AGENDA

CITY OF PEARLAND
PLANNING & ZONING COMMISSION

September 15, 2014 6:30 p.m.

Henry Fuertes
P&Z CHAIRPERSON

Daniel Tunstall
P&Z VICE-CHAIRPERSON

COMMISSIONERS

Elizabeth McLane

Derrick Reed

Mary Starr

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, SEPTEMBER 15, 2014, AT 6:30 p.m.
COUNCIL CHAMBERS - CITY HALL - 3519 LIBERTY DRIVE

I. CALL TO ORDER

II. CONSENT AGENDA

All items listed under the "Consent Agenda" are considered to be routine and require little or no deliberation by the P&Z Commission. These items will be enacted / approved by one motion unless a commissioner requests separate action on an item, in which event the item will be removed from the Consent Agenda and considered by separate action *(ix. Matters removed from Consent Agenda).* Approval of the Consent Agenda enacts the items of legislation.

A. CONSIDERATION & POSSIBLE ACTION – APPROVAL OF MINUTES:

1. Approve the Minutes of the August 18, 2014, p.m. P&Z Regular Meeting, held at 6:30 p.m.
2. Excuse the Absence of Daniel Tunstall from the August 4, 2014 P&Z Regular meeting.

B. CONSIDERATION & POSSIBLE ACTION – FINAL PLAT OF OAKBROOK ESTATES SECTION 9

Decision Date 09/19/2014

A request by Alex Van Duzer of Cobb Fendley, applicant, on behalf of Oakbrook Estates, LTD, owner, for approval of a Final Plat of Oakbrook Estates Section 9, a 46 lot single-family residential subdivision, to wit:

Legal Description: Being a subdivision of 15.379 acres of land situated in the W.D.C. Hall League, Abstract No. 70, Brazoria County MUD 17, City of Pearland, Brazoria County, Texas

General Location: 3800 Block of Oak Bent Drive, Pearland, TX.

III. MATTERS REMOVED FROM CONSENT AGENDA

IV. OLD BUSINESS

A. CONSIDERATION AND POSSIBLE ACTION - ZONE CHANGE APPLICATION NO. 2014-10Z

A request of James Johnson, Lake Park Pearland, Ltd., applicant; on behalf of James Johnson, FYCW, Ltd, owner; for approval of a change in zoning from Single Family Estate District (RE) to a mixed- use Planned Development (PD) known as Pearland's Lake Park; on approximately 47 acres, to wit:

Legal Description: Being a 47.717 acre tract of land located in the W.B. Dobson Survey, Abstract-1 87, in Brazoria County, Texas; said 47.717 acre tract being the remainder of a called 48.35 acre tract recorded in the name of Bruno Bagnoliin Volume 339, Page 319, of the Brazoria County Deed Records (B.C.D.R.), Brazoria County, Texas, Brazoria County, Texas

General Location: Northeast corner of Brookside Road and Cullen Parkway, Pearland, TX

V. NEW BUSINESS

A. CONSIDERATION AND POSSIBLE ACTION – EXTENSION OF DIXIE FARM AND TALL OAK CLUSTER DEVELOPMENT PLAN

A request by Korie Johnston of DR Horton, applicant and Kathy Jan Freeman and Kim Freeman, owner (s), for approval of an extension of a Cluster Development Plan on a 14.3 acre tract of land for a single-family residential subdivision, to wit:

Legal Description: Being 11.933 acres of land located in the W.D.C. Hall League, Abstract 70, Brazoria County, Texas, more particularly being a portion of Lot 3 and Lot 4 of the George W. Jenkins Subdivision, a subdivision of record in Volume 79, Page 616 of the Brazoria County Deed Records (B.C.D.R.), also being the residue of a 7.5 acre tract (described as the Southwest ¾ of Lot 3) of which an undivided one-half interest was conveyed to Kim Freeman by instrument of record in File Number 99-010744 of the Brazoria County Official Records (B.C.O.R.) and an un-divided ¼ interest, each, was to Kim Freeman and Kathy Jan Freeman, by instrument of record in File number 96-044065 of said B.C.O.R., and the residue of a 5 acre tract (described as southwest ½ of Lot 4) of which an undivided one-half interest was conveyed to Kathy Freeman, by instrument of record in File number 99-0010744, of said B.C.O.R. and an undivided one fourth interest, each, was conveyed to Kim Freeman and Kathy Jan Freeman by instrument of record in File Number 96-044065, of said B.C.O.R., and;

Being 2.387 acres of land located in the W.D.C. Hall League, Abstract 70, Brazoria County, Texas, more particularly being a portion of Lot 3 of the George W. Jenkins Subdivision, a subdivision of record in Volume 79, Page 616 of the Brazoria County Deed Records (B.C.P.R.), and being the residue of a 2.5 acre tract (described as the Northeast ¼ of Lot 3) conveyed to Kathy Freeman by instrument of record in Volume 1009, Page 57 of said B.C.D.R.

General Location: Northeast corner of Dixie Farm Road and Tall Oak Drive, Pearland, TX

B. CONSIDERATION AND POSSIBLE ACTION – CONDITIONAL USE PERMIT NO. 2014-08

A request of Pirooz Farhoomand, applicant; on behalf of Artisan Estates, L.P., owner; for approval of a Conditional Use Permit to allow for a Church, Temple, or Place of Worship in the Neighborhood Services (NS) Zoning District; on approximately 2.225 acres of land, to wit:

Legal Description: Being a tract of land containing 2.225 acre (96,940 square feet) tract of land in the H.T. & B.R.R. Co. Survey, Abstract 309, Brazoria County, Texas. Said 2.225 acre tract is in the south one-half of Lot 30 of the Allison-Richey Gulf Coast Home Company's part of Suburban Gardens Subdivision as recorded in Volume 2, Page 23 of the Brazoria County Map records and is further described as being part of a tract of land described in a deed conveyed from Garfield Clark, Jr. to Danny L. Blumrick executed on March 10, 1999 as recorded in Clerk's file No. 99 012327 in the Brazoria County Clerk's and all of a 0.9326 acre tract of land described in a deed conveyed from Garfield Clark, Jr. to Danny L. Blumrick executed on November 28, 2000 as recorded in Clerk's File No. 01 034492 in the Brazoria County Clerk's Office, Brazoria County, Texas

General Location: 3030 Cullen Parkway, Pearland, TX

C. CONSIDERATION AND POSSIBLE ACTION - ZONE CHANGE APPLICATION NO. 2014-6Z

A request of Evelyn Pineda, owner/applicant; for approval of a change in zoning from Single Family Residential-2 (R-2) to Office and Professional (OP) on approximately 0.21 acres of land, to wit:

Legal Description: A tract of land being known as Lot 15 of Darlinda Addition, a subdivision in Brazoria County Texas as recorded in Volume 7, Page 20 of the Plat Records of said Brazoria County, and being the same tract of land as described in deed to Ernesto Perez and Evelyn Pineda under

Clerk;s File Number 2006042620 of the Real Property Records of said Brazoria County.

General Location: 4602 Broadway Street, Pearland, TX

D. CONSIDERATION AND POSSIBLE ACTION - ZONE CHANGE APPLICATION NO. 2014-15Z

A request of BGE Kerry R. Gilbert and Associates, applicant; on behalf of Parkside 59/288 LTD, owner; for approval of an amendment to the Business Center PD; on approximately 29.331 acres of land, to wit:

Legal Description: Being 29.331 acres of land located in the H.T. & B.R.R. Company Survey, Section 81, Abstract Number 300, Brazoria County, Texas, being a portion of Lots 38, 39, 40, 49 and 50 of the Allison Richey Gulf Coast Home Company's Part of Suburban Gardens, a subdivision of record in Volume 2, Page 98 of the Brazoria County Plat Records, being a portion of Business Center Planned Development Tract C-4, the plat thereof recorded under Document Number 2013-033688 in the Official Public Records of Brazoria County Texas, further being the residue of a 30.583 acre tract (Part One) and the residue of a 9.990 acre tract (Part Two) described in the deed from Compass Bank to Parkside 59/288 LTD. Recorded under Document No. 2011012491, in the Official Public Records of Brazoria County, Texas.

General Location: Northwest corner of County Road 59 and State Highway 288 Pearland, TX

E. CONSIDERATION AND POSSIBLE ACTION - ZONE CHANGE APPLICATION NO. 2014-16Z

A request of LJA Engineering, applicant; on behalf of A S 121 Pearland Parkway-Broadway Street, L.P., owner; for a change in zoning to amend the Province Village PD, on approximately 1.707 acres of land, to wit:

Legal Description: Being 1.707 acres of land located in the Thomas J. Green Survey, Abstract 198, Brazoria County, Texas, more particularly being all of Lot A and a portion of Lot B, Block 1 of Amending Plat No. 1, Province Village Drive, Office Park and Reserves, a subdivision of record under Doc # 2008019410 of the Official Public Records of Brazoria County, Texas (B.C.O.P.R.).

General Location: Southeast corner of Province Village Drive and Pearland Parkway, Pearland, Texas

F. DISCUSSION ITEMS

1. Commissioners Activity Report
2. Comprehensive Plan Update
3. Zoning Update
4. Commissioner's Annual Questionnaire
5. Texas APA State Conference – October 15-18 Frisco, TX
6. Next P&Z Meeting - October 6, 2014

VI. 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 12th day of September, 2014, A.D., at 5:30 p.m.

_____
Jennifer Tatum, Office Assistance

Agenda removed _____ day of September, 2014.

CONSENT AGENDA

P&Z AGENDA ITEM

A

APPROVAL

OF

MINUTES

MINUTES OF THE REGULAR MEETING PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, ON MONDAY, AUGUST 18, 2014, AT 6:30 P.M. IN THE COUNCIL CHAMBERS - CITY HALL - 3519 LIBERTY DRIVE

CALL TO ORDER

P&Z Chairperson Henry Fuertes opened the P&Z Regular Meeting at 6:36 p.m.

In attendance were:

P&Z Chairperson Henry Fuertes
P&Z Vice Chairperson Daniel Tunstall
P&Z Member Elizabeth McLane
P&Z Member Derrick Reed
P&Z Member Linda Cowles
P&Z Member Ginger McFadden
P&Z Member Mary Starr

Also in attendance were City Planner Johnna Matthews, Senior Planner Ian Clowes, Deputy City Attorney Nghiem Doan and Office Assistant Jennifer Tatum.

CONSENT AGENDA

CONSIDERATION & POSSIBLE ACTION – APPROVAL OF MINUTES:

Approve the Minutes of the August 4, 2014, p.m. P&Z Regular Meeting, held at 6:30 p.m.
Excuse the Absence of Ginger McFadden from the August 4, 2014 P&Z Regular meeting.

CONSIDERATION & POSSIBLE ACTION – PRELIMINARY PLAT OF RIVERSTONE RANCH SECTION 3

A request by Rene Rodriguez of LJA Engineering Inc., applicant, on behalf of Meritage Homes of Texas, LLC, owner, for approval of a Preliminary Plat of Riverstone Ranch at Clear Creek Section 3, a 77 lot single-family residential subdivision, to wit:

Legal Description: Being a subdivision of 19.979 acres of land situated in the T.J. Green Survey, Abstract 290, City of Pearland, Harris County, Texas also being a part of lots 70, 71, 72, 73, 74, 87, 88, 89, 90, and 91 of the Allison Richey Gulf Coast Home Company Subdivision, Section “G”, a subdivision of record in Volume 4, Page 48, Map Records of Harris County, Texas.

General Location: Southeast of Riverstone Ranch Drive, south of the City of Houston ETJ border, Pearland, TX.

CONSIDERATION & POSSIBLE ACTION – PRELIMINARY PLAT OF RIVERSTONE RANCH SECTION 4

A request by Rene Rodriguez of LJA Engineering Inc., applicant, on behalf of Meritage Homes of Texas, LLC, owner, for approval of a Preliminary Plat of Riverstone Ranch at Clear Creek Section 4, a 55 lot single-family residential subdivision, to wit:

Legal Description: Being a subdivision of 34.2 acres of land situated in the T.J. Green Survey, Abstract 290, City of Pearland, Harris County, Texas also being a Replat of lots 54, 55, 56, 57, 70-74, and 87-90 of the Allison Richey Gulf Coast Home Company Subdivision, Section "G", a subdivision of record in Volume 4, Page 48, Map Records of Harris County, Texas.

General Location: Southeast of Riverstone Ranch Drive, south of the City of Houston ETJ border, Pearland, TX.

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

The vote was 7-0. The Consent Agenda was approved.

MATTERS REMOVED FROM CONSENT AGENDA - NONE

OLD BUSINESS - NONE

DISCUSSION ITEMS

1. Commissioners Activity Report - None
2. Comprehensive Plan Update – Senior Planner Ian Clowes stated staff is looking to schedule a joint workshop in October. The Comprehensive Plan update remains on schedule.
3. Postponed Agenda Items – Zone Change Application No. 2014-10Z, Lake Park PD – City Planner Johnna Matthews stated the revised documents have been received and are under review.
4. No P&Z Meeting September 1, 2014 – Labor Day Holiday
5. Next JPH/P&Z Meeting September 15, 2014 – 2nd Floor Conference Room – P&Z Commissioner Mary Starr will not be able to attend the September 15, 2014 meeting.

NEW BUSINESS

CONSIDERATION AND POSSIBLE ACTION – RIVERSTONE RANCH AT CLEAR CREEK CLUSTER DEVELOPMENT PLAN AMENDMENT REQUEST

A request by Geoff Freeman of BGE Kerry Gilberts and Associates applicant, on behalf of Meritage Homes of Texas, LLC, owner, for approval of an amendment to the Riverstone Ranch at Clear Creek Cluster Development Plan, to wit:

Legal Description: Being a subdivision of 429.6 acres of land situated in theT.J. Green Survey, Abstract 290, City of Pearland, Harris County, Texas also being a portion of the Allison Richey Gulf Coast Home Company Subdivision, Section "G", a subdivision of record in Volume 4, Page 48, Map Records of Harris County, Texas.

General Location: Southeast of Riverstone Ranch Drive, south of the City of Houston ETJ border.

P&Z Commissioner Mary Starr made the motion to approve the Riverstone Ranch at Clear Creek Cluster Development Amendment, and P&Z Commissioner Linda Cowles seconded.

Senior Planner Ian Clowes read the staff report explaining that the subject property was purchased by a new home developer. The developer would like to clean up portions of the cluster plan and clarify the types of amenities that will be provided. A revised Cluster Plan was submitted.

P&Z Chairperson Henry Fuertes asked what the staff would be happy with. Senior Planner Ian Clowes stated that staff was in agreement with the proposed amenities, trails, and time lines that were submitted. Mr. Clowes also stated that all conditions have been met.

P&Z Commissioner Linda Cowles asked if this was all of Riverstone Ranch and, if it was connected to the developed section to the North. Applicant Kerry Gilbert stated that this is a continuation of Riverstone Ranch but would have different Homeowner Associations. P&Z Vice Chairperson Daniel Tunstall inquired about the size of each lot and if they were locked into a certain size. Mr. Clowes stated that the lot size could change.

The vote was 7-0. The Amendment to Riverstone Ranch at Clear Creek Cluster Development Amendment was approved.

P&Z Chairperson Henry Fuertes recessed the P&Z Regular Meeting at 7:02 p.m.

P&Z Chairperson Henry Fuertes reconvened the P&Z Regular Meeting at 8:58 p.m.

CONSIDERATION AND POSSIBLE ACTION – ZONE CHANGE APPLICATION NO. 2014-12Z, BAKS BREWERY PD

A request of Brian Allen with Baks Brewery, applicant; on behalf of George Gartner, owner; for approval of a change in zoning from General Commercial (GC) to a non-residential Planned Development known as Baks Brewery; on approximately 2.94 acres of land, to wit:

Legal Description: Being a 2.939 acre tract out of Lots 20, 21 and 22 of the George W. Jenkins Subdivision, in Brazoria County, Texas, according to the map or plat thereof recorded in Volume 2, Page 20, of the Brazoria County, Texas Plat Records

General Location: Northeast corner of Broadway Street and Shauntel Street, Pearland, TX

P&Z Vice Chairperson Daniel Tunstall made the motion to approve Zone Change Application No. 2014-12Z, and P&Z Commissioner Mary Starr seconded.

City Planner Johnna Matthews read the staff report stating staff recommends approval of the request to change the zoning of the site from General Commercial (GC), to a non-residential PD, allowing a base zone and overlay district of GC, with the addition of the proposed use, and the following conditions;

1. Provide details within the PD regarding the phasing of improvements, including the proposed trail system.
2. Revise the Design Standards Deviation Table regarding outdoor activities with specifics, as opposed to the current statement “Activities including, but not limited to, a covered seating area for customers”.

P&Z Commissioner Linda Cowles asked what a “growler fill” was. Applicant Brian Allen stated that it was a large glass container or thermos that would be filled with beer, but was to be consumed offsite.

Mr. Tunstall stated that this site could be a restaurant/bar with the current zoning and that the vote was just for the brewing/manufacturing portion of the business. He also stated that more buffering was being given compared to other businesses around the area.

P&Z Commissioner Ginger McFadden commented that the building as it sits was great for a brewery, and that this building was not too close to the daycare.

The vote was 7-0. Zone Change Application No. 2014-12Z was approved with the following conditions:

1. Provide details within the PD regarding the phasing of improvements, including the proposed trail system.
2. Revise the Design Standards Deviation Table regarding outdoor activities with specifics, as opposed to the current statement “Activities including, but not limited to, a covered seating area for customers”.

CONSIDERATION AND POSSIBLE ACTION – ZONE CHANGE APPLICATION NO. 2014-13Z, PEARLAND TOWN CENTER PD AMENDMENT

A request of Alysia Gordon and Teir Allender, applicants; on behalf of Michael Lebovitz, Executive Vice President of Development and Administration for Pearland Town Center, LP, owner; for approval of a change in zoning to amend the sign regulations contained within the Pearland Town Center PUD; on approximately 142.97 acres of land, to wit:

Legal Description: 142.9664 acres of land out of Pearland Town Center, a subdivision of 143.6500 acres as recorded under File Number 2007008914 of the Plat Records of Brazoria County, Texas, and situated in the H.T. & B.R.R. Company Survey, Abstract 300, Section 81, Brazoria County, Texas

General Location: South Side of Broadway Street, east and west of Kirby Drive, and west of Business Center Drive, Pearland, Texas

P&Z Commissioner Elizabeth McLane made the motion to approve Zone Change Application No. 2014-13Z, and P&Z Commissioner Linda Cowles seconded.

City Planner Johnna Matthews read the staff report stating that staff recommended approval with the following conditions:

1. The applicant proposes that all off-premise wall advertising signs are approved by the owner. City approval, other than the normal permitting will no longer be required. Staff recommends City approval once, through the permitting process for all new frames, to ensure public safety and structural integrity of the new frames. ***Please clearly indicate this in the PD document.***

2. Staff requests that Exhibit B-2 is updated to reflect changes regarding advertising on the main tower (J) and the two (2) lower towers (Hand C).

3. Staff requests a red-line and an addendum to the master PD document for the Pearland Town Center.

4. There is a discrepancy regarding the total square footage on Exhibit B-2, with the

removal of Sign G.

P&Z Commissioner Linda Cowles inquired if any of the signs would be visible from city streets. Applicant Teir Allender stated the signs would only be visable from within the Pearland Town Center Development.

P&Z Vice Chairperson Daniel Tunstall asked if the city would be able to keep the signs from being lit up or electronic. City Planner Johnna Matthews stated she would have to look into it this. Deputy City Attorney Nghiem Doan stated that the applicant would have to apply for electrical permits if that was the case.

The vote was 7-0. Zone Change Application No. 2014-13Z was approved with the following conditions:

1. The applicant proposes that all off-premise wall advertising signs are approved by the owner. City approval, other than the normal permitting process will no longer be required. Staff recommends City approval once, through the permitting process for all new frames, to ensure public safety and structural integrity of new frames. ***Please clearly indicate this in the PD document.***

2. Staff requests that Exhibit B-2 is updated to reflect changes proposed regarding advertising on the main tower (J) and the two (2) lower towers (H and C).

3. Staff requests a red-line and an addendum to be added to the master PD document for the Pearland Town Center.

4. There is a discrepancy regarding the total square footage on Exhibit B-2, with the removal of Sign G.

ADJOURNMENT

P&Z Chairperson Henry Fuertes adjourned the P&Z Regular Meeting at 9:11 p.m.

These minutes were respectfully submitted by:

_____

Jennifer Tatum, Office Assistant

Minutes approved as submitted and/or corrected on this 15th day of September 2014, A.D.

_____

Henry Fuertes, Chairperson

EXCUSE ABSENCES

Excuse the absence of Daniel Tunstall from the August 4, 2014 P&Z Regular meeting.

P&Z AGENDA ITEM

B

P&Z AGENDA REQUEST

TO: **Planning & Zoning Commission**

REQUESTOR: **Ian Clowes**

DATE: **09/10/2014**

AGENDA ITEM SUBJECT: **Final Plat of Oakbrook Estates Section 9**

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

Summary: A request by Alex Van Duzer of Cobb Fendley, applicant; on behalf of Oakbrook Estates, Ltd, owner; for approval of a Final Plat of Oakbrook Estates Section 9; a 46 lot single-family residential subdivision, generally located at the 3800 Block of Oak Bent Drive.

Staff Recommendation: Approval

PLANNING AND ZONING COMMISSION
MEETING OF SEPTEMBER 15, 2014

FINAL PLAT OF OAKBROOK ESTATES SECTION 9

A request by Alex Van Duzer of Cobb Fendley, applicant; on behalf of Oakbrook Estates, Ltd, owner; for approval of a Final Plat of Oakbrook Estates Section 9; a 46 lot single-family residential subdivision, to wit

Legal Description: A subdivision of 15.379 acres in the W.D.C. Hall League, Abstract No. 70, Brazoria County MUD 17, City of Pearland, Brazoria County, Texas.

General Location: 3800 Block of Oak Bent Dr.

SUMMARY: This is a request for a Final Plat for Section 9 of Oakbrook Estates, which includes 46 single family lots and three reserves. The property is located north of the northwest corner of Dixie Farm and the proposed Pearland Parkway expansion, and is a continuation of the Oakbrook Estates subdivision. At build-out, the subdivision will have a total of 388 planned dwelling units. Currently 306 have been platted. Section 9 will add an additional 46 lots, for a total of 352 lots. An additional 36 lots can be platted in the future.

UNIFIED DEVELOPMENT CODE: The subject property is in conformance with all requirements of the Unified Development Code.

CONFORMANCE WITH THE OAKBROOK PLANNED UNIT DEVELOPMENT (PUD): The above submittal is in conformance with the Oakbrook Planned Unit Development (PUD). The proposed section meets the required density of 3.22 units per acre and is in conformance with the approved layout.

PLATTING STATUS: This is the Final Plat for Oakbrook Section 9. The preliminary plat was approved in September of 2013.

CONFORMANCE WITH THE THOROUGHFARE PLAN: The subject property is served by two local roads within the existing Oakbrook PUD. These local roads include Oakridge Drive which connects to Oak Top Drive. Local roads require a minimum right-of-way of 50 feet, and both local roads currently comply with the thoroughfare plan. The extension of Pearland Parkway; a major thoroughfare, will be located at the southwest boundary of this section with Oakridge Drive connecting to it. The right-of-way requirement for a major thoroughfare is 120 feet. The full 120 feet that is required to be dedicated via this plat for the Pearland Parkway expansion has been dedicated at this time.

AVAILABILITY OF UTILITIES: The subject parcel is served by public water and sewer lines, from the existing Oakbrook Subdivision.

PARKLAND: As part of the approved Oakbrook Estates PUD, parkland has been dedicated to the city for future park use.

STAFF RECOMMENDATION: Staff recommends approval of the Final Plat of Oakbrook Estates Section 9 as proposed by the applicant, for the following reasons:

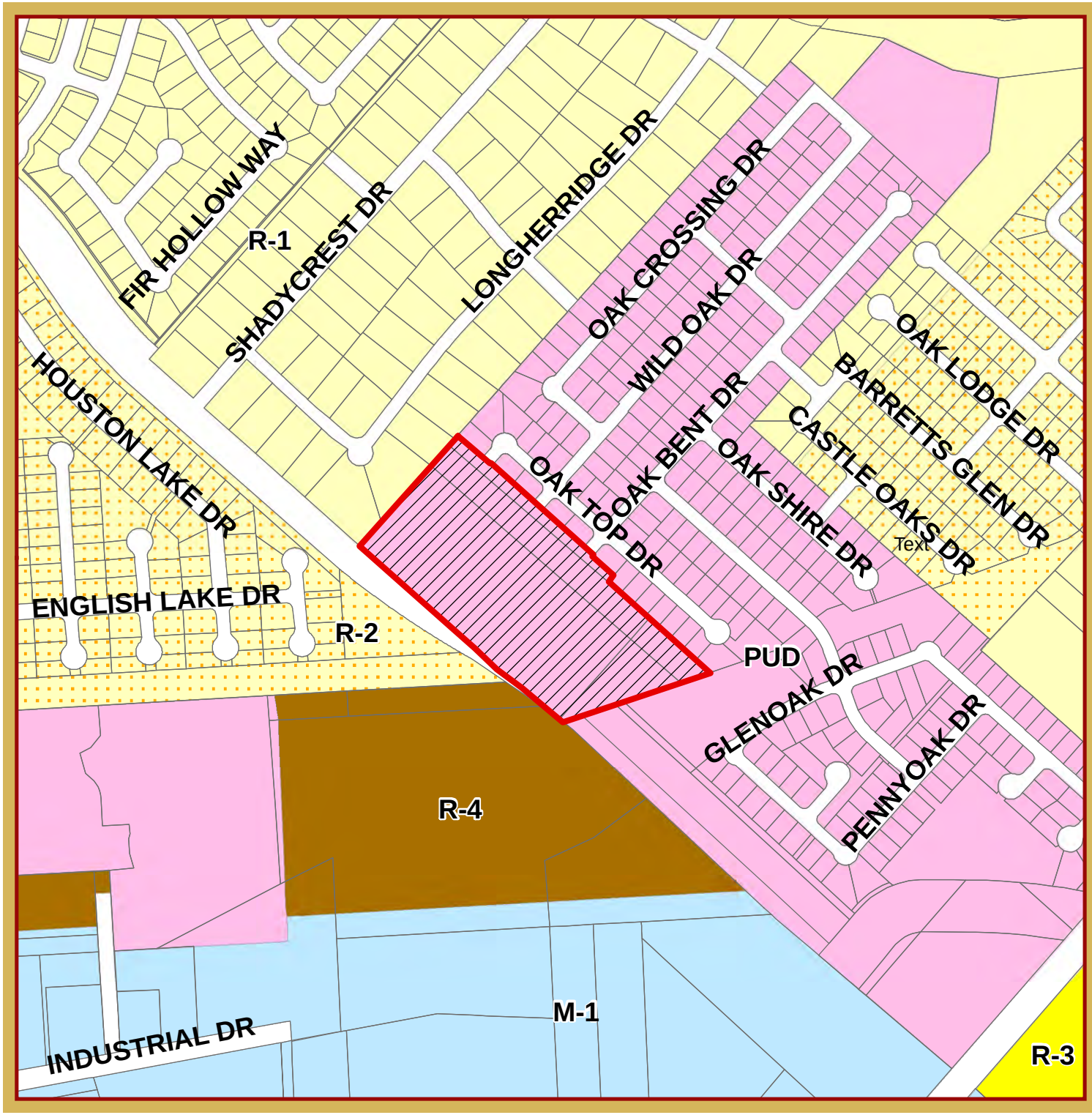
1. The proposed final plat will not cause any adverse impacts on the surrounding properties.

2. This request is in conformance with the comprehensive plan and the Oakbrook PUD.

3. The request is in conformance with the Unified Development Code.

SUPPORTING DOCUMENTS:

- Zoning Map
- Aerial Map
- Final Plat of Oakbrook Estates Section 9



ZONING MAP

Final Plat of Oakbrook Estates Section 9

This product is for informational 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.

1 inch = 544 feet

MAY 2014
PLANNING DEPARTMENT

N

AERIAL MAP

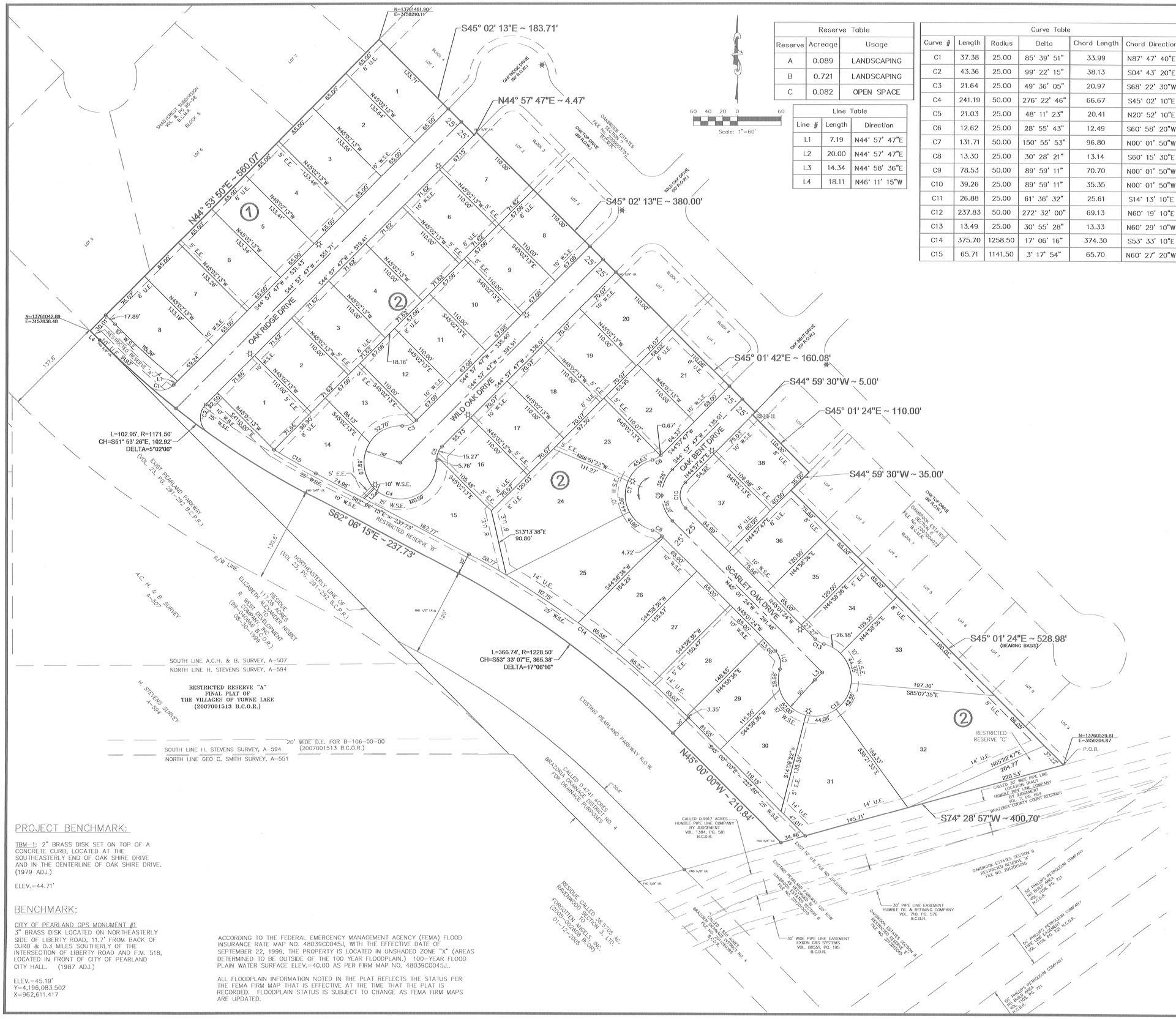
Final Plat of Oakbrook Estates Section 9

This product is for informational 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.

1 inch = 544 feet

MAY 2014
PLANNING DEPARTMENT

N

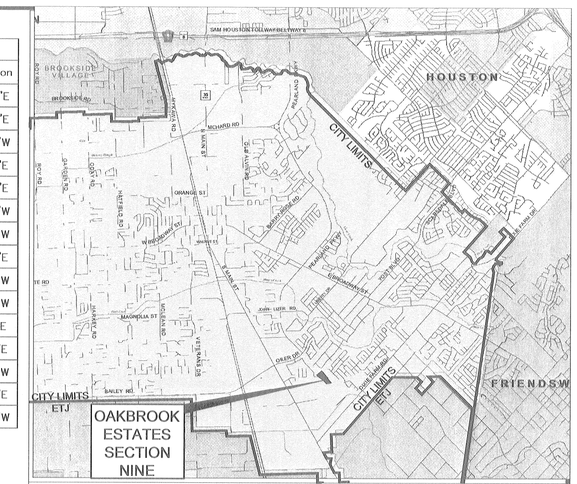


Reserve Table		
Reserve	Acreage	Usage
A	0.089	LANDSCAPING
B	0.721	LANDSCAPING
C	0.082	OPEN SPACE

Line Table		
Line #	Length	Direction
L1	7.19	N44° 57' 47"E
L2	20.00	N44° 57' 47"E
L3	14.34	N44° 58' 36"E
L4	18.11	N46° 11' 15"W

Curve Table					
Curve #	Length	Radius	Delta	Chord Length	Chord Direction
C1	37.38	25.00	85° 39' 51"	33.99	N87° 47' 40"E
C2	43.36	25.00	99° 22' 15"	38.13	S04° 43' 20"E
C3	21.64	25.00	49° 36' 05"	20.97	S68° 22' 30"W
C4	241.19	50.00	276° 22' 46"	66.67	S45° 02' 10"E
C5	21.03	25.00	48° 11' 23"	20.41	N20° 52' 10"E
C6	12.62	25.00	28° 55' 43"	12.49	S60° 58' 20"W
C7	131.71	50.00	150° 55' 53"	96.80	N00° 01' 50"W
C8	13.30	25.00	30° 28' 21"	13.14	S60° 15' 30"E
C9	78.53	50.00	89° 59' 11"	70.70	N00° 01' 50"W
C10	39.26	25.00	89° 59' 11"	35.35	N00° 01' 50"W
C11	26.88	25.00	61° 36' 32"	25.61	S14° 13' 10"E
C12	237.83	50.00	272° 32' 00"	69.13	N60° 19' 10"E
C13	13.49	25.00	30° 55' 28"	13.33	N60° 29' 10"W
C14	375.70	1258.50	17° 06' 16"	374.30	S53° 33' 10"E
C15	65.71	1141.50	3° 17' 54"	65.70	N60° 27' 20"W

Scale: 1"=60'



VICINITY MAP
1" = 1 MILE

LEGEND:

UE	UTILITY EASEMENT
WLE	WATER LINE EASEMENT
DE	DRAINAGE EASEMENT
SSE	SANITARY SEWER EASEMENT
EE	ELECTRICAL EASEMENT
PSE	PLANTING SCREEN EASEMENT
PBM	PERMANENT BENCHMARK
WSE	WATER AND SEWER EASEMENT
TBM	TEMPORARY BENCH MARK
POB	POINT OF BEGINNING
	EXIST STREET LIGHT
	STREET LIGHT, THERE ARE 9 ON THIS PLAT.
N=XXXXXXXX.XX E=XXXXXXX.XX	TEXAS STATE PLANE COORDINATES (SOUTH CENTRAL ZONE) NAD 83, CURRENTLY AT GRID, SURFACE TO GRID=0.999871327.
	STREET NAME CHANGE LOCATION

GENERAL PROPERTY ADDRESS:
3800 BLOCK OF OAK BENT DRIVE
PEARLAND, TEXAS 77581

PLAT No. P-615Z-2014-0109

FINAL PLAT OF OAKBROOK ESTATES SECTION NINE

A SUBDIVISION OF 12.800 ACRES
IN THE W.D.C. HALL LEAGUE, ABSTRACT NO. 70
BRAZORIA COUNTY MUD 17
CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS
46 LOTS, 3 RESERVES (0.892 AC.), 2 BLOCKS
SCALE: 1"=60' SEPTEMBER 2014

OWNER:
OAKBROOK ESTATES, LTD.,
GREATMARK INTERNATIONAL, INC., GENERAL PARTNER
CLINTON F. WONG, PRESIDENT
1616 VOSS, SUITE 618
HOUSTON, TEXAS 77057
713-784-6102

PROJECT BENCHMARK:

TBM-1: 2" BRASS DISK SET ON TOP OF A CONCRETE CURB, LOCATED AT THE SOUTHEASTERLY END OF OAK SHIRE DRIVE AND IN THE CENTERLINE OF OAK SHIRE DRIVE. (1979 ADJ.)

ELEV.=44.71'

BENCHMARK:

CITY OF PEARLAND GPS MONUMENT #1
3" BRASS DISK LOCATED ON NORTHEASTERLY SIDE OF LIBERTY ROAD, 11.7' FROM BACK OF CURB & 0.3 MILES SOUTHERLY OF THE INTERSECTION OF LIBERTY ROAD AND F.M. 518, LOCATED IN FRONT OF CITY OF PEARLAND CITY HALL. (1987 ADJ.)

ELEV.=45.19'
Y=4,196,083.502
X=962,611.417

ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP NO. 48039C0045J, WITH THE EFFECTIVE DATE OF SEPTEMBER 22, 1999, THE PROPERTY IS LOCATED IN UNSHADED ZONE "X" (AREAS DETERMINED TO BE OUTSIDE OF THE 100 YEAR FLOODPLAIN.) 100-YEAR FLOOD PLAIN WATER SURFACE ELEV.=40.00 AS PER FIRM MAP NO. 48039C0045J..

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.

CobbFendley
Texas Registration No. 274
13430 Northwest Freeway, Suite 1100
Houston, Texas 77040
713.462.3242 | fax 713.462.3262
www.cobbfendley.com
ALEXANDER J. VAN DUZER, P.E.

STATE OF TEXAS
COUNTY OF BRAZORIA

WE, OAKBROOK ESTATES, LTD., A TEXAS LIMITED PARTNERSHIP, ACTING BY AND THROUGH GREATMARK INTERNATIONAL., INC., AS GENERAL PARTNER AUTHORIZED REPRESENTATIVE ACTING BY AND THROUGH CLINTON F. WONG, PRESIDENT, OF GREATMARK INTERNATIONAL, INC., OWNERS HEREINAFTER REFERRED TO AS OWNER OF THE 15.3788 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING MAP OR PLAT OF OAKBROOK ESTATES SECTION NINE, DO HEREBY MAKE SUBDIVISION OF SAID PROPERTY FOR AND ON BEHALF OF SAID CORPORATION, ACCORDING TO THE LINES, LOTS, BUILDING LINES, STREETS, ALLEYS, PARKS, AND EASEMENTS AS SHOWN HEREON AND DEDICATE FOR PUBLIC USE, 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, WE DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY ADJACENT TO THE BOUNDARIES OF THE ABOVE AND FOREGOING PLAT OF WHERE BUILDING SETBACK LINES OF PUBLIC UTILITY EASEMENTS ARE TO BE ESTABLISHED OUTSIDE THE BOUNDARIES OF THE ABOVE AND FOREGOING PLAN AND DO HEREBY MAKE AND ESTABLISH ALL BUILDING SETBACK LINES AND DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL PUBLIC UTILITY EASEMENTS SHOWN IN SAID ADJACENT ACREAGE.

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 OF FIVE FEET, 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 (UE & A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY THE 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") 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 AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (UE & A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY THE AERIAL EASEMENT TOTALS THIRTY FEET (30'0") IN WIDTH.

OAKBROOK ESTATES, LTD., BY AND THROUGH ITS DULY UNDERSIGNED AND AUTHORIZED OFFICER, DOES HEREBY STATE THAT IT FULLY REALIZES THAT IT IS APPLYING FOR A PERMIT FROM THE CITY OF PEARLAND TO BUILD WITHIN 100 FEET OF AN EXISTING OIL OR GAS PIPELINE OR PIPELINE EASEMENT, AND THAT THE CITY OF PEARLAND CONSIDERS BUILDING NEAR SUCH PIPELINE OR PIPELINE EASEMENT TO HAVE CERTAIN INHERENT DANGERS, INCLUDING, BUT NOT LIMITED TO, EXPLOSION AND RELEASE OF NOXIOUS, TOXIC AND FLAMMABLE SUBSTANCES. FOR THE AFOREMENTIONED REASONS, OAKBROOK ESTATES, LTD., DOES HEREBY RELEASE AND AGREES TO FOREVER HOLD HARMLESS THE CITY OF PEARLAND, TEXAS, ITS OFFICERS, SUCCESSORS AND ASSIGNS FROM ALL LIABILITY IN ANY WAY ARISING FROM THE BUILDING, USE OR HABITATION OF THE STRUCTURE DESCRIBED IN THE SAID PERMIT.

IN TESTIMONY WHEREOF, OAKBROOK ESTATES, LTD., BY GENERAL PARTNER, GREATMARK INTERNATIONAL, INC. HAS CAUSED THESE PRESENTS TO BE SIGNED BY CLINTON F. WONG, ITS PRESIDENT, THEREUNTO AUTHORIZED, ATTESTED BY PHILLIP PEACOCK, ITS SECRETARY, THIS _____ DAY OF _____, 2014.

OAKBROOK ESTATES, LTD
GREATMARK INTERNATIONAL, INC.
GENERAL PARTNER

ATTEST: _____ BY: _____

PHILLIP PEACOCK
SECRETARY

CLINTON F. WONG
PRESIDENT

STATE OF TEXAS
COUNTY OF BRAZORIA

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED CLINTON F. WONG, PRESIDENT AND PHILLIP PEACOCK, SECRETARY OF GREATMARK INTERNATIONAL, INC., KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN STATED, AND AS THE ACT AND DEED OF SAID CORPORATION. GIVEN UNDER MY HAND AND SEAL OF OFFICE,

THIS_____ DAY OF _____, 2014.

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES _____

I, BLAINE FISHER, DO HEREBY CERTIFY THAT ALL EXISTING ENCUMBRANCES, SUCH AS VARIOUS TYPES OF EASEMENTS BOTH PUBLIC AND PRIVATE, FEE STRIPS AND ALL SIGNIFICANT TOPOGRAPHICAL FEATURES WHICH WOULD AFFECT THE PHYSICAL DEVELOPMENT OF THE PROPERTY ILLUSTRATED ON THIS PLAT ARE ACCURATELY IDENTIFIED AND LOCATED AND FURTHER CERTIFY THAT THIS PLAT REPRESENTS ALL OF THE CONTIGUOUS LAND WHICH THE OAKBROOK ESTATES, LTD. ACTING BY AND THROUGH GREATMARK INTERNATIONAL, INC. GENERAL PARTNERS OWNS OR HAS A LEGAL INTEREST IN. ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE AND OTHER POINTS OF REFERENCE SHOWN HAVE BEEN MARKED WITH IRON PIPES OR RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN THREE-QUARTER INCH (¾").

_____
BLAINE FISHER
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 2500

CERTIFICATE OF CITY PLANNING COMMISSION

THIS IS TO CERTIFY THAT THE CITY PLANNING COMMISSION OF THE CITY OF PEARLAND, TEXAS HAS APPROVED THIS PLAT AND SUBDIVISION OF OAKBROOK ESTATES SECTION NINE IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND ORDINANCES OF THE CITY OF PEARLAND AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2014.

_____
JERRY KOZA, CHAIRMAN
CITY PLANNING COMMISSION
CITY OF PEARLAND, TEXAS

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

_____
DARRIN M. COKER, CITY ATTORNEY
CITY OF PEARLAND, TEXAS

_____, PE, CITY ENGINEER
CITY OF PEARLAND, TEXAS

DESCRIPTION OF
12.800 ACRES (557,577 SQ. FT.) OF LAND
SITUATED IN THE W.D.C. HALL LEAGUE, A-70
BRAZORIA COUNTY, TEXAS

BEING ALL THAT CERTAIN 12.800 ACRES (557,577 SQ. FT.) OF LAND SITUATED IN THE W.D.C. HALL LEAGUE, A-70, BRAZORIA COUNTY, TEXAS, AND BEING OUT OF A CALLED 45.5143 ACRE TRACT CONVEYED TO OAKBROOK ESTATES, LTD., AS RECORDED UNDER FILE NO. 03-0034446 OF THE BRAZORIA COUNTY DEED RECORDS (B.C.D.R.), SAID 12.800 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

(BEARINGS BASED ON THE PLAT OF OAK BROOK ESTATES, SECTION EIGHT AS RECORDED UNDER FILE NO. 2012015015 OF THE BRAZORIA COUNTY MAP RECORDS)

BEGINNING AT A 5/8-INCH IRON ROD WITH A CAP STAMPED "COBB FENDLEY & ASSOCIATES" FOUND FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT AND THE SOUTHWEST CORNER LOT 9, BLOCK 7 OF A PARTIAL REPLAT OF OAKBROOK ESTATES SECTION SIX SUBDIVISION AS RECORDED UNDER FILE NO. 2007004022 OF THE BRAZORIA COUNTY MAP RECORDS (B.C.M.R.), SAID POINT LYING IN THE NORTH LINE OF SAID OAKBROOK ESTATES SECTION EIGHT;

THENCE SOUTH 74°28'57" WEST, ALONG SAID NORTH LINE OF OAKBROOK ESTATES SECTION EIGHT, A DISTANCE OF 400.70 FEET TO A 5/8-INCH IRON ROD FOUND FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT AND THE NORTHWEST CORNER OF RESTRICTED RESERVE "C" OF SAID OAKBROOK SECTION EIGHT, SAID POINT LYING IN THE EASTERLY PROPOSED RIGHT-OF-WAY OF PEARLAND PARKWAY;

THENCE NORTH 45°00'00" WEST, OVER AND ACROSS SAID 45.5143 ACRE TRACT AND SAID PROPOSED EASTERLY RIGHT-OF-WAY, A DISTANCE OF 210.84 FEET TO A 5/8-INCH IRON ROD WITH A PLASTIC CAP STAMPED "COBB FENDLEY & ASSOCIATES" SET FOR THE BEGINNING OF A CURVE TO THE LEFT IN THE WEST LINE OF THE HEREIN DESCRIBED TRACT;

THENCE 366.74 FEET ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1228.50, A CENTRAL ANGLE OF 17°06'16", AND WHOSE CHORD BEARS NORTH 53°33'07" WEST ~ 365.38 FEET TO A 5/8-INCH IRON ROD WITH A PLASTIC CAP STAMPED "COBB FENDLEY & ASSOCIATES" SET FOR THE END OF CURVE;

THENCE NORTH 62°06'15" WEST, A DISTANCE OF 237.73 FEET TO A 5/8-INCH IRON ROD FOUND FOR THE BEGINNING OF A CURVE TO THE RIGHT IN THE WEST LINE OF THE HEREIN DESCRIBED TRACT AND SAID PROPOSED EAST RIGHT-OF-WAY;

THENCE 352.24 FEET ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1171.50, A CENTRAL ANGLE OF 17°13'39", AND WHOSE CHORD BEARS NORTH 53°29'25" WEST ~ 350.91 FEET TO 5/8-INCH IRON ROD FOUND FOR THE END OF CURVE;

THENCE NORTH 46°11'15" WEST, A DISTANCE OF 18.11 FEET TO A 5/8-INCH IRON ROD WITH A PLASTIC CAP STAMPED "COBB FENDLEY & ASSOCIATES" SET FOR THE SOUTH CORNER OF LOT 5, BLOCK 5 OF THE SHADYCREST SUBDIVISION AS RECORDED UNDER VOL. 8, PG. 95 OF THE BRAZORIA COUNTY MAP RECORDS AND THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 44°53'50" EAST, ALONG THE SOUTH LINE OF SAID BLOCK 5 OF SHADYCREST SUBDIVISION, A DISTANCE OF 560.07 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "COBB FENDLEY & ASSOCIATES" SET FOR THE NORTH CORNER OF THE HEREIN DESCRIBED TRACT AND WEST CORNER OF LOT 1, BLOCK 4 OF OAKBROOK ESTATES SECTION 7 AS RECORDED UNDER FILE NO. 2009003752 OF THE B.C.M.R.;

THENCE SOUTH 45°02'13" EAST, ALONG THE SOUTHWESTERLY LINE OF SAID OAKBROOK ESTATES SECTION 7, A DISTANCE OF 183.71 FEET TO A 5/8-INCH IRON ROD FOUND FOR AN ANGLE POINT IN THE NORTHEASTERLY LINE OF THE HEREIN DESCRIBED TRACT AND SAID SOUTHWESTERLY LINE;

THENCE NORTH 44°57'47" EAST, CONTINUING ALONG SAID SOUTHEASTERLY LINE, A DISTANCE OF 4.47 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "COBB FENDLEY & ASSOCIATES" SET FOR AN ANGLE POINT IN THE NORTHEASTERLY LINE OF THE HEREIN DESCRIBED TRACT AND BEING THE WEST CORNER OF LOT 2, BLOCK 3 OF SAID OAKBROOK ESTATES SECTION 7;

THENCE SOUTH 45°02'13" EAST, CONTINUING ALONG SAID SOUTHWESTERLY LINE OF OAKBROOK ESTATES SECTION 7, AT 270.00 FEET PASSING A 5/8-INCH IRON ROD FOUND FOR THE WEST CORNER OF LOT 1, BLOCK 1 OF SAID OAKBROOK ESTATES SECTION 7, AND CONTINUING FOR A TOTAL DISTANCE OF 380.00 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "COBB FENDLEY & ASSOCIATES" SET FOR THE SOUTH CORNER OF SAID LOT 1, BLOCK 1, AND ALSO BEING THE WEST CORNER OF LOT 1, BLOCK 8 OF PARTIAL REPLAT OF OAKBROOK ESTATES SECTION 6 AS RECORDED UNDER FILE NO. 2007004022 OF THE B.C.M.R.;

THENCE SOUTH 45°01'42" EAST, ALONG THE SOUTHWESTERLY LINE OF SAID OAKBROOK ESTATES SECTION 6, A DISTANCE OF 160.08 FEET TO A 5/8-INCH IRON ROD FOUND FOR AN ANGLE POINT IN THE NORTHEASTERLY LINE OF THE HEREIN DESCRIBED TRACT AND LYING IN THE NORTH LINE OF LOT 1, BLOCK 7 OF SAID OAKBROOK ESTATES SECTION 6, SAID POINT ALSO LYING IN THE SOUTH RIGHT-OF-WAY LINE OF OAK BENT DRIVE (50' WIDTH);

THENCE SOUTH 44°59'30" WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 5.00 FEET TO A 5/8-INCH IRON ROD FOUND FOR THE WEST CORNER OF SAID LOT 1, BLOCK 7, AND AN ANGLE POINT IN THE NORTHEASTERLY LINE OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 45°01'24" EAST, CONTINUING ALONG THE SOUTHWESTERLY LINE OF SAID LOT 1, A DISTANCE OF 110.00 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "COBB FENDLEY & ASSOCIATES" SET FOR AN ANGLE POINT IN THE NORTHEASTERLY LINE OF THE HEREIN DESCRIBED TRACT AND BEING THE SOUTH CORNER OF SAID LOT 1, BLOCK 7 AND LYING IN THE NORTH LINE OF LOT 2, BLOCK 7;

THENCE SOUTH 44°59'30" WEST ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 35.00 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "COBB FENDLEY & ASSOCIATES" SET FOR AN ANGLE POINT IN THE NORTHEASTERLY LINE OF THE HEREIN DESCRIBED TRACT AND THE WEST CORNER OF SAID LOT 2, BLOCK 7;

THENCE SOUTH 45°01'24" EAST, ALONG THE SOUTHWESTERLY LINE OF SAID BLOCK 7, A DISTANCE OF 528.98 FEET TO THE POINT OF BEGINNING AND CONTAINING 12.800 ACRES (557,577 SQ. FT.) OF LAND MORE OR LESS.

NOTES:
1. SQUARE FOOTAGE AREA SHOWN IS FOR INFORMATION ONLY AND SURVEYOR DOES NOT CERTIFY ACCURACY OF SURVEY TO NEAREST SQUARE FOOT.

BLOCK 1		
LOT No.	AREA (SF)	LOT FRONTAGE (FT)
1	8689	65.00
2	8684	65.00
3	8679	65.00
4	8674	65.00
5	8669	65.00
6	8665	65.00
7	8660	65.00
8	9747	61.39

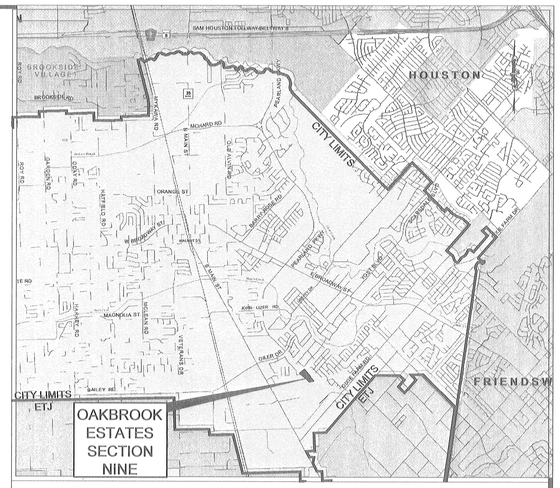
GENERAL NOTES:

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 CHARTER TITLE COMPANY, G.F. NO. 1038002467, EFFECTIVE DATE: 07/29/2014.
3. ALL BEARINGS REFERENCES ARE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE. COORDINATES SHOWN ARE TEXAS STATE PLANE GRID COORDINATES, NAD83, SOUTH CENTRAL ZONE. TO CONVERT TO SURFACE VALUES DIVIDE EACH COORDINATE BY A COMBINED AVERAGE SCALE FACTOR OF 0.999871327.
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 (⅝") 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: CITY OF PEARLAND GPS MONUMENT #1
   3" BRASS DISK LOCATED ON NORTHEASTERLY SIDE OF LIBERTY ROAD, 11.7' FROM BACK OF CURB & 0.3 MILES SOUTHERLY OF THE INTERSECTION OF LIBERTY ROAD AND F.M. 518, LOCATED IN FRONT OF CITY OF PEARLAND CITY HALL. (1987 ADJ.)

   ELEV.=45.19'
   Y=4,196,083.502
   X=962,611.417
7. 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 EASEMENTS. THE RESPONSIBILITY OF SECURING APPROVAL FROM PRIVATE ENTITIES TO BUILD WITHIN AN EASEMENT IS SOLELY THAT OF THE PROPERTY OWNER.
8. THE MINIMUM SLAB ELEVATION FOR ALL BUILDINGS LOCATED WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE THE HIGHER OF EITHER 12 INCHES ABOVE THE TOP OF CURB ELEVATION FOR A CURB STREET, OR 12 INCHES ABOVE THE 100 YEAR FLOOD PLAIN WATER SURFACE ELEVATION FOR STRUCTURES TO BE LOCATED WITHIN THE 100 YEAR FLOOD PLAIN.
9. ANY PROPOSED DRAINAGE SYSTEM FOR THIS SUBDIVISION SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE CITY OF PEARLAND AND BRAZORIA DRAINAGE DISTRICT #4.
10. ALL LANDSCAPING AND STRUCTURES, INCLUDING FENCES AT INTERSECTIONS SHALL CONFORM TO THE CITY OF PEARLAND AND AASHTO SITE DISTANCE REQUIREMENTS FOR MOTORISTS.
11. 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.
12. THE RADIUS ON ALL BLOCK CORNERS IS 25 FEET UNLESS OTHERWISE NOTED.
13. ALL STREETS RIGHT-OF-WAYS ARE 50 FEET UNLESS OTHERWISE NOTED.
14. P.O.B. INDICATED POINT OF BEGINNING, BEING THE SOUTHWEST CORNER LOT 9, BLOCK 7 OF A PARTIAL REPLAT OF OAKBROOK ESTATES SECTION SIX SUBDIVISION AS RECORDED UNDER FILE NO. 2007004022 OF THE BRAZORIA COUNTY MAP RECORDS (B.C.M.R.), SAID POINT LYING IN THE NORTH LINE OF OAKBROOK ESTATES SECTION EIGHT AS RECORDED UNDER FILE NO. 2012015015 OF THE B.C.M.RCORNER OF OAKBROOK ESTATES SECTION SEVEN AS RECORDED UNDER FILE NO. 2009003752.
15. IF THE RECORDED PLAT INDICATES CORNER LOTS WILL BE RESTRICTED TO FRONT ENTRY ONLY, THERE SHALL BE A MINIMUM YARD OF AT LEAST FIFTEEN FEET (15') ADJACENT TO THE SIDE STREET OF A CORNER LOT WHEN THE CORNER LOT BACKS UP TO AN ABUTTING SIDE YARD AND TEN FEET (10') ADJACENT TO THE SIDE STREET OF A CORNER LOT WHEN THE CORNER LOT BACKS UP TO AN ABUTTING REAR YARD.
16. BASIS OF BEARINGS IS CALLED BEARINGS IN DEEDS TO OAKBROOK ESTATES, LTD., RECORD UNDER B.C.C.F. NO. 98-032833, 99-055675, AND 2002-000635.
17. CORNER LOTS ARE NOT TO TO HAVE SIDE ACCESS.
18. COORDINATES SHOWN ARE TEXAS STATE PLANE GRID COORDINATES, NAD83, SOUTH CENTRAL ZONE. TO CONVERT TO SURFACE VALUES DIVIDE EACH COORDINATE BY A COMBINED AVERAGE SCALE FACTOR OF 0.999871327.
19. SIDEWALK WILL BE PROVIDED (SIX-FOOT WIDE FOR THOROUGHFARES AND COLLECTORS AND FOUR FOOT WIDE FOR MINOR STREETS) AT THE TIME OF DEVELOPMENT FOR ALL STREETS.
20. THERE ARE 10 STREETLIGHTS ON THIS PLAT.
21. THIS PROPERTY IS LOCATED WHOLLY WITHIN MUNICIPAL UTILITY DISTRICT NO. 17.
22. SIDE LOT LINES ARE CENTERLINES OF SIX FOOT WIDE DRAINAGE EASEMENTS.

BRAZORIA DRAINAGE DISTRICT NO. 4
SPECIAL NOTES

1. ANY GOVERNMENTAL BODY FOR PURPOSES OF DRAINAGE WORK MAY USE DRAINAGE EASEMENTS AND FEE STRIPS PROVIDED THE DISTRICT IS PROPERLY NOTIFIED.
2. PERMANENT STRUCTURES, INCLUDING FENCES AND PERMANENT LANDSCAPING, SHALL NOT BE ERECTED IN A DRAINAGE EASEMENT OR FEE STRIPS.
3. MAINTENANCE OF DETENTION FACILITIES IS THE SOLE RESPONSIBILITY OF THE OWNER OF THE PROPERTY. THE DISTRICT WILL PROVIDE MAINTENANCE OF REGIONAL FACILITIES OWNED AND CONSTRUCTED BY THE DISTRICT, OR SUB REGIONAL FACILITIES CONSTRUCTED BY DEVELOPER(S) FOR WHICH OWNERSHIP HAS BEEN TRANSFERRED TO THE DISTRICT WITH THE DISTRICT'S APPROVAL. THE DISTRICT IS RESPONSIBLE ONLY FOR THE MAINTENANCE OF FACILITIES OWNED BY THE DISTRICT UNLESS THE DISTRICT SPECIFICALLY CONTRACTS OR AGREES TO MAINTAIN OTHER FACILITIES.
4. CONTRACTOR SHALL NOTIFY THE DISTRICT IN WRITING AT LEAST FORTY-EIGHT (48) HOURS BEFORE PLACING ANY CONCRETE FOR DRAINAGE STRUCTURES.
5. THE DISTRICT'S PERSONNEL SHALL HAVE THE RIGHT TO ENTER UPON THE PROPERTY FOR INSPECTION AT ANY TIME DURING CONSTRUCTION OR AS MAY BE WARRANTED TO ENSURE THE DETENTION FACILITY AND DRAINAGE SYSTEM ARE OPERATING PROPERLY.
6. APPROPRIATE COVER FOR THE SIDE SLOPES, BOTTOM AND MAINTENANCE BERM SHALL BE ESTABLISHED PRIOR TO ACCEPTANCE OF THE CONSTRUCTION BY THE DISTRICT. AT LEAST 95% GERMINATION OF THE GRASS MUST BE ESTABLISHED PRIOR TO ACCEPTANCE OF CONSTRUCTION BY THE DISTRICT.
7. NO BUILDING PERMIT SHALL BE ISSUED FOR ANY LOT WITHIN THIS DEVELOPMENT UNTIL THE DETENTION FACILITY HAS BEEN CONSTRUCTED AND APPROVED BY THE DISTRICT.
8. THE DISTRICT'S APPROVAL OF THE FINAL DRAINAGE PLAN (AND FINAL PLAT IF REQUIRED) DOES NOT AFFECT THE PROPERTY RIGHTS OF THIRD PARTIES. THE DEVELOPER IS RESPONSIBLE FOR OBTAINING AND MAINTAINING ANY AND ALL EASEMENTS, FEE STRIPS AND/OR ANY OTHER RIGHTS-OF-WAY ACROSS THIRD PARTIES' PROPERTIES FOR PURPOSES OF MOVING EXCESS RUNOFF TO THE DISTRICT'S DRAINAGE FACILITIES AS CONTEMPLATED BY THE FINAL DRAINAGE PLAN AND FINAL PLAT.



VICINITY MAP
1" = 1 MILE

BLOCK 2		
LOT No.	AREA (SF)	LOT FRONTAGE (FT)
1	7883	61.66
2	7878	71.62
3	7878	71.62
4	7878	71.62
5	7878	71.62
6	7878	71.62
7	7878	71.62
8	7379	67.08
9	7379	67.08
10	7379	67.08
11	7379	67.08
12	7379	67.08
13	6330	67.08
14	9340	77.13
15	11170	90.12
16	7687	70.07
17	7708	70.07
18	7708	70.07
19	7708	70.07

BLOCK 2		
LOT No.	AREA (SF)	LOT FRONTAGE (FT)
20	7708	70.07
21	7486	68.00
22	7155	65.00
23	7903	63.38
24	18410	59.75
25	14214	63.98
26	10380	65.00
27	9931	65.00
28	9703	65.00
29	9080	65.00
30	9582	60.12
31	17372	59.74
32	28274	57.80
33	14074	59.79
34	7579	65.00
35	7800	65.00
36	9081	75.66
37	8663	69.98
38	8250	75.03

GENERAL PROPERTY ADDRESS:
3800 BLOCK OF OAK BENT DRIVE
PEARLAND, TEXAS 77581

FINAL PLAT OF OAKBROOK ESTATES SECTION NINE

A SUBDIVISION OF 12.800 ACRES
IN THE W.D.C. HALL LEAGUE, ABSTRACT NO. 70
BRAZORIA COUNTY MUD 17
CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS
46 LOTS, 3 RESERVES (0.892 AC.), 2 BLOCKS
SCALE: 1"=60' SEPTEMBER 2014

OWNER:
OAKBROOK ESTATES, LTD.,
GREATMARK INTERNATIONAL, INC., GENERAL PARTNER
CLINTON F. WONG, PRESIDENT
1616 VOSS, SUITE 618
HOUSTON, TEXAS 77057
713-784-6102

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ALEXANDER J. VAN DUZER, P.E.

MATTERS REMOVED FROM CONSENT AGENDA

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P&Z AGENDA ITEM

A

P&Z AGENDA REQUEST

TO: **Planning & Zoning Commission**

REQUESTOR: **Johnna Matthews**

DATE: **09/15/2014**

AGENDA ITEM SUBJECT: **Lake Park Planned Development (PD)**

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

Summary: A request of James Johnson, Lake Park Pearland, Ltd., applicant; on behalf of James Johnson, FYCW, Ltd, owner; for approval of a change in zoning from Single Family Estate District (RE) to a mixed- use Planned Development (PD) known as Pearland's Lake Park; on approximately 47 acres.

This item was postponed at the regular meeting of the Planning and Zoning Commission on July 21, 2014, due to outstanding concerns.

PLANNING AND ZONING COMMISSION
MEETING OF SEPTEMBER 15, 2014

2014-10Z, Lake Park Planned Development

A request of James Johnson, Lake Park Pearland, Ltd., applicant; on behalf of James Johnson, FYCW, Ltd, owner; for approval of a change in zoning from Single Family Estate District (RE) to a mixed- use Planned Development (PD) known as Pearland's Lake Park; on approximately 47 acres, to wit:

Legal Description: Being a 47.717 acre tract of land located in the W.B. Dobson Survey, Abstract-187, in Brazoria County, Texas; said 47.717 acre tract being the remainder of a called 48.35 acre tract recorded in the name of Bruno Bagnoli in Volume 339, Page 319, of the Brazoria County Deed Records (B.C.D.R.), Brazoria County, Texas, Brazoria County, Texas

General Location: Northeast corner of Brookside Road and Cullen Parkway, Pearland, TX

SUMMARY: The applicant proposes a mixed-use Planned Development (PD); Pearland's Lake Park (Lake Park), on approximately 47.7 acres of land located at the northeast corner of Brookside Road (future McHard Road) and Cullen Parkway. The PD will include a 375-unit residential product which is a hybrid between a multi-family development and a townhome development. The PD will also allow non-residential uses which are currently permitted within the General Business (GB) and the Office and Professional (OP) zoning districts, with a list of uses identified on page 3 of the PD which are prohibited. See Attachments of this report for the revised PD. The overlay zoning districts are Townhouse Residential (TH), for the residential product; and OP and GB for the non-residential uses. The applicant also proposes full compliance with the Corridor Overlay District (COD) standards.

The development will be constructed in three (3) phases, as identified on Exhibits C, D and E of the PD document, with 238 residential units; one (1) non-residential use; and all amenities constructed in Phase 1, on approximately 29.5 acres. Phase 2 will include the remaining 137 units and 1 non-residential use on approximately 10 acres. Phase 3 will include the remaining non-residential uses, shown as 5 buildings on Exhibit E located on approximately 5.7 acres of land.

Amenities include 2 lakes, a pavilion, colonnade, fountains, a covered exercise stations, with no less than 8 pieces of equipment, construction of a trail system which will connect to Clear Creek Trail and a trail head, and signage about the city's history.

The proposed PD was recently presented to the Planning and Zoning Commission and City Council via a joint public hearing on July 21, 2014. One of the concerns raised at the joint public hearing was the disproportionate amount of non-residential uses vs. residential uses proposed in Phase 1.

At the regular meeting of the Planning and Zoning Commission on July 21, the item was postponed due to various major concerns that had not been addressed by the applicant in the PD. See Attachments of this report for the applicant's response to outstanding concerns.

Generally, the major concerns have been addressed. However, there are minor corrections required prior to scheduling the item for the First Reading of the City Council. These concerns include:

- Labeling of exhibits, referencing inaccurate exhibits, sequential order of exhibits, detailed information to be included within exhibits with legends in order to implement the spirit and intent of the exhibit and the PD overall, etc.
- Language in the PD that is not clear and open for interpretation, regarding platting, for example. On page 4 the PD states "Lake Park Town-Homes as rental will have no platted lots."
- The applicant proposes to include "hardscape and gathering areas" towards the landscaping requirement. Landscaping is comprised of pervious surfaces (allows infiltration of water into the soil) integrated with living plant material, including trees, shrubs, flowers, grass, or other living ground cover or native vegetation.
- Clarification is required regarding residential parking requirements.

STAFF RECOMMENDATION: Staff recommends approval of the Lake Park PD, for the following reasons:

- The proposed commercial uses are in conformance with the future land use designation of Major Retail Nodes. The aforementioned future land use designation is generally located within the southwest corner of the site, where the non-residential uses are generally proposed. A portion of the site along the north property line along the creek is located within the Parks future land use designation. Because the applicant proposes a trail and parkland dedication in the general vicinity, the use meets the future land use designation in this location.

The remainder of the site is located within the Low Density Residential future land use designation. High density residential uses are proposed within this area and do not meet the future land use designation. If the PD is approved staff will analyze the development for an appropriate future land use designation and include it in its annual review of the future land use element of the comprehensive plan.

- The PD, as shown will provide a diverse housing opportunity which will include a host of amenities to service the residents and citizens of Pearland.

SUPPORTING DOCUMENTS

- Applicant Response to July 21, 2014 Staff Report/Memo
- July 21, 2014 JPH Packet
- Revised Lake Park PD

Memo

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: July 21, 2014

Re: Zone Change Application Number 2014-10Z

A request of James Johnson, Lake Park Pearland, Ltd., applicant; on behalf of James Johnson, FYCW, Ltd, owner; for approval of a change in zoning from Single Family Estate District (RE) to a mixed- use Planned Development (PD) known as Pearland's Lake Park; on approximately 47 acres, located at the northeast corner of Brookside Road and Cullen Parkway.

Proposal

The applicant proposes to change the zoning of an undeveloped 47 acre tract from the Single Family Estate (RE) zoning district to a mixed-use Planned Development (PD); Pearland's Lake Park (Lake Park). Lake Park will include one, two and three-story rental dwelling units; and office, retail, restaurant, and various other general business uses. It appears from the PD document, that the overlay zoning for the site will include Multi-family (MF) and Townhouse Residential (TH) districts for the residential uses; and General Business (GB) and Office Professional for the non-residential uses. However, this information needs to be further clarified.

These comments have been addressed and clarified in Section II, page 3, IV.Deviations and continues through page 4.

Background

Lake Park was most recently presented via a joint workshop before the Planning and Zoning Commission and City Council on February 17, 2014. At that time, the development was proposed to include a mix of retail, office, parks and trails, a plaza/pavilions, lake detention and 417 rental dwelling units, which equates to a density of 19.3 dwelling units per acre (417 homes on 21.6 acres). Concerns raised by the City Council, Planning and Zoning Commission and staff during the February, 2014 workshop included the following. How the applicant addressed the concerns follow.

Reduced from 417 to 375 units on 29.5 acres (12.7 units per acre) see Land Use Table.

1. Utilities to be individually metered, including water, sewer, electricity.
   All utilities will be individually metered or individually sub-metered.
   All utilities will be individually metered or sub-metered. Page 5, VII. Development Standards. #14.

2. Codify amenities, including quantity, locations of proposed amenities, etc.
   (Not Addressed) Various amenities and design standards need to be codified to ensure implementation of the spirit and intent of the PD.
   Comment addressed in Sections II, and IV. Elevations of town homes, Elevations of Colonnade and splash pad. All fountains and landscape seating areas are identified and located on "Overall Design Plan" Exhibit "B"

3. Concerns were raised regarding the phasing plan with 238 residential dwelling units proposed in the first phase with no non-residential uses.
   The phasing plan for the current Lake Park PD includes three (3) phases identified as follows:As discussed during the JPH with Council and P&Z the GB & O/P are strictly market driven and it would be unwise to build speculative space. It is the developer's wish to move these phases along as quickly as possible.

Phase 1	**Phase 2**	**Phase 3**
• +/- 238 dwelling units, including a clubhouse with a conference room, coffee bar, lounge and pool • 1 GB/OP use/structure near the sw corner of the site • All amenities, including parks/open space, lakes, trails,	• +/- 137 dwelling units • 1 GB/OP use/structure near the sw corner of the site • 10.2 acres	• GB/OP • 4 GB/OP uses/structures located along the west, south and sw corner of the site • 5.7 acres

plaza/pavilion, fountains • 29.5 acres		

4. Home ownership was a key component in the discussion. The applicant was advised to ensure that homes could be purchased from the inception.
   The units are 100% rental. The applicant indicated that the units would be constructed with the idea of rental in the future (individually metered and/or sub-metered utilities). However, the applicant indicated that the units must be rental to obtain funding for the development.
   This was discussed and explained during the JPH the project will be "For Lease". The residential component of the PD will be constructed so that in the event the market allows for the sale of units individually that transition can be made. A professional management company will manage the property in either scenario.

5. The applicant was asked to specify any flexibility allowed and/or minor deviations permitted within the PD that can be approved by the Planning Director.
   The UDC allows for flexibility and minor deviations in the design plan to be approved by the Planning Director. Unless otherwise specified in the ordinance for the PD, minor deviations, as specified in Section 2.2.2.6 of the UDC are defined. Major deviations must be submitted to the Planning and Zoning Commission and the City Council as an amendment to the PD. The applicant referenced the above section of the UDC in the PD.
   The applicant acknowledges this Section in the UDC and has tried to keep variations to a minimum. It is understood that major deviations will require submission and approval by Council and P&Z.

6. The applicant was advised to lower the density if the dwelling units were proposed to be rental units; and that the density could increase only if there is ownership potential.
   The density was decreased from 19.3 dwelling units/acre (417 dwelling units on 21.6 acres) to 12.7 dwelling units per acre (375 dwelling units on 29.52 acres).
   The density was decreased from 19.3 dwelling units/acre (417 dwelling units on 21.6 acres) to 12.7 dwelling units per acre (375 dwelling units on 29.52 acres).

   Based on the land use table included in the PD and page 2 of the staff report, the acreage calculations are incorrect. The table indicates that the acreage for the Lake Park development is 76.8 acres. The acreage listed throughout the PD and on the survey included as part of the PD indicates 47.717 acres. Staff has concerns that the density calculations may need to be revised.

This comment has been addressed and modified to more clearly describe the developers intent. See Section II, Land Use Table.

7. Safety issues were raised regarding the pipeline easement. The applicant was advised to indicate the proposed setback requirements and the type of pipeline. (Not Addressed) The applicant advised that the development will abide by all city ordinances regarding the subject matter. A requirement of the design plan is to show existing and proposed public facilities and physical features of the site including easements. Although not shown on the design plan to determine its impact on proposed improvements, a 40-foot Texas Eastern pipeline easement is shown on an attached survey identified as Exhibit T in the PD document.
   The locations of the 40 ft. Texas Eastern pipeline easement and the 55 ft. Kinder-Morgan pipeline easement are identified on the "Overall Design Plan", Section II, Exhibit "B". In an effort to provide more comfort, the developer will double the width of each easement. See Section II, page 5, VII Development Standards, #15.

8. Concerns were raised regarding demographics and the impacts in which the proposed development would have on schools.
   The applicant advised that there were no objections filed by the schools, and that Lake Park's market studies are strong.
   This comment was discussed. The school district was notified of the proposed development and filed no objections or comments.

9. Concerns were raised regarding the market study and if it was based on rental or home ownership opportunities.
   The applicant responded that a market study was completed and three (3) updates were completed for compliance.
   This was discussed and clarified with both City Council and P&Z.

10. Caps were requested for various uses as well as clarification/corrections on density calculations. A cap of 375 residential units was placed on the TH portion of Lake Park. See Section II, page 7, X. Residential Densities.
    Based on the land use table provided by the applicant, and included within the PD, GB and OP uses (with the exception of those prohibited as illustrated in Section V. Authorized Uses of the PD) will represent 38.49% of the development. The residential aspect of the development will represent 61.76% (12.7 dwelling units/acre) of the development. The remaining acreage will be developed with open space, easements and right-of-way dedication, detention/lakes; and parkland. The foot print/building pad of any multi-tenant building shall not exceed

35,000 square feet. The foot print/building pad for any single tenant building will not exceed 75,000 square feet. See Section II, Land Use Table.

The acreage of the PD needs to be revisited due to discrepancies identified in # 6 above. See Section II, Land Use Table.

11. Discussion ensued regarding more open space/landscaping around the residential units, as small front and rear yards are desirable for some.
(Not Addressed) The applicant indicated that the proposed residential product is different from the typical townhomes that are owned fee simple. Backyards are not proposed for the residential units of the Lake Park PD. The applicant has indicated that open space requirements within the PD exceed the requirements and various improvements will be credited towards open space due to cost.
This comment is addressed in Section II, VII. Development Standards, page 5, #10, #11. Section II VIII. Amenities, #8 Additionally, deviations from the TH district described in the City of Pearland's UDC are listed in Section III, VI, pages 3 and 4.

According to the Land Use Table of the PD and Exhibit K (Parkland and Open Space), 10.52 acres (22.01%) will be devoted to open space. Open space is considered areas intended for use or enjoyment by people, and can be satisfied by a combination of public and private open space. Various improvements proposed that would meet the definition of open space include the proposed trail that will link Pearland's Clear Creek System to the retail, office and all other public areas of the development; exercise stations; benches; a 4,000 square foot pavilion, colonnade with splash pads, and the proposed public and private lakes/detention. All of these standards are met and identified on the design plans, renderings and elevations.

It appears as though the 5.2 acres of detention is included within the landscaping requirements. Multi-family and townhome developments require 900 square feet of open space per dwelling unit, with minimum dimensions and within 300 feet of each dwelling unit. This provision may have been met; however, clarification is required. All open space and parkland requirements have been met and are identified on Exhibit "K", Section V. Parkland and open space plan

12. Payment in lieu of parkland dedication was not desirable. Discussion ensued regarding the development meeting all open space and parkland dedication regulations.

Parkland dedication is based on the number of residential units. The Lake Park PD proposes 375 units/12.7 dwelling units per acre. Based on one (1) acre per every 50 units, 7.5 acres of parkland is required. According to various exhibits within the PD, including the land use table and Exhibit K (Parkland and Open Space), 10.5 acres (22%) of the land will be devoted to parkland. However, the PD allows for credit for park improvements, excess landscaping and lake amenities, fees in lieu of dedication in the event that the applicant is unable to satisfy some or all parkland dedication. . After pre-development discussions with the Director of Parks and Recreation it is believed all parkland requirements have been met. The developer has not received any comments to the contrary for the parks department to date. Section II, page 7, VIII. Amenities, #6 provides the budget for exercise equipment along the Clear Creek Trail System. Construction costs for #2, #3, and #7, of the same section and page are forthcoming and can be credited, if at all by the Director of Parks and Recreation according to the acceptable formula.

13. The applicant/owner has interest in the adjoining 16 acres to the east. Questions were raised about what is proposed for the 16 acres.
The applicant indicated that a portion of the property will likely be used to fill the subject 47 acres, thereby bringing the property out of the 100 year floodplain. However, future details are not clear. A CLOMR was recently approved by FEMA. The CLOMR has been officially approved by FEMA.
With respect to the 16 acres adjoin the eastern property border, we discussed there are no future development plans whatsoever, aside from providing fill as a part of Lake Park's CLOMR design.

14. Questions were raised regarding a HOA fee for those interested in purchasing a residential unit.
The applicant has indicated that if it is possible to sell units, then there would be an HOA fee. However, that the property will be managed by a professional management company regardless if owned or rented.
This statement is correct.

15. The applicant was asked to include within the PD document regulations, that the smallest residential unit shall be 900 square feet.
(Not Addressed) The applicant is unable to commit to a minimum unit size of 900 square feet. The developer is unable to commit to a minimum per square foot size for the town homes.

Additional staff concerns regarding the revised Lake Park PD are as follows:

- Staff requests that design standards and amenities are codified to ensure the spirit and intent of the PD are implemented. For example, the Design Plan shows landscaping throughout the development. Staff requests clarification of the percentages of landscape areas for each residential unit, as mentioned above in # 11.
- Same response as #11.

Also various amenities are shown and listed including enhanced entry features, decorative pavers, enhanced lighting, colonnades/pavilion, etc. Staff requests direction on how to implement these standards and amenities by codifying the regulations. Comment addressed in Sections III, and IV. Elevations of Colonnade and splash pad. All fountains and landscape seating areas are identified and located on "Overall Design Plan" Exhibit "B" See also Section II, page 8, XII. Design Standards

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- The total acreage included in the break-down of the Land Use Table included as part of the PD and duplicated in the staff report, indicates that the total acreage included in the PD is 76.8 acres. This acreage is not listed in the PD in any other area, including the survey, which indicates a total acreage of 47.7 acres. Clarification is required.
- With the above acreage being in conflict with all documents within the PD, the density calculations need to be revisited, as well as other calculations regarding all uses, open space, parkland dedication, etc. All calculations have been reformatted. See Section II, Land Use Table.
- The ordinance for the PD requires a list of deviations from the standards in the base zoning district together with any standards in the ordinance to be varied. Clarification is requested for the deviations listed on page 4 of the document. See Section II, pages 4 and 5, VI. Deviations
- Re-wording to avoid confusion is required in various areas of the PD. For example, V. (Authorized Uses) states that all uses permitted within the land use matrix shall be allowed. The wording has been revised to more clearly reflect the developer's intenet.
- Clarification is requested regarding the overlay zoning districts. They appear to be GB, OP, MF and TH.
- Addressed and revised in Section II, page 3, V. Authorized uses.
- Section VII (Amenities) states the following amenities will be constructed in phases identified in phase 1. Details regarding phases proposed for phase 1 is required for clarification. Addressed and revised in Section II, page 6, VIII. Amenities.
- Section VI (Authorized Uses) states that all zoning districts are the overlay zoning districts for which staff will review permits. To avoid confusion in

the future, clarification/revisions are required to the language within the PD. Addressed and revised in Section II, page 3, V. Authorized Uses.

- Various exhibits are not included within the PD and various exhibits are not referenced in the PD. All graphic depictions used to illustrate standards need to be codified to ensure that staff can implement the standards. All exhibits are included, Design Standards are defined in Section II, page 8, XII. Design Standards.
- The Design Plan requires physical features of the site to be shown, including easements, existing and proposed public facilities, parking ratios and any other pertinent information, such as the pipeline easement to ensure no adverse impact on any proposed improvements. Additionally, there is a City waterline project proposed, which requires a 20-foot acquisition along the north side of the existing right-of-way for Brookside Road (future McHard Road) that needs to be considered and shown on the design plan to determine any impacts on future development of the site. These features are not shown on the Design Plan.
- As previously discussed at the JPH with council and P&Z, there are currently no right of way acquisitions, surveys, etc., for the Mc Hard Rd expansion or water line. The developer has allowed for the McHard Road expansion, as well as the water line in the Overall Design Plan, Section III, Exhibit "B"
- A TIA is recommended to analyze the access points to ensure compatibility with the Engineering Design Criteria Manual. Further, the TIA will analyze McHard Road to ensure an adequate level of service. A TIA can be provided at the time of platting. However, if there are any major changes due to improvements required as a result of the TIA, the PD may require an amendment.

As of the date of this writing, staff has not received any returned notices from property owners within 200 feet of the site.

Recommendation

Staff is in favor of the proposed Lake Park PD. However, staff recommends that the above concerns are addressed to ensure that staff can implement the spirit and intent of the Lake Park PD. Contingent upon the above staff concerns being addressed, staff recommends approval of the PD for the following reasons:

- The proposed commercial uses are in conformance with the future land use designation of Major Retail Nodes. The aforementioned future land use designation is generally located within the southwest corner of the site, where the non-residential uses are generally proposed. A portion of the site along the north

property line along the creek is located within the Parks future land use designation. Because the applicant proposes a trail and parkland dedication in the general vicinity, the use meets the future land use designation in this location. The remainder of the site is located within the Low Density Residential future land use designation. High density residential uses are proposed within this area and do not meet the future land use designation. If the PD is approved staff will analyze the development for an appropriate future land use designation and include it in the annual review of the future land use element of the comprehensive plan.

- The PD, as shown will provide a diverse housing opportunity which will include a host of amenities to service the residents and citizens of Pearland.

Exhibits

1. Staff Report
2. Aerial Map
3. Zoning Map
4. Future Land Use Map
5. Notification Map
6. Notification List
7. PD Document
8. Applicant Packet

JOINT PUBLIC HEARING
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS,
MONDAY, JULY 21, 2014, AT 6:30 P.M.
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

I. CALL TO ORDER

II. PURPOSE OF HEARING

Zone Change Application No. 2014-10Z

A request of James Johnson, Lake Park Pearland, Ltd., applicant; on behalf of James Johnson, FYCW, Ltd, owner; for approval of a change in zoning from Single Family Estate District (RE) to a mixed- use Planned Development (PD) known as Pearland's Lake Park; on approximately 47 acres, to wit:

Legal Description: Being a 47.717 acre tract of land located in the W.B. Dobson Survey, Abstract-1 87, in Brazoria County, Texas; said 47.717 acre tract being the remainder of a called 48.35 acre tract recorded in the name of Bruno Bagnoli in Volume 339, Page 319, of the Brazoria County Deed Records (B.C.D.R.), Brazoria County, Texas, Brazoria County, Texas

General Location: Northeast corner of Brookside Road and Cullen Parkway, Pearland, TX

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT
B. APPLICANT PRESENTATION
C. STAFF WRAP UP

IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

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

Exhibit 1
Staff Report

Summary of Request

The applicant proposes a mixed use Planned Development (PD), known as Pearland's Lake Park PD (Lake Park) on the approximately 47-acre site. The development will include a rental residential product which is a hybrid between townhomes and multi-family dwelling units, at a density of 12.7 dwelling units per acre (375 dwelling units on 29.52 acres). Various non-residential uses, including retail, office, restaurants are also proposed. According to the Design Plan, the residential units are proposed to be located in multiple buildings, clustered around the proposed 2.4 acre private lake, which will be used exclusively by the residents of the development. The proposed non-residential uses will be housed in seven (7) buildings located along the perimeter of the site along Cullen Parkway and Brookside Road.

Amenities include a 10-foot wide trail along the Clear Creek Trail system located in the northern portion of the site, within the area designated as parkland that will link the trail system to the proposed retail, office and all other public areas of the development; a trailhead near the northwest corner of the site with no less than six (6) parking spaces; an exercise station; benches; a 4,000 square foot pavilion, colonnade with splash pads; drinking fountains; informational signage about the City's history; a community swimming pool, a club house with a conference room/business center, coffee lounge; two (2) lakes/detention; and enhanced entrance cross sections from Cullen Parkway and Brookside Road/McHard Road into the development, including landscaping to create a boulevard entrance, with decorative lighting.

The Overlay zoning district for the PD appears to include Townhouse Residential (TH) and Multi-Family Residential (MF) for the residential component; and General Business (GB) and Office & Professional (OP) for the non-residential component, with variations listed on page 3 of this staff report; however, this information needs to be clarified. Additionally, Pearland Parkway is located within the Corridor Overlay District (COD). The PD references compliance with all standards of the COD.

The Land Use Table of the PD identifies the following land uses. However, the total acreage included equates to 76.8 acres. However, in all other areas of the PD, including the survey, the property appears to include 47 acres. Density calculations as well as all land uses need to be revisited to ensure correct totals.

Land Use	**Acreage**	**Percentage**	**Density** (Dwelling units/acre)
Residential Product (hybrid between townhomes and multi-family)	29.52	61.76%	12.7
General Business (GB) & Office Professional Uses (with the exception of those prohibited by the PD)	18.4	38.49%	n/a
Open Space	10.52	22.01%	n/a
Easements/R.O.W.	2.6	5.44%	n/a
Detention/Lakes	5.2	10.88%	n/a
Parkland	10.56	22.09%	n/a
Subtotal	76.8	160.67%	

Lake Park will be constructed in three (3) phases identified in the below table:

Phase 1	**Phase 2**	**Phase 3**
• +/- 238 dwelling units, including clubhouse with conference room, coffee bar, lounge and pool • 1 GB/OP use/structure near the sw corner of the site • All amenities, including parks/open space,	• +/- 137 dwelling units • 1 GB/OP use/structure near the sw corner of the site • 10.2 acres	• GB/OP • 4 GB/OP uses/structures located along the west, south and sw corner of the site • 5.7 acres

lakes, trails, plaza/pavilion, fountains • 29.5 acres		

The ordinance for a PD requires a specific list of deviations from standards in the base zoning district(s) together with any standards in the ordinance which are to be varied for development within the PD district. The required list of deviations was not provided by the applicant. However, staff has identified the following variances:

1. **Land Use**

   The subject property is located within the Single Family Estate (RE) zoning district. The existing zoning district does not permit high density residential developments, such as the residential product proposed, or the proposed non-residential uses.

   The proposed residential product is a hybrid between townhomes and multi-family dwelling units. Townhomes are defined as one of a group of no less than three (3) nor more than twelve (12) dwelling units, separated by a fire rated wall, each dwelling unit located on a separate lot, with minimum front and rear yards. Multi-family dwelling units contain dwelling units that are designed to be occupied by families living independently of one another, with the number of families not to exceed the number of dwelling units

   According to the Building Exhibits included within the PD document, multiple buildings will include more than 12 dwelling units.

2. **Lot and Bulk Requirements**

   The below table further identifies the difference between the existing zoning district of RE, the overlay zoning districts of TH and MF, as well as the proposed PD regulations, as it relates to the high density residential uses such as townhomes:

	Density	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Max. Length of Townhomes	Min. Rear Yard	Min Front Yard	Building Height	Distance Between Buildings
RE	1.3	½ acre	120 ft.	90 ft.	n/a	25 ft.	40 ft.	35 ft.	20 ft. between homes
TH	9.4	3,000 sf	30 ft	90 ft.	200 ft or the width of 6 attached units	10 ft.	20 ft.	35 ft.	15 ft.
MF	16	5,000 sf	50 ft.	90 ft.	n/a	25 ft.	20 ft.	35 ft.	15 ft.
PD	12.7	n/a	n/a	n/a	n/a	n/a	n/a	35 ft.	n/a

3. Parking Lot Landscaping

The COD requires parking lot landscape islands with at least one tree and no parking space shall be greater than fifty (50) feet from a tree.

The applicant proposes landscape medians where nose-to-nose parking for non-residential uses are proposed. Medians will be no less than seventy two (72) inches in width.

4. Future Land Use Designation

The subject property is located within three (3) future land use designations; Major Retail Node at the southwest corner of the site at the intersection of Cullen Parkway and Mchard Road; Low Density Residential for the remainder of the site, with the exception of the boundary of the creek, which is designated as Parks. The PD proposes approximately 18.4 acres of GB and OP uses within the general vicinity of the portion designated as Major Retail Nodes. The northern portion which is designated as Parks following the creek is proposed park land with a trail connecting to the Clear Creek Trail system, a plaza and pavilion. The remaining land in the PD is designated as Low Density Residential and will be developed with a high density hybrid between a townhome development and a multi-family development.

Discussion Items/Staff Concerns

The below list of staff concerns include issues that were raised during the joint workshop in February, 2014, as well as staff concerns with the submittal of the new Lake Park PD.

1. In order to implement the standards of the PD, design standards need to be clear and codified, parking requirements, and the landscaping shown throughout the development, for example.
2. As part of the PD, the applicant is required to include within the PD document a specific list of deviations from standards in the base zoning district(s), together with any standards in the ordinance which are to be varied for development within the PD. The PD makes reference to deviations on page 4; however the deviations are not clear.
3. The table of contents does not reference correct page numbers.
4. All exhibits are not included or referenced in the PD document. All exhibits should be referenced to provide applicability to enforce the "character" of the illustrations.
5. Section V (Authorized Uses) needs to be revised to clearly explain the overlay districts.
6. Section VII (Amenities) states that the "amenities will be constructed in phases in Phase I."
7. Section VI (Authorized Uses) indicates that all zoning districts are the overlay district.
8. Safety issues were raised regarding the pipeline easement. The applicant was advised to indicate the proposed setback requirements and the type of pipeline.
   The applicant advised that the development will abide by all city ordinances regarding the subject matter. A requirement of the design plan is to show existing and proposed public facilities and physical features of the site including easements. Although not shown on the design plan to determine its impact on proposed improvements, a 40-foot Texas Eastern pipeline easement is shown on an attached survey identified as Exhibit T in the PD document. Additionally, the City is in the process of acquiring a 20-foot easement along the north side of the existing right-of-way for Brookside Road (future McHard Road) that needs to be considered and shown on the design plan.
9. The applicant was asked to include within the PD document regulations, that the smallest residential unit shall be 900 square feet. The applicant is unable to commit to a minimum unit size of 900 square feet.
10. Based on the land use table included in the PD, the acreage calculations are incorrect. The table indicates that the acreage for the Lake Park development is 76.8 acres. The acreage listed throughout the PD and on the survey included as

part of the PD indicates 47.717 acres. Staff has concerns that the density calculations and all land uses acreages may need to be revised.

11. Clarification is required for the landscaping calculations in order to effectively implement the PD.

Site History

The subject property is currently undeveloped, and is located within the Single Family Estate (RE) zoning district. The property was annexed into the City of Pearland in 1998. The proposed Lake Park PD was most recently presented via a joint workshop to the Planning and Zoning Commission and City Council on February 17, 2014. At that time, the development was proposed to include a mix of retail, office, parks and trails, a plaza/pavilions, lake detention and 417 rental dwelling units, which equates to a density of 19.3 dwelling units per acre (417 homes on 21.6 acres). Concerns raised by the City Council and Planning and Zoning Commission during the February, 2014 workshop included the following. How the applicant addressed the concerns follows.

1. Utilities to be individually metered, including water, sewer, electricity.
   All utilities will be individually metered or individually sub-metered.

2. Codify amenities, including quantity and quantity.
   Amenities and design standards need further clarification and codification in order to implement the desires of the applicant, as represented in the illustrations, renderings, etc.

3. Concerns were raised regarding the phasing plan with 238 residential dwelling units proposed in the first phase with no non-residential uses.
   The phasing plan for the current Lake Park PD includes three (3) phase identified as follows:

Phase 1	Phase 2	Phase 3
• +/- 238 dwelling units • 1 GB/OP use/structure near the sw corner of the site • All amenities, including parks/open space, lakes,	• +/- 137 dwelling units • 1 GB/OP use/structure near the sw corner of the site • 10.2 acres	• GB/OP • 4 GB/OP uses/structures located along the west, south and sw corner of the site • 5.7 acres

trails, plaza/pavilion, fountains • 29.5 acres		

4. Home ownership was a key component in the discussion. The applicant was advised to ensure that homes could be purchased from the inception.
   The units are 100% rental. The applicant indicated that the units would be constructed with the idea of rental in the future (individually metered and/or sub-metered utilities). However, the applicant indicated that the units must be rental to obtain funding for the development.

5. The applicant was asked to specify any flexibility allowed and/or minor deviations permitted within the PD that can be approved by the Planning Director.
   The UDC allows for flexibility and minor deviations in the design plan to be approved by the Planning Director. Unless otherwise specified in the ordinance for the PD, minor deviations, as specified in Section 2.2.2.6 of the UDC are defined. Major deviations must be submitted to the Planning and Zoning Commission and the City Council as an amendment to the PD. The applicant referenced the UDC.

6. The applicant was advised to lower the density if the dwelling units were proposed to be rental units; and that the density could increase only if there is ownership potential.
   The density was decreased from 19.3 dwelling units/acre (417 dwelling units on 21.6 acres) to 12.7 dwelling units per acre (375 dwelling units on 29.52 acres).

7. Safety issues were raised regarding the pipeline easement. The applicant was advised to indicate the proposed setback requirements and the type of pipeline.
   The applicant advised that the development will abide by all city ordinances regarding the subject matter. A requirement of the design plan is to show existing and proposed public facilities and physical features of the site including easements. Although not shown on the design plan to determine its impact on proposed improvements, a 40-foot Texas Eastern pipeline easement is shown on an attached survey identified as Exhibit T in the PD document.

8. Concerns were raised regarding demographics and the impacts in which the proposed development would have on schools.
   The applicant advised that there were no objections filed by the schools, and that Lake Park's market studies are strong.

9. Concerns were raised regarding the market study and if it was based on rental or home ownership opportunities.
   The applicant responded that a market study was completed and three (3) updates were completed for compliance.

10. Caps were requested for various uses as well as clarification/corrections on density calculations.
    Based on the land use table provided by the applicant, and included within the PD, GB and OP uses (with the exception of those prohibited as illustrated in Section V. Authorized Uses of the PD) will represent 38.49% of the development. The residential aspect of the development will represent 61.76% (12.7 dwelling units/acre) of the development. The remaining acreage will be developed with open space, easements and right-of-way dedication, detention/lakes; and parkland.
    The foot print/building pad of any multi-tenant building shall not exceed 35,000 square feet. The foot print/building pad for any single tenant building will not exceed 75,000 square feet.

11. Discussion ensued regarding more open space/landscaping around the residential units, as small front and rear yards are desirable for some.
    The applicant indicated that the proposed residential product is different from the typical townhomes that are owned fee simple. Backyards are not proposed for the residential units of the Lake Park PD. The applicant has indicated that open space requirements within the PD exceed the requirements and various improvements will be credited towards open space due to cost. It appears as though the 5.2 acres of detention is included within the landscaping requirements. Multi-family and townhome developments require 900 square feet of open space per dwelling unit. Clarification is required.

    According to the Land Use Table of the PD and Exhibit K (Parkland and Open Space), 10.52 acres (22.01%) will be devoted to open space. Open space is considered areas intended for use or enjoyment by people, and can be satisfied by a combination of public and private open space. Various improvements proposed that would meet the definition of open space include the proposed trail that will link Pearland's Clear Creek System to the retail, office and all other public areas of the development; exercise stations; benches; a 4,000 square foot pavilion, colonnade with splash pads, and the proposed public and private lakes/detention.

12. Payment in lieu of parkland dedication was not desirable. Discussion ensued regarding the development meeting all open space and parkland dedication regulations.
    Parkland dedication is based on the number of residential units. The Lake Park PD proposes 375 units/12.7 dwelling units per acre. Based on one (1) acre per every 50 units, 7.5 acres of parkland is required. According to various exhibits within the PD, including the land use table and Exhibit K (Parkland and Open Space), 10.5 acres (22%) of the land will be devoted to parkland. However, the PD allows for credit for park improvements, excess landscaping and lake amenities, fees in lieu of dedication in the event that the applicant is unable to satisfy some or all parkland dedication.

13. The applicant/owner has interest in the adjoining 16 acres to the east. Questions were raised about what is proposed for the 16 acres.
    The applicant indicated that a portion of the property will likely be used to fill the subject 47 acres, thereby bringing the property out of the 100 year floodplain. However, future details are not clear.

14. Questions were raised regarding a HOA fee for those interested in purchasing a residential unit.
    The applicant has indicated that if it is possible to sell units, then there would be an HOA fee. However, that the property will be managed by a professional management company regardless if owned or rented.

15. The applicant was asked to include within the PD document regulations, that the smallest residential unit shall be 900 square feet.
    The applicant is unable to commit to a minimum unit size of 900 square feet.

    Additional staff concerns regarding the revised Lake Park PD are as follows:
    - Staff requests that design standards and amenities are codified to ensure the spirit and intent of the PD are implemented. For example, the Design Plan shows landscaping throughout the development. Staff requests clarification of the percentages of landscape areas for each residential unit. Also various amenities are shown and listed included enhanced entry features, decorative pavers, enhanced lighting, colonnades/pavilion, etc. Staff requests direction on how to implement these standards and amenities by codifying the regulations.
    - The ordinance for the PD requires a list of deviations from the standards in the base zoning district together with any standards in the ordinance to be varied. Clarification is requested for the deviations listed on page 4 of the document.

- Re-wording to avoid confusion is required in various areas of the PD. For example, V. (Authorized Uses) states that all uses permitted within the land use matrix shall be allowed.
- Clarification is requested regarding the overlay zoning districts. They appear to be GB, OP, MF and TH.
- Section VII (Amenities) states the following amenities will be constructed in phases identified in phase 1. Details regarding the phasing is requested.
- Section VI (Authorized Uses) states that all zoning districts are the overlay zoning districts for which staff will review permits. To avoid confusion in the future, clarification/revisions are required to the language within the PD.
- Various exhibits are not included within the PD and various exhibits are not referenced in the PD. All graphic depictions used to illustrate standards need to be codified to ensure that staff can implement the standards.
- The Design Plan requires physical features of the site to be shown, including easements information to be included regarding easements, existing and proposed public facilities, parking ratios and any other pertinent information, such as the pipeline easement to ensure no adverse impact on any proposed improvements. These features are not shown on the Design Plan.
- A TIA is recommended to analyze the access points to ensure compatibility with the Engineering Design Criteria Manual. Further, the TIA will analyze McHard Road to ensure an adequate level of service

The site is surrounded by single family homes, undeveloped property and various non-residential uses, including an industrial use; Grayco Welding Company, to the south. The below table identifies surrounding uses and zoning districts:

	Zoning	**Land Use**
North	Houston Extraterritorial Jurisdiction (ETJ)	Undeveloped
South	Cullen Mixed Use (C-MU)	Single Family & Grayco Welding Company
East	Single Family Estate (RE)	Single Family Homes & Undeveloped Land
West	General Business (GB) Single Family Residential 3 (R3)	Undeveloped

Conformance with the Thoroughfare Plan

The subject property is located at the northeast corner of Cullen Parkway; a major thoroughfare of sufficient width, which requires 120 feet of right-of-way; and Brookside Road (McHard Road), a major thoroughfare-to be widened, which also requires 120 feet of right-of-way. Brookside Road, at this location, appears to be approximately 55 feet in width, according to GIS data. A TIA is recommended to be completed prior to the PD moving forward. At a minimum, if a TIA is not completed prior to approval of the PD, access points (driveways) are to be considered conceptual. The proposed driveways do not appear to meet the separation requirements. Furthermore, the TIA will analyze McHard Road to determine if it has capacity to provide an adequate level of service or if widening is required to serve the development.

Conformance with the Unified Development Code

The site is currently undeveloped. As part of the Lake Park PD, the applicant proposes an overlay district of GB and OP for the non-residential uses and MF and TH for the residential component of the development. Clarification is needed from the applicant regarding the lot sizes, parking ratios, etc., to ensure that the spirit and intent of the PD is implemented.

Platting Status

The property is not platted. Platting of the site will be required prior to any development or the issuance of building permits. A TIA is required as part of this development. Based on the results of the TIA, adjustments may be required to be made to the site which may require an amendment to the PD.

Availability of Utilities

According to GIS data, the subject property has access to a 12-inch water line on the west side of Cullen Parkway. Additionally, the city's water line plans show a 20-foot acquisition along the north line of the existing right-of-way for Brookside Road (future Mchard Road). Sanitary sewer services are not available to the site. The applicant proposes to force main to the nearest plant (Southdown/Country Place) off of McHard Road, approximately 5/10 of a mile west of the subject property.

Impact on Existing and Future Development

The site is surrounded by residential subdivisions to the south, east and west, as well as undeveloped land to the west, south and north. Through the PD process, the applicant proposes to restrict various uses which may be perceived as incompatible (See Exhibit F of the PD) with the existing neighborhoods. Due to residential adjacency screening requirements and various other safeguards, such as enhanced landscaping, the

proposed PD will enhance the area and will be in accordance with other commercial developments along Pearland Parkway.

Additional Comments

The request has been reviewed by the City's Development Review Committee (DRC), and there were no additional comments from other departments at the time of this report, in addition to the concerns highlighted in this report.

Public Notification

Staff sent public notices, comment forms and a vicinity map to the applicant, the owner of the property and to property owners within 200 feet of the subject property under consideration for the zone change. Additionally, a legal notice of the public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant.

Opposition to or Support of Proposed Request

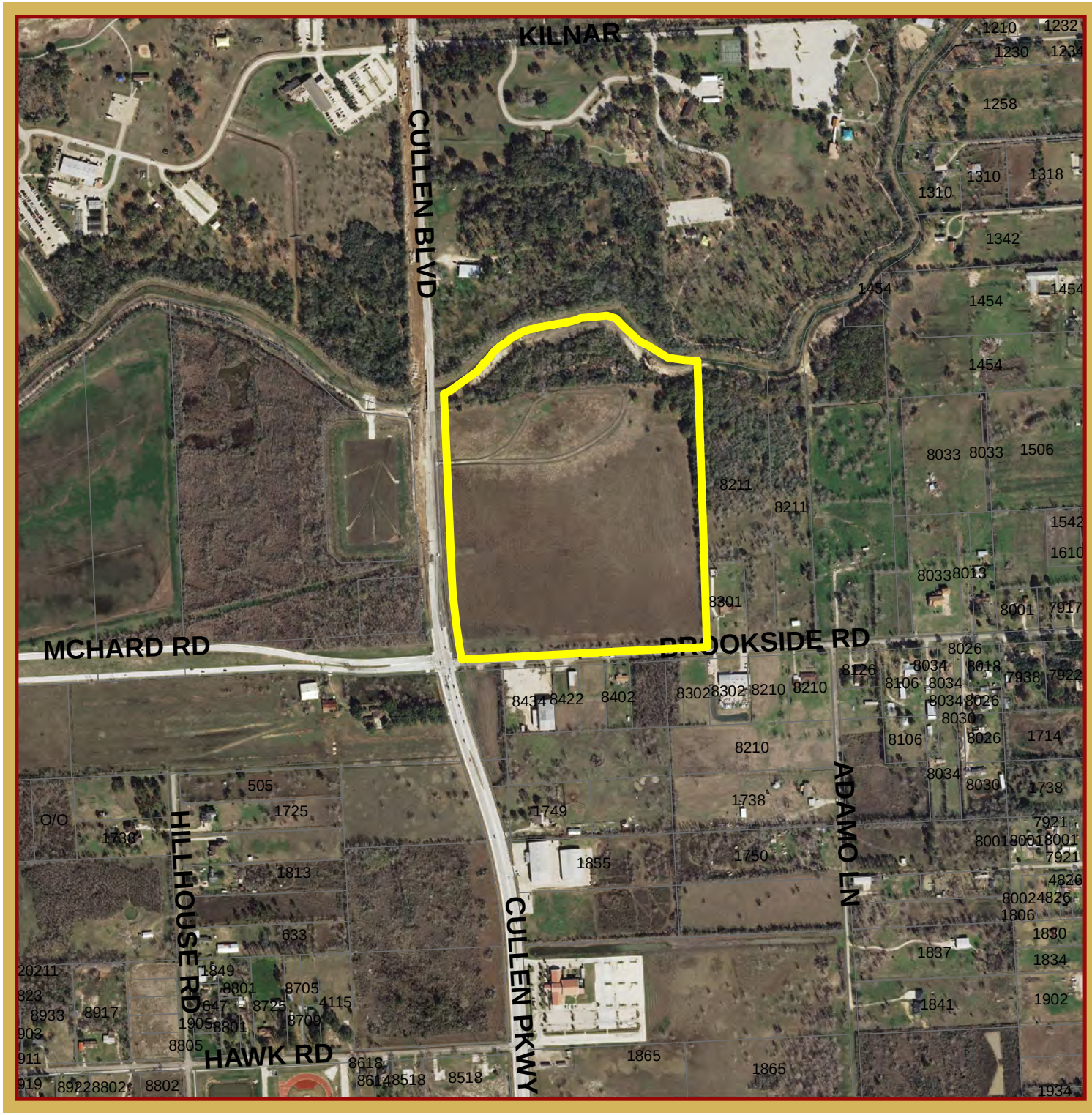
As of the date of this writing, staff has not received any comments either in opposition to or in support of the proposed change in zoning request.

Recommendation

Contingent upon the above staff concerns being addressed, staff recommends approval of the Lake Park PD, for the following reasons:

- The proposed commercial uses are in conformance with the future land use designation of Major Retail Nodes. The aforementioned future land use designation is generally located within the southwest corner of the site, where the non-residential uses are generally proposed. A portion of the site along the north property line along the creek is located within the Parks future land use designation. Because the applicant proposes a trail and parkland dedication in the general vicinity, the use meets the future land use designation in this location. The remainder of the site is located within the Low Density Residential future land use designation. High density residential uses are proposed within this area and do not meet the future land use designation. If the PD is approved staff will analyze the development for an appropriate future land use designation and include it in the annual review of the future land use element of the comprehensive plan.

- The PD, as shown will provide a diverse housing opportunity which will include a host of amenities to service the residents and citizens of Pearland.



AERIAL MAP

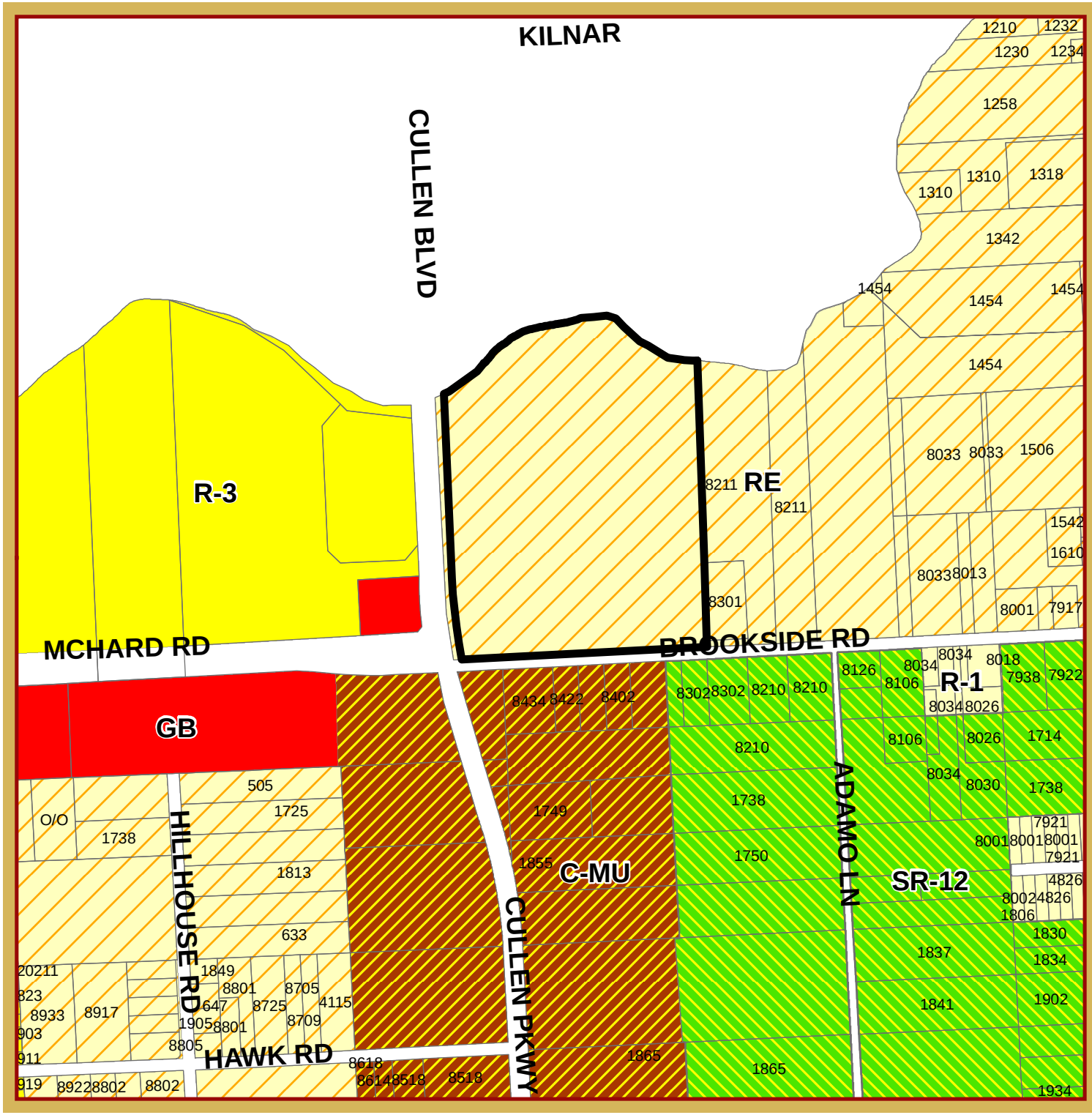
2014-10Z
PEARLAND'S
LAKE PARK PD

This product is for informational 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.

1 inch = 703 feet

22 MAY 2014
PLANNING DEPARTMENT

N



ZONING MAP

2014-10Z PEARLAND'S LAKE PARK PD

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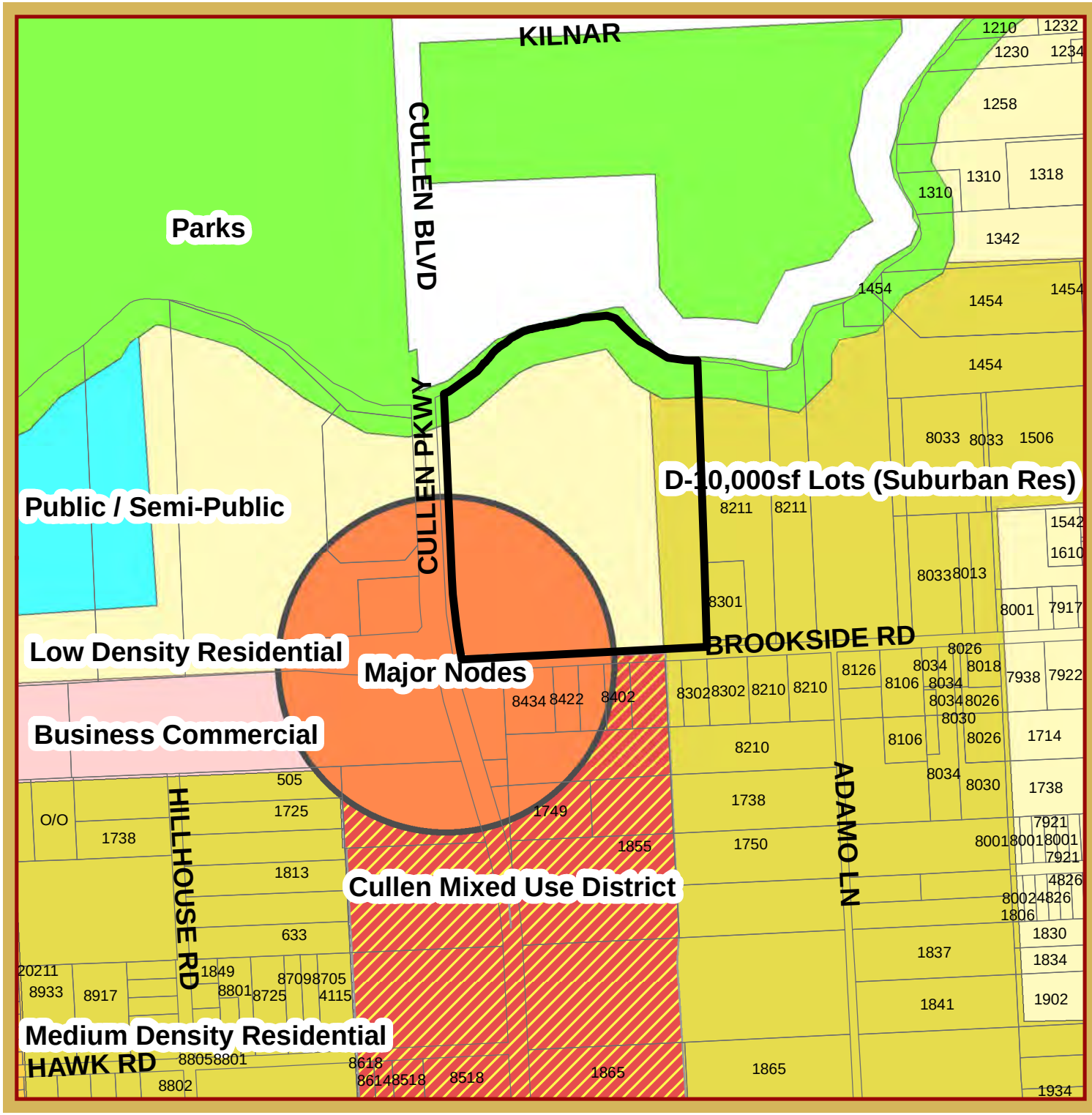
22 MAY 2014
PLANNING DEPARTMENT

N



FLUP MAP

2014-10Z PEARLAND'S LAKE PARK PD

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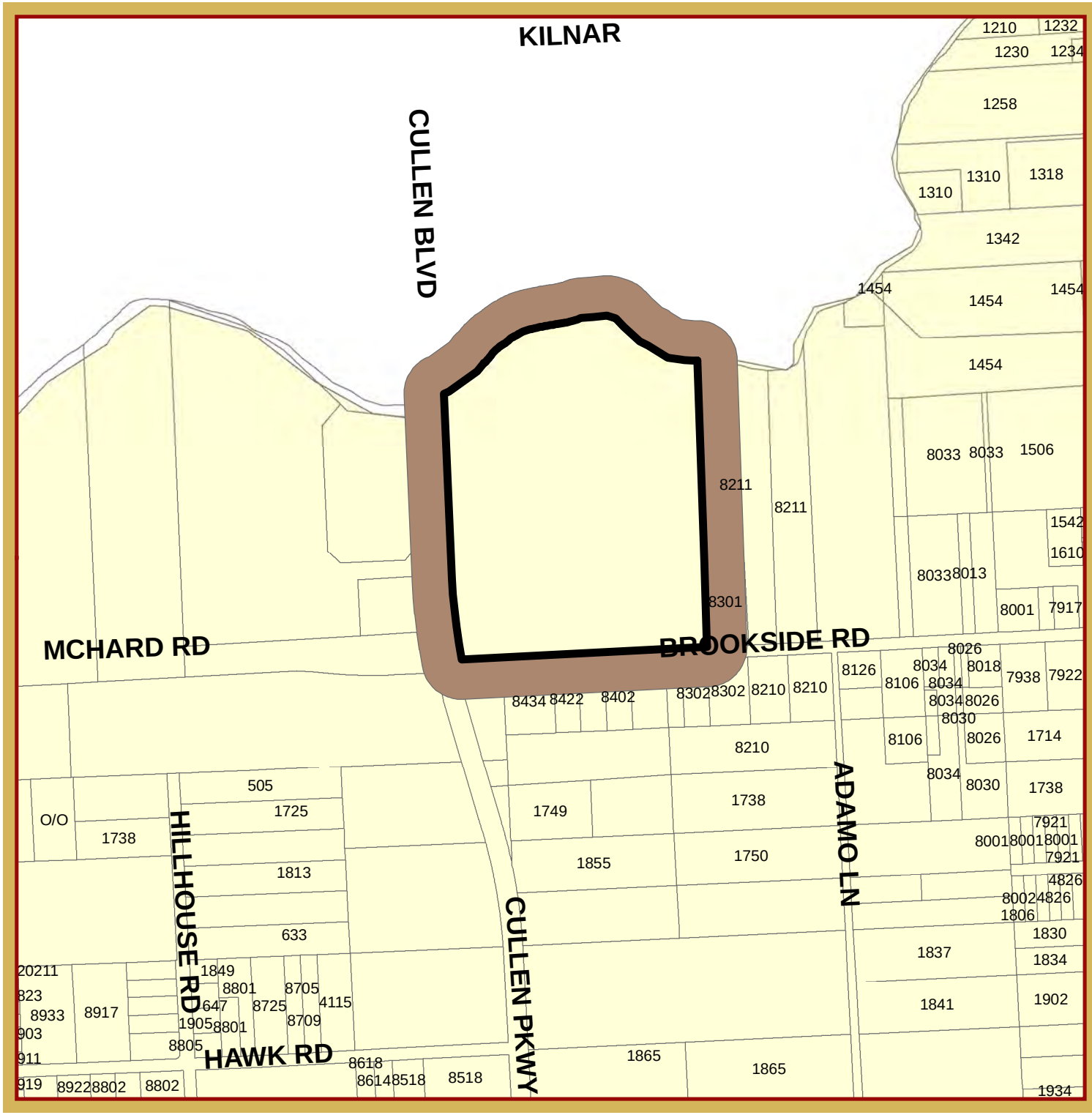
1 inch = 703 feet

22 MAY 2014
PLANNING DEPARTMENT

N



NOTIFICATION MAP

2014-10Z PEARLAND'S LAKE PARK PD

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1 inch = 703 feet

22 MAY 2014
PLANNING DEPARTMENT

N

ZONE CHANGE 10Z
NOTIFICATION LIST

NAME	
GARNER ROBERT D	
CHILDERS SHARON	
LOZANO ARMANDO & CHRISTINA	
BRANTLEY INVESTMENT LLC	
C&F PROPERTIES LP	
HARRIS SHIRLEY COOPER	
STONE EARL G ESTATE	
FYCW LTD	
LENNAR HOMES OF TEXAS SALES & MARKETING LTD	DBA LENNAR HOMES OF TEXAS INC
HARRIS COUNTY	
CHRISTOPH PROPERTIES INC	
FYCW, LTD.	C/O JAMES JOHNSON
LAKE PARK PEARLAND, LTD.	C/O JAMES JOHNSON

ADDRESS	SUITE	CITY	STATE	ZIP
8302 BROOKSIDE RD		PEARLAND	TX	77581
3109 WILD TURKEY LN		PEARLAND	TX	77581
6213 RAVENWOOD DR		PEARLAND	TX	77584
2218 N SAN ANTONIO ST		PEARLAND	TX	77581
5826 HIGH STAR DR		HOUSTON	TX	77081
8301 BROOKSIDE RD		PEARLAND	TX	77581
1938 GARDEN RD	TRLR 98	PEARLAND	TX	77581
104 SOUTHERN PINES DR		LAFAYETTE	LA	70508
550 GREENS PKWY	STE 200	HOUSTON	TX	77067
PO BOX 1525		HOUSTON	TX	77251-1525
1406 1/2 W PARKWOOD AVE		FRIENDSWOOD	TX	77546-5704
106 RIVERFRONT LN		HOUSTON	TX	70508
5410 PIPING ROCK LN		HOUSTON	TX	77056

Pearland's Lake Park

Lake Park Pearland, Ltd.

June, 2014

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Fence Plan

Section VII.....Survey

Section VII.....Exercise Brochure

Section I

an area map for

Pearland's Lake Park

FREEWAY

120' ROADWAY - SUFFICENT WIDTH

120' ROADWAY - INSUFFICENT WIDTH

120' ROADWAY - PROPOSED

100' ROADWAY - SUFFICENT WIDTH

100' ROADWAY - INSUFFICENT WIDTH

80' ROADWAY - SUFFICENT WIDTH

60' ROADWAY - INSUFFICENT WIDTH

60' ROADWAY - PROPOSED

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EXHIBIT A

NOT TO SCALE

SEPTEMBER 2011
KGA #4-272

KERRY R. GILBERT & ASSOCIATES, INC.
Land Planning Consultants
23501 Cinco Ranch Blvd.
Suite A-250
Katy, Texas 77494
(281) 579-0340
Fax (281) 579-8212

Section II

Lake Park

I. Introduction to *Lake Park*:

Lake Park, Is a +/- 47.5 acre planned development consisting of office, retail, restaurant and various general business uses as well as one, two, and three story rental townhomes.

Conceived as a result of Pearland's continued commercial growth driven by an influx of professional businesses including hospitals, medical offices, and surgery centers, *Lake Park* will be the first mixed use residential community of it's kind for those desiring a maintenance free, secure community.

Lake Park's list of amenities will include a portion of Pearland's Clear Creek Trail System, constructed by the developer along the northern border of the development, with a covered exercise station, benches, decorative lighting informational signage about the City's history, and drinking fountains, all of which will be consistent with the city's designs and located in accordance with the City of Pearland's park plan and approval of the parks and planning directors.

Two lakes will be constructed within the development, each +/- 2.6 acres in size. One lake will be private and for the exclusive use of residents within the town-home with pedestrian trails / walkways providing access to both the general business and park areas. The second lake will be open to the public and include a +/- 4,000 sq. ft. pavilion, a colonnade with splash pad, as well as trails linking all public areas to the Clear Creek trail system, retail, office, and all other public areas.

The town-home community will be constructed in two phases. Phase one will consist of 238 units and including a clubhouse with conference room/business center, coffee bar, lounge as well as a lake front community pool. Phase 2 will consist of an additional 137 units.

II. Location and Use:

Lake Park is located at the northeast corner of the intersection at Cullen Blvd. and McHard Rd. (see area map exhibit) The property immediately surrounding *Lake Park* consists of a broad mix of uses, including 8-10 rural homes appearing to have been built in the 60's-70's to the east, light industrial immediately adjacent to the south, the City of Pearland's dry detention facility directly across Cullen to the West, and a boat repair shop immediately to south. Both Cullen Blvd. and McHard Rd. are identified in the comprehensive plan as major thoroughfares and provide direct access to S.H. 288. The intersection is approximately 2.1 miles to SH 288 and 1 mile to beltway 8. As a result of the heavy use of each road, and in an attempt to alleviate traffic congestion along Broadway/FM 518, Cullen Blvd. has been widened to 4 lanes, and McHard Rd. has recently been opened to Cullen Blvd.

The property is currently zoned RE, with the Pearland's future land use plan indicating a general business retail node consisting of 50 acres. Due to the heavy traffic and the lighted intersection, as well as scattered uses in the area, and in keeping with **Section 2.2.2.1 (b)(5), (b6)**, as well as the subject property's location is near the **Cullen Mixed Use District.** *Lake Park* provides the appropriate transition and upon completion likely enhancing property values, and set the tone for future development.

III. Ideals, Goals, and Objectives:

In accordance with **Section 2.2.2.4, Application Requirements,** The following excerpts from **section 2.2.2.1 (a) and (b),** of the City of Pearland's adopted UDC, provides a description of how a proposed Planned Development fulfills the ideals, goals, objectives, and/or concepts of the City's adopted comprehensive plan or any other formally adopted City planning document, such as the parks plan or public facility plan.

(a) Purpose. The purpose of an overlay planned development zoning district ("PD District") is to provide for the development of land as an integral unit for single or mixed use in accordance with a PD Design Plan that may include uses, regulations and other requirements that vary from the provisions of other zoning districts and encourage flexible and creative planning, to ensure the compatibility of land uses, to allow for the adjustment of changing demands to meet the current needs of the community, and to result in a higher quality development for the community than would result from the use of conventional zoning districts.

Section 2.2.2.1 (b) Applicability: A PD district may only be established in one of the following circumstances:

1) The land is located in close proximity to established residential neighborhoods where conventional zoning classifications may not adequately address neighborhood concerns regarding the quality or compatibility of the adjacent development, and where it may be desirable to the neighborhood, the developer or the City to develop and implement mutually-agreed, enforceable development standards;

5) The land serves as transition between different and seemingly incompatible land uses.

6) The land is proposed for development as a major office, retail, commercial or industrial employment center, and special design standards may be warranted.

With the previous 3 standards met, it is believed the proposed PD would be appropriate.

IV. Open Space:

All of the open space requirements outlined in **Section 2.2.2.3 (c)(1)** of the City of Pearland's adopted UDC shall be met or exceeded. (See Exhibit "K" Parkland and Open Space)

Parkland Requirements:

Parkland requirements will be met implementing the formula outlined in Chapter 3, Section 3.2.10.1 (b) In the event the Applicant is unable to satisfy some or all parkland dedication requirements by way of land dedication, credit for park improvements, excess landscaping and lake amenities, fees in lieu of said dedications shall be paid to the city's park fund for future use in the appropriate zone.

Walkways, Sidewalks and Trails:

All walkways and sidewalks will be designed and constructed as required in Pearland's UDC, Section 3.2.11.1. Unless otherwise stated in in Section 2.4.5.1, Corridor Overlay District. Trails along "The Clear Creek Trail System" will be no less than 10 feet in width or as required by the parks master plan, adjacent to the boundaries of *Lake Park*.

Corridor Overlay District:

As the subject property lies within a Corridor Overlay District, all standards set forth therein shall be met.

V. Authorized Uses:

Upon adoption of the Lake Park PD, all uses permitted in **Section 2.5.2.1 The Land Use Matrix** of the City of Pearland's UDC shall be allowed in area designated for zoning categories know as GB & OP except for the following:

1) Parking Lot or Garage for passenger cars and trucks of less than one (1) ton capacity.

2) Office, Parole-Probation, Bail Bonds

3) Check Cashing Service

4) Laundromat (Self-Service Laundry)

5) Rehabilitation Care Facility (Halfway House)

6) Studio-Tattoo or Body Piercing

7) Antique Shop with Outside Storage

8) Astrology, Hypnotist or Psychic Arts

9) Bakery (Wholesale)

10) Garage and/or Yard Sales

11) Market – Open Air (i.e., Flea Market)

12) Outside Display

13) Auction House

14) Fraternity or Sorority House

15) Mortuary/Cemetery (Including Mausoleum/Crematorium)

16) Bus Station

17) Animal Processing

VI. Authorized Uses:

1. Upon adoption of the Lake Park PD Overlay District, the following uses are authorized in the general locations identified in exhibits "B" – "E". All zoning districts are the overlay zoning districts for which staff will review permits.

1) Town-Homes / MF - This product is consistent with the TH district save and except rear yards and select homes with shared rear walls. (Back to back)

2) General Business

3) Office/Professional

4) All zoning standards not expressly set forth for the district in the adopting ordinance shall be as provided in the base zoning district(s), and that any standard in this ordinance that has not been expressly varied in the adopting ordinance shall be applicable to subsequent development permits for land within the PD district. The following is a list of deviations from the current RE base zoning. (Refer to Exhibit "B" site plan and Site Legend)

   a. Numbers 2 and 3 – TH / MF

   b. Number 4 – GB & OP

VII. Development Standards and Amenities:

Upon adoption of the Lake Park PD Overlay District, the following development standards shall be adhered to. Minor deviations from the approved design plan shall be in accordance with **Section 2.2.2.6 Subsequent Development Applications.**

1) All building facades except for areas of glass window and doors will be constructed of 100% masonry as defined in the City of Pearland's UDC **Section 2.6.2.1 (c) (1) Materials Permitted.** All facades shall be constructed with no less than 65% brick.

2) Permitted trim materials are as described in **Section 2.6.2.1 (c) (3)**

3) For the purpose of sustainability and erosion control all residential buildings shall be constructed with two-foot (2') eaves. (See Exhibit "O")

4) The foot print/building pad of multi-tenant buildings shall not exceed thirty-five thousand (35,000) square feet.

5) The foot print/building pad of any single-tenant building shall not exceed 75,000 square feet.

6) All building designs within the Lake Park PD will be consistent with the architectural renderings depicted in Exhibits "H", "I", & "J"

7) All screening requirements for parking shall be in accordance with the City of Pearland's UDC, **Chapter 4, Section 4.2.2.4 (d)**

8) Landscaped medians will be constructed wherever nose-to-nose parking exists in GB and/or OP districts. Medians will be no less than seventy-two inches (72") in width. (See Exhibit "A")

9) Parking medians visible to Cullen Blvd. or McHard Road shall have shrubs planted and maintained at a height of no more than thirty-six inches (36") and no less than eighteen inches (18") as measured from the surrounding soil line.

10) A thirty-five (35') foot wide landscape buffer shall be provided along the eastern border of property.

VII. Amenities:

The following list of amenities will be constructed in phases identified in phase I. (See Exhibit "C") The term "Amenity" is defined in Chapter 5 of the city's UDC.

1) Lakes: Two lakes – Private residents lake shall be +/- 2.4 acres. Public Lake shall be 2.8 acres.

2) Pavilion - Developer will construct a +/- 4,000 sq. foot pavilion, the location of which is depicted on (See exhibits "C" 4B)

3) Colonnade with splash pad for children. (See exhibit "C" 4A)

4) Fountains - the location of which depicted in the site plan. (See exhibit "C" Fountain)

5) Clear Creek Trail System - The trail will include benches, water fountains, and lighting in accordance with the Parks Department's master plan. (See exhibit "C" Fountain)

6) Exercise station – A covered outdoor exercise station will be located along the Clear Creek Trail System for public use. The developer has budgeted $55,000 for construction and will receive parkland credits in accordance with the comprehensive plan for city parks. (See attached exercise brochure)

7) Trail Head - Developer will construct a trailhead with no less than 6 parking spaces. (See Exhibit "K")

VIII. Fencing.

Fencing and access gates shall be constructed of brick, masonry and wrought iron access gates, which are depicted in Exhibit "L". The location of all fencing, walls and access gates are identified in Exhibit "L".

IX. Residential Densities.

Maximum density shall not exceed 238 units or, 13 units per acre in Phase 1, and 137 units in Phase 2. (See page 6)

X. GB and O/P overall square footage.

(See residential density and multi-tenant square footage table)

XI. EXCEPT AS OTHERWISE PROVIDE FOR IN THIS PD DOCUMENT, ALL ORDINANCES, CONDITIONS, AND REQUIREMENTS OF THE CITY OF PEARLAND'S UDC, AND LAND USE PLAN, SHALL HEREBY BE DEEMED APPLICABLE IN ALL MANNERS AND RESPECTS.

Land Use Table:

Use	Acres	Percentage	Density/units per acre
Single Family	-	-	-
Town Homes	29.52	61.76%	12.7
General Business/Office	18.4	38.49%	-
Open Space	10.52	22.01%	-
Easements/R.O.W.	2.6	5.44%	-
Detention/Lakes	5.2	10.88%	-
Park Land	10.56	22.09%	-
Subtotals	**76.8**	**160.67%**	-
Less Open Space	(10.52)	(0.22)	-
Less Parkland	(10.56)	(0.22)	-
Less Internal Road Circulation	(8.22)	(0.17)	-
Totals	**47.50**	**100%**	-
Total Open Space and Parkland	**21.08**	**44.10%**	-

Section III

PROJECT #:
11-043

LAKE PARK
AERIAL PERSPECTIVE

Exhibit F

Steinberg Design Collaborative LLP

PROJECT #:
11-043

LAKE PARK

Perspective - Colonnade

Exhibit G

Steinberg Design Collaborative LLP

PROJECT #:
11-043

LAKE PARK

Entry at Cullen Rd.

Exhibit G - 1

Steinberg Design Collaborative LLP

Exhibit G-2

PROJECT #:
11-043

LAKE PARK

Entrance at Brookside/McHard Rd.

Steinberg Design Collaborative LLP

Exhibit H

PROJECT #:
11-043

LAKE PARK

Perspective - Townhomes Lake View

Steinberg Design Collaborative LLP

PROJECT #:
11-043

LAKE PARK

Exhibit I

Perspective - Townhomes From Street

Steinberg Design Collaborative LLP

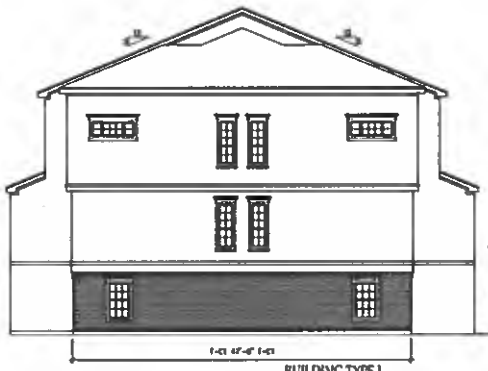
PROJECT #:
11-043

LAKE PARK

Perspective - Retail

Exhibit J

Steinberg Design Collaborative LLP



2 BUILDING TYPE I
SIDE ELEVATION

1 BUILDING TYPE I
FRONT/REAR ELEVATION

Not for regulatory approval, permitting, or construction 05-23-2014

Sanford P. Steinberg
AIA

Lake Park
Pearland, Texas

Steinberg Design Collaborative LLP

JOB NO. 2011.043
SHEET DESCRIPTION
EXTERIOR ELEVATIONS
BUILDING TYPE I

SHEET NO.
EXHIBIT O

2 BUILDING TYPE II
REAR ELEVATION

1 BUILDING TYPE II
FRONT ELEVATION

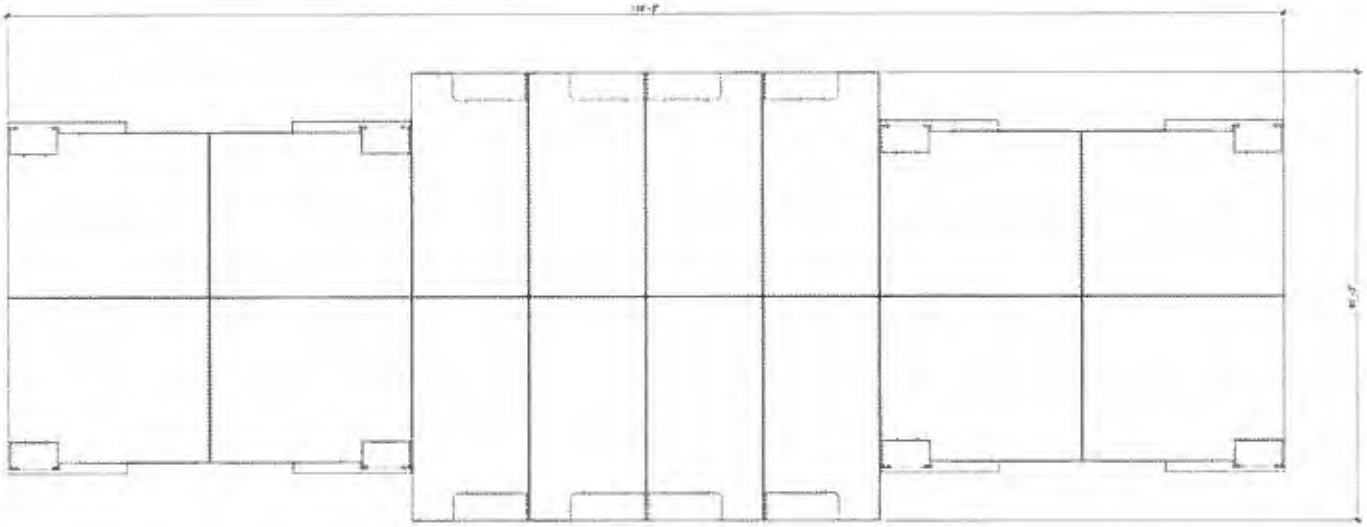
Not for regulatory approval, permitting, or construction 05-23-2014

Sanford P. Steinberg
AIA

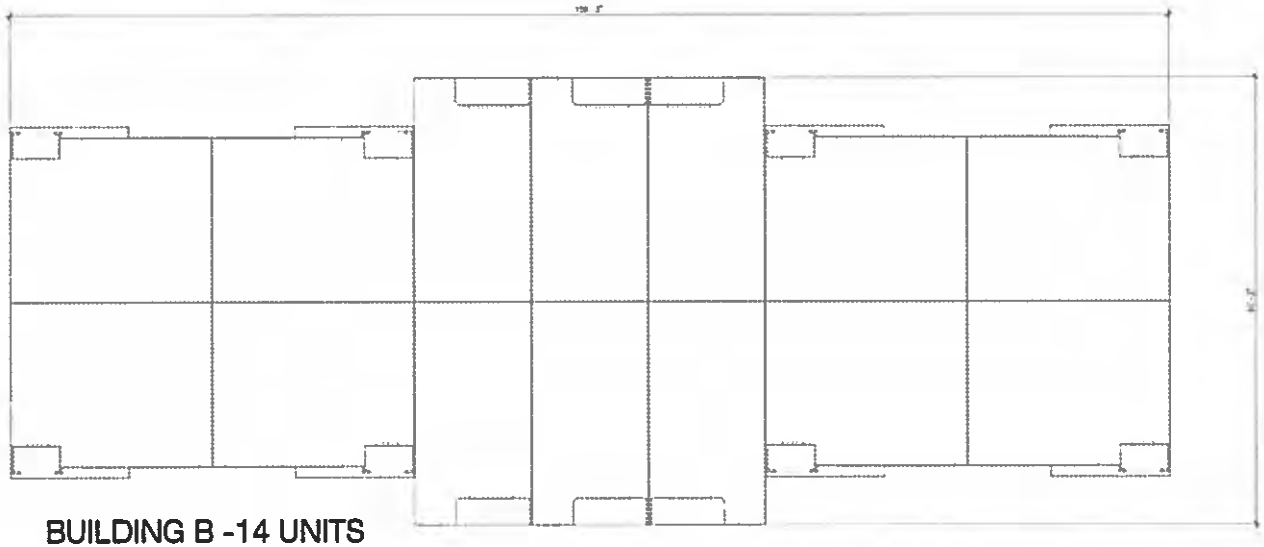
Lake Park
Pearland, Texas

Steinberg Design Collaborative LLP

EXHIBIT P



BUILDING A - 16 UNITS



BUILDING B -14 UNITS

PROJECT #:
11-043

LAKE PARK
BUILDING EXHIBIT

EXHIBIT Q

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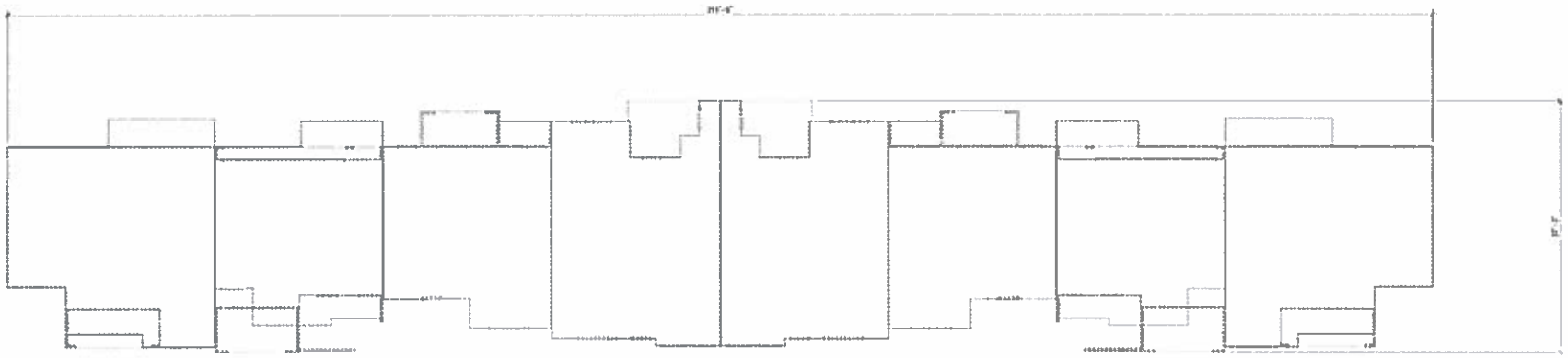
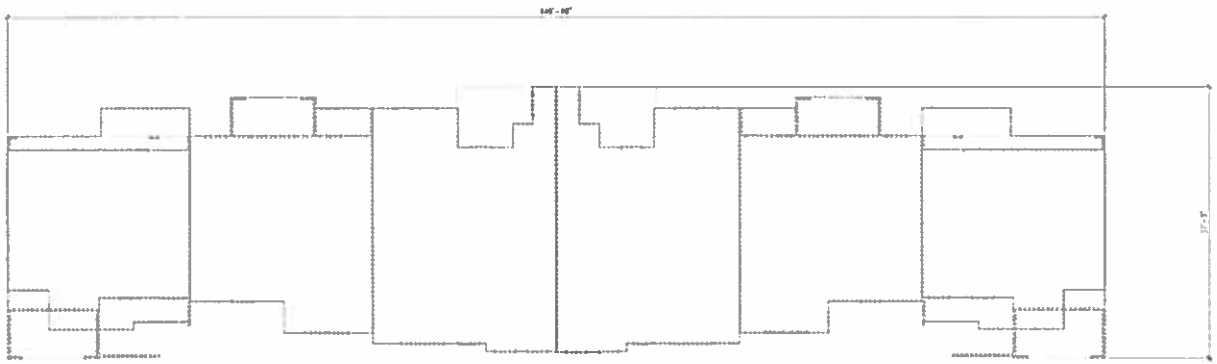


BUILDING C - 10 UNITS



BUILDING D - 8 UNITS

PROJECT #:
11-043

LAKE PARK
BUILDING EXHIBIT

EXHIBIT R

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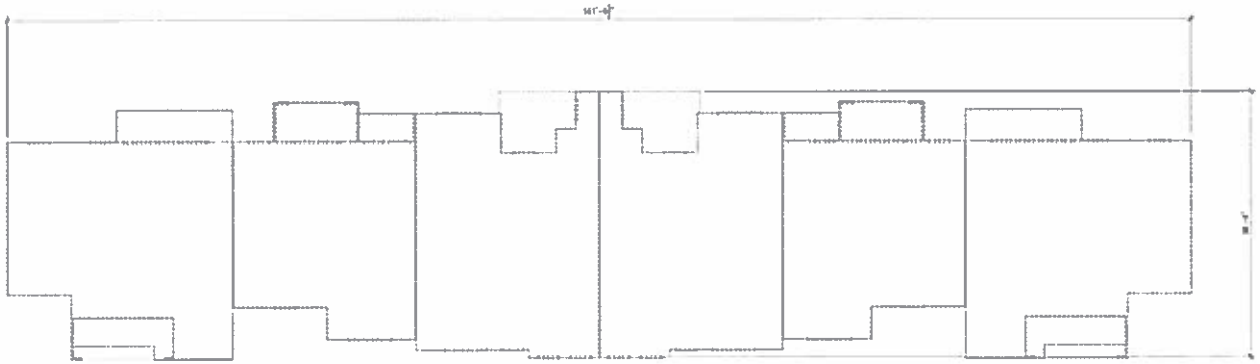

BUILDING E - 6 UNITS

PROJECT #:
11-043

LAKE PARK
BUILDING EXHIBIT

EXHIBIT S

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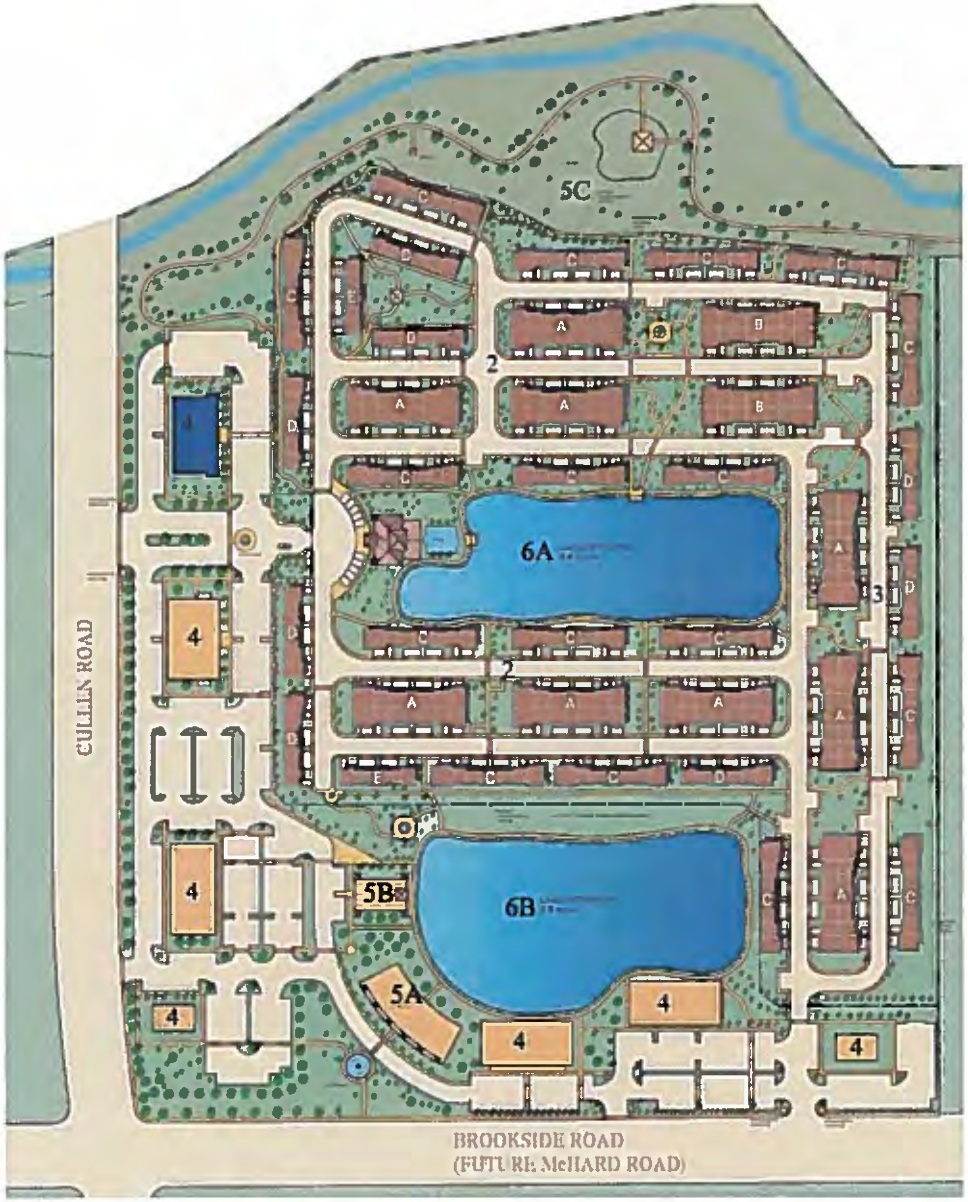
Steinberg Design Collaborative LLP
ARCHITECTS PLANNERS

Section IV



SITE LEGEND

1. TOTAL ACERAGE (+-) 47.5 ACRES
2. TOWNHOMES - PHASE I (+-) 238 UNITS
3. TOWNHOMES - PHASE II (+-) 137 UNITS
4. GENERAL BUSINESS/ OFFICE PROFESSIONAL

5a. PARKLAND/ COLLONADE
5b. PARKLAND/ PAVILLION
5c. PARKLAND / TRAIL
6a. LAKE 2.4 acres
6b. LAKE 2.8 acres

LANDSCAPE SEATING
FOUNTAIN

RESIDENTIAL PARKING

1. RESIDENTIAL SURFACE - 136 SPACES
2. RESIDENTIAL DRIVEWAY - 278 SPACES
3. GARAGES - 278 SPACES

NORTH

Exhibit B

PROJECT #:
11-043

LAKE PARK

Overall Land Plan

Copyright © 2006 Steinberg Design Collaborative, LLP

Steinberg Design Collaborative LLP

SITE LEGEND

1. TOTAL ACREAGE (+-) 29.5 ACRES
2. TOWNHOMES - PHASE I (+-) 238 UNITS
3. GENERAL BUSINES / OFFICE PROFESSIONAL
4a. PARKLAND/ COLLONADE
4b. PARKLAND/ PAVILLION
4c. PARKLAND/ TRAIL
5a. LAKE 2.4 acres
5b. LAKE 2.8 acres

LANDSCAPE SEATING

FOUNTAIN

NORTH

Exhibit C

PROJECT #:
11-043

LAKE PARK

PHASE I LAND PLAN

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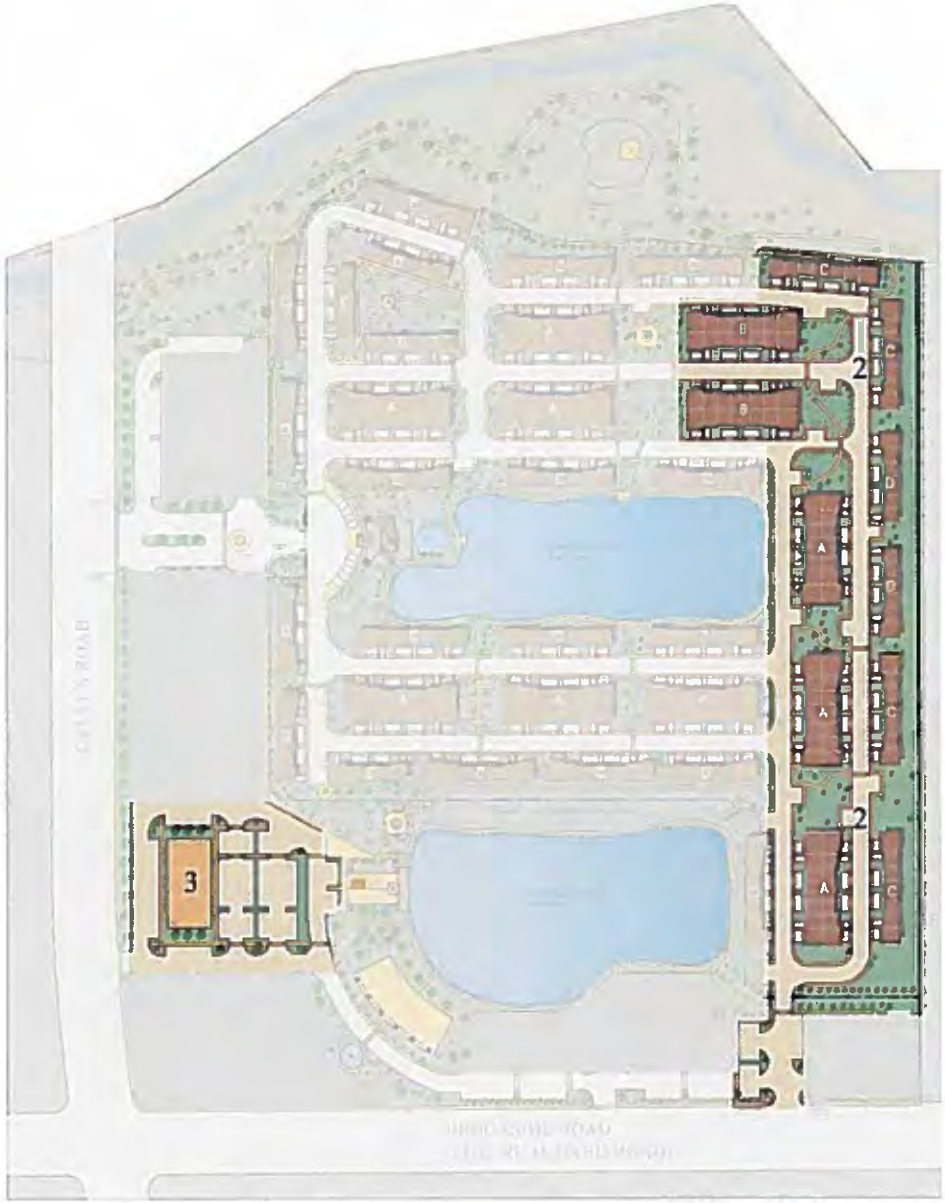
ARCHITECTS PLANNERS



SITE LEGEND

1. TOTAL ACREAGE (+-) 10.2 ACRES
2. TOWNHOMES - PHASE II (+-) 137 UNITS
3. GENERAL BUSINESS / OFFICE PROFESSIONAL

NORTH

Pearland, Texas
for
Vivcor, LLC.

Exhibit D

PROJECT #:
11-043

LAKE PARK

PHASE II LAND PLAN

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Steinberg Design Collaborative LLP

SITE LEGEND

1. TOTAL ACREAGE (+-) 5.7 ACRES
2. GENERAL BUSINESS / OFFICE PROFESSIONAL

NORTH

Pearland, Texas
for
Vivcor, LLC.

Exhibit E

PROJECT #:
11-043

LAKE PARK

PHASE III LAND PLAN

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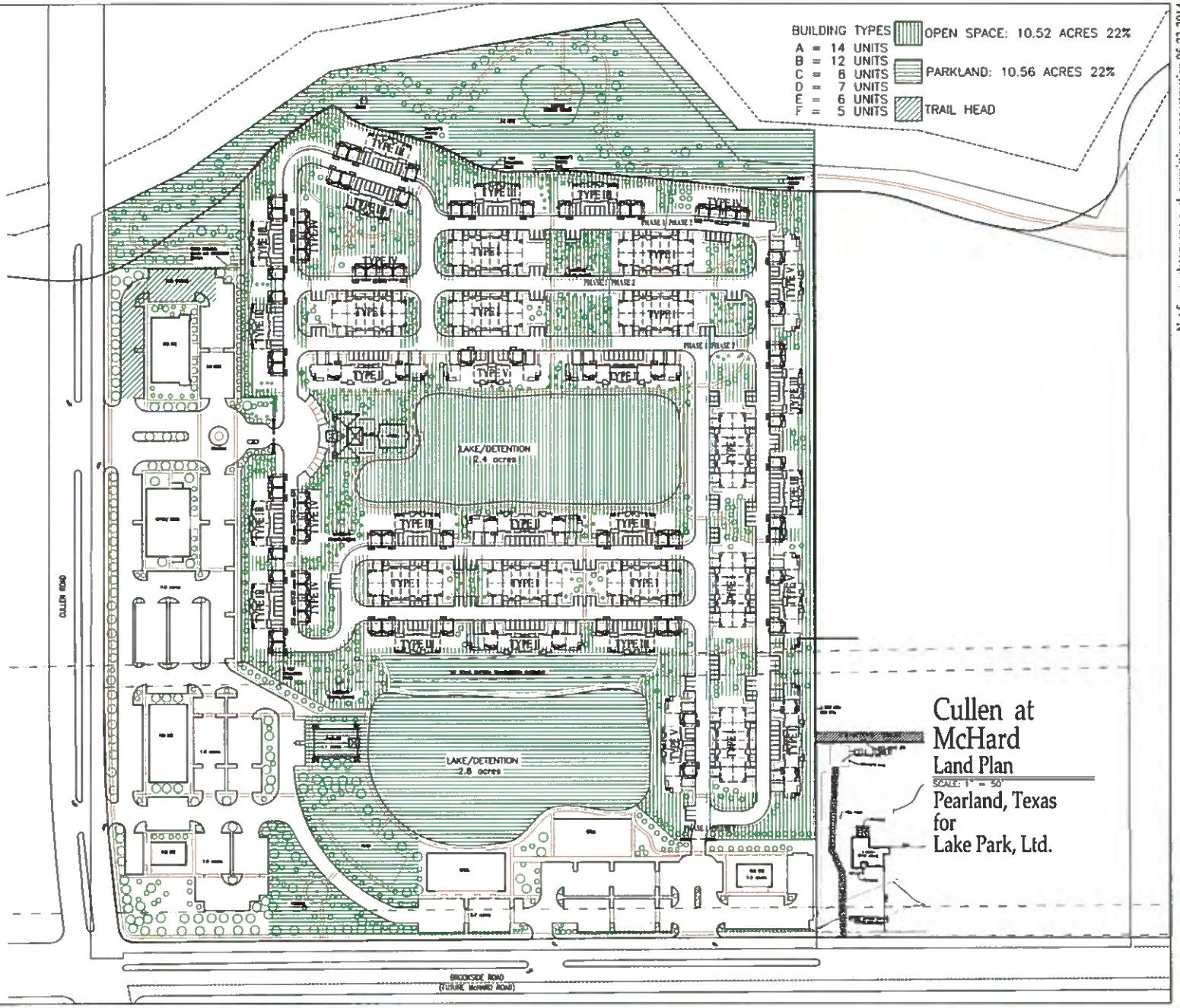
Steinberg Design Collaborative LLP

Section V



Not for regulatory approval, permitting, or construction 05-23-2014

Sanford P. Steinberg
AIA

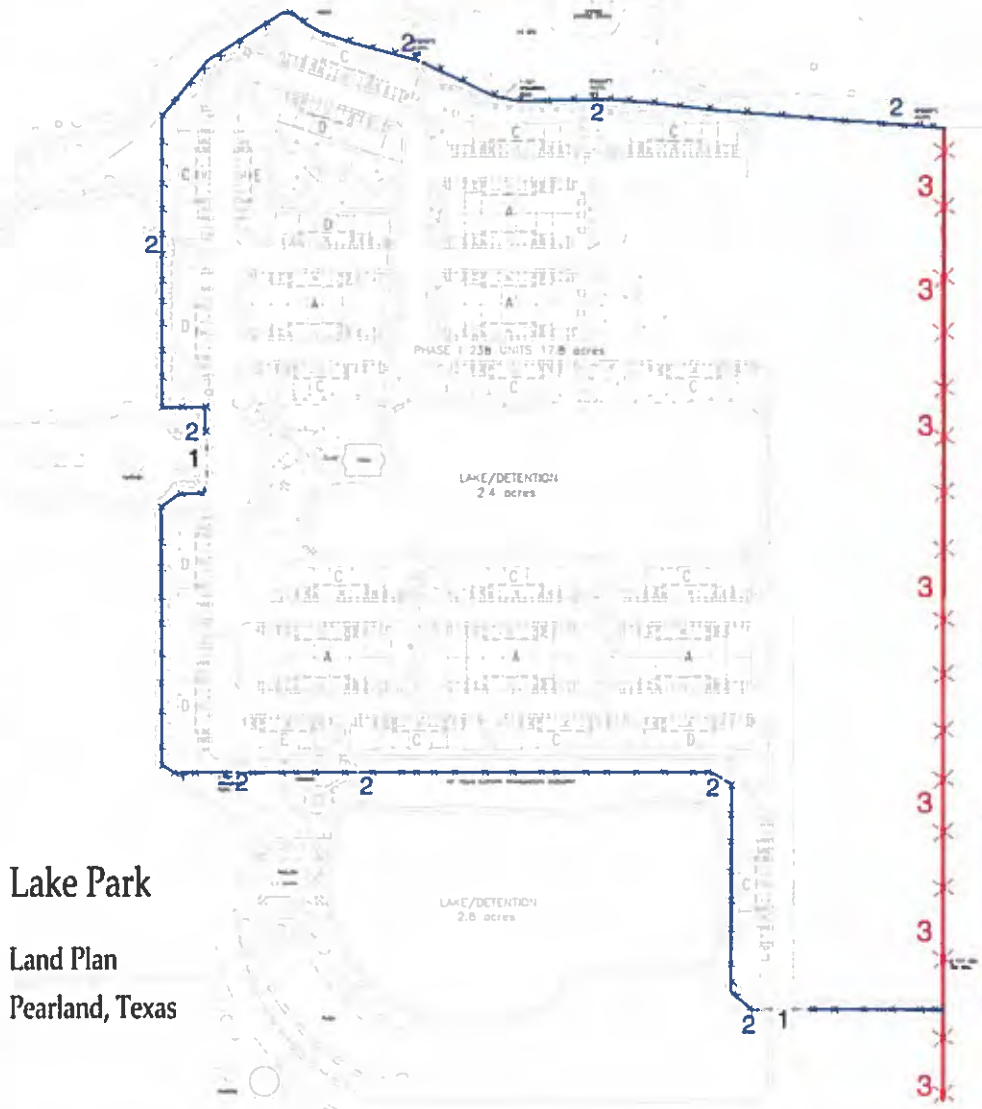
Cullen Road at McHard
Pearland, Texas

Steinberg Design Collaborative LLP

JOB NO. 2011.043
SHEET DESCRIPTION Site Plan

SHEET NO.
EXHIBIT K

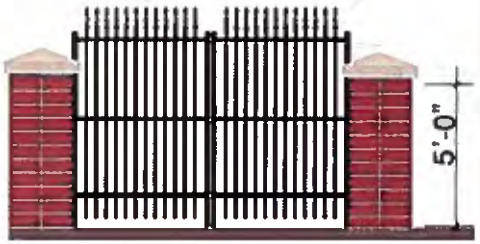
Section VI



Lake Park

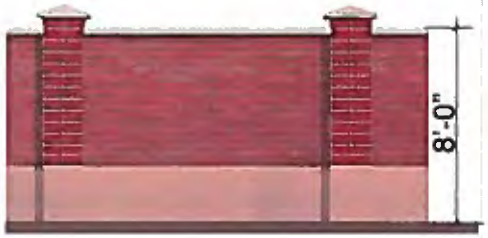
Land Plan

Pearland, Texas



1. ENTRY GATE

2. FENCE & ACCESS GATE



3. 8 FEET HIGH WALL

Fence Exhibit L

TOTAL 47.7 ACRES

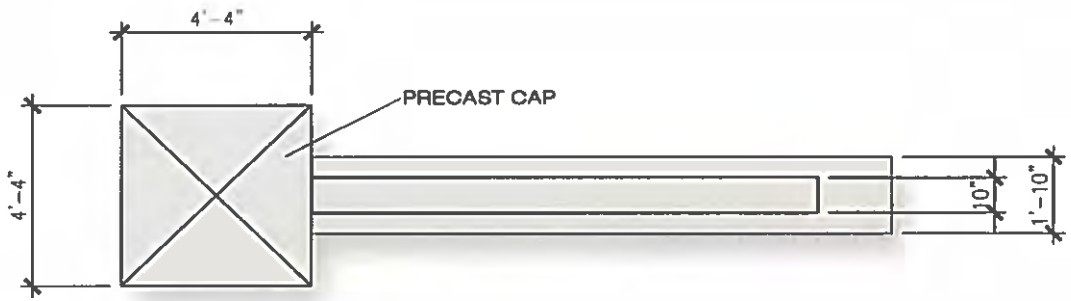
Not for regulatory approval, permitting, or construction 07-03-2013

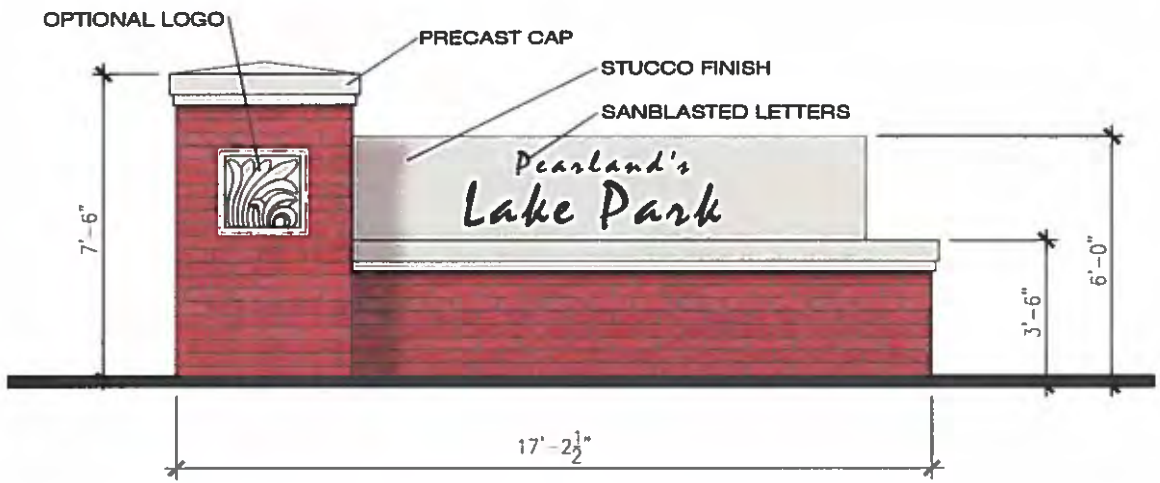
Sanford P. Steinberg AIA

Lake Park
Pearland, Texas

Steinberg Design Collaborative LLP

A1.01





PROJECT #:
11-043

LAKE PARK
Monument Exhibit

EXHIBIT M

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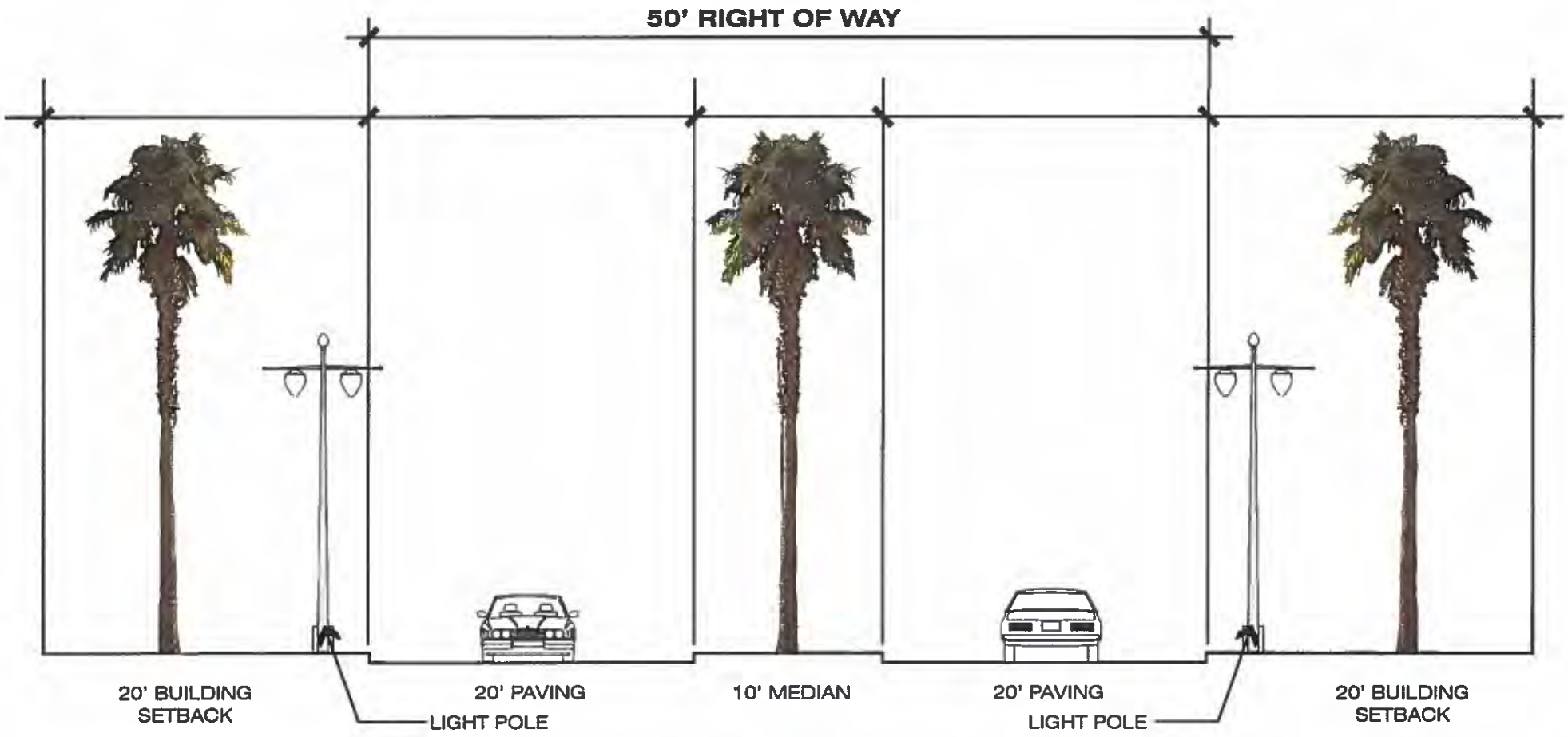

PROJECT #:
11-043

LAKE PARK

Entrance Cross Section

EXHIBIT N

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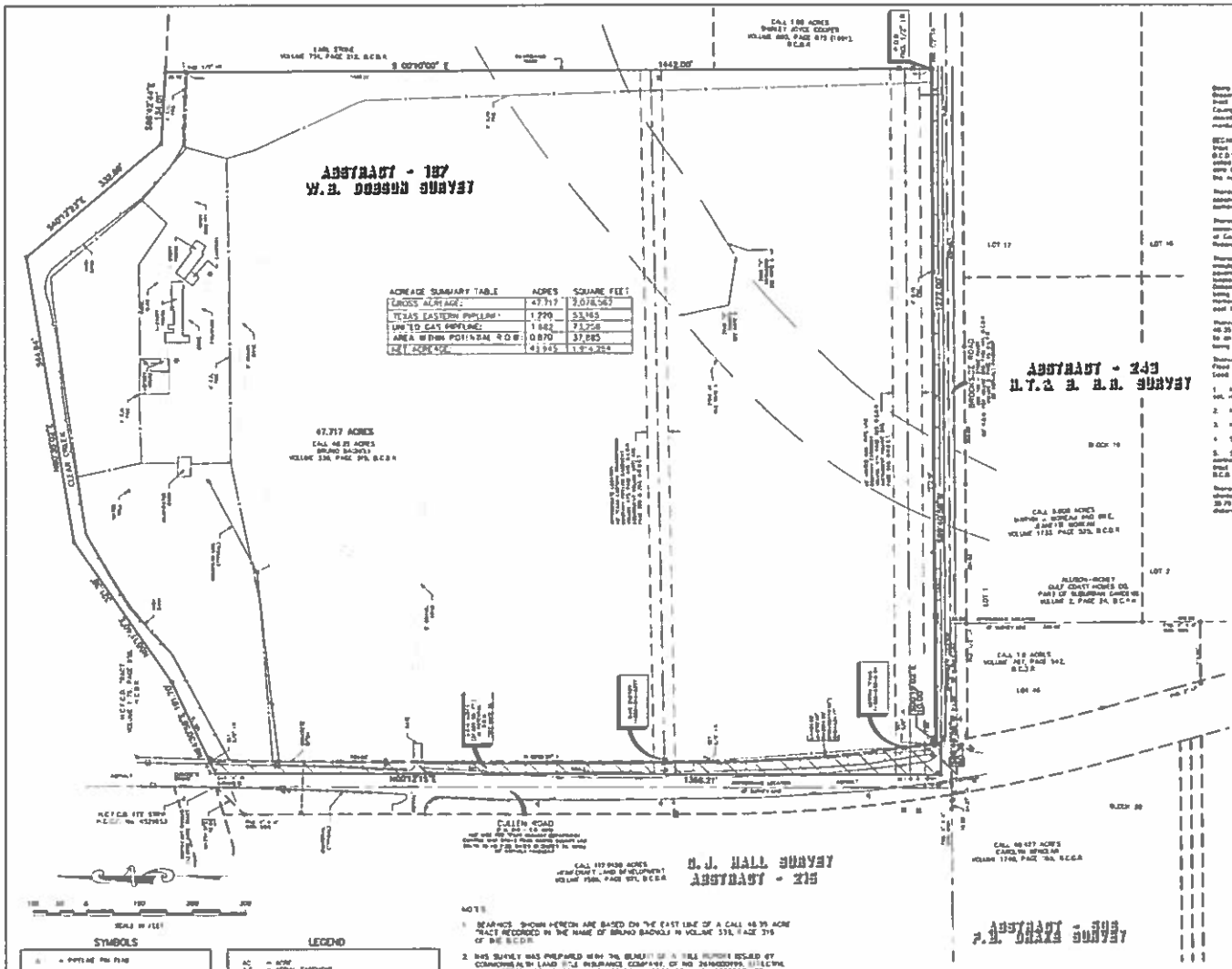
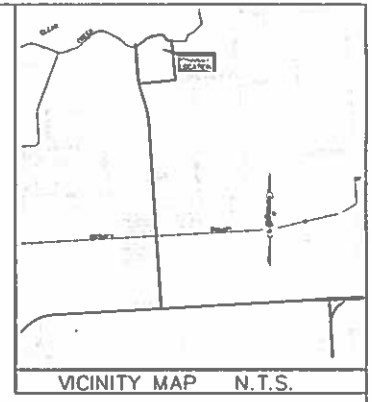
Steinberg Design Collaborative LLP
ARCHITECTS PLANNERS

Section VII





FIELD NOTES FOR 47.717 ACRES

Being a 47.717 acre tract of land located in the W. B. Dobson Survey, Abstract-187, in Brazoria County, Texas, and 47.717 acre tract being the remainder of a called 48.35 acre tract recorded in the name of Bruno Bachuli in Volume 336 Page 396, of the Brazoria County Deed Records (B.C.D.R.), and 47.717 acre tract being more particularly described by metes and bounds as follows (Bearings based on the east line of the above mentioned 48.35 acre tract)

BEGINNING at a 1/2 inch iron rod found at the northeast corner of a called 0.29 acre tract of land of record in the name of Brazoria County in Volume 880, Page 441, B.C.D.R., same being on the north R.O.W. line of Brazoria Road (30 feet wide) one called County Road 100, and Stone Road, and being on the east line of aforesaid 48.35 acre tract, and being the northeast corner of a called 1.00 acre tract of land of record in the name of Barney Joyce Cooper in Volume 880, Page 875 (1991), B.C.D.R.;

Thence, with the north line of aforesaid Brazoria Road, South 89 degrees 40 minutes 16 seconds West, a distance of 1,672.00 feet to a 5/8-inch iron rod set for the northwest corner of aforesaid 0.29 acre tract;

Thence, with the west line of aforesaid 0.29 acre tract, South 00 degrees 19 minutes 03 seconds East, a distance of 19.00 feet to a 5/8-inch iron rod set on the north R.O.W. line of County Road 100 (60 feet wide as per Volume 2, Page 34 of the Brazoria County Plat Records);

Thence, with the north R.O.W. line of aforesaid County Road 100, South 89 degrees 40 minutes 16 seconds West, a distance of 60.35 feet to a railroad spike set on aforesaid southeast of the southwest corner of aforesaid 48.35 acre tract, said railroad spike being located 25 feet east of the approximate location of the west line of aforesaid W. B. Dobson Survey, same being the east line of the C.A. Hall Survey, Abstract 215, same being the east line of a called 112.8130 acre tract of land of record in the name of Homecomfort Land Development in Volume 1986, Page 821, B.C.D.R., and being on the east R.O.W. line of County Road 855 (public prescriptive);

Thence, with the east R.O.W. line of County Road 855, and the west line of aforesaid 48.35 acre tract, North 00 degrees 12 minutes 15 seconds East, a distance of 1366.21 feet to an "X" mark set in concrete at the northwest corner of aforesaid 48.35 acre tract, and being located on the Texas Department of Transportation's Bridge over Clear Creek;

Thence, with the centerline of Clear Creek, same being the south line of a name County Flood Control District tract of record in Volume 1170, Page 898, of the name County Land Records, the following five (5) courses:

1. North 84 degrees 38 minutes 58 seconds East, at 24.84' pass a 5/8-inch iron rod set, in all a total distance of 191.78 feet;
2. North 35 degrees 11 minutes 43 seconds East, a distance of 324.36 feet;
3. North 56 degrees 20 minutes 02 seconds East, a distance of 544.04 feet;
4. South 48 degrees 12 minutes 23 seconds East, a distance of 332.89 feet;
5. South 88 degrees 42 minutes 44 seconds East, a distance of 134.81 feet to the northeast corner of aforesaid 48.35 acre tract and being the northwest corner of a tract of land of record in the name of Lori Stone, in Volume 751, Page 312, B.C.D.R.;

Thence, with the fence continue to aforesaid 48.35 acre tract, the Stone tract, and aforesaid 1.00 acre tract, South 02 degrees 30 minutes 00 seconds East, at a distance of 28.79 feet pass a 1/2-inch iron rod found at the high-water line, and continue in all a total distance of 1442.00 feet to the Point of Beginning and containing 47.717 acre of land

TO: James Johnson, Trustee, Commonwealth Land Title Insurance Company

The undersigned does hereby certify that this survey was this day made on the ground of the property legally described hereon and is correct, and there are no discrepancies, conflicts, shortages in area, boundary lines or encroachments, overlapping of improvements, easements or rights of way of which I have knowledge or have been advised, except as shown hereon, and that said property has access to and from a dedicated roadway. I further certify that the hereon plat and the survey on which it was based meet the minimum requirements of a Category 1A, Condition II survey, as outlined in the Texas Society of Professional Land Surveyors – Manual of Practice

Dated this the 4th day of May, 2005

Brian E. Wilson
Registered Professional Land Surveyor
Texas Registration No. 5143

STATE OF TEXAS
BRIAN E. WILSON
5143
REGISTERED
PROFESSIONAL
LAND SURVEYOR

NOTES

1. BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF A CALL 48.35 ACRE TRACT RECORDED IN THE NAME OF BRUNO BACHULI IN VOLUME 336, PAGE 396 OF THE B.C.D.R.
2. THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A TITLE COMMITMENT ISSUED BY COMMONWEALTH LAND TITLE INSURANCE COMPANY, GF NO. 2414000099, EFFECTIVE DATE: SEPTEMBER 28, 2004. NO ADDITIONAL RESEARCH WITH RESPECT TO EASEMENTS, BUILDING LINES, OR OTHER MATTERS OF RECORD WAS PERFORMED BY THE SURVEYOR.
3. THIS PROPERTY LIES WITHIN THE BOUNDARIES OF ZONE "X" (UNSHADED) AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN, ZONE "X" (SHADED) AREAS OF 500-YEAR FLOOD; AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN ONE FOOT OR WITH DRAINAGE AREAS LESS THAN ONE SQUARE MILE, AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOODS, AND ZONE "AE" (UNSHADED) SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100-YEAR FLOOD, WHERE BASE ELEVATIONS HAVE BEEN DETERMINED, AS PER THE FLOOD INSURANCE RATE MAPS, PANEL# 48039C0330 L, REVISED SEPTEMBER 22, 1999
4. SUBJECT TRACT IS ENCUMBERED BY TITLES, CONDITIONS, AND STIPULATIONS CONTAINED IN THE SURFACE EASEMENTS AND RIGHT OF WAY AGREEMENT RECORDED IN VOLUME (90) 880, PAGE 408 OF THE O.R.B.C.T.
5. NO RECORD OF CONVEYANCE OR CONDEMNATION CONFIRMS THE RIGHT-OF-WAY OF CULLEN ROAD WAS FOUND BY THE SURVEYOR. THE INFORMATION FOR THE LOCATION AND CONFIGURATION OF RIGHT OF WAY WAS PROVIDED BY THE TEXAS HIGHWAY DEPARTMENT CONTROL MAP NO. 876-2, DATED DECEMBER 29, 1936
6. THE LINES SHOWN HEREON DESIGNATING EARTH "FLOOD ZONE" ARE APPROXIMATIONS, ESTABLISHED BY SCALE VALUES TAKEN FROM SAID FEMA MAPS. SO THE AREAS SHOWN HEREON ARE ALSO APPROXIMATIONS. THE SURVEYOR MAKES NO CERTIFICATION AS TO THEIR ACCURACY

SYMBOLS

- PIPELINE PIN FIND
- SIGN MARKER
- TRAFFIC SIGNAL POLE
- FOUND 5/8-INCH IRON ROD (UNLESS OTHERWISE NOTED)
- SET 5/8-INCH IRON ROD
- CORNER FALLS ON WATER
- POWER POLE
- TELEPHONE PEDESTAL
- GUY
- PIPELINE MARKER
- ELECTRIC BOX
- STORM MANHOLE
- STORM INLET
- STANDARD LIGHT
- GAS ANCHOR
- SIGN

LEGEND

AC	= ACRE
A.E.	= AERIAL EASEMENT
B.L.	= BUILDING LINE
CHB	= CHORD BEARING
CHD	= CHORD LENGTH
D.E.	= DRAINAGE EASEMENT
ESMT.	= EASEMENT
B.C.D.R.	= BRAZORIA COUNTY DEED RECORDS
O.R.B.C.T.	= OFFICIAL RECORDS OF BRAZORIA COUNTY TEXAS
H.C.F.C.D.	= HARRIS COUNTY FLOOD CONTROL DISTRICT
H.C.D.R.	= HARRIS COUNTY DEED RECORDS
H.C.C.R.	= HARRIS COUNTY CLERK'S FILE
L	= LENGTH
L.E.	= LANDSCAPE EASEMENT
LTD	= LIMITED
NO	= NUMBER
NR	= NON-RADIAL
P.U.E.	= PUBLIC UTILITY EASEMENT
PVT	= PRIVATE
R	= RADIUS
S.F.	= SQUARE FEET
S.S.E.	= SANITARY SEWER EASEMENT
STM S.E.	= STORM SEWER EASEMENT
U.E.	= UTILITY EASEMENT
W.L.E.	= WATER LINE EASEMENT

EXHIBIT T

LAND TITLE SURVEY
47.717 ACRES
BEING OUT OF THE W.B. DOBSON SURVEY A-187, BRAZORIA COUNTY, TEXAS

MILLER SURVEY-GROUP
4765 WEST SAM HOUSTON PARKWAY NORTH • HOUSTON, TEXAS 77092
PHONE 713-462-9001 • FAX 713-462-9006

JOB NO. 047	SCALE 1"= 100'	DATE: 05/04/05	FIELD BOOK 04/12/04
DWG. NO. 047V	DRAWN BY CDF	CHECKED BY BEW	WORK NO.: 051722

Section VIII

OUTDOOR FITNESS

norwell
form function

Norwell Form Function® is outdoor fitness equipment, designed for people of any age to enjoy… in the park, at work, in the schoolyard, in your neighborhood or anywhere that people gather for recreation. The glass-blasted stainless steel equipment is based on a Scandinavian design which is simple and attractive while retaining the basic functions required to train and maintain the body.

The family Hempel Barkholt

NORWELL STORY

The Hempel Barkholt family – founders of Norwell – love being outdoors and spending time together as a family. During frequent travels through China they were inspired by the many outdoor fitness parks and decided to establish a new company to focus 100% on the design and development of outdoor fitness equipment.

Norwell is now well established and people are regularly found happily exercising in our parks. We frequently install our fitness parks in places of natural beauty, and their simple design enables them to blend seamlessly into any natural surroundings.

Norwell fitness equipment provides the opportunity for everybody to exercise, regardless of age or fitness levels. We hope that our easily accessible equipment will encourage many more people to engage in outdoor fitness activities and enjoy the benefits it provides.

Every time a Norwell fitness park opens it is confirmation that every hour spent developing these products has been very worthwhile.

INCONSPICUOUS FITNESS EQUIPMENT THAT ENHANCES NATURAL LANDSCAPES

DESIGNED FOR PEOPLE

Our products are carefully designed for the individual so that they use their own body weight as resistance. They have been deliberately designed to be non-adjustable because, without proper guidance, adjustability can result in injury as users may over-exert themselves. Adjustment devices can also be easily vandalized. There is full flexibility in the movement of all mechanical parts, minimizing the risk of injury. The intention is to use the fitness stations as a training circuit, creating a good challenge for all, regardless of fitness levels. Most users will spend one or two minutes at each station before moving on.

FORM & FUNCTION

Design is an integral part of Norwell's focus and all design elements have a function. Our products are designed to fit into all environments – green, open space and urban.

HEALTH PROMOTION

Most people today are aware that they should exercise regularly but, for a lot of people, there are barriers including time, money or the wrong environment. An outdoor fitness course overcomes these barriers by being:

- always available
- free
- an opportunity to get out and exercise in the fresh air

SOCIAL INTEGRATION

Our fitness parks are meeting places for people of all ages and walks of life – business executives, moms and dads, teenagers, older people and the less able – they're really accessible for everyone. In every community it is important to have a meeting place where the people can gather to spend time with their friends and family, exercise and socialise. Norwell fitness parks are the ideal solution!

EACH PIECE OF EQUIPMENT IS IDENTIFIABLE FOR A SPECIFIC TYPE OF TRAINING

CARDIOVASCULAR

To maintain fitness and stamina

To maintain optimum cardiovascular function is a prerequisite for good health and essential for high quality of life. Norwell Form Function® can help people to achieve these goals. Products in this group are identified by a GREEN weather-resistant sticker.

BALANCE

To strengthen the ability to stretch your body and muscles

Good flexibility is important to minimize the risk of injury to muscle groups and reduce general aches and pains. Norwell Form Function® Balance has been created to strengthen body flexibility. Products in this group are identified by a DARK RED weather-resistant sticker.

STRENGTH

To train individual muscle groups

Strength training reduces the possible risks of muscular injury and increases stamina. Products in this group are identified by an ORANGE weather-resistant sticker.

FLEXIBILITY

To train balance and coordination

Lack of balance and coordination is an unpleasant condition, but in many cases this can be trained away. Norwell Form Function® Flexibility helps people to focus on balance. Products in this group are identified by a DARK BLUE weather-resistant sticker.

THE PICTOGRAM INSIDE THE COLOUR-CODED ID BAND SHOWS HOW TO USE EACH PIECE OF EQUIPMENT

As a designer and manufacturer, Norwell is able to produce custom designs. Please contact us at info@norwell-usa.com for details.

NORWELL'S INCLUSIVE EQUIPMENT CAN BE USED BY PEOPLE OF ALL AGES AND ABILITIES

MORE THAN JUST A FOOTBALL CLUB

Titus Swartjes, Head Coach at SV Schalkhaar Football Club, Netherlands:
"We use Norwell equipment for warming up and cooling down and it's great for players preparing for comeback after an injury, as they don't have to train in isolation – they can be right here with their team mates. Our club is more than a football club – we have a social function in our city and our Norwell equipment has contributed to that. For example, older people come here to exercise and children love to play on the equipment while their dad's playing football."

FRESH ENERGY TO THE BRAIN

Claus Jensen, Head Teacher, Faaborg High School

"Norwell is not just an outdoor fitness park – it's actually a great sculpture park. It's so nice to see beautiful equipment which also has a function. We use the apparatus both in sports and in interdisciplinary projects. Visual art can work with gear design and aesthetics, and in physics the formula "force times arm length" becomes easy to understand when you need it to lift your own weight. Our students have the opportunity after working hard in class to get out and increase their pulse rate, giving fresh oxygen to the brain and sharpening concentration and learning ability. Norwell equipment has also helped increase integration between the City of Faaborg and our school as everyone is welcome to come and exercise here."

NIKE

AESTHETICS ATTRACTS ALL GENERATIONS

Congratulations to the municipality of Gentofte on being awarded the title of Sports Town of the Year. We are really pleased that the Norwell Park has been one of the many good initiatives that has contributed to this award.

BKO Temple, next to Gentofte Stadium, was established in 1997 as a skater track and hockey rink in collaboration with a group of young skater enthusiasts. In 2009 the lanes and ramps were modernised, and the area has been further developed to appeal to other users – families, adults and school clubs.

Outdoor fitness equipment has been installed for individuals, as well as complementing school and institutional sports programs. Further development of the area will focus on increasing the breadth of offerings and will therefore appeal to all. Ball cages and basketball backboards have also been installed to attract an even wider range of users.

SENIOR CITIZEN CARE HOME – ODENSE, DENMARK

This care establishment serves for 60 live-in residents and is also connected to 200 sheltered homes.

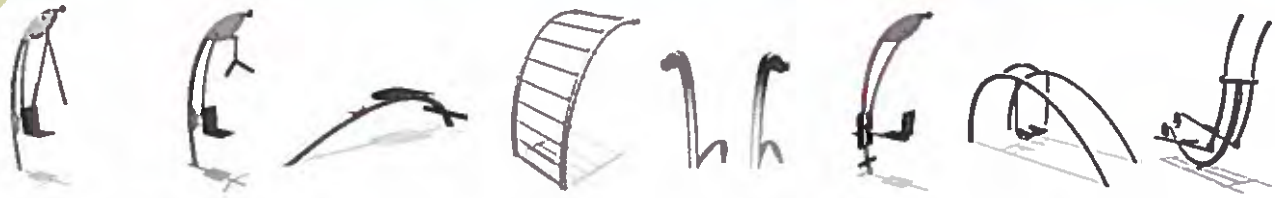
Norwell equipment is installed in the communal garden where the residents can watch their friends exercising and also enjoy looking at the beautiful sculpture of the Norwell products.

Residents have their own physiotherapist who exercises with them and instructs them on how to use the equipment correctly.

Norwell equipment is also used by the staff, who often suffer from back problems due to the heavy lifting their work involves. They enjoy stretching out, keeping in shape and having fun with their colleagues.

THE WORLD'S FIRST SCULPTURAL FITNESS PARK

Playitas is Apollo Travel's new sport resort on sunny Fuerteventura in the Canary Isles. The resort opened on July 1, 2009 and, in its setting of mountains, ocean and open spaces, is ideal for professional athletes and traditional tourists alike.



NW101:
Chest
Strength
Outdoor
fitness

NW102:
Back
Strength
Outdoor
fitness

NW103:
Sit Up
Strength
Outdoor
fitness

NW104:
Pull Up
Strength
Outdoor
fitness

NW105:
Bar
Strength
Outdoor
fitness

NW106:
Leg
Strength
Outdoor
fitness

NW201:
Air Walker
Cardiovascular
Outdoor
fitness

NW202:
Cross
Cardiovascular
Outdoor
fitness

JAN LOCKHART, MANAGING DIRECTOR, APOLLO TRAVELS

"We chose Norwell as the supplier of our outdoor fitness park as they particularly emphasize exercises that cater to all. The equipment has great sculptural design and blends discreetly into its surroundings. The products are high quality and beautifully finished – care has been taken with every detail."

NW203:
Stepper
Cardiovascular
Outdoor
fitness

NW204
Hip
Cardiovascular
Outdoor
fitness

NW301:
Twister
Balance
Outdoor
fitness

NW302:
Springer
Balance
Outdoor
fitness

NW401:
Stretch
Dexterity
Outdoor
fitness

NW501:
Bench
Dexterity
Outdoor
fitness

NW502:
Pingpong
Dexterity
Outdoor
fitness

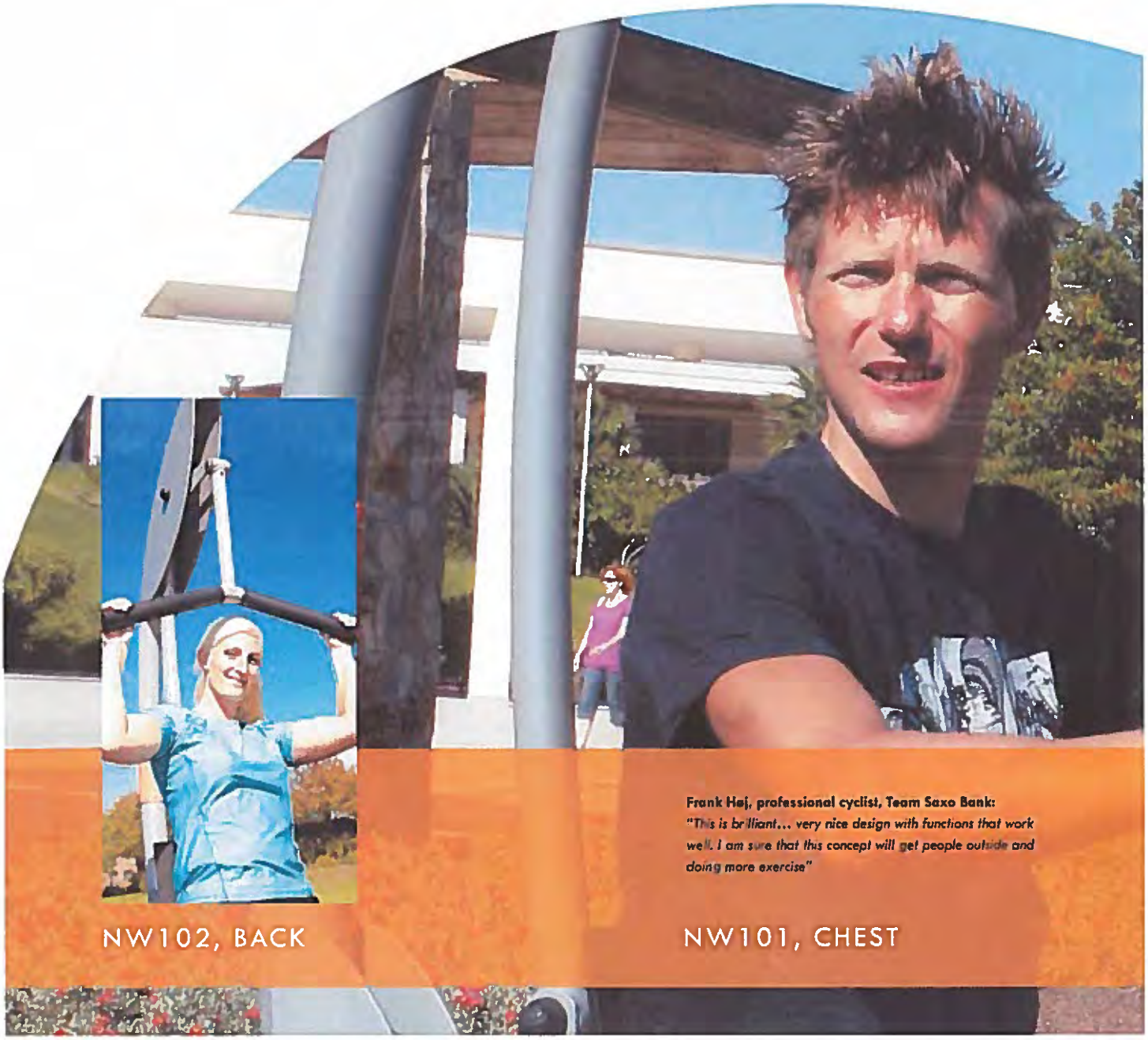
NW 503:
Sign
Info sign
Outdoor
fitness

NW101, CHEST

Chest is a seated chest press developing strength in the chest, front of the shoulders and triceps.

Chest utilises the user's body weight as a counterweight so the user does not need to adjust weight and resistance.

Chest is equipped with a sturdy rubber coated seat for comfort and safety while training.



Frank Høj, professional cyclist, Team Saxo Bank:
"This is brilliant... very nice design with functions that work well. I am sure that this concept will get people outside and doing more exercise"

NW102, BACK

NW101, CHEST

NW102, BACK

Endurance over brute strength – **Back** is a simple way to build up strength in the back, shoulders and biceps. The basis of the training is repetition rather than heavy weight training.

Back fits all and is easy to use – it utilises the body weight of the user as counterweight-eliminating the need to make adjustments. **Back** is equipped with a rubber coated seatwhich provides a safe platform with excellent durability.

NW103, SIT UP

Sit Up – ideal for improving abdominal, thigh and hip muscles.

Sit Up has several applications. It is easy to use and is equipped with a comfortable rubber coated seat.

NW103, SITUP

N-W-104 PULL-UP

NW104, PULL UP

NW105, BAR

NW106, LEG

NW 104, PULL UP

Pull Up is an extremely flexible and versatile piece of fitness equipment, combining strength training for a wide range of muscle groups.

Pull Up offers the user a range of exercises such as chin-up, shoulder, grip and body lift as well as a variety of stretches.

Pull Up is a great indicator of the upper body strength in relation to the user's body weight.

NW105, BAR

Develop chest, shoulders and triceps with **Bar** – a simple product with lots of possibilities.

NW106, LEG

Build strength in your thighs, legs and calves. With long footplates, **Leg** fits all.

NW201, AIR WALKER NW202, CROSS NW203, STEPPER NW204, HIP

NW201, AIR WALKER

To walk on air is probably the greatest feeling of freedom you can have.

Air Walker is equipped with a support bar for the hands. The foot plates are covered with skid resistant rubber for safe training.

Air Walker enhances the cardiovascular functions of the body and increases flexibility in hip and thigh muscles – even more than traditional running.

Air Walker gives the user the same training as running but without the risk of strain and injury runners can experience in their knees, feet, hips and back.

NW202, CROSS

Cross is a comfortable way of developing leg and hip muscles while improving cardiovascular endurance.

Cross foot plates are covered with skid resistant rubber for safe training.

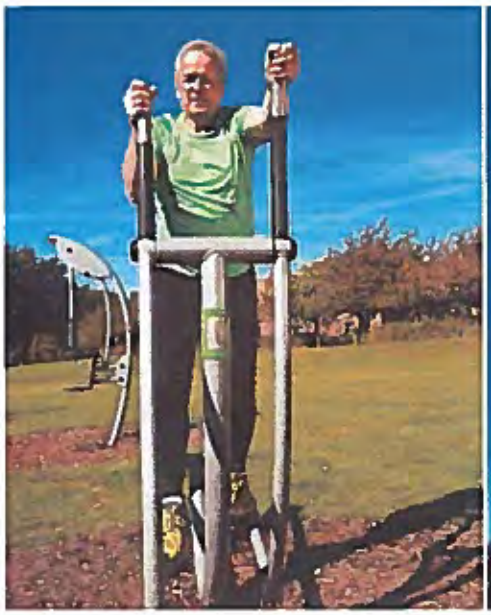
NW203, STEPPER

Stepper develops leg muscles and improves cardiovascular endurance.

Stepper has two curves. The big curve serves as support during training – the little curve is wrapped in non-skid rubber.

NW204, HIP

Hip gently trains back, hip and abdominal muscles while you develop your balance and co-ordination.



NW301, TWISTER

Twister combines muscle development in the back and helps improve flexibility and balance. Body rotation improves flexibility in the back and hip and stimulates abdominal and lower back muscle development.

Twister has two individual platforms – one for standing and one for sitting – and a curved bar for support.

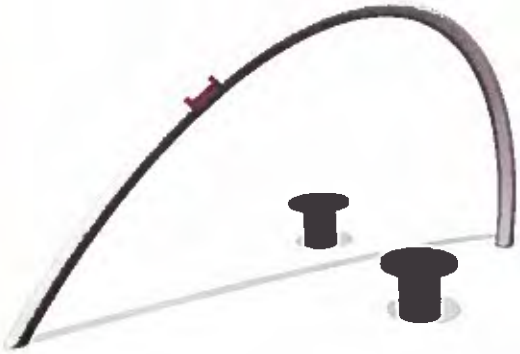
NW302, SPRINGER

Springer strengthens ankles and knees as well as developing balance.

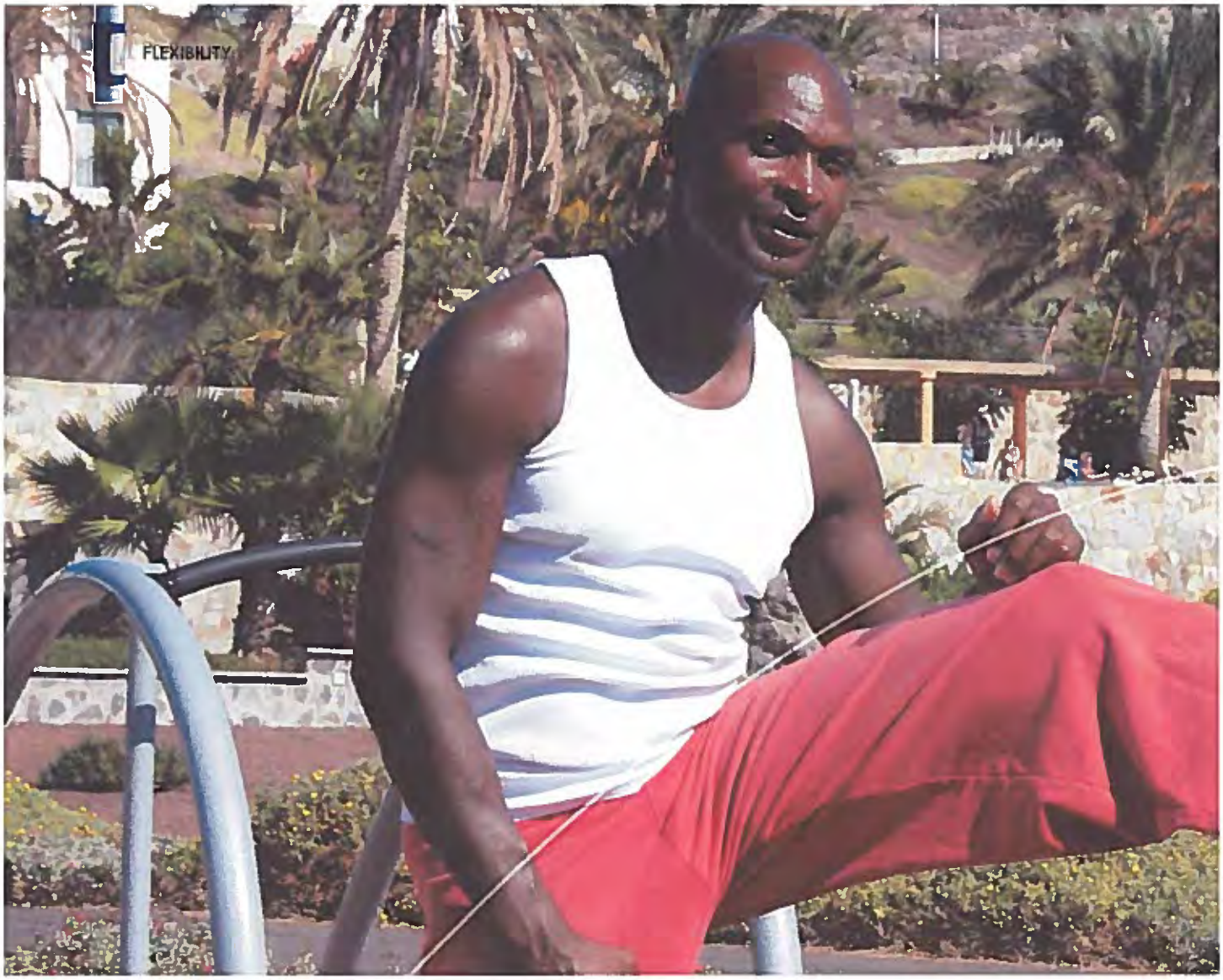
Springer comes with a soft and hard spring for various levels of training.

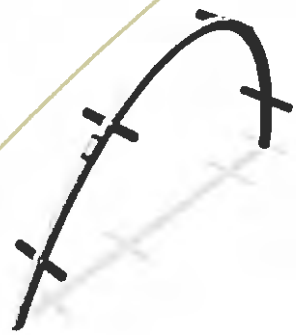
NW301, TWISTER

NW302, SPRINGER



Pat Vidal, Physiotherapist, Spain:
"All exercises can be performed without risk of injury and as the equipment is so versatile it provides a complete workout. You can train alone any time during the day, whatever the weather."





NW401, STRETCH

NW501, BENCH

NW502, PINGPONG

NW503, SIGN

Charles Longdon-Hughes, Fitness/Aerobics Guru, UK.
Former Karate world champion
"Fantastic concept, I love it! Beautiful to look at and it's also safe with excellent functions that really work as they should."

NW401, STRETCH

Stretch is a simple, efficient piece of equipment for flexibility training, using the shape of the curve.

Stretch also provides an essential finishing activity – stretching out calf muscles, thigh muscles and the hollow of the knee.

NW501, BENCH

Bench is shaped for both rest and function.

Equipped with sturdy bolts and rubber connectors to prevent metal against metal contact, **Bench** can be used for training the upper and lower back and is wide enough to be used simultaneously by two people.

NW502, PINGPONG

Pingpong is a fun variation from our traditional fitness equipment but no less beneficial as it combines movement, reaction speed and coordination between eye, ball and hand.

Pingpong is manufactured in sturdy, maintenance free materials.

NW503, SIGN

Sign explains the philosophy and concepts behind training and how the park should be used.

Norwell's Outdoor fitness equipment is environmentally friendly because you create the energy yourself

H.J. Hansen is a family owned group with roots that go back six generations. The company was founded in 1829 as a merchant's house in Vestergade in Odense. Through expansion and acquisition, H.J. Hansen has grown to become one large, modern international business. Its three main activities are recycling, plumbing and engineering but it also has major interests in wine and delicatessen shops. H.J. Hansen has companies in Germany and abroad, and has 380 employees.

THE OPPORTUNITY OF EXERCISE

"Employee health is important to us here at H.J. Hansen, and as a part of our health policy we wanted to make exercise easily available to our staff. We chose a solution from Norwell, which has been a great benefit to both our employees and their families, providing exercise, fresh air, rehabilitation and teambuilding when they want it – they can exercise during breaks, before or after work. We hold informal meetings there, and the company running club which has grown in strength and size begins and ends its sessions at the fitness park.

Since we did not have outdoor space available, we teamed up with Development Forum Odense to create a full fitness facility in a nearby park, where Odense municipality had land available. The fitness park is used by a great deal of Odense's citizens.

We are very pleased with the impact the fitness park has had for our employees and will certainly create another Norwell Park at our other site in the Port of Odense."

Marlene Lübeck
Management Assistant
H.J. Hansen Holding A/S

FOR ALL PEOPLE AND ALL SEASONS

SCANDINAVIAN DESIGN – WITH FUNCTIONALITY

DOK 54 has developed Norwell Form Function's outdoor fitness lines on the basis of traditional Scandinavian design. The equipment is designed to be simple and functional and intuitively usable.

The main element – the curve – creates a lightness and simplicity of construction resulting in equipment which is elegant and understated. The choice of material, the form and the overall uncomplicated appearance combine to provide aesthetics unique to Scandinavian design.

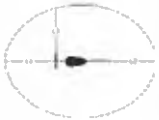
"At Dok 54 we always give due consideration to all aspects of the product, including the production process, method of handling, choice of material and design. We have set out to create equipment that is tasteful in appearance and will visually enhance the landscape. We are very proud of the result and believe that we have designed aesthetic, functional products that will provide both enjoyment and benefits to many people."

Thomas Brinch-Moller and Jacob Moller Lund

PRODUCT DIMENSIONS

NW101: Chest
Height: 7' 9"
Length: 3' 7"
Width: 2' 9"
Footing: 0' 10"
Weight: 172 lbs
Zone: 129 ft²

NW102: Back
Height: 7' 9"
Length: 3' 7"
Width: 2' 4"
Footing: 0' 10"
Weight: 161 lbs
Zone: 129 ft²

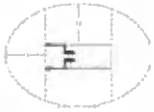


NW103: Sit Up
Height: 1' 8"
Length: 5' 11"
Width: 2' 9"
Footing: 1' 6"
Weight: 90 lbs
Zone: 161 ft²

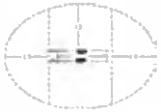
NW104: Pull Up
Height: 7' 9"
Length: 4' 3"
Width: 3' 3"
Footing: 1' 4"
Weight: 181 lbs
Zone: 151 ft²

NW105: Bar
Height: 2' 10"
Length: 3' 7"
Width: 1' 8"
Footing: 0' 10"
Weight: 66 lbs
Zone: 135 ft²

NW106: Leg
Height: 7' 9"
Length: 3' 7"
Width: 1' 6"
Footing: 0' 10"
Weight: 176 lbs
Zone: 118 ft²



NW201: Air Walker
Height: 4' 0"
Length: 7' 7"
Width: 2' 7"
Footing: 0' 10"
Weight: 165 lbs
Zone: 178 ft²



NW202: Cross
Height: 5' 9"
Length: 5' 11"
Width: 1' 6"
Footing: 1' 4"
Weight: 192 lbs
Zone: 151 ft²

Material specifications
You can find detailed material specifications on our homepage: www.norwell-usa.com

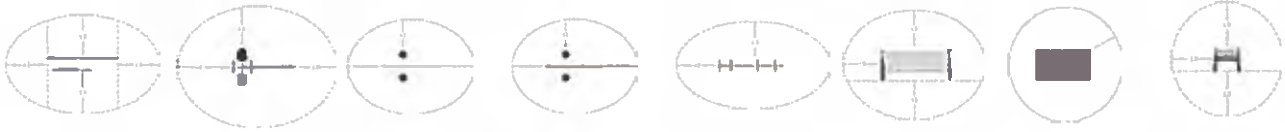
Certification
Norwell equipment is approved according to TÜV Product Service's new testing protocol 55012 (specially designed for testing of outdoor fitness equipment)

3 YEARS WARRANTY

On all moving parts, plastic and rubber.

15 YEARS WARRANTY

On all pipes, foundation and welds. The guarantee covers manufacturing defects, but excludes ordinary wear and tear, lack of maintenance or vandalism.



	NW203: Stepper	NW204: Hip	NW301: Twister	NW302: Springer	NW401: Stretch	NW501: Bench	NW502: Pingpong	NW503: Sign
Height:	4' 0"	4' 0"	4' 0"	4' 0"	4' 0"	2' 4"	2' 6"	3' 6"
Length:	7' 7"	7' 7"	7' 7"	7' 7"	7' 7"	5' 11"	9' 0"	2' 4"
Width:	1' 4"	3' 8"	3' 3"	3' 3"	1' 6"	2' 11"	5' 0"	1' 6"
Footing:	0' 10"	0' 10"	0' 10"	0' 10"	0' 10"	0' 10"	0' 10"	0' 10"
Weight:	117 lbs	143 lbs	161 lbs	128 lbs	82 lbs	159 lbs	838 lbs	53 lbs
Zone:	161 ft²	205 ft²	205 ft²	199 ft²	140 ft²	178 ft²	323 ft²	118 ft²

norwell
form function

NORWELL OUTDOOR GYMS
Norwell USA, Inc.
6820 Northill Drive SW
Olympia, WA 98512
info@norwell-usa.com
360-539-7679

Pearland's Lake Park

Lake Park Pearland, Ltd.

September, 2014

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1. Survey

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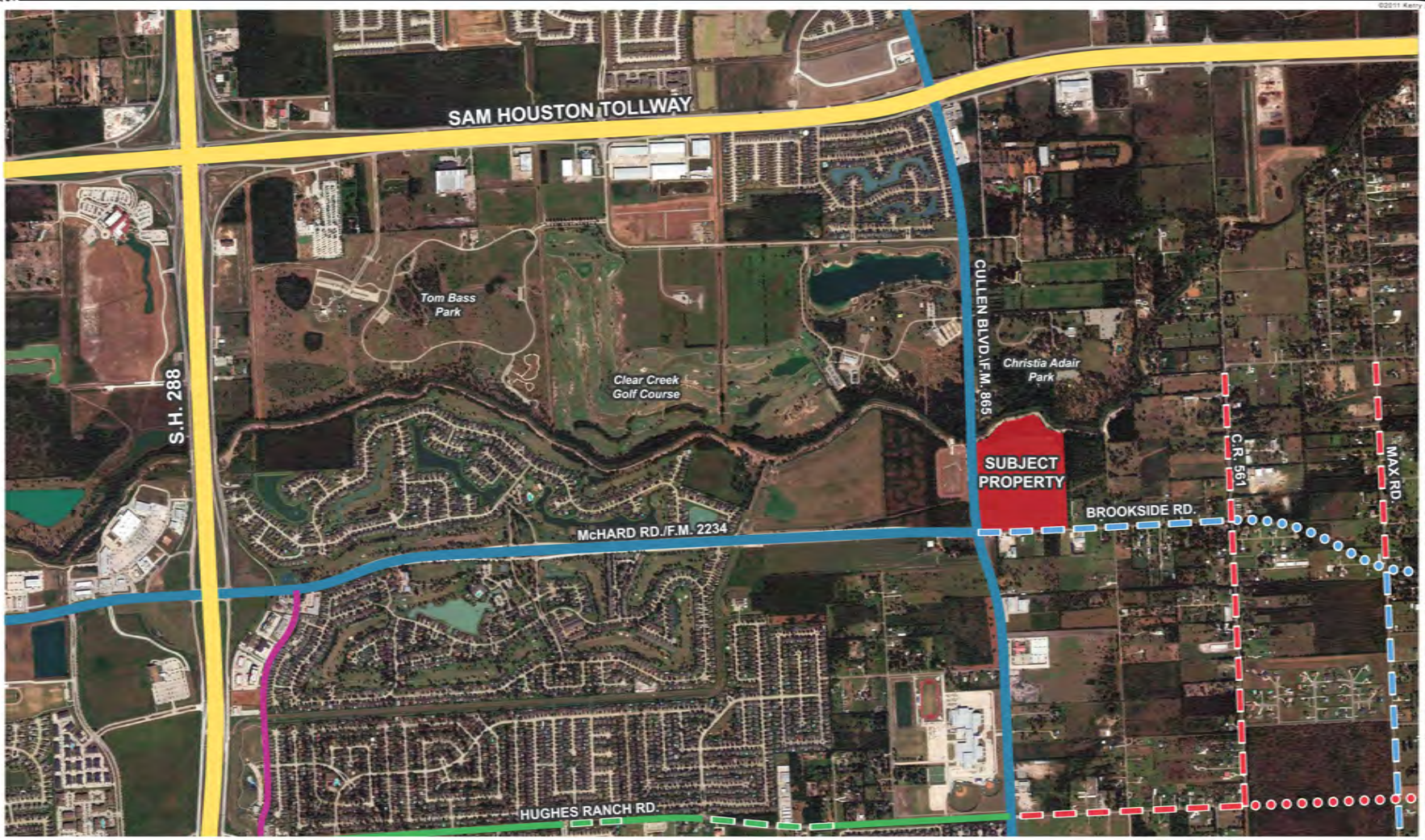
Section I



an area map for

Pearland's Lake Park

FREEWAY

120' ROADWAY - SUFFICENT WIDTH

120' ROADWAY - INSUFFICENT WIDTH

120' ROADWAY - PROPOSED

100' ROADWAY - SUFFICENT WIDTH

100' ROADWAY - INSUFFICENT WIDTH

80' ROADWAY - SUFFICENT WIDTH

60' ROADWAY - INSUFFICENT WIDTH

60' ROADWAY - PROPOSED

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EXHIBIT A

NOT TO SCALE

SEPTEMBER 2011
KGA #i-272

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Section II

Lake Park

I. Introduction to *Lake Park*:

Lake Park is a +/- 47.5-acre planned development consisting of office, retail, restaurant and various general business uses as well as one, two, and three story rental townhomes.

Conceived as a result of Pearland's continued commercial growth driven by an influx of professional businesses including hospitals, medical offices, and surgery centers, *Lake Park* will be the first mixed use residential community of it's kind for those desiring a maintenance free, secure community.

Lake Park's list of amenities will include:

1. Pearland's Clear Creek Trail System, constructed by the developer along the northern border of the development, including a covered exercise station, benches, decorative lighting informational signage about the City's history, and drinking fountains, all of which will be consistent with the city's designs and located in accordance with the City of Pearland's Parks and Recreation Master Plan and approval of the parks and planning directors.

Two lakes will be constructed within the development. One lake shall be private, and for the exclusive use of residents within the town-home community. The second lake shall be open to the public and include a +/- 4,000 sq. ft. pavilion, a colonnade with splash pad, as well as trails linking all public areas to the Clear Creek trail system, retail, office, and all other public areas.

The town-home community will be constructed in two phases. Phase one will consist of 238 units including a resident's clubhouse with conference room/business center, coffee bar, lounge and lake front community pool. Phase 2 will consist of an additional 137 units.

II. Location and Use:

Lake Park is located at the northeast corner of the intersection at Cullen Blvd. and McHard Rd. (See Exhibit "A") The property immediately surrounding *Lake Park* consists of a broad mix of uses, including 8-10 rural homes appearing to have been built in the 60's-70's to the east, light industrial immediately adjacent to the south, the City of Pearland's dry detention facility directly across Cullen to the West, and a boat repair shop immediately to south. Both Cullen Blvd. and McHard Rd. are identified in the comprehensive plan as major thoroughfares and provide direct access to S.H. 288. The intersection is approximately 2.1 miles to SH 288 and 1 mile north to Beltway 8. As a result of the heavy use of each road, and in an attempt to alleviate traffic congestion along Broadway/FM 518, Cullen Blvd. has been widened to 4 lanes, and McHard Rd. has recently been opened to Cullen Blvd.

a) The property's base zoning district is currently RE, with the City of Pearland's Future Land Use Plan indicating a General Business (GB) retail node of 50 acres. The subject property also lies within a Corridor Overlay District, of which all ordinances and standards set forth in the City of Pearland's UDC therein shall be met.

III. Ideals, Goals, and Objectives:

In accordance with **Section 2.2.2.4, Application Requirements,** The following excerpts from **section 2.2.2.1 (a) and (b),** of the City of Pearland's adopted UDC, provides a description of how a proposed Planned Development fulfills the ideals, goals, objectives, and/or concepts of the City's adopted comprehensive plan or any other formally adopted City planning document, such as the parks plan or public facility plan.

Section 2.2.2.1(a)

Purpose. **"**The purpose of an overlay planned development zoning district ("PD District") is to provide for the development of land as an integral unit for single or mixed use in accordance with a PD Design Plan that may include uses, regulations and other requirements that vary from the provisions of other zoning districts and encourage flexible and creative planning, to ensure the compatibility of land uses, to allow for the adjustment of changing demands to meet the current needs of the community, and to result in a higher quality development for the community than would result from the use of conventional zoning districts."

Section 2.2.2.1 (b)

Applicability: A PD district may only be established in one of the following circumstances:

1) The land is located in close proximity to established residential neighborhoods where conventional zoning classifications may not adequately address neighborhood concerns regarding the quality or compatibility of the adjacent development, and where it may be desirable to the neighborhood, the developer or the City to develop and implement mutually-agreed, enforceable development standards…

5) The land serves as transition between different and seemingly incompatible land uses…

6) The land is proposed for development as a major office, retail, commercial or industrial employment center, and special design standards may be warranted…

With the previous 3 standards met, it is believed the proposed PD would be appropriate.

IV. Open Space:

All of the open space requirements outlined in **Section 2.2.2.3 (c)(1)** of the City of Pearland's adopted UDC shall be met or exceeded. (See Exhibit "K" Parkland and Open Space)

Parkland Requirements:

Parkland requirements will be met implementing the formula outlined in Chapter 3, Section 3.2.10.1 In the event the applicant is unable to satisfy all parkland dedication requirements by way of land dedication, credit for park improvements, excess landscaping and lake amenities, fees in lieu of said dedications and excess improvements shall be paid to the city's park fund for future use in the appropriate zone.

Walkways, Sidewalks and Trails:

All walkways and sidewalks will be designed and constructed as required in Pearland's UDC, Section 3.2.11.1. Unless otherwise stated in in Section 2.4.5.1, Corridor Overlay District. Trails along "The Clear Creek Trail System" will be no less than 10 feet in width or as required by the parks master plan, adjacent to the boundaries of *Lake Park*.

V. Authorized Uses: Upon adoption of the Lake Park PD Overlay District, the following uses are authorized in the locations identified in exhibits "B", "C", "D" and "E". All ordinances of the following zoning districts, in the City of Pearland's UDC unless otherwise stated in this document, will be applicable.

1) TH - Town-Homes

2) GB - General Business

3) O/P - Office/Professional

Unauthorized Uses:

1) Office, Parole-Probation, Bail Bonds

2) Check Cashing Service

3) Laundromat (Self-Service Laundry)

4) Rehabilitation Care Facility (Halfway House)

5) Studio-Tattoo or Body Piercing

6) Antique Shop with Outside Storage

7) Astrology, Hypnotist or Psychic Arts

8) Bakery (Wholesale)

10) Garage and/or Yard Sales

11) Market – Open Air (i.e., Flea Market)

12) Outside Display

13) Auction House

14) Fraternity or Sorority House

15) Mortuary/Cemetery (Including Mausoleum/Crematorium)

16) Bus Station

17) Animal Processing

All zoning standards not expressly set forth for the district in the adopting ordinance shall be as provided in the base zoning district(s), and that any standard in this ordinance that has not been expressly varied in the adopting ordinance shall be applicable to subsequent development permits for land within the PD district.

VI. Deviations: The following is a list of deviations from the zoning overlays.

TH – Lake Park's Town Home residential district shall abide the TH Zoning requirements outlined in Section 2.4.2.9 except as follows:

1. **Section 2.4.2.9 (c) Area Regulations.**

(1) Size of Lots:

a. Minimum Lot Area – is hereby deleted. Lake Park Town-Homes are rental units with future potential to sell. However, there shall be no fee ownership of any exterior grounds.

b. Minimum Lot Width - is hereby deleted. Lake Park Town-Homes as rental will have no platted lots. However, if and when the time arises for the individual sale of each unit takes place a MAP will be prepared to define the interior area owned fee simple by the homeowner.

c. Minimum Lot Depth - hereby deleted. Lake Park Town-Homes as rental will have no platted lots. However, if and when the time arises for the individual sale of each unit takes place a MAP will be prepared to define the interior area owned fee simple by the homeowner.

d. Maximum project coverage – Hereby amended to read as follows: Lot coverage shall be consistent with that identified in Exhibit "B", Overall Design Plan.

e. Permitted Length for Attached Town Homes Units – Hereby amended to read as follows: A complex of attached town home dwelling units shall have a minimum length of three (3) dwelling units, and shall not exceed two hundred and twenty feet (220') in length or the width of (8) dwelling units, whichever is less.

f. Maximum Gross Site Area – No deviation

2. Size of Yards:

a. Minimum Front Yard - Hereby amended to read as follows: Lake Park Town-Homes as rental will have no platted lots. However, all units will maintain a minimum twenty-foot (20') set back from the centerline of the parallel sidewalk.

b. Minimum Building Separation - No deviation

c. Corner Lot – Amended to read as follows: A minimum fifteen feet (15') setback adjacent to a street.

d. Minimum Rear Yard – N/A

e. Height Restrictions – No building shall exceed thirty-seven feet (37')

3. Parking:

a. Parking ratio 1.8:1 Total Spaces – 692

4. GB:

No open space requirements.

All other regulations and guidelines in the GB Zoning district described in the City of Pearland's UDC are applicable.

5. OP –

No open space requirements.

All other regulations and guidelines in the OP Zoning district described in the City of Pearland's UDC are applicable.

All regulations not described in this Section VI, Deviations, shall comply and be in full force and effect with Section 2.4.2.9 of the City of Pearland's UDC.

VII. Development Standards:

Upon adoption of the Lake Park PD Overlay District, the following development standards shall be adhered to. Minor deviations from the approved design plan shall be approved in accordance with **Section 2.2.2.6 Subsequent Development Applications.** If not expressly Identified in this document the city's UDC provides the requirement necessary to maintain quality development. Additionally, as the Lake Park PD lies within a **Corridor Overlay District,** all standards set forth therein shall be met.

1) All building facades except for areas of glass window and doors will be constructed of 100% masonry as defined in the City of Pearland's UDC **Section 2.6.2.1 (c) (1) Materials Permitted.** All facades shall be constructed with no less than 65% brick.

2) Permitted trim materials are as described in **Section 2.6.2.1 (c) (3)**

3) For the purpose of sustainability and erosion control all residential buildings shall be constructed with two-foot (2') eaves. (See Exhibit "O")

4) The foot print/building pad of multi-tenant buildings shall not exceed thirty-five thousand (35,000) square feet.

5) The foot print/building pad of any single-tenant building shall not exceed 75,000 square feet.

6) All building designs within the Lake Park PD will be consistent with the architectural renderings depicted in Exhibits "H", "I", & "J"

7) All screening requirements for parking will be in accordance with the applicable Corridor Overlay District.

8) Landscaped medians will be constructed wherever nose-to-nose parking exists in GB and/or OP districts. Medians will be no less than seventy-two inches (72") in width. (See Exhibit "A")

9) Parking medians visible to Cullen Blvd. or McHard Road shall have shrubs planted and maintained at a height of no more than thirty-six inches (36") and no less than eighteen inches (18") as measured from the surrounding soil line.

10) A thirty-five (35') foot wide landscape buffer shall be provided along the eastern border of property.

11) Park land Landscape plan - A landscape plan will be designed to exceed the minimum requirements describes in the UDC by 15%. Extra credit awarded toward parkland dedication requirements shall be at the discretion of the Parks Director.

12) GB/OP Landscape plan - A landscape plan will be designed to meet the requirements outlined in the City of Pearland's UDC.

13) Lake Park lies within a Corridor Overlay District and shall comply with all guidelines and requirements defined in the City of Pearland's UDC.

14) All utilities will be individually metered or sub-metered.

15) The 40 ft. Texas Eastern pipeline easement and the 55 ft. Kinder-Morgan easement will be doubled in width, allowing no construction within those borders.

16) All open space requirements will be met.

16) Landscaping – A landscape plan will be designed to exceed the minimum requirements set forth in the MF designation of the City of Pearland's UDC by a minimum of 15%. The definition "to exceed by 15%" refers to a combination in whole or part of the following:

1. Number of plantings
2. Minimum caliper inches of trees
3. Hardscape & gathering areas
4. Screening

* All zoning standards not expressly set forth for the district in the adopting ordinance shall be as provided for in the base zoning district(s), and that any standard in this ordinance that has not been expressly varied in the adopting ordinance shall be applicable to subsequent development permits for land within the PD district.

VIII. Amenities:

All amenities for the Lake Park PD will be constructed in phases phase I. (See Section III Exhibit "C" Lake Park Phase I Land Plan…4a, 4b, 4c, 5a, 5b, Landscape seating and Fountains) The term "Amenity" is defined in Chapter 5 of the city's UDC.

1) Lakes: Two lakes – A private resident's lake, +/- 2.4 acres, and/or sized to meet detention requirements. A Public Lake, +/- 2.8 acres, and/or sized to meet detention requirements. (See Section III, Exhibit "B")

2) Pavilion - Developer will construct a +/- 4,000 sq. foot open-air pavilion. (See Section III, Exhibits "C") Identified as 4b.

3) Colonnade – A Colonnade and splash as pad depicted in Section IV, Exhibit "G" will be constructed. The elevations for the Colonnade and splash are described Section IV, the "Plaza Elevation" will be constructed. The locations of the subject amenities are identified in Section III, Exhibit "C", and 4A.

4) Fountains - Location of fountains and landscaped seating areas are identified in Section III, Exhibit "B".

5) Exercise station – A covered outdoor exercise station will be located along the Clear Creek Trail System for public use. The exercise station will consist of no less than eight (8) pieces of equipment selected by the developer from the exercise brochure. Developer shall receive parkland credits in accordance with regulations set forth by the Parks and Recreation Dept. (See attached exercise brochure)

6) Trail Head - Developer will construct a trailhead with no less than 6 parking spaces. (See Exhibit "K")

7) Clear Creek Trail System - Developer shall construct a portion of the Clear Creek Trail System, that which is adjacent to the Lake Park boundaries and in accordance with the Parks and Recreation Master-Plan. The subject portion of this trail will include benches, water fountains, landscaping and lighting approved by both the Director of Parks and Recreation and the Director of Community Development in accordance with the Parks Department's master plan. (See Section III, Exhibit "B")

VIII. Residential Parking:

Residential parking ratios are as follow and based upon the following formula and included in Section III, Exhibit "B"

A) Surface Parking -136 open spaces

B) Attached Garage Parking -278 spaces

C) Driveway Parking - 278 spaces*

Total Residential Spaces - 692

Total spaces per unit - 1.8 (see Exhibit "B")

*Driveway spaces are defined as those spaces in front of the garage (the driveway) of residences with attached garages. Driveway spaces will be no smaller in width than the adjacent garage, and not less than 18 feet in length to serve as guest parking or additional vehicles. A 2-car garage will provide 2 "driveway spaces"; a 1-car garage will provide 1 driveway space.

IX. GB/OP - Parking, Screening, Lighting,

1. GB/OP Parking – Parking guidelines, ratios, and all other requirements described in the City of Pearland's UDC shall be strictly adhered to.

2. Screening – All screening requirements to be governed by regulations described in the applicable Corridor Overly District.

3. Lighting – All GB/OP lighting shall comply in all manners and respects with the City of Pearland's UDC. Any decorative lighting shall comply with and be consistent with those designs, heights and locations described in the Parks Department's Master Plan, and subject to approval by the Parks Director and Director of Community Development.

Entrance Signage / Cross-Section, and Fencing

1. Signage – All entry signage shall be in strict compliance with those designs and elevations identified in Exhibit "M"

2. Entrance cross-section - See Exhibit "N"

3. Fencing – Access gates shall be constructed of brick and/or masonry, and/or wrought iron. Perimeter fencing shall be constructed of wrought iron. The location of all fencing, gates and walls, along with construction materials to be used and elevations/designs are identified in Exhibit "L".

***To the extent that any development standards listed within the Lake Park PD conflict with those described in the applicable Corridor Overlay District, (COD) all standards in the COD shall be deemed the governing standards for the Lake Park PD.**

X. Residential Densities:

Maximum residential density shall not exceed 375 units.

Phase 1: 238 units

Phase 2: 137 units

XI. GB and O/P overall square footage:

The combined total net rentable area for GB and O/P shall not exceed one hundred twenty five thousand square feet. (125,000)

XII. Design Standards:

All design standards depicted in Section IV, architectural renderings, and elevations will be adhered to. (See Exhibits H, I, J, P, and O)

XIII. EXCEPT AS OTHERWISE PROVIDE FOR IN THIS PD DOCUMENT, ALL ORDINANCES, CONDITIONS, AND REQUIREMENTS OF THE CITY OF PEARLAND'S UDC, AND LAND USE PLAN, SHALL HEREBY BE DEEMED APPLICABLE IN ALL MANNERS AND RESPECTS.

Land Use Table:

Use	Acres	Percentage	Density/units per acre
Single Family	-	-	-
Town Homes	29.5	61.72%	12.7
General Business/Office	18	37.66%	-
Totals	**47.50**	**100%**	-

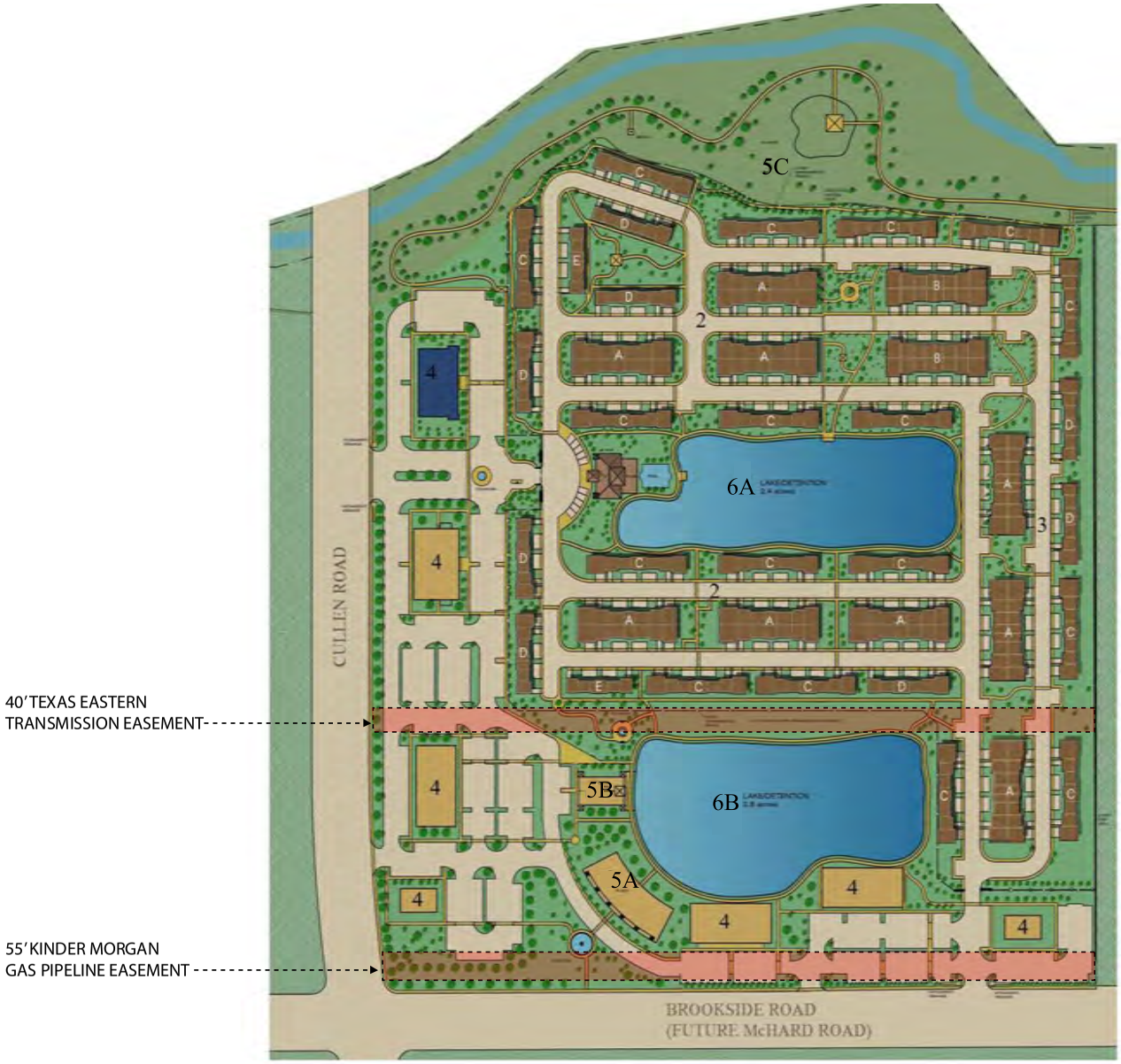
Open Space	10.52	22%	-
Parkland	10.56	22%	-

(Above Calculations based upon Exhibit "K")

Internal Road Circulation	8.22	17%	-
Easments / R.O.W.	2.6	5%	-

Total	31.9	67%	-

Section III



SITE LEGEND

1. TOTAL ACERAGE (+-) 47.5 ACRES
2. TOWNHOMES - PHASE I (+-) 238 UNITS
3. TOWNHOMES - PHASE II (+-) 137 UNITS
4. GENERAL BUSINESS/ OFFICE PROFESSIONAL

5a. PARKLAND/ COLLONADE
5b. PARKLAND/ PAVILLION
5c. PARKLAND / TRAIL
6a. LAKE 2.4 acres
6b. LAKE 2.8 acres

LANDSCAPE SEATING
FOUNTAIN

RESIDENTIAL PARKING

1. RESIDENTIAL SURFACE - 136 SPACES
2. RESIDENTIAL DRIVEWAY - 278 SPACES
3. GARAGES - 278 SPACES
4. PARKING RATIO - 1.8 : 1

NORTH

Exhibit B

PROJECT #:
11-043

LAKE PARK
Overall Design Plan

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SITE LEGEND

1. TOTAL ACREAGE (+-) 29.5 ACRES
2. TOWNHOMES - PHASE I (+-) 238 UNITS
3. GENERAL BUSINES / OFFICE PROFESSIONAL
4a. PARKLAND/ COLLONADE
4b. PARKLAND/ PAVILLION
4c. PARKLAND/ TRAIL
5a. LAKE 2.4 acres
5b. LAKE 2.8 acres

LANDSCAPE SEATING

FOUNTAIN

NORTH

Exhibit C

PROJECT #:
11-043

LAKE PARK

PHASE I LAND PLAN

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SITE LEGEND

1. TOTAL ACREAGE (+-) 10.2 ACRES
2. TOWNHOMES - PHASE II (+-) 137 UNITS
3. GENERAL BUSINESS / OFFICE PROFESSIONAL

NORTH

Pearland, Texas
for
Vivcor, LLC.

Exhibit D

PROJECT #:
11-043

LAKE PARK

PHASE II LAND PLAN

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SITE LEGEND

1. TOTAL ACREAGE (+-) 5.7 ACRES
2. GENERAL BUSINESS / OFFICE PROFESSIONAL

NORTH

Pearland, Texas
for
Vivcor, LLC.

Exhibit E

PROJECT #:
11-043

LAKE PARK

PHASE III LAND PLAN

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Section IV

PROJECT #:
11-043

LAKE PARK
AERIAL PERSPECTIVE

Exhibit F

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PROJECT #:
11-043

LAKE PARK

Entry at Cullen Rd.

Exhibit G - 1

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Exhibit G-2

PROJECT #:
11-043

LAKE PARK

Entrance at Brookside/McHard Rd.

Steinberg Design Collaborative LLP

PROJECT #:
11-043

LAKE PARK

Perspective - Colonnade

Exhibit G

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Exhibit H

PROJECT #:
11-043

LAKE PARK

Perspective - Townhomes Lake View

Steinberg Design Collaborative LLP

PROJECT #:
11-043

LAKE PARK

Perspective - Townhomes From Street

Exhibit I

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PROJECT #:
11-043

LAKE PARK

Perspective - Retail

Exhibit J

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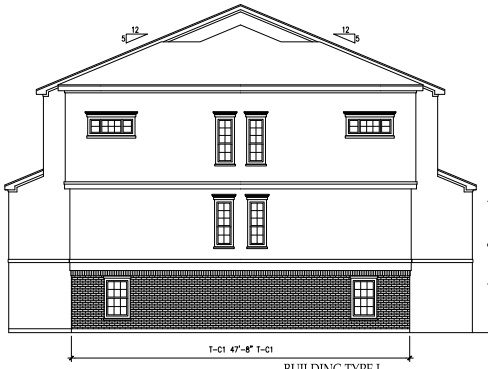

2 BUILDING TYPE I
SIDE ELEVATION
SCALE: 1/8" = 1'-0"

1 BUILDING TYPE I
FRONT/REAR ELEVATION
SCALE: 1/8" = 1'-0"

Not for regulatory approval, permitting, or construction 05-23-2014

Sanford P. Steinberg
AIA

05-13-2014 Schematic Dev. Issue

Lake Park
Pearland, Texas

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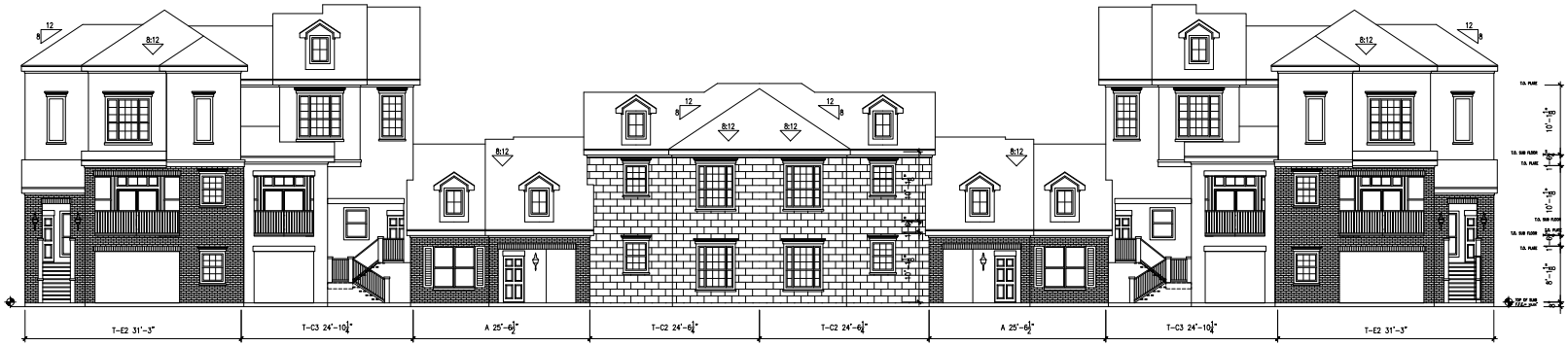
ARCHITECTS PLANNERS (TBPLAE)

JOB NO. 2011.043
SHEET DESCRIPTION
EXTERIOR ELEVATIONS
BUILDING TYPE I

SHEET NO.
EXHIBIT O



2 BUILDING TYPE II
REAR ELEVATION
SCALE: 1/8" = 1'-0"

1 BUILDING TYPE II
FRONT ELEVATION
SCALE: 1/8" = 1'-0"

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Sanford P. Steinberg
AIA

Lake Park
Pearland, Texas

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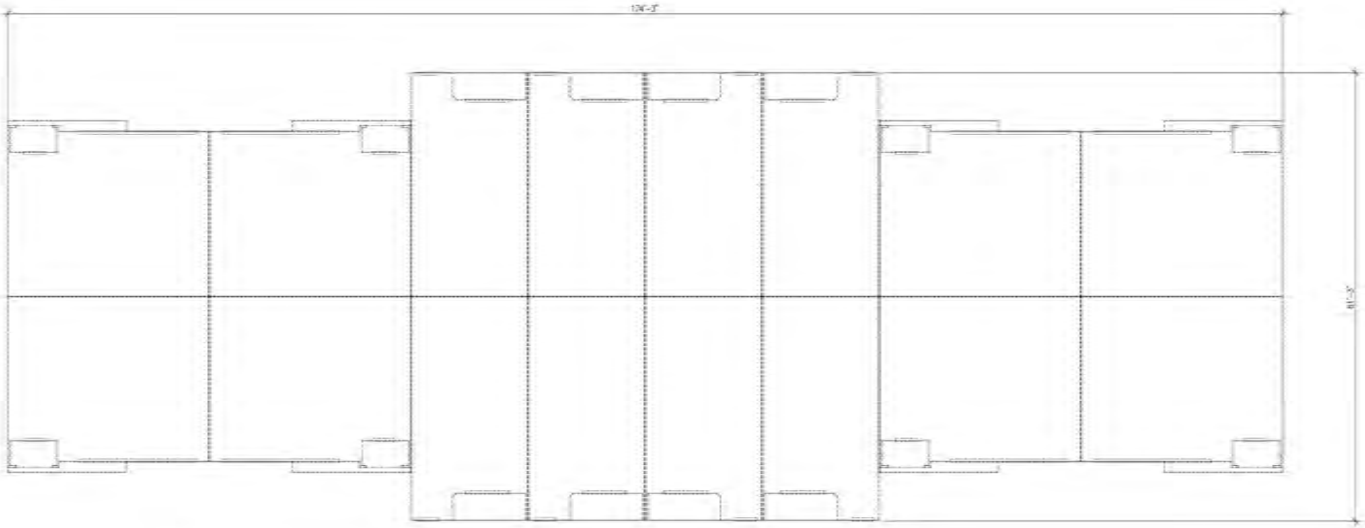
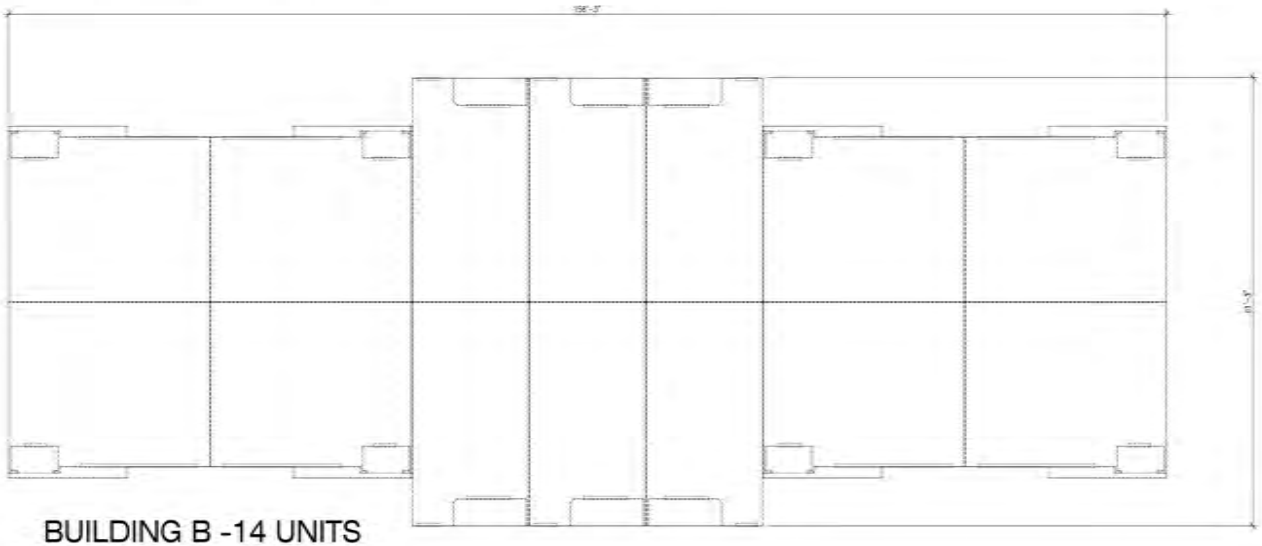
TBPE-#43

JOB NO. 2011.043
SHEET DESCRIPTION
EXTERIOR ELEVATIONS
FANNIN STREET

SHEET NO.
EXHIBIT P



BUILDING A - 16 UNITS



BUILDING B -14 UNITS

PROJECT #:
11-043

LAKE PARK
BUILDING EXHIBIT

EXHIBIT Q

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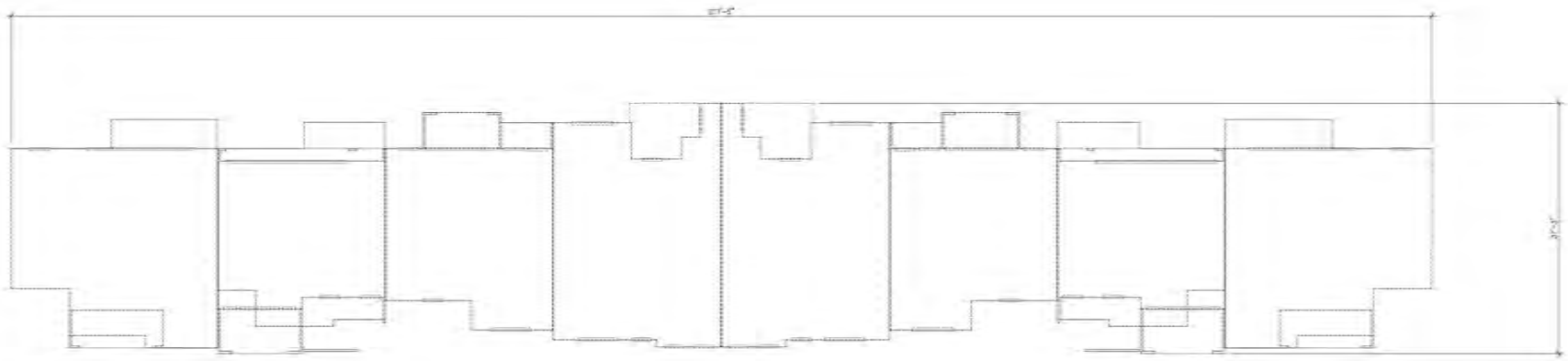
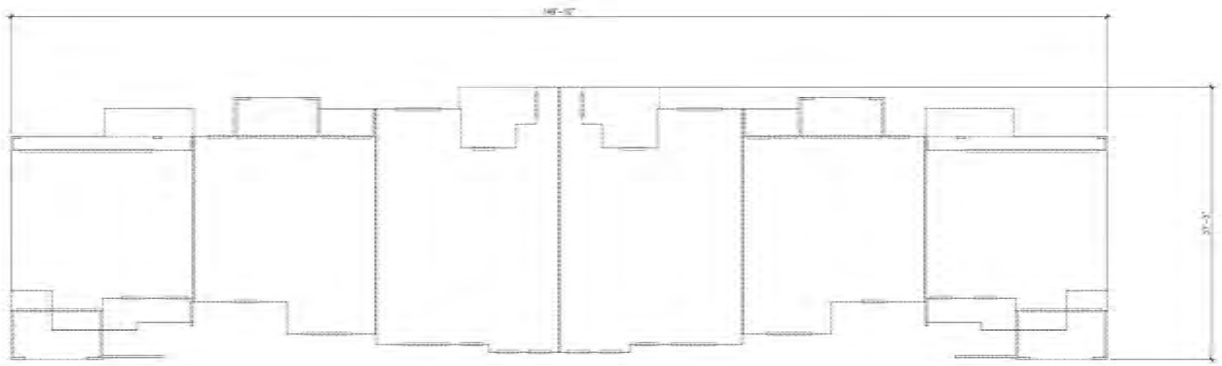


BUILDING C 8 UNITS



BUILDING D 6 UNITS

PROJECT #:
11-043

LAKE PARK
BUILDING EXHIBIT

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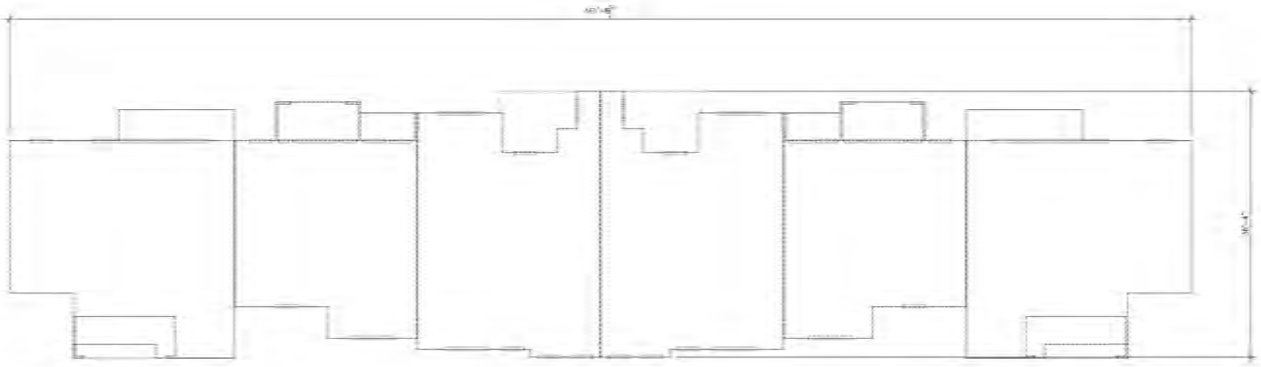

BUILDING E - 6 UNITS

PROJECT #:
11-043

LAKE PARK
BUILDING EXHIBIT

EXHIBIT S

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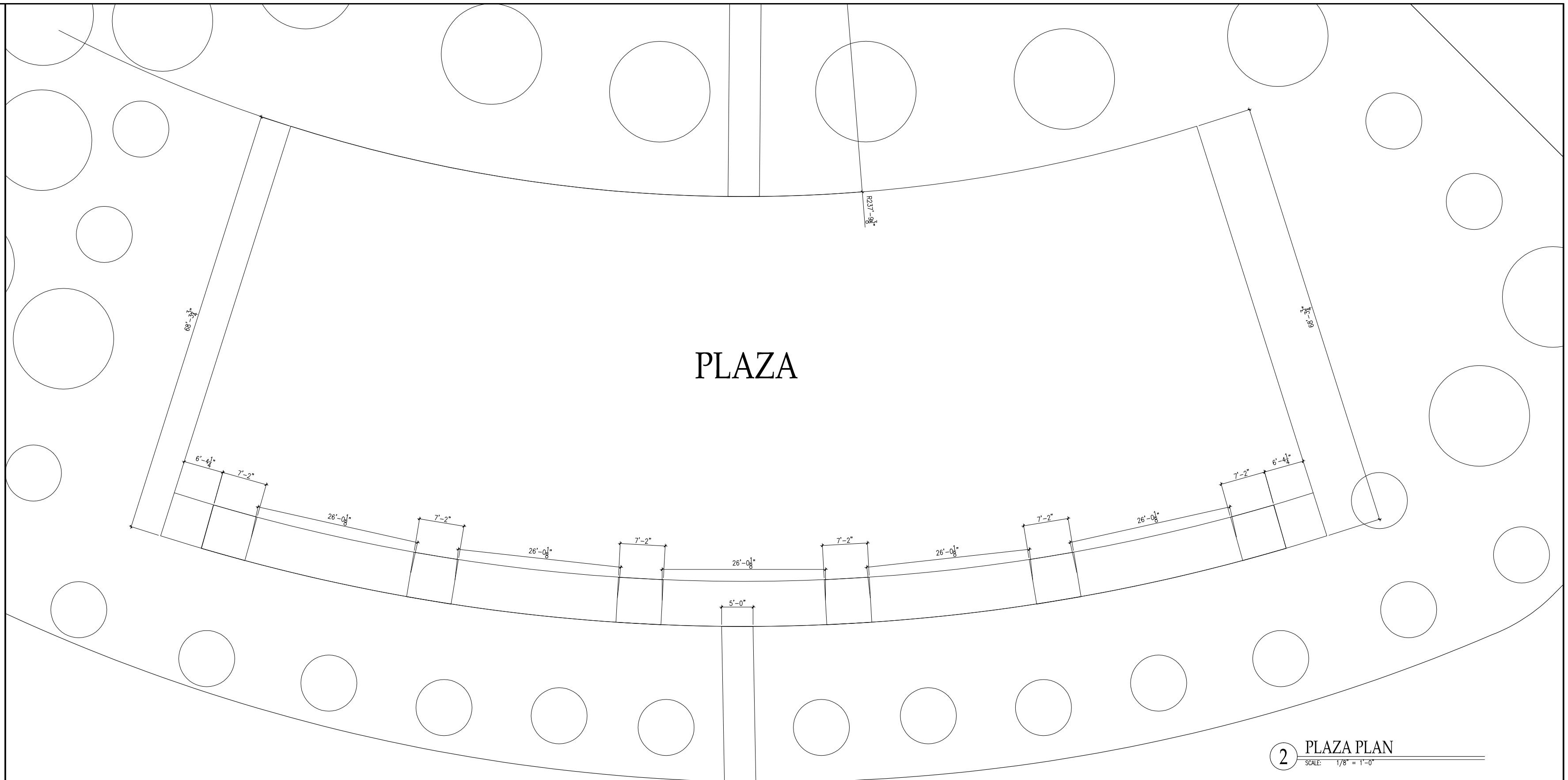

2 PLAZA PLAN
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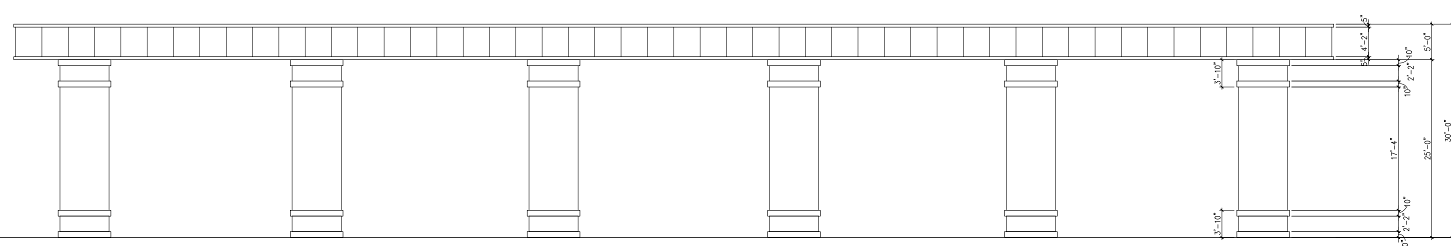

1 PLAZA ELEVATION
SCALE: 1/8" = 1'-0"

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AIA

Cullen Road at McHard
Pearland, Texas

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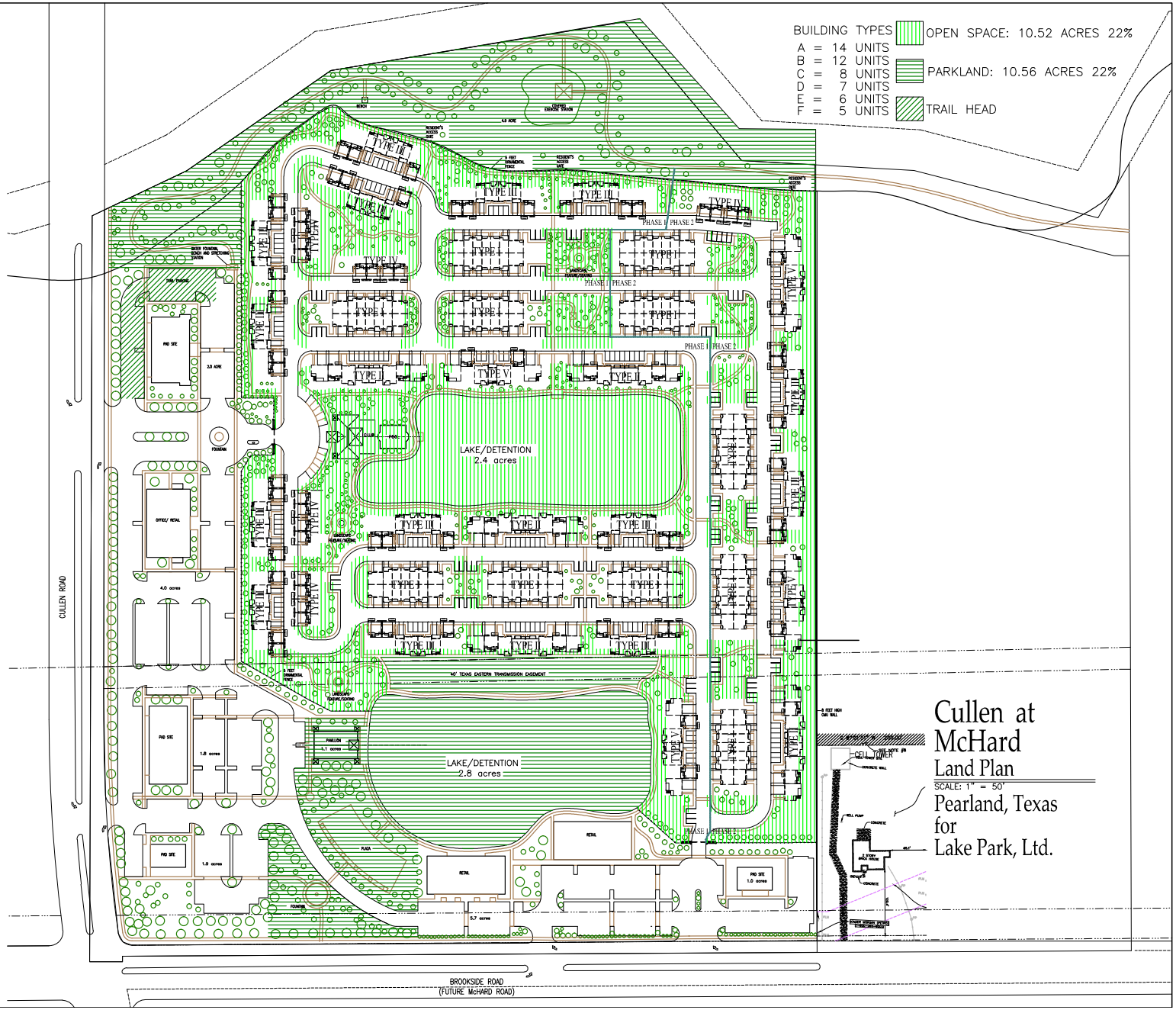
Houston, Texas 77007
713.552.1377 713.850.7744 Fax
www.SDCArchitects.com

JOB NO. 2011.043
SHEET DESCRIPTION
PLAZA PLAN/ELEVATION
DIMENSION PLAN
SHEET NO. A6.03

Section V



Cullen at McHard

Land Plan

SCALE: 1" = 50'

Pearland, Texas
for
Lake Park, Ltd.

Not for regulatory approval, permitting, or construction 05-23-2014

Sanford P. Steinberg
AIA

Cullen Road at McHard
Pearland, Texas

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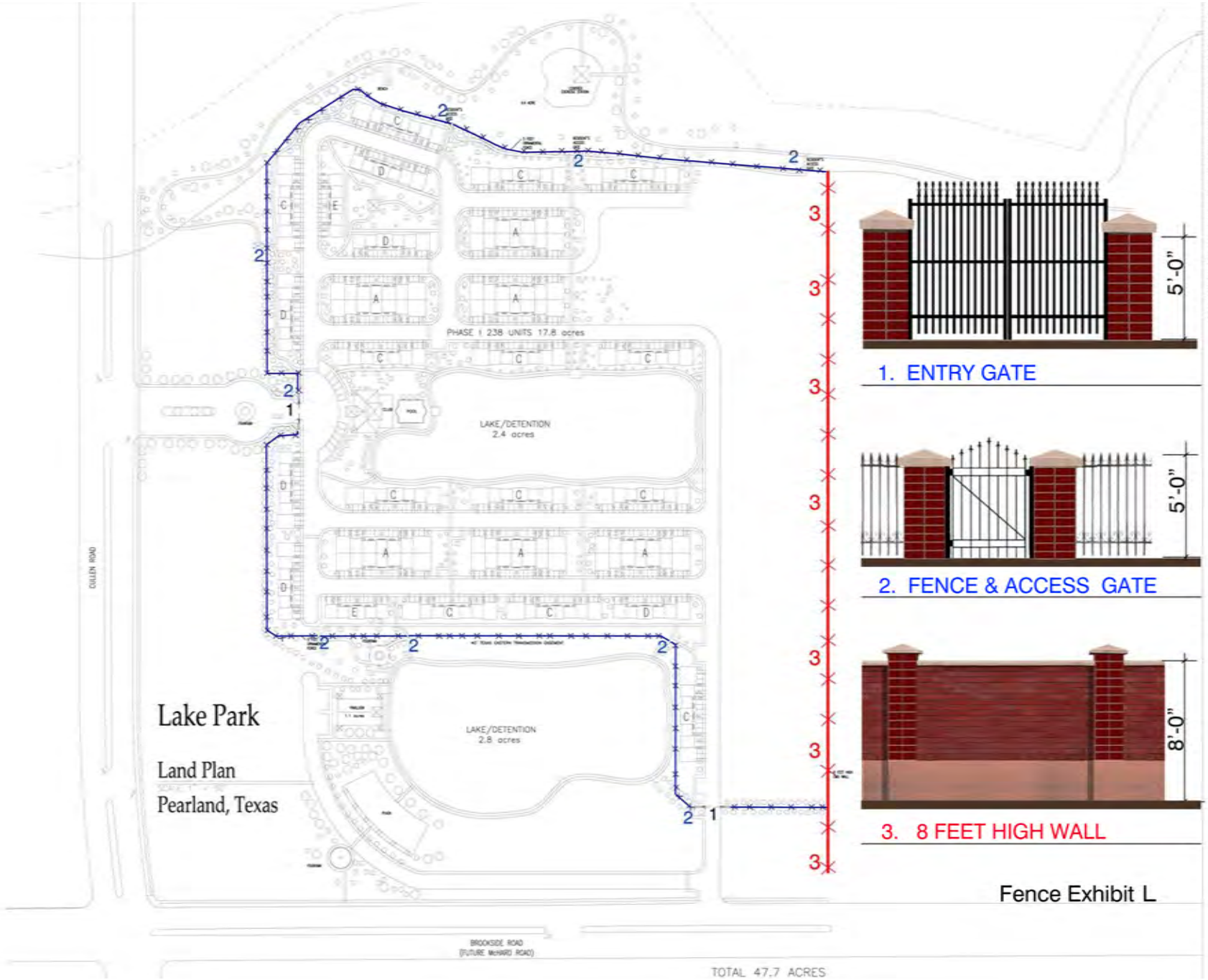
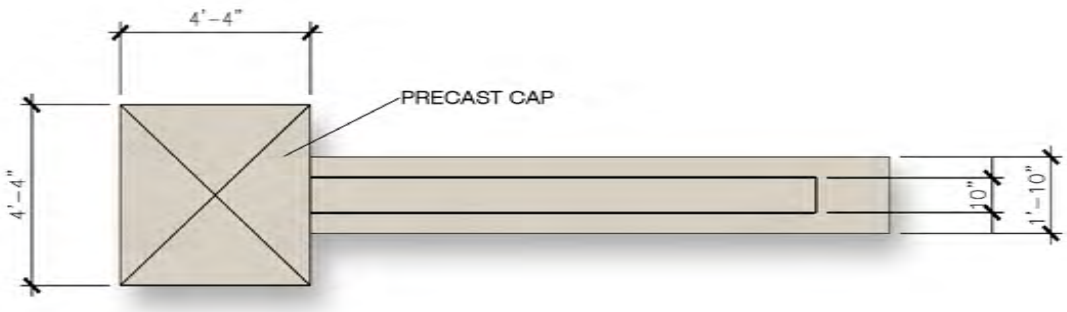
JOB NO. 2011.043

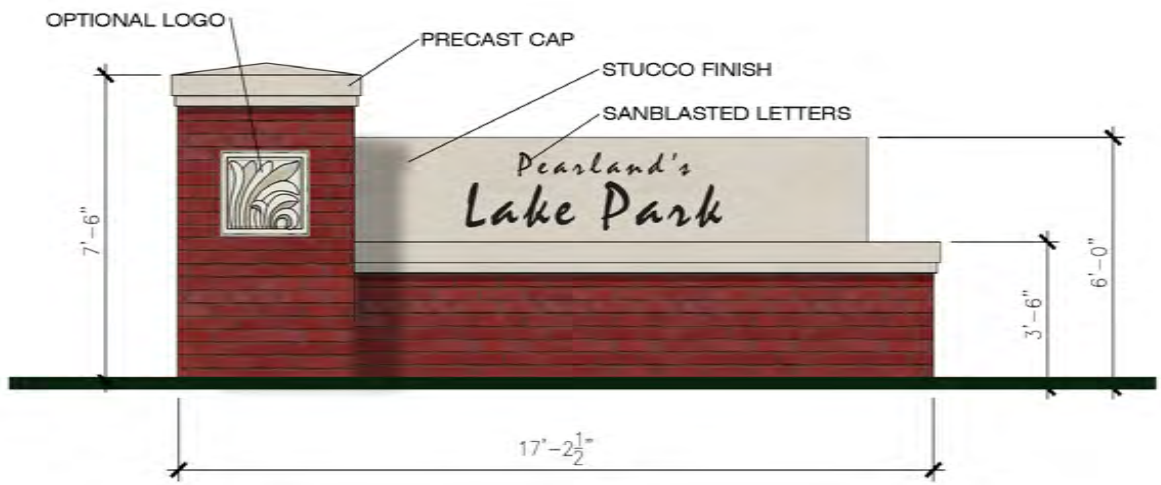
SHEET DESCRIPTION
Site Plan

SHEET NO.
EXHIBIT K

Section VI


Lake Park
Land Plan
Pearland, Texas
PHASE I 238 UNITS 17.8 acres
LAKE/DETENTION
2.4 acres
LAKE/DETENTION
2.8 acres
CULLEN ROAD
BROOKSIDE ROAD
(FUTURE McHARD ROAD)
TOTAL 47.7 ACRES
1. ENTRY GATE
5'-0"
2. FENCE & ACCESS GATE
5'-0"
3. 8 FEET HIGH WALL
8'-0"
Fence Exhibit L
Not for regulatory approval, permitting, or construction 07-03-201
Stanford P. Steinberg
AIA
Lake Park
Pearland, Texas
Steinberg
Design
Collaborative LLP
2011.043
Site Plan
A1.01





PROJECT #:
11-043

LAKE PARK

Monument Exhibit

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EXHIBIT M

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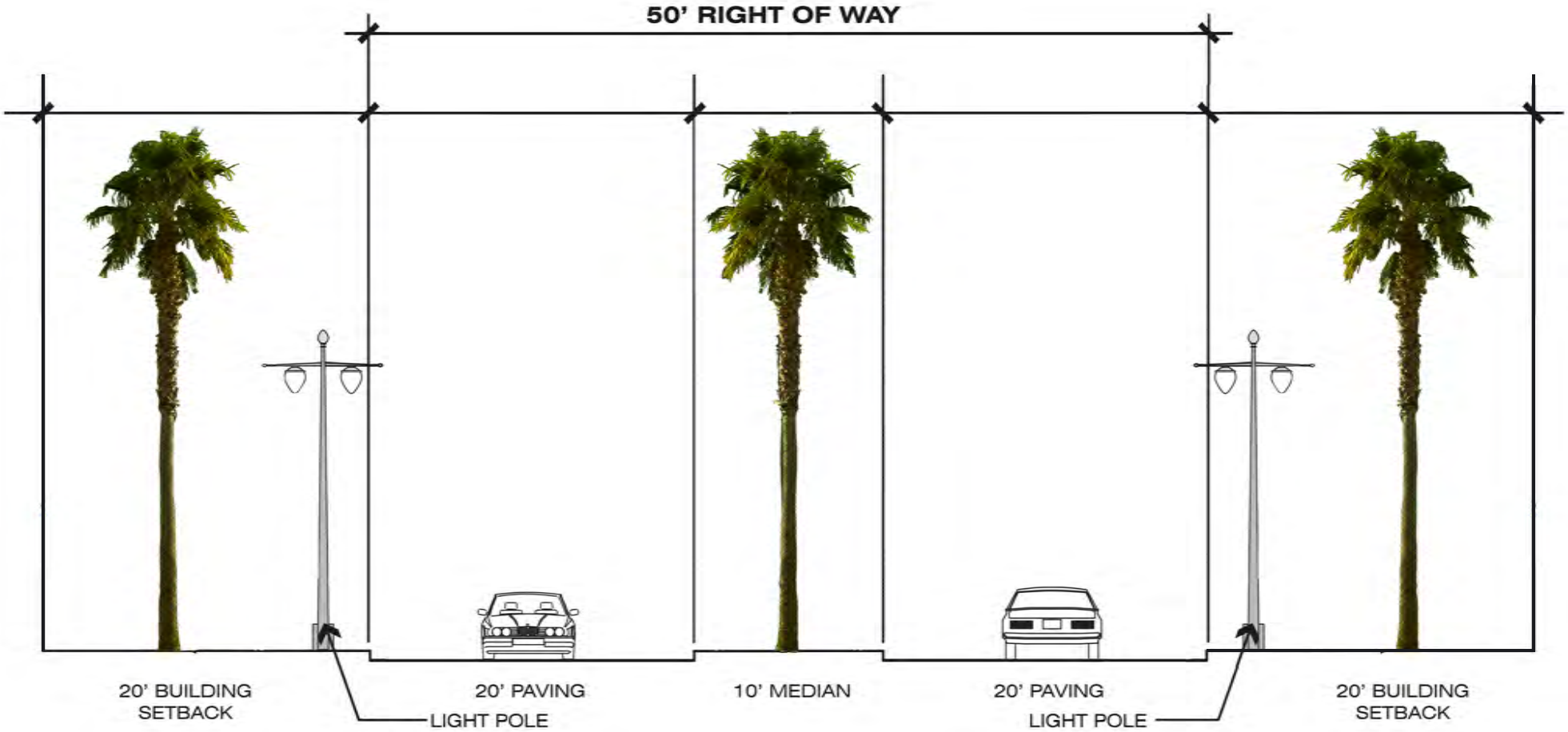

PROJECT #:
11-043

LAKE PARK

Entrance Cross Section

EXHIBIT N

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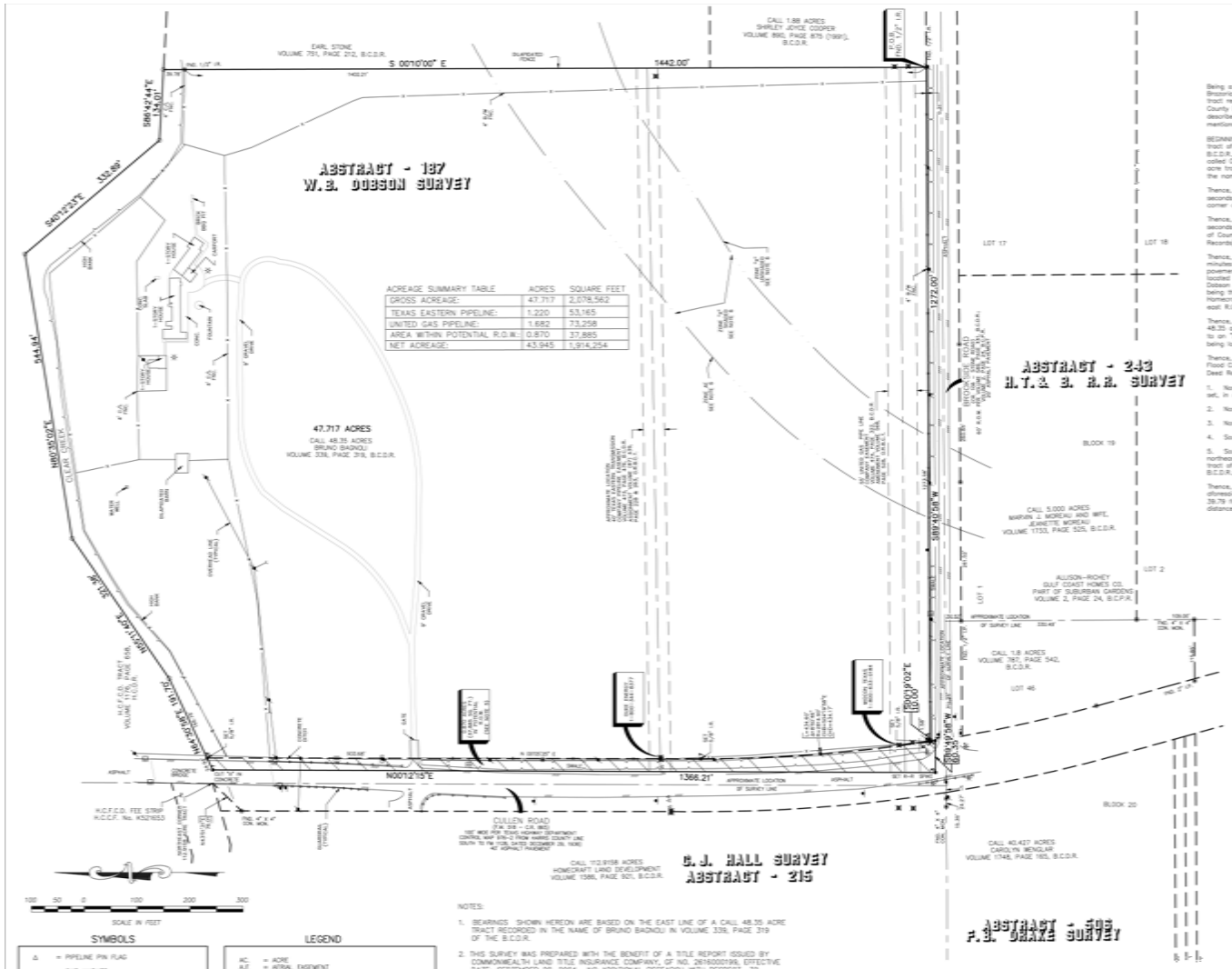
Section VII



ACREAGE SUMMARY TABLE	ACRES	SQUARE FEET
GROSS ACREAGE:	47.717	2,078,562
TEXAS EASTERN PIPELINE:	1.220	53,165
UNITED GAS PIPELINE:	1.682	73,258
AREA WITHIN POTENTIAL R.O.W.:	0.870	37,885
NET ACREAGE:	43.945	1,914,254

FIELD NOTES FOR 47.717 ACRES

Being a 47.717 acre tract of land located in the W. B. Dobson Survey, Abstract-187, in Brazoria County, Texas; said 47.717 acre tract being the remainder of a called 48.35 acre tract recorded in the name of Bruno Bagnoli in Volume 339, Page 319, of the Brazoria County Deed Records (B.C.D.R.); said 47.717 acre tract being more particularly described by metes and bounds as follows (bearings based on the east line of the above mentioned 48.35 acre tract):

BEGINNING at a 1/2-inch iron rod found at the northeast corner of a called 0.29 acre tract of land of record in the name of Brazoria County in Volume 588, Page 441, B.C.D.R., same being on the north R.O.W. line of Brookside Road (60 feet wide) also called County Road 106, and Stone Road, and being on the east line of aforesaid 48.35 acre tract, and being the southwest corner of a called 1.88 acre tract of land of record in the name of Shirley Joyce Cooper in Volume 890, Page 875 (1991), B.C.D.R.;

Thence, with the north line of aforesaid Brookside Road, South 89 degrees 42 minutes 58 seconds West, a distance of 1272.00 feet to a 5/8-inch iron rod set for the northwest corner of aforesaid 0.29 acre tract;

Thence, with the west line of aforesaid 0.29 acre tract, South 00 degrees 19 minutes 02 seconds East, a distance of 10.00 feet to a 5/8-inch iron rod set on the north R.O.W. line of County Road 106 (40 feet wide as per Volume 2, Page 24 of the Brazoria County Plat Records);

Thence, with the north R.O.W. line of aforesaid County Road 106, South 89 degrees 49 minutes 58 seconds West, a distance of 60.35 feet to a roll-road spike set in asphalt pavement at the southwest corner of aforesaid 48.35 acre tract, said roll-road spike being located 25 feet east of the approximate location of the west line of aforesaid W. B. Dobson Survey, same being the east line of the C.J. Hall Survey, Abstract 215, same being the east line of a called 112.9158 acre tract of land of record in the name of Homecraft Land Development in Volume 1586, Page 821, B.C.D.R.; and being on the east R.O.W. line of County Road 865 (width unknown);

Thence, with the east R.O.W. line of County Road 865, and the west line of aforesaid 48.35 acre tract, North 00 degrees 12 minutes 15 seconds East, a distance of 1366.21 feet to an "X" mark cut in concrete at the northwest corner of aforesaid 48.35 acre tract, and being located on the Texas Department of Transportation's Bridge over Clear Creek;

Thence, with the centerline of Clear Creek, same being the south line of a Harris County Flood Control District tract of record in Volume 1176, Page 656, of the Harris County Deed Records., the following five (5) courses:

1. North 64 degrees 30 minutes 58 seconds East, at 24.94' pass a 5/8-inch iron rod set, in all a total distance of 191.70 feet;
2. North 55 degrees 11 minutes 40 seconds East, a distance of 321.38 feet;
3. North 80 degrees 25 minutes 02 seconds East, a distance of 544.94 feet;
4. South 40 degrees 12 minutes 23 seconds East, a distance of 332.89 feet;
5. South 86 degrees 42 minutes 44 seconds East, a distance of 134.01 feet to the northeast corner of aforesaid 48.35 acre tract and being the northwest corner of a tract of land of record in the name of Earl Stone, in Volume 791, Page 212, B.C.D.R.;

Thence, with the line common to aforesaid 48.35 acre tract, the Stone Tract, and aforesaid 1.88 acre tract, South 00 degrees 10 minutes 00 seconds East, at a distance of 39.79 feet pass a 1/2-inch iron rod found at the high-bank line, and continue in all a total distance of 1442.00 feet to the Point of Beginning and containing 47.717 acre of land.

TO: James Johnson, Trustee, Commonwealth Land Title Insurance Company

The undersigned does hereby certify that this survey was this day made on the ground of the property legally described hereon and is correct, and there are no discrepancies, conflicts, encroachments, overlapping of improvements, easements or Rights-of-Way of which I have knowledge or have been advised, except as shown hereon, and that said property has access to and from a dedicated roadway. I further certify that the herein plat and the survey on which it was based meet the minimum requirements of a Category 1A, Condition II survey, as described in the Texas Society of Professional Land Surveyors – Manual of Practice.

Dated this the 4th day of May, 2005.

Brian E. Wilson
Registered Professional Land Surveyor
Texas Registration No. 5745

STATE OF TEXAS REGISTERED BRIAN E. WILSON 5745 PROFESSIONAL LAND SURVEYOR

SYMBOLS

- △ = PIPELINE PIN FLAG
- = SWB MARKER
- = TRAFFIC SIGNAL POLE
- = FOUND 5/8-INCH IRON ROD (UNLESS OTHERWISE NOTED)
- = SET 5/8-INCH IRON ROD
- = CORNER FALLS IN WATER
- = POWER POLE
- = TELEPHONE PEDESTAL
- = B-INLET
- = PIPELINE MARKER
- = ELECTRIC BOX
- = STORM MANHOLE
- = STORM INLET
- = STANDARD LIGHT
- = GUY ANCHOR
- = SIGN

LEGEND

AC.	= ACRE
A.E.	= AERIAL EASEMENT
B.L.	= BUILDING LINE
CHB	= CHORD BEARING
CHD	= CHORD LENGTH
D.E.	= DRAINAGE EASEMENT
ESMT.	= EASEMENT
B.C.D.R.	= BRAZORIA COUNTY DEED RECORDS
O.R.B.C.T.	= OFFICIAL RECORDS OF BRAZORIA COUNTY TEXAS
H.C.F.C.D.	= HARRIS COUNTY FLOOD CONTROL DISTRICT
H.C.D.R.	= HARRIS COUNTY DEED RECORDS
H.C.C.F.	= HARRIS COUNTY CLERK'S FILE
L	= LENGTH
L.E.	= LANDSCAPE EASEMENT
LTD.	= LIMITED
NO.	= NUMBER
NR	= NON-RADIAL
P.U.E.	= PUBLIC UTILITY EASEMENT
PVT.	= PRIVATE
R	= RADIUS
S.F.	= SQUARE FEET
S.S.E.	= SANITARY SEWER EASEMENT
STM.S.E.	= STORM SEWER EASEMENT
U.E.	= UTILITY EASEMENT
W.L.E.	= WATER LINE EASEMENT

NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF A CALL 48.35 ACRE TRACT RECORDED IN THE NAME OF BRUNO BAGNOLI IN VOLUME 339, PAGE 319 OF THE B.C.D.R.
2. THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A TITLE REPORT ISSUED BY COMMONWEALTH LAND TITLE INSURANCE COMPANY, OF NO. 2616000196, EFFECTIVE DATE: SEPTEMBER 29, 2004. NO ADDITIONAL RESEARCH WITH RESPECT TO EASEMENTS, BUILDING LINES, OR OTHER MATTERS OF RECORD WAS PERFORMED BY THE SURVEYOR.
3. THIS PROPERTY LIES WITHIN THE BOUNDARIES OF ZONE "X" (UNSHADED) AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN, ZONE "X" (SHADED) AREAS OF 500-YEAR FLOOD; AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN ONE FOOT OR WITH DRAINAGE AREAS LESS THAN ONE SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOODS; AND ZONE "AE" (SHADED) SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100-YEAR FLOOD, WHERE BASE ELEVATIONS HAVE BEEN DETERMINED, AS PER THE FLOOD INSURANCE RATE MAPS, NUMBER 48039C0030 L REVISED SEPTEMBER 22, 1999.
4. SUBJECT TRACT IS ENCUMBERED BY TERMS, CONDITIONS, AND STIPULATIONS CONTAINED IN THE SURFACE EASEMENTS AND RIGHT OF WAY AGREEMENT RECORDED IN VOLUME (90) 860, PAGE 406 OF THE O.R.B.C.T.
5. NO RECORD OF CONVEYANCE OR CONDEMNATION COVERING THE RIGHT-OF-WAY OF CULLEN ROAD WAS FOUND BY THE SURVEYOR. THE INFORMATION FOR THE LOCATION AND CONFIGURATION OF RIGHT-OF-WAY WAS PROVIDED BY THE TEXAS HIGHWAY DEPARTMENT CONTROL MAP NO. 976-2, DATED DECEMBER 29, 1936.
6. THE LINES SHOWN HEREON DESIGNATING EACH "FLOOD ZONE " ARE APPROXIMATIONS, ESTABLISHED BY SCALE VALUES TAKEN FROM SAID FEMA MAPS, SO THE AREAS SHOWN HEREON ARE ALSO APPROXIMATIONS. THE SURVEYOR MAKES NO CERTIFICATION AS TO THEIR ACCURACY.

EXHIBIT T

REVISED:

LAND TITLE SURVEY
47.717 ACRES

BEING OUT OF THE W.B. DOBSON
SURVEY A-187,
BRAZORIA COUNTY, TEXAS

MILLER
SURVEY-GROUP
1750 WEST SAM HOUSTON PARKWAY NORTH • HOUSTON, TEXAS 77043
PHONE 713-413-1900 ✱ FAX 713-413-1944

JOB NO.: 897	SCALE: 1"= 100'	DATE: 05/04/05	FIELD BOOK: 04122/BN
DWG. NO.: BNDY	DRAWN BY: CDR	CHECKED BY: BEW	WBS No.: 051222

Section VIII

OUTDOOR FITNESS

norwell
FORM FUNCTION

Norwell Form Function® is outdoor fitness equipment, designed for people of any age to enjoy… in the park, at work, in the schoolyard, in your neighborhood or anywhere that people gather for recreation. The glass-blasted stainless steel equipment is based on a Scandinavian design which is simple and attractive while retaining the basic functions required to train and maintain the body.

The family Hempel Barkholt

NORWELL STORY

The Hempel Barkholt family – founders of Norwell – love being outdoors and spending time together as a family. During frequent travels through China they were inspired by the many outdoor fitness parks and decided to establish a new company to focus 100% on the design and development of outdoor fitness equipment.

Norwell is now well established and people are regularly found happily exercising in our parks. We frequently install our fitness parks in places of natural beauty, and their simple design enables them to blend seamlessly into any natural surroundings.

Norwell fitness equipment provides the opportunity for everybody to exercise, regardless of age or fitness levels. We hope that our easily accessible equipment will encourage many more people to engage in outdoor fitness activities and enjoy the benefits it provides.

Every time a Norwell fitness park opens it is confirmation that every hour spent developing these products has been very worthwhile.

INCONSPICUOUS FITNESS EQUIPMENT THAT ENHANCES NATURAL LANDSCAPES

DESIGNED FOR PEOPLE

Our products are carefully designed for the individual so that they use their own body weight as resistance. They have been deliberately designed to be non-adjustable because, without proper guidance, adjustability can result in injury as users may over-exert themselves. Adjustment devices can also be easily vandalized. There is full flexibility in the movement of all mechanical parts, minimizing the risk of injury. The intention is to use the fitness stations as a training circuit, creating a good challenge for all, regardless of fitness levels. Most users will spend one or two minutes at each station before moving on.

FORM & FUNCTION

Design is an integral part of Norwell's focus and all design elements have a function. Our products are designed to fit into all environments – green, open space and urban.

HEALTH PROMOTION

Most people today are aware that they should exercise regularly but, for a lot of people, there are barriers including time, money or the wrong environment. An outdoor fitness course overcomes these barriers by being:

- always available
- free
- an opportunity to get out and exercise in the fresh air

SOCIAL INTEGRATION

Our fitness parks are meeting places for people of all ages and walks of life – business executives, moms and dads, teenagers, older people and the less able – they're really accessible for everyone. In every community it is important to have a meeting place where the people can gather to spend time with their friends and family, exercise and socialise. Norwell fitness parks are the ideal solution!

EACH PIECE OF EQUIPMENT IS IDENTIFIABLE FOR A SPECIFIC TYPE OF TRAINING

CARDIOVASCULAR

To maintain fitness and stamina

To maintain optimum cardiovascular function is a prerequisite for good health and essential for high quality of life. Norwell Form Function® can help people to achieve these goals. Products in this group are identified by a GREEN weather-resistant sticker.

BALANCE

To strengthen the ability to stretch your body and muscles

Good flexibility is important to minimize the risk of injury to muscle groups and reduce general aches and pains. Norwell Form Function® Balance has been created to strengthen body flexibility. Products in this group are identified by a DARK RED weather-resistant sticker.

STRENGTH

To train individual muscle groups

Strength training reduces the possible risks of muscular injury and increases stamina. Products in this group are identified by an ORANGE weather-resistant sticker.

FLEXIBILITY

To train balance and coordination

Lack of balance and coordination is an unpleasant condition, but in many cases this can be trained away. Norwell Form Function® Flexibility helps people to focus on balance. Products in this group are identified by a DARK BLUE weather-resistant sticker.

THE PICTOGRAM INSIDE THE COLOUR-CODED ID BAND SHOWS HOW TO USE EACH PIECE OF EQUIPMENT

As a designer and manufacturer, Norwell is able to produce custom designs. Please contact us at info@norwell-usa.com for details.

NORWELL'S INCLUSIVE EQUIPMENT CAN BE USED BY PEOPLE OF ALL AGES AND ABILITIES

MORE THAN JUST A FOOTBALL CLUB

Titus Swartjes, Head Coach at SV Schalkhaar Football Club, Netherlands:
"We use Norwell equipment for warming up and cooling down and it's great for players preparing for comeback after an injury, as they don't have to train in isolation – they can be right here with their team mates. Our club is more than a football club – we have a social function in our city and our Norwell equipment has contributed to that. For example, older people come here to exercise and children love to play on the equipment while their dad's playing football."

FRESH ENERGY TO THE BRAIN

Claus Jensen, Head Teacher, Faaborg High School

"Norwell is not just an outdoor fitness park – it's actually a great sculpture park. It's so nice to see beautiful equipment which also has a function. We use the apparatus both in sports and in interdisciplinary projects. Visual art can work with gear design and aesthetics, and in physics the formula "force times arm length" becomes easy to understand when you need it to lift your own weight. Our students have the opportunity after working hard in class to get out and increase their pulse rate, giving fresh oxygen to the brain and sharpening concentration and learning ability. Norwell equipment has also helped increase integration between the City of Faaborg and our school as everyone is welcome to come and exercise here."

NIKE

AESTHETICS ATTRACTS ALL GENERATIONS

Congratulations to the municipality of Gentofte on being awarded the title of Sports Town of the Year. We are really pleased that the Norwell Park has been one of the many good initiatives that has contributed to this award.

BKO Temple, next to Gentofte Stadium, was established in 1997 as a skater track and hockey rink in collaboration with a group of young skater enthusiasts. In 2009 the lanes and ramps were modernised, and the area has been further developed to appeal to other users – families, adults and school clubs.

Outdoor fitness equipment has been installed for individuals, as well as complementing school and institutional sports programs. Further development of the area will focus on increasing the breadth of offerings and will therefore appeal to all. Ball cages and basketball backboards have also been installed to attract an even wider range of users.

SENIOR CITIZEN CARE HOME – ODENSE, DENMARK

This care establishment serves for 60 live-in residents and is also connected to 200 sheltered homes.

Norwell equipment is installed in the communal garden where the residents can watch their friends exercising and also enjoy looking at the beautiful sculpture of the Norwell products.

Residents have their own physiotherapist who exercises with them and instructs them on how to use the equipment correctly.

Norwell equipment is also used by the staff, who often suffer from back problems due to the heavy lifting their work involves. They enjoy stretching out, keeping in shape and having fun with their colleagues.

THE WORLD'S FIRST SCULPTURAL FITNESS PARK

Playitas is Apollo Travel's new sport resort on sunny Fuerteventura in the Canary Isles. The resort opened on July 1, 2009 and, in its setting of mountains, ocean and open spaces, is ideal for professional athletes and traditional tourists alike.

NW101:
Chest
Strength
Outdoor
fitness

NW102:
Back
Strength
Outdoor
fitness

NW103:
Sit Up
Strength
Outdoor
fitness

NW104:
Pull Up
Strength
Outdoor
fitness

NW105:
Bar
Strength
Outdoor
fitness

NW106:
Leg
Strength
Outdoor
fitness

NW201:
Air Walker
Cardiovascular
Outdoor
fitness

NW202:
Cross
Cardiovascular
Outdoor
fitness

JAN LOCKHART, MANAGING DIRECTOR, APOLLO TRAVELS

"We chose Norwell as the supplier of our outdoor fitness park as they particularly emphasize exercises that cater to all. The equipment has great sculptural design and blends discreetly into its surroundings. The products are high quality and beautifully finished – care has been taken with every detail."

NW203:
Stepper
Cardiovascular
Outdoor
fitness

NW204:
Hip
Cardiovascular
Outdoor
fitness

NW301:
Twister
Balance
Outdoor
fitness

NW302:
Springer
Balance
Outdoor
fitness

NW401:
Stretch
Dexterity
Outdoor
fitness

NW501:
Bench
Dexterity
Outdoor
fitness

NW502:
Pingpong
Dexterity
Outdoor
fitness

NW 503:
Sign
Info sign
Outdoor
fitness

NW101, CHEST

Chest is a seated chest press developing strength in the chest, front of the shoulders and triceps.

Chest utilises the user's body weight as a counterweight so the user does not need to adjust weight and resistance.

Chest is equipped with a sturdy rubber coated seat for comfort and safety while training.

Frank Høj, professional cyclist, Team Saxo Bank:
"This is brilliant… very nice design with functions that work well. I am sure that this concept will get people outside and doing more exercise"

NW102, BACK

NW101, CHEST

NW102, BACK

Endurance over brute strength – **Back** is a simple way to build up strength in the back, shoulders and biceps. The basis of the training is repetition rather than heavy weight training.

Back fits all and is easy to use – it utilises the body weight of the user as counterweight-eliminating the need to make adjustments. **Back** is equipped with a rubber coated seatwhich provides a safe platform with excellent durability.

NW103, SIT UP

Sit Up – ideal for improving abdominal, thigh and hip muscles.

Sit Up has several applications. It is easy to use and is equipped with a comfortable rubber coated seat.

NW103, SITUP

NW104, PULL UP

NW104, PULL UP

NW105, BAR

NW106, LEG

NW 104, PULL UP

Pull Up is an extremely flexible and versatile piece of fitness equipment, combining strength training for a wide range of muscle groups.

Pull Up offers the user a range of exercises such as chin-up, shoulder, grip and body lift as well as a variety of stretches.

Pull Up is a great indicator of the upper body strength in relation to the user's body weight.

NW105, BAR

Develop chest, shoulders and triceps with **Bar** – a simple product with lots of possibilities.

NW106, LEG

Build strength in your thighs, legs and calves. With long footplates, **Leg** fits all.

NW201, AIR WALKER

NW202, CROSS

NW203, STEPPER

NW204, HIP

NW201, AIR WALKER

To walk on air is probably the greatest feeling of freedom you can have.

Air Walker is equipped with a support bar for the hands. The foot plates are covered with skid resistant rubber for safe training.

Air Walker enhances the cardiovascular functions of the body and increases flexibility in hip and thigh muscles – even more than traditional running.

Air Walker gives the user the same training as running but without the risk of strain and injury runners can experience in their knees, feet, hips and back.

NW202, CROSS

Cross is a comfortable way of developing leg and hip muscles while improving cardiovascular endurance.

Cross foot plates are covered with skid resistant rubber for safe training.

NW203, STEPPER

Stepper develops leg muscles and improves cardiovascular endurance.

Stepper has two curves. The big curve serves as support during training – the little curve is wrapped in non-skid rubber.

NW204, HIP

Hip gently trains back, hip and abdominal muscles while you develop your balance and co-ordination.

NW301, TWISTER

Twister combines muscle development in the back and helps improve flexibility and balance. Body rotation improves flexibility in the back and hip and stimulates abdominal and lower back muscle development.

Twister has two individual platforms – one for standing and one for sitting – and a curved bar for support.

NW302, SPRINGER

Springer strengthens ankles and knees as well as developing balance.

Springer comes with a soft and hard spring for various levels of training.

NW301, TWISTER

NW302, SPRINGER

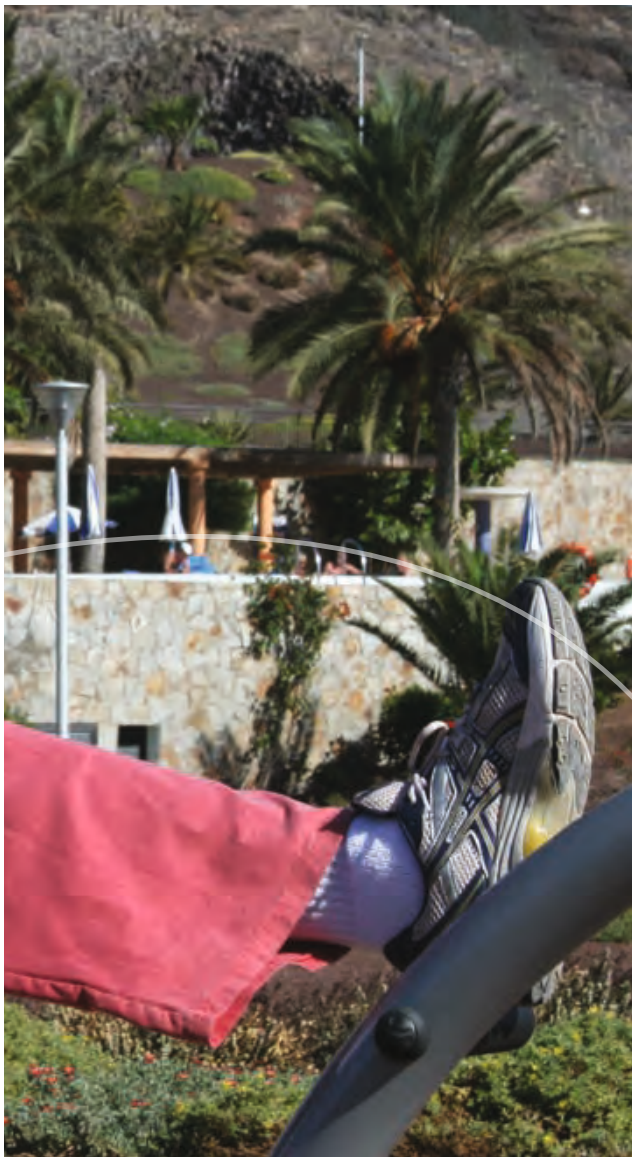
Pat Vidal, Physiotherapist, Spain:
"All exercises can be performed without risk of injury and as the equipment is so versatile it provides a complete workout. You can train alone any time during the day, whatever the weather."

NW401, STRETCH

NW501, BENCH

NW502, PINGPONG

NW503, SIGN



Charles Longdon-Hughes, Fitness/Aerobics Guru, UK.
Former Karate world champion
"Fantastic concept, I love it! Beautiful to look at and it's also safe with excellent functions that really work as they should."

NW401, STRETCH

Stretch is a simple, efficient piece of equipment for flexibility training, using the shape of the curve.

Stretch also provides an essential finishing activity – stretching out calf muscles, thigh muscles and the hollow of the knee.

NW501, BENCH

Bench is shaped for both rest and function.

Equipped with sturdy bolts and rubber connectors to prevent metal against metal contact, **Bench** can be used for training the upper and lower back and is wide enough to be used simultaneously by two people.

NW502, PINGPONG

Pingpong is a fun variation from our traditional fitness equipment but no less beneficial as it combines movement, reaction speed and coordination between eye, ball and hand.

Pingpong is manufactured in sturdy, maintenance free materials.

NW503, SIGN

Sign explains the philosophy and concepts behind training and how the park should be used.

NORWELL
CO_2 FREE
FITNESS GYM

Norwell's Outdoor fitness equipment is environmentally friendly because you create the energy yourself

H.J. Hansen is a family owned group with roots that go back six generations. The company was founded in 1829 as a merchant's house in Vestergade in Odense. Through expansion and acquisition, H.J. Hansen has grown to become one large, modern international business. Its three main activities are recycling, plumbing and engineering but it also has major interests in wine and delicatessen shops. H.J. Hansen has companies in Germany and abroad, and has 380 employees.

THE OPPORTUNITY OF EXERCISE

"Employee health is important to us here at H.J. Hansen, and as a part of our health policy we wanted to make exercise easily available to our staff. We chose a solution from Norwell, which has been a great benefit to both our employees and their families, providing exercise, fresh air, rehabilitation and teambuilding when they want it – they can exercise during breaks, before or after work. We hold informal meetings there, and the company running club which has grown in strength and size begins and ends its sessions at the fitness park.

Since we did not have outdoor space available, we teamed up with Development Forum Odense to create a full fitness facility in a nearby park, where Odense municipality had land available. The fitness park is used by a great deal of Odense's citizens.

We are very pleased with the impact the fitness park has had for our employees and will certainly create another Norwell Park at our other site in the Port of Odense."

Marlene Lübeck
Management Assistant
H.J. Hansen Holding A/S

FOR ALL PEOPLE AND ALL SEASONS

SCANDINAVIAN DESIGN – WITH FUNCTIONALITY

DOK 54 has developed Norwell Form Function's outdoor fitness lines on the basis of traditional Scandinavian design. The equipment is designed to be simple and functional and intuitively usable.

The main element – the curve – creates a lightness and simplicity of construction resulting in equipment which is elegant and understated. The choice of material, the form and the overall uncomplicated appearance combine to provide aesthetics unique to Scandinavian design.

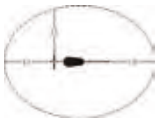
"At Dok 54 we always give due consideration to all aspects of the product, including the production process, method of handling, choice of material and design. We have set out to create equipment that is tasteful in appearance and will visually enhance the landscape. We are very proud of the result and believe that we have designed aesthetic, functional products that will provide both enjoyment and benefits to many people."

Thomas Brinch-Moller and Jacob Moller Lund

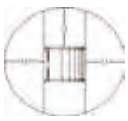
PRODUCT DIMENSIONS

NW101: Chest
Height: 7' 9"
Length: 3' 7"
Width: 2' 9"
Footing: 0' 10"
Weight: 172 lbs
Zone: 129 ft²

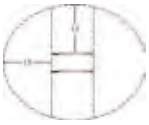
NW102: Back
Height: 7' 9"
Length: 3' 7"
Width: 2' 4"
Footing: 0' 10"
Weight: 161 lbs
Zone: 129 ft²



NW103: Sit Up
Height: 1' 8"
Length: 5' 11'
Width: 2' 9"
Footing: 1' 6"
Weight: 90 lbs
Zone: 161 ft²

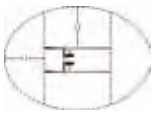


NW104: Pull Up
Height: 7' 9"
Length: 4' 3"
Width: 3' 3"
Footing: 1' 4"
Weight: 181 lbs
Zone: 151 ft²

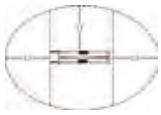


NW105: Bar
Height:: 2' 10"
Length: 3' 7"
Width: 1' 8"
Footing: 0' 10"
Weight: 66 lbs
Zone: 135 ft²

NW106: Leg
Height: 7' 9"
Length:: 3' 7"
Width: 1' 6"
Footing: 0' 10"
Weight: 176 lbs
Zone: 118 ft²



NW201: Air Walker
Height: 4' 0"
Length: 7' 7"
Width: 2' 7"
Footing: 0' 10"
Weight: 165 lbs
Zone: 178 ft²



NW202: Cross
Height: 5' 9"
Length: 5' 11"
Width: 1' 6"
Footing: 1' 4"
Weight: 192 lbs
Zone: 151 ft²

Material specifications
You can find detailed material specifications on our homepage: www.norwell-usa.com

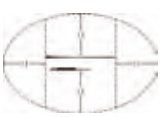
Certification
Norwell equipment is approved according to TÜV Product Service's new testing protocol 55012 (specially designed for testing of outdoor fitness equipment).

3 YEARS WARRANTY

On all moving parts, plastic and rubber.

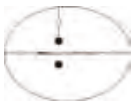
15 YEARS WARRANTY

On all pipes, foundation and welds. The guarantee covers manufacturing defects, but excludes ordinary wear and tear, lack of maintenance or vandalism.

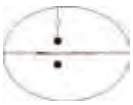


NW203: Stepper
Height: 4' 0"
Length: 7' 7"
Width: 1' 4"
Footing: 0' 10"
Weight: 117 lbs
Zone: 161 ft²

NW204: Hip
Height: 4' 0"
Length: 7' 7"
Width: 3' 8"
Footing: 0' 10"
Weight: 143 lbs
Zone: 205 ft²



NW301: Twister
Height: 4' 0"
Length: 7' 7"
Width: 3' 3"
Footing: 0' 10"
Weight: 161 lbs
Zone: 205 ft²



NW302: Springer
Height: 4' 0"
Length: 7' 7"
Width: 3' 3"
Footing: 0' 10"
Weight: 128 lbs
Zone: 199 ft²

NW401: Stretch
Height: 4' 0"
Length: 7' 7"
Width: 1' 6"
Footing: 0' 10"
Weight: 82 lbs
Zone: 140 ft²

NW501: Bench
Height: 2' 4"
Length: 5' 11"
Width: 2' 11"
Footing: 0' 10"
Weight: 159 lbs
Zone: 178 ft²

NW502: Pingpong
Height: 2' 6"
Length: 9' 0"
Width: 5' 0"
Footing: 0' 10"
Weight: 838 lbs
Zone: 323 ft²

NW503: Sign
Height: 3' 6"
Length: 2' 4"
Width: 1' 6"
Footing: 0' 10"
Weight: 53 lbs
Zone: 118 ft²

norwell
form function

NORWELL OUTDOOR GYMS

Norwell USA, Inc.
6820 Northill Drive SW
Olympia, WA 98512
info@norwell-usa.com
360-539-7679

NEW BUSINESS

P&Z AGENDA ITEM

A

P&Z AGENDA REQUEST

TO: **Planning & Zoning Commission**

REQUESTOR: **Ian Clowes**

DATE: **09/10/2014**

AGENDA ITEM SUBJECT: **Cluster Plan Extension – Dixie Farm and Tall Oak**

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

Summary: A request by Korie Johnston of DR Horton, applicant; on behalf of Kathy Jan Freeman and Kim Freeman, owner(s); for approval of an extension of a previously approved Cluster Development Plan, on a 14.3 acre tract of land, for a single-family residential subdivision, generally located at the northeast corner of Dixie Farm Road and Tall Oak Drive.

Staff Recommendation: Approval

PLANNING AND ZONING COMMISSION
MEETING OF SEPTEMBER 15, 2014

DIXIE FARM AND TALL OAK CLUSTER DEVELOPMENT PLAN

A request by Korie Johnston of DR Horton, applicant; on behalf of Kathy Jan Freeman and Kim Freeman, owner(s); for approval of an extension of a Cluster Development Plan, on a 14.3 acre tract of land, for a single-family residential subdivision, to wit:

Legal Description: Being 11.933 acres of land located in the W.D.C. Hall League, Abstract 70, Brazoria County, Texas, more particularly being a portion of Lot 3 and Lot 4 of the George W. Jenkins Subdivision, a subdivision of record in Volume 79, Page 616 of the Brazoria County Deed Records (B.C.D.R.), also being the residue of a 7.5 acre tract (described as the Southwest ¾ of Lot 3) of which an undivided one-half interest was conveyed to Kim Freeman by instrument of record in File Number 99-010744 of the Brazoria County Official Records (B.C.O.R.) and an un-divided ¼ interest, each, was to Kim Freeman and Kathy Jan Freeman, by instrument of record in File number 96-044065 of said B.C.O.R., and the residue of a 5 acre tract (described as southwest ½ of Lot 4) of which an undivided one-half interest was conveyed to Kathy Freeman, by instrument of record in File number 99-0010744, of said B.C.O.R. and an undivided one fourth interest, each, was conveyed to Kim Freeman and Kathy Jan Freeman by instrument of record in File Number 96-044065, of said B.C.O.R., and;

Being 2.387 acres of land located in the W.D.C. Hall League, Abstract 70, Brazoria County, Texas, more particularly being a portion of Lot 3 of the George W. Jenkins Subdivision, a subdivision of record in Volume 79, Page 616 of the Brazoria County Deed Records (B.C.P.R.), and being the residue of a 2.5 acre tract (described as the Northeast ¼ of Lot 3) conveyed to Kathy Freeman by instrument of record in Volume 1009, Page 57 of said B.C.D.R.

General Location: Northeast corner of Dixie Farm Road and Tall Oak Drive

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SUMMARY: The request is for approval of an extension of an existing Cluster Development Plan (CDP) located on Dixie Farm Road. The approved CDP is for 40 single-family residential lots, on 14.3 acres of land, with 2.8 acres of open space. The development will have an entry park with open space, a number of neighborhood enhancements, in the form of a landscaped entry feature, 8' concrete trails system with exercise stations, and upgraded wood fencing with masonry columns. The property is

expected to be developed in one phase.

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

The property is currently zoned Low Density Residential R-1. The typical proposed lot size for the CDP is a minimum of 55' X 12', and a minimum lot area of 6,600 square feet. The minimum required lot size in the R-1 zone is 8,800 square feet, with minimum dimensions of 80' x 90'; and a residential density 3.2 for a CDP. The density being proposed is 2.9 units per acre. This information is further illustrated in the table below:

	Proposed Cluster	R-1
Minimum lot area:	6,600 sq ft	8,800 sq ft
Minimum lot width:	55'*	80'
Minimum lot depth:	120'*	90'
Density (units/acre)	2.46	3.2

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

Total lots achievable with R-1: 46
Total lots proposed with Cluster: 40

The existing CDP was approved in September of 2013. The property has yet to be platted or developed. The Unified Development Code states that if a CDP is not platted or developed within 1 year of approval, the CDP shall expire. The UDC allows for the Planning and Zoning Commission to extend the original approval by up to one year prior to the expiration. The applicant is requesting a 1 year extension at this time with no proposed changes to the originally approved CDP.

SURROUNDING ZONING AND LAND USES:

	Zoning	Land Use
North	R-2	Single Family Residential
South	R-1	Undeveloped
East	R-1	One Single Family Home/Vacant
West	PD	Single Family Residential

UNIFIED DEVELOPMENT CODE: The subject property is currently zoned Low Density Residential (R-1). If approved for this site, a CDP would allow the developer to vary the size of lots as long as the overall density of the development does not exceed 3.2

dwelling units per acre, as specified in Section 2.2.4.3 of the Unified Development Code. All other development requirements in the Unified Development Code will be required to be met.

PLATTING STATUS: This property is not platted. Approval of an extension of the CDP is required prior to platting. Formal subdivision platting will be required prior to development.

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

CONFORMANCE WITH THE THOROUGHFARE PLAN: The subject contains frontage on Dixie Farm Road; a major thoroughfare with a minimum right-of-way of 120 feet. Dixie Farm Road is currently constructed as a four lane, divided roadway with a width of approximately 120 feet.

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

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: It is not anticipated that the proposed CDP will have a significant negative impact on existing surrounding developments or future developments. Additionally, as the approved CDP meets the criteria of approval in the Unified Development Code, there are additional assurances that the development should not have a negative impact on existing and future development in the area. The proposed amenities will be an asset to the surrounding neighborhood including the protection of a number of large growth trees along Dixie Farm Road.

STAFF RECOMMENDATION: Staff recommends approval of an extension of the approved Cluster Development Plan, for the following reasons, and with the following conditions:

1) The proposed Cluster Development Plan appears to meet the criteria of approval in the Unified Development Plan.

2) The proposed Cluster Development Plan appears to be compatible with surrounding zoning and uses.

3) The proposed Cluster Development Plan does not appear to have any adverse impact on surrounding zoning and land uses.

Conditions (approved with the original Cluster Development Plan):

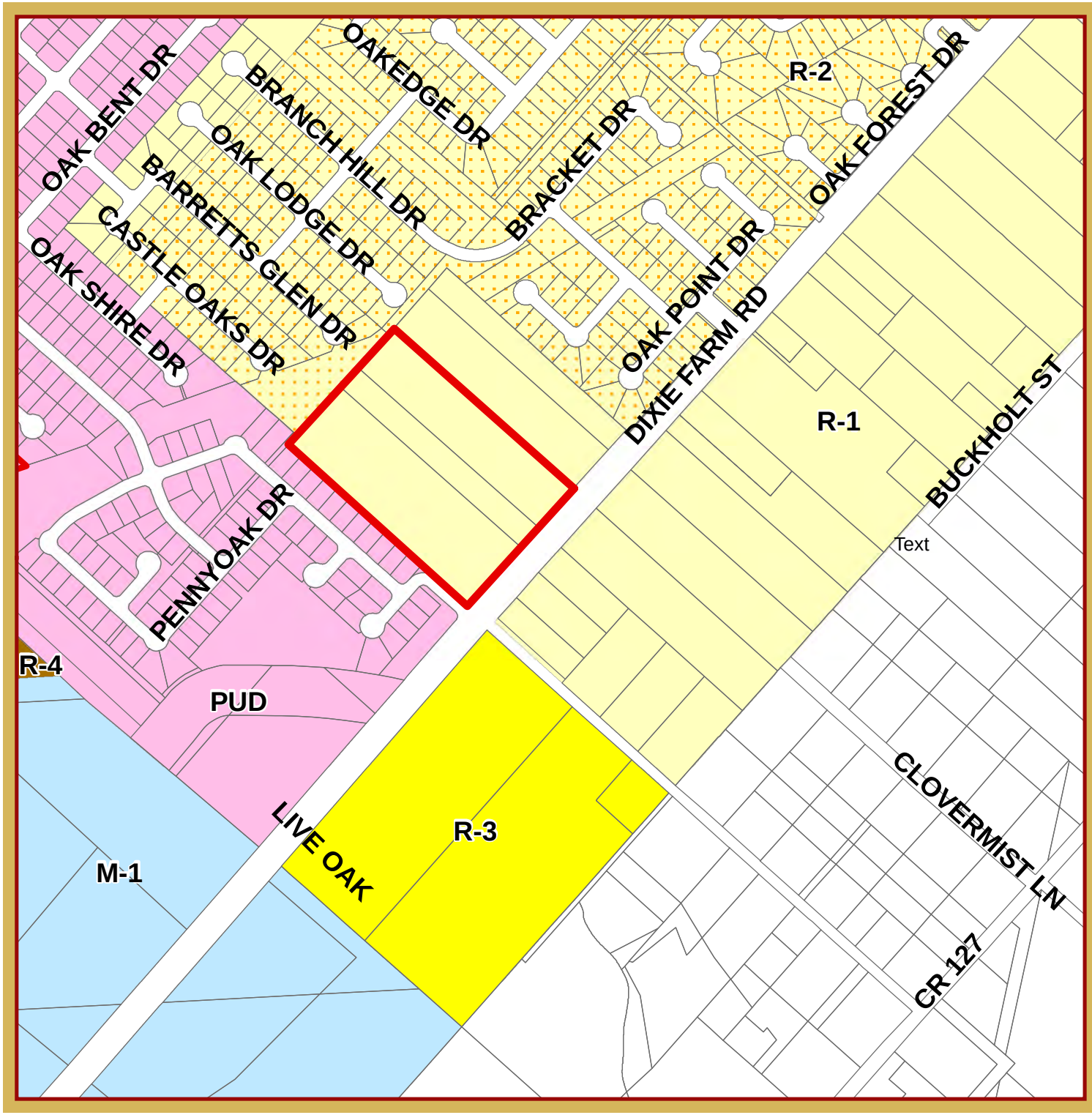
1) Label the overall layout exhibit.

2) Provide a legend for symbols on overall layout exhibit.

3) Masonry fences along the rear portions of the lots adjacent to Dixie Farm Road are required to be installed per 4.2.4.1 (c) (1) of the UDC.

SUPPORTING DOCUMENTS:

- Zoning Map
- Future Land Use Plan
- Aerial Map
- Cluster Plan Exhibit



ZONING MAP

Cluster Development Plan

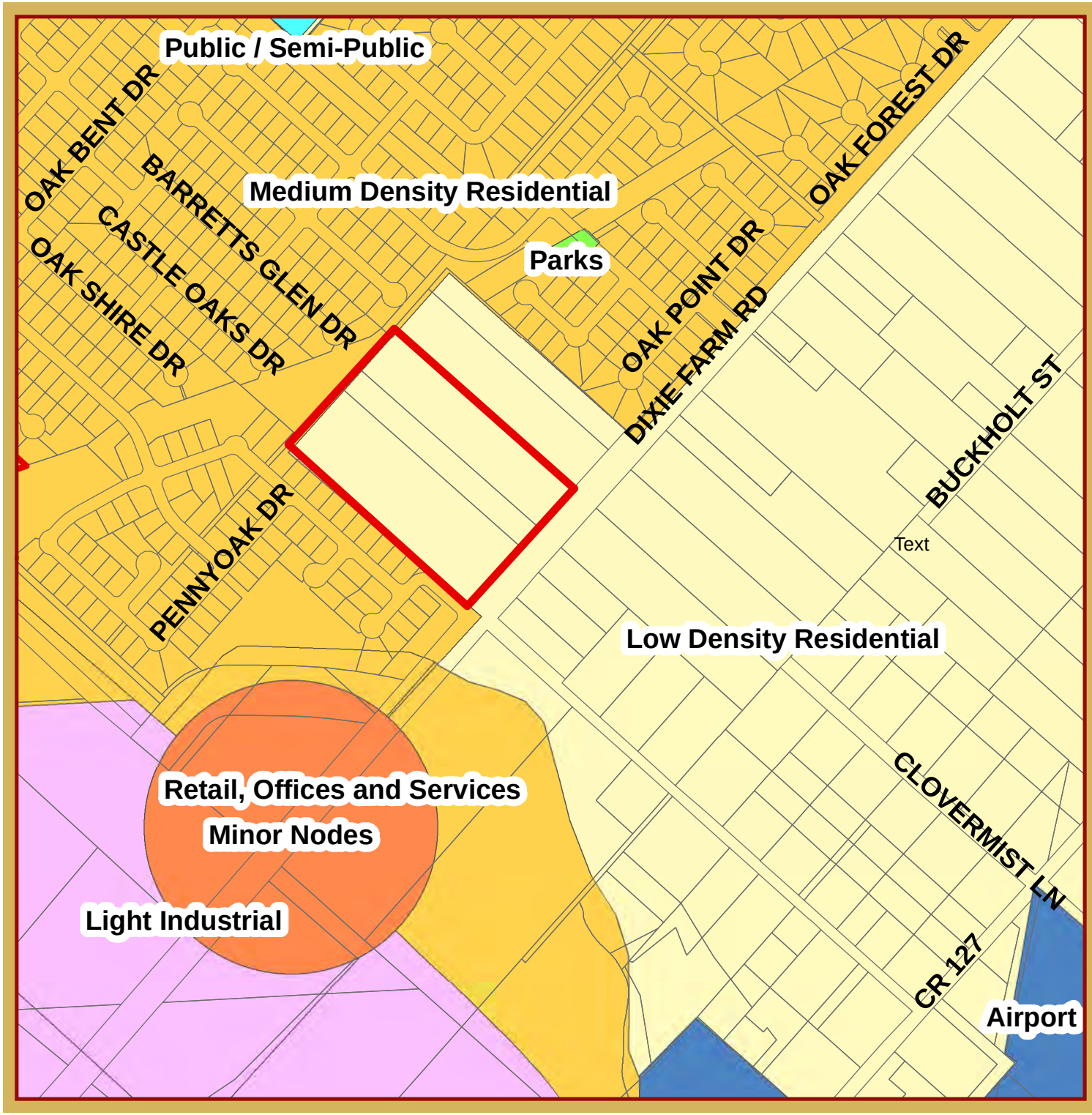
Dixie Farm and Tall Oak Drive

This product is for informational 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.

1 inch = 565 feet

MAY 2014
PLANNING DEPARTMENT

N



FLUP MAP

Cluster Development Plan

Dixie Farm and Tall Oak Drive

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1 inch = 565 feet

MAY 2014
PLANNING DEPARTMENT

N

AERIAL MAP

Cluster Development Plan

Dixie Farm and Tall Oak Drive

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1 inch = 565 feet

MAY 2014
PLANNING DEPARTMENT

N

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

RECEIVED
AUG 18 2014

APPLICATION FOR A CLUSTER DEVELOPMENT PLAN

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

Current Zoning District: R-1 with a cluster plan

Property Information:

Address or General Location of Property: 14.32 Acres
Northeast Corner Dixie Farm Road/Toll Oak Dr.

Tax Account No. Property ID 218941

Subdivision: George W. Jenkins/W.D.C. Hall Survey Lot: _____ Block: _____

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

PROPERTY OWNER INFORMATION:

NAME Kathy Jan Freeman & Kim Freeman c/o James Nanken
ADDRESS 1800 Boring St Ste 500
CITY Houston STATE TX ZIP 77057
PHONE (713) 868 9961
FAX (_____) —
E-MAIL ADDRESS jnanken@weitzmangroup.com

APPLICANT/AGENT INFORMATION:

NAME Karie Johnston / D.R. Horton
ADDRESS 14100 S.W. Freeway suite 500
CITY Sugar Land STATE TX ZIP 77478
PHONE (281) 269 6857
FAX (_____) —
E-MAIL ADDRESS Kjohnston@drhorton.com

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

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

Owner's Signature: Kathy Jan Freeman Date: Aug 5, 2014

Applicant/Agent's Signature: [signature] Date: 8/11/14

OFFICE USE ONLY:

FEES PAID:	DATE PAID:	RECEIVED BY:	RECEIPT NUMBER:

Application No.

Cluster Plan Letter of Intent
Approximately 14.3 Acres
Dixie Farm Road at Tall Oak Drive

Proposed Uses:
The proposed use of the property is single family residential conforming to the requirements of an R-1 cluster plan with a minimum nominal lot size of 55' x 120' and a minimum nominal lot area of 6,600 square feet. The cluster plan enables the preservation of a large grove of mature oak trees in the southwest corner of the property. The primary neighborhood entry will be from Tall Oak Drive traversing the oak grove, creating an inviting and open feel to the community. A centrally located park area will also serve the community with an eight-foot concrete trail providing internal connectivity.

Specific Operations of the Use:
At 3.2 units/acre, a maximum of 44 lots are allowed. The expected price range of homes is $220,000 to $280,000. The property is expected to be developed in one phase.

Square Footage of Buildings:
The homes are expected to range between 1,570 and 3,300square feet.

Unique Characteristics of the Property:
There are two primary constraints affecting this property. First, there is a significant grove of mature oak trees surrounding a former homestead in the southwest corner of the property. The cluster plan conserves these trees as an open space which doubles as the community entry feature.

Second, Dixie Farm Road has no median access point for this property. Consequently, the primary access point is Tall Oak Drive, which abuts the west side of the property and which has a median opening on Dixie Farm Road. The second point of access to meet fire code requirements is planned as a stub street to the undeveloped property abutting the east side of the tract. That tract does have a median access point for Dixie Farm Road which can be utilized when the property develops.

Conformance to Cluster Plan Criteria:

1. <u>Density:</u> The plan depicts 40 lots, resulting in a density of 2.9 units/acre, which is less than the allowable 3.2 units/acre for R-1 zoning.

2. <u>Compliance with Other Zoning Regulations:</u> Development of the property will conform to the other requirements of R-1 zoning with the exception of lot width and area. The minimum nominal lot width is 55 feet and minimum nominal lot area is 6,600 square feet. All lots will have a minimum nominal lot depth of 120 feet, which exceeds the minimum R-1 lot depth of 90 feet.

Proposed Land Uses

Component	Area (acres)
Total Site Area	14.3
Easements	0.7
Open Space Minus Easements (minimum)	2.8
Amenitized Detention	0.0
Non-Amenitized Detention	1.0

3. Buffering: The property is surrounded on all sides by residentially zoned and utilized properties. Additionally, the rear of the parcel abuts a wide pipeline easement. Therefore, no special buffering treatments are planned for the east, west, or north boundaries of the tract.

   The south line of the tract abuts Dixie Farm Road. The required 30-foot setback along Dixie Farm Road will be provided. Additionally, no residential lots will directly back to Dixie Farm Road. The 30-foot setback will open to the oak tree open space on the western portion of the tract and the detention pond on the eastern portion of the tract. Landscaping will seamlessly tie these areas together preserving the open feel that currently exists along Dixie Farm Road. Lots with rear yards visible from Dixie Farm Road and the oak tree open space area will have upgraded wood fencing (base board and cap rail with brick columns) along the rear lot line.

4. Amenities: The total open space will be equal to no less than 2,200 square feet per lot. Amenities s shown on the Lotting and Amenity Plan will include the following improvements:
   a. Preservation of a grove of mature oak trees integrated into the neighborhood open space
   b. An eight-foot concrete trail within the park and oak tree open space connecting to Tall Oak Drive and Dixie Farm Road
   c. Workout stations at various locations along the trail
   d. Benches at various locations
   e. Charcoal barbeque grills with picnic tables
   f. A play structure
   g. Irrigated landscaping throughout the open spaces
   h. Six-foot height upgraded wood fence (rot board and cap rail with brick columns) in the locations shown on the amenity plan

   All amenity items will be completed prior to the issuance of the first single family home certificate of occupancy (excluding models). The applicant acknowledges that financial surety in a form acceptable to the City is required for amenity items not completed prior to recordation of the final plat.

Exhibit: Lotting and Amenity Plan

CHARACTER IMAGES

Open Space & 8' Trail

Open Space & 8' Trail

Playground

Exercise Stations

Site Furnishings

Detailed Area Calculation

Total Site Area=14.6 Acres
Total Area of Easement = 0.74 Acres
Total Open Space minus Easement = 2.81 Acres
Total Area of Amenitized Detention= 0 Acres
Total area of all non-amenitized detention = 1 Acres

Note

The site plan complies with the city overlay standards of 1" shade tree caliper per 10' of frontage and 1" of ornamental tree caliper per 10' of frontage plus an additional 14" of shade tree caliper and an additional 17" ornamental tree caliper more than required.

* 35 Existing trees totaling +/- 525" of caliper will be preserved.

NOTES:

1) All bearings referenced to the Texas Coordinate System, South Central Zone, NAD83 2001 Adj.

2) This survey was prepared from information provided by American Title Company of Houston as agent for Title Resources Guaranty Company, G.F. No. 1499-13-1051, effective date of commitment May 27, 2013 and issued on June 27, 2013. Surveyor did not abstract subject property.

The following items listed in Schedule "B" of the above referenced title commitment are as follows:

Item 10(E) Texas Eastern Transmission Corporation Easement of record in Vol 791, Pg. 365 B.C.D.R. DOES NOT AFFECT SUBJECT TRACTS

Item 10(F) Texas Eastern Transmission Corporation Easement of record in Vol. 661, Pg. 146, B.C.D.R. affects Tract 1, Part 2, said easement has no defined width or location and can not be plotted.

Texas Eastern Transmission Corporation Easement of record in Vol. 667, Pg. 115, B.C.D.R. affects Tract 2, said easement has no defined width or location and can not be plotted

Texas Eastern Transmission Corporation Easement of record in Vol. 673, Pg. 229 affects Tract 1, Part 1 and is shown hereon.

Item 10(G) Humble Pipe Line Company easement set forth and defined in judgement 56,232-D and recorded in Vol. 1384, Pg. 581, B.C.D.R. does not affect Subject tracts.

Humble Pipe Line Company easement set forth and defined in judgement 4,799 in the County Court dated April 15, 1974 has been made available to the surveyor so no determiniation has been made about whether it affects the subject tracts.

Humble Pipe Line Company easements of record in Vol. 710, Pg. 571, B.C.D.R., Vol. 980, Pg. 129, B.C.D.R. and Vol. (88)551, Pg. 195, B.C.O.R. do not affect subject tracts

Humble Oil and Refining Company easements of record in Vol. 505, Pg. 620 affects Tract 1, Part 1 and Tract 2, said easement has no defined width or location and can not be plotted.

Humble Oil & Refining Company easement (50 feet wide) of record in Vol. 512, Pg. 278 and Vol. 706, Pg. 640, B.C.D.R. affects Tract 1, Part 2 and is shown hereon.

Humble Pipe Line Company easement (40 feet wide) of record in Vol. 976, Pg. 636 and Vol. 977, Pg 830 affects Tract 1, Part 2 and is shown hereon

Item 10(H) Phillips Petroleum Company easements recorded in Vol. 647, Pg. 335 and Vol. 1003, Pg 559, B.C.D.R. do not affect subject tract.

Phillips Petroleum Company easement of record in Vol. 647, Pg. 336 affects Tract 1, Part 2, said easement has no defined width or location and can not be plotted.

Item 10(I) The Crown Central Transportation Corporation easement of record in Vol. 328, Pg. 427 affects Tract 1, Part 1 and Tract 2. The easement of record in Vol. 328 Pg 428, B.C.D.R. affects Tract 1, Part 2. Both easements have no defined width or location and can not be plotted. Both easements assigned to Sentinel Pipeline Corp, by instrument of record in Vol. 1568, Pg. 738, B.C.D.R.

Item 10(J) ETC NGL Transport LLC easement of record in File No's. 2011040737, 2011040378 AFFECTS Tract 1, Part 2, and is shown hereon.

Item 10(K) Houston, Lighting & Power Company of record in Vol 1215, Pg 448, B.C.D.R DOES NOT AFFECT SUBJETCT TRACTS.

Item 10(O) Private road easement of record in Vol. 850, Pg. 474, DOES NOT AFFECT THE SUBJECT TRACT.

Item 10(P) Right of way easement deeds of record in Vol. 108, Pg. 540, Vol. 842, Pg. 46, Vol. 842, Pg. 50, Vol. 843, Pg. 141, Vol. 854, Pg. 758, all B.C.D.R. and under File No's. 2004023433, 2004023434 and 2004023435 all B.C.O.R. are a part of the existing right of way of Dixie Farm Road and are not within the subject tracts

Right of way easement deeds of record in Vol. 112, Pg. 320 and Vol. 842, Pg. 41 were not a part of the original parent tracts of this survey

3) The subject tracts lies within Zone "X" (unshaded) as shown on the Federal Emergency Management Agency Flood Insurance Rate Maps, Map No 48039C0045 J and Map No 48039C0065 J, Maps Revised September 22, 1999, Zone "X" (unshaded) is defined as areas outside of 500-year flood. LJA does not warrant, nor subscribe to the accuracy or scale of said maps.

4) Metes and bounds description prepared for subject tract on separate instrument by the undersigned date July 22, 2013.

5) Pipeline locations shown on this survey are approximate and have been plotted based on existing pipeline markers

SURVEYOR'S CERTIFICATE

To: Kathy Freeman a/k/a Kathy Jan Freeman and Kim Freeman, Gehan Homes, LTD. and American Title Company of Houston as agent for Title Resources Guaranty Company:

I hereby certify that on the 22th day of July, 2013:

(a) this survey was made on the ground as per the field notes attached to this survey and correctly shows (i) all corners and points of course change, (ii) the boundaries and areas of the subject property and the size, location and type of buildings and visible improvements thereon (if any) and the distance therefrom to the nearest facing exterior property lines of the subject property; (iii) the location of all rights-of-way, easements and any other matters of record together with appropriate recording references (or of which I have knowledge or have been advised, whether or not of record) affecting the subject property; (iv) all abutting dedicated public streets providing access to the subject property together with the width and name thereof; and (v) all other significant items on the subject property;

(b) except as shown on the survey, there are no (i) visible encroachments upon the subject property by improvements on adjacent property, (ii) encroachments on adjacent property, streets or alleys by any improvements on the subject property, (iii) party walls, or (iv) conflicts or protrusions (see note 5);

(c) the survey shows all roads, streets and rights-of-way which abut and/or are adjacent to the subject property that I am aware of and no gap, strip or gore exists between any such road, street or right-of-way, or adjacent property and the subject property;

(d) adequate ingress to and egress from the subject property is provided by Dixie Farm Road, the same being paved, dedicated public right(s)-of-way maintained by the City of Pearland, Texas;

(e) except as shown on the survey, the subject property does not serve any adjoining property for drainage, utilities or ingress or egress that I am aware of;

(f) The location of each easement, right of way, servitude, and other matters affecting subject property and listed in the Commitment for Title Insurance issued by American Title Company of Houston as agent for Title Resources Guaranty Company under G.F. No. 1499-13-1051, effective date of commitment May 27, 2013 and issued on June 27, 2013, with respect to the subject property, has been shown on the survey, together with appropriate recording references to the extent that such matters can be located. The subject property shown on the survey is the property described in that Title Commitment; (See Note 2)

(g) Metes and bounds description prepared for subject tract on separate instrument by the undersigned dated July 22, 2013, forms a mathematically closed figure; (See Note 4)

(h) no part of the subject property lies within a flood plain or flood prone area or a flood way of any body of water per the Federal Emergency Management Agency Rate Map No. 48039C0045 J and Map No. 48039C0065 J, Revised date September 22, 1999. (See Note 3)

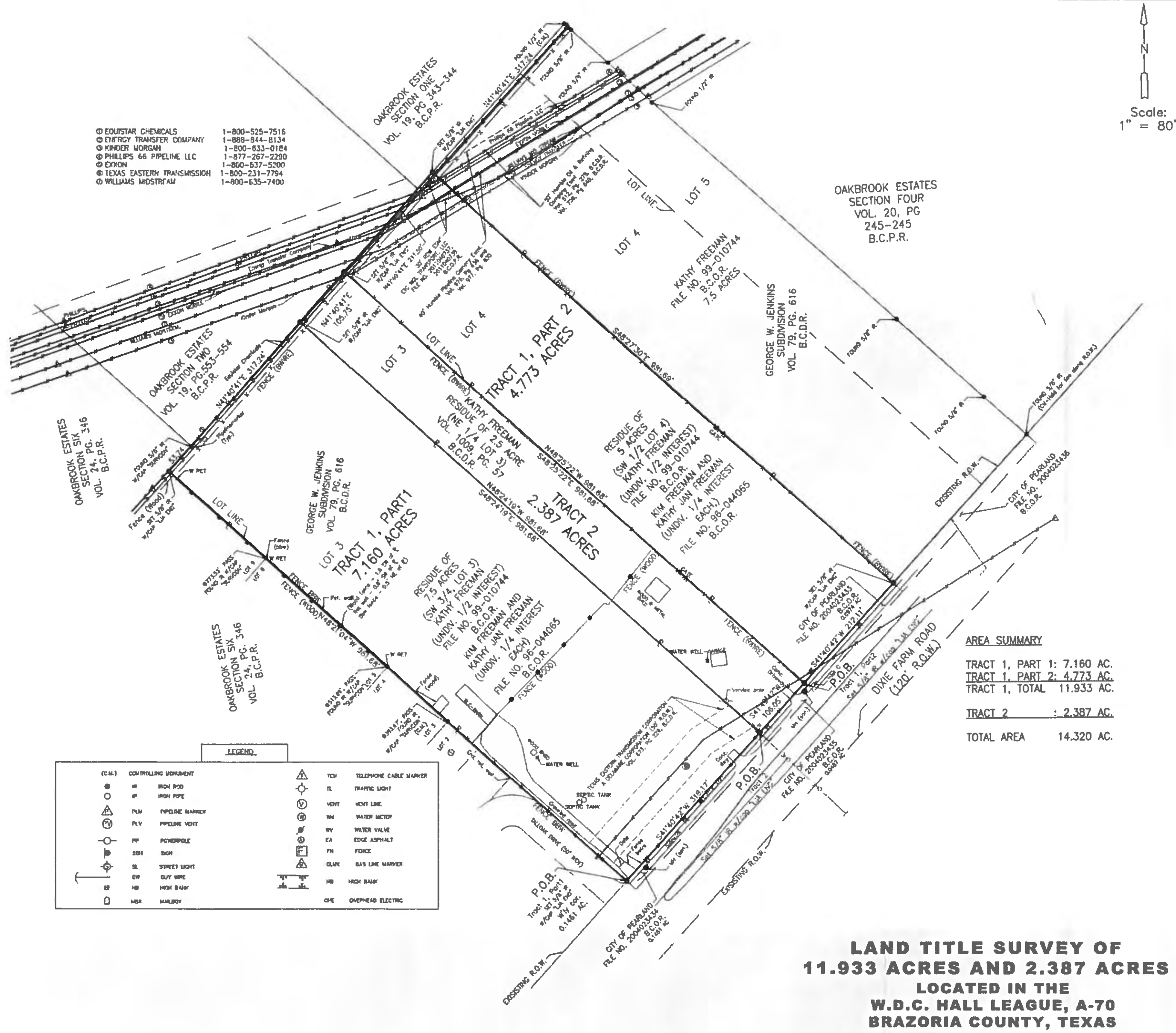
(i) this survey (i) conforms to the current standards promulgated by the Texas Board of Professional Land Surveying, and (ii) substantially complies to the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Condition II Survey.

Dated July 22, 2013

Keith W. Monroe

Keith W. Monroe
Registered Professional Land Surveyor
Texas Registration No. 4797

STATE OF TEXAS
KEITH W. MONROE
4797
LAND SURVEYOR



LEGEND

	(C.M.)	CONTROLLING MONUMENT		TCM	TELEPHONE CABLE MARKER
	IR	IRON ROD		TL	TRAFFIC LIGHT
	IP	IRON PIPE		VENT	VENT LINE
	PLM	PIPELINE MARKER		WM	WATER METER
	PLV	PIPELINE VENT		WV	WATER VALVE
	PP	POWERPOLE		EA	EDGE ASPHALT
	SIGN	SIGN		FN	FENCE
	SL	STREET LIGHT		GLMK	GAS LINE MARKER
	GW	GUY WIRE		HB	HIGH BANK
	HB	HIGH BANK		OHE	OVERHEAD ELECTRIC
	MBX	MAILBOX			

AREA SUMMARY

TRACT 1, PART 1: 7.160 AC.
TRACT 1, PART 2: 4.773 AC.
TRACT 1, TOTAL 11.933 AC.

TRACT 2 : 2.387 AC.

TOTAL AREA 14.320 AC.

LAND TITLE SURVEY OF 11.933 ACRES AND 2.387 ACRES
LOCATED IN THE W.D.C. HALL LEAGUE, A-70 BRAZORIA COUNTY, TEXAS

JULY 2013 JOB NO. 1002-1400

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

July 22, 2013
Job No. 1002-1402

DESCRIPTION OF
11.933 ACRES

Being 11.933 acres of land located in the W.D.C. Hall League, Abstract 70, Brazoria County, Texas, more particularly being a portion of Lot 3 and Lot 4 of the George W. Jenkins Subdivision, a subdivision of record in Volume 79, Page 616 of the Brazoria County Deed Records (B.C.D.R), also being the residue of a 7.5 acre tract (described as the Southwest 3/4 of Lot 3) of which an undivided one-half interest was conveyed to Kim Freeman by instrument of record in File Number 99-010744 of the Brazoria County Official Records (B.C.O.R.), and an undivided one-fourth interest, each, was conveyed to Kim Freeman and Kathy Jan Freeman, by instrument of record in File number 96-044065 of said B.C.O.R., and the residue of a 5 acre tract (described as the Southwest 1/2 of Lot 4) of which an undivided one-half interest was conveyed to Kathy Freeman, by instrument of record in File Number 99-010744, of said B.C.O.R. and an undivided one-fourth interest, each, was conveyed to Kim Freeman and Kathy Jan Freeman, by instrument of record in File Number 96-044065, of said B.C.O.R., said 11.933 acres being more particularly described in two parts as follows (all bearings referenced to the Texas Coordinate System, South Central Zone, NAD 83, 2001 adjustment);

Part 1 (Residue of SW 3/4 of Lot 3)

BEGINNING at a 5/8-inch iron rod with cap stamped "LJA ENG set at the most westerly corner of a called 0.1461 acre tract conveyed to the City of Pearland, by an instrument of record in File Number 2004023434, B.C.O.R., same being on the northwesterly right-of-way line of Dixie Farm road (120 feet wide), being a point on the northeasterly line of Oakbrook Estates, Section Six, a subdivision of record in Volume 24, Page 346 of the Brazoria County Plat Records, B.C.P.R, and a point on the southwesterly line of aforementioned Lot 3.;

Thence, North 48° 21' 04" West, along the northwest line of said Oakbrook Estates, Section Six and the southwest line of said Lot 3, pass at 383.67 feet an iron rod with cap stamped "SURVCON" found for the most easterly common corner of Lot 2 and Lot 3, Block 1 of said Oakbrook Estates, Section Six, pass at 513.69 feet an iron rod with cap stamped "SURVCON" found for the most easterly common corner of Lot 4 and Lot 5, Block 1 of said Oakbrook Estates, Section Six, pass at 773.53 feet an iron rod with cap stamped "SURVCON" found for the most easterly common corner of Lot 8 and Lot 9, Block 1 of said Oakbrook Estates, Section Six, and continuing in all a distance of 981.68 feet to a 5/8-inch iron rod with cap stamped "LJA ENG", same being a reentrant corner on the northeasterly line of said Oakbrook Estates, Section Six and the most westerly corner of aforementioned Lot 3;

Thence, North 41° 40' 41" East, along a southeasterly line of said Oakbrook Estates Section Six and the northwesterly line of said Lot 3, pass at 53.74 feet, a found 5/8-inch iron rod with cap stamped "SURVCON" found marking an angle point on the northeasterly line of said Oakbrook Estates, Section Six and the south corner of Oakbrook Estates, Section Two, a subdivision of record in Volume 19, Page 553-554 of said B.C.P.R., and continuing along the southeasterly line of Oakbrook Estates, Section Two, and along the northwesterly line of aforementioned Lot 3, continuing in all a distance of 317.24 feet to a 5/8-inch iron rod stamped "LJA ENG" set for corner, same being the most westerly corner a 2.5 acre tract (described as the Northeast 1/4 of Lot 3) conveyed to Kathy Freeman by instrument of record in Volume 1009, Page 57 of said B.C.D.R., and the most northerly corner of aforementioned 7.5 acres (described as the Southwest 3/4 of Lot 3) ;

Thence, South 48° 24' 19" East, departing the southeasterly line of said Oakbrook Estates, Section Two, along the common line of said 2.5 acres and said 7.5 acres, 981.68 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner on the northwesterly right-of-way line Dixie Farm Road (120 feet wide), same being the north corner of that certain called 0.1416 acre tract conveyed to the City of Pearland, by an instrument of record in File Number 2004023434, B.C.O.R.;

Thence, South 41° 40' 42" West, along said northwesterly right-of-way line of Dixie Farm Road, 318.17 feet to the POINT OF BEGINNING and containing 7.160 acres of land.

Part 2 (Residue of the Southwest 1/2 of Lot 4)

BEGINNING at a 5/8-inch iron rod with cap stamped "LJA ENG" set for the most southerly corner of the herein described tract of land, same being the north corner of that certain called 0.0487 acre tract conveyed to the City of Pearland, by an instrument of record in File Number 2004023435, B.C.O.R., same being a point on the common line of aforementioned 2.5 acres and aforementioned 5 acres and a point on aforementioned northwesterly right-of-way line of Dixie Farm Road;

Thence, North 48° 25' 22" West, departing said northwesterly right-of-way line of Dixie Farm Road, along the common line of said 2.5 acres and said 5 acres, 981.68 feet to a 5/8-inch iron rod with cap stamped "LJA-ENG" set for corner, same being the most westerly corner of said 5 acres and the most northerly corner of said 2.5 acres, a point on the southeasterly line of aforementioned Oakbrook Estates, Section Two, the most northerly corner of aforementioned Lot 3 and the most westerly corner of aforementioned Lot 4;

Thence, North 41° 40' 41" East, along the northwesterly line of said Lot 4, the southeasterly line of aforementioned Oakbrook Estates, Section Two and Oakbrook Estates Section One of record in Volume 19, Page 343-344, B.C.P.R., 211.50 feet, to a 5/8-inch iron rod with cap stamped "LJA ENG", set for corner, same being the north corner of aforementioned 5 acre tract, from which a 1/2-inch iron rod, found marking a reentrant corner on the south line of said Oakbrook Estates Section One, bears North 41° 40' 41" East, 317.24 feet;

Thence, South 48° 27' 30" East, along the northeasterly line of said 5 acre tract, 981.69 feet to a point for corner on the northwesterly right-of-way line of Dixie Farm Road (120 feet wide), same being the north corner of that certain called 0.0974 acre tract conveyed to the City of Pearland, by an instrument of record in File Number 2004023433, B.C.O.R.;

Thence, South 41° 40' 42" West, along said northwesterly right-of-way line of Dixie Farm Road, 212.11 feet to the POINT OF BEGINNING and containing 4.773 acres of land;

Said Part 1 and Part 2 containing a total of 11.933 acres of land.

This description prepared in conjunction with Land Title Survey prepared by the undersigned dated July 22, 2013.

Keith W. Monroe
Registered Professional Land Surveyor
Texas Registration No. 4797

STATE OF TEXAS
REGISTERED
KEITH W. MONROE
4797
PROFESSIONAL
LAND SURVEYOR

LJA Engineering, Inc.

July 22, 2013
Job No. 1002-1402

DESCRIPTION OF
2.387 ACRES

Being 2.387 acres of land located in the W.D.C. Hall League, Abstract 70, Brazoria County, Texas, more particularly being a portion of Lot 3 of the George W. Jenkins Subdivision, a subdivision of record in Volume 79, Page 616 of the Brazoria County Deed Records (B.C.P.R), also being the residue of a 2.5 acre tract (described as the Northeast 1/4 of Lot 3) conveyed to Kathy Freeman by instrument of record in Volume 1009, Page 57 of said B.C.D.R., said 2.387 acres being more particularly described by metes and bounds as follows (all bearings referenced to the Texas Coordinate System, South Central Zone, NAD 83, 2001 adjustment);

BEGINNING at a 5/8-inch iron rod with cap stamped "LJA ENG" at the north corner of a called 0.1416 acre tract conveyed to the City of Pearland, by an instrument of record in File Number 2004023434, B.C.O.R. same being a point on the common line of aforementioned 2.5 acres and a 7.5 acre tract (described as the Southwest 3/4 of Lot 3) of which an undivided one-half interest was conveyed to Kathy Freeman by instrument of record in File Number 99-010744 of the Brazoria County Official Records (B.C.O.R.), and an undivided one- fourth interest, each, was conveyed to Kim Freeman and Kathy Jan Freeman, by instrument of record in File number 96-044065 of said B.C.O.R. and a point on the northwesterly right-of-way line of Dixie Farm Road (120 feet wide);

Thence, North 48° 24' 19" West, departing said northwesterly right-of-way line of Dixie Farm Road, along the common line of said 2.5 acres and said 7.5 acres, 981.68 feet to a 5/8-inch iron rod with cap stamped "LJA-ENG" set for corner, same being the most westerly corner of said 2.5 acres and the most northerly corner of said 7.5 acres, a point on the southeasterly line of Oakbrook Estates, Section Two, a subdivision of record in Volume 19, Page 553-554 of the Brazoria County Plat Records, B.C.P.R. and a point on the northwesterly line of aforementioned Lot 3;

Thence, North 41° 40' 41" East, along the northwesterly line of said Lot 3, and the southeasterly line of said Oakbrook Estates, Section Two, 105.75 feet to a 5/8-inch iron rod with cap stamped "LJA-ENG" set for corner, same being the most westerly corner of a residue of a 5 acre tract (described as the Southwest 1/2 of Lot 4) of which an undivided one-half interest was conveyed to Kathy Freeman, by instrument of record in File Number 99-010744, of said B.C.O.R. and an undivided one-fourth interest, each, was conveyed to Kim Freeman and Kathy Jan Freeman, by instrument of record in File Number 96-044065, of said B.C.O.R., the most northerly corner of said 2.5 acres and the most northerly corner of said Lot 3;

Thence, South 48° 25' 22" East, departing the southeasterly line of said Oakbrook Estates, Section Two, along the common line of said 2.5 acres and said 5 acres, 981.68 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner on aforementioned northwesterly right-of-way line of Dixie Farm Road (120 feet wide), same being the north corner of that certain called 0.0487 acre tract conveyed to the City of Pearland, by an instrument of record in File Number 2004023435, B.C.O.R.;

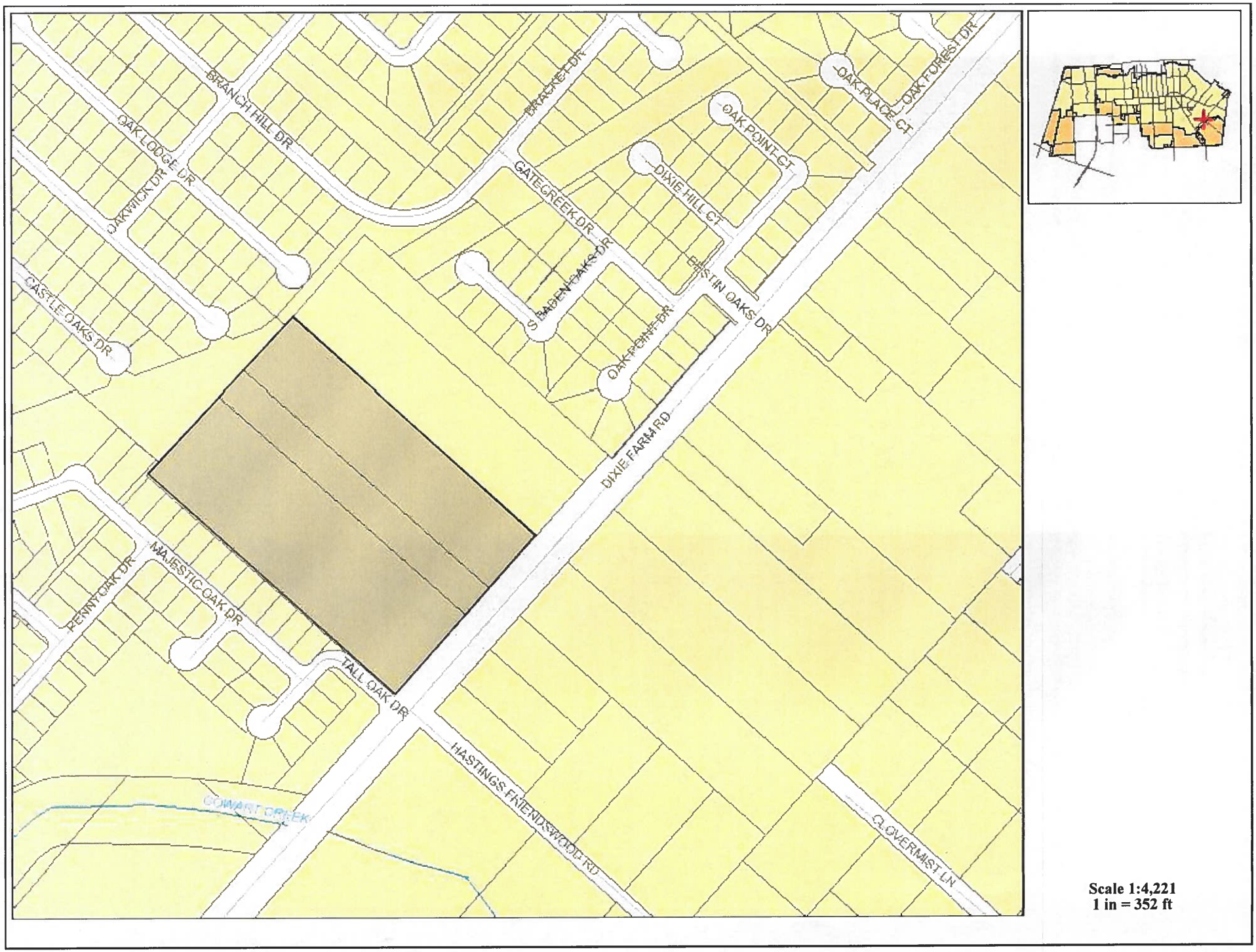
Thence, South 41° 40' 42" West, along said northwesterly right-of-way line of Dixie Farm Road, 106.05 feet to the POINT OF BEGINNING and containing 2.387 acres of land;

This description prepared in conjunction with Land Title Survey prepared by the undersigned dated July 22, 2013.

Keith W. Monroe
Registered Professional Land Surveyor
Texas Registration No. 4797

STATE OF TEXAS REGISTERED KEITH W. MONROE 4797 PROFESSIONAL LAND SURVEYOR

LJA Engineering, Inc.



Scale 1:4,221
1 in = 352 ft

APPLICATION CHECKLIST FOR THE FOLLOWING
Cluster Development

☑ Application, filled out completely, and signed by the owner of the property to be considered for the conditional use permit

☑ Metes and Bounds Description, (Survey, or a Plat of the property that provides or contains the metes and bounds description).

☑ Parcel map, printed from the City of Pearland website, indicating the location and boundaries of the subject property.

☑ Letter of Intent, explaining the cluster development request in detail, specifying:

- Proposed uses,
- Specific operations of the use,
- Square footage of buildings,
- Unique characteristics of the property,
- How the criteria of the Cluster Plan is met:
  - The Cluster Development Plan meets the standards for residential density as outlined in the Unified Development Code (UDC):
  - The Cluster Development Plan is consistent with other zoning district regulations, except minimum lot size, width and depth. Indicate deviation.
  - Provide details for the following:
    - Total site area
    - Total area of all easements
    - Total of all open space minus the easements
    - Total area of all amenitized detention
    - Total area of all non-amenitized detention
  - The Cluster Development Plan contains sufficient buffering to assure compatibility with adjacent uses and the character of the neighborhood.
  - The Cluster Development Plan provides open space and amenities to the development that could not be achieved through application of minimum lot size standards. As referred to herein, open space and amenities do not include any land dedicated to the City under the parkland dedication requirement in Chapter 3, Article 2, Division 10.
    - Amenities should be prominent and easily accessible to the entire development. Examples include trails, pocket parks, water features, enhanced entry way, upgraded fencing, decorative street signs and lights, playground, club house, pools, gazebos, outdoor picnic and cooking facilities, access to surrounding natural features and facilities etc.
    - **Definition of Amenity:** Aesthetic or other characteristics of a development that increase its desirability visually, desirability to the City of Pearland, and/or its marketability to the public. Amenities may vary according to the type and nature of development, but examples include a naturalized retention/detention pond (refer to definition herein), a recreational facility, landscaping, or large trees.

- **Definition of Amenitized Detention Pond:** An area that is designed to capture, store and release stormwater and that is designed as a site amenity by being aesthetically pleasing, by meeting the definition of "open space" herein, and be being constructed to seem natural (i.e., without visible concrete). Such areas have a natural edge and are constructed to resemble a naturally created lake or pond. Also refer to the definition of "amenity" below.

☑ Application fee, by cash, check made payable to the City of Pearland, or credit card (Visa and MasterCard only)

- **0 to <25 acres:** $400.00
- **25 to <50 acres**: $450.00
- **50 to <75 acres:** $500.00
- **75 to <100 acres:** $550.00
- **100 acres and above:** $600.00

☑ Site Development Plan showing the proposed layout of the subject property, including any proposed buildings, parking, landscaped areas, detention ponds, fences, amenities, and any other relevant information

ZONE CHANGE/ VARIANCE/PLAT/RECORDATION

$400.00 (circle one) **BA** or **PF** or **FE**

Description: ***Input who the check is from***

COMMENTS/DESCRIPTION (F10):

Location or Address 14 acre Dixie Farm Rd Cluster plan

Applicant Karie Johnston | DR Horton

Owner Alan Muellar

RECEIVED
AUG 18 2014

CITY OF PEARLAND
*** CUSTOMER RECEIPT ***

Oper: AGONZALES Type: OC Drawer: 1
Date: 8/18/14 01 Receipt no: 321108

Description	Quantity	Amount
BA	BOARD OF ADJUSTMENTS 1.00	$400.00
Trans number:		4561949

BOARD OD ADJ.-14 ACRE DIXIE FA
RM RD. CLUSTER PLAN
KARIE JOHNSTON/DR HORTON
ALAN MUELLAR

Tender detail

CK CHECK	168389	$400.00
Total tendered		$400.00
Total payment		$400.00

Trans date: 8/18/14 Time: 10:22:59

P&Z AGENDA ITEM

B

JOINT PUBLIC HEARING
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS,
MONDAY, SEPTEMBER 15, 2014, AT 6:30 P.M.
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

I. CALL TO ORDER

II. PURPOSE OF HEARING

Conditional Use Permit Application No. 2014-08

A request of Pirooz Farhoomand, applicant; on behalf of Artisan Estates, L.P., owner; for approval of a Conditional Use Permit to allow for a Church, Temple, or Place of Worship in the Neighborhood Services (NS) Zoning District; on approximately 2.225 acres of land, to wit:

Legal Description: Being a tract of land containing 2.225 acre (96,940 square feet) tract of land in the H.T. & B.R.R. Co. Survey, Abstract 309, Brazoria County, Texas. Said 2.225 acre tract is in the south one-half of Lot 30 of the Allison-Richey Gulf Coast Home Company's part of Suburban Gardens Subdivision as recorded in Volume 2, Page 23 of the Brazoria County Map records and is further described as being part of a tract of land described in a deed conveyed from Garfield Clark, Jr. to Danny L. Blumrick executed on March 10, 1999 as recorded in Clerk's file No. 99 012327 in the Brazoria County Clerk's and all of a 0.9326 acre tract of land described in a deed conveyed from Garfield Clark, Jr. to Danny L. Blumrick executed on November 28, 2000 as recorded in Clerk's File No. 01 034492 in the Brazoria County Clerk's Office, Brazoria County, Texas

General Location: 3030 Cullen Parkway, Pearland, TX

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT
B. APPLICANT PRESENTATION
C. STAFF WRAP UP

IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

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

Memo

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: September 15, 2014

Re: Conditional Use Permit Application Number 2014-08

A request of Pirooz Farhoomand, applicant; on behalf of Artisan Estates, L.P., owner; for approval of a Conditional Use Permit to allow for a Church, Temple, or Place of Worship in the Neighborhood Services (NS) Zoning District; on approximately 2.225 acres of land, located at 3030 Cullen Parkway, Pearland, TX

Proposal

The subject property includes approximately 2.225 acres of land, of which the applicant is requesting a Conditional Use Permit in the Neighborhood Services (NS) zoning district to allow for a church use to occupy a tenant space within the existing multi-tenant building on site.

Originally, the applicant requested a zone change from NS to GB. The existing building on site currently sits 15.5 feet from the rear property line which meets the requirements of the NS zone but would be nonconforming within the GB zone as the GB zone requires a minimum rear yard of 25 feet. As the building would not conform to the standards of the GB zoning district, the applicant requested to change the submitted application to a request for a CUP to allow for a church use to locate on site.

Public Notification/Comment

Staff sent public notices, comment forms and a vicinity map to the applicant, owner of the property and to property owners within 200 feet of the site. Additionally, a legal notice of public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant.

As of the date of this writing, staff has not received any returned notices from property owners within 200 feet of the site in favor or in opposition to the request.

Recommendation

Staff recommends approval of the CUP 2014-08 to allow for a church use to locate at the proposed site for the following reasons:

1. The proposed CUP is in conformance with the Comprehensive Plan, as the current site has a future land use designation of Office, Retail and Services. The NS zone with an approved CUP is an appropriate zoning classification based on the Comprehensive Plan recommendation.

2. The existing use of the subject property as a multi-tenant shopping center conforms to the existing zoning district of NS. With an approved CUP, the use of a Church would also conform to the guidelines of the UDC. Furthermore, the existing structure on site was built in 2007 and conforms to all development guidelines of the UDC.

3. The proposed CUP will not have a negative impact on the existing character of the neighborhood. The subject property is surrounded by commercial uses and/or zoning districts on three sides with a single family subdivision across Fite to the south. The site is already developed as a multi-tenant commercial shopping center with no current plans to expand. The addition of a church within an existing tenant space on site will not have a significant impact to the immediate area.

Exhibits

1. Staff Report
2. Aerial Map
3. Zoning Map
4. Future Land Use Map
5. Notification Map
6. Notification List
7. Applicant Packet

Exhibit 1
Staff Report

Summary of Request

The subject property includes approximately 2.225 acres of land, of which the applicant is requesting a Conditional Use Permit in the Neighborhood Services (NS) zoning district to allow for a church use to occupy a tenant space within the existing multi-tenant building on site.

Site History

The subject property is developed with a 10,920 square foot multi-tenant retail building. According to Brazoria County Appraisal District records, the building was constructed in 2007. The property was annexed into the City of Pearland in 1997. The property obtained a zone change in 2001 changing it from Suburban Development (SD) to the current zoning of Neighborhood Services (NS).

The site is surrounded by the GB zoning district to the north, west and east with properties south of the site located within the Single Family Residential-2 (R-2) and NS zoning districts. Surrounding uses include undeveloped land directly abutting the site to the west and east across Cullen Parkway; Medical offices to the north; and a barber shop adjacent to the south with single family dwellings across Fite Road.

The below table identifies surrounding uses and zoning districts:

	Zoning	Land Use
North	General Business (GB)	Medical Offices
South	Single Family Residential-2 (R-2) Neighborhood Service (NS)	Barber Shop Single Family Subdivision
East	General Business (GB)	Undeveloped Commercial
West	General Business (GB)	Undeveloped Commercial

Conformance with the Unified Development Code

The existing use of the subject property as a multi-tenant shopping center conforms to the existing zoning district of NS. The purpose of the aforementioned zoning district is to permit a variety of low to moderate impact retail along with offices and other types of neighborhood uses that would fit well with surrounding residential neighborhoods. When a change in use occurs on a piece of property there are certain triggers, including compliance with screening/fencing and parking requirements. The current site was developed in 2007, after the adoption of the UDC. The current development appears to meet the requirements of the UDC under the NS guidelines. Originally, the applicant requested a zone change from NS to GB, The existing building on site currently sits 15.5 feet from the rear property line which meets the requirements of the NS zone but would be nonconforming within the GB zone as the GB zone requires a minimum rear yard of 25 feet. As the building would not conform to the standards of the GB zoning district, the applicant requested to change the submitted application to a request for a CUP to allow for a church use to locate on site.

A comparison of the existing NS and proposed GB zoning districts follow as it relates to the site in terms of the general regulations:

NS Requirements		**Subject Property**
Minimum Lot Area	12,500 square feet	96,940 square feet
Minimum Lot Width	100 feet	510 feet
Minimum Lot Depth	100 feet	177.24 feet
Minimum Front Yard	25 feet	105 feet
Minimum Side Yard	15 feet	122 feet (north) 155 feet (south)
Minimum Rear Yard	10 feet	15.5 feet

Conformance with the Comprehensive Plan

The site is located within the Retail, Offices, and Services future land use designation. According to the Comprehensive Plan, the aforementioned future land use designation is designed for neighborhood or convenience shopping centers preferably located at significant street intersections with limited outdoor retail activities. The existing NS zone is listed in the Comprehensive Plan as an appropriate zoning designation for the Retail, Offices, and Services future land use designation.

Conformance with the Thoroughfare Plan

The property has frontage on Cullen Parkway; a major thoroughfare of sufficient width which requires 120 feet of right-of-way, as well as Fite Road; a minor collector, which according to the thoroughfare plan is to be widened, and requires 60 feet of right-of-way.

Platting Status

The property was platted in March of 2006 as the Final Plat of The Village at Pearland.

Availability of Utilities

The subject property has access to public infrastructure, and according to the Utility Billing Department, is connected to public water and sewer. According to GIS records, there is an existing 12 inch water line along the east side of Cullen Parkway. Additionally, there is an existing 24 inch sewer line along the east side of Cullen Parkway and an 18 inch line along Fite Road. No expansion is proposed at this time. Therefore, it is not anticipated that any additional connections to city water or sewer will be required.

Impact on Existing and Future Development

The subject property is surrounded by commercial uses and/or zoning districts on three sides, many of which have yet to be developed. There is a single family subdivision across Fite and an adjacent home converted to a barber shop to the south. The subject parcel is currently developed as a multi-tenant commercial shopping center with no current plans to expand. The proposed CUP will allow for a church use to occupy one of the existing tenant spaces. The NS zone allows for a variety of office and retail uses to locate within the existing structure, thus it is not anticipated that a church use will have a significant impact.

Additional Comments

The request has been reviewed by the City's Development Review Committee (DRC), and there were no additional comments from other departments at the time of this report.

Public Notification

Staff sent public notices, comment forms and a vicinity map to the applicant, the owner of the property and to property owners within 200 feet of the subject property under consideration for the CUP. Additionally, a legal notice of the public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant.

Opposition to or Support of Proposed Request

As of the date of this writing, staff has not received any comments either in opposition to or in support of the proposed change in zoning request.

Recommendation

Staff recommends approval of the CUP 2014-08 to allow for a church use to locate at the proposed site for the following reasons:

1. The proposed CUP is in conformance with the Comprehensive Plan, as the current site has a future land use designation of Office, Retail and Services. The NS zone, with an approved CUP is an appropriate zoning classification based on the Comprehensive Plan recommendation.

2. The existing use of the subject property as a multi-tenant shopping center conforms to the existing zoning district of NS. With an approved CUP, the use of a Church would also conform to the guidelines of the UDC. Furthermore, the existing structure on site was built in 2007 and conforms to all development guidelines of the UDC.

3. The proposed CUP will not have a negative impact on the existing character of the neighborhood. The subject property is surrounded by commercial uses and/or zoning districts on three sides with a single family subdivision across Fite to the south. The site is already developed with a multi-tenant commercial shopping center with no current plans to expand. The addition of a church within an existing tenant space on site will not have a significant impact to the immediate area.

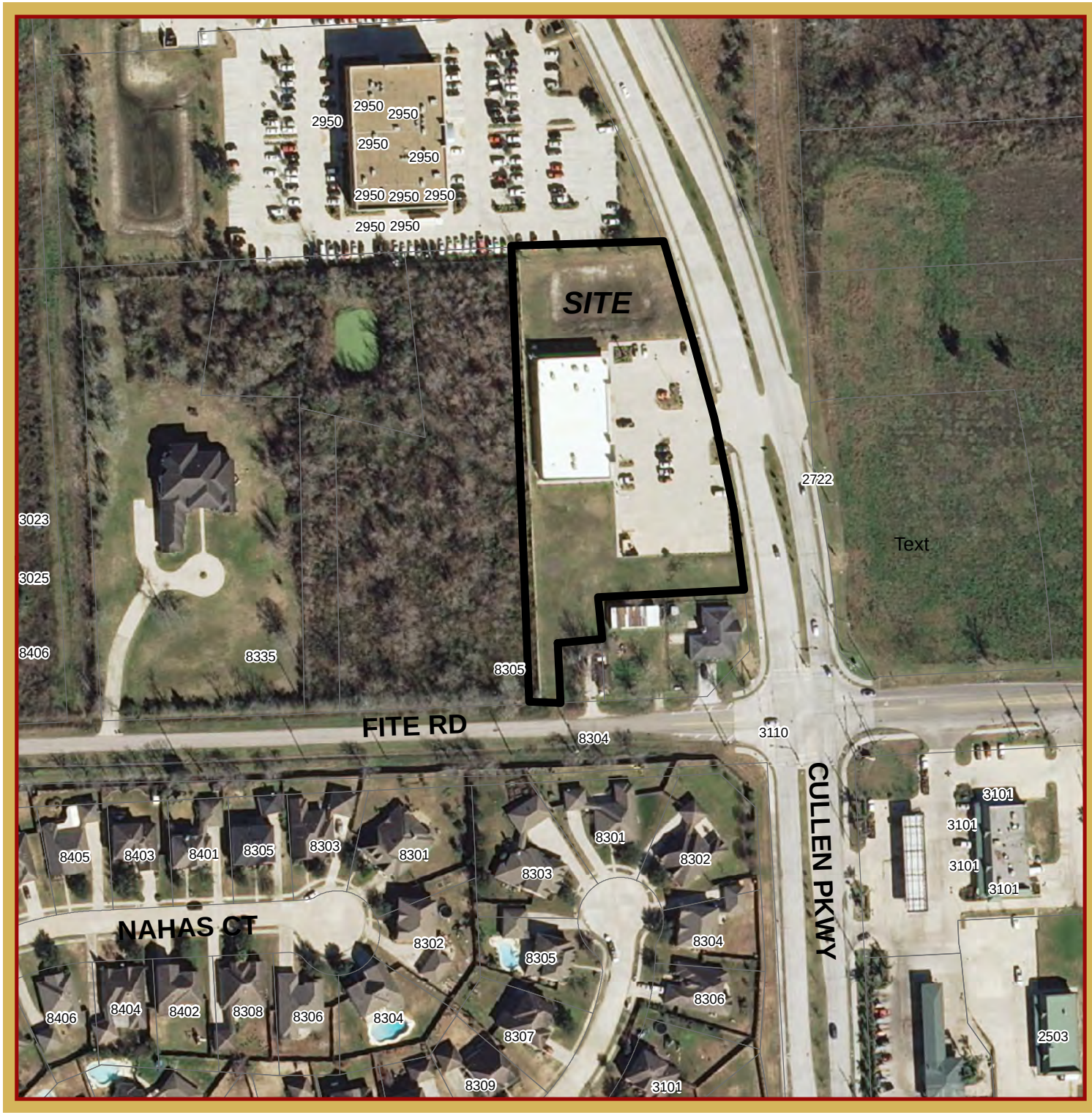


Exhibit 2

AERIAL MAP

CUP 2014-08

3030 Cullen Pkwy.

This product is for informational 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.

1 inch = 163 feet

MAY 2014
PLANNING DEPARTMENT

N

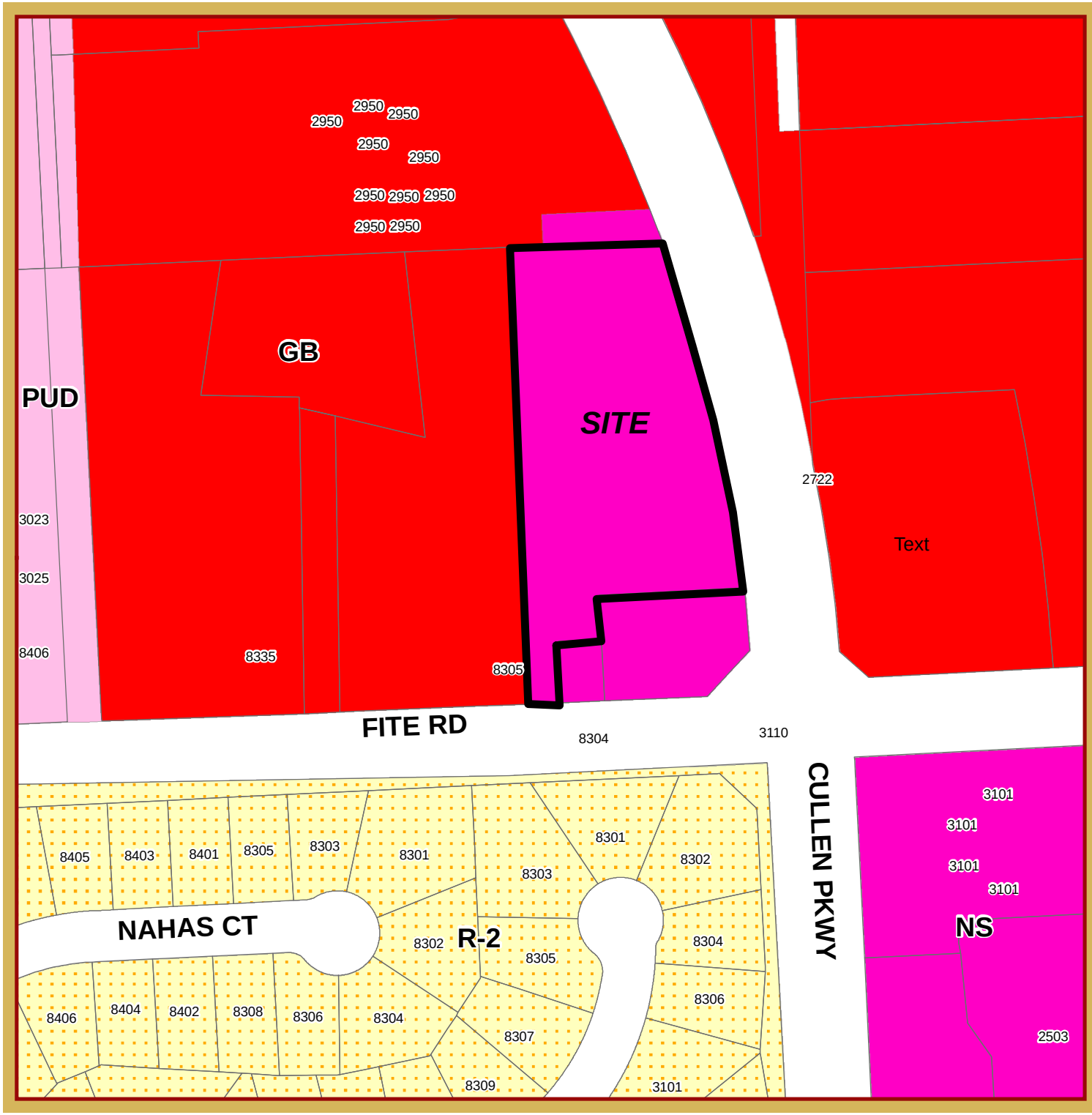


Exhibit 3

ZONING MAP

CUP 2014-08

3030 Cullen Pkwy.

This product is for informational 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.

1 inch = 163 feet

MAY 2014
PLANNING DEPARTMENT

N

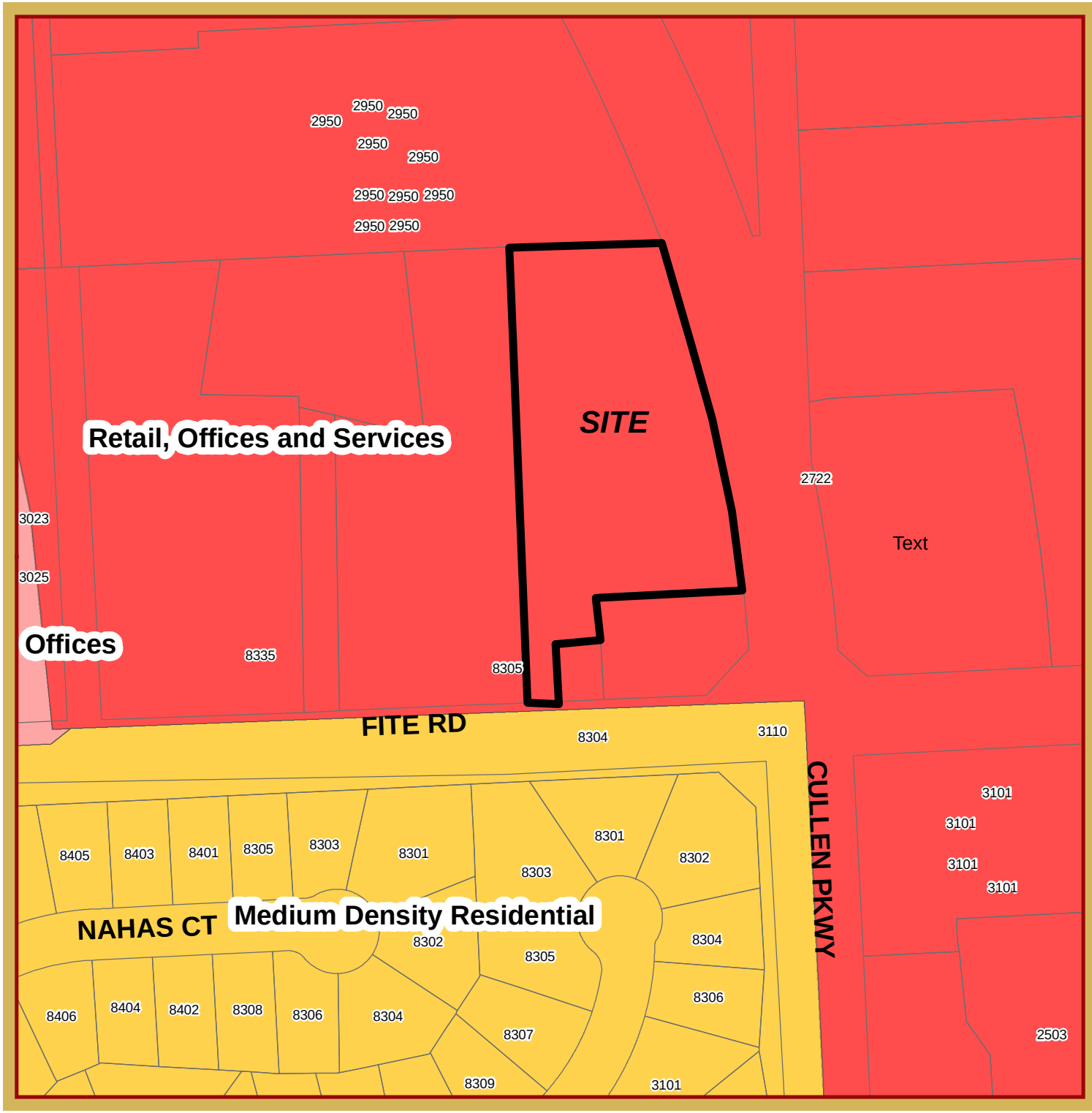


Exhibit 4

FLUP MAP

CUP 2014-08

3030 Cullen Pkwy.

This product is for informational 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.

1 inch = 163 feet

MAY 2014
PLANNING DEPARTMENT

N

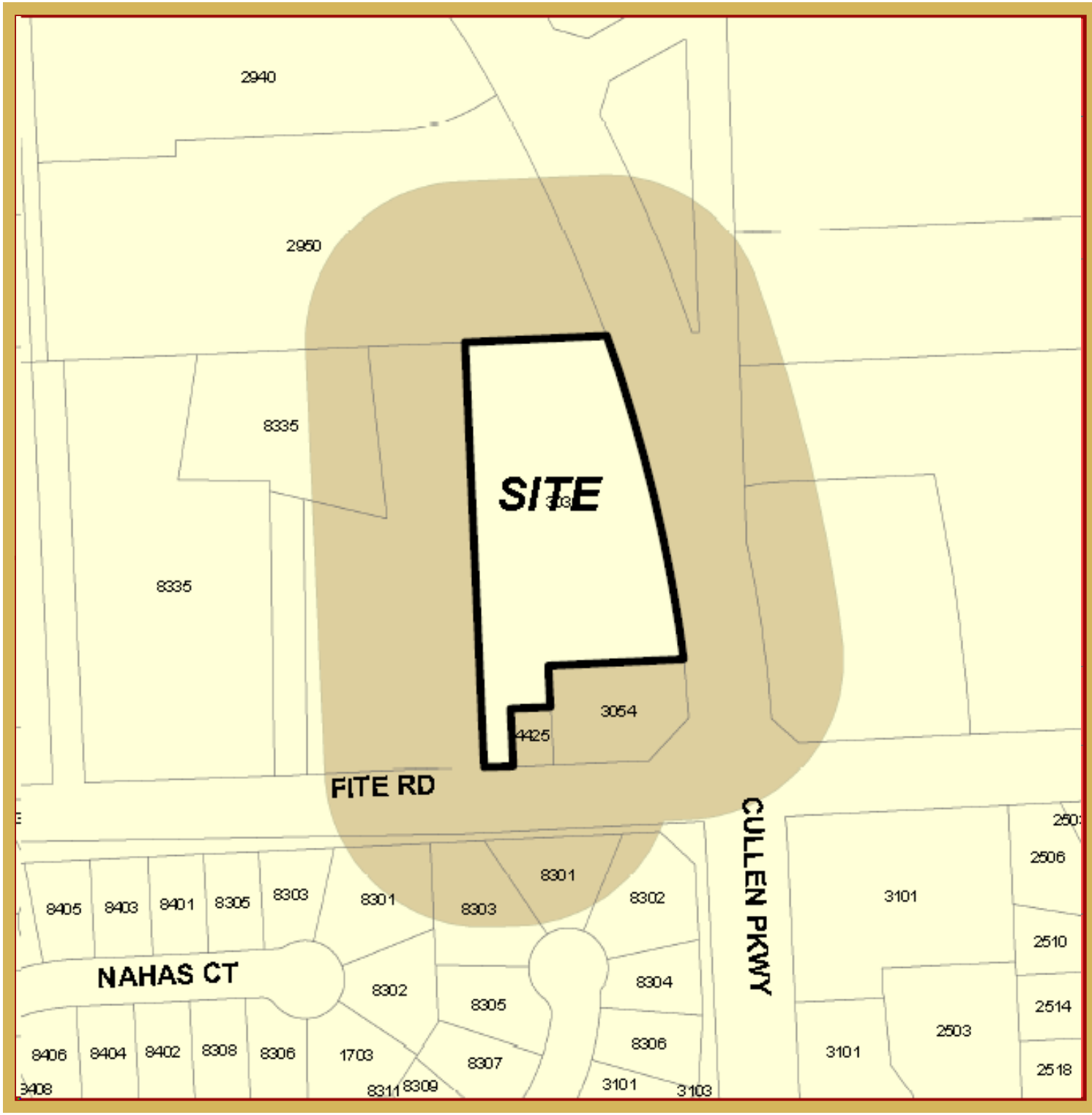


Exhibit 5

NOTIFICATION MAP

CUP 2014-08

3030 Cullen Pkwy.

This product is for informational 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.

1 inch = 163 feet

MAY 2014
PLANNING DEPARTMENT

N

Exhibit 6

CUP 2014-08
NOTIFICATION LIST

Property Owner	Address	Suite	City	State	Zip
HTA - PEARLAND CULLEN LLC	16435 N SCOTTSDALE RD	STE 320	SCOTTSDALE	AZ	85254
FITE INTEREST LTD	9337B KATY FWY		HOUSTON	TX	77024
THE LAKES AT EDGEWATER ESTATES	8711 HIGHWAY 6 N	STE 270	HOUSTON	TX	77095
MA WENBIN & ZHONG HUIPING	3210 BRUNO WAY		PEARLAND	TX	77584
MCKELVEY DAVID M & ANNETTE	8303 PRESTON DR		PEARLAND	TX	77584
CAZARES JANET KAY	1412 BUCKINGHAM DR		ORANGE	TX	77632
RICHARD-JORDON NENNETTE	8302 PRESTON DR		PEARLAND	TX	77584
WYCHE FREEMAN T II & OLLIE	8335 FITE RD		PEARLAND	TX	77584
SOUTHWESTERN BELL TELE CO	1 BELL CTR		SAINT LOUIS	MO	63101
TURNER LONNIE ET UX	PO BOX 330766		HOUSTON	TX	77233
ARTISAN ESTATES LP	802 TIBER ST		HOUSTON	TX	77024
FITE INTEREST LTD	9337B KATY FWY		HOUSTON	TX	77024
FITE OFFICE PARK LTD	9337B KATY FWY		HOUSTON	TX	77024

APPLICATION FOR A CHANGE IN ZONING

City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281-652-1765
281-652-1702 fax
www.cityofpearland.com

Current Zoning District: NEIGHBORHOOD SERVICE DISTRICT

Proposed Zoning District: GENERAL BUSINESS RETAIL DISTRICT

Property Information:

Address or General Location of Property: 3030 CULLEN PARKWAY, PEARLAND, TX 77584

Tax Account No. 0309 0044 000

Subdivision: VILLAGE AT PEARLAND Lot: A030PHT4 Block: 1 TRACK 1 BBR

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

PROPERTY OWNER INFORMATION:

NAME ARTISAN ESTATES L.P.
ADDRESS 802 TIBER
CITY HOUSTON STATE TX ZIP 77584
PHONE(832) 628-1000
FAX(_____)
E-MAIL ADDRESS PF3455@MSN.COM

APPLICANT/AGENT INFORMATION:

NAME VIRDOZ FARHOOMAND
ADDRESS 802 TIBER
CITY HOUSTON STATE TX ZIP 77024
PHONE(832) 628-1000
FAX(_____)
E-MAIL ADDRESS PF3455@MSN.COM

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

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

Owner's Signature: _____ Date: 7/9/14

Agent's/Applicant's Signature: _____ Date: 7/9/14

OFFICE USE ONLY:

FEES PAID: $775.00	DATE PAID: 7/15/14	RECEIVED BY: JM	RECEIPT NUMBER: 290468

Application No. 2014-147

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

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

Such sign(s) shall be located as follows:

(1) One (1) sign per street frontage shall be located within thirty feet (30') of the abutting street, or as determined by the City.

(2) So as to be clearly visible and readable from the public right-of-way and not obstructed in any manner.

(3) So as not to create a hazard to traffic on the public rights-of-way abutting the property.

(4) On the subject property at least ten (10) days prior to the hearing of such zoning change request by the Planning and Zoning Commission, and to remain continuously on said property until final action by the City Council or withdrawal of the case by the applicant. Removal of the sign by the applicant prior to a recommendation by the Planning and Zoning Commission and/or a final decision by the City Council shall constitute a withdrawal of the request.

(5) The signs shall be as follows:

- A minimum sign size of 2 feet by 3 feet, but no larger than 4 feet by 4 feet
- At least 2 feet above the ground
- Blue or black lettering that is a minimum of 3 inches by 1/2 inch, on a white background
- Message content as follows:

PROPOSED (SPECIFY REQUEST)
Contact City of Pearland
281-652-1765

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

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

Acknowledgement signature _____ Date 7/15/14

Johnna Matthews

From: P Far <pf3455@msn.com>
Sent: Thursday, September 04, 2014 9:04 PM
To: Johnna Matthews
Subject: Re: Zone Change to CUP

Ms. Mathews,

Per our discussion earlier this morning, please accept this e mail as an official request to convert the zone change application to the Conditional Use Permit to allow a church (new tenant) to occupy a portion of the subject building located at 3030 Cullen Parkway.

Thanks,
Pirooz Farhoomand, president (owner)
802 Tiber street
Houston, Texas 77024
832 628 1000
Sent from my iPhone

On Sep 4, 2014, at 11:48 AM, "Johnna Matthews" <JMatthews@pearlandtx.gov> wrote:

> Pirooz,
>
> After a thorough review of the zone change application you submitted for the property located on Fite and Cullen, staff has determined that the rear yard setback requirements do not meet the requirements of the proposed zoning district. Per our discussion this morning, please send me a letter requesting to convert the zone change application to a conditional use permit, as I originally suggested; to allow for a church.
>
> Thanks!
>
> **Johnna Matthews**| City Planner | Planning
> City of Pearland | 3519 Liberty Drive | Pearland, TX 77581
> T: 281.652.1740 C: 832.919.0889 F:
> pearlandtx.gov
>
> Please note my new email address of JMatthews@pearlandtx.gov

RECEIVED
AUG 1 2014

8/1/2014

MS. Johnna Matthews

City of Pearland

Community Development Department

3523 Liberty

Pearland, Texas 77581

Re: Request for zone change

3030 Cullen Parkway

Pearland, Texas 77584

Ms. Matthews,

Per our discussion yesterday, enclosed, please find a copy of revised request for the zone change for the property listed above.

If you have any questions or additional clarifications, please contact me at 832 628 1000.

Thanks,

Pirooz Farhoomand

8/1/2014

RECEIVED
AUG 1 2014

Ms. Johnna Matthews

City of Pearland

Community Development Department

3523 Liberty

Pearland, Texas 77581

Subject: **Request for change of Zone**

3030 Cullen Parkway

Pearland, Texas 77584

I, Pirooz Farhoomand, the owner/president of Artisan Estates, L.P. do hereby, request and submit an application for approval of zone change from *Neighborhood Services District* to *General Business Retail District* for the subject property listed above.

The change in zoning provides an opportunity for the interested tenant, Dominion International Center, a non-denominational Church to utilize a portion of the available space (4371 square feet) within the subject building. It is the intention of the tenant to use the space as its worship center. The services will be on Wednesday evenings from 7:00 pm to 9:00 pm and on Sunday morning between the hours of 10:00 am to 12:00 pm. The location is suitable for the intended use with enough available parking spaces.

I would appreciate your consideration and expedition of the said request.

If you have any questions, please do not hesitate to contact me at 832 628 1000.

Very truly,

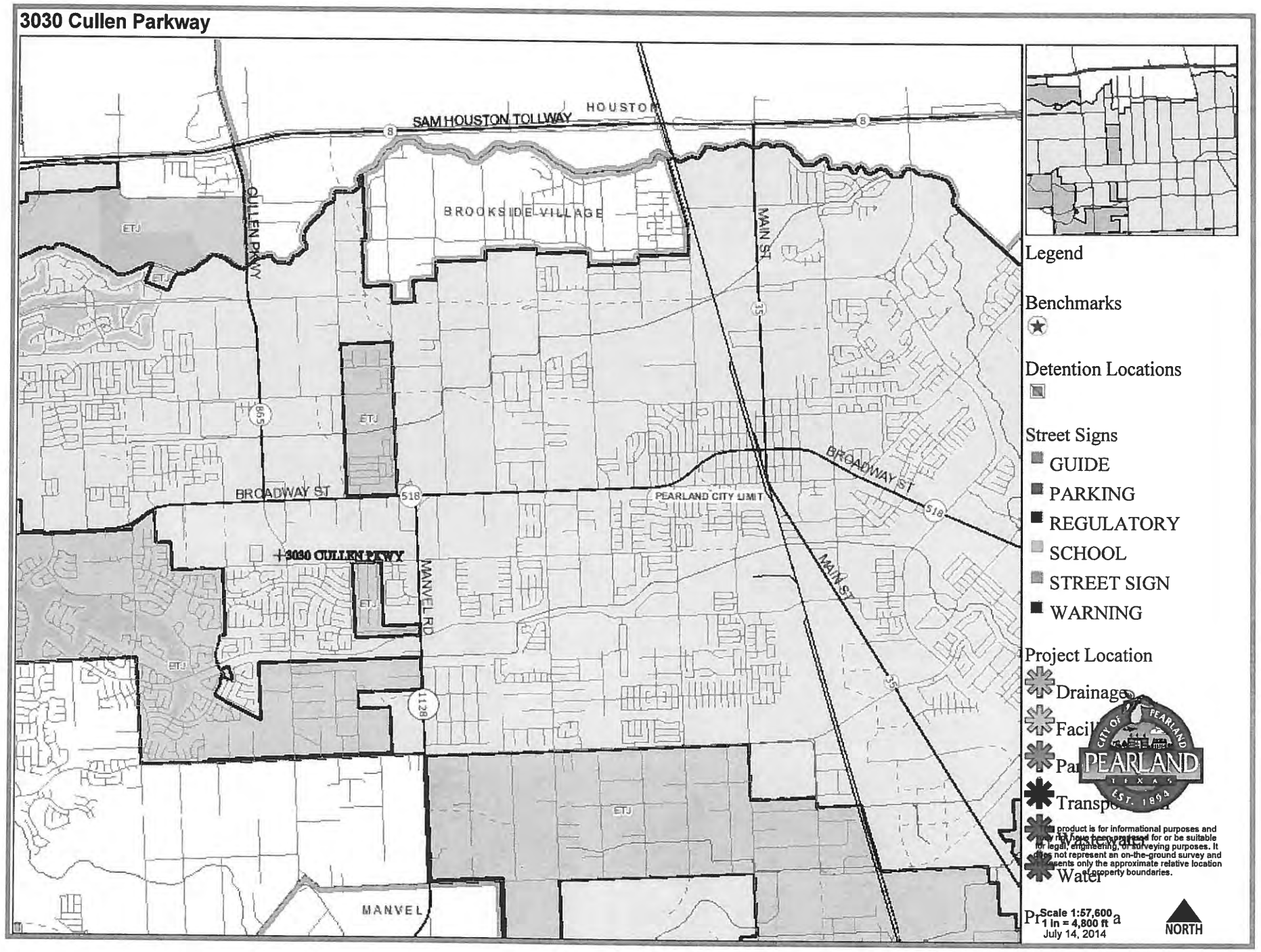
Pirooz Farhoomand, president

Artisan Estates, L.P.

802 Tiber Street

Houston, Texas, 77024

3030 Cullen Parkway



ZONE CHANGE/ VARIANCE/[redacted]RECORDATION

$ 775.00 (circle one) **BA** or [redacted] or **FE**

Description: ***Input who the check is from***

COMMENTS/DESCRIPTION (F10):

Location or Address 3030 Cullen

Applicant ~~Artisan~~ Pirooz

Owner Artisan Estates

CITY OF PEARLAND
R E P R I N T
*** CUSTOMER RECEIPT ***
Oper: MHARRIS Type: OC Drawer: 1
Date: 7/15/14 01 Receipt no: 290468

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	$775.00
Trans number:		4529762

VISA
PIROOZ FARHOOMAND
ANTISAN EST LP
3030 CULLEN
PIROZ
MJH

Tender detail

BR CREDIT CARD	$775.00
Total tendered	$775.00
Total payment	$775.00

Trans date: 7/15/14 Time: 7:55:22

2013 TAX STATEMENT

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

Certified Owner:
ARTISAN ESTATES LP
802 TIBER ST
HOUSTON, TX 77024-4516

Legal Description:
A0309 H T & B R R BLOCK 1 TRACT 1 ACRES
2.225 THE VILLAGE AT PEARLAND
(PEARLAND)

Legal Acres: 2.2250
Parcel Address: 3030 CULLEN PKWY PKWY
Print Date: 07/09/2014

Account No: 0309-0044-000 **Appr. Dist. No.: 168642**
As of Date: 07/09/2014

Market Value		Appraised Value	Assessed Value	Capped Value	Homesite Value	Agricultural Market Value	Non-Qualifying Value
Land	Improvement						
$145,710	$751,580	$897,290	$897,290	$0	$0	$0	$897,290

Taxing Unit	Assessed Value (100%)	Exemptions		Taxable Value	Tax Rate	Tax
		Code	Amount			
BRAZORIA COUNTY	$897,290		$0.00	$897,290	0.4320200	$3,876.47
Amount saved by additional sales tax revenue $848.13						
SPECIAL ROAD & BRIDGE	$897,290		$0.00	$897,290	0.0600000	$538.37
PEARLAND ISD	$897,290		$0.00	$897,290	1.4157000	$12,702.93
BRAZORIA DRAINAGE DIST 4	$897,290		$0.00	$897,290	0.1560000	$1,399.77
CITY OF PEARLAND	$897,290		$0.00	$897,290	0.7051000	$6,326.79

Total Tax: $24,844.33
Total Tax Paid to date: $24,844.33
Total Tax Remaining: $0.00

Exemptions:

AMOUNT DUE IF PAID BY THE END OF:

JUL 2014 18%	AUG 2014 19%	SEP 2014 20%	OCT 2014 21%	NOV 2014 22%	DEC 2014 23%
$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
JAN 2015 24%	**FEB 2015 25%**	**MAR 2015 26%**	**APR 2015 27%**	**MAY 2015 28%**	**JUN 2015 29%**
$0.00	$0.00	$0.00	$0.00	$0.00	$0.00

School Information:
PEARLAND ISD 2013 M&O 1.0400000 I&S .37570000 Total 1.4157000 2012 M&O 1.0400000 I&S .37940000 Total 1.4194000

PLEASE CUT AT THE DOTTED LINE AND RETURN THIS PORTION WITH YOUR PAYMENT. 4.1.50

Print Date: 07/09/2014

PLEASE NOTE YOUR ACCOUNT NUMBER ON YOUR CHECK AND MAKE CHECKS PAYABLE TO:

RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
111 E. LOCUST
ANGLETON, TEXAS 77515
(979) 864-1320, (979) 388-1320, (281) 756-1320

0309004400

0309-0044-000
ARTISAN ESTATES LP
802 TIBER ST
HOUSTON, TX 77024-4516

AMOUNT PAID:
$_____._____

03090044000 2013 072014 00000000000 00000000000 00000000000 7

Wednesday, July 9, 2014

Shopping Cart

Your Search Results

Begin a New Search Go to Your Portfolio

The following is the result of your Owner Name search for "ARTISAN ESTATES LP"

There are 1 matches.

[print version]

When first displayed, the results below are sorted by Owner Name. To sort by another Account Number, Property Site Address, Legal Description, or CAD Reference, click the underlined column heading having that label. (For example, to sort the results by Account Number, click that column heading.)

Click an account number below to see details about its taxes.

To print this page, click **print version** above. This will display the information in a more printer-friendly font.

Account Number	*Owner's Name & Address*	*Property Site Address*	*Legal Description*	*Property ID Number*
03090044000	ARTISAN ESTATES LP 802 TIBER ST HOUSTON, TX 77024-4516	3030 CULLEN PKWY PKWY	A0309 H T & B R R BLOCK 1 TRACT 1 ACRES 2.225 THE VILLAGE AT PEARLAND (PEARLAND)	168642

Tax Office:

Search & Pay Taxes Tax Rates & Entities Tax Office FAQ
Appraisal District Related Links Tax Office Home Page
Your Tax Portfolio

Brazoria County:

Home County Directory Commissioner's Court
Holiday Schedule Related Links Courthouse History
Job Postings

Terms of Use

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

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©Brazoria County

Wednesday, July 9, 2014

Shopping Cart

Property Tax Status

Begin a New Search Go to Your Portfolio Tax Office FAQ's

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

Shopping Cart: For your convenience you may pay several accounts at once. Click the 'Click Here to Pay Now' button to add this account to the shopping cart. Additional accounts can be added by doing a search again, then clicking the 'Click Here to Pay Now' button for each account. Up to 50 accounts may be paid at one time. Accounts are not saved in the shopping cart after you go to the Certified Payment web site.
If using Internet Explorer version 8 or later, you may experience problems adding more than four accounts to your shopping cart. Please consider using a different browser (for ex., Chrome or Firefox) to manage your shopping cart.

A Convenience Fee of up to 2.4% will be charged for all credit card payments by the vendor providing this service. For eChecks, a convenience fee of $1.50 will be charged for each transaction. The fee covers the cost of making payments by credit card possible. The fee will appear as a charge to 'Certified Payments'. No part of this fee is retained by Brazoria County.

Unless otherwise noted, all data refers to tax information for 2013. All amounts due include penalty, interest, and attorney fees when applicable. Due to the large volume of work during heavy payment periods amounts due may not reflect payments that have been received but not yet processed.

Account Number: 03090044000

Address:
ARTISAN ESTATES LP
802 TIBER ST
HOUSTON, TX 77024-4516

Property Site Address:
3030 CULLEN PKWY PKWY

Legal Description:
A0309 H T & B R R BLOCK 1 TRACT 1 ACRES 2.225 THE VILLAGE AT PEARLAND (PEARLAND)

Current Tax Levy: $24,844.33
Current Amount Due: $0.00
Prior Year Amount Due: $0.00
Total Amount Due: $0.00

Last Payment Amount for Current Year Taxes: $24,844.33

Active Lawsuits: None

Pending Credit Card or E-Check Payments:
No Payment Pending

Jurisdictions:

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

Market Value: $897,290
Land Value: $145,710
Improvement Value: $751,580
Capped Value: $0
Agricultural Value: $0
Exemptions: None
Last Certified Date: 08/21/2013

Taxes Due Detail by Year and Jurisdiction

Payment Information

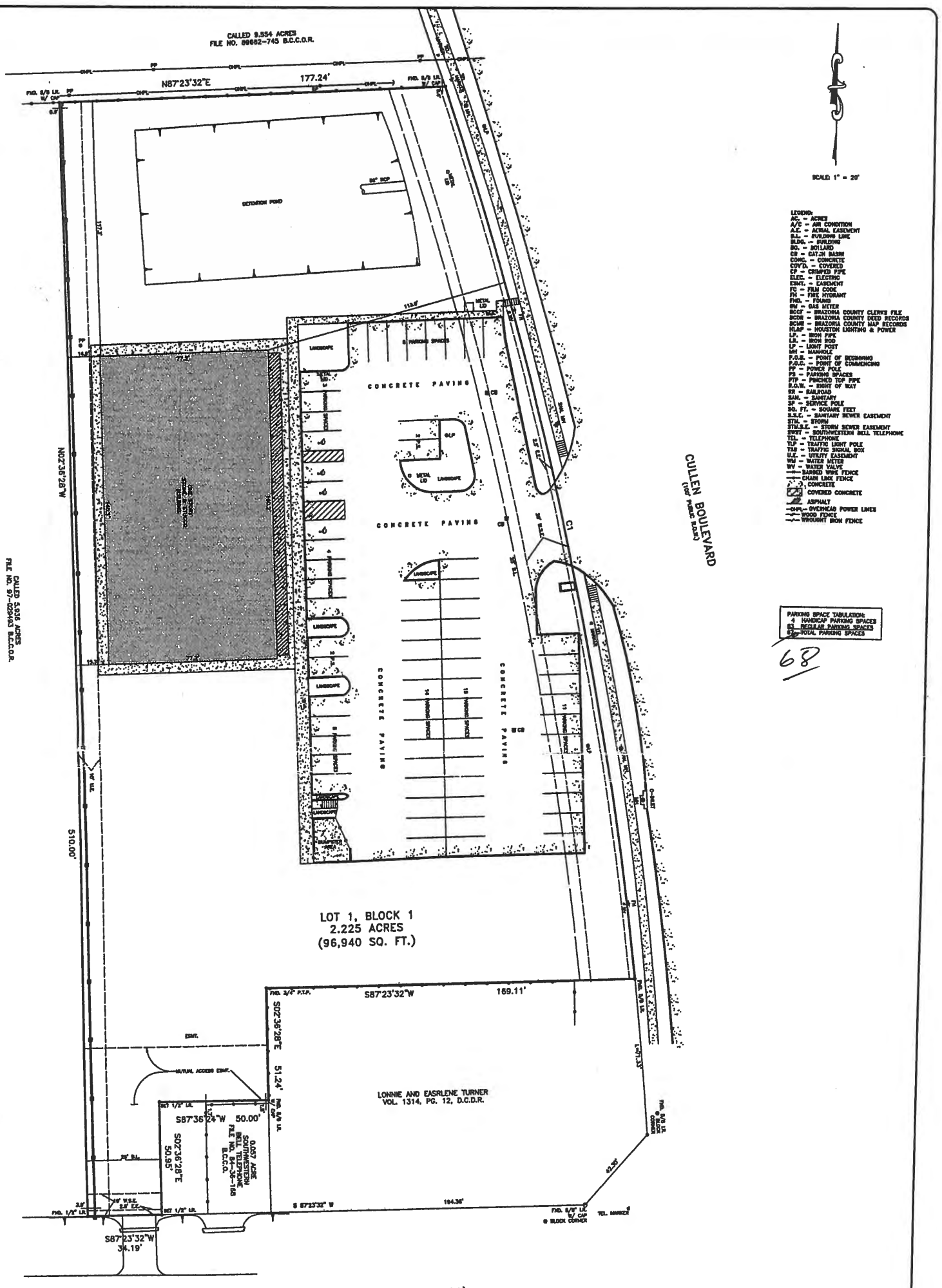
Print a Current Tax Statement

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

Tax Office:
Search & Pay Taxes
Appraisal District
Your Tax Portfolio
Tax Rates & Entities
Related Links
Tax Office FAQ
Tax Office Home Page

Brazoria County:
Home
Holiday Schedule
Job Postings
County Directory
Related Links
Commissioner's Court
Courthouse History

REDUCED COPY - NOT TO SCALE



CURVE TABLE					
E	RADIUS	LENGTH	CHORD BEARING	CHORD DISTANCE	DELTA
	1950.00'	415.81'	N12°10'04"W	415.03'	12°13'03"

"AS-BUILT SURVEY OF"
LOT 1, BLOCK 1,
FINAL PLAT OF THE VILLAGE AT PEARLAND,
FILE NO. 2006011759 OF THE OFFICIAL RECORDS,
BRAZORIA COUNTY, TEXAS.

...T TO ROAD EASEMENT ON THE WEST PER VOLUME 3, PAGE 23 B.C.P.R.
...OLUME 115, PAGE 538 B.C.O.R.
...T PROPERTY ABUTS A NON-ACCESS OR A LIMITED-ACCESS ROAD,
...AY OR FREEWAY AND IS SUBJECT TO THE RIGHT OF ACCESS AND EGRESS
...D FROM SAID ROAD, HIGHWAY OR FREEWAY.
...ARE 4 HANDICAP PARKING SPACES, 63 REGULAR PARKING SPACES FOR A
...67 PARKING SPACES.

NOTE:
PROPERTY IS NOT LOCATED IN A FEDERAL INSURANCE ADMINISTRATION 100 YEAR FLOOD HAZARD AREA AND IS IN ZONE X ACCORDING TO FIRM PANEL 0505G, DATED 06/06/06. This information is based on graphics. We do not assume responsibility for exact determination.

TO: WACHOVIA BANK, NATIONAL ASSOCIATION, PIROOZ FARHOOMAND AND NEGAR VAZIRINIA, FIRST AMERICAN TITLE INSURANCE COMPANY;

I, hereby certify that this survey was made on the ground and completed on this 5th day of December, 2007 and that this plat correctly represents the facts found at the time of survey showing any improvements. There are no encroachments apparent on the ground, except as shown. This survey complies with the current Texas Society of Professional Surveyors Standards and Specifications for Category 1A, Condition II Survey. Surveyor did not abstract property. Easements, building lines, etc., shown are as identified by: GF 7003-484785-H109 of FIRST AMERICAN TITLE INSURANCE COMPANY

HENRY M. HAWTON, Registered Professional Land Surveyor No. 5460

STATE OF TEXAS REGISTERED HENRY M. HAWTON 5460 PROFESSIONAL LAND SURVEYOR

COPYRIGHT 2007, Advance Surveying, Inc.

ASI

PURCHASER: PIROOZ FARHOOMAND AND NEGAR VAZIRINIA	SCALE: 1" = 20'
ADDRESS: 3030 CULLEN BOULEVARD, PEARLAND, TEXAS 77581	FIELD WORK: 12-06-07/VR
	DRAFTING: 12-12-07/MD
LENDER: WACHOVIA BANK, NATIONAL ASSOCIATION	FINAL CHECK: 12-13-07/AT
TITLE CO.: FIRST AMERICAN TITLE INSURANCE COMPANY	REVISIONS:
JOB NO.: 7990-07	1. 01-22-08/PARKING
G.F. NO.: TX04-484785-H109	
KEY MAP: 613R	

PHONE: 281 580-8888
FAX: 281 580-5464

ADVANCE SURVEYING, INC.
10518 KIPP WAY SUITE B-1 • HOUSTON, TEXAS 77099

Doc# 2006011759

STATE OF TEXAS
COUNTY OF BRAZORIA

THE UNDERSIGNED, REPESENTATIVES OF ARTISAN ESTATES, L.P., A TEXAS LIMITED PARTNERSHIP, OWNER OF THE LAND SHOWN HEREON AND WHOSE NAMES ARE ASCRIBED HERETO AND IN PERSON OR THROUGH A DULY AUTHORIZED AGENT DEDICATE TO THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, UTILITY EASEMENTS AND PUBLIC PLACES HEREON SHOWN FOR THE PURPOSES AND CONSIDERATIONS HEREIN EXPRESSED, THE OWNER DOES HEREBY WAIVE ALL CLAIMS 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.

STATE OF TEXAS
COUNTY OF BRAZORIA

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED [illegible] AND [illegible], KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOLEDGE TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN SET FORTH.

GIVEN UNDER MY HAND AND THE SEAL OF THE OFFICE THIS 27TH DAY OF JANUARY, 2006.

NOTARY PUBLIC
IN AND FOR THE STATE OF TEXAS

FLORA GARCIA
Notary Public, State of Texas
My Commission Expires
June 07, 2007

STATE OF TEXAS
COUNTY OF BRAZORIA

WE, WACHOVIA BANK, N.A. ACTING BY AND THROUGH TINA POINDEXTER, IN HER CAPACITY AS LOAN OFFICER AND WACHOVIA BANK, N.A., BEING THE HOLDER OF A LIEN AGAINST THE ABOVE DESCRIBED PROPERTY, DOES HEREBY IN ALL THINGS SUBORDINATE TO SAID SUBDIVISION AND DECLARATION THE SAID LIEN, AND DOES HEREBY CONFIRM THAT WACHOVIA BANK, N.A. IS THE PRESENT OWNER OF SAID LIEN AND HAS NOT ASSIGNED THE SAME, NOR ANY PART THEREOF.

Cora Johnson for
Tina Poindexter

STATE OF TEXAS
COUNTY OF BRAZORIA

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED CORA JOHNSON FOR TINA POINDEXTER AND , KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOLEDGE TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN SET FORTH.

GIVEN UNDER MY HAND AND THE SEAL OF THE OFFICE THIS 27TH DAY OF JANUARY 2006.

Margaret May Fasby
NOTARY PUBLIC
IN AND FOR THE STATE OF TEXAS

MARGARET MAY FASBY
MY COMMISSION EXPIRES
March 13, 2009

I, HENRY M. SANTOS, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5450, 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 LOT CORNERS, ANGLE POINTS, AND POINTS OF CURVATURE ARE PROPERLY MARKED WITH 5/8-INCH IRON RODS OR AS SHOWN ON THE PLAT.

01-27-06
HENRY M. SANTOS
REGISTRATION NO. 5450

STATE OF TEXAS
REGISTERED
HENRY M. SANTOS
5450
PROFESSIONAL
LAND SURVEYOR

CERTIFICATE OF CITY PLANNING COMMISSION

THIS IS TO CERTIFY THAT THE CITY PLANNING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HAS APPROVED THIS PLAT AND SUBDIVISION OF THE VILLAGE AT PEARLAND, IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCE OF THE CITY OF PEARLAND AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS DAY OF ,2006.

RUBY SANDERS
CHAIRPERSON

COMMISSIONER

TODD TOCCO
VICE CHAIRPERSON

SHERYL GRUNER
COMMISSIONER

NEIL WEST
COMMISSIONER

CARRELL DIGGS
COMMISSIONER

SUSAN SHERROUSE
COMMISSIONER

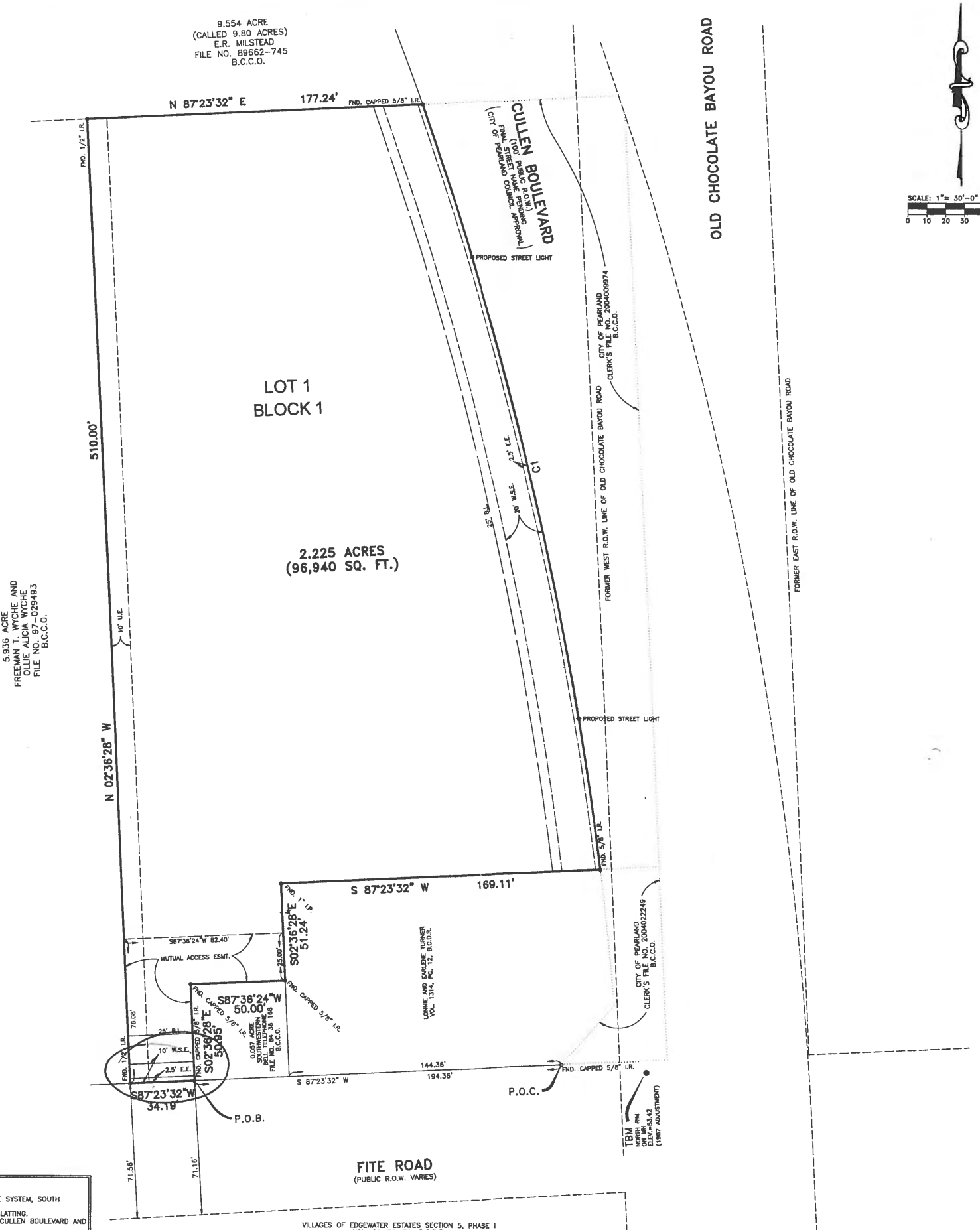
DOUGLAS K. KNEUPPER, P.E.
CITY ENGINEER

DARRIN COKER
CITY ATTORNEY

BENCHMARK:
CITY OF PEARLAND MONU GPS-7
ELEVATION = 50.33 (1987 ADJUSTMENT)

TBM
NORTH RIM OF MH
ELEVATION = 53.42
(1987 ADJUSTMENT)

FLOOD NOTE:
SUBJECT PROPERTY IS NOT LOCATED IN A FEDERAL INSURANCE ADMINISTRATION DESIGNATED FLOOD HAZARD AREA AND IS IN ZONE X
MAP # 480369C, PANEL 0040J DATED 09-22-98. This information is based on graphic plotting only. We do not assume responsibility for exact determination.



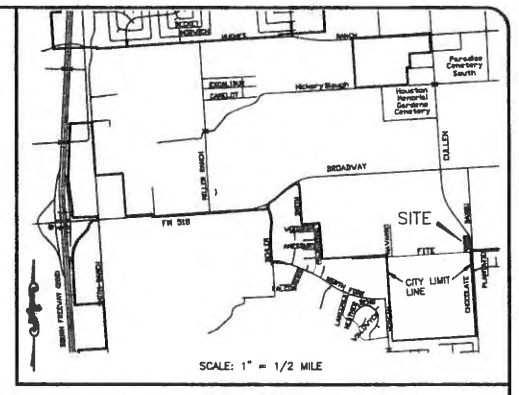
LEGEND:

B.C.C.O.	BRAZORIA COUNTY CLERKS OFFICE
B.C.P.R.	BRAZORIA COUNTY PLAT RECORDS
B.C.D.R.	BRAZORIA COUNTY DEED RECORDS

GENERAL NOTES:
1. BEARINGS ARE BASED ON THE CITY OF PEARLAND MONUMENTATION, TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD83).
2. ZONING OF THE PROPERTY IS (NS) AT TIME OF PLATTING.
3. A SIX-FOOT WIDE SIDEWALK IS REQUIRED ALONG CULLEN BOULEVARD AND FITE ROAD AT THE TIME OF DEVELOPMENT.
4. TWO STREETLIGHTS WILL BE REQUIRED AT TIME OF DEVELOPMENT.

CURVE TABLE

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	1950.00'	415.82'	415.03'	S 13°10'07" E	12°13'04"



VICINITY MAP

METES AND BOUNDS DESCRIPTION

2.225 ACRE (96,940 SQUARE FEET) TRACT OF LAND IN THE H.T. & B.R.R. CO. SURVEY, ABSTRACT 309, BRAZORIA COUNTY, TEXAS. SAID 2.225 ACRE TRACT IS IN THE SOUTH ONE-HALF OF LOT 30 OF THE ALLISON-RICHEY GULF COAST HOME COMPANY'S PART OF SUBURBAN GARDENS SUBDIVISION AS RECORDED IN VOLUME 2, PAGE 23 OF THE BRAZORIA COUNTY MAP RECORDS AND IS FURTHER DESCRIBED AS BEING PART OF A TRACT OF LAND DESCRIBED IN A DEED CONVEYED FROM GARFIELD CLARK, JR. TO DANNY L. BLUMRICK EXECUTED ON MARCH 10, 1999 AS RECORDED IN CLERK'S FILE NO. 99 012327 IN THE BRAZORIA COUNTY CLERK'S OFFICE AND ALL OF A 0.9326 ACRE TRACT OF LAND DESCRIBED IN A DEED CONVEYED FROM GARFIELD CLARK, JR. TO DANNY L. BLUMRICK EXECUTERD ON NOVEMBER 28, 2000 AS RECORDED IN CLERK'S FILE NO. 01 034492 IN THE BRAZORIA COUNTY CLERK'S OFFICE AND IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A CAPPED 5/8-INCH IRON ROD FOUND IN THE OCCUPIED NORTH RIGHT-OF-WAY LINE OF FITE ROAD, (A.K.A. COUNTY ROAD 91 VARIABLE WIDTH RIGHT-OF-WAY), SAID POINT BEING IN A CUT-BACK CORNER IN WEST RIGHT-OF-WAY LINE OF CULLEN BLVD. (BASED ON A WIDTH OF 100 FEET) AS DESCRIBED IN CLERK'S FILE NO. 2004022249, SAID POINT BEING IN THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN A DEED TO LONNIE AND EARLENE TURNER AS RECORDED IN VOLUME 1314, PAGE 12 IN THE BRAZORIA COUNTY DEED RECORDS;

THENCE, SOUTH 87 DEGREES 23 MINUTES 32 SECONDS WEST, ALONG THE OCCUPIED NORTH LINE OF SAID FITE ROAD AT A DISTANCE OF 144.36 FEET PASS THE SOUTHEAST CORNER OF A 0.057 ACRE TRACT DESCRIBED IN A DEED TO SOUTHWESTERN BELL TELEPHONE COMPANY AS RECORDED IN CLERK'S FILE NO. 84 36 168 IN THE BRAZORIA CONTY CLERK'S OFFICE, AND CONTINUE FOR A TOTAL DISTANCE 194.36 FEET TO CAPPED 5/8-INCH IRON ROD FOUND FOR THE POINT OF BEGINNING AND SOUTHEASTERLY CORNER OF THE HEREIN DESCRIBED TRACT, SAME BEING THE SOUTHEAST CORNER OF THE AFOREMENTIONED 0.9326 ACRE TRACT;

THENCE, SOUTH 87 DEGREES 23 MINUTES 32 SECONDS WEST, CONTINUING ALONG THE OCCUPIED NORTH LINE OF SAID FITE ROAD, SAME BEING THE SOUTH LINE OF SAID 0.9326 ACRE TRACT FOR A DISTANCE OF 34.19 FEET TO A 1/2-INCH IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID 0.9326 ACRE TRACT AND SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 02 DEGREES 36 MINUTES 28 SECONDS WEST, ALONG THE WEST LINE OF SAID 0.9326 ACRE TRACT FOR A DISTANCE OF 510.00 FEET (CALLED 509.12 FEET) TO A 1/2-INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID 0.9326 ACRE TRACT, SAME BEING THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT, SAID POINT BEING IN THE SOUTH LINE OF A 9.80 ACRE TRACT DESCRIBED IN A DEED TO E.R. MILSTEAD AS RECORDED IN CLERK'S FILE NO. 89662 745 IN THE BRAZORIA COUNTY CLERK'S OFFICE;

THENCE, NORTH 87 DEGREES 23 MINUTES 32 SECONDS EAST, ALONG THE NORTH LINE OF SAID 0.9326 ACRE TRACT, SAME BEING THE SOUTHLINE OF SAID 9.80 ACRE TRACT, A DISTANCE OF 177.24 FEET TO A CAPPED 5/8-INCH IRON ROD FOUND IN THE WEST RIGHT-OF-WAY LINE OF THE AFOREMENTIONED CULLEN BLVD. SAID POINT BEING IN A CURVE TO THE RIGHT;

THENCE, ALONG THE WEST LINE OF SAID CULLEN BLVD. AND WITH SAID CURVE TO THE RIGHT HAVING A RADIUS OF 1,950.00 FEET, A CENTRAL ANGLE OF 12 DEGREES 13 MINUTES 04 SECONDS, (CHORD BEARS SOUTH 13 DEGREES 10 MINUTES 07 SECONDS EAST, 415.03 FEET), FOR AN ARC DISTANCE OF 415.82 FEET TO A 5/8-INCH IRON ROD FOUND IN THE SOUTH LINE OF AFOREMENTIONED TRACT RECORDED IN CLERK'S FILE NO. 99 012327, SAME BEING THE NORTH LINE OF THE AFOREMENTIONED LONNIE AND EARLENE TURNER TRACT;

THENCE, SOUTH 87 DEGREES 23 MINUTES 32 SECONDS WEST, ALONG THE NORTH LINE OF SAID LONNIE AND EARLENE TURNER TRACT FOR A DISTANCE OF 169.11 FEET TO A 1-INCH IRON PIPE FOUND IN THE EAST LINE OF THE AFOREMENTIONED 0.9326 ACRE TRACT, SAID POINT BEING AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 02 DEGREES 36 MINUTES 28 SECONDS EAST, ALONG THE EAST LINE OF SAID 0.9326 ACRE TRACT, SAME BEING THE WEST LINE OF SAID LONNIE AND EARLENE TURNER TRACT FOR A DISTANCE OF 51.24 FEET TO A CAPPED 5/8-INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF THE AFOREMENTIONED 0.057 ACRE TRACT;

THENCE, SOUTH 87 DEGREES 36 MINUTES 24 SECONDS WEST, ALONG THE SOUTH LINE OF SAID 0.9326 ACRE TRACT, SAME BEING THE NORTH LINE OF SAID 0.057 ACRE TRACT FOR A DISTANCE OF 50.00 FEET TO A CAPPED 5/8-INCH IRON ROD FOUND FOR CORNER;

THENCE, SOUTH 02 DEGREES 36 MINUTES 28 SECONDS EAST, ALONG THE WEST LINE OF SAID 0.057 ACRE TRACT FOR A DISTANCE OF 50.95 FEET (CALLED 50.00 FEET) TO THE POINT OF BEGINNING, CONTAINING A COMPUTED AREA OF 2.225 ACRES (96,940 SQUARE FEET).

FINAL PLAT OF
THE VILLAGE AT PEARLAND

A SUBDIVISION OF 2.225 ACRES IN THE H.T.& B.R.R. CO. SURVEY, ABSTRACT 309, IN THE CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS.
1 LOT, 1 BLOCK
JANUARY 27, 2006

OWNER:
ARTISAN ESTATES, L.P.
802 TIBER STREET
HOUSTON, TEXAS 77024
CONTACT PERSON: PIROOZ FARHOOMAND
832-628-1000

SURVEYOR:
ADVANCE SURVEYING, INC.
10690 SHADOW WOOD DRIVE, SUITE 102
HOUSTON, TEXAS 77043
CONTACT PERSON: HENRY M. SANTOS
832-358-1414
FAX: 832-358-1818

ENGINEER:
LIPPKE ENGINEERING GROUP, INC.
7322 SOUTHWEST FREEWAY, STE. 1717
HOUSTON, TEXAS 77074
CONTACT PERSON: JERRY BEITS
713-800-5300

Doc# 2006011759
01/27/2006 4:24PM
Official Records of
BRAZORIA COUNTY
JOYCE HUDMAN
COUNTY CLERK
Fees $22.00

ASI

0151-05P

The Village @ Pearland

P&Z AGENDA ITEM

C

JOINT PUBLIC HEARING
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS,
MONDAY, SEPTEMBER 15, 2014, AT 6:30 P.M.
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

I. CALL TO ORDER

II. PURPOSE OF HEARING

Zone Change Application No. 2014-6Z

A request of Evelyn Pineda, owner/applicant; for approval of a change in zoning from Single Family Residential-2 (R-2) to Office and Professional (OP) on approximately 0.21 acres of land, to wit:

Legal Description: A tract of land being known as Lot 15 of Darlinda Addition, a subdivision in Brazoria County Texas as recorded in Volume 7, Page 20 of the Plat Records of said Brazoria County, and being the same tract of land as described in deed to Ernesto Perez and Evelyn Pineda under Clerk;s File Number 2006042620 of the Real Property Records of said Brazoria County.

General Location: 4602 Broadway Street, Pearland, TX

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT
B. APPLICANT PRESENTATION
C. STAFF WRAP UP

IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

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

Memo

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: September 15, 2014

Re: Zone Change Application Number 2014-6Z

A request of Evelyn Pineda, owner/applicant; for approval of a change in zoning from Single Family Residential-2 (R-2) to Office and Professional (OP) on approximately 0.21 acres of land located on the south side of Broadway Street, and approximately 100 feet from the intersection of Broadway Street and Ray Street, Pearland, TX

Proposal

The subject property includes approximately 0.21 acres of land, of which the applicant is requesting a change in zoning from the Single Family Residential-2 (R-2) zoning district to the Office and Professional (OP) zoning district. According to the applicant's letter of intent, the purpose of the requested change in zoning is to convert the existing single family home into a real estate office or other professional office. All requirements of the Unified Development Code (UDC) will need to be met upon conversion to office.

Public Notification/Comment

Staff sent public notices, comment forms and a vicinity map to the applicant, owner of the property and to property owners within 200 feet of the site. Additionally, a legal notice of the public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant.

As of the date of this writing, staff has not received any returned notices from property owners within 200 feet of the site.

Recommendation

Staff recommends approval of the request to change the zoning of the approximately 0.21 acre site from R-2 to OP for the following reasons:

1. The change in zoning will result in conformance with the Comprehensive Plan, as the current zoning of R-2 does not conform to the future land use designation of Office, Retail and Services.

2. The purpose of the proposed zoning district of OP is to permit a wide variety of business, professional and organizational office needs of the community together with desirable associated uses. The proposed zoning district permits most low impact office uses, such as medical/dental offices, credit agencies, banks, veterinarian clinics; however, prohibits more intense uses such as automobile-related uses such as auto repair, gas stations, and car washes; yet, permits various other uses that may prove to be incompatible with surrounding uses, with approval of a CUP, such as a wholesale bakery or a resale consignment shop, for example. These uses require additional review by the City Council, Planning and citizens.

3. The existing residential adjacency standards and the COD regulations will ensure that any proposed non-residential use has no major impact on the existing single family homes.

4. All requirements of the UDC will be met upon conversion of the structure from residential to office use.

Exhibits

1. Staff Report
2. Aerial Map
3. Zoning Map
4. Future Land Use Map
5. Notification Map
6. Notification List
7. Applicant Packet

Exhibit 1
Staff Report

Summary of Request

The applicant is requesting approval of a change in zoning from the Single Family Residential-2 (R-2) zoning district to the Office and Professional (OP) zoning district on approximately 0.21 acres of land located on the south side of Broadway Street, and approximately 100 feet from the intersection of Broadway Street and Ray Street. According to the applicant's letter of intent, the purpose of the requested change in zoning is to convert the existing single family home into a real estate office or other professional office.

Site History

The subject property is currently developed with a single family home and attached garage, which, according to Brazoria County Appraisal district records was constructed in 1960. The property was annexed into the City of Pearland in 1905. Prior to the adoption of the Unified Development Code (UDC) in 2006, the property was zoned for single family residential and is currently located within the Single Family Residential-2 (R-2) zoning district.

The site is surrounded by non-residential uses and non-residential zoning districts, with the exception of the single family home and single family zoning districts to the west and south. The below table identifies surrounding uses and zoning districts:

	Zoning	Land Use
North	General Business (GB)	Houston Community Bank
South	Single Family Residential 2 (R-2)	Single Family
East	Old Town General Business (OT-GB)	Kidz Come First Daycare and Learning Center
West	Single Family Residential 2 (R-2)	Single Family

Conformance with the Thoroughfare Plan

The subject property has approximately 98.48 feet of frontage along Broadway Street; a major thoroughfare, which requires 120 feet of right-of-way. It appears from GIS records that the existing right-of-way at this location, is approximately 100 feet; and therefore is not in compliance with the thoroughfare plan. Should the property require platting in the future, additional right-of-way will be required.

Conformance with the Unified Development Code

The existing use of the subject property conforms to the existing zoning district. The subject property is located within the Single Family Residential 2 (R-2) zoning district. The purpose of the aforementioned zoning district is to permit low-density residential development of detached single-family dwelling units and appropriate desirable open space.

The site is also located within the Corridor Overlay District (COD), which was established after the single family home was constructed and platted. Depending upon whether the existing structure is demolished and a new structure is built, expanded upon, or the existing structure is converted to an office, various improvements will be required. For example, if the structure is completely demolished and a new structure is built, the site is required to come into full compliance with the UDC. The proposed change in use and any expansion shall trigger parking (surface, quantity based on proposed use, parking lot landscaping) and screening requirement such as commercial dumpster/refuse container screening and residential adjacency screening. Additionally, any expansion that exceeds five hundred (500) square shall trigger the construction of sidewalks, parking, landscaping, etc. At this time, the change of use/occupancy will trigger any façade improvements that are required by the UDC.

The subject property includes approximately 0.21 acres, which equates to 9,447 square feet. According to the survey submitted with the application, the width of the subject property is approximately 98.48 feet. The existing lot area and lot width do not meet the minimum requirements of the proposed OP zoning district. However, a variance was approved by the Planning and Zoning Commission on August 4, 2014 to allow for a reduction in the lot area and lot width. The below table illustrates the existing lot dimensions compared to the required lot dimensions for a property located within the OP zoning district:

Office and Professional (OP) Area Regulations		
Size of Lots	**Required**	**Existing Lot Dimensions**
Minimum Lot Size	12,500 sf.	9,447 sf.
Minimum Lot Width	100 ft.	98.49 ft.
Minimum Lot Depth	100 ft.	144 ft.

Conformance with the Comprehensive Plan

The proposed change in zoning from R-2 to OP of the subject property, will implement the policies of and conform to the future land use element of the Comprehensive Plan, for the subject property, which is *"Retail, Offices and Services*." According to the Comprehensive Plan, properties located within the aforementioned future land use designation should include neighborhood or convenience shopping centers or separate uses, preferably located at major street intersections, with limited outdoor retail activities. Nonresidential uses should buffer from neighboring single family residential uses. Appropriate zoning districts include the proposed zoning district of Office and Professional (OP), Neighborhood Service (NS) and selected uses within the General Business (GB) zoning district.

Platting Status

According to City records, the subject property was originally platted in 1953, as one lot which included the lot just west of the subject property, which has frontage on both Broadway and Ray Streets. A replat in 1955 separated the lot into two (2) lots (current configuration). However, does not meet current platting requirements and a new plat may be required depending upon the extent of improvements proposed.

Availability of Utilities

The subject property has access to public infrastructure, and according to the Utility Billing Department, is connected to public water and sewer. GIS data indicate that water is available to the site via a 10-inch waterline along the north side of Broadway Street and a 6-inch water line along the west side of Ray Street. Additionally, there is an existing 10-inch sewer line along the frontage of the property. At the time of permitting existing infrastructure will be analyzed to ensure that existing infrastructure is sufficient or if the extension of infrastructure is required. The impact of the proposed use on the current infrastructure will also be analyzed and impact fees may be assessed.

Impact on Existing and Future Development

All surrounding properties are developed. Properties north and east of the subject property are developed with nonresidential uses; Houston Community Bank to the north, and on the north side of Broadway Street; and directly east of the site is Kidz Come First Daycare and Learning Center. Properties to the west and south are developed with single family homes. There should be no major negative impact to surrounding properties, as the site is currently developed. Various improvements will be required as a result of the change in use from residential to non-residential. When the subject property is converted from a single family use to a non-residential use, residential adjacency standards will apply along the west and south property lines due to the existing single family uses/subdivision. Options include the following:

1. A 25-foot landscape buffer which shall remain open and unobstructed (no parking, driveways, etc.) and an opaque screening wall a minimum of 6-feet, but not to exceed 8-feet in height; or

2. In situations where a fence exists along the property line between the nonresidential and residential use, the screening shall be achieved by a 30-foot buffer and a vegetative screen dense enough to be completely opaque year round, which is at 4 feet tall at planting and at least 8 feet tall within 12 months, unless the nonresidential use obtains permission from the owner(s) of the existing fence to replace said fence with the above required opaque screening wall.

The existing residential adjacency standards and the COD regulations will ensure that any proposed non-residential use has no major impact on the existing single family homes.

Additional Comments

The request has been reviewed by the City's Development Review Committee (DRC), and there were no additional comments from other departments at the time of this report.

Public Notification

Staff sent public notices, comment forms and a vicinity map to the applicant, the owner of the property and to property owners within 200 feet of the subject property under consideration for the zone change. Additionally, a legal notice of the public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant.

Opposition to or Support of Proposed Request

Staff has not received any comments either in opposition to or in support of the proposed change in zoning request.

Recommendation

Staff recommends *approval* of the request to change the zoning of the approximately 0.21 acre site from R-2 to OP for the following reasons:

1. The proposed zoning district of Office and Professional (OP) implements the policies and conforms to the adopted Comprehensive Plan, including the future land use designation for the subject property which is "*Retail, Offices and Services."* The change in zoning will result in conformance with the Comprehensive Plan, as the current zoning of R-2 does not conform to the Comprehensive Plan. According to the Comprehensive Plan, properties located within the aforementioned future land use designation should include neighborhood or convenience shopping centers or separate uses, preferably located at major street intersections, with limited outdoor retail activities. Nonresidential uses should buffer from neighboring single family residential uses. Appropriate zoning districts include the proposed zoning district of Office and Professional (OP), Neighborhood Service (NS) and selected uses within the General Business (GB) zoning district. The purpose of the OP zoning district is to permit a wide variety of business, professional and organizational office needs of the community together with desirable associated uses, which furthers the goals of the *"Retail, Offices and Services"* future land use designation. The OP zoning district also restricts outdoor commercial activities or uses without a temporary permit. Outdoor storage is only allowed with approval of a Conditional Use Permit (CUP). The existing use of the site, as developed (single family dwelling unit) and the existing zoning of the site (R-2) create a non-conformity, as the existing use and the existing zoning district do not match the future land use designation of the Comprehensive Plan. The request will result in bringing a non-conforming use and zoning, into compliance with the Unified Development Code as well as the Comprehensive Plan.

2. The purpose of the proposed zoning district of OP is to permit a wide variety of business, professional and organizational office needs of the community together with desirable associated uses. The proposed zoning district permits most low impact office uses, such as medical/dental offices, credit agencies, banks, veterinarian clinics; however, prohibits more intense automobile-related uses such as auto repair, gas stations, and car washes; yet, permits various other uses that may prove to be incompatible with surrounding uses, with approval of a CUP, such as a wholesale bakery or a resale consignment shop, for example.

3. The existing residential adjacency standards and the COD regulations will ensure that any proposed non-residential use has no major impact on the existing single family homes.

4. All requirements of the UDC will be met upon conversion of the structure from residential to office use.

Exhibit 2

AERIAL MAP

ZONE CHANGE 2014-6Z

4602 W. BROADWAY

This product is for informational 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.

1 inch = 70 feet

22 MAY 2014
PLANNING DEPARTMENT

N

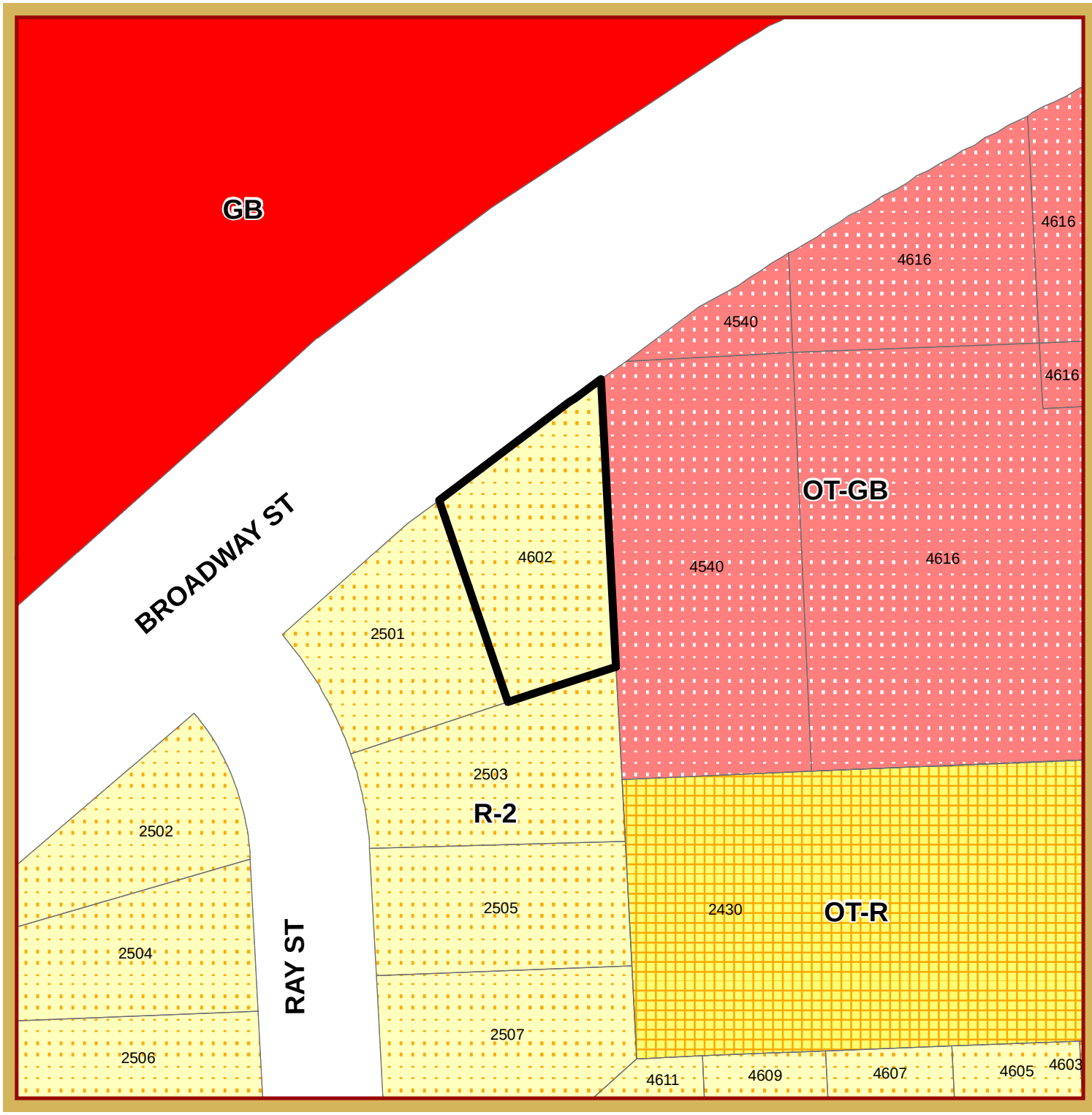


Exhibit 3

ZONING MAP

ZONE CHANGE 2014-6Z

4602 W. BROADWAY

This product is for informational 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.

1 inch = 70 feet

22 MAY 2014
PLANNING DEPARTMENT

N

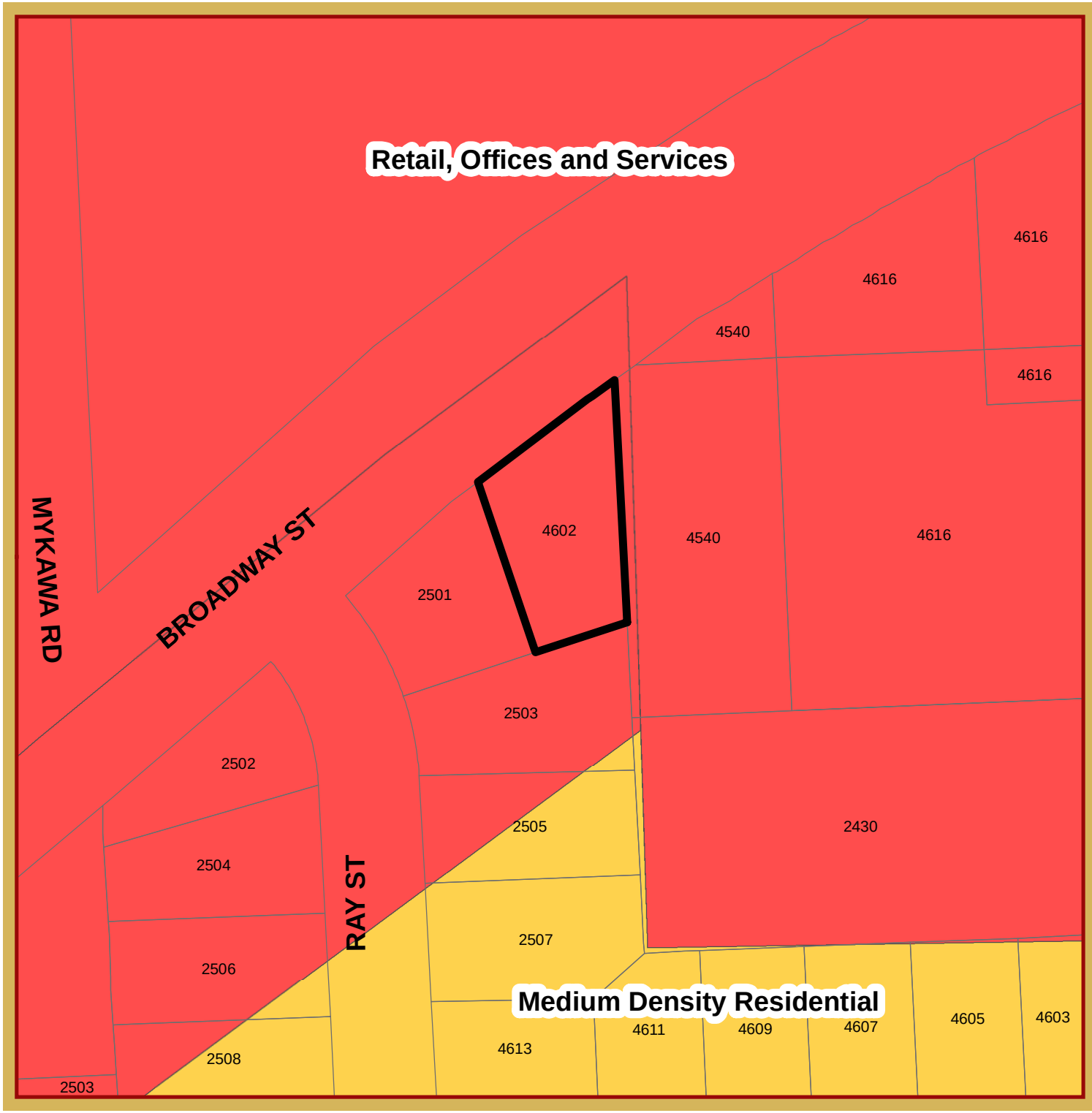


Exhibit 4

FLUP MAP

ZONE CHANGE 2014-6Z

4602 W. BROADWAY

This product is for informational 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.

1 inch = 83 feet

22 MAY 2014
PLANNING DEPARTMENT

N

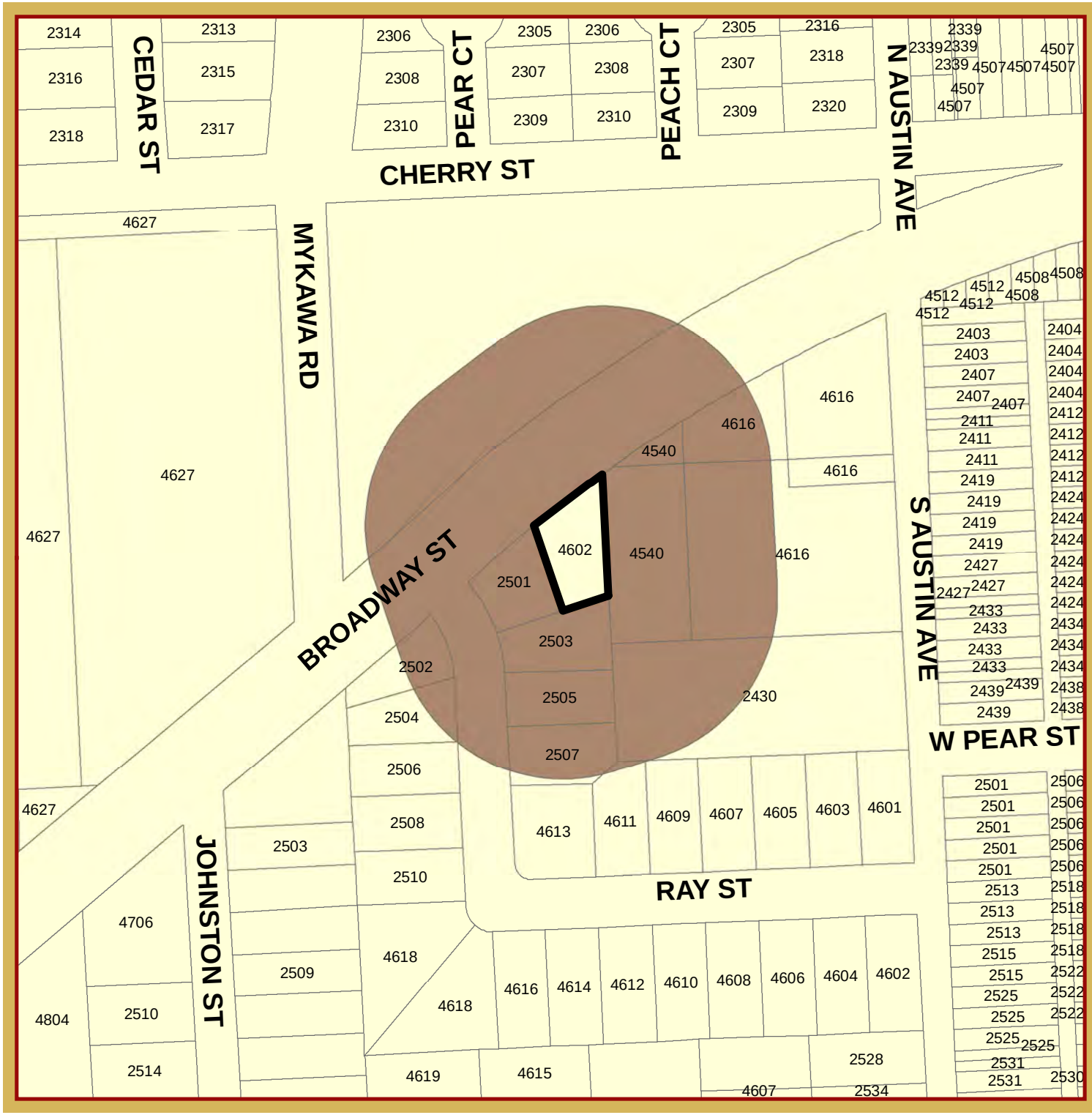


Exhibit 5

NOTIFICATION MAP

ZONE CHANGE 2014-6Z

4602 W. BROADWAY ST.

This product is for informational 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.

1 inch = 167 feet

22 MAY 2014
PLANNING DEPARTMENT

N

Exhibit 6

ZONE CHANGE 2014-6Z
NOTIFICATION LIST

NAME	ADDRESS	CITY	STATE	ZIP
BATES LISA LANELLE	3302 CHURCHILL ST	PEARLAND	TX	77581
CAMPBELL ARLYN JEAN	4606 RAY ST	PEARLAND	TX	77581
CANON FRANK LYNN	4609 RAY ST	PEARLAND	TX	77581
COBBS DAVID W & BRENDA S	2505 RAY ST	PEARLAND	TX	77581
COBBS T F JR & DORTHY	4611 RAY ST	PEARLAND	TX	77581
COE CODY	2504 RAY ST	PEARLAND	TX	77581
D BROWN INTERIORS	2640 BROADWAY ST STE 102	PEARLAND	TX	77581
JACKSON NELLIE J	3215 SAGEWOOD CT	PEARLAND	TX	77584
KILBOURN D R	2507 RAY ST	PEARLAND	TX	77581
LEROY JAMES WILLIAM & GALE S	2315 HALBERT DR	PEARLAND	TX	77581
NASSIF MICHAEL & SABA	11839 MIGHTY REDWOOD DR	HOUSTON	TX	77059
PEREZ ERNESTO & EVELYN PINEDA	PO BOX 230392	HOUSTON	TX	77223
SCHOOL ZONE	3421 E WALNUT ST	PEARLAND	TX	77581
EVELYN PINEDA	PO BOX 230392	HOUSTON	TX	77223

Exhibit 7

City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281-652-1768
281-652-1702 fax
www.cityofpearland.com

APPLICATION FOR A CHANGE IN ZONING

RECEIVED
MAY 15 2014
2:00 p.m.

Current Zoning District: Single Family Residential - 1

Proposed Zoning District: Office & Professional

Property Information:

Address or General Location of Property: 4602 W Broadway
Pearland 77581

Tax Account No. 203765

Subdivision: Darlinda (Pearland) Lot: 15 Block:

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

PROPERTY OWNER INFORMATION:

NAME Evelyn Pineda
ADDRESS PO BOX 230392
CITY Houston STATE TX ZIP 77223
PHONE (832) 868-7054
FAX (832) 217-3121
E-MAIL ADDRESS evelynpineda@yahoo.com

APPLICANT/AGENT INFORMATION:

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

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

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

Owner's Signature: Evelyn Pineda Date: 5-12-14

Agent's/Applicant's Signature: Date:

OFFICE USE ONLY:

FEES PAID: $775.00	DATE PAID: 5-13-14	RECEIVED BY: J. Tatum	RECEIPT NUMBER: 228336

Application No. 2014-67

APPLICATION CHECKLIST FOR THE FOLLOWING

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

☑ Application, filled out completely, and signed by the owner of the property to be considered for the conditional use permit.

NA ☐ If the applicant is the designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on his behalf. **Section 1.2.1.1 (a) of the Unified Development Code.**

✓ ☐ Metes and Bounds Description, (Survey, or a Plat of the property that provides or contains the metes and bounds description).

✓ ☐ Parcel map, printed from the City of Pearland website, indicating the location and boundaries of the subject property.

✓ ☑ Letter of Intent, explaining the zone change request in detail and why the zoning is being requested to be changed, and state the uses being proposed

*Letter of Intent is not required for a PD.

✓ ☑ Application fee, as determined below, by cash, check made payable to the City of Pearland, or credit card (Visa and MasterCard only)

- **Zero (0) to less than 25 acres:**
  - $ 750.00 plus $25.00 per each type of zoning district requested; or
  - $ 800.00 if requesting a Planned Development (PD)
- **25 to less than 50 acres:**
  - $ 800.00, plus $25.00 per each type of zoning district requested; or
  - $ 850.00 if requesting a Planned Development (PD)
- **50 to less than 75 acres:**
  - $ 850.00, plus $25.00 per each type of zoning district requested; or
  - $ 900.00 if requesting a Planned Development (PD)
- **75 to less than 100 acres:**
  - $ 900.00, plus $25.00 per each type of zoning district requested; or
  - $ 950.00 if requesting a Planned Development (PD)
- **100 acres and above:**
  - $ 950.00, plus $25.00 per each type of zoning district requested; or
  - $ 1000.00 if requesting a Planned Development (PD)

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

☑ Acknowledgement of the sign to be posted on the property 10 days prior to the public hearing.

☑ Provide evidence or proof that all taxes and obligations have been paid regarding the subject property.

☑ Application packets that are not **complete** will not be accepted. **When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, it may be necessary to postpone the proposed CUP/Zone Change and remove it from the scheduled agenda and place it on a future agenda date according to Section 1.2.1.2. of the Unified Development Code.**

Additional Information:

- Upon making an application for a zoning change or conditional use permit, the applicant shall place sign(s) as required. The City shall inspect such sign(s) to ensure compliance as required by the UDC.

- After the zoning change or conditional use permit request is approved by the City Council, denied by the City Council, or withdrawn by the applicant, the applicant shall remove the sign from the area of the request within ten (10) days of such event.

- It shall be unlawful for anyone to remove, destroy, deface or obstruct the view of a sign which gives notice that a zoning change or conditional use permit has been requested.

- In the event the applicant shall fail to erect and/or maintain signs in accordance with this section, then the public hearing before the Planning and Zoning Commission/City Council shall be postponed to a date in the future, which would allow time for compliance.

- The erection of any sign required by this section shall not require a permit under Section 4.1.2.6 of this UDC.

- The owner or applicant shall promptly notify the Planning Department of any sign required by this section, which becomes lost, stolen or vandalized. The Planning and Zoning Commission shall have the power to decide whether or not there has been substantial compliance with the posting requirements in the case of lost, stolen or vandalized signs.

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

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

Signs(s) shall be located as follows:

(1) One (1) sign per street frontage shall be located within thirty feet (30') of the abutting street, or as determined by the City.

(2) So as to be clearly visible and readable from the public right-of-way and not obstructed in any manner.

(3) So as not to create a hazard to traffic on the public rights-of-way abutting the property.

(4) On the subject property at least ten (10) days prior to the hearing of such zone change request by the Planning and Zoning Commission, and to remain continuously on said property until final action by the City Council or withdrawal of the case by the applicant. Removal of the sign by the applicant prior to a recommendation by the Planning and Zoning Commission and/or a final decision by the City Council shall constitute a withdrawal of the request.

(5) The signs shall be as follows:

- A minimum sign size of 2 feet by 3 feet, but no larger than 4 feet by 4 feet
- At least 2 feet above the ground
- Blue or black lettering that is a minimum of 3 inches by 1/2 inch, on a white background
- Message content as follows:

PROPOSED ~~(SPECIFY REQUEST)~~ Zone Change CUP
Contact City of Pearland
281-652-1765

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

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

CITY OF PEARLAND
*** CUSTOMER RECEIPT ***
Oper: JCOTTER Type: OC Drawer: 1
Date: 5/14/14 01 Receipt no: 228336

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	$775.00
Trans number:		4464909

4602 W BROADWAY PEARLAND
EVELYN PINEDA
ERNESTO J PEREZ
2704 TRANQUILITY TRL
PEARLAND

Tender detail

CK CHECK	164	$775.00
Total tendered		$775.00
Total payment		$775.00

Trans date: 5/13/14 Time: 15:18:05

ZONE CHANGE/VARIANCE/PLAT/RECORDATION

$775.00 (circle one) BA or PF or FE

Description: *Input who the check is from*

COMMENTS/DESCRIPTION (F10):

Location or Address 4602 W Broadway Pearland Tx 77581

Applicant Evelyn Pineda

Owner _____

RECEIVED
MAY 13 2014

LETTER OF INTENT

We are requesting a zone change from Residential-1 to Office and Professional. We intend to use the subject property as a real estate office or lease to a tenant who will also use the property for office and professional use. We are requesting the zone change for several reasons. First and most importantly, the subject property faces FM 518, a highly trafficated street with predominantly commercial properties. Second, the property is surrounded by commercial properties; next door is a day care and across the street is a bank. Third, although the subject property is intended for residential use the high traffic and commercial surroundings make the residential use of this property very challenging. Lastly, we are requesting a zone change because it is the "highest and best use" for the subject property.

Sincerely,

Evelyn Pineda

LaPlant Surveyors, Inc.

17150 Butte Creek Road, Ste. 135
Houston Texas, 77090
281-440-8890
Firm No. 10145800

A tract of land being knows as Lot 15 of Darlinda Addition, a subdivision in Brazoria County Texas as recorded in Volume 7, Page 20 of the Plat Records of said Brazoria County, and being the same tract of land as described in deed to Ernesto Perez and Evelyn Pineda under Clerk's File Number 2006042620 of the Real Property Records of said Brazoria County, said tract of land being described by metes and bounds as follows

BEGINNING at the northeast corner of the herein described tract of land and the northeast corner of a tract of land containing 0.48 acre as described in deed to School Zone under Clerk's File Number 98-041483, and being located on the southerly right-of-way line of Farm to Market Road (F.M.) Number 518.

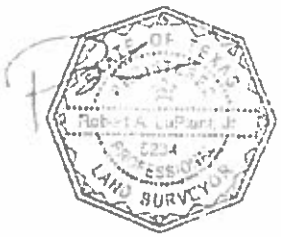
THENCE S 00 deg 05 min 20 sec W along the east line of Lot 15 and the west line of said School Zone tract and departing said right-of-way line, a distance of 144.70 feet to the southeast corner of the herein described tract of land and the northeast corner of Lot 16

THENCE S 74 deg 56 min 27 sec E along the southerly line of Lot 15 and the northerly line of Lot 16, a distance of 55.00 feet to the southwest corner of the herein described tract of land and the southeast corner of Lot 14

THENCE N 15 deg 23 min 11 sec W along the westerly line of Lot 15 and the easterly line of Lot 14, a distance of 108.24 feet to the northwest corner of the herein described tract of land and the northeast corner of Lot 14, and being located on the aforementioned southerly right-of-way line of F.M. 518.

THENCE in a northeasterly direction along said southerly right-of-way line along a curve to the right having a radius of 2032.58 feet and a central angle of 02 deg 46 min 55 sec, an arc length of 98.69 feet having a chord bearing of N 56 deg 09 min 56 sec E and a chord distance of 98.68 feet to the Point of Beginning of the herein described tract of land

This description is based on the aforementioned recorded plat of Darlinda Addition and does not purport to be based on a boundary survey in any manner



DUPLICATE TAX RECEIPT

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

Certified Owner:

PEREZ ERNESTO & EVELYN PINEDA
PO BOX 230392
HOUSTON , TX 77223-0392

Legal Description:
DARLINDA (PEARLAND), LOT 15

Parcel Address: 4602 W BROADWAY
Legal Acres: 0.2169

Remit Seq No: 25809528
Receipt Date: 01/31/2014
Deposit Date: 02/14/2014
Print Date: 05/13/2014 10:50 AM
Printed By: LATOYA

Deposit No: 1404516C
Validation No: 900000030518834
Account No: **3190-0016-000**
Operator Code: CHARISE

Year	Tax Unit Name	Tax Value	Tax Rate	Levy Paid	P&I	Coll Fee Paid	Total
2013	Brazoria County	62.260	0.432020	268.98	0.00	0.00	268.98
2013	Special Road & Bridge	62.260	0.060000	37.36	0.00	0.00	37.36
2013	Pearland Isd	62.260	1.415700	881.41	0.00	0.00	881.41
2013	Brazoria Drainage Dist 4	62.260	0.156000	97.13	0.00	0.00	97.13
2013	City Of Pearland	62.260	0.705100	439.00	0.00	0.00	439.00
				$1,723.88	**$0.00**	**$0.00**	**$1,723.88**

Check Number(s):
215

PAYMENT TYPE:
Checks: $1,723.88

Exemptions on this property:

Total Applied: $1,723.88

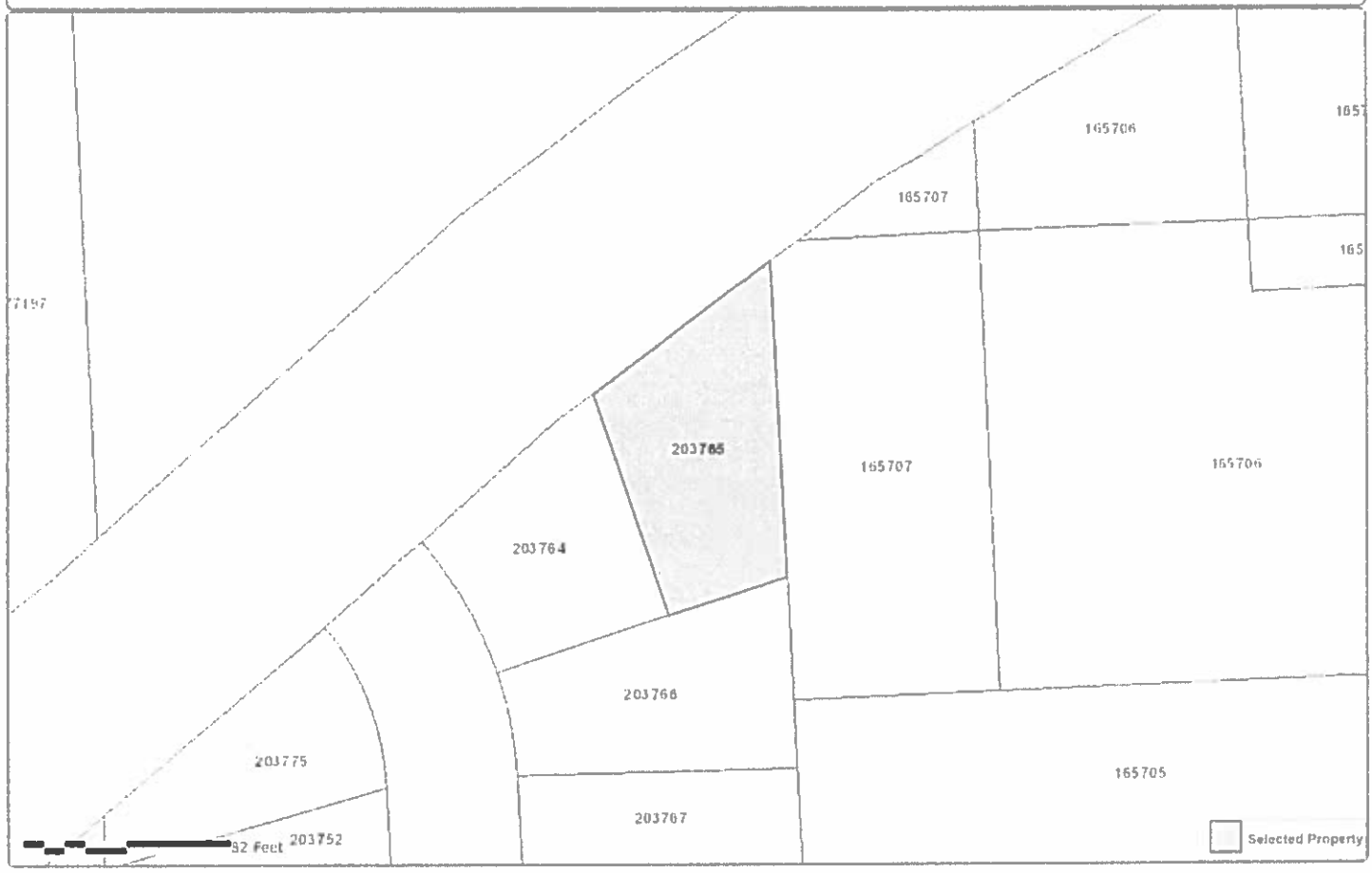
Change Paid: $0.00

ACCOUNT PAID IN FULL

PAYER: 23043164
PEREZ ERNESTO J
2704 TRANQUILITY TRAIL
PEARLAND , TX 77584

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

Brazoria CAD - Map of Property ID 203765 for Year 2014



Property Details

Account

Property ID: 203765
Geo ID: 3190-0016-000
Type: Real
Legal Description: DARLINDA (PEARLAND), LOT 15

Location

Situs Address: 4602 W BROADWAY PEARLAND,
Neighborhood: DARLINDA
Mapsco:
Jurisdictions: CAD, CPL, DR4, GBC, RDB, SPL

Owner

Owner Name: PEREZ ERNESTO & EVELYN PINEDA
Mailing Address: , PO BOX 230392, , HOUSTON, TX 77223-0392

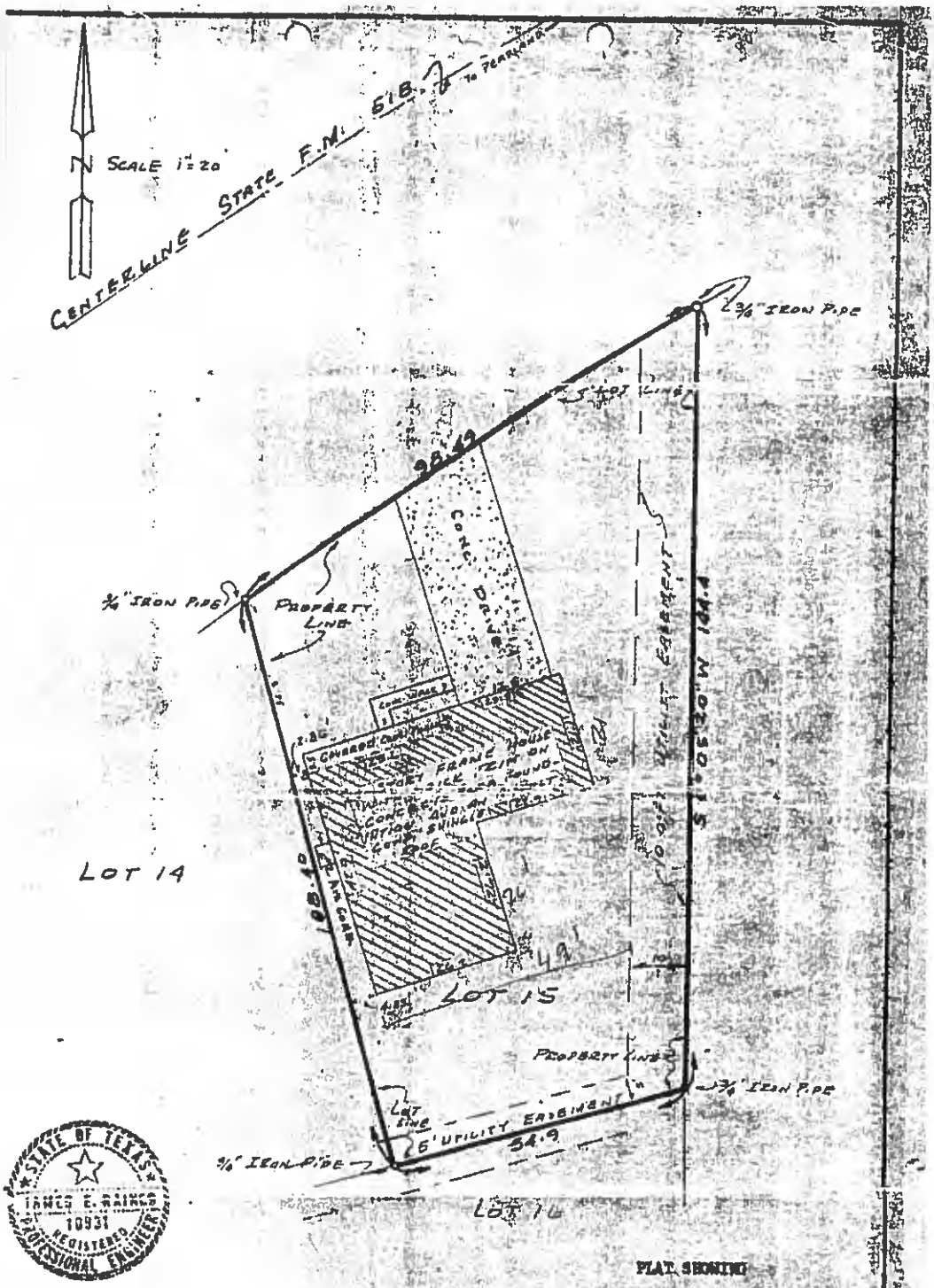
Property

Appraised Value: $62,260.00

https://propaccess.trueautomation.com/Map/View/Map/51/203765/2014

PropertyACCESS

Map Disclaimer: This product is for informational purposes only 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. The Brazoria County Appraisal District expressly disclaims any and all liability in connection herewith.



STATE OF TEXAS
JAMES E. RAINES
10931
REGISTERED
PROFESSIONAL ENGINEER

I, James E. Raines, a Registered Professional Civil Engineer of the State of Texas, do hereby certify that this plat is a record of a survey made by me on the ground on February 28, 1964 and is true and correct to the best of my knowledge and belief.

SIGNED James E. Raines

James E. Raines
P. E. License # 10931

PLAT SHOWING

LOT 15 OF THE DARLINDA ADDITION TO THE TOWN OF PEARLAND, A SUBDIVISION OF TRACT 9, A PART OF TRACT 8 OF THE ALLISON-RICHES GULF COAST HOMES CO.'S SUBURBAN GARDENS SUBDIVISION OF PART OF H. T. & B. R. R. CO. SURVEY, SECTION 5, ABSTRACT 132, SAID SUBDIVISION OF RECORD IN VOL. 2, PAGE 16 OF THE PLAT RECORDS, COUNTY CLERK'S OFFICE, BRAZORIA COUNTY, TEXAS, AND THE IMPROVEMENTS THEREON. DARLINDA ADDITION RECORDED IN VOL. 7, PAGE 20 OF THE PLAT

P&Z AGENDA ITEM

D

JOINT PUBLIC HEARING
THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS,
MONDAY, SEPTEMBER 15, 2014 AT 6:30 P.M.
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

I. CALL TO ORDER

II. PURPOSE OF HEARING

Zone Change Application No. 2014-15Z

A request of BGE Kerry R. Gilbert and Associates, applicant; on behalf of Parkside 59/288 LTD, owner; for approval of an amendment to the Business Center PD; on approximately 29.331 acres of land, to wit:

Legal Description: Being 29.331 acres of land located in the H.T. & B.R.R. Company Survey, Section 81, Abstract Number 300, Brazoria County, Texas, being a portion of Lots 38, 39, 40, 49 and 50 of the Allison Richey Gulf Coast Home Company's Part of Suburban Gardens, a subdivision of record in Volume 2, Page 98 of the Brazoria County Plat Records, being a portion of Business Center Planned Development Tract C-4, the plat thereof recorded under Document Number 2013-033688 in the Official Public Records of Brazoria County Texas, further being the residue of a 30.583 acre tract (Part One) and the residue of a 9.990 acre tract (Part Two) described in the deed from Compass Bank to Parkside 59/288 LTD. Recorded under Document No. 2011012491, in the Official Public Records of Brazoria County, Texas.

General Location: Northwest corner of County Road 59 and State Highway 288 Pearland, TX

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT
B. APPLICANT PRESENTATION
C. STAFF WRAP UP

IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

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

Memo

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: September 15, 2014

Re: Zone Change Application Number 2014-15Z

A request of BGE Kerry R. Gilbert and Associates, applicant; on behalf of Parkside 59/288 LTD, owner; for approval of an amendment to the Business Center PD; on approximately 29.331 acres of land

Proposal

The Business Center Planned Development (PD) includes approximately 38.909 acres of land located at the northwest corner of County Road 59 and State Highway 288; and on the east and west sides of Business Center Drive. Currently the PD allows for a mix of non-residential uses.

The applicant proposes to amend the PD to allow minor modifications in the allowable land uses and acreages for various uses, including the addition of a Retail Supercenter. Changes are also proposed to the design standards, including exterior façade materials and colors; screening of service access and service areas; and screening of detention facilities.

The amendment will result in 5 changes that are discussed in detail in the attached Staff Report.

Public Notification/Comment

Staff sent public notices, comment forms and a vicinity map to the applicant, the owner of the property and to property owners within 200 feet of the subject property under consideration for the amendment to the Business Center PD. Additionally, a legal notice of the public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant. As of the date of this writing, staff has not received any returned notices from property owners within 200 feet of the site.

Recommendation

Staff recommends approval of the proposed amendment to the Business Center PD, as identified above, and in detail within the attached Staff Report, identified as Exhibit 1; for the following reasons:

1. The amended PD should not cause any adverse impacts to existing or future developments. With the exception of properties to the west and south, all other adjacent properties are either zoned for non-residential uses, are developed with non-residential uses or continue to remain undeveloped. The property to the west is developed with a single family subdivision; however is separated from the subject property via a 176-foot detention pond (Detention Pond A) and a 60-foot drainage easement, for a total of 236-foot separation, which will provide a sufficient buffer between the non-residential PD and the existing single family subdivision. Additionally, a 6-foot tall masonry or pre-cast wall; or a 30-foot wide vegetative buffer will be constructed along the eastern boundary of the detention facility to enhance the screening between uses. Further north of the subject property is the Pearland Town Center, which is developed with a mix of various uses, including residential, restaurants, retail, and office uses.

2. The PD was approved as a non-residential PD and continues to remain as such. The non-residential nature of the PD is consistent with intent of the original PD; to provide commercial developments, including retail, office, hotel/motel uses, with its close proximity to State Highway 288, and fronting on two secondary thoroughfares; County Road 59, and Business Center Drive.

3. The PD continues to meet the intent of BP-288; the overlay zoning district, to provide high quality non-residential developments along State Highway 288.

4. The Business Center PD conforms with and meets the intent of the Business Park future land use designation of the Comprehensive Plan. The location of the property, at the intersection of a state highway, lends itself for a mix of non-residential uses, as indicated by the Comprehensive Plan.

   Staff recommends that the following is addressed in the PD prior to first reading:

   1. Incorporate graphics and images showing the facades of the proposed changes to façade materials.

   2. Spacing of shrubs included in the landscaped buffer.

   3. Provide for screening of the proposed Detention Pond B, along the north property line.

Exhibits

1. Staff Report
2. Aerial Map
3. Zoning Map
4. Future Land Use Map
5. Notification Map
6. Notification List
7. Red-lined Sections of PD to be Amended
8. Existing PD Document

Exhibit 1
Staff Report

Summary of Request

The Business Center Planned Development (PD) includes approximately 38.909 acres and was originally approved on November 26, 2012 to allow for a mix of non-residential uses, authorized by the PD in specific locations, as well as all uses permitted or conditionally permitted within the Business Park -288 (BP-288) zoning district, as indicated within the Land Use Matrix of the Unified Development Code (UDC). The PD is separated into three (3) areas, Land Use Areas 1, 2 and 3. Each Land Use Area has distinct uses, maximum acreages and design standards that apply. The PD allows for the acreage to shift within each Land Use Area up to 15% to allow for flexibility in land uses.

The proposed amendment will result in the following 5 changes:

1. a change in the allowable uses and maximum acreages associated with the permitted uses identified in Section II, Table 1 (Land Use Area Table) for Land Use Areas 1 and 3;
2. a change in the "Design Elements" of the above referenced table for Land Use Area 3;
3. an amendment to Section III (Design Standards) for Land Use Area 3;
4. addition of an additional dry detention pond (Proposed Detention Pond B), to Land Use Area 3, as identified and illustrated in Exhibit D; and
5. revision to Section B (Specific List of Deviations) to include deviations proposed with this amendment.

Details of the above 5 changes are described in detail below:

Amendment 1: Section II (Zoning and Land Uses), Table 1 (Land Use Area Table); found on page 4 of the redlined version of the Business Center PD identifies the types of uses, maximum acreage, as well as Design Elements for each of the 3 Land Use

Areas. The applicant proposes to amend the land uses and acreages for Land Use Areas 1 and 3. As part of this amendment, a "Retail Superstore" is being added and defined as "an establishment that sells a variety of goods and services arranged into multiple departments. These departments may include, but are not limited to, consumable foods, prepared foods, pharmacy, electronics, etc."

The table below illustrates the existing permitted uses and maximum acreages for Land Use Areas 1, 2 and 3; as well as the proposed amendments and/or additions for Land Use Areas 1 and 3. No changes are proposed for Land Use Area 2.

Column 1 indicates each land area and the maximum acreage allowed within the land area; Column 2 includes the existing requirements, and Column 3 indicates the proposed amendment. Any changes, additions, deletions, etc., are highlighted in red font.

Land Use Area	**Existing Permitted Uses/Max Acreage**	**Proposed Amendment**
1 +/- 9.7 acres	• Restaurant (Drive-thru): 9.7 acres • Restaurant (Dine-in): 9.7 acres • Hotel/Motel/Extended Stay: 6 acres • Gas/Convenience Store: 3 acres • Auto Repair (minor): 5 acres • Auto Wash (full service/detail): 5 acres • Auto Wash (self-service): 5 acres • Laundry/Dry Cleaning: 2 acres • Garden/Nursery Store: 8 acres • Shopping Center: 8 acres	• Restaurant (Drive-thru): 9.7 acres • Restaurant (Dine-in): 9.7 acres • Hotel/Motel/Extended Stay: 6 acres • ~~Gas/Convenience Store: 3 acres~~ • Auto Repair (minor): 5 acres • Auto Wash (full service/detail): 5 acres • Auto Wash (self-service): 5 acres • Laundry/Dry Cleaning: 2 acres • Garden/Nursery Store: 8 acres • Shopping Center: 8 acres • Pharmacy: 4 acres
2 +/- 5.9 acres	• Restaurant (Drive-thru): 5.8 acres; • Restaurant (Dine-in): 5.8 acres; • Gas/Convenience Store: 3 acres • Auto Wash (self-service) associated with a gas station only	**NO CHANGE PROPOSED**
3 +/- 23.3 acres	• Nursing/Convalescent Home: 14 acres • Flex/Back Office: 12 acres • Museum: 5 acres • Bio-tech, High-tech Manufacturing: 10 acres • Shopping Center: 12 acres	• Nursing/Convalescent Home: ~~14~~ 4 acres • Flex/Back Office: 12 acres • Museum: 5 acres • ~~Bio-tech, High-tech Manufacturing: 10 acres~~ • Shopping Center: 12 acres

		• Gas/Convenience Store: 3 acres • Auto Wash (self-service): 3 acres • Retail Superstore: 17 acres • Additional uses permitted in association with a Retail Superstore (inside of the primary structure housing the Retail Superstore): Pharmacy; Liquor Sales, as permitted by TABC; Photo Processing; Food Preparation Services (Butcher, Deli, Bakery, etc.); Optometry Services; General Food and Retail Sales

Amendment 2: The applicant proposes to amend the "Design Elements" for Land Use Area 3, identified in the Land Use Table on page 4 of the redlined version of the Business Center PD.

The below table illustrates the Land Use Area in Column 1, the existing requirement in Column 2 and the proposed amendment in Column 3 is indicated in red font for new language and a red-strike-through for language that is proposed to be deleted. It is important to note that no changes in the Design Elements are proposed for Land Use Areas 1 and 2.

Land Use Area	Existing Requirement	Proposed Amendment
3	• Shared Driveways • Nursing/Convalescent Home as defined by the UDC. The Design of the complex will incorporate interior hallways. • Businesses to be oriented towards Business Center Drive or if designed with a motor court, businesses can be oriented to another business. • Orientation of overhead doors and service bay doors shall not face Business Center Drive • Flex/Back Office and Bio-tech, High-tech Manufacturing to be 1-story industrial product with	• Shared Driveways • Nursing/Convalescent Home as defined by the UDC. The Design of the complex will incorporate interior hallways. • Businesses to be oriented towards Business Center Drive or if designed with a motor court, businesses can be oriented to another business. • Orientation of overhead doors and service bay doors shall not face Business Center Drive except when a building is over 100,000 square feet, and used as a Retail Superstore.

	tilt wall or similar concrete construction that can accommodate 25% to 100% office use; dock high doors shall not face Business Center Drive.	• Flex/Back Office and ~~Bio-tech, High-tech Manufacturing~~ to be 1-story industrial product with tilt wall or similar concrete construction that can accommodate 25% to 100% office use; dock high doors Loading bays and similar activities, including, but not limited to, overhead doors, rolling shutters, garage doors, bay doors and dock doors of any structure, shall not face Business Center Drive. • The proposed detention facility (Detention Pond B) along the north property line, may be adjusted within the boundary of LUA 3.

Amendment 3: The applicant proposes to amend Section III (Design Standards) of the PD for Land Use Area 3.

The below table illustrates the existing design standards and proposed amendments to Land Use Area 3. No changes are proposed in the Design Standards for Land Use Area 1 or 2. Column 1 includes the Design Standard, Column 2 indicates the existing requirement and Column 3 indicates the amendment with the addition of any proposed language in red font and a red-strike-through for language that is proposed to be deleted.

Design Standard	Existing Requirement	Proposed Amendment
Exterior Materials and Colors	No more than 3 dominant materials should be used on a building exterior. Acceptable materials are concrete, tilt wall concrete, concrete block, glass, glass block, brick, split face concrete block, stone, stucco and trade designs as permitted in Sec. 2.6.2.1…	No more than 3 dominant materials should be used on a building exterior. Acceptable materials are concrete, tilt wall concrete, concrete block, glass, glass block, brick, split face concrete block, stone, stucco and trade designs as permitted in Sec. 2.6.2.1… Earth tones with limited pastel

	Earth tones with limited pastel alternative as recommended for dominant wall colors for build materials. An accent color may be applied to the trim, fascia boards, door panels or miscellaneous metals. An accent color may be applied to trim, fascia boards, door panels or miscellaneous metals. Accent colors will not exceed more than 20% of the building façade for any side of the building. Prohibited colors include fluorescent, iridescent, or dayglo.	alternative as recommended for dominant wall colors for build materials. An accent color may be applied to the trim, fascia boards, door panels or miscellaneous metals. An accent color may be applied to trim, fascia boards, door panels or miscellaneous metals. Accent colors will not exceed more than 20% of the building façade for any side of the building. Prohibited colors include fluorescent, iridescent, or dayglo. For all non-residential structures 100,000 sf. or greater, and used as a Retail Superstore, acceptable front facades of any building that faces a thoroughfare/ collector may include up to a combined max. of 65% architectural metal panel (rib and/or textured). Side facades of such buildings may include up to a combined max. of 75% architectural metal panel (rib and/or textured).
Bicycle Parking	On and off street parking will be in conformance with the UDC. Bicycle parking will be in conformance with Sec. 2.4.5.1.F (COD)	On and off street parking will be in conformance with the UDC. Bicycle parking will be in conformance with Sec. 2.4.5.1.F (COD). However, within LUA 3, a single building over 100,000 sf. shall provide bicycle storage for a minimum of 2% of the company's employees within a secure space in the buildings receiving area in lieu of the Bicycle Standards
Service Access and	Service drives and service areas shall not interfere	Service drives and service areas shall not interfere

Service Areas	w/parking, driveways or walkways and must be screened from adjoining properties, all public right-of-way and from the office area of any other building which share the site. A service area shall be provided at the rear (side opposite the street) of all buildings.	w/parking, driveways or walkways and must be screened from adjoining properties, all public right-of-way and from the office area of any other building which share the site. A service area shall be provided at the rear (side opposite the street) of all buildings. Within Land Use Area 3, the following standards apply: For non-residential structures 100,000sf/greater, and used as a Retail Superstore, any receiving dock bay or compactor area, must be adequately screened from public view by plant materials within the site perimeter buffers. The min. distance between the property line along Business Center Drive and the doors must be 180 feet. The plant materials used for screening must include evergreen shrubs maintained at 6 feet in height, and parking lot end islands w/evergreen shrubs maintained at 3 feet in height. Canopy trees, evergreen shrubs and a variety of low shrubs, ornamental grasses and ground cover must be included to further enhance the visual buffer.
Screening	Screening will conform to the UDC, except for any exclusions listed within the Deviations Section. The screening for the detention facility will consist of a 6-foot tall masonry or pre-cast masonry wall along the eastern side of the facility,	Screening will conform to the UDC, except for any exclusions listed within the Deviations Section. ~~The screening for the detention facility will consist of a 6-foot tall masonry or pre-cast masonry wall along the eastern side of the facility,~~

	along LUA 2 and 3. The fence will be constructed in conjunction with the building it is screening within LUA 2 and 3.	~~along LUA 2 and 3. The fence will be constructed in conjunction with the building it is screening within LUA 2 and 3.~~ The screening for the existing regional detention facility (Detention Pond A) will consist of screening along the eastern boundary of the detention pond either as: 1. 6-foot tall pre-cast masonry wall 2. Landscape buffer, min. 30.ft. wide. To adequately screen the property from public view, the buffer must be landscaped with evergreen shrubs maintained at a height of 3 feet, canopy trees and a variety of low shrubs, ornamental grasses and ground cover to enhance the visual buffer. Trees shall have a minimum caliber of 3 inches.
Detention Facility	The primary detention for this development will be located along the western boundary of the tract. The detention will provide a buffer between the proposed commercial development and South Gate neighborhood. The detention facility, including the high bank is 176 feet wide. The existing Brazoria Drainage District ditch is 60 feet wide. The combination of these 2 drainage areas provides a single 236 foot wide buffer between the existing residential and proposed commercial. A screen wall 6 feet tall masonry or pre-cast wall will be constructed along the east side of the detention	The primary detention for this development will be located along the western boundary of the tract (Detention Pond A). The detention will provide a buffer between the proposed commercial development and South Gate neighborhood. The detention facility, including the high bank is 176 feet wide. The existing Brazoria Drainage District ditch is 60 feet wide. The combination of these 2 drainage areas provides a single 236 foot wide buffer between the existing residential and proposed commercial. A screen wall 6 feet tall masonry or pre-cast wall will be constructed along the east side of the detention

	facility to enhance the screening between uses. The wall will be constructed as buildings are constructed. Landscape plantings of trees and shrubs will also be incorporated along the frontage of CR 59 to provide a visual screen from the public right-of-way.	facility to enhance the screening between uses. The wall will be constructed as buildings are constructed. Landscape plantings of trees and shrubs will also be incorporated along the frontage of CR 59 to provide a visual screen from the public right-of-way. As an option, a landscape buffer, as described on page 6, Section 10-Screening, may be used in place of the 6-foot wall. An additional dry detention facility (Detention Pond B) will be located on the northern portion of Land Use Area 3 to provide the detention needed for the eastern +/- 9.7 acres (LUA1). A landscape easement no less than 10 feet in width and no greater 15 feet in width will be provided along the southern end of the detention basin and along the eastern edge of the detention basin. This will ensure adequate screening between the detention facility and the commercial property to the south as well as Business Center Drive to the east. Exhibit G-Detention Facility shows the proposed landscaped easements. The landscape buffer will incorporate plantings of trees and shrubs, as shown in Exhibit H. No screening is required between Detention Pond A and Detention Pond B.

Amendment 4: The applicant proposes to add an additional dry detention area to Land Use Area 3, to provide the detention required for the property east of Business Center Drive and identified as Land Use Area 1, within the PD.

Amendment 5: The applicant proposes to amend Section B: Specific List of Deviations as indicated by the below table. The Section of the UDC, as written in the PD is listed in Column 1, the requirement as written in the PD is listed in Column 2 and the proposed amendment is listed in Column 3 in red font for new language and a red-strike-through for language that is proposed to be deleted.

Deviation Section	Existing Requirement	Proposed Amendment
6. Section 2.4.4.3.F	Regional detention facilities are required to be incorporated as an amenity. The regional detention required for this development is better served as a buffer to the single family residential than as a lake amenity for the project. The total width of the detention and drainage area is 236 feet. The distance, coupled with the 6 foot wall provides a sufficient buffer and screen for the residential neighborhood to the west.	~~Regional detention facilities are required to be incorporated as an amenity.~~ The regional detention required for this development is better served as a buffer to the single family residential than as a lake amenity for the project. The total width of the detention and drainage area is 236 feet (Detention Pond A). The distance, coupled with the 6 foot wall provides a sufficient buffer and screen for the residential neighborhood to the west. Detention for the eastern +/- 9.7 acres will also be provided by a dry detention basin (Detention Pond B). The detention will be screened by landscaping along the southern and eastern edge of the basin to create a visual buffer

		from Business Center Drive and the neighboring commercial property to the south. Utilizing this method of detention will allow more efficient development for Land Use Area 1.
7. Section 2.4.5.1.M	Overhead utilities will be utilized west of Business Center Drive. Power will be distributed underground to the property east of Business Center Drive from overhead power located in Business Center Drive. The underground power will be distributed in a manner determined by Centerpoint.	Overhead utilities will be utilized west of Business Center Drive, as indicated within Exhibit E. Power will be distributed underground to the property east of Business Center Drive, but may include above ground terminal poles ~~from overhead power located in Business Center Drive~~. The configuration and engineering of underground power will be determined ~~distributed in a manner determined~~ by Centerpoint.
8. Section 2.4.5.1.f Bicycle Parking	Bicycle parking spaces shall be provided at an amount equal to a minimum of 5% of the required vehicle parking spaces. Bicycle parking shall be conveniently provided for all uses allowed in the OP, NS, BP-288, GB and GC zoning districts. Each required bicycle parking space shall include a means to secure individual bicycles.	Bicycle parking spaces shall be provided at an amount equal to a minimum of 5% of the required vehicle parking spaces. Bicycle parking shall be conveniently provided for all uses allowed in the OP, NS, BP-288, GB and GC zoning districts. Each required bicycle parking space shall include a means to secure individual bicycles.

		Within LUA3, a single building over 100,000 sf., and used as a Retail Superstore, and located 180 feet from the property line shall provide bicycle storage for a minimum of 2% of the company's employees within a secure space in the building's receiving area in lieu of Bicycle Parking Standards.
9. Section 2.4.5.1.d Building Articulation	All non-residential structures 50,000 sf. in size or greater, shall incorporate architectural variation of at least 3 ft. in depth for every 25 ft. (not cumulatively) in vertical or horizontal length.	All non-residential structures 50,000 sf. in size or greater, shall incorporate architectural variation of at least 3 ft. in depth for every 25 ft. (not cumulatively) in vertical or horizontal length. In LUA3, for all non-residential structures over 100,000 sf., and used as a retail superstore, front facades of any building that faces onto a thoroughfare/ collector shall incorporate architectural variation (building mass, offsets, trellises, etc.) of at least 2 feet in depth for 30% of the building length and material variation for every 125 ft. in horizontal length. Side facades of such buildings shall incorporate material variation for every 125 ft. in horizontal length.

As part of the amendment, various exhibits are being added/modified to reflect the above changes. Specifically, Exhibit B-1 is being added and includes a survey and metes and bounds description of Land Use Areas proposed to be amended; Exhibit G (Detention Exhibit) and Exhibit H (Landscape/Screening along Northern Detention Basin) are both being added.

Site History

The subject property was annexed into the city of Pearland in 1996. The Business Center Planned Development (PD) was originally approved on November 26, 2012 to allow for a mix of non-residential uses along State Highway 288 and Business Center Drive, with a base zoning of Business Park District-288 (BP-288) and Corridor Overlay District (COD). To date, one (1) amendment to the PD was approved on October 28, 2013. The 2013 amendment allowed an existing overhead utility line which was relocated due to the construction of Business Center Drive, to remain.

The PD is divided into three (3) areas identified as Land Use Areas 1, 2 and 3. In addition to the uses permitted or conditionally permitted within the BP-288 zoning district located within the Land Use Matrix of the Unified Development Code (UDC), each Land Use Area includes a mix of permitted non-residential uses, maximum acreages, and design standards. Various permitted non-residential uses include restaurants, hotels/motels/extended stay facilities; auto-related uses (gas station, auto repair (minor); retail and museums.

The subject property is mostly undeveloped, however, a building is currently under construction within Land Use Area 2. The site is surrounded by a mix of various uses, including single family subdivisions to the south and west; undeveloped land to the north, and further north is the Pearland Town Center; and undeveloped land to the east. The below table identifies surrounding uses and zoning districts:

	Zoning	**Land Use**
North	Business Park District-288 (BP-288) Pearland Town Center PD	Undeveloped Pearland Town Center
South	City of Manvel	Single Family Subdivision
East	Business Park District-288 Extraterritorial Jurisdiction (ETJ)	Undeveloped
West	Single Family Residential 2 (R2)	Southgate Single Family Subdivision

Conformance with the Thoroughfare Plan

The subject property has frontage on County Road 59 and Business Center Drive; both secondary thoroughfares, which requires 100 feet of right-of-way. Existing right-of-way appears to be of varying widths in some locations along the frontage of the property along both thoroughfares. Additional right-of-way will be assessed and may be required as properties are platted within the development.

Conformance with the Unified Development Code

The Business Center PD was originally approved in 2012 under the Unified Development Code (UDC). The base zoning district for the PD is the Business Park District-288 (BP-288) and the Corridor Overlay District (COD) standards. The purpose of the BP-288 zoning district is to permit large non-residential uses, including retail developments in locations with good visibility and roadway access, provided by State Highway 288.

A PD allows for deviations from the base zoning district. Any standards not specifically identified within the PD or the deviations section of the PD, will revert back to the UDC. At the time of platting or subdivision of the property, the area regulations of the BP-288 zoning district would apply:

BP-288 Area Regulation	**BP-288 Area Regulation**
Minimum Lot Size	1 acre
Minimum Lot Width	150 ft.
Minimum Lot Depth	200 ft.
Minimum Front Yard	25 ft.
Minimum Side Yard	20 ft.
Minimum Rear Yard	20 ft.
Maximum Height	65 ft.

Conformance with the Comprehensive Plan

The subject property is located within the Business Park Future Land Use designation. According to the Comprehensive Plan, the area is generally encompassing of the SH 288 corridor and portions of Beltway 8 nearest SH 288. The Comprehensive Plan recommends a mixed use area developed in coordinated, master-planned,

settings with interdependent and complimentary uses. Preferred uses include office buildings of various heights, regional shopping centers and malls, research and development facilities and light manufacturing. The Business Park PD is in compliance with, and meets the intent of the Business Park Future Land Use designation. The location of the property, at the intersection of a state highway lends itself for a mix of non-residential uses, as indicated by the Comprehensive Plan.

Platting Status

A Development Plat was approved in 2013 for approximately 3.35 acres located within Land Use Area 2. Prior to development of any tract within the PD, platting will be required.

Availability of Utilities

According to GIS records, there is an existing 12 inch water line running along the west side of the property along Business Center Drive and an 8 inch water line along the north side of County Road 59, southern-most property line. There is an existing sewer line that extends from Land Use Area 3, across Business Center Drive to Land Use Area 1. Utilities will be assessed at the time of platting.

Impact on Existing and Future Development

It is not anticipated that the proposed amendment to the Business Center PD will have any significant impact on existing or future developments. With the exception of properties to the west and south, all other adjacent properties are either zoned for non-residential uses, are developed with non-residential uses or continue to remain undeveloped. The property to the west is developed with a single family subdivision; however is separated from the subject property via a 176-foot detention pond (Detention Pond A) and a 60-foot drainage easement, for a total of 236-foot separation, which will provide a sufficient buffer between the non-residential PD and the existing single family subdivision.

Additional Comments

The request has been reviewed by the Development Review Committee (DRC), and there are no further comments.

Public Notification

Staff sent public notices, comment forms and a vicinity map to the applicant, the owner of the property and to property owners within 200 feet of the subject property under consideration for amendment to the Business Center PD. Additionally, a legal notice of the public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant.

Opposition to or Support of Proposed Request

As of the date of this writing, staff has not received any comments either in opposition to or in support of the proposed change in zoning request to amend the PD.

Recommendation

Staff recommends approval of the amendment to the Business Center PD, to amend the regulations and permitted uses for Land Use Areas 1 and 3, as identified above, for the following reasons:

1. The amended PD should not cause any adverse impacts to existing or future developments. With the exception of properties to the west and south, all other adjacent properties are either zoned for non-residential uses, are developed with non-residential uses or continue to remain undeveloped. The property to the west is developed with a single family subdivision; however is separated from the subject property via a 176-foot detention pond (Detention Pond A) and a 60-foot drainage easement, for a total of 236-foot separation, which will provide a sufficient buffer between the non-residential PD and the existing single family subdivision. Additionally, a 6-foot tall masonry or pre-cast wall; or a 30-foot wide vegetative buffer will be constructed along the eastern boundary of the detention facility to enhance the screening between uses. Further north of the subject property is the Pearland Town Center, which is developed with a mix of various uses, including residential.

2. The PD was approved as a non-residential PD and continues to remain as such. The non-residential nature of the PD is consistent with intent of the original PD, to provide commercial developments, including retail, office, hotel/motel uses, with its close proximity to State Highway 288, and fronting on County Road 59 and Business Center Drive; two secondary thoroughfares.

3. The PD continues to meet the intent of BP-288; the overlay zoning district, to provide high quality non-residential developments along State Highway 288.

4. The Business Center PD conforms to the intent of the Business Park future land use designation of the Comprehensive Plan. The location of the property, at the intersection of a state highway lends itself for a mix of non-residential uses, as indicated by the Comprehensive Plan.

   Staff recommends that the following be addressed in the PD prior to first reading:

   1. Incorporate graphics and images showing the facades of the proposed changes to façade materials.

   2. Spacing of shrubs included in the landscaped buffer.

3. Provide for screening of the proposed Detention Pond B, along the north property line.

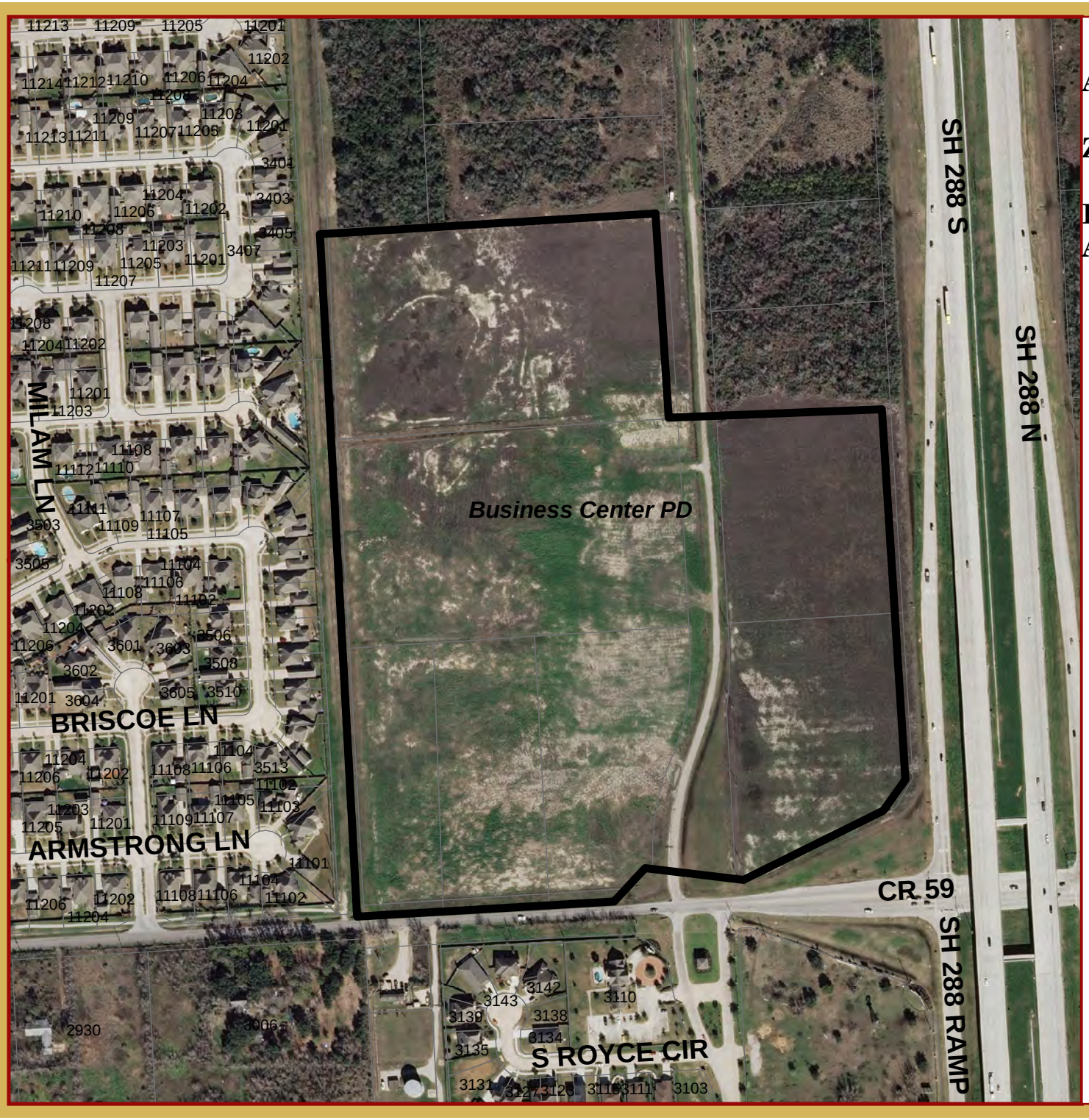


Exhibit 2

AERIAL MAP

ZONE CHANGE 2014-15Z

BUSINESS CENTER PD AMENDMENT

This product is for informational 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.

1 inch = 333 feet

22 MAY 2014
PLANNING DEPARTMENT

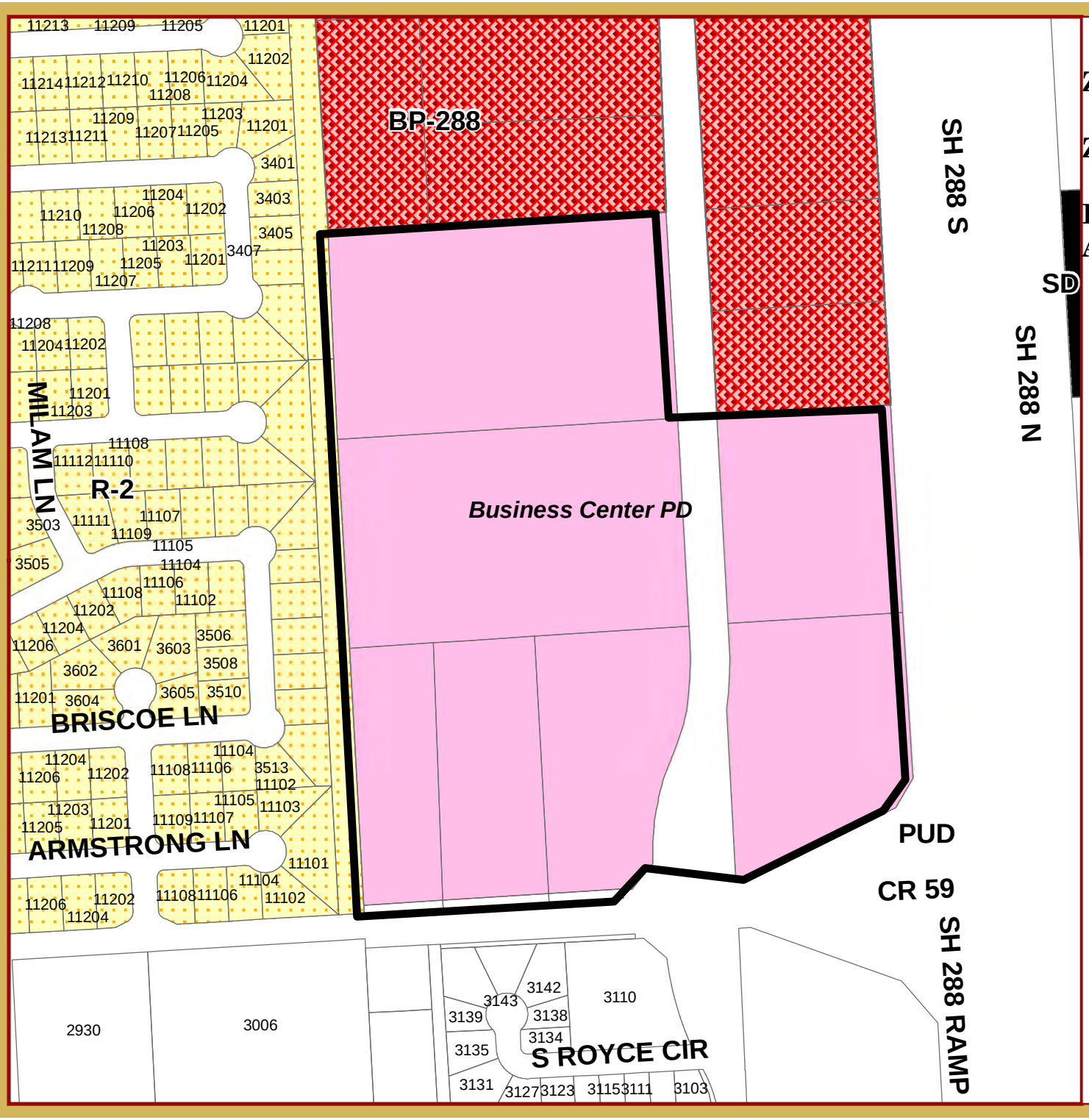
N

Exhibit 3

ZONING MAP

ZONE CHANGE 2014-15Z

BUSINESS CENTER PD AMENDMENT



This product is for informational 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.

1 inch = 333 feet

22 MAY 2014
PLANNING DEPARTMENT

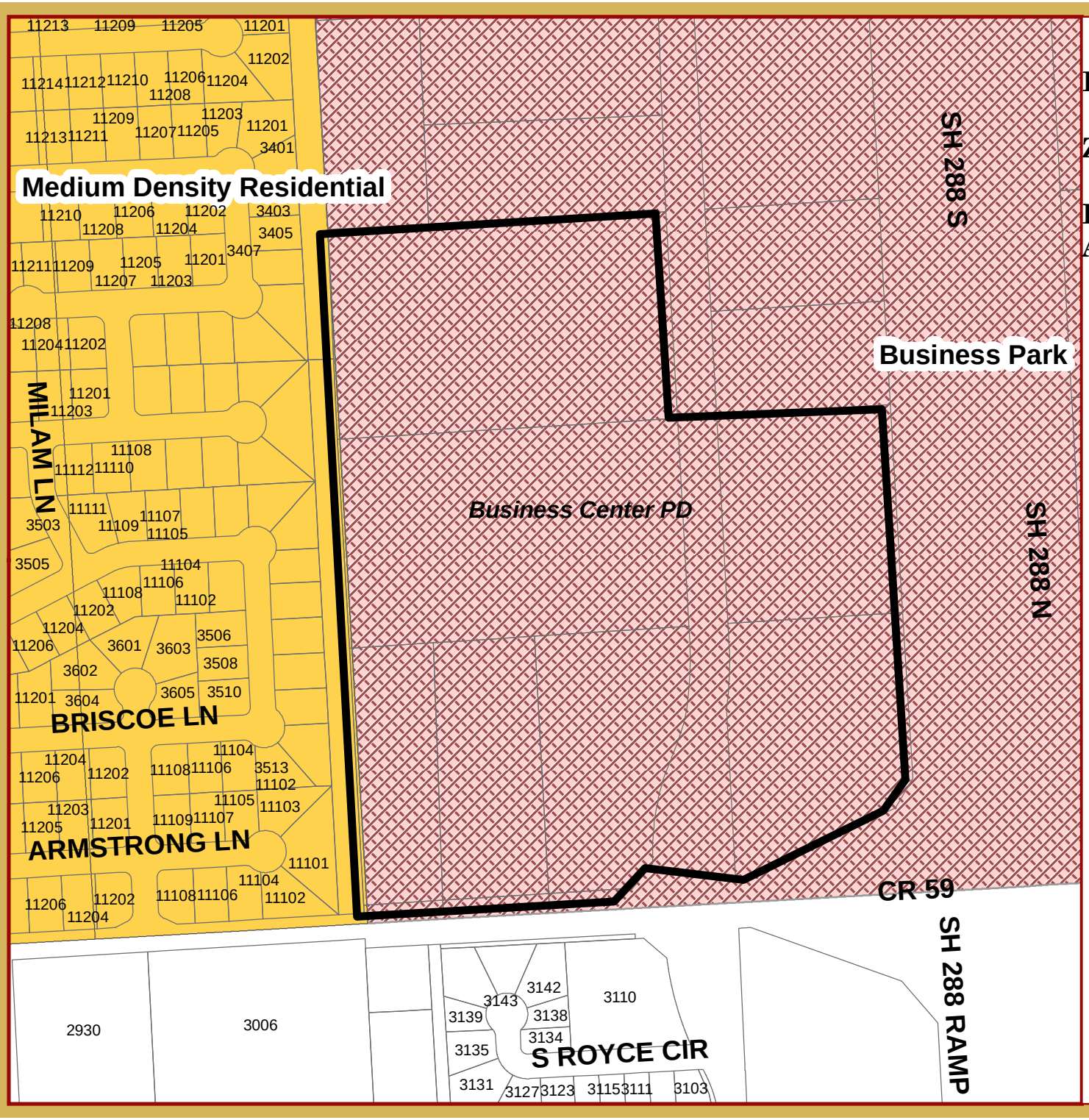


Exhibit 4

FLUP MAP

ZONE CHANGE 2014-15Z

BUSINESS CENTER PD AMENDMENT

This product is for informational 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.

1 inch = 333 feet

22 MAY 2014
PLANNING DEPARTMENT

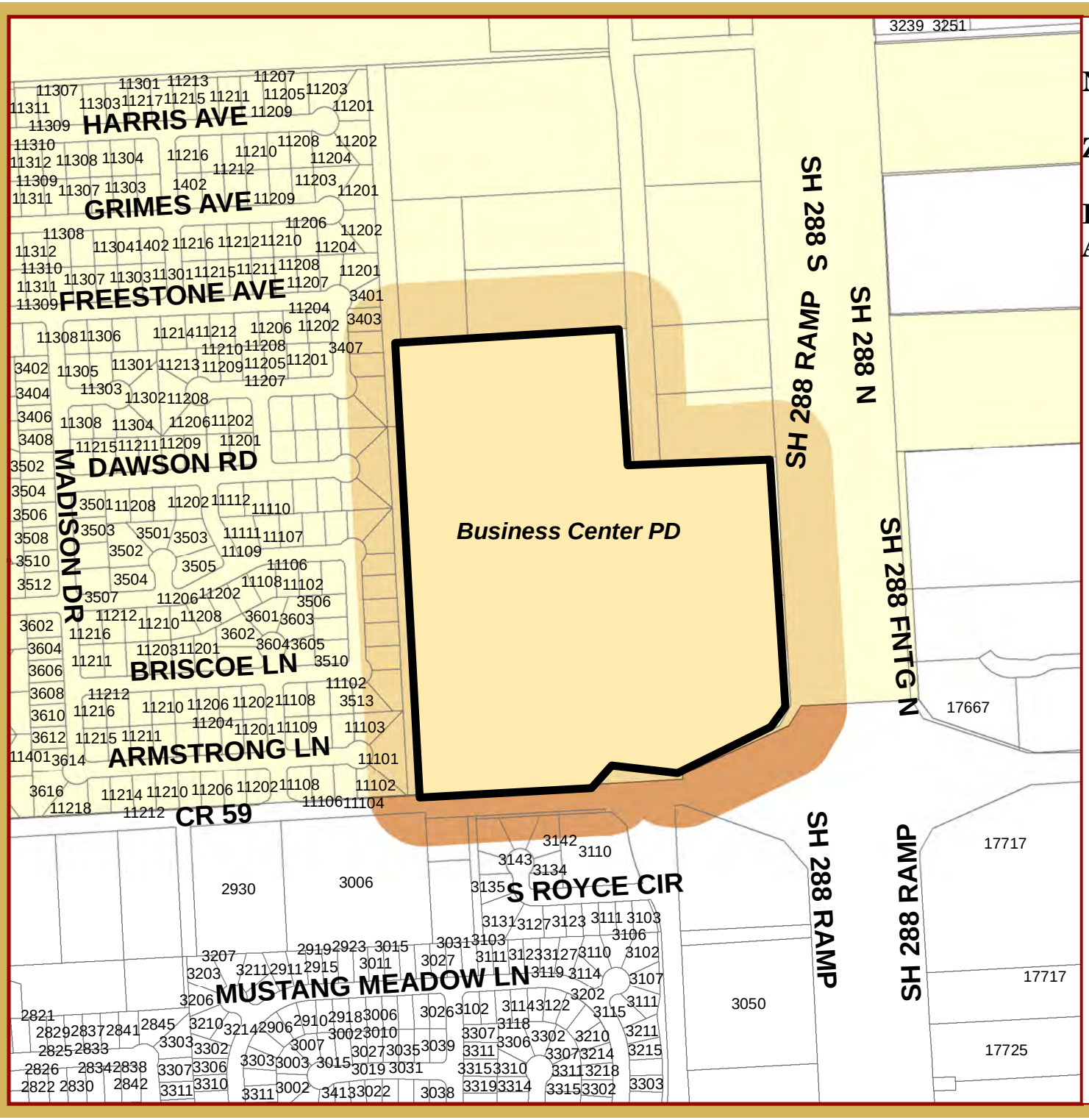
N

Exhibit 5

NOTIFICATION MAP

ZONE CHANGE 2014-15Z

BUSINESS CENTER PD AMENDMENT



This product is for informational 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.

1 inch = 500 feet

22 MAY 2014
PLANNING DEPARTMENT

PROPERTY OWNER	ADDRESS	SUITE	CITY	STATE	ZIP
BEAN KENNETH & CECILIA	11101 DAWSON RD		PEARLAND	TX	77584
BENNETT JOHN R & RUTH W	3505 KAUFMAN AVE		PEARLAND	TX	77584
BOLLINGER WILLIAM BLAKE & ALLISON DRYDEN BOLLINGER	1415 GALE LN		NASHVILLE	TN	37212
BRAZORIA COUNTY MUD #25	3200 SOUTHWEST FWY	STE 2600	HOUSTON	TX	77027
CARILLO MARCO ANTONIO	3143 S ROYCE CIR		MANVEL	TX	77578
CRUZ FLOR A & MANUEL L	3501 KAUFMAN AVE		PEARLAND	TX	77584
FISHMAN GEORGE & MARY	3406 HAMPSHIRE ST		PEARLAND	TX	77581
GOLD STAR DEVELOPMENT	6229 RICHMOND AVE		HOUSTON	TX	77057
GOLDING FRITZ & MALENE	3146 S ROYCE CIR		MANVEL	TX	77578
HARRIS LYVESTRA	11103 ARMSTRONG LN		PEARLAND	TX	77584
HARVISON MELINDA	3407 KERR LN		PEARLAND	TX	77584
JORDAN LAMAR	PO BOX 1650		LAKE JACKSON	TX	77566

LINGO SOUTHFORK LTD	3900 MAGNOLIA ST	PEARLAND	TX	77584
LOPEZ ROMEO JR	3142 S ROYCE CIR	MANVEL	TX	77578
MCKAIG CLARK C	3509 KAUFMAN AVE	PEARLAND	TX	77584
OLIVAREZ RAMONA A & ANDRES	11102 EDWARDS AVE	PEARLAND	TX	77584
PAPPAS RESTAURANTS INC	13939 NORTHWEST FWY	HOUSTON	TX	77040
PARKSIDE 59/288 LTD	3003 W ALABAMA ST	HOUSTON	TX	77098
PATEL SAMIR B & TEJAL M	11102 DAWSON RD	PEARLAND	TX	77584
PITTS GREGORY & LADONNA	11102 BRISCOE LN	PEARLAND	TX	77584
RIDDLE SIMONE	3401 KERR LN	PEARLAND	TX	77584
ROBLES PETER & YVONNE ROSALES	832 DAVIS RD	LEAGUE CITY	TX	77573
SOLORZANO RODOLFO H & MARIA	3507 KAUFMAN AVE	PEARLAND	TX	77584
SOMERVILLE ERNEST	3405 KERR LN	PEARLAND	TX	77584
SOUTHGATE COMMUNITY ASSOC	PO BOX 3217	PEARLAND	TX	77588
STRIPAY MARK	3409 KERR LN	PEARLAND	TX	77584
SUMNERS BRANDON & TONYA	11103 DAWSON RD	PEARLAND	TX	77584

TARIQ MUHAMMAD A	3513 KAUFMAN AVE		PEARLAND	TX	77584
TRAN DANNY T & CELINE P	3403 KERR LN		PEARLAND	TX	77584
TRAN KIM LOAN	3503 KAUFMAN AVE		PEARLAND	TX	77584
VIRANI AHMADALI	2814 ACORN WOOD WAY		HOUSTON	TX	77059
WOODS EMMETT B & BILLIE J	11101 CARSON AVE		PEARLAND	TX	77584
YLT 288 PARTNERS	5855 SOVEREIGN DR	STE B	HOUSTON	TX	77036
ZAMARRIPA HECTOR & CINDY	11102 ARMSTRONG LN		PEARLAND	TX	77584

Redline Version 3
9.4.14

Business Center PD
-Amendment-

Prepared for:

Parkside 59/288, Ltd.

Prepared by:
BGE|Kerry R. Gilbert & Associates

September 4, 2014

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I. Introduction

A. Description of Property

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

B. Description of Proposed Development

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

~~Exhibit E~~ Exhibit D– Land Use Areas illustrates how the subject tract is affected by the future extension of Business Center Drive. Business Center Drive bisects the project into two commercial areas ± 9.7 acres east of Business Center Drive and ± 29.2 acres on the west. The storm water detention requirement of ± 6.8 acres will be located along the western boundary and provide an excellent buffer between the commercial and residential development (Detention Pond A). The width of the proposed detention is 176' wide which provides a significant buffer distance between the residential and commercial developments. Construction of the wall will occur as the development in LUA 2 and LUA 3 occur. In addition to the 176' wide detention facility described above, a dry detention pond will be located in the northern portion of LUA 3 (Detention Pond B) in order to provide detention for the property east of Business Center Drive (LUA 1).

~~Exhibit E~~ Exhibit D– Land Use Areas shows the location of the detention facilities.

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

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

The August 2014 Amendment to the original Business Center Planned Development is for the property described in this document as Land Use Area 1 (±9.7 Acres) and Land Use Area 3 (±19.7 Acres) only. Land Use Area 2 is specifically omitted due to the fact that the property is sold and no revisions are being made to the regulations for the area. In addition, land within the detention facility on the western side of the property (Detention Pond A) is now owned by the Brazoria County Municipal Utility District No. 34 and therefore is not included in the amendment. See Exhibit B.1 – Survey, metes & bounds description-Amendment and Exhibit D – Land Use Areas.

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

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

II. Zoning and Land Uses

A. Describe existing zoning district surrounding the site

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

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

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

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

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

C. General standards applicable to project

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

D. Permitted and conditional uses allowed

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

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

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

Land Use Area Table

	Types of Uses and Maximum Acreages	Design Element
Land Use Area 1 ± 9.7 Acres	Restaurant (Drive-thru)*.....*(9.7 acres)* Restaurant (Dine-in)..... *(9.7 acres)* Hotel/Motel and Extended Stay**.....(*6 acres*) ~~Gas/Convenience Store ***.....(3 acres)~~ Auto Repair (minor) .....(*5 acres*) Auto Wash (full service/detail) .....(*5 acres*) Auto Wash (self-service) .....(*5 acres*) Laundry/ Dry Cleaning .....(*2 acres*) Garden / Nursery Store .....(*8 acres*) Shopping Center .....(*8 acres*) Pharmacy.....(4 *acres*)	Shared Driveways Orientation of bay windows shall not face Business Center Drive or SH 288. Drive-thru windows that face the street will be buffered per City Corridor Overlay District and BP-288 District requirements.
Land Use Area 2 ±5.8 Acres	Restaurant (Drive-thru)* .....(*5.8 acres*) Restaurant (Dine-in) .....(*5.8 acres*) Gas/Convenience Store ***.....(*3 acres*) Auto Wash (self-service) associated with a gas station only	Shared Driveways Orientation of service bay doors shall not face Business Center Drive. Drive-thru windows that face the street will be buffered per City Corridor Overlay District and BP-288 District requirements.
Land Use Area 3 ±23.3 Acres	~~Nursing/Convalescent Home….(14 acres)~~ Nursing/Convalescent Home….(*4 acres*) Flex / Back Office .....(*12 acres*) Museum .....(*5 acres*) ~~Bio-tech, High-tech Manufacturing…….(10 acres)~~ Shopping Center .....(*12 acres*) Gas/Convenience Store***...(*3 acres*) Auto Wash (self-service) .....(*3 acres*) Retail Superstore****.....(*17 acres*) *Additional Uses allowed within Retail Superstore:* Tire Sales Auto Repair (Minor) Pharmacy Liquor sales as permitted by TABC Photo Processing Food Preparation Services (Butcher, Deli, Bakery, etc.) Optometry Services General food and retail sales	Shared Driveways Nursing/Convalescent Home as defined by the UDC The design of the complex will incorporate interior hallways. Businesses to be oriented towards Business Center Drive or businesses can be oriented towards another business. Orientation of overhead doors and service bay doors shall not face Business Center Drive except when a building is over 100,000 square feet and used as a Retail Superstore located a minimum of 180 feet from the front property line. Flex/Back Office ~~and Bio-tech, High tech Manufacturing~~ to be one-story industrial product with tilt wall or similar concrete construction that can accommodate 25% to 100% office use; dock high doors shall not face Business Center Drive. The proposed detention facility (Detention Pond B) along the North property line, may be adjusted within the boundary of LUA 3 so long as screening is provided per the regulations set on page 6 of this document.

* Restaurant (Drive-Thru) limited to three (3) establishments in LUA 1 and two (2) establishments in LUA 2.

** Hotel/Motel/Extended Stay limited to two (2) establishments in LUA 1.

~~***Gas/Convenience Store limited to one (1) facility in LUA 1 and one (1) facility in LUA 2.~~

***Gas/Convenience Store limited to one (1) facility in LUA 2 and one (1) facility in LUA 3. Furthermore, the Gas/Convenience Store in LUA 3 is permitted *only* if used as an accessory to the a Supermarket or similar Anchor Retail Store

**** Retail Superstore is defined as an establishment that sells a variety of goods and services arranged into multiple departments. These departments may include, but are not limited to, consumable foods, prepared foods, pharmacy, electronics, etc.

III. Design Standards

A. Design Standards

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

Within Land Use Area 3 (LUA3) only, the following standard applies:

> For all non-residential structures one hundred thousand (100,000) square feet in size or greater and used as a Retail Superstore located a minimum of 180 feet from the front property line, acceptable front façade materials of any building that faces onto a thoroughfare or collector may include up to a combined maximum of 65% architectural metal panel (rib and/or textured). Side facades of such buildings may include up to a combined maximum of 75% architectural metal panel (rib and/or textured).

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

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

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

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

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

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

However, within Land Use Area 3 (LUA3), a single building over one hundred thousand (100,000) square feet that is used as a Retail Superstore and is located a minimum of 180 feet from the front property line may provide bicycle storage for a minimum of two (2) percent of the companies employees within a secure space in the buildings receiving area in lieu of the Bicycle Parking standards.

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

Within Land Use Area 3 (LUA3) only, the following standard applies:

> For a non-residential structures one hundred thousand (100,000) square feet in size or greater that is used as a Retail Superstore and located a minimum of 180 feet from the front property line, any receiving dock bay or compactor area must be adequately screened from public view by plant materials within the site perimeter buffers. The minimum distance between the property line along Business Center Drive and the doors must be one hundred and eighty (180) feet. The plant materials used as screening must include evergreen shrubs maintained at 6' in height, and parking lot end islands with evergreen shrubs maintained at 3' in height. Canopy trees, evergreen shrubs, and a variety of low shrubs, ornamental grasses, and groundcovers must be included to further enhance the visual buffer.

9. Vehicular Access: Location of ingress and egress will be controlled. Vehicular access will be designed to minimize auto-pedestrian conflicts, manage curb cut distances along the public right-of-way, and minimize automobile conflicts. Shared driveways will be planned to limit the number of driveways along CR 59 and Business Center Drive.

10. Screening: Screening will conform to the City of Pearland UDC except for any exclusions listed below in Section B. ~~The screening for the detention facility will consist of a six (6) foot tall masonry or pre-cast masonry wall along the eastern side of the facility, along LUA 2 and 3. The fence will be constructed in conjunction with the building it is screening within LUA 2 and 3.~~ The screening for the existing regional detention facility (Detention Pond A) will consist of screening along the eastern boundary of the detention pond either as:

1) A 6 foot tall pre-cast masonry wall

2) A landscape buffer consisting of a minimum thirty (30) foot wide area. To adequately screen the Property from public view, the buffer must be landscaped with evergreen shrubs maintained at a 3' height, canopy trees, and a variety of low shrubs, ornamental grasses and groundcover to enhance the visual buffer. Trees shall have a minimum caliber of 3 inches.

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

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

12. Detention Facility: The primary detention for this development will be located along the western boundary of the tract (Detention Pond A). The detention will provide a buffer between the proposed commercial development and the South Gate neighborhood. The detention facility (including the high bank and berm) is 176 feet wide. The existing Brazoria Drainage District ditch is 60 feet wide. The combination of these two drainage areas provides a single, 236 foot wide buffer between the existing residential and proposed commercial. A screen wall, six (6') tall masonry or pre-cast wall will be constructed along the east side of the detention facility to enhance the screening between uses. The wall will be constructed as buildings are constructed. Landscape plantings of trees and shrubs will also be incorporated along the frontage of CR 59 to provide a visual screen from the public right-of-way. As an option, a landscape buffer, as described on the page 6 under Section 10-Screening, may be used in place of the six (6) foot wall.

An additional dry detention facility (Detention Pond B) will be located on the northern portion of Land Use Area 3 to provide the detention needed for the eastern ± 9.7 acres (LUA1). A landscape easement no less than ten (10) feet in width and no greater than fifteen (15) feet in width will be provided along the southern end of the detention basin and along the eastern edge of the detention basin. This will ensure adequate screening between the detention facility and the commercial property to the south as well as Business Center Drive to the east. Exhibit G – Detention Facility, shows the proposed landscape easements. The landscape buffer will incorporate plantings of trees and shrubs as shown in Exhibit H. No screening is required between Detention Pond A and Detention Pond B.

B. Specific list of deviations.

1. Section 2.4.5.1.C.1 and Section 2.4.4.3.C: Land Use Area 1 has dual frontage for Land Use Area 1 and driveway access to the site is limited to Business Center Drive. A twenty foot (20') front building line along both sides of Business Center Drive allows for better design of the project.
2. Section 2.4.5.1.C.2: A setback of fifteen feet (15') for off-street parking, maneuvering and loading area within the project will allow for better design of the tract.
3. Section 2.4.5.1.D.2.d: Building materials are discussed above and include restrictions in the Corridor Overlay District. Trade Designs shall be approved by the City Planner.
4. Section 2.4.5.1.D.3: Building colors are limited to earth tones and pastel as discussed above, and should not require the additional approval of the Planning Director.
5. Section 2.4.4.3.A.1: Permitted uses in BP-288 are listed on the UDC Land Use Matrix. We request additional uses be permitted as listed in the Land Use Table in Section 2 above. Prohibited uses include "Pet Care Facility/Animal Kennel (with outdoor pens)" and "Office, Parole-Probation, Bail Bonds".
6. Section 2.4.4.3.F: The regional detention required for this development is better served as a buffer to the single family residential than as a lake amenity for the project. The total width of the detention and drainage area is 236 feet (Detention Pond A). The distance, coupled with the six foot (6') wall provides a sufficient buffer and screen for the residential neighborhood to the west.
   Detention for the eastern ± 9.7 acres will also be provided by a dry detention basin (Detention Pond B). The detention will be screened by landscaping along the southern and eastern edge of the basin to create a visual buffer from Business Center Drive and the neighboring commercial property to the south. Utilizing this method of detention will allow more efficient development for Land Use Area 1.
7. Section 2.4.5.1.M: Overhead utilities will be utilized west of Business Center Drive. Overhead lines will be setback a minimum of 150' from Business Center Drive. Power will be distributed underground to the Property east of Business Center Drive but may include above ground terminal poles. The configuration and engineering of underground power will be determined by Centerpoint.
8. Section 2.4.5.1.f Bicycle Parking
   Within Land Use Area 3 (LUA3), a non-residential structure over one hundred thousand (100,000) square feet used as a Retail Superstore and located a minimum of 180 feet from the front property line, shall provide bicycle storage for a minimum of two (2) percent of the companies employees within a secure space in the buildings receiving area in lieu of the Bicycle Parking standards.
9. Section 2.4.5.1.d Building Articulation
   In Land Use Area 3, for all non-residential structures one hundred thousand (100,000) square feet in size or greater used as a Retail Superstore and located a minimum of 180 feet from the front property line, front façades of any building that faces onto a thoroughfare or collector shall incorporate architectural variation (building mass offsets, trellises, etc.) of at least two (2) feet in depth for 30% of the building length and material variation for every 125' in horizontal length. Side facades of such buildings shall incorporate material variation for every 125' in horizontal length.

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

IV. Required dedications of land or public improvements

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

V. Exhibits

A – Location Map
B – Survey, metes & bounds description-Original
B.1 – Survey, metes & bounds description-Amendment
C – Surrounding Properties/ Zoning Map
D – Land Use Areas
E – Power Line Exhibit
F – Landscape/Screening along CR 59 and the Detention Basin
G – Detention Exhibit
H – Landscape/Screening along Northern Detention Basin

KERRY R. GILBERT & ASSOCIATES, INC.

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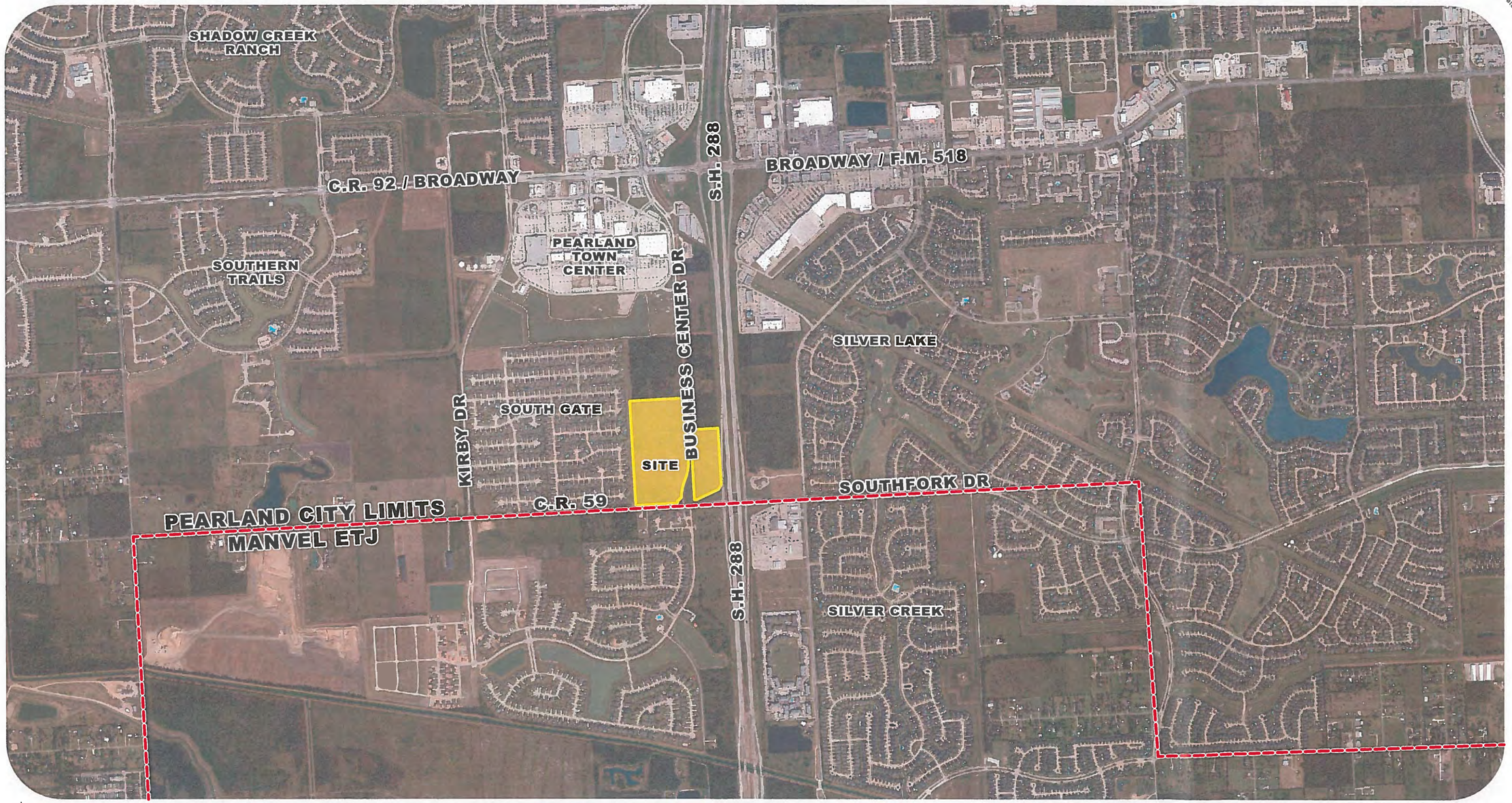

N

EXHIBIT A

location map

THIS DRAWING IS A PICTORIAL REPRESENTATION FOR PRESENTATION PURPOSES ONLY AND IS SUBJECT TO CHANGE. FURTHER, SAID DRAWING IS A SCANNED IMAGE ONLY AND IS NOT FOR COMPUTATION OR CONSTRUCTION PURPOSES. THIS DRAWING MAY OR MAY NOT INCORPORATE INFORMATION AND/OR DATA PROVIDED TO KERRY R. GILBERT & ASSOCIATES, INC. BY OTHER CONSULTANTS RELATIVE TO ENGINEERING AND DRAINAGE, FLOOD PLAINS AND ENVIRONMENTAL ISSUES AND SHOULD NOT BE RELIED UPON FOR ANY PURPOSE. NO WARRANTIES, EXPRESS OR IMPLIED, CONCERNING THE ACTUAL DESIGN, LOCATION, AND CHARACTER OF THE FACILITES SHOWN ON THIS MAP ARE INTENDED. ADDITIONALLY, NO WARRANTY IS MADE TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

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a location map for

BUSINESS CENTER PD

± 38.9 ACRES OF LAND

prepared for

PARKSIDE 59/288 LTD.

KERRY R. GILBERT & ASSOCIATES, INC.
Land Planning Consultants
23501 Cinco Ranch Blvd.
Suite A-250
Katy, Texas 77494
(281) 579-0340
Fax (281) 579-8212

NOT TO SCALE

JUNE 15, 2012
KGA #I-175A

KERRY R. GILBERT & ASSOCIATES, INC.

Exhibit B

Survey and

Metes & Bounds

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

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

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

PART ONE

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

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

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

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

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

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

2. South 21° 45' 33" West, 13.71 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for corner, the beginning of a curve;

3. 275.59 feet along the arc of a non-tangent curve to the left having a radius of 746.20 feet, a central angle of 21° 09' 40", and a chord that bears South 11° 09' 26" West, 274.03 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner, from which a found concrete right-of-way monument bears North 51° 07' 14" West, 1.18 feet;

4. South 42° 42' 06" West, 71.88 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner on the north right-of-way line of County Road 59 (width varies) as described in Volume 2, Page 98 and Volume 24, Page 33-36, B.C.P.R.;

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

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

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

PART TWO

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

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

Thence, South 30° 49' 10" West, continuing along said common line, 82.81 feet to a broken concrete right-of-way monument found for an angle point on said common line;

Thence, South 64° 55' 07" West, continuing along said common line, 381.06 feet to a broken concrete right-of-way monument found for an angle point on said common line;

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

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

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

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

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

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

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

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

Exhibit B-1

Survey and

Metes & Bounds

Notes:

1) All bearings referenced to the Texas Coordinate System, South Central Zone, NAD 83 (1993) ADJ) Epoch 2002.02.

2) This survey was prepared from information furnished by Stewart Title Guaranty Company, File No. 1203313002, Effective date June 5, 2012.
The surveyor did not abstract subject property.
a) Schedule B, Item 10(b), Limited Access to Highway as set forth in Volume 1041, Page 460, B.C.D.R., affects the tract, access is prohibited to SH 288 along the entire east line of Part Two of the subject tract.
b) Schedule B, Item 10(c), Limited Access to Highway as set forth in Volume 1035, Page 642, B.C.D.R., affects the tract, access is permitted to the roadway along the entire east line of Part One of the subject tract.
c) Schedule B, Item 10(d), An easement with undefined width for an existing drainage ditch along the west boundary line as disclosed in Volume 722, Page 337, B.C.D.R., affects only that portion of Part One of the subject tract within Lot 38.
d) Schedule B, Item 10(e), An easement for water utility 10 feet wide along the east and south property line granted to the City of Pearland by an Instrument of record under Document Number 2012007391, B.C.O.R. affects Part One of the subject tract and is shown hereon.
e) Schedule B, Item 10(f), A drainage easement 60 feet wide along the west property line granted to the Brazoria County Drainage District No. 4 by an Instrument of record under Document Number 2012007392, B.C.O.R. affects Part One of the subject tract and is shown hereon.
f) Schedule B, Item 10(g), A sanitary sewer easement 20 feet wide along the west property line granted to the City of Pearland appears to be unrecorded and affects Part Two of the subject tract and is shown hereon.
g) Schedule B, Item 10(h), The Waiver of Special Appraisal for the Benefit of Brazoria County Municipal Utility District No. 34 recorded in Document Number 2007049473, B.C.O.R., affects all of the subject tract.
h) Schedule B, Item 10(i), The Oil, Gas, and other mineral interests reserved in Volume 701, Page 63, B.C.D.R. and as conveyed in Volume 1705, Page 29, B.C.D.R. and in Volume 1851254, Page 706, B.C.D.R. with surface rights waived as described in Volume 1861249, Pages 547, 550, 553, 556, B.C.D.R. affects only that portion of the subject tract within Lot 38.
i) Schedule B, Item 10(j), The Oil, Gas, and other mineral interests reserved in Volume 1861245, Page 38, B.C.D.R. and Volume 1851249, Page 545, B.C.D.R. and amended by surface rights waived as described in Volume 1861249, Pages 547, 550, 553, 556, B.C.D.R. affects only that portion of the subject tract within Lot 39.
j) Schedule B, Item 10(k), The Oil, Gas, and other mineral interests reserved in Volume 1061, Page 314, B.C.D.R. affects only that portion of the subject tract within the east 4.73348 acres out of Lot 40 and as describes therein.
k) Schedule B, Item 10(l), The Oil, Gas, and other mineral interests reserved in Volume 394, Page 150, B.C.D.R. affects only that portion of the subject tract within Lots 49 and 50.
l) Schedule B, Item 10(m), The Oil, Gas, and other mineral interests reserved in Document Number 2004024839, B.C.C.P. affects only that portion of the subject tract within Lots 49 and 50.
m) Schedule B, Item 10(n), The waiver of surface rights of record in Document Number 2006021626, B.C.O.R. affects only that portion of the subject tract within Lots 49 and 50.
n) Schedule B, Item 9(o), The Oil, Gas, and other mineral leases of record in File Numbers 00-032214, 00-037242, 00-037790, 00-03590(), and 00-040282, B.C.O.R. and amended in File Number 03-026420, B.C.C.P. affects only that portion of the subject tract within Lots 49 and 50.
o) Schedule B, Item 9(p), The Oil, Gas, and other mineral interests reserved in Volume 722, Page 337, B.C.D.R. affects only that portion of the subject tract within Lot 38.

3) By graphical plotting, the subject tract lies within Zone "X" (un-shaded) on the FIRM map. Zone "X" (un-shaded) is defined as "Areas determined to be outside the 500-year floodplain" as shown on Federal Emergency Management Agency Flood Insurance Rate Map, Map No. 48039C0020 H, Effective date June 5, 1989.

4) The portion of the subject tract identified as being located within the city limits of the City of Pearland, Texas, is zoned "BP-288" (Business Park District-288), and is subject to the provisions of City of Pearland Unified Development Code, Ordinance No. 2000T and the "Zoning Map Ordinance No. 2000T", approved by City Council, February 27, 2006 and as amended by official action of the City Council.

5) All of the subject tract lies within Brazoria County Municipal Utility District No. 34.

6) There are no structures and no paved or striped parking spaces on the subject tract.

7) There is no visible evidence of the subject tracts being used as a solid waste dump, sump, or sanitary landfill.

8) A metes and bounds description was prepared for the subject tract on a separate instrument dated June 19, 2012.

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

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

PART ONE

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

Thence, North 86°42'55" East, along the common line of said Lots 37 and 38, along the north line of said 30.583 acre tract, the south line of said 3.39 acre tract and said south line of that certain called 3.33 acre tract conveyed from Ky-Tex to George Fishman and Mary Fishman by an instrument of record under File Number 96-040466 and corrected under File Number 97-010496, B.C.O.R., 836.97 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set on the west right-of-way line of Business Center Drive (100 feet wide) as described under Document Numbers 2012007392, 2012007330, 2012007393, and 2012007402, B.C.O.P.R., from which a 3/4-inch iron pipe found for the common corner of said Lots 37, 38, 47 and 48 of said Allison Richey Gulf Coast Home Company's Part of Suburban Gardens subdivision bears North 86°42'55" East, 49.51 feet;

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

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

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

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

2. South 21°45'33" West, 13.71 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for corner, the beginning of a curve;

3. 275.59 feet along the arc of a non-tangent curve to the left having a radius of 746.20 feet, a central angle of 21°09'43", and a chord that bears South 11°09'26" West, 274.03 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner, from which a found concrete right-of-way monument bears North 51°01' West, 1.19 feet;

4. South 42°42'06" West, 71.68 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner on the north right-of-way line of County Road 59 (width varies) as described in Volume 2, Page 98 and Volume 24, Page 33-36, B.C.P.R.;

Thence, South 06°44'15" West, along said north right-of-way line, 10.00 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for an angle point on the north right-of-way line of said County Road 59, said point being the northeast corner of that certain called 0.5248 acre tract conveyed to the City of Pearland as a donation for right-of-way as described under Document Number 2012007330, B.C.O.P.R.;

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

Thence, North 03°18'00" West, along the west line of said 30.583 acre tract, the west line of said Lots 38, 39 and 40, and the east line of said Southgate Section One, passing at 1,330.57 feet a 5/8-inch iron rod with cap stamped "DALE HARDY RPLS 4847" found for the northeast corner of said Southgate Section One and the southeast corner of of the aforementioned Southgate Section Two, continuing along the west line of said Lot 38 and the east line of said Southgate Section Two, in all 1,583.44 feet to the POINT OF BEGINNING and containing 29.226 acres (1,273,076 square feet) of land.

PART TWO

BEGINNING at a 5/8-inch iron rod found for the northeast corner of said 9.990 acre tract and the southeast corner of that certain called 2.515 acre tract conveyed from DXB Richmond, Inc to Gold Star Development by an instrument of record under Document Number 2008031966, B.C.O.P.R., said point also being on the west right-of-way line of SH 288 (width varies) as described in Volume 1041, Page 463, Volume 1041, Page 858, and Volume 1052, Page 159, B.C.D.R., said point being on the common lot line of said Lot 48 and 49 of said Section 81, from which a found 3/4-inch iron pipe bears South 52°30'37" East, 0.53 feet;

Thence, South 03°14'03" East, along the common line of said 9.990 acre tract and said westerly right-of-way line, 877.30 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for an angle point on said common line;

Thence, South 30°49'10" West, continuing along said common line, 82.81 feet to a broken concrete right-of-way monument found for an angle point on said common line;

Thence, South 64°55'07" West, continuing along said common line, 391.06 feet to a broken concrete right-of-way monument found for an angle point on said common line;

Thence, South 86°45'24" West, continuing along said common line, 32.02 feet to a broken concrete right-of-way monument found for the southwest corner of said 9.990 acre tract, same being the intersection on said westerly right-of-way line and the east right-of-way line of County Road 566 (width varies) as recorded in Volume 2, Page 98, B.C.P.R., Volume 133, Page 126, Volume 881, Page 230, Volume 881, Page 232, Volume 1035, Page 636, and Volume 1035, Page 642, B.C.D.R.;

Thence, North 03°17'17" West, departing said common line and along the west line of said 9.990 acre tract and along the east right-of-way line of said County Road 566, 37.60 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set at the intersection of the east right-of-way line of said County Road 566 and the east right-of-way line of said Business Center Drive (100 feet wide) as described under Document Numbers 2012007392, 2012007390, 2012007393, and 2012007402, B.C.O.P.R., the beginning of a curve;

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

Thence, North 03°18'02" West, continuing along the east right-of-way line of said Business Center Drive, 531.11 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner on the north line of the aforementioned 9.990 acre tract and the south line of the aforementioned 2.515 acre tract, said point also being on the common lot line of Lots 48 and 49 of the aforementioned Allison Richey Gulf Coast Homes Company's Part of Suburban Gardens subdivision;

Thence, North 86°41'22" East, along the common line of said 9.990 and 2.515 acre tracts and said common lot line, 410.34 feet to the POINT OF BEGINNING and containing 9.683 acres (421,802 square feet) of land.

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

SURVEYOR'S CERTIFICATE

To: Parkside 288/59, Ltd. and Stewart Title Guaranty Company:
I hereby certify that on the 15th day of June, 2012:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(a), 7(a), 7(b)(1), 7(c), 7(c)(2), 8, 9, 11(a), 14, 15, 16, and 18 of Table A thereof.
The field work was completed on June 8, 2012.

Date of Plat or Map: June 19, 2012

Gary D. Nutter
Registered Professional Land Surveyor
Texas Registration No. 5659

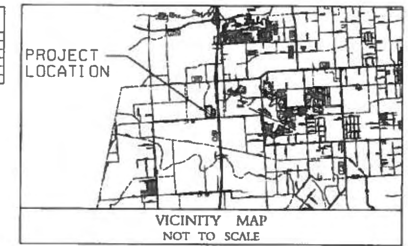
STATE OF TEXAS — GARY D. NUTTER — PROFESSIONAL LAND SURVEYOR

CURVE TABLE

Curve	Radius	Tangent	Chord	Arc	Delta	Chord Bearing
1	750.00'	85.13'	169.18'	169.54'	12°57'08"	S03°12'34"W
2	686.20'	33.20'	66.32'	66.34'	05°32'22"	S18°58'03"W
3	746.20'	139.38'	274.03'	275.59'	21°09'43"	S11°09'26"W
4	850.00'	93.91'	186.69'	187.07'	12°36'35"	N03°02'17"E

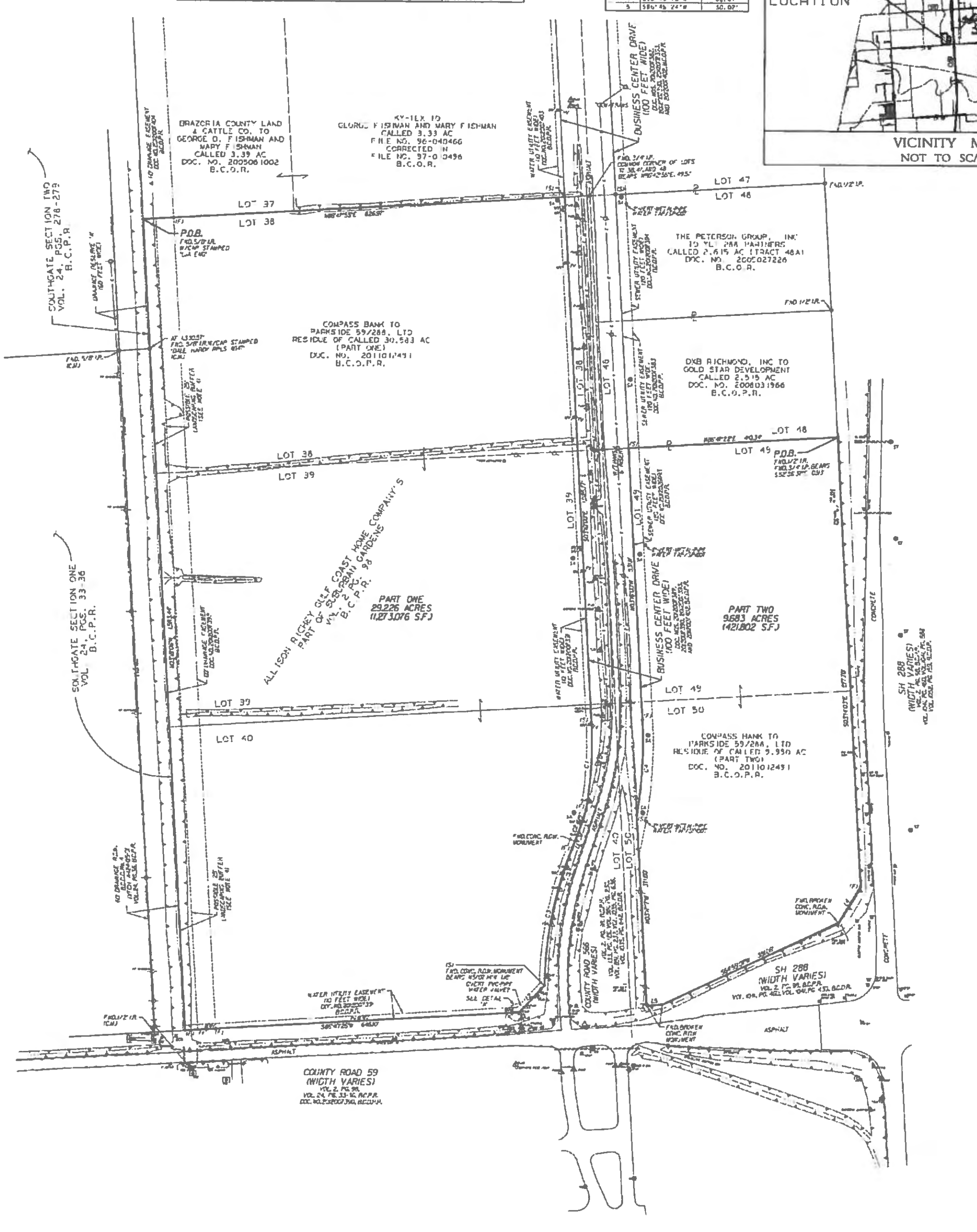
LINE TABLE

Line	Bearing	Distance
1	S21°45'33"W	13.71'
2	S42°42'06"W	71.68'
3	S06°44'15"W	10.00'
4	S30°49'10"W	82.81'
5	S86°45'24"W	30.02'



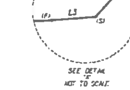
VICINITY MAP
NOT TO SCALE

Scale: 1" = 80'



LEGEND

- B.C.D.R. - BRAZORIA COUNTY DEED RECORDS
- B.C.O.P.R. - BRAZORIA COUNTY OFFICIAL PUBLIC RECORDS
- B.C.O.R. - BRAZORIA COUNTY OFFICIAL RECORDS
- B.C.P.R. - BRAZORIA COUNTY PLAT RECORDS
- (S) - SET 5/8" I.R. W/CAP STAMPED "LJA ENG"
- (F) - FOUND 5/8" I.R. W/CAP STAMPED "LJA ENG"
- I.R. - IRON ROD
- I.P. - IRON PIPE
- (CM) - CONTROLLING MONUMENT
- POWER POLE W/ GUY WIRE
- —E— - OVERHEAD UTILITIES
- ELECTRICAL BOX
- ELECTRICAL JUNCTION BOX
- ELECTRIC METER
- PEDESTAL
- TELEPHONE CABLE MARKER
- HIGHBANK LINE STYLE
- HIGHBANK LINE STYLE
- FLOW LINE OF DITCH
- EDGE OF ASPHALT
- FLUSHING VALVE
- WATER VALVE
- PEDESTAL
- SIGN
- GRATE INLET
- GAS LINE MARKER (PIN FLAG)
- STORM MANHOLE
- SANITARY MANHOLE



SEE DETAIL "E"
NOT TO SCALE

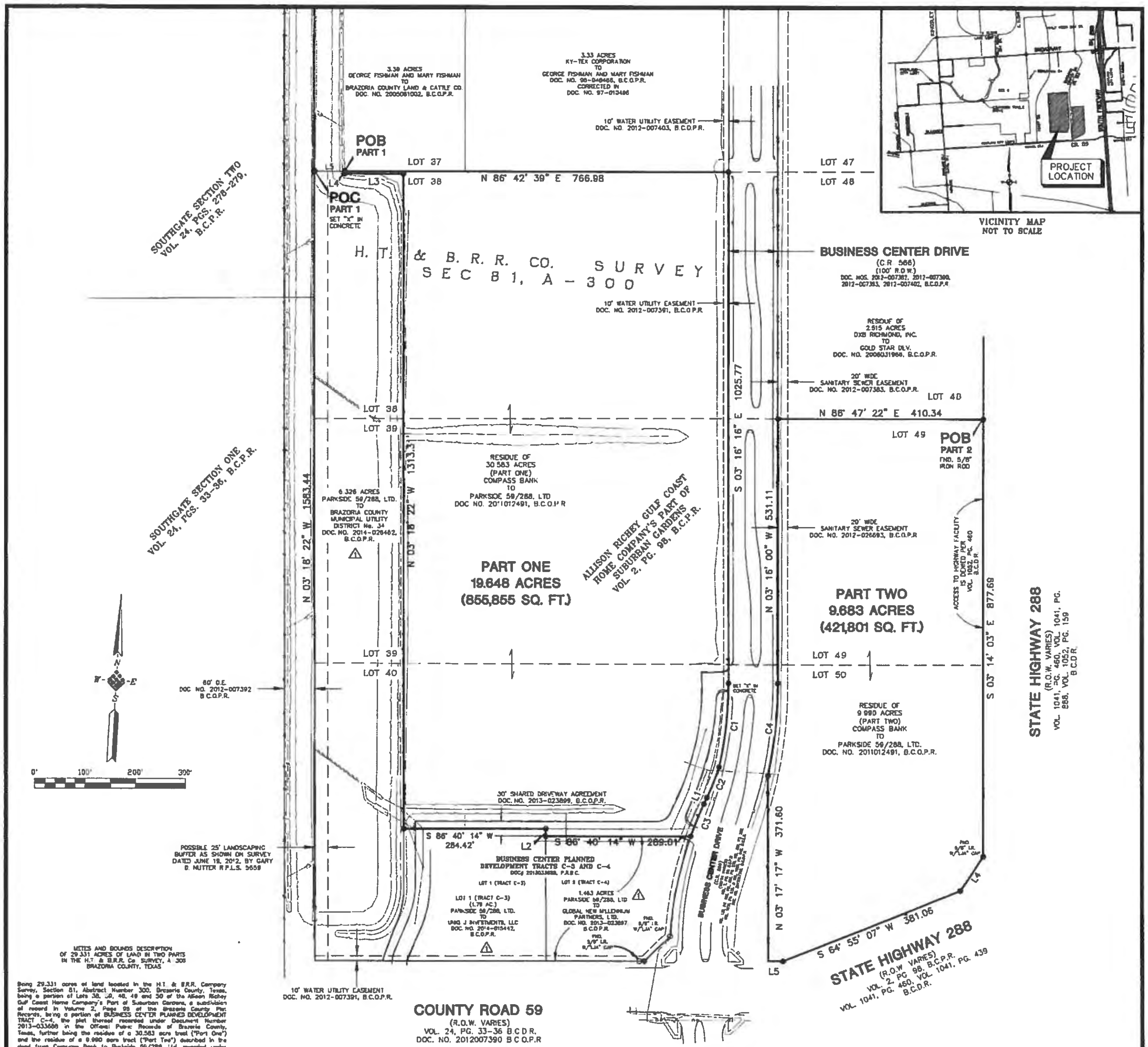
ACREAGE SUMMARY

TRACT ONE	=	29.226 ACRES (1,273,076 S.F.)
TRACT TWO	=	9.683 ACRES (421,802 S.F.)
TOTAL	=	38.909 ACRES (1,694,878 S.F.)

ALTA/ACSM LAND TITLE SURVEY OF 38.909 ACRES (1,694,878 S.F.) IN THE H.T. & B. R.R. COMPANY SURVEY SECTION-81, A-300 BRAZORIA COUNTY, TEXAS

JUNE 2012 JOB NO. 1352-1003-202

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



METES AND BOUNDS DESCRIPTION
OF 29.331 ACRES OF LAND IN TWO PARTS
IN THE H.T. & B.R.R. Co. SURVEY, A 300
BRAZORIA COUNTY, TEXAS

Being 29.331 acres of land located in the H.T. & B.R.R. Company Survey, Section 81, Abstract Number 300, Brazoria County, Texas, being a portion of Lots 38, 39, 48, 49 and 50 of the Allison Richey Gulf Coast Home Company's Part of Suburban Gardens, a subdivision of record in Volume 2, Page 98 of the Brazoria County Plat Records, being a portion of BUSINESS CENTER PLANNED DEVELOPMENT TRACT C-4, the plat thereof recorded under Document Number 2013-033686 in the Official Public Records of Brazoria County, Texas, further being the residue of a 30.583 acre tract ("Part One") and the residue of a 9.990 acre tract ("Part Two") described in the deed from Compass Bank to Parkside 59/288, Ltd recorded under Document No. 2011012491, in the Official Public Records of Brazoria County, Texas, said 29.331 acre tract being more particularly described in two parts by metes and bounds as follows with bearings based on the Texas Coordinate System of 1983, South Central Zone:

PART 1:

COMMENCING at an cut "X" in concrete set for the northwest corner of the 6.326 acre tract described in deed from Parkside 59/288, Ltd. to Brazoria County Municipal Utility District No. 34 recorded under Document Number 2014-026462 in the Official Public Records of Brazoria County, Texas, being the southeast corner of a 3.39 acre tract described in deed from George Fishman and Mary Fishman to Brazoria County Land & Cattle Co. recorded under Document Number 2005-061002 in the Official Public Records of Brazoria County, Texas, being on the east line of Southgate Section Two, the plat thereof recorded in Volume 24, Pages 278-279 of the Brazoria County Plat Records, and being the common west corner of Lots 37 and 38 of said Allison Richey Gulf Coast Home Company's Part of Suburban Gardens subdivision;

THENCE North 86° 42' 39" East – 60.00 feet, with the line common to said 6.326 acre tract and said 3.39 acre tract to a 5/8-inch iron rod with cap stamped "IDS" set for the most northerly northwest corner and POINT OF BEGINNING of the herein described tract;

THENCE North 86° 42' 39" East – 766.98 feet, with the north line of said 30.583 acre tract and south line of said 3.39 acre tract and south line of a 3.33 acre tract described in deed from Ky-Tex Corporation to George Fishman and Mary Fishman recorded under Document Number 96-040466 and corrected under Document Number 97-010486 in the Official Public Records of Brazoria County, Texas to a 5/8-inch iron rod with cap stamped "IDS" set on the west right-of-way line of Business Center Drive (County Road 566) (100 feet wide at this point) as described under Document Numbers 2012-007382, 2012-007380, 2012-007383 and 2012-007402 in the Official Public Records of Brazoria County, Texas;

THENCE with the west right of way line of said Business Center Drive the following courses and distances:

South 03° 16' 16" East – 1025.77 feet to a cut "X" in concrete set at the beginning of a curve to the right;

in a southwesterly direction and with said curve to the right, having a central angle of 12° 57' 07", a chord bearing and distance of South 03° 12' 18" West – 169.18 feet, a radius of 750.00 feet, and an arc distance of 169.54 feet to a 5/8-inch iron rod with cap stamped "IDS" set at the end of said curve and the beginning of a non tangent curve to the right;

in a southwesterly direction and with said non-tangent curve to the right, having a central angle of 05° 32' 23", a chord bearing and distance of South 18° 57' 47" West – 66.32 feet, a radius of 686.20 feet, and an arc distance of 66.35 feet to a 5/8-inch iron rod with cap stamped "IDS" set at the end of said curve;

South 21° 45' 17" West – 13.71 feet to a 5/8-inch iron rod with cap stamped "IDS" set at the beginning of a curve to the left;

in a southwesterly direction and with said curve to the left, having a central angle of 05° 25' 00", a chord bearing and distance of South 19° 01' 30" West – 70.52 feet, a radius of 748.20 feet, and an arc distance of 70.54 feet to a 5/8-inch iron rod with cap stamped "IDS" set at the end of said curve, said point being the northeast corner of the 1.463 acre tract of land described in deed from Parkside 59/288, Ltd. to Global New Millennium Partners, Ltd. recorded under Document Number 2013-023697, in the Official Public Records of Brazoria County, Texas;

THENCE South 86° 40' 14" West – 289.01 feet, departing said west right-of-way line and with the north line of said 1.463 acre tract, to a 5/8-inch iron rod with cap stamped "IDS" set for the northwest corner of said 1.463 acre tract and being on the east line of Lot 1, (Tract C-3) (1.79 acres) described in the deed from Parkside 59/288, Ltd. to Uniq J Investments, LLC, recorded under Document Number 2014-015442 in the Official Public Records of Brazoria County, Texas.

THENCE North 03° 19' 46" West – 15.00 feet, with the line common to said 1.463 acre tract and said 1.79 acre tract, to a 5/8-inch iron rod with cap stamped "IDS" set for the northeast corner of said 1.79 acre tract;

THENCE South 86° 40' 14" West – 284.42 feet, with the north line of said 1.79 acre tract, to a 5/8 inch iron rod with cap stamped "IDS" found for the northeast corner of said 1.79 acre tract, being on the east line of said 6.326 acre tract,

THENCE North 03° 18' 22" West – 1313.31 feet, with the east line of said 6.326 acre tract, to a 5/8 inch iron rod with cap stamped "IDS" found for the northeast corner of said 6.326 acre tract;

THENCE South 86° 42' 39" West – 116.00 feet, with a northerly line of said 6.326 acre tract, to a 5/8-inch iron rod with cap stamped "IDS" found for an interior northerly corner of said 6.326 acre tract;

THENCE North 03° 18' 22" West – 5.00 feet to the POINT OF BEGINNING of the herein described tract and containing 19.648 acres (855,855 square feet) of land.mer of said 6.326 acre tract;

THENCE North 03° 18' 22" West – 5.00 feet to the POINT OF BEGINNING of the herein described tract and containing 19.648 acres (855,855 square feet) of land.

PART 2:

BEGINNING at a 5/8-inch iron rod found for the northeast corner of said 9.990 acre tract and the southeast corner of a 2.515 acre tract described in deed from DXB Richmond, Inc. to Gold Star Development recorded under Document Number 2006-031966 in the Official Public Records of Brazoria County, Texas, being on the west right-of-way line of State Highway 288 (width varies) as described in Volume 1041, Page 460, Volume 1041, Page 888 and Volume 1052, Page 159, and on the line common to said Lots 48 and 49;

THENCE South 03° 14' 03" East – 877.69 feet, with the line common to said 9.990 acre tract and said west right-of-way line, to a 5/8-inch iron rod with cap stamped "LJA ENG" found for an angle point;

THENCE South 30° 49' 10" West – 82.81 feet, continuing with said common line, to a 5/8-inch iron rod with cap stamped "IDS" set for an angle point;

THENCE South 64° 55' 07" West – 381.06 feet, continuing with said common line, to a 5/8-inch iron rod with cap stamped "IDS" set for an angle point;

THENCE South 86° 45' 24" West – 30.02 feet, continuing with said common line, to the southwest corner of the herein described tract, same being the intersection of said west right-of-way line and the east right-of-way line of County Road 566 (width varies) as recorded in Volume 2, Page 98 of the Brazoria County Plat Records, Volume 133, Page 126, Volume 881, Page 230, Volume 881, Page 232, Volume 1035, Page 838 and Volume 1035, Page 842 of the Brazoria County Deed Records;

THENCE North 03° 17' 17" West – 371.60 feet, departing said common line and with the east line of said 9.990 acre tract and the east right-of-way line of said Business Center Drive (County Road 566)(width varies) to a 5/8-inch iron rod with cap stamped "IDS" set at the beginning of a non-tangent curve to the left;

THENCE in a northeasterly direction and with said curve to the left, having a central angle of 12° 36' 35", a chord bearing and distance of North 03° 02' 17" East – 186.69 feet, a radius of 850.00 feet, and an arc distance of 187.07 feet to the end of said curve;

THENCE North 03° 16' 00" West – 531.11 feet, with the east right-of-way line of said Business Center Drive (100 feet wide at this point) to a 5/8 inch iron rod with cap stamped "IDS" set for the northwest corner for the herein described tract, being on the north line of said 9.990 acre tract, the south line of said 2.515 acre tract, and the said line common to Lots 48 and 49;

THENCE North 86° 47' 22" East – 410.34 feet, with the line common to said 2.515 acre tract and 9.990 acre tract and said common lot line, to the POINT OF BEGINNING of the herein described tract and containing 9.683 acres (421,801 square feet) of land.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	750.00	169.54	169.18	S 03° 12' 18" W	12°57'07"
C2	686.20	66.35	66.32	S 18° 57' 47" W	5°32'23"
C3	748.20'	70.54'	70.52'	S 19° 01' 30" W	5°25'00"

LINE	BEARING	DISTANCE
L1	S 21° 45' 17" W	13.71
L2	N 03° 19' 46" W	15.00'
L3	S 86° 42' 39" W	116.00'
L4	N 03° 18' 22" W	5.00'
L5	N 86° 42' 39" E	60.00'

ABBREVIATION TABLE

FND.	FOUND
VOL.	VOLUME
PG.	PAGE
D.E.	DRAINAGE EASEMENT
ESMT.	EASEMENT
H.L. & P	HOUSTON LIGHT AND POWER
B.C.P.R	BRAZORIA COUNTY PLAT RECORDS
B.C.D.R.	BRAZORIA COUNTY DEED RECORDS
B.C.O.P.R	BRAZORIA COUNTY OFFICIAL PUBLIC RECORDS

SYMBOL LEGEND

- FOUND MONUMENT
- SET 5/8" IRON ROD WITH CAP STAMPED "IDS" UNLESS OTHERWISE NOTED
- CONTROLLING MONUMENT
- GAS VALVE
- WATER VALVE
- POWER POLE
- OVER HEAD POWER LINE
- TRANSMISSION TOWER
- ELECTRICAL JUNCTION BOX
- GUY WIRE
- UNDERGROUND H.L.&P. MARKER
- UNDERGROUND TELEPHONE MARKER
- STORM SEWER MANHOLE
- WATER MANHOLE
- TELEPHONE JUNCTION BOX
- TELEPHONE MANHOLE
- PIPELINE MARKER
- VENT PIPE
- METAL POST
- WOOD POST
- —//— CHAIN LINK FENCE
- —x— BARBED WIRE FENCE

NOTES:

The surveyor has relied on Stewart Title Guaranty Company to provide copies of recorded deeds, plats or other instruments describing the subject property and adjoining tracts, used to support the determination of the location of the intended boundaries of the land surveyed

This map is the result of an on the ground survey made under my supervision and depicts the conditions found on the ground at the time of the survey. The field work was completed on January 30, 2014

Adjoiner information is shown per the Texas Board of Professional Land Surveying Rules and is shown for informational purposes only.

Coordinates shown hereon are for descriptive purposes only and are not locative

The bearings shown hereon are referenced to the Texas Coordinate System of 1983, South Central Zone.

The recorded easements, setbacks and encumbrances shown hereon are from Schedule B of the commitment for title insurance issued by Stewart Title Guaranty Company, GF No. 1203833007, effective date January 5, 2014, issue date January 22, 2014. The surveyor has relied upon the accuracy and completeness of the information described above and has made no independent investigation or search for this information

The utility appurtenances shown hereon include those visible at the time of the survey and are for general locative purposes only. In providing this boundary survey, no attempt has been made to obtain or show data concerning existence, size, depth, condition, capacity or location of any utility existing on or adjacent to the site, whether private, municipal or public owned.

The buildings and other improvements shown hereon represent the outline at ground level. The Surveyor has not located any underground buildings, overhead protrusions or improvements not obvious and located at ground level, unless otherwise noted.

Surveyor has not identified any geological or environmental conditions in connection with the subject property and Surveyor fully disclaims any and all responsibility related to issues or claims related thereto or resulting there from.

TO: PARKSIDE CAPITAL and Stewart Guaranty Title Insurance Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1-4, 6, 8, 9, 11(a), 13 & 14 of Table A thereof. The field work was completed on December 5, 2013.

Date of Plat or Map:
January 30, 2014

Douglas W. Turner
Texas Registered Professional Land Surveyor No. 3988

STATE OF TEXAS · REGISTERED · DOUGLAS W. TURNER · 3988 · PROFESSIONAL LAND SURVEYOR

DATE	REVISION
7-23-2014	REVISE PER NEW OWNERSHIPS

IDS Engineering Group
TBPLS Firm Reg. No. 10110-00
13333 NW. Freeway, Suite 300
Houston, Tx. 77040
Phone: 713-462-3178

ALTA/ACSM LAND TITLE SURVEY

29.331 ACRES IN TWO PARTS
H.T. & B.R.R. CO. SURVEY
SECTION 81, A-300
BRAZORIA COUNTY, TEXAS

DRAWN: MLS | ORIGINAL ISSUE DATE: JANUARY 30, 2014 | ORIGINAL SCALE: 1" = 100'
APPROVED FOR ISSUE: | JOB NO.: 2024-001-00-522

METES AND BOUNDS DESCRIPTION
OF 29.331 ACRES OF LAND IN TWO PARTS
IN THE H.T. & B.R.R. Co. SURVEY, A-300
BRAZORIA COUNTY, TEXAS

Being 29.331 acres of land located in the H.T. & B.R.R. Company Survey, Section 81, Abstract Number 300, Brazoria County, Texas, being a portion of Lots 38, 39, 40, 49 and 50 of the Allison Richey Gulf Coast Home Company's Part of Suburban Gardens, a subdivision of record in Volume 2, Page 98 of the Brazoria County Plat Records, being a portion of BUSINESS CENTER PLANNED DEVELOPMENT TRACT C-4, the plat thereof recorded under Document Number 2013-033688 in the Official Public Records of Brazoria County, Texas, further being the residue of a 30.583 acre tract ("Part One") and the residue of a 9.990 acre tract ("Part Two") described in the deed from Compass Bank to Parkside 59/288, Ltd. recorded under Document No. 2011012491, in the Official Public Records of Brazoria County, Texas, said 29.331 acre tract being more particularly described in two parts by metes and bounds as follows with bearings based on the Texas Coordinate System of 1983, South Central Zone:

PART 1:

COMMENCING at an cut "X" in concrete set for the northwest corner of the 6.326 acre tract described in deed from Parkside 59/288, Ltd. to Brazoria County Municipal Utility District No. 34 recorded under Document Number 2014-026462 in the Official Public Records of Brazoria County, Texas, being the southwest corner of a 3.39 acre tract described in deed from George Fishman and Mary Fishman to Brazoria County Land & Cattle Co. recorded under Document Number 2005-061002 in the Official Public Records of Brazoria County, Texas, being on the east line of Southgate Section Two, the plat thereof recorded in Volume 24, Pages 278-279 of the Brazoria County Plat Records, and being the common west corner of Lots 37 and 38 of said Allison Richey Gulf Coast Home Company's Part of Suburban Gardens subdivision;

THENCE North 86° 42' 39" East – 60.00 feet, with the line common to said 6.326 acre tract and said 3.39 acre tract to a 5/8-inch iron rod with cap stamped "IDS" set for the most northerly northwest corner and **POINT OF BEGINNING** of the herein described tract;

THENCE North 86° 42' 39" East – 766.98 feet, with the north line of said 30.583 acre tract and south line of said 3.39 acre tract and south line of a 3.33 acre tract described in deed from Ky-Tex Corporation to George Fishman and Mary Fishman recorded under Document Number 96-040466 and corrected under Document Number 97-010496 in the Official Public Records of Brazoria County, Texas to a 5/8-inch iron rod with cap stamped "IDS" set on the west right-of-way line of Business Center Drive (County Road 566) (100 feet wide at this point) as described under Document Numbers 2012-007382, 2012-007390, 2012-007393 and 2012-007402 in the Official Public Records of Brazoria County, Texas;

THENCE with the west right-of-way line of said Business Center Drive the following courses and distances:

South 03° 16' 16" East – 1025.77 feet to a cut "X" in concrete set at the beginning of a curve to the right;

in a southwesterly direction and with said curve to the right, having a central angle of 12° 57' 07", a chord bearing and distance of South 03° 12' 18" West – 169.18 feet, a radius of 750.00 feet, and an arc distance of 169.54 feet to a 5/8-inch iron rod with cap stamped "IDS" set at the end of said curve and the beginning of a non-tangent curve to the right;

in a southwesterly direction and with said non-tangent curve to the right, having a central angle of 05° 32' 23", a chord bearing and distance of South 18° 57' 47" West – 66.32 feet, a radius of 686.20 feet, and an arc distance of 66.35 feet to a 5/8-inch iron rod with cap stamped "IDS" set at the end of said curve;

South 21° 45' 17" West – 13.71 feet to a 5/8-inch iron rod with cap stamped "IDS" set at the beginning of a curve to the left;

in a southwesterly direction and with said curve to the left, having a central angle of 05° 25' 00", a chord bearing and distance of South 19° 01' 30" West – 70.52 feet, a radius of 746.20 feet, and an arc distance of 70.54 feet to a 5/8-inch iron rod with cap stamped "IDS" set at the end of said curve, said point being the northeast corner of the 1.463 acre tract of land described in deed from Parkside 59/288, Ltd. to Global New Millennium Partners, Ltd. recorded under Document Number 2013-023897, in the Official Public Records of Brazoria County, Texas;

THENCE South 86° 40' 14" West – 289.01 feet, departing said west right-of-way line and with the north line of said 1.463 acre tract, to a 5/8-inch iron rod with cap stamped "IDS" set for the northwest corner of said 1.463 acre tract and being on the east line of Lot 1, (Tract C-3) (1.79 acres) described in the deed from Parkside 59/288, Ltd. to Uniq J Investments, LLC, recorded under Document Number 2014-015442 in the Official Public Records of Brazoria County, Texas;

THENCE North 03° 19' 46" West – 15.00 feet, with the line common to said 1.463 acre tract and said 1.79 acre tract, to a 5/8-inch iron rod with cap stamped "IDS" set for the northeast corner of said 1.79 acre tract;

THENCE South 86° 40' 14" West – 284.42 feet, with the north line of said 1.79 acre tract, to a 5/8-inch iron rod with cap stamped "IDS" found for the northwest corner of said 1.79 acre tract, being on the east line of said 6.326 acre tract;

THENCE North 03° 18' 22" West – 1313.31 feet, with the east line of said 6.326 acre tract, to a 5/8-inch iron rod with cap stamped "IDS" found for the northeast corner of said 6.326 acre tract;

THENCE South 86° 42' 39" West – 116.00 feet, with a northerly line of said 6.326 acre tract, to a 5/8-inch iron rod with cap stamped "IDS" found for an interior northerly corner of said 6.326 acre tract;

THENCE North 03° 18' 22" West – 5.00 feet to the **POINT OF BEGINNING** of the herein described tract and containing 19.648 acres (855,855 square feet) of land.

PART 2:

BEGINNING at a 5/8-inch iron rod found for the northeast corner of said 9.990 acre tract and the southeast corner of a 2.515 acre tract described in deed from DXB Richmond, Inc. to Gold Star Development recorded under Document Number 2008-031966 in the Official Public Records of Brazoria County, Texas, being on the west right-of-way line of State Highway 288 (width varies) as described in Volume 1041, Page 460, Volume 1041, Page 888 and Volume 1052, Page 159, and on the line common to said Lots 48 and 49;

THENCE South 03° 14' 03" East – 877.69 feet, with the line common to said 9.990 acre tract and said west right-of-way line, to a 5/8-inch iron rod with cap stamped "LJA ENG" found for an angle point;

THENCE South 30° 49' 10" West – 82.81 feet, continuing with said common line, to a 5/8-inch iron rod with cap stamped "IDS" set for an angle point;

THENCE South 64° 55' 07" West – 381.06 feet, continuing with said common line, to a 5/8-inch iron rod with cap stamped "IDS" set for an angle point;

THENCE South 86° 45' 24" West – 30.02 feet, continuing with said common line, to the southwest corner of the herein described tract, same being the intersection of said west right-of-way line and the east right-of-way line of County Road 566 (width varies) as recorded in Volume 2, Page 98 of the Brazoria County Plat Records, Volume 133, Page 126, Volume 881, Page 230, Volume 881, Page 232, Volume 1035, Page 636 and Volume 1035, Page 642 of the Brazoria County Deed Records;

THENCE North 03° 17' 17" West – 371.60 feet, departing said common line and with the west line of said 9.990 acre tract and the east right-of-way line of said Business Center Drive (County Road 566)(width varies) to a 5/8-inch iron rod with cap stamped "IDS" set at the beginning of a non-tangent curve to the left;

THENCE in a northeasterly direction and with said curve to the left, having a central angle of 12° 36' 35", a chord bearing and distance of North 03° 02' 17" East – 186.69 feet, a radius of 850.00 feet, and an arc distance of 187.07 feet to a 5/8-inch iron rod with cap stamped "IDS" set for the end of said curve;

THENCE North 03° 16' 00" West – 531.11 feet, with the east right-of-way line of said Business Center Drive (100 feet wide at this point) to a 5/8-inch iron rod with cap stamped "IDS" set for the northwest corner for the herein described tract, being on the north line of said 9.990 acre tract, the south line of said 2.515 acre tract, and the said line common to Lots 48 and 49;

THENCE North 86° 47' 22" East – 410.34 feet, with the line common to said 2.515 acre tract and 9.990 acre tract and said common lot line, to the **POINT OF BEGINNING** of the herein described tract and containing 9.683 acres (421,801 square feet) of land.

Prepared by:
IDS Engineering Group
Job No. 2024-001-00-521

January 31, 2014
Revised July 23, 2014

Douglas W. Turner
Registered Professional Land Surveyor
Texas Registration Number 3988

STATE OF TEXAS
REGISTERED
DOUGLAS W. TURNER
3988
PROFESSIONAL
LAND SURVEYOR

V:\JOBS\2000s\2024-001-00 Pearland Business Park\Task 522 LTS Update-July 2014\Work In Progress\2024-001-00-521 PBP 19.648 Ac.docx

Exhibit B

Survey and

Metes & Bounds

Notes:

1) All bearings referenced to the Texas Coordinate System, South Central Zone. NAD 83 (1993 ADJ.) Epoch 2002.02.

2) This survey was prepared from information furnished by Stewart Title Guaranty Company, File No.1203933002, Effective date June 3, 2012.
The surveyor did not abstract subject property.
   a) Schedule B, Item 10(b), Limited Access to Highway as set forth in Volume 1041, Page 460, B.C.D.R., affects the tract, access is prohibited to SH 288 along the entire east line of Part Two of the subject tract.
   b) Schedule B, Item 10(c), Limited Access to Highway as set forth in Volume 1035, Page 642, B.C.D.R., affects the tract, access is permitted to the roadway along the entire east line of Part One of the subject tract.
   c) Schedule B, Item 10(d), An easement with undefined width for an existing drainage ditch along the west boundary line as disclosed in Volume 722, Page 337, B.C.D.R. affects only that portion of Part One of the subject tract within Lot 38.
   d) Schedule B, Item 10(e), An easement for water utility 10 feet wide along the east and south property line granted to the City of Pearland by an instrument of record under Document Number 2012007391, B.C.O.R. affects Part One of the subject tract and is shown hereon.
   e) Schedule B, Item 10(f), A drainage easement 60 feet wide along the west property line granted to the Brazoria county Drainage District No.4 by an instrument of record under Document Number 2012007392, B.C.O.R. affects Part One of the subject tract and is shown hereon.
   f) Schedule B, Item 10(g), A sanitary sewer easement 20 feet wide along the west property line granted to the City of Pearland appears to be unrecorded and affects Part Two of the subject tract and is shown hereon.
   g) Schedule B, Item 10(h), The Waiver of Special Appraisal for the Benefit of Brazoria County Municipal Utility District No. 34 recorded in Document Number 2007049473, B.C.O.R. affects all of the subject tract.
   h) Schedule B, Item 10(i), The Oil, Gas, and other mineral interests reserved in Volume 701, Page 63, B.C.D.R. and as conveyed in Volume 1705, Page 29, B.C.D.R. and in Volume (86)254, Page 706, B.C.D.R. with surface rights waived as described in Volume (86)249, Pages 547, 550, 553, 556, B.C.D.R. affects only that portion of the subject tract within Lot 39.
   i) Schedule B, Item 10(j), The Oil, Gas, and other mineral interests reserved in Volume (86)246, Page 318, B.C.D.R. and Volume (86)249, Page 545, B.C.D.R. and amended by surface rights waived as described in Volume (86)249, Pages 547, 550, 553, 556, B.C.D.R. affects only that portion of the subject tract within Lot 39.
   j) Schedule B, Item 10(k), The Oil, Gas, and other mineral interests reserved in Volume 1061, Page 314, B.C.D.R. affects only that portion of the subject tract within the east 4.73348 acres out of Lot 40 and as described therein.
   k) Schedule B, Item 10(l), The Oil, Gas, and other mineral interests reserved in Volume 394, Page 150, B.C.D.R. affects only that portion of the subject tract within Lots 49 and 50.
   l) Schedule B, Item 10(m), The Oil, Gas, and other mineral interests reserved in Document Number 2004024839, B.C.O.R. affects only that portion of the subject tract within Lots 49 and 50.
   m) Schedule B, Item 9(n), The waiver of surface rights of record in Document Number 2006021026, B.C.O.R. affects only that portion of the subject tract within Lots 49 and 50.
   n) Schedule B, Item 9(g), The Oil, Gas, and other mineral leases of record in File Numbers 00-032234, 00-032242, 00-032250, 00-035901, and 00-040282, B.C.O.R. and amended in File Number 03-026420, B.C.O.R. affects only that portion of the subject tract within Lots 49 and 50.
   o) Schedule B, Item 9(k), The Oil, Gas, and other mineral interests reserved in Volume 722, Page 337, B.C.D.R. affects only that portion of the subject tract within Lot 38.

3) By graphical plotting, the subject tract lies within Zone "X" (un-shaded on the FIRM map). Zone "X" (un-shaded) is defined as "Areas determined to be outside the 500-year floodplain." as shown on Federal Emergency Management Agency Flood Insurance Rate Map, Map No. 48039C0020 H, Effective date June 5, 1989.

4) The portion of the subject tract identified as being located within the city limits of the City of Pearland, Texas, is zoned "BP-288" (Business Park District-288), and is subject to the provisions of City of Pearland "Unified Development Code", Ordinance No. 2000T and the "Zoning Map", Ordinance No. 2000T, approved by City Council, February 27, 2006 and as amended by official action of the City Council.

5) All of the subject tract lies within Brazoria County Municipal Utility District No. 34.

6) There are no structures and no paved or striped parking spaces on the subject tract.

7) There is no visible evidence of the subject tracts being used as a solid waste dump, sump, or sanitary landfill.

8) A metes and bounds description was prepared for the subject tract on a separate instrument dated June 19, 2012.

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

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

PART ONE

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

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

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

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

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

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

2. South 21° 45' 33" West, 13.71 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for corner, the beginning of a curve;

3. 275.59 feet along the arc of a non-tangent curve to the left having a radius of 746.20 feet, a central angle of 21° 09' 40", and a chord that bears South 11° 09' 26" West, 274.03 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner, from which a found concrete right-of-way monument bears North 51° 07' 14" West, 1.18 feet;

4. South 42° 42' 06" West, 71.88 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner on the north right-of-way line of County Road 59 (width varies) as described in Volume 2, Page 98 and Volume 24, Page 33-36, B.C.P.R.;

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

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

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

PART TWO

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

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

Thence, South 30° 49' 10" West, continuing along said common line, 82.81 feet to a broken concrete right-of-way monument found for an angle point on said common line;

Thence, South 64° 55' 07" West, continuing along said common line, 381.06 feet to a broken concrete right-of-way monument found for an angle point on said common line;

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

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

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

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

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

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

SURVEYOR'S CERTIFICATE

To: Parkside-288/59, Ltd. and Stewart Title Guaranty Company;
I hereby certify that on the 15th day of June, 2012:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(a), 7(a), 7(b)(1), 7(b)(2), 7(c), 8, 9, 11(a), 14, 15, 16, and 18 of Table A thereof.
The field work was completed on June 8, 2012.

Date of Plat or Map: June 19, 2012

Gary D. Nutter
Registered Professional Land Surveyor
Texas Registration No. 5659

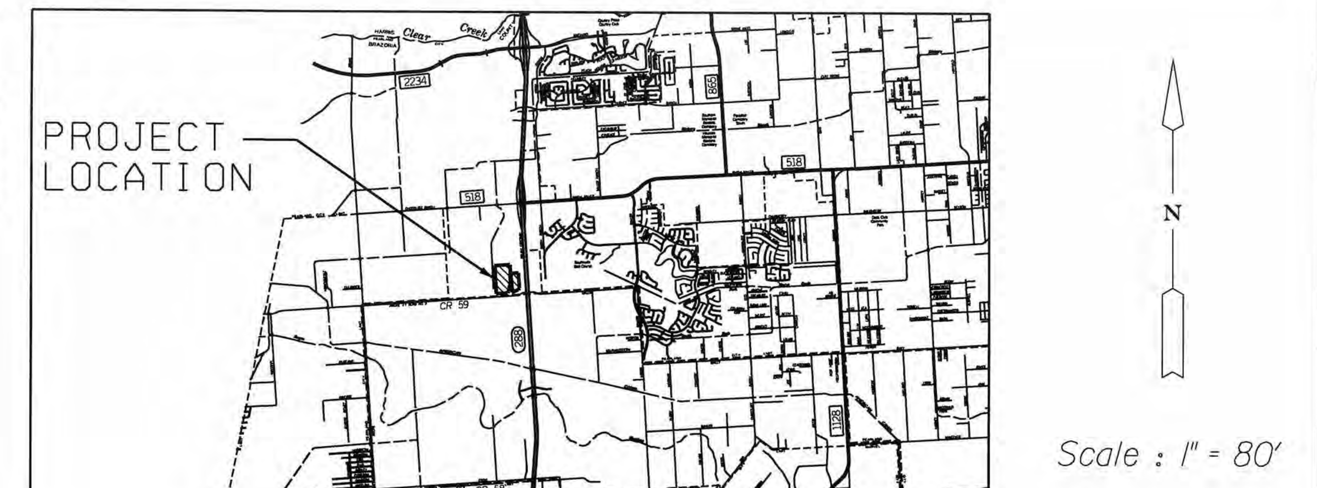
STATE OF TEXAS · REGISTERED · GARY D. NUTTER · 5659 · PROFESSIONAL LAND SURVEYOR

CURVE TABLE

Curve	Radius	Tangent	Chord	Arc	Delta	Chord Bearing
1	750.00'	85.13'	169.18'	169.54'	12°57'08"	S03°12'34"W
2	686.20'	33.20'	66.32'	66.34'	05°32'22"	S18°58'03"W
3	746.20'	139.38'	274.03'	275.59'	21°09'40"	S11°09'26"W
4	850.00'	93.91'	186.69'	187.07'	12°36'35"	N03°02'17"E

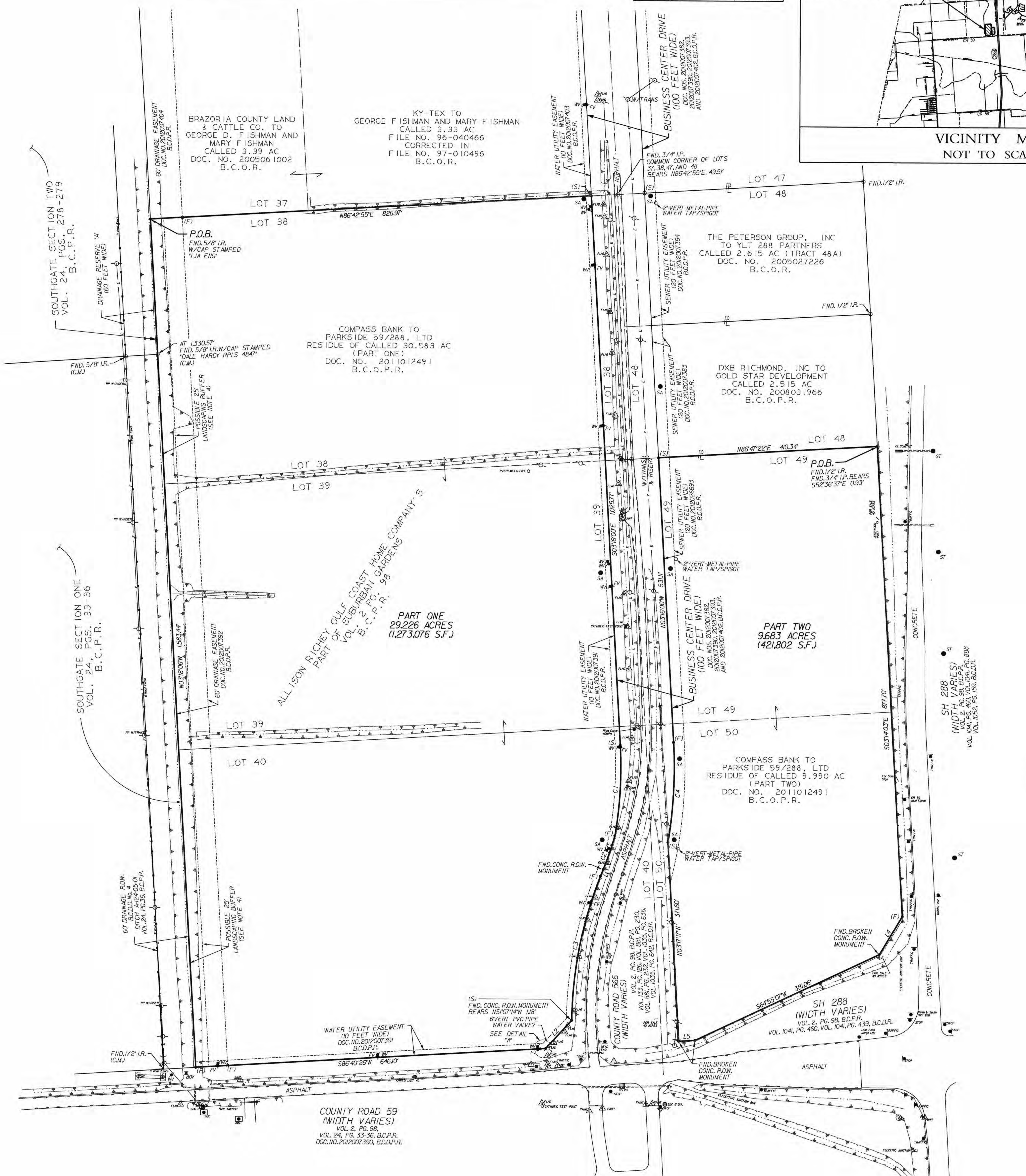
LINE TABLE

Line	Bearing	Distance
1	S21°45'33"W	13.71'
2	S42°42'06"W	71.88'
3	S86°44'15"W	10.00'
4	S30°49'10"W	82.81'
5	S86°45'24"W	30.02'



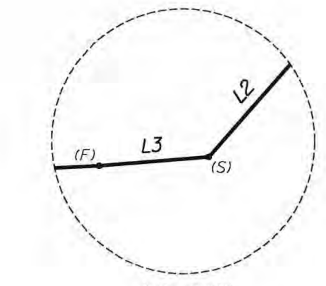
N

Scale : 1" = 80'



LEGEND

B.C.D.R. = BRAZORIA COUNTY DEED RECORDS
B.C.O.P.R. = BRAZORIA COUNTY OFFICIAL PUBLIC RECORDS
B.C.O.R. = BRAZORIA COUNTY OFFICIAL RECORDS
B.C.P.R. = BRAZORIA COUNTY PLAT RECORDS
(S) = SET 5/8" I.R. W/CAP STAMPED "LJA ENG"
(F) = FOUND 5/8" I.R. W/CAP STAMPED "LJA ENG"
I.R. = IRON ROD
I.P. = IRON PIPE
(C.M.) = CONTROLLING MONUMENT
= POWER POLE W/ GUY WIRE
—E— = OVERHEAD UTILITIES
EB = ELECTRICAL BOX
EJB = ELECTRICAL JUNCTION BOX
EM = ELECTRIC METER
= PEDESTAL
= TELEPHONE CABLE MARKER
= HIGHBANK LINE STYLE
= HIGHBANK LINE STYLE
= FLOW LINE OF DITCH
= EDGE OF ASPHALT
= FLUSHING VALVE
= WATER VALVE
= PEDESTAL
= SIGN
= GRATE INLET
Flag = GAS LINE MARKER (PIN FLAG)
ST = STORM MANHOLE
SA = SANITARY MANHOLE



SEE DETAIL "A"
NOT TO SCALE

ACREAGE SUMMARY

TRACT ONE	=	29.226 ACRES (1,273,076 S.F.)
TRACT TWO	=	9.683 ACRES (421,802 S.F.)
TOTAL	=	38.909 ACRES (1,694,878 S.F.)

ALTA/ACSM LAND TITLE SURVEY
OF 38.909 ACRES
(1,694,878 S.F.)
IN THE
H.T. & B. R.R. COMPANY SURVEY
SECTION-81, A-300
BRAZORIA COUNTY, TEXAS

JUNE 2012 JOB NO. 1352-1003-202

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

I:\Projdskl\SURVEY\1352\1003\CAD\EX*ALTA Survey 38.990ac 062012.dgn
6/19/2012

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

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

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

PART ONE

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

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

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

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

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

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

2. South 21° 45' 33" West, 13.71 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for corner, the beginning of a curve;

3. 275.59 feet along the arc of a non-tangent curve to the left having a radius of 746.20 feet, a central angle of 21° 09' 40", and a chord that bears South 11° 09' 26" West, 274.03 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner, from which a found concrete right-of-way monument bears North 51° 07' 14" West, 1.18 feet;

4. South 42° 42' 06" West, 71.88 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner on the north right-of-way line of County Road 59 (width varies) as described in Volume 2, Page 98 and Volume 24, Page 33-36, B.C.P.R.;

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

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

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

PART TWO

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

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

Thence, South 30° 49' 10" West, continuing along said common line, 82.81 feet to a broken concrete right-of-way monument found for an angle point on said common line;

Thence, South 64° 55' 07" West, continuing along said common line, 381.06 feet to a broken concrete right-of-way monument found for an angle point on said common line;

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

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

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

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

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

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

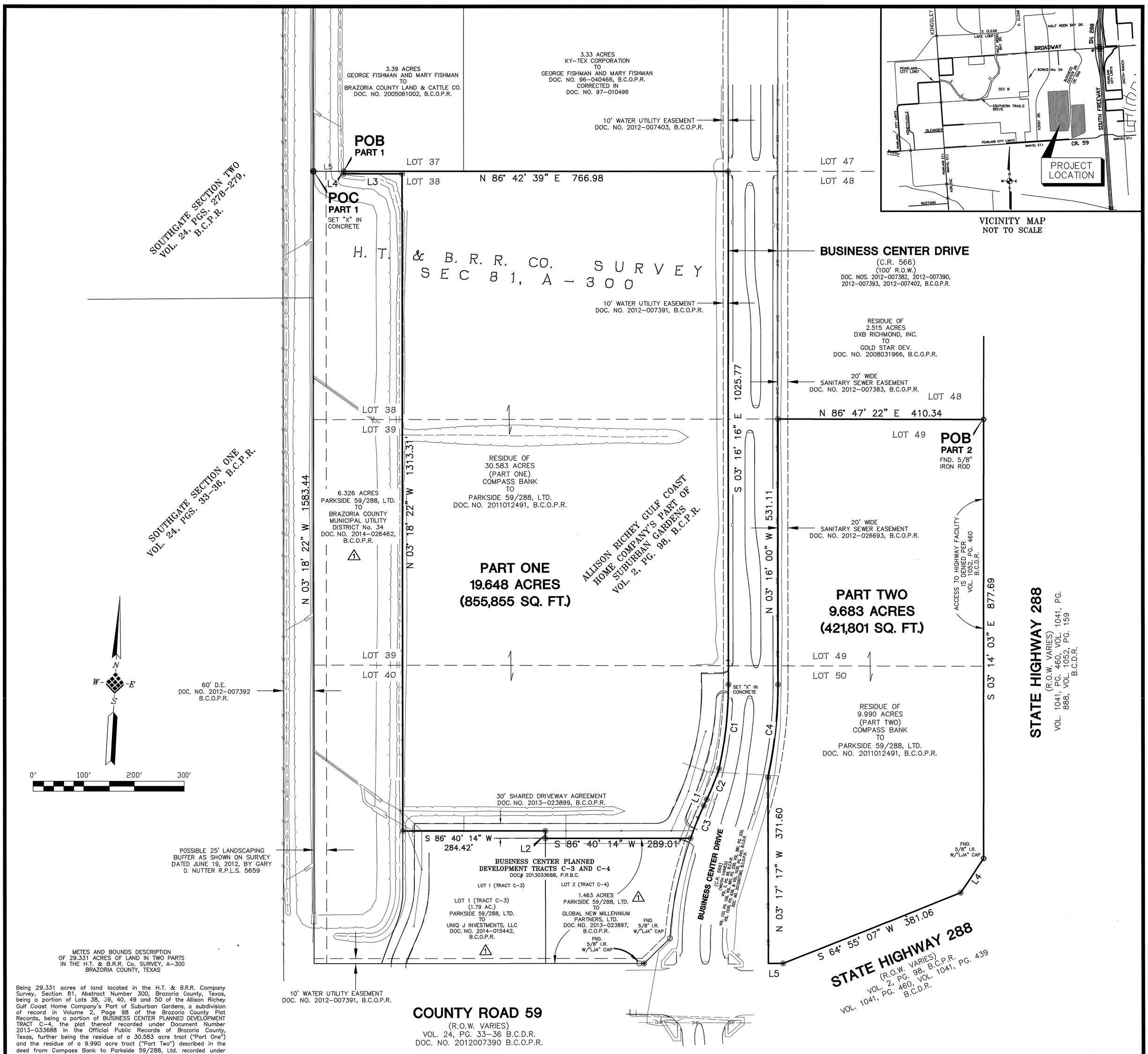
This description was prepared from a survey prepared by the undersigned dated June 19, 2012.

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

Exhibit B-1

Survey and

Metes & Bounds



VICINITY MAP
NOT TO SCALE

METES AND BOUNDS DESCRIPTION
OF 29.331 ACRES OF LAND IN TWO PARTS
IN THE H.T. & B.R.R. Co. SURVEY, A-300
BRAZORIA COUNTY, TEXAS

Being 29.331 acres of land located in the H.T. & B.R.R. Company Survey, Section 81, Abstract Number 300, Brazoria County, Texas, being a portion of Lots 38, 39, 40, 49 and 50 of the Allison Richey Gulf Coast Home Company's Part of Suburban Gardens, a subdivision of record in Volume 2, Page 98 of the Brazoria County Plat Records, being a portion of BUSINESS CENTER PLANNED DEVELOPMENT TRACT C-4, the plat thereof recorded under Document Number 2013-033688 in the Official Public Records of Brazoria County, Texas, further being the residue of a 30.583 acre tract ("Part One") and the residue of a 9.990 acre tract ("Part Two") described in the deed from Compass Bank to Parkside 59/288, Ltd. recorded under Document No. 2011012491, in the Official Public Records of Brazoria County, Texas, said 29.331 acre tract being more particularly described in two parts by metes and bounds as follows with bearings based on the Texas Coordinate System of 1983, South Central Zone:

PART 1:

COMMENCING at an cut "X" in concrete set for the northwest corner of the 6.326 acre tract described in deed from Parkside 59/288, Ltd. to Brazoria County Municipal Utility District No. 34 recorded under Document Number 2014-026462 in the Official Public Records of Brazoria County, Texas, being the southwest corner of a 3.39 acre tract described in deed from George Fishman and Mary Fishman to Brazoria County Land & Cattle Co. recorded under Document Number 2005-061002 in the Official Public Records of Brazoria County, Texas, being on the east line of Southgate Section Two, the plat thereof recorded in Volume 24, Pages 278-279 of the Brazoria County Plat Records, and being the common west corner of Lots 37 and 38 of said Allison Richey Gulf Coast Home Company's Part of Suburban Gardens subdivision;

THENCE North 86° 42' 39" East – 60.00 feet, with the line common to said 6.326 acre tract and said 3.39 acre tract to a 5/8-inch iron rod with cap stamped "IDS" set for the most northerly northwest corner and POINT OF BEGINNING of the herein described tract;

THENCE North 86° 42' 39" East – 766.98 feet, with the north line of said 30.583 acre tract and south line of said 3.39 acre tract and south line of a 3.33 acre tract described in deed from Ky-Tex Corporation to George Fishman and Mary Fishman recorded under Document Number 96-040466 and corrected under Document Number 97-010496 in the Official Public Records of Brazoria County, Texas to a 5/8-inch iron rod with cap stamped "IDS" set on the west right-of-way line of Business Center Drive (County Road 566) (100 feet wide at this point) as described under Document Numbers 2012-007382, 2012-007390, 2012-007393 and 2012-007402 in the Official Public Records of Brazoria County, Texas;

THENCE with the west right-of-way line of said Business Center Drive the following courses and distances:

South 03° 16' 16" East – 1025.77 feet to a cut "X" in concrete set at the beginning of a curve to the right;

in a southwesterly direction and with said curve to the right, having a central angle of 12° 57' 07", a chord bearing and distance of South 03° 12' 18" West – 169.18 feet, a radius of 750.00 feet, and an arc distance of 169.54 feet to a 5/8-inch iron rod with cap stamped "IDS" set at the end of said curve and the beginning of a non-tangent curve to the right;

in a southwesterly direction and with said non-tangent curve to the right, having a central angle of 05° 32' 23", a chord bearing and distance of South 18° 57' 47" West – 66.32 feet, a radius of 686.20 feet, and an arc distance of 66.35 feet to a 5/8-inch iron rod with cap stamped "IDS" set at the end of said curve;

South 21° 45' 17" West – 13.71 feet to a 5/8-inch iron rod with cap stamped "IDS" set at the beginning of a curve to the left;

in a southwesterly direction and with said curve to the left, having a central angle of 05° 25' 00", a chord bearing and distance of South 19° 01' 30" West – 70.52 feet, a radius of 746.20 feet, and an arc distance of 70.54 feet to a 5/8-inch iron rod with cap stamped "IDS" set at the end of said curve, said point being the northeast corner of the 1.463 acre tract of land described in deed from Parkside 59/288, Ltd. to Global New Millennium Partners, Ltd. recorded under Document Number 2013-023897, in the Official Public Records of Brazoria County, Texas;

THENCE South 86° 40' 14" West – 289.01 feet, departing said west right-of-way line and with the north line of said 1.463 acre tract, to a 5/8-inch iron rod with cap stamped "IDS" set for the northwest corner of said 1.463 acre tract and being on the east line of Lot 1, (Tract C-3) (1.79 acres) described in the deed from Parkside 59/288, Ltd. to Uniq J Investments, LLC, recorded under Document Number 2014-015442 in the Official Public Records of Brazoria County, Texas;

THENCE North 03° 19' 46" West – 15.00 feet, with the line common to said 1.463 acre tract and said 1.79 acre tract, to a 5/8-inch iron rod with cap stamped "IDS" set for the northeast corner of said 1.79 acre tract;

THENCE North 86° 40' 14" West – 284.42 feet, with the north line of said 1.79 acre tract, to a 5/8-inch iron rod with cap stamped "IDS" found for the northwest corner of said 1.79 acre tract, being on the east line of said 6.326 acre tract;

THENCE North 03° 18' 22" West – 1313.31 feet, with the east line of said 6.326 acre tract, to a 5/8-inch iron rod with cap stamped "IDS" found for the northeast corner of said 6.326 acre tract;

THENCE South 86° 42' 39" West – 116.00 feet, with a northerly line of said 6.326 acre tract, to a 5/8-inch iron rod with cap stamped "IDS" found for an interior northerly corner of said 6.326 acre tract;

THENCE North 03° 18' 22" West – 5.00 feet to the POINT OF BEGINNING of the herein described tract and containing 19.648 acres (855,855 square feet) of land.rner of said 6.326 acre tract;

THENCE North 03° 18' 22" West – 5.00 feet to the POINT OF BEGINNING of the herein described tract and containing 19.648 acres (855,855 square feet) of land.

PART 2:

BEGINNING at a 5/8-inch iron rod found for the northeast corner of said 9.990 acre tract and the southeast corner of a 2.515 acre tract described in deed from DXB Richmond, Inc. to Gold Star Development recorded under Document Number 2008-031966 in the Official Public Records of Brazoria County, Texas, being on the west right-of-way line of State Highway 288 (width varies) as described in Volume 1041, Page 460, Volume 1041, Page 888 and Volume 1052, Page 159, and on the line common to said Lots 48 and 49;

THENCE South 03° 14' 03" East – 877.69 feet, with the line common to said 9.990 acre tract and said west right-of-way line, to a 5/8-inch iron rod with cap stamped "LJA ENG" found for an angle point;

THENCE South 30° 49' 10" West – 82.81 feet, continuing with said common line, to a 5/8-inch iron rod with cap stamped "IDS" set for an angle point;

THENCE South 64° 55' 07" West – 381.06 feet, continuing with said common line, to a 5/8-inch iron rod with cap stamped "IDS" set for an angle point;

THENCE South 86° 45' 24" West – 30.02 feet, continuing with said common line, to the southwest corner of the herein described tract, same being the intersection of said west right-of-way line and the east right-of-way line of County Road 566 (width varies) as recorded in Volume 2, Page 98 of the Brazoria County Plat Records, Volume 133, Page 126, Volume 881, Page 230, Volume 881, Page 232, Volume 1035, Page 636 and Volume 1035, Page 642 of the Brazoria County Deed Records;

THENCE North 03° 17' 17" West – 371.60 feet, departing said common line and with the west line of said 9.990 acre tract and the east right-of-way line of said Business Center Drive (County Road 566)(width varies) to a 5/8-inch iron rod with cap stamped "IDS" set at the beginning of a non-tangent curve to the left;

THENCE in a northeasterly direction and with said curve to the left, having a central angle of 12° 36' 35", a chord bearing and distance of North 03° 02' 17" East – 186.69 feet, a radius of 850.00 feet, and an arc distance of 187.07 feet to the end of said curve;

THENCE North 03° 16' 00" West – 531.11 feet, with the east right-of-way line of said Business Center Drive (100 feet wide at this point) to a 5/8-inch iron rod with cap stamped "IDS" set for the northwest corner for the herein described tract, being on the north line of said 9.990 acre tract, the south line of said 2.515 acre tract, and the said line common to Lots 48 and 49;

THENCE North 86° 47' 22" East – 410.34 feet, with the line common to said 2.515 acre tract and 9.990 acre tract and said common lot line, to the POINT OF BEGINNING of the herein described tract and containing 9.683 acres (421,801 square feet) of land.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	750.00	169.54	169.18	S 03° 12' 18" W	12°57'07"
C2	686.20	66.35	66.32	S 18° 57' 47" W	5°32'23"
C3	746.20'	70.54'	70.52'	S 19° 01' 30" W	5°25'00"

LINE	BEARING	DISTANCE
L1	S 21° 45' 17" W	13.71
L2	N 03° 19' 46" W	15.00'
L3	S 86° 42' 39" W	116.00'
L4	N 03° 18' 22" W	5.00'
L5	N 86° 42' 39" E	60.00'

ABBREVIATION TABLE

FND.	FOUND
VOL.	VOLUME
PG.	PAGE
D.E.	DRAINAGE EASEMENT
ESMT.	EASEMENT
H.L. & P	HOUSTON LIGHT AND POWER
B.C.P.R.	BRAZORIA COUNTY PLAT RECORDS
B.C.D.R.	BRAZORIA COUNTY DEED RECORDS
B.C.O.P.R.	BRAZORIA COUNTY OFFICIAL PUBLIC RECORDS

SYMBOL LEGEND

- FOUND MONUMENT
- SET 5/8" IRON ROD WITH CAP STAMPED "IDS" UNLESS OTHERWISE NOTED
- CONTROLLING MONUMENT
- GAS VALVE
- WATER VALVE
- POWER POLE
- OVER HEAD POWER LINE
- TRANSMISSION TOWER
- ELECTRICAL JUNCTION BOX
- GUY WIRE
- UNDERGROUND H.L.&P. MARKER
- UNDERGROUND TELEPHONE MARKER
- STORM SEWER MANHOLE
- WATER MANHOLE
- TELEPHONE JUNCTION BOX
- TELEPHONE MANHOLE
- PIPELINE MARKER
- VENT PIPE
- METAL POST
- WOOD POST
- CHAIN LINK FENCE
- BARBED WIRE FENCE

NOTES:

The surveyor has relied on Stewart Title Guaranty Company to provide copies of recorded deeds, plats or other instruments describing the subject property and adjoining tracts, used to support the determination of the location of the intended boundaries of the land surveyed.

This map is the result of an on the ground survey made under my supervision and depicts the conditions found on the ground at the time of the survey. The field work was completed on January 30, 2014.

Adjoiner information is shown per the Texas Board of Professional Land Surveying Rules and is shown for informational purposes only.

Coordinates shown hereon are for descriptive purposes only and are not locative.

The bearings shown hereon are referenced to the Texas Coordinate System of 1983, South Central Zone.

The recorded easements, setbacks and encumbrances shown hereon are from Schedule B of the commitment for title insurance issued by Stewart Title Guaranty Company, GF No. 1203933002, effective date January 5, 2014, issue date January 22, 2014. The surveyor has relied upon the accuracy and completeness of the information described above and has made no independent investigation or search for this information.

The utility appurtenances shown hereon include those visible at the time of the survey and are for general locative purposes only. In providing this boundary survey, no attempt has been made to obtain or show data concerning existence, size, depth, condition, capacity or location of any utility existing on or adjacent to the site, whether private, municipal or public owned.

The buildings and other improvements shown hereon represent the outline at ground level. The Surveyor has not located any underground buildings, overhead protrusions or improvements not obvious and located at ground level, unless otherwise noted.

Surveyor has not identified any geological or environmental conditions in connection with the subject property and Surveyor fully disclaims any and all responsibility related to issues or claims related thereto or resulting there from.

TO: PARKSIDE CAPITAL and Stewart Guaranty Title Insurance Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1-4, 6, 8, 9, 11(a), 13 & 14 of Table A thereof. The field work was completed on December 5, 2013.

Date of Plat or Map:
January 30, 2014

Douglas W. Turner
Texas Registered Professional Land Surveyor No. 3988

STATE OF TEXAS
REGISTERED
DOUGLAS W. TURNER
3988
PROFESSIONAL
LAND SURVEYOR

DATE	REVISION
7-23-2014	1 REVISE PER NEW OWNERSHIPS

IDS Engineering Group
TBPLS Firm Reg. No. 101107-00
13333 NW. Freeway,
Suite 300
Houston, Tx. 77040
Phone: 713-462-3178

ALTA/ACSM LAND TITLE SURVEY

29.331 ACRES IN TWO PARTS
H.T. & B.R.R. CO. SURVEY
SECTION 81, A-300
BRAZORIA COUNTY, TEXAS

DRAWN: MLS	ORIGINAL ISSUE DATE: JANUARY 30, 2014	ORIGINAL SCALE: 1" = 100'
APPROVED FOR ISSUE: DWT.	JOB NO.: 2024-001-00-522	

METES AND BOUNDS DESCRIPTION
OF 29.331 ACRES OF LAND IN TWO PARTS
IN THE H.T. & B.R.R. Co. SURVEY, A-300
BRAZORIA COUNTY, TEXAS

Being 29.331 acres of land located in the H.T. & B.R.R. Company Survey, Section 81, Abstract Number 300, Brazoria County, Texas, being a portion of Lots 38, 39, 40, 49 and 50 of the Allison Richey Gulf Coast Home Company's Part of Suburban Gardens, a subdivision of record in Volume 2, Page 98 of the Brazoria County Plat Records, being a portion of BUSINESS CENTER PLANNED DEVELOPMENT TRACT C-4, the plat thereof recorded under Document Number 2013-033688 in the Official Public Records of Brazoria County, Texas, further being the residue of a 30.583 acre tract ("Part One") and the residue of a 9.990 acre tract ("Part Two") described in the deed from Compass Bank to Parkside 59/288, Ltd. recorded under Document No. 2011012491, in the Official Public Records of Brazoria County, Texas, said 29.331 acre tract being more particularly described in two parts by metes and bounds as follows with bearings based on the Texas Coordinate System of 1983, South Central Zone:

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THENCE North 86° 42' 39" East – 60.00 feet, with the line common to said 6.326 acre tract and said 3.39 acre tract to a 5/8-inch iron rod with cap stamped "IDS" set for the most northerly northwest corner and **POINT OF BEGINNING** of the herein described tract;

THENCE North 86° 42' 39" East – 766.98 feet, with the north line of said 30.583 acre tract and south line of said 3.39 acre tract and south line of a 3.33 acre tract described in deed from Ky-Tex Corporation to George Fishman and Mary Fishman recorded under Document Number 96-040466 and corrected under Document Number 97-010496 in the Official Public Records of Brazoria County, Texas to a 5/8-inch iron rod with cap stamped "IDS" set on the west right-of-way line of Business Center Drive (County Road 566) (100 feet wide at this point) as described under Document Numbers 2012-007382, 2012-007390, 2012-007393 and 2012-007402 in the Official Public Records of Brazoria County, Texas;

THENCE with the west right-of-way line of said Business Center Drive the following courses and distances:

South 03° 16' 16" East – 1025.77 feet to a cut "X" in concrete set at the beginning of a curve to the right;

in a southwesterly direction and with said curve to the right, having a central angle of 12° 57' 07", a chord bearing and distance of South 03° 12' 18" West – 169.18 feet, a radius of 750.00 feet, and an arc distance of 169.54 feet to a 5/8-inch iron rod with cap stamped "IDS" set at the end of said curve and the beginning of a non-tangent curve to the right;

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South 21° 45' 17" West – 13.71 feet to a 5/8-inch iron rod with cap stamped "IDS" set at the beginning of a curve to the left;

in a southwesterly direction and with said curve to the left, having a central angle of 05° 25' 00", a chord bearing and distance of South 19° 01' 30" West – 70.52 feet, a radius of 746.20 feet, and an arc distance of 70.54 feet to a 5/8-inch iron rod with cap stamped "IDS" set at the end of said curve, said point being the northeast corner of the 1.463 acre tract of land described in deed from Parkside 59/288, Ltd. to Global New Millennium Partners, Ltd. recorded under Document Number 2013-023897, in the Official Public Records of Brazoria County, Texas;

THENCE South 86° 40' 14" West – 289.01 feet, departing said west right-of-way line and with the north line of said 1.463 acre tract, to a 5/8-inch iron rod with cap stamped "IDS" set for the northwest corner of said 1.463 acre tract and being on the east line of Lot 1, (Tract C-3) (1.79 acres) described in the deed from Parkside 59/288, Ltd. to Uniq J Investments, LLC, recorded under Document Number 2014-015442 in the Official Public Records of Brazoria County, Texas;

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THENCE South 86° 42' 39" West – 116.00 feet, with a northerly line of said 6.326 acre tract, to a 5/8-inch iron rod with cap stamped "IDS" found for an interior northerly corner of said 6.326 acre tract;

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THENCE South 03° 14' 03" East – 877.69 feet, with the line common to said 9.990 acre tract and said west right-of-way line, to a 5/8-inch iron rod with cap stamped "LJA ENG" found for an angle point;

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THENCE North 03° 17' 17" West – 371.60 feet, departing said common line and with the west line of said 9.990 acre tract and the east right-of-way line of said Business Center Drive (County Road 566)(width varies) to a 5/8-inch iron rod with cap stamped "IDS" set at the beginning of a non-tangent curve to the left;

THENCE in a northeasterly direction and with said curve to the left, having a central angle of 12° 36' 35", a chord bearing and distance of North 03° 02' 17" East – 186.69 feet, a radius of 850.00 feet, and an arc distance of 187.07 feet to a 5/8-inch iron rod with cap stamped "IDS" set for the end of said curve;

THENCE North 03° 16' 00" West – 531.11 feet, with the east right-of-way line of said Business Center Drive (100 feet wide at this point) to a 5/8-inch iron rod with cap stamped "IDS" set for the northwest corner for the herein described tract, being on the north line of said 9.990 acre tract, the south line of said 2.515 acre tract, and the said line common to Lots 48 and 49;

THENCE North 86° 47' 22" East – 410.34 feet, with the line common to said 2.515 acre tract and 9.990 acre tract and said common lot line, to the **POINT OF BEGINNING** of the herein described tract and containing 9.683 acres (421,801 square feet) of land.

Prepared by:
IDS Engineering Group
Job No. 2024-001-00-521

January 31, 2014
Revised July 23, 2014

Douglas W. Turner
Registered Professional Land Surveyor
Texas Registration Number 3988

STATE OF TEXAS
REGISTERED
DOUGLAS W. TURNER
3988
PROFESSIONAL
LAND SURVEYOR

V:\JOBS\2000s\2024-001-00 Pearland Business Park\Task 522 LTS Update-July 2014\Work In Progress\2024-001-00-521 PBP 19.648 Ac.docx

KERRY R. GILBERT & ASSOCIATES, INC.

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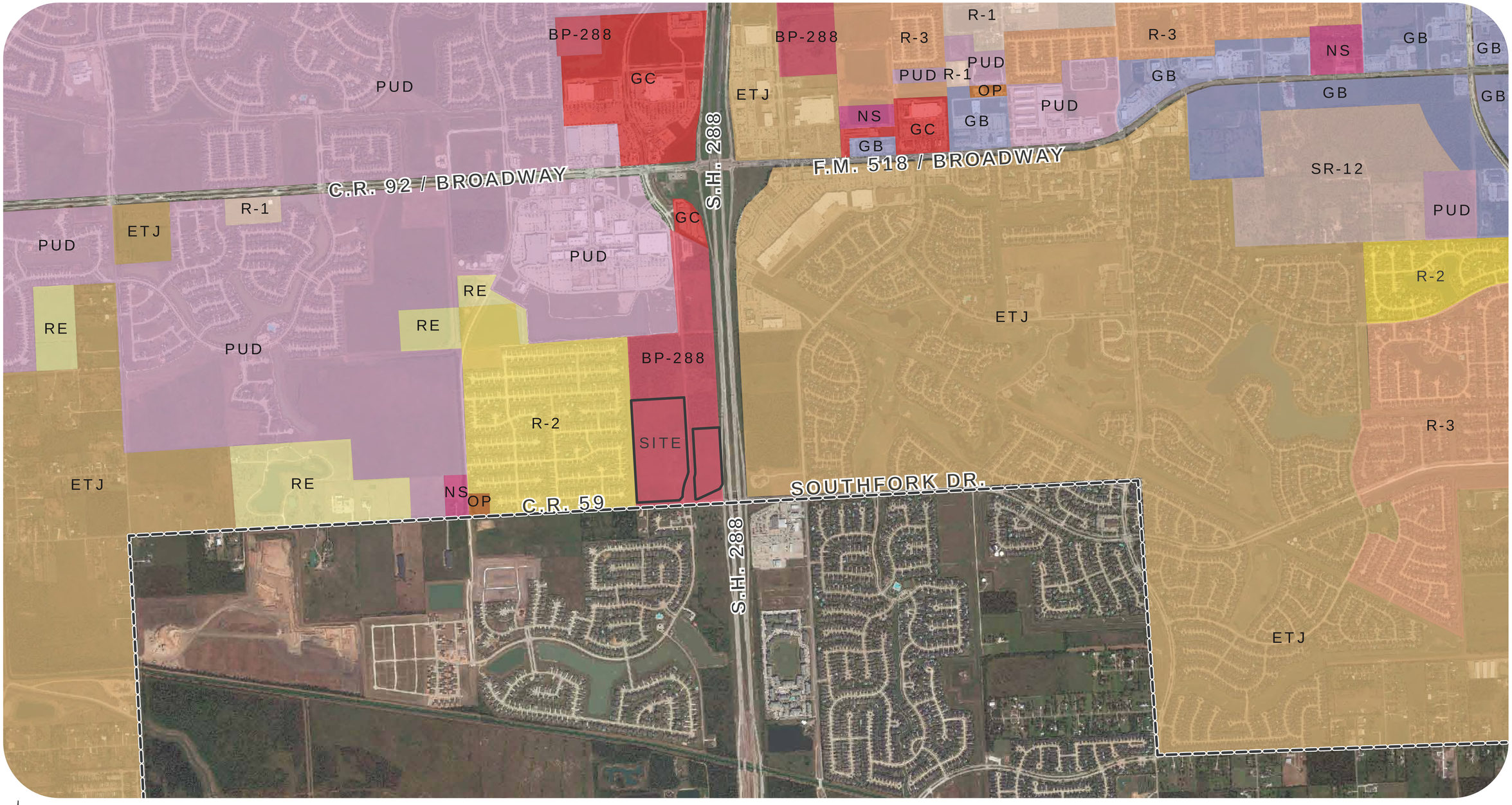

EXHIBIT C

current zoning map

N

THIS DRAWING IS A PICTORIAL REPRESENTATION FOR PRESENTATION PURPOSES ONLY AND IS SUBJECT TO CHANGE. FURTHER, SAID DRAWING IS A SCANNED IMAGE ONLY AND IS NOT FOR COMPUTATION OR CONSTRUCTION PURPOSES. THIS DRAWING MAY OR MAY NOT INCORPORATE INFORMATION AND/OR DATA PROVIDED TO KERRY R. GILBERT & ASSOCIATES, INC. BY OTHER CONSULTANTS RELATIVE TO ENGINEERING AND DRAINAGE, FLOOD PLAINS AND ENVIRONMENTAL ISSUES AND SHOULD NOT BE RELIED UPON FOR ANY PURPOSE. NO WARRANTIES, EXPRESS OR IMPLIED, CONCERNING THE ACTUAL DESIGN, LOCATION, AND CHARACTER OF THE FACILITES SHOWN ON THIS MAP ARE INTENDED. ADDITIONALLY, NO WARRANTY IS MADE TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

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a zoning map for

BUSINESS CENTER PD

± 38.9 ACRES OF LAND

prepared for

PARKSIDE 59/288, LTD.

KERRY R. GILBERT & ASSOCIATES, INC.

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

NOT TO SCALE

JUNE 15, 2012
KGA #I-175A

KERRY R. GILBERT & ASSOCIATES, INC.

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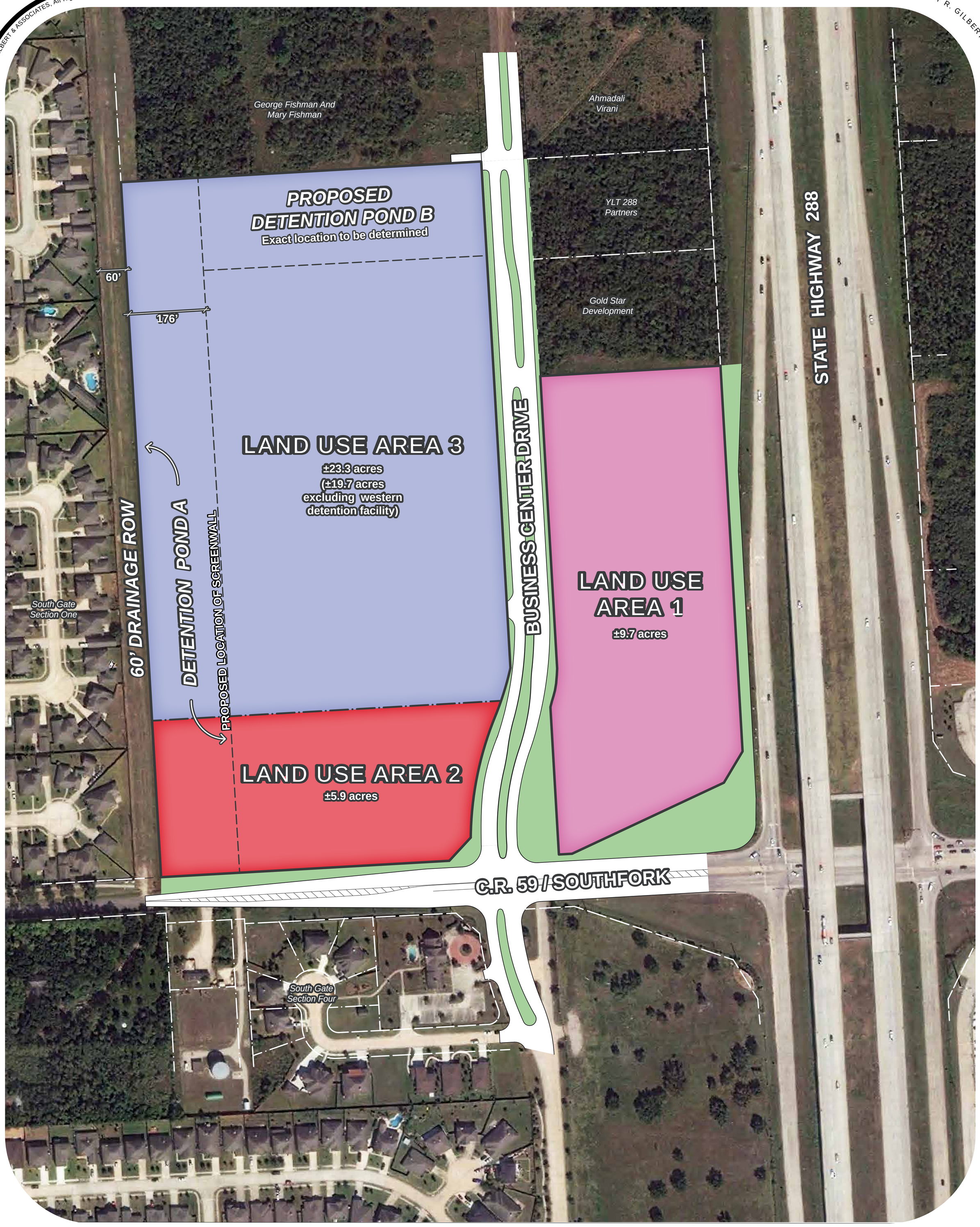

N

EXHIBIT D

land use areas

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a land use area exhibit for

BUSINESS CENTER PD

± 38.9 ACRES OF LAND

prepared for

PARKSIDE 59/288, LTD.

BGE | KERRY R. GILBERT & ASSOCIATES
Land Planning Consultants
23501 Cinco Ranch Blvd.
Suite A-250
Katy, Texas 77494
(281) 579-0340
Fax (281) 579-8212

SCALE
0 50 100 200

AUGUST 12, 2014
KGA #I-175A

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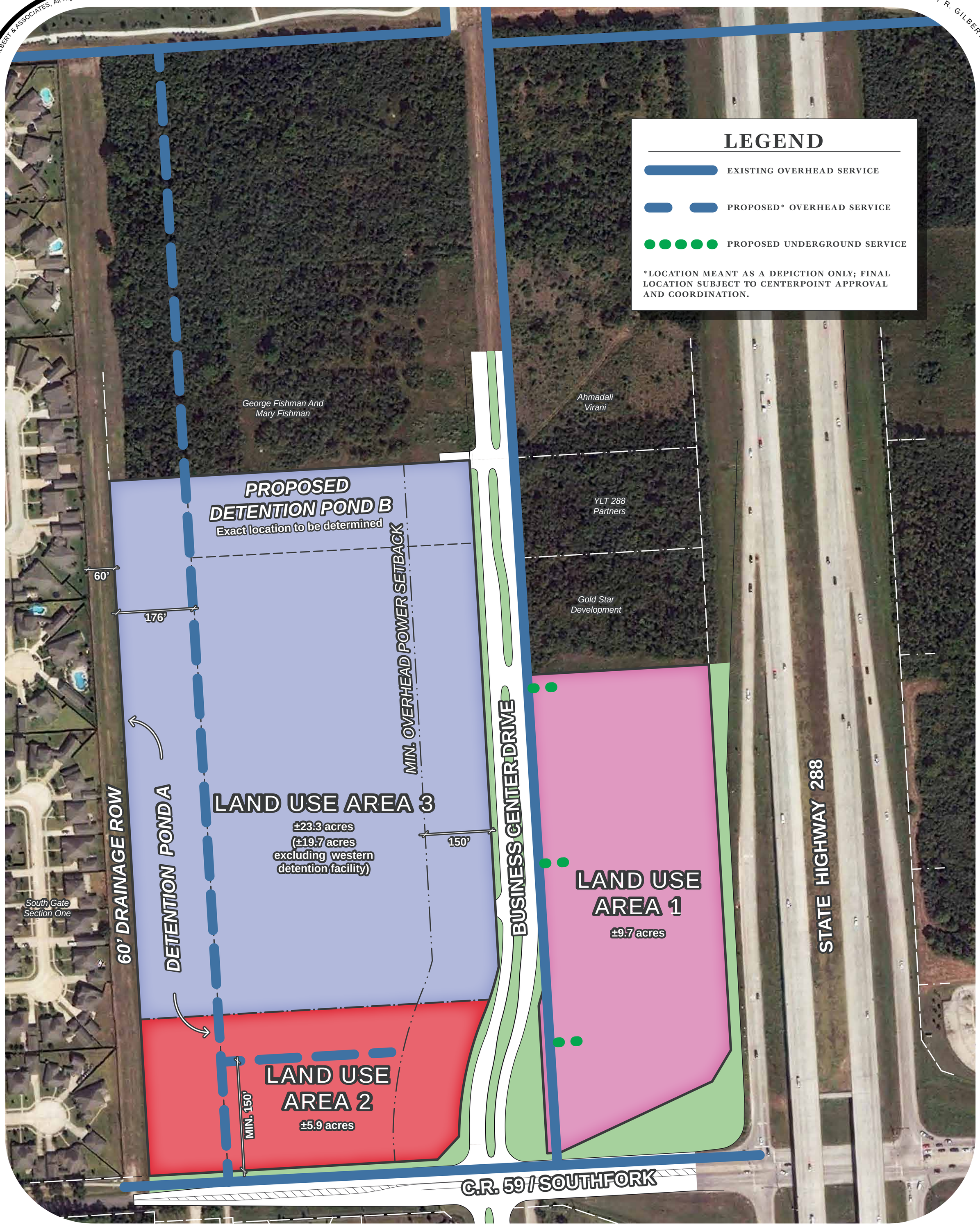
BGE | KERRY R. GILBERT & ASSOCIATES



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

N

EXHIBIT E

power line locations

THIS DRAWING IS A PICTORIAL REPRESENTATION FOR PRESENTATION PURPOSES ONLY AND IS SUBJECT TO CHANGE. FURTHER, SAID DRAWING IS A SCANNED IMAGE ONLY AND IS NOT FOR COMPUTATION OR CONSTRUCTION PURPOSES. THIS DRAWING MAY OR MAY NOT INCORPORATE INFORMATION AND/OR DATA PROVIDED TO KERRY R. GILBERT & ASSOCIATES, INC. BY OTHER CONSULTANTS RELATIVE TO ENGINEERING AND DRAINAGE, FLOOD PLAINS AND ENVIRONMENTAL ISSUES AND SHOULD NOT BE RELIED UPON FOR ANY PURPOSE. NO WARRANTIES, EXPRESS OR IMPLIED, CONCERNING THE ACTUAL DESIGN, LOCATION, AND CHARACTER OF THE FACILITES SHOWN ON THIS MAP ARE INTENDED. ADDITIONALLY, NO WARRANTY IS MADE TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

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a power line exhibit for

BUSINESS CENTER PD

± 38.9 ACRES OF LAND

prepared for

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

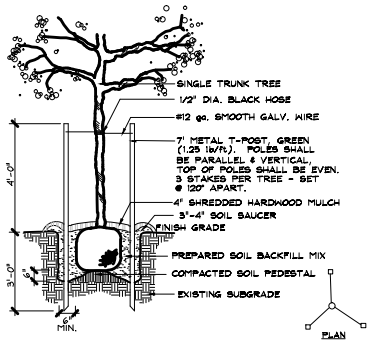
SCALE
0 50 100 200

AUGUST 12 2014
KGA #I-175A

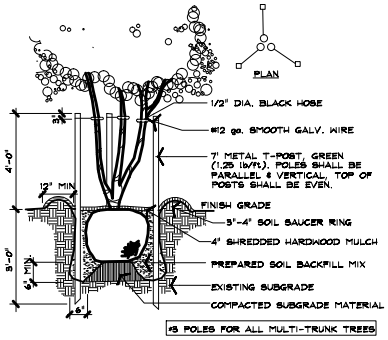
BGE | KERRY R. GILBERT & ASSOCIATES

PLANT LIST

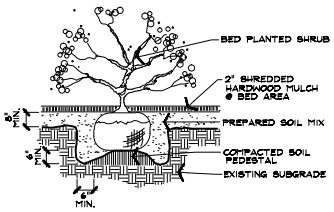
BOTANICAL NAME	COMMON NAME	SIZE	CONDITION	REMARKS
Quercus shumardii	Red Oak	65 Gal.	Container	12'-14' Ht., 5'-6' sprd., full, straight trunk
Quercus virginiana	Live Oak	65 Gal.	Container	12'-14' Ht., 5'-6' sprd., full, straight trunk
Myrica cerifera	Tree Form Waxmyrtle	30 Gal.	Container	Multi-trunk,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



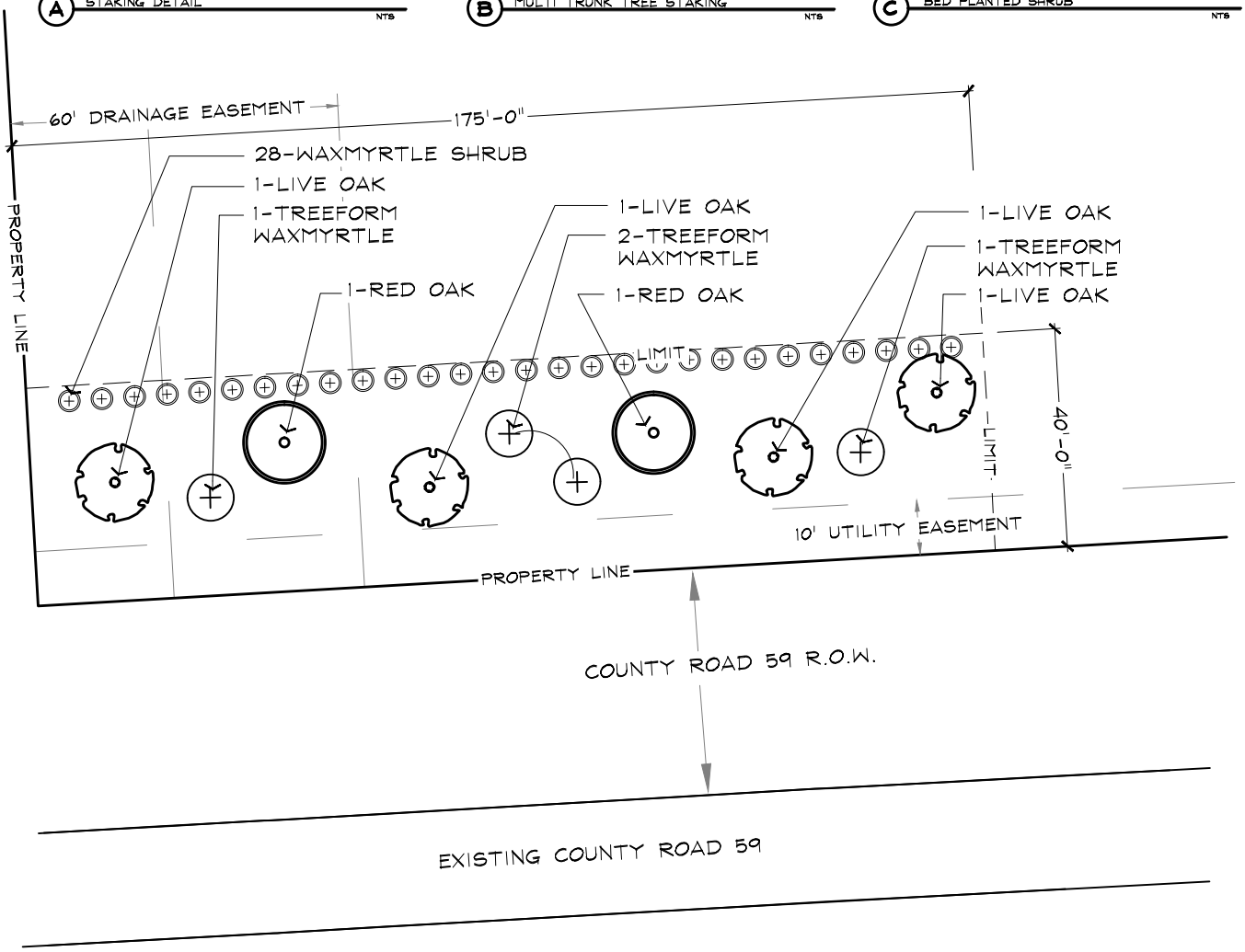
A STAKING DETAIL NTS



B MULTI TRUNK TREE STAKING NTS



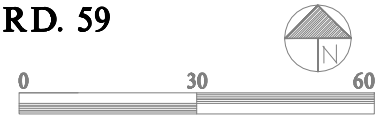
C BED PLANTED SHRUB NTS



BUSINESS CENTER PD

EXHIBIT F

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



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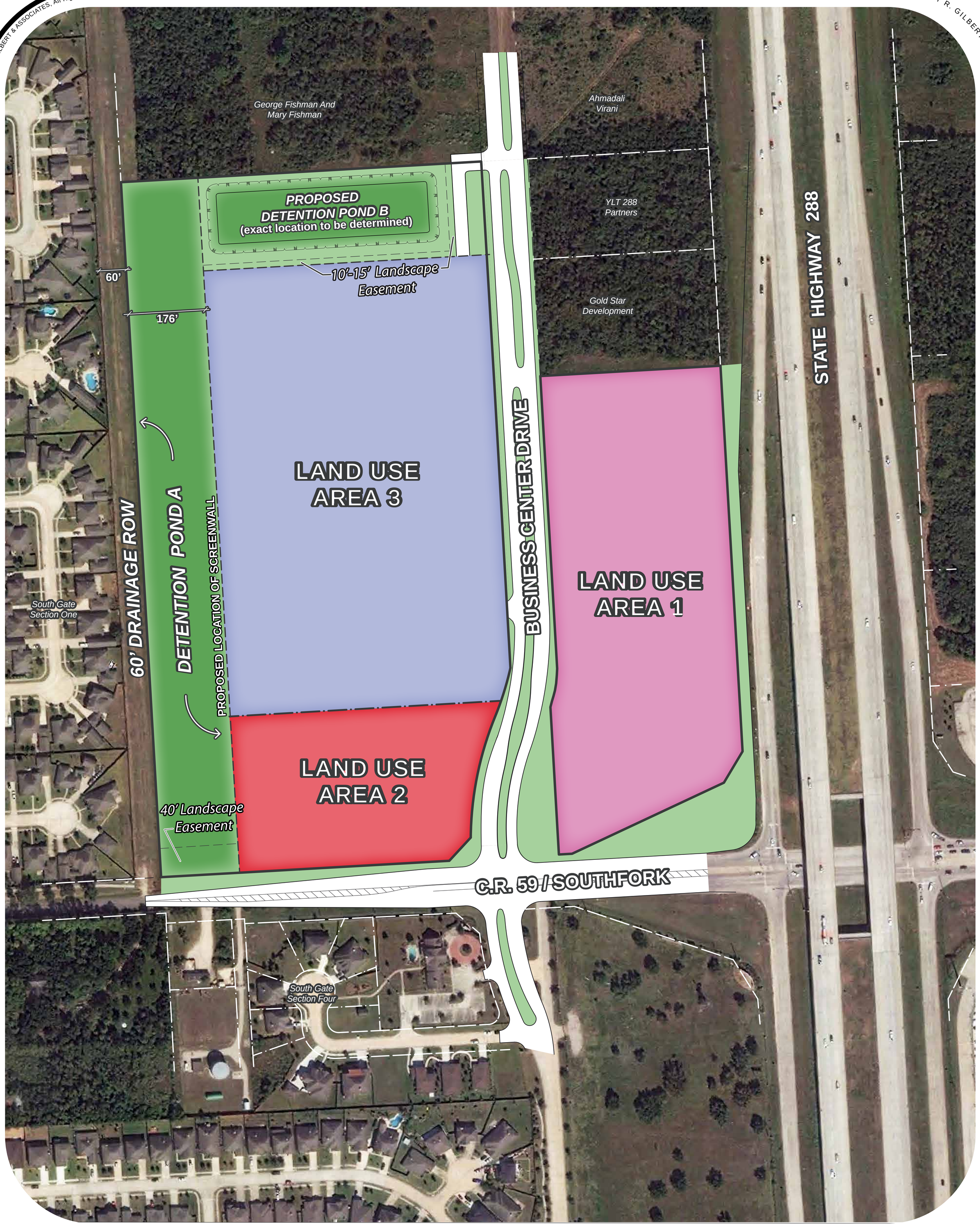

N

G Detention Facility

THIS DRAWING IS A PICTORIAL REPRESENTATION FOR PRESENTATION PURPOSES ONLY AND IS SUBJECT TO CHANGE. FURTHER, SAID DRAWING IS A SCANNED IMAGE ONLY AND IS NOT FOR COMPUTATION OR CONSTRUCTION PURPOSES. THIS DRAWING MAY OR MAY NOT INCORPORATE INFORMATION AND/OR DATA PROVIDED TO BGE | KERRY R. GILBERT & ASSOCIATES BY OTHER CONSULTANTS RELATIVE TO ENGINEERING AND DRAINAGE, FLOOD PLAINS AND ENVIRONMENTAL ISSUES AND SHOULD NOT BE RELIED UPON FOR ANY PURPOSE. NO WARRANTIES, EXPRESS OR IMPLIED, CONCERNING THE ACTUAL DESIGN, LOCATION, AND CHARACTER OF THE FACILITATES SHOWN ON THIS MAP ARE INTENDED. ADDITIONALLY, NO WARRANTY IS MADE TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

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a detention exhibit for

BUSINESS CENTER PD

± 38.9 ACRES OF LAND

prepared for

PARKSIDE 59/288, LTD.

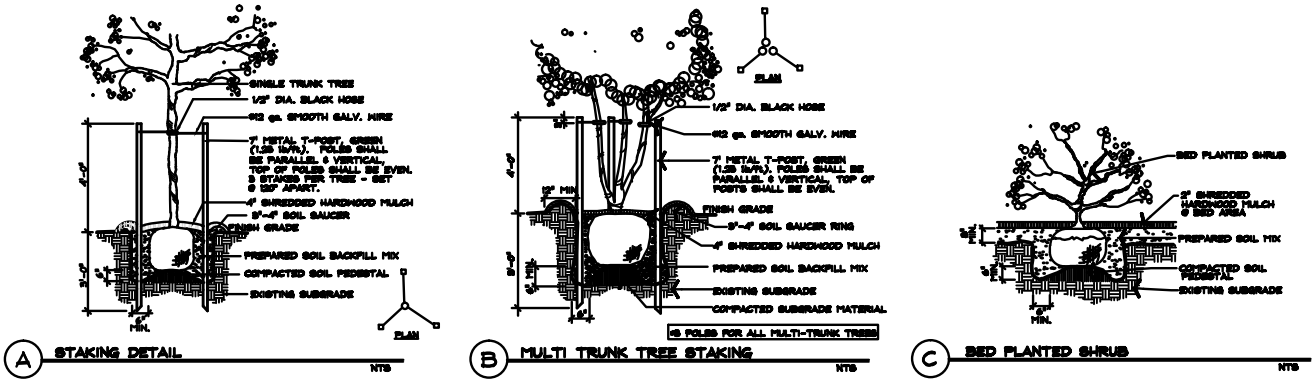
BGE | KERRY R. GILBERT & ASSOCIATES
Land Planning Consultants
23501 Cinco Ranch Blvd.
Suite A-250
Katy, Texas 77494
(281) 579-0340
Fax (281) 579-8212

SCALE
0 50 100 200

AUGUST 12, 2014
KGA #I-175A

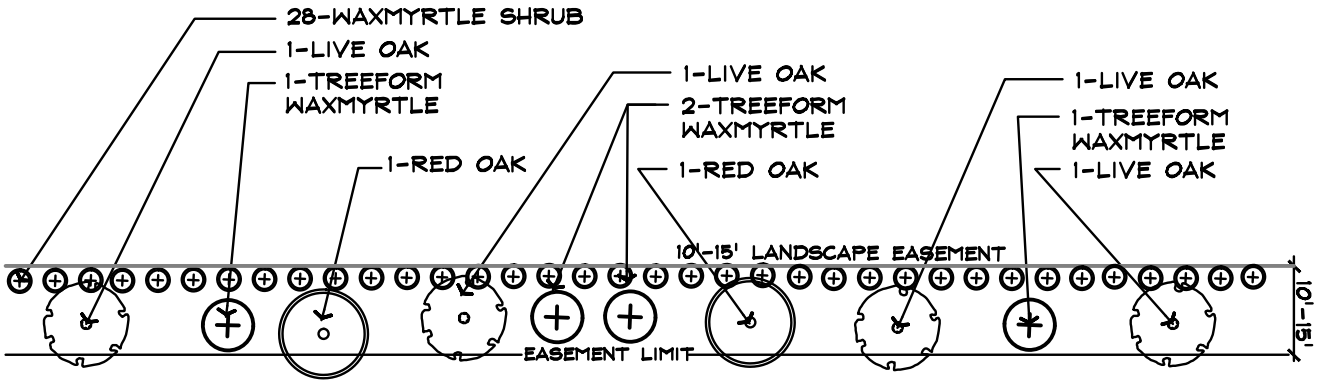
PLANT LIST

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



SCREENING TREES SHALL HAVE BE A MINIMUM OF THREE (3) INCHES IN CALIBER .

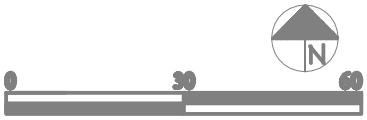
SCREENING SHRUBS THAT BE A MINIMUM OF THREE (3) FEET IN HEIGHT AND PLANTED A MINIMUM OF THREE (3) FEET ON CENTER



BUSINESS CENTER PD

EXHIBIT H

TYPICAL LANDSCAPE AND SCREENING ALONG DETENTION POND B



City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281-652-1768
281-652-1702 fax
www.cityofpearland.com

APPLICATION FOR A CHANGE IN ZONING

RECEIVED
AUG 1 4 2014

Current Zoning District: Planned Development

Proposed Zoning District: Planned Development

Property Information:

Address or General Location of Property: Intersection of Business Center Drive and CR 59

Tax Account No. 0300-0025-002, [illegible] 0300-0010-000, 0300-0020-000

Subdivision: H.T. & B.R.R. Company Survey, AB 300, Tract 38-38A, 39, 48, 48A 49-50, Lot: _____ Block: _____

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

PROPERTY OWNER INFORMATION:

NAME Parkside 59/288 LTD
ADDRESS 3003 W. Alabama Street
CITY Houston STATE TX ZIP 77098
PHONE(713) 773-5521
FAX( )
E-MAIL ADDRESS joe.moody@parksidecap.com

APPLICANT/AGENT INFORMATION:

NAME BGE| Kerry R. Gilbert and Associates
ADDRESS 23501 Cinco Ranch Blvd. Suite A-250
CITY Katy STATE TX ZIP 77494
PHONE(281) 579-0340
FAX(281) 579-8212
E-MAIL ADDRESS kvedwards@gmail.com

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

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

Owner's Signature: _____ Date: 7-31-14

Applicant/Agent's Signature: Kathryn Edwards Date: 8/11/14

OFFICE USE ONLY:

FEES PAID: $850.00	DATE PAID: 8/15/14	RECEIVED BY: JM	RECEIPT NUMBER: 319835

Application No. 2014-152

APPLICATION CHECKLIST FOR THE FOLLOWING

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

☑ Application, filled out completely, and signed by the owner of the property to be considered for the conditional use permit.

☑ If the applicant is the designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on his behalf. **Section 1.2.1.1 (a) of the Unified Development Code.**

☑ Parcel map, printed from the City of Pearland website, indicating the location and boundaries of the subject property.

n/a Letter of Intent, explaining the zone change request in detail and why the zoning is being requested to be changed, and state the uses being proposed

*Letter of Intent is not required for a PD.

☑ Application fee, as determined below, by cash, check made payable to the City of Pearland, or credit card (Visa and MasterCard only)

- **Zero (0) to less than 25 acres:**
  - $ 750.00, plus $25.00 per each type of zoning district requested; or
  - $ 800.00 if requesting a Planned Development (PD)
- **25 to less than 50 acres:**
  - $ 800.00, plus $25.00 per each type of zoning district requested; or
  - $ 850.00 if requesting a Planned Development (PD)
- **50 to less than 75 acres:**
  - $ 850.00, plus $25.00 per each type of zoning district requested; or
  - $ 900.00 if requesting a Planned Development (PD)
- **75 to less than 100 acres:**
  - $ 900.00, plus $25.00 per each type of zoning district requested; or
  - $ 950.00 if requesting a Planned Development (PD)
- **100 acres and above:**
  - $ 950.00, plus $25.00 per each type of zoning district requested; or
  - $ 1000.00 if requesting a Planned Development (PD)

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

☐ Acknowledgement of the sign to be posted on the property 10 days prior to the public hearing

☑ Provide evidence or proof that all taxes and obligations have been paid regarding the subject property.

☐ Application packets that are not **complete** will not be accepted. **When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, it may be necessary to postpone the proposed CUP/Zone Change and remove it from the scheduled agenda and place it on a future agenda date according to Section 1.2.1.2. of the Unified Development Code.**

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

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

Such sign(s) shall be located as follows:

(1) One (1) sign per street frontage shall be located within thirty feet (30') of the abutting street, or as determined by the City.

(2) So as to be clearly visible and readable from the public right-of-way and not obstructed in any manner.

(3) So as not to create a hazard to traffic on the public rights-of-way abutting the property.

(4) On the subject property at least ten (10) days prior to the hearing of such zoning change request by the Planning and Zoning Commission, and to remain continuously on said property until final action by the City Council or withdrawal of the case by the applicant. Removal of the sign by the applicant prior to a recommendation by the Planning and Zoning Commission and/or a final decision by the City Council shall constitute a withdrawal of the request.

(5) The signs shall be as follows:

- A minimum sign size of 2 feet by 3 feet, but no larger than 4 feet by 4 feet
- At least 2 feet above the ground
- Blue or black lettering that is a minimum of 3 inches by 1/2 inch, on a white background
- Message content as follows:

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

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

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

KE

August 14, 2014

Lata Krishnarao, Director
Community Development Department
3523 Liberty Drive
Pearland, Texas 77581

RE: Business Center Planned Development Amendment-Zoning Application

Dear Lata,

On behalf of our client Parkside 59/288 LTD, we, BGE|Kerry R. Gilbert & Associate, Inc., are submitting an application for a Planned Development Amendment for the above referenced property located at the intersection of Business Center Drive and CR 59. Enclosed you will find:

- City of Pearland Planned Development Zoning Application
- Owner Authorization letter
- City of Pearland Zoning Map with Property Boundary
- Application Fee (check# 000774)
- One (1) copy of the Planned Development document
- One (1) copy of the Planned Development exhibits
- One (1) CD with PDF of document and exhibits
- Tax Certificates

We are requesting this application to be reviewed at the September 15, 2014 Joint Pubic Hearing. Please contact me if any further information is necessary.

Sincerely,

Kathryn Edwards

Kathryn Edwards

Enclosures

August 1, 2014

Lata Krishnarao, Director
Community Development Department
3523 Liberty Drive
Pearland, Texas 77581

RE: Rezone application request – owner authorization

Dear Lata,

Parkside 59/288, Ltd, is owner of the ± 19.7 acres of property located on the west side of Business Center Drive, just north of CR 59, and the ± 9.7 acres of property located at the northeast corner of Business Center Drive and CR 59. The two parcels serve as LUA1 and LUA 3 within the existing Business Center PD. We authorize BGE| Kerry R. Gilbert & Associates to be our agent in our application for request to amend the Planned Development on the subject property.

Sincerely,

Joe Moody
Parkside 59/288, Ltd.

Owner: _____

ZONE CHANGE/ VARIANCE/ PLAT/ RECORDATION

$ 850.00 (circle one) BA or PF or FE

Description: *Input who the check is from*

COMMENTS/DESCRIPTION (F10):

Location or Address CR 59 & 288

Applicant BGE/Kerry Gilbert & Associates

Owner Parkside 59/288

CITY OF PEARLAND
*** CUSTOMER RECEIPT ***

Oper: AGONZALES Type: OC Drawer: 1
Date: 8/15/14 01 Receipt no: 319835

Description	Quantity	Amount
BA	BOARD OF ADJUSTMENTS 1.00	$850.00
Trans number:		4560627

BOARD OF ADJ.
C.R. 59 & 288
BGE/KERRY GILBERT & ASSOC.
PARKSIDE 59/288

Tender detail		
CK CHECK	774	$850.00
Total tendered		$850.00
Total payment		$850.00

Trans date: 8/15/14 Time: 9:17:57

Ent	Name	Acct No	Invoice	Date	Reference	Amount	Net
175	Parkside 59/288, Ltd.	136-175-065	175-073014	7/30/2014	PD APPLICATION FEE	850.00	850.00

Payor:	Parkside 59/288, Ltd.	Date	Check No.	Check Amount
Payee:	City of Pearland	8/6/2014	000774	850.00

Retain this statement for your records

TAX CERTIFICATE

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

Issued To:
BROWN AND GAY ENGINEERING, INC
10777 WESTHEIMER
HOUSTON , TX 77042

Legal Description:
A0300 H T & B R R, TRACT 49-50, ACRES 9.8625

Fiduciary Number: 23278668

Parcel Address: BUSINESS CENTER DR
Legal Acres: 9.8625

>--
Account Number: **0300-0025-002**
Certificate No: 221083839
Certificate Fee: $10.00

Print Date: 07/28/2014
Paid Date: 07/28/2014
Issue Date: 07/28/2014
Operator ID: AMBER
<--

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2013. ALL TAXES ARE PAID IN FULL

Exemptions:

Certified Owner:
PARKSIDE 59/288 LTD
% JOE MOODY - PARKSIDE CAPITAL INVESTMEN
3003 W ALABAMA ST
HOUSTON , TX 77098-2001

2013 Value:	429,610
2013 Levy:	$12,810.87
2013 Levy Balance:	$0.00
Prior Year Levy Balance:	$0.00
Total Levy Due:	$0.00
P&I + Attorney Fee:	$0.00
Total Amount Due:	$0.00

Certified Tax Unit(s):
1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
27 ALVIN ISD
46 ALVIN COMMUNITY COLLEGE
54 BRAZORIA DRAINAGE DIST 4
65 PEARLAND MUNICIPAL MANAGEME
96 CITY OF PEARLAND

Reference (GF) No: N/A

Issued By:
RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(979) 864-1320, (979) 388-1320, (281) 756-1320

Amber Cook

delinquent_tax_certificate.rdf v1.74

TAX CERTIFICATE

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

Issued To:
BROWN AND GAY ENGINEERING, INC
10777 WESTHEIMER
HOUSTON , TX 77042

Legal Description:
A0300 H T & B R R, TRACT 38-38A, ACRES 9.4332

Fiduciary Number: 23278668

Parcel Address: BUSINESS CENTER DR
Legal Acres: 9.4332

>--
Account Number: **0300-0010-000**
Certificate No: 221083846
Certificate Fee: $10.00

<--
Print Date: 07/28/2014
Paid Date: 07/28/2014
Issue Date: 07/28/2014
Operator ID: AMBER

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2013. ALL TAXES ARE PAID IN FULL

Exemptions:

Certified Owner:
PARKSIDE 59/288 LTD
% JOE MOODY - PARKSIDE CAPITAL INVESTMEN
3003 W ALABAMA ST
HOUSTON , TX 77098-2001

2013 Value:	410,910
2013 Levy:	$12,253.24
2013 Levy Balance:	$0.00
Prior Year Levy Balance:	$0.00
Total Levy Due:	$0.00
P&I + Attorney Fee:	$0.00
Total Amount Due:	$0.00

Certified Tax Unit(s):
1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
27 ALVIN ISD
46 ALVIN COMMUNITY COLLEGE
54 BRAZORIA DRAINAGE DIST 4
65 PEARLAND MUNICIPAL MANAGEME
96 CITY OF PEARLAND

Reference (GF) No: N/A

Issued By:
RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(979) 864-1320, (979) 388-1320, (281) 756-1320

Amber Cook

TAX CERTIFICATE

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

Issued To:
BROWN AND GAY ENGINEERING, INC
10777 WESTHEIMER
HOUSTON , TX 77042

Legal Description:
A0300 H T & B R R, TRACT 39, ACRES 9.3297

Fiduciary Number: 23278668

Parcel Address: 2902 BUSINESS CENTER DR
Legal Acres: 9.3297

>--

Account Number: **0300-0020-000**
Certificate No: 221083848
Certificate Fee: $10.00

<--

Print Date: 07/28/2014
Paid Date: 07/28/2014
Issue Date: 07/28/2014
Operator ID: AMBER

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2013. ALL TAXES ARE PAID IN FULL

Exemptions:

Certified Owner:
PARKSIDE 59/288 LTD
% JOE MOODY - PARKSIDE CAPITAL INVESTMEN
3003 W ALABAMA ST
HOUSTON , TX 77098-2001

2013 Value:	406,400
2013 Levy:	$12,118.75
2013 Levy Balance:	$0.00
Prior Year Levy Balance:	$0.00
Total Levy Due:	$0.00
P&I + Attorney Fee:	$0.00
Total Amount Due:	$0.00

Certified Tax Unit(s):
1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
27 ALVIN ISD
46 ALVIN COMMUNITY COLLEGE
54 BRAZORIA DRAINAGE DIST 4
65 PEARLAND MUNICIPAL MANAGEME
96 CITY OF PEARLAND

Reference (GF) No: N/A
Issued By:
RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(979) 864-1320, (979) 388-1320, (281) 756-1320

Amber Cook

P&Z AGENDA ITEM

E

JOINT PUBLIC HEARING
THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS,
MONDAY, SEPTEMBER 15, 2014 AT 6:30 P.M.
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

I. CALL TO ORDER

II. PURPOSE OF HEARING

Zone Change Application No. 2014-16Z

A request of LJA Engineering, applicant; on behalf of A S 121 Pearland Parkway-Broadway Street, L.P., owner; for a change in zoning to amend the Province Village PD, on approximately 1.707 acres of land, to wit:

Legal Description: Being 1.707 acres of land located in the Thomas J. Green Survey, Abstract 198, Brazoria County, Texas, more particularly being all of Lot A and a portion of Lot B, Block 1 of Amending Plat No. 1, Province Village Drive, Office Park and Reserves, a subdivision of record under Doc # 2008019410 of the Official Public Records of Brazoria County, Texas (B.C.O.P.R.).

General Location: Southeast corner of Province Village Drive and Pearland Parkway, Pearland, Texas

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT
B. APPLICANT PRESENTATION
C. STAFF WRAP UP

IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

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

Memo

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: September 15, 2014

Re: Zone Change Application Number 2014-16Z

A request of LJA Engineering, applicant; on behalf of A S 121 Pearland Parkway-Broadway Street, L.P., owner; for a change in zoning to amend the Province Village PD, on approximately 1.707 acres of land

Proposal

The applicant proposes a change in zoning to amend the Province Village Planned Development (PD) on approximately 1.707 acres of the total 47.65 acres included within the PD. No other changes are proposed to any land included within the PD. The proposed amendment will be the third amendment since the adoption of the PD, and the second amendment this year (2014). The subject 1.707 acres was included in a 15 acre tract of land identified as Tract 1 when the PD was originally adopted. As a result of the previous amendment this year, Tract 1 was reduced to approximately 8 acres. Currently the property allows for Office and Professional (OP) uses with few exceptions. The purpose of the amendment is two-fold:

1. To change the overlay zoning district for the approximately 1.707 acre- site from Office and Professional (OP) to General Business (GB), with various limitations on allowable uses as identified on pages 3-4 of the proposed amendment.

2. To impose various building architectural, landscaping and signage restrictions to compliment the bank building, just north of the subject property; also included within the Province Village PD.

The below table illustrates the proposed change to the PD, highlighted in red font. For a historical perspective of the two preceding amendments, see the Staff Report included within this packet.

Tract	Acreage	Overlay Zoning District	Permitted Uses
1	8	OP (~~8 acres~~) (6.293 acres) GB (1.707 acres)	• Non-residential uses allowed within the OP zoning district • Detention • Mixed Use Retail Building
C	5.6	R-4	• Single Family
2	13.52	GB	• Non-residential uses allowed within the GB zoning district • Detention
B	13.4	R-4	• Single Family • Park
3	5.74	R-4	• Single Family

The applicant also proposes various changes pertaining to design standards, including façade; signage; landscaping and landscaping enhancements; and removal of previously approved regulations regarding fencing. For specific changes, see the Staff Report included within this packet.

Public Notification/Comment

Staff sent public notices, comment forms and a vicinity map to the applicant, the owner of the property and to property owners within 200 feet of the subject property under consideration for the amendment to the Province Village PD amendment. Additionally, a legal notice of the public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant. As of the date of this writing, staff has not received any returned notices from property owners within 200 feet of the site.

Recommendation

Staff recommends approval of the request to amend the zoning regulations for the 1.707 acre site from an overlay district of OP to an overlay district of GB, for the following reasons:

1. The proposed GB overlay district is compatible with surrounding uses, as it is surrounded by non-residential uses and future non-residential uses, including the existing Lowes, just south of the site; a retail center southwest of the site including HEB and various other non-residential uses/future non-residential uses. Additionally, just west of the site, a retail center is currently under construction.

2. The proposed building and signage will be compatible with the existing bank just north of the site to create an aesthetically pleasing development.

3. The applicant proposes additional landscaping above what is required by the UDC. Additionally, enhanced landscaping will be provided at the corner of Province Village Drive and along Pearland Parkway to accentuate the entrance to Province Village Drive.

Staff Condition:

1. Staff recommends that a note is added in the PD that the development will comply with all Corridor Overlay District (COD) standards along Pearland Parkway, including street trees, ornamental trees, etc. All standards along Province Village Drive shall follow the GB zoning district, unless included within the PD as a variation.

2. The applicant has indicated the intent to meet the sign regulations of the UDC. However, the sign exhibit does not meet the requirements of the UDC, as it relates to the effective area of the sign. Staff recommends that the exhibit is modified accordingly.

Exhibits

1. Staff Report
2. Aerial Map
3. Zoning Map
4. Future Land Use Map
5. Notification Map
6. Notification List
7. Proposed Amendment

Exhibit 1
Staff Report

Summary of Request

The applicant proposes a change in zoning to amend the Province Village Planned Development (PD) on approximately 1.707 acres of the total 47.65 acres included within the PD. Currently the subject 1.707 acres is undeveloped and is located within the original Tract 1 of the PD. As a result of the amendment approved in June, 2014, the acreage within Tract 1 was decreased from 15 acres to approximately 8 acres of land. Tract 1 is allocated to Office and Professional (OP) uses, including the 1.5 acre site which is developed with Hometown Bank located at the northeast corner of Province Village Drive and Pearland Parkway; 5.9 acres located on the south side of Province Village Drive and just west of Pearland Parkway, including the subject 1.707 acre site; and detention on a 1.5 acre site on the north side of Province Village Drive.

According to the applicant, the purpose of the amendment is two-fold:

1. To change the overlay zoning district for an approximately 1.707 acre site located within Tract 1; and at the southeast corner of Province Village Drive and Pearland Parkway from OP to General Business (GB), with various limitations on allowable uses as identified on pages 3-4 of the proposed amendment to the Province Village PD; and

2. To impose various design standards pertaining to building façade; signage; landscaping; and fencing and screening in order to compliment the Hometown Bank site, just north of the subject property; and also included within the Province Village PD.

Site History

The original Province Village PD was approved in June, 2005, and allowed for a mixed-use development including townhomes/condominiums, garden-style single family homes, General Business (GB) non-residential uses; Office and Professional (OP) non-

residential uses; common open space, detention and a park. According to the original PD, specific amenities included approximately 16% (+/- 7 acres) of land to be dedicated to parks, recreation, trails and open/green space. Approximately 12% of the site was allocated for detention. Other amenities included entry statements at Pearland Parkway and Province Village Drive (which was not constructed at the time), a fully landscaped boulevard entry at Country Club Drive with enhanced landscaping irrigation. A 6-foot high masonry screening wall was to be constructed along the southern property line, adjacent to Tract 1, just north of Lowes and along the western and eastern property lines of Tract 2. The PD included photographic depictions of facades, but no specific details. Language in the PD stated "actual design may vary, however, in general would consist of masonry and glass."

The PD was divided into three (3) different areas with varying uses identified as Tract 1, Tract 2 and Tract 3. Tract 1 included 15 acres and was bounded by Pearland Parkway to the west, Clear Creek Park residential subdivision to the north and just north of Lowes located along Pearland Parkway and Broadway. Tract 2 included approximately 29.92 acres bounded by Broadway Street to the south, on the east by a Centerpoint Electrical substation, and west and southwest of Lowes. Tract 3 included approximately 5.74 acres, and was bounded on the east by Country Club Drive.

The below table illustrates the originally approved acreage, overlay zoning district and allowed uses for each tract:

Tract	**Acreage**	**Overlay Zoning District**	**Permitted Uses**
1	15	R-4 OP	• Garden Homes • Non-residential uses allowed within the OP zoning district • Detention
2	26.92	R-4 GB	• Townhomes/Condominiums • Non-residential uses allowed within the GB zoning district • Detention • Park
3	5.74	R-4	• Garden Homes

The Province Village PD was amended in 2009 to change the zoning of the entire 15 acres within Tract 1 to OP uses, with limitations and various restrictions on the bank site located on the north side of Province Village Drive. Amenities included 4.99 acres of open space, the original ½ acre park at the center of the project remained, including the

2.8 acre trail system that would provide connection to Clear Creek Trail System, as well as additional green space within the residential cells.

The table below illustrates the change in acreage and uses for Tract 1, in 2009. No changes were proposed for Tracts 2 or 3. Changes are highlighted in red font:

Tract	Acreage	Overlay Zoning District	Permitted Uses
1	15	~~R-4~~ OP	• ~~Garden Homes~~ • Non-residential uses allowed within the OP zoning district • Detention
2	26.92	R-4 GB	• Townhomes/Condominiums • Non-residential uses allowed within the GB zoning district • Detention • Park
3	5.74	R-4	• Garden Homes

The most recent amendment to the Province Village PD was approved in June, 2014. The amendment created additional tracts identified as Tracts A, B and C, which were once included within Tracts 1, 2 and 3. The amendment changed the land uses and acreages for Tracts 1 and 2. Tract 3 was completely renamed to Tract A. The primary purpose of the amendment was to remove the allowance of Garden Homes and Townhomes/Condominiums to allow for only traditional single family homes throughout the entire PD, as illustrated in the below table:

Tract	Acreage	Overlay Zoning District	Permitted Uses
1	~~15~~ 8	~~R-4~~ OP	• ~~Garden Homes~~ • Non-residential uses allowed within the OP zoning district • Detention
C	5.6	R-4	• Single Family
2	~~26.92~~ 13.52	~~R-4~~ GB	• ~~Townhomes/Condominiums~~ • Non-residential uses allowed within the GB zoning district • Detention • Park

B	13.4	R-4	• Single Family • Park
~~3~~	~~5.74~~	~~R-4~~	• ~~Garden Homes~~
3	5.74	R-4	• Single Family

Amenities approved with the 2014 amendment included 2 barbeque pits, a 4-foot trail, and various other amenities that were included previously. The below table was included within the ordinance for the 2014 amendment:

Table 4

Design Enhancements, Amenities, and Recreational Facilities

Item	General Location
Six-foot height brick masonry fence	Adjacent to Province Village Drive and Country Club Drive
Six-foot height "fence-crete" masonry fence	Between Tract B and GB use and Centerpoint substation tract; Between Tract C and OP use
Six-foot height upgraded wood fence (rot board and cap rail with brick columns at +-100-foot spacing)	West side of Tract B
Ten-foot landscape reserve along Province Village Drive	Adjacent to Tracts A, B, & C
Street trees along Province Village Dr.	Adjacent to Tracts A, B, C, detention, and park
Primary entry monument	West side of tract C
Secondary entry monument	At Country Club Dr.
Landscape/Open Space Reserves	Tracts A, B, and C
.57-acre park with irrigation (1)	Park
Trees/Landscaping with irrigation (1)	Park and Detention
One age appropriate playground (1)	Park
Two picnic tables (1)	Park
Two barbeque grills	Park
One Shade structure (1)	Park
Eight Benches & other site furniture (1)	Detention
Four workout stations (1)	Detention
Ten-foot trail (2)	Detention-adjacent to Clear Creek
Six-foot trail (1)	Detention-connecting park to 10' trail
Four-foot trail	West side of Tract B
Parking lot/Trailhead (1)	Park

(1)Eligible for park fee credits and will be conveyed to the HOA for ownership and maintenance.

(2) Eligible for park fee credits and will be conveyed to City for ownership and maintenance.

The proposed amendment will be the third (3rd) amendment, if approved. Regarding the overlay zoning district and the land use, the applicant proposes to change an

approximately 1.707-acre site located within Tract 1 from OP to GB to allow for an approximately 15,000 square foot mixed use retail building. The below table illustrates the changes proposed for the 1.707 acre site located in Tract 1:

Tract	Acreage	Overlay Zoning District	Permitted Uses
1	8	OP (6.3 Acres) GB (1.7 Acres)	• Non-residential uses allowed within the OP zoning district • Detention • Mixed Use Retail Building
C	5.6	R-4	• Single Family
2	13.52	GB	• Non-residential uses allowed within the GB zoning district • Detention
B	13.4	R-4	• Single Family • Park
3	5.74	R-4	• Single Family

In addition to the change in zoning and use for the above 1.707 acres, the applicant also proposes changes in the design standards to match the existing Hometown Bank, north of the site, as indicated by the table below:

Design Standard	Current PD Regulations	Proposed
Building Materials	• Varies, but mostly masonry and glass facades as required by zoning regulations	• 14.53% stone • 2.77% brick • 42% painted tilt wall • 2.85% EIFS Trim • 10.89% metal (cap and canopy) • 26.96% storefront glass (transparency) • COD Articulation
Signage	• 15 feet in height • 150 square feet (effective area)	• 15 feet in height • 150 square feet (effective area)
Landscaping	• 15% Gross Landscaped Area • Province Village Drive	• 20.8% Gross Landscaped Area • Street Trees: 19 new

	= 9 new trees at 17" caliper; • Pearland Parkway = 11 new trees at 20' caliper; for a total of 20 new trees to include trees along Province Village Drive and Pearland Parkway • Parking Lot Shrubs along Province Village = 45 shrubs • Parking Lot Shrubs Pearland Parkway = 55 Total shrubs required = 100 Parking Lot Trees: 8 trees	trees at 38" caliper total to include trees along Province Village Drive and Pearland Parkway • Parking Lot Shrubs: 219 • Side Yard Landscaping: 100% Parking Lot Trees: 91 trees A plat was recently approved for the subject property. It is important to note that if the landscaping section is approved via this amendment, the plat will be required to be amended to remove the notes regarding the required landscaping and the reference to Exhibit 6 of the PD.
Fencing and Screening	Decorative wrought iron along western border of subject property 6-foot masonry screening wall along southern boundary of subject property which abuts Lowes	Neither the decorative wrought iron fence nor the 6 foot masonry fence are required. A plat was recently approved for the subject property. It is important to note that if the fencing/screening section is approved via this amendment, the plat will be required to be amended to remove the notes regarding the required fencing.

Conformance with the Thoroughfare Plan

The subject property has frontage on Province Village Drive; a minor collector, which requires 60 feet of right-of-way, and Pearland Parkway; a major thoroughfare (sufficient with) which requires 120 feet of right-of-way. A replat was recently approved for the site which indicates varying widths along Province Village Drive. However, Pearland Parkway conforms to the thoroughfare plan.

Surrounding Zoning and Land Uses

The site is surrounded by a mix of residential and non-residential uses, including Lowes to the south, Hometown Bank to the north, and undeveloped land planned for single family homes in the future.

	Zoning	Land Use
North	Existing Province Village PD Single Family Residential 2 (R-2)	Bank Clear Creek Park Subdivision
South	General Commercial (GB)	Lowes Home Center, IHOP, Sonic
East	Existing Province Village PD (OP)	Undeveloped
West	Center at Pearland Parkway PD General Business	Strip Retail Center Currently under Construction and Existing Strip Retail Center

Conformance with the Unified Development Code

The Province Village PD was originally approved in 2005, prior to the adoption of the current Unified Development Code (UDC). The amendment, if approved, will conform to the requirements of the PD. Various site design standards which are silent within the PD, revert back to the regulations in place at the time of adoption/amendment.

The subject property conforms to the requirements of the existing overlay zoning district of Office and Professional (OP) and the proposed General Business (GB), as it relates to area regulations:

	OP	GB	Subject Property
Minimum Lot Size	12,500 sf	22,500 sf	74,360 sf.
Minimum Lot Width	100 ft.	150 ft.	249.90 ft.
Minimum Lot Depth	100 ft.	125 ft.	295.38 ft.
Minimum Front Yard	25 ft.	25 ft.	Undeveloped
Minimum Side Yard	15 ft.	10 ft.	Undeveloped
Minimum Rear Yard	10 ft.	25 ft.	Undeveloped

Conformance with the Comprehensive Plan

The subject 1.707 acre property is located within the D-10,000 sf Lots (Suburban Residential), indicative of large lot single family homes. The existing as well as the proposed overlay zoning district do not comply with the Comprehensive Plan.

Platting Status

A replat was approved for the subject property on July 21 to increase the land area of the site. It is important to note that due to various notes on the plat, pertaining to the existing PD regarding landscaping and fencing, the recently approved plat will require an amendment.

Availability of Utilities

The subject property has access to public sewer and water. According to GIS records, there is an 8-inch water line along the south side of Province Village Drive; a 16 inch water line along the east side of Pearland Parkway; and a 12 inch water line along the south side of the property. There is an existing 8 inch sewer line along the south side of Province Village Drive and a 6-8 inch sewer line along the south side of the property.

Impact on Existing and Future Development

It is not anticipated that the proposed amendment to the 1.707 acre site located within the Province Village PD will have any significant impact on existing or future developments. The property was zoned for OP non-residential uses and is still zoned for non-residential uses within the GB district.

Additional Comments

The request has been reviewed by the Development Review Committee (DRC), and there are no further comments.

Public Notification

Staff sent public notices, comment forms and a vicinity map to the applicant, the owner of the property and to property owners within 200 feet of the subject property under consideration for the zone change. Additionally, a legal notice of the public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant.

Opposition to or Support of Proposed Request

As of the date of this writing, staff has not received any comments either in opposition to or in support of the proposed change in zoning request to amend the approximately 1.707 acre site located within the Province Village PD.

Recommendation

Staff recommends approval of the request to amend the zoning regulations for the 1.707 acre site from an overlay district of OP to an overlay district of GB, for the following reasons:

1. The proposed GB overlay district is compatible with surrounding uses, as it is surrounded by non-residential uses and future non-residential uses, including the existing Lowes, just south of the site; a retail center southwest of the site including HEB and various other non-residential uses/future non-residential uses. Additionally, just west of the site, a retail center is currently under construction.

2. The proposed building and signage will be compatible with the existing bank just north of the site to create an aesthetically pleasing development.

3. The applicant proposes additional landscaping above what is required by the UDC. Additionally, enhanced landscaping will be provided at the corner of Province Village Drive and along Pearland Parkway to accentuate the entrance to Province Village Drive.

Staff Condition:

1. Staff recommends that a note is added in the PD that the development will comply with all Corridor Overlay District (COD) standards along Pearland Parkway, including street trees, ornamental trees, etc. All standards along Province Village Drive shall follow the GB zoning district, unless included within the PD as a variation.
2. The applicant has indicated the intent to meet the sign regulations of the UDC. However, the sign exhibit does not meet the requirements of the UDC, as it relates to the effective area of the sign. Staff recommends that the exhibit is modified accordingly.

AERIAL MAP

ZONE CHANGE 2014-16Z

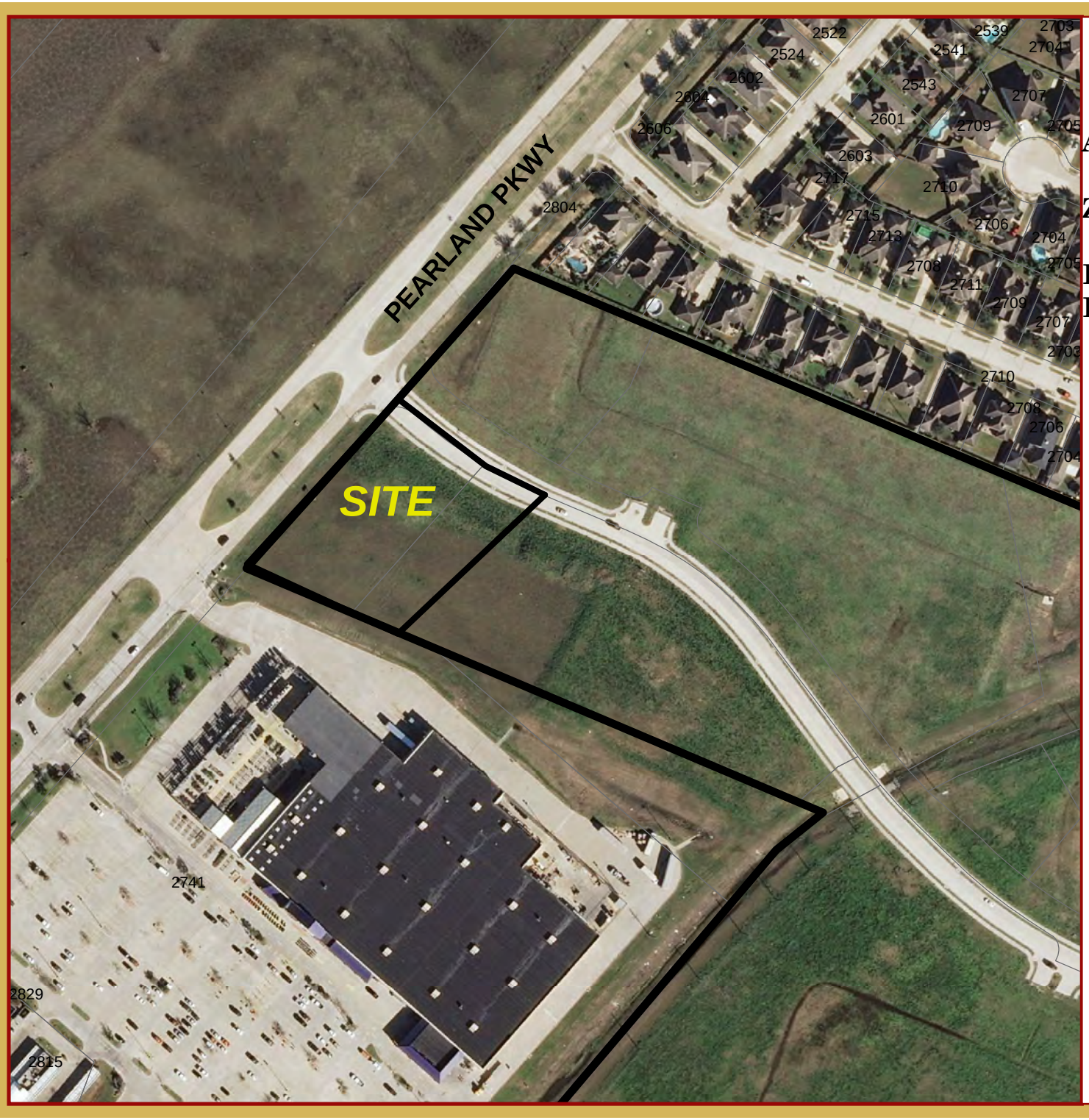
PROVINCE VILLAGE PD AMENDMENT

This product is for informational 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.

1 inch = 417 feet

22 MAY 2014
PLANNING DEPARTMENT

N



AERIAL MAP

ZONE CHANGE 2014-16Z

PROVINCE VILLAGE PD AMENDMENT

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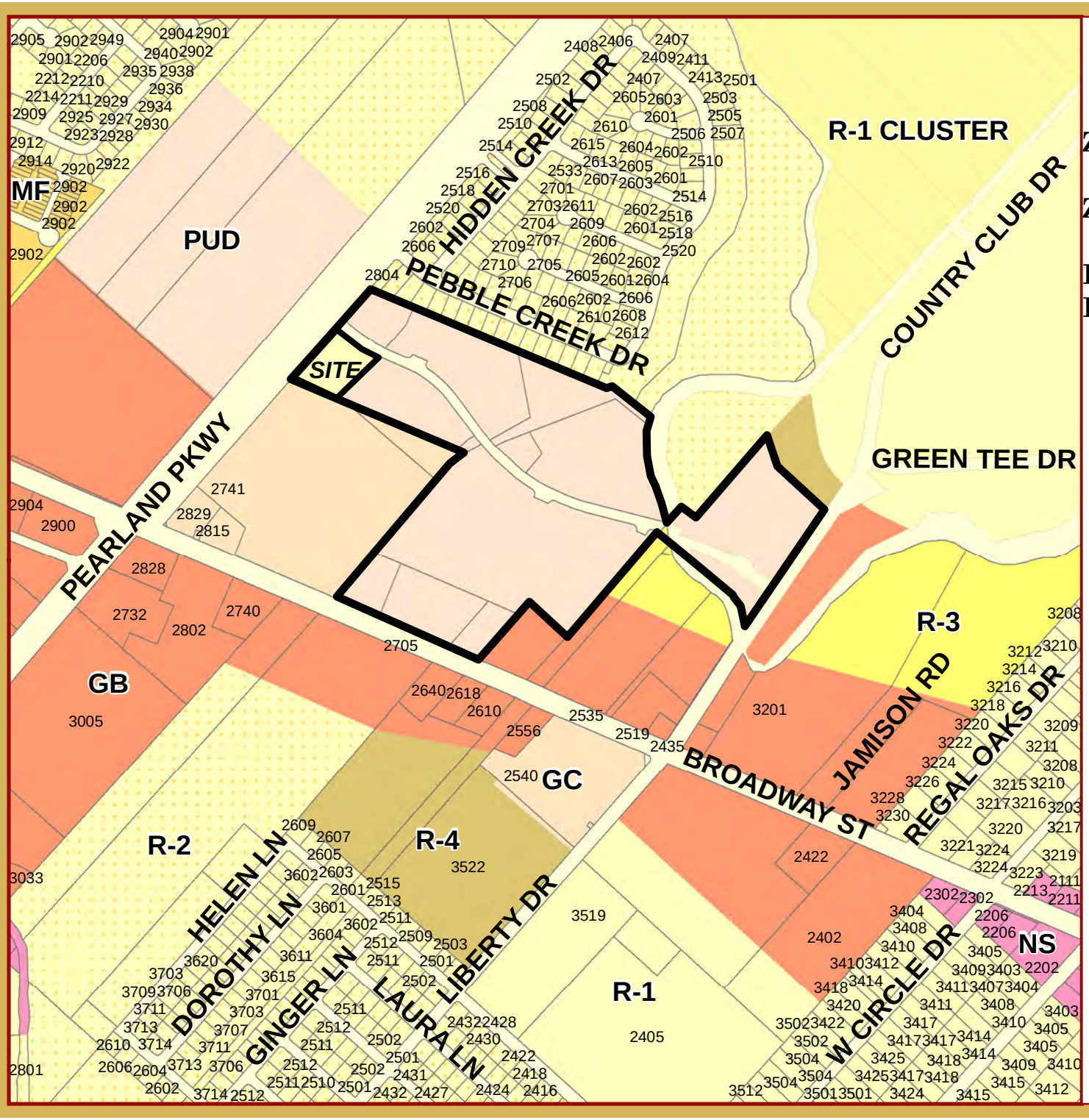
1 inch = 211 feet

22 MAY 2014
PLANNING DEPARTMENT

N



ZONING MAP

ZONE CHANGE 2014-16Z

PROVINCE VILLAGE PD AMENDMENT

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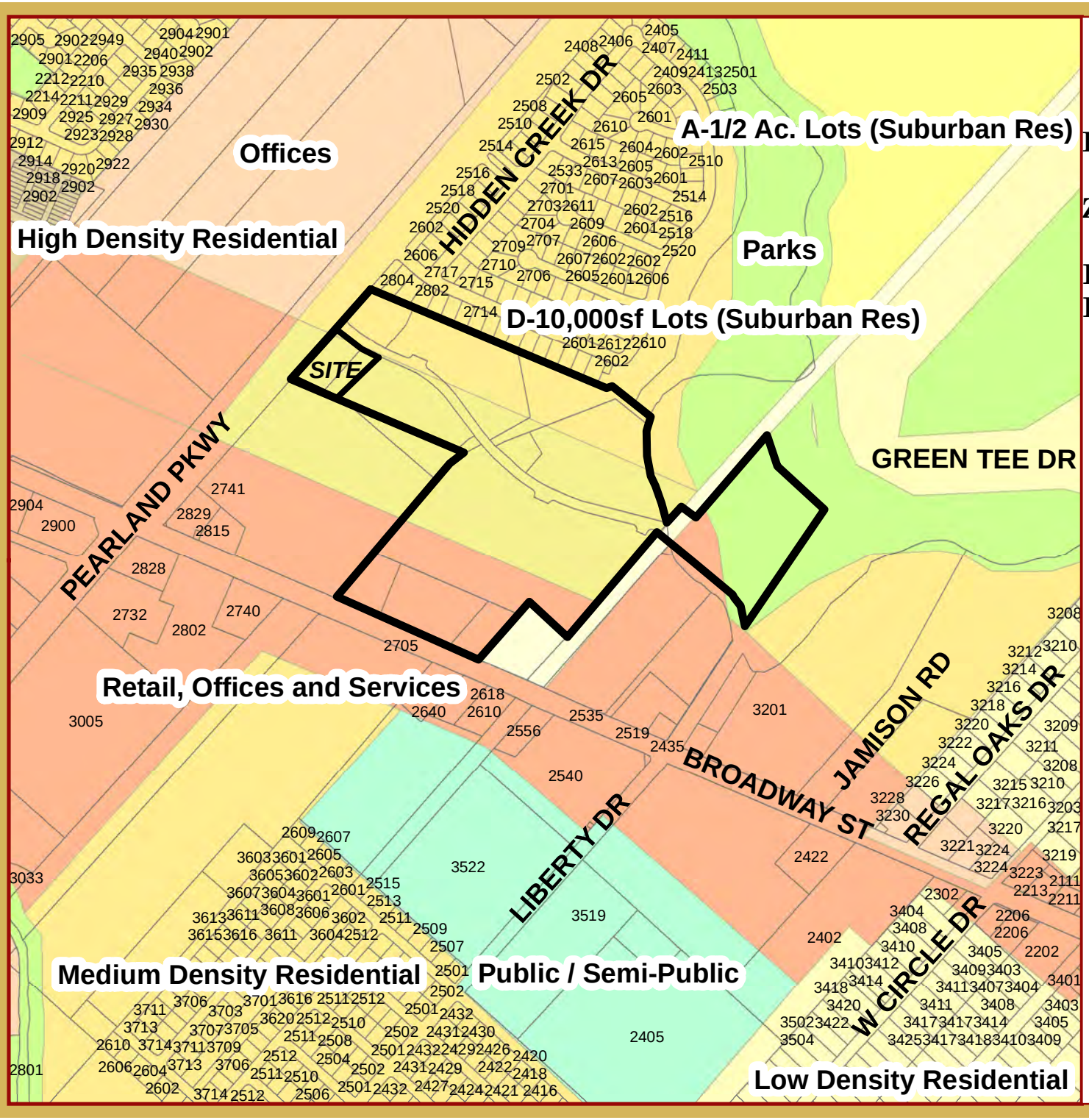
1 inch = 703 feet

22 MAY 2014
PLANNING DEPARTMENT

N



FLUP MAP

ZONE CHANGE 2014-16Z

PROVINCE VILLAGE PD AMENDMENT

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1 inch = 703 feet

22 MAY 2014
PLANNING DEPARTMENT

N

PROPERTY OWNER	ADDRESS	SUITE	CITY	STATE	ZIP
ADAMS MICHAEL W & ANGELA D	2720 PEBBLE CREEK DR		PEARLAND	TX	77581
ALCANCIA OSCAR E & BONITA K	2714 PEBBLE CREEK DR		PEARLAND	TX	77581
ALEXANDER T & B FAMILY LTD PRTNSHP	2411 PARK AVE		PEARLAND	TX	77581
ALLON PROPERTY MANAGEMENT I LLC	6 WATERFORD OAKS LN		KEMAH	TX	77565
CENTERPOINT ENERGY INC	PO BOX 1475		HOUSTON	TX	77251
CHAMBLIN MITCHELL & SHERI	2708 ARROWHEAD CREEK LN		PEARLAND	TX	77581
CITY OF PEARLAND	3519 LIBERTY DR		PEARLAND	TX	77581
CLEAR CREEK PARK	2615 BAY AREA BLVD		HOUSTON	TX	77058
COFFEE SUSAN SMITH	2712 PEBBLE CREEK DR		PEARLAND	TX	77581
DIEHL JOHN M	2603 PEBBLE CREEK DR		PEARLAND	TX	77581
DIESE RICHARD W & LISA K	2715 PEBBLE CREEK DR		PEARLAND	TX	77581
DORSEY CECIL E & LINDA K	2606 HIDDEN CREEK DR		PEARLAND	TX	77581
E BROADWAY PLAZA LP	2640 BROADWAY ST	STE 102	PEARLAND	TX	77581
GERSTENBERGER MICHAEL W	2601 PEBBLE CREEK DR		PEARLAND	TX	77581
GREEN STEPHEN L & TANYA H	2707 PEBBLE CREEK DR		PEARLAND	TX	77581
HARTSOOK DAVID L	180 HERMITAGE DR		MONTGOMERY	TX	77356
HERNANDEZ ADAM D & ZOILA A	2604 PEBBLE CREEK DR		PEARLAND	TX	77581
HOLT RONALD G & BARBARA	2717 PEBBLE CREEK DR		PEARLAND	TX	77581
INTERNATIONAL BANK OF COMMERCE	5615 KIRBY DR		HOUSTON	TX	77005
JONES CORY A	2718 PEBBLE CREEK DR		PEARLAND	TX	77581
KAL INVESTMENTS	7402 BROADWAY ST		PEARLAND	TX	77581

KIM JEAN	2602 PEBBLE CREEK DR		PEARLAND	TX	77581
KUHNS PERRY S & ESMERALDA	2713 PEBBLE CREEK DR		PEARLAND	TX	77581
LEDBETTER RANDY W & BOBBIE A	PO BOX 788		PEARLAND	TX	77588
LIBERATORE JAMES V & CHRISTINE	2706 PEBBLE CREEK DR		PEARLAND	TX	77581
LOWE'S HOME CENTERS INC	PO BOX 1000		MOORESVILLE	NC	28115
LUCAS ALAN W	2802 PEBBLE CREEK DR		PEARLAND	TX	77581
MALLAS ARTEMIS LIVING TRUST UTD	PO BOX 802206		DALLAS	TX	75380
MARTIN KENNETH & SHANNON	2702 PEBBLE CREEK DR		PEARLAND	TX	77581
MCKINNEY MARK & JANIS	2612 CREEKS EDGE DR		PEARLAND	TX	77581
MOTLEY MELVIN & DE ANN	2606 PEBBLE CREEK DR		PEARLAND	TX	77581
MUNGUIA RIGOBERTO & MIRIAM	2716 PEBBLE CREEK DR		PEARLAND	TX	77581
NIXON DEVON M	2804 PEBBLE CREEK DR		PEARLAND	TX	77581
OFFICE GROVE PROVINCE LP	15120 NORTHWEST FWY	STE 190	HOUSTON	TX	77040
PEARLAND ISD	PO BOX 7		PEARLAND	TX	77588
PROTESTANT EPISCOPAL CHUR	8200 BROOKRIVER DR	STE N600	DALLAS	TX	75247
RUBIO DESIDERIO	2722 PEBBLE CREEK DR		PEARLAND	TX	77581
SCHWERDTFEGER TRACY K & KIMBERLY A	2708 PEBBLE CREEK DR		PEARLAND	TX	77581
SMITH TIMOTHY C & STEPHANIE T	2701 PEBBLE CREEK DR		PEARLAND	TX	77581
SPIRES RALPH E	2704 PEBBLE CREEK DR		PEARLAND	TX	77581
TEXPROJ2008 LLC	PO BOX 800		SAINT FRANCISVILLE	LA	70775
THARRETT DAVID & SARAH MCQUEEN	2711 PEBBLE CREEK DR		PEARLAND	TX	77581

THE GRILL AT TIMEOUT LLC	2515 BROADWAY ST	PEARLAND	TX	77581
VU LOI T	2709 PEBBLE CREEK DR	PEARLAND	TX	77581
WILKERSON RYAN & VALARIE	2605 PEBBLE CREEK DR	PEARLAND	TX	77581
WILLHOITE ROBERT R & LUCRETIA H	2710 PEBBLE CREEK DR	PEARLAND	TX	77581

Revision # 4
9.5.14

Province Village
Planned Unit Development
Amendment No. 3

City of Pearland

City Council
&
Planning & Zoning Commission

September 2, 2014

Submitted on behalf of:

AS 121 Pearland Pkwy – Broadway Street, L.P.
C/O New Quest Properties, Mr. Stan Beard
8827 W. Sam Houston Pkwy. N., Suite 200
Houston, TX 77040

Prepared by:

LJA Engineering, Inc.
2929 Briarpark Drive, Suite 600
Houston, Texas 77042-3703

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I. INTRODUCTION

This Amendment #3 to Province Village Planned Unit Development ("Amendment") is specifically limited to that certain tract of land consisting of approximately 1.707 acres known as the Final Plat of Province Village Lot "A" Replat #1 attached hereto as Exhibit A ("Subject Tract"). Any and all other land within the Province Village Planned Unit Development remains subject to the provisions, restrictions, and conditions set forth in the original Province Village Planned Unit Development and as further amended by Amendment #1 adopted in 2009 and Amendment #2 adopted in June of 2014. The purpose of this Amendment is to 1) change the underlying zoning of the Subject Tract from Office Professional to General Business, 2) to further limit allowable land uses to those specifically described herein, 3) to impose certain building architectural, landscaping, and signage restrictions and requirements to create an aesthetically appealing compliment to the existing retail element to the north of the Subject Tract.

Unless expressly addressed herein, the Subject Tract shall remain subject to and comply with all the requirements of the Unified Development Code of the City of Pearland, including the Pearland Parkway Overlay District.

A. Site Description and Land Uses

The Subject Tract is bounded on the west by Pearland Parkway, on the north by Province Village Drive, on the south by the Lowe's Home Center zoned General Business, and on the east by vacant land which is part of the Province Village PUD with an underlying zoning of Office Professional.

B. Description of the Proposed Development

The proposed use of the Subject Tract is an approximately 15,000 square foot Class A mixed use commercial retail building. The architecture of the building and the signage is designed to be aesthetically complimentary to the bank building and signage on the north side of Province Village Drive. Landscaping on the corner of Pearland Parkway and Province Village Drive will be upgraded to provide a pleasing entry to the Province Village subdivision to the east.

C. Description of the Land

The Subject Tract is approximately 1.707 acres and is described on Exhibit A attached hereto.

D. Purpose

The purpose of this Amendment is to revise the zoning of the Subject Tract from

Office Professional to General Business. Market conditions over the past 10 years, existing and new General Business uses surrounding the Subject Tract, and a specific retail development proposed for the Subject Tract indicate favorable conditions for the revisions to the zoning classification.

II. ZONING AND LAND USE

A. Existing Zoning

All properties within the PUD have underlying zoning classifications of Office Professional, General Business, and R-4 Single Family Residential. The Subject Tract is currently designated as Office Professional.

B. Proposed Zoning

The Subject Tract is proposed to be repurposed to General Business with further limitations described herein.

C. Standards and Land Use Summary

Unless specifically defined herein, the Subject Tract will conform to the requirements of the Unified Development Code for General Business uses and further limited to those uses described below:

Accessory & Incidental Uses
Accessory Structure (Business or Industry)
Off-Street Parking Incidental to Residential Main Use
Off-Street Parking Incidental to Nonresidential Main Use
Social & Recreational Building, including homeowner's association neighborhood recreation centers
Onsite Detention Facility

Office Uses
Clinic, Medical or Dental
Credit Agency
Financial Institution (No Motor Bank Services)
Financial Institution (With Motor Bank Services)
Financial Services (Advice/Invest)
Insurance Agency Offices
Office, Brokerage Services
Office, Legal Service
Office, Medical/Dental {Defined Under Medical Facilities}
Office, Professional and General Business (other than those listed)
Office, Real Estate

Security Monitoring Company (No Outside Storage)
Travel Agency, Bureau or Consultant
Automatic Teller Machine (ATM)
Barber/Beauty Shop/Tanning Studios (No Related School/College)
Mailing Service (Private)
Pharmacy (Retail Only)
Seamstress or Dressmaker (Retail Only)

Retail & Business Service Uses
Antique Shop (No outside storage)
Art Supply Store
Bakery or Confectionery Shop (Retail Sales, Inside Service Only)
Book/Stationery Shop (Retail Only)
Camera Shop (Retail Only)
Copy/Printing Shop
Drapery/Blind Shop
Florist Shop (Retail Only)
Gift or Card Shop (Retail Only)
Handicraft & Art Object Sales Shop
Ice Cream/Yogurt Shop (For On-or Off-Site Consumption)
Optical Shop
Paint, Wallpaper Shop (Retail Only)
Pharmacy/Drug Store (Retail Only)
Retail Shops, Apparel, Accessories, Gifts & Similar Goods (Other than those listed: No outside Storage)
Restaurant
Fast Food – No Drive-Through Facility
Full Serve – No Drive-Through Facility
Furniture (including mattress) Sales
Jewelry Sales

Utility Related Service Uses
Satellite Dish (Private, less than 4' in diameter) {See Telecommunications Regs. Chapter 2, Art. 5 Div. 5 of the UDC}
Telephone Business Office

Commercial & Related Service Uses
Contractor's Temporary On-Site Construction Office (only with permit from B.O.)

D. Land Use Summary

The land use summary for the entire PUD assuming the proposed Amendment to the Subject Tract is as follows:

Use	Acres	% of Total	Zoning
Single Family	24.1	51%	PUD (R-4)
General Business	6.71	14%	PUD (GB)
Office Professional	4.98	10%	PUD (OP)
Detention	8.59	18%	PUD
Parkland by HOA	0.57	1%	PUD
Collector Streets	2.70	6%	PUD
Total	**47.65**	**100%**	

III. DESIGN STANDARDS

A. Building Architecture

The building elevation has been designed to be aesthetically compatible with the bank building to the north and shall adhere to Exhibit B, attached. Building materials and percentages of each shall be in accordance with Exhibit B. Building articulation as required by the UDC shall be required.

B. Signage and Landscaping

The signage has been designed to be aesthetically similar to the signage for the bank building to the north and shall adhere to the design and specific dimensions defined on Exhibit C, attached. The sign height shall not exceed 15 feet in height as defined by the UDC and the overall width of the sign shall not exceed 18 feet. The overall effective sign area (inclusive of all sign panels) shall not exceed 150 square feet. Building signage shall adhere to UDC requirements.

Landscape design shall be, at a minimum, in strict accordance with the UDC requirements. Additionally, the landscaping at the corner of Province Village Drive and along Pearland Parkway will be upgraded to accentuate the entrance to Province Village Drive and to aesthetically mimic the landscaping of the bank building to the north. As an example, Pearland Parkway will have 1" caliper inch of tree per 14 feet of frontage. Landscape design shall adhere to Exhibit D, attached.

C. Fencing and Screening

The original PUD specified the installation of "decorative wrought iron fence" along the westerly border of the Subject Tract. No other wrought iron fence is installed, including on the Bank Tract north of the Subject Property. To enhance the Subject Tract's commonality with the Bank Tract, the decorative wrought iron fence is not required. Additionally, a "6' height masonry screening wall" is required along the southern boundary of the Subject Tract which abuts the existing Lowe's Home Center, a General Business zoned tract. To enhance the Subject Tract's connectivity with existing General Business use, the 6' height masonry screening wall" is not

required. Screening with landscape and green space in accordance with the UDC will be required.

D. Unified Development Code

The Subject Tract shall conform to the provisions and requirements of the Unified Development Code of the City of Pearland unless expressly addressed herein.

IV. REQUIRED DEDICATIONS

All required dedications of land have been made via the approved replat.

V. PHASING

The project has been pre-leased and will be completed within 9 months of building permit receipt.

VI. EXHIBITS

Exhibit A:	Description of Subject Tract
Exhibit B:	Building Elevation
Exhibit C:	Sign Elevation
Exhibit D:	Landscape Plan

STATE OF TEXAS
COUNTY OF BRAZORIA

WE, NEWQUEST PROPERTIES, ACTING BY AND THROUGH STAN BEARD JR., DIRECTOR OF DEVELOPMENT OF NEWQUEST PROPERTIES, OWNERS OF THE PROPERTY SUBDIVIDED IN THIS PLAT OF PROVINCE VILLAGE LOT "A" REPLAT NO. 1, 1.707 ACRES OUT OF THE THOMAS J. GREEN SURVEY ABSTRACT 198, BRAZORIA COUNTY, TEXAS, DO HEREBY MAKE SUBDIVISION OF SAID PROPERTY FOR AND ON BEHALF OF SAID NEWQUEST PROPERTIES, 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 OF 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 FEET, 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 HEREOF, NEWQUEST PROPERTIES HAS CAUSED THESE PRESENTS TO BE SIGNED BY STAN BEARD JR., DIRECTOR OF DEVELOPMENT OF NEWQUEST PROPERTIES THIS ______ DAY OF ______ 2014.

BY: NEWQUEST PROPERTIES

BY: ______________________
STAN BEARD JR. DIRECTOR OF DEVELOPMENT

STATE OF TEXAS
COUNTY OF BRAZORIA

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED STAN BEARD JR., DIRECTOR OF DEVELOPMENT OF NEWQUEST PROPERTIES, 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 ______ DAY OF ______ 2014.

____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

I, GARY D. 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.

____
GARY D. NUTTER
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 5659

THIS IS TO CERTIFY THAT THE CITY PLANNER OF THE CITY OF PEARLAND, TEXAS HAS APPROVED THIS MINOR PLAT AND SUBDIVISION OF PROVINCE VILLAGE LOT "A" REPLAT NO. 1 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 W. FUERTES, CHAIRPERSON
PLANNING & ZONING COMMISSION
CITY OF PEARLAND, TEXAS

APPROVED FOR THE CITY OF PEARLAND THIS ______ OF ______ 2014.

____
DARRIN COKER
CITY ATTORNEY

____
RICHARD MANCILLA, P.E., C.F.M.
ASSISTANT CITY ENGINEER

LEGEND

EXIST	INDICATES EXISTING
U.E.	INDICATES UTILITY EASEMENT
W.L.E.	INDICATES WATERLINE EASEMENT
STM.S.E.	INDICATES STORM SEWER EASEMENT
S.S.E.	INDICATES SANITARY SEWER EASEMENT
W.S.E.	INDICATES WATER AND SEWER EASEMENT
D.E.	INDICATES DRAINAGE EASEMENT
E.E.	INDICATES ELECTRICAL EASEMENT
B.C.M.R.	INDICATES BRAZORIA COUNTY MAP 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
☼	INDICATES EXISTING STREET LIGHT
F.N.	INDICATES FILE NUMBER

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 48°05'53" E	2.63'

CURVE TABLE						
CURVE	RADIUS	DELTA	ARC	TANGENT	CHORD	CHORD BEARING
C1	35.00'	89°57'52"	54.96'	34.98'	49.48'	N 86°35'13" E
C2	725.00'	15°56'52"	201.69'	101.50'	201.04'	S 38°04'04" E

BEING 1.707 ACRES OF LAND LOCATED IN THE THOMAS J. GREEN SURVEY, ABSTRACT 198, BRAZORIA COUNTY, TEXAS, MORE PARTICULARLY BEING ALL OF LOT "A" AND A PORTION OF LOT "B", BLOCK 1 OF AMENDING PLAT NO. 1, PROVINCE VILLAGE DRIVE, OFFICE PARK AND RESERVES, A SUBDIVISION OF RECORD UNDER DOC. # 2008011410 OF THE OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS (B.C.O.P.R.). SAID 1.707 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (ALL BEARINGS ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83);

BEGINNING AT THE SOUTHERLY END OF A RADIAL CUT-BACK CORNER AT THE NORTHWESTERLY CORNER OF SAID LOT "A", SAME BEING THE NORTHWESTERLY LINE OF THE AFOREMENTIONED AMENDING PLAT NO. 1, PROVINCE VILLAGE DRIVE, OFFICE PARK AND RESERVES, SAME BEING IN THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF PEARLAND PARKWAY (130 FEET WIDE), THE BEGINNING OF A CURVE;

THENCE, 54.96 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 35.00 FEET, A CENTRAL ANGLE OF 89° 57' 52", AND A CHORD WHICH BEARS NORTH 86° 35' 13" EAST, 49.48 FEET TO A POINT FOR CORNER, ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF PROVINCE VILLAGE DRIVE, (WIDTH VARIES) AS SHOWN ON SAID AMENDING PLAT NO. 1, PROVINCE VILLAGE DRIVE, OFFICE PARK AND RESERVES;

THENCE, SOUTH 48° 05' 53" EAST, CONTINUING ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF PROVINCE VILLAGE DRIVE, 2.63 FEET TO A POINT FOR CORNER, THE BEGINNING OF A CURVE;

THENCE, CONTINUING ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF PROVINCE VILLAGE DRIVE, ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 725.00 FEET, AT 184.30 FEET PASS THE COMMON NORTHERLY CORNER OF SAID LOT "A" AND LOT "B", AND CONTINUING IN ALL 201.69 FEET, A CENTRAL ANGLE OF 15° 56' 52", AND A CHORD WHICH BEARS SOUTH 38° 04' 04" EAST, 201.04 FEET TO A POINT FOR CORNER;

THENCE, SOUTH 41° 58' 16" WEST, DEPARTING SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF PROVINCE VILLAGE DRIVE, 295.38 FEET TO A POINT FOR CORNER IN THE NORTHEASTERLY LINE OF LOT 1, BLOCK 1, OF LOWE'S HOME CENTER PEARLAND, A SUBDIVISION OF RECORD IN VOLUME 20, PAGES 395-396 OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS (B.C.P.R.), SAME BEING THE SOUTHWESTERLY LINE OF THE AFOREMENTIONED LOT "B", BLOCK 1, OF SAID AMENDING PLAT NO. 1, PROVINCE VILLAGE DRIVE, OFFICE PARK AND RESERVES;

THENCE, NORTH 68° 46' 18" WEST, WITH THE NORTHEASTERLY LINE OF SAID LOT 1, BLOCK 1, OF LOWE'S HOME CENTER PEARLAND, AND THE SOUTHWESTERLY LINE OF SAID AMENDING PLAT NO. 1, PROVINCE VILLAGE DRIVE, OFFICE PARK AND RESERVES, AT 38.51 FEET PASS THE COMMON SOUTHERLY CORNER OF SAID LOT "A" AND LOT "B", BLOCK 1, AND CONTINUING IN ALL, 249.90 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT "A", IN THE AFOREMENTIONED SOUTHEASTERLY RIGHT-OF-WAY LINE OF PEARLAND PARKWAY, SAME BEING THE NORTHWESTERLY LINE OF SAID AMENDING PLAT NO. 1, PROVINCE VILLAGE DRIVE, OFFICE PARK AND RESERVES;

THENCE, NORTH 41° 58' 16" EAST, WITH SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF PEARLAND PARKWAY, AND ALONG THE NORTHWESTERLY LINE OF SAID AMENDING PLAT NO. 1, PROVINCE VILLAGE DRIVE, OFFICE PARK AND RESERVES, 312.54 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.707 ACRES OF LAND.

VICINITY MAP
NOT TO SCALE

KEY MAP NO. 615 Q

NOTES:

1. THIS PLAT WAS PREPARED FROM INFORMATION FURNISHED BY STEWART TITLE CO. CITY PLANNING LETTER FILE NO. 1403434284, DATED JUNE 24, 2014. THE SURVEYOR HAS NOT ABSTRACTED THE ABOVE PROPERTY.

2. ALL BEARINGS REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM SOUTH CENTRAL ZONE (NAD 83), WITH COORDINATES GIVEN IN FEET. COORDINATES SHOWN ARE GRID NAD 83, AND MAY BE CONVERTED TO SURFACE BY DIVIDING BY A FACTOR OF 0.99986866.

3. THIS PLAT LIES WITHIN BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 28 AT THE TIME OF PLATTING.

4. EFFECTIVE FLOODPLAIN: ACCORDING TO THE EFFECTIVE FEMA FLOOD INSURANCE RATE MAP, MAP NO. 48039C0040J, DATED SEPTEMBER 22, 1999, AND 48201C1045L, DATED JUNE 18, 2007 THIS TRACT LIES WITHIN A PORTION OF ZONE AE, AND ZONE X. ADOPTED FLOODPLAIN: REQUESTED BY THE CITY OF PEARLAND AND BRAZORIA DRAINAGE DISTRICT NO.4, ACCORDING TO THE PRELIMINARY STUDY, A PORTION OF THIS TRACT LIES WITHIN ZONE AE WITH A BFE RANGE OF APPROXIMATELY 39.1 TO 39.5.

5. THERE ARE NO PIPELINES OR PIPELINE EASEMENTS WITHIN THE BOUNDARY OF THIS PLAT.

6. 6-FOOT SIDEWALKS SHALL BE BUILT ALONG ALL THOROUGHFARE AND COLLECTOR STREETS INCLUDING ONE SIDE OF PROVINCE VILLAGE DRIVE AND CURVILINEAR ALONG PEARLAND PARKWAY.

7. THERE ARE NO STREET LIGHTS PROPOSED WITH THIS PLAT.

8. BENCHMARK USED, CITY OF PEARLAND MONUMENT - SURVEY MARKER NO. 2 GPS MONUMENT NGVD-29 (1987 ADJ.) ELEV. 47.48, NAVD-88 (2001 ADJ.) ELEV. 42.00 (T.S.A.R.P.) BEING A BRASS DISK SET FLUSH WITH THE GROUND IN CONCRETE - STAMPED - CITY OF PEARLAND 2 GPS MON - 1985. Monument is located in the southeasterly intersection of Broadway (F.M. 518) and Liberty Road, approximately 6 feet southeast from the southeasterly curb of the intersection, and 8.7 feet northeast, from a metal light pole. (SEE NOTE 9.)

9. T.B.M. = TOP OF 5/8 INCH IRON ROD WITH CAP MARKED "LJA ENG" LOCATED AT ANGLE POINT ON THE SOUTHEASTERLY LINE OF FUTURE PROVINCE VILLAGE SECTION TWO (AS SHOWN BY SYMBOL). TO ADJUST PROJECT ELEVATIONS TO MATCH NAVD88 VERTICAL DATUM, FOR THE CITY OF PEARLAND MONUMENTS, ADD 0.48 FEET. ELEV. = 39.31 NAVD 88 (2001 ADJ.) ELEV. = 39.79 NGVD 29 (1987 ADJ.)

10. LANDSCAPE SCREENING IN ACCORDANCE WITH EXHIBIT 6 OF THE PROVINCE VILLAGE PUD DOCUMENT WILL BE PROVIDED AT THE TIME OF DEVELOPMENT.

11. A 6' HIGH MASONRY SCREENING WALL WILL BE CONSTRUCTED ALONG THE SOUTHWEST PROPERTY LINE OF BLOCK 1 IN ACCORDANCE WITH EXHIBIT 6 OF THE PROVINCE VILLAGE PUD DOCUMENT DATED MAY 2005, AT THE TIME OF DEVELOPMENT.

12. MUTUAL ACCESS BETWEEN LOTS "A" AND "B" IS HEREBY GRANTED BY THIS PLAT.

FINAL PLAT OF
PROVINCE VILLAGE LOT "A"
REPLAT NO. 1

A SUBDIVISION OF 1.707 ACRES OF LAND SITUATED IN THE THOMAS J. GREEN SURVEY, ABSTRACT 198, AND BEING A REPLAT OF LOT "A" AND A PART OF LOT "B" OF PROVINCE VILLAGE DRIVE OFFICE PARK AND RESERVES, A PLAT RECORDED IN DOCUMENT NO. 2007070406 OF THE BRAZORIA COUNTY OFFICIAL PUBLIC RECORDS, CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS

1 LOT 1 BLOCK

JULY 14, 2014 JOB NO. 1938-1401

REASON FOR REPLAT: TO ADD ACREAGE FROM LOT "B" TO LOT "A"

OWNERS:
NEWQUEST PROPERTIES
STAN BEARD JR., DIRECTOR OF DEVELOPMENT
8827 W. SAM HOUSTON PKWY. N. SUITE 200 HOUSTON, TEXAS 77040
PH. 713-438-9503

ENGINEER:
LJA Engineering, Inc.
2929 Briarpark Drive
Suite 600
Houston, Texas 77042
Phone 713.953.5200
Fax 713.953.5026
FRN-F-1386
T.B.P.L.S Firm No. 10110501

CONTACT: WARREN ESCOVY

MYLAR CHECK: COORD. ______ CHK. ______

Date/Time: Wed, 13 Aug 2014 - 3:42pm
Path\Name: [illegible]

MATERIAL	%
STONE	14.53%
To match HOMETOWN BANK Building	
BRICK	2.77%
To match HOMETOWN BANK Building	
PAINTED TILT WALL (WALL+TRIM)	42%
ICI – Manila Tan (551) Benjamin Moore – Twilight Gold (1069)	
E.I.F.S. TRIMS	2.85%
Benjamin Moore – Elmira White (HC 84)	
METAL (CAP+CANOPY)	10.89%
Berridge – Zinc Cote Berridge – Medium Bronze	
STOREFRONT	26.96%

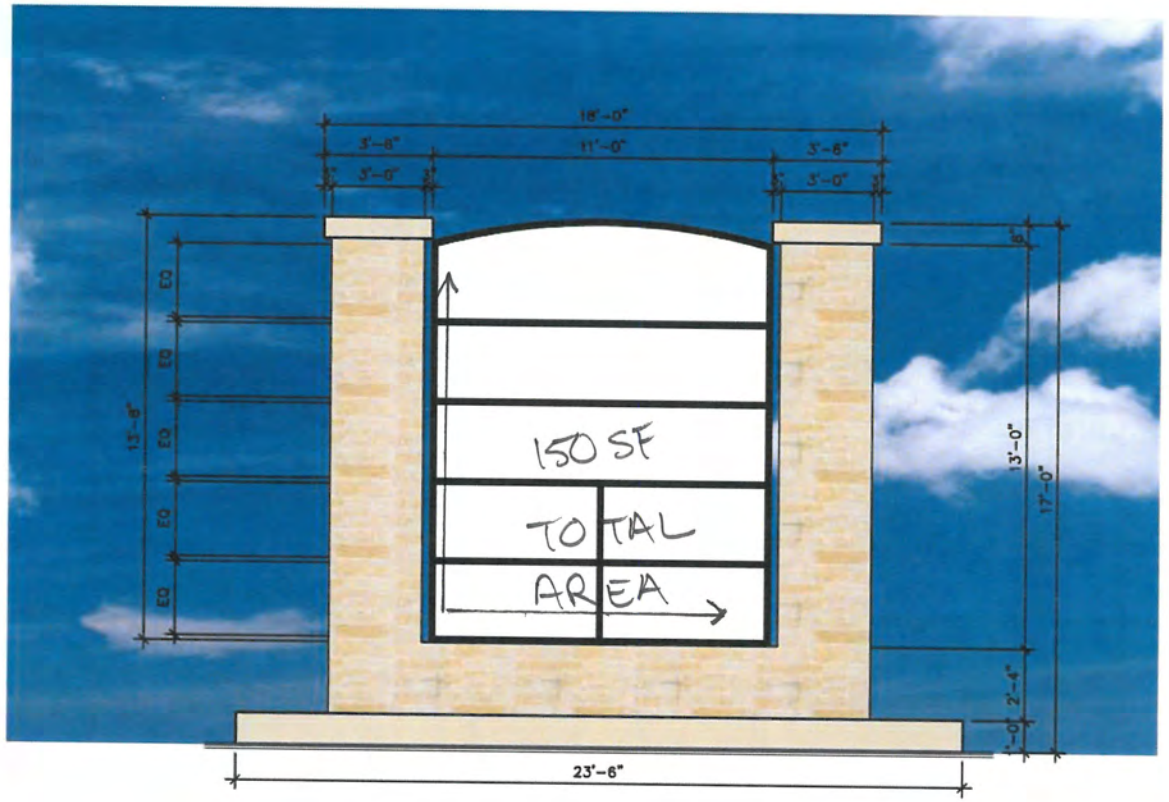
PROPOSED RETAIL ELEVATION

SHOPS AT PEARLAND PARKWAY

SWC OF PEARLAND PARKWAY & PROVIDENCE VILLAGE DRIVE

PEARLAND, TEXAS

NewQuest PROPERTIES™



CENTER PYLON SIGN TYPE 'A'

SCALE: NOT TO SCALE

SIGNAGE

SHOPS AT PEARLAND PARKWAY

SIGNAGE 121 06.09.14

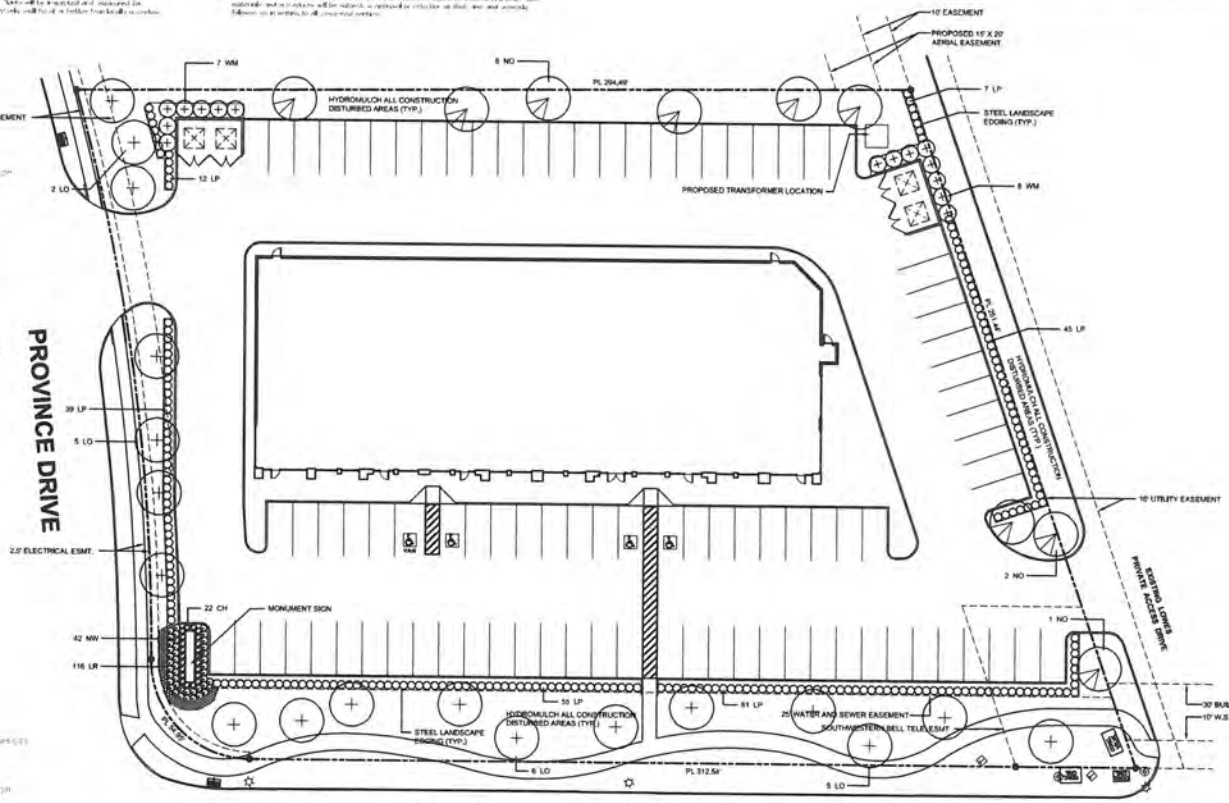
EXHIBIT

SWC OF PEARLAND PARKWAY & PROVINCE VILLAGE DRIVE
PEARLAND, TEXAS

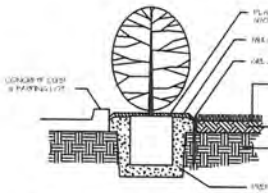
NewQuest PROPERTIES
8827 W. SAM HOUSTON PARKWAY N.
SUITE 200 HOUSTON, TEXAS 77040
P. 281.477.4300 F. 281.477.4390
WWW.NEWQUESTPROPERTIES.COM

CITY OF PEARLAND / LANDSCAPE CALCULATIONS

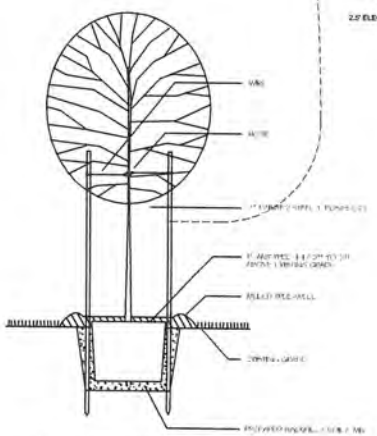
Percentage of gross landscape area = 20.6%	
Street Trees:	Required: 570.31 LF. / 15' x 1" cal. = 38" required calipers (38" / 2" per new tree = 19 new street trees required)
	Provided: 38" calipers
Shrubs to screen parking lots:	Required: 100 = 5 x 38 (total caliper inches of street trees)
	Provided: 219
Side Yard Landscaping:	Required: 30% of length of parking lot
	Provided: 100%
Parking Lot Trees:	Required: 91 new spaces / 5 x 1" cal. = 18" required calipers (18" / 2" per new tree = 9 new parking lot trees required)



PEARLAND PARKWAY



A SHRUB PLANTING DETAIL
(NO SCALE)



B TREE PLANTING DETAIL
(NO SCALE)

PLANT LIST

QUANT	SYMBOL	PLANT TYPE	SIZE	NOTES
22	CH	CARISSA HOLLY Ilex cornuta	3 GAL	2' - 3' O.C., FULL, HEALTHY, MATCHING 12" - 14" HT. X 10" - 12" SPR.
18	LO	LIVE OAK Quercus virginiana	45 GAL 2" CAL. MIN.	SINGLE-TRUNK, DOUBLE-STAKED 10' - 12' HT. X 6' - 8' SPR., MATCHING
116	LR	LORAPETALUM, RAZZLEBERRY Loropetalum chinense 'Razzleberry'	3 GAL	2' - 3' O.C., FULL, HEALTHY, MATCHING 18" - 20" HT. X 18" - 22" SPR.
116	LB	LIRIOPE, BIG BLUE Liriope spicata 'Big Blue'	1 GAL	18" O.C., FULL, HEALTHY, MATCHING 8" - 9" HT. X 8" - 9" SPR.
8	NO	NUTTALL OAK Quercus nuttallii	45 GAL 2" CAL. MIN.	SINGLE-TRUNK, DOUBLE-STAKED 11' - 14' HT. X 6' - 8' SPR., MATCHING
42	NW	PINK SHRUB ROSE, MEADOW MALLOW Rosa carolina 'Nearly Wild'	3 GAL	2' - 3' O.C., FULL, HEALTHY, MATCHING 12" - 16" HT. X 14" - 18" SPR.
15	WM	WAX MYRTLE Myrica cerifera	15 GAL	FOLIAGE FULL TO GROUND, MATCHING 5' HT. X 3' SPR., MINIMUM
	HYDRO	COMMON BERMUDAGRASS Cynodon dactylon	SQ. FT.	WITH GREEN CELLULOSE FIBER AND FERTILIZER, APPLY MULCHE INCORPATED
	SOD	419 TIFWAY BERMUDAGRASS Cynodon dactylon 'Tifway 419'	SQ. YD.	- ANY SOLID SOD IS OPTIONAL -

LANDSCAPE PLAN SCALE : 1" = 20'

SEEBERGER ARCHITECTURE
2555 Central Parkway, Houston TX 77092

SHOPS AT PEARLAND PARKWAY

PEARLAND PARKWAY AT PROVINCE VILLAGE DRIVE
PEARLAND, TEXAS

STATE OF TEXAS
DUANE BUNGO
1375
REGISTERED LANDSCAPE ARCHITECT

DRAWING HISTORY
1 - ISSUE FOR PERMIT - 09/14

DWGTYPE PLAN
PROJECT 214016

L1.0

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9/9/2014 2:10 PM 8.0.14.1.1-214016.DWG Bryant Abantara

LANDSCAPE CONSTRUCTION SPECIFICATIONS :

1.) General Contractor to bring all areas to final grade using a gradable soil and/ or sand mix and boxblade.

2.) Prepare all new planting beds by removing all rocks, concrete and construction debris and till in 3'' of new acidic Mixed Soil and pre-emergant herbicide such as Pennant or Eptam at the recommended rates, then rake all bed areas smooth prior to planting. Install 1/ 8''x 4'' green steel landscape edging only where specifically indicated on plan where new planting beds meet turf. When end of edging butts up against paving, trim exposed corner at 45 degree angle for pedestrian safety.

3.) Grade all planting beds to edges of beds and away from buildings prior to planting for positive drainage away from foundation(s) .

4.) Fertilize all new trees, shrubs and groundcovers with Osmocote (or equal) time-release fertilizer.

5.) Mulch all new planting beds and trees with a 2'' (avg.) layer of shredded hardwood topdress mulch as from Letco or CJM Soil Supermarket.

6.) Double-Stake all specified trees (see plant list) with 2 (7' tall) painted metal T-Posts, multi-strand coated steel wire and clear poly-vinyl tubing. See detail.

7.) Root-Stimulate all new trees with Superthrive brand root-stimulator (or equal) as per manufacturers recommendations .

8.) Plant sizes shown are the minimum acceptable. Plants will be inspected and measured for conformance. Plants specified with container size only shall be of or better than locally accepted nursery standards. Obviously undersized, misshapen, weak or inadequately rooted plants will be rejected. The Owner's decision will be final in matters concerning plant size, condition and health. Plants larger in size than specified may be used if approved by the Landscape Architect or the Owner, but the use of larger plants will not automatically increase the contract amount.

9.) Thoroughly handwater all new plantings immediately after planting and a soften as necessary after planting, during duration of work and until they are established enough to rely only on irrigation.

10.) Fine grade all new turf areas (by hand if necessary) prior to installation of grass. This is for a nice smooth turf-bed as well as for normal drainage purposes.

11.) Solid sod to be 99 percent pure Tiffway 419 Bermudagrass. Sod to be rolled immediately after wetting and installation. Hydromulch to be Common Bermudagrass ; 2 lbs. hulled seed per 1000 s.f., green fiber and fertilizer mix / slurry. Hydromulch all construction disturbed areas within property lines that do not get solid sod.

12.) Landscape contractor is responsible for keeping jobsite neat, clean and safe at all times in reference to their landscape work. Excess excavated soil, accumulations of landscape related trash, plant containers etc. to be removed from jobsite by Landscape Contractor daily and at the end of the project.

13.) The Owner, Landscape Architect and general Contractor reserve the right to inspect the progress of the project and any or all of the materials and procedures used at any time. Such materials and procedures will be subject to approval or rejection at that time and promptly followed up in writing to all concerned parties.

City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281-652-1768
281-652-1702 fax
www.cityofpearland.com

RECEIVED
AUG 1 4 2014

APPLICATION FOR A CHANGE IN ZONING

Current Zoning District: Province Village PUD No. 1 Office Professional

Proposed Zoning District: Province Village PUD No. 2 Amended office Professional

Property Information:

Address or General Location of Property: Southwest Corner of Province Village Drive and Pearland Parkway

Tax Account No. 599437 and 599438

Subdivision: Province Village Drive Office Park and Lot: A Block: 1

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

PROPERTY OWNER INFORMATION:

NAME A-S 121 Pearland Parkway Broadway Street, LP
ADDRESS 8827 W. Sam Houston Pkwy N #200
CITY Houston STATE TX ZIP 77046
PHONE (713) 458-9503
FAX (281) 955-3593
E-MAIL ADDRESS Sbeard@newquest.com

APPLICANT/AGENT INFORMATION:

NAME Warren Escovy / LJA Engineering
ADDRESS 2929 Briarpark Ste 600
CITY Houston STATE TX ZIP 77042
PHONE (713) 953-5212
FAX (713) 953-5026
E-MAIL ADDRESS wescovy@ljaengineering.com

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

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

Owner's Signature: [signature] Date: 8/13/14

Agent's/Applicant's Signature: [signature] Date: 8/14/14

OFFICE USE ONLY:

FEES PAID: $800.00	DATE PAID: 8/15/14	RECEIVED BY: JB	RECEIPT NUMBER: 319237

Application No. 2014-162

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

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

Such sign(s) shall be located as follows:

(1) One (1) sign per street frontage shall be located within thirty feet (30') of the abutting street, or as determined by the City.

(2) So as to be clearly visible and readable from the public right-of-way and not obstructed in any manner.

(3) So as not to create a hazard to traffic on the public rights-of-way abutting the property.

(4) On the subject property at least ten (10) days prior to the hearing of such zoning change request by the Planning and Zoning Commission, and to remain continuously on said property until final action by the City Council or withdrawal of the case by the applicant. Removal of the sign by the applicant prior to a recommendation by the Planning and Zoning Commission and/or a final decision by the City Council shall constitute a withdrawal of the request.

(5) The signs shall be as follows:

- A minimum sign size of 2 feet by 3 feet, but no larger than 4 feet by 4 feet
- At least 2 feet above the ground
- Blue or black lettering that is a minimum of 3 inches by 1/2 inch, on a white background
- Message content as follows:

PROPOSED (SPECIFY REQUEST)
Contact City of Pearland
281-652-1765

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

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

Acknowledgement signature _____ Date 8-14-14

LJA Engineering, Inc.

2929 Briarpark Drive
Suite 600
Houston, Texas 77042-3703

Phone 713.953.5200
Fax 713.953.5026
www.ljaengineering.com

July 18, 2014

Ms. Johnna Matthews
City Planner
3523 Liberty Drive
Pearland, Texas 77581

Re: Province Village Amendment No. 2
Planned Unit Development
LJA Job No. 1938-1401 (2.0)

This is an acknowledgement that a sign must be posted on the property 10 days before the public hearing.

Please advise me if there are any concerns regarding this matter.

Sincerely,

Rene R. for Warren Escovy

Warren Escovy
Director of Platting

WE/ew

Copy: Omar Escobar, LJA Engineering & Surveying, Inc.

O:\LAND\1938\1938-1401\sign acknowledgement.docx

N

Query/Info
Selection
Draw
Lat/Long
System
Layers
All Layers
Addresses
Elevation Layers
Land Marks
Utilities
Capital Projects
Planning Layers
Boundary Layers
County Lines
Zip Codes
PISD Property
School
School Disticts
Subdivisions
CCN Sewer
CCN Water
MUD
Roads
Aerials
Appraisal Districts
City Boundaries
Queries
Address Locator
Markup
Lat / Long
Overview Map
PEARLAND CITY LIMIT
Tool: Pan
X: 3156836.71, Y: 13769898.42, Longitude: -95.2613, Latitude: 29.5593
1: 1,522

STATE OF TEXAS
COUNTY OF BRAZORIA

WE NEWQUEST PROPERTIES, ACTING BY AND THROUGH STAN BEARD JR., DIRECTOR OF DEVELOPMENT OF NEWQUEST PROPERTIES, OWNERS OF THE PROPERTY SUBDIVIDED IN THIS PLAT OF PROVINCE VILLAGE LOT "A" REPLAT NO. 1 1.707 ACRES OUT OF THE THOMAS J. GREEN SURVEY ABSTRACT 198, BRAZORIA COUNTY, TEXAS, DO HEREBY MAKE SUBDIVISION OF SAID PROPERTY FOR AND ON BEHALF OF SAID NEWQUEST PROPERTIES, 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 FEET, 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, NEWQUEST PROPERTIES HAS CAUSED THESE PRESENTS TO BE SIGNED BY STAN BEARD JR., DIRECTOR OF DEVELOPMENT OF NEWQUEST PROPERTIES THIS _____ DAY OF _____, 2014

BY NEWQUEST PROPERTIES

BY: _____
STAN BEARD JR. DIRECTOR OF DEVELOPMENT

STATE OF TEXAS
COUNTY OF BRAZORIA

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED STAN BEARD JR., DIRECTOR OF DEVELOPMENT OF NEWQUEST PROPERTIES, 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 _____ DAY OF _____, 2014

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

I, GARY D. 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

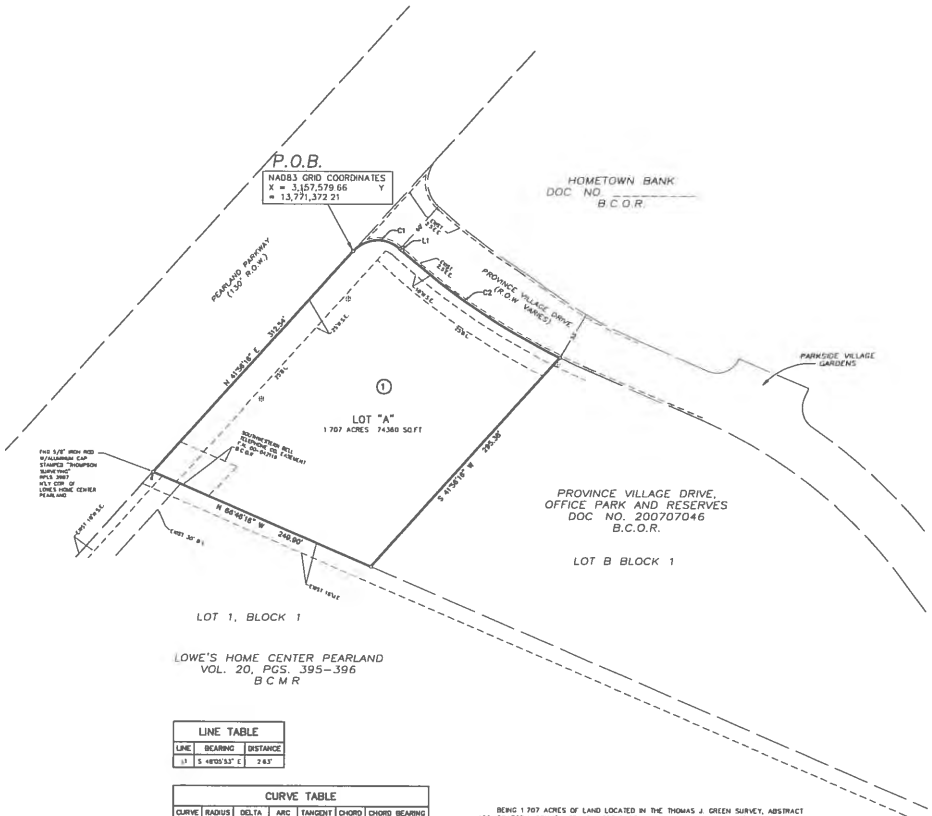
_____
GARY D. NUTTER
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 5858

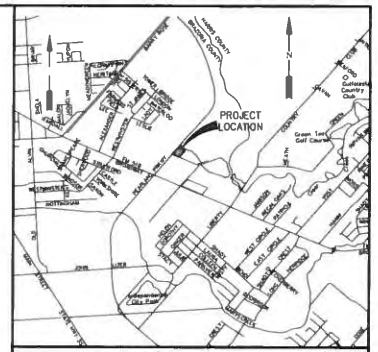
THIS IS TO CERTIFY THAT THE CITY PLANNER OF THE CITY OF PEARLAND, TEXAS HAS APPROVED THIS MINOR PLAT AND SUBDIVISION OF PROVINCE VILLAGE LOT "A" REPLAT NO. 1 AND IS IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF PEARLAND AS SHOWN HEREON AND AUTHORIZES THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2014

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

APPROVED FOR THE CITY OF PEARLAND THIS _____ OF _____, 2014

_____ _____
DARRIN COKER RICHARD MANCILLA, P.E., C.F.M
CITY ATTORNEY ASSISTANT CITY ENGINEER





VICINITY MAP
NOT TO SCALE

KEY MAP NO. 615 Q

NOTES

1. THIS PLAT WAS PREPARED FROM INFORMATION FURNISHED BY STEWART TITLE CO., CITY PLANNING LETTER FILE NO. 1403383284, DATED JUNE 24, 2014. THE SURVEYOR HAS NOT ABSTRACTED THE ABOVE PROPERTY

2. ALL BEARINGS REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83), WITH COORDINATES GIVEN IN FEET. COORDINATES SHOWN ARE GRID NAD 83, AND MAY BE CONVERTED TO SURFACE BY DIVIDING BY A FACTOR OF 0.99986866.

3. THIS PLAT LIES WITHIN BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 28 AT THE TIME OF PLATTING.

4. EFFECTIVE FLOODPLAIN: ACCORDING TO THE EFFECTIVE FEMA FLOOD INSURANCE RATE MAP MAP NO. 48039C0045L, DATED SEPTEMBER 22, 1999, AND 48201C0145L, DATED JUNE 18, 2007 THIS TRACT LIES WITHIN A PORTION OF ZONE AE, AND ZONE X ADOPTED FLOODPLAIN: REQUESTED BY THE CITY OF PEARLAND AND BRAZORIA DRAINAGE DISTRICT NO 4: ACCORDING TO THE PRELIMINARY STUDY, A PORTION OF THIS TRACT LIES WITHIN ZONE AE WITH A BFE RANGE OF APPROXIMATELY 39.1 TO 39.5.

5. THERE ARE NO PIPELINES OR PIPELINE EASEMENTS WITHIN THE BOUNDARY OF THIS PLAT.

6. 6-FOOT SIDEWALKS SHALL BE BUILT ALONG ALL THOROUGHFARE AND COLLECTOR STREETS INCLUDING ONE SIDE OF PROVINCE VILLAGE DRIVE AND CURVILINEAR ALONG PEARLAND PARKWAY.

7. THERE ARE NO STREET LIGHTS PROPOSED WITH THIS PLAT

8. BENCHMARK USED, CITY OF PEARLAND MONUMENT - SURVEY MARKER NO. 2 GPS MONUMENT NGVD-29 (1987 ADJ.) ELEV. 42.48, NAVD-88 (2001 ADJ.) ELEV. 42.00 (T.S.A.R.P.) BEING A BRASS DISK SET FLUSH WITH THE GROUND IN CONCRETE - STAMPED - CITY OF PEARLAND 2 GPS MON - 1995 Monument is located in the southwesterly intersection of Broadway (F.M. 518) and Liberty Road, approximately 4 feet southwest from the southwesterly curb at the intersection, and 8.7 feet northwest, from a metal light pole. (SEE NOTE 9.)

9. I.B.M. = TOP OF 5/8 INCH IRON ROD WITH CAP MARKED "LJA ENG" LOCATED AT ANGLE POINT ON THE SOUTHEASTERLY LINE OF FUTURE PROVINCE VILLAGE SECTION TWO (AS SHOWN BY SYMBOL). TO ADJUST PROJECT ELEVATIONS TO MATCH OLDER VERTICAL DATUM, FOR THE CITY OF PEARLAND MONUMENTS, ADD 0.48 FEET ELEV. = 39.31 NAVD 88 (2001 ADJ.) ELEV. = 39.78 NGVD 29 (1987 ADJ.)

10. LANDSCAPE SCREENING IN ACCORDANCE WITH EXHIBIT 6 OF THE PROVINCE VILLAGE PUD DOCUMENT WILL BE PROVIDED AT THE TIME OF DEVELOPMENT

11. A 6' HIGH MASONRY SCREENING WALL WILL BE CONSTRUCTED ALONG THE SOUTHWEST PROPERTY LINE OF BLOCK 1 IN ACCORDANCE WITH EXHIBIT 6 OF THE PROVINCE VILLAGE PUD DOCUMENT DATED MAY 2005, AT THE TIME OF DEVELOPMENT

12. MUTUAL ACCESS BETWEEN LOTS "A" AND "B" IS HEREBY GRANTED BY THIS PLAT

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 48°05'53" E	2.63'

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	TANGENT	CHORD	CHORD BEARING
C1	35.00'	89°57'53"	54.96'	34.98'	49.48'	N 86°55'12" E
C2	725.00'	15°56'22"	201.69'	101.56'	201.04'	S 58°04'04" E

BEING 1.707 ACRES OF LAND LOCATED IN THE THOMAS J. GREEN SURVEY, ABSTRACT 198, BRAZORIA COUNTY, TEXAS, MORE PARTICULARLY BEING ALL OF LOT "A" AND A PORTION OF LOT "B", BLOCK 1 OF AMENDING PLAT NO. 1, PROVINCE VILLAGE DRIVE, OFFICE PARK AND RESERVES, A SUBDIVISION OF RECORD UNDER DOC # 2008019410 OF THE OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS (B.C.O.P.R.), SAID 1.707 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (ALL BEARINGS ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83):

BEGINNING AT THE SOUTHERLY END OF A RADIAL CUT-BACK CORNER AT THE NORTHWESTERLY CORNER OF SAID LOT "A", SAME BEING THE NORTHWESTERLY LINE OF THE AFOREMENTIONED AMENDING PLAT NO. 1, PROVINCE VILLAGE DRIVE, OFFICE PARK AND RESERVES, SAME BEING IN THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF PEARLAND PARKWAY (130 FEET WIDE), THE BEGINNING OF A CURVE,

THENCE, 54.96 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 35.00 FEET, A CENTRAL ANGLE OF 89° 57' 53", AND A CHORD WHICH BEARS NORTH 86° 55' 12" EAST, 49.48 FEET TO A POINT FOR CORNER, ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF PROVINCE VILLAGE DRIVE, (WIDTH VARIES) AS SHOWN ON SAID AMENDING PLAT NO 1, PROVINCE VILLAGE DRIVE, OFFICE PARK AND RESERVES;

THENCE, SOUTH 48° 05 53" EAST CONTINUING ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF PROVINCE VILLAGE DRIVE, 2.63 FEET TO A POINT FOR CORNER, THE BEGINNING OF A CURVE,

THENCE, CONTINUING ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF PROVINCE VILLAGE DRIVE, ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 725.00 FEET, AT 164.30 FEET PASS THE COMMON NORTHERLY CORNER OF SAID LOT "A" AND LOT "B", AND CONTINUING IN ALL, 201.69 FEET, A CENTRAL ANGLE OF 15° 56' 22", AND A CHORD WHICH BEARS SOUTH 56° 04' 04" EAST, 201.04 FEET TO A POINT FOR CORNER;

THENCE, SOUTH 41° 56' 16" WEST, DEPARTING SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF PROVINCE VILLAGE DRIVE, 295.38 FEET TO A POINT FOR CORNER, IN THE NORTHEASTERLY LINE OF LOT 1, BLOCK 1, OF LOWE'S HOME CENTER PEARLAND, A SUBDIVISION OF RECORD IN VOLUME 20, PAGES 395-396, OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS (B.C.P.R.), SAME BEING THE SOUTHWESTERLY LINE OF THE AFOREMENTIONED LOT "B", BLOCK 1, OF SAID AMENDING PLAT NO. 1, PROVINCE VILLAGE DRIVE, OFFICE PARK AND RESERVES;

THENCE, NORTH 86° 46' 18" WEST, WITH THE NORTHEASTERLY LINE OF SAID LOT 1, BLOCK 1, OF LOWE'S HOME CENTER PEARLAND, AND THE SOUTHWESTERLY LINE OF SAID AMENDING PLAT NO. 1, PROVINCE VILLAGE DRIVE, OFFICE PARK AND RESERVES, AT 38.21 FEET PASS THE COMMON SOUTHERLY CORNER OF SAID LOT "A" AND LOT "B", BLOCK 1, AND CONTINUING IN ALL, 249.90 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT "A", IN THE AFOREMENTIONED SOUTHEASTERLY RIGHT-OF-WAY LINE OF PEARLAND PARKWAY, SAME BEING THE NORTHWESTERLY LINE OF SAID AMENDING PLAT NO. 1, PROVINCE VILLAGE DRIVE, OFFICE PARK AND RESERVES;

THENCE, NORTH 41° 56' 16" EAST, WITH SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF PEARLAND PARKWAY, AND ALONG THE NORTHWESTERLY LINE OF SAID AMENDING PLAT NO. 1, PROVINCE VILLAGE DRIVE, OFFICE PARK AND RESERVES, 312.34 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.707 ACRES OF LAND.

LEGEND

EXIST	INDICATES EXISTING
U.E.	INDICATES UTILITY EASEMENT
W.L.E.	INDICATES WATERLINE EASEMENT
STM S.E.	INDICATES STORM SEWER EASEMENT
S.S.E.	INDICATES SANITARY SEWER EASEMENT
W.S.E.	INDICATES WATER AND SEWER EASEMENT
D.E.	INDICATES DRAINAGE EASEMENT
E.E.	INDICATES ELECTRICAL EASEMENT
B.C.M.R.	INDICATES BRAZORIA COUNTY MAP 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
⊙	INDICATES EXISTING STREET LIGHT
F.N.	INDICATES FILE NUMBER

CONTACT: WARREN ESCOVY

FINAL PLAT OF

PROVINCE VILLAGE LOT "A" REPLAT NO. 1

A SUBDIVISION OF 1.707 ACRES OF LAND SITUATED IN THE THOMAS J. GREEN SURVEY, ABSTRACT 198, AND BEING A REPLAT OF LOT "A" AND A PART OF LOT "B" OF PROVINCE VILLAGE DRIVE OFFICE PARK AND RESERVES, A PLAT RECORDED IN DOCUMENT NO. 200707046 OF THE BRAZORIA COUNTY OFFICIAL PUBLIC RECORDS, CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS

1 LOT 1 BLOCK

JULY 14, 2014 JOB NO. 1938-1401

REASON FOR REPLAT: TO ADD ACREAGE FROM LOT "B" TO LOT "A"

OWNERS:
NEWQUEST PROPERTIES
STAN BEARD JR., DIRECTOR OF DEVELOPMENT
8827 W. SAM HOUSTON PKWY. N. SUITE 200 HOUSTON, TEXAS 77040
PH. 713-438-9503

ENGINEER:
LJA Engineering, Inc.
2929 Briarpark Drive Phone 713.953.5200
Suite 500 Fax 713.953.5026
Houston, Texas 77042 FRN-F-1386
T.B.P.L.S. Firm No. 10110501

MYLAR CHECK COORD _____ DJB _____

CITY OF PEARLAND
*** CUSTOMER RECEIPT ***

Oper: JCOTTER Type: OC Drawer: 1
Date: 8/15/14 01 Receipt no: 319237

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	$800.00

Trans number: 4559989

LJA ENGINEERING INC
SW CORNER OF PROVINCE VILLAGE
DR
A-S 121 PEARLAND PKWY
BROADWAY ST LP

Tender detail	$800.00
BR CREDIT CARD	$800.00
Total tendered	$800.00
Total payment	

Trans date: 8/14/14 Time: 14:11:06

ZONE CHANGE/ VARIANCE/PLAT/RECORDATION

$800.00 (circle one) **BA** or **PF** or **FE**

Description: ***Input who the check is from***

LJA Engineering, Inc.

COMMENTS/DESCRIPTION (F10):

Location or Address SW Corner of Province Village Dr.

Applicant LJA Engineering

Owner A-S 121 Pearland Pkwy Broadway St. LP

DUPLICATE TAX RECEIPT

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

Certified Owner:

A-S 121 PEARLAND PKWY-BROADWAY STREET
8827 W SAM HOUSTON PARKWAY N
SUITE 200
HOUSTON , TX 77040

Legal Description:
PROVINCE VILLAGE DRIVE OFFICE PARK & RESERVES (A0198-A0070) BLK 1 LOT A, AMEND 09 ACRES 1.199

Parcel Address: PROVINCE VILLAGE DR
Legal Acres: 1.1990

Remit Seq No: 26410888
Receipt Date: 07/03/2014
Deposit Date: 07/03/2014
Print Date: 08/05/2014 02:38 PM
Printed By: CHARISE

Deposit No: 1418405C
Validation No: 900000031724878
Account No: **7156-0001-001**
Operator Code: CHARISE

Year	Tax Unit Name	Tax Value	Tax Rate	Levy Paid	P&I	Coll Fee Paid	Total
2013	Tax Certificate Fee	0	0.000000	10.00	0.00	0.00	10.00
				$10.00	**$0.00**	**$0.00**	**$10.00**

Check Number(s):
8476

PAYMENT TYPE:
Checks: $10.00

Exemptions on this property:

Total Applied: $10.00

Change Paid: $0.00

ACCOUNT PAID IN FULL

PAYER: 21452569
COURTHOUSE DIRECT .COM,INC.
9800 NORTHWEST FRWY.
STE. 400
HOUSTON , TX 77092

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

DUPLICATE TAX RECEIPT

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

Certified Owner:

OFFICE GROVE PROVINCE LP
15120 NORTHWEST FWY
STE 190
HOUSTON , TX 77040-3205

Legal Description:
PROVINCE VILLAGE DRIVE OFFICE PARK & RESERVES (A0198-A0070) BLK 1 LOT B. AMEND 09 ACRES 3.989

Parcel Address: PROVINCE VILLAGE DR
Legal Acres: 3.9890

Remit Seq No: 26410818
Receipt Date: 07/03/2014
Deposit Date: 07/03/2014
Print Date: 08/05/2014 02:36 PM
Printed By: CHARISE

Deposit No: 1418405C
Validation No: 900000031724825
Account No: **7156-0001-002**
Operator Code: CHARISE

Year	Tax Unit Name	Tax Value	Tax Rate	Levy Paid	P&I	Coll Fee Paid	Total
2013	Tax Certificate Fee	0	0.000000	10.00	0.00	0.00	10.00
				$10.00	**$0.00**	**$0.00**	**$10.00**

Check Number(s):
8476

PAYMENT TYPE:
Checks: $10.00

Exemptions on this property:

Total Applied: $10.00

Change Paid: $0.00

ACCOUNT PAID IN FULL

PAYER: 21452569
COURTHOUSE DIRECT .COM,INC.
9800 NORTHWEST FRWY.
STE. 400
HOUSTON , TX 77092

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

TAX CERTIFICATE

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

Issued To:

LJA ENGINEERING
2929 BRIARPARK
SUITE 600
HOUSTON , TX 77041

Legal Description

PROVINCE VILLAGE DRIVE OFFICE PARK &
RESERVES (A0198-A0070) BLK 1 LOT B.
AMEND 09 ACRES 3.989

Fiduciary Number: 511548

Parcel Address: PROVINCE VILLAGE DR
Legal Acres: 3.9890

<--- ---->

Account Number: **7156-0001-002**

Certificate No: 222251598
Certificate Fee: $10.00

Print Date: 08/05/2014
Paid Date: 08/05/2014
Issue Date: 08/05/2014
Operator ID: CHARISE

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2013. ALL TAXES ARE PAID IN FULL

Exemptions:

Certified Owner:

OFFICE GROVE PROVINCE LP
15120 NORTHWEST FWY
STE 190
HOUSTON , TX 77040-3205

2013 Value:	390,960
2013 Levy:	$10,824.99
2013 Levy Balance:	$0.00
Prior Year Levy Balance:	$0.00
Total Levy Due:	$0.00
P&I + Attorney Fee:	$0.00
Total Amount Due:	$0.00

Certified Tax Unit(s):

1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
28 PEARLAND ISD
54 BRAZORIA DRAINAGE DIST 4
96 CITY OF PEARLAND

Reference (GF) No: NA

Issued By:
RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(979) 864-1320, (979) 388-1320, (281) 756-1320

Charise
Bins

TAX CERTIFICATE

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

Issued To:
LJA ENGINEERING
2929 BRIARPARK
SUITE 600
HOUSTON , TX 77041

Legal Description
PROVINCE VILLAGE DRIVE OFFICE PARK & RESERVES (A0198-A0070) BLK 1 LOT A, AMEND 09 ACRES 1.199

Fiduciary Number: 511548

Parcel Address: PROVINCE VILLAGE DR
Legal Acres: 1.1990

<--- ---->

Account Number: **7156-0001-001**

Certificate No: 222256297
Certificate Fee: $10.00

Print Date: 08/05/2014
Paid Date: 08/05/2014
Issue Date: 08/05/2014
Operator ID: CHARISE

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2013. ALL TAXES ARE PAID IN FULL

Exemptions:

Certified Owner:
A-S 121 PEARLAND PKWY-BROADWAY STREET
8827 W SAM HOUSTON PARKWAY N
SUITE 200
HOUSTON , TX 77040

2013 Value:	124,040
2013 Levy:	$3,434.44
2013 Levy Balance:	$0.00
Prior Year Levy Balance:	$0.00
Total Levy Due:	$0.00
P&I + Attorney Fee:	$0.00
Total Amount Due:	$0.00

Certified Tax Unit(s):
1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
28 PEARLAND ISD
54 BRAZORIA DRAINAGE DIST 4
96 CITY OF PEARLAND

Reference (GF) No: N/A

Charise Johns

Issued By:
RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(979) 864-1320, (979) 388-1320, (281) 756-1320

June 16, 2014
Job No. 1938-1401

DESCRIPTION OF
1.707 ACRE
PROVINCE VILLAGE LOT "A" REPLAT NO. 1

Being 1.707 acres of land located in the Thomas J. Green Survey, Abstract 198, Brazoria County, Texas, more particularly being all of Lot "A" and a portion of Lot "B", Block 1 of Amending Plat No. 1, Province Village Drive, Office Park and Reserves, a subdivision of record under Doc # 2008019410 of the Official Public Records of Brazoria County, Texas (B.C.O.P.R.), said 1.707 acres being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System, South Central Zone, NAD83);

BEGINNING at the southerly end of a radial cut-back corner at the northwesterly corner of said Lot "A", same being the northwesterly line of the aforementioned Amending Plat No. 1, Province Village Drive, Office Park and Reserves, same being in the southeasterly right-of-way line of Pearland Parkway (130 feet wide), the beginning of a curve;

Thence, 54.96 feet along the arc of a curve to the right, having a radius of 35.00 feet, a central angle of 89° 57' 52", and a chord which bears North 86° 55' 12" East, 49.48 feet to a point for corner, on the southwesterly right-of-way line of Province Village Drive, (width varies) as shown on said Amending Plat No. 1, Province Village Drive, Office Park and Reserves;

Thence, South 48° 05' 53" East, continuing along said southwesterly right-of-way line of Province Village Drive, 2.63 feet to a point for corner, the beginning of a curve;

Thence, continuing along said southwesterly right-of-way line of Province Village Drive, along the arc of a tangent curve to the left, having a radius of 725.00 feet, at 164.30 feet pass the common northerly corner of said Lot "A" and Lot "B", and continuing in all, 201.69 feet, a central angle of 15° 56' 22", and a chord which bears South 56° 04' 04" East, 201.04 feet to a point for corner;

Thence, South 41° 56' 16" West, departing said southwesterly right-of-way line of Province Village Drive, 295.38 feet to a point for corner, in the northeasterly line of Lot 1, Block 1, of Lowe's Home Center Pearland, a subdivision of record in Volume 20, Pages 395-396, of the Plat Records of Brazoria County, Texas (B.C.P.R.), same being the southwesterly line of the aforementioned Lot "B", Block 1, of said Amending Plat No. 1, Province Village Drive, Office Park and Reserves;

Thence, North 66° 46' 16" West, with the northeasterly line of said Lot 1, Block 1, of Lowe's Home Center Pearland, and the southwesterly line of said Amending Plat No. 1, Province Village Drive, Office Park and Reserves, at 38.21 feet pass the common southerly corner of said Lot "A" and Lot "B", Block 1, and continuing in all, 249.90 feet to the southwesterly corner of said Lot "A", in the aforementioned southeasterly right-of-way line of Pearland Parkway, same being the northwesterly line of said Amending Plat No. 1, Province Village Drive, Office Park and Reserves;

Thence, North 41° 56' 16" East, with said southeasterly right-of-way line of Pearland Parkway, and along the northwesterly line of said Amending Plat No. 1, Province Village Drive, Office Park and Reserves, 312.54 feet to the POINT OF BEGINNING and containing 1.707 acres of land.

LJA Engineering, Inc.

NewQuest
PROPERTIES®

August 13, 2014

City of Pearland
Planning Department
3523 Liberty Drive
Pearland, Texas 77581

Re: Agent Authorization
Province Village Drive Office Park and Reserve

To Whom It May Concern:

The owner of the above referenced property is A-S 121 Pearland Parkway – Broadway Street, L.P. Owner authorizes Warren Escovy of LJA Engineering to act as our agent concerning any required planning submittals with the City of Pearland. Please feel free to contact me with any questions or requests for information. Thank you.

Sincerely,
A-S 121 Pearland Parkway – Broadway Street, L.P.
By A-S 121, LLC, its general partner,

By: Steven D. Alvis, Manager

8827 W. Sam Houston Pkwy. N., Suite 200 ▪ Houston, TX 77040 ▪ Tel 281.477.4300 ▪ Fax 281.477.4390
www.newquest.com
Brokerage ▪ Development ▪ Investment ▪ Leasing ▪ Tenant Representation

Recorded by: Texas State Title
GF# 1403920005 Sobieski

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

Date: March 24th, 2014

Grantor: OFFICE GROVE PROVINCE, L.P., a Texas limited partnership

Grantee: A-2 121 PEARLAND PKWY-BROADWAY STREET, L.P., a Texas limited partnership

Grantee's Mailing Address: 8827 W. Sam Houston Parkway N., #200, Houston, TX 77040

Consideration: $10.00 and other valuable consideration.

Property (including any improvements):

All that certain tract or parcel containing 0.5077 acres (22,120 square feet) of land, more or less, out of and a part of that certain 3.989 acres out of Lot "A", Block One (1), Amending Plat No. 1 of PROVINCE VILLAGE DRIVE OFFICE PARK AND RESERVES, a subdivision according to the map or plat thereof filed for record under Clerk's File No. 2007070406, amended under Clerk's File No. 2008019410 of the Official Public Records of Brazoria County, Texas, and being more particularly described by metes and bounds in the attached **Exhibit "A"**.

Reservations from Conveyance: NONE.

Exceptions to Conveyance and Warranty:

Taxes for the current year, which have been prorated between Grantor and Grantee; subsequent assessments for the current and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes; all rights, obligations, and other matters arising from and existing by reason of the Property being located within the Brazoria County Drainage District No. 4 and Brazoria County Municipal Utility District No. 28; and each of the matters that are enumerated in **Exhibit "B"** which is attached hereto and made a part hereof for all purposes (collectively, the "Permitted Encumbrances"), to the extent enforceable and applicable to the Property.

Grantor, for the Consideration and subject to the Reservations from and Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, successors and assigns to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from and Exceptions to Conveyance and Warranty, when the claim is by, through, or under Grantor, but not otherwise.

When the context requires, singular nouns and pronouns include the plural. Reference to any gender shall include either gender and, in the case of a legal entity that is not a natural person, shall include the neuter gender, all as the case may be.

GRANTOR:

OFFICE GROVE PROVINCE, L.P.

By: Office Grove Province GP, L.L.C., a Texas limited liability company, its General Partner

By: _____
Jon Spears, President

STATE OF TEXAS §
§
COUNTY OF HARRIS §

This instrument was acknowledged before me on March 24TH, 2014, by Jon Spears, President, for and on behalf of Office Grove Province GP, L.L.C., a Texas limited liability company, in its capacity as General Partner of OFFICE GROVE PROVINCE, L.P., a Texas limited partnership.

CAROLINE ARAGON
Notary Public, State of Texas
My Commission Expires
January 08, 2018

Caroline Aragon
Notary Public, State of Texas

AFTER RECORDING, RETURN TO:

TEXAS STATE TITLE, LLC
8807 W. Sam Houston Parkway North
Suite 150
Houston, TX 77040
Attn: Kenneth B. Leslie
G. F. No. 1403922005

Exhibit "A"

Property

ALL THAT CERTAIN TRACT OR PARCEL CONTAINING 0.5077 ACRES (22. 120 SQUARE FEET) OF LAND, MORE OR LESS. OUT OF AND A PART OF THAT CERTAIN 3.989 ACRES OUT OF LOT "B". BLOCK ONE (1), AMENDING PLAT NO. 1 OF PROVINCE VILLAGE DRIVE OFFICE PARK AND RESERVES, A SUBDIVISION ACCORDING TO THE MAP OR PLAT THEREOF FILED FOR RECORD UNDER CLERK'S FILE NO. 2007070406, AMENDED UNDER CLERK'S FILE NO. 2008019410 OF THE OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS. AND BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A FOUND 5/8-INCH IRON ROD IN THE SOUTHEASTERLY RIGHT-OF-WAY (ROW) LINE OF PEARLAND PARKWAY (130 FEET WIDE). SAID POINT BEING THE NORTHERLY CORNER OF LOT 1, BLOCK 1,

LOWE'S HOME CENTER PEARLAND AS RECORDED IN VOLUME 20, PAGES 395-396 BRAZORIA COUNTY PUBLIC RECORDS AND THE SOUTHWESTERLY CORNER OF LOT "A" OF SAID AMENDING PLAT NO. 1;

THENCE, ALONG THE COMMON BOUNDARY LINE OF SAID LOT "A" AND LOT 1, SOUTH 66 DEGREES 46 MINUTES 16 SECONDS EAST, 171.72 FEET TO A FOUND 5/8 INCH IRON ROD THE SOUTHEASTERLY CORNER OF SAID LOT "A" AND THE SOUTHWEST CORNER OF SAID LOT "B", SAME BEING THE POINT OF BEGINNING AND SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, DEPARTING SAID COMMON BOUNDARY LINE OF LOT "A" AND LOT 1 AND ALONG THE COMMON BOUNDARY LINE OF LOTS "A" AND "B", NORTH 41 DEGREES 56 MINUTES 16 SECONDS WEST, 303.40 FEET TO A FOUND 5/8-INCH IRON ROD IN THE SOUTHWESTERLY ROW LINE OF PROVINCE DRIVE (60-FEET WIDE). SAID POINT BEING THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT AND BEING THE BEGINNING OF A CURVE TO THE LEFT;

THENCE, ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 725.37 FEET, A CHORD BEARING OF SOUTH 60 DEGREES 58 MINUTES 21 SECONDS EAST, A CENTRAL ANGLE OF 05 DEGREES 53 MINUTES 09 SECONDS, A DISTANCE OF 74.52 FEET TO A SET 5/8 INCH IRON ROD BEING THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, DEPARTING SAID SOUTHWESTERLY ROW LINE AND CROSSING SAID LOT "B", SOUTH 41 DEGREES 22 MINUTES 23 SECONDS WEST, 294.49 FEET TO A SET 5/8 INCH IRON ROD IN THE NORTHEASTERLY LINE OF SAID LOT 1, LOWE'S HOME CENTER PEARLAND. SAID POINT BEING THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 66 DEGREES 46 MINUTES 16 SECONDS WEST, 79.71 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.5077 ACRE (22.120 SQUARE FEET) OF LAND, MORE OR LESS.

Exhibit "B"

Permitted Encumbrances

1. The following restrictive covenants filed under Brazoria County Clerk's File No's. 2007070406, amended under Brazoria Clerk's File No. 2008019410 of the Official Public Records of Brazoria County, Texas.

2. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not.

3. An electrical easement 2.5 feet in width along the northerly property line (abutting Province Village Drive), as reflected on the map or plat thereof, recorded under Brazoria County Clerk's File No's. 20070704 06, and amended under Brazoria County Clerk's File No. 2008019410 and as reflected and disclosed on survey dated February 25, 2014 prepared by Fred W. Lawton, R.P.L.S. No. 2321.

4. A water a sewer easement 10 feet wide, along the northerly property line (abutting Province Village Drive), as reflected on the map or plat thereof, recorded under Brazoria County Clerk's File No's. 2007070406, and amended under Brazoria County Clerk's File No. 2008019410 and as reflected and disclosed on survey dated February 25, 2014 prepared by Fred W. Lawton, R.P.L.S. No. 2321.

5. A mutual access easement, across and over Lots "A" and "B", as set forth and dedicated on Plat Note Number 15, on the map or plat thereof, recorded under Brazoria County Clerk's File No's. 20070704 06, and amended under Brazoria County Clerk's File No. 2008019 410 and as reflected and disclosed on survey dated February 25, 2014 prepared by Fred W. Lawton, R.P.L.S. No. 2321.

6. A 6/7 Royalty Interest in all oil, gas and other minerals, as set forth by instrument recorded in Volume 74 9, Page 140 of the Deed Records of Brazoria County, Texas.

7. A 43/45 Royalty Interest in all oil, gas and other minerals, as set forth by instrument recorded in Volume 504 , Page 94 of the Deed Records of Brazoria County, Texas.

8. 1/45th royalty interest in and to all oil, gas and other minerals, on, in, or under, that may be produced from the subject property is excepted herefrom as allocated by Cause No. D-350,859 of the 80th District Court of Harris County, Texas.

9. All of the Oil, Gas, and other Minerals reserves in deed recorded under Brazoria County Clerk's File No. 2004050 556, waiver of surface rights contained therein.

10. Terms, conditions and provisions contained in Waiver of Special Appraisal for the Benefit of Brazoria County Municipal Utility District No. 28, filed for record under Clerk's File No. 200605 4555 of the Real Property Records of Brazoria County, Texas.

11. Subject to the ZONING ORDINANCES now in force in the City of Pearland, Texas.

12. Subject property lies within the boundaries of the Brazoria County Drainage District No. 4.

13. Subject property lies within the boundaries of the Brazoria County Municipal Utility District No. 28.

FILED and RECORDED

Instrument Number: 2014012015

Filing and Recording Date: 03/31/2014 10:48:18 AM Pages: 7 Recording Fee: $51.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Brazoria County, Texas.

Joyce Hudman, County Clerk
Brazoria County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

DO NOT DESTROY - Warning, this document is part of the Official Public Record.

cclerk-jkeels

SPECIAL WARRANTY DEED

1829801

STATE OF TEXAS §
§ **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF BRAZORIA §

THAT INTERNATIONAL BANK OF COMMERCE (hereinafter called "Grantor," whether one or more), a Texas state banking corporation, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable consideration to the undersigned in hand paid by A-S 121 PEARLAND PKWY-BROADWAY STREET, L.P., A TEXAS LIMITED PARTNERSHIP, whose address is 8827 W. Sam Houston Parkway N., Suite 200, Houston, Texas 77040, Houston, Texas 77036 (hereinafter called "Grantee"), the receipt and sufficiency of which is hereby acknowledged, has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY, unto the Grantee, all those certain parcels of land, together with all improvements lying and being situated thereon, located in the County of Brazoria, State of Texas, more particularly described in Exhibit "A" attached hereto (hereinafter called the "Property").

This conveyance is made by Grantor and accepted by Grantee subject to any and all conditions and restrictions, if any, relating to the Property, to the extent, and only to the extent, that the same may still be in force and effect, shown of record in the office of the County Clerk of Brazoria County, Texas.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, unto the Grantee, his successors and assigns, forever. Grantor does hereby bind himself, his successors and assigns, to Warrant and Forever Defend all and singular the Property, unto the Grantee, his successors and assigns, against every person whomsoever, lawfully claiming or to claim the same, or any part thereof by, through or under Grantor, but not otherwise.

EXCEPT AS OTHERWISE EXPRESSLY PROVIDED HEREIN, GRANTOR HEREBY DISCLAIMS ALL WARRANTIES OF ANY KIND OR NATURE WHATSOEVER (INCLUDING WARRANTIES OF HABITABILITY, MERCHANTABILITY AND FITNESS FOR PARTICULAR PURPOSE), WHETHER EXPRESSED OR IMPLIED, INCLUDING BUT NOT LIMITED TO, WARRANTIES WITH RESPECT TO THE PROPERTY, THE ZONING OF THE LAND, THE SOIL CONDITIONS OF THE LAND, OR THE SUITABILITY OF THE PROPERTY FOR GRANTEE'S INTENDED USE THEREOF. GRANTEE ACKNOWLEDGES THAT GRANTEE HAS CONDUCTED A DILIGENT INVESTIGATION OF THE PROPERTY WITH REGARD TO ITS CONDITION, PERMITTED USE, AND SUITABILITY FOR GRANTEE'S INTENDED USE THEREOF, AS WELL AS ALL OTHER FACTORS DEEMED MATERIAL TO GRANTEE AND HAS EMPLOYED SUCH INDEPENDENT PROFESSIONALS IN CONNECTION THEREWITH AS DEEMED NECESSARY BY GRANTEE. GRANTEE FURTHER ACKNOWLEDGES THAT GRANTEE IS PURCHASING THE PROPERTY "AS IS" AND IN ITS PRESENT CONDITION AND THAT GRANTEE IS NOT RELYING UPON ANY REPRESENTATION OF ANY KIND OR NATURE MADE BY GRANTOR, OR ANY OF ITS EMPLOYEES, OR AGENTS WITH

RESPECT TO THE PROPERTY, AND THAT, IN FACT, NO SUCH REPRESENTATIONS WERE MADE. GRANTOR ACKNOWLEDGES THAT GRANTEE ACQUIRED THE PROPERTY THROUGH FORECLOSURE PROCEEDINGS AND THEREFORE HAS LIMITED KNOWLEDGE OF THE PROPERTY.

FURTHER, AND WITHOUT IN ANY WAY LIMITING THE TERMS OF THE PRECEDING PARAGRAPH, GRANTOR MAKES NO WARRANTY WITH RESPECT TO THE PRESENCE ON OR BENEATH THE PROPERTY (OR ANY PARCEL IN PROXIMITY THERETO) OF HAZARDOUS SUBSTANCES OR MATERIALS WHICH ARE CATEGORIZED AS HAZARDOUS OR TOXIC UNDER ANY LOCAL, STATE OR FEDERAL LAW, STATUTE, ORDINANCE, RULE OR REGULATION PERTAINING TO ENVIRONMENTAL OR SUBSTANCE REGULATION, CONTAMINATION, CLEANUP OR DISCLOSURE, AND SHALL HAVE NO LIABILITY TO GRANTEE THEREFOR. BY ACCEPTANCE OF THIS DEED, GRANTEE ACKNOWLEDGES THAT GRANTEE'S OPPORTUNITY FOR INSPECTION AND INVESTIGATION OF SUCH PROPERTY (AND OTHER PARCELS IN PROXIMITY THERETO) HAS BEEN ADEQUATE TO ENABLE GRANTEE TO MAKE GRANTEE'S OWN DETERMINATION WITH RESPECT TO THE PRESENCE ON OR BENEATH THE PROPERTY (AND OTHER PARCELS IN PROXIMITY THERETO) OF SUCH HAZARDOUS SUBSTANCES OR MATERIALS, AND GRANTEE ACCEPTS THE RISK OF THE PRESENCE OF ANY SUCH SUBSTANCES OR MATERIALS.

Current taxes on the Property have been prorated and payment thereof is assumed by Grantee.

EXECUTED on this the 18 day of March, 2014.

INTERNATIONAL BANK OF COMMERCE,
a Texas state banking corporation

By: _____
Name: Craig A Bunk
Title: SVP

STATE OF TEXAS §
§
COUNTY OF HARRIS §

This instrument was acknowledged before me on this 18 day of March, 2014, by Craig A Bunk, SVP of International Bank of Commerce, a Texas state banking corporation, for and on behalf of said bank.

Nicole M Blanchette
Notary Public, State of Texas

[SEAL]

NICOLE M. BLANCHETTE
MY COMMISSION EXPIRES
MAY 8, 2017

EXHIBIT "A"

LOT "A", BLOCK ONE (1), OF AMENDING PLAT NO. 1 PROVINCE VILLAGE DRIVE, OFFICE PARK AND RESERVES, A SUBDIVISION OF BRAZORIA COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN DOCUMENT NUMBER 2008019410 OF THE OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS.

FILED and RECORDED

Instrument Number: 2014010773

Filing and Recording Date: 03/21/2014 02:14:48 PM Pages: 5 Recording Fee: $38.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Brazoria County, Texas.

Joyce Hudman, County Clerk
Brazoria County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

DO NOT DESTROY - Warning, this document is part of the Official Public Record.

cclerk-megan

Sharon Ivey-Seibert
Title Examiner

Stewart Title Company
4700 W. Sam Houston Parkway North,
Suite 100
Houston, TX 77041
(979) 549-4892 Phone
Fax
sharon.ivey-seibert@stewart.com

June 24, 2014

City of Pearland

File No.: 1403938284

To Whom It May Concern:

This company certifies that a diligent search of the Real Property Records of Stewart Title Company's abstract plant has been made, as to the herein described property, and as of 8:00 A.M. on the 15th day of June, 2014, the last Deed that we find, of record, reflects the record owner to be:

A-S 121 Pearland Pkwy-Broadway Street, L. P., a Texas Limited Partnership

Legal Description:

Being 1.707 acres of land located in the Thomas J. Green Survey, Abstract 198, Brazoria County, Texas, more particularly being all of Lot "A" and a portion of Lot "B", Block 1 of Amending Plat No. 1, Province Village Drive, Office Park and Reserves, a subdivision of record under Doc # 2008019410 of the Official Public Records of Brazoria County, Texas (B.C.O.P.R.), said 1.707 acres being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System, South Central Zone, NAD83);

BEGINNING at the southerly end of a radial cut-back corner at the northwesterly corner of said Lot "A", same being the northwesterly line of the aforementioned Amending Plat No. 1, Province Village Drive, Office Park and Reserves, same being in the southeasterly right-of-way line of Pearland Parkway (130 feet wide), the beginning of a curve;

Thence, 54.96 feet along the arc of a curve to the right, having a radius of 35.00 feet, a central angle of 89° 57' 52", and a chord which bears North 86° 55' 12" East, 49.48 feet to a point for corner, on the southwesterly right-of-way line of Province Village Drive, (width varies) as shown on said Amending Plat No. 1, Province Village Drive, Office Park and Reserves;

Thence, South 48° 05' 53" East, continuing along said southwesterly right-of-way line of Province Village Drive, 2.63 feet to a point for corner, the beginning of a curve;

Thence, continuing along said southwesterly right-of-way line of Province Village Drive, along the arc of a tangent curve to the left, having a radius of 725.00 feet, at 164.30 feet pass the common northerly corner of said Lot "A" and Lot "B", and continuing in all, 201.69 feet, a central angle of 15° 56' 22", and a chord which bears South 56° 04' 04" East, 201.04 feet to a point for corner;

Thence, South 41° 56' 16" West, departing said southwesterly right-of-way line of Province Village Drive, 295.38 feet to a point for corner, in the northeasterly line of Lot 1, Block 1, of Lowe's Home Center Pearland, a subdivision of record in Volume 20, Pages 395-396, of the Plat Records of Brazoria County, Texas (B.C.P.R.), same being the southwesterly line of the aforementioned Lot "B", Block 1, of said Amending Plat No. 1, Province Village Drive, Office Park and Reserves;

Thence, North 66° 46' 16" West, with the northeasterly line of said Lot 1, Block 1, of Lowe's Home Center Pearland, and the southwesterly line of said Amending Plat No. 1, Province Village Drive, Office Park and Reserves, at 38.21 feet pass the common southerly corner of said Lot "A" and Lot "B", Block 1, and continuing in all, 249.90 feet to the southwesterly corner of said Lot "A", in the aforementioned southeasterly right-of-way line of Pearland Parkway, same being the northwesterly line of said Amending Plat No. 1, Province Village Drive, Office Park and Reserves;

Thence, North 41° 56' 16" East, with said southeasterly right-of-way line of Pearland Parkway, and along the northwesterly line of said Amending Plat No. 1, Province Village Drive, Office Park and Reserves, 312.54 feet to the POINT OF BEGINNING and containing 1.707 acres of land, more or less.

Subject to the following:

1. Restrictions:

Those recorded under Clerk's File No. 2007070406 and No. 2008019410 of the Official Records of Brazoria County, Texas; but omitting any covenants, condition, or restriction, if any, based on race, color, religion, sex, handicap, familial status or national origin unless and to the extent that the covenant, condition or restriction (a) is exempt under Title 42 of the United States Code or (b) relates to handicap, but does not discriminate against handicapped persons.

2. Easements/Other Exceptions:

An easement for purposes of construct, operate, place, maintain, lay, inspect, protect, repair, alter, substitute, relocate, replace and remove such above ground and underground electrical, telephone, telegraph, signal and other communications facilities, cables, lines, circuits and conduits, repeater huts, subscriber loop carrier repeater huts, buildings/structures housing telecommunication facilities, digital subscriber loop cabinets/ structures housing said telecommunications facilities, and fiber optics repeater huts located on subject property granted to Southwestern Bell Telephone Company by instrument recorded under Clerk's File No. 00-042119 and as reflected by the recorded plat under Clerk's File No. 2008019410 of the Official Records of Brazoria County, Texas.

Terms, conditions and provisions contained in Waiver of Special Appraisal for the Benefit of Brazoria County Municipal Utility District No. 28, filed for record under Clerk's File No. 2006054555 of the Real Property Records of Brazoria County, Texas.

Water and sewer easement ten (10) feet wide south of and adjacent to Province Village Drive, as reflected by the plat recorded under Clerk's File No. 2007070406 and No. 2008019410 of the Official Records of Brazoria County, Texas.

Electrical easement two and one-half (2.5) feet wide south of and adjacent to Province Village Drive, as reflected by the plat recorded under Clerk's File No. 2007070406 and No. 2008019410 of the Official Records of Brazoria County, Texas.

Water and sewer easement twenty-five (25) feet wide east of and adjacent to Pearland Parkway, as reflected by the plat recorded under Clerk's File No. 2007070406 and No. 2008019410 of the Official Records of Brazoria County, Texas.

Mutual access between Lots A & B is hereby granted by plat recorded under Clerk's File No. 2007070406 and No. 2008019410 of the Official Records of Brazoria County, Texas.

All terms, conditions, and provisions of that certain Reciprocal Access Easement, recorded under Clerk's File No. 2014012016 of the Official Records of Brazoria County, Texas.

A 6/7ths royalty interest in and to all oil, gas and other minerals on, in, under or that may be produced from the subject property is excepted herefrom as the same is set forth in instrument recorded in Volume 749, Page 140 of the Deed Records of Brazoria County, Texas. (Title to said interest not checked subsequent to date of aforesaid instrument).

A 43/45 royalty interest in and to all oil, gas and other minerals on, in, under or that may be produced from the subject property is excepted herefrom as the same is set forth in instrument recorded in Volume 504, Page 94

of the Deed Records of Brazoria County, Texas. (Title to said interest not checked subsequent to date of aforesaid instrument).

1/45 mineral interest allocated to William Lester Settegast by decree in Cause D-350,059 in the 80th District Court of Harris County, Texas and as reflected in instrument recorded under Clerk's File No. 2008005310 of the Official Records, Brazoria County, Texas.

All the oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same all of which are expressly excepted herefrom and not insured hereunder, as same are set forth in instrument recorded under Clerk's File No. 2004050556 of the Official Records of Brazoria County, Texas. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed. surface rights waived.

3. Liens/Misc:

NOTE: We find no outstanding liens of record affecting the subject property. Inquiry should be made concerning the existence of any unrecorded lien or other indebtedness which could give rise to any security interest claim in the subject property.

The Company requires a satisfactory dismissal with prejudice of that suit styled Texproj2008 vs. John Kelly and Province Village LP under Cause No. 49685 and release of that Lis Pendens recorded under Clerk's File No. 2008053779 of Official Records of Brazoria County, Texas.

Subject property is located in the Brazoria County Municipal Utility District 28. This district may issue an unlimited amount of bonds, levy an unlimited rate of tax in payment of such bonds, and impose a standby fee on property in the district that has water or sewer facilities available but not connected. The most recent rate of taxes levied by the district on real property is $0.82 on each $100.00 of assessed valuation. If the district has not yet levied taxes, the most recent projected rate of debt service tax, as of this date, is $* on each $100.00 of assessed valuation. The total amount of voter approved bonds is $89,155,000.00 and the aggregate principal amount of all bonds issued for specific facilities is $24,665,000.00. The amount of the standby fee is $*. Prior to the issuance of any policy, Seller is to furnish a properly executed and acknowledged Notice in compliance with the provisions set forth in Section 49.452 of the Texas Water Code, which Notice must be signed and acknowledged by the Purchaser and subsequently filed in the property records.

No examination has been made as to Abstracts of Judgments, State or Federal Tax Liens, the status of taxes, tax suits or paving assessments.

This letter is issued for platting purposes only. Liability of Stewart Title Company for mistakes or errors in this letter is hereby limited to the cost of said letter.

The letter is issued with the express understanding, evidenced by the acceptance thereof, that Stewart Title Company does not undertake to give or express any opinion as to the validity or effect of the instruments listed, and this letter is neither a guaranty or warranty of title.

Liability hereunder is limited to the amount paid for same. This report is furnished solely as an accommodation to the party requesting same and should not be relied upon, as a warranty or representation as to the title to the property described herein and may not be given to or used by any third party. Stewart Title Company assumes no liability whatsoever for the accuracy of this report, nor for any omission or error with respect hereto. **You agree to release, indemnify and hold harmless Stewart Title Company because of any negligence by Stewart Title Company (whether sole, joint or otherwise) for any claim, loss, liability or damages arising out of this report.** This report is not title insurance. If a policy of title insurance is purchased, any liability thereunder shall be determined solely by the terms of such policy.

Sincerely,
Stewart Title Company

Kristi Sartin

Kristi Sartin, Title Examiner

P&Z AGENDA ITEM

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1. Commissioners activity report
2. Comprehensive Plan Update
3. Zoning Update
4. Commissioners Annual Questionnaire
5. Texas APA State Conference - October 15-18 Frisco, TX
6. Next P&Z Meeting - October 6, 2014

ADJOURN MEETING