

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD NOVEMBER 16, 2009, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

Zone Change No. 2009-13Z

A request by CBL and Associates, Inc., 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 Pearland Town Center, on the following described property, to wit:

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

General Location: Generally Located on the South Side of Broadway Street, on the East Side of Kirby Drive, and on the West Side of Business Center Drive.

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT

B. APPLICANT PRESENTATION

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.

JOINT PUBLIC HEARING AGENDA ITEM MEETING OF NOVEMBER 16, 2009

Zone Change No. 2009-13Z

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General Location: Generally located on the south side of Broadway Street, on the east side of Kirby Street, and on the west side of Business Center Drive, Pearland, TX

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, 2009*

City Council for Second Reading: December 14, 2009*

(*dates subject to change if item is tabled)

SUMMARY: The applicant is requesting an approval of an amendment to the Pearland Town Center PD Document for the purposes of allowing off-premise signs within the project boundaries as shown in Exhibit B, on page 40 of the PD Document.

The current UDC does not allow off-premise signs. The UDC allows multi-user and multi-tenant signs as defined. Other than these 2 types of signs, no-off-premise or off-site signs are permitted.

Staff believes that the signage located on the interior facades (not visible from the outer parking lots, public streets, and periphery of Pearland Town Center PD) are similar to the interior signage within an enclosed mall.

Staff has been working with the applicant and has held 4 meetings and 3 workshops at the City of Pearland, and has been communicating via phone and email. The applicant is proposing the following for the 10 off-premise advertising wall signs as outlined in Exhibit B in the revised PD Document and Exhibit H Off-Premise Advertising Wall Design Guidelines:

The Color Palette Option and the Frame Option.

The Color Palette Option has:

1. 29 Colors to choose from
2. 8 Pattern Backgrounds to choose from
3. 63 Images to choose from (approximately)
4. Not more than 30% of the total sign area would be permitted for Advertising Text.

The Frame Option has:

1. 6 Frames to choose from
2. 6 Patterns to choose from
3. 6 different images on the patterns to choose from
4. 50% of the total sign area is to be dedicated to the client for advertising of their choice. The color palette in this area does not apply and the client may place anything in this area.

Staff and City Council had the following concerns from the previous workshops that have been addressed:

- 1) Reduce the number of signs.
- 2) Incorporate a Pearland Town Center background theme for these signs - as shown in the exhibit B-2
- 3) Reduce the area of advertising on these signs - provide specific areas.
- 4) Revise the PUD language to allow for off premise advertising signs- only on these signs.
- 5) Provide a diagram showing specific locations of these signs.
- 6) Provide criteria for these signs.
- 7) Show specific examples of the sign design and how it applies.

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	Shadow Creek Ranch PD (PD)	Shadow Creek Ranch
South	Single Family Residential-1 (R-1) and Residential Estate (RE)	Single Family Residential
East	Business Park 288 (BP 288)	SH 288
West	Ridgerock PD (PUD)	Vacant

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The subject property is currently zoned as Pearland Town Center PD (PD). The subject property meets the minimum requirements of the Pearland Town Center PD Document as approved by Ordinance No. 509-819.

The applicant will be required to comply with all other requirements of the Unified Development Code. The attached PD Document shows the proposed changes in red.

PLATTING STATUS: The property has been platted.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Low Density Residential and Business Park Uses" for the subject property and the surrounding properties. The Comprehensive Plan further indicates that the appropriate zoning district for "Low Density Residential and Business Park Uses" is the R-E, R-1 and a New Non-Residential District to be created. This is a planned development and is in conformance with the current Comprehensive Plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Broadway, a major thoroughfare with an ultimate right-of-way greater than 120 feet, frontage on Business Center Drive, a secondary thoroughfare with an ultimate right-of-way of 100 feet, and frontage on Kirby a secondary thoroughfare with an ultimate right-of-way of 100 feet. The applicant has had the property platted and all necessary dedications have been made.

AVAILABILITY OF UTILITIES: The subject parcel is served by public water and sewer.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: With the changes made to the proposed amendment to the Pearland Town Center PD, this should not have a negative impact on the surrounding properties. Staff still believes that the off-premise advertising wall sign that are not visible from any right-of-ways are similar to the interior signage of an enclosed mall.

In addition, the proposal limits the number of signs that are utilized at any given time to 7 out of the 10 listed in the proposed PD Document on page 36. Sign areas, colors, and graphics have been incorporated with the specific off-premise advertising wall design guidelines listed as Exhibit D and staff believes that the off-premise signage will not have a negative impact on the surrounding uses and enhance the character.

SITE PLAN CONSIDERATIONS: A proposed site plan, revised PD Document, and guidelines were submitted as part of the amendment to the PD Document.

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 not received any comments either in opposition to or in support of the proposed zone change request.

STAFF RECOMMENDATION: Staff reviewed the submittal of 11/3/09 and recommends approval of the proposed amendment to the Planned Development Document for the Pearland Town Center as submitted for the following reasons:

1. As opposed to bill board signs, a majority of the signs located within the project boundary which are be seen from public or private rights-of-way may be considered to be like interior signage of an indoor mall.
2. The language in the revised PD Document and in the Off-Premise Advertising Wall Design Guidelines allows staff to review and approve permits for the 10 wall signs referred to as Off-Premise Wall Signs.
3. The proposed Off-Premise Advertising Wall Design Guidelines are in keeping with the theme of the Pearland Town Center will not negatively affect the character and allows the applicant some flexibility for advertising.

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

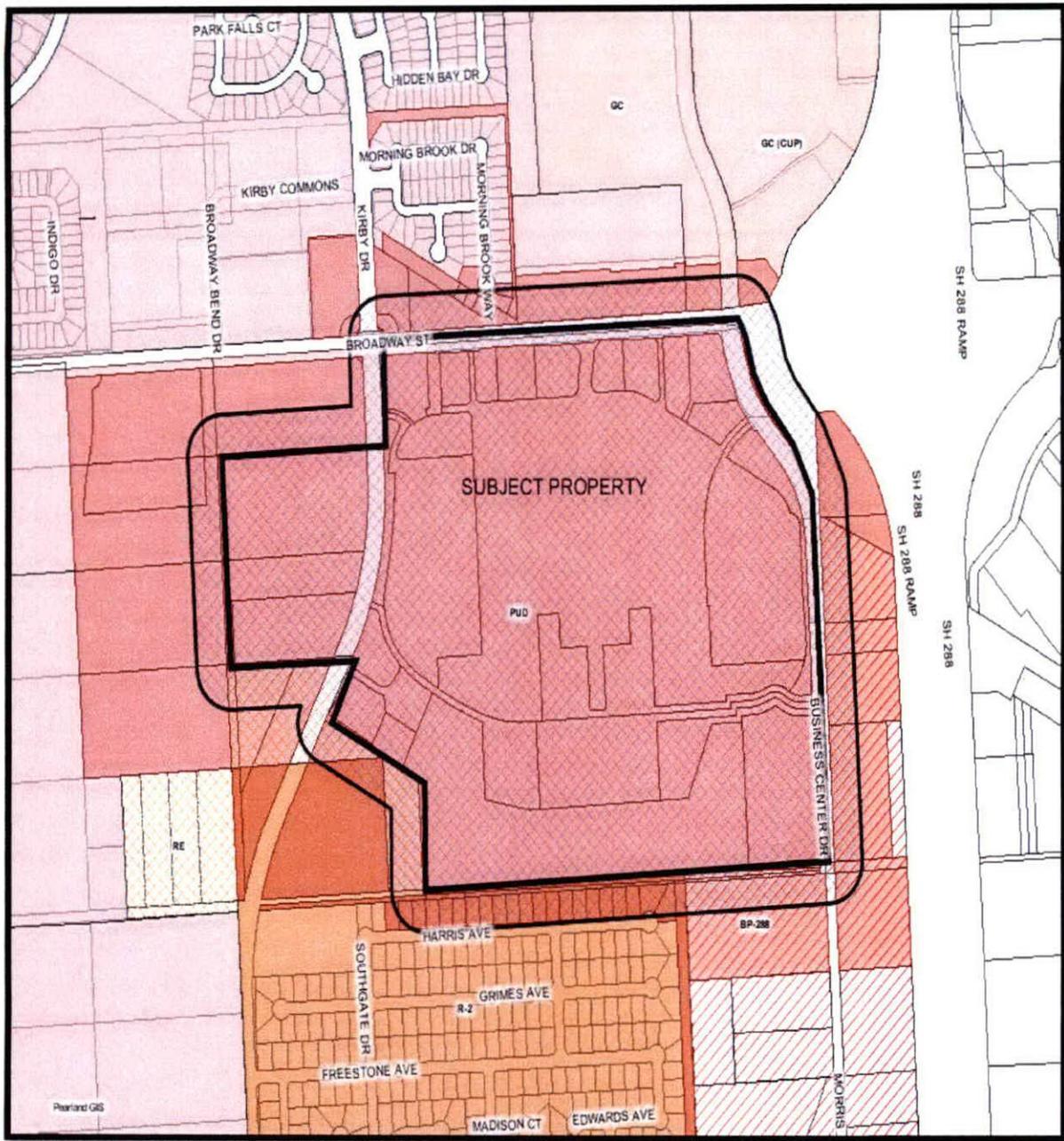


LOCATION MAP

ZONE CHANGE NO. 2009-13Z

PEARLAND TOWN CENTER, PEARLAND, TX





ABUTTER MAP

ZONE CHANGE NO. 2009-13Z

PEARLAND TOWN CENTER, PEARLAND, TX



Zone Change No. 2009-13Z

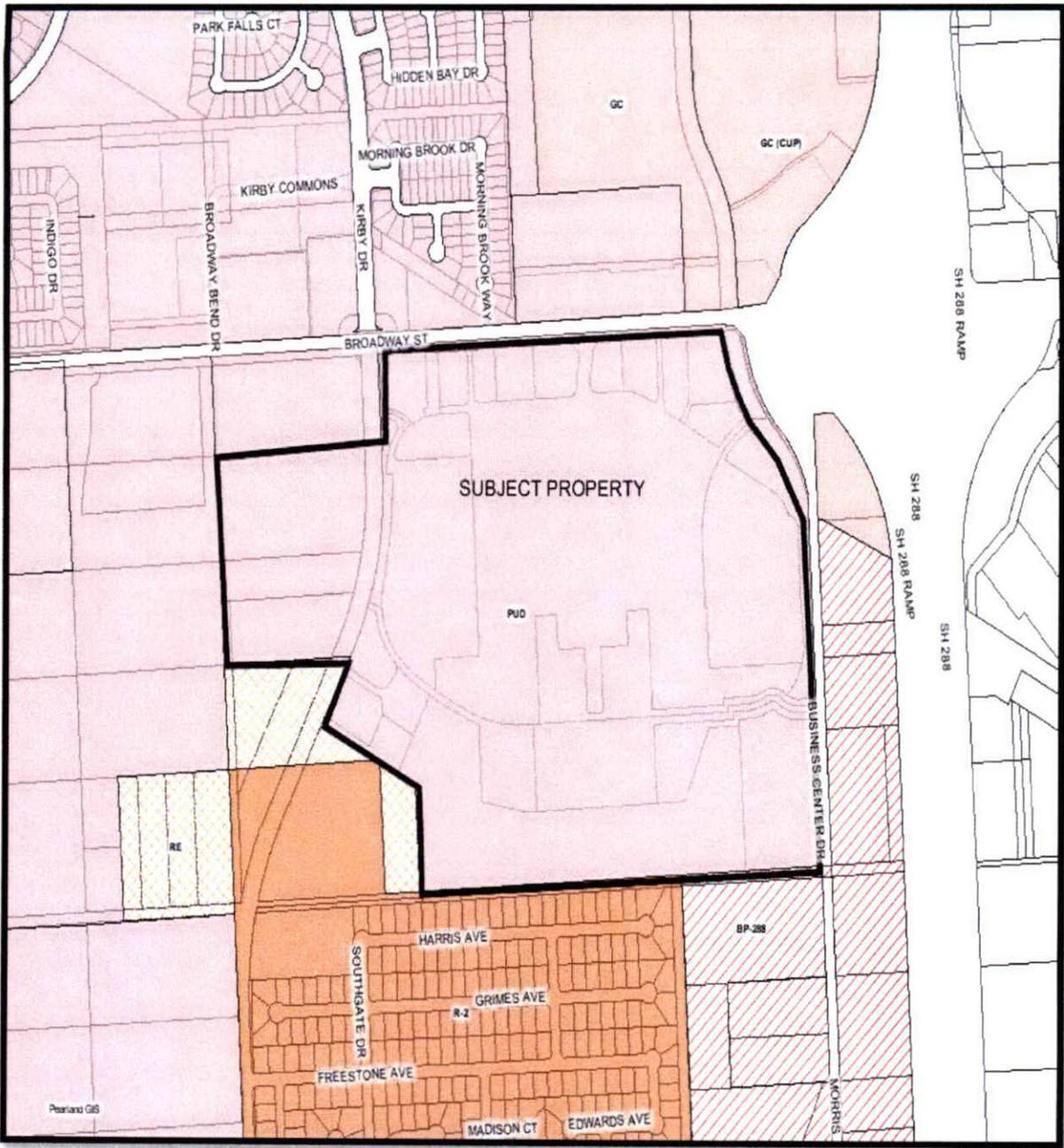
Zone Change for Off-Site Signage at Pearland Town Center

Property Owner List

288/SUGARLAND LP	10575 WESTOFFICE DR	HOUSTON	TX	77042
288/SUGARLAND LP	10575 WESTOFFICE DR	HOUSTON	TX	77042
ABBOTT CHANDA JO & CLIFFORD	11215 HARRIS AVENUE	PEARLAND	TX	77584
AC/SCR LP 3.2	2121 SAGE RD STE 380	HOUSTON	TX	77056
AMERICAN EAGLE FABRICATION & CONSTRUCTION, LLC				
AMREIT SPF SHADOW CREEK LP	8 GREENWAY PLAZA, SUITE 1000	HOUSTON	TX	77046
BENFORD SALLIE JOAN	11307 HARRIS AVE	PEARLAND	TX	77584
CBL & ASSOC MANAGEMENT INC	2030 HAMILTON PLACE BLVD	CHATTANOOGA	TN	37421
CBL & ASSOCIATES MANAGEMENT	2030 HAMILTON PLACE BLVD	CHATTANOOGA	TN	37421
CENTERPOINT ENERGY INC	PO BOX 1475	HOUSTON	TX	77251
CENTERPOINT ENERGY INC	PO BOX 1475	HOUSTON	TX	77251
CERVELLE CUSTOM HOMES LTD	207 E EDGEWOOD DR	FRIENDSWOOD	TX	77546
CHALITA JUAN & VICTORIA	11211 HARRIS AVENUE	PEARLAND	TX	77584
CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
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FOULDS MICHAEL A & LESLIE LAMB	2917 MORNING BROOK WAY	PEARLAND	TX	77584
FUENTES JOSE D	11301 HARRIS AVE	PEARLAND	TX	77584
GRIMES ROBERT & MELINDA	11201 HARRIS AVE	PEARLAND	TX	77584
GRINGO S REAL ESTATE HOLDING INC	2601 UNDERWOOD ROAD	LA PORTE	TX	77571
GY PEARLAND TX-1 LP	4747 WILLIAMS DR	GEORGETOWN	TX	78628
HALES ALAN K & TAMA L	11305 HARRIS AVE	PEARLAND	TX	77584
HAYES KENNETH R &	11311 HARRIS AVE	PEARLAND	TX	77584
HOPKINS JOSEPH DARIN & PEGGY M	11303 GRIMES AVENUE	PEARLAND	TX	77584
HOPKINS MELVIN & JOLYNN	11203 HARRIS AVENUE	PEARLAND	TX	77584
JEFFERSON FREDERICK R & WANDA G	11207 HARRIS AVE	PEARLAND	TX	77584
JOHNSON HARRY J & SYLVIA S	11409 HARRIS AVE	PEARLAND	TX	77581

LAND DEADROL	11401 HARRIS AVE	PEARLAND	TX	77581
LANGHAM PAUL W III & LEFTWICH JAMES J & SHIRLEY R	11217 HARRIS AVE	PEARLAND	TX	77584
LINGO SOUTHFORK LTD	11411 HARRIS AVE	PEARLAND	TX	77584
LINGO SOUTHFORK LTD	3900 MAGNOLIA DR	PEARLAND	TX	77584
LINGO SOUTHFORK LTD	3900 MAGNOLIA DR	PEARLAND	TX	77584
LINGO SOUTHFORK LTD	3900 MAGNOLIA DR	PEARLAND	TX	77584
LINGO SOUTHFORK LTD	3900 MAGNOLIA DR	PEARLAND	TX	77584
LINGO SOUTHFORK LTD	3900 MAGNOLIA DR	PEARLAND	TX	77584
LINGO SOUTHFORK LTD	3900 MAGNOLIA DR	PEARLAND	TX	77584
MARTINEZ GERARDO & JULIE C	2919 MORNING BROOK WAY	PEARLAND	TX	77584
NEW BROADWAY LTD	8807 W SAM HOUSTON PKWY	HOUSTON	TX	77040
NEW BROADWAY LTD	8807 W SAM HOUSTON PKWY	HOUSTON	TX	77040
NEW BROADWAY LTD	8807 W SAM HOUSTON PKWY	HOUSTON	TX	77040
NEW BROADWAY LTD	8807 W SAM HOUSTON PKWY	HOUSTON	TX	77040
NEW BROADWAY LTD	8807 W SAM HOUSTON PKWY	HOUSTON	TX	77040
PATEL RAJNIKANT & KUSUM & PEARLAND INVESTMENTS LIMITED PARTNERSHIP	2912 MORNING BROOK WAY	PEARLAND	TX	77584
PEARLAND INVESTMENTS LIMITED PARTNERSHIP	PO BOX 95398	LAS VEGAS	NV	89193
PEARLAND INVESTMENTS LIMITED PARTNERSHIP	PO BOX 95398	LAS VEGAS	NV	89193
PEARLAND INVESTMENTS LTD PRT	PO BOX 95398	LAS VEGAS	NV	89193
PEARLAND INVESTMENTS LTD PRT	PO BOX 95398	LAS VEGAS	NV	89193
PEARLAND INVESTMENTS LTD PRT	PO BOX 95398	LAS VEGAS	NV	89193
PEARLAND TOWN CENTER LP	2030 HAMILTON PLACE BLVD STE 500	CHATTANOOGA	TN	37421
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SHADOW CREEK RANCH MAINTENANCE	% AMI	HOUSTON	TX	77040
STRASSERKING FIONA E	11213 HARRIS AVE	PEARLAND	TX	77584
SUEBA INVESTMENTS 308 LTD	1800 W LOOP S STE 1300	HOUSTON	TX	77027
TRAILS DEVELOPMENT LTD	701 N POST OAK RD	HOUSTON	TX	77024
TRAILS DEVELOPMENT LTD	701 N POST OAK RD	HOUSTON	TX	77024
TRAILS DEVELOPMENT LTD	701 N POST OAK RD	HOUSTON	TX	77024
VIRANI AHMADALI	2814 ACORN WOOD WAY.	HOUSTON	TX	77059
VO VIET V	11407 HARRIS AVE	PEARLAND	TX	77584
WALSH WC FAMILY LTD	PO BOX 760	PEARLAND	TX	77588
WATSON ANTHONY R	11205 HARRIS AVE	PEARLAND	TX	77584
WC WALSH FAMILY LTD	PO BOX 760	PEARLAND	TX	77588
WEBBER EFFRUM G & SHAPEL M	11209 HARRIS AVENUE	PEARLAND	TX	77584
WEEMS F CARRINGTON	ATTN JANET K CASSTEVENS	HOUSTON	TX	77098
ZAPATA ALFONSO	10190 OLD KATY RD STE 510	HOUSTON	TX	77043
ZAPATA ALFONSO	10190 OLD KATY RD STE 510	HOUSTON	TX	77043

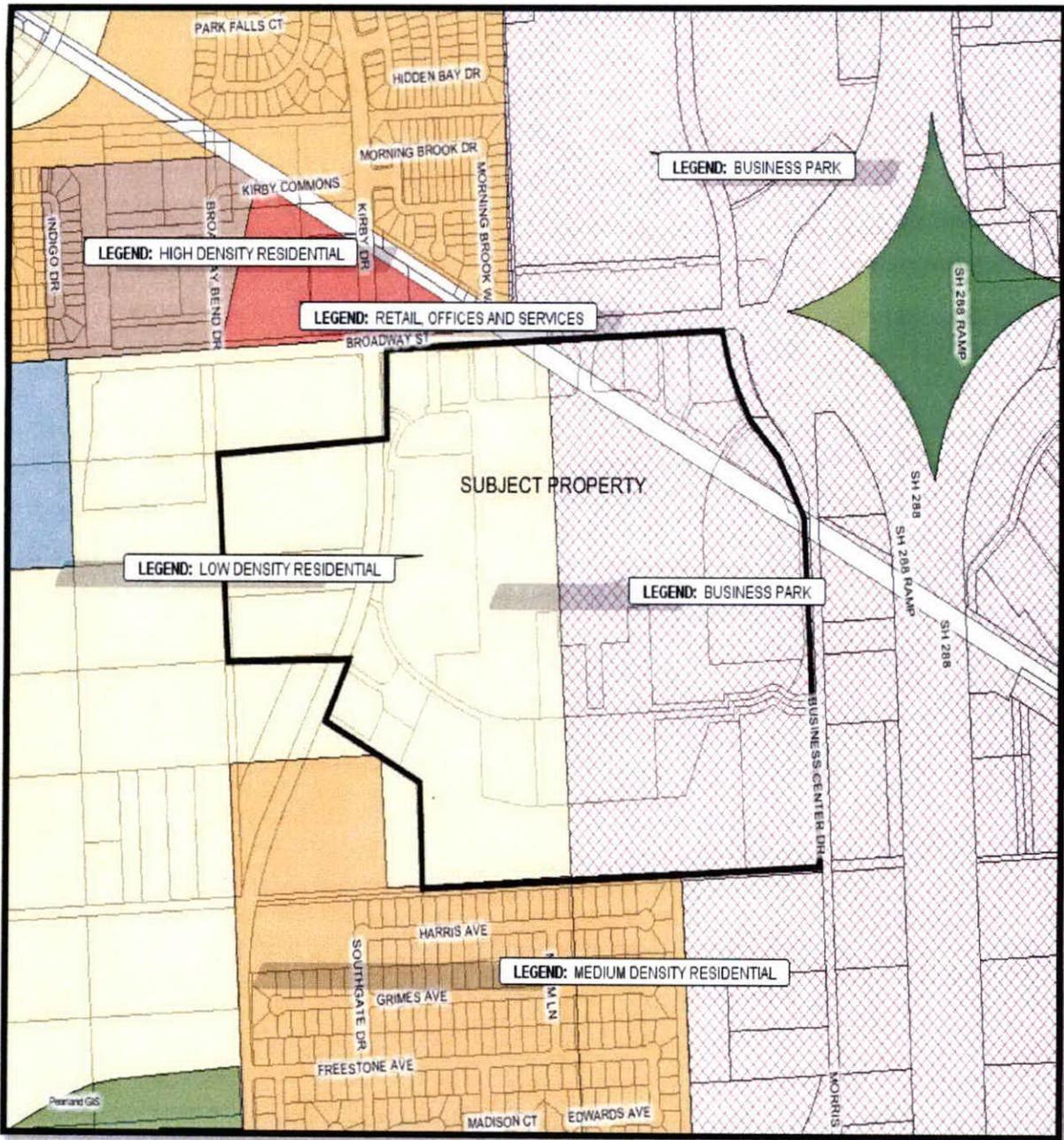


ZONING MAP

ZONE CHANGE NO. 2009-13Z

PEARLAND TOWN CENTER, PEARLAND, TX





FUTURE LAND USE MAP

ZONE CHANGE NO. 2009-13Z

PEARLAND TOWN CENTER, PEARLAND, TX





AERIAL MAP

ZONE CHANGE NO. 2009-13Z

PEARLAND TOWN CENTER, PEARLAND, TX

↑
NORTH



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 (PD District) Ordinance - Pearland Town Center

Proposed Zoning District: PUD (PD District) Ordinance - Pearland Town Center

Property Information:

Address or General Location of Property: 11200 Broadway, Pearland, TX 77584

Tax Account No. 62-1542285

Subdivision: Pearland Town Center Lot: 12, 22, 23 Block:

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

PROPERTY OWNER INFORMATION:

APPLICANT INFORMATION:

NAME Pearland Town Center Limited Partnership
ADDRESS 2030 Hamilton Place Blvd., Su. 500
CITY Chattanooga STATE TN ZIP 37421
PHONE(423) 855-0001
FAX(423) 490-8602
E-MAIL ADDRESS ken_wittler@cblproperties.com

NAME Scott Hall
ADDRESS 1845 Woodall Rodgers Fwy, #1500
CITY Dallas STATE TX ZIP 75201
PHONE(214) 826-7080
FAX(214) 826-7016
E-MAIL ADDRESS shall@omniplan.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: *Ken Wittler* Date: 9/1/09

Agent's Signature: *Scott Hall* Date: 09/01/09

OFFICE USE ONLY:

FEES PAID: <u>\$600.00</u>	DATE PAID: <u>9/3/09</u>	RECEIVED BY: <u><i>all</i></u>	RECEIPT NUMBER: <u>293019</u>
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Application No. 2009-132

Hall, Scott

From: Ken_Wittler@cblproperties.com
Sent: Wednesday, September 02, 2009 11:49 AM
To: agantuah@ci.pearland.tx.us
Cc: Hall, Scott
Subject: PUD Amendment - Off Premise Signage

CBL acknowledges the Zoning Change Notification signs must be posted 10 days prior to the public hearing.



Pearland
TOWN CENTER

OFF PREMISE ADVERTISING WALL SIGN DESIGN GUIDELINES / 11.16.09
EXHIBIT D OF THE PEARLAND TOWN CENTER PD

CBL
CBL & ASSOCIATES PROPERTIES, INC.
omniplan

GENERAL INFORMATION

Owner / Developer

CBL & Associates Properties, Inc.
CBL Center
2030 Hamilton Place Blvd., Suite 500
Chattanooga, TN 37421
o.423-855-0001
f.423-490-8626
Contact - Ken Wittler

Architect

Omniplan
1845 Woodall Rodgers Frwy.
Suite 1500
Dallas TX, 75201
o.214-826-7080
Contact - Randy McCown

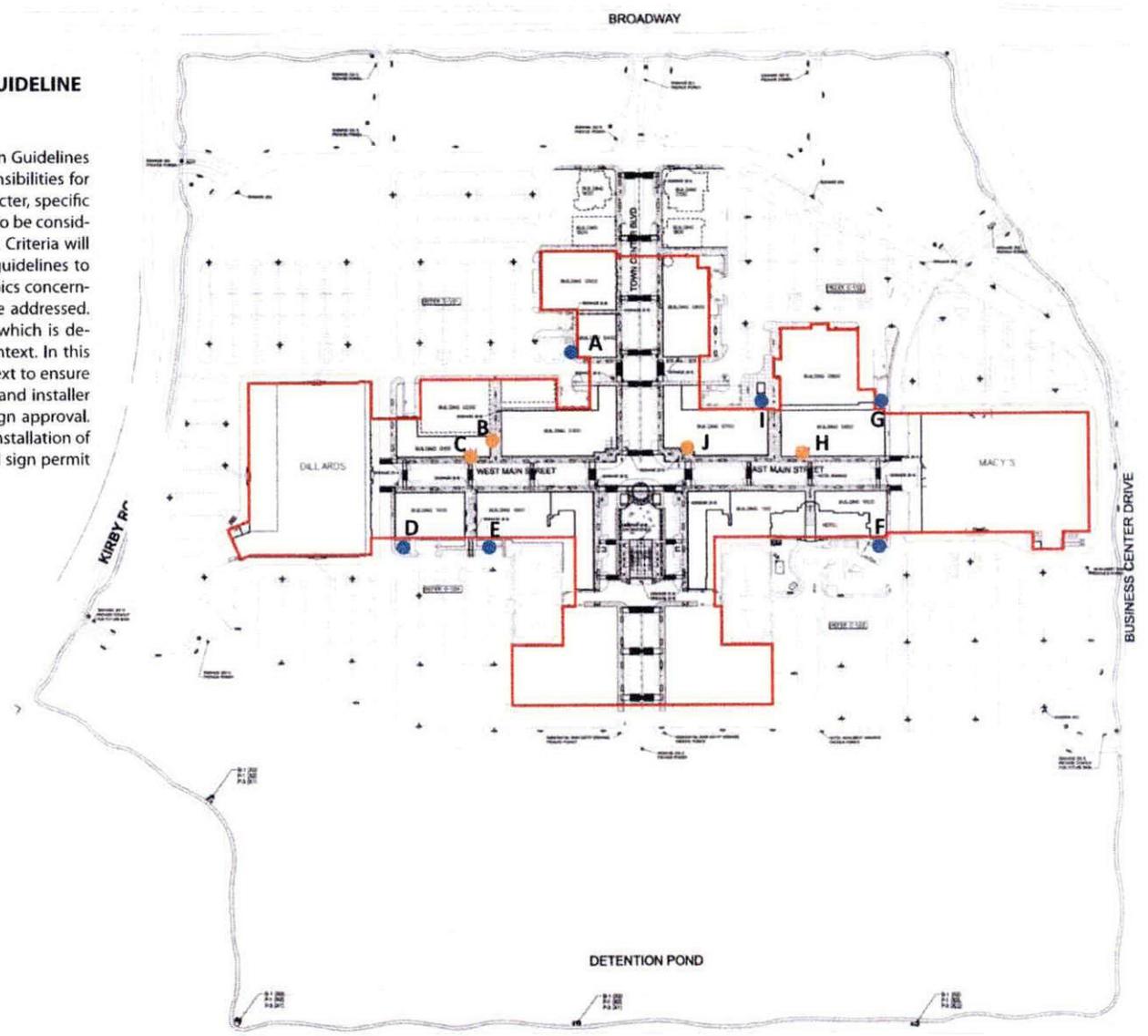
Permitting and Design Review

City Hall
3523 Liberty Drive
Pearland, TX 77581
o.281-652-1701
www.cityofpearland.com



OFF-PREMISE ADVERTISING WALL SIGN DESIGN GUIDELINE USE:

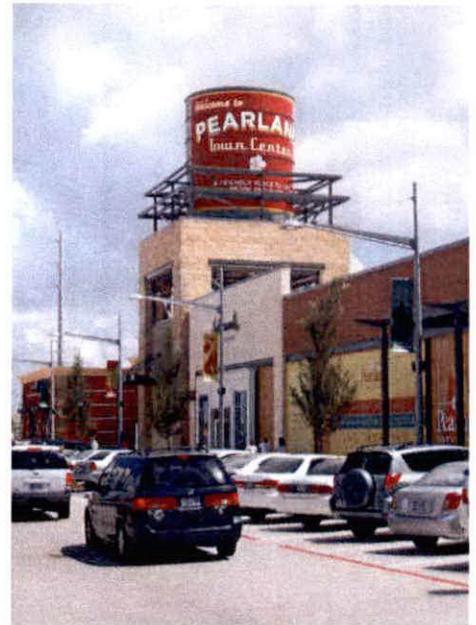
The purpose of these Off-Premise Advertising Wall Sign Design Guidelines is to communicate the design guidelines and establish responsibilities for design, review and implementation of the signs. Design character, specific detail of the structure as well as general quality standards are to be considered by you, your Graphic Designer & Advertiser. The Design Criteria will provide specific aesthetic examples and outline acceptable guidelines to insure a cohesive vision for Pearland Town Center. Specific topics concerning location, size and Pearland Town Center Design Vision are addressed. In addition, individual signs must adhere to specific criteria which is determined by their location and their specific architectural context. In this way, each sign will be reviewed on an individual basis in context to ensure diverse and creative design solutions. Your Graphic Designer and installer should also understand this criteria in order to expedite design approval. After the Sign has been approved by the Owner, and prior to installation of the off-premise advertising sign, an approved City of Pearland sign permit must be obtained.



- EXTERIOR FACING WALL SIGN LOCATIONS
MUST BE SUBMITTED TO OWNER AND CITY FOR REVIEW APPROVAL
- INTERIOR FACING WALL SIGN LOCATIONS
MUST BE SUBMITTED TO OWNER FOR REVIEW APPROVAL

DESIGN VISION:

Shopping and entertainment complement life and work activities in this mixed-use lifestyle center. Diverse components harmoniously woven together help form an authentic place with a strong connection to the Pearland, Texas community. Master planned as an "urban" town center, the street grid organizes single and multi-story structures to create interesting outdoor spaces while framing compelling vistas. Vehicular circulation provides access and dynamic movement energizing the outdoor space. Community space, specialty merchandising, patron amenities and sidewalk activity allow customers diverse opportunities to "dial-in" their own personal experiences. Nodes and intersections provide energized focal points and transitional connections between blocks. Paseos provide pedestrian access from parking areas to the shops and frame interesting views. Plaza nodes provide energized activity points and transitional connections between the outdoor spaces. Aesthetic character of this place is derived from qualities and identity connected to this time and place; a pragmatic and meaningful architectural, graphics, landscaping and lighting expression appropriate to Pearland heritage and this region of Texas. The primary form given for the project is retail. High quality storefront design utilizing quality materials executed in authentic stylistic proportion and composition will make this a desirable place to spend time and foster an emotional patron connection.



OVERALL CONCEPT:

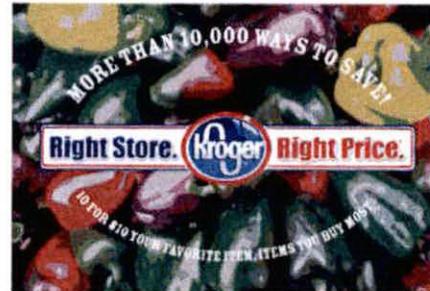
There are 2 options for creating the advertising signage, a palette option and a frame option. The palette option makes use of a given palette of colors, patterns and imagery for the advertisers to use in creating their ad panel. The frame option uses standard frames as backgrounds for the advertisement.

Digital templates for the Frame Option as well as individual digital images for the permissible color, pattern and background components of the Palette Option will be provided by the owner for advertiser, graphic design or sign contractor use.

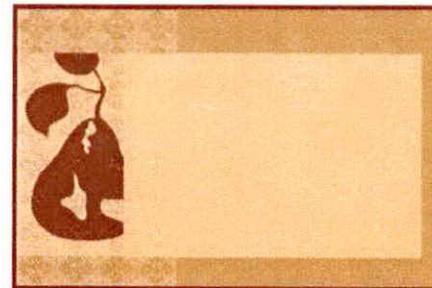
Signage should be inviting and easily understood. Awareness of the contextual complexities of the surrounding wall and common outdoor areas and how that applies to the overall center and the individual advertising sign is critical. With that in mind, the Owner encourages a wide range of design freedom within this context for the signage contractor and advertiser to express their corporate image and individuality. Ultimately, exciting design with quality, durable materials will be the primary criteria.

Advertising Signs are intended to be fixed to the existing frames that are currently on the facade of the building at established locations(refer to signage location plan) and be non-illuminated. They are intended as much for their decorative value to the buildings and streetscape as for their advertisement of the advertiser's identity. The owner encourages the use of identity graphic elements and/or creative color and material innovations.

The Owner is anticipating a wealth of unique and tasteful means of Advertiser expression establishing appropriate levels of distinction and authenticity within the project adding variety and visual character to the overall center. Off-premise Advertising Signs shall provide a friendly, pedestrian scale with attention directed to those strolling along the sidewalks and driving thru the center.



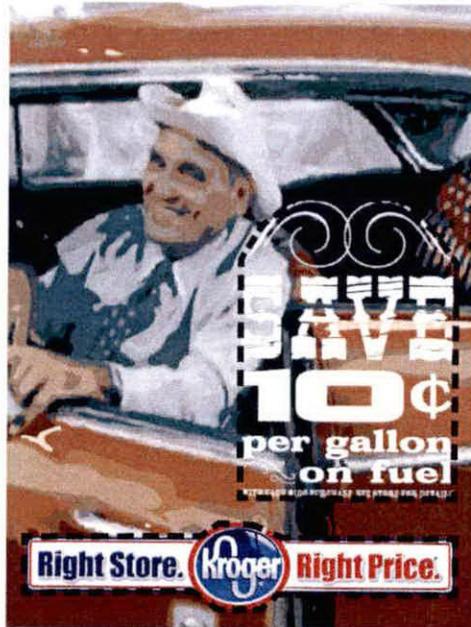
Palette Option Criteria:
Advertiser must use the provided palette of colors/patterns and imagery to create a custom ad that works with the style of the center and the history and nostalgia of Pearland. Any combination of the provided color, pattern or imagery options may be used to create the advertisement. The area permissible for the advertisers logo, text and brand imagery is 30% of the viewable panel face. The area is calculated by calculating the individual logos, text or brand imagery that is not a part of the provided imagery.



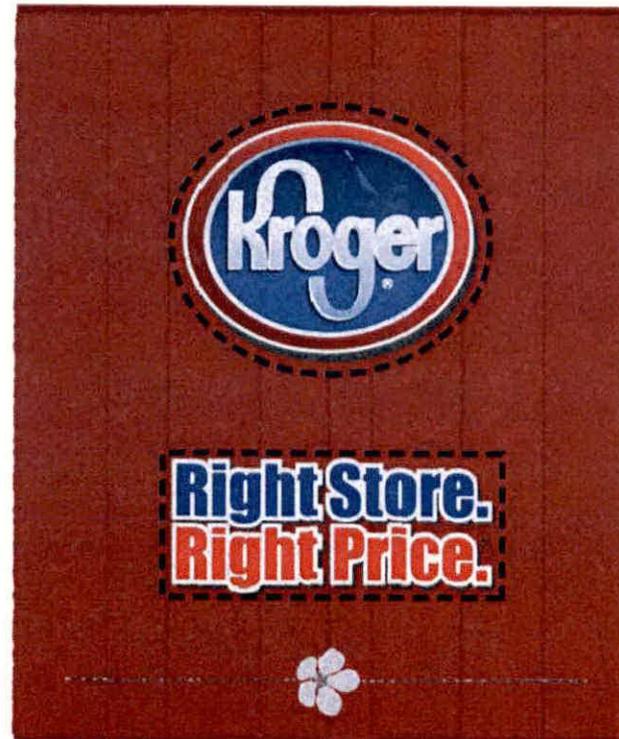
Frame Option Criteria:
Advertiser may choose to use the provided frames for their advertisement. The area permissible for their logo, text and brand imagery is 50% of the viewable panel face. Advertisers may choose to change the colors of the provided frames provided that the colors selected are from the color palette as shown in these guidelines.

CALCULATION OF ADVERTISEMENT LOGO, TEXT, AND BRANDING IMAGE:

The area permissible for the advertisers logo, text and brand imagery is 30% of the viewable panel face. The area of the advertiser logo, text and brand imagery is calculated by delineating a tight line about the individual logo, text or brand imagery elements(eg., if a circle is utilized, then the calculation is for the outer edge of the circle, if irregular, then the outer edge of the irregular shape. The permissible colors, patterns and background are not included in the calculation.



CALCULATION EXAMPLE A



CALCULATION EXAMPLE B

OWNER APPROVAL:

All signage, including signs of a temporary nature, must be approved by the Owner in writing before use.

The sign contractor is to provide a dimensioned color layout showing the proposed image for approval by the Owner. Submittal must include a drawing indicating which option has been selected (frame or palette). For the palette option, a drawing showing the calculated area of logo or advertisement coverage as well as clearly documented colors, pattern and/or imagery utilized from the permissible options.

SIGN CONTRACTOR RESPONSIBILITIES:

The Sign Contractor is responsible for field verifying the actual sign frame.

All signs remain subject to Owner's Advertising Wall Sign Design Guidelines and Owner approval.

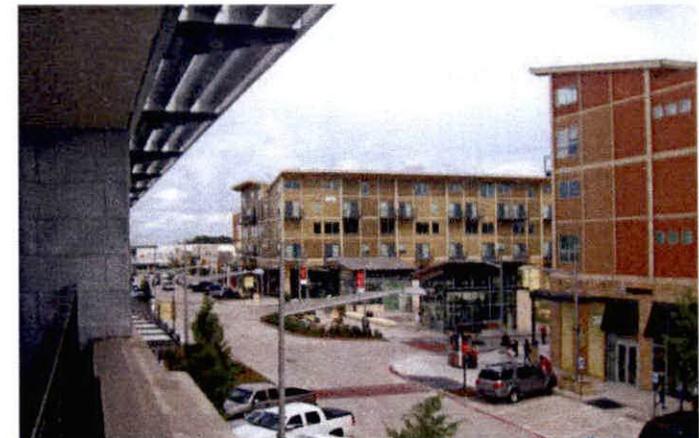
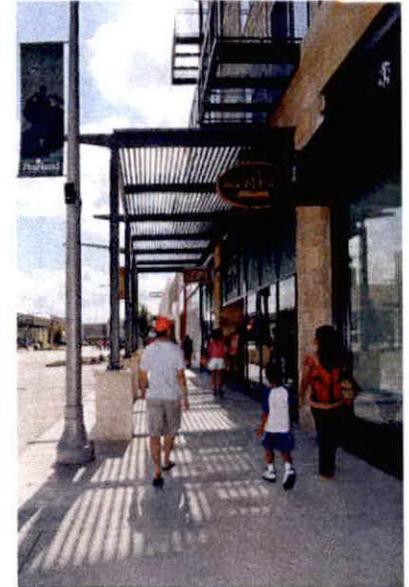
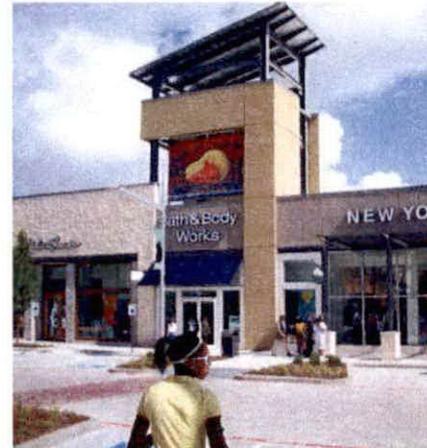
All signs must comply with applicable local code and Pearland PUD requirements. Sign Contractor responsible for submitting all signs to City for permit prior to installation. All signs must comply with the Pearland Town Center Planned Development Document and the current Unified Development Code. The Sign Contractor is responsible for obtaining an approved City of Pearland sign permit prior to the installation of Off-premise Advertising Sign.

Sign Contractor is responsible for installing and removing all graphic panels. Frames are to remain as part of Landlord property. If frame is damaged during install or removal of panels Sign Contractor is responsible for repair or replacement.

Sign Contractor is responsible for reinstalling Owner's placeholder graphics once Sign Contractor provided graphics are removed.

OWNER RESPONSIBILITIES:

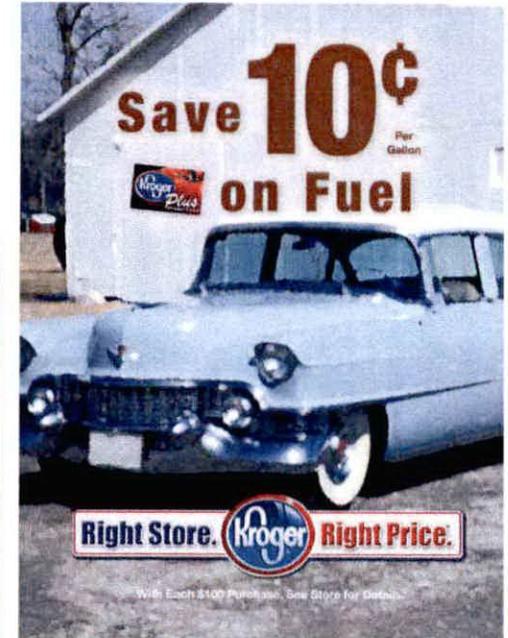
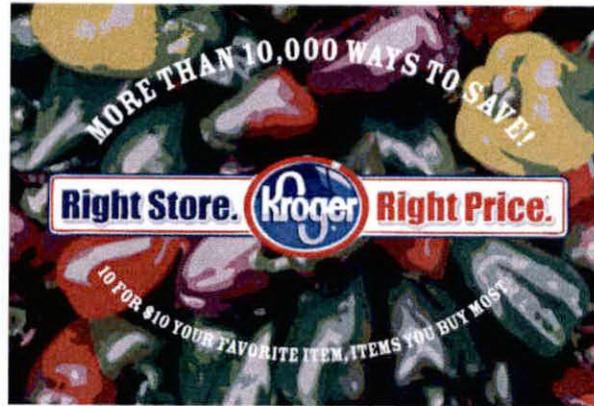
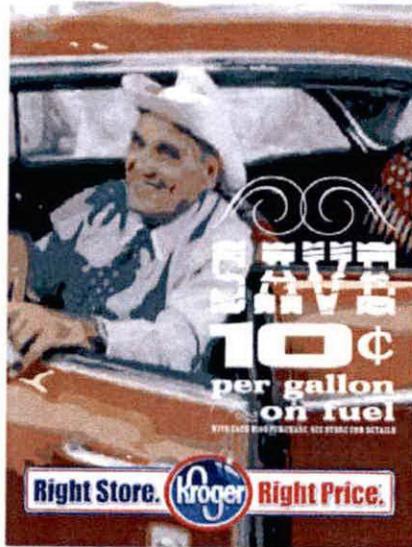
The ensure the Off-premise advertising signs shall compliment the overall architectural character of the Pearland Town Center.



PALETTE OPTION

PALETTE OPTION: IMAGERY EXAMPLE LAYOUTS

These examples show the imagery as the "background" of the advertising elements. Advertisers who chose to use the provided imagery may also use it as a portion or part of the ad and not the entire background. The image may be digitally adjusted using filtering software and content may be taken out of the image as a single item as shown on page 4. The imagery selected by the advertiser is meant to form a basis for the graphic layout and design.



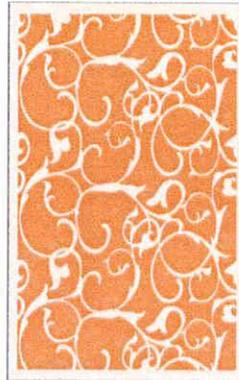
PALETTE OPTION: COLORS

The palette of colors and patterns is meant to be used in a creative and custom way for each individual advertisement.

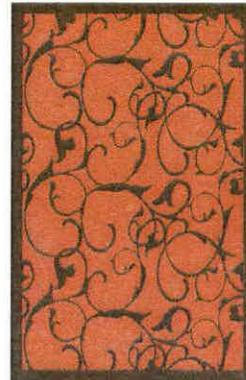


PALETTE OPTION: PATTERNS

Patterns may be scaled as well as adjusted to contain any of the colors in the color palette. These are the patterns available in any of the approved colors in the color palette.H



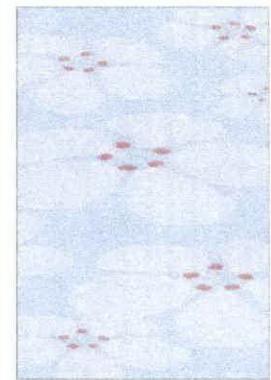
P-1



P-2



P-3



P-4



P-5



P-6



P-7



P-8

PALETTE OPTION: COMMERCE/BUSINESS IMAGERY

C/BI-1



C/BI-2



C/BI-9

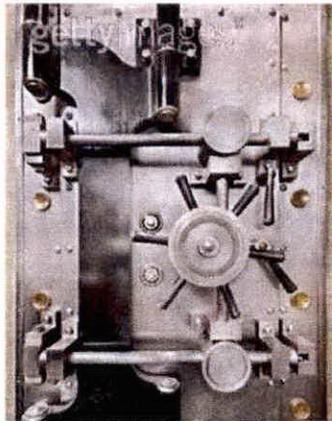


C/BI-3



C/BI-4

C/BI-8



C/BI-7



C/BI-6

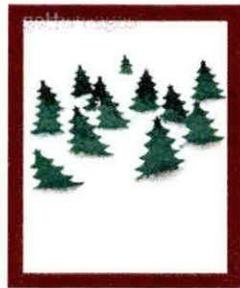


C/BI-5

PALETTE OPTION: HOLIDAY/SEASONAL IMAGERY



H/SI-6



H/SI-1

H/SI-2



H/SI-3



H/SI-4



H/SI-8



H/SI-9



H/SI-5



H/SI-10

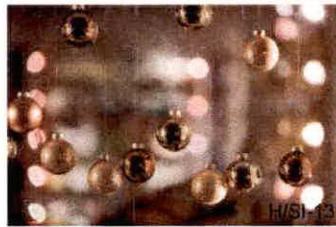


H/SI-11

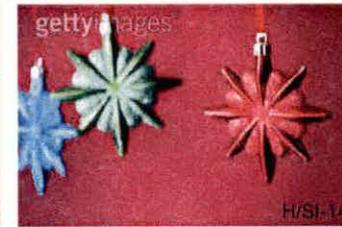


H/SI-7

H/SI-12



H/SI-13



H/SI-14



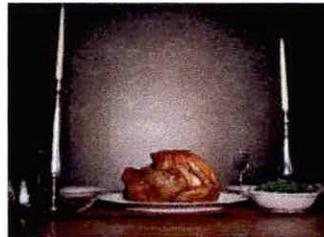
H/SI-15



H/SI-16



H/SI-17



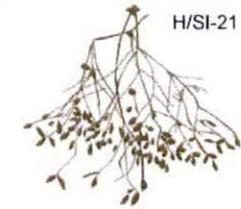
H/SI-18



H/SI-19



H/SI-20



H/SI-21

PALETTE OPTION: RODEO/COWBOY IMAGERY

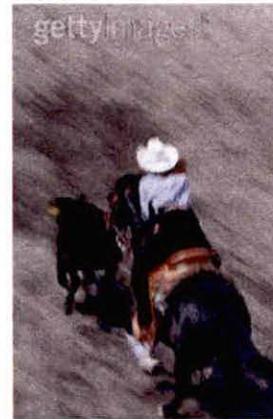


R/CI-1

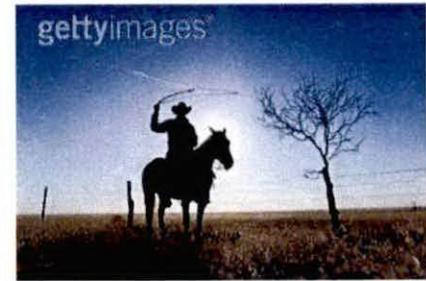
R/CI-2



R/CI-3



R/CI-6



R/CI-4



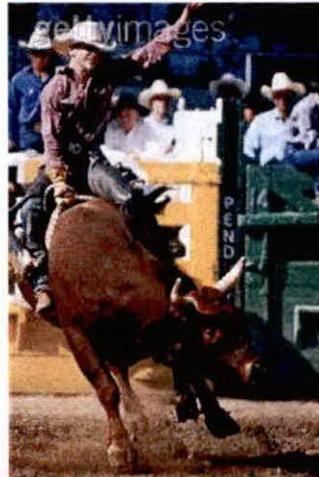
R/CI-5



R/CI-7



R/CI-8



R/CI-9



R/CI-10



R/CI-11

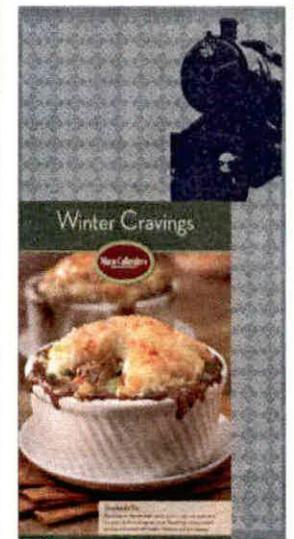
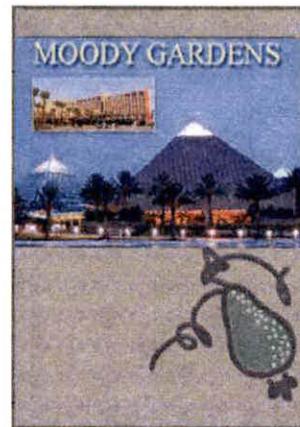
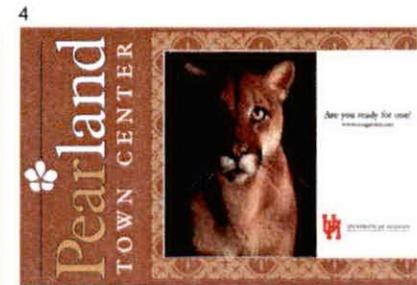
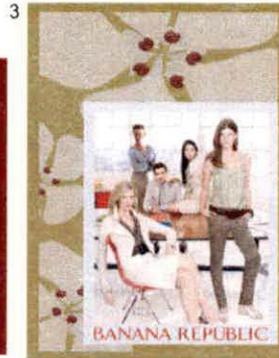
PALETTE OPTION: MISCELLANEOUS IMAGERY



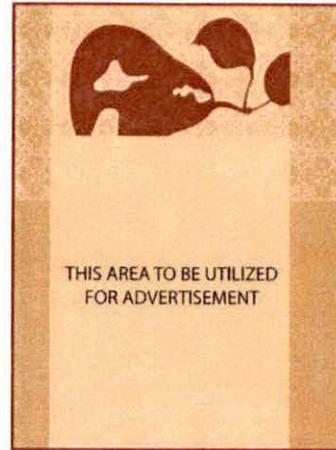
FRAME OPTION

FRAME OPTION EXAMPLES

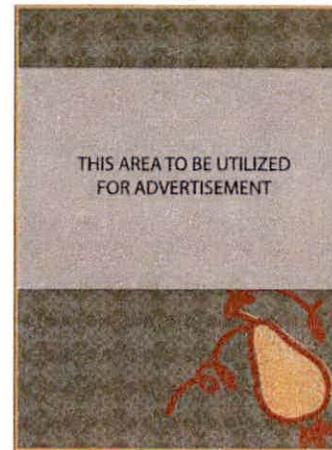
Frames form a standard background for an advertisement. Each sign position(A, D,E,F,G and I) will have 6 frame options to choose from. The layout is standardized and cannot be adjusted. The standardized background pattern and imagery icon are standard to the layout and cannot be adjusted. If desired, the colors may be adjusted if chosen from the palette of permissible colors (refer to page 9 in these Guidelines).



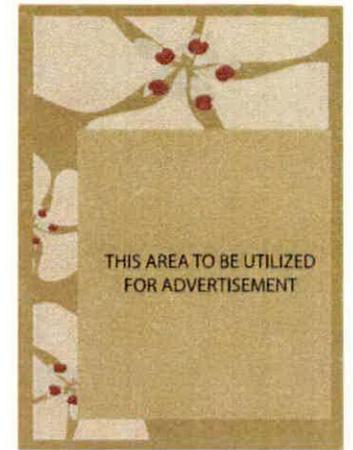
FRAME OPTION



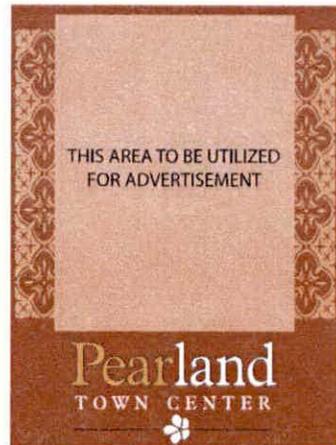
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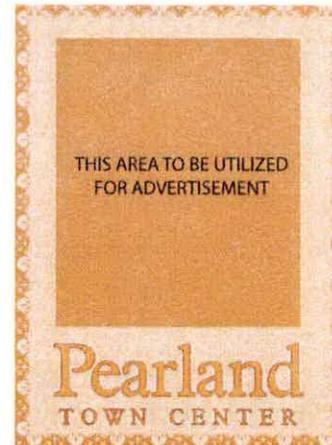
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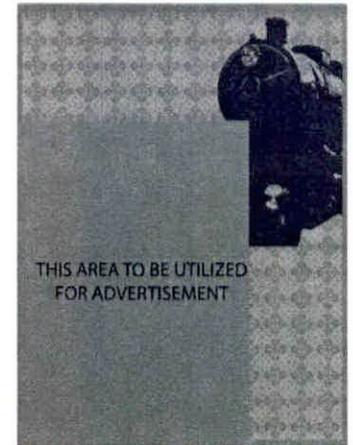
3



4



5

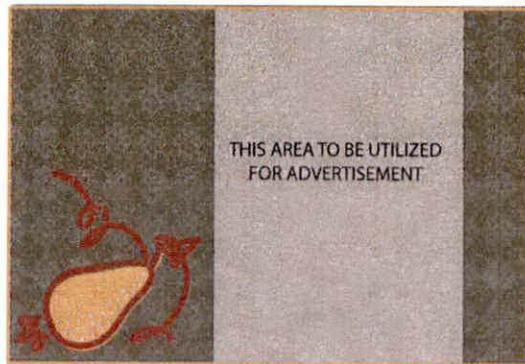


6

FRAME OPTION



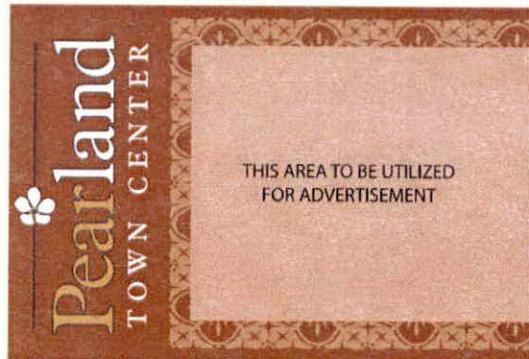
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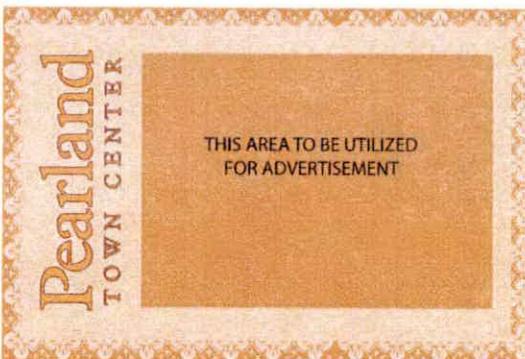
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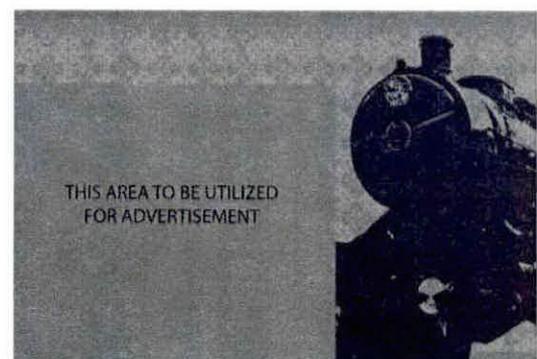
3



4



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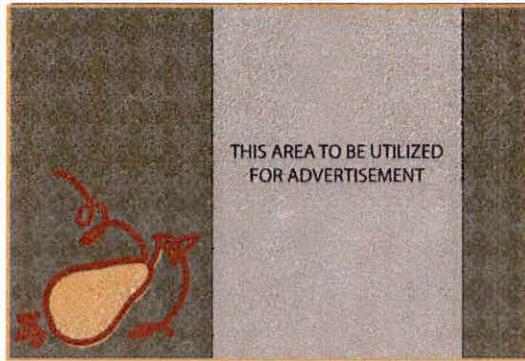


6

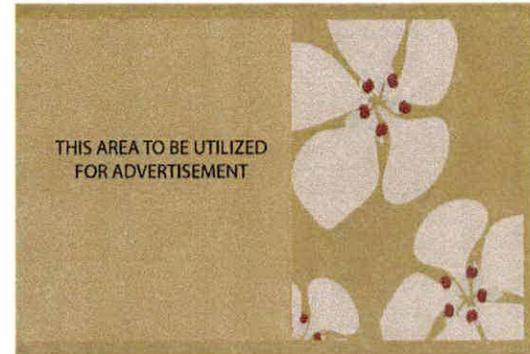
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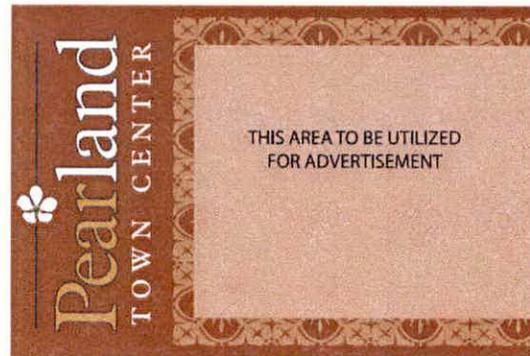
1



2



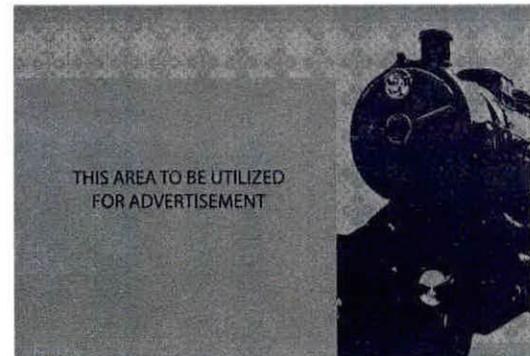
3



4



5



6

FRAME OPTION



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2



3



4

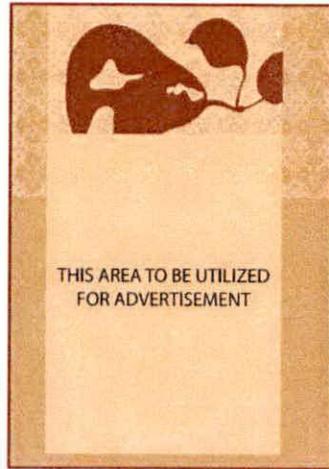


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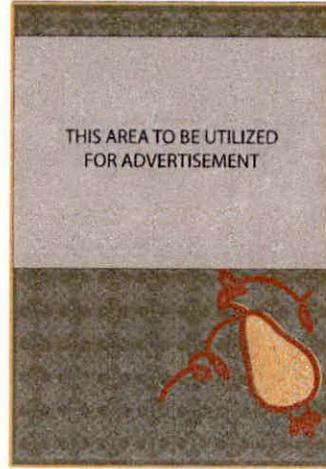


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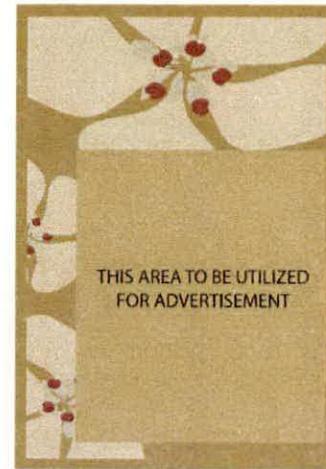
FRAME OPTION



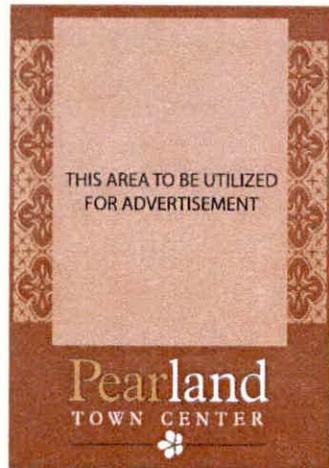
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2



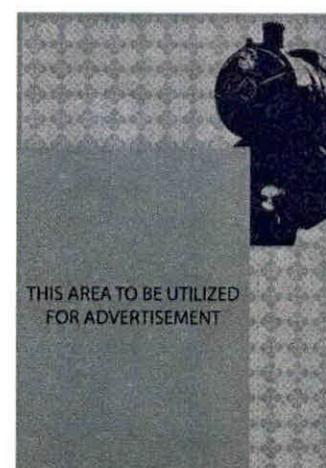
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4



5

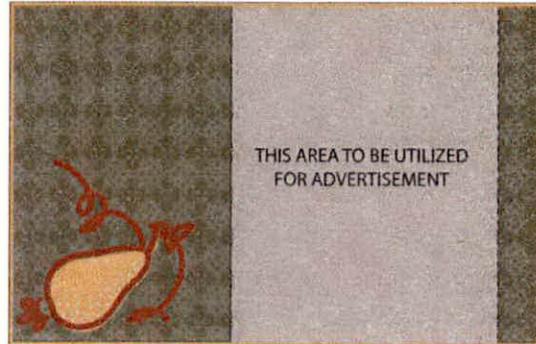


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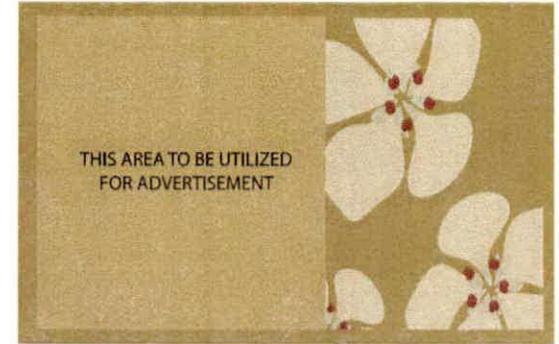
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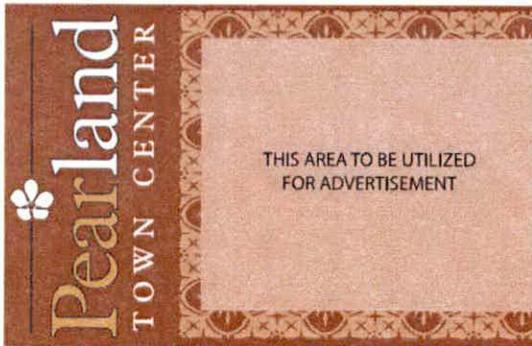
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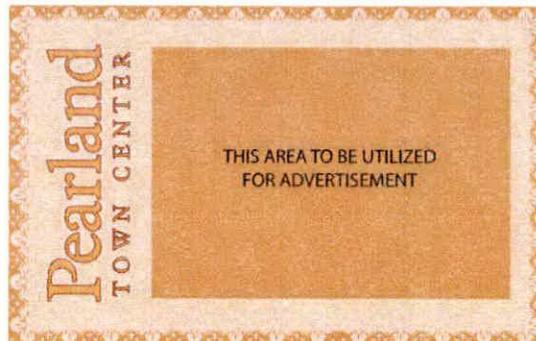
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3



4

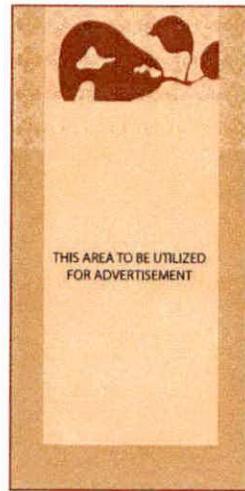


5



6

FRAME OPTION



1



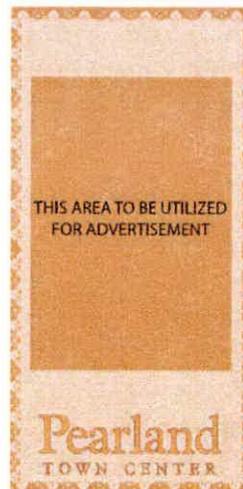
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3



4



5

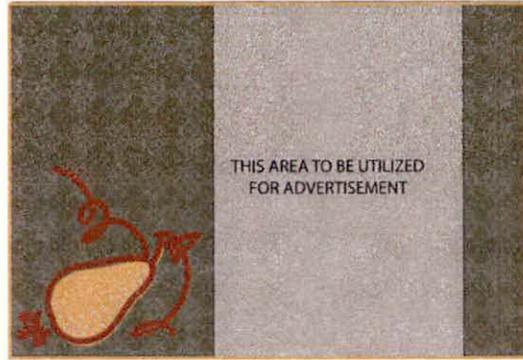


6

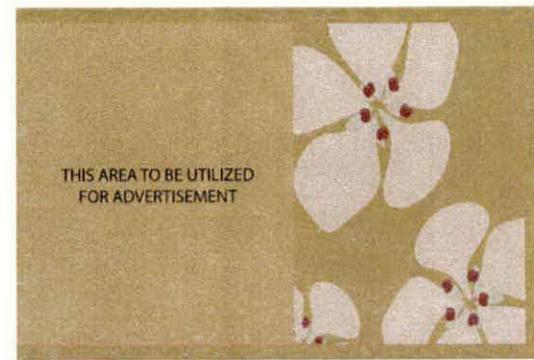
FRAME OPTION



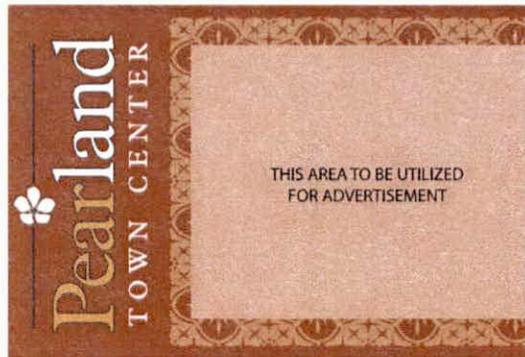
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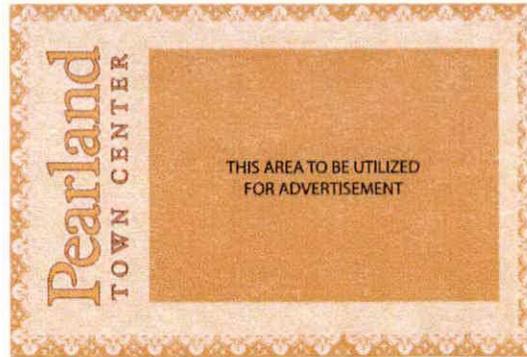
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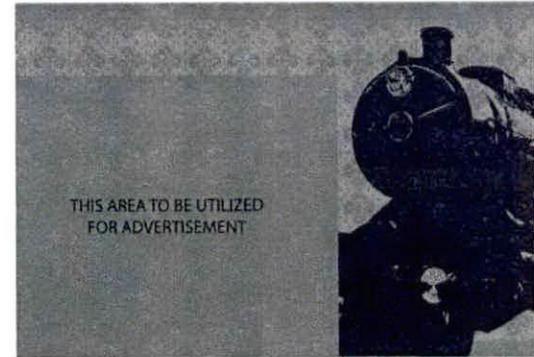
3



4

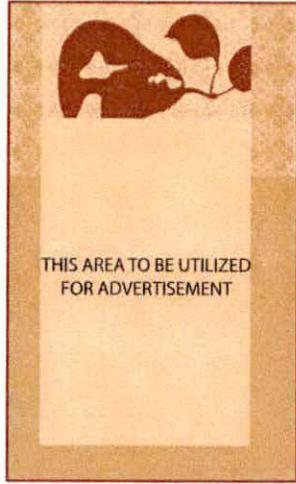


5

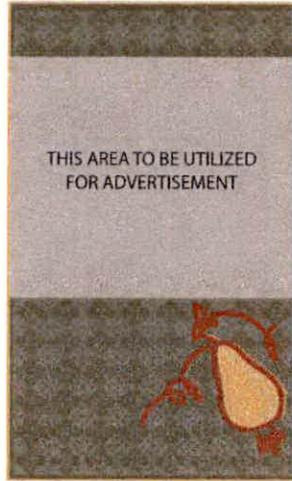


6

FRAME OPTION



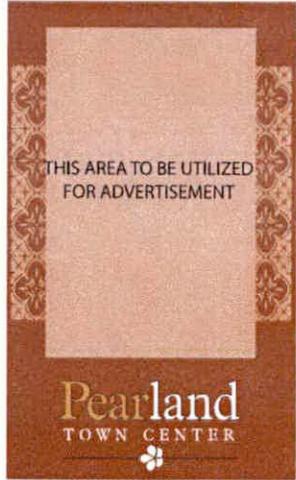
1



2



3



4



5



6

FRAME OPTION



4



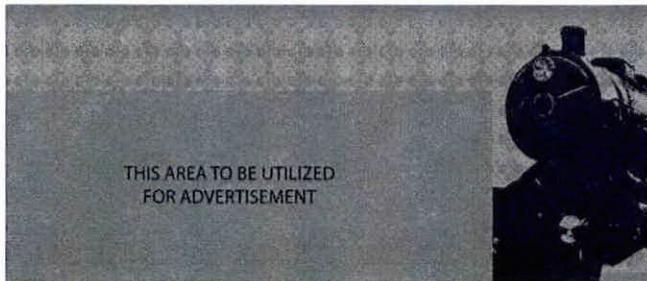
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5



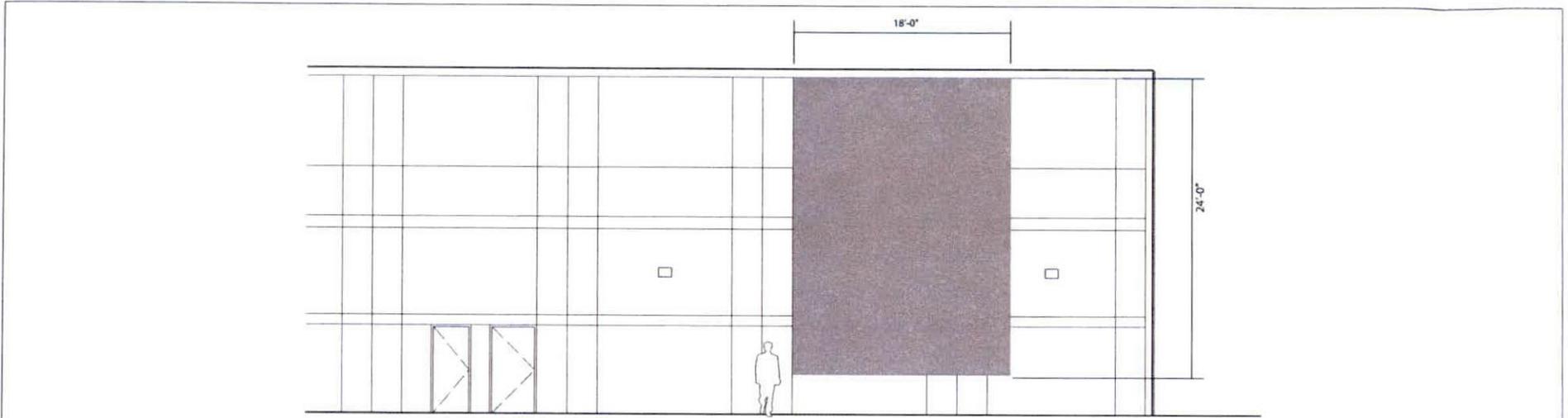
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6

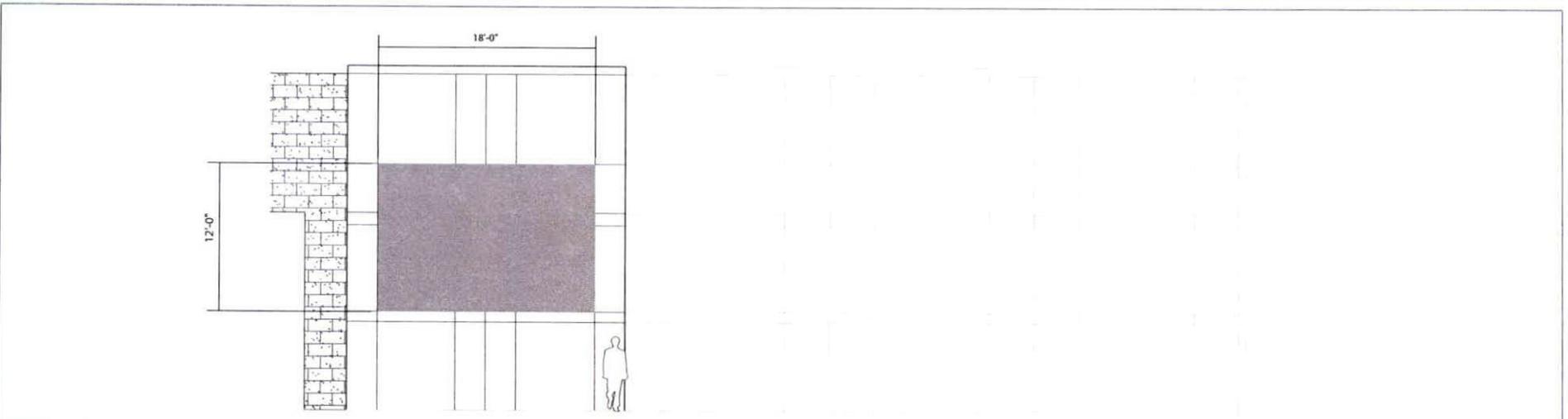


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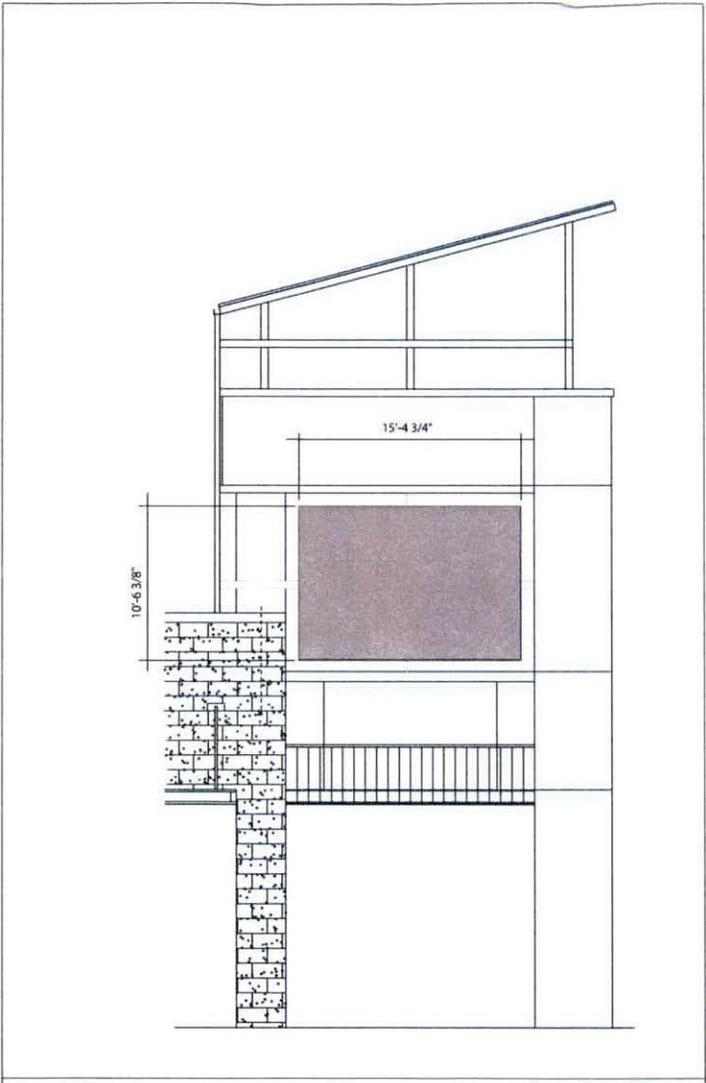
SIGN TYPE A - BUILDING 0400 - WEST WALL

scale 1/8" = 1'-0"



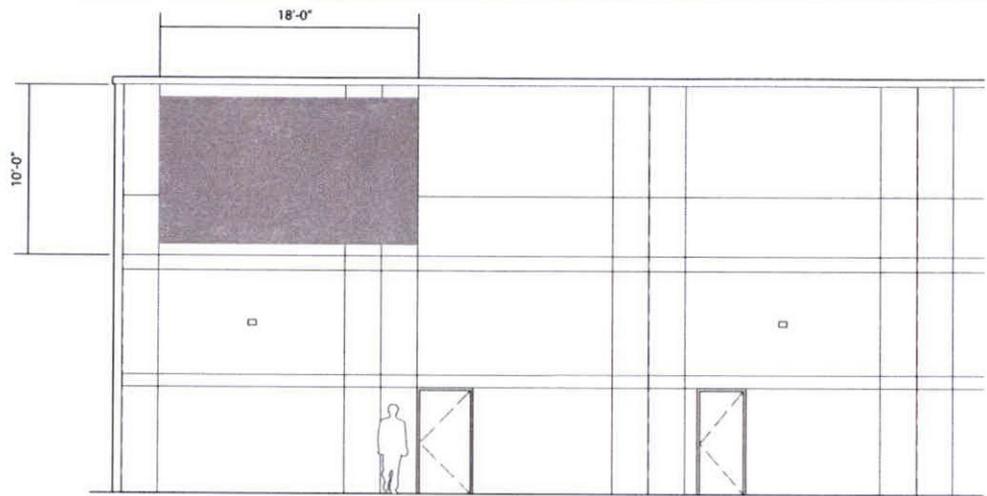
SIGN TYPE B - BUILDING 0100 - EAST WALL

scale 1/8" = 1'-0"



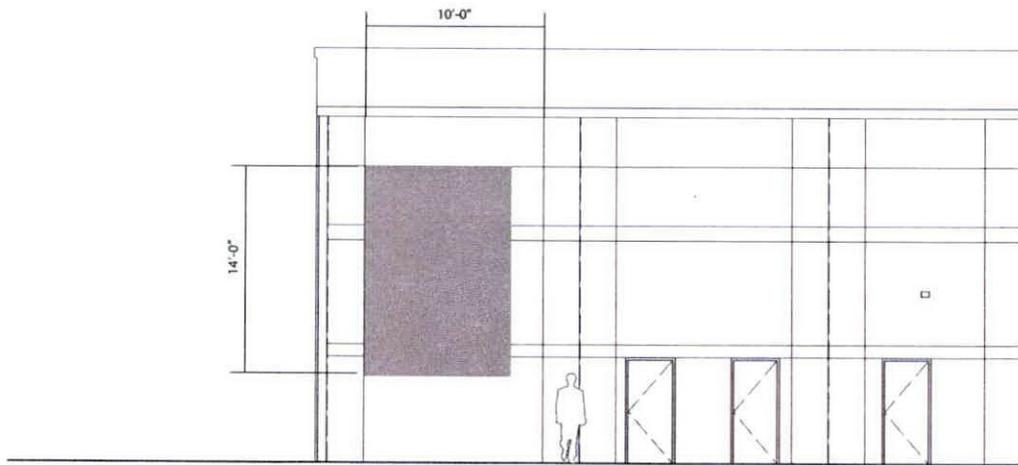
SIGN TYPE C - BUILDING 0100 - TOWER

scale 1/8" = 1'-0"



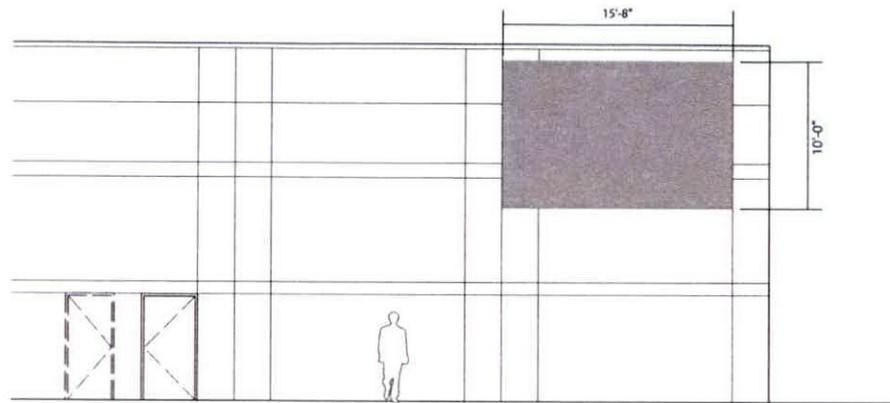
SIGN TYPE D - BUILDING 1400 - SOUTH WALL

scale 1/8" = 1'-0"



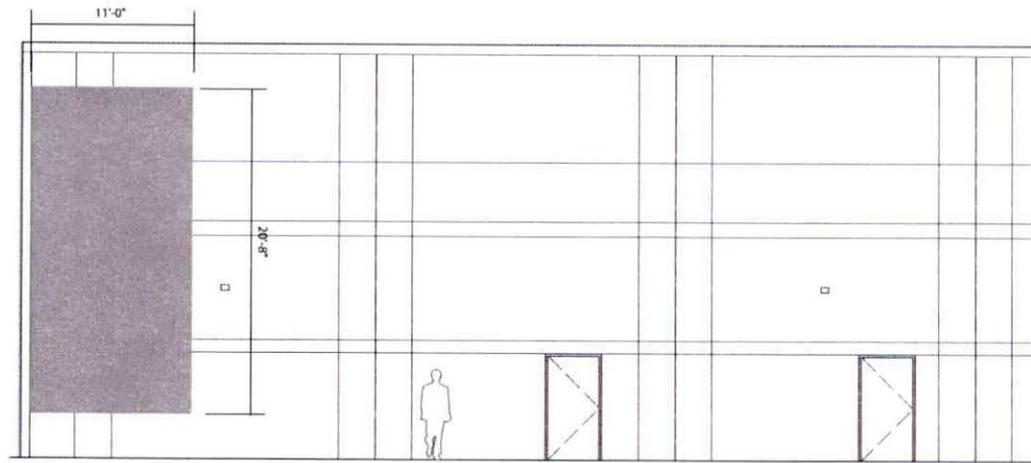
SIGN TYPE E - BUILDING 1300 - SOUTH WALL

scale 1/8" = 1'-0"



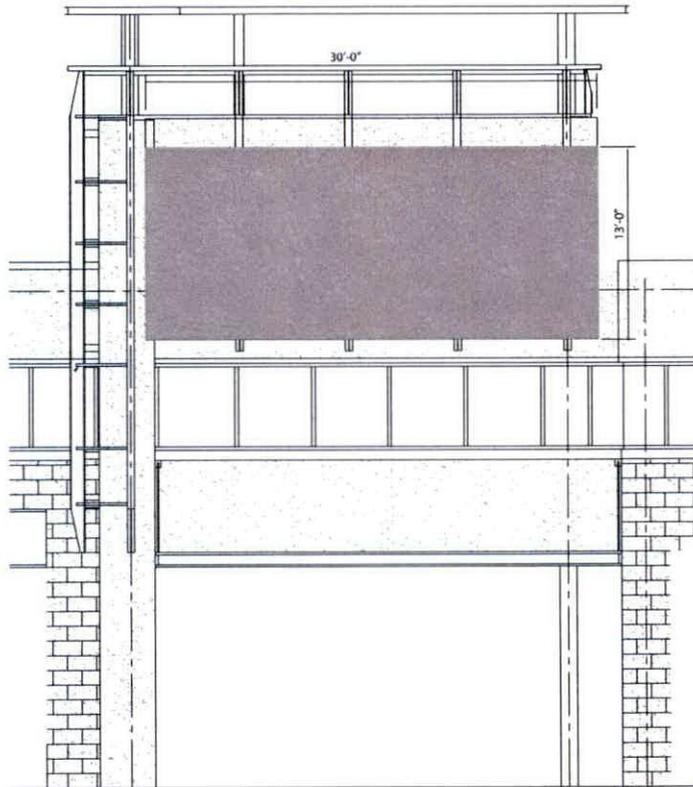
SIGN TYPE F - BUILDING 1000 - SOUTH WALL

scale 1/8" = 1'-0"



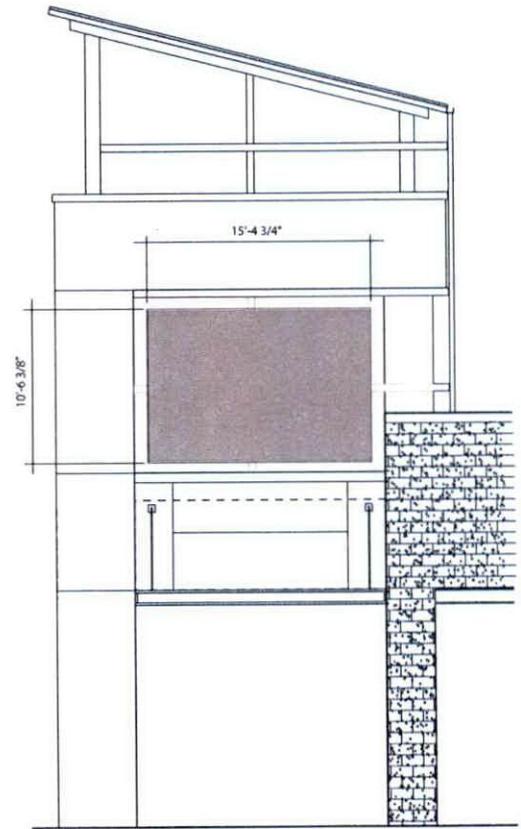
SIGN TYPE G - BUILDING 0900 - NORTH WALL

scale 1/8" = 1'-0"



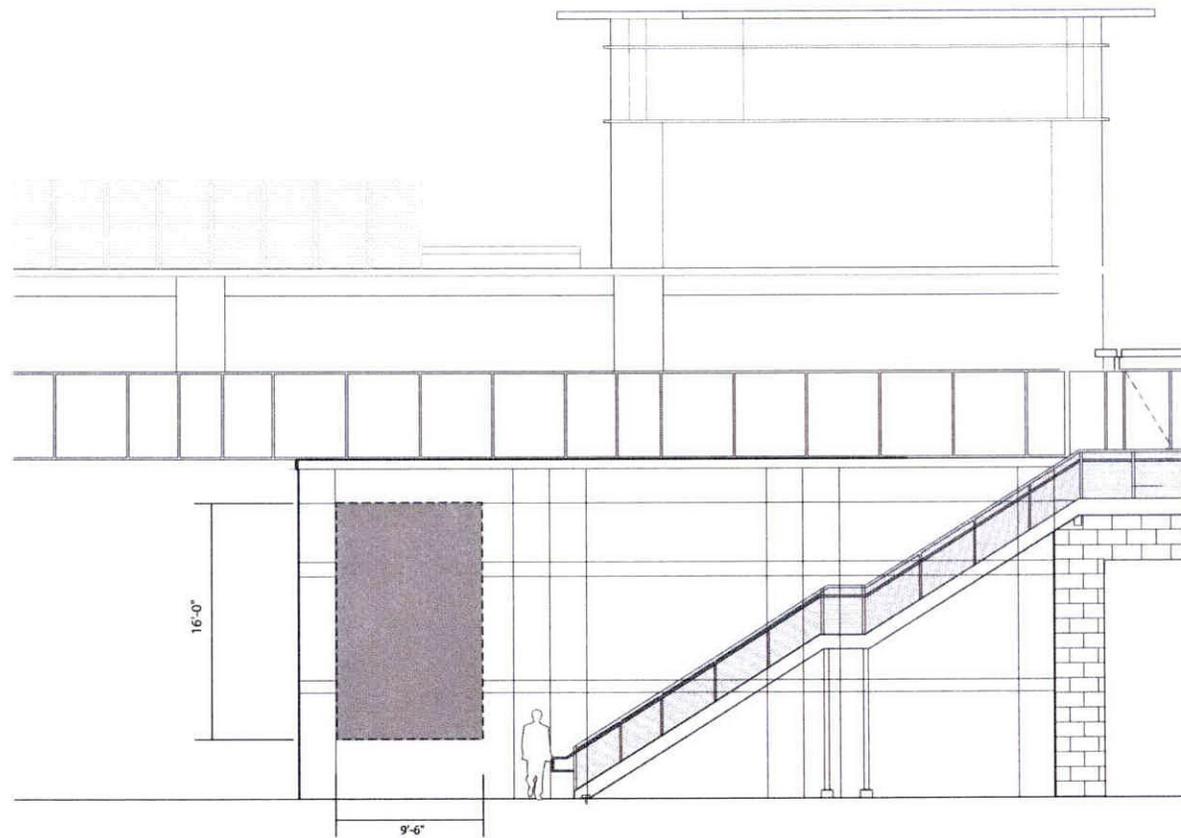
SIGN TYPE J - BUILDING 0700 - TOWER

scale 1/8" = 1'-0"



SIGN TYPE H - BUILDING 0900 - TOWER

scale 1/8" = 1'-0"



SIGN TYPE I - BUILDING 0700 - NORTH WALL

**PEARLAND TOWN CENTER
PUD (PD District) Ordinance**

Pearland, Texas

October 3, 2005

Revised December 20, 2005

Revised January 8, 2006

Revised January 17, 2006

Revised January 26, 2006

Revised February 15, 2006

Revised March 02, 2006

Revised April 17, 2006-Addendum

Revised May 18, 2006-Addendum

Revised July 16, 2007

Revised July 23, 2007

Revised September 14, 2007

Revised October 04, 2007

Revised October 23, 2007

Revised October 29, 2007

Revised April 21, 2008

Revised May 15, 2008

Revised June 27, 2008

November 16, 2009

SECTION I: PEARLAND TOWN CENTER – PUD (PD DISTRICT)

Article I. Location:

The subject property is approximately 177.5 acres located in the southwest quadrant of the SH 288 – CR92 (Broadway) interchange, bordered by proposed Business Center Drive extension to the east and extending west of proposed Kirby Road. A legal description of the proposed PUD boundary is attached and marked as Exhibit "A."

Article II. Purpose:

The goal of this PUD (PD-District) is to create a distinctive, pleasing and coordinated mixed use commercial, retail and residential development to serve the needs of Pearland's residents, to enhance Pearland's competitive position in the region and to satisfy regional demand for high quality retail and entertainment opportunities. Further, it is the intention of this PUD (PD District) to encourage flexible and creative planning to meet the current and future needs of the community which will result in a higher quality development than would result from the use of conventional zoning districts.

Article III. General Description Of Proposed Development:

CBL & Associates Properties, Inc. (Developer) proposes the development of a state-of-the-art, Town Center Style development consisting of traditional department stores, retail shops, restaurants, multi-family residential, entertainment and institutional uses. This PD District authorizes the development of commercial office, multifamily housing, hospitality and civic land uses with appropriate pedestrian amenities integrated throughout the

development. It is anticipated that individual tracts or parcels will be sold or leased as development progress (i.e.; for department stores and other free standing uses.) There shall be no limit on the number of tracts or parcels that may be created within this PUD provided that lots meet the requirements of this PUD Ordinance and the requirements of Chapter 3 of the Pearland Unified Development Code (UDC). The project will be constructed in phases, with development being increased as market forces dictate. It is the developers intention to open the project in the Spring of 2008.

Article IV. Nature Of The PUD (PD) District:

- 1) The Pearland Town Center PUD (PD District) shall be a Town Center overlay district. All development within the Pearland Town Center PUD (PD District) shall conform to the development standards of the Pearland UDC except as modified herein.

Article V. Definitions:

As used in this PUD (PD) Ordinance certain terms are defined as follows. Where these definitions conflict with definitions stated elsewhere in the City of Pearland ordinances, these PUD definitions shall prevail. Terms used in this document that are not defined in the following section shall have the same meaning as specified in the City of Pearland Unified Development Code.

- 1) **Building Height:** The term Building Height shall mean the vertical distance from the grade level at the main entrance to the top of the roof steel that comprises the majority of the perimeter of the building for a flat roof; to the deck line of a mansard roof; and to the mean height between eaves and ridges for gable, hip and gambrel roofs.
- 2) **Circulation Drives:** Circulation drives shall mean all driveways, streets, roads, alleys, ring roads located solely within this PUD district boundary, and the drives designated on the design plan as Town Center Drive, East Main Street and West Main Street,. Circulation Drives shall not be considered public or private streets.
- 3) **Composite Parking Ratio:** The term "Composite Parking Ratio" shall mean improved ground level and multi-level parking spaces, if any, collectively on all Parcels comprising the PUD sufficient to provide parking for the aggregate Gross Leasable Area (GLA) or Floor Area of all improvements constructed within the PUD, at the rates specified in Article X of this Ordinance
- 4) **Department Store(s):** The term Department Store shall mean any single tenant, retail building that contains more than 80,000 square feet of Gross Leasable Area.

- 5) **Design Plan:** The term "Design Plan" shall mean the Plan designated as Preliminary Site Plan attached hereto as Exhibit "B" and made part hereof.
- 6) **Floor Area:** The term "Floor Area" shall mean the total number of square feet of floor area on all levels, including subterranean building areas.
- 7) **Gross Leasable Area: (GLA):** The term "Gross Leasable Area" shall mean the number of square feet of floor area on all levels, including, outside selling areas enclosed within semi-permanent structures and basements or other subterranean areas, and shall be measured to the exterior surface of exterior walls and to the center of any common walls, but excluding (i) any enclosed connectors and other malls (except for any area thereof occupied by permitted kiosks - or wall boutiques) whether covered or uncovered or open or enclosed, (ii) penthouses and other floor area occupied by mechanical, telephone, computer or other operating equipment, (iii) patios or outside eating and selling areas that are not heated or air-conditioned, (iv) upper levels of multi-deck stock area, (v) portions of truck or loading docks and trash compacting and bailing rooms that are not heated or air-conditioned, and (vi) with respect to the "Town Center retail shops in Sub Area A," mezzanines, storage areas not located within tenant spaces, the floor area of any common auditorium, public lavatories, Developer's or Mall Management office, maintenance facilities, elevator corridors, and service and fire corridors.
- 8) **Masonry:** The term masonry is defined as Brick, stone brick veneer, custom treated tilt wall, decorative or textured concrete block, split face block and stucco. EIFS (exterior insulation and finish systems) shall be included within this definition only for the purposes of masonry trim.
- 9) **Net Land Area / Net Acreage:** The measure of land area exclusive of easements, thoroughfare and street rights-of-way, retention/detention areas, public streets dedicated and accepted prior to platting of the property and proposed Kirby Road, Business Center Drive and any future Right-of Way dedication shown on the final plat.
- 10) **PUD:** The term PUD shall have the same meaning as PD District as used in the City of Pearland Unified Development Code (UDC).
- 11) **Sub-Area:** The term Sub Area(s) shall mean the areas designated on exhibit B-2 which collectively make up the Pearland Town Center PUD. The Sub Area boundaries may be adjusted within the PUD District as authorized by Article VII par 4 (a) of this document.
- 12) **Thoroughfare and Collector Streets:** The terms Thoroughfare and Collector streets shall mean the Public Streets designated as Broadway Avenue, Kirby Road and Business Center Drive.

- 13) **Town Center:** The term "Town Center" shall mean Sub-Area "A" as shown on Exhibit "B-2", which contains the Department Stores, main street shops, restaurants and multi-family housing, together with all buildings and other improvements constructed at any time thereon, which Town Center together with other Sub-Areas within the PUD shall be known as Pearland Town Center or such other name designated by the Developer.
- 14) **Town-House or Town-Home:** One of a group of no less than three (3) dwelling units, attached to another dwelling unit only on the horizontal plane. Each unit shall extend from the foundation to the roof. All Town-Homes or Town-Houses contemplated by the PUD shall meet the UDC requirements for Town- Home development.
- 15) **Unified Development Code (UDC):** The term UDC shall mean the Unified Development Code (UDC), in place at the time of this PUD Approval. The Developer shall comply with all building, mechanical and life safety codes in effect at the time building permits are requested.

Article VI. Sub-Area Descriptions:

- 1) The development PUD has been divided into sub-areas based on surrounding land use, existing and proposed circulation patterns, and the relationship to the overall development. The sub-areas are identified below and are graphically depicted on the attached sub-area plan, Exhibit "B-2."
- 2) With the exception of Sub Area "E" and "G" the sub areas and parcels created within the Pearland Town Center PUD shall be considered collectively (as opposed to individually,) for the purpose of meeting the development standards.
 - a) Sub-Area "A" – Town Center District
The Town Center is intended to function as an active, pedestrian-oriented urban street. It is the primary area of development and shall be the major retail component of the PUD. The limits of sub-area "A" shall be defined as the outside edge of the outer private circulation drive as shown on the sub area plan.
 - b) Sub-Area "B" (B-1 & B-2 Broadway- Northern District)
Sub-area "B" will lie directly north of the Town Center District, adjacent to Broadway Avenue, and will serve as the gateway to the development. This sub-area is the front door to the development and will establish the developments overall character. Due to the proximity of this sub-area to the Town Center entrance and the area's importance as the project "gateway," the

Developer intends to maintain a high level of architectural unity and continuity in this zone.

c) Sub-Area "C" (Event Center District)

Sub-area "C" is located directly south of the Town Center District, adjacent to the Storm Water Management Area. This sub-area will be accessible from Kirby Road on the west and the extension of Business Center Drive on the east via an east-west circulation drive along the southern boundary of the Event Center District. The purpose of this District is to accommodate a large multi-purpose event and performing arts center or privately owned large format retail, theater, or other entertainment uses. This district will be directly linked to the town center district through a series of pedestrian and vehicular connections, creating a true multi-use destination for the region.

d) Sub-Area "D" ("D-1 and D-2" Southern District)

Sub-areas "D1 and D2" are located in the southeast and southwest corner of the PUD respectively. Development will be complementary to the overall architectural scheme and will be of equal quality; however, development in this sub area will have greater opportunity for the establishment of individual tenant identity through use of nationally recognized building prototypes, provided materials and colors are in harmony with project materials.

e) Sub-Area "E" (Western District)

Sub-area "E" is located west of Kirby Road. Due to this sub area's location on the west side of Kirby Road, the development of this area will be required to meet parking, open space and landscape requirements of this PUD on a stand alone basis. A development plan for this area shall be submitted by developer of Sub Area E and reviewed by the Planning Director for compliance with the specific requirements of this PUD prior to any building permit being issued for work in this sub-area.

f) Sub-Area "F" (Storm Water Management Area)

Sub-area "F" is located along the southern property boundary. This sub-area will be developed as an amenity in accordance with the landscape requirements outlined elsewhere in this text.

g) Sub-Area "G" (Western District)

Sub-area "G" is located west of Kirby Road and fronts Broadway (518). Due to its location, the development of this area will be required to meet parking, open space and landscape requirements of this PUD on a standalone basis. A development plan for this area shall be submitted by developer of Sub-area G and reviewed by the Planning Director for compliance with the specific requirements of this PUD prior to any building permit being issued for work in this sub-area.

SECTION II: DEVELOPMENT STANDARDS

Article VII. Development:

1) General

- a) The development within the Pearland Town Center District shall conform to all provisions of the City of Pearland Unified Development Code, except as addressed herein. It is the intention of these Development Standards to address development density, land use, building and parking setbacks, open space, parking and landscape requirements and architectural façade treatments for the entire district on a stand alone basis and as such, shall establish the sole minimum requirements for compliance. The following Development Standards will apply to all sub-areas, regardless of land use and shall replace the Development Standards of any and all applicable underlying zoning or overlay districts specified in the Pearland UDC. In the event of a conflict between the standards in this PUD and the UDC regulations of any underlying zoning or overlay district, the standards described herein will prevail. Residential development, including town homes, within this PUD district shall conform to the standards set forth in this PUD ordinance, notwithstanding any provisions of any underlying zoning or overlay district contained in the Pearland UDC.

2) Conformity to the Design Plan:

- a) The degree of conformity required between the Design Plan and subsequent development applications shall be limited to conformance with the Density, Parking, Setback and Landscape and open space requirements of this PUD (PD) Ordinance as outlined in Section II Articles VII through XVII.
- b) The Design Plan shall be reviewed by the Planning Director for compliance with the specific requirements of this PUD. Only design plan modifications that do not conform to these general PUD development standards shall require an amendment to the PUD. The Developers compliance with the written text shall constitute "Conformance with the Design Plan."

3) Minor Deviation from the approved Design Plan:

- a) Deviations from the design plan that may be approved by the Planning Director are limited to the following:
- Corrections in spelling, distances, and other labeling that does not effect the overall development concept.
 - Changes in building or land use positions, layout, size or configuration, provided that the overall site density, parking, landscape and open space requirements of this PUD (PD District) ordinance are satisfied.
 - Changes in the proposed property lines, or sub area limits as long as the overall project acreage is not exceeded and provided that the requirements of UDC Chapter 3 Subdivisions are followed.
 - Changes in parking, circulation drives and site layouts provided that the number of parking spaces required by this PUD ordinance and the general relationship of parking lots to buildings are maintained.
 - Developer shall include a major north-south and major east west circulation drive similar to the drives designated as Town center drive and main street as illustrated on the design plan.

4) Sub Area Boundaries.

- a) The Sub Areas boundaries designated on exhibit B-2, which collectively make up the Pearland Town Center PUD, may be adjusted in the final development site plan provided that the area of any individual Sub Area is not increased by more than 10 percent (10%) of the total Sub Area Acreage indicated on Exhibit B-2. No sub area shall expand beyond the limits of the PUD District.

5) Authorized Uses.

- a) The uses permitted within this PUD will be department and retail stores and shops, multi-family residential and town homes, offices, banks, restaurants, theaters and multi-purpose event centers, hotels and motels, and accessory uses customarily incident to the above and traditionally found in contemporary regional shopping centers and Town Center developments.
- b) Specifically, all land uses designated as **Permitted** land uses within the “GB, GC, NS, OP and MF zoning districts” as outlined in Section 2.5.2.1 of the Pearland Unified Development Code shall be considered “permitted uses” in this PUD; however, all such Permitted land uses are subject to

any limitations contained herein. Any land use that is designated as a Conditional Use shall require a Conditional Use Permit (CUP) in accordance with the requirements of the UDC.

6) Excluded Uses:

- Industrial and Manufacturing uses and sexually oriented businesses
- Cannery Wholesale
- Cattle Feedlot and other agricultural uses (except farm markets)
- Chemical Packing or Blending
- Railroad Depots
- Heavy Machinery Sales and Storage
- Major Auto Repair
- Parts Fabrication or manufacturing
- Auto Assemble
- Auto Wrecker Service as Primary Use
- Bus and Truck Storage
- Motor Freight Terminals
- Refuse Transfer Stations
- Self-Storage facilities
- Drive-In and Drive-Through Restaurants within Sub Area A
- Outdoor storage, except as may be permitted by the UDC
- ***Boarding Homes***
- ***Drag Strip / Race Track***
- ***Auto Paint Shop***
- ***Muffler Shop***
- ***Assisted Living***

Article VIII. Development Density Regulations:

Notwithstanding the provisions of the Unified Development Code, or the requirements of any underlying zoning or overlay district use regulations, the following are the Maximum Allowable Residential Densities permitted for this PUD:

- 1) Entire PUD
 - a) Residential Density – Established by Sub-area
 - b) No more than 300 residential units collectively within Sub Areas A, C, D
 - c) Impervious coverage shall not exceed eighty five percent (85%) of the Net land area. All pervious area shall be landscaped.
 - d) Impervious coverage shall be based on the Net Area of development without regard to parcel ownership or sub area. Pervious areas within sub area F - Storm Water Management Area excluding the surface area of the lake measured at the required storage level, and all other pervious open space shall be included for the purpose of this calculation.
 - e) Non residential development Density shall be permitted within this Town Center PUD in accordance with the City of Pearland zoning codes in effect at the time this document is adopted. The Developer shall comply with all building, mechanical and life safety codes in effect at the time building permits are requested.
- 2) Sub Area A
 - a) Up to 300 residential units, subject to the limits established in Paragraph 1 b above.
- 3) Sub Area B (B-1 and B-2)
 - a) No residential permitted
- 4) Sub Area C
 - a) Up to 300 residential units, subject to the limits established in Paragraph 1 b above.
- 5) Sub Area D (D-1 and D-2)
 - a) Up to 300 residential units, subject to the limits established in Paragraph 1 b above.
- 6) Sub Area E
 - a) Town homes - No more than 9.4 units / net acre devoted to town homes (all other multifamily uses are prohibited in sub area E) Town Homes Developed in sub area E shall meet the Screening Requirements of the UDC.
- 7) *Sub Area G*

a) no residential permitted.

LAND USE AREA TABLE

SUB AREA	ACRES	PROPOSED LAND USE	DENSITY LIMITS
A	78.2	Mixed-any Authorized use See Section VII par. 5	No more than 300 Residential units subject to Par. 1 b above Other uses as permitted by UDC
B	17.3	Mixed-any Authorized use See Section VII par 5 except residential.	No residential permitted Other uses as permitted by UDC
C	17.8	Mixed-any Authorized use. See Section VII par 5	Maximum 6000 seats in event center, Up to 300 Residential units subject to Par. 1 b above Other uses as permitted by UDC
D	13.1	Mixed-any Authorized use. See Section VII par 5	300 Residential units subject to Par. 1 b above Other uses as permitted by UDC
E	18.2	Mixed-any Authorized use. See Section VII par 5	Limited to 9.4 Town Home units per / net acre. Other uses as permitted by UDC
F	20.1	Storm water Management and Passive recreation only	
G.	8.5	<i>Mixed-any Authorized use. See Section VII par 5 No residential permitted</i>	

Article IX. Area Regulations:

1) Size of Lots:

- a) Minimum Lot Size (All sub areas) – Twenty-two thousand and five hundred (22,500) square feet in area.
- b) Minimum Lot Frontage (Sub Areas A through D and F)–Thirty Feet (30’.) Flag lots are permitted provided they have a minimum 30’ frontage on a Public or Private street. Minimum lot frontage for Sub Area E *and Sub Area G* shall be as required by the UDC.
- c) Minimum Lot Depth (Sub Areas A through D and F)– No Minimum required. Minimum lot depth for Sub Area E *and Sub Area G* shall be as required by the UDC.
- d) Maximum Number of Lots – No limit on the number of lots that may be created provided they meet the subdivision requirements in Chapter 3 of the UDC and these standards.
- e) Maximum Project Coverage – Percent of Impervious area: Eighty Five Percent (85%) of the Net Area of the PUD District. With the exception of Sub Areas “E” *and “G”*, coverage shall be calculated on a composite basis, without regard to sub-area or parcel boundaries.

2) Size of Yards: (All Sub Areas)

- a) Minimum Front Yard – No minimum yard is required between any lots created within the PUD District. A Twenty-five foot (25’) parking and drive setback shall be required adjacent to any PUD district Boundary (not Sub Area Boundary) that directly abuts residential Development or public street that is OUTSIDE the Boundary of this PUD District as outlined in Paragraph 3) below.
- b) Minimum Side Yard – No side yard is required between any lots or land uses created within the PUD District. A Twenty-five foot (25’) parking and drive setback shall be required adjacent to any PUD district Boundary (not Sub Area Boundary) that directly abuts residential Development or public street that is OUTSIDE the Boundary of this PUD District as outlined in Paragraph 3) below.
- c) Minimum Rear Yard - No rear yard is required between any lots or land uses created within the PUD District, however, a Twenty-five foot (25’) parking and drive setback shall be required adjacent to any PUD district Boundary (not Sub Area Boundary) that directly abuts residential Development or public street that is OUTSIDE the Boundary of this PUD District as outlined in Paragraph 3) below.

3) Thoroughfare Lot and Setback Standards:

- a) The minimum front yard building setback adjacent to a specified thoroughfare or collector street R.O.W. shall be twenty-five feet (25').
- b) The minimum setback for all off-street parking, maneuvering and loading areas from the right-of-way line of a specified major thoroughfare or collector street R.O.W. shall be twenty-five feet (25').
- c) The minimum setback for all screening walls and fences, including residential subdivision fences, from the right-of-way line of a major thoroughfare or collector street R.O.W. shall be ten feet (10').
- d) The minimum setback for any outside storage area from the right-of-way line of a major thoroughfare or collector street shall be one hundred and fifty feet (150'). The setback may be reduced to twenty-five feet (25') if such area is screened to one hundred percent (100%) opacity with a screening wall that matches the primary on-site building material or with live vegetation.
- e) The Developer and the City of Pearland acknowledge that there are no recognized floodways, creeks or other drainage ways proposed as linear parks within the Pearland Town Center PUD.
- f) Buildings, parking areas, or other visual obstructions shall not be located in any required visibility triangle as defined in the UDC.
- g) The required setback area as described above shall be landscaped, and shall be included in the calculation of required landscape and open space and pervious area that may be required by the City of Pearland Ordinances or this PUD.
- h) No building or parking setback shall be required from any circulation drive created within the PUD District. There shall not be any setback or landscape buffer requirements between properties or lots established within the Pearland Town Center PUD (i.e., between department store parcels and/or developer parcels or between any internal lots).

4) Height Restrictions:

- a) Maximum height for retail buildings shall be 68' as measured pursuant to the Building Height definition specified in this PUD ordinance. Hotels, multifamily buildings along with accent structures, architectural towers, and feature elements may be up to 75' high. Office buildings may be up to 100' high.

5) Outdoor Activities or Uses:

- a) The incidental display of merchandise out of doors is permitted within this PUD district. Except as provided below, all display areas out of doors shall be confined to a pedestrian walkway immediately adjacent to the building housing the primary use, or within any common pedestrian areas

located within Sub Area "A," including the Fountain and Carousel Plaza area designated on the site plan. Such display may be permitted to extend the entire length and width of any sidewalk and plaza areas, provided that adequate pedestrian access is maintained. Adequate pedestrian access shall be an unobstructed thirty-six inch (36") walkway. There shall be no requirement that any display be located wholly under any permanent part of a main business building such as a marquee. In addition sales and display area may be located in any kiosk or pushcart location designated on the final site plan.

- b) The temporary sale of Christmas trees and products associated with celebration of holidays or national events on any property in the Pearland Town Center district or the temporary sale of goods in relation to special events (e.g., Hanukkah, Presidents' Day, Easter, etc.) shall be permitted for a period of forty-five days prior to the day of religious the holiday celebration. No permit shall be required provided the sale area is as specified in Paragraph a) above.

6) Common Areas:

- a) All common areas within the Pearland Town Center PUD shall be maintained by the Developer, or as provided in the Private Easement, Restriction and Operating agreement to be developed for the entire Town Center Development.

7) Usable Open Space Standards: *See Exhibit B for Landscape area, Open Space and Parkland Calculations which conform to the following standards:*

- a) The following Usable Open Space Standards replace the applicable requirements of any underlying zoning or overlay districts in the UDC as well as the requirements of Section 2.2.2.3 (C) of the UDC.
- b) Designated Usable Open Space (Open Space Standards): Open space requirements shall be calculated based on the number of residential units as follows: For each multi family unit or town home developed within this PUD developer shall provide at least six hundred (600) square feet of usable common open space for each multi family unit and nine hundred (900) square feet for each Town House unit.
- c) In addition, the following standards shall apply to all Residential Developments.
 - For each Multi family unit or town home developed within sub areas E, each area of common open space shall be within three hundred feet (300') of all dwelling units in sub areas E intended to be served by the common open space, measured along a route of pedestrian access.

- The minimum area of any common open space shall be six thousand (6,000) square feet.
 - The minimum dimension of any common area shall be eighty feet (80').
- For each multi-family unit or town house developed within Sub areas A, C or D, common open space as specified in paragraph 7) b above shall be provided and shall be located anywhere within Sub areas A, B, C, D or F. and may be located within the required parking and building setback areas. Each area of common open space shall be connected to the dwelling units intended to be served by a paved pedestrian multi-purpose trail.
 - The minimum area of any common open space shall be six thousand (6,000) square feet.
 - The minimum dimension of any common area shall be twenty five feet (25') and must include the site amenities described in Article XI Landscaping Site amenities. Open space provided within the landscape buffer areas adjacent to any public street shall include a meandering, landscaped pedestrian multi-purpose sidewalk that is accessible to the public. Where a sidewalk is required adjacent to any public thoroughfare, the public sidewalk shall be incorporated into the common open space and maintained by developer.
 - Each area of required common open space shall be appropriately graded, turfed, surfaced or otherwise landscaped and provided with suitable drainage facilities.
 - Facilities such as pedestrian ways and outside swimming pools may be included as part of the required common open space.
 - off-street parking areas, service drives, and the storm water storage portion of detention facilities shall not be included in any calculation of required common open space.
 - A maximum of twenty-five percent (25%) of the dwelling units within a multiple-family development shall be efficiency units.
 - The landscaped buffers required in this PUD ordinance may be counted toward meeting this common open space requirement.

8) Parkland Dedication

- a) Parkland Dedication will be provided in accordance with the Pearland Codified ordinance, Chapter 3 of the UDC. Parkland shall be provided as calculated and shown on the attached Exhibit B. In the event that Parkland

is not provided as shown, the developer of any Residential units in any Sub-Area shall be required to pay a PARKLAND DEDICATION FEE at the rate of \$750.00 per unit as provided in Chapter 3 of the UDC. Said fee shall be paid at the time the initial residential occupancy permit for any residential phase of the development is requested, and shall be based on the total number of residential units proposed in that phase.

9) Fences & Screening:

- a) The following Development Standards for Screening and Fencing replace the applicable standards specified in the Pearland UDC underlying zoning and overlay districts as well as the requirements of Division 4 Screening and Fencing.
- b) Nonresidential and Multiple-Family Screening Required (New Construction) This section shall apply to the following:
 - Any nonresidential use that is separated by only a public street or has a required side or rear yard contiguous to any residential use or residential zoning district that is located outside of this PUD district.
 - Any multiple-family use that is separated by only a public street or has a required side or rear contiguous to any residential use or residential zoning district that is located outside of this PUD district.
 - No fencing or screening shall be required between any uses, parcels, lots or Sub-Areas that are located within this PUD district.
- c) The following shall apply when required by the paragraph above:
 - The nonresidential or multiple-family use shall construct an opaque screening wall a minimum of six feet in height, but not to exceed Ten feet in height. The screen shall be located no closer to the street than the property line. Such screening fence shall be maintained in good condition. Any sections of this Code concerning sight obstructions of intersections shall be applicable to the screen where it is intersected by a street or thoroughway.
 - There shall be a 25-foot wide landscape buffer between nonresidential or multiple-family and all single-family uses. The requirement may be reduced to 15 feet if the nonresidential use is a office/professional use. For the purpose of this section, no screening, fencing or landscape buffer shall be required between any Residential use and any Storm water management area that is

developed as an amenity. See Article XI Landscaping for Amenity requirements within the storm water management area.

- Prior to construction of buffers, complete plans showing type of material, depth of beam and structural support shall be submitted to the Building Inspection Division for analysis to determine whether or not:
 - i. The screen will withstand the pressures of time and nature; and shall be maintained in good condition.
 - ii. The screen adequately accomplishes the purpose for which it was intended.
 - iii. Any Wood screen shall be of a type approved by the City of Pearland.
- The Building Official shall determine if the buffer meets the requirements of this section. Any landscaping required by this PUD ordinance shall be placed on the residential side of any required screening wall.
- If the screening wall exists previous to the development of the nonresidential or multiple-family use (as applicable), required landscaping may be placed on the nonresidential or multiple-family (as applicable) side of such wall.

10) Parking Area Screening Along Major and Secondary Thoroughfares.

- a) Landscaping shall be required for the screening of parking areas along major thoroughfares or secondary thoroughfares as required by Article XI of this PUD ordinance.
- b) An alternative form of screening, in lieu of the masonry wall, may be approved by Planning Director with the Preliminary Subdivision Plat or Preliminary Development Plat application. Alternatives that may considered include:
 - A living/landscaped screen in conjunction with decorative metal (e.g., wrought iron, aluminum and galvanized steel) fence sections with masonry columns.
 - A combination of berms and living/landscaped screening;
 - A combination of berms, decorative masonry walls and living/landscaped screening, either with or without a decorative metal or “WoodCrete” type of fence with masonry columns; or
 - Some other creative screening alternative may be approved if it meets the spirit and intent of this Section, if it is demonstrated to be long-lasting and generally maintenance-free, and if the Planning Director finds it to be in the public interest to approve the alternative screening device.

- c) Time Required for Opacity: Any required screening device shall be, or shall achieve, at least six feet in height and at least ninety percent opacity within one year of initial installation/planting. Any landscaping used to achieve the purpose of required screening shall be in conformance with the landscape requirements of this PUD ordinance.
- d) Installation: The screening/wall/device shall be installed prior to final acceptance of the subdivision public improvements. All landscape materials, if utilized, shall be installed in accordance with the landscape requirements of this PUD. Failure to properly install all components of a required screening wall or device within the prescribed time frame, shall constitute a violation of the Unified Development Code and this PUD Ordinance, and shall authorize the City Engineer to refuse acceptance of the subdivision public improvements.
- e) Design of Walls: All masonry, wrought iron, steel or aluminum screening wall plans and details must be designed and sealed by a licensed professional engineer, and must be approved by the City Engineer. Use of chain-link, chicken-wire, hog-wire fencing, and any other material similar in appearance and quality is expressly prohibited. The use of wood is prohibited.
- f) Height of Screening: The height of required screening devices, including spans between columns, shall be a minimum of six feet and shall be no more than Ten feet. Decorative columns, pilasters, stone caps, sculptural elements, and other similar features may exceed the maximum eight-foot height by up to two feet for a total maximum height of 10 feet for these features, provided that such taller elements comprise no more than 10% of the total wall length in elevation view.
- g) Other Easements: Screening fences, walls and devices shall not be constructed within, but may cross through, any portion of a utility or drainage easement unless specifically authorized by the City or by any other applicable utility provider.

11) General Screening.

The following requirements shall be in addition to the foregoing landscaping and planting requirements:

- a) All loading spaces and docks, outside storage areas, refuse containers/areas, mechanical equipment, must be screened from view from private streets or public rights-of-way. The Rear of non-residential buildings facing public or private streets shall not require screening from

view provided they comply with the façade standards specified in Article XII.

- b) Approved screening techniques include masonry, evergreen vegetative screens, landscape berms, existing vegetation or any combination thereof. In any case in which a fence/wall is constructed to provide screening, landscaping elements shall be incorporated along a majority of the fence/wall. Also, in the case of roof mounted mechanical equipment, parapet roof structures are approved for screening such equipment.
- c) If a nonresidential use is adjacent to a residential use other than multiple-family, such nonresidential use shall be screened in accordance with this section and shall include a vegetative buffer. Storm water Management areas shall not be considered a non-residential use for the purpose of this section provided that it is developed as an amenity. Refer to Article XI for amenity requirements.

Article X. Parking Standards:

Off street parking and loading for this PUD (PD District) shall be provided in accordance with the following minimum standards:

1) Minimum Dimensions:

- a) Off street parking spaces shall be a minimum of 9' x 18' with a minimum 24' drive aisle. Both angled and parallel parking stalls are permitted.
- b) Accessible Parking shall be provided in accordance with The Americans with Disabilities Act (ADA) and the ADA Accessibility Guidelines.

2) Minimum Number Of Parking Spaces Required

- a) Parking within the PUD shall be provided based on the amount of GLA (or Floor Area if noted below) within the entire PUD and shall be provided at the following rates on an overall or composite basis:
 - four and one-half (4.5) parking spaces for each one thousand square feet of GLA retail uses (including restaurants)
 - two and one-half (2.5) cars for each one thousand (1,000) square feet of all Floor Area devoted to office =one (1) parking space for each four (4) seats in any theater or multi-purpose event or conference center
 - one (1) parking space for each rental unit in any hotel or motel
 - One and one half (1.5) parking spaces for each one-bedroom multi-family residential unit, two (2.0) parking spaces for each two-bedroom multi-family residential unit, and two and one half (2.5)

parking spaces for each three-bedroom multi-family residential unit.

- b) With the exception of Sub Area E *and* Sub Area G, parking spaces required to satisfy these requirements do not need to be located on the same lot or within the same sub-area as the particular land use. Parking is calculated on a composite basis for the PUD as a whole, without regard to parcel ownership or land use. The entire development will be governed by an operating agreement granting cross access and parking easements between the parties. Parking shall be provided within surface parking lots or within parking structures placed anywhere within the PUD District boundary.
- c) Any land uses located within Sub area E *and* Sub Area G must meet the parking requirements on a standalone basis and must be located within Sub Area E *and* Sub Area G.
- d) Accessible Parking shall be provided in accordance with The Americans with Disabilities Act (ADA) and the ADA Accessibility Guidelines.

3) Loading Spaces

- a) The number of required loading spaces shall be based on the total amount of "Gross Leasable Area" (as opposed to Floor Area) as herein defined, but provided at the rate (loading spaces/GLA) of 1 loading space for every 100,000 sf of Department store GLA and 1 Loading space for each multi-tenant building. Loading spaces shall be a minimum of 12' wide by 35' long. Loading spaces for non retail and restaurant land uses shall not be required, however all receiving areas shall be screened from the public ROW. Loading spaces need not be located on the same lot but must be located within the same sub-area as the main use. *Location and size of Loading Spaces can be adjusted as approved by planning director.*

4) Access and Off-Street Parking Standards.

- a) Construction of Access and off-street parking lots shall be in conformance with the City's Engineering Design Criteria Manual (EDCM); however, the minimum requirements for the number and size of parking stalls shall be as indicated above.

5) Bicycle Parking.

- a) Bicycle parking spaces shall be provided at an amount equal to a minimum of one half of one percent (1/2 %) of the required vehicular parking spaces based on the "Composite Parking Ratio" established for the Town Center PUD. Bicycle Parking shall only be required in Sub Area "A" and shall be based on the required parking necessary to support development within sub Area "A."
- b) Bicycle parking shall be conveniently distributed throughout Sub Area A.
- c) Each required bicycle parking space shall include a means to secure individual bicycles.

Article XI. Landscaping and Open Space:

The following Development Standards for Landscaping and Open Space replace the applicable Required Standards specified in the Pearland UDC underlying zoning districts and / or any Corridor Overlay District, including Chapter 4 - Section 4.2.2.4.

1) Meaning of "Landscape Area"

- a) Landscape area shall mean the area within the boundary of a lot or parcel that is comprised of pervious surface integrated with living plant material, including but not limited to trees, shrubs, flowers, grass, or other living ground cover or native vegetation. The minimum average dimension of any landscape area shall be three feet (3') wide. For the purposes of meeting the requirements of this division, future development areas of the site cannot be considered landscaped area, however future development areas will not be included in the Net area calculation used to determine the required amount of landscape open space or impervious area until such time as the land area is developed.
- b) Internal Landscaped areas shall be bounded by raised or ribbon curbs.

2) Establishment of Minimum Percentages.

- a) Landscape Area: A minimum of ten percent (10%) of the net developed lot area of property on which development, construction or reconstruction occurs shall be devoted to landscape. Note: Percentages are based on the total net PUD area and shall be calculated on a composite basis without regard to lot ownership or sub area designation.

3) Minimum Requirements.

- a) The minimum landscape requirements shall be employed in accordance with the Tree Preservation and Landscape Design Guidelines (Guidelines) made a part hereof, to improve aesthetic appearance, to enhance the

compatibility of different land uses, and to mitigate negative environmental influences on land uses (e.g. heat, noise, air pollution).

- b) The developer, in conjunction with the City Parks Department, shall mark and count the number of “protected trees” that exist on site and upon approval of the City of Pearland, shall provide mitigation based on the number of protected trees identified in accordance with the Guidelines.

4) Landscape Irrigation:

- a) All required landscaping areas shall be 100% irrigated by one of, or a combination of, the following methods:
 - An automatic underground irrigation system;
 - A drip irrigation system;
 - A hose attachment within 100 feet of all plant material, provided, however, that a hose attachment within 200 feet of all plant material in non-street yards shall be sufficient.
 - All irrigation systems shall be designed and sealed in accordance with the Texas Licensed Irrigators Act and shall be professionally installed.
- b) No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.

5) Street Trees

- a) Trees in Class I or II of the Guidelines with a minimum Two inch (2”) caliper measured twelve inches (12”) from the ground shall be provided along thoroughfare and collector street frontage (Broadway, Kirby and Business Center Drive) with the total caliper inches equal to one inch for each fifteen feet (15’) of frontage. Each required tree shall be planted in a landscaped area of at least 36 square feet with a minimum dimension of six feet.

6) Screening of Parking Areas.

- a) Landscaping shall be required for the screening of parking areas when parking spaces directly abut public right-of-way or property that is outside of the PUD. No parking lot screening shall be required between internal lots which may be created within the PUD or between sub-areas or circulation drives located within the PUD.
- b) Front yard parking areas and side yard parking areas fronting on a public street right of way shall be screened from the right-of-way by a continuous hedge or berm by placing the quantity of plant material required by paragraph f) below.

- c) The side yard of any lot that contains a parking area abutting a property outside of the boundaries of this PUD district used or zoned for a nonresidential use shall provide a screen of hedges, berms, or fences so as to provide a screen for a minimum of thirty-five percent (35%) of the length of the parking lot. There shall be no parking lot screening required between parcels, lots or land uses that may exist within the PUD.
- d) The required screening may be grouped and dispersed randomly.
- e) Screening between nonresidential and residential lots outside the boundaries of this PUD district shall be provided in conformance with the Screening and Fencing section of this PUD ordinance.
- f) The minimum number of shrubs shall be equal to the total caliper inches of street trees required under paragraph 5) a) above multiplied by five.
- g) Shrubs and berms shall be maintained at a height of no more than thirty-six inches (36") nor less than eighteen inches (18") as measured from the surrounding soil line.
- h) A nonresidential development that has a shared parking area with an adjacent nonresidential development shall not be required to screen such shared parking area in relation to the abutting side yard. There shall be no requirement to screen any parking lot from any other lot within the PUD district. The only parking lot screening that shall be required shall be at the boundaries of the PUD district, adjacent to a public thoroughfare.
- i) Each required tree shall be planted in a landscaped area of at least 36 square feet with a minimum dimension of six feet .

7) Interior of Parking Areas.

- a) Interior landscaping shall be required to be integrated into the overall design of the surface parking area in such a manner that it will assist in defining parking lots, pedestrian paths, driveways, and internal collector lanes, in limiting points of ingress and egress, and in separating parking pavement from street alignments. See Landscaping within parking areas below.
- b) Tree islands must be protected from vehicle intrusion by curbs or similar structures.
- c) Two feet of the tree island may be counted as part of the required depth of the abutting parking space if curbed and the minimum island width is six (6) feet.

8) Large Tracts.

- a) On large tracts of land, exceptions to this division may be granted by the Planning Director to require a lesser amount of landscaping if the aesthetic, buffering and environmental intent of this division is met, and it

is located along rights-of-way or in strategic environmentally sensitive areas.

9) Landscaping Within Parking Areas.

a) With the exception of parking on Town Center Drive and the East / West Main Streets, screened service areas and parking structures, the following minimum criteria shall be met:

- The total caliper inches shall equal one inch for each five parking spaces. Caliper inches of street and parking lot trees may be provided by planting a combination of trees that exceed the minimum two-inch caliper.
- All outdoor parking areas (excluding screened service areas and parking structures) having spaces for more than twenty (20) vehicles shall have landscaping within the perimeter of the parking areas so that the total interior parking lot landscaping of the PUD District is equal in area to not less than five percent (5%) of the total paved parking areas within the entire PUD. Landscape within the parking areas shall be counted toward the minimum landscape area specified in paragraph Article XI, Paragraph 2) a) above.
- No parking space shall be located more than one hundred feet (100') from a portion of the required landscaping.
- Each landscape island within a parking lot shall be a minimum of 162 square feet as measured from outside face of curb to face of curb, and shall allow at least two feet between any trees within the island and the edge of the island. The average width of each island shall be 6' wide.
- Parking lot landscaping shall not be required in any parking structure.
- Landscape within parking lots shall not be required within the parking areas on the drives designated Town Center Drive or Main Streets, however street trees shall be planted in sidewalks adjacent to each drive.

10) Landscaping On-Site and Related Location.

- a) The landscaped area required by under this Article XI may be placed anywhere within the PUD without regard to interior lot or sub-area.
- b) Except as required in paragraphs 5, 6 and 9 above, there shall be no requirement that any portion of the landscape area required under this section be installed in any specific location, provided that landscape area is generally equally distributed throughout the PUD.

- c) Undeveloped portions of a tract or lot shall not be considered landscaped and shall not be included in the calculation of land area until they are developed.

11) Tree Credits.

- a) Tree credits shall be given pursuant to Chapter 4, Article 2, Division 3 of the UDC.

12) Adjacent to a Single-Family Use or Zoning District.

- a) When a nonresidential development is established on a tract of land that is adjacent to a single-family development or to property zoned for single-family use, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located within the required yard/setback area.
- b) Storm water Management Areas shall not be considered a non-residential use for the purpose of this section provided they are developed as an amenity as described below.

13) Amenity Treatment

- a) Any common open space that is designated an Amenity shall contain a minimum eight foot (8') wide multipurpose nature trail. The trail will be enhanced with naturalistic landscape plantings including canopy shade trees, understory ornamental trees, and accent shrubs and shall be interconnected to other open space areas with pedestrian walkways. Landscape planting required by other sections of this ordinance shall be utilized for trail enhancement. Each common open space shall have at least one paved seating area. Seating areas shall contain appropriate site furnishings, including benches and waste receptacles.
- b) In addition to the above, the multipurpose trail within the storm water management area (sub area F) shall contain a minimum of (4) seating areas with benches and trash receptacles and shall contain, on average, a minimum of one (1) flowering and two (2) shade trees for every (100 Lin. ft.) of trail together with (15) accent shrubs. Trees will be staggered on each side of the trail and will be clustered to provide a naturalistic arrangement.

14) Greenway

- a) As a condition of this PUD approval, Developer shall construct the landscape areas adjacent to the surrounding public streets and adjacent to the storm water management area as a public Greenway as illustrated on the site plan and shall incorporate the amenity treatment described in Section 13 above, even if no multifamily/residential is developed on site. The greenway areas shall be considered part of the required residential open space and parkland if multi-family residential is developed.

Article XII. Building Design Standards.

1) General

- a) The following Building Design Standards replace the Building Design Standards specified in the Pearland UDC underlying zoning and overlay districts including the requirements of Chapter 4.

2) Building Articulation:

- a) Building articulation, which is the expression or outlining of parts of the building by its architectural design, shall be provided in order to achieve the following:
 - Create a complementary pattern or rhythm, dividing large buildings into smaller, identifiable portions.
 - Break up the building mass through offsets and other methods that articulate the horizontal and vertical building planes.
 - Incorporate details that create shade and cast shadows to provide visual relief.
 - Vertical reveals and projections to express a rhythmic pattern across the elevation.
- b) Other architectural details which may include texture, pattern, vertical and horizontal relief and other treatment that will reduce the visual impact of long blank walls. Foundation landscaping (where appropriate outside of Town Center Streets) designed to complement the building architecture is encouraged but not required.
- c) Entrances to buildings shall be emphasized through the use of appropriate accent materials, a variety of wall height and building massing façade offsets and by developing dramatic combinations of architectural forms. Building entries should be highlighted by façade offsets and architectural accents.
- d) Building articulation shall be provided as specified in the following:

- All nonresidential structures fifty thousand (50,000) square feet in size or greater, except department stores, shall incorporate architectural variation of at least three feet in depth for every twenty-five feet (25') in façade length.
- All nonresidential structures less than fifty thousand (50,000) square feet shall incorporate architectural variation of at least one foot in depth for every twenty feet (25') in façade length.

3) Building Design:

- a) Materials - Eighty Five percent (85%) of all buildings walls that are not transparent, including parking structures, visible from any specified public street, shall be covered with masonry, or any of the following materials:
 - natural and synthetic stone
 - cement board siding,
 - precast concrete,
 - cast and cultured stone,
 - Glass Fiber Reinforced materials such as Concrete and Gypsum
 - Exterior Insulation and Finishing Systems (EIFS)
 - Synthetic Stucco
- b) Corrugated metal and exposed fasteners are prohibited. There shall be no requirement that any exterior wall facing any specified major thoroughfare be transparent, providing that the building façade is set back a minimum of seventy feet (70') from the right of way. Any exterior building wall that is closer than 70' to the right-of-way line of any specified major thoroughfare or collector street shall be required to be twenty five percent (25%) transparent.
- c) All facades of an individual building, multiple buildings in a shopping center, or integrated business development, and all roofing in a shopping center of integrated business development shall have similar architectural design, color, and materials as specified in Paragraph 1) f) above.
- d) Building colors shall conform to -- the City of Pearland's approved color palate or a supplemental = color palette established by developer and approved by the planning director.

4) Building Form:

- a) A variety of architectural details, materials and building forms shall be permitted throughout the development. All portions of a structure shall

have a unified design treatment, appropriate in scale and harmonious with other structures in the development.

5) Roof Form / Type

- a) Permitted roof forms include, flat, pitched, arched and shed roofs. There shall be no restriction on the type of roof system incorporated into the design.

6) Retail Arcades and Entrance

- a) There shall be no requirement that any pedestrian arcade or canopy structure be constructed adjacent to or in front of any retail structures. Building entries must be easily identified by customers and must be accentuated by an architectural expression or by accent landscape or hardscape treatment.

7) Screening

The following site elements shall be screened from the public view from all specified major thoroughfares.

a) Mechanical and Utility Equipment:

- Screening shall consist of a decorative wall or architectural element of the building that is one hundred percent (100%) opaque. Gate and Access Door opacity can be reduced as approved by planning director but shall be of sufficient height and opacity to completely obscure the activity, structure or use.
- Roof-mounted equipment shall be screened with materials that are one hundred percent (100%) opaque. Appropriate screening includes an extension of the wall, such as a parapet wall, on which the equipment is mounted.

b) Vehicle Loading and Unloading Areas

Screens shall incorporate shrubbery having year-round foliage and/or a wall or architectural element of the building that is a minimum of six feet in height and shall be, or shall achieve, at least six feet in height and at least seventy-five percent (75%) opacity within one year of initial installation/planting. Plant material used to meet this requirement shall be a minimum 4' high at time of planting.

- Refuse, Refuse Containers, and Recycling Containers
 - Screens shall consist of a solid wall or architectural element of the building that is a minimum six feet in height.
- Screening Elements Required:
 - Approved screening techniques include masonry, evergreen vegetative screens, landscape berms, existing vegetation or any combination thereof. In any case in which a fence/wall is constructed to provide screening, landscaping elements shall be incorporated along a majority of the fence/wall. Vegetative screens shall be of sufficient height and opacity to obscure the activity, structure or use at the time of planting installation. Also, in the case of roof mounted mechanical equipment, parapet roof structures are approved for screening such equipment.
- Screening Elements Prohibited:

No fence or wall visible from a public street shall be:

- Greater than ten feet in height.
- Located within any required visibility triangle.
- Constructed with any of the following materials: surface painted or coated concrete, chain link, concertina wire, barbed wire, corrugated metal, wood panels or fiberglass panels unless approved by planning director.

Article XIII. Lighting Standards:

1) General lighting criteria

- a) A parking lot lighting system using Metal Halide lighting shall be installed to provide a minimum illumination of 1.0 foot candle average between poles on all paved areas during business hours. Higher light levels are permitted at entrances and other significant pedestrian and vehicular areas as determined by developer, consistent with standard industry practice.
- b) All lighting must be arranged or shielded (dark sky fixtures) to avoid excessive glare onto any portion of the Town Center or adjacent properties or city R.O.W. Flood light type fixtures are prohibited, except in service areas, provided light source is not visible by the general public during business hours. Architectural accent lighting of any type is permitted throughout the PUD.

- c) Parking lot areas shall have round tapered poles and concrete bases throughout Town Center with a maximum height forty (40') foot, light standards and fixtures may be varied in design, color and height to provide for different lighting for different situations. Bollard, accent and pedestrian scale lighting shall be permitted, as well as directional lighting to accent architectural features and amenities.
- d) Light fixtures shall be selected to complement building architecture. Finishes of any externally exposed fixtures must match the adjacent surface finish.
- e) Security lighting for all paved areas shall be provided.
- f) The use of building mounted fixtures to illuminate parking areas is prohibited except for parking within receiving areas.
- g) Wooden light poles are not permitted.

2) Vehicular Circulation & Parking Areas:

- a) Metal Halide fixtures shall be used with no direct glare onto adjacent properties or public streets. The glare from such fixtures shall be shielded from adjacent properties and/or public streets.
- b) Standards, poles, and fixtures shall be compatible in color and in design throughout the site and no taller than 40' tall. Accent and pedestrian lighting may be included with maximum pole height of 20' tall.

3) Walkway Lighting:

- a) Walkway lighting comprised of standard, pole, bollard and wall mounted fixtures shall be no greater than twenty 20' above grade.

4) Accent Lighting:

- a) Up lighting shall be concealed or positioned to screen the light source from adjacent property.
- b) Floodlighting or spotlighting of architecture, graphics, or natural features shall not create spillage of light onto adjacent property or public streets.

Article XIV. Thoroughfare and Collector Sidewalk Standards.

1) Location:

- a) The required sidewalk along all major thoroughfares and collector streets may be located within the front yard building and parking setbacks as well as the parkway area from the back of curb to the right-of-way line.

Required sidewalks may be incorporated into the required residential open space as a part of a multipurpose pedestrian walkway system.

- b) Easement Required: A ten foot (10') wide public use easement shall be provided for the required sidewalk when placed outside of street right-of-way.
- c) Curved Alignment Required: The required sidewalk shall have a curved alignment for at least fifty percent (50%) of the major thoroughfare street frontage. Sidewalks on intersecting streets or internal walkways shall not have a curved alignment.

2) Construction Criteria: Construction criteria for the required sidewalk:

- a) Minimum six feet wide. Greenway area multi-purpose walkways shall be eight feet (8') wide.
- b) Minimum eighty-foot (80') centerline radius, maximum intersection angle of twenty degrees, and maximum twenty-foot (20') foot tangent between sidewalk curves.
- c) Minimum six-foot separation between back of street curb and edge of sidewalk, except at street intersections and bridge approaches.
- d) Sidewalk approaches, including the wheelchair ramp, to street and driveway intersections shall be straight and parallel to the adjacent street for a minimum of ten feet (10').
- e) Detailed construction plans shall be submitted to the City Engineer for approval prior to construction of the sidewalk. Sidewalk construction shall be designed and constructed and furnished in conjunction with the offsite roadway improvements being provided under the terms of the Development Agreement between the City of Pearland and Developer.
- f) Deviations from these criteria may be approved by the City Engineer for good cause such as cases of unusual or unique topography or to preserve desirable natural features.
- g) A minimum six-foot wide pedestrian sidewalk shall connect the perimeter sidewalks to the Town Center Drive and east west Main street sidewalk circulation system. This connecting sidewalk shall be accessible, readily visible, and paved.
- h) The multi-purpose walkways within the greenway area shall meet the City of Pearland sidewalk construction standards when adjacent to any public street. The multi-purpose trails within the storm management area (Sub Area F) shall be constructed with concrete, asphalt or other hard surface material such as crushed limestone with fines, well compacted gravel, or other hard surface material approved by the City of Pearland.

Article XV. Utilities.

- 1) All proposed utility lines within the PUD development including water supply, sanitary sewer service, electricity, telephone and gas as well as their connections shall be placed underground, with the exception of the existing overhead electric lines crossing through or adjacent to the PUD or installed along Kirby Road, Broadway or = Business Center Drive. Meters, transformers, etc. may be placed above ground provided they are located within screened areas or are otherwise screened from view to the general public. Approved screening techniques include masonry, evergreen vegetative screens, landscape berms, existing vegetation or any combination thereof. Location and size of Loading Spaces can be adjusted as approved by planning director.
- (2) If required to accommodate utility extensions through the PUD District, a sixteen-foot (16') wide utility easement along the rear lot line or other approved onsite utility corridor shall be provided to accommodate underground utility distribution lines, including but not limited to, electric, phone, and cable television.

Article XVI. Storm Water Management

- 1) The proposed storm water management area in sub area F shall be designed to control storm water run-off from Sub Areas A through D. Water Quality will be controlled through the use of a wet detention basin(s), and by methods as required by Pearland's engineering design criteria manual in force as of the date of this ordinance. Separate, stand alone storm water management facilities will be provided on Sub Areas *E and G* to accommodate runoff from that sub area. All Storm water management plans must be approved by the City Engineer
- 2) Storm water management will be designed in accordance with generally accepted engineering practice and in accordance with methodology recommended by the drainage district and the City of Pearland.
- 3) Cross access easements shall be provided between each parcel that is created within this PUD to insure conveyance of storm water to the storm water management area.

Article XVII. Signage

- 1) General Standards & Requirements
 - a) Applicability. All signs shall be erected, displayed, altered and reconstructed in conformance with this division. Where the requirements of this division for a particular sign are different than comparable requirements contained in any other law, ordinance or regulation, the requirements and standards established in this PUD text shall govern.

2) Signage has been classified by the following types:

- a) Town Center identification signs, including Pylon Sign.
- b) Department Store and Event Center exterior signs.
- c) Main Street Tenant exterior signs.
- d) Free Standing Out Parcel Building signs.
- e) Directional, Informational and Traffic Control signs.
- f) Service Door signs.
- g) Announcement Signs
- h) On-premise Wayfinding Signs
- i) Interior Project Boundary
- j) **Off-Premise Advertising Wall Signs**

3) General Criteria

- a) No exterior sign shall be permitted upon any parcel comprising the Pearland Town Center PUD that:
 - flashes, blinks, rotates, moves, is animated or emits any sound, provided; however, that any theater, event center or developer information kiosk, reader boards or electronic displays located within Sub-areas "A" or "C" shall not be deemed to be flashing or moving signs for the purpose of this criteria.
 - is painted on the exterior surface of any building, installed upon the roof of any building. In Sub Area A, exterior wall treatments may include painted wall or advertising signs, provided that such painted signs are designed as an integral part of the architectural theme being developed for the Town Center and Tenant Store.
 - The architectural character of signs shall complement and be coordinated with building designs.

4) Town Center Identification Signs

- a) One ground monument Town Center identification sign shall be permitted for each of the six (6) driveway entrances to the development. The Ground signs may be mirrored on both sides of each entry driveway to create a gateway entry feature. Each sign shall be limited to 15' height including the base and support structures. Each sign shall not exceed 100 square feet per face, per side of entrance including exposed supporting structure or associated decorative walls. The portion of the base of the sign within two(2) feet of the grade of the ground shall not be included in area calculations if that portion has no signage, logo, or lettering. In the event Town Center identification is incorporated into any proposed entry wall or

landscape feature only the actual area of sign text and any logo identifying the development shall be measured.

- b) One additional ground monument identification sign shall be permitted in Sub-Area E *and one for Sub Area G*, provided it is coordinated with the design of the ground monument signs at the Kirby Road entry drives. Sub Area E *and Sub Area G signs* shall meet the size requirements of Paragraph 4 a) above.
- c) One overhead gateway feature identification sign shall be permitted for the main Town Center entry driveway (at FM 518). The sign shall have a vehicle clearance of at least 14' and a maximum overall height of 24'. Letter height and sign area are not limited. The sign is restricted to include only the name of the project and any logos or graphics associated with the identity of the Town Center. Refer "Exhibit A- Town Center feature identification sign" of the attached appendix.

5) Department Store and Event Center Exterior Signs

- a) The maximum allowable number of signs per Department Store or Event Center is Four (4). Signs on one elevation must be contained in one area and not exceed 400 s.f. per sign.
- b) The maximum height of all individual sign letters shall not exceed 96" for capital and lower case letters, with the top of the department store exterior signs being limited to a height of 40' above the average exterior grade.
- c) As an alternative to the above, one (1) Primary Wall Sign may be permitted with 96" high letters, provided the remaining three permitted wall signs are limited to 60" high letters.
- d) Any Event Center may have an electronic changeable message sign = not to exceed 400 SF. See UDC Section 4.2.5.3 par. 7 for requirements.

6) Main Street Tenant Exterior Signs

- a) All tenant stores located within sub-area "A" shall be permitted an exterior building sign for each separate exterior "customer" entrance. Tenant signs shall not exceed 70% of the store front length on which the sign is placed. Letter height shall not exceed 36" in height except hotels which shall be permitted 60" high letters. Blade signs, canopy signs and three dimensional signs are also permitted, provided the total tenant signage does not exceed the maximum calculated square footage available based on tenant frontage.

7) Free Standing Out Parcel Buildings Signs (Sub areas B, C, and D only)

- a) The maximum allowable number of signs per free standing building is one. (1) sign for each public street or circulation drive frontage. Signs must be contained in one area on the facade and shall not exceed 70 % of length of the building face to which it is attached. Letter height shall not exceed 36" in height except hotels which shall be permitted 60" high letters. One detached ground monument sign shall be permitted within Sub Areas B through D for each individual building and such sign shall not exceed five (5') feet in height and not exceed 45 square feet in surface area per face. Monument sign base shall match the primary exterior building materials, and shall conform to a standardized ground monument sign detail to be established by Developer.
- b) Flat wall signs shall not extend more than 8" beyond the face of the surface to which the sign is mounted. Blade signs, canopy signs and three dimensional signs are also permitted, provided the total tenant signage does not exceed the maximum calculated square footage available based on tenant frontage.
- c) Signs shall be composed of individual, free-standing letters. No "belt" or "box" type signs or "pillow" signs will be permitted unless they are part of a tenants national identity. All necessary sign supports and electrical connections shall be concealed.
- d) All signs must be illuminated and shall derive light from a concealed source. No exposed lamps, globes or tubes will be permitted. Minimum return depth for illuminated signs shall be 5". Illuminated signs may be "pegged out" from mounting surface for silhouette effects.
- e) Lettering on all store signs shall be limited to business or trade name of the premises. No sign manufacturer's name, union labels, or other lettering shall be visible. Logo signs will be reviewed on an individual basis by Developer, but in general, national tenants with recognizable logos within or adjacent to their trade name are acceptable. All logos shall adhere to the requirements of this criteria.
- f) No exterior sign or sign panel will be permitted to extend above any roof line.

8) Directional, Informational and Traffic Control Signs

- a) All traffic control signage on public streets shall conform to the size requirements of the "Manual of Uniform Traffic Control Devices and the City of Pearland."
- b) Pedestrian directional signs, information kiosks and electronic information devices shall be permitted throughout the Town Center Sub Area A and Event Center Sub Area C without limitation, provided that they are used solely to convey directional, town center special event, public service and related information to the general public.

- c) Directional signage identifying receiving and loading areas, access routes and other elements requiring further identification are permitted provided they have a consistent design and appearance coordinated with the other Town Center identification signs.

9) Service Door Signs

- a) Each Tenant shall be permitted to install one sign on a service door to identify the name of the business. The content of the sign shall be limited to the name of the business only.
- b) The lettering shall be consistent color and type style, two inches high, and shall be located no higher than 5'-6" above finish floor.

10) Announcement Signs

- a) The following types of Announcement signs shall be permitted within the PUD:
 - Project Announcement Signs - Limited to two (2) Overall Development Signs not exceeding 96 SF per face each sign, and one (1) additional sign for each sale or lease parcel created by Developer, not exceeding 64 SF per face for each additional sign.
 - Banners, Pennants and Temporary Signs used for advertising purposes provided that they are not visible from public streets. On premise externally illuminated portable signs, banners, and windblown signs such as pennants, flags, and streamers for special events and grand openings shall be permitted provided they do not exceed 20 SF in area. There shall be no limit on the amount of Developer placed Banners, flags or signs along Town Center Drive, East or West Main Streets or other circulation routes within the PUD.
 - Project Announcement signs shall be removed within 30 days after an occupancy permit is issued.
 - Land Available and Real Estate Signs. Signs offering land available for sale or lease shall be limited to 64 SF per sale or lease parcel provided that no more than one sign be installed for each 500 feet of frontage.

11) On-Premise Wayfinding Signs

- a) On-premise way finding signs are permitted within the PUD for the specific purpose of directing vehicular traffic around the site and to major anchor stores, Hotels, Residential, Offices and amenities. (12) signs are permitted.

- b) Maximum Height: The maximum height of any vertical On-premise way finding sign shall not exceed 12'-0" (refer to exhibit C on page 40).
- c) Maximum Sign Area: The maximum effective sign area shall not exceed 174 square feet (refer to exhibit C on page 40) including the sign base, and supporting structures and associated decorative walls.

12) Interior Project Boundary

- a) Signs located within the Interior Project Boundary, (refer to Exhibit B on page 38) are considered interior signage and therefore exempt from PD and UDC requirements. **These signs shall not exceed the height of the buildings to which they are attached or immediately adjacent. These include signs such as: mall directories, traffic control, way-finding, banners, flags, tenant advertising, portable sidewalk signs, information kiosks and electronic information devices.**
- b) **For Signs A-J in Exhibit B-2 on page 39, refer to Article XVII Signage:13 Off-Premise Advertising Wall Signs.**

13) Off-Premise Advertising Wall Signs

A) Off-premise Advertising Wall Signs shall be permitted as follows:

1. Shall be located as indicated on the attached Exhibit B-2 (on page 39).
2. Proposed designs must conform to the Off-Premise Advertising Wall Sign Design Guidelines called Exhibit D (on page 42).
3. No more than 7 of the 10 specified Off-Premise Advertising Wall Signs shall be utilized for off-premise advertising concurrently at any time. All Off-Premise Advertising Wall Signs may be used for On-premise or Town Center advertising at any time.
4. Signs designated as A-J shall be submitted first to the Owner for approval and then to the City of Pearland to obtain an approved sign permit prior to the installation of any sign.

Appendix

Exhibit A Town Center Feature Identification Sign

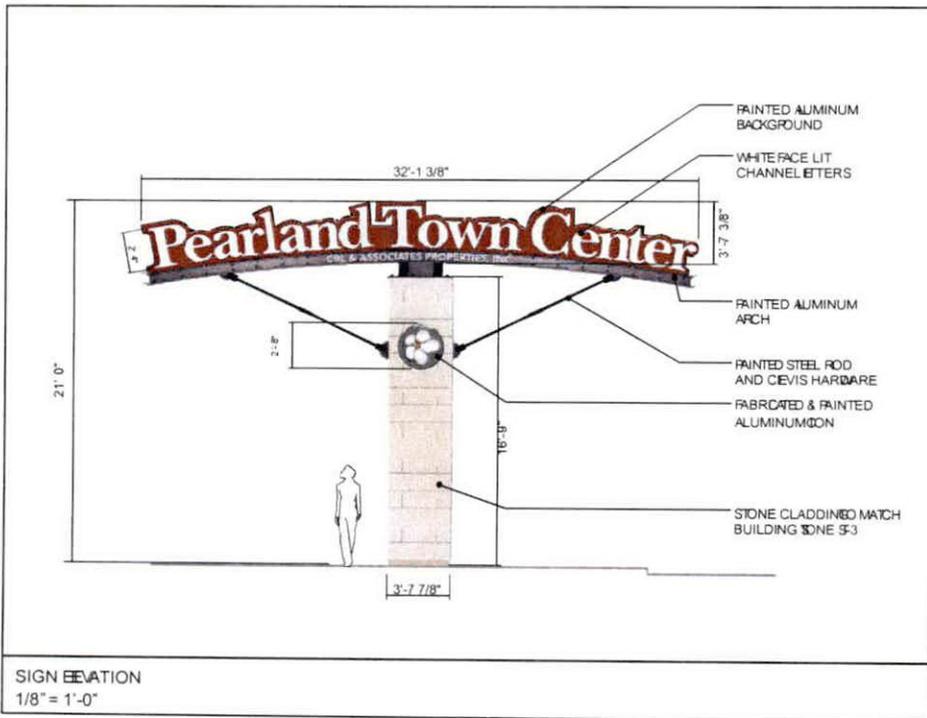
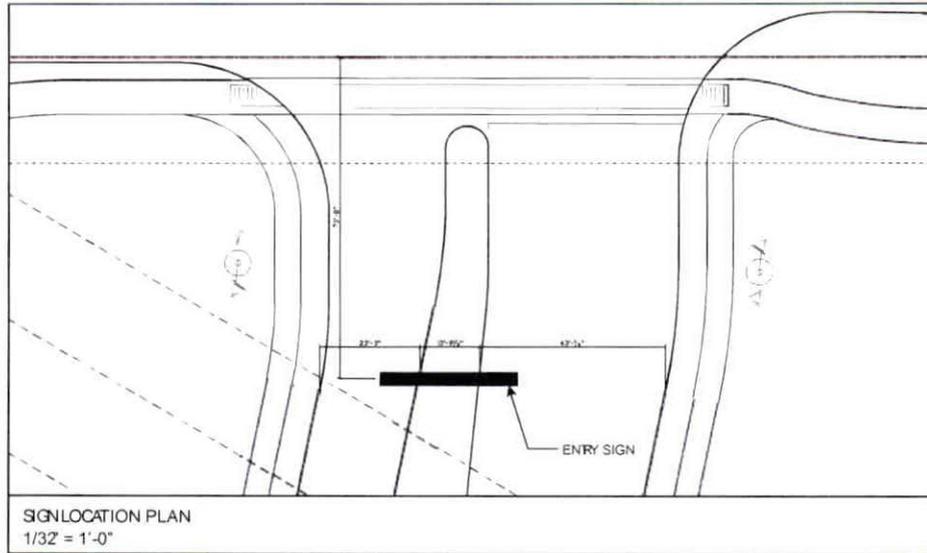


Exhibit B: Interior Project Boundary

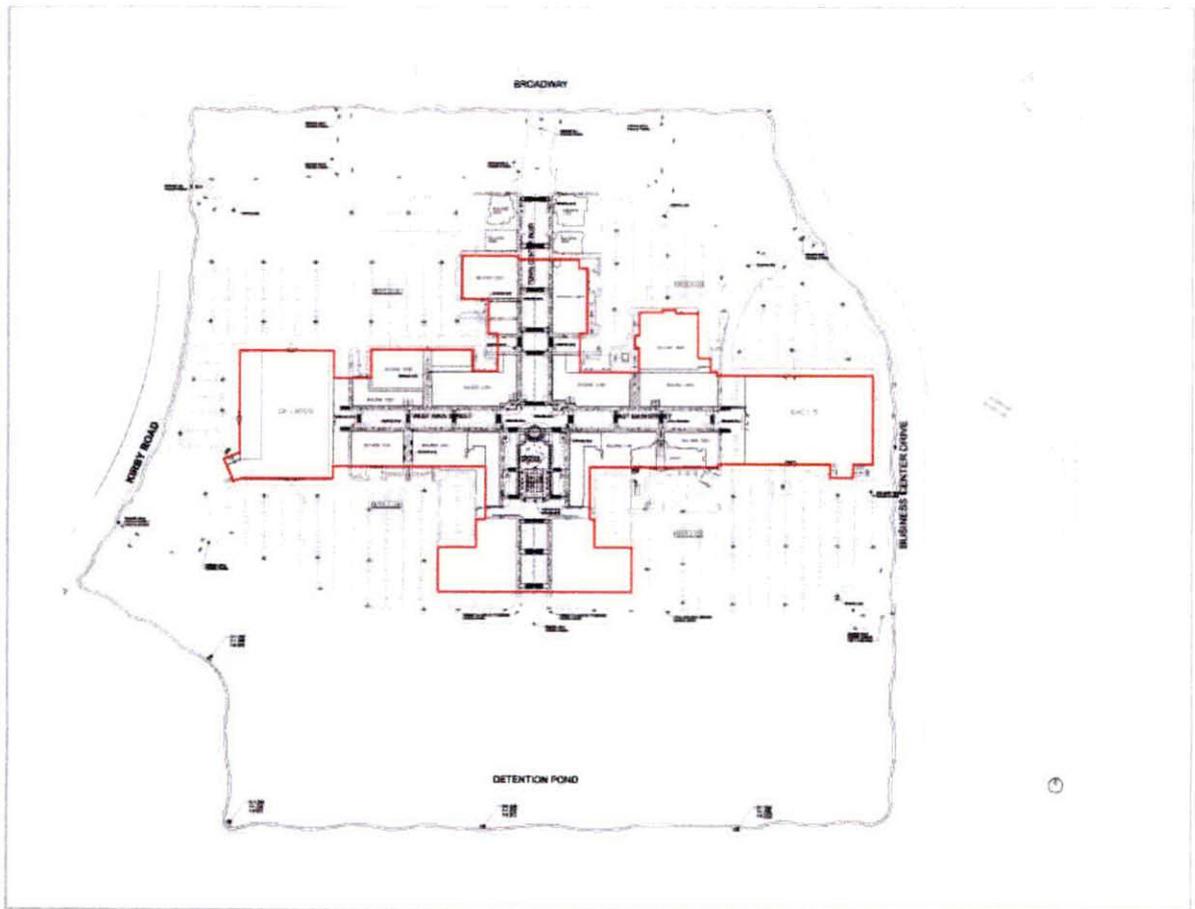
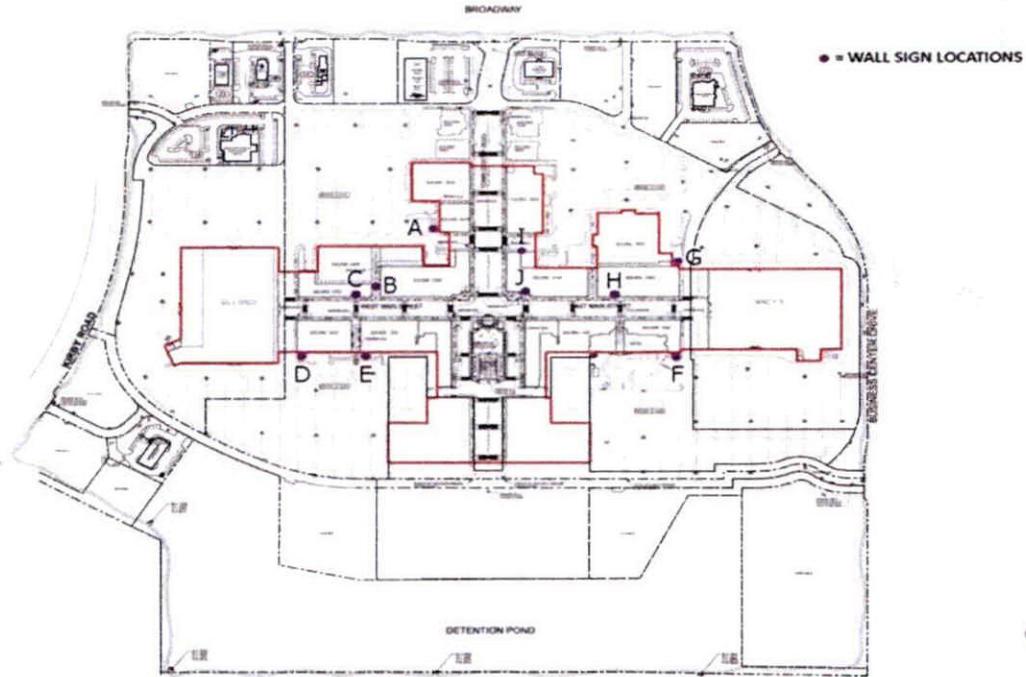
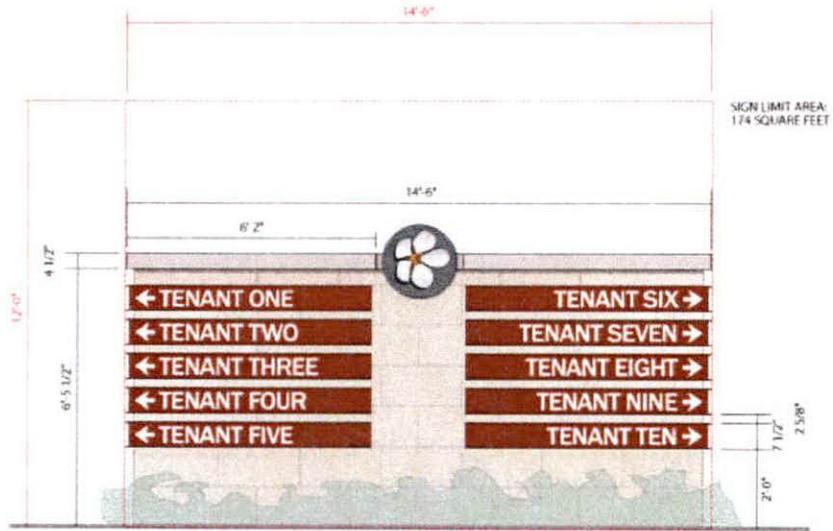


Exhibit B-2: Off-premise Advertising Signs

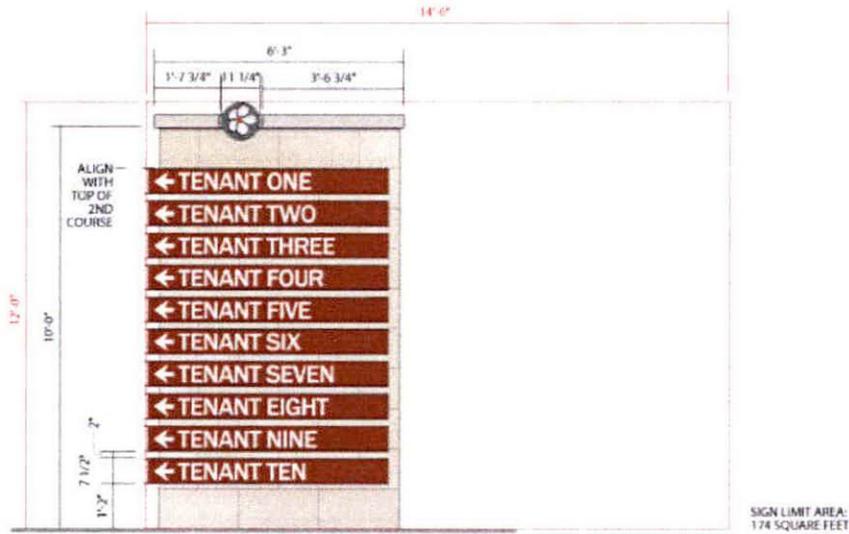


Sign	Visible Opening (tall x wide)	Area (SQ. FT.)
A	24'-0" x 18'-0"	432.00
B	12'-0" x 18'-0"	216.00
C	10'-6 3/8" x 15'-4 3/4"	162.14
D	10'-0" x 18'-0"	180.00
E	14'-0" x 10'-0"	140.00
F	10'-0" x 15'-8"	156.67
G	20'-8" x 11'-0"	227.33
H	10'-6 3/8" x 15'-4 3/4"	162.14
I	16'-0" x 9'-6"	152.00
J	13'-0" x 30'-0"	390.00
Totals		2218.28

Exhibit C On-Premise Wayfinding Signs



02 ELEVATION - HORIZONTAL EXAMPLE



01 ELEVATION-VERTICAL EXAMPLE

Exhibit D: Off-premise Advertising Wall Sign Design Guidelines

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD NOVEMBER 16, 2009, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

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

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT

B. APPLICANT PRESENTATION

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.

JOINT PUBLIC HEARING AGENDA ITEM MEETING OF NOVEMBER 16, 2009

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

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, 2009*

City Council for Second Reading: December 14, 2009*

(*dates subject to change if item is tabled)

SUMMARY: The applicant is requesting approval of Zone Change. 2009-14Z from the Office Professional (OP) Zoning District to the General Commercial (GC) Zoning District. The applicant proposes development of the subject property as Office Warehouse with sales to the public and the property to the south as conditioned storage as stated in the applicant's letter of intent.

The applicant has also applied for approval of a Conditional Use Permit No. CUP 2009-14 for the purposes of operating an office warehouse with sales to the public, and approval of a conditional use permit CUP 2009-15 for the operation of conditioned storage. These are 2 separate CUP's in addition to the Zone Change being requested.

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	Office Professional (OP) and General Commercial (GC)	Vacant and the Old Airport Site
South	General Commercial (GC)	Single Family Residential
East	Single Family Residential-1 (R-1)	Single Family Residential
West	General Commercial (GC) and Light Industrial (M-1)	Single Family Residential

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The subject property is currently zoned as Office Professional (OP). The minimum lot size for the General Commercial (GC) Zoning District is 22,500 square feet, the minimum lot width is 150 feet, and the minimum lot depth is 125 feet. The subject property exceeds these minimum requirements, as the property is approximately 3.7561 acres in size, and has lot widths of approximately 200 feet, and the lot depth of approximately 200 feet. The proposed uses are in conformance with the current UDC with an approved conditional use permit.

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

PLATTING STATUS: The property has been platted.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "General Commercial" for the subject property and the surrounding properties. The Comprehensive Plan further indicates that the appropriate zoning districts for the "Business Commercial Use" are the General Business (GB) and the General Commercial (GC) zoning districts. The request for a zone change is in conformance with the current comprehensive plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Main Street, a major thoroughfare with an ultimate right-of-way of 120 feet, there is frontage on Hampshire, a minor collector street with an ultimate right-of-way of 60 feet, and frontage on Old Alvin, a minor collector street, to be widened to 80 feet. The applicant has had the property platted and all necessary dedications have been made.

AVAILABILITY OF UTILITIES: The subject parcel is served by public water and sewer.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The subject property is located within an area that is currently zoned as OP. Changing the zoning district to GC would be in conformance with the current Comprehensive Plan and the Unified Development Code.

In the Old Town Site 2005 Study, this area had been included in the study with a proposed mixed use development to serve as an anchor to the Old Town Site. This area was later removed from the Old Town Site and a smaller area was included in the Future Land Use and Zoning Maps.

Self storage may not be the best use for this area. The market niche that the Old Town could adapt to is a primarily residential town center supported by a civic/government anchor and adjacent Traditional Neighborhood Developments as shown in the attached concept plan. This large tract of land can be consolidated and developed with a master plan. This area will be discussed at the October 5, 2009 Planning and Zoning workshop for the current Land Use Study.

The applicant is proposing office warehouse with sales to the public with an approved conditional use permit on the lots where the zone change is being request. The applicant also proposes conditioned storage with another conditional use permit on the area south of those lots.

Parking for an office warehouse is calculated at 1 space per 2,000 square feet of warehouse and 1 space per 300 square feet of office space, and conditioned self storage is 4 spaces plus 1 space per 10,000 square feet of storage area, as shown on the site plan. In addition there are approximately 151 parking spaces shown for the Office Warehouse with Sales and there are approximately 137 spaces shown for the Conditioned Storage. The applicant also proposes a joint parking agreement between Pearland Pavilion Subdivision and the lots just south of Hampshire road.

The conceptual site plan and letter of intent submitted shows a 70 foot landscaping buffer on along Old Alvin to help preserve a majority of the trees that are there and to act as a natural buffer to the residential uses to the east. In addition there are two small diagrams that depict the area of the façade that is proposed as stucco with windows and a metal roof.

SITE PLAN CONSIDERATIONS: A conceptual site plan was submitted with this zone change and the subsequent conditional use applications. The following are additional comments from other departments based on a preliminary review of the site plan and application submitted by the applicant.

ADDITIONAL COMMENTS:

Engineering:

1. A TIA will be required for the overall development that encompasses the entire platted site and use.
2. Detention requirements must be met per the City of Pearland Drainage Criteria.
3. Driveway spacing shall be meet City of Pearland driveway spacing requirements. This can be reviewed and approved along with the TIA.
4. A portion of lot 5 appears to be in the flood plain, so flood plain mitigation shall be required for any encroachment. In the CUP 2009-14 letter of intent, it states that there is no access to Old Alvin. All site plans should be revised to reflect this comment.

Fire Department:

1. Buildings greater than 5000 square feet will require fire sprinklers.
2. Water supply/hydrants for fire protections will be required to provide fire flow. (See 2003 IFC Appendix B, 50% reduction in fire flow for fire sprinklers).
3. A 25 foot inside and 50 foot outside turning radius for fire apparatus is required.

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. This occurred on October 19, 2009 in City Council Chambers just prior to the re-scheduling of the Joint Public Hearing.

STAFF RECOMMENDATION: Staff recommends further consideration of the zone change as proposed by the applicant, for the following reasons:

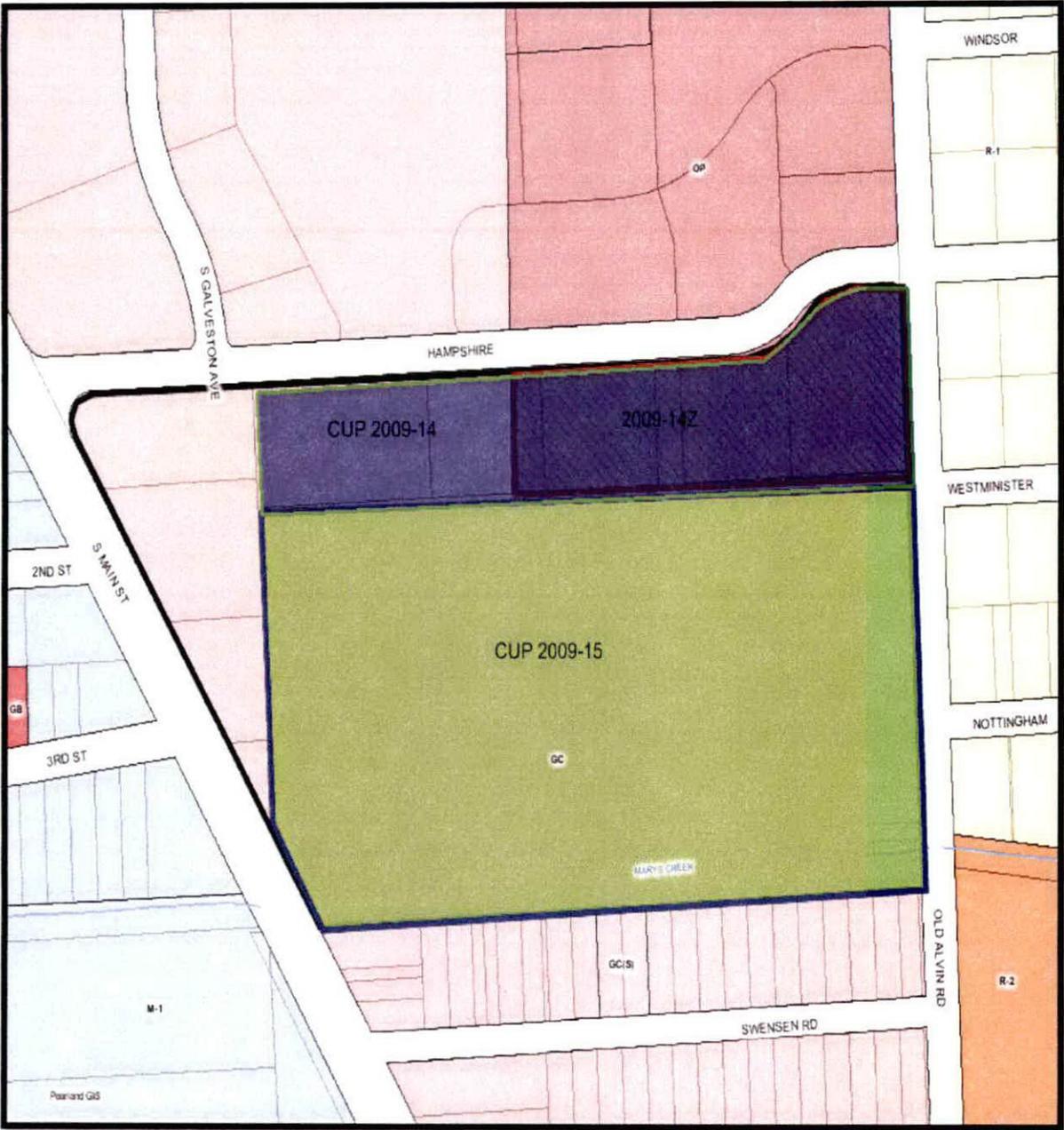
1. The proposed zone change will permit the applicant to utilize this property as an office warehouse with retail sales, and conditioned storage with approved

conditional use permits.

2. This zone change is in conformance with the current comprehensive plan and unified development code.
3. The proposal is not consistent with the plans for the Old Town Site. Since this is a large tract of land that can be developed with a master plan, staff would recommend that City Council and Planning and Zoning consider that option.

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

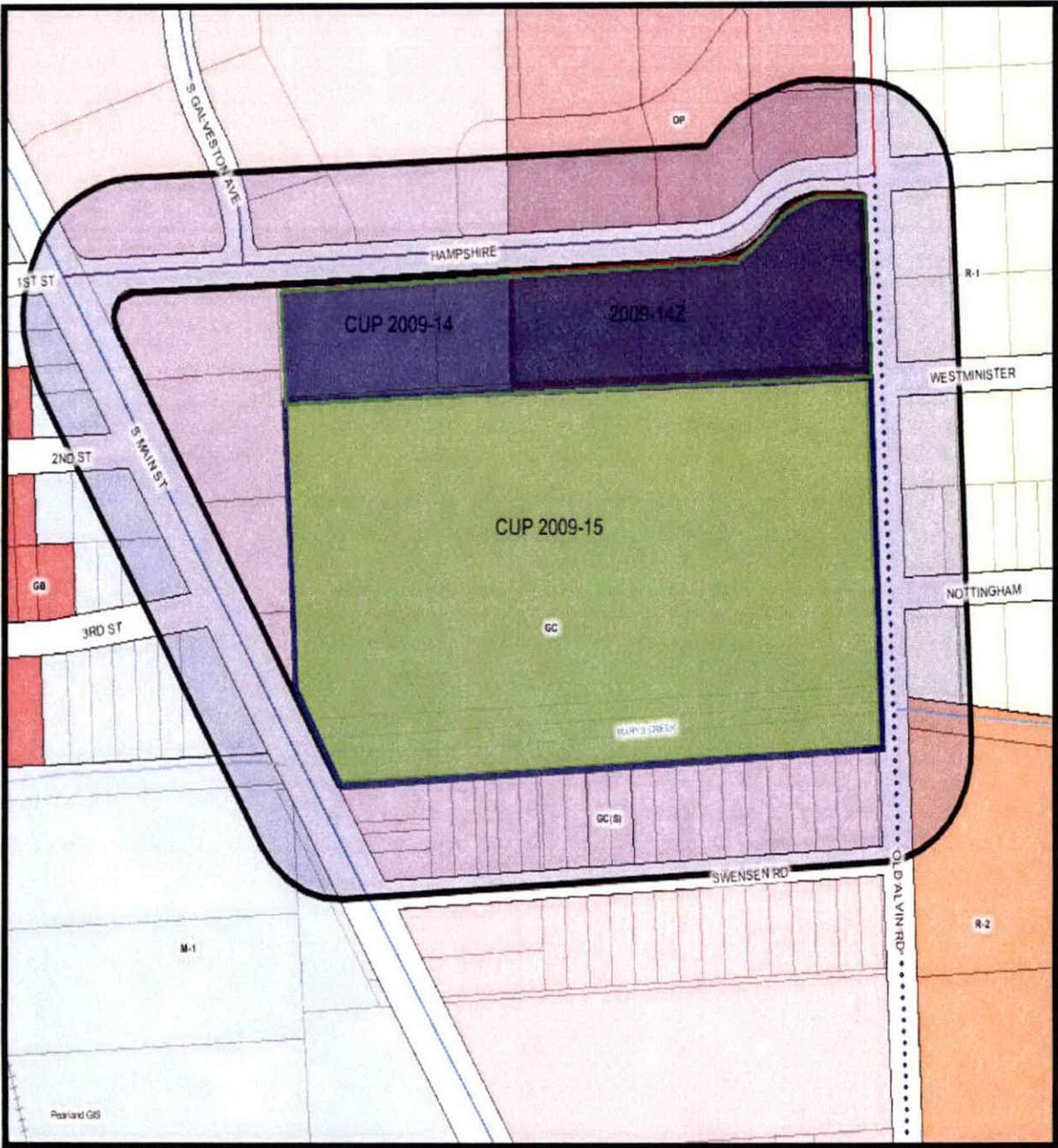


LOCATION MAP

ZONE CHANGE NO. 2009-14Z



GENERALLY LOCATED AT THE SOUTHWEST CORNER OF HAMPSHIRE ROAD AND OLD ALVIN ROAD, PEARLAND, TX



ABUTTER MAP

ZONE CHANGE NO. 2009-14Z



NORTH

GENERALLY LOCATED AT THE SOUTHWEST CORNER OF HAMPSHIRE ROAD AND OLD ALVIN ROAD, PEARLAND, TX

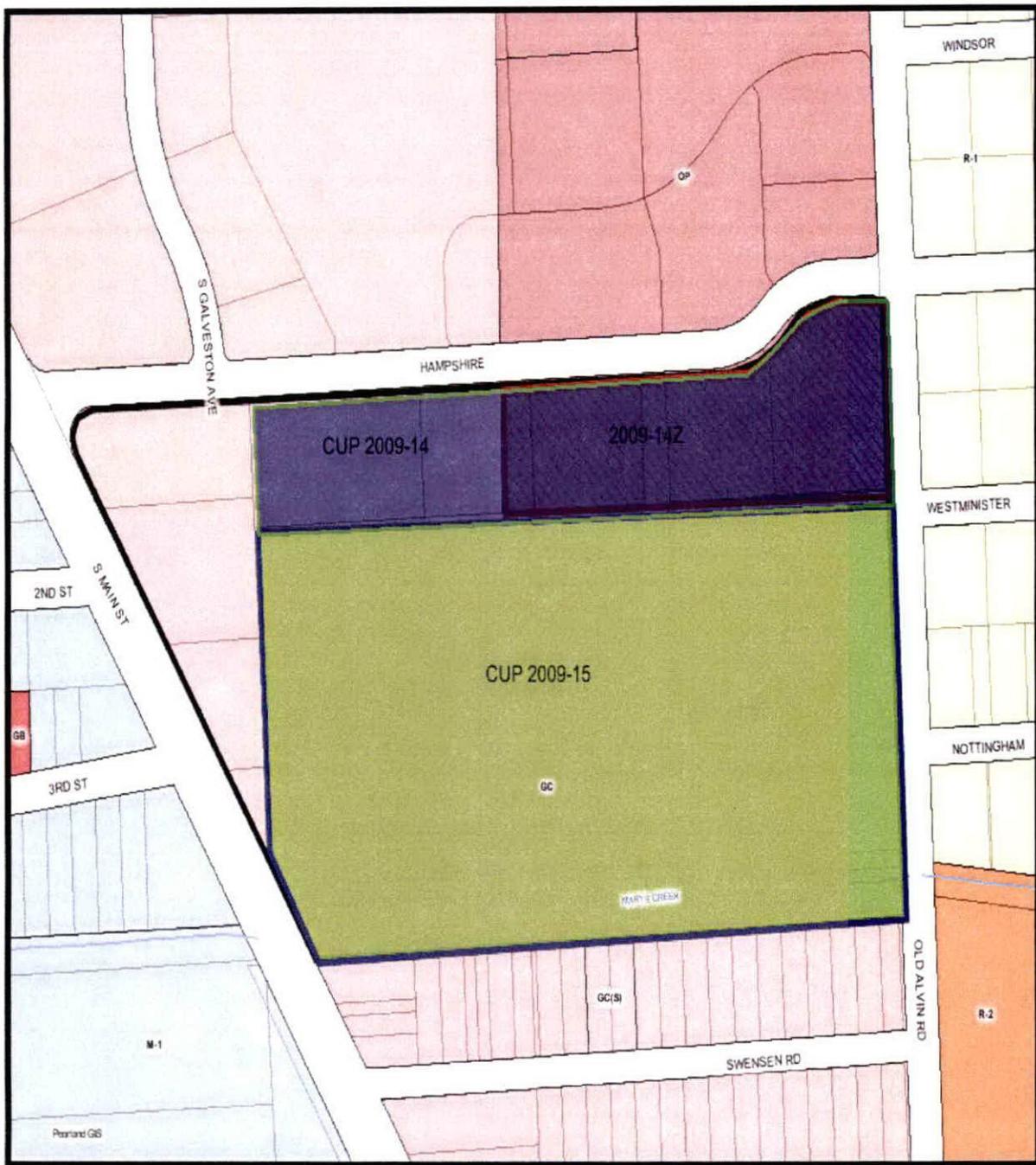
Zone Change Application No. 2009-14Z

Zone Change from OP to GC/Hampshire Rd.

Property Owner List

ASSOCIATED EQUIPMENT CO	PO BOX 898	PEARLAND	TX	77588
ASSOCIATED EQUIPMENT CO	PO BOX 898	PEARLAND	TX	77588
ASSOCIATED EQUIPMENT CO	PO BOX 898	PEARLAND	TX	77588
ASSOCIATED EQUIPMENT CO	PO BOX 898	PEARLAND	TX	77588
BAKER FELTON M & MARY C	#5 HAVERFORD LANE	FRIENDSWOOD	TX	77546
BAKER FELTON M & MARY C	#5 HAVERFORD LANE	FRIENDSWOOD	TX	77546
BAKER FELTON M & MARY C	#5 HAVERFORD LANE	FRIENDSWOOD	TX	77546
BAKER FELTON M & MARY C	#5 HAVERFORD LANE	FRIENDSWOOD	TX	77546
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BAKER FELTON M & MARY C	#5 HAVERFORD LANE	FRIENDSWOOD	TX	77546
BAKER FELTON M & MARY C	#5 HAVERFORD LANE	FRIENDSWOOD	TX	77546
BAKER FELTON M & MARY C	#5 HAVERFORD LANE	FRIENDSWOOD	TX	77546
BAKER FELTON M & MARY C	#5 HAVERFORD LANE	FRIENDSWOOD	TX	77546
BAKER FELTON M & MARY C	#5 HAVERFORD LANE	FRIENDSWOOD	TX	77546
BAKER FELTON M & MARY C	#5 HAVERFORD LANE	FRIENDSWOOD	TX	77546
BATEMAN O W III	3405 SWENSEN RD	PEARLAND	TX	77581
BATEMAN O W III	3405 SWENSEN RD	PEARLAND	TX	77581
BATEMAN O W III	3405 SWENSEN RD	PEARLAND	TX	77581
BATEMAN O W III	3405 SWENSEN RD	PEARLAND	TX	77581
BATEMAN O W III	3405 SWENSEN RD	PEARLAND	TX	77581
BERDINE R L	3411 NOTTINGHAM ST	PEARLAND	TX	77581
BERDINE R L	3411 NOTTINGHAM ST	PEARLAND	TX	77581
BRAZORIA CO DRAINAGE #4	4805 BROADWAY ST	PEARLAND	TX	77581
BRAZORIA CO DRAINAGE #4	4805 BROADWAY ST	PEARLAND	TX	77581
CABLER MATTHEW L & TRINA	3411 WESTMINISTER ST	PEARLAND	TX	77581
CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
EASLEY FRANK D	3409 WESTMINISTER ST	PEARLAND	TX	77581
HARMOUCH AMIN A	11354 ASTORIA BLVD	HOUSTON	TX	
HARMOUCH AMIN A	11354 ASTORIA BLVD	HOUSTON	TX	
HOOVER DAVID B & JANET M	3411 HAMPSHIRE	PEARLAND	TX	77584
J & H ENTERPRISES	6002 OSBORN ST	HOUSTON	TX	77033
LOZANO DANIEL & OLGA	7223 LIBBY LN	PEARLAND	TX	77584

MARCEAU MATHEW	3410 HAMPSHIRE ST	PEARLAND	TX	77581
MASTERTSON CARLOS B EST	670 DONA ANA RD SW	DEMING	NM	88030
MASTERTSON JOHN C ET AL	3019 ELLA LEE LN	HOUSTON	TX	77019
MCSHARES INC	PO BOX 578	PEARLAND	TX	77588
MCSHARES INC	PO BOX 578	PEARLAND	TX	77588
MVN INVESTMENTS LLC	9503 SAGEDECK	HOUSTON	TX	77089
MVN INVESTMENTS LLC	9503 SAGEDECK	HOUSTON	TX	77089
MVN INVESTMENTS LLC	9503 SAGEDECK	HOUSTON	TX	77089
PALOMBI LOUIS J				0
PAMPELL LORINE	3412 HAMPSHIRE ST	PEARLAND	TX	77581
PASKET JAMES R & JANICE	PO BOX 3291	PEARLAND	TX	77588
PASKET JAMES R & JANICE	PO BOX 3291	PEARLAND	TX	77588
PASKET JAMES R & JANICE	PO BOX 3291	PEARLAND	TX	77588
PEARLAND BOX CO	3904 3RD ST	PEARLAND	TX	77581
PEARLAND FAMILY TAE KWON	3111 S MAIN	PEARLAND	TX	77581
PEARLAND FAMILY TAE KWON	3111 S MAIN	PEARLAND	TX	77581
PEARLAND ISD	PO BOX 7	PEARLAND	TX	77588
RABON R R	3412 WESTMINISTER ST	PEARLAND	TX	77581
ROOS RUTH A	3412 NOTTINGHAM ST	PEARLAND	TX	77581
ROOS RUTH A	3412 NOTTINGHAM ST	PEARLAND	TX	77581
SMITH AMY GRACE	3410 WESTMINISTER ST	PEARLAND	TX	77581
TEMPO TRANSPORT BROKER CO	PO BOX 219	PEARLAND	TX	77588
TEMPO TRANSPORT BROKER CO	PO BOX 219	PEARLAND	TX	77588
TEMPO TRANSPORT BROKER CO	PO BOX 219	PEARLAND	TX	77588
WALLACE JAMES N & ROBSON	6002 OSBORN ST	HOUSTON	TX	77033
WILSON JIMMY B	PO BOX 693	PEARLAND	TX	77588



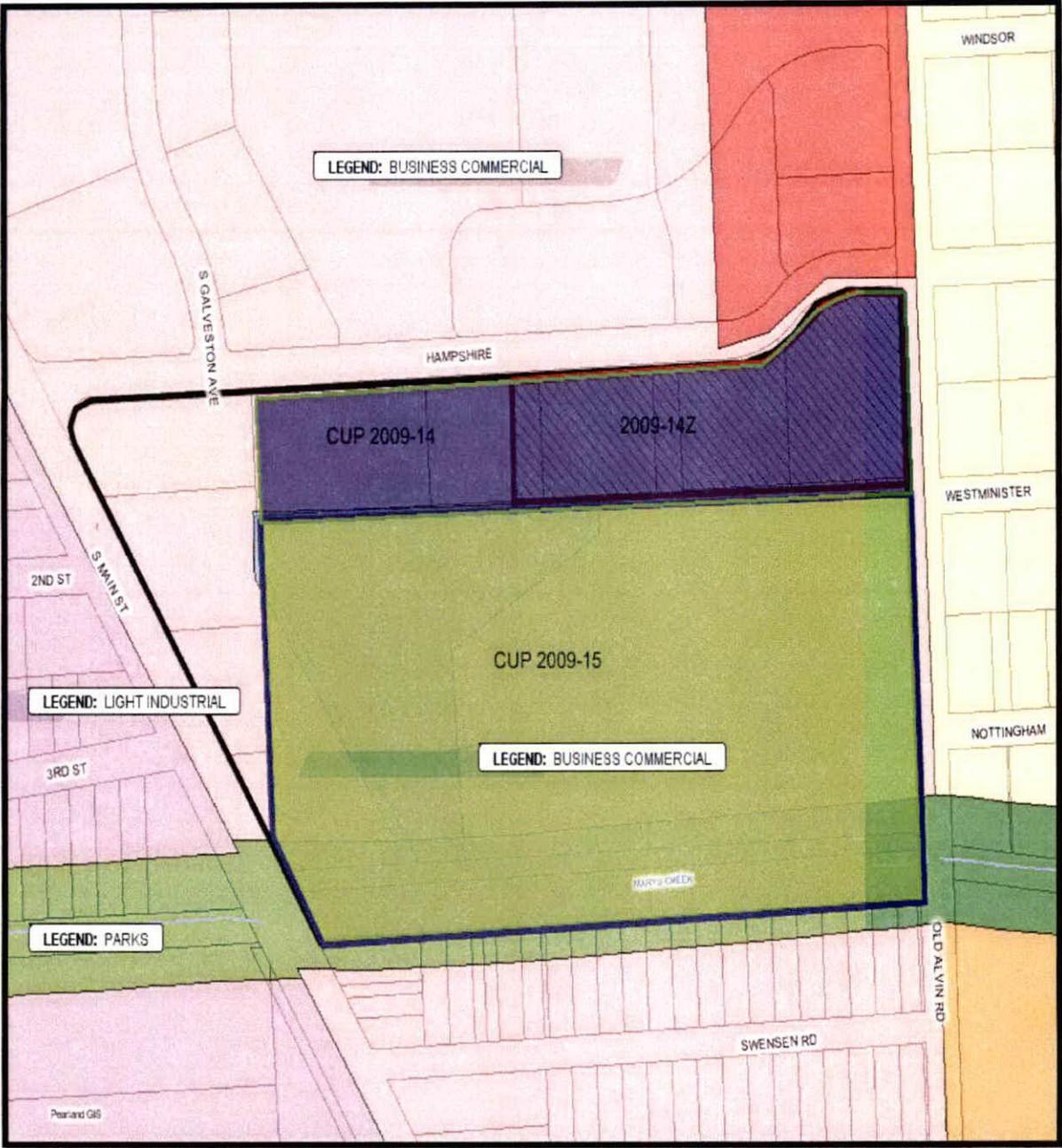
ZONING MAP

ZONE CHANGE NO. 2009-14Z



Zoned GC for CUP 2009-14 and 15, Zoned OP for 2009-14Z

GENERALLY LOCATED AT THE SOUTHWEST CORNER OF HAMPSHIRE ROAD AND OLD ALVIN ROAD, PEARLAND, TX



FUTURE LAND USE MAP

ZONE CHANGE NO. 2009-14Z



GENERALLY LOCATED AT THE SOUTHWEST CORNER OF HAMPSHIRE ROAD AND OLD ALVIN ROAD, PEARLAND, TX



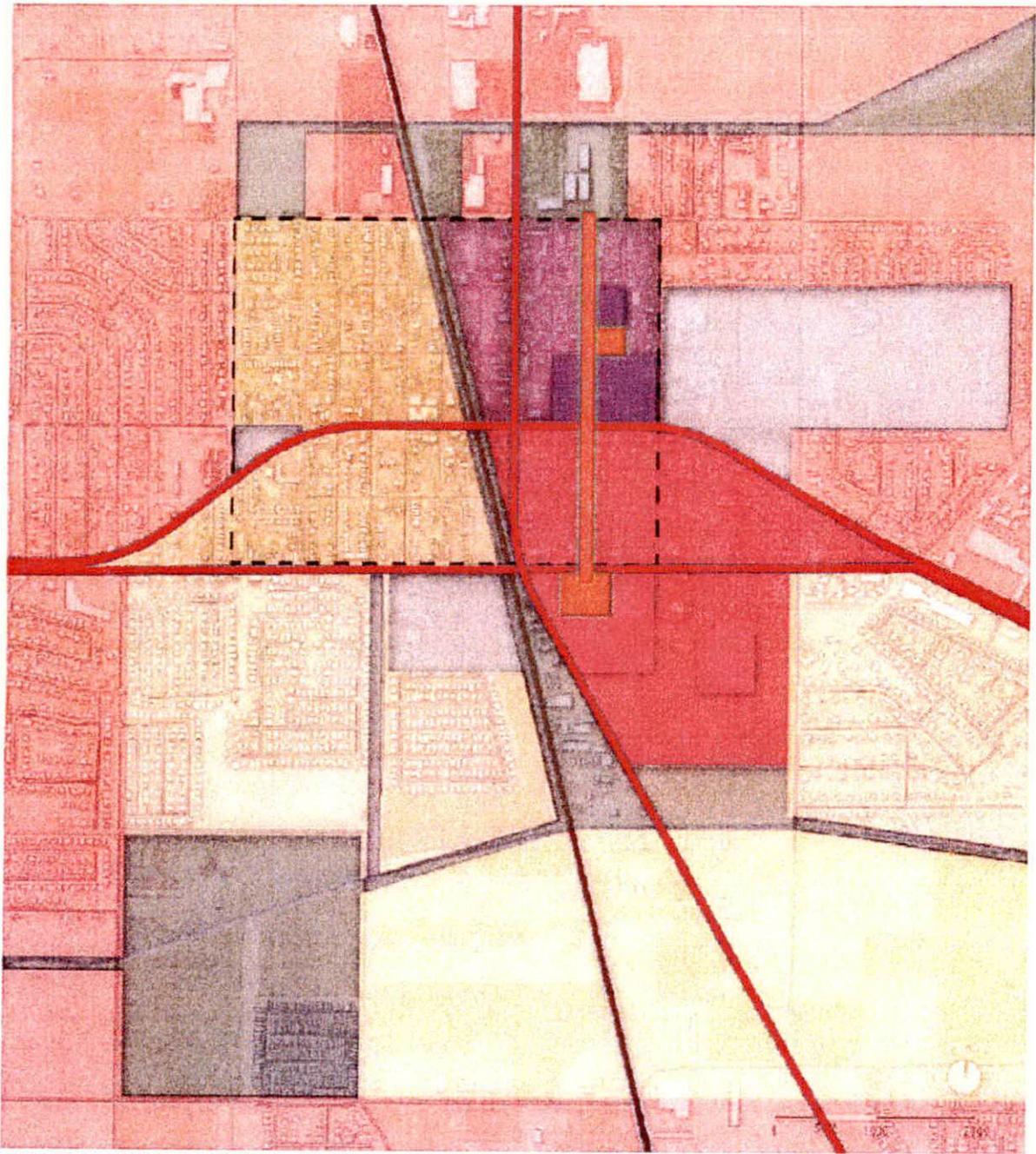
AERIAL MAP

ZONE CHANGE NO. 2009-14Z



NORTH

GENERALLY LOCATED AT THE SOUTHWEST CORNER OF HAMPSHIRE ROAD AND OLD ALVIN ROAD, PEARLAND, TX



DEVELOPMENT STRATEGY FRAMEWORK PLAN



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: Office Professional (OP)

Proposed Zoning District: General Commercial (GC)

Property Information:

Address or General Location of Property: Hampshire Rd at Old Alvin Rd,
SW Corner.

Tax Account No. 702900001804181, 210+211, 150

Subdivision: Pearland Pavilion Lot: R,U, part of 0 Block: _____

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

PROPERTY OWNER INFORMATION:

APPLICANT INFORMATION:

NAME Felton M and Mary C. Baker
Revocable Trust
ADDRESS #5 Haverford Lane
CITY Friendswood STATE Tx ZIP 77548
PHONE(281) 485-1777
FAX(281) 485-3701
E-MAIL ADDRESS houhelc@aol.com

NAME BLAIR KORNDORFFER
ADDRESS 700 GEMINI, SUITE 260
CITY WEBSTER STATE TX ZIP 77058
PHONE(281) 204-8400
FAX(281) 204-8401
E-MAIL ADDRESS hawarch@aol.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: Felton M Baker Date: 8-24-09

Agent's Signature: [Signature] Date: 8-24-09

OFFICE USE ONLY:

FEES PAID: <u>275.00</u>	DATE PAID: <u>8/24/09</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>2769318</u>
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Application No. 2009-142



City of Pearland
Community Development
Pearland, Texas

Re: Request for a Zoning Change (partial) and Conditional Use Permit

To Whom It May Concern:

As part of the first phase of development of the 83 acres of land know as the Pearland Pavilion, we are proposing to develop approximately 77,000 square feet of office warehouse space on the lots along Hampshire Road. The Project is tailored to small companies that need warehouse space with minimum office requirements and sell to the public. Examples of this type of tenant are:

Supply Companies, such as pool, medical equipment and part houses;
Service Companies, such as contractors, surveyors and carpet cleaners; and
Sales Companies, such as antique dealers, internet companies and Amway Distributors.

The Proposed Project will consist of 12 buildings with a central drive. We have sited the buildings to preserve many of the existing trees and have left a 70-0 wide landscape buffer between the buildings and Old Alvin Road to preserve the majority of trees along that road and act as a natural buffer between the residential developments to the East.

The exterior façades of the buildings that are visible from a public street, including all privacy fences, shall be of 100% masonry or stucco with metal roof canopies over the window facades.
Please review the attached site plan and building façade for additional information.

There will also be a cross parking and access drive easement agreement between all of the lots on the South Side of Hampshire Road in the Pearland Pavilion Subdivision.

Please feel free to contact me with any questions or additional information that I may assist you with. Thank you for your consideration.

Sincerely,

Blair Korndorffer

700 GEMINI SUITE 260
HOUSTON, TEXAS 77058
281 204 8400

LOT 1 (K)
 WAREHOUSE: 16,534
 OFFICE: 5,966
 REQUIRED SPACES: 28
 PROVIDED SPACES: 66
 TOTAL SQ. FT.: 68,906
 LANDSCAPING: 11,242
 % LANDSCAPING: 16%

LOT 2 (N)
 WAREHOUSE: 9,448
 OFFICE: 3,152
 REQUIRED SPACES: 16
 PROVIDED SPACES: 37
 TOTAL SQ. FT.: 45,431
 LANDSCAPING: 8,532
 % LANDSCAPING: 19%

LOT 3 (O)
 WAREHOUSE: 9,448
 OFFICE: 3,152
 REQUIRED SPACES: 16
 PROVIDED SPACES: 33
 TOTAL SQ. FT.: 45,442
 LANDSCAPING: 8,314
 % LANDSCAPING: 19%

LOT 4 (P)
 WAREHOUSE: 11,248
 OFFICE: 3,152
 REQUIRED SPACES: 17
 PROVIDED SPACES: 35
 TOTAL SQ. FT.: 43,844
 LANDSCAPING: 8,314
 % LANDSCAPING: 19%

LOT 5 (U)
 WAREHOUSE: 10,648
 OFFICE: 3,152
 REQUIRED SPACES: 16
 PROVIDED SPACES: 33
 TOTAL SQ. FT.: 59,965
 LANDSCAPING: 27,794
 % LANDSCAPING: 46%

LOT 6 (V)
 WAREHOUSE: 208,200
 OFFICE: 1,575
 REQUIRED SPACES: 26
 PROVIDED SPACES: 145
 TOTAL SQ. FT.: 855,693
 LANDSCAPING: 497,466
 % LANDSCAPING: 57%

HAMPSHIRE

WESTMINISTER

NOTTINGHAM

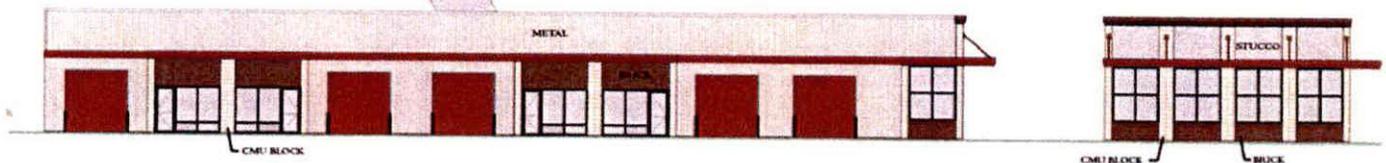
LOT 1 OFFICE WAREHOUSE UNITS LOT 2 LOT 3 LOT 4 LOT 5

CONDITIONED STORAGE UNITS

LOT 6

Proposed Office Warehouse Complex

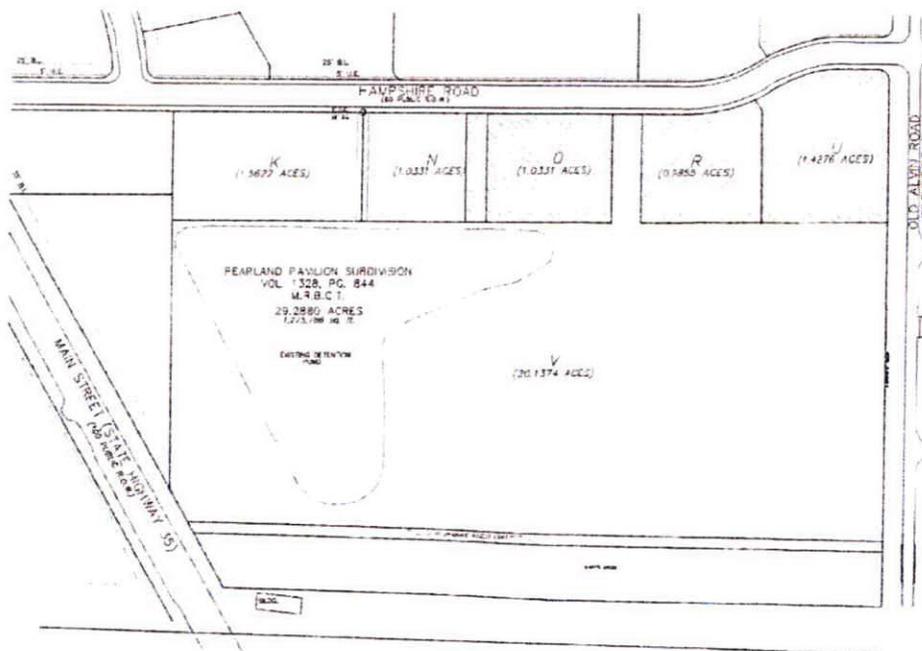
Pearland, Texas

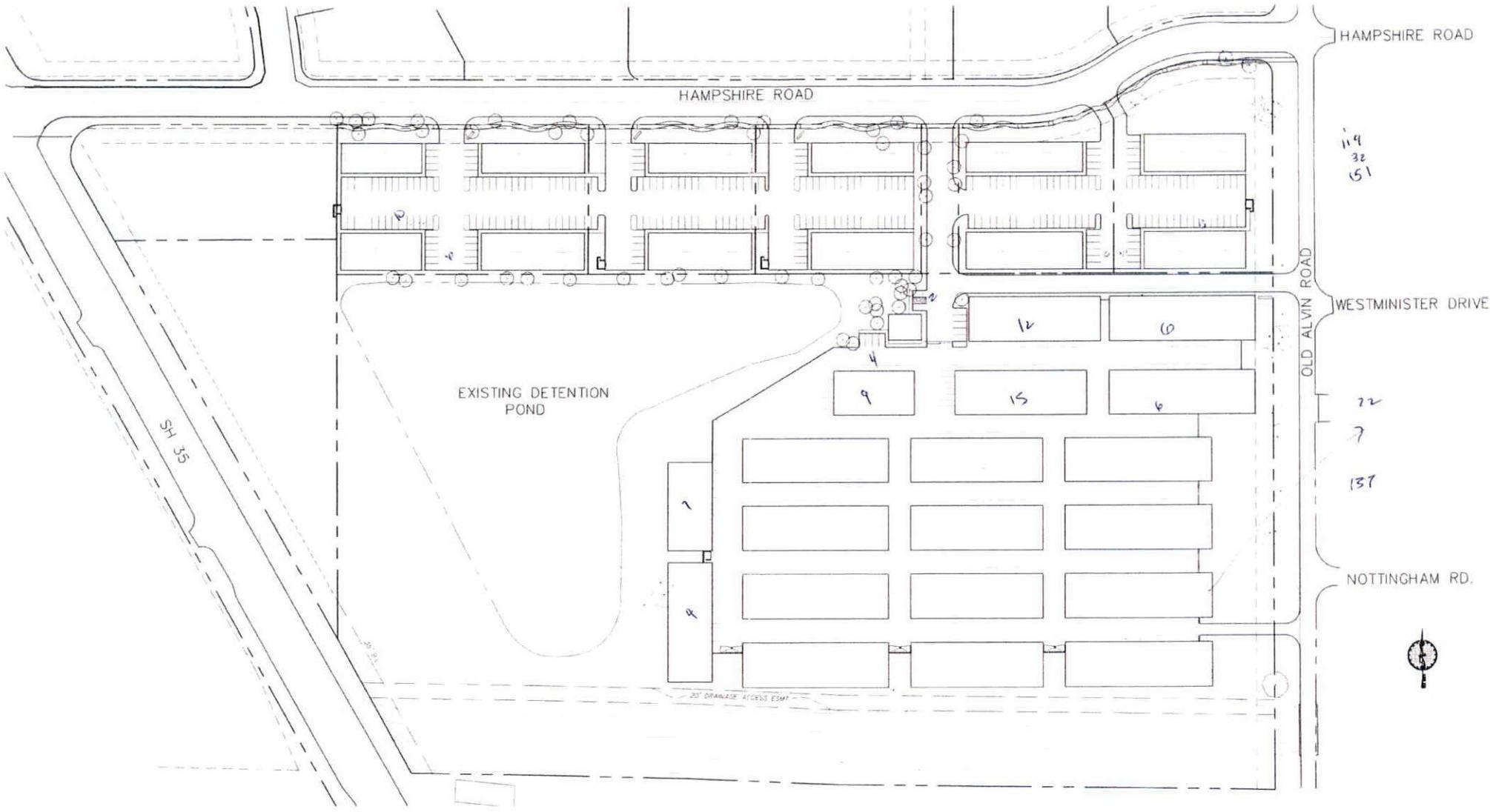


LEGAL DESCRIPTION

Re: Request for Zoning Change

Approximately 3.7561 acres or 163,620 square feet of land being Lots O, R, U and a portion of 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, being more particularly described by metes and bounds.





AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD NOVEMBER 16, 2009, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

Zone Change No. 2009-15Z

A request of Ron Jackson with Curry Architecture, applicant for Ross Maccammon, owner, for a change in zoning from the Single Family Residential-1 (R-1) Zoning District to the Planned Development Multi-Family (PD-MF) Zoning District, on the following described property, to wit:

Legal Description : Being a tract of land approximately 9.5171 acres in the W.D.C: Hall League, Abstract No. 70, Brazoria County, Texas and being the residue of that tract sold by None Gay Carr to Ross A. McClendon, as described in deed recorded under Brazoria county Clerk's file No. 95-022654.

General Location: Located at 2810 Dixie Farm Road, Pearland, Texas

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT

B. APPLICANT PRESENTATION

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.

JOINT PUBLIC HEARING AGENDA ITEM MEETING OF NOVEMBER 16, 2009

Zone Change No. 2009-15Z

A request of Ron Jackson with Curry Architecture, applicant for Ross Maccammon, owner, for a change in zoning from the Single Family Residential-1 (R-1) Zoning District to the Planned Development Multi-Family (PD-MF) Zoning District, on the following described property, to wit:

Legal Description: Being a tract of land approximately 9.5171 acres in the WDC. Hall League, Abstract No. 70, Brazoria County, Texas and being the residue of that tract sold by None Gay Carr to Ross A. McClendon, as described in deed recorded under Brazoria county Clerk's file No. 95-022654.

General Location: Located at 2810 Dixie Farm Road, Pearland, Texas

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, 2009*

City Council for Second Reading: December 14, 2009*

(*dates subject to change if item is tabled)

SUMMARY: The applicant is requesting a workshop proposing the development of a retirement residence for 55 and older that need no medical or nursing care, but assisted living support services.

The subject property is located at 2810 Dixie Farm Road and is approximately 9.5171 acres. The applicant proposes a 2 story complex with 118 units and 4 duplex cottages (8 units) for the more active residents towards the rear of the property as shown on the site plan submitted and as stated in the Planned Development Document. The 118 units in the 2 story building will not have kitchens and will be a combination of 1 and 2 bedroom units.

The subject property is currently zoned Single Family Residential-1. The applicant proposes Multi Family Zoning with a maximum of 13.24 units per acre.

The PD Document as submitted states that 118 parking spaces shall be provided for each unit in the 2 story building. There are 16 proposed spaces for the 8 cottage/duplex units. Parking is calculated at 2 spaces for each 1 bedroom unit and 2.5 spaces for each duplex and 2 bedroom units for multi-family parking. This is a retirement residence use and the current Unified Development code does not have a parking category to calculate spaces for a retirement residence use.

Amenities and Open Space:

Open space needs to be shaded or crosshatched on the site plan and meet the Unified Development Code requirements: open space must be at least 80 feet wide and at least 113,400 square feet must be provided (calculated at a rate of 900 square feet per dwelling unit. The applicant provides for 126 units at a rate of 900 square feet of open space which equals 113,400 square feet of open space.

Amenities are listed as follows:

- Extensive Landscaping
- Integrated network of walking paths
- Craft Exercise Room
- Patio Area with A Cabana and Pool
- Raised Planter Beds
- Horse Shoe Pit
- Seating Benches
- Circular Landscaped Benches
- Pool House
- Fountain and Water Features
- Transportation Services for Residents
- Retention Water Features

The applicant has held one neighborhood meeting and incorporated the suggested changes in the proposed site plan and Planned Development Document prior to the submittal of the request for a workshop. Staff has performed a preliminary review of the documents submitted via email and has been communicating with applicant via telephone and email.

Staff had performed a preliminary review for the applicant and had the following comments prior to the scheduled October 19, 2009 JPH:

- 1) Please provide a vicinity map.
- 2) Will this proposed development receive tax credits?

- 3) Are handicapped individuals under 55 years of age permitted to live at this residence?
- 4) Please Remove the following on the first page "of Retirement Housing for the Elderly" and add "The entire site is designed to conform to the current Unified Development Code" All areas not addressed in the Planned Development Document shall meet all the requirements of the current Unified Development Code.
- 5) Underline "except a kitchen is not included in the suites".
- 6) Underline "provide private van transportation for their use".
- 7) Open space needs to be shaded or crosshatched on the site plan and meet the Unified Development Code requirements: open space must be at least 80 feet wide and at least 113,400 square feet must be provided (calculated at a rate of 900 square feet per dwelling unit.
- 8) Show future parking spaces on the site plan and show cottage/duplex parking.
- 9) Height-state what the maximum height is required by the Unified Development Code and what is proposed. The maximum height permitted in the proposed Multi-Family Zoning District is 35 feet.
- 10) Parking-state what is required by the Unified Development Code, then what is proposed. If there is a deviation, please provide background information to justify your reduction in parking.
- 11) Add page numbers.
- 12) Remove the yellow highlighted rows. This appears to be a proofing error.
- 13) Under Traffic Generation-state how this doesn't impact any local collector street and compare this with other types of development that would be permitted at this site.
- 14) A tree survey and disposition plan is required.
- 15) Provide storm water detention calculations for the engineering department to review.
- 16) A fee in lieu of parkland dedication fee of \$750.00 per unit, \$94,500 (126 units x \$750.00) is required.
- 17) The north end drive way is a dead end with no turn around. The north fire lane is made of grass and blacked with trees in the lane going to Dixie Farm. If the entire

facility is sprinkled a one way drive way can be developed. If the development goes over 200 units, a second remote driveway would be required.

The applicant responded, and attached a response letter addressing each of the numbered questions above, a revised PD Document, and calculations for storm water detention.

A workshop was held on November 2, 2009. City Council and Planning and Zoning Commission did not express any concerns at that time.

Since the workshop on November 2, 2009, staff has reviewed the response letter, the revised Planned Document and has the following additional comments and concerns.

The applicant needs to request the following deviations in the Planned Development Document:

Use: The specific use of retirement residence is not a permitted use in the Single Family Residential-1 (R-1) Zoning District.

Density: The number of units permitted in the R-1 Zoning District is 3.2 units per acre, and 30 units would be permitted at this location. The applicant proposes 126 units with an approved Planned Development and underlying zoning of Multi-Family (MF). The MF Zoning District would allow 16 units per acre or 152 units at this location. As proposed, the applicant shows 13.2 units per acre, which are 10 units per acre above the allowable density for the R-1 Zoning Districts.

Parking: At the workshop of November 2, 2009 the applicant indicated that there would be a combination of 1 and 2 bedroom units. The current parking requirements for Multi-Family uses are 2 parking spaces per 1 bedroom unit, 2.5 parking spaces for each 2 bedroom unit, and 2 per parking spaces per each unit in a duplex, for an approximate total of 252 required parking spaces. The applicant is proposing a total of 134 parking spaces at a rate that is calculated at 1 space for every 1 unit (1 bedroom and 2 bedroom units) plus 2 spaces per unit for the duplexes for a total of 134 spaces.

Height: State what the height of the Atrium Cupola Architectural Feature is. Then state the distance you will need for a deviation.

Staff has the following additional comments:

- 1) Page 3 - for proposed setbacks: remove Specific Deviation Heading above proposed setbacks. If they are the same as underlying MF Zoning and meet these guidelines then it is not a deviation. Please show in a chart what the required setbacks are for the zoning district, and then show what are the proposed setbacks in the planned development.

- 2) Page 4 - Under Parking, please list this as a Deviation (see comment above). In a chart, show what is required according to the MF Parking Standards and then show what is provided. Please state the difference and that you are requesting a deviation from (?) parking spaces to the following (?) parking spaces. In order to provide an accurate calculation, you will also need to provide how many 2 bedroom units and how many 1 bedroom units there are in the main building. Please provide a statement of support for your deviation from parking which should include research on what has recently been done in Pearland and surrounding areas.
- 3) Request a deviation for the use and a deviation for the density as stated above.
- 4) State what the height of the Atrium Cupola Architectural Feature is. Then state the distance you will need for a deviation. Such as, the maximum height permitted for this zoning district is 35 feet and we are requesting a deviation of 10 feet to permit a 45 foot cupola.
- 5) Page 5 - please add under the note that the development will be in accordance with the site plan and all attached exhibits. Remove all previous site plans from the PD document if they are not the updated site plan.
- 6) Add the storm water calculations to the PD Document and label it as an exhibit.
- 7) Open space needs to be shown on the site plan and be addressed in the PD Document. Open space needs to be at least 80 feet wide in order to qualify for open space. Please cross hatch these open space areas on the site plan for ease in identification.
- 8) Provide a landscaping plan.

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	Single Family Residential-2 (R-2)	Single Family Residential
South	Single Family Residential-1 (R-1)	Single Family Residential
East	Single Family Residential-2 (R-2)	Single Family Residential
West	Single Family Residential-1 (R-1)	Vacant/Undeveloped

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The subject property is currently zoned as Single Family Residential-1 (R-1). The minimum lot size for the Single Family Residential-1 (R-1) Zoning District is 8,800square feet, the minimum lot width is 80 feet, and the minimum lot depth is 90 feet. The subject property exceeds these minimum requirements, as the property is approximately 9.5171acres in size, and has lot widths of approximately 424 feet, and the lot depth of approximately 965 feet. The proposed use is in conformance with the current UDC with an approved planned development.

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

PLATTING STATUS: The property has not been platted.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Low Density Residential" for the subject property and the surrounding properties. The Comprehensive Plan further indicates that the appropriate zoning districts for the "Low Density Residential Use" are the Residential Estate (RE) and the single Family Residential-1 (R-1) zoning districts. The proposed use is not in conformance with the comprehensive plan, however: the comprehensive plan does not have a specific use category that addresses a retirement residence.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Dixie Farm Road, a major thoroughfare with an ultimate right-of-way of 120 feet. The applicant has not had the property platted and all necessary dedications will be made at the time of platting.

AVAILABILITY OF UTILITIES: The subject parcel is not served by public water and sewer.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT:

Traffic: Traffic patterns for this development will not adversely affect the surrounding single family residences or uses.

Buffers: 25 foot landscaping buffers between all single family residential uses are required on the north, west, and south property lines, and a 30 foot landscaping buffer is required along the east property line where the subject property has frontage on a major thoroughfare. The applicant has provided buffers in excess of the required buffers.

ADDITIONAL COMMENTS: All comments from other departments have been incorporated in the review comments above.

SITE PLAN CONSIDERATIONS: A conceptual site plan was submitted with this zone

change application. The Planned Development will be required to follow the plan.

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.

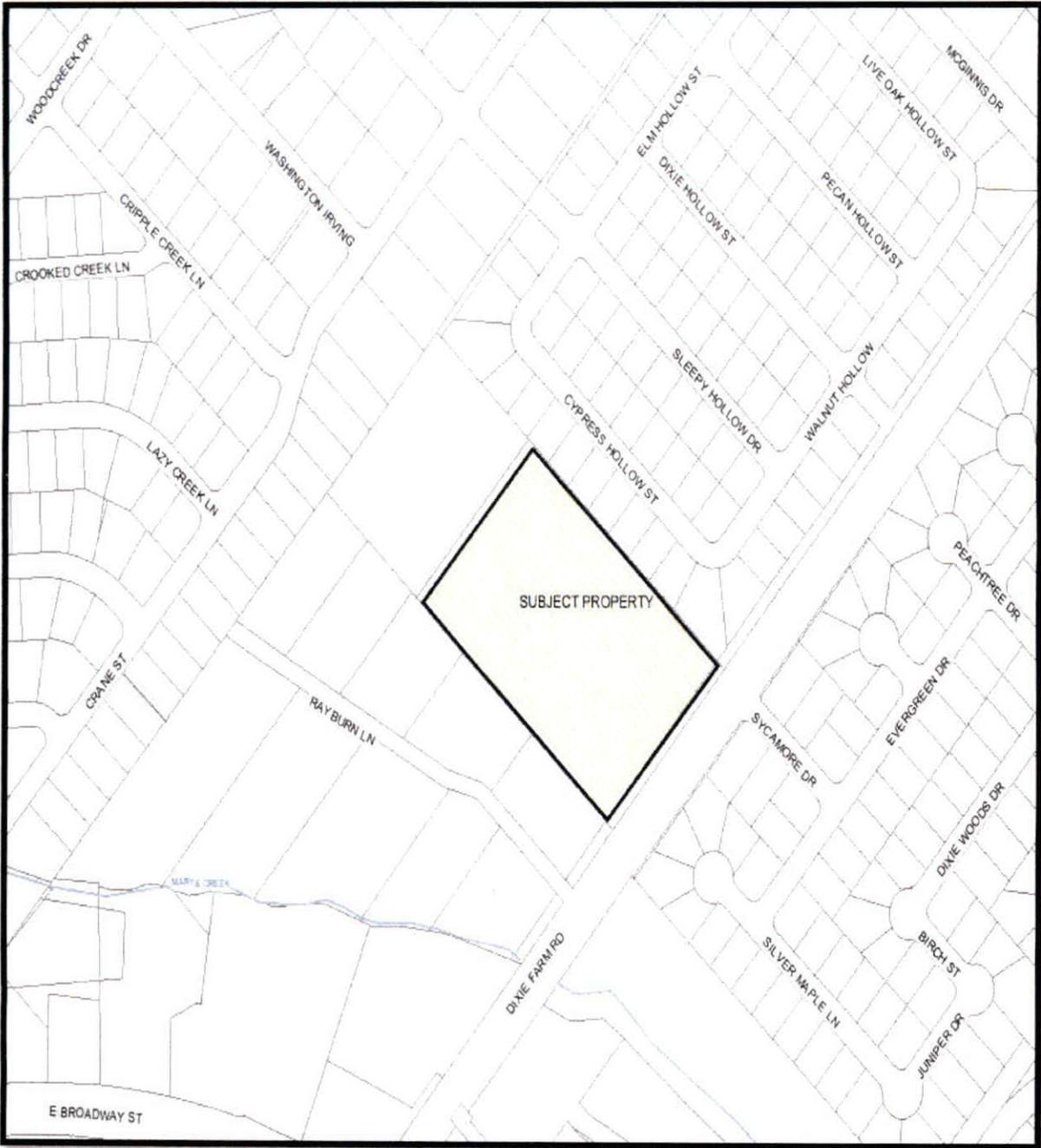
OPPOSITION TO OR SUPPORT OF PROPOSED REQUEST: Staff has not received any comments either in opposition to or in support of the proposed zone change request. Staff did receive 2 phone calls inquiring what the scope of the project would be, but neither stated whether they were opposed or on favor of the zone change.

STAFF RECOMMENDATION: Staff recommends further consideration of the zone change for the following reasons:

1. The Planned Development Retirement Residence can be viewed as an appropriate buffer to the residential uses on the north, east, and west of the subject property from the commercial uses that are located to the south. The applicant has provided for buffers on all property sides that are in excess of what is required from the current UDC.
2. The proposed zone change will permit the applicant to develop this property as a Planned Development Retirement Residence and the proposed development will meet all the requirements of the current Unified Development Code.
3. This zone change is in conformance with the current unified development code.
4. Deviations and the current 8 comments as stated above, need to be resolved prior to approval of the zone change.

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

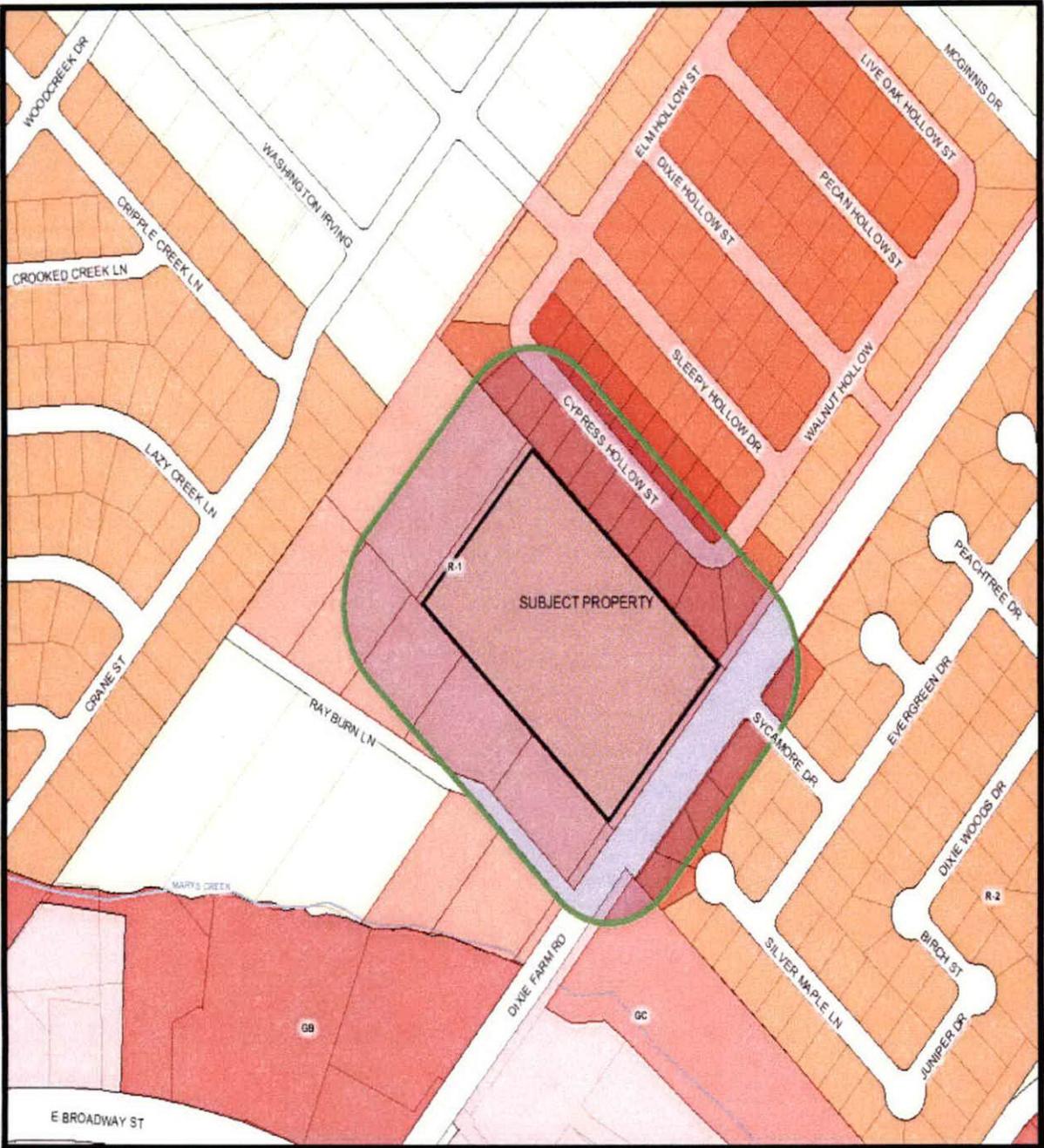


LOCATION MAP

ZONE CHANGE NO. CUP 2009-15Z

LOCATED AT 2810 DIXIE FARM ROAD, PEARLAND, TX





ABUTTER MAP

ZONE CHANGE NO. CUP 2009-15Z

LOCATED AT 2810 DIXIE FARM ROAD, PEARLAND, TX

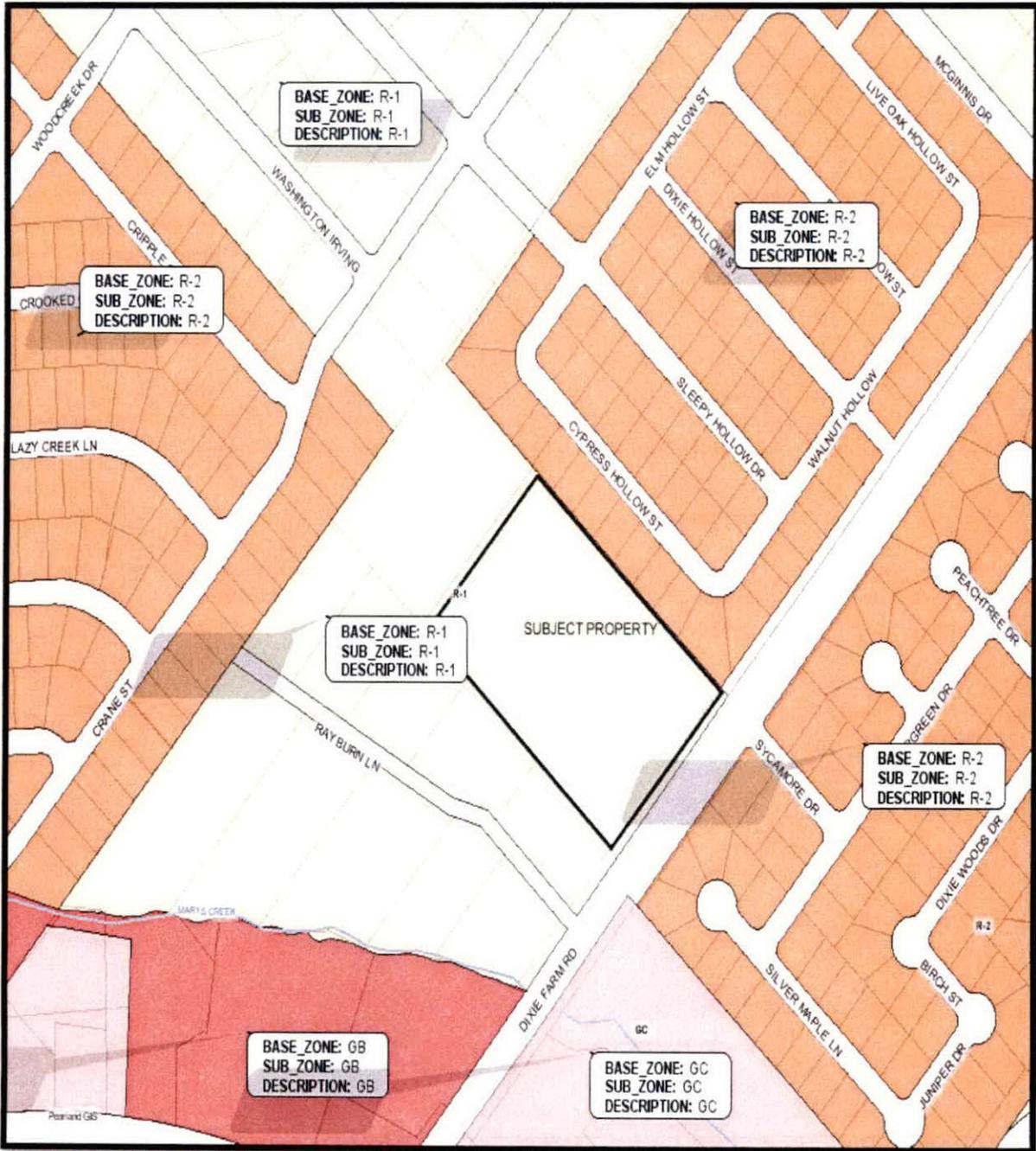


Property Owner List

2810 Dixie Farm Road/ Pearland Retirement Residence

Zone Change No. 2009-15Z

ANDRIACCO SHANNA L	1612 CYPRESS HOLLOW	PEARLAND	TX	77581
BRAZORIA CO DRAINAGE #4	4805 BROADWAY ST	PEARLAND	TX	77581
BROWN MILES S & JULIE	1605 CYPRESS HOLLOW ST	PEARLAND	TX	77581
CALVILLO NOE LEE & MARIA	1615 RAYBURN LN	PEARLAND	TX	77581
CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
CLARK B R	2608 COCOA LN	PASADENA	TX	77502
CONFIDENTIAL	2810 DIXIE FARM RD	PEARLAND	TX	77581
CONFIDENTIAL	2810 DIXIE FARM RD	PEARLAND	TX	77581
CONFIDENTIAL	2810 DIXIE FARM RD	PEARLAND	TX	77581
CONFIDENTIAL	1604 CYPRESS HOLLOW	PEARLAND	TX	77581
CRAFT AMIE MARIE	1601 CYPRESS HOLLOW ST	PEARLAND	TX	77581
DIXIE WOODS HOMEOWNERS ASSN	957 NASA PKWY	HOUSTON	TX	77058
EDWARDS KENNETH HAROLD &	1506 SILVER MAPLE LN	PEARLAND	TX	77581
EDWARDS STEVEN LANE	1617 CYPRESS HOLLOW ST	PEARLAND	TX	77581
FEIST TERRY D	1609 CYPRESS HOLLOW ST	PEARLAND	TX	77581
FERGUSON WILLIAM	1621 RAYBURN LN	PEARLAND	TX	77581
GARZA RUBEN JR & SANDRA	1614 CYPRESS HOLLOW ST	PEARLAND	TX	77581
GONZALEZ TINNA	1615 CYPRESS HOLLOW ST	PEARLAND	TX	77581
HIDALGO JUAN LUIS &	1605 RAYBURN LN	PEARLAND	TX	77581
LEWIS BERRY J	618 ENCHANTED TR	SPRING	TX	77388
MANIET RICHARD & JODIE	1610 CYPRESS HOLLOW ST	PEARLAND	TX	77581
MORAN GREGORY D & STEPHANIE E	1609 RAYBURN LN	PEARLAND	TX	77581
MORAN JESSE A & RHONDA K	1506 SYCAMORE DR	PEARLAND	TX	77581
NORWOOD MARCUS	1611 CYPRESS HOLLOW ST	PEARLAND	TX	77581
NYAIRO ALFRED K & ELENA N	1505 SYCAMORE DR	PEARLAND	TX	77581
OFFENHAUSER DENISE J & OLIVER RICHARD W	2709 WALNUT HOLLOW ST	PEARLAND	TX	77581
OVERBECK BEVERLY J	1603 CYPRESS HOLLOW ST	PEARLAND	TX	77581
PHILLIPS JIMMY R & STEPHANIE	1618 CYPRESS HOLLOW ST	PEARLAND	TX	77581
RAMIREZ GILBERTO SR	1505 SILVER MAPLE LN	PEARLAND	TX	77584
RIOS CAROL	1606 CYPRESS HOLLOW ST	PEARLAND	TX	77581
RODRIGUEZ RICHARD R & DANIA M	1508 SILVER MAPLE LN	PEARLAND	TX	77581
RODRIQUEZ ROBERT	1607 CYPRESS HOLLOW ST	PEARLAND	TX	77581
SANCHEZ FRANCISCO &	205 CARLS PLACE	SPRINGFIELD	TN	37172
SCHUELKE TERRY R & JAMIE A	1102 WOODCHASE DR	PEARLAND	TX	77581
SIMONS CHRISTOPHER L	2707 WALNUT HOLLOW ST	PEARLAND	TX	77581
VO TRUC QUAN BACH & TONG THANH	9007 SUNRISE TRL	PEARLAND	TX	77584
WHEELER PATRICIA	2705 WALNUT HOLLOW ST	PEARLAND	TX	77581
WOOD KENNY	2708 ELM HOLLOW ST	PEARLAND	TX	77581
YOUNGBLOOD T A	1616 CYPRESS HOLLOW ST	PEARLAND	TX	77581

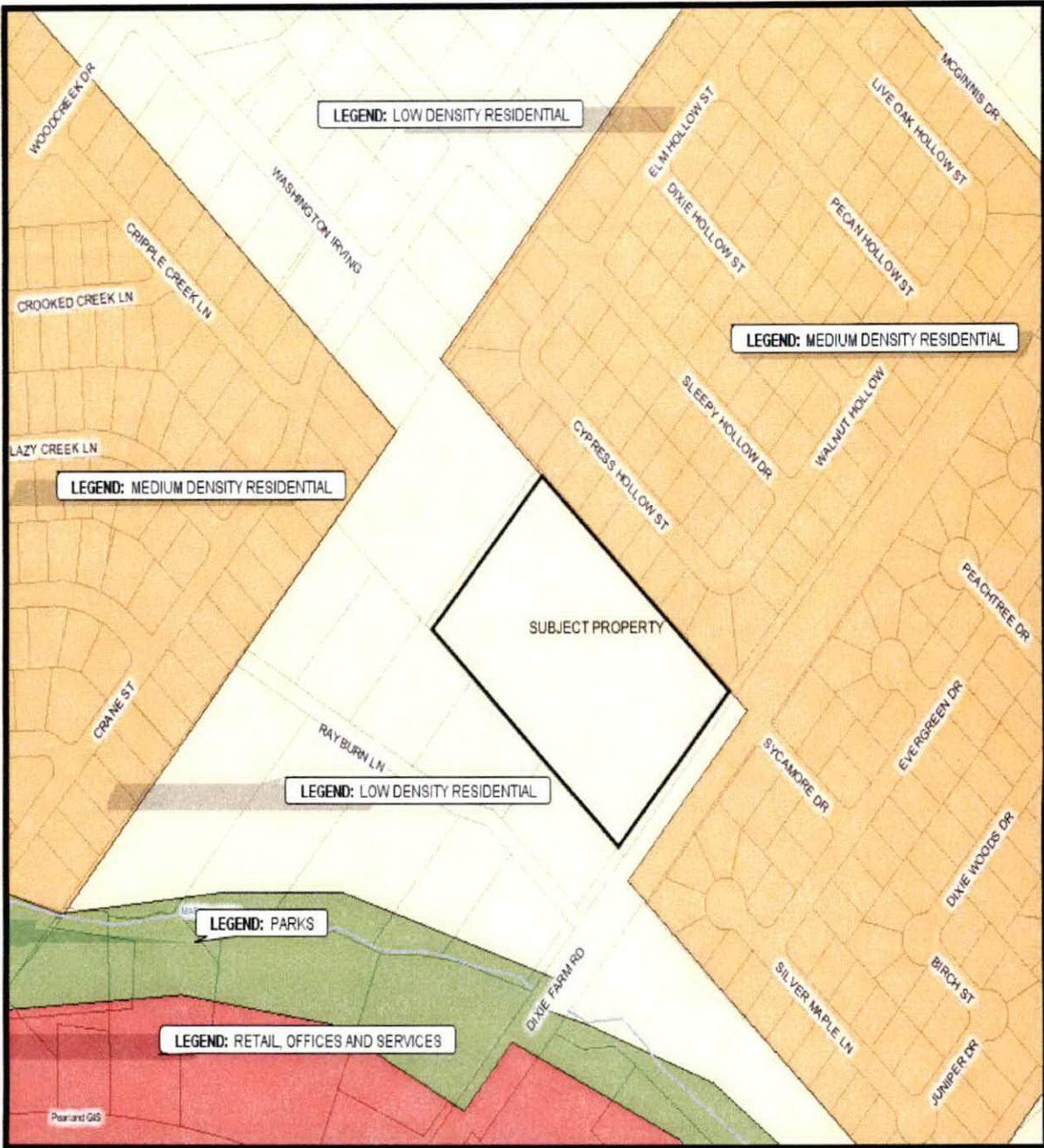


ZONING MAP

ZONE CHANGE NO. CUP 2009-15Z

LOCATED AT 2810 DIXIE FARM ROAD, PEARLAND, TX





FUTURE LAND USE MAP

ZONE CHANGE NO. CUP 2009-15Z

LOCATED AT 2810 DIXIE FARM ROAD, PEARLAND, TX





AERIAL MAP

ZONE CHANGE NO. CUP 2009-15Z

LOCATED AT 2810 DIXIE FARM ROAD, PEARLAND, TX

↑
NORTH



REQUEST FOR A PLANNED DEVELOPMENT WORKSHOP*

***THIS IS NOT AN APPLICATION FOR A CHANGE IN ZONING TO PLANNED DEVELOPMENT (PD). PLEASE COMPLETE THE "APPLICATION FOR A CHANGE IN ZONING" BEFORE THE JOINT PUBLIC HEARING.**

Current Zoning District: R1 - Single Family Residential

Proposed Zoning District: PD - Retirement Housing for the Elderly

Property Information:

Address or General Location of Property: 2810 Dixie Farm Road

Tax Account No. 5410-0024-000

Subdivision: George W. Jenkins Lot: 25 Block: _____

A complete package must include all information shown on the checklist below.

PROPERTY OWNER INFORMATION:

NAME Ross Mccammon
ADDRESS 2810 Dixie Farm Rd
CITY Pearland STATE Tx ZIP 77581
PHONE(281) 831 8771
FAX(_____) _____
E-MAIL ADDRESS _____

APPLICANT INFORMATION:

NAME Ron Jackson / Curry Architecture LLC
ADDRESS 471 High Street SE, Suite 10
CITY Salem STATE OR ZIP 97301
PHONE(503) 399-1090
FAX(503) 399-0565
E-MAIL ADDRESS ronj@curryarchitecture.com

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

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

Owner's Signature: [Signature] Date: 8-25-09

Agent's Signature: [Signature] Date: 8-25-09

- Request, filled out completely, and signed by the owner of the property to be considered for the zone change or planned development district
- Metes and Bounds Description, Survey, or a Plat of the property.
- Parcel map, printed from the City of Pearland website, indicating the location and boundaries of the subject property.
- The proposed draft PD document in hard copy form (5 copies) and electronic form (either emailed or on a CD) (see PD Format for guidelines on how to prepare the PD).

ZONE CHANGE APPLICATION Updated August 2008 (Pages 2-5)

City of Pearland

Community Development

3523 Liberty Drive

(Community Center)

Pearland, Texas 77581

281-652-1768

281-652-1702 fax

www.cityofpearland.com



APPLICATION FOR A CHANGE IN ZONING

Current Zoning District: R1 - Single Family Residential

Proposed Zoning District: PD - Retirement Housing for the Elderly

Property Information:

Address or General Location of Property: 2810 Dixie Farm Road

Tax Account No. 5410-0024-000

Subdivision: George W. Jenkins Lot: 25 Block:

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

PROPERTY OWNER INFORMATION:

APPLICANT INFORMATION:

NAME Ross Mccammon

NAME Ron Jackson / Curry Architecture LLC

ADDRESS 2810 Dixie Farm Rd

ADDRESS 471 High Street SE, Suite 10

CITY Pearland STATE TX ZIP 77581

CITY Salem STATE OR ZIP 97301

PHONE(281) 831 8771

PHONE(503) 399-1090

FAX()

FAX(503) 399-0565

E-MAIL ADDRESS

E-MAIL ADDRESS ronj@curryarchitecture.com

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Owner's Signature: [Signature] Date: 8.25.09

Agent's Signature: [Signature] Date: 8.25.09

OFFICE USE ONLY:

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

Application No. _____

Being a tract of land in the W. D. C. Hall League, Abstract No. 70, Brazoria County, Texas, and a portion of Lot 24 of the George Jackson Addition, as surveyed and platted, and being the subject of that 9.5171 acre tract of land as shown on the plat of the same recorded in the Public Records of Brazoria County, Texas, under the name of W. D. C. Hall League, Abstract No. 70, Brazoria County, Texas, and being more particularly described by name and location of streets, lots and bearings and corners as set out on the Texas State Plane Coordinate System, South Central Zone No. 4204 (NAD83):

BEING as a 5/8 acre tract of land showing the west corner of Block 1 of Dixie Hollow, and being the subject of that 5/8 acre tract of land as shown on the plat of the same recorded in the Public Records of Brazoria County, Texas, under the name of Dixie Hollow, and being more particularly described by name and location of streets, lots and bearings and corners as set out on the Texas State Plane Coordinate System, South Central Zone No. 4204 (NAD83):

BEING as a 1/4 acre tract of land showing the west corner of Block 1 of Dixie Hollow, and being the subject of that 1/4 acre tract of land as shown on the plat of the same recorded in the Public Records of Brazoria County, Texas, under the name of Dixie Hollow, and being more particularly described by name and location of streets, lots and bearings and corners as set out on the Texas State Plane Coordinate System, South Central Zone No. 4204 (NAD83):

BEING as a 1/4 acre tract of land showing the west corner of Block 1 of Dixie Hollow, and being the subject of that 1/4 acre tract of land as shown on the plat of the same recorded in the Public Records of Brazoria County, Texas, under the name of Dixie Hollow, and being more particularly described by name and location of streets, lots and bearings and corners as set out on the Texas State Plane Coordinate System, South Central Zone No. 4204 (NAD83):

BEING as a 1/4 acre tract of land showing the west corner of Block 1 of Dixie Hollow, and being the subject of that 1/4 acre tract of land as shown on the plat of the same recorded in the Public Records of Brazoria County, Texas, under the name of Dixie Hollow, and being more particularly described by name and location of streets, lots and bearings and corners as set out on the Texas State Plane Coordinate System, South Central Zone No. 4204 (NAD83):

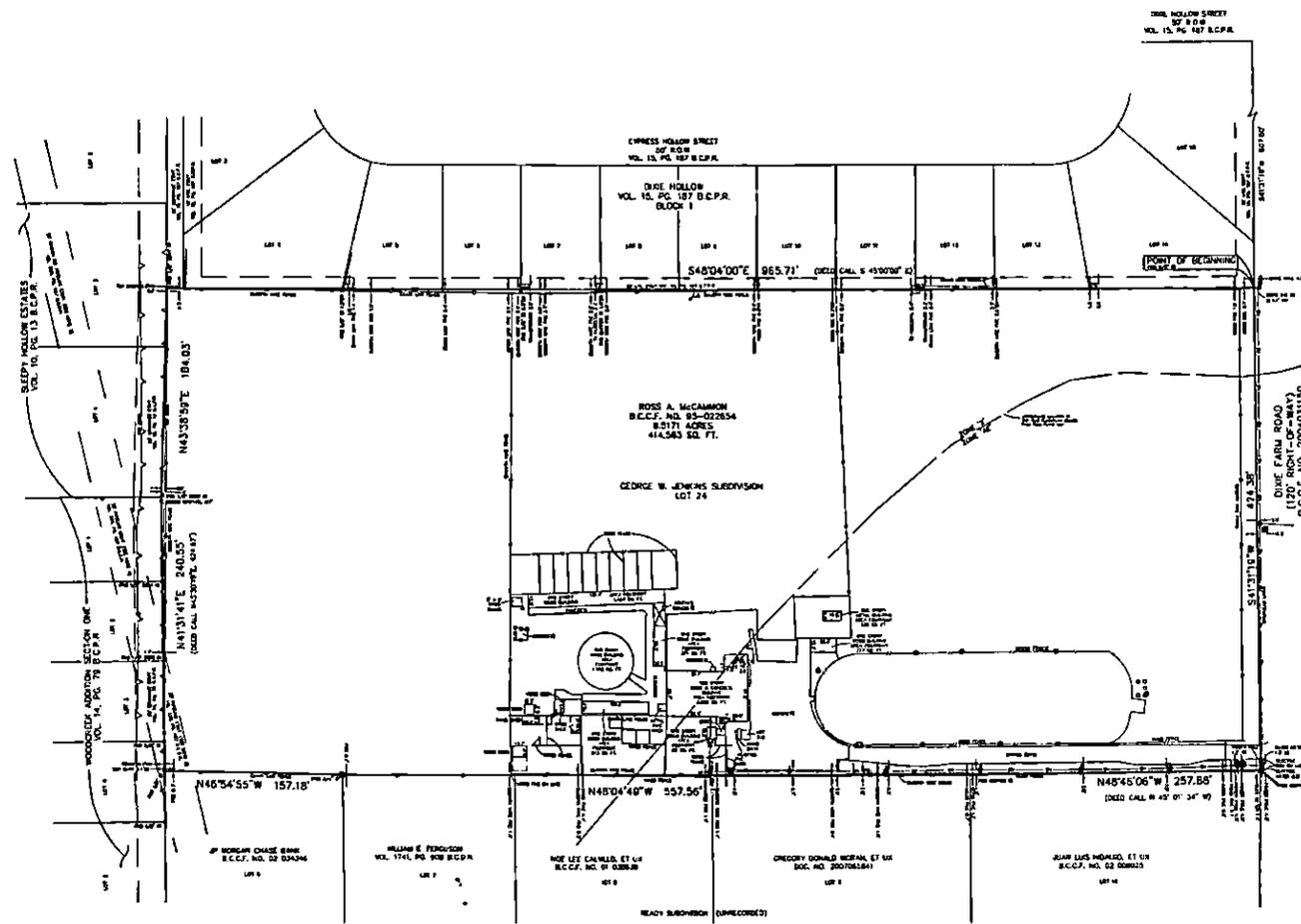
BEING as a 1/4 acre tract of land showing the west corner of Block 1 of Dixie Hollow, and being the subject of that 1/4 acre tract of land as shown on the plat of the same recorded in the Public Records of Brazoria County, Texas, under the name of Dixie Hollow, and being more particularly described by name and location of streets, lots and bearings and corners as set out on the Texas State Plane Coordinate System, South Central Zone No. 4204 (NAD83):

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SYMBOL LEGEND	
[Symbol]	POINT MARK
[Symbol]	IRON NAIL
[Symbol]	WOOD SIGN
[Symbol]	TYPE 'V' SIGN
[Symbol]	ELECTRIC ACT
[Symbol]	ELECTRIC BOX
[Symbol]	WINDY
[Symbol]	FLUORIDE
[Symbol]	WELL POINT
[Symbol]	WELL
[Symbol]	CELESTIAL
[Symbol]	AIR CONDITION
[Symbol]	MULTIMEDIA SYSTEM
[Symbol]	TELEPHONE EQUIPMENT
[Symbol]	TELEPHONE POCKET



- NOTES
1. ALL EASEMENTS, AS REFLECTED IN THIS REPORT FROM FIRST AMERICAN TITLE INSURANCE COMPANY OF MO 100493-1005, EFFECTIVE DATE 08/17/2008, ARE SHOWN HEREON.
 2. A PORTION OF THIS TRACT LIES IN ZONE 'C' PER F.P.M. FLOOD INSURANCE RATE MAP PANEL NO. 100493-1005, DATED OCTOBER 8, 2008, AND HAS A BASE FLOOD ELEVATION OF 35.7 AND 37.8 BY SCALING FROM THE MAP PANEL.
 3. THIS PIPING EXISTENCE IS SHOWN FOR THE RECORDED PLAN OF DIXIE HOLLOW AS RECORDED IN VOLUME NO. PAGE 18 OF THE BRAZORIA COUNTY PLAT RECORDS.
 4. THIS SURVEY EXISTENCE IS SHOWN FOR THE RECORDED PLAN OF WOODHOUSE ADDITION SECTION ONE AS RECORDED IN VOLUME 14, PAGE 78 OF THE BRAZORIA COUNTY PLAT RECORDS.
 5. A RECORD EASEMENT IS GRANTED TO GRASS, CLIPPING, TRANSPORTATION, CONSTRUCTION AND REMEDIATION RECORDS IN VOLUME 318, PAGE 47 OF THE BRAZORIA COUNTY PLAT RECORDS AS AN 'OWNER AND ACCESS' EASEMENT AND, AS SUCH, IS SHOWN IN THIS SURVEY. IT IS BEING HEREON AS AN EXTENSION OF THE PIPING EASEMENTS IN THE SURROUNDING SUBDIVISIONS.
 6. THIS SURVEY WAS PERFORMED IN CONJUNCTION WITH A LEGAL DESCRIPTION PREPARED JULY 2008.
 7. ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, 4204.
 8. PER THE OFFICIAL ZONING MAP OF THE CITY OF PEARLAND, TEXAS, THIS TRACT IS ZONED R-1 WHICH IS DESIGNATED AS SINGLE-FAMILY RESIDENTIAL DEVELOPMENT CODE CHAPTER 7 AS BEING SINGLE-FAMILY RESIDENTIAL WITH A MINIMUM OF 8,000 SQUARE-FOOT LOTS.
 9. DIXIE HOLLOW SUBDIVISION AND WOODHOUSE ADDITION SECTION ONE ARE ZONED R-2 WHICH IS FOR SINGLE-FAMILY RESIDENTIAL WITH A MINIMUM OF 6,000 SQUARE-FOOT LOTS. SLEEPY HOLLOW SUBDIVISION IS ZONED R-1.
 10. THIS SURVEY IS NOT BEING OF ANY CURRENT NATURE BEING BEING PERFORMED ON THIS SITE.
 11. PEARLAND ZONING ORDINANCE 84, ADOPTED APRIL 18, 1984, SECTION 14.10 PROVIDES THAT IF ANY LOT IS TO BE DEVELOPED BY ANY LOCATION, WHICH IS BEING IN AN 800 FEET OF ANY STREET, BUILDING OR STRUCTURE, THE CITY OF PEARLAND PLANNING DEPARTMENT MUST BE NOTIFIED IN WRITING BY THE APPLICANT OR OTHERS INTERESTED.

1. South Station, as a separate plat, is shown in the State of Texas, which is being surveyed and platted, and being the subject of that 9.5171 acre tract of land as shown on the plat of the same recorded in the Public Records of Brazoria County, Texas, under the name of W. D. C. Hall League, Abstract No. 70, Brazoria County, Texas, and being more particularly described by name and location of streets, lots and bearings and corners as set out on the Texas State Plane Coordinate System, South Central Zone No. 4204 (NAD83):

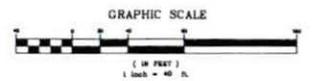


ALTA/ACSM LAND TITLE SURVEY
 OF A 9.5171 ACRE TRACT OF LAND
 IN THE
 W.D.C. HALL LEAGUE, ABSTRACT NO. 70
 BRAZORIA COUNTY, TEXAS

Precision Land Surveying, Inc.
 4914 Parkland Street, Suite 110
 Houston, Texas 77057
 (713) 882-8882

09021-01
 JULY 2009

SYMBOL LEGEND	
1	POWER POLE
2	50' SW TIE
3	50' SW TIE
4	50' SW TIE
5	50' SW TIE
6	50' SW TIE
7	50' SW TIE
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95	50' SW TIE
96	50' SW TIE
97	50' SW TIE
98	50' SW TIE
99	50' SW TIE
100	50' SW TIE



I HEREBY CERTIFY THAT THIS PLAN OF SURVEY REPRESENTS THE FACTS AS FOUND FROM AN ON-THE-GROUND SURVEY PERSONNEL CONDUCTED BY ME AND THAT THE PROCEEDINGS THEREOF CONFORM TO THE STANDARDS AND SPECIFICATIONS ESTABLISHED BY THE TEXAS SOCIETY OF PROFESSIONAL SURVEYORS FOR A CATEGORY B, CONVENTION 1 SURVEY.

ROBERT A. WOODRUFF DATE _____
 P.L.S. NO. 1802

NO PART OF THIS PLAN OR ANY INFORMATION CONTAINED HEREIN IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.

**TREE SURVEY
 OF A 9.5171 ACRE TRACT OF LAND
 IN THE
 W.D.C. HALL LEAGUE, ABSTRACT NO. 70
 BRAZORIA COUNTY, TEXAS**

ROSS A. MCCAMMON
 B.C.C.F. NO. 95-022654
 9.5171 ACRES
 414,263 SQ. FT.
 R-1 ZONING-SINGLE FAMILY
 RESIDENTIAL-1 DISTRICT

- NOTES
1. ALL EASEMENTS AS REFLECTED IN TITLE REPORT FROM FIRST AMERICAN TITLE INSURANCE COMPANY, S.P. NO. 1503403-HOME, EFFECTIVE DATE MARCH 1, 2006, ARE SHOWN HEREON.
 2. A PORTION OF THIS TRACT LIES IN ZONE "AE" PER F.E.M.A. FLOOD INSURANCE RATE MAP PANEL, NO. 48020C01, DATED SEPTEMBER 03, 1999 AND HAS A BASE FLOOD ELEVATION BETWEEN 36.7 AND 37.2 BY SCALING FROM THE MAP PANEL.
 3. THIS PIPELINE EASEMENT IS SHOWN FOR THE RECORDED PLAT OF SLEEPY HOLLOW.
 4. THIS PIPELINE EASEMENT IS SHOWN FOR THE RECORDED PLAT OF WOODCREAK ADDITION, SECTION ONE.
 5. A PIPELINE EASEMENT WAS GRANTED TO CROWN CENTRAL TRANSPORTATION CORPORATION PER INSTRUMENT RECORDED IN VOLUME 338, PAGE 47 OF THE BRAZORIA COUNTY DEED RECORDS AS AN "OVER AND ACROSS" EASEMENT AND AS SUCH, IS UNDEFINED IN ITS LOCATION. IT IS SHOWN HEREON AS AN EXTENSION OF THE PIPELINE EASEMENTS IN THE ADJOINING SUBDIVISIONS.
 6. ALL BEARINGS ARE BASED ON THE TEXAS STATE PLAIN COORDINATE SYSTEM, NORTH CENTRAL ZONE, ZONE 4204.
 7. UNLESS OTHERWISE NOTE, ALL TREES ARE CHINESE TALLOW. A TREE WITH A "H" DESIGNATION IS A HAZARDOUS TREE.

Precision Land Surveying, Inc.
 6814 Oakbark Street, Suite "B"
 Houston, Texas 77007
 (713) 862-6883
 09021-024
 JULY 2009

Pearland Retirement Residence Planned Development

include brick and horizontal siding. The roof will be architectural composition shingle.

The building interior design has common areas for a variety of uses. There will be a common dining room and kitchen for shared meals. There will be a multi-purpose room, beauty shop, crafts room, TV room, lounges and an exercise room. The circulation will be organized around a central atrium. Residents will be able to contact the manager with both emergency pull cords and voice communications in each room.

Access shall be provided from the existing location on Dixie Farm Road. The development will be in compliance with the attached conceptual site plan, elevations and other documents. Minor changes shall be approved by Planning Director. All requirements of the UDC shall be met.

Acreage

The developed parcel is 9.5171 acres in size, horse boarding stables.

Purpose of the PD district request

The request for this development is to create a PD Planned Development on the existing site within the existing R-1 – Single Family Residential. The PD – Planned Development shall have an underlying MF Multiple Family base zoning for the development of Retirement Housing for the Elderly on the entire site.

II ZONING AND LAND USE

The property is currently zoned R-1 – Single Family Residential. The property is bounded single family residential homes on all sides, R-1 Zoning to the South and R-2 (Single Family Residential – 2) to the west, north and across Dixie Farm Road to the east. The Southeast corner of the site is across Dixie Farm Road from a Large GC – General Commercial District that also fronts E Broadway Street. These residential subdivisions are fully developed with mature landscaping and complete infrastructure. The GC site is partially developed.

PD Overlay Zoning

The proposed R1-PD with a underlying base zoning MF, Multiple-Family Residential District (Sec. 2.4.2.10) site. This site is also subject to the Dixie Farm Road Overly District.

<u>Use</u>	<u>Acres</u>	<u>% of Total Acres</u>	<u>Zoning District</u>
Multiple Family (Assisted Living)	9.5171	100%	R1

Pearland Retirement Residence Planned Development

Landscape and Detention Space	5.81	61.0%	R1
Internal Circulation (Drives & Parking)	1.51	4.9%	R1

Density Calculations

Proposed Density (same as underlying MF zoning – Section 2.4.2.10 & the PD overlay Sec. 2.4.5.1)

The Maximum Density for the underlying MF Zoning is 16 units per acre.

Proposed:

Total Residential Units	126 Units
118 Retirement Suites	
8 Cottage Units	
Total Acreage	9.5171 acres

Density Ratio *126 Units on 9.5171 acres = 13.24 Units per Acre*

III. DESIGN STANDARDS AND PROPOSED DIVIATIONS

Please refer to the enclosed site plan(s) and other drawings regarding the proposed development standards

Area Regulations

Minimum Lot Size	8,800 Square Feet
Proposed PD	414,563 Square Feet
Minimum Lot Width	80 feet
Proposed PD	424 feet
Minimum Lot Depth	90 feet
Proposed PD	965 feet

Specific Deviations

Proposed Setbacks (same as underlying MF zoning – Section 2.4.2.10 & the PD overlay Sec. 2.4.5.1)

Minimum Front Yard	30 feet
Minimum Side Yards	30 feet
Minimum Rear Yard	60 feet
Minimum off-street parking	75 feet
Minimum outside storage	150 feet

Pearland Retirement Residence Planned Development

Height

"The vertical distance measured from grade at the front of the building to the highest point of a flat roof, to the deck line of a mansard roof, or to the mean height level between eaves and ridge for a gable, hip or gambrel roof" (UDC 5.1.1.1 #58)

Proposed 26 feet from the grade to the mean height level between the eaves and ridge of a gable, hip or gambrel roof.

Note: Atrium cupola architectural feature exceeds this height.

Outdoor Activities or Uses

No outdoor commercial activities or uses shall be permitted

Proposed PD – None Proposed

Fences & Screening

There will be a 30' landscape buffer adjacent to the residential use parcel as per the Unified Development Code.

Parking

Minimum Parking

1 space per unit for Retired Housing for the Elderly / Main building = 118 Spaces.

2 spaces per unit for the 4 duplexes (8 units) = 16 spaces.

Total = 134 spaces

Proposed PD

Parking Breakdown

Retirement Suites = 1 sp per unit = 118 spaces required = 118 spaces.

- **86 open spaces for retirement residence**
 - **18 covered spaces for retirement residence**
 - **4 handicapped accessible for retirement residence**
 - **10 future spaces***
- Total of 118 spaces**

Duplexes = 2 sp per unit = 16 spaces (1 within garage, 1 driveway)

- **8 spaces for cottage Garage**
 - **8 spaces for cottage Driveway**
- Total of 16 spaces**

***25% deferred to future as per Section 4.2.1.3(k) of UDC**

Pearland Retirement Residence Planned Development

Total (at present) = 108 (Not including 10 future spaces)

- **Duplex Cottage Garage = 8 spaces**
- **Duplex Cottage Driveway = 8 spaces**
- **Retirement Residence Open = 86 spaces**
- **Retirement Residence Covered = 18 spaces**
- **Handicapped accessible = 4 spaces**
- **Future spaces* = 10 spaces**

Remaining Pervious Land

At least 15% of the gross site area shall be maintained in landscaped open area
Proposed PD 61.0% landscaped open area (open space & retention)

Common open space requirements will be in accordance with the common open space requirements of the underlying MF zone. Section 2.4.2.10(g) of the UDC for 126 units as shown on attached conceptual site plan.

Required

126 units x 900 sq. ft. = 113,400 sq. ft.

Provided

130,000 sq. ft.

Access

Provided in accordance with the EDCM

Access shall be provided from the existing location on Dixie Farm Road. The development will be in compliance with the attached conceptual site plan, elevations and other documents. Minor changes shall be approved by Planning Director. All requirements of the UDC shall be met.

Proposed PD – Will comply with the EDCM (see conceptual site plan).

Please Note:

All requirements of the Uniform Development Code will be met other than those changes and deviations specifically approved as part of the Planned Development approval

Proposed Dedications

Any additional easements, rights of ways or agreements to accommodate rights of way, utilities and services to the site will be accommodated.

Pearland Retirement Residence Planned Development

Overview and Summary

Existing Zoning:	R-1 Single Family Residential
Proposed Zoning:	PD – Planned Development / MF underlying base zoning
Land Area:	9.5171 acres
Existing Use:	Boarding Stables, Equestrian Center
Proposed Use:	118-suite retirement residence + 4 duplex retirement cottages (8 units)
Proposed Parking:	134 total spaces consisting of 86 open +10 future open, 18 covered for the suites, 4 handicap accessible, 8 covered cottage spaces, and 8 cottage driveway parking spaces
Impervious Surface Cover	161,658 Sq. Ft. / 39.0%

Phasing

This project is intended to be developed together in its entirety and phasing the project in not planned

IV. AMENITIES

The site is to be extensively landscaped. Usable outdoor spaces will include a large amount of lawn and landscape areas. The landscaping will include raised beds of varying levels for ornamental, flower and vegetable gardening made available for use and enjoyment of our residence. Special features of this site will include a horseshoe court in the cottage common area and a large unique water feature located amidst the retirement cottages, all adding to the park like setting. An integrated network of walking paths, 6 feet in width, will provide our residence with an excellent opportunity for daily exercise. The walking paths will be complemented with benches and respite areas throughout as well as connecting to all exits of the building. There will be a large partially covered patio off of the craft/exercise room. The patio area along with the cabana and pool come together to create an oasis like atmosphere and serving to extend and expand the living area to this outside attraction

- Horse Shoe Pit (1)
- Seating Benches (7 around site paths/courtyards)
- Circular Landscaped Benches (2 on site)
- Raised Planter beds (8 for residence)
- Swimming Pool
- Pool House (1)
- Fountains & Water Features (4)
- Van garage (1)
- Retention Water Feature

Pearland Retirement Residence Planned Development

V. EXHIBITS

Site Plan	Exhibit "A"
Concept & Design Statement	Exhibit "?"
ALTA Survey	Exhibit "B"
Topographical Survey	Exhibit "C"
Tree Survey	Exhibit "D"

VI. JUSTIFICATION

We respectfully request consideration of a Planned Unit Residential Development for a 9.5171-acre site at 2810 Dixie Farm Road. This designation is sought to allow development of a 118 suite retirement residence and 4 duplex retirement cottages. This site will provide a positive, quality, low impact additional to the local neighborhood and the Pearland community.

Considerable effort has been made over the past several months to gather information. This has allowed us to present a proposal that will create a valuable addition to the community. A description of the Harvest Retirement Concept and Design Statement is included in the application submittal handout. (Exhibit "?").

This site is ideally suited for our senior housing use. The site is in close proximity to services such as shopping, recreation and medical needs while still being within an established residential area.

As stated in Chapter 8 of the Pearland Municipal Code, "the purpose an overlay planned development district (PD) is to provide for the development of land as an integral unit of single or mixed use in accordance with a PD Design Plan that may include uses, regulation and other requirements that vary from provisions of other zoning districts. PD Districts are intended to implement generally the goals and objectives of the City's Comprehensive Plan. PD Districts are also intended to encourage flexible and creative planning to ensure the compatibility of land uses, to allow for the adjustment of changes demands to meet the current needs of the community and to in a higher quality development for the community that would result from the use of conventional zoning districts. The Harvest Retirement proposal would meet changing demands and the current needs of the Pearland community.

This project offers benefits, which include:

- Large open spaces and generous setbacks. Over 60% of the site will be landscaped open space providing large open spaces and ample setbacks to create a park-like setting, and help buffer neighboring properties.

Pearland Retirement Residence Planned Development

- Quiet Senior Residential Use – The proposed retirement residence has 118 suites, which include studios, one bedroom, and two bedroom types.

The suites do not have kitchens and are not considered full dwelling units. They are different from conventional senior apartment units with full kitchens, in that the density effect would be negligible. In addition, only about 10 percent of the suites will be occupied by couples, keeping the overall building population low. This is complemented by 4 duplex “cottages” (8 units) which are approximately 1100 square feet in size. The cottages do include a full kitchen and single car garage for the slightly more active senior at our facility. The cottage residences do receive the transportation, activity and housekeeping services and have the option of receiving meals at the retirement residence if they choose. This project will not create the problems typically associated with higher density developments, such as traffic, noise or increased demand on public services.

- Low Traffic Generation – Our project will generate approximately 250 trips per day with less than 30 peak hour trips. Please see attached Harvest Concept Summary.
- Increases Local Tax Base – This project is privately funded with no publicly funded assistance.
- Low Impact on Public Services - Including parks, schools, libraries, and transportation system.
- Fulfills Need for Retirement Housing - Our research has found that there is a strong need for the unique Harvest program in this area. It would complement the other choices available in Pearland.

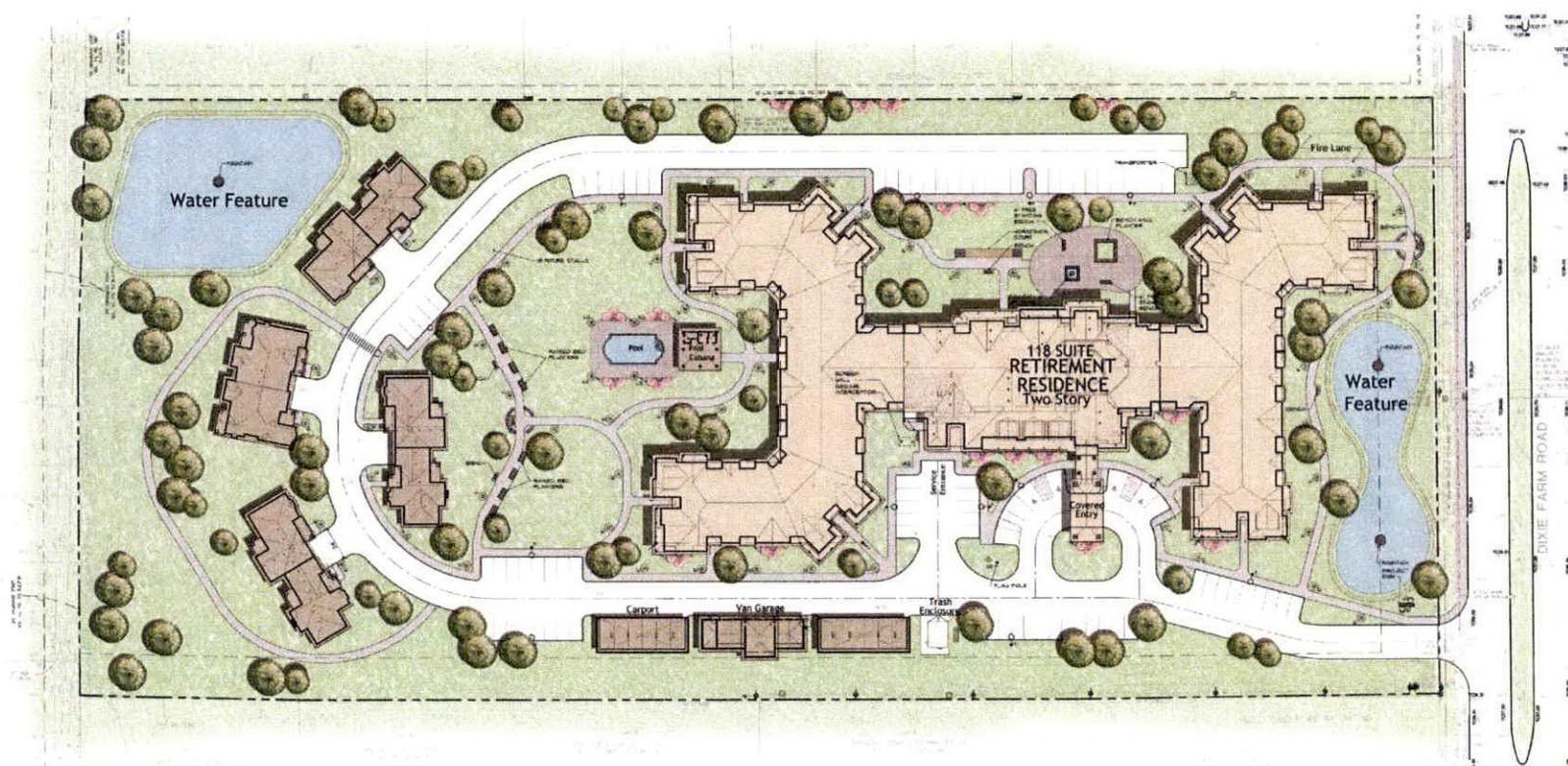
VII. CONCLUSION

In conclusion, we feel that this site is ideally suited for our use and would be a nice addition to the Dixie Farm Road area and the existing and future development for the area.

Thank you for your consideration.

September 2009





SITE AMENITIES

- 1 HORSE SHOE PIT
- 7 SEATING BENCHES
- 2 CIRCULAR LANDSCAPED BENCHES
- 8 RAISED PLANTER BEDS
- 1 VAN GARAGE
- 1 POOL
- 1 POOL HOUSE
- 4 FOUNTAINS

COMMON OPEN SPACE

REQUIRED 126 UNITS X 900 SQ. FT. = 113,400 SQ. FT.
 PROVIDED 185,000 SQ. FT.

PARKING: (118 Suite Retirement)

- 4 ACCESSIBLE SPACES
- 18 COVERED SPACES
- 86 OPEN SPACES
- 108 SPACES PROVIDED

108 SPACES PROVIDED
 10 Future Parking Stalls (PER SECTION 4.2.1.3(K) OF UDC)
 118 TOTAL REQUIRED

PARKING: (4 Duplex Cottages - 8 Units)

- 8 Covered
- 8 Uncovered
- 16 SPACES PROVIDED

PARKING (TOTAL):

- 118 RETIREMENT
- 16 (4) DUPLEX COTTAGES
- 134 SPACES PROVIDED

PROJECT STATISTICS:

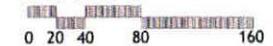
PROJECT AREA:		
GROSS AREA:	9.676 AC	421,512 SQ. FT.
R.O.W AREA:	0.744 AC	10,643 SQ. FT.
NET AREA:	9.432 AC	410,869 SQ. FT.

AREA CALCULATIONS:		
RETIREMENT RESIDENCE:	55,327 SQ. FT.	
COTTAGE BUILDINGS:	12,908 SQ. FT.	16.4%
TOTAL BUILDINGS:	68,235 SQ. FT.	1.8%
PATIOS:	7,546 SQ. FT.	1.8%
DRIVES / PARKING:	65,991 SQ. FT.	16.0%
WALKS:	20,386 SQ. FT.	4.9%
REMAINING PERVIOUS LAND (NET DEVELOPABLE COMMON OPEN SPACE):	249,211 SQ. FT.	60.7%

SITE PLAN

PRELIMINARY

SCALE: 1" = 40'-0"
 DATE: 08/25/09



Pearland Retirement Residence

Pearland, Texas

EXHIBIT "A"

BEING A TRACT OF LAND IN THE W. D. C. HALL LEAGUE, ABSTRACT NO. 70, BRAZORIA COUNTY, TEXAS, AND BEING THE RESIDUE OF THAT TRACT SOLD BY NONA GAY CARR TO ROSS A. MCCLENDON, AS DESCRIBED IN DEED RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE NO. 95-022654, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS WITH ALL BEARINGS AND COORDINATES BASED ON THE TEXAS STATE PLAIN COORDINATE SYSTEM, SOUTH CENTRAL ZONE NO. 4204 (NAD83):

BEGINNING AT A 5/8 INCH IRON ROD FOUND MARKING THE WEST CORNER OF BLOCK 1 OF DIXIE HOLLOW, PER PLAT RECORDED IN VOLUME 15, PAGE 187 OF BRAZORIA COUNTY PLAT RECORDS. THE WEST CORNER OF THE HEREIN DESCRIBED TRACT, AND A POINT IN THE NORTHWEST RIGHT-OF-WAY LINE OF DIXIE FARM ROAD, 120.00 FEET WIDE PER SAID DIXIE HOLLOW PLAT AND PER INSTRUMENT RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE NO. 2004031150; SAID POINT BEING S 41° 31' 19" E. 607.50 FEET FROM THE INTERSECTION OF THE NORTHWEST RIGHT-OF-WAY LINE OF SAID DIXIE FARM ROAD WITH THE SOUTHWEST RIGHT-OF-WAY LINE OF DIXIE HOLLOW STREET, 50.00 FEET WIDE PER SAID DIXIE HOLLOW PLAT;

THENCE ALONG THE NORTHWEST RIGHT-OF-WAY LINE OF SAID DIXIE FARM ROAD, S 41° 31' 19" W, 424.38 FEET. TO A CAPPED IRON ROD FOUND MARKING THE WEST CORNER OF THE RESIDUE OF THAT LAND SOLD TO JUAN LUIS HIDALGO. ET UX, AS DESCRIBED IN DEED RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE NO. 02 008025. AND THE SOUTH CORNER OF THE HEREIN DESCRIBED TRACT AND BEING A POINT IN THE NORTHEAST LINE OF LOT 10 AS MONUMENTED OF READY SUBDIVISION, AN UNRECORDED SUBDIVISION;

THENCE ALONG THE NORTHEAST LINE OF SAID HIDALGO TRACT AND SAID LOT 10, AS MONUMENTED, N 48° 49' 06" W (DEED CALL N 45° 01' 34" W,) 257.88 FEET TO A CAPPED IRON ROD FOUND MARKING THE NORTH CORNER OF SAID HIDALGO TRACT AND SAID LOT 10. AS MONUMENTED, THE EAST CORNER OF A TRACT OF LAND SOLD TO GREGORY DONALD MORAN, ET UX, AS DESCRIBED IN DEED RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE NO. 2007065841. AND LOT 9 OF SAID READY SUBDIVISION, AS MONUMENTED, AND AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT;

THENCE ALONG THE NORTHEAST LINE OF SAID MORAN TRACT AND SAID LOT 9, AS MONUMENTED, N 48° 04' 49" W, 557.56 FEET TO A 3/4 INCH IRON PIPE FOUND MARKING THE NORTH CORNER OF A TRACT OF LAND SOLD TO WILLIAM E. FERGUSON, AS DESCRIBED IN DEED RECORDED IN VOLUME 1741, PAGE 908 OF THE BRAZORIA COUNTY DEED RECORDS, AND LOT 7, AS MONUMENTED, OF SAID READY SUBDIVISION, THE EAST CORNER OF A TRACT OF LAND SOLD TO J.P. MORGAN CHASE BANK, AS DESCRIBED IN DEED RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE NO. 02 034346, AND LOT 6 OF SAID READY SUBDIVISION, AND AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT;

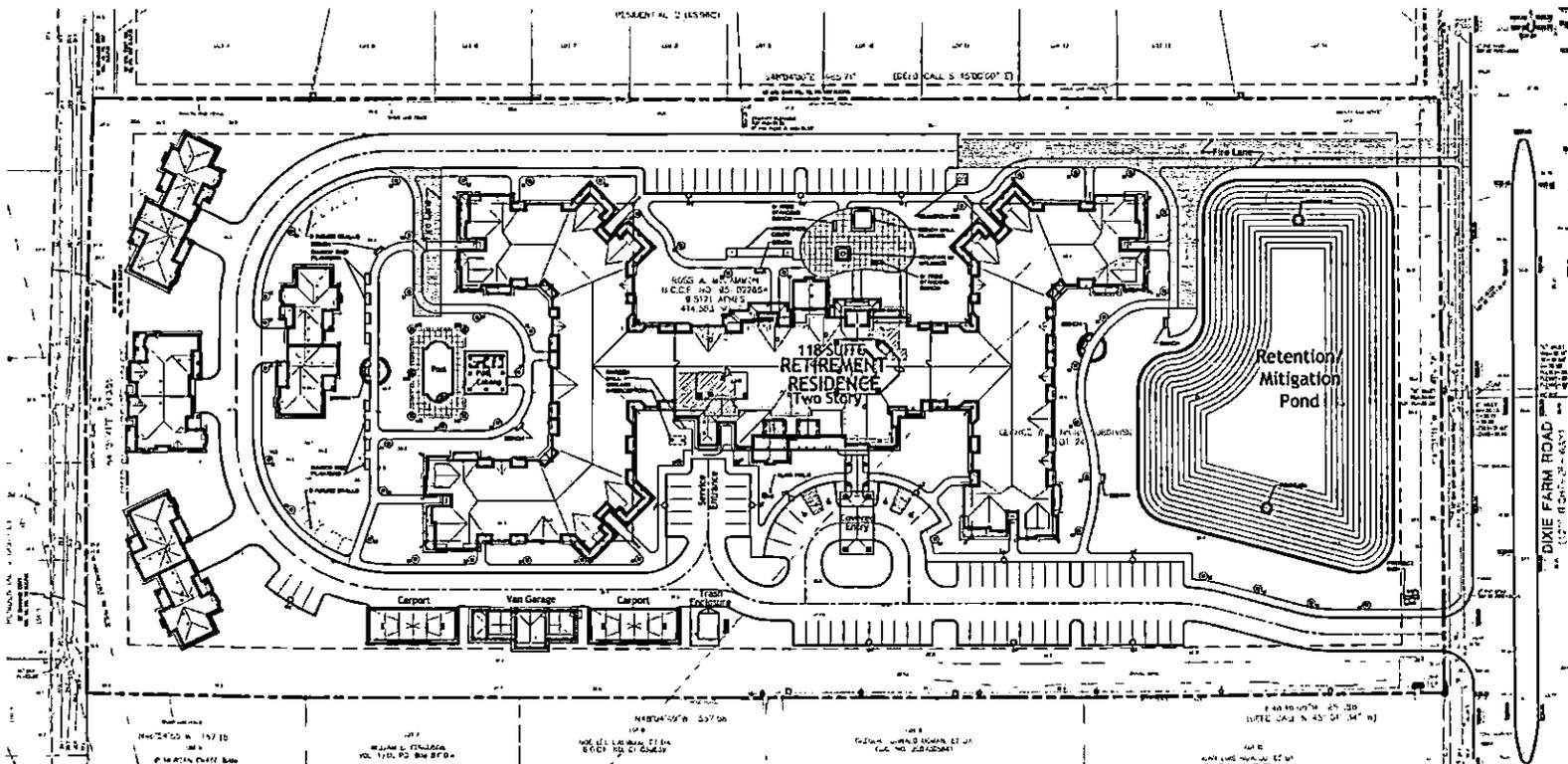
THENCE ALONG THE NORTHEAST LINE OF SAID CHASE BANK TRACT AND SAID LOT 6, AS MONUMENTED, N 46° 54' 55" W, 157.18 FEET TO A 1/2 INCH IRON ROD FOUND MARKING THE NORTH CORNER OF SAID CHASE BANK TRACT AND SAID LOT 6, AS MONUMENTED, A POINT IN THE SOUTHEAST LINE OF WOODCREEK ADDITION, SECTION ONE, PER PLAT RECORDED IN VOLUME 14, PAGE 79 OF THE BRAZORIA COUNTY PLAT RECORDS. AND THE WEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE ALONG THE SOUTHEAST LINE OF SAID WOODCREEK ADDITION. N 41° 31' 41" W, 240.55 FEET (DEED CALL N 45° 30' 19" E, 424.67 FEET) TO THE EAST CORNER OF SAID WOODCREEK ADDITION, THE SOUTH CORNER OF SLEEPY HOLLOW ESTATES, PER PLAT RECORDED IN VOLUME 10, PAGE 13 OF THE BRAZORIA COUNTY PLAT RECORDS, AND AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT; A FOUND BENT 1/2 INCH IRON ROD BEARS N 79° 14' E, 2.1 FEET;

THENCE ALONG THE SOUTHEAST LINE OF SAID WOODCREEK ADDITION, N 43° 38' 59" E, 184.03 FEET TO A BENT 1/2 INCH IRON ROD FOUND MARKING THE WEST CORNER OF SAID DIXIE HOLLOW PLAT AND THE NORTH CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE ALONG THE SOUTHWEST LINE OF SAID DIXIE HOLLOW PLAT, S 48° 04' 00" E (DEED CALL S 45° 00' 00" E,) 965.71 FEET TO THE AND CONTAINING 9.5171 ACRES, OR POINT OF BEGINNING 414,563 SQUARE FEET, OF LAND.

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



SITE AMENITIES

- 1 HORSE SHOE PIT
- 7 SEATING BENCHES
- 2 CIRCULAR LANDSCAPED BENCHES
- 8 RAISED PLANTER BEDS
- 1 VAN GARAGE
- 1 POOL
- 1 POOL HOUSE
- 3 FOUNTAINS

COMMON OPEN SPACE

REQUIRED 126 UNITS X 900 SQ. FT. = 113,400 SQ. FT.
 PROVIDED 122,600 SQ. FT.

PARKING: (118 Suite Retirement)

- 4 ACCESSIBLE SPACES
- 18 COVERED SPACES
- 86 OPEN SPACES
- 108 SPACES PROVIDED

108 SPACES PROVIDED
 10 Future Parking Stalls (PER SECTION 4.2.1.3(K) OF UDC)
 118 TOTAL REQUIRED

PARKING: (4 Duplex Cottages - 8 Units)

- 8 Covered
- 8 Uncovered
- 16 SPACES PROVIDED

PARKING (TOTAL REQUIRED):

- 118 RETIREMENT
- 16 (4) DUPLEX COTTAGES
- 134 SPACES REQUIRED

PARKING (TOTAL PROPOSED):

- 124 PROVIDED (AT PRESENT)
- 10 FUTURE PARKING
- 134 SPACES TOTAL

PROJECT STATISTICS:

PROJECT AREA:	9.5171 AC	414,563 SQ. FT.	100.0%
AREA CALCULATIONS:			
RETIREMENT RESIDENCE:		55,317 SQ. FT.	
COTTAGE BUILDINGS:		12,969 SQ. FT.	16.5%
TOTAL BUILDINGS:		68,286 SQ. FT.	16.5%
PATIOES:		7,548 SQ. FT.	1.8%
DRIVES / PARKING:		66,209 SQ. FT.	16.0%
WALKS:		21,600 SQ. FT.	5.2%
REMAINING PERVIOUS LAND (NOT COVERED COMMON OPEN SPACE)		250,973 SQ. FT.	60.5%

SITE PLAN

PRELIMINARY

SCALE: 1" = 40'-0"
 DATE: 09/15/09



Pearland Retirement Residence

Pearland, Texas

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD NOVEMBER 16, 2009, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

Conditional Use Permit No. CUP 2009-14

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

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT

B. APPLICANT PRESENTATION

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.

JOINT PUBLIC HEARING AGENDA ITEM MEETING OF NOVEMBER 16, 2009

Conditional Use Permit No. CUP 2009-14

A request by 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

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 and only Reading: December 14, 2009*

(*dates subject to change if item is tabled)

SUMMARY: The applicant is requesting approval of a conditional use permit to allow 12 proposed buildings for office/warehouse with sales to the public in the General Commercial (GC) Zoning District. The applicant also has proposed a zone change at this location from Office Professional (OP) to General Commercial (GC). The zone change will need to be approved prior to any approval for this conditional use permit.

On a related matter, approximately 20 acres to the south of the subject property also owned by the applicant, a separate CUP is being requested to allow 19 buildings for conditioned storage.

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	Office Professional (OP) and General Commercial (GC)	Vacant and the Old Airport Site
South	General Commercial (GC)	Single Family Residential
East	Single Family Residential-1 (R-1)	Single Family Residential
West	General Commercial (GC) and Light Industrial (M-1)	Single Family Residential

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The subject property is currently zoned as General Commercial (GC). The minimum lot size for the General Commercial (GC) Zoning District is 22,500 square feet, the minimum lot width is 150 feet, and the minimum lot depth is 125 feet. The subject property exceeds these minimum requirements, as the property is approximately 6.0415 acres in size. The proposed use is in conformance with the current UDC with an approved conditional use permit.

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

PLATTING STATUS: The property has been platted.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "General Commercial" for the subject property and the surrounding properties. The Comprehensive Plan further indicates that the appropriate zoning districts for the "Business Commercial Use" are the General Business (GB) and the General Commercial (GC) zoning districts. This request is in conformance with the comprehensive plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Main Street, a major thoroughfare with an ultimate right-of-way of 120 feet, there is frontage on Hampshire, a minor collector street with an ultimate right-of-way of 60 feet, and frontage on Old Alvin, a minor collector street, to be widened to 80 feet. The applicant has had had the property platted and all necessary dedications have been made.

AVAILABILITY OF UTILITIES: The subject parcel is served by public water and sewer.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: In the Old Town Site 2005 Study, this area had been included in the study with a proposed mixed use development to serve as an anchor to the Old Town Site. This area was later removed from the Old Town Site and a smaller area was included in the Future Land Use and Zoning Maps.

Self storage may not be the best use for this area. The market niche that the Old Town could adapt to is a primarily residential town center supported by a civic/government anchor and adjacent Traditional Neighborhood Developments as shown in the attached concept plan. This large tract of land can be consolidated and developed with a master plan. This area will be discussed at the October 5, 2009 Planning and Zoning workshop for the current Land Use Study.

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Parking for an office warehouse is calculated at 1 space per 2,000 square feet of warehouse and 1 space per 300 square feet of office space, and conditioned self storage is 4 spaces plus 1 space per 10,000 square feet of storage are, as shown on the site plan. In addition there are approximately 151 parking spaces shown for the Office Warehouse with Sales and there are approximately 137 spaces shown for the Conditioned Storage. The applicant also proposes a joint parking agreement between Pearland Pavilion Subdivision and the lots just south of Hampshire road.

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SITE PLAN CONSIDERATIONS: A conceptual site plan was submitted with this zone change and the subsequent conditional use applications. City staff from other City Departments had the following comments on the conceptual Site Plan:

ADDITIONAL COMMENTS:

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1. A TIA will be required for the overall development that encompasses the entire platted site and use.
2. Detention requirements must be met per the City of Pearland Drainage Criteria.

3. Driveway spacing shall be meet City of Pearland driveway spacing requirements. This can be reviewed and approved along with the TIA.
4. A portion of lot 5 appears to be in the flood plain, so flood plain mitigation shall be required for any encroachment. In the CUP 2009-14 letter of intent, it states that there is no access to Old Alvin. All site plans should be revised to reflect this comment.

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3. A 25 foot inside and 50 foot outside turning radius for fire apparatus is required.

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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.

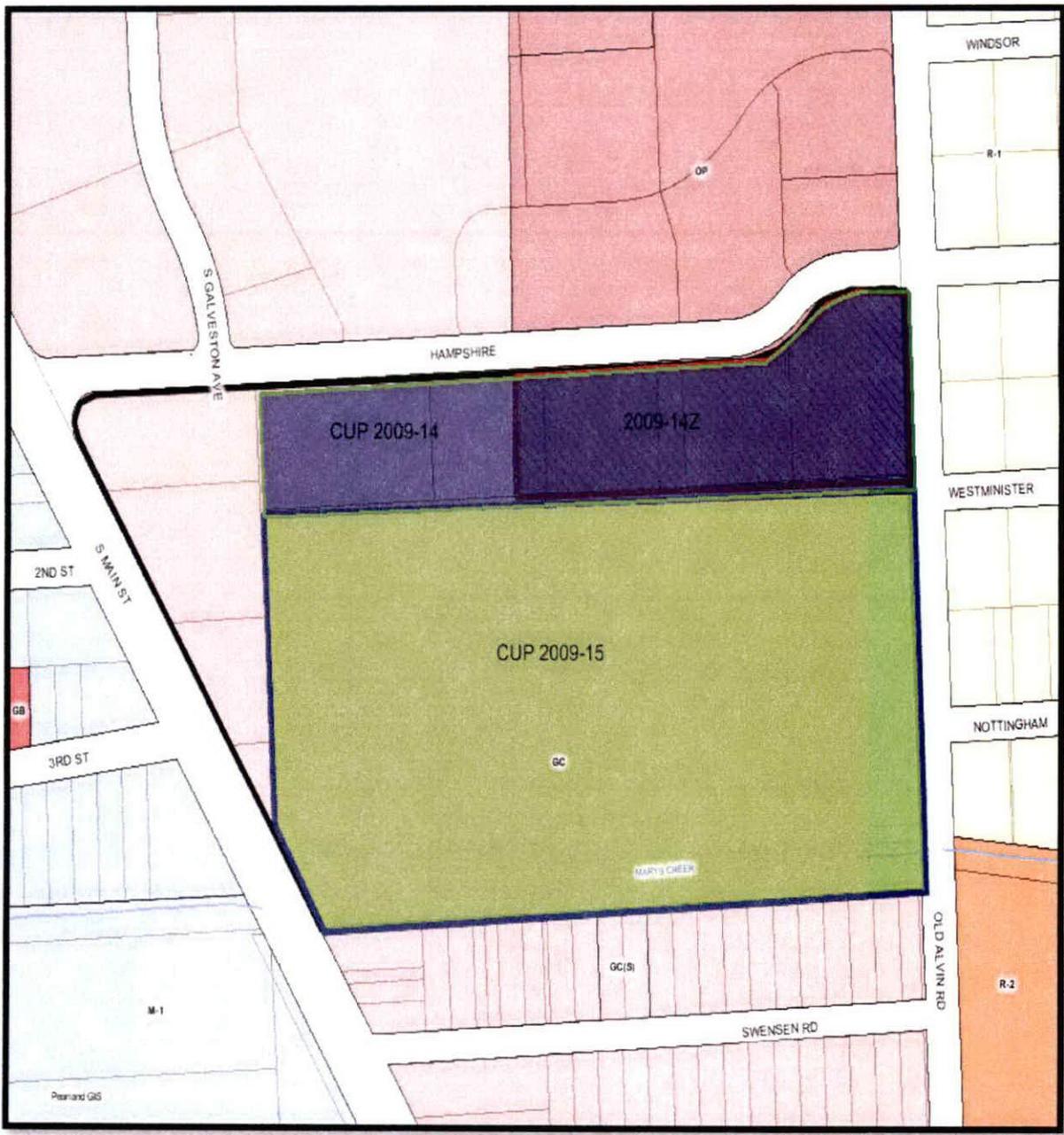
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STAFF RECOMMENDATION: Staff recommends further consideration of the conditional use permit as proposed by the applicant, for the following reasons:

1. The proposed use will permit the applicant to utilize this property as conditioned storage with an approved conditional use permit.
2. This conditional use permit request is in conformance with the current comprehensive plan and unified development code.
3. The proposal is not consistent with the plans for the Old Town Site. Since this is a large tract of land that can be developed with a master plan, staff would recommend that City Council and Planning and Zoning consider that option.

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

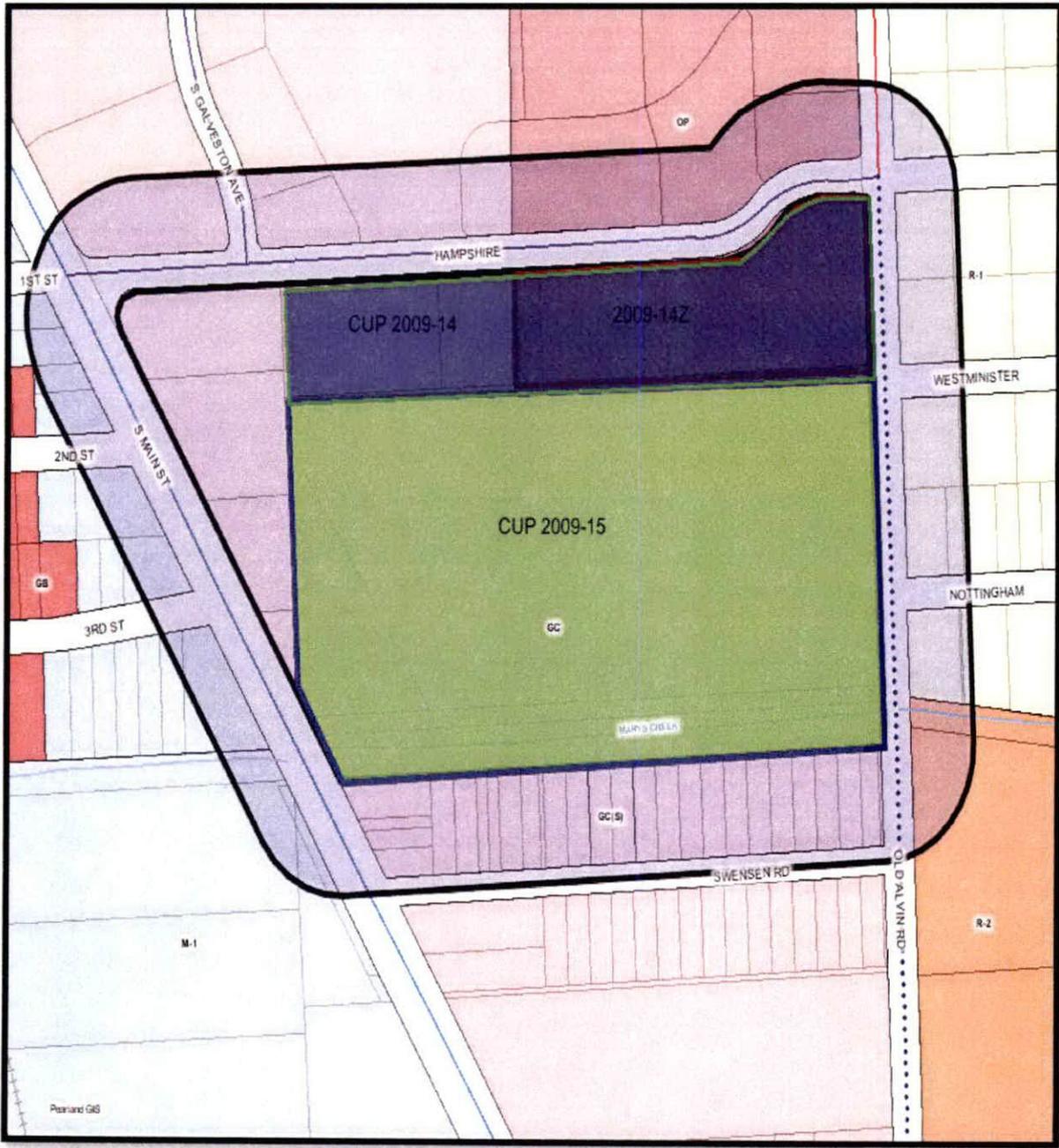


LOCATION MAP

CONDITIONAL USE PERMIT NO. CUP 2009-14



GENERALLY LOCATED AT THE SOUTHWEST CORNER OF HAMPSHIRE ROAD AND OLD ALVIN ROAD, PEARLAND, TX



ABUTTER MAP



CONDITIONAL USE PERMIT NO. CUP 2009-14

NORTH

GENERALLY LOCATED AT THE SOUTHWEST CORNER OF HAMPSHIRE ROAD AND OLD ALVIN ROAD, PEARLAND, TX

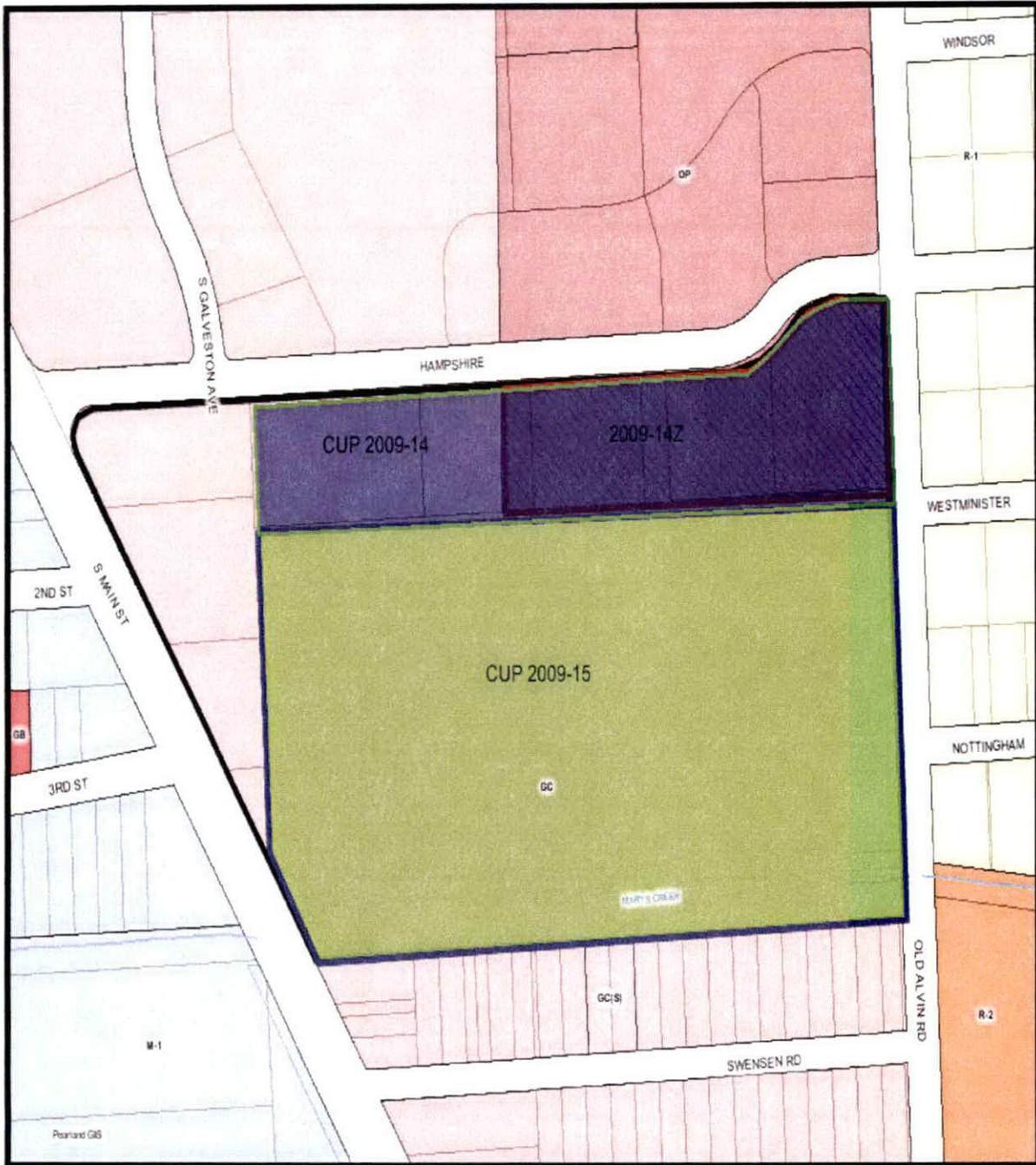
Conditional Use Permit Application No. CUP 2009-14

Conditional Use Permit to allow conditioned storage/Hampshire Rd.

Property Owner List

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ASSOCIATED EQUIPMENT CO	PO BOX 898	PEARLAND	TX	77588
ASSOCIATED EQUIPMENT CO	PO BOX 898	PEARLAND	TX	77588
BAKER FELTON M & MARY C	#5 HAVERFORD LANE	FRIENDSWOOD	TX	77546
BAKER FELTON M & MARY C	#5 HAVERFORD LANE	FRIENDSWOOD	TX	77546
BAKER FELTON M & MARY C	#5 HAVERFORD LANE	FRIENDSWOOD	TX	77546
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BAKER FELTON M & MARY C	#5 HAVERFORD LANE	FRIENDSWOOD	TX	77546
BAKER FELTON M & MARY C	#5 HAVERFORD LANE	FRIENDSWOOD	TX	77546
BATEMAN O W III	3405 SWENSEN RD	PEARLAND	TX	77581
BATEMAN O W III	3405 SWENSEN RD	PEARLAND	TX	77581
BATEMAN O W III	3405 SWENSEN RD	PEARLAND	TX	77581
BATEMAN O W III	3405 SWENSEN RD	PEARLAND	TX	77581
BATEMAN O W III	3405 SWENSEN RD	PEARLAND	TX	77581
BERDINE R L	3411 NOTTINGHAM ST	PEARLAND	TX	77581
BERDINE R L	3411 NOTTINGHAM ST	PEARLAND	TX	77581
BRAZORIA CO DRAINAGE #4	4805 BROADWAY ST	PEARLAND	TX	77581
BRAZORIA CO DRAINAGE #4	4805 BROADWAY ST	PEARLAND	TX	77581
CABLER MATTHEW L & TRINA	3411 WESTMINISTER ST	PEARLAND	TX	77581
CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
EASLEY FRANK D	3409 WESTMINISTER ST	PEARLAND	TX	77581
HARMOUCH AMIN A	11354 ASTORIA BLVD	HOUSTON	TX	
HARMOUCH AMIN A	11354 ASTORIA BLVD	HOUSTON	TX	
HOOVER DAVID B & JANET M	3411 HAMPSHIRE	PEARLAND	TX	77584
J & H ENTERPRISES	6002 OSBORN ST	HOUSTON	TX	77033
LOZANO DANIEL & OLGA	7223 LIBBY LN	PEARLAND	TX	77584

MARCEAU MATHEW	3410 HAMPSHIRE ST	PEARLAND	TX	77581
MASTERSON CARLOS B EST	670 DONA ANA RD SW	DEMING	NM	88030
MASTERSON JOHN C ET AL	3019 ELLA LEE LN	HOUSTON	TX	77019
MCSHARES INC	PO BOX 578	PEARLAND	TX	77588
MCSHARES INC	PO BOX 578	PEARLAND	TX	77588
MVN INVESTMENTS LLC	9503 SAGEDECK	HOUSTON	TX	77089
MVN INVESTMENTS LLC	9503 SAGEDECK	HOUSTON	TX	77089
MVN INVESTMENTS LLC	9503 SAGEDECK	HOUSTON	TX	77089
PALOMBI LOUIS J				0
PAMPELL LORINE	3412 HAMPSHIRE ST	PEARLAND	TX	77581
PASKET JAMES R & JANICE	PO BOX 3291	PEARLAND	TX	77588
PASKET JAMES R & JANICE	PO BOX 3291	PEARLAND	TX	77588
PASKET JAMES R & JANICE	PO BOX 3291	PEARLAND	TX	77588
PEARLAND BOX CO	3904 3RD ST	PEARLAND	TX	77581
PEARLAND FAMILY TAE KWON	3111 S MAIN	PEARLAND	TX	77581
PEARLAND FAMILY TAE KWON	3111 S MAIN	PEARLAND	TX	77581
PEARLAND ISD	PO BOX 7	PEARLAND	TX	77588
RABON R R	3412 WESTMINISTER ST	PEARLAND	TX	77581
ROOS RUTH A	3412 NOTTINGHAM ST	PEARLAND	TX	77581
ROOS RUTH A	3412 NOTTINGHAM ST	PEARLAND	TX	77581
SMITH AMY GRACE	3410 WESTMINISTER ST	PEARLAND	TX	77581
TEMPO TRANSPORT BROKER CO	PO BOX 219	PEARLAND	TX	77588
TEMPO TRANSPORT BROKER CO	PO BOX 219	PEARLAND	TX	77588
TEMPO TRANSPORT BROKER CO	PO BOX 219	PEARLAND	TX	77588
WALLACE JAMES N & ROBSON	6002 OSBORN ST	HOUSTON	TX	77033
WILSON JIMMY B	PO BOX 693	PEARLAND	TX	77588



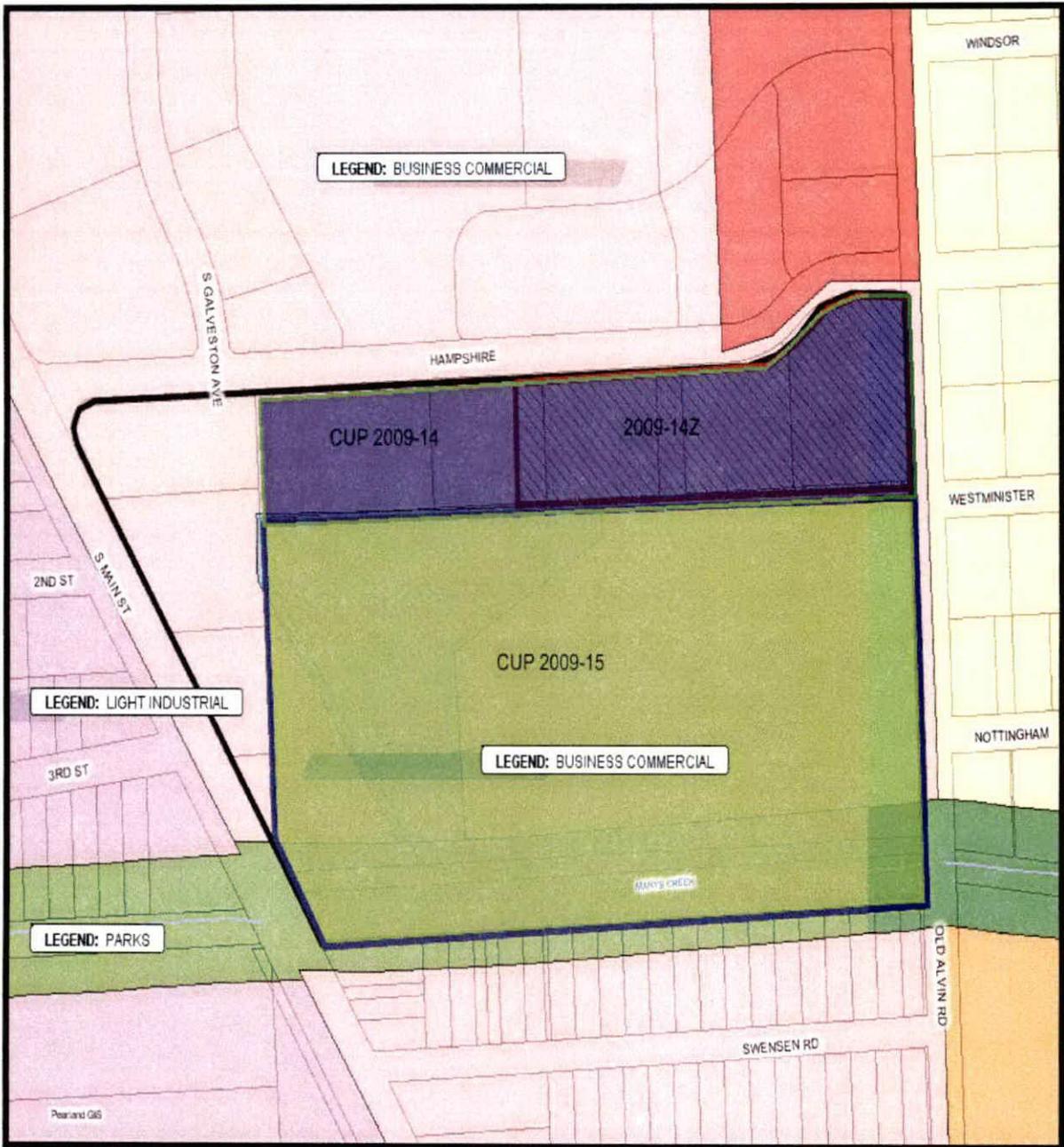
ZONING MAP

CONDITIONAL USE PERMIT NO. CUP 2009-14

↑
NORTH

Zoned GC for CUP 2009-14 and 15, Zoned OP for 2009-14Z

GENERALLY LOCATED AT THE SOUTHWEST CORNER OF HAMPSHIRE ROAD AND OLD ALVIN ROAD, PEARLAND, TX



FUTURE LAND USE MAP

CONDITIONAL USE PERMIT NO. CUP 2009-14

↑
NORTH

GENERALLY LOCATED AT THE SOUTHWEST CORNER OF HAMPSHIRE ROAD AND OLD ALVIN ROAD, PEARLAND, TX



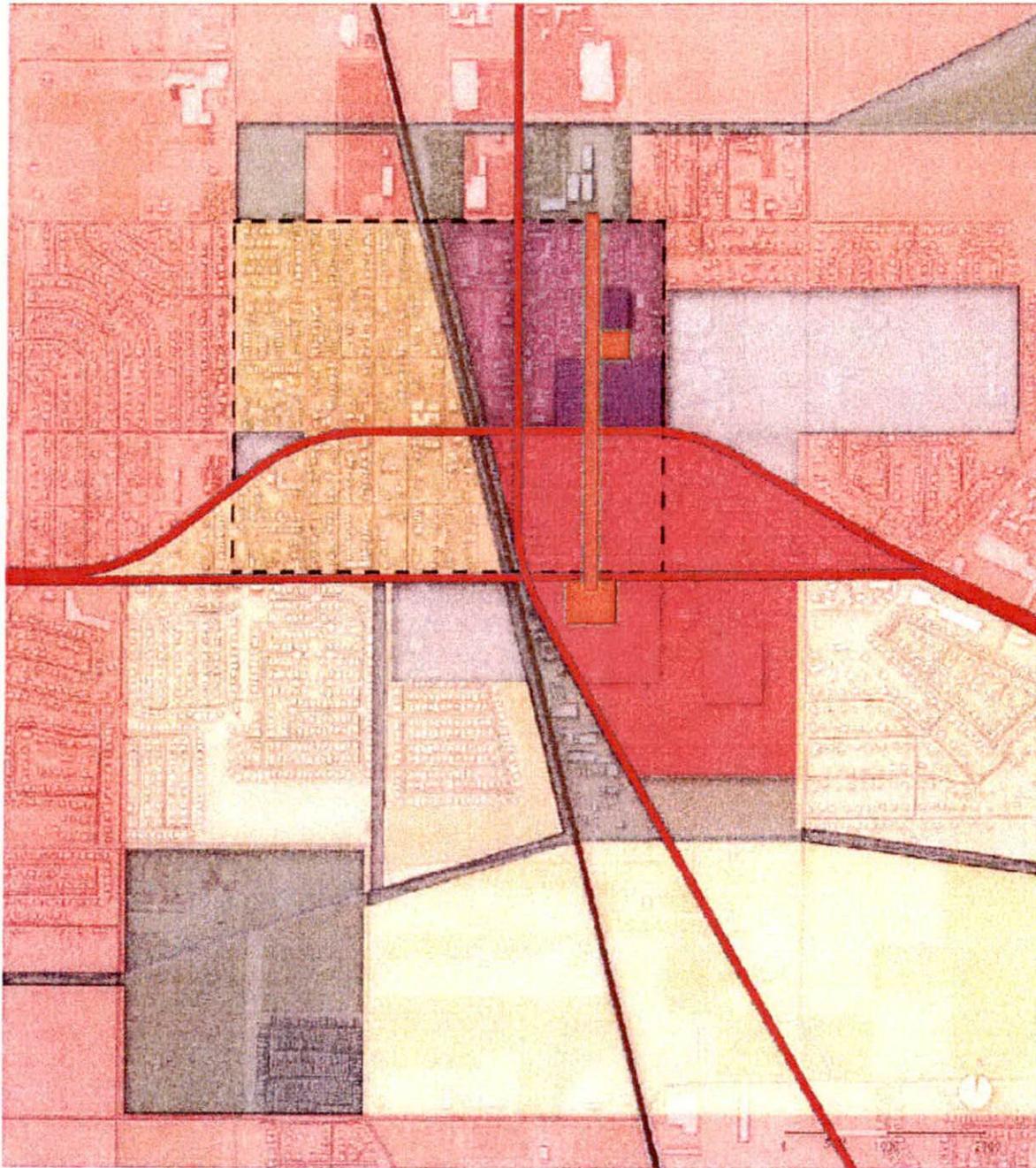
AERIAL MAP



CONDITIONAL USE PERMIT NO. CUP 2009-14

NORTH

GENERALLY LOCATED AT THE SOUTHWEST CORNER OF HAMPSHIRE ROAD
AND OLD ALVIN ROAD, PEARLAND, TX



DEVELOPMENT STRATEGY FRAMEWORK PLAN



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: office Warehouse where sale to the public
is also permitted (list proposed use from the Table of Uses of the UDC)

Current Zoning District: General Commercial & office Professional *

Property Information: (* have applied for a zoning change from OP to GC)

Address or General Location of Property: South Side of Hampshire Rd.

Tax Account No. 119, 140, 150, 190, 181, 210, 211

Subdivision: Pearland Pavilion Lot: K, N, O, R, U Block: _____

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

PROPERTY OWNER INFORMATION:

Felton M and Mary C Baker
NAME Revocable Trust
ADDRESS #5 Haverford Lane
CITY Friendswood STATE Tx ZIP 77548
PHONE(281) 485-1777
FAX(281) 485-3701
E-MAIL ADDRESS houhelc@aol.com

APPLICANT INFORMATION:

NAME BLAIR KORNDORFFER
ADDRESS 700 GEMINI, SUITE 260
CITY WEBSTER STATE TX ZIP 77058
PHONE(281) 204-8400
FAX(281) 204-8401
E-MAIL ADDRESS hawarch@aol.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: Felton M Baker Date: 8-24-09

Agent's Signature: HA Date: 8-24-09

OFFICE USE ONLY:

FEES PAID: <u>250.00</u>	DATE PAID: <u>8/24/09</u>	RECEIVED BY: <u>OL</u>	RECEIPT NUMBER: <u>CUP 2009-14</u>
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City of Pearland
Community Development
Pearland, Texas

Re: Request for a Zoning Change (partial) and Conditional Use Permit

To Whom It May Concern:

As part of the first phase of development of the 83 acres of land know as the Pearland Pavilion, we are proposing to develop approximately 77,000 square feet of office warehouse space on the lots along Hampshire Road. The Project is tailored to small companies that need warehouse space with minimum office requirements and sell to the public. Examples of this type of tenant are:

Supply Companies, such as pool, medical equipment and part houses;
Service Companies, such as contractors, surveyors and carpet cleaners; and
Sales Companies, such as antique dealers, internet companies and Amway Distributors.

The Proposed Project will consist of 12 buildings with a central drive. We have sited the buildings to preserve many of the existing trees and have left a 70-0 wide landscape buffer between the buildings and Old Alvin Road to preserve the majority of trees along that road and act as a natural buffer between the residential developments to the East.

The exterior façades of the buildings that are visible from a public street, including all privacy fences, shall be of 100% masonry or stucco with metal roof canopies over the window facades.
Please review the attached site plan and building façade for additional information.

There will also be a cross parking and access drive easement agreement between all of the lots on the South Side of Hampshire Road in the Pearland Pavilion Subdivision.

Please feel free to contact me with any questions or additional information that I may assist you with. Thank you for your consideration.

Sincerely,

Blair Korndorffer

700 GIVENS ST. # 260
HOUSTON, TEXAS 77058
281-201-8400

LOT 1 (K)
 WAREHOUSE: 16,534
 OFFICE: 5,966
 REQUIRED SPACES: 28
 PROVIDED SPACES: 28
 TOTAL SQ. FT.: 68,906
 LANDSCAPING: 11,242
 % LANDSCAPING: 16%

LOT 2 (N)
 WAREHOUSE: 9,448
 OFFICE: 3,152
 REQUIRED SPACES: 16
 PROVIDED SPACES: 37
 TOTAL SQ. FT.: 45,431
 LANDSCAPING: 8,314
 % LANDSCAPING: 19%

LOT 3 (O)
 WAREHOUSE: 9,448
 OFFICE: 3,152
 REQUIRED SPACES: 16
 PROVIDED SPACES: 33
 TOTAL SQ. FT.: 45,442
 LANDSCAPING: 8,314
 % LANDSCAPING: 19%

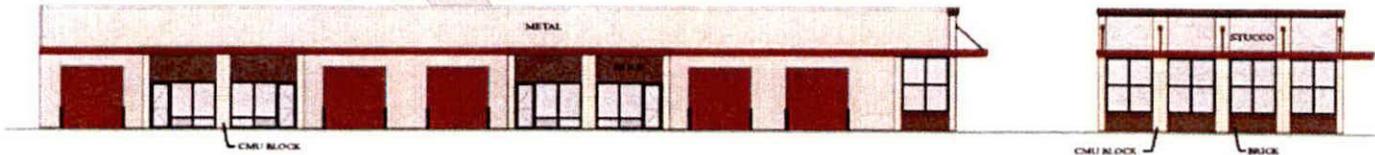
LOT 4 (R)
 WAREHOUSE: 11,248
 OFFICE: 3,152
 REQUIRED SPACES: 17
 PROVIDED SPACES: 35
 TOTAL SQ. FT.: 43,844
 LANDSCAPING: 8,314
 % LANDSCAPING: 19%

LOT 5 (S)
 WAREHOUSE: 10,648
 OFFICE: 3,152
 REQUIRED SPACES: 16
 PROVIDED SPACES: 33
 TOTAL SQ. FT.: 59,965
 LANDSCAPING: 27,794
 % LANDSCAPING: 46%

LOT 6 (V)
 WAREHOUSE: 208,200
 OFFICE: 1,575
 REQUIRED SPACES: 26
 PROVIDED SPACES: 145
 TOTAL SQ. FT.: 865,693
 LANDSCAPING: 497,466
 % LANDSCAPING: 57%



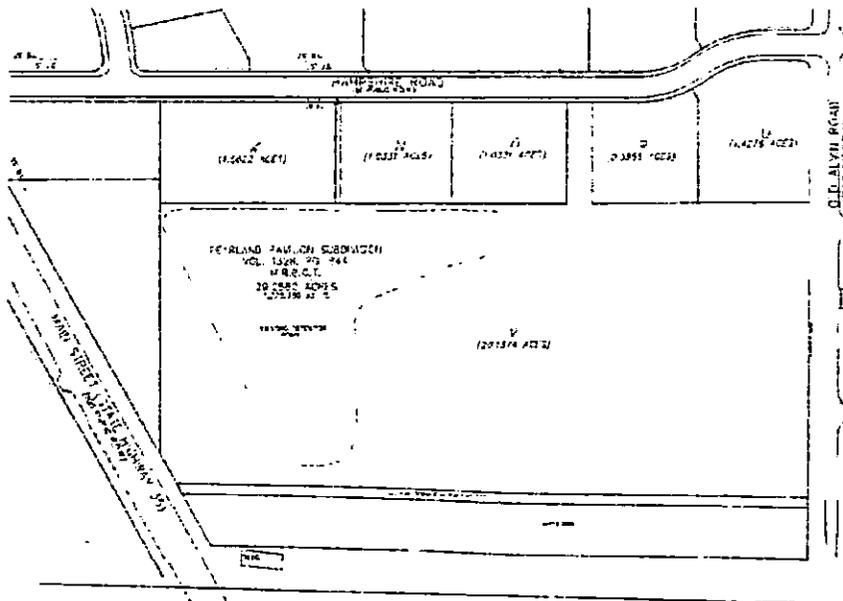
**Proposed Office
 Warehouse Complex**
 Pearland, Texas

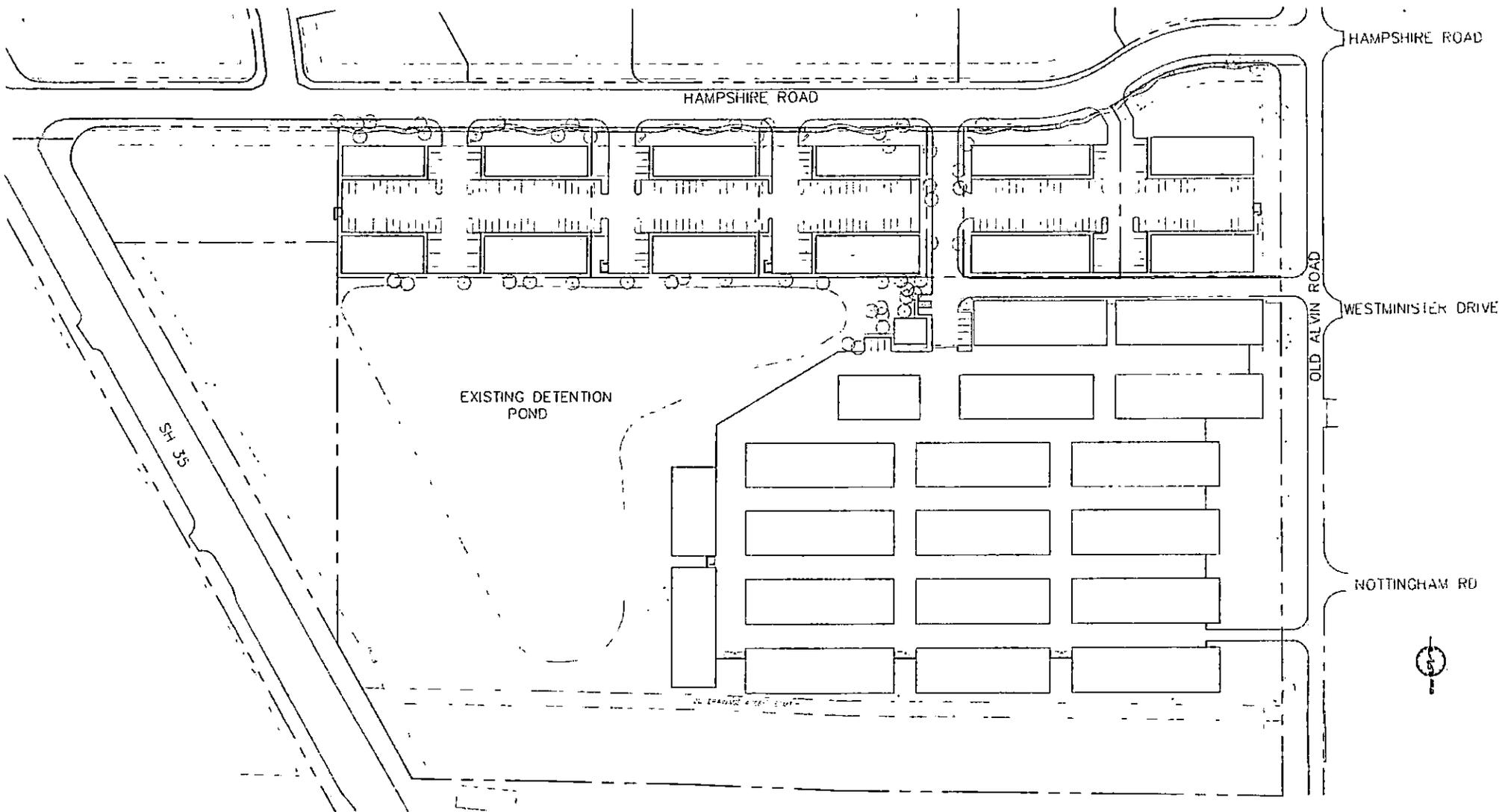


LEGAL DESCRIPTION

Re: Request for CUP

6.0415 acres or 263,168 square feet 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, being more particularly described by metes and bounds.





HAMPSHIRE ROAD

HAMPSHIRE ROAD

OLD ALVIN ROAD

WESTMINSTER DRIVE

EXISTING DETENTION POND

SH 35

NOTTINGHAM RD



AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD NOVEMBER 16, 2009, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

Conditional Use Permit No. CUP 2009-15

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

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT

B. APPLICANT PRESENTATION

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.

**JOINT PUBLIC HEARING AGENDA ITEM
MEETING OF NOVEMBER 16, 2009**

Conditional Use Permit No. CUP 2009-15

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

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 and only Reading: December 14, 2009*

(*dates subject to change if item is tabled)

SUMMARY: The applicant is requesting approval of a conditional use permit to allow conditioned storage in the General Commercial (GC) Zoning District. The applicant proposes 19 buildings as conditioned storage with an approved conditional use permit.

In addition, the applicant proposes 12 office/warehouse buildings with sales to the public in the General Commercial (GC) zoning district just north of the subject property with an approved zone change from OP to GC and an additional approved conditional use permit.

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	Office Professional (OP) and General Commercial (GC)	Vacant and the Old Airport Site
South	General Commercial (GC)	Single Family Residential
East	Single Family Residential-1 (R-1)	Single Family Residential
West	General Commercial (GC) and Light Industrial (M-1)	Single Family Residential

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The subject property is currently zoned as General Commercial (GC). The minimum lot size for the General Commercial (GC) Zoning District is 22,500 square feet, the minimum lot width is 150 feet, and the minimum lot depth is 125 feet. The subject property exceeds these minimum requirements, as the property is approximately 20.1374 acres in size. The proposed use is in conformance with the current UDC with an approved conditional use permit.

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

PLATTING STATUS: The property has been platted.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "General Commercial" for the subject property and the surrounding properties. The Comprehensive Plan further indicates that the appropriate zoning districts for the "Business Commercial Use" are the General Business (GB) and the General Commercial (GC) zoning districts. The proposed use is in conformance with the current comprehensive plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Main Street, a major thoroughfare with an ultimate right-of-way of 120 feet, there is frontage on Hampshire, a minor collector street with an ultimate right-of-way of 60 feet, and frontage on Old Alvin, a minor collector street, to be widened to 80 feet. The applicant has had had the property platted and all necessary dedications have been made.

AVAILABILITY OF UTILITIES: The subject parcel is served by public water and sewer.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: In the Old Town Site 2005 Study, this area had been included in the study with a proposed mixed use development to serve as an anchor to the Old Town Site. This area was later removed from the Old Town Site and a smaller area was included in the Future Land Use and Zoning Maps.

Self storage may not be the best use for this area. The market niche that the Old Town could adapt to is a primarily residential town center supported by a civic/government anchor and adjacent Traditional Neighborhood Developments as shown in the attached concept plan. This large tract of land can be consolidated and developed with a master plan. This area will be discussed at the October 5, 2009 Planning and Zoning workshop for the current Land Use Study.

The applicant proposes conditioned storage with conditional use permit on the area south of the lots located on Hampshire. The applicant is also proposing office warehouse with sales to the public with an approved zone change and conditional use permit on the lots adjacent and north of the subject property.

Parking for an office warehouse is calculated at 1 space per 2,000 square feet of warehouse and 1 space per 300 square feet of office space, and conditioned self storage is 4 spaces plus 1 space per 10,000 square feet of storage area, as shown on the site plan. In addition there are approximately 151 parking spaces shown for the Office Warehouse with Sales and there are approximately 137 spaces shown for the Conditioned Storage. The applicant also proposes a joint parking agreement between Pearland Pavilion and the lots just south of Hampshire road.

The conceptual site plan and letter of intent submitted shows a 70-60 foot landscaping buffer on along Old Alvin to help preserve a majority of the trees that are there and to act as a natural buffer to the residential uses to the east. In addition there are two small diagrams that depict the area of the façade that is proposed as stucco with windows and a metal roof.

SITE PLAN CONSIDERATIONS: A conceptual site plan was submitted with this zone change and the subsequent conditional use applications. Comments from other City Departments on the conceptual site plan are:

ADDITIONAL COMMENTS:

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1. A TIA will be required for the overall development that encompasses the entire platted site and use.
2. Detention requirements must be met per the City of Pearland Drainage Criteria.

3. Driveway spacing shall be meet City of Pearland driveway spacing requirements. This can be reviewed and approved along with the TIA.
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1. Buildings greater than 5000 square feet will require fire sprinklers.
2. Water supply/hydrants for fire protections will be required to provide fire flow. (See 2003 IFC Appendix B, 50% reduction in fire flow for fire sprinklers).
3. A 25 foot inside and 50 foot outside turning radius for fire apparatus is required.

Urban Forester:

1. A tree survey will be required.

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.

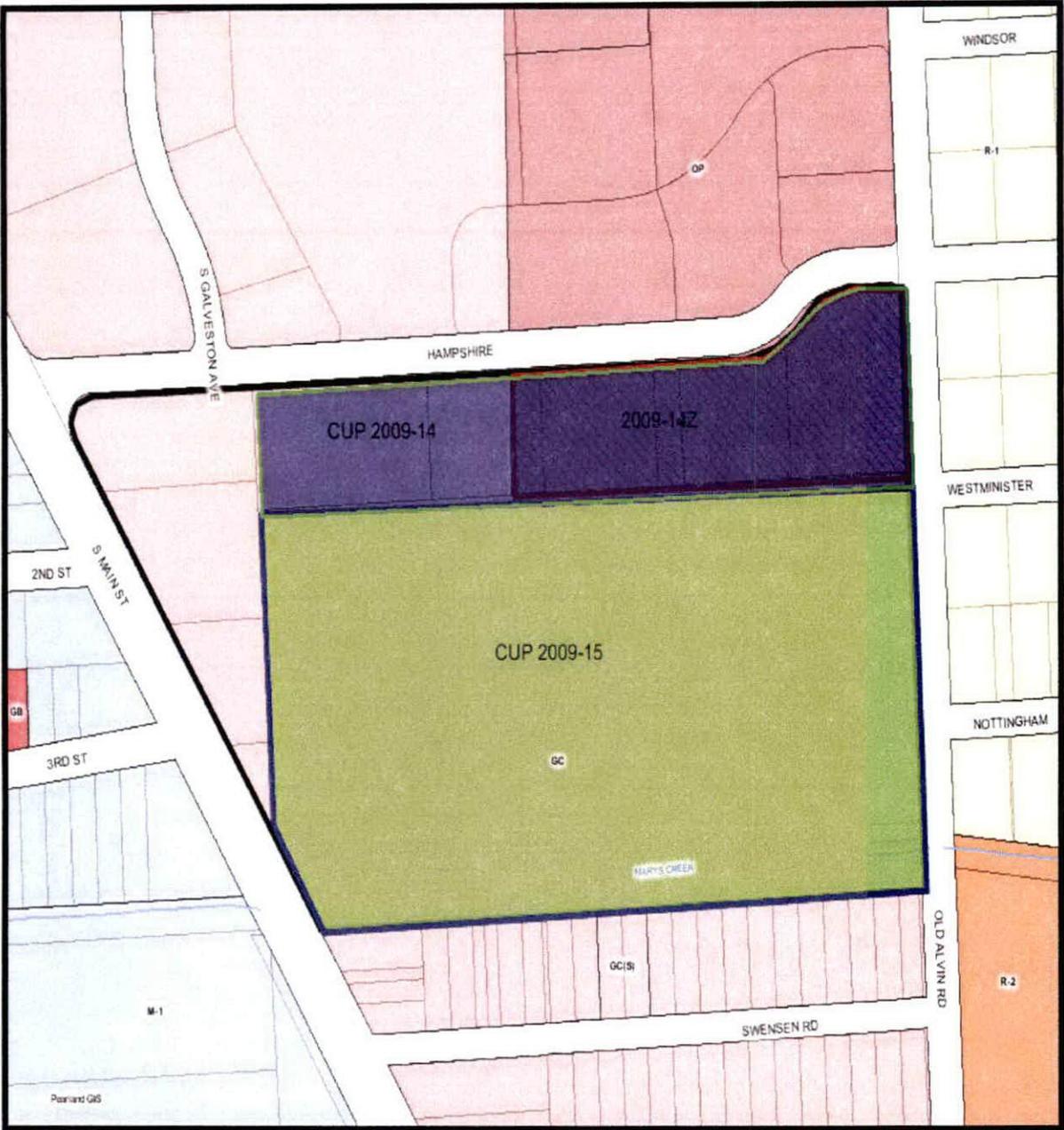
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STAFF RECOMMENDATION: Staff recommends further consideration of the conditional use permit as proposed by the applicant, for the following reasons:

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SUPPORTING DOCUMENTS:

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

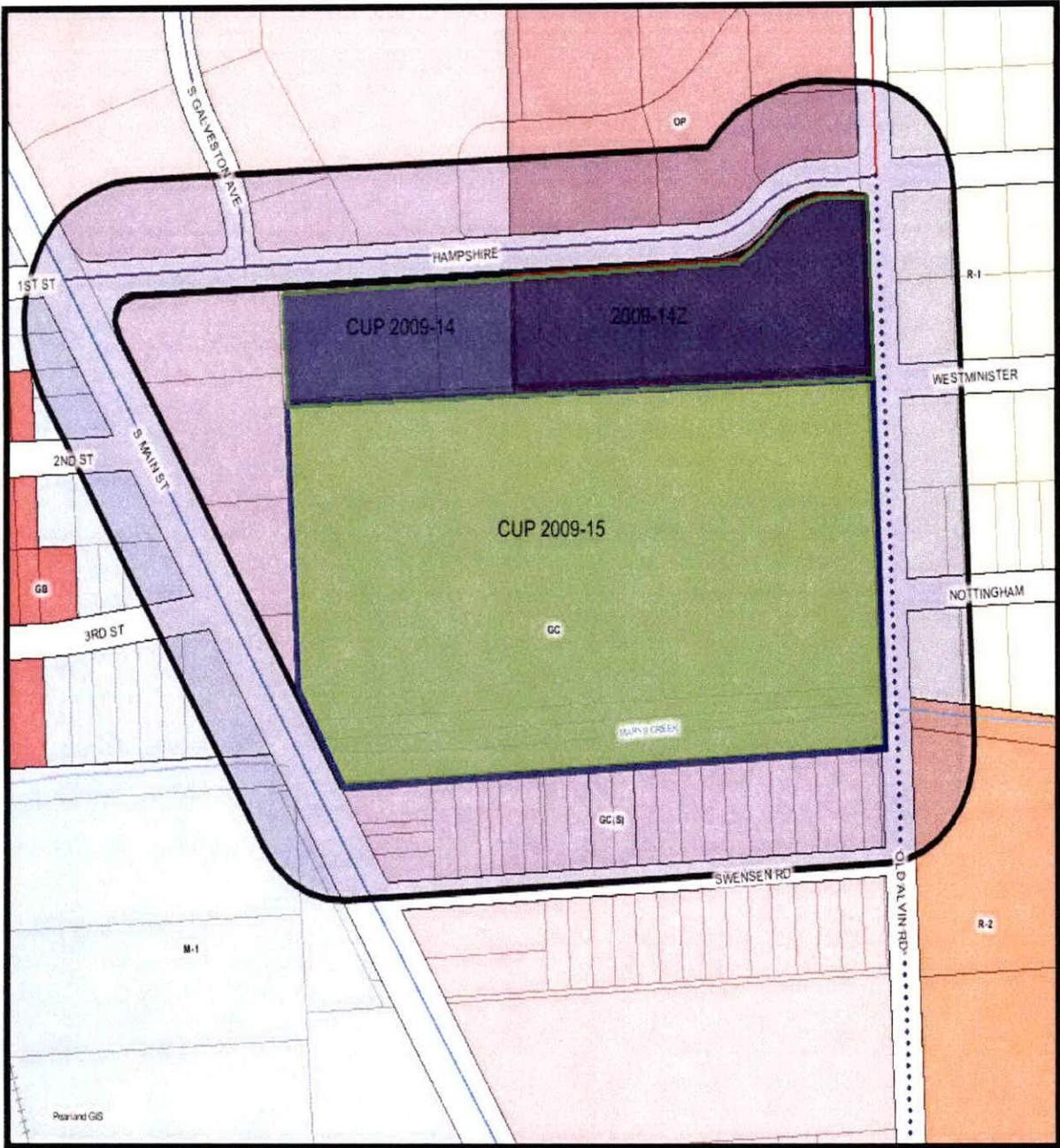


LOCATION MAP

CONDITIONAL USE PERMIT NO. CUP 2009-15

↑
NORTH

GENERALLY LOCATED AT THE SOUTHWEST CORNER OF HAMPSHIRE ROAD AND OLD ALVIN ROAD, PEARLAND, TX



ABUTTER MAP

CONDITIONAL USE PERMIT NO. CUP 2009-15

↑
NORTH

GENERALLY LOCATED AT THE SOUTHWEST CORNER OF HAMPSHIRE ROAD AND OLD ALVIN ROAD, PEARLAND, TX

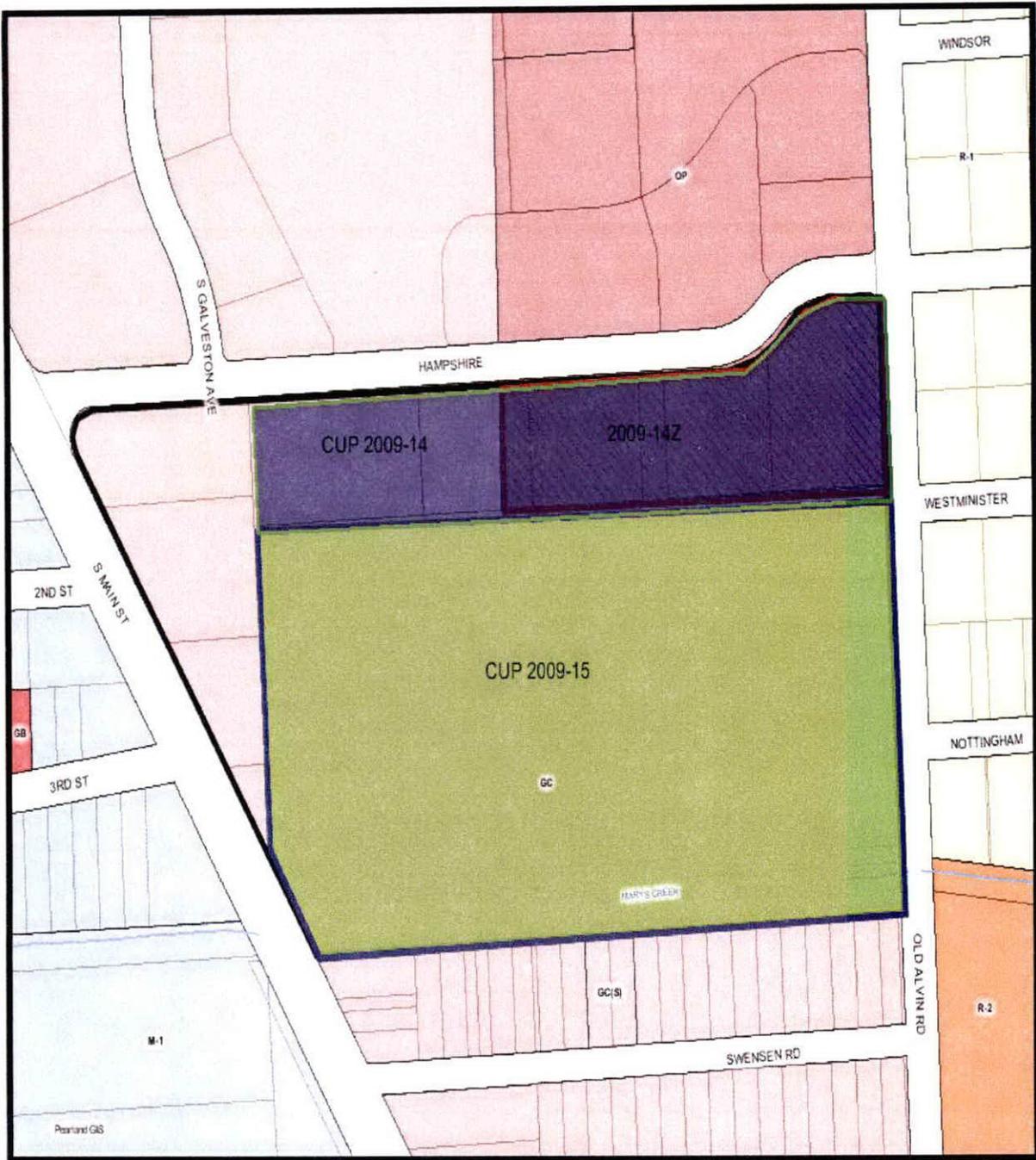
Conditional Use Permit Application No. CUP 2009-15

Conditional Use Permit to allow conditioned storage/Hampshire Rd.

Property Owner List

ASSOCIATED EQUIPMENT CO	PO BOX 898	PEARLAND	TX	77588
ASSOCIATED EQUIPMENT CO	PO BOX 898	PEARLAND	TX	77588
ASSOCIATED EQUIPMENT CO	PO BOX 898	PEARLAND	TX	77588
ASSOCIATED EQUIPMENT CO	PO BOX 898	PEARLAND	TX	77588
BAKER FELTON M & MARY C	#5 HAVERFORD LANE	FRIENDSWOOD	TX	77546
BAKER FELTON M & MARY C	#5 HAVERFORD LANE	FRIENDSWOOD	TX	77546
BAKER FELTON M & MARY C	#5 HAVERFORD LANE	FRIENDSWOOD	TX	77546
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BAKER FELTON M & MARY C	#5 HAVERFORD LANE	FRIENDSWOOD	TX	77546
BATEMAN O W III	3405 SWENSEN RD	PEARLAND	TX	77581
BATEMAN O W III	3405 SWENSEN RD	PEARLAND	TX	77581
BATEMAN O W III	3405 SWENSEN RD	PEARLAND	TX	77581
BATEMAN O W III	3405 SWENSEN RD	PEARLAND	TX	77581
BATEMAN O W III	3405 SWENSEN RD	PEARLAND	TX	77581
BERDINE R L	3411 NOTTINGHAM ST	PEARLAND	TX	77581
BERDINE R L	3411 NOTTINGHAM ST	PEARLAND	TX	77581
BRAZORIA CO DRAINAGE #4	4805 BROADWAY ST	PEARLAND	TX	77581
BRAZORIA CO DRAINAGE #4	4805 BROADWAY ST	PEARLAND	TX	77581
CABLER MATTHEW L & TRINA	3411 WESTMINISTER ST	PEARLAND	TX	77581
CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
EASLEY FRANK D	3409 WESTMINISTER ST	PEARLAND	TX	77581
HARMOUCH AMIN A	11354 ASTORIA BLVD	HOUSTON	TX	
HARMOUCH AMIN A	11354 ASTORIA BLVD	HOUSTON	TX	
HOOVER DAVID B & JANET M	3411 HAMPSHIRE	PEARLAND	TX	77584
J & H ENTERPRISES	6002 OSBORN ST	HOUSTON	TX	77033
LOZANO DANIEL & OLGA	7223 LIBBY LN	PEARLAND	TX	77584

MARCEAU MATHEW	3410 HAMPSHIRE ST	PEARLAND	TX	77581
MASTERSON CARLOS B EST	670 DONA ANA RD SW	DEMING	NM	88030
MASTERSON JOHN C ET AL	3019 ELLA LEE LN	HOUSTON	TX	77019
MCSHARES INC	PO BOX 578	PEARLAND	TX	77588
MCSHARES INC	PO BOX 578	PEARLAND	TX	77588
MVN INVESTMENTS LLC	9503 SAGEDECK	HOUSTON	TX	77089
MVN INVESTMENTS LLC	9503 SAGEDECK	HOUSTON	TX	77089
MVN INVESTMENTS LLC	9503 SAGEDECK	HOUSTON	TX	77089
PALOMBI LOUIS J				0
PAMPELL LORINE	3412 HAMPSHIRE ST	PEARLAND	TX	77581
PASKET JAMES R & JANICE	PO BOX 3291	PEARLAND	TX	77588
PASKET JAMES R & JANICE	PO BOX 3291	PEARLAND	TX	77588
PASKET JAMES R & JANICE	PO BOX 3291	PEARLAND	TX	77588
PEARLAND BOX CO	3904 3RD ST	PEARLAND	TX	77581
PEARLAND FAMILY TAE KWON	3111 S MAIN	PEARLAND	TX	77581
PEARLAND FAMILY TAE KWON	3111 S MAIN	PEARLAND	TX	77581
PEARLAND ISD	PO BOX 7	PEARLAND	TX	77588
RABON R R	3412 WESTMINISTER ST	PEARLAND	TX	77581
ROOS RUTH A	3412 NOTTINGHAM ST	PEARLAND	TX	77581
ROOS RUTH A	3412 NOTTINGHAM ST	PEARLAND	TX	77581
SMITH AMY GRACE	3410 WESTMINISTER ST	PEARLAND	TX	77581
TEMPO TRANSPORT BROKER CO	PO BOX 219	PEARLAND	TX	77588
TEMPO TRANSPORT BROKER CO	PO BOX 219	PEARLAND	TX	77588
TEMPO TRANSPORT BROKER CO	PO BOX 219	PEARLAND	TX	77588
WALLACE JAMES N & ROBSON	6002 OSBORN ST	HOUSTON	TX	77033
WILSON JIMMY B	PO BOX 693	PEARLAND	TX	77588



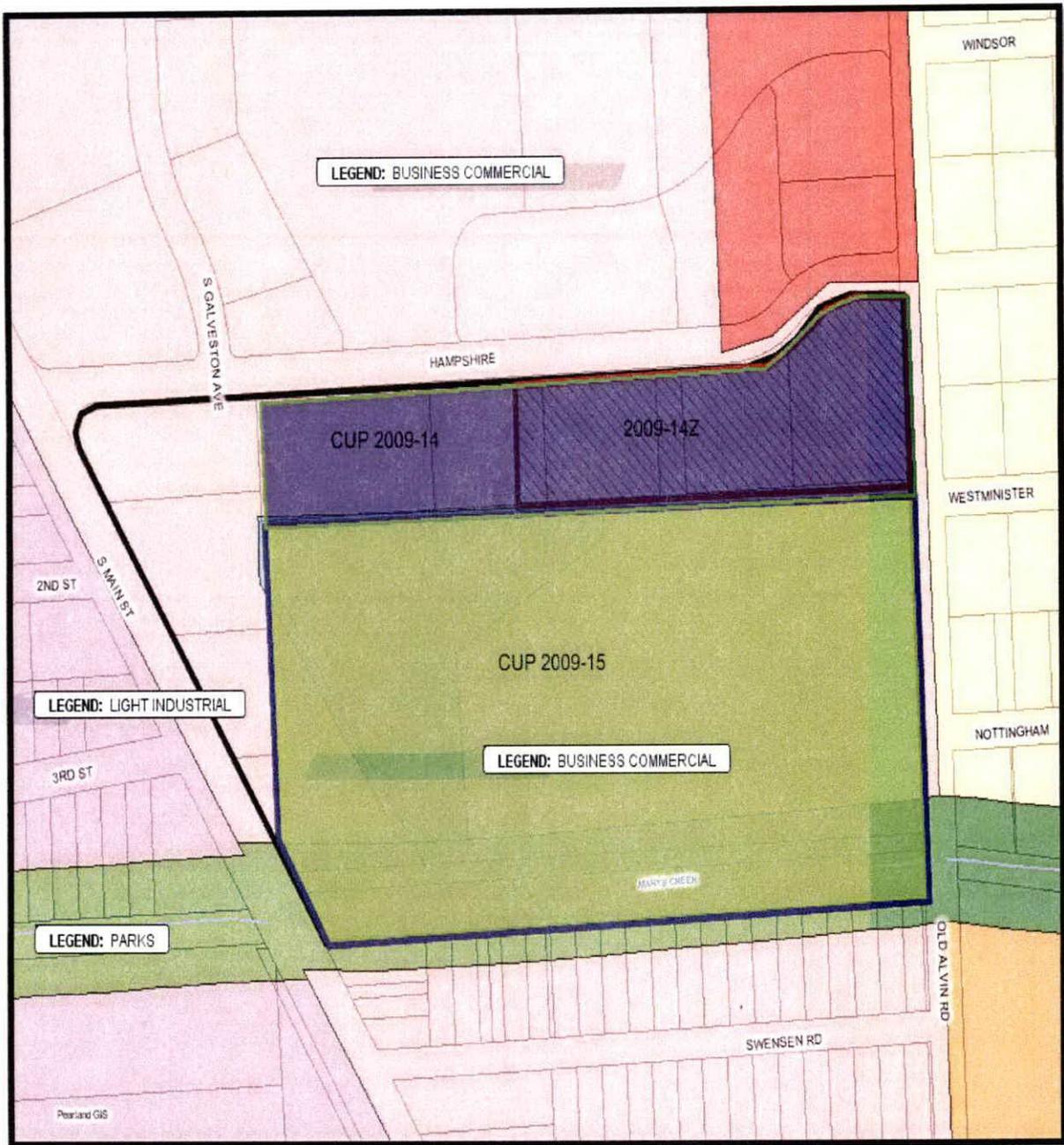
ZONING MAP

CONDITIONAL USE PERMIT NO. CUP 2009-15



Zoned GC for CUP 2009-14 and 15, Zoned OP for 2009-14Z

GENERALLY LOCATED AT THE SOUTHWEST CORNER OF HAMPSHIRE ROAD AND OLD ALVIN ROAD, PEARLAND, TX



FUTURE LAND USE MAP

CONDITIONAL USE PERMIT NO. CUP 2009-15



GENERALLY LOCATED AT THE SOUTHWEST CORNER OF HAMPSHIRE ROAD AND OLD ALVIN ROAD, PEARLAND, TX



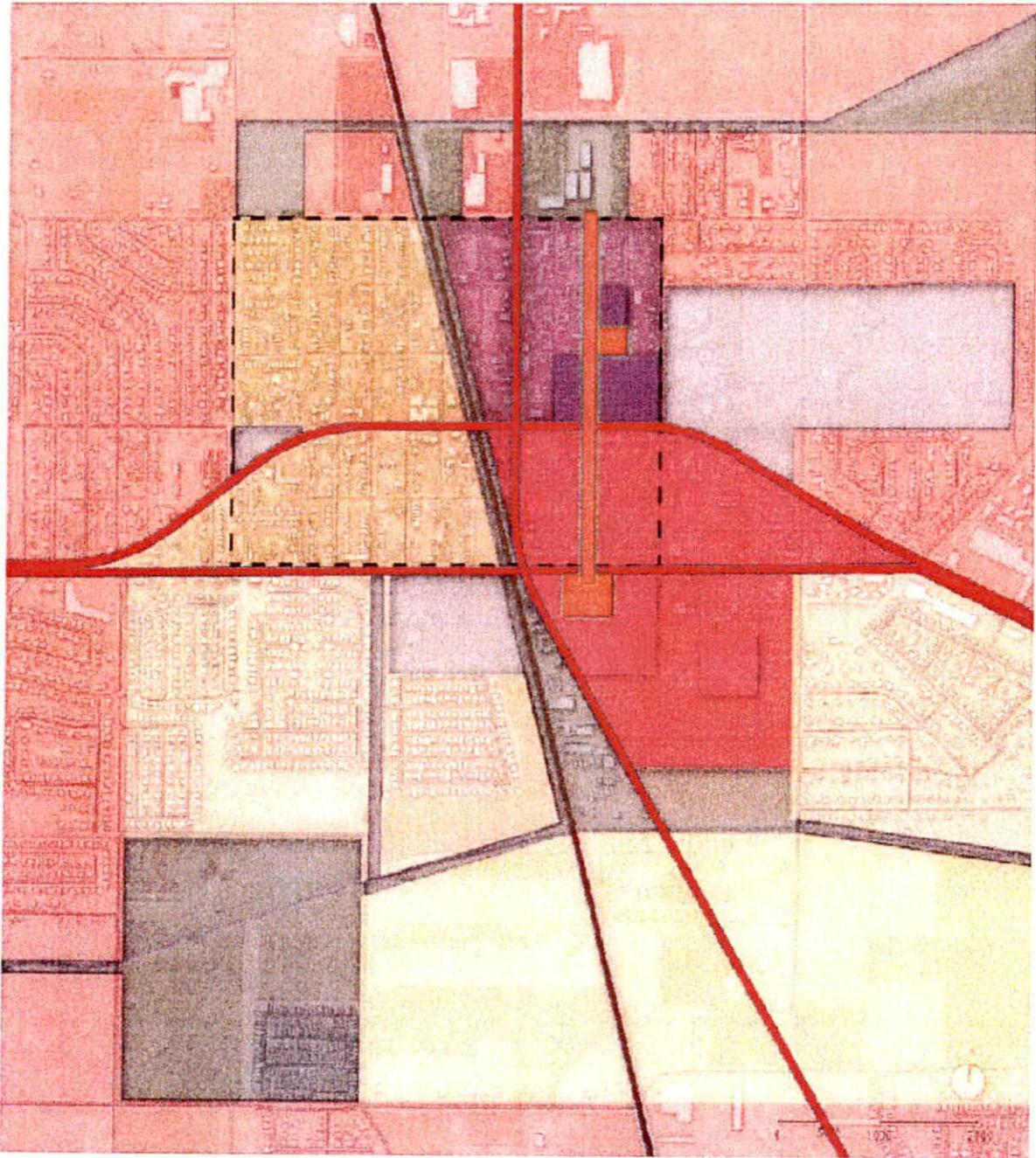
AERIAL MAP



CONDITIONAL USE PERMIT NO. CUP 2009-15

NORTH

GENERALLY LOCATED AT THE SOUTHWEST CORNER OF HAMPSHIRE ROAD
AND OLD ALVIN ROAD, PEARLAND, TX



DEVELOPMENT STRATEGY FRAMEWORK PLAN



CUP APPLICATION Page 1 of 4 (Updated May 2008)
 City of Pearland
 Community Development
 3523 Liberty Drive
 (Community Center)
 Pearland, Texas 77581
 281-652-1768
 281-652-1702 fax
 www.cityofpearland.com

APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

Conditional Use Permit Request for: Conditional Storage
 (list proposed use from the Table of Uses of the UDC)

Current Zoning District: General Commercial (GC)

Property Information:

Address or General Location of Property: North Side of Mary's Creek
 between old Alvin and SH 35

Tax Account No. 7029 0000220, 225

Subdivision: Pearland Pavilion Lot: V Block: _____

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

PROPERTY OWNER INFORMATION:

NAME Felton M and Mary C. Baker
 Revocable Trust
 ADDRESS #5 Haverford Lane
 CITY Friendswood STATE Tx ZIP 77548
 PHONE (281) 485-1777
 FAX (281) 485-3701
 E-MAIL ADDRESS houhelc@aol.com

APPLICANT INFORMATION:

NAME BLAIR KORNDORFFER
 ADDRESS 700 GEMINI, SUITE 260
 CITY WEBSTER STATE TX ZIP 77058
 PHONE (281) 204-8400
 FAX (281) 204-8401
 E-MAIL ADDRESS hawarch@aol.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: Felton M Baker Date: 8-24-09

Agent's Signature: PA Date: 8-24-09

OFFICE USE ONLY:

FEES PAID: <u>250.00</u>	DATE PAID: <u>8/24/09</u>	RECEIVED BY: <u>aj</u>	RECEIPT NUMBER: <u>CUP 2009-15</u>
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City of Pearland
Community Development
Pearland, Texas

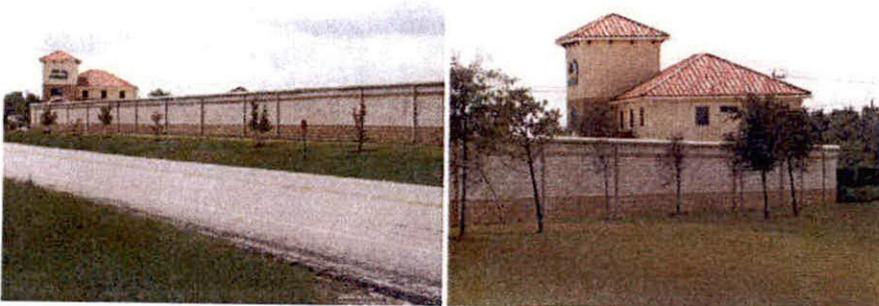
Re: Request for a Conditional Use Permit

To Whom It May Concern:

As part of the first phase of development of the 83 acres of land know as the Pearland Pavilion, we are proposing to develop approximately 200,000 square feet of conditioned mini-storage space. This is designed to meet the void in this type of storage on the South corridor of SH35 between Pearland and Alvin where 1800 new homes, a medical complex and several light industrial projects are scheduled to be developed over the next five years.

The Proposed Project will consist of 19 storage buildings and an office building which will also house a residence for 24 hour security. We have sited the buildings to preserve many of the existing trees and have left a 60-0 wide landscape buffer between the buildings and Old Alvin Road to preserve the majority of trees along that road and act as a natural buffer between the residential developments to the East. Additionally, there is no public access from the storage facility to Old Alvin Road to minimize traffic impact on Old Alvin.

The Exterior Façades of the buildings that are visible from a public street, including all privacy fences, shall be of 100% masonry or stucco with metal roofs on the storage units and a Spanish tile roof on the office complex as shown in a project that we recently completed in League City, Texas.



700 GEMINI SUITE 260
HOUSTON, TEXAS 77058
281.204.8400
www.diamonddevelopment.com

There will also be a cross parking and access drive easement agreement between all of the lots on the South Side of Hampshire Road in the Pearland Pavilion Subdivision.

Please feel free to contact me with any questions or additional information that I may assist you with. Thank you for your consideration.

Sincerely,

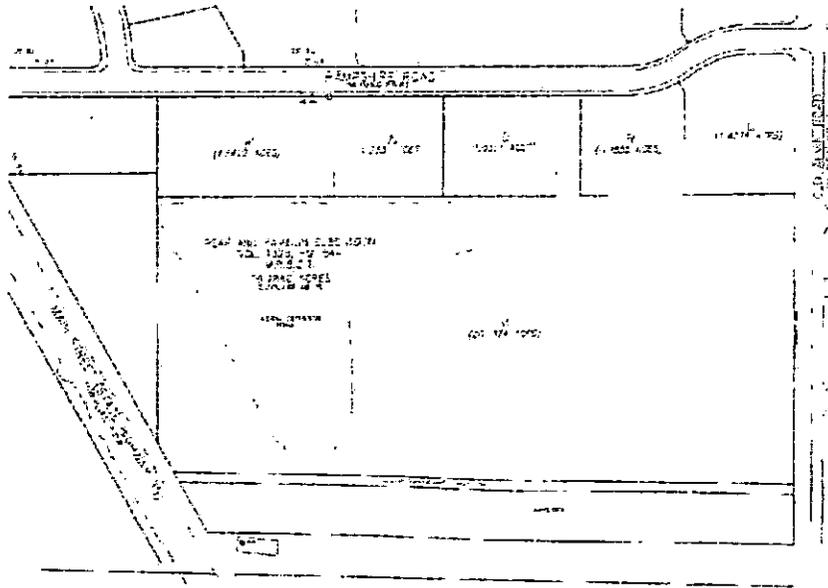
A handwritten signature in black ink, appearing to read 'BK', followed by a period.

Blair Korndorffer

LEGAL DESCRIPTION

Re: Request for CUP

20.1374 acres or 877,185 square feet 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, being more particularly described by metes and bounds.



LOT 1 (K)
 WAREHOUSE: 16,534
 OFFICE: 5,966
 REQUIRED SPACES: 28
 PROVIDED SPACES: 66
 TOTAL SQ. FT.: 68,906
 LANDSCAPING: 11,242
 % LANDSCAPING: 16%

LOT 2 (N)
 WAREHOUSE: 9,448
 OFFICE: 3,152
 REQUIRED SPACES: 16
 PROVIDED SPACES: 37
 TOTAL SQ. FT.: 45,431
 LANDSCAPING: 8,532
 % LANDSCAPING: 19%

LOT 3 (O)
 WAREHOUSE: 9,448
 OFFICE: 3,152
 REQUIRED SPACES: 16
 PROVIDED SPACES: 33
 TOTAL SQ. FT.: 45,442
 LANDSCAPING: 8,314
 % LANDSCAPING: 19%

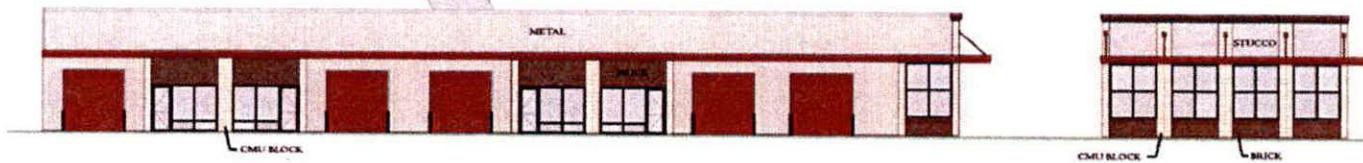
LOT 4 (R)
 WAREHOUSE: 11,248
 OFFICE: 3,152
 REQUIRED SPACES: 17
 PROVIDED SPACES: 35
 TOTAL SQ. FT.: 43,844
 LANDSCAPING: 8,314
 % LANDSCAPING: 19%

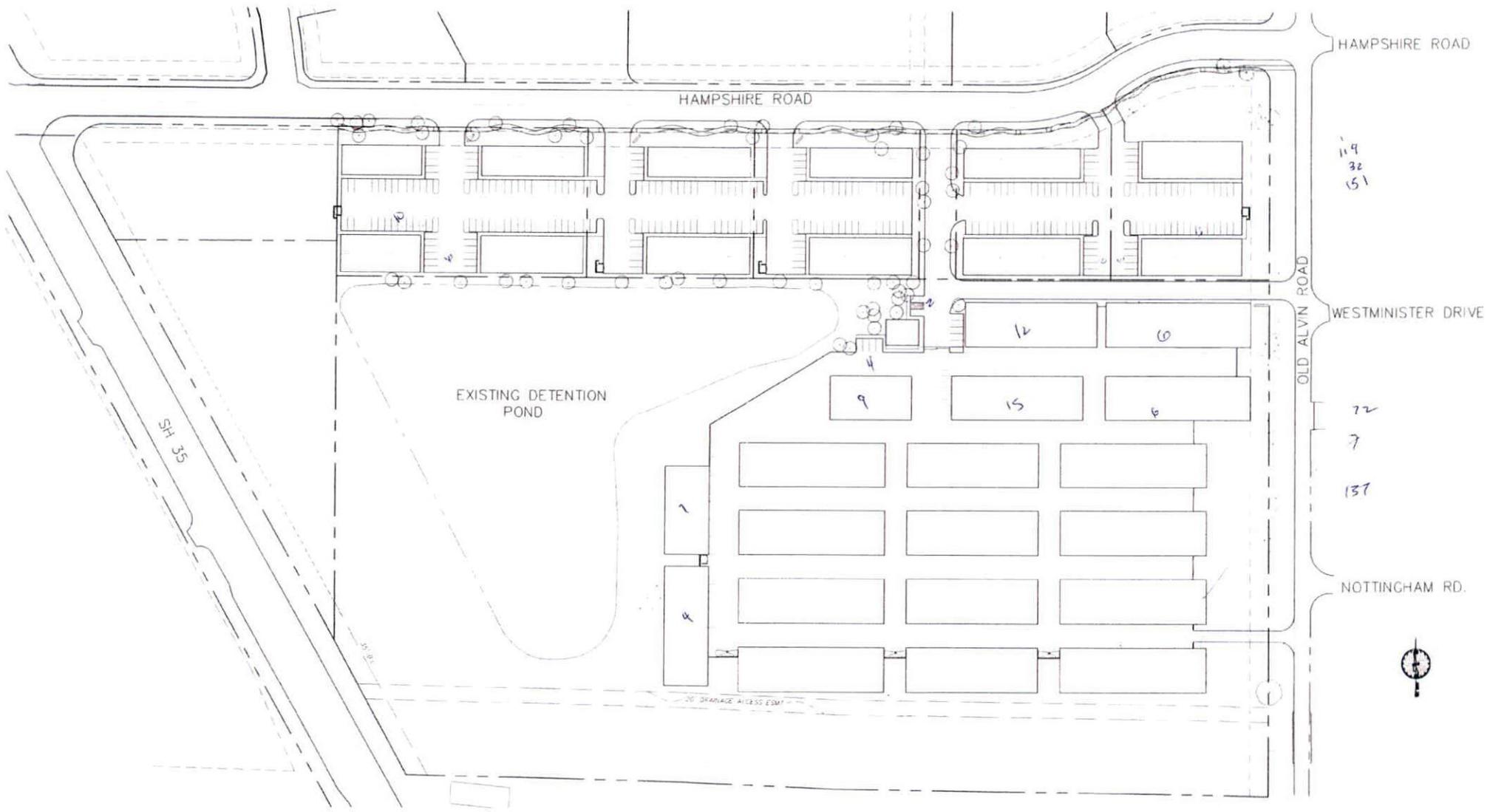
LOT 5 (U)
 WAREHOUSE: 10,648
 OFFICE: 3,152
 REQUIRED SPACES: 16
 PROVIDED SPACES: 33
 TOTAL SQ. FT.: 59,965
 LANDSCAPING: 27,794
 % LANDSCAPING: 46%

LOT 6 (V)
 WAREHOUSE: 208,200
 OFFICE: 1,575
 REQUIRED SPACES: 26
 PROVIDED SPACES: 145
 TOTAL SQ. FT.: 865,693
 LANDSCAPING: 497,466
 % LANDSCAPING: 57%



Proposed Office
 Warehouse Complex
 Pearland, Texas





HAMPSHIRE ROAD

HAMPSHIRE ROAD

WESTMINISTER DRIVE

NOTTINGHAM RD.

OLD ALVIN ROAD

EXISTING DETENTION POND

SH 35

119
32
61

72
7
137

NO DRAINAGE ACCESS EDM



AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD NOVEMBER 16, 2009, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

Conditional Use Permit No. CUP 2009-17

A request of the Mendieta Family Foods Inc., applicant for West Side Associates LTD, for a conditional use permit to allow a restaurant in the Neighborhood Services (NS) Zoning District, on the following described property, to wit:

Legal Description : Tract 1 with 2.0 acres and Tract 2 with 3.8897 acres out of Reserve "A" in the Replat of Corrigan Addition Section 1 (Volume 2, pgs 97-98 B.C.P.R) West Side Plaza Subdivision, City of Pearland, Brazoria County, Texas and that certain 3.8897 acres, more or less, out of Reserve "A", Replat of Corrigan Addition, Section One, recorded in volume 11, Page 97-98 of the Brazoria County Plat Records, Pearland, Texas.

General Location: Located at 5010 W. Broadway Street, Pearland TX

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT

B. APPLICANT PRESENTATION

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.

JOINT PUBLIC HEARING AGENDA ITEM MEETING OF NOVEMBER 16, 2009

Conditional Use Permit No. CUP 2009-17

A request of the Mendieta Family Foods Inc., applicant for West Side Associates LTD, for a conditional use permit to allow a restaurant in the Neighborhood Services (NS) Zoning District, on the following described property, to wit:

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General Location: Located at 5010 W. Broadway Street, Pearland TX

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 and only Reading: November 23, 2009*

(*dates subject to change if item is tabled)

SUMMARY: The applicant is requesting a Conditional Use Permit (CUP) to locate a restaurant on the subject property. The subject property is currently zoned Neighborhood Services District (NS). The West Side Plaza is a small strip mall with a theater in the center of the 50,200 square foot L-shaped building with a number of other uses including two churches, a restaurant, nail salon, office, and medical office uses, on an approximately 5.8897 acre parcel.

The applicant is proposing a 3,494 square foot Mexican Restaurant with a 450 square foot covered patio for outdoor dining.

Currently, there are 270 parking spaces at this location as shown on the site plan. Multi-use parking is calculated at 1 space for every 200 square feet of gross floor area. The multi-use ratio was reduced from 165 to 200 with the latest UDC amendment T-11. The gross floor area of the West Side Plaza is 50,200 square feet which would require a total of 251 parking spaces.

The breakdown of parking for current uses within the Westside Plaza is as follows:

<u>Use</u>	<u>Req. Spaces for Occupied Suites</u>
Santa Barbara Café-Restaurant	17
Memorial Hermann—Medical Office	18
Church 1	14
Church 2	13
Allstate	4
Nail Salon	14
Movie Theatre	118
Proposed Mexican Restaurant	39
TOTAL:	237

Under both requirements in the UDC, there is sufficient parking available with the proposed change.

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	Neighborhood Services (NS)	Goodwill Retail Store
South	Single Family Residential-2 (R-2)	Single Family Residential
East	Single Family Residential-2 (R-2)	Single Family Residential

West

Neighborhood Services (NS)

Bank

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The subject property is currently zoned as Neighborhood Services (NS). The minimum lot size for the Neighborhood Services (NS) Zoning District is 12,500 square feet, the minimum lot width is 100 feet, and the minimum lot depth is 100 feet. The subject property exceeds these minimum requirements, as the property is approximately 5.8897 acres in size. The proposed use is in conformance with the current UDC with an approved conditional use permit.

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

PLATTING STATUS: The property has been platted.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Retail, Offices, and Services" for the subject property and the surrounding properties. The Comprehensive Plan further indicates that the appropriate zoning districts for the "Retail, Offices, and Services" use are the Office and Professional (OP), Neighborhood Services (NS), and select uses in the General Business (GB) zoning districts. The proposed use is in conformance with the Comprehensive Plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Broadway, a major thoroughfare with an ultimate right-of-way of 120 feet, and there is frontage on McLean, a minor collector street with an ultimate right-of-way of 60 feet. The applicant has had the property platted and all necessary dedications have been made.

AVAILABILITY OF UTILITIES: The subject parcel is served by public water and sewer.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The area to the south and southeast are characterized by single family homes on residential lots. To the west of the West Side Plaza is Frost Bank and directly north of the lease space is the Goodwill Retail Outlet, also zoned Neighborhood Services (NS). The proposed restaurant would be located approximately 50 feet from the nearest single family residential structure with the outside patio being located approximately 90 feet from the nearest single family residential structure. In the past, adjacent property owners have raised concerns with regards to parking, noise, lighting, and business operating hours located at this suite in the Westside Plaza.

It is Staff's opinion that the location chosen for the development of a restaurant facility is an appropriate use in this zoning district. The lease space had previously been used as restaurant space; last occupied by PJ's Sports Bar and Grill. The proposed restaurant is geared more towards families and would be considered a less intense use.

ADDITIONAL COMMENTS: No additional comments were received.

SITE PLAN CONSIDERATIONS: A site plan was submitted with the application indicating the proposed location of the restaurant.

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 not received any comments either in opposition to or in support of the proposed conditional use permit request.

STAFF RECOMMENDATION: Staff recommends approval of the conditional use permit as proposed by the applicant, for the following reasons:

1. The proposed use will permit the applicant to re-utilize this suite as a restaurant with an approved conditional use permit.
2. The existing use will be located in an existing shopping center and will not have any additional negative impact.
3. The site had been a restaurant in the past and is set up for that purpose. The proposed restaurant is more family oriented than the previous tenant thus making it a less intense use.
4. Proposed use with a CUP would be in conformance with the Unified Development Code and the Comprehensive plan.
5. Staff has some concerns regarding usage of the outdoor patio. Noise and hours of operation could be a disturbance to surrounding residential properties.

SUPPORTING DOCUMENTS:

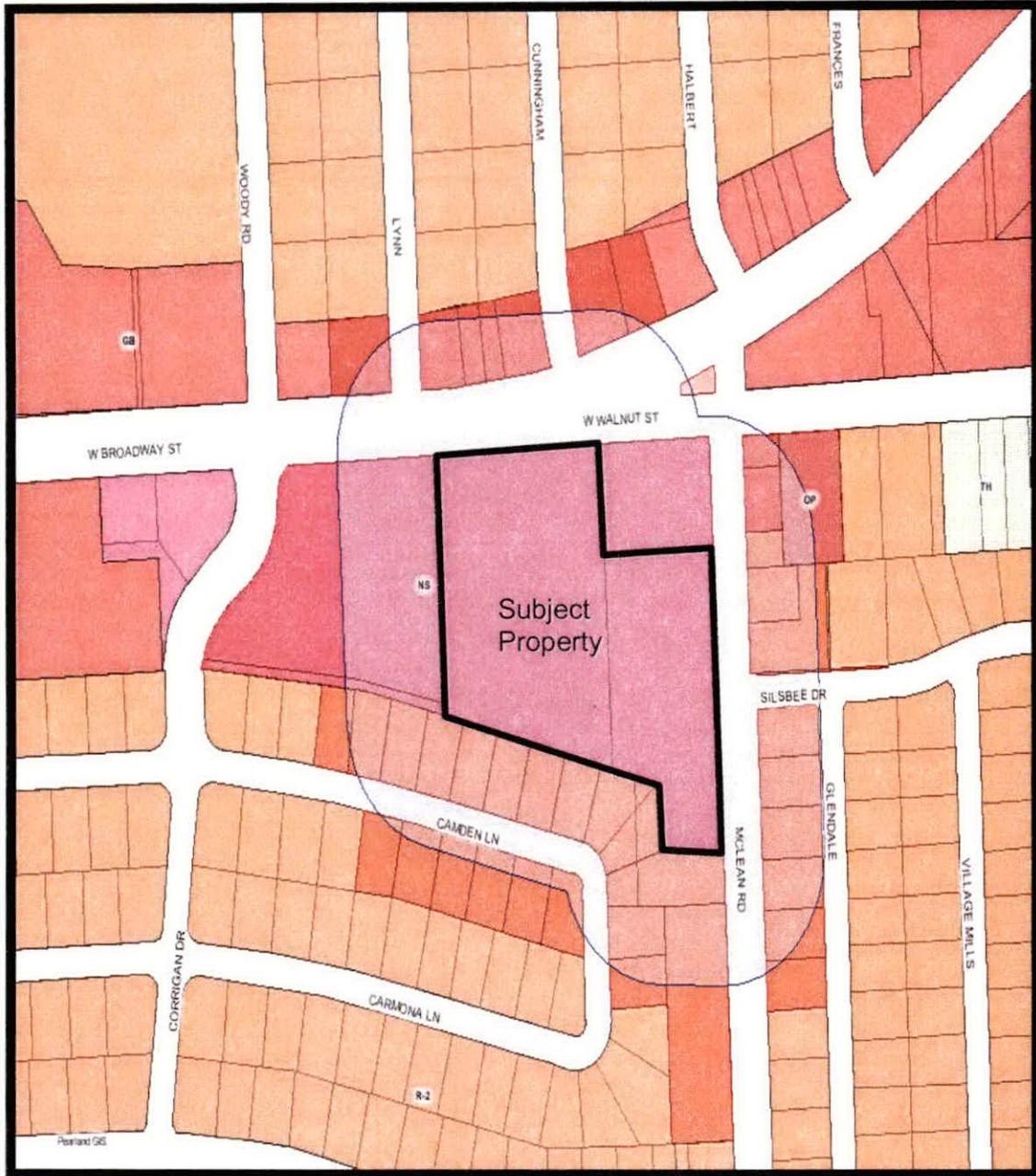
- Zone Change Application
- Location Map
- Property Ownership Map

- Property Owner Notification List
- Zoning Map
- Future Land Use Plan
- Aerial Photograph
- Other Maps and Related Documents



LOCATION MAP
CONDITIONAL USE PERMIT 2009-17
5010 W. BROADWAY ST.



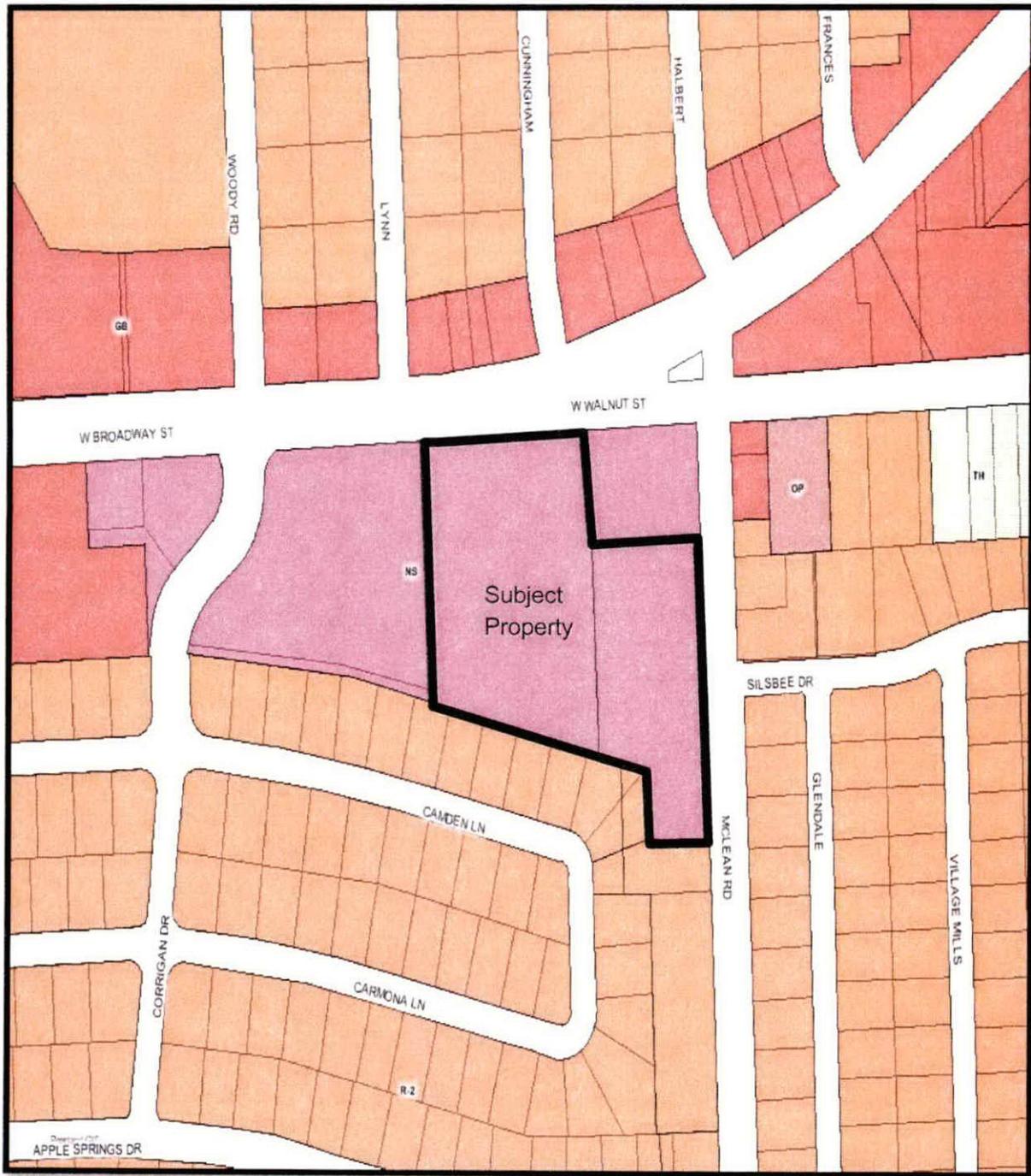


ABUTTER MAP
CONDITIONAL USE PERMIT 2009-17
5010 W. BROADWAY ST.



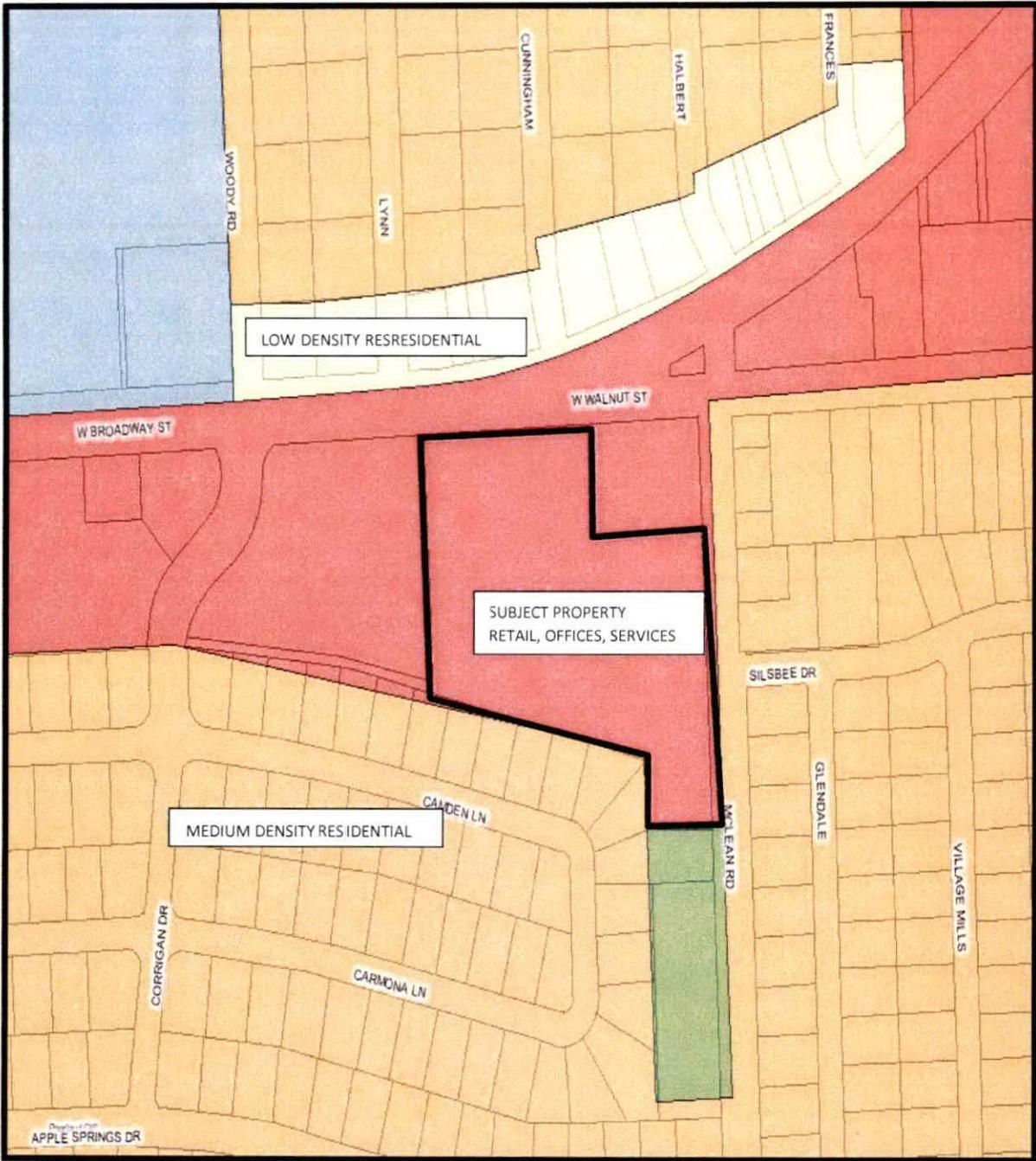
**CUP APPLICATION NO. 2009-17
5010 W. BROADWAY STREET
PROPERTY OWNERS NOTIFICATION LIST**

FELTS ALBERT C & BETTY L	2927 VEVA DR	PEARLAND	TX	77584
DARE SONYA ANN & DENNIS DARE	4904 W WALNUT ST	PEARLAND	TX	77581
JORDAN JEANIE ALENE	2609 MCLEAN RD	PEARLAND	TX	77584
FOAT EDWARD E	2601 MCLEAN ROAD	PEARLAND	TX	77584
MCLEHANY TROY	1140-D STEELE RD	ALVIN	TX	77511
FELTS ALBERT C & BETTY L	2927 VEVA DR	PEARLAND	TX	77584
CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
TRUFANT LIONEL & NAJI & BILAL	5203 CAMDEN LN	CORRIGAN	TX	77584
KUBALA H M	5201 CAMDEN LN	PEARLAND	TX	77584
JONES CHERLYN	5107 CAMDEN LN	PEARLAND	TX	77584
TWISS DONALD R & VIRGINIA M	5105 CAMDEN LN	PEARLAND	TX	77584
PITTS KELLY B JR &	5430 GULF FWY	HOUSTON	TX	77023
KHAN AFSAR	3801 CANYON LAKE DR	PEARLAND	TX	77581
BARNES KATIE L TRUSTEE	5015 CAMDEN LN	PEARLAND	TX	77584
WILLIAMS MARILEE	5013 CAMDEN LN	PEARLAND	TX	77584
PRENDERGAST MICHAEL TIMOTHY &	5011 CAMDEN LN	PEARLAND	TX	77584
SOULE ROBERT LEE & DEBRA L	5009 CAMDEN LN	PEARLAND	TX	77584
SCHOCK RICHARD W SR	5005 CAMDEN LN	PEARLAND	TX	77584
TRIPLETT MELVIN L	5003 CAMDEN LN	PEARLAND	TX	77584
PARRA GREGORY R & VANESSA M	5108 CAMDEN LN	PEARLAND	TX	77584
MCDONALD JOHN D ESTATE	5106 CAMDEN LN	PEARLAND	TX	77584
WILLIS PEGGY L	5104 CAMDEN LN	PEARLAND	TX	77584
GUTHRIE GARY & JEANINE	5102 CAMDEN LN	PEARLAND	TX	77584
SCARDINO JOHN W & PAULA M	5014 CAMDEN LN	PEARLAND	TX	77584
BLOCK ANNE T	5012 CAMDEN LANE	PEARLAND	TX	77584
TRAN MAI & ANH LYN	3509 BRADFORD ST # 1	HOUSTON	TX	77025
PHAM HIEP	PO BOX 84117	PEARLAND	TX	77584
PHAM HIEP DUY	PO BOX 117	PEARLAND	TX	77584
PHAM HIEP DUY	PO BOX 117	PEARLAND	TX	77584
PHAM HIEP & THANH	4318 W FUQUA ST	HOUSTON	TX	77045
PHAM HIEP & THANH	4318 W FUQUA ST	HOUSTON	TX	77045
PEARLAND WESTSIDE ASSOC LTD	7373 E DOUBLETREE RANCH RD STE	SCOTTSDALE	AZ	85258
PEARLAND WESTSIDE ASSOC II	225			
LIMITED	7373 E DOUBLETREE RANCH RD STE			
ETTEHADIEH SEID RAMIN & COMBIZ	225	SCOTTSDALE	AZ	85258
HERNANDEZ JOSEPH	1334 CHELSHURST WAY	SPRING	TX	77379
GUERRERO EDGAR	2704 GLENDALE DR	PEARLAND	TX	77584
PARKS CHRISTOPHER H & CHRISTY L	2706 GLENDALE DR	PEARLAND	TX	77584
PERALTA REMIGIO	2708 GLENDALE DR	PEARLAND	TX	77584
MCKEAN GORDON & BRENDA	1410 HATFIELD RD	PEARLAND	TX	77581
MALDONADO CHRISTOBAL E &	20 LONGWOOD RD	AUSTIN	TX	78737
FRANCES	4911 SILSBEE DR	PEARLAND	TX	77584



ZONING MAP
CONDITIONAL USE PERMIT 2009-17
5010 W. BROADWAY ST.

↑
NORTH



FUTURE LAND USE MAP
CONDITIONAL USE PERMIT 2009-17
5010 W. BROADWAY ST.





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

APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

Conditional Use Permit Request for: LOCATION WITHIN A NS ZONED DISTRICT
Restaurant
(list proposed use from the Table of Uses of the UDC)

Current Zoning District: NS - (Neighborhood Services)

Property Information:

Address or General Location of Property: 5010 BROADWAY STREET
PEARLAND, TEXAS 77581

Tax Account No. 74-2973200

Subdivision: _____ Lot: _____ Block: _____

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

PROPERTY OWNER INFORMATION:

APPLICANT INFORMATION:

NAME Pearland Westside Assoc LP
ADDRESS 7373 E Doubletree #225
CITY Scottsdale STATE AZ ZIP 85758
PHONE() 480 607 0735
FAX() 480 607 0835
E-MAIL ADDRESS RT@millenniumdevelopment.com

NAME MENDIETA FAMILY FOODS INC. - EMMA'S MEX GRILL
ADDRESS 5040 BROADWAY ST, SUITE 5010
CITY PEARLAND, STATE TX ZIP 77584
PHONE(713) 632-4768
FAX(281) 532-3435
E-MAIL ADDRESS JRMENDIETA@aol.com

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

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

Owner's Signature: [Signature] Date: 10/23/09

Agent's Signature: JOSEF. MENDIETA Date: 10/23/09

OFFICE USE ONLY:

FEE PAID: \$ <u>250.00</u>	DATE PAID: <u>10/20/09</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>22553</u>
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Application No. 2009-17

SEE 2nd Add'l AGENT ON BACKSIDE

ADD'L AGENT'S SIGNATURE: John J. [unclear] [unclear]
[unclear] [unclear] [unclear] [unclear] [unclear] [unclear]

DATE: 1/25/10

October 26, 2009

To Whom It May Concern:

I, Jose Ramon Mendieta, as owner write the following to explain what the concept of Emma's Grill Mex-Mex Bistro will be.

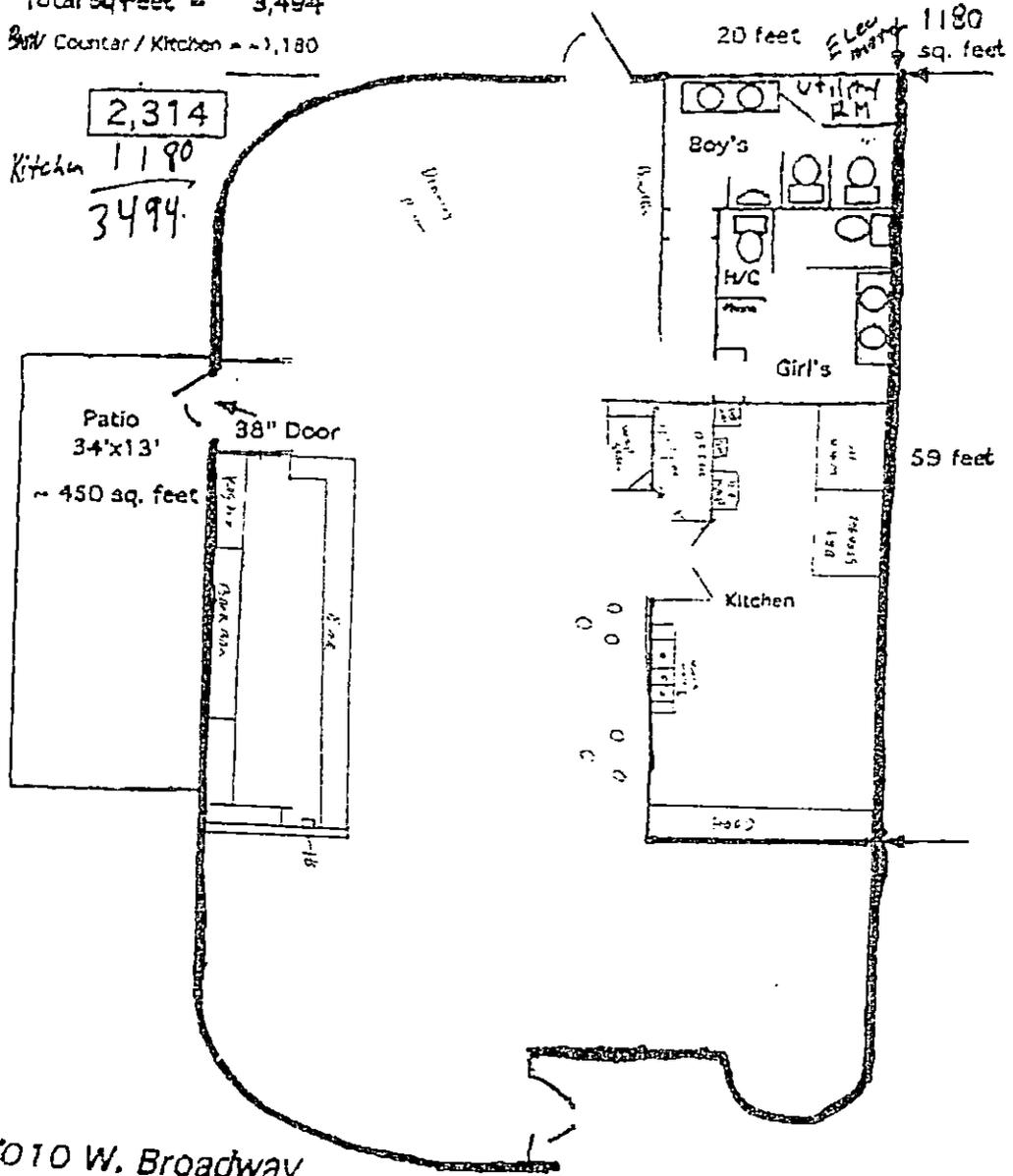
It will be located at 5040 Broadway Ste #5010 Pearland, TX 77581. The concept is that of a Mexican restaurant with an alcohol permit. It is 3,495 sq ft. with the occupancy capacity of 100-150 people. We will open with approximately 8-10 employees for the first 6 months. We will serve alcohol in a family friendly Mexican food environment. The hours of service will be 8am to 10pm 7 days a week in order to

The purpose of this letter is to establish our business plan. Emma's Grill Mex-Mex Bistro is the continuation of Mely's Restaurant which served the community for more than 20 years. Mely's has been a restaurant with the best service and excellent food; which the Pearland community has enjoyed since the first location opened. Mely's has grown with the Pearland Community for the past 20 years and

The community has enjoyed and savored the food we make. I wish to continue this tradition, Mely's is owned and operated by the Mendieta family which is a hard working family. We have worked in the restaurant business for more than 50 years with the sole purpose of offering creative Mexican dishes with excellent taste.

Total sq feet = 3,494
Bath Counter / Kitchen = 1,180

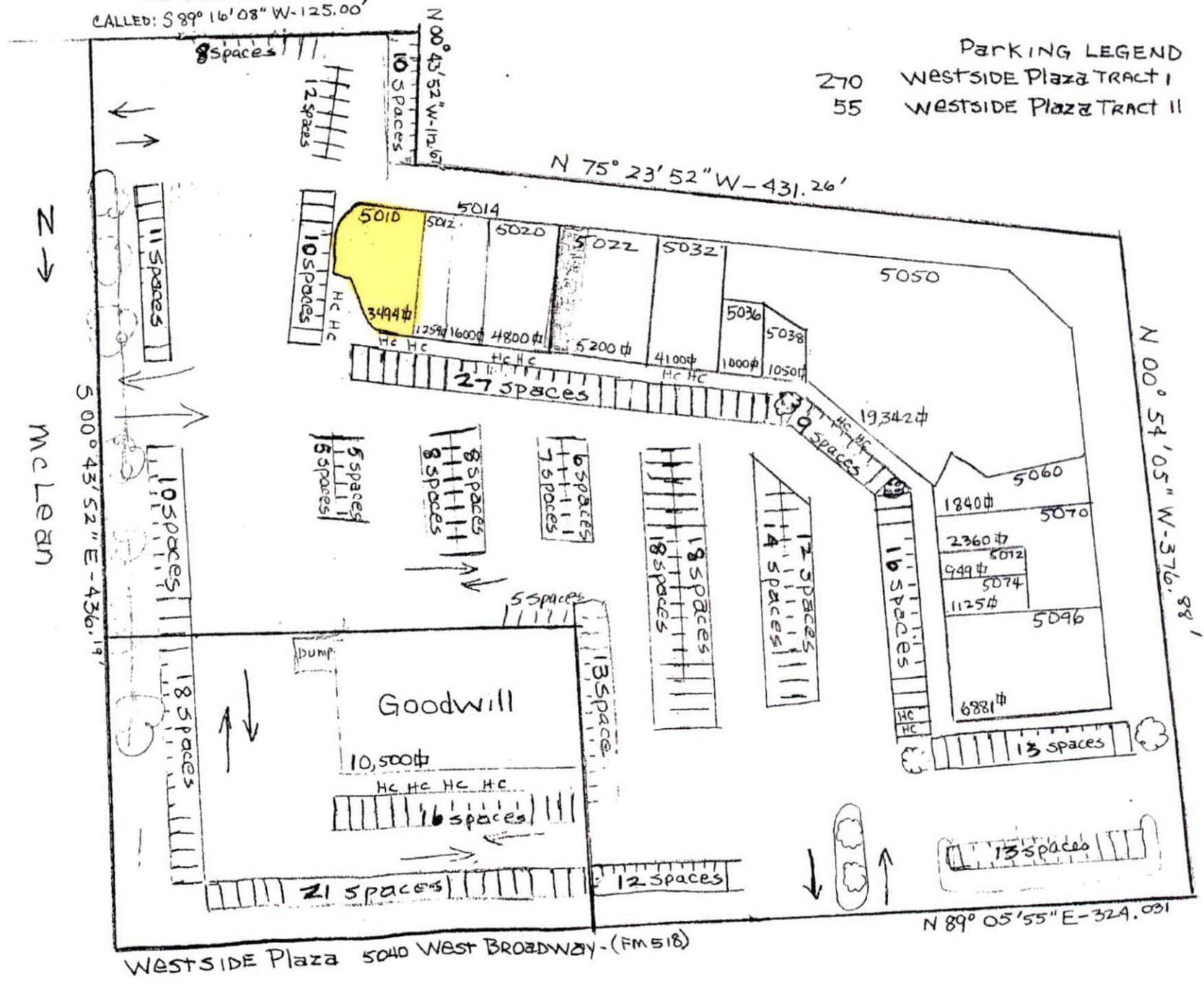
2,314
Kitchen 1,180
3494



5010 W. Broadway
Pearland, Texas

Measure: $S 89^{\circ} 14' 40'' W - 125.01'$
 CALLED: $S 89^{\circ} 16' 08'' W - 125.00'$

PARKING LEGEND
 270 WESTSIDE Plaza TRACT I
 55 WESTSIDE Plaza TRACT II



WESTSIDE Plaza 5040 WEST BROADWAY - (FM 518)

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD NOVEMBER 16, 2009, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

Conditional Use Permit No. CUP 2009-18

A Request of the Triad Retail Construction, Inc., applicant for Frank B. Holden & Dorothy W. Holden, owners, for a conditional use permit to allow a professional office in the Garden O'Day- Mixed Use (GO-MU) Zoning District, on the following described property, to wit:

Legal Description : Approximately .6 acres of Lot 9, Block 7, of the Hickory Creek Subdivision, Volume 1, Page 162 of the B.C.M.R. in the Brazoria County Plat Records, Brazoria County Texas

General Location: Located at 2206 O'Day Road, Pearland TX

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT

B. APPLICANT PRESENTATION

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.

JOINT PUBLIC HEARING AGENDA ITEM MEETING OF NOVEMBER 16, 2009

Conditional Use Permit No. CUP 2009-18

A request of the Triad Retail Construction, Inc., applicant for Frank B. Holden & Dorothy W. Holden, owners, for a conditional use permit to allow a professional office in the Garden O'Day- Mixed Use (GO-MU) Zoning District, on the following described property, to wit:

Legal Description: Approximately .6 acres of Lot 9, Block 7, of the Hickory Creek Subdivision, Volume 1, Page 162 of the B.C.M.R. in the Brazoria County Plat Records, Brazoria County Texas.

General Location: Located at 2206 O'Day Road, Pearland TX

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 and Only Reading: November 23, 2009*

(*dates subject to change if item is tabled)

SUMMARY: The applicant is requesting approval of a Conditional Use Permit that would allow them to develop office space for the headquarters of Triad Retail Construction. The building is approximately 6026 square feet and had previously been used as a T-shirt Company. The proposed facility would have approximately 14 offices, a conference room, copy room, two restrooms, a break room, and an area for file storage. No construction vehicles or materials will be stored on site.

A preliminary plan was submitted with the CUP application showing the proposed layout of the building. No additional changes would be required for the site, though the applicant is proposing to pave a parking area in the rear that is currently covered with crushed limestone.

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	Garden/O'Day Mixed Use (G/O-MU)	Auto Related Business
South	Garden/O'Day Mixed Use (G/O-MU)	Single Family Home
East	Mobile Home District (MH)	Mobile Home Park
West	Single Family Residential – 1 (R-1)	Single Family Home

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The subject property is currently zoned as Garden/O'Day Mixed Use (G/O-MU). The minimum lot size for the G/O-MU district is 6,000 square feet, the minimum lot width is 60 feet, and the minimum lot depth is 100 feet. The subject property exceeds these minimum requirements, as the property is approximately 29,000 square feet or .6 acres in size, and has the lot width of approximately 130 feet, and the lot depth of approximately 235 feet.

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

PLATTING STATUS: The property has been platted.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Garden/O'Day Mixed Use" for the subject property and the surrounding properties. The Comprehensive Plan further indicates that the appropriate uses for that zoning district are single family residential, manufacturing businesses, fabrication businesses, technology businesses, retailing, manufactured homes, and light commercial. The area was zoned in accordance with the 2004 update; therefore the current Garden/O'Day Mixed Use zone conforms to the Comprehensive Plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on O'Day Road, a secondary thoroughfare with an ultimate right-of-way of 100 feet. The applicant has had the property platted and all necessary dedications have been made.

AVAILABILITY OF UTILITIES: The subject parcel is served by public sewer and has access to public water but currently operates on a private well.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The proposed conditional use permit for offices should not have a significant impact on the surrounding properties. The proposed use is less intense than what previously existed on site and would be in operation from 9:00 am – 5:00 pm.

Parking for office space is calculated at one parking space per 300 square feet of gross floor area. At 6026 square feet, the office use would require 21 parking spaces. According to the provided site plan, the site currently has 22 available parking spaces which meet the requirement.

The subject property is located within a larger mixed use area that currently allows for residential uses as well as light commercial, some general business uses and even some minor industrial uses. The land directly to the south of the subject property is currently used as a single family residential. Staff feels that the proposed use is less intense than what previously existed on site and would thus have less of an impact on the surrounding properties.

ADDITIONAL COMMENTS:

No additional comments received.

SITE PLAN CONSIDERATIONS: A site plan was submitted showing the conversion of the building into office space with minimal storage for office records.

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 not received any comments either in opposition to or in support of the proposed zone change request.

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit, for the following reasons:

1. The proposed use will permit the applicant to utilize this property as a office space with an approved conditional use permit.
2. The proposed facility should not have a significant negative impact on the surrounding properties and developments.

3. The proposed use is less intense than other permitted uses within the G/O-MU Zoning District.
4. The proposed use with a CUP would be in conformance with the Unified Development Code and comprehensive plan.

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

**CUP APPLICATION NO. 2009-18
2206 O'DAY ROAD
PROPERTY OWNERS NOTIFICATION LIST**

BOEGLER MICHAEL D &	2141 MELANIE LN	PEARLAND	TX	77581
CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
CONFIDENTIAL	PO BOX 2155	PEARLAND	TX	77588
GERACI JAMES L & HELEN	36018 JENNIE LN	PINEHURST	TX	77362
HARVEY STEVEN R & SUSAN G	2229 MELANIE LN	PEARLAND	TX	77581
HOLDEN FRANK B & DOROTHY W	2206 ODAY RD	PEARLAND	TX	77581
KENNEDY LYNDA TAYLOR	2214 ODAY RD	PEARLAND	TX	77581
LOPEZ JOHN M & ANTONIA	2137 ODAY RD	PEARLAND	TX	77581
	2900 PEARLAND PARKWAY #			
LOYD VIKI	7206	PEARLAND	TX	77581
NUGENT DAVID E & SAMMIE D	2213 MELANIE LN	PEARLAND	TX	77581
PAYNE LEON H	2137 MELANIE LN	PEARLAND	TX	77581
SALINAS ABIEL & CONCEPCION	6125 KELLY LN	PEARLAND	TX	77581
TRAILER TRASH 1 LTD	4911 HOLLY	BELLAIRE	TX	77401
TRAILER TRASH 1 LTD	4911 HOLLY	BELLAIRE	TX	77401
TRINITY COUNTRY MEADOWS 1 LP	8809 CROES	HOUSTON	TX	77055



ZONING MAP
CONDITIONAL USE PERMIT 2009-18
2206 O'DAY ROAD, PEARLAND, TEXAS

↑
NORTH



FUTURE LAND USE MAP
CONDITIONAL USE PERMIT 2009-18
2206 O'DAY ROAD PEARLAND, TEXAS





AERIAL MAP
CONDITIONAL USE PERMIT 2009-18
2206 O'DAY ROAD, PEARLAND TEXAS

↑
NORTH



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: office, Professional + General Business
(list proposed use from the Table of Uses of the UDC)

Current Zoning District: G/O - MU

Property Information:

Address or General Location of Property: 2206 O'day Road
Pearland, Tx 77581

Tax Account No. _____

Subdivision: Hickory Place Lot: 9 Block: 7

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

PROPERTY OWNER INFORMATION:

APPLICANT INFORMATION:

NAME Frank B. Holden
ADDRESS 2315 Country Club Drive
CITY Pearland STATE TX ZIP 77581
PHONE (281) 481-6426
FAX () _____
E-MAIL ADDRESS HoldenFW@ACL.com
JERRY@JERRYWILKINS.NET

NAME Jay Dorsey
ADDRESS 5730 Brookside Road
CITY Pearland STATE TX ZIP 77581
PHONE (281) 485-4700
FAX (281) 485-7722
E-MAIL ADDRESS J.Dorsey@triadrc.com

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

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

Owner's Signature: _____ Date: 28 Oct 09

Agent's Signature: _____ Date: 28 Oct 09

OFFICE USE ONLY:

FEES PAID: <u>250.00</u>	DATE PAID: <u>10/28/09</u>	RECEIVED BY: <u>AW</u>	RECEIPT NUMBER: <u>25235</u>
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Application No. Cup 2009-18



The City of Pearland
Planning Department

RE: Conditional Use Permit Application

To Whom It May Concern:

The purpose of this letter is to comply with the requirements of the conditional use permit application.

The intended use of the property by Triad Retail Construction, Inc. is professional offices. This proposed location will be our national headquarters location.

Triad is a construction management / general contracting firm that provides services on a nationwide basis to our clients, who are primarily fortune 500 retailers.

The occupants of the office will be as follows:

- President
- Vice Presidents
- Marketing
- Project Management
- Accounting
- Support Staff

All of our field personnel (superintendents only) will be located on the jobsites and not in the corporate office. We do not employ any other field personnel. Nor do we dispatch work crews from the office at any time.

There will be no storage outside the building, and the storage inside the building will be limited to office related documents, paperwork and miscellaneous items. There will be no manufacturing or prefabricating of material on site.

Please contact me with any questions or issues.

Sincerely,

Jay Dorsey
President
Triad Retail Construction, Inc.

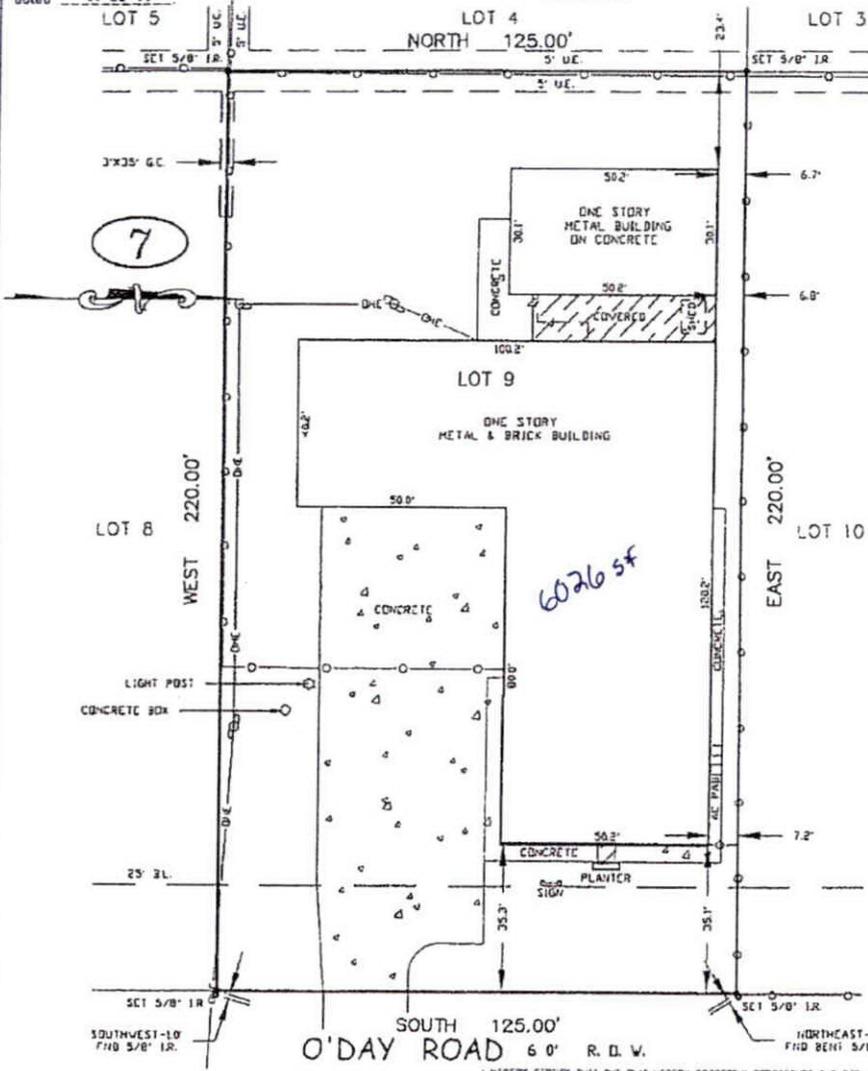
This property is located in the 100 year flood plain & is in insurance rate map zone E, X as per map 48039C 00301 dated 09-22-99

SCALE 1" = 30'

U.E. - UTILITY EASEMENT
G.E. - GUY EASEMENT
B.L. - BUILDING LINE
R.O.W. - RIGHT OF WAY
I.R. - IRON ROD

LEGEND

- DNE - OVERHEAD ELECTRIC LINE
- O - CHAIN LINK FENCE
- CL - POWER POLE



NOTES

- 1.) BASIS FOR BEARINGS, ASSUMED AS PLATTED
- 2.) DISTANCES SHOWN ARE GROUND DISTANCES
- 3.) THIS SURVEY WAS PERFORMED WITH OUT THE BENEFIT OF A TITLE COMMITMENT, EASEMENTS AND RESTRICTIONS MAY EXIST WHICH ARE NOT SHOWN HEREON. NO ADDITIONAL RESEARCH REGARDING THE EXISTENCE OF EASEMENTS OR RESTRICTIONS OF RECORD HAS BEEN PERFORMED BY ARROW SURVEYING
- 4.) SURVEY BASED ON BEST OF EVIDENCE FOUND

I HEREBY CERTIFY THAT THE PLAT HEREON CORRECTLY REPRESENTS THE RESULTS OF AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND THAT THERE ARE NO ENCUMBRANCES EXCEPT AS SHOWN.

DATED

8-20-09

MM

REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS



THIS CERTIFICATION IS REVOKED AND THIS SURVEY IS NULL AND VOID IF THIS DOCUMENT IS ALTERED IN ANY MANNER, USED OR RELIED UPON BY ANY ONE OTHER THAN THE PARTIES ADDRESSED BELOW, OR SOLELY BY BEAR AN ORIGINAL SIGNATURE AND SEAL OF THE SURVEYOR.

LOT(S)	9	BLOCK	7	SUBDIVISION	HICKORY CREEK PLACE	SECTION
RECORDING	VOL. 1, PG. 162 OF THE B.C.M.R.			COUNTY	BRAZORIA	STATE TEXAS
ADDRESS	2206 O'DAY ROAD	CITY	PEARLAND	ZIP CODE	77581	LENDER
PURCHASER	FRANK HOLDEN			TITLE COMPANY	CF NO.	
FILED BY	HS	DATE	09-19-09	ARROW SURVEYING		JOB NO. 09-08-034
DRAWN BY	LP	DATE	08-20-09	P.O. BOX 410 PEARLAND, TEXAS 77588		REVISION
CHECKED BY	MM	DATE	08-20-09	(281) 412-2294 FAX (281) 412-2314		

MINUTES OF THE JOINT PUBLIC HEARING OF THE CITY COUNCIL AND PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON NOVEMBER 16, 2009 AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

CALL TO ORDER

Mayor Tom Reid and Acting P&Z Chairperson Henry Fuyertes called the public hearing to order at 6:38 p.m. with the following present:

Mayor Tom Reid	Acting P&Z Chairperson Henry Fuyertes
Council Member Kevin Cole	P&Z Commissioner Neil West
Council Member Steve Saboe	P&Z Commissioner Susan Sherrouse
Council Member Scott Sherman	P&Z Commissioner Darrell Diggs
Council Member Woody Owens	P&Z Commissioner Ron Capehart

Also in attendance: City Attorney Darrin Coker, Assistant City Manager Mike Hodge, Assistant City Manager Jon Branson, City Engineer Narciso Lira, Planning Director Lata Krishnarao, Senior Planner Angela Gantuah, Planning Technician Ian Clowes, and Planning Office Coordinator Judy Krajca

Senior Planner Angela Gantuah explained the Joint Public Hearing process for the attending public, and explained that the Planning & Zoning Commission meeting will immediately follow the Joint Public Hearing.

Mayor Tom Reid called to order the Public Hearing for Zone Change No. 2009-13Z at 6:44 p.m.

ZONE CHANGE NO. 2009-13Z

A request by CBL and Associates, Inc., 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 Pearland Town Center, on the following described property, to wit:

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

General Location: Generally Located on the South Side of Broadway Street, on the East Side of Kirby Drive, and on the West Side of Business Center Drive.

Acting P&Z Chairperson Henry Fuyertes read the purpose into the record.

Senior Planner Angela Gantuah presented the staff report and PowerPoint presentation. Staff only received one public comment form in opposition, and approximately 30 phone calls in favor.

Mr. Ken Wittler representing CBL and Associates, 2030 Hamilton Place Blvd., Suite 500, Chattanooga, TN 37421 spoke.

There was no one present to speak for or against the Zone Change.

Council Member Woody Owens asked CBL to be tasteful in the signs they put up, and asked him to keep it to local businesses.

Council Member Steve Saboe shared Mr. Owens concerns, and added that he appreciates CBL and staff's work and effort that has been put into this Planned Development.

P&Z Commissioner Neil West added that he just does not want to see too many signs.

Mayor Tom Reid adjourned the Public Hearing for Zone Change No. 2009-13Z at 6:56 p.m.

Mayor Tom Reid opened the Public Hearing for Zone Change No. 2009-14Z, Conditional Use Permit No. CUP 2009-14, and Conditional Use Permit No. CUP 2009-15 at 6:56 p.m.

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

Senior Planner Angela Gantuah presented the staff report with several packets being distributed, all in opposition.

The applicant was not present to speak for or against Zone Change or Conditional Use Permits.

Mr. Matt Cabler of 3411 Westminister, Pearland, Texas spoke stating he lived on the corner, across from the proposed area. Mr. Cabler stated he was opposed to commercial lease space, opposed to mini warehouses, and does not want to see the wooded area destroyed. He feels there is a better use for this property.

Mrs. Helen Beckman, 2705 Churchill, Pearland, Texas spoke in opposition.

Council Member Kevin Cole spoke stating he agreed with staff completely. This plan is not in keeping with the original Old Town site plan, and the uses proposed are not agreeable with the Comprehensive Plan.

Council Members Woody Owens, Steve Saboe, and Council Member Scott Sherman stated they agreed with Council Member Cole and were not supportive of this Zone Change and Conditional Use Permits.

Council Member Sherman stated he was surprised the applicant did not show up for the hearing.

P&Z Commissioner Henry Fuertes expressed concern with detention.

Mayor Tom Reid adjourned the Public Hearing for Zone Change No. 2009-14Z, Conditional Use Permit No. CUP2009-14, and Conditional Use Permit No. CUP 2009-15 at 7:23 p.m.

CONDITIONAL USE PERMIT NO. CUP 2009-14

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

CONDITIONAL USE PERMIT NO. CUP 2009-15

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

Mayor Tom Reid opened the Public Hearing for Zone Change No. 2009-15Z at 7:23 p.m.

ZONE CHANGE NO. 2009-15Z

A request of Ron Jackson with Curry Architecture, applicant for Ross MacCammon, owner, for a change in zoning from the Single Family Residential-1 (R-1) Zoning District to the Planned Development Multi-Family (PD-MF) Zoning District, on the following described property, to wit:

Legal Description : Being a tract of land approximately 9.5171 acres in the W.D.C. Hall League, Abstract No. 70, Brazoria County, Texas and being the residue of that tract sold by None Gay Carr to Ross A. McClendon, as described in deed recorded under Brazoria county Clerk's file No. 95-022654.

General Location: Located at 2810 Dixie Farm Road, Pearland, Texas

Acting P&Z Chairperson Henry Fuertes read the purpose of the hearing.

Senior Planner Angela Gantuah presented the staff report.

Mr. Ron Jackson of Curry Architect spoke on behalf of the applicant, and showed a PowerPoint presentation.

Mr. Gregg Nelson of 1617 Pine Crest Drive, Pearland, Texas spoke with regards to the property remaining zoned for residential use, traffic issues, and stated he was opposed to this zone change.

Ms. Ann Markwart of 1921 Willow Lake Drive, Pearland, Texas spoke in opposition and expressed concern with the parking issues.

Mr. Michael Fuller of Curry Architect spoke on behalf of the site plan.

Mayor Tom Reid brought up several issues of concern, specifically the parking issue, the drive in/drive out, and the concern with ambulances coming in and out. Mayor Reid did compliment the fact that they did have a horseshoe pitching area.

Council Member Kevin Cole expressed concern that there were too many issues brought up today, and also discussed buffering and the need for a TIA. Mr. Cole did state that he likes the concept, just has concerns.

Council Member Scott Sherman stated he agreed with Council Member Kevin Cole and that there was an oversaturation of the market with this use. Mr. Sherman also agreed with Mayor Reid that the Fire and EMS might have trouble getting in and out.

Council Member Sherman did ask how many elevators would be on site. Mr. Michael Fuller replied, one.

Council Member Kevin Cole inquired about the drive at Sycamore.

P&Z Commissioner Neil West inquired if there were any provisions for a generator, with the state requiring it.

P&Z Commissioner Darrell Diggs expressed concern with the tract near this facility, and what road would be used to get in and out.

Mayor Tom Reid adjourned the Public Hearing for Zone Change No. 2009-15Z at 8:19 p.m.

Mayor Tom Reid opened the Public Hearing for Conditional Use Permit No. CUP 2009-17 at 8:19 p.m.

CONDITIONAL USE PERMIT NO. CUP 2009-17

A request of the Mendieta Family Foods Inc., applicant for West Side Associates LTD, for a conditional use permit to allow a restaurant in the Neighborhood Services (NS) Zoning District, on the following described property, to wit:

Legal Description: Tract 1 with 2.0 acres and Tract 2 with 3.8897 acres out of Reserve "A" in the Replat of Corrigan Addition Section 1 (Volume 2, pgs 97-98 B.C.P.R) West Side Plaza Subdivision, City of Pearland, Brazoria County, Texas and that certain 3.8897 acres, more or less, out of Reserve "A", Replat of Corrigan Addition, Section One, recorded in volume 11, Page 97-98 of the Brazoria County Plat Records, Pearland, Texas.

General Location: Located at 5010 W. Broadway Street, Pearland TX

Acting P&Z Chairperson Henry Fuertes read the purpose of the hearing.

Planning Technician Ian Clowes presented the staff report.

Mr. Jose Mendieta of 2714 Heatherbend Drive, Pearland, Texas spoke as the applicant.

There was no one present to speak for or against the proposed Conditional Use Permit.

Mayor Tom Reid and Council Member Woody Owens spoke positively of Mely's

Restaurant coming back.

Mr. Saboe stated that the noise level needed to be monitored, since this was an issue with the previous tenant.

Mayor Tom Reid adjourned the Public Hearing for Conditional Use Permit No. CUP 2009-17 at 8:31 p.m.

Mayor Tom Reid opened the Public Hearing for Conditional Use Permit No. CUP 2009-18 at 8:31 p.m.

CONDITIONAL USE PERMIT NO. CUP 2009-18

A Request of the Triad Retail Construction, Inc., applicant for Frank B. Holden & Dorothy W. Holden, owners, for a conditional use permit to allow a professional office in the Garden O'Day- Mixed Use (GO-MU) Zoning District, on the following described property, to wit:

Legal Description: Approximately .6 acres of Lot 9, Block 7, of the Hickory Creek Subdivision, Volume 1, Page 162 of the B.C.M.R. in the Brazoria County Plat Records, Brazoria County Texas

General Location: Located at 2206 O'Day Road, Pearland TX

Acting P&Z Chairperson Henry Fuertes read the purpose of the hearing.

Planning Technician Ian Clowes present the staff report.

Mr. Jay Dorsey with Triad Retail Construction, Inc, 3218 Sagewood Court, Pearland, Texas spoke.

There was no one present to speak for or against the Conditional Use Permit.

Council Member Kevin Cole inquired why a CUP was required in a mixed use district. Planning Director Lata Krishnarao stated that staff is currently looking at seeking a change in the UDC, to allow with a permit.

Council Member Woody Owens spoke in favor of the CUP.

Mayor Tom Reid adjourned the Public Hearing for Conditional Use Permit No. CUP 2009-18 at 8:42 p.m.

ADJOURNMENT

Mayor Tom Reid adjourned the series of Public Hearings at 8:42 p.m.

These minutes are respectfully submitted by:

Judy Krajca, Planning Office Coordinator

Minutes approved as submitted and/or corrected on this 11th day of January 2010,
A.D.

Mayor Tom Reid

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD NOVEMBER 16, 2009, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

- I. CALL TO ORDER @ 6:44 pm
- II. PURPOSE OF HEARING Henry (acting chair) read ...

Zone Change No. 2009-13Z
~~Angela presented staff rpt.~~

A request by CBL and Associates, Inc., 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 Pearland Town Center, on the following described property, to wit:

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

General Location: Generally Located on the South Side of Broadway Street, on the East Side of Kirby Drive, and on the West Side of Business Center Drive.

- III. APPLICATION INFORMATION AND CASE SUMMARY
 - A. STAFF REPORT *Angela presented staff rpt & slide show*
 - B. APPLICANT PRESENTATION *Ken Wittler, CBA 2030 Hamilton Place Blvd Ste 500*
- IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST *Chattanooga TN 37421*
No one present
- V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION
Woody asked Ken to come to podium.
- VI. ADJOURNMENT
asked him to be tasteful in the signs he put there, asked him to keep it to local businesses.

adj - 6:56



Opened @ 6:38

Mayor Reid
Scott Sherman
Steve Saboe
Kevin Cole

Henry Fuentes
Neil West
Susana Sherrouse
Darrell Diggs
Ron Capelhart

Mike Hodge Jon Branson Darrin Coker
Lata K, Angela G, Narciso L, Dan V, Judy

~~opened~~
OK

Steve Sabol shared Woody concerns.

appreciated ~~to his responses~~ CBL & Staff's
work & effort they have put in to this PD.

Neil - just don't want us to get too many signs

Angela - only rec'd 1 Pub. Comm. Form in opposition.
Rec'd approx 30 phone calls in favor.



Joint Public Hearing

SPEAKER'S CARD

If you wish to speak during the Public Hearing, please complete the following information and give this card to the Recording Secretary either before or after your comments. Thank you.

Name: Ken Witter

Full Address: 2030 Hamilton Place Blvd

(include zip) Chattanooga, TN 37241

I wish to speak regarding Item No. Bone Chung 132

Comments: _____

Joint Public Hearing

SPEAKER'S CARD

If you wish to speak during the Public Hearing, please complete the following information and give this card to the Recording Secretary either before or after your comments. Thank you.

Name: Ndu Beckman

Full Address: 2705 Churchill

(include zip) Pearland 77581

I wish to speak regarding Item No. 2009 - ^{CUP 14 &} ~~142~~ ¹⁵ ~~15~~ 147

Comments: I am opposed

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I. CALL TO ORDER *6:56*

II. PURPOSE OF HEARING

Zone Change No. 2009-14Z, *CUP 14*, *CUP 15* ²⁰⁰⁹⁻

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.

Henry read purpose of all 3 hearings.

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

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT

B. APPLICANT PRESENTATION

not present

Angela presented staff rpt. Several packets were distributed - all in opposition

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

Staff recommends further consideration of all

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

3 zone change

VI. ADJOURNMENT :

@ 1:23 pm

IV

Matt Cahler 3411 Westminster on the corner - across from proposed area opposed to commercial lease space, opposed to mini warehouse, does not want to see wooded area destroyed. Feels better use

IV

Helen Beckman

2705 Churchhill

opposed. Better development for something else.

V

Kevin Cole. Agrees w/ staff completely. Not keeping w/ OTS Plan. Uses proposed not agreeable w/ Compr. Plan. Encourage a PD.

Not supportive.

Woody - agrees w/ Kevin. Not supportive.

Mayor Reid - envisioned something that would anchor the OTS on the Southern end of town.

Kevin - use is permitted in other locations in Pearland.

Steve -

Scott - agrees w/ council

Surprised applicant did not show.

agrees that trees should not be ~~removed~~ removed.

Henry - concerns w/ detention - will discuss @ P&Z

Neil -

Joint Public Hearing

SPEAKER'S CARD

If you wish to speak during the Public Hearing, please complete the following information and give this card to the Recording Secretary either before or after your comments. Thank you.

Name: Matt Cabler

Full Address: 3411 Westminister

(include zip) Pearland E, TX 77581

I wish to speak regarding Item No. CUP-2009-15, 14,
Zone chg. # 2009-142

Comments: Opposed to all three issues



Planning Department
 3523 Liberty Drive
 (Community Center)
 Pearland, Texas 77581
 281-652-1768
 281-652-1702 fax

PUBLIC COMMENT FORM

APPLICATION NO. CUP 2009-14

Public Hearing to be held Monday, October 19, 2009, at 6:30 PM in the Council Chambers of City Hall, 3519 Liberty Drive, Pearland, Texas.

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I am ~~IN-FAVOR-OF~~ the request as explained on the attached notice. ...
 (Checking "IN FAVOR OF" means that you support the request and feel that the request should be approved accordingly.)

I am **OPPOSED TO** the request as explained on the attached notice.
 (Checking "OPPOSED TO" means that you are in opposition to the request and feel that the request should be denied.)

Name: Cynthia Wells

Address: 3207 Nottingham

Signature: C Wells Date: 10-18-09

COMMENTS: _____



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Name: JAMES E. ROGERS

Address: 3211 NOTTINGHAM ST

Signature: J.E. Rogers Date: 10/19/09

COMMENTS: _____



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Name: ROBERT L. BERDINE

Address: 3411 NOTTINGHAM PEARLAND TX 77581

Signature: Robert L. Berdine Date: 10-19-09

COMMENTS: THIS WOULD EFFECT THE HOME PRICES IN THIS AREA - THE SCHOOL CHILDREN WHO WALK TO SCHOOL ALONG THIS AREA WOULD BE^{IN} MORE DANGER TO TRAFFIC - WHICH WILL BE CAUSED BY BUSINESSES + STORAGE BUILDINGS - (A BAD IDEA!!)



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Name: LILLIAN BARATH (MRS. JOSEPH A. BARATH)

Address: 3407 WESTMINSTER

Signature: Lillian Barath Date: 10-19-09

COMMENTS: #1 - This will reduce the value of our property.
 #2 - Since the school is nearby - such a business would not be in the interest of the safety of the children.
 #3 - Old Alvin Rd is narrow ^{This} would cause more traffic to an already busy street.



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I am **OPPOSED TO** the request as explained on the attached notice.
 (Checking "OPPOSED TO" means that you are in opposition to the request and feel that the request should be denied.)

Name: Matt Cabler

Address: 3411 Westminister

Signature: Matt Cabler Date: 10/19/09

COMMENTS: I am strongly opposed to general commercial warehouses on this site. One only needs to look at Swensen DR. to see what this will become. This type of development does not belong in our neighborhood. Put it out on the Hwy. This development



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Name: Rev. Winfield & Rev. Victoria Jones

Address: 3405 Westminster St.

Signature: Rev. Winfield & Rev. Victoria Jones Date: 10-19-09

COMMENTS:

office warehouses are junky and not
classy + should not be allowed
adjacent to this neighborhood. Applicants
are asking city council to grant them
rights they do not currently have as
property owners. Request should be denied.



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I am **OPPOSED TO** the request as explained on the attached notice.
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Name: Ruth A. Ross

Address: 3412 Nottingham

Signature: ~~Opposed~~ Ruth A. Ross Date: Oct 19, 2009

COMMENTS: am opposed to having it across the street from my house. It would be as bad as that walk bridge across mangy creek. Would add more traffic on Aldwin. Would add more noise & we would no longer have a peaceful neighborhood.



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Name: JAMES E. ROGERS

Address: 3211 NOTTINGHAM ST

Signature: J.E. Rogers Date: 10/19/09

COMMENTS: _____



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Name: Cynthia Wells

Address: 3907 Nottingham

Signature: C Wells Date: 10-18-09

COMMENTS: _____



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I am **OPPOSED TO** the request as explained on the attached notice.
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Name: Joni Shepherd / Keith Shepherd

Address: 3401 Hampshire

Signature: Joni Shepherd / Keith Shepherd 10/19/09

COMMENTS:

There are too many empty buildings now in Pearland. This will not enhance and draw people to live here. You are destroying our old and beautiful neighborhood.



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I am **OPPOSED TO** the request as explained on the attached notice.
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Name: Stephen G. Riner

Address: 3401 Nottingham

Signature: Stephen G. Riner Date: 10/19/09

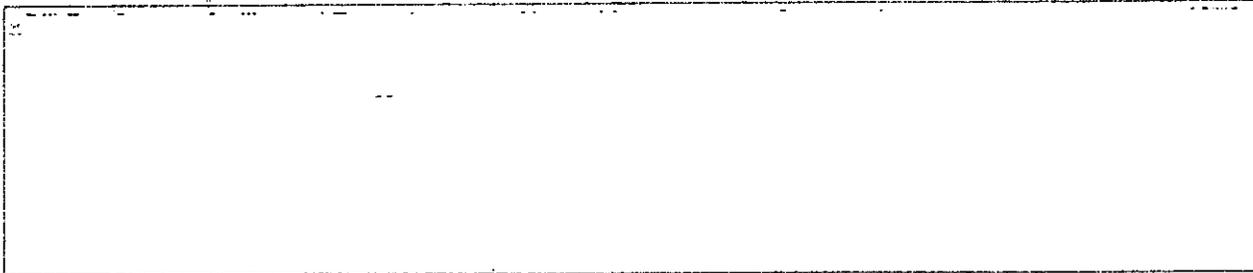
COMMENTS: _____

Please do not allow the ruin of
one of the few remaining natural
spaces in Pearland. Our neighborhood
will suffer.

Fw: Storage facility and Zone change on Hampshire st. - protest for record

Bill Eisen Angela Gantuah

10/19/2009 04:08 PM



Can you provider copies of this for the council and Commission at tonight's meeting?

— Forwarded by Bill Eisen/COP on 10/19/2009 04:07 PM —



george fishman
<georgefishman77581@yaho
o.com>

10/19/2009 04:02 PM

To BEisen@ci.pearland.tx.us, Felicia Kyle
<kylefelicia@yahoo.com>, cole.jk@sbcglobal.net,
Young_Lorfing/COP@ci.pearland.tx.us

cc

Subject Storage facility and Zone change on Hampshire st. - protest
for record

Honorable officials,

I am unable to attend tonight's council meeting in which the following zone change matters are on tonight's agenda;

Application 2009-14Z
Application 2009-14
Application 2009-15

Please include in your public records that I am against these zone changes and also against a storage facility along Hampshire Street. I do not feel that is is the Best and Highest use of this land, as it is an entrance to my subdivision. As property values are always an concern, future potential uses alongside a storage facility also make me uneasy.

Better uses include;

City/Government facilities
Office/medical professional
Retail shops.restaurants
Park/open space for old town-site

Again. This is an entrance into a nice and quite neighborhood. Please do not allow the future



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PUBLIC COMMENT FORM

APPLICATION NO. CUP 2009-15

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I am **OPPOSED TO** the request as explained on the attached notice.
 (Checking "OPPOSED TO" means that you are in opposition to the request and feel that the request should be denied.)

Name: Matt Cabler

Address: 3411 Westminister

Signature: Matt Cabler Date: 10/19/09

COMMENTS: I am strongly opposed to public storage units being built on this location. The proximity to the neighborhood, the overall eyesore of the buildings, and the concern of more flooding due to paving 20 acres of land. This is the wrong type of use for this land. It could be better served for use as a single use →



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I am **OPPOSED TO** the request as explained on the attached notice.
 (Checking "OPPOSED TO" means that you are in opposition to the request and feel that the request should be denied.)

Name: Joe R. Welles

Address: 3207 Nottingham

Signature: [Handwritten Signature] Date: 10-18-09

COMMENTS: _____



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Name: Tom Shepherd Keith Shepherd

Address: 3401 Hampshire

Signature: Tom Shepherd Keith Shepherd 10/19/09

COMMENTS:

This will decrease our housing value,
No need for empty storage units We
need more green space, this will not
enhance Pearland and keep it
beautiful



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Name: Ruth A. Roun

Address: 3412 Nottingham

Signature: Ruth A. Roun Date: Oct 19, 2009

COMMENTS: am opposed to having it across the street from my house - It would be as bad as that walk bridge across mangy Creek would add more traffic on Old Blair. Would add more noise & we would no longer have a peaceful neighborhood



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 X I am **OPPOSED TO** the request as explained on the attached notice.
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Name: Rev. Winfield + Rev. Victoria Jones

Address: 3405 Westminster St.

Signature: Rev. Winfield + Rev. Victoria Jones Date: 10-19-09

COMMENTS: _____

Applicant + paid for his land based on current zoning and use permitting. It is not equitable for council to increase applicant's property use values while decreasing adjacent property values. Storage units will pull down the neighborhood + this change should not be allowed



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Name: Stephen G. Riner

Address: 3401 Nottingham

Signature: Stephen G. Riner Date: 10/19/09

COMMENTS: _____

Pearland already has enough
strip centers and ugly commercial
buildings - some of which are empty still.
Our neighborhood is special because of
this wooded buffer between us and Hwy 35,
and the R.R. track. Please leave it alone.



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Name: Joe R. Welles

Address: 3207 Nottingham

Signature: [Handwritten Signature] Date: 10-18-09

COMMENTS: _____



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PUBLIC COMMENT FORM

APPLICATION NO. CUP 2009-15

Public Hearing to be held Monday, October 19, 2009, at 6:30 PM in the Council Chambers of City Hall, 3519 Liberty Drive, Pearland, Texas.

If you are unable to attend the Public Hearing, but wish to have your opinions made a part of the public record, please complete this form and return to the Planning Department at the above noted address by mail, fax, or drop off in person, prior to the Public Hearing.

I am **IN FAVOR OF** the request as explained on the attached notice.
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I am **OPPOSED TO** the request as explained on the attached notice.
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Name: Joe R. Welles

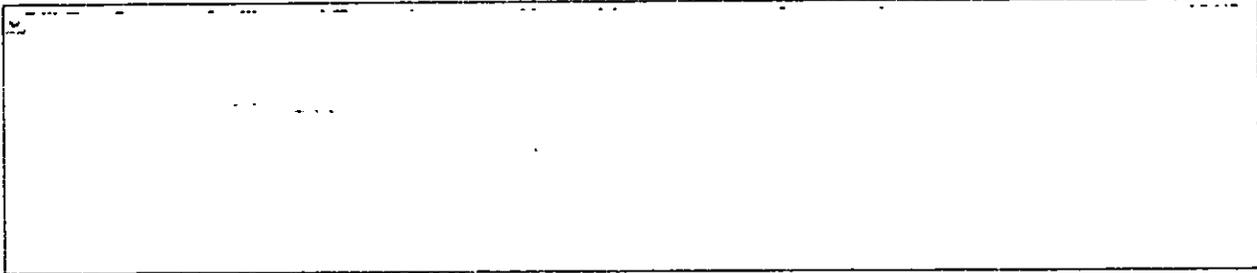
Address: 3207 Nottingham

Signature: [Handwritten Signature] Date: 10-18-09

COMMENTS: _____

Fw: Storage facility and Zone change on Hampshire st. - protest for record
Bill Eisen Angela Gantuah

10/19/2009 04:08 PM



Can you provide copies of this for the council and Commission at tonight's meeting?

--- Forwarded by Bill Eisen/COP on 10/19/2009 04:07 PM ---



george fishman
<georgefishman77581@yahoo.com>

10/19/2009 04:02 PM

To BEisen@ci.pearland.tx.us, Felicia Kyle
<kylefelicia@yahoo.com>, cole.jk@sbcglobal.net,
Young_Lorring/COP@ci.pearland.tx.us

cc

Subject Storage facility and Zone change on Hampshire st. - protest
for record

Honorable officials,

I am unable to attend tonight's council meeting in which the following zone change matters are on tonight's agenda;

Application 2009-14Z

Application 2009-14

Application 2009-15

Please include in your public records that I am against these zone changes and also against a storage facility along Hampshire Street. I do not feel that is the Best and Highest use of this land, as it is an entrance to my subdivision. As property values are always a concern, future potential uses alongside a storage facility also make me uneasy.

Better uses include;

City/Government facilities

Office/medical professional

Retail shops.restaurants

Park/open space for old town-site

Again. This is an entrance into a nice and quite neighborhood. Please do not allow the future

growth along this road to take away from its elegance and charm.

Thank you,

George Fishman
3406 Hampshire st.
Pearland, Texas 77581

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Planning Department
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 (Community Center)
 Pearland, Texas 77581
 281-652-1768
 281-652-1702 fax

PUBLIC COMMENT FORM

APPLICATION NO. CUP 2009-14

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Name: JAMES E. ROGERS

Address: 3211 NOTTINGHAM ST

Signature: J.E. Rogers Date: 10/19/09

COMMENTS: _____



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Name: Cynthia Welts

Address: 3207 Nottingham

Signature: [Handwritten Signature] Date: 10-18-09

COMMENTS: _____

Fw: Storage facility and Zone change on Hampshire st. - protest for record

Bill Eisen Angela Gantuah

10/19/2009 04:08 PM

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— Forwarded by Bill Eisen/COP on 10/19/2009 04:07 PM —



george fishman
<georgefishman77581@yaho
o.com>

10/19/2009 04:02 PM

To: BEisen@ci.pearland.tx.us, Felicia Kyle
<kylefelicia@yahoo.com>, cole.jk@sbcglobal.net,
Young_Lorring/COP@ci.pearland.tx.us

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PUBLIC COMMENT FORM

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I am **OPPOSED TO** the request as explained on the attached notice.

(Checking "OPPOSED TO" means that you are in opposition to the request and feel that the request should be denied.)

Name: Debbie + John Walton

Address: 3307 Windsor

Signature: Debbie Walton Date: Oct. 19, 2009

COMMENTS: As residents of the Westminster
subdivision, we do not want this property
to be rezoned to "general commercial."
First and foremost, we are concerned about
the increase in traffic commercially zoned
property would encourage throughout our
residential area. Secondly, we feel an ^{additional} commercial
zoned property would decrease our ^{property} values.

asked
 or for
 our
 consider-
 ation



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Name: Joe R. Wells

Address: 3207 Nottingham

Signature: [Handwritten Signature] Date: 10-18-09

COMMENTS: _____



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Name: Debbie + John Walton

Address: 3307 Windsor

Signature: Debbie Walton Date: Oct. 19, 2009

Thank you for your consideration

COMMENTS: As residents of the Westminister subdivision we do not want this property to be rezoned to "general commercial."
First and foremost, we are concerned about the increase in traffic commercially zoned property would encourage throughout our residential area. Secondly, we feel ^{additional} commercial zoned property would decrease our property values.



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 (Checking "OPPOSED TO" means that you are in opposition to the request and feel that the request should be denied.)

Name: Stephen Riner

Address: 3401 Nottingham

Signature: Stephen Riner Date: 10/19/09

COMMENTS:

I drive past this wooded corner every day (at least once a day); it is one of my favorite things about living in this area. Please do not allow the destruction of one of the few remaining green spaces in this city!



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Name: Matt Cabler

Address: 340 Westminister

Signature: Matt Cabler Date: 10/19/09

COMMENTS: I am strongly opposed to the rezoning of this land. If zoned G.C., any type of business could be built next to our neighborhood. Leave it O.P. and development could be DR offices, retirement home community, city bldgs, schools, etc. that would be acceptable



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X I am **OPPOSED TO** the request as explained on the attached notice.
 (Checking "OPPOSED TO" means that you are in opposition to the request and feel that the request should be denied.)

Name: W.R. (Bob) Leo

Address: 3408 Hampshire

Signature: [Handwritten Signature] Date: Oct. 19 09

COMMENTS: I AM OPPOSED TO EXCESSIVE TRAFFIC THAT WILL BE CREATED BY CHANGE. Hampshire East of Old Alvin. Now gets more traffic than rest of Westminister. If this passes sign's of No thru traffic should be installed especially Trucks



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make sure for our consideration



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Address: 3207 Nottingham

Signature: [Handwritten Signature] Date: 10-18-09

COMMENTS: _____



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Name: Toni & Beth Shepherd

Address: 3401 Hampshire

Signature: Toni Shepherd Beth Shepherd 10/19/09

COMMENTS:

This zone change will not benefit the community of Pearland. It will decrease our housing values and put up one of the oldest and most valued neighborhoods in Pearland. We need the green space not more empty buildings for vagrants and addicts.



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Address: 3408 Hampshire

Signature: [Handwritten Signature] Date: Oct. 19, 09

COMMENTS: I AM OPPOSED TO EXCESSIVE TRAFFIC
that will be created by change.
Hampshire East of Old Hwy. Now gets more
Traffic than rest of Westminister
If this passes sign's of no thru traffic
should be installed especially Trucks



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Signature: Matt Cabler Date: 10/19/09

COMMENTS: I am strongly opposed to the rezoning of this land. If zoned G.C., any type of business could be built next to our neighborhood. Leave it O.P. and development could be DR offices, retirement home community, city bldgs, schools, etc. that would be acceptable



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Name: Stephen Riner

Address: 3401 Nottingham

Signature: Stephen B. Riner Date: 10/19/09

COMMENTS:

I drive past this wooded corner every day (at least once a day); it is one of my favorite things about living in this area. Please do not allow the destruction of one of the few remaining green spaces in this city!



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Name: Ruth Serdine

Address: 3411 Knottingham

Signature: [Handwritten Signature] Date: 10/18/09

COMMENTS: I am very much opposed to a Zone Change located at the Southwest Corner of Hampshire Road and Old Alvin Road. Commercial use of this area would deflate the value of the homes near Old Alvin Road, more traffic, and with young school children having to walk to and from school everyday, it could cause an unsafe walk through a commercial area as there are...



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Name: Rev. Winfield Casey + Rev. Victoria Jones

Address: _____

Signature: Rev. Winfield Casey Jones Date: 10-19-09
Rev. Victoria Jones

COMMENTS: Change from OP to GC zoning jeopardizes surrounding and adjacent residential property values + decreases those values without compensation. Applicants knowingly purchased property zoned OP and now want to change zoning hurting community.



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Name: W.L. Hallbauer

Address: 3210 Nottingham St. Pearland TX 77581

Signature: W.L. Hallbauer Date: Oct. 19, 2009

COMMENTS: I am in favor of leaving the zoning as Office Professional rather than changing to General Commercial because Office Professional adds more value to the general area than and is more definitive than the General Commercial zone.



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Name: Ruth LeDine

Address: 3411 Knottingham

Signature: Ruth LeDine Date: 10/18/09

COMMENTS: I am very much opposed to a Zone Change located at the Southwest Corner of Hempshire Road and Old Alvin Road. Commercial use of this area would deflate the value of the homes near Old Alvin Road, more traffic, and with young school children having to walk to and from school everyday, it could cause an unsafe walk through a commercial area for these children.



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Name: Rev. Winfield Casey + Rev. Victoria Jones

Address: _____

Signature: Rev. Winfield Casey Jones Date: 10-19-09
Rev. Victoria Jones

COMMENTS: _____

Change from OP to GC zoning
jeopardizes surrounding and adjacent
residential property values + decreases those
values without compensation. Applicants knowingly
purchased property zoned OP and now
want to change zoning hurting community.

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD NOVEMBER 16, 2009, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER @ 7:23 pm (~~7:23~~)

II. PURPOSE OF HEARING

Zone Change No. 2009-15Z

A request of Ron Jackson with Curry Architecture, applicant for Ross Maccammon, owner, for a change in zoning from the Single Family Residential-1 (R-1) Zoning District to the Planned Development Multi-Family (PD-MF) Zoning District, on the following described property, to wit:

Legal Description : Being a tract of land approximately 9.5171 acres in the W.D.C. Hall League, Abstract No. 70, Brazoria County, Texas and being the residue of that tract sold by None Gay Carr to Ross A. McClendon, as described in deed recorded under Brazoria county Clerk's file No. 95-022654.

Henry read

General Location: Located at 2810 Dixie Farm Road, Pearland, Texas

III. APPLICATION INFORMATION AND CASE SUMMARY

- A. STAFF REPORT *Angela presented staff rpt.*
- B. APPLICANT PRESENTATION *Ron Jackson, Curry Arch, on behalf of Harvest Dev. Grp.*

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

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

showed slide presentation

all @ 8:19

Greg Nelson 1617 Pine Crest Dr.

- 1) zoned resid. - should stay resident.
- 2) traffic backs up from light @ Broadway & Dixie Farm
- 3) opposed

Ann Marie ~~Wart~~ 1921 Willow Pt. Dr.

- 1) ~~traffic~~ *parking* issue - ~~no~~ other drivers on site making parking a problem

Joint Public Hearing

SPEAKER'S CARD

If you wish to speak during the Public Hearing, please complete the following information and give this card to the Recording Secretary either before or after your comments. Thank you.

Name: Anne Markwart

Full Address: 1921 Willow Lake Dr.

(include zip) Pearland, Texas 77581

I wish to speak regarding Item No. 2009-152

Pearland Retirement Residence Planned Development

I. INTRODUCTION – PEARLAND RETIREMENT RESIDENCE

Site Description

The subject parcel is located at 2810 Dixie Farm Road. This site is rectangular in shape with a frontage of 424' (+/-) on the westerly side of Dixie Farm Road surrounded by residential developments and a General Commercial (GC) site that is on the easterly side of Dixie Farm Road. The home sites bordering the south of the property are fronting on Rayburn Street, the lots along the west side of the site front on Crane Drive and the properties on north side of the site front along Cypress Hollow Street. The Dixie Woods subdivision is directly across Dixie Farm Road from the proposed site. Abutting the Dixie Woods development to the south is the GC site that fronts on Dixie Farm Road and E. Broadway Street.

Current Zoning: R-1 – Single Family Residential

Current Use: Boarding Stables, Equestrian Center (Krazy K Stables)

CAD #: 5410-0024-000

Proposed Development

Harvest Development Corp. proposes a PD to develop a 118-suite, 2 story congregate retirement residence along with 4, one story duplex retirement cottages (8 units). **The entire site is designed to conform to the Uniform Development Code.** This development shall be marked and operated as an Independent Living Facility for residents age 55 and older. Our concept is designed for residents, age 55 and older who are still ambulatory. We do offer some daily support with no medical or nursing care. **Handicap individuals under the age of 55 are not allowed to reside at this facility. We cater to the retired lifestyle. This project will not be low income or receive tax credit.** Private rooms afford the advantages of independent living while the services included provide support, security and friendship. The private suites include studio, one and two bedroom versions. **See Exhibit C for floor plans.** Each is similar to a conventional dwelling unit **except a kitchen is not included in the suites**. Services include three prepared meals daily, housekeeping, laundering, private bus transportation and various activities. Staff is "in house" 24 hours a day. The monthly rent payment covers the private room, all services and utilities. Typically our resident will be a single person in their late 70's or 80's. Approximately 10% of the rooms will be rented by couples making a total building population of 130 plus and additional 16 residents in the cottages. Fewer than 15% of the residents will be driving their own cars. Because most of our residents do not drive, we **provide private van transportation for their use**. The van is available to take the residents to places they need to visit, such as banks, medical offices, shopping areas, etc. Neighborhood compatibility is achieved in the site planning and building design. The wing ends and building center step down from two to one story. This arrangement provides for privacy and a gentle change of scale. Care is taken to minimize the impact to the existing community. The exterior siding

Pearland Retirement Residence Planned Development

materials will include brick and horizontal siding. The roof will be architectural composition shingle. **See exhibits D and E for a color board and perspectives.**

The building interior design has common areas for a variety of uses. There will be a common dining room and kitchen for shared meals. There will be a multi-purpose room, beauty shop, crafts room, TV room, lounges and an exercise room. The circulation will be organized around a central atrium. Residents will be able to contact the manager with both emergency pull cords and voice communications in each room.

Access shall be provided from the existing location on Dixie Farm Road. There will be no impact to any local collector streets. The development will be in compliance with the attached conceptual site plan, elevations and other documents. Minor changes shall be approved by Planning Director. All requirements of the UDC shall be met.

Acreage

The developed parcel is 9.5171 acres in size, horse boarding stables.

Purpose of the PD district request

The request for this development is to create a PD Planned Development on the existing site within the existing R-1 – Single Family Residential. The PD – Planned Development shall have an underlying MF Multiple Family base zoning for the development of Retirement Residence on the entire site.

II ZONING AND LAND USE

Proposed Setbacks (same as underlying MF zoning – Section 2.4.2.10 & the PD overlay Sec. 2.4.5.1)

	R1	MF	Proposed Setback
Minimum Front Yard	25 ft	25 ft	200 ft
Minimum Side Yards	7'-6" ft	15 ft	60 ft main - 30 ft accessory
Minimum Rear Yard	30 ft	25 ft	200 ft main - 30 ft duplex
Minimum off-street parking	30 ft	30 ft	150 ft
Minimum outside storage	150 ft	150 ft	600 ft

Pearland Retirement Residence Planned Development

III. DESIGN STANDARDS

Outdoor Activities or Uses

No outdoor commercial activities our uses shall be permitted per the Unified Development Code.

Fences & Screening

There will be a 30' landscape buffer adjacent to the residential use parcel as per the Unified Development Code.

Remaining Pervious Land

Required landscaped open area	Provided landscaped open area
15%	61% (open space & retention)

Common open space requirements will be in accordance with the common open space requirements of the underlying MF zone. Section 2.4.2.10(g) of the UDC for 126 units as shown on attached conceptual site plan.

Required open space required	Provided open space
128 units x 900 sq ft = 115,200 sq ft	141,600 sq ft

Access

Provided in accordance with the EDCM

Access shall be provided from the existing location on Dixie Farm Road.

The development will be in compliance with the attached conceptual site (see exhibit A) plan, elevations and other documents. Minor changes shall be approved by Planning Director. All requirements of the UDC shall be met.

Proposed PD – Will comply with the EDCM (see conceptual site plan).

Please Note:

All requirements of the Uniform Development Code will be met other than those changes and deviations specifically approved as part of the Planned Development approval. **The development will be in accordance with the site plan and all attached exhibits.**

Height

"The vertical distance measured from grade at the front of the building to the highest point of a flat roof, to the deck line of a mansard roof, or to the mean height level between eaves and ridge for a gable, hip or gambrel roof" (UDC 5.1.1.1 #58)

Maximum height permitted in MF District	Proposed height
35 feet	26 feet

Pearland Retirement Residence Planned Development

Please refer to the enclosed site plan (exhibit A) and other drawings regarding the proposed development standards

Area Regulations

	MF	R1	Proposed
Minimum Lot Size	20,000 sq ft	8,800 sq ft	414,563 sq ft
Minimum Lot Width	125 ft	80 ft	424 ft
Minimum Lot Depth		90 ft	965 ft
Maximum Lot Coverage	40%	60%	39.8%

Proposed Dedications

Any additional easements, rights of ways or agreements to accommodate rights of way, utilities and services to the site will be accommodated.

A fee of \$96,000 will be paid in lieu of parkland dedication. This was calculated at \$750.00 per 128 units.

IV. DEVIATIONS

Deviation – Use

The property is currently zoned R-1 – Single Family Residential. The property is bounded single family residential homes on all sides, R-1 Zoning to the South and R-2 (Single Family Residential – 2) to the west, north and across Dixie Farm Road to the east. The Southeast corner of the site is across Dixie Farm Road from a Large GC – General Commercial District that also fronts E Broadway Street. These residential subdivisions are fully developed with mature landscaping and complete infrastructure. The GC site is partially developed.

PD Overlay Zoning

The proposed R1-PD with a underlying base zoning MF, Multiple-Family Residential District (Sec. 2.4.2.10) site. This site is also subject to the Dixie Farm Road Overly District.

Use	Acres	% of Total Acres	Zoning District
Multiple Family	9.5171	100%	R1
Landscape and Detention Space	5.81	61%	R1
Internal Circulation (Drives & Parking)	1.51	4.90%	R1

Pearland Retirement Residence Planned Development

The following table shows the parking provided in other facilities we have developed in Texas.

FACILITY NAME	ADDRESS	SUITES	GARDEN SUITES	COTTAGES	TOTAL SUITES	PARKING SPACES	PER SUITE
Arlington Plaza	6801 W. Poly Webb Rd., Arlington, TX 76016	96	0	0	96	68	0.71
Fox Run	2315 Little Rd., Arlington, TX 76016	102	0	0	102	54	0.53
Englewood Estates	2603 Jones Rd., Austin, TX 78745	110	0	0	110	64	0.58
Bentley, The	3362 Forest Lane, Dallas, TX 75234	109	8	0	117	81	0.69
Whiterock Court	8900 Block of Whiterock Trail Dallas, TX 75204	115	0	0	115	78	0.68
Rio Norte	1941 Saul Kleinfeld Dr., El Paso TX 79936	110	5	4	119	63	0.57
South Colleyvine Ranch	2300 Pool Rd., Grapevine, TX 76071	115	0	0	115	79	0.69
Ventura Place	3026 54th St., Lubbock, TX 79413	112	18	6	136	96	0.71
Polo Park	2100 Castleford Rd., Midland, TX 79706	107	0	0	107	65	0.61
Brook Ridge	1001 W. Ridge Rd., Pharr, TX 78577	107	0	0	107	67	0.63
Cottonwood Estates	1940 West Spring Creek Parkway, Plano, TX 75086	113	0	0	113	68	0.6
El Dorado	714 W. Arapaho Rd., Richardson, TX 75080	102	0	0	102	53	0.52
Cowhorn Creek Estates	5353 Cowhorn Creek Rd., T exarkanna, TX 75503	112	0	0	112	67	0.6
Rosewood Estates	505 Rice Rd., Tyler, TX 75703	110	0	0	110	54	0.49
Lakeshore Estates	3209 Village Green Dr., Waco, TX 76710	110	5	0	115	70	0.61
Highland Estates	1500 N. Lakeline Blvd., Cedar Park TX 78613	118	0	0	118	81	0.69
Copperfield Estates	16820 West Road, Copperfield TX	118	0	0	118	88	0.75
Harbor Place	5518 Lipes Blvd., Corpus Christi, TX 78413	118	0	12	130	98	0.75
Dogwood Estates	2820 Wind River Lane, Denton, TX 76210	116	0	0	116	68	0.59
Pinewood Hills	3901 Kirkpatrick Lane, Flower Mound TX 75028	115	0	0	115	70	0.61
Cypress Woods	2755 Chestnut Ridge Drive, Kingwood, TX 76051	118	0	0	118	74	0.63
Parkwood Meadows	310 Chiholm Trail, Round Rock, TX 78681	118	0	0	118	72	0.61
Paradise Springs	5600 Cypresswood Drive, Spring, TX 77379	118	0	7	125	104	0.83

Pearland Retirement Residence Planned Development

This table shows the parking ratio for other similar developments previously approved by the City.

Name of Facility	Number of Units	Parking Ratio Approved
Towne Park, Kingsland	76	.75
Greens on Turtle Creek	84	1.38
Birdsong Place Villas	96	1.33
Gardens at Friendswood Lake	114	.74

The City of Dallas has a required parking ratio of 0.7 spaces per unit plus one space per 300 square feet of floor area not in a dwelling unit or suite.

The City of Houston has a required parking ratio of 0.75 spaces per unit and additional spaces for supporting use and staff.

The City of Baytown has approved a parking ratio of 0.75 spaces per unit for a similar development.

Please refer to the enclosed site plan and other drawings regarding the proposed development standards

V. Overview and Summary

Existing Zoning:	R-1 Single Family Residential
Proposed Zoning:	PD – Planned Development / MF underlying base zoning
Land Area:	9.5171 acres
Existing Use:	Boarding Stables, Equestrian Center
Proposed Use:	118-suite retirement residence + 4 duplex retirement cottages (8 units)
Proposed Parking:	134 total spaces consisting of 86 open +10 future open, 18 covered for the suites, 4 handicap accessible, 8 covered cottage spaces, and 8 cottage driveway parking spaces
Impervious Surface Cover:	165,211 Sq. Ft. / 39.8%

Phasing

This project is intended to be developed together in its entirety and phasing the project is not planned

Pearland Retirement Residence Planned Development

VI. AMENITIES

The site is to be extensively landscaped. Usable outdoor spaces will include a large amount of lawn and landscape areas. The landscaping will include raised beds of varying levels for ornamental, flower and vegetable gardening made available for use and enjoyment of our residence. Special features of this site will include a horseshoe court in the cottage common area and a large unique water feature located amidst the retirement cottages, all adding to the park like setting. An integrated network of walking paths, 6 feet in width, will provide our residence with an excellent opportunity for daily exercise. The walking paths will be complemented with benches and respite areas throughout as well as connecting to all exits of the building. There will be a large partially covered patio off of the craft/exercise room. The patio area along with the cabana and pool come together to create an oasis like atmosphere and serving to extend and expand the living area to this outside attraction

- Horse Shoe Pit (1)
- Seating Benches (7 around site paths/courtyards)
- Circular Landscaped Benches (2 on site)
- Raised Planter beds (8 for residence)
- Swimming Pool
- Pool House (1)
- Fountains & Water Features (4)
- Van garage (1)
- Retention Water Feature

VII. EXHIBITS

Site Plan	Exhibit "A"
Vicinity Map	Exhibit "B"
Suite Floor Plans	Exhibit "C"
Color Board	Exhibit "D"
Perspectives	Exhibit "E"
ALTA Survey	Exhibit "F"
Topographical Survey	Exhibit "G"
Tree Survey	Exhibit "H"
Stormwater Detention Calcs	Exhibit "I"
Landscape Plan	Exhibit "J"
Open Space Plan	Exhibit "K"

VIII. JUSTIFICATION

We respectfully request consideration of a Planned Unit Residential Development for a 9.5171-acre site at 2810 Dixie Farm Road. This designation

Pearland Retirement Residence Planned Development

is sought to allow development of a 118 suite retirement residence and 4 duplex retirement cottages. This site will provide a positive, quality, low impact additional to the local neighborhood and the Pearland community.

Considerable effort has been made over the past several months to gather information. This has allowed us to present a proposal that will create a valuable addition to the community.

This site is ideally suited for our senior housing use. The site is in close proximity to services such as shopping, recreation and medical needs while still being within an established residential area.

As stated in Chapter 8 of the Pearland Municipal Code, "the purpose an overlay planned development district (PD) is to provide for the development of land as an integral unit of single or mixed use in accordance with a PD Design Plan that may include uses, regulation and other requirements that vary from provisions of other zoning districts. PD Districts are intended to implement generally the goals and objectives of the City's Comprehensive Plan. PD Districts are also intended to encourage flexible and creative planning to ensure the compatibility of land uses, to allow for the adjustment of changes demands to meet the current needs of the community and to in a higher quality development for the community that would result from the use of conventional zoning districts. The Harvest Retirement proposal would meet changing demands and the current needs of the Pearland community.

This project offers benefits, which include:

- Large open spaces and generous setbacks. Over 60% of the site will be landscaped open space providing large open spaces and ample setbacks to create a park-like setting, and help buffer neighboring properties.
- Quiet Senior Residential Use – The proposed retirement residence has 118 suites, which include studios, one bedroom, and two bedroom types.

The suites do not have kitchens and are not considered full dwelling units. They are different from conventional senior apartment units with full kitchens, in that the density effect would be negligible. In addition, only about 10 percent of the suites will be occupied by couples, keeping the overall building population low. This is complemented by 4 duplex "cottages" (8 units) which are approximately 1100 square feet in size. The cottages do include a full kitchen and single car garage for the slightly more active senior at our facility. The cottage residences do receive the transportation, activity and housekeeping services and have the option of receiving meals at the retirement residence if they choose. This project will not create the problems

Pearland Retirement Residence Planned Development

typically associated with higher density developments, such as traffic, noise or increased demand on public services.

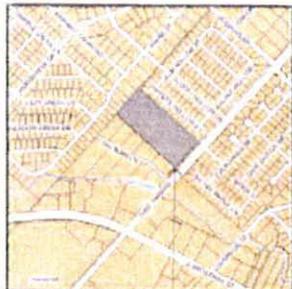
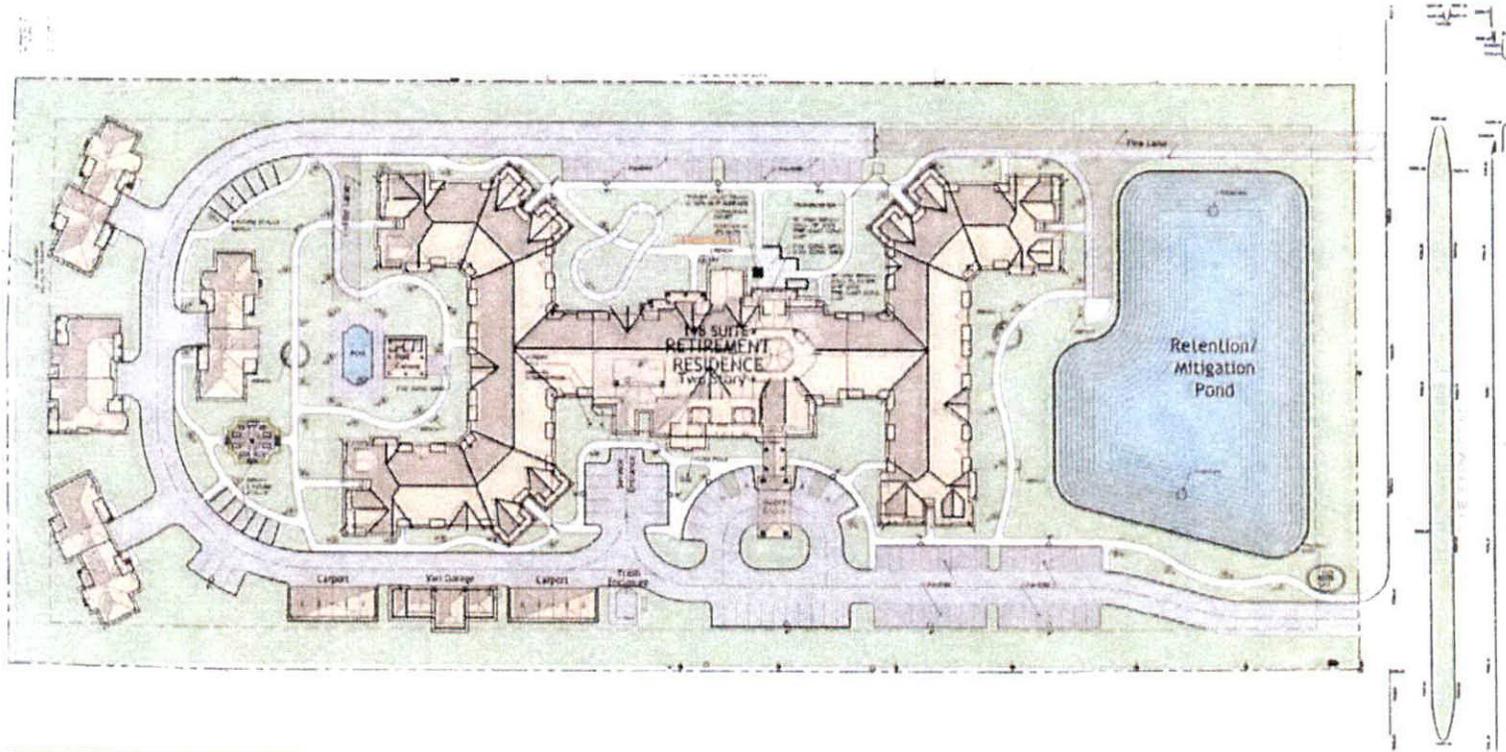
- Low Traffic Generation – Our project will generate approximately 250 trips per day with less than 30 peak hour trips. Please see attached Harvest Concept Summary.
- Increases Local Tax Base – This project is privately funded with no publicly funded assistance. **This development will not receive tax credits.**
- Low Impact on Public Services - Including parks, schools, libraries, and transportation system.
- Fulfills Need for Retirement Housing - Our research has found that there is a strong need for the unique Harvest program in this area. It would complement the other choices available in Pearland.

IX. CONCLUSION

In conclusion, we feel that this site is ideally suited for our use and would be a nice addition to the Dixie Farm Road area and the existing and future development for the area.

Thank you for your consideration.

Exhibit A - Site Plan



SITE AMENITIES

- 1 HORSE SHOE PIT
- 7 PLAYING BENCHES
- 4 BELLER AP FURNITURE APPLIED BENCHES
- 8 BASKET BALLER PLANTER BENCHES
- 1000 GARAGE
- 1 POOL
- 1 PAUL HOUSE
- 1 FOUNTAIN

COMMON OPEN SPACE

REQUIRES 120,000 SQ. FT. - 115,000 SQ. FT.
PROVIDED 147,000 SQ. FT.

PARKING: (118 Suite Retirement)

- 4 ACCESSIBLE SPACES
- 14 COVERED SPACES
- 94 OPEN SPACES
- 100 SPACES PROVIDED
- 20 FUTURE HANDING SPACES (SEE SECTION 4.2.2.3 OF MANUAL)
- 118 TOTAL REQUIRED

PARKING: (4 Duplex Cottages - 8 Units)

- 8 Covered
- 8 Uncovered
- 16 SPACES PROVIDED

PARKING: (Total Required):

- 118 SQ. ELEMENT
- 20 (1) DUPLEX COTTAGES
- 114 SPACES REQUIRED

PARKING: (Total Proposed):

- 124 PROVIDED (SEE PARAGRAPH)
- 10 FUTURE PARKING
- 214 SPACES TOTAL

PROJECT STATISTICS

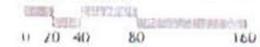
PROJECT AREA	9,377 SQ. FT.	474,543 SQ. FT.	100%
AREA CALCULATIONS	36,024 SQ. FT.	72,048 SQ. FT.	
40 FURNISHED RESIDENCES	72,048 SQ. FT.		
120 SINGLE BUILDINGS	88,760 SQ. FT.	16.8%	
TOTAL BUILDING AREA	1,244,400 SQ. FT.	26.3%	
DRIVES / PARKING	30,132 SQ. FT.	6.5%	
WALKS	2,780 SQ. FT.	0.6%	
NEIGHBORING PRESERVED LAND	449,152 SQ. FT.	94.5%	

SITE PLAN

PRELIMINARY

SCALE: 1" = 40' 0"

DATE: 11/13/09



Pearland Retirement Residence

Pearland, Texas

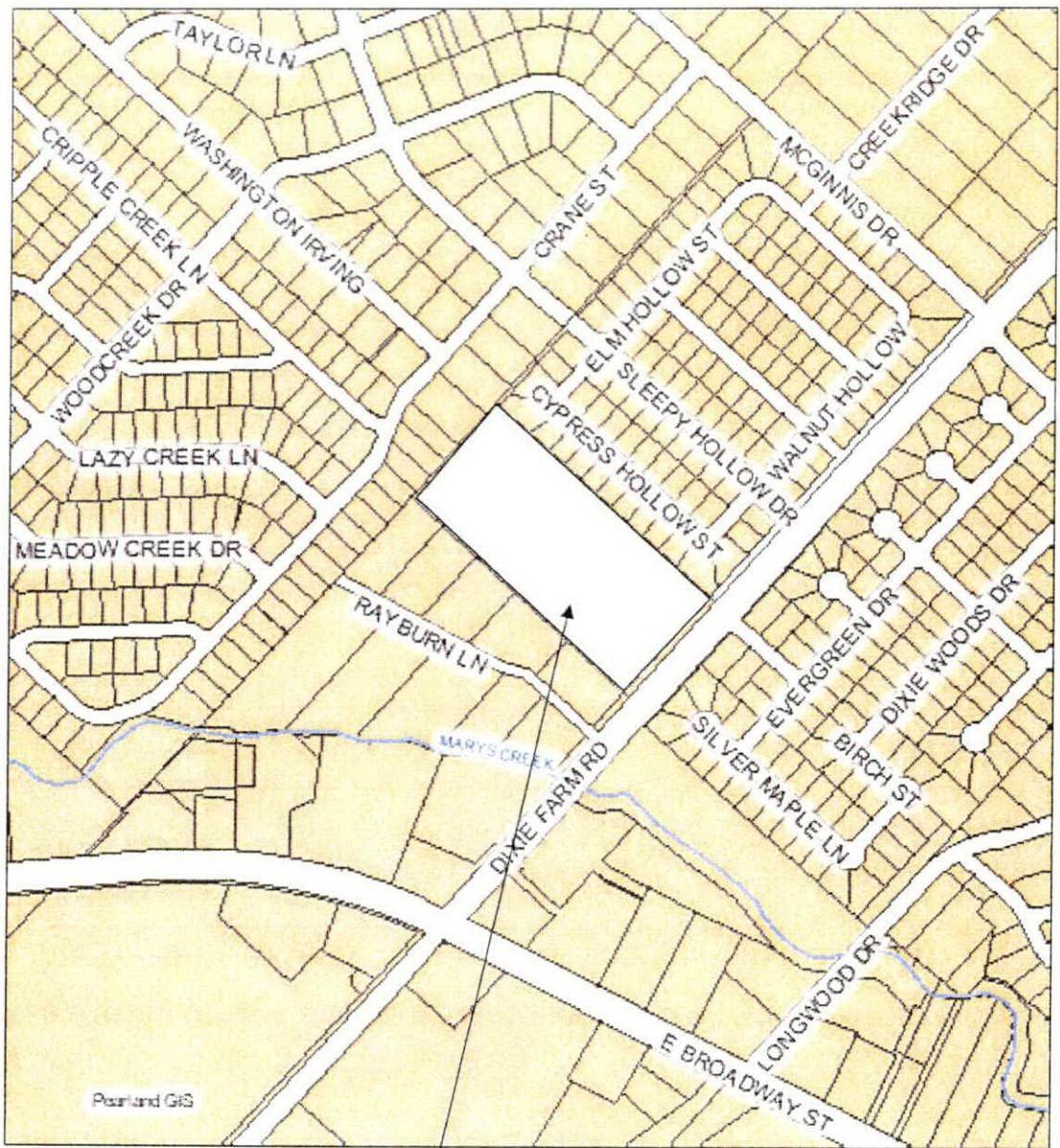
CuffyArchitecture

11111 Highway 101, Suite 100, Pearland, Texas 77581

713.466.8888

Harvest
DEVELOPMENT, LLC
6415 Highway 101, Suite 100, Pearland, Texas 77581

Exhibit B – Vicinity of
Pearland, TX



SITE

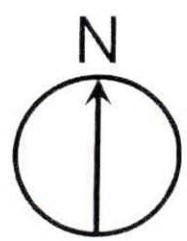
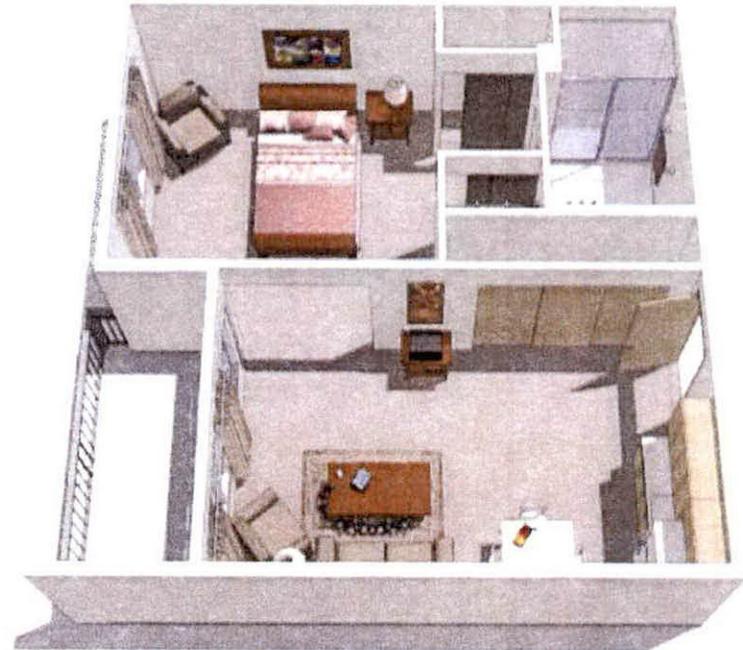


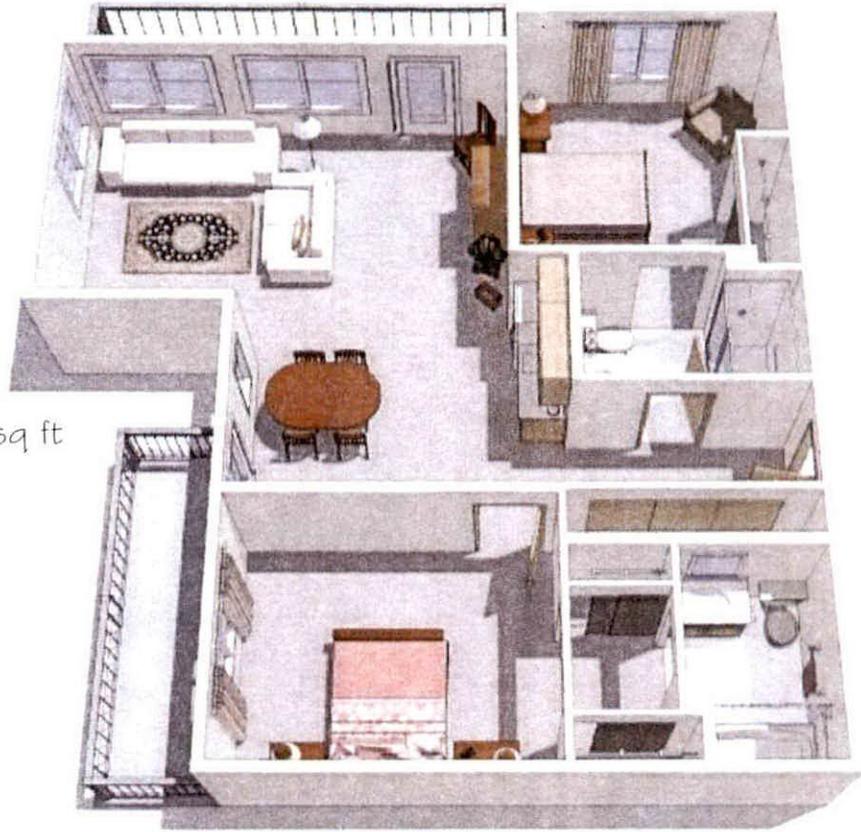
Exhibit C - Suite Floor Plans



Studio Suite – 500 sq ft



One Bedroom Suite – 700 sq ft



Two Bedroom Suite – 900 sq ft

Duplex Cottage Suite – 1250 sq ft



Exhibit D – Color Board

COLOR BOARD

COMP. SHINGLE: ROOF
MANUFACTURER: TTK
COLOR: Weatherwood

SHINGLES (eaves)
MANUFACTURER: JamesHardie
COLOR: Navajo Beige

HORIZONTAL SIDING
MANUFACTURER: JamesHardie
COLOR: Autumn Tan

SHINGLES (below)
MANUFACTURER: JamesHardie
COLOR: Timber Bark

TRIM
MANUFACTURER: JamesHardie
COLOR: Arctic White

BRICK
MANUFACTURER: MUTUAL MATERIALS
COLOR: Chestnut

Arctic White Navajo Beige Autumn Tan Woodstock Brown Chestnut

Exhibit E - Perspectives



View of Wing End

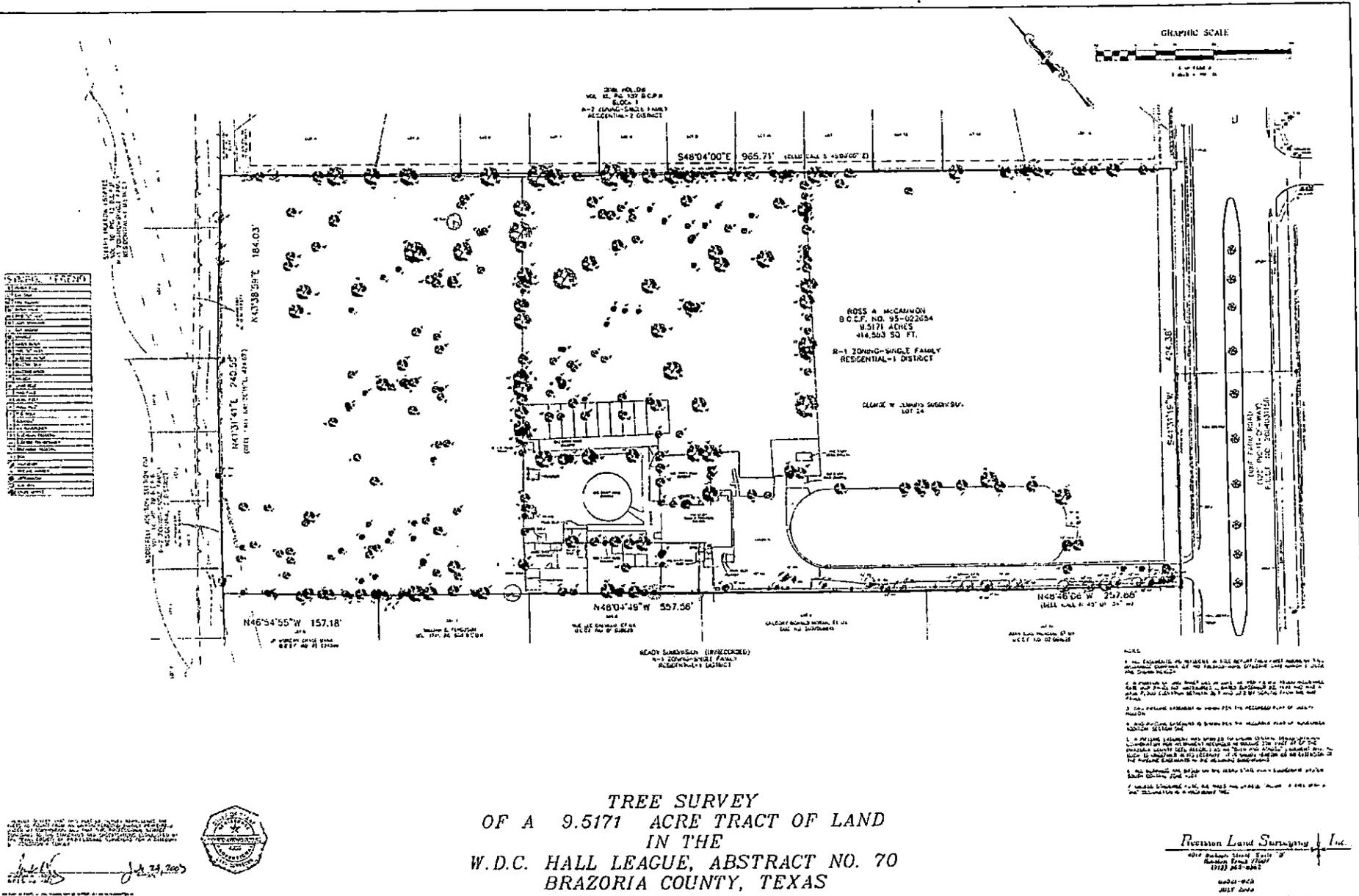


View of Entry



View of Cottages

Exhibit H - Tree Survey



NO.	DESCRIPTION	DATE
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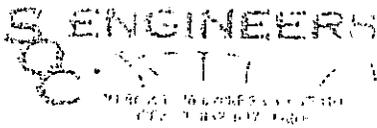
Surveyed by *[Signature]* July 23, 2003



TREE SURVEY
OF A 9.5171 ACRE TRACT OF LAND
IN THE
W.D.C. HALL LEAGUE, ABSTRACT NO. 70
BRAZORIA COUNTY, TEXAS

Precision Land Surveying, Inc.
4014 Graham Street, Suite 100
Houston, Texas 77061
(713) 263-0362
66021-9028
JULY 2003

Exhibit I-Stormwater Detention Calcs



Project: FEARLAND RETIREMENT
PRELIMINARY DETENTION CALCS
 Date: 8/3/09 By: _____ Chkd: _____
 Sheet 2 of _____

CALC FLOW (Q)

$$Q = C i A \quad i \text{ comes from Fig 2-3}$$

EXISTING

$$Q = 0.12 (3.2) 9.52 = \underline{6.1}$$

PROPOSED

$$Q = 0.75 (9.0) 9.52 = \underline{64.3}$$

$$\gamma = \frac{T_{ce}}{T_{co}} = \frac{103}{15} = 6.9$$

$$\alpha = \frac{Q_c}{Q_p} = \frac{6.1}{64.3} = 0.095$$

$$V_i = Q_d T_{co} \left(\frac{\gamma - \alpha}{\gamma + \alpha} \right) = 64 (15) \left(\frac{60 \text{ sec}}{1 \text{ min}} \right) \left[\frac{6.9 - 0.095}{6.9 + 0.095} \right]$$

$$= 56035 \Rightarrow 1.29 \text{ Ac}\cdot\text{Ft}$$

$$V_s = \frac{13.5 V_i}{D_c 2 T_{co}} = \frac{13.5 (1.29)}{3.3} = \underline{5.3 \text{ Ac}\cdot\text{Ft}}$$

(FIGURE C-2)

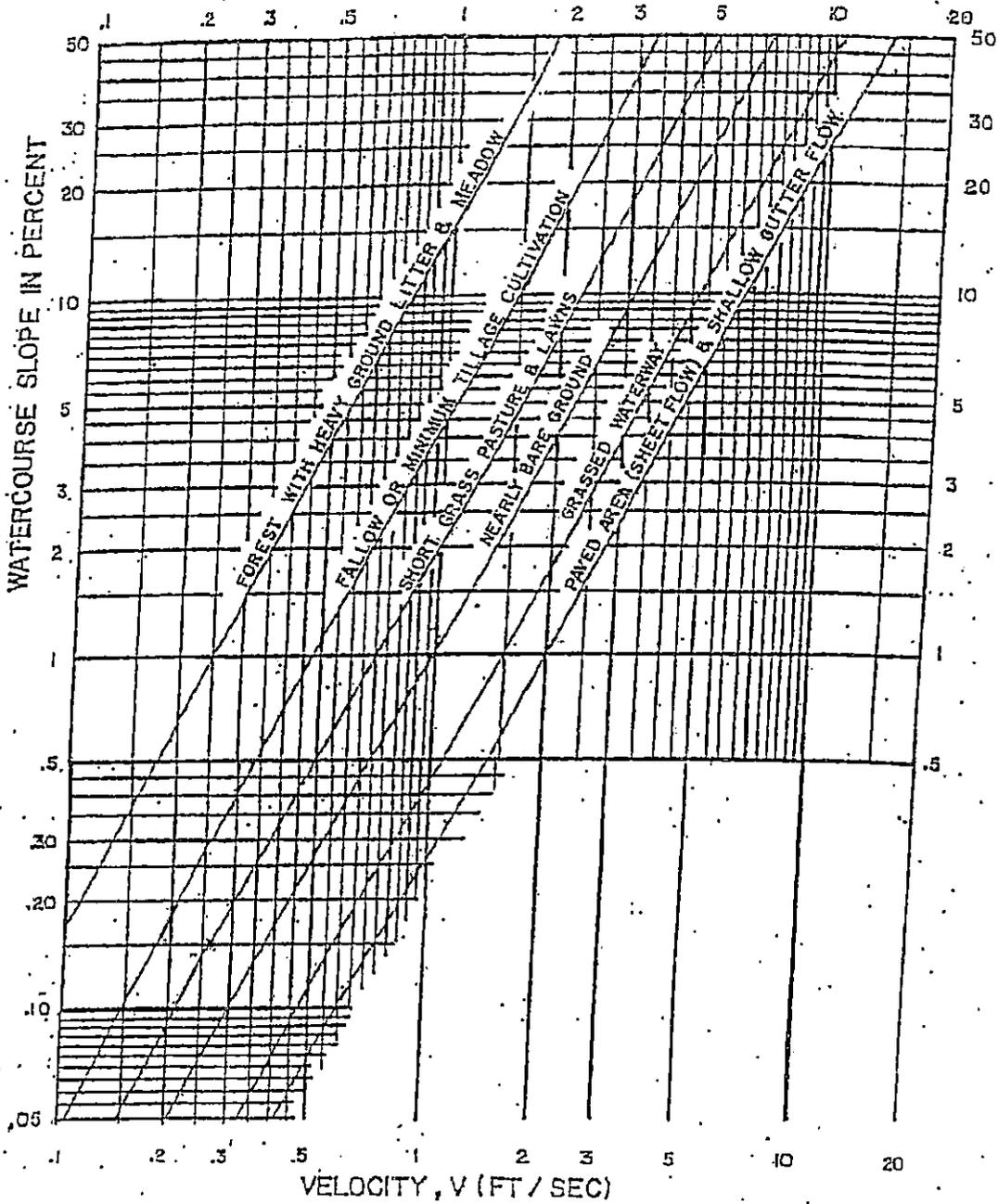


Figure 2-2: Average Velocities for Estimating Travel Time for Overland Flow

From TxDOT Hydraulics Manual extended below slope
Of 0.5% for use in Brazoria Drainage District No. 4

Figure 2-3: Brazoria Drainage District No. 4 Proposed IDF Curve
Rainfall Intensity Vs. Time of Concentration

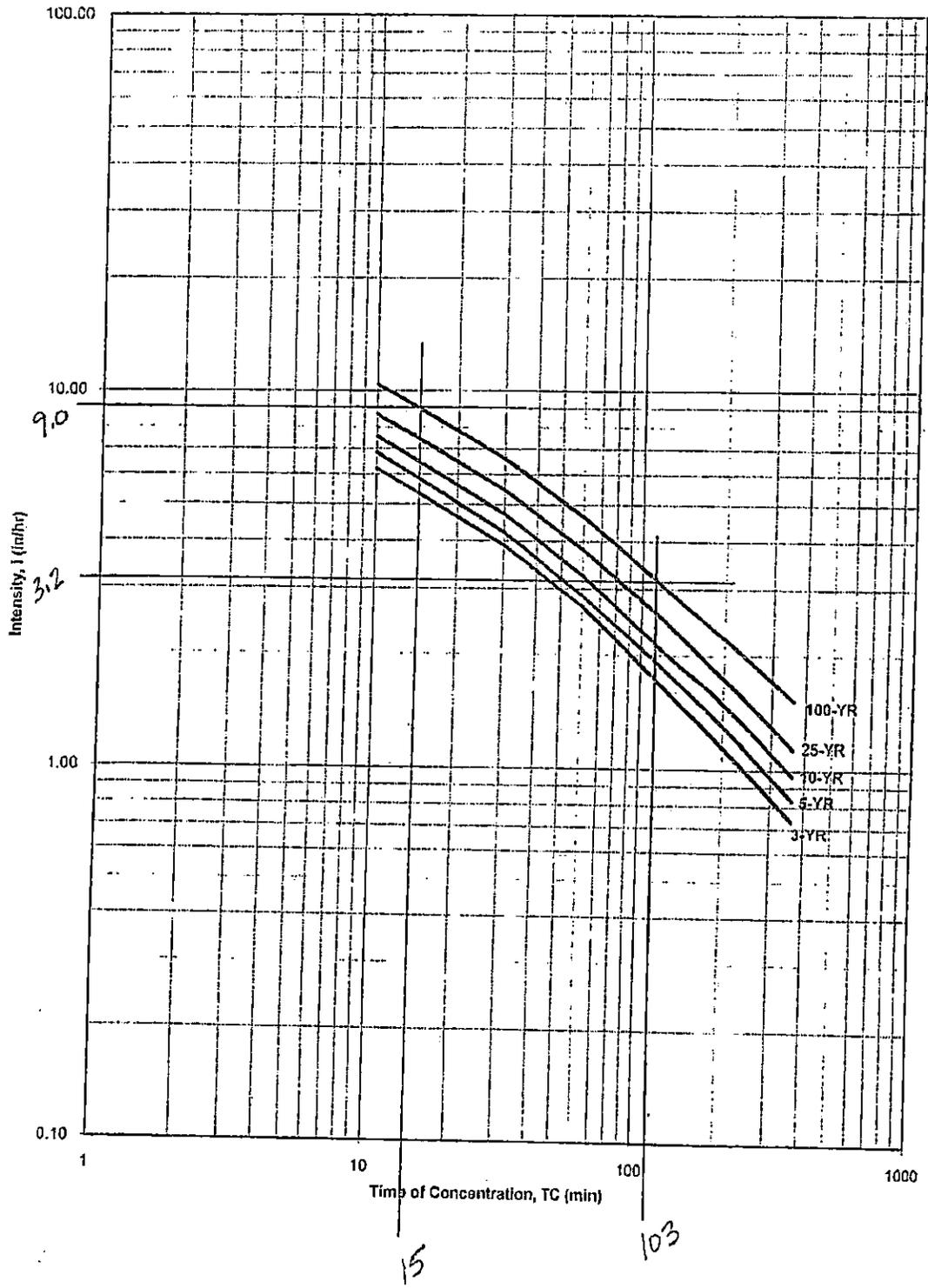


Figure C-2 Rainfall Depth - Duration - Frequency Curves
for Northern Brazoria County, Texas

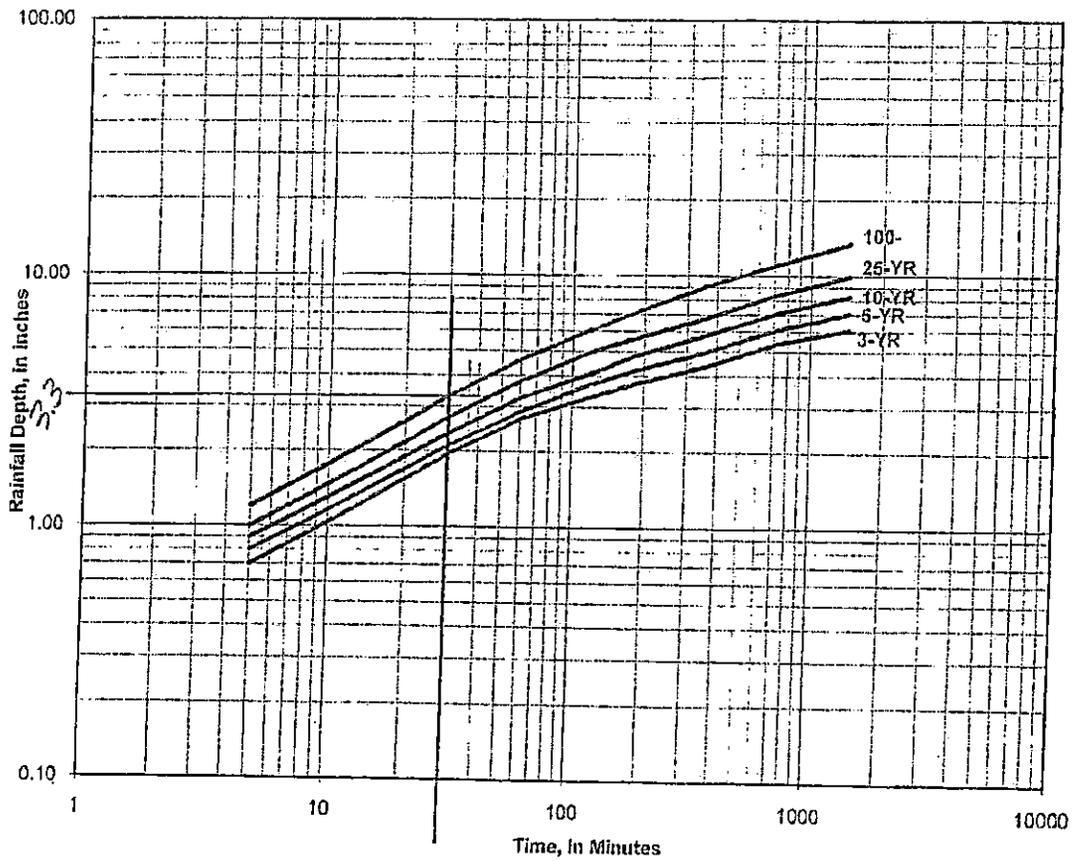
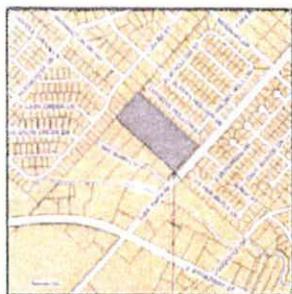
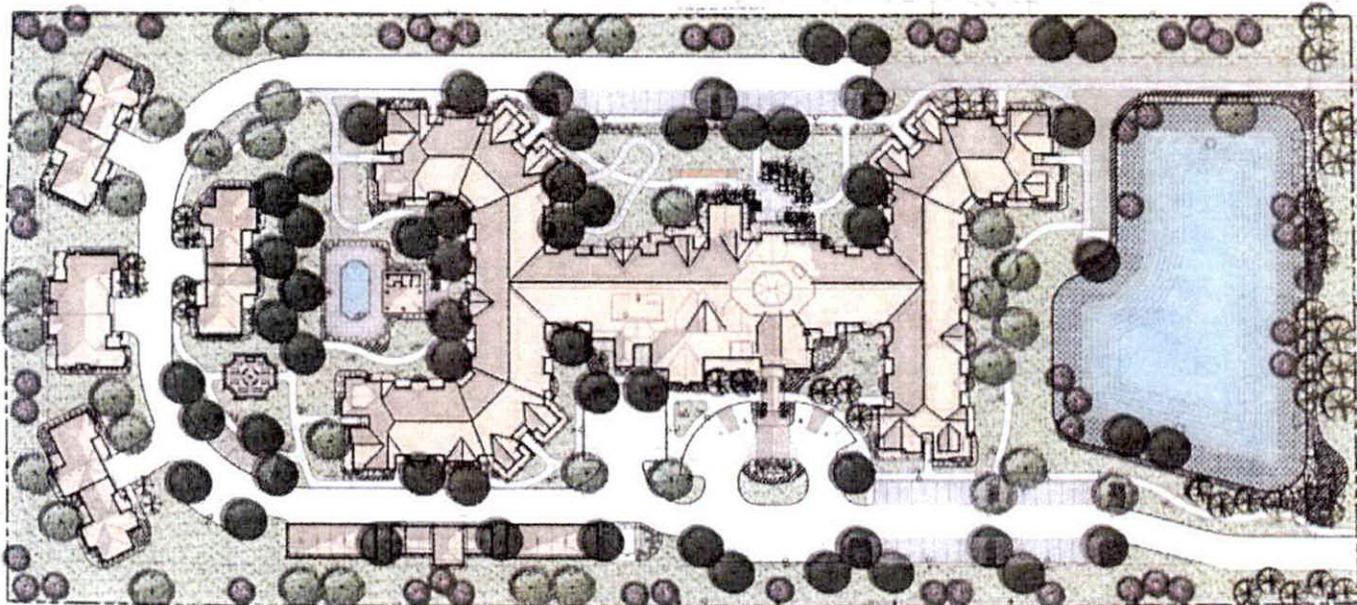


Exhibit J - Landscape Plan



VICINITY MAP
PROJECT SITE

LANDSCAPE LEGEND

- STREET TREES** - TYPICAL (IF NOT LISTED):
 18" Caliper Elm, 18" Caliper Oak, 18" Caliper Maple
- ORNAMENTAL SHADE TREES** - TYPICAL (IF NOT LISTED):
 18" Caliper Elm, 18" Caliper Oak, 18" Caliper Maple, 18" Caliper Birch
- ORNAMENTAL TREES** - TYPICAL (IF NOT LISTED):
 18" Caliper Elm, 18" Caliper Oak, 18" Caliper Maple, 18" Caliper Birch
- ORNAMENTAL SHRUBS** - TYPICAL (IF NOT LISTED):
 18" Caliper Elm, 18" Caliper Oak, 18" Caliper Maple, 18" Caliper Birch

LANDSCAPE LEGEND

- GRASS** - ORNAMENTAL/SHADE - TYPICAL (IF NOT LISTED):
 18" Caliper Elm, 18" Caliper Oak, 18" Caliper Maple
- LAWN** - TYPICAL (IF NOT LISTED):
 18" Caliper Elm, 18" Caliper Oak, 18" Caliper Maple
- NOTES**
 - 1. This plan is advisory and is not to be construed as a landscape contract.
 - 2. All plantings shall be installed in accordance with the approved landscape plan.
 - 3. All plantings shall comply with the City of Pearland landscape requirements.
 - 4. Irrigation shall be provided by a fully automatic underground system designed by the landscape contractor.
- CORRIDOR OVERLAY ZONING REQUIREMENTS**
 - Street Frontage - 400 L.P.
 - Large Shade Tree - 425 L.F./10' - 42.5 inches required
 - 10 Trees x 2.0' Cal. - 49 inches required
 - 50% Evergreen Tree requirements will be met.
 - Ornamental Tree - 425 L.F./10' - 25 inches required
 - 12 Trees x 2.0' Cal. - 20 inches provided
 - Shrubs - 71 x 5' - 200 shrubs required
 - Required number of shrubs will be provided.
- 1. All parking areas to be screened by broadleaf evergreen shrubs.
 - 2. Side and rear yards screened by 6' solid wood fence.

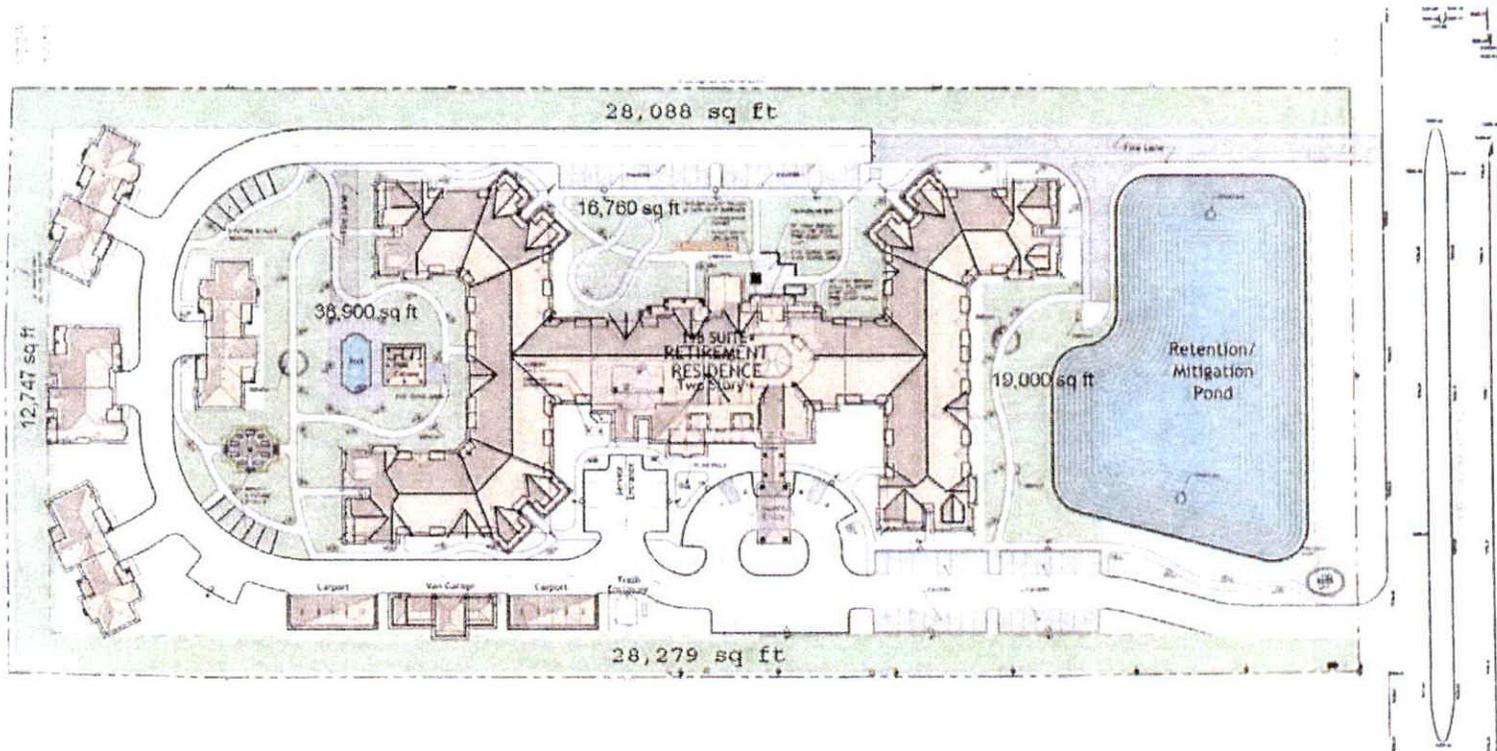
CONCEPTUAL LANDSCAPE PLAN PRELIMINARY

SCALE: 1" = 40' 0"

DATE: 11/11/09



Exhibit K - Open Space Plan



Common Open Space
 Required 128 units x 900 sq ft = 115,200 sq ft
 Provided 141,600 sq ft

Open Space Plan

PRELIMINARY
 SCALE: 1" = 40'-0"
 DATE: 11/11/09
 0 20 40 80 160





"Diane Leaverton"
<diane.email@earthlink.net>

11/16/2009 05:00 PM

Please respond to
"Diane Leaverton"
<diane.email@earthlink.net>

To <YLorfig@ci.pearland.tx.us>,
<AGantuah@ci.pearland.tx.us>

cc

bcc

Subject Zone Change No. 2009 - 15Z

Hi Mr. Lorfig and Ms. Agantuah,

I might not be able to make it to the meeting tonight, but wanted to make sure you had my input. Thank you.

To: City Council and Planning and Zoning Commission Members

I am opposed to the rezoning of the land that used to be Crazy K Stables on Dixie Farm Road from R-1 to Planned Development Multi-Family (PD-MF) Zoning District for the following reasons:

- * The City's master plan has this land identified as R-1, and the City should follow the plan.
- * Pearland has an abundance of land for sale right now so this business venture should be able to find a more suitable location than in the middle of a residential area.
- * Economists are forecasting an even more extreme downturn in the economy in March 2010 when the fallout from commercial loans is expected. What if this company is negatively impacted during this time and the land has been re-zoned multi-family? Then what could be built - could regular apartments be built? Once the land is rezoned to PD-MF, it is rezoned permanently.
- * If this 118-unit (plus 8 cottages) complex is built, and then the venture is not successful, what can be done with this facility? The fact that 118 units will have been built without kitchens will severely limit its "reusability."
- * This development will require most of the land to be covered with concrete, significantly reducing the ground space to absorb rainwater. Dixie Hollow already has water/flooding issues when it rains, and more concrete will only add to the problem.

Again, let me emphasize that this land should remain R-1 Residential. There are houses surrounding this land on three sides. There is a great subdivision, Dixie Woods, across the street from this land. This land should remain residential, as Pearland has already identified other areas for Multi-family in the master plan.

Sincerely,
Diane Leaverton
2310 Buckholt Street
Pearland, TX 77581
281-992-9008



Planning Department
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281-652-1768
281-652-1702 fax

PUBLIC COMMENT FORM

ZONE CHANGE APPLICATION NO. 2009-15Z

Public Hearing to be held Monday, November 16, 2009, at 6:30 PM in the Council Chambers of City Hall, 3519 Liberty Drive, Pearland, Texas.

If you are unable to attend the Public Hearing, but wish to have your opinions made a part of the public record, please complete this form and return to the Planning Department at the above noted address by mail, fax, or drop off in person, prior to the Public Hearing.

I am **IN FAVOR OF** the request as explained on the attached notice.
(Checking "IN FAVOR OF" means that you support the request and feel that the request should be approved accordingly.)

I am **OPPOSED TO** the request as explained on the attached notice.
(Checking "OPPOSED TO" means that you are in opposition to the request and feel that the request should be denied.)

Name: JUANITA CATHY HIDALGO

Address: 1625 RAYBURN LANE

Signature: *Cathy Hidalgo* Date: 11-12-09

COMMENTS: _____

WE WOULD FORWARRD TO SEEING THAT EYE SORE
TRANSFORMED INTO A NICE MEASURED DEVELOPMENT



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(Checking "OPPOSED TO" means that you are in opposition to the request and feel that the request should be denied.)

Name: KENNETH EDWARDS

Address: 1506 SILVER MAPLE LN.

Signature: Kenneth Edwards Date: 11-7-09

COMMENTS: _____



Planning Department
3523 Liberty Drive
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Pearland, Texas 77581
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I am **OPPOSED TO** the request as explained on the attached notice.
(Checking "OPPOSED TO" means that you are in opposition to the request and feel that the request should be denied.)

Name: Terry Schuelke

Address: 1608 Cypress Hollow, Pearland TX

Signature: Terry Schuelke Date: 11-6-09

COMMENTS: _____



Planning Department
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281-652-1768
281-652-1702 fax

PUBLIC COMMENT FORM

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(Checking "IN FAVOR OF" means that you support the request and feel that the request should be approved accordingly.)

✓ _____ I am **OPPOSED TO** the request as explained on the attached notice.
(Checking "OPPOSED TO" means that you are in opposition to the request and feel that the request should be denied.)

Name: Jodie L. Mariet

Address: 1610 Cypress Hollow

Signature: Jodie L. Mariet Date: 11-9-09

COMMENTS: _____

IV cont

Michael Fuller w/ Curry Architecture
spoke on behalf of site plans

V. Mayor - 1) Parking issue
2) drive in/out
3) compliment horseshoe pitch
4) concern of ambulance

Kevin Cole - 1) Concern w/ too many today
2) Talked of need is there now, but what about
further down rd.
3) Buffering
4) TIA

Likes concept, just has concerns

Woody - parking
right in/right out

Scott - agrees w/ Kevin - oversaturation of the
market w/ this use
agrees w/ Mayor about Fire/EMS getting in
How many elevators?

Michael Fuller - 1 elevator

Kevin - questioned the drive @ Sycamore

Neil - any provisions for a generator - State requirement not city.

Darrell - concern w/ tract near this facility - ~~how~~ what rd to get in & out

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD NOVEMBER 16, 2009, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

Conditional Use Permit No. CUP 2009-14

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

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT

B. APPLICANT PRESENTATION

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

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD NOVEMBER 16, 2009, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

Conditional Use Permit No. CUP 2009-15

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

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT

B. APPLICANT PRESENTATION

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

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

Joint Public Hearing

SPEAKER'S CARD

If you wish to speak during the Public Hearing, please complete the following information and give this card to the Recording Secretary either before or after your comments. Thank you.

Name:

Greg Nelson

Full Address:

1617 PINE CREST DRIVE

(include zip)

PEARLAND, TX 77581

I wish to speak regarding Item No.

2009-158

Joint Public Hearing

SPEAKER'S CARD

If you wish to speak during the Public Hearing, please complete the following information and give this card to the Recording Secretary either before or after your comments. Thank you.

Name: RON JACKSON

Full Address: 471 HIGH STREET

(include zip) 97302

I wish to speak regarding Item No. 2009 - 152

Comments: _____

Joint Public Hearing

SPEAKER'S CARD

If you wish to speak during the Public Hearing, please complete the following information and give this card to the Recording Secretary either before or after your comments. Thank you.

Name:

MICHAEL FOWER

Full Address:

471 HIGH ST. SUITE 10,

(include zip)

SALEM, OR. 97301

I wish to speak regarding Item No.

CUP 2009.15

Joint Public Hearing

SPEAKER'S CARD

If you wish to speak during the Public Hearing, please complete the following information and give this card to the Recording Secretary either before or after your comments. Thank you.

Name: JOSE F. MENDIETA

Full Address: 2714 HEATHERBEND DR.

(include zip) PEARLAND TEXAS 77584

I wish to speak regarding Item No. CUP 2009-17

Comments: _____

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD NOVEMBER 16, 2009, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

- I. CALL TO ORDER @ 8:19
- II. PURPOSE OF HEARING

Conditional Use Permit No. CUP 2009-17

A request of the Mendieta Family Foods Inc., applicant for West Side Associates LTD, for a conditional use permit to allow a restaurant in the Neighborhood Services (NS) Zoning District, on the following described property, to wit:

Legal Description : Tract 1 with 2.0 acres and Tract 2 with 3.8897 acres out of Reserve "A" in the Replat of Corrigan Addition Section 1 (Volume 2, pgs 97-98 B.C.P.R) West Side Plaza Subdivision, City of Pearland, Brazoria County, Texas and that certain 3.8897 acres, more or less, out of Reserve "A", Replat of Corrigan Addition, Section One, recorded in volume 11, Page 97-98 of the Brazoria County Plat Records, Pearland, Texas.

Henry read purpose

General Location: Located at 5010 W. Broadway Street, Pearland TX

- III. APPLICATION INFORMATION AND CASE SUMMARY
 - A. STAFF REPORT *Jan presented staff rpt.*
 - B. APPLICANT PRESENTATION *Jose Mendieta 2714 Heatherbend Dr Pearland 77584*
- IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST *no one present*
- V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION
- VI. ADJOURNMENT *Mayor spoke positively of Mely's coming back.*

Stwe - why a cup - since same type restaurant was previously occupied.

need to look @ noise level

woody - spoke positively of Mely's

@ 8:31 pm

Joint Public Hearing

SPEAKER'S CARD

If you wish to speak during the Public Hearing, please complete the following information and give this card to the Recording Secretary either before or after your comments. Thank you.

Name:

Jay Dorsey

Full Address:

~~to~~ 3218 Sage Wood CT

(include zip)

Pearland Tx 77584

I wish to speak regarding Item No.

Trail CUP

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD NOVEMBER 16, 2009, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

- I. CALL TO ORDER *8:31*
- II. PURPOSE OF HEARING

Conditional Use Permit No. CUP 2009-18

A Request of the Triad Retail Construction, Inc., applicant for Frank B. Holden & Dorothy W. Holden, owners, for a conditional use permit to allow a professional office in the Garden O'Day- Mixed Use (GO-MU) Zoning District, on the following described property, to wit:

Legal Description : Approximately .6 acres of Lot 9, Block 7, of the Hickory Creek Subdivision, Volume 1, Page 162 of the B.C.M.R. in the Brazoria County Plat Records, Brazoria County Texas

Henry road
General Location: Located at 2206 O'Day Road, Pearland TX

III. APPLICATION INFORMATION AND CASE SUMMARY

- A. STAFF REPORT *Jan presented*
- B. APPLICANT PRESENTATION *Jay Dorsey 3218 Salswood Ct 5130 Brookside Rd Pearland 77584*

IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST *no one present*

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION *K. Cole - why is a cup required in mu dist*

VI. ADJOURNMENT @ *8:42* *Rata - currently looking @ changing UDC to allow w/permit*

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. *Woody - in favor*

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 12th day of November 2009 A.D., at 5:30 p.m.

Judy Krajca, Planning Office Coordinator

Agenda removed _____ day of November 2009 A.D.

Joint Public Hearing

SPEAKER'S CARD

If you wish to speak during the Public Hearing, please complete the following information and give this card to the Recording Secretary either before or after your comments. Thank you.

Name: FRANK HOWDEN

Full Address: 2315 COUNTRY CLUB

(include zip) PEARLAND TX, 77581

I wish to speak regarding Item No. UPCUP 2009-18

Comments: _____
