

MINUTES OF THE JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON JULY 21, 2008, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

CALL TO ORDER

P&Z Commissioner Neil West made a motion to nominate P&Z Commissioner Susan Sherrouse as Acting P&Z Chairperson, and P&Z Commissioner Darrell Diggs seconded the motion.

The public hearing was called to order at 6:50 p.m. Mayor Tom Reid opened the hearing for the City Council and Acting P&Z Chairperson Susan Sherrouse opened the hearing for the Planning and Zoning Commission, with the following present:

Mayor Tom Reid	P & Z Acting Chairperson Susan Sherrouse
Pro-Tem Helen Beckman	P & Z Commissioner Neil West
Council Member Kevin Cole	P & Z Commissioner Darrell Diggs
Council Member Steve Saboe	P & Z Commissioner Charles Gooden, Jr.
Council Member Felicia Kyle	P & Z Commissioner Ron Capehart
Council Member Woody Owens	

Also in attendance: City Manager Bill Eisen; City Attorney Darrin Coker; Deputy City Attorney Nghiem Doan; Planning Director Lata Krishnarao; Senior Planner Theresa Grahmann; and Planning Administrative Secretary Judy Krajca.

Senior Planner Theresa Grahmann explained the Joint Public Hearing process for the attending public, and explained that the Planning & Zoning Commission Meeting would be following the Joint Public Hearing.

The public hearing for Conditional Use Permit No. CUP2008-20 was opened at 6:54 p.m.

Conditional Use Permit No. CUP2008-20

A request by G & G Construction, applicant for CLS Properties, Inc., owner, for approval of a Conditional Use Permit for the use of "aluminum composite materials" for the exterior façade of a business located in the General Commercial District (GC), on the following described property, to wit:

Legal Description: 9.004 acres of land, being Tract 53, out of the H.T. & B.R.R. Company Survey, Abstract 544, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the North Side of FM 518 (Broadway Street), and on the West Side of Jasper Road

Acting Chairperson Susan Sherrouse read the purpose of the hearing.
Senior Planner Theresa Grahmann read the staff report stating the applicant is requesting

a Conditional Use Permit to use aluminum composite material for their facade. Staff recommends approval of a certain percentage of the façade being metal, instead of the entire façade.

Mr. Jason Guzak, 2211 Braer Ridge Dr., Katy, Texas spoke on behalf of the applicant.

There was no one present to speak for or against the proposed use.

Council Member Kevin Cole inquired about the wind load. Council Member Steve Saboe asked how the aluminum was secured. Mr. Guzak replied this would be mechanically secured. Council Member Steve Saboe stated he felt this was a good recommendation. Mayor Pro-Tem Helen Beckman stated she was in favor of the blue color. Council Member Felicia Kyle asked about the image, and was this program one that Chevrolet was using across the country. Mr. Guzak replied yes. Mr., Guzak stated no other material is being used on other structures throughout Chevrolet. Council Member Kevin Cole asked about the percentage of coverage. Mr. Guzak stated that 50% of this would be covered with metal, with 12% being blue, and 38% with another color. P&Z Commissioner Darrell Diggs inquired if this would require a change to the color palette. Senior Planner Theresa Grahmann replied no. The UDC allows where 20% of the color, does not have to be on the color palette. There was discussion with regards to the color. Council Member Felicia Kyle asked for more guidance from staff in future cases with more details regarding the area of facade.

The public hearing for Conditional Use Permit No. CUP2008-20 was adjourned at 7:17 p.m.

The public hearing for Zone Change No. 2008-11Z was opened at 7: 17 p.m.

Zone Change No. 2008-11Z

A request by Les Kilday and Kilday Realty Corporation, applicant for Imani Church, 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 General Business District (GB) and Suburban Residential – 12 District (SR-12) to Planned Development District (PD), on the following described property, to wit:

Legal Description: 6.00 acres of land, being out of Lots 23 and 24, Section 21, of the Allison Richey Gulf Coast Home Company's Subdivision, according to the plat thereof as filed in Volume 2, Page 24, of the Brazoria County Plat Records, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the West Side of Cullen Boulevard, on the South Side of FM 518 (Broadway Street), and on the North Side of Fite Road

Acting Chairperson Susan Sherrouse read the purpose of the hearing.

Planning Director Lata Krishnarao read the staff report stating the applicant is requesting a

zone change for a Planned Development (PD). The previous request for variances is no longer required since the revised PD conforms to the UDC requirements. However, variances are still being requested for Density and Parking ratio. Ms. Krishnarao went over the 13 outstanding items and staff comments. Outstanding staff comments consist of 13 items.

Les Kilday with Kilday Realty Corp., 1717 St. James Place, Suite 150, Houston, TX 77056. spoke with regards to open space and amenities. Mr. Kilday stated the items have been addressed in the PD update. Mr. Kilday also spoke regarding the parking ratio and building height, as well as, density, concerns with adjoining landowners, and buffering.

Planning Director Lata Krishnarao concluded that after reviewing the PD, staff feels this will be a good benefit to the city, and is a good location.

There was no one present to speak for or against the proposed use.

Planning Director Lata Krishnarao stated that all comments have been addressed, except the 4 items mentioned in the staff report.

P&Z Commissioner Charles Gooden, Jr. inquired about access. Ms. Krishnarao stated this would be off of Cullen Boulevard, and would be addressed during the platting phase.

Mayor Tom Reid spoke with regards to the elevation.

Mr. Jim Gwin, Architect, 5110 San Felipe, #53, Houston, TX 77056 spoke with regards to the façade and architectural elevation. Mayor Pro Tem Helen Beckman stated she did not have a problem with the variance in regards to the condensers being on the roof.

Discussion continued regarding the Master Plan of the 26 acres. Mr. Herman Munster, Broker, 2347 Farriers Bend Drive, Friendswood, Texas 77546, spoke in regards to the location of the senior housing project. Pastor Eastland of the Imani Church was present, but did not speak.

Council Member Steve Saboe inquired about the subject property being a flag lot. Planning Director Lata Krishnarao explained the definition of a flag lot, and that this is not a flag lot, once the street is built. Council Member Steve Saboe expressed concern because there is not a Master Plan. Planning Director Lata Krishnarao stated the applicant was not willing to commit to the Master Plan, so why have it. Council Member Kevin Cole and Council Member Steve Saboe feel that it is important to have a Master Plan as part of the PD.

City Engineer Narciso Lira spoke in reference to when the property is platted, these issues will be addressed. Council Member Felicia Kyle agreed with Planning Director Lata Krishnarao and City Engineer Narciso Lira on this issue.

There was much discussion regarding amenities, as not to decrease property values.

Council Member Steve Saboe brought up several questions with regards to lot layout, distance, buffering, and density, and expressing that he wants to see a Master Plan, and a full understanding of the US Treasury Dept. Tax Credit Plan.

Commissioner Neil West inquired about the city not having a Senior Parking Program. Planning Director Lata Krishnarao spoke on this stating no, the City of Pearland does not have this in place; however, staff feels that 55-year-old residence still drive.

Council Member Felicia Kyle stated she was still concerned with the buffering. Council Member Kevin Cole stated he was concerned with detention in the front.

The public hearing for Zone Change No. 2008-11Z adjourned at 8:12 p.m.

The public hearing for the Amendment to the Master Thoroughfare Plan was opened at 8:14 p.m.

Amendment to the Master Thoroughfare Plan

A request by the City of Pearland, for an amendment to the Master Thoroughfare Plan, generally affecting the following roadways:

General Location: State Highway 288, Kirby Drive, Business Center Drive, Lou Briggs Road, all located within the Spectrum Area, Generally Located at the Southwest Corner of State Highway 288 and Beltway 8

Mayor Tom Reid read the purpose of the hearing.

Planning Director Lata Krishnarao read the staff report.

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

Council Member Woody Owens inquired about the 'jug-handle', and inquired about the extension of Spectrum Blvd. as a major thoroughfare from west of Business Center Dr. to Kirby Dr. There was discussion between City Manager Bill Eisen and City Engineer Narciso Lira with regards to the Waterlights District. Discussion ensued with regards to a Corridor and Master Thoroughfare.

There was discussion regarding future meetings w/HCTRA, and getting an overpass at Hwy 288.

The public hearing for the Amendment to the Master Thoroughfare Plan adjourned at 8:39 p.m.

The public hearing for the Amendment to the Unified Development Code opened at 8:39 p.m.

Amendment to the Unified Development Code (UDC)

A request by the City of Pearland, for an amendment to the Unified Development Code, Ordinance No. 2000T.

Planning Director Lata Krishnarao read the staff report, asking the Council and Commission for comments.

Larry Marcott, 3606 Inverness Ct., Pearland, Texas spoke with regards to fences around detention area, and referenced the bank location at Mykawa and Broadway.

Mr. Jose Guillen, 3909 Third St., Pearland, Texas spoke with regards to his property on Third St. and the requirement to plat his property.

Council Member Kevin Cole agreed with Mr. Marcott's statement regarding the fences around detention ponds.

Much discussion ensued.

The public hearing for the Amendment to the Unified Development Code adjourned at 9:20 p.m.

ADJOURNMENT

Mayor Tom Reid adjourned the series of hearings at 9:20 p.m.

These minutes are respectfully submitted by:

Judy Krajca
Planning Administrative Secretary

Minutes approved as submitted and/or corrected on this _____ day of _____
2008, A.D.

Mayor Tom Reid



MEMO

TO: PLANNING & ZONING COMMISSION

FROM: JUDY KRAJCA, PLANNING ADMINISTRATIVE SECRETARY

DATE: July 18, 2008

RE: Outline of July 21, 2008 Meeting

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

Monterey Chicken
Mixed Vegetables
New Potatoes
Dessert
Bread Sticks
Executive Snack - Council

Council will meet at 6:00 p.m. in the Council Chambers.

P&Z will meet at 6:30 p.m. in the Council Chambers.

P&Z Agenda's Posted:

6:30 p.m. Joint Public Hearing	(Council Chambers)
6:30 p.m. P&Z Meeting	(Council Chambers)

City Council's agenda consist of:

6:00 p.m. Council Workshop	(Council Chambers)
6:30 p.m. Joint Public Hearing	(Council Chambers)
Special Meeting/Executive Session	(1 st Floor Conference Room)

(Council agendas attached as FYI)

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JULY 21, 2008, 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. CUP2008-20

A request by G & G Construction, applicant for CLS Properties, Inc., owner, for approval of a Conditional Use Permit for the use of "aluminum composite materials" for the exterior façade of a business located in the General Commercial District (GC), on the following described property, to wit:

Legal Description: 9.004 acres of land, being Tract 53, out of the H.T. & B.R.R. Company Survey, Abstract 544, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the North Side of FM 518 (Broadway Street), and on the West Side of Jasper Road

III. **APPLICATION INFORMATION AND CASE SUMMARY**

- A. **STAFF REPORT**
- B. **APPLICANT PRESENTATION**

*Jason Guzak
2211 Braer Ridge Dr
Katy TX
77444*

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.

*Step 2
asked if
how secured.
Mechanically
secured
Steve -
good recommendation
ill PC in front
of blue color.
Felicia asked
about
Image
program -
recommended
by Chevrolet
Mr. Guzak -
no other material
being recommended or asked.*

*Varney
will this require
change to color palette
TAG- No. code allows 20%
not on palette*

*color asked
about percent
of coverage*

*50% of this
cover would be
metal y
12%
38%
40%.*

*Councilman Cole - concern
w/ wind load*

*address
corridor*

**JOINT PUBLIC HEARING AGENDA ITEM
MEETING OF JULY 21, 2008**

Conditional Use Permit No. CUP2008-20

A request by G & G Construction, applicant for CLS Properties, Inc., owner, for approval of a Conditional Use Permit for the use of "aluminum composite materials" for the exterior façade of a business located in the General Commercial District (GC)

LEGAL DESCRIPTION: 9.004 acres of land, being Tract 53, out of the H.T. & B.R.R. Company Survey, Abstract 544, City of Pearland, Brazoria County, Texas

GENERAL LOCATION: Generally Located on the North Side of FM 518 (Broadway Street), and on the West Side of Jasper Road

APPROVAL PROCESS: After this Joint Public Hearing, the requested conditional use permit application will be considered as follows:

Planning and Zoning Commission: July 21, 2008*
City Council for First Reading: August 11, 2008*

(*dates subject to change if item is tabled)

SUMMARY: The applicant, Strickland Chevrolet, is remodeling their facility, located on FM 518 (Broadway Street). They are proposing to change the outside appearance of the facility by changing the façade. The subject property is located within a General Commercial District (GC). A GC property on a major thoroughfare is required to have a façade of 100% masonry or glass, or any product that meets the definition of masonry in the ordinance.

The applicant is instead wanting to use an aluminum composite material. The UDC states that any materials not listed as allowable façade material can be considered as a

conditional use permit. Aluminum composite is not listed in the ordinance as an acceptable façade. Therefore, the applicant is applying for a conditional use permit to allow the use of aluminum composite material for their façade.

The subject property is also located within the Corridor Overlay District.

SURROUNDING ZONING AND LAND USES:

*** surrounding zoning districts based on the new map adopted February 27, 2006**

	<u>Zoning</u>	<u>Land Use</u>
North	General Commercial District (GC)	Single family residence on large acreage
South	General Commercial District (GC)	Commercial businesses
East	General Commercial District (GC)	Commercial undeveloped tracts businesses;
West	General Commercial District (GC)	Undeveloped tracts

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The subject property is currently zoned as the GC district. The applicant will be required to comply with all other requirements of the Unified Development Code.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Business Commercial" for the subject property and for many of the surrounding properties along Broadway Street. The Comprehensive Plan further indicates that the appropriate zoning districts for "Business Commercial" are the General Commercial District (GC) and the General Business District (GB).

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The UDC requires 100% masonry or glass on all walls or portions of walls visible from the roadway or adjacent residential properties. Masonry is defined in the UDC as brick, stone brick veneer, custom treated tilt wall, decorative or textured concrete block, split face block, stucco, and EIFS.

The UDC further states that new technologies not addressed by the UDC may be allowed by a Conditional Use Permit, if such materials are consistent with the visual nature and quality of the masonry materials permitted.

The Corridor Overlay District states that architectural metals are prohibited except for miscellaneous trimwork.

The applicant is proposing for the entire front and side façades of their main building, except for the windows, to be constructed of the aluminum composite materials.

Since aluminum composite materials are not listed in the ordinance as an approved façade material, it is likely that there are not any buildings in Pearland that are constructed of this type of material. In the Pearland Town Center, however, which is zoned as a PD, the developer was allowed to use architectural metals for no more than 15% of the façade area of some of the buildings.

The Chief Building Official has indicated that he is comfortable with the use of this material for trimwork and small portions of the façade only. He is unsure if the product would meet windload requirements. If the use of the aluminum composite is approved, the applicant would have to submit documentation to the City that the structure meets the windload requirements. Also, since this product has not been used before in the City of Pearland, Staff does not know the durability of the façade.

Also, the colors of the façade must meet the color palette in the UDC. The proposed silver and gray colors are on the palette, but the proposed blue color is not. However, window and door trim, fascia, soffit, and other similar elements of the building façade are exempt from the color palette, as long as the total area of those elements do not exceed 20% of the façade area. The applicant will have to provide this information at the time of the application of the building permit, and the proposed colors will be reviewed at that time.

Staff has examined this request and feels that allowing the entire front and side facades to be metal would dramatically alter the character of the city. Staff feels more comfortable in allowing a certain percentage of the facade to be metal, instead of the entire facade. As mentioned already, Pearland Town Center is an example where 15% of the non-glazed surface was permitted to be architectural metal facade. If this facade is deemed appropriate by the City Council and the Planning and Zoning Commission, Staff would recommend that all such requests continue to be permitted through a CUP so that individual projects are scrutinized.

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 conditional use permit request.

STAFF RECOMMENDATION: Staff recommends that the use of the aluminum product be limited to a certain percent of the façade.

SUPPORTING DOCUMENTS:

- Zone Change Application
- Location Map
- Property Ownership Map
- Property Owner Notification List
- Zoning Map
- Future Land Use Plan
- Aerial Photograph
- Other Documents on the Proposed Facade



APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

Page 1 of Application

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: Remodel Strickland Chevrolet
to Chevrolets new image (list proposed use)

Current Zoning District: _____

Property Information:

Address or General Location: 5719 Broadway St.

Tax Account No.: 0544-0007-110

Subdivision: _____

Lot: A0544 HT+BRR Block: Tract 53

PROPERTY OWNER INFORMATION*: If there are multiple property owners, please list on a separate sheet of paper and attach to this application.

NAME CLS Properties Inc.

ADDRESS 5719 Broadway St.

CITY Pearland STATE TX ZIP 77581

PHONE (281) 997-5180

FAX (281) 485-4794

E-MAIL ADDRESS _____

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

APPLICANT INFORMATION:

NAME G & G Construction

ADDRESS Po Box 841528

CITY Houston STATE TX ZIP 77284

PHONE (281) 391-9801

FAX (281) 391-9802

E-MAIL ADDRESS JSGuzak@GG-Construction.com

CUP2008-20

PO Box 841568 Houston, TX 77284
PH: 281-391-9801
Fax: 281-391-9802

**G&G Steelworks and
Construction
Services, Inc.**

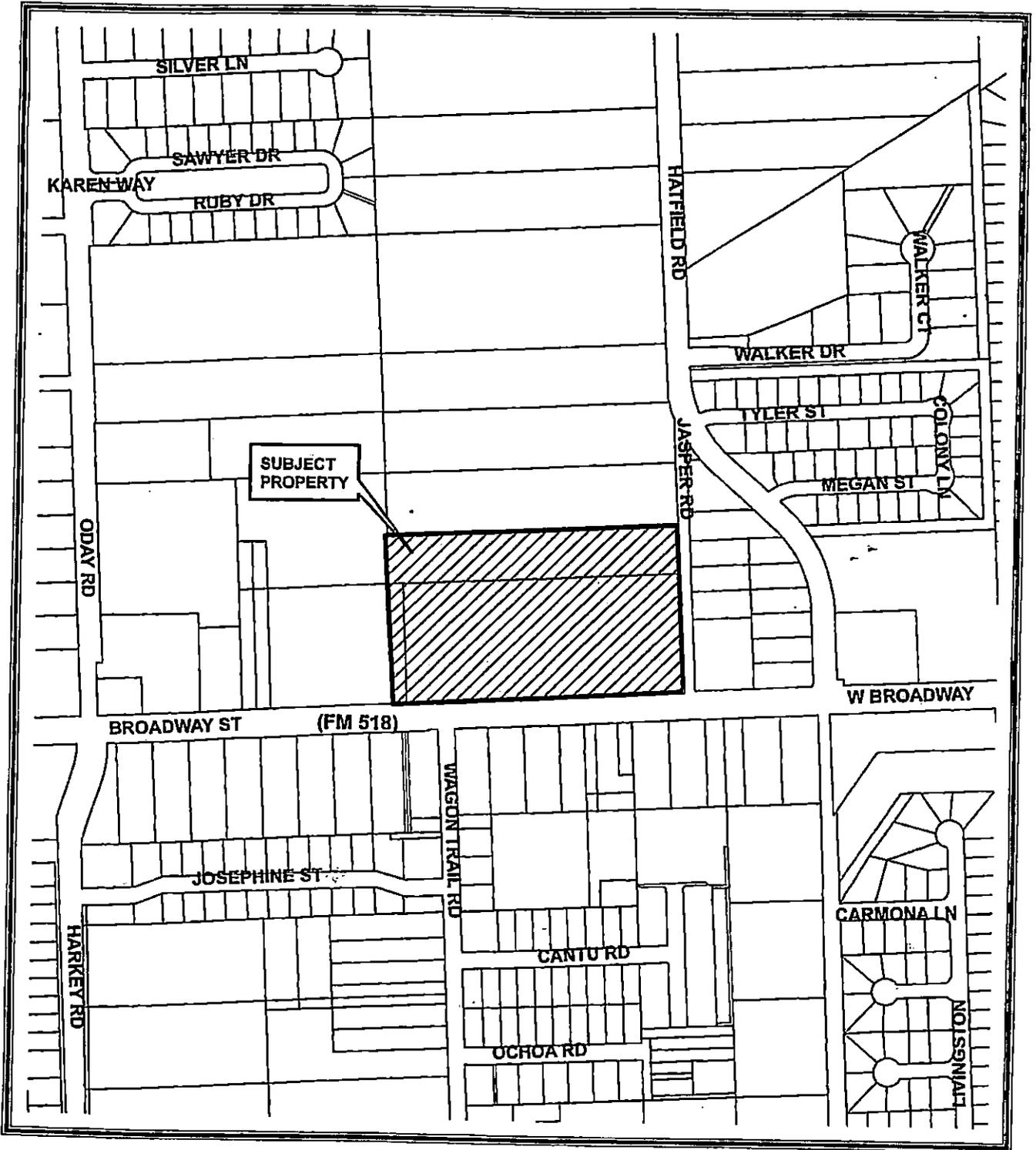
To Whom it may Concern,

We are requesting a Conditional Use Permit for the remodeling of Strickland Chevrolet to update the facility to Chevrolet's new image program across the country. The new image calls for Aluminum Composite Material panels to be installed on the exterior structure of the new car building as detailed in the renderings and actual photos submitted with this request. I have also included a brochure of the material to be used. The total square footage of the front and side facades is approx. 5500 sq. ft. The new blue tower and blue band will be approx. 700 sq. ft.

Thank You,

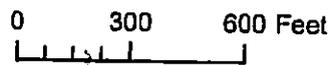


Jason Guzak

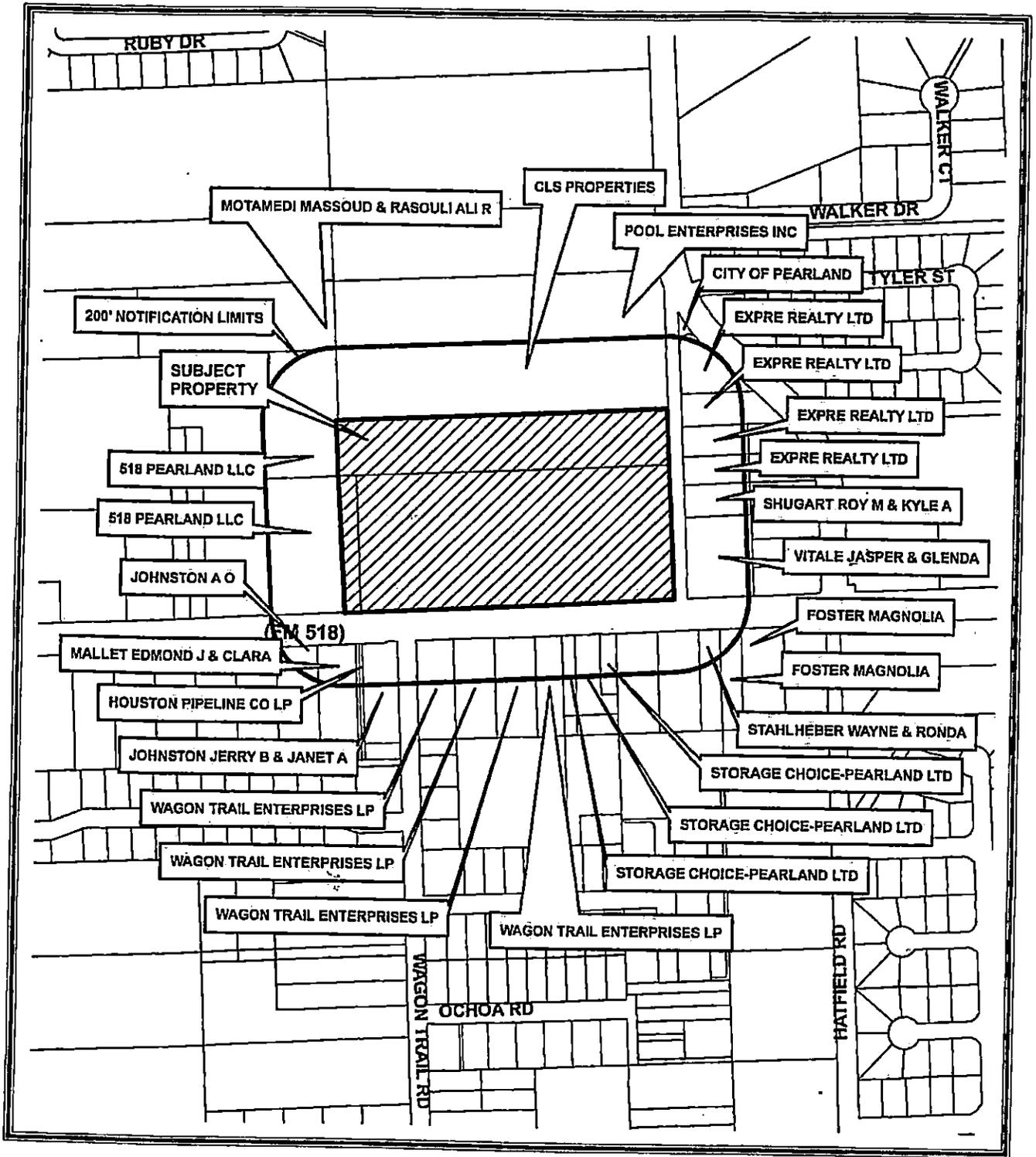


LOCATION MAP

Conditional Use Permit
No. CUP2008-20



Map Prepared on July 7, 2008



OWNERSHIP MAP

Conditional Use Permit
No. CUP2008-20

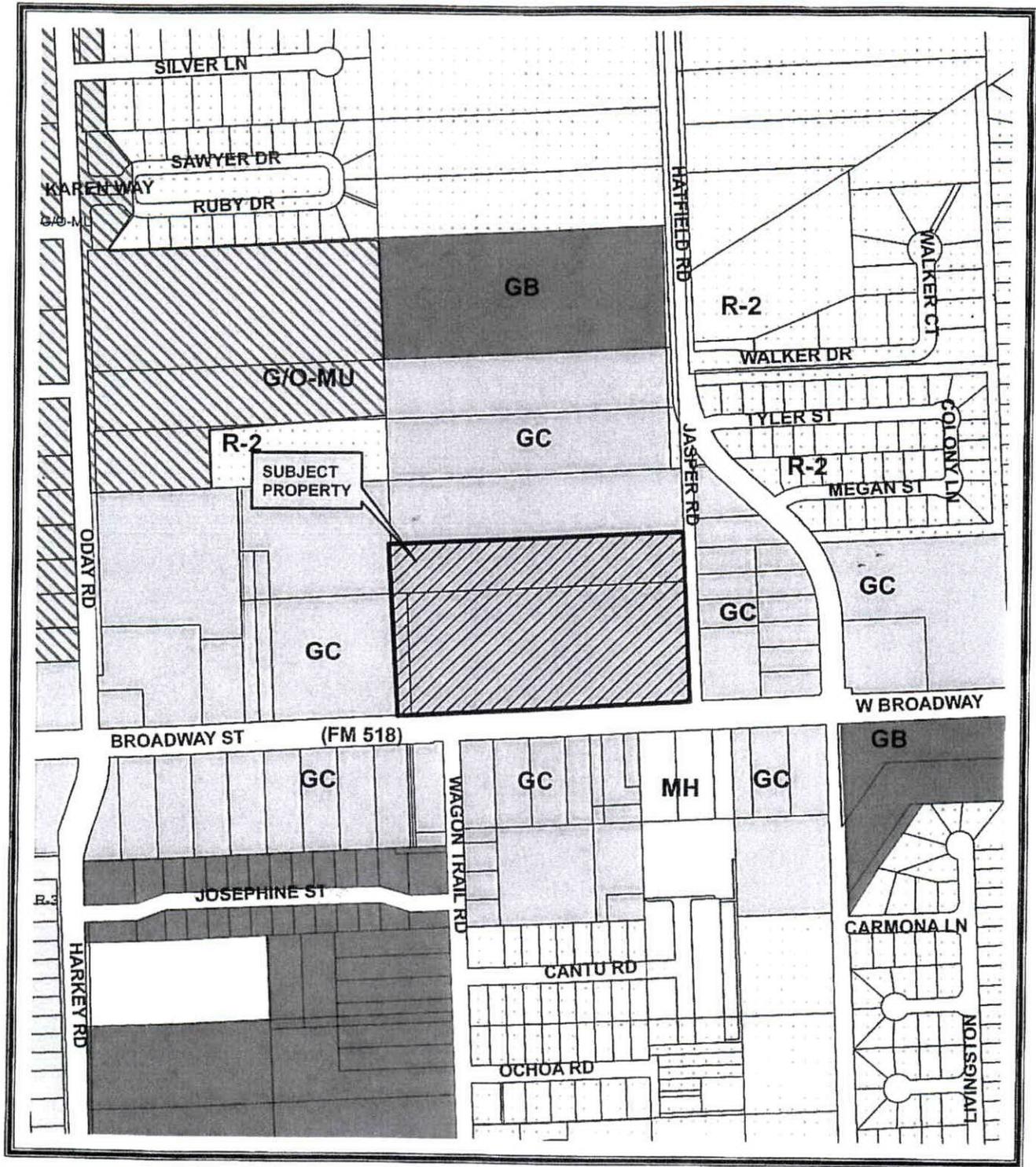


0 300 600 Feet

Map Prepared on July 7, 2008

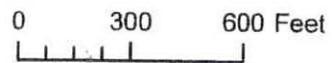
CONDITIONAL USE PERMIT NO. CUP2008-20
Property Owner Notification List

<u>TAX ACCT</u>	<u>OWNER</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>ST</u>	<u>ZIP CODE</u>
2876-0015-110	CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
2876-0015-000	EXPRES REALTY LTD	3219 OLD ALVIN RD	PEARLAND	TX	77581
0544-0038-110	CLS PROPERTIES%STRICKLAND CHEVROLET	5719 BROADWAY ST	PEARLAND	TX	77581
APPLICANT	G & G CONSTRUCTION	PO BOX 841568	HOUSTON	TX	77284
0544-0048-000	518 PEARLAND LLC	3629 N MCGREGOR	HOUSTON	TX	77004
2876-0016-000	EXPRES REALTY LTD	3219 OLD ALVIN RD	PEARLAND	TX	77581
2876-0018-000	EXPRES REALTY LTD	3219 OLD ALVIN RD	PEARLAND	TX	77581
2876-0018-000	EXPRES REALTY LTD	3219 OLD ALVIN RD	PEARLAND	TX	77581
0544-0025-001	POOL ENTERPRISES INC	2528 HATFIELD RD	PEARLAND	TX	77581
0544-0045-120	MOTAMEDI MASSOUD & RASOULI ALI R	14311 HARVEST GLEN CT	HOUSTON	TX	77062
0544-0053-111	HOUSTON PIPELINE ATTN PROP TAX DEPT	800 E SONTEERRA BLVD STE 400	SAN ANTONIO	TX	78258
0544-0048-000	518 PEARLAND LLC	3629 N MCGREGOR	HOUSTON	TX	77004
2876-0019-000	SHUGART ROY M & KYLE A	1142 GLENDA ST	PEARLAND	TX	77581
2876-0020-000	VITALE JASPER & GLENDA	5627 BROADWAY ST	PEARLAND	TX	77581
4100-0001-000	FOSTER MAGNOLIA	10825 CORY ST	MANVEL	TX	77578
4100-0001-000	FOSTER MAGNOLIA	10825 CORY ST	MANVEL	TX	77578
4100-0002-100	STAHLHEBER WAYNE & RONDA	12811 EIKER RD	PEARLAND	TX	77581
4100-0003-010	STORAGE CHOICE-PEARLAND LTD	3811 TURTLE CREEK BLVD STE 1780	DALLAS	TX	75219
4100-0003-010	STORAGE CHOICE-PEARLAND LTD	3811 TURTLE CREEK BLVD STE 1780	DALLAS	TX	75219
4100-0003-010	STORAGE CHOICE-PEARLAND LTD	3811 TURTLE CREEK BLVD STE 1780	DALLAS	TX	75219
4100-0003-000	WAGON TRAIL ENTERPRISES LIMITED PARTNERSHIP	5720 BROADWAY ST	PEARLAND	TX	77581
4100-0003-000	WAGON TRAIL ENTERPRISES LIMITED PARTNERSHIP	5720 BROADWAY ST	PEARLAND	TX	77581
4100-0003-000	WAGON TRAIL ENTERPRISES LIMITED PARTNERSHIP	5720 BROADWAY ST	PEARLAND	TX	77581
4100-0003-000	WAGON TRAIL ENTERPRISES LIMITED PARTNERSHIP	5720 BROADWAY ST	PEARLAND	TX	77581
5440-0009-000	JOHNSTON JERRY B & JANET A	5617 MEGAN ST	PEARLAND	TX	77581
5440-0000-000	HOUSTON PIPELINE ATTN PROP TAX DEPT	800 E SONTEERRA BLVD STE 400	SAN ANTONIO	TX	78258
5440-0000-000	HOUSTON PIPELINE ATTN PROP TAX DEPT	800 E SONTEERRA BLVD STE 400	SAN ANTONIO	TX	78258
5440-0007-000	MALLET EDMOND J & CLARA	2605 GUN POWDER LN	PEARLAND	TX	77581
5440-0006-000	JOHNSTON A O	PO BOX 476	PEARLAND	TX	77588

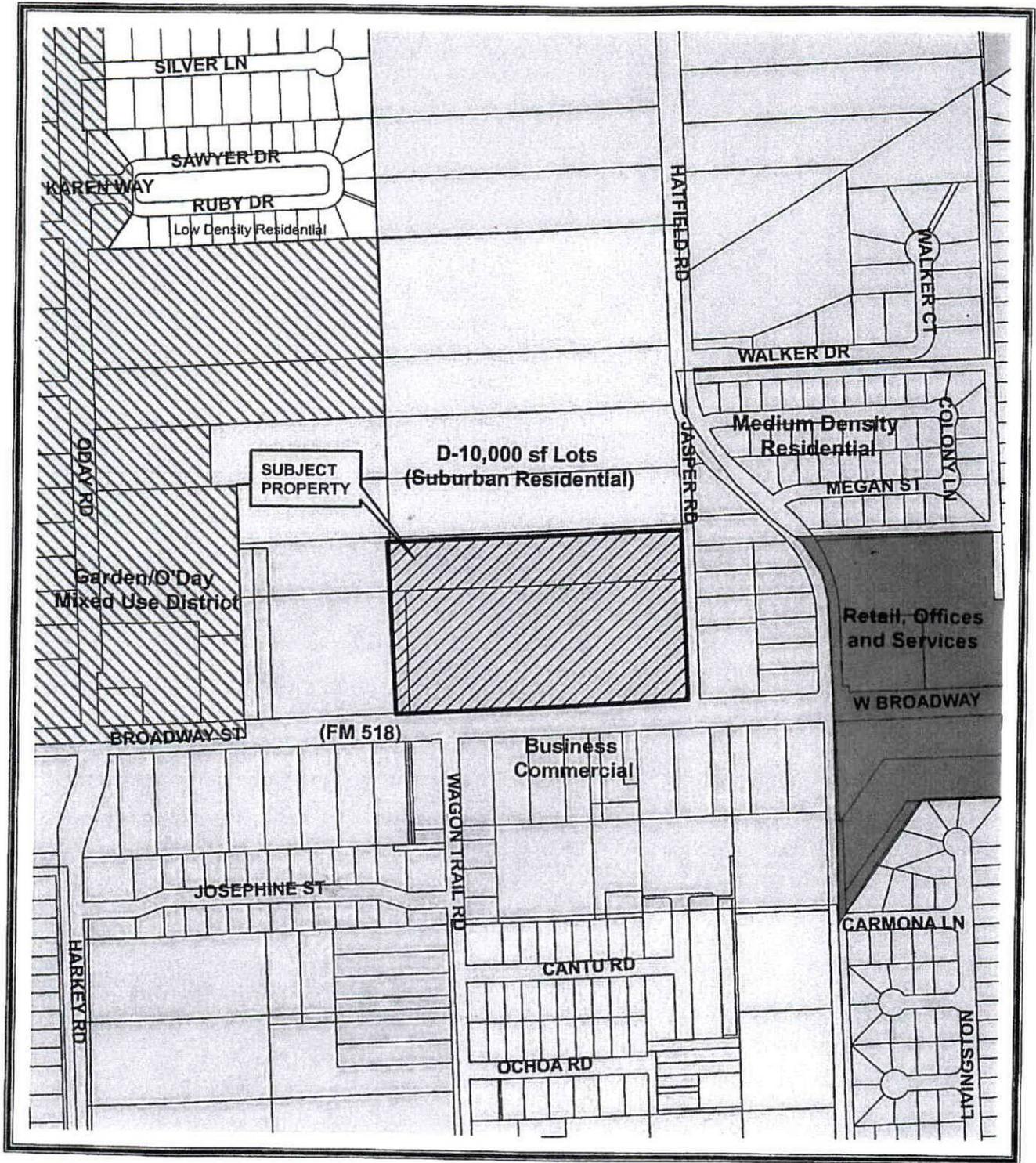


ZONING MAP

Conditional Use Permit
No. CUP2008-20

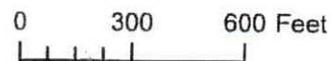


Map Prepared on July 7, 2008

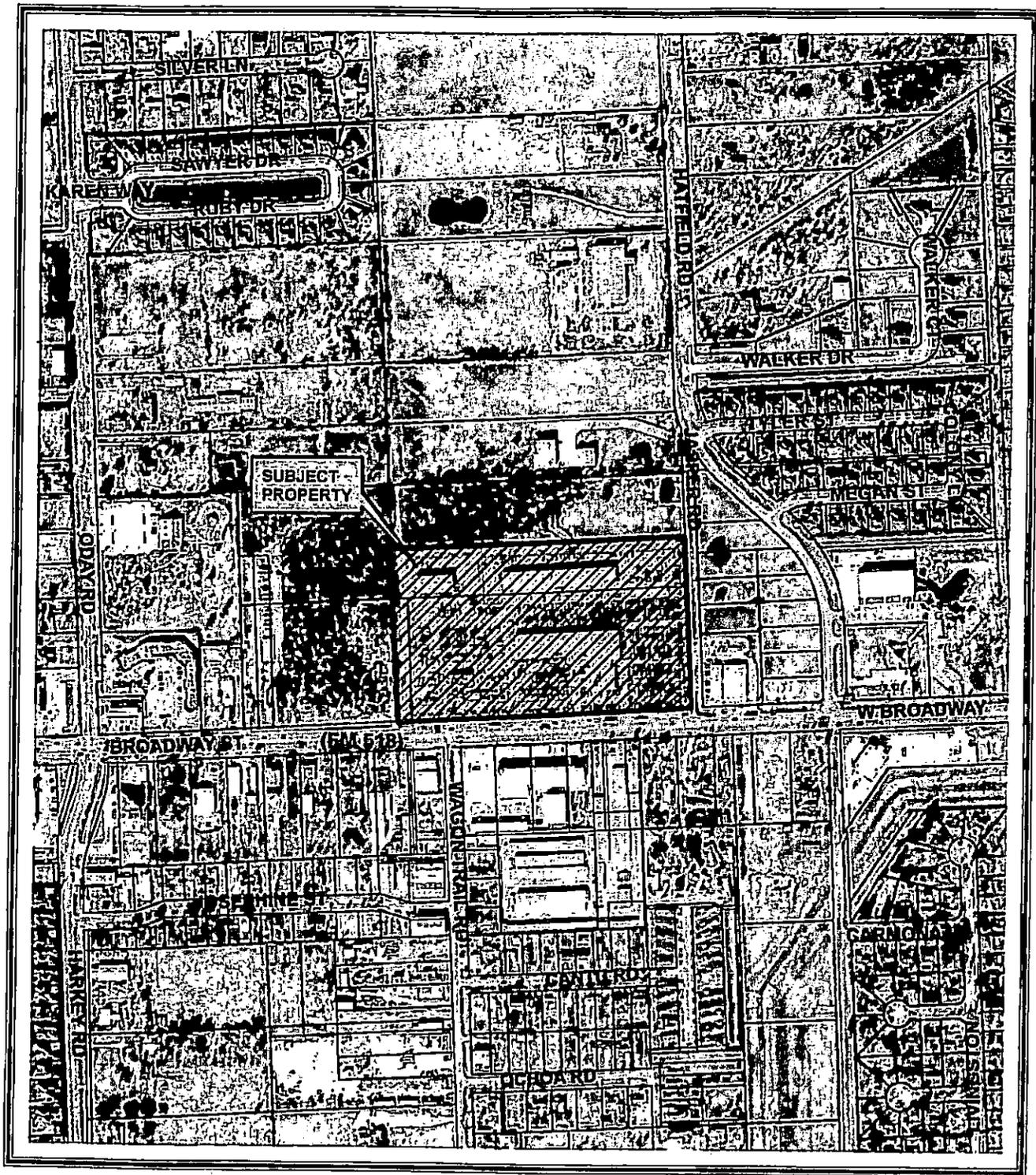


FUTURE LAND USE PLAN

Conditional Use Permit
No. CUP2008-20

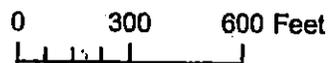
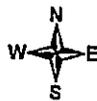


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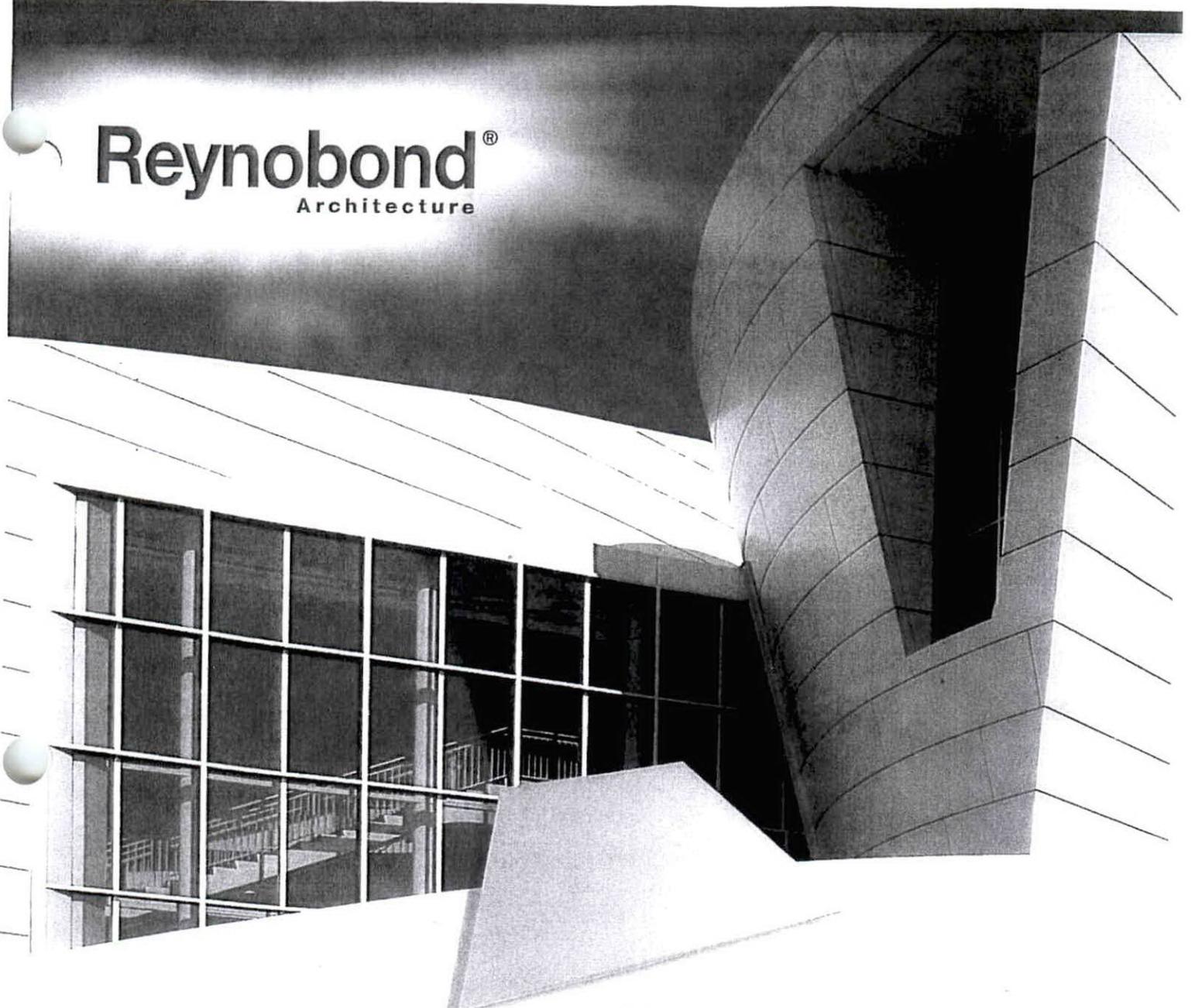


AERIAL PHOTOGRAPH

Conditional Use Permit
No. CUP2008-20



Map Prepared on July 7, 2008



Reynobond®
Architecture

Aluminum
Composite Material



Dedicated to your Success

Reynobond®
Architecture

Dedicated to your Success

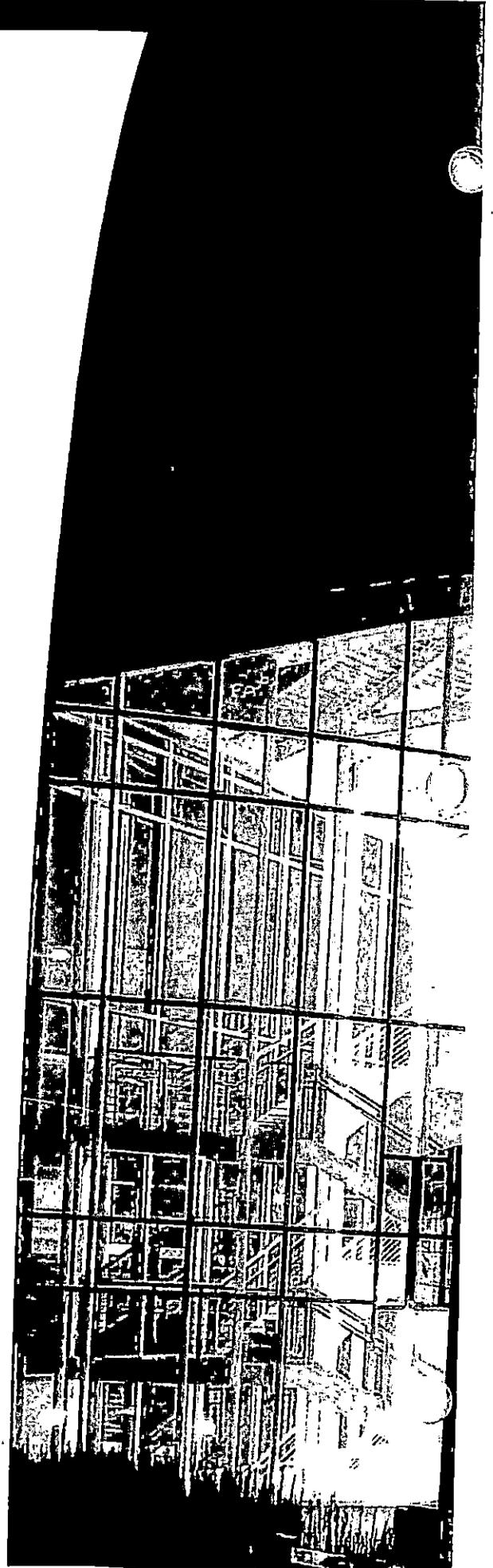
Alcoa Architectural Products understands that architects, designers, fabricators and installers share one common trait: *you're only as good as your current project*. Every new job presents a fresh set of challenges. And your ability to meet those unique challenges is the basis by which your clients will measure your work.

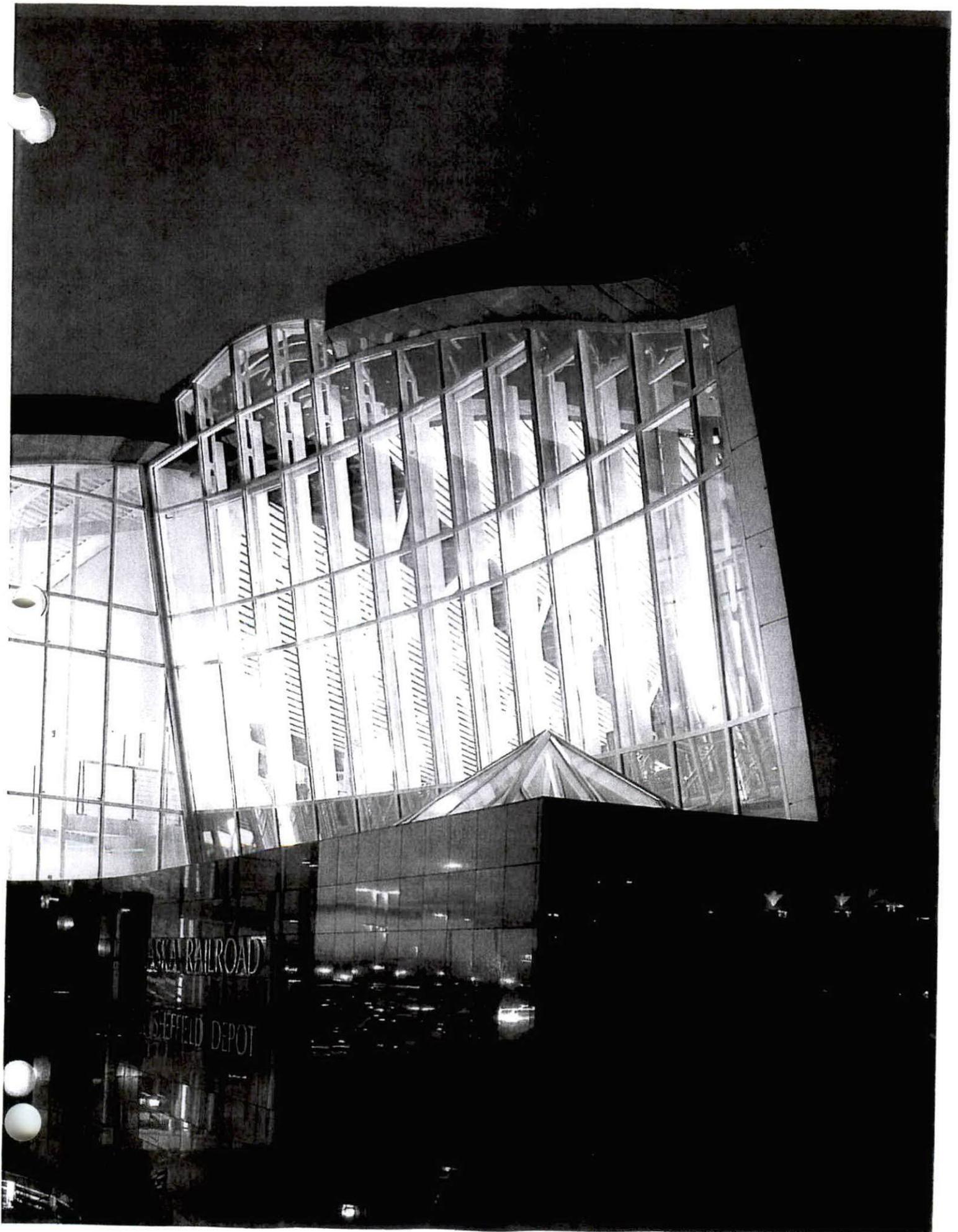
That's why we've built our company to provide comprehensive architectural solutions that enhance your ability to succeed. Everything we do is centered on making the design, specification and installation of our building panels as easy, as fast and as affordable as possible.

We develop and deliver innovative cladding products for both interior and exterior applications. Through our popular Reynobond® Aluminum Composite Material, our Reynobond Natural Metal Composite Material and our groundbreaking Reynobond with KEVLAR® hurricane impact panels, we provide durability, design flexibility and enduring performance while ensuring consistency of quality and color from project to project.

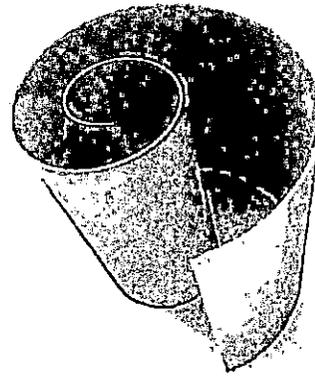
And our dedication to your success goes far beyond our products. By offering a wide range of support services such as comprehensive CAD drawings, custom design solutions, on-site consultation and more, the people of Alcoa Architectural Products work to ensure that your next project – *and every project* – is a success.

Alaska Railroad Bill Sheffield Depot,
Mercury Metals





Reynobond® – wrap your imagination around it

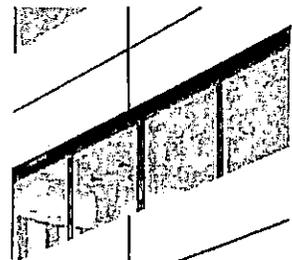


Product Information

When you want to make a design statement, Reynobond is the natural choice, allowing you the flexibility to achieve whatever your mind can conceive.

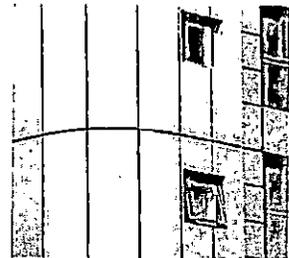
Exceptionally Flat

The strong, rigid construction of Reynobond composite material consists of a compound core between two sheets of aluminum, brushed aluminum, zinc, stainless steel, copper or titanium. This creates a flat surface that virtually eliminates dimpling, buckling and oil canning.



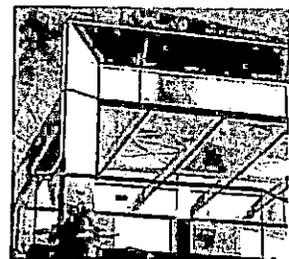
Daringly Formable

Reynobond is easily routed, drilled, punched, cut, bent, curved and precisely formed via these and other fabrication techniques to achieve small-radius curves, reverse curves, angles and other shapes, to create dramatic and distinctive designs.



Surprisingly Light

The light weight of Reynobond allows a wide variety of design options. Installation is quick and easy. For renovation work, cladding can often be installed with little or no alteration to existing structural elements.

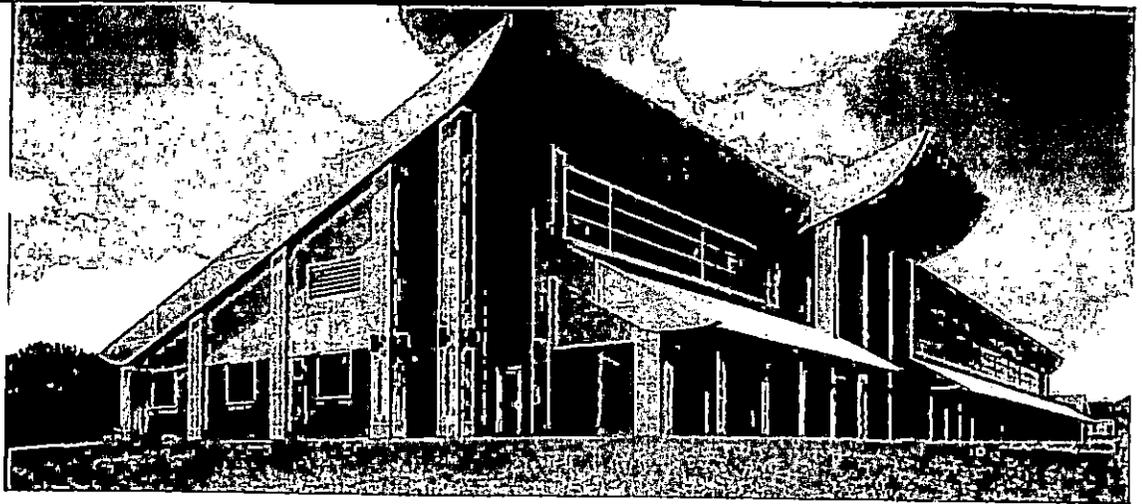


Distinctively Colorful

The high-performance coating systems available for Reynobond provide outstanding color and gloss retention in a virtually limitless range of hues. Standard and custom finishes are available, including anodic colors. Continuous coil application ensures consistent, long-lasting color.



USDA-ARS Southern
Horticultural Laboratory,
NOW Specialties, Inc.



Easily Integrated

Reynobond integrates easily with the curtain wall provided by most manufacturers. The result is a seamless look for a building's façade – with the added design characteristics that only Reynobond can offer.



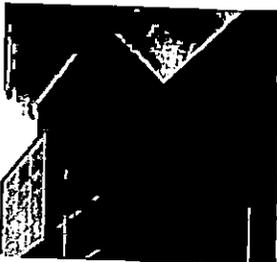
Beautiful Accents

Reynobond's family of Natural Metal products allows every element of the structure to become an element of design – through shaping, color and more. Reynobond's strength, weight and formability allow you to achieve designs that are not feasible with other materials.



Made for Each Other

Alcoa's Metal Wall Panels are the perfect complement to our family of Reynobond Aluminum Composite Material. The ability to combine these high-quality products in pre-matched or custom colors creates a number of distinct design advantages.



Guaranteed Safe

Reynobond is fully tested and environmentally safe, with building code approvals throughout the world. It is available with either a polyethylene (PE) core or a fire-resistant (FR) core material. Both products offer the flatness and formability required for demanding applications.

Reynobond® Natural Metals

Our Natural Metal composite panels provide all the functional benefits of Reynobond, with the clean, aesthetic impact that can come only from nature's finest elements. They are ideal as wall panels or accents for interior and exterior applications that emphasize natural beauty.

Reynobond ZCM

Made with a metal-zinc alloy that's stronger than common zinc, ZCM weathers naturally in the environment, with no coatings required. It greatly expands the number of architectural applications where zinc façades and accents can be used.

Reynobond Natural Brushed Aluminum

Reynobond Natural Brushed Aluminum combines the natural beauty of brushed aluminum with a high-performance protective sealant to meet the consistency and durability requirements of architectural exterior wall panels.

Reynobond Copper

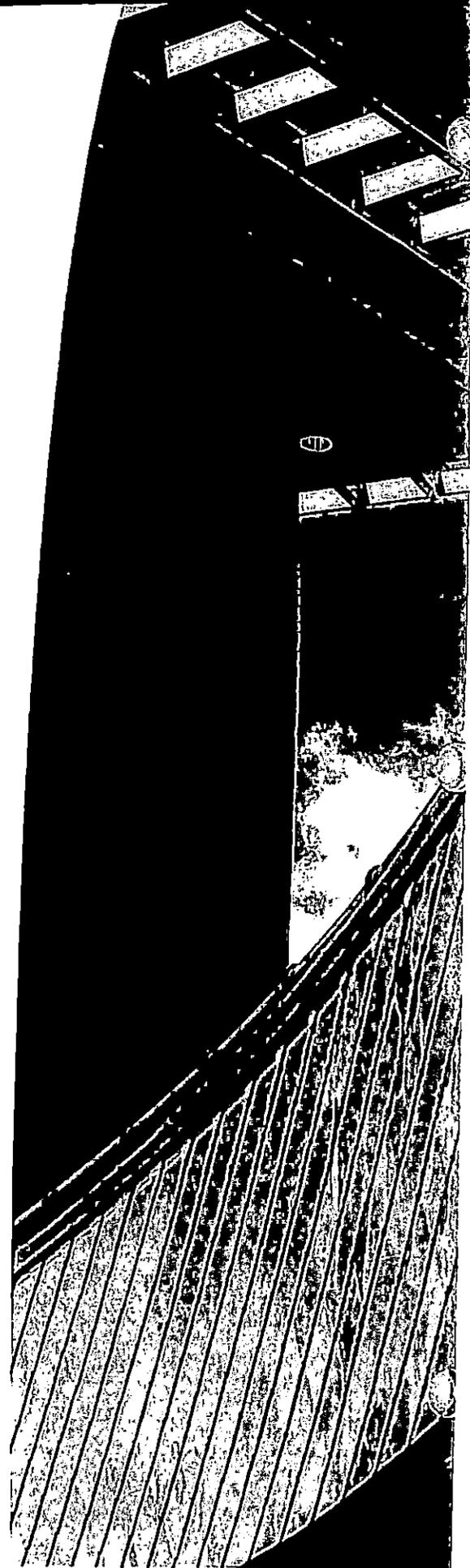
Created specifically for use as an interior or exterior wall accent panel, Reynobond Copper blends the natural beauty of copper with the flatness and formability of composite panels. This timeless metal lends a classic look to any architectural project.

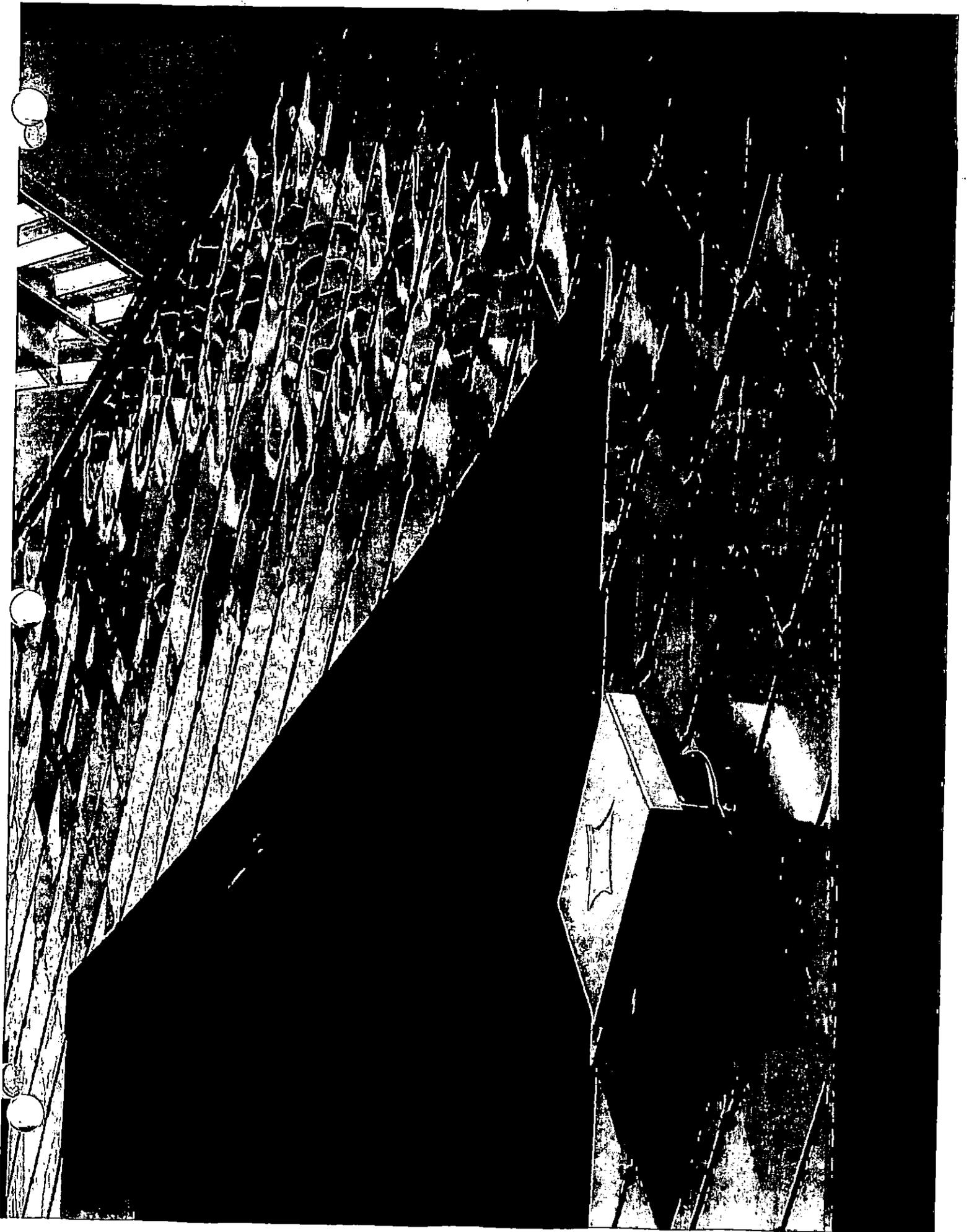
Reynobond Stainless Steel

With its clean, bold look, Reynobond Stainless Steel brings a modern feel to any environment – and provides a superb contrast to wood and other natural elements. It offers formability at a weight much lighter than traditional plate steel.

Reynobond Titanium

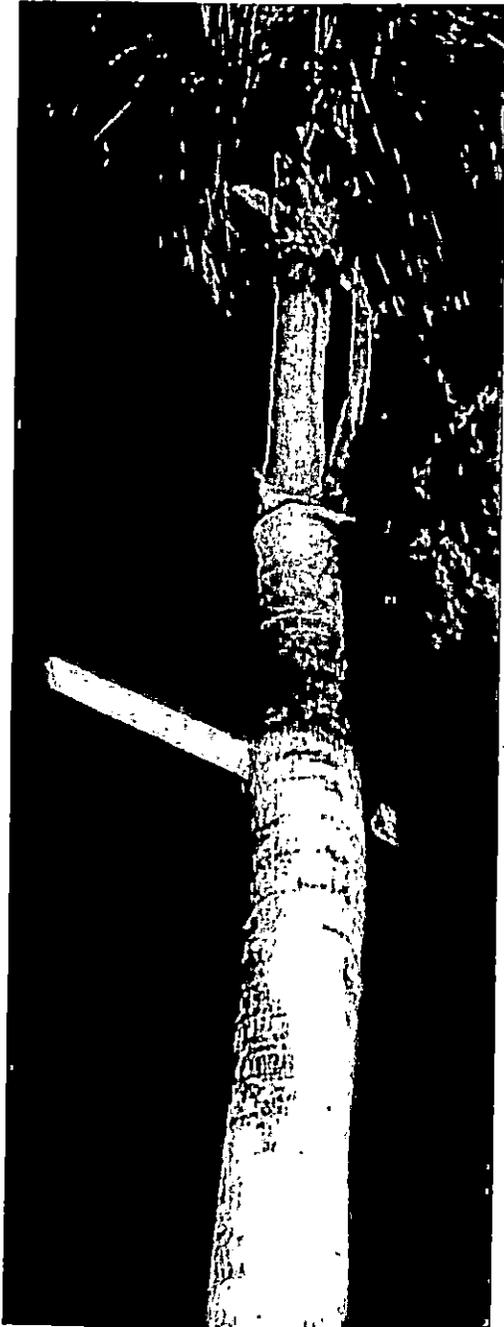
Reynobond Titanium combines an exceedingly durable and exotic natural metal finish with the flatness and formability of composite panels. The appearance of its natural, non-directional finish shifts with changing light conditions, displaying a range of unique hues.





Reynobond® with KEVLAR®

Stop hurricane-propelled debris in its tracks



Lightweight. Flexible. And now impact resistant.

Reynobond with KEVLAR® panels combine all the weight and flexibility benefits and new, sustainable paint finishes of Reynobond with the impact-resistant strength that can only come from KEVLAR®

Celebrated around the world as the lifesaving material in bullet-resistant vests and body armor, DuPont™ KEVLAR® fabric is five times stronger than steel on an equal weight basis. By adding it to Reynobond's polyethylene core, the panel can withstand hurricane-propelled debris and similar types of impact – without the use of heavy backer materials.

Easy to use. Easy to maintain. Affordable to install.

When installed with Alcoa-designed extrusions, Reynobond with KEVLAR® eliminates the need for protective backer materials such as plywood, steel or concrete. Panel modules can be shop-fabricated and quickly installed onto structural steel studs on the jobsite. This decreases the material cost of installation and on-site labor requirements – leading to faster installation, with costs comparable to, and often less than, those of brick, EIFS and stucco.

Designed to meet Miami-Dade County standards.

Reynobond with KEVLAR® is the only standalone aluminum composite material that meets the stringent requirements of the Miami-Dade County Building Code. Installed utilizing Alcoa-designed extrusions, it is engineered to sustain hurricane-force winds while passing small and large missile impact tests.

Miami-Dade County Approved

Reynobond with KEVLAR® is the only standalone aluminum composite material that meets the stringent requirements of the Miami-Dade County Building Code*. Installed utilizing Alcoa-designed extrusions, it is engineered to sustain hurricane-force winds while passing small and large missile impact tests in Alcoa-sponsored trials. (Miami-Dade County, Florida NOA No 05-1025.03)

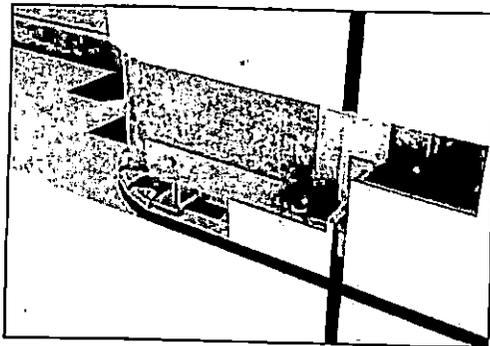
* The Miami-Dade County Building Code stipulates that panel systems withstand the impact of a 9-pound 2x4 timber traveling at 50 feet per second.

Reynobond XXL

Available in widths up to 78.75", Reynobond XXL offers all the benefits of Reynobond plus expanded versatility. Whatever you have in mind, the Reynobond family of products gives you the flexibility to achieve it.

Reynobond ACM

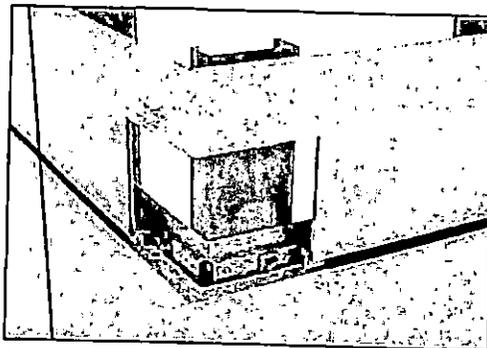
Common applications



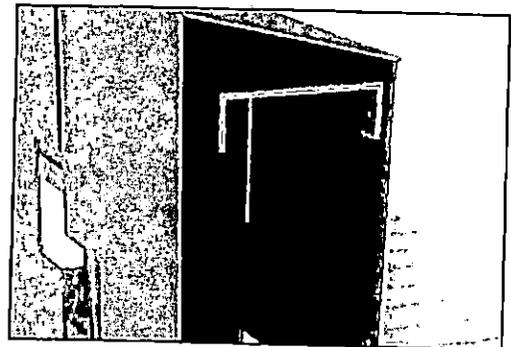
Recessed Windows



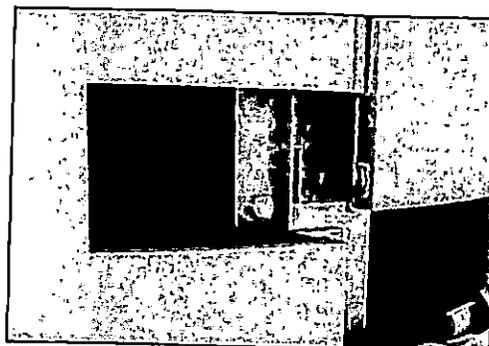
Rainscreen Installation System
Compliments of Riverside Group Ltd.



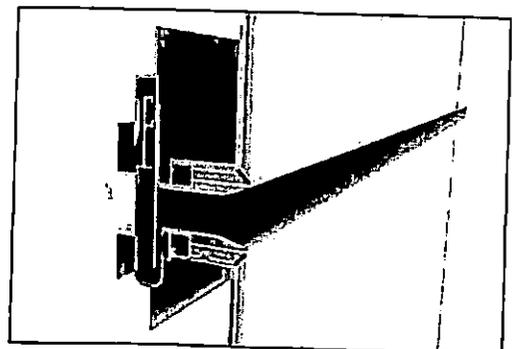
Outside Corner



Parapet Cap



Curved Wall Panel



Dry Seal Installation System
Compliments of NDW Specialties, Inc.

General data, facts & figures

Reynobond® ACM Technical Overview

Property	Units	RB120PE-3 mm	RB160PE-4 mm	RB240PE-6 mm	RB160FR-4 mm	Reynobond with KEVLAR®
Thickness	Inches	0.118	0.157	0.236	0.157	0.157
	mm	3.0	4.0	6.0	4.0	4.0
Weight	lb/ft ²	0.94	1.12	1.51	1.53	1.10
	Kg/m ²	4.59	5.47	7.37	7.48	5.37
Min. Bond Strength ASTM D1781	lb/in	40	40	40	22.5	40
	Nm/m	178	178	178	100	178
Flatwise Shear ASTM D1002	lb/in ²	1,297	1,221	2,055	928	735
	Mpa	8.94	8.42	14.17	6.4	5.07
Allowable Bending Stress (1)	lb/in ²	11,500	11,500	11,500	11,500	11,500
	Mpa	79.3	79.3	79.3	79.3	79.3
Coefficient of Expansion ASTM E228	in/in/F	1.31x10 ⁻⁵				
	mm/mm/C	2.36x10 ⁻⁵				
Stiffness (EI)	lb in ² /in	807	1,140	1,896	1,262	776
	Mpa cm ⁴ /m	9.1x10 ¹	12.8x10 ¹	21.4x10 ¹	14.3x10 ¹	8.7x10 ¹
Flexural Modulus Aged per ASTM C393 (2)	lb/in ²	8.3x10 ⁸	6.0x10 ⁸	4.0x10 ⁹	6.7x10 ⁸	4.08x10 ⁸
	Mpa	57.2x10 ⁷	41.4x10 ⁷	27.6x10 ⁷	46.2x10 ⁷	28.2x10 ⁷
Moment of Inertia	in ⁴ /in	0.97x10 ⁻⁴	1.89x10 ⁻⁴	4.58x10 ⁻⁴	1.89x10 ⁻⁴	1.89x10 ⁻⁴
	cm ⁴ /m	0.159	0.310	0.751	0.310	0.310
Section Modulus	in ³ /in	1.65x10 ⁻³	2.41x10 ⁻³	3.88x10 ⁻³	2.41x10 ⁻³	2.41x10 ⁻³
	cm ³ /m	1.065	1.555	2.503	1.555	1.555
Tensile Yield ASTM D638	lb/in ²	8,300	6,405	5,314	6,367	15,700
	Mpa	57.23	44.16	36.64	43.90	108.25
Flatwise Tensile ASTM C297	lb/in ²	1,483	1,371	1,099	961	513
	Mpa	10.22	9.45	7.58	6.62	3.53

(1) Allowable stress may be increased by 33% for wind load.

(2) Reynobond with KEVLAR® flex modulus fabric side up.

Information contained herein or related hereto is intended only for evaluation by technically skilled persons, with any use thereof to be at their independent discretion and risk. Such information is believed to be reliable, but Alcoa Architectural Products ("Alcoa") shall have no responsibility or liability for results obtained or damages resulting from such use. Alcoa grants no license under, and shall have no responsibility or liability for infringement of, any patent or other proprietary right. Nothing in this document should be construed as a warranty or guarantee by Alcoa, and the only applicable warranties will be those set forth in Alcoa acknowledgement or in any printed warranty documents issued by Alcoa. The foregoing may be waived or modified only in writing by an Alcoa officer.

Paint Finish Quick Specification Reference

	CW300/CW300XL	DURAGLOSS® 5000	DURAGLOSS® 3000	CORAFLO®	FLUOROBRITE®	COLORWELD® 100
Warranty	20 yrs.	15 yrs.	10 yrs.	20 yrs.	5 yrs.	5 yrs.
Resin Type	70% PVDF	Modified Polyester	Modified Polyester	FEVE	FEVE	Polyester
UV Performance	****	****	***	***	**	.
Gloss Range	20% - 35%	25% - 35%	20% - 80%	20% - 35%	20% - 80%	20% - 80%
Colors	Opagues Metallics	Opagues Metallics	Opagues Metallics Bright Colors	Opagues Metallics	Bright Colors	Opagues Metallics Bright Colors
Economics	\$\$\$\$	\$\$\$	\$\$	\$\$\$\$\$	\$\$\$\$\$	\$

Safety/Class A Rating Per ASTM E84

	Flame Spread	Smoke Developed
Reynobond PE w/o Joint	PASS* CLASS A	PASS* CLASS A
Reynobond PE w/ Joint	PASS* CLASS A	PASS* CLASS A
Reynobond FR w/ Joint	PASS* CLASS A	PASS* CLASS A
Reynobond with KEVLAR®	PASS* CLASS A	PASS* CLASS A

*Flame spread ≤ 25, smoke developed ≤ 450.

Building Code Recognition

ICBO Evaluation Report	No. PFC-4909, PFC-5051
BOCA Research Report	No. 93-57
SBCCI PST & ESI Report	No. 9509
New York City M.E.A.	MEA 75-91-M, MEA 390-99-M
Los Angeles Research Report	No. RR 25121, RR25285
State of Wisconsin Approval	No. 990033-1
Miami-Dade N.O.A.	No. 06-1025.03
Florida Building Code	Pending

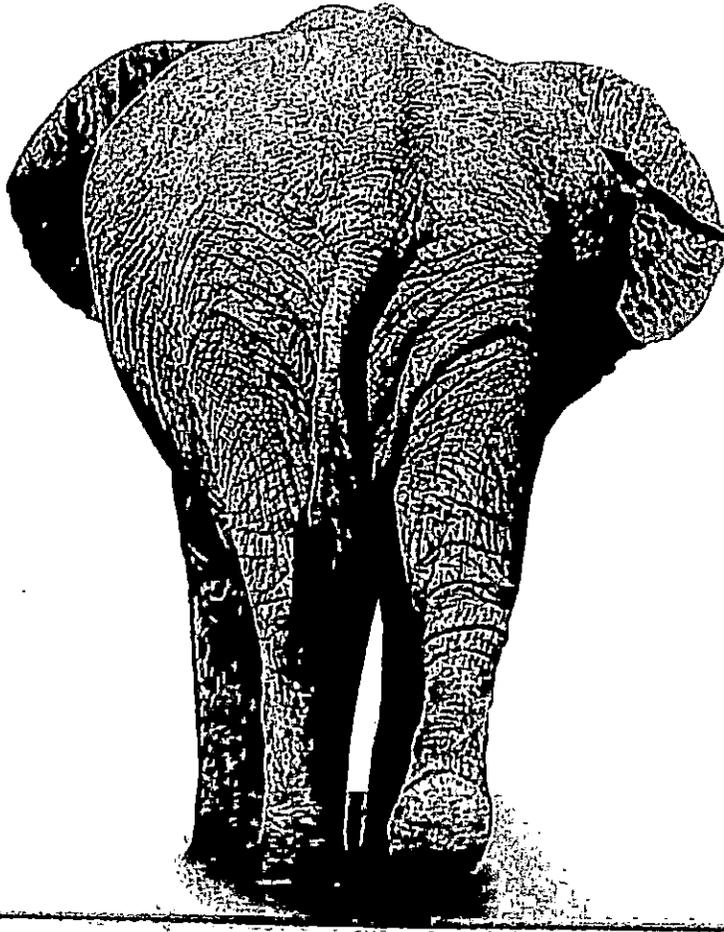
Chicago • Canada • United Kingdom • Singapore
Australia • New Zealand • Malaysia • France
Germany • China • Hong Kong • Poland • Israel

Product Availability

	Thickness	Standard Widths**	Standard Lengths*
RB120PE-3 mm	3 mm (0.118")	Consult for program widths including: 1000 mm (39.37") 1220 mm (48") 1270 mm (50") 1295 mm (51") 1524 mm (60") 1575 mm (62")	1220 mm (48") to 6172 mm (20' 3")
RB160PE-4 mm	4 mm (0.157")	1270 mm (50") 1575 mm (62")	1220 mm (48") to 6172 mm (20' 3")
RB240PE-6 mm	6 mm (0.236")	1270 mm (50") 1575 mm (62")	1220 mm (48") to 6172 mm (20' 3")
RB160FR-4 mm	4 mm (0.157")	1270 mm (50") 1575 mm (62")	1220 mm (48") to 6172 mm (20' 3")
Reynobond with KEVLAR®	4 mm (0.157")	1270 mm (50") 1575 mm (62")	1220 mm (48") to 6172 mm (20' 3")

*Consult for standard lengths. **Consult for color & finish availability.

Reynobond®
Architecture



Available in XXL.

Want the strength and performance of Reynobond, but need wider ACM panels? Reynobond XXL offers all the benefits you love. Like incredible flatness. Admirable durability. A superb strength to weight ratio. And design-inspiring flexibility. Only now

they come in impressive 78 3/4" panel widths — enhancing your ability to combine Reynobond with other substrates and materials that are over five feet in width. So live large. Spec Reynobond XXL for your next project — and get more panel for your money.



ALCOA

Dedicated to your Success

For more information, contact Alcoa Architectural Products (800) 841-7774. Or visit us online at alcoaarchitecturalproducts.com.

Reynobond® XXL

All The Benefits Of Reynobond — In Wider Panels. Reynobond XXL offers all the benefits of Reynobond — including incredible flatness, admirable durability and a superb strength-to-weight ratio — in a 78½" panel width. These new, wider panels enhance your ability to combine Reynobond with other substrates

and materials such as glass that are over five feet in width. Wider panels also require fewer panel joints and other installation accessories, decreasing installation time in the field while further decreasing the likelihood of water penetration between panels.

Product Basics

Thickness	4 mm and 6 mm
Core	PE and FR Fire Resistant Core (FR 4 mm only)
Skin Thickness	0.020" / .50 mm
Finish <small>(See DURAGLOSS® Performance Chart)</small>	Duragloss 5000, 15-year performance guarantee
Available Width	78.75" (2000 mm)
Maximum Length	243" (6172 mm)
Coefficients of Thermal Expansion ASTM E228	13.1 x 10 ⁻⁶ in/in/°F

DURAGLOSS® Performance

Specular Gloss (ASTM D523@60°/ECCA T2)	Ranges from 20% to >80%
Gloss Retention (ASTM D523)	Maintains no less than 80% of original gloss after 10 years
Color Retention (ASTM D2244)	Maximum 5 units of change
Chalk Resistance (ASTM D4214)	Maximum rating of 8
Coating Flexibility (ASTM D4145/ECCA T20)	0T
Film Hardness (ASTM D3363/ECCA T4)	HB-H
Film Thickness (ASTM D1400/ECCA T1)	Nominal 1.0 mil (24-28 microns)
Abrasion Resistance (ASTM D968)	>40 liters of falling sand
Salt Spray Resistance (ASTM B117/ECCA T8)	Excellent — passes 3000 hours
Chemical Resistance	Excellent — no change in appearance
Reverse Impact (ASTM B2794/ECCA T5)	No cracking or paint removal
Adhesion (ASTM D3359/ECCA T6)	No adhesion loss
Performance Guarantee	15 years

Available in DG5000 Silver Metallic and DG5000 Perfectly White
Inventory available in Finished Goods panels, inquire about availability and colors.

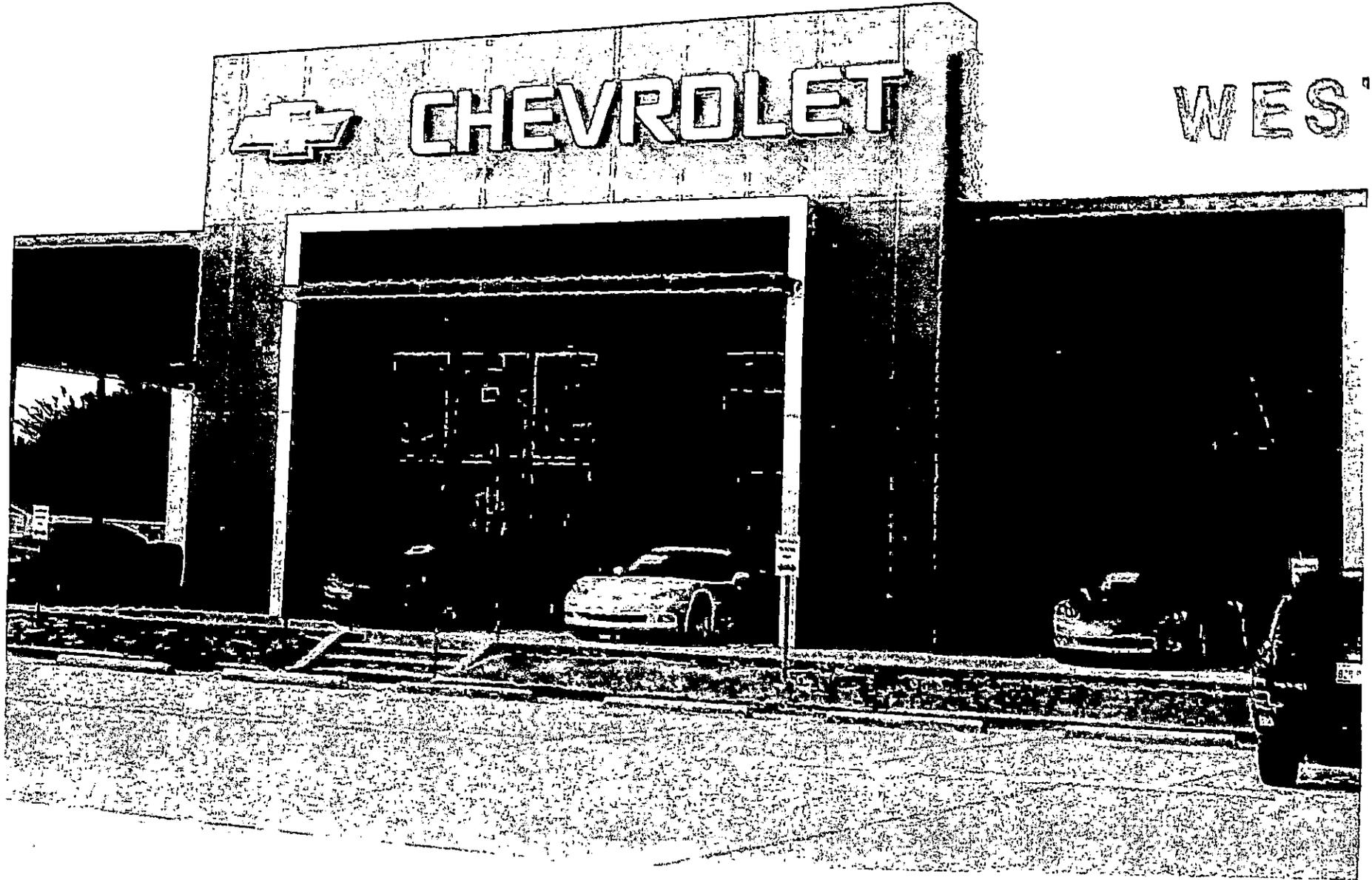


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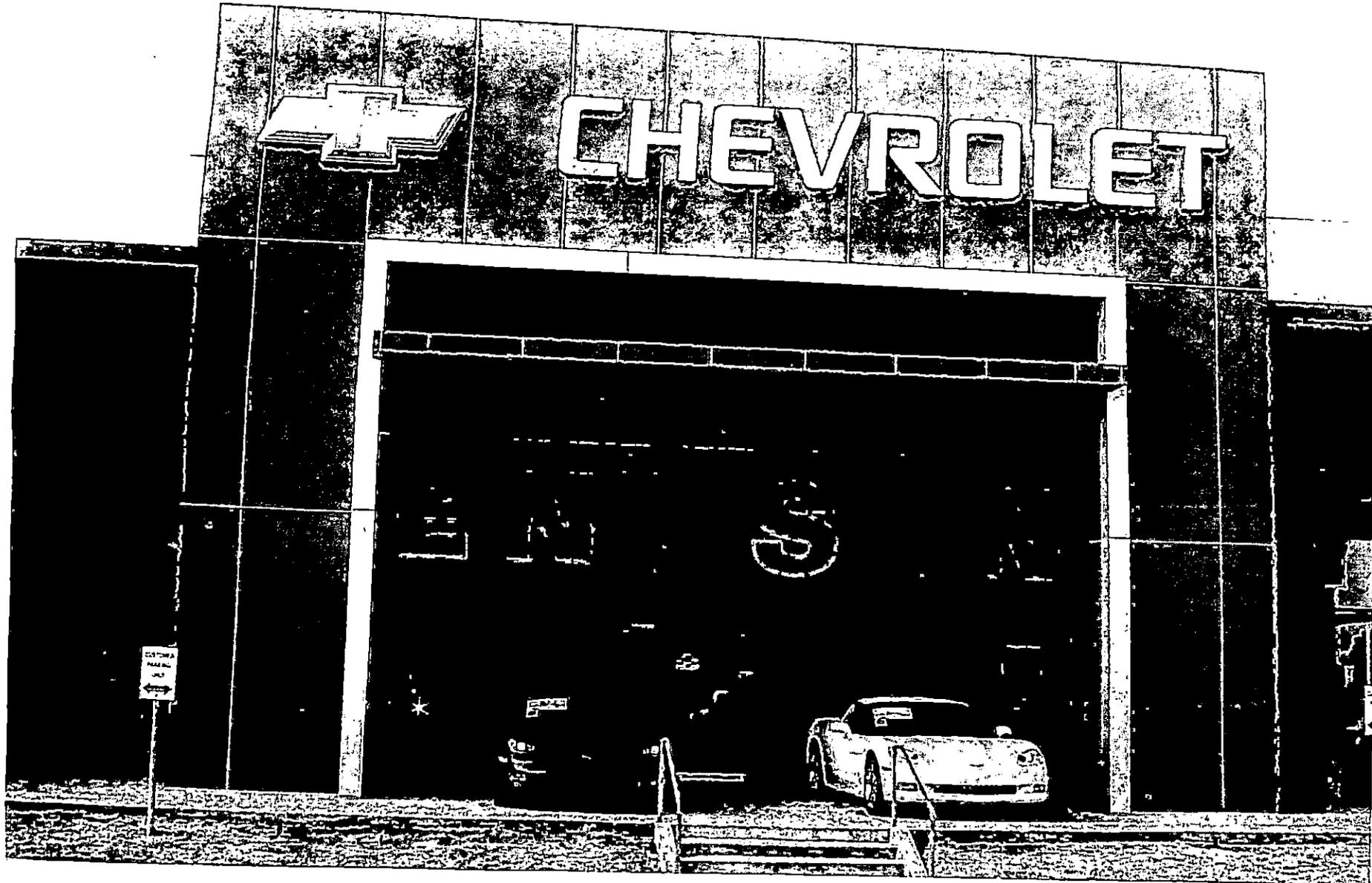




CHEVROLET



EST. 1911
PARKING
AND
SALES



You missed it.
Herman Munster - to my
right spoke. Think he
has plastic surgery
since his TV days!



AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JULY 21, 2008, 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. 2998-11Z

A request by Les Kilday and Kilday Realty Corporation, applicant for Imani Church, 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 General Business District (GB) and Suburban Residential – 12 District (SR-12) to Planned Development District (PD), on the following described property, to wit:

Legal Description: 6.00 acres of land, being out of Lots 23 and 24, Section 21, of the Allison Richey Gulf Coast Home Company's Subdivision, according to the plat thereof as filed in Volume 2, Page 24, of the Brazoria County Plat Records, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the West Side of Cullen Boulevard, on the South Side of FM 518 (Broadway Street), and on the North Side of Fite Road

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 JULY 21, 2008

Zone Change No. 2008-11Z

A request by Les Kilday and Kilday Realty Corporation, applicant for Imani Church, 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 General Business District (GB) and Suburban Residential – 12 District (SR-12) to Planned Development District (PD)

LEGAL DESCRIPTION: 6.00 acres of land, being out of Lots 23 and 24, Section 21, of the Allison Richey Gulf Coast Home Company's Subdivision, according to the plat thereof as filed in Volume 2, Page 24, of the Brazoria County Plat Records, City of Pearland, Brazoria County, Texas

GENERAL LOCATION: Generally Located on the West Side of Cullen Boulevard, on the South Side of FM 518 (Broadway Street), and on the North Side of Fite Road

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

Planning and Zoning Commission: July 21, 2008*
City Council for First Reading: August 11, 2008*
City Council for Second Reading: August 25, 2008*

(*dates subject to change if item is tabled)

SUMMARY: The applicant is requesting a change in zoning on the subject property for a Planned Development District (PD). This proposed PD was presented at workshops on April 21, 2008, and June 16, 2008. Based on the comments received at the workshop, some changes have been incorporated in the PD document. Earlier staff reports have been attached.

This 6- acre Planned Development (PD) is located south of Broadway and west of Cullen Boulevard. The applicant is proposing a senior (55+) housing project consisting of three story apartment wings, a leasing office, and a community center. The buildings are designed around a courtyard. A total of 96 units are proposed. The units are a combination of one and two bedrooms with 54 one-bedroom units and 42 two-bedroom units. Detention is proposed to be provided off-site. The underlying zone is proposed to be Multi-Family (MF) zone.

The subject property is currently undeveloped.

SURROUNDING ZONING AND LAND USES:

* surrounding zoning districts based on the new map adopted February 27, 2006

	<u>Zoning</u>	<u>Land Use</u>
North	General Business Retail District (GB); Suburban Residential – 12 District (SR-12)	Undeveloped tract
South	Planned Development District (PD)	Undeveloped tract, but the PD designates the property for townhomes/small residential lots
East	General Business Retail District (GB)	Undeveloped tract
West	Suburban Residential – 12 District (SR-12)	Undeveloped tract

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The applicant is requesting the PD district. The applicant will be required to comply with all requirements specified within the PD and any other requirements of the Unified Development Code.

PLATTING STATUS: Based on the legal description submitted with the zone change application, it appears that the subject property has not been platted. The subject property will need to be platted in accordance with the Unified Development Code, Chapter 3, Subdivision Regulations, prior to issuance of a building permit. The plat will need to address all requirements listed in Chapter 3, and be approved by the City, and the plat will

need to be filed for record with the County Clerk, prior to issuance of a building permit.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Retail, Office, and Services" for the eastern half of the subject property, and "10,000 Square Foot Suburban Residential" for the western half of the subject property. The Comprehensive Plan further indicates that the appropriate zoning districts for "Retail, Office, and Services" are the General Business Retail District (GB), the Neighborhood Service District (NS), and the Office and Professional District (OP), and the appropriate zoning districts for "10,000 Square Foot Suburban Residential" is a new residential zoning district that was created with the adoption of the UDC.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property currently does not have frontage on any street.

AVAILABILITY OF UTILITIES: The applicant will be responsible for extending all utilities as necessary to serve the proposed development. Availability and adequacy of utilities will be reviewed during the review of any subdivision plat or building permit applications submitted for the subject property.

PD REVIEW: This 6- acre Planned Development (PD) is located south of Broadway and west of Cullen Boulevard. The applicant is proposing a senior (55+) housing project consisting of three story apartment wings, a leasing office, and a community center. The buildings are designed around a courtyard. A total of 96 units are proposed. The units are a combination of one and two bedrooms with 54 one-bedroom units and 42 two-bedroom units. Detention is proposed to be provided off-site. The underlying zone is proposed to be Multi-family (MF) zone.

This development would require 2.4 acres of parkland. The applicant proposes to contribute to the City's parkland dedication fund.

The applicant had requested four variances earlier. The variances for common open space area and height of building are not required now, since the revised PD conforms to the Unified Development Code (UDC) requirements. The two variances being requested are discussed below.

1. **Density**

The parcel is a combination of SR-12 and GB zones. SR-12 allows a density of 2.3 units per acre. A multi-family (MF) zone allows a density of 16 units per acre. The proposed development originally proposed 120 units on 6 acres, resulting in a density of 20 units per acre.

The Council and P & Z had expressed concerns over the proposed density and had directed the applicant to reconsider. The number of units has been reduced to 96 units resulting in a density of 16 units per acre.

2. **Parking Ratio**

The PD had originally proposed a ratio of 0.75 spaces per unit. UDC requires 2 spaces for 1-bedroom unit and 2.5 for 2-bedroom unit. There is no separate ratio for 55+ housing.

The Council and P & Z had asked the applicant to reconsider a ratio between 1 and 2 spaces/unit.

For this development, the applicant is proposing a total of 144 spaces (1.5 spaces per apartment unit) that results in two spaces for 2-bedroom units and one space for 1-bedroom units and six additional spaces.

Outstanding Staff Comments

1. The site plan (scale 1"=80'-0") needs to be labeled as "Design Plan".
2. Open Space and Amenities: Multi Family zone requires 900 sq. ft. of common open space per unit. This development with 96 units would require 86,400 square feet (2 acres) of common open space, excluding detention. The PD does not specify how much is provided. The land use table needs to include this area. All other requirements such as minimum width, minimum area etc. needs to be met. The common open area needs to be shown clearly on the design plan.
3. Amenities: The design plan shows some amenities. These need to be listed in the PD. Width and material of trails need to be specified.
4. Parking ratio for one-bedroom and two-bedroom units need to be specifically mentioned. The proposed ratio results in two spaces for 2-bedroom units and one space for 1-bedroom units. Add this to Section III.C under parking variance.

5. Section III.C – Building Height Variance: Modify the sentence to state "The three-story residential buildings for TownePlace Reserve **shall not exceed** will be approximately 35' in height, meeting _____. Indicate the total building height on building elevations.
6. Landscaping Requirements: Details of the buffer (location, width, number of trees and shrubs) along south, west and a portion of north side needs to be included. Modify Section III.A.11 to include portion of northern property line. Dumpsters cannot be located within these buffers.
7. Section III indicates that perimeter trees will be planted along street frontage. It is not clear, where the street frontage would be. Staff recommends that Section III.A. 1-9 be removed, since these guidelines are included in the UDC.
8. Section III. A.13 needs to be clarified to state that detention shall be off-site.
9. Section III. A. 10 refers to sidewalks. The width and material of the sidewalks need to be clarified, the Design Plan referenced for location, and these sidewalks need to be labeled on the Design Plan.
10. Section I.D needs to be modified to remove reference to on-site detention.
11. Platting: It is not clear if the parcel as shown can be platted, especially in terms of lot width. The proposed cul-de-sac would need sidewalks on both sides. This needs to be addressed during platting.
12. Section IV – Remove the statement - "This preliminary master plan is included for informational purposes only and not for approval at this time."

The UDC (as indicated in Section III.B. of the PD) requires a design plan that is specific and that is approved with the PD. A note can be added to the PD that states – "Minor deviations from the Design Plan, as specified in the UDC, shall be approved by staff".
13. The TownePlace Reserve Master Plan needs to be followed, as shown, if it is attached to the PD. If the location and uses are not determined, staff recommends that a more general plan be attached.

It is Staff's opinion that this use will serve as a buffer between the commercial/retail uses along Cullen Boulevard and the single family residential zoned area to the west. Further, this use will be compatible to the adjacent single family uses as well as other similar facilities under construction in the area.

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.

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



APPLICATION FOR A CHANGE IN ZONING

ZONE CHANGE APPLICATION 1 OF 2 (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

Current Zoning District: GB and SR-12

Proposed Zoning District: PD

Property Information:

Address or General Location of Property: 6 acres West of Cullen, South of Broadway

Tax Account No. 0309-0041-000

Subdivision: Allison Richey Gulf Coast Lot: Pt of Lot 24 Block: Reserve A

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

PROPERTY OWNER INFORMATION:

NAME Imani Church
ADDRESS P.O. Box 1652
CITY Pearland STATE TX ZIP 77588
PHONE(713) 589-4297
FAX() _____
E-MAIL ADDRESS pastor@harvestofpraise
exalted.org

APPLICANT INFORMATION:

NAME Les Kilday (Kilday Realty Corp)
ADDRESS 1717 St. James Place, #150
CITY Houston STATE TX ZIP 77056
PHONE(713) 914-9400
FAX(713) 914-9439
E-MAIL ADDRESS leskilday@kildayrealty
corp.net

*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.

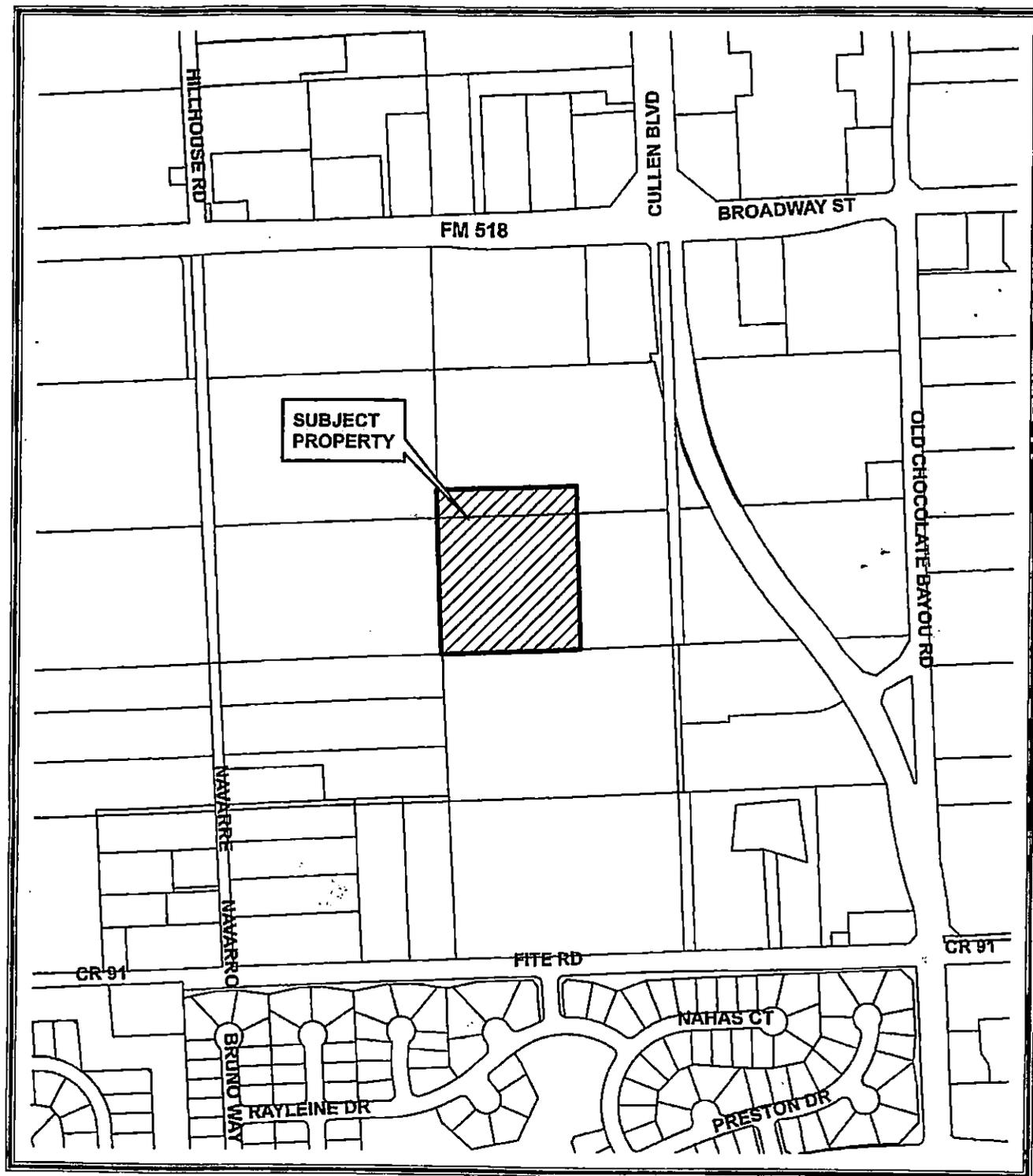
Owner's Signature: [Signature] Date: 6/20/08

Agent's Signature: [Signature] Date: 6-19-08

OFFICE USE ONLY:

FEE PAID: <u>\$ 275.00</u>	DATE PAID: <u>2/22/08</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>—</u>
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Application No. 2008-117



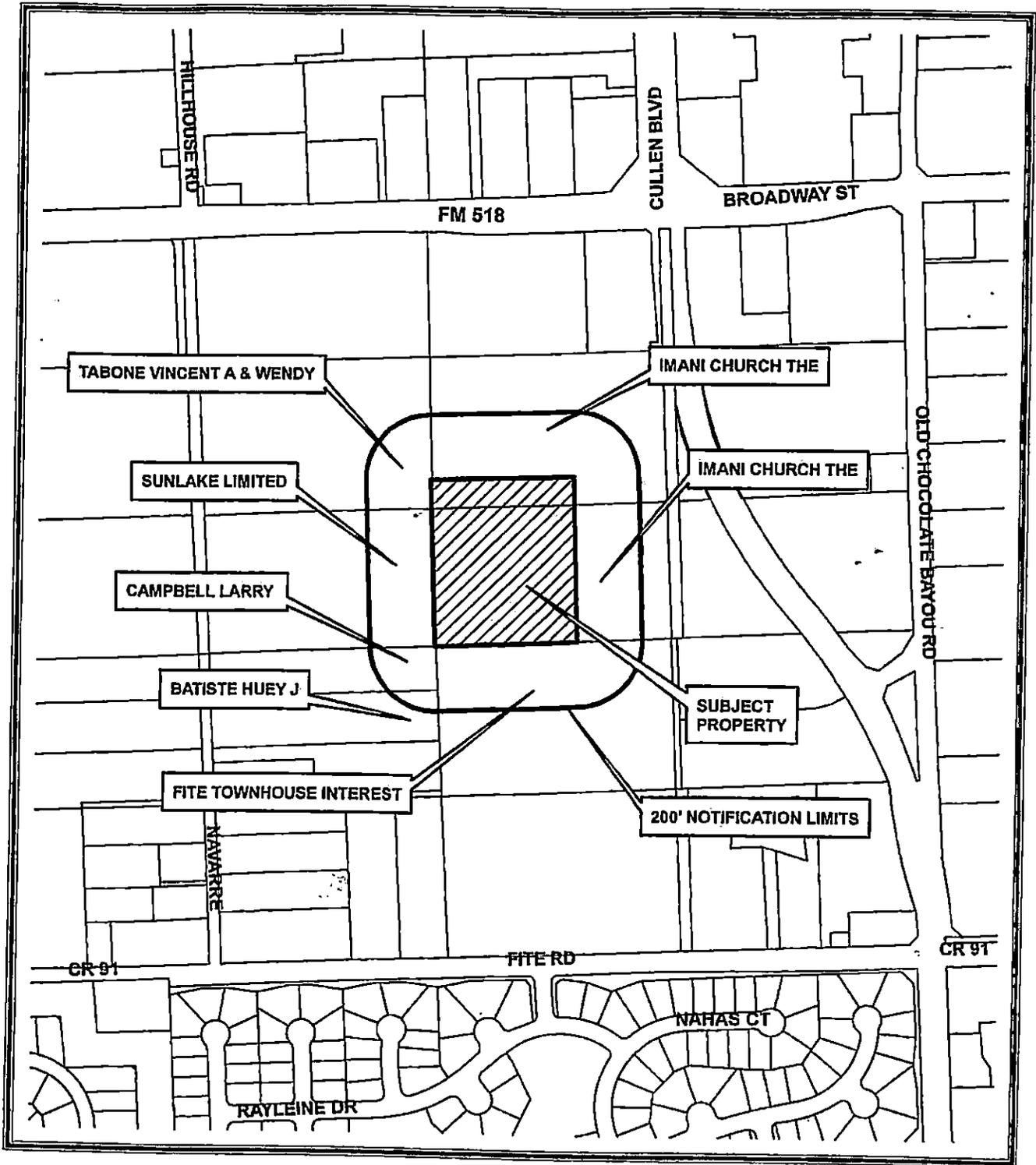
LOCATION MAP

**Zone Change
No. 2008-11Z**



0 300 600 Feet
|-----|-----|

Map Prepared on July 7, 2008



OWNERSHIP MAP

Zone Change
No. 2008-11Z

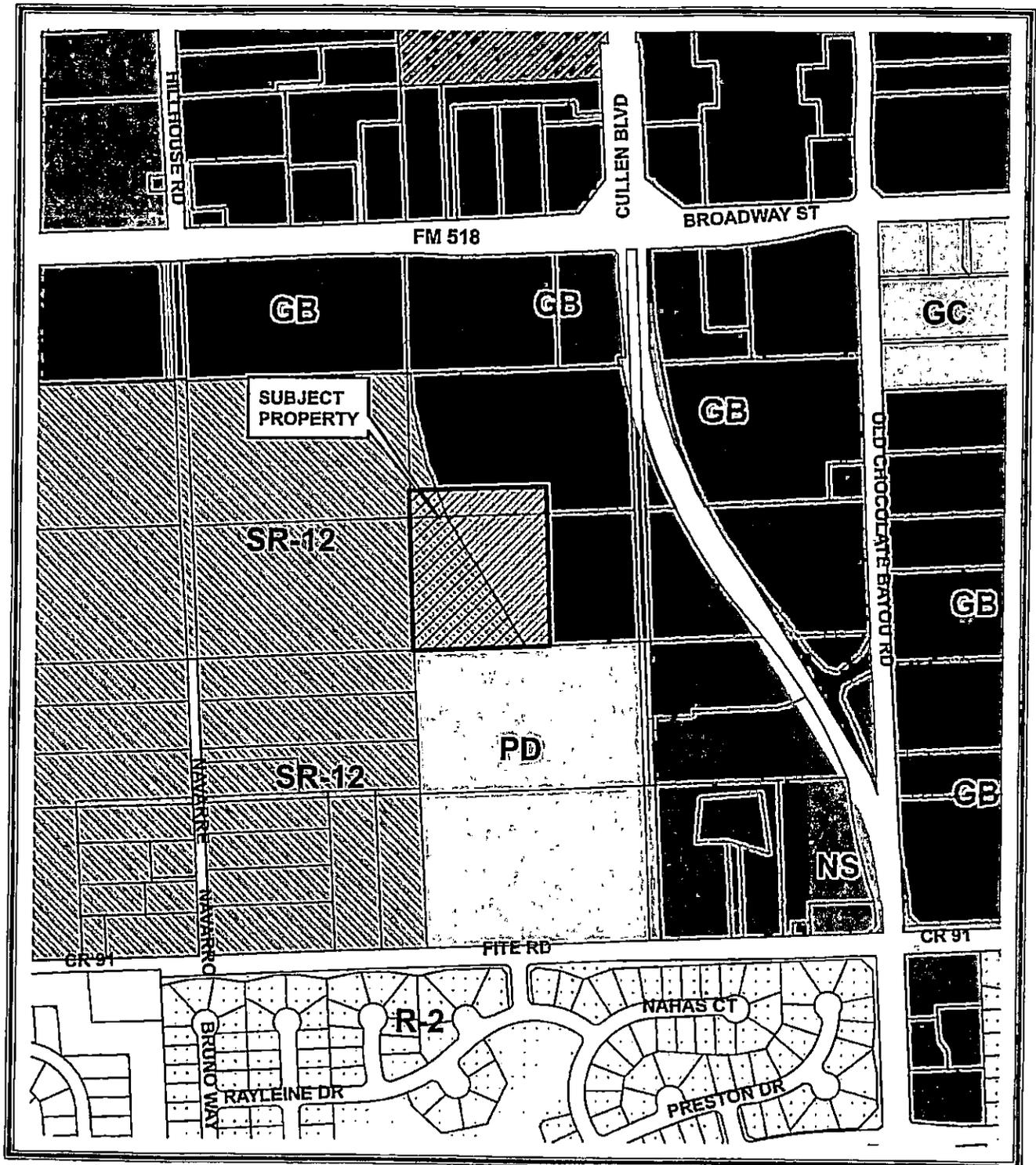


0 300 600 Feet

Map Prepared on July 7, 2008

ZONE CHANGE NO. 2008-11Z
Property Owner Notification List

<u>TAX ACCT</u>	<u>OWNER</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>ST</u>	<u>ZIP CODE</u>
0309-0041-000	IMANI CHURCH THE	PO BOX 1652	PEARLAND	TX	77588
7853-0094-000	TABONE VINCENT A & WENDY	1501 OAK ISLAND DR	LAKE JACKSON	TX	77566
0309-0041-000	IMANI CHURCH THE	PO BOX 1652	PEARLAND	TX	77588
APPLICANT	LES KILDAY KILDAY REALTY CORP	1717 ST JAMES PLACE SUITE 150	HOUSTON	TX	77056
0309-0015-000	SUNLAKE LIMITED	6524 SAN FELIPE ST #123	HOUSTON	TX	77057
0309-0004-000	FITE TOWNHOUSE INTEREST LTD	7757 SAN FELIPE #204	HOUSTON	TX	77063
0309-0007-110	CAMPBELL LARRY & KERRY SPENCER	1835 COUNTY ROAD 59	PEARLAND	TX	77584
0309-0007-120	BATISTE HUEY J	3757 CORK DR	HOUSTON	TX	77047



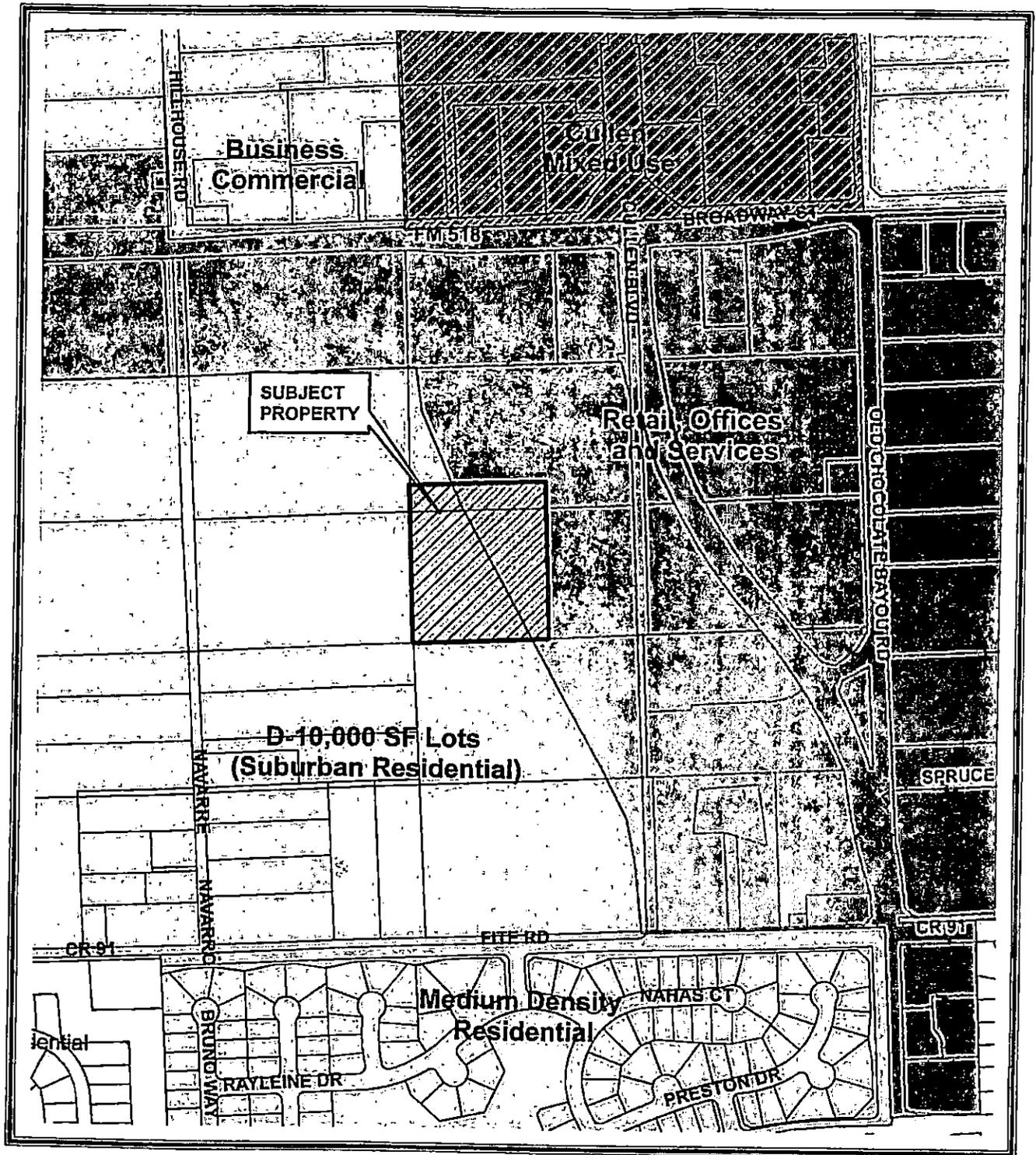
ZONING MAP

Zone Change
No. 2008-11Z



0 300 600 Feet

Map Prepared on July 7, 2008



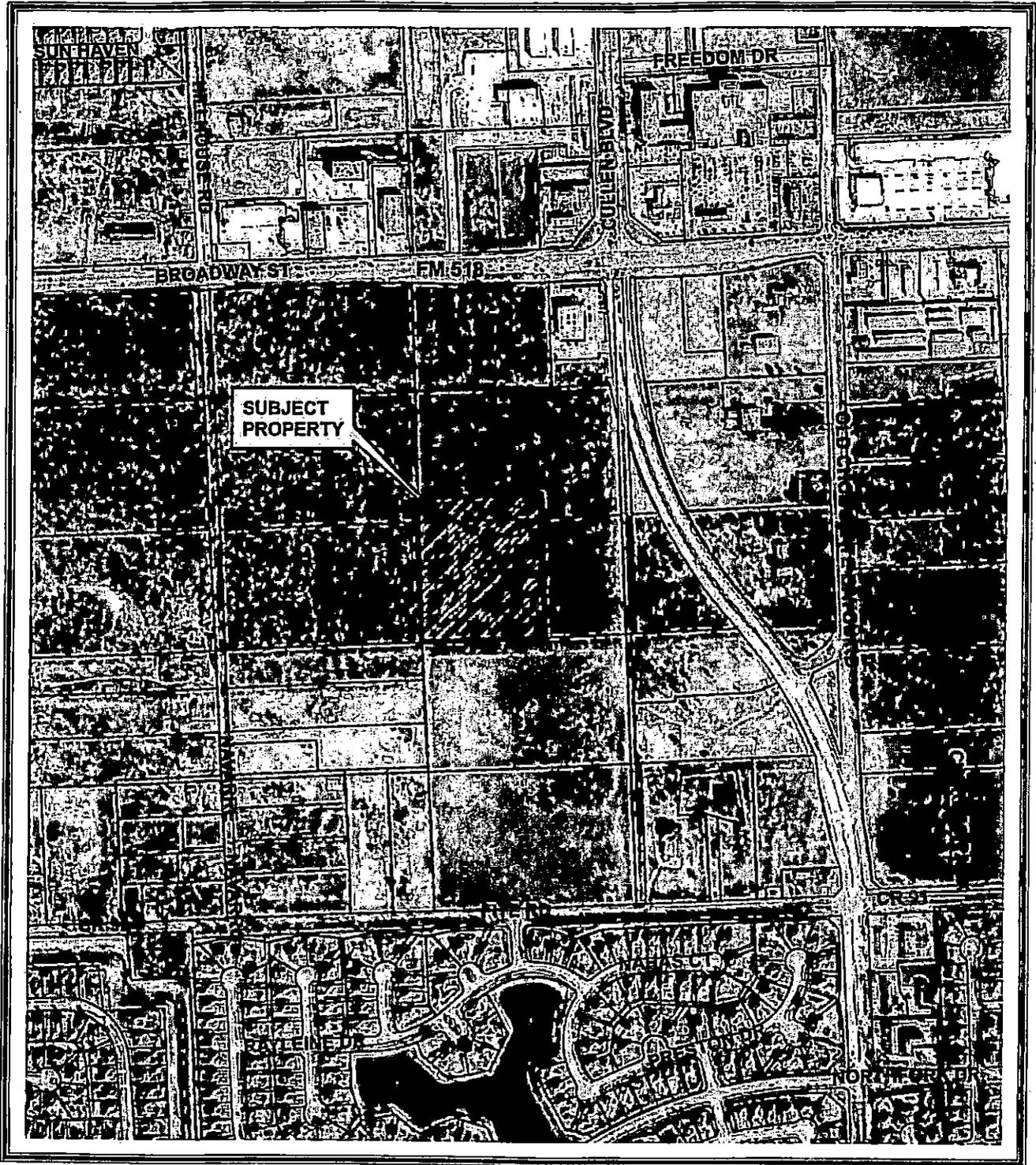
FUTURE LAND USE PLAN

**Zone Change
No. 2008-11Z**



0 300 600 Feet

Map Prepared on July 7, 2008



AERIAL PHOTOGRAPH

**Zone Change
No. 2008-11Z**



0 300 600 Feet
A scale bar with markings at 0, 300, and 600 feet.

Map Prepared on July 7, 2008

**AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS**

AGENDA OF: June 16, 2008	ITEM NO.:
DATE SUBMITTED: June 5, 2008	DEPARTMENT OF ORIGIN: Planning
PREPARED BY: Lata Krishnarao	PRESENTOR: Lata Krishnarao
REVIEWED BY:	REVIEW DATE:
SUBJECT: Proposed TownePlace Reserve Planned Development (PD) Located West of Cullen Boulevard, South of Broadway.	
EXHIBITS: Proposed PD Document.	
EXPENDITURE REQUIRED: AMOUNT AVAILABLE: ACCOUNT NO.:	AMOUNT BUDGETED: PROJECT NO.:
ADDITIONAL APPROPRIATION REQUIRED: ACCOUNT NO.: PROJECT NO.:	
To be completed by Department: <input type="checkbox"/> Finance <input type="checkbox"/> Legal <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution	

EXECUTIVE SUMMARY

This proposed Planned Development (PD) was presented at a workshop on April 21, 2008.

At this time, the applicant has made some minor modifications and has provided some additional information to support the variances that are being proposed in the PD.

This 6-acre Planned Development (PD) is located south of Broadway and west of Cullen Boulevard. The applicant is proposing a senior (55+) housing project consisting of three story apartment wings, a leasing office, and a community center. The buildings are designed around a courtyard. A total of 120 units are proposed. The units are a combination of one and two bedrooms. It is not specified how many one-bedroom and two-bedroom units are proposed.

The changes in the PD document, since the last workshop, include substitution of on-site detention with open space and variance for height.

Revised 2007-01-09

The applicant is requesting four variances, three of which were discussed and deemed to be concerns by the Council and P & Z. The fourth variance regarding additional height was not discussed before. Following is a discussion of the four variances. Additional information, gathered by staff and provided by the applicant, has been included here.

1. **Density**

The parcel is a combination of SR-12 and GB zones. SR-12 allows a density of 2.3 units per acre. A multi-family (MF) zone allows a density of 16 units per acre. The proposed development, with 120 units on 6 acres, is at a higher density of 20 units per acre.

The council and P & Z had expressed concerns over the proposed density and had directed the applicant to reconsider. The density has not been changed.

The applicant had stated that the 144 residents in this development (at 1.2 persons per unit) would be less than 2.8 persons per unit in multi-family zone. To clarify, city of Pearland uses a ratio of 2 persons per unit in multi-family, not 2.8. . A multi family development in an MF zone on 6 acres would have permitted 96 units and 192 persons. This development with 144 residents would be similar to single family development with a density of 7.9 units per acre (3.02 persons per units), which would be between R-4 and TH zones.

The applicant has stated that Baytown approved a density of 28 dwellings units per acre and Friendswood approved 22.8 dwelling units per acre. Both these development contain three story buildings. The development in Friendswood is located in a generally commercial area fronting FM 528 where higher density may be appropriate. The developments at Fredericksburg and Kingsland appear to have lower densities since they are one-story four-plexes.

City of Dallas permits a density of 40-60 units per ace, only in multifamily, central area, and mixed use districts by right, and in townhouse and urban corridor districts by a CUP.

2. **Parking Ratio**

The PD proposes a ratio of 0.75 spaces per unit. UDC requires 2 spaces for 1-bedroom unit and 2.5 for 2-bedroom unit. There is no separate ratio for 55+ housing. Other such developments in the past were directed by the Council and P & Z to provide the ratio required in the UDC, since it was a general feeling that 55+ residents would still be driving their own automobiles. Further, the community building would need additional parking at a rate of 1 space per 100 sq. ft. of floor area used for assembly.

The council and P & Z had asked the applicant to reconsider the proposed ratio of 0.75 units per unit that is over than the required 2.0 spaces/unit .

Response: PD does not propose any changes to the parking ratio. The developer has provided additional information, as shown below, to support the proposed ratio.

The applicant had indicated that the proposed ratio was the one that had worked in other communities and has provided additional information. Staff has called the senior housing developments (55+) listed by the applicant and the planning agencies in those cities to be input from them. Following is a summary of those developments.

Staff has concerns about the ratio proposed, based on conversations with other planners and managers of similar developments.

The ratio may be appropriate in developments that are part of larger mixed use development and in areas where there is mass-transit available, and auto-dependency in minimum. It is staff opinion that at the proposed location, 0.75 spaces per unit may not be adequate.

TownePark, Fredericksburg

Total number of units = 92

Built in 2002 - 2005

One -story four-plexes and six unit buildings.

Parking ratio provided – 2 spaces per unit.

Parking ratio required by the city

Efficiency: 1 space per dwelling unit

One Bedroom: 1.5 spaces per dwelling unit

Two or more bedrooms: 2 spaces per dwelling unit.

Some senior residents still drive (including some in their 90s). Some single room units have two people living, both of whom drive. The parking is pretty much utilized all the time.

Greens on Turtle Creek

Total number of units = 84

Built in 2002

One -story four-plexes and six unit buildings.

Parking ratio provided – 1.38 spaces per unit.

Occasional problems with lack of parking, especially during holidays.

TownePark Kingsland

Total number of units = 76

Built in 2001

One-story four-plexes and six unit buildings.

Not sure how many parking spaces are provided. Kingsland is not incorporated and therefore has no parking requirements. The contact person at Chamber of Commerce seemed to think that 0.75 space per unit was a little low for residents (55+).

Birdsong Place Villas –

Total number of units = 96

Built in 2008 (just beginning to lease)

Two three-story buildings with wide interior corridors and elevators, with both buildings in each development connected by a covered walk-way to the Club/Office/Activities building.

Parking ratio provided – 1.33 per unit. City approved reduction from 2.5 spaces/unit for multi-family.

Gardens at Friendswood Lakes, FM 528

Total number of units = 114

Approved recently

Two three-story buildings with wide interior corridors and elevators, with both buildings in each development connected by a covered walk-way to the Club/Office/Activities building.

Parking ratio provided – 0.74 per unit. City approved reduction from 2 spaces/unit for multi-family.

Located in a predominantly commercial area, fronting FM 528.

City of Friendswood Planning Department staff feels that this ratio may not be appropriate since these apartments would be occupied by one or two inhabitants who that may be driving their personal vehicles. Additionally there may be problems due to lack of visitor parking.

City of Dallas

Required Parking Ratio- 0.7 spaces per unit, plus one space per 300 square feet of floor area not in a dwelling unit or suite.

City of Houston

Required Parking Ratio - 0.75 spaces per unit and additional spaces for supporting use and staff.

3. **Amenities and Open Space**

Council and P& Z had requested the applicant to provide amenities and open space for the residents. The detention basin will be provided off-site and that area has been utilized to provide amenities including trails, seating areas, game courts, gardens, etc. These amenities are shown in the site plan attached to the PD document. Staff recommend that details such as material and width of trails, etc. be clarified.

4. **Height**

The PD proposes a height limit of 55' while the proposed underlying MF zone specifies a height limit of 35'.

Staff has concerns regarding the height due to the fact that the parcel is adjacent to areas zoned single family residential. If the proposed height is

approved, staff would recommend that additional visual buffers (including greater setbacks and planting) be proposed in the PD along property lines adjacent to residential zones. The current requirement of 25' landscaped buffer and 6' tall masonry fence may not be adequate for the proposed height.

Comments from earlier workshop and update:

1. Use: PD does not state specifically that it will be restricted to 55+ senior living and will remain as such to be legible for tax credits. If tax credits are not obtained, is there a possibility that it may convert to apartments for any age group.

Response: The PD states that if this development is not selected for allocation of tax credits, the developer/owner will not move forward with this development.

2. Compliance with Comprehensive Plan: While the use is not in conformance with the Comprehensive Plan, it does meet one goal in Pearland 20/20 visioning - senior affordable housing. Comprehensive Plan shows the area as a mix of suburban residential and retail, offices, and services.
3. Underlying zone: The PD does not specify an underlying zone. It seems like half of the property is zoned GB and the other half is SR-12. Multi family residential is not allowed in either zone. The PD needs to specify the underlying zone, uses allowed, lot and bulk requirements etc. Staff recommends that the development meet all the requirements of a multi-family zone.

Response: MF zone has been specified as the underlying zone.

4. Open Space and Amenities: Multi Family zone requires 900 sq. ft. of common open space per unit. This development would require 104,550 square feet (2.4 acres) of common open space, excluding detention. The PD does not specify how much is provided. The land use tables are incomplete. Staff recommends that the PD met all the common open space requirements of MF zone.

It is not clear what kind of amenities will be provided. The design plan does not indicate if a swimming pool or similar facilities will be located within the community building.

Response: The PD has been modified to state that 124,000 square feet (2.8 acres) of open space is provided. It is not clear how this area has been calculated. The UDC requires a minimum dimension of 80' for any common open space. Therefore, only the courtyard and the area south of the buildings would meet the requirements.

The site plan submitted shows amenities that will be included.

5. **Parkland dedication:** This development would require 2.4 acres of parkland. It is not clear if the applicant will contribute towards the City's fund.

Response: PD indicates that contribution to the parkland fund will be made.

6. **Landscaping Requirements:** There is no landscaping plan attached as required. The PD has some general requirements, which may or may not meet the UDC requirements. Staff recommends that all requirements of the UDC be met.

Response: A note has been added that all requirements of the UDC will be met, except for the requested variances.

7. **Buffer and screening:** The proposed development abuts an approved residential PD and thus would require buffering and fencing. These details have not been shown or addressed.

Response: A note has been added that all requirements of the UDC will be met, except for the requested variances.

8. **Platting:** It is not clear if the parcel as shown can be platted. Need more details on the proposed cul-de-sac, lot width etc. Shows a road, which is not constructed yet. The proposed cul-de-sac would need sidewalks on both sides.

No response. Needs to be addressed during platting.

9. Staff recommends that all requirements of the UDC regarding setbacks, height, fencing, dumpster screening, parking, landscaping, signage, lighting, fencing, etc. be met.

Response: A note has been added that all requirements of the UDC will be met, except for the requested variances.
Modify Section III accordingly.

10. **Detention:** In the past, detention facilities in similar developments have been required to include amenities. Staff recommends that the detention basin be designed with amenities such as landscaping, seating, walking trails etc. to serve the residents.

Response: Detention has been moved off-site. Detention would need to be addressed during platting.

11. PD does not list any deviations from the UDC, and the plan is not specific. Therefore, it is not clear what deviations are requested.

Response: Four variances have been requested – density, parking, and building height as discussed above. All other requirements of the UDC will be met.

RECOMMENDED ACTION

Discuss the PD.

**AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS**

AGENDA OF: April 21, 2008	ITEM NO.:
DATE SUBMITTED: April 11, 2008	DEPARTMENT OF ORIGIN: Planning
PREPARED BY: Lata Krishnarao	PRESENTOR: Lata Krishnarao
REVIEWED BY:	REVIEW DATE:
SUBJECT: Proposed TownePlace Reserve Planned Development (PD) Located West of Cullen Boulevard, South of Broadway.	
EXHIBITS: Proposed PD Document.	
EXPENDITURE REQUIRED: AMOUNT AVAILABLE: ACCOUNT NO.:	AMOUNT BUDGETED: PROJECT NO.:
ADDITIONAL APPROPRIATION REQUIRED: ACCOUNT NO.: PROJECT NO.:	
To be completed by Department: <input type="checkbox"/> Finance <input type="checkbox"/> Legal <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution	

EXECUTIVE SUMMARY

This 6- acre Planned Development (PD) is located south of Broadway and west of Cullen Boulevard. The applicant is proposing a senior (55+) housing project consisting of three story apartment wings, a leasing office, and a community center. The buildings are designed around a courtyard.

The PD is not clear and it seems like 120 units are proposed. The units are a combination of one and two bedrooms. Staff has reviewed the PD and has the following preliminary comments:

1. Use:
PD does not state specifically that it will be restricted to 55+ senior living and will remain as such to be legible for tax credits. If tax credits are not obtained, is there a possibility that it may convert to apartments for any age group.

2. **Compliance with Comprehensive Plan:**
While the use is not in conformance with the Comprehensive Plan, it does meet one goal in Pearland 20/20 visioning - senior affordable housing. Comprehensive Plan shows the area as a mix of suburban residential and retail, offices, and services.
3. **Underlying zone:**
The PD does not specify an underlying zone. It seems like half of the property is zoned GB and the other half is SR-12. Multi family residential is not allowed in either zone. The PD needs to specify the underlying zone, uses allowed, lot and bulk requirements etc. Staff recommends that the development meet all the requirements of a multi-family zone.
4. **Density:**
SR-12 allows a density of 2.3 units per acre. A Multi-family zone allows a density of 16 units per acre. It appears that the proposed development, with 120 units on 6 acres, is at a higher density of 20 units per acre. The PD needs to provide this information.
5. **Open Space and Amenities:**
Multi Family zone requires 900 sq. ft. of common open space per unit. This development would require 2.4 acres of common open space, excluding detention. The PD does not specify how much is provided. The land use tables are incomplete. Staff recommends that the PD met all the common open space requirements of MF zone.
It is not clear what kind of amenities will be provided. The design plan does not indicate if a swimming pool or similar facilities will be located within the community building.
6. **Parkland dedication:**
This development would require 2.4 acres of parkland. It is not clear if the applicant will contribute towards the City's fund.
7. **Parking:**
The PD proposes a ratio of 0.75 spaces per unit. UDC requires 2 spaces for 1-bedroom unit and 2.5 for 2-bedroom unit. There is no separate ratio for 55+ housing. Other such developments in the past were directed by the Council and P & Z to provide the ratio required in the UDC, since it was a general feeling that 55+ residents would still be driving their own automobiles. Further, community building would need additional parking at a rate of 1 space per 100 sq. ft. of floor area used for assembly.
8. **Landscaping Requirements:**
There is no landscaping plan attached as required. The PD has some general requirements, which may or may not meet the UDC requirements. Staff recommends that all requirements of the UDC be met.
9. **Buffer and screening:**

The proposed development abuts an approved residential PD and thus would require buffering and fencing. These details have not been shown or addressed.

10. Platting: It is not clear if the parcel as shown can be platted. Need more details on the proposed cul-de-sac, lot width etc. Shows a road, which is not constructed yet. The proposed cul-de-sac would need sidewalks on both sides.
11. Staff recommends that all requirements of the UDC regarding setbacks, height, fencing, dumpster screening, parking, landscaping, signage, lighting, fencing, etc. be met.
12. Detention: In the past, detention facilities in similar developments have been required to include amenities. Staff recommends that the detention basin be designed with amenities such as landscaping, seating, walking trails etc. to serve the residents.
13. PD does not list any deviations from the UDC, and the plan is not specific. Therefore, it is not clear what deviations are requested.
14. Staff recommends that a complete PD document be provided, addressing all the points in the template, for further review.

RECOMMENDED ACTION

Discuss the PD.

The Greens on Turtle Creek,
Port Arthur



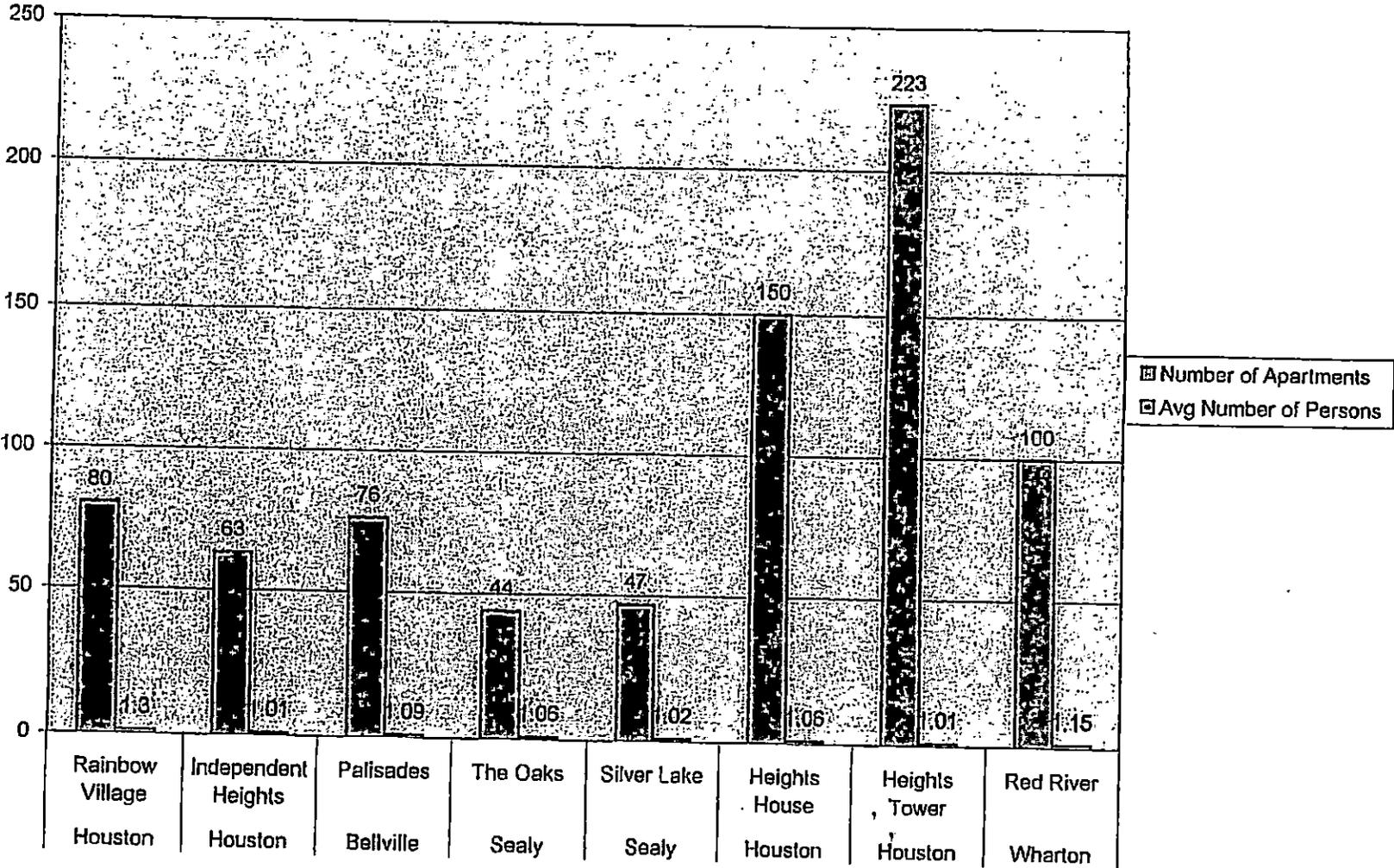
The Greens on Tuttle Creek,
Port Arthur



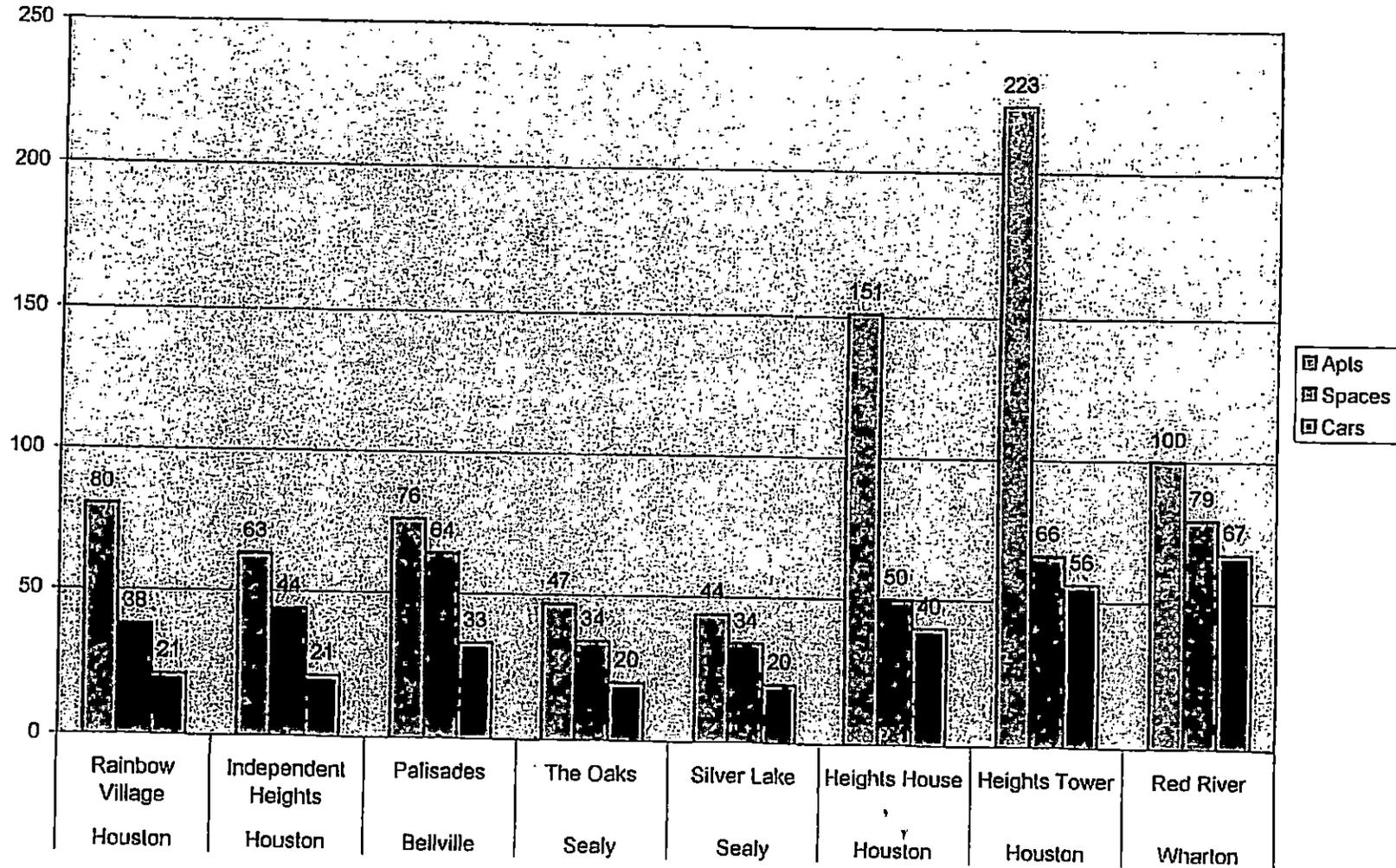
Townepark, Kingsland



Average Number of Persons in Senior Apartments



Parking at Retirement Complexes



The Planned Development Zoning District (PD) Document for the Planned
Development District
TownePlace Reserve LP

I. Introduction

A. Description of the Subject Property.

The subject property shall consist of approximately 6 acres out of a 26 ac tract located at the south line of FM 518 and the west line of Cullen Blvd (FM 849). Subject tract will be in the southwest corner of the 26 ac tract. The project site is an open field with some trees.

B. Description of Proposed Development.

The proposed development, TownePlace Reserve, is a ~~96-unit seniors-only (age 55+) affordable rental community~~ consisting of two three-story apartment wings flanking a single story leasing office and community building, with a landscaped courtyard in the center and landscaped corridor to the south. TownePlace Reserve will offer 54 one-bedroom/one bath units with approximately 750 sq. ft and 42 two-bedroom/two-bath units with approximately 925 sq.ft. TownePlace Reserve will have an enclosed gazebo, extensive walking trails, outdoor games, outdoor gardens, internal air conditioned corridors, and surface parking. The site will have controlled access and security lighting of the entire property. The apartment buildings will be fully sprinkled, and have smoke detectors and a fire alarm system throughout. Landscaping will complement the building, screen views of parking lots from the street, and create a park-like environment within the site. Other amenities include elevators with emergency power back-up in case of power outage, central laundry, health club, residents' computer business office, lobby lounges on each floor, a central community room with kitchen, a multi-purpose room for crafts or other group activities and trash chutes. All units will have washer and dryer hook-ups, walk-in closets, fully equipped kitchens with microwave ovens, ranges, refrigerators and dishwashers.

Primary funding for TownePlace Reserve is via the Federal Tax Credit Program. The Texas Department of Housing and Community Affairs (TDHCA) allocates the Tax Credits in Texas, based on a competitive application scoring system. If TownePlace Reserve is not selected for an allocation of Tax Credits, the owner/developer will not move forward with this development.

C. Describe the area of land in acreage.

The subject area is approximately 483' wide by 541' deep directly north and adjoining the Brazoria County Drainage District 4 ditch.

D. A statement as to the purpose and intent of the PD district established therein.

The proposed development will be consistent with the use described in 1.B. The purpose of the proposed PD is to facilitate development of the subject site as well as to provide adequate detention for commercial development of the remainder of the 26 ac tract. The PD will allow for a seniors-only affordable rental community with development criteria that differ somewhat from the current zoning districts (explained in detail below).

II. Zoning and Land Use

A. Describe the existing zoning districts and the boundaries of said districts.

The current zoning of the proposed PD is a combination of SR-12 Residential and GB – General Business.

B. Describe the base zoning district(s) to be overlaid, together with the boundaries of the district(s), and describe the areas in acreage of each different district.

The base zoning district to be overlaid will be that of a multi-family zone. TownePlace Reserve is proposing a parking variance due to the nature of it being a seniors-only affordable apartment community, which is a new land use for the City of Pearland.

C. The general standards applicable to development within the district, with or without reference to the base district, including but not limited to: density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, accessory buildings, signs, lighting, project phasing or scheduling, management associations, and such other requirements as the City Council may deem necessary in order to implement the Comprehensive Plan, and the purposes of the PD district.

1. Provide a table outlining the percent of use in each zoning classification. Included detention and major thoroughfares as separate items. Discuss possible variations from percentages in table and amount of variance requesting, if any.

Land Use Summary

Use	Acres	Percentage of Total Acres	Zoning District
Single Family			
Multiple Family	6	100%	PD

General Business/Commercial			
Parkland to be dedicated to the City	Payment in lieu of land		
Common Open Spaces/Trails/Recreation to be maintained by Property Owners Assoc.	Provided per the submitted site plan		
Detention	offsite		
Thoroughfares/ROW			
Internal Streets/Vehicular Circulation	Provided per the submitted site plan		
Others			

- For residential uses, provide lot width categories and corresponding zoning in a table. Describe the percent change the number of lot sizes may vary by category, if any variation.

Residential

Zone	Lot Area	Number of Lots

NOT APPLICABLE TO THIS DEVELOPMENT

- For residential (single or multi-family) uses, provide density by classification of zoning districts included in PD and overall for residential section, and the PD as a whole. Discuss any possible variation as development may occur.

TownePlace Reserve will have 96 units on 6 acres, or 16 units per acre, which is consistent with the maximum density limit for multi-family zoned property in the City of Pearland.

In our experience developing affordable senior apartments, the average number of residents is approximately 1.2 persons per unit. In apartments for families, the average number of residents is at least 2.5 persons per unit (the City of Pearland actually used 2.8 persons per unit in the 2004 Comprehensive Plan Update, Page 3 Table 1).

If we were proposing a family apartment development using our same 6 acres and 96 units, and based on the average number of residents stated above for family apartments, we would end up with at least 240 residents (96 units x 2.5 persons per unit). In contrast, our proposal at 96 units,

based on the average number of residents for affordable senior apartments, would have approximately 115 residents (96 units x 1.2 persons per unit).

The spirit of density regulations is to manage the amount of persons in a particular area, based on the appropriate characteristics of that area. In our case, 115 senior residents would compare very favorably to 240 family residents in that same area, based on a density of 16 units per acre.

It has also been demonstrated that 3-story developments such as this, specifically for affordable senior housing, have proven compatible with adjacent residential and commercial properties. It will also provide an appropriate buffer for such adjacencies.

Recently, the City of Baytown and the City of Friendswood both approved ordinances for developments similar to TownePlace Reserve allowing for density variances of 28 units per acre and 23 units per acre respectively.

- D. The permitted, conditional and accessory uses authorized in the district, the location of such uses, the residential densities or other measurements of development intensity associated with base districts or phases of the development in conformance with the approved Design Plan.

NOT APPLICABLE TO THIS DEVELOPMENT

III. Design Standards Applicable to the Development

- A. Signage, Landscaping, Fencing, Parking, Screening, Trees, etc.
1. Landscaping will include perimeter trees along street frontage at an average of 30' spacing.
 2. Parking lot trees will be in islands or adjacent to parking at a ratio of 1 tree per 10 spaces.
 3. Shrubs will be used to screen parking from adjacent property unless a solid fence is included.
 4. Additional landscaping and irrigation on the site will be provided consistent with good design practices as generally indicated on the conceptual site plan. This work will be designed by a registered landscape architect.
 5. Minimum six foot high fencing will enclose the apartments, with only the leasing office and community building outside the limits of the fence. Electrically operated gates will provide access to resident parking and will have emergency access capability as required by the Fire Marshal.
 6. Site lighting will be provided and fixtures will be shielded so as to minimize light onto adjacent properties.

7. Permanent signage will be a single monument sign not over 8' high, externally lighted. Materials will be brick and hardi-plank consistent with the colors of the main buildings.
8. ~~Parking will be provided at a ratio of 1.5 spaces per apartment unit,~~ which is twice as much as the standard that many cities in Texas have set for senior housing. A parking variance will be explained below in III(C).
9. Trash bins will be enclosed by fences at least six feet high such that the bins are not visible from any adjacent property or public right of way.
10. Sidewalks will be provided connecting all parking and facilities to the community building via accessible routes. If public sidewalks adjoin the property, then this facility will provide accessible walkways connecting to those sidewalks.
11. Landscape buffers of at least 30' will be provided on the western and southern site boundaries, since these boundaries abut residential tracts.
12. The entry drive from Cullen and the cul-de-sac will be constructed in accordance with the City of Pearland guidelines. Issues regarding platting will be addressed and resolved.
13. Sub regional detention will be provided for the entire 26-acre tract. This detention area will be constructed in accordance with the City of Pearland and Brazoria County Drainage District 4 requirements.
14. The Open Area requirement for the multi-family zone is 2.4 acres, or approximately 104,500 sq.ft. Based on the site plan included with this PD application, ~~TownePlace Reserve will exceed the Open Area required by the City of Pearland.~~

If there are any discrepancies with the UDC in any of the items listed above, the UDC will be followed unless noted as a variance

- B. Refer to Design Plan and describe which aspects of plan are precise and which are general.

We have tried to be as specific as we can on the items in the Design Plan. If there are items that have not been addressed, these items will be developed in accordance with the UDC requirements.

Regarding the site plan included in this PD submission, the amenities shown are an illustration of what we are expecting to provide. Specific amenities or locations shown may change as the plan is further developed.

- C. A specific list of deviations from standards in the base zoning district(s), together with any standards in the ordinance which are to be varied for development within the PD district.

Density Variance: The TownePlace Reserve design has been changed to accommodate the 16 units/acre density limit for multi-family zoned property in the City of Pearland. So, we are not asking for a density variance.

Parking variance: Parking needs for seniors, especially for affordable senior apartments, are much different than that of any other segment of the population. While the minimum age requirement for our development is 55 years old, the average age of our residents is closer to 70 years old. Based on this, and their limited incomes, many of our residents do not own a vehicle. While our experience shows that a parking ratio of .75 spaces per unit would be adequate, the TownePlace Reserve design has been changed to accommodate 1.5 parking spaces per unit, based on direction from City Council and Planning and Zoning.

Examples of other jurisdictions that have recognized the difference in parking requirements, specifically for seniors (55+):

- The City of Houston has a separate parking space requirement of .75 spaces per unit.
- The City of Dallas has a separate parking space requirement of .70 spaces per unit.
- The City of Baytown approved an ordinance for a development similar to TownePlace Reserve allowing for a parking space ratio of .75. The ordinance also approved a density variance, allowing for 28 units per acre.
- The City of Friendswood approved an ordinance for a development similar to TownePlace Reserve allowing for a parking space ratio of .75. The ordinance also approved a density variance, allowing for 23 units per acre.

Additionally, another developer (and partner on a few developments) who specializes in senior rental housing, conducted a survey of eight of his developments. The survey included # of units, # of residents per unit, # of parking spaces provided and # of automobiles for each development. The results of the survey are depicted in 2 charts that have been included as exhibits to this PD submission.

These results support our conclusion that a parking space ratio of .75 spaces per unit is adequate and appropriate for senior rental housing. However, in the spirit of cooperation, we have doubled that minimum allocation at City Council's request and will provide 1.5 parking spaces per unit.

Building height variance: The three-story residential buildings for TownePlace

Reserve will be approximately 35' in height, meeting the height limit for multi-family zoned property in the City of Pearland. So we are not asking for a building height variance.

- D. Add a note that all requirements of the Unified Development Code will be met, unless specifically mentioned in this Planned Development.

All requirements of the UDC will be met with the exception of the variances noted above.

IV. Required Dedications of Land or Public Improvements

Due to limitations in the land available for development, we will contribute financially to the City's parkland fund at an amount consistent with the UDC.

- V. A phasing schedule for the project, where applicable, setting forth the dates for submittal of site development plans and the timing of performance by the developer for dedications of land or public improvements and satisfaction of any conditions in relation to the phasing of development, where applicable.

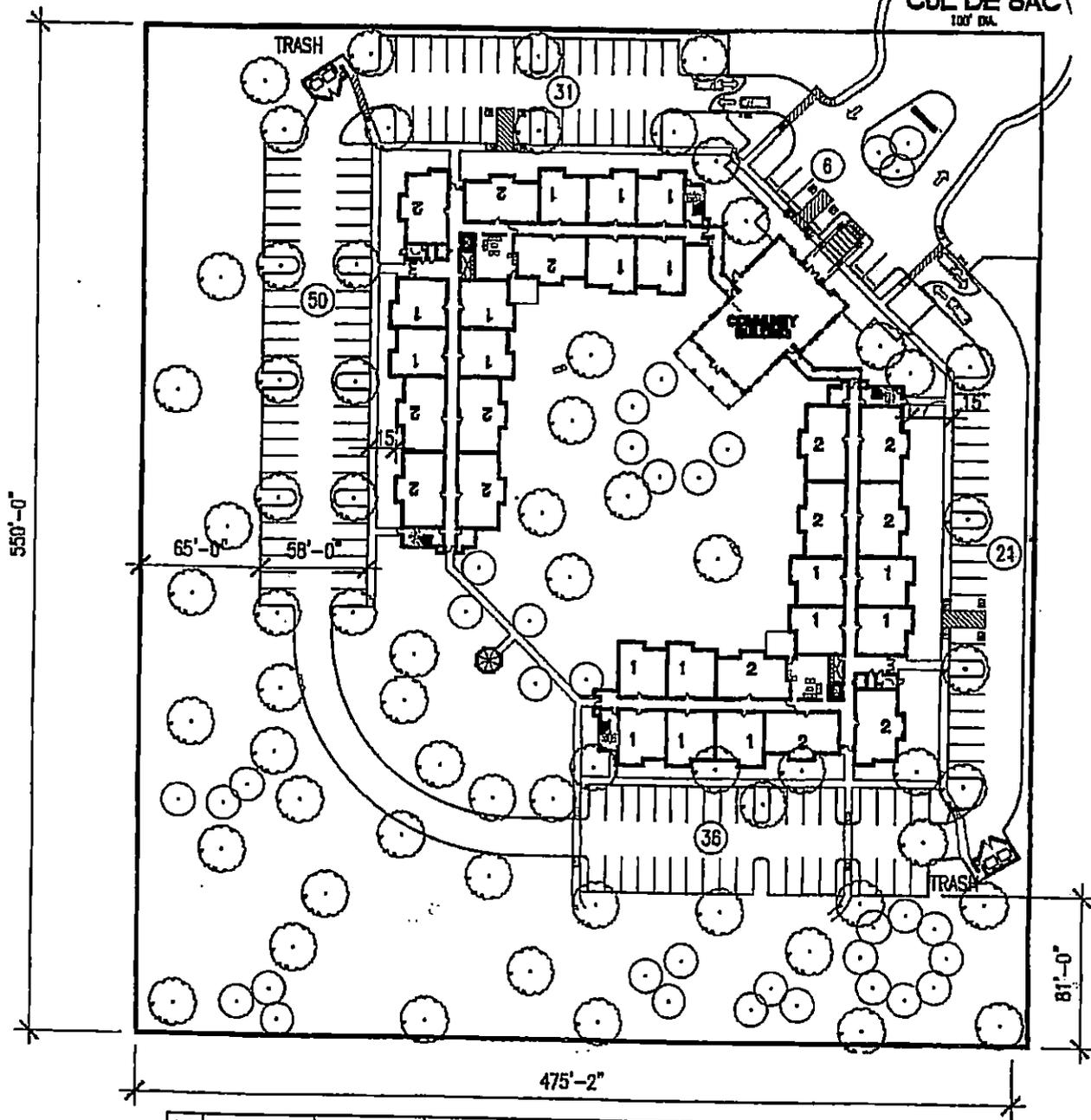
The TownePlace Reserve application for financing submitted to the TDHCA is currently being considered. Final decisions will be made at the TDHCA Board Meeting scheduled for July 31, 2008. If the TownePlace Reserve application is successful and the rezoning is formally approved by the City of Pearland by approximately August 15, 2008 (requirement by the TDHCA), then the owner/developer will move forward with plans and target a land closing date by November 1, 2008. We will then move forward with the platting and permitting process. The target date for breaking ground on TownePlace Reserve would be approximately March 1, 2009.

VI. Exhibits

Included with the PD submission is a site plan for TownePlace Reserve showing the location of the buildings, streets, parking and amenities. Also included are building elevations and a preliminary master plan for the entire 26 acre parcel that includes TownePlace Reserve, detention and other possible uses. This preliminary master plan is included for informational purposes only and not for approval at this time.

Also included is a 2-page survey conducted by a fellow developer that is described in more detail in III(C) under Parking variance.

CUL DE SAC
100' DIA.



NO.	BLDG TYPE	1-BED	2-BED	U/FLR	U. TOTAL	USF/FLR	TOTAL S.F.
1	3-STORY	9(750 SF)	7(925 SF)	16	48	13,225 SF	39,675 SF
1	3-STORY	9(750 SF)	7(925 SF)	16	48	13,225 SF	39,675 SF
1	COMMUNITY	--	--	---	---	---	3,390 SF
TOTAL:		54	42	32	96	---	82,740 SF

144 PARKING
144 REQUESTED

TOWNE PLACE RESERVE

AFFORDABLE SENIOR HOUSING P.U.D.
PEARLAND, TEXAS

SCALE: 1"=80'-0"

JUNE 21, 2008

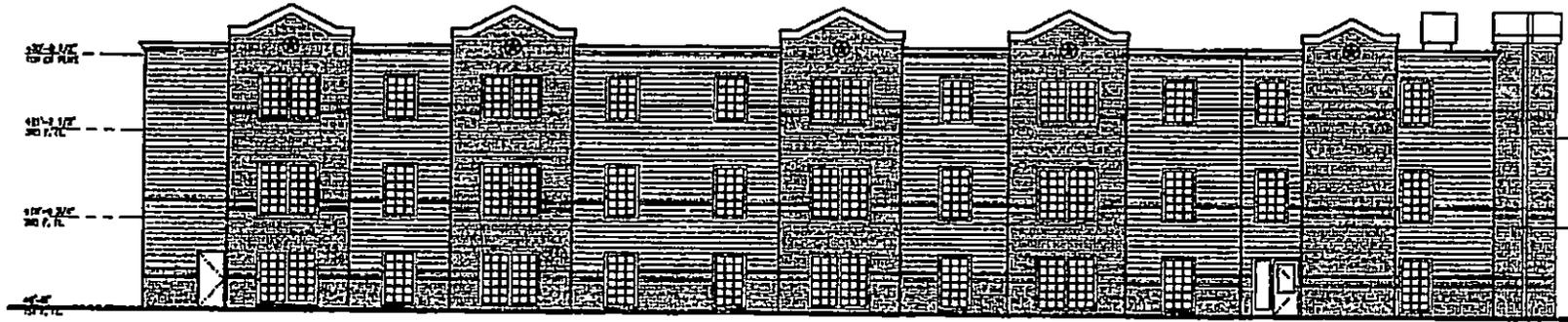
PLAN
NORTH



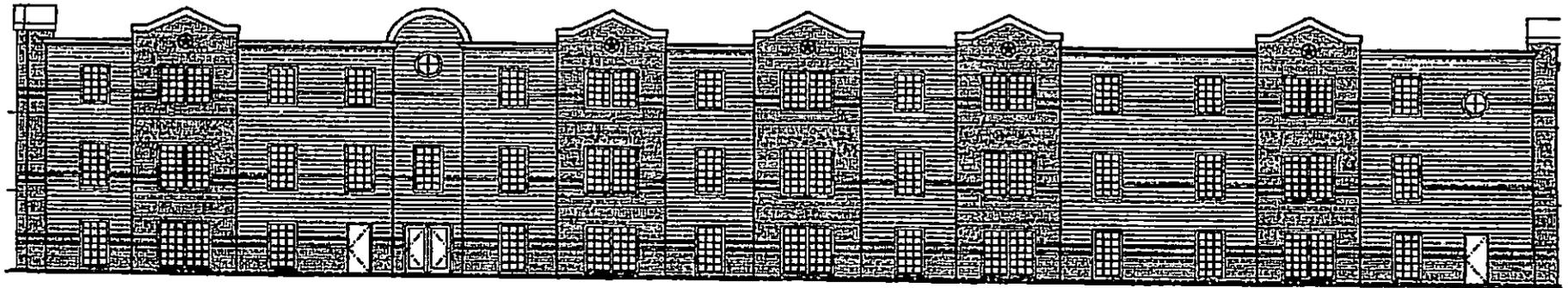
JIM GWIN ARCHITECTS, INC.

3100 EDLOE
HOUSTON, TEXAS 77027

SUITE 320
(713) 529-8262



3-STORY BUILDING NORTH/SOUTH ELEVATION



3-STORY BUILDING EAST ELEVATION

TOWNE PLACE RESERVE

AFFORDABLE SENIOR HOUSING
PEARLAND, TEXAS

SCALE: 1" = 20'-0"

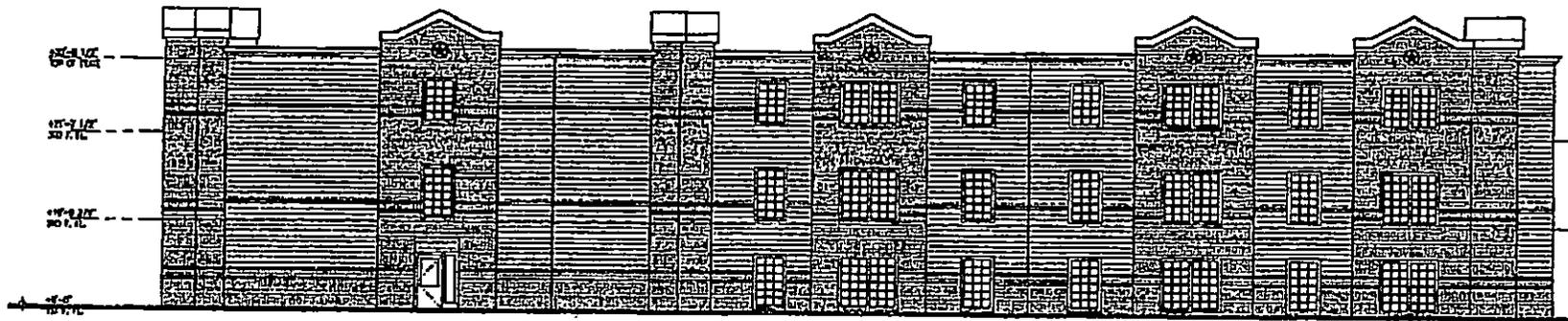
JUNE 21, 2008



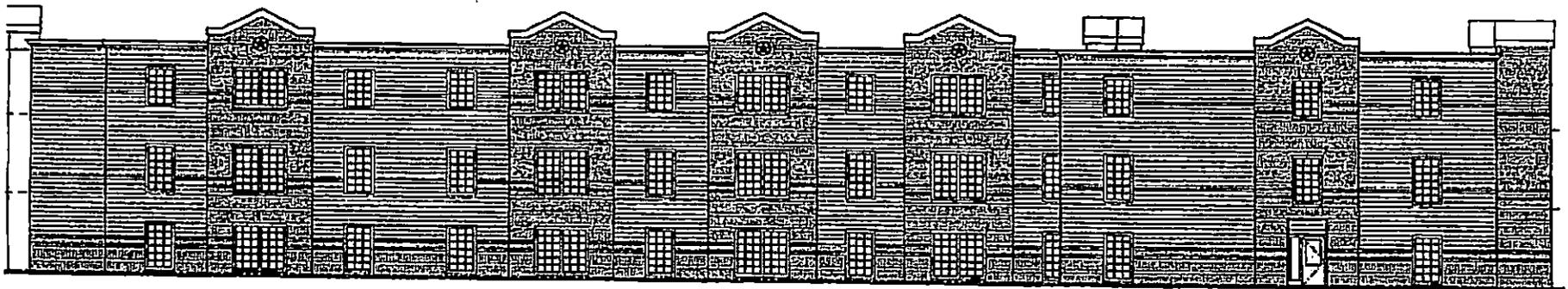
JIM GWIN ARCHITECTS, INC.

3100 EDLOE
HOUSTON, TEXAS 77027

SUITE 320
(713) 529-6262



3-STORY BUILDING END/COURTYARD ELEVATION



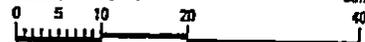
3-STORY BUILDING END/COURTYARD ELEVATION

TOWNE PLACE RESERVE

**AFFORDABLE SENIOR HOUSING
PEARLAND, TEXAS**

SCALE: 1"=20'-0"

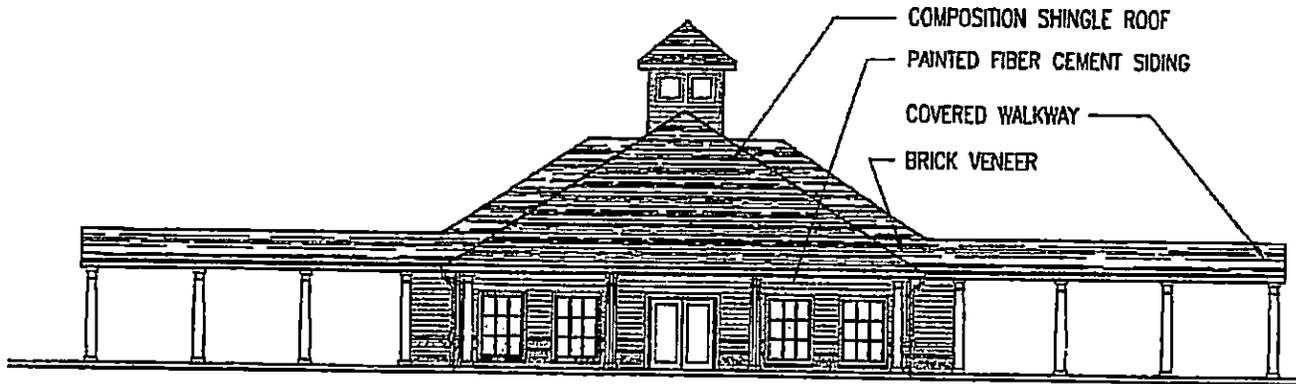
JUNE 21, 2008



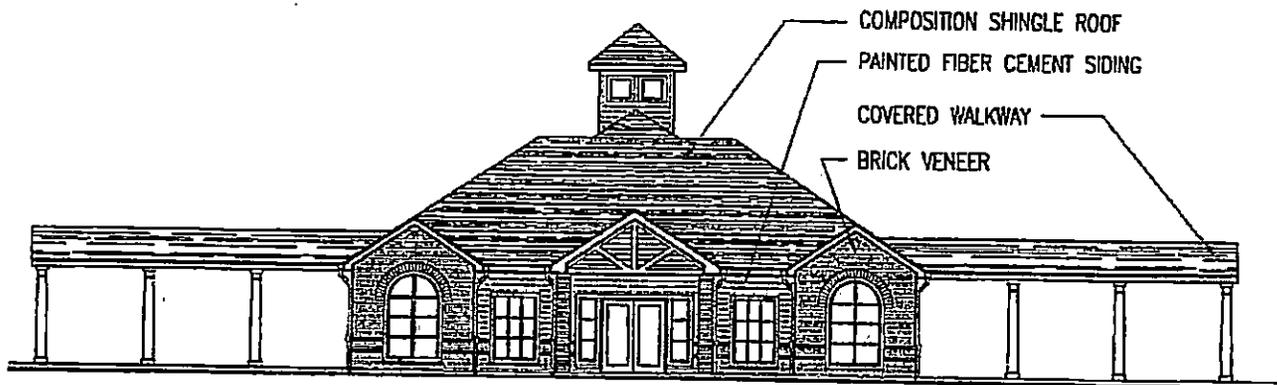
JIM GWIN ARCHITECTS, INC.

3100 EDLOE
HOUSTON, TEXAS 77027

SUITE 320
(713) 529-6262



COMMUNITY BUILDING - COURTYARD ELEVATION



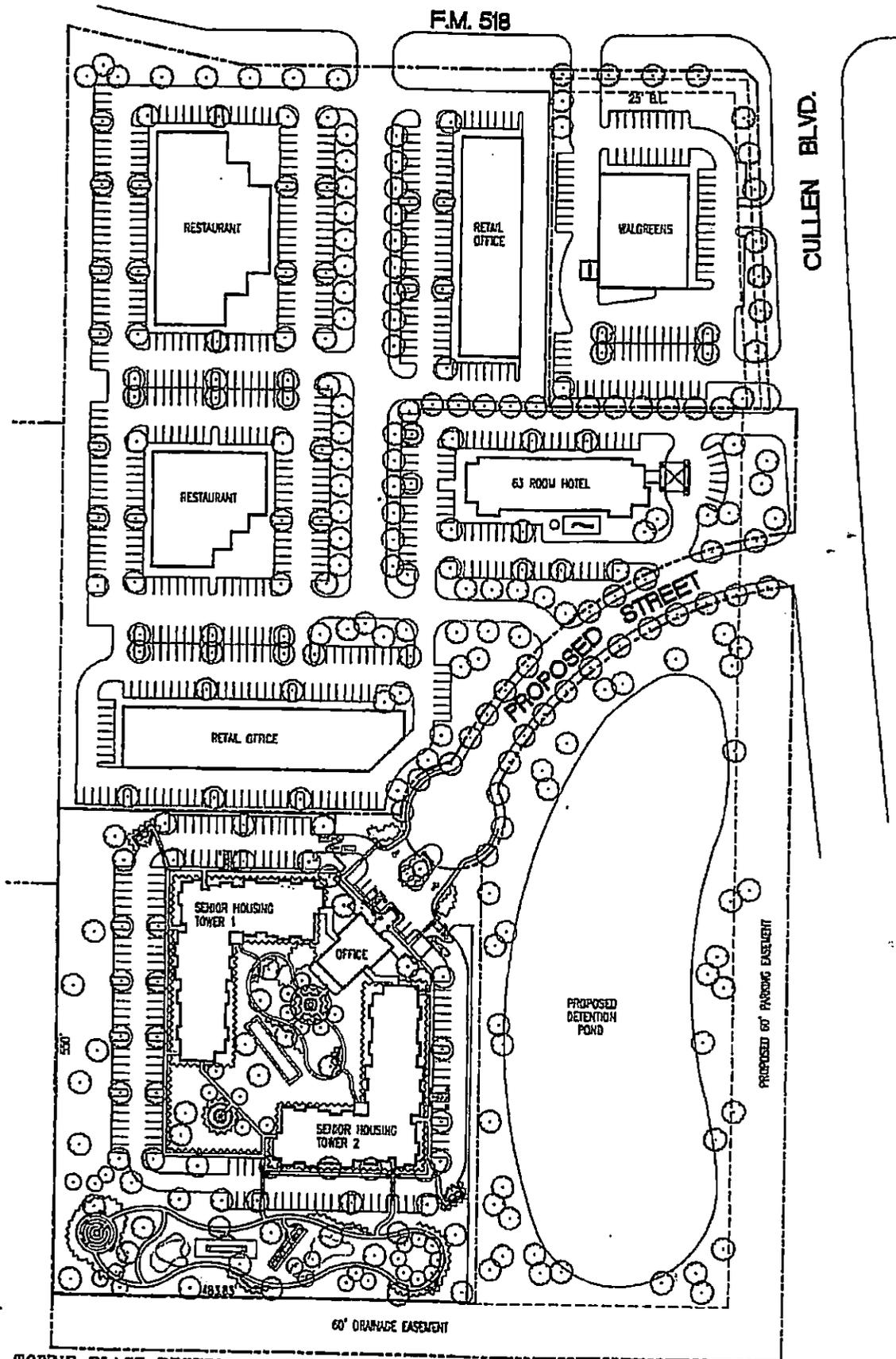
COMMUNITY BUILDING - FRONT ELEVATION

NOTE:
 EXTERIOR WALLS WILL BE
 100% MASONRY WHICH INCLUDES
 UPTO 70% FIBER CEMENT SIDING.

TOWNE PLACE RESERVE
 AFFORDABLE SENIOR HOUSING
 PEARLAND, TEXAS
 SCALE: 1/16"=1'-0" JUNE 20, 2008



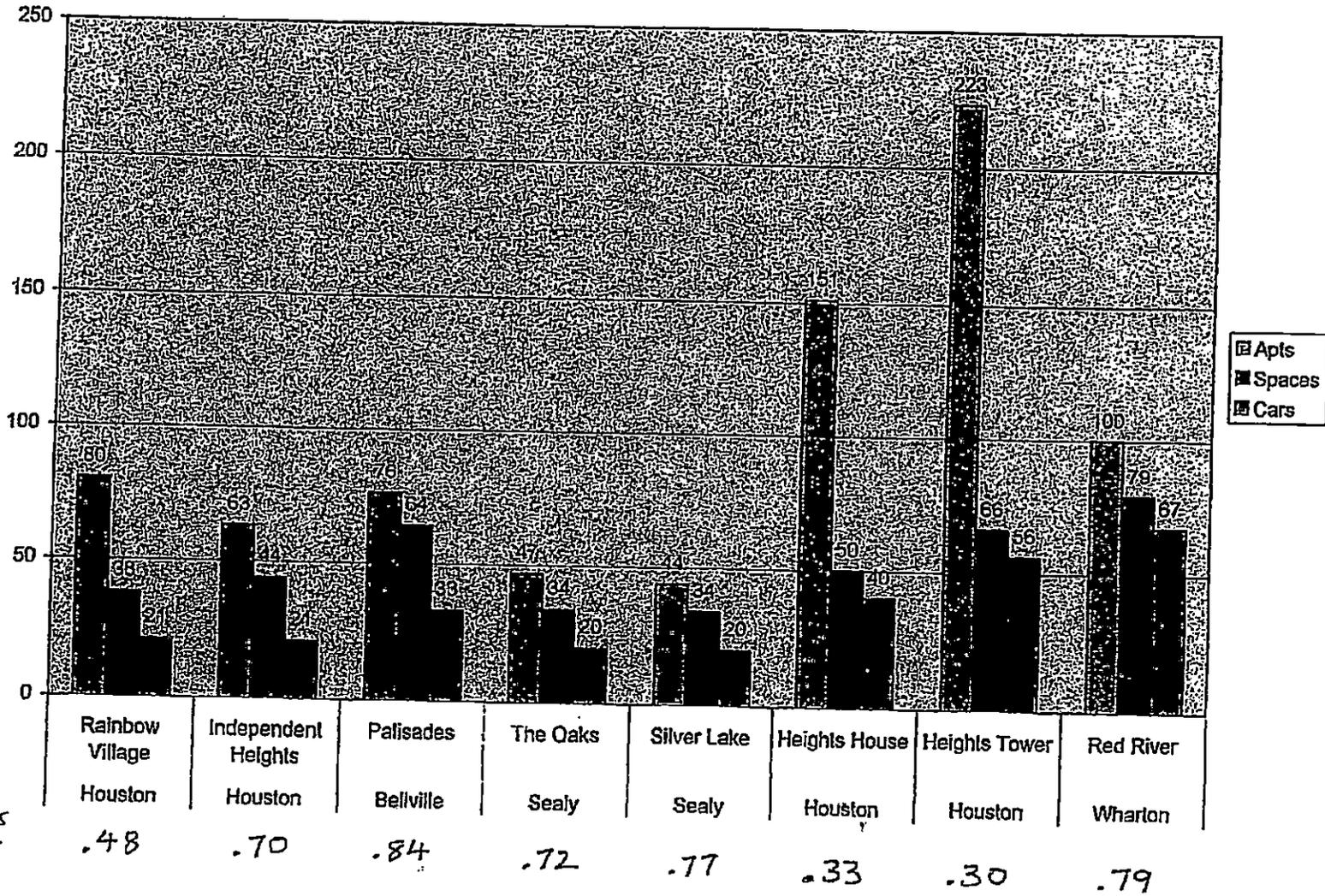
JIM GWIN ARCHITECTS, INC.
 3100 EDLOE SUITE 320
 HOUSTON, TEXAS 77027 (713) 529-6262



TOWNE PLACE RESERVE MASTER PLAN
 PEARLAND, TEXAS
 SCALE 1"=100'-0" ONE 11" X 17"
 PLAN NORTH

JIM GWIN ARCHITECTS, INC.
 5100 RIDGEC
 HOUSTON, TEXAS 77027
 SUITE 300
 (713) 862-4161

Parking at Retirement Complexes



AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JULY 21, 2008, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

Amendment to the Master Thoroughfare Plan

A request by the City of Pearland, for an amendment to the Master Thoroughfare Plan, generally affecting the following roadways:

General Location: State Highway 288, Kirby Drive, Business Center Drive, Lou Briggs Road, all located within the Spectrum Area, Generally Located at the Southwest Corner of State Highway 288 and Beltway 8

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT

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 JULY 21, 2008

Amendment to the Master Thoroughfare Plan

A request by the City of Pearland, for an amendment to the Master Thoroughfare Plan, generally affecting the following roadways:

State Highway 288, Business Center Drive, Spectrum Boulevard, South Spectrum Boulevard and North Spectrum Boulevard

APPROVAL PROCESS: After this Joint Public Hearing, the requested thoroughfare plan amendment will be considered as follows:

Planning and Zoning Commission: July 21, 2008*
City Council for First Reading: August 11, 2008*
City Council for Second Reading: August 25, 2008*

(*dates subject to change if item is tabled)

SUMMARY: The City of Pearland is proposing amendments to the Master Thoroughfare Plan. The amendments relate to Spectrum Boulevard, South Spectrum Boulevard, North Spectrum Boulevard, and SH 288 and include:

1. New grade separation at SH 288 and Spectrum Boulevard with a "jug-handle".
2. Realignment of South Spectrum Boulevard to intersect with Business Center Drive.
3. Realignment of North Spectrum Boulevard to intersect with Business Center Drive.
4. Extension and realignment of Business Center Drive between South Spectrum Boulevard and North Spectrum Boulevard.
5. Extension of Spectrum Boulevard as a Major Thoroughfare from west of Business Center Drive to Kirby Drive.

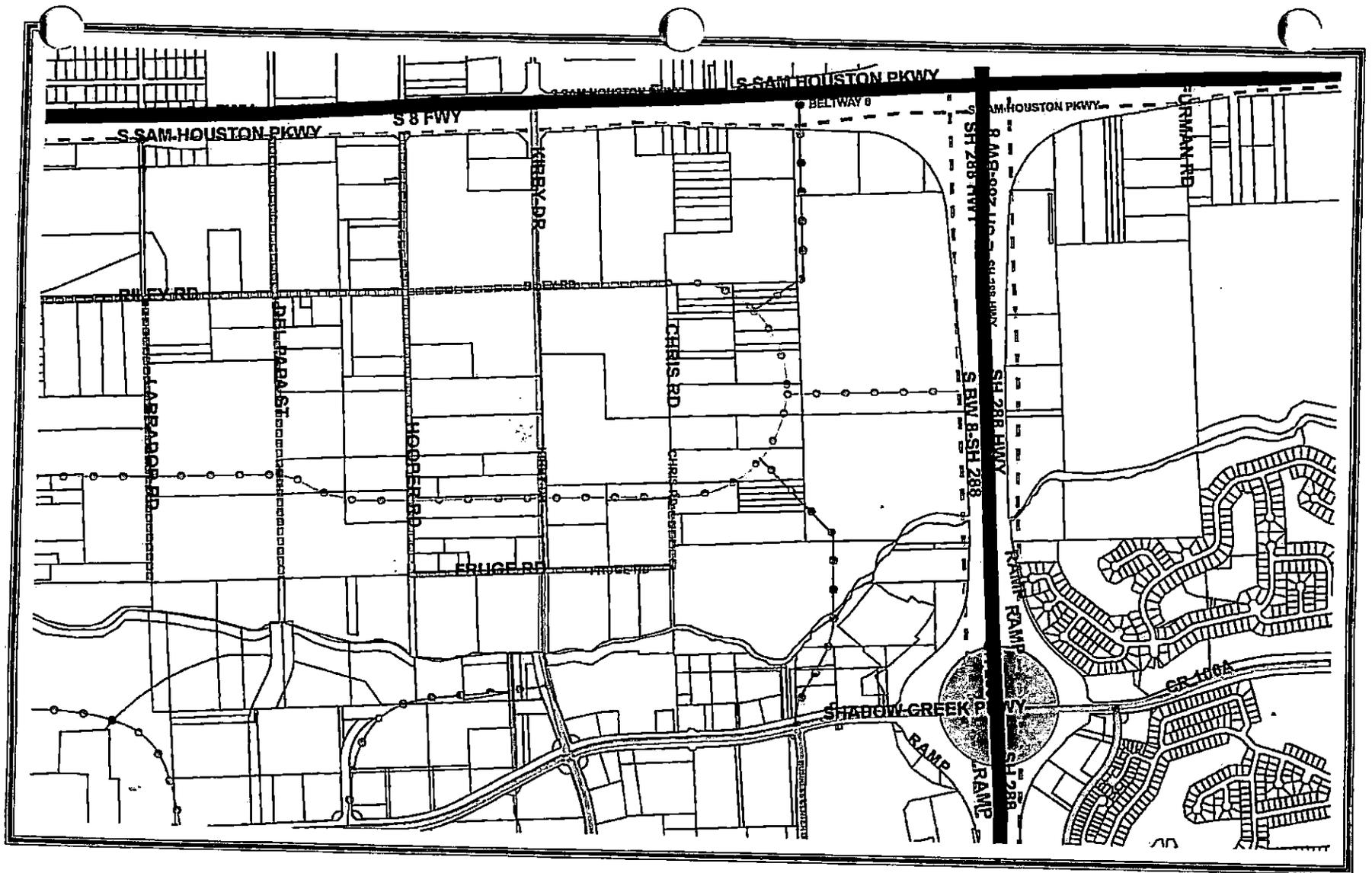
The attached exhibit, Amendment to Master Thoroughfare Plan, shows the proposed location of the "jug handle" and the alignments of the above-mentioned streets.

Additional information is contained in the attached consultant's report. Please note that the consultant's report incorrectly refers to City's Spectrum Boulevard as South Spectrum Boulevard.

STAFF RECOMMENDATION: Staff recommends approval of the amendments to the Master Thoroughfare Plan.

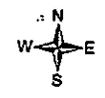
SUPPORTING DOCUMENTS:

- Existing Thoroughfare Plan
- Amendment to the Master Thoroughfare Plan
- Consultant's Report



Existing Master Thoroughfare Plan

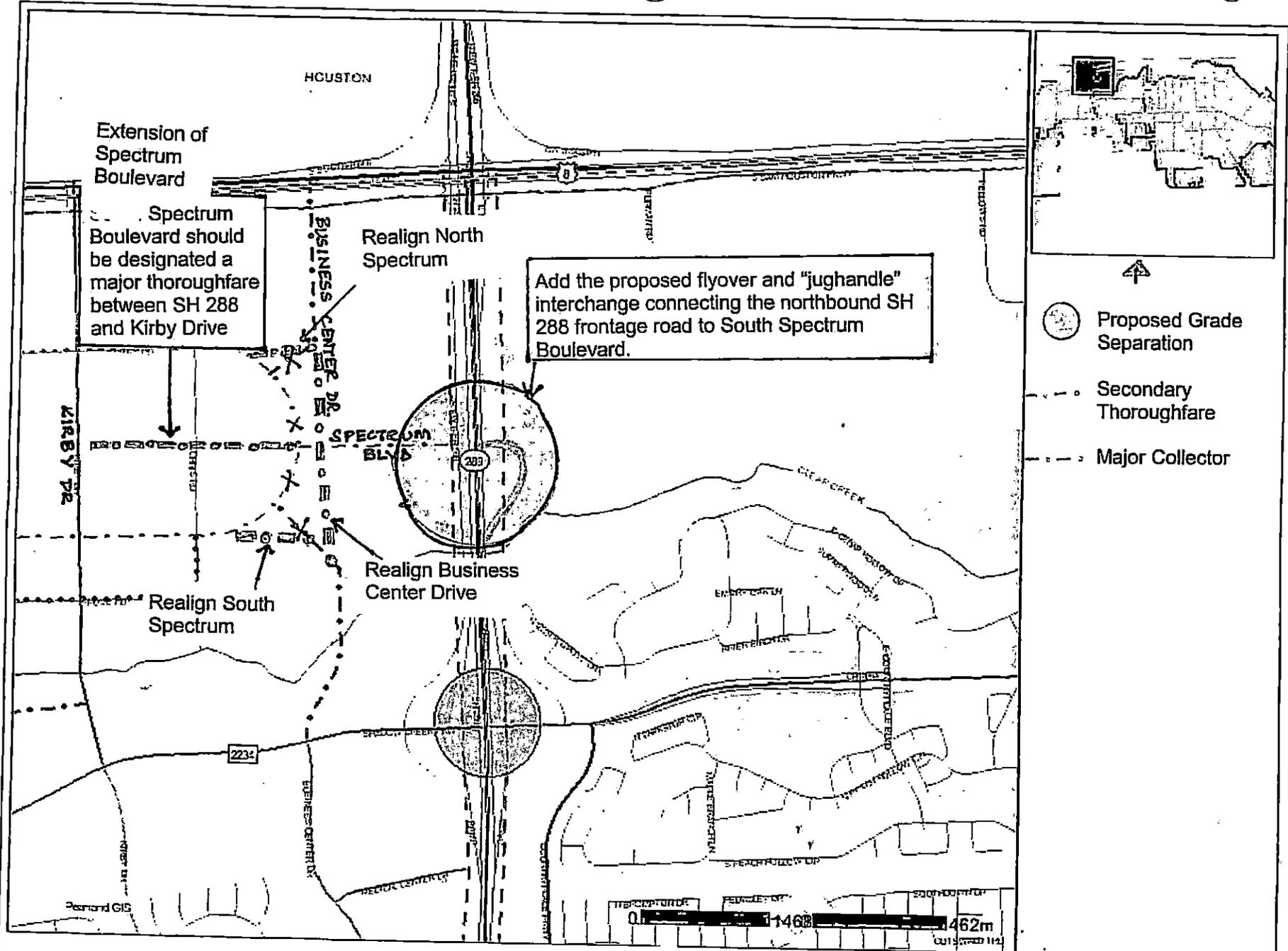
0 500 1,000 Feet



Map Prepared on July 11, 2008

Legend

- | | |
|----------------------------------------------|------------------------------------------------------------------------|
| Major Thoroughfares - Sufficient Width | Major Collector Streets - Sufficient Width |
| Major Thoroughfares - To Be Widened | Major Collector Streets - To Be Widened |
| Major Thoroughfares - To Be Acquired | Major Collector Streets - To Be Acquired |
| Major Thoroughfares - Proposed Frontage Road | Minor Collector Streets - Sufficient Width |
| Secondary Thoroughfares - Sufficient Width | Minor Collector Streets - To Be Widened |
| Secondary Thoroughfares - To Be Widened | Minor Collector Streets - To Be Acquired |
| Secondary Thoroughfares - To Be Acquired | Freeway |
| | Proposed Grade Separation |
| | 15:1 R.O.W. Transition |
| | Street Intersect at a right angle as part of a T or 4-way intersection |
| | Collector Streets |



JOINT PUBLIC HEARING AGENDA ITEM
MEETING OF JULY 21, 2008

Amendment to the Master Thoroughfare Plan

**City of Pearland
Transportation Planning Services
Major Thoroughfare Plan**

Spectrum Area Access

Background

With future development of the Spectrum Area and, specifically, the WaterLights District and Presidential Park development, there is a need to review access to and egress from the site. As an initial step in the overall review of needs for the Spectrum, two access roadways need to be examined, as follows:

- Business Center Drive
- South Spectrum Drive

This paper reports on the investigation, and the assessment of the adequacy of the City's Thoroughfare Plan and its capability to accommodate likely future traffic volumes.

In a related effort, Traff Data Analysis, Inc. (TDAI) have presented a report, dated June 30, 2008, to the City examining the impact of realignment of Business Center Drive north of FM 2234, and direct access via an overpass, between South Spectrum Boulevard and the northbound lanes of SH 288.

Existing Conditions

The City's Thoroughfare Plan for the Spectrum area was developed, at least in part, from land use studies and associated traffic studies performed in 2004 and earlier. The TDAI study reports on these studies and presents land uses by development zone within the Spectrum, as well as proposed roadways.

The land uses suggest that Spectrum would develop primarily as an office and light industrial park, with some retail uses at the northeast corner

of the site, near the SH 288/Beltway 8 interchange, and some residential uses to the south near Clear Creek. On the Thoroughfare Plan, Kirby Drive is shown as the major north-south roadway through the Spectrum. East of Kirby, North Spectrum Boulevard and South Spectrum Boulevard are configured in a parallel east-west "horseshoe" type alignment. There is one access point to the SH 288 southbound frontage road. Business Center Drive is shown as a twisting road extending north from its current intersection with FM 2234 through the Spectrum to Beltway 8.

From the Thoroughfare Plan, access to Spectrum appears to be oriented primarily to the Beltway 8 eastbound frontage road.

Future Scenarios

The WaterLights District and Presidential Park developments will change the future development of the Spectrum. The character of the WaterLights District multi-use development is much more urban and pedestrian oriented than the suburban, campus style, auto-oriented office and light industrial Spectrum that was envisioned earlier. The Presidential Park is expected to attract large numbers of tourists and other visitors, which was certainly not an expectation of the earlier work on land uses and transportation needs for Spectrum.

Importantly, for the development of the area, WaterLights has brought a new energy and focus to development of land uses beyond what is currently WaterLights. With implementation of the first phases of WaterLights, it is unlikely that the remainder of the Spectrum area would develop as previously imagined; rather, WaterLights will become the catalyst for additional multi-use, pedestrian and water oriented sites.

These more urbanized, higher-type uses will be examples of sound planning. They will also require improved transportation systems, not only for automobiles, but also to provide public transit. Trips to and from the Spectrum area will likely be distributed differently than what were primarily commuter trips in the earlier studies.

Methodology

As indicated earlier, this paper reports on the adequacy of roadways shown in the City's Thoroughfare Plan, particularly Business Center Drive and South Spectrum Boulevard, to accommodate traffic expected to be generated by WaterLights and other development in the Spectrum. This initial investigation, similar to the TDAI study, only considers traffic expected to be generated by WaterLights, and not the remainder of the Spectrum. As land uses in other sections of the Spectrum evolve, it will be important to reflect these changes in the traffic model for the area.

The focus of this analysis is to determine the need for changes in the Thoroughfare Plan to accommodate the expected changes in the development of Spectrum. As part of the WaterLights development, it has been proposed to upgrade South Spectrum Boulevard to a major thoroughfare with an overpass over SH 288 and direct connection to and from the northbound SH 288 frontage road.

To study the adequacy of this section of the Spectrum roadway system, a multi-stage process was employed. First, traffic forecasts were developed for South Spectrum Boulevard, and second, the impact of shifting this traffic to this new link in the network was examined. Finally, the importance of Business Center Drive in its current location on the Thoroughfare Plan was reviewed.

Analysis

For WaterLights, the trip distribution is slightly different than that shown in the TDAI study, but both agree that a significant percentage of trips will access the site from SH 288, with at least 20% of trips into the site using the flyover from SH 288 northbound. In addition, there will be trips from Shadow Creek Ranch and from points east and west along FM 2234.

The direct access from SH 288 has the greatest beneficial impact on the SH 288/FM 2234 interchange, where left turns from the northbound off-ramps would be reduced by nearly 60% during the peak hours. This reduction in traffic also impacts the FM 2234/ Business Center Drive intersection.

The TDAI study shows a reduction in motorists delay at the signalized intersections, but no change in actual level of service. The TDAI volumes only consider trips to WaterLights, however, and when the traffic volumes are expanded to include more development of Spectrum than just WaterLights, the delays would increase significantly without the flyover, and the level of service at the FM 2234 intersections would be degraded. Moreover, with continued growth along the SH 288 corridor to the south, it can be expected that, as development of Spectrum continues over the years, a greater percentage of trips will be from the south making the direct flyover access even more important.

The TDAI study scope was to examine the adequacy of the proposed flyover connection to South Spectrum Boulevard and the realignment of Business Center Drive to the west. TDAI concluded that both are viable options. This analysis concurs with those findings, but also looks further into the future development of the Spectrum.

As currently set forth in the Thoroughfare Plan, there are two key intersections that would have to accommodate most Spectrum traffic to and from the south and east: the Business Center Drive/FM 2234 intersection, and the FM 2234/SH 288 interchange. Although both can accommodate WaterLights traffic, they cannot accommodate Spectrum buildout traffic at an acceptable level of service. The direct flyover connection to South Spectrum Boulevard will result in a significant reduction in left turns and U-turns at the FM 2234/SH 288 interchange. With the proposed re-alignment of Business Center Drive there will be a reduction in the left turns from the Spectrum area onto FM 2234.

Findings and Recommendation

The proposed flyover at SH 288 and designation of South Spectrum Boulevard as the major east-west roadway in the Spectrum will allow the anticipated type of development in the Spectrum to occur. It will also reduce the traffic volumes and impacts to FM 2234 and specifically, to the interchange at FM 2234/SH 288.

The re-alignment of Business Center Drive, as proposed by WaterLights and as addressed in the TDAI study, will allow the type of pedestrian scale development and urban streetscape that is proposed at

WaterLights, as well as reducing future year turning movements at the Business Center Drive/FM 2234 intersection.

It is recommended that the Thoroughfare Plan be amended to add the proposed flyover and "jughandle" interchange connecting the northbound SH 288 frontage road to South Spectrum Boulevard. South Spectrum Boulevard should be designated a major thoroughfare between SH 288 and Kirby Drive in anticipation of the future need for a six lane roadway with appropriate turning lanes. The curved part of the "horseshoe" alignment of South Spectrum/North Spectrum that currently appears on the Thoroughfare Plan should be removed from the plan, and North Spectrum should end at Lew Briggs (Promenade Shops Drive).

Regarding Business Center Drive, the section through the Spectrum should be removed, with Business Center Drive re-aligned to curve to the west north of FM 2234 and connect to Fruge Road, consistent with the recommendation in the TDAI report. The four lane divided section of the existing Business Center Drive would be continued north of FM 2234, which can be accommodated within the major collector designation.

With these changes to the Thoroughfare Plan, the initial roadway network of the Spectrum would be able to accommodate existing and proposed traffic and future, as yet undefined, development of the Spectrum.



CITY OF PEARLAND

PLANNING & ZONING

MEMO

DATE: July 18, 2008
TO: City Council and Planning and Zoning Commission
FROM: Lata Krishnarao, Planning Director
SUBJECT: Proposed amendments to the Unified Development Code (UDC) – July 21, 2008 Joint Public Hearing

A memo dated July 15, 2008 and a set of UDC amendments had been sent to you earlier this week. These set of amendments will be presented to the Council and P & Z on July 21, 2008 as a Joint Public Hearing. Two changes were omitted from that set and have been included with this memo. These changes have been discussed at workshops.

These changes pertain to pages 17 and 19 of the UDC amendments attached with the memo dated July 15, 2008.

The first change added language to ensure that detention facilities located in the front yard were treated as an amenity. The second change clarifies the standards for fencing for detention basins located anywhere on site (not just within 100' of the street) and visible from the streets.

Pages 17-19

(6) Adjacent to a Single-Family Use or Zoning District: 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 with the required yard/setback area and may count toward (g)(1) above.

(7) Detention/retention facilities located in front yards: When a detention/retention facility is located in a front yard, the facility shall be

incorporated into the design of the development as an amenity, as determined by the Planning Director.

(h) Lighting Standards.

(1) Vehicular Circulation & Parking Areas:

- a. High pressure sodium or 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. Minimum light level within the parking area shall be 0.5 foot candles when the attendant facility is in use.
- c. Standards, poles, and fixtures shall be a single color, uniform in design throughout the site and no taller than the height of the building being served.
- d. Creosote treated wooden poles are prohibited.
- e. Street lights along the specified corridor shall conform to the standard fixture adopted by the City. Installation of such fixture or payment in lieu of installation shall be required prior to acceptance of subdivision improvements by the City or issuance of a certificate of occupancy, as applicable

(2) Walkway Lighting: Walkway lighting comprised of standard, pole, bollard and

wall-mounted fixtures shall be no greater than twelve feet (12') above grade.

(3) Accent Lighting:

- a. Uplighting 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.

(i) Screening Standards.

(1) Site Elements Required to Be Screened: The following site elements shall be screened from the public view from all specified major thoroughfares:

a. *Mechanical and Utility Equipment*

1. Screening shall consist of a decorative wall or architectural element of the building that is one hundred percent (100%) opaque.

2. 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

1. 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 (6') in height and is a maximum of seventy-five percent (75%) opaque.

c. Refuse, Refuse Containers, and Recycling Containers

1. Screens shall consist of a solid wall or architectural element of the building that is a minimum six feet (6') in height.

(2) Screening Elements Required: All screening walls visible from a public street shall be:

- a. Constructed of masonry materials that are consistent with the color and design of the primary on-site structure.
- b. Consistent in color and design with the building architecture.
- c. Uniform in style and materials along the entire length of the screen within a single development.

(3) Screening Elements Prohibited: No fence or wall visible from a public street shall be:

- a. Greater than eight feet (8') in height.
- b. Located within any required visibility triangle.
- c. Constructed with any of the following materials: surface painted or coated concrete, chain link, concertina wire, barbed wire, corrugated metal, or fiberglass panels. Exceptions:
 1. Barbed wire may be used solely to control livestock.
 2. Public Educational Facilities shall be permitted to use chain link fence along the perimeter of sports fields and detention basins. Any chain link fence located one hundred feet (100') or less from a thoroughfare listed in subsection (b) shall be constructed of chain link material that is entirely coated by black or dark green vinyl, and shall also include one of the following features:
 - A. an evergreen vegetative screen outside the fence consisting of a combination of shrubs and trees that meet the following requirements:

- (i) shrubs shall be planted every three feet (3') or less on center and shall be at least four feet (4') tall at planting;
- (ii) trees shall be planted every thirty feet (30') or less and shall be at least two inches (2") in diameter measured by caliper; or

B. masonry columns that are:

- (i) no less than twenty inches (20") in width and depth;
- (ii) at least twelve inches (12") taller than the adjacent chain link sections;
- (iii) spaced no further than twenty feet (20') apart;
- (iv) topped with decorative masonry caps at least six inches (6") tall that project at least two inches (2") from the front facades of the columns; and
- (v) constructed of materials similar in color, design, and architecture to that of the primary structure.

(4) All other fences within Public Educational Facilities shall be constructed of materials consistent in color, design, and architecture to the primary on-site structure.

(5) Residential Subdivision Fences:

- a. Residential subdivision fences shall be uniform in style, color, and material along the length of the subdivision.
- b. If visible from a street right-of-way, fences shall be constructed of masonry materials. However, large-lot subdivisions, which are defined as subdivisions with average lot sizes of one-half acre or more, shall be permitted to be screened with wood rail fencing.

(6) Fences constructed around detention ponds or basins and visible from a public or private street, shall be constructed in accordance with the standards set forth in subsection (i) (3) c. 2. above for chain link fences located one hundred feet (100') or less from a thoroughfare listed in subsection (b).

(j) **Buffering Standards.**

(1) Site Elements Required to Be Buffered: The following site elements shall be visually buffered from the public view from all specified major thoroughfares:

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: Larry Marshall

Full Address: 3606 Inverness Ct

(include zip) Pearland Tx 77581

I wish to speak regarding Item No. amendment to ADC
ord # 2000T

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 Guillen

Full Address:

3909 3rd Street

(include zip)

PEARLWAY TX 77581

I wish to speak regarding Item No.

Item 4

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JULY 21, 2008, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

Amendment to the Unified Development Code (UDC)

A request by the City of Pearland, for an amendment to the Unified Development Code, Ordinance No. 2000T.

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT

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.



TO: Mayor Reid and Members of the City Council

FROM: Bill Eisen 

DATE: June 18, 2008

SUBJECT: Proposed UDC Changes

Attached are a number of proposed changes to the UDC. The first 12 of the changes are ones that have been discussed with the Council in workshops. The remaining changes are relatively minor in nature, but have not been previously discussed with you in workshops.

A public hearing on these changes is tentatively set for July 21. I have asked the Planning Department to include both the previously discussed changes and the new minor changes in the hearing. I asked them to proceed in this manner so that we could then limit the amount of time the Council will have to spend in workshops and hopefully shorten your meetings. However, if any of you feel that any of these issues may require a workshop prior to the public hearing being held, please let me know.

Do they understand that
just because we might
have two JPH's

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: MARK F. ELLIS

Full Address: 11202 Misty Morning Ct

(include zip) Beaumont TX 77684

I wish to speak regarding Item No. (4) ODC # 4

Accessory Buildings



CITY OF PEARLAND

PLANNING & ZONING

MEMO

DATE: June 13, 2008
TO: City Council and Planning and Zoning Commission
FROM: Lata Krishnarao, Planning Director
SUBJECT: Proposed amendments to the Unified Development Code (UDC) – July 21, 2008 Joint Public Hearing

Staff is proposing the following amendments to the Unified Development Code. These amendments include clarifications, language changes and additions. Some of the changes pertain to sections that were not carried over from the old Land Use and Urban Development Ordinance, which staff feels was an expectation of the City Council.

To avoid consuming valuable workshop time, it has been suggested that we provide a memo in advance of the regular city council meeting. The first set of proposed changes under "Amendments Discussed with City Council and Planning & Zoning Commission Previously" includes changes that have been work-shopped earlier. The second set is considered as minor changes and generally includes non-substantive, clerical type of amendments. If the Council or Planning and Zoning Commission have any questions, they can contact Mr. Bill Eisen or me.

These set of amendments will be presented to the Council and P & Z on July 21, 2008 as a Joint Public Hearing.

AMENDMENTS DISCUSSED WITH CITY COUNCIL AND PLANNING & ZONING COMMISSION PREVIOUSLY

1. Definition of Household Care Facility / Hospice
(Discussed at a workshop on April 7, 2008)

Definition in the UDC refers to "not more that nine (9) persons. The state of Texas has changed this requirement to allow more than nine persons.

Staff is recommending the definition be changed to be current with state regulations.

Section 5.1.1.1 (a) (219)

(219) HOUSEHOLD CARE FACILITY: (Also referred to as *Hospice*.) A dwelling unit which provides residence and care ~~to not more than nine (9) persons~~, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster or financial setbacks, living together with not more than two supervisory personnel as a single housekeeping unit. This definition shall be consistent with that of "assisted living facility" in Texas Health and Safety Code Section 247.002. as it presently exists or may be amended in the future.

2. Site Preparation Permit
(Discussed at a workshop on April 7, 2008)

Clarify that Site work permit is the same as Site preparation permit. Also, change the responsible official to Building Official and not City Engineer.

Section 4.1.2.2 Site Preparation Permit

(a) Purpose, Applicability, Exceptions and Effect.

(1) Purpose: The purpose of a Site Preparation Permit, **also referred to as the Site Work Permit**, shall be to assure that preparatory construction activities on the development site will meet City standards prior to soil disturbance, construction or placement of a structure on the tract, parcel or lot. A Site Preparation Permit application may consist of a series of schematic drawings designed to satisfy one or more criteria governing the decision on the permit.

Section 4.1.2.2 Site Preparation Permit

(b) Application Requirements.

(1) Responsible Official: The ~~City Engineer~~ **Building Official** shall be the responsible official for a Site Preparation Permit.

(2) Submittal: All applications shall be submitted on a form supplied by the Engineering Department with the required information as stated on the application form.

(3) Prior Approvals: An application for a Site Preparation Permit shall not be approved unless a final subdivision or development plat has been approved for the land. Inside city limits, the property subject to the Site Preparation Permit shall be appropriately zoned for the intended use.

(4) Accompanying Applications: A Site Preparation Permit may be accompanied by an application for a building permit for the same land, if the Site Preparation Permit shall be decided first.

(c) Processing of Application & Decision.

(1) Decision: The ~~City Engineer~~ **Building Official** shall initially approve the application for a Site Preparation Permit, approve the application with conditions, or deny the application, subject to appeal as provided in Chapter 1, Article 3, Division 1 of this UDC.

(2) Notification: The ~~City Engineer~~ **Building Official** shall notify the applicant of his/her decision in accordance with Chapter 1, Article 2, Division 2 of this UDC.

3. Landscaping Requirements

(Discussed at a workshop on April 7, 2008)

- a. Clarify that detention area is not included in landscaping calculations.

Section 4.2.2.4

(b) Establishment of Minimum Percentages. A minimum percentage of the total gross lot area of property (**excluding required detention facilities**) for the property on which development, construction or reconstruction occurs after the effective date of the ordinance from which this division derives shall be devoted to landscape in accordance with the requirements in *Table 4-4*; provided, however, that these requirements shall not apply to the development, construction or reconstruction of single-family detached residential structures.

b. Location of Landscaping

Clarify a reference is to a code section and not a table.

Section 4.2.2.4

(g) Landscaping On-Site and Related Location.

(1) The landscaped area required by ~~Table 4-4~~ **Section 4.2.2.4** shall be placed upon that portion of a tract or lot that is being developed.

4. Accessory Buildings

(Discussed on April 7, 2008)

The intent of the UDC is to permit accessory building in rear yards, behind the house. However, the term "required" rear yard refers to the required setback for the district, and ranges from 25' to 10' for residential zones. It is not possible to fit a garage or accessory building within the 20' setback, considering that the setback typically has a utility easement that cannot be encroached upon. Therefore, the term "required" needs to be stricken to allow accessory building in the rear yard (the area between the rear building line and the rear property line). Additionally it was discussed that in Section 2.5.3.1(g), the word "smaller" needed to be replaced by "greater".

Division 3 — Accessory Uses & Structures

Section 2.5.3.1 Area Regulations for Accessory Buildings (All Districts)

(a) Accessory Buildings In Relation to the Front & Side Yard. Accessory buildings, including tool sheds, and greenhouses, shall not be permitted except as follows. Garages and carports shall adhere to the requirements in subsection (d) below.

(1) Barns and related structures necessary for farming and ranching purposes shall be exempt from this requirement on parcels or tracts of land that are ten (10) acres or greater in size.

(b) Accessory Buildings In Relation to the Rear Yard. Accessory buildings, as permitted herein, shall be allowed in **required** rear

yards; provided, however, that no accessory building may be closer than three feet (3') to a common property line and shall not encroach on any dedicated easements. (See *Figure 2-4*, on page 2-117.) Garages and carports shall adhere to the requirements in subsection (d) below.

(c) Screening for Accessory Buildings. Accessory buildings in non-residential zoning districts shall be screened from public view in conformance with the requirements within Chapter 4, Article 2, Division 4 of this UDC.

(d) Garages and Carports. Garages or carports that are connected to the main building only by a breezeway (see definition in Chapter 5) shall not be considered part of the main building, and shall be considered an accessory building. Garages and carports shall therefore adhere to all requirements of this Section 2.5.3.1, except that front, rear, and side yard setbacks shall meet the following:

(1) Garages or carports accessed from an interior side yard shall have a minimum setback of twenty feet (20') from the side lot line.

(2) Carports or garages accessed from a side or rear yard ~~yard~~, facing a public street, or from a side or rear alley shall have a minimum distance equal to the required yard for the main building or twenty feet (20'), whichever is greater.

(3) For these requirements, carports shall be measured from the roof nearest to the street or alley (see *Figure 2-3*).

(e) Accessory Buildings Without a Main Building. Accessory buildings are not permitted without a main structure except in the Suburban Development (SD) District.

(f) Height of Accessory Buildings. Accessory buildings shall not exceed the height allowed in the specific zoning district, except taller accessory buildings (including accessory dwellings) may be allowed in certain zoning districts by Conditional Use Permit (CUP) (see Article 2, Division 3) if there is no adverse impact upon adjacent properties.

(g) Size of Accessory Buildings. The total floor area of all accessory structures shall not exceed fifty percent (50%) of the square footage of the livable area of the residence on the premises, or five percent (5%) of the lot area, whichever is ~~smaller~~ **greater**.

This requirement shall not apply to barns and related structures necessary for farming and ranching purposes.

(h) Number of Accessory Buildings. There shall be no more than two (2) accessory buildings on any residential lot. Lots that are ten (10) acres or greater in size are exempt from this requirement.

5. Signage – Electronic Message Boards for Multi Tenant Signs
(Discussed on March 31, 2008)

Standards for electronic changeable message sign are included under On-Premise Ground Sign, but omitted from Multi-Tenant Sign. Staff recommends that the following requirements under On-Premise Ground Sign be added for Multi-Tenant Sign for clarification. No changes are proposed to the text.

Add Section 4.2.5.4 (b)(6) – Electronic Changeable Message Sign: An electronic changeable message sign that conforms to the size and locational requirements of this section shall be permitted with adherence with the following:

- a. **Each message displayed on an electronic changeable message sign must be static or depicted for a minimum of six (6) seconds. The scrolling of messages is permitted, but must also conform to the minimum of six (6) second display.**
- b. **The flashing display (i.e., changeable message) portion shall not exceed twenty five (25) percent of the total allowable effective sign area.**
- c. **The flashing display (i.e., changeable message) portion shall be limited to one (1) color, and shall be limited to white, gold, yellow, red, blue, or green. The Planning Director shall determine whether proposed colors conform to these colors.**
- d. **The addition of any flashing display (i.e., changeable message) to any nonconforming sign is prohibited.**

6. Standards for Private Streets
(Discussed on March 31, 2008)

Currently lots are required to have frontage on a public or private street. This needs to be clearly stated in the UDC. Modify as follows:

Section 3.2.14.2 (j) Access. Each lot shall have access to a public street, or a private street built to city standards, by direct frontage on such street. _ _ _:

7. Adult Day Care Facilities
(Discussed on March 31, 2008)

The Land Use Matrix has this use listed and refers it to "Family Home Adult Care". However, the category "Family Home Adult Care" has been omitted from the table. Staff is proposing to modify the table to permit this use by right in GB and GC zoned and by a Conditional Use Permit in OP, BP-288 and NS zones.

In addition, a definition based on the following description by Adult Day Care Association of Texas is proposed to be added under Chapter 5:

Adult day care services are community-based group programs, licensed by the state of Texas, designed to meet the needs of functionally and/or cognitively impaired adults through an individual plan of care. These structured, comprehensive programs provide a variety of health, social, and other related support services in a protective setting during any part of a day, but less than 24-hour care. Adult day care services are dedicated to keeping adults needing assistance healthy, independent, and non-institutionalized. Adult day centers generally operate programs during normal business hours five days a week. Some programs offer services in the evenings and on weekends.

8. Location of detention facility in the 25' landscape buffer in Corridor Overlay Districts (COD) and front yards in general
(Discussed at a workshop on March 31, 2008)

a. Typically, the detention ponds are located on the side or rear of the building. However, in a few instances they have been built within the 30' landscaped buffer required in the Corridor Overlay District, since there is no restriction on their placement. These detention facilities look like ditches or holes and are not required to be amenitized or landscaped. Language is proposed to be added

to require additional landscaping is the detention is located in the front yard.

b. Additionally, some of these detention facilities require fencing. The COD requires masonry fences that are opaque. In certain cases these might be unsightly or a safety hazard. For similar reasons, alternate fencing with a combination of masonry columns, chain link fencing, and landscaping was approved for PISD facilities. Staff is recommending alternatives for such instances.

Section 2.4.5.1. (i)

(2) Screening Elements Required: All screening walls visible from a public street shall be:

- a. Constructed of masonry materials that are consistent with the color and design of the primary on-site structure.
- b. Consistent in color and design with the building architecture.
- c. Uniform in style and materials along the entire length of the screen within a single development.

(3) Screening Elements Prohibited: No fence or wall visible from a public street shall be:

- a. Greater than eight feet (8') in height.
- b. Located within any required visibility triangle.
- c. Constructed with any of the following materials: surface painted or coated concrete, chain link, concertina wire, barbed wire, corrugated metal, or fiberglass panels. Exceptions:
 - 1. Barbed wire may be used solely to control livestock.
 - 2. Public Educational Facilities shall be permitted to use chain link fence along the perimeter of sports fields and detention basins.

Any chain link fence located one hundred feet (100') or less from a thoroughfare listed in subsection (b) shall be constructed of chain link material that is entirely coated by black or dark green vinyl, and shall also include one of the following features:

A. an evergreen vegetative screen outside the fence consisting of a combination of shrubs and trees that meet the following requirements:

(i) shrubs shall be planted every three feet (3') or less on center and shall be at least four feet (4') tall at planting;

(ii) trees shall be planted every thirty feet (30') or less and shall be at least two inches (2") in diameter measured by caliper; or

B. masonry columns that are:

(i) no less than twenty inches (20") in width and depth;

(ii) at least twelve inches (12") taller than the adjacent chain link sections;

(iii) spaced no further than twenty feet (20') apart;

(iv) topped with decorative masonry caps at least six inches (6") tall that project at least two inches (2") from the front facades of the columns; and

(v) constructed of materials similar in color, design, and architecture to that of the primary structure.

(4) Fences around detention basins, if required or proposed, and visible from public or private streets, shall be constructed of chain link material that is entirely coated by black or dark green vinyl, and shall also include one of the following features:

A. an evergreen vegetative screen outside the fence consisting of a combination of shrubs and trees that meet the following requirements:

(i) shrubs shall be planted every three feet (3') or less on center and shall be at least four feet (4') tall at planting; and

(ii) trees shall be planted every thirty feet (30') or less and shall be at least two inches (2") in diameter measured by caliper; or

B. masonry columns that are:

(i) no less than twenty inches (20") in width and depth;

(ii) at least twelve inches (12") taller than the adjacent chain link sections;

(iii) spaced no further than twenty feet (20') apart;

(iv) topped with decorative masonry caps at least six inches (6") tall that project at least two inches (2") from the front facades of the columns; and

(v) constructed of materials similar in color, design, and architecture to that of the primary structure.

9. **Façade Requirements for BP 288 zone**
(Discussed on March 31, 2008)

Unlike Spectrum districts where the façade requirements are within the district description, the UDC does not contain any facade requirements for BP-288. It is proposed that standards for Commercial zones along thoroughfares be applied to BP-288 districts, and BP 288 zone be added to the matrix with MF, C-MU, G/o-MU, OP, NS, GB,C zones, in section 2.6.2.1, Table 2-2

10. Location of 25' landscape buffer and screening wall
(Discussed on April 7, 2008)

The UDC currently requires a 25' buffer with a six foot masonry fence or a 30' landscaped buffer, between residential and non-residential properties. The buffer is required to be placed on the residential side of the screening wall. If a screening wall exists, then landscaping may be placed on the non-residential side.

This has created some concerns among developers who have stated that it is difficult to maintain the 25' strip located on the side of the wall that abuts another property. Often times, this has led to a strip of land between two fences that is hard to access and maintain.

Responses from several home-owners associations (associations), contacted by staff, indicate that the associations are in favor of the masonry fence in general. The associations have also suggested that the applicant be required to contact the association and not individual property owners within the development regarding replacement of fences.

Staff is recommending that if a non-masonry fence, installed by the abutting property owner, exists along the property line, then

- a. upon approval of the abutting property owner the developer be allowed to replace the existing fence with masonry fence along the property line and provide the 25' buffer within developer's property, or
- b. if the abutting property owner refuses on the substitution, then retain the existing fence but provide 30' wide buffer with additional landscaping in the required buffer.

Section 4.2.4.1 Screening

(a) Nonresidential and Multiple-Family Screening Required (New Construction).

- (1) Requirement Criteria. This section shall apply to the following:
- a. Any nonresidential use that is separated by only a street or has a side or rear contiguous to any residential use or residential zoning district other than multiple-family.
 - b. Any multiple-family use that is separated by only a street or has a side or rear contiguous to any residential use or residential zoning district other than multiple-family.

(2) The following shall apply in either case outlined above:

a. The nonresidential or multiple-family use shall construct an opaque screening wall a minimum of six feet (6') in height, but not to exceed eight feet (8') 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.

b. There shall be a 25-foot wide landscape buffer between nonresidential or multiple-family and all single-family uses.

c. **In situations where a fence exists along the property line between non-residential and residential use, the requirement of such screening wall shall be waived if**

1. **the adjoining homeowners association or all adjoining property owners (if a homeowners association does not exist) do not give consent to the replacement of the existing fence, and**
2. **a thirty (30') wide landscaped buffer with additional landscaping as required by staff is provided.**

ed. 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:

1. The screen will withstand the pressures of time and nature; and
2. The screen adequately accomplishes the purpose for which it was intended.

d.e. The Building Official shall determine if the buffer meets the requirements of this section.

~~(3) Any required landscaping (refer to Division 2) 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.~~

11. Maintenance of all improvements
(Discussed on March 3, 2008)

Add a statement that all improvements required by the UDC shall be in place for the entire life of the property and shall be maintained appropriately in Chapter 4, Article 1.

Division 4 - Maintenance of all Improvements

Section 4.1.4.1 - All improvements required by the UDC shall be maintained in a manner such that their intended purposes continue to be met so long as the property is occupied or used in any way.

12. Requirements for City facilities
(Discussed on March 3, 2008)

At the workshop held on March 3, 2008, and as summarized by Mr. Finan's memo dated March 6, 2008 (attached with this memo), it is our understanding that, like other governmental entities, the City should be exempt from the locational requirements of zoning. Therefore, City projects will not seek zone changes, but will comply with all requirements of the zoning districts that permit that activity. Platting, Overlay district and development standards will be met. Additionally, City will seek special exceptions or variances, similar to other developments, in existing or proposed situations where the current facility does not meet setbacks, etc. The City will not exempt itself from this process. Based on this, City Attorney is drafting the appropriate language.

MINOR CHANGES PROPOSED BY STAFF

13. Land Use Matrix

- a. Address Temporary Outdoor amusement in the land use matrix. This is in the definitions but not included in the matrix. Refer to the City's parade ordinance for requirements.
- b. Land Use table – Remove Animal Husbandry. This is the same as Agricultural Animal Husbandry.
- c. Land Use table – Add Learning Centers and Tutorial Clubs with similar uses.
- d. Add Tanning Studios with Barber and Beauty Shops.
- e. Allow sale of Stone Monuments in additional zones, and add a category for fabrication and outdoor sales of Stone Monuments.
- f. Add category for Machine Shop.

See attached table.

14. Amending Plats

Section 3.1.7.4 (f)(4) – change 6 lots to 4 lots to be in consistent with state law and other sections of the UDC.

Section 3.1.7.4 (f)(4) – If ~~six (6)~~ four (4) or fewer lots are proposed to be added to a subdivision:

15. Landscaping

UDC specifies a minimum width of landscape area for trees. However, it does not clarify the minimum width of landscaped area required for shrubs. Staff recommends that the language be modified to state that six feet be required to be consistent with other sections.

Section 4.2.2.4 (d) (6)

Each required tree and required landscaping shall be planted in a landscaped area of at least 36 square feet with a minimum dimension of six feet (6')_ _ _.

16. Driveways for day care center or pre-elementary school

UDC requires a driveway having a length sufficient for temporary parking of at least three vehicles for day care centers and pre-elementary schools. While this may be appropriate for stand alone buildings with a drop-off porch near the entrance, there are situations when a day care is located within a strip center or a unified shopping center where it is not safe to provide this temporary parking. Therefore, staff is proposing the following modifications:

Section 4.2.1.2 (a) (6)

In addition to required parking spaces, a day care center or a pre-elementary school, unless located within a unified shopping center or a mall with shared parking, shall provide a driveway having a length sufficient for temporary parking of at least three (3) vehicles whereby the temporary parking spaces do not block the access to the other required off-street parking spaces.

17. Minimum side yard for Single- Family Residential – 4 (R-4) District

The UDC provides requirements for patio homes but does not specify side yard requirements for single-family homes in R-4 district. Staff is recommending clarification, similar to existing R-3 zone, as follows:

Section 2.4.2.8 (c)(2)

(2) Size of Yards: (See *Figure 2-1.*)

a. *Minimum Front Yard - Twenty feet (20')*

b. *Minimum Side Yard*

(1) Single family detached homes

1. Interior Lot: Seven feet and six inches (7'-6");

2. Corner Lot:

a) Equal to the front yard when abutting a street right-of-way.

b) If the recorded plat indicates corner lots will be restricted to front entry only, there shall be a minimum yard of at least fifteen feet (15') adjacent to the side street of a corner lot when the corner lot backs up to an abutting side yard and ten feet (10') adjacent to the side street of a corner lot when the corner lot backs up to an abutting rear yard.

(2) Patio homes:

1. Interior Lot:

a) Fifteen feet (15') on one side for the full depth of the lot; the alternate side may be zero feet (0') and shall be a maximum of one foot (1').

b) A five-foot (5') wide maintenance, drainage, and roof overhang easement extending the full depth of the lot shall be designated along the side property line which abuts the zero side yard on an adjacent lot.

18. ROW for rural lot streets

The UDC requires 70' ROW for rural lots (lot having an area of 0.625 acres or more) streets. This wider cross-section is required to accommodate open ditches that are permitted for lots over one-half acre. The city engineer has proposed that the ordinance be changed to allow 50' wide ROW with drainage easements on both sides for streets that have no curbs, gutters or sidewalks, upon approval by the city engineer. This would also remove the current discrepancy that allows lots between one-half acre and 0.625 acres to have 50' ROW with open ditches without drainage easements.

This amendment will help development on large lots that area often landlocked and where the requirement for a 70' ROW is too onerous on the land owner and be consistent with other similar requirements.

Section 3.2.6.4 (r)

(r) Pavement Widths and Rights-of-Way. Pavement widths and rights-of-way shall be as follows:

(1) Major thoroughfare streets shall have a right-of-way width of at least one hundred and twenty feet (120') with a pavement width of at least two (2) thirty six- foot (36') sections with a fourteen-foot-wide (14') raised median.

(2) Secondary thoroughfare streets shall have a right-of-way width of at least one hundred feet (100') with a pavement width of at least two (2) twenty-four-foot (24') sections and a twenty-foot-wide (20') raised median.

(3) Primary collector streets shall have a right-of-way width of at least eighty feet (80') with a pavement width of at least forty-four feet (44').

(4) Secondary collector streets shall have a right-of-way width of at least sixty feet (60') with a pavement width of at least thirty-eight feet (38').

(5) Residential streets shall have a right-of-way width of at least fifty feet (50') and a pavement width of at least twenty-eight feet (28').

(6) Rural lot (lot having an area of 0.625 acres or more) streets shall have a right-of-way width of at least seventy feet (70') with a pavement width of at least twenty-five feet (25'). **Upon approval by the City Engineer, the right-of-**

way may be reduced to 50' with 10' drainage easements on both sides.

(7) Open ditches and asphalt streets are prohibited except in areas developed in conformance with residential lot sizes that are one-half (1/2) acre or more in size.

Additional drainage easements may be required for streets with open ditches by the City Engineer.

19. Tree Survey Requirement

As written, the UDC requires a tree survey and a tree disposition plan before a final plat is approved. At times, the property owner may get the lot platted without any intention of development at the time of platting. It might be years before actual development happens. This requirement causes undue burden on the property owner. Additionally, between the time of platting and development, some trees may grow to be eligible for a protected tree status. Staff is recommending the tree survey be required at the time of the development of the property and not at platting.

Section 4..2.3.2 (a) (10)

(10) Tree Disposition Plan: Must specify how Protected Trees and Critical Root Zones will be protected from development and pre-development activity. The Tree Disposition Plan shall specify trees to be relocated, removed or replaced. ~~For properties being platted, the Tree Disposition Plan is submitted with the final plat and must be approved before the final plat is approved. For building permits,~~ The tree survey and disposition plan shall be submitted with the permit application and must be approved before **a permit for development** the permit is issued.

(11) Tree Survey: An on-the-ground survey containing the location of Protected Trees, their diameters, types (species), and crown area (critical root zones). The Tree Survey must depict for any given Subject Site: (a) every Protected Tree located on the Subject Site, and (b) identify every Protected Tree located elsewhere which has thirty percent (30%) or more of its Critical Root Zone in such Subject Site. ~~For properties being platted, the tree survey is submitted with the preliminary plat and must be approved before the preliminary plat is approved. For building permits, the tree survey and disposition plan is submitted with the permit application and must be approved before the permit is issued.~~ **The tree survey and disposition plan shall be submitted with the permit**

application and must be approved before a permit for development the permit is issued.

20. **Park Dedication Fee for Existing Residential Units**

It was discussed that existing residential homes on lots that are being platted need to be exempt from the park dedication fee. Currently, the parks and recreation department does not charge a parkland dedication fee for lots with existing residential units. Staff is proposing the following change to ensure that all plats, not just replats, with existing residential units are exempt.

Section 3.2.10.1 (b) (4)

(4) Exemption from dedication requirements: Parkland dedication requirements shall not apply to either the subdivision of commercial, industrial or other nonresidential lots, or to the replatting of previously platted residential lots, where such lots were subject to parkland dedication requirements at the time of the prior subdivision. If a replat **or plat** is filed that increases the number of dwelling units from the previous plat, the park dedication requirement shall apply to the additional dwelling units

RECOMMENDED ACTION

Conduct the workshop.

Types of Uses	SD	RE	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	M-F	M-H	S-1	S-2	S-3	S-4	S-5	C-M-U	G/O/M-U	O-T	O-P	B-P-288	N-S	G-B	G-C	M-1	M-2
<u>Temporary Outdoor Amusement/Activity*</u>																										
Agricultural Animal Husbandry ☐☐	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	+	P	P	P	P	C	P	P
Animal Husbandry																										
Martial Arts School/Studio/ <u>Tutorial Clubs/Learning Centers</u>												P	C	C					+		C	C	P	P	P	P
Barber/Beauty Shop/ <u>Tanning Studios</u> (No Related School/College)												P	P	P			P	P	+	P	P	P	P	P	C	
Stone Monuments - Retail Sales Only <u>(indoors)</u>																	C	C	+	C		P	P	P	C	
<u>Stone Monuments – fabrication and outdoor storage</u>																	C	C	±	-	-	-	-	C	C	-
<u>Machine Shop</u>																			±				P	P	C	C
Adult Day Care Center (Business) ☐☐																			+	C	C	C	P	P		

***Refer to City's Special Events Ordinance.**

Proposed Changes to Land Use Matrix – Refer to memo dated June 13, 2008

Memo

To: Bill Eisen, City Manager
Mayor and City Council

From: Nicholas Finan, Assistant City Manager

CC: Mike Hodge, Lata Krishnarao, Trent Epperson, Jon Branson, Nghiem Doan, Darrin Coker,
Kola Olayiwola

Date: March 6, 2008

Re: UDC and City Facilities

Based upon discussion of the Meeting of March 3, 2008, the City staff developed an understanding of the City Council's wishes regarding compliance with the UDC for City projects. After discussions with Mr. Eisen and the City Attorney's office, a summary of the staff's understanding of that workshop is being provided in this memo as well as information as to how City staff is proceeding on its projects.

It is our understanding that City Council's intent is that, like other governmental entities, the City should be exempt from the actual zoning (locational requirements) of the activities. However, City projects need to conform to the best applicable district requirements of that activity, i.e. a wastewater treatment facility, regardless of the zone in which it is located, needs to meet the requirements of a M-1 or M-2 zone. This would also exclude the City from a requirement to apply for a CUP. All requirements of the zoning districts, overlay district and development standards will be met including platting, etc. For example, where a city activity is adjacent to lesser activities it must meet the proper buffering required between the two zones. For example, a wastewater treatment facility next to a residential zone would need to provide a minimum 6 foot masonry wall and the 25 foot buffer or the 30 foot landscaped buffer. Requirements could be affected by Federal and State laws, regulations, and requirements. So, the wastewater and water treatment facilities which do not have the general public visiting the facilities and have Homeland Security requirements for fencing, distances from trees, visibility into the plants, and proximity to other activities would need to meet both the requirements of the UDC as well as the Federal requirements which may involve that the City meeting the requirements as stated above with the landscape buffer. However, the buffer needs to be outside the wall (contrary to what the City staff recently proposed and City Council is considering) or at least provide some of the buffer outside the exterior walls of the facility and some on the interior of the wall. Lift Stations will meet Section 4.2.4.2. of the UDC that requires certain screening and landscaping of utility cabinets and provides for several options to comply. However, the city will not seek a CUP as AT&T and other utilities are required and have obtained in the past.

Certain facilities or timing of development may affect timing of compliance with certain requirements, but this would be applicable to all developments – private and public. By example, a water tower could be over the 45 foot height limitation, not meet the façade, glass or articulation requirements in an industrial district within the overlay district, but it is understood the facility would meet setbacks, landscaping, etc. This type of understanding would need to apply to private industrial activities that also may need to construct a water tower for cooling or consumption, etc.

The city staff will work to identify the more common City activities and determine the appropriate zones. In addition, where the city is proposing a street project, some required improvements such as sidewalks, and possibly landscaping, could be delayed until the street project is complete so as not to disrupt or re-do the installation of such improvements.

And lastly, the City will seek Special Exceptions or Variances as others have to in instances such as non-conforming use where the current facility does not meet setbacks, etc. The City will not exempt itself from this process. An example is the Animal Shelter where it abuts the drainage ditch within a few feet and not the required 10 feet, but architecturally and functionally the addition needs to line up with the existing facility. The City will seek a special exception, based upon the fact that the adjacent property is a drainage ditch that is approximately 100 feet to 120 feet wide and the need to align the two buildings as stated above.

In addition, the planning staff with the city attorney's office is already looking at how to either include more flexibility within the UDC to apply "common sense" or create some mechanism that identifies these areas and simplifies the process. City staff will provide updates to City Council as the options and parameters of applying more "common sense" into the UDC evolve.

In summary, with several projects underway, city staff will proceed with the March 3rd discussion in mind until the zoning ordinance can be clarified. City projects will not seek zone changes, but will comply with parking, landscaping, height, setbacks, buffering, etc. By example, the city is currently working on plans for the Recreation Center/Natatorium. The property is currently zoned R-2, but the activity is a GB or GC activity in the UDC matrix. The City will not seek to rezone the property to GB; however, the City will follow the GB guidelines for height, buffering, etc. It is also in the Overlay district requiring a greater setback and landscaping requirements. City staff will follow those regulations as well. The property is adjacent to another governmental activity (PISD ball fields and school site). As such, the city will meet adjacency issues where GB district/activity abuts another GB district/activity including the provision to allow shared parking.

If we have misunderstood any aspect of the workshop or how the City Council wishes staff to proceed on projects, please let Mr. Eisen know immediately. We thank you for your time at the workshop.



CITY OF PEARLAND

PLANNING & ZONING

MEMO

DATE: July 15, 2008
TO: City Council and Planning and Zoning Commission
FROM: Lata Krishnarao, Planning Director
SUBJECT: Proposed amendments to the Unified Development Code (UDC) – July 21, 2008 Joint Public Hearing

A memo dated June 13, 2008 was sent to you earlier to give you additional time to review the amendments being proposed to the UDC. Staff has not received any responses yet. A revised list of these amendments is attached below. These amendments are scheduled for a Joint Public Hearing on July 21, 2008.

The amendments are divided into two groups. The first group includes all amendments that have been workshopped before. The second set includes clarifications or corrections that are considered minor changes by staff and have not been discussed at a workshop.

The page number of the amended document has been included for your reference. Since the preparation of this memo, legal staff has reviewed the changes and there may be some instances where the proposed language may be different from the language in the memo. These differences have been highlighted in this memo.

AMENDMENTS DISCUSSED WITH CITY COUNCIL AND PLANNING & ZONING COMMISSION PREVIOUSLY

1. Definition of Household Care Facility / Hospice
(Discussed at a workshop on April 7, 2008)

Refer to page 71 of the attached proposed amendments.

Definition in the UDC refers to "not more that nine (9) persons. The state of Texas has changed this requirement to allow more than nine persons.

Staff is recommending the definition be changed to be current with state regulations.

Section 5.1.1.1 (a) (219)

(219) HOUSEHOLD CARE FACILITY: (Also referred to as *Hospice*.) A dwelling unit which provides residence and care ~~to not more than nine (9) persons~~, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster or financial setbacks, living together with not more than two supervisory personnel as a single housekeeping unit. This definition shall be consistent with that of "assisted living facility" in Texas Health and Safety Code Section 247.002. as it presently exists or may be amended in the future.

2. Site Preparation Permit
(Discussed at a workshop on April 7, 2008)

Refer to pages 2, 3, 53, 54, and 55 of the attached proposed amendments.

Clarify that Site work permit is the same as Site preparation permit. Also, change the responsible official to Building Official and not City Engineer.

Section 4.1.2.2 Site Preparation Permit

(a) Purpose; Applicability, Exceptions and Effect.

(1) Purpose: The purpose of a Site Preparation Permit, also referred to as the Site Work Permit, shall be to assure that preparatory construction activities on the development site will meet City standards prior to soil disturbance, construction or placement of a structure on the tract, parcel or lot. A Site Preparation Permit application may consist of a series of schematic drawings designed to satisfy one or more criteria governing the decision on the permit.

Section 4.1.2.2 Site Preparation Permit

(b) Application Requirements.

(1) Responsible Official: The ~~City Engineer~~ **Building Official** shall be the responsible official for a Site Preparation Permit.

(2) Submittal: All applications shall be submitted on a form supplied by the Engineering Department with the required information as stated on the application form.

(3) Prior Approvals: An application for a Site Preparation Permit shall not be approved unless a final subdivision or development plat has been approved for the land. Inside city limits, the property subject to the Site Preparation Permit shall be appropriately zoned for the intended use.

(4) Accompanying Applications: A Site Preparation Permit may be accompanied by an application for a building permit for the same land, if the Site Preparation Permit shall be decided first.

(c) Processing of Application & Decision.

(1) Decision: The ~~City Engineer~~ **Building Official** shall initially approve the application for a Site Preparation Permit, approve the application with conditions, or deny the application, subject to appeal as provided in Chapter 1, Article 3, Division 1 of this UDC.

(2) Notification: The ~~City Engineer~~ **Building Official** shall notify the applicant of his/her decision in accordance with Chapter 1, Article 2, Division 2 of this UDC.

Section 1.1.2.3 and 1.2.2.4 have been modified to be consistent with this change. Refer to pages 2 & 3 of the attached proposed amendments.

3. Landscaping Requirements

(Discussed at a workshop on April 7, 2008)

Refer to pages 57 and 59 of the attached proposed amendments.

- a. Clarify that detention area is not included in landscaping calculations.

Section 4.2.2.4

(b) Establishment of Minimum Percentages. A minimum percentage of the total gross lot area of property (excluding required detention facilities) for the property on which development, construction or reconstruction occurs after the effective date of the ordinance from which this division derives shall be devoted to landscape in accordance with the requirements in *Table 4-4*; provided, however, that these requirements shall not apply to the development, construction or reconstruction of single-family detached residential structures.

b. Location of Landscaping

Clarify a reference is to a code section and not a table.

Section 4.2.2.4

(g) Landscaping On-Site and Related Location.

(1) The landscaped area required by ~~*Table 4-4*~~ Section 4.2.2.4 shall be placed upon that portion of a tract or lot that is being developed.

4. Accessory Buildings

(Discussed on April 7, 2008)

Refer to pages 22 & 23 of the attached proposed amendments.

The intent of the UDC is to permit accessory building in rear yards, behind the house. However, the term "required" rear yard refers to the required setback for the district, and ranges from 25' to 10' for residential zones. It is not possible to fit a garage or accessory building within the 20' setback, considering that the setback typically has a utility easement that cannot be encroached upon. Therefore, the term "required" needs to be stricken to allow accessory building in the rear yard (the area between the rear building line and the rear property line). Additionally it was discussed that in Section 2.5.3.1(g), the word "smaller" needed to be replaced by "greater".

Division 3 — Accessory Uses & Structures

Section 2.5.3.1 Area Regulations for Accessory Buildings (All Districts)

(a) **Accessory Buildings In Relation to the Front & Side Yard.** Accessory buildings, including tool sheds, and greenhouses, shall not be permitted except as follows.

Garages and carports shall adhere to the requirements in subsection (d) below.

(1) Barns and related structures necessary for farming and ranching purposes shall be exempt from this requirement on parcels or tracts of land that are ten (10) acres or greater in size.

(b) **Accessory Buildings In Relation to the Rear Yard.** Accessory buildings, as permitted herein, shall be allowed in **required** rear yards; provided, however, that no accessory building may be closer than three feet (3') to a common property line and shall not encroach on any dedicated easements. (See *Figure 2-4*, on page 2-117.) Garages and carports shall adhere to the requirements in subsection (d) below.

(c) **Screening for Accessory Buildings.** Accessory buildings in non-residential zoning districts shall be screened from public view in conformance with the requirements within Chapter 4, Article 2, Division 4 of this UDC.

(d) **Garages and Carports.** Garages or carports that are connected to the main building only by a breezeway (see definition in Chapter 5) shall not be considered part of the main building, and shall be considered an accessory building. Garages and carports shall therefore adhere to all requirements of this Section 2.5.3.1, except that front, rear, and side yard setbacks shall meet the following:

(1) Garages or carports accessed from an interior side yard shall have a minimum setback of twenty feet (20') from the side lot line.

(2) Carports or garages accessed from a side or rear yard **yard**, facing a public street, or from a side or rear alley shall have a minimum distance equal to the required yard for the main building or twenty feet (20'), whichever is greater.

(3) For these requirements, carports shall be measured from the roof nearest to the street or alley (see *Figure 2-3*).

(e) Accessory Buildings Without a Main Building. Accessory buildings are not permitted without a main structure except in the Suburban Development (SD) District.

(f) Height of Accessory Buildings. Accessory buildings shall not exceed the height allowed in the specific zoning district, except taller accessory buildings (including accessory dwellings) may be allowed in certain zoning districts by Conditional Use Permit (CUP) (see Article 2, Division 3) if there is no adverse impact upon adjacent properties.

(g) Size of Accessory Buildings. The total floor area of all accessory structures shall not exceed fifty percent (50%) of the square footage of the livable area of the residence on the premises, or five percent (5%) of the lot area, whichever is ~~smaller~~ **greater**. This requirement shall not apply to barns and related structures necessary for farming and ranching purposes.

(h) Number of Accessory Buildings. There shall be no more than two (2) accessory buildings on any residential lot. Lots that are ten (10) acres or greater in size are exempt from this requirement.

5. Signage – Electronic Message Boards for Multi Tenant Signs
(Discussed on March 31, 2008)

Refer to page 69 of the attached proposed amendments.

Standards for electronic changeable message sign are included under On-Premise Ground Sign, but omitted from Multi-Tenant Sign. Staff recommends that the following requirements under On-Premise Ground Sign be added for Multi-Tenant Sign for clarification. No changes are proposed to the text.

Add Section 4.2.5.4 (b)(6) – Electronic Changeable Message Sign: An electronic changeable message sign that conforms to the size and locational requirements of this section shall be permitted with adherence with the following:

- a. **Each message displayed on an electronic changeable message sign must be static or depicted for a minimum of six (6) seconds. The scrolling of messages is permitted, but must also conform to the minimum of six (6) second display.**

- b. **The flashing display (i.e., changeable message) portion shall not exceed twenty five (25) percent of the total allowable effective sign area.**
- c. **The flashing display (i.e., changeable message) portion shall be limited to one (1) color, and shall be limited to white, gold, yellow, red, blue, or green. The Planning Director shall determine whether proposed colors conform to these colors.**
- d. **The addition of any flashing display (i.e., changeable message) to any nonconforming sign is prohibited.**

6. Standards for Private Streets
(Discussed on March 31, 2008)

Refer to page 43 of the attached proposed amendments.

Currently lots are required to have frontage on a public or private street. This needs to be clearly stated in the UDC. Modify as follows:

Section 3.2.14.2 (j) Access. Each lot shall have access to a public street, **or a private street built to city standards**, by direct frontage on such street. _ _ _

7. Adult Day Care Facilities
(Discussed on March 31, 2008)

Refer to page 71 of the attached proposed amendments.

The Land Use Matrix has this use listed and refers it to "Family Home Adult Care". However, the category "Family Home Adult Care" has been omitted from the table. Staff is proposing to modify the table to permit this use by right in GB and GC zoned and by a Conditional Use Permit in OP, BP-288 and NS zones.

In addition, a definition based on the following description by Adult Day Care Association of Texas is proposed to be added under Chapter 5:

Adult day care services are community-based group programs, licensed by the state of Texas, designed to meet the needs of functionally and/or cognitively impaired adults through an individual plan of care. These structured, comprehensive programs provide a variety of health, social, and other related support

services in a protective setting during any part of a day, but less than 24-hour care. Adult day care services are dedicated to keeping adults needing assistance healthy, independent, and non-institutionalized. Adult day centers generally operate programs during normal business hours five days a week. Some programs offer services in the evenings and on weekends.

8. **Location of detention/retention facilities in the 25' landscape buffer in Corridor Overlay Districts (COD) and front yards in general**
(Discussed at a workshop on March 31, 2008)

Refer to pages 19 & 17 of the attached proposed amendments. Page 17 needs to be revised to add the text recommended in (a) below. On page 19 reference should be made to subsection (i)(3)c.2.A and (i)(3)c.2.b- instead of subsection (i)(3)c.2. Clarification need to be added that chain link material entirely coated with black or green vinyl will be permitted.

a. Typically, the detention/retention ponds are located on the side or rear of the building. However, in a few instances they have been built within the 30' landscaped buffer required in the Corridor Overlay District, since there is no restriction on their placement. These detention facilities look like ditches or holes and are not required to be amenitised or landscaped. Language is proposed to be added to require additional landscaping if the detention/retention facility is located in the front yard.

b. Additionally, some of these detention/retention facilities require fencing. The COD requires masonry fences that are opaque. In certain cases these might be unsightly or a safety hazard. For similar reasons, alternate fencing with a combination of masonry columns, chain link fencing, and landscaping was approved for PISD facilities. Staff is recommending alternatives for such instances.

Section 2.4.5.1. (i)

(2) Screening Elements Required: All screening walls visible from a public street shall be:

a. Constructed of masonry materials that are consistent with the color and design of the primary on-site structure.

b. Consistent in color and design with the building architecture.

c. Uniform in style and materials along the entire length of the screen within a single development.

(3) Screening Elements Prohibited: No fence or wall visible from a public street shall be:

a. Greater than eight feet (8') in height.

b. Located within any required visibility triangle.

c. Constructed with any of the following materials: surface painted or coated concrete, chain link, concertina wire, barbed wire, corrugated metal, or fiberglass panels. Exceptions:

1. Barbed wire may be used solely to control livestock.

2. Public Educational Facilities shall be permitted to use chain link fence along the perimeter of sports fields and detention basins.

Any chain link fence located one hundred feet (100') or less from a thoroughfare listed in subsection (b) shall be constructed of chain link material that is entirely coated by black or dark green vinyl, and shall also include one of the following features:

A. an evergreen vegetative screen outside the fence consisting of a combination of shrubs and trees that meet the following requirements:

(i) shrubs shall be planted every three feet (3') or less on center and shall be at least four feet (4') tall at planting;

(ii) trees shall be planted every thirty feet (30') or less and shall be at least two inches (2") in diameter measured by caliper; or

B. masonry columns that are:

(i) no less than twenty inches (20") in width and depth;

(ii) at least twelve inches (12") taller than the adjacent chain link sections;

(iii) spaced no further than twenty feet (20') apart;

(iv) topped with decorative masonry caps at least six inches (6") tall that project at least two inches (2") from the front facades of the columns; and

(v) constructed of materials similar in color, design, and architecture to that of the primary structure.

(4) Fences around detention/retention facilities, if required or proposed, and visible from public or private streets, shall be constructed of chain link material that is entirely coated by black or dark green vinyl, and shall also include one of the following features:

A. an evergreen vegetative screen (in addition to required landscaping under Section 4.2.2.4) outside the fence consisting of a combination of shrubs and trees that meet the following requirements:

(i) shrubs shall be planted every three feet (3') or less on center and shall be at least four feet (4') tall at planting; and

(ii) trees shall be planted every thirty feet (30') or less and shall be at least two inches (2") in diameter measured by caliper; or

B. masonry columns that are:

(i) no less than twenty inches (20") in width and depth;

(ii) at least twelve inches (12") taller than the adjacent chain link sections;

(iii) spaced no further than twenty feet (20') apart;

(iv) topped with decorative masonry caps at least six inches (6") tall that project at least two inches (2") from the front facades of the columns; and

(v) constructed of materials similar in color, design, and architecture to that of the primary structure.

Section 2.4.5.1 COD, Corridor Overlay Districts

(g)(7) Detention/retention facilities located in front yards: When a detention/retention facility is located in a front yard, the facilities shall be incorporated into the design of the development as an amenity, and as per the approval of the Planning Director. The term "amenity" is defined within Chapter 5 of this UDC.

9. Facade requirements for BP 288 zone
(Discussed on March 31, 2008)

Refer to page 25 of the attached proposed amendments.

Unlike Spectrum districts where the facade requirements are within the district description, the UDC does not contain any facade requirements for BP-288. It is proposed that standards for Commercial zones along thoroughfares be applied to BP-288 districts, and BP 288 zone be added to the matrix with MF, C-MU, G/O-MU, OP, NS, GB,C zones, in section 2.6.2.1, Table 2-2

10. Location of 25' landscape buffer and screening wall
(Discussed on April 7, 2008)

Refer to pages 64 & 65 of the attached proposed amendments.

The UDC currently requires a 25' buffer with a six-foot masonry fence or a 30' landscaped buffer, between residential and non-residential properties. The buffer is required to be placed on the residential side of the screening wall. If a screening wall exists, then landscaping may be placed on the non-residential side.

This has created some concerns among developers who have stated that it is difficult to maintain the 25' strip located on the side of the wall that

abuts another property. Often times, this has led to a strip of land between two fences that is hard to access and maintain.

Responses from several home-owners associations (associations), contacted by staff, indicate that the associations are in favor of the masonry fence in general. The associations have also suggested that the applicant be required to contact the association and not individual property owners within the development regarding replacement of fences.

Staff is recommending that if a non-masonry fence, installed by the abutting property owner, exists along the property line, then

- a. upon approval of the abutting property owner the developer be allowed to replace the existing fence with masonry fence along the property line and provide the 25' buffer within developer's property, or
- b. if the abutting property owner refuses on the substitution, then retain the existing fence but provide 30' wide buffer with additional landscaping in the required buffer.

Section 4.2.4.1 Screening

(a) Nonresidential and Multiple-Family Screening Required (New Construction).

(1) Requirement Criteria. This section shall apply to the following:

- a. Any nonresidential use that is separated by only a street or has a side or rear contiguous to any residential use or residential zoning district other than multiple-family.
- b. Any multiple-family use that is separated by only a street or has a side or rear contiguous to any residential use or residential zoning district other than multiple-family.

(2) The following shall apply in either case outlined above:

- a. The nonresidential or multiple-family use shall construct an opaque screening wall a minimum of six feet (6') in height, but not to exceed eight feet (8') 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 throughway.

b. There shall be a 25-foot wide landscape buffer between nonresidential or multiple-family and all single-family uses.

c. **In situations where a fence exists along the property line between non-residential and residential use, the requirement of such screening wall shall be waived if**

1. **the adjoining homeowners association or all adjoining property owners (if a homeowners association does not exist) do not give consent to the replacement of the existing fence, and**
2. **a thirty (30') wide landscaped buffer with additional landscaping as required by staff is provided.**

ed. 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:

1. The screen will withstand the pressures of time and nature; and
2. The screen adequately accomplishes the purpose for which it was intended.

d.e. The Building Official shall determine if the buffer meets the requirements of this section.

~~(3) Any required landscaping (refer to Division 2) 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.~~

11. Maintenance of all improvements
(Discussed on March 3, 2008)

Refer to page 56 of the attached proposed amendments.

Add a statement that all improvements required by the UDC shall be in place for the entire life of the property and shall be maintained appropriately in Chapter 4, Article 1.

Division 4 - Maintenance of all Improvements

Section 4.1.4.1 - All improvements required by the UDC shall be maintained in a manner such that their intended purposes continue to be met so long as the property is occupied or used in any way.

12. **Requirements for City facilities**
(Discussed on March 3, 2008)

Refer to page 24 of the attached proposed amendments.

At the workshop held on March 3, 2008, and as summarized by Mr. Finan's memo dated March 6, 2008 (attached with this memo), it is our understanding that, like other governmental entities, the City should be exempt from the locational requirements of zoning. Therefore, City projects will not seek zone changes, but will comply with all requirements of the zoning districts that permit that activity. Platting, Overlay district and development standards will be met. Additionally, City will seek special exceptions or variances, similar to other developments, in existing or proposed situations where the current facility does not meet setbacks, etc. The City will not exempt itself from this process. Based on this, City Attorney is drafting the appropriate language.

MINOR CHANGES PROPOSED BY STAFF

13. **Land Use Matrix**

- a. Address Temporary Outdoor amusement in the land use matrix. This is in the definitions but not included in the matrix. Refer to the City's parade ordinance for requirements.
- b. Land Use table – Remove Animal Husbandry. This is the same as Agricultural Animal Husbandry.
- c. Land Use table – Add Learning Centers and Tutorial Clubs with similar uses.
- d. Add Tanning Studios with Barber and Beauty Shops.
- e. Allow sale of Stone Monuments in additional zones, and add a category for fabrication and outdoor sales of Stone Monuments.
- f. Add category for Machine Shop.

See attached land use matrix.

14. Amending Plats

Refer to page 29 of the attached proposed amendments.

Section 3.1.7.4 (f) (4) – change 6 lots to 4 lots to be in consistent with state law and other sections of the UDC.

Section 3.1.7.4 (f)(4) – If ~~six (6)~~ four (4) or fewer lots are proposed to be added to a subdivision:

15. Landscaping

Refer to page 58 of the attached proposed amendments.

UDC specifies a minimum width of landscape area for trees. However, it does not clarify the minimum width of landscaped area required for shrubs. Staff recommends that the language be modified to state that six feet be required to be consistent with other sections.

Section 4.2.2.4 (d) (6)

Each required tree and required landscaping shall be planted in a landscaped area of at least 36 square feet with a minimum dimension of six feet (6')_ _ _.

16. Driveways for day care center or pre-elementary school

Refer to page 45 of the attached proposed amendments. Minor changes to the text.

UDC requires a driveway having a length sufficient for temporary parking of at least three vehicles for day care centers and pre-elementary schools. While this may be appropriate for stand alone buildings with a drop-off porch near the entrance, there are situations when a day care is located within a strip center or a unified shopping center where it is not safe to provide this temporary parking.

Therefore, staff is proposing the following modifications:

Section 4.2.1.2 (a) (6)

In addition to required parking spaces, a day care center or a pre-elementary school, not located within a unified shopping center or a mall with shared parking, shall provide a driveway having a length sufficient for temporary parking of at least three (3) vehicles whereby the temporary parking spaces do not block the access to the other required off-street parking spaces.

17. Minimum side yard for Single- Family Residential – 4 (R-4) District

Refer to page 10 of the attached proposed amendments.

The UDC provides requirements for patio homes but does not specify side yard requirements for single-family homes in R-4 district. Staff is recommending clarification, similar to existing R-3 zone, as follows:

Section 2.4.2.8 (c)(2)

(2) Size of Yards: (See *Figure 2-1.*)

a. *Minimum Front Yard* - Twenty feet (20')

b. *Minimum Side Yard*

(1) Single family detached homes

1. Interior Lot: Seven feet and six inches (7'-6");

2. Corner Lot:

a) Equal to the front yard when abutting a street right-of-way.

b) If the recorded plat indicates corner lots will be restricted to front entry only, there shall be a minimum yard of at least fifteen feet (15') adjacent to the side street of a corner lot when the corner lot backs up to an abutting side yard and ten feet (10') adjacent to the side street of a corner lot when the corner lot backs up to an abutting rear yard.

(2) Patio homes:

1. Interior Lot:

a) Fifteen feet (15') on one side for the full depth of the lot; the alternate side may be zero feet (0') and shall be a maximum of one foot (1').

b) A five-foot (5') wide maintenance, drainage, and roof overhang easement extending the full depth of

the lot shall be designated along the side property line which abuts the zero side yard on an adjacent lot.

18. Side yard clarification for single family zones

Refer to pages 4, 6, 8, and 10 of the attached proposed amendments.

The language in the current UDC is not clear on side yard requirement for lots in residential zones, especially regarding side yard requirement for corner lots on the interior side abutting another lot. The proposed language clarifies this requirement.

Sections 2.4.2.5 (R-1), 2.4.2.6 (R-2); and 2.4.2.7 (R-3), change subsection (c) (2) (b) to read as follows:

- b. Minimum Side Yard
1. Interior Lot: Seven feet and six inches (7'-6") except as modified below;
 2. Corner Lot:
 - a) Equal to the front yard when abutting a street right-of-way.
 - b) If the recorded plat indicates corner lots will be restricted to front entry only, there shall be a minimum yard of at least fifteen feet (15') adjacent to the side street of a corner lot when the corner lot backs up to an abutting side yard and ten feet (10') adjacent to the side street of a corner lot when the corner lot backs up to an abutting rear yard.

19. ROW for rural lot streets

Refer to page 34 of the attached proposed amendments.

The UDC requires 70' ROW for rural lots (lot having an area of 0.625 acres or more) streets. This wider cross-section is required to accommodate open ditches that are permitted for lots over one-half acre. The city engineer has proposed that the ordinance be changed to allow 50' wide ROW with drainage easements on both sides for streets that have no curbs, gutters or sidewalks, upon approval by the city engineer. This would also remove the current discrepancy that allows lots between one-half acre and 0.625 acres to have 50' ROW with open ditches without drainage easements.

This amendment will help development on large lots that area often landlocked and where the requirement for a 70' ROW is too onerous on the land owner and be consistent with other similar requirements.

Section 3.2.6.4 (r)

(r) Pavement Widths and Rights-of-Way. Pavement widths and rights-of-way shall be as follows:

(1) Major thoroughfare streets shall have a right-of-way width of at least one hundred and twenty feet (120') with a pavement width of at least two (2) thirty six-foot (36') sections with a fourteen-foot-wide (14') raised median.

(2) Secondary thoroughfare streets shall have a right-of-way width of at least one hundred feet (100') with a pavement width of at least two (2) twenty-four-foot (24') sections and a twenty-foot-wide (20') raised median.

(3) Primary collector streets shall have a right-of-way width of at least eighty feet (80') with a pavement width of at least forty-four feet (44').

(4) Secondary collector streets shall have a right-of-way width of at least sixty feet (60') with a pavement width of at least thirty-eight feet (38').

(5) Residential streets shall have a right-of-way width of at least fifty feet (50') and a pavement width of at least twenty-eight feet (28').

(6) Rural lot (lot having an area of 0.625 acres or more) streets shall have a right-of-way width of at least seventy feet (70') with a pavement width of at least twenty-five feet (25'). **Upon approval by the City Engineer, the right-of-way may be reduced to 50' with 10' drainage easements on both sides.**

(7) Open ditches and asphalt streets are prohibited except in areas developed in conformance with residential lot sizes that are one-half (1/2) acre or more in size. **Additional drainage easements may be required for streets with open ditches by the City Engineer.**

20. Tree Survey Requirement

Refer to page 62 & 63 of the attached proposed amendments.

As written, the UDC requires a tree survey and a tree disposition plan before a final plat is approved. At times, the property owner may get the lot platted without any intention of development at the time of platting. It might be years before actual development happens. This requirement causes undue burden on the property owner. Additionally, between the time of platting and development, some trees may grow to be eligible for a protected tree status. Staff is recommending the tree survey be required at the time of the development of the property and not at platting.

Section 4..2.3.2 (a) (10)

(10) Tree Disposition Plan: Must specify how Protected Trees and Critical Root Zones will be protected from development and pre-development activity. The Tree Disposition Plan shall specify trees to be relocated, removed or replaced. ~~For properties being platted, the Tree Disposition Plan is submitted with the final plat and must be approved before the final plat is approved. For building permits,~~ -tThe tree survey and disposition plan shall be submitted with the permit application and must be approved before a permit for development ~~the permit~~ is issued.

(11) Tree Survey: An on-the-ground survey containing the location of Protected Trees, their diameters, types (species), and crown area (critical root zones). The Tree Survey must depict for any given Subject Site: (a) every Protected Tree located on the Subject Site, and (b) identify every Protected Tree located elsewhere which has thirty percent (30%) or more of its Critical Root Zone in such Subject Site. ~~For properties being platted, the tree survey is submitted with the preliminary plat and must be approved before the preliminary plat is approved. For building permits, the tree survey and disposition plan is submitted with the permit application and must be approved before the permit is issued.~~ The tree survey and disposition plan shall be submitted with the permit application and must be approved before a permit for development the permit is issued.

21. Park Dedication Fee for existing residential units

Refer to page 37 of the attached proposed amendments.

It was discussed that existing residential homes on lots that are being platted need to be exempt from the park dedication fee. Currently, the parks and recreation department does not charge a parkland dedication fee for lots with existing residential units. Staff is proposing the following change to ensure that all plats, not just replats, with existing residential units are exempt.

Section 3.2.10.1 (b) (4)

(4) Exemption from dedication requirements: Parkland dedication requirements shall not apply to either the subdivision of commercial, industrial or other nonresidential lots, or to the replatting of previously platted residential lots, where such lots were subject to parkland dedication requirements at the time of the prior subdivision. If a replat or amending plat is filed that increases the number of dwelling units from the previous plat, the park dedication requirement shall apply to the additional dwelling units

RECOMMENDED ACTION

Conduct the joint public hearing.

Section 1.1.2.2 Director of Planning

(a) **Responsible Official.** The Director of Planning is the responsible official for the following types of development applications and relief petitions:

- (1) Petition for amending the Comprehensive Plan;
- (2) Petition for a zoning map amendment, including a petition for creation of an overlay district, or Planned Development (PD) district;
- (3) Application for a Conditional Use Permit;
- (4) Application for a Cluster Development Plan;
- (5) Application for a special exception;
- (6) Application for change in status of a nonconformity;
- (7) Application for a Subdivision Master Plat, Preliminary Subdivision Plat, Preliminary Development Plat, Final Subdivision Plat, Final Development Plat, Minor Subdivision Plat, amending plat, and replat;
- (8) Appeal of a decision on any application for which the Director is the responsible official;
- (9) Variance petition for any application for which the Director is the responsible official;
- (10) Vested rights petition for any decision where the Director is the responsible official for the application for which the vested rights petition is filed; and
- (11) Application for a sign permit.

(b) **Initial Decision-Maker.** The Director of Planning is the initial decision-maker for the following types of development applications and relief petitions, subject to appeal as provided in this Chapter 1:

- (1) Application for a Minor Subdivision Plat;
- (2) Application for an amending plat; and
- (3) Vested rights petition for any decision for which the Director is the initial decision-maker.

Section 1.1.2.3 ~~Director of Engineering~~ City Engineer

(a) **Responsible Official.** The ~~Director of Engineering~~ City Engineer is the responsible official for the following types of development applications and relief petitions (except as provided):

- (1) Application for approval of construction plans, and all related construction management tasks, including without limitation, approval of contracts for public improvements;
- (2) ~~Application for a Site Preparation Permit;~~
- (3) Application for a Floodplain Development/Grading Permit for compliance with flood plain regulations;
- (4) (3) Appeal of a decision on any application for which the ~~Director~~ City Engineer is the responsible official, except a Site Preparation Permit which shall be appealed to the City Manager in accordance with Section 1.1.2.6;
- (5) (4) Variance petition for any application for which the ~~Director~~ City Engineer is the responsible official;
- (6) (5) Vested rights petition for any decision where the ~~Director~~ City Engineer is the responsible official for the application for which the vested rights petition is filed; and
- (7) (6) Petition for relief from a dedication or construction requirement.

(b) **Initial Decision-Maker.** The ~~Director of Engineering~~ City Engineer is the initial decision-maker for the following types of development applications and relief petitions, subject to appeal as provided in this Chapter 1:

- (1) Application for approval of construction plans, and all related construction management tasks, including without limitation approval of a contract for public improvements;
- (2) ~~Application for a Site Preparation Permit;~~
- (3) Application for a Floodplain Development/Grading Permit for compliance with flood plain regulations; and
- (4) (3) Vested rights petition for any decision for which the ~~Director~~ City Engineer is the initial decision-maker.

(c) **Floodplain Administrator.** The ~~Director of Engineering~~ City Engineer is the Floodplain Administrator for the City and shall carry out duties and responsibilities as authorized in the Flood Hazard Prevention Ordinance, Ordinance No. 532 and No. 532-4, as amended.

Section 1.1.2.4 Building Official

(a) **Responsible Official and Initial Decision-Maker.** The Building Official is the responsible official for and shall initially decide the following types of applications:

- (1) Building permit;
- (2) Certificate of occupancy;
- (3) Water and sewer impact fees; and
- (4) Application for a ~~sign~~ Site Preparation permit.

(b) **Initial Decision-Maker on Appeals.** The Building Official is the initial decision-maker for appeals of the following application, subject to further appeal as provided for in this Chapter 1:

- (1) Certificate of Occupancy;

Section 2.4.2.5 R-1, Single-Family Residential-1 District

(a) **Purpose.** The Single-Family Residential-1 District (R-1) is intended to permit the low density residential development of detached single-family dwelling units and appropriate desirable open space.

(b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:

(1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;

(2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.

(c) Area Regulations.

(1) Size of Lots:

- a. Minimum Lot Area - Eight thousand and eight hundred (8,800) square feet
- b. Minimum Lot Width - Eighty feet (80')
- c. Minimum Lot Depth - Ninety feet (90')
- d. Maximum Lot Coverage - Sixty percent (60%)

(2) Size of Yards:

a. Minimum Front Yard – Twenty-five feet (25'); twenty feet (20') feet for cul-de-sac lots and thumbnail lots.

b. Minimum Side Yard

1. Interior Lot: Seven feet and six inches (7'-6"); except as modified below:

2. Corner Lot:

a) Equal to the front yard when abutting a street right-of-way.

b) If the recorded plat indicates corner lots will be restricted to front entry only, there shall be a minimum yard of at least fifteen feet (15') adjacent to the side street of a corner lot when the corner lot backs up to an abutting side yard and ten feet (10') adjacent to the side street of a corner lot when the corner lot backs up to an abutting rear yard.

c. Minimum Rear Yard

1. Twenty feet (20')

2. Twenty feet (20') when adjacent to a thoroughfare or collector roadway if a ten-foot (10') landscape reserve is located between the property line and the right-of-way line in accordance with 4.2.2.5(f)

3. Thirty feet (30') when adjacent to a thoroughfare or collector roadway and there is no ten-foot (10') landscape reserve.

(d) **Height Restrictions.** No building shall exceed thirty-five feet (35') in height.

- (e) **Accessory Buildings.** Accessory buildings shall meet the requirements of Chapter 2, Article 5, Division 3 of this UDC.
- (f) **Common Areas – Management & Maintenance.** For any land and/or facilities to be used in common by residents of the development, there shall be provisions made for the establishment of a property owners association to manage and maintain such common land and/or facilities.
- (g) **Outside Storage.** Outside storage in the front yard is prohibited, except for storage within leased portable containers such as PODS for not longer than seven (7) calendar days.

Section 2.4.2.6 R-2, Single-Family Residential-2 District

(a) **Purpose.** The Single-Family Residential-2 District (R-2) is intended to permit the low density residential development of detached single-family dwelling units and appropriate desirable open space.

(b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:

(1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;

(2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.

(c) **Area Regulations.**

(1) Size of Lots:

a. Minimum Lot Area - Seven thousand (7,000) square feet

b. Minimum Lot Width - Seventy feet (70')

c. Minimum Lot Depth - Ninety feet (90')

d. Maximum Lot Coverage - Sixty percent (60%)

(2) Size of Yards:

a. Minimum Front Yard

1. Twenty-five feet (25').

2. Twenty feet (20') for cul-de-sac lots and thumbnail lots.

b. Minimum Side Yard

1. ~~Interior Lot:~~ Seven feet and six inches (7'-6"); except as modified below:

2. Corner Lot:

a). Equal to the front yard when abutting a street right-of-way.

b) If the recorded plat indicates corner lots will be restricted to front entry only, there shall be a minimum yard of at least fifteen feet (15') adjacent to the side street of a corner lot when the corner lot backs up to an abutting side yard and ten feet (10') adjacent to the side street of a corner lot when the corner lot backs up to an abutting rear yard.

c. Minimum Rear Yard

1. Twenty feet (20');

2. Twenty feet (20") when adjacent to a thoroughfare or collector roadway if a ten-foot (10') landscape reserve is located between the property line and the right-of-way line in accordance with 4.2.2.5(f).

3. Thirty feet (30') when adjacent to a thoroughfare or collector roadway and there is no ten-foot (10') landscape reserve.

(d) **Height Restrictions.** No building shall exceed thirty-five feet (35') in height.

- (e) **Accessory Buildings.** Accessory buildings shall meet the requirements of Chapter 2, Article 5, Division 3 of this UDC.
- (f) **Common Areas – Management & Maintenance.** For any land and/or facilities to be used in common by residents of the development, there shall be provisions made for the establishment of a property owners association to manage and maintain such common land and/or facilities.
- (g) **Outside Storage.** Outside storage in the front yard is prohibited, except for storage within leased portable containers such as PODS for not longer than seven (7) calendar days.

Section 2.4.2.7 R-3, Single-Family Residential-3 District

(a) **Purpose.** The Single-Family Residential-3 District (R-3) is intended to permit the development of detached single-family dwelling units and appropriate desirable open space. The R-3 District should be located to provide a buffer between lower density residential and non-residential zoning districts.

(b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:

(1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;

(2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.

(c) **Area Regulations.**

(1) Size of Lots:

- a. Minimum Lot Area - Six thousand (6,000) square feet
- b. Minimum Lot Width - Sixty feet (60')
- c. Minimum Lot Depth - Ninety feet (90')
- d. Maximum Lot Coverage - Sixty percent (60%)

(2) Size of Yards:

a. Minimum Front Yard

1. Twenty-five feet (25').
2. Twenty feet (20') feet for cul-de-sac lots and thumbnail lots.

b. Minimum Side Yard

1. ~~Interior Lot:~~ Seven feet and six inches (7'-6"); except as modified below:

2. Corner Lot:

a) Equal to the front yard when abutting a street right-of-way.

b) If the recorded plat indicates corner lots will be restricted to front entry only, there shall be a minimum yard of at least fifteen feet (15') adjacent to the side street of a corner lot when the corner lot backs up to an abutting side yard and ten feet (10') adjacent to the side street of a corner lot when the corner lot backs up to an abutting rear yard.

c. Minimum Rear Yard –

1. Twenty feet (20');
2. Twenty feet (20') when adjacent to a thoroughfare or collector roadway if a ten-foot (10') landscape reserve is located between the property line and the right-of-way line in accordance with 4.2.2.5(f).
3. Thirty feet (30') when adjacent to a thoroughfare or collector roadway and there is no ten-foot (10') landscape reserve.

- (d) **Height Restrictions.** No building shall exceed thirty-five feet (35') in height.
- (e) **Accessory Buildings.** Accessory buildings shall meet the requirements of Chapter 2, Article 5, Division 3 of this UDC.
- (f) **Common Areas – Management & Maintenance.** For any land and/or facilities to be used in common by residents of the development, there shall be provisions made for the establishment of a property owners association to manage and maintain such common land and/or facilities.
- (g) **Outside Storage.** Outside storage in the front yard is prohibited, except for storage within leased portable containers such as PODS for not longer than seven (7) calendar days.

Section 2.4.2.8 R-4, Single-Family Residential-4 District

(a) **Purpose.** The Single-Family Residential-4 District (R-4) is intended to permit the development of traditional single-family homes and patio homes and appropriate desirable open space. The R-4 District should be located to provide a buffer between lower density residential and non-residential zoning districts.

(b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:

(1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;

(2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.

(c) **Area Regulations.**

(1) **Size of Lots:**

a. Minimum Lot Area - Five thousand (5,000) square feet

b. Minimum Lot Width - Fifty feet (50')

c. Minimum Lot Depth - Ninety feet (90')

d. Maximum Project Coverage - Fifty percent (50%)

e. Minimum Gross Site Area - Every residential tract that is developed for patio homes shall have a minimum gross site area of twenty-five thousand (25,000) square feet.

f. Maximum Gross Site Area - Every residential tract that is developed for patio homes shall have a maximum gross site area of forty (40) acres.

(2) **Size of Yards:** (See Figure 2-1.)

a. Minimum Front Yard - Twenty feet (20')

b. Minimum Side Yard

1. Detached homes

A. Seven feet and six inches (7'-6") except as modified below:

B. Corner Lot:

i) Equal to the front yard when abutting a street right-of-way.

ii) If the recorded plat indicates corner lots will be restricted to front entry only, there shall be a minimum yard of at least fifteen feet (15') adjacent to the side street of a corner lot when the corner lot backs up to an abutting side yard and ten feet (10') adjacent to the side street of a corner lot when the corner lot backs up to an abutting rear yard.

2. Patio homes

A. Interior Lot:

hundred (900) square feet of common open space per dwelling unit.

- (2) The minimum area of any common open space shall be six thousand (6,000) square feet.
 - (3) The minimum dimension of any common area shall be eighty feet (80').
 - (4) Each area of common open space shall be within three hundred feet (300') of all dwelling units intended to be served by the common open space, measured along a route of pedestrian access.
 - (5) Each required area of common open space shall be appropriately graded, turfed, surfaced or otherwise landscaped and provided with suitable drainage facilities.
 - (6) Facilities such as pedestrian ways and outdoor swimming pools may be included as part of the required common open space.
 - (7) Off-street parking areas, service drives, and detention facilities shall not be included in any calculation of required common open space.
- (h) **Outside Storage.** Outside storage in the front yard is prohibited, except for storage within leased portable containers such as PODS for not longer than seven (7) calendar days.

Section 2.4.5.1 COD, Corridors Overlay District

(a) Purpose.

(1) The Corridors Overlay District (COD) is intended to help the City exercise greater control over the aesthetic, functional and safety characteristics of development along newly constructed major thoroughfares within the City where higher development standards can effectively enhance the City's image as a desirable place to live, work, and shop.

(2) The Corridors Overlay District (COD) is limited to specified areas encompassing land that has already been assigned conventional zoning district classifications. It supplements the standards of the underlying conventional districts with new or different standards which are more restrictive. In the event of a conflict between the standards of the COD and the regulations of the underlying zoning district, the standards described herein will prevail. Regulations of the underlying zoning district not augmented or otherwise supplemented by the COD will continue to prevail.

(b) District Boundaries. The COD standards apply to the future development and use of all land with lot frontage on either side of the street right-of-way along the following specified major thoroughfares:

- (1) Pearland Parkway: For the full length of the roadway within the City limits
- (2) Oiler Drive: For the full length of the roadway within the City limits
- (3) McHard Road: For the full length of the roadway within the City limits
- (4) SH 35: For the full length of the roadway within the City limits, except within the Old Townsite District
- (5) Broadway Road: For the full length of the roadway within the City limits, except within the Old Townsite District
- (6) Magnolia Road: For the full length within the City limits of the contiguous roadway known as Magnolia Road, County Road 59, Southfork Drive, and John Lizer Road, except within the Old Townsite District
- (7) Kirby Drive: For the full length of the roadway within the City limits
- (8) Dixie Farm Road: For the full length of the roadway within the City limits
- (9) Beltway 8: For the full length of the roadway within the City limits
- (10) Bailey Avenue: For the full length of the roadway within the City limits
- (11) Massev Ranch Road: For the full length of the roadway within the City limits
- (12) Cullen Boulevard: For the full length of the roadway within the City limits

(c) Lot and Setback Standards.

- (1) The minimum front yard building setback adjacent to a specified major thoroughfare shall be twenty-five feet (25').

- (2) The minimum setback for all off-street parking, maneuvering and loading areas from the right-of-way line of a specified major thoroughfare shall be thirty feet (30').
- (3) The minimum setback for all screening walls and fences, including residential subdivision fences, from the right-of-way line of a specified major thoroughfare shall be thirty feet (30').
- (4) The minimum setback for any outside storage area (where permitted by the underlying zoning district) from the right-of-way line of a specified major thoroughfare shall be one hundred and fifty feet (150'), unless such area is screened to one hundred percent (100%) opacity with a screening wall that matches the primary on-site building or with live vegetation.
- (5) No buildings, parking areas, or other impervious structures (except as noted herein), are permitted within the recognized floodway, as identified by the City Engineer, or within fifty feet (50') of the high bank, whichever is greater, of a creek or other drainage way proposed as a linear park in the City's Park and Recreation Master Plan.
 - a. Permitted exceptions include drainage-related structures and pavement, paved pedestrian or bike trails, picnic tables, and paved surfaces beneath picnic tables.
 - b. The Parks Director may reduce the restriction herein upon a finding that the proposed construction is consistent with the Park and Recreation Master Plan or the Hike and Bike Master Plan.
- (6) Buildings, parking areas, or other visual obstructions shall not be located in any required visibility triangle.
- (7) The required setback area as described above shall be landscaped, and shall meet the requirements of Subsection (g) of this Section 2.4.5.1.
- (d) **Building Facade Standards.** Requirements are applicable to any side of a structure that faces a thoroughfare listed in subsection (b), except for single-family detached dwellings. A Facade Design Plan of the entire proposed project shall be submitted with Site Plan review documents.

(1) 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:
 - 1. Create a complementary pattern or rhythm, dividing large buildings into smaller, identifiable portions.
 - 2. Break up the building mass through offsets and other methods that articulate the horizontal and vertical building planes.

3. Incorporate details that create shade and cast shadows to provide visual relief.
- b. Building articulation shall be provided as specified in the following:
 1. All nonresidential structures fifty thousand (50,000) square feet in size or greater, except Public Educational Facilities, shall incorporate architectural variation of at least three feet (3') in depth for every twenty-five feet (25') in vertical or horizontal length.
 2. All nonresidential structures less than fifty thousand (50,000) square feet shall incorporate architectural variation of at least one foot (1') in depth for every ten feet (10') in vertical or horizontal length.

(2) Building Materials:

- a. All structures shall conform to the requirements in Article 6, Division 2 of this chapter.
- b. Corrugated metal and exposed fasteners are prohibited. Architectural metals are prohibited except for miscellaneous trimwork.
- c. A minimum twenty-five percent (25%) of an exterior wall facing the specified major thoroughfare shall be transparent, except for Public Educational Facilities, which are exempt from this requirement.
- d. All facades of an individual building, multiple buildings in a shopping center, or integrated business development, and all roofing in a shopping center or integrated business development shall have architectural design, color, and materials that are compatible or consistent with an overall theme, as determined by the Planning Director.

(3) Building and roof colors shall be provided in accordance with an approved color palette, available in the City's Planning Office. Window/door trim, fascia, soffit, or similar elements of the building façade are exempt from the color palette as long as the total area of those elements do not exceed twenty percent (20%) of the building façade for any side of the building.

(e) **Access and Off-Street Parking Standards.** Access and off-street parking shall be provided in conformance with the City's Engineering Design Criteria Manual (EDCM).

(f) **Bicycle Parking.**

- a. Bicycle parking spaces shall be provided at an amount equal to a minimum of five percent (5%) of the required vehicular parking spaces.
- b. Bicycle parking shall be conveniently provided for all uses allowed in the following zoning districts: Office and Professional, Neighborhood Service, Business Park-288, General Business, and General Commercial.
- c. Each required bicycle parking space shall include a means to secure individual bicycles.

(g) Landscaping Standards.

- (1) Minimum Percentage of Landscaping in the Required Setback Area: A minimum of fifteen percent (15%) of the required setback area shall consist of landscaped open areas with a permeable surface.
- (2) Minimum Percentage of Landscaping Generally: A minimum of fifteen percent (15%) of the gross lot area shall consist of landscaped open areas.
 - a. Landscaping elements shall be established along the outside (i.e., the side nearest the right-of-way) of all required screening elements (refer to Subsection (h) below).
- (3) Tree Requirements: Trees are required along all specified major thoroughfares as follows, and at least fifty percent (50%) of the required trees shall be located along the frontage of the lot adjacent to the specified roadways:
 - a. Large shade trees with a minimum two-inch (2") caliper measured at twelve inches (12") above the root ball shall be provided, with the total caliper inches equal to at least one inch (1") for each ten feet (10') of frontage.
 - b. Ornamental trees with a minimum two-inch (2") caliper measured at twelve inches (12") above the root ball shall be provided, with the total caliper inches equal to one inch (1") for each fifteen feet (15') of frontage, except for Public Educational Facilities, which are exempt from this requirement.
 - c. A minimum of sixty percent (60%) of required street trees shall be evergreen with year-round foliage.
 - d. At the time of planting, a minimum of three feet (3') shall be provided between a tree trunk and the back of any curb and eight feet (8') between a tree trunk and any planned or existing underground public utility lines.
 - e. At the time of planting, a minimum of six feet (6') shall be provided between individual trees.
- (4) Required Interior Site Landscaping:
 - a. Space for vehicle overhangs shall be provided in order to avoid damaging planted trees and shrubs.
 - b. No parking space designed and intended for the parking of passenger vehicles driven by customers, patrons, or employees shall be greater than fifty feet (50') from a tree. Each island shall contain at least one (1) tree. Public Educational Facilities shall be exempt from this requirement.
- (5) Irrigation System: A mechanical irrigation system is required to be installed and maintained.

- (6) Adjacent to a Single-Family Use or Zoning District: 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 with the required yard/setback area and may count toward (g)(1) above.

(h) Lighting Standards.

(1) Vehicular Circulation & Parking Areas:

- a. High pressure sodium or 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. Minimum light level within the parking area shall be 0.5 foot candles when the attendant facility is in use.
- c. Standards, poles, and fixtures shall be a single color, uniform in design throughout the site and no taller than the height of the building being served.
- d. Creosote treated wooden poles are prohibited.
- e. Street lights along the specified corridor shall conform to the standard fixture adopted by the City. Installation of such fixture or payment in lieu of installation shall be required prior to acceptance of subdivision improvements by the City or issuance of a certificate of occupancy, as applicable

(2) Walkway Lighting: Walkway lighting comprised of standard, pole, bollard and wall-mounted fixtures shall be no greater than twelve feet (12') above grade.

(3) Accent Lighting:

- a. Uplighting 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.

(i) Screening Standards.

(1) Site Elements Required to Be Screened: The following site elements shall be screened from the public view from all specified major thoroughfares:

a. Mechanical and Utility Equipment

1. Screening shall consist of a decorative wall or architectural element of the building that is one hundred percent (100%) opaque.

2. 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

1. 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 (6') in height and is a maximum of seventy-five percent (75%) opaque.

c. Refuse, Refuse Containers, and Recycling Containers

1. Screens shall consist of a solid wall or architectural element of the building that is a minimum six feet (6') in height.

(2) Screening Elements Required: All screening walls visible from a public street shall be:

- a. Constructed of masonry materials that are consistent with the color and design of the primary on-site structure.
- b. Consistent in color and design with the building architecture.
- c. Uniform in style and materials along the entire length of the screen within a single development.

(3) Screening Elements Prohibited: No fence or wall visible from a public street shall be:

- a. Greater than eight feet (8') in height.
- b. Located within any required visibility triangle.
- c. Constructed with any of the following materials: surface painted or coated concrete, chain link, concertina wire, barbed wire, corrugated metal, or fiberglass panels. Exceptions:
 1. Barbed wire may be used solely to control livestock.
 2. Public Educational Facilities shall be permitted to use chain link fence along the perimeter of sports fields and detention basins. Any chain link fence located one hundred feet (100') or less from a thoroughfare listed in subsection (b) shall be constructed of chain link material that is entirely coated by black or dark green vinyl, and shall also include one of the following features:
 - A. an evergreen vegetative screen outside the fence consisting of a combination of shrubs and trees that meet the following requirements:

- (i) shrubs shall be planted every three feet (3') or less on center and shall be at least four feet (4') tall at planting;
- (ii) trees shall be planted every thirty feet (30') or less and shall be at least two inches (2") in diameter measured by caliper; or

B. masonry columns that are:

- (i) no less than twenty inches (20") in width and depth;
- (ii) at least twelve inches (12") taller than the adjacent chain link sections;
- (iii) spaced no further than twenty feet (20') apart;
- (iv) topped with decorative masonry caps at least six inches (6") tall that project at least two inches (2") from the front facades of the columns; and
- (v) constructed of materials similar in color, design, and architecture to that of the primary structure.

(4) All other fences within Public Educational Facilities shall be constructed of materials consistent in color, design, and architecture to the primary on-site structure.

(5) Residential Subdivision Fences:

- a. Residential subdivision fences shall be uniform in style, color, and material along the length of the subdivision.
- b. If visible from a street right-of-way, fences shall be constructed of masonry materials. However, large-lot subdivisions, which are defined as subdivisions with average lot sizes of one-half acre or more, shall be permitted to be screened with wood rail fencing.

(6) Fences constructed around detention ponds or basins and visible from a public or private street, shall be constructed in accordance with the standards set forth in subsection (i). (3) c. 2. above.

(j) **Buffering Standards.**

- (1) Site Elements Required to Be Buffered: The following site elements shall be visually buffered from the public view from all specified major thoroughfares:
 - a. Parking Areas - Outdoor parking areas that are visible from any street right-of-way.
 - b. Fuel Pumps - Fuel pumps located between the street and the building.
 - c. Drive-Up Windows - Vehicle drive-up windows facing the street.
- (2) Buffering Elements Required: Required buffering shall be a maximum of three feet (3') in height shall be provided by way of one or more of the following:

- a. Freestanding masonry wall.
- b. Landscaped earth berm with a maximum four-to-one (4:1) slope. Retaining walls may be used to facilitate berming if unseen from the street.
- c. Shrubbery having year-round foliage.

(k) **Outdoor Activities or Uses.** The following shall apply when the incidental display of merchandise out of doors is permitted within the base zoning district.

(1) 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, shall not extend from such building a distance of more than ten feet (10'), and shall be located wholly under a permanent part of a main business building such as a marquee, provided that adequate pedestrian access is maintained. Adequate pedestrian access shall be an unobstructed thirty-six inch (36") walkway.

(2) The temporary sale of Christmas trees and products associated with celebration of holidays or national events On any property in the general business district, 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 (45) days prior to the day of religious the holiday celebration. The sale of goods in relation to special, local, or store events (e.g., spring sale, Party on the Grand, civic club event, etc.) shall also be permitted, but shall be limited to one (1) event per calendar year, not to exceed a sale period of more than sixty (60) days. The Building Official shall issue a permit for such sale when he finds:

- a. That there is an adequate off-street parking area, approved by the City; and
- b. That the location and layout of drives and parking areas, of lighting, and of temporary sales signs will not constitute a hazard to public traveling to the abutting public streets and will not obstruct the visibility along such streets.

(3) No other type of outdoor activity or use shall be permitted in the COD District without a temporary permit issued by the City's Building Official pursuant to the City Building Code, unless expressly authorized herein.

(4) Outdoor storage, as defined by Section 5.1.1.1, is allowed only upon obtaining a CUP and providing screening pursuant to Section 4.2.4.1 (d). In no case shall outdoor storage be permitted along any yard that abuts any street or public right-of-way.

(l) **Sidewalk Standards.**

(1) Location: The required sidewalk along all specified major thoroughfares 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. Sidewalks shall not be required for development along Beltway 8 frontage roads.

- (2) **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.
- (3) **Curved Alignment Required:** The required sidewalk shall have a curved alignment for at least eighty percent (80%) of the major thoroughfare street frontage. Sidewalks on intersecting streets shall not have a curved alignment unless approved by the City Engineer.
- (4) **Construction Criteria:** Construction criteria for the required sidewalk:
 - a. Minimum six feet (6') wide.
 - b. Minimum eight-foot (80') centerline radius, maximum intersection angle of twenty (20) degrees, and maximum twenty-foot (20') foot tangent between sidewalk curves.
 - c. Minimum six-foot (6') 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.
 - 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.
- (5) A minimum six-foot (6') wide pedestrian sidewalk shall connect the perimeter sidewalk to the building entry. This connecting sidewalk shall be accessible, readily visible, and paved.
- (m) **Utilities.** All utility service lines shall be located underground. Above-ground lines may be located in the rear or other areas of the property as necessary, however such lines must not prominent from the front view of the property or from the view of roadways (the visibility of the poles must be partially or wholly obscured). Any determination on whether utilities are prominent shall be made by the Planning Director.

Section 2.5.3.1 Area Regulations for Accessory Buildings (All Districts)

(a) **Accessory Buildings In Relation to the Front & Side Yard.** Accessory buildings, including tool sheds, and greenhouses, shall not be permitted except as follows. Garages and carports shall adhere to the requirements in subsection (d) below.

(1) Barns and related structures necessary for farming and ranching purposes shall be exempt from this requirement on parcels or tracts of land that are ten (10) acres or greater in size.

(b) **Accessory Buildings In Relation to the Rear Yard.** Accessory buildings, as permitted herein, shall be allowed in ~~required~~ rear yards; provided, however, that no accessory building may be closer than three feet (3') to a common property line and shall not encroach on any dedicated easements. (See *Figure 2-4*, on page 2-117.) Garages and carports shall adhere to the requirements in subsection (d) below.

(c) **Screening for Accessory Buildings.** Accessory buildings in non-residential zoning districts shall be screened from public view in conformance with the requirements within Chapter 4, Article 2, Division 4 of this UDC.

(d) **Garages and Carports.** Garages or carports that are connected to the main building only by a breezeway (see definition in Chapter 5) shall not be considered part of the main building, and shall be considered an accessory building. Garages and carports shall therefore adhere to all requirements of this Section 2.5.3.1, except that front, rear, and side yard setbacks shall meet the following:

(1) Garages or carports accessed from an interior side yard shall have a minimum setback of twenty feet (20') from the side lot line.

(2) Carports or garages accessed from a side or rear yard ~~yard~~, facing a public street, or from a side or rear alley shall have a minimum distance equal to the required yard for the main building or twenty feet (20'), whichever is greater.

(3) For these requirements, carports shall be measured from the roof nearest to the street or alley (see *Figure 2-3*).

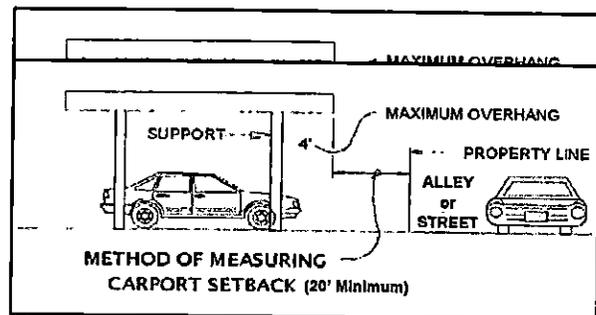


Figure 2-3: Carport Setback

(e) **Accessory Buildings Without a Main Building.** Accessory buildings are not permitted without a main structure except in the Suburban Development (SD) District.

(f) **Height of Accessory Buildings.** Accessory buildings shall not exceed the height allowed in the specific zoning district, except taller accessory buildings (including accessory dwellings) may be allowed in certain zoning districts by Conditional Use Permit (CUP) (see Article 2, Division 3) if there is no adverse impact upon adjacent properties.

- (g) **Size of Accessory Buildings.** The total floor area of all accessory structures shall not exceed fifty percent (50%) of the square footage of the livable area of the residence on the premises, or five percent (5%) of the lot area, whichever is ~~smaller~~ greater. This requirement shall not apply to barns and related structures necessary for farming and ranching purposes.
- (h) **Number of Accessory Buildings.** There shall be no more than two (2) accessory buildings on any residential lot. Lots that are ten (10) acres or greater in size are exempt from this requirement.
- (i) **Trailers Used for Accessory Uses.** No permanent use of an accessory trailer(s) is permitted. Accessory uses for residential purposes (e.g., recreational vehicles, motor homes) are permitted, but for a period of time not to exceed sixty (60) days per calendar year. Trailers for nonresidential accessory uses are permitted with the following conditions:
- (1) The trailer is an accessory use of an existing business.
 - (2) The trailer is designed for use as an accessory use, not as a primary use.
 - (3) The trailer does not occupy a required parking space.
 - (4) The accessory trailer shall not be permitted for more than fourteen (14) days for each six-month (6-month) period of time.
 - (5) The accessory trailer meets all of the requirements of the City's electrical codes if electricity is provided to said trailer.
- (6) The trailer is not being used for advertising/signage purposes, as is prohibited in Chapter 4, Article 2, Division 5 of the UDC.

Section 2.5.6.5 Municipal Uses

(a) Municipal land uses shall be allowed in all zoning districts, and facilities owned and used by the City of Pearland shall not be required to obtain any zoning approval, including without limitation changes in zoning districts or conditional use permits.

(b) Notwithstanding the exemption above, a municipal facility or use shall nonetheless comply with all requirements regarding screening, landscaping, parking, façade, setbacks, and buffers found in the regulations for the Corridor Overlay District, if the municipal facility or use is located therein, and the zoning district deemed by the Planning Director most appropriate for the municipal facility or use, as shown in the examples below:

- (1) administrative office facility: Office Professional District (OP)
- (2) community/recreation center: Office Professional District (OP)
- (3) emergency services (fire or EMS) facility: General Business District (GB)
- (4) police facility: General Commercial District (GC)
- (5) animal control facility: General Commercial District (GC)
- (6) vehicle service facility: General Commercial District (GC)
- (7) sewer lift station: Light Industrial District (M-1)
- (8) wastewater treatment facility: Light Industrial District (M-1)

Section 2.6.2.1 Applicability & Requirements

(a) **Applicability.** The standards and criteria contained within this division are deemed to be minimum standards and shall apply to all new, altered or repaired construction of residential and nonresidential buildings within the City that are visible from the applicable thoroughfare, as referenced in *Table 2-2*, on which the building has frontage.

Table 2-2

Building Façade References By Roadway Classification & Zoning District

ROADWAY CLASSIFICATION	ZONING DISTRICTS	
	MF, C-MU, G/O-MU, OP, NS, GB, C	M-1, M-2
Thoroughfare	(1)	(4)
Collector	(1)	(2) (4)
Other	(1) (2) (3)	(2) (3)

(b) **Requirements.** The materials used on the exterior facades of all buildings within the City

Table 2-2

Building Façade References By Roadway Classification & Zoning District

ROADWAY CLASSIFICATION	ZONING DISTRICTS	
	MF, C-MU, G/O-MU, OP, NS, GB, C, <u>BP-288</u>	M-1, M-2
Thoroughfare	(1)	(4)
Collector	(1)	(2) (4)
Other	(1) (2) (3)	(2) (3)

* Refer to individual zoning district regulations for façade material requirements for the Spectrum district, BP-288 district, OT District, and COD district.

shall conform to the requirements referenced, and in accordance to the appropriate zoning district and roadway classification, in *Table 2-2*. "Roadway classification" refers to the way in which the applicable roadway is classified on the City's adopted Thoroughfare Plan.

- (1) Minimum exterior wall standards (facade) shall be one hundred percent (100%) masonry or glass. These standards shall apply to any wall or portion of a wall visible from the roadway (private or public) or abutting residential zoning districts.
 - a. Existing buildings shall also conform to facade requirements upon a change of occupancy, occupant (if use has been abandoned per Section 2.7.3.6), or expansion exceeding five hundred (500) square feet in area of exterior dimensions of a nonresidential or multi-family structure for which a permit is required.
 - b. New and existing structures, including expansions, that are at least two hundred and fifty feet (250') from the specified roadways shall only be required to meet these requirements within Subsection (3) below. The two hundred and fifty foot measurement shall be taken from the curb or the edge of the roadway pavement.
 - c. Subsection (b)(1)b. above shall not apply to the following:
 1. Any building that contains a single business and that has a footprint of eighty thousand (80,000) square feet or more.
 2. Any building that contains multiple businesses and that has a footprint of eighty thousand (80,000) square feet or more.
 3. Multiple buildings and/or multiple businesses on a single site or parcel of land.
 4. Any collection of buildings that is classified by the City as a shopping center, business park, or integrated business development and that is not otherwise specified in Subsection 1, 2, or 3 above.
 - d. The Planning and Zoning Commission may make an exception to the requirements of Subsection (b)(1) above for franchise businesses that have an established theme. In order to make such exception, the franchise business cannot have varied from the established theme in any other instance or other city. Such information shall be provided by the City Planning Director and/or the franchise business representative.
 - e. Other exemptions from (b)(1) for existing structures are provided within Subsection (d)(2) below.
- (2) Buildings built prior to January 1, 2001 are exempt from the (facade) requirements of this section unless required by the adopted Building Code.
- (3) Minimum exterior wall standards (facade) shall be a minimum of 24-gauge or heavier architectural panels (wall systems). Corrugated metal is prohibited.
 - a. Within a GC (General Commercial) zoning district and where more than sixty percent (60%) of the existing nonresidential structures along both sides of the same street and lying between the two nearest intersecting streets do not comply with the minimum facade standards, architectural panels (wall systems) shall be insulated panels with a rock or rock-like coating or comply.
- (4) Unless one of the following exceptions applies, masonry, stucco or EIFS materials shall be required on one hundred percent (100%) of the front facade of any building that

faces onto a thoroughfare or collector. Side facades of such buildings shall be a minimum fifty percent (50%) masonry, stucco, or EIFS.

a. The building is exempt under (2) above.

b. New and existing structures, including expansions, that are at least two hundred and fifty feet (250') from the specified roadways shall only be required to meet these requirements within (3) above. The two hundred and fifty foot measurement shall be taken from the curb or the edge of the roadway pavement.

(c) **Materials Permitted.**

(1) Allowed by Right: For the purpose of this section masonry materials allowed by right are brick, stone brick veneer, custom treated tilt wall, decorative or textured concrete block, and split face block, stucco and EIFS (exterior insulation and finish systems).

(2) May Be Allowed by CUP: New technologies not addressed or contemplated by these regulations may also be allowed by CUP, if such materials are consistent with the visual nature and quality of the masonry materials permitted herein.

(3) Trim Materials: Architectural metal may be utilized for window and door trim, fascia, or soffit.

(d) **Exemptions.**

(1) New and existing structures within industrial zoning districts, M-1 Light Industrial district or the M-2 Heavy Industrial district, located along Mykawa Road between Orange Street and Scott Lane, and between the railroad tracks and Hatfield Road, including the triangular piece bounded by the railroad tracks, McHard Road and Mykawa Road, shall be exempt from any of the façade material requirements herein.

(2) Existing Structures:

a. Existing structures that would otherwise be required to be brought into compliance with this division of the UDC may be exempt from such compliance upon issuance of a CUP.

b. The applicant/developer may submit a bond (in an amount agreed upon by the City) or enter into a written agreement (contract) with the City to give the applicant/developer a specific time period of time within which to bring an existing structure into compliance with this division of the UDC. The City Manager or his/her designee shall be the responsible official for approval of such bond or agreement. In no case shall the agreed-upon period of time exceed five (5) years.

Section 3.1.7.4 Amending Plats

- (a) **Purpose.** The purpose of an amending plat shall be to provide an expeditious means of making minor revisions to a recorded plat consistent with provisions of state law.
- (b) **Applicability.** The procedures for amending plats shall apply only if the sole purpose of the amending plat is to:
- (1) Correct an error in a course or distance shown on the preceding plat;
 - (2) Add a course or distance that was omitted on the preceding plat;
 - (3) Correct an error in a real property description shown on the preceding plat;
 - (4) Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
 - (5) Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
 - (6) Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
 - (7) Correct an error in courses and distances of lot lines between two adjacent lots;
 - (8) Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
 - (9) Relocate one or more lot lines between one or more adjacent lots;
 - (10) Make necessary changes to the preceding plat to create four (4) or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat; or
 - (11) Replat one or more lots fronting on an existing street.
- (c) **Effect.** Upon approval by the Director, an amending plat may be recorded and is controlling over the recorded plat without vacation of that plat.
- (d) **Application Contents.** All applications shall be submitted on a form supplied by the Planning Department with the required information as stated on the application form.
- (e) **Decision.** The Director shall either approve, approve with conditions, or deny the application for an amending plat.
- (f) **Criteria for Approval.** The Director shall decide whether to approve, conditionally approve or deny the amending plat application based upon the following criteria:

- (1) The amending plat makes only those changes to the recorded plat that are allowed under Subsection (b);
- (2) If a correction in courses and distances of lot lines between two adjacent lots is proposed:
 - a. Both lot owners join in the application for amending the plat;
 - b. Neither lot is abolished;
 - c. The amendment does not attempt to remove or modify recorded covenants or restrictions or easements; and
 - d. The amendment does not have a material adverse effect on the property rights of the owners in the plat.
- (3) If relocation of one or more lot lines between one or more adjacent lots is proposed:
 - a. The owners of all those lots join in the application for amending the plat;
 - b. The amendment does not attempt to remove or modify recorded covenants or restrictions or easements; and
 - c. The amendment does not increase the number of lots.
- (4) If ~~six~~ four (6.4) or fewer lots are proposed to be added to a subdivision:
 - a. The changes do not affect compliance with applicable zoning and other regulations of the City;
 - b. The amendment does not attempt to remove or modify recorded covenants or restrictions or easements; and
 - c. The area covered by the changes is located in an area that the City Council has approved, after a public hearing, as a residential improvement area.
- (5) If lots fronting on an existing street are to be replatted:
 - a. The owners of all those lots join in the application;
 - b. The amendment does not attempt to remove recorded covenants or restrictions;
 - c. The amendment does not increase the number of lots; and
 - d. The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

(g) **Expiration.** Approval of an amending plat shall expire if the plat is not submitted for recordation within the time period specified for recordation of a Final Subdivision Plat.

Section 3.2.6.4 Specific Street Standards

- (a) **EDCM Standards Met.** In addition to the requirements of the Engineering Design Criteria Manual (EDCM), the requirements of the street standards in this Section shall be met.
- (b) **Arrangement of Streets Not Shown on the Thoroughfare Plan.** For streets that are not shown on the City's Thoroughfare Plan, such as local residential streets, the arrangement of such streets within a subdivision shall:
 - (1) Provide for the continuation or appropriate projection of existing streets or street stubs from or into surrounding areas – every twelve hundred feet (1,200'), there shall be a projection that would allow for such continuation;
 - (2) Conform to any plan for the neighborhood approved or adopted by the City to meet a particular situation where topographical or other conditions make continuance or conformity to existing streets impractical;
 - (3) Provide for future access, such as by stubbing streets for future extension, to adjacent vacant areas which will likely develop under a similar zoning classification or for a similar type of land use; and
 - (4) Not conflict in any way with existing or proposed driveway openings (including those on the other side of an existing or planned median-divided thoroughfare, in which case new streets shall align with such driveway openings such that median openings can be shared).
- (c) **Discouragement of Through Traffic on Residential Streets.** Residential collector streets and local residential streets shall be laid out such that their use by "cut through" traffic will be discouraged, with the development of a hierarchical street system and such measures as circuitous routes or multiple turns or offsets, but such that access is provided to adjacent subdivisions.
- (d) **Transitions of Right-of-Way Width.** Wherever the right-of-way width of a residential local or collector street must transition to a greater or lesser width, the transition shall not occur within an intersection but within the street right-of-way so that the right-of-way shall be the same on both sides of the street intersection.
- (e) **Subdivisions Abutting or Containing Thoroughfares.** Where a subdivision abuts or contains an existing or proposed thoroughfare, the Planning and Zoning Commission may require marginal access streets, shared driveway access on commercial lots, reverse or double-lot frontage (lots which back onto the thoroughfare), deep lots with rear service alleys, or such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. Direct access to a thoroughfare from a residential lot shall be prohibited unless the lot is in an existing subdivision and has no frontage or other means of access to another road.
- (f) **Reserve Strips.** Reserve strips controlling access to streets shall be prohibited except where their control is required by the City and approved by the Planning and Zoning Commission.

- (g) **Configuration Shall Reduce Minimal Offsets.** Intersecting streets onto an existing or future divided roadway must be configured such that the centerline offset will accommodate the appropriate median opening and left-turn lanes (with required transition and stacking distances) on each divided roadway, and shall be aligned with any existing or proposed streets or driveways on the opposite side of the divided roadway (in order to share the median opening).
- (h) **Intersections.** A street intersection with a classification of secondary thoroughfare or above shall be at a ninety degree (90°) angle and shall be tangent to the intersecting street for at least one hundred feet (100'). All other street intersections shall be laid out so as to intersect as nearly as possible at a ninety degree (90°) angle or radial to the centerline of the intersecting street for the full right-of-way width of the intersecting street, and tangent to the intersecting street for at least fifty feet (50'). No street shall intersect at an angle that is less than eight-five degrees (85°).
- (i) **Right-of-Way Widths.** Street right-of-way widths shall be as shown on the Thoroughfare Plan and as defined by the corresponding roadway cross-sections on the Thoroughfare Plan and in the City's EDCM.
- (j) **Half Streets.** Construction of half streets shall be prohibited, except when essential to the reasonable development of the subdivision in conforming with the other requirements of this Code and the Thoroughfare Plan, and where the Planning and Zoning Commission makes a determination that there is no immediate benefit to be gained by constructing the full street section since no access from the street will be needed by the subdivision in question. The Planning and Zoning Commission may also find that it would be more practical, or cost effective, to delay construction of the other half of a street until when the adjoining property is developed.
- (k) **Maximum Length of a Block or Street Segment.** The maximum length of any block or street segment (including a looped street) shall be twelve hundred feet (1,200'), except sixteen hundred feet (1,600') shall be permitted along major thoroughfares, and the minimum length of any block or street segment shall be six hundred feet (600'); as measured along the street centerline and between the point(s) of intersection with other through streets (i.e., not dead-end streets or cul-de-sacs).
- (l) **Maximum Length of a Cul-De-Sac Street.** A cul-de-sac street shall not be longer than six hundred feet (600'), and at the closed end shall have a turnaround bulb with an outside pavement diameter of at least eighty feet (80') and a right-of-way diameter of at least one hundred feet (100'). The length of a cul-de-sac shall be measured from the centerline of the intersecting through street to the centerline of the cul-de-sac bulb. In nonresidential areas, the turnaround shall have a minimum right-of-way diameter of one hundred feet (100') and a paving surface with a minimum width of ninety feet (90').
- (1) **Exception:** Dead-end streets with a turn-around may be extended to a maximum length of one thousand two hundred feet (1,200') is platted and constructed with a minimum right-of-way of sixty feet (60') and a pavement width of thirty-six feet (36'), measured from back-of-curb to back-of-curb), or if an acceptable all-weather emergency access street fitted with 911 locks is

proved at the end of the cul-de-sac turnaround. All roadway and property line diameters referenced above shall apply.

(m) **Variations for Overlength Streets or Cul-De-Sacs.** The Planning and Zoning Commission may approve variations for overlength streets or cul-de-sacs up to seven hundred and fifty feet (750') in length, whether temporary or permanent, upon considering the following:

- (1) If there are alternative designs that are feasible and that would, if used, reduce the proposed overlength street or cul-de-sac;
- (2) The effect of overlength streets upon access, congestion, delivery of municipal services, and upon convenience to residents of the subdivision in traveling to and from their homes; and
- (3) Means of mitigation, including but not limited to additional mid-block street connections, limitation on the number of lots to be served along an overlength street segment or cul-de-sac, temporary (or permanent) points of emergency access, and additional fire protection measures.
- (4) Whether the allowance of such overlength street or cul-de-sac preserves the spirit and intent of these regulations.

(n) **Dead-End Streets.** Except when recommended by the City Engineer, no public dead-end streets will be approved unless they are provided to connect with existing streets (including stubbed-out streets) or future platted streets on adjacent land.

- (1) In the case of dead-end streets which will eventually be extended into the adjacent property, no more than one lot (per side) can front onto the dead-end street stub unless a temporary turnaround bulb (with the appropriate temporary street easement) is provided at the end.
- (2) A temporary dead-end street shall not exceed the maximum allowed length of a normal cul-de-sac, and the temporary turnaround bulb must be constructed like a cul-de-sac, as provided in Subsection (k) above.
- (3) A note shall be placed on the final plat clearly labeling any temporary dead-end streets (if any) that will at some point be extended into the adjacent property, and signage shall be placed at the end of the constructed street stub, such as on the barricade, also stating that the street may be and is intended to be extended in the future. Signage and lettering must be large enough to be legible by a person with normal vision at a fifty-foot (50') distance. Any required temporary turnaround easements shall be shown on the final plat along with their appropriate recording information, if they are off-site or established by separate instrument.
- (4) No dead-end private street shall extend further than seven hundred feet (700') for multiple-family developments.

(o) **Names of Extensions of Existing Streets.** New streets which extend existing streets shall bear the names of the existing streets, and shall be dedicated at equal or greater right-of-way widths than the existing streets for an appropriate transition length, if applicable.

- (p) **Construction of Streets.** All streets shall be constructed in accordance with paving widths and specifications as set forth in the EDCM of the City of Pearland at the time at which the preliminary plat application is officially submitted and deemed a complete application.
- (q) **Street Grades and Horizontal Curves.** Minimum and maximum street grades and horizontal curves will conform to standards set forth in the EDCM.
- (r) **Pavement Widths and Rights-of-Way.** Pavement widths and rights-of-way shall be as follows:
- (1) Major thoroughfare streets shall have a right-of-way width of at least one hundred and twenty feet (120') with a pavement width of at least two (2) thirty-six-foot (36') sections with a fourteen-foot-wide (14') raised median.
 - (2) Secondary thoroughfare streets shall have a right-of-way width of at least one hundred feet (100') with a pavement width of at least two (2) twenty-four-foot (24') sections and a twenty-foot-wide (20') raised median.
 - (3) Primary collector streets shall have a right-of-way width of at least eighty feet (80') with a pavement width of at least forty-four feet (44').
 - (4) Secondary collector streets shall have a right-of-way width of at least sixty feet (60') with a pavement width of at least thirty-eight feet (38').
 - (5) Residential streets shall have a right-of-way width of at least fifty feet (50') and a pavement width of at least twenty-eight feet (28').
 - (6) Rural lot (lot having an area of 0.625 acres or more) streets shall have a right-of-way width of at least seventy feet (70') with a pavement width of at least twenty-five feet (25'). Upon the approval of the City Engineer, the right-of-way may be reduced to fifty feet (50') as long as ten foot (10') drainage easements are provided on both sides of the right-of-way.
 - (7) Open ditches and asphalt streets are prohibited except in areas developed in conformance with residential lot sizes that are one-half (1/2) acre or more in size. Additional drainage easements may be required for streets with open ditches by the City Engineer.
- (s) **Curbs and Gutters.** Curbs and gutters, or ribbon curbs, where approved, shall be installed in the subdivision on both sides of all interior streets and on the subdivision side of all streets forming part of the boundary of the subdivision, according to the EDCM.
- (t) **Street Names.**
- (1) New streets in a subdivision shall be named in a way that will provide continuity of street names and prevent conflict or confusion with existing street names in the City, in the City's extraterritorial jurisdiction or in a neighboring jurisdiction. A proposed new street name is in conflict with this subsection where:
 - a. It duplicates or sounds phonetically similar to the name of a street already in use within the City or the City's extraterritorial jurisdiction or designated as a future extension in the current Thoroughfare Plan;

- b. It differs from an existing street name in the City or the City's extraterritorial jurisdiction by the addition of an auxiliary designation including "avenue", "way", "boulevard", etc.; or
- c. The street to be named is an extension of or is in substantial alignment with an existing street in the City, the City's extraterritorial jurisdiction or a neighboring jurisdiction and the proposed street name is different from the existing street name.

(2) Renaming of existing streets shall also be in accordance with this Section 3.2.6.4.

- (u) **Street Signs.** Street signs shall be installed by the developer at all intersections within and abutting the subdivision. These signs shall be of a type approved by the City, and shall be installed according to City standards.
- (v) **Streetlights.** Streetlights shall be installed by the developer at all intersections and at the ends of cul-de-sacs, and shall have no greater distance than two hundred and fifty feet (250') between them within or abutting the subdivision.
- (w) **Access Management.** Access management standards and requirements related to TxDOT roadways and City roadways shall be in accordance with the EDCM and Chapter 3, Article 2, Division 7 (Driveways) of this Unified Development Code.
- (x) **Screening Along Roadways.** Screening requirements for roadways shall be in accordance with the zoning districts outlined in Chapter 2 of this UDC; or with Chapter 4, Article 2, Division 2; or with Chapter 4, Article 2, Division 4, whichever is most applicable.
- (y) **Pedestrian Connectivity.** Pedestrian connectivity and access shall be provided between subdivisions, schools, cul-de-sacs (i.e., bulb-to-bulb access) and park areas. In cases where a subdivision is constructed in a location that is adjacent to another subdivision, pedestrian access shall be provided such that adjacent development can connect to such access at a later date, when development occurs. Gated subdivisions may be exempt from this requirement upon approval by the Planning Director. Also refer to Section 3.2.11.1 (sidewalks).
- (z) **Conformance with the Comprehensive Plan.** Streets and the layout of streets shall be consistent with the adopted Comprehensive Plan, and specifically the Thoroughfare Plan, to the furthest extent possible.

Section 3.2.10.1 Parkland Dedication & Fees

(a) Areas for Public Use.

- (1) Application: This division shall apply to areas inside the City limits and the City's ETJ.
- (2) Suitable Sites: Area(s) Indicated on Submittals: The applicant shall give consideration to suitable sites for parks, playgrounds and other areas for public use so as to conform with the recommendations of the City's adopted Parks Plan, as amended.
 - a. Any provision for parks and public open space areas shall be indicated on the construction drawings and final plat, and shall be subject to a recommendation by the Park Director and approval by the Planning and Zoning Commission.
 - b. Suitable park sites include those that can be used for active recreation (such as playgrounds and areas for organized sports) and passive recreation (such as hiking and picnic areas) as defined and discussed within the City's adopted Parks Plan, as amended.
- (3) Permit Required for Park Site Manipulation: No individual, partnership, firm, or corporation shall deepen, widen, fill, reroute or change the course or location of any existing ditch, channel, stream or drainageway proposed for a park without first obtaining written permission of the City and any other agency having jurisdiction.

(b) Parkland Dedication.

- (1) Generally: The City of Pearland has determined that recreational areas in the form of public parks and open spaces are necessary for the well being of the residents of the City. The City has further determined that a reasonable connection exists between the subdivision of residential property and the need for additional parkland to serve new residents of the community. It is the intent of this section, therefore, to require a reasonable method for the dedication of public parkland, or the payment of a fee in lieu of property dedication, that is directly related to the need for high quality park land and open space sites for the use and enjoyment of the citizens of Pearland.
- (2) Criteria for Land Dedication: All residential subdivisions, regardless of type, shall be required to dedicate suitable land for park or open space development in the amount of one (1) acre per fifty (50) units or lots, whichever results in a greater dedication.
- (3) Calculation: Residential units shall be calculated based on the actual number of single-family, duplex and townhouse lots platted in the subdivision. Multiple-family and condominium units shall be calculated on the maximum allowed density of the zoning district in which the lot is located. If the subdivision is located outside of the City limits, multiple-family units shall be calculated at the rate of 24 dwelling units per acre, and condominium units shall be calculated at

the rate of 12 dwelling units per acre, unless deed restrictions are filed restricting the property to a lesser density.

- (4) Exemption from dedication requirements: Parkland dedication requirements shall not apply to either the subdivision of commercial, industrial or other non-residential lots, or to the replatting of previously platted residential lots, where such lots were subject to parkland dedication requirements at the time of the prior subdivision. If a replat or amending plat is filed that increases the number of dwelling units from the previous plat, the park dedication requirement shall apply to the additional dwelling units.
- (5) Criteria for Park and Open Space Dedication: Land dedicated for parks or open spaces shall be appropriate for the intended purpose. The following criteria shall apply to land proposed for parkland or open space dedication:
- a. At least fifty percent (50%) of the parkland that is required to be dedicated (based on the previously described calculation) shall be acceptable in terms of design, location, etc., for use as an area of active recreation.
 - b. Drainage ditches, power line easements, pipeline easements, and similar sites shall not be accepted for parkland dedication, unless the Planning and Zoning Commission finds, after consultation with the Director of Parks and Recreation, that the land has exceptional recreational value that warrants its acceptance as parkland or open space. If this finding is made, such areas may account for a maximum of fifty percent (50%) of the parkland dedication.
 - c. Detention/retention facilities may be accepted for parkland dedication when the Planning and Zoning Commission finds, after consultation with the Director of Parks and Recreation, that the facilities have been incorporated into the design of the development as an amenity, such as a lake or pond. The term "amenity" is defined within Chapter 5 of this UDC.
 - d. The dedication of land within the 100-year floodplain may be acceptable, provided the land consists of the native floodplain that is unaltered by channelization or other man-made stormwater control facilities.
 - e. All parkland and open space dedication shall be consistent with the goals, objectives and policies of the City's adopted Park Plan (as amended).
 - f. The parkland shall be located in the same park benefit zone as the subdivision fulfilling the park donation requirement.
 - g. The parkland shall be clearly visible to public safety vehicles and the neighborhood residents.
 - h. Pedestrian or vehicular access to the parkland shall be available from one (1) or more streets. Street frontage shall be required to ensure public access to the parkland and adequate on-site parking, if appropriate.
 - i. The parkland shall be of suitable width, depth, topography and size to permit the development and/or construction of facilities listed herein and as described in the adopted Parks Plan. This requirement may vary from subdivision to subdivision depending upon the specific need being served by the dedication.

- j. Potable water, sanitary sewer, and electrical power shall be readily available to the parkland from an adjacent street right-of-way or public utility easement.
 - k. The parkland shall be free of easements, pipelines, overhead utilities, and other conditions which prohibit the effective use of the property as a neighborhood park.
 - l. The subdivider shall remove all dead tress, trash, refuse, and water materials from the dedicated parkland prior to its acceptance.
 - m. The parkland shall have adequate drainage as determined by the City Engineer, who shall review all construction plans for any detention or retention proposed to be built on the property.
- (6) Fee in lieu of Dedication: A cash fee for the purchase of offsite parkland may be paid in lieu of all or part of the dedication of onsite parkland. The cash fee in lieu of parkland dedication shall be set by resolution of the City Council. All fees in lieu of dedication shall be paid prior to the recordation of the final plat or prior to the issuance of a building permit where a plat is not required. Fees in lieu of dedication may be accepted if either of the following conditions apply:
- a. If requested by the subdivider, and reviewed by the Director of Parks and Recreation, the Planning and Zoning Commission may allow the option of the payment of a fee over the dedication of land within the subdivision; or
 - b. If the Director of Parks and Recreation recommends to the Planning and Zoning Commission that land proposed for dedication by the subdivider is either unsuitable for parkland due to its size or general physical characteristics, or the proposed dedication is not consistent with the goals, policies and objectives of the City's adopted Parks Plan, as amended.
- (7) Park Benefit Areas/Zones: The City shall establish a separate parkland and open space account. The funds in the account shall be earmarked solely for the acquisition and development of parkland either in the same park benefit area in which the subdivision is located, or for regional parks and open space that will benefit all of the citizens of Pearland. The City shall expend cash contributions within ten (10) years of the date any such contribution is made.
- (8) Parkland Conveyance:
- a. Land proposed for dedication as public parkland or open space shall be designated on the final plat and shown as "Parkland dedicated to the City of Pearland." The acreage of the land included in the dedication shall also be shown on the plat. All land designated as parkland shall be included in a separate lot, or multiple lots, that are shown on the plat.
 - b. Park and recreation facilities in the City shall be dedicated to the City. Park and recreation facilities in the City's police jurisdiction shall be dedicated to the City. If the City does not wish to accept the dedication of public parkland in its ETJ, it shall be dedicated to the county, municipal utility district, or a homeowners' association³ (as defined), subject to acceptance by such entity.

- c. The subdivider shall be obligated to survey corner markers at the corners of all parkland lots in accordance with the standards set forth in this Article, Division 11.
- d. Prior to the City's acceptance of the subdivision improvements, the subdivider shall deliver a warranty deed to the City conveying fee simple title of all parkland shown on the final plat.

(9) Method of Park Dedication: The proper method of park dedication for a subdivision subject to the park dedication requirement shall be determined by the City prior to the approval of the Final Subdivision Plat, and shall be based upon the size of the subdivision, as follows:

- a. 500 Dwelling Units or More – The Final Subdivision Plat of any subdivision subject to this division of the UDC that establishes five hundred (500) or more dwelling units shall include dedication of land to the City for zone parks and neighborhood park purposes. Such dedication shall be at the rate of one (1) acre of land per each fifty (50) dwelling units on the Final Subdivision Plat.
- b. 100 to 499 Dwelling Units – For any subdivision subject to this division of the UDC that establishes one hundred (100) to four hundred and ninety-nine (499), the City Council, in consultation with the Park Director, shall have the sole discretion to accept either a dedication of land on the Final Subdivision Plat at the above rate, or to require payment of cash in lieu thereof in the amount provided by Subsection (b)(6) above.
- c. Fewer than 100 Dwelling Units – The City declares that development of a park less than one (1) acre in size is impractical and creates unreasonable and unnecessary maintenance and operating expenditures. Therefore, if the proposed subdivision contains less than one hundred (100) dwelling units, the subdivider shall be required to pay cash in lieu thereof in the amount provided by Subsection (b)(6) above. No plat showing a dedication of less than one (1) acre shall be approved unless the dedicated property may reasonably be developed in conjunction with adjacent park property.

(10) Excess Open Space: A subdivider may satisfy up to ten percent (10%) of the park dedication requirement by exceeding the open space requirement for the subdivision by at least thirty percent (30%).

(11) Improvements to Existing Park Sites: Construction of improvements to existing public park sites or neighborhood recreational facilities located within the same park benefit zone as the subdivision fulfilling the park dedication requirement, may satisfy up to fifty percent (50%) of the subdivision's park dedication requirement, subject to the following conditions.

- a. Such improvements shall be constructed in accordance with a Site Plan. The Site Plan shall include, at a minimum, a topographic element including proposed grading, landscaping and beautification elements, site facilities, recreation facilities, and existing and proposed utilities. The Site Plan shall be drawn at a scale of one inch (1") to twenty feet (20') (or other suitable scale). All approved improvements shall be designed in

compliance with the EDCM standards applicable to such improvements. Additionally, the subdivider shall include details related to materials, equipment, methods of construction, warranties, assurances, and indemnifications. All proposed improvements shall be subject to the approval of the City's Parks Director.

- b. The Site Plan shall be approved by the City's Parks Director prior to the filing of the Final Subdivision Plat.
- c. Improvements proposed in the Site Plan may fall into any of the following park improvement categories. A subdivider may satisfy up to ten percent (10%) of the park dedication requirement for each category of improvements that are constructed, up to a maximum of fifty percent (50%). Any improvements proposed by the subdivider, but not included in this list, and/or any improvements which are deemed necessary at the site, may be rejected by the City. In addition, the City's Parks Director may approve the provision of any improvement not shown on this list in such improvement is in compliance with the findings and recommendations of the Parks Plan.
 - 1. Handicapped accessible playgrounds, with approved equipment, benches, and/or picnic tables ;
 - 2. Practice athletic fields and courts for volleyball, basketball, and/or tennis;
 - 3. Swimming Pools;
 - 4. Natural open space consisting of at least five (5) acres of useable natural habitat, approved by the Director of Parks and Recreation, and exclusive of subdivision entry ways and open space counted for the credit allowed in (10) above;
 - 5. Lakes with recreational amenities such as boat docks and/or fishing piers;
 - 6. Multi-purpose trails and walkways;
 - 7. A trail connection at least eight feet (8') wide for public use that links the subdivision to the City's hike and bike trail.
- d. All improvements constructed pursuant to this division of the UDC are subject to final acceptance by the Parks Director. If any or all of the improvements are deemed unacceptable, the subdivider shall make up that portion of the park donation requirements that would have been satisfied by the unacceptable improvements by payment of a cash donation prior to the final acceptance of the subdivision by the City.

(12) Expenditure of Collected Funds:

- a. Special Fund - There is hereby established a special fund for the deposit of all sums paid in lieu of parkland dedication under this division of the UDC. This fund shall be known as the parkland dedication fund. Monies placed in this fund may not be utilized for any other general business

activity of the City. Monies may be expended from this fund only for the following:

1. The purchase, lease, or other acquisition of parkland and open space;
 2. The improvement preparation and maintenance of such areas and sites;
 3. The installation of utilities to such sites;
 4. The construction of landscaping, play equipment or recreation improvements on such sites; or
 5. Attendant engineering and planning costs associated with such park activities.
- b. Right to Refund - The City shall account for all sums paid in lieu of parkland dedication under this division with reference to the individual plats involved. Any fins paid for such purposes must be expended by the City within ten (10) years from the date received by the City for acquisition and/or development of City parks. Such funds shall be considered to be spent on a "first in, first out" basis. If not so expended, the subdivider or the owner of the subdivision on the last day of such period shall be entitled to a pro rata refund of such sum, computed on a square footage or area basis. The owners of such property must request such refund within one (1) year of entitlement, in writing, or such right shall be forfeited.

Section 3.2.14.2 Lots - Determination and Regulation of Size

- (a) **Zoning District Requirements, If Applicable.** Lots shall conform to the minimum requirements of the established zoning district, if located within the City's corporate limits.
- (b) **General Shape and Layout.** The size, width, depth, shape and orientation of lots, and the minimum building setback lines shall be designed to assure the adequate provision of public facilities and the purpose of these subdivision regulations (within this Chapter 3 of the UDC), taking into consideration the location and size of the subdivision and the nature of the proposed uses.
- (c) **Irregularly-Shaped Lots.** Irregularly-shaped lots shall have sufficient width at the building line to meet lot width and frontage requirements of the appropriate zoning district (if within the City's limits), and shall provide a reasonable building pad without encroachment into front, side or rear yard setbacks or into any type of easement. Also, the rear width shall be sufficient to provide access for all necessary utilities, including access for driveways and solid waste collection when alleys are present (minimum 20-foot alley frontage). In general, triangular, severely elongated (in excess of a 3 to 1 depth to width ratio) or tapered, or flag lots shall be not be permitted, except as provided in Section 2.6.1.1 (b) (1). Lot depth and width shall be measured as shown in Chapter 2, *Figure 2-4*, The City reserves the right to disapprove any lot which, in its sole opinion, will not be suitable or desirable for the purpose intended or which is so oddly shaped as to create a hindrance to the logical lot layout of surrounding properties.
- (d) **Side Lot Line Configuration.** Side lot lines shall be at ninety degree (90) angles or radial to street right-of-way lines to the greatest extent possible. The City reserves the right to disapprove any lot which, in its sole opinion, is shaped or oriented in such a fashion as to be unsuitable or undesirable for the purpose intended, or which is not attractively or appropriately oriented toward its street frontage.
- (e) **Double Frontage Lots.** Double frontage lots shall be avoided, except where they may be essential to provide separation of residential development from major thoroughfares, or to overcome a specific disadvantage or hardship imposed by topography or other factors. Where lots have double frontage, are not screened, and/or are provided access directly onto a major thoroughfare, building setback lines shall be established for each street side, and rear yard screening shall be provided in accordance with Chapter 4, Article 2, Division 4. Residential lots shall not back onto any residential street or collector street within a residential area or neighborhood, provide direct access onto a thoroughfare, or have more than one-half of its perimeter boundaries along streets.

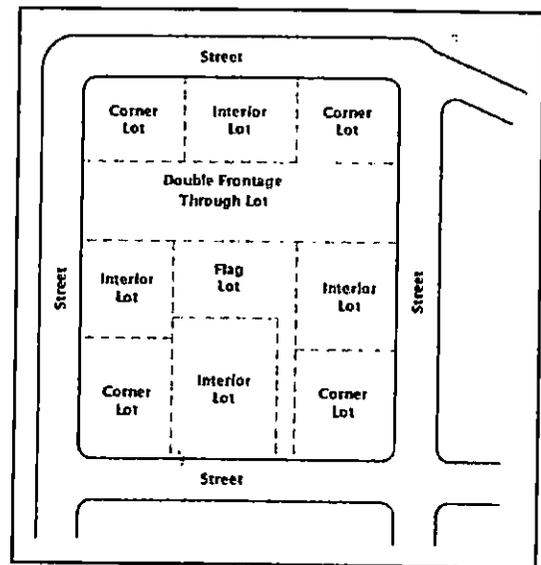


Figure 3-1: Types of Lots

- (f) **Extra Depth and Width in Certain Cases.** Additional depth shall be required by the Planning and Zoning Commission when a lot in a residential area backs up to a railroad right-of-way, a high pressure gasoline, oil or gas pipeline, an electric transmission line (69 kv or higher), a thoroughfare, an industrial area, or other land use that has a depreciating effect on the residential use of the property and where no marginal access street or other street is provided at the rear of the lot. A depth in excess of 140 feet shall not be required. Where a lot sides to any of the uses listed in this subsection, additional width shall be required by the Commission, but a width in excess of 75 feet shall not be required.
- (g) **Lots Adjacent To or In Floodplains.** Subdivision of property in a designated floodplain must meet the requirements for floodplain management in the City's adopted Flood Hazard Prevention Ordinance and/or Chapter 30 of the City Code, as applicable.
- (h) **Landscaping and Buffering.** The design of lots shall take into consideration the requirements of Chapter 4 pertaining to landscaping and buffering, specifically in situations where the subdivision will be adjacent to areas of different land uses or when residential densities or different land uses or various residential densities will be developed within the subdivision.
- (i) **Building Lines.** Front building lines shall be shown for all lots on all plats submitted for land within the City's ETJ.
- (j) **Access.** Each lot shall have access to a public street or a private street built to city standards by direct frontage on such street. The minimum required frontage of a lot shall be equal to the minimum lot width allowed for the zoning district in which the lot is located. The Planning and Zoning Commission may approve a minor subdivision plat containing lots that do not have frontage on a public street, as long as such lots:
- (1) are pre-existing and the plat does not include a division of land that creates any new lots lacking frontage on a public street.
 - (2) have existing access to a public street via not more than one (1) permanent, valid access easement that is:
 - a. recorded in the county real property records;
 - b. appurtenant to (runs with) the land;
 - c. at least fifteen feet (15') wide and no more than two hundred feet (200') long;
 - d. cleared of trees, shrubs, debris, structures, and other obstacles to vehicular traffic; and
 - e. improved to the City's minimum standards for driveways
 - (3) are zoned for single family residential use; and
 - (4) are either currently being used as residences or have been used as residences in the past and have not been vacant more than eighteen (18) months.

As used in this section, the term "pre-existing" shall mean that, on the later of March 9, 1981 or the date the property was annexed into the City, the property was in the

same configuration, as indicated by deed records, as is being shown on the minor subdivision plat.

Section 4.2.1.2 Minimum Requirements & Standards

(a) **Minimum Requirements for Off-Street Parking.** Requirements are as follows:

- (1) Parking on grass or other non-paved area in any zoning district is prohibited except for agricultural machinery or equipment in the SD or RE zoning districts.
- (2) For any multiple-family, duplex, or townhome dwelling unit or condominium where leasing offices are provided on the site, visitor parking must be provided as per the office parking requirements outlined in this section. Where clubhouses are provided on the site, appropriate off-street parking must be provided as per the eating and drinking establishments requirements outlined in this section.
- (3) For residence halls, fraternity buildings, and sorority buildings, additional parking spaces may be required by the Planning and Zoning Commission for fraternity and sorority buildings as a condition of the Site Plan approval where the building does not provide permanent sleeping facilities for all members of the organization.
- (4) The requirements for schools within *Table 4-1* shall not apply to private schools which do not permit students to bring motor vehicles to the institution; however, the educational institution shall be required to provide adequate off-street parking for faculty, administrative personnel, and athletic events including visiting of parents or other personnel. Such requirements will be calculated based on the applicable parking requirements for the individual uses.
- (5) For any restaurant, eating and/or drinking establishment where permanent outdoor seating areas including decks, patios, or other unenclosed spaces are provided, those areas shall be included in the calculation of gross floor area and total number of seats. Establishments having only outdoor dining consisting of fewer than sixteen (16) seats shall provide a minimum of four (4) parking spaces.
- (6) In addition to required parking spaces, a day care center or pre-elementary school not located within a development with shared parking, such as a multiple-occupancy center or an integrated business development, shall provide a driveway having a length sufficient for temporary parking of at least three (3) vehicles whereby the temporary parking spaces do not block access to the other required off-street parking spaces.
- (7) Parking requirements for recreation and amusement facilities that have any combination of the outdoor uses listed in *Table 4-1* on the same premises shall be calculated based on the sum of the minimum requirements for the individual uses proportionate to the indoor and outdoor areas allocated for each use.

Table 4-1

Required Number of Parking Spaces By Type of Use

Type of Use	Number of Spaces Required
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All other places of public assembly not specified	1 space for each 4 seats of capacity in the main area containing fixed seating
All other schools not specified	1 space for each classroom plus 1 for each 15 students
All other uses not specified - Also see Section 4.2.1.2(c)	1 space per 165 square feet of gross floor area
Assembly hall	1 space for each 4 seats of capacity in the main area containing fixed seating
Auto parts store	1 space for each 200 square feet of gross floor area
Bank, savings and loan or credit union	1 space per 200 square feet of gross floor area
Barber and/or beauty shop	1 space for each 200 square feet of gross floor area
Bookstore	1 space for each 200 square feet of gross floor area
Bowling alley	5 parking spaces for each bowling lane
Bus depot	1 for each 100 square feet of floor area
Business support service	1 space for each 200 square feet of gross floor area
Church	1 space for each 4 seats of capacity in the main area containing fixed seating
Clothing store	1 space for each 200 square feet of gross floor area
Conference center/convention center	1 space for each 4 seats or 1 space for every 100 square feet of gross floor area, based on maximum design capacity whichever is less
Convenience store	1 space for each 200 square feet of gross floor area plus 1 space for each gasoline/diesel pump
Dance, assembly and exhibition halls without fixed seats	1 space for each 100 square feet used for assembly or dancing

Day care center or pre-elementary school - Also see Section 4.2.1.2(a)(6)	1 space per 300 square feet of gross floor area
Department store	1 space for each 200 square feet of gross floor area
Elementary school	1 space per 20 students and 1 space per staff faculty member
Funeral home or mortuary	1 parking space for each 50 square feet of floor space in slumber room parlors or individual funeral service rooms
General merchandise store	1 space for each 200 square feet of gross floor area
Grocery store	1 space for each 200 square feet of gross floor area
Group home	4 spaces
High school and/or vocational school	1 space for every 3 students, faculty and staff, based on maximum design capacity
Hospital	1 space per bed
Hotel or motel	1 parking space for each sleeping room or suite plus 1 space for each 200 square feet of commercial floor area contained therein
Junior high school	1 space per 15 students and 1 space per staff faculty member
Laundry service	1 space for each 200 square feet of gross floor area
Library	1 space for each 300 square feet of floor area
Lodging houses and boarding houses	1 space per each 2 persons capacity of overnight sleeping facilities
Manufacturing plant	1 for each 1.5 employees in the maximum work shift
Medical or research laboratory	1 for each 1.5 employees in the maximum work shift

Medical or dental clinic	4 spaces for each treatment room
Multiple-family, duplex, or townhome dwelling unit or condominium - Requirements below [Also see Section 4.2.1.2(a)(2)]	
Efficiency unit	1½ spaces
One-bedroom unit	2 spaces
Two-bedroom unit	2½ spaces
Three-bedroom unit, or more bedrooms	1 space per bedroom
Multi-use Occupancy	1 space for each 165 square feet of gross floor area
Office and professional uses	1 space for each 300 square feet of gross floor area
Pharmacy	1 space for each 200 square feet of gross floor area
Product repair service	1 space for each 200 square feet of gross floor area
Recreation and amusement facility - Requirements below [Also see Section 4.2.1.2(a)(7)]	
Arcade	1 space per 200 square feet of gross floor area
Driving/archery/shooting range	1 space per 200 feet of gross floor area of indoor facilities, plus 1 space per tee or target
Fairground, exhibition, carnival	1 space per 500 square feet of outdoor site area, plus 1 space per 4 fixed spectator seats
Go-carts and all-terrain vehicles	1 space per 2 vehicles, plus 1 space per 4 spectator seats
Golf course	1 space per 150 square feet of gross floor area

	of indoor facilities, plus 5 spaces per green
Miniature golf	1 space per 200 square feet of gross floor area of indoor facilities, plus 1 1/2 spaces per hole
Rodeo, circus, auto/motorcycle racing	1 space per 3 spectator seats
Skateboarding, water slide	1 space per 200 feet of gross floor area of indoor facilities, plus 1 space per 2 persons design capacity of outdoor facilities
Sport fields, swimming pool, private parks and playgrounds	1 space per 100 square feet of gross floor area of indoor facilities plus 1 space per four persons design capacity of outdoor facilities, including both participants and spectators as applicable
Tennis and other sport courts	2 spaces per court
Residence halls, fraternity buildings, and sorority buildings - Also see Section 4.2.1.2(a)(3)	1 space per person capacity of permanent sleeping facilities
Residential care facility	1 space per each two persons capacity
Restaurant, eating and/or drinking establishment - Also see Section 4.2.1.2(a)(5)	4 spaces, plus 1 space for each 100 square feet of gross floor area, or 4 seats, whichever is less
Retail uses not otherwise specified	1 space for each 200 square feet of gross floor area
Sanitarium, convalescent home, home for the aged or similar institution	1 parking space for each 2 beds
School auditorium	1 space for each 4 seats of capacity in the main area containing fixed seating
Self-storage or mini-warehouse	4 spaces plus one space per 10,000 square feet of storage area
Shopping centers, malls, and multi-occupancy uses over 3 acres in size	1 parking space per 200 square feet of floor space
Single-family attached and detached dwelling units (including manufactured or	2 parking spaces per dwelling unit

industrialized housing unit)	
Sports arena	1 space for each 4 seats of capacity in the main area containing fixed seating
Stadiums	1 space for each 4 seats of capacity in the main area containing fixed seating
Student center	1 space for each 300 square feet of floor area
Take-out or drive-through eating establishment with no indoor dining	1 parking space for each 50 square feet of floor space used or designated as customer service and waiting area, or 4 spaces, whichever is greater
Theater	1 space for each 4 seats of capacity in the main area containing fixed seating
Vehicle repair facility (office spaces calculated based on office requirements)	1 space for each 200 square feet of floor area devoted to vehicle repair, excluding office space
Vehicle sales or rental dealer	1 parking space for employees and customers per 3,000 square feet of open sales lot and enclosed floor area devoted to the sale, display, or rental of motor vehicles, mobile homes, or trailers
Warehouse (office spaces calculated based on office requirements)	1 space for each 2,000 square feet of gross floor area excluding office space

(b) **Minimum Requirements for Off-Street Stacking.** Off-street stacking requirements for drive-through facilities shall be as follows.

- (1) A stacking space shall be an area on a site measuring eight feet (8') by twenty feet (20') with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area.
- (2) For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of five (5) stacking spaces.
- (3) For retail operations, other than restaurants, banks and kiosks that provide drive-up service, including pharmacy and dry cleaners, a minimum of three (3) stacking spaces for each service window shall be provided.
- (4) For a full-service car wash, each vacuum or gas pump lane shall be provided with a minimum of four (4) stacking spaces. For the finish and drying area,

adequate vehicle stacking and storage space must be provided to keep finished vehicles out of circulation aisles, access easements, fire lanes and streets.

- (5) For each automated self-service car wash bay, a minimum of three (3) stacking spaces, in addition to the wash bay itself, shall be provided. One stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing.
 - (6) For each wand-type self-service car wash bay, a minimum of two (2) stacking spaces, in addition to the wash bay itself, shall be provided. One stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing, unless a separate area and shade structure is provided, outside of circulation aisles, for these activities.
 - (7) For automobile quick-lube type facilities, a minimum of three (3) stacking spaces shall be provided for each service bay in addition to the service bay(s) itself.
 - (8) For restaurants with drive-thru service, a minimum of five (5) stacking spaces shall be provided for the first (or only) window, and if applicable, a minimum of two (2) stacking spaces for each subsequent window.
- (c) **New or Unclassified Uses.** When a proposed land use is not classified in this section, the parking requirements will be based on the minimum standard which applies to a specified use which is most closely related to the proposed land use, as determined by the Director, based on parking studies prepared by qualified professionals.
- (d) **Parking on the Same Lot Required.** Except as provided in Chapter 1, Article 1 for circumstances that may be approved by the Zoning Board of Adjustment as a special exception, all required off-street parking spaces shall be located on the same lot or tract as the principal use being served by the parking area. All required parking shall be on a paved surface. In such cases where parking is located on a separate lot, the following is required:
- (1) The parking is provided on a separate, conforming parking lot located not more than 500 feet away from the premises of the use for which parking requirements the parking lot is fulfilling, and which shall be conveniently usable without unreasonable:
 - a. Hazard to pedestrians;
 - b. Hazard to vehicular traffic;
 - c. Traffic congestion; or,
 - d. Detriment to the appropriate use of other properties in the vicinity;
 - (2) A written agreement shall be drawn to the satisfaction of the City Attorney and executed by all parties concerned, including the owner/agent of the principal use utilizing the parking and the owner/agent of the lot on which the parking is to be provided. Such written agreement shall assure the continued availability of and access to (i.e., via an easement, etc.) the off-street parking area for the principal use it is intended to serve.

(e) **Off-Street Loading Requirements.** In all zoning districts there shall be provided, in connection with appropriate allowable uses, off-street loading facilities in accordance with the following: Any department store, industrial plant, manufacturing establishment, retail establishment, storage warehouse or wholesale establishment, which has an aggregate gross floor area of 10,000 square feet or more, arranged, intended or designed for the use shall be provided with off-street truck loading or unloading berths at least 12 feet wide, 14 feet high and 35 feet long in accordance with the following table. There shall be sufficient space to ensure that all maneuvering required to utilize the loading space will not include street right-of-way.

Table 4-2

Square Feet of Aggregate	Required
10,000 to 40,000	1
40,001 to 100,000	2
100,001 to 160,000	3
160,001 to 240,000	4
240,001 to 320,000	5
320,001 to 400,000	6
400,001 to 490,000	7
For each additional 90,000 over 490,000, additional berth	1

Section 4.1.2.2 Site Preparation Permit

(a) Purpose, Applicability, Exceptions and Effect.

- (1) Purpose: The purpose of a Site Preparation Permit, also referred to as a Site Work Permit, shall be assure that preparatory construction activities on the development site will meet City standards prior to soil disturbance, construction or placement of a structure on the tract, parcel or lot. A Site Preparation Permit application may consist of a series of schematic drawings designed to satisfy one or more criteria governing the decision on the permit.
- (2) Applicability: Approval of a Site Preparation Permit is required prior to any non-exempt development of land within the City limits or within the City's extraterritorial jurisdiction.
- (3) Exemptions: The requirements of a Site Preparation Permit do not apply in whole or in part to the following activities or land uses:
 - a. Clearing that is necessary only for surveying purposes.
 - b. Construction or placement of a single-family dwelling, duplex dwelling or industrialized home on a legally platted lot, except for the following:
 1. Landscaping, open space and tree preservation standards;
 2. Public facilities standards related to subsurface sewage disposal; or
 3. Floodplain improvement standards.
 - c. Infrastructure or lot improvements authorized under approved construction plans for a finally platted subdivision or development plat, provided that no soil disturbance or construction activities occur prior to approval of such plans.
 - d. Agricultural uses.
- (4) Effect: Approval of a Site Preparation Permit authorizes site preparatory activities other than construction or placement of a structure on the land, subject to the terms of the permit and for the duration of the permit. Approval of a Site Preparation Permit also authorizes the property owner to apply for a building permit.

(b) Application Requirements.

- (1) Responsible Official: The ~~City Engineer~~ Building Official shall be the responsible official for a Site Preparation Permit.
- (2) Submittal: All applications shall be submitted on a form supplied by the Engineering Department with the required information as stated on the application form.
- (3) Prior Approvals: An application for a Site Preparation Permit shall not be approved unless a final subdivision or development plat has been approved for

the land. Inside city limits, the property subject to the Site Preparation Permit shall be appropriately zoned for the intended use.

- (4) Accompanying Applications: A Site Preparation Permit may be accompanied by an application for a building permit for the same land, provided that the Site Preparation Permit shall be decided first.

(c) Processing of Application & Decision.

- (1) Decision: The ~~City Engineer~~ Building Official shall initially approve the application for a Site Preparation Permit, approve the application with conditions, or deny the application, subject to appeal as provided in Chapter 1, Article 3, Division 1 of this UDC.
- (2) Notification: The ~~Director~~ Building Official shall notify the applicant of his/her decision in accordance with Chapter 1, Article 2, Division 2 of this UDC.
- (3) Time for Decision: The application for a Site Preparation Permit shall be decided within thirty (30) working days of the official filing date.
- (4) Revised Permit Application: If the conditions of approval require revision to the Site Preparation Plan, a properly revised Site Preparation Plan shall be submitted to the ~~Director~~ Building Official within ten (10) working days of receipt of the notice of decision. The ~~Director~~ Building Official shall have an additional twenty (20) working days to approve or deny the revised application.

(d) Criteria for Approval. The following criteria shall be used to determine whether the application for a Site Preparation Permit shall be approved, approved with conditions, or denied:

- (1) The Site Preparation Permit is consistent with the approved construction plans.
- (2) The Site Preparation Permit is consistent with any approved petitions or applications for the same property;
- (3) Where not exempted or satisfied through approval of prior development applications, the following standards in the UDC and the City Code of Ordinances have been satisfied:
 - a. The cut and fill standards in the City's adopted Building Code, as amended, as well as any other applicable codes and regulations, have been met;
 - b. The erosion and sedimentation standards in the City's adopted Building Code, as amended, as well as any other applicable codes and regulations, have been met;
 - c. If construction plans have not been approved, no disturbance of the soil more than six inches (6") below existing grade shall be permitted;
 - d. The Site Preparation Permit is consistent with tree preservation and mitigation requirements in Division 2 of Article 3 of this Chapter.

- e. The detention requirements prior to and during construction as outlined within the EDCM.

(e) Appeals & Relief Procedures.

- (1) Appeal: The applicant for a Site Preparation Permit or any interested person may appeal the decision of the ~~City Engineer~~ Building Official to the Building Board of Adjustments in accordance with Chapter 1, Article 3, Division 1 of this UDC. The Board may sustain, modify or reverse the ~~City Engineer~~ Building Official's decision. The Board may sustain, modify or reverse the ~~Director~~ Building Official's decision.
- (2) Waiver Petition: A petition seeking to vary standards applicable to the Site Preparation Permit shall be filed, processed and decided by the Building Board of Adjustments in accordance with Chapter 1, Article 3, Division 4 of this UDC prior to the decision on the Site Preparation Permit.
- (3) Vested Rights Petition: Where an applicant claims exemption from one or more requirements applicable to a Site Preparation Permit under this Unified Development Code on grounds of vested rights, the applicant may submit a vested rights petition to the ~~City Engineer~~ Building Official prepared, and appealed if applicable, in accordance with Chapter 1, Article 3, Division 3 of this UDC.

(f) Expiration & Extension.

- (1) Time of Expiration: A Site Preparation Permit expires if development authorized by the permit has not commenced on the property subject to the permit within ninety (90) days after final approval of the permit. The Site Preparation Permit may be revoked if a building permit or other permit authorizing construction of a structure on the property has not been issued within one (1) year after the date of approval of the permit, or, if no permit is required, construction of a structure has not commenced on the development site within such period.
- (2) Extension: A Site Preparation Permit may be extended for a period not to exceed an additional ninety (90) days by the responsible official, within which development authorized by the permit on the property subject to the permit must be commenced. The date for issuance of a construction permit or commencement of construction of a structure may be extended by the responsible official for a period not to exceed one (1) year.

Division 4 – Maintenance of Improvements

Section 4.1.4.1 Maintenance of Improvements Required

All improvements required by the UDC shall be maintained in a manner such that their intended purposes continue to be met so long as the property is occupied or used in any way.

Section 4.2.2.4 Required Landscape Area Standards for Nonresidential, Multiple-Family, & Single-Family Development

- (a) **Meaning of "Landscape Area".** Landscape area shall mean the area (greater than one foot in width) 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. For the purposes of meeting the requirements of this division, undeveloped portions of the site cannot be considered landscaped area. Landscaped areas shall be bounded by raised or ribbon curbs.
- (b) **Establishment of Minimum Percentages.** A minimum percentage of the total gross lot area of property (excluding any required detention facilities) on which development, construction or reconstruction occurs after the effective date of the ordinance from which this division derives shall be devoted to landscape in accordance with the requirements in *Table 4-4*; provided, however, that these requirements shall not apply to the development, construction or reconstruction of single-family detached residential structures.

Table 4-4

Required Landscaping By Land Use Type

<i>Land Use</i>	<i>Percent Landscaped Area Required</i>
Multiple-Family	15
Office and Professional Uses	15
Mixed Use	15
Retail and Commercial	15
Industrial or Manufacturing	10
All Other Nonresidential Uses	10
Note: Percentages are based on the total gross lot area.	

- (c) **Minimum Requirements.** 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). Trees listed in Section 4.2.3.9 (e) with a minimum two inch (2") caliper measured twelve inches (12") from the ground shall be provided along street frontage(s) with the total caliper inches equal to one inch (1") 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').
- (d) **Screening of Parking Areas.** Landscaping shall be required for the screening of parking areas from an abutting public right-of-way or adjacent property.

- (1) Front yard parking areas and side yard parking areas fronting on a street right of way shall be screened from the right-of-way by a continuous hedge or berm.
 - (2) The side yard of any lot that contains a parking area abutting a property 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. The required side lot screening may be grouped and dispersed randomly.
 - (3) Screening between nonresidential and residential lots shall be provided in conformance with Division 4 of this Article.
 - (4) The minimum number of shrubs shall be equal to the total caliper inches of street trees required under this division multiplied by five (5). 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.
 - (5) 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. The alternate side yard, however, shall be screened in accordance with Subsection (d)(2) above.
 - (6) Each required tree and required landscaping shall be planted in a landscaped area of at least 36 square feet with a minimum dimension of six feet (6').
- (e) **Interior of Parking Areas.** 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 slots, pedestrian paths, driveways, and internal collector lanes, in limiting points of ingress and egress, and in separating parking pavement from street alignments.

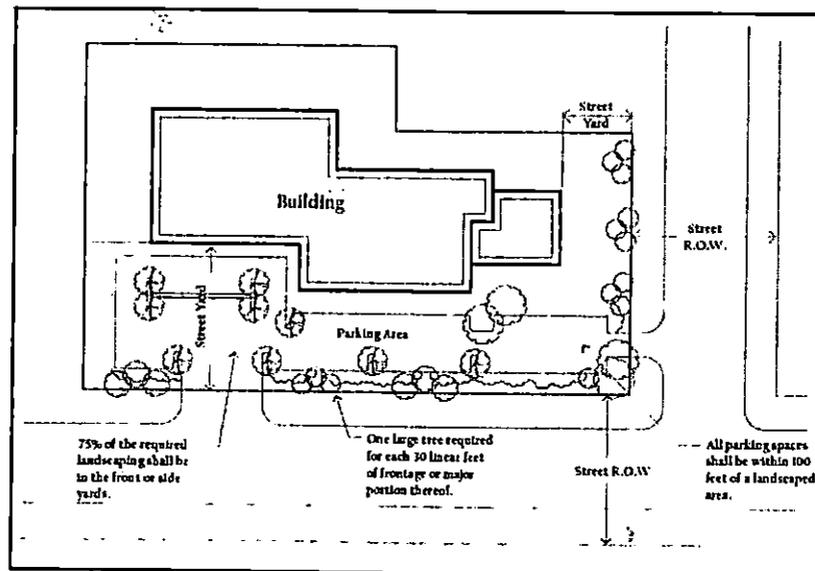


Figure 4-3: Landscaping Requirements

- (1) In addition to street trees required under Subsection (c) above, trees in Class I or II of the Guidelines with a minimum two inch (2") caliper shall be provided within or adjacent to the parking area at tree islands that:
 - A. are at least nine feet (9') wide;
 - B. each have a square footage at least equal to the total area of one parking space;
 - C. are located so that no parking space is further away than one hundred feet (100') from a tree island.
- (2) Tree islands must be protected from vehicle intrusion by curbs or similar structures. Two feet (2') of the tree island may be counted as part of the required depth of the abutting parking space.
- (3) The total caliper inches shall equal one inch (1") for each five (5) parking spaces.
- (4) Caliper inches of street and parking lot trees may be provided by planting a combination of trees that exceed the minimum two inch (2") caliper.
- (f) **Large Tracts.** 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.
- (g) **Landscaping On-Site and Related Location.**
 - (1) The landscaped area required by ~~Table 4-4~~ Section 4.2.2.4 shall be placed upon that portion of a tract or lot that is being developed.
 - (2) Seventy-five percent (75%) of the area required by *Table 4-4* shall be installed in between the front or side property lines and the building being constructed. Clustering the remaining required landscaping along property lines abutting a lower intensity land use is encouraged.
 - (3) Undeveloped portions of a tract or lot shall not be considered landscaped.
- (h) **Landscaping Within Parking Areas.**
 - (1) No parking space shall be located more than one hundred feet (100') from a portion of the required landscaping.
 - (2) Each landscape island within a parking lot shall contain a minimum square footage equivalent to one parking space of pervious area, shall be at least nine feet (9') wide, and shall allow at least three feet (3') between any trees within the island and the edge of the island.
- (i) **Tree Credits.** Tree credits shall be given pursuant to Article 2, Division 3 of this Chapter of the UDC.
- (j) **Landscaping Within Single-Family Developments.** The following are minimum landscaping requirements for single-family lots and developments.
 - (1) Tree By Lot Requirements: Each single-family lot shall have two (2) large shade trees placed thereon with a minimum two-inch (2") caliper, measured at

twelve inches (12") above the root ball, and a minimum six feet (6') in height at the time of planting.

(2) **Additional Requirements:** Each single-family lot shall have at least three (3) out of the following four (4) options:

- a. Two (2) ornamental trees a minimum six feet (6') in height at the time of planting;
- b. Four (4) evergreen shrubs, equal in size to at least a five-gallon-container-size shrub;
- c. Eight (8) small shrubs, equal in size to at least a two-gallon-container-size shrub; and
- d. Solid vegetative ground cover or lawn for the entirety of the lot that is not otherwise covered by building(s) and/or driveway area(s).

(3) **Street Tree Requirements:** In addition to the requirements in (1) and (2) above, trees are required along all streets within single-family developments as follows:

- a. Large shade trees with a minimum two-inch (2") caliper measured at twelve inches (12") above the root ball shall be provided, with the total caliper inches equal to at least one inch (1") for each forty feet (40') of frontage.
- b. A minimum of sixty percent (60%) of required street trees shall be evergreen with year-round foliage.
- c. At the time of planting, a minimum of eight feet (8') shall be provided between a tree trunk and the back of any curb and between a tree trunk and any planned or existing underground public utility lines.
- d. At the time of planting, a minimum of twenty feet (20') shall be provided between individual trees.

(k) **Location Exception for Public Educational Facilities.** Public Educational Facilities shall comply with all requirements herein regarding quantity of landscaping, but are exempt from the requirement of locating landscaping within landscape islands in the interior of parking areas.

Approved Trees. Only trees belonging to the species listed in Section 4.2.3.9 (e) will satisfy the tree planting requirements of this section.

Section 4.2.3.2 Definitions

(a) For the purpose of this division, certain words or terms applicable hereto are defined as hereinafter provided. Words and terms used in this division, but not defined in this division shall have the meanings ascribed thereto in Chapter 5 of this UDC, or other ordinances in the City. Words and terms defined in two ordinances shall be read in harmony unless there exists an irreconcilable conflict, in which case the definition contained in this division shall control.

- (1) Circumference: The distance around the perimeter of the tree trunk as measured four and one-half feet (4.5') above the ground using an ordinary measuring tape. For multiple-trunk trees, the trunk circumference is deemed to be equal to the circumference of the largest trunk plus half the circumference of each additional trunk. Measurements should be accurate to the nearest one-half inch ($\frac{1}{2}$ "). (For conversion to diameter, the circumference can be divided by 3.142.)
- (2) Criteria Manual: The manual to be used and interpreted by City personnel in accordance with this division for the City's urban forest preservation and enhancement. (The manual is available at the City Park and Recreation Department and was originally adopted as Attachment A to City Ordinance No. 772, which was the Tree Protection and Preservation Ordinance. The manual is adopted as part of this UDC by reference.)
- (3) Critical Root Zone: For any given tree, the area within a circle centered on the trunk location that contains the majority of tree roots essential for tree growth and survival. The circle's diameter is one-half the sum of the broadest and the narrowest of the drip line diameters.
- (4) Damage or Damaged: To "damage" a tree means to take any action which could result in a tree's death, either immediately or after a period of two (2) years. Some examples of such action, which are not intended to limit this definition, are as follows: severing the main trunk or large branches or roots; girdling; poisoning; carving; mutilating; touching with live wires; piercing with nails or spikes; crushing or exposing the roots; digging or drilling any hole larger than three (3) cubic feet (a trench) within the Critical Root Zone; or covering or compacting twenty-five percent (25%) or more of the Critical Root Zone.
- (5) DBH (Diameter Breast Height): The distance of the width of the trunk of a tree as measured four and one-half feet (4.5') above the ground.
- (6) Located: A tree is "located" within an area if any part of its trunk is within the area at ground level. For example, a tree positioned on the property line is considered to be located in an area or on a subject site when a portion of the trunk or root flare that is visible above ground is within the area or subject site.
- (7) Official: The City Manager or his/her designee.

- (8) **Temporary Fencing:** A six foot (6') high temporary fence shall be installed prior to any site activity. The temporary fencing shall be placed to protect as much of the Critical Root Zone as possible for each tree to effectively protect and prevent persons, machinery, trash, material, and other items from occupying the Critical Root Zones of a tree or group of Protected Trees. The temporary fence may incorporate existing fences or walls as well as temporary fencing. A separate fence permit is not required for construction of a fence under this section, if a building permit for the work is in effect and a Tree Disposition Plan has been approved.
- (9) **Tree:** A woody plant having one well-defined stem or trunk, a defined crown and a mature height of at least eight (8) feet. Trees protected and/or regulated by this division of the UDC are listed in the City's Tree List, a copy of which is available in the City Park and Recreation Department. Trees defined include:
- (a) **PROTECTED TREE:** Any Large Tree that is identified on the Protected Tree List (available in the City Parks and Recreation Department) and that is located within the City;
 - (b) **LARGE TREE:** Any tree with a diameter (DBH) of twelve inches (12") or more. In case a tree is removed, it is presumed to have been a Large Tree if the diameter of the stump is twelve inches (12") or greater, measured in any direction.
 - (c) **HERITAGE TREE:** Any Protected Tree with a diameter (DBH) of twenty-four inches (24") or more located anywhere within the City. In case a tree is removed, it is presumed to have been a Heritage Tree if the diameter of the stump is twenty-four inches (24") or greater, measured in any direction.
 - (d) **REPLACEMENT TREE/QUALIFIED TREE:** Any tree included in the Protected Tree List (available in the City Parks and Recreation Department), with a DBH of at least two inches (2").
- (10) **Tree Disposition Plan:** Must specify how Protected Trees and Critical Root Zones will be protected from development and pre-development activity. The Tree Disposition Plan shall specify trees to be relocated, removed or replaced. ~~For properties being platted, the Tree Disposition Plan is submitted with the final plat and must be approved before the final plat is approved. For building permits, the tree survey and disposition plan shall be submitted with the permit application for any development permit and must be approved before the said permit is may be issued.~~
- (11) **Tree Survey:** An on-the-ground survey containing the location of Protected Trees, their diameters, types (species), and crown area (critical root zones). The Tree Survey must depict for any given Subject Site: (a) every Protected Tree located on the Subject Site, and (b) identify every Protected Tree located elsewhere which has thirty percent (30%) or more of its Critical Root Zone in

such Subject Site. ~~For properties being platted, the tree survey is submitted with the preliminary plat and must be approved before the preliminary plat is approved. For building permits, the tree survey and disposition plan is~~ shall be submitted with the permit application for any development permit and must be approved before the said permit is may be issued.

- (12) Urban Forester: A resource professional, charged with the responsibility of planning, establishing, protecting, and managing trees and associated plants, individually, in small groups, and under forest conditions within the City, with full authority to enforce this division of the UDC for violations of the same.
- (13) Tree Trust: A capital project fund created for the purpose of purchasing, growing, and/or maintaining trees and associated plants within the City limits. Said fund is to be expended in conformance with a tree propagation program drafted by the Parks and Recreation Director or his designee.

Section 4.2.4.1 Screening

(a) Nonresidential and Multiple-Family Screening Required (New Construction).

(1) Requirement Criteria. This section shall apply to the following:

- a. Any nonresidential use that is separated by only a street or has a side or rear contiguous to any residential use or residential zoning district other than multiple-family.
- b. Any multiple-family use that is separated by only a street or has a side or rear contiguous to any residential use or residential zoning district other than multiple-family.

(2) The following shall apply in either case outlined above:

- a. The nonresidential or multiple-family use shall provide one of the following:
 1. an opaque screening wall a minimum of six feet (6') in height, but not to exceed eight feet (8') 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 throughway; or
 2. a vegetative screen dense enough to be completely opaque year-round, which is at least four feet (4') tall at planting and at least eight feet (8') tall within twelve (12) months.
- b. There shall be a minimum 25-foot wide landscape buffer between nonresidential or multiple-family and all single-family uses, except this buffer shall be at least thirty (30) feet wide if screening is achieved above by a vegetative screen and not an opaque screening wall.
- c. In situations where a fence already exists along the property line between the non-residential or multiple-family use and the residential use, the screening required by this section shall be achieved by the vegetative screen and 30' buffer described above, unless the nonresidential or multiple-family use obtains permission from the owner(s) of the existing fence to replace said fence with the opaque screening wall and 25' buffer described above.
- d. 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:
 1. The screen will withstand the pressures of time and nature; and
 2. The screen adequately accomplishes the purpose for which it was intended.
- e. The Building Official shall determine if the buffer meets the requirements of this section.

~~(3) Any required landscaping (refer to Division 2) 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.~~

(b) Parking Area Screening Along Major and Secondary Thoroughfares.

Landscaping shall be required for the screening of parking areas along major thoroughfares or secondary thoroughfares when nonresidential parking areas are located on the nonresidential lot such that they are adjacent to such roadways (i.e., there is no building between the parking area and the lot line adjacent to the roadway). In such case, parking areas shall be screened by a continuous hedge of shrubs that are 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.

(c) Residential Screening Along Major and Secondary Thoroughfares (Applies to the City & ETJ).

(1) Requirement Criteria: Where residential subdivisions are platted so that the rear or side yards of single-family or two-family residential lots are adjacent to a major or secondary thoroughfare roadway as described in Chapter 3, or are separated from such thoroughfare by an alley, or back up to such thoroughfare, the developer shall provide, at its sole expense, a minimum six-foot tall masonry screening wall (also see Subsection (2) below), or some other alternative form of screening, if approved by the Planning Director, according to the following alternatives and standards. All screening shall be adjacent to the right-of-way or property line and fully located on the private lot(s), including columns and decorative features. All forms of screening shall conform to the requirements of City ordinances and policies that govern sight distance for traffic safety.

(2) Screening Alternatives: Screening shall be provided in accordance with, and shall be constructed to, standards and criteria as set forth in the City's EDCM. An alternative form of screening, in lieu of the masonry wall, may be approved by Planning Director and the City Engineer with the Preliminary Subdivision Plat or Preliminary Development Plat application. Alternatives that may considered include:

- a. A living/landscaped screen in conjunction with decorative metal (e.g., wrought iron) fence sections with masonry columns;
- b. A combination of berms and living/landscaped screening;
- c. 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
- d. 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 and City Engineer find it to be in the public interest to approve the alternative screening device.

- (3) 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 three years of initial installation/planting. Any landscaping used to achieve the purpose of required screening shall be in conformance with Division 2 and/or Division 3 of this article.
- (4) Maintenance Easement: A wall/screening maintenance easement at least five feet in width shall be dedicated to the City or to a property owners association on the private lot side and adjacent to the entire length of the screening wall or device.
- (5) 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 Division 2 and/or Division 3 of this article. Failure to properly install all components of a required screening wall or device within the prescribed time frame, shall constitute a violation of this Unified Development Code, and shall authorize the City Engineer to refuse acceptance of the subdivision public improvements.
- (6) 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.
- (7) 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 eight 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.
- (8) Other Easements: Screening fences, walls and devices shall not be constructed within any portion of a utility or drainage easement unless specifically authorized by the City and by any other applicable utility provider(s).

(d) General Screening.

- (1) The following requirements shall be in addition to the foregoing landscaping and planting requirements:
 - a. All loading spaces and docks, outside storage areas including open storage, storage in containers and boxes not designed to be permanently affixed to real property, refuse containers/areas, mechanical and electrical equipment, and the rear of nonresidential uses/structures on double frontage lots, must be screened from view from the street or public rights-of-way and adjoining properties.
 - 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 Section 4.2.4.1(a) and shall include a vegetative buffer.
 - d. Roof mounted equipment in M1 and M2 districts are exempt from screening requirements if the equipment is painted to match the roof color and the equipment is not closer than two hundred fifty (250) feet to a roadway listed in Section 2.4.5.1.
- (2) If screening is required, it shall be of sufficient height and opacity to completely obscure the activity, structure, or use.

Section 4.2.5.4 Multi-Tenant Signs

(a) Applicability.

- (1) A multi-tenant sign shall be required on any lot with more than one (1) use or business in conformance with Section 4.2.5.4., subject to the following:
 - a. A use or business shall be permitted to erect an on-premise ground sign when such use or business has at least seventy-five feet (75') of building frontage.
 - b. A use or business that has an on-premise ground sign shall not be listed on any multi-tenant sign.
- (2) A multi-user sign may be erected and maintained on any lot that is part of an integrated business development. Said multi-user sign may not advertise any business in the integrated business development that has an on-premise ground sign. Any multi-user sign legally placed but that subsequently fails to meet the definition of a multi-user sign shall be removed by the owner of the property on which the sign is located.

(b) Standards. Multi-tenant and multi-user signs are subject to the following standards:

- (1) Type: All multi-tenant and multi-user signs shall be ground signs.
- (2) Number Allowed: The number of multi-tenant signs on one (1) site is limited to one (1) per six hundred (600) linear feet of street frontage unless said frontage is on State Highway 288 or Beltway 8, in which case the limit per property or development is one (1) multi-tenant sign per one thousand (1,000) linear feet of street frontage. The cumulative street frontage shall be calculated for corner lots. An integrated business development shall be allowed a multi-user sign on any lot in that integrated business development that has at least fifty (50) linear feet of street frontage, with a limit of only one (1) multi-user sign per street, except that any integrated business development that has more than six hundred (600) linear feet of street frontage on one street – one thousand (1000) linear feet for State Highway 288 or Beltway 8 – shall be allowed two (2) multi-user signs on that street. The following are not counted in this limitation:
 - a. Additional directional signs up to two (2) square feet in area each, provided the number of these signs does not exceed the number of driveways; and,
 - b. Subdivision identification signs in accordance with Section 4.2.5.3.
- (3) Maximum Height: The maximum height of any multi-tenant or multi-user sign shall not exceed fifteen feet (15'), unless the sign is located on a property or development with frontage on State Highway 288 or Beltway 8, and said sign is not set back more than thirty-five feet (35) from the right-of-way line of State Highway 288 or Beltway 8, in which case the maximum height shall not exceed twenty two (22') feet. The portion of the base of the sign within two feet (2') of the grade of the ground shall not be included in the height calculation (refer to *Figure 4-6*). For properties located below the grade of an adjacent highway an

additional height of up to ten feet (10') above the grade of the highway at the sign location may be allowed by a Conditional Use Permit.

(4) Maximum Sign Area: A multi-tenant or multi-user sign shall have a maximum sign area according to the following:

- a. Three hundred (300) square feet, when erected on property located on State Highway 288 or Beltway 8 and said sign is not set back more than thirty-five feet (35') from the right-of-way line of State Highway 288 or Beltway 8; or
- b. One hundred (100) square feet, plus ten (10) square feet per tenant or business advertised on the sign, or one hundred and fifty (150) square feet, whichever is lesser, in all other locations.
- c. Each tenant or business may have a different size sign; each sign does not have to be the same size.
- d. The effective area shall be measured from the highest point on the sign to the elevation of the center of the base of the sign by the width at the highest point (refer to *Figure 4-7*). Changeable message signs or marquee signs may be part of a ground sign, but shall not cover more than seventy-five percent (75%) of the effective area.

(5) Location: No multi-tenant or multi-user sign shall be closer than:

- a. ten feet (10') to any property line;
- b. fifteen feet (15') from any property line for properties on State Highway 288 or Beltway 8; or
- c. six hundred feet (600'), or for properties located on State Highway 288 or Beltway 8, one thousand feet (1000'), from:
 1. any other multi-tenant sign located on the same street frontage of one lot, or
 2. any other multi-user sign for the same integrated business development.

(6) Electronic Changeable Message Sign: An electronic changeable message sign that conforms to the size and locational requirements of this section shall be permitted with adherence with the following:

- a. Each message displayed on an electronic changeable message sign must be static or depicted for a minimum of six (6) seconds. The scrolling of messages is permitted, but must also conform to the minimum of six (6) second display.
- b. The flashing display (i.e., changeable message) portion shall not exceed twenty five (25) percent of the total allowable effective sign area.
- c. The flashing display (i.e., changeable message) portion shall be limited to one (1) color, and shall be limited to white, gold, yellow, red, blue, or green. The Planning Director shall determine whether proposed colors conform to these colors.
- b. The addition of any flashing display (i.e., changeable message) to any nonconforming sign is prohibited.

Section 5.1.1.1 General Definitions

(a) **General Definitions.** The following definitions are intended to provide descriptions for words and terms used within this UDC. Absent any conflict, words and terms used in this UDC shall have the meanings ascribed thereto in this Chapter 5. When words and terms are defined herein, and are also defined in other ordinance(s) of the City, shall be read in harmony unless there exists an irreconcilable conflict, in which case the definition contained in this Chapter 5 shall control. For any definition not listed in this Chapter 5 of this UDC, the definition found within the latest edition of Webster's Dictionary shall be used.

...

ADULT DAY CARE CENTER: Community-based group program which is licensed by the State of Texas and designed to meet the needs of functionally and/or cognitively impaired adults through an individual plan of care. These structured, comprehensive programs provide a variety of health, social, and other related support services in a protective setting during any part of a day, but less than 24-hour care. Adult day care services are dedicated to keeping adults needing assistance healthy, independent, and non-institutionalized. Adult day centers generally operate programs during normal business hours five days a week. Some programs offer services in the evenings and on weekends.

...

HOUSEHOLD CARE FACILITY: (Also referred to as *Hospice*.) A dwelling unit which provides residence and care to not more than nine (9) persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster or financial setbacks, living together with not more than two supervisory personnel as a single housekeeping unit. This definition is subject to Art. 4442c-4 (Personal Care Facility Licensing Act) V.A.C.S. (Tex.) and Art. 1011n (Community Homes for Disabled Persons Location Act) V.A.C.S. (Tex.) as they presently exist shall be consistent with that of "assisted living facility" in Texas Health and Safety Code Section 247.002, as it presently exists or may be amended in the future.

...

Types of Uses	SD	RE	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	M-F	M-H	S-1	S-2	S-3	S-4	S-5	C-M-U	G/O/M-U	O-T	O-P	B-P-288	N-S	G-B	G-C	M-1	M-2
<u>Temporary Outdoor Amusement/Activity*</u>																										
Agricultural Animal Husbandry ☐☐	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	+	P	P	P	P	C	P	P
Animal Husbandry																										
<u>Martial Arts School/Studio/Tutorial Clubs/Learning Centers</u>												P	C	C					+		C	C	P	P	P	P
Barber/Beauty Shop/ <u>Tanning Studios</u> (No Related School/College)												P	P	P			P	P	+	P	P	P	P	P	C	
Stone Monuments - Retail Sales Only <u>(indoors)</u>																	C	C	+	C		P	P	P	C	
<u>Stone Monuments – fabrication and outdoor storage</u>																	C	C	+	-	-	-	-	C	C	-
<u>Machine Shop</u>																			+				P	P	C	C
<u>Adult Day Care Center (Business) ☐☐</u>																			+	C	C	C	P	P		

***Refer to City's Special Events Ordinance.**

Proposed Changes to Land Use Matrix – Refer to memo dated June 13, 2008

**PLANNING AND ZONING COMMISSION
AGENDA ITEM
MEETING OF JULY 21, 2008**

Amendment to the Master Thoroughfare Plan

A request by the City of Pearland, for an amendment to the Master Thoroughfare Plan, generally affecting the following roadways:

Northfork Drive, extending from Old Chocolate Bayou Road to Manvel Road (FM 1128); and Hillhouse Road, extending from Hughes Ranch Road (CR 403) to future McHard Road

SUMMARY: The proposed amendments to the Master Thoroughfare Plan were discussed at a public hearing on May 19, 2008. During the public hearing, it was discussed that more information was needed on both proposed roadways, Hillhouse Road and Northfork Drive, before any decision could be made. Therefore, the Planning and Zoning Commission tabled the item until further information could be gathered. The City's traffic consultant has look at both roadways and has the following recommendations.

Northfork Drive

The consultant has indicated that Northfork Drive was never going to be the type of facility that would carry major traffic flows. With improvements to parallel facilities, such as Bailey Road (even though it is further from FM 518), the east-west traffic will be accommodated.

Hillhouse Road

See attached report.

During the Joint Public Hearing, Staff was proposing Hillhouse Road as a 60 foot wide collector street. It was discussed that, due to the adjacent high school, that Staff should evaluate whether or not Hillhouse Road should be an 80 foot wide major collector street. The City's traffic consultant has concluded that the section of Hillhouse Road in question is unlikely to attract significant traffic volumes and that a two-lane road is sufficient, as proposed.

STAFF RECOMMENDATION: Staff recommends approval of the amendments to the Master Thoroughfare Plan, for the following reasons:

1. The proposed amendment provides for Hillhouse Road and Northfork Drive to reflect current existing conditions.

SUPPORTING DOCUMENTS:

- Existing Thoroughfare Plan for Northfork Drive
- Proposed Thoroughfare Plan for Northfork Drive
- Aerial Photograph for Northfork Drive
- Existing Thoroughfare Plan for Hillhouse Road
- Proposed Thoroughfare Plan for Hillhouse Road
- Aerial Photograph for Hillhouse Road
- Site Plan/Photographs of Northfork Drive Plans

**City of Pearland
Transportation Planning Services
Major Thoroughfare Plan**

Hillhouse Road

Background

Hillhouse Road is a two lane north-south roadway located west and generally parallel to Cullen Boulevard. With widening of Cullen Boulevard, completion of McHard Road between Cullen and SH288, and opening of the new Glenda Dawson High School, questions have arisen regarding the importance of Hillhouse Road.

This paper reports on studies conducted, and the assessment of the adequacy of Hillhouse Road to accommodate likely future traffic volumes.

Existing Conditions

Currently Hillhouse Road is a two lane facility within a 50 foot right-of-way. Hillhouse Road extends from CR 403 (Hughes Ranch Road) northerly and through the intersection with Hawk Road, to a dead end south of where McHard will ultimately be extended. There is another section of Hillhouse Road that forms a 'T' intersection with FM518, and continues northerly, providing access to properties in that area.

There is no chance that the two sections would be connected because, for that to happen, Hillhouse would need to bisect the Crystal Lake neighborhood and cross Crystal Lake itself.

Future Scenarios

With the completion of McHard Road from its current terminus in Country Place to Cullen Boulevard, it is also proposed that Hillhouse Road would be extended north to intersect with McHard. The current 50 foot right-of-way would be widened to 60 feet.

There are questions, however, regarding the necessary number of lanes needed for the future, and the right-of-way needed to accommodate those lanes. Specifically, this investigation has considered the following:

- Two lanes within a 60 foot right-of-way
- Four lanes within an 80 foot right-of-way
- Two lanes within a 60 foot right-of-way with an 80 foot right-of-way provided at the McHard intersection to accommodate future turning lanes.

Methodology

This analysis included input of the completed Hillhouse link between CR 403 and McHard into the Pearland Traffic Model Year 2010 network. The network alternative includes the new high school, as well as anticipated improvements to Cullen Boulevard, McHard Road, CR 403, and the SH 288 frontage roads.

Analysis

Adding the Hillhouse Road link between Hawk Road and McHard Road does not attract significant traffic to Hillhouse. The traffic volumes can easily be accommodated by a two lane facility. In fact, there is no difference in future year forecasts between adding Hillhouse as a two or a four lane roadway.

Findings and Recommendation

Connecting Hillhouse Road to the future completed section of McHard Road will give Hillhouse some limited continuity and, from a traffic perspective, some value as a reliever for congested conditions on Cullen Boulevard. With Cullen being widened at the same time, however, the congested conditions on Cullen will already be improved.

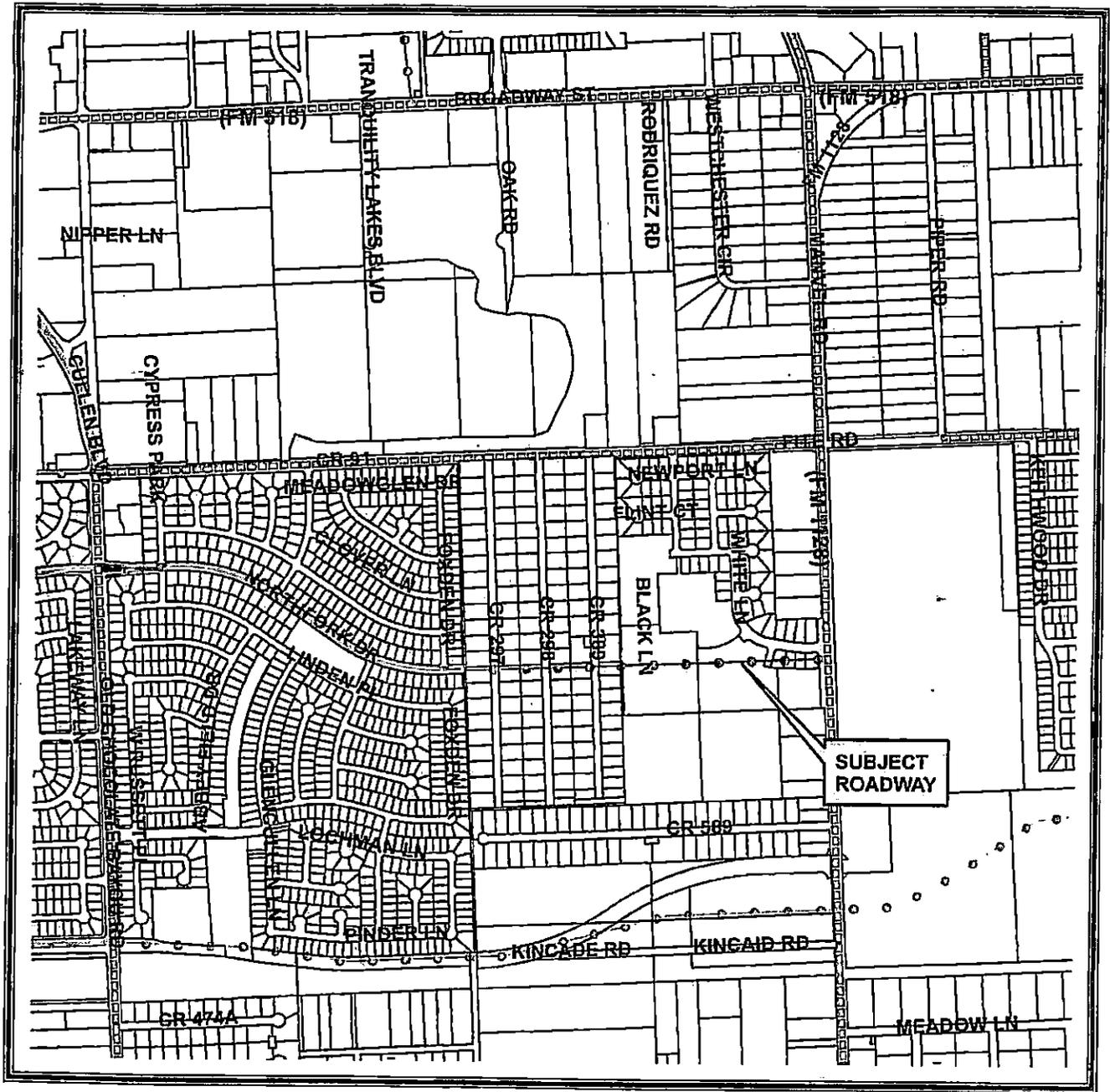
Hillhouse Road, then, becomes an alternate route for those motorists traveling east on McHard and wishing to turn right onto Cullen. To avoid the right turn from McHard onto Cullen, they may instead opt to turn onto

Hillhouse, and then turn left at CR 403 and right onto Cullen. This does not appear to produce a great advantage to motorists.

Similarly, other movements for which Hillhouse may serve as an alternate appear to provide little advantage, rather just substituting one turn for another.

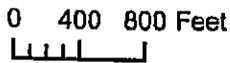
Regarding school trips, while there may be teachers and administrators who are traveling to the school via McHard and, perhaps SH 288, there will be few students, since most of the student population will be coming from south of the school.

In conclusion, completion of this section of Hillhouse Road is unlikely to attract significant traffic volumes to Hillhouse, and it appears that a two lane roadway within a 60 foot right-of-way is sufficient to accommodate future traffic. In the event, however unlikely, that volumes warrant a left turn lane on Hillhouse Road at McHard, such a design could be provided with a 60 foot right-of-way.



EXISTING THOROUGHFARE PLAN

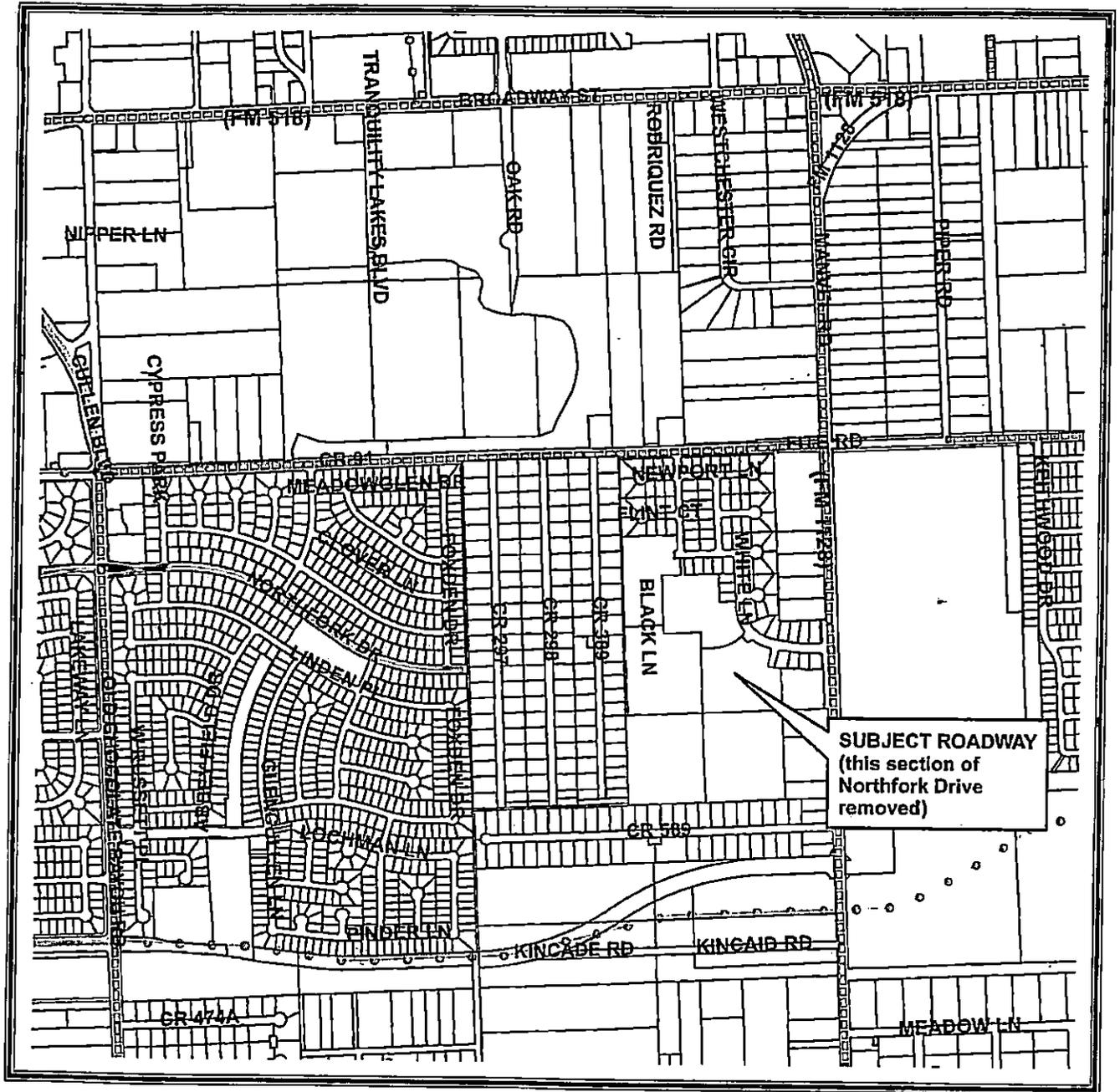
Northfork Drive
 (generally between Old Chocolate Bayou Road
 and Manvel Road (FM 1128))



Map Prepared on April 30, 2008

Legend

- Major Thoroughfares - Sufficient Width
- Major Thoroughfares - To Be Widened
- Major Thoroughfares - To Be Acquired
- Major Thoroughfares - Proposed Frontage Road
- Secondary Thoroughfares - Sufficient Width
- Secondary Thoroughfares - To Be Widened
- Secondary Thoroughfares - To Be Acquired
- Major Collector Streets - Sufficient Width
- Major Collector Streets - To Be Widened
- Major Collector Streets - To Be Acquired
- Minor Collector Streets - Sufficient Width
- Minor Collector Streets - To Be Widened
- Minor Collector Streets - To Be Acquired
- Freeway



PROPOSED THOROUGHFARE PLAN

Northfork Drive
 (generally between Old Chocolate Bayou Road
 and Manvel Road (FM 112B))

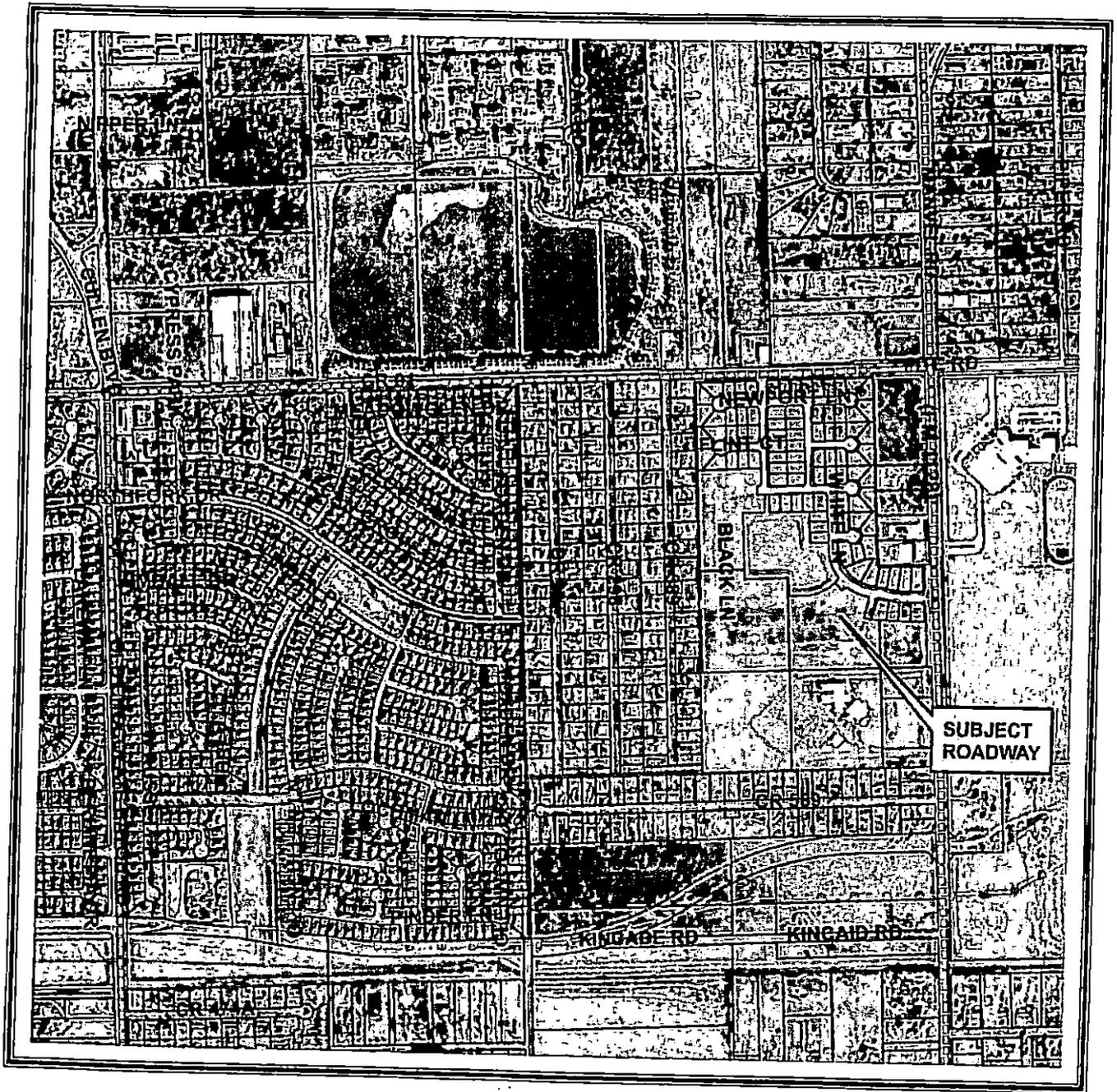
0 400 800 Feet



Map Prepared on April 30, 2008

Legend

- Major Thoroughfares - Sufficient Width
- Major Thoroughfares - To Be Widened
- Major Thoroughfares - To Be Acquired
- Major Thoroughfares - Proposed Frontage Road
- Secondary Thoroughfares - Sufficient Width
- Secondary Thoroughfares - To Be Widened
- Secondary Thoroughfares - To Be Acquired
- Major Collector Streets - Sufficient Width
- Major Collector Streets - To Be Widened
- Major Collector Streets - To Be Acquired
- Minor Collector Streets - Sufficient Width
- Minor Collector Streets - To Be Widened
- Minor Collector Streets - To Be Acquired
- Freeway



AERIAL PHOTOGRAPH AND EXISTING THOROUGHFARE PLAN

Northfork Drive
(generally between Old Chocolate Bayou Road and Manvel Road (FM 1128))

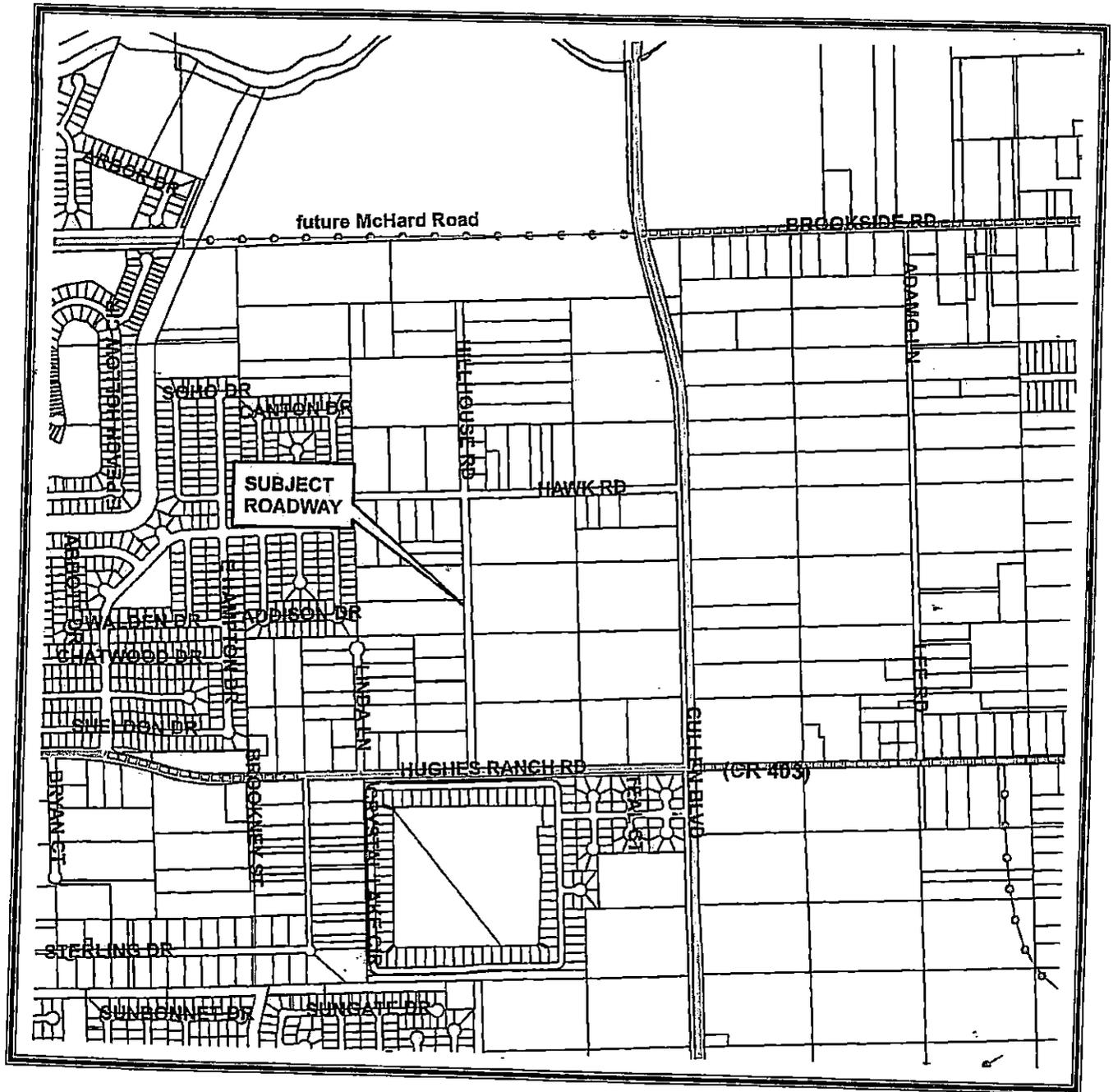


0 400 800 Feet

Map Prepared on April 30, 2008

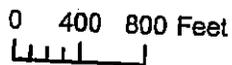
Legend

- Major Thoroughfares - Sufficient Width
- Major Thoroughfares - To Be Widened
- Major Thoroughfares - To Be Acquired
- Major Thoroughfares - Proposed Frontage Road
- Secondary Thoroughfares - Sufficient Width
- Secondary Thoroughfares - To Be Widened
- Secondary Thoroughfares - To Be Acquired
- Major Collector Streets - Sufficient Width
- Major Collector Streets - To Be Widened
- Major Collector Streets - To Be Acquired
- Minor Collector Streets - Sufficient Width
- Minor Collector Streets - To Be Widened
- Minor Collector Streets - To Be Acquired
- Freeway



EXISTING THOROUGHFARE PLAN

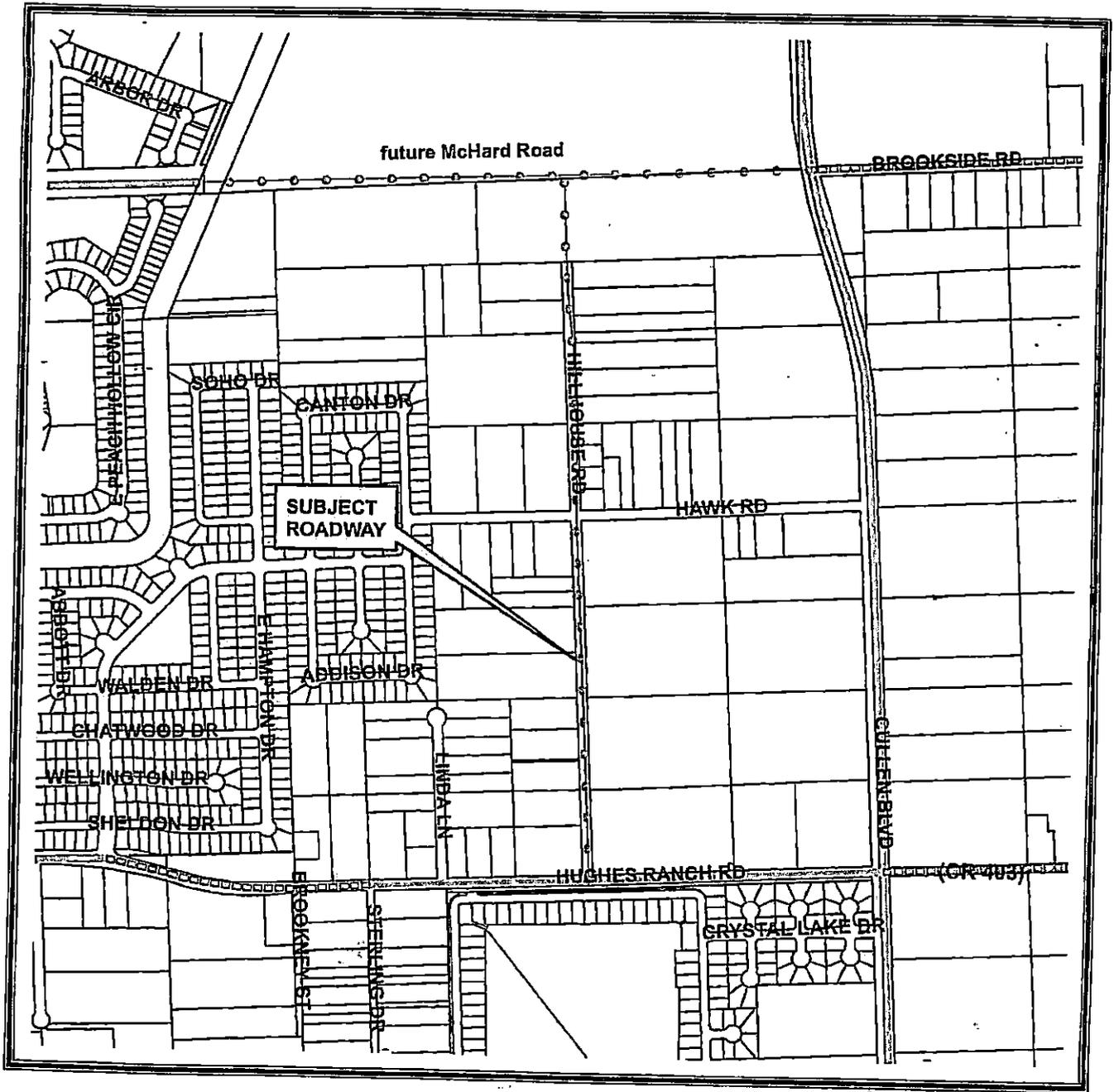
Hillhouse Road
(generally between Hughes Ranch Road
and McHard Road)



Map Prepared on April 30, 2008

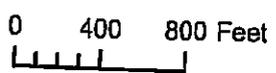
Legend

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- Major Thoroughfares - To Be Widened
- Major Thoroughfares - To Be Acquired
- Major Thoroughfares - Proposed Frontage Road
- Secondary Thoroughfares - Sufficient Width
- Secondary Thoroughfares - To Be Widened
- Secondary Thoroughfares - To Be Acquired
- Major Collector Streets - Sufficient Width
- Major Collector Streets - To Be Widened
- Major Collector Streets - To Be Acquired
- Minor Collector Streets - Sufficient Width
- Minor Collector Streets - To Be Widened
- Minor Collector Streets - To Be Acquired
- Freeway



PROPOSED THOROUGHFARE PLAN

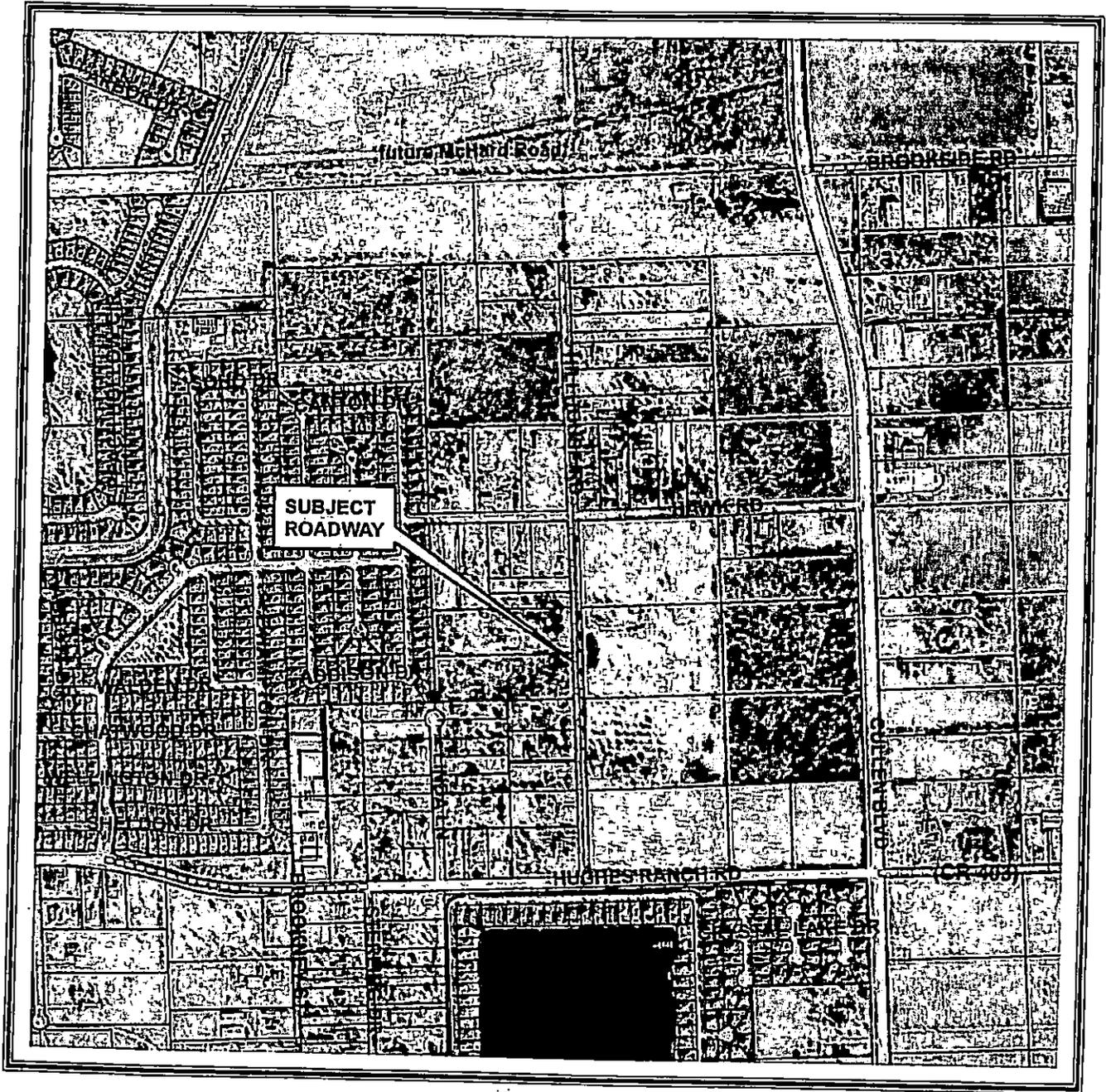
Hillhouse Road
(generally between Hughes Ranch Road
and McHard Road)



Map Prepared on April 30, 2008

Legend

- Major Thoroughfares - Sufficient Width
- Major Thoroughfares - To Be Widened
- Major Thoroughfares - To Be Acquired
- Major Thoroughfares - Proposed Frontage Road
- Secondary Thoroughfares - Sufficient Width
- Secondary Thoroughfares - To Be Widened
- Secondary Thoroughfares - To Be Acquired
- Major Collector Streets - Sufficient Width
- Major Collector Streets - To Be Widened
- Major Collector Streets - To Be Acquired
- Minor Collector Streets - Sufficient Width
- Minor Collector Streets - To Be Widened
- Minor Collector Streets - To Be Acquired
- Freeway



AERIAL PHOTOGRAPH AND PROPOSED THOROUGHFARE PLAN

Hillhouse Road
(generally between Hughes Ranch Road and McHard Road)

0 400 800 Feet

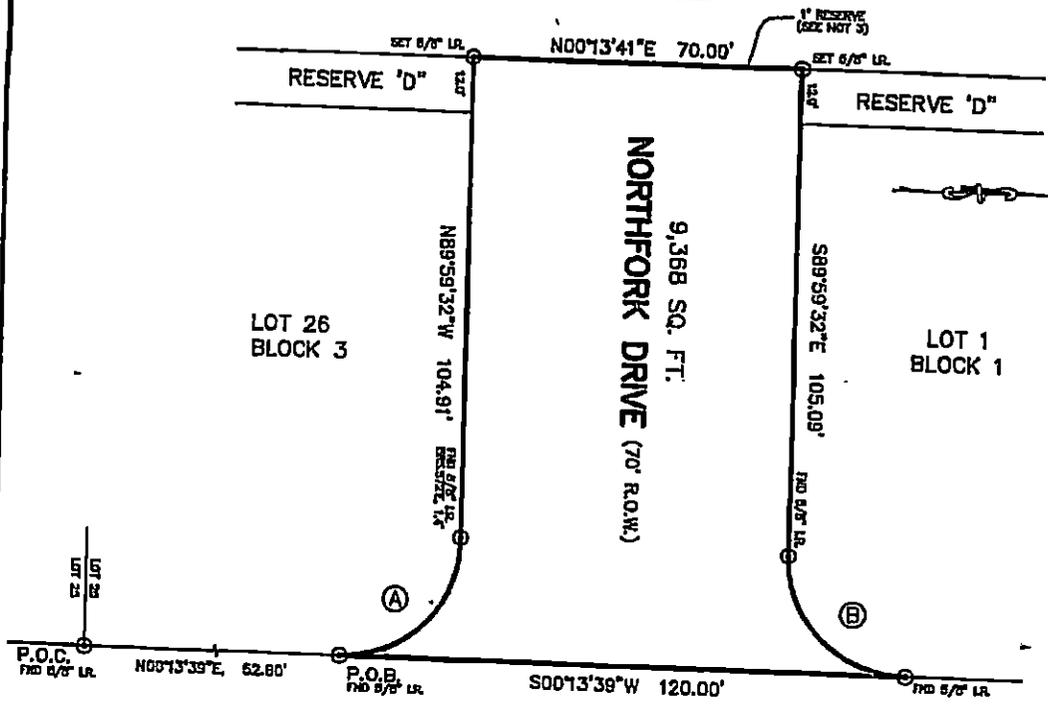


Map Prepared on April 30, 2008

Legend

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- Major Thoroughfares - To Be Acquired
- Major Thoroughfares - Proposed Frontage Road
- Secondary Thoroughfares - Sufficient Width
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- Major Collector Streets - Sufficient Width
- Major Collector Streets - To Be Widened
- Major Collector Streets - To Be Acquired
- Minor Collector Streets - Sufficient Width
- Minor Collector Streets - To Be Widened
- Minor Collector Streets - To Be Acquired
- Freeway

CALL 0.724 ACRES
S.O.P.F. NO. 02-02223



BLACK LANE (50' R.O.W.)

- Ⓐ R=25.00'
L=39.36'
CHB=N44°52'25"W-35.42'
- Ⓑ R=25.00'
L=39.18'
CHB=N45°07'35"E-35.29'

NOTES:

1. SURVEYOR HAS NOT ABSTRACTED THE SUBJECT PROPERTY, ABSTRACTING BY TITLE COMPANY ONLY. THERE MAY BE EASEMENTS, RESTRICTIONS, AND OTHER MATTERS OF RECORD NOT SHOWN HEREON.
2. ALL BEARINGS SHOWN HEREON ARE BASED ON THE RECORDED PLAT.
3. 1' RESERVE DEDICATED TO THE PUBLIC IN FEE AS A BUFFER SEPERATION BETWEEN THE SIDE OR END OF STREETS WHERE SUCH STREETS ADJACENT PROPERTY, THE CONDITION OF THIS DEDICATION BEING THAT WHEN THE ADJACENT PROPERTY IS SUBDIVIDED OR RE-SUBDIVIDED IN A RECORDED SUBDIVISION PLAT, THE 1' RESERVE SHALL THEREUPON BECOME VESTED IN THE PUBLIC FOR STREET RIGHT-OF-WAY PURPOSES & THE FEE TITLE THERE TO SHALL REVERT TO AND REVEST IN THE DEDICATOR, HIS HEIRS, ASSIGNS, OR SUCCESSORS.

PLAT OF SURVEY

SCALE: 1" = 30'

FLOOD MAP:
THIS PROPERTY LIES IN ZONE "X"
AS DEPICTED ON COMMUNITY PANEL
No. 48039C 0040 I, DATED: 09-22-99.

THIS INFORMATION IS BASED ON GRAPHIC PLOTTING ONLY. WE DO NOT ASSUME RESPONSIBILITY FOR EXACT INTERPOLATION

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FOR: D.R. HORTON HOMES
ADDRESS: BLACK LANE
ALLPOINTS JOB No.: DR9213 EO
G.F.F.: NONE

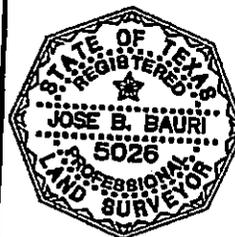
9,368 SQ. FT. OUT OF NORTHFORK DRIVE
CAMBRIDGE LAKE, SECTION 2,
DOC. # 2007027331, OFFICIAL RECORDS;
BRAZORIA COUNTY, TEXAS.
(SEE ATTACHED METES & BOUNDS)

I HEREBY CERTIFY THAT THIS PLAT REPRESENTS THE
RESULTS OF A SURVEY MADE ON THE GROUND, ON THE 23rd
DAY OF FEBRUARY, 2008.

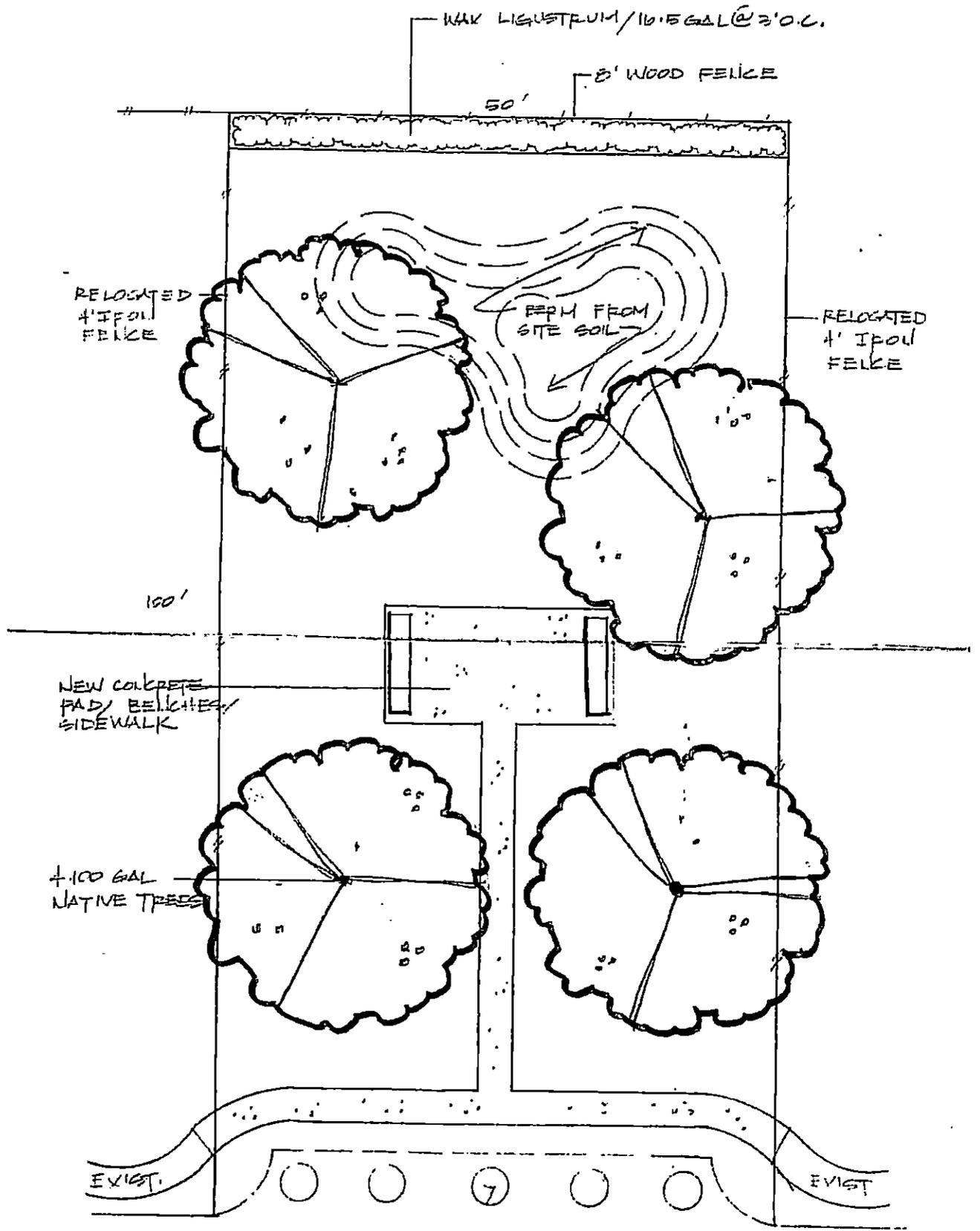
Jose B. Bauri



ALLPOINTS
SERVICES CORP
PHONE: 713-468-7107
FAX: 713-527-1851



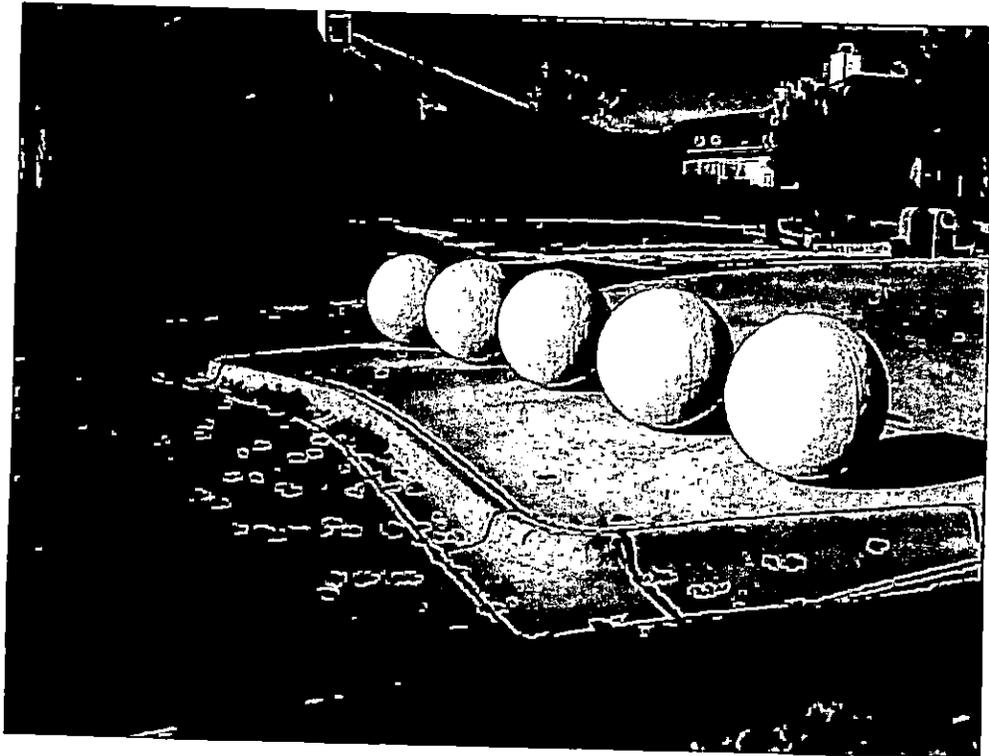
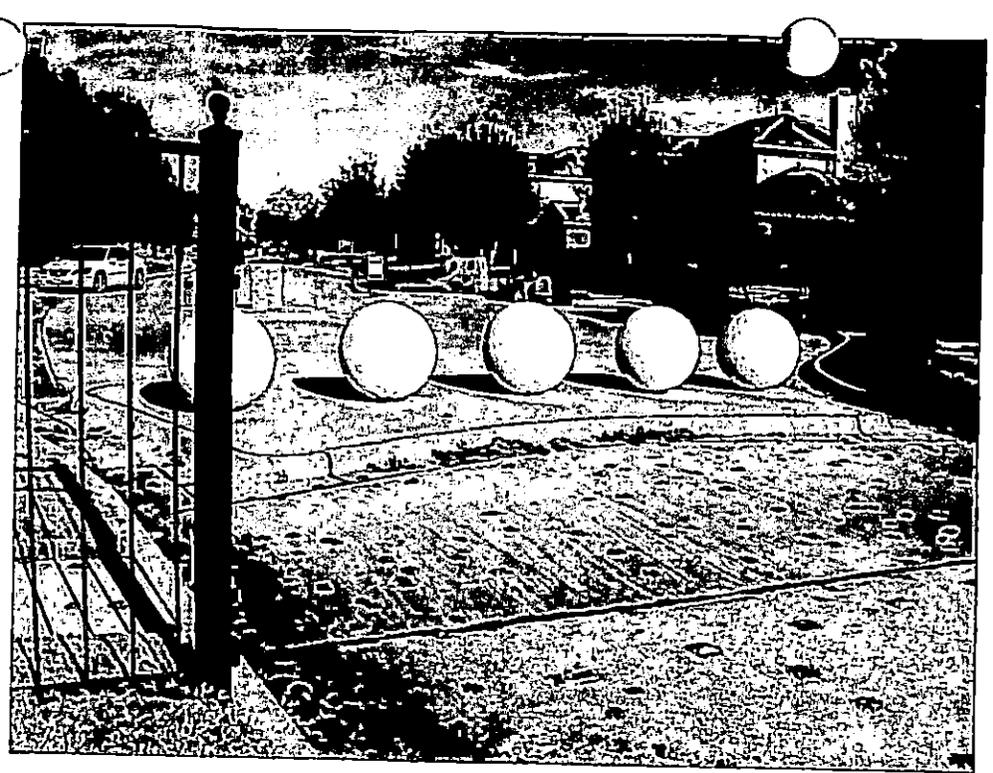
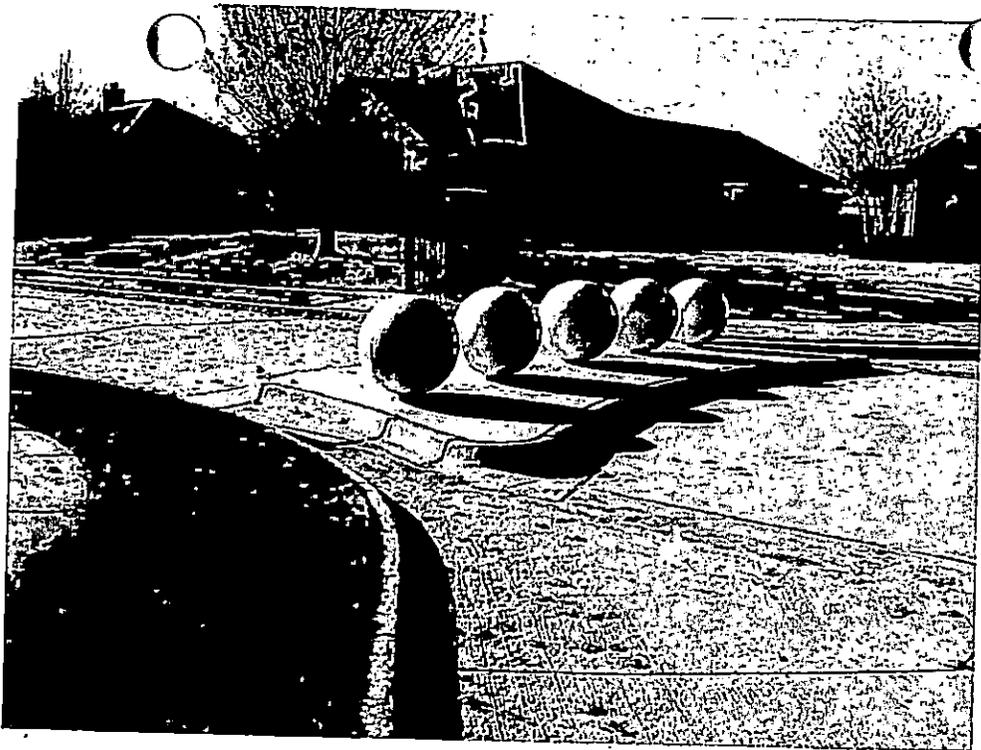
ALLPOINTS SERVICES CORP. COMMERCIAL/BUILDER DIVISION 1515 WITTE ROAD, HOUSTON, TEXAS 77080



SCALE 1/8" = 1'-0"

--- NEW CONCRETE 30" BELCHES

Cambridge Lakes / AQUA-TEX



**JOINT PUBLIC HEARING AGENDA ITEM
MEETING OF MAY 19, 2008**

Amendment to the Master Thoroughfare Plan

A request by the City of Pearland, for an amendment to the Master Thoroughfare Plan, generally affecting the following roadways:

Northfork Drive, extending from Old Chocolate Bayou Road to Manvel Road (FM 1128); and Hillhouse Road, extending from Hughes Ranch Road (CR 403) to future McHard Road

APPROVAL PROCESS: After this Joint Public Hearing, the requested thoroughfare plan amendment will be considered as follows:

Planning and Zoning Commission: May 19, 2008*
City Council for First Reading: June 9, 2008*
City Council for Second Reading: June 23, 2008*

(*dates subject to change if item is tabled)

SUMMARY: The City of Pearland is proposing amendments to the Master Thoroughfare Plan. The Master Thoroughfare Plan was last updated in November of 2007. -

The proposed amendment affects two roadways, Northfork Drive and Hillhouse Road.

Northfork Drive

Northfork Drive currently extends from the west end of Silverlake to a residential subdivision on the east side of Old Chocolate Bayou Road. It currently dead-ends at Foxden Drive in the Southwyck subdivision.

Cambridge Lake, a subdivision on the west side of Manvel Road and just south of Fite Road, is currently developing. The developer of Cambridge Lake constructed a 60 foot

wide street within their subdivision and called it Northfork Drive. The reason that the developer constructed this road as a 60 foot street, which is the required width of a collector street, is due to the Master Thoroughfare Plan. Northfork Drive is shown within Cambridge Lake as a stub-out street connection to the property to the west. In light of current development, continuation of Northfork would not conform with the street standards contained within the Unified Development Code that states the following: "Residential collector streets shall be laid out such that their use by "cut through" traffic will be discouraged, with the development of a hierarchical street system and such measures as circuitous routes or multiple turns or offsets, but such that access is provided to adjacent subdivisions."

The Master Thoroughfare Plan currently shows Northfork Drive connecting from the Southwyck subdivision to the Cambridge Lake subdivision, but the connection is shown going through an existing subdivision that is located in the City's ETJ, not the City limits. Due to the existing subdivision, it is unlikely that Northfork Drive will be constructed as a continuous roadway from Manvel Road and westward.

The homeowners association for Cambridge Lake has requested an abandonment of the stubbed out portion of Northfork Drive at its intersection with Black Lane. The homeowners association would like to convert the abandoned right-of-way into a green space amenity to serve the residents of Cambridge Lake. Attached are drawings and photographs showing what the homeowners association has planned for the area.

Hillhouse Road

Hillhouse Road currently extends from FM 518 (Broadway Street) to the southern end of the Crystal Lake subdivision, but it does not connect to Crystal Lake. Then, from Hughes Ranch Road (County Road 403) northward, Hillhouse Road dead ends just short of the future extension of McHard Road. On the Master Thoroughfare Plan, all of these sections of Hillhouse Road are shown as local/residential streets with a right-of-way of 50 feet.

The section of Hillhouse Road under consideration for this amendment is the section that extends from Hughes Ranch Road northward. There are several tracts of land within this area that are currently undeveloped and some either have access only to Hillhouse Road or are landlocked with no access at all. Since Hillhouse Road currently dead-ends just short of McHard Road, it is a dead-end street that extends quite a distance without a connection to a through street that connects somewhere else. There has been some interest lately in these undeveloped parcels of land on Hillhouse Road, and the property owners are having access issues. Recently, the Planning and Zoning Commission considered a variance for a property owner that is wanting to plat their land, and the property owner was required to construct a street or access drive, and with Hillhouse Road already being a dead-end street, the length of the road without a through street was a concern.

The proposed amendment would allow for Hillhouse Road to be upgraded to a collector street with a projected right-of-way of 60 feet, and it would extend northward to provide a connection to future McHard Road. This would allow for Hillhouse Road to connect to a through street and not dead end, and would provide a through street connection for some of the parcels that are landlocked.

STAFF RECOMMENDATION: Staff recommends approval of the amendments to the Master Thoroughfare Plan, for the following reasons:

1. The proposed amendment provides for Hillhouse Road and Northfork Drive to reflect current existing conditions.

SUPPORTING DOCUMENTS:

- Existing Thoroughfare Plan for Northfork Drive
- Proposed Thoroughfare Plan for Northfork Drive
- Aerial Photograph for Northfork Drive
- Existing Thoroughfare Plan for Hillhouse Road
- Proposed Thoroughfare Plan for Hillhouse Road
- Aerial Photograph for Hillhouse Road
- Site Plan/Photographs of Northfork Drive Plans

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: Thaddeus Eastland

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I wish to speak regarding Item No. 3B One Chng 2008-11Z

Joint Public Hearing

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I wish to speak regarding Item No. 38

Gene Chung

2008-11Z

Joint Public Hearing

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Name:

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I wish to speak regarding Item No.

III-B

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2008-11Z

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:

Aick Kilday

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I wish to speak regarding Item No.

3B

*Gene Chung
2008-11-8*

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: Jason Guzak

Full Address: 2211 Braer Ridge Dr.

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I wish to speak regarding Item No. CUP2008-20