

MINUTES OF THE REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON OCTOBER 19, 2009 AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

CALL TO ORDER

The Regular meeting was called to order at 7:01 p.m. by Acting Chairperson Charles Gooden, Jr., in the Council Chambers, with the following present:

P&Z Vice-Chairperson Charles Gooden, Jr.
P&Z Commissioner Neil West
P&Z Commissioner Susan Sherrouse
P&Z Commissioner Henry Fuertes
P&Z Commissioner Ron Capehart

Also in attendance: Assistant Deputy City Attorney Nghiem Doan, Planning Director Lata Krishnarao, Senior Planner Angela Gantuah, and Planning Administrative Secretary Judy Krajca.

Due to a lack of quorum for a Joint Public Hearing, there was no Consideration or Possible Action for Zone Change No. 2009-14Z, Conditional Use Permit No. CUP2009-14, or Conditional Use Permit No. CUP2009-15.

APPROVAL OF MINUTES

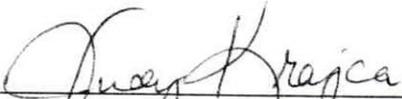
P&Z Commissioner Ron Capehart made the motion to approve the minutes of October 5, 2009, and P&Z Commissioner Susan Sherrouse seconded.

The vote was 5-0. The minutes of October 5, 2009 were approved. P&Z Chairperson Jerry Koza, Jr., P&Z Commissioner Darrell Diggs were not present.

ADJOURNMENT

P&Z Acting Chairperson Charles Gooden, Jr. adjourned the meeting at 7:02 p.m.

These minutes are respectfully submitted by:



Judy Krajca, Planning Office Coordinator

Minutes approved as submitted and/or corrected on this 2nd day of November 2009, A.D.



P&Z Chairperson Jerry Koza, Jr.

Jerry Neil
Ron Susan

Lata Angela
Richard I

AGENDA – REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD NOVEMBER 2, 2009 AT 6:00 P.M., IN THE 2ND FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

6:07

II. APPROVAL OF MINUTES

Ron-M/Susan-2nd 4-0 approved
Regular Meeting of October 19, 2009

III. NEW BUSINESS

A. CONDUCT PUBLIC HEARING - THIRD PARTIAL REPLAT OF SHADOW CREEK RANCH COMMERCIAL SITE NO. 18-A

opened @ 6:07

Ron-M/Susan-2nd

A request by Robert Kness, Windrose Land Services, Inc., for CG-Shadow Creek Ranch Village, L.P., owner, for approval of the Third Partial Replat of Shadow Creek Ranch Commercial Site No. 18-A located on the east side of Kirby Drive north of Shadow Creek Parkway (F.M. 2234). The applicant is proposing two lots in one block and the property is described as follows:

RK read purpose of hearing

Being 16.216 acres out of the T.C.R.R. Co. Survey, Section 4, Abstract No. 675 and the Obediah Pitts Survey, Abstract No. 717, City of Pearland, Brazoria County, Texas

applicant present - did not speak
no discussion

6:08 closed

B. CONSIDERATION & POSSIBLE ACTION – THIRD PARTIAL REPLAT OF SHADOW CREEK RANCH COMMERCIAL SITE NO. 18-A

approved 4-0

Decision Date 11/4/09

A request by Robert Kness, Windrose Land Services, Inc., for CG-Shadow Creek Ranch Village, L.P., owner, for approval of the Third Partial Replat of Shadow Creek Ranch Commercial Site No. 18-A located on the east side of Kirby Drive north of Shadow Creek Parkway (F.M. 2234). The applicant is proposing two lots in one block and the property is described as follows:

Being 16.216 acres out of the T.C.R.R. Co. Survey, Section 4, Abstract No. 675 and the Obediah Pitts Survey, Abstract No. 717, City of Pearland, Brazoria County, Texas

C. REMOVE FROM TABLE - ZONE CHANGE NO. 2009-11Z

Susan-M/Ron-2nd

A request of LJA Engineering & Surveying, Inc., applicant for TexProj 2008 LLC, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Planned Development District (PD) to Planned Development

4-0 approved

District (PD), an amendment to the existing PD for Province Village, on the following described property, to wit:

Legal Description: Approximately a 15 acre tract of land out of the Dissen called 136.995 acre tract, recorded in Volume 505, Page 86, of the Deed of Records of Brazoria County, Texas, situated in the Thomas J. Green Survey, Abstract 198, Brazoria County, Texas, and a 26.9158 acre tract of land in the Thomas J. Green Survey, Abstract 165, Brazoria County, Texas and being a part of that certain 136.955 acre tract conveyed from Jennie J. Settlegast, et al, to W.J. Dissen by instrument recorded in Volume 505, Page 86, of the Deed of Records of Brazoria County, Texas, and 5.7375 acres of land being situated in the W.D.C. Hall Survey, Abstract No. 23, Harris county, Texas, and being out of 468.92 acre tract being more fully described in Volume 1676, Page 362 of the Deeds of Records of Harris county, Texas said 1.3366 acres in Harris County Texas.

General Location: Generally Located on the Northeast Corner of Pearland Parkway and Broadway, Pearland, TX

D. CONSIDERATION & POSSIBLE ACTION – ZONE CHANGE NO. 2009-11Z

M-Ron
Susan-2nd
Tabled
4-0
x

R. Susan-M / Ron-2nd

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Angela addressed staff memo

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Eric Hughes conversed w/ Angela regarding pg. 8

1) of the PD documents
P&Z Agenda
November 2, 2009
Page 2 of 3

Ron questioned Agricultural use

Discussion ensued over use/uses permitted in OP zone
remove

2) hours - OK. Susan inquired about non retail hours.
Lata appl. has not differentiated between uses
& hours.

3) Lighting - Warren Escovy w/ SA Eng spoke
David ? .. guerra spoke
Jerry asked what the buffer was
Angella - 25' to residential

Jerry brought up light poles in back
Facing towards the bldg ^{on the outskirts of the property} and no
lights on the bldg not facing ~~the~~
behind

Ron suggested } All lighting does not encroach upon adjacent
property owners residential

all agreed

4) OK

5) question about fence 25' Buffer is not increased
appl. needs to address 8ft fence backing to neighbor.
on type of fence / masonry vs wood.
Susan - add language to work with / negotiate type of
fence.

Masonry fence on prop line
contingency that is that can't be met, fence will be 8ft off
that prop. line.

Needs fence to be uniform fence along entire PD.
areas between fence needs to be maintained

Scott Hunter - ^{Lantz} Engineer inquired if fence is allowed on easement

^D
IV. UPDATE OF ZONING CASES

V. ADJOURNMENT

7:08 pm

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.

I, Judy Krajca, Planning Office Coordinator of the City of Pearland, Texas, do hereby certify that the foregoing agenda was posted in a place convenient to the general public at City Hall on the 29th day of October, 2009 A.D., at 5:30 p.m.

Judy Krajca, Planning Office Coordinator

Agenda removed _____ day of November 2009 A.D.

11/9/09
Special Mtg.

ii) ok

7) ATM - see pg. 10 of PD. orientation - so when parked
Susan want language to include not facing N

8) mowing - minimum once a month.

9) Facade meets arc requirement

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I. CALL TO ORDER

II. APPROVAL OF MINUTES Regular Meeting of October 19, 2009

III. NEW BUSINESS

A. CONDUCT PUBLIC HEARING - THIRD PARTIAL REPLAT OF SHADOW CREEK RANCH COMMERCIAL SITE NO. 18-A

A request by Robert Kness, Windrose Land Services, Inc., for CG-Shadow Creek Ranch Village, L.P., owner, for approval of the Third Partial Replat of Shadow Creek Ranch Commercial Site No. 18-A located on the east side of Kirby Drive north of Shadow Creek Parkway (F.M. 2234). The applicant is proposing two lots in one block and the property is described as follows:

Being 16.216 acres out of the T.C.R.R. Co. Survey, Section 4, Abstract No. 675 and the Obediah Pitts Survey, Abstract No. 717, City of Pearland, Brazoria County, Texas

B. CONSIDERATION & POSSIBLE ACTION – THIRD PARTIAL REPLAT OF SHADOW CREEK RANCH COMMERCIAL SITE NO. 18-A

Decision
Date
11/4/09

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IV. UPDATE OF ZONING CASES

V. 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.

I, Judy Krajca, Planning Office Coordinator of the City of Pearland, Texas, do hereby certify that the foregoing agenda was posted in a place convenient to the general public at City Hall on the 29th day of October, 2009 A.D., at 5:30 p.m.

Judy Krajca, Planning Office Coordinator

Agenda removed _____ day of November 2009 A.D.

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P&Z Vice-Chairperson Charles Gooden, Jr.
P&Z Commissioner Neil West
P&Z Commissioner Susan Sherrouse
P&Z Commissioner Henry Fuentes
P&Z Commissioner Ron Capehart

Also in attendance: Assistant Deputy City Attorney Nghiem Doan, Planning Director Lata Krishnarao, Senior Planner Angela Gantuah, and Planning Administrative Secretary Judy Krajca.

Due to a lack of quorum for a Joint Public Hearing, there was no Consideration or Possible Action for Zone Change No. 2009-14Z, Conditional Use Permit No. CUP2009-14, or Conditional Use Permit No. CUP2009-15.

APPROVAL OF MINUTES

P&Z Commissioner Ron Capehart made the motion to approve the minutes of October 5, 2009, and P&Z Commissioner Susan Sherrouse seconded.

The vote was 5-0. The minutes of October 5, 2009 were approved. P&Z Chairperson Jerry Koza, Jr., P&Z Commissioner Darrell Diggs were not present.

ADJOURNMENT

P&Z Acting Chairperson Charles Gooden, Jr. adjourned the meeting at 7:02 p.m.

These minutes are respectfully submitted by:

Judy Krajca, Planning Office Coordinator

Minutes approved as submitted and/or corrected on this 2nd day of November 2009, A.D.

P&Z Chairperson Jerry Koza, Jr.

PUBLIC HEARING

- i. Call to order
- ii. Purpose of Hearing
- iii. Application Information and Case Summary
 - A. Staff Report
 - B. Applicant Presentation
- iv. Persons wishing to speak for or against the proposed request
- v. Commission/Staff discussion
- vi. Adjournment

See Next Item

**SHADOW CREEK RANCH COMMERCIAL SITE 18A
THIRD PARTIAL REPLAT- STAFF REPORT**

P & Z MEETING DATE: NOVEMBER 2, 2009

APPLICANT: Robert Kness, Windrose Land Services, Inc., for CG-Shadow Creek Ranch Village, L P, owner

REQUEST: Third partial replat of 16.216 acres in the Shadow Creek Ranch PUD for commercial use.

GENERAL LOCATION: The plat is located on the east side of Kirby Drive north of Shadow Creek Parkway (F.M. 2234) in Shadow Creek Ranch

PROPERTY DESCRIPTION: The property is undeveloped.

ZONING: Shadow Creek Ranch PUD – Commercial. The proposed plat is consistent with the approved PUD.

SURROUNDING USES: The surrounding areas have been platted as commercial uses except the tract to the north planned as open space/parks.

COMPREHENSIVE PLAN: The City of Pearland Land Use Plan designates the property for medium and high density residential. The proposed use was approved as part of the Shadow Creek Ranch PUD.

TRAFFIC AND TRANSPORTATION: A Traffic Impact Analysis has been submitted and approved.

UTILITIES AND INFRASTRUCTURE: Water and sewer available.

STORMWATER MANAGEMENT: Stormwater detention will be provided offsite in accordance with the Shadow Creek Ranch master plan.

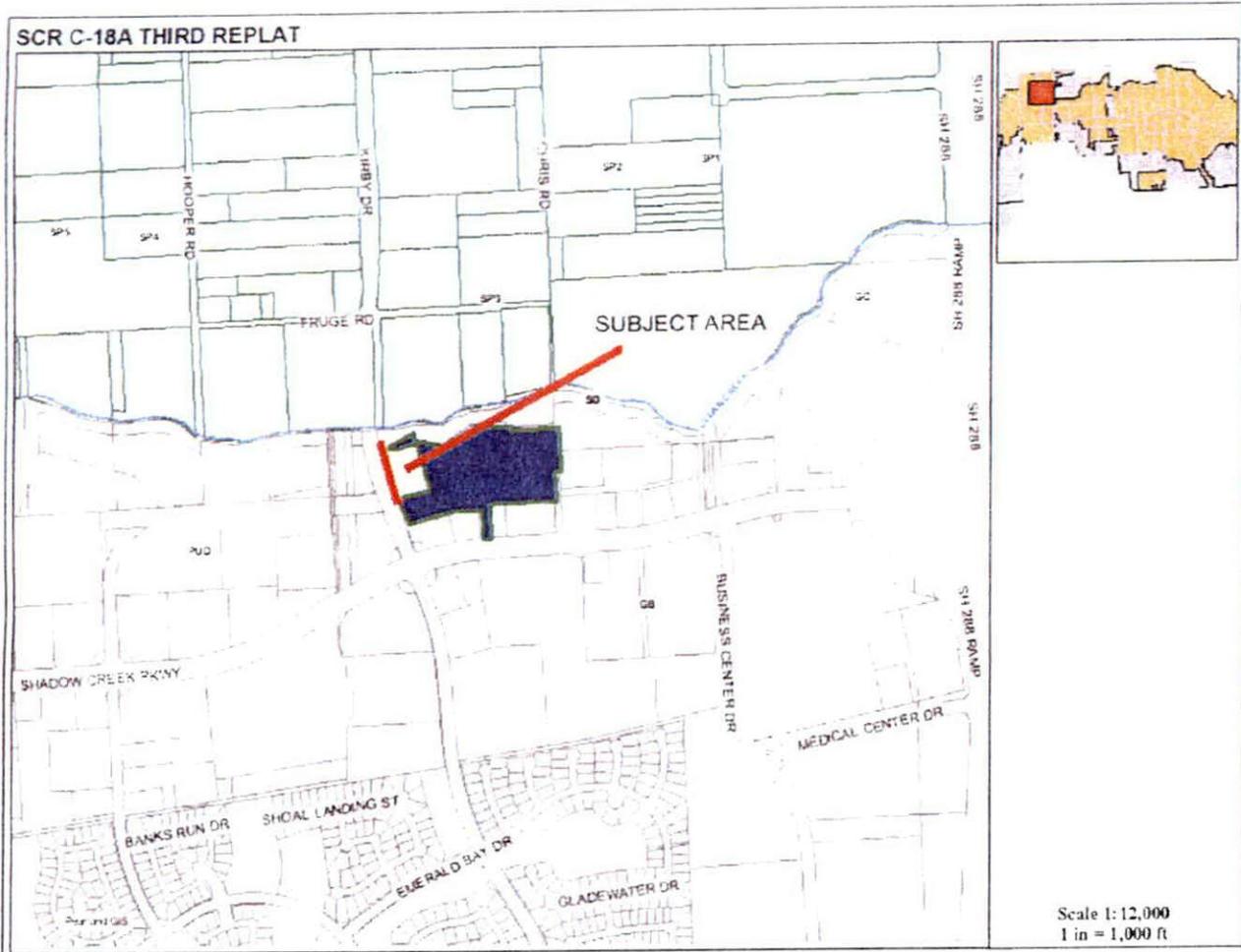
PARKS, OPEN SPACE, AND TREES: Parkland dedication not required.

OUTSTANDING ITEMS:

none

ATTACHMENTS:

1. Application Form
2. Location Sketch
3. Replat



AUG 20 2009

PLAT APPLICATION 1 OF 2 (Updated May 2008)

PLAT APPLICATION

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

Please Check Type of Plat Requested:

- Preliminary Subdivision Plat
- Final Subdivision Plat
- Minor (Subdivision) Plat
- Amending Plat
- Master Plat
- Preliminary Development Plat
- Final Development Plat
- Replat

*Please send any and all correspondence to:

rkeller@ci.pearland.tx.us

SUBDIVISION THIRD PARTIAL REPLAT OF SHADOW
NAME: CREEK RANCH COMMERCIAL SITE No. 13A

NUMBER OF LOTS: 2

GENERAL LOCATION: NORTHEAST CORNER OF THE INTERSECTION OF KIRBY DR & FM 2234 - SHADOW CREEK PARKWAY

PRIMARY CONTACT: WINDROSE LAND SERVICES (ROBERT KNESS)

MAILING ADDRESS: 3628 WESTCHASE

CITY, STATE, ZIP: HOUSTON, TX 77042

PHONE: 713-458-2281 FAX: 713-461-1151

E-MAIL ADDRESS: ROBERT.KNESS@WINDROSESERVICES.COM

OWNER NAME: CG Shadow Creek Ranch Village, LP

MAILING ADDRESS: 2121 Sage Ste. 290

CITY, STATE, ZIP: HOUSTON, TX 77056

PHONE: (713) 266-9200 FAX: (713) 266-9278

E-MAIL ADDRESS: mcc@crossgreen.com; sb@crossgreen.com

A complete application must include all items shown on the corresponding submittal checklist for each different type of plat. See Page 2.

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

Owner's Signature: [Signature] Date: 8.19.09

Applicant's Signature: [Signature] Date: 8/25/09

I acknowledge that this plat has been submitted on this day, 8-25-09, and the Plat filing date is 8-26-09, which will be the first day it will be reviewed by the Planning Staff. I hereby sign and date this acknowledgement.

Signature: [Signature] Date: 8-25-09

All waiver requests must be received by the resubmittal time and date that corresponds to the Plat Resubmittal Deadline, per the Plat submittal schedule.

FEES PAID: _____
DATE PAID: _____
RECEIVED BY: _____
RECEIPT NO.: _____

REMOVE ITEM FROM TABLE

(see next agenda item)

JOINT PUBLIC HEARING AGENDA ITEM MEETING OF NOVEMBER 16, 2009

Zone Change No. 2009-11Z

A request of LJA Engineering & Surveying, Inc., applicant for TexProj 2008 LLC, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Planned Development District (PD) to Planned Development District (PD), an amendment to the existing PD for Province Village, on the following described property, to wit:

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General Location: Generally Located on the Northeast Corner of Pearland Parkway and Broadway

APPROVAL PROCESS: After this Joint Public Hearing, the requested zone change application will be considered as follows:

Planning and Zoning Commission: November 16, 2009*

City Council for First Reading: December 14*

City Council for Second Reading December 28, 2009*

(*dates subject to change if item is tabled)

SUMMARY: The applicant is requesting approval of Zone Change 2009-011Z to amend Tract One of the Province Village PD from Single Family Residential-4 (R-4) to the Office Professional (OP) Zoning District.

Currently Tract One is approximately 15 acres and is undeveloped as stated on the site plan submitted with the revised PD Document. The new owner of the subject property

would like to be able to permit the development of a bank on the northern portion of Tract One and changing only Tract One from Single Family Residential-4 (R-4) to Office Professional (OP). The proposed amendment will change the density of from approximately 66 garden homes to 28 single family homes within one gated neighborhood (Tract Three), 84 townhome units in Tract Two and the residential yield will not exceed 112 single family units. The application PD application/document does not reflect these numbers as shown above and were obtained via telephone conversation with the applicant and need to be updated.

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	Single Family Residential-2 (R-2)	Clear Creek Park Subdivision
South	General Commercial (GC)	Lowe's
East	Province Village PD (PUD)	Province Village
West	Pearland Commons PD (PUD)	Undeveloped/Vacant

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The subject property is currently zoned as Province Village Planned Development. The Province Village PD was originally developed having three tracts. The underlying zoning district for tracts one and three are Single Family Residential-4 PUD (R-4 PUD). Tract two has an underlying zoning district of Single Family Residential-4 PUD (R-4 PUD) and General Business (GB). Lowe's and IHOP are located in the GB portion of Province Village.

The applicant will be required to comply with all other requirements of the Unified Development Code.

PLATTING STATUS: The property has had an approved preliminary plat. The preliminary plat was submitted in 2006 and received an extension. The extension expired on November 6, 2009 and the applicant will need to submit an amended preliminary plat or master plat.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends a "Single Family Residential Use" for the subject property known as tract one and the surrounding properties. The Comprehensive Plan further indicates that the appropriate zoning district for "Single Family Residential Use" is the Suburban Residential D-10,000. Although the comprehensive plan states the only zoning district appropriate for this area is Suburban Residential D-10,000, the proposed use is permitted through and approved Planned Development.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Pearland Parkway, a major thoroughfare with an ultimate right-of-way greater than 120 feet. The applicant has presented a preliminary plat that will need to be amended. Any necessary right-of-way will be dedicated at the time of platting. Province Village Drive, a minor collector street was approved as part of the preliminary plat and has been constructed.

AVAILABILITY OF UTILITIES: The subject parcel is in the process of establishing public water and sewer.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The proposed change in the underlying zoning from Suburban Residential R-4 (R-4) to the Office Professional (OP) Zoning District should not have a negative impact on the surrounding properties.

Tract one of the Province Village PD is located to the northeast portion of the PD near Pearland Parkway and Broadway. Tract four near the south of the PD has frontage along Broadway and currently, Lowe's is located there.

Changing the zoning of tract one will not impede access or circulation of the existing property and will not generate a significant increase in the traffic flow. Province Village Drive, off of Pearland Parkway, has been constructed. In addition, changing the zoning district of Tract One from Single Family Residential-4 PUD (R-4 PUD) to Office Professional (OP) would not create any uses that would be incompatible with the existing surrounding uses. The OP Zoning District will permit the applicant to develop the property with proposed uses that are less intense than the General Commercial or General Business Zoning Districts. This can help create a buffer that contains appropriate uses near residential zoned properties and uses located to the north.

SITE PLAN CONSIDERATIONS: A site plan for a bank will be submitted to the Building Department. Tract one of the Province Village PD Map as submitted is shown as the Office Professional Zoning District and no other changes have been proposed to the Province Village PD Map.

PUBLIC NOTIFICATION: Public notice/comment forms were mailed to property owners within 200 feet of the subject property under consideration. A legal notice of public hearing was published in the local newspaper, and a Zoning Sign was placed on the subject property.

OPPOSITION TO OR SUPPORT OF PROPOSED REQUEST: Staff has received comments in opposition to, and in support of the proposed zone change request.

RECOMMENDATION FROM STAFF MEMO:

1. Provide a list of all the uses to be permitted in the OP Zoning District. State that no restaurants with drive -thrus will be permitted.

Jerry asked about single tenant bldgs on pg. 8.

Applicant's Response: See pages 8-10 of the PD Document.

- OK see notes* 2. Restrict the hours of operation on the uses permitted adjacent to the residential uses or zoning districts.

*Susan - non retail hours?
Lata - appl. has not differentiated between uses & hours*

Applicant's Response: See Page 10 of the PD Document. Hours have been restricted to 6:00 am to 9:00 pm for the entire tract 1.

- OK see notes* 3. Limit the height of lighting, specify the types of shields required for all lighting and require photometric data to be shown on each site plan on the OP Zoning District.

Applicant's Response: See Page 10 of the PD Document. Light will be hooded and the bulb will not be visible from the adjacent residential property ...Photometric data will be submitted to the City Engineer for review and approval.

- OK as stated in PD* 4. Address the traffic flow. Please contact Narciso Lira for the language to be considered in the PD addressing this for the bank site and future applicants.

Applicant's Response: See Page 9 of the PD Document.

- OK* 5. Increase the required buffer of 25' adjacent to the residential uses and districts. *discussed type of fence*

Applicant's Response: See Page 10 and Exhibit 8

- OK* 6. Restrict the height of the buildings adjacent to the residential uses and districts. State that the structure could get progressively higher as they become progressively farther away from the residential uses and districts.

Applicant's Response: See Page 10 and Exhibit 8

7. Require the ATM/Drive thru area for the bank is to be located away from the residential uses and districts.

Province Village
**Planned Unit Development
Amendment No. 1**
City of Pearland

City Council
&
Planning & Zoning Commission

~~May 16, 2005~~ October, 5, 2009

Submitted on behalf of:

Tex Proj 2008 LLC, Dan Brown
3049 Sherwood Forest
Baton Rouge, LA 70816

Prepared by:

LJA Engineering & Surveying, Inc.
2929 Briarpark Drive, Suite 600
Houston, Texas 77042-3703

Province Village Planned Unit Development

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EXHIBITS

- Exhibit 1 - AREA LOCATION
- Exhibit 2 - EXISTING CONDITIONS
- Exhibit 3 - TOPOGRAPHY
- Exhibit 4 - EXISTING ZONING
- Exhibit 5 - PROPOSED LAND USE
- Exhibit 6 - PROPOSED ZONING CATEGORIES BY LAND USE
- Exhibit 7 - BOUNDARY SURVEY

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Executive Summary

The purpose of this planned unit development (PUD) amendment application is to change the current designation of tract one which is 15 acres in the City of Pearland for the purpose of developing a mixed-use project consistent with the City's land development regulations. The site is currently under the Province PUD which we propose to change Tract One from Single Family Residential (R-4 PUD) to Office Professional (OP). As contemplated in the City's zoning ordinance, the PUD designation will allow the development of a project which is planned comprehensively and in a unitary fashion, and that will provide flexibility of development within a site that, because of several physical constraints would challenge the ability to develop under the current zoning designations.

Prior to the approved PUD, Tract One, a 15 acre tract which of the tract fronts Pearland Parkway, had a 200' section of land that is zoned R-3 across the southern 1/3 of the site with the balance being zoned Single Family Residential 2 (R-2). Tract Two, is a 26.90 acre tract that fronts East Broadway and had three bands of zoning, primarily GB and R-3. Tract Three, fronting Country Club Drive, is the smallest of the tracts containing 5.74 acres which roughly measures 400' by 500', and had a 150' section of land that was zoned across the southern portion. The balance of Tract Three is (R-4 PUD) of R-3 across the southern portion of the property with the balance being R-4.

Zoning districts are typically bounded by a physical feature, existing land use or political boundary that offers a logical break from one zoning classification to another. Also, conventional zoning typically provides a hierarchy of residential densities when adjacent to commercial uses normally with the highest density residential being placed next to the commercial with a transition to lower densities away from commercial.

The proposed Amended *Province Village PUD* will consist of approximately 27 single family homes within one gated neighborhood in tract Three, an 84 unit townhome neighborhood located in Tract Two, a 12.3 acre Office Professional (OP) district yielding approximately 107,160 square feet of potential space office space in tract One and a 5 acre GB – General Business district in Tract One as well. The residential yield will not exceed 112 single-family units. This comparison assumes similar detention requirements. This comparison modeled DU/AC (number of units per acre) after similar average densities per lot size found in the Shadow Creek Ranch community. Following more conventional zoning patterns, the plan proposes the higher density townhome neighborhood adjacent to the GB district and the existing Lowe's Center while placing the Garden Home sections in the rear portions of the property and adjacent to other existing single family neighborhoods. The OP district may be considered as an appropriate buffer from the existing Lowe's Center.

The proposed PUD provides 4.99 acres of Common Open Space while only 3.1 acres is required. The center of the project offers a ½ acre park, approximately 2.8 acres in Common Open Space supplemented with a trail system that provides connection to the Clear Creek Trail System as well as additional green space within each residential cell providing numerous recreational and social opportunities. The project will benefit the City by providing quality housing, commercial, and office/professional space with strong architectural schemes and tax revenues will be greater than those accrued from the existing zoning. In addition an important segment of the collector street system will be provided with this proposed development. The proposed PUD shall comply with all requirements of the current City of Pearland Unified Development Code, unless specifically mentioned in the PUD as being revised, including the Pearland Parkway Overlay District.

I. Existing Conditions

SITE DESCRIPTION

The site of the proposed mixed-use development is composed of three tracts - Tract One being a 15.00 acre tract situated on the west side of the overall site, Tract Two being a 26.92 acre tract situated in the center of the overall site, and Tract Three being a 5.74 acre tract situated on the east side of the overall site. A 90' City of Pearland drainage easement physically separates Tracts One and Two while Clear Creek and an 80' HL&P (CenterPoint Energy) easement physically separates Tracts Two and Three.

Tract One is bounded on the west by Pearland Parkway, on the north by Clear Creek Park residential subdivision, and situated just north of the Lowe's Home Center site located at the corner of Pearland Parkway and East Broadway. Tract One includes a 7.16 acre Office Professional tract north of Province Village Drive (proposed), a 5.19 acre Office Professional tract, a 1.16 acre tract of Province Village Parkway, and a 1.49 acre detention tract. (see Exhibit 5)

Tract Two is bounded on the south by F.M. 518 (East Broadway), and on the east by a CenterPoint Energy substation (located to the southeast of Tract Two along East Broadway) and by an 80' HL&P (CenterPoint Energy) easement along the east, and on the north by Clear Creek. The Lowe's Home Center site is situated west and southwest of Tract Two. Tract Two includes the 3.79 acre Detention, the 1.62 acre trail tract, the .58 park tract, the 13.44 R-4 PUD Single family tract, the 1.49 detention, the 5 acre GB tract, and the 1.44 tract of Province Village Drive.

Tract Three is bounded on the east by Country Club Drive, on the west by the 80' HL&P (CenterPoint Energy) easement and on the south by Clear Creek and on the north by a Clear Creek diversion channel easement. Currently the land is rural agriculture in nature except for the 5 acre General Business portion that is adjacent to FM 518 Broadway. Tract 3 is 5.74 acres of R-4 PUD including the portion of Province Village Drive within Tract 3.

Please refer to Exhibit 1 – Area Location that illustrates the sites location within the City of Pearland and Exhibit 2 – Existing Conditions that illustrates the three tracts comprising the site and its relationship to surrounding land uses.

The proposed site is entirely within the City of Pearland corporate limits located near the intersection of Pearland Parkway and F.M. 518 (East Broadway). Refer to Exhibit 1 – Area Location and Exhibit 2 – Existing Conditions. Tracts One and Two are relatively flat, consistent with property of the region, with the exception of the northeast corner of Tract Two that is adjacent to Clear Creek. Tract Three has a more pronounced relief in topography. There have not been any wetlands identified within the property.

Tract One generally slopes to the east/northeast from elevation 43 to approximately elevation of 40. Near the northeast corner, the slope is more pronounced descending to elevation 36.

Tract Two gradually slopes from elevation 42 along the East Broadway frontage to elevation 40 within approximately 300' of the northern boundary along Clear Creek.

Within approximately 150' of the northern boundary the site slopes downward 12 to 14 feet with an elevation of 22 at Clear Creek along the northern boundary of the tract. While the majority of Tract Two is open pasture and cultivated field, there are trees and vegetative cover near the northern boundary where the property begins to slope toward Clear Creek as well as along some of the land adjacent to the HL&P (CenterPoint Energy) easement. Most of this vegetative cover is within the proposed detention area and it cannot be determined at this time if any of this material can be preserved.

A small ridge makes a protrusion near the center of Tract Three nearing elevation 43 descending to elevation 32 along Country Club Drive to the east and elevation 37 along the west, adjacent the 80' HL&P easement. The slope descends to elevation 34 along the south boundary. Tract Three has some limited tree and vegetative cover along the perimeter of Country Club Drive and the HL&P (CenterPoint Energy) easement.

SURROUNDING LAND USE

Land Uses surrounding Province Village PUD include Clear Creek Park Single-Family Residential to the north of Tract One, Green Tee Terrace Single-Family Residential and the Golfcrest Country Club to the north of Tract Three (both in Harris County), low-density residential uses to the east, an HL&P (CenterPoint Energy) substation to the east/southeast of Tract Two, a General Business District (Victory Plaza) to the southeast of Tract Two fronting FM 518 Broadway, a non-developed tract to the south of Tract Two fronting opposite side of East Broadway that is rural in nature, a General Business District (Rehoboth Acres) to the southwest of Tract Two fronting opposite side of East Broadway, a Commercial District (Lowe's Home Improvement Center) to the west of Tract Two and south of Tract One, and a non-developed tract to the west of Tract One fronting the opposite side of Pearland Parkway that is rural in nature. In general, the East Broadway corridor was zoned primarily GB - General Business District while the Pearland Parkway corridor is zoned Single Family Residential. Refer to Exhibit – 2 Existing Conditions and Exhibit 4 – Existing Zoning.

II. Project Objectives

PROJECT OVERVIEW

The proposed *Province Village PUD Amendment* consists of a 47.65 Acre mixed-use project located within the City of Pearland, Texas. This application was prepared on behalf of Tex Proj 2008 LLC, Dan Brown pursuant to the City of Pearland ordinances relating to Planned Unit Development (PUD). The purpose of the PUD is to encourage flexibility in the use and development of the land that has frontage both on Pearland Parkway as well as F.M. 518 (East Broadway). This proposal recognizes and will conform to regulations regarding the Pearland Parkway Overlay District, and the current Unified Development Code of the City of Pearland, unless specified in this application.

The three parcels which comprise the 47.65 acres are currently separated by a 90' City of Pearland drainage easement, Clear Creek and an 80' HL&P (CenterPoint Energy) easement which traverses the site generally in a north/south direction. Clear Creek also flows through the northeast part of the tract, separating Tract Two and Three. Accommodating these easements, Clear Creek and detention requirements into a workable land plan and valid project presents a unique challenge, even within a PUD designation. A goal of the PUD designation is to promote a more economical and efficient use of the land.

The PUD as proposed will consist of GB – General Business, OP – Office Professional and R4 – High Density Single-Family Residential. Approximately 11% of the overall land will be dedicated to parks, recreation, trails, open and green space. Approximately 12% of the overall site will be utilized for detention.

GOALS & OBJECTIVES

The goals of the *Province Village PUD* are to provide guidelines for the creation of a planned development that provides community cohesiveness, flexibility of development, uniformity in building construction, long-term sustainability, orderly growth and desired visual results. Further, the goals reflect the flexibility to achieve a quality mixed-use development in a coordinated urban setting while promoting a more economical and efficient use of the land.

The goals and objectives will be achieved through the implementation of a planning strategy designed to maintain flexibility in the market place. The goal is to provide retail and office opportunities within the East Broadway and Pearland Parkway corridors while providing single-family residential within the interior of the site enhanced by aesthetically pleasing open space, a trail system within recreational opportunities for the residents paired with a half acre park site and other neighborhood amenities.

The project's character will be ensured through guidelines and controls for architectural and design aesthetics, open space and landscaping, perimeter treatments and neighborhood amenities, such as sidewalks and neighborhood recreation spaces.

Orderly growth will be achieved through this plan to ensure a completed project that is consistent in character and content, providing residents, businesses, and visitors with a clear sense of community. The goals and objectives outlined in the following matrix are intended to facilitate a successful long-term development offering variety.

Goal	Objective
• Flexible Growth	Provide the ability for flexibility in the development program to respond to market demands.
• Orderly Growth	Provide orderly and controlled growth via mechanisms that ensure thoughtful application of flexible regulations.
• Balanced Community	Provide compatible and functional land uses for employment, shopping, living and recreational activities.
• Long-term Sustainability	Provide the certainty produced through land use controls, utilizing the flexibility needed to respond to changes in the market while creating a quality neighborhood with associated amenities.
• Quality and Character of Community	Provide consistent design standards.

III. Project Description

AUTOMOBILE CIRCULATION

Province Village PUD will have superior traffic mobility with frontage along Pearland Parkway to the west and Country Club Drive on the east. A local collector connects these two streets along an east/west alignment parallel to East Broadway. This alignment of this collector is centrally positioned to allow for excellent ingress/egress to each development cell. Collector width and design has been approved by the City. Collector street parking was not anticipated or provided for. The proposed 5 acre GB - General Business site adjacent to East Broadway, separated from the balance of the site by proposed residential uses, has excellent frontage across its entire width. The East Broadway at Pearland Parkway intersection provides excellent access to any location within the City as well as the region. Northbound Pearland Parkway provides easy access to Harris County and Beltway 8 (Sam Houston Tollway). Westbound Broadway (F.M. 518) provides access to the older business area, the Village District, and connects to Texas 288, the most prominent centrally located north/south arterial thoroughfare within Brazoria County. Eastbound Broadway connects the site to the Galveston Bay area including Friendswood, Baybrook, Clear Lake and I-45. A TIA has been provided and approved by the City.

PEDESTRIAN CIRCULATION

The pedestrian circulation layout is designed to integrate the individual residential neighborhoods while providing easy access to the park and the centrally located Common Open Space outside of the individual residential cells. The main public walkway is 6' wide, located along the both sides of the collector street. This walk runs completely through the site, along an east/west axis and will connect with public sidewalks along Pearland Parkway. Walks along Pearland Parkway will be constructed as part of this proposed development and will tie into the existing walk along Pearland Parkway. A 6' conventional sidewalk will be constructed within the projects frontage on Country Club Drive. There currently is no existing sidewalk on Country Club Drive. These walks provide easy access to the Office Professional site within the project and to designations outside of the project site.

In addition to a 4' walk, the trail will offer a link from the public walk to an 8' walk section for the proposed Clear Creek trail system. Compliance with the City of Pearland's typical sidewalk requirements will be maintained throughout the balance of the project, completing the overall pedestrian network. Trail width and location of the Clear Creek Trail and connector trails will be approved by City of Pearland Parks Superintendent prior to construction.

AMENITIES / OPEN SPACE

Open space accounts for approximately 11% (4.99 acres) of the gross acreage within the PUD. Also, the provision of open space and common areas within the individual residential cells (landscape reserves, recreational opportunities, etc.) will further increase and enhance the property. Open space and park fees / dentition shall meet other city ordinances and city parks' approval.

GENERAL LANDSCAPE AND PERIMETER TREATMENT

The *Province Village PUD* will be thoroughly landscaped along the streets and common areas. Street trees will be planted along the collector street and along the frontage of Pearland Parkway and Country Club Drive according to City regulations. The project will have entry statements both at the Collector Street and Pearland Parkway intersection and also at the Country Club Lane intersection. Entry statements and signage shall meet the City's requirements. The individual residential cells will each have a boulevard entry and entry statement fully landscaped utilizing minimum of 2" caliper trees, shrubs, seasonal plantings and ground covers. These areas will be irrigated.

The perimeter treatment of the residential cells includes evergreen screening of areas outside of the individual lots and removed from the public street right-of-ways. In addition a 6' height masonry screen wall will be constructed along the south property line of the OP – Office Professional site adjacent to the Lowe's Center and along the western, southern, and eastern property line of the Tract Two Townhome section.

Two trees shall be planted along interior streets per lot. Maintenance of all open spaces, parks, trails, and open areas will be the responsibility of HOA or private entity and not the City's responsibility.

PROJECT ARCHITECTURE

The project architecture regarding the public portions of the development will have a common architecture theme. This would include the entry statements and the OP – Office Professional architectural facades and elements. Efforts will be made to insure harmony in the design. While actual design has not been initiated at this time, several photographic examples of what the developer has constructed similar in nature to the proposed product are included to provide a sense of architectural direction for the project. Actual design for the *Province Village PUD* may vary. In general, the architecture will consist of mostly masonry and glass facades of buildings as required by zoning regulations.

IV. Quantitative Data

The property is proposed to be comprised of Office Professional, General Business and High-Density Single-Family Residential uses enhanced with open space and a pedestrian walk and trail system. Net and gross densities are as follows: no dwelling units—DU/AC; Tract-Two – Gross Densities = 5.58 DU/AC, Net Densities = 8.1 DU/AC; Tract-Three – Gross Densities = 4.31 DU/AC, Net Density = 4.83 DU/AC. The uses are illustrated in Exhibit 5 – Proposed Land Use Plan. The following table lists land uses illustrated on the Proposed Land Use Plan, along with their respective acreages and percentage of the gross land area.

Table 1 illustrates the composition of land uses proposed by the Developer/Applicant. Table 2 provides a breakdown of Land Use by Tract.

Table 1 - Composition of Land Uses

Overall Site – Land Use	Acres
General Business - GB District	5.0
Office Professional – OP District	12.3
Gated Garden Home Residential – R4	3.5
Townhomes Residential - R4 District	11.85 ^{*2}
Detention Basin Reserves(built)	5.28
Park, Recreation, Open & Green Space	4.38
East/West Local Collector Right-of-Way (built)	2.70 ^{*1}
Interior Street (Residential) Right-of-Way	1.65

Total Acreage.....47.65

*1 Other (Off-site Collector Right-of-Way).....0.53
 (Includes crossing of 90' City of Pearland Drainage Easement & 80' HL&P Easement)

*2 Excludes interior street Right-of-Way. With Right-of-Way of residential acreage included total would be 22.52 acres.

Table 2 – Acreage per Land Use Summary

Land Use Category	Acreage	% Of Gross Acreage
CONSTRAINTS	7.98 Ac	17%
Collector Street* (built)	2.7 Ac	
Proposed Drainage / Detention Facility ** (built)	5.28 Ac	
COMMUNITY ELEMENTS	4.99 Ac	11%
Park Reserve	0.58 Ac	
Recreation, Green & Open Space	4.41	
SINGLE-FAMILY RESIDENTIAL – R4 PUD	17.43	36%
OFFICE PROFESSIONAL - OP	12.29	26%
GENERAL BUSINESS – GB	5.0	10%
TOTALS	47.65 Ac	100.0%
*1 Other (Off-site Collector Right-of-Way)0.53 (Includes crossing of 90' City of Pearland Drainage Easement & 80' HL&P Easement)		
*2 Excludes interior street Right-of-Way. With Right-of-Way of residential acreage included total would be 22.52 acres.		

V. Proposed Land Use Revisions and Regulatory Compliance

In order to implement the proposed land use plan as currently proposed, each of the proposed land uses have been assigned zoning categories consistent with the current City of Pearland zoning regulations. The proposed zoning differs somewhat from the zoning designations currently in place for the parcels that comprise the proposed development. Please refer to Exhibit 4 – Existing Zoning and Exhibit 7 – Proposed Zoning Categories by Land Use.

Land use shall be regulated on a total acreage basis with a maximum density of 112 lots. Lot sizes to conform to PUD. The percentage land use area change is required to ensure the success of the development by maintaining the flexibility to modify land use sizes in response to changes in economic and market conditions. This will allow the project to remain competitive in the real estate market over the life of the development phases and the ability to make adjustments as necessary to accommodate specific end users in a timely manner.

The proposed Amended Province Village PUD is changing a 7.16 acre Garden Home section to Office Professional (OP zone) use. The property is north of Province Village Drive. The new OP zone will be restricting the retail hours from 6AM to 9PM and further restricting the OP to not allow any vehicle drive-thru services for restaurant purposes. We are further restricting the uses in the newly proposed OP to following:

Primary Agricultural Uses

Agriculture Field Crops *1. pom Co*
Agricultural Animal Husbandry
Farm (Ranch, Livestock)
Crops or Orchard

Accessory & Incidental Uses

Accessory Structure (Business or Industry)
Off-Street Parking Incidental to Residential Main Use
Off-Street Parking Incidental to Nonresidential Main Use
Social & Recreational Building, including homeowner's association neighborhood recreation centers
Onsite Detention Facility

Entertainment & Recreational Uses

Park and/or Playground (Private)
Park and/or Playground (Public/Municipal)
Swimming Pool, Private (Uses Only By Resident)
Tennis or Swim Club (Private, For Profit)
Tennis Court (Private/Not Lighted)

Office Uses

Clinic, Medical or Dental
Credit Agency
Financial Institution (No Motor Bank Services)
Financial Institution (With Motor Bank Services)
Financial Services (Advice/Invest)
Insurance Agency Offices
Office, Brokerage Services
Office, Legal Service

Office, Medical/Dental (Defined Under Medical Facilities)
Office, Professional and General Business (other than those listed)
Office, Real Estate
Security Monitoring Company (No Outside Storage)
Travel Agency, Bureau or Consultant
Automatic Teller Machine (ATM)
Barber/Beauty Shop/Tanning Studios (No Related School/College)
Mailing Service (Private)
Pharmacy (Retail Only)
Seamstress or Dressmaker (Retail Only)

Retail & Business Service Uses

Antique Shop (No outside storage)
Art Supply Store
Bakery or Confectionery Shop (Retail Sales, Inside Service Only)
Book/Stationery Shop (Retail Only)
Camera Shop (Retail Only)
Copy/Printing Shop
Drapery/Blind Shop
Florist Shop (Retail Only)
Gift or Card Shop (Retail Only)
Handicraft & Art Object Sales Shop
Ice Cream/Yogurt Shop (For On-or Off-Site Consumption)
Optical Shop
Paint, Wallpaper Shop (Retail Only)
Pharmacy/Drug Store (Retail Only)
Retail Shops, Apparel, Accessories, Gifts & Similar Goods (Other than those listed: No outside Storage)

Institutional/Governmental Uses

Child Day Nursery
Day Camp (For Children)
Governmental Building or Use (County, State, or Federal)
Hospice (Defined Under Household Care Facility)
Institution of Religious, Educational or Philanthropic Nature
Library, Public
Municipal Public Administration Offices
Museum (Indoors Only)
Rectory/Parsonage
School- Other than Public or Parochial
Studio for Radio and/or Television (No Tower[s])

Utility Related Service Uses

Satellite Dish (Private, less than 4' in diameter) {See Telecommunications Regs. Chp. 2, Art. 5 Div. 5 of the UDC}
Telephone Business Office

Commercial & Related Service Uses

Contractor's Temporary On-Site Construction Office (only with permit from B.O.)

Bank Site (Additional Restrictions)

The following additional restrictions are being placed on the 1.53 acre proposed bank site located in the northwest corner of the proposed Restricted OP Zone:

The drive thru on any bank shall be oriented so that the following conditions will not occur:

- 1) While a vehicle is stationary (conducting transactions) in the drive thru lane, the vehicles lights will not shine directly onto the residential area to the North.
- 2) The queue (vehicle stacking) for the drive thru will not cause a blockage of traffic on any adjacent public streets.
- 3) The bank site will have lights that are hooded or constructed in such a way so that the bulb is not visible from the adjacent residential property on the north side of the 1.53 acre development. A photometric drawing will be sent to the City Engineer for review and approval.

The façade of the proposed bank building on the Pearland Parkway side will meet the requirements for the Corridor Overlay District. The requirements of the Corridor Overlay District include articulation of the wall, minimum glass coverage, and construction materials to insure that the building will have a pleasant look from Pearland Parkway.

Proposed 7.16 acre OP Zone (Additional Restrictions)

The following additional restrictions are being placed on the 7.16 acre proposed OP Zone. These additional restrictions will also apply to the 1.53 acre bank development.

As required by the Pearland UDC we will be constructing an 8 foot high masonry fence that separates the proposed OP from the residential neighbors to the north. The 8 foot high fence and the required plantings will reduce noise and light pollution.

The height of buildings allowed on this 7.15 acre site will be restricted. As shown on Exhibit 8, a rear setback line in excess of the 25' minimum may be required depending on the height of the proposed building. This additional requirement will greatly minimize the visibility of any proposed building from the neighboring residential area to the north.

The hours of business operation in the proposed 7.16 acre OP Zone shall be restricted to 6 a.m. to 9 p.m.

Flexibility of land uses may be granted within the boundaries of the PUD, provided they are in compliance with the acreage restrictions referred to above and otherwise conform to the City of Pearland regulations for such uses.

The assigned zoning designations and the total acreage for each are as follows:

Table 3 – Assigned Zoning Designations

Land Use	Acreage	Zoning Designation
Office Professional	12.29	OP – Office Professional
General Business	5.0 Ac.	GB – General Business
Parks, Recreation, Green or Common Open Space	4.99	R-4 Maximum Density Single-Family
Collector Streets	2.70 Ac.	
Proposed Detention Facilities	5.28 Ac.	
R-4 PUD Single-Family Residential	17.43	
Total	47.65 Ac	

* Represents off-site Right-of-Way needed for Collector, excluded from Total Acreage. Includes crossing of 90' City of Pearland Drainage Easement and 80' HL&P (CenterPoint Energy) Easement.

VI. Phasing and Development Schedule

It is anticipated that Province Village PUD would be developed in phases with Tract One anticipated within the initial phasing and a portion of the General Business parcel fronting East Broadway. However, the location and timing of phases will be dependent upon market driven forces. At the time of this submittal, it is the intent of the applicant to develop the Office Professional parcel as well as retaining some out parcels for the real estate market where also, at this time the applicant intends on providing street and infrastructure construction within the residential tracts marketing the lots to home building entities. The applicant does reserve the right to market entire non-improved residential tracts to home building entities.

Maximum coverage of the buildable area, either within the Office Professional, General Business, or Residential designated areas, for primary or accessory buildings, structures, or dwelling units shall comply with all requirements of the current Unified Development Code for the City of Pearland.

VII. Legal Description and Boundary Survey

LEGAL DESCRIPTION

Province Village P.U.D. consists of three parcels. As of the date of this application Tracts One and Two are owned by Tex Proj 2008 LLC, Dan Brown, 3049 Sherwood Forest, Baton Rouge, Louisiana 70815. Tract Three is owned by T. & B. Alexander Family, L.P., General Partner: T. & B. Alexander Limited, Inc.

Legal Description, City of Pearland, Province Village P.U.D.

The following descriptions comprise 47.65 Acres, divided into three parcels. Tract One contains 15.00 acres, Tract Two contains 26.9158 acres with Tract Three containing 5.7375 acres.

Tract One

DESCRIPTION OF 15.000 ACRES

TRACT ONE

Of a 15.000 acre tract of land out of the Dissen called 136.955 acre tract, recorded in Volume 505, Page 86, of the Deed Records of Brazoria County, Texas, situated in the Thomas J. Green Survey, Abstract 198, Brazoria County, Texas, more particularly described by metes and bounds as follows:

BEGINNING at a 5/8-inch iron rod set in the southeasterly line of Pearland Parkway (130' R.O.W.) marking the westerly corner of herein described tract and the northerly corner of a 18.000 acre tract that bears South 62° 50' 53" East, 68.63' and North 45° 52' 02" East, 931.96' from a 1/2-inch iron rod found marking the west corner of aforesaid 136.955 acre Dissent tract. Also being in the northerly line of F.M. 518 (100' R.O.W.) and the centerline of said Pearland Parkway;

THENCE North 45° 52' 02" East with the southeasterly line of Pearland Parkway a distance of 649.29' to a 5/8-inch iron rod set marking the northerly corner of herein described tract;

THENCE South 62° 50' 53" East a distance of 1275.40' to a 5/8-inch iron rod set in the northerly line of a 90' wide drainage easement to the City of Pearland, recorded in the Volume 87, Page 765, Official Records, marking the easterly corner of the herein described tract;

THENCE South 73° 46' 37" West with the northerly line of said 90' drainage easement a distance of 608.52' to a 5/8-inch iron rod set at an angle point in said easement for corner;

THENCE South 67° 12' 31" West continuing along said easement a distance of 163.33' to a 5/8-inch iron rod set at an angle point in said easement for corner;

THENCE South 52° 53' 48" West continuing along said easement a distance of 79.97' to a 5/8-inch iron rod set, marking the southerly corner of herein described tract. Also being the east corner of aforesaid 18.000 acre tract;

THENCE North 62° 50' 53" West with the common line of said 18.000 acre tract and herein described tract containing 15.000 acres or 653,400 square feet of land.

Tract Two

**DESCRIPTION OF
26.9158 ACRES**

TRACT TWO

Of a 26.9158 acre tract of land in the Thomas J. Green Survey, Abstract 165, Brazoria County, Texas and being a part of that certain 136.955 acre tract conveyed from Jennie J. Settegast, et al, to W.J. Dissen by instrument recorded in Volume 505, Page 86 of the Deed Records of Brazoria County, Texas, more particularly described as follows:

BEGINNING at a point in the northerly line of F.M. 518 (Broadway) marking the most southerly and beginning corner of herein described tract that bears North 62° 50' 53" West, 347.72' from a 5/8-inch steel rod found marking the southerly corner of aforesaid 136.955 acre tract from said point beginning a found 3/4-inch steel rod bears North 45° 05' 47" East, 0.58' also being the westerly corner of a 1.955 acre tract conveyed to H. L. & P. Company by instrument recorded in Volume 1147, Page 19 of the Deed Records of Brazoria County;

THENCE North 62° 50' 53" West with the northerly line of F.M. 518 and southerly line of said 136.955 acre tract a distance of 765.52' to 5/8-inch steel rod set marking the westerly corner of herein described tract being the southerly corner of a 90' wide drainage easement recorded in Volume (87) Page 765 of the Official Records of Brazoria County, Texas;

THENCE North 45° 23' 48" East with the southeasterly line of said 90' easement a distance of 765.40' (called 765.02') to a 5/8-inch steel rod set an angle point in said drainage easement;

THENCE North 52° 53' 48" East with the southeasterly line of said drainage easement a distance of 198.18' to a 5/8-inch steel rod set at an angle point in said 90' drainage easement;

THENCE North 67° 12' 31" East with the southeasterly line of said drainage easement a distance of 146.87' to a 5/8-inch steel rod set at an angle point in said easement;

THENCE North 73° 46' 37" East, with the southerly line of said drainage easement a distance of 589.10' to a 5/8-inch steel rod set at an angle point in said easement, being the most northerly corner of herein described tract;

THENCE South 46° 43' 39" East with the southerly line of said drainage easement at 225.83' set at a 5/8-inch steel rod for reference corner continuing for a total distance of 283.02'

to a point on the centerline of Clear Creek for corner being on the Harris County and Brazoria County Line;

THENCE along the centerline of Clear Creek and county line of the following courses and distances:

South 08° 58' 14" West, 52.01' feet to an angle point for corner;

South 01° 58' 30" West, 34.90' feet to an angle point for corner;

South 15° 20' 57" East, 39.69' feet to an angle point for corner;

South 19° 42' 33" East, 57.52' feet to an angle point for corner;

South 14° 09' 52" East, 79.51' feet to an angle point for corner;

South 14° 33' 54" East, 57.77' feet to an angle point for corner;

South 17° 08' 04" East, 75.39' feet to an angle point for corner being in the northwesterly line of a 80' wide H. L. & P. Company transmission easement conveyed as Tract 2 by instrument recorded in Volume 1147, Page 19 of the Deed Records of Brazoria County, Texas;

THENCE South 45° 07' 16" West departing the centerline of Clear Creek a distance of 64.30' to a 5/8-inch rod set at an angle point for corner;

THENCE South 45° 06' 05" West continuing along the northwesterly line of said 80' easement a distance of 724.73' to a 3/4-inch steel rod found for corner being the easterly corner of aforesaid H.L. & P. Company 1.955 acre tract;

THENCE North 44° 56' 04" West with the northeasterly line of said 1.955 acre tract a distance of 260.00' to a 3/4-inch steel rod found for corner being the northerly corner of said 1.955 acre tract;

THENCE South 45° 05' 47" West with the northwesterly line of said 1.955 acre tract at 380.91' (called 381.19') pass a 3/4-inch steel rod found continuing for a total distance of 381.49' to a point of beginning of herein described tract containing 26.9158 acres of land. Subject to 2.7 acres more or less within the flood plain.

Tract Three

DESCRIPTION OF 5.7375 ACRES

TRACT THREE

Of 5.7375 acres of land being situated in the W.D.C. Hall Survey, Abstract No. 23, Harris County, Texas, and being out a 468.92 acre tract being more fully described in Volume 1676, Page 362 of the Deed Records of Harris County, Texas, said 1.3366 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8-inch iron rod set for corner in the northwesterly right-of-way line of Country Club Drive, said iron rod bears North 37° 14' 08" East, a distance of 166.33 feet from the intersection of the northwesterly right-of-way line of said Country Club Drive and the described centerline of Clear Creek;

THENCE North 14° 10' 00" West along the easterly line of a residue of a 240 foot drainage easement, as recorded in Volume 2582, Page 164 of the Deed Records of Harris County, Texas, a distance of 101.60 feet to a 5/8-inch iron rod set for corner;

THENCE North 54° 56' 00" West continuing along the easterly line of said residue, a distance of 241.07 feet to a 5/8-inch iron rod set for corner;

THENCE North 09° 49' 00" West continuing along the easterly line of said residue, a distance of 243.61 feet to a 5/8-inch iron rod set for corner in the northwesterly line of said 568.92 acre tract, same being the southerly line of an 80 foot wide Houston Lighting & Power Company easement recorded in Harris County Clerk's File No. D739468;

THENCE North 45° 00' 30" East along the northwesterly line of said 468.92 acre tract and the southerly line of said 80 foot wide Houston Lighting & Power Company easement, a distance of 543.53 feet to a 5/8-inch iron rod set in the westerly line of a Harris County Flood Control easement;

THENCE South 02° 00' 00" East along the westerly line of said Harris County Flood Control easement, a distance of 27.78 feet to a 5/8-inch iron rod set for the beginning of a curve to the left;

THENCE with said curve to the left, having a radius of 595.00 feet, a central angle of 42° 59' 31", an arc length of 446.46 feet, a chord bearing of South 23° 29' 43" East and a chord distance of 436.06 feet to a 5/8-inch iron rod set for a point of tangency;

THENCE South 44° 59' 30" East, a distance of 27.41 feet to a 5/8-inch iron rod set for corner on the northerly right-of-way line of County Club Drive (based on a 80.00 foot wide right-of-way);

THENCE South 37° 14' 08" West along the northwest right-of-way line of said Country Club Drive, a distance of 520.36 feet to a 5/8-inch iron rod set for the PLACE OF BEGINNING of the herein described tract and containing within these calls 249,925 square feet or 5.7375 acres of land.

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

BOUNDARY SURVEY

Please refer to Exhibit 7 – Boundary Survey.

Applicant's Response: See Page 9. The drive thru/ATM will be oriented so that lights will not shine directly into the residential areas to the North.

8. State that the mowing of the site is now on a bi-weekly contract with _____ and that the City of Pearland will be responsible for this after the City accepts the street (give a date).

Applicant's Response: Incomplete.

9. The primary facade for the bank (or any bank) shall be Pearland Parkway and the all requirements of the UDC will be met (including the requirements of the Corridor Overlay District)

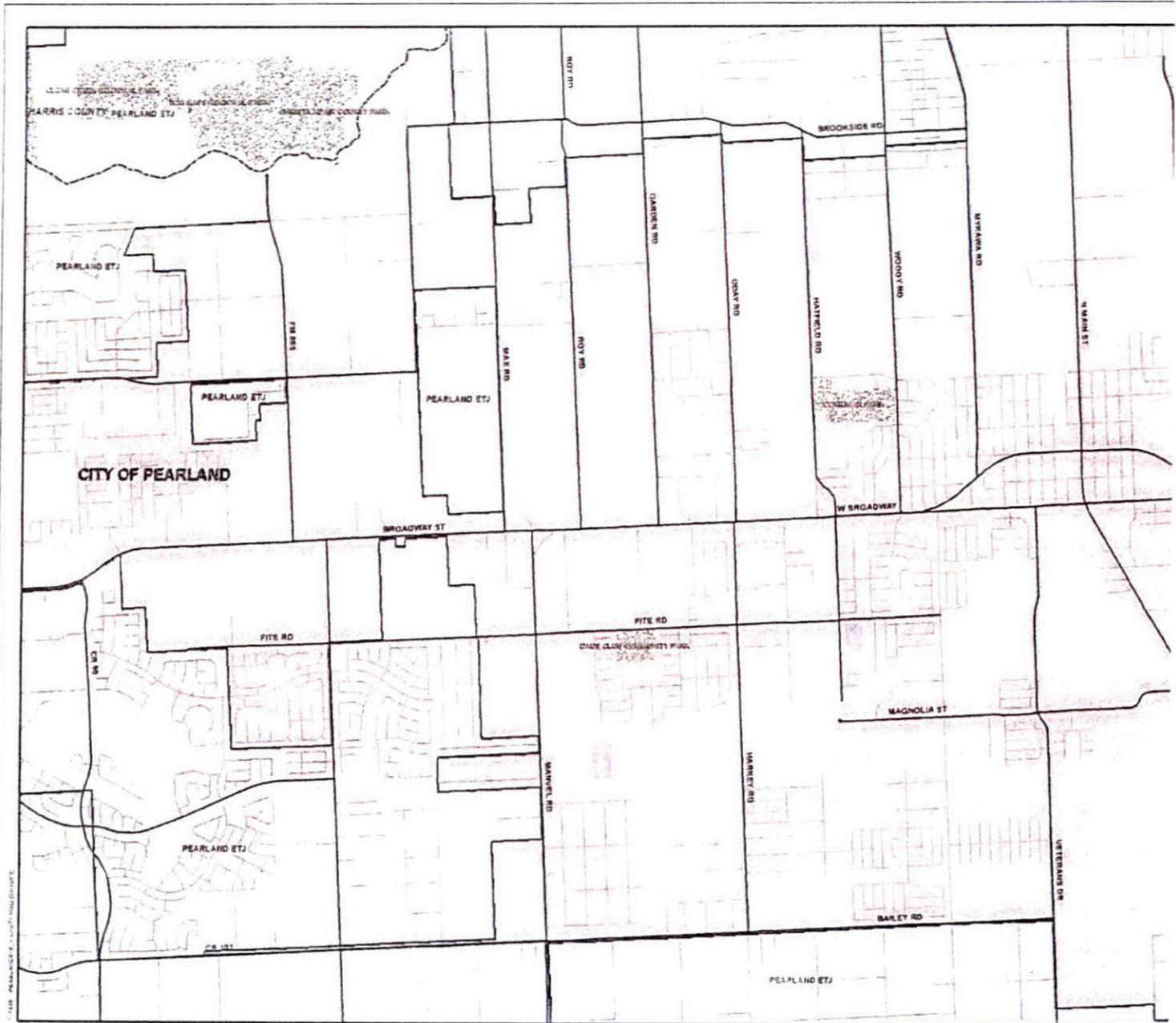
Applicant's Response: See Page 10 of the PD Document. States that the facade will meet the corridor overlay district requirements in the current Unified Development code.

STAFF RECOMMENDATION: Staff recommends approval of Zone Change No. 2009-11Z as proposed by the applicant, for the following reasons:

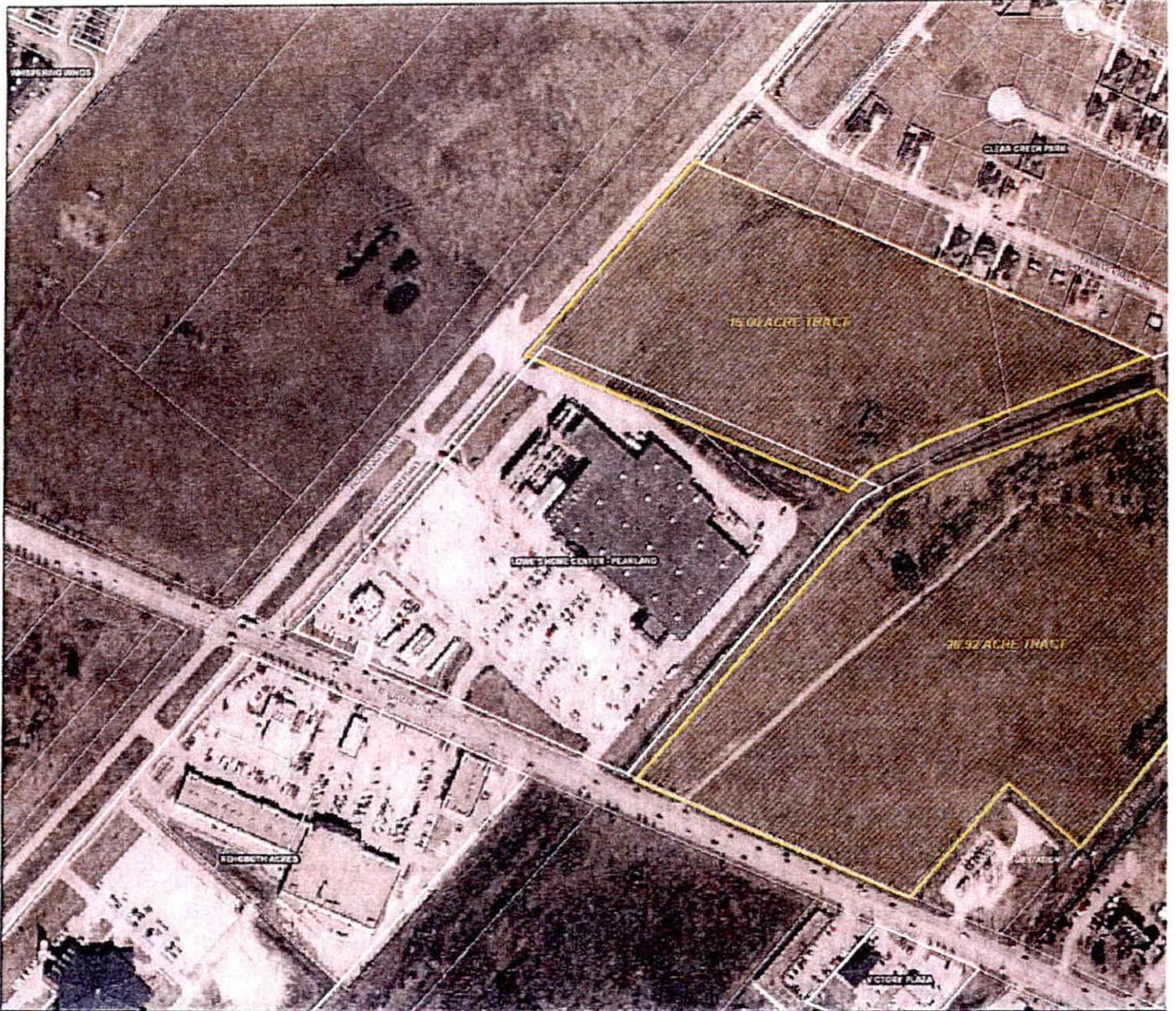
1. Impact on surrounding uses- The proposed PD amendment should not have any negative impact on the surrounding properties and developments since OP Zones are compatible to adjacent residential uses.
2. The proposed PD Amendment will permit the applicant to develop Tract One of the Province Village PD with Office Professional Uses.
3. Could be used as an appropriate buffer to residential properties to the north.

SUPPORTING DOCUMENTS:

- Zone Change Application
- Location Map
- Property Ownership Map
- Property Owner Notification List
- Zoning Map
- Future Land Use Plan
- Aerial Photograph
- Other Maps and Related Documents



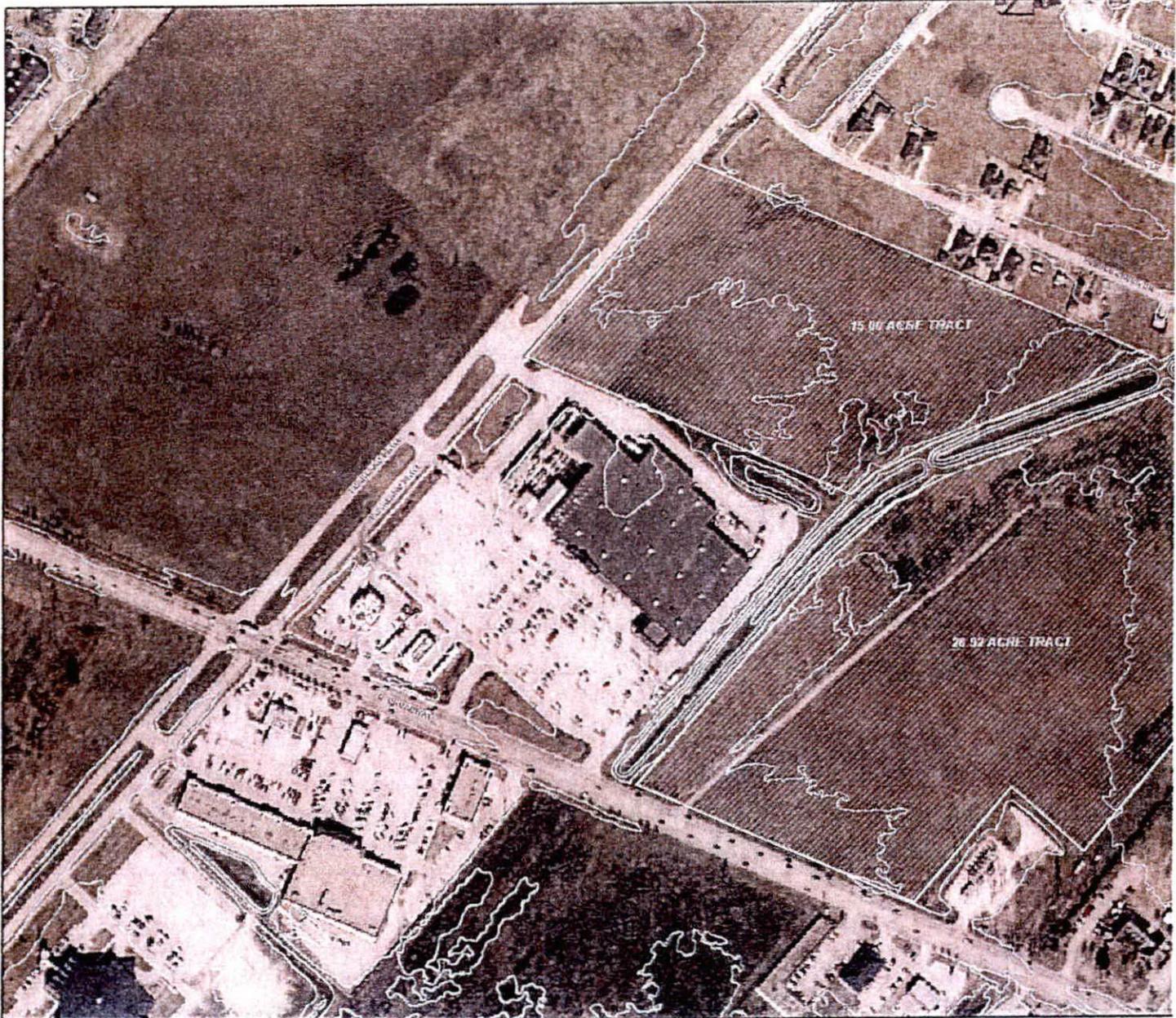
SCALE: 1" = 3,000 FEET



SCALE: 1" = 300 FEET

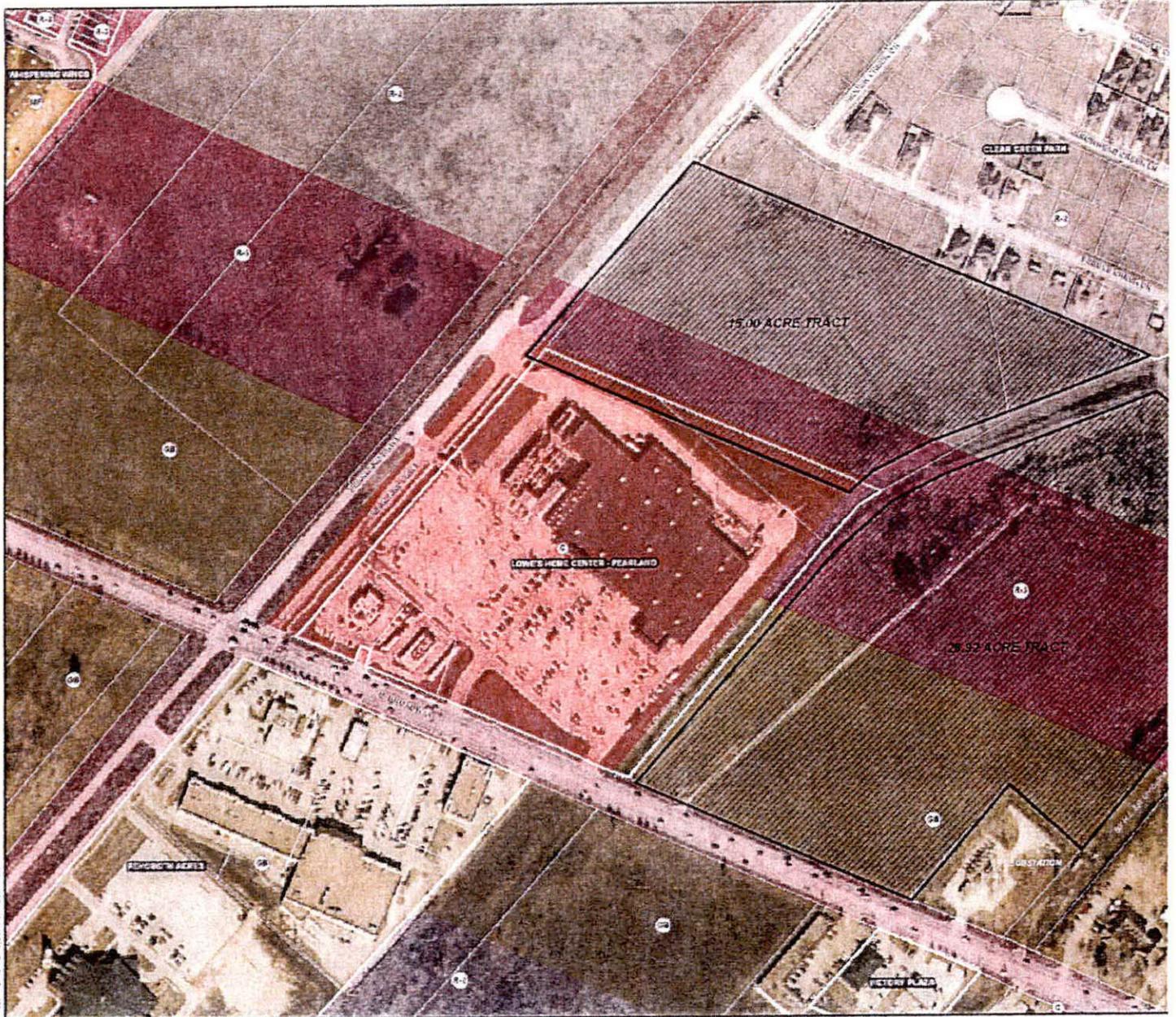


AERIAL PHOTOGRAPH DATE: JANUARY 2002



SCALE: 1" = 300 FEET

AERIAL PHOTOGRAPH DATE: JANUARY 2002
 TOPOGRAPHIC DATA SOURCE: HARRIS COUNTY Z-LEAP (TSAPP - TROPICAL STORM ALLISON RECOVERY PROJECT)
 MURDER: 2001 ADJUSTMENT

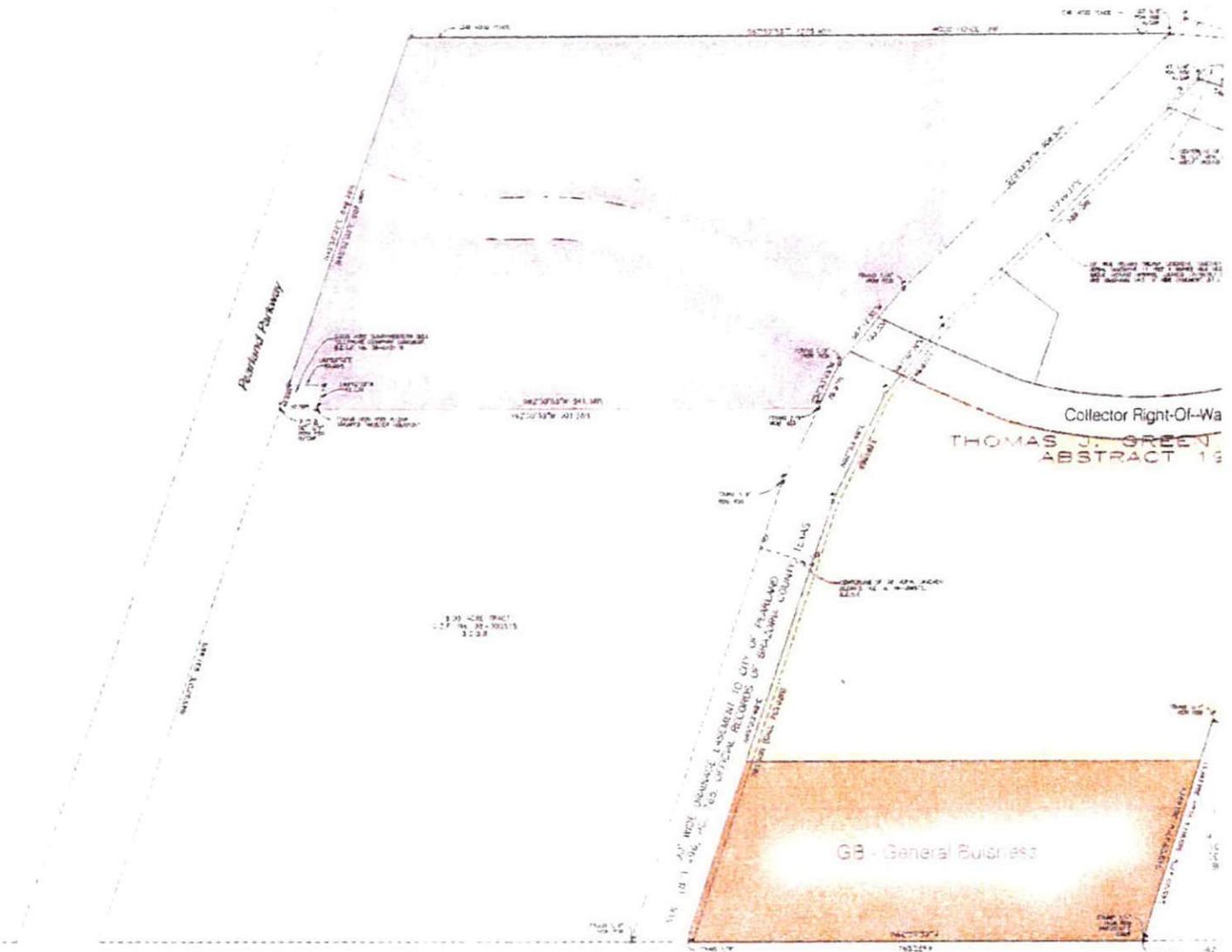


SCALE: 1" = 300 FEET



AERIAL PHOTOGRAPH DATE: JANUARY 2002

PLAN 513
11/20/04
SC 1



E.M. 513



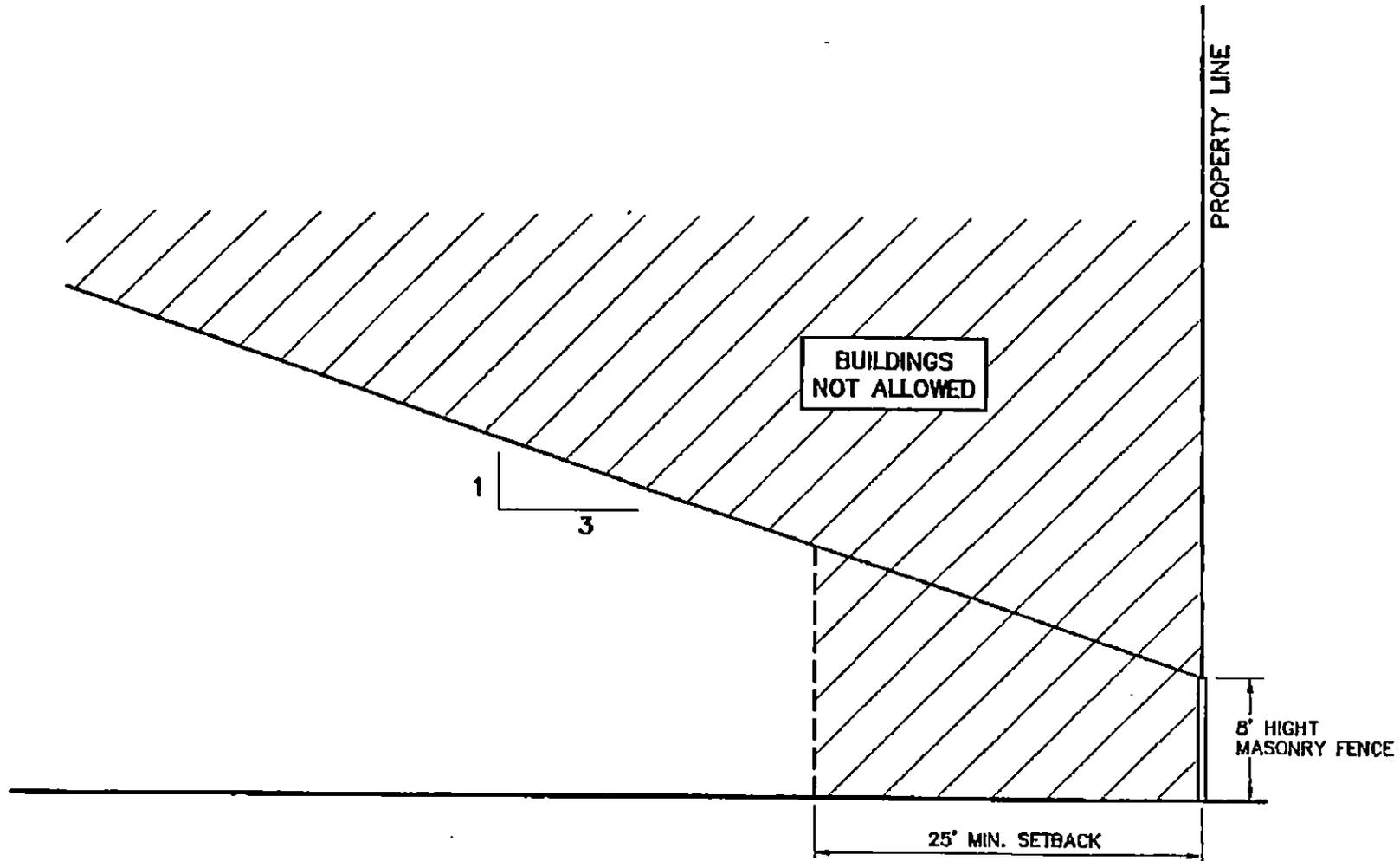


EXHIBIT 8
REAR SETBACK REQUIREMENT
SCALE 1"=10'

UPDATE OF ZONING CASES

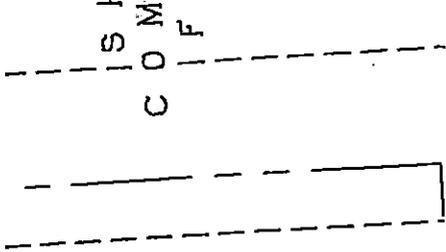
CASE #	NAME	LOCATION	JPH DATE	STAFF RECOMMENDATION	P & Z STATUS	CC STATUS
Zone Change 2009-04Z	Brazoria Drainage District #4	2501 Francis Drive and 4807 Broadway	05/18/09	Approval	Tabled 5/18/09 P&Z Concerns-that this would set a precedence and allow spot zoning and the commercial district to encroach in the residential district. Public Concerns-this proposed zone change would cause increased drainage issues with flooding and it would devalue their property. Scheduled for P&Z on June 1, 2009.	TABLED
Zone Change 2009-05Z	From M-1 and GB to all GB	2070 Mykawa		Withdrawn by Applicant They have applied for a CUP 2009-08		Withdrawn
Zone Change 2009-06Z PD Amendment	Bellavita PD Amendment	Bellavita Subdivision	06/15/09	P&Z Recommended Approval w/out conditions		Approved 7/27/09
CUP 2009-08 To Permit Gas Station and Retails Suites	To permit a Gas Station and Retails Suites in the M-1 and GB Zoning District	2070 Mykawa and Orange	6-15-09	P&Z Recommended Denial		Denied 6/22/09

UPDATE OF ZONING CASES

CASE #	NAME	LOCATION	JPH DATE	STAFF RECOMMENDATION	P & Z STATUS	CC STATUS
UDC2000T-11 Amendment to the UDC for Pools, Scriveners Error, and M-1 changes	Amendment to the UDC for Pools, Scriveners Error, and M-1 changes	N/A	6-15-09	Approval w/out conditions	Approval w/out conditions	Approved 7/27/09
CUP 2009-09	Lyrbrand –Gas Station and C-Store	Kirby and CR59	July 20, 2009		Tabled 7/20/09 Need more details. Received a email stating they will return in March 2010	
CUP 2009-10	Life Pointe Church	3011 Yost Blvd.	August 17, 2009	August 17, 2009 Approval	Approval	Approved
CUP 2009-11	Cole's Flea Market	1014 N. Main Street	August 17, 2009	August 17, 2009 consideration	Denial	Denied with Prejudice
CUP 2009-12	Sonic Drive In/Thru Pearland ISD	1924 Main Street	August 17, 2009	Not posted properly/heard on 9/21/09	9/21/09 approved	Approved 9/28/09
2009-07Z	Jung Kwak	withdrawn				Withdrawn
2009-08Z	Dr. David Peter Patton	2905 FM 1128	July 20, 2009	Approval from R-1 to OP Denial from R-1 to GB	Tabled Scheduled for August 3 to remove from Table	
2009-09Z	Jung Kwak	2620 Cullen Parkway	August 17, 2009	Approval	Approval	Approval
2009-10Z	Lingo South Fork Ltd./Tracy Goza	3.8 acres on Kirby Dr. west of PTC, south of water tower		Waiting for proper legal description-sent 2 nd email 9/22/09		
2009-11Z	Warren Escovey	Province Village	September 21, 2009	Approval	Tabled by P&Z	

UPDATE OF ZONING CASES

CASE #	NAME	LOCATION	JPH DATE	STAFF RECOMMENDATION	P & Z STATUS	CC STATUS
2009-14Z	Baker/Blaire Korndoffer	Between SH 35 and Old Alvin south of Hampshire	10/19/09			
2009-12Z	Gerald Olson/Narmin Parpia	8017 Fite Road	9/21/09	Approval	Approval	
2009-13Z	CBL/Pearland Town Center	Pearland Town Center	TBA	Consider the Zone Change for Off-Site Signage	Tabled-meeting with LJA Engineering on 10/1/09 to discuss issues.	
CUP 2009-13	Gerald Olson/Narmin Parpia	8017 Fite Road	9/21/09	Approval-can't go to CC until the Zone Change 2009-12Z goes to CC	Approval with conditions 1) No outside storage	
CUP 2009-14	Baker/Blaire Korndoffer	Between SH 35 and Old Alvin south of Hampshire	10/19/09			
CUP 2009-15	Baker/Blaire Korndoffer	Between SH 35 and Old Alvin south of Hampshire	10/19/09			



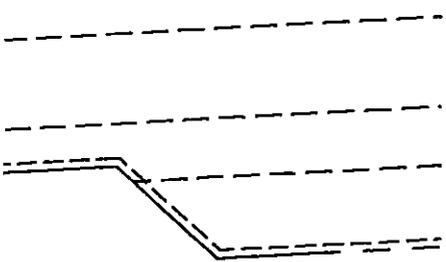
- SQ. FT. - SQUARE FEET
- VOL. - VOLUME
- ☀ - EXISTING STREET LIGHT
- ✳ - PROPOSED STREET LIGHT

1' E

REASON FOR REPLAT:
TO RE-SUBDIVIDE LOT "A" INTO LOTS "A" AND "A1"

11500 BLOCK OF SHADOW CREEK PARKWAY

THIRD PARTIAL REPLAT OF SHADOW CREEK RANCH COMMERCIAL SITE NO. 18A



A SUBDIVISION OF 16.216 ACRES / 706,354 SQ. FT.
BEING A REPLAT OF LOT "A" OF THE SECOND
PARTIAL REPLAT OF SHADOW CREEK RANCH,
COMMERCIAL SITE NO. 18A, AS RECORDED IN FILE NO.
2008035477, OF THE OFFICIAL RECORDS OF BRAZORIA
COUNTY, TEXAS, SITUATED IN THE OBEDIAH PITTS
SURVEY, ABSTRACT NO. 717 AND THE T.C.R.R. CO.
SURVEY, SECTION 4, ABSTRACT NO. 675, CITY OF
PEARLAND, BRAZORIA COUNTY, TEXAS

1 BLOCK 2 LOTS

October, 2009

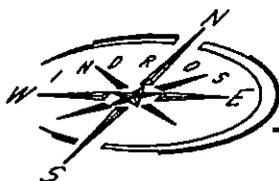
Owner / Developer
CG-SHADOW CREEK RANCH VILLAGE, L.P.

Tod M. Greenwood, Member
2121 Sage, Suite 290
Houston, TX 77056
Phone: (713) 266-9200

Surveyor

Contact: Robert Kness

Windrose Land Services, Inc.
3628 Westchase
Houston, Texas 77042
Phone (713) 458-2281 Fax (713) 461-1151



Professional Development Consultants
Land Surveying, Platting, Project Management, GIS Services



MEMO

TO: PLANNING & ZONING COMMISSION
FROM: JUDY KRAJCA, PLANNING ADMINISTRATIVE SECRETARY
DATE: October 15, 2009
RE: Outline of October 19, 2009 Meeting

The evening will begin with dinner arriving at 5:15 p.m. The menu is:

Chicken Pot Pie
Broccoli
Sweet Potato Casserole
Assorted Breads

Apple Crisp and Ice Cream

Executive Snack for P&Z

The order was placed for 23

P&Z Agendas Posted:

6:30 p.m. Joint Public Hearings
7:00 p.m. Joint Workshops
7:00 p.m. P&Z Regular Meeting

Council Chambers, City Hall
Council Chambers, City Hall
2nd Floor Conference Room, City Hall

City Council's Agendas Posted:

6:30 p.m. Joint Public Hearings
7:00 p.m. Joint Workshops
7:00 p.m. Workshop (Council)

Council Chambers, City Hall
Council Chambers, City Hall
Council Chambers, City Hall

AGENDA – REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD OCTOBER 19, 2009 AT 6:30 P.M., IN THE 2ND FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

*Absent:
J. Kozak Jr
Out of country
D. Diggs
(ill heart attack)*

@ 7:08 pm

I. CALL TO ORDER *by Acting Chair - Charles Gooden Jr.*

II. APPROVAL OF MINUTES *Regular Meeting of September 21, 2009*

III. NEW BUSINESS

*approved 5-0
m- _____ (2nd- _____)*

A. CONSIDERATION & POSSIBLE ACTION – ZONE CHANGE NO. 2009-14Z

A request of Blaire Korndorffer, applicant for Felton M and Mary C Baker, owners, for a change in zoning from the Office Professional (OP) Zoning District to the General Commercial (GC) Zoning district, on the following described property, to wit:

Legal Description: Approximately 3.7561 acres of land being Lots O, R, U, and N. Replat of Pearland Pavilion Subdivision recorded in volume 17, Pages 395-398, Brazoria county Map Records, Brazoria County, Texas and being out of the H.T. & B.R.R. Company Survey, Section 2, Abstract 239, and A.C.H. & B. Survey, Section 1, Abstract 147 in Brazoria County, Texas.

General Location: Generally located at the southwest corner of Hampshire Road and Old Alvin Road, Pearland, Texas

no action as JPH did not take place

(due to lack of quorum from CC)

B. CONSIDERATION & POSSIBLE ACTION – CONDITIONAL USE PERMIT NO. CUP2009-14

A request of Blaire Korndorffer, applicant for Felton M and Mary C Baker, owners, for a conditional use permit to allow office/warehouse with sales to the public in the General Commercial (GC) Zoning District, on the following described property, to wit:

Legal Description: Approximately 6.0415 acres of land being Lots K, N, O, R and U. Replat of Pearland Pavilion Subdivision recorded in volume 17, Pages 395-398, Brazoria county Map Records, Brazoria County, Texas and being out of the H.T. & B.R.R. Company Survey, Section 2, Abstract 239, and A.C.H. & B. Survey, Section 1, Abstract 147 in Brazoria County, Texas.

General Location: Generally located at the north side of Mary's Creek between SH 35 and Old Alvin, Pearland, Texas

no action as JPH did not take place

C. CONSIDERATION & POSSIBLE ACTION – CONDITIONAL USE PERMIT NO. CUP2009-15

no action as JPH did not take place

A request of Blaire Korndorffer, applicant for Felton M and Mary C Baker, owners, for a conditional use permit to allow conditioned storage in the General Commercial (GC) Zoning District, on the following described property, to wit:

Legal Description: Approximately 20.1374 acres of land being Lot V. Replat of Pearland Pavilion Subdivision recorded in volume 17, Pages 395-398, Brazoria county Map Records, Brazoria County, Texas and being out of the H.T. & B.R.R. Company Survey, Section 2, Abstract 239, and A.C.H. & B. Survey, Section 1, Abstract 147 in Brazoria County, Texas.

General Location: Generally located at the south side of Hampshire Road, Pearland, Texas

D. DISCUSSION ITEM

no discussion

Next P&Z Regular Meeting
Land Use Workshop – Presentation to Council

November 2, 2009
November 2, 2009

IV. ADJOURNMENT

@ 1:09

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.

I, Judy Krajca, Planning Secretary of the City of Pearland, Texas, do hereby certify that the foregoing agenda was posted in a place convenient to the general public at City Hall on the 16th day of October, 2009 A.D., at 5:30 p.m.

Judy Krajca, Planning Office Coordinator

Agenda removed _____ day of October 2009 A.D