unique building articulation, which is offset from the front wall planes and goes above the main building eave or parapet line.

4. ***Windows and Doors***

i. Windows and doors on street-fronting facades shall be designed to be proportional and appropriate to the specific architectural qualities of the building. First floor windows shall not be opaque, tinted or mirrored glass.

ii. All ground floor commercial front facades of buildings shall have transparent storefront windows covering no less than 50% of the façade area. All other street facing facades shall have transparent windows covering at least 20% of the façade area for all floors.

B. Standards Specific to Development in the Town Center

1. Town Center Building Materials

i. Exterior Town Center building materials require variety and combinations of exterior materials. At least 80% of each building's façade (excluding doors and windows) shall be finished in one of the following materials: brick, stone, stucco utilizing a three-step process, spandrel glass shadow box, cementitious panel, colored or patterned resin impregnated panel, or glass block. Resin impregnated panel shall be composed of kraft paper or layers or similar material impregnated with phenolic resin which has been compressed and bonded under heat and high pressure.

ii. No more than 20% of each façade shall use accent materials such as wood, modular architectural metal panel system with concealed fasteners and high performance coating or natural weathering face material, split-face concrete block, tile, or pre-cast concrete panels. EIFS shall be limited to moldings and architectural detailing on building facades.

iii. Cementitious-fiber panels with at least a 50-year warranty shall only be used on 20% of the upper floor.

iv. Roofing materials visible from any public right-of-way shall be copper, zinc, factory finished standing seam metal or metal panel, terra cotta, stone, synthetic stone, or similar materials

C. Standards Specific to Development in the Parkside Neighborhood Sub-District:

1. ***Façade Composition***

i. At least one of the following— porches, bay windows, stoops, eaves or balconies—shall be added along the front residential facades to add pedestrian interest along the street. Any facade articulation shall be based on the overall building size and height in order to be legible at an urban scale.

ii. For residential buildings the grade of the slab or first floor elevation shall be elevated at least 30 inches above the grade of the sidewalk.

2. ***Windows and Doors***

i. Windows and doors shall be designed to be proportional and appropriate to the architectural style of the building.

ii. All building facades of residential buildings shall have transparent windows covering at least 30% of each façade.

3. ***Residential Building Materials***

i. At least 80% of all buildings (excluding doors and windows) shall be finished in one or more of the following materials: brick, stone, stucco utilizing a three-step process, spandrel glass shadow box, cementitious panel, colored or patterned resin impregnated panel, or glass block. Resin impregnated panel shall be composed of kraft paper or layers or similar material impregnated with phenolic resin which has been compressed and bonded under heat and high pressure.

ii. Masonry (brick; stone; man-made stone, or stucco utilizing a three-step process).

iii. The following shall only be allowed up to 20% as an accent material: modular architectural metal panel system with concealed fasteners and high performance coating or natural weathering face material over a cementitious base, glass block and tile.

iv. Facades shall not be made of EIFS. EIFS shall be limited to moldings and architectural detailing on building facades. EIFS materials shall constitute less than 10 percent (10%) of any building and shall not be used on any portion of any wall that is lower than twenty (20) feet from grade, unless otherwise approved by the Building Official.

v. Side and rear facades shall be of finished quality and of the same color that blend with the front of the building.

vi. Roofing materials (visible from any public right-of-way): copper, zinc, factory finished painted metal, stone, synthetic stone terra cotta, or similar materials.

vii. Accessory buildings, enclosed garages or carports shall be designed and constructed of the same material as the primary building.

TABLE 8.1 - MODERN GREEN IVY DISTRICT BLOCK HEIGHT/NO. OF FLOORS

Block	*Maximum Stories*	*Maximum Height*
1	12	140 feet
2	14	160 feet
3	5	70 feet
4	17	210 feet
5	5	70 feet
6	5	70 feet
7	9	120 feet
8	5	70 feet
9	5	70 feet
10	5	70 feet
11	5	70 feet

General Character
Shall be visually appealing, socially engaging and interconnected with ecological systems within the public realm, the transition zone includes private or semi-private outdoor spaces and setback areas directly adjacent to a building.
Location and Size
Location shall be as shown on the Setback Regulating Plan (Appendix E). Width shall range from 5 feet to 25 feet. Setbacks shall front on all streets.
Typical Uses/Elements
Buffer Planting, Private Boundary Structures, Architectural Elements,

Key Design Components and Concepts

Building Setbacks

Building setbacks have been established to provide a comfortable buffer between the street and the interior of ground floor residences. As a transition between the public and private realm, the design of setbacks is intended to encourage people to occupy and enliven them and help define the physical and social character of the neighborhood. Residential setbacks shall include stairs, stoops, private gardens and patios that will foster use and thus social interaction among neighbors. Non-residential setbacks shall incorporate terraces, retail stands, outdoor seating and dining areas that will help activate the edge of the public realm.

Standards and Criteria

Guidelines for all sustainable site and building elements or systems shall meet all current sustainable industry standards and best practices.

Sustainability

All new MGID buildings are intended to be constructed using ecologically sustainable materials and technologies in order to contribute to the reduction of natural resource consumption and waste production. All new MGID buildings shall be LEED® certified. MGID will develop goals and strategies for building energy and water use, construction activities, and the selection of building materials, utilities and appliances. Buildings shall be constructed to all current sustainable industry standards and best practices to contribute to the ecological sustainability and overall health and wellness of the neighborhood residents.

Standards and Criteria

A minimum of 20% of all building roof area shall include green roofs systems in the Parkside Neighborhood and Town Center Sub-Districts.

Guidelines for green roof construction standards shall meet all current industry standards and best practices.

Green roofs shall be constructed in such a way to encourage residents or visitors to inhabit them.

Green Roofs

Where feasible, roof designs shall include systems such as vegetated roof covers, with growing media and plants which minimize heat island effect and stormwater run-off and improve thermal envelope performance. Living roofs must incorporate regionally appropriate plant species to minimize water consumption requirements. Green roofs can sustain a variety of plants and invertebrates, as well as provide a habitat for various bird species that enhance biodiversity within the MGID and the region as a whole.

Standards and Criteria

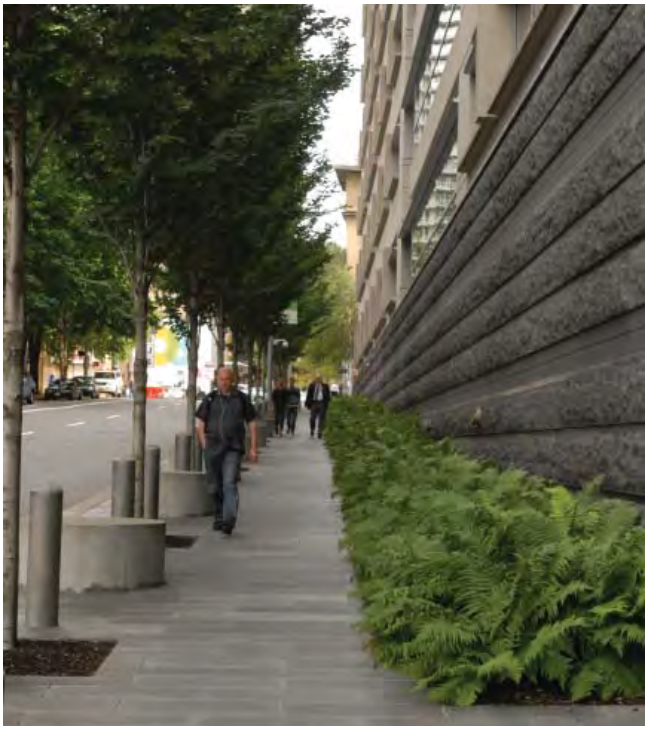
A minimum of 20% of all building and parking structure roof area shall incorporate photovoltaic panels in the Parkside Neighborhood and Town Center Sub-Districts.

Guidelines for installation of photovoltaic panels shall meet all current industry standards and best practices.

Photovoltaic Panels

Where feasible, rooftops of buildings and parking structures shall be designed to permit installation of south oriented solar panels. Photovoltaic panels shall be integrated into shade structures that shade usable rooftop and/or terraced open spaces such as rooftop gardens, decks, or parking structures.

Note: Renderings reflect design vision and final design may vary.



9 | STREET & STREETSCAPE DESIGN STANDARDS

A. Generally: Streets in the MGID need to support the overall goal of a mixed use, compact, pedestrian oriented district. They balance all forms of mobility while maximizing convenience for residents and visitors. The Street Network Regulating Plan (Appendix D) designates the street network within the MGID. This portion of the PD specifies the typical configuration of streets within the MGID. The specifications address vehicular lane width, parkway widths, right-of-way (R.O.W.) widths, number of travel lanes, on-street parking, and pedestrian and bicycle accommodation. The character of streets in the MGID will vary based on the location. The service roads of the SH 288 are under the purview of TxDOT while the management and maintenance of the private sidewalk and road network within the MGID shall be outlined in the Development Agreement between the MGID and the City of Pearland. The Development agreement shall be in place before any site work permit can be applied for.

B. New Streets: This portion of the PD specifies standards for all new streets in the MGID. New streets shall be based on the Regulating Plan.

C. Street Classification Established: Table 9.1 and associated cross sections shall establish the cross sections for each street type. The proposed cross sections may be adjusted prior to plat approval to meet the requirements of the MGID Traffic Impact Analysis Report in order to ensure that all roads comply with applicable engineering requirements and traffic policies of the City of Pearland, as well as the 2012 International Fire Code as adopted by the City.

D. Street and Open Space Cross Sections

1. ***Eco Park and Detention Pond***
2. ***Neighborhood Park***
3. ***Amenity Pond***

TABLE 9.1 - STREET GUIDELINES

Elements Street Classification	*Street Width (Recommended min. R.O.W)*	*Number of Vehicular Lanes*	*Vehicular Lane Widths*	*Number of Bike Lanes**	*Bike Lane Widths*	*Turn Radius (max.)*	*Median*	*On-Street Parking*	*Pedestrian Sidewalk Width (min.)*	*Parkway/Tree Well*
South Spectrum Boulevard	104 feet	4	11 feet	0	None	30 feet	Yes, 22 feet	Yes, both sides, parallel	6'-6" wide	4'-6" wide
Neighborhood Collector	76 feet	2	11 feet	2	6 feet	20 feet	None	Yes, both sides, parallel	6'-6" wide	4'-6" wide
Local Street	56 feet	2	11 feet	0	None	15 feet	None	Yes, both sides, parallel	6'-0" wide	4'-0" wide

* The MGID shall encourage the extension of bike lanes into adjoining future developments. If such extension does not happen, the MGID shall provide an alternate connection to any future bike lanes that are part of Spectrum Drive.

E. Streetscape & Landscape Standards

Streetscape standards shall apply to all streets within MGID. Streetscape standards shall address all elements between the building face and edge of the curb. Typical streetscape elements addressed are street trees, lighting, street furniture and pedestrian amenities, and materials.

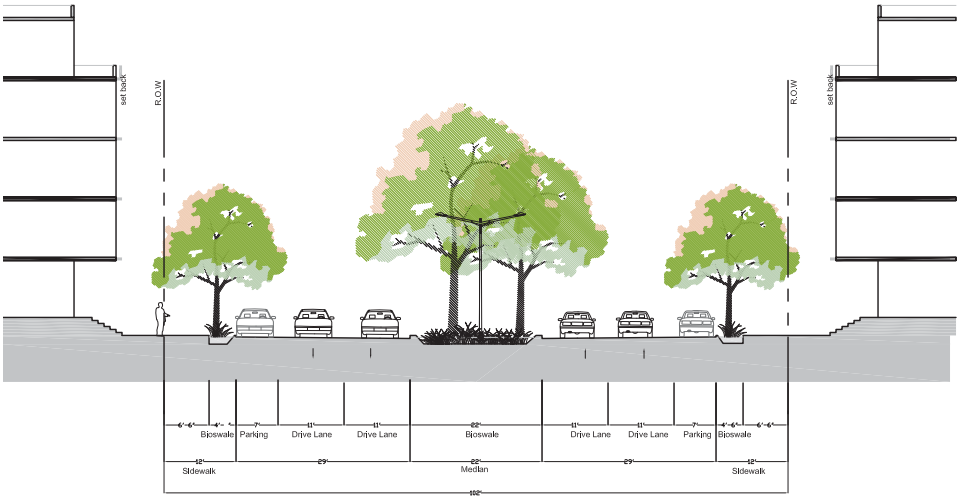
F. Street Trees and Landscaping:

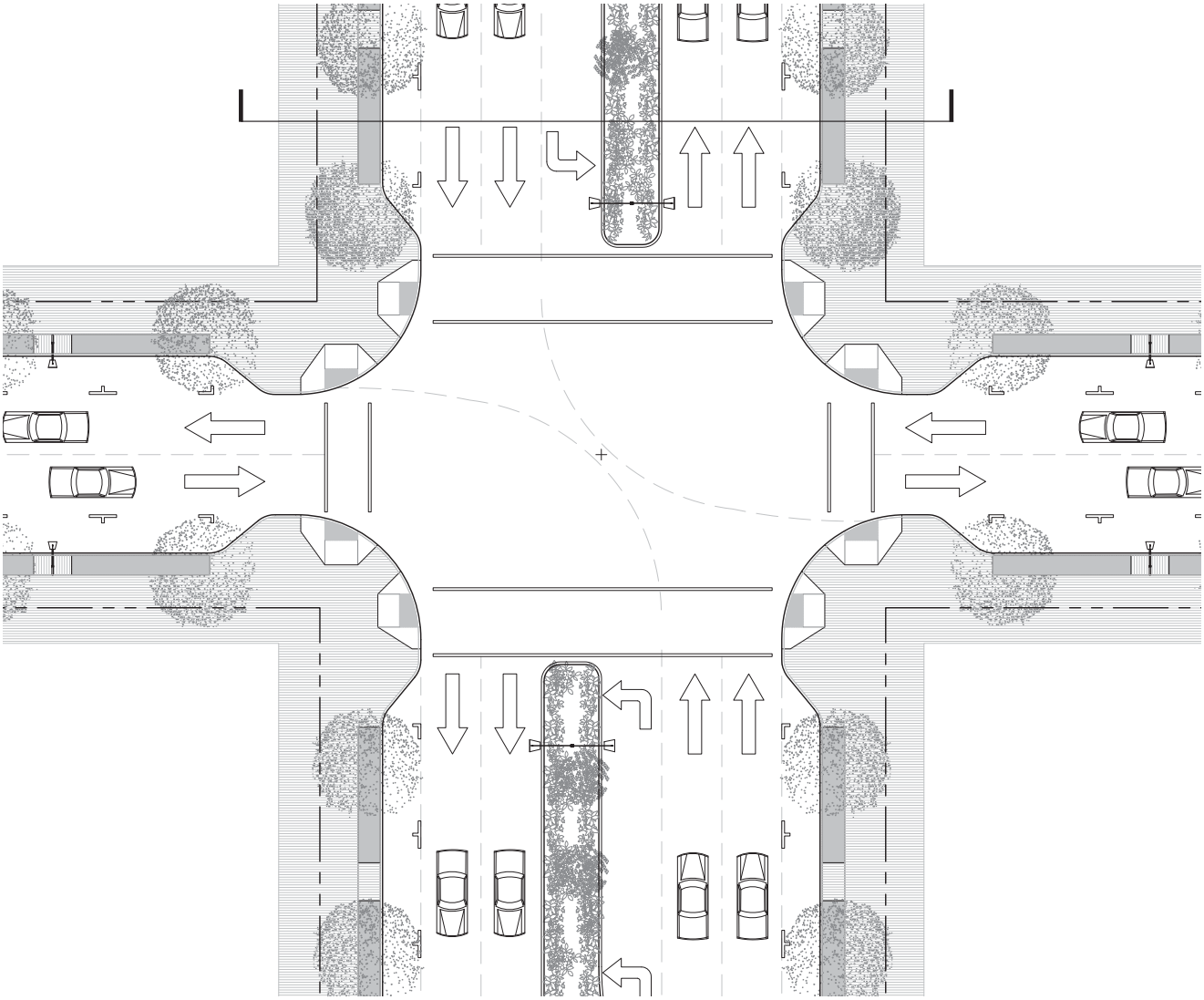
1. Street trees shall be required on streets in the MGID streets (except on alleys).
2. Street trees shall be planted approximately 4 feet behind the curb line.
3. Street tree spacing shall be an average of 30 feet on center (measured per block face) along all streets.
4. The minimum caliper size (caliper size for a multi trunk tree shall be the total of the diameter of the largest trunk and one half (½) of the diameter of each additional trunk, measured at a height of 4 ½ feet above the ground) for each tree shall be 3 in. and shall be a minimum of 12 feet in height at planting. Each tree shall be planted in a planting area no less than 40 sf. However, the tree well area shall be no smaller than 16 sf.
5. Boulevard trees shall be required in the median and spacing and species type shall be maintained along a street.
6. Spacing shall be an average of 30 feet on center (measured per block face) along all streets.
7. Turf and groundcover: When clearly visible from the street and alleys, all unpaved ground areas shall be planted with low growing shrubs or ground cover, ornamental grasses, or a combination thereof. Turf grass must be installed as solid sod and not seeded on.
8. Species shall include plants from the approved list of ground cover, vines, perennials, shrubs, and xeriscape plant list in Chapter 4 Site Development Section 4.2.2.5 and the Replacement Tree List in Chapter 4 Site Development Section 4.2.3.9 of the City of Pearland Unified Development Code, Eight Edition, January 2013.
9. Maintenance of all landscape materials shall meet the requirements of Chapter 4, Article 2, Division 2 Landscaping of the City of Pearland Unified Development Code, Eight Edition, January 2013.
10. Along arterials and highway access roads, street trees shall be planted within the required landscape parkway as per the requirements of Chapter 4, Article 2, Division 2 Landscaping of the City of Pearland Unified Development Code, Eight Edition, January 2013.
11. Street trees shall not conflict with the Utility Easements as defined in the Pearland Engineering Design Criteria Manual, June 2007.

G. Street Furniture, Lighting, and Materials

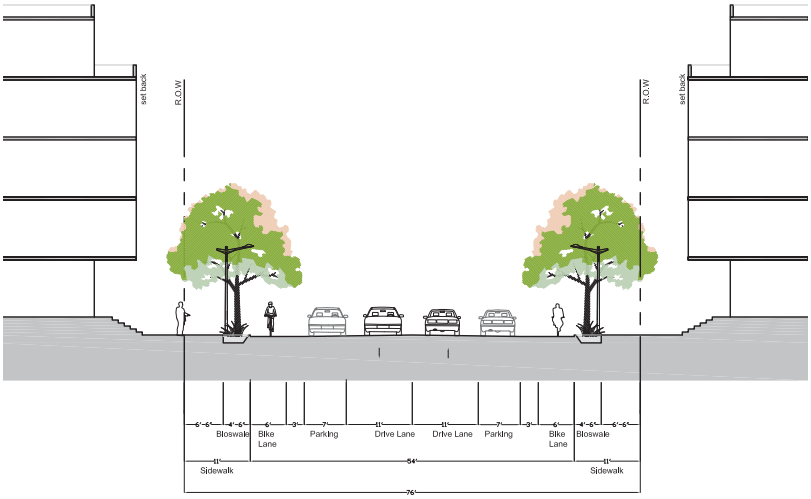
1. Pedestrian scale lighting, with the top of fixture being no more than 20 feet from the ground, shall be provided along all streets except alleyways.
2. Street lights shall be placed at 50 feet (min.) on center, approximately 2 feet behind the curb line.
3. The light standard selected shall be compatible with the design of the street and buildings.
4. Trash receptacles and bike racks shall be required along streets. A minimum of one each per block face shall be required.
5. Street furniture and pedestrian amenities such as benches are recommended along all streets.
6. All street furniture shall be located in such a manner as to allow a clear sidewalk passageway of a minimum of 6 feet.
7. Materials for streets are required to be concrete paving and are required to meet the minimum design performance specifications per the Pearland Engineering Design Criteria Manual, June 2007.
8. Materials for sidewalk paving shall be pavers or concrete paving that will meet the minimum design performance specifications per the Pearland Engineering Design Criteria Manual, June 2007.
9. Materials selected for street furniture shall be of durable quality and require minimal maintenance.
10. The specific terms related to the maintenance of light standards, street furniture, and sidewalk paving materials located within the sidewalks and roads dedicated to the city shall be outlined in the Development Agreement between the MGID and the City of Pearland. The Development agreement shall be in place before any site work permit can be applied for.
11. The design of all Public Open Space shall meet the standards and criteria set fourth by The MGID Master Landscape and Park Plan and designed in accordance with all City of Pearland engineering requirements and policies, for review and approval by the city before any site work permit can be applied for.

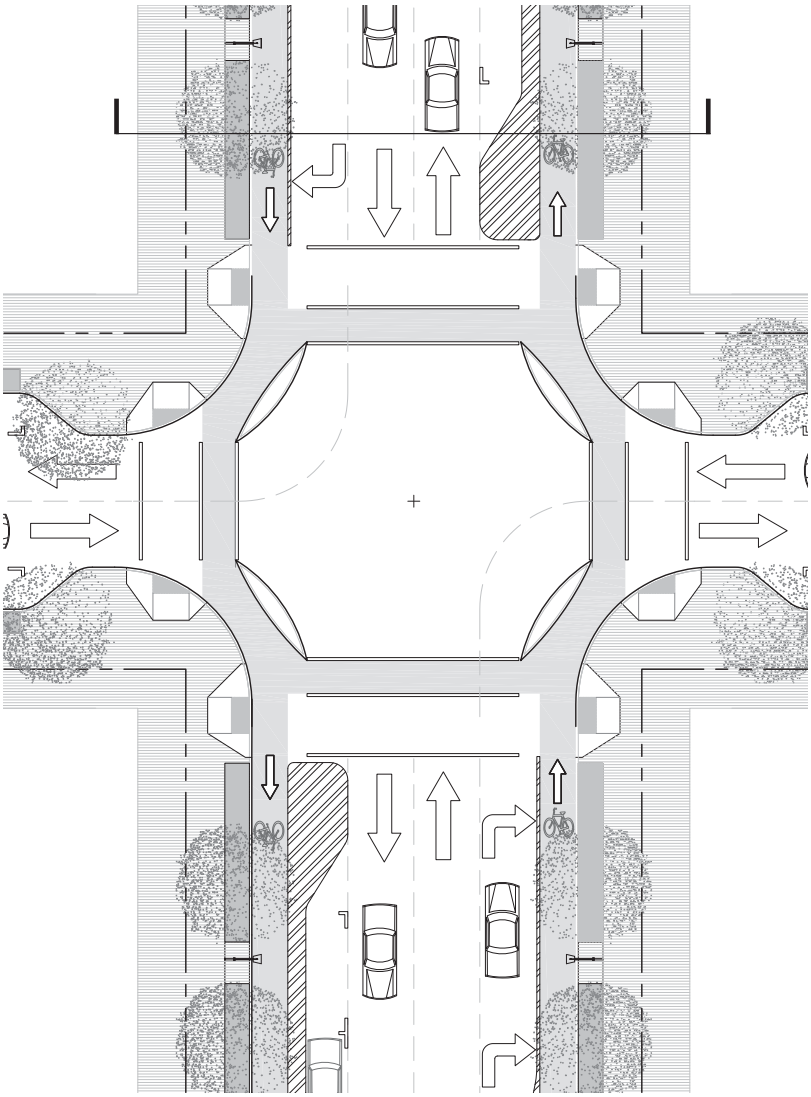
H. All utility service lines shall be located underground along all streets. Any determination on whether utilities are prominent shall be made by the Planning Director.



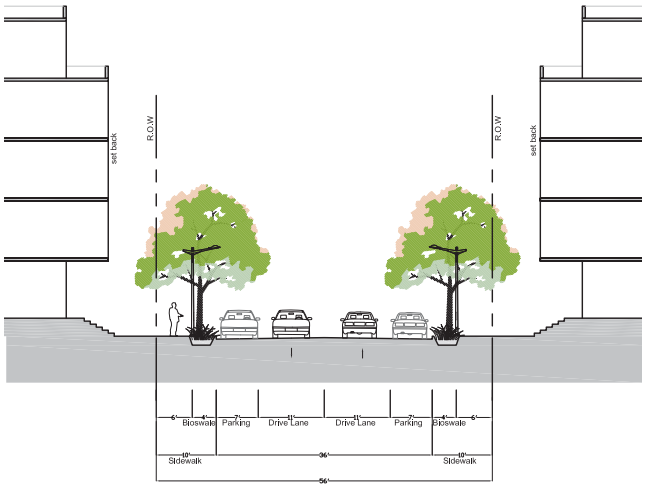


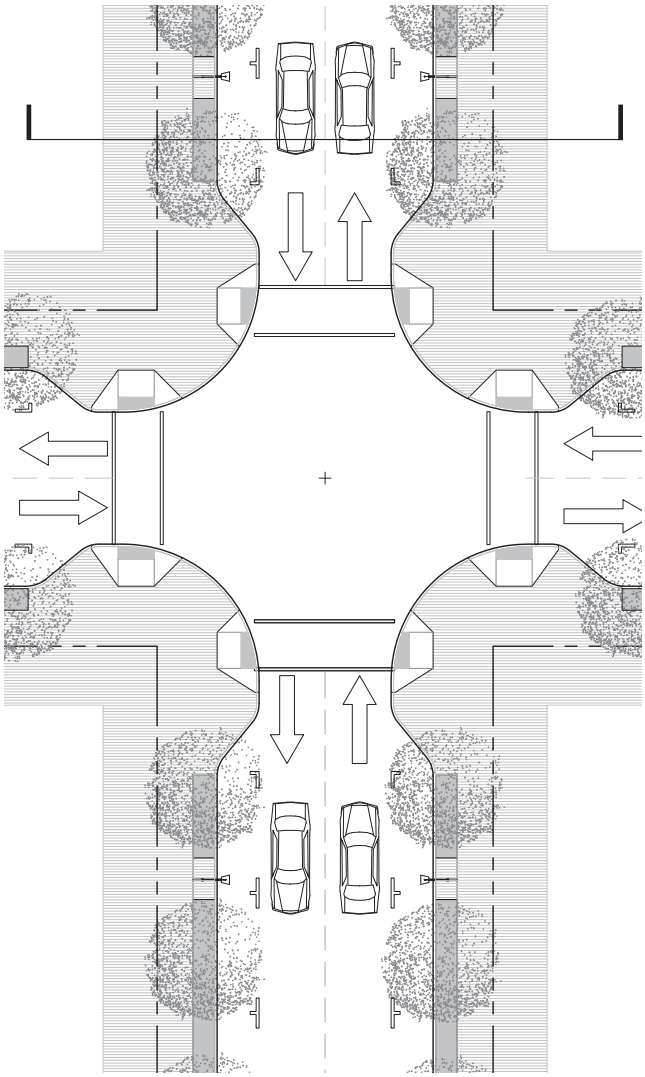
"Boulevard" Street Type - 104' R.O.W. to R.O.W.



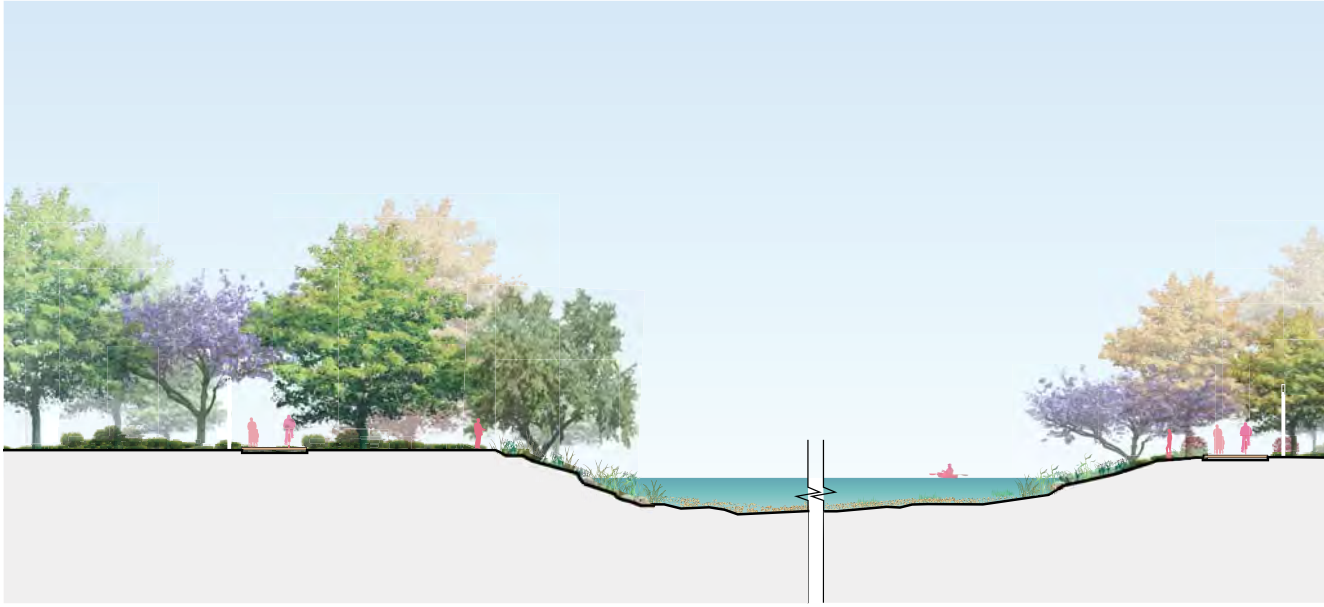


"Neighborhood Collector" Street Type - 76' R.O.W. to R.O.W.

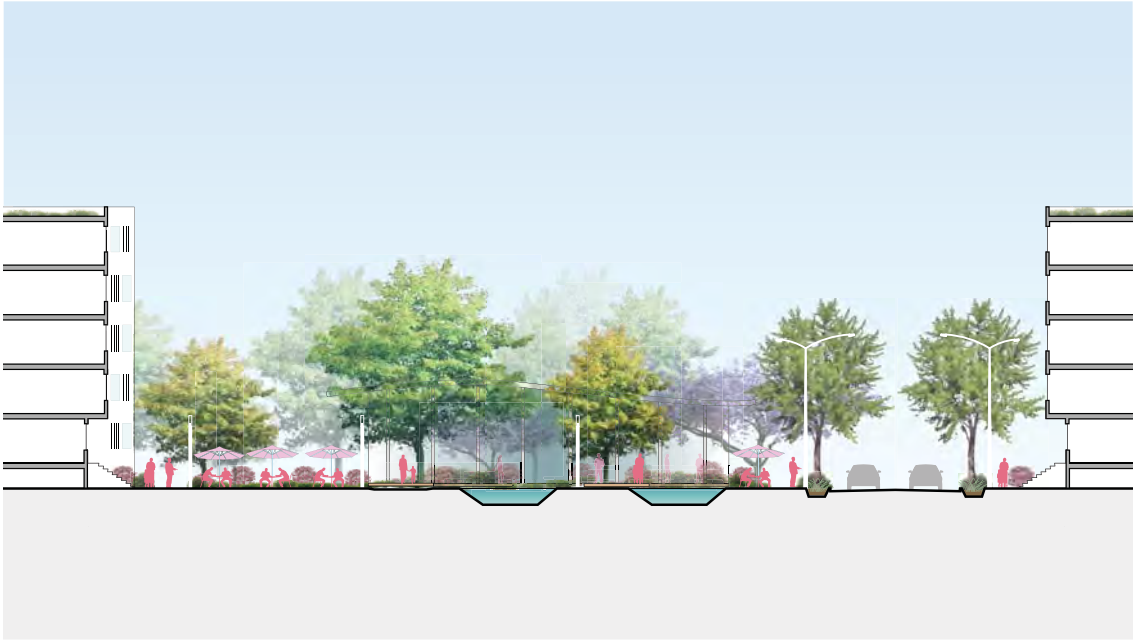




"Local" Street Type - 56' R.O.W. to R.O.W.

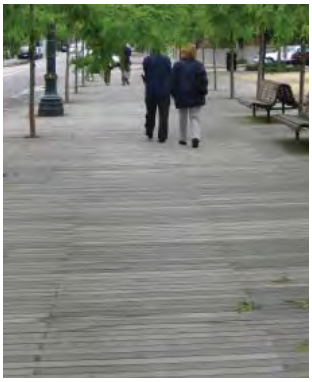


Clear Creek Recreational Park



Parkside Green

Art & Culture Park



Standards and Criteria

Permeable Paving Permeable paving zones meet all current industry standards and best practices. Permeable paving may be utilized where permitted per the Pearland Engineering Design Criteria Manual, June 2007.

Color Alternative sidewalk paving is encouraged and may include a pigmented concrete with sandblasted finish and saw-cut joints. Once chosen, sidewalk material should be consistent throughout each street type.

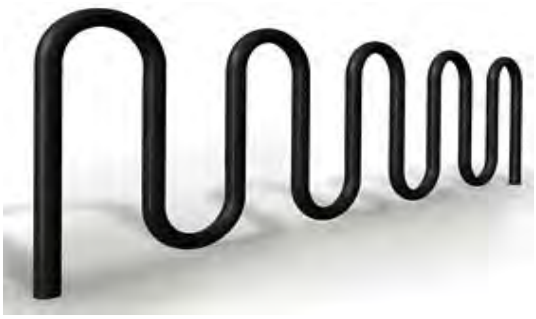
Asphalt Paving Asphalt paving shall be prohibited.

Master Street Furniture Plan The MGID Master Street Furniture Plan shall be designed in accordance with all City of Pearland engineering requirements and policies, for review and approval by the city before any site work permit can be applied for.

Key Design Components and Concepts

Paving

The ground plane within the public realm plays a critical role in both maximizing site permeability as well as enhancing the character of the MGID as a pedestrian focused neighborhood. In order to encourage a modern, simple neighborhood aesthetic, the paving palette is intended to be limited to a small range of textures and colors. The use of recycled or renewable materials, when possible, is encouraged. Materials for sidewalks are permitted to be pavers or concrete paving that will meet the minimum design performance requirements per the Pearland Engineering Design Criteria Manual, June 2007. All streets must be concrete and meet the minimum strength requirement of the Pearland Engineering Design Criteria Manual, June 2007 and a Geotech Report signed and sealed by a Texas Professional Engineer.



Standards and Criteria

Durability Bicycle parking shall be chosen to convey longevity and simplicity.
Aesthetic Bicycle parking shall be modern, minimal and urbane in character and shall not include historic replications.
Character Bicycle parking shall be consistent in order to provide a cohesive character to the neighborhood, with a consistent spacing, materials, color scheme and patterns.
Design Vocabulary Once chosen, bicycle parking should use a consistent design vocabulary throughout the neighborhood.

Master Street Furniture Plan The MGID Master Street Furniture Plan shall be designed in accordance with all City of Pearland engineering requirements and policies, for review and approval by the city before any site work permit can be applied for.

Bicycle Parking

Bicycle parking and other public amenities are intended to support the design and function of streets and open spaces and enhance the character of the MGID as a pedestrian and bicyclist focused neighborhood. Bicycle parking is encouraged to be made of durable and vandal-resistant materials such as stainless steel or other heavy duty materials where appropriate.

Standards and Criteria

Durability Site furnishings shall be chosen to convey longevity and simplicity.

Aesthetic Site furnishings shall be modern, minimal and urbane in character and shall not include historic replications.

Character Site furnishings shall be consistent in order to provide a cohesive character to the neighborhood, with a consistent spacing, materials, a color scheme and patterns.

Design Vocabulary Once chosen, trash and recycling receptacles and bollards should use a consistent design vocabulary throughout the neighborhood.

Master Street Furniture Plan The MGID Master Street Furniture Plan shall be designed in accordance with all City of Pearland engineering requirements and policies, for review and approval by the city before any site work permit can be applied for.

Site Furnishings

Materials, site furnishings and other public amenities described in this section are intended to support the design and function of streets and open spaces, while aesthetically enhancing the public character of the MGID as a pedestrian focused neighborhood. Bollards and trash and recycling bins are intended to have a consistent design vocabulary throughout the neighborhood.

Standards and Criteria

Aesthetic Lighting types shall be modern, minimal and urbane in character and shall not include historic replications.

Appropriate Light Levels Lighting levels and fixture types shall be selected according to the use of each fixture type. For instance, bollards and other lighting fixtures that illuminate the ground plane but do not directly illuminate adjacent residential units shall be considered in courtyards and the Town Center Ivy Square.

Master Site Lighting Plan The MGID Master Site Lighting Plan shall be designed in accordance with all City of Pearland engineering requirements and policies, for review and approval by the city before any site work permit can be applied for.

Lighting

Lighting is intended to be attractive and visually engaging, while providing public safety and enhancing the character of the MGID as a pedestrian focused neighborhood. Certain areas of the MGID neighborhood are intended to have lower lighting levels, such as the Clear Creek Recreational Area where it is important to minimize light pollution so as not to disturb wildlife and maintain a natural setting. A master lighting plan shall be designed in accordance with all city of Pearland engineering requirements and policies before any site work permit can be applied for.

Standards and Criteria

Storm Drainage Network The storm drainage network including bioswales, bio-gutters, tree wells, pervious paving, ponds, cisterns, and open space shall meet all current industry standards and best practices and Pearland Engineering Design Criteria Manual, June 2007.

Hydrology All rainwater shall be fed and connected into the overall site hydrology system as illustrated in the Site Hydrology Diagram, p. 65, and the Drainage Regulating Plan (Appendix H).

Master Landscape and Park Plan The MGID Master Landscape and Park Plan shall be designed in accordance with all City of Pearland engineering requirements and policies, for review and approval by the city before any site work permit can be applied for.

Bioswales

Bioswales located within the sidewalks throughout the MGID street network are designed for storm water runoff conveyance that provides an alternative to storm sewers. They can absorb low flows or carry runoff from heavy rains to storm sewer inlets or directly to surface waters. Bioswales improve water quality by infiltrating the first flush of storm water runoff and filtering the large storm flows they convey. The maintenance of bioswales will be the responsibility of the owner.

Standards and Criteria

Durability Pedestrian bridge design shall ensure longevity and simplicity.

Aesthetic Pedestrian bridges shall be modern, minimal and urbane in character and shall not include historic replications.

Character Pedestrian bridge shall be consistent with the character of the neighborhood, with a consistent spacing, materials, a color scheme and patterns.

Design Vocabulary Once chosen, bridge design vocabulary should be consistent throughout the neighborhood.

Master Street Furniture Plan The MGID Master Landscape and Park Plan shall be designed in accordance with all City of Pearland engineering requirements and policies, for review and approval by the city before any site work permit can be applied for.

Pedestrian Bridge Design

Pedestrian bridges shall be located within Public Open Space. Design of pedestrian bridges in the MGID shall take the urban context into consideration including pedestrian amenities, architectural detailing, railings, and appropriate materials. The images in this section are intended to provide examples of pedestrian bridges. The incorporation of public art is also encouraged to provide a unique sense of place and identity to the landscaped open space.

Note: Renderings reflect design vision and final design may vary.

10 | SIGNAGE

Except as specifically listed below, all other signage and sign standards must comply with Chapter 4 Site Development, Article 2, Division 5 Signage, as amended, of the City of Pearland UDC, 8th Edition, January 2013, as amended, City Standards and the Texas Municipal Uniform Traffic Control Devices, latest edition.

A. For new signs, the standards in Table 10.1 shall apply and sign permits shall be approved administratively by the City of Pearland Planning Director or designee unless specifically noted in this section.

B. The MGID shall develop a "Master Signage and Wayfinding Plan" for review and approval by the city manager and the city council before a site work permit is applied for. The Master Signage and Wayfinding Plan shall be based on the following design guidelines:

1. Promotes consistency among signs within the MGID thus creating visual harmony between signs, buildings, and other components of the district;
2. Enhances the compatibility of signs with the architectural and site design features within the MGID;
3. Encourages signage that is in character with planned and existing uses thus creating a unique sense of place; and
4. Encourages multi-tenant commercial uses to develop a unique set of sign regulations in conjunction with development standards.

TABLE 10.1			
Sign Type	**Town Center**	**Parkside Neighborhood**	**Standard**
Wall (Building or Attached) Signs	P	P (Commercial and live-work uses only)	– For all ground floor commercial uses (retail, office, and restaurant): One sign per tenant space; area to be calculated at 1.5 sq. feet per linear foot of public street frontage for the tenant space with a maximum of 100 sq. ft per tenant. – Second and upper floor commercial uses may also be permitted one second floor wall sign per tenant space per public street frontage; area to be calculated at 1.5 sq. feet per linear foot of second or upper floor frontage along that public street with a maximum of 125 sq. feet. – Institutional uses (non-profits and churches): One sign per tenant space; area to be calculated at 1.5 sq. feet per linear foot of public street frontage with a maximum of 100 sq. feet. – Live-Work and Home occupations: One sign limited to an area of 20 sq. feet max. – Building sign may encroach a maximum of 12" on to a sidewalk while maintaining a vertical clearance of 8 feet from the finished sidewalk. – Building signs may be externally lit. – Marquee signs as only permitted as specified below.
Monument Signs	P	NP	One monument sign at the project entry for the purposes of identifying the project or district. – Shall be in compliance with the Pearland Unified Development Code, 8th Edition, January 2013.
Window Signs	P	P (Commercial and live-work uses only)	Limited to 20% of the window area. The following shall be exempt from this limitation: – Addresses, closed/open signs, hours of operation, credit card logos, real estate signs, and now hiring signs; – Mannequins and storefront displays of merchandise sold; and – Interior directory signage identifying shopping aisles and merchandise display areas. – Shall be in compliance with the Pearland Unified Development Code, 8th Edition, January 2013.
Building Blade Signs	P	P (Commercial and live-work uses only)	– One per building (commercial and mixed use buildings only). – Area = 30 sq. feet maximum per sign face. – May encroach a maximum of 6 feet over a sidewalk, but shall not encroach over any parking or travel lane. – Building blade signs may be attached to the building at the corners of building or along any street facing façade above the first floor facade.
Tenant Blade Signs	P	P (Commercial and live-work uses only)	– One per commercial tenant space (retail, office, or restaurant use). – Area = 16 sq. feet maximum per sign face. – May encroach a maximum of 4 feet over a public sidewalk, but shall not encroach over any parking or travel lane. – Tenant blade signs shall be oriented perpendicular to the building façade and hung under the soffit of an arcade or under a canopy/awning or attached to the building façade immediately over the ground floor tenant space while maintaining a vertical clearance of 8 feet from the finished sidewalk.
Marquee Signs	P	NP	– Permitted for theaters, auditoriums, and other public gathering venues of 100 persons or more. – Marquee signs shall be attached to the building or located above or below a canopy only. – Area = 100 sq. feet maximum. – Message board may be changeable copy (electronic and non-electronic) and shall be limited to 50% of the sign area. Electronic message boards shall be non-flashing. – Electric Marquee signs shall have an accessible disconnect switch and shall be labeled to indicate the voltage and amperage of electrical circuits connected to the sign.
For Sale/For Lease Signs	P	P	Same as City of Pearland Sign Regulations
Address Signs	P	P	Same as City of Pearland Sign Regulations
Temporary Construction Signs	P	P	Same as City of Pearland Sign Regulations
Banners	P	P	Same as City of Pearland Sign Regulations
Sandwich Board Signs	P	P (Commercial and live-work uses only)	– Permitted only for retail, service, or restaurant uses. – Limited to 12 sq. feet per sign face per storefront. – Sign may not exceed 4 feet in height. – A minimum of 6 feet of sidewalk shall remain clear. – Chalkboards may be used for daily changing of messages. – Readerboards (electronic and non-electronic) shall be prohibited. – Sign shall be removed every day after the business is closed.
Light Pole Banners	P	P	– Permitted only with approval of the City. – Must allow for 8 ft. clear height below banner. – Max. 10 sq. feet per sign face. – Limited to one per light pole. – All light pole banners shall be approved by the appropriate utility company prior to consideration by the City. – Light pole banners shall be limited to publicize community-wide events, holiday celebrations, public art, and other city sponsored events.
Directory Signs	P	P (Commercial and live-work uses only)	– Shall be allowed for all multi-tenant commercial and mixed use buildings only. – One directory sign per multi-tenant building limited to 12 sq. feet in area. – Design of the sign shall be integral to the façade on which the sign is to be affixed.
Pole Signs	NP	NP	
LED Signs	NP	NP	

11 PUBLIC OPEN SPACE & PRIVATE OPEN SPACE STANDARDS

A. This chapter establishes the Public Open Space and Private Open Space Standards for MGID. The Sub-District/ Open Space Regulating Plan designates several areas for different designated and recommended Public Open Space types within MGID. The detailed Public Open Space Standards for each type are included in this portion of the PD. These standards include general character, typical size, frontage requirements, and typical uses. These standards shall apply in lieu of the park dedication requirements in Chapter 3, Subdivision Regulations, Division 10, Section 3.2.10.1 of the City of Pearland Unified Development Code, 8th Edition, January 2013. The design of all Public Open Space shall meet the standards and criteria set fourth by The MGID Master Landscape and Park Plan and designed in accordance with all City of Pearland engineering requirements and policies, for review and approval by the city before any site work permit can be applied for.

B. **Private Open Space Standards**: Given the mixed use nature of the MGID, all residential development within MGID shall meet the Private Open Space standards established in this portion of the PD. Table 11.1 establishes the Private Open Space requirement based on the proposed intensity of residential development.

Standards and Criteria
Balconies that are not flush shall be a minimum of 5 feet clear in depth and a minimum of 8 feet in width. Balconies may be semi-recessed or recessed. Projecting metal or slab balconies are only permitted if they have some means of visible support.

Standards and Criteria
Patios shall be a minimum of 150 sq.ft. Patios shall have a clear sense of enclosure and separation from the public realm.

Key Design Components and Concepts

Balconies

A balcony is a platform projecting from a second or higher story interior or exterior wall of a building, usually enclosed for privacy and protection by a rail. A balcony usually has French or sliding glass doors leading out to it, and can be entered from a living room or bedroom.

Patios

A Patio is an outdoor space for dining or recreation that adjoins a residence and is often paved. It may also be a roofless inner courtyard within a residence, typically found in Mediterranean dwellings.

Standards and Criteria

Courtyards shall be surrounded on all sides by buildings with at least one pedestrian connection to an adjoining building or public sidewalk.

The courtyard shall be a minimum of 200 square feet.

Courtyard may be landscaped or a combination of landscape and hardscape. However, they shall contain amenities for residents such as seating, water features, etc.

Courtyards

A Courtyard is a landscaped open space in the center of the block with no street frontage, surrounded by walls or buildings on all sides. It shall be large enough to allow for public activities and have sunlight during midday. It shall be designed to connect to adjacent buildings or to the public sidewalk through a pedestrian passage.

Standards and Criteria

A Forecourt shall be surrounded on at least two sides by buildings.

A Forecourt shall be a minimum of 150 square feet.

Forecourts

A Forecourt is similar to a Courtyard, however, it is located in the front of a building such that the forecourt is surrounded on two or three sides by wings of the building.

Standards and Criteria

The minimum width shall be 15 feet wide.

Pedestrian Passages

A Pedestrian Passage is an intimate street level passage way for pedestrians from the interior of one block or building to a public sidewalk. These paths provide direct pedestrian access to residential addresses and create unique spaces for frontages to engage and enter off of. A pedestrian passage may be used to visually reduce the impact of a large development block. Building edges may accommodate active uses such as shops and restaurants. Pedestrian passages shall consist of a hardscape pathway activated by frequent entries and exterior stairways. The edges my simply be landscaped with minimal planting and potted plants.

Standards and Criteria

Playgrounds shall be a minimum of 400 sq.ft

Playgrounds

Playgrounds shall be permitted in parks and greens to provide open space designed and equipped for the recreation of children. These playgrounds shall serve as quiet, safe places – protected from the street and typically located where children do not have to cross major to access. Playgrounds may be fenced. An open shelter, play structures or interactive art and fountains may be included with landscaping between. Shaded areas and seating shall be provided. Playground equipment and design must be reviewed and approved by the City prior to installation. A larger playground may be incorporated into the park, whereas a more intimate playground may be incorporated into the green.

Standards and Criteria

Maximum size shall be 1 acre.

Gardens shall be enclosed by a fence on all open sides.

Fences shall be installed straight and plumb, with vertical supports at a minimum of 8' on center. Chicken wire, if used, shall be continuously supported along all edges.

Fencing Materials:
Permitted: pressure treated wood (must be painted or stained medium to dark color), chicken wire, wrought iron, painted galvanized steel Not permitted: chain link, bobbed wire, vinyl, un-painted/stained pressure treated wood, plywood.

Community Gardens

A Community Garden is a small to medium size garden cultivated by members of an area for small scale agricultural uses for the benefit of the same people. It may consist of individually tended plots on a shared parcel or may be communal (everyone shares a single plot). The specific size and location of the Community Gardens will be outlined in the Master Landscape and Park Plan The MGID Master Landscape and Park Plan shall be designed in accordance with all City of Pearland engineering requirements and policies, for review and approval by the city before any site work permit can be applied for.

Standards and Criteria

A Roof Terrace shall be at least be 50% of the building footprint area.

A Roof Terrace shall provide landscaping in the form of potted plants, seating, and other amenities for the users of the building.

A Roof Terrace may also include a portion of the roof as a green roof which may or may not have public access.

Roof Terraces

Roof terraces are flat areas on top of a building which are accessible for use as a recreation space for the residents and users of the building.

Standards and Criteria
Such Private Open Space may be incorporated with roof terraces or courtyards based on the appropriateness of the design and accommodation of privacy.

Other (pool, play courts, picnic area, etc.)

Other Private Open Space could include a pool (swimming, lap pool, spa area), play courts (basket ball), or picnic areas with shade structures.

TABLE 11.1 - PRIVATE OPEN SPACE REQUIREMENTS

Phase	Private Open Space Required
Phase 1*	The development shall provide: – At least 50% of all residential units fronting on a street, public Public Open Space, forecourt, or courtyard shall provide one balcony or patio; or – One playground or other Private Open Space amenity All other Private Open Spaces are optional.
Phase 2*	The development shall provide: – At least 50% of all residential units fronting on a street, Public Open Space, fore court, or courtyard shall provide one balcony or patio; and – One playground area or other Private Open Space amenity All other Private Open Spaces are optional
Phase 3*	Any 3 of the Private Open Spaces in the list above and access to Public Open Space such as a park, plaza, square or green.

* The phasing referenced in Table 11.1 shall relate to the first phase in which any residential building or buildings are built, not necessarily that of the phasing plan (Appendix G)

Note: Renderings reflect design vision and final design may vary.

C. Public Open Space Standards. The design of public Public Open Space shall be regulated by the Public Open Space standards herein which shall create a network of open spaces that recognizes the natural qualities of the area while providing a range of both passive and active recreational opportunities. These opportunities are accommodated in a variety of spaces ranging from larger parks to neighborhood-scaled greens to urban squares and plazas. The open space network will be serviced by an interconnected network of trails and paths for pedestrians and bicyclists alike. The standards established here are guidelines within which the MGID intends to meet the goals of this section of the PD. All proposed Public Open Space within the MGID shall compliance with the following key design components and concepts. The design of all Public Open Space shall meet the standards and criteria set fourth by The MGID Master Landscape and Park Plan and designed in accordance with all City of Pearland engineering requirements and policies, for review and approval by the city before any site work permit can be applied for.

D. The area of Required Open Space can be found on Table 6.2.

Typical Characteristics General Character
Large, open space defined by landscaping and building frontages. Detention and retention, paths, trails, open shelters, lawns, trees and shrubs naturally disposed to provide space for special events.
Location and Size
Location and size shall be as shown on the Sub-District/Open Space Regulating Plan (Appendix A).
Typical Uses
Unstructured and passive recreation. Casual seating/picnicking. Outdoor concerts and special events.

Key Design Components and Concepts

Art & Cultural Park

The Art & Cultural Park will create an important public space that connects the Clear Creek Recreation Park with the MGID and allows for active and passive recreation, as well as provides space for outdoor music and special events. The Art & Cultural Park shall primarily be naturally landscaped with many places to sit on benches or low walls. Passive recreation activities in the park includes grassy lawn for unstructured and informal active recreational activities. Appropriate civic elements, fountains or open shelters may be included.

Typical Characteristics General Character

Provide an active and publicly accessible open space and recreational area and storm water detention area along Clear Creek. Primarily multi-use paths along the creek. Use includes café seating for up to one restaurant, which shall meet the requirements of all City Codes and Ordinances. Precise size and design shall be determined by the Drainage Study to be completed prior to application for a site work permit.

Location and Size

Location and size shall be as shown on the Sub-District/Open Space Regulating Plan (Appendix A).

Typical Uses

Commercial activity will be limited to one 3,500 sf restaurant.

Passive recreation, casual seating, picnicking, walking, biking, jogging, and strolling.

Clear Creek Recreational Park / Regional Stormwater Detention Area

The Clear Creek Recreational Park is intended to provide an active open space along Clear Creek at the southern edge of the project. The area is also a significant element of the regional detention strategy for the MGID and takes advantage of the Clear Creek Floodway, as well as the city's proposed "Lower Kirby Regional Detention Facility", study dated July 2013, which is located on the south western edge of the 48.5 acre MGID site. The intent is to create a vibrant and active edge along the creek and regional detention area with recreational activities. The Clear Creek Recreational Park provides a casual place for residents and visitors to the MGID to walk, bike, or jog. The Clear Creek Recreational Park shall be defined by multi-use pathways, as well as landscaped open space. The Clear Creek Recreational Park shall include limited hardscape areas with benches and areas for casual seating. All amenities located in the Clear Creek Recreational Park shall also meet the standards of the Harris County Flood Control District. Public use of amenities that overlap with the Harris County Flood Control District water shed space shall be outlined in the Development Agreement between Modern Green and the city prior to application for any site permit and also must be approved by both the Harris County Flood Control District and the Pearland Department of Parks & Recreation.

Typical Characteristics General Character

Open space defined by landscaping and building frontages.
Lawns, trees and shrubs naturally disposed.
Open shelters and paths formally disposed.

Location and Size

Location shall be as shown on the Sub-District/Open Space Regulating Plan (Appendix A).

Typical Uses

Unstructured and passive recreation.
Casual seating.
Commercial and civic uses.
Residential address.

Parkside Green Standards

The Parkside Green will serve as an important public space for the MGID. The green will be available for civic purposes, commercial activity, unstructured recreation and other passive uses. The green shall primarily be naturally landscaped with many shaded places to sit. Appropriate paths, civic elements, fountains or open shelters may be included and shall be formally placed within the green. The Parkside green is the heart of the Parkside Neighborhood Sub District.

Typical Characteristics General Character

Formal open space.
Spatially defined by buildings and tree-lined streets.
Open shelters, paths, lawns, and trees formally arranged.
Walkways and plantings at all edges Located at important intersection.

Location and Size

Location and size shall be as shown on the Sub-District/Open Space Regulating Plan (Appendix A). Size shall range from 0.5 to 1 acres.

Typical Uses

Casual seating.
Civic or minor commercial uses.
Outdoor concerts and special events.
Commercial and civic uses.

Ivy Square Standards

Ivy Square serves as an open space available for civic purposes, commercial activity, unstructured recreation and other passive uses. The square shall have a more urban, formal character and be defined by the surrounding building frontages and adjacent tree-lined streets. All buildings adjacent to the square shall front onto the square. Adjacent streets shall be lined with appropriately scaled trees that help to define the square. The landscape shall consist of lawns, trees, and shrubs planted in formal patterns and furnished with paths and benches. Shaded areas for seating shall be provided. A civic element or small structure such as an open shelter, pergola, or fountain may be provided within the square. Ivy Square is located at the heart of the Town Center Sub-District.

Typical Characteristics General Character
Formal open space. Primarily hardscape surfaces. Trees and shrubs are required. Spatially defined by building frontages.
Location and Size
Location shall be as shown on the Sub-District/Open Space Regulating Plan (Appendix A). Size shall range from 0.25 acre to 1 acre. Shall front on at least one (1) street.
Typical Uses
Commercial and civic uses. Casual seating. Tables and chairs for outdoor dining. Retail and food kiosks.

Plaza Standards

Plazas add to the vibrancy of streets within the more urban districts and create formal open spaces available for civic purposes and commercial activity. Building frontages shall define these spaces. The landscape shall consist primarily of hardscape. If trees are included, they shall be formally arranged and of appropriate scale. Casual seating, along with tables and chairs, shall be provided. Plazas typically should be located at the intersection of important streets. Plazas are appropriate in the Town Center Sub-District.

Typical Characteristics General Character

Formal character shall complement style of surrounding buildings.

One or more open sides or covered area that provides shade and shelter.

Small, stand alone structure may be located within a Park, Green, Square or Plaza.

Location and Size

Min. Size N/A Max. Size N/A

Typical Uses

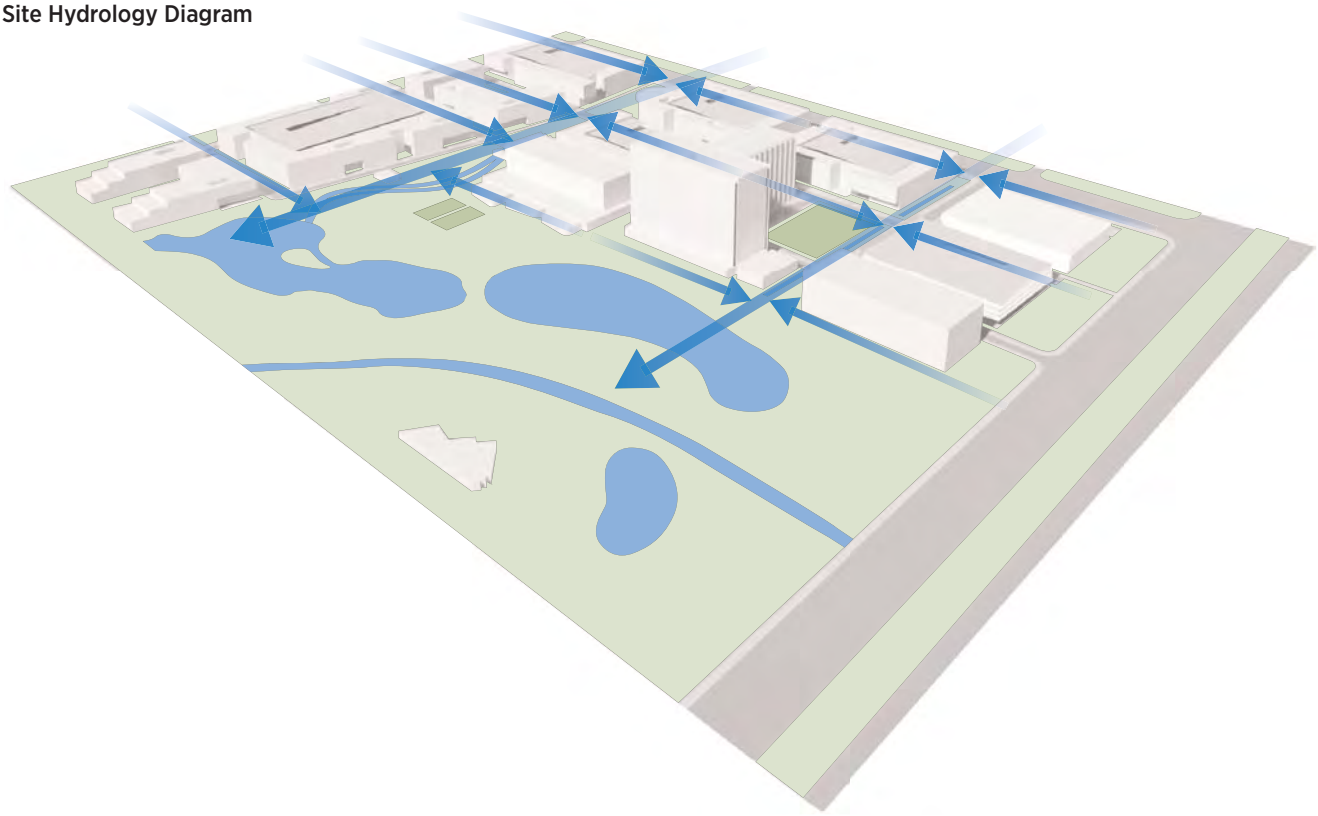
Civic or minor commercial uses.

Casual seating/picnicking, or recreational support facilities.

Ancillary Structure Standards

Ancillary structures within public Public Open Spaces shall be formal in character and generally related to, but clearly subordinate to surrounding buildings. Each individual structure shall keep in character or complement the style of nearby buildings. Typically, these structures are located at prominent locations within an appropriate Public Open Space. Ancillary structures located in the Town Center Sub-District may have minor commercial uses, such as small food or news vendors, but may also serve as civic elements for general public use with more passive activities.

Site Hydrology Diagram



Typical Characteristics General Character
Storm Drainage Network The storm drainage network including bioswales, bio-gutters, tree wells, pervious paving, ponds, cisterns, and open space shall meet all current industry standards and best practices and Pearland engineering requirements and policies.
Hydrology All rainwater shall be fed and connected into the overall site hydrology system as illustrated in the site hydrology diagram.
Location and Size
Precise size and design shall be determined by the Drainage Study to be completed prior to application for a site work permit.
Typical Uses
Site Hydrology elements shall overlap with the general use and location of Open Space and Park features found on the Sub-District/Open Space Regulating Plan (Appendix A).

Site Hydrology

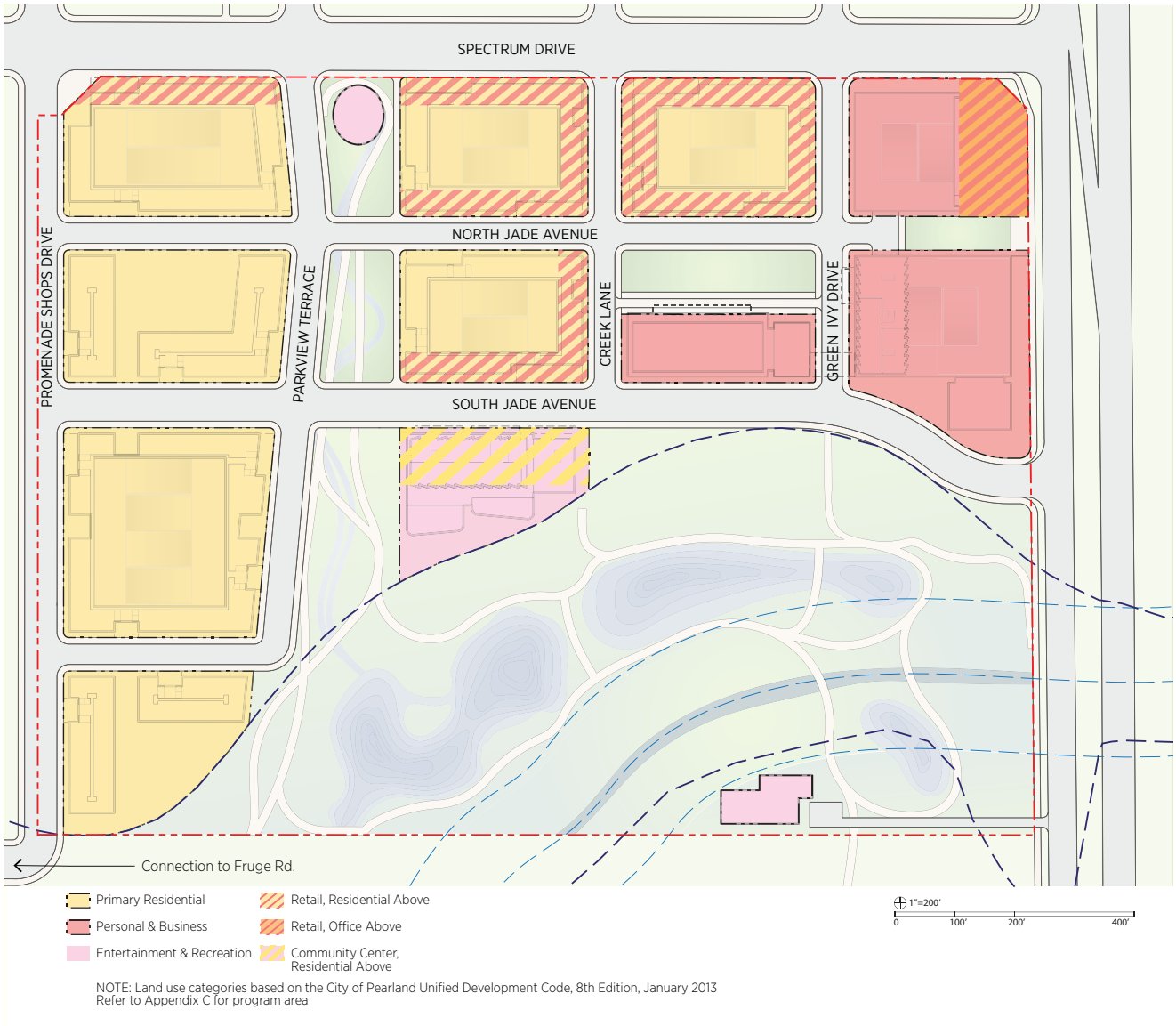
All drainage systems must meet the requirements of the City of Pearland and Harris County Flood Control District. The proposed storm drain system will be designed to convey storm water via bioswales, bio-gutters, ponds, tree wells, and the Clear Creek corridor. Rainwater runoff will flow on the surface of the ground eliminating the need for a conventional, fully piped storm drain system while increasing bio-filtration and infiltration. The storm drain system is also meant to include a series of detention ponds located throughout the Clear Creek Recreation area to provide storage and reduce the peak rate of discharge from the site. One of the goals of the storm drain system is to infiltrate runoff from small storm events into the aquifer below the MGID. Permeable surfaces will be installed where possible in order to help increase infiltration. These surfaces include pedestrian walkways and other low-traffic areas.

Note: Renderings reflect design vision and final design may vary.

APPENDICES

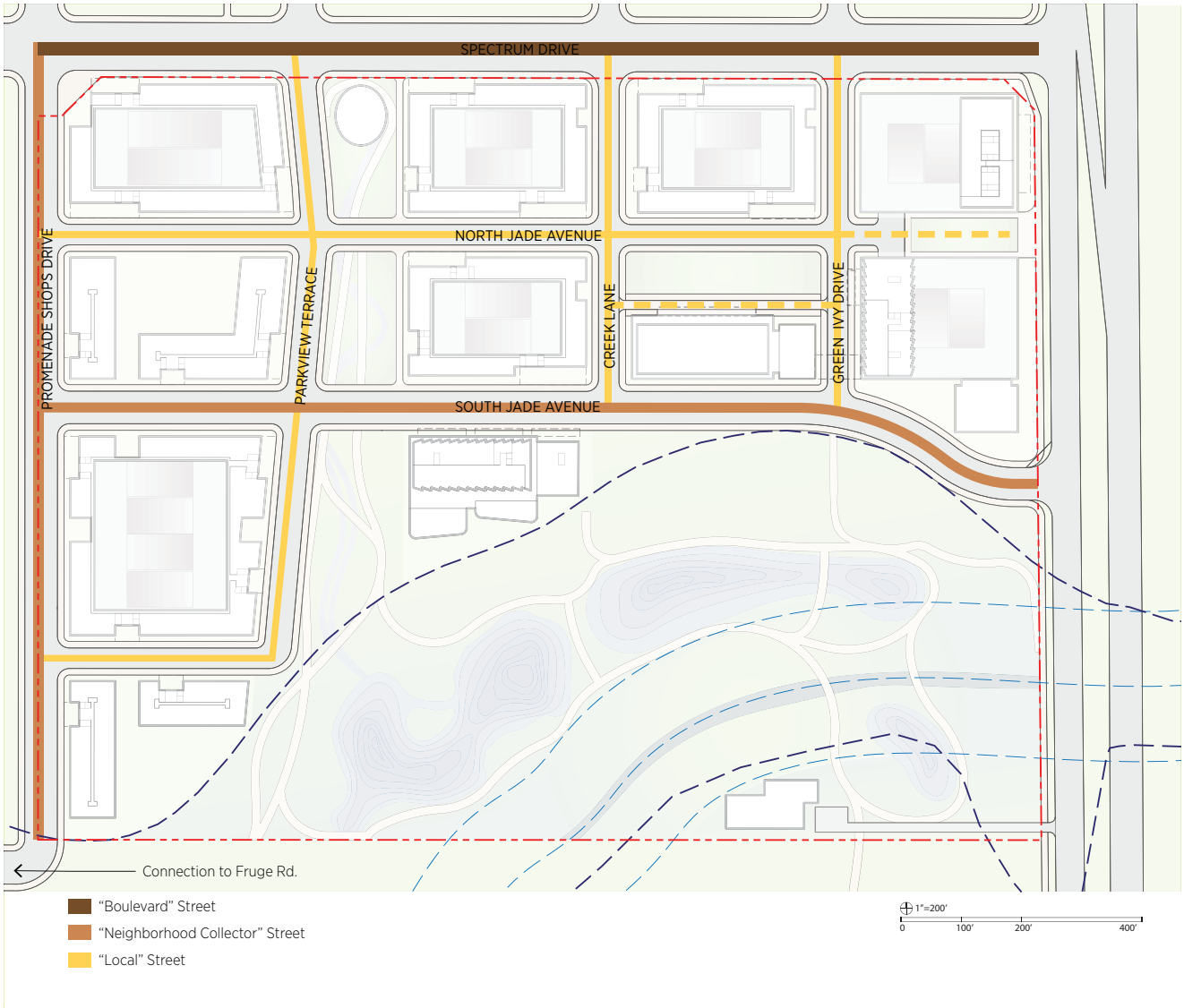
Appendix A Sub-District/Open Space Regulating Plan

Appendix B Land Use Regulating Plan

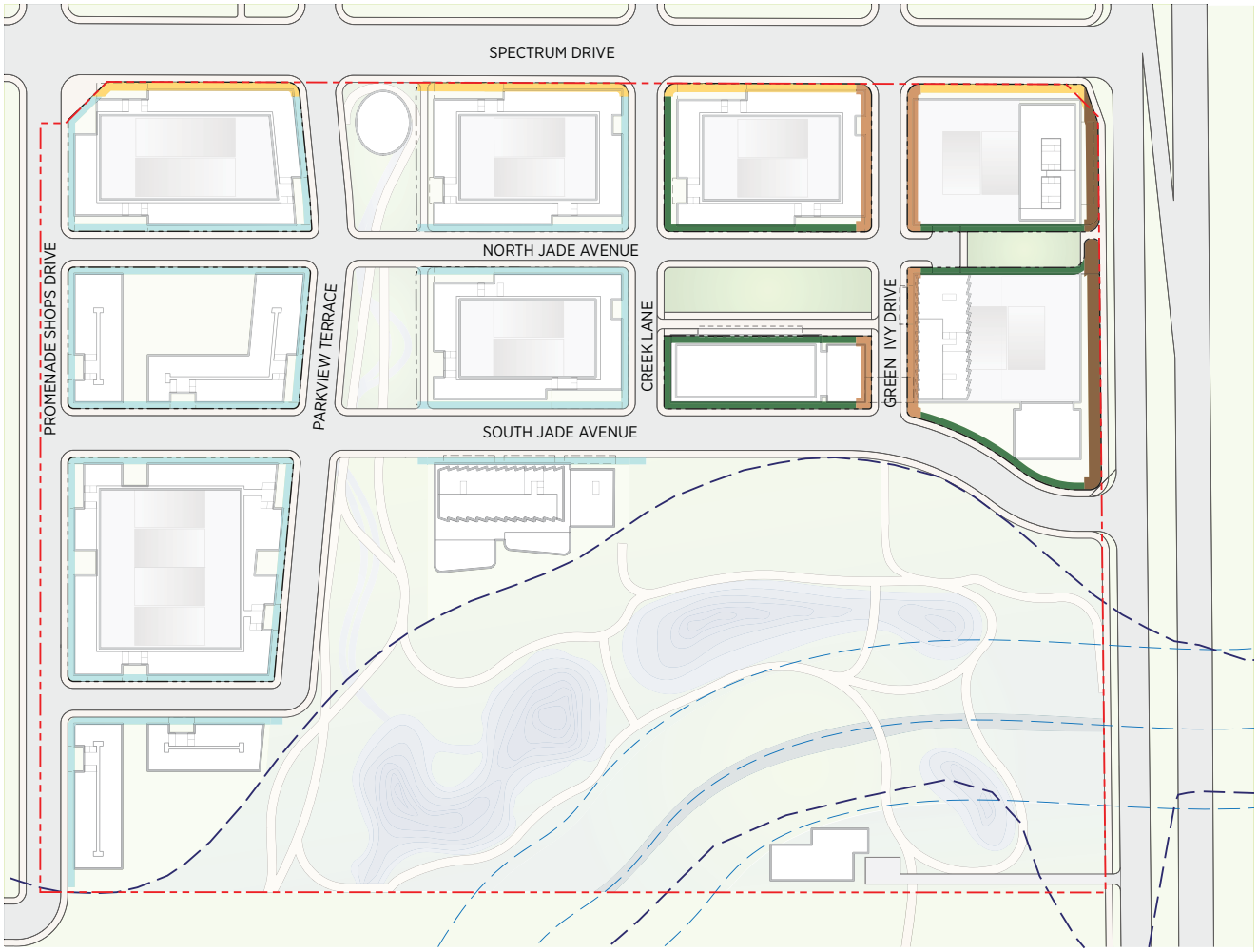


Appendix C Program Area Regulating Plan

Appendix D Street Network Regulating Plan



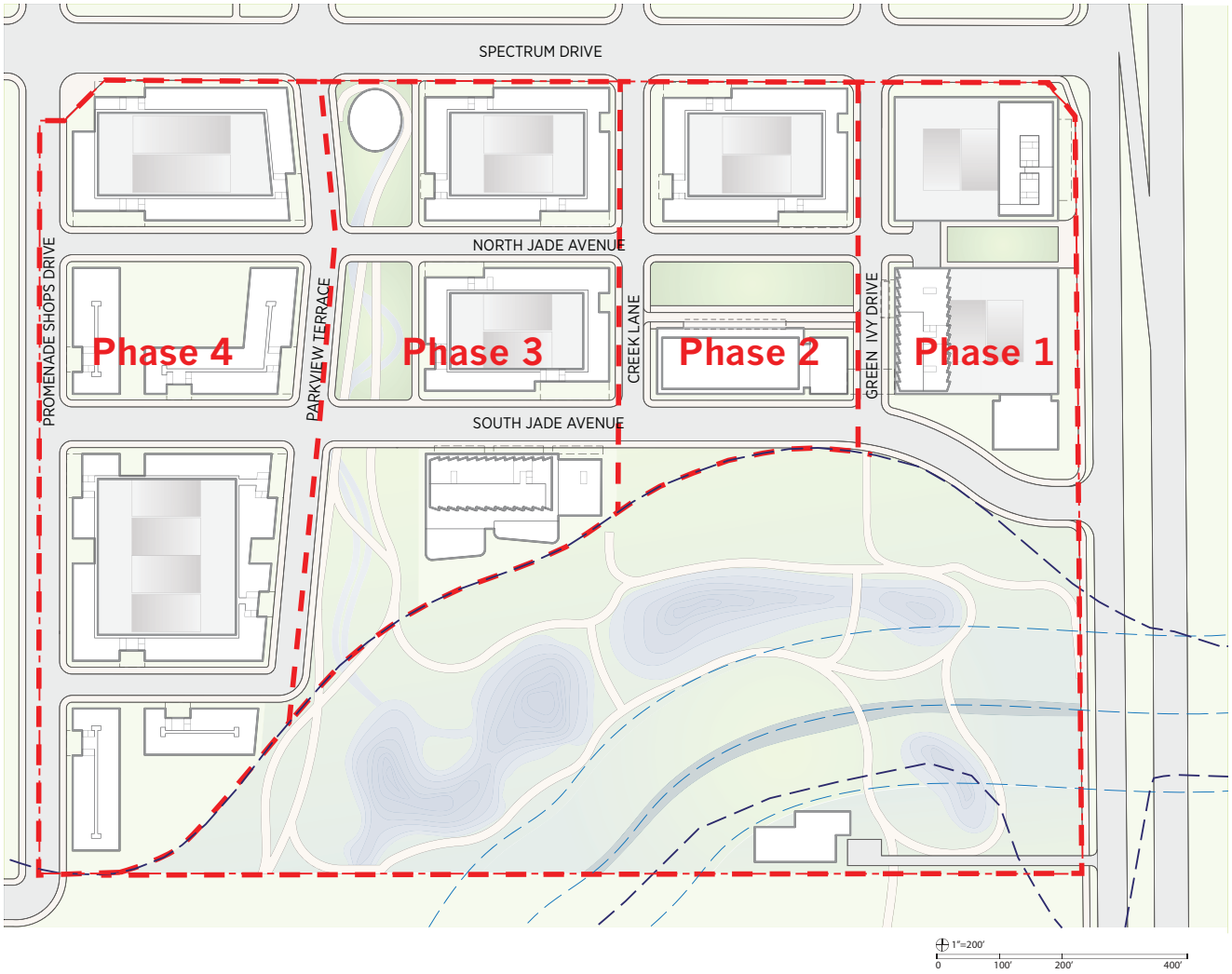
Appendix E Setback Regulating Plan



- 25' max. setback
- 10'min. - 15'max. setback
- 8'min. - 10'max. setback
- 5'min. - 10'max. setback
- 5'min. - 8'max. setback

Appendix F Service and Loading Regulating Plan

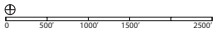
Appendix G Phasing Regulating Plan



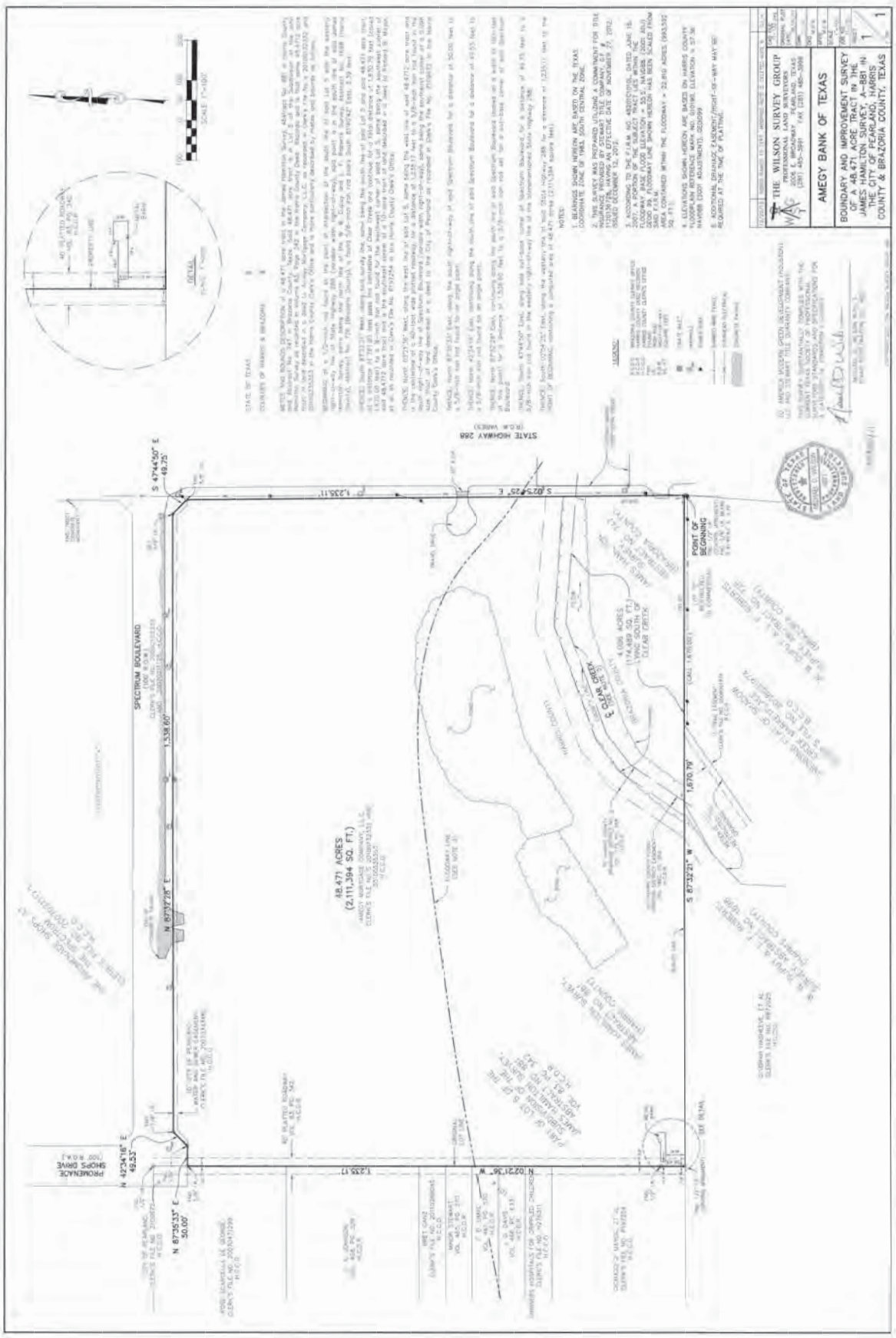
Appendix H Drainage Regulating Plan

Appendix I Illustrative Plan

Appendix J Location Map



Appendix K Survey



Appendix L Legal Description

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.

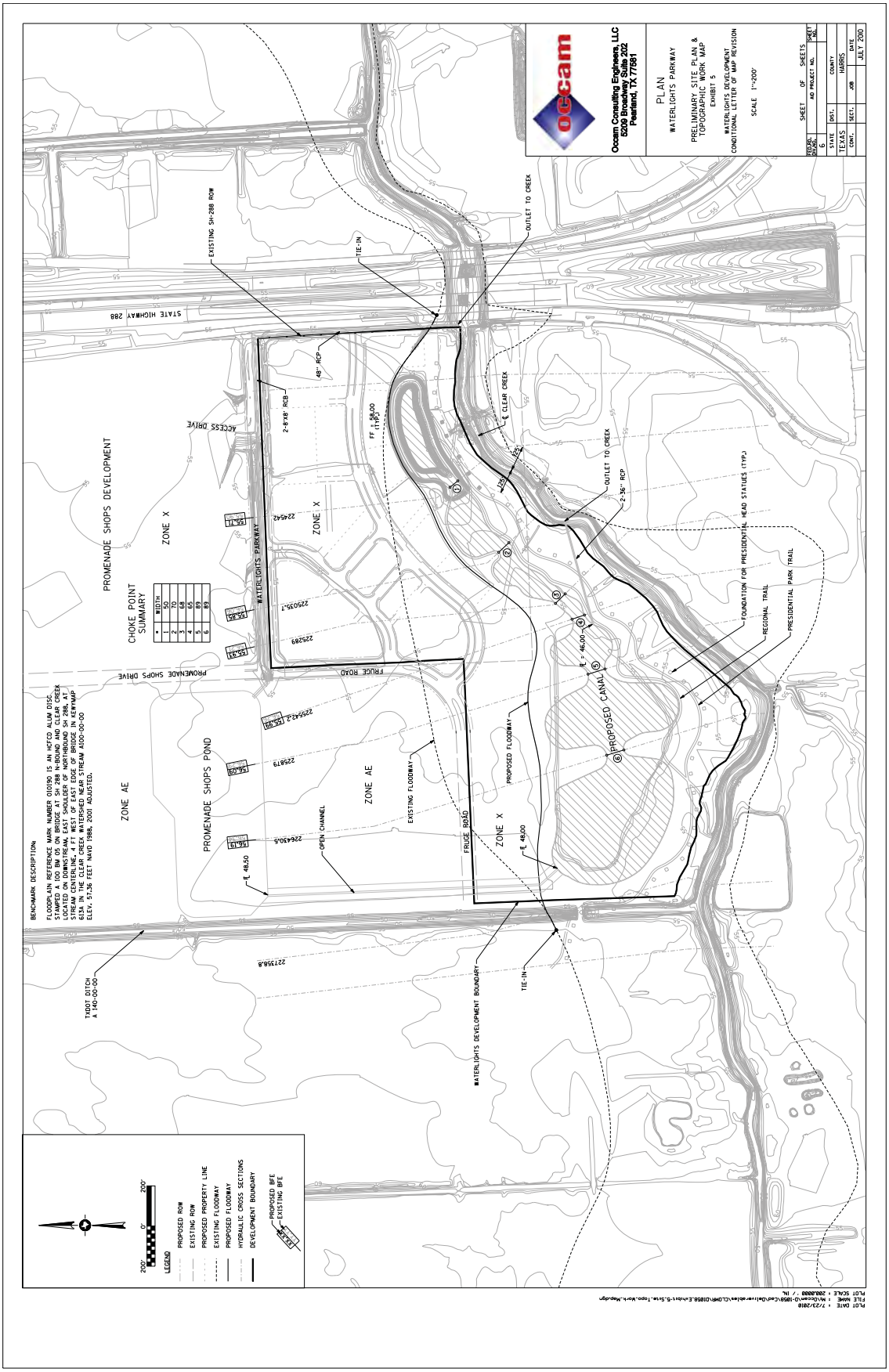
ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in the number Sequence on the date and at time stamped 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

Appendix M Revised 2011 CLOMR Plan



Federal Emergency Management Agency

Washington, D.C. 20472

May 31, 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
Case No.: 10-06-3168R

The Honorable Tom Reid
Mayor, City of Pearland
3519 Liberty Drive
Pearland, TX 77581

Community: City of Pearland, TX
Community No.: 480077

104

Dear Mayor Reid:

This responds to a request that the Department of Homeland Security's Federal Emergency Management Agency (FEMA) comment on the effects that a proposed project would have on the effective Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for Brazoria and Harris Counties, Texas, and Incorporated Areas (the effective FIRM and FIS report for your community), in accordance with Part 65 of the National Flood Insurance Program (NFIP) regulations. In a submitted report dated July 2010, Mr. Peter A. Polk, P.E., Occam Consulting Engineers, Inc., requested that FEMA evaluate the effects that proposed Waterlights Development project along A100-00-00 (Clear Creek), from approximately 8,150 feet downstream of State Route 288 to approximately 8,670 feet upstream of State Route 288, would have on the flood hazard information shown on the effective FIRM and FIS report. The proposed project will include excavation, placement of fill and a detention basin along the left overbank of A100-00-00 (Clear Creek), from approximately 200 feet upstream of State Route 288 to approximately 3,820 feet upstream of State Route 288. The area of the proposed revision is shown on Brazoria County, Texas, and Incorporated Areas, FIRM Panel numbers, 48039C0010 I and 48039C0030 I both dated September 22, 1999 and on Harris County, Texas, and Incorporated Areas, FIRM Panel numbers, 48201C1010 L and 48201C1030 L, both dated June 18, 2007.

All data required to complete our review of this request for a Conditional Letter of Map Revision (CLOMR) were submitted with letters from Mr. Polk.

Because this revision request also affects the unincorporated areas of Brazoria and Harris Counties, Texas, separate CLOMRs for those communities were issued on the same date as this CLOMR.

We reviewed the submitted data and the data used to prepare the effective FIRM for your community and determined that the proposed project meets the minimum floodplain management criteria of the NFIP. The submitted existing conditions HEC-RAS hydraulic computer model, dated March 4, 2010, based on updated topographic information, was used as the base conditions model in our review of the proposed conditions model for this CLOMR request. We believe that, if the proposed project is constructed as shown on the submitted topographic work map, entitled "Exhibit 5, Waterlights Development Conditional Letter of Map Revision Topographic Work Map," prepared by Occam Consulting Engineers, Inc., dated February 2011, and the data listed below are received, a revision to the FIRM and FIS report would be warranted.

2

Area Within Brazoria County

The effective Harris County modeling for A100-00-00 (Clear Creek) is being used as the basis of the preliminary modeling and mapping currently in progress for Brazoria County. Therefore, Harris County A100-00-00 (Clear Creek) modeling was used as the base conditions for the development of corrected effective/existing conditions model.

Our comparison of existing conditions to the effective flood hazard information revealed that the Base (1-percent-annual-chance) Flood Elevations (BFEs) increased and decreased compared to the effective BFEs for Clear Creek. The maximum increase in BFE for the project area and your community, 0.4 foot, occurred approximately 4,130 feet upstream of State Route 288. The maximum decrease in BFE for the project area and your community, 1.0 foot, occurred approximately 5,100 feet downstream of State Route 288. The increases and decreases in BFEs are due to updated topography and revised hydrology.

As a result of the proposed project, the BFEs will decrease compared to the existing conditions BFEs for Clear Creek. The maximum decrease in BFE for the project area and your community, 0.2 foot, will occur approximately 1,700 feet upstream of State Route 288.

As a result of the proposed project and updated topographic information, the BFEs will increase and decrease compared to the effective BFEs for Clear Creek. The maximum increase in BFE for the project area and your community, 0.3 foot, will occur approximately 4,130 feet upstream of State Route 288. The maximum decrease in BFE, 1.0 foot for the project area and your community, will occur approximately 5,100 feet downstream of State Route 288.

As a result of the proposed project and updated topographic information, the width of the Special Flood Hazard Area (SFHA), the area that would be inundated by the base flood, will increase and decrease compared to the effective SFHA width along Clear Creek. No increase in SFHA width will occur for your community. The maximum increase in SFHA width for the project area, approximately 5,730 feet, will occur approximately 790 feet upstream of State Route 288. The maximum decrease in SFHA width for the project area, approximately 1,810 feet, will occur approximately 3,070 feet downstream of State Route 288. No decrease in SFHA width will occur for your community.

As a result of the updated topographic information and the proposed project, the width of the regulatory floodway will increase and decrease compared to the effective floodway width along Clear Creek. The maximum increase in floodway width for the project area, approximately 1,200 feet, will occur approximately 6,550 feet upstream of State Route 288. The maximum increase in floodway width for your community, approximately 120 feet, will occur approximately 2,740 feet upstream of State Route 288. The maximum decrease in floodway width for the project area, approximately 510 feet, will occur approximately 1,130 feet downstream of State Route 288. The maximum decrease in floodway width for your community, approximately 130 feet, will occur approximately 5,100 feet downstream of State Route 288.

Area Within Harris County

Our comparison of existing conditions to the effective flood hazard information revealed that the BFEs increased and decreased compared to the effective BFEs for A100-00-00 (Clear Creek). The maximum increase in BFE for the project area and your community, 0.2 foot, occurred approximately 4,480 feet upstream of State Route 288. The maximum decrease in BFE for the project area and your community, 0.2 foot, occurred approximately 900 feet upstream of State Route 288. The increases and decreases in BFEs are due to updated topography and revised hydrology.

3

As a result of the proposed project, the BFEs will decrease compared to the existing conditions BFEs for A100-00-00 (Clear Creek). The maximum decrease in BFE for the project area and your community, 0.2 foot, will occur approximately 1,700 feet upstream of State Route 288.

As a result of the proposed project and updated topographic information, the BFEs will increase and decrease compared to the effective BFEs for A100-00-00 (Clear Creek). The maximum increase in BFE for the project area and your community, 0.1 foot, will occur approximately 4,480 feet upstream of State Route 288. The maximum decrease in BFE for the project area and your community, 0.4 foot, will occur approximately 900 feet upstream of State Route 288.

As a result of the proposed project and updated topographic information, the SFHA width will decrease compared to the effective SFHA width along A100-00-00 (Clear Creek). The maximum decrease in SFHA width for the project area and your community, approximately 4,200 feet, will occur approximately 2,290 feet upstream of State Route 288.

As a result of the updated topographic information and the proposed project, the width of the regulatory floodway will decrease compared to the effective floodway width along A100-00-00 (Clear Creek). The maximum decrease in floodway width for the project area and your community, approximately 630 feet, will occur approximately 2,170 feet upstream of State Route 288.

Upon completion of the project, your community may submit the data listed below and request that we make a final determination on revising the effective FIRM and FIS report.

- Detailed application and certification forms must be used for requesting final revisions to the maps. Therefore, when the map revision request for the area covered by this letter is submitted, Form 1, entitled "Overview and Concurrence Form," must be included. (A copy of this form is enclosed.)

- The detailed application and certification forms listed below may be required if as-built conditions differ from the preliminary plans. If required, please submit new forms (copies of which are enclosed) or annotated copies of the previously submitted forms showing the revised information.

  Form 2, entitled "Riverine Hydrology and Hydraulics Form"

  Hydraulic analyses, for as-built conditions, of the base flood; the 10-percent-, 2-percent-, and 0.2-percent-annual-chance floods; and the regulatory floodway must be submitted with Form 2.

- As-built plans, certified by a registered Professional Engineer, of all proposed project elements.

- A topographic work map showing the revised and effective floodplain and floodway boundaries.

- A copy of the annotated FIRM, at the scale of the effective FIRM, showing the revised floodway and base floodplain boundary delineations and a clear tie-in with the effective delineations at the upstream and downstream ends of the revised reach.

4

- A copy of the public notice distributed by your community stating its intent to revise the regulatory floodway, or a statement by your community that it has notified all affected property owners and affected adjacent jurisdictions.

- Documentation of individual legal notices that were sent to property owners affected by any widening or shifting of the SFHA, and any increases in BFEs.

- An officially adopted maintenance and operation plan for the detention pond. This plan, which may be in the form of a written statement from the community Chief Executive Officer, an ordinance, or other legislation, must describe the nature of the maintenance activities, the frequency with which they will be performed, and the title of the local community official who will be responsible for ensuring that the maintenance activities are accomplished.

- We are preparing a revised countywide FIRM and FIS report for Brazoria County. Preliminary copies of the revised FIRM and FIS report will be distributed for review in next several months. The ongoing preliminary study encompasses a portion of the reach for which this CLOMR is being issued. Upon completion of the project for which this CLOMR is issued, the BFEs and SFHA/floodway boundary delineations must tie into the revised flood hazard information.

Effective January 13, 2010, FEMA revised the fee schedule for reviewing and processing requests for conditional and final modifications to published flood information and maps. In accordance with this schedule, the current fee for this map revision request is $5,000 and must be received before we can begin processing the request. Please note, however, that the fee schedule is subject to change, and requesters are required to submit the fee in effect at the time of the submittal. Payment of this fee shall be made in the form of a check or money order, made payable in U.S. funds to the National Flood Insurance Program, or by credit card (Visa or MasterCard only).

The payment, along with the revision application, must be forwarded to the following address:

FEMA LOMC Clearinghouse
7390 Coca Cola Drive, Suite 204
Hanover, MD 21076

After receiving appropriate documentation to show that the project has been completed, FEMA will initiate a revision to the FIRM and FIS report. Because the BFEs would change as a result of the project, a 90-day appeal period would be initiated, during which community officials and interested persons may appeal the revised BFEs based on scientific or technical data.

This CLOMR is based on minimum floodplain management criteria established under the NFIP. Your community is responsible for approving all floodplain development and for ensuring all necessary permits required by Federal or State law have been received. State, county, and community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction in the SFHA. If the State, county, or community has adopted more restrictive or comprehensive floodplain management criteria, these criteria take precedence over the minimum NFIP criteria.

5

If you have any questions regarding floodplain management regulations for your community or the NFIP in general, please contact the Consultation Coordination Officer (CCO) for your community. Information on the CCO for your community may be obtained by calling the Director, Mitigation Division of FEMA in Denton, Texas, at (940) 898-5127. If you have any questions regarding this CLOMR, please contact the FEMA Map Information eXchange (FMIX), toll free, at 1-877-FEMA MAP (1-877-336-2627).

Sincerely,

Michael J. McGinn, Program Specialist
Engineering Management Branch
Federal Insurance and Mitigation Administration

For: Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

Enclosures

cc: The Honorable Ed Emmett
Harris County Judge

The Honorable Joe King
Brazoria County Judge

Mr. Narciso Lira III, P.E.
City Engineer, City of Pearland

Ms. Kelly Hamby, CFM
Floodplain Administrator, Brazoria County

Mr. Raymond Anderson, P.E., CFM
Manager of Permits, Harris County

Mr. Mark Loethen, P.E., CFM
City Engineer, City of Houston

Mr. Peter A. Polk, P.E.
Occam Consulting Engineers, LLC

P&Z AGENDA ITEM

D

ADJOURN MEETING