AGENDA – WORKSHOP OF THE PLANNING & ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, SEPTEMBER 21, 2009, AT 6:00 P.M., IN THE 2nd FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I CALL TO ORDER

II PURPOSE OF THE WORKSHOP:

1. Land Use Plan Considerations– Presentation and General Discussion - *Gateway Planning.*

III ADJOURNMENT

This site is accessible to disabled individuals. For special assistance, please call Young Lorfing at 281-652-1840 prior to the meeting so that appropriate arrangements can be made.

I, Judy Krajca, Planning Office Coordinator of the City of Pearland, Texas, do hereby certify that the foregoing agenda was posted in a place convenient to the general public at City Hall on the 18TH day of September 2009 A.D., at 5:30 p.m.

_____

Judy Krajca, Planning Office Coordinator

Agenda removed on the _____ day September 2009 A.D.

AGENDA – WORKSHOP OF THE PLANNING & ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, SEPTEMBER 21, 2009, AT 6:00 P.M., IN THE 2nd FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I CALL TO ORDER

II PURPOSE OF THE WORKSHOP:

1. **COMMISSION INPUT AND DISCUSSION:** REGARDING FUTURE LAND USE PLAN. *Mrs. Lata Krishnarao, Planning Director.*

    a. Discussion and recommendations:

    - Identify areas in the Land Use Plan that need to change.
    - Address future use of vacant parcels.
    - Highest and best use.

III ADJOURNMENT

This site is accessible to disabled individuals. For special assistance, please call Young Lorfing at 281-652-1840 prior to the meeting so that appropriate arrangements can be made.

I, Judy Krajca, Planning Office Coordinator of the City of Pearland, Texas, do hereby certify that the foregoing agenda was posted in a place convenient to the general public at City Hall on the 18th day September 2009 A.D., at 5:30 p.m.

_____

Judy Krajca, Planning Office Coordinator

Agenda removed _____ day of September 2009 A.D.

CITY OF PEARLAND
PLANNING & ZONING

MEMO

DATE: September 18, 2009

TO: Planning & Zoning Commission

FROM: Lata Krishnarao, AICP, Planning Director

SUBJECT: Future Land Use Study (FLUP) - Update of 9/14/09 workshop

---

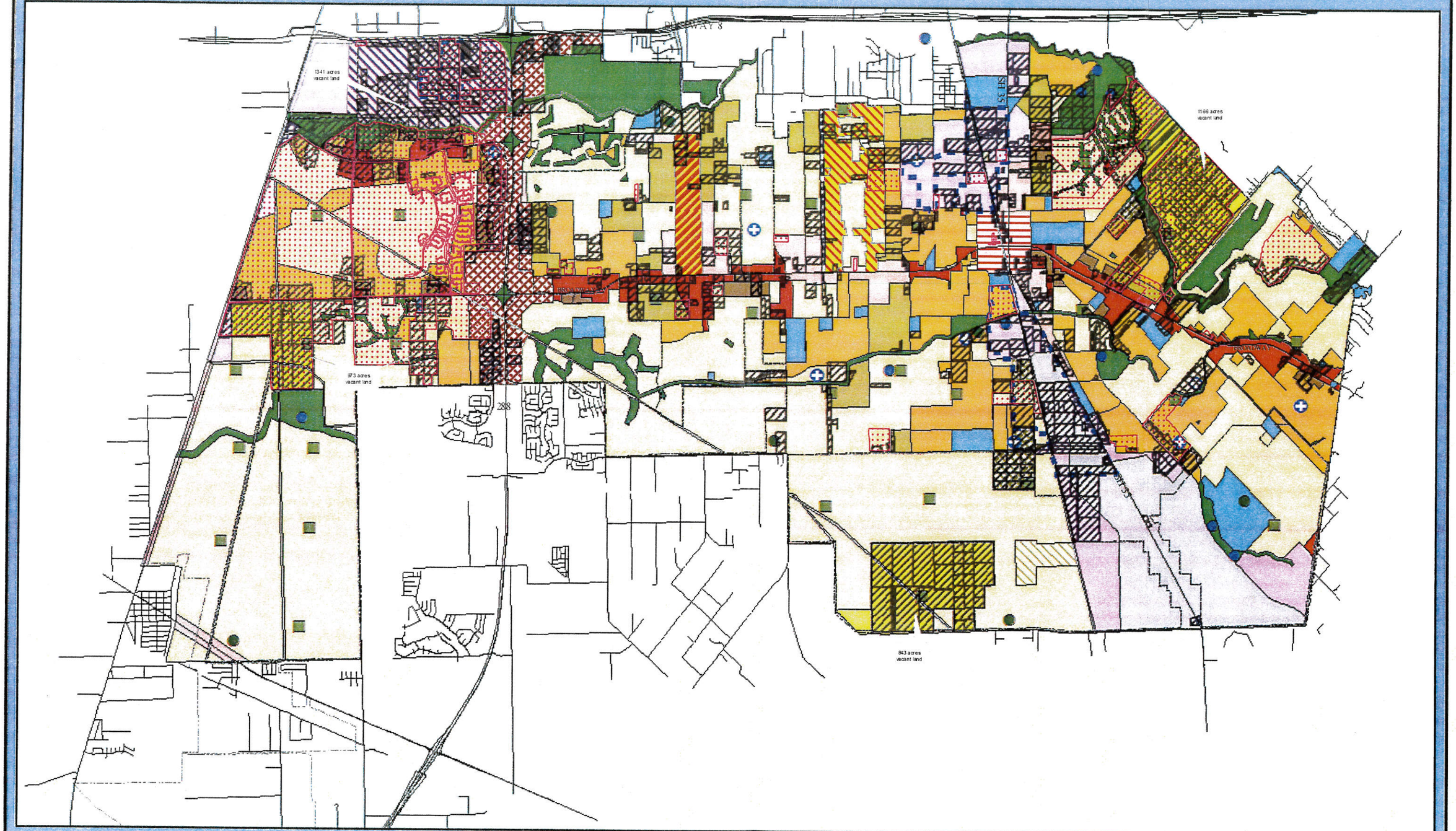
P & Z discussed the following:

1. Future uses and zones along the annexation areas demarcated on the proposed FLUP.
    a. Bailey Avenue: The P & Z reviewed the current uses and proposed FLUP for Bailey Avenue and concluded that the FLUP was appropriate and addressed the current uses.
    b. Airport area: P & Z agreed with staff's proposal to demarcate the airport area and surroundings as "Airport Area" in the FLUP. Zoning categories and regulations would be discussed at the time of annexation when, the area would be zoned. A consultant's services would be required to analyze the area, review FAA guidelines, assess future potential, and formulate zoning map and regulations.

2. Areas for 3 year annexation plan. P & Z concurred with staff recommendation for areas requiring a 3 year annexation plan.

3. Amendments regarding M-1 and M-2 zones for existing establishments and CUP requirement. P & Z concurred with staff's recommendation that CUP would be a better option for relaxing regulations for businesses in M-1 and M-2 zones and approved the recommendations in the table presented to P & Z.

At the next workshop on September 21, 2009, P & Z will be reviewing the vacant land and appropriate land uses. Maps highlighting vacant areas are included in this packet.



City of Pearland Land Use Plan

NOTE:
A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.

- A- 1/2 Acre Lots (Suburban Res)
- B - 15,000 SF Lots (Suburban Res)
- C - 12,000 SF Lots (Suburban Res)
- D - 10,000 SF Lots (Suburban Res)
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Offices
- Parks
- Public / Semi-Public
- Retail, Offices and Services
- Village District
- Spectrum District
- Business Park
- Cullen Mixed Use District
- Garden/O'Day Mixed Use District
- Light Industrial
- Industrial
- Business Commercial
- Foreign Trade Zone
- City of Pearland Detention Site
- Community Park Site
- Neighborhood Park Site
- Restaurant & Entertainment District
- Retail & Office
- B.D.D #4 Proposed Detention Site
- Vacant Land
- PUD

0 0.5 1
Miles

THIS MAP HAS BEEN PRODUCED FROM VARIOUS SOURCES. EVERY EFFORT HAS BEEN MADE TO ENSURE THE ACCURACY OF THIS MAP. HOWEVER, THE CITY OF PEARLAND ASSUMES NO LIABILITY OR DAMAGES DUE TO ERRORS OR OMISSIONS.
MAP PREPARED ON SEPTEMBER 18
(GIS)
View online maps at www.cityofpearland.com

Rcvd via email
9/17/09

Province Village

Planned Unit Development
Amendment no. 1

City of Pearland

City Council
&
Planning & Zoning Commission

~~May 16, 2005~~ August 24, 2009

Submitted on behalf of

~~The Maverick Group, L.L.P.~~
~~7755 Commerce Avenue~~
~~Baton Rouge, LA 70815~~

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

Prepared by

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

Province Village Planned Unit Development

TABLE OF CONTENTS

Executive Summary 1

I. Existing Conditions 2
- SITE DESCRIPTION
- SURROUNDING LAND USE

II. Project Objectives 3
- PROJECT OVERVIEW
- GOALS & OBJECTIVES

III. Project Description 5
- AUTOMOBILE CIRCULATION
- PEDESTRIAN CIRCULATION
- AMENITIES/OPEN SPACE
- GENERAL LANDSCAPE AND PERIMETER TREATMENT
- PROJECT ARCHITECTURE

IV. Quantitative Data 6

V. Proposed Land Use Revisions and Regulatory Compliance 7

VI. Phasing and Development Schedule 8

VII. Legal Description and Boundary Survey 9

EXHIBITS

- Exhibit 1 - AREA LOCATION
- Exhibit 2 - EXISTING CONDITIONS
- Exhibit 3 - TOPOGRAPHY
- Exhibit 4 - EXISTING ZONING
- Exhibit 5 - PROPOSED LAND USE
- Exhibit 6 - PROPOSED LAND USE ILLUSTRATING PEDESTRIAN WALKWAY, STREET TREES & SCREENING SCHEMATIC (deleted)
- Exhibit 7 - PROPOSED ZONING CATEGORIES BY LAND USE
- Exhibit 8 - BOUNDARY SURVEY

TABLES

- Table 1 - COMPOSITION OF LAND USE 7
- Table 2 - ACREAGE PER LAND USE SUMMARY 7
- Table 3 - ZONING DESIGNATIONS 8

Executive Summary

The purpose of this planned unit development (PUD) amendment application is to ~~request~~ change the current designation of tract one ~~rezoning of a 47.65 acre site~~ in the City of Pearland for the purpose of developing a mixed-use project consistent with the City's land development regulations. The site ~~currently has four zoning designations: GB (General Business), R-2 (Medium Density Single Family), R-3 (High Density Single Family), and R-4 (Maximum Density Single Family)~~ is currently under the Province PUD which we propose to change Tract One from R-4 Single Family to OP Office Professional. As contemplated in the City's zoning ordinance, the PUD designation will allow the development of a project which is planned comprehensively and in a unitary fashion, and that will provide flexibility of development within a site that, because of several physical constraints would challenge the ability to develop under the current zoning designations.

~~The existing zoning resembles abstract bands running parallel to East Broadway (F.M. 518) that do not relate to any of the physical boundaries of the three tracts that make up the proposed *Province Village PUD* (refer to Exhibit 4 – Existing Zoning).~~ Prior to the approved PUD, Tract One , a 15 acre tract that fronts Pearland Parkway, had a 200′ width of R-3 across the southern 1/3 of the site with the balance being zoned R-2. Tract Two, is a 26.92 acre tract that fronts East Broadway and had three bands of zoning, primarily GB and R-3. Tract Three, fronting Country Club Drive, is the smallest of the tracts with 5.74 acres which roughly measures 400′ by 500′, and had a 150′ width of R-3 running across the southern portion of the property with the balance being R-4. ~~It would be very difficult to develop Tracts One and Three within the existing zoning.~~

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

The proposed Amended *Province Village PUD* will consist of approximately ~~66 garden~~ 28 single family homes within ~~two~~ one gated neighborhoods, an 84 unit townhome neighborhood, a ~~5~~ 14.91 acre OP – Office Professional district yielding approximately ~~36,000~~ 107,160 square feet of potential space and a 5 acre GB – General Business district. The residential yield will not exceed ~~150~~ 112 single-family units. ~~By comparison, if developed by using the existing zoning yield is projected at 142 single-family units.~~ This comparison assumes similar detention requirements. This comparison modeled DU/AC (number of units per acre) after similar average densities per lot size found in the Shadow Creek Ranch community. Following more conventional zoning patterns, the plan proposes the higher density townhome neighborhood adjacent to the GB district and the existing Lowe's Center while placing the Garden Home sections in the rear portions of the property and adjacent to other existing single family neighborhoods. The OP district separates one of the Garden Home sections from the existing Lowe's Center.

The proposed PUD provides ~~7.59~~ 5.88 acres of Common Open Space while only 3.1 acres is required. The center of the project offers a ½ acre park, approximately 2.8 acres in Common Open Space supplemented with a trail system that provides connection to the Clear Creek Trail System as well as additional green space within each residential cell providing numerous recreational and social opportunities. The project will benefit the City by providing quality housing, commercial, and office/professional space with strong architectural schemes and tax revenues will be greater than those accrued from the existing zoning. In addition an important segment of the collector street system will be provided with this proposed development. The proposed PUD shall comply with all ordinances of the City of Pearland, unless specifically mentioned in the PUD as being revised, including the Pearland Parkway Overlay District.

I. Existing Conditions

SITE DESCRIPTION

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

Tract One is bounded on the west by Pearland Parkway, on the north by Clear Creek Park residential subdivision, and situated just north of the Lowe's Home Center site located at the corner of Pearland Parkway and East Broadway.

Tract Two is bounded on the south by F.M. 518 (East Broadway), and on the east by a CenterPoint Energy substation (located to the southeast of Tract Two along East Broadway) and by an 80' HL&P (CenterPoint Energy) easement along the east, and on the north by Clear Creek. The Lowe's Home Center site is situated west and southwest of Tract Two.

Tract Three is bounded on the east by Country Club Drive, on the west by the 80' HL&P (CenterPoint Energy) easement and on the south by Clear Creek and on the north by a Clear Creek diversion channel easement. Currently the land is rural agriculture in nature.

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

The proposed site is entirely within the City of Pearland corporate limits located near the intersection of Pearland Parkway and F.M. 518 (East Broadway). Refer to Exhibit 1 – Area Location and Exhibit 2 – Existing Conditions. Tracts One and Two are relatively flat, consistent with property of the region, with the exception of the northeast corner of Tract Two that is adjacent to Clear Creek. Tract Three has a more pronounced relief in topography. No wetland areas have been determined within the property.

Tract One generally slopes to the east/northeast from elevation 43 to generally around elevation 40. Near the northeast corner the slope is more pronounced descending to elevation 36. With the exception of a few trees around an old barn, Tract One is void of vegetative cover.

Tract Two gradually slopes from elevation 42 along the East Broadway frontage to elevation 40 within approximately 300' of the northern boundary along Clear Creek. Within approximately 150' of the northern boundary the site slopes downward 12 to 14 feet with an elevation of 22 at Clear Creek along the northern boundary of the tract. ~~There is 2.7 acres of Flood Plain within this area.~~ While the majority of Tract Two is open pasture and cultivated field, there are trees and vegetative cover near the northern boundary where the property begins to slope toward Clear Creek as well as along some of the land adjacent to the HL&P (CenterPoint Energy) easement. Most of this cover is within the proposed detention area and it cannot be determined at this time if any of this material can be preserved.

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

SURROUNDING LAND USE

Land Uses surrounding Province Village PUD include Clear Creek Park Single-Family Residential to the north of Tract One, Green Tee Terrace Single-Family Residential and the Golfcrest Country Club to the north of Tract Three (both in Harris County), low-density residential to the east, an HL&P (CenterPoint Energy) substation to the east/southeast of Tract Two, a General Business District (Victory Plaza) to the southeast of Tract Two fronting opposite side of East Broadway (FM 518), a non-developed tract to the south of Tract Two fronting opposite side of East Broadway that is rural in nature, a General Business District (Rehoboth Acres) to the southwest of Tract Two fronting opposite side of East Broadway, a Commercial District (Lowe's Home Improvement Center) to the west of Tract Two and south of Tract One, and a non-developed tract to the west of Tract One fronting the opposite side of Pearland Parkway that is rural in nature. In general, the East Broadway corridor ~~is~~ was zoned primarily GB - General Business District while the Pearland Parkway corridor is zoned R-2 and R-3 Residential. Refer to Exhibit – 2 Existing Conditions and Exhibit 4 – Existing Zoning. This area is now zoned under the current PUD designation.

II. Project Objectives

PROJECT OVERVIEW

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

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

The PUD as proposed will consist of GB – General Business, OP – Office Professional and R4 – High Density Single-Family Residential. Approximately ~~16%~~ 12% of the overall land will be dedicated to parks, recreation, trails, open and green space. Approximately 12% of the overall site will be utilized for detention.

GOALS & OBJECTIVES

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

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

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

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

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

III. Project Description

AUTOMOBILE CIRCULATION

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

PEDESTRIAN CIRCULATION

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

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

AMENITIES / OPEN SPACE

Open space accounts for approximately 16% ~~(±7.09 acres)~~ (5.38 acres) of the gross acreage within the PUD. Also, the provision of open space and common areas within the individual residential cells (landscape reserves, recreational opportunities, etc.) will further increase and enhance the property. Open space and park fees / dentition shall meet other city ordinances and city parks' approval.

GENERAL LANDSCAPE AND PERIMETER TREATMENT

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

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

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

PROJECT ARCHITECTURE

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

IV. Quantitative Data

The property is proposed to be comprised of Office Professional, General Business and High-Density Single-Family Residential uses enhanced with open space and a pedestrian walk and trail system. Net and gross densities are as follows: ~~Tract-One – Gross Density = 4.83 DU/AC, Net Density = 5.36~~ no dwelling units-DU/AC; Tract-Two – Gross Densities = 5.58 DU/AC, Net Densities = 8.1 DU/AC; Tract-Three – Gross Densities = 4.31 DU/AC, Net Density = 4.83 DU/AC. The uses are illustrated in Exhibit 5 – Proposed Land Use Plan. The following table lists land uses illustrated on the Proposed Land Use Plan, along with their respective acreages and percentage of the gross land area.

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

Table 1 - ~~.~~ Composition of Land Uses

Overall Site – Land Use	Acres
General Business - GB District	5.0
Office Professional – OP District	~~5.13~~ 12.4
Gated Garden Home Residential – R4	~~7.34~~*[2] 3.5
Townhomes Residential - R4 District.	11.85*[2]
Detention Basin Reserves(built)	5.28
Park, Recreation, Open & Green Space	~~7.09~~ 5.38
East/West Local Collector Right-of-Way (built)	2.63*[1]
Interior Street (Residential) Right-of-Way	~~3.33~~ 1.65
Total Acreage	47.65

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

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

Table 2 – Acreage per Land Use Summary

Land Use Category	Acreage	% Of Gross Acreage
CONSTRAINTS	**7.91 Ac**	**16%**
Collector Street* (built)	2.63 Ac	
Proposed Drainage / Detention Facility ** (built)	5.28 Ac	
COMMUNITY ELEMENTS	**7.59 Ac**	**16%**
Park Reserve	0.5 Ac	
Recreation, Green & Open Space	~~7.09 Ac~~ 5.38	
SINGLE-FAMILY RESIDENTIAL – R4 PUD	~~22.52~~ 18.68	~~48%~~ 39%
OFFICE PROFESSIONAL - OP	~~5.13~~ 14.91	~~10%~~ 31%
GENERAL BUSINESS – GB	**5.0**	**10%**
TOTALS	**47.65 Ac**	**100.0%**

V. Proposed Land Use Revisions and Regulatory Compliance

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

Proposed Zoning Categories by Land Use.

Land use shall be regulated on a total acreage basis with a maximum density of ~~150~~ 112 lots. Lot sizes to conform to PUD. The percentage land use area change is required to ensure the success of the development by maintaining the flexibility to modify land use sizes in response to changes in economic and market conditions. This will allow the project to remain competitive in the real estate market over the life of the development phases and the ability to make adjustments as necessary to accommodate specific end users in a timely manner.

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

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

Table 3 – Assigned Zoning Designations

Land Use	Acreage	Zoning Designation
Office Professional	~~5.13 Ac.~~ 14.91	OP – Office Professional
General Business	5.0 Ac.	GB – General Business
Parks, Recreation, Green or Common Open Space	~~7.09 Ac.~~ 5.38	R-4 Maximum Density Single-Family
Collector Streets	2.63Ac.	
Addition Collector Right-of-Way Dedication	0.53 Ac.*	
Proposed Detention Facilities	5.28 Ac.	
R-4 PUD Single-Family Residential	~~22.52 Ac.~~ 18.68	
Total	**47.65 Ac**	

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

VI. Phasing and Development Schedule

It ~~is~~ was anticipated that Province Village PUD ~~will~~ would be developed in phases ~~over a 3 year period~~ with ~~Residential~~ Tract One anticipated within the initial phasing and a portion of the General Business parcel fronting East Broadway. However, the location and timing of phases will be dependent upon market driven forces. At the time of this submittal it is the intent of the applicant to develop the Office Professional parcel as well as retaining some out parcels for the real estate market. Also, at this time the applicant intends on providing street and infrastructure construction within the residential tracts marketing the lots to home building entities. The applicant does reserve the right to market entire non-improved residential tracts to home building entities.

Maximum coverage of the buildable area, either within the Office Professional, General Business, or Residential designated areas, for primary or accessory buildings, structures, or dwelling units shall comply with the City of Pearland regulations governing the base district.

VII. Legal Description and Boundary Survey

LEGAL DESCRIPTION

Province Village P.U.D. consists of three parcels. As of the date of this application Tracts One and Two are owned by ~~The Maverick Group, L.L.P., 7755 South Commerce Avenue~~, Tex Proj 2008 LLC, Dan Brown, 3049 Sherwood Forest, Baton Rouge, Louisiana 70815. Tract Three is owned by T. & B. Alexander Family, L.P., General Partner: T. & B. Alexander Limited, Inc. ~~The Maverick Group, L.L.P. is engaged in active negotiations with T. & B. Alexander Limited, Inc. with the intent of purchasing Tract Three and has been authorized in writing as the agent representing T. & B. Alexander Limited, Inc. for the inclusion of Tract Three in this PUD application. *(Note: Applicant acknowledges that as part of the City's formal approval of this PUD The Maverick Group, L.L.P. must secure title to all parcels comprising this PUD).*~~

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

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

Tract One

DESCRIPTION OF
15.000 ACRES

TRACT ONE

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

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

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

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

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

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

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

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

Tract Two

DESCRIPTION OF
26.9158 ACRES

TRACT TWO

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

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

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

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

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

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

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

THENCE South 46° 43′ 39″ East with the southerly line of said drainage easement at 225.83′ set at a 5/8-inch steel rod for reference corner continuing for a total distance of 283.02′ to a point on the centerline of Clear Creek for corner being on the Harris County and Brazoria County Line;

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

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

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

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

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

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

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

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

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

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

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

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

Tract Three

DESCRIPTION OF
5.7375 ACRES

TRACT THREE

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

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

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

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

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

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

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

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

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

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

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

BOUNDARY SURVEY

Please refer to Exhibit 8 – Boundary Survey.

I'M OPPOSED TO THE REQUEST FOR ZONE CHANGE APPLICATION 2009-11Z
HENDRIX
to:
agantuah
09/21/2009 12:58 PM
Show Details

I OWN A HOUSE IN CLEAR CREEK PARK
I OPPOSE THE ZONE APPLICATION FOR 2009-11Z
I PURCHASE THIS HOUSE THINKING I WOULD BE IN A NICE SUBDIVISION
I WAS LIED TO WHEN I BROUGHT THE HOUSE
FIRST I WAS TOLD THERE WAS GOING TO BE A COUNTRY CLUB
ACROSS THE STREET NOW YOUR GOING TO LET THEM BUILD BUSINESESS BEHIND OUR HOMES
WITH MORE TRAFFIC AND PEOPLE.

WE BARELY CAN GET OUT OF THE SUBDIVISION NOW DUE TO THE TRAFFIC
WITH COMMERICAL BUSINESS BESIDE US WE WILL NEVER BE ABLE TO GET OUT OF OUR
SUBDIVISION

PLEASE DENIED THE ZONE CHANGE KEEP IT FOR HOMES NOT BUSINESSES PLEASE

MARGARET E. HENDRIX
2504 HIDDEN CREEK DRIVE
PEARLAND, TX 77581

ZONE CHANGE 2009-11Z

tsalais1 to agantuah

09/21/2009 12:34 AM

View: (Mail Threads)

I live in Clear Creek Park off of Pearland Parkway and I am AGAINST the Zone Change 2009-11z.

Soyla Salais
2408 Creeks Edge Drive
Pearland, 77581.

Zone Change 2009-11Z

toemas1 to: agantuah 09/21/2009 12:50 AM

View: (Mail Threads)

I have lived in Clear Creek Park since 2001. When I moved in I checked the zoning and knew the area mentioned was zoned for residectial development. There is not a good reason to change this to commercial. I am AGAINST zone change 2009-11Z . I understand there is plans to build a bank in this location. We currently have 10 various types of Financial institutions between Main (35) and Dixie Farm Road, more than anything else. There are also ample locations on Broadway to build a commercial business.

Thomas Salais
2408 Creeks Edge Drive
Pearland, 77581

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

PUBLIC COMMENT FORM

ZONE CHANGE APPLICATION NO. 2009-11Z

Public Hearing to be held Monday, September 21, 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: Dorothy Spires

Address: 2704 Pebble Creek Dr Pearland TX 77581

Signature: Dorothy Spires Date: 9-17-09

COMMENTS: I favor this only if a proper fence or divider is in place to secure our homes w/ security lights. Must be made of brick or like to accent our homes. Also adequate height

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

PUBLIC COMMENT FORM

ZONE CHANGE APPLICATION NO. 2009-11Z

Public Hearing to be held Monday, September 21, 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: Dorothy Spires

Address: 2704 Pebble Creek Dr. Pearland TX 77581

Signature: Dorothy Spires Date: 9-17-09

COMMENTS: I favor this only if a proper fence or divider is in place to secure our homes w/ security lights. Must be made of brick or like to accent our homes also adequate height

ZONE CHANGE NO. 2009-11Z

Renee LaRock to agantuah

09/18/2009 12:10 PM

View: (Mail Threads)

"ZONE CHANGE NO. 2009-11Z"

I live and own my home in Clear Creek Park and view this proposed change from residential to commercial as another broken promise by this developer.

> Commercial Zoning of this property will create flooding, pollution and
> crime issues for those of us living close by.
>
> *I am against this change.*
>
> Hal & Renee' Hazen
> 2605 Sandstone Creek Drive
> Pearland, TX 77581
>
>
>
> This message and any attached files may contain information that is
> confidential and/or subject of legal privilege intended only for use
> by the intended recipient. If you are not the intended recipient or
> the person responsible for delivering the message to the intended
> recipient, be advised that you have received this message in error and
> that any dissemination, copying or use of this message or attachment
> is strictly forbidden, as is the disclosure of the information
> therein. If you have received this message in error please notify the
> sender immediately and delete the message.
>

ZONE CHANGE NO. 209-11Z
Guzman, Sylvia
to:
agantuah
09/18/2009 10:20 AM
Show Details

I live and own my home in Clear Creek Park and view this proposed change from residential to commercial as another broken promise by this developer.

Commercial Zoning of this property will create flooding, pollution and crime issues for those of us living close by.

I am against this change.

Sylvia Guzman
2602 Sandstone Creek Drive
Pearland, TX 77581

This message and any attached files may contain information that is confidential and/or subject of legal privilege intended only for use by the intended recipient. If you are not the intended recipient or the person responsible for delivering the message to the intended recipient, be advised that you have received this message in error and that any dissemination, copying or use of this message or attachment is strictly forbidden, as is the disclosure of the information therein. If you have received this message in error please notify the sender immediately and delete the message.

Zone Change No. 2009-11Z
Lovell, Jeffrey
to:
'agantuah@ci.pearland.tx.us'
09/17/2009 04:28 PM
Show Details

I am emailing to let you know that I oppose Zone Change No. 2009-11Z. I am a resident of a nearby neighborhood and I do not want this zone change near my home. Thank you.

Zoning Change No. 2009-11Z
Jim Pike
to:
agantuah
09/17/2009 01:12 PM
Show Details

To Whom It May Concern:

As a resident of Clear Creek Park I wish to express my objection to Zone Change No. 2009-11Z. I would vote against the changing of this land from residential to office-professional zoning. There is enough commercial property on 518, as well as on Pearland Parkway, including the huge development at Pearland Parkway and Beltway 8. It is important to me as a resident of this neighborhood to keep businesses from boarding Clear Creek Park.

Please pass this on to whomever needs it and consider and vote against the proposed change.

James Pike
2403 Creek Edge Dr.
Pearland, TX 77581

Zone Change No. 2009-11Z
fguzman7
to:
agantuah
09/18/2009 10:38 AM
Show Details

I AM AGAINST ZONING TO COMMERCIAL.

FRED GUZMAN
CREEKS EDGE DRIVE
CLEAR CREEK PARK