

AGENDA

CITY OF PEARLAND PLANNING & ZONING COMMISSION

December 15, 2014

6:00 p.m.

Henry Fuertes
P&Z CHAIRPERSON

Daniel Tunstall
P&Z VICE-CHAIRPERSON

COMMISSIONERS

Elizabeth McLane

Derrick Reed



Mary Starr

Ginger McFadden

Thomas Duncan

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

AGENDA - REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, MONDAY, DECEMBER 15, 2014, AT 6:00 P.M., HELD IN FIRST FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

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 AND EXCUSED ABSENCES

1. Approve the Minutes of the November 17, 2014 P&Z Regular Meeting, held at 6:30 p.m.
2. Approve the Minutes of the December 1, 2014 P&Z Regular Meeting, held at 6:30 p.m.
3. Excuse the Absence of Elizabeth McLane from the December 1, 2014 P&Z Regular meeting.

III. OLD BUSINESS

A. CONSIDERATION AND POSSIBLE ACTION – CONDITIONAL USE PERMIT APPLICATION NO. 2014-09

A request of BGE Kerry R. Gilbert & Associates, applicant; on behalf of George Fishman, owner; for approval of a Conditional Use Permit to allow for a Nursing/Convalescent Home within the Business Park – 288 (BP-288) zoning district, on approximately 9.4 acres of land, to wit:

Legal Description: Being a 9.4083 tract of land located in the H.T. & B.R.R. Company Survey, Abstract 300, Brazoria County Texas; said 9.4083 acre tract being all of a called 3.39 acre tract of land recorded in the name of George D. and Mary Fishman in Clerk’s File Number 2005061002 of the Official Records of Brazoria County (O.R.B.C.) Texas, the remainder of a called 3.3 acre tract of land (North 3.3 acres) recorded in the name of

George D. and Mary Fishman in Clerk's File Number 97-015077 of the O.R.B.C. and the remainder of a called 3.3 acre tract of land (South 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-010496 of the O.R.B.C.

General Location: West side of Business Center Drive, south of Pearland Town Center, Pearland, TX

B. CONSIDERATION AND POSSIBLE ACTION – PLANNING AND ZONING VARIANCE 2014-05

A request by Luther Daly of Costello, Inc., applicant; on behalf of George and Mary Fishman, owner; for approval of a Planning and Zoning Variance to allow for a flag lot within the existing Business Park 288 (BP-288) zoning district on 9.4083 acres of land, to wit:

Legal Description: A subdivision of 9.4083 acres of land located in the H.T.& B.R.R. Company Survey, Abstract 300, Brazoria County, Texas.

General Location: Located on the west side of Business Center Drive, south of Pearland Town Center.

IV. NEW BUSINESS

A. CONSIDERATION AND POSSIBLE ACTION – ZONE CHANGE APPLICATION NO. 2014-21Z

A request of Alan Mueller, applicant; on behalf of Joe and Darlene Laney and John McMahan, owners; for approval of a zoning designation of Single Family - 1 (R-1) on approximately 32.3 acres of land, to wit:

Legal Description: The East one half (1/2) of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section 84, H.T.& B.R.R. Survey, Abstract No. 538, Brazoria County, Texas and being the same land conveyed to B. Frank Wood by Jay C. Tulk by Deed dated April 11, 1955, Recorded in Volume 627, Page 278, Deed Records, Brazoria County, Texas and;

The West one half (1/2) of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section 84, H.T.& B.R.R. Survey, Abstract No. 538, called Tract No. 8, Brazoria County, Texas according to the recorded map or plat thereof appearing of record in the office of the County Clerk of Galveston County, Texas and being the same land described from J.T. McMahan to R. D. McMahan, dated October 27, 1964, recorded in Volume 895, Page 22, Deed Records of Brazoria County, Texas and being that same 20 acres more

or less, conveyed to John T. McMahan by R.D. McMahan and wife, Eunice McMahan, by Deed dated December 29, 1994, Filed of Record March 13, 2003, recorded under Brazoria County Clerks File No. 03 015336, and;

A 2.72 acre tract, being the remainder of two (2) 1.5 acre tracts, recorded in Volume (87) 403, Page 70 [Tract 1] and Volume (87) 403, Page 73 [Tract 2], of the Official Records of Brazoria County, Texas, out of the North ½ of the East ½ of the Southeast ¼ of the Northeast ¼ of section 84, of the H.T.& B. Railroad Company Survey, Abstract 538, Brazoria County, Texas

General Location: West of County Road 48 and 2000 feet south of Broadway St., Pearland, TX

B. CONSIDERATION AND POSSIBLE ACTION – BEAZER CR 48 CLUSTER DEVELOPMENT PLAN

A request by Alan Mueller, applicant; on behalf of Joe and Darlene Laney and John McMahan, owner; for approval of a Cluster Development Plan, on a 31.127 acre tract of land, for a single-family residential subdivision, to wit

Legal Description: The East one half (1/2) of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section 84, H.T.& B.R.R. Survey, Abstract No. 538, Brazoria County, Texas and being the same land conveyed to B. Frank Wood by Jay C. Tulk by Deed dated April 11, 1955, Recorded in Volume 627, Page 278, Deed Records, Brazoria County, Texas and;

The West one half (1/2) of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section 84, H.T.& B.R.R. Survey, Abstract No. 538, called Tract No. 8, Brazoria County, Texas according to the recorded map or plat thereof appearing of record in the office of the County Clerk of Galveston County, Texas and being the same land described from J.T. McMahan to R. D. McMahan, dated October 27, 1964, recorded in Volume 895, Page 22, Deed Records of Brazoria County, Texas and being that same 20 acres more or less, conveyed to John T. McMahan by R.D. McMahan and wife, Eunice McMahan, by Deed dated December 29, 1994, Filed of Record March 13, 2003, recorded under Brazoria County Clerks File No. 03 015336, and;

A 2.72 acre tract, being the remainder of two (2) 1.5 acre tracts, recorded in Volume (87) 403, Page 70 [Tract 1] and Volume (87) 403, Page 73 [Tract 2], of the Official Records of Brazoria County, Texas, out of the North ½ of the East ½ of the Southeast ¼ of the Northeast ¼ of section 84, of the H.T.& B. Railroad Company Survey, Abstract 538, Brazoria County, Texas.

General Location: West of County Road 48 and 2000 feet south of Broadway St., Pearland

C. DISCUSSION ITEMS

1. Commissioners Activity Report
2. Comprehensive Plan Update
3. Next P&Z Meeting, January 5, 2015 – Regular Meeting

V. 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 13th day of November 2014, A.D., at 5:30 p.m.

Jennifer Tatum, Office Assistant

Agenda removed _____ day of December, 2014.

II. Consent Agenda Items

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. Approval of Minutes and Excused Absences

1. Approve the Minutes of the November 17, 2014 P&Z Regular Meeting, held at 6:30 p.m.
2. Approve the Minutes of the December 1, 2014 P&Z Regular Meeting, held at 6:30 p.m.
3. Excuse the Absence of Elizabeth McLane from the December 1, 2014 P&Z Regular meeting.

MINUTES OF THE REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, MONDAY, NOVEMBER 17, 2014, AT 7:00 P.M., HELD IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

CALL TO ORDER

P&Z Chairperson Henry Fuertes opened the meeting for the P&Z Regular Meeting at 8:15 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 Mary Starr
P&Z Member Ginger McFadden
P&Z Member Thomas Duncan

CONSENT AGENDA

CONSIDERATION & POSSIBLE ACTION – APPROVAL OF MINUTES AND EXCUSED ABSENCES

Approve the Minutes of the October 20, 2014 P&Z Regular Meeting, held at 6:30 p.m.
Excuse the Absence of Linda Cowles and Ginger McFadden from the October 20, 2014 P&Z Regular meeting.

CONSIDERATION AND POSSIBLE ACTION – FINAL PLAT OF HIGHLAND PARK

A request by Rene Rodriguez of LJA Engineering, applicant; on behalf of Beazer Homes Texas, LP, owner; for approval of a Preliminary Plat of Highland Park, a 56 lot subdivision on 19.445 acres of land, to wit:

Legal Description: A subdivision of land containing 19.455 acres of land situated in the H.T. & B.R.R. Co. Survey, Section 1, Abstract 233, and the D.H.M. Hunter Survey Abstract 76, City of Pearland Texas, County of Brazoria, Texas.

General Location: Generally located at the intersection of Old Alvin Rd. and Highland Park Dr.

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

The vote was 7 – 0. The Items on the Consent Agenda were approved.

MATTERS REMOVED FROM CONSENT AGENDA

CONSIDERATION AND POSSIBLE ACTION – REPLAT OF SHADOW CREEK RANCH – SF 57

A request by Rene Rodriguez, from LJA, applicant, on behalf of 741 SCR, LTD, owner, for approval of a Replat of Shadow Creek Ranch - SF 57, a 94 lot residential subdivision on 23,470 acres of land, to wit:

Legal Description: A subdivision of 23.470 acres of land situated in the F. Hooper Survey, Abstract 198 and the H.T.& B.R.R. Co. Survey, Section 83, Abstract 761, City of Pearland, Fort Bend County, Texas, same being a Partial Replat of Shadow Creek Ranch SF-57, a subdivision recorded in Plat No. 20060296, Plat Records of Fort Bend County, Texas.

General Location: Located at the northeast corner of Windward Bay Drive and Broadway Street.

No action needed at this time.

CONSIDERATION AND POSSIBLE ACTION – REPLAT OF SHADOW CREEK RANCH – SF 58

A request by Rene Rodriguez, from LJA, applicant; on behalf of 741 SCR, LTD, owner; for approval of a Replat of Shadow Creek Ranch - SF 58, a 54 lot residential subdivision located on 12.975 acres of land, to wit:

Legal Description: A subdivision of 12.975 acres of land situated in the H.T. & B.R.R. Company Survey, Section 83, Abstract 761, City of Pearland, Fort Bend County, Texas, same being a Partial Replat of Shadow Creek Ranch SF-58, a subdivision recorded in Plat No. 20060297, Plat Records of Fort Bend County, Texas.

General Location: Located on the south side of Windward Bay Drive north of Shadow Ridge.

No action needed at this time.

FINAL PLAT OF HIGHLAND CROSSING SECTION 4

A request by Geoff Freeman of BGE Kerry Gilbert and Associates, applicant, on behalf of Beazer Homes, owner for approval of the Preliminary Plat of Highland Crossing Section 4, a 34 lot single family subdivision on 14.8 acres of land generally located 1000 feet northeast from the intersection of McHard Rd. and Old Alvin Rd. to wit:

Legal Description: Being 14.8 acres of land out of the H.T. &B.R.R. Co. Survey, A-233 and D.H.M. Hunter Survey, A-76 City of Pearland. Brazoria County, Texas.

General Location: Approximately 1000 feet northeast from the intersection of McHard Rd. and Old Alvin Rd.

P&Z Vice Chairperson Daniel Tunstall stated that he had an issue with the process; this is why he moved to remove this item from the consent agenda. Mr. Tunstall stated that he did not like seeing projects taking so long to be finished and finals should not be voted on until they were complete. Senior Planner Ian Clowes stated that he was not sure of the status, but a subdivision agreement was in place.

P&Z Vice Chairperson Daniel Tunstall made the motion to approve Final plat of Highland Crossing Section 4, P&Z Commissioner Mary Starr seconded.

The vote was 6 – 1 with Daniel Tunstall in in opposition. Final Plat of Highland Crossing Section 4 was approved.

OLD BUSINESS – (ITEMS POSTPONED TO JANUARY 30, 2015)

CONSIDERATION AND POSSIBLE ACTION – CONDITIONAL USE PERMIT APPLICATION NO. 2014-09

A request of BGE Kerry R. Gilbert & Associates, applicant; on behalf of George Fishman, owner; for approval of a Conditional Use Permit to allow for a Nursing/Convalescent Home within the Business Park – 288 (BP-288) zoning district, on approximately 9.4 acres of land, to wit:

Legal Description: Being a 9.4083 tract of land located in the H.T. & B.R.R. Company Survey, Abstract 300, Brazoria County Texas; said 9.4083 acre tract being all of a called 3.39 acre tract of land recorded in the name of George D. and Mary Fishman in Clerk's File Number 2005061002 of the Official Records of Brazoria County (O.R.B.C.) Texas, the remainder of a called 3.3 acre tract of land (North 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-015077 of the O.R.B.C. and the remainder of a called 3.3 acre tract of land (South 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-010496 of the O.R.B.C.

General Location: West side of Business Center Drive, south of Pearland Town Center, Pearland, TX

No Action needed at this time.

CONSIDERATION AND POSSIBLE ACTION – PLANNING AND ZONING VARIANCE 2014-05

A request by Luther Daly of Costello, Inc., applicant; on behalf of George and Mary Fishman, owner; for approval of a Planning and Zoning Variance to allow for a flag lot within the existing Business Park 288 (BP-288) zoning district on 9.4083 acres of land, to wit:

Legal Description: A subdivision of 9.4083 acres of land located in the H.T.& B.R.R. Company Survey, Abstract 300, Brazoria County, Texas.

General Location: Located on the west side of Business Center Drive, south of Pearland Town Center.

No action needed at this time.

NEW BUSINESS

CONSIDERATION AND POSSIBLE ACTION – ZONE CHANGE APPLICATION NO. 2014-19Z

A request of Chad Thumann, applicant; on behalf of Wayne Thumann, owner; for approval of a change in zoning from the General Commercial (GC) and General Business (GB) zoning districts to the General Business (GB) and Single Family - 1 (R-1) zoning districts; on approximately 2.734 acres of land, to wit:

Legal Description: Being 1.385 acres of land out of called 14.0513 acres of land, said 14.135 being all of Lots 9 and 12 and Part of Lot 7 of partition of the East ½ of Northwest ¼ of Section 15, HT&B RR Co. Survey, A-241, Brazoria County, Texas and being the South 183.60 feet of Lot 8, and a portion of Lot 7 out of a called 14.0513 acre tract being all of Lots 9 and 12 and Part of Lot 7 of partition of the East ½ of Northwest ¼ of Section 15, HT&B RR Co. Survey, A-241, Brazoria County, Texas. According to the Plat recorded in Vol. 441, Page 265 of the Deed Records of Brazoria County, Texas

General Location: 6906 Broadway Street, Pearland, TX

Senior Planner Ian Clowes read the staff report and stated staff recommended approval.

Chad Thumann was present on behalf of the applicant. Mr. Thumann made a brief presentation and stated he was available to answer any questions. No further discussion ensued.

P&Z Commissioner Mary Starr made the motion to approve Zone Change application 2014-19Z, P&Z Commissioner Derrick Reed seconded.

The vote was 7 – 0. Zone Change application 2014-19Z was approved.

CONSIDERATION AND POSSIBLE ACTION – ZONE CHANGE APPLICATION NO. 2014-20Z

A request of BGE Kerry R. Gilbert and Associates, applicant; on behalf of CL Ashton Woods, LP., owner; for approval of a change in zoning to amend the Southern Trails Planned Development (PD), from an overlay zoning district which allows for Civic/Church uses to General Business (GB) uses; on approximately 0.9 acres of land of the total 522.62 acres, to wit:

Legal Description: A certain parcel of ground together with all the buildings and improvements being a portion of No. 2 Southern Trails Commercial No. 1, H.T. and B.R.R. Company Survey, Section 84, A-538, City of Pearland, Brazoria County, Texas

General Location: South side of Broadway Street, between Windward Bay Drive to the west and Kingsley Drive to the east, Pearland, TX

City Planner Johnna Matthews read the staff report stating staff recommended approval. Mr. Kerry Gilbert was present on behalf of the applicant. Mr. Gilbert stated that they were looking at retail, office professional or medical and that they were happy to agree with the possibilities of use restrictions. P&Z Commissioner Derrick Reed inquired about what kind of retail was being looked at and stated he would like to see restrictions put in place. Mr. Gilbert stated that they were unsure at the moment. P&Z Chairperson Henry Fuyentes inquired whether or not the PD had restrictions on General Business (GB) from the beginning. City Planner Johnna Matthews replied no.

Director of Community Development Lata Krishnarao stated that staff was looking to continue a tree lined street on the adjacent stretch as required in the PD. Mr. Kerry Gilbert stated that this land was not owned by the applicant and therefore they would be unable to plant the trees. P&Z Vice Chairperson Daniel Tunstall stated that the subdivision could be asked to beautify the property and that the request for the applicant to do so could not be done. City Planner Johnna Matthews stated that staff was requesting height, lot coverage, and set back standards. Mr. Kerry Gilbert stated he was fine with this request.

P&Z Commissioner Mary Starr made the motion to approve Zone Change application 2014-20Z, P&Z Commissioner Ginger McFadden seconded with the following restrictions:

The following uses shall be prohibited:

- Automobile and Automobile-Service Related Uses
- Animal/Pet-Related Uses
- Big Box/Department Stores
- Stand-Alone Restaurants
- Drive-Thru Restaurants

Screening to buffer the proposed non-residential development from the existing single family subdivisions to the West and South shall be consistent in design, including height, material, color, etc., with the existing screening wall provided by CVS to buffer against adjacent single family subdivisions.

The vote was 7 – 0. Zone Change application 2014-20Z was approved with the following conditions:

The following uses shall be prohibited:

- Automobile and Automobile-Service Related Uses
- Animal/Pet-Related Uses
- Big Box/Department Stores
- Stand-Alone Restaurants
- Drive-Thru Restaurants

Screening to buffer the proposed non-residential development from the existing single family subdivisions to the West and South shall be consistent in design, including height, material, color, etc., with the existing screening wall provided by CVS to buffer against adjacent single family subdivisions.

CONSIDERATION AND POSSIBLE ACTION – LONGVIEW CLUSTER DEVELOPMENT PLAN

A request by Jonathan Woodruff of DR Horton, applicant; on behalf of Assan Tran, owner; for approval of a Cluster Development Plan, on a 9.56 acre tract of land, for a single-family residential subdivision, to wit:

Legal Description: Being a 9.560 acre tract in the W.D.C. Hall League, Abstract No. 70, Brazoria County, Texas. Said tract is a part of Lot 15 of the Geo. W. Jenkins Subdivision as recorded in Volume 657, Page 616-617 of the Brazoria County Map Records and is further described in deeds to W. O. Forrest and Mary Evelyn Forrest as recorded in Volume 657, Page 275 and Volume 694, Page 401 of the Brazoria County Deed Records.

General Location: Northwest corner of Dixie Farm Road and Forrest Lane Drive.

Senior Planner Ian Clowes read the staff report and stated staff recommended approval and that staff was in favor of the amenities.

P&Z Commissioner Thomas Duncan inquired how the residents would exit the subdivision. Senior Planner Ian Clowes stated that they would make a right in, and right out. Mr. Alan Muellar stated that they may stretch the opening in the existing median. P&Z Vice Chairperson Daniel Tunstall inquired if there were pipelines on the property. Mr. Muellar stated that there was 1 in the corridor but didn't know the details. Mr. Tunstall stated that he did not like the idea of the homes being on the pipeline and

suggested widening the lot that was on the pipeline. Mr. Mueller stated he would have to decrease the size of all of the lots from 60 to 55 to make that happen. Mr. Tunstall stated that the Planning & Zoning Commission must make this amendment as listed in section 3. Mr. Tunstall stated that this pipeline was a high pressure gas line it was unsafe. Mr. Mueller stated that high pressure was not defined. Senior planner Ian Clowes stated that this would be determined in the survey and platting process.

P&Z Vice Chairperson Daniel Tunstall wanted to amend the motion to widen the left most lot on the property. P&Z Commissioner Mary Starr did not concur.

P&Z Vice Chairperson Daniel Tunstall made the motion to approve the Longview Cluster Development Plan, P&Z Commissioner Mary Starr seconded.

The vote was 6 – 1 with P&Z Commissioner Derrick Reed opposed. Longview Cluster Development Plan was approved.

CONSIDERATION AND POSSIBLE ACTION – INDEPENDENCE PLACE CLUSTER DEVELOPMENT PLAN

A request by Jonathan Woodruff of DR Horton, applicant; on behalf of Matt Pasternak, owner; for approval of a Cluster Development Plan, on a 8.64 acre tract of land, for a single-family residential subdivision, to wit:

Legal Description: Being a 4.818 acre tract of land, located in the T.D. Yocum Survey, A-399, Brazoria County, Texas, out of 35.8 acre tract described as Second Tract, in the deed from Rose S. Settegast and Julius J. Settegast Jr. to Aaron Pasternak, Trustee, as described under Volume 1023, Page 297, in the County Clerk’s Records of Brazoria County, Texas, and;

Being a 3.806 acre tract of land, located in the W.D.C. Hall Survey, A-70, Brazoria County, Texas, out of 297.58 acre tract described as First Tract, in the deed from Rose S. Settegast, and Julius J. Settegast Jr. to Aaron Pasternak, Trustee, as described under Volume 1023, Page 297, in the County Clerk’s Records of Brazoria County, Texas

General Location: Northwest corner of Liberty Drive and John Lizer Road.

Senior Planner Ian Clowes read the staff report stating that staff recommended denial. Staff recommends denial of the Independence Place Cluster Development Plan, for the following reasons, and with the following conditions:

1. The proposed Cluster Development Plan does not appear to meet the criteria of approval for a Cluster Development Plan in the Unified Development Code.

2. The proposed lot width reductions could be achieved by a Zone Change to R-4 along with lot width variances from the Planning and Zoning Commission or via an approved Planned Development.

3. Improvements proposed for Independence Park cannot count towards the Cluster Plan requirements and have not been approved by the City of Pearland Parks and Recreation Department.

Mr. Clowes stated that a pipeline and creek ran thru the property, the applicant could not provide amenities, and that a crosswalk was wanted. Mr. Clowes also stated that the open space requirement was not met.

Mr. Paul Groman, representing the applicant, stated they were trying to make a difficult site work and offered to amenitize the park. P&Z Chairperson Henry Fuertes stated that this was a difficult site and that the city was not opposed to the site.

Senior Planner Ian Clowes stated that a cluster had to provide open space. Mr. Clowes stated that the applicant did not meet the criteria for a cluster plan and that a straight zone change to R-4 may be more appropriate. Mr. Clowes stated he was aware that the applicant did not have the time for a zone change. Mr Groman stated that time was a factor. P&Z Commissioner Derrick Reed inquired if a R4 zone change would be difficult to obtain. Mr. Alan Mueller stated it was time that was a factor. Mr. Mueller also inquired if there was anything that could be done to make this a cluster and if they did a R4 zone change would open space be required. Mr. Clowes stated that open space would not be required with an R4 zone change.

P&Z Vice Chairperson Daniel Tunstall inquired if staff knew what the plan was for John Lizer. Mr. Clowes replied no. Mr. Tunstall stated that he agreed with staff in that this did not meet the requirements for a cluster plan and that the ditches surrounding the area were dangerous. Mr. Tunstall inquired what a R4 zone change required. Mr. Clowes stated street trees, sidewalks, and a subdivision fence. Staff brought up the fact that the proposed park improvement had not been approved by Parks & Recreation. Mr. Groman stated they would pay a fee in lieu of the trees. Mr. Mueller stated they would plant trees where Parks and Recreation wanted them.

P&Z Vice Chairperson Henry Fuertes inquired if this site was a flood way, and stated that you could not work with a flood way. Mr. Clowes replied yes, this was a flood way.

Deputy City Attorney Nghiem Doan stated that everything Ian Clowes stated was mandatory to get a cluster plan and that this information was listed in the UDC.

P&Z Commissioner Elizabeth McLane made the motion to approve the Independence Place Cluster Development Plan, P&Z Commissioner Ginger McFadden seconded.

The vote was 5 – 2 with P&Z Commissioners Derrick Reed and Thomas Duncan opposed. Independence Place Cluster Development Plan was approved.

CONSIDERATION AND POSSIBLE ACTION – VARIANCE. 2014-06

A request by Green Hollow Ltd., applicant; and owner; for approval of a Planning and Zoning Variance to allow for a total of 62 residential lots with one means of vehicular access where 2 means of vehicular access is required within the existing Single Family – 4 (R-4) zoning district on 16.26 acres of land., on the following described property:

General Location: Located at the 1300 Block of Broadway Street.

Senior Planner Ian Clowes read the staff report stating staff recommended denial. Mr. Clowes stated that the Fire Marshall, Roland Garcia, had sent an email asking for the 3 additional homes to be sprinkled, but has now recanted this decision. Mr. Clowes also stated that staff was not in favor of this variance.

Deputy City Attorney Nghiem Doan stated that the homes could be sprinkled, but that other access would still be required for other emergency personnel.

Ms. Renee McGuire representing the applicant stated that Reserve “K” was donated to Forgotten Angels and in turn she purchased from them. Ms. McGuire also stated that Mr. Dennis Bailey spent over 20 thousand dollars on fees and permits just to have the city turn it down. Ms. McGuire stated that the owner of the apartment building adjacent to the property did not have any interest in working with them on getting the emergency access put in. Ms. McGuire suggested using a driveway in the Pine Hollow Center which is located next to Jamison Landing.

Mr. Dennis Bailey stated that he met with Ian Clowes to brainstorm and he was told to meet with Roland Garcia. Mr. Garcia told him to sprinkle the 3 homes. Mr. Bailey then hired an Engineer and Architect just to have Mr. Garcia change his mind. Renee McGuire then inquired if the fire code was under the Fire Marshall’s discretion. Mr. Clowes stated that the plan did not meet the UDC Code or the Fire Code and that it did not meet the variance criteria. Lata Krishnarao Director of Community Development stated that when this property was platted, this was recognized and this is why it was left at 59 lots.

Deputy Attorney Nghiem Doan stated that the process was done backwards and that the land should have been platted and then sold. Not vice versa. Mr. Doan also stated that this was a variance, not a way to figure out how the developer can get this accomplished. Mr. Doan also stated that the self-made hardship must be undone to get the variance approved.

Mr. Clowes stated that the proposal that was handed out by Renee McGuire was shared with the Fire Marshall, Roland Garcia. Mr. Garcia stated to Ian Clowes that this

proposal did not meet the fire code and that there was a distance requirement. P&Z Vice Chairperson Daniel Tunstall stated that he did not have an issue with the 3 homes, but respected the Fire Marshall's opinion.

P&Z Commissioner Derrick Reed made the motion to approve Variance 2014-06, P&Z Commissioner Mary Starr seconded.

The vote was 0–7 with all in opposition. Variance 2014-06 was denied.

DISCUSSION ITEMS

Commissioners Activity Report- None

Comprehensive Plan Update-Director of Community Development Lata Krishnarao stated that staff was still working with the consultant, and that after a workshop is done a open house would be held. Ms. Krishnarao also stated that the next APA was in April and would be held in Seattle.

Next P&Z Meeting, December 1, 2014 – Regular Meeting and Staff Training and a presentation by Preston Brown.

ADJOURNMENT

P&Z Chairperson Henry Fuertes adjourned the P&Z Regular meeting at 9:30 p.m. These minutes were respectfully submitted by:

Jennifer Tatum, Office Assistant

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

Henry Fuertes, Chairperson

MINUTES OF THE REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION, CITY OF PEARLAND, TEXAS, MONDAY, DECEMBER 1, 2014, AT 6:30 P.M., HELD IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

CALL TO ORDER

P&Z Chairperson Henry Fuertes opened the P&Z Regular Meeting at 6:51 p.m. with the following present:

Chairperson Henry Fuertes
Vice Chairperson Daniel Tunstall
Commissioner Derrick Reed
Commissioner Mary Starr
Commissioner Ginger McFadden
Commissioner Thomas Duncan

Also present were City Planner Johnna Matthews, Senior Planner Ian Clowes, Director of Community Development Lata Krishnarao, Interim City Engineer Richard Mancilla, Deputy City Attorney Nghiem Doan and Office Supervisor Judy Brown.

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.

Vice Chairperson Daniel Tunstall requested Item C: Consideration and Possible Action for Preliminary Plat of Oakshire Section 1 be removed from the Consent Agenda.

The vote was 6-0. Items B and D-F on the Consent Agenda were approved. No action was taken on Item A, as minutes were not provided.

CONSIDERATION & POSSIBLE ACTION – Minutes will be provided at the next meeting.

CONSIDERATION AND POSSIBLE ACTION – FINAL PLAT OF RIVERSTONE RANCH AT 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 Final Plat of Riverstone Ranch at Clear Creek Section 4, a 55 lot single-family residential subdivision, to wit:

Legal Description: Being a subdivision of 34.113 acres of land situated in the T.J. Green Survey, Abstract 290, City of Pearland, Harris County, Texas also being a part of lots 30, 42, 43, 44, 45, 46, 47, 58, 59, 60, 61, and 62 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 AND POSSIBLE ACTION –MASTER PLAT OF SHADOW GROVE

A request by Geoff Freeman of BGE Kerry R. Gilberts and Associates, applicant, on behalf of KB Homes, owner, for approval of a Master Plat of Shadow Grove, a 377 lot single-family residential subdivision.

Legal Description: Being 124.7 acres of land located in the A.B. Langerman Survey, A-555, City of Pearland, Fort Bend County, Texas.

General Location: The southern intersection of Broadway St. and Windward Bay Dr.

CONSIDERATION AND POSSIBLE ACTION – PRELIMINARY PLAT OF SHADOW GROVE SECTION 2

A request by Geoff Freeman of BGE Kerry R. Gilberts and Associates, applicant, on behalf of KB Homes, owner, for approval of a Preliminary Plat of Shadow Grove Section 2, an 18 lot single-family residential subdivision.

Legal Description: Being 10.4 acres of land located in the A.B. Langerman Survey, A-555, City of Pearland, Fort Bend County, Texas.

General Location: The southern intersection of Broadway St. and Windward Bay Dr.

CONSIDERATION AND POSSIBLE ACTION – PRELIMINARY PLAT OF SHADOW GROVE SECTION 3

A request by Geoff Freeman of BGE Kerry R. Gilberts and Associates, applicant, on behalf of KB Homes, owner, for approval of a Preliminary Plat of Shadow Grove Section 3, a 41 lot single-family residential subdivision.

Legal Description: Being 13.0 acres of land located in the A.B. Langerman Survey, A-555, City of Pearland, Fort Bend County, Texas.

General Location: The southern intersection of Broadway St. and Windward Bay Dr.

MATTERS REMOVED FROM CONSENT AGENDA

CONSIDERATION AND POSSIBLE ACTION – PRELIMINARY PLAT OF OAKSHIRE SECTION 1

A request by Rene Rodriguez of LJA Engineering Inc., applicant; on behalf of D.R. Horton – Texas, Ltd., owner; for approval of a Preliminary Plat of Oakshire Section 1, a 40 lot 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 $\frac{3}{4}$ 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 un-divided $\frac{1}{4}$ 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 $\frac{1}{2}$ of Lot 4) of which an undivided one-half interest was conveyed to Kathy Freeman, by instrument of record in File number 99- 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 $\frac{1}{4}$ 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.

Senior Planner Ian Clowes read the staff report stating staff recommended approval. The proposed subdivision is the first section of the approved Dixie Farm and Tall Oak (Oakshire) Cluster Development Plan.

Vice Chairperson Daniel Tunstall inquired about the reference in the UDC Chapter 2, Section 3.2.14.2 (f) that referred to “additional depth shall be required by the P&Z Commission when a residential area backs up to a gas pipeline,” and was concerned why this was on the Consent Agenda.

Senior Planner Ian Clowes stated that it is at the P&Z Commissions discretion to request changes to the plat; however, the applicant was proposing 130 feet to 160 feet

lot depths, while placing an adequate amount of space between the pipeline and the homes.

Both Alan Mueller of Gromax and Warren Escovy of LJA Engineering, spoke briefly with regards to the pipeline and distance.

The vote was 6-0. The Preliminary Plat of Oakshire Section 1 was approved.

OLD BUSINESS – NONE (ITEMS POSTPONED TO JANUARY 30, 2015)

CONSIDERATION AND POSSIBLE ACTION – CONDITIONAL USE PERMIT APPLICATION NO. 2014-09

A request of BGE Kerry R. Gilbert & Associates, applicant; on behalf of George Fishman, owner; for approval of a Conditional Use Permit to allow for a Nursing/Convalescent Home within the Business Park – 288 (BP-288) zoning district, on approximately 9.4 acres of land, to wit:

Legal Description: Being a 9.4083 tract of land located in the H.T. & B.R.R. Company Survey, Abstract 300, Brazoria County Texas; said 9.4083 acre tract being all of a called 3.39 acre tract of land recorded in the name of George D. and Mary Fishman in Clerk's File Number 2005061002 of the Official Records of Brazoria County (O.R.B.C.) Texas, the remainder of a called 3.3 acre tract of land (North 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-015077 of the O.R.B.C. and the remainder of a called 3.3 acre tract of land (South 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-010496 of the O.R.B.C.

General Location: West side of Business Center Drive, south of Pearland Town Center, Pearland, TX

Postponed until January 30, 2015.

CONSIDERATION AND POSSIBLE ACTION – PLANNING AND ZONING VARIANCE 2014-05

A request by Luther Daly of Costello, Inc., applicant; on behalf of George and Mary Fishman, owner; for approval of a Planning and Zoning Variance to allow for a flag lot within the existing Business Park 288 (BP-288) zoning district on 9.4083 acres of land, to wit:

Legal Description: A subdivision of 9.4083 acres of land located in the H.T.& B.R.R. Company Survey, Abstract 300, Brazoria County, Texas.

General Location: Located on the west side of Business Center Drive, south of Pearland Town Center.

Postponed until January 30, 2015.

NEW BUSINESS

PUBLIC HEARING – REPLAT OF SHADOW CREEK RANCH SF-57

A request by Rene Rodriguez, from LJA, applicant, on behalf of 741 SCR, LTD, owner, for approval of a Final Replat of Shadow Creek Ranch - SF 57, a 94 lot residential subdivision on 23,470 acres of land, to wit:

Legal Description: A subdivision of 23.470 acres of land situated in the F. Hooper Survey, Abstract 198 and the H.T.& B.R.R. Co. Survey, Section 83, Abstract 761, City of Pearland, Fort Bend County, Texas, same being a Partial Replat of Shadow Creek Ranch SF-57, a subdivision recorded in Plat No. 20060296, Plat Records of Fort Bend County, Texas.

General Location: Located at the northeast corner of Windward Bay Drive and Broadway Street.

Chairperson Henry Fuertes opened the public hearing for the Replat of Shadow Creek Ranch SF-57 at 7:52 p.m.

Senior Planner Ian Clowes read the staff report stating staff recommended approval of the replat. The Final Plat was approved in November 2006 for 106 single family lots. The replat proposed a slight change in the road layout and addressed an additional access point on Windward Bay Drive and reduces the total lot count from 106 to 94 total lots.

The applicant was present but did not speak.

There was no discussion among the Commission / Staff.

P&Z Chairperson Henry Fuertes adjourned the public hearing for Shadow Creek Ranch SF-57 at 7:54 p.m.

CONSIDERATION AND POSSIBLE ACTION – REPLAT OF SHADOW CREEK RANCH SF-57

A request by Rene Rodriguez, from LJA, applicant, on behalf of 741 SCR, LTD, owner, for approval of a Final Replat of Shadow Creek Ranch - SF 57, a 94 lot residential subdivision on 23,470 acres of land, to wit:

Legal Description: A subdivision of 23.470 acres of land situated in the F. Hooper Survey, Abstract 198 and the H.T.& B.R.R. Co. Survey, Section 83, Abstract 761, City of Pearland, Fort Bend County, Texas, same being a Partial Replat of Shadow Creek Ranch SF-57, a subdivision recorded in Plat No. 20060296, Plat Records of Fort Bend County, Texas.

General Location: Located at the northeast corner of Windward Bay Drive and Broadway Street.

Commissioner Derrick Reed made the motion to approved, and Commissioner Mary Starr seconded the motion.

There was no discussion among the Commission / Staff / Applicant.

The vote was 6-0. The Replat of Shadow Creek Ranch SF-57 was approved.

PUBLIC HEARING – REPLAT OF SHADOW CREEK RANCH SF-58

A request by Rene Rodriguez, from LJA, applicant; on behalf of 741 SCR, LTD, owner; for approval of a Final Replat of Shadow Creek Ranch - SF 58, a 54 lot residential subdivision located on 12.975 acres of land, to wit:

Legal Description: A subdivision of 12.975 acres of land situated in the H.T. & B.R.R. Company Survey, Section 83, Abstract 761, City of Pearland, Fort Bend County, Texas, same being a Partial Replat of Shadow Creek Ranch SF-58, a subdivision recorded in Plat No. 20060297, Plat Records of Fort Bend County, Texas.

General Location: Located on the south side of Windward Bay Drive north of Shadow Ridge.

Chairperson Henry Fuertes opened the public hearing for the Replat of Shadow Creek Ranch SF-58 at 7:54 p.m.

Senior Planner Ian Clowes read the staff report stating staff recommended approval of the replat. The Final Plat was approved in November 2006 for 59 single family lots. The replat proposes a slight change in the road layout and reduces the total lot count from 59 to 54 total lots.

The applicant was present but did not speak.

There was no discussion among the Commission / Staff.

P&Z Chairperson Henry Fuertes adjourned the public hearing for Shadow Creek Ranch SF-58 at 7:57 p.m.

CONSIDERATION AND POSSIBLE ACTION – REPLAT OF SHADOW CREEK RANCH SF-58

A request by Rene Rodriguez, from LJA, applicant; on behalf of 741 SCR, LTD, owner; for approval of a Final Replat of Shadow Creek Ranch - SF 58, a 54 lot residential subdivision located on 12.975 acres of land, to wit:

Legal Description: A subdivision of 12.975 acres of land situated in the H.T. & B.R.R. Company Survey, Section 83, Abstract 761, City of Pearland, Fort Bend County, Texas, same being a Partial Replat of Shadow Creek Ranch SF-58, a subdivision recorded in Plat No. 20060297, Plat Records of Fort Bend County, Texas.

General Location: Located on the south side of Windward Bay Drive north of Shadow Ridge.

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

Chairperson Henry Fuertes inquired about how much had changed due to the city's regulation or lot size request.

Mr. Warren Escovy, LJA Engineering stated it was mainly a request for wider lots.

The vote was 6-0. The Replat of Shadow Creek Ranch SF-58 was approved.

DISCUSSION ITEMS

1. Commissioners Activity Report – nothing reported
2. Comprehensive Plan Update – Director Lata Krishnarao stated staff was still working with the consultant and trying to finalize the amendment to the contract.
3. Zoning Update- Director Lata Krishnarao stated the Kroger site at Pearland Parkway and Barry Rose Road went to City Council for a first reading and was approved. Staff is also working with the applicant for the nursing home site; and the rezoning of the land next to the church on Broadway near Southern Trails, that P&Z recommended for denial, was also denied by City Council.
4. Next JPH/P&Z Meeting, December 15, 2014 – Joint Public Hearing and Regular Meeting – Director Lata Krishnarao stated there would be two joint public hearings and one joint workshop.

ADJOURNMENT

P&Z Chairperson Henry Fuertes adjourned the P&Z Regular meeting at 8:03 p.m. These minutes were respectfully submitted by:

Judy Brown, Office Supervisor

Minutes approved as submitted on this 15th day of December, 2014 A.D.

Henry Fuertes, Chairperson

III. Old Business

A. Conditional Use Permit Application No. 2014-09

A request of BGE Kerry R. Gilbert & Associates, applicant; on behalf of George Fishman, owner; for approval of a Conditional Use Permit to allow for a Nursing/Convalescent Home within the Business Park – 288 (BP-288) zoning district, on approximately 9.4 acres of land



City of Pearland

P&Z AGENDA REQUEST

TO: Planning & Zoning Commission
REQUESTOR: Kerry R. Gilbert & Associates
DATE: 12/15/2014
AGENDA ITEM SUBJECT: Conditional Use Permit Application Number CUP 2014-09

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

Summary: A request of BGE Kerry R. Gilbert & Associates, applicant; on behalf of George Fishman, owner; for approval of a Conditional Use Permit to allow for a Nursing/Convalescent Home within the Business Park – 288 (BP-288) zoning district, on approximately 9.4 acres of land; Pearland, Texas.

The item was originally postponed from the October 20, 2014 regular meeting of the Planning and Zoning Commission. The Commission had the following concerns. The applicant's response/how the Commission's concerns were addressed follows in red, italicized font:

1. The Planning and Zoning Commission (The Commission) recommended a wet detention pond with amenities. The Commission advised that the detention pond does not have to mirror the detention proposed to the south for Costco. The Commission also requested a better understanding of the reason that the detention had to be dedicated to Brazoria County District No. 4.

The original site plan illustrated an 8-foot masonry screening wall along the eastern boundary of the detention area and a 30-foot wide landscape buffer between the detention area and the first row of parking spaces along the western most boundary of the site. The 30-foot landscape buffer included ground cover only.

The revised site plan depicts a 30-foot buffer which includes 56 evergreen shrubs and 12 ornamental shade trees along the east side of the proposed masonry screening wall,

for a continuous row of shrubs/trees to add to the proposed landscape screening buffer for the amenitized detention area. Also included within the 30-foot landscape buffer are 3 benches and a 4-foot concrete sidewalk, with enhanced landscaping including ornamental shade trees, which are in addition to previously mentioned shrubs/trees along the eastern boundary of the detention area.

The applicant provided a letter from Costello Engineering and Surveying regarding the deviation from a wet detention pond (See Attachment).

2. The Commission recommended sidewalks and street trees along both sides of the pole (access easement) of the proposed flag lot, in keeping with the “Complete Streets” concept.

The applicant has incorporated 4- foot sidewalks along the north and south sides of the pole portion (access easement) of the flag lot. Sidewalks along the perimeter of buildings have been increased to 5 feet. The site plan depicts pedestrian connectivity throughout the entire site. Sidewalks currently exist along Business Center Drive.

The number of trees along the pole portion of the proposed flag lot has increased substantially from the original site plan, from 6 ornamental trees along the northern boundary of the pole and 5 shade trees along the southern boundary of the pole; to 11 ornamental trees and 8 shade trees, along the northern boundary of the pole; and 5 shade trees and 5 shade trees.

The applicant has also incorporated stamped concrete decorative paving along the access easement in 2 areas and throughout the site.

3. Discussion ensued regarding screening and connectivity to the south (Costco). The site plan originally submitted did not show screening and how the site relates to the property to the south regarding connectivity and screening. The Commission asked for additional landscaping along the southern boundary of the site.

In addition to a 6-foot landscape buffer along the southern boundary of the site, which includes enhanced landscaping with 25 evergreen shrubs, 8 ornamental trees, and 4 shade trees; the site plan depicts 3 benches and 4-foot concrete sidewalks for pedestrian connectivity along the southern boundary of the site.

4. The Commission requested renderings/elevations of the building on all sides. The Commission also requested a “better” site plan, as the site plan submitted was fuzzy and did not give a “feel for the development.”

The applicant has submitted an updated site plan, which depicts enhanced landscaping, including evergreen and deciduous shrubs, groundcover, perennials, and seasonal color; and various amenities including pedestrian connectivity throughout the site; benches with wheelchair spaces; a water fountain; and stamped concrete decorative paving throughout the site.

Building elevations have been provided depicted all sides of the building. Renderings of similar projects that were constructed with similar materials and styles were submitted also. The elevations and renderings give a better understanding of the nature and aesthetic quality of the proposed development.

5. The Commission recommended that the address all staff concerns and incorporate them into the development. Staff recommended conditions follow:

- a) In addition to the proposed screening wall, staff recommends a vegetative screen, on the east side of the proposed screening wall (within the proposed 30-foot buffer) to provide a visual screen from the proposed wall. The vegetative screen shall incorporate plantings and shrubs. Shrubs shall be placed a minimum of 3 feet on center.

The above condition has been met. See Planning and Zoning Commission recommended conditions above (#2).

- b) The applicant is seeking approval of a flag lot from the Planning and Zoning Commission. Staff's recommended conditions for the proposed flag lot include the following:

- i. The access easement located within the pole portion of the subject parcel shall be treated as City Street, requiring 1 caliper inch of tree for every 15 feet of frontage on either side of the easement, with each tree having a minimum of 2 caliper inches.

A total of 20 caliper inches are provided in total along both sides of the access easement within the pole portion of the proposed flag lot.

- ii. Sidewalks shall be required along both sides of the access easement located within the pole portion of the subject parcel and connect to both Business Center Drive, and to planned walkways within the development.

Four foot sidewalks are provided along the majority of both sides of the access easement.

Supporting Documents:

- Letter from Costello Engineering & Surveying Regarding Deviation from Wet Detention
- Revised Site Plan
- Building Elevations and Renderings, Including Courtyard Area
- Amenity Examples
- 10.20.14 JPH Packet

October 31, 2014



Ms. Lata Krishnarao
Community Development Department
City of Pearland
3523 Liberty Drive
Pearland, Texas 77581

**Re: Detention Pond Design Response for CUP submittal
For Nursing Home on Business Center Drive**
CI Job No. 2014213-01

Dear Ms. Krishnarao:

This letter is in response to the Planning & Zoning Boards (P&Z) question concerning the deviation from a wet detention pond design for the 9.408 acre Nursing Home on Business Center Drive development. The current plan proposes to expand an existing Brazoria County Drainage District No. 4 (DD4) channel to accommodate the required detention volume to allow full development of the 9.408 acre site. The existing channel was expanded by the City of Pearland in 2009 to provide detention for the roadway improvements to Business Center Drive, as described in the report entitled "*Business Center Drive Extension, Hydrologic and Hydraulic Study*," dated February 2009, prepared by Freese and Nichols, Inc.. That project redirected the drainage for the areas west of Business Center Drive, which includes this development, to the channel and planned for future development to discharge into the channel with mitigating detention volume.

As part of the DD4 review process a Preliminary Drainage Plan for the development was prepared and submitted to the district engineer. Subsequently, DD4 has provided comments which are attached along with Costello Inc.'s (CI) response letters. The final comments are being addressed and it is anticipated that the plan will be approved at the next district board meeting.

In preliminary discussion with DD4 to determine the development requirements, it was decided that the most reasonable means of providing detention would be as an expansion of the existing channel to mimic the recently completed channel expansion south of the tract directly south of the development. A 60-foot drainage easement owned by DD4 currently exist on the eastern edge of the development. To receive DD4 approval to expand the channel, it is required that the detention facility be dedicated in fee as stated in the August 21, 2014 email from the district engineer Mr. Jarrod Aden. The current DD4 district policy is that they will not own or maintain detention facilities that include an amenity portion as stated in Appendix A , Section 3.4.1.2 of the criteria manual.

A preliminary design of a separate wet bottom pond indicates that an additional 1 acre of land will be required to achieve the required detention volume. This will cause a loss of not only 1 acre of land from the developer, but also be a loss of 1 acre of taxable commercial property. The wet pond would only provide 0.8 acres of surface area that is approximately 7.5-feet below the finished natural ground. This will greatly limit the ability to view the wet area minimizing any amenity value of the pond. The pond location will not be viewable by any residential properties due to the buffer of the existing channel, and the location of the pond on the tract limits its amenity value for any of the on-site users.

In order to maintain a wet pond, a source of “make-up” water will need to be provided to keep the pond at its designed water level. This would either have to be a groundwater well or connection to the City of Pearland municipal water system. During dry years, the use of municipal water supplies to keep amenity ponds full have been met with great opposition from citizens otherwise required to limit such irrigation uses. If the pond is not kept full, it can become difficult to maintain and operate.

If a separate wet pond is chosen, either a property owners association or some other agreement will have to be developed to provide private maintenance of the pond. Generally, it has been experienced that small ponds of this type will have lapses in maintenance once the original developers have sold all of the property and are no longer involved. Having the pond dedicated to DD4 would give the city increased assurance that the pond will receive continuing long-term maintenance.

In general, development practices desire to regionalize detention facilities in lieu of multiple on-site detention ponds. This allows a more efficient use of the available land and a more predicable control of flood discharges. Regionalized detention places the constructed detention facilities under the jurisdiction of a regulatory agency (i.e. DD4) that will ensure proper maintenance and operation of the facilities. The expansion of the DD4 channel will allow this particular watershed to continue to develop with a regionalized detention system under the jurisdiction of DD4.

We appreciate your time in considering this matter. If you should have any further questions or comments, feel free to contact me at 713-783-7788 or by email at swilcox@costelloinc.com.

Sincerely,
Costello, Inc.



J. Stephen Wilcox, P.E., CFM
Project Engineer – Hydrology & Hydraulics

Attachments:
Preliminary Drainage Plan and DD4 Review Letters

J. Stephen Wilcox, P.E., CFM

From: Jarrod Aden <jarrodd@lentzengineering.net>
Sent: Thursday, August 21, 2014 7:46 AM
To: Stephen Wilcox
Cc: Mike Yost (my.bdd4@swbell.net); John Genaro
Subject: RE: DD4 A-124 Channel Expansion

Stephen – I have discussed your proposal with the District.

We have no objection to your detention concept subject to the following:

- 1) Property (for pond, channel, and maintenance berm) must be dedicated in fee to the District.
- 2) Owner must pay the required detention maintenance fee.
- 3) After the construction is complete, the District staff and Engineer must verify District standards have been met (construction final inspection).
- 4) The Board must accept the detention pond for maintenance at their regularly scheduled meeting after all other items have been completed.

Ultimately, it is the Board's decision as to whether or not the pond will be accepted for maintenance.

Feel free to call me with any questions.

Jarrodd D. Aden, P.E., C.F.M.
President
Lentz Engineering, LLC
5909 West Loop South, Suite 200
Bellaire, Texas 77401
Office – 713-839-8900
Direct phone – 713-255-6160
Fax - 713-839-9020
Cell – 832-715-8424
jarrodd@lentzengineering.net
www.lentzengineering.net



From: Stephen Wilcox [mailto:swilcox@coseng.com]
Sent: Tuesday, August 19, 2014 11:36 AM

To: Jarrod Aden

Subject: DD4 A-124 Channel Expansion

Jarrood,

Here is an aerial showing the site boundaries and location that we talked about on the phone. The aerial does not show the recent channel expansion done on the Moody Tract. Feel free to call me with any questions.

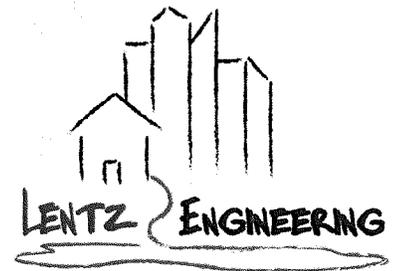
Respectfully,

J. Stephen Wilcox, P.E., CFM

Project Engineer

Hydrology & Hydraulics Department

[Costello, Inc](#) | Office: (713) 783-7788 | Mobile: (832) 443-9977



Engineering Your Satisfaction

September 11, 2014

Mr. J. Stephen Wilcox, P.E., C.F.M.
Costello Engineering & Surveying
9990 Richmond Avenue, Suite 450, North Building
Houston, Texas 77042
cc: swilcox@costelloinc.com

RE: Pearland Medical Resort
Preliminary Drainage Plan
BDD 4 Ref ID: 140123
LE-14004

Dear Mr. Wilcox:

On behalf of Brazoria Drainage District No. 4, we have reviewed the Preliminary Drainage Plan as submitted for the above-mentioned project and offer the following comments. Brackets contain references to the Rules, Regulations, and Guidelines of Brazoria Drainage District # 4:

1. The required sheet size for the plans is 22" x 34". [Section 4.A, Page 12]
2. Please include the Owner name, contact name, address, and phone number on the plans. [Section 4, A.2, Page 12]
3. Provide a location or vicinity map **drawn to scale**. [Section 4, A.5, Page 12]
4. Provide permission in writing from the adjacent property owner to connect to the adjacent detention pond. [Section 4, A.8, Page 12]
5. Provide drainage area divides for the project area, including off-site areas, with peak runoff rates for each inlet, structure, or drainage area. The drainage areas should be overlaid on the plan view of the site and not as a separate exhibit. Use City of Pearland / BDD # 4 storm sewer calculations. [Section 4, A.12, Page 13]
6. Locate and dimension all existing and proposed drainage easements and fee strips. [Section 4, A.13, Page 13]
7. Label the District channel as BDD # 4 Unit # A124-05-00.
8. Your plans require a proposed drainage fee strip dedication to Brazoria Drainage District No. 4. Please be advised that you will need to furnish the District with an executed copy of the dedication agreement prior to receiving final drainage plan approval. Submit a signed and sealed metes and bounds description to this office so that the District Attorney can begin preparing the necessary documents. [Section 4, A.13, Page 13]
9. The "c" value for undeveloped property is 0.2. [Section 4, A.15, Page 13]
10. Provide detailed calculations for the detention provided. [Section 4, A.15, Page 13]
11. Show the limits of the floodway and the 100-year floodplain scaled from the current FIRM. Alternatively, provide a flood statement, which indicates that the tract lies entirely outside of the 100-year floodplain. [Section 4, A. 17, Page 13]

12. Please be advised that you will be required to demonstrate that sheet flow from adjacent property is not affected by your proposed improvements. [Section 5, A.20, Page 20]
13. Sheet flow into a detention facility must be done across a concrete lined section. [Section 6, Page 82]
14. Extreme event overflow swales must have 6:1 side slopes and a minimum 6' bottom width and be lined with reinforced concrete as per the District details.
15. Provide backslope swales and interceptors as per District requirements.
16. Provide and dimension maintenance berms for the detention pond. [Section 3.4.1, Page 60]

Please return three (3) complete sets of plans to this office approval.

If you have any questions or require any further information, please do not hesitate to call.

Sincerely,
Lentz Engineering, LLC



Jarrod D. Aden, P.E., C.F.M.
President

cc: Mr. Mike Yost
Ms. Kim Woodall
Mr. John Genaro
Mr. Richard Mancilla, P.E., C.F.M.
Mr. Alfred E. Lentz, P.E., R.P.L.S.
Mr. Michael Shannon, P.E.



October 15, 2014

Mr. Jarrod Aden, P.E., C.F.M.
Lentz Engineering, L.C.
c/o Brazoria County Drainage District No. 4
5909 West Loop South, Suite 200
Bellaire, Texas 77401

RE: Medical Resort of Pearland – Preliminary Drainage Plan, Response to Comments
Brazoria County Drainage District No. 4 & City of Pearland
CI Job Number: 2014231 Task 006

Dear Mr. Aden,

We are providing you this letter in response to comments received on September 11, 2014 for the preliminary drainage plan for the 9.41 acre Medical Resort of Pearland development within Brazoria County Drainage District No. 4 (DD4). The responses below address the comments provided in that letter.

Comment 1:

The required sheet size for the plans is 22" x 34". [Section 4.A, Page 12]

The proposed drainage plan has been provided on a 22" x 34" sheet.

Comment 2:

Please include the Owner name, contact name, address, and phone number on the plans. [Section 4, A.2, Page 12]

The owner name and contact information have been included on the drainage plan, and are as follows:

Global XYZ Development, LLC
Mr. John Griffin
721 S. Highway 78
Wylie, TX 75098
(972) 303-8100

Comment 3:

*Provide a location or vicinity map **drawn to scale**. [Section 4, A.5, Page 12]*

A vicinity map, including the site boundary, has been drawn to a scale of 1":1200' and is included on the proposed drainage plan.

Comment 4:

Provide permission in writing from the adjacent property owner to connect to the adjacent detention pond. [Section 4, A.8, Page 12]

A letter dated September 29, 2014 received from LJA engineering on behalf of Brazoria County MUD 34 which states no objection to the proposed drainage plan and detention pond expansion has been received and is included with this submittal.

Comment 5:

Provide drainage area divides for the project area, including off-site areas, with peak runoff rates for each inlet, structure, or drainage area. The drainage areas should be overlaid on the plan view of the site and not as a separate exhibit. Use City of Pearland / BDD # 4 storm sewer calculations. [Section 4, A.12, Page 13]

Drainage areas have been included as shown on the proposed drainage plan. Peak flow rates for internal development drainage areas have been included on the drainage plan.

Comment 6:

Locate and dimension all existing and proposed drainage easements and fee strips. [Section 4, A.13, Page 13]

All existing and proposed drainage easements have been notated and dimensioned on the proposed drainage plan sheet.

Comment 7:

Label the District channel as BDD # 4 Unit # A124-05-00.

The district channel has been labeled on the drainage plan as BDD#4 Unit # A124-05-00.

Comment 8:

Your plans require a proposed drainage fee strip dedication to Brazoria Drainage District No. 4. Please be advised that you will need to furnish the District with an executed copy of the dedication agreement prior to receiving final drainage plan approval. Submit a signed and sealed metes and bounds description to this office so that the District Attorney can begin preparing the necessary documents. [Section 4, A.13, Page 13]

The portion of the tract to be dedicated to the detention pond will be subdivided during the re-platting process. The detention pond parcel will then be transferred in fee to Brazoria County DD4 upon acceptance by the District.

Comment 9:

The "c" value for undeveloped property is 0.2. [Section 4, A.15, Page 13]

The "c" value for the undeveloped existing condition has been changed to 0.2 and updated in the detailed detention calculations included on the proposed drainage plan.

Comment 10:

Provide detailed calculations for the detention provided. [Section 4, A.15, Page 13]

Detailed calculations, including the proposed condition composite "c" value, time of concentration, rational peak flows, small watershed hydrographs, required detention volumes, and stage-area curves are included in tables on the proposed drainage plan.

Comment 11:

Show the limits of the floodway and the 100-year floodplain scaled from the current FIRM. Alternatively, provide a flood statement, which indicates that the tract lies entirely outside of the 100-year floodplain. [Section 4, A. 17, Page 13]

The site is located in an Unshaded Zone X, based on FEMA FRIM panel 48039C0020H, dated June, 5, 1989. No portion of the site falls within the Special Flood Hazard Area, as stated on the proposed plan sheet, under General Notes, Item 2.

Comment 12:

Please be advised that you will be required to demonstrate that sheet flow from adjacent property is not affected by your proposed improvements. [Section 5, A.20, Page 20]

Sheet flow from property located to the north currently drains to away from the site as illustrated by the existing contours shown in the proposed drainage plan. In addition, Areas located to the have been designed to drain to the existing detention pond as shown in the IDS plans.

Comment 13:

Sheet flow into a detention facility must be done across a concrete lined section. [Section 6, Page 82]

Sheet flows will be collected in the western parking area and routed through storm inlets and pipes which will be sized for the 100-year event. As such, the proposed overflow swale included in the drainage plan will remain as a grass lined section.

Comment 14:

Extreme event overflow swales must have 6:1 side slopes and a minimum 6' bottom width and be lined with reinforced concrete as per the District details.

An extreme event overflow swale is included on the proposed drainage plan sheet. This swale is 1 foot deep, with 6:1 side slopes, and a 6 foot bottom width. As discussed in comment 13 above, pipes sized for the 100 year event will carry sheets flows.

Comment 15:

Provide back slope swales and interceptors as per District requirements.

A proposed back slope swale and interceptor structure conforming to BCDD4 requirements has been included as shown on the proposed drainage plan sheet.

Comment 16:

Provide and dimension maintenance berms for the detention pond. [Section 3.4.1, Page 60]

The proposed pond layout includes a 25 foot maintenance berm as shown in cross section A-A on the proposed drainage plan.

If you have any questions or require any additional information, please feel free to contact me at 713-783-7788 or by email at swilcox@coseng.com.

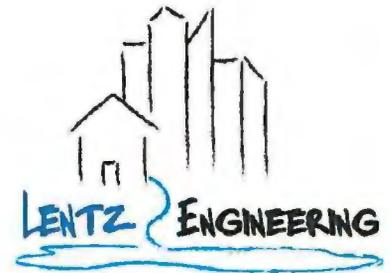
Sincerely,
Costello, Inc.



J. Stephen Wilcox, P.E., CFM
Project Engineer – Hydrology & Hydraulics

cc: Mr. John Griffin, Senior Care Excellence

V:\Site_Development\Medical Resort of Pearland\Preliminary Drainage Plan\2014-09-09 Medical Resort of Pearland Preliminary Drainage Plan.docx



Engineering Your Satisfaction

October 21, 2014

Mr. J. Stephen Wilcox, P.E., C.F.M.
Costello Engineering & Surveying
9990 Richmond Avenue, Suite 450, North Building
Houston, Texas 77042
cc: swilcox@costelloinc.com

RE: Pearland Medical Resort
Preliminary Drainage Plan
BDD 4 Ref ID: 140123
LE-14004

Dear Mr. Wilcox:

On behalf of Brazoria Drainage District No. 4, we have reviewed the resubmittal of the Preliminary Drainage Plan as submitted for the above-mentioned project and offer the following comments. Brackets contain references to the Rules, Regulations, and Guidelines of Brazoria Drainage District # 4:

1. The required sheet size for the plans is 22" x 34". [Section 4.A, Page 12] Size your border and trim the sheet to this size.
2. Your plans require a proposed drainage fee strip dedication to Brazoria Drainage District No. 4. Please be advised that you will need to furnish the District with an executed copy of the dedication agreement prior to receiving final drainage plan approval. Submit a signed and sealed metes and bounds description to this office so that the District Attorney can begin preparing the necessary documents. [Section 4, A.13, Page 13] Please call this office to discuss your proposed approach. Your Final Drainage Plan cannot be approved until this fee strip has been given to the District.
3. Please be advised that you will be required to demonstrate that sheet flow from adjacent property is not affected by your proposed improvements. [Section 5, A.20, Page 20] Your contours along the south side contradict the statement in your letter. A cross section showing the existing and proposed grades might clarify your intent.
4. Sheet flow into a detention facility must be done across a concrete lined section. [Section 6, Page 82] You cannot deviate from this requirement without an approved variance. Submit a request for variance in writing to the District. Contact our office with any questions.
5. Extreme event overflow swales must have 6:1 side slopes and a minimum 6' bottom width and be lined with reinforced concrete as per the District details. You cannot deviate from this requirement without an approved variance. Submit a request for variance in writing to the District. Contact our office with any questions.

Please return three (3) complete sets of plans to this office approval.

If you have any questions or require any further information, please do not hesitate to call.

Sincerely,
Lentz Engineering, LLC



Jarrold D. Aden, P.E., C.F.M.
President

- cc: Mr. Mike Yost
Ms. Kim Woodall
Mr. John Genaro
Mr. Richard Mancilla, P.E., C.F.M.
Mr. Alfred E. Lentz, P.E., R.P.L.S.
Mr. Michael Shannon, P.E.



pi architects

3500 Jefferson St, Suite 303
Austin, TX 78731

P: (512) 231-1910
F: (512) 231-1950

www.piarch.com

architecture + master planning
interiors + landscape architecture

12/01/2014



PEARLAND MEDICAL CAMPUS PEARLAND, TEXAS

PRELIMINARY DRAWINGS

NOT FOR BIDDING, PERMIT,
OR CONSTRUCTION
PURPOSES

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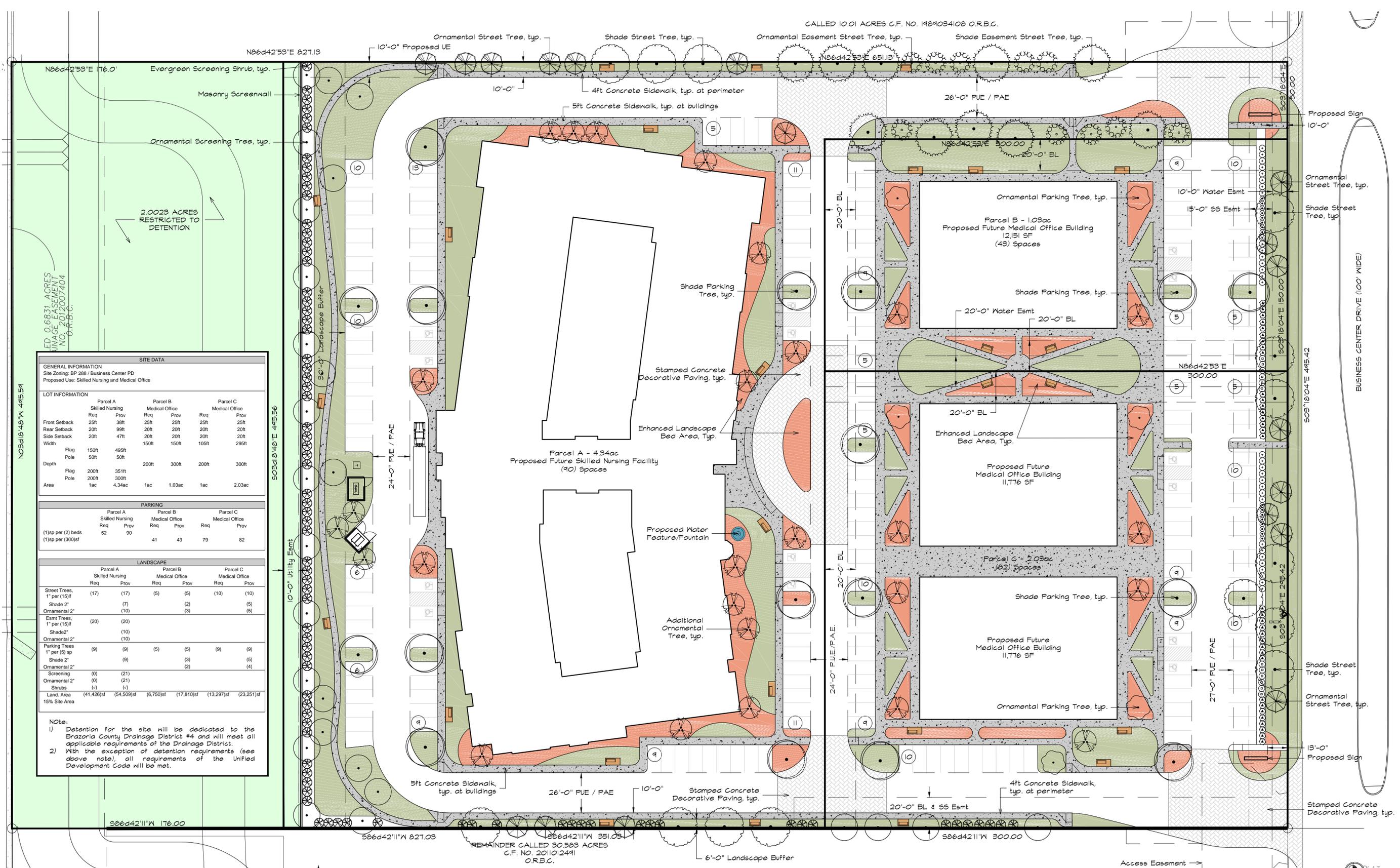
REVISIONS:
▲ November 12, 2014
▲ December 01, 2014

DATE:
10/31/14
PROJECT NUMBER:
14010
SHEET TITLE:

CONDITIONAL USE SITEPLAN

SHEET:

L1



SITE DATA

GENERAL INFORMATION
Site Zoning: BP 288 / Business Center PD
Proposed Use: Skilled Nursing and Medical Office

LOT INFORMATION

	Parcel A Skilled Nursing		Parcel B Medical Office		Parcel C Medical Office	
	Req	Prov	Req	Prov	Req	Prov
Front Setback	25ft	38ft	25ft	25ft	25ft	25ft
Rear Setback	20ft	99ft	20ft	20ft	20ft	20ft
Side Setback	20ft	47ft	20ft	20ft	20ft	20ft
Width	150ft	495ft	150ft	150ft	105ft	295ft
Flag Pole	50ft	50ft				
Depth	200ft	351ft	200ft	300ft	200ft	300ft
Flag Pole	200ft	300ft				
Area	1ac	4.34ac	1ac	1.03ac	1ac	2.03ac

PARKING

	Parcel A Skilled Nursing		Parcel B Medical Office		Parcel C Medical Office	
	Req	Prov	Req	Prov	Req	Prov
(1)sp per (2) beds	52	90	41	43	79	82
(1)sp per (300)sf						

LANDSCAPE

	Parcel A Skilled Nursing		Parcel B Medical Office		Parcel C Medical Office	
	Req	Prov	Req	Prov	Req	Prov
Street Trees, 1" per (15)lf	(17)	(17)	(5)	(5)	(10)	(10)
Shade 2"	(7)	(7)	(2)	(2)	(5)	(5)
Ornamental 2"	(10)	(10)	(3)	(3)	(5)	(5)
Esmt Trees, 1" per (15)lf	(20)	(20)				
Shade 2"	(10)	(10)				
Ornamental 2"	(10)	(10)				
Parking Trees 1" per (5) sp	(9)	(9)	(5)	(5)	(9)	(9)
Shade 2"	(9)	(9)	(3)	(3)	(5)	(5)
Ornamental 2"	(9)	(9)	(2)	(2)	(4)	(4)
Screening	(0)	(21)				
Ornamental 2"	(0)	(21)				
Shrubs	(-)	(-)				
Land Area	(41,426)sf	(54,509)sf	(6,750)sf	(17,810)sf	(13,297)sf	(23,251)sf
15% Site Area						

Note:
1) Detention for the site will be dedicated to the Brazoria County Drainage District #4 and will meet all applicable requirements of the Drainage District.
2) With the exception of detention requirements (see above note), all requirements of the Unified Development Code will be met.

1 DEVELOPMENT SITE PLAN

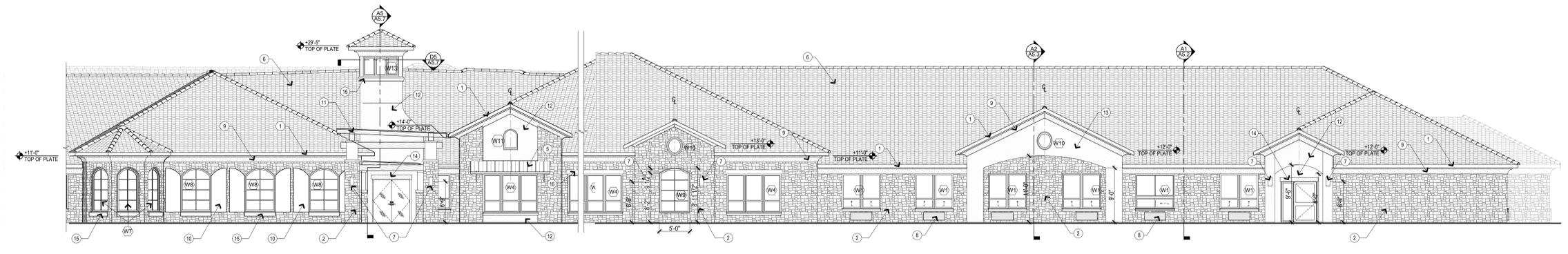
Scale 1" = 30'-0"

THIS DRAWING, AS AN INSTRUMENT OF SERVICE, IS AND SHALL REMAIN THE PROPERTY OF PI ARCHITECTS AND SHALL NOT BE REPRODUCED, PUBLISHED OR USED IN ANY WAY WITHOUT THE PERMISSION OF PI ARCHITECTS

AMENITY AND TREE LEGEND

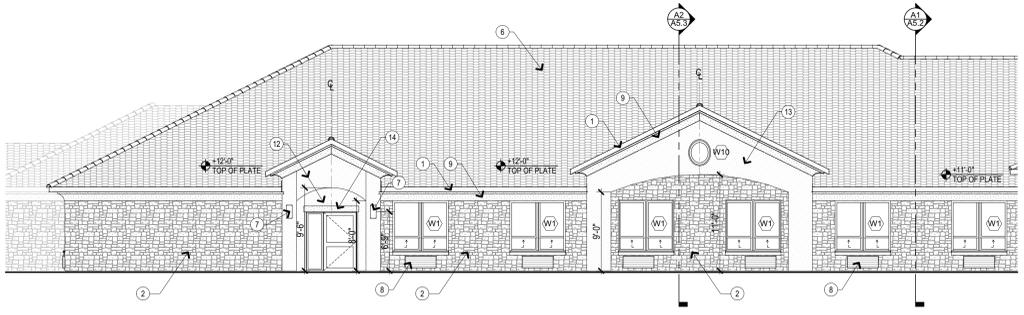
	4ft Bench		Street Ornamental Tree, Pole of Flag Lot, 2" cal. min		Street Ornamental Tree, Business Center Drive, 2" cal. min		Parking Ornamental Tree, 2" cal. min		Evergreen Screening Shrub		Stamped Concrete Decorative Paving		Lawn
	4ft Bench with Wheelchair Space		Street Shade Tree, Pole of Flag Lot, 2" cal. min		Street Shade Tree, Business Center Drive, 2" cal. min		Parking Shade Tree, 2" cal. min		Ornamental Screening Tree		Concrete Sidewalk and Plazas		Enhanced landscaping, includes evergreen and deciduous shrubs, groundcover, perennials, and seasonal color
	Water Feature / Fountain		Additional Ornamental Tree, typ.		Additional Ornamental Tree, typ.		Additional Ornamental Tree, typ.		Additional Ornamental Tree		Additional Ornamental Tree		

I:\00-Projects\2014\14010 SCE Pearland\00 Project Drawings\Pearland CUP.dwg Mon, Dec 01, 2014, 4:30pm

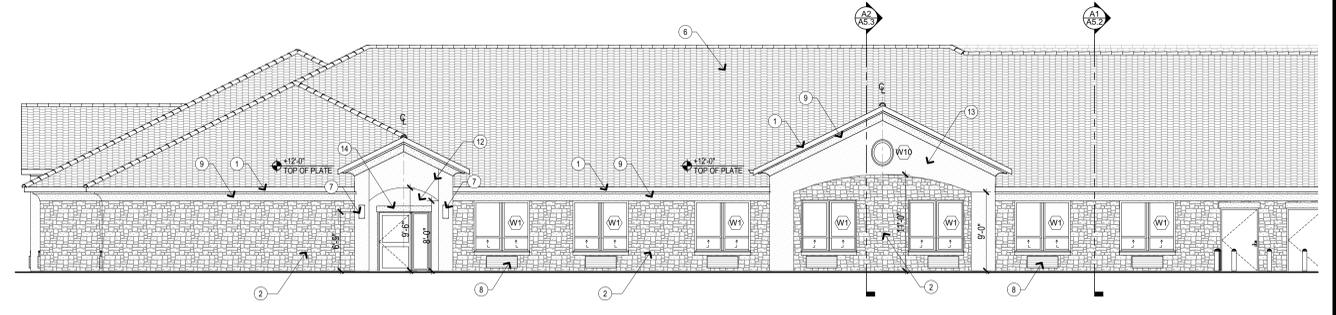


E1 WEST ELEVATION 1 OF 3
 SCALE: 1/8" = 1'-0"

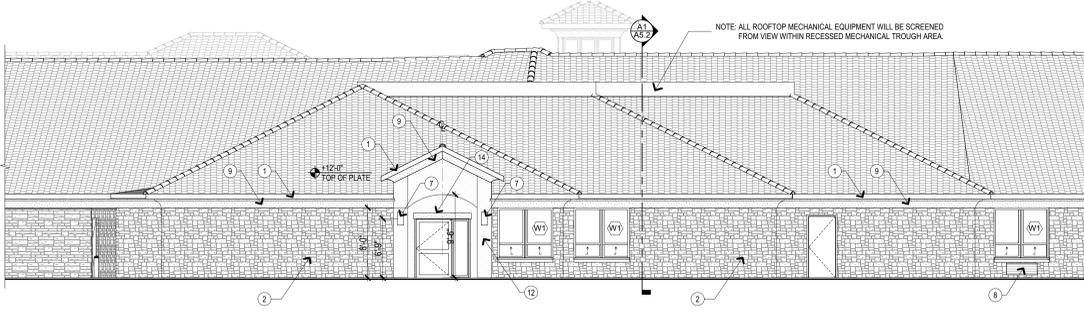
E3 WEST ELEVATION 2 OF 3
 SCALE: 1/8" = 1'-0"



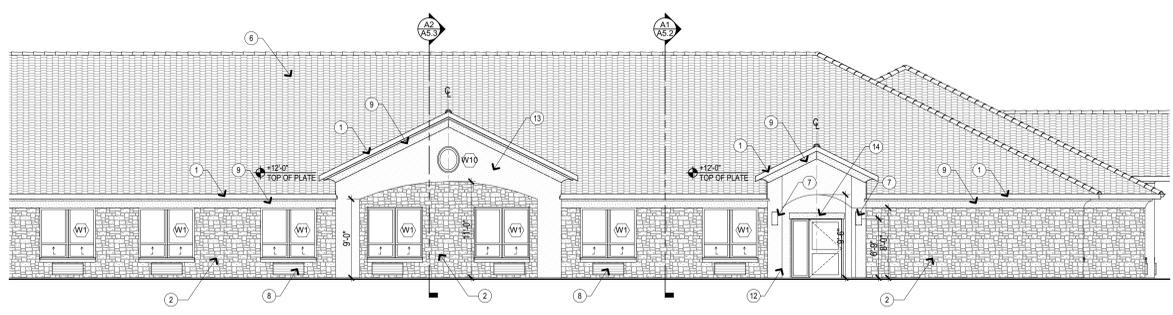
D1 WEST ELEVATION 3 OF 3
 SCALE: 1/8" = 1'-0"



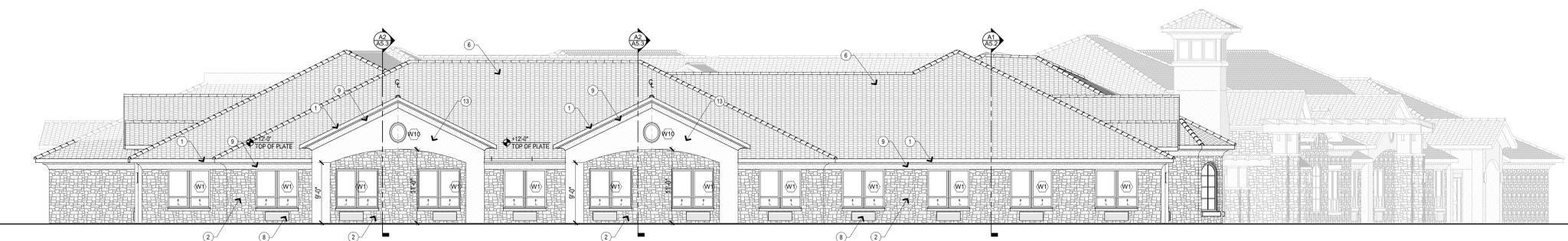
D3 EAST ELEVATION 1 OF 3
 SCALE: 1/8" = 1'-0"



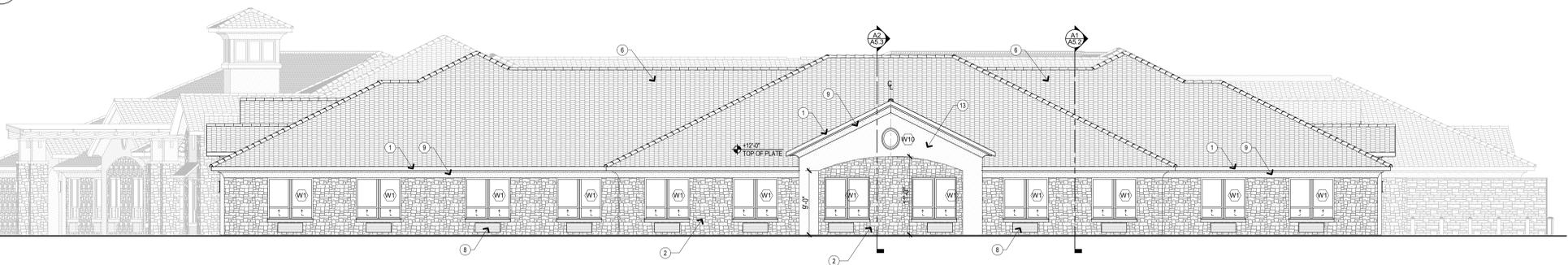
C1 EAST ELEVATION 2 OF 3
 SCALE: 1/8" = 1'-0"



C3 EAST ELEVATION 3 OF 3
 SCALE: 1/8" = 1'-0"



B1 SOUTH ELEVATION
 SCALE: 1/8" = 1'-0"



A1 NORTH ELEVATION
 SCALE: 1/8" = 1'-0"

KEYED NOTES

- 1 HARDIE FASCIA BOARD, TYP.
- 2 NATURAL CUT STONE VENEER
- 3 NATURAL CUT STONE WANSLOT
- 4 CAST STONE WATER TABLE, SLOPED, TYP.
- 5 AWNING, TYP.
- 6 CONCRETE ROOF TILES
- 7 WALL SCIENCE, REF. ELECT.
- 8 PTAC, TYP. FACTORY FINISH TO MATCH STONE
- 9 PREMANUFACTURED PROFILE, TYP. REF. SHEET AS.2
- 10 WINDOW SHUTTERS, TYP. PAINTED
- 11 PORTE COCHERE, REF. AS.6
- 12 STUCCO FINISH, TYP.
- 13 STUCCO FINISH OVER 2X FURRING
- 14 STUCCO HEADER, TYP.
- 15 MASONRY SILL, TYP.

GENERAL NOTES

1. TOP PLATE 9'-0" UNO.
2. RETURN MASONRY AT ALL WINDOWS AND DOORS WHERE MASONRY IS PRESENT



THE MEDICAL RESORT AT PEARLAND



pi architects



Courtyard Area



Front Facade



Front Elevation



BENCHES



FOUNTAIN/ WATER FEATURE



JOINT PUBLIC HEARING
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF
THE CITY OF PEARLAND, TEXAS,
MONDAY, OCTOBER 20, 2014, AT 6:30 P.M.
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

I. CALL TO ORDER

II. PURPOSE OF HEARING

Conditional Use Permit (CUP) Application No. CUP 2014-09

A request of BGE Kerry R. Gilbert & Associates, applicant; on behalf of George Fishman, owner; for approval of a Conditional Use Permit to allow for a Nursing/Convalescent Home within the Business Park – 288 (BP-288) zoning district, on approximately 9.4 acres of land, to wit:

Legal Description: Being a 9.4083 tract of land located in the H.T. & B.R.R. Company Survey, Abstract 300, Brazoria County Texas; said 9.4083 acre tract being all of a called 3.39 acre tract of land recorded in the name of George D. and Mary Fishman in Clerk's File Number 2005061002 of the Official Records of Brazoria County (O.R.B.C.) Texas, the remainder of a called 3.3 acre tract of land (North 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-015077 of the O.R.B.C. and the remainder of a called 3.3 acre tract of land (South 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-010496 of the O.R.B.C.

General Location: West side of Business Center Drive, south of Pearland Town Center, 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: October 20, 2014

Re: Conditional Use Permit Application Number 2014-09

A request of BGE Kerry R. Gilbert & Associates, applicant; on behalf of George Fishman, owner; for approval of a Conditional Use Permit to allow for a Nursing/Convalescent Home within the Business Park – 288 (BP-288) zoning district, on approximately 9.4 acres of land located on West side of Business Center Drive, and south of Pearland Town Center.,

Proposal

The parent tract includes a total of 9.4 acres of land, of which the applicant is proposing to construct a Nursing/Convalescent Home on approximately 4.3 acres. The facility; the Medical Resort will include 54,000 square feet and a host of amenities for patients, including restaurant services, private and dual rooms, a gym and an outdoor therapy area.

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 2014-09 to allow for a Nursing/Convalescent Home on the approximately 4.3 acre site, following reasons:

1. The proposed use will be in conformance with the Comprehensive Plan, with approval of the CUP, and meets the intent of the Business Park Future Land Use designation. The location of the property lends itself for a mix of non-residential

uses, as indicated by the Comprehensive Plan, and will continue to provide for a mix of uses that are planned or developed for the area.

2. There should be no major impacts to the single family residential subdivision to the west, as it will be separated from the proposed development via a 176-foot wide detention pond and a 60-foot drainage easement, for a total of 236-foot separation, which will provide a sufficient buffer between the non-residential use and the existing single family subdivision.
3. Approval of the 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 to the west, with an over 200 foot buffer.
4. The undeveloped site will conform to all requirements and policies of the UDC, with the exception of the amenitized detention facility located along the western-most boundary. However, a screening wall is proposed and staff recommends a tree-line with shrubs along the screening wall. All other requirements of the UDC will ensure an aesthetically appealing development, including compliance with screening/fencing, lighting, height, buffering, landscaping and parking requirements.

Conditions of Approval

1. In addition to the proposed screening wall, staff recommends a vegetative screen, on the east side of the proposed screening wall (within the proposed 30-foot buffer) to provide a visual screen from the proposed wall. The vegetative screen shall incorporate plantings and shrubs. Shrubs shall be placed a minimum of 3 feet on center.
2. The applicant has also applied for a variance to create a flag lot. All conditions approved with the variance must also be adhered to. Staff's recommended conditions for the reference include the following:
 - a. The access easement located within the pole portion of the subject parcel shall be treated as City Street, requiring 1 caliper inch of tree for every 15 feet of frontage on either side of the easement, with each tree having a minimum of 2 caliper inches.
 - b. Sidewalks shall be required along both sides of the access easement located within the pole portion of the subject parcel and connect to both Business Center Drive, and to planned walkways within the development.

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 parent tract includes approximately 9.4 acres, of which the applicant is requesting approval of a Conditional Use Permit (CUP) to allow for a Nursing/Convalescent Home on approximately 4.3 acres. According to the applicant's letter of intent, the facility; The Medical Resort, will include approximately 54,000 square feet, which will incorporate a Colonial Spanish design with tile rooftops and exterior stucco. The Medical Resort will provide personalized care to meet individual needs of patients in a hotel environment, with restaurant services in addition to medical and therapy services. A patient's stay at the facility will range from 21 to 30 days depending upon individual needs. The facility will include a total of 101 rooms, of which 73 will be private and 28 dual rooms; with private bathrooms, medical equipment, and a 2,000 square foot gym with an outdoor therapy area. The applicant also proposes 3 sites for future development of separate, non-residential uses.

Site History

The subject property is currently undeveloped. The property was annexed into the City of Pearland in 1996. Prior to the adoption of the Unified Development Code in 2006, the property was dually zoned Suburban Development Residential District (SD) and Low Density Single Family (R-1). In 2006 the Business Park-288 zoning district was created and applied to the subject property.

With the exception of the single family subdivision to the west; Southgate Estates, the site is surrounded by undeveloped properties located within non-residential zoning districts and/or non-residential/ mixed use Planned Developments (PDs). Directly north of the site is an undeveloped tract located within the Business Park 288 (BP-288) zoning district. Further north is the Pearland Town Center PD; a mixed use PD. The property to the south is located within the Business Center Drive PD; a non-residential

PD. The property on the east side of Business Center Drive is undeveloped and zoned BP-288.

The below table identifies surrounding uses and zoning districts:

	Zoning	Land Use
North	Business Park 288 (BP-288)	Undeveloped Commercial
South	Business Center Planned Development	Undeveloped Commercial
East	Business Park 288 (BP-288)	Undeveloped Commercial
West	Single Family Residential-2 (R-2)	Southgate Estates

Conformance with the Unified Development Code

The property is located within the Business Park-288 (BP-288) zoning district, which is intended to permit large office complexes/campuses and retail development in locations with good visibility and roadway access. The BP-288 zoning district also permits uses (such as the proposed Nursing/Convalescent Home) with approval of a CUP, which may be suitable in certain locations and/or with certain conditions. A plat including 4 lots and approximately 2 acres for detention is proposed. The applicant is seeking a variance to reduce the lot width of the proposed Lot 4. The Nursing/Convalescent Home will be located on a 4.3 acre lot, identified as Lot 1, and will meet the requirements of the BP-288 zoning district as it relates to the area regulations. The lot area regulations are listed below. It is important to note that the plat nor the variance have been approved.

	BP-288 Requirement	Subject Property
Minimum Lot Size	43,560 sf (1 acre)	4.3338 Acres
Minimum Lot Width	150 ft.	445.48 ft.
Minimum Lot Depth	200 ft.	351.03 ft.

The applicant proposes 2.20023 acres for detention located on the western boundary of the site, which will be approximately 176 feet deep and nearly 500 feet wide. The BP-288 zoning district requires detention facilities to be incorporated as an amenity, such as a lake or pond. Other amenities for detention facilities include aesthetic or other characteristics that increase its visual desirability, including recreational facilities, landscaping or large trees.

The detention facility will be an expansion of the existing Channel A-124-05-00, and will be dedicated to Brazoria County Drainage District Number 4. Brazoria County Drainage District prohibits wet and amenitized detention facilities. Although the proposed detention will not be incorporated into the development as a lake or pond, the applicant proposes a screening wall which will meet the requirements of the UDC. Staff also recommends an opaque tree line along the proposed screening wall for visual appeal.

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 indicates a mixed use area developed in coordinated, master-planned campus-like 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 proposed development will be in compliance with, and meets the intent of the Business Park Future Land Use designation; and will continue to provide for a mix of uses that are planned or developed for the area. The location of the property lends itself for a mix of non-residential uses, as indicated by the Comprehensive Plan.

Conformance with the Thoroughfare Plan

The property has frontage on Business Center Drive; a secondary thoroughfare of sufficient width, which requires 100 feet of right-of-way.

Platting Status

A plat is currently under review for the subject 9.4 acre site. Four (4) lots and an approximately 2 acre site located along the western property line, adjacent to the existing single family subdivision, will be used for detention. Three (3) of the proposed lots; Lots 2-4 will have frontage on Business Center Drive. The applicant has requested a variance from the Planning and Zoning Commission to reduce the lot width of the proposed Lot 4 from 150 feet, as required within the BP-288 zoning district, to 145.42 feet. The proposed Nursing/Convalescent Home will be constructed on 4.3 acres, identified as Lot 1; a flag lot.

Availability of Utilities

The subject property has access to public infrastructure. According to GIS records, there is an existing 12 inch water line along the west side of Business Center Drive. Additionally, there is an existing 10 inch sewer line along the west side of Business Center Drive. The developer will be responsible to extend services to the site.

Impact on Existing and Future Development

The subject property is surrounded by commercial uses and/or zoning districts on three sides, most of which has yet to be developed; however, some developments are planned within the area, including various non-residential uses located within the Business Park PD, just south of the subject property. There is a single family subdivision just west of the site, which will be separated from the subject property via a 176-foot wide detention pond and a 60-foot drainage easement, for a total of 236-foot separation, which will provide a sufficient buffer between the non-residential use and the existing single family subdivision. Therefore, there should be no adverse impacts.

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 CUP to allow a Nursing/Convalescent Home.

Recommendation

Staff recommends approval of the CUP 2014-09 to allow for a Nursing/Convalescent Home on the approximately 4.3 acre site, following reasons:

1. The proposed use will be in conformance with the Comprehensive Plan, with approval of the CUP, and meets the intent of the Business Park Future Land Use designation. The location of the property lends itself for a mix of non-residential uses, as indicated by the Comprehensive Plan, and will continue to provide for a mix of uses that are planned or developed for the area.
2. There should be no major impacts to the single family residential subdivision to the west, as it will be separated from the proposed development via a 176-foot wide detention pond and a 60-foot drainage easement, for a total of 236-foot separation, which will provide a sufficient buffer between the non-residential use and the existing single family subdivision.

3. Approval of the 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 to the west, with an over 200 foot buffer.
4. The undeveloped site will conform to all requirements and policies of the UDC, with the exception of the amenitized detention facility located along the western-most boundary. However, a screening wall is proposed and staff recommends a tree-line with shrubs along the screening wall. All other requirements of the UDC will ensure an aesthetically appealing development, including compliance with screening/fencing, lighting, height, buffering, landscaping and parking requirements.

Conditions of Approval

1. In addition to the proposed screening wall, staff recommends a vegetative screen, on the east side of the proposed screening wall (within the proposed 30-foot buffer) to provide a visual screen from the proposed wall. The vegetative screen shall incorporate plantings and shrubs. Shrubs shall be placed a minimum of 3 feet on center.
2. The applicant has also applied for a variance to create a flag lot. All conditions approved with the variance must also be adhered to. Staff's recommended conditions for the reference include the following:
 - a. The access easement located within the pole portion of the subject parcel shall be treated as City Street, requiring 1 caliper inch of tree for every 15 feet of frontage on either side of the easement, with each tree having a minimum of 2 caliper inches.
 - b. Sidewalks shall be required along both sides of the access easement located within the pole portion of the subject parcel and connect to both Business Center Drive, and to planned walkways within the development.



AERIAL MAP

CUP 2014-09

WEST OF BUSINESS CENTER DR, NORTH OF CR 59, & SOUTH OF PEARLAND TOWN CENTER

SITE

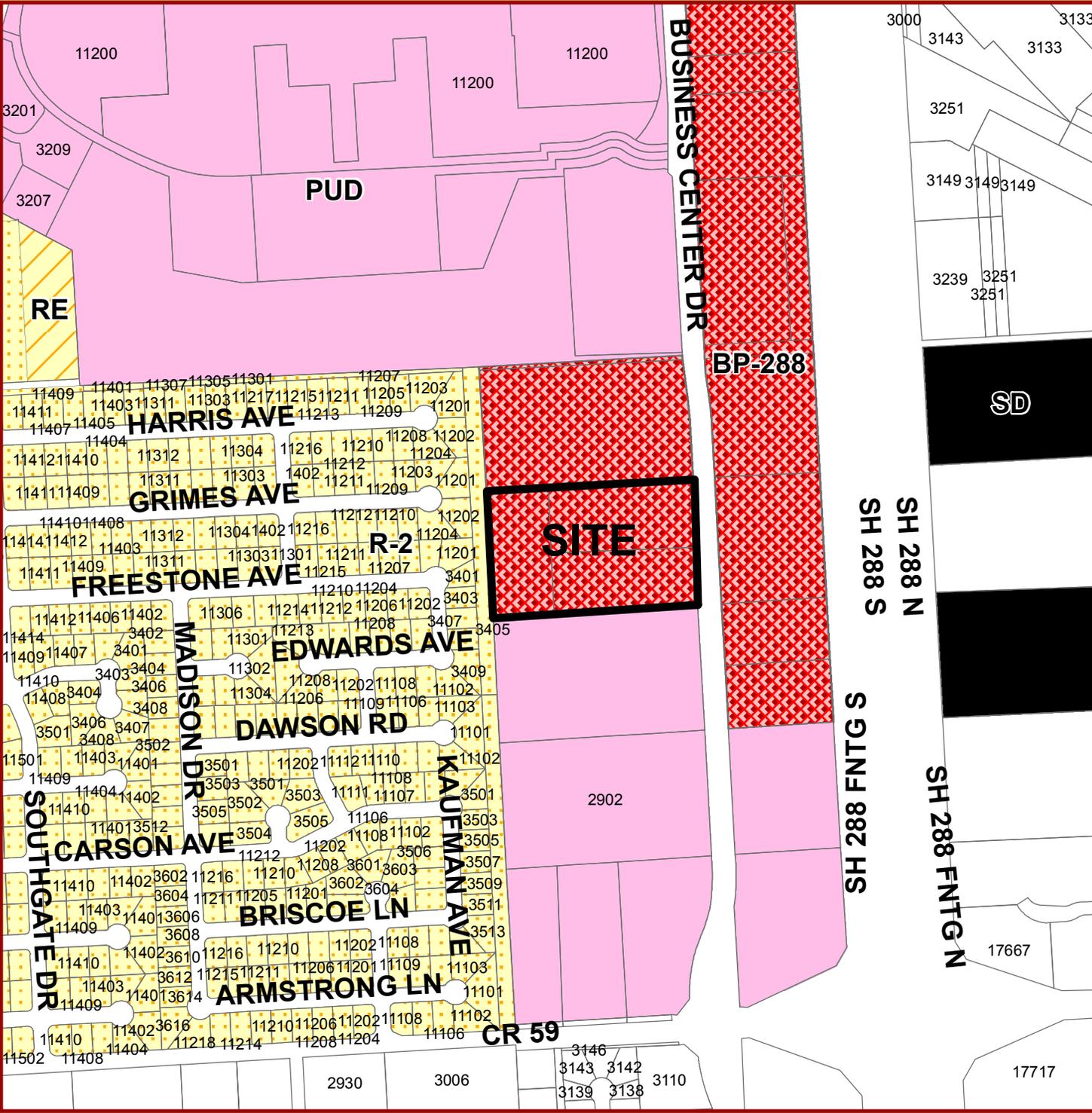


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 562 feet

22 MAY 2014
PLANNING DEPARTMENT





ZONING MAP

CUP 2014-09

WEST OF BUSINESS CENTER DR, NORTH OF CR 59, & SOUTH OF PEARLAND TOWN CENTER

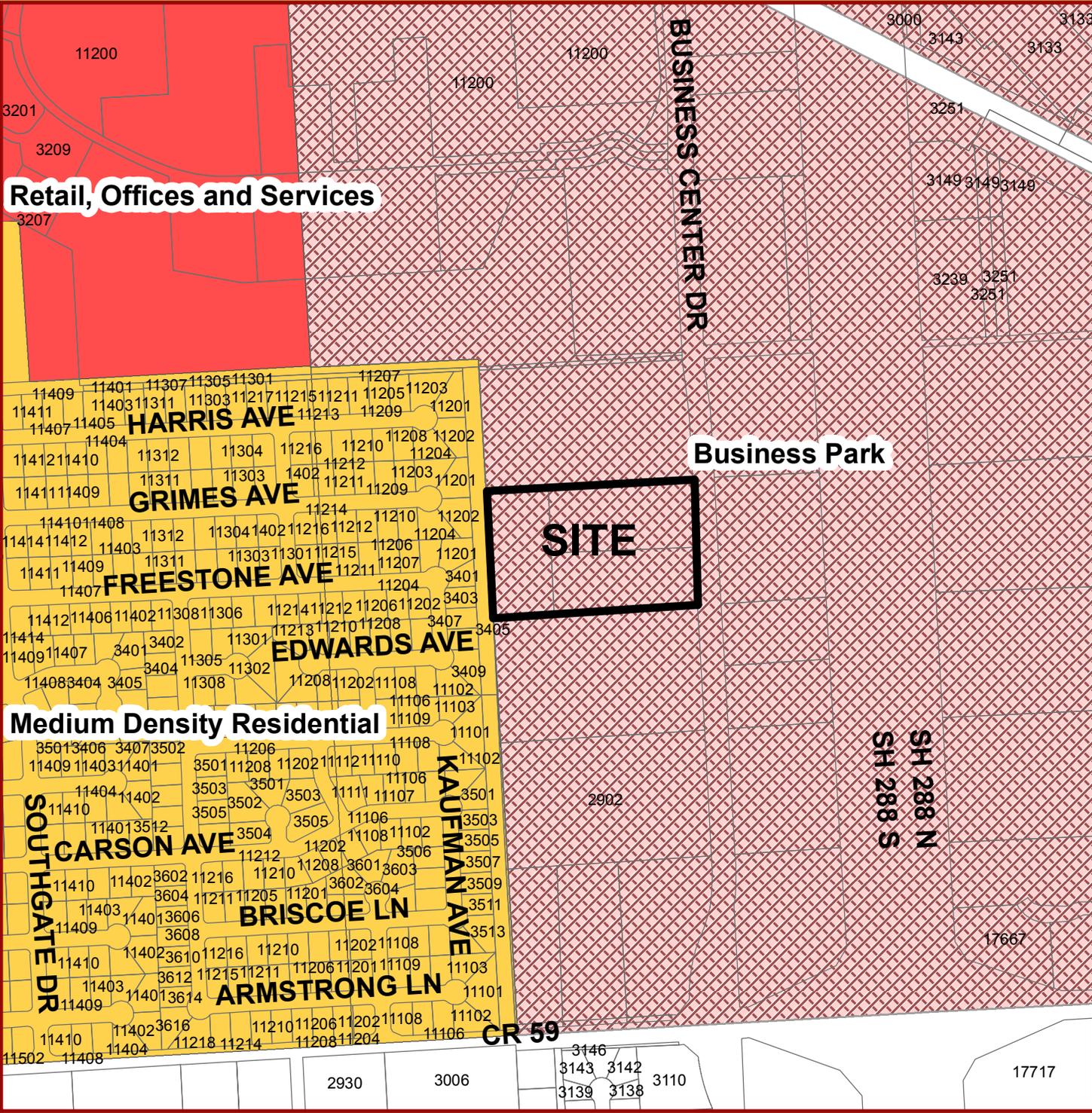


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 562 feet

22 MAY 2014
PLANNING DEPARTMENT





FLUP MAP

CUP 2014-09

WEST OF BUSINESS CENTER DR, NORTH OF CR 59, & SOUTH OF PEARLAND TOWN CENTER

Retail, Offices and Services

Business Park

SITE

Medium Density Residential

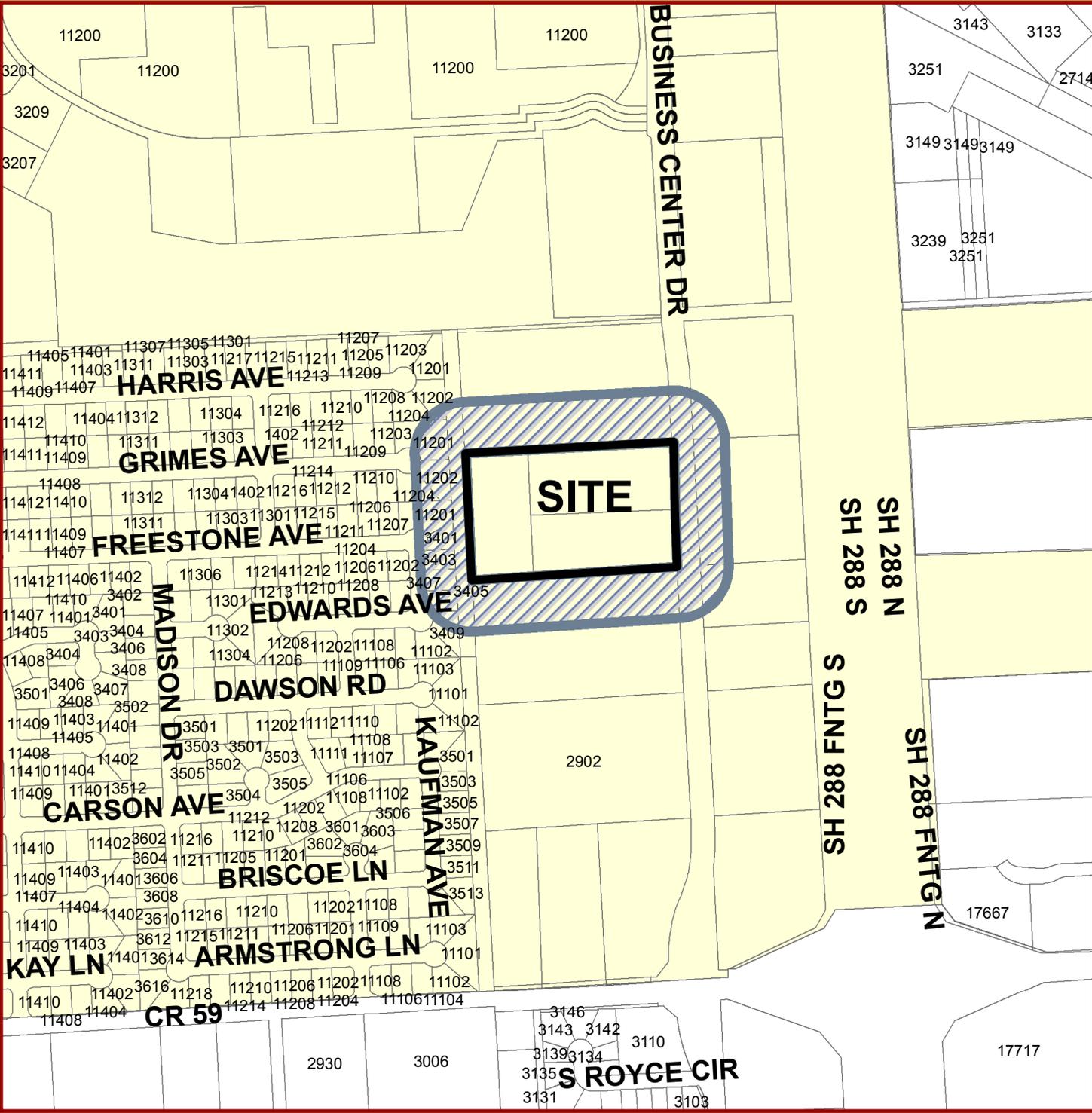


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 562 feet

22 MAY 2014
PLANNING DEPARTMENT





NOTIFICATION MAP

CUP 2014-09

WEST OF BUSINESS CENTER DR, NORTH OF CR 59, & SOUTH OF PEARLAND TOWN CENTER



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 = 562 feet

22 MAY 2014
PLANNING DEPARTMENT



PROPERTY OWNER	ADDRESS	SUITE	CITY
FEDERAL NATIONAL MORTGAGE ASSOC	14221 DALLAS PKWY	STE 200	DALLAS
FISHMAN GEORGE & MARY	3406 HAMPSHIRE ST		PEARLAND
GRIMM BILL & TIFFANY	11201 FREESTONE AVE		PEARLAND
HARVISON MELINDA	3407 KERR LN		PEARLAND
JONES LEWIS & LEWIS-JONES SHANTEL	11201 GRIMES AVE		PEARLAND
LINDQUIST PAMELA M	11204 HARRIS AVE		PEARLAND
LOTT REUBEN D & MERCHANT ERMA	11204 GRIMES AVE		PEARLAND
PARKSIDE 59/288 LTD	3003 W ALABAMA ST		HOUSTON
PLANT DALE W & JAN W	11202 HARRIS AVE		PEARLAND
RIDDLE SIMONE	3401 KERR LN		PEARLAND
SOMERVILLE ERNEST	3405 KERR LN		PEARLAND
SOUTHGATE COMMUNITY ASSOC	PO BOX 3217		PEARLAND
STRIPAY MARK	3409 KERR LN		PEARLAND
SUFFEL DAVID & TERESA MOREY	11203 FREESTONE AVE		PEARLAND
TRAN DANNY T & CELINE P	3403 KERR LN		PEARLAND
VIRANI AHMADALI	2814 ACORN WOOD WAY		HOUSTON
WEEMS F CARRINGTON	1603 W CLAY ST		HOUSTON
WILLIAMS HEZRON V & BERNADETTE	11203 GRIMES AVE		PEARLAND
YLT 288 PARTNERS	5855 SOVEREIGN DR	STE B	HOUSTON
BGE KERRY R. GILBERT & ASSOCIATES	23501 CINCO RANCH BLVD.	STE A-250	KATY

STATE ZIP

TX	75254
TX	77581
TX	77584
TX	77098
TX	77584
TX	77584
TX	77584
TX	77588
TX	77584
TX	77584
TX	77584
TX	77059
TX	77019
TX	77584
TX	77036
TX	77494



pi architects

3500 Jefferson St, Suite 303
Austin, TX 78731

P: (512) 231-1910
F: (512) 231-1950

www.piarch.com

architecture + master planning
interiors + landscape architecture

09/19/2014



PEARLAND MEDICAL CAMPUS PEARLAND, TEXAS

PRELIMINARY
DRAWINGS

NOT FOR BIDDING, PERMIT,
OR CONSTRUCTION
PURPOSES

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REVISIONS:

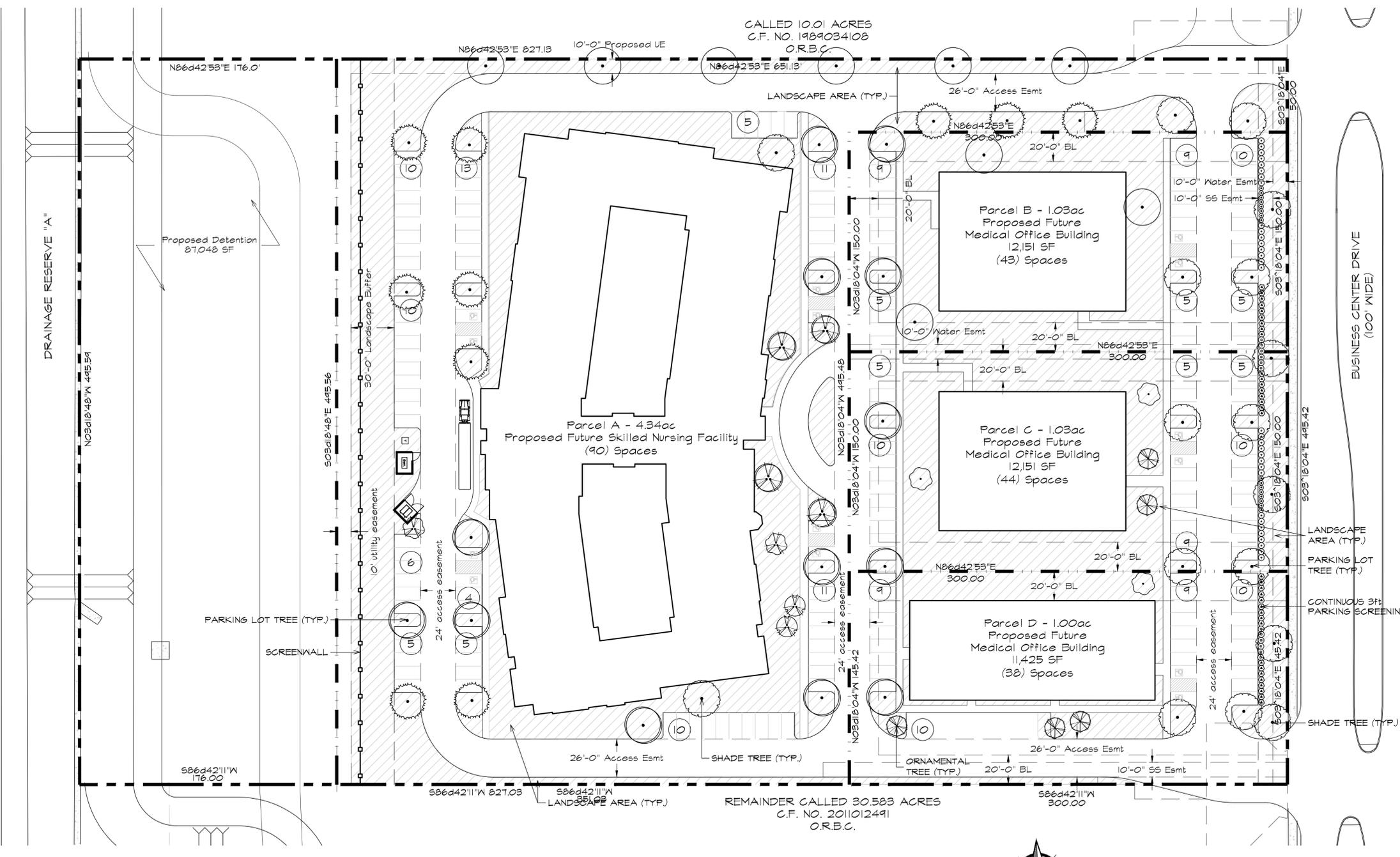
DATE:
10/02/14
PROJECT NUMBER:
14010
SHEET TITLE:

CONDITIONAL USE SITEPLAN

SHEET:

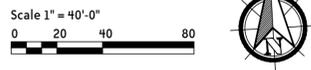
L1

OF: 1



CALLED 10.01 ACRES
C.F. NO. 1989034108
O.R.B.C.

REMAINDER CALLED 30.583 ACRES
C.F. NO. 2011012491
O.R.B.C.



1 DEVELOPMENT SITE PLAN

- Notes:
- 1) Detention for the site will be dedicated to the Brazoria County Drainage District #4 and will meet all applicable requirements of the Drainage District.
 - 2) With the exception of detention requirements (see above note), all requirements of the Unified Development Code will be met.

THIS DRAWING, AS AN INSTRUMENT OF SERVICE, IS AND SHALL REMAIN THE PROPERTY OF PI ARCHITECTS AND SHALL NOT BE REPRODUCED, PUBLISHED OR USED IN ANY WAY WITHOUT THE PERMISSION OF PI ARCHITECTS

NOTE: BEWARE: UNDERGROUND UTILITIES IN PLACE, INCLUDING ELECTRICAL, GAS, WATER, SEWER, TELEPHONE, AND OTHERS. CONSULT PROJECT ENGINEER PRIOR TO CONSTRUCTION. ALL UTILITIES TO BE FLAGGED AND IDENTIFIED. LANDSCAPE CONTRACTOR RESPONSIBILITY.

Landscape Requirements				
Zoning BP 288 + Business Center PD				
	Parcel A - (495)lf	Parcel B - (150)lf	Parcel C - (150)lf	Parcel D (146)lf
Street Trees	Req Prov 1" per (15)lf (17) 2" (17) 2"	Req Prov (5) 2" (5) 2"	Req Prov (5) 2" (5) 2"	Req Prov (5) 2" (5) 2"
Parking Lot Trees	Parcel A - (90)sp Req Prov (9) 2" (9) 2"	Parcel B - (43)sp Req Prov (5) 2" (5) 2"	Parcel C - (44)sp Req Prov (5) 2" (5) 2"	Parcel D - (38)sp Req Prov (4) 2" (4) 2"
Landscape Area	Parcel A - (276,178)sf Req Prov (41,426)sf (54,509)sf	Parcel B Req Prov (6,750)sf (17,810)sf	Parcel C Req Prov (6,750)sf (12,495)sf	Parcel D Req Prov (6,547)sf (10,756)sf

Site Data					
Zoning BP 288 + Business Center PD					
Proposed Use	Parcel A	Parcel B	Parcel C	Parcel D	
Skilled Nursing		Medical Office	Medical Office	Medical Office	
Min Lot Dimensions	Req Prov	Req Prov	Req Prov	Req Prov	
Front Setback	25ft 38ft	25ft 25ft	25ft 25ft	25ft 25ft	
Rear Setback	20ft 99ft	20ft 20ft	20ft 20ft	20ft 20ft	
Side Setback	20ft 47ft	20ft 20ft	20ft 20ft	20ft 20ft	
Width	150ft 495ft	150ft 150ft	150ft 150ft	150ft 145.42ft	
Flag Pole	50ft 50ft				
Depth	200ft 351ft	200ft 300ft	200ft 300ft	200ft 300ft	
Flag Pole	200ft 300ft				
Area	1ac 4.34ac	1ac 1.03ac	1ac 1.03ac	1ac 1.00ac	
Parking	Parcel A Req Prov 52 90	Parcel B Req Prov 41 43	Parcel C Req Prov 41 44	Parcel D Req Prov 38 38	
(1) space per (2) beds					
(1) space per (300)sf					

I:\00-Projects\2014\14010 SCE Pearland\00 Project Drawings\L1 Conditional Use.dwg Thu, Oct 02, 2014, 10:56am



CUP APPLICATION Page 1 of 6 (Updated June 2010)
 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 CONDITIONAL USE PERMIT (CUP)

Conditional Use Permit Request for: Nursing/Convalescent Home
 (list proposed use from the Table of Uses of the UDC)

Current Zoning District: BP-288

Property Information:

Address or General Location of Property: West of Business Center Drive, just south of Pearland
Town Center

Tax Account No. 0300-0011-000, 0300-0011-100, 0300-0025-000

Subdivision: A0300 HT&BRR, Tract 37, 37A and 37B Lot: _____ Block: _____

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

PROPERTY OWNER INFORMATION:

NAME George Fishman
 ADDRESS 3406 Hampshire St
 CITY Pearland STATE TX ZIP 77581
 PHONE(832) 577-1158
 FAX(713) 606-3108
 E-MAIL ADDRESS George.Fishman.77581@yahoo.com

APPLICANT/AGENT INFORMATION:

NAME BGE| Kerry R. Gilbert & 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 kedwards@krga.com

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

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

Owner's Signature: [Signature] Date: 9/11/14

Agent's/
 Applicant's Signature: Kathryn Edwards Date: 9/11/14

OFFICE USE ONLY:

FEES PAID: <u>250.00</u>	DATE PAID: <u>9-11-14</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>349110</u>
--------------------------	---------------------------	---------------------------------	-------------------------------

Application No. CUP 2014-09

APPLICATION CHECKLIST FOR THE FOLLOWING Conditional Use Permits (CUP)

- Application, filled out completely, and signed by the owner of the property to be considered for the conditional use permit.
- If the applicant is the designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on his behalf. **Section 1.2.1.1 (a) of the Unified Development Code.**
- Metes and Bounds Description, (Survey, or a Plat of the property that contain the metes and bounds description).
- Parcel map, printed from the City of Pearland website, indicating the location and boundaries of the subject property.
- Letter of Intent, explaining the conditional use permit request in detail, specifying proposed uses, specific operations of the use, square footage of buildings, unique characteristics of the property, and any other necessary information
- Application fee of \$250.00, by cash, check made payable to the City of Pearland, or credit card (Visa and MasterCard only)
- Site Plan or Plot Plan showing the proposed layout of the subject property, including any proposed buildings, parking, landscaped areas, detention ponds, fences, and any other relevant information
- Acknowledgement of the sign to be posted on the property 10 days prior to the public hearing
- Provide evidence or proof that all taxes and obligations have been paid regarding the subject property.
- Application packets that are not **complete** will not be accepted. **When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, it may be necessary to postpone the proposed CUP/Zone Change and remove it from the scheduled agenda and place it on a future agenda date according to Section 1.2.1.2. of the Unified Development Code.**

**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.**

Kathryn Edwards

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.

September 1, 2014

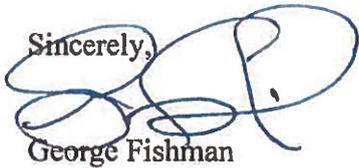
Lata Krishnarao, Director
Community Development Department
3523 Liberty Drive
Pearland, Texas 77581

RE: Conditional Use Permit-Owner Authroization

Dear Lata,

I, George Fishman, am the owner of the \pm 9.4 acres of property, located west of Business Center Drive, just south of Pearland Town Center. I authorize Global XYZ Development LLC and BGE| Kerry R. Gilbert & Associates to be the applicant and agent for the requested Conditional Use Permit for a Nursing/Convalescent Home for the subject tract.

Sincerely,

A handwritten signature in blue ink, appearing to read "G. Fishman", written over the word "Sincerely,".

George Fishman

BGE | KERRY R. GILBERT & ASSOCIATES



September 11, 2014

Lata Krishnarao, Director
Community Development Department
3523 Liberty Drive
Pearland, Texas 77581

RE: \pm 9.4 Acre Fishman Tract-Nursing/Convalescent Home CUP

Dear Lata,

On behalf of our client Global XYZ Development LLC, we, BGE|Kerry R. Gilbert & Associate, Inc., are submitting an application for a Conditional Use Permit for the above referenced property located on Business Center Drive. Enclosed you will find:

- City of Pearland CUP Application
- Owner Authorization letter
- Metes and Bounds Description
- City of Pearland Zoning Map with Property Boundary
- Letter of Intent
- Application Fee (Check #1088)
- One (1) copy of site plan
- Acknowledgement of Sign to be posted 10 day prior to Public Hearing
- Tax Certificate
- One (1) CD with PDF site plan and application documents

We are requesting this application to be reviewed at the October 20, 2014 Joint Public Hearing. Please contact me if any further information is necessary.

Sincerely,

A handwritten signature in black ink that reads "Kathryn Edwards". The signature is written in a cursive, flowing style.

Kathryn Edwards

BGE | KERRY R. GILBERT & ASSOCIATES

September 11, 2014

Lata Krishnarao, Director
Community Development Department
3523 Liberty Drive
Pearland, Texas 77581

RE: Nursing/Convalescent Home CUP-Business Center Drive

Dear Lata,

On behalf of our client Global XYZ Development LLC, we, BGE|Kerry R. Gilbert & Associate, Inc., are submitting an application for a Conditional Use Permit for the above referenced property located on Business Center Drive. The intent of the Conditional Use Permit is to allow development of a Skilled Nursing Facility that will offer personalized medical and therapy services to patients.

The facility will be developed and managed by Senior Care Excellence, a company with 15 years of experience in construction and development of Skilled Nursing Facilities. The proposed facility, The Medical Resort at Pearland, will offer a unique environment that is personalized for individual needs to ensure a high level of care for all patients. The medical resort concept offers a hotel quality environment and restaurant services in addition to the superior medical and therapy services. On average, a patient's stay at the facility ranges from 21 to 30 days depending on their rehabilitation needs.

The 54,000 square foot facility incorporates a Colonial Spanish design with tile rooftops and exterior stucco. The facility will include a total of 101 rooms (73 private rooms, 28 dual occupancy rooms) all with private baths and the necessary medical equipment. A 2000 square foot therapy gym with an outdoor therapy area offers state of the art equipment for orthopedic, cardiac and neurological related therapies.

The development will be located at the rear of a 9.4 acre site on the western side of Business Center Drive. Along the rear of the property is a \pm 2 acre dry detention facility that will provide the necessary detention for the site. In front of the skilled nursing the facility are three sites for future development of separate uses. In addition to the elements listed above, the site will provide landscaping and parking that meet the City of Pearland regulations.

We are requesting this application to be reviewed at the October 20, 2014 Joint Public Hearing. Please contact me if any further information is necessary.

Sincerely,


Kathryn Edwards

ZONE CHANGE/ VARIANCE/ PLAT/ RECORDATION

\$250.⁰⁰ (circle one)
BA or **PF** or **FE**

Description: Input who the check is from
BROWN & GAY ENGINEERS, Inc.

COMMENTS/DESCRIPTION (F10):

Location or Address Business Center Dr.

Applicant Kerry Gilbert & Assoc.

Owner George Fishman

BROWN & GAY ENGINEERS, INC.

Invoice Number	Date	Voucher	Amount	Discounts	Previous Pay	Net Amount
091114 - KGA0507-00	9/11/2014	000000079727	\$250.00			\$250.00
CITY OF PEARLAND			\$250.00			\$250.00
Operating Account	1	CITY21				
TOTAL						

Check Date: 9/11/2014

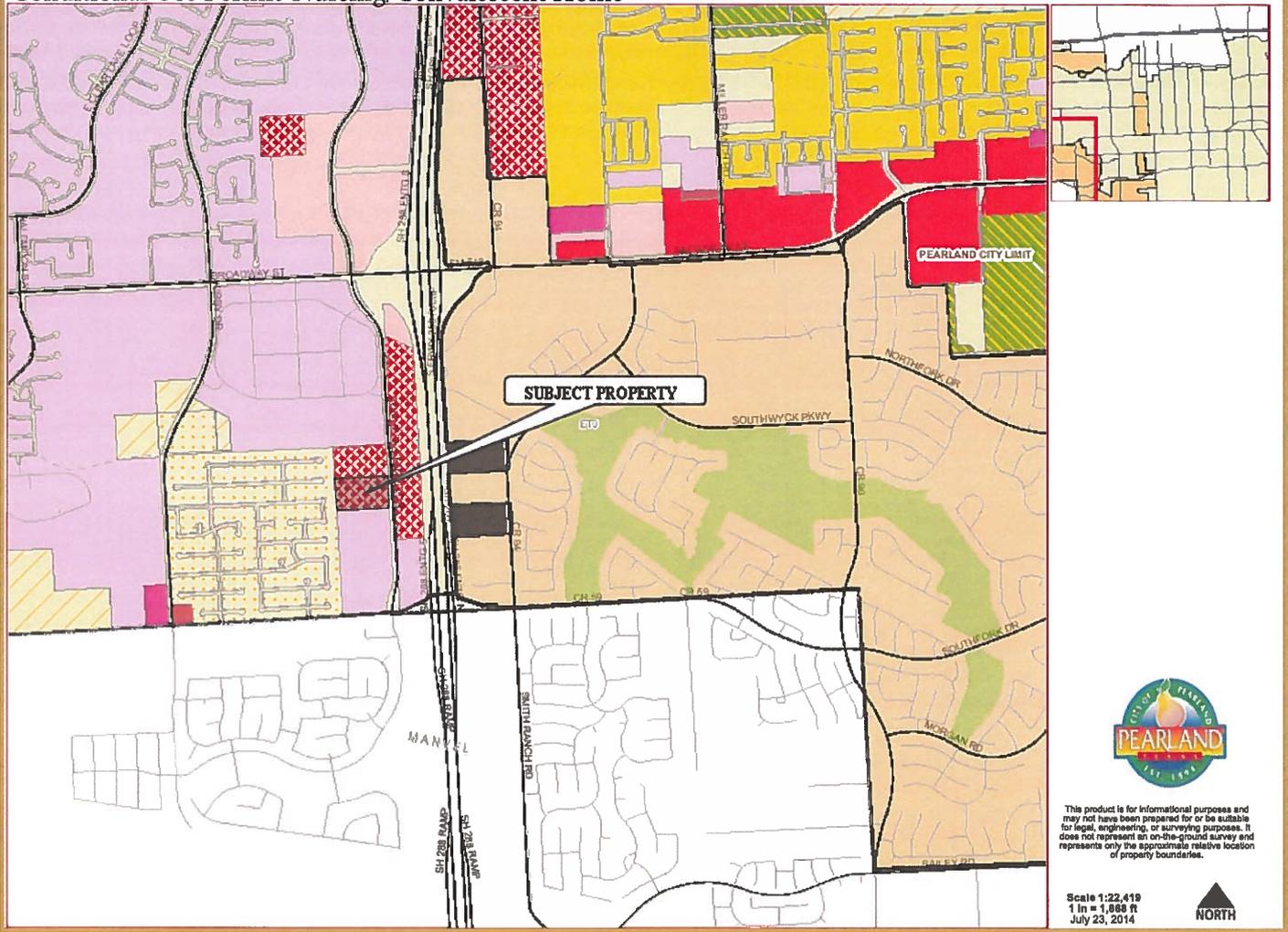
60233

CITY OF PEARLAND
 R E P R I N T
 *** CUSTOMER RECEIPT ***
 Oper: BDERDSA Type: OC Drawer: 1
 Date: 9/12/14 01 Receipt no: 349110

Description	Quantity	Amount
PF	1.00	\$250.00
Trans number:		4591000
BUSINESS CENTER DR		
Tender detail		
CK CHECK	60233	\$250.00
Total tendered		\$250.00
Total payment		\$250.00

Trans date: 9/11/14 Time: 16:49:39

Conditional Use Permit-Nursing/Convalescent Home



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.

Scale 1:22,419
1 in = 1,868 ft
July 23, 2014



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 37A, ACRES
3.330

Fiduciary Number: 23278668

Parcel Address: BUSINESS CENTER DR

Legal Acres: 3.3299

>--
Account Number: 0300-0025-000
Certificate No: 221145494
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:

FISHMAN GEORGE & MARY
3406 HAMPSHIRE ST
PEARLAND, TX 77581-4829

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

Table with 2 columns: Description and Amount. Rows include 2013 Value (58,270), 2013 Levy (\$1,737.60), 2013 Levy Balance (\$0.00), Prior Year Levy Balance (\$0.00), Total Levy Due (\$0.00), P&I + Attorney Fee (\$0.00), and Total Amount Due (\$0.00).

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

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 37, ACRES
3.0474

Fiduciary Number: 23278668

Parcel Address: BUSINESS CENTER DR

Legal Acres: 3.0474

>--

Account Number: 0300-0011-000

Print Date: 07/28/2014

Certificate No: 221148231

Paid Date: 07/28/2014

Certificate Fee: \$10.00

Issue Date: 07/28/2014

Operator ID: AMBER

<--

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Exemptions:

Certified Owner:

FISHMAN GEORGE & MARY
3406 HAMPSHIRE ST
PEARLAND, TX 77581-4829

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 MANAGEMEM
96 CITY OF PEARLAND

Table with 2 columns: Description and Amount. Rows include 2013 Value (\$53,100), 2013 Levy (\$1,583.43), 2013 Levy Balance (\$0.00), Prior Year Levy Balance (\$0.00), Total Levy Due (\$0.00), P&I + Attorney Fee (\$0.00), and Total Amount Due (\$0.00).

Reference (GF) No: NA

Issued By: RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(979) 864-1320, (979) 388-1320, (281) 756-1320

Handwritten signature of 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 37B, ACRES
3.0474

Fiduciary Number: 23278668

Parcel Address: BUSINESS CENTER DR

Legal Acres: 3.0474

> - -
Account Number: 0300-0011-100
Certificate No: 221150875
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:
FISHMAN GEORGE & MARY
3406 HAMPSHIRE ST
PEARLAND, TX 77581-4829

Table with 2 columns: Description and Amount. Rows include 2013 Value (\$3,100), 2013 Levy (\$1,583.43), 2013 Levy Balance (\$0.00), Prior Year Levy Balance (\$0.00), Total Levy Due (\$0.00), P&I + Attorney Fee (\$0.00), and 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

County: Brazoria
Project: Medical Resort at Pearland
C.I. No.: 1402-14
Job Number: 2014-231-001

**METES AND BOUNDS DESCRIPTION FOR
9.4083 ACRES**

Being a 9.4083 acre tract of land located in the H.T. & B.R.R. Company Survey, Abstract 300, Brazoria County, Texas; said 9.4083 acre tract being all of a called 3.39 acre tract of land recorded in the name of George D. and Mary Fishman in Clerk's File Number 2005061002 of the Official Records of Brazoria County (O.R.B.C.) Texas, the remainder of a called 3.3 acre tract of land (North 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-015077 of the O.R.B.C. and the remainder of a called 3.3 acre tract of land (South 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-010496 of the O.R.B.C.; said 9.4083 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System, South Central Zone):

Beginning at an "X" scribed in concrete found for the northwest corner of a called 30.583 acre tract of land recorded in Clerk's File Number 2011012491 of the O.R.B.C. and the southwest corner of said called 3.39 acre tract, same being on the east line of Southgate Section Two, a subdivision recorded in Volume 24, Page 278-279 of the Brazoria County Plat Records, said "X" also being the northwest corner of a called 6.326 acre tract of land recorded in Clerk's File Number 2014026462 of the O.R.B.C.

1. Thence, with the west line of said called 3.39 acre tract and the east line of said Southgate Section Two, North 03 degrees 18 minutes 48 seconds West, a distance of 495.59 feet to an "X" scribed in concrete set for the northwest corner of said called 3.39 acre tract and the southwest corner of a called 10.01 acre tract of land recorded in Clerk's File Number 1989034108 of the O.R.B.C.;
2. Thence, with the north line of said called 3.39 acre tract, the north line of aforesaid North 3.3 acre tract and the south line of said 10.01 acre tract, North 86 degrees 42 minutes 53 seconds East, at 296.85 feet pass a to a 5/8-inch iron rod found, continuing in all a total distance of 827.13 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set on the northwest corner of a called 0.5652 recorded in Clerk's File Number 20120070402 of the O.R.B.C., same being the west right-of-way (R.O.W.) line of Business Center Drive (100-feet wide);
3. Thence, with the west line of said called 0.5652 acre tract, same being the west R.O.W. line of said Business center Drive, South 03 degrees 18 minutes 04 seconds East, a distance of 495.42 feet to a 5/8-inch iron rod with cap stamped "IDS" found for the southwest corner of said called 0.5652 acre tract and the northwest corner of a called 0.8328 acre tract of land recorded in Clerk's File Number 20120087390 of the O.R.B.C., same being on the north line of aforesaid called 30.583 acre tract and the south line of aforesaid South 3.3 acre tract;

4. Thence, with the south line of said South 3.33 acre tract, the south line of aforesaid called 3.39 acre tract and the north line of said called 30.583 acre tract, South 86 degrees 42 minutes 11 seconds West, a distance of 827.03 feet to the **Point of Beginning** and containing 9.4083 acres of land.





October 2, 2014

Ms. Johnna Matthews
City Planner
Community Development Department
3523 Liberty Drive
Pearland, Texas 77581

Re: Application for Conditional Use Permit for
+/- 9.4 Acre Fishman Tract-Nursing/Convalescent Home CUP Goodwill Store
CI Job No. 2014-231-008

Dear Ms. Matthews:

Please kindly be advised that Costello, Inc. is the design engineer for drainage, utilities, & paving improvements for the proposed site located in the H.T. & B.R.R. Company Section 81, A-300, in City of Pearland, Brazoria County, Texas 77581.

As you are aware, Ms. Kathryn Edwards of BGE | Kerry Gilbert and Associates, Inc. is currently working on obtaining a Conditional Use Permit for the referenced project and we have been informed that before the application is approved for review at the October 20, 2014 Joint Public Hearing, a note indicating that; all requirements of the Unified Development Code will be met needs to be included on the Site Plan. However, the question was how this would relate to the detention pond.

As we also discussed during the pre-development meeting on August 13, 2014, we are informed that all detention facilities within the City of Pearland must be amenitized. However, our proposed detention facility is an expansion to the existing Channel A-124-05-00, which belongs to Brazoria Drainage District No. 4 (BDD #4). Our proposed detention facility and its' property will be dedicated to BDD #4 and based on Part A.5 of Section 11 in BDD #4's Rules, Regulations & Guidelines, dated May 2013, the detention facility shall be dry and may not be amenitized. *Attached please find a copy for your reference.*

Attached please also find a copy of our email correspondence with BDD #4's engineer, indicating their no-objection to our detention concept. We are currently at final stages and should have their final no-objection letter within the next couple of weeks.

Therefore, as this also came up during the pre-development meeting and since the facility can't be amenitized, we will include screen walls in our construction plans.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alex", written over a blue circular stamp or seal.

A. "Alex" Khoshakhlagh, P.E.
Project Manager

W:\2014\2014231\Detention Pond Letter regarding Conditional Use Permit.docx

Alex Khoshakhlagh

From: J. Stephen Wilcox, P.E., CFM
Sent: Thursday, October 02, 2014 10:51 AM
To: Kathryn Edwards; Alex Khoshakhlagh
Subject: FW: DD4 A-124 Channel Expansion

Kathryn,

Below is the email for the District Engineer stating that the pond expansion will need to be dedicated to DD4. Will this work to answer that question.

Respectfully,

Stephen

From: Jarrod Aden [<mailto:jarrod@lentzengineering.net>]
Sent: Thursday, August 21, 2014 7:46 AM
To: Stephen Wilcox
Cc: Mike Yost (my.bdd4@swbell.net); John Genaro
Subject: RE: DD4 A-124 Channel Expansion

Stephen – I have discussed your proposal with the District.

We have no objection to your detention concept subject to the following:

- 1) Property (for pond, channel, and maintenance berm) must be dedicated in fee to the District.
- 2) Owner must pay the required detention maintenance fee.
- 3) After the construction is complete, the District staff and Engineer must verify District standards have been met (construction final inspection).
- 4) The Board must accept the detention pond for maintenance at their regularly scheduled meeting after all other items have been completed.

Ultimately, it is the Board's decision as to whether or not the pond will be accepted for maintenance.

Feel free to call me with any questions.

Jarrold D. Aden, P.E., C.F.M.
President
Lentz Engineering, LLC
5909 West Loop South, Suite 200
Bellaire, Texas 77401
Office – 713-839-8900
Direct phone – 713-255-6160
Fax - 713-839-9020
Cell – 832-715-8424
jarrod@lentzengineering.net
www.lentzengineering.net



From: Stephen Wilcox [<mailto:swilcox@coseng.com>]

Sent: Tuesday, August 19, 2014 11:36 AM

To: Jarrod Aden

Subject: DD4 A-124 Channel Expansion

Jarrold,

Here is an aerial showing the site boundaries and location that we talked about on the phone. The aerial does not show the recent channel expansion done on the Moody Tract. Feel free to call me with any questions.

Respectfully,

J. Stephen Wilcox, P.E., CFM

Project Engineer

Hydrology & Hydraulics Department

[Costello, Inc](#) | Office: (713) 783-7788 | Mobile: (832) 443-9977

SECTION 11 MAINTENANCE OF DETENTION FACILITIES

All detention facilities constructed by a property owner or developer shall be maintained by the property owner or developer, their legal heir(s), grantee(s), successor(s) or assignee(s). The DISTRICT shall not be responsible for any such facility maintenance. Ownership of detention facilities constructed adjacent to a DISTRICT drainage facility may be transferred to the DISTRICT with the DISTRICT'S approval. Maintenance of these facilities and other facilities owned by the DISTRICT shall be by the DISTRICT.

A. NEWLY CONSTRUCTED DETENTION FACILITIES

The DISTRICT, at its option, may accept for maintenance all newly constructed detention facilities provided:

1. The developer/owner conveys the land area of the detention facility to the DISTRICT by General Warranty Deed, in a format acceptable to the DISTRICT. This conveyance shall include a minimum 20-foot wide unobstructed access way to the nearest public street.
2. The detention facility is constructed in accordance with Final Drainage Plans approved by the DISTRICT.
3. The DISTRICT is furnished a set of "As-Built" drawings, sealed by a surveyor registered in the State of Texas.
4. The detention facility has a concrete pilot channel.
5. The detention facility is designed to be a "dry" facility and not an amenity or private recreational facility. Amenity ponds shall be defined as any pond in which land area has been deeded to the Homeowners/Landowners. These ponds shall include "wet ponds" and ponds used for recreational purposes.
6. The developer/owner has paid to the DISTRICT the appropriate maintenance fee as reflected in the DISTRICT'S Fee Schedule.
7. The developer/owner provides to the DISTRICT 1) an owners title policy for the property conveyed based upon the fair market value as determined by an appraisal, including a tax search, 2) a Warranty, regarding the quality and performance of the facility, including but not limited to engineering, design, construction and operation, and, 3) an Indemnification and Hold Harmless

Agreement for any and all claims, actions and demands, including costs and attorneys' fees, the cause of which originated prior to conveyance. Each of these documents must be acceptable to the DISTRICT in form and content.

8. The pond shall have been constructed with adequate backslope drains and swales that were constructed to DISTRICT standards.
9. The detention facility, maintenance berms and access ways are not obstructed by any other easements or right-of-ways.

B. PREVIOUSLY CONSTRUCTED DETENTION FACILITIES

The DISTRICT, at its option, may accept for maintenance previously constructed detention facilities provided that:

1. The facilities are returned to the standards of the DISTRICT that were in force at the time the DISTRICT approved the final drainage plan.
2. The DISTRICT is provided access to inspect the facility and provide the developer/owner/homeowners association with a list of items that must be corrected. The DISTRICT is allowed to inspect the facility after corrective measures are completed to ensure compliance.
3. A concrete pilot channel is constructed.
4. A minimum twenty (20) foot wide unobstructed access way to the nearest public street is provided.
5. Upon request, the DISTRICT will provide the developer/owner/homeowners association an estimated cost to correct the deficiencies and add the concrete pilot channel. Upon agreement by the parties, the DISTRICT will provide the necessary construction in exchange for a fee based upon the estimated cost of repairs or upgrades as determined by the DISTRICT.
6. The developer/owner conveys the land area of the detention facility to the DISTRICT by General Warranty Deed, in a format acceptable to the DISTRICT.
7. The developer has paid to the DISTRICT the appropriate maintenance fee as reflected in the DISTRICT'S Fee Schedule.

8. The developer/owner provides to the DISTRICT 1) an owners title policy for the property conveyed based upon the fair market value as determined by an appraisal, including a tax search, 2) a Warranty, regarding the quality and performance of the facility, including but not limited to engineering, design, construction, and operation, and, 3) an Indemnification and Hold Harmless Agreement for any and all claims, actions and demands, including costs and attorneys' fees, the cause of which originated prior to conveyance. Each of these documents must be acceptable to the DISTRICT in form and content.
9. The detention facility, maintenance berms and access ways are not obstructed by any other easements or rights-of-way.
10. The detention facility is designed to be a "dry" facility and not an amenity or private recreational facility. Amenity ponds shall be defined as any pond in which land area has been deeded to the Homeowners/Landowners. These ponds shall include "wet ponds" and ponds used for recreational purposes.

For newly constructed and previously constructed detention ponds, the following additional restrictions apply:

1. No detention pond under two (2) acres will be accepted.
2. Detention facilities must be located adjacent to an existing DISTRICT facility.
3. Side slopes must be greater than 3:1 or greater.
4. A note in the acceptance agreement will state that mowing will be only performed on the normal DISTRICT mowing schedule.
5. Hand maintenance must be minimal, and the extent should be identified in the agreement.
6. The acceptance fee may be waived only if accepting the maintenance responsibilities is of substantial benefit to the DISTRICT.
7. Any variance granted to the facility must be considered as part of the acceptance criteria.
8. The DISTRICT will not accept pumped detention systems.

B. Planning and Zoning Variance No. 2014-05

A request by Luther Daly of Costello, Inc., applicant; on behalf of George and Mary Fishman, owner; for approval of a Planning and Zoning Variance to allow for a flag lot within the existing Business Park 288 (BP-288) zoning district on 9.4083 acres of land



P&Z AGENDA REQUEST

TO: Planning & Zoning Commission
REQUESTOR: Luther Daly of Costello, Inc.
DATE: 12/09/2014
AGENDA ITEM SUBJECT: Planning and Zoning Variance 2014-05

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

Summary: A request by Luther Daly of Costello, Inc., applicant; on behalf of George and Mary Fishman, owner; for approval of a Planning and Zoning Variance to allow for a flag lot within the existing Business Park 288 (BP-288) zoning district on 9.4083 acres of land.

The item was originally postponed from the October 20, 2014 regular meeting of the Planning and Zoning Commission. The Commission asked to postpone the proposed flag lot approval until the developer determined whether the lot layout for the development would need to be altered due to the denial of P&Z Variance 2014-04. The applicant has since reconfigured the lot layout with the proposed flag lot remaining as originally proposed.

Staff Analysis: The proposed flag lot meets the definition of a flag lot as stated in the UDC and is therefore eligible for a Planning and Zoning Variance. Staff recommends the following condition if the proposed flag variance is approved:

1. The access easement located within the pole portion of the subject parcel shall be treated as a City Street, requiring 1 caliper inch per each 15 feet of frontage on either side of the easement, with each tree having a minimum of 2 caliper inches.
2. Sidewalks shall be required along both sides of the access easement located within the pole portion of the subject parcel and connect to both Business Center Drive, and to planned walkways within the development.



PLANNING AND ZONING COMMISSION MEETING OF OCTOBER 20, 2014

PLANNING AND ZONING VARIANCE NO. 2014-05

A request by Luther Daly of Costello, Inc., applicant; on behalf of George and Mary Fishman, owner; for approval of a Planning and Zoning Variance to allow for a flag lot within the existing Business Park 288 (BP-288) zoning district on 9.4083 acres of land, on the following described property, to wit:

Legal Description: Being a subdivision of 9.4083 acres of land located in the H.T.& B.R.R. Company Survey, Abstract 300, Brazoria County, Texas.

General Location: Located on the west side of Business Center Drive, south of Pearland Town Center.

SUMMARY: The applicant is proposing to subdivide the 9.4083 acre tract into 4 lots and 1 detention reserve, to be developed as a Medical and Continuing Care campus. The current proposal calls for 4 lots all to have direct access to Business Center Drive. To do so, Lot 1, located at the rear is proposed to be a flag lot with a minimum frontage on Business Center Drive of 50 feet and a pole depth of 300 feet. The flag portion of the lot will have a width of 445.48, a depth of 371.03, and overall area of 4.3381 acres.

UNIFIED DEVELOPMENT CODE: GENERAL COMMERCIAL (GC): The below table illustrates the lot dimension requirements of the BP-288 zone versus the proposed lot dimensions. As indicated, the proposed lot width of Lot 4 does not currently meet the minimum requirements of the BP-288 zone. The applicant is also seeking a lot width variance (P&Z Variance Application Number 2014-04).

Area Regulations: R-E (Single-Family Estate District)		
Size of Lots	Required	Proposed
a) Minimum Lot Area	1 Acre	1.0017 Acres
b) Minimum Lot Width	150 Feet	50 Feet (Pole) 445.48 Feet (Flag)
c) Minimum Lot Depth	200 Feet	300 Feet (Pole) 371.03 Feet (Flag)

The Unified Development Code (UDC) defines a flag lot as a lot which has frontage and width at the building line that is less than the minimum required width. Flag lots in non-

residential and mixed-use zoning districts shall be permitted upon approval by the Planning and Zoning Commission, provided that such lots shall have a minimum frontage of 50 feet. The proposed flag lot meets the definition of a flag lot as stated in UDC, and is therefore eligible for a Planning and Zoning Variance.

PLATTING STATUS: The property is in the process of platting. The proposed variance is required prior to staff approval of the plat.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan recommends "Business Park" for the subject and surrounding properties. The current zoning of BP-288 is in conformance with the future land use designation. .

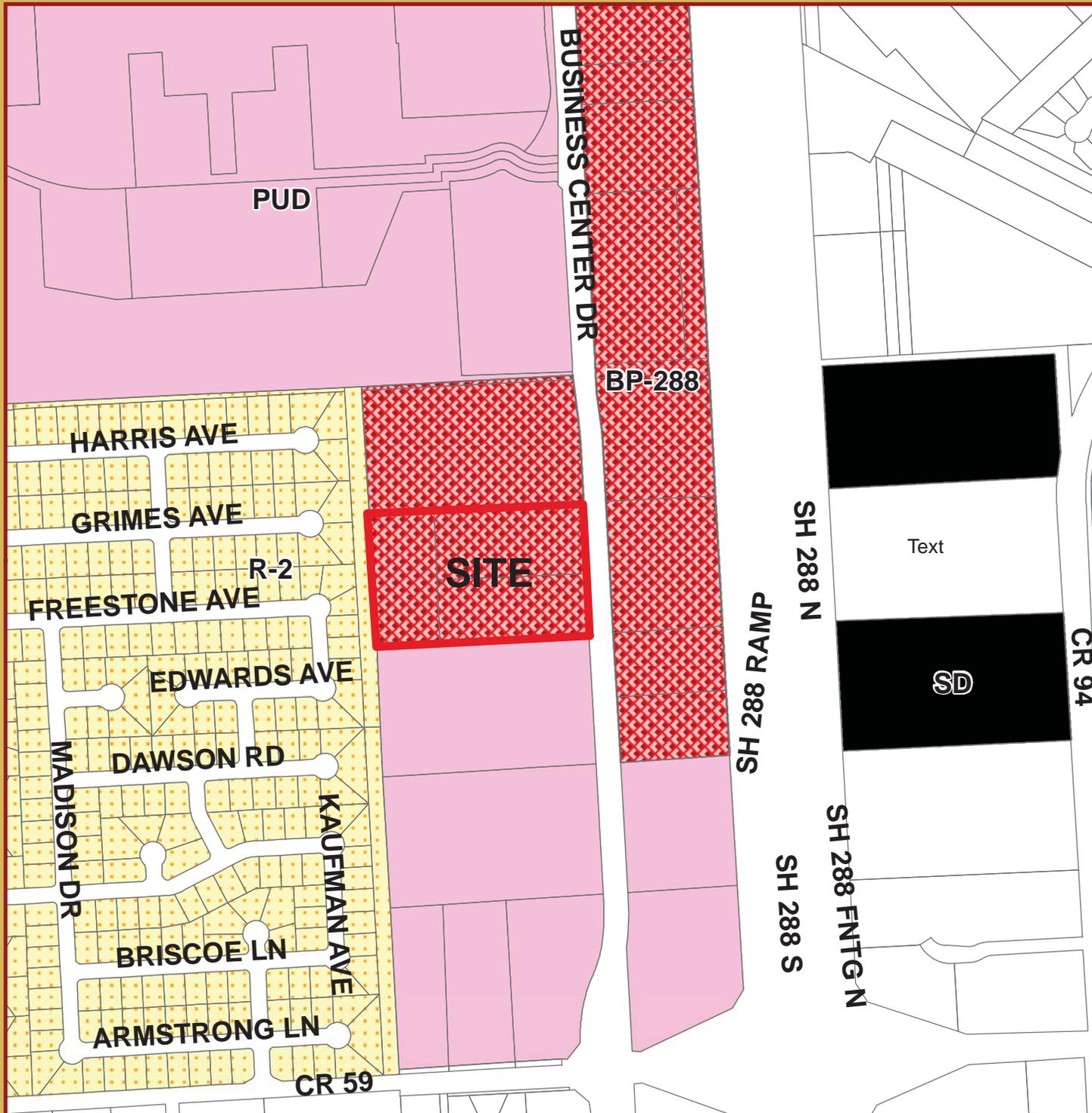
CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Business Center Drive which is a secondary thoroughfare with sufficient right-of-way width of 100 feet.

STAFF ANALYSIS: The proposed flag lot meets the definition of a flag lot as stated in the UDC and is therefore eligible for a Planning and Zoning Variance. Staff recommends the following condition if the proposed flag variance is approved:

1. The access easement located within the pole portion of the subject parcel shall be treated as a City Street, requiring 1 caliper inch per each 15 feet of frontage on either side of the easement, with each tree having a minimum of 2 caliper inches.
2. Sidewalks shall be required along both sides of the access easement located within the pole portion of the subject parcel and connect to both Business Center Drive, and to planned walkways within the development.

SUPPORTING DOCUMENTS:

- Zoning Map
- Future Land Use Plan
- Aerial Map
- Application Package



ZONING MAP

P&Z Variance 2014-05

**Business Center Dr.
South of Pearland
Town Center**

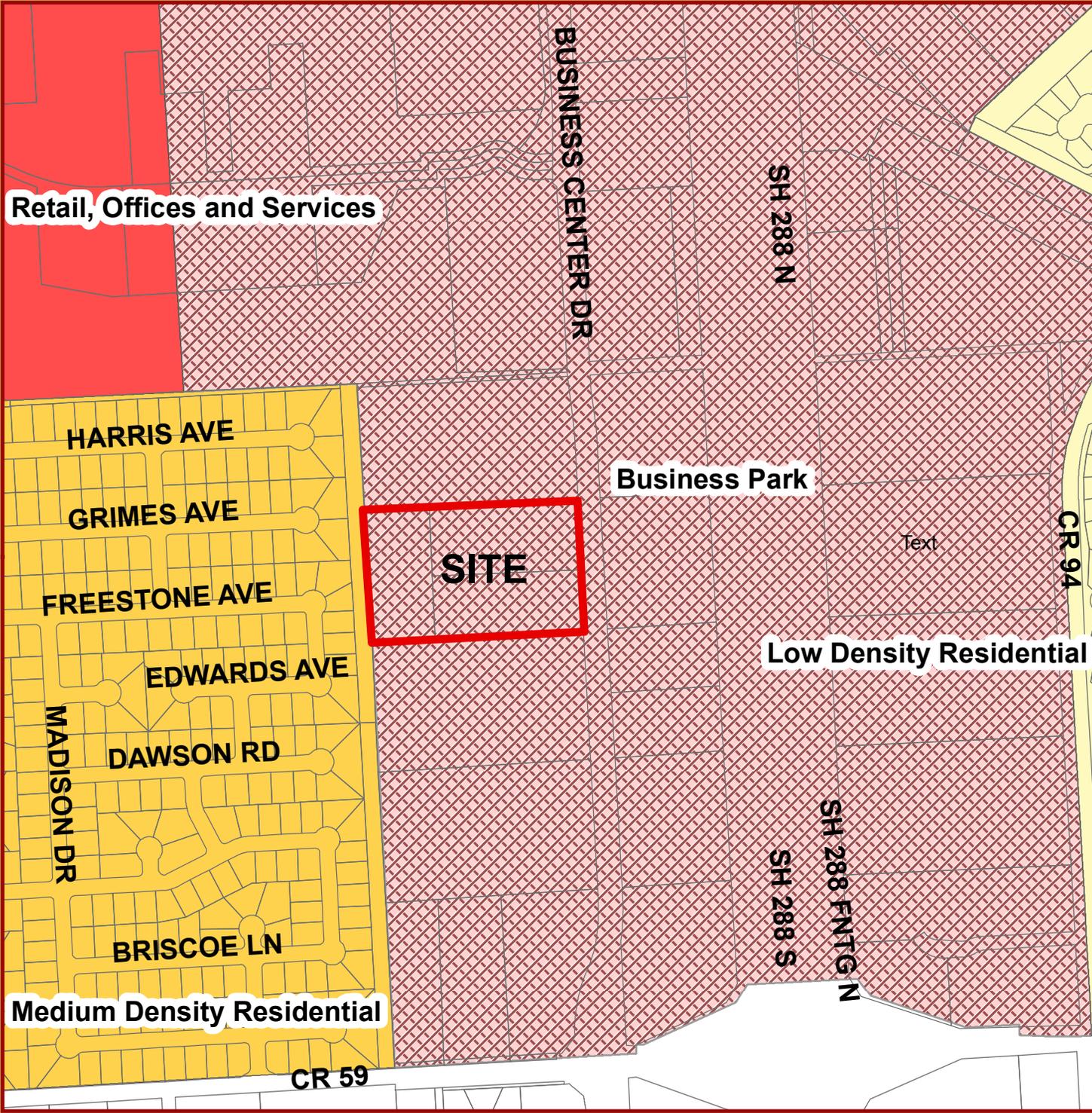


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 544 feet

OCTOBER 2014
PLANNING DEPARTMENT





FLUP MAP

P&Z Variance 2014-05

**Business Center Dr.
South of Pearland
Town Center**



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1 inch = 544 feet

OCTOBER 2014
PLANNING DEPARTMENT





AERIAL MAP

P&Z Variance 2014-05

Business Center Dr. South of Pearland Town Center



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1 inch = 544 feet

OCTOBER 2014
PLANNING DEPARTMENT



PLANNING & ZONING VARIANCE APPLICATION



City of Pearland
 Community Development
 5523 Liberty Drive (Community Center)
 Pearland, Texas 77581
 281-652-1765
 281-652-1702 fax
 www.cityofpearland.com

Variance from Section No. : Sec. 2.4.4.3, BP - 288, Sec. 2.4.4.4
(list section number from the Unified Development Code that pertains to requested variance)

General Description: Submitting a variance for a Flag Lot and a variance for the Reduction of the minimum lot width.

Property Information:

Address or General Location of Property: Business Center Drive Approx. 1600-Foot North of County Rd 59

In order for a variance to be considered, the property must be platted.
 Has the property ever been platted: Yes No

Subdivision: _____

Lot: Tract 37 Block: _____

PROPERTY OWNER INFORMATION (required):
 NAME George Fishman and Mary Fishman
 ADDRESS 3406 Hampshire ST.
 CITY Pearland STATE TX ZIP 77581
 PHONE(832) 571-1158
 FAX(_____) _____
 MAIL ADDRESS Georgefishman775981@yahoo.com

APPLICANT INFORMATION:
 NAME Costello, Inc.: Luther Daly
 ADDRESS 9990 Richmond Ave., Suite 450 N
 CITY Houston STATE TX ZIP 77042
 PHONE(713) 783-7788
 FAX(713) E- 783-3580
 E-MAIL ADDRESS ldaly@costelloinc.com

A Complete Application must include all of this information:

- Fee of \$250.00
- Legal Description and/or Survey of the Property
- Site Plan, Plot Plan, or Drawing showing the requested variance
- Letter Explaining the variance in detail, including Description of Hardship
- Other necessary information (maps, drawings, pictures, etc.) to explain the variance

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: 9/17/2014
 Agent's Signature: [Signature] Date: 9/24/2014

OFFICE USE ONLY:			
FEES PAID: <u>\$250⁰⁰</u>	DATE PAID: <u>9/24/14</u>	RECEIVED BY: <u>JC</u>	RECEIPT NUMBER: <u>360181</u>

Application No. 2014-04/05

September 9, 2014

City of Pearland
Community Development
Planning & Zoning Board
3523 Liberty Drive (Community Center)
Pearland, TX 77581

RE: Variance & Approval Request for Minor Plat of Medical Resort at Pearland

Property ID – 0300-0011-000; Legal Description - A0300 HT & BRR, Tract 37A, Acres 3.330
Property ID - 0300-0025-000; Legal Description - A0300 HT & BRR, Tract 37B, Acres 3.0474
Property ID - 0300-0011-100; Legal Description - A0300 HT & BRR, Tract 37, Acres 3.0474

Dear Board Members;

Pearland Development Code: Sec 2.4.4.3 BP-288 & Sec 2.4.4.4

Specific Variance is being sought for: (Sec 2.4.4.3.c.1.b)
To allow the minimum lot width to be less than 150'.

The applicant proposes to plat a 9.4083 acre tract of land into four (4) Lots as shown on the attached proposed plat of Medical Resort of Pearland. Three proposed lots will front Business Center Drive with the largest main anchor lot to the west configured as a "Flag Lot". The southerly front lot on Business Center Drive will be short 4.5' from meeting the minimum lot width required for front lots.

The Houston/Galveston Area Council is expecting job growth in the Health care industry and with board approving this variance, the development can proceed with a much needed medical facility for the elderly in this heavily populated residential portion of Pearland.

Economic hardship is not the sole justification of the variance:
The conditions supporting this variance is the limited frontage width to Business Center Drive as compared to the depth of the lot.

Secondly, approval is being sought for - Sec 2.4.4.4.b.2
To allow a flag lot in a nonresidential and mixed-use zoning district with the approval by the Planning & Zoning Commission. The flag lot meets the minimum required 50' frontage per section listed above.
(Please see attached plat)

Respectfully,



George Fishman and Mary Fishman
3406 Hampshire St.
Pearland, TX 77581

ZONE CHANGE/ VARIANCE/ PLAT/ RECORDATION

(circle one)
\$ 250 **BA** or **PF** or **FE**

Description: Input who the check is from *Luther Daly*
~~Global Xtz Development~~

COMMENTS/DESCRIPTION (F10):

Location or Address Business Ctr Dr & CR 59

Applicant Luther Daly

Owner George & Mary Fishman

CITY OF PEARLAND
*** CUSTOMER RECEIPT ***
Oper: JCOTTER Type: OC Drawer: 1
Date: 9/24/14 01 Receipt no: 360101

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	\$250.00
Trans number:		4602553

LUTHER DALY
BUSINESS CENTER DR & CR 59
LUTHER DALY
GEORGE & MARY FISHMAN

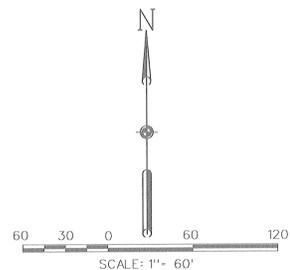
Tender detail	
BR CREDIT CARD	\$250.00
Total tendered	\$250.00
Total payment	\$250.00

Trans date: 9/23/14 Time: 17:09:09

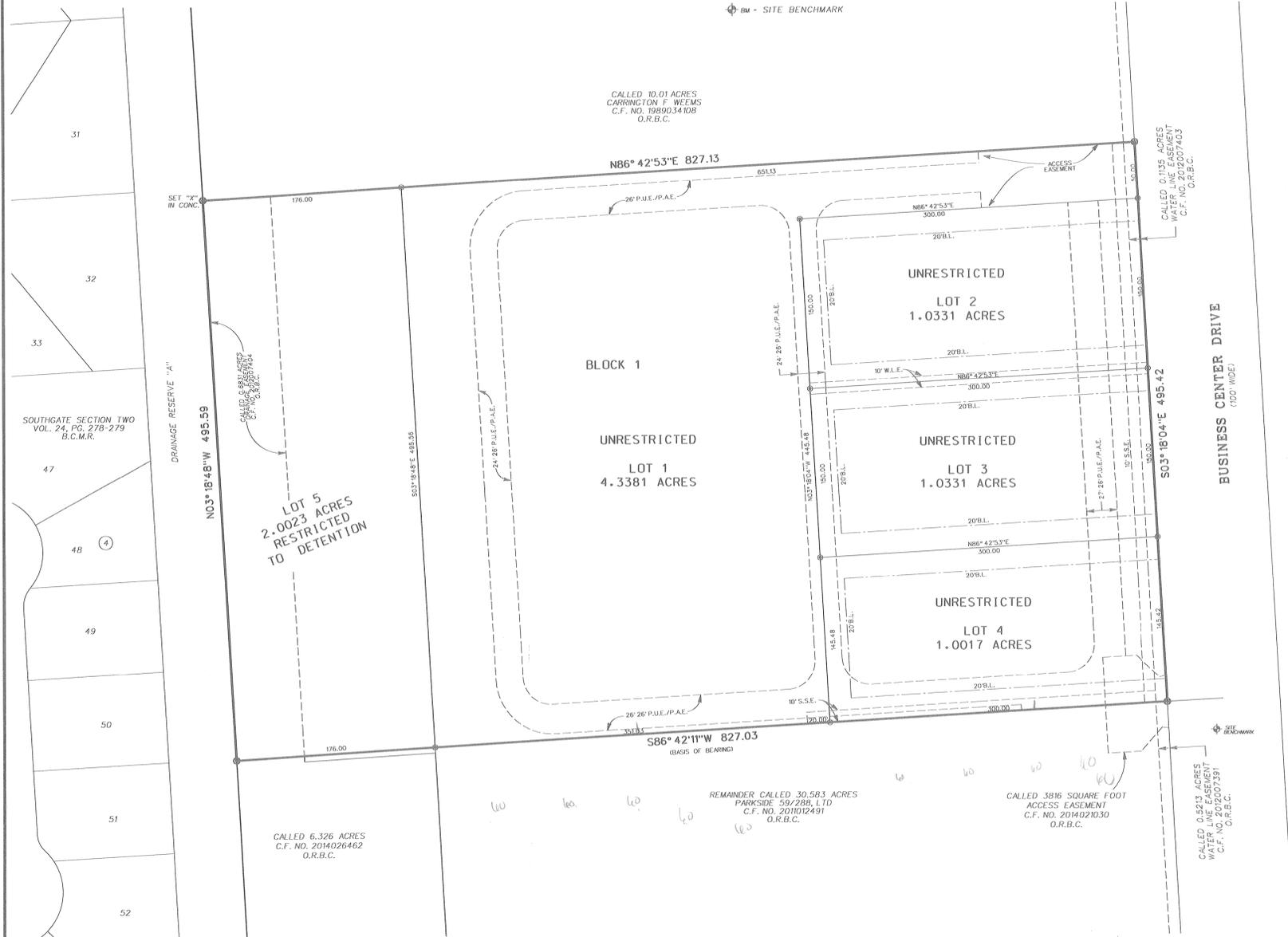
LEGEND

- CL --- CLERKS FILE
- U.E. --- UTILITY EASEMENT
- B.L. --- BUILDING LINE
- A.E. --- AERIAL EASEMENT
- IR --- IRON ROD
- VOL. --- VOLUME
- P.C. --- PAGE
- B.C.M.R. --- BRAZORIA COUNTY MAP RECORDS
- O.R.B.C. --- OFFICIAL RECORDS OF BRAZORIA COUNTY
- C.M. --- CONTROLLING MONUMENT
- W.S.E. --- WATER AND SEWER EASEMENT
- W.L.E. --- WATER LINE EASEMENT
- F.H.E. --- FIRE HYDRANT EASEMENT
- S.S.E. --- SANITARY SEWER EASEMENT
- W.L.E. --- WATER LINE EASEMENT
- P.U.E./P.A.E. --- PUBLIC UTILITY EASEMENT
- P.A.E. --- PRIVATE ACCESS EASEMENT
- SL --- STREET LIGHT

NUMBER	SQ. FT.	ACRES
LOT 1	188,967	4.3381
LOT 2	45,001	1.0331
LOT 3	45,001	1.0331
LOT 4	43,6234	1.0017
LOT 5	87,220	2.0023



- SET 5/8-INCH IRON ROD W/CAP STAMPED "COSTELLO INC" UNLESS OTHERWISE NOTED
- FOUND 5/8-INCH IRON ROD UNLESS OTHERWISE NOTED
- ◆ BM - SITE BENCHMARK



GENERAL NOTES

1. THIS PLAT HAS BEEN PREPARED TO MEET THE REQUIREMENTS OF THE STATE OF TEXAS, BRAZORIA COUNTY AND THE CITY OF PEARLAND. THIS PLAT WAS PREPARED FROM INFORMATION PROVIDED BY CHICAGO TITLE INSURANCE COMPANY C.F. NUMBER CTH-COM-CIT14608261K, EFFECTIVE DATE SEPTEMBER 14, 2014. ALL BEARINGS REFERENCED ARE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE AND THE NORTH LINE OF A CALLED 30.583 ACRE TRACT OF LAND RECORDED IN CLERK'S FILE NUMBER 2011012491 OF THE OFFICIAL RECORDS OF BRAZORIA COUNTY.
 2. 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 ASSOCIATIONS OR OTHER ENTITY AND SHALL NOT BE THE RESPONSIBILITY OF THE CITY OF PEARLAND OR BRAZORIA COUNTY.
 3. CITY OF PEARLAND REFERENCE BENCHMARK: BRASS CAP SET FLUSH IN CONCRETE STAMPED "CITY OF PEARLAND" MONU 1995 LOCATED NORTHERLY ALONG SOUTH BOUND HWY 288 APPROXIMATELY 2400 FEET FROM ITS INTERSECTION OF FM 518 AND HIGHWAY 288. THE MONUMENT IS WESTERLY 21 FEET FROM LARGE HIGHWAY LIGHT POLE #2388. ELEVATION = 59.29 NGVD 1929 (1987 ADJ.)
- PROJECT BENCHMARK: BRASS DISK STAMPED "BCPD" SET ON TOP OF A CURB INLET ALONG THE NORTH SIDE OF COUNTY RD 59, APPROXIMATELY 233 FEET EAST OF THE CENTERLINE EXTENSION OF BUSINESS CENTER DRIVE. ELEVATION = 61.78 NGVD 1929 (1987 ADJ.)

- PLAT BENCHMARK: SCRIBED "X" WITHIN BOX AT THE SOUTHERLY BULLNOSE OF A MEDIAN CROSSING OF BUSINESS CENTER DRIVE AT THE SOUTHEAST CORNER OF MEDICAL RESORT AT PEARLAND PROPERTY. ELEVATION = 59.94 NGVD 1929 (1987 ADJ.)
4. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) MAP NO. 48039C0020 H, WITH THE EFFECTIVE DATE OF JUNE 5, 1989, THIS PROPERTY IS LOCATED IN UNSHADED ZONE "X" (AREAS DETERMINE TO BE OUTSIDE 500-YEAR FLOODPLAIN). ALL FLOOD INFORMATION NOTED IN THE PLA 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.
 5. ANY CONSTRUCTION PROPOSED TO BE INSTALLED WITHIN A PROPERTY EASEMENT WITH PRESCRIBED RIGHTS TO A PRIVATE ENTITY MAY REQUIRE THE PERMISSION OF THE PRIVATE ENTITY PRIOR TO THE START OF CONSTRUCTION. FAILURE TO SECURE SUCH PERMISSION MAY RESULT IN THE RIGHT HOLDERS OF THE EASEMENT REMOVING ANY UNAPPROVED PAVEMENT, STRUCTURES, UTILITIES, OR OTHER FACILITIES LOCATED WITHIN THE EASEMENT. THE RESPONSIBILITY OF SECURING APPROVAL FROM THE PRIVATE ENTITIES TO BUILD WITHIN AN EASEMENT IS SOLELY THAT OF THE PROPERTY OWNER.
 6. ACCESS RIGHTS TO PARKING AREAS AND DRIVEWAYS ARE HEREBY GRANTED TO ALL ADJOINING COMMERCIAL PROPERTIES.

7. THE MINIMUM SLAB ELEVATION FOR ALL BUILDINGS LOCATED WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE THE HIGHER OF (1) EITHER 12 INCHES ABOVE THE TOP OF THE CURB ELEVATION FOR A CURB STREET OF 12 INCHES ABOVE THE ELEVATION OF THE EDGE OF THE ROADWAY IF NO CURB EXIST, OR (2) 12 INCHES ABOVE THE 100 YEAR FLOODPLAIN WATER SURFACE ELEVATION FOR STRUCTURES TO BE LOCATED WITHIN THE 100 YEAR FLOODPLAIN.
8. ANY PROPOSED DRAINAGE SYSTEM FOR THIS SUBDIVISION SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE CITY OF PEARLAND AND/OR BRAZORIA DRAINAGE DISTRICT #4.
9. ALL LANDSCAPING AND STRUCTURES, INCLUDING FENCES AT INTERSECTIONS SHALL CONFORM TO THE CITY OF PEARLAND AND AASHTO SITE DISTANCE REQUIREMENTS FOR MOTORISTS.
10. DRIVEWAY REQUIREMENTS FOR THE LOCATION, WIDTHS, AND OFFSETS FROM AN INTERSECTION AND ANY EXISTING DRIVEWAY OR PROPOSED DRIVEWAY, SHALL CONFORM TO THE REQUIREMENTS OF CHAPTER 7 OF THE CITY OF PEARLAND ENGINEERING DESIGN CRITERIA MANUAL.

COUNTY OF BRAZORIA

THAT WE, GLOBAL XYZ DEVELOPMENT, ACTING BY AND THROUGH JOHN GRIFFIN, OWNERS AND OR ASSIGNS OF THE PROPERTY SUBDIVIDED AND PLATTED IN THE FOREGOING PLAT OF MEDICAL RESORT AT PEARLAND, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION OF SAID PROPERTY ACCORDING TO ALL LINES, LOTS, STREETS, EASEMENTS, RESERVES, RESTRICTIONS AND NOTATIONS ON SAID PLAT AND DESIGNATE SAID SUBDIVISION AS FINAL DEVELOPMENT PLAT OF MEDICAL RESORT AT PEARLAND, BEING A SUBDIVISION OF 4 LOTS, IN THE CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS, AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER THE STREETS AND EASEMENTS, AS SHOWN HEREON, FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, DO HEREBY WAIVE ANY CLAIMS FOR DAMAGES OCCASIONED BY THE GRADES APPROVED FOR THE STREETS, OR OCCASIONED BY THE ALTERATION OF THE SURFACE OF ANY PORTION OF THE STREETS TO CONFORM TO SUCH GRADES AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER 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 AS INDICATED AND DEPICTED HEREON (IF ANY). THE AERIAL EASEMENTS (IF ANY) SHALL EXTEND HORIZONTALLY AN ADDITIONAL ELEVEN FEET, SIX INCHES (11'6") FOR TEN FEET (10'0") PERIMETER GROUND EASEMENTS (IF ANY) OR SEVEN FEET, SIX INCHES (7'6") FOR FOURTEEN FEET (14'0") PERIMETER GROUND EASEMENTS (IF ANY) OR FIVE FEET, SIX INCHES (5'6") FOR SIXTEEN FEET (16'0") PERIMETER GROUND EASEMENTS (IF ANY), FROM A PLANE SIXTEEN (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 THE AERIAL EASEMENT (IF ANY) 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 AS INDICATED AND DEPICTED HEREON (IF ANY). THE AERIAL EASEMENTS (IF ANY) SHALL EXTEND HORIZONTALLY AN ADDITIONAL TEN FEET (10'0") FOR TEN FEET (10'0") BACK-TO-BACK GROUND EASEMENTS (IF ANY), OR EIGHT FEET (8'0") FOR FOURTEEN FEET (14'0") BACK TO BACK GROUND EASEMENTS (IF ANY) OR SEVEN FEET (7'0") FOR SIXTEEN FEET (16'0") BACK TO BACK GROUND EASEMENTS (IF ANY) FROM A PLANE SIXTEEN FEET (16'0") ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO BOTH SIDES AND ADJOINING ALL PUBLIC UTILITY EASEMENTS (IF ANY) THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY THE AERIAL EASEMENT (IF ANY) TOTALS THIRTY FEET (30'0") IN WIDTH.

IN TESTIMONY HERETO, GLOBAL XYZ DEVELOPMENT, AS OWNER OF MEDICAL RESORT AT PEARLAND, HAS CAUSED THESE PRESENTS TO BE SIGNED BY JOHN GRIFFIN, OWNER.

THIS ____ DAY OF SEPTEMBER, 2014.

BY: GLOBAL XYZ DEVELOPMENT

BY: JOHN GRIFFIN, OWNER

STATE OF TEXAS
COUNTY OF COLLIN

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JOHN GRIFFIN, OWNER, GLOBAL XYZ DEVELOPMENT, ON BEHALF OF THE COMPANY, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS 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.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS ____ DAY OF SEPTEMBER, 2014.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES: _____

THIS IS TO CERTIFY THAT THE CITY PLANNING DIRECTOR OF THE CITY OF PEARLAND, TEXAS HAS APPROVED THIS FINAL DEVELOPMENT PLAT OF KELSEY - SEYBOLD, 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 SEPTEMBER, 2014.

JOHNNA MATTHEWS
CITY PLANNER
CITY OF PEARLAND, TX

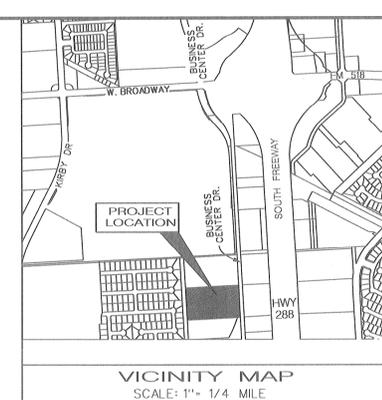
APPROVED FOR THE CITY OF PEARLAND, TEXAS THIS ____ DAY OF SEPTEMBER, 2014

RICHARD MANCILLA, P.E.
CITY ENGINEER
CITY OF PEARLAND, TX

DARRIN COCKER,
CITY ATTORNEY
CITY OF PEARLAND,

I, LUTHER J. DALY, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING, AND HEREBY CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND CORRECT, WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, THAT ALL BOUNDARY CORNERS, ANGLE POINTS AND POINTS OF CURVATURE HAVE BEEN MARKED WITH IRON (OR OTHER SUITABLE PERMANENT METAL) PIPES OR RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN FIVE EIGHTHS INCH (5/8") AND A LENGTH OF NOT LESS THAN THREE (3) FEET.

REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6150



METES AND BOUNDS

Being a 9.4083 acre tract of land located in the H.T. & B.R.R. Company Survey, Abstract 300, Brazoria County, Texas; said 9.4083 acre tract being all of a called 3.39 acre tract of land recorded in the name of George D. and Mary Fishman in Clerk's File Number 2005061002 of the Official Records of Brazoria County (O.R.B.C.) Texas, the remainder of a called 3.3 acre tract of land (North 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-01007 of the O.R.B.C. and the remainder of a called 3.3 acre tract of land (South 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-010496 of the O.R.B.C.; said 9.4083 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System, South Central Zone):

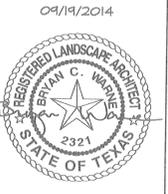
- Beginning at an "X" scribed in concrete found for the northwest corner of a called 30.583 acre tract of land recorded in Clerk's File Number 2011012491 of the O.R.B.C. and the southwest corner of said called 3.39 acre tract, same being on the east line of Southgate Section Two, a subdivision recorded in Volume 24, Page 278-279 of the Brazoria County Plat Records, said "X" also being the northwest corner of a called 6.326 acre tract of land recorded in Clerk's File Number 2014026462 of the O.R.B.C.
1. Thence, with the west line of said called 3.39 acre tract and the east line of said Southgate Section Two, North 03 degrees 18 minutes 48 seconds West, a distance of 495.59 feet to an "X" scribed in concrete set for the northwest corner of said called 3.39 acre tract and the southwest corner of a called 10.01 acre tract of land recorded in Clerk's File Number 1989034108 of the O.R.B.C.;
 2. Thence, with the north line of said called 3.39 acre tract, the north line of aforesaid North 3.3 acre tract and the south line of said 10.01 acre tract, North 86 degrees 42 minutes 53 seconds East, at 296.85 feet pass to a 5/8-inch iron rod found, continuing in a total distance of 827.13 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set on the northwest corner of a called 0.5652 recorded in Clerk's File Number 2012007402 of the O.R.B.C., same being the west right-of-way (R.O.W.) line of Business Center Drive (100-foot wide);
 3. Thence, with the west line of said called 0.5652 acre tract, same being the west R.O.W. line of said Business Center Drive, South 03 degrees 18 minutes 04 seconds East, a distance of 495.42 feet to a 5/8-inch iron rod with cap stamped "IDS" found for the southwest corner of said called 0.5652 acre tract and the northwest corner of a called 0.8328 acre tract of land recorded in Clerk's File Number 2012007390 of the O.R.B.C., same being on the north line of aforesaid called 30.583 acre tract and the south line of aforesaid South 3.3 acre tract;
 4. Thence, with the south line of said South 3.33 acre tract, the south line of aforesaid called 3.39 acre tract and the north line of said called 30.583 acre tract, South 86 degrees 42 minutes 11 seconds West, a distance of 827.03 feet to the Point of Beginning and containing 9.4083 acres of land.

**MINOR PLAT OF
MEDICAL RESORT
AT PEARLAND**
A SUBDIVISION OF 9.4083 ACRES
1 BLOCK & 5 LOTS
CITY OF PEARLAND
LOCATED IN THE
H.T. & B.R.R. COMPANY
SECTION 81, A-300

BRAZORIA COUNTY, TEXAS
OWNERS:
GLOBAL XYZ DEVELOPMENT, LLC
721 S. HIGHWAY 78
WYLLIE, TEXAS, 7609843615
TELEPHONE (972) 303-8100

Costello ENGINEERING AND SURVEYING
9990 RICHMOND AVENUE SUITE 450
NORTH BUILDING
HOUSTON, TEXAS 77042
(713) 793-7788 FAX: 793-3580
TYPE FIRM REGISTRATION NO. 280
TOLPS FIRM REGISTRATION NO. 100466

FILE COPY - PLANNING
SUBMITTAL DATE: 9/24/14
DRC DATE: 9/30/14
PLEASE REVIEW PLAT AND RETURN TO
PLANNING DEPT BY: 10/2/14



PEARLAND MEDICAL CAMPUS
 PEARLAND, TEXAS

PRELIMINARY DRAWINGS

NOT FOR BIDDING, PERMIT, OR CONSTRUCTION PURPOSES

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REVISIONS:

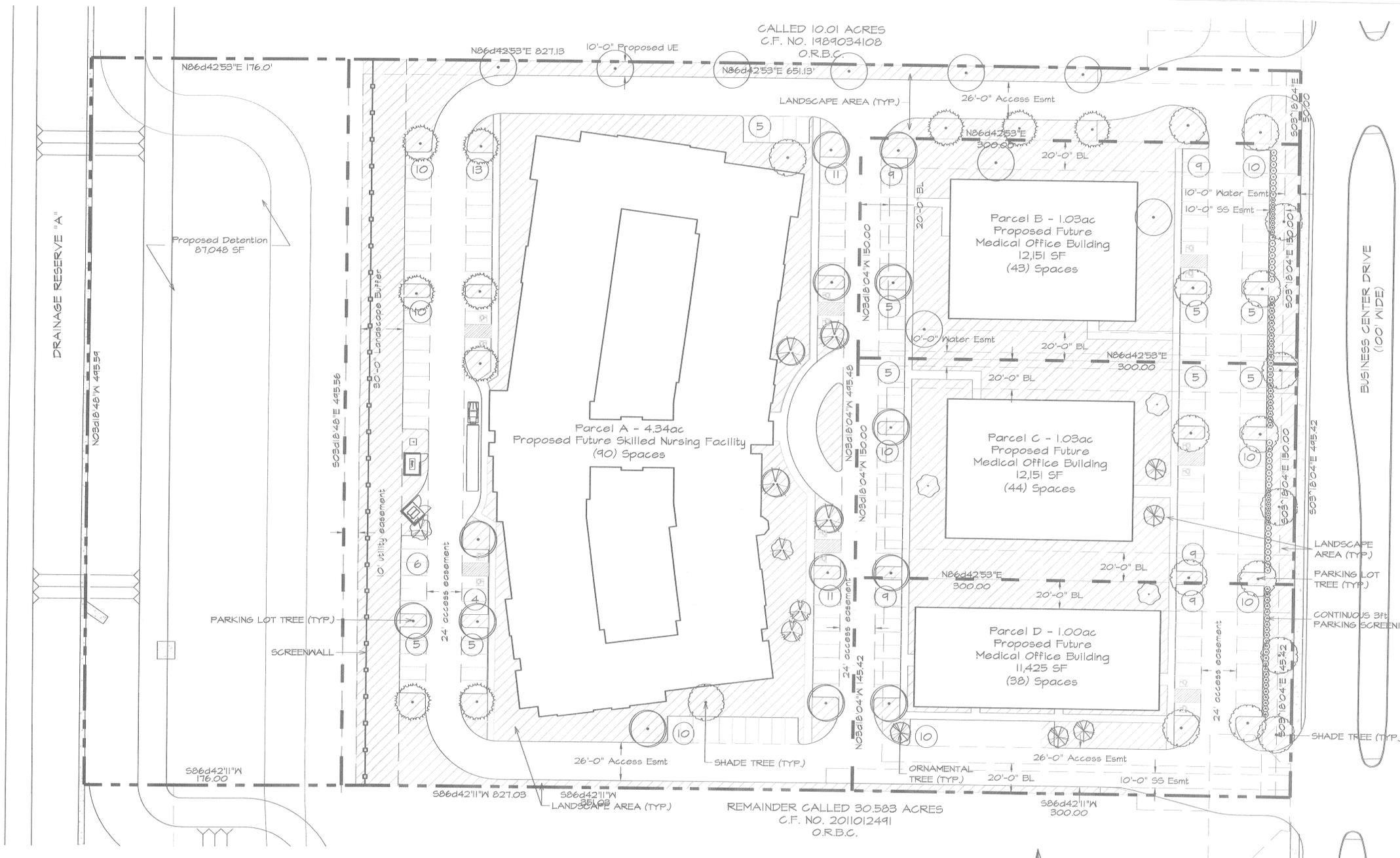
DATE: 09/19/14
 PROJECT NUMBER: 14010
 SHEET TITLE:

CONDITIONAL USE SITEPLAN

SHEET:

L1

OF: 1



1 DEVELOPMENT SITE PLAN



THIS DRAWING, AS AN INSTRUMENT OF SERVICE, IS AND SHALL REMAIN THE PROPERTY OF PI ARCHITECTS AND SHALL NOT BE REPRODUCED, PUBLISHED OR USED IN ANY WAY WITHOUT THE PERMISSION OF PI ARCHITECTS

NOTE: BEWARE: UNDERGROUND UTILITIES IN PLACE, INCLUDING ELECTRICAL, GAS, WATER, SEWER, TELEPHONE, AND OTHERS. CONSULT PROJECT ENGINEER PRIOR TO CONSTRUCTION. ALL UTILITIES TO BE FLAGGED AND IDENTIFIED. LANDSCAPE CONTRACTOR RESPONSIBILITY.

Landscape Requirements					
Zoning BP 288 + Business Center PD					
Street Trees	Parcel A - (495)lf	Parcel B - (150)lf	Parcel C - (150)lf	Parcel D (146)lf	
1" per (15)lf	Req (17) 2" Prov (17) 2"	Req (5) 2" Prov (5) 2"	Req (5) 2" Prov (5) 2"	Req (5) 2" Prov (5) 2"	
Parking Lot Trees	Parcel A - (90)sp	Parcel B - (43)sp	Parcel C - (44)sp	Parcel D - (38)sp	
1" per (5)spaces	Req (9) 2" Prov (9) 2"	Req (5) 2" Prov (5) 2"	Req (5) 2" Prov (5) 2"	Req (4) 2" Prov (4) 2"	
Landscape Area	Parcel A - (216,178)sf	Parcel B	Parcel C	Parcel D	
15% of site area	Req (41,426)sf Prov (54,509)sf	Req (6,750)sf Prov (17,810)sf	Req (6,750)sf Prov (12,495)sf	Req (6,547)sf Prov (10,756)sf	

Site Data									
Zoning BP 288 + Business Center PD									
Proposed Use	Parcel A Skilled Nursing		Parcel B Medical Office		Parcel C Medical Office		Parcel D Medical Office		
Min Lot Dimensions	Parcel A		Parcel B		Parcel C		Parcel D		
Front Setback	Req 25ft	Prov 38ft	Req 25ft	Prov 25ft	Req 25ft	Prov 25ft	Req 25ft	Prov 25ft	
Rear Setback	20ft	99ft	20ft	20ft	20ft	20ft	20ft	20ft	
Side Setback	20ft	47ft	20ft	20ft	20ft	20ft	20ft	20ft	
Width	150ft	495ft	150ft	150ft	150ft	150ft	150ft	145.42ft	
Depth	Flag 200ft	Pole 351ft	200ft	300ft	200ft	300ft	200ft	300ft	
Area	1ac	4.34ac	1ac	1.03ac	1ac	1.03ac	1ac	1.00ac	
Parking	Parcel A		Parcel B		Parcel C		Parcel D		
(1) space per (2) beds	Req 52	Prov 90	Req 41	Prov 43	Req 41	Prov 44	Req 38	Prov 38	
(1) space per (300)sf									

I:\00-Projects\2014\14010_SCE_Pearland\00_Project_Drawings\L1_Conditional_SitePlan.dwg Fri, Sep 19, 2014, 1:45pm

IV. New Business

A. Zone Change Application No. 2014-21Z

A request of Alan Mueller, applicant; on behalf of Joe and Darlene Laney and John McMahan, owners; for approval of a zoning designation of Single Family - 1 (R-1) on approximately 32.3 acres of land



JOINT PUBLIC HEARING

THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF
THE CITY OF PEARLAND, TEXAS,
MONDAY, DECEMBER 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. 2014-21Z

A request of Alan Mueller, applicant; on behalf of Joe and Darlene Laney and John McMahan, owner; for approval of a zoning designation of Single Family - 1 (R-1) on approximately 32.3 acres of land, more specifically described as:

Legal Description: The East one half (1/2) of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section 84, H.T.& B.R.R. Survey, Abstract No. 538, Brazoria County, Texas and being the same land conveyed to B. Frank Wood by Jay C. Tulk by Deed dated April 11, 1955, Recorded in Volume 627, Page 278, Deed Records, Brazoria County, Texas and;

The West one half (1/2) of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section 84, H.T.& B.R.R. Survey, Abstract No. 538, called Tract No. 8, Brazoria County, Texas according to the recorded map or plat thereof appearing of record in the office of the County Clerk of Galveston County, Texas and being the same land described from J.T. McMahan to R. D. McMahan, dated October 27, 1964, recorded in Volume 895, Page 22, Deed Records of Brazoria County, Texas and being that same 20 acres more or less, conveyed to John T. McMahan by R.D. McMahan and wife, Eunice McMahan, by Deed dated December 29, 1994, Filed of Record March 13, 2003, recorded under Brazoria County Clerks File No. 03 015336, and;

A 2.72 acre tract, being the remainder of two (2) 1.5 acre tracts, recorded in Volume (87) 403, Page 70 [Tract 1] and Volume (87) 403, Page 73 [Tract 2], of the Official Records of Brazoria County, Texas, out of the North ½ of the East ½ of the Southeast ¼ of the Northeast ¼ of section 84, of the H.T.& B. Railroad Company Survey, Abstract 538, Brazoria County, Texas.

General Location: West of County Road 48 and 2000 feet south of Broadway St., 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: December 15, 2014

Re: Zone Change Application Number 2014-21Z

A request of Alan Mueller, applicant; on behalf of Joe and Darlene Laney and John McMahan, owner; for approval of a zoning designation of Single Family - 1 (R-1) on approximately 32.3 acres of land, located West of County Road 48 and 2000 feet south of Broadway St., Pearland, TX

Proposal

The subject property includes approximately 32.3 acres of land; of which approximately 20 acres is currently zoned Residential Estate (RE) with the remaining 12 acres currently being within the City of Pearland's Extra Territorial Jurisdiction (ETJ) and is in the process of annexation. The applicant is requesting that the entire 32.3 acre parcel be zoned Single Family Residential – 1 (R-1). According to the applicant's letter of intent, the purpose of the requested change is to allow for a single family residential subdivision. The applicant is also seeking approval from the Planning and Zoning Commission of a Cluster Development Plan for this property. The Cluster Development Plan approval would allow for the developer to decrease the lot width from the required 80 feet down to a proposed mix of 60 and 55 foot wide lots.

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 request for a zoning designation of R-1 for the approximately 32.3 acre site for the following reasons:

1. The change in zoning is in conformance with the Comprehensive Plan, as the requested zoning of R-1 complies with the Low Density Residential Land Use.
2. The subject parcel is adjacent to a single family subdivision on three sides which is of similar design and scope to the proposed development.
3. The proposed zone change should not have any negative impacts on the surrounding properties.
4. All requirements of the UDC will be met upon development of the site.

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 32.3 acres of land, of which approximately 20 acres is currently zoned Residential Estate (RE) with the remaining 12 acres currently being within the City of Pearland's Extra Territorial Jurisdiction (ETJ) and is in the process of annexation. The applicant is requesting that the entire 32.3 acre parcel be zoned Single Family Residential – 1 (R-1). According to the applicant's letter of intent, the purpose of the requested change is to allow for a single family residential subdivision. The applicant is also seeking approval from the Planning and Zoning Commission of a Cluster Development Plan for this property. The Cluster Development Plan approval would allow for the developer to decrease the lot width from the required 80 feet down to a proposed mix of 60 and 55 foot wide lots.

Site History

The subject property includes a total of 32.3 acres of mostly undeveloped land. Approximately 20 acres of land is currently within the city limits and zoned RE. The remainder (along County Road 48) is in the process of annexation.

The site is surrounded by residential zoning (PD – R2) to the north, east, and west. The property to the south is currently outside of the city limits. The majority of this property appears to be used for large lot residential purposes.

The below table identifies surrounding uses and zoning districts:

	Zoning	Land Use
North	Planned Development – Residential (Southern Trails)	Single Family Residential Subdivision
South	Extra Territorial Jurisdiction (ETJ)	Large Lot Residential
East	Planned Development – Residential (Southern Trails)	Single Family Residential Subdivision
West	Planned Development – Residential (Southern Trails)	Single Family Residential Subdivision

Conformance with the Unified Development Code

The property is currently partially developed with a few single family structures located in the portion outside of the city limits along CR 48. The applicant will be seeking approval from the Planning and Zoning Commission of a Cluster Development Plan that will allow them to reduce the required lots width of each individual lot to a mix of 60 and 55 foot wide lots from the required 80 foot width. All other requirements of the UDC will need to be met upon development of the site.

Conformance with the Comprehensive Plan

The proposed zoning R-1 on the subject property is in conformance with the future land use designation of the Comprehensive Plan which is “Low Density Residential.”

Conformance with the Thoroughfare Plan

The property has frontage on County Road 48 (Kingsley Drive); a major thoroughfare of with a required width of 120 feet of right-of-way. Additional right-of-way may need to be acquired during the platting process. Internal local roads, constructed to city standards, will be built by the developer in order to access the residential subdivision. The proposed roads will require a minimum right-of-way of 50 feet.

Platting Status

The property has not been platted. A Preliminary and Final plat will be required prior to the issuance of any building permits for the site.

Availability of Utilities

The subject property does not currently have access to public infrastructure. Water and sewer lines will need to be extended by the developer in order to serve the subject property.

Impact on Existing and Future Development

The R-1 zone would be considered appropriate for this section of CR 48 (Kingsley) due to the existing surrounding uses and based on the future land use plan. The subject property is in conformance with the existing Southern Trails Planned Development that is adjacent to it on the north, east and west. During the platting process, a Traffic Impact Analysis may be required. This would determine if any improvements will be required to be constructed by the developer to CR 48. Overall, the proposed plan is in conformance with the surrounding land uses and is not anticipated to have a negative impact on the general area.

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

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 request for a zoning designation of R-1 for the approximately 32.3 acre site for the following reasons:

1. The change in zoning is in conformance with the Comprehensive Plan, as the requested zoning of R-1 complies with the Low Density Residential Land Use.
2. The subject parcel is adjacent to a single family subdivision on three sides which is of similar design and scope to the proposed development.
3. The proposed zone change should not have any negative impacts on the surrounding properties.
4. All requirements of the UDC will be met upon development of the site.



Exhibit 2

AERIAL MAP

Zone Change 2014-21Z

West of CR 48



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 = 377 feet

OCTOBER 2014
PLANNING DEPARTMENT



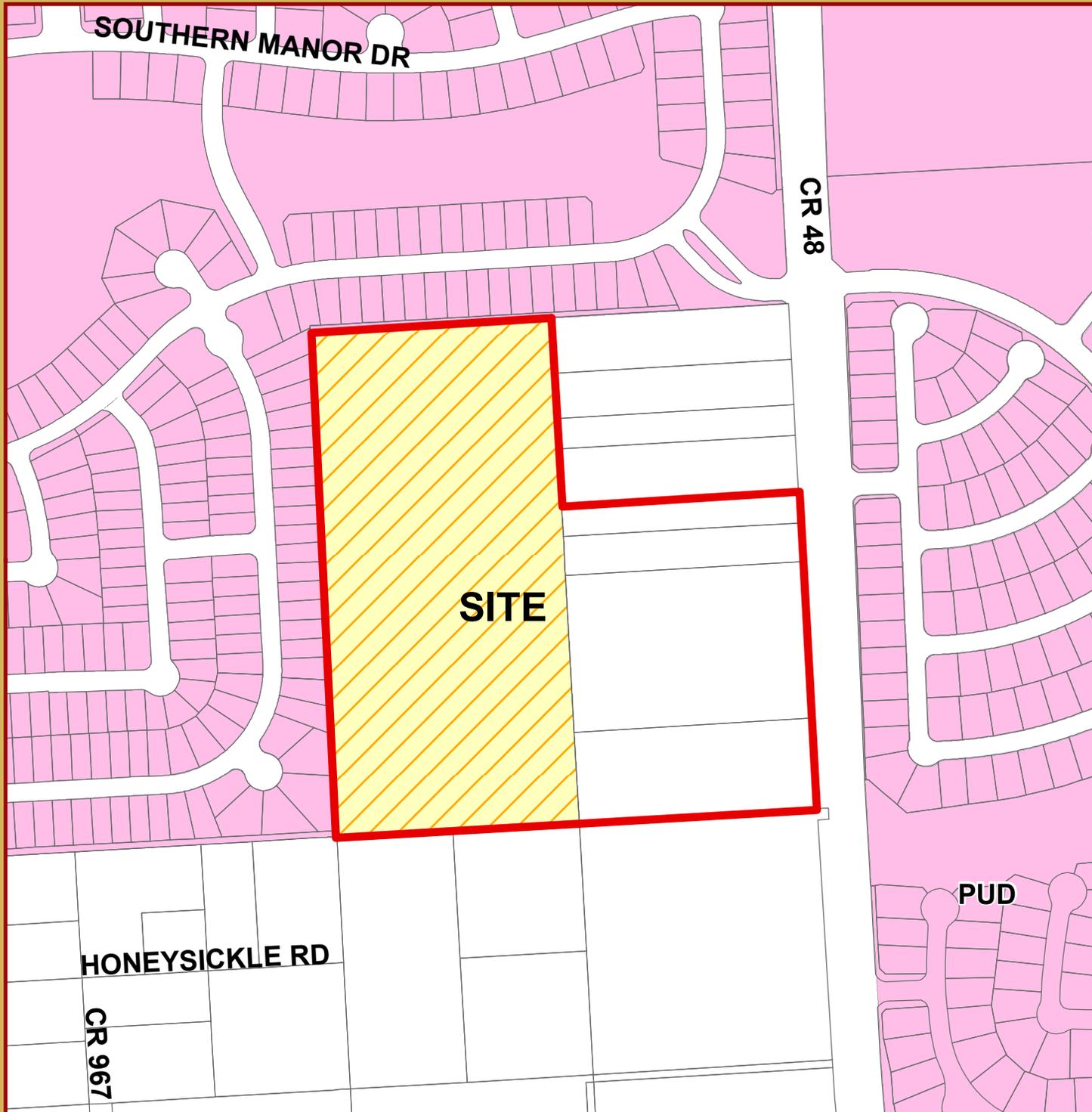


Exhibit 3

ZONING MAP

Zone Change 2014-21Z

West of CR 48



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1 inch = 377 feet

OCTOBER 2014
PLANNING DEPARTMENT





Exhibit 4

FLUP MAP

Zone Change 2014-21Z

West of CR 48



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1 inch = 377 feet

OCTOBER 2014
PLANNING DEPARTMENT



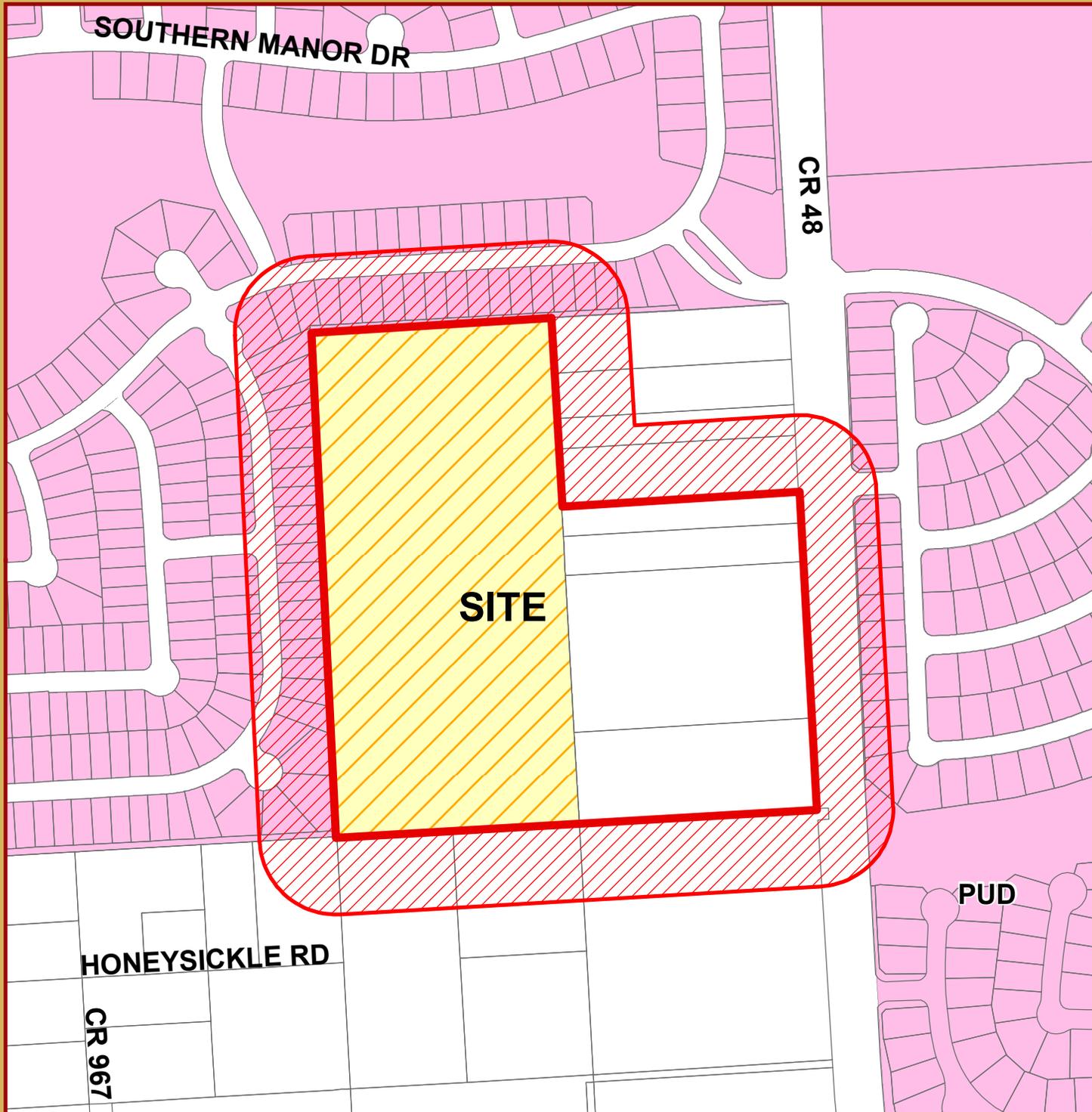


Exhibit 5

NOTIFICATION MAP

Zone Change 2014-21Z

West of CR 48



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1 inch = 377 feet

OCTOBER 2014
PLANNING DEPARTMENT



Owner	Address	City	State
SPEZIALE MICHAEL	12804 SOUTHERN VALLEY DR	PEARLAND	TX
TULLIS STEPHANIE D	12913 SOUTHERN VALLEY DR	PEARLAND	TX
WASHINGTON TIFFANY R	3302 ORCHARD MILL LN	PEARLAND	TX
DOWSON THOMAS E	3214 ORCHARD MILL LN	PEARLAND	TX
BURKS JOHN & MARY	3219 TRAIL HOLLOW DR	PEARLAND	TX
SNOOK MELANIE A	3512 DESERT MESA RD	ROANOKE	TX
STODDARD GROUP LTD	14040 WELCH RD	DALLAS	TX
SUELLO SHEILA B	12912 SOUTHERN VALLEY DR	PEARLAND	TX
HUCKABY FRANCINE	12910 SOUTHERN VALLEY DR	PEARLAND	TX
WANG JOANNA HOPE	12902 SOUTHERN VALLEY DR	PEARLAND	TX
AUGUST ERIN	12906 SOUTHERN VALLEY DR	PEARLAND	TX
PALMER DEBRA	12904 SOUTHERN VALLEY DR	PEARLAND	TX
WANG JOANNA HOPE	12902 SOUTHERN VALLEY DR	PEARLAND	TX
ATCHISON MARTIN V III	12818 SOUTHERN VALLEY DR	PEARLAND	TX
JESSIE ADRIANNE J	12816 SOUTHERN VALLEY DR	PEARLAND	TX
LANDRUM STEPHEN	3215 TRAIL HOLLOW DR	PEARLAND	TX
VU NGUYEN T & LUU T BUI	12814 SOUTHERN VALLEY DR	PEARLAND	TX
VARNER KELLI	12812 SOUTHERN VALLEY DR	PEARLAND	TX
BONNEY DIANNE	30329 VALLEY CENTER RD	VALLEY CENTER	CA
VUONG DANNY D	12808 SOUTHERN VALLEY DR	PEARLAND	TX
TURNER NATASHA	12911 SOUTHERN VALLEY DR	PEARLAND	TX
AKANU STANLEY O	12909 SOUTHERN VALLEY DR	PEARLAND	TX
GARRIS PAUL & JEANA	12907 SOUTHERN VALLEY DR	PEARLAND	TX
DAVI ANTHONY J	12905 SOUTHERN VALLEY DR	PEARLAND	TX
RUBERG KEITH P	12903 SOUTHERN VALLEY DR	PEARLAND	TX
GILLESPIE JOSEPH JR	12901 SOUTHERN VALLEY DR	PEARLAND	TX
NUANJING CHATUPORN	12811 SOUTHERN VALLEY DR	PEARLAND	TX
SCHMIDL WILLIAM & XIA LAI	3408 CROSSBRANCH CT	PEARLAND	TX
HOANG HOAN & LOAN KIEU	12805 SOUTHERN VALLEY DR	PEARLAND	TX
MARTIN COURTNEY LYNN	12803 SOUTHERN VALLEY DR	PEARLAND	TX
ZAPATA MARIA	2714 COUNTY ROAD 48	ROSHARON	TX
VASQUEZ JOHN G & YOLANDA	2330 COUNTY ROAD 48	ROSHARON	TX
MHI PARTNERSHIP LTD	7676 WOODWAY DR	HOUSTON	TX
MARTINEZ MARLA BEATRIZ	3310 ORCHARD MILL LN	PEARLAND	TX
ASHIT MOHANLAL	3306 ORCHARD MILL LN	PEARLAND	TX
PORRAS MARICOR TEOLOGO	3304 ORCHARD MILL LN	PEARLAND	TX
SNEARL ALICIA WILLIAMS	3308 ORCHARD MILL LN	PEARLAND	TX
KOLAY SUBRATA & SHARMISTHA	12904 TRAIL HOLLOW CT	PEARLAND	TX
WOODARD YALE	12905 TRAIL HOLLOW CT	PEARLAND	TX
MONTALVO LORINDA	3315 TRAIL HOLLOW DR	PEARLAND	TX
BROWN FRANKLIN E	3316 TRAIL HOLLOW DR	PEARLAND	TX
ROSS SUSAN	3313 TRAIL HOLLOW DR	PEARLAND	TX
NIETO ROMAN SR & HORTENCIA	3311 TRAIL HOLLOW DR	PEARLAND	TX

SCHIELD MELVIN R	2342 COUNTY ROAD 48	ROSHARON	TX
MCPMAHAN JOHN T	6 HUNTERS RIDGE CT	HOUSTON	TX
TRAN BANG VAN	10015 GIL JR LN	HOUSTON	TX
PENNING DUANE E	3309 TRAIL HOLLOW DR	PEARLAND	TX
WATERS LACY ANN	3307 TRAIL HOLLOW DR	PEARLAND	TX
SMITH DUSTIN D & LAUREN E	3305 TRAIL HOLLOW DR	PEARLAND	TX
LAVALLAIS KIMBERLEY M	3303 TRAIL HOLLOW DR	PEARLAND	TX
BATISTE ERICA	3301 TRAIL HOLLOW DR	PEARLAND	TX
PETTWAY CIARA	3221 TRAIL HOLLOW DR	PEARLAND	TX
MCPMAHAN JOHN T	6 HUNTERS RIDGE CT	HOUSTON	TX
FEARNO CHARLOTTE	3217 TRAIL HOLLOW DR	PEARLAND	TX
PILLAI SIVADASAN	3208 TRAIL HOLLOW DR	PEARLAND	TX
POOLE RANDE & ELIZABETH	3209 TRAIL HOLLOW DR	PEARLAND	TX
STEPHENS SAMUEL R	3207 TRAIL HOLLOW DR	PEARLAND	TX
PANJWANI ABDUL G	3205 TRAIL HOLLOW DR	PEARLAND	TX
SHEN MINAN & SHAOBO WANG	1676 COOPER RD	SCOTCH PLAINS	NJ
SITLAULA SANTOSH	3203 TRAIL HOLLOW DR	PEARLAND	TX
NGUYEN ALICE	3201 TRAIL HOLLOW DR	PEARLAND	TX
TANOUS DAVID K & TIFFANY M	12918 SOUTHERN VALLEY DR	PEARLAND	TX
WALKER QUINTIN	12916 SOUTHERN VALLEY DR	PEARLAND	TX
HORAK STEVEN G	2515 COUNTY ROAD 5	WEST COLUMBIA	TX
DELEON ARTHUR & ALICIA B	12806 SOUTHERN VALLEY DR	PEARLAND	TX
FRASER AMY S	3320 ORCHARD MILL LN	PEARLAND	TX
YARBROUGH SEAN P	3322 ORCHARD MILL LN	PEARLAND	TX
SCHIELD MELVIN R & DIANNA L	2342 COUNTY ROAD 48	ROSHARON	TX
ARCHER CONNIE	3314 TRAIL HOLLOW DR	PEARLAND	TX
RICHARDSON TIFFANY	3312 TRAIL HOLLOW DR	PEARLAND	TX
WERTZ SCOTT G & LAURA M	3310 TRAIL HOLLOW DR	PEARLAND	TX
SMITH ROY ALLEN & JANICE	3308 TRAIL HOLLOW DR	PEARLAND	TX
TAYLOR CHRISTOPHER EUGENE	3306 TRAIL HOLLOW DR	PEARLAND	TX
JOHNSON CHAD P & LIESL P	3304 TRAIL HOLLOW DR	PEARLAND	TX
ALLUMS KIMBERLY K	3216 TRAIL HOLLOW DR	PEARLAND	TX
VALDEZ SANDRA	3214 TRAIL HOLLOW DR	PEARLAND	TX
HASTINGS DAVID & BILLISHA	3206 TRAIL HOLLOW DR	PEARLAND	TX
PALACIOS JOSE & ELVIA	3204 TRAIL HOLLOW DR	PEARLAND	TX
BROOKS RICKIE	3302 TRAIL HOLLOW DR	PEARLAND	TX
BRAZORIA COUNTY MUD #34	3200 SOUTHWEST FWY	HOUSTON	TX



APPLICATION FOR A CHANGE IN ZONING

City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281-652-1768
281-652-1762 fax
www.cityofpearland.com



Current Zoning District: NA-ETJ Annexation in Progress

Proposed Zoning District: R-1

Property Information:

Address or General Location of Property: 9.5651 Acres - West of CR. 48
Approximately 2000' South of Broadway

Tax Account No. 0538-0012-000 & 0538-0012-120

Subdivision: HTBRR Abstract 538 Lot: Tracts 9 & 9A Block: _____

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

PROPERTY OWNER INFORMATION:

NAME Joe R. Laney & Darlene Laney
ADDRESS 208 Mustang Lane
CITY Rosharon STATE TX ZIP 77503
PHONE (832) 643-3251
FAX (713) 970-1018
E-MAIL ADDRESS jessica.palmer4@gmail.com

APPLICANT/AGENT INFORMATION:

NAME Alan Mueller
ADDRESS 4201 Broadway
CITY Pearland STATE TX ZIP 77581
PHONE (281) 412-9210
FAX (281) 412-9060
E-MAIL ADDRESS alan@gromatexas.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: Joe R. Laney Darlene Laney Date: 10-24-14

Agent's/Applicant's Signature: Alan Mueller Date: 10/6/14

OFFICE USE ONLY:

FEES PAID: <u>\$25.00</u>	DATE PAID: <u>11.14.14</u>	RECEIVED BY: <u>JM</u>	RECEIPT NUMBER: <u>44540</u>
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Application No. 2014-217



APPLICATION FOR A CHANGE IN ZONING

City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281-652-1768
281-652-1702 fax
www.cityofpearland.com

Current Zoning District: RE

Proposed Zoning District: R1

Property Information:

Address or General Location of Property: 20 Acres - West of C. R. 48
Approximately 2,000' south of Broadway

Tax Account No. 0538-0006-000

Subdivision: HTBRR Abstract 538 Lot: Tract 8 Block: _____

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

PROPERTY OWNER INFORMATION:

NAME John T. McMahan
ADDRESS 1980 PostOak Blvd Suite 1101
CITY Houston STATE TX ZIP 77056
PHONE (713) 552-1101
FAX (713) 970-1018
E-MAIL ADDRESS srobinson@ardentrealtygroup.com

APPLICANT/AGENT INFORMATION:

NAME Alan Mueller
ADDRESS 4201 Broadway
CITY Pearland STATE TX ZIP 77581
PHONE (281) 412-9210
FAX (281) 412-9060
E-MAIL ADDRESS alan@gromaxtexas.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: 11/12/2014

Agent's/Applicant's Signature: [Signature] Date: 10/6/14

OFFICE USE ONLY:

FEES PAID:	DATE PAID:	RECEIVED BY:	RECEIPT NUMBER:
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Application No. _____



APPLICATION FOR A CHANGE IN ZONING

City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281-652-1768
281-652-1702 fax
www.cityofpearland.com

Current Zoning District: NA-ETJ Annexation in Progress

Proposed Zoning District: R1

Property Information:

Address or General Location of Property: 2.72 Acres - West of C.R. 48

Approximately 2000' south of Broadway

Tax Account No. 0538-0012-150 and 0538-0012-160

Subdivision: HTBRK Abstract 538 Lot: Tracts 902 & 902A Block: _____

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

PROPERTY OWNER INFORMATION:

NAME John T. McMahan
ADDRESS 1980 Pastoak Blvd, Suite 101
CITY Houston STATE TX ZIP 77056
PHONE (713) 552-1101
FAX (713) 970-1018
E-MAIL ADDRESS Srobinson@ardentrealtygroup.com

APPLICANT/AGENT INFORMATION:

NAME Alan Mueller
ADDRESS 4201 Broadway
CITY Pearland STATE TX ZIP 77581
PHONE (281) 412-9210
FAX (281) 412-9060
E-MAIL ADDRESS alan@gremaxtexas.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: 11/12/2014

Agent's/Applicant's Signature: [Signature] Date: 10/6/14

OFFICE USE ONLY:

FEES PAID:	DATE PAID:	RECEIVED BY:	RECEIPT NUMBER:
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Application No. _____

Date 10/24/14

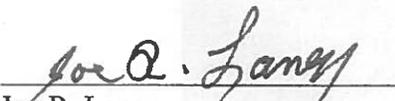
City of Pearland
3519 Liberty Dr.
Pearland TX 77581

RE: Zoning Representation

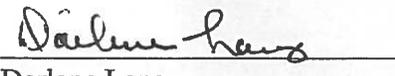
To Whom It May Concern:

The undersigned affirms that we are the owners of a 9.5651-acre tract of land (Tax ID 0538-0012-000 and 0538-0012-120) on the west side of County Road 48 approximately 2,000 feet south of Broadway. We hereby authorize Gromax Development, principally represented by Alan Mueller, to act on our behalf in the rezoning and cluster plan applications on said tracts. This representation may be withdrawn at any point prior to final approval of the rezoning by the city of Pearland.

Sincerely,



Joe R. Laney
2018 Mustang Lane
Rosharon TX 77583



Darlene Laney
2018 Mustang Lane
Rosharon TX 77583

10-24-14

EXHIBIT "A"

Laney

Being the South one half (1/2) of the following described tract:

The East one half (1/2) of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section 84, H.T. & B.R.R. Survey, Abstract No. 538, Brazoria County, Texas, and being the same land conveyed to B. Frank Wood by Jay C. Tulk by Deed dated April 11, 1955, recorded in Volume 627, Page 278, Deed Records, Brazoria County, Texas.

Save and Except: Being a 0.4349 acre parcel of land, out of the H.T. & B.R.R. Survey, Abstract No. 538, Brazoria County, Texas, being described in deed recorded in County Clerk's File No. 2007028839, Official Public Records, Brazoria County, Texas.

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

ZONE CHANGE/ VARIANCE/ PLAT RECORDATION

\$825.00 (Circle one) BA or PF or FE

Description: Input who the check is from

COMMENTS/DESCRIPTION (F10):

Location or Address CR48 Zone Change

Applicant _____

Owner Alan muellar

CITY OF PEARLAND
R E P R I N T
*** CUSTOMER RECEIPT ***
Oper: AGONZALES Type: OC Drawer: 1
Date: 11/17/14 01 Receipt no: 44540

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	\$825.00
Trans number:		4657216

ZONE CHANGE
CR 48
ALAN MUELLAR

Tender detail	
BR CREDIT CARD	\$825.00
Total tendered	\$825.00
Total payment	\$825.00

Trans date: 11/14/14 Time: 16:28:03

EXHIBIT "A"

McMahan

TRACT 1:

→ THE WEST ONE-HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 84, H.T. & B. SURVEY, ABSTRACT NO. 538, CALLED TRACT NO. 8, BRAZORIA COUNTY, TEXAS, ACCORDING TO THE RECORDED MAP OR PLAT THEREOF APPEARING OF RECORD IN THE OFFICE OF THE COUNTY CLERK OF GALVESTON COUNTY, TEXAS, AND BEING THE SAME LAND DESCRIBED FROM J. T. MCMAHAN TO R.D. MCMAHAN, DATED OCTOBER 27, 1964, RECORDED IN VOLUME 895, PAGE 22, DEED RECORDS OF BRAZORIA COUNTY, TEXAS, AND BEING THAT SAME 20 ACRES, MORE OR LESS, CONVEYED TO JOHN T. MCMAHAN BY R.D. MCMAHAN AND WIFE, EUNCIE MCMAHAN, BY DEED DATED DECEMBER 29, 1994, FILED OF RECORD MARCH 13, 2003, RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE NO. 03 015336 (BR 2003015336).

→ TRACT 2:

A 2.72 ACRE TRACT, BEING THE REMAINDER OF TWO (2) 1 .50 ACRE TRACTS, RECORDED IN VOLUME (87) 403, PAGE 70 [TRACT 1] AND VOLUME (87) 403, PAGE 73 [TRACT 2], OF THE OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS, OUT OF THE NORTH 1/2 OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 84, OF THE H. T. & B. RAILROAD COMPANY SURVEY, ABSTRACT 538, BRAZORIA COUNTY, TEXAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A 5/8" IRON ROD FOUND IN THE EAST LINE OF THE JOHN T. MCMAHAN TRACT, RECORDED IN B.C.C.F. NO. 03-015336, MARKING THE SOUTHWEST CORNER OF HEREIN DESCRIBED TRACT AND THE NORTHWEST CORNER OF THE JOE R. LANEY, ET UX TRACT, RECORDED IN VOLUME 1310, PAGE 260, OF THE DEED RECORDS OF BRAZORIA COUNTY, TEXAS.

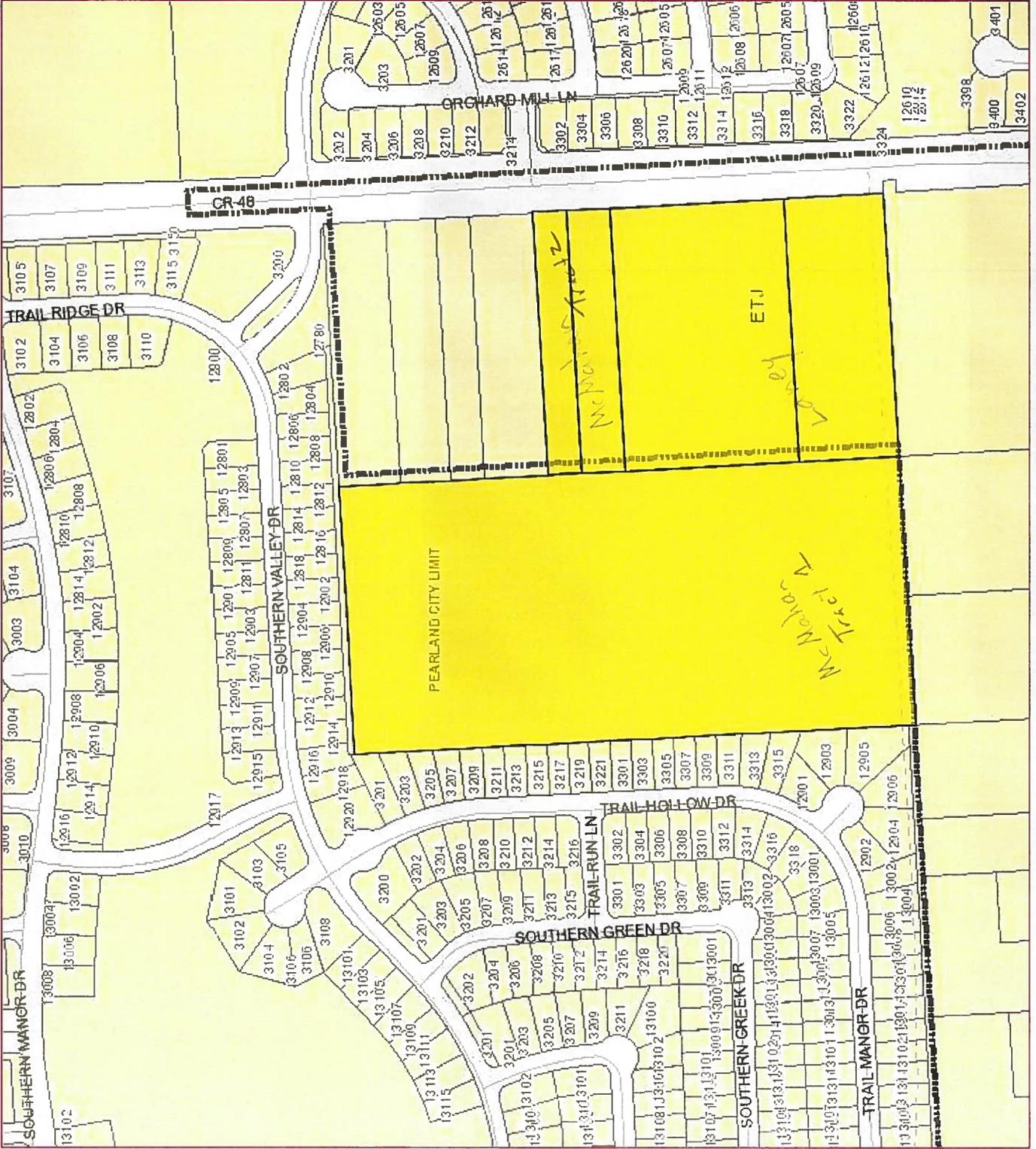
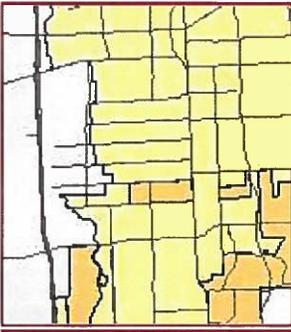
THENCE N. 01° 19' 04" W., WITH THE COMMON LINE OF HEREIN DESCRIBED TRACT AND SAID MCMAHAN TRACT, A DISTANCE OF 198.00' TO A 5/8" IRON ROD W/ "RPLS 1718" CAP SET, MARKING THE NORTHWEST CORNER OF HEREIN DESCRIBED TRACT AND THE SOUTHWEST CORNER OF THE MELVIN R. SCHIELD, ET UX TRACT, RECORDED IN VOLUME (86) 364, PAGE 974, OF THE OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS.

THENCE N. 88° 48' 47" E., WITH THE COMMON LINE OF HEREIN DESCRIBED TRACT AND SAID SCHIELD TRACT, A DISTANCE OF 600.00' TO A 5/8" IRON ROD W/ "RPLS 1718" CAP SET IN THE WEST R.O.W. LINE OF 120' COUNTY RD. 48, MARKING THE NORTHEAST CORNER OF HEREIN DESCRIBED TRACT, THE NORTHWEST CORNER OF A 30' R.O.W. GRANTED TO BRAZORIA COUNTY, RECORDED IN B.C.C.F. NO. 12-026896 AND THE SOUTHEAST CORNER OF SAID SCHIELD TRACT.

THENCE S. 01° 19' 04" E., ALONG THE WEST R.O.W. LINE OF SAID COUNTY RD. 48, A DISTANCE OF 198.00' TO A 5/8" IRON ROD W/ "RLPS 1718" CAP SET, MARKING THE SOUTHEAST CORNER OF HEREIN DESCRIBED TRACT, THE SOUTHWEST CORNER OF SAID 30' R.O.W. AND THE NORTHEAST CORNER OF SAID LANEY TRACT.

THENCE S. 88° 48' 47" W., WITH THE COMMON LINE OF HEREIN DESCRIBED TRACT AND SAID LANEY TRACT, A DISTANCE OF 600.00' TO THE POINT OF BEGINNING OF HEREIN DESCRIBED TRACT, CONTAINING 2.72 ACRES OF LAND.

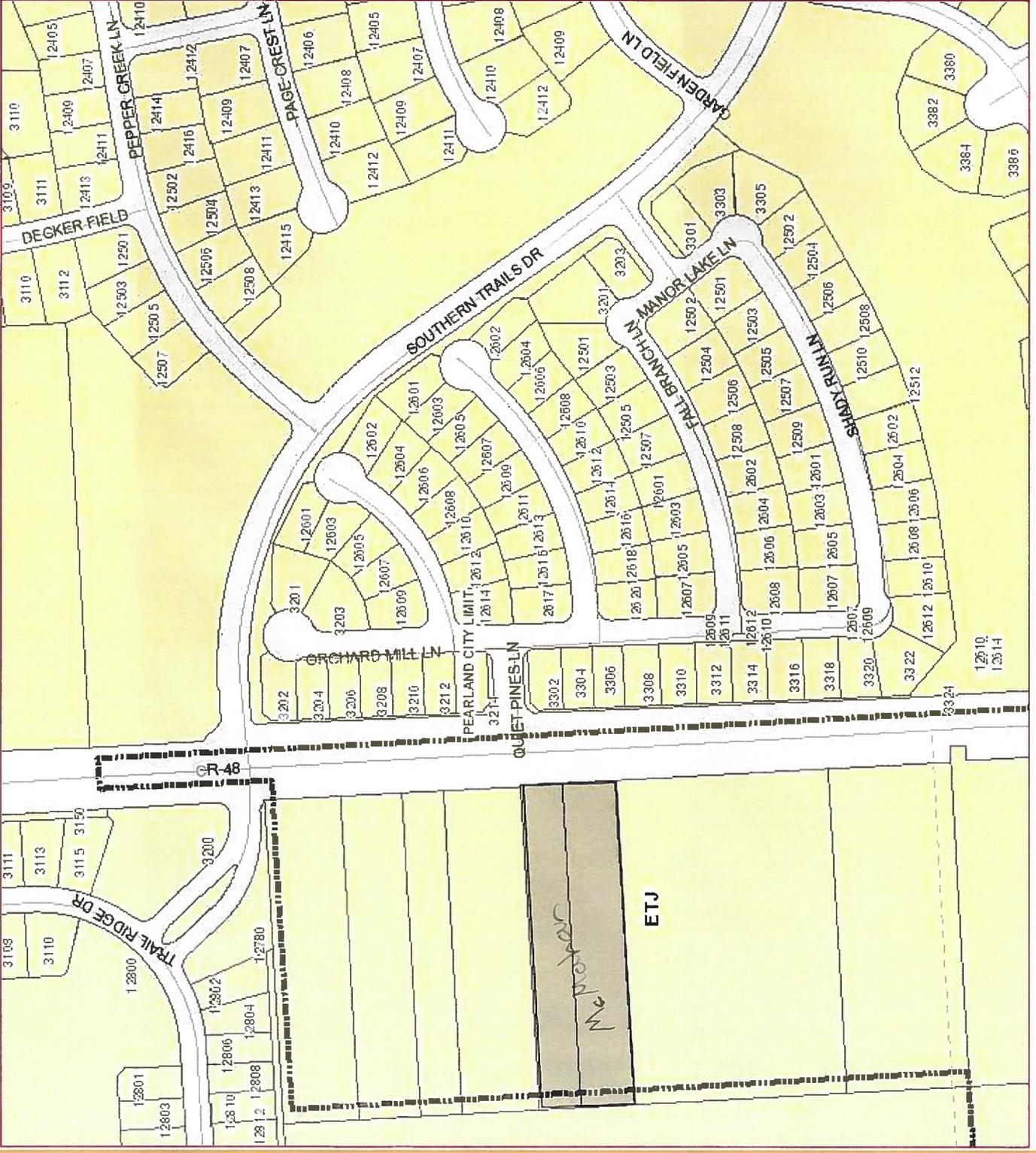
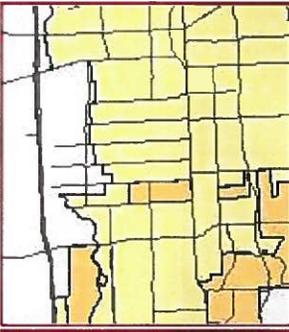
Note: The Company is prohibited from insuring the area or quantity of the land described herein. Any statement in the above legal description of the area or quantity of land is not a representation that such area or quantity is correct, but is made only for informational and/or identification purposes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



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.

Scale 1:3,802
1 in = 317 ft
October 05, 2014

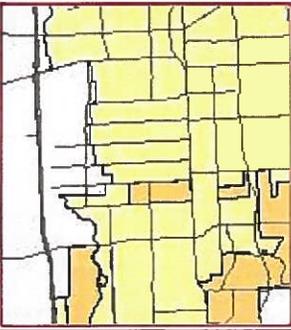




This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an accurate boundary survey and represents only the approximate relative location of property boundaries.

Scale 1:3,105
 1 in = 259 ft
 July 23, 2014

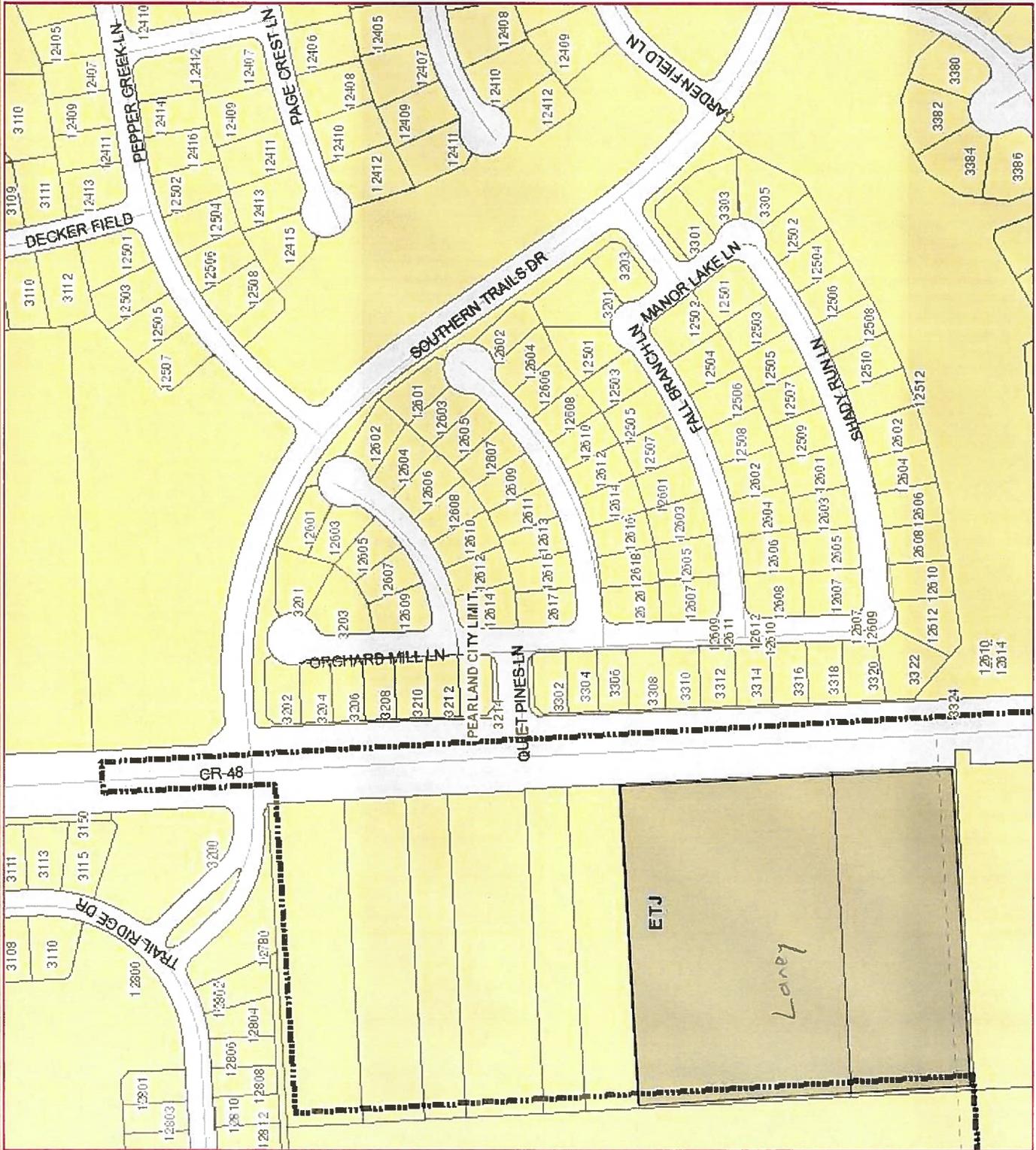
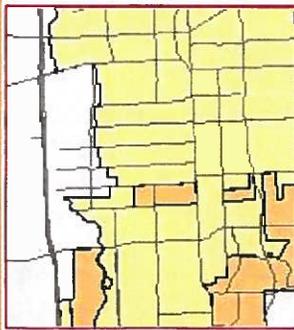




This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not constitute a contract and should not be used to represent only the approximate relative location of property boundaries.

Scale 1:5,070
1 in = 423 ft
October 03, 2014





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.

Scale 1:3,105
 1 in = 266 ft
 July 23, 2014



Zoning Letter of Intent

West side of County Road 48 – Approximately 2,000 feet south of Broadway

Intent:

The owners of the property desire to sell the property to a homebuilder for construction of a residential subdivision. The proposed zoning is R-1. The property consists of three parcels of 20 acres, 9.651 acres, and 2.72 acres, totaling 32.3 acres per tax records; however, due to recent right of way purchases by Brazoria County, the current survey indicates a total of 31.127 acres.

A portion of the property is currently within the city limits and the balance is currently undergoing an annexation process. Concurrent with this rezoning request, the applicants are submitting a cluster plan application covering the entire 31.1-acre parcel. The cluster plan reflects a mix of 55' x 125' and 60' x 125' lots with a central amenitized detention pond lake, fountain, trails, a park, a playground, and other features.

Justification/Support:

The portion of the property currently within the city limits is zoned RE. The future land use plan depicts this area of the city as low density residential. R-1 is consistent with the goals of the low density residential category and should, therefore, be approved.

Further, the proposed development will be consistent with the quality and scale of the adjacent Southern Trails community. The existing Southern Trails lots to the north and west of the tract are 50' and 55' in width; the lots to the east of County Road 48 are 60' in width. As a condition of annexation into the Southern Trails MUD, the builder has agreed to meet or exceed the Southern Trails single family deed restrictions and design guidelines.

Summary/Conclusion:

The proposed development supported by this zone change meets a critical housing need and is consistent with the comprehensive plan. The proposed cluster plan will ensure a level of quality and amenities consistent with or exceeding adjacent communities and will meet the City's goals for high quality residential development.

TAX CERTIFICATE



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

Issued To:
GROMAX DEVELOPMENT
4201 W. BROADWAY
PEARLAND, TX 77581

Legal Description
A0538 H T & B R R TRACT 9 ACRES 5.9166

Fiduciary Number: 1474828

Parcel Address: COUNTY ROAD 48
Legal Acres: 5.9166

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Account Number: 0538-0012-000
Certificate No: 223440533
Certificate Fee: \$10.00

Print Date: 10/06/2014
Paid Date: 10/06/2014
Issue Date: 10/06/2014
Operator ID: STAC

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. TAXES THRU 2013 ARE PAID IN FULL. TAXES HAVE NOT BEEN CREATED FOR YEAR(S): 2014.

Exemptions:

Certified Owner:
LANEY JOE R
2018 MUSTANG LN
ROSHARON, TX 77583-2326

Table with 2 columns: Description and Amount. Rows include 2013 Value, 2013 Levy, 2013 Levy Balance, Prior Year Levy Balance, Total Levy Due, P&I + Attorney Fee, and Total Amount Due.

Certified Tax Unit(s):
1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
27 ALVIN ISD
46 ALVIN COMMUNITY COLLEGE
54 BRAZORIA DRAINAGE DIST 4

Reference (GF) No: N/A

Issued By: [Signature]
RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(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:

GROMAX DEVELOPMENT
4201 W. BROADWAY
PEARLAND, TX 77581

Legal Description

A0538 H T & B R R TRACT 9A ACRES 3.6485

Fiduciary Number: 1474828

Parcel Address: 2710 COUNTY ROAD 48

Legal Acres: 3.6485

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Account Number: 0538-0012-120

Print Date: 10/06/2014

Certificate No: 223440534

Paid Date: 10/06/2014

Certificate Fee: \$10.00

Issue Date: 10/06/2014

Operator ID: STAC

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. TAXES THRU 2013 ARE PAID IN FULL. TAXES HAVE NOT BEEN CREATED FOR YEAR(S): 2014.

Exemptions:

Certified Owner:

LANEY JOE R
2018 MUSTANG LN
ROSHARON, TX 77583-2326

2013 Value: 73,510
2013 Levy: \$1,600.23
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

Reference (CF) No: N/A

Issued By: [Signature]
RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(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:
GROMAX DEVELOPMENT
4201 W. BROADWAY
PEARLAND, TX 77581

Legal Description
A0538 H T & B R R, TRACT 8, ACRES 20.000

Fiduciary Number: 1474828

Parcel Address: COUNTY ROAD 48 OFF
Legal Acres: 20.0000

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Account Number: 0538-0006-000
Certificate No: 223440529
Certificate Fee: \$10.00

Print Date: 10/06/2014
Paid Date: 10/06/2014
Issue Date: 10/06/2014
Operator ID: STAC

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. TAXES THRU 2013 ARE PAID IN FULL. TAXES HAVE NOT BEEN CREATED FOR YEAR(S): 2014.

Exemptions:
OPEN SPACE 1-D-1

Certified Owner:
MCPAHAN JOHN T
6 HUNTERS RIDGE CT
HOUSTON, TX 77024-7634

Table with 2 columns: Description and Amount. Rows include 2013 Value (187,500), 2013 Levy (663.39), 2013 Levy Balance (\$0.00), Prior Year Levy Balance (\$0.00), Total Levy Due (\$0.00), P&I + Attorney Fee (\$0.00), and 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
96 CITY OF PEARLAND

DUE TO ITS ASSIGNED USAGE, THE ABOVE LEGAL PROPERTY MAY HAVE RECEIVED SPECIAL VALUATION, AND ADDITIONAL ROLLBACK TAXES MAY BECOME DUE BASED ON THE PROVISIONS OF THE SPECIAL VALUATION.

Reference (GF) No: N/A

Issued By: [Signature]
RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(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:

GROMAX DEVELOPMENT
4201 W. BROADWAY
PEARLAND, TX 77581

Legal Description

A0538 H T & B R R, TRACT 9C2, ACRES
1.360

Fiduciary Number: 1474828

Parcel Address: 2406 COUNTY ROAD 48

Legal Acres: 1.3600

Account Number: 0538-0012-150

Print Date: 10/06/2014

Certificate No: 223440530

Paid Date: 10/06/2014

Certificate Fee: \$10.00

Issue Date: 10/06/2014

Operator ID: STAC

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. TAXES THRU 2013 ARE PAID IN FULL. TAXES HAVE NOT BEEN CREATED FOR YEAR(S): 2014.

Exemptions:

Certified Owner:

MCPAHAN JOHN T
6 HUNTERS RIDGE CT
HOUSTON, TX 77024-7634

2013 Value: 114,150
2013 Levy: \$2,484.90
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

Reference (CF) No: N/A

Issued By: [Signature]
RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(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:

GROMAX DEVELOPMENT
4201 W. BROADWAY
PEARLAND, TX 77581

Legal Description

A0538 H T & B R R, TRACT 9C2A, ACRES
1.360

Fiduciary Number: 1474828

Parcel Address: 2402 COUNTY ROAD 48
Legal Acres: 1.3600

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Account Number: 0538-0012-160

Print Date: 10/06/2014
Paid Date: 10/06/2014
Issue Date: 10/06/2014
Operator ID: STAC

Certificate No: 223440532

Certificate Fee: \$10.00

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. TAXES THRU 2013 ARE PAID IN FULL. TAXES HAVE NOT BEEN CREATED FOR YEAR(S): 2014.

Exemptions:

Certified Owner:

MCPAHAN JOHN T
6 HUNTERS RIDGE CT
HOUSTON, TX 77024-7634

2013 Value: 143,590
2013 Levy: \$3,125.77
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

Reference (GF) No: N/A

Issued By: *Staci Wade*
RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(979) 864-1320, (979) 388-1320, (281) 756-1320

B. Beazer CR 48 Cluster Development Plan

A request by Alan Mueller, applicant; on behalf of Joe and Darlene Laney and John McMahan, owner; for approval of a Cluster Development Plan, on a 31.127 acre tract of land, for a single-family residential subdivision



P&Z AGENDA REQUEST

TO: Planning & Zoning Commission

REQUESTOR: Alan Mueller

DATE: 12/09/2014

AGENDA ITEM SUBJECT: Cluster Plan – Beazer CR 48

Old Business **New Business** Discussion Item Workshop

Summary: A request by Alan Mueller, applicant; on behalf of Joe and Darlene Laney and John McMahan, owners; for approval of a Cluster Development Plan, on a 31.127 acre tract of land, for a single-family residential subdivision, generally located West of County Road 48 and 2000 feet south of Broadway Street.

Staff Recommendation: Approval



PLANNING AND ZONING COMMISSION MEETING OF DECEMBER 15, 2014

Beazer CR 48 Cluster Development Plan

A request by Alan Mueller, applicant; on behalf of Joe and Darlene Laney and John McMahan, owner; for approval of a Cluster Development Plan, on a 31.127 acre tract of land, for a single-family residential subdivision, to wit:

Legal Description: The East one half (1/2) of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section 84, H.T.& B.R.R. Survey, Abstract No. 538, Brazoria County, Texas and being the same land conveyed to B. Frank Wood by Jay C. Tulk by Deed dated April 11, 1955, Recorded in Volume 627, Page 278, Deed Records, Brazoria County, Texas and;

The West one half (1/2) of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section 84, H.T.& B.R.R. Survey, Abstract No. 538, called Tract No. 8, Brazoria County, Texas according to the recorded map or plat thereof appearing of record in the office of the County Clerk of Galveston County, Texas and being the same land described from J.T. McMahan to R. D. McMahan, dated October 27, 1964, recorded in Volume 895, Page 22, Deed Records of Brazoria County, Texas and being that same 20 acres more or less, conveyed to John T. McMahan by R.D. McMahan and wife, Eunice McMahan, by Deed dated December 29, 1994, Filed of Record March 13, 2003, recorded under Brazoria County Clerks File No. 03 015336, and;

A 2.72 acre tract, being the remainder of two (2) 1.5 acre tracts, recorded in Volume (87) 403, Page 70 [Tract 1] and Volume (87) 403, Page 73 [Tract 2], of the Official Records of Brazoria County, Texas, out of the North ½ of the East ½ of the Southeast ¼ of the Northeast ¼ of section 84, of the H.T.& B. Railroad Company Survey, Abstract 538, Brazoria County, Texas.

General Location: West of County Road 48 and 2000 feet south of Broadway St., Pearland

SUMMARY: The request is for approval of a Cluster Development Plan (CDP) located on County Road 48 (CR 48) also known as Kingsley Drive. The proposed CDP is for a total of 31.127 acres of land, will contain 99 lots that are a mix of 60 and 55 feet wide, and will include the following amenities as required per the CDP standards in the Unified Development Code (UDC).

AMENITIES	Proposed Cluster
Open Space:	1.8 acres of open space and park space and 5.7 acres of amenitized detention (24% of total site area)
Trail:	6 foot wide trail located throughout the development and around the central detention lake (2840 linear feet)
Open Space Amenity:	Large centralized wet bottom detention area with 3 fountains, walking trail, 3 benches
Park:	.7 acres, playground, pavilion
Project Identification:	Entry monument along CR 48 with upgraded landscaping
Landscaping:	Minimum 100 shade and ornamental trees located within open space and landscape reserves.

The proposed CDP will have two (2) direct access points to CR 48 (Kingsley Drive) with a proposed street circling the central lake and open space. A masonry subdivision wall will be provided along CR 48 with an expanded landscape reserve setback.

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 partially in the city (approximately 20 acres) and partially in the ETJ (approximately 12 acres). The approximately 20 acres within the city limits is currently zoned Residential Estate (RE). The applicant is in the process of annexing the ETJ portion into the city limits and rezoning the entire 31.127 acres as Single Family Residential – 1 (R-1). The typical proposed lot size for the CDP is a minimum of 55' X 125', and a minimum lot area of 6,875 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 of 3.2 dwelling units per acre for a CDP. The density being proposed is 3.18 dwelling units per acre. This information is further illustrated in the table below:

	<u>Proposed Cluster</u>	<u>R-1</u>
Minimum lot area:	6,875 sq. ft.	8,800 sq. ft.
Minimum lot width:	55'	80'
Minimum lot depth:	125'	90'
Density (units/acre)	3.18	3.2

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	Planned Development – Residential (Southern Trails)	Single Family Residential Subdivision
South	Extra Territorial Jurisdiction (ETJ)	Large Lot Residential
East	Planned Development – Residential (Southern Trails)	Single Family Residential Subdivision
West	Planned Development – Residential (Southern Trails)	Single Family Residential Subdivision

UNIFIED DEVELOPMENT CODE: The subject property is currently in the process of being annexed into the city and a zone change to Single Family Residential - 1 (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: The subject property has not been platted. Formal subdivision platting will be required prior to development.

CONFORMANCE WITH THE COMPREHENSIVE PLAN: The Future Land Use designation for the subject land is *Low Density Residential*. The approved Comprehensive Plan further indicates that corresponding zones for *Low Density Residential* would be R-2, R-1, and SR-12. The proposed zoning of R-1 is in conformance with the Future Land Use Plan. The lot sizes within the proposed CDP would not be in conformance with the Future Land Use Plan.

CONFORMANCE WITH THE THOROUGHFARE PLAN: The property has frontage on County Road 48 (Kingsley Drive); a major thoroughfare, with a required width of 120 feet of right-of-way. Additional right-of-way may need to be acquired during the platting process. Internal local roads, constructed to city standards, will be built by the developer in order to access the residential subdivision. The proposed roads will require a minimum right-of-way of 50 feet.

AVAILABILITY OF UTILITIES: The subject property does not currently have access to public infrastructure. The property owner is seeking annexation into MUD 34, who will provide water and sewer services.

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.

STAFF RECOMMENDATION: Staff recommends approval of the Beazer CR 48 Cluster Development Plan, for the following reasons and with the following conditions:

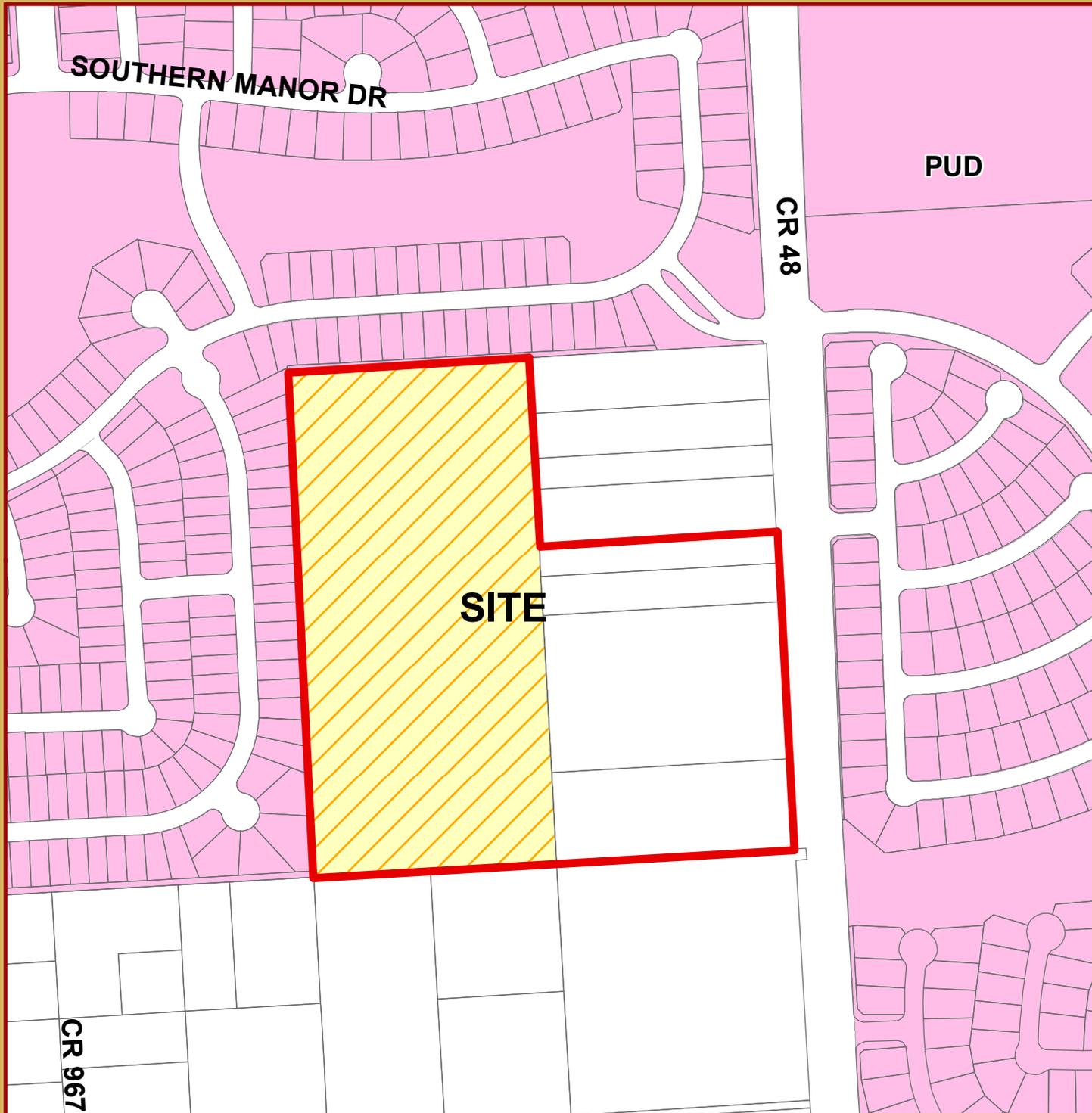
1. The proposed Cluster Development Plan appears to meet the criteria of approval in the Unified Development Code.
2. The proposed Cluster Development Plan appears to be compatible with surrounding zoning and uses.
3. The proposed Cluster Development Plan does not appear to have any adverse impact on surrounding zoning and land uses.

CONDITIONS:

1. Provide a detailed landscape plan with total number of trees, caliper inches for each proposed tree, and specific location of plantings.
2. Provide an elevation profile for the proposed masonry fence to be constructed along CR 48.

SUPPORTING DOCUMENTS:

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



ZONING MAP

**Beazer CR 48
Cluster Development**

West of CR 48

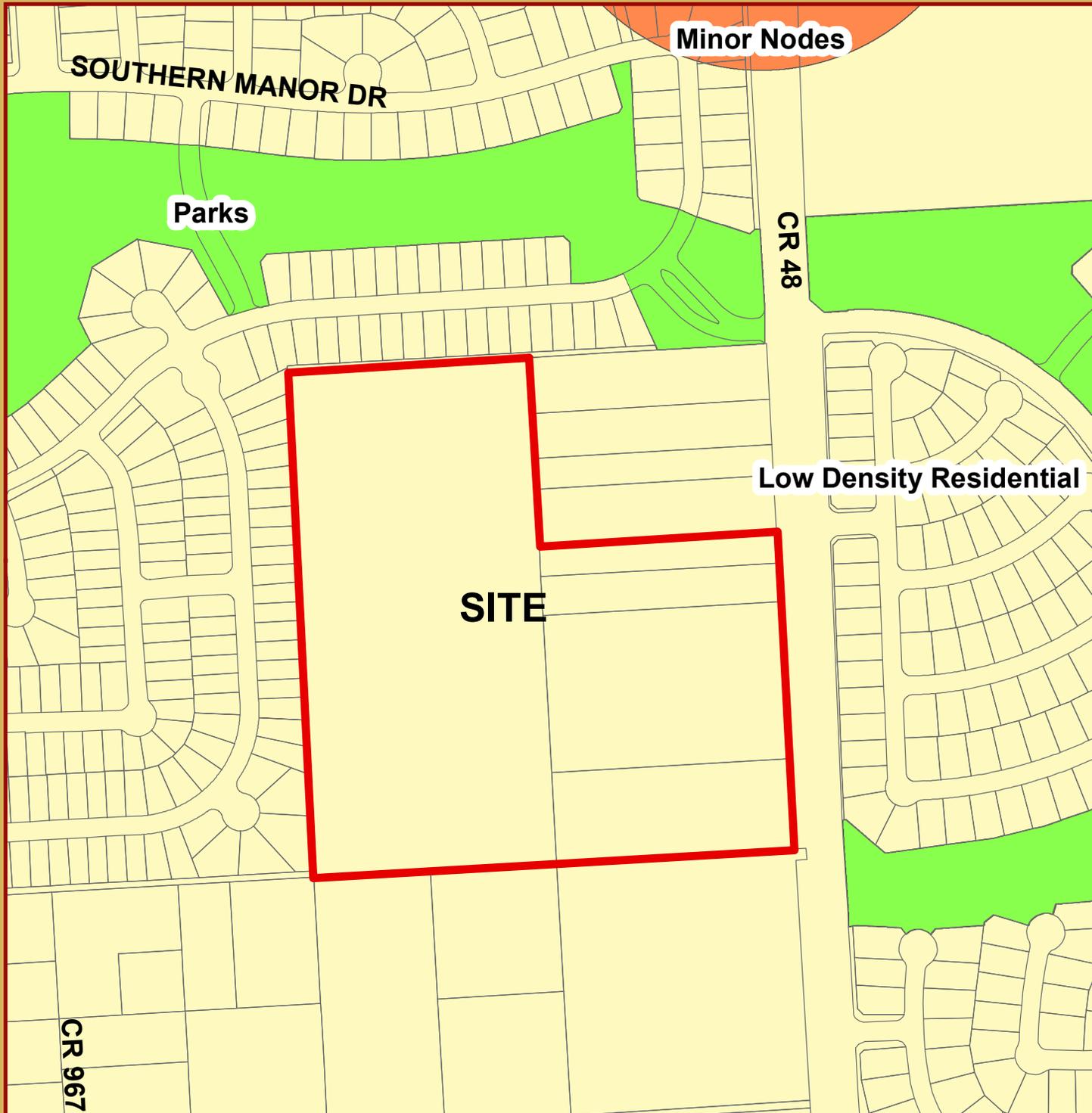


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 377 feet

OCTOBER 2014
PLANNING DEPARTMENT





FLUP MAP

Beazer CR 48 Cluster Development

West of CR 48



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 = 377 feet

OCTOBER 2014
PLANNING DEPARTMENT





AERIAL MAP

**Beazer CR 48
Cluster Development**

West of CR 48



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1 inch = 377 feet

OCTOBER 2014
PLANNING DEPARTMENT





APPLICATION FOR A CLUSTER DEVELOPMENT PLAN

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



A Cluster Development Plan for: Single Family Residential

(list proposed use from the Table of Uses of the UDC)

Current Zoning District: R1 (Pending)

Property Information:

Address or General Location of Property: 32.3 Acres - West of C.R. 48

Approximately 2000' South of Broadway

Tax Account No. 22.72 Ac: 0538-0000-000/0538-0012-150/0538-0012-160
9.3651 Ac: 0538-0012-000/0538-0012-120

Subdivision: HTBRR Abstract 538 Lot: 22.72 Ac: Tracts 8, 9C2, 9C2A
9.3651 Ac: Tracts 9, 9A

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

PROPERTY OWNER INFORMATION:

As to 22.72 Acres
NAME John T. McMahan
ADDRESS 1980 Post Oak Blvd, Suite 1101
CITY Houston STATE TX ZIP 77581
PHONE (713) 552-1101
FAX (713) 970-1018
E-MAIL ADDRESS scobinson@ardentrealtygroup.com

APPLICANT/AGENT INFORMATION:

NAME Alan Mueller
ADDRESS 4201 Broadway
CITY Pearland STATE TX ZIP 77581
PHONE (281) 412-9210
FAX (281) 412-9060
E-MAIL ADDRESS alan@gromaxtexas.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: 11/12/2014

Applicant/Agent's Signature: [Signature] Date: 10/16/14

OFFICE USE ONLY:

FEE PAID: <u>\$450.00</u>	DATE PAID: <u>11/17/14</u>	RECEIVED BY:	RECEIPT NUMBER: <u>44536</u>
---------------------------	----------------------------	--------------	------------------------------

Application No. _____



APPLICATION FOR A CLUSTER DEVELOPMENT PLAN

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

A Cluster Development Plan for: Single Family Residential
(list proposed use from the Table of Uses of the UDC)

Current Zoning District: R1 (Pending)

Property Information:

Address or General Location of Property: 32.3 Acres - West of C.R. 48

Approximately 2000' South of Broadway

Tax Account No. 22.72 Ac: 0538-0006-000/0538-0012-150/0538-0012-160
9.5651 Ac: 0538-0012-000/0538-0012-120

Subdivision: HTBRR Abstract 538 Lot: 22.72 Ac: Tracts 8, 9C-2, 9C2A
9.5651 Ac: Tracts 9E, 9A Block: _____

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

PROPERTY OWNER INFORMATION:

As to 9.5651 Acres

NAME Joe Laney & Darlene Laney
ADDRESS 2018 Mustang Lane
CITY Rosharon STATE TX ZIP 77583
PHONE (832) 643-3251
FAX (713) 970-1018
E-MAIL ADDRESS jessicapalmer4@gmail.com

APPLICANT/AGENT INFORMATION:

NAME Alan Mueller
ADDRESS 4201 Broadway
CITY Pearland STATE TX ZIP 77581
PHONE (281) 412-9210
FAX (281) 412-9060
E-MAIL ADDRESS alan@granatexas.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: Joe R. Laney Darlene Laney Date: 10-24-14

Applicant/Agent's Signature: Alan Mueller Date: 10/6/14

OFFICE USE ONLY:

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

Application No. _____



APPLICATION FOR A CLUSTER DEVELOPMENT PLAN

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

A Cluster Development Plan for: Single Family Residential
(list proposed use from the Table of Uses of the UDC)

Current Zoning District: R1 (Pending)

Property Information:

Address or General Location of Property: 32.3 Acres - West of C.R. 48

Approximately 2000' South of Broadway
22.72 Ac: 0538-0000-000/0538-0012-150/0538-0012-160

Tax Account No. 9.3651 Ac: 0538-0012-000/0538-0012-120

Subdivision: HTBR Abstract 538 Lot: 9.3651 Ac: Tracts 9, 9C2, 9C2A
9E9A

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

PROPERTY OWNER INFORMATION:

As to 22.72 Acres

NAME John T. McMahon

ADDRESS 1980 Post Oak Blvd, Suite 1101

CITY Houston STATE TX ZIP 77581

PHONE (713) 552-1101

FAX (713) 970-1018

E-MAIL ADDRESS s.cobinson@ardentrealtygroup.com

APPLICANT/AGENT INFORMATION:

NAME Alan Mueller

ADDRESS 4201 Broadway

CITY Pearland STATE TX ZIP 77581

PHONE (281) 412-9210

FAX (281) 412-9060

E-MAIL ADDRESS alan@gremaxtexas.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: _____

Applicant/Agent's Signature: Alan Mueller Date: 10/16/14

OFFICE USE ONLY:

FEES PAID:	DATE PAID:	RECEIVED BY:	RECEIPT NUMBER:
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Application No. _____

ZONE CHANGE/ VARIANCE/ PLAT RECORDATION

\$450⁰⁰

(circle one) BA or PT or FE

Description: Input who the check is from

COMMENTS/DESCRIPTION (F10):

Location or Address CR 48 Cluster

Applicant _____

Owner Alan Mueller

CITY OF PEARLAND
R E P R I N T

*** CUSTOMER RECEIPT ***

Oper: AGONZALES Type: OC Drawer: 1
Date: 11/17/14 01 Receipt no: 44536

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	\$450.00
Trans number:		4657212

BOARD OF ADJ.
CR 48 CLUSTER
ALAN MUELLAR

Tender detail		
CK CHECK	50184986	\$450.00
Total tendered		\$450.00
Total payment		\$450.00

Trans date: 11/14/14 Time: 16:27:03

DESCRIPTION OF
31.127 ACRES
H. T. & B. R.R. CO. SURVEY, ABSTRACT 538
BRAZORIA COUNTY, TEXAS

Being 31.127 acre of land located in the Northeast Quarter of Section 84, H. T. & B. R.R. CO. Survey, Abstract 538, Brazoria County, Texas, more particularly being all of that certain called 20 acre tract conveyed to John T. McMahan by an instrument of record under File Number 2003015336 of the Official Public Records of said Brazoria County, Texas, (O.P.R.B.C.TX.), all of that certain called 2.72 acre tract conveyed to John T. McMahan by an instrument of record under Document Number 2012028590, O.P.R.B.C.TX., and a portion of that certain called 10 acre tract conveyed to Joe R. and Lois Darlene Laney by an instrument of record in Volume 1310, Page 260, O.P.R.B.C.TX., said 31.127 acre tract being more particularly described by metes and bounds as follows (all bearings referenced to the Texas Coordinate System, South Central Zone, NAD83);

BEGINNING at 5/8-inch iron rod with cap stamped "Laney" found marking the common south corner of said 2.72 acre tract and that certain called 0.1364 acre tract conveyed to Brazoria County by an instrument of record under File Number 2012026896, O.P.R.B.C.TX., and the northwest corner of that certain called 0.4349 acre tract conveyed to Brazoria County by an instrument of record under File Number 2007028839, O.P.R.B.C.TX., said point also being in the north line of the aforementioned 10 acre tract and the current right of way line of C.R. 48;

Thence, South 03° 15' 31" East, along said right of way line and the west line of the aforementioned 0.4349 acre tract, 631.60 feet to a 5/8-inch iron rod with cap stamped "Weisser" found marking the southwest corner of said 0.4349 acre tract, being in the south line of said 10 acre tract and the north right-of-way line of Faydur Court (40' wide) as shown on Allison-Richey Gulf Coast a subdivision of record in Volume 2, Page 98, of the Plat Records of said Brazoria County, Texas, (B.C.P.R.);

Thence, South $86^{\circ} 43' 54''$ West, along said south line, said north right-of-way line and along the south line of said 20 acre tract, at 600.17 feet pass a 5/8-inch iron rod with cap stamped "LJA ENG" set marking the common south corner of said 10 acre tract and said 20 acre tract, in all a distance of 1,258.55 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set marking the southwest corner of said 20 acre tract, same being the southeast corner Lot 40, Block 4, as shown on the plat of Southern Trails West, Section 1, a subdivision of record in Document Number 2006041142, B.C.P.R.;

Thence, North $03^{\circ} 07' 52''$ West, along the west line of said 20 acre tract and an east line of said Southern Trails West Section 1, 1,304.79 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set marking the northwest corner of said 20 acre tract, same being an interior corner of said Southern Trails West, Section 1;

Thence, North $86^{\circ} 50' 07''$ East, along the north line of said 20 acre tract and a south line of said Southern Trails West, Section 1, 656.88 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set marking the common north corner of said 20 acre tract and that certain called 2.0 acre tract conveyed to John G. and Yolanda Vasquez by an instrument of record under Document Number 1987482229, O.P.R.B.C.TX.;

Thence, South $03^{\circ} 08' 19''$ East, along the common line of said 20 acre tract and said 2.0 acre tract, at 141.05 feet pass a 5/8-inch iron rod with cap stamped "Weisser" found marking the common west corner of said 2.0 acre tract and that certain called 3.0 acre tract conveyed to Melvin Raymond Shield Jr. by an instrument of record under Document Number 2011012440 and 2013044706, O.P.R.B.C.TX., continuing along the common line of said 20 acre tract and the aforementioned 3.0 acre tract, at 339.13 feet pass the common west corner of said 3.0 acre tract and that certain called 2.0 acre tract conveyed to Melvin Raymond Shield Jr. by an instrument of record under Document Number 2011012440 and 2013044706, O.P.R.B.C.TX., continuing along the common line of said 20 acre tract and the aforementioned 2.0 acre tract, in all a distance of 471.19 feet to a 5/8-inch iron rod with cap stamped "Laney" found marking the common west corner of said 2.0 acre tract and said 2.72 acre tract;

31.127 Acres

October 3, 2014
Job No. 1406-3701

Thence, North 87° 00' 32" East, along the common line of said 2.0 acre tract and said 2.72 acre tract, 599.76 feet to a 5/8-inch iron rod found marking the common north corner of said 2.72 acre tract and said 0.1364 acre tract, being in the right of way line of C.R. 48;

Thence, South 03° 15' 31" East, along said right of way line and the west line of said 0.1364 acre tract, 197.91 feet to the POINT OF BEGINNING and containing 31.127 acres of land.

Note: This document was prepared under 22 TAC § 663.21, does not reflect the results of an on-the-ground survey and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.


10/3/2014

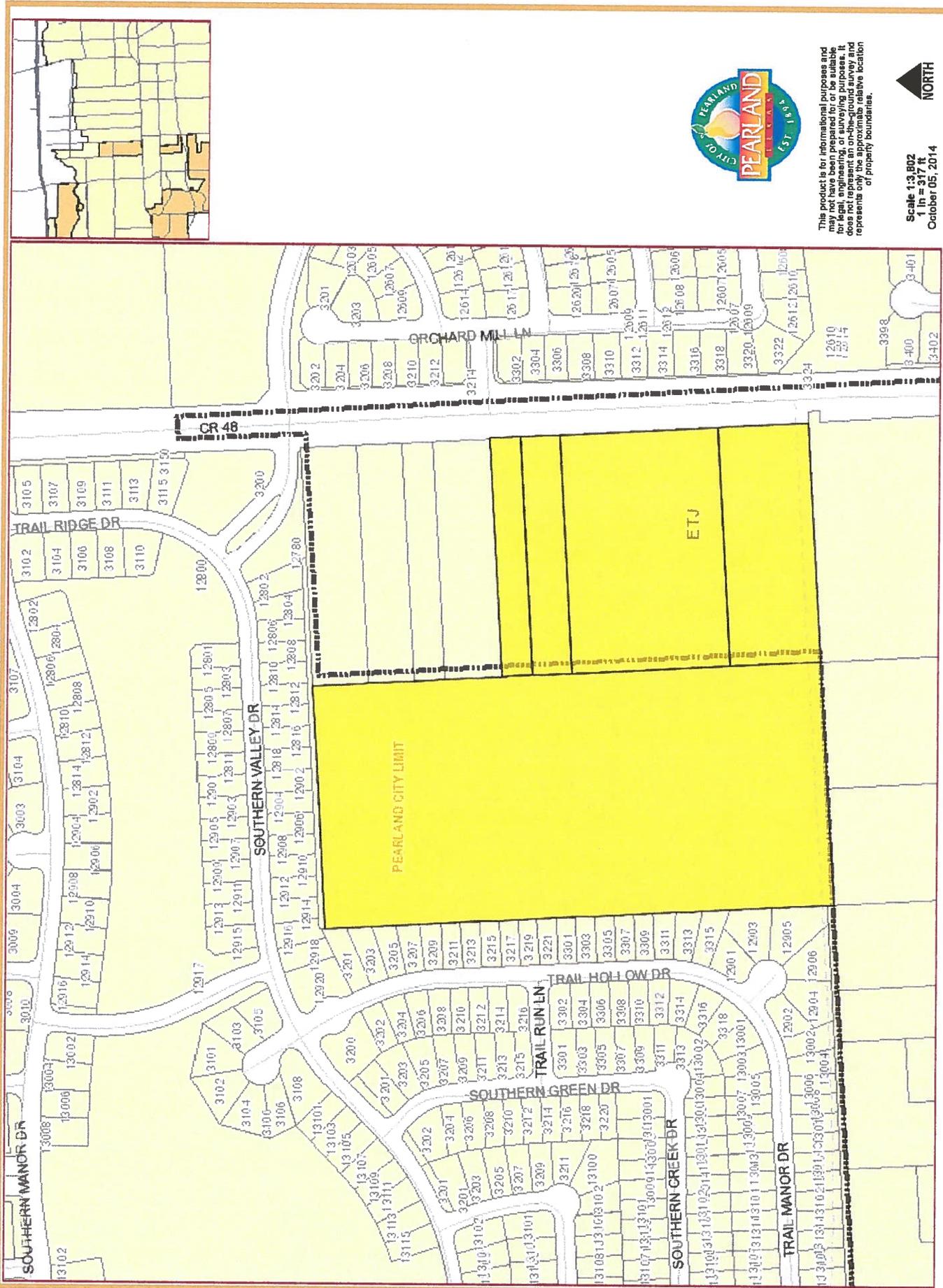
Guy W. Grisdale, RPLS
Registered Professional Land Surveyor
Texas Registration No. 6202
LJA Engineering, Inc.





This product is for informational purposes and is not intended for use 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.

Scale 1:3,902
1 in = 37 ft
October 05, 2014



Cluster Plan Letter of Intent

31.127 Acres

West of County Road 48 – Approximately 2,000 feet South of Broadway

Proposed Uses:

The proposed use of the property is single family residential conforming to the requirements of an R-1 cluster plan consisting of 60'x 125' and 55' x 125' with a minimum nominal lot area of 7,500 and 6,875 square feet, respectively. The cluster plan enables infill redevelopment of this tract which currently contains vacant land and several substandard structures. The focal feature of the plan is a central amenitized detention pond lake, park, and walking trails consistent with the quality and style of the surrounding Southern Trails community.

Specific Operations of the Use:

At 3.2 units/acre, a maximum of 100 lots are allowed. The expected price range of homes is \$260,000 - \$300,000. The property is expected to be developed in one phase.

Square Footage of Buildings:

The homes are expected to range between 2,661 and 4,049 square feet. The front of each home will be 100% masonry and each side will be a minimum 50% masonry, excluding trim and soffits.

Unique Characteristics of the Property:

There are several unique characteristics and constraints that affect the property: 1) A portion of the property is within the city limits and a portion is in the ETJ; therefore, annexation and zoning of the property is proceeding simultaneously with this cluster application; 2) There are several existing substandard structures on the property which need to be cleared before redevelopment; 3) The adjacent Southern Trails neighborhood did not provide stub streets to this property, thus requiring all access to be obtained from County Road 48. The Fire Marshal has provided preliminary approval of the land plan and access locations; and 4) Adjacent properties remain in the ETJ with non-conforming structures for which special screening will be required.

Conformance to Cluster Plan Criteria:

1. **Density:** The plan depicts 99 lots, resulting in a density of 3.18 units/acre, which is less than the allowable 3.2 units/acre for R-1 zoning. The proposed lot mix depicts 29 60' lots and 70 55' lots.
2. **Compliance with Other Zoning Regulations:** 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 6,875 square feet. All lots will have a minimum nominal lot depth of 125 feet, which exceeds the minimum R-1 lot depth of 90 feet.

Proposed Land Uses

Component	Area (acres)
Total Site Area	31.127
Easements	0
Open Space Minus Easements (park & other open spaces)	1.8
Amenitized Detention	5.7
Non-Amenitized Detention	0

3. **Buffering:** The property is surrounded on all sides by residentially zoned and utilized properties. To screen the northern entry road from the adjacent non-conforming structures, fencing and landscaping is planned along the entry road. Rear-yard fences facing County Road 48 will be upgraded wood fencing with periodic masonry columns matching the style and color of the Southern Trails fence on the east side of County Road 48. Additionally, lots backing up to County Road 48 will adhere to the UDC requirement for a 30' rear yard setback if a minimum 10' landscape reserve is not provided.
4. **Amenities:** The total open space 7.5 acres including the amenitized detention lake equates to 3,300 square feet per lot. Amenities s shown on the Lotting and Amenity Plan will include the following improvements:
- a. A central 5.7-acre amenitized detention pond lake
 - b. Three lake fountains
 - c. A 0.7-acre park area
 - d. 1.1 acres of other open space and landscape reserves
 - e. A combined minimum of 100 shade and ornamental trees within the open space and landscape reserves
 - f. One playground structure
 - g. Three benches
 - h. One shade structure/pavilion
 - i. 2840 linear feet of six-foot width concrete trail around the lake and connecting to the park
 - j. Irrigated landscaping throughout all open spaces
 - k. Entry monumentation

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 may be required for amenity items not completed prior to recordation of the final plat.

Exhibit: Lotting and Amenity Plan

C. Discussion Items

1. Commissioners Activity Report
2. Comprehensive Plan Update
3. Next JPH/P&Z Meeting, January 5, 2015 – Regular Meeting

V. ADJOURNMENT