



JOINT PUBLIC HEARING
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF
THE CITY OF PEARLAND, TEXAS,
MONDAY, MAY 19, 2014, AT 6:30 P.M.
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

I. CALL TO ORDER

II. PURPOSE OF HEARING

CONDITIONAL USE PERMIT APPLICATION NO. 2014-04

A request of Chan Patel with Sparkles Express, applicant; on behalf of The Old Place, Inc., owner; for approval of a Conditional Use Permit (CUP) to allow for an Auto Wash (Self Service) within the General Business (GB) zoning district, on approximately 1.10 acres of land on the following described property, to wit:

Legal Description: A tract or parcel containing 1.1019 acres or 47,999 square feet of land, out of a called 9.993 acre tract situated in the H.T. & B.R.R. CO. Survey, Abstract No. 506, Brazoria County, Texas Conveyed to the Old Place, Inc. as recorded in the Brazoria County Clerk's File No. 97-001270, Brazoria County, Texas

General Location: Approximately 1.1 acres of land included in a larger tract of land located at the northwest corner of Broadway Street and Hillhouse Road, Pearland, Texas

III. APPLICATION INFORMATION AND CASE SUMMARY

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

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

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

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



Memo

To: City Council and Planning and Zoning Commission of the City of Pearland
From: Planning Department
Date: May 5, 2014
Re: Conditional Use Permit Application Number CUP 2014-04

A request of Chan Patel with Sparkles Express, for approval of a Conditional Use Permit (CUP) to allow for an Auto Wash (Self Service) within the General Business (GB) zoning district, on approximately 1.1 acres of land. The property is generally located at the northwest corner of Broadway Street and Hillhouse Road; Pearland, Texas.

Proposal

The subject property of which the applicant is requesting approval of a Conditional Use Permit (CUP) to construct an Auto Wash (Self Service) on approximately 1.1 acres. The Unified Development Code (UDC) defines an Auto Wash (Self-Service) as "Washing, waxing or cleaning of automobiles or light duty trucks where the owner of the vehicle causes the vehicle to become washed.

According to the applicant, the proposed express tunnel car wash is designed to automatically wash and dry vehicles through the tunnel entrance, where an attendant will guide the vehicle onto the conveyer. Blowers at the end of the conveyer will dry the vehicle before the customer exits the tunnel. The proposed structure, including the tunnel and the equipment room/offices will be approximately 3,060 square feet, with 16 vacuums in two separate areas, with each section covered with an awning. The applicant has indicated that the car wash hours of operation are generally 8:00 am – 7:00 pm (possibly 8:00 pm in the summer months); seven (7) days per week.

Access will be from Broadway Street via an existing access easement just west of the subject property, where customers will enter, pay at one of the auto cashiers, move through the tunnel, stop at the vacuum cleaners, if necessary, and exit back onto Broadway Street via the existing access easement. The existing access easement currently provides access to Candlewood Suites and Texas Children's Medical Office. It is important to note that Broadway Street is a major thoroughfare and is located within the Corridor Overlay District (COD), which requires enhanced design standards.

Background

The subject property is developed with a multi-tenant building which was previously used as a daycare. According to Brazoria County appraisal district records, the building was constructed in 1985, with asphalt paving added in 1997. The property was annexed into the city in 1996. Pursuant to Chapter 2 of the Unified Development Code, when a property is annexed into the city, the default zoning district is Suburban District (SD),. The site was zoned to Neighborhood Service (NS) and a Conditional Use Permit was approved on December 10, 2012 for a Daycare Center.

Recommendation

The request meets the criteria for approval as outlined in Section 2.2.3.4 (Criteria for Approval). Staff recommends approval of the Conditional Use Permit (CUP 2014-04) to allow for the construction and operation of an Auto Wash (Self Service) on approximately 1.1 acres of land within the GB zoning district, for the following reasons:

1. The proposed Auto Wash (Self Service) will not significantly negatively impact surrounding properties or developments, as the majority of the surrounding properties are developed within non-residential uses, with the exception of the non-conforming single family home and storage of machinery and heavy equipment to the north.
2. With the recommended conditions of approval, the proposed CUP would allow for a use that is not necessarily compatible with surrounding uses and the character of an area; however can be made compatible with conditions.
3. The property has frontage on Broadway Street; a major thoroughfare, and is located within the COD. The COD overlay regulations supplement the regulations of the GB zoning district with more restrictive standards. These standards will ensure a high quality development that will enhance the character of the area and ensure an aesthetically pleasing development.
4. The subject property is located within the "Retail, Offices and Services" future land use designation of the Comprehensive Plan and is in compliance with this future land use designation.
5. Broadway Street is a major thoroughfare and provides a high degree of mobility, serves high volumes of traffic and has higher speeds than most other types of roadways. It is desirable to minimize the number of driveways on thoroughfares in order to reduce the number of conflict points and facilitate traffic flow. No new driveways will be added to Broadway Street, as a result of this development, as access will be from an existing access easement to the west of the site currently used to provide access to Candlewood Suites and Texas Children's Medical Office. There will be no employees or customers drying vehicles outside or cleaning the interior of the cars at the end of the tunnel. Therefore, it is anticipated that there will be no traffic back-up onto Broadway Street. Additionally, a Traffic Impact Analysis (TIA) is required at the time of platting, which may require additional improvements, such as a deceleration lane, for example.

6. The proposed development will require platting of the site. Platting will ensure that infrastructure is adequate to serve the proposed development. The subject property has access to public water and sewer. There is an existing 16 inch waterline on the south side of Broadway Street, approximately 110 feet from the property line and 2 existing sanitary manholes along the frontage of the site. Extensions of these lines will likely be required depending upon how the tract is platted, and will be determined during the platting process.

Conditions

1. The applicant proposes to cover the vacuum areas with an awning. Adequate screening needs to be provided, as required.
2. A landscape plan, showing screening and landscaping, is required as part of the approval of the Conditional Use Permit.

Exhibits

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



Exhibit 1 Staff Report

SUMMARY OF ANALYSIS:

The applicant is requesting approval of a Conditional Use Permit (CUP) to construct an Auto Wash (Self Service) on approximately 1.1 acres out of a called 9.993-acre tract. The Unified Development Code (UDC) defines an Auto Wash (Self-Service) as “Washing, waxing or cleaning of automobiles or light duty trucks where the owner of the vehicle causes the vehicle to become washed. One type of unattended car wash facility utilizes automated self-service (drive-through/rollover) wash bays and apparatus in which the vehicle owner inserts money or tokens into a machine, drives the vehicle into the wash bay, and waits in the vehicle while it is being washed. The other type of unattended facility is comprised of wand-type self-service (open) wash bays in which the vehicle owner drives the vehicle into the wash bay, gets out of the vehicle, and hand washes the vehicle with a wand-type apparatus by depositing coins or tokens into the machine.”

According to the applicant, the proposed express tunnel car wash is designed to automatically wash and dry vehicles through the tunnel entrance, where an attendant will guide the vehicle onto the conveyer. Blowers at the end of the conveyer will dry the vehicle before the customer exits the tunnel. This activity meets the initial definition of “Auto Wash (Self Service), as explained in the definition per the UDC.

Access will be from Broadway Street via an existing access easement just west of the subject property, where customers will enter, pay at one of the auto cashiers, move through the tunnel, stop at the vacuum cleaners, if necessary, and exit back onto Broadway Street via the existing access easement. The existing access easement currently provides access to Candlewood Suites and Texas Children’s Medical office.

The property is currently developed with retail office space designed for use by multiple tenants, and was formally used as a daycare via approval of a CUP on December 10, 2012. Platting will be required prior to development. The applicant proposes to plat an approximately 1.1 acre lot out of the total 9.9 acres for the purpose of constructing the proposed car wash.

The site is located within the General Business (GB) zoning district, and which district’s purpose is to permit an extensive variety of commercial uses, including retail trade, personal and business service establishments, offices and commercial recreation uses of limited scope. The GB zoning district requires approval of a Conditional Use Permit (CUP) for the proposed use. A CUP allows for a use that is not necessarily compatible with surrounding uses; however can be made compatible with conditions. According to Chapter 2 of the Unified Development Code (UDC) such conditions may include modifications necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of the UDC.

SITE HISTORY: The subject property is developed with a multi-tenant building which was previously used as a daycare. According to Brazoria County appraisal district records, the building was constructed in 1985, with asphalt paving added in 1997. The site was annexed into the city in 1996. The default zoning for property that is annexed into the city is Suburban District (SD). The property was zoned to Neighborhood Service (NS) and a CUP was approved on December 12, 2012 for the aforementioned Daycare Center.

The site is surrounded by nonresidential uses on all sides and the GB zoning district, with the exception of the property to the north, which is zoned Neighborhood Service (NS) and is developed with a non-conforming single family home and is used for the storage of machinery and heavy equipment. Neither use is a permitted use within the NS zoning district. The below table identifies surrounding uses and zoning districts.

SURROUNDING ZONING AND LAND USES:

	Zoning	Land Use
North	Neighborhood Service (NS)	Single Family Home and Storage of Machinery and Heavy Equipment
South	General Business (GB)	Undeveloped
East	General Business (GB)	Retail Shopping Center, including Capital Bank, H&R Block, Dental Office
West	General Business (GB)	Candlewood Suites,

CONFORMANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC): The subject property is located within the General Business (GB) zoning district. The purpose of the aforementioned zoning district is to permit an extensive variety of commercial uses, including retail trade, personal and business service establishments, offices and commercial recreation uses of limited scope. The GB zoning district requires approval of a Conditional Use Permit (CUP) for the proposed use. A CUP allows for a use that is not necessarily compatible with surrounding uses; however can be made compatible with conditions. Pursuant to Chapter 2 of the UDC such conditions may include modifications necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of the UDC.

The GB zone requires a minimum lot area of 22,500 square feet; a minimum lot width of 150 feet, a minimum lot depth of 125 feet; a minimum front yard setback of 25 feet and a minimum side yard of 10 feet, and a maximum height of 45 feet.

Additionally, COD regulations apply to properties fronting on Broadway Street, as Broadway Street is a Major Thoroughfare, according to the city's Thoroughfare Plan. The COD is intended to help the city to exercise greater control over the aesthetic, functional and safety characteristics of development along major thoroughfares when developments front on such roadways. The COD regulations supplement the standards of the base zoning district with new or different standards which are more restrictive. Such standards include, but are not limited to the following:

- A 30-foot wide buffer is required along property frontages that face major thoroughfares, such as Broadway Street. The aforementioned 30-foot buffer shall be free of paving, including parking areas, maneuvering and loading areas.
- No outdoor activity is allowed within the COD

- Meandering sidewalks are required along property frontages.
- Outdoor storage is not permitted without approval by the City Council via a CUP, and must meet certain requirements.
- Screening is required for vehicle loading and unloading. Screens shall incorporate shrubbery having year round foliage and/or a wall or architectural element of the building that is a minimum of 6 feet in height and is a maximum of 75% opaque.
- All utility service shall be located underground.
- Building articulation is required for all nonresidential structures.
- Mechanical irrigation is required to be installed and maintained.

PLATTING STATUS: The property is not platted. Prior to development and the issuance of building permits, platting will be required. Platting will trigger various site improvements, including detention and extension of public infrastructure.

CONFORMANCE WITH THE COMPREHENSIVE PLAN: The subject property is located within the “Retail, Offices and Services” future land use designation. According to the comprehensive plan, major features of this designation include the following:

- Neighborhood shopping centers, or developed as separate uses
- Located at major intersections
- Limited outdoor retail activities
- Buffer from neighboring single family residential
- Appropriate zoning districts: OP, Office and Professional; NS, Neighborhood Service; GB, General Business (selected uses)

CONFORMANCE WITH THE THOROUGHFARE PLAN: The subject property has frontage on Broadway Street; a major thoroughfare which requires 120 feet of right-of-way. The applicant’s survey indicates that right-of-way along the property frontage is 120 feet; however the thoroughfare plan indicates that Broadway Street is to be widened in this area. Right-of-way will be dedicated, if necessary, at the time of platting.

AVAILABILITY OF UTILITIES: The subject property has access to public water and sewer. There is an existing 16 inch waterline on the south side of Broadway Street, approximately 110 feet from the property line and 2 existing sanitary manholes along the frontage of the site. Extensions of these lines will likely be required depending upon how the tract is platted, and will be determined during the platting process.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The proposed Auto Wash (Self Service) will not significantly impact surrounding properties or developments. All surrounding properties are zoned for non-residential uses and zoning districts, including GB to the west, east and south and NS to the north. Properties to the east and west are developed with a retail shopping center (east) and a hotel and medical offices (west). The property to the south (south side of Broadway Street) is currently undeveloped and the property to the north is developed with a non-conforming single family home and appears to be used for storage of machinery and heavy equipment. The site is considered non-conforming, as single family dwelling units and the storage of machinery and heavy equipment are not permitted uses within the NS zoning district. Additionally, as proposed, the proposed 1.1 acre lot will not directly abut the property to the north, and will be approximately 180 feet from the north property line. Additionally, the tract to the north is heavily treed along its southern property line.

ADDITIONAL COMMENTS: This request has been reviewed by the City's Development Review Committee and there were no additional comments from other departments at the time of this report.

PUBLIC NOTIFICATION: Staff sent nineteen (19) 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 on May 9, 2014. Additionally, a legal notice of the public hearing was published in the local newspaper on Thursday, May 1, 2004 and a notification sign was placed on the property by the applicant. Staff has not received any returned notices from property owners within 200 feet of the site.

OPPOSITION TO OR SUPPORT OF PROPOSED REQUEST: Staff has not received any comments either in opposition to or in support of the proposed CUP request.

RECOMMENDATION: Staff recommends approval of the Conditional Use Permit (CUP 2014-04) to allow for the construction and operation of an Auto Wash (Self Service) on approximately 1.1 acres of land within the GB zoning district, as proposed by the applicant and owner for the following reasons:

1. The proposed Auto Wash (Self Service) will not significantly impact surrounding properties or developments. All surrounding properties are zoned for non-residential uses and zoning districts, including GB to the west, east and south and NS to the north. Properties to the east and west are developed with a retail shopping center (east) and a hotel and medical offices (west). The property to the south (south side of Broadway Street) is currently undeveloped and the property to the north is developed with a non-conforming single family home and appears to be used for storage of machinery and heavy equipment. The site is considered non-conforming, as single family dwelling units and the storage of machinery and heavy equipment are not permitted uses within the NS zoning district. Additionally, as proposed, the proposed 1.1 acre lot will not directly abut the property to the north, and will be approximately 180 feet from the north property line. Additionally, the tract to the north is heavily treed along its southern property line.
2. A CUP allows for a use that is not necessarily compatible with surrounding uses and the character of an area; however can be made compatible with conditions. Pursuant to Chapter 2 of the UDC such conditions may include modifications necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of the UDC. As mentioned above, the subject property is surrounded by non-residential developments and non-residential zoning districts. Although the property to the north is zoned NS, which is a non-residential zoning district, it is considered non-conforming as a result of the existing single family home and is being used for the storage of machinery and heavy equipment.
3. Additionally, the property has frontage on Broadway Street; a major thoroughfare, and is located within the COD. The COD overlay regulations supplement the regulations of the GB zoning district with more restrictive standards. These standards will ensure a high quality development that will enhance the character of the area and ensure an aesthetically pleasing development. Such standards include, but are not limited to the following:
 - A 30-foot wide buffer is required along property frontages that face major thoroughfares, such as Broadway Street. The aforementioned 30-foot buffer shall be free of paving, including parking areas, maneuvering and loading areas;
 - No outdoor activity is allowed within the COD;
 - 100% masonry or glass, transparency and building articulation along Broadway Street; and

- Enhanced landscaping, including large shade trees, ornamental trees, shrubs and parking lot islands.
4. The subject property and surrounding properties are located within the “Retail, Offices and Services” future land use designation of the Comprehensive Plan. According to the Comprehensive Plan, major features of this designation include the following:
- Neighborhood shopping centers, or separate commercial uses;
 - Located at major intersections;
 - Limited outdoor retail activities;
 - Buffer from neighboring single family residential;
 - Appropriate zoning districts include Office and Professional (OP), Neighborhood Service (NS) and selected uses within the General Business (GB) zoning district.

The proposed use conforms to and meets the intent and vision of the future land use designation of the Comprehensive Plan. All surrounding properties are zoned for commercial uses, and there will be no negative impacts to the non-conforming single family home to the north, as substantial landscape buffering exists and would be required if the Auto Wash were to directly abut the residential use. There will be limited outdoor activity, which will include patrons of the car wash who may choose to vacuum their vehicles under the covered vacuum areas. Even in this instance substantial screening is required by the Unified Development Code, which includes street trees, ornamental trees, a 30 foot wide buffer area, as shown on the site plan, which includes meandering sidewalks, and which shall remain free of parking, maneuvering and loadings areas. Additionally, the vacuum stalls as well as the area where cars will exit the tunnel shall be screened with a screening wall.

5. Broadway Street is a major thoroughfare and provides a high degree of mobility, serves high volumes of traffic and has higher speeds than most other types of roadways. It is desirable to minimize the number of driveways on thoroughfares in order to reduce the number of conflict points and facilitate traffic flow. No new driveways will be added to Broadway Street, as a result of this development, as access will be from an existing access easement to the west of the site currently used to provide access to Candlewood Suites and Texas Children’s Medical Office. There will be no employees or customers drying vehicles outside or cleaning the interior of the cars at the end of the tunnel. Therefore, it is anticipated that there will be no traffic back-up onto Broadway Street. Additionally, a Traffic Impact Analysis (TIA) is required at the time of platting, which may require additional improvements, such as a deceleration lane, for example.
6. The proposed development will require platting of the site. Platting will ensure that infrastructure is adequate to serve the proposed development. The subject property has access to public water and sewer. There is an existing 16 inch waterline on the south side of Broadway Street, approximately 110 feet from the property line and 2 existing sanitary manholes along the frontage of the site. Extensions of these lines will likely be required depending upon how the tract is platted, and will be determined during the platting process.

CONDITIONS:

1. The applicant proposes to cover the vacuum areas with an awning. Adequate screening needs to be provided, as required.
2. A landscape plan, showing screening and landscaping, is required as part of the approval of the Conditional Use Permit.



Exhibit 3 Aerial Map

Aerial Map

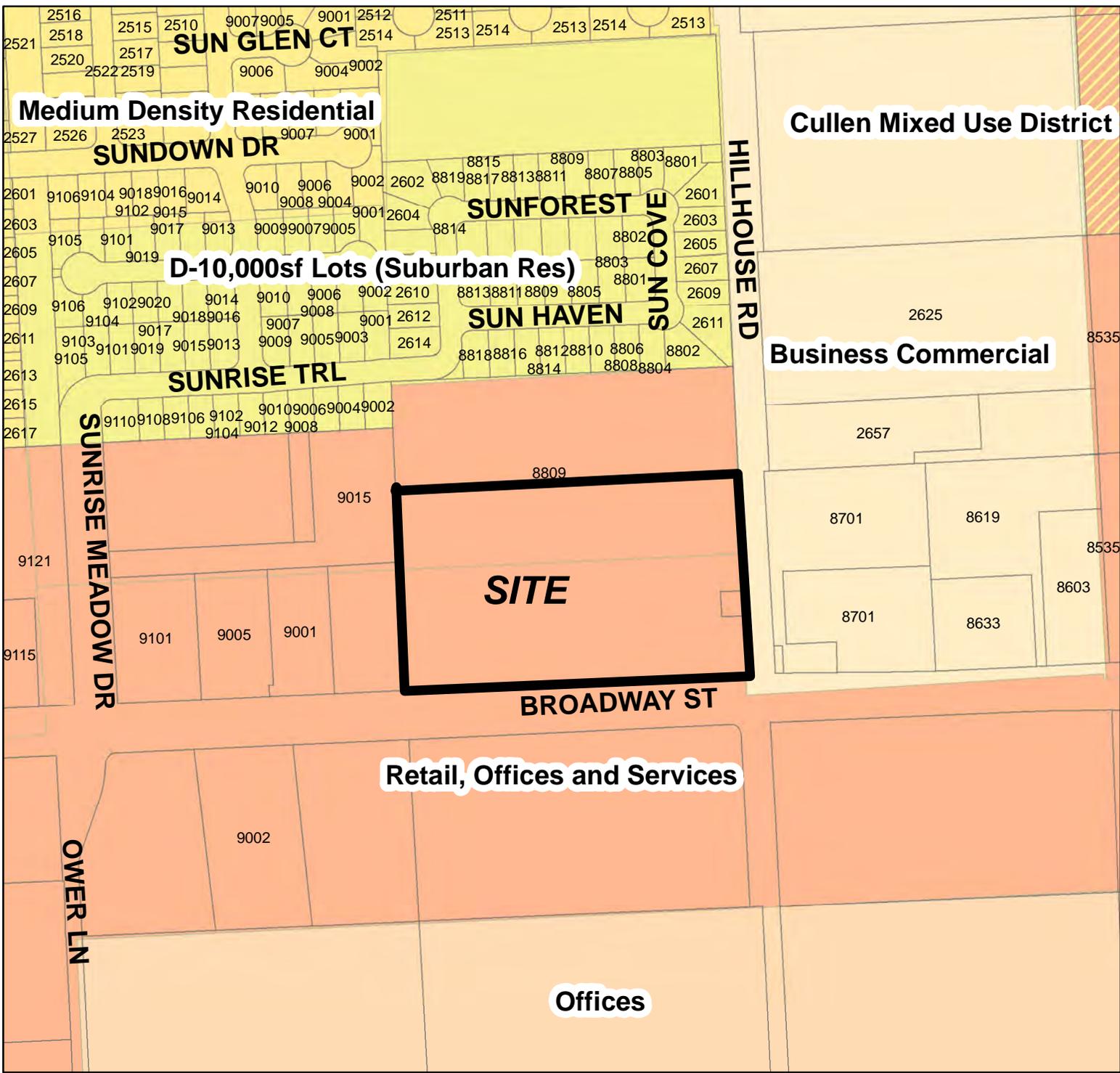
CUP 2014-04

Hillhouse &
Broadway Street

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

0 75 150 300 Feet
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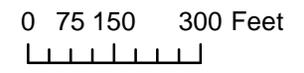
**Exhibit 5
Future Land Use Map**

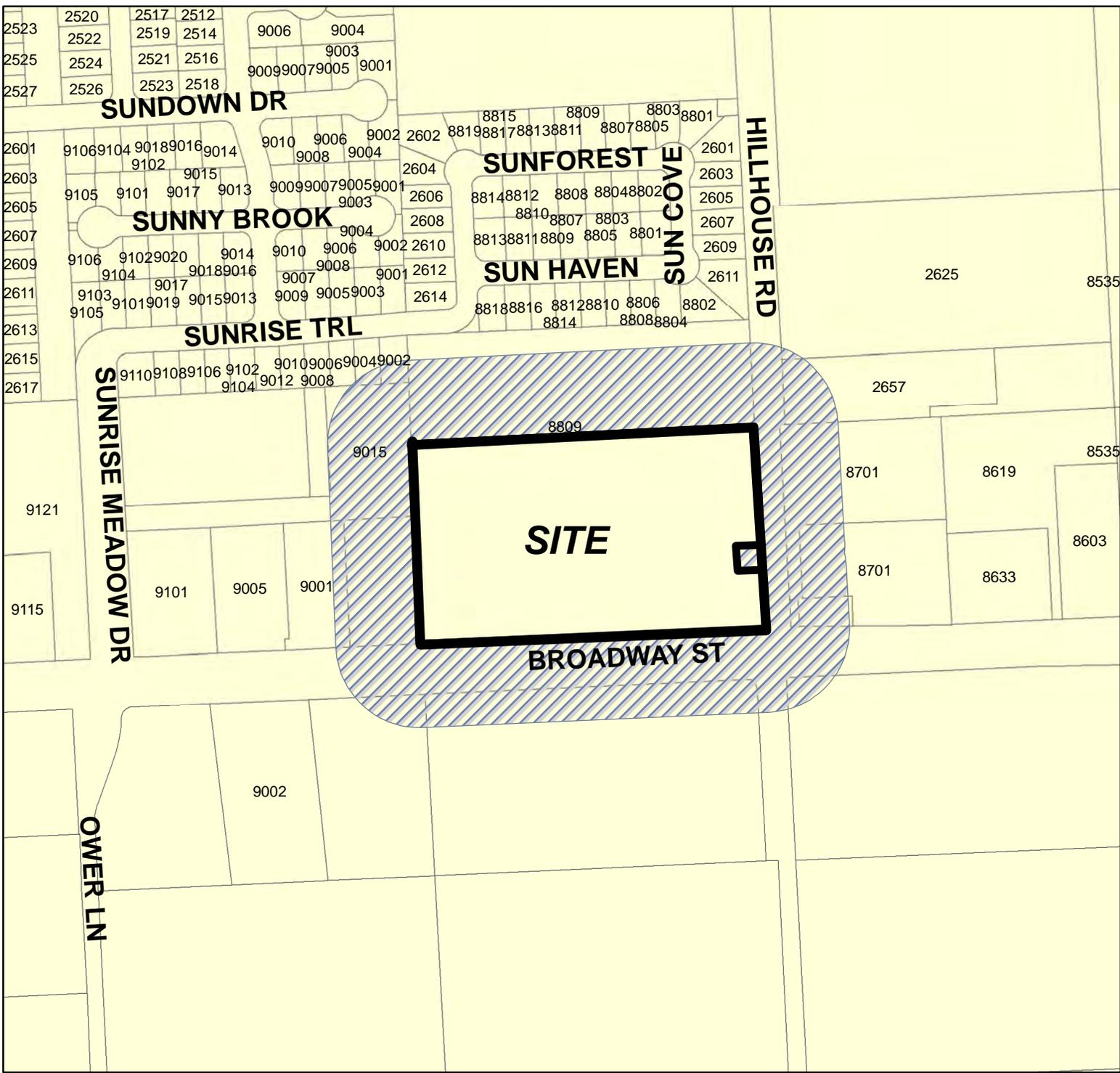
FLUP Map

CUP 2014-04

**Hillhouse &
Broadway Street**

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





**Exhibit 6
Notification Map**

Notification Map

CUP 2014-04

**Hillhouse &
Broadway Street**

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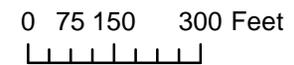


Exhibit 7

Notification List

NAME	ADD_LINE2	CITY	STATE	ZIP
DOHERTY FRANK TRUSTEE	8735 BROADWAY ST	PEARLAND	TX	77584
NEEDHAM RICKY D	813 INDIGO SPRINGS LN	LA MARQUE	TX	77568
VELAZQUEZ CARLOS & MELODY	9004 SUNRISE TRL	PEARLAND	TX	77584
WILLIAMSON TRAVIS W	9006 SUNRISE TRL	PEARLAND	TX	77584
SILVER PEAR 518 BUSINESS PARK LTD	PO BOX 79650	HOUSTON	TX	77279
THE OLD PLACE INC	PO BOX 703	MANVEL	TX	77578
PEARLAND PLAZA LP	3922 ABBEYWOOD DR	PEARLAND	TX	77584
SILVER PEAR 518 BUSINESS PARK LTD	PO BOX 79650	HOUSTON	TX	77279
MOORE THEODORE & MAMMIE	2657 HILLHOUSE RD	PEARLAND	TX	77584
THE OLD PLACE INC	PO BOX 703	MANVEL	TX	77578
SU CHENG HUEY TR	102 PEBBLEBROOK CT	SUGAR LAND	TX	77478
FORTRESS PEARLAND INVESTMENTS LLC	4318 W FUQUA ST	HOUSTON	TX	77045
SIMMONS ANDREW	4830 MALLOW ST	HOUSTON	TX	77033
WESTCHASE HOSPITALITY INC	9015 BROADWAY ST	PEARLAND	TX	77584
BPI REALTY SERVICES INC	3800 SOUTHWEST FWY	HOUSTON	TX	77027
WESTCHASE HOSPITALITY INC	9015 BROADWAY ST	PEARLAND	TX	77584
SILVER PEAR 518 BUSINESS PARK LTD	PO BOX 79650	HOUSTON	TX	77279
THE OLD PLACE INC	PO BOX 703	MANVEL	TX	77578
SILVER PEAR 518 BUSINESS PARK LTD	PO BOX 79650	HOUSTON	TX	77279

**Exhibit 8
Applicant Packet**

CUP APPLICATION Page 1 of 6 (Updated June 2010)



**APPLICATION FOR
A CONDITIONAL USE
PERMIT (CUP)**

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

Conditional Use Permit Request for: Auto Wash (Self-Service)
(list proposed use from the Table of Uses of the UDC)

Current Zoning District: General Business

Property Information:

Address or General Location of Property: Em 518 (Broadway)

See attached Exhibit A

Tax Account No. Property ID 175877

Subdivision: W/A - Comm Accts Lot: _____ Block: _____

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

PROPERTY OWNER INFORMATION:

NAME The Old Place, Inc.

ADDRESS P.O. Box 703

CITY Marvel STATE TX ZIP 77578

PHONE (832) 372-1003

FAX() _____

E-MAIL ADDRESS Kitty.willbanks@gmail.com

APPLICANT AGENT INFORMATION:

NAME SPARKLES EXPRESS CARWASH
Chandramani Patel (Chan C Patel)

ADDRESS 46 Lela Mist Drive

CITY Sugar Land STATE TX ZIP 77479

PHONE (281) 565-6445

FAX() _____

E-MAIL ADDRESS chanpatel@yahoo.com

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

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

Owner's Signature: Kitty Willbanks Date: 04.07.14

Agent's/ Applicant's Signature: Chandramani Patel Date: April 7/2014

OFFICE USE ONLY:

FEES PAID: <u>\$250.00</u>	DATE PAID: <u>4/16/14</u>	RECEIVED BY: <u>IC</u>	RECEIPT NUMBER: <u>202059</u>
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Application No. CUP2014-04

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.**

Additional Application requirements for Telecommunications Towers, Antennas, and Shared Use on Existing Towers and Alternate Structures to be provided per Section 2.5.5.2 of the current Unified Development Code:

- An inventory of the applicant's existing towers that are either within the City or within one mile of the corporate limits, specifying the location, height, and design of each tower. The Planning Department may share the information with other applicants for a conditional use permit under this article.
- Site plans to scale specifying the location of tower(s), transmission building and other accessory uses, street access, parking, fences, landscaped areas, and adjacent land uses.
- A report from a professional structural engineer licensed in the State of Texas documenting the following:
 - a. Tower height and design, showing a cross-section of the tower structure.
 - b. Total anticipated capacity of the tower structure, including the number and types of antennas which can be accommodated.
- A letter of intent to lease excess space on the tower and to lease additional excess land on the tower site when the shared use potential of the tower is absorbed, if structurally and technically possible.
- Each applicant must make a good faith effort to substantially demonstrate that no existing towers could accommodate the applicant's proposed antenna by doing the following:
 - a. The applicant must contact the owners of all existing towers of a height roughly equal to or greater than the height of the tower proposed by the applicant. A list must be provided of all owners contacted, the date of the contact, and the form and content of the contact. Where an existing tower is known to have capacity for additional antennas of the sort proposed, that application for a new tower is not complete until the owner of the existing tower responds, unless the applicant submits sufficient information for the Planning Department to determine that all reasonable efforts to obtain a response have been made and further efforts would be futile.
 - b. The applicant must request the following information from each tower owner contacted:
 - Identification of the site by location, existing uses, and tower height.
 - Whether each tower could structurally accommodate the antenna proposed by the applicant without requiring structural changes be made to the tower. To enable the owner to respond, the applicant must provide each owner with the height, length, weight, and other relevant data about the proposed antenna.

- Whether each tower could structurally accommodate the proposed antenna if structural changes were made, not including totally rebuilding the tower. If so, the owner must specify in general terms what structural changes would be required.
- If structurally able, would shared use by the existing tower be precluded for reasons related to RF interference. If so, the owner must describe in general terms what changes in either the existing or proposed antenna would be required to accommodate the proposed tower, if at all.
- Any other information which may be requested by the Planning Department to fully evaluate and review the application and the potential impact of a proposed tower or antenna.

**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.**

CR

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.



ZONE CHANGE/ VARIANCE/ [] RECORDATION

(circle one)

\$250.00

BA

or

[]

or FE

Description: Input who the check is from

COMMENTS/DESCRIPTION (F10):

Location or Address CUP 2014-04

8809 Broadway

Applicant _____

Owner _____

**CITY OF PEARLAND
R E P R I N T**

***** CUSTOMER RECEIPT *****

Oper: AGONZALES Type: DC Drawer: 1
Date: 4/17/14 01 Receipt no: 202059

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	\$250.00
Trans number:		4437691

CUP 2014-04
8809 BROADWAY
PATEL

Tender detail		
CK CHECK	3959	\$250.00
Total tendered		\$250.00
Total payment		\$250.00

Trans date: 4/16/14 Time: 15:50:20

The Old Place, Inc.
P. O. Box 703
Manvel, TX 77578

April 16, 2014

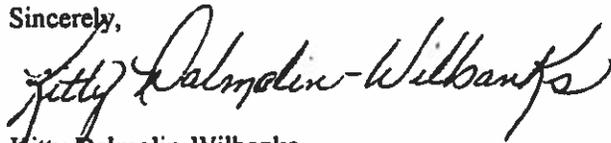
City of Pearland
Attn: Johnna Matthews
3519 Liberty Drive
Pearland, TX 77581

Re: CUP Application Authorization

Dear Ms. Matthews:

Authorization is hereby given to Chan Patel with Sparkles Express to submit a Conditional Use Permit Application with the City of Pearland for a public hearing to be held on May 19, 2014. Please feel free to contact me at 832-372-1008 if you have any questions or need additional information.

Sincerely,



Kitty Dalmolin-Wilbanks
The Old Place, Inc.

Letter of Intent

The subject property at 8909 Broadway is the location of the proposed Express Tunnel car wash. For zoning purposes the car wash is currently categorized as Auto Wash (Self-Serve). The owner is requesting a Conditional Use Permit be granted for the project at this location.

An Express Tunnel, as proposed, is designed to automatically wash and dry vehicles in very short period of time. Customers enter the premises, pay at one of the auto cashiers, and then drive to the tunnel entrance where an attendant guides the vehicle onto the conveyor.

The conveyor moves the vehicle through the tunnel as soap and wax is applied and soft-touch brushes are activated at the appropriate times to clean all areas of the vehicle. Blowers at the end of the conveyor dry the vehicle before the customer exits the tunnel.

Free vacuums are available for customers wanting to take advantage of this service.

The business model is designed for a customer to enter the car wash from Broadway (by means of the Access Easement from the existing access drive), pay at one of the auto cashiers, move through the tunnel and, if there is no stopping at the vacuums, be back on Broadway with a clean and dry vehicle in under five minutes – without ever having to exit their vehicle.

The car wash structure, including the tunnel and the equipment room/offices, is approximately 3,060 sq. ft. Plans are for (16) free vacuums, in two separate vacuum areas, with each section covered with an awning.

Final architectural design is to be determined, but the development will be of quality construction emphasizing glass, steel and masonry (following Pearland guidelines). The vacuum covers are to be high-grade all-weather fabric awnings, with steel supports, designed to coordinate with the building structure. There will be a matching awning cover over the pay stations.

Since this is not a Full-Serve wash, there will not be employees at the end of the tunnel drying vehicles and doing interior work. So there won't be cars and trucks stacking up near the street while this work is done. As said, vehicles will either exit the tunnel and move back onto Broadway or drive to the designated vacuum spaces.

The car wash hours of operation are generally 8:00 AM – 7:00 PM (possibly 8:00 PM in the summer). When the wash is closed there will be a locked gate restricting all access to the property. So, as opposed to a Self-Serve car wash, there will be no activity of any kind on the premises after the gate is locked at closing.

Contract Exhibit A



Initials
Seller Jake
Buyer CP





Windrose Land Services, Inc

3200 Wilcrest, Suite 325

Houston, Texas 77042

Phone (713) 458-2281 Fax (713) 461-1151

Professional Surveying and Engineering Services

Firm Registration No. 10108800

DESCRIPTION

1.1019 ACRES OR 47,999 SQUARE FEET

A TRACT OR PARCEL CONTAINING 1.1019 ACRES OR 47,999 SQUARE FEET OF LAND, OUT OF A CALLED 9.993 ACRE TRACT SITUATED IN THE H.T. & B.R.R. CO. SURVEY, ABSTRACT No. 506, BRAZORIA COUNTY, TEXAS CONVEYED TO THE OLD PLACE INC. AS RECORDED IN THE BRAZORIA COUNTY CLERK'S FILE No. 97-001270, BRAZORIA COUNTY, TEXAS, SAID 1.1019 ACRE BEING DESCRIBED AS FOLLOWS WITH ALL BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL 4204, NAD 83;

BEGINNING AT A 5/8 INCH IRON ROD FOUND AT THE NORTH RIGHT-OF-WAY LINE OF F.M. 518 (BROADWAY)(120' R.O.W.) AND THE SOUTHEAST CORNER OF A LOT "C", FM 518 WEST LIMITED SUBDIVISION AS RECORDED IN THE BRAZORIA PUBLIC OFFICIAL PLAT RECORDS 2008019802, BRAZORIA COUNTY, TEXAS AND BEING THE SOUTH WEST CORNER OF SAID 9.993 ACRE TRACT AND OF THE HEREIN DESCRIBED TRACT;

THENCE ALONG COMMON BOUNDARY LINE OF SAID LOT C AND SAID 9.993 ACRE TRACT AND HEREIN DESCRIBED TRACT, NORTH 02 DEGREES 52 MINUTES 24 SECONDS WEST A DISTANCE OF 300.00 FEET TO A 5/8 INCH IRON ROD FOUND MARKING THE NORTHEAST CORNER OF SAID LOT C AND BEING THE SOUTH EAST CORNER OF LOT "B" OF SAID SUBDIVISION, AND MARKING THE NORTHWEST OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 87 DEGREES 25 MINUTES 56 SECONDS EAST A DISTANCE OF 160.00 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET MARKING THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 02 DEGREES 52 MINUTES 24 SECONDS EAST A DISTANCE OF 300.00 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET ON THE NORTH RIGHT-OF-WAY LINE OF FM 518 (BROADWAY) MARKING THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE OF FM 518, SOUTH 87 DEGREES 25 MINUTES 56 SECONDS WEST, A DISTANCE OF 160.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING 1.1019 ACRES OR 47,999 SQUARE FEET OF LAND, PREPARED BY WINDROSE LAND SERVICES, INC.


MIKE KURKOWSKI
R.P.L.S. NO. 5101
STATE OF TEXAS



03-26-2014
DATE

Thursday, February 20, 2014



Property Tax Status

[Begin a New Search](#) [Go to Your Portfolio](#) [Tax Office FAQ's](#)

Make your check or money order payable to:
Ro'Vin Garrett
111 E Locust
Angleton, Texas 77515

Shopping Cart: For your convenience you may pay several accounts at once. Click the 'Click Here to Pay Now' button to add this account to the shopping cart. Additional accounts can be added by doing a search again, then clicking the 'Click Here to Pay Now' button for each account. Up to 50 accounts may be paid at one time. Accounts are not saved in the shopping cart after you go to the Certified Payment web site.



A **Convenience Fee** of up to 2.4% will be charged for all credit card payments by the vendor providing this service. For eChecks, a convenience fee of \$1.50 will be charged for each transaction. The fee covers the cost of making payments by credit card possible. The fee will appear as a charge to 'Certified Payments'. No part of this fee is retained by Brazoria County.

Unless otherwise noted, all data refers to tax information for 2013. All amounts due include penalty, interest, and attorney fees when applicable. Due to the large volume of work during heavy payment periods amounts due may not reflect payments that have been received but not yet processed.

Account Number: 05060017000

Address:
THE OLD PLACE INC
PO BOX 703
MANVEL, TX 77578-0703

Property Site Address:
8809 BROADWAY FM 518

Legal Description:
A0506 H T & B R R, TRACT 30-30A, ACRES
9.930

Current Tax Levy: \$59,944.96

Current Amount Due: \$0.00

Prior Year Amount Due: \$0.00

Total Amount Due: \$0.00

Last Payment Amount for Current Year Taxes: \$59,944.96

Active Lawsuits: None

Pending Credit Card or E-Check Payments:

No Payment Pending

Jurisdictions:

BRAZORIA COUNTY
BRAZORIA DRAINAGE DIST 4
CITY OF PEARLAND
PEARLAND ISD
SPECIAL ROAD & BRIDGE

Market Value: \$2,165,000

Land Value: \$1,562,060

Improvement Value: \$602,940

Capped Value: \$0

Agricultural Value: \$0

Exemptions: None

Last Certified Date: 08/21/2013

[Taxes Due Detail by Year and Jurisdiction](#)

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E-mail: roying@brazoria-county.com
111 E Locust Suite
Angleton, TX 77515
(979) 864-1320

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JOINT PUBLIC HEARING
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF
THE CITY OF PEARLAND, TEXAS,
MONDAY, MAY 19, 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. 2013-18Z

A request of Gerald Koza, owner/applicant, for approval of a change in zoning from GC, General Commercial to M-1, Light Industrial on approximately 16.871 acres of land, on the following described property, to wit:

Legal Description: Lot 1, Block 1, Associated Industrial Park, located in the H.T. & B.R.R. Co. Survey, Abstract 542, Brazoria County, Texas.

General Location: East side of Main Street and south of Mchard Road; 1603 N. Main Street, Pearland, Texas

III. APPLICATION INFORMATION AND CASE SUMMARY

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

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

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

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



Memo

To: City Council and Planning and Zoning Commission of the City of Pearland
From: Planning Department
Date: May 5, 2014
Re: Zone Change Application Number 2013-18Z

A request of Gerald Koza to change zoning from General Commercial (GC) to Light Industrial (M-1) on approximately 16.871 acres of land, located on the east side of Main Street and south of Mchard Road, and commonly known as 1603 N. Main Street, Pearland, Texas Brazoria County.

Proposal

The subject property includes a total of 16.871 acres of land, of which the applicant is requesting approval of a change in zoning from the General Commercial (GC) zoning district to the Light Industrial (M-1) zoning district. The purpose of the zone change request is to continue to use the property and existing building for industrial type uses.

Background

The subject property is developed with an office building, which faces Main Street with an attached warehouse structure with bays which was added on to the rear of the structure. Brazoria County nor City records indicate when the structure was originally built. However, Profax; the current occupant of the building, has indicated that the building was constructed in 1982, and that they have occupied the building since that time. Profax is a manufacturer of welding products. According to city records, the attached warehouse additions were made to the building in 2001, 2006 and 2010. Additionally, in 2011 a new detention area was added and a driveway was constructed. The property was annexed into the City of Pearland in 1960. Prior to the adoption of the Unified Development Code (UDC) in 2006, the property was located within the Commercial (C) zoning district. When the UDC was adopted, the C zoning district was renamed to General Commercial (GC). The existing zoning district does not permit the existing use by right, which is considered "Warehouse and Distribution Facility." The change in zoning will result in bringing a non-conforming use into conformance with the current UDC.

Recommendation

Staff recommends approval of the request to rezone the 16.871-acre site from General Commercial (GC) to Light Industrial (M-1), for the following reasons:

1. Pursuant to Section 2.2.1.4 (Criteria for Approval):

- A. The proposed zoning map amendment implements the policies of the adopted Comprehensive Plan, including the land use classification of the property on the Future Land Use Map and any incorporated sector plan maps.

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One of the main objectives of the 1999 Comprehensive Plan (“The Plan”) was to meet Pearland 2020 objectives, but to also respect existing land use patterns. The Plan identified ten (10) initiatives and one was to “designate sizeable areas for industrial and light industrial economic development. One of the areas identified the “North Central District,” which encompasses the Main Street corridor north of Old Townsite and the McHard Road corridor. The subject property is located within the “North Central District.” This area was chosen for this type of development at the time of the adoption of the Comprehensive Plan because of the industrial development that already existed.

According

As a result, the future land use designation of the property is “Industrial.” to the Comprehensive Plan, major features of the “Industrial” future land use designation include uses such as warehousing, distribution, assembly, fabrication and light manufacturing; industrial parks; and high tech industries. The Plan suggests that supporting uses such as retail, office and service uses should be congregated at street intersections. It recommends zoning districts such as Light Industrial (M-1) and Heavy Industrial (M-2).

- B. The uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified.

variety
the

The proposed Light Industrial (M-1) zoning district is intended to permit a wide of light industrial, manufacturing, wholesale and service type uses. The intent of proposed M-1 zoning district is consistent with existing uses, development and the vision, according to the Comprehensive Plan of the “North Central District” (see above), which encompasses the Main Street corridor north of the Old Townsite and the McHard corridor. The “North Central District” is approximately 1,240 acres, or 1.9 square miles.

- C. The proposed change is in not in relation to any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers and other public services and utilities to the area.

The proposed change is not in relation to any existing or proposed plans for providing public schools, streets water supply, sanitary sewers or other public services or utilities in the area. The existing building is currently connected to public water and sewer. Any new development proposed will have access to public infrastructure; however, the extension of infrastructure will likely be required.

2. The requested change in zoning from GC to M-1 will result in bringing a nonconforming use into conformance with the UDC. The UDC defines a nonconforming use as any use that does not conform to the regulations of the UDC. The previous zoning district, Commercial (C) and the current zoning district General Commercial (GC) require approval of a Specific Use Permit (SUP), as it was called under the previous Code or a Conditional Use Permit (CUP), for the existing use. There is no record of an SUP or CUP having been approved by the City Council. The proposed zoning district of M-1 permits the existing use by-right.

Options

1. Recommend approval as submitted.
2. Recommend denial.
3. Table item.

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 ANALYSIS:

The applicant is requesting approval of a change in zoning from General Commercial (GC) to Light Industrial (M-1) on approximately 16.871 acres of land located on the east side of Main Street and south of Mchard Road, and commonly known as 1603 N. Main Street, Pearland, Texas. The purpose of the zone change request is to ensure consistency with the existing industrial/warehouse structure and zoning as well as with the future land use designation of the site, as indicated by the Comprehensive Plan, which is "Industrial." According to the applicant, the intent is to continue to use the property and existing building for industrial type uses. The subject property is developed with an office building, which faces Main Street with an attached warehouse structure with bays which was added on to the rear of the structure. The existing building is currently occupied by Profax; a manufacturer of welding products. The existing use is considered "Warehouse and Distribution Facility," which is defined as an enclosed structure for the storage of goods and distribution or transfer to another location. The change in zoning will result in bringing a non-conforming use into conformance with the current UDC.

SITE HISTORY: The property was annexed into the City of Pearland in 1960. Prior to the adoption of the Unified Development Code (UDC) in 2006, the property was located within the Commercial (C) zoning district. When the UDC was adopted the site was rezoned to its current zoning designation of GC. The subject property is developed with an office building, which faces Main Street with an attached warehouse structure with bays which was added on to the rear of the structure. Brazoria County nor do City records indicate when the structure was originally built, however, the applicant has indicated that the building was constructed in 1982 and has been occupied by Profax; a manufacturer of welding products, since its construction. According to city records, the attached warehouse additions were made to the building in 2001, 2006 and 2010. Additionally, in 2011 a new detention area was added and a driveway was constructed. The existing use is considered non-conforming, as neither the previous zoning district nor the existing zoning district permits the existing use by right, which is considered "Warehouse and Distribution Facility."

The site is surrounding by nonresidential uses to the north and south and are developed in accordance with the below table. Uses east and west of the site are mostly undeveloped with the exception of the water tower to the east. Property to the east is also zoned for single family uses; however, remain undeveloped at this time.

The below table identifies surrounding uses and zoning districts:

SURROUNDING ZONING AND LAND USES:

	Zoning	Land Use
North	General Commercial (GC)	Pearland Animal Hospital and Warehouse Structures
South	General Commercial (GC)	Lifestyle of Christ Church and Pearland Gold and Diamond
East	General Commercial (GC) & Single-Family Residential 1 (R-1)	Pearland Water Tower and Undeveloped Land
West	Light Industrial (M-1)	Undeveloped Land

CONFORMANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC): The subject property is located within the General Commercial (GC) zoning district. The purpose of the aforementioned zoning district is to permit a wide variety of businesses characterized by those uses that may require an extensive amount of land for the conduct of business and/or activity that may require outside storage areas. The existing use on site is categorized as “Warehouse and Distribution Facility” by the land use matrix of the UDC. The UDC defines the aforementioned use as an enclosed structure for the storage of goods for distribution or transfer to another location. The existing use is permitted in the existing zoning district, with approval of a Conditional Use Permit (CUP). There is no record of a CUP having been approved by the City Council for the existing use. The existing use is permitted by right within the proposed zoning district of Light Industrial (M-1), which purpose is to permit a wide variety of light industrial, manufacturing, wholesale and service type uses. The change in zoning will result in bringing a non-conforming use in compliance with the UDC.

The site is also located within the Corridor Overlay District (COD). A site plan is not required for a change in zoning, and therefore staff is unable to determine if the site is in compliance with the COD regulations, however, as the building was constructed in 1982, according to the applicant, it is not likely that the site complies with these regulations. Pursuant to Chapter 4 of the UDC, if in the future, the applicant proposes to expand, any expansion will trigger compliance with parking and screening/fencing requirements. . An expansion that exceeds 500 square feet will trigger not only trigger compliance with parking and screening/fencing requirements, but also with façade, sidewalks and landscaping requirements.

PLATTING STATUS: The property is platted, and received final plat approval in March, 2014.

CONFORMANCE WITH THE COMPREHENSIVE PLAN: The site is in compliance with the Comprehensive Plan. The Comprehensive Plan designated the “North Central District” as the Main Street corridor, north of Old Townsite and the McHard Road Corridor, for industrial and light industrial economic development. The Corridor is inclusive of the subject property and includes approximately 1.9 square miles. The future land use designation of the property is “Industrial.” According to the Comprehensive Plan, major features of the “Industrial” future land use designation include uses such as warehousing, distribution, assembly, fabrication and light manufacturing; industrial parks; and high tech industries. The Plan suggests that supporting uses such as retail, office and service uses should be congregated at street intersections. It recommends zoning districts such as Light Industrial (M-1) and Heavy Industrial (M-2).

CONFORMANCE WITH THE THOROUGHFARE PLAN: The subject property has frontage on Main Street; a major thoroughfare which requires 120 feet of right-of-way. The property was recently platted and according to the Thoroughfare Plan, the right-of-way at this location is sufficient.

AVAILABILITY OF UTILITIES: The existing building is currently connected to public water and sewer. Any new development proposed will have access to public infrastructure; however, the extension of infrastructure will likely be required. There is a 16-inch public waterline on the west side of Main Street to the northwest corner of the subject property and a 12 inch public waterline on Alice Street, which was extended from the Highway35 project and connected to the existing 10 inch AC waterline. Additionally, there is an existing 8 inch gravity sanitary sewer line, which runs along the northern portion of the subject property.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The proposed change in zoning will not significantly impact surrounding properties or developments, as the property is currently developed with an industrial use. The proposed zone change will bring the use into compliance with the UDC as well as the future land use designation of the property. All surrounding properties are zoned for non-residential uses and zoning districts, with the exception of the property to the east, which is undeveloped and zoned Single Family Residential- 1 (R-1) for single family residential uses. The area that directly abuts the R-1 zoning district to the east includes approximately 250 feet. The restrictions in place in the proposed zoning district as well as the Corridor Overlay District will ensure that as these properties develop, residential adjacency screening requirements, which include a 25-foot wide landscape buffer along the property line adjacent to such use or district. The landscape buffer shall remain open and unobstructed (i.e., no parking, driveways) and shall be planted with ground cover such as grass or ivy.

ADDITIONAL COMMENTS: This request has been reviewed by the City's Development Review Committee and there were no additional comments from other departments at the time of this report.

PUBLIC NOTIFICATION: Staff sent ten (10) 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 on May 9, 2014. Additionally, a legal notice of the public hearing was published in the local newspaper on Thursday, May 1, 2004 and a notification sign was placed on the property by the applicant. Staff has not received any returned notices from property owners within 200 feet of the site.

OPPOSITION TO OR SUPPORT OF PROPOSED REQUEST: Staff has not received any comments either in opposition to or in support of the proposed change in zoning request.

RECOMMENDATION: Staff recommends approval of the request to rezone the 16.871-acre site from General Commercial (GC) to Light Industrial (M-1), for the following reasons:

1. Pursuant to Section 2.2.1.4 (Criteria for Approval), in making a determination regarding a requested zoning change, the Planning and Zoning Commission and the City Council may consider the following factors. Below is the criteria for approval and how the proposal meets the criteria:
 - Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan, including the land use classification of the property on the Future Land Use Map and any incorporated sector plan maps.

One of the main objectives of the 1999 Comprehensive Plan ("The Plan") was to meet Pearland 2020 objectives, but to also respect existing land use patterns. The Plan identified ten (10) initiatives and one was to "designate sizeable areas for industrial and light industrial economic development. One of the areas identified the "North Central District," which encompasses the Main Street corridor north of

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the “North Central District.” This area was chosen for this type of development at the time of the adoption of the Comprehensive Plan because of the industrial development that already existed.

According to the Comprehensive Plan, major features of the “Industrial” future land use designation include uses such as warehousing, distribution, assembly, fabrication and light manufacturing; industrial parks; and high tech industries. The Plan suggests that supporting uses such as retail, office and service uses should be congregated at street intersections. It recommends zoning districts such as Light Industrial (M-1) and Heavy Industrial (M-2). The site is currently developed with what appears to have been a stand-alone office at one time, which includes an attached warehouse structure with bays that was added on to the property in 2001, 2006, and 2010, according to City of Pearland records. The existing building is used for industrial purposes.

- Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified.

The proposed Light Industrial (M-1) zoning district is intended to permit a wide variety of light industrial, manufacturing, wholesale and service type uses. The intent of the proposed M-1 zoning district is consistent with existing uses, development and the vision, according to the Comprehensive Plan of the “North Central District” (see above), which encompasses the Main Street corridor north of the Old Townsite and the McHard corridor. The “North Central District” is approximately 1,240 acres, or 1.9 square miles.

The use is considered “Warehouse and Distribution Facility” by the Unified Development Code, and is a permitted use within the proposed zoning district of M-1. The use is defined as “an enclosed structure for the storage of goods for distribution or transfer to another location.”

- Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers and other public services and utilities to the area.

The proposed change is not in relation to any existing or proposed plans for providing public schools, streets water supply, sanitary sewers or other public services or utilities in the area. The existing building is currently connected to public water and sewer. Any new development proposed will have access to public infrastructure; however, the extension of infrastructure will likely be required. There is a 16-inch public waterline on the west side of Main Street to the northwest corner

inch

of the subject property and a 12 inch public waterline on Alice Street, which was extended as a result of the Highway35 project and connected to the existing 10 AC waterline. Additionally, there is an existing 8 inch gravity sanitary sewer line, which runs along the northern portion of the subject property.

2. The requested change in zoning from GC to M-1 will result in bringing a nonconforming use into conformance with the UDC. The UDC defines a nonconforming use as any use that does not conform to the regulations of the UDC. The previous zoning district, Commercial (C) and the current zoning district General Commercial (GC) require approval of a Specific Use Permit (SUP), as it was called under the previous Code or a Conditional Use Permit (CUP), for the existing use. There is no record of an SUP or CUP having been approved by the City Council. The proposed zoning district of M-1 permits the existing use by-right.



Exhibit 2 Aerial Map

Aerial Map

Zone Change 2013-18Z

1603 N. Main Street

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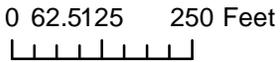
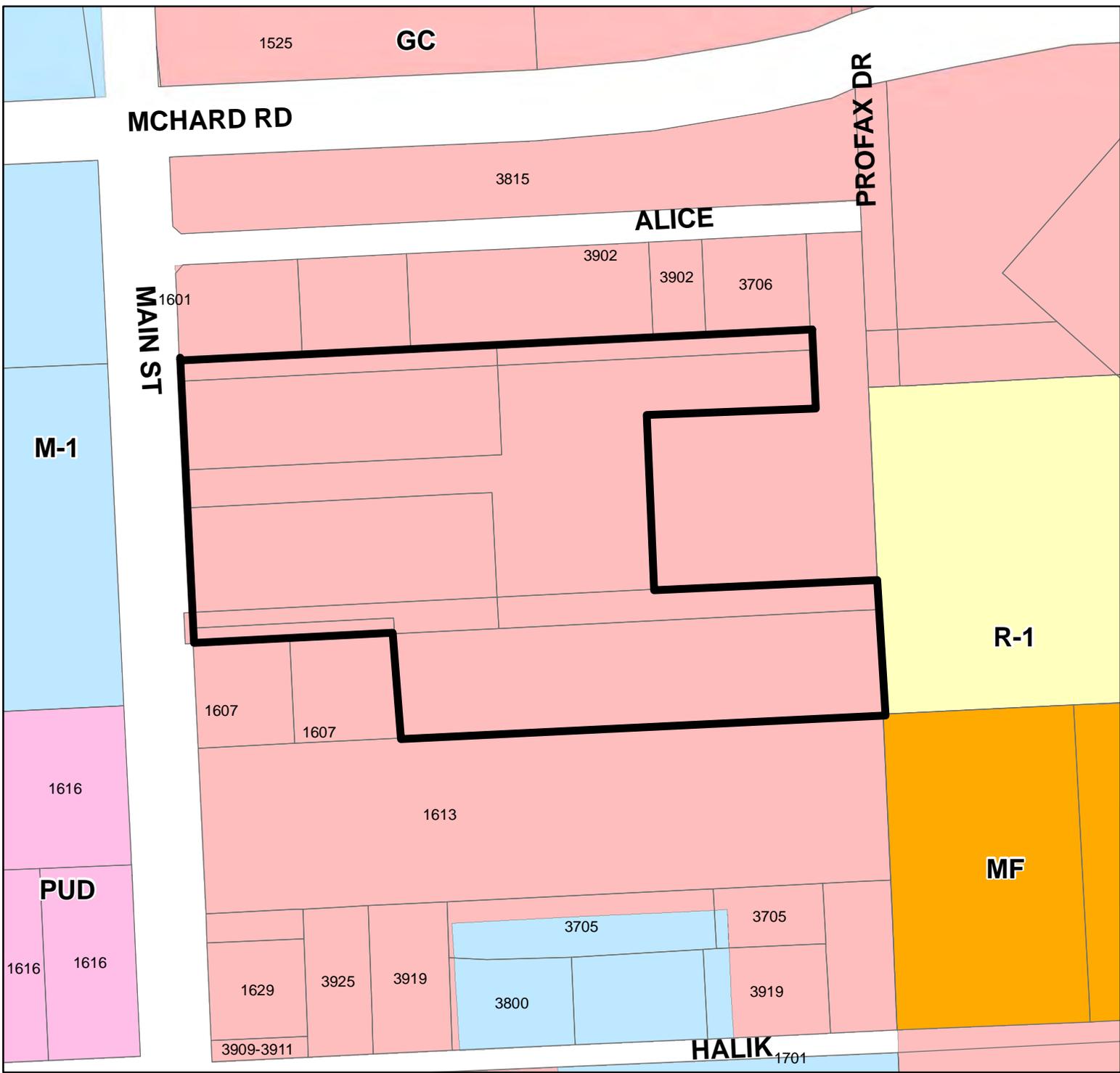


Exhibit 3 Zoning Map

Zoning Map
Zone Change 2013-18Z
1603 N. Main Street

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

0 62.5125 250 Feet
|-----|-----|-----|-----|-----|



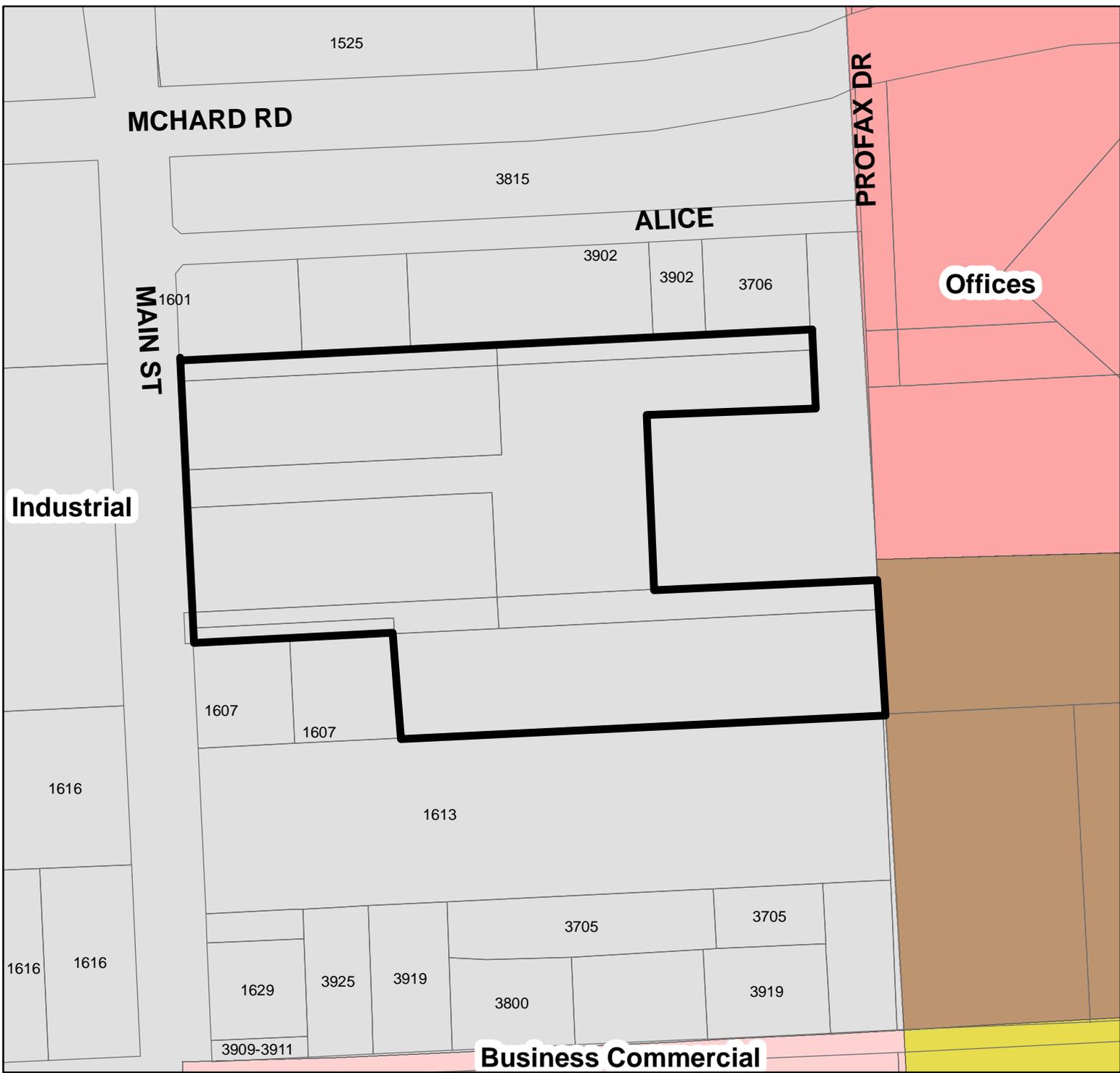
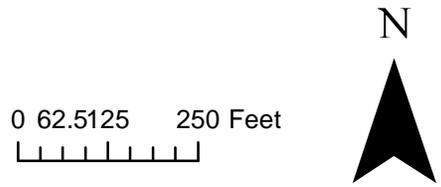


Exhibit 4 Future Land Use Map

FLUP Map
 Zone Change 2013-18Z
 1603 N. Main Street

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



Business Commercial

MCHARD RD

PROFAX DR

ALICE

MAIN ST

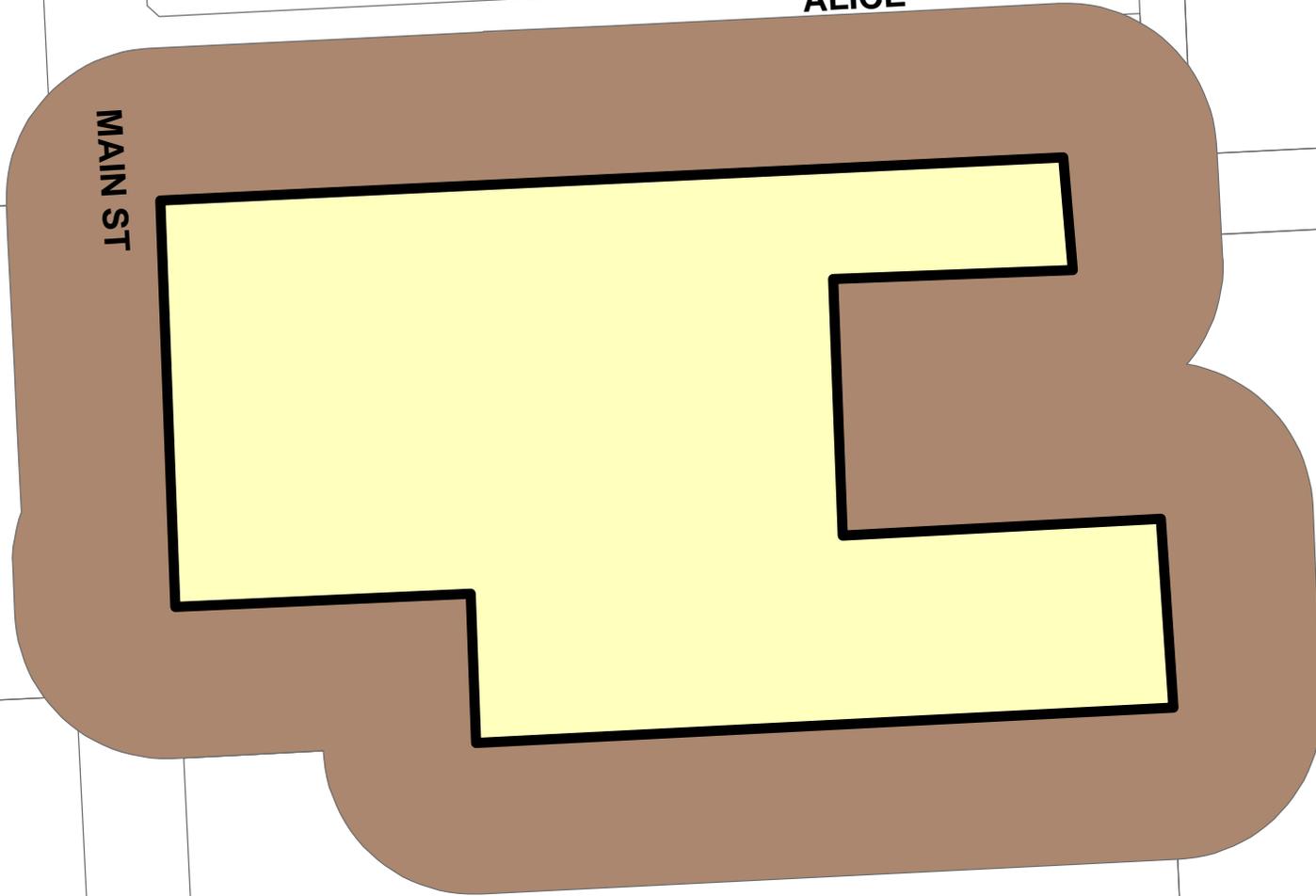


Exhibit 5 Notification Map

Notification Map

Zone Change
18Z

1603 N. Main Street

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

N



0 55 110 220 Feet



HALIK

**Exhibit 6
Notification List**

Zone Change 2013-18Z

NAME	ADD_LINE2	CITY	STATE	ZIP
ALVAREZ INTEREST LTD & KOZA INTERESTS LTD	1603 N MAIN ST	PEARLAND	TX	77581
DAL TRAILER COURTS, INC	5720 LBJ FREEWAY	DALLAS	TX	75240
MKH PROPERTIES CO LTD	4505 S WASATCH BLVD	SALT LAKE CTY	UT	84124
GEEFO TEXAS LLC				
KOZA INTERESTS LTD & ALVAREZ INTERESTS LTD & RICHARD ASHLEY	1603 N MAIN ST	PEARLAND	TX	77581
ASSOCIATED PROPERTIES INC	1603 N MAIN ST	PEARLAND	TX	77581
MONTALBANO LUMBER CO INC	1309 HOUSTON AVE	HOUSTON	TX	77007
ALEXANDER T & B FAMILY LTD PRTNSHP	2411 PARK AVE	PEARLAND	TX	77581
RAJU PALIVELA P TRUSTEE	12121 RICHMOND AVE	HOUSTON	TX	77082
VETERINARY PROPERTIES OF TEXAS	5205 MAGNOLIA ST	PEARLAND	TX	77584

Exhibit 7 Applicant Packet

ZONE CHANGE APPLICATION Page 1 of 4 Updated October 2012



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: GC

Proposed Zoning District: M1

Property Information:

Address or General Location of Property: 1603 N Main St

3902 Alice St

Tax Account No. See ATTACHED

Subdivision: _____ Lot: _____ Block: _____

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

PROPERTY OWNER INFORMATION:

APPLICANT/AGENT INFORMATION:

NAME KOZA / Alvarez Interests
 ADDRESS 1603 N. Main St
 CITY Pearland STATE TX ZIP 77581
 PHONE (281) 485-6258
 FAX (281) 485-8030
 E-MAIL ADDRESS KOZA Sr @ Profax-Lewco.Com

NAME SANE
 ADDRESS _____
 CITY _____ STATE _____ ZIP _____
 PHONE() _____
 FAX() _____
 E-MAIL ADDRESS _____

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

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

Owner's Signature: [Signature] Date: 12/4/13

Agent's/Applicant's Signature: _____ Date: _____

OFFICE USE ONLY:

FEES PAID: <u>\$775.00</u>	DATE PAID: <u>12/4/13</u>	RECEIVED BY: <u>JM</u>	RECEIPT NUMBER: <u>66981</u>
----------------------------	---------------------------	------------------------	------------------------------

Complete Packet Received: 4/17/14

Application No. 2013-182

APPLICATION CHECKLIST FOR THE FOLLOWING

- Zone Changes
- Planned Development Districts (PD)

- Application, filled out completely, and signed by the owner of the property to be considered for the conditional use permit.
- If the applicant is the designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on his behalf. Section 1.2.1.1 (a) of the Unified Development Code.
- Metes and Bounds Description, (Survey, or a Plat of the property that provides or contains the metes and bounds description).
- Parcel map, printed from the City of Pearland website, indicating the location and boundaries of the subject property.
- Letter of Intent, explaining the zone change request in detail and why the zoning is being requested to be changed, and state the uses being proposed

*Letter of Intent is not required for a PD.

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

- **Zero (0) to less than 25 acres:**
 - \$ 750.00 plus \$25.00 per each type of zoning district requested; or
 - \$ 800.00 if requesting a Planned Development (PD)
- **25 to less than 50 acres:**
 - \$ 800.00, plus \$25.00 per each type of zoning district requested; or
 - \$ 850.00 if requesting a Planned Development (PD)
- **50 to less than 75 acres:**
 - \$ 850.00, plus \$25.00 per each type of zoning district requested; or
 - \$ 900.00 if requesting a Planned Development (PD)
- **75 to less than 100 acres:**
 - \$ 900.00, plus \$25.00 per each type of zoning district requested; or
 - \$ 950.00 if requesting a Planned Development (PD)
- **100 acres and above:**
 - \$ 950.00, plus \$25.00 per each type of zoning district requested; or
 - \$ 1000.00 if requesting a Planned Development (PD)

- For PD's Only: the proposed PD document in electronic form by date of application (either emailed or on a CD) (see PD Format for guidelines on how to prepare the PD).

- 4/17
- Acknowledgement of the sign to be posted on the property 10 days prior to the public hearing.
 - Provide evidence or proof that all taxes and obligations have been paid regarding the subject property.
 - Application packets that are not complete will not be accepted. When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, it may be necessary to postpone the proposed CUP/Zone Change and remove it from the scheduled agenda and place it on a future agenda date according to Section 1.2.1.2. of the Unified Development Code.

Additional Information:

- Upon making an application for a zoning change or conditional use permit, the applicant shall place sign(s) as required. The City shall inspect such sign(s) to ensure compliance as required by the UDC.
- After the zoning change or conditional use permit request is approved by the City Council, denied by the City Council, or withdrawn by the applicant, the applicant shall remove the sign from the area of the request within ten (10) days of such event.
- It shall be unlawful for anyone to remove, destroy, deface or obstruct the view of a sign which gives notice that a zoning change or conditional use permit has been requested.
- In the event the applicant shall fail to erect and/or maintain signs in accordance with this section, then the public hearing before the Planning and Zoning Commission/City Council shall be postponed to a date in the future, which would allow time for compliance.
- The erection of any sign required by this section shall not require a permit under Section 4.1.2.6 of this UDC.
- The owner or applicant shall promptly notify the Planning Department of any sign required by this section, which becomes lost, stolen or vandalized. The Planning and Zoning Commission shall have the power to decide whether or not there has been substantial compliance with the posting requirements in the case of lost, stolen or vandalized signs.

TRAFFIC IMPACT ANALYSIS

BA Zone Chg

Zone # ~~32~~

Description: Input who the check is from

\$ 775.00

COMMENTS (F10):

Plat Name

Zone - Chg.

Koza / Alvarez Interest

Explanation: Traffic Impact Analysis

GC to M-1

CITY OF PEARLAND

REPRINT

*** CUSTOMER RECEIPT ***

Oper: JCOTTER Type: OC Drawer: 1
Date: 12/04/13 01 Receipt no: 66931

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	\$775.00
Trans number:		4297651

ZONE CHANGE - KOZA/ALVAREZ
INTEREST
GC TO M1

Tender detail		
CK CHECK	12714	\$775.00
Total tendered		\$775.00
Total payment		\$775.00

Trans date: 12/04/13 Time: 11:04:18

**POSTING OF ZONING NOTIFICATION SIGNS
ON PROPERTY UNDER CONSIDERATION
FOR A ZONE CHANGE (OR CONDITIONAL USE PERMIT)**

Any person, firm or corporation requesting a zoning change, conditional use permit (CUP), variance, or special exception (SE) shall be required to erect and maintain a sign(s), to be inspected by the City upon the property for which a variance, zoning change, CUP, or SE has been requested.

Signs(s) shall be located as follows:

- (1) One (1) sign per street frontage shall be located within thirty feet (30') of the abutting street, or as determined by the City.
- (2) So as to be clearly visible and readable from the public right-of-way and not obstructed in any manner.
- (3) So as not to create a hazard to traffic on the public rights-of-way abutting the property.
- (4) On the subject property at least ten (10) days prior to the hearing of such 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.

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 subject area 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 the 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.

Fees

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

- Zero (0) to less than 25 acres:**
 - \$ 750.00, plus \$25.00 per each type of zoning district requested; or
 - \$ 800.00 if requesting a Planned Development (PD)
- 25 to less than 50 acres:**
 - \$ 800.00, plus \$25.00 per each type of zoning district requested; or
 - \$ 850.00 if requesting a Planned Development (PD)
- 50 to less than 75 acres:**
 - \$ 850.00, plus \$25.00 per each type of zoning district requested; or
 - \$ 900.00 if requesting a Planned Development (PD)
- 75 to less than 100 acres:**
 - \$ 900.00, plus \$25.00 per each type of zoning district requested; or
 - \$ 950.00 if requesting a Planned Development (PD)
- 100 acres and above:**
 - \$ 950.00, plus \$25.00 per each type of zoning district requested; or
 - \$ 1000.00 if requesting a Planned Development (PD)

**Associated Properties
Alvarez Interests Ltd.
Koza Interests Ltd.**

1603 North Main Street
Pearland, Texas 77581
(281) 485-6258

November 15, 2013

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

Dear Sirs:

On behalf of the above business entities, all of which have identical common ownership, we ask to have the below listed properties zoned to M-1 (light industrial). All of these properties have been used as/or intended to be used as light industrial since before the zoning ordinance was created.

Properties owned in the name of Associated Properties:

1603 North Main Street – 2.9267 acres – GEO ID: 0542-0055-122

3902 Alice Street – 3.842 acres – GEO ID: 0542-0073-000

3706 Alice Street – .828 acres – GEO ID: 0542-0073-120

A total of 7.5967 contiguous acres.

Properties owned in the name of Alvarez Interests Ltd. and Koza Interests Ltd.:

0.5381 acres – GEO ID: 0542-0055-111

2.0100 acres – GEO ID: 0542-0055-120

1.2000 acres – GEO ID: 0542-0055-110

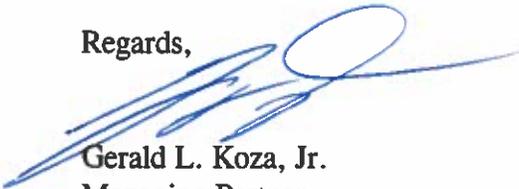
7.6180 acres – GEO ID: 0542-0055-000

2.6958 acres – GEO ID: 0542-0037-000

A total of 16.9886 contiguous acres.

Should you have any questions please call at your earliest convenience.

Regards,



Gerald L. Koza, Jr.
Managing Partner



Vicinity Map - Pearland, TX



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.

DUPLICATE TAX RECEIPT



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

Certified Owner:

ASSOCIATED PROPERTIES INC
1603 N MAIN ST
PEARLAND, TX 77581-2803

Legal Description:

A0542 H T & B R R, TRACT 48A1-48E,
ACRES 2.9267

Parcel Address: 1603 N MAIN ST HWY 35
Legal Acres: 2.9267

Remit Seq No: 24341392
Receipt Date: 12/10/2013
Deposit Date: 12/10/2013
Print Date: 04/17/2014 10:01 AM
Printed By: PEARE1

Deposit No: 3C1011114029
Validation No: 398
Account No: **0542-0055-122**
Operator Code: LATOYA

Year	Tax Unit Name	Tax Value	Tax Rate	Levy Paid	P&I	Coll Fee Paid	Total
2013	Brazoria County	1,034,110	0.432020	4,467.56	0.00	0.00	4,467.56
2013	Special Road & Bridge	1,034,110	0.060000	620.47	0.00	0.00	620.47
2013	Pearland Isd	1,034,110	1.415700	14,639.90	0.00	0.00	14,639.90
2013	Brazoria Drainage Dist 4	1,034,110	0.156000	1,613.21	0.00	0.00	1,613.21
2013	City Of Pearland	1,034,110	0.705100	7,291.51	0.00	0.00	7,291.51
				\$28,632.65	\$0.00	\$0.00	\$28,632.65

Check Number(s):
00121006

PAYMENT TYPE:

Checks: \$28,632.65

Exemptions on this property:

Total Applied: \$28,632.65

Change Paid: \$0.00

PAYER:
ASSOCIATED PROPERTIES INC
1603 N MAIN ST
PEARLAND, TX 77581-2803

ACCOUNT PAID IN FULL

DUPLICATE TAX RECEIPT



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

Certified Owner:

ASSOCIATED PROPERTIES INC
1603 N MAIN ST
PEARLAND, TX 77581-2803

Legal Description:

A0542 H T & B R R, TRACT 52H, ACRES
0.828

Parcel Address: 3706 ALICE ST
Legal Acres: 0.8280

Remit Seq No: 24341392
Receipt Date: 12/10/2013
Deposit Date: 12/10/2013
Print Date: 04/17/2014 10:00 AM
Printed By: PEAREI

Deposit No: 3C1011114029
Validation No: 398
Account No: **0542-0073-120**
Operator Code: LATOYA

Year	Tax Unit Name	Tax Value	Tax Rate	Levy Paid	P&I	Coll Fee Paid	Total
2013	Brazoria County	410,230	0.432020	1,772.28	0.00	0.00	1,772.28
2013	Special Road & Bridge	410,230	0.060000	246.14	0.00	0.00	246.14
2013	Pearland Isd	410,230	1.415700	5,807.63	0.00	0.00	5,807.63
2013	Brazoria Drainage Dist 4	410,230	0.156000	639.96	0.00	0.00	639.96
2013	City Of Pearland	410,230	0.705100	2,892.53	0.00	0.00	2,892.53
				\$11,358.54	\$0.00	\$0.00	\$11,358.54

Check Number(s):
00121006

PAYMENT TYPE:

Checks: \$11,358.54

Exemptions on this property:

Total Applied: \$11,358.54

Change Paid: \$0.00

ACCOUNT PAID IN FULL

PAYER:
ASSOCIATED PROPERTIES INC
1603 N MAIN ST
PEARLAND, TX 77581-2803

FIRST CLASS
U.S. POSTAGE PAID
PERMIT NO. 4
ANGLETON TX

OFFICIAL TAX RECEIPT
ROVIN GARRETT, RTA
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
111 E. LOCUST
ANGLETON, TEXAS 77515
Account No: 0542-0055-000
Certified Owner: KOZA INTERESTS LTD & ALVAREZ INTERE
2013 VALUE: 190,450

FIRST CLASS
U.S. POSTAGE PAID
PERMIT NO. 4
ANGLETON TX

OFFICIAL TAX RECEIPT
ROVIN GARRETT, RTA
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
111 E. LOCUST
ANGLETON, TEXAS 77515
Account No: 0542-0037-000
Certified Owner: KOZA INTERESTS LTD & ALVAREZ INTERE
2013 VALUE: 67,400

Parcel Address: HIGHWAY 35 OFF
Legal Acres: 7.6180
Appr No: 177113
Deposit No: 3A251112492
Paid Date: 10/25/2013
Total Paid: \$23.25
Check No: 00001482
Balance Due: \$0.00

Parcel Address: HIGHWAY 35
Legal Acres: 2.6958
Appr No: 177094
Deposit No: 3A251112492
Paid Date: 10/25/2013
Total Paid: \$8.32
Check No: 00001482
Balance Due: \$0.00

Exemption(s): OSP

Exemption(s): OSP

KOZA INTERESTS LTD & ALVAREZ INTERESTS L
1603 N MAIN ST
PEARLAND, TX 77581-2803

KOZA INTERESTS LTD & ALVAREZ INTERESTS L
1603 N MAIN ST
PEARLAND, TX 77581-2803



FIRST CLASS
U.S. POSTAGE PAID
PERMIT NO. 4
ANGLETON TX

OFFICIAL TAX RECEIPT
ROVIN GARRETT, RTA
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
111 E. LOCUST
ANGLETON, TEXAS 77515
Account No: 0542-0055-120
Certified Owner: KOZA INTERESTS LTD & ALVAREZ INTERE
2013 VALUE: 50,250

FIRST CLASS
U.S. POSTAGE PAID
PERMIT NO. 4
ANGLETON TX

OFFICIAL TAX RECEIPT
ROVIN GARRETT, RTA
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
111 E. LOCUST
ANGLETON, TEXAS 77515
Account No: 0542-0055-110
Certified Owner: KOZA INTERESTS LTD & ALVAREZ INTERE
2013 VALUE: 30,000

Parcel Address: HIGHWAY 35
Legal Acres: 2.0100
Appr No: 177115
Deposit No: 3A251112492
Paid Date: 10/25/2013
Total Paid: \$6.08
Check No: 00001482
Balance Due: \$0.00

Parcel Address: HIGHWAY 35 OFF
Legal Acres: 1.2000
Appr No: 177114
Deposit No: 3A251112492
Paid Date: 10/25/2013
Total Paid: \$3.60
Check No: 00001482
Balance Due: \$0.00

Exemption(s): OSP

Exemption(s): OSP

KOZA INTERESTS LTD & ALVAREZ INTERESTS L
1603 N MAIN ST
PEARLAND, TX 77581-2803

KOZA INTERESTS LTD & ALVAREZ INTERESTS L
1603 N MAIN ST
PEARLAND, TX 77581-2803



OFFICIAL TAX RECEIPT

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

Account No: 0542-0055-111
Certified Owner: ALVAREZ INTEREST LTD & KOZA INTERES
2013 VALUE: 13,450

FIRST CLASS
U.S. POSTAGE PAID
PERMIT NO. 4
ANGLETON TX

A0542 H T & B R R LOT 48G ACRES 0.5381

Jr	Year	Levy Paid	P&I	Parcel Address:
1	2013	58.11	0.00	Legal Acres: 0.5381
9	2013	8.07	0.00	Appr No: 591099
28	2013	190.41	0.00	Deposit No: 3A251112492
54	2013	20.98	0.00	Paid Date: 10/25/2013
96	2013	94.84	0.00	Total Paid: \$372.41
				Check No: 00001482
				Balance Due: \$0.00

Exemption(s): NONE

ALVAREZ INTEREST LTD & KOZA INTERESTS LT
1603 N MAIN ST
PEARLAND, TX 77581-2803



MINOR PLAT OF ASSOCIATED INDUSTRIAL PARK
 A SUBDIVISION OF 18,471 ACRES LOCATED IN THE AT & T R.R. CO. SURVEY, ABSTRACT 342, IN THE CITY OF PEABODY, DALLAS COUNTY, TEXAS

1 BLOCK 1101
 MARCH, 2014

1803 NORTH MAIN STREET
 DALLAS, TEXAS

GERALD KOZA
 JOE ALVAREZ
 KOZA BROTHERS, LTD.
 1803 NORTH MAIN STREET
 PEABODY, TEXAS 75287
 PHONE (214) 465-4256

PREPARED BY
THE WILSON SURVEY GROUP
 WAG
 1803 NORTH MAIN STREET
 PEABODY, TEXAS 75287
 PHONE (214) 465-4256

CONTRACT NO. 1 - 1000000
 CITY OF PEABODY PLAT NO. P-6132-2014-010

STATE OF TEXAS
 COUNTY OF DALLAS

BEFORE ME, the undersigned authority, on this day personally appeared **Gerald Koza**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

My commission expires **12/15/2014**.

Gerald Koza
 Notary Public in and for the State of Texas

STATE OF TEXAS
 COUNTY OF DALLAS

BEFORE ME, the undersigned authority, on this day personally appeared **Joe Alvarez**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

My commission expires **12/15/2014**.

Joe Alvarez
 Notary Public in and for the State of Texas

NOTICE

1. THE CITY OF PEABODY HAS ADOPTED THE FOLLOWING ORDINANCE:

2. THE CITY OF PEABODY HAS ADOPTED THE FOLLOWING RESOLUTION:

3. THE CITY OF PEABODY HAS ADOPTED THE FOLLOWING RESOLUTION:

4. THE CITY OF PEABODY HAS ADOPTED THE FOLLOWING RESOLUTION:

5. THE CITY OF PEABODY HAS ADOPTED THE FOLLOWING RESOLUTION:

6. THE CITY OF PEABODY HAS ADOPTED THE FOLLOWING RESOLUTION:

7. THE CITY OF PEABODY HAS ADOPTED THE FOLLOWING RESOLUTION:

8. THE CITY OF PEABODY HAS ADOPTED THE FOLLOWING RESOLUTION:

9. THE CITY OF PEABODY HAS ADOPTED THE FOLLOWING RESOLUTION:

10. THE CITY OF PEABODY HAS ADOPTED THE FOLLOWING RESOLUTION:

11. THE CITY OF PEABODY HAS ADOPTED THE FOLLOWING RESOLUTION:

12. THE CITY OF PEABODY HAS ADOPTED THE FOLLOWING RESOLUTION:

13. THE CITY OF PEABODY HAS ADOPTED THE FOLLOWING RESOLUTION:

14. THE CITY OF PEABODY HAS ADOPTED THE FOLLOWING RESOLUTION:

15. THE CITY OF PEABODY HAS ADOPTED THE FOLLOWING RESOLUTION:

16. THE CITY OF PEABODY HAS ADOPTED THE FOLLOWING RESOLUTION:

17. THE CITY OF PEABODY HAS ADOPTED THE FOLLOWING RESOLUTION:

18. THE CITY OF PEABODY HAS ADOPTED THE FOLLOWING RESOLUTION:

19. THE CITY OF PEABODY HAS ADOPTED THE FOLLOWING RESOLUTION:

20. THE CITY OF PEABODY HAS ADOPTED THE FOLLOWING RESOLUTION:

STATE OF TEXAS
 COUNTY OF DALLAS

BEFORE ME, the undersigned authority, on this day personally appeared **Gerald Koza**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

My commission expires **12/15/2014**.

Gerald Koza
 Notary Public in and for the State of Texas

STATE OF TEXAS
 COUNTY OF DALLAS

BEFORE ME, the undersigned authority, on this day personally appeared **Joe Alvarez**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

My commission expires **12/15/2014**.

Joe Alvarez
 Notary Public in and for the State of Texas



JOINT PUBLIC HEARING

THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF
THE CITY OF PEARLAND, TEXAS,
MONDAY, MAY 19, 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. 2014-5Z

A request of Alan Mueller, applicant; on behalf of Texproj2008, LLC, owner; for approval of an amendment to three (3) tracts identified as Tracts A, B and C located within the Province Village Planned Unit Development (PUD) to allow for single family homes, on approximately 24.154 acres of land on the following described property, to wit:

Legal Description:

Tract A: A 5.176-acre tract in the W.D.C. Hall Survey, Abstract No. 23, Harris County, Texas. Said 5.176-acres is in a 5.732-acre tract described in a deed to TEXPROJ2008, L.L.C., as recorded in Clerk's File No. 20070659409 in the Harris County Clerk's Office

Tract B: A 13.361-acre tract in the Thomas J. Green Survey, Abstract No. 198, Brazoria County, Texas. Said 13.361-acres is in a 21.898- acre tract described in a deed to TEXPROJ2008, L.L.C. as recorded in Clerk's File No. 2007062105 in the Brazoria County Clerk's Office

Tract C: A 5.617-acre tract in the Thomas J. Green Survey, Abstract No. 198, Brazoria County, Texas. Said 5.617- acres is in a 9.805-acre tract described in a deed to TEXPROJ2008, LLC, as recorded in Clerk's File No. 2007062105 in the Brazoria County Clerk's Office

General Location: Northeast of the intersection of Broadway Street and Pearland Parkway and west of Country Club Drive, 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 of the City of
Pearland

From: Planning Department

Date: May 5, 2014

Re: Zone Change Application Number 2014-5Z

A request of Alan Mueller, applicant; on behalf of Texproj2008, LLC, owner; for approval of an amendment to three (3) tracts identified as Tracts A, B and C located within the Province Village Planned Unit Development (PUD) to allow for single family homes, on approximately 24.154 acres of land on the following described property, Brazoria and Harris County, Texas, Pearland, Texas.

Proposal

The applicant proposes to amend the Province Village PD for portions of Tracts 1, 2 and 3 to allow for R-4 single family developments. This will be the second amendment to the PD, as an amendment was approved in 2009. In summary, the amendment proposed to decrease Office Professional Uses by 5.6 acres, completely remove 87 townhomes/condominium and 27 garden homes, and add 95 single-family residential.

Background

The Province Village PD was originally approved in 2004 and includes 47.65 acres of land, identified within 3 Tracts; Tracts 1, 2 and 3. The PD is bounded by Pearland Parkway to the west, Clear Creek Park residential subdivision to the north, Broadway to the south, and Country Club Drive to the east. The original PD allowed for a mix of uses including townhomes/condominium homes, garden style homes and General Business (GB) commercial uses, such as restaurants and retail.

The applicant proposes to the PD to replace townhomes/condominium homes and patio homes with single family homes with R-4 zoning. The minimum lot width proposed is 55 feet and the minimum lot area proposed is 6,600 square feet. Per the UDC, the minimum lot width in the R-4 zoning district is 50 feet, with a minimum lot area of 5,000 square feet. The applicant proposes no more than 95 single family lots, which equates to a net density of 3.94 dwelling units per acre. The maximum density allowed within the R-4 zoning district is 5.6 dwelling units per acre.

The below table illustrates what was approved in 2009 and the proposed changes in red text, based on staff's analysis:

2009 Tract ID	2009 Total Acreage	2009 Approved Use	2014 Tract ID 2014	2014 Acreage	2014 New/Proposed Use
1	15	12.3 Acres = Office Professional Uses 1.5 Acres = detention Remaining =ROW	C	12.3 Acres 5.6 changed from OP to R-4.	6.8 Acres = Office Professional Uses (with existing bank on 1.5 acres) 5.6 Acres =21 Single Family R-4 Lots 1.5 Acres = detention Remaining = ROW
2	26.92	13.4 Acres = 84 unit townhome/condo 5 Acres = GB 0.6 Acres = Park 1.6 Acres = Open Space 3.8 Acres= detention Remaining - ROW	B		13.4 Acres = 53 Single Family R-4 Lots 5 Acres = GB 0.6 Acres = Park 1.6 Acres = Open Space 3.8 Acres= detention Remaining - ROW
3	5.74	5.74 Acres = 27 Garden Style SF Homes	A	5.74	5.74 Acres =17 Single Family R-4 Lots

A break-down of all proposed amenities is illustrated in the below table. It is important to note however that most of the amenities proposed would be required for any subdivision – 10-foot trail, detention, street trees, parkland, and parking. Others were required by the original PD. The only enhancements proposed by this amendment that would not be required as parkland credit would include –2 barbeque pits, and 4-foot

trail. Some wrought fences were removed with this amendment. There may be parkland dedication fees required.

Table 4
Design Enhancements, Amenities, and Recreational Facilities

Item	General Location
Six-foot height brick masonry fence	Adjacent to Province Village Drive and Country Club Drive
Six-foot height "fence-crete" masonry fence	Between Tract B and GB use and Centerpoint substation tract; Between Tract C and OP use
Six-foot height upgraded wood fence (rot board and cap rail with brick columns at +-100-foot spacing)	West side of Tract B
Ten-foot landscape reserve along Province Village Drive	Adjacent to Tracts A, B, & C
Street trees along Province Village Dr.	Adjacent to Tracts A, B, C, detention, and park
Primary entry monument	West side of tract C
Secondary entry monument	At Country Club Dr.
Landscape/Open Space Reserves	Tracts A, B, and C
.57-acre park with irrigation (1)	Park
Trees/Landscaping with irrigation (1)	Park and Detention
One age appropriate playground (1)	Park
Two picnic tables (1)	Park
Two barbeque grills	Park
One Shade structure (1)	Park
Eight Benches & other site furniture (1)	Detention
Four workout stations (1)	Detention
Ten-foot trail (2)	Detention-adjacent to Clear Creek
Six-foot trail (1)	Detention-connecting park to 10' trail
Four-foot trail	West side of Tract B
Parking lot/Trailhead (1)	Park

(1) Eligible for park fee credits and will be conveyed to the HOA for ownership and maintenance.

(2) Eligible for park fee credits and will be conveyed to City for ownership and maintenance.

Recommendation: Staff recommends denial of the request to amend portions of the Province Village PD to allow for R-4 single family developments, as opposed to Office Professional (OP), Garden- Style Homes, and Townhome/Condominium-type uses for the following reasons

1. The proposed amendment would not be consistent with the goals of the community or the PD regulations. Based on the discussion at the Council retreat, PEDC Strategic Plan and Comprehensive Plan Update, the City needs to

retain and encourage diversity of housing types, including patio homes, townhomes, lofts, duplexes, etc. The Comprehensive Plan is currently being updated. One of the issues that has been raised by citizens via Mindmixer, various meetings and listening sessions is that the City lacks diversity in housing. The PD currently allows for a mix of uses including a variety of housing types such as townhomes/condominiums and garden-style (patio) homes and is consistent with the definition of a PD, which is defined as “land development project that is comprehensively planned to permit flexibility in building siting; provide mixtures of housing types and land uses, designate usable open space and seeks to preserve significant natural features.

2. The amendment does not meet the recommendations of the current Comprehensive Plan or the input gathered from the public for the 2014 Comprehensive Plan Update.

The desirability for diverse housing, especially Patio Homes and Townhomes, was recognized ten (10) years ago, when the 2004 Comprehensive Plan Update was adopted.

Below are excerpts from the 2004 Comprehensive Plan:

GENERAL HOUSING DIVERSITY

In addition to the desire for an increased variety of lot size choices, the community has expressed a desire for an increased diversity of housing types. Patio homes and townhomes have been suggested to increase the housing diversity. These two are discussed in the City's 1999

Comprehensive Plan as *Medium Density Residential*, and recommended locations for such development are identified on the *Future Land Use Plan* map.

PATIO HOME & TOWNHOME ZONING DISTRICTS

To facilitate the development process for these desired types of development, it is recommended that the City make the process easier to use and to understand by simply providing straight zoning districts and eliminating the PUD Districts. The patio home PUD should be eliminated as an option from the R-3 District; the straight zoning of patio homes through use of the R-4 District should remain. The townhome PUD should be eliminated from the R-4 District, and the PUD requirements should be used as the basis for establishing a zoning district specifically for townhome development.

Further, the following are recommended for patio home and townhome development:

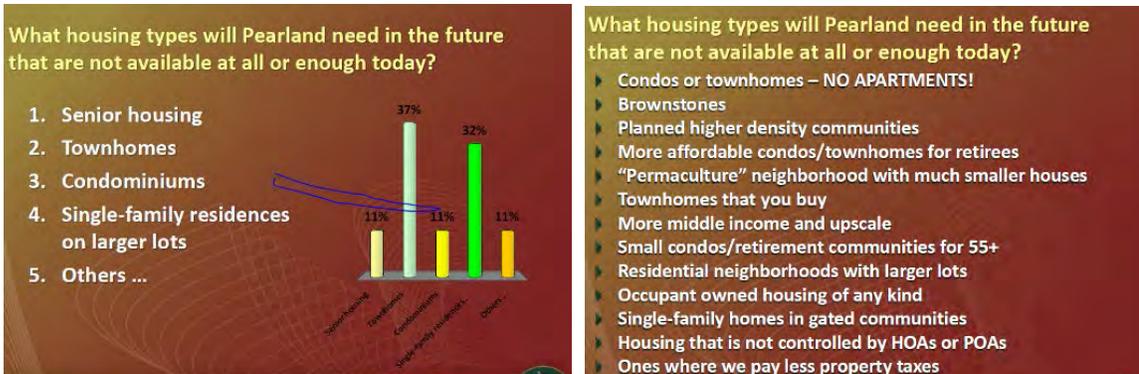
- Patio home developments should be permitted to be a maximum of seven dwelling units per acre.

- Townhome developments should be permitted to be a maximum of ten dwelling units per acre.
- Both of these types of development should be permitted on tracts that are a maximum of 40 acres in size.
- Both of these types of development should be permitted to have a maximum project coverage of 50 percent.
- Both of these types of development should be required to provide a specific amount of green space/park land.

Amending the Pearland Zoning Ordinance in this manner will help the City provide the development community with better mechanisms to increase local housing choice. It should be noted that although these types of housing are desirable in Pearland, traditional single-family homes on larger lots, as recommended previously herein, should be the predominate type of residential development in the future. In addition to the above-listed recommendations, there are certain criteria by which the City should review such development proposals - at least one of the following criteria apply:

- Patio homes and townhomes together comprise less than 30 percent of a mixed use development.
- Patio homes and townhomes together comprise less than 30 percent of a residential development.
- Patio homes and townhomes are proposed as a cluster development (refer to the following section, *Housing Developments With Open Space*).
- The patio homes or townhomes provide a buffer between single-family land uses and higher intensity land uses, such as multiple-family or nonresidential.
- The patio homes or townhomes provide a buffer between single-family land uses and major thoroughfares or collectors.
- The land proposed for development of patio homes or townhomes is located along a major thoroughfare or collector.

Citizen input received as part of the 2014 Comprehensive Plan Update indicated that 68% favored housing types other than single family. Some of the other desires are summarized in the slides below.



3. This amendment reduces land designated for diverse housing. There are many other opportunities for single family development with the City. Currently, 12 out of 29 zones in the City permit single family by right, and contain undeveloped land with potential for future development. In 2013 alone, the city approved 1523 single family lots. No townhomes were permitted in this time frame. Only 3 zoning districts permit townhome development, and two permit patio home development. Staff is not aware of any substantial undeveloped land in these zones.

The 2004 update to the Comprehensive Plan (The Plan), it was recommended that patio homes and townhomes were needed in the City to diversity housing types. The Plan also recommends that the City should not rezone any additional land to allow for smaller residential lot sizes, with exceptions to allow for patio home, townhome and cluster developments. The applicant proposes a smaller lot size than what would be required under the base zoning of R-4, within the proposed Tract C. R-4 requires a minimum lot width of 50 feet and a minimum lot depth of 90 feet, which equates to 5,000 square feet. The applicant proposes a minimum lot width of 55 feet and a minimum lot area of 6.600 square feet.

Over 42% of the City’s single family housing stock falls under the R-2, R-3 and R-4 category. Additionally, based on the table below, 37% of the land within the City is developed for residential. Out of all residential land, 87% is being used for single family uses, and 13% for apartments, townhomes, and mobile homes. This substantiates the general consensus that the City lacks diversity in housing.

Combined Totals: All Three Counties		
Classification	Sum of Area (sq ft)	% of Total
No Data/Unclassified	124484324	7.74%
Agricultural	366426388	22.78%
Commercial/Nonresidential	119694741	7.44%
Industrial/Manufacturing	14489878	0.90%
Multi Family	15127219	0.94%
Other Residential	65379439	4.06%
Parks/Golf Courses	39593433	2.46%
Public	162434632	10.10%
Semi Public	28240405	1.76%
Single Family	508860731	31.64%
Undeveloped/Vacant	156720787	9.74%
Utilities/Infrastructure	6914884	0.43%
Total	1608366865	100.00%

4. The housing types proposed in the current PD are more appropriate for this area, due to the fact that Pearland Parkway-Broadway Street corridor is growing rapidly into a walkable, urban center with a host of various uses to support the neighborhood, including HEB at the corner of Pearland Parkway and Broadway Street, an Emergency Care Clinic is currently under construction on the south side of Broadway Street, next to CVS, various retail uses are proposed along Pearland Parkway, adjacent to HEB, various restaurants and retail and single family residential developments exist, and are proposed. Additionally, recently approved Center at Pearland Parkway has been designed as a pedestrian friendly, walkable center with outdoor gathering areas to compliment this mixed use PD.

5. The current PD uses provide a transition between the non-residential uses in the PD and existing single family development. The higher density townhome/condominium development originally proposed for Tract 2, and adjacent to the General Business (GB) uses which currently include Chili's and a retail strip center, provides a transition between the commercial uses along Broadway Street and Pearland Parkway and the proposed single family within Tract 1 located east of Pearland Parkway and the bank at the corner of Pearland Parkway and Province Village Drive.

6. The applicant is also seeking parkland dedication credit. A PD requires enhancements, including, but not limited to the following:
 - Enhanced Open Space. The UDC requires a minimum of 20% landscaping area for a mixed use PD.
 - Entry signage with landscaping
 - Decorative Street Lighting
 - Decorative Signage
 - Combination of at least 3 building materials, including stone and stucco percentages
 - Additional Landscaping
 - Decorative Cross Walks at strategic location
 - Retain some town homes and patio homes
 - Underground utilities with utility corridors identified.
 - Landscaping plan /Open Space plan quantifying the areas and improvements
 - Better connectivity to adjacent trails, retail and commercial uses by wider and pedestrian friendly sidewalks
 - Undergrounding of utilities with designated easements for power lines.

7. The applicant included sample elevations for the proposed single family homes. Staff recommends that if the homes are to be constructed as depicted in the sample illustrations, the elements (façade materials, transparency, etc.) should be codified and included within the PD.

Exhibits

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

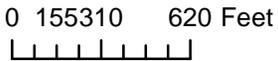


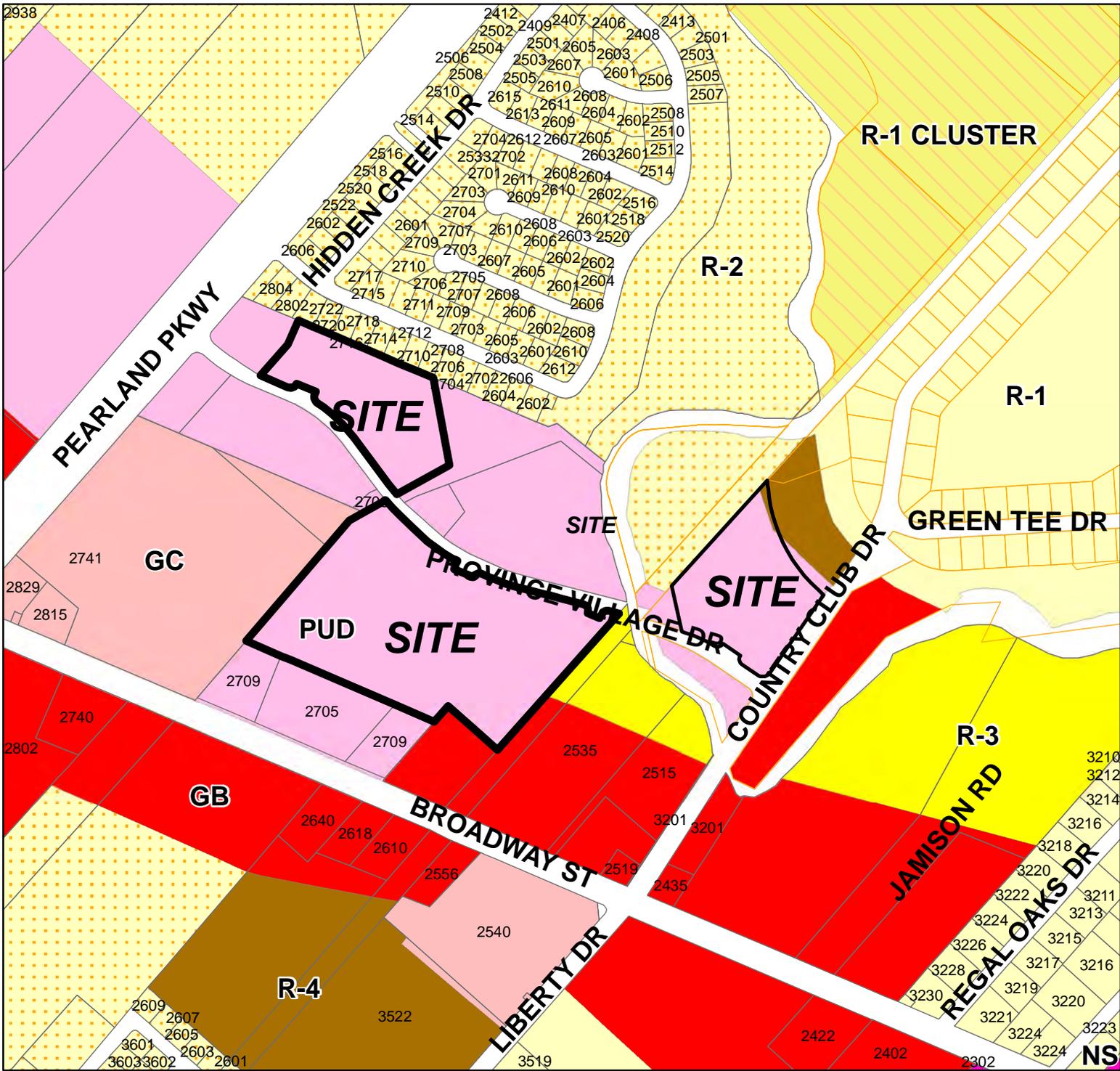
Aerial Map

Zone Change 2014-5Z

Province Village PUD Amendment

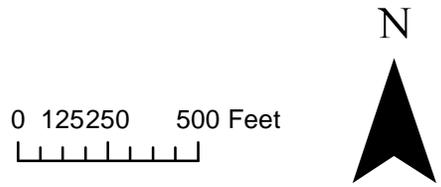
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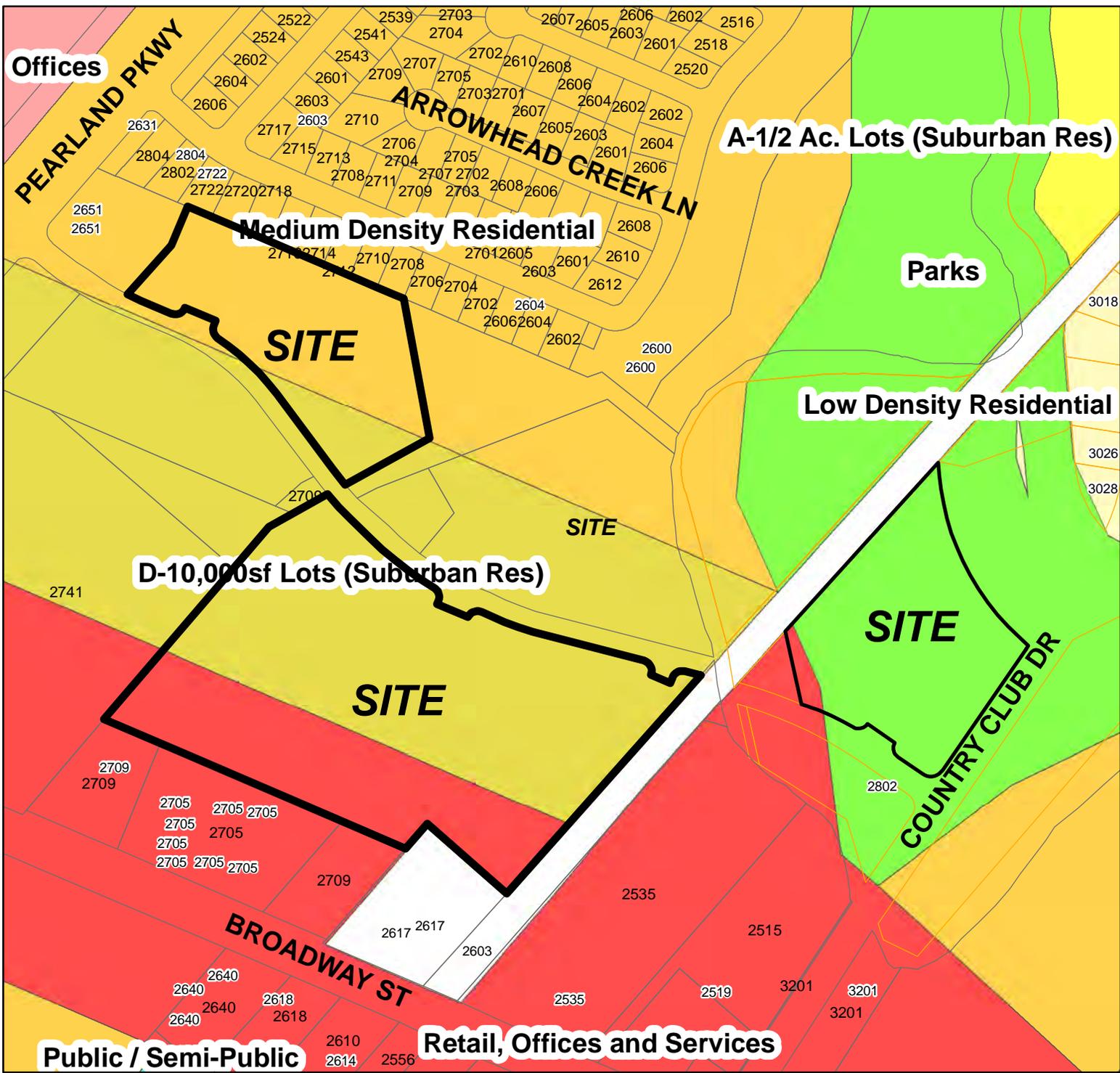




Vicinity and Zoning Map
Zone Change 2014-5Z
Province Village PUD
Amendment

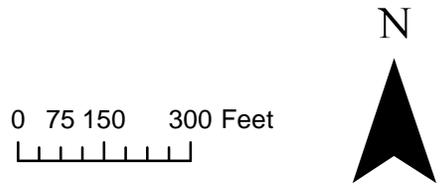
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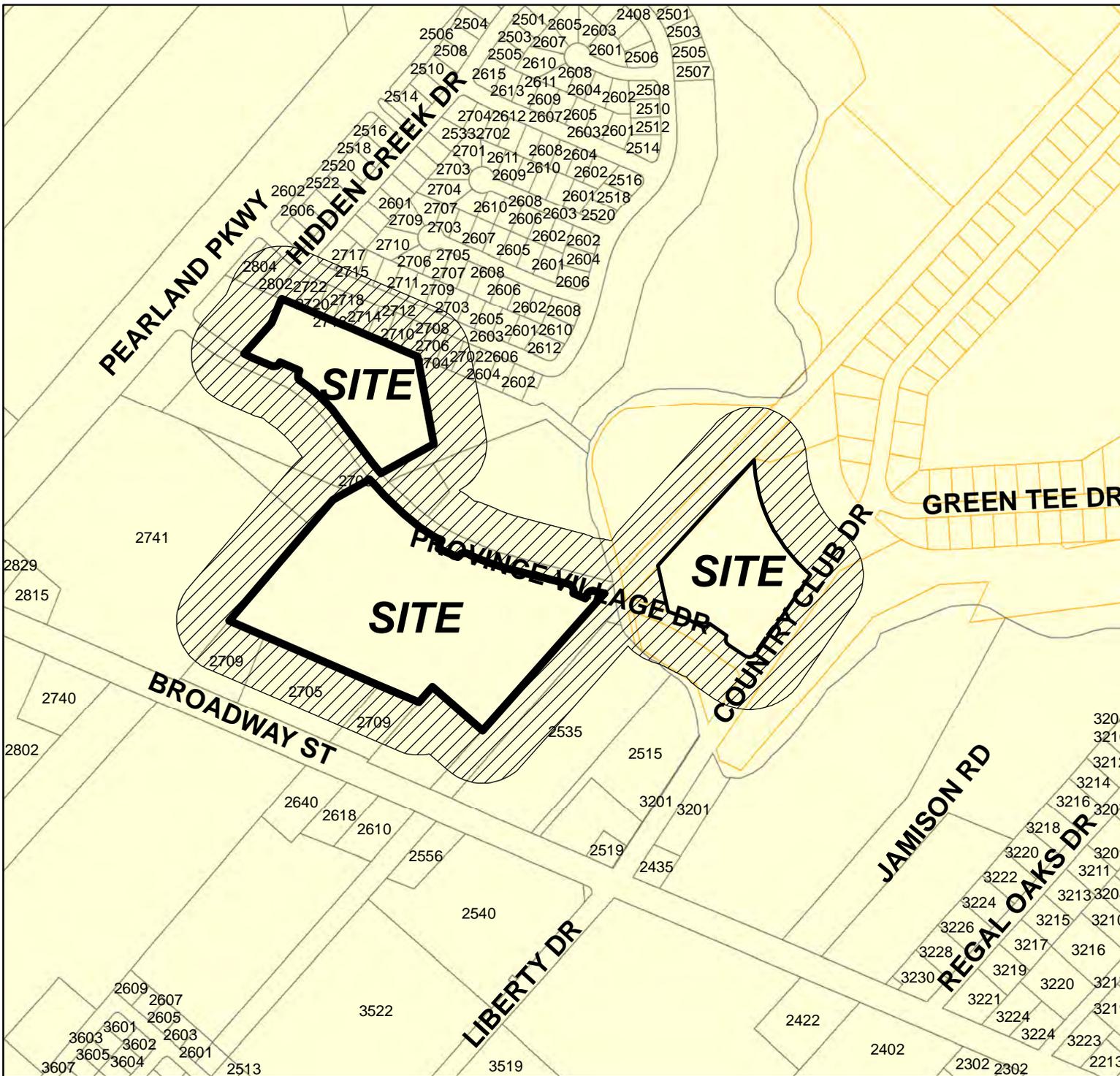


FLUP Map
Zone Change 2014-5Z
Province Village PUD
Amendment

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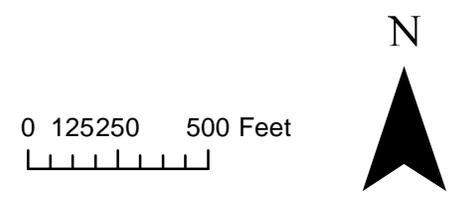


Public / Semi-Public **Retail, Offices and Services**



Abutter Map
Zone Change 2014-5Z
Province Village PUD
Amendment

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



NAME	ADD_LINE1	ADD_LINE2	CITY	STAT	ZIP
KUHNS PERRY S & ESERALDA		2713 PEBBLE CREEK DR	PEARLAND	TX	77581
CHAMBLIN MITCHELL & SHERI		2708 ARROWHEAD CREEK LN	PEARLAND	TX	77581
DORSEY CECIL E & LINDA K		2606 HIDDEN CREEK DR	PEARLAND	TX	77581
HOLT RONALD G & BARBARA		2717 PEBBLE CREEK DR	PEARLAND	TX	77581
CLEAR CREEK PARK	HOA	2615 BAY AREA BLVD	HOUSTON	TX	77058
DIESE RICHARD W & LISA K		2715 PEBBLE CREEK DR	PEARLAND	TX	77581
NIXON DEVON M		2804 PEBBLE CREEK DR	PEARLAND	TX	77581
LUCAS ALAN W		2802 PEBBLE CREEK DR	PEARLAND	TX	77581
THARRETT DAVID & SARAH MCQUEEN		2711 PEBBLE CREEK DR	PEARLAND	TX	77581
VU LOI T		2709 PEBBLE CREEK DR	PEARLAND	TX	77581
ADAMS MICHAEL W & ANGELA D		2720 PEBBLE CREEK DR	PEARLAND	TX	77581
GREEN STEPHEN L & TANYA H		2707 PEBBLE CREEK DR	PEARLAND	TX	77581
JONES CORY A		2718 PEBBLE CREEK DR	PEARLAND	TX	77581
LEDBETTER RANDY W & BOBBIE A		PO BOX 788	PEARLAND	TX	77588
MUNGUIA RIGOBERTO & MIRIAM		2716 PEBBLE CREEK DR	PEARLAND	TX	77581
ALCANCIA OSCAR E & BONITA K		2714 PEBBLE CREEK DR	PEARLAND	TX	77581
COFFEE SUSAN SMITH		2712 PEBBLE CREEK DR	PEARLAND	TX	77581
WILLHOITE ROBERT R & LUCRETIA H		2710 PEBBLE CREEK DR	PEARLAND	TX	77581
SCHWERDTFEGER TRACY K & KIMBERLY A		2708 PEBBLE CREEK DR	PEARLAND	TX	77581
LIBERATORE JAMES V & CHRISTINE		2706 PEBBLE CREEK DR	PEARLAND	TX	77581
SPIRES RALPH E		2704 PEBBLE CREEK DR	PEARLAND	TX	77581
MARTIN KENNETH & SHANNON		2702 PEBBLE CREEK DR	PEARLAND	TX	77581
MOTLEY MELVIN & DE ANN		2606 PEBBLE CREEK DR	PEARLAND	TX	77581
TEXPROJ2008 LLC		PO BOX 800	SAINT FRANCISVILLE	LA	70775
CENTERPOINT ENERGY INC	ELECTRIC OPERATIONS	PO BOX 1475	HOUSTON	TX	77251
ALLON PROPERTY MANAGEMENT I LLC		6 WATERFORD OAKS LN	KEMAH	TX	77565
MALLAS ARTEMIS LIVING TRUST UTD	%MARVIN F POER COMP	PO BOX 802206	DALLAS	TX	75380
LOWE'S HOME CENTERS INC	ATTN: TAX DEPT (2ETA)	PO BOX 1000	MOORESVILLE	NC	28115
CENTERPOINT ENERGY INC	ELECTRIC OPERATIONS	PO BOX 1475	HOUSTON	TX	77251
LOWE'S HOME CENTERS INC	ATTN: TAX DEPT (2ETA)	PO BOX 1000	MOORESVILLE	NC	28115
RUBIO DESIDERIO		2722 PEBBLE CREEK DR	PEARLAND	TX	77581
OFFICE GROVE PROVINCE LP		15120 NORTHWEST FWY	HOUSTON	TX	77040
INTERNATIONAL BANK OF COMMERCE		5615 KIRBY DR	HOUSTON	TX	77005

PROTESTANT EPISCOPAL CHUR	% H L ERDMAN & ASSOC IN	8200 BROOKRIVER DR	DALLAS	TX	75247
FROST OIL PRTNSHP % BANK OF OKLAHOMA N	PO BOX 1588		TULSA	OK	74101-1588
WILLCOXON H LEE JR	PO BOX 7		EL CAMPO	TX	77437-0007
FROST P M % SOUTHWEST BANK OF TEX	ATTN: DEBBIE GIBSON POP	PO BOX 27459	HOUSTON	TX	77227-7459
FROST FAMILY I LTD	5004 CEDAR ST		BELLAIRE	TX	77401-4009
T & B ALEXANDER FAMILY LTD PARTNERSHIP	2411 PARK AVE		PEARLAND	TX	77581-4233
THE MAVERICK GROUP LLP	4921 PINEY POINT AVE		BATON ROUGE	LA	70817-2724
CENTERPOINT ENERGY INC	ELECTRIC OPERATIONS	PO BOX 1475	HOUSTON	TX	77251
WILLCOXON H LEE JR	PO BOX 7		EL CAMPO	TX	77437-0007
FROST P M % SOUTHWEST BANK OF TEX	ATTN: DEBBIE GIBSON POP	PO BOX 27459	HOUSTON	TX	77227-7459
FROST FAMILY I LTD	5004 CEDAR ST		BELLAIRE	TX	77401-4009
TEXPROJ2008 LLC	30349 S SHERWOOD BLVD STE 300		BATON ROUGE	LA	70816
T & B ALEXANDER FAMILY	2411 PARK AVE		PEARLAND	TX	77581-4233



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: PUD - Province Village

Proposed Zoning District: PUD - Amendment #2

Property Information:

Address or General Location of Property: Province Village Dr.

Tax Account No. Harris County: 0402230000196 Brazoria County Property ID 59940
Thomas J Green Survey Abstract 198 & 290

Subdivision: W.D.C. Hall Survey Abstract 70 & 23 Lot: _____ Block: _____

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

PROPERTY OWNER INFORMATION:

NAME Texproj 2008 LLC
ADDRESS PO Box 800
CITY Francisville STATE LA ZIP 70775
PHONE (225) 571 7133
FAX () _____
E-MAIL ADDRESS danbrown1957@yahoo.com

APPLICANT/AGENT INFORMATION:

NAME Alan Mueller
ADDRESS 4201 Broadway
CITY Pearland STATE TX ZIP 77581
PHONE (832) 512 1200
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: Donald Brown Date: 4-24-14

Agent's/Applicant's Signature: Alan Mueller Date: 4/24/14

OFFICE USE ONLY:

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

Application No. _____

APPLICATION CHECKLIST FOR THE FOLLOWING

- Zone Changes
- Planned Development Districts (PD)

- Application, filled out completely, and signed by the owner of the property to be considered for the conditional use permit.
- If the applicant is the designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on his behalf. **Section 1.2.1.1 (a) of the Unified Development Code.**
- Metes and Bounds Description, (Survey, or a Plat of the property that provides or contains the metes and bounds description). *Exhibit 5 in the Amendment*
- Parcel map, printed from the City of Pearland website, indicating the location and boundaries of the subject property.
- Letter of Intent, explaining the zone change request in detail and why the zoning is being requested to be changed, and state the uses being proposed

*Letter of Intent is not required for a PD.

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

- **Zero (0) to less than 25 acres:**
 - \$ 750.00 plus \$25.00 per each type of zoning district requested; or
 - \$ 800.00 if requesting a Planned Development (PD)
- **25 to less than 50 acres:**
 - \$ 800.00, plus \$25.00 per each type of zoning district requested; or
 - ○ \$ 850.00 if requesting a Planned Development (PD)
- **50 to less than 75 acres:**
 - \$ 850.00, plus \$25.00 per each type of zoning district requested; or
 - \$ 900.00 if requesting a Planned Development (PD)
- **75 to less than 100 acres:**
 - \$ 900.00, plus \$25.00 per each type of zoning district requested; or
 - \$ 950.00 if requesting a Planned Development (PD)
- **100 acres and above:**
 - \$ 950.00, plus \$25.00 per each type of zoning district requested; or
 - \$ 1000.00 if requesting a Planned Development (PD)

- For PD's Only: the proposed PD document in electronic form by date of application (either emailed or on a CD) (see PD Format for guidelines on how to prepare the PD).

Emailed to Lata 4/13/14

- Acknowledgement of the sign to be posted on the property 10 days prior to the public hearing. *Will post one sign on each tract - 3 Total*
- Provide evidence or proof that all taxes and obligations have been paid regarding the subject property. *Ordered 4/24/14*
- Application packets that are not **complete** will not be accepted. **When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, it may be necessary to postpone the proposed CUP/Zone Change and remove it from the scheduled agenda and place it on a future agenda date according to Section 1.2.1.2. of the Unified Development Code.**

Additional Information:

- Upon making an application for a zoning change or conditional use permit, the applicant shall place sign(s) as required. The City shall inspect such sign(s) to ensure compliance as required by the UDC.
- After the zoning change or conditional use permit request is approved by the City Council, denied by the City Council, or withdrawn by the applicant, the applicant shall remove the sign from the area of the request within ten (10) days of such event.
- It shall be unlawful for anyone to remove, destroy, deface or obstruct the view of a sign which gives notice that a zoning change or conditional use permit has been requested.
- In the event the applicant shall fail to erect and/or maintain signs in accordance with this section, then the public hearing before the Planning and Zoning Commission/City Council shall be postponed to a date in the future, which would allow time for compliance.
- The erection of any sign required by this section shall not require a permit under Section 4.1.2.6 of this UDC.
- The owner or applicant shall promptly notify the Planning Department of any sign required by this section, which becomes lost, stolen or vandalized. The Planning and Zoning Commission shall have the power to decide whether or not there has been substantial compliance with the posting requirements in the case of lost, stolen or vandalized signs.

ZONE CHANGE/ VARIANCE/ [REDACTED] RECORDATION

\$850

(Circle one)
BA

or

[REDACTED]

or FE

Description: Input who the check is from

COMMENTS/DESCRIPTION (F10):

Location or

Address

Prairie Village PD

Applicant

Alan Moeller

Owner

CITY OF PEARLAND
R E P R I N T

*** CUSTOMER RECEIPT ***

Oper: JCOTTER Type: OC Drawer: 1
Date: 4/24/14 01 Receipt no: 210408

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	\$850.00
Trans number:		4446315

PRAIRIE VILLAGE PD
ALAN MOELLER
VISA

Tender detail	
BR CREDIT CARD	\$850.00
Total tendered	\$850.00
Total payment	\$850.00

Trans date: 4/24/14 Time: 9:14:48

April 24, 2014

Lata Krishnarao
Director of community Development
City of Pearland
3519 Liberty Drive
Pearland TX 77581

RE: Letter of Intent
Province Village PUD – Amendment #2

Ms. Krishnarao:

The purpose of this amendment is to update the zoning of Tracts A, B, and C as described in the attached Province Village Amendment # 2 document. This Amendment will remove the townhome and patio home restrictions to allow for traditional single family development. Additionally, this amendment places several development conditions on the residential developer to implement a variety of recreational and esthetic improvements that will enhance the appearance of Province Village Drive and provide recreational features for residents of Province Village and the general public. This amendment will reduce the allowed number of residential units from 112 in the current PUD to no more than 95 homes in the updated plan.

The Province Village PUD was originally adopted in 2004 and revised by Amendment # 1 in 2009. Tract A is designated as R-4 with a further limitation for patio homes only. Tract B is designated as R-4 with a further limitation for townhomes only. Tract C was originally designated for townhome uses, but was revised to Office & Professional in 2009. Despite several development efforts, demand for townhomes and patio homes in this location has not occurred in the 10 years since the PUD was adopted and much of the PUD remains vacant and under-utilized. The proposed park and trail system have not been developed as of this date.

The benefits of this Amendment include:

- A reduction in residential density from the currently approved plan.
- Repurposing of the land to a use more likely to be developable instead of the currently allowed uses which have not developed in the 10 years since the PUD was approved.
- Housing types that are compatible with surrounding development.
- Implementation of regional wastewater improvements which were included in the Province Village oversizing agreement, which was defaulted upon by the original developer.
- Province Village streetscape improvements including masonry fencing, trees/landscaping, and monumentation.
- Park and trail improvements available to the general public.
- Implementation of a portion of the City's Clear Creek Trail master plan.
- Construction of a parking area that will serve as a trailhead for the Clear Creek trail.
- Development of a .57 acre park to be maintained by the HOA.
- Amenitization of the existing detention pond adjacent to the park site.

This PUD amendment is required to facilitate development of the property. It has been 10 years since approval of the original PUD, which is more than adequate time to illustrate that this location is not marketable as a townhome/patio home product. Approval of this amendment will encourage timely development of the property, allow for the completion of overdue public improvements, and allow the City to benefit from the additional esthetic and recreational improvements contained in this amendment that are above and beyond the current requirements of the PUD.

Please contact me if you have any questions.

Sincerely,



Alan R. Mueller

Lata Krishnarao
Director of community Development
City of Pearland
3519 Liberty Drive
Pearland TX 77581

RE: Authorization to file applications

Ms. Krishnarao:

I hereby assign Alan Mueller as agent on behalf of Texproj2008, LLC, for the sole purpose of representing Texproj2008, LLC, in its zoning and/or planned development applications for amendment of the Province Village PUD. This representation as agent is only for this transaction and would not be for any other use. This authorization as agent does not include the power to bind Texproj2008, LLC, to any liability or payment obligation.

Please contact me if you have any questions.

Sincerely,



Texproj2008, LLC

By: Dan Brown

Its: Manager

PO Box 800

St. Francisville LA 70775

4/23/14

Date

**Province Village
Planned Unit Development
Amendment #2**

Submitted April 3, 2014

**Province Village
Planned Unit Development
Amendment #2**

I Introduction

This Amendment #2 applies only to the Tracts A, B, and C as shown on Exhibit 1 and described by metes and bounds in Exhibit 4. The provisions of Amendment #1 continue to apply to all other property within this PUD.

A. Description of the Property

The PUD is bounded on the east by Country Club Drive, on the west by Pearland Parkway, on the north by Clear Creek Park subdivision and Clear Creek, and on the south by FM 518. Province Village Drive, a minor collector, crosses the property from Country Club Drive to Pearland Parkway. Existing development consists of a bank, a restaurant, a retail strip center, and detention ponds. Tracts A, B, and C, the subject of this Amendment #2, are vacant.

The Province Village PUD was originally adopted in 2004 and revised by Amendment # 1 in 2009. Tract A is designated as R-4 with a further limitation for patio homes only. Tract B is designated as R-4 with a further limitation for townhomes only. Tract C was originally designated for townhome uses, but was revised to Office & Professional in 2009. Despite several development efforts, demand for townhomes and patio homes in this location has not occurred in the 10 years since the PUD was adopted and much of the PUD remains vacant and under-utilized. The proposed park and trail system have not been developed as of this date.

B. Description of Proposed Development

The proposed use of Tracts A, B, and C is single family residential. In addition, recreational and esthetic improvements will be made along Province Village Drive and within the park and detention reserves as part of the residential development.

C. Description of the Land

Tracts A, B, and C are shown on Exhibit 1 and described in Exhibit 5. Tract A is approximately 5.1 acres; Tract B 13.4 acres; and Tract C 5.6 acres.

D. Purpose

The purpose of this amendment is to update the zoning of Tracts A, B, and C. This Amendment 2 will remove the townhome and patio home restrictions to allow for traditional single family development. Additionally, this amendment places several development conditions on the residential developer to implement a variety of recreational and esthetic improvements that will enhance the appearance of Province Village Drive and provide recreational features for residents of Province Village and the public in general. This amendment will reduce the allowed

number of residential units from 112 in the current PUD to no more than 95 homes in the updated plan.

The benefits of this Amendment include:

- A reduction in residential density from the currently approved plan.
- Repurposing of the land to a use more likely to be developable instead of the current allowed uses which have not developed in the 10 years since it was approved.
- Housing types that are compatible with surrounding development.
- Province Village streetscape improvements including masonry fencing, trees/landscaping, and monumentation.
- Park and trail improvements available to the general public.
- Implementation of a portion of the City's Clear Creek Trail master plan.
- Construction of a parking area that will serve as a trailhead for the Clear Creek trail.
- Development of a .57 acre park to be maintained by the HOA.
- Amenitization of the existing detention pond adjacent to the park site.

II Zoning and Land Use

A. Existing Zoning

Properties within the PUD have an underlying zoning of Office & Professional, General Business, and R-4 Single Family Residential as shown in Exhibit 1. Tract A is designated R-4 with a further limitation for patio homes only. Tract B is designated R-4 with a further limitation for townhomes only. Tract C is designated as Office & Professional.

B. Proposed Base Zoning Districts

Proposed zoning is shown on Exhibit 2. Tracts A and B will remain as R-4, but with the townhome and patio home restriction removed. Tract C is proposed to be repurposed as R-4. A condition of a minimum lot width of 55' feet is proposed, greater than the typical 50' for standard R-4 and the 30' width that is allowed in the current PUD.

C. Standards and Land Use Summary

Tracts A, B, and C will conform to the UDC requirements of R-4 zoning for traditional single family dwellings, except the minimum lot width is 55' with a minimum lot area of 6,600 square feet. There will be no more than 95 single family residential lots.

1. Land Use Summary

The land use summary for the entire PUD assuming the proposed amendments to Tracts A, B, and C is shown in Table 1 below:

**Table 1
Land Use Summary Table**

Use	Acres	% of Total	Zoning District
Single Family (Tracts A, B, &C) - Includes +- 2.0 acres of internal open space areas to be maintained by the HOA	24.1	51%	R-4
General Business	5.0	10%	GB
Office & Professional	6.69	14%	OP
Detention	8.59	18%	PUD
Parkland to be maintained by the HOA	0.57	1%	PUD
Collector Street	2.7	6%	PUD
Total	47.65	100%	

Overall Gross Residential Density: 2.86 homes/gross residential acre
 Net Residential Density: 3.94 homes/net residential acre

2. Residential Lot Summary

Table 2

Zone	Lot Area	Number
R-4	6,600 SF	95 maximum

3. Residential Density

Table 3

Zone	Net Residential	Gross Residential	Overall PUD
R-4	3.94	2.86	2.01

D. Permitted, Conditional and Accessory Uses

For Tracts A, B, and C, only those permitted, conditional, and accessory uses as may be allowed in the UDC R-4 zoning classification are allowed.

III Design Standards

A. Design Enhancements

The following design enhancements, amenities, and recreational facilities, shown below in Table 4, will be implemented with the development of Tracts A, B, and C. Refer to the Design Plan in Exhibit 3 and the Park and Detention Amenities Plan in Exhibit 4 for additional clarification.

Table 4
Design Enhancements, Amenities, and Recreational Facilities

Item	General Location
Six-foot height brick masonry fence	Adjacent to Province Village Drive and Country Club Drive
Six-foot height "fence-crete" masonry fence	Between Tract B and GB use and Centerpoint substation tract; Between Tract C and OP use
Six-foot height upgraded wood fence (rot board and cap rail with brick columns at +- 100-foot spacing)	West side of Tract B
Ten-foot landscape reserve along Province Village Drive	Adjacent to Tracts A, B, & C
Street trees along Province Village Dr.	Adjacent to Tracts A, B, C, detention, and park
Primary entry monument	West side of tract C
Secondary entry monument	At Country Club Dr.
Landscape/Open Space Reserves	Tracts A, B, and C
.57-acre park with irrigation (1)	Park
Trees/Landscaping with irrigation (1)	Park and Detention
One age appropriate playground (1)	Park
Two picnic tables (1)	Park
Two barbeque grills	Park
One Shade structure (1)	Park
Eight Benches & other site furniture (1)	Detention
Four workout stations (1)	Detention
Ten-foot trail (2)	Detention-adjacent to Clear Creek
Six-foot trail (1)	Detention-connecting park to 10' trail
Four-foot trail	West side of Tract B
Parking lot/Trailhead (1)	Park

(1) Eligible for park fee credits and will be conveyed to the HOA for ownership and maintenance.

(2) Eligible for park fee credits and will be conveyed to City for ownership and maintenance.

All items will be completed prior to the issuance of the first single family home certificate of occupancy (excluding models), unless financial surety in a form acceptable to the City is posted.

B. Design Plan Elements

Refer to the Design Plan in Exhibit 3 and the Park and Detention Amenities Plan in Exhibit 4 for a graphical representation of the items in the list above. Locations and quantities shown on the Design Plan and the Park and Detention Amenities Plan are approximate. The residential street configuration and lot layout are subject to change at the discretion of the owner, provided that the total number of lots does not exceed the maximum specified in this Amendment.

C. Deviations

No deviations from the R-4 zoning district requirements are proposed.

D. Unified Development Code Compliance

Tracts A, B, and C will conform to the requirements of the Unified Development Code unless specifically called out in this Amendment.

IV Required Dedications

Residential streets will be dedicated to the City via plat. There are no other required dedications of land. Improvements within the 0.57-acre park will be conveyed to the HOA for ownership and maintenance. The ten-foot Clear Creek trail section will be conveyed to the City for ownership and maintenance.

V Phasing

Tracts A, B, and C are anticipated to be developed in a single phase. All design enhancements described in Section III will be completed prior to the issuance of the first single family home certificate of occupancy (excluding models), unless financial surety in a form acceptable to the City is posted.

VI Exhibits

1. Existing PUD Zoning Designations
2. Proposed PUD Zoning Designations (only modifications are to Tracts A, B, & C)
3. Design Plan for Tracts A, B, and C
4. Park and Detention Amenity Plan Detail
5. Tracts A, B, and C Metes and Bounds Descriptions
6. Representative home elevations (These are provided to convey a sense of the style and level of finish that is anticipated, but actual elevations may differ from these samples.)

Exhibit 1

Existing Zoning



Existing Zoning
Province Village
 Exhibit 1



Exhibit 2

Proposed Zoning

Exhibit 3

Design Plan Tracts A, B, & C

Exhibit 4

Park & Detention Amenity Plan



Park and Detention Amenities Plan
 Province Village- Tracts A, B, & C
 Exhibit 4



Exhibit 5

Metes and Bounds Descriptions

Tracts A, B, & C

**Gehan Homes, LTD.
5.176 Acres**

**W.D.C. Hall Survey
Abstract No. 23**

TRACT "A"

STATE OF TEXAS §

COUNTY OF HARRIS §

METES AND BOUNDS DESCRIPTION of a 5.176-acre tract in the W.D.C. Hall Survey, Abstract No. 23, Harris County, Texas. Said 5.176-acre is in a 5.732-acre tract described in a deed to TEXPROJ2008, L.L.C. as recorded in Clerk's File No. 20070659409 in the Harris County Clerk's Office and is more particularly described by metes and bounds as follows:

BEGINNING at the point of intersection of the northwesterly right-of-way line of Country Club Drive, (based on a width of 80-feet), with the northeasterly cut-back corner of Province Village Drive, (based on a width of 60-feet at this location), as shown on the Final Plat of Province Village Drive, Office Park and Reserves as recorded in Clerk's File No. 2007070406 in the Brazoria County Clerk's Office, said point is in the east line of said 5.732-acre tract and is the point of curvature of a curve to the right;

THENCE, along said cutback corner and with said curve to the right, having a radius of 35.00 feet, a central angle of 89°56'11", (chord bears South 79°23'59" West, 49.47 feet), for an arc length of 54.94 feet to the point of tangency;

THENCE, North 55°37'59" West, along the north line of said Province Village Drive (60-foot wide at this point) for a distance of 71.39 feet to the point of curvature of a curve to the right for the cut-back corner of the southeasterly right-of-way line of Country Club Crossing (not open, based on a width of 80-feet);

THENCE, along the southeasterly line of said Country Club Crossing, and with said curve to the right, having a radius of 25.00 feet, a central angle of 89°12'27", (chord bears North 11°01'47" West, 35.11 feet), for an arc length of 38.92 feet to a point for corner;

THENCE, North 55°34'03" West, crossing said Country Club Crossing for a distance of 80.00 feet to the northwesterly line of said Country Club Crossing;

THENCE, South 34°25' 57" West, along the northwesterly line of said Country Club Crossing for a distance of 1.20 feet to the point of curvature of a curve to the right for a cut-back corner;

THENCE, along said cut-back corner and with said curve to the right, having a radius of 25.00 feet, a central angle of 86°58'32", (chord bears South 77°54'49" West, 34.41 feet), for an arc length of 37.95 feet to the point of reverse curvature of a curve to the left on the aforementioned north line of Province Village Drive;

THENCE, along the north line of said Province Village Drive, and with said curve to the left, having a radius of 500.00 feet, a central angle of 13°44'09", (chord bears North 65°28'23" West, 119.58 feet), for an arc length of 119.87 feet to the point of reverse curvature of a curve to the right;

THENCE, continuing along the north line of said Province Village Drive, and with said curve to the right, having a radius of 500.00 feet, a central angle of 01°43'42", (chord bears North 71°28'36" West, 15.08 feet), for an arc length of 15.08 feet to a point for corner, said point is the south corner of Reserve "C" of the aforementioned Final Plat of Province Village Drive, Office Park and Reserves;

THENCE, North 12°31'34" West, along the northeasterly line of said Reserve "C" for a distance of 184.09 feet to a point in the southeasterly line of an 8.805-acre tract described in a deed to Houston Lighting & Power Company as recorded in Clerk's File No. D739468 in the Harris County Clerk's Office;

THENCE, North 42°12'15" East, along the southeasterly line of said 8.805-acre tract, for a distance of 543.84 feet to the most northerly corner of the aforementioned 5.732-acre tract;

THENCE, South 04°51'02" East, along the northeasterly line of said 5.732-acre tract for a distance of 32.98 feet to the point of curvature of a curve to the left;

THENCE, continuing along the northeasterly line of said 5.732-acre tract and with said curve to the left having a radius of 595.00 feet, a central angle of 42°58'54", (chord bears South 26°19'01" East, 435.96 feet), for an arc length of 446.35 feet to the point of tangency;

THENCE, South 47°32'59" East, continuing along the northeasterly line of said 5.732-acre tract for a distance of 27.39 feet to a point for corner in the aforementioned northwesterly line of Country Club Drive;

THENCE, South 34°26'05" West, along the northwesterly line of said Country Club Drive for a distance of 360.79 feet to the POINT OF BEGINNING, containing a computed area of 5.176-acres (225,475 square feet).

NOTES:

1. The bearings shown hereon are based on the recorded Final Plat of Province Village Drive, Office Park and Reserves as recorded in Clerk's File No. 2007070406 in the Brazoria County Clerk's Office.
2. 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 zone application for which it was prepared.

The Wilson Survey Group, Inc.
2006 East Broadway, Suite 103
Pearland, Texas 77588
(281) 485-3991
Job No. 14-127

THENCE, continuing along the south line of said Province Village Drive, and with said curve to the left, having a radius of 825.00 feet, a central angle of $13^{\circ}27'52''$, (chord bears South $51^{\circ}55'45''$ East, 193.43 feet), for an arc length of 193.88 feet to the point of reverse curvature of a curve to the right, said point is the cut-back corner of Parkside Village Boulevard, (not open, based on a width of 80.00-feet);

THENCE, along said cut-back corner and with said curve to the right, having a radius of 25.00 feet, a central angle of $81^{\circ}50'21''$, (chord bears South $17^{\circ}44'57''$ East, 32.75 feet), for an arc length of 35.71 feet to the point of tangency;

THENCE, South $23^{\circ}09'47''$ West, along the northwesterly line of said Parkside Village Boulevard, for a distance of 8.53 feet to a point for corner;

THENCE, South $66^{\circ}50'13''$ East, crossing said Parkside Village Boulevard, for a distance of 80.01 feet to a point in the southeasterly line of said Parkside Village Boulevard, said point is the point of curvature of a cut-back corner to the right;

THENCE, along said cut-back corner and with said curve to the right, having a radius of 25.00 feet, a central angle of $90^{\circ}00'54''$, (chord bears North $69^{\circ}46'54''$ East, 35.36 feet), for an arc length of 39.28 feet to the point of tangency in the aforementioned south right-of-way line of Province Village Drive;

THENCE, South $65^{\circ}13'06''$ East, along the south line of said Province Village Drive, for a distance of 24.45 feet to the point of curvature of a curve to the left;

THENCE, continuing along the south line of said Province Village Drive, and with said curve to the left, having a radius of 825.00 feet, a central angle of $09^{\circ}50'06''$, (chord bears South $70^{\circ}08'09''$ East, 141.44 feet), for an arc length of 141.61 feet to the point of tangency;

THENCE, South $75^{\circ}03'12''$ East, continuing along the south line of said Province Village Drive for a distance of 239.53 feet to the point of curvature of a cut-back corner of Park Village Lane (not open, based on a width of 50-feet), said cut-back is a curve to the right;

THENCE, along the cut-back corner of said Park Village Lane, and with said curve to the right, having a radius of 25.00 feet, a central angle of $98^{\circ}13'32''$, (chord bears South $25^{\circ}56'43''$ East, 37.80 feet), for an arc length of 42.86 feet to a point for corner;

THENCE, South $60^{\circ}50'13''$ East, crossing said Park Village Lane for a distance of 50.00 feet to a point in the southeasterly line of said Park Village Lane;

THENCE, North $23^{\circ}09'43''$ East, along the southeasterly line of said Park Village Lane, for a distance of 14.44 feet to the point of curvature of a cut-back corner, said cut-back corner is a curve to the right;

THENCE, along said cut-back corner and with said curve to the right, having a radius of 25.00 feet, a central angle of $81^{\circ}46'43''$, (chord bears North $64^{\circ}03'17''$ East, 32.73 feet), for an arc length of 35.68 feet to the point of tangency in the aforementioned south line of Province Village Drive;

THENCE, South 75°03'12" East, along the south line of said Province Village Drive for a distance of 50.66 feet to a point in the westerly line of a 1.916 acre tract of land, called "Tract 2", as described in a deed to Houston Lighting & Power Company as recorded in Volume 1147, Page 19 in the Brazoria County Deed Records, said point is in the east line of the aforementioned 21.898-acre tract:

THENCE, South 41°10'05" West, along the west line of said "Tract 2", same being the east line of said 21.898-acre tract, for a distance of 648.11 feet to the northeast corner of a 1.955-acre tract, called "Tract 2", as described in a deed to Houston Lighting & Power Company as recorded in Volume 1147, Page 19 in the Brazoria County Clerk's Office, said point is the most southerly corner of the herein described tract;

THENCE, North 48°49'50" West, along the north line of said "Tract 2", same being the south line of said 21.898-acre tract, for a distance of 249.99 feet to the north corner of said "Tract 2";

THENCE, South 41°10'10" West, along the west line of said "Tract 2", same being an interior line of said 21.898-acre tract, for a distance of 81.21 feet to the northeast corner of Restricted Lot "C" of the aforementioned Province Village General Business Amending Plat 1;

THENCE, North 66°45'54" West, along the north line of said Restricted Lot "C" for a distance of 164.99 feet to the north corner of said Restricted Lot "C", same being the east corner of Restricted Lot "B" of said Province Village General Business Amending Plat 1;

THENCE, North 66°49'46" West, along the north line of said Restricted Lot "B" for a distance of 434.03 feet to the north corner of said Restricted Lot "B", said point is the east corner of the aforementioned Restricted Lot "A";

THENCE, North 66°45'54" West, along the north line of said Restricted Lot "A", for a distance of 165.00 feet to the POINT OF BEGINNING, containing a computed area of 13.361-acres (582,012 square feet).

NOTES:

1. The bearings shown hereon are based on the recorded Final Plat of Province Village Drive, Office Park and Reserves as recorded in Clerk's File No. 2007070406 in the Brazoria County Clerk's Office.
2. 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 zone application for which it was prepared.

The Wilson Survey Group, Inc.
2006 East Broadway, Suite 103
Pearland, Texas 77588
(281) 485-3991
Job No. 14-127

**Gehan Homes, LTD.
5.617 Acres**

**Thomas J. Green Survey
Abstract No. 198**

TRACT "C"

STATE OF TEXAS §

COUNTY OF BRAZORIA §

METES AND BOUNDS DESCRIPTION of a 5.617-acre tract in the Thomas J. Green Survey, Abstract No. 198, Brazoria County, Texas. Said 5.617-acre is in a 9.805-acre tract described in a deed to TEXPROJ2008, L.L.C. as recorded in Clerk's File No. 2007062105 in the Brazoria County Clerk's Office and is more particularly described by metes and bounds as follows:

BEGINNING at a point in the north right-of-way line of Province Village Drive, (based on a width of 50-feet), as shown on the Amending Plat No. 1 of Province Village Drive, Office Park and Reserves as recorded in Clerk's File No. 2008019410 in the Brazoria County Clerk's Office, said point is the southeast corner of Lot 1 of the Development Plat of Hometown Bank Pearland as recorded in Clerks' File No. 2012013017 in the Brazoria County Clerk's Office;

THENCE, North 41°57'29" East, along the east line of said Lot 1 for a distance of 197.70 feet, to an angle point;

THENCE, North 23°13'37" East, continuing along the east line of said Lot 1 for a distance of 96.94 feet to the northeast corner of said Lot 1, said point is in the south line of Lot 3, Block 5 of the Amending Plat of Clear Creek Park as recorded in Volume 21, Pages 35-36 in the Brazoria County Plat Records;

THENCE, South 66°46'23" East, along the south line of said Clear Creek Park, for a distance of 673.35 feet, to the east corner of the herein described tract;

THENCE, South 23°13'37" West, along the southeasterly line of the herein described tract for a distance of 350.44 feet to a point for corner in the westerly line of a 90-foot wide City of Pearland Drainage Easement as recorded in Volume (87) 496, Page 765 in the Brazoria County Deed Records;

THENCE, South 69°53'28" West, along the westerly line of said drainage easement for a distance of 97.58 feet to an angle point;

THENCE, South 63°16'08" West, continuing along the westerly line of said drainage easement, for a distance of 78.94 feet to a point in the north line of the aforementioned Province Village Drive, said point is in a curve to the right;

THENCE, along the north line of said Province Village Drive and with said curve to the right, having a radius of 775.00 feet, a central angle of 00°05'44", (chord bears North 36°23'14" West, 1.29 feet), for an arc length of 1.29 feet to the point of tangency;

THENCE, North 36°19'48" West, continuing along the north line of said Province Village Drive for a distance of 221.54 feet to the point of curvature of a curve to the left;

THENCE, continuing along the north line of said Province Village Drive, and with said curve to the left, having a radius of 575.00 feet, a central angle of 19°23'37", (chord bears North 46°01'36" West, 193.70 feet), for a arc length of 194.63 feet to the point of reverse curvature of a curve to the right, said point is the cut-back corner of the southeasterly right-of-way line of Parkside Village Gardens, (not open), (based on a width of 80-feet);

THENCE, along said cut-back corner and with said curve to the right, having a radius of 25.00 feet, a central angle of 78°46'50", (chord bears North 16°20'18" West, 31.73 feet), for an arc length of 34.38 feet to the point of tangency;

THENCE, North 23°02'52" East, along the southeasterly line of said Parkside Village Gardens, for a distance of 11.54 feet to a point for corner;

THENCE, North 66°57'11" West, crossing said Parkside Village Gardens, for a distance of 80.00 feet to the point of curvature of a curve to the right, said point is the cut-back corner of the northwesterly right-of-way of said Parkside Village Gardens;

THENCE, along the northwesterly cut-back corner of said Parkside Village Gardens, and with said curve to the right, having a radius of 25.00 feet, a central angle of 90°12'35", (chord bears South 68°09'10" West, 35.42 feet), for an arc length of 39.36 feet to the point of tangency in the north line of the aforementioned Province Village Drive;

THENCE, North 66°44'29" West, along the north line of said Province Village Drive, for a distance of 79.00 feet to the point of curvature of a curve to the right;

THENCE, continuing along the north line of said Province Village Drive, and with said curve to the right, having a radius of 500.00 feet, a central angle of 04°18'30", (chord bears North 64°34'45" West, 37.59 feet), for an arc length of 37.60 feet to the POINT OF BEGINNING, containing a computed area of 5.617-acres (244,661 square feet).

NOTES:

1. The bearings shown hereon are based on the recorded Amending Plat No. 1 of Province Village Drive, Office Park and Reserves as recorded in Clerk's File No. 2008019410 in the Brazoria County Clerk's Office.
2. 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 zone application for which it was prepared.

The Wilson Survey Group, Inc.
2006 East Broadway, Suite 103
Pearland, Texas 77588
(281) 485-3991
Job No. 14-127

Exhibit 6

Elevation Sample Illustrations

Gehan[★]HOMES

the Mimosa



Elevation P

This spacious home combines an elegant appearance with comfortable, family-oriented design. Downstairs, the oversized kitchen is perfect for the aspiring gourmet cook and features a huge walk-in pantry, granite countertops, hardwood cabinetry and stainless steel appliances. The breakfast nook overlooks the optional covered patio with optional outdoor kitchen and fireplace – perfect for entertaining al fresco – while the expansive family room features a wall of windows that look into the large backyard. Traverse up the wood or wrought-iron staircase to the bedrooms. The sumptuous master suite features plenty of natural lighting, while the bath boasts a separate garden tub, glass-enclosed shower and huge walk-in closet.

Floor Plan Description

Premier Series

Square Footage:	2731	Baths:	2.5
Stories:	2	Garages:	2
Bedrooms:	4	Dining Rooms:	2

Gehan[★]HOMES

the Sycamore



Elevation P

Premier Series

3270 Square Feet

Options

Stories:	2	Baths:	2.5
Bedrooms:	5	Garages:	2

Study • Master Suite Bay Window • 3rd Bath
2-Story Family Room • 6th Bedroom with Bath
Media Room • 3-Car Garage • Covered Patio
Outdoor Living



gehanhomes.com



Multi-Parcel Tax Certificate

Remit certificate fee to :

Customer : EMPIRE TITLE - HOUSTON (Branch etb)

Certificate Number : 6376196

User : Joe Pumphrey

Print Date : 04/23/2014

GF Number : 2014-02-6519

Closer : bda

Fee : \$30.00 (includes sales tax)

Buyer(s) : Gehan Homes, Ltd.

National TaxNet
P.O. Box 848123
Dallas, Texas 75284-8123

Certificate Current Year Tax Summary		
Jurisdiction	Tax Year	Base Tax
BRAZORIA COUNTY RO'VIN GARRETT RTA ASSR	2013	\$4,245.39
BRAZORIA COUNTY MUD #28 (ASMT OF SW)	2013	\$8,724.53
PEARLAND CITY	2013	\$7,502.04
PEARLAND ISD	2013	\$15,062.58
BRAZORIA COUNTY DD #4	2013	\$1,346.05
HARRIS COUNTY	2013	\$1,279.79
Current Year Total (as available)		\$38,160.38

Certificate Totals of Taxes Due by Collector			
PAYABLE TO:	Balance Due w/o Penalties	Amount Due 04/2014	Amount Due 05/2014
BRAZORIA COUNTY RO'VIN GARRETT RTA ASSR	\$0.00	\$0.00	\$0.00
BRAZORIA COUNTY MUD #28 (ASMT OF SW)	\$0.00	\$0.00	\$0.00
HARRIS COUNTY	\$0.00	\$0.00	\$0.00

Notice

PLEASE READ THE CERTIFICATE CAREFULLY, AS IMPORTANT COMMENTS AND/OR WARNINGS MAY BE INCLUDED.
PLEASE CONTACT YOUR BRANCH WITH ANY QUESTIONS YOU MAY HAVE REGARDING THESE COMMENTS/WARNINGS.

IMPORTANT CERTIFICATE COMMENTS

ORDERED AS:

TR A: 5.176 ACRES IN ABST 23. REPORTING ACCT 040-223-000-196 (5.13 ACRES) PER M&B.

TR B: 13.361 ACRES IN ABST 198. REPORTING ACCTS 0198-0003-000 (19.744 ACRES), 7156-0002-001 (0.572 ACRES) AND -002 (6.752 ACRES) PER M&B. SPLIT OUT IS REQUIRED.

TR C: 5.617 ACRES IN ABST 198. REPORTING ACCT 0198-0003-000 (19.7441 ACRES) PER M&B. SPLIT OUT IS REQUIRED.

CAD Account Number(s)

0402230000196

71560002002

01980003000

71560002001

Assessment Information		2013 Assessed Values	
Account Number:	0402230000196 (Parcel 1 of 4)		
Owner Name(s):	TEXPROJ2008 LLC	Land:	201,117
Mailing Address:	30349 S SHERWOOD BLVD Unit 300 BATON ROUGE LA 70816	Imprv:	0
Property Address:	COUNTRY CLUB DR	Total:	201,117
Legal Description:	TR 1N ABST 23 WD C HALL		
Acreage:	5.13000		
2013 Exemptions:	None	Total Est. Taxes w/o Exempt: \$7,194.23	
Warnings:	Property is assessed as land only. Please verify no improvements prior to closing or additional taxes may be due.		

Tax Information Detail - CAD Account 0402230000196				
BRAZORIA COUNTY MUD #28 (ASMT OF SW) PO BOX 1388 FRIENDSWOOD, TX 77549 (281) 482-0216		Payments as of :	04/07/2014 Current Year Taxes	
2013 Tax Rate: 0.820000 Est. Taxes w/o Exempt: \$1,649.16			04/07/2014 Prior Year Taxes	
Bill Ref: 710402230000196	Tax Year	Base Tax	Amount Due 04/2014	Amount Due 05/2014
	2013	\$1,649.16	Paid	Paid
	SUBTOTAL	\$1,649.16	\$0.00	\$0.00
<ul style="list-style-type: none"> ● Bonds Approved: \$89,155,000.00 ● Bonds Issued: \$0.00 ● No Standby fee assessed 				

Tax Information Detail - CAD Account 0402230000196				
HARRIS COUNTY P.O. BOX 3547 HOUSTON, TX 77253 (713) 368-2000		Payments as of :	04/15/2014 Current Year Taxes	
2013 Tax Rate: 0.636338 Est. Taxes w/o Exempt: \$1,279.78			04/15/2014 Prior Year Taxes	
	Tax Year	Base Tax	Amount Due 04/2014	Amount Due 05/2014
	2013	\$1,279.79	Paid	Paid
	SUBTOTAL	\$1,279.79	\$0.00	\$0.00

Tax Information Detail - CAD Account 0402230000196				
PEARLAND ISD COLLECTED BY BRAZORIA COUNTY RO'VIN GARRETT RTA ASSR 111 E LOCUST ANGLETON, TX 77515 (979) 864-1340		Payments as of :	04/04/2014 Current Year	
			Taxes	
			04/04/2014 Prior Year Taxes	
2013 Tax Rate: 1.415700 Est. Taxes w/o Exempt: \$2,847.21				
	<u>Tax Year</u>	<u>Base Tax</u>	<u>Amount Due 04/2014</u>	<u>Amount Due 05/2014</u>
Bill Ref: 08001001100	2013	\$2,847.21	Paid	Paid
	SUBTOTAL	\$2,847.21	\$0.00	\$0.00

Tax Information Detail - CAD Account 0402230000196				
PEARLAND CITY COLLECTED BY BRAZORIA COUNTY RO'VIN GARRETT RTA ASSR 111 E LOCUST ANGLETON, TX 77515 (979) 864-1340		Payments as of :	04/04/2014 Current Year	
			Taxes	
			04/04/2014 Prior Year Taxes	
2013 Tax Rate: 0.705100 Est. Taxes w/o Exempt: \$1,418.08				
	<u>Tax Year</u>	<u>Base Tax</u>	<u>Amount Due 04/2014</u>	<u>Amount Due 05/2014</u>
Bill Ref: 08001001100	2013	\$1,418.08	Paid	Paid
	SUBTOTAL	\$1,418.08	\$0.00	\$0.00

Account Summary of Taxes Due			
<u>Payable to:</u>	<u>Balance Due w/o Penalties</u>	<u>Amount Due 04/2014</u>	<u>Amount Due 05/2014</u>
BRAZORIA COUNTY RO'VIN GARRETT RTA ASSR	\$0.00	\$0.00	\$0.00
BRAZORIA COUNTY MUD #28 (ASMT OF SW)	\$0.00	\$0.00	\$0.00
HARRIS COUNTY	\$0.00	\$0.00	\$0.00

Assessment Information		2013 Assessed Values	
Account Number:	71560002002 (Parcel 2 of 4)		
Owner Name(s):	TEXPROJ2008 LLC	Land:	2,700
Mailing Address:	PO BOX 800 SAINT FRANCISVILLE, LA 70775-8000	Imprv:	0
Property Address:		Total:	2,700
Legal Description:	PROVINCE VILLAGE DRIVE OFFICE PARK & RESERVES (A0198-A0070) BLOCK 2 TRACT B (DETENTION)		
Geo Id:	000000599440		
2013 Exemptions:	None	Total Est. Taxes w/o Exempt:	\$96.90
Warnings:	Property is assessed as land only. Please verify no improvements prior to closing or additional taxes may be due.		

Tax Information Detail - CAD Account 71560002002				
PEARLAND CITY COLLECTED BY BRAZORIA COUNTY ROVIN GARRETT RTA ASSR (979) 864-1340		Payments as of :	04/04/2014 Current Year Taxes 04/04/2014 Prior Year Taxes	
2013 Tax Rate: 0.705100 Est. Taxes w/o Exempt: \$19.04			Amount Due 04/2014	Amount Due 05/2014
	Tax Year	Base Tax		
	2013	\$19.04	Paid	Paid
	SUBTOTAL	\$19.04	\$0.00	\$0.00

Tax Information Detail - CAD Account 71560002002				
BRAZORIA COUNTY DD #4 COLLECTED BY BRAZORIA COUNTY ROVIN GARRETT RTA ASSR (979) 864-1340		Payments as of :	04/04/2014 Current Year Taxes 04/04/2014 Prior Year Taxes	
2013 Tax Rate: 0.156000 Est. Taxes w/o Exempt: \$4.21			Amount Due 04/2014	Amount Due 05/2014
	Tax Year	Base Tax		
	2013	\$4.21	Paid	Paid
	SUBTOTAL	\$4.21	\$0.00	\$0.00

Tax Information Detail - CAD Account 71560002002				
BRAZORIA COUNTY ROVIN GARRETT RTA ASSR 111 E LOCUST ANGLETON, TX 77515 (979) 864-1340		Payments as of :	04/04/2014 Current Year Taxes 04/04/2014 Prior Year Taxes	
2013 Tax Rate: 0.492020 Est. Taxes w/o Exempt: \$13.28			Amount Due 04/2014	Amount Due 05/2014
<u>Tax Year</u>	<u>Base Tax</u>			
2013	\$13.28		Paid	Paid
SUBTOTAL	\$13.28		\$0.00	\$0.00

Tax Information Detail - CAD Account 71560002002				
BRAZORIA COUNTY MUD #28 (ASMT OF SW) PO BOX 1368 FRIENDSWOOD, TX 77549 (281) 482-0216		Payments as of :	04/07/2014 Current Year Taxes 04/07/2014 Prior Year Taxes	
2013 Tax Rate: 0.820000 Est. Taxes w/o Exempt: \$22.14			Amount Due 04/2014	Amount Due 05/2014
<u>Tax Year</u>	<u>Base Tax</u>			
2013	\$22.14		Paid	Paid
SUBTOTAL	\$22.14		\$0.00	\$0.00
Bill Ref: 7171560002002				
<ul style="list-style-type: none"> ● Bonds Approved: \$89,155,000.00 ● Bonds Issued: \$0.00 ● No Standby fee assessed 				

Tax Information Detail - CAD Account 71560002002				
PEARLAND ISD COLLECTED BY BRAZORIA COUNTY RO'VIN GARRETT RTA ASSR (979) 864-1340		Payments as of :	04/04/2014 Current Year Taxes 04/04/2014 Prior Year Taxes	
2013 Tax Rate: 1.415700 Est. Taxes w/o Exempt: \$38.22				
	<u>Tax Year</u>	<u>Base Tax</u>	<u>Amount Due 04/2014</u>	<u>Amount Due 05/2014</u>
	2013	\$38.22	Paid	Paid
	SUBTOTAL	\$38.22	\$0.00	\$0.00

Account Summary of Taxes Due			
<u>Payable to:</u>	<u>Balance Due w/o Penalties</u>	<u>Amount Due 04/2014</u>	<u>Amount Due 05/2014</u>
BRAZORIA COUNTY RO'VIN GARRETT RTA ASSR	\$0.00	\$0.00	\$0.00
BRAZORIA COUNTY MUD #28 (ASMT OF SW)	\$0.00	\$0.00	\$0.00

Assessment Information		2013 Assessed Values	
Account Number:	01980003000 (Parcel 3 of 4)		
Owner Name(s):	TEXPROJ2008 LLC	Land:	860,050
Mailing Address:	PO BOX 800 SAINT FRANCISVILLE, LA 70775-8000	Imprv:	0
Property Address:	2709 BROADWAY	Total:	860,050
Legal Description:	A0198 T J GREEN (PEARLAND) TRACT 6-6A ACRES 19.7441		
Geo Id:	000000164164		
Acreage:	19.74410		
2013 Exemptions:	None	Total Est. Taxes w/o Exempt:	\$30,865.65
Warnings:	Property is assessed as land only. Please verify no improvements prior to closing or additional taxes may be due.		

IMPORTANT ACCOUNT COMMENTS
THIS PROPERTY DID HAVE AN AG EXEMPTION FOR TAX YEAR 2004. PER BRAZORIA COUNTY TAX OFFICE, ROLLBACK TAXES OF \$121,908.08 WERE PAID FOR 2003-2004 ROLLBACK YEARS. NO AG EXEMPTION FOR TAX YEARS 2005-2008. PROPERTY IS NOT SUBJECT TO FURTHER ROLLBACK TAXES. (JDS)

Tax Information Detail - CAD Account 01980003000				
PEARLAND CITY COLLECTED BY BRAZORIA COUNTY ROVIN GARRETT RTA ASSR (979) 864-1340		Payments as of :	04/04/2014 Current Year Taxes 04/04/2014 Prior Year Taxes	
2013 Tax Rate: 0.705100 Est. Taxes w/o Exempt: \$6,064.21	Tax Year	Base Tax	Amount Due 04/2014	Amount Due 05/2014
	2013	\$6,064.21	Paid	Paid
	SUBTOTAL	\$6,064.21	\$0.00	\$0.00

Tax Information Detail - CAD Account 01980003000				
BRAZORIA COUNTY DD #4 COLLECTED BY BRAZORIA COUNTY ROVIN GARRETT RTA ASSR (979) 864-1340		Payments as of :	04/04/2014 Current Year Taxes 04/04/2014 Prior Year Taxes	
2013 Tax Rate: 0.156000 Est. Taxes w/o Exempt: \$1,341.68	Tax Year	Base Tax	Amount Due 04/2014	Amount Due 05/2014
	2013	\$1,341.68	Paid	Paid
	SUBTOTAL	\$1,341.68	\$0.00	\$0.00

Tax Information Detail - CAD Account 01980003000																
BRAZORIA COUNTY ROVIN GARRETT RTA ASSR 111 E LOCUST ANGLETON, TX 77515 (979) 864-1340		Payments as of :	04/04/2014 Current Year Taxes 04/04/2014 Prior Year Taxes													
2013 Tax Rate: 0.492020 Est. Taxes w/o Exempt: \$4,231.62		<table border="1"> <thead> <tr> <th>Tax Year</th> <th>Base Tax</th> <th>Amount Due 04/2014</th> <th>Amount Due 05/2014</th> </tr> </thead> <tbody> <tr> <td>2013</td> <td>\$4,231.62</td> <td>Paid</td> <td>Paid</td> </tr> <tr> <td>SUBTOTAL</td> <td>\$4,231.62</td> <td>\$0.00</td> <td>\$0.00</td> </tr> </tbody> </table>	Tax Year	Base Tax	Amount Due 04/2014	Amount Due 05/2014	2013	\$4,231.62	Paid	Paid	SUBTOTAL	\$4,231.62	\$0.00	\$0.00		
Tax Year	Base Tax	Amount Due 04/2014	Amount Due 05/2014													
2013	\$4,231.62	Paid	Paid													
SUBTOTAL	\$4,231.62	\$0.00	\$0.00													

Tax Information Detail - CAD Account 01980003000																
BRAZORIA COUNTY MUD #28 (ASMT OF SW) PO BOX 1368 FRIENDSWOOD, TX 77549 (281) 482-0216		Payments as of :	04/07/2014 Current Year Taxes 04/07/2014 Prior Year Taxes													
2013 Tax Rate: 0.820000 Est. Taxes w/o Exempt: \$7,052.41		<table border="1"> <thead> <tr> <th>Tax Year</th> <th>Base Tax</th> <th>Amount Due 04/2014</th> <th>Amount Due 05/2014</th> </tr> </thead> <tbody> <tr> <td>2013</td> <td>\$7,052.41</td> <td>Paid</td> <td>Paid</td> </tr> <tr> <td>SUBTOTAL</td> <td>\$7,052.41</td> <td>\$0.00</td> <td>\$0.00</td> </tr> </tbody> </table>	Tax Year	Base Tax	Amount Due 04/2014	Amount Due 05/2014	2013	\$7,052.41	Paid	Paid	SUBTOTAL	\$7,052.41	\$0.00	\$0.00		
Tax Year	Base Tax	Amount Due 04/2014	Amount Due 05/2014													
2013	\$7,052.41	Paid	Paid													
SUBTOTAL	\$7,052.41	\$0.00	\$0.00													
Bill Ref: 7101980003000																
<ul style="list-style-type: none"> • Bonds Approved: \$89,155,000.00 • Bonds Issued: \$0.00 • No Standby fee assessed 																

Tax Information Detail - CAD Account 01980003000				
PEARLAND ISD COLLECTED BY BRAZORIA COUNTY RO'VIN GARRETT RTA ASSR (979) 864-1340	2013 Tax Rate: 1.415700 Est. Taxes w/o Exempt: \$12,175.73	Payments as of :	04/04/2014 Current Year Taxes	
			04/04/2014 Prior Year Taxes	
	<u>Tax Year</u>	<u>Base Tax</u>	<u>Amount Due 04/2014</u>	<u>Amount Due 05/2014</u>
	2013	\$12,175.73	Paid	Paid
	SUBTOTAL	\$12,175.73	\$0.00	\$0.00

Account Summary of Taxes Due			
<u>Payable to:</u>	<u>Balance Due w/o Penalties</u>	<u>Amount Due 04/2014</u>	<u>Amount Due 05/2014</u>
BRAZORIA COUNTY RO'VIN GARRETT RTA ASSR	\$0.00	\$0.00	\$0.00
BRAZORIA COUNTY MUD #28 (ASMT OF SW)	\$0.00	\$0.00	\$0.00

Assessment Information		2013 Assessed Values	
Account Number:	71560002001 (Parcel 4 of 4)		
Owner Name(s):	TEXPROJ2008 LLC	Land:	100
Mailing Address:	PO BOX 800 SAINT FRANCISVILLE, LA 70775-8000	Imprv:	0
Property Address:		Total:	100
Legal Description:	PROVINCE VILLAGE DRIVE OFFICE PARK & RESERVES (A0198-A0070) BLOCK 2 TRACT A (PARK)		
Geo Id:	000000599439		
2013 Exemptions:	None	Total Est. Taxes w/o Exempt: \$3.59	
Warnings:	Property is assessed as land only. Please verify no improvements prior to closing or additional taxes may be due.		

Tax Information Detail - CAD Account 71560002001				
PEARLAND CITY COLLECTED BY BRAZORIA COUNTY ROVIN GARRETT RTA ASSR (979) 864-1340		Payments as of:	04/04/2014 Current Year Taxes 04/04/2014 Prior Year Taxes	
2013 Tax Rate: 0.705100 Est. Taxes w/o Exempt: \$0.71			Amount Due 04/2014	Amount Due 05/2014
	Tax Year	Base Tax		
	2013	\$0.71	Paid	Paid
	SUBTOTAL	\$0.71	\$0.00	\$0.00

Tax Information Detail - CAD Account 71560002001				
BRAZORIA COUNTY DD #4 COLLECTED BY BRAZORIA COUNTY ROVIN GARRETT RTA ASSR (979) 864-1340		Payments as of:	04/04/2014 Current Year Taxes 04/04/2014 Prior Year Taxes	
2013 Tax Rate: 0.156000 Est. Taxes w/o Exempt: \$0.16			Amount Due 04/2014	Amount Due 05/2014
	Tax Year	Base Tax		
	2013	\$0.16	Paid	Paid
	SUBTOTAL	\$0.16	\$0.00	\$0.00

Tax Information Detail - CAD Account 71560002001				
BRAZORIA COUNTY RO'VIN GARRETT RTA ASSR 111 E LOCUST ANGLETON, TX 77515 (979) 864-1340		Payments as of :		04/04/2014 Current Year Taxes 04/04/2014 Prior Year Taxes
2013 Tax Rate: 0.492020 Est. Taxes w/o Exempt: \$0.49			Amount Due 04/2014	Amount Due 05/2014
	<u>Tax Year</u>	<u>Base Tax</u>	<u>Amount Due 04/2014</u>	<u>Amount Due 05/2014</u>
	2013	\$0.49	Paid	Paid
	SUBTOTAL	\$0.49	\$0.00	\$0.00

Tax Information Detail - CAD Account 71560002001				
BRAZORIA COUNTY MUD #28 (ASMT OF SW) PO BOX 1368 FRIENDSWOOD, TX 77549 (281) 482-0216		Payments as of :		04/07/2014 Current Year Taxes 04/07/2014 Prior Year Taxes
2013 Tax Rate: 0.820000 Est. Taxes w/o Exempt: \$0.82			Amount Due 04/2014	Amount Due 05/2014
	<u>Tax Year</u>	<u>Base Tax</u>	<u>Amount Due 04/2014</u>	<u>Amount Due 05/2014</u>
	2013	\$0.82	Paid	Paid
	SUBTOTAL	\$0.82	\$0.00	\$0.00
<ul style="list-style-type: none"> • Bonds Approved: \$89,155,000.00 • Bonds Issued: \$0.00 • No Standby fee assessed 				

Tax Information Detail - CAD Account 71560002001				
PEARLAND ISD COLLECTED BY BRAZORIA COUNTY RO'VIN GARRETT RTA ASSR (979) 864-1340	Payments as of :		04/04/2014 Current Year Taxes 04/04/2014 Prior Year Taxes	
	2013 Tax Rate: 1.415700 Est. Taxes w/o Exempt: \$1.42	Tax Year	Base Tax	Amount Due 04/2014
	2013	\$1.42	Paid	Paid
	SUBTOTAL	\$1.42	\$0.00	\$0.00

Account Summary of Taxes Due			
Payable to:	Balance Due w/o Penalties	Amount Due 04/2014	Amount Due 05/2014
BRAZORIA COUNTY RO'VIN GARRETT RTA ASSR	\$0.00	\$0.00	\$0.00
BRAZORIA COUNTY MUD #28 (ASMT OF SW)	\$0.00	\$0.00	\$0.00

Exclusions and Conditions of Tax Certificates
ALL APPLICABLE AD VALOREM TAXES ON THE ABOVE REFERENCED PROPERTY(S) ARE FOUND TO HAVE THE STATUS PROVIDED EXCEPT:
<ul style="list-style-type: none"> a. THE STATUS DOES NOT COVER ANY CHANGES MADE TO THE TAX RECORDS OF THE AGENCIES LISTED AFTER THE "PAYMENTS AS OF" DATE b. DOES NOT INCLUDE OR IS NOT A CERTIFICATION OF ANY <ul style="list-style-type: none"> 1. MINERAL TAXES 2. PERSONAL PROPERTY TAXES (INCLUDING MOBILE HOMES) 3. ANY OTHER NON AD VALOREM TAXES

Texas Tax Information
<ul style="list-style-type: none"> • Texas taxes are usually billed for the calendar year on or around October 1st • Taxes are delinquent on February 1st • Additional penalties apply to current year delinquencies on July 1st

HOA Certificate

National TaxNet
P.O. Box 848123
Dallas, Texas 75284-8123

Customer : EMPIRE TITLE - HOUSTON (Branch etb) Certificate Number : 6376196
User : Joe Pumphrey Print Date : 04/23/2014
GF Number : 2014-02-6519
Closer : bda
Buyer(s) : Gehan Homes, Ltd.

PROPERTY INFORMATION

Owner Name(s): TEXPROJ2008 LLC
Legal Description: PROVINCE VILLAGE DRIVE OFFICE PARK & RESERVES (A0198-A0070) BLOCK 2 TRACT A (PARK)
Situs Address:
CAD Account: BRAZORIA, #71560002001

HOMEOWNER'S ASSOCIATION INFORMATION

HOA Name: NO MAINTENANCE ASSESSED
Collection Cycle: Unknown
Collector: NO MAINTENANCE ASSESSED
Phone:
Fax:
Contact:
Comments: THE LEGAL DESCRIPTION REQUESTED IS NOT ASSESSED BY A HOMEOWNERS ASSOCIATION.
NO HOMEOWNERS ASSOCIATION FEES APPLY.

ASSESSMENT INFORMATION

Billing Cycle	Assessment Type	Base Amount	Balance Due	Payoff	Payoff	Payoff
			Total Due:	\$0.00	\$0.00	\$0.00
Comments:						
HOA Bill Status: Ready						

HOA Certificate

National TaxNet
P.O. Box 848123
Dallas, Texas 75284-8123

Customer : EMPIRE TITLE - HOUSTON (Branch etb) Certificate Number : 6376196
 User : Joe Pumphrey Print Date : 04/23/2014
 GF Number : 2014-02-6519
 Closer : bda
 Buyer(s) : Gehan Homes, Ltd.

PROPERTY INFORMATION	
Owner Name(s):	TEXPROJ2008 LLC
Legal Description:	PROVINCE VILLAGE DRIVE OFFICE PARK & RESERVES (A0198-A0070) BLOCK 2 TRACT B DETENTION)
Situs Address:	
CAD Account:	BRAZORIA, #71560002002

HOMEOWNER'S ASSOCIATION INFORMATION	
HOA Name:	NO MAINTENANCE ASSESSED
Collection Cycle:	Unknown
Collector:	NO MAINTENANCE ASSESSED
	Phone: Fax: Contact:
Comments:	THE LEGAL DESCRIPTION REQUESTED IS NOT ASSESSED BY A HOMEOWNERS ASSOCIATION. NO HOMEOWNERS ASSOCIATION FEES APPLY.

ASSESSMENT INFORMATION						
Billing Cycle	Assessment Type	Base Amount	Balance Due	Payoff	Payoff	Payoff
			Total Due:	\$0.00	\$0.00	\$0.00
Comments: HOA Bill Status: Ready						

Preliminary HOA InformationNational TaxNet
P.O. Box 848123
Dallas, Texas 75284-8123

Customer : EMPIRE TITLE - HOUSTON (Branch etb)

Certificate Number : 6376196

User : Joe Pumphrey

Print Date : 04/23/2014

GF Number : 2014-02-6519

Closer : bda

Buyer(s) : Gehan Homes, Ltd.

PROPERTY INFORMATION

Owner Name(s): TEXPROJ2008 LLC
 Legal Description: TR 1N ABST 23 W D C HALL
 Situs Address: COUNTRY CLUB DR
 CAD Account: HARRIS, #0402230000196

HOMEOWNER'S ASSOCIATION INFORMATION

HOA Name: ASHLEY POINTE HOA ** NEW SUB **
 Collection Cycle: Annually
 Collector: ASHLEY POINTE HOA ** NEW SUB **
 SAGEGLEN
 11610 SAGEYORK
 HOUSTON, TX 77089
 Phone: 2814812160
 Fax: 2814812070
 Contact: CATHERINE SMITH

Comments: ***SAGEGLEN CHARGES A \$25.00 RUSH FEE
 **NTN MUST HAVE IN WRITING FROM THE TITLE COMPANY THEY WILL PAY THE RUSH FEE BEFORE NTN WILL RUSH THE FILE.
 **ATTENTION NTN STAFF EMAIL ADDRESS IS SAGEGLEN@SBCGLOBAL.NET AND IS PROGRAMMED IN MACHINE IF FAX FAILS
 ASSESSMENTS ARE PAYABLE TO ASHLEY POINT HOA IN A SEPARATE CHECK.
 REFINANCE FEE OF \$100.00 PAYABLE TO ASHLEY POINTE HOA.
 TRANSFER FEE OF \$100.00 PAYABLE TO ASHLEY POINTE HOA.
 RESALE CERTIFICATE IS \$150.00 PAYABLE TO SAGEGLEN C.A.
 CAP FEE IS REQUIRED ON ALL HMR TO HMR SALES.

ASSESSMENT INFORMATION

Billing Cycle	Assessment Type	Base Amount	Balance Due	Payoff	Payoff	Payoff
			Total Due:	\$0.00	\$0.00	\$0.00
Comments:						
HOA Bill Status: Pending						

HOA Certificate

National TaxNet
P.O. Box 848123
Dallas, Texas 75284-8123

Customer : EMPIRE TITLE - HOUSTON (Branch etb)
User : Joe Pumphrey
GF Number : 2014-02-6519
Closer : bda
Buyer(s) : Gehan Homes, Ltd.

Certificate Number : 6376196
Print Date : 04/23/2014

PROPERTY INFORMATION

Owner Name(s): TEXPROJ2008 LLC
Legal Description: TR 1N ABST 23 W D C HALL
Situs Address: COUNTRY CLUB DR
CAD Account: HARRIS, #0402230000196

HOMEOWNER'S ASSOCIATION INFORMATION

HOA Name: NO MAINTENANCE
Collection Cycle: Unknown
Collector: NO MAINTENANCE
Phone: 0000000000
Fax: 0000000000
Contact:
Comments: THE LEGAL DESCRIPTION REQUESTED IS NOT ASSESSED BY A HOMEOWNERS ASSOCIATION. NO HOMEOWNERS ASSOCIATION FEES APPLY.

ASSESSMENT INFORMATION

Billing Cycle	Assessment Type	Base Amount	Balance Due	Payoff	Payoff	Payoff
			Total Due:	\$0.00	\$0.00	\$0.00
Comments: HOA Bill Status: Ready						