

MINUTES OF THE JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON MAY 19, 2008, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

CALL TO ORDER

The public hearing was called to order at 6:34 p.m. Mayor Pro-Tem Helen Beckman opened the hearing for the City Council and P&Z Chairperson Henry Fuertes opened the hearing for the Planning and Zoning Commission, with the following present:

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

Also in attendance: City Manager Bill Eisen; Assistant City Manager Nick Finan; Assistant City Manager Mike Hodge; City Attorney Darrin Coker; Deputy City Attorney Nghiem Doan; Planning Director Lata Krishnarao; Senior Planner Theresa Grahmann; and Planning Administrative Secretary Judy Krajca. (Commissioner Capehart arrived at 6:45 p.m.)

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 Amendment to the Master Thoroughfare Plan was opened at 6:38 p.m.

CONSIDERATION & POSSIBLE ACTION – Amendment to the Master Thoroughfare Plan

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

Senior Planner Grahmann read the staff report with a recommendation for approval.

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

Council Member Cole inquired about the retail node and if an 80 feet Right of Way should be requested for Hillhouse Road, instead of a 60 feet Right of Way due to the school development. Mr. Cole also commented that a school is located at the end of Northfork Drive.

Senior Planner Grahmann commented that it might be best to have P&Z table the item in order for the Planning Department to meeting with the Engineer.

The public hearing for Amendment to the Master Thoroughfare Plan was adjourned at 6:49 p.m.

The public hearing for Conditional Use Permit No. CUP2008-17 was opened at 6:49 p.m.

CONSIDERATION & POSSIBLE ACTION – Conditional Use Permit No. CUP2008-17

P&Z Chairperson Fuytes read the purpose of the hearing.

A request by Environmental Services Group, Inc., applicant for Airgas Specialty Gases, Inc., owner, for approval of a Conditional Use Permit for a "petroleum product extraction, refining, manufacturer, and storage" facility, in the Heavy Industrial District (M-2), on the following described property, to wit:

Legal Description: 14.7071 acres of land out of lots 172 and 173 of the Zychlinski Subdivision out of the H.T. & B.R.R. Company Survey, Section 27, Abstract 308, and the G. C. Smith Survey, Section 28, Abstract 551, according to the plat recorded in Volume 29, Page 9, of the Deed Records of Brazoria County, Texas, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the West Side of State Highway 35 (Main Street), and on the South Side of Industrial Drive

Senior Planner Grahmann read the staff report making a recommendation that Platting take place within six months of approval.

Mr. Dan Farris of 142 Red Cedar Ave., Myrtle Beach, South Carolina spoke on behalf of the applicant.

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

Council Member Cole inquired about the flare stack, and Mr. Farris explained their purpose.

Council Member Saboe asked Senior Planner Grahmann what was triggering the CUP. Ms. Grahmann explained that staff is working with Airgas Specialty on their permit while applying for a CUP, which would make the entire site in conformance.

Council Member Saboe inquired if the Fire Marshal has looked at the product and if a CUP is required. Mayor Pro-Tem Beckman stated her concern was the citizen's safety.

P&Z Vice Chairperson Koza, Jr. stated that from personal experience, Airgas Specialty will always improve whatever they take over, and he has confidence they will do so in this case.

Discussion continued among the Council/Commission/Applicant.

Mr. Eric Goodman of 5123 Stone River Ave, Baton Rouge, LA spoke in more detail about the flaring process.

The public hearing for Conditional Use Permit No. 2008-17 was adjourned at 7:16 p.m.

The public hearing for Conditional Use Permit No. CUP2008-16 and Zone Change No. 2008-08Z were opened concurrently at 7:16 p.m.

CONSIDERATION & POSSIBLE ACTION – Conditional Use Permit No. CUP2008-16

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

A request by Will Benson of The National Realty Group, applicant for Hiep Pham, Inc., owner, for approval of a Conditional Use Permit for the following uses: construction contractor with storage yard; machinery sales, storage, and repair; moving and storage company; printing company; office warehouse storage and sales; outside storage; storage of used lumber and building products; tool and machinery rental; welding shop; warehouse and distribution facility; in the General Commercial District (GC), on the following described property, to wit:

Legal Description: 6.00 acres of land, approximately, being a portion of Lots 37A, 37B, Abstract 542, and Tracts 36A-36C1, Abstract 233, H.T. & B.R.R. Company Survey, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the East Side of State Highway 35 (Main Street), and on the South Side of Halik Road

Senior Planner Grahmann read the staffs report recommending approval for both the CUP and Zone Change.

The applicant was not present, but a representative was. Mr. Steve Robinson of 2614 Sleepy Hollow, Pearland, TX spoke

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

Council Member Saboe inquired as to why the CUP was being heard before the Zone Change. Much discussion ensued, with comparison to the future Land Use Map.

Council Member Cole recommended that P&Z table the Zone Change in order for the applicant to answer question's that Council has.

Council Member Kyle stated she does not see a problem with P&Z voting on the CUP. Council Member Saboe stated he would rather P&Z not vote until the applicant can answer questions with regards to screening.

The public hearing for Conditional Use Permit No. CUP2008-16 and Zone Change No. 2008-08Z were adjourned concurrently at 7:49 p.m.

CONSIDERATION & POSSIBLE ACTION – Zone Change No. 2008-08Z

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

A request by Will Benson of The National Realty Group, applicant for Hiep Pham, Inc., owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification General Commercial District (GC) to Light Industrial District (M-1), on the following described property, to wit:

Legal Description: 6.42 acres of land, approximately, being a portion of Lots 37A, 37B, Abstract 542, and Tracts 36A-36C1, Abstract 233, H.T. & B.R.R. Company Survey, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the East Side of State Highway 35 (Main Street), and on the South Side of Halik Road

See comments under CUP 2008-16.

The public hearing for Conditional Use Permit No. CUP2008-16 and Zone Change No. 2008-08Z were adjourned concurrently at 7:49 p.m.

The public hearing for Zone Change No. 2008-12Z was opened at 7:49 p.m.

CONSIDERATION & POSSIBLE ACTION – Zone Change No. 2008-12Z

A request by CBL and Associates, Inc., owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Planned Development District (PD) to Planned Development District (PD), an amendment to the existing PD for Pearland Town Center, on the following described property, to wit:

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

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

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

Planning Director Krishnarao read the staff report with discussion centered on parking ratios, transparency, and signage.

Mr. Ken Wittler of CBL & Associates, 6148 Lee Highway, Chattanooga, TN spoke on behalf of the applicant.

Mr. Larry Marcott of 3606 Inverness Court spoke and commented that all towns listed in comparison of the parking had public transportation. He recommended the City stay with our requirements, outlined in the UDC.

Council Member Saboe stated he only had an issue with the parking. There was discussion among the Council and Mr. Wittler with regards to the proposed reduction of 1.5 spaces per unit.

Council Member Kyle asked for more comparable cities parking ratio, such as Sugar Land.

The public hearing for Zone Change No. 2008-12Z was adjourned at 8:27 p.m.

ADJOURNMENT

Mayor Pro-Tem Helen Beckman adjourned the series of hearings at 8:28 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

Helen
Steve
Woody
Felicia
Kevin

Henry
Jerry
Darrel
Neil

Charles
Susan
Ron arrived @ 6:45

Staff

Mike, Nick, Bill E.
Darrin, Nghiem, Lawrence,
Lata, Judy, TAG

JUDY'S NOTES FROM THE JPH MTG.

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD MAY 19, 2008, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER Mayor Pro-Tem Helen Beckmann @ 6:34

II. PURPOSE OF HEARING P&Z Comm. Henry Fuertes opened @ 6:34
TAG explained... Hearing Process
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

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT TAG read staff rpt. Staff recommends approval
& Applicant

IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST No one present

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

Kevin inquired about retail Node & if an '80' ^{Row should} ~~be~~ requested, instead of 60' (school is @ end of road). TAG said might be best if P&Z tabled & allow planning to meet w/ Eng.

VI. ADJOURNMENT @ 6:49

Neil arrived @ 5:57 pm

JUDY'S NOTES FROM THE JPH MTG.

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I. CALL TO ORDER 6:49

II. PURPOSE OF HEARING Helen & Henry

Conditional Use Permit No. CUP2008-17

A request by Environmental Services Group, Inc., applicant for Airgas Specialty Gases, Inc., owner, for approval of a Conditional Use Permit for a "petroleum product extraction, refining, manufacturer, and storage" facility, in the Heavy Industrial District (M-2), on the following described property, to wit:

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General Location: Generally Located on the West Side of State Highway 35 (Main Street), and on the South Side of Industrial Drive

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT TAB read... recommend plotting w/in next 12 mo's.
Staff recommends approval

B. APPLICANT PRESENTATION

Ron Ferris, w/Verigas of 142 Red Cedar Ave, Myrtle Beach, SC spoke briefly.

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

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

Kevin ~~Harris~~ inquired about flarestack. Mrs Ferris explained Steve asked TAB what was triggering CUP. Staff is working w/ Airgas Specialty on their permit while applying for a CUP.

VI. ADJOURNMENT

Nick spoke in regards to future expansion & the flarestack. Steve Sabae asked if Fire Marshal has looked at the products & if a CUP is required. Mr. Ferris explained what all Helen. Concern of our citizens is safety. brry stated from a personal exp. Airgas will always improve what it takes over. →

Cup 2008-17

V Discussion Cont. between Council/Comm/appl.

Eric Goodman spoke in more detail about the flaring process

5123 Stone River Ave
Baton Rouge, LA

VI adj. 7:16pm

JUDY'S NOTES FROM THE JPH MTG.

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I. CALL TO ORDER 7:10

II. PURPOSE OF HEARING ~~7:10~~

Conditional Use Permit No. CUP2008-16

A request by Will Benson of The National Realty Group, applicant for Hiep Pham, Inc., owner, for approval of a Conditional Use Permit for the following uses: construction contractor with storage yard; machinery sales, storage, and repair; moving and storage company; printing company; office warehouse storage and sales; outside storage; storage of used lumber and building products; tool and machinery rental; welding shop; warehouse and distribution facility; in the General Commercial District (GC), on the following described property, to wit:

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General Location: Generally Located on the East Side of State Highway 35 (Main Street), and on the South Side of Halik Road

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT TAG read... Staff recommends approval.

B. APPLICANT PRESENTATION Present but no need to speak

IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST no one present

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

Steve - inquired why we are hearing the case before the zone change. Much discussion.

VI. ADJOURNMENT

Much Discussion in comparison to the Future Land Use Map.

closed 7:49

JUDY'S NOTES FROM THE JPH MTG.

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD MAY 19, 2008, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

Helen opened @ 7:27 pm. - Concurrent w/ CUP 2008-16

II. PURPOSE OF HEARING

Zone Change No. 2008-08Z

A request by Will Benson of The National Realty Group, applicant for Hiep Pham, Inc., owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification General Commercial District (GC) to Light Industrial District (M-1), on the following described property, to wit:

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General Location: Generally Located on the East Side of State Highway 35 (Main Street), and on the South Side of Halik Road

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT

TAG read... Staff recommends approval

B. APPLICANT PRESENTATION

Steve Robinson of 2614 Sleepy Hollow Pearland

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

no one present

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

Kevin recommend P&Z to table in order for the applicant to answer questions that Council has.

VI. ADJOURNMENT

Felicia - doesn't see a problem w/ P&Z voting on CUP (either appr. or denial). Steve would rather P&Z not vote w/o speaking to applicant ~~due to screening~~ issue

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD MAY 19, 2008, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER 7:49 Helen & Henry

II. PURPOSE OF HEARING

Zone Change No. 2008-12Z

A request by CBL and Associates, Inc., owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Planned Development District (PD) to Planned Development District (PD), an amendment to the existing PD for Pearland Town Center, on the following described property, to wit:

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

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT *data read... 1. Discussing parking ratio, 2. Transparency 3. Signage*

B. APPLICANT PRESENTATION

Ken Witter w/ CBL Assoc.

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

Harry Marcott 3606 Inverness Ct - all towns listed in comparisons for parking had public transport city needs to stick w/ our requirement.

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

Steve - only issue is w/ parking. Some discussion w/ Ken Witter on their proposed reduction of

VI. ADJOURNMENT *1.5 spaces per unit*

*Jelicia asking for more comparable cities (parking ratio -ie.. Sugarland
Adj @ 8:27*

*Tape 2
side A*

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: Stephan Robinson

Full Address: 2614 Sleepy Hollow

(include zip) Pearland, Tx 77581

I wish to speak regarding Item No. 2008-087

10

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: ERIC GOODMAN

Full Address: 5123 STONES RIVER AVE

(include zip) BATON ROUGE, LA 70817

I wish to speak regarding Item No. CUP2008-17

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:

Dan Farri's

Full Address:

142 Red Cedar Ave

(include zip)

Myrtle Beach, SC 29588

I wish to speak regarding Item No. _____

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 Marcot

Full Address: 3606 Inverness Ct 77581

(include zip)

I wish to speak regarding Item No. 2008-12 Z



City Of Pearland Conditional Use Permit Presentation

**Airgas Specialty Gases
Pearland, Texas
May 19, 2008**

Airgas.
You'll find it with us.

Airgas Attendees

- Dan Farris: Director Safety and Compliance
- Eric Goodman: Engineering Manager
- Chris Porter: Pearland Facility Manager



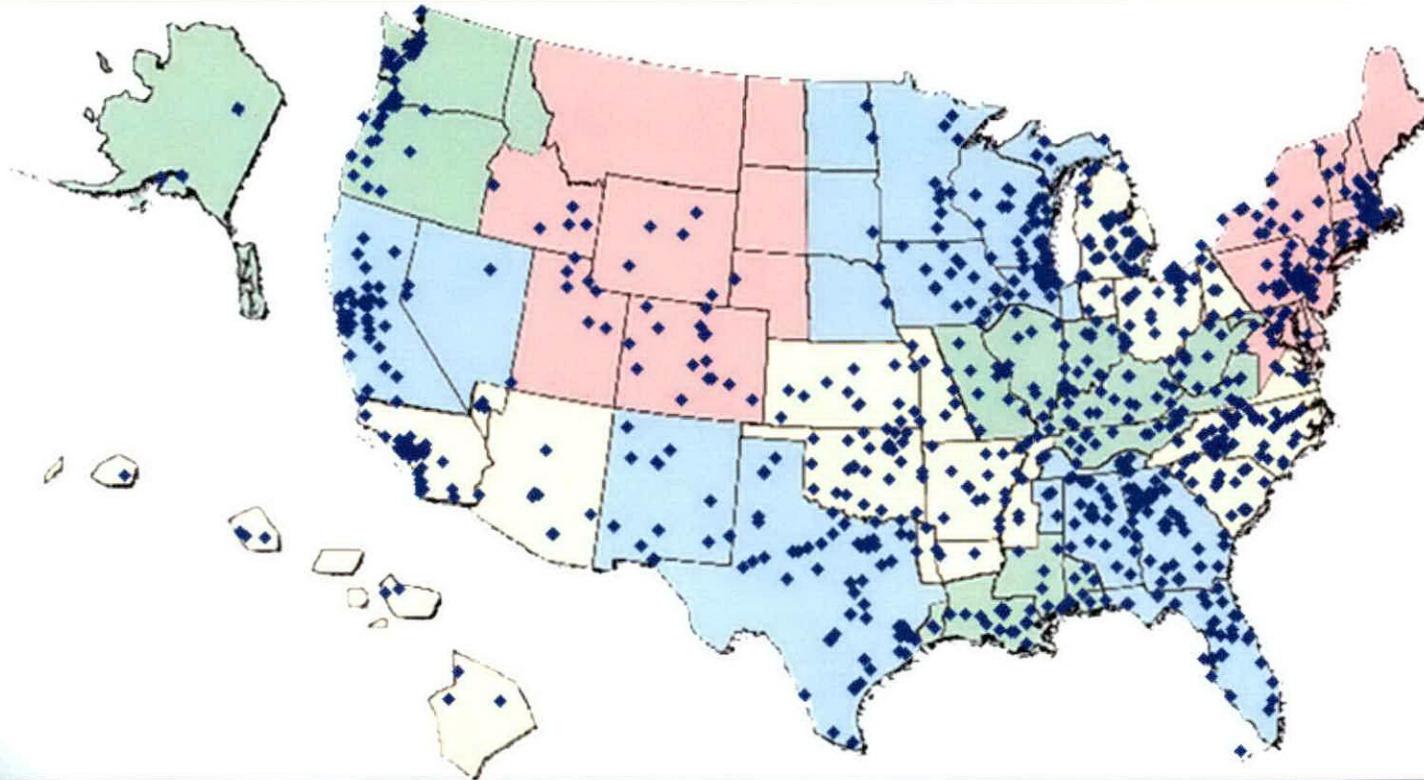
Background on Airgas

- Airgas is a national company with sales over \$4 Billion annually
- Gas is our principal product
 - Airgas supplies the broadest range of industrial, specialty and medical gases, and related equipment
 - Industrial and bulk gases
 - Specialty gases and equipment
 - Medical gases
 - Welding supplies
 - Welder and positioner rentals
 - Safety products
 - Dry ice and liquid carbon dioxide
 - Nitrous oxide
 - Nationwide network of specialty gas labs
 - Largest U.S. producer of nitrous oxide
 - Leading U.S. supplier of liquid CO₂ and dry ice



Airgas.
You'll find it with us.

Known Locally Nationwide



1,100 Locations

~350 HP fill plants, ~23 acetylene plants,
~65 spec gas labs, 14 ASUs, 6 distribution
centers, 800+ retail stores

14,000 Associates

1,300 sales people
(25% specialists)
4,500+ drivers

9 MM+ Cylinders

~12,000 Bulk tanks
4,500+ Vehicles

Airgas.

You'll find it with us.

ASG Pearland - Facility Background

- The Pearland facility located at 4344 South Main was originally built / placed into operation by BMS Inc in late 1991
- Since it's startup, the Pearland facility has managed the storage, filling, and distribution of various liquefied petroleum gas (LPG) products



ASG Pearland - Facility Background

- Airgas acquired the 28 acre BTU site in Pearland along with several other operations from the Union Industrial Gases (UIG) organization November 1st, 2006.
- After acquisition, efforts targeted facility compliance to all regulatory (permits to operate, licensing, transition of services, occupancy, etc) and internal Airgas operating standards (safety, operations, quality, business systems, etc).
- Airgas met with the city planning commission on December 13th, 2006 during a pre-development conference to discuss future planning regarding the site and to ensure facility development was consistent with planning guidelines.

ASG Pearland - Facility Background

- Airgas acquired and maintains state licensing to operate the facility issued by the Texas Railroad Commission.
- Since the acquisition, Airgas has made numerous voluntary safety improvements resulting in various upgrades to the site's overall safety systems.
- Improvements include:
 - Installation of a fire suppression system to blanket the existing tank farm in excess of \$700,000.
 - Paving to create a fire safety lane around the facility to ensure the highest degree of safety should emergency response be required at the site.
 - Lighting and security upgrades to reduce the potential for malicious activity on property.



Safety & Regulatory Compliance

- Airgas continues to maintain and enhance an excellent safety record.
- The Airgas Pearland facility operates under EPA Risk Management Plans and OSHA Process Safety Management Plans.

The Future of ASG Pearland

- Airgas continues to explore the consolidation of operations from our Airgas Specialty Gases facility on Robin Blvd (Houston, TX) into the ASG Pearland site.
 - The primary focus of the Robin Blvd facility is essentially the same as ASG Pearland; the packaging / distribution of high purity gases.
 - The ASG Pearland facility has the space and support functions that make it the most attractive location for consolidation.
 - The upgrades (fire suppression, lighting, etc) that have been incorporated into ASG Pearland were designed to accommodate the future demands that may be required for this consolidation.
 - Airgas is actively working with Pearland's Economic Development Group to prepare for transition which is targeted to happen within the next 3 years.

ASG Pearland Product Portfolio (Current and Future)

- Products currently being filled at ASG Pearland:
 - Propane
 - Propylene
 - N-Butane
 - Isobutane
 - Butene-1
 - Isobutylene
 - 1,3 Butadiene
 - Pentanes
- Products targeted to transfer to ASG Pearland from the Robin Blvd facility:
 - Ethylene
 - Ethane
 - Methane
 - Carbon Monoxide
 - Sulfur Hexafluoride
 - Methyl Chloride
 - Ethyl Chloride
 - Refrigerants R-22, R-134A

Airgas.
You'll find it with us.

Additional Upgrades to Support Consolidation

- In order to consolidate the Robin Blvd operations at ASG Pearland, additional improvements to the site will be required and may include:
 - Overhead structure to provide protection from rain and direct sunlight for cylinder filling
 - Additional storage tanks for bulk product storage
 - Additional concrete paving to support vehicular traffic and operations
 - Electrical upgrades to support new pumps, compressors, and other electrical demands

Organizational Overview

- Pearland currently employs 5 Airgas associates
- Robin Blvd currently employs 13 Airgas associates
- The consolidated Pearland facility is expected to employ up to 20 associates

In Closing

- Airgas would like to thank the City of Pearland for its support during the past 2 years and we look forward to a bright future.
- At this time are there any questions?

Airgas.
You'll find it with us.



MEMO

TO: PLANNING & ZONING COMMISSION

FROM: JUDY KRAJCA, PLANNING ADMINISTRATIVE SECRETARY

DATE: MAY 19, 2008

RE: SUMMARY

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

Meatloaf
Twice Baked Potatoes
Mixed Vegetables
Cole Slaw
Coconut Cake
Executive Snack for P&Z

A Special Meeting is scheduled in the Council Chambers, beginning at 6:00 p.m. for City Council only.

At 6:30 p.m., we will begin the Joint Public Hearings. Upon completion, the P&Z Commission will move upstairs to the 2nd floor Conference room for the P&Z Meeting. (Council will remain in the Chambers to continue the Special Meeting.) City Council agendas are attached.

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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:

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

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 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 hierarchial 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.

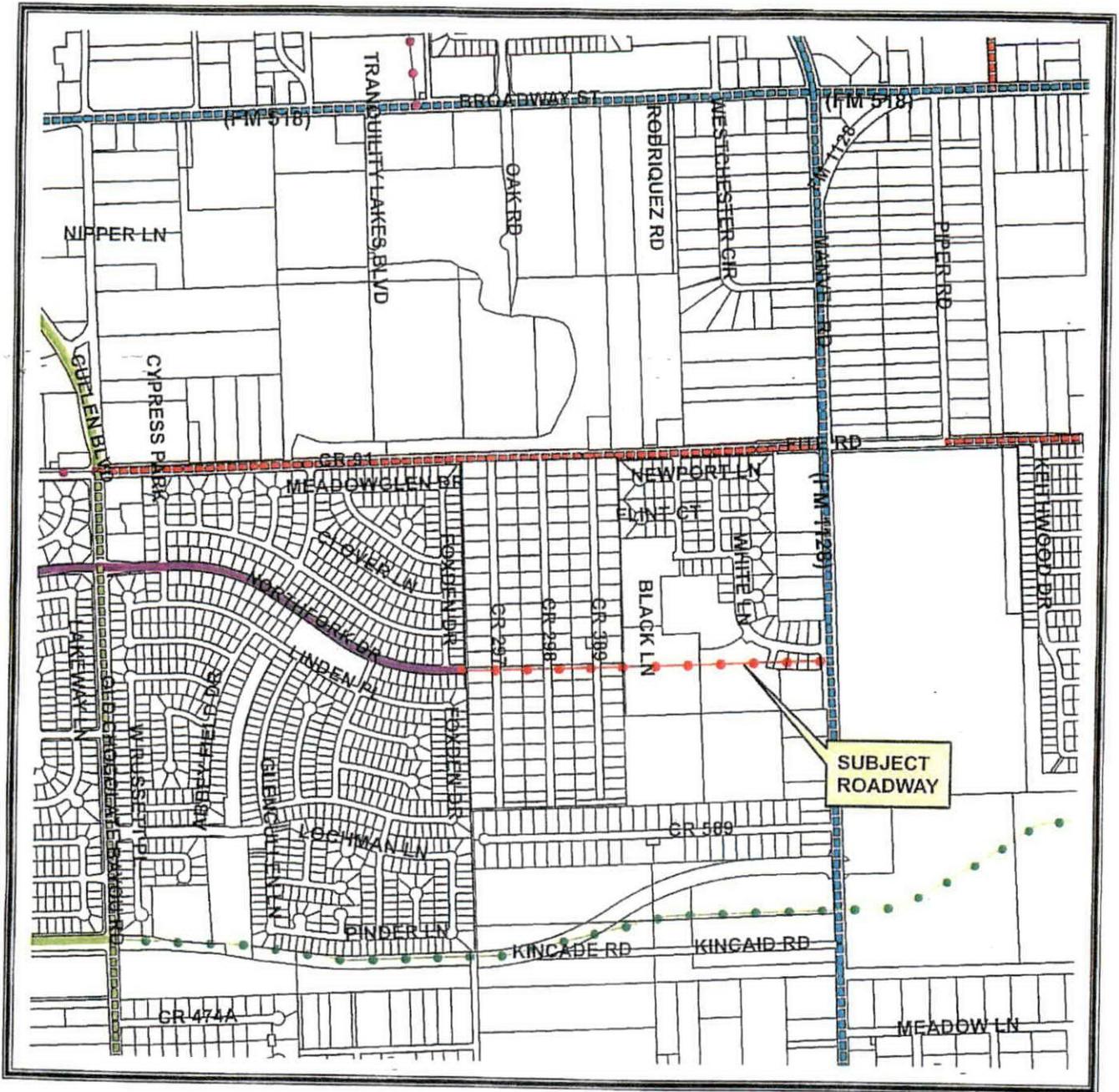
The proposed amendment would allow for Hillhouse Road to be upgraded to a collector street with a projected right-of-way of 60 feet, and it would extend northward to provide a connection to future McHard Road. This would allow for Hillhouse Road to connect to a through street and not dead end, and would 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



EXISTING THOROUGHFARE PLAN

Northfork Drive
(generally between Old Chocolate Bayou Road
and Marvel Road (FM 1128))

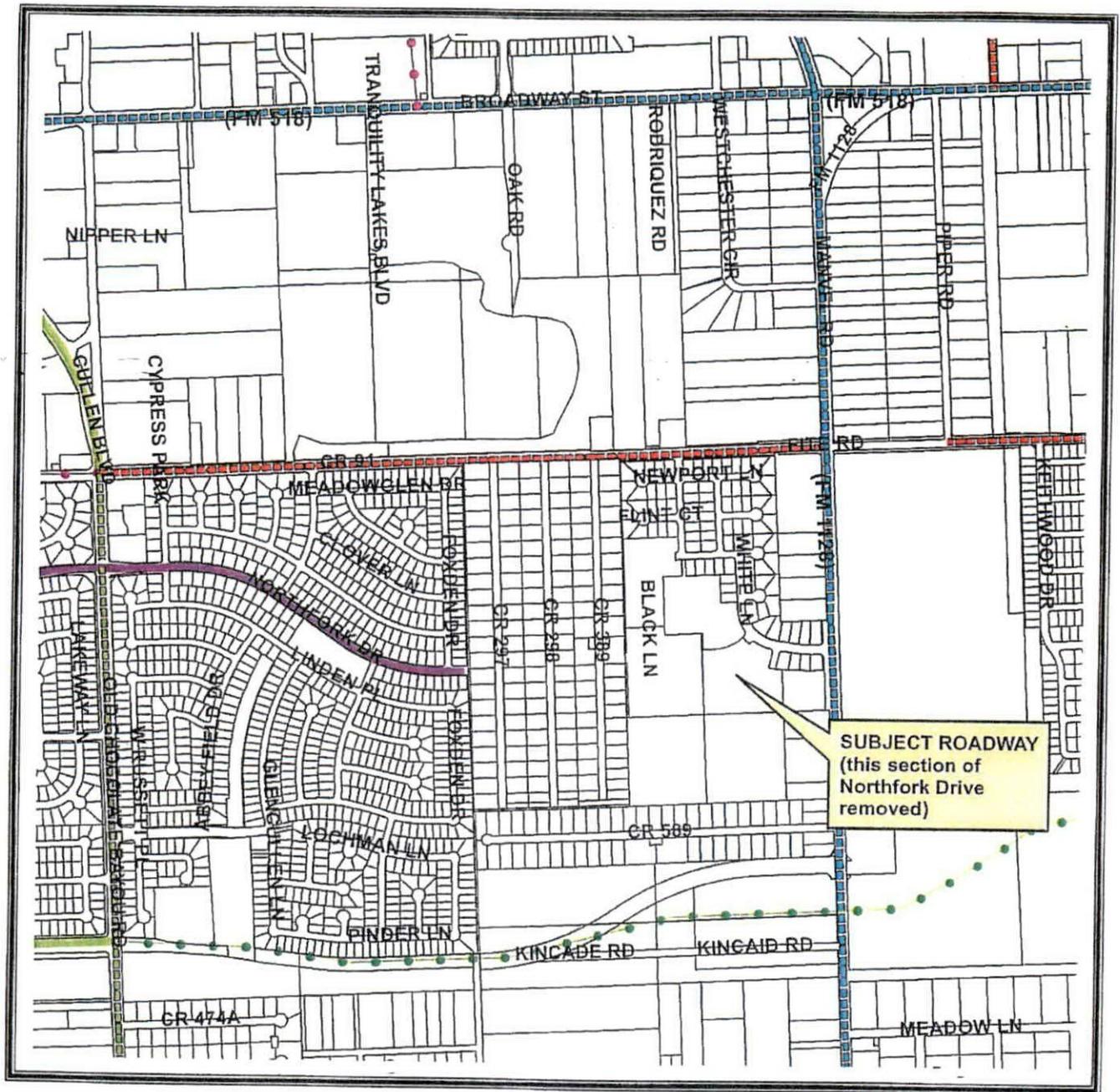
0 400 800 Feet



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



PROPOSED THOROUGHFARE PLAN

Northfork Drive
 (generally between Old Chocolate Bayou Road
 and Manvel Road (FM 1128))

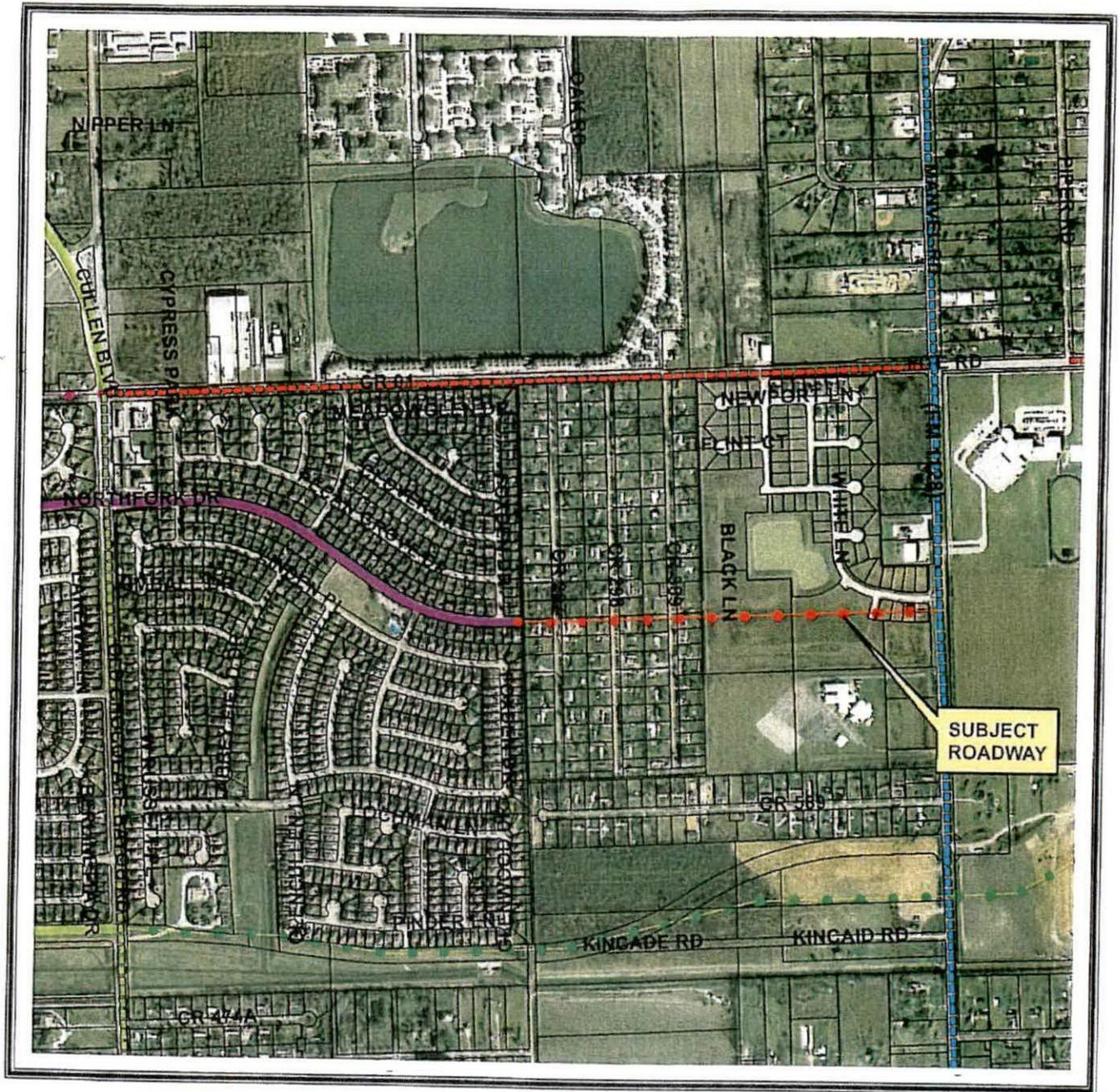
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Map Prepared on April 30, 2008

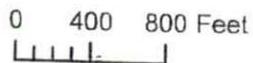
Legend

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- Major Thoroughfares - To Be Widened
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- Major Thoroughfares - Proposed Frontage Road
- Secondary Thoroughfares - Sufficient Width
- Secondary Thoroughfares - To Be Widened
- Secondary Thoroughfares - To Be Acquired
- Major Collector Streets - Sufficient Width
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- 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

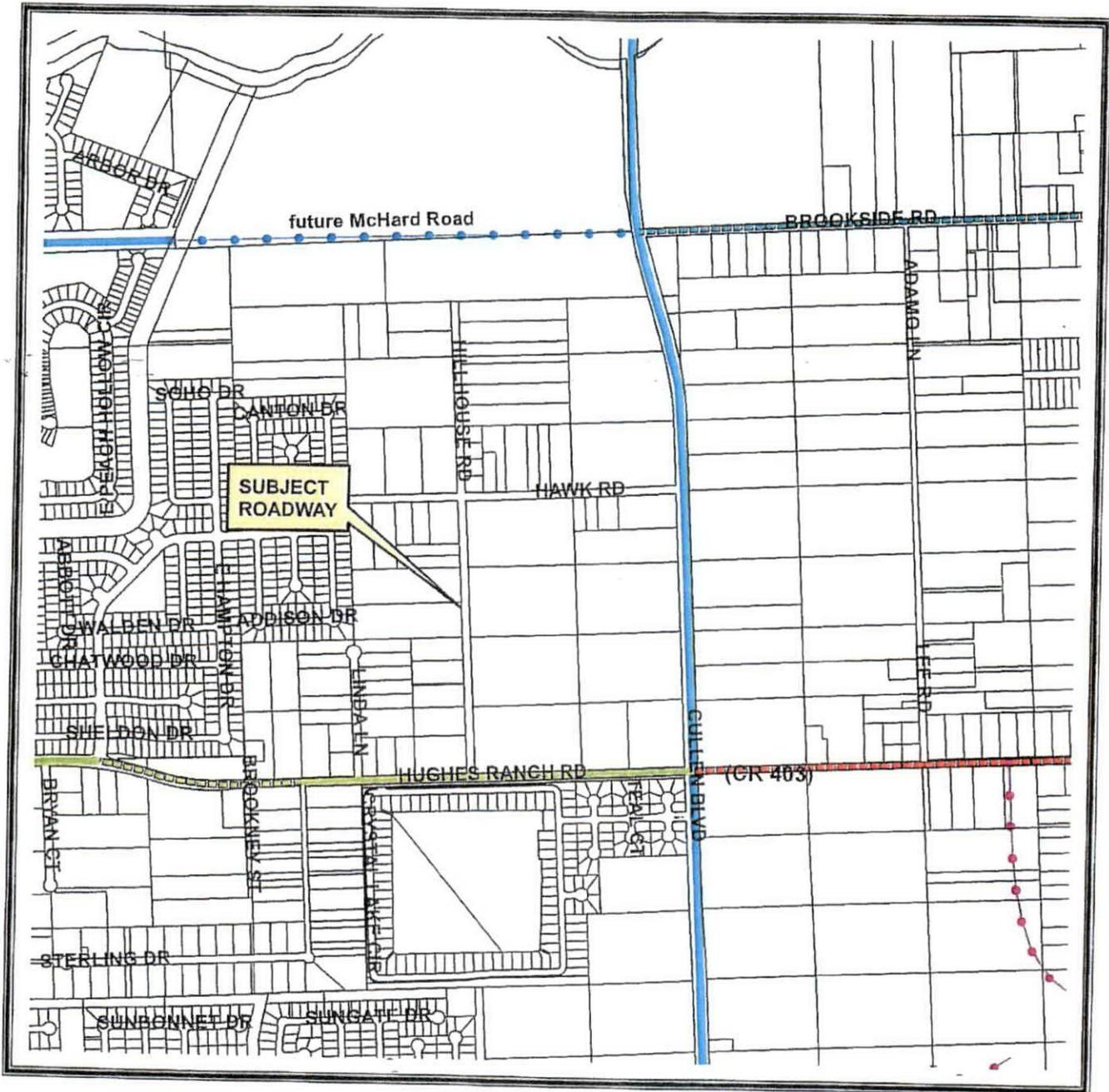
Northfork Drive
(generally between Old Chocolate Bayou Road
and Manvel Road (FM 1128))



Map Prepared on April 30, 2008

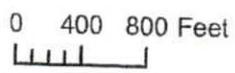
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- Minor Collector Streets - To Be Acquired
- Freeway



EXISTING THOROUGHFARE PLAN

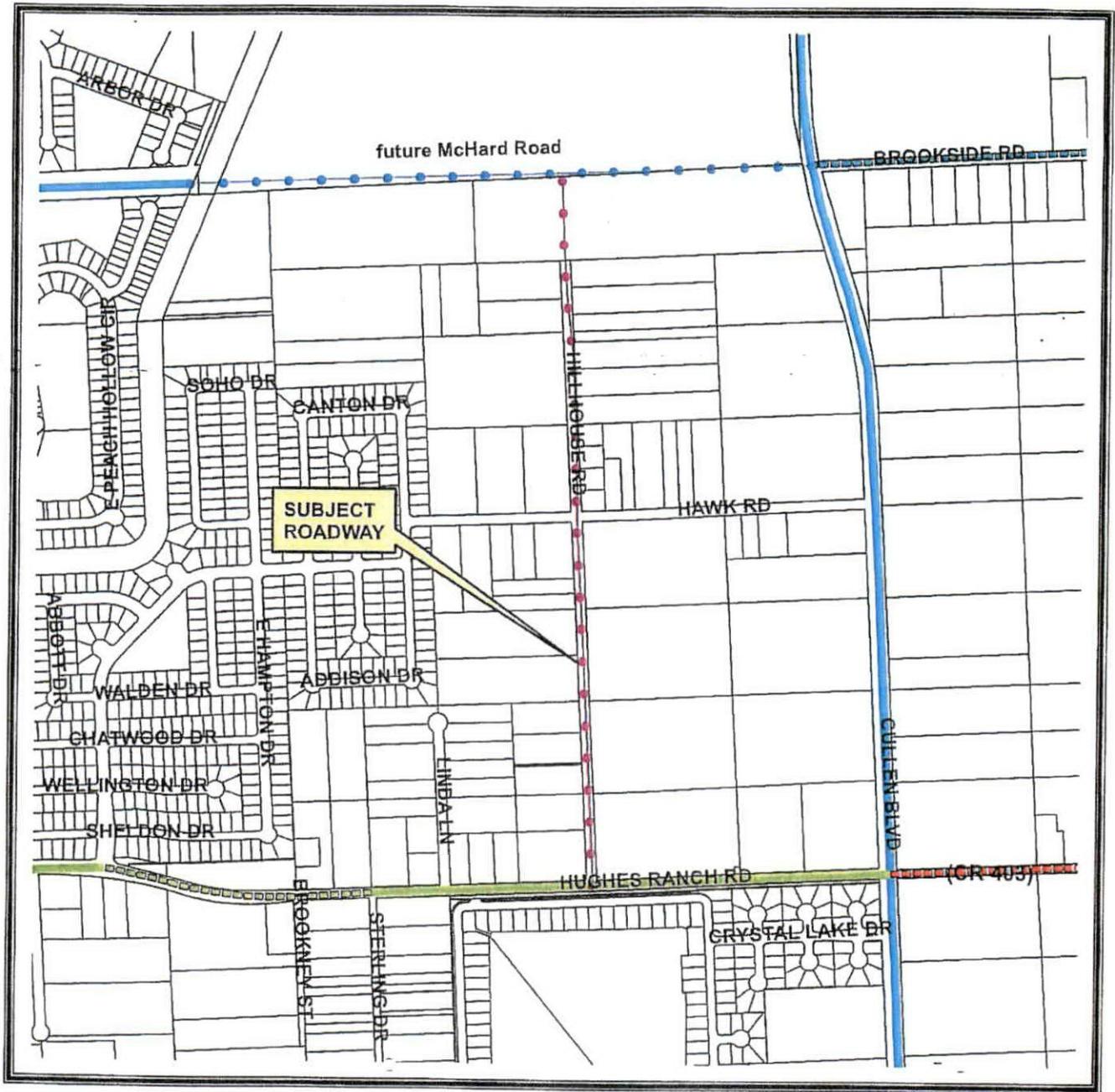
Hillhouse Road
(generally between Hughes Ranch Road and McHard Road)



Map Prepared on April 30, 2008

Legend

- Major Thoroughfares - Sufficient Width
- ▨▨▨ Major Thoroughfares - To Be Widened
- Major Thoroughfares - To Be Acquired
- - - Major Thoroughfares - Proposed Frontage Road
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PROPOSED THOROUGHFARE PLAN

Hillhouse Road
(generally between Hughes Ranch Road
and McHard Road)

0 400 800 Feet



Map Prepared on April 30, 2008

Legend

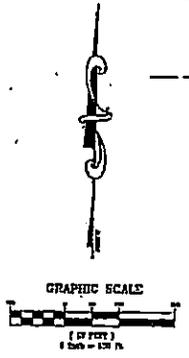
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CALL 7.63 ACRES
MORLEY A. MARCHAND, JR. & WIFE,
EMILY MARCHAND
REC'D, No. 95-02387

HOWARD G. BERRY & WIFE,
BARBARA G. BERRY
REC'D, No. 03-02403

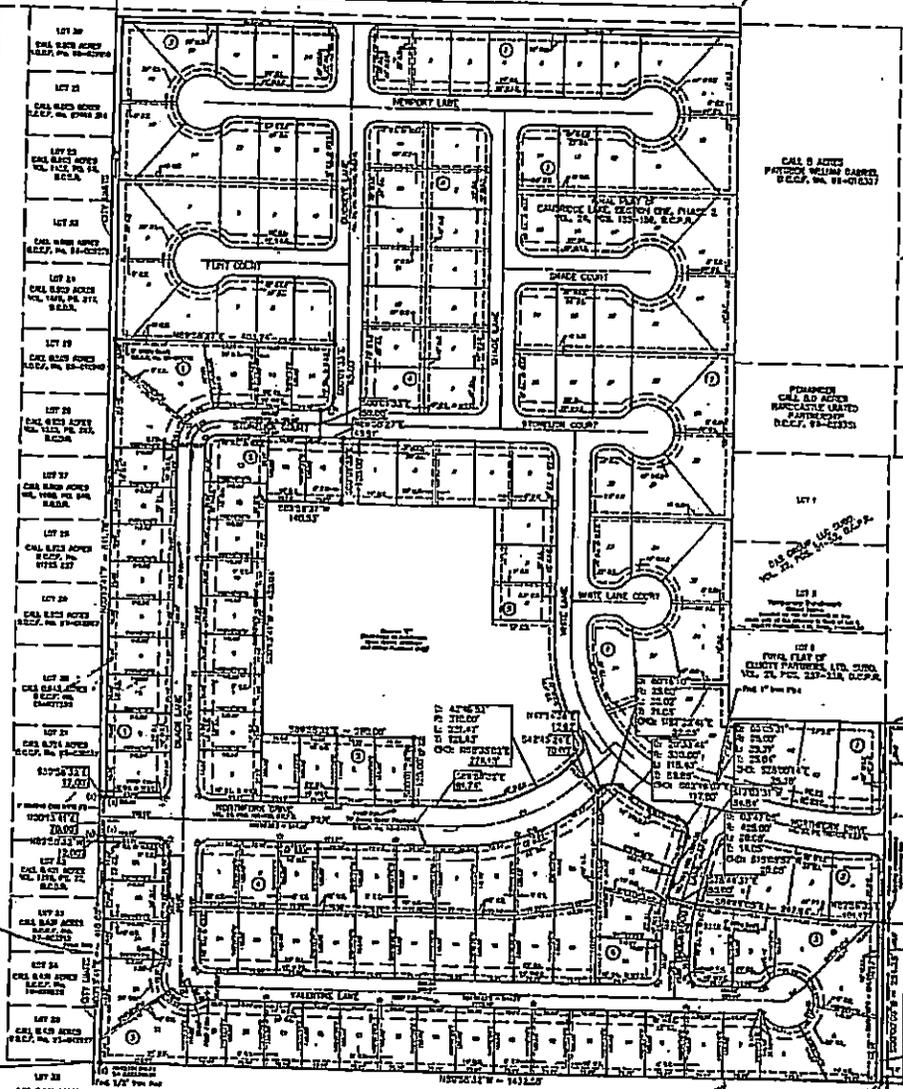
CALL 7.5 ACRES
ALFRED HAZELTON & WIFE,
JANE HAZELTON
VOL. 177, PG. 1028A, B.C.S.A.

FITE ROAD
(20-foot wide right-of-way)

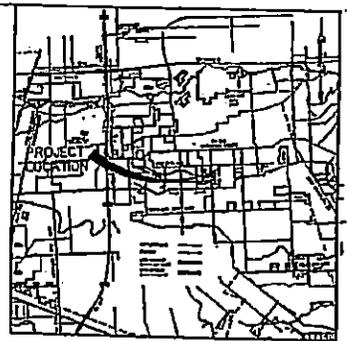


- LEGEND**
- PA. FIRE HOSEWAY
 - RL. BOUNDARY LINE
 - W.L. W/ATER CONDUIT
 - W.S.L. WATER & SEWERAGE SERVICE EMBANKMENT
 - ST.W. STORM SEWER CONDUIT
 - E.L. ELECTRICAL CONDUIT
 - C.S. CEMENT & SAND MIXTURE FOR CURB OR DRIVE STOPPING MATERIAL
 - S. STURDY & SET BACK FOR SIDE WALKS, SIDE DRIVE
 - CONCRETE DRIVE
 - V. VERTICALLY LIGHT
 - M.C. MICHIGAN COUNTY CLERK'S FILE
 - B.C.S.A. BRAZOS COUNTY PLAT RECORDS
 - B.C.S.A. BRAZOS COUNTY DEED RECORDS

COVEY LANE
(15-foot wide right-of-way)



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NOTES

- 1) All measurements shown herein are based on the Texas State Plane Coordinate System, Zone Central Zone. Computations were done using the NAD 83 datum, to NAD 83 datum, based on the City of Pearland, Texas, datum.
- 2) All bearings and distances are based on the NAD 83 datum.
- 3) All bearings and distances are based on the NAD 83 datum.
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- 10) All bearings and distances are based on the NAD 83 datum.

CAMBRIDGE LAKE SECTION TWO

A SUBDIVISION OF 21.810 ACRES BEING CUT OF THE SECTION 17, N.T. & B. CO. SURVEY, ABSTRACT - 242 CITY OF PEARLAND BRAZOS COUNTY, TEXAS

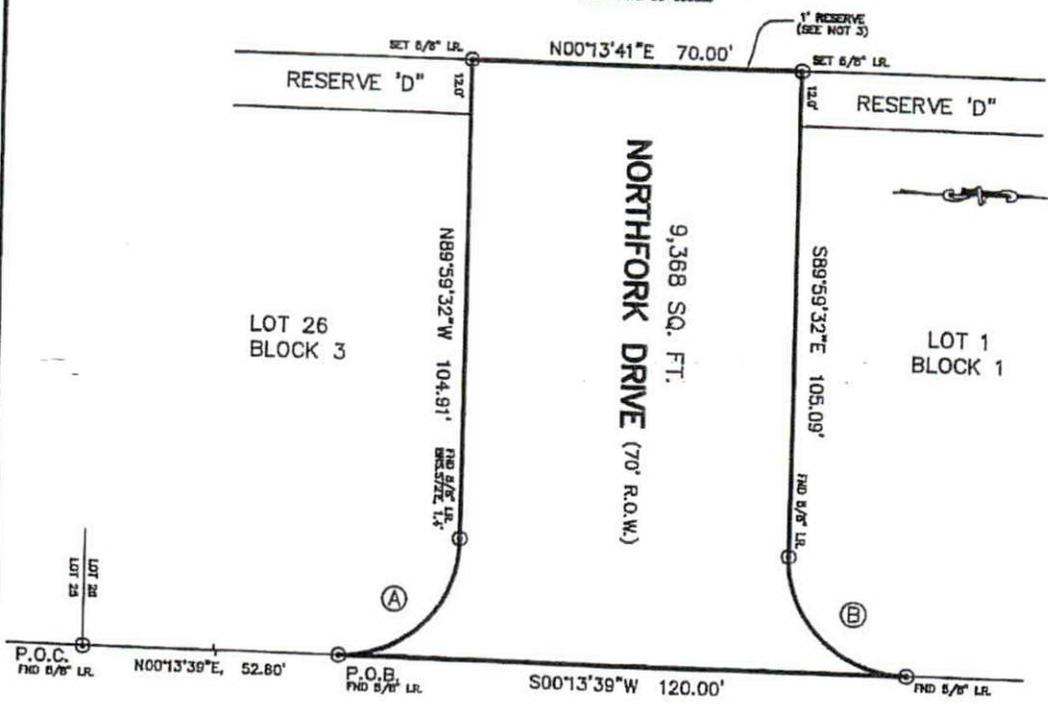
70 LOTS 1 RESERVE 4 BLOCKS
OCTOBER, 2004 SCALE: 1" = 100'

OWNER & DEVELOPER: D.L. HORTON-TEXAS, LTD.
1323 LAKE FRONT CIRCLE
THE WOODLANDS, TEXAS 77380
CONTACT PERSON: JOHN BAUMEYER (281)546-1054

Danohmure Engineering Corporation
Consulting Engineers - Planners - Surveyors

2401 FountainView Suite 220
Houston, Texas 77057 U.S.A. (713)260-3030 FAX No. (713)260-3804
CONTACT PERSON: SAE Y. SAOVI (713)260-3030

CALL 0.724 ACRES
B.L.C.F. NO. 85-00530



BLACK LANE (50' R.O.W.)

- (A) R=25.00'
L=39.36'
CHB=N44°52'25"W-35.42'
- (B) 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 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
DETERMINATIONS.

© 2008, ALLPOINTS SERVICES CORP. All Rights Reserved. This original work is protected under copyright laws. Title 17 U.S. Code Sections 101 & 102. All violators will be prosecuted to the extent of the law. This survey is being provided solely for the use of the recipients and no license has been created, express or implied, to copy the survey except as is necessary in conjunction with the original transaction, which shall take place within ninety (90) days from the date of point to the signature line hereof.

FOR: D.R. HORTON HOMES
ADDRESS: BLACK LANE
ALLPOINTS JOB No.: DR9213 EO
G.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)

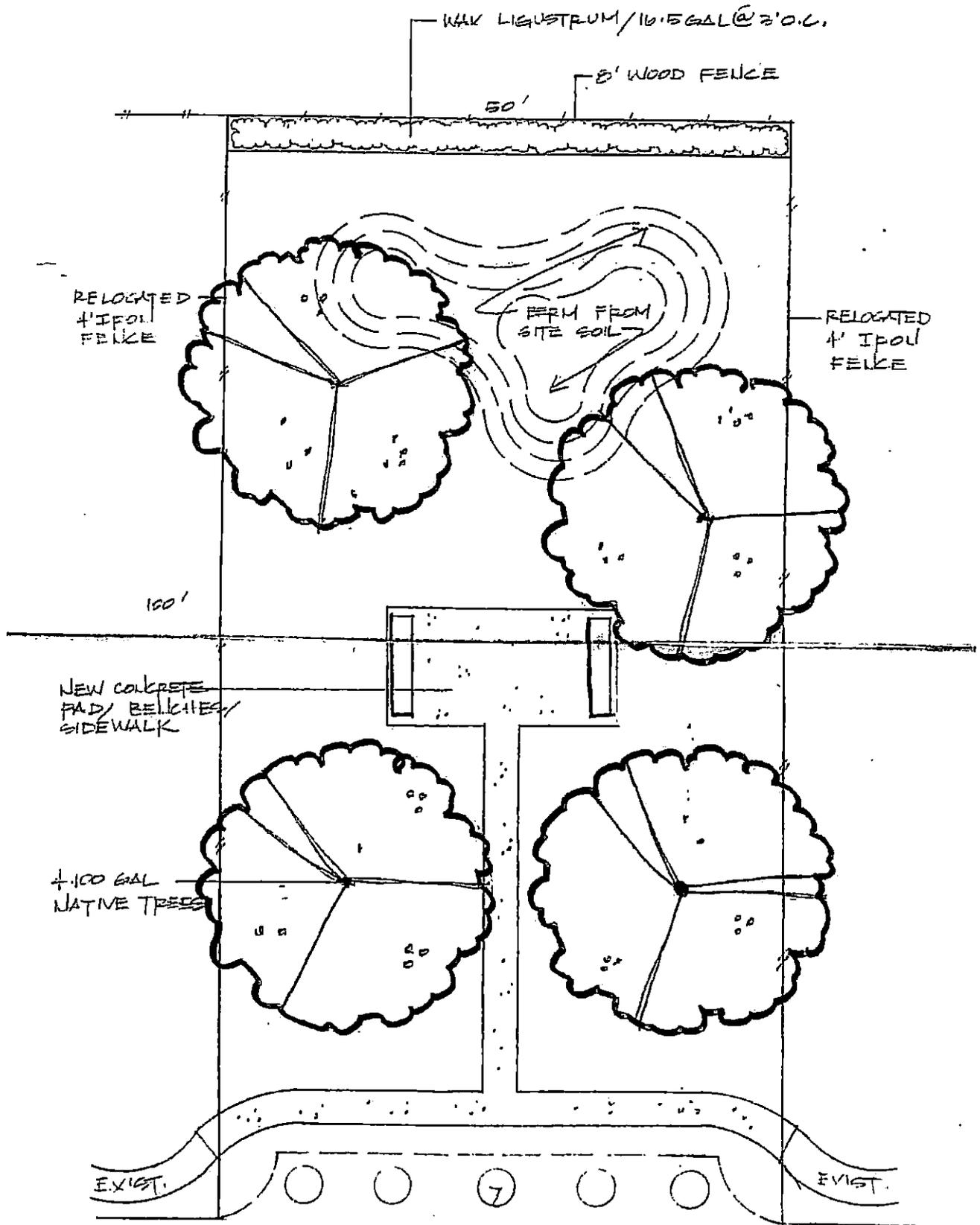
I HEREBY CERTIFY THAT THIS PLAT REPRESENTS THE
RESULTS OF A SURVEY MADE ON THE GROUND, ON THE 23rd
DAY OF FEBRUARY, 2008.



ALLPOINTS
SERVICES CORP
PHONE: 713-468-7707
FAX: 713-827-1861



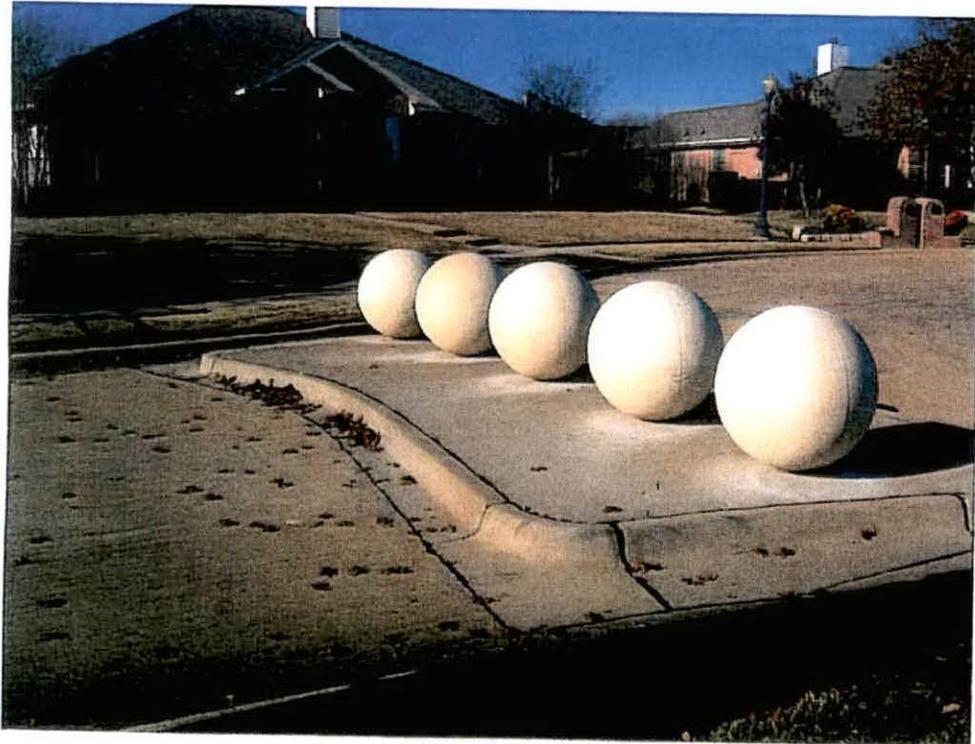
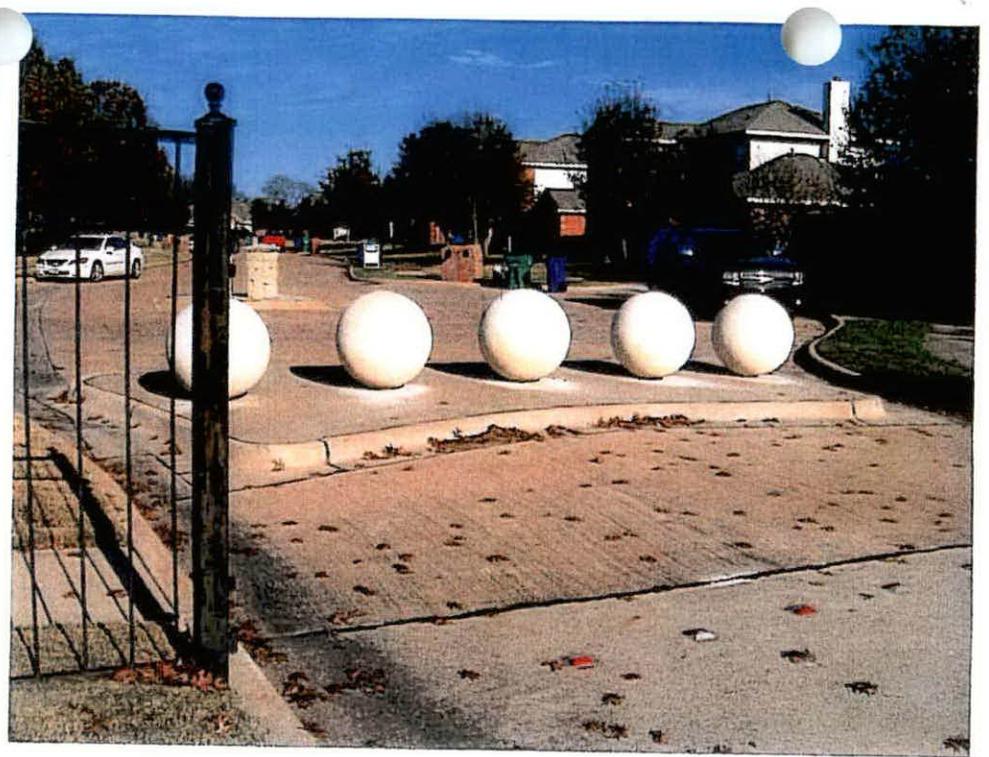
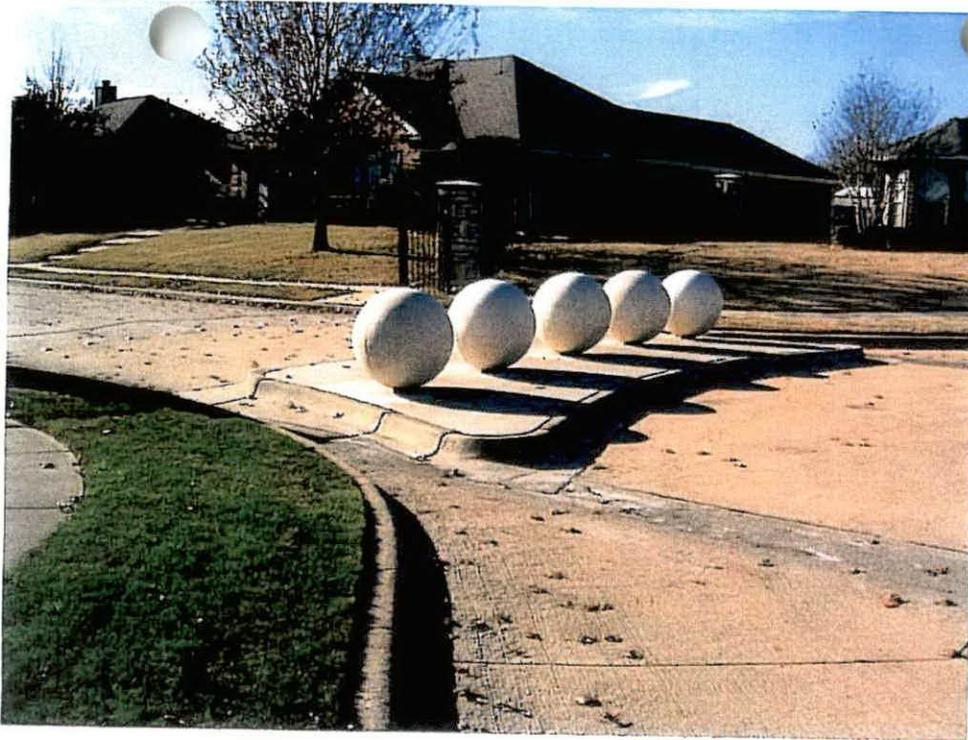
ALLPOINTS SERVICES CORP. COMMERCIAL/BUILDER DIVISION 1515 WITTE ROAD, HOUSTON, TEXAS 77080



SCALE 1/8" = 1'-0"

NEW CONCRETE 20" BALLARDS

Cambridge Lakes / AQUA-TEX



AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD MAY 19, 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. CUP2008-17

A request by Environmental Services Group, Inc., applicant for Airgas Specialty Gases, Inc., owner, for approval of a Conditional Use Permit for a "petroleum product extraction, refining, manufacturer, and storage" facility, in the Heavy Industrial District (M-2), on the following described property, to wit:

Legal Description: 14.7071 acres of land out of lots 172 and 173 of the Zychlinski Subdivision out of the H.T. & B.R.R. Company Survey, Section 27, Abstract 308, and the G. C. Smith Survey, Section 28, Abstract 551, according to the plat recorded in Volume 29, Page 9, of the Deed Records of Brazoria County, Texas, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the West Side of State Highway 35 (Main Street), and on the South Side of Industrial Drive

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT

B. APPLICANT PRESENTATION

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

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

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

**JOINT PUBLIC HEARING AGENDA ITEM
MEETING OF MAY 19, 2008**

Conditional Use Permit No. CUP2008-17

A request by Environmental Services Group, Inc., applicant for Airgas Specialty Gases, Inc., owner, for approval of a Conditional Use Permit for a "petroleum product extraction, refining, manufacturer, and storage" facility, in the Heavy Industrial District (M-2)

LEGAL DESCRIPTION: 14.7071 acres of land out of lots 172 and 173 of the Zychlinski Subdivision out of the H.T. & B.R.R. Company Survey, Section 27, Abstract 308, and the G. C. Smith Survey, Section 28, Abstract 551, according to the plat recorded in Volume 29, Page 9, of the Deed Records of Brazoria County, Texas, City of Pearland, Brazoria County, Texas

GENERAL LOCATION: Generally Located on the West Side of State Highway 35 (Main Street), and on the South Side of Industrial Drive

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

Planning and Zoning Commission: May 19, 2008*
City Council for First Reading: June 9, 2008*

(*dates subject to change if item is tabled)

SUMMARY: The applicant is requesting approval of a conditional use permit for Airgas Specialty Gases, located within the Heavy Industrial District (M-2). The facility is classified as a "petroleum product extraction, refining, manufacturer, and storage" facility, which is permitted in the M-2 district by the approval of a Conditional Use Permit. The subject property is located on the west side of SH 35 (Main Street), and just south of Industrial Drive, and within an area that is largely industrial and zoned for industrial uses. The gas company located on the subject property is currently a non-conforming use. The

requirement for a Conditional Use Permit was triggered because the applicant applied for a building permit to modify a flare stack on the property. In order to receive a building permit, the zoning of the property is required to be appropriate for the entire development on the property. Therefore, the applicant has applied for a Conditional Use Permit, and if the Conditional Use Permit is approved, then the entire development on the subject property would become a conforming use.

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	Heavy Industrial District (M-2)	Undeveloped tract
South	Heavy Industrial District (M-2)	Undeveloped tract
East	Light Industrial District (M-1)	Undeveloped tract
West	Heavy Industrial District (M-2)	Undeveloped tract

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The subject property is currently zoned as the M-2 district, which has a minimum lot size of 40,000 square feet, a minimum lot width of 150 feet, and a minimum lot depth of 150 feet. The subject property appears to meet and exceed these minimum requirements of the M-2 district.

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

PLATTING STATUS: Based on the legal description submitted with the conditional use permit 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 "Industrial" for the subject property and for many of the surrounding properties. The Comprehensive Plan further indicates that the appropriate zoning districts for "Industrial" is the Light Industrial District (M-1) and the Heavy Industrial District (M-2). The existing zoning of M-2 conforms to the Comprehensive Plan. The proposed conditional use permit does not conflict with the Comprehensive Plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on State Highway 35 (Main Street), a major thoroughfare with a projected right-of-way of 120 feet. When the subject property is platted, the applicant may be required to dedicate right-of-way for State Highway 35, if additional right-of-way is needed.

No other roadways affect the subject property.

AVAILABILITY OF UTILITIES: There is a water line located along the west side of State Highway 35 (Main Street) along the entire frontage of the subject property. There is not a sanitary sewer line located within close proximity to the subject property. 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.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The subject property is located on a tract of land that is completely surrounded by either M-1 or M-2 zoned properties. Many of the properties to the north, south, and west are undeveloped. The existing gas company on the subject property has been there for many years and is currently a non-conforming use. The use of the property would become a conforming use by the approval of this Conditional Use Permit. There are no residential subdivisions or residentially zoned tracts located within close proximity to the subject property. There should not be a negative impact caused on the surrounding properties by this existing facility.

The Conditional Use Permit was triggered due to the applicant requesting a building permit to modify a flare stack on the subject property. However, the Conditional Use Permit would apply to the entire subject property. If the applicant has plans to expand the facility, they would be conforming under the Conditional Use Permit.

SITE PLAN CONSIDERATIONS:

The applicant has submitted a preliminary site plan for review. The following is a list of requirements that pertain to the site under the M-2 district:

Building Setbacks:

Minimum front yard: 35 feet

Minimum side yard: 25 feet

Minimum rear yard: 25 feet

Maximum height: 60 feet

Building Façade:

The Unified Development Code requires that masonry, stucco, or EIFS materials shall be required on 100% of the front façade of any building that faces a major thoroughfare, and side facades shall have 50% masonry, stucco, or EIFS. New and existing structures that are setback at least 250 feet from the roadway can use 24 gauge or heavier architectural panel wall systems. Building elevations will be evaluated during the review of the building permit application. Compliance with the building façade section of the Unified Development Code (UDC) is triggered when square footage of building is added to the site.

Parking:

The applicant will be required to provide parking spaces in accordance with the Unified Development Code.

Landscaping:

The applicant would be required to provide landscaping in accordance with the UDC.

Screening:

Screening between uses would not be required because the subject property is not adjacent to residential districts.

Any outside storage of materials on the site would need to be screened from view by an 8 foot high solid wall, or a vegetative screen dense enough to be completely opaque year round and 8 foot high within 12 months. Screening is triggered when square footage of building is added to the site.

Traffic:

A traffic impact analysis (TIA) may be required when the subject property is platted for development. The TIA would determine the impact of the development on the surrounding properties and adjacent roadways, and would also determine the location of driveways.

Many of these above items, such as building façade, screening, and others, are required to be complied with when expansions of building square footage are added to the site, or when uses are added or changed to the site. With the modification of the flare stack, which the applicant is currently seeking a building permit for, would not trigger compliance with the above items. These items are listed here in order to inform the applicant of items that may be required if the applicant intends to expand the facility or change the use.

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

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

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

1. A "petroleum product extraction, refining, manufacturer, and storage" facility is permitted in the Heavy Industrial District (M-2) by the approval of a Conditional Use Permit.
2. The gas company currently exists on the subject property and has for many years as a non-conforming use, and approval of the Conditional Use Permit would allow this existing facility to become a conforming use.
3. The Comprehensive Plan designates the subject property for Industrial uses, and the existing gas company is a compatible and appropriate use for the subject area and an industrial district.
4. The subject property is in an industrial area and is not within close proximity to any residential developments or residentially zoned land, and should not cause a negative impact on any surrounding properties, including other industrial properties.

SUPPORTING DOCUMENTS:

- Zone Change Application
- Location Map
- Property Ownership Map
- Property Owner Notification List
- Zoning Map
- Future Land Use Plan
- Aerial Photograph
- Proposed Site Plan and Other Information Provided by the Applicant



APR 25 2008

APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

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

Page 1 of Application

Conditional Use Permit Request for: installation/modification of flare stack
(list proposed use)

Current Zoning District: _____ (petroleum product extracting, refining, manufacturer, and storage)

Property Information:

Address or General Location: 4944 S. MAIN, PEARLAND TX 77851
Tax Account No.: 76-0182866
Subdivision: Zychlinski
Lot: 172 AND 173 Block: _____

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

NAME Airgas Specialty Gases Inc.
ADDRESS 4344 South Main St.
CITY Pearland STATE TX ZIP 77851
PHONE (713) 595-2030
FAX (281) 482-0296
E-MAIL ADDRESS DAN.FARRIS@AIRGAS.COM

* 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 Environmental Services Group Inc.
ADDRESS 904 Garland
CITY Little Rock STATE AR ZIP 72201
PHONE (800) 887 6752
FAX (501) 663 7798
E-MAIL ADDRESS gingle@esgisafety.com



Environmental Services Group Incorporated

Safety / Health / Environmental / Regulatory Services

April 24, 2008

Ms. Theresa Grahmann, Senior Planner
CITY OF PEARLAND
3523 Liberty Drive Road
Pearland, TX 77581

RE: Airgas Specialty Gases - Pearland, TX
Explanation Letter for Conditional Use Permit

Dear Theresa:

Environmental Services Group, Inc. is working and consulting with Airgas Specialty Gases, Inc. on the replacement and installation of a new flare stack at their Pearland, TX facility.

Airgas Specialty Gases, Inc. has applied for a conditional use permit and building permit to replace an existing flare stack at their facility located at 4344 S. Main, Pearland, TX 77851. The operational parameters of the flare stack include burning or residual flammable gases from cylinders and tanks that will be fed from header manifolds and a knockout tank to the new flare stack. Airgas has worked diligently with the City of Pearland Fire Marshall to provide a safe environment for its operation.

If you have any questions, or require additional information, please do not hesitate to contact me.

Best Regards,

A handwritten signature in blue ink, appearing to read 'G. Ingle'.

Gary F. Ingle
President/CEO

GFI/kf



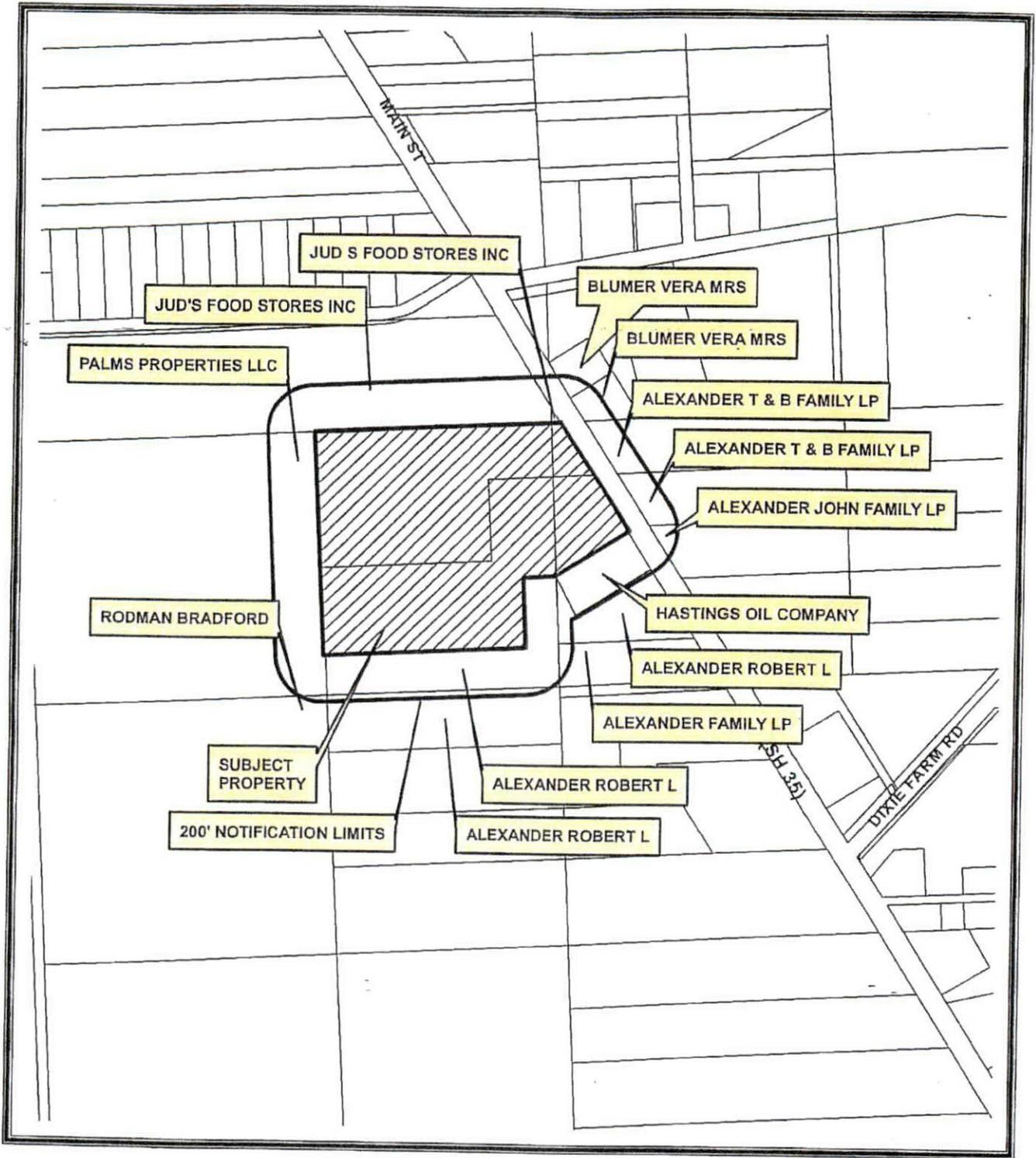
LOCATION MAP

Conditional Use Permit
No. CUP2008-17



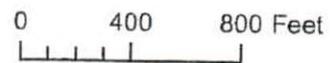
0 400 800 Feet
A scale bar with markings at 0, 400, and 800 feet.

Map Prepared on April 30, 2008



OWNERSHIP MAP

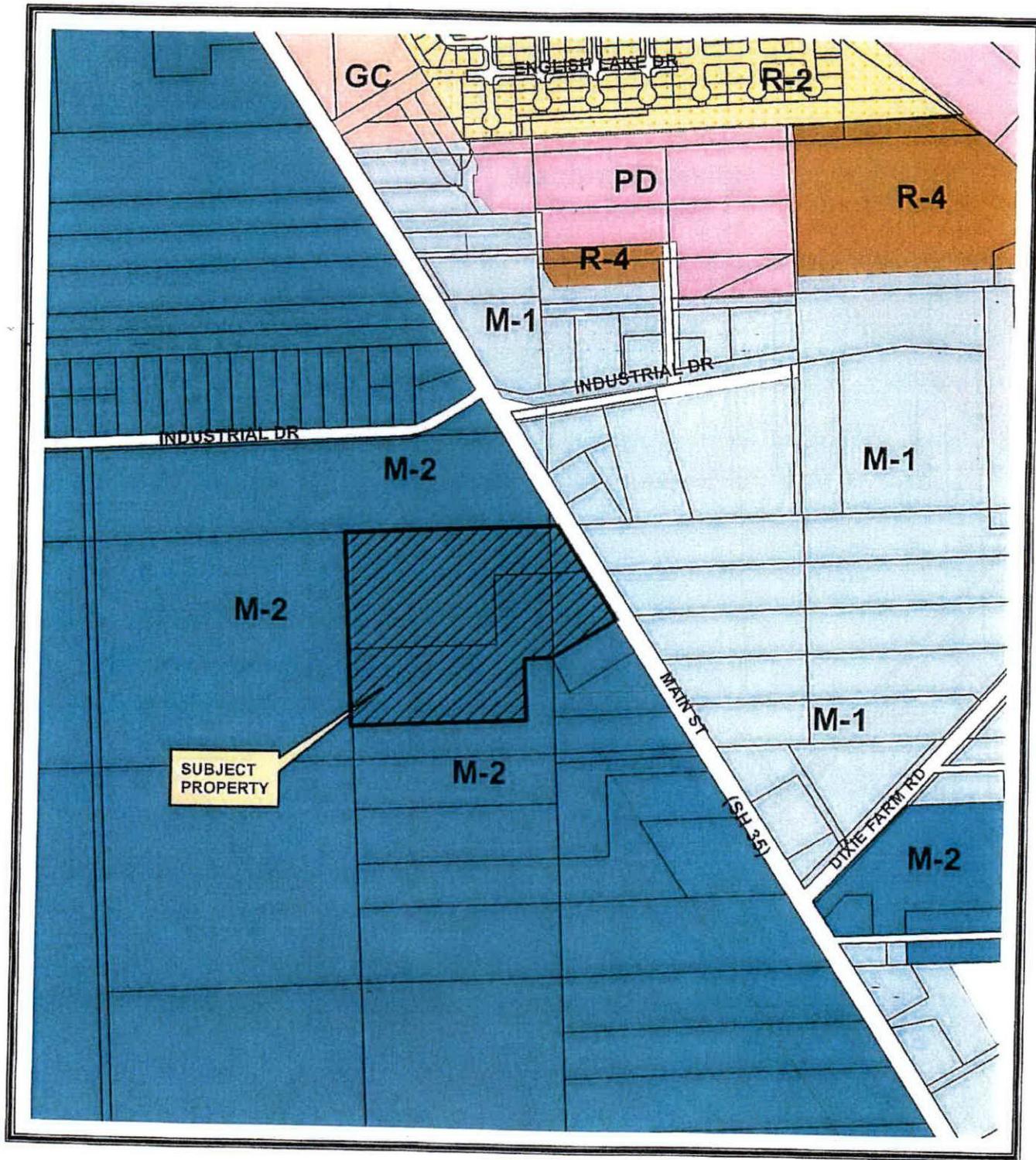
Conditional Use Permit
No. CUP2008-17



Map Prepared on April 30, 2008

CONDITIONAL USE PERMIT NO. CUP2008-17
Property Owner Notification List

<u>TAX ACCT</u>	<u>OWNER</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>ST</u>	<u>ZIP CODE</u>
0551-0013-000	BLUMER VERA MRS %DORIS FONTAINE	PO BOX 253	MOUNTAIN HOME	TX	78058
0551-0012-000	BLUMER VERA MRS %DORIS FONTAINE	PO BOX 253	MOUNTAIN HOME	TX	78058
0551-0010-100	JUD S FOOD STORES INC	PO BOX 769	BRENHAM	TX	77834
0551-0001-110	ALEXANDER T & B FAMILY LTD PRTNSHP	2411 PARK AVE	PEARLAND	TX	77581
0551-0005-160	TEX-GAS	201 S CARANCAHUA ST STE 302	CORPUS CHRISTI	TX	78401
0308-0002-110	AIRGAS SPECIALTY GASES INC	201 S CARANCAHUA ST STE 302	CORPUS CHRISTI	TX	78401
0308-0019-130	PALMS PROPERTIES LLC	6100 HARVEY WILSON DR	HOUSTON	TX	77020
0551-0001-000	ALEXANDER T & B FAMILY LTD PRTNSHP	2411 PARK AVE	PEARLAND	TX	77581
0551-0005-150	AIRGAS SPECIALTY GASES INC	201 S CARANCAHUA ST STE 302	CORPUS CHRISTI	TX	78401
PROP OWNER	AIRGAS SPECIALTY GASES INC	4344 S MAIN ST	PEARLAND	TX	77581
APPLICANT	ENVIRONMENTAL SERVICES GROUP INC	904 GARLAND	LITTLE ROCK	AR	72201
0308-0002-120	BTU GASES LLC	8903 LAWNSDALE ST	HOUSTON	TX	77012
0551-0002-000	ALEXANDER JOHN FAMILY LP	PO BOX 127	PEARLAND	TX	77588
0551-0005-110	HASTINGS OIL COMPANY	PO BOX 127	PEARLAND	TX	77588
0551-0005-120	ALEXANDER ROBERT L	314 S BEAUREGARD ST	ALVIN	TX	77511
0308-0002-000	ALEXANDER ROBERT L	314 S BEAUREGARD ST	ALVIN	TX	77511
0551-0005-140	ALEXANDER FAMILY LIMITED PARTNERSHIP	PO BOX 127	PEARLAND	TX	77588
0308-0001-120	ALEXANDER ROBERT L	314 S BEAUREGARD ST	ALVIN	TX	77511
0308-0019-100	RODMAN BRADFORD	233 GRAYS DR	OSWEGO	IL	60543



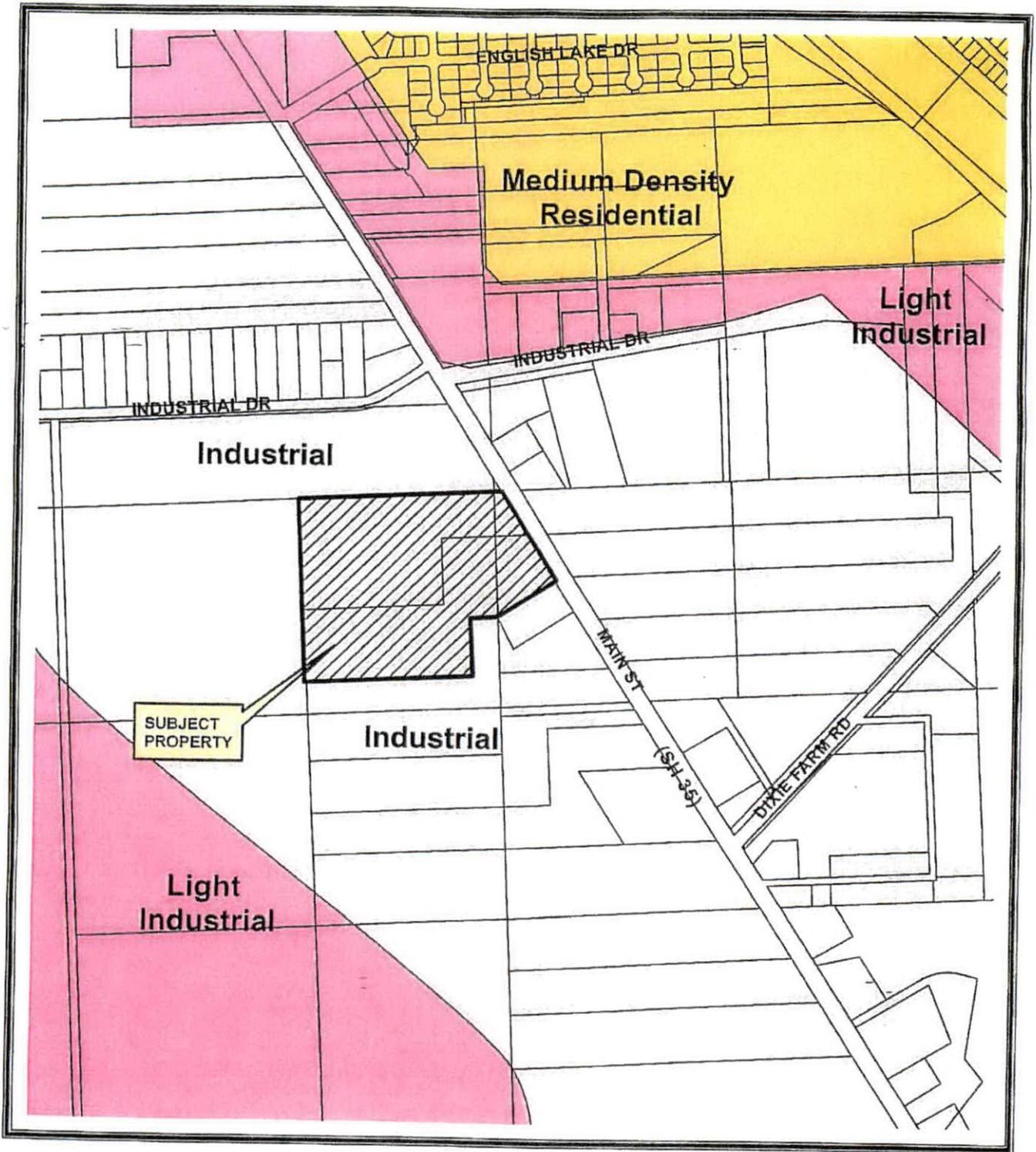
ZONING MAP

Conditional Use Permit
No. CUP2008-17



0 400 800 Feet

Map Prepared on April 30, 2008

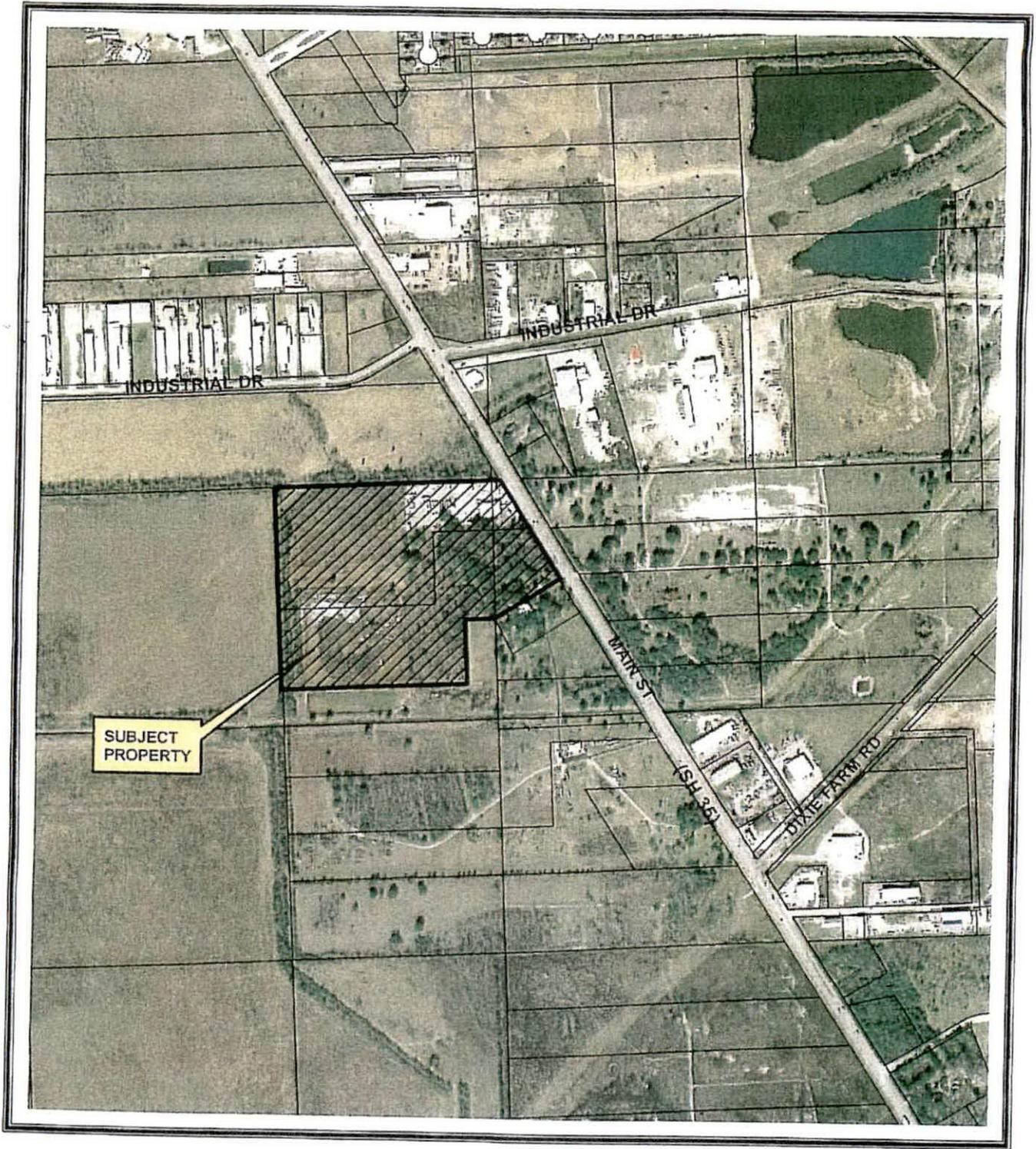


FUTURE LAND USE PLAN

Conditional Use Permit
No. CUP2008-17



Map Prepared on April 30, 2008



AERIAL PHOTOGRAPH

Conditional Use Permit
No. CUP2008-17

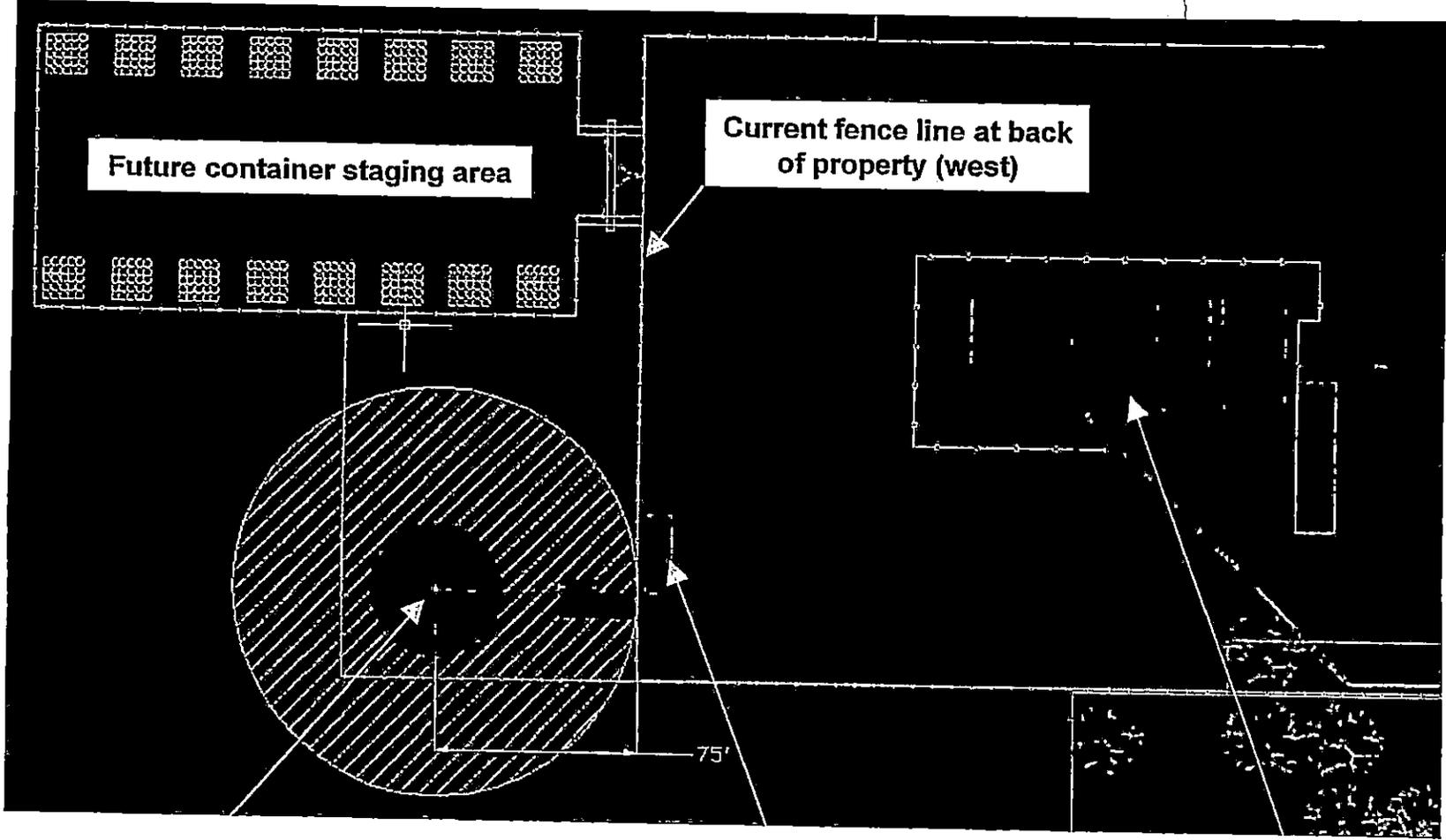


0 400 800 Feet
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Map Prepared on April 30, 2008

Flare Sighting Proposal
Airgas Specialty Gases, Pearland, Texas

Hwy 35
(South Main) →

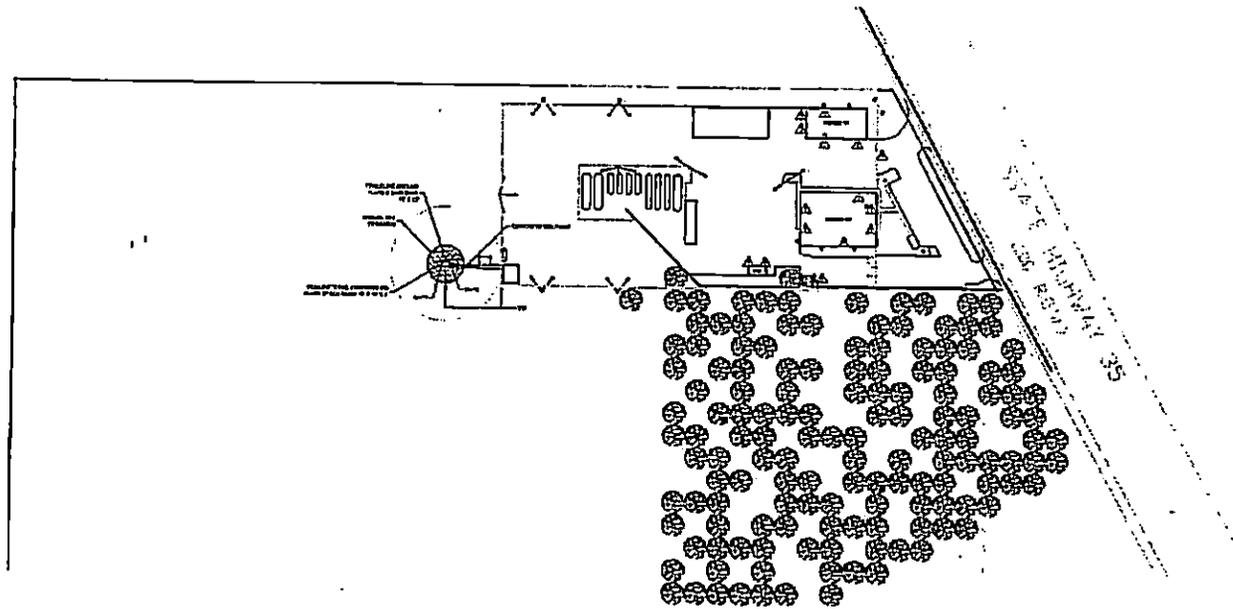


Center point of flare
setback 75 ft from
existing paving and
back (west) fence line

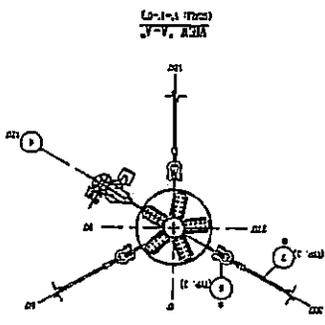
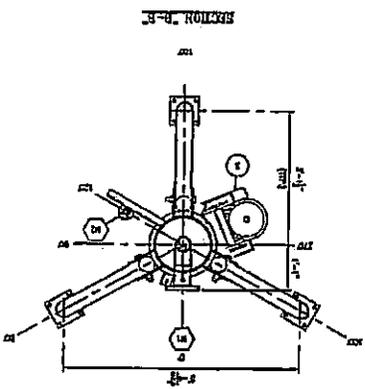
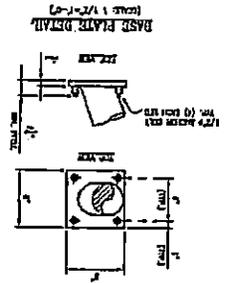
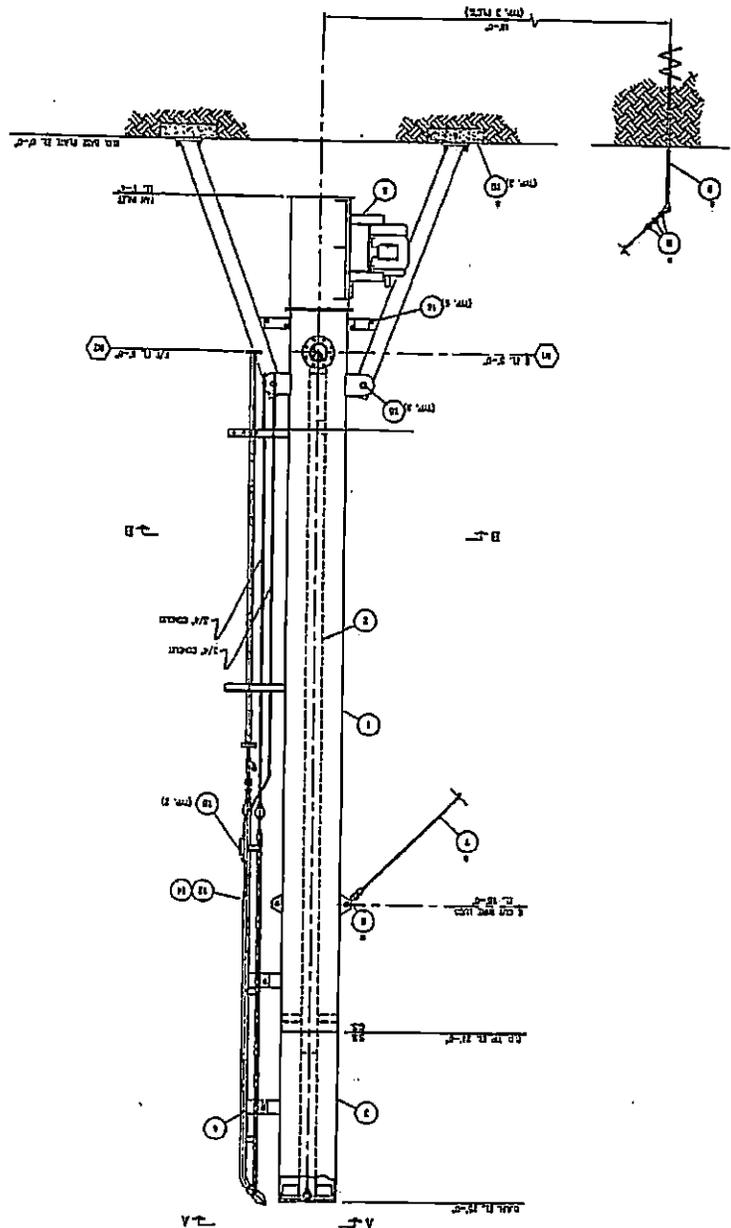
Container
processing area

LP Tank Farm





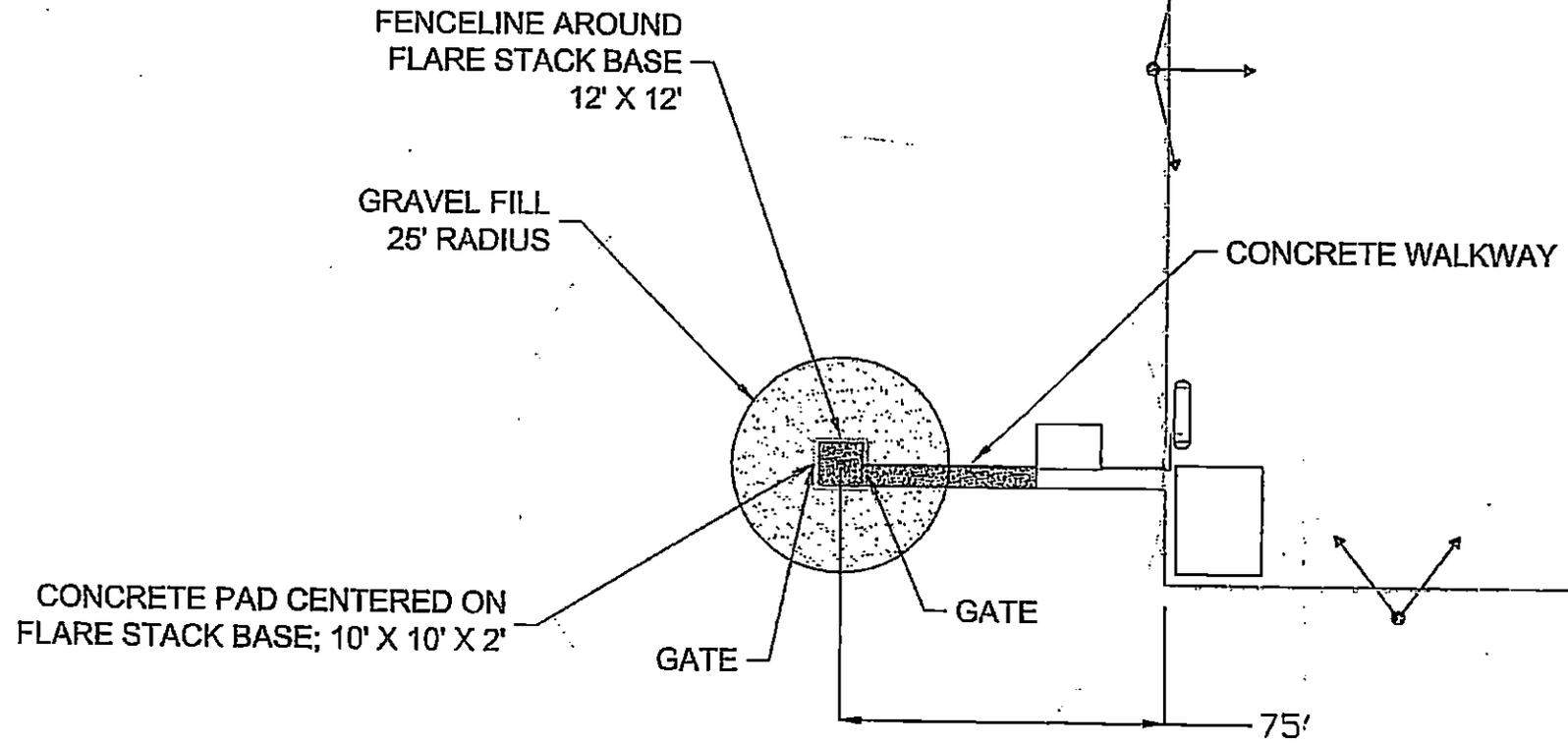
FLARE INDUSTRIES, INC. 100 AIR FLARE AVENUE CENTRAL AVENUE CHICAGO, ILL. 60601		PAINT SPECIFICATION NAME: GUNN TYPE: 100 AIR FLARE COLOR: 100 AIR FLARE	
FLARE INDUSTRIES, INC. 100 AIR FLARE AVENUE CENTRAL AVENUE CHICAGO, ILL. 60601		PAINT SPECIFICATION NAME: GUNN TYPE: 100 AIR FLARE COLOR: 100 AIR FLARE	



ITEM NO.	DESCRIPTION	QTY.
1	100 AIR FLARE	1
2	1/2\"/>	

ITEM NO.	DESCRIPTION	QTY.
1	100 AIR FLARE	1
2	1/2\"/>	

ENGINEERING DEPARTMENT
 DRAWING NO. 100-AIR-FLARE-01
 DATE: 10/15/60
 BY: J. W. BROWN
 CHECKED: R. L. SMITH
 APPROVED: H. E. JONES



PRINCIPLE APPLICATIONS

Petroleum refining
 Petroleum production
 Chemical processing
 Pipeline transportation
 Tank and barge loading facilities
 Natural gas compression and production

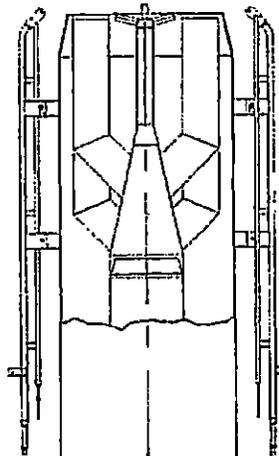
DESIGN FEATURES

Large air/fuel boundary to increase smokeless capacity
 Dynamic/Velocity seal to reduce purge gas expenses and prevent flashback
 High alloy construction in the heat affected zone
 One or more blowers for greater smokeless range

SPECIFICATIONS

DIMENSIONS:	Length:	6' - 0" (1.8m)
	Diameter:	4" - 84" (0.1-2.12m)
MATERIALS:	Tip Body:	304, 316, 310 SS Incolloy 800H
	Dynamic seal:	304 SS
	MODELS:	MAVP:
	SFVP:	Low Pressure Vapors
	Environ:	High Capacity

ENVIRON AIR FLARE TIP



ADVANTAGES

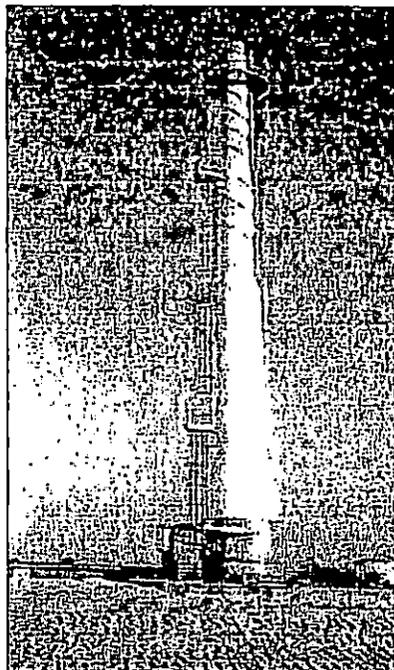
- High smokeless rates due to superior mixing
- Capable of burning heavier hydrocarbons smokelessly
- Extended service life
- Lower operating costs at a given smokeless rate
- Lower radiant heat at a given capacity
- Stable, reliable combustion
- Wide range of flow capacities
- Less complicated control scheme

GENERAL DESCRIPTION

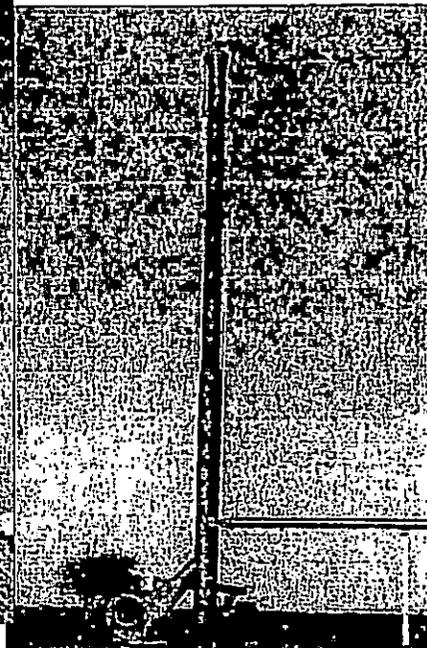
Air assist flares smokelessly dispose of heavier waste gases which have greater tendency to smoke. Air Assist flares can be employed at sites where steam may not be available.

Air flare systems are composed of two concentric risers and one or more blowers providing supplemental combustion air. A blower forces air into an outer air annulus where the process gas passes through an inner riser and upon reaching the flare tip, these two streams intermix. This air assist has three principle effects:

- High-pressure airflow causes turbulence in the waste stream which improves mixing and therefore enhances combustion efficiency.
- Additional air is induced into the waste gas providing the oxygen necessary for augmented smokeless capacity.
- Constant airflow creates a cooling effect for extended flare tip service life.



FREESTANDING
AIR ASSIST FLARE



FREESTANDING
AIR ASSIST FLARE

**FLARE INDUSTRIES, INC.
AUSTIN, TEXAS**

Project / Quote No.: 08-115
 Customer: Environmental Services Group Incorporated
 Location: Arkansas
 Description: TBAF
 Description: 10 lbs./hr
 Prepared by: AL
 Date: 1/5/2006

TECHNICAL DATA

ENGLISH SI

ENVIRONMENTAL DATA

Ambient Temperature*:	80 F	27 C
Wind Speed (Radiation Only):	20 MPH	32.19 KM/Hr
Solar Radiation:	300 Btu/Ft ² -Hr	946 W/M ²

*Used only in Dermatowich's Radiation Calculation Method

INPUT PARAMETERS

Molecular Weight:	58.12	58.12
Maximum Flow Rate:	0.00 MMSCFD	45 SM ³ /Day
	10 Lbs/Hr	5 Kg/Hr
Inlet Gas Temperature:	80 F	27 C
Total Heat Release:	1.96E+05 Btu/Hr	2.06E+08 J/Hr

FLARE TIP CALCULATIONS

Flare Tip Diameter:	4 In.	101.60 mm
Exit Velocity:	0.20 Ft/Sec	0.06 M/Sec
Pressure Drop of Tip & Seal:	0.00 Psig	0.00 KPa
	0.00 In. of H ₂ O	0.00 barg

FLARE RISER CALCULATIONS

Minimum Flare Height:	25 Ft	7.67 M
Pressure Drop of Riser:	0.000 Psig	0.00 KPa
	0.000 In. of H ₂ O	0.00 bars
Total Pressure Drop of Flare:	0.000 Psig	0.00 KPa
	0.000 In. of H ₂ O	0.00 barg
Max. Heat Flux at Grade:	303 Btu/Ft ² -Hr	956 W/M ²

FLARE INDUSTRIES, INC.
AUSTIN, TEXAS

Project / Quote No.: 08-115
Customer: Environmental Services Group Incorporated
Location: Arkansas
Description: TBAF
Description: 10 lbs./hr
Prepared by: AL
Date: 1/5/2006

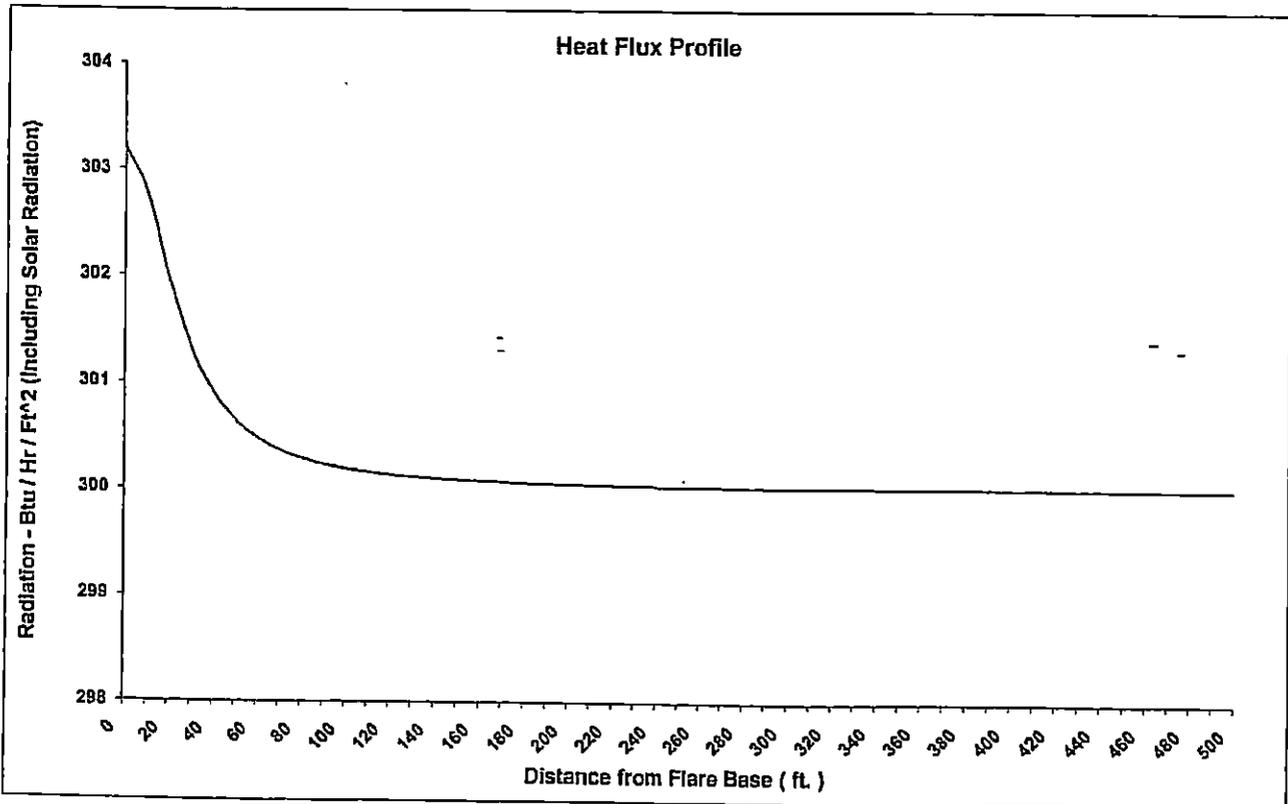
RADIATION DATA

ENVIRONMENTAL CONDITIONS

Ambient Climate Temperature*: 80 F
Wind Speed for Radiation Calculations: 20 MPH
Maximum Radiation at Grade: 303 Btu/Hr/Ft²
Solar Radiation Considered: 300 Btu/Hr/Ft²
Overall Flare Height (Including Flare Tip): 25 Ft

*Used only in Duration Life Radiation Calculation Method

THERMAL RADIATION ANALYSIS



FLARE INDUSTRIES, INC.
AUSTIN, TEXAS

Project / Quote No.: 08-115
Customer: Environmental Services Group Incorporated
Location: Arkansas
Description: TBAF
Description: 10 lbs./hr
Prepared by: AL
Date: 1/5/2006

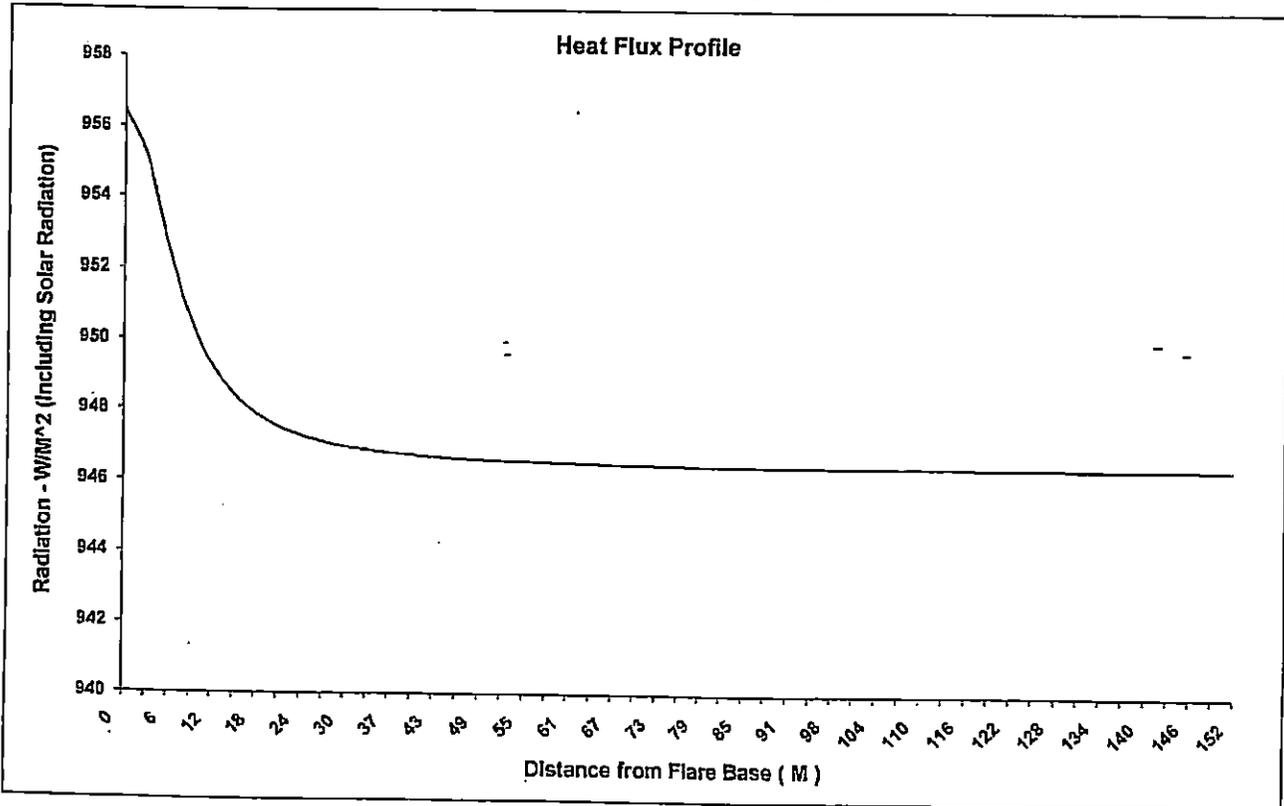
RADIATION DATA - SI UNITS

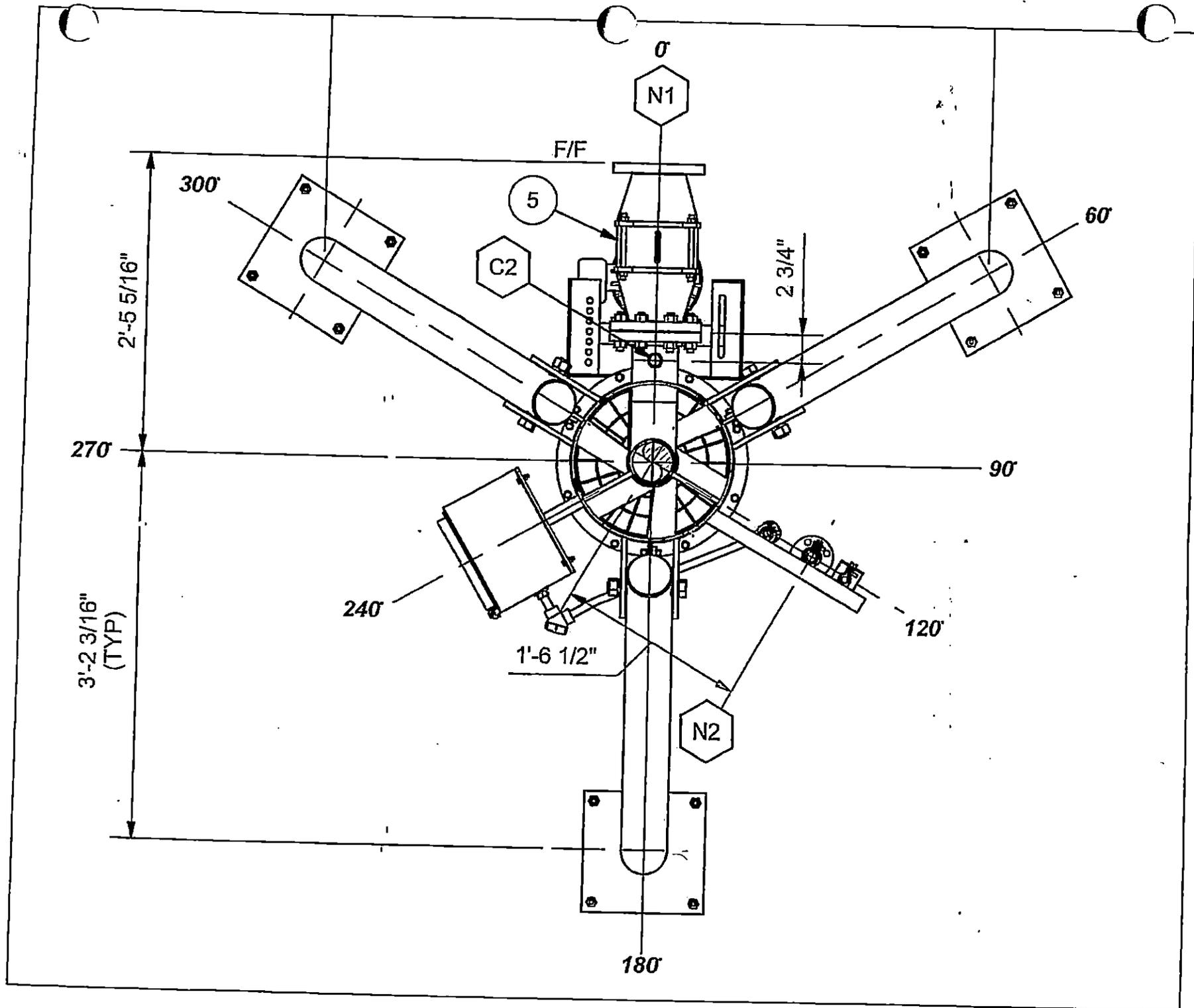
ENVIRONMENTAL CONDITIONS

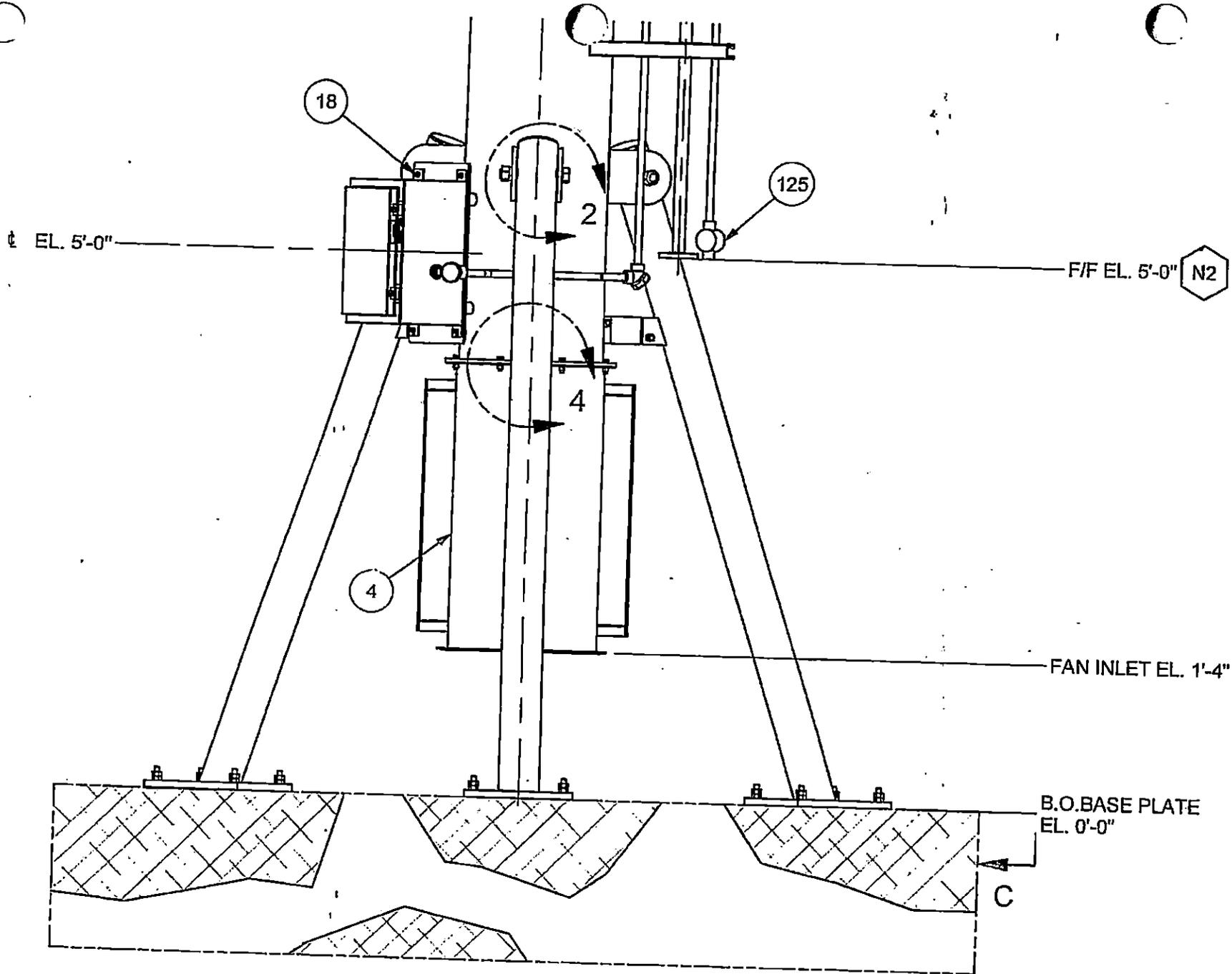
Ambient Climate Temperature*: 27 C
Wind Speed for Radiation Calculations: 32.2 KPH
Maximum Radiation at Grade: 956 W/M2
Solar Radiation: 946 W/M2
Overall Flare Height (Including Flare Tip): 8 M

*Used only in Erazovskii's Radiation Calculation Method

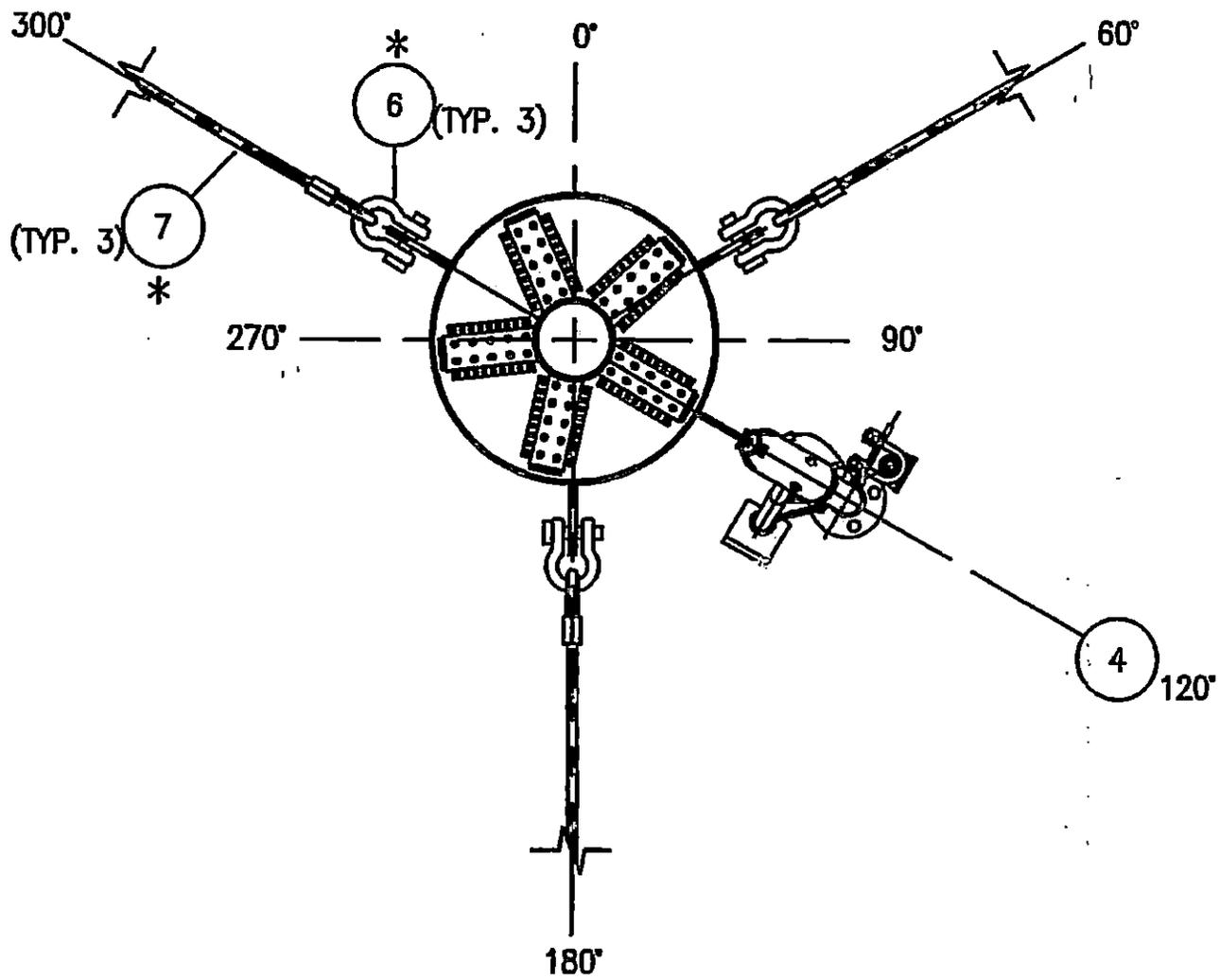
THERMAL RADIATION ANALYSIS



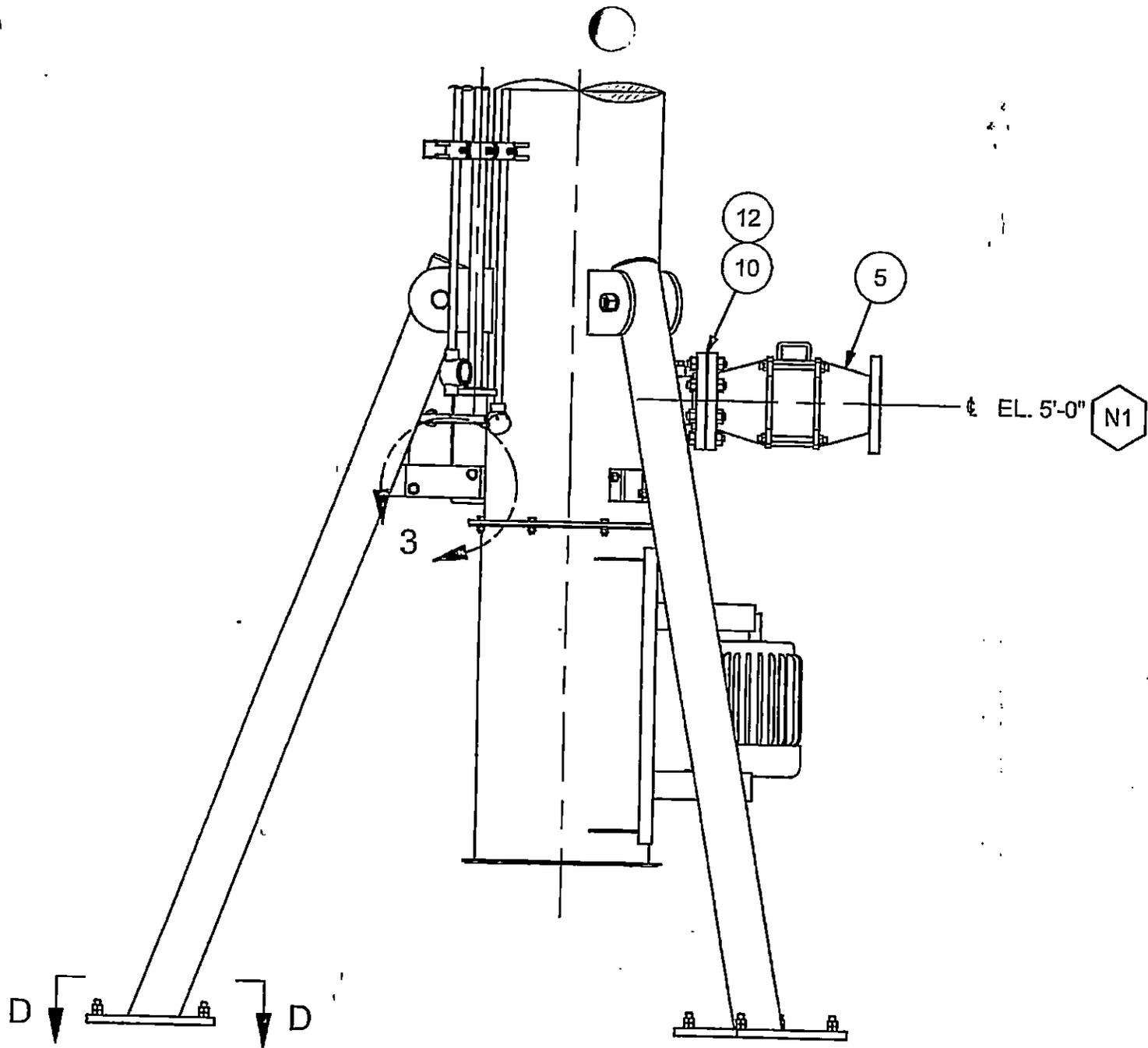




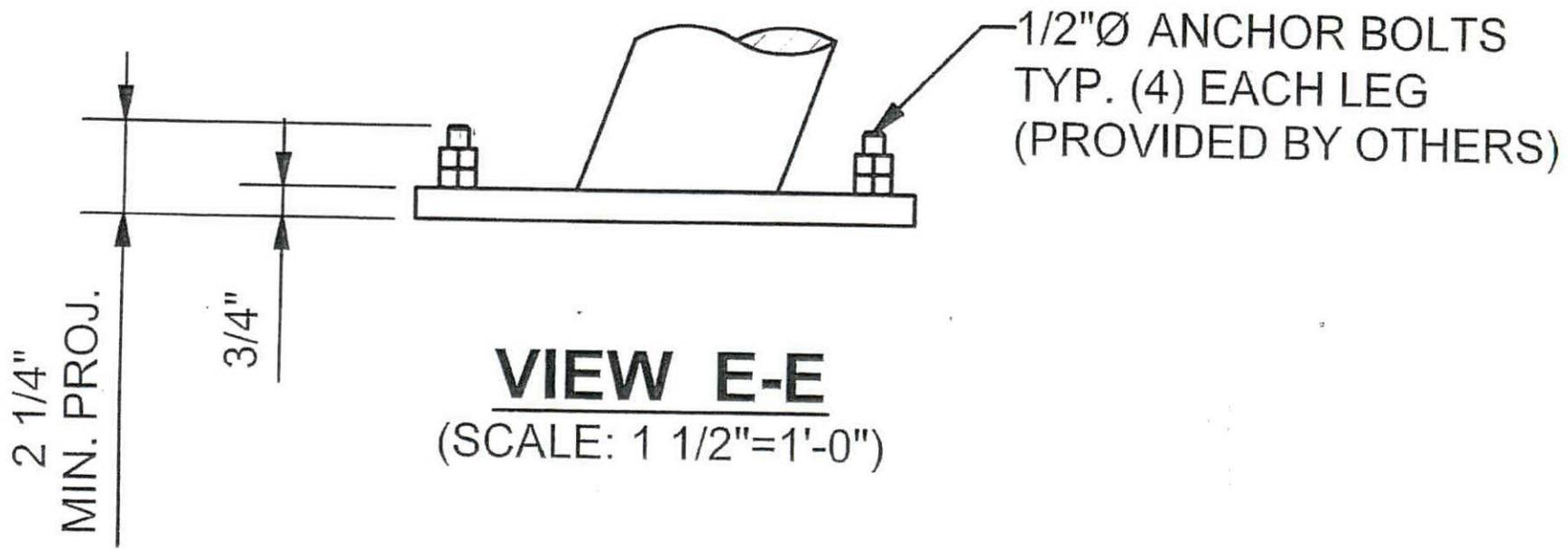
ELEVATION



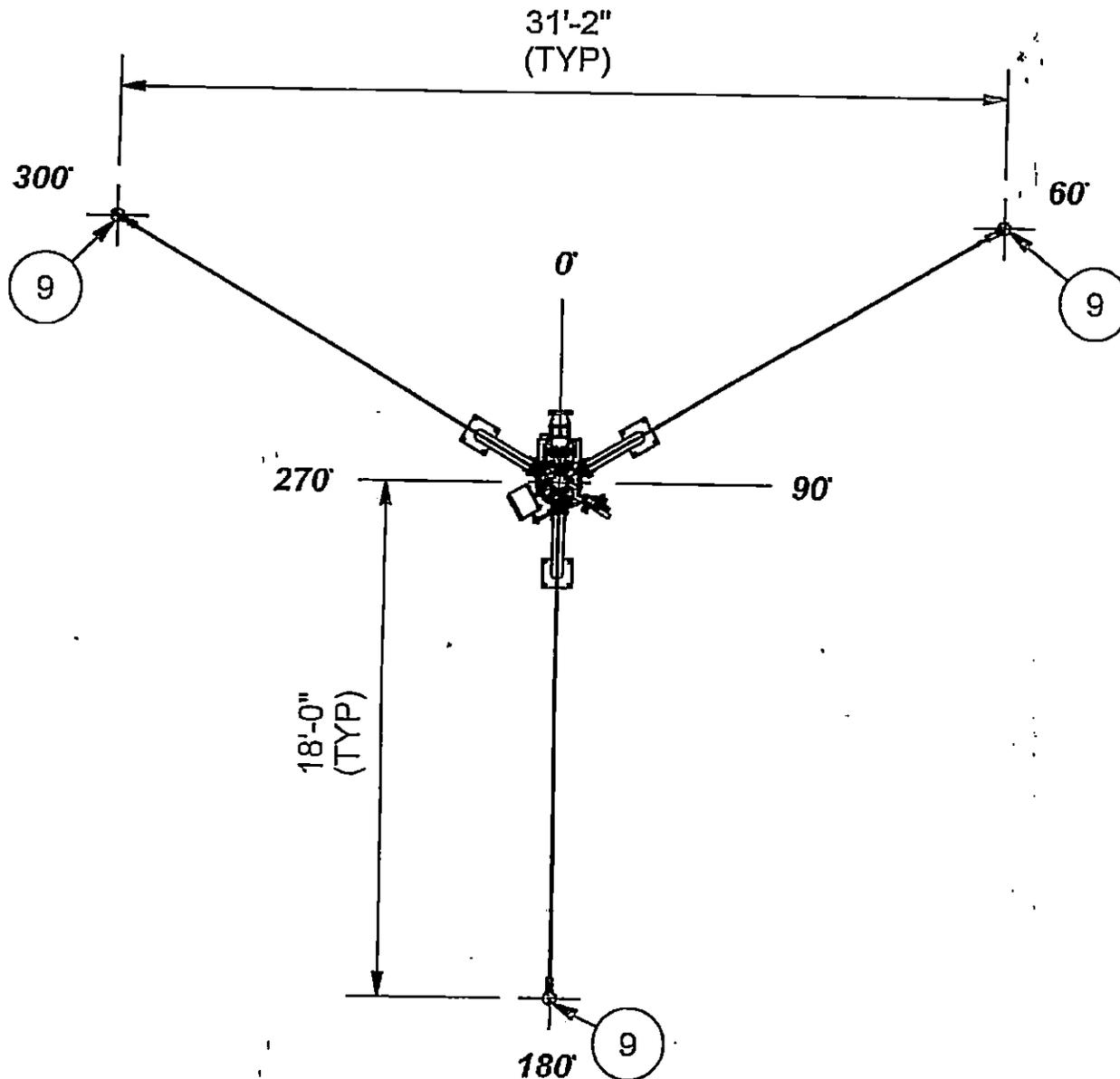
VIEW "A-A"
 (SCALE: 1"=1'-0")



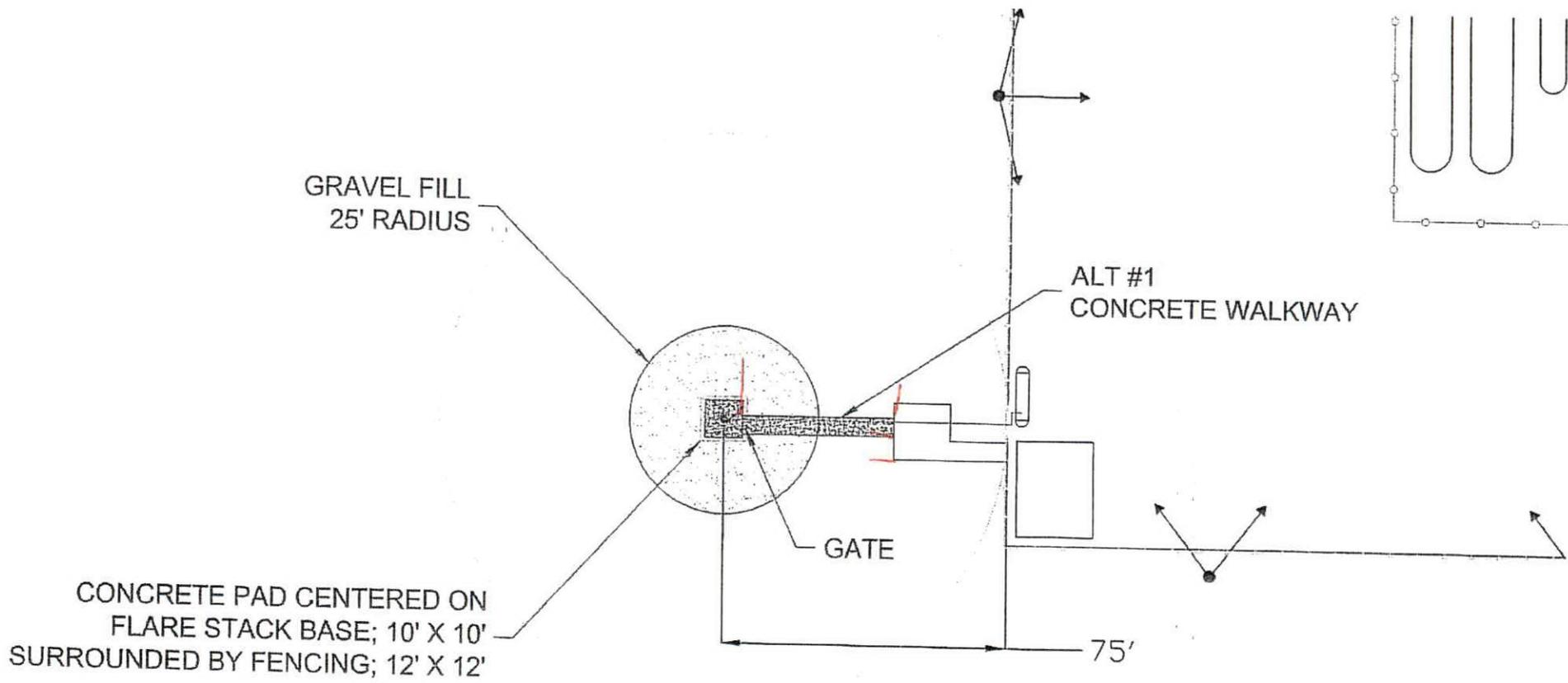
VIEW C-C



VIEW E-E
(SCALE: 1 1/2"=1'-0")



GUYWIRE ANCHOR LAYOUT
(N.T.S.)



AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD MAY 19, 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. CUP2008-16

A request by Will Benson of The National Realty Group, applicant for Hiep Pham, Inc., owner, for approval of a Conditional Use Permit for the following uses: construction contractor with storage yard; machinery sales, storage, and repair; moving and storage company; printing company; office warehouse storage and sales; outside storage; storage of used lumber and building products; tool and machinery rental; welding shop; warehouse and distribution facility; in the General Commercial District (GC), on the following described property, to wit:

Legal Description: 6.00 acres of land, approximately, being a portion of Lots 37A, 37B, Abstract 542, and Tracts 36A-36C1, Abstract 233, H.T. & B.R.R. Company Survey, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the East Side of State Highway 35 (Main Street), and on the South Side of Halik 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 MAY 19, 2008**

Conditional Use Permit No. CUP2008-16

* A request by Will Benson of The National Realty Group, applicant for Hiep Pham, Inc., owner, for approval of a Conditional Use Permit for the following uses: construction contractor with storage yard; machinery sales, storage, and repair; moving and storage company; printing company; office warehouse storage and sales; outside storage; storage of used lumber and building products; tool and machinery rental; welding shop; warehouse and distribution facility; in the General Commercial District (GC)

LEGAL DESCRIPTION: 6.00 acres of land, approximately, being a portion of Lots 37A, 37B, Abstract 542, and Tracts 36A-36C1, Abstract 233, H.T. & B.R.R. Company Survey, City of Pearland, Brazoria County, Texas

GENERAL LOCATION: Generally Located on the East Side of State Highway 35 (Main Street), and on the South Side of Halik Road

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

Planning and Zoning Commission: May 19, 2008*
City Council for First Reading: June 9, 2008*

(*dates subject to change if item is tabled)

SUMMARY: The applicant is requesting approval of a Conditional Use Permit (CUP) for several uses. The subject property is currently zoned as General Commercial District (GC). The subject property is currently undeveloped.

The subject property consists of two tracts of land that are within close proximity to one another. The applicant is requesting the CUP on both tracts. The applicant has also submitted a zone change for the GC tract in between the two CUP tracts, for a Light

Industrial District (M-1). The proposed zone change for M-1 is being considered concurrently with this conditional use permit request, but the two cases are separate, unrelated cases that can be acted on separately.

The applicant is requesting a conditional use permit for the following uses, all of which are allowed in the GC district by the approval of a conditional use permit:

- construction contractor with storage yard
- machinery sales, storage, and repair
- moving and storage company
- printing
- office warehouse storage or sales
- outside storage
- storage of used lumber and building products
- tool and machinery rental
- welding shop
- warehouse and distribution facility

A preliminary site plan has been submitted with the CUP application. If the CUP is approved, the applicant will be required to submit a building permit application, in which the site plan, landscape plan, and all other building plans and site development will be reviewed for conformance with all codes and ordinances applicable. The attached site plan is very conceptual and is not approved as part of the approval of this Conditional Use Permit.

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); Multi-Family District (MF)	Office/warehouse/Industrial uses; apartment complex
South	General Commercial District (GC)	Undeveloped tract
East	General Commercial District (GC)	Undeveloped tract
West	General Commercial District (GC)	Hotel

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The subject property

is currently zoned as the GC district. The minimum lot size for the GC district is 22,500 square feet, the minimum lot width is 150 feet, and the minimum lot depth is 125 feet. The subject property exceeds these minimum requirements.

It appears that the applicant intends to subdivide the subject property further into smaller lots. Each lot would have to meet the above requirements regarding lot width, lot depth, and lot area. The applicant will be required to comply with all other requirements of the Unified Development Code.

PLATTING STATUS: Based on the legal description submitted with the conditional use permit 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.

For the parcels to be platted as separate lots, Halik Road would need to be improved to provide frontage for each lot.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Business Commercial" uses for the western part of the subject property and for many of the surrounding properties. The Comprehensive Plan further indicates that the appropriate zoning districts for "Business Commercial" is the General Commercial District (GC) and the General Business District (GB). Also, the Comprehensive Plan recommends "10,000 Square Foot Lots – Suburban Residential" uses for the eastern part of the subject property and the property to the south of that. The Comprehensive Plan further indicates that the appropriate zoning district for "10,000 Square Foot Lots – Suburban Residential" is a new zoning district, one that was created with the adoption of the UDC.

The existing zoning of GC for the westernmost lot along SH 35 conforms to the Comprehensive Plan. The easternmost lot of the subject property has a GC zoning district that is currently in conflict with the Comprehensive Plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on State Highway 35 (Main Street), a major thoroughfare with a projected right-of-way of 120 feet. When the subject property is platted, the applicant may be required to dedicate right-of-way for State Highway 35, if additional right-of-way is needed. The subject property also has frontage on Halik Road, a minor collector street with a right-of-way of 60 feet. Additional right-of-way may also be needed for Halik Road, which would be required to be dedicated when the subject property is platted.

No other roadways affect the subject property.

AVAILABILITY OF UTILITIES: There is a water line located along the east side of State Highway 35 (Main Street) and along the north side of Hallk Road. There are also sanitary sewer lines located south on SH 35 and on the north side of Hallk Road. 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.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The applicant is requesting a conditional use permit for the following uses, all of which are allowed in the GC district by the approval of a conditional use permit:

- construction contractor with storage yard
- machinery sales, storage, and repair
- moving and storage company
- printing
- office warehouse storage or sales
- outside storage
- storage of used lumber and building products
- tool and machinery rental
- welding shop
- warehouse and distribution facility

The proposed conditional use permit for these uses should not have an impact on the surrounding properties.

SITE PLAN CONSIDERATIONS:

The applicant has submitted a preliminary site plan for review. The following is a list of requirements that pertain to the site under the GC district:

Building Setbacks:

Minimum front yard: 25 feet

Minimum side yard: 10 feet

Minimum rear yard: 25 feet

Maximum height: 45 feet

It is unclear from the scale of the site plan if all buildings meet these setbacks outlined in the GC district.

Corridor Overlay District:

Main Street is designated as a "corridor overlay" in the Unified Development Code. The applicant will be responsible for complying with all applicable requirements of the corridor overlay district as it pertains to the subject property. The corridor overlay district contains increased standards on building façade, building articulation, landscaping, and lighting, as well as others.

The Corridor Overlay District only applies to lots that have frontage on the Corridor Roadway. If the applicant subdivides the subject property as shown on the site plan; then the Corridor Overlay District would only apply to that lot with frontage on SH 35.

Building Façade:

The Unified Development Code requires that the building be 100 percent masonry or glass for the walls or portions of walls visible from the adjacent roadway or adjacent residential property.

The corridor overlay district contains standards that pertain to building articulation and building materials. Building articulation, which is the expression or outlining of parts of the building by its architectural design, shall be provided in accordance with the regulations listed in the ordinance. Regarding building materials, at least 25 percent of the exterior walls facing Main Street would need to be transparent. The applicant will have to provide compliance with the building articulation and building materials on the building permit plans. Also, the corridor overlay district requires that building colors meet the colors on the City's approved color palette.

Parking:

The applicant will be required to provide parking spaces in accordance with the Unified Development Code.

Screening:

Screening between uses is not required along any property line because the subject property does not share property lines with residential uses or zoning districts.

However, the Corridor Overlay District requires that any outside storage areas be screened from view. Any goods stored outside would need to be screened with complete opacity by either a screening fence or live vegetation.

A 30 foot wide landscape buffer would also be required along Main Street due to the Corridor Overlay District.

Traffic:

A traffic impact analysis (TIA) may be required when the subject property is platted

for development. The TIA would determine the impact of the development on the surrounding properties and adjacent roadways, and would also determine the location of driveways.

All of the uses listed for this Conditional Use Permit are permitted in the M-1 zone and the applicant could have requested a zone change to M-1. However, M-1 would not be in conformance with the Comprehensive Plan, and also, the M-1 district is not as restrictive as the GC district in terms of percentage of required landscaping and building façade. By leaving the property zoned as GC, the development standards for any uses on that property are more restrictive.

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

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

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit, as proposed by the applicant, for the following reasons:

1. The proposed conditional use permit provides for many uses that may be appropriate in the subject area, and all of these uses are permitted by the approval of a Conditional Use Permit.
2. The proposed uses appear to be compatible with the existing zoning of GC and the light industrial and commercial character of the surrounding properties.
3. The proposed development is adjacent to other GC zoning districts, and there are no nearby residential tracts that this development would have a negative impact on.

SUPPORTING DOCUMENTS:

- Zone Change Application
- Location Map
- Property Ownership Map
- Property Owner Notification List
- Zoning Map
- Future Land Use Plan
- Aerial Photograph
- Proposed Site Plan



APPLICATION FOR A CHANGE IN ZONING

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

Current Zoning District: GC AND M-T

Proposed Zoning District: GC-CUP and ~~M-T~~

Property Information:

Address or General Location of Property: ± 16.221 Acres at
The SEC of Halik Rd and SH 35 (North Main)

Tax Account No. _____

Subdivision: _____ Lot: _____ Block: _____

A Complete Application must include all of this information:

- Fee (see Zoning Change Fee Schedule)
- Legal Description and/or Survey of the Property
- Letter Explaining the Zoning Change Request in detail (specify the existing zoning and why the zone change is being requested, current use of the property, and the proposed use of the property; if a PD is requested, see PD Format and Guidelines)

PROPERTY OWNER INFORMATION:

NAME HIEP PHAM, INC
ADDRESS 5103 Broadway, #109
CITY Pearland STATE TX ZIP 77581
PHONE() _____
FAX() _____
E-MAIL ADDRESS _____

APPLICANT INFORMATION:

The National
NAME WILL BENSON on Behalf of Realty Group
ADDRESS 15120 Northwest Freeway #190
CITY Houston STATE TX ZIP 77040
PHONE (713) 856-1000
FAX (713) 856-5100
E-MAIL ADDRESS will@trng.net

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

Owner's Signature: _____ Date: _____

Applicant's Signature: Will Benson Date: 3-24-08

OFFICE USE ONLY:

FEES PAID: <u>\$250⁰⁰</u>	DATE PAID: <u>3/31/08</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>—</u>
--------------------------------------	---------------------------	---------------------------------	--------------------------

Application No. CUP 2008-16

TNRG | THE NATIONAL
REALTY GROUP, INC.

To: Members of the Pearland City Council
Members of the Pearland Planning and Zoning Commission
City Staff

3/24/08

RE: Change of Zoning to M-1 Industrial

The purpose of this application is to seek approval for zoning a portion of a 16 acre tract for a commercial business park. Several options have been explored with staff. This conditional use permit application, AND M-1 zoning classification is the result of those discussions.

Several key points that support this application include:

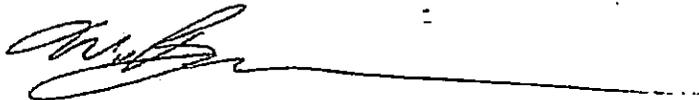
- The proposed use is complimentary to all adjacent uses.
- Portions of the property already have M-1 zoning.

For the 4.80 acres, in addition to those uses permitted outright in the GC zoning classification, this application seeks specific uses outlined below:

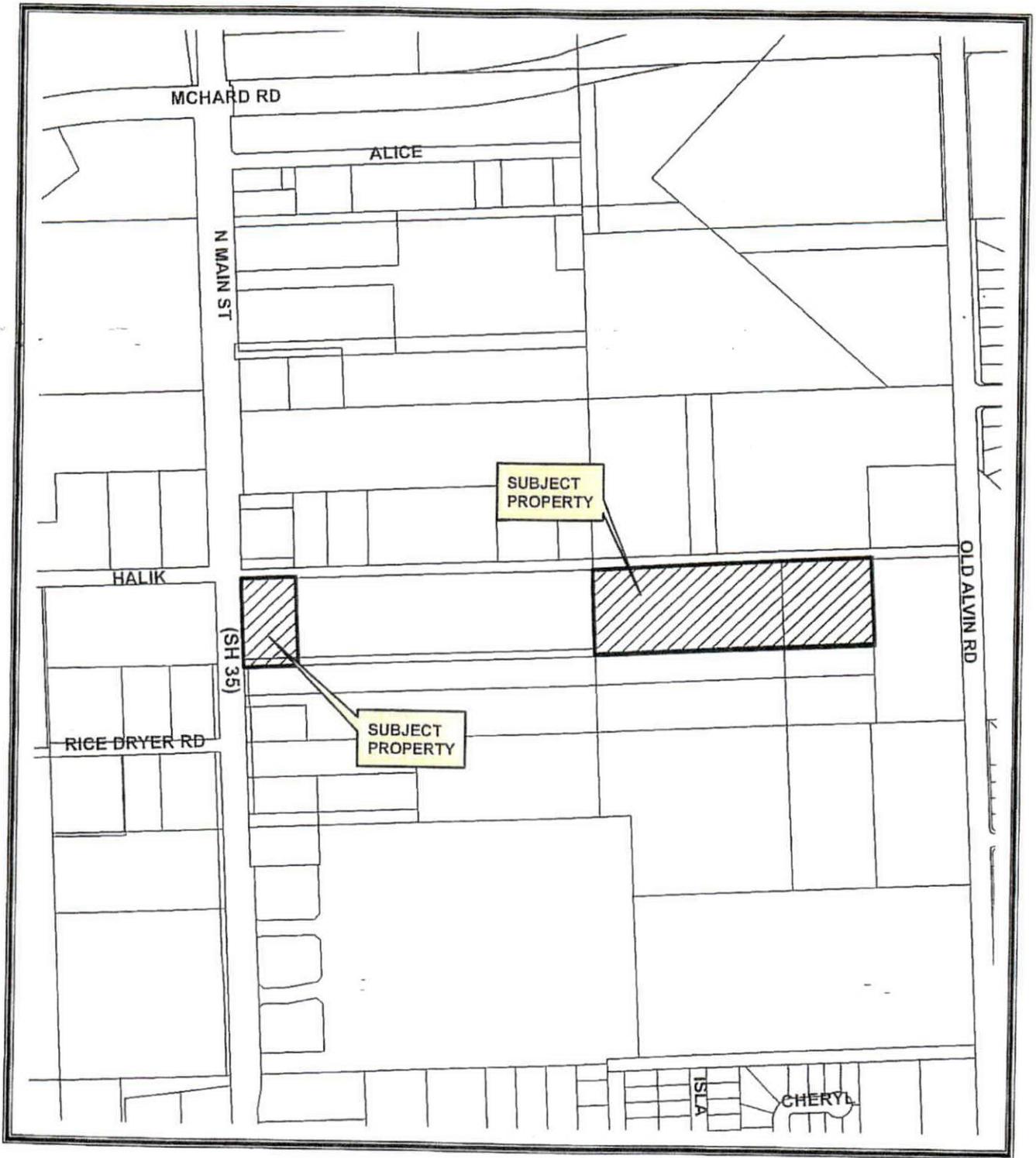
- Construction Contractor with Storage Yard
- Machinery Sales, Storage, & Repair
- Moving and Storage Company
- Printing
- Office Warehouse Storage or Sales
- Outside Storage
- Storage of Used Lumber and Building Products
- Tool and Machinery Rental
- Welding Shop (Where indoor welding is the primary use)
- Warehouse and Distribution Facility

We appreciate the support of the City Staff in working through this project, and appreciate the favorable consideration by the officials serving in both governing bodies.

Sincerely,



Will Benson
Developer
The National Realty Group
15120 Northwest Freeway
Houston, TX 77040
(713) 744-7426 Direct
(281) 932-7836 Cell
will@tnrg.net



LOCATION MAP

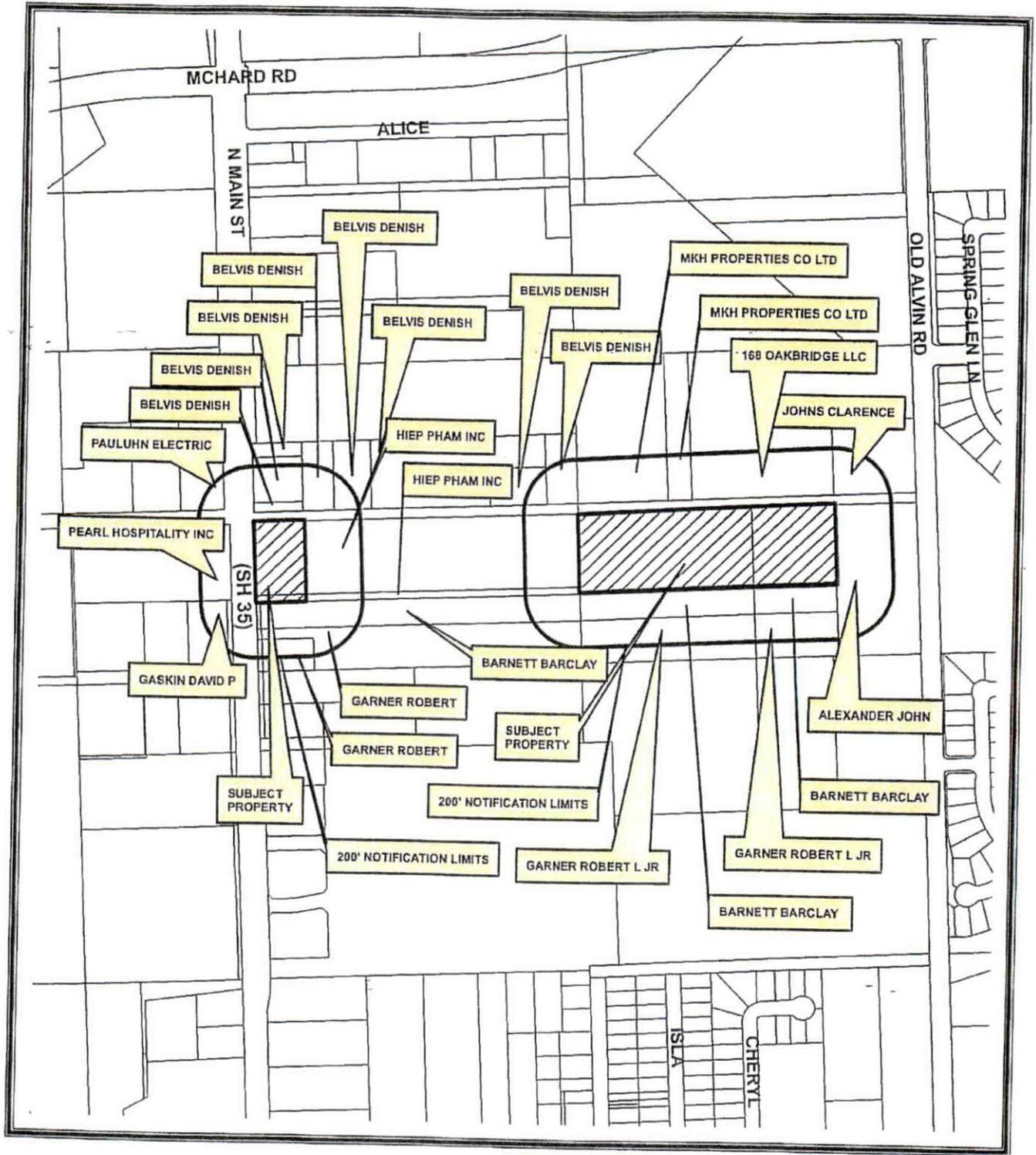
Conditional Use Permit
No. CUP2008-16



0 300 600 Feet

A horizontal scale bar with three segments, labeled 0, 300, and 600 Feet.

Map Prepared on April 30, 2008



OWNERSHIP MAP

Conditional Use Permit
No. CUP2008-16

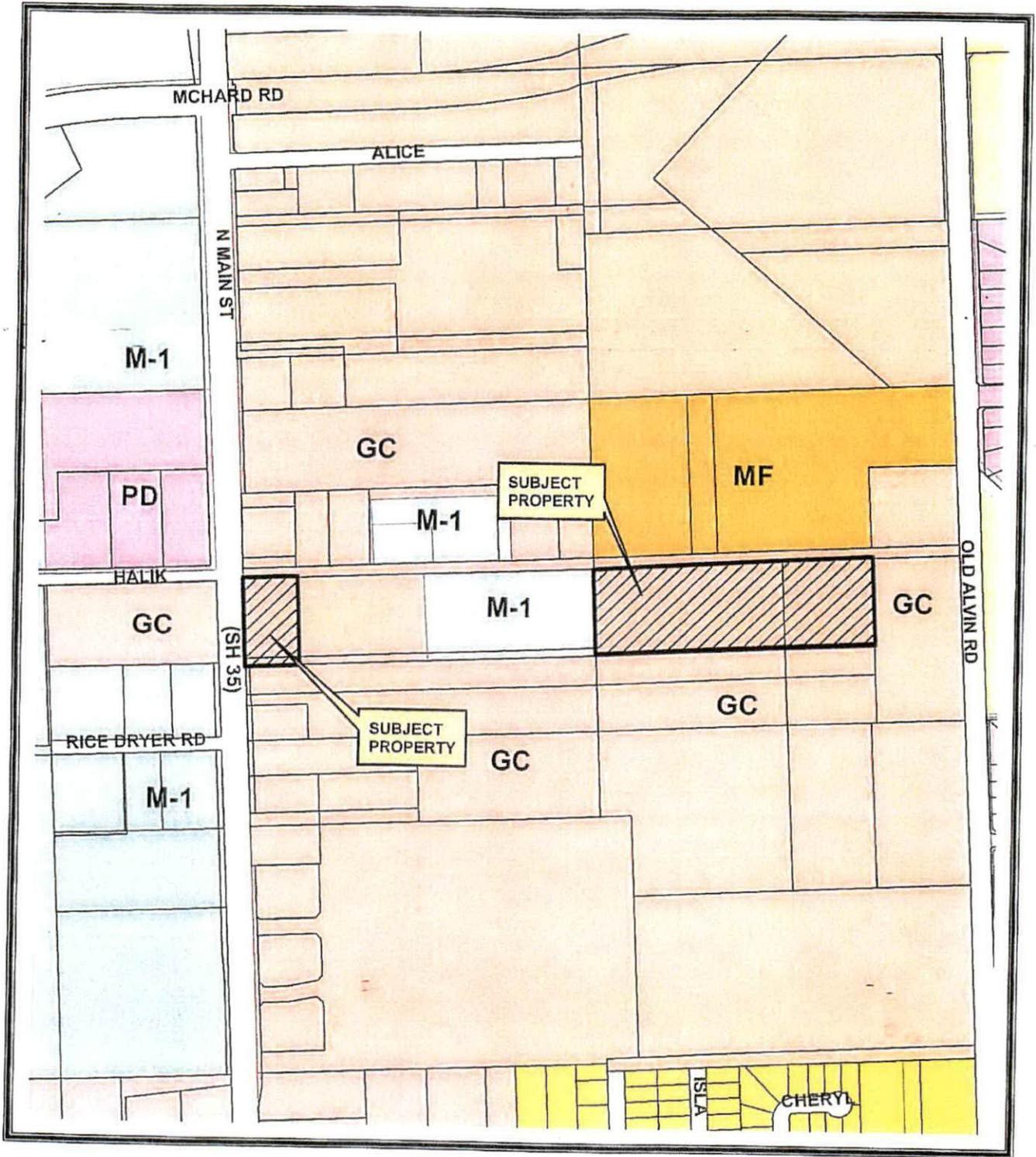


0 300 600 Feet

Map Prepared on April 30, 2008

CONDITIONAL USE PERMIT NO. CUP2008-16
Property Owner Notification List

<u>TAX ACCT</u>	<u>OWNER</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>ST</u>	<u>ZIP CODE</u>
0233-0030-000	168 OAKBRIDGE LLC	5851 SOUTHWEST FWY STE 601	HOUSTON	TX	77057
0233-0022-110	MKH PROPERTIES CO LTD	4505 WASATCH BLVD	SALT LAKE CTY	UT	84124
0233-0021-000	JOHNS CLARENCE	PO BOX 48	MANVEL	TX	77578
7001-0001-001	PAULUHN ELECTRIC MFG CO INC	1616 N MAIN ST	PEARLAND	TX	77581
0542-0017-000	GARNER ROBERT L JR	8126 BROOKSIDE RD	PEARLAND	TX	77581
0542-0025-005	BELVIS D & D B ACAYLAR & C GUZMAN	1102 BARKLEY CT	PEARLAND	TX	77581
0542-0031-004	BELVIS D & D B ACAYLAR & C GUZMAN	1102 BARKLEY CT	PEARLAND	TX	77581
0542-0025-006	BELVIS D & D B ACAYLAR & C GUZMAN	1102 BARKLEY CT	PEARLAND	TX	77581
0542-0025-003	BELVIS D & D B ACAYLAR & C GUZMAN	1102 BARKLEY CT	PEARLAND	TX	77581
0542-0052-000	BELVIS D & D B ACAYLAR & C GUZMAN	1102 BARKLEY CT	PEARLAND	TX	77581
0542-0025-004	BELVIS D & D B ACAYLAR & C GUZMAN	1102 BARKLEY CT	PEARLAND	TX	77581
PROP OWNER	HIEP PHAM INC	5103 BROADWAY STE 109	PEARLAND	TX	77581
APPLICANT	WILL BENSON THE NAT REALTY GROUP	15120 NORTHWEST FWY STE 190	HOUSTON	TX	77040
0233-0006-000	ALEXANDER JOHN FAMILY LP	PO BOX 127	PEARLAND	TX	77588
0233-0020-000	HIEP PHAM INC DBA ARGO PEARLAND INV	PO BOX 84117	PEARLAND	TX	77584
0233-0020-000	HIEP PHAM INC DBA ARGO PEARLAND INV	PO BOX 84117	PEARLAND	TX	77584
0542-0031-140	HIEP PHAM INC DBA ARGO PEARLAND INV	PO BOX 84117	PEARLAND	TX	77584
0542-0026-000	PEARL HOSPITALITY INC	1702 N MAIN ST	PEARLAND	TX	77581
0233-0012-000	BARNETT BARCLAY V & NORMA	5402 RYAN ACRES DR	PEARLAND	TX	77584
0233-0012-000	BARNETT BARCLAY V & NORMA	5402 RYAN ACRES DR	PEARLAND	TX	77584
0542-0031-140	HIEP PHAM INC DBA ARGO PEARLAND INV	PO BOX 84117	PEARLAND	TX	77584
0542-0027-120	GASKIN DAVID P & PHILLIP F MCPHERSON TR	1305 SCOTT STREET	SAN FRANCISCO	CA	94115
0233-0012-110	GARNER ROBERT L JR	8126 BROOKSIDE RD	PEARLAND	TX	77501
0233-0012-110	GARNER ROBERT L JR	8126 BROOKSIDE RD	PEARLAND	TX	77501



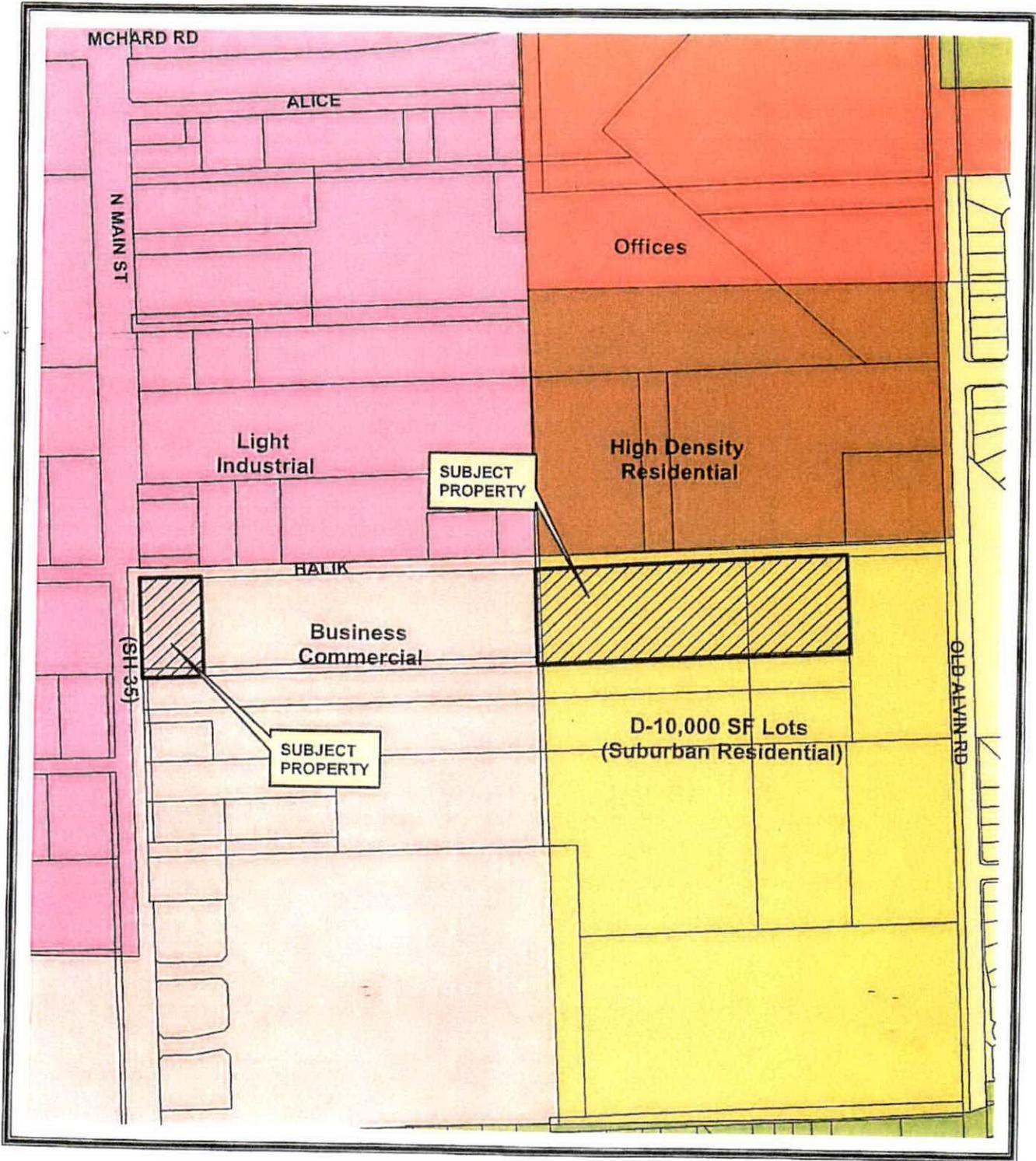
ZONING MAP

Conditional Use Permit
No. CUP2008-16



0 300 600 Feet

Map Prepared on April 30, 2008



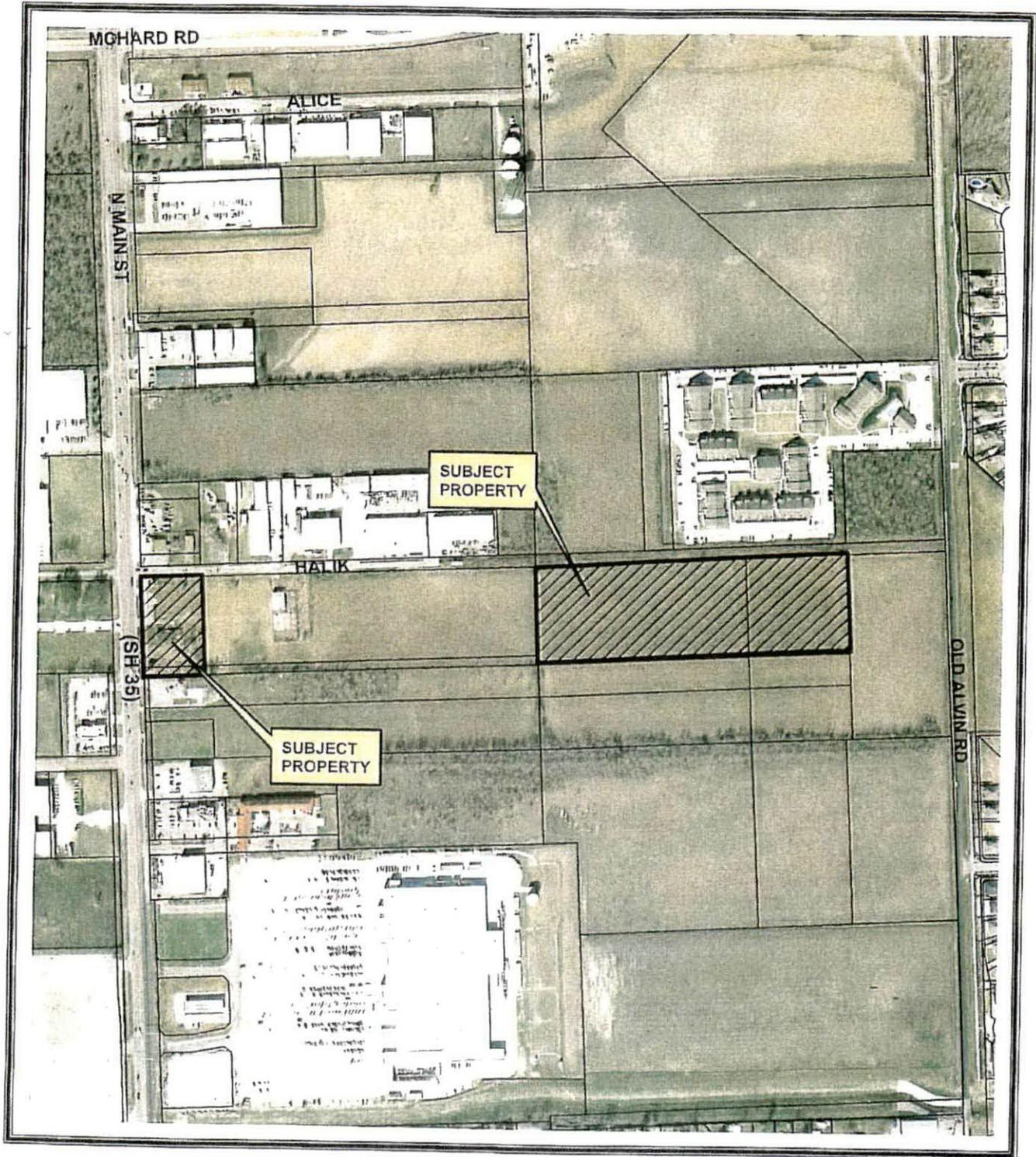
FUTURE LAND USE PLAN

Conditional Use Permit
No. CUP2008-16



0 300 600 Feet

Map Prepared on April 30, 2008



AERIAL PHOTOGRAPH

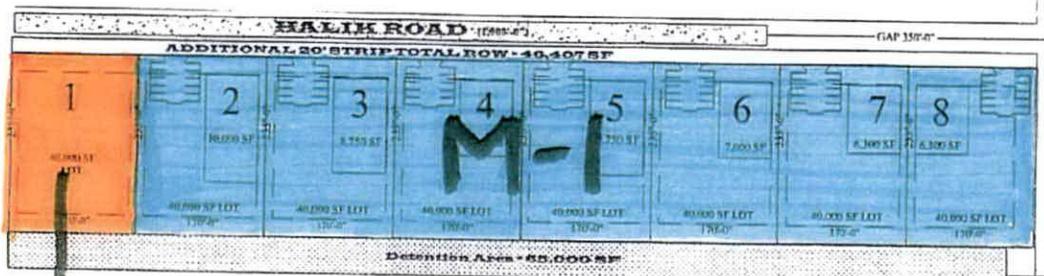
Conditional Use Permit
No. CUP2008-16



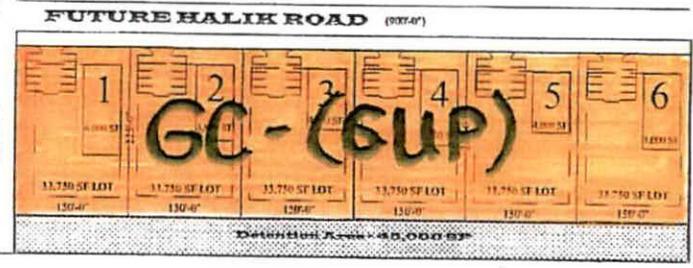
0 300 600 Feet

A horizontal scale bar with three segments. The first segment is labeled '0', the second '300', and the third '600 Feet'.

Map Prepared on April 30, 2008



R.O.W.
Gap 315'-0"



GC-CUP

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD MAY 19, 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. 2008-08Z

A request by Will Benson of The National Realty Group, applicant for Hiep Pham, Inc., owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification General Commercial District (GC) to Light Industrial District (M-1), on the following described property, to wit:

Legal Description: 6.42 acres of land, approximately, being a portion of Lots 37A, 37B, Abstract 542, and Tracts 36A-36C1, Abstract 233, H.T. & B.R.R. Company Survey, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the East Side of State Highway 35 (Main Street), and on the South Side of Halik 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 MAY 19, 2008**

Zone Change No. 2008-08Z

A request by Will Benson of The National Realty Group, applicant for Hiep Pham, Inc., owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification General Commercial District (GC) to Light Industrial District (M-1)

LEGAL DESCRIPTION: 6.42 acres of land, approximately, being a portion of Lots 37A, 37B, Abstract 542, and Tracts 36A-36C1, Abstract 233, H.T. & B.R.R. Company Survey, City of Pearland, Brazoria County, Texas

GENERAL LOCATION: Generally Located on the East Side of State Highway 35 (Main Street), and on the South Side of Halik Road

APPROVAL PROCESS: After this Joint Public Hearing, the requested zone change application 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 applicant is requesting a change in zoning on the subject property for a Light Industrial District (M-1). The subject property is currently undeveloped. The applicant is requesting the zone change in order to allow the development of light industrial uses on this property.

The applicant has also submitted a Conditional Use Permit (CUP) for several uses, for the properties located to the west and further east of the subject property, for tracts that are currently zoned as General Commercial District (GC). The proposed CUP for those GC tracts is being considered concurrently with this zone change request, but the two cases are separate, unrelated cases that can be acted on separately.

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) and Light Industrial District (M-1)	Commercial/industrial uses
South	General Commercial District (GC)	Undeveloped tracts
East	Light Industrial District (M-1)	Undeveloped tract
West	General Commercial District (GC)	Undeveloped tract

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The applicant is requesting the M-1 district. The minimum lot size for the M-1 district is 40,000 square feet, the minimum lot width is 150 feet, and the minimum lot depth is 150 feet. The subject property exceeds these minimum requirements.

It appears that the applicant intends to subdivide the subject property further into smaller lots. Each lot would have to meet the above requirements regarding lot width, lot depth, and lot area. The applicant will be required to comply with all 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.

For the parcels to be platted as separate lots, Halik Road would need to be improved to provide frontage for each lot.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Business Commercial" uses for the subject property and for many of the surrounding properties. The Comprehensive Plan further indicates that the appropriate zoning districts for "Business Commercial" is the General Commercial District (GC) and the General Business District (GB). The applicant is requesting the Light Industrial District (M-1). Therefore, the proposed zone change to M-1 does not conform to the Comprehensive Plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on State Highway 35 (Main Street), a major thoroughfare with a projected right-of-way of 120 feet. When the subject property is platted, the applicant may be required to dedicate right-of-way for State Highway 35, if additional right-of-way is needed. The subject property also has frontage on Halik Road, a minor collector street with a right-of-way of 60 feet. Additional right-of-way may also be needed for Halik Road, which would be required to be dedicated when the subject property is platted.

No other roadways affect the subject property.

AVAILABILITY OF UTILITIES: There is a water line located along the east side of State Highway 35 (Main Street) and along the north side of Halik Road. There are also sanitary sewer lines located south on SH 35 and on the north side of Halik Road. 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.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The subject property is currently zoned as General Commercial District (GC). There is a tract of land similar in size to the subject property that is directly to the east of the subject property, which is already zoned as Light Industrial District (M-1). The applicant intends to develop the subject property and the M-1 tract to the east as similar developments.

Even though the Comprehensive Plan designates the subject property for Business

Commercial uses and not Light Industrial uses, the subject area does appear to be a combination of commercial and industrial uses. The area on the north side of Halik Road is designated for Light Industrial uses, and many tracts in that area are developed with Industrial uses, commercial uses, and warehouses.

The applicant owns several tracts within the subject area, including those to the east and west that are under consideration for a conditional use permit. The combination of commercial and industrial uses appear to be compatible with the zoning districts in the area and the uses that are already developed on properties within 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.

STAFF RECOMMENDATION: Staff recommends approval of the zone change to M-1, for the following reasons:

1. Although contrary to the Comprehensive Plan designation of Business Commercial uses, the proposed zone change to M-1 is consistent with the adjacent M-1 tract and is compatible with the surrounding zoning districts and existing developed properties.
2. The proposed zone change to M-1 allows for uses that are consistent and compatible with the surrounding commercial districts and with the applicant's proposed uses under the associated conditional use permit for the tracts to the east and west.

SUPPORTING DOCUMENTS:

- Zone Change Application
- Location Map
- Property Ownership Map
- Property Owner Notification List
- Zoning Map
- Future Land Use Plan
- Aerial Photograph



APPLICATION FOR A CHANGE IN ZONING

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

Current Zoning District: GC AND M-1

Proposed Zoning District: GC CUP and M-1

Property Information:

Address or General Location of Property: ±16.221 Acres at
The SEC of Halik Rd and SH 35 (North Main)

Tax Account No. _____

Subdivision: _____ Lot: _____ Block: _____

A Complete Application must include all of this information:

- Fee (see Zoning Change Fee Schedule)
- Legal Description and/or Survey of the Property
- Letter Explaining the Zoning Change Request in detail (specify the existing zoning and why the zone change is being requested, current use of the property, and the proposed use of the property; if a PD is requested, see PD Format and Guidelines)

PROPERTY OWNER INFORMATION:

NAME HIEP PHAM, INC
 ADDRESS 5103 Broadway, #109
 CITY Pearland STATE Tx ZIP 77581
 PHONE() _____
 FAX() _____
 E-MAIL ADDRESS _____

APPLICANT INFORMATION:

NAME Will Benson on behalf of Realty Group
 ADDRESS 15120 Northwest Freeway #190
 CITY Houston STATE Tx ZIP 77040
 PHONE(713) 956-1000
 FAX(713) 856-5100
 E-MAIL ADDRESS will@trrg.net

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

Owner's Signature: _____ Date: _____

Applicant Agent's Signature: Will Benson Date: 3-24-08

OFFICE USE ONLY:

FEES PAID: <u>\$275.00</u>	DATE PAID: <u>3/31/08</u>	RECEIVED BY: <u>tdg</u>	RECEIPT NUMBER: <u>—</u>
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Application No. 2008-082

To: Members of the Pearland City Council
Members of the Pearland Planning and Zoning Commission
City Staff

3/24/08

RE: Change of Zoning to M-1 Industrial

The purpose of this application is to seek approval for zoning a portion of a 16 acre tract for a commercial business park. Several options have been explored with staff. This conditional use permit application, AND M-1 zoning classification is the result of those discussions.

Several key points that support this application include:

- The proposed use is complimentary to all adjacent uses.
- Portions of the property already have M-1 zoning.

For the 4.80 acres, in addition to those uses permitted outright in the GC zoning classification, this application seeks specific uses outlined below:

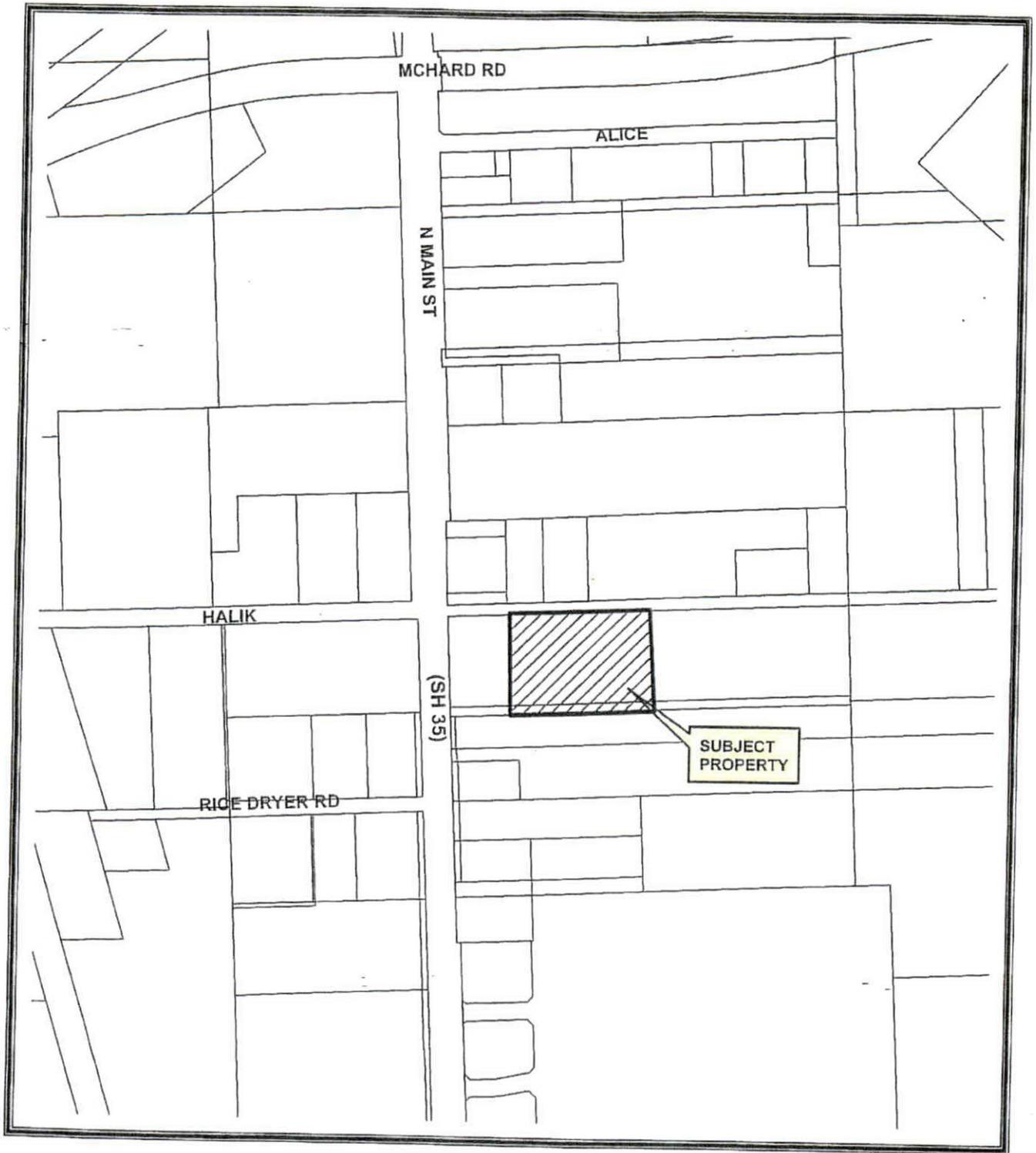
- Construction Contractor with Storage Yard
- Machinery Sales, Storage, & Repair
- Moving and Storage Company
- Printing
- Office Warehouse Storage or Sales
- Outside Storage
- Storage of Used Lumber and Building Products
- Tool and Machinery Rental
- Welding Shop (Where indoor welding is the primary use)
- Warehouse and Distribution Facility

We appreciate the support of the City Staff in working through this project, and appreciate the favorable consideration by the officials serving in both governing bodies.

Sincerely,

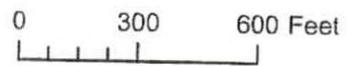


Will Benson
Developer
The National Realty Group
15120 Northwest Freeway
Houston, TX 77040
(713) 744-7426 Direct
(281) 932-7836 Cell
will@tnrg.net

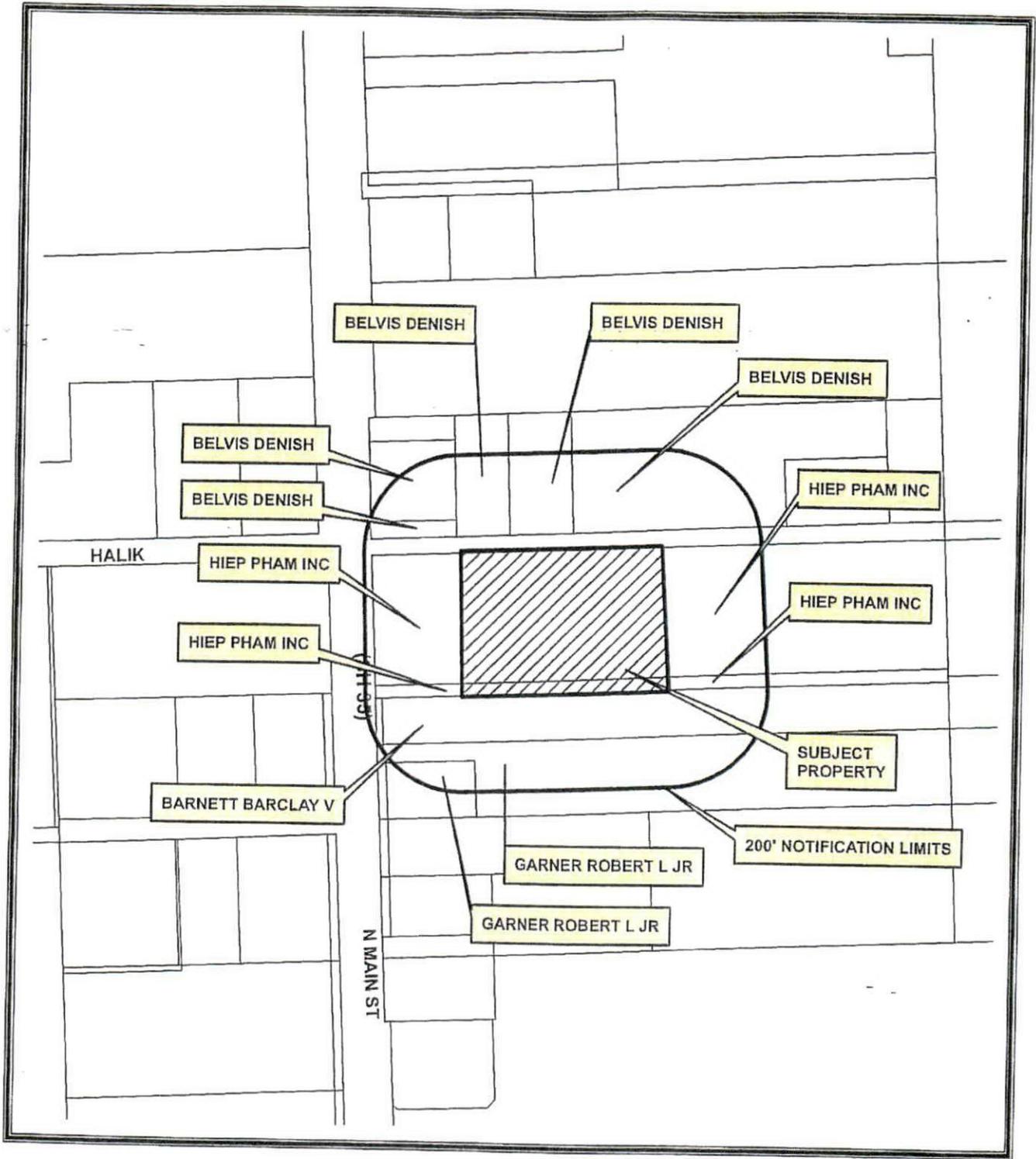


LOCATION MAP

Zone Change
No. 2008-08Z

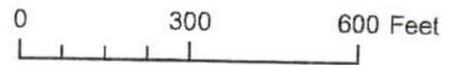


Map Prepared on April 30, 2008



OWNERSHIP MAP

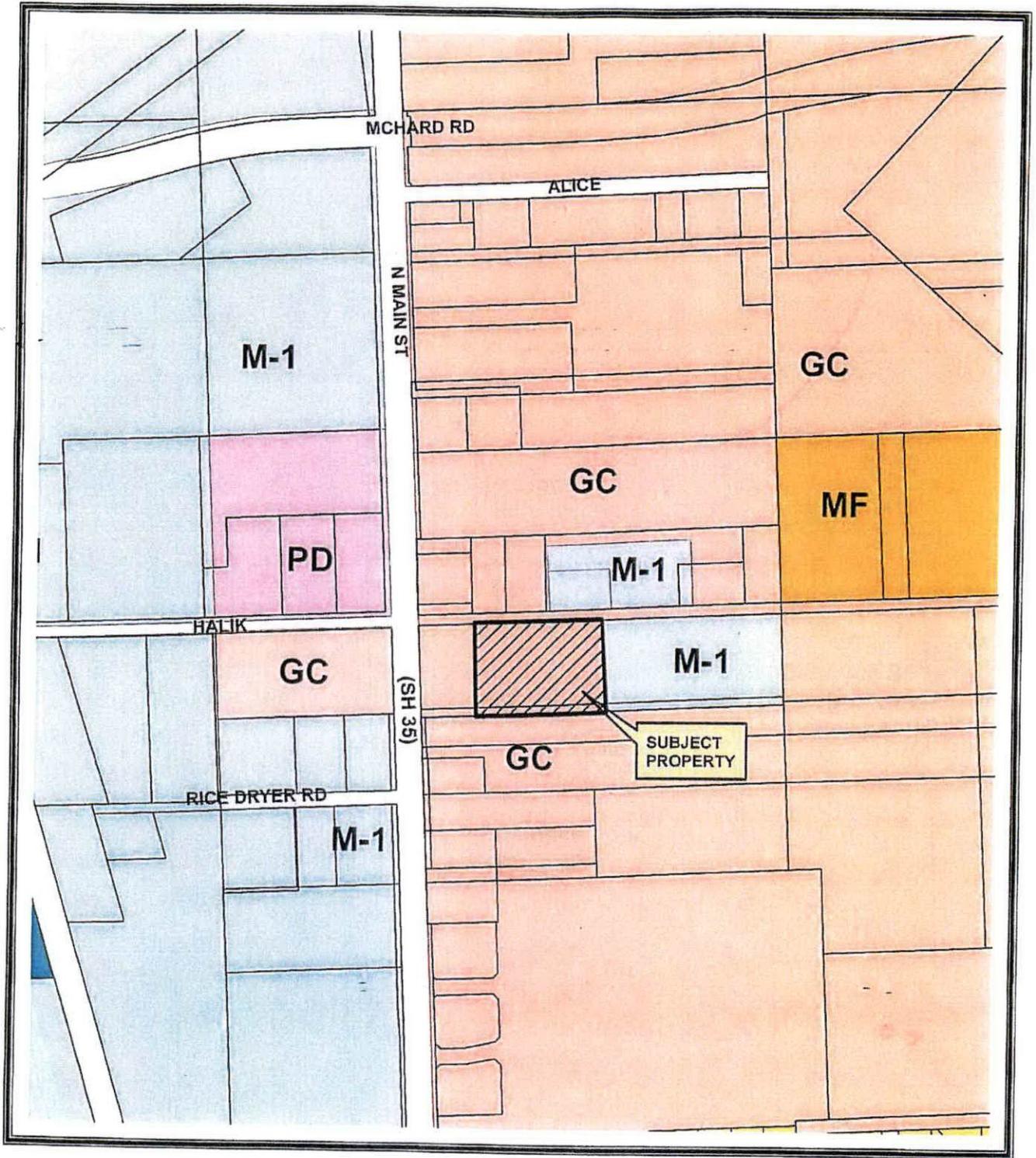
Zone Change
No. 2008-08Z



Map Prepared on April 30, 2008

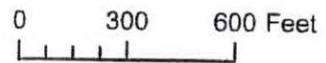
ZONE CHANGE NO. 2008-08Z
Property Owner Notification List

<u>TAX ACCT</u>	<u>OWNER</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>ST</u>	<u>ZIP CODE</u>
0542-0031-004	BELVIS D & D B ACAYLAR & C GUZMAN	1102 BARKLEY CT	PEARLAND	TX	77581
0542-0025-006	BELVIS D & D B ACAYLAR & C GUZMAN	1102 BARKLEY CT	PEARLAND	TX	77581
0542-0025-003	BELVIS D & D B ACAYLAR & C GUZMAN	1102 BARKLEY CT	PEARLAND	TX	77581
0542-0052-000	BELVIS D & D B ACAYLAR & C GUZMAN	1102 BARKLEY CT	PEARLAND	TX	77581
PROP OWNER	HIEP PHAM INC	5103 BROADWAY STE 109	PEARLAND	TX	77581
APPLICANT	WILL BENSON THE NAT REALTY GROUP	15120 NORTHWEST FWY STE 190	HOUSTON	TX	77040
0542-0017-110	BARNETT BARCLAY V & NORMA	5402 RYAN ACRES DR	PEARLAND	TX	77584-9017
0542-0017-000	GARNER ROBERT L JR	5127 MIMOSA DR	BELLAIRE	TX	77401-4937
0542-0031-140	HIEP PHAM INC DBA ARGO PEARLAND INV	PO BOX 84117	PEARLAND	TX	77584
0542-0031-140	HIEP PHAM INC	PO BOX 84117	PEARLAND	TX	77584

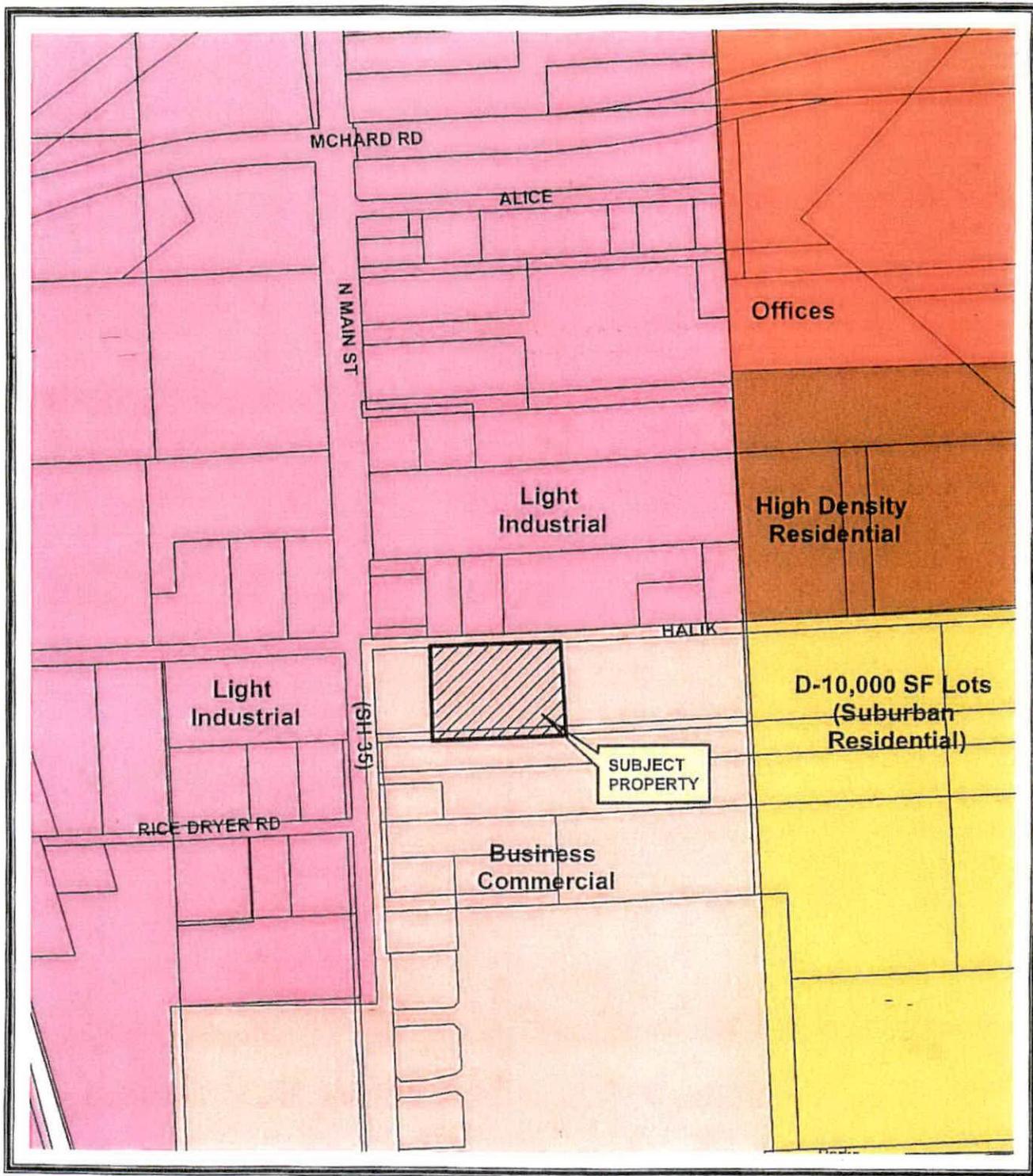


ZONING MAP

Zone Change
No. 2008-08Z

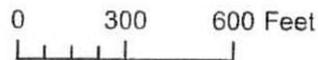


Map Prepared on April 30, 2008

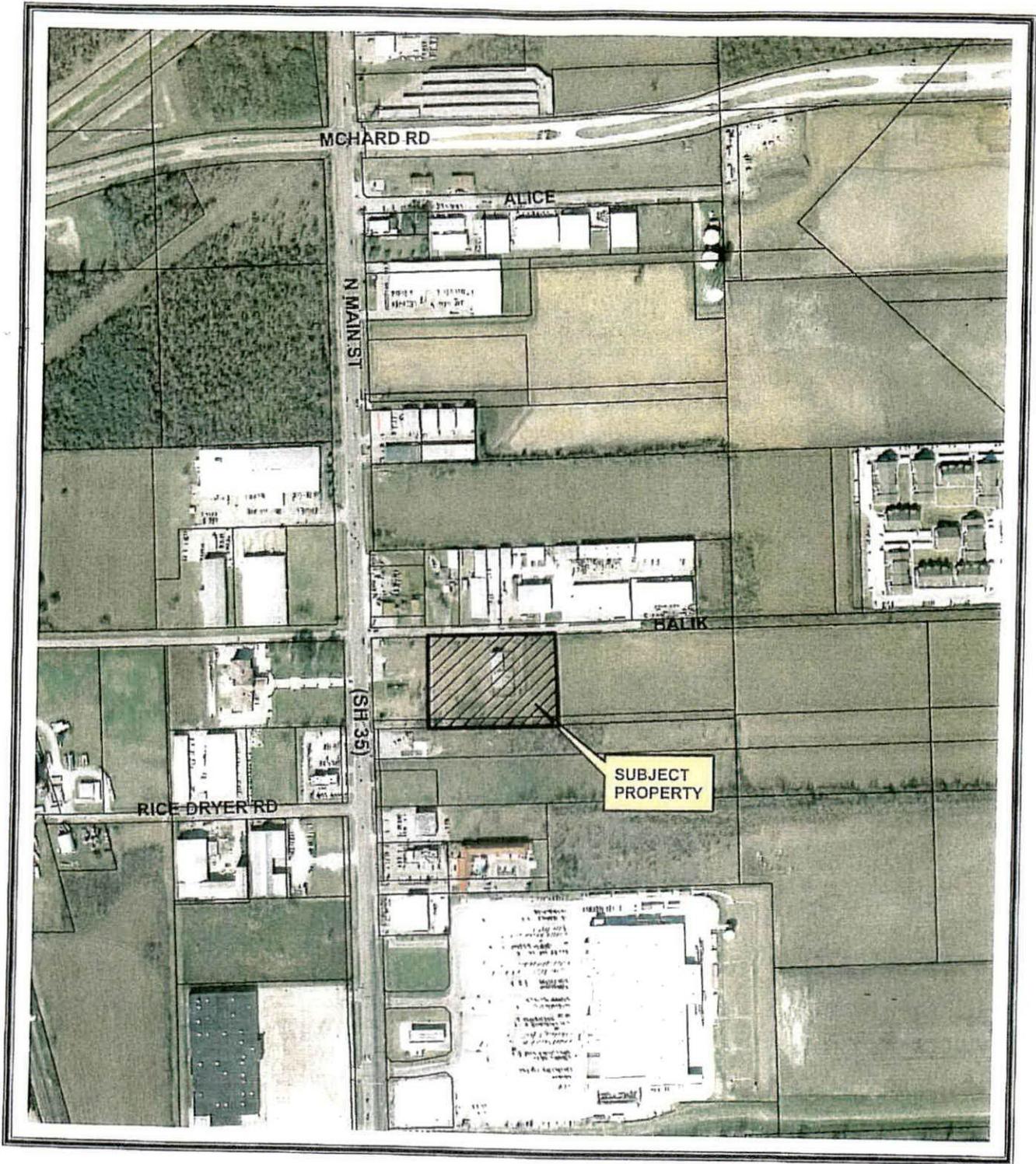


FUTURE LAND USE PLAN

Zone Change
No. 2008-08Z



Map Prepared on April 30, 2008



AERIAL PHOTOGRAPH

Zone Change
No. 2008-08Z



0 300 600 Feet

A horizontal scale bar with tick marks at 0, 300, and 600 feet.

Map Prepared on April 30, 2008

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD MAY 19, 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. 2008-12Z

A request by CBL and Associates, Inc., owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Planned Development District (PD) to Planned Development District (PD), an amendment to the existing PD for Pearland Town Center, on the following described property, to wit:

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

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

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT

B. APPLICANT PRESENTATION

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

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

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



CITY OF PEARLAND PLANNING & ZONING

JOINT PUBLIC HEARING ITEM

DATE: May 8, 2008

TO: City Council and Planning and Zoning Commission

FROM: Lata Krishnarao, AICP, Planning Director

SUBJECT: Joint Public Hearing Regarding a Proposed Addendum Pearland Town Center Planned Unit Development (PUD) Generally Located at the Southwest Intersection of SH 288 and Broadway - Signage.

The above referenced Planned Unit Development (PUD) was approved on February 27, 2006. At this time, the applicant is proposing to amend the signage requirements, transparency requirement, and parking for multi-family use.

A workshop was held on April 21, 2008 to discuss these items. The applicant will be available to make a presentation to the Council and the Commission at this public hearing and address questions and concerns.

SUMMARY:

This mixed use Pearland Town Center Planned Development (PD) is located south of Broadway and west of SH 288, called Pearland Town Center, is proposed to be a mixed use commercial development composed of traditional fashion department stores, retail shops, restaurants, entertainment uses, commercial office, multi-family housing (up to 400 units), hospitality (200 room hotel), and civic land uses with appropriate public and pedestrian amenities integrated throughout the development. Construction is underway and the center is slated to open in July of 2008.

The applicant is proposing the following modifications to the PD, as indicated in red lettering in the revised PD:

1. Parking ratio for multi-family residential:

The UDC requires a ratio of two parking spaces/unit for one-bedroom units; 2.5 spaces/unit for 2-bedroom units; and 1 space per bedroom for units with 3-bedrooms or more.

The PD was approved with a ratio of 2.5 spaces/ multi-family unit. The applicant is proposing a reduction to 1.5 space per unit. (Page 19)

Applicant has provided information regarding parking ratios from other cities, summarized as follows:

Parking spaces required for multi-family development

	Austin	Houston	Forth Worth	Pearland
Efficiency	1	1.25	1/bedroom	1.5
1 bedroom	1:5	1.33	1/bedroom	2
2 bedroom	1.5 + 0.5 for each additional bedroom	1.67	1/bedroom	2.5
3 or more bedrooms	See above	2	1/bedroom	1/bedroom

2. Transparency requirement:

The approved PD stated that building façades setback more than 90' from the right of way were exempt from the transparency requirement. The amendment proposes that this distance to be reduced to 70'. (Page 26).

Section XII.3.b had language that corrugated metal and exposed fasteners would be prohibited. This sentence had been removed and as per staff recommendation, the restriction has been added back into the PD.

3. Signage:

a. Wayfinding Signs:

The applicant is proposing to add another type of signage – On-premise Wayfinding Signs. These are signs that would direct visitors

to various stores and are proposed to have a maximum area of 174 sq. ft. and height of 12'. (Pages 32, 36, and 39). Staff recommends that the PD clarify that the maximum area includes the base.

- b. Interior Project Boundary Sign:
 These signs would be located within the interior project boundary and the applicant is requesting that these be exempt as long as the height of the sign does not exceed the height of the building. (Pages 36 and 38).
 This would be similar to signage inside an enclosed shopping mall.
- c. Administrative Review for Signage:
 Applicant is proposing that any changes to the signage package be approved by the Planning Director via an administrative staff review and approval process. (Page 36). Currently, the PD allows City Council to approve changes to signage, without the requirement of a JPH, P & Z recommendation, or two readings of an ordinance.

SURROUNDING ZONING AND LAND USES AROUND PUD:

	<u>Zoning</u>	<u>Land Use</u>
North	PUD and Commercial (C)	Broadway, Single Family Residential Shadow Creek Ranch, and proposed commercial development
South	Business Park 288 District (BP 288) and Estate Lot Single Family Dwelling District (RE)	Predominantly vacant land
East	Business Park 288 District (BP 288) and Commercial District (C)	Vacant land, self storage facility
West	Ridgerock PUD (residential and retail uses)	Vacant land

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan recommends low-density residential use for the subject parcel. The general area of the proposed lifestyle center development is designated as Business Park and Low Density Residential. Business Park district is a non-residential district that recommends large office complexes/campuses and retail development that create high quality development thereby enhancing the City's image. Business Park District also includes high density residential along the outer edge of the district. Low Density Residential recommends single-family development with lot sizes between 8,800 square feet and 1/2-acre.

The proposed addendum to the Town Center would generally conform to the Business Park district proposed for that area.

CONFORMANCE TO ZONING: The subject parcel was recently zoned RE (Estate Lot Single Family Dwelling District) in conformance with the Comprehensive Plan. RE zone permits single family residential uses on half-acre lots. The proposed addendum would not allow any residential on the added parcel.

CONFORMANCE TO THE THOROUGHFARE PLAN:

Proposed CR 566: The Thoroughfare Plan proposes CR 566 to be a Secondary Thoroughfare with a 100-foot ROW between Broadway and CR 59.

Proposed Kirby Road extension: The Thoroughfare Plan proposed Kirby Road to be extended south of Broadway up till CR 59 as a Secondary Thoroughfare with a minimum ROW of 100'.

Broadway / CR 92: Broadway is proposed as a Major Thoroughfare with a minimum ROW of 120'.

At the time of platting and construction, these surrounding streets would need to meet the requirements of the Thoroughfare Plan.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed modifications, once the following comments are addressed.

STAFF REVIEW COMMENTS:

1. Modify the text by addition underlined and bold text as indicated below.

11) On-Premise Wayfinding Signs

a) On-premise wayfinding signs are permitted within the PUD for the

specific purpose of directing vehicular traffic around the site and to major anchor stores and amenities.

b) Maximum Height: The maximum height of any vertical On-premise wayfinding sign shall not exceed 12'-0" (refer to exhibit C on page 39).

c) Maximum Sign Area: The maximum effective sign area shall not exceed 174 square feet (refer to exhibit C on page 39) including the sign base, and supporting structures and associated decorative walls.

12) Interior Project Boundary

- a) Signs located within the Interior Project Boundary (refer to Exhibit B on page 38) are considered interior signage and therefore exempt from PD and Pearland UDC requirements. Height of any signage within the Interior Project Boundary will not exceed 28'-0" or height of buildings within the Interior Project Boundary.

2. The parking ratios from other projects, provided by the applicant, have separate requirements for one, two, and three bedroom residential units. It is not clear what the breakdown would be for the proposed multi family development. Information about the proposed breakdown of one, two, or more units will assist staff in reviewing the adequacy of parking. Further, since the Town Center development has additional parking than required, overall numbers for proposed and required parking will help staff in reviewing this reduction.

SUPPORTING DOCUMENTS:

- Notice of Public Hearing
- Zone Change Application
- Location Map
- Property Ownership Map
- Property Owner Notification List
- Zoning Map
- Future Land Use Plan
- Proposed Planned Unit Development



APPLICATION FOR A CHANGE IN ZONING

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

Current Zoning District: PD APR 25 2008

Proposed Zoning District: PD AMENDMENT

Property Information:

Address or General Location of Property: BROADWAY + KIRBY

Tax Account No. _____

Subdivision: PEARLAND TOWN CENTER Lot: _____ Block: _____

A Complete Application must include all of this information:

- Fee (see Zoning Change Fee Schedule)
- Legal Description and/or Survey of the Property *t.*
- Letter Explaining the Zoning Change Request in detail (specify the existing zoning and why the zone change is being requested, current use of the property, and the proposed use of the property; if a PD is requested, see PD Format and Guidelines)

PROPERTY OWNER INFORMATION:

NAME CBC + ASSOCIATES
 ADDRESS 6198 LEE HIGHWAY
 CITY CHATTANOOGA STATE TN ZIP 37421
 PHONE (423) 855-0001
 FAX (423) 490-8602
 E-MAIL ADDRESS kwittler@cblproperties.com

APPLICANT INFORMATION:

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

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: Kenneth W. Wittler Date: 4/21/08

Agent's Signature: _____ Date: _____

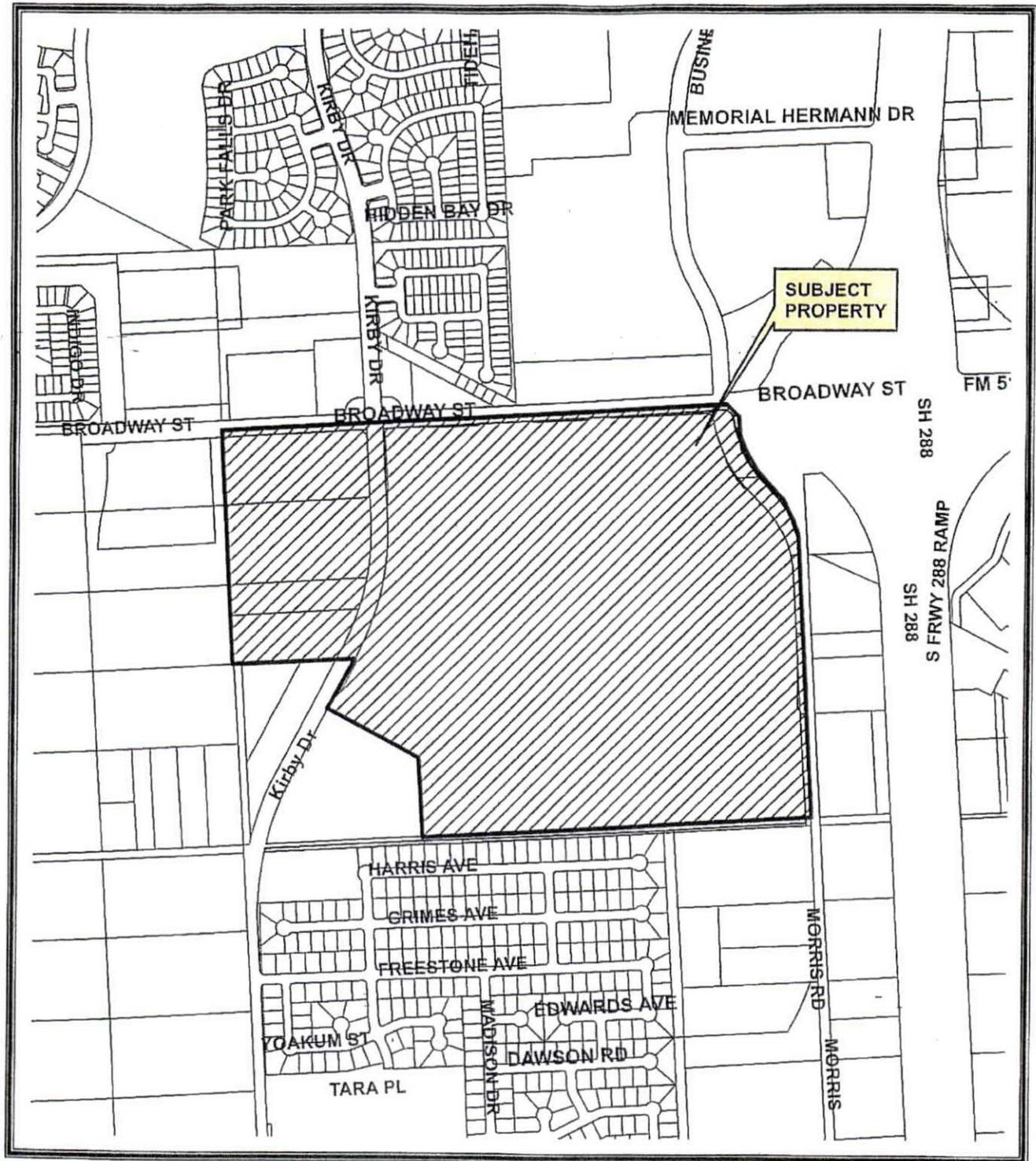
OFFICE USE ONLY:

FEES AID: <u>\$600.00</u>	DATE PAID: <u>4/21/08</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>—</u>
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Application No. 2008-127

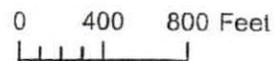
A CHANGE IN SPRING
APPLICATION FOR

~~113~~ 624-0116
Ashley w/
Ruis Long Drp
H 3400 Dixie Fm
Rd
R-1 to O.P.
sell & move to
office

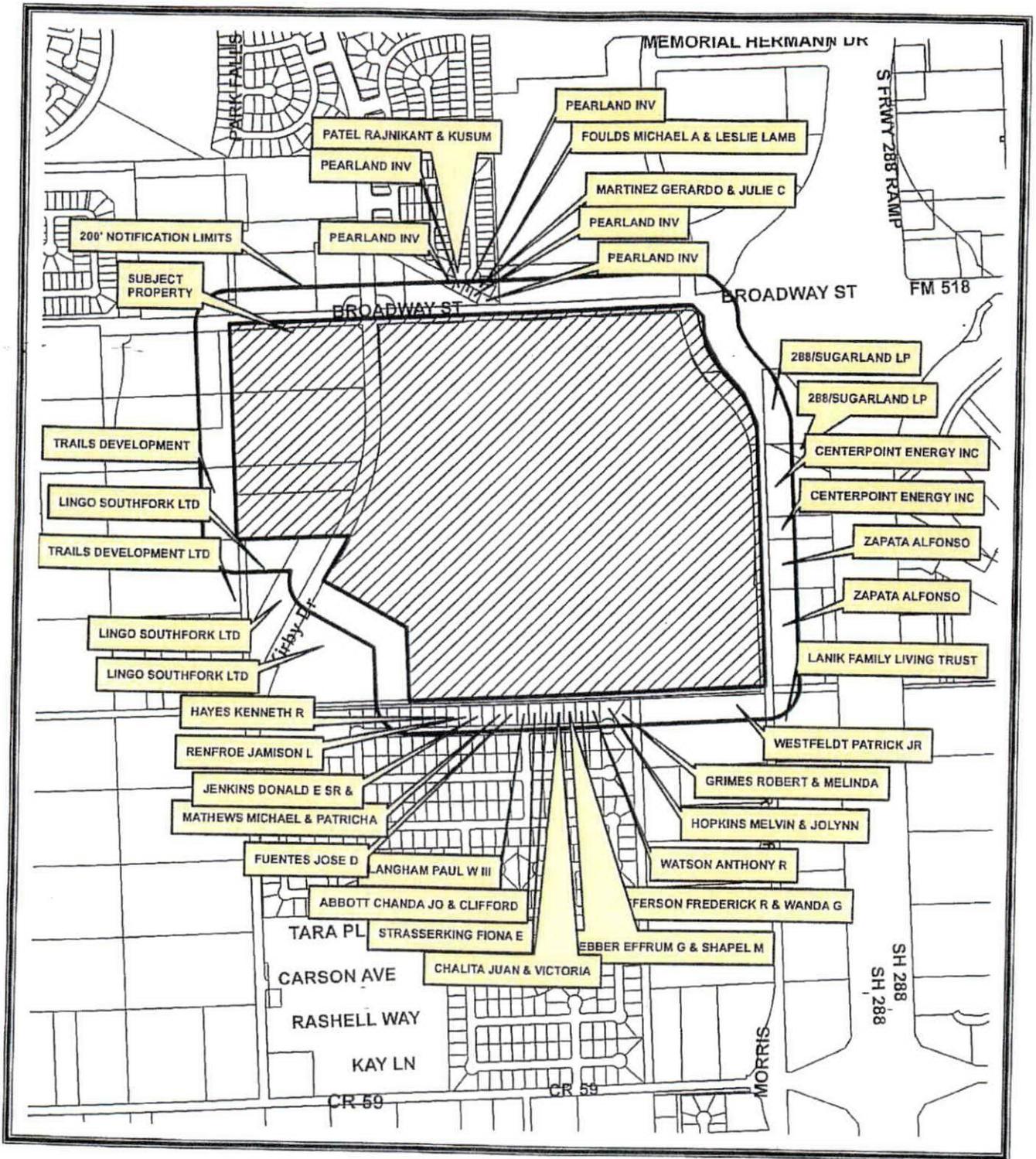


LOCATION MAP

Zone Change
No. 2008-12Z

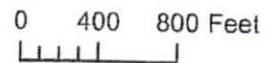


Map Prepared on April 30, 2008



OWNERSHIP MAP

Zone Change
No. 2008-12Z

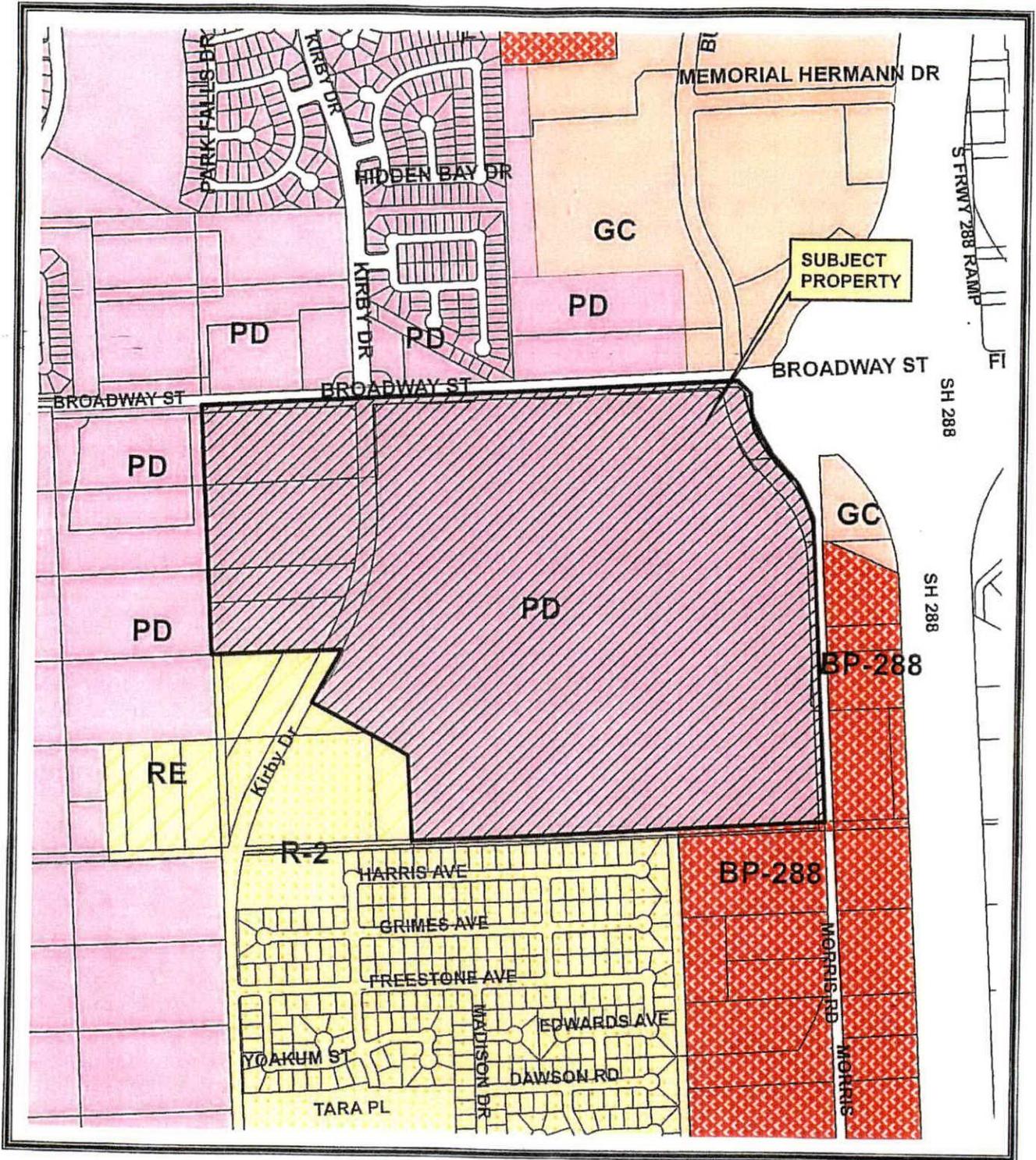


Map Prepared on April 30, 2008

Note: All property owners not shown due to limited space on the map. Refer to the Property Owner Notification List for a complete list of all property owners notified.

ZONE CHANGE NO. 2008-12Z
Property Owner Notification List

<u>TAX ACCT</u>	<u>OWNER</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>ST</u> <u>ZIP CODE</u>
7713-1000-000	LINGO SOUTHFORK LTD	3900 MAGNOLIA DR	PEARLAND	TX 77584
0300-0036-000	ZAPATA ALFONSO	10190 OLD KATY RD STE 510	HOUSTON	TX 77043
0300-0012-000	LANIK FAMILY TR %EVERETT OR MARY L LANIK	P O BOX 980903	HOUSTON	TX 77098
0300-0037-122	WESTFELDT PATRICK JR	PO BOX 4614	BOULDER	CO 80306
7713-2004-015	GRIMES ROBERT & MELINDA	11201 HARRIS AVE	PEARLAND	TX 77584
7713-2004-014	HOPKINS MELVIN & JOLYNN	11203 HARRIS AVENUE	PEARLAND	TX 77584
7713-2004-013	WATSON ANTHONY R	11205 HARRIS AVE	PEARLAND	TX 77584
7713-2004-012	JEFFERSON FREDERICK R & WANDA G	11207 HARRIS AVE	PEARLAND	TX 77584
7713-2004-011	WEBBER EFFRUM G & SHAPEL M	11209 HARRIS AVENUE	PEARLAND	TX 77584
7713-2004-010	CHALITA JUAN & VICTORIA	11211 HARRIS AVENUE	PEARLAND	TX 77584
7713-2004-009	STRASSERKING FIONA E	11213 HARRIS AVE	PEARLAND	TX 77584
7713-2004-008	ABBOTT CHANDA JO & CLIFFORD	11215 HARRIS AVENUE	PEARLAND	TX 77584
7713-2004-007	LANGHAM PAUL W III & PAMELA	11217 HARRIS AVE	PEARLAND	TX 77584
7713-2004-006	FUENTES JOSE D	11301 HARRIS AVE	PEARLAND	TX 77584
7713-2004-005	MATHEWS MICHAEL & PATRICIA	11303 HARRIS AVENUE	PEARLAND	TX 77584
7713-2004-004	HALES ALAN K & TAMA L	11305 HARRIS AVE	PEARLAND	TX 77584
7713-2004-003	JENKINS DONALD E SR & DEBORAH J	11307 HARRIS AVE	PEARLAND	TX 77584
7713-2004-002	RENFROE JAMISON L	11309 HARRIS AVE	PEARLAND	TX 77584
7713-2004-001	HAYES KENNETH R & JOHNNIE S	11311 HARRIS AVE	PEARLAND	TX 77584
PROP OWNER	CBL & ASSOCIATES	6148 LEE HIGHWAY	CHATTANOOGA	TN 37421
0300-0023-000	PEARLAND TOWN CENTER LP	2030 HAMILTON PLACE BVD STE 500	CHATTANOOGA	TN 37421
0300-0023-000	PEARLAND TOWN CENTER LP	2030 HAMILTON PLACE BVD STE 500	CHATTANOOGA	TN 37421
7502-1621-031	PATEL RAJNIKANT & KUSUM & V PATEL	2912 MORNING BROOK WAY	PEARLAND	TX 77584
0675-0028-030	PEARLAND INVESTMENTS LTD PRT	PO BOX 95398	LAS VEGAS	NV 89193
7502-1621-029	FOULDS MICHAEL A & LESLIE LAMB	2917 MORNING BROOK WAY	PEARLAND	TX 77584
0675-0028-010	PEARLAND INVESTMENTS LTD PRT	PO BOX 95398	LAS VEGAS	NV 89193
7502-1621-030	MARTINEZ GERARDO & JULIE C	2919 MORNING BROOK WAY	PEARLAND	TX 77584
0675-0028-025	PEARLAND INVESTMENTS LIMITED PARTNERSHIP	PO BOX 95398	LAS VEGAS	NV 89193
0675-0028-015	PEARLAND INVESTMENTS LIMITED PARTNERSHIP	PO BOX 95398	LAS VEGAS	NV 89193
0675-0028-020	PEARLAND INVESTMENTS LTD PRT	PO BOX 95398	LAS VEGAS	NV 89193
0300-0034-000	288/SUGARLAND LP	10575 WESTOFFICE DR	HOUSTON	TX 77042
0300-0013-110	MARTIN PEYTON TRUSTEE	310 MORTON ST # 280	RICHMOND	TX 77469
0300-0034-000	288/SUGARLAND LP	10575 WESTOFFICE DR	HOUSTON	TX 77042
0300-0039-000	CENTERPOINT ENERGY INC ELECTRIC OPS	PO BOX 1475	HOUSTON	TX 77251
0564-0033-107	TRAILS DEVELOPMENT LTD	701 N POST OAK RD STE 300	HOUSTON	TX 77024
0300-0039-000	CENTERPOINT ENERGY INC ELECTRIC OPS	PO BOX 1475	HOUSTON	TX 77251
0300-0036-000	ZAPATA ALFONSO	10190 OLD KATY RD STE 510	HOUSTON	TX 77043
7713-1000-001	LINGO SOUTHFORK LTD	3900 MAGNOLIA DR	PEARLAND	TX 77584
7713-1000-002	LINGO SOUTHFORK LTD	3900 MAGNOLIA DR	PEARLAND	TX 77584
0564-0033-107	TRAILS DEVELOPMENT LTD	701 N POST OAK RD STE 300	HOUSTON	TX 77024



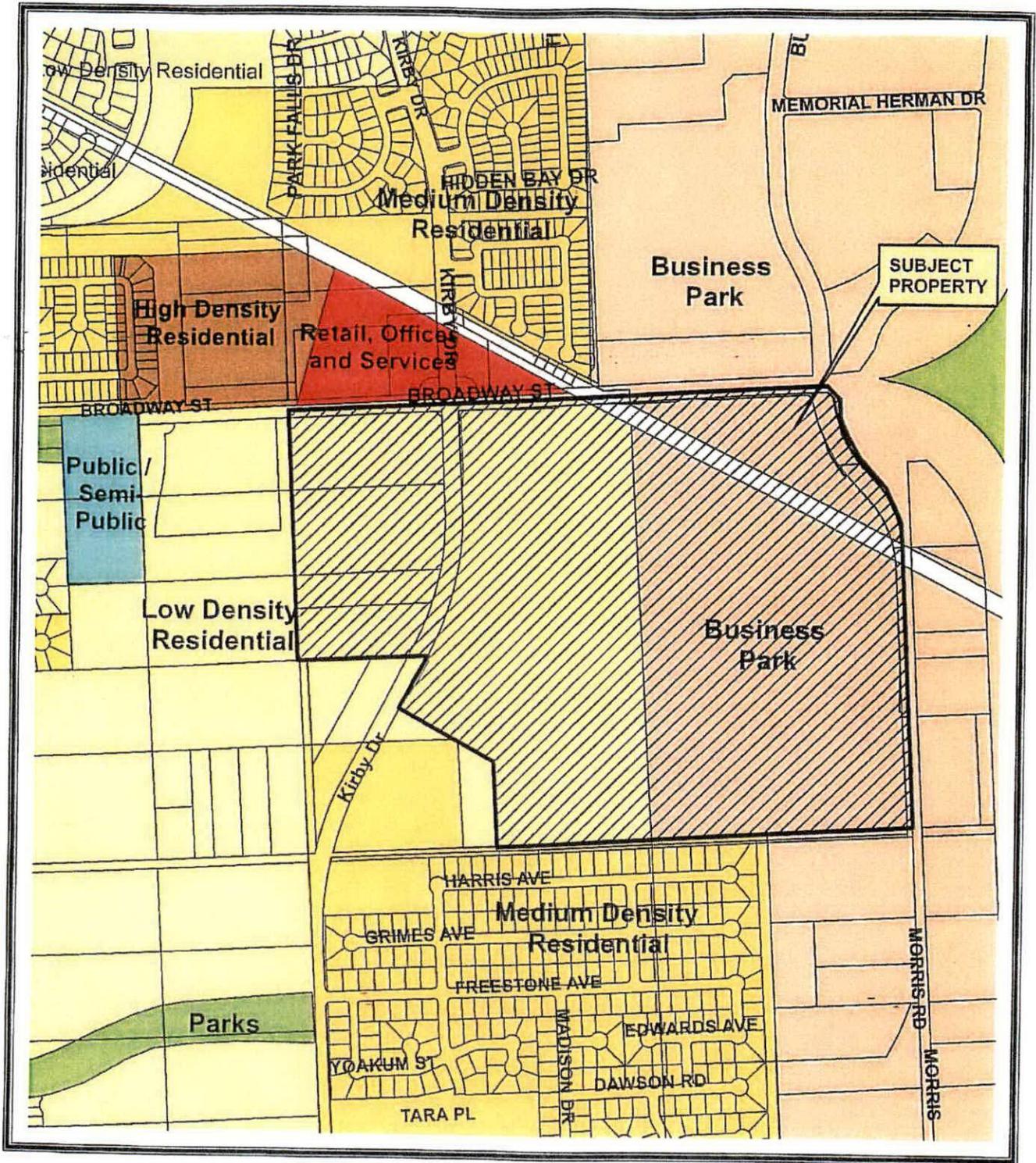
ZONING MAP

Zone Change
No. 2008-122



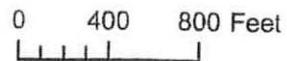
0 400 800 Feet

Map Prepared on April 30, 2008

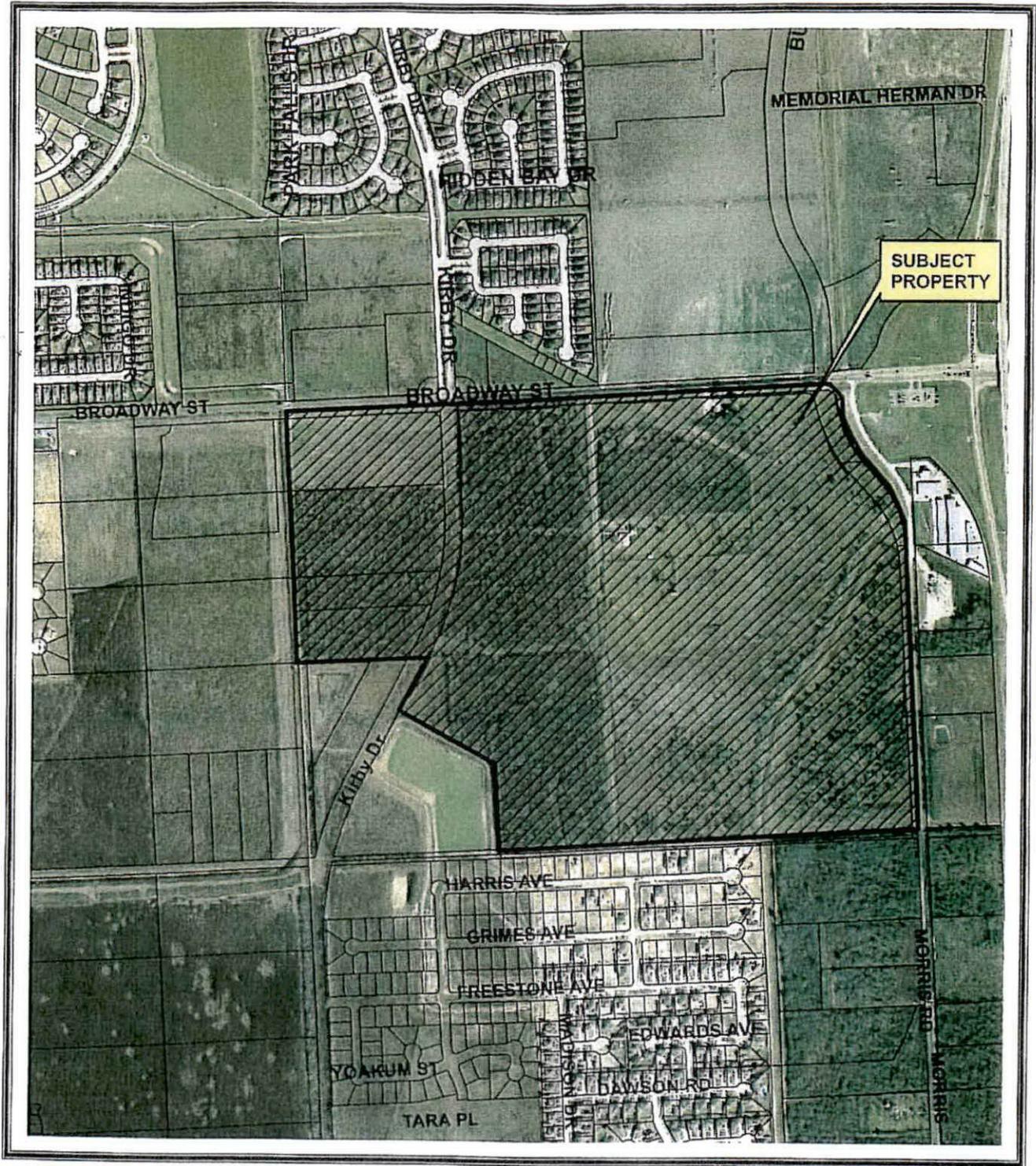


FUTURE LAND USE PLAN

Zone Change
No. 2008-12Z



Map Prepared on April 30, 2008



AERIAL PHOTOGRAPH

Zone Change
No. 2008-12Z



0 400 800 Feet
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Map Prepared on April 30, 2008

APR 25 2008



Jerrold P. Beeler
John L. Guest
John N. "Buz" Owens

Gary Pitts
Donald F. Soprani
G. Philip Morley

April 23, 2008

Scott Hall
Omniplan
1845 Woodall Rodgers Freeway
Suite 1500
Dallas, Texas 75201

Re; Pearland Town Center

Scott,

Included along with this letter are parking regulations from four cities in Texas representing a variety of size and demographics; Austin, Houston, Round Rock, and Fort Worth. Below is a brief summary of the parking requirements as they pertain to the Pearland Town Center Project, representing an anticipated mix of 1 and 2 bedroom units.

Austin

Averaging Efficiencies, 1-Bedroom, and 2-Bedroom units yields 1.5 spaces/unit required.

Houston

Averaging Efficiencies, 1-Bedroom, and 2-Bedroom units yields 1.4 spaces/unit required.

Round Rock

Averaging Efficiencies, 1-Bedroom, and 2-Bedroom units yields 1.5 spaces/unit required.

Fort Worth

Assuming equal numbers of 1-Bedroom and 2-Bedroom units, 1.5 spaces/unit is required.

It appears that a requirement of 1.5 spaces per unit is consistent with the cities described above and is adequate for this project, especially since you are planning for shared parking on the site.

If I can be of further service to you on this project, please let me know.

Respectfully,

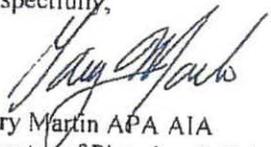

Gary Martin APA AIA
Director of Planning & Urban Design
Beeler Guest Owens Architects

EXHIBIT "C"
DEVELOPMENT STANDARDS
MULTI-FAMILY RESIDENTIAL

1. PERMITTED USE

The permitted use shall be residential apartments and/or condominiums.

2. DENSITY

A maximum of 804 units shall be allowed on the balance of the Property after dedication of ROW Land.

3. HEIGHT

3.1 No more than fifty percent (50%) of apartment buildings located within 100 feet of the northern right of way boundary of Louis Henna Boulevard, or within 100 feet of the western boundary of the Property shall exceed two stories in height. Exhibit "E", attached hereto, contains an illustration of this height requirement. (Exhibit "E" serves as an example of the height requirement only and should not be considered the final architectural rendering of the actual buildings which will be constructed).

3.2 No buildings on the Property shall exceed three stories in height.

3.3 One story buildings are permitted anywhere on the Property.

4. DESIGN STANDARDS

4.1 All walls which exceed 75 feet in length shall include offsets.

4.2 One hundred percent (100%) of the exterior walls on all buildings shall consist of Masonry. Masonry shall mean stone, brick, stucco, or cementous base siding such as "Hardi Plank".

4.3 The minimum standard for roofing materials shall be 25 year laminated architectural dimensional shingles.

- 4.4 All apartment buildings shall have pitched roofs, with a pitch of no less than 3 / 12.

5. BUILDING SETBACKS:

5.1 Primary Building Setbacks:

5.1.1 Street Yard: Street Yard setbacks shall be 25 feet if no parking is located in the Yard, or 50 feet if parking is located in the Yard.

5.1.2 All Other yards: The setbacks for all other Yards shall be 20 feet.

5.2 Carport Setbacks:

5.2.1 Street yard: Carports shall not be permitted within a Street Yard.

5.2.2 All Other Yards: The carport setbacks for all other Yards shall be 10 feet.

5.3 Phased Developments:

When development is phased on the Property and such phasing is designed to be part of a single development, setback requirements will not apply between development phases, unless access to any such development phase is provided directly from a public street, in which case the street yard setback shall apply to the frontage on such street.

6. LANDSCAPING:

6.1 Street Yards and Yard Abutting the Western Boundary of the PUD: Landscaping shall be provided in the Street Yard and the Side Yard which fronts the western boundary of the PUD as a buffer from the adjoining tracts. Such buffering may be accomplished by providing landscaping or a combination of landscaping and berming. Landscaping and berming shall meet one of the two following criteria:

6.1.1 Landscaping: The method of calculating the number and size of plant materials shall be based on planting or preserving one large tree (3" or larger caliper), two small trees (1.5" or larger caliper), and six shrubs (one gallon or larger) per every thirty (30) linear feet of street frontage.

6.1.2 Berms and Landscaping: Berms shall be a minimum of three feet high along its total length. The berm shall be placed to blend into the natural surroundings of the site. When landscaping is combined with berms the method of calculating the number and size of plant

materials shall be based on planting or preserving one large tree (3" or larger caliper, two small trees (1.5" or larger caliper) and six shrubs (1 gallon or larger) per every forty (40) linear feet of street frontage.

When parking is located in a Street Yard the parking area shall be buffered by berms or landscaping at Owners option.

- 6.1.3 Site Plan: Although the requirements of 6.1.1 and 6.1.2 must be met, plant materials may be concentrated at various locations to permit the greatest design flexibility when approved as part of a site plan by the City's Development Review Board.

7. FENCING

Fencing may be constructed in any yard and along any property line for the purpose of screening or security. When fencing is constructed it shall meet the following standards:

- 7.1 Street Yard: Fencing in street yards shall be constructed of wrought iron or similar material, masonry or woodcrete. All posts shall be set in concrete required to ensure a sturdy and durable fence. Street yard fence materials shall wrap around and extend 50 feet along side property lines.
- 7.2 Other yards: Fencing in yards other than Street Yards shall be constructed of wood, woodcrete, masonry or wrought iron. All fence posts shall be either masonry or rust resistant wrought iron or steel set in concrete. The finished side of all perimeter fencing shall face the outside of the development.
- 7.3 Western Boundary Fence: Owner shall build a fence along the western boundary of the PUD constructed of wood, woodcrete, masonry, or wrought iron.

8. SITE PLAN REQUIRED

A site plan for each phase shall be submitted to the City's Development Review Board to ensure compliance with the terms of this Agreement prior to the issuance of a building permit for that phase.

9. SIGNS

- 9.1 All Freestanding Signs shall be Monument Signs, as defined by the Code.
- 9.2 One sign shall be permitted at each entrance to the Property. The maximum area of each sign, defined as the area contained within a

polygon containing the actual lettering and any logo, shall be one hundred square feet. Portions of the structure on which the sign is located, which are not contained within the polygon, are not counted as part of this one hundred feet.

9.3 Internal directional signs, facility identification signs, building identification signs, and regulatory signs are not restricted.

10. VEHICLES IN STREET YARD

No recreational vehicles, boats, trailers, or commercial trucks shall be permitted to be parked in any Street Yard.

11. AMENITY PACKAGE

Private recreation amenities shall be provided on the Property, in lieu of parkland dedication.

The Owner shall provide swimming pools and clubhouse facilities in accordance with the following minimum standards:

Swimming Pools: 6 square feet of water surface per dwelling unit

Clubhouse Facilities: 5 square feet of floor area per dwelling unit

It is understood that there may be multiple swimming pools and clubhouse facilities depending upon the number of dwelling units.

Additionally, the Owner shall provide, at his option, one of the following recreational amenities in accordance with the following minimum standards in each development phase:

Exercise Facilities: 1 square foot per dwelling unit

Putting Greens: 1.6 square feet per dwelling unit, with a minimum of 400 square feet

Sports Courts: 4 square feet per dwelling unit, with a minimum of 1200 square feet

Tennis Courts: 24 square feet per dwelling unit, with a minimum of 7200 square feet

12. PARKING STANDARDS

Parking shall be provided as follows:

- 12.1 Efficiency units shall be allowed 1.0 space per unit.
- 12.2 One bedroom units shall be allowed 1.5 spaces per unit.
- 12.3 Two bedroom units shall be allowed 2.0 spaces per unit.
- 12.4 Three bedroom units shall be allowed 3.0 spaces per unit.
- 12.5 Additional guest parking spaces shall also be provided in a number equal to five percent (5%) of the number of parking spaces required for the total number of units.
- 12.5 All parking spaces shall be a minimum of nine feet (9') wide.

APPENDIX A. TABLES OF OFF-STREET PARKING AND LOADING REQUIREMENTS.

PART 1 - MOTOR VEHICLES

AUSTIN

Use Classification	Minimum Off-Street Parking Requirement	Off-Street Loading Requirement
Residential Uses		
Cottage special use Mobile home residential Secondary apartment special use Single-family residential Small lot single-family residential Townhouse residential Two-family residential Urban home special use	2 spaces for each dwelling unit	None
Accessory apartment Condominium residential Multifamily residential	Efficiency dwelling unit: 1 space 1 bedroom dwelling unit: 1.5 spaces Dwelling unit larger than 1 bedroom: 1.5 spaces plus 0.5 space for each additional bedroom	None
Duplex residential Single-family attached residential Standard If larger than 4,000 sq. ft. or more than 6 bedrooms	4 spaces 4 spaces or 1 space for each bedroom, whichever is greater	None
Bed and breakfast residential	1 space plus 1 space for each rental unit	None
Group residential	1 space plus 1 space for each	Schedule C

HOUSTON

Sec. 26-492. Parking spaces for certain types of occupancies.

Except for buildings located in a parking management area created under the provisions of section 26-500 of this Code, the construction of a building for any of the following types of occupancies shall provide the requisite number of off-street parking spaces, or the incremental number of off-street parking spaces in the case of an alteration, as shown below for that type of occupancy. The requirements of this division do not apply to the placement of temporary classroom building(s) for public schools where:

- (1) There is a reasonable likelihood that the construction necessitating a temporary classroom building will not continue for more than five years; and
- (2) An analysis of the public school site and the buildings thereon support the conclusion that timely compliance with the statutory student/teacher ratio cannot be achieved without the installation of the temporary classroom building(s).

TABLE INSET:

Type of Occupancy	Parking Spaces
Class 1. Office:	
a. Office	2.5 spaces for every 1,000 square feet of GFA or 2.75 for every 1,000 square feet of UFA
b. Financial facility	4.0 spaces for every 1,000 square feet of GFA (see also section 26-541(a)(4))
Class 2. Residential:	
a. Apartment house	1.250 spaces for each efficiency apartment
	1.333 spaces for each one-bedroom apartment
	1.666 spaces for each two-bedroom apartment
<i>(NO 3 BEDROOMS)</i>	2.0 spaces for each apartment with 3 or more bedrooms
b. Single-family residential dwelling unit	2.0 parking spaces for each dwelling unit
c. Manufactured home	2.0 parking spaces per dwelling unit
d. Special residential uses	0.3 parking space per sleeping room, plus 1.0 parking space per employee on largest shift
e. Retirement community (with kitchen facilities)	0.75 space per dwelling unit, plus parking spaces for support based upon the provisions of section 26-499 of this Code
f. Retirement community (without kitchen facilities)	1.0 space for every 6 beds plus 1.0 space per employee on largest shift
g. Hotel or motel	1.0 parking space for each sleeping room up to 250 rooms;

FORT WORTH

APPROVED PARKING ORDINANCE

JULY '06

ORDINANCE NO. 17024-06-2006

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, CODIFIED AS APPENDIX "A" OF THE CODE OF THE CITY OF FORT WORTH, BY AMENDING SECTION 6201 "OFF-STREET PARKING REQUIREMENTS" OF ARTICLE 2, "OFF-STREET PARKING AND LOADING" OF CHAPTER 6, "DEVELOPMENT STANDARDS" TO ESTABLISH MINIMUM PARKING REQUIREMENTS FOR USES IN OR WITHIN TWO HUNDRED FIFTY FEET OF ONE OR TWO FAMILY ZONED PROPERTY; TO AMEND SECTIONS 4.902.D, 4.903.D, 4.1001.D, AND 4.1002.D, "OTHER DEVELOPMENT STANDARDS" OF CHAPTER 4; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Zoning Commission established a Commercial Zoning Task Force to evaluate concerns regarding the applicability of certain commercial and industrial uses; and,

WHEREAS, the Task Force reviewed the commercial uses and development standards as they relate to the Comprehensive Plan and appropriateness as a Neighborhood and General Commercial Use as well as some industrial uses; and,

WHEREAS, it was found that some uses were nonexistent or incorrectly categorized by zoning district; and,

WHEREAS, the Zoning Commission has endorsed the recommendations of the Task Force and the Central City Revitalization and Economic Development Council Committee has approved consideration of these recommended changes to the Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

SECTION 1.

Subsection B. "Required Off-Street Parking" of Section 6.201 "Off-Street Parking Requirements" of Article 2, "Off-Street Parking and Loading", Chapter 6, "Development Standards", of Ordinance No. 13896, the zoning ordinance of the City of Fort Worth, is hereby amended to establish minimum parking requirements for uses in residential zoned property or within five hundred feet of One or Two Family zoned property to read as follows:

a. Off-Street Parking Requirements

B. Required Off-Street Parking

Minimum Parking Requirements: The following table establishes the minimum parking requirements for uses located in residential zoned property or within two hundred fifty feet (250') of One or Two-Family zoned property. For all other uses, no minimum parking spaces shall be required.

Maximum Parking Requirements: The maximum number of parking spaces shall not exceed 125% of the minimum parking requirement for all uses listed in the table set out below. Parking in excess of the maximum shall be allowed by meeting the requirement of one tree above the minimum required under Chapter 6, Article 3, for every additional ten (10) parking spaces beginning with the first additional parking space and for each ten (10) spaces thereafter.

RESIDENTIAL	
Residential unit: one-family up to four family	1 to 4 spaces per dwelling unit (see individual districts for details)
Multifamily residential (Unified Residential Development)	1 space per bedroom plus 1 space per 250 square feet of common areas, offices and recreation (less laundry rooms and storage). Two spaces may be tandem if assigned to the same unit and restricted from use for storage.
PUBLIC AND CIVIC	
College or University	1 space per 2 teachers and administrative staff plus 1 space per 4 additional employees plus 1 space per 3 students residing on campus plus 1 space per 5 students not residing on campus
Day care, kindergarten	1 space per facility plus 1 space per 10 children (as licensed by the state) in back of front building line
Fraternity, sorority	1 space per 2 residents

REQUIREMENTS	
Hospital	1 space per bed for patients/visitors/doctors plus 1 space per 4 nurses/other employees
Medical clinic, health services facility, assisted living facility	1 space per doctor plus 1 space per 4 employees plus 4 spaces per 1,000 square feet of gross floor area
Nursing home or medical care facility	1 space per 4 beds for visitors/doctors plus 1 space per 4 nurses/other employees
Place of worship	1 space per 4 seats in sanctuary or worship area in residential districts 1 space per 5 seats in sanctuary or worship area in non-residential and mixed-use districts
School, elementary and junior high (public or private)	1 space per 12 students
School, high school (public or private)	1 space per 1.75 students plus 1 space per 5 stadium seats (may be double counted)
COMMERCIALS	
Bank	4 spaces per 1,000 square feet
Bed and breakfast home	2 spaces per owner/operator 1 space per bedroom for guests
Bed and breakfast inn	2 spaces per owner/operator plus 1 space per bedroom for guests plus 1 space per 2 employees plus 1 space to service additional traffic
Boarding or lodging house	1 space for proprietor plus 1 space per 2 boarding/lodging sleeping rooms plus 1 space per each 4 employees
Bowling alley	4 spaces per lane/alley plus 1 space per 4 seats of restaurant or café plus 1 space per 4 employees
Commercial business, retail sales and service (except large retail see 5.133.A.10)	4 spaces per 1,000 square feet (25% reduction for conversion from a more restricted use)
Construction sales office	2 spaces per unit behind front property line
Hotel	1 space per bedroom unit plus 1 space per 4 patron seats in rooms open to public plus 5 spaces per 1,000 square feet of display/ballroom area
Model home	2 spaces per unit behind front property line
Office, professional building	2.5 spaces per 1,000 square feet of gross floor area
Outdoor amusement (for more than 3 days)	1 space per 5 participants/spectators based on maximum capacity
Private club, cocktail lounge	1 space per guest room or suite plus 1 space per 4 seats plus 5 spaces per 1,000 square feet of ballroom available to nonresidents plus 1 space per 4 employees
Restaurant, cafeteria	1 space per 100 square feet (25% reduction for conversion from a more restricted use) plus 1 space per 4 employees

Requirements	
Retail store, large	See Section 5.133A.10
Theater, auditorium, place of public assembly	1 space per 4 seats in main auditorium plus 5 spaces per 1,000 square feet of ballroom/similar area plus 1 space per 4 employees
Walkup business	4 spaces per 1,000 square feet
INDUSTRIAL	
Industrial building	2 spaces per 1,000 square feet gross floor area or 1 space per 3 employees, whichever is greater
Warehouse building	1 space per 4 employees 4 spaces minimum

SECTION 2.

Sections 4.902.D, 4.903.D, 4.1001.D and 4.1002.D, Chapter 4, "Other Development Standards", of Ordinance No. 13896, the zoning ordinance of the City of Fort Worth, is hereby amended to establish minimum parking requirements for residential and commercial uses in MU-1, MU-1G, MU-2, and MU-2G zoned property to read as follows:

D. Other Development Standards

Development in the Low Intensity Mixed-Use ("MU-1") District shall be subject to the pertinent development standards in Chapter 6, and the following provisions.

1. Off-Street Parking and Loading

a. Commercial uses that are located beyond two hundred fifty feet (250') of One or Two Family zoned property, excluding other MU districts, do not require parking.

b. Townhouses require a minimum of one off-street parking space per dwelling unit, with a maximum of two off-street parking spaces per unit. For uses other than townhouses in the Low Intensity Mixed-Use ("MU-1") District, that fall within 500' of residentially zoned property, excluding other MU districts, the parking requirements listed in Section 6.201B shall be reduced by the following proportions:

- i. 25 percent reduction for all uses in buildings not within 1,000 feet of an entrance to a passenger rail station, with the maximum number of parking spaces limited to 100 percent of the minimum requirement listed in Section 6.201B; or,
- ii. 50 percent reduction for all uses in buildings whose primary entrance is within 1,000 feet of an entrance to a passenger rail station or rail stop, with the maximum number of parking spaces limited to 100 percent of the minimum requirement listed in Section 6.201B.

- c. For mixed-use buildings and projects within 500' of residentially zoned property, excluding other MU districts, the total parking requirement shall be the sum of the individual requirements for all uses. A joint use parking agreement, if executed according to the standards set forth in section e below, would allow a reduction in the total requirement for a mixed-use building or project.
- d. The required off-street parking for any use may be located off-site, on property within 500 feet of the subject site.
- e. Adjacent on-street parking may be applied toward the minimum parking requirements, but shall not reduce the pertinent maximum parking limitations.
- f. Joint use parking facilities are encouraged within 500' of residentially zoned property, excluding other MU districts. Uses may provide more than the maximum number of parking spaces if the additional spaces are provided as part of a joint use parking facility. However, if the joint use parking facility is a surface parking lot, the total number of spaces in the surface lot shall not exceed the sum of the maximum spaces allowed for all individual uses sharing the facility. This limit shall not apply to a multilevel parking garage that is used as a joint use facility. Joint use of required parking spaces may occur where two or more uses on the same site or on separate sites are able to share the same parking spaces because their parking demands occur at different times. Joint use of required parking spaces is allowed if the following documentation is submitted in writing to the Development Department as part of a building permit application or site plan review:
 - i. The names and addresses of the uses and of the owners or tenants that are sharing the parking;
 - ii. The location and number of parking spaces that are being shared;
 - iii. An analysis showing that the peak parking demands for the different uses occur at different times, and that the parking area will supply at least the minimum number of required spaces for each use during its respective peak parking times; and,
 - iv. A legal instrument such as an easement or deed restriction that guarantees access to the joint parking for all uses.
- g. Surface parking shall not be permitted between a building front and the street, except that angled, perpendicular, or parallel parking that is partially or completely located on private property shall be permitted if it meets the following two conditions:
 - i. The City's Traffic Engineer determines that the parking does not adversely affect public safety or circulation and satisfies the conditions described in Section 22-175d of the City Code, and
 - ii. The parking is located adjacent to and is directly accessible from a public street ROW or a publicly accessible private street. In these situations, the front yard setback shall be measured from the front of the parking space instead of the property line and the setback shall be no greater than 20 feet.
- h. Uses located in historically significant buildings shall be exempt from off-street parking requirements. For the purposes of this exemption, historically

significant buildings shall include those determined by the Historic Preservation Officer to be eligible, based on the applicable criteria, for:

- i. Listing in the National Register of Historic Places; or
 - ii. Local designation as either Historic and Cultural Landmark ("HC") or Highly Significant Endangered ("HSE").
- L. These requirements supersede the parking requirements of Section 6.201B. All other requirements of Chapter 6, Article 2 apply.

SECTION 3.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (1986), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 4.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation exists shall constitute a separate offense.

SECTION 6.

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of Ordinance No. 3011, Ordinance No. 13896 or any other ordinances affecting zoning which have accrued at the time of the effective date of this ordinance, and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

This ordinance shall take effect upon passage and publication as required by law.

APPROVED AS TO FORM AND LEGALITY:

Don J. Mullen
Assistant City Attorney

ADOPTED: 6/20/06

EFFECTIVE: June 26, 2006

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

Pearland, Texas

October 3, 2005

Revised December 20, 2005

Revised January 8, 2006

Revised January 17, 2006

Revised January 26, 2006

Revised February 15, 2006

Revised March 02, 2006

Revised April 17, 2006-Addendum

Revised May 18, 2006-Addendum

Revised July 16, 2007

Revised July 23, 2007

Revised September 14, 2007

Revised October 04, 2007

Revised October 23, 2007

Revised October 29, 2007

Revised April 21, 2008

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

Article I. Location:

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

Article II. Purpose:

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

Article III. General Description Of Proposed Development:

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

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

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

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

Article V. Definitions:

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

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

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

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

Article VI. Sub-Area Descriptions:

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

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

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

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

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

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

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

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

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

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

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

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

specific requirements of this PUD prior to any building permit being issued for work in this sub-area.

SECTION II: DEVELOPMENT STANDARDS

Article VII. Development:

1) General

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

2) Conformity to the Design Plan:

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

3) Minor Deviation from the approved Design Plan:

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

4) Sub Area Boundaries.

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

5) Authorized Uses.

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

uses” in this PUD; however, all such Permitted land uses are subject to any limitations contained herein. Any land use that is designated as a Conditional Use shall require a Conditional Use Permit (CUP) in accordance with the requirements of the UDC.

6) Excluded Uses:

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

Article VIII. Development Density Regulations:

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

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

Developed in sub area E shall meet the Screening Requirements of the UDC.

7) *Sub Area G*

a) no residential permitted.

LAND USE AREA TABLE

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

Article IX. Area Regulations:

1) Size of Lots:

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

2) Size of Yards: (All Sub Areas)

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

3) Thoroughfare Lot and Setback Standards:

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

4) Height Restrictions:

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

5) Outdoor Activities or Uses:

- a) The incidental display of merchandise out of doors is permitted within this PUD district. Except as provided below, all display areas out of doors

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

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

6) Common Areas:

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

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

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

hundred feet (300') of all dwelling units in sub areas E intended to be served by the common open space, measured along a route of pedestrian access.

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

8) Parkland Dedication

- a) Parkland Dedication will be provided in accordance with the Pearland Codified ordinance, Chapter 3 of the UDC. Parkland shall be provided as calculated and shown on the attached Exhibit B. In the event that Parkland is not provided as shown, the developer of any Residential units in any Sub-Area shall be required to pay a PARKLAND DEDICATION FEE at the rate of \$750.00 per unit as provided in Chapter 3 of the UDC. Said fee shall be paid at the time the initial residential occupancy permit for any residential phase of the development is requested, and shall be based on the total number of residential units proposed in that phase.

9) Fences & Screening:

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

- There shall be a 25-foot wide landscape buffer between nonresidential or multiple-family and all single-family uses. The requirement may be reduced to 15 feet if the nonresidential use is a office/professional use. For the purpose of this section, no screening, fencing or landscape buffer shall be required between any Residential use and any Storm water management area that is developed as an amenity. See Article XI Landscaping for Amenity requirements within the storm water management area.
- Prior to construction of buffers, complete plans showing type of material, depth of beam and structural support shall be submitted to the Building Inspection Division for analysis to determine whether or not:
 - i. The screen will withstand the pressures of time and nature; and shall be maintained in good condition.
 - ii. The screen adequately accomplishes the purpose for which it was intended.
 - iii. Any Wood screen shall be of a type approved by the City of Pearland.
- The Building Official shall determine if the buffer meets the requirements of this section. Any landscaping required by this PUD ordinance shall be placed on the residential side of any required screening wall.
- If the screening wall exists previous to the development of the nonresidential or multiple-family use (as applicable), required landscaping may be placed on the nonresidential or multiple-family (as applicable) side of such wall.

10) Parking Area Screening Along Major and Secondary Thoroughfares.

- a) Landscaping shall be required for the screening of parking areas along major thoroughfares or secondary thoroughfares as required by Article XI of this PUD ordinance.
- b) An alternative form of screening, in lieu of the masonry wall, may be approved by Planning Director with the Preliminary Subdivision Plat or Preliminary Development Plat application. Alternatives that may considered include:
 - A living/landscaped screen in conjunction with decorative metal (e.g., wrought iron, aluminum and galvanized steel) fence sections with masonry columns.
 - A combination of berms and living/landscaped screening;

- A combination of berms, decorative masonry walls and living/landscaped screening, either with or without a decorative metal or "WoodCrete" type of fence with masonry columns; or
 - Some other creative screening alternative may be approved if it meets the spirit and intent of this Section, if it is demonstrated to be long-lasting and generally maintenance-free, and if the Planning Director finds it to be in the public interest to approve the alternative screening device.
- c) Time Required for Opacity: Any required screening device shall be, or shall achieve, at least six feet in height and at least ninety percent opacity within one year of initial installation/planting. Any landscaping used to achieve the purpose of required screening shall be in conformance with the landscape requirements of this PUD ordinance.
 - d) Installation: The screening/wall/device shall be installed prior to final acceptance of the subdivision public improvements. All landscape materials, if utilized, shall be installed in accordance with the landscape requirements of this PUD. Failure to properly install all components of a required screening wall or device within the prescribed time frame, shall constitute a violation of the Unified Development Code and this PUD Ordinance, and shall authorize the City Engineer to refuse acceptance of the subdivision public improvements.
 - e) Design of Walls: All masonry, wrought iron, steel or aluminum screening wall plans and details must be designed and sealed by a licensed professional engineer, and must be approved by the City Engineer. Use of chain-link, chicken-wire, hog-wire fencing, and any other material similar in appearance and quality is expressly prohibited. The use of wood is prohibited.
 - f) Height of Screening: The height of required screening devices, including spans between columns, shall be a minimum of six feet and shall be no more than Ten feet. Decorative columns, pilasters, stone caps, sculptural elements, and other similar features may exceed the maximum eight-foot height by up to two feet for a total maximum height of 10 feet for these features, provided that such taller elements comprise no more than 10% of the total wall length in elevation view.
 - g) Other Easements: Screening fences, walls and devices shall not be constructed within, but may cross through, any portion of a utility or drainage easement unless specifically authorized by the City or by any other applicable utility provider.

11) General Screening.

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

- a) All loading spaces and docks, outside storage areas, refuse containers/areas, mechanical equipment, must be screened from view from private streets or public rights-of-way. The Rear of non-residential buildings facing public or private streets shall not require screening from view provided they comply with the façade standards specified in Article XII.
- b) Approved screening techniques include masonry, evergreen vegetative screens, landscape berms, existing vegetation or any combination thereof. In any case in which a fence/wall is constructed to provide screening, landscaping elements shall be incorporated along a majority of the fence/wall. Also, in the case of roof mounted mechanical equipment, parapet roof structures are approved for screening such equipment.
- c) If a nonresidential use is adjacent to a residential use other than multiple-family, such nonresidential use shall be screened in accordance with this section and shall include a vegetative buffer. Stormwater Management areas shall not be considered a non-residential use for the purpose of this section provided that it is developed as an amenity. Refer to Article XI for amenity requirements.

Article X. Parking Standards:

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

1) Minimum Dimensions:

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

2) Minimum Number Of Parking Spaces Required

- a) Parking within the PUD shall be provided based on the amount of GLA (or Floor Area if noted below) within the entire PUD and shall be provided at the following rates on an overall or composite basis:

- four and one-half (4.5) parking spaces for each one thousand square feet of GLA retail uses (including restaurants)
 - two and one-half (2.5) cars for each one thousand (1,000) square feet of all Floor Area devoted to office -one (1) parking space for each four (4) seats in any theater or multi-purpose event or conference center
 - one (1) parking space for each rental unit in any hotel or motel
 - **one and one half (1.5)** parking spaces for each multi-family residential unit
- b) With the exception of Sub Area E *and* Sub Area G, parking spaces required to satisfy these requirements do not need to be located on the same lot or within the same sub-area as the particular land use. Parking is calculated on a composite basis for the PUD as a whole, without regard to parcel ownership or land use. The entire development will be governed by an operating agreement granting cross access and parking easements between the parties. Parking shall be provided within surface parking lots or within parking structures placed anywhere within the PUD District boundary.
- c) Any land uses located within Sub area E *and* Sub Area G must meet the parking requirements on a stand alone basis and must be located within Sub Area E *and* Sub Area G.
- d) Accessible Parking shall be provided in accordance with The Americans with Disabilities Act (ADA) and the ADA Accessibility Guidelines.

3) Loading Spaces

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

4) Access and Off-Street Parking Standards.

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

5) Bicycle Parking.

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

Article XI. Landscaping and Open Space:

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

1) Meaning of "Landscape Area"

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

2) Establishment of Minimum Percentages.

- a) Landscape Area: A minimum of ten percent (10%) of the net developed lot area of property on which development, construction or reconstruction occurs shall be devoted to landscape. Note: Percentages are based on the

total net PUD area and shall be calculated on a composite basis without regard to lot ownership or sub area designation.

3) Minimum Requirements.

- a) The minimum landscape requirements shall be employed in accordance with the Tree Preservation and Landscape Design Guidelines (Guidelines) made a part hereof, to improve aesthetic appearance, to enhance the compatibility of different land uses, and to mitigate negative environmental influences on land uses (e.g. heat, noise, air pollution).
- b) The developer, in conjunction with the City Parks Department, shall mark and count the number of "protected trees" that exist on site and upon approval of the City of Pearland, shall provide mitigation based on the number of protected trees identified in accordance with the Guidelines.

4) Landscape Irrigation:

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

5) Street Trees

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

6) Screening of Parking Areas.

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

7) Interior of Parking Areas.

- a) Interior landscaping shall be required to be integrated into the overall design of the surface parking area in such a manner that it will assist in defining parking lots, pedestrian paths, driveways, and internal collector lanes, in limiting points of ingress and egress, and in separating parking pavement from street alignments. See Landscaping within parking areas below.
- b) Tree islands must be protected from vehicle intrusion by curbs or similar structures.

- c) Two feet of the tree island may be counted as part of the required depth of the abutting parking space if curbed and the minimum island width is six (6) feet.

8) Large Tracts.

- a) On large tracts of land, exceptions to this division may be granted by the Planning Director to require a lesser amount of landscaping if the aesthetic, buffering and environmental intent of this division is met, and it is located along rights-of-way or in strategic environmentally sensitive areas.

9) Landscaping Within Parking Areas.

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

10) Landscaping On-Site and Related Location.

- a) The landscaped area required by under this Article XI may be placed anywhere within the PUD without regard to interior lot or sub-area.
- b) Except as required in paragraphs 5, 6 and 9 above, there shall be no requirement that any portion of the landscape area required under this section be installed in any specific location, provided that landscape area is generally equally distributed throughout the PUD.
- c) Undeveloped portions of a tract or lot shall not be considered landscaped and shall not be included in the calculation of land area until they are developed.

11) Tree Credits.

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

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

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

13) Amenity Treatment

- a) Any common open space that is designated an Amenity shall contain a minimum eight foot (8') wide multi purpose nature trail. The trail will be enhanced with naturalistic landscape plantings including canopy shade trees, understory ornamental trees, and accent shrubs and shall be interconnected to other open space areas with pedestrian walkways. Landscape planting required by other sections of this ordinance shall be utilized for trail enhancement. Each common open space shall have at least

one paved seating area. Seating areas shall contain appropriate site furnishings, including benches and waste receptacles.

- b) In addition to the above, the multi purpose trail within the storm water management area (sub area F) shall contain a minimum of (4) seating areas with benches and trash receptacles and shall contain, on average, a minimum of one (1) flowering and two (2) shade trees for every (100 Lin. ft.) of trail together with (15) accent shrubs. Trees will be staggered on each side of the trail and will be clustered to provide a naturalistic arrangement.

14) Greenway

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

Article XII. Building Design Standards.

1) General

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

2) Building Articulation:

- a) Building articulation, which is the expression or outlining of parts of the building by its architectural design, shall be provided in order to achieve the following:
 - Create a complementary pattern or rhythm, dividing large buildings into smaller, identifiable portions.
 - Break up the building mass through offsets and other methods that articulate the horizontal and vertical building planes.
 - Incorporate details that create shade and cast shadows to provide visual relief.
 - Vertical reveals and projections to express a rhythmic pattern across the elevation.

- b) Other architectural details which may include texture, pattern, vertical and horizontal relief and other treatment that will reduce the visual impact of long blank walls. Foundation landscaping (where appropriate outside of Town Center Streets) designed to complement the building architecture is encouraged but not required.
- c) Entrances to buildings shall be emphasized through the use of appropriate accent materials, a variety of wall height and building massing façade offsets and by developing dramatic combinations of architectural forms. Building entries should be highlighted by façade offsets and architectural accents.
- d) Building articulation shall be provided as specified in the following:
 - All nonresidential structures fifty thousand (50,000) square feet in size or greater, except department stores, shall incorporate architectural variation of at least three feet in depth for every twenty-five feet (25') in façade length.
 - All nonresidential structures less than fifty thousand (50,000) square feet shall incorporate architectural variation of at least one foot in depth for every twenty feet (25') in façade length.

3) Building Design:

- a) Materials - Eighty Five percent (85%) of all buildings walls that are not transparent, including parking structures, visible from any specified public street, shall be covered with masonry, or any of the following materials:
 - natural and synthetic stone
 - cement board siding,
 - precast concrete,
 - cast and cultured stone,
 - Glass Fiber Reinforced materials such as Concrete and Gypsum
 - Exterior Insulation and Finishing Systems (EIFS)
 - Synthetic Stucco
- b) **Corrugated metal and exposed fasteners are prohibited.** There shall be no requirement that any exterior wall facing any specified major thoroughfare be transparent, providing that the building façade is set back a minimum of **seventy feet (70')** from the right of way. Any exterior building wall that is closer than **70'** to the right-of-way line of any specified major thoroughfare or collector street shall be required to be twenty five percent (25%) transparent.

- c) All facades of an individual building, multiple buildings in a shopping center, or integrated business development, and all roofing in a shopping center of integrated business development shall have similar architectural design, color, and materials as specified in Paragraph 1) f) above.
- d) Building colors shall conform to - - the City of Pearland's approved color palate or a supplemental - color palette established by developer and approved by the planning director.

4) Building Form:

- a) A variety of architectural details, materials and building forms shall be permitted throughout the development. All portions of a structure shall have a unified design treatment, appropriate in scale and harmonious with other structures in the development.

5) Roof Form / Type

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

6) Retail Arcades and Entrance

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

7) Screening

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

- a) Mechanical and Utility Equipment:
 - Screening shall consist of a decorative wall or architectural element of the building that is one hundred percent (100%) opaque. Gate and Access Door opacity can be reduced as approved by planning director but shall be of sufficient height and opacity to completely obscure the activity, structure or use.

- Roof-mounted equipment shall be screened with materials that are one hundred percent (100%) opaque. Appropriate screening includes an extension of the wall, such as a parapet wall, on which the equipment is mounted.

b) Vehicle Loading and Unloading Areas

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

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

- Screening Elements Prohibited:

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

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

Article XIII. Lighting Standards:

1) General lighting criteria

- a) A parking lot lighting system using Metal Halide lighting shall be installed to provide a minimum illumination of 1.0 foot candle average between poles on all paved areas during business hours. Higher light levels are permitted at entrances and other significant pedestrian and vehicular areas as determined by developer, consistent with standard industry practice.
- b) All lighting must be arranged or shielded (dark sky fixtures) to avoid excessive glare onto any portion of the Town Center or adjacent properties or city R.O.W. Flood light type fixtures are prohibited, except in service areas, provided light source is not visible by the general public during business hours. Architectural accent lighting of any type is permitted throughout the PUD.
- c) Parking lot areas shall have round tapered poles and concrete bases throughout Town Center with a maximum height forty (40') foot, light standards and fixtures may be varied in design, color and height to provide for different lighting for different situations. Bollard, accent and pedestrian scale lighting shall be permitted, as well as directional lighting to accent architectural features and amenities.
- d) Light fixtures shall be selected to complement building architecture. Finishes of any externally exposed fixtures must match the adjacent surface finish.
- e) Security lighting for all paved areas shall be provided.
- f) The use of building mounted fixtures to illuminate parking areas is prohibited except for parking within receiving areas.
- g) Wooden light poles are not permitted.

2) Vehicular Circulation & Parking Areas:

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

3) Walkway Lighting:

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

4) Accent Lighting:

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

Article XIV. Thoroughfare and Collector Sidewalk Standards.

1) Location:

- a) The required sidewalk along all major thoroughfares and collector streets may be located within the front yard building and parking setbacks as well as the parkway area from the back of curb to the right-of-way line. Required sidewalks may be incorporated into the required residential open space as a part of a multi purpose pedestrian walkway system.
- b) Easement Required: A ten foot (10') wide public use easement shall be provided for the required sidewalk when placed outside of street right-of-way.
- c) Curved Alignment Required: The required sidewalk shall have a curved alignment for at least fifty percent (50%) of the major thoroughfare street frontage. Sidewalks on intersecting streets or internal walkways shall not have a curved alignment.

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

- a) Minimum six feet wide. Greenway area multi-purpose walkways shall be eight feet (8') wide.
- b) Minimum eighty-foot (80') centerline radius, maximum intersection angle of twenty degrees, and maximum twenty-foot (20') foot tangent between sidewalk curves.
- c) Minimum six-foot separation between back of street curb and edge of sidewalk, except at street intersections and bridge approaches.
- d) Sidewalk approaches, including the wheelchair ramp, to street and driveway intersections shall be straight and parallel to the adjacent street for a minimum of ten feet (10').
- e) Detailed construction plans shall be submitted to the City Engineer for approval prior to construction of the sidewalk. Sidewalk construction shall be designed and constructed and furnished in conjunction with the offsite roadway improvements being provided under the terms of the Development Agreement between the City of Pearland and Developer.

- f) Deviations from these criteria may be approved by the City Engineer for good cause such as cases of unusual or unique topography or to preserve desirable natural features.
- g) A minimum six-foot wide pedestrian sidewalk shall connect the perimeter sidewalks to the Town Center Drive and east west Main street sidewalk circulation system. This connecting sidewalk shall be accessible, readily visible, and paved.
- h) The multi-purpose walkways within the greenway area shall meet the City of Pearland sidewalk construction standards when adjacent to any public street. The multi-purpose trails within the storm management area (Sub Area F) shall be constructed with concrete, asphalt or other hard surface material such as crushed limestone with fines, well compacted gravel, or other hard surface material approved by the City of Pearland.

Article XV. Utilities.

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

Article XVI. Storm Water Management

- 1) The proposed storm water management area in sub area F shall be designed to control storm water run-off from Sub Areas A through D. Water Quality will be controlled through the use of a wet detention basin(s), and by methods as required by Pearland's engineering design criteria manual in force as of the date of this ordinance. Separate, stand alone storm water management facilities will be provided on Sub Areas *E and G* to accommodate runoff from that sub area. All Storm water management plans must be approved by the City Engineer

- 2) Storm water management will be designed in accordance with generally accepted engineering practice and in accordance with methodology recommended by the drainage district and the City of Pearland.
- 3) Cross access easements shall be provided between each parcel that is created within this PUD to insure conveyance of storm water to the storm water management area.

Article XVII. Signage

1) General Standards & Requirements

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

2) Signage has been classified by the following types:

- a) Town Center identification signs, including Pylon Sign.
- b) Department Store and Event Center exterior signs.
- c) Main Street Tenant exterior signs.
- d) Free Standing Out Parcel Building signs.
- e) Directional, Informational and Traffic Control signs.
- f) Service Door signs.
- g) **On-premise Wayfinding Signs**

3) General Criteria

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

4) Town Center Identification Signs

- a) One ground monument Town Center identification sign shall be permitted for each of the four (4) driveway entrances to the development. The Ground signs may be mirrored on both sides of each entry driveway to create a gateway entry feature. Each sign shall be limited to 15' height including the base and support structures. Each sign shall not exceed 100 square feet per face, per side of entrance **including** exposed supporting structure or associated decorative walls. The portion of the base of the sign within two(2) feet of the grade of the ground shall not be included in area calculations if that portion has no signage, logo, or lettering. In the event Town Center identification is incorporated into any proposed entry wall or landscape feature only the actual area of sign text and any logo identifying the development shall be measured.
- b) One additional ground monument identification sign shall be permitted in Sub-Area E *and one for Sub Area G*, provided it is coordinated with the design of the ground monument signs at the Kirby Road entry drives. Sub Area E *and Sub Area G signs* shall meet the size requirements of Paragraph 4 a) above.
- c) One overhead gateway feature identification sign shall be permitted for the main Town Center entry driveway (at FM 518). The sign shall have a vehicle clearance of at least 14' and a maximum overall height of 24'. Letter height and sign area are not limited. The sign is restricted to include only the name of the project and any logos or graphics associated with the identity of the Town Center. Refer "Exhibit A- Town Center feature identification sign" of the attached appendix.

5) Department Store and Event Center Exterior Signs

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

6) Main Street Tenant Exterior Signs

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

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

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

- f) No exterior sign or sign panel will be permitted to extend above any roof line.

8) Directional, Informational and Traffic Control Signs

- a) All traffic control signage on public streets shall conform to the size requirements of the "Manual of Uniform Traffic Control Devices and the City of Pearland."
- b) Pedestrian directional signs, information kiosks and electronic information devices shall be permitted throughout the Town Center Sub Area A and Event Center Sub Area C without limitation, provided that they are used solely to convey directional, town center special event, public service and related information to the general public.
- c) Directional signage identifying receiving and loading areas, access routes and other elements requiring further identification are permitted provided they have a consistent design and appearance coordinated with the other Town Center identification signs.

9) Service Door Signs

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

10) Announcement Signs

- a) The following types of Announcement signs shall be permitted within the PUD:
- Project Announcement Signs- Limited to two (2) Overall Development Signs not exceeding 96 - SF per face each sign, and one (1) additional sign for each sale or lease parcel created by Developer, not exceeding 64 SF per face for each additional sign.
 - Banners, Pennants and Temporary Signs used for advertising purposes provided that they are not visible from public streets. On premise externally illuminated portable signs, banners, and windblown signs such as pennants, flags, and streamers for special events and grand openings shall be permitted provided they do not exceed 20 SF in area. There shall be no limit on the amount of Developer placed Banners, flags or signs along Town Center

Drive, East or West Main Streets or other circulation routes within the PUD.

- Project Announcement signs shall be removed within 30 days after an occupancy permit is issued.
- Land Available and Real Estate Signs. Signs offering land available for sale or lease shall be limited to 64 SF per sale or lease parcel provided that no more than one sign be installed for each 500 feet of frontage.

11) On-Premise Wayfinding Signs

- a) On-premise wayfinding signs are permitted within the PUD for the specific purpose of directing vehicular traffic around the site and to major anchor stores and amenities.
- b) Maximum Height: The maximum height of any vertical On-premise wayfinding sign shall not exceed 12'-0" (refer to exhibit C on page 39).
- c) Maximum Sign Area: The maximum effective sign area shall not exceed 174 square feet (refer to exhibit C on page 39) including the sign base.

12) Interior Project Boundary

- a) Signs located within the Interior Project Boundary (refer to Exhibit B on page 38) are considered interior signage and therefore exempt from PD and Pearland UDC requirements. Height of any signage within the Interior Project Boundary will not exceed 28'-0" height of buildings within the interior Project Boundary.

13) Administrative Review for signage changes

- a) Signage changes occurring outside the Interior Project Boundary shall be reviewed and approved by the Pearland City Council with the necessity of a PD Amendment but without Joint Public Hearing, recommendation of Planning and Zoning or two readings of the Ordinance.

Appendix

Exhibit A Town Center Feature Identification Sign

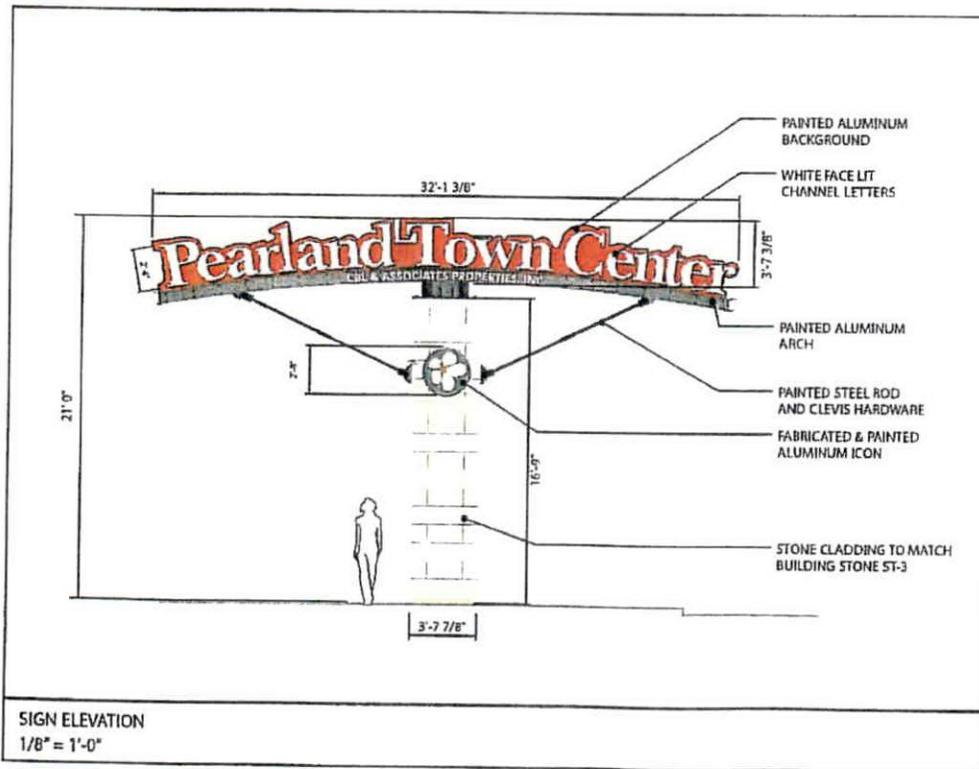
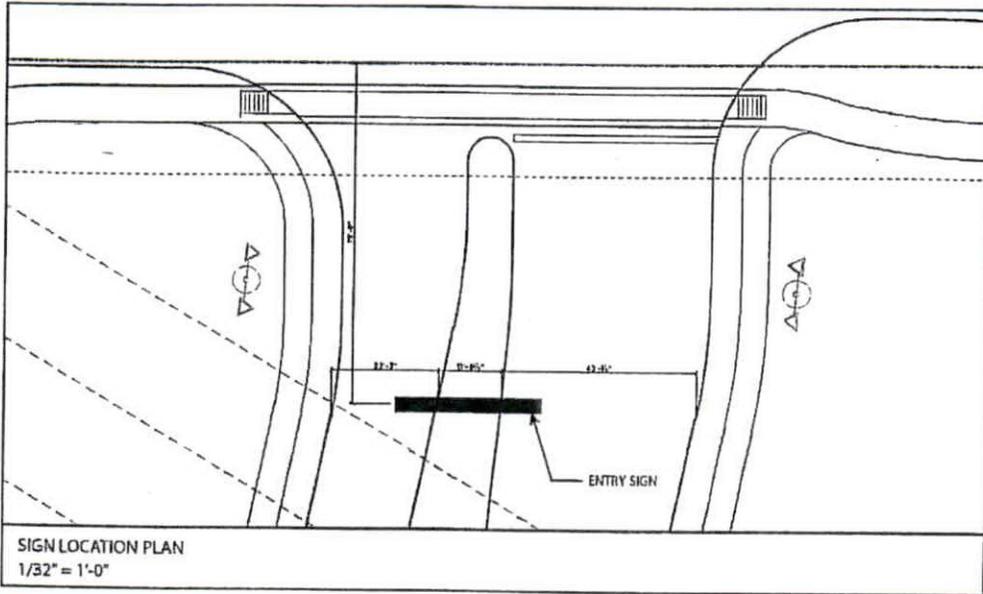


Exhibit B Interior Project Boundary

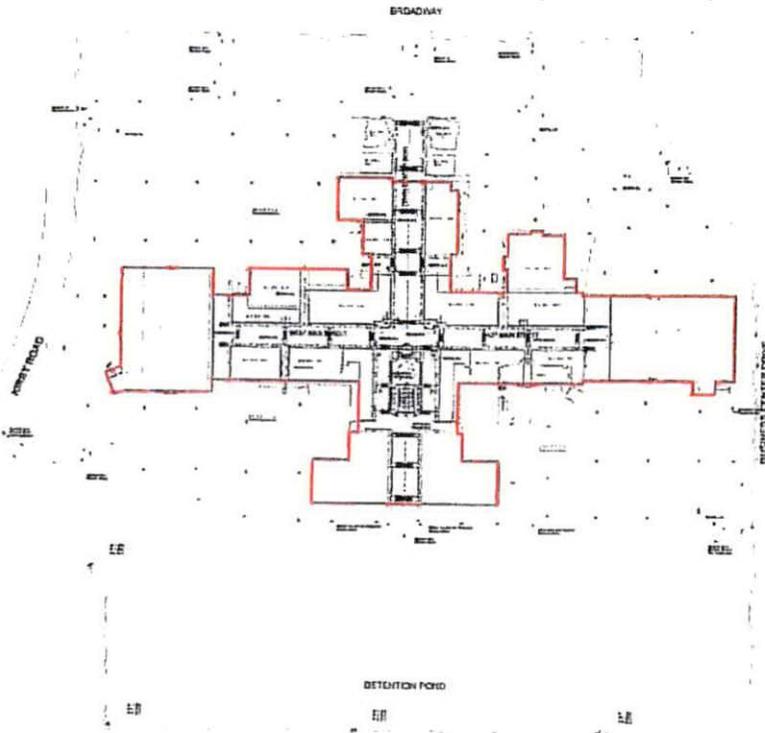
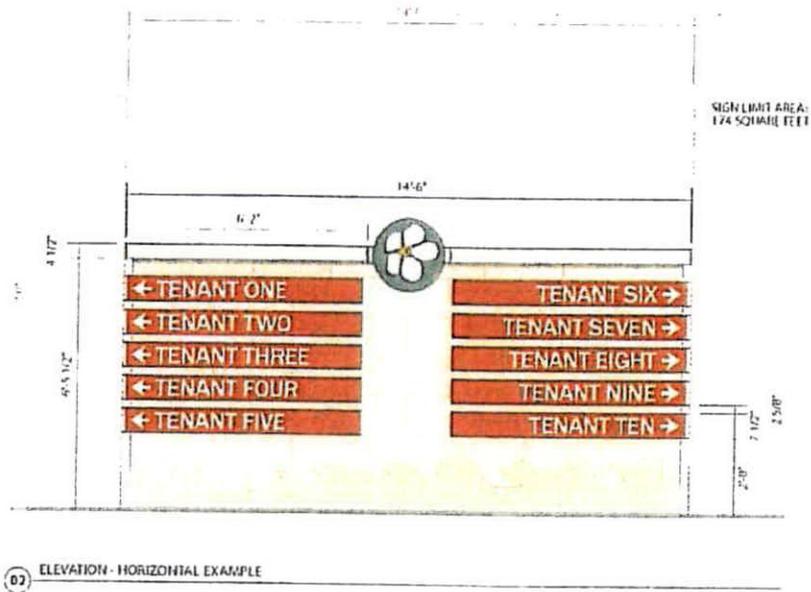
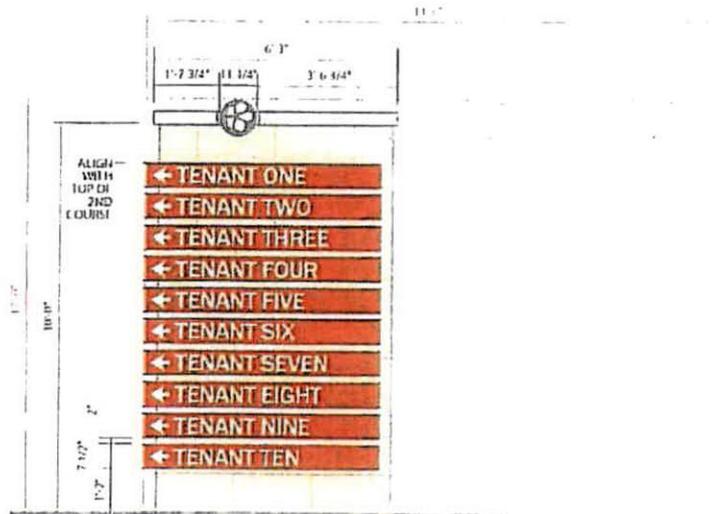
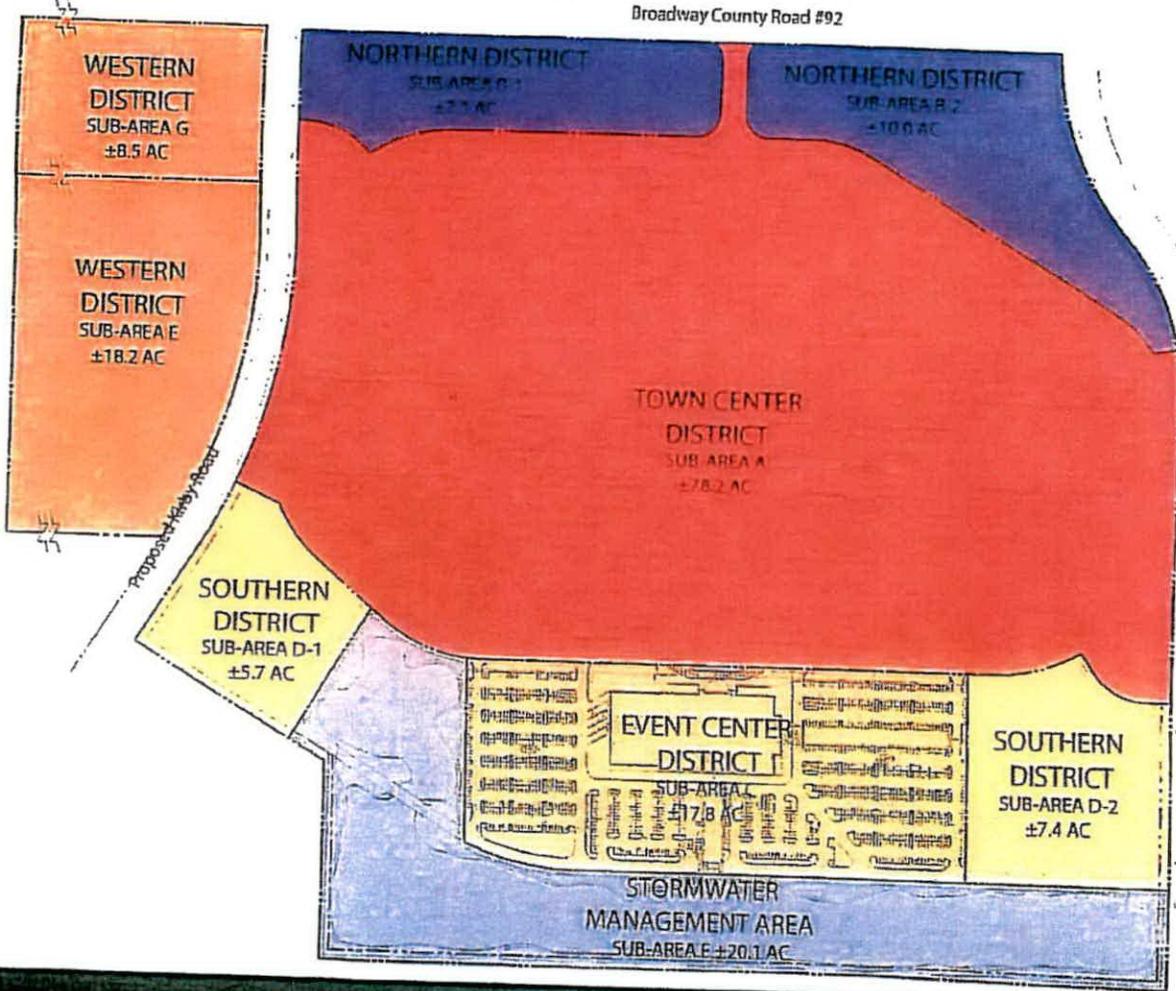


Exhibit C On-Premise Wayfinding Signs





01 ELEVATION-VERTICAL EXAMPLE



Broadway County Road #92

Proposed Kirby Road

Proposed County Road 566

Interstate 288

Note: sub-area limits shown are conceptual and may be modified upon approval of Planning Director

CBL
 CBL & ASSOCIATES PROPERTIES, INC.
 2635 HAMILTON PLACE BLVD. CHATTANOOGA, TN 37421-6511

PEARLAND TOWN CENTER
 PEARLAND, TX
 SUB-AREA MAP

1211 000 0144 0100
 0100000 0000 01115
 010000 0100 0100 0100
 www.pearland.com





CITY OF PEARLAND PLANNING & ZONING

JOINT PUBLIC HEARING ITEM

DATE: May 16, 2008

TO: City Council and Planning and Zoning Commission

FROM: Lata Krishnarao, AICP, Planning Director

SUBJECT: JPH Item No. 5 - 2008-12Z
Joint Public Hearing Regarding a Proposed Addendum
Pearland Town Center Planned Unit Development (PUD)
Generally Located at the Southwest Intersection of SH 288
and Broadway - Signage. **REVISED PD**

The above referenced Planned Development (PD) was approved on February 27, 2006. The applicant is proposing to amend the signage requirements, transparency requirement, and parking for multi-family use. These modifications were discussed in a joint workshop on May 19, 2008.

In addition to the items discussed at the workshop, the applicant has added 6 more signs in this revised PD sent on May 17, 2008, that were not included in the sign package reviewed at the workshop. The revised PD document and applicant's letter have been included in this package.

The new signage package is explained below with additions since the last workshop underlined and bolded. Other revisions discussed at the workshop and listed in the earlier memo remain unchanged.

1. **Parking ratio for multi-family residential:**

The UDC requires a ratio of two parking spaces/unit for one-bedroom units; 2.5 spaces/unit for 2-bedroom units; and 1space per bedroom for units with 3-bedrooms or more.

The PD was approved with a ratio of 2.5 spaces/ multi-family unit. The applicant is proposing a reduction to 1.5 space per unit. (Page 19)

Applicant has provided information regarding parking ratios from other cities, summarized as follows:

Parking spaces required for multi-family development

	Austin	Houston	Forth Worth	Pearland
Efficiency	1	1.25	1/bedroom	1.5
1 bedroom	1.5	1.33	1/bedroom	2
2 bedroom	1.5 + 0.5 for each additional bedroom	1.67	1/bedroom	2.5
3 or more bedrooms	See above	2	1/bedroom	1/bedroom

2. Transparency requirement:

The approved PD stated that building façades setback more than 90' from the right of way were exempt from the transparency requirement. The amendment proposes that this distance to be reduced to 70'. (Page 26).

Section XII.3.b had language that corrugated metal and exposed fasteners would be prohibited. This sentence had been removed and as per staff recommendation, the restriction has been added back into the PD.

3. Signage:

a. Towncenter Identification Signs:

The applicant is proposing six of these signs along driveways instead of four discussed earlier at the workshop.

b. Wayfinding Signs:

The applicant is proposing to add another type of signage – On-premise Wayfinding Signs. These are signs that would direct visitors to various stores and are proposed to have a maximum area of 174 sq. ft. and height of 12'. (Pages 32, 36, and 39).

These signs would include signs for hotels, residential, offices and amenities. Three additional signs are proposed since the workshop. The total would amount to (12) signs.

- c. Interior Project Boundary Sign:
These signs would be located within the interior project boundary and the applicant is requesting that these be exempt as long as the height of the sign does not exceed the height of the building. (Pages 36 and 38).
This would be similar to signage inside an enclosed shopping mall.
- d. Administrative Review for Signage:
Applicant is proposing that any changes to the signage package be approved by the Planning Director via an administrative staff review and approval process. (Page 36). Currently, the PD allows City Council to approve changes to signage, without the requirement of a JPH, P & Z recommendation, or two readings of an ordinance.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed modifications, once the following comments are addressed.

STAFF REVIEW COMMENTS:

The parking ratios from other projects, provided by the applicant, have separate requirements for one, two, and three bedroom residential units. It is not clear what the breakdown would be for the proposed multi family development. Information about the proposed breakdown of one, two, or more units will assist staff in reviewing the adequacy of parking. Further, since the Town Center development has additional parking than required, overall numbers for proposed and required parking will help staff in reviewing this reduction.

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

Pearland, Texas

October 3, 2005

Revised December 20, 2005

Revised January 8, 2006

- Revised January 17, 2006

Revised January 26, 2006

Revised February 15, 2006

Revised March 02, 2006

Revised April 17, 2006-Addendum

Revised May 18, 2006-Addendum

Revised July 16, 2007

Revised July 23, 2007

Revised September 14, 2007

Revised October 04, 2007

Revised October 23, 2007

Revised October 29, 2007

Revised April 21, 2008

May 15, 2008

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

Article I. Location:

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

Article II. Purpose:

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

Article III. General Description Of Proposed Development:

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

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

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

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

Article V. Definitions:

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

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

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

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

Article VI. Sub-Area Descriptions:

- 1) The development PUD has been divided into sub-areas based on surrounding land use, existing and proposed circulation patterns, and the relationship to the overall development. The sub-areas are identified below and are graphically depicted on the attached sub-area plan, Exhibit "B-2."
- 2) With the exception of Sub Area "E" and "G" the sub areas and parcels created within the Pearland Town Center PUD shall be considered collectively (as opposed to individually,) for the purpose of meeting the development standards.

a) Sub-Area "A" – Town Center District

The Town Center is intended to function as an active, pedestrian-oriented urban street. It is the primary area of development and shall be the major retail component of the PUD. The limits of sub-area "A" shall be defined as the outside edge of the outer private circulation drive as shown on the sub area plan.

b) Sub-Area "B" (B-1 & B-2 Broadway- Northern District)

Sub-area "B" will lie directly north of the Town Center District, adjacent to Broadway Avenue, and will serve as the gateway to the development. This sub-area is the front door to the development and will establish the developments overall character. Due to the proximity of this sub-area to the Town Center entrance and the area's importance as the project "gateway," the

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

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

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

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

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

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

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

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

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

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

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

specific requirements of this PUD prior to any building permit being issued for work in this sub-area.

SECTION II: DEVELOPMENT STANDARDS

Article VII. Development:

1) General

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

2) Conformity to the Design Plan:

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

3) Minor Deviation from the approved Design Plan:

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

4) Sub Area Boundaries.

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

5) Authorized Uses.

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

uses” in this PUD; however, all such Permitted land uses are subject to any limitations contained herein. Any land use that is designated as a Conditional Use shall require a Conditional Use Permit (CUP) in accordance with the requirements of the UDC.

6) Excluded Uses:

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

Article VIII. Development Density Regulations:

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

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

Developed in sub area E shall meet the Screening Requirements of the UDC.

7) *Sub Area G*

a) no residential permitted.

LAND USE AREA TABLE

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

Article IX. Area Regulations:

1) Size of Lots:

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

2) Size of Yards: (All Sub Areas)

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

3) Thoroughfare Lot and Setback Standards:

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

4) Height Restrictions:

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

5) Outdoor Activities or Uses:

- a) The incidental display of merchandise out of doors is permitted within this PUD district. Except as provided below, all display areas out of doors

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

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

6) Common Areas:

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

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

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

hundred feet (300') of all dwelling units in sub areas E intended to be served by the common open space, measured along a route of pedestrian access.

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

8) Parkland Dedication

- a) Parkland Dedication will be provided in accordance with the Pearland Codified ordinance, Chapter 3 of the UDC. Parkland shall be provided as calculated and shown on the attached Exhibit B. In the event that Parkland is not provided as shown, the developer of any Residential units in any Sub-Area shall be required to pay a PARKLAND DEDICATION FEE at the rate of \$750.00 per unit as provided in Chapter 3 of the UDC. Said fee shall be paid at the time the initial residential occupancy permit for any residential phase of the development is requested, and shall be based on the total number of residential units proposed in that phase.

9) Fences & Screening:

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

- There shall be a 25-foot wide landscape buffer between nonresidential or multiple-family and all single-family uses. The requirement may be reduced to 15 feet if the nonresidential use is a office/professional use. For the purpose of this section, no screening, fencing or landscape buffer shall be required between any Residential use and any Storm water management area that is developed as an amenity. See Article XI Landscaping for Amenity requirements within the storm water management area.
- Prior to construction of buffers, complete plans showing type of material, depth of beam and structural support shall be submitted to the Building Inspection Division for analysis to determine whether or not:
 - i. The screen will withstand the pressures of time and nature; and shall be maintained in good condition.
 - ii. The screen adequately accomplishes the purpose for which it was intended.
 - iii. Any Wood screen shall be of a type approved by the City of Pearland.
- The Building Official shall determine if the buffer meets the requirements of this section. Any landscaping required by this PUD ordinance shall be placed on the residential side of any required screening wall.
- If the screening wall exists previous to the development of the nonresidential or multiple-family use (as applicable), required landscaping may be placed on the nonresidential or multiple-family (as applicable) side of such wall.

10) Parking Area Screening Along Major and Secondary Thoroughfares.

- a) Landscaping shall be required for the screening of parking areas along major thoroughfares or secondary thoroughfares as required by Article XI of this PUD ordinance.
- b) An alternative form of screening, in lieu of the masonry wall, may be approved by Planning Director with the Preliminary Subdivision Plat or Preliminary Development Plat application. Alternatives that may considered include:
 - A living/landscaped screen in conjunction with decorative metal (e.g., wrought iron, aluminum and galvanized steel) fence sections with masonry columns.
 - A combination of berms and living/landscaped screening;

- A combination of berms, decorative masonry walls and living/landscaped screening, either with or without a decorative metal or "WoodCrete" type of fence with masonry columns; or
 - Some other creative screening alternative may be approved if it meets the spirit and intent of this Section, if it is demonstrated to be long-lasting and generally maintenance-free, and if the Planning Director finds it to be in the public interest to approve the alternative screening device.
- c) Time Required for Opacity: Any required screening device shall be, or shall achieve, at least six feet in height and at least ninety percent opacity within one year of initial installation/planting. Any landscaping used to achieve the purpose of required screening shall be in conformance with the landscape requirements of this PUD ordinance.
- d) Installation: The screening/wall/device shall be installed prior to final acceptance of the subdivision public improvements. All landscape materials, if utilized, shall be installed in accordance with the landscape requirements of this PUD. Failure to properly install all components of a required screening wall or device within the prescribed time frame, shall constitute a violation of the Unified Development Code and this PUD Ordinance, and shall authorize the City Engineer to refuse acceptance of the subdivision public improvements.
- e) Design of Walls: All masonry, wrought iron, steel or aluminum screening wall plans and details must be designed and sealed by a licensed professional engineer, and must be approved by the City Engineer. Use of chain-link, chicken-wire, hog-wire fencing, and any other material similar in appearance and quality is expressly prohibited. The use of wood is prohibited.
- f) Height of Screening: The height of required screening devices, including spans between columns, shall be a minimum of six feet and shall be no more than Ten feet. Decorative columns, pilasters, stone caps, sculptural elements, and other similar features may exceed the maximum eight-foot height by up to two feet for a total maximum height of 10 feet for these features, provided that such taller elements comprise no more than 10% of the total wall length in elevation view.
- g) Other Easements: Screening fences, walls and devices shall not be constructed within, but may cross through, any portion of a utility or drainage easement unless specifically authorized by the City or by any other applicable utility provider.

11) General Screening.

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

- a) All loading spaces and docks, outside storage areas, refuse containers/areas, mechanical equipment, must be screened from view from private streets or public rights-of-way. The Rear of non-residential buildings facing public or private streets shall not require screening from view provided they comply with the façade standards specified in Article XII.
- b) Approved screening techniques include masonry, evergreen vegetative screens, landscape berms, existing vegetation or any combination thereof. In any case in which a fence/wall is constructed to provide screening, landscaping elements shall be incorporated along a majority of the fence/wall. Also, in the case of roof mounted mechanical equipment, parapet roof structures are approved for screening such equipment.
- c) If a nonresidential use is adjacent to a residential use other than multiple-family, such nonresidential use shall be screened in accordance with this section and shall include a vegetative buffer. Stormwater Management areas shall not be considered a non-residential use for the purpose of this section provided that it is developed as an amenity. Refer to Article XI for amenity requirements.

Article X. Parking Standards:

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

1) Minimum Dimensions:

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

2) Minimum Number Of Parking Spaces Required

- a) Parking within the PUD shall be provided based on the amount of GLA (or Floor Area if noted below) within the entire PUD and shall be provided at the following rates on an overall or composite basis:

- four and one-half (4.5) parking spaces for each one thousand square feet of GLA retail uses (including restaurants)
 - two and one-half (2.5) cars for each one thousand (1,000) square feet of all Floor Area devoted to office =one (1) parking space for each four (4) seats in any theater or multi-purpose event or conference center
 - one (1) parking space for each rental unit in any hotel or motel
 - one and one half (1.5) parking spaces for each multi-family residential unit
- b) With the exception of Sub Area E *and Sub Area G*, parking spaces required to satisfy these requirements do not need to be located on the same lot or within the same sub-area as the particular land use. Parking is calculated on a composite basis for the PUD as a whole, without regard to parcel ownership or land use. The entire development will be governed by an operating agreement granting cross access and parking easements between the parties. Parking shall be provided within surface parking lots or within parking structures placed anywhere within the PUD District boundary.
- c) Any land uses located within Sub area E *and Sub Area G* must meet the parking requirements on a stand alone basis and must be located within Sub Area E *and Sub Area G*.
- d) Accessible Parking shall be provided in accordance with The Americans with Disabilities Act (ADA) and the ADA Accessibility Guidelines.

3) Loading Spaces

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

4) Access and Off-Street Parking Standards.

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

5) Bicycle Parking.

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

Article XI. Landscaping and Open Space:

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

1) Meaning of "Landscape Area"

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

2) Establishment of Minimum Percentages.

- a) Landscape Area: A minimum of ten percent (10%) of the net developed lot area of property on which development, construction or reconstruction occurs shall be devoted to landscape. Note: Percentages are based on the

total net PUD area and shall be calculated on a composite basis without regard to lot ownership or sub area designation.

3) Minimum Requirements.

- a) The minimum landscape requirements shall be employed in accordance with the Tree Preservation and Landscape Design Guidelines (Guidelines) made a part hereof, to improve aesthetic appearance, to enhance the compatibility of different land uses, and to mitigate negative environmental influences on land uses (e.g. heat, noise, air pollution).
- b) The developer, in conjunction with the City Parks Department, shall mark and count the number of "protected trees" that exist on site and upon approval of the City of Pearland, shall provide mitigation based on the number of protected trees identified in accordance with the Guidelines.

4) Landscape Irrigation:

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

5) Street Trees

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

6) Screening of Parking Areas.

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

7) Interior of Parking Areas.

- a) Interior landscaping shall be required to be integrated into the overall design of the surface parking area in such a manner that it will assist in defining parking lots, pedestrian paths, driveways, and internal collector lanes, in limiting points of ingress and egress, and in separating parking pavement from street alignments. See Landscaping within parking areas below.
- b) Tree islands must be protected from vehicle intrusion by curbs or similar structures.

- c) Two feet of the tree island may be counted as part of the required depth of the abutting parking space if curbed and the minimum island width is six (6) feet.

8) Large Tracts.

- a) On large tracts of land, exceptions to this division may be granted by the Planning Director to require a lesser amount of landscaping if the aesthetic, buffering and environmental intent of this division is met, and it is located along rights-of-way or in strategic environmentally sensitive areas.

9) Landscaping Within Parking Areas.

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

10) Landscaping On-Site and Related Location.

- a) The landscaped area required by under this Article XI may be placed anywhere within the PUD without regard to interior lot or sub-area.
- b) Except as required in paragraphs 5, 6 and 9 above, there shall be no requirement that any portion of the landscape area required under this section be installed in any specific location, provided that landscape area is generally equally distributed throughout the PUD.
- c) Undeveloped portions of a tract or lot shall not be considered landscaped and shall not be included in the calculation of land area until they are developed.

11) Tree Credits.

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

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

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

13) Amenity Treatment

- a) Any common open space that is designated an Amenity shall contain a minimum eight foot (8') wide multi purpose nature trail. The trail will be enhanced with naturalistic landscape plantings including canopy shade trees, understory ornamental trees, and accent shrubs and shall be interconnected to other open space areas with pedestrian walkways. Landscape planting required by other sections of this ordinance shall be utilized for trail enhancement. Each common open space shall have at least

one paved seating area. Seating areas shall contain appropriate site furnishings, including benches and waste receptacles.

- b) In addition to the above, the multi purpose trail within the storm water management area (sub area F) shall contain a minimum of (4) seating areas with benches and trash receptacles and shall contain, on average, a minimum of one (1) flowering and two (2) shade trees for every (100 Lin. ft.) of trail together with (15) accent shrubs. Trees will be staggered on each side of the trail and will be clustered to provide a naturalistic arrangement.

14) Greenway

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

Article XII. Building Design Standards.

1) General

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

2) Building Articulation:

- a) Building articulation, which is the expression or outlining of parts of the building by its architectural design, shall be provided in order to achieve the following:
 - Create a complementary pattern or rhythm, dividing large buildings into smaller, identifiable portions.
 - Break up the building mass through offsets and other methods that articulate the horizontal and vertical building planes.
 - Incorporate details that create shade and cast shadows to provide visual relief.
 - Vertical reveals and projections to express a rhythmic pattern across the elevation.

- b) Other architectural details which may include texture, pattern, vertical and horizontal relief and other treatment that will reduce the visual impact of long blank walls. Foundation landscaping (where appropriate outside of Town Center Streets) designed to complement the building architecture is encouraged but not required.
- c) Entrances to buildings shall be emphasized through the use of appropriate accent materials, a variety of wall height and building massing façade offsets and by developing dramatic combinations of architectural forms. Building entries should be highlighted by façade offsets and architectural accents.
- d) Building articulation shall be provided as specified in the following:
 - All nonresidential structures fifty thousand (50,000) square feet in size or greater, except department stores, shall incorporate architectural variation of at least three feet in depth for every twenty-five feet (25') in façade length.
 - All nonresidential structures less than fifty thousand (50,000) square feet shall incorporate architectural variation of at least one foot in depth for every twenty feet (25') in façade length.

3) Building Design:

- a) Materials - Eighty Five percent (85%) of all buildings walls that are not transparent, including parking structures, visible from any specified public street, shall be covered with masonry, or any of the following materials:
 - natural and synthetic stone
 - cement board siding,
 - precast concrete,
 - cast and cultured stone,
 - Glass Fiber Reinforced materials such as Concrete and Gypsum
 - Exterior Insulation and Finishing Systems (EIFS)
 - Synthetic Stucco
- b) Corrugated metal and exposed fasteners are prohibited. There shall be no requirement that any exterior wall facing any specified major thoroughfare be transparent, providing that the building façade is set back a minimum of seventy feet (70') from the right of way. Any exterior building wall that is closer than 70' to the right-of-way line of any specified major thoroughfare or collector street shall be required to be twenty five percent (25%) transparent.

- c) All facades of an individual building, multiple buildings in a shopping center, or integrated business development, and all roofing in a shopping center of integrated business development shall have similar architectural design, color, and materials as specified in Paragraph 1) f) above.
- d) Building colors shall conform to - - the City of Pearland's approved color palate or a supplemental - color palette established by developer and approved by the planning director.

4) Building Form:

- a) A variety of architectural details, materials and building forms shall be permitted throughout the development. All portions of a structure shall have a unified design treatment, appropriate in scale and harmonious with other structures in the development.

5) Roof Form / Type

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

6) Retail Arcades and Entrance

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

7) Screening

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

- a) Mechanical and Utility Equipment:
 - Screening shall consist of a decorative wall or architectural element of the building that is one hundred percent (100%) opaque. Gate and Access Door opacity can be reduced as approved by planning director but shall be of sufficient height and opacity to completely obscure the activity, structure or use.

- Roof-mounted equipment shall be screened with materials that are one hundred percent (100%) opaque. Appropriate screening includes an extension of the wall, such as a parapet wall, on which the equipment is mounted.

b) Vehicle Loading and Unloading Areas

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

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

- Screening Elements Prohibited:

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

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

Article XIII. Lighting Standards:

1) General lighting criteria

- a) A parking lot lighting system using Metal Halide lighting shall be installed to provide a minimum illumination of 1.0 foot candle average between poles on all paved areas during business hours. Higher light levels are permitted at entrances and other significant pedestrian and vehicular areas as determined by developer, consistent with standard industry practice.
- b) All lighting must be arranged or shielded (dark sky fixtures) to avoid excessive glare onto any portion of the Town Center or adjacent properties or city R.O.W. Flood light type fixtures are prohibited, except in service areas, provided light source is not visible by the general public during business hours. Architectural accent lighting of any type is permitted throughout the PUD.
- c) Parking lot areas shall have round tapered poles and concrete bases throughout Town Center with a maximum height forty (40') foot, light standards and fixtures may be varied in design, color and height to provide for different lighting for different situations. Bollard, accent and pedestrian scale lighting shall be permitted, as well as directional lighting to accent architectural features and amenities.
- d) Light fixtures shall be selected to complement building architecture. Finishes of any externally exposed fixtures must match the adjacent surface finish.
- e) Security lighting for all paved areas shall be provided.
- f) The use of building mounted fixtures to illuminate parking areas is prohibited except for parking within receiving areas.
- g) Wooden light poles are not permitted.

2) Vehicular Circulation & Parking Areas:

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

3) Walkway Lighting:

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

4) Accent Lighting:

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

Article XIV. Thoroughfare and Collector Sidewalk Standards.

1) Location:

- a) The required sidewalk along all major thoroughfares and collector streets may be located within the front yard building and parking setbacks as well as the parkway area from the back of curb to the right-of-way line. Required sidewalks may be incorporated into the required residential open space as a part of a multi purpose pedestrian walkway system.
- b) Easement Required: A ten foot (10') wide public use easement shall be provided for the required sidewalk when placed outside of street right-of-way.
- c) Curved Alignment Required: The required sidewalk shall have a curved alignment for at least fifty percent (50%) of the major thoroughfare street frontage. Sidewalks on intersecting streets or internal walkways shall not have a curved alignment.

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

- a) Minimum six feet wide. Greenway area multi-purpose walkways shall be eight feet (8') wide.
- b) Minimum eighty-foot (80') centerline radius, maximum intersection angle of twenty degrees, and maximum twenty-foot (20') foot tangent between sidewalk curves.
- c) Minimum six-foot separation between back of street curb and edge of sidewalk, except at street intersections and bridge approaches.
- d) Sidewalk approaches, including the wheelchair ramp, to street and driveway intersections shall be straight and parallel to the adjacent street for a minimum of ten feet (10').
- e) Detailed construction plans shall be submitted to the City Engineer for approval prior to construction of the sidewalk. Sidewalk construction shall be designed and constructed and furnished in conjunction with the offsite roadway improvements being provided under the terms of the Development Agreement between the City of Pearland and Developer.

- f) Deviations from these criteria may be approved by the City Engineer for good cause such as cases of unusual or unique topography or to preserve desirable natural features.
- g) A minimum six-foot wide pedestrian sidewalk shall connect the perimeter sidewalks to the Town Center Drive and east west Main street sidewalk circulation system. This connecting sidewalk shall be accessible, readily visible, and paved.
- h) The multi-purpose walkways within the greenway area shall meet the City of Pearland sidewalk construction standards when adjacent to any public street. The multi-purpose trails within the storm management area (Sub Area F) shall be constructed with concrete, asphalt or other hard surface material such as crushed limestone with fines, well compacted gravel, or other hard surface material approved by the City of Pearland.

Article XV. Utilities.

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

Article XVI. Storm Water Management

- 1) The proposed storm water management area in sub area F shall be designed to control storm water run-off from Sub Areas A through D. Water Quality will be controlled through the use of a wet detention basin(s), and by methods as required by Pearland's engineering design criteria manual in force as of the date of this ordinance. Separate, stand alone storm water management facilities will be provided on Sub Areas *E and G* to accommodate runoff from that sub area. All Storm water management plans must be approved by the City Engineer

- 2) Storm water management will be designed in accordance with generally accepted engineering practice and in accordance with methodology recommended by the drainage district and the City of Pearland.
- 3) Cross access easements shall be provided between each parcel that is created within this PUD to insure conveyance of storm water to the storm water management area.

Article XVII. Signage

1) General Standards & Requirements

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

2) Signage has been classified by the following types:

- a) Town Center identification signs, including Pylon Sign.
- b) Department Store and Event Center exterior signs.
- c) Main Street Tenant exterior signs.
- d) Free Standing Out Parcel Building signs.
- e) Directional, Informational and Traffic Control signs.
- f) Service Door signs.
- g) On-premise Wayfinding Signs

3) General Criteria

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

4) Town Center Identification Signs

- a) One ground monument Town Center identification sign shall be permitted for each of the **six (6)** driveway entrances to the development. The Ground signs may be mirrored on both sides of each entry driveway to create a gateway entry feature. Each sign shall be limited to 15' height including the base and support structures. Each sign shall not exceed 100 square feet per face, per side of entrance including exposed supporting structure or associated decorative walls. The portion of the base of the sign within two(2) feet of the grade of the ground shall not be included in area calculations if that portion has no signage, logo, or lettering. In the event Town Center identification is incorporated into any proposed entry wall or landscape feature only the actual area of sign text and any logo identifying the development shall be measured.
- b) One additional ground monument identification sign shall be permitted in Sub-Area E *and one for Sub Area G*, provided it is coordinated with the design of the ground monument signs at the Kirby Road entry drives. Sub Area E *and Sub Area G signs* shall meet the size requirements of Paragraph 4 a) above.
- c) One overhead gateway feature identification sign shall be permitted for the main Town Center entry driveway (at FM 518). The sign shall have a vehicle clearance of at least 14' and a maximum overall height of 24'. Letter height and sign area are not limited. The sign is restricted to include only the name of the project and any logos or graphics associated with the identity of the Town Center. Refer "Exhibit A- Town Center feature identification sign" of the attached appendix.

5) Department Store and Event Center Exterior Signs

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

6) Main Street Tenant Exterior Signs

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

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

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

- f) No exterior sign or sign panel will be permitted to extend above any roof line.

8) Directional, Informational and Traffic Control Signs

- a) All traffic control signage on public streets shall conform to the size requirements of the "Manual of Uniform Traffic Control Devices and the City of Pearland."
- b) Pedestrian directional signs, information kiosks and electronic information devices shall be permitted throughout the Town Center Sub Area A and Event Center Sub Area C without limitation, provided that they are used solely to convey directional, town center special event, public service and related information to the general public.
- c) Directional signage identifying receiving and loading areas, access routes and other elements requiring further identification are permitted provided they have a consistent design and appearance coordinated with the other Town Center identification signs.

9) Service Door Signs

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

10) Announcement Signs

- a) The following types of Announcement signs shall be permitted within the PUD:
 - Project Announcement Signs- Limited to two (2) Overall Development Signs not exceeding 96 - SF per face each sign, and one (1) additional sign for each sale or lease parcel created by Developer, not exceeding 64 SF per face for each additional sign.
 - Banners, Pennants and Temporary Signs used for advertising purposes provided that they are not visible from public streets. On premise externally illuminated portable signs, banners, and windblown signs such as pennants, flags, and streamers for special events and grand openings shall be permitted provided they do not exceed 20 SF in area. There shall be no limit on the amount of Developer placed Banners, flags or signs along Town Center

Drive, East or West Main Streets or other circulation routes within the PUD.

- Project Announcement signs shall be removed within 30 days after an occupancy permit is issued.
- Land Available and Real Estate Signs. Signs offering land available for sale or lease shall be limited to 64 SF per sale or lease parcel provided that no more than one sign be installed for each 500 feet of frontage.

11) On-Premise Wayfinding Signs

- a) On-premise wayfinding signs are permitted within the PUD for the specific purpose of directing vehicular traffic around the site and to major anchor stores, **Hotels, Residential, Offices** and amenities. **(12) signs are permitted.**
- b) Maximum Height: The maximum height of any vertical On-premise wayfinding sign shall not exceed 12'-0" (refer to exhibit C on page 39).
- c) Maximum Sign Area: The maximum effective sign area shall not exceed 174 square feet (refer to exhibit C on page 39) including the sign base, and supporting structures and associated decorative walls.

12) Interior Project Boundary

- a) Signs located within the Interior Project Boundary (refer to Exhibit B on page 38) are considered interior signage and therefore exempt from PD and Pearland UDC requirements. These free-standing signs will not exceed 28'-0" or height of any building.

13) Administrative Review for signage changes

- a) Signage changes occurring outside the Interior Project Boundary shall be reviewed and approved by the Pearland City Council with the necessity of a PD Amendment but without Joint Public Hearing, recommendation of Planning and Zoning or two readings of the Ordinance.

Appendix

Exhibit A Town Center Feature Identification Sign

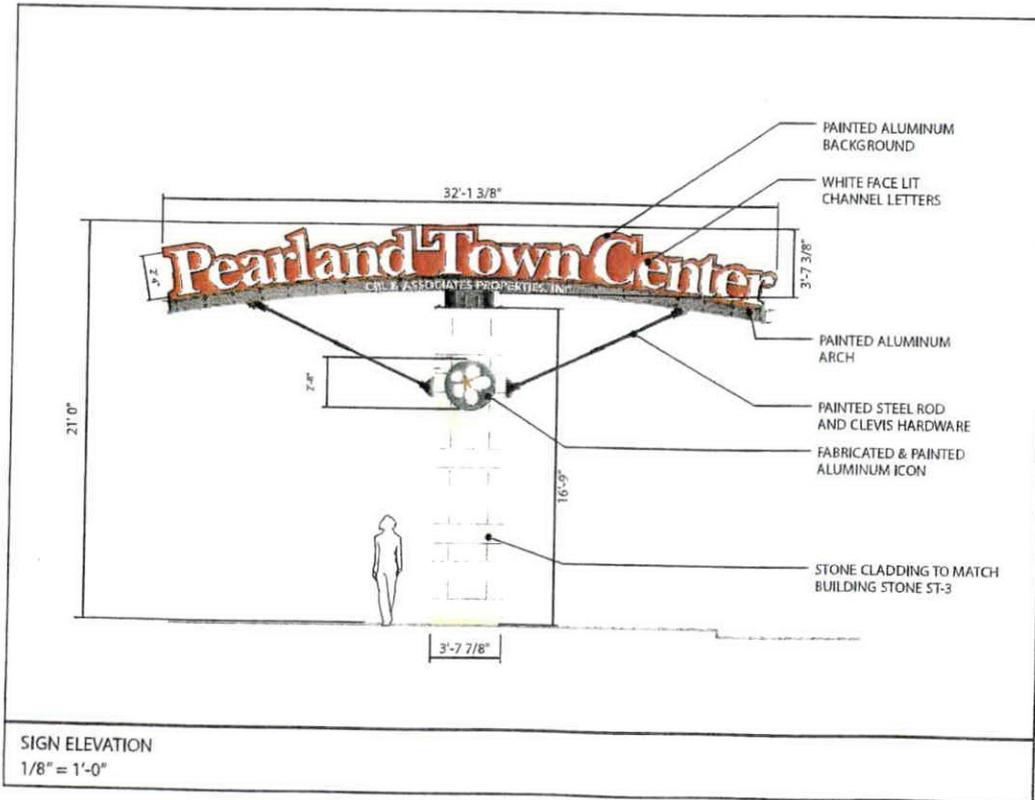
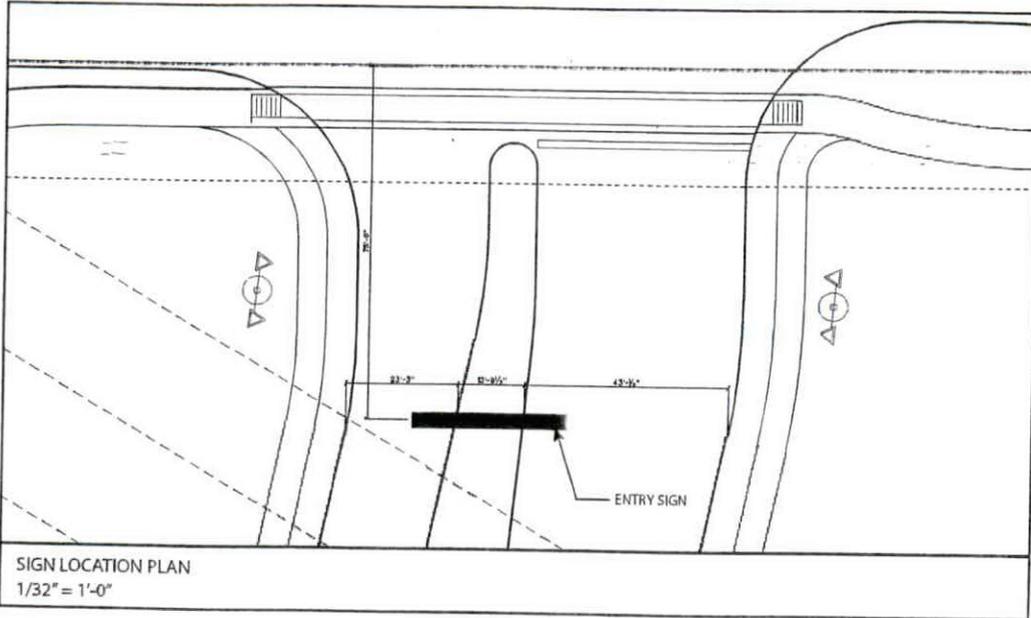
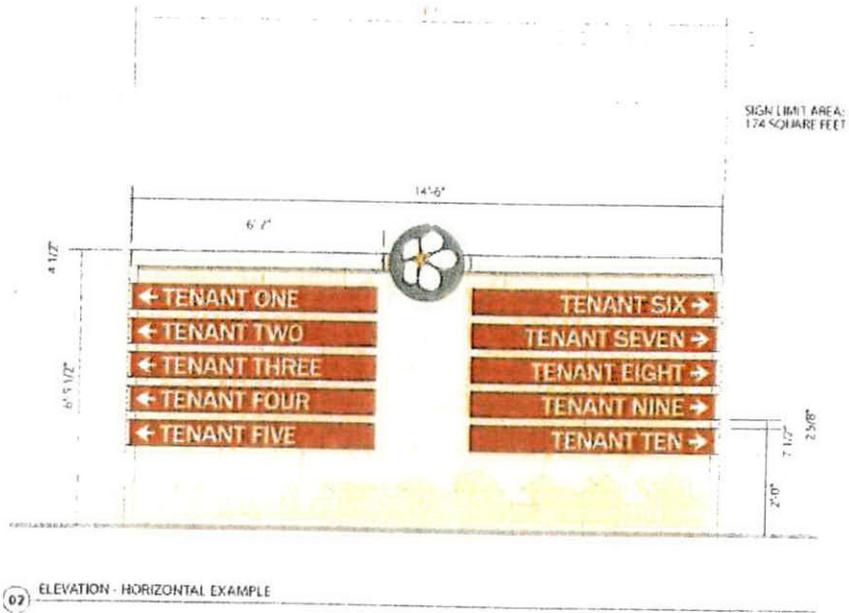
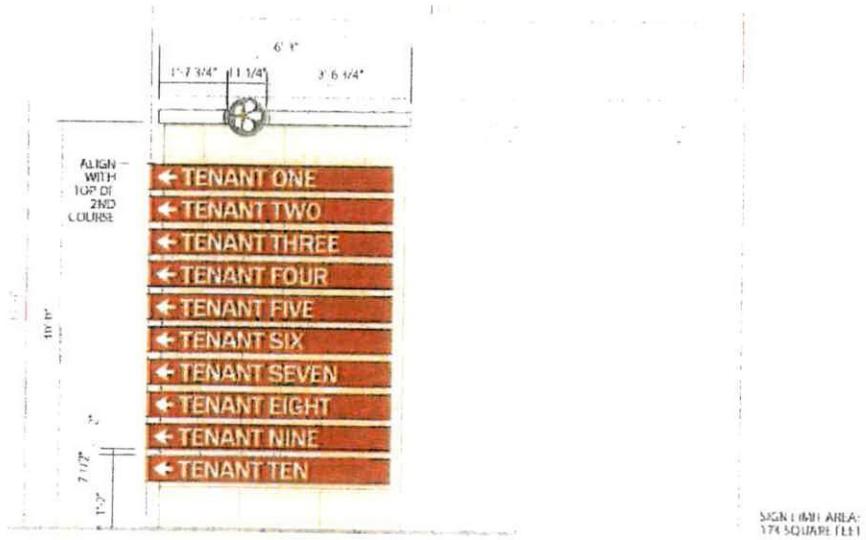


Exhibit C On-Premise Wayfinding Signs





01 ELEVATION-VERTICAL EXAMPLE

omniplan

1845 Woodall Rodgers Freeway
Suite 1500
Dallas, Texas 75201

Phone 214 826 7080
Fax 214 826 7016

www.omniplan.com

Dallas • Phoenix

May 15, 2008

Nick Finan--
City of Pearland
3523 Liberty Drive
Pearland, Texas 77851
214-652-1633

Via Email nfinan@ci.pearland.tx.us

Re: **Pearland Town Center Zoning Change Request- Last Minute material**

Nick:

Enclosed please find the revised Pearland Town Center Zoning Change Request material for the Pearland City Council Joint Public Hearing on May 15, 2008.

Since the Pearland City Council Workshop on April 21, 2008, the Pearland Town Center design team, comprised of the owner, architect and sign fabricator, have determined there were six signs left out of the materials reviewed during the workshop:

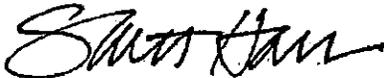
- (2) Town Center Identification Signs
- (3) "Marriott" Hotel On-Premise Wayfinding Signs
- (1) "The Residences at Pearland Town Center" On-Premise Wayfinding Signs.

The material provided in this package delineates signs overlooked during the Workshop as well as the total proposed signs relevant to the PUD.

We appreciate your consideration of these signs as necessary for a successful project and regret any hardship this late submittal may cause on the staff or City Council members.

Please let me know if you have any questions or require additional material.

Sincerely,



Scott Hall
Senior Associate
Omniplan, Inc.

file

TOWN CENTER IDENTIFICATION SIGN - S2

omniplan

1845 Woodhill Rodgers Freeway
 Suite 1500
 Dallas, Texas 75201
 Phone 214 826 7080
 Fax 214 826 7016

PROJECT
PEARLAND TOWN CENTER
 Pearland, Texas

PROJECT NUMBER
 200612.01

PHASE
 CONSTRUCTION DOCUMENTS

DRAWN BY
 sj

CHECKED BY
 rm

DATE
 05-15-08

REVISIONS

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- ▲
- ▲
- ▲
- ▲
- ▲

NOTES

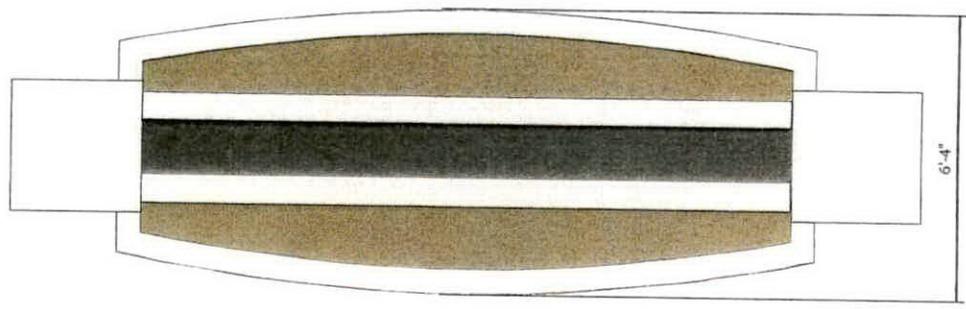
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- 2.

These drawings are for the sole purpose of expressing visual design intent only and are not intended for actual fabrication purposes. Sign contractor assumes all responsibility for material selection, fabrication and installation.
 © OMNIPLAN 2007

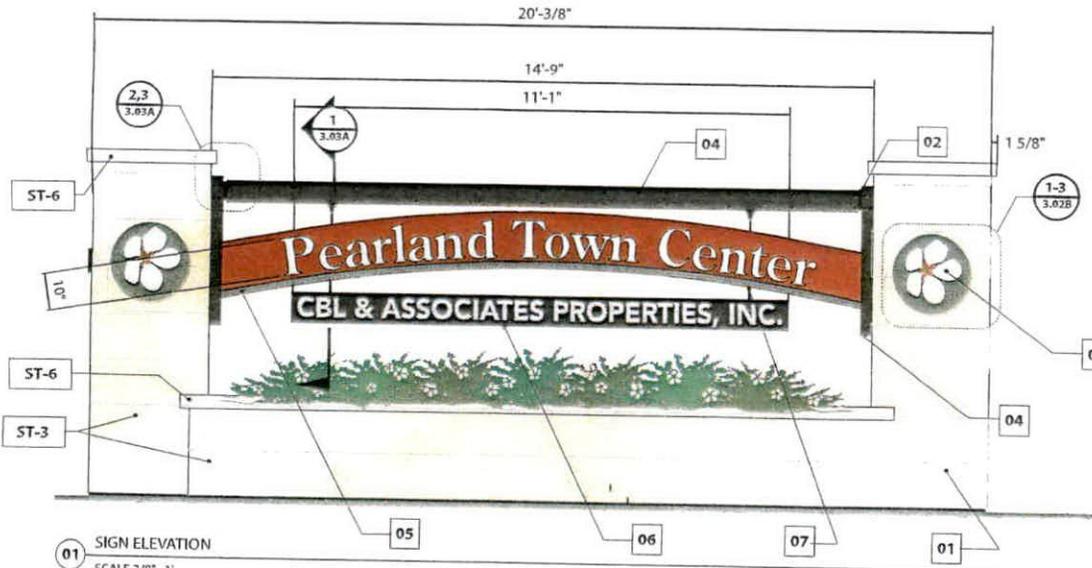
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 TOWN CENTER IDENTIFICATION SIGN

SIGN TYPE
S2

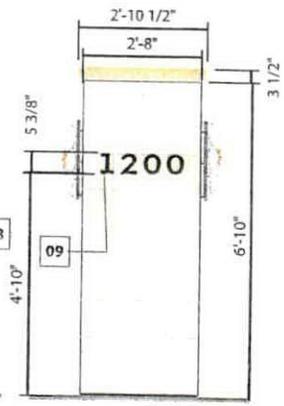
SHEET NUMBER
3.02



03 PLAN VIEW
 SCALE 3/8"=1"



01 SIGN ELEVATION
 SCALE 3/8"=1"



02 SIDE VIEW
 SCALE 3/8"=1"

SILICONE GLUE.

COLUMN.

NOTE:

TOWN CENTER IDENTIFICATION SIGN - S1

omniplan
 1845 Woodall Rodgers Freeway
 Suite 1500
 Dallas, Texas 75201
 Phone 214 826 7080
 Fax 214 826 7016

PROJECT
PEARLAND TOWN CENTER
 Pearland, Texas

PROJECT NUMBER
 200612.01

PHASE
 CONSTRUCTION DOCUMENTS

DRAWN BY
 SJ

CHECKED BY
 RM

DATE
 05-15-08

REVISIONS

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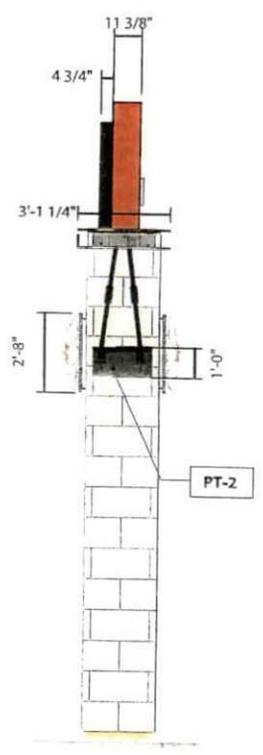
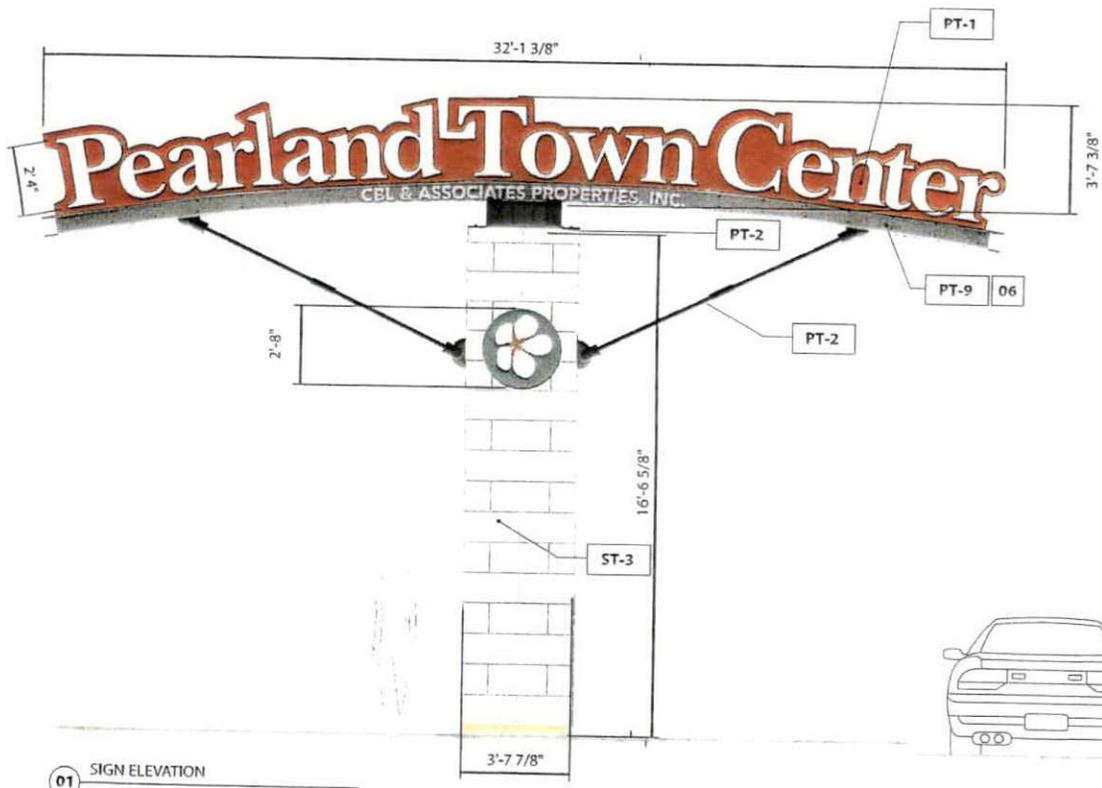
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DESCRIPTION
TOWN CENTER IDENTIFICATION SIGN

SIGN TYPE
S1

SHEET NUMBER
3.01



01 SIGN ELEVATION
 SCALE 1/4"=1'

02 SIDE VIEW
 SCALE 1/4"=1'

ON PREMISE WAYFINDING SIGN - S3

omniplan

1845 Woodall Rodgers Freeway
 Suite 1500
 Dallas, Texas 75201
 Phone 214 826 7080
 Fax 214 826 7016

PROJECT
PEARLAND TOWN CENTER
 Pearland, Texas

PROJECT NUMBER
 200612.01

PHASE
CONSTRUCTION DOCUMENTS

DRAWN BY
 SJ

CHECKED BY
 RM

DATE
 05-15-08

REVISIONS

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NOTES
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These drawings are for the sole purpose of expressing visual design intent only and are not intended for actual fabrication purposes. Sign contractor assumes all responsibility for material selection, fabrication and installation.

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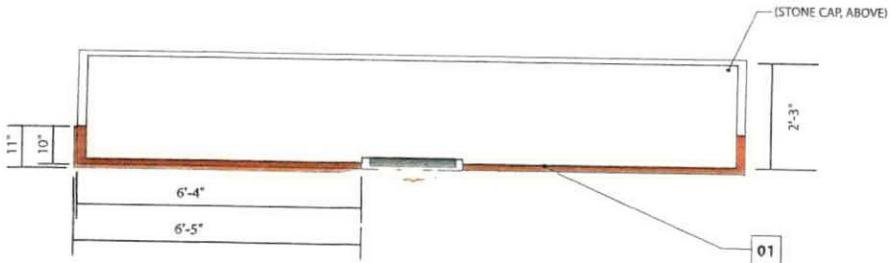
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ON PREMISE WAYFINDING SIGN

SIGN TYPE

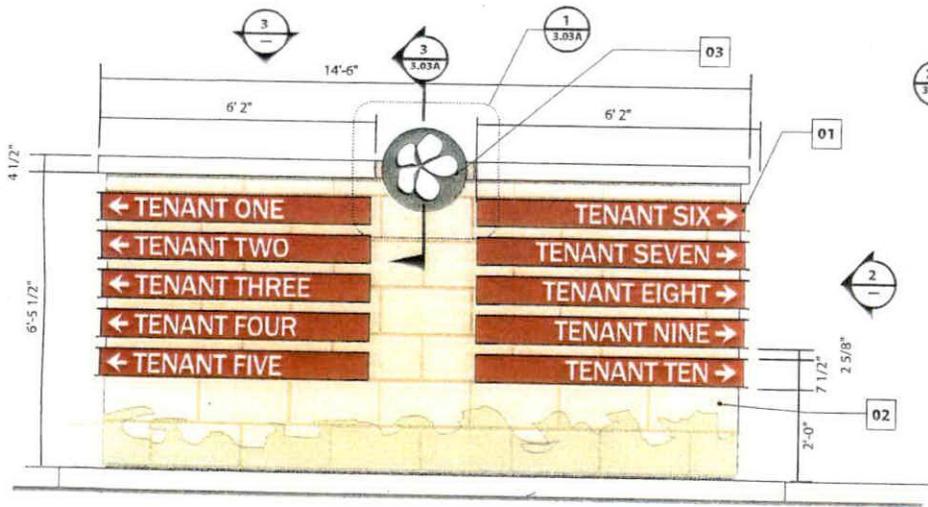
S3

SHEET NUMBER

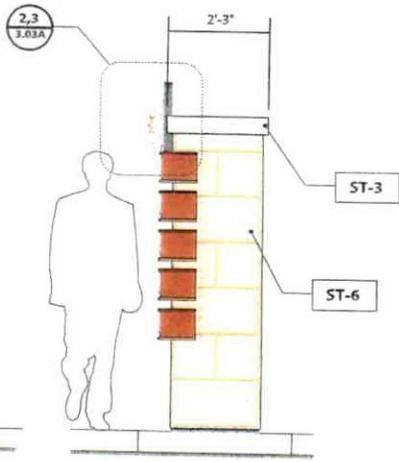
3.03



03 PLAN VIEW
 SCALE 3/8"=1"



01 ELEVATION
 SCALE 3/8"=1"

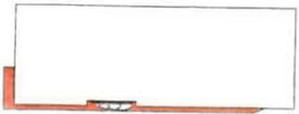


02 SIDE VIEW
 SCALE 3/8"=1"

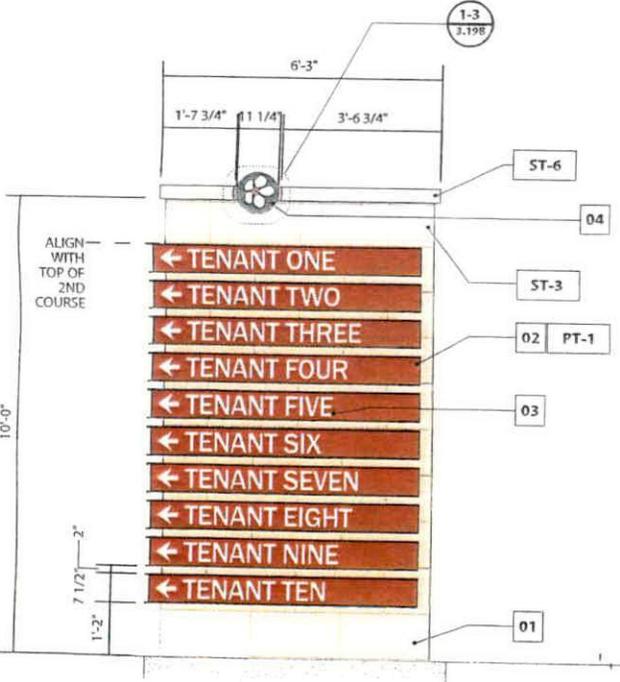
ON PREMISE WAYFINDING SIGN - S3.V

omniplan

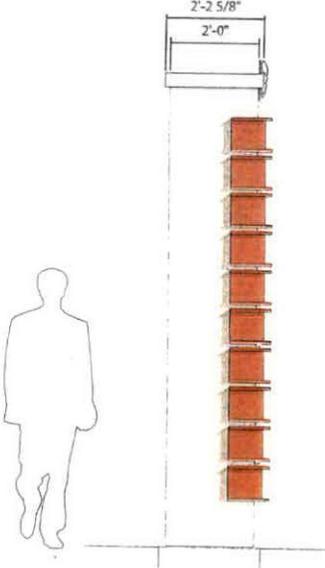
1845 Woodliff Rodgers Freeway
 Suite 1500
 Dallas, Texas 75201
 Phone 214 826 7080
 Fax 214 826 7016



03 PLAN VIEW
 SCALE 3/8"=1'-0"



01 ELEVATION-DETAIL
 SCALE 3/8"=1'-0"



02 SIDE VIEW
 SCALE 3/8"=1'-0"

PROJECT
PEARLAND TOWN CENTER
 Pearland, Texas

PROJECT NUMBER
 200612.01

PHASE
 CONSTRUCTION DOCUMENTS

DRAWN BY
 sj

CHECKED BY
 rrm

DATE
 05-15-08

REVISIONS

- ▲
- ▲
- ▲
- ▲
- ▲

NOTES

1.

2.

These drawings are for the sole purpose of expressing visual design intent only and are not intended for actual fabrication purposes. Sign contractor assumes all responsibility for material selection, fabrication and installation.
 © CHRYSLER, LLC 2007

DESCRIPTION
ON PREMISE WAYFINDING SIGN

SIGN TYPE

S3.V

SHEET NUMBER

3.19

ON PREMISE WAYFINDING SIGN - H1

omniplan

1845 Woodall Rodgers Freeway
Suite 1500
Dallas, Texas 75201
Phone 214 826 7080
Fax 214 826 7016

PROJECT
PEARLAND TOWN CENTER
Pearland, Texas

PROJECT NUMBER
200612.01

PHASE
CONSTRUCTION DOCUMENTS

DRAWN BY
SJ

CHECKED BY
RJM

DATE
05-15-08

REVISIONS

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- ▲
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- ▲
- ▲

NOTES

- 1.
- 2.

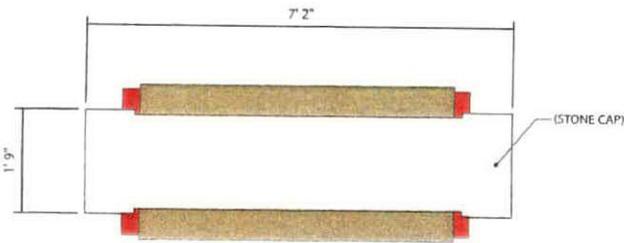
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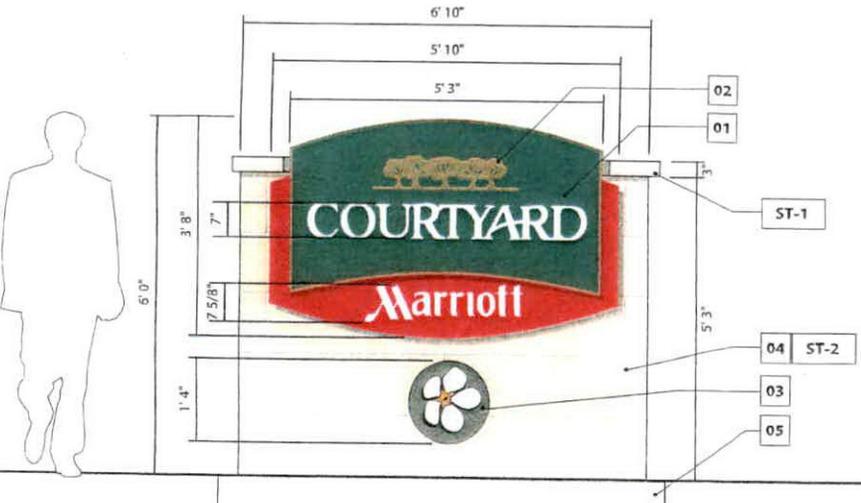
DESCRIPTION
ON PREMISE WAYFINDING SIGN

SIGN TYPE
H1

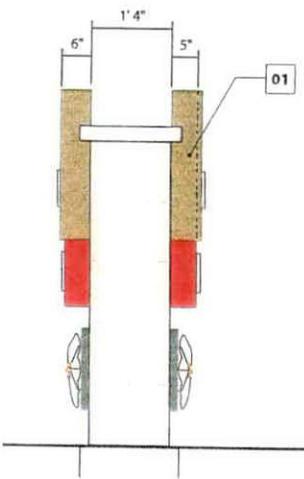
SHEET NUMBER
3.13



03 PLAN VIEW
SCALE 1/2"=1'-0"



01 SIGN ELEVATION
SCALE 1/2"=1'-0"



02 SECTION
SCALE 1/2"=1'-0"

ON PREMISE WAYFINDING SIGN - R1

omniplan

1845 Woodall Rodgers Freeway
Suite 1500
Dallas, Texas 75201
Phone 214 826 7080
Fax 214 826 7016

PROJECT
PEARLAND TOWN CENTER
Pearland, Texas

PROJECT NUMBER
200612.01

PHASE
CONSTRUCTION DOCUMENTS

DRAWN BY
sj

CHECKED BY
fmm

DATE
05-15-08

REVISIONS

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- ▲
- ▲
- ▲
- ▲
- ▲

NOTES

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2.

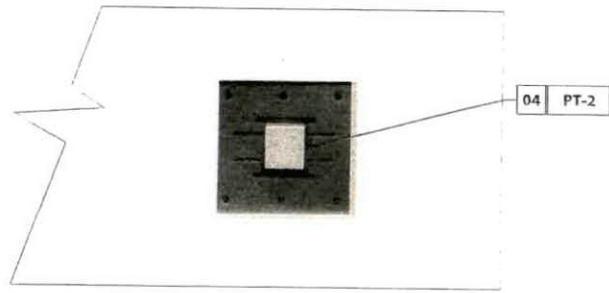
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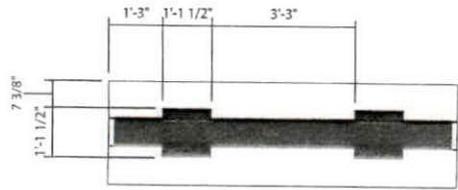
DESCRIPTION
ON PREMISE WAYFINDING SIGN

DESK TYPE
R1

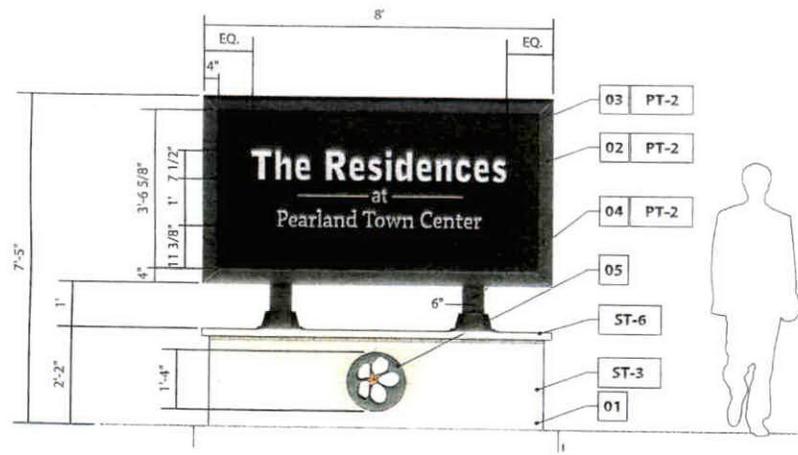
SHEET NUMBER
3.22



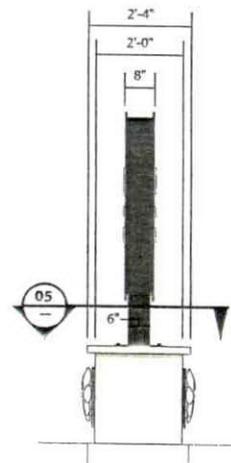
05 SECTION
SCALE 1"=1'-0"



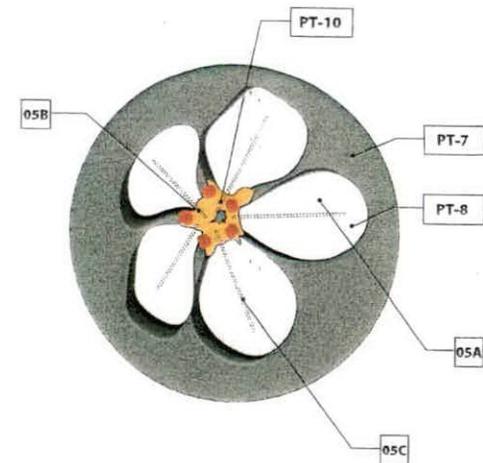
04 PLAN VIEW
SCALE 3/8"=1'-0"



01 ELEVATION-DETAIL
SCALE 3/8"=1'-0"



02 SIDE VIEW
SCALE 3/8"=1'-0"



03 ELEVATION-DETAIL
N.T.S.

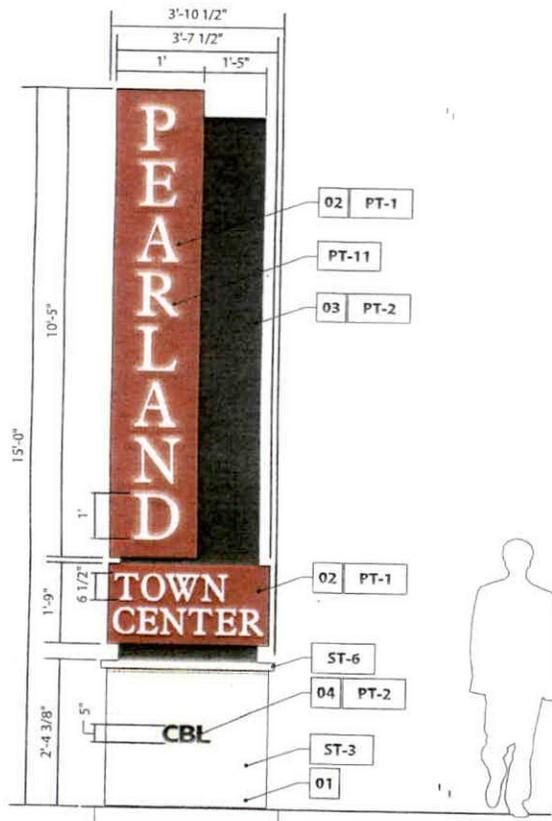
TOWN CENTER IDENTIFICATION SIGN - S2.v

omniplan

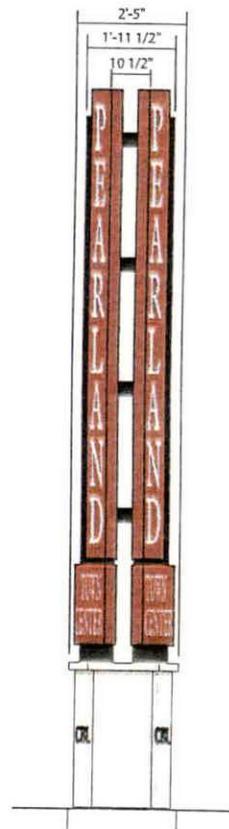
1845 Woodhill Rodgers Freeway
Suite 1500
Dallas, Texas 75201
Phone 214 826 7080
Fax 214 826 7016



03 PLAN VIEW
SCALE 3/8"=1'-0"



01 ELEVATION-DETAIL
SCALE 3/8"=1'-0"



02 SIDE VIEW
SCALE 3/8"=1'-0"

PROJECT
PEARLAND TOWN CENTER
Pearland, Texas

PROJECT NUMBER
200612.01

PHASE
CONSTRUCTION DOCUMENTS

DESIGNED BY
sf

CHECKED BY
rm

DATE
05-15-08

REVISIONS

- ▲
- ▲
- ▲
- ▲
- ▲

NOTES

- 1.
- 2.

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DESCRIPTION
TOWN CENTER IDENTIFICATION SIGN

SHEET TITLE
S2.v

SHEET NUMBER
3.18

PEARLAND TOWN CENTER				
<i>Conditional Permit / PD Set</i>				
Signtype	Name of Sign	Qty	Square Footage per Sign	Total Square Footage
S1	TOWN CENTER ID SIGN	1	155.50	155.50
S2	TOWN CENTER ID SIGN	1	141.50	141.50
S3	ON PREMISE WAYFINDING SIGN	4	98.00	392.00
S2V	TOWN CENTER ID SIGN	5	62.00	310.00
S3V	ON PREMISE WAYFINDING SIGN	4	64.50	258.00
H1	ON PREMISE WAYFINDING SIGN	3	42.50	127.50
R1	ON PREMISE WAYFINDING SIGN	1	59.50	59.50
SQUARE FOOTAGE / GRAND TOTAL				1,444.00

PROJECT
PEARLAND TOWN CENTER
 Pearland, Texas

PROJECT NUMBER
 200612.01

PHASE
CONSTRUCTION DOCUMENTS

DRAWN BY
 JH

CHECKED BY
 RM

DATE
 05-15-08

- REVISIONS
- ▲
 - ▲
 - ▲
 - ▲
 - ▲
 - ▲

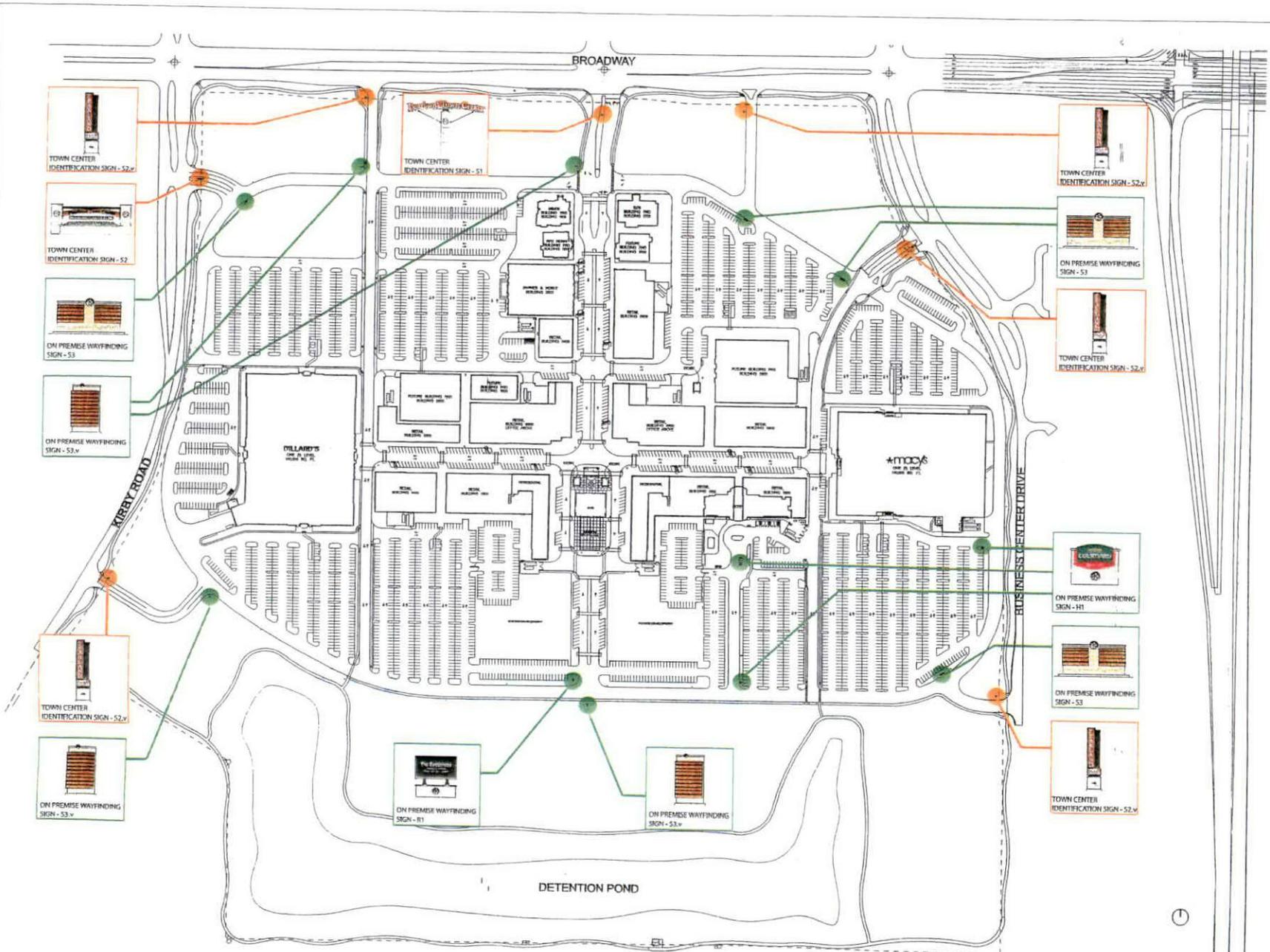
- NOTES
- 1.
 - 2.

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DESCRIPTION
**SIGN LOCATION PLAN
 KEY PLAN**

SIGN TYPE

SHEET NUMBER
1.02



PROJECT
PEARLAND TOWN CENTER
 Pearland, Texas

PROJECT NUMBER
 200612.01

PHASE
CONSTRUCTION DOCUMENTS

DRAWN BY
 SJ

CHECKED BY
 FM

DATE
 05-15-08

REVISIONS
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 ▲
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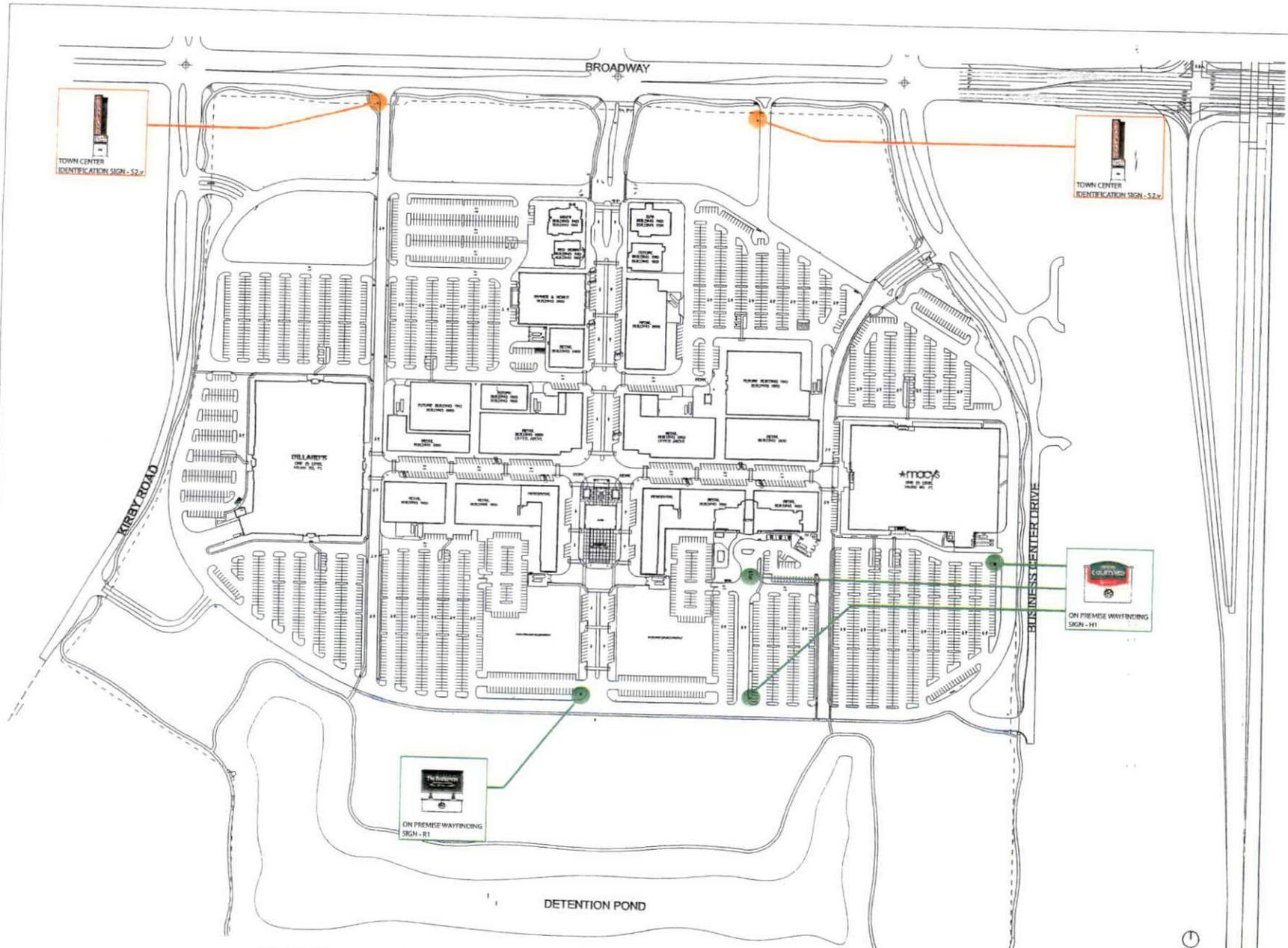
NOTES
 1.
 2.

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 © GARNEY, INC 2007

DESCRIPTION
**SIGN LOCATION PLAN
 KEY PLAN**

SIGN TYPE

SHEET NUMBER
1.02



SIGNS NOT REVIEWED DURING APRIL 21ST REVIEW SESSION