

## Planning and Zoning Commission

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**AGENDA OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON JULY 01, 2002 at 6:30 P.M., IN THE SECOND FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

**I. CALL TO ORDER**

**II. APPROVAL OF MINUTES:** June 17, 2002

**III. NEW BUSINESS**

**A. CONSIDERATION & POSSIBLE ACTION** – Final Plat of Shadow Creek Ranch SF-1, 11.977 acres being out of the T.C.R.R. Co. Survey, Section 3, Abstract 678, City of Pearland, Brazoria County, Texas.

**B. CONSIDERATION & POSSIBLE ACTION** – Final Plat of Oakbrook Estates Section Five, A subdivision of 29.251 acres in the W.D.C. Hall League, A-70, Brazoria County, Texas.

**C. CONSIDERATION & POSSIBLE ACTION** – Request by VMC Partners, Ltd. for a variance from the Subdivision Ordinance No. 741-3 requiring perimeter drainage facilities prior to construction of any interior construction for Villages at Mary's Creek Section 1, Phase 1.

**D. CONSIDERATION & POSSIBLE ACTION** – Request by Gary Bucek, Vice President of Teleflow, Inc. for a variance from the Subdivision Ordinance that does not allow “pumped” detention systems for 8101 Fite Road.

**E. CONSIDERATION & POSSIBLE ACTION - Zone Change Application No. 1035**

Request for an amendment to the Land Use and Urban Development Ordinance of said City from classification Heavy Industrial District (M-2) and Commercial District (C) to Single Family Dwelling District – Planned Unit Development (R-2 PUD) on the following described property, to wit:

Legal Description: 73.328 acres consisting of three tracts: Tract I: Being Lots 9A and 12A, out of Section 12, H. T. & B. R.R. Co. survey, A-508, Brazoria Co., TX; Tract II: Being 10.208 acres in the A.C.H. & B. Survey, Section 2, A-507, Brazoria Co., TX, being all of Lots A & F, L.W. Murdock Subdivision as recorded in Volume 29, Page 174, deed records of Brazoria Co., TX, and being part of the land conveyed by Thomas F. Alexander to John Alexander, Trustee, by deed dated May 20, 1960, and recorded in Volume 767, Page 299, among the deed records of Brazoria Co., TX; and Tract III: 23.12 acres, being Lot 9,

## Planning and Zoning Commission

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Section 12, H. T. & B. R.R. Co. survey, A-508, Brazoria Co., TX  
(Veterans Road)

Owner: Three G Investments  
Jud Alexander  
R. & L. Ferguson

Agent: James Cornelius of Sowell & Company

- F. **DISCUSSION ITEM** – Request by Kerry R. Gilbert & Associates, Inc. for review and discussion of a 548.9 acre revised Planned Unit Development on Old Alvin Road (previously The Fairways at Highland Glen).
- G. **DISCUSSION ITEM** – Request by Vernon G. Henry and Associates, Inc. for review and discussion of a 40-acre Planned Unit Development at Harkey and Bailey Roads (Lawrence Place).

**IV. NEXT MEETING DATE: July 8, 2002 (JPH & Regular Meeting)**  
**July 15, 2002 (Regular Meeting)**

### **V. ADJOURNMENT**

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

# Planning and Zoning Commission

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## MINUTES OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON JULY 01, 2002 IN THE SECOND FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

### I. CALL TO ORDER

The meeting was called to order at 6:35 p.m. with the following present:

Chairman	Todd Iocco
Commissioner	Kevin McDonald
Commissioner	Don Sederdahl
Commissioner	Russ Selemon
Development Coordinator	Mona Phipps
Planner I	Theresa Grahmann
Secretary	Jennifer Gonzales

### II. APPROVAL OF MINUTES: June 17, 2002

Commissioner McDonald made a motion to approve the June 17, 2002 minutes with a second made by Commissioner Sederdahl.

**Motion to approve passed 4 to 0.**

### III. NEW BUSINESS

#### A. CONSIDERATION & POSSIBLE ACTION – Final Plat of Shadow Creek Ranch SF-1, 11.977 acres being out of the T.C.R.R. Co. Survey, Section 3, Abstract 678, City of Pearland, Brazoria County, Texas.

Plat and Plans Administrator Richard Keller stated staff recommends approval with the note to add an “a” in the word “Bay” on “Reflection Bay Drive”.

Commissioner Selemon made a motion to approve the Final Plat of Shadow Creek Ranch SF-1 with a second made by Commissioner McDonald.

**Motion to approve passed 4 to 0.**

#### B. CONSIDERATION & POSSIBLE ACTION – Final Plat of Oakbrook Estates Section Five, A subdivision of 29.251 acres in the W.D.C. Hall League, A-70, Brazoria County, Texas.

Plat and Plans Administrator Richard Keller stated staff recommends approval with the following comments:

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**Mission Statement:** To make informed recommendations regarding zoning change requests, capital improvements, and other tasks as mandated by the City Charter.

## Planning and Zoning Commission

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1. Reserve "G" needs to be dedicated to the City as a city park.
2. They need approved construction drawings.
3. They need to indicate which MUD number, if any.
4. The 5' electrical easement on Lot 7 of Block 1 does not scale correctly.
5. They need an approved tree disposition plan.

Commissioner Scherrer entered the meeting at 6:40 p.m.

Commissioner Sederdahl made a motion to approve the Final Plat of Oakbrook Estates Section Five with staff's recommendations. Commissioner Selemon seconded the motion.

**Motion to approve passed 5 to 0.**

**C. CONSIDERATION & POSSIBLE ACTION – Request by VMC Partners, Ltd. for a variance from the Subdivision Ordinance No. 741-3 requiring perimeter drainage facilities prior to construction of any interior construction for Villages at Mary's Creek Section 1, Phase 1.**

Plat and Plans Administrator Richard Keller stated that staff recommends approval of the variance request. Mr. Keller explained that Ordinance No. 741-3 was adopted May 23, 2002, which requires the detention and drainage facility to be put in before the interior construction of the subdivision. He added that he visited with Deputy City Manager Alan Mueller and he does not see any problems with the variance either.

Kevin Price of VMC Partners stated that he is a partner of the project and they respectfully ask for this variance. He explained their preliminary plat was approved in September and since then they have had to redesign the entire plat and gave up over 30 lots to meet the requirements of the Tree Ordinance. He stated secondly they stumbled across a force main that was located in the middle of the project, which had to be removed. He stated it would create considerable hardship to do the interior construction and drainage separately. Mr. Price pointed out the Final Plat was approved only a week after the revised ordinance became effective. He stated there would be no negative out of this request for the City.

Commissioner Scherrer asked about putting a time frame on the construction so that houses would not be built when there is no drainage. Secretary Jennifer Gonzales clarified the drainage and interior construction would be complete and accepted by City Council before building permits could be issued.

Commissioner Sederdahl made a motion to approve the variance request with a second made by Commissioner Scherrer.

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Commissioner Selemon stated for the record that he is not supporting any financial hardship and he only voted for approval because of the fact the plat got caught up during the time the ordinance was changed.

The Commission agreed with Commissioner Selemon.

**Motion to approve passed 5 to 0.**

**D. CONSIDERATION & POSSIBLE ACTION – Request by Gary Bucek, Vice President of Teleflow, Inc. for a variance from the Subdivision Ordinance that does not allow “pumped” detention systems for 8101 Fite Road.**

Plat and Plans Administrator Richard Keller stated this is another project was underway at the time the ordinance was being revised.

Chairman Iocco questioned why this section of the ordinance was even approved to begin with. Mr. Keller replied that one of the City Council members requested the change, however the City Engineer does not support the change.

Commissioner Selemon asked if there are going to be any back up generators. Mr. Bucek replied if they have to they could add back up generators.

Commissioner Sederdahl made a motion to approve the variance request with a second made by Commissioner Selemon.

Chairman Iocco asked if they are going to be duplex or single pumps. Mr. Bucek replied they are going to be back up. Mr. Bucek explained that the business has been there 16 years and this detention pump is just for the expansion.

Commissioner Selemon stated that again he is only supporting this request because the project got caught up in the timing of the of the ordinance revision. Chairman Iocco concurred.

**Motion to approve passed 5 to 0.**

**E. CONSIDERATION & POSSIBLE ACTION - Zone Change Application No. 1035**

**Request for an amendment to the Land Use and Urban Development Ordinance of said City from classification Heavy Industrial District (M-2) and Commercial District (C) to Single Family Dwelling District – Planned Unit Development (R-2 PUD) on the following described property, to wit:**

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**Mission Statement:** To make informed recommendations regarding zoning change requests, capital improvements, and other tasks as mandated by the City Charter.

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**Legal Description:** 73.328 acres consisting of three tracts: **Tract I:** Being Lots 9A and 12A, out of Section 12, H. T. & B. R.R. Co. survey, A-508, Brazoria Co., TX; **Tract II:** Being 10.208 acres in the A.C.H. & B. Survey, Section 2, A-507, Brazoria Co., TX, being all of Lots A & F, L.W. Murdock Subdivision as recorded in Volume 29, Page 174, deed records of Brazoria Co., TX, and being part of the land conveyed by Thomas F. Alexander to John Alexander, Trustee, by deed dated May 20, 1960, and recorded in Volume 767, Page 299, among the deed records of Brazoria Co., TX; and **Tract III:** 23.12 acres, being Lot 9, Section 12, H. T. & B. R.R. Co. survey, A-508, Brazoria Co., TX (Veterans Road)

**Owner:** Three G Investments  
Jud Alexander  
R. & L. Ferguson

**Agent:** James Cornelius of Sowell & Company

Executive Director of Community Services Tobin Maples explained this is an update of the R-2 PUD on Veterans with a significant amount of improvements.

Jamie Cornelius of Sowell & Company stated that this is the official effort to win the support of the Commission. He stated they added a larger park area and added a road as a physical barrier between the park space and the residents.

Commissioner McDonald made a motion to forward Zoning Application No. 1035 to City Council for approval with a second made by Commissioner Selemon.

Commissioner Sederdahl asked how the masonry wall would be installed and who would maintain the wall after it is built. Mr. Sederdahl showed concerns about the wall leaning in the future.

Mr. Cornelius replied that a set of engineer-designed plans would be turned in and reviewed by staff. He pointed out that he has built several feet of wall in Pearland and it has never fallen or leaned. He stated the wall would be maintained by the Homeowner's Association.

Mr. Sederdahl verified that staff would have to approve the wall. Mr. Cornelius stated staff would approve the engineering construction plans. Mr. Cornelius added that for him to even build a subdivision entrance you have to have approved plans and a building permit from the City.

Chairman Iocco stated that the Commission needs to be looking at this from the planning prospect and they have to decide if this is good planning. He briefly went over the pros

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and cons from his standpoint. He stated that he feels the detention with the park and road is adequate space to stop a train if it derailed. However from the planning aspect, he stated his concern is still the same concern he had with the property to the south (which Planning and Zoning did not approve) regarding going from residential zoning to the tracks then industrial zoning up to Highway 35 and then back to residential zoning. Chairman Iocco apologized for Mr. Cornelius having to be the “ping-pong ball” in this match, however he personally does not think he can vote for the request.

Mr. Cornelius reminded the Commission that this is the concept behind the buffer zone, which would not have any kind of improvement on the land.

Commissioner Selemo stated that his preference is to have more buffer, however he realizes they have to meet in the middle. He pointed out there are still some safety concerns, however he is leaning toward approving the request because the developer has made such an effort to work with the Commission.

Commissioner McDonald stated that he is against residential next to the railroad track due to what he has learned at the planning conferences, however he is concerned about what would become of the property if it is not zoned for residential.

**Motion to approve passed 4 to 1.**

Voting Record:

“Aye” – Commissioner’s McDonald, Scherrer, Sederdahl, and Selemo.

“No” – Chairman Iocco.

**F. DISCUSSION ITEM – Request by Kerry R. Gilbert & Associates, Inc. for review and discussion of a 548.9 acre revised Planned Unit Development on Old Alvin Road (previously The Fairways at Highland Glen).**

Executive Director of Community Services Tobin Maples stated this is the Beazer PUD on Old Alvin where the water features are going to replace the previous golf course.

Discussion ensued between staff and the Commission regarding the steps of the PUD application process. Mr. Maples explained that a discussion item is required with the Planning and Zoning Commission on any PUD application before it is taken to the Joint Public Hearing. Mr. Maples showed the area on the map and explained the original PUD contained a golf course and now they are revising the PUD to contain lakes and other water features where the golf course used to be located.

Chairman Iocco asked about the substantial sized fountain at the intersection of McHard and Pearland Parkway. Mr. Maples replied that it is actually the city’s fountain to help calm traffic. Chairman Iocco disagreed and stated he thought it would be a traffic hazard device.

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Chairman Iocco stated that he is concerned about the traffic flow.

Commissioner McDonald stated that he thinks the water fountain would actually work as a traffic calming device and referred to the one in Washington DC.

Commissioner Sederdahl suggested not discussing this PUD at this time since the developer is not present.

**G. DISCUSSION ITEM – Request by Vernon G. Henry and Associates, Inc. for review and discussion of a 40-acre Planned Unit Development at Harkey and Bailey Roads (Lawrence Place).**

Executive Director of Community Services Tobin Maples stated this is the first step of the PUD application process and has been brought to the Commission for discussion.

Pierre Nys stated he is the developer and is present with land planner David Lynch of Vernon Henry and Associates and his engineer Mr. Thomas Langford of Lentz Engineering.

Mr. Nys gave a brief summary of his PUD. He explained that the builder wanted larger lots, there is a buffer around the whole subdivision, a lake feature is located in the middle for detention, and park areas on both sides. He added this concept was suggested by the City of Pearland.

Commissioner Selemon asked if the lake would have a permanent level of water. Mr. Nys replied that it would.

Mr. Nys briefly explained to the Commission that he would be asking for two variances during the development stages. He stated the first variance would be to allow for use of a pump for the drainage and the second variance would be from the sidewalk requirement. Mr. Nys commented that the main reason for the sidewalk variance is due to the upcoming improvements of County Road 101 (Bailey) and Harkey.

Thomas Langord explained to the Commission the drainage will drain to the channel that belongs to the Brazoria Drainage District #4, which is 12-18 inches deep. He stated the district plans to upgrade between 2004-2006, and at this time the developer would do away with the pump.

Mr. Nys pointed out the subdivision is in a Zone X.

Commissioner Sederdahl stated he feels awkward about discussing drainage and he doesn't feel drainage is the Commission's responsibility.

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Commissioner Scherrer stated that he does not think this board would ever approve anymore sidewalk variances. He pointed out there are no for exact plans for when the roads are going to be improved.

Mr. Nys stated it was just a logical question because the sidewalks are going to be eventually torn up anyway.

Commissioner Sederdahl explained that the money put into escrow is not earmarked for any certain project. Commissioner Selemon agreed and added there is no guarantee that once Bailey Road is built that any sidewalks would even be put along the road.

Plat and Plans Administrator Richard Keller stated the City should be responsible to replace whatever is torn up.

Commissioner Selemon stated that he would feel better to have sidewalks for 3 or 4 years along Bailey then to never have them at all.

Commissioner Selemon stated he likes the PUD because of the mixed uses and he likes the peculiarity of the drainage. He stated he is not in favor of the wood fences, especially in the back yards of the residents adjacent to the Neighborhood Services area of the PUD. He would prefer masonry fencing.

Chairman Iocco agreed with the request for masonry fencing.

Executive Director of Community Services Tobin Maples summarized the comments by stating:

1. The masonry fence would be looked for from a staff standpoint as well.
2. It needs to be documented whether the open space would be maintained by the Homeowner's Association or if it is going to be private.
3. The sidewalks need to be in the PUD document.
4. The issue of the variance for the detention pump would be addressed at the time of platting.
5. They need to document whether the streets are going to be private or public.

Mr. Maples commented that the PUD looks very nice.

Mr. Nys stated that he hopes to have lots available by next February.

Commissioner McDonald asked if there is any time frame for the Bailey Road project. Mr. Maples replied that it is a part of the bond project therefore it would probably be awhile from now.

Commissioner Scherrer stated that the PUD looks nice.

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Chairman Iocco stated that he still doesn't understand the deal regarding the detention pumps. Commissioner Selemon stated they would have to rely on staff.

**IV. NEXT MEETING DATE: July 8, 2002 (JPH & Regular Meeting)  
July 15, 2002 (Regular Meeting)**

### **V. ADJOURNMENT**

The meeting adjourned at 7:44 p.m.

These minutes respectfully submitted by:

  
Jennifer Gonzales, Planning & Zoning Secretary

Minutes approved as submitted and/or corrected on this 15 day of July, 2002.

  
Todd Iocco, Planning & Zoning Chairman

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## V. ADJOURNMENT

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Posted: 26<sup>th</sup> day of June, 2002 A.D.

Removed: 2<sup>nd</sup> day of July, 2002 A.D.



a **deflect-o** company

June 19, 2002

Planning and Zoning Commission  
3519 Liberty Dr.  
Pearland, TX 77581

Ref: Proposed Expansion Project  
8101 Fite Rd.

Dear Commission,

It is my understanding that the City recently voted to no longer allow "pumped" detention systems. This project has technically been underway for the past 18 months. The recent detention study was completed on March 29 of this year. The Brazoria Drainage District No. 4 granted Preliminary approval on April 10<sup>th</sup> and final on April 24<sup>th</sup>.

I wish to request a variance allowing the study to stand as is submitted by Lentz Engineering drawings 2 of 2.

Tele-Flow has no additional space for detention and would in effect force us to cancel plans for expansion.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Bucek", is written over a large, loopy scribble.

Gary W. Bucek  
Vice President



June 19, 2002

Planning and Zoning Commission  
3519 Liberty Dr.  
Pearland, TX 77581

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Sincerely,

Gary W. Bucek  
Vice President

**548.9 ACRES**

**Planned Unit Development**

**Pearland, Texas**

**Prepared For  
Beazer Homes**

**Kerry R. Gilbert & Associates, Inc.  
June 10, 2002**

**548.9 ACRES  
Planned Unit Development  
Pearland, Texas**

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- o TOPOGRAPHY MAP
- o LEGAL DESCRIPTION

**III. GOALS AND OBJECTIVES**

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## I. INTRODUCTION

This planned unit development application was prepared on behalf of Beazer Homes pursuant to the City of Pearland Zoning Ordinance related to Planned Unit Developments (PUD). The purpose of the planned unit development is to encourage flexibility in the use and development of land in order to promote the most appropriate uses; to provide a high level of amenities; to preserve the quality of the natural environment; and to provide flexibility in the development of land subject to the development standards, coordinated with the provision of necessary public services and facilities.

The 548.9 Acre Planned Unit Development (PUD) is a mixed use project located within the City of Pearland, Texas. The property is physically located south of the Sam Houston Tollway (Beltway 8 South), east of Old Alvin Road, north of Broadway (F.M. 518). Clear Creek traverses the eastern portion of the tract in a north-south direction. The aerial photo on the next page illustrates the location of the subject property.

The City of Pearland owns two tracts of land totaling approximately 21.8 acres within the 548.9 Acre PUD. These tracts consists of a 15.8 acre parcel located adjacent to the proposed Pearland Parkway on the northwest boundary of the property and a 6.0 acre drill site located at the extreme northern boundary of the overall property. The City of Pearland is a co-applicant to this application in order to include these parcels within the PUD.

The 548.9 Acre PUD will consist of a variety of housing products and price ranges, integrated with over 75 acres of lakes and other community amenities.

## II. EXISTING CONDITIONS

### SITE DESCRIPTION

Consistent with property in the region, the subject tract is generally flat with elevations ranging from a high of 46.9 feet in the extreme southwest corner to a low of 37.3 in the northern part of the tract near Clear Creek. For the most part, elevations across the tract are within the 40' to 43' range. The property possesses a few pockets of vegetation indigenous to the region, some very dense. The aerial photo on the next page illustrates the vegetation on the site. Physical constraints affecting development of the property include the following:

- Clear Creek and its attendant floodway and flood plain traverse the subject tract severing approximately 92 acres from the main body of the tract.
- A series of seven faults have been identified in a study conducted by Professional Service Industries, Inc. The faults, which occupy the middle two-thirds of the tract, cross the property in a northwest/southeast direction, generally paralleling Clear Creek, and are separated from one another by distances ranging from 300' to 1100'.
- A drainage ditch enters the property at the extreme southwest corner and traverses the property, generally paralleling the southeastern property line until it turns easterly, connecting with Clear Creek along the southeastern property line. The ditch will occupy an ultimate easement width of approximately 170'.
- A triangular shaped out-tract consisting of approximately 10.8 acres is located along Old Alvin Road and the western property line of the subject property.
- A proposed thoroughfare, Pearland Parkway, is planned across the middle portion of the subject tract, further constraining the development of the property.

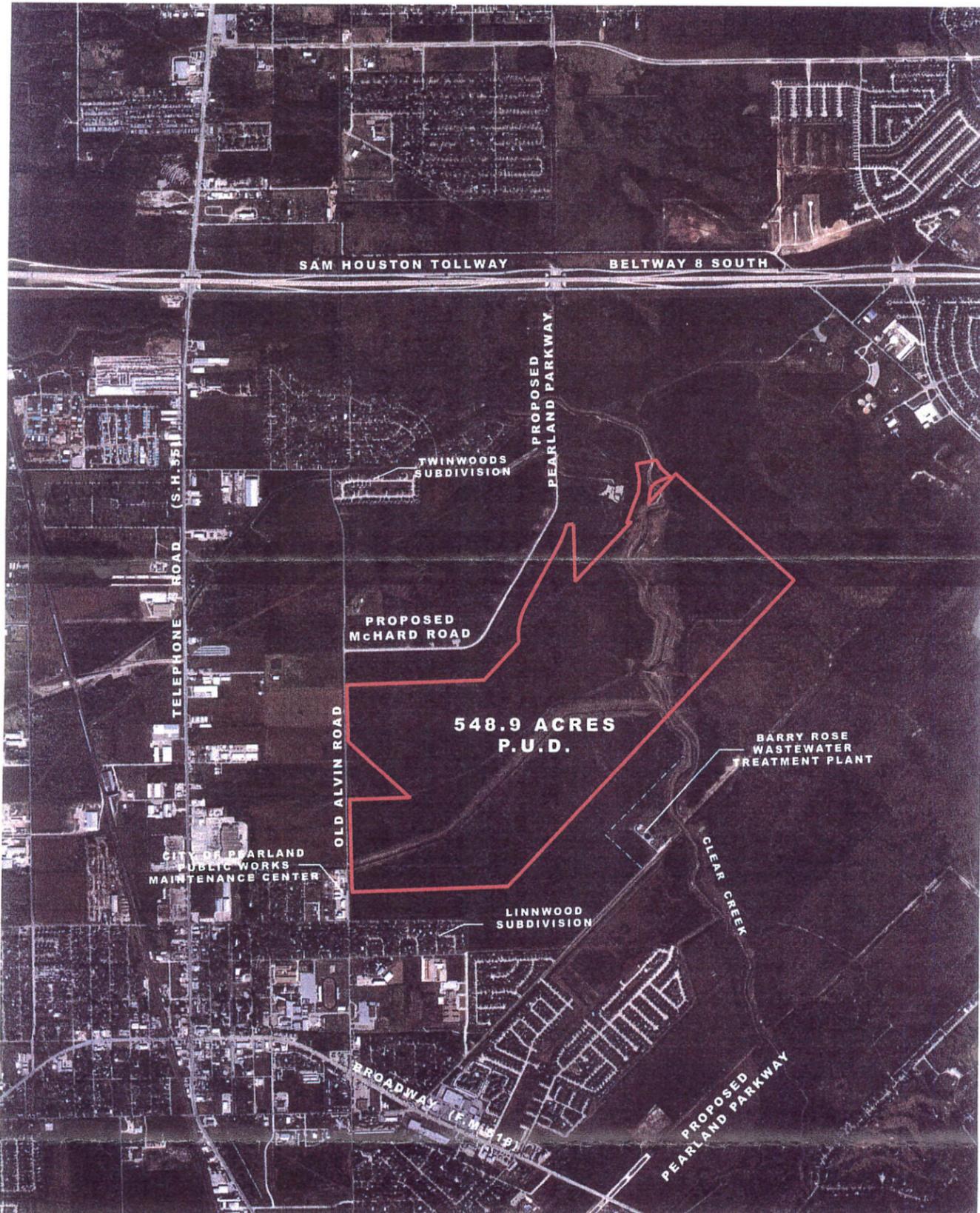
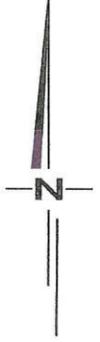
### SURROUNDING LAND USE

For the most part, the property immediately surrounding the subject tract is currently undeveloped acreage. The lone exception is the City of Pearland's public works maintenance facility located on Old Alvin Road at the extreme southwest corner of the subject property.

Other existing land uses in the vicinity of the subject tract include:

- Linnwood Subdivision, a single-family residential development located approximately 700 feet south of the southern property line of the subject tract near Old Alvin Road.
- The Barry Rose Wastewater Treatment Plant located approximately 1,100 feet south of the southeast property line of the subject tract adjacent to Clear Creek.

The land immediately north of the subject tract is owned by the City of Pearland. The property consists of several hundred acres and was purchased for the purpose of providing regional drainage detention and expansion of the arterial transportation system, including the extension of McHard Road and Pearland Parkway to the Sam Houston



area location map

# 548.9 ACRES PLANNED UNIT DEVELOPMENT

prepared for

## BEAZER HOMES, U.S.A.

KERRY R. GILBERT & ASSOCIATES, INC.

Land Planning Consultants

15810 Park Ten Place  
Suite 160  
Houston, Texas 77084  
(281) 579-0340

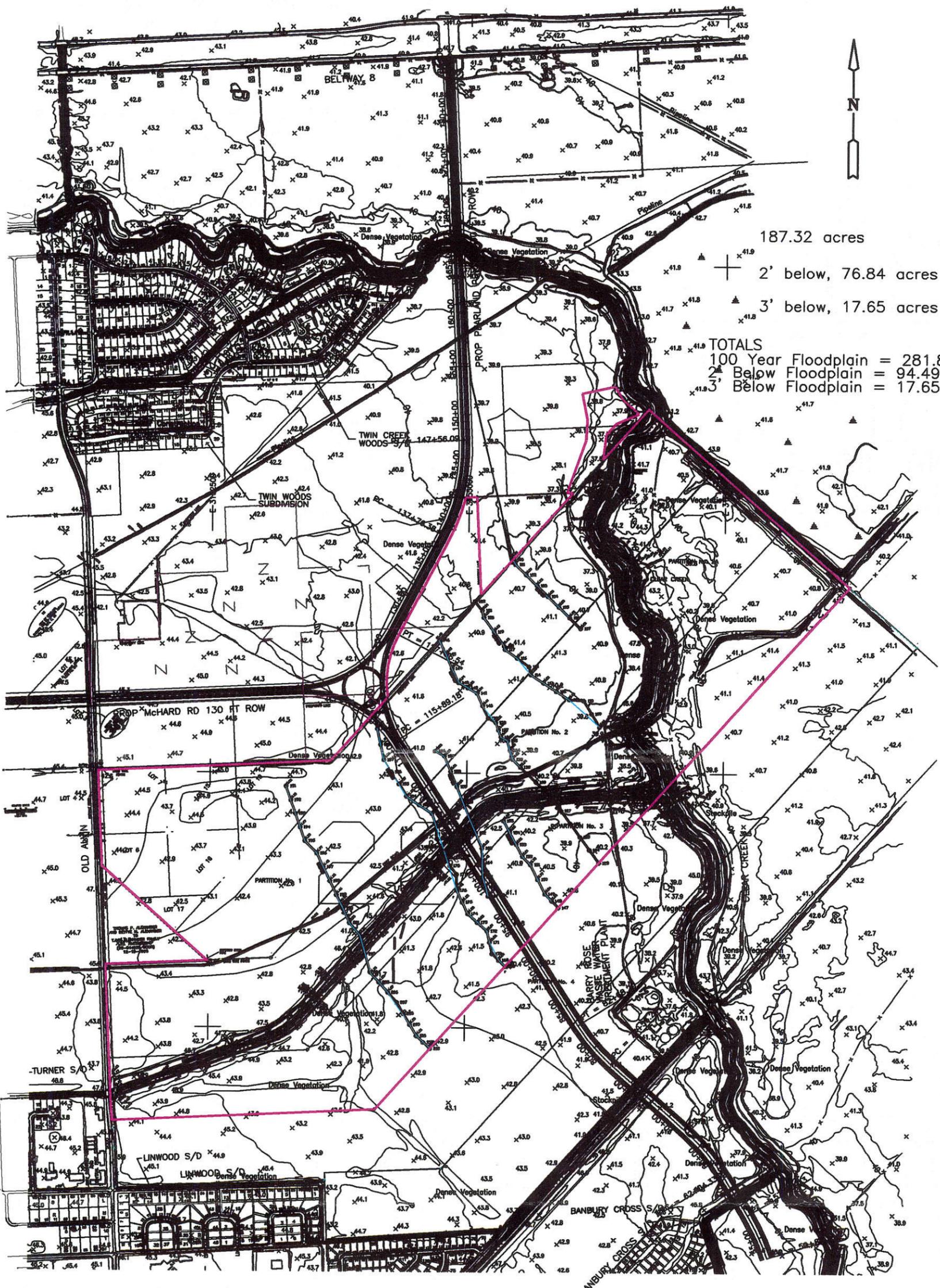


JUNE 10, 2002  
KGA #0410

THIS MAP IS FOR PRESENTATION PURPOSES ONLY AND IS SUBJECT TO CHANGE. NO WARRANTIES OR REPRESENTATIONS EXPRESS OR IMPLIED, CONCERNING THE ACTUAL DESIGN, LOCATION, OR CHARACTER OF THE FACILITIES SHOWN ON THIS MAP IS INTENDED.







187.32 acres  
+ 2' below, 76.84 acres  
+ 3' below, 17.65 acres

TOTALS  
100 Year Floodplain = 281.81 acres  
2' Below Floodplain = 94.49 acres  
3' Below Floodplain = 17.65 acres

SECTION SPECIFICATIONS  
\*\*\*\*\*  
\*\*\*\*\*  
\*\*\*\*\*

topography map

# HIGHLAND GLEN ±548.9 ACRES of LAND P.U.D.

prepared for  
**BEAZER HOMES, U.S.A.**

**KERRY R. GILBERT & ASSOCIATES, INC.** Land Planning Consultants  
15810 Park Ten Place  
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Houston, Texas 77084  
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JUNE 20, 2002  
KGA# 0-490

**METES AND BOUNDS DESCRIPTION**  
**527.062 ACRES OUT OF**  
**THE D. H. M. HUNTER SURVEY, ABSTRACT No. 76, BRAZORIA COUNTY,**  
**ABSTRACT No. 36, HARRIS COUNTY**  
**AND THE H. T. & B. R. R. SURVEY, ABSTRACT No. 233**  
**PEARLAND, BRAZORIA AND HARRIS COUNTY, TEXAS**

All that certain 527.062 acres out of the D. H. M. Hunter Survey, Abstract No. 76, Brazoria County, and Abstract No. 36, Harris County, and the H. T. & B. R. R. Survey, Abstract No. 233 and including all or a portion of Lots 6, 7, and 15 - 18 out of Walcott's Pearland Subdivision according to the plat thereof filed in Volume 35, Page 241- 242 Brazoria County Deed Records and a portion of Lots 96 - 102 out of the Zychlinski Subdivision according to the plat thereof filed in Volume 29, Page 43 Brazoria County Deed Records and being those same tracts described in a deed dated 12-18-1996 from Thomas P. Alexander and Bettye M. Alexander to T. & B. Alexander Family Limited Partnership as filed in Official Records of Real Property of Brazoria County at Clerk's File Number 96-044931 and in a deed dated 01-23-1992 from First Interstate Bank of Texas, N. A., to Nai Li Wang and Ban Yen Wang as filed in Volume (92)997, Page 03 Brazoria County Official Records and in a deed dated 06-04-1981 from John Alexander, trustee to Patricia Alexander Wood as filed in Volume 1596, Page 110 Brazoria County Deed Records and being a residue of that certain tract described in a deed dated 09-06-1984 from Mary Alexander, et con, to Bartlett Properties, Inc. as filed in Official Records of Real Property of Harris County at Clerk's File Number J-724634 Film Code Number 096-85-0644 and being more particularly described by metes and bound as follows, with all bearings expressed as grid and being generated from the Texas State Plane Coordinate System, South Central Zone with distances expressed in surface feet;

Commencing at a found brass disc in concrete stamped "City of Pearland GPS Monu 6 1995" (N:13,774,749.068', E:3,148,704.854') from which a found brass disc in concrete stamped "City of Pearland GPS Monu 5 1995" bears S 04° 33' 51" E - 2,670.57'; Thence S 76° 33' 18" E - 2,964.39' to a set 5/8" iron rod with cap on the east right-of-way line of Old Alvin Road and marking the southwest corner of said Patricia Alexander Wood tract, and said point marking a point on a curve to the right having a radius of 1,956.66' and a central angle of 03° 31' 48", and said point marking the POINT OF BEGINNING of herein described tract;

Thence with said curve and the east right-of-way line of Old Alvin Road an arc distance of 120.55' and a chord bearing and distance of N 04° 27' 45" W - 120.53' to a set 5/8" iron rod with cap for corner from which a found 1/2" iron rod (disturbed) bears N 69° 52' 05" W - 1.31';

Thence N 02° 41' 51" W continuing with the east right-of-way line of Old Alvin Road, passing the northwest corner of said Patricia Alexander Wood tract at 493.74' and continuing a total distance of 1,418.51' to a set 5/8" iron rod with cap marking the northwest corner of said Wang tract;

Thence N 87° 11' 57" E - 984.18' (deed 984.74') with the north line of said Wang tract to a call and found 1/2" iron rod marking the east corner of that certain tract described in a deed dated 12-18-1996 from Thomas P. Alexander and Bettye M. Alexander to T. & B. Alexander

Family Limited Partnership as filed in Official Records of Real Property of Brazoria County at Clerk's File Number 96-044928;

Thence N 48° 23' 49" W – 1,375.16' with the common northeast line of the H. T. & B. R. R. Survey, Abstract No. 233 and the southwest line of said D. H. M. Hunter Survey, Abstract No. 76, and the north line of said T. & B. Alexander Family Limited Partnership tract (Clerk's File Number 96-044928) to a set 5/8" iron rod with cap for corner on the east right-of-way line of Old Alvin Road;

Thence N 02° 41' 51" W – 940.77' with the east right-of-way line of Old Alvin Road to a call and found 1/2" iron rod for corner on the south line of Lot 8 of said Walcott's Pearland Subdivision, said point marking the northwest corner of said T. & B. Alexander Family Limited Partnership tract (Clerk's File Number 96-044931);

Thence N 87° 10' 37" E – 2,256.18' (plat 2,258.18') with the south line of Lots 8, 14, 19, and 29 of said Walcott's Pearland Subdivision to a call and found 1/2" iron rod for corner, from which a found 2" iron pipe bears N 38° 35' 03" W – 0.35';

Thence N 41° 32' 17" E with the east line of Lots 29, 30, 40, 41, 42, and 43 of said Walcott's Pearland Subdivision, passing at 4,040.36' a set 5/8" iron rod with cap for reference point and continuing a total distance of 4,640.36' to a point for corner;

Thence S 48° 19' 35" E with the southwest line of those certain tracts described in an Agreed Judgment dated 12-09-1994 from John B. Niday, Jr., et al to Harris County Flood Control District as filed in Official Records of Real Property of Harris County at Clerk's File Number R-254525 Film Code Number 502-65-3814 and that certain tract described in a deed dated 07-12-1984 from John B. Niday, Jr. to County of Harris and City of Houston as filed in Official Records of Real Property of Harris County at Clerk's File Number J-653244 Film Code Number 091-93-1787, passing a found 1/2" iron rod marking the east corner of said T. & B. Alexander Family Limited Partnership tract (Clerk's File Number 96-044931) at 877.81', passing a set 5/8" iron rod with cap marking the east corner of said Bartlett Properties, Inc. tract at 1,755.62', and continuing a total distance of 2,633.43' to a call and found 1/2" iron rod for corner marking the east corner of said Patricia Alexander Wood tract;

Thence S 41° 40' 03" W with the northwest line of that certain tract described in a deed dated 06-04-1981 from John Alexander, trustee to Sue Alexander Morrison as filed in Volume 1596, Page 93 Brazoria County Deed Records, passing the centerline of Clear Creek at 2,675.00' and continuing a total distance of 6,889.73' to a call and found 1/2" iron rod for corner in the common northeast line of said H. T. & B. R. R. Survey, Abstract No. 233 and the southwest line of said D. H. M. Hunter Survey, Abstract No. 76;

Thence S 87° 11' 57" W – 2,554.59' with the north line of said Sue Alexander Morrison tract to the POINT OF BEGINNING and containing 527.062 acres of land more or less.

Compiled by:  
C.L. Davis & Company  
Job Number: 20-14-1E, 07/13/2000

20-14-1E M&b.doc



A handwritten signature in cursive script that reads "Eric A. Kreiner".

**METES AND BOUNDS DESCRIPTION  
15.755 ACRES OUT OF  
LOTS 30, 31, 32, 39 AND 40  
WALCOTT'S PEARLAND SUBDIVISION  
PEARLAND, BRAZORIA COUNTY, TEXAS**

All that certain 15.755 acres out of Lots 30, 31, 32, 39 and 40, Walcott's Pearland Subdivision, according to the plat thereof filed in Volume 35, Page 241 & 242, Brazoria County Deed Records, D. H. M. Hunter Survey, Abstract Number 76, Pearland, Brazoria County, Texas and being more particularly described by metes and bounds as follows, with all bearings expressed as grid and being generated from the Texas State Plane Coordinate System, South Central Zone with distances expressed in surface feet;

Commencing at a found brass disc in concrete stamped "City of Pearland GPS Monu 6 1995" (N:13,774,749.068', E:3,148,704.854') from which a found brass disc in concrete stamped "City of Pearland GPS Monu 5 1995" bears S 04° 33' 51" E - 2,670.57'; Thence N 57° 45' 44" E - 6,528.53' to a set 5/8" iron rod with cap marking the intersection of the proposed east right-of-way line of Pearland Parkway and the northwest line of that certain tract described in a deed dated 12-18-1996 from Thomas P. Alexander and Bettye M. Alexander to T. & B. Alexander Family Limited Partnership as filed in Official Records of Real Property of Brazoria County at Clerk's File Number 96-044931 and marking the POINT OF BEGINNING of herein described tract, said point being on a curve to the right having a radius of 1,002.00' and a central angle of 36° 18' 45";

Thence with said curve and the proposed easterly right-of-way line of said Pearland Parkway an arc distance of 635.04' and a chord bearing and distance of N 09° 07' 51" E - 624.46' to a set 5/8" iron rod with cap for corner;

Thence N 27° 17' 14" E - 1,069.84' continuing with the proposed easterly right-of-way line of said Pearland Parkway to a set 5/8" iron rod with cap marking the beginning of a curve to the left having a radius of 1,935.00' and a central angle of 12° 59' 08";

Thence with said curve and continuing with the proposed east right-of-way line of said Pearland Parkway an arc distance of 438.55' and a chord bearing and distance of N 20° 47' 40" E - 437.61' to a set 5/8" iron rod with cap for corner;

Thence N 87° 18' 00" E - 109.41' to a found 5/8" iron rod with cap stamped Walsh Surveying, Inc. for corner marking the northwest corner of that certain tract described in a deed dated 10-05-1993 from Brazoria County Historical Museum Foundation to Thomas P. Alexander, Jr. as filed in Official Records of Real Property of Brazoria County at Clerk's File Number 93-036860;

Thence S 02° 42' 00" E with the west line of said Thomas P. Alexander, Jr. tract, passing at 966.07' a found 5/8" iron rod with cap stamped Walsh Surveying, Inc. and continuing a total distance of 967.03' to a set 5/8" iron rod with cap for corner;

Thence S 41° 32' 17" W 1,356.88' with the northwest line of said T. & B. Alexander Family Limited Partnership tract to the POINT OF BEGINNING and containing 15.755 acres of land more or less

Compiled by:  
C.L. Davis & Company  
Job Number: 20-14-15 Acres  
08/29/2000  
Revised 8/30/2000

Thence S 06° 57' 31" W – 250.09' to a set 5/8" iron rod with cap for corner;

Thence S 41° 32' 17" W – 432.10' with the northwest line of said T. & B. Alexander Family Limited Partnership tract to the POINT OF BEGINNING and containing 6.000 acres of land more or less.

Compiled by:

C.L. Davis & Company

Job Number: 20-14-1H

08/31/2000

Tollway. These planned roadways will serve as the primary access to the subject property. This property will also serve to enhance the City of Pearland's park system.

### III. GOALS AND OBJECTIVES

The goals of the 548.9 Acre Planned Unit Development are to provide guidelines for the creation of a quality development that provides community cohesiveness, variety of choice, quality, uniformity in building construction, orderly growth, and desired visual results. Further, the goals reflect the flexibility to achieve a high quality mixed-use development in a coordinated suburban setting. The goals and objectives for the 548.9 Acre PUD are outlined below.

<u>Goal</u>	<u>Objective</u>
Community Cohesiveness	Provide compatible and functional land uses for employment, shopping, living, education and recreation activities.
Multiple Housing Options	Provide a variety of housing options, lifestyles and price ranges in identifiable neighborhoods, each with their own character and market appeal.
Quality and Character of Community	Provide high quality planning and architecture with implementation of creative designs and building standards.
Orderly Growth	Provide community integrity through experienced development team and careful application of flexible regulations and architectural controls.

The goals and objectives for the 548.9 Acre PUD will be achieved through the implementation of a series of planning strategies. Variety and choice will be achieved by creating a community of mixed land uses that offer a wide range of choices. The variety offered for single-family detached residential units is intended to appeal to a broad spectrum of buyers and lifestyles by providing employment centers, shopping and other commercial sites, recreational uses, aesthetic open space, lakes, trails, and other community and neighborhood amenities.

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

Long-term sustainability will be provided for the community through the adoption of a land use plan and ordinances that provide maximum flexibility, while also protecting residents and property owners by mitigating and buffering incompatible land uses through open space, landscaping or fencing between land uses.

A cohesive community will be accomplished by mixing compatible and functional land uses that provide employment, shopping, living, and recreational activities.

Orderly growth will be achieved through a master plan implemented by a proven and experienced land development team. This will ensure a project at completion that is consistent in character and content, providing residents, businesses, and visitors with a clear sense of community.

In summary, the planning strategies that will be implemented in the 548.9 Acre PUD will ensure the future success of the community and its neighborhoods, providing flexible land use controls, high quality planning, thoughtful architectural and aesthetic guidelines, and meaningful neighborhood recreation spaces.

### IV. PROJECT / PLAN DESCRIPTION

#### LAND USE

The 548.9 Acre PUD is a predominantly single-family development containing only a few commercial parcels. A commercial tract containing approximately 9.0 acres is planned along Pearland Parkway and the southwestern property line of the subject tract. A smaller 1.2 acre commercial parcel is planned on Old Alvin Road across from the City of Pearland's maintenance facilities.

The remaining non-residential parcels within the 548.9 Acre PUD are all amenity oriented uses including lakes, recreation facilities, open spaces and landscape reserves. The development of these parcels is discussed in the Amenities/Open Space segment below.

The residential portion of the 548.9 Acre PUD consists of ten cells arranged in identifiable neighborhoods. These cells are planned to allow for maximum flexibility in phasing and marketing various housing products and price ranges. All lot sizes will conform to the City of Pearland regulations unless a specific variance is requested and granted by the Pearland Planning and Zoning Commission.

The table below lists the various land uses illustrated on the Conceptual Master Plan, along with their respective acreages and percentage of gross land area.

**548.9 Acre PUD  
Acreage Per Land Use Summary**

LAND USE CATEGORY	REVISED MASTER PLAN	
	ACREAGE	%
General Business	10.3	1.9%
Major / Collector Streets	18.4	3.3%
Existing Drainage Ditches	37.8 <sup>3</sup>	6.9%
Landscape Reserves / Open Space	120.7 <sup>1</sup>	21.9%
Public Parks	23.9	4.4%
Recreation Center	3.6	.7%
Detention Lakes	78.4 <sup>2</sup>	14.3%
Single Family Residential	255.8	46.6%
<b>TOTALS</b>	<b>548.9</b>	<b>100.0%</b>

<sup>1</sup>Includes 6.0 acre Drill Site owned by City of Pearland  
<sup>2</sup>Excludes detention / lakes in Public Parks  
<sup>3</sup>Excludes 3.7 acres in "Town Ditch" for Public Park, Includes Clear Creek

**REGULATORY COMPLIANCE / LAND USE CHANGES**

The 548.9 Acre PUD contains four basic land use categories: General Business, Open Space / Landscape, and Single-Family Residential. The Open Space / Landscape category includes all neighborhood recreation facilities, lakes, ditches and playgrounds. The total acreages for each of the proposed land use categories is as follows:

Land Use / Acreage	Land Use Category / Acres
General Business	10.3 Ac.
<b>Total for General Business</b>	<b>10.3 Acres</b>
Recreation / Playgrounds	3.6 Ac.
Open Space / Landscape Reserves	120.7 Ac.
Detention Lakes	78.5 Ac.
Public Park	23.9 Ac. <sup>1</sup>
Drainage Ditches	37.8 Ac.
<b>Total for Open Space / Landscape</b>	<b>264.4 Acres</b>
R-1 PUD	
R-2 PUD	
R-3 PUD	
<b>Total For Single-Family Residential</b>	<b>255.8 Acres</b>

<sup>1</sup>Includes 4.3 Acres located inside easement for "Town Ditch"

The land uses for each parcel within the 548.9 Acre PUD are illustrated on the Land Use Plan exhibit included within this document.

Except as otherwise provided for in this document, each land use and parcel development shall comply with the City of Pearland Zoning Ordinance, Subdivision Ordinance, building code and other applicable development regulations, including the Pearland Parkway overlay district.

Land use shall be regulated on a total acreage basis. Each land use category may be increased in acreage by up to 15%. The percentage land use area change is required to ensure the success of the development by maintaining the flexibility to modify land use sizes in response to changes in economic and market conditions. This will allow the

project to remain competitive in the real estate market over the life of the project and will provide the ability to make adjustments, as necessary, to accommodate specific end users in a timely manner.

Land uses may be interchanged within the boundaries of the PUD, provided they are in compliance with the acreage restrictions referred to above and otherwise conform to the City of Pearland regulations for such uses. In the event a proposed land use exceeds the established acreage by more than 15%, an amendment to the PUD must be requested and approved by the City of Pearland Planning and Zoning Commission and City Council.

Lot sizes may be interchanged within the boundary of the PUD so long as they comply with the provisions of the subdivision and zoning requirements established for zoning categories R-1 PUD, R-2 PUD and R-3 PUD and the total number of lots does not exceed 835.

### **STREET CIRCULATION**

The 548.9 Acre PUD will enjoy superior access and internal circulation with the implementation of the planned street circulation system.

As previously mentioned, the City of Pearland planned extension of Pearland Parkway north to the Sam Houston Tollway (Beltway 8) and McHard Road west to Old Alvin Road will provide the primary access to the site. Pearland Parkway will be extended through the subject property by the developer, providing direct access to the 548.9 Acre PUD.

Coordinated entrances into the development from Pearland Parkway will provide access to the individual residential cells. Secondary access will be provided to the development and the planned residential areas in the southwest quadrant of the tract via Old Alvin Road.

The street circulation exhibit included within this document illustrates the proposed roadway discussed above. All streets within the 548.9 Acre PUD will be designed and constructed in conformance with City of Pearland standards.

### **UTILITIES**

Conceptual plans for the proposed trunk utilities for water and wastewater have been prepared for the development of the 548.9 Acre PUD by LJA, Inc. Civil Engineers and Surveyors, Houston, Texas. These plans are illustrated on the utilities exhibit contained within this document.

More than 78 acres of surface area have been set aside for drainage detention on the property. Also, additional right-of-way (170') has been provided for the existing drainage facility which outfalls into Clear Creek. The overall drainage plan for the project is being prepared by LJA Engineering and Surveying, Inc.

### **AMENITIES / OPEN SPACE**

The primary amenity within the 548.9 Acre PUD is the proliferation of lakes throughout the community. More than a dozen lakes ranging in size from two acres to over twenty acres are strategically located throughout various neighborhoods. The lakes, which also serve as drainage detention for the project, occupy a total of 78.5 acres. Careful coordination of the design of the lakes and residential neighborhoods has resulted in a plan which exposes the lakes to the community, as a whole, creating view corridors and premium lots.

Other key elements in the overall amenity package for the 548.9 Acre PUD are the recreation and open spaces located throughout the development. Specific areas have been strategically located for the development of playgrounds and parks in the residential areas. Additionally, the multiple faults that traverse the property have been buffered (50' on the "up-side", 75' on the "down-side") providing a generous 125' wide green belt. When coupled with the land that is rendered unusable due to the inefficient location of the faults, a significant amount of property (over 20 acres) will be available for landscaping and pedestrian pathways.

A significant amount of space has been allocated for public parks within the project. The master plan calls for approximately 24 acres in public park space and includes the following:

- 4.3 acres above the high bank along "Town Ditch". This pedestrian pathway corridor is well over a mile long.

- A 1.6 acre parcel located adjacent to "Town Ditch" in the internal portion of the residential area which will serve as a neighborhood park.
- A 3.1 acre parcel located directly across the street from the 1.6 acre parcel and also adjoining "Town Ditch". A lake will be one of the main features of this neighborhood park.
- A 5.7 acre parcel located along proposed McHard Road. This parcel is part of a 15 acre parcel to be purchased from the City of Pearland. Therefore, the City will receive payment for the property and then receive the 5.7 acre parcel back as a public park.
- A 25 foot wide pedestrian corridor, approximately 4000 feet in length ( $\pm 2.3$  acres) along the east and south right-of-ways for Pearland Parkway and McHard Roads, respectively. This pedestrian pathway corridor provides a connection between the 5.7 acre parcel and the "Town Ditch" pathway.
- A  $\pm 2.8$  acre parcel and a  $\pm 2.2$  acre parcel located along the west side of Pearland Parkway. Each of these parcels will contain detention lakes, further enhancing the aesthetics along the frontage of Pearland Parkway.
- A  $\pm 1.9$  acre parcel located adjacent to the southwest intersection of "Town Ditch" and Pearland Parkway.

The pedestrian pathway corridor (linear park) shall contain, at a minimum, an eight foot wide "crusher fine" trail along "Town Ditch" and an eight foot wide concrete trail in those areas where it is adjacent to a public roadway. The park shall be dedicated to the City of Pearland and open to the public but shall be maintained by the homeowners association (or master maintenance association) for the development. Appropriate signage, installed by the developer and approved by the City, shall be installed along the linear park to communicate that the park is open and available to the general public.

The total amount of area designated for amenities/open space is approximately 266.1 acres or 48% of the gross area of the development. All of the amenities including the public parks within the 548.9 Acre PUD will be owned and maintained by a homeowners maintenance association to be established.

The open space and amenities planned for the 548.9 Acre PUD are illustrated on the Amenities / Open Space Plan included within this document.

#### **PHASING / DEVELOPMENT SCHEDULE**

The first phase of the 548.9 Acre PUD residential development contains approximately 200 lots in two sections. Six additional sections are planned and are illustrated on the Phasing exhibit included within this document.

It is anticipated that it will take approximately four years to fully develop and complete the entire project. The size and timing of future phases are dependent upon market conditions.

#### **SIGNAGE**

Except as otherwise provided for in this document, the signage within the 548.9 Acre PUD will comply with the City of Pearland signage regulations, including the Pearland Parkway overlay district. Exhibits illustrating the proposed entry monuments for the development and their locations are included within this document. Additionally, samples of temporary informational and directional signage for the project are included with the exhibits.



835 TOTAL LOTS

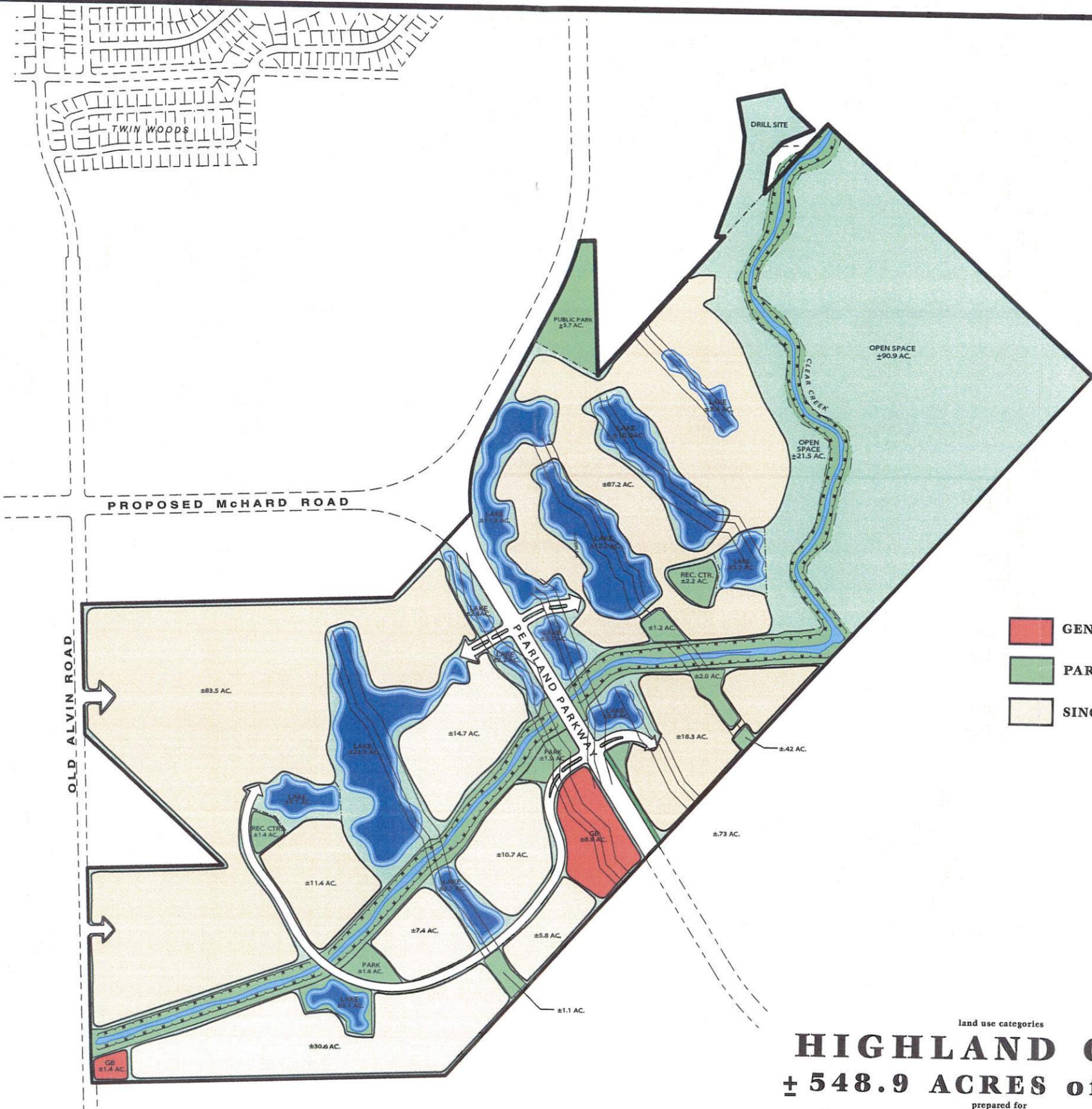
a development master plan for  
**HIGHLAND GLEN**  
 ± 548.9 ACRES of LAND  
 prepared for  
**BEAZER HOMES, U.S.A.**

**KERRY R. GILBERT & ASSOCIATES, INC.** Land Planning Consultants  
 15810 Park Ten Place  
 Suite 160  
 Houston, Texas 77084  
 (281) 579-0340

SCALE  
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JUNE 10, 2002  
 KGA #0410

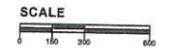
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- GENERAL BUSINESS
- PARK/OPEN SPACE/ LANDSCAPE
- SINGLE FAMILY RESIDENTIAL

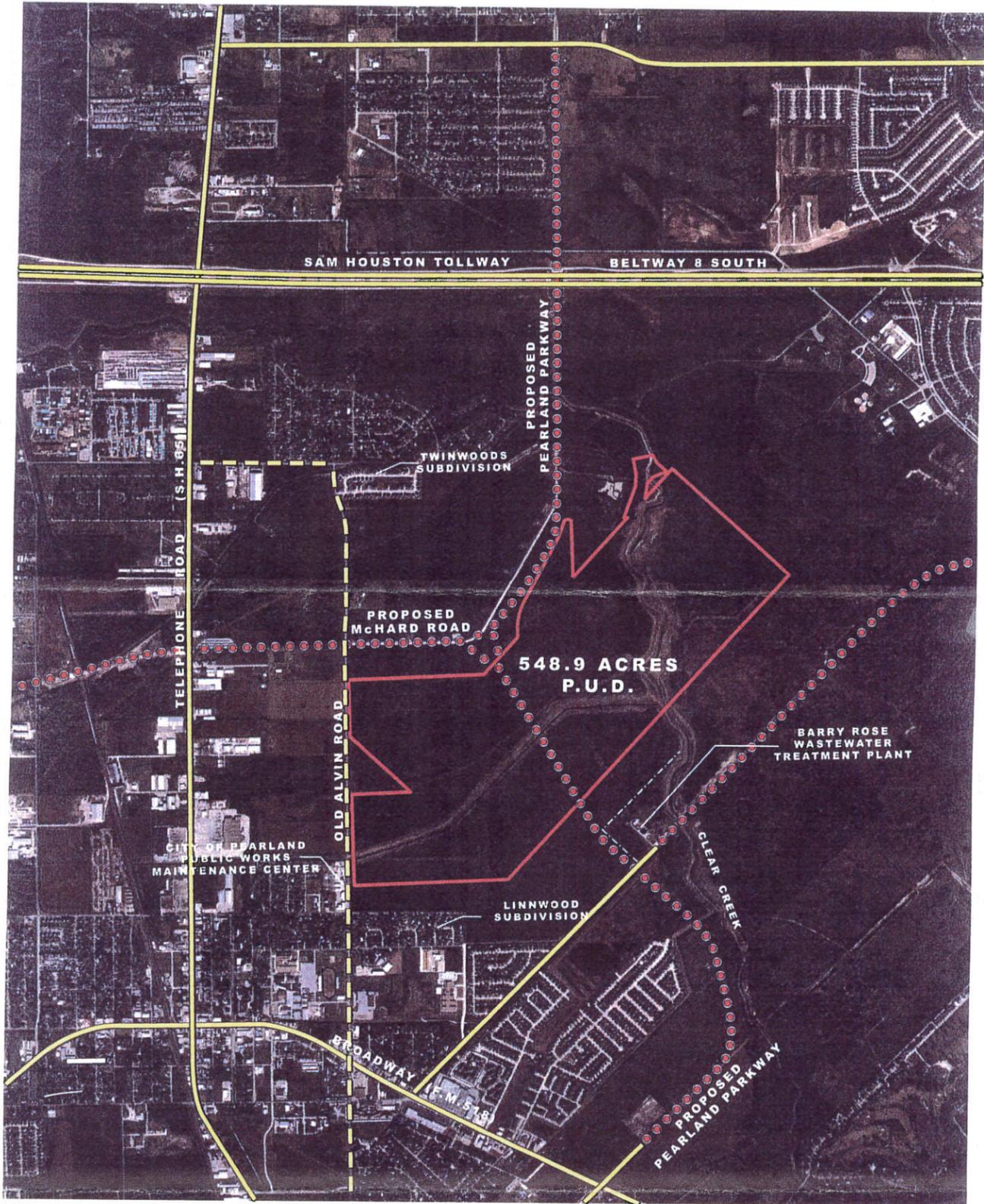
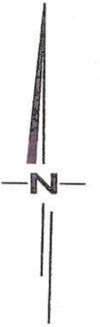
land use categories  
**HIGHLAND GLEN**  
**± 548.9 ACRES of LAND**  
 prepared for  
**BEAZER HOMES, U.S.A.**

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JUNE 16, 2002  
 KGA #0410

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street circulation map

# 548.9 ACRES

## P.U.D.

prepared for

### BEAZER HOMES, U.S.A.

**KERRY R. GILBERT & ASSOCIATES, INC.**

**Land Planning Consultants**

15810 Park Ten Place  
Suite 160

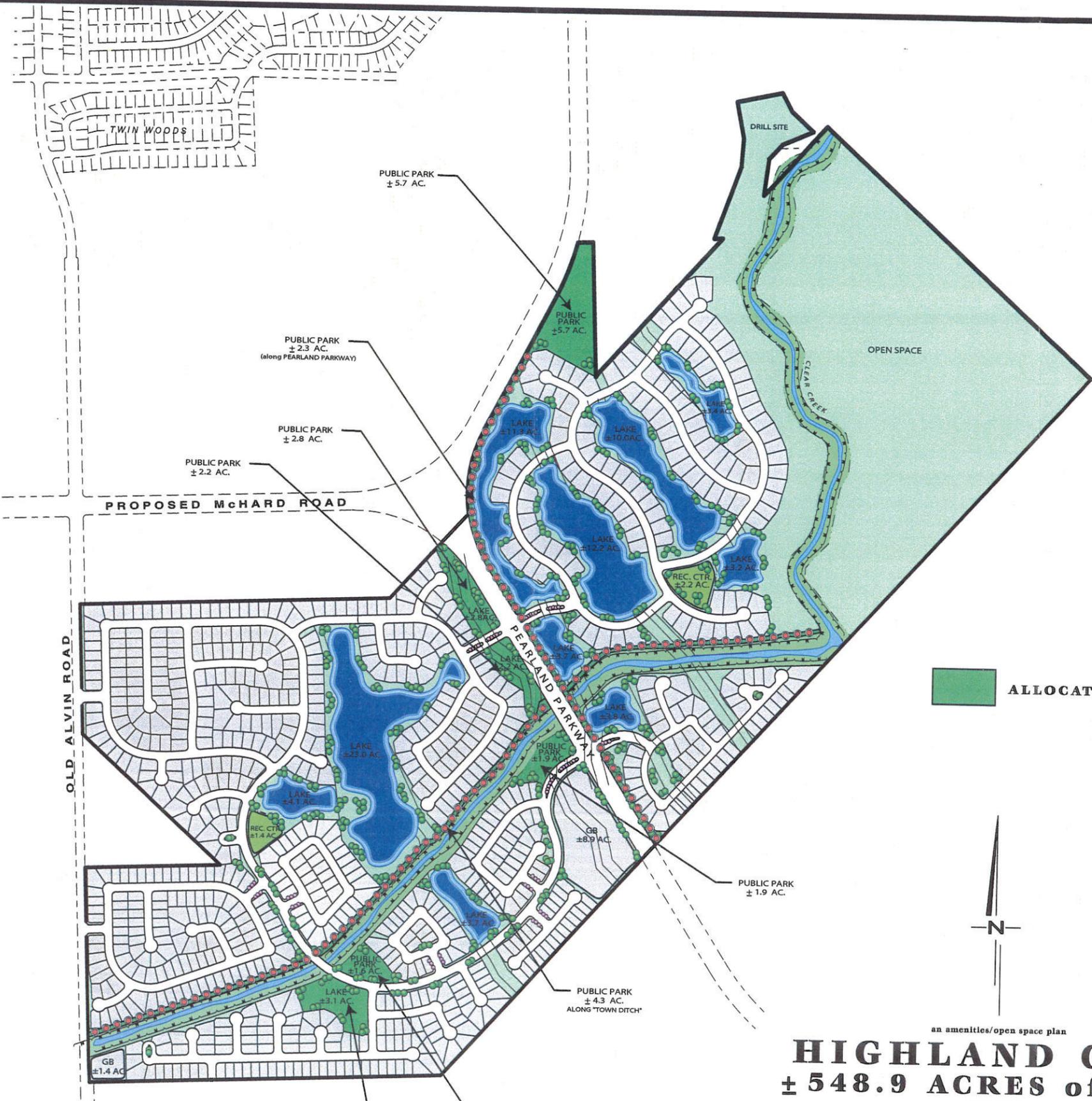
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JUNE 10, 2002  
KGA #0410

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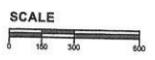
**ALLOCATED PUBLIC PARK SPACE**  
± 23.9 ACRES



an amenities/open space plan  
**HIGHLAND GLEN**  
 ± 548.9 ACRES of LAND  
 prepared for  
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**PHASE I**  
± 466 LOTS

**PHASE II**  
± 369 LOTS



a phasing development plan for  
**HIGHLAND GLEN**  
**± 548.9 ACRES of LAND**  
 prepared for  
**BEAZER HOMES, U.S.A.**

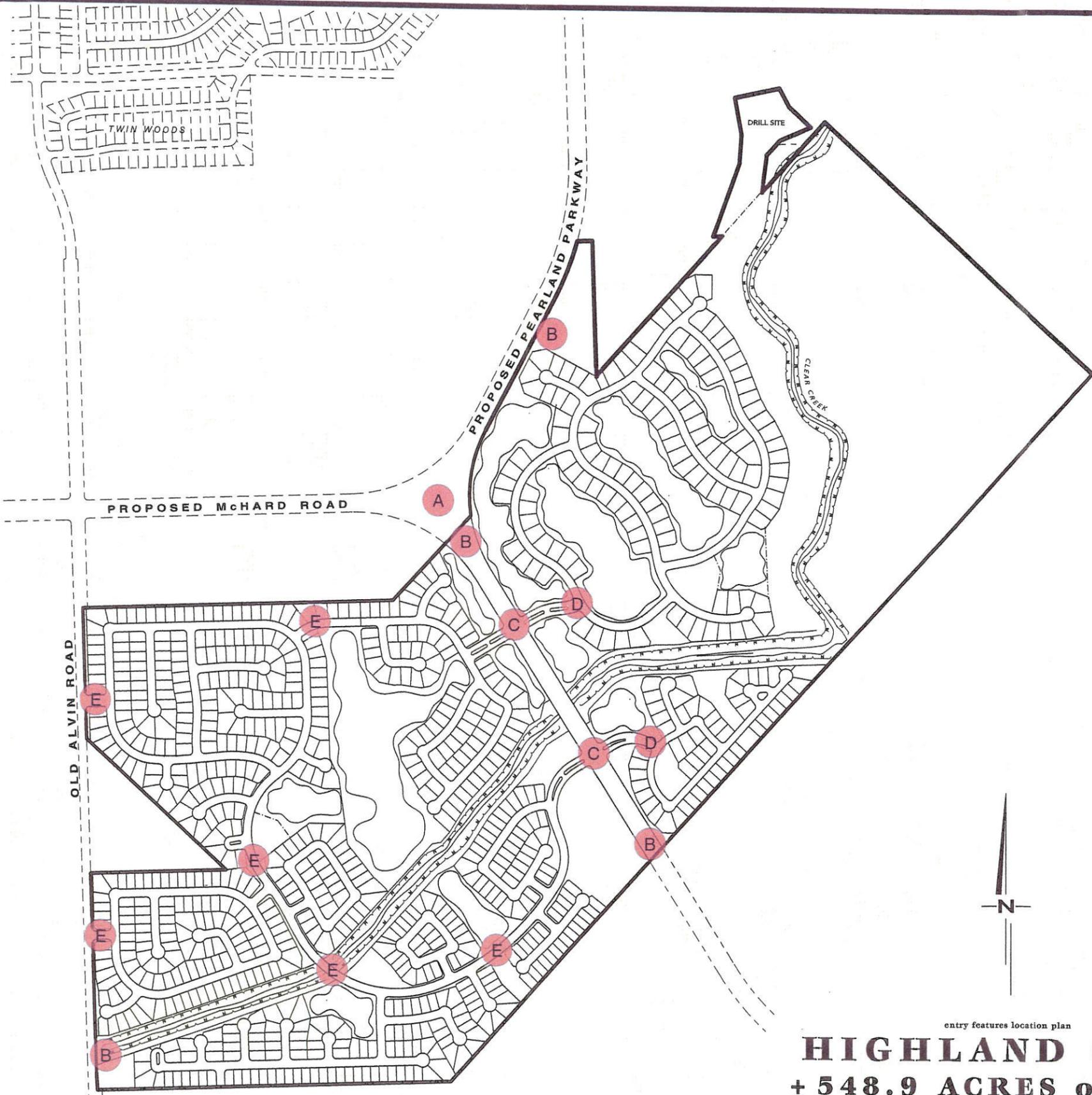
**KERRY R. GILBERT & ASSOCIATES, INC.** Land Planning Consultants

SCALE  
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entry features location plan  
**HIGHLAND GLEN**  
**± 548.9 ACRES of LAND**  
 prepared for  
**BEAZER HOMES, U.S.A.**

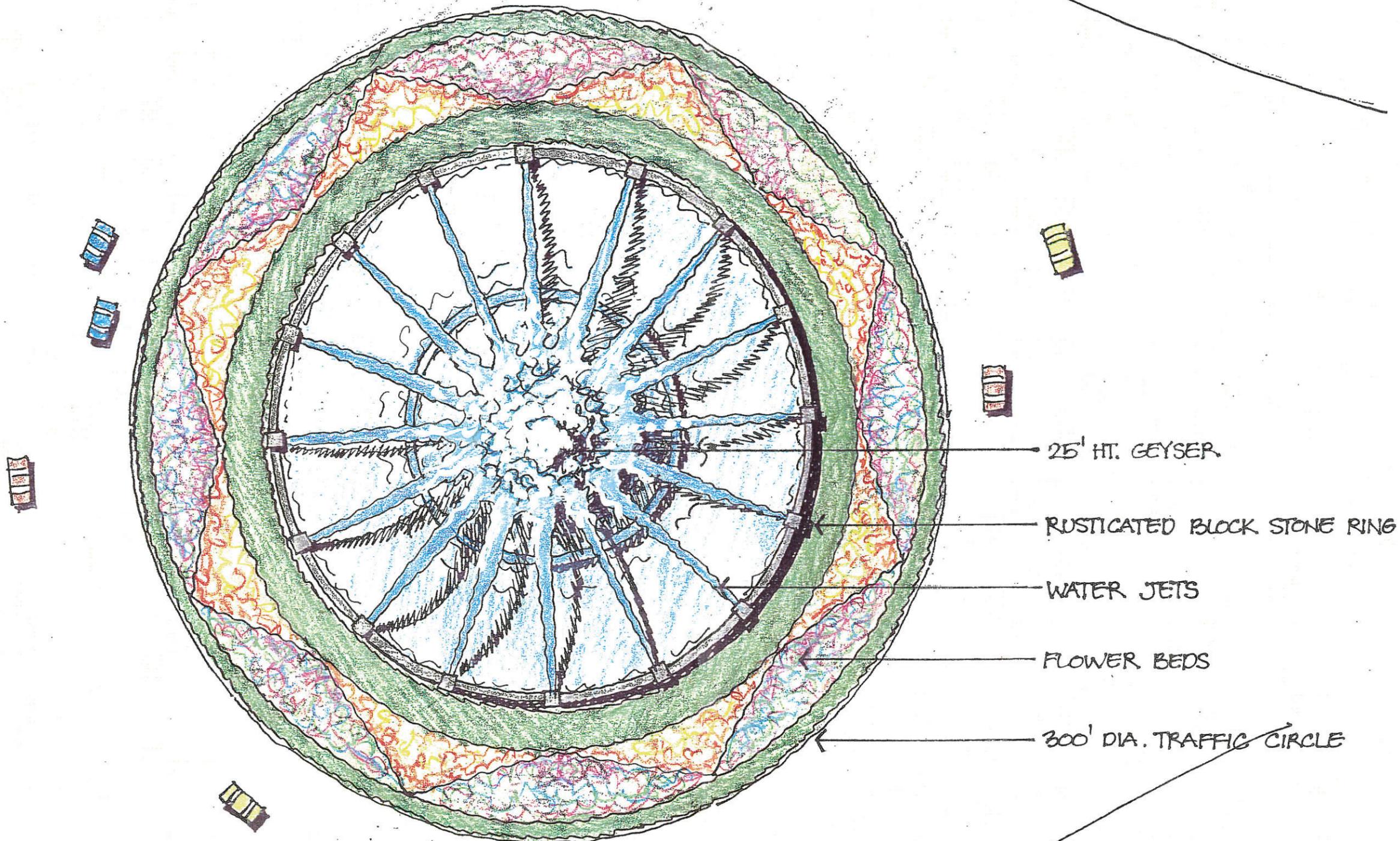
**KERRY R. GILBERT & ASSOCIATES, INC.** Land Planning Consultants

SCALE  
 0 100 200 300

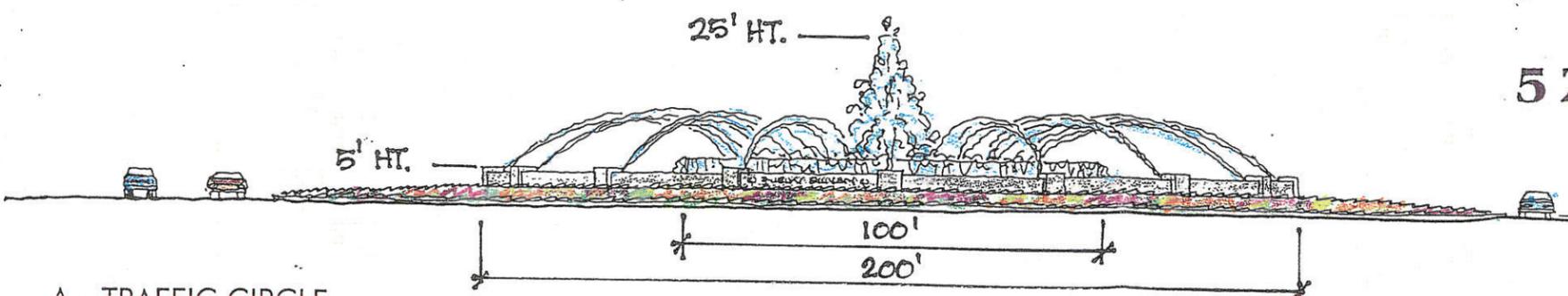
JUNE 10, 2002  
 KGA #0410

15810 Park Ten Place  
 Suite 160  
 Houston, Texas 77084  
 (281) 579-0340

THIS MAP IS A SCANNED DRAWING ONLY AND IS NOT FOR COMPUTATION OR CONSTRUCTION PURPOSES. SAID DRAWING IS A PICTORIAL REPRESENTATION ONLY AND IS SUBJECT TO CHANGE. ADDITIONALLY NO WARRANTIES OR REPRESENTATIONS, EXPRESS OR IMPLIED, CONCERNING THE ACTUAL DESIGN, LOCATION OR CHARACTER OF THE FACILITIES SHOWN ON THIS MAP ARE INTENDED. THIS PRESENTATION GRAPHIC REPRESENTS A COMPILATION OF DATUM OBTAINED FROM MAPS, SURVEYS AND OTHER DOCUMENTS PROVIDED TO KERRY R. GILBERT & ASSOCIATES, INC.



- 25' HT. GEYSER
- RUSTICATED BLOCK STONE RING
- WATER JETS
- FLOWER BEDS
- 300' DIA. TRAFFIC CIRCLE

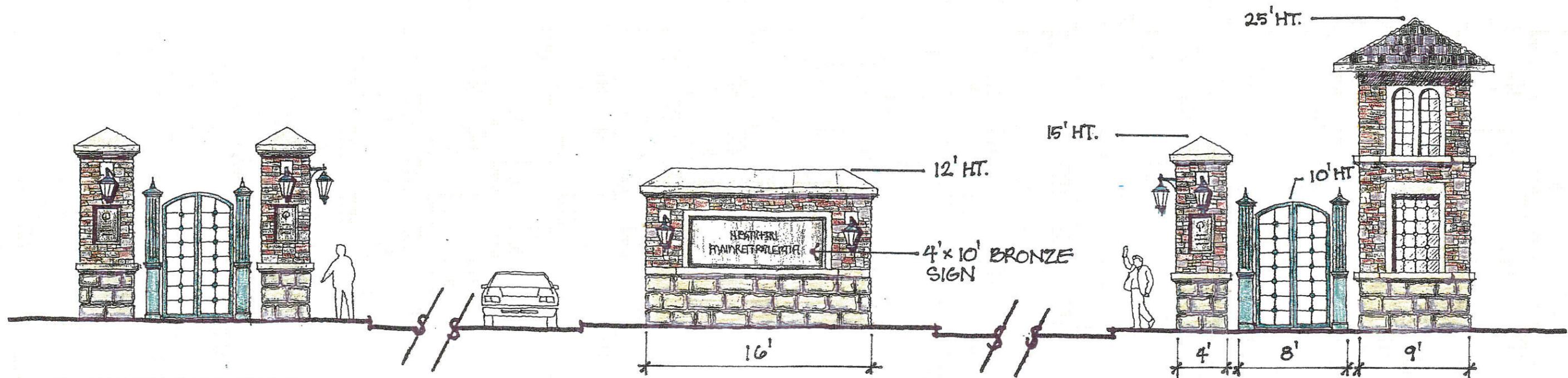


A - TRAFFIC CIRCLE

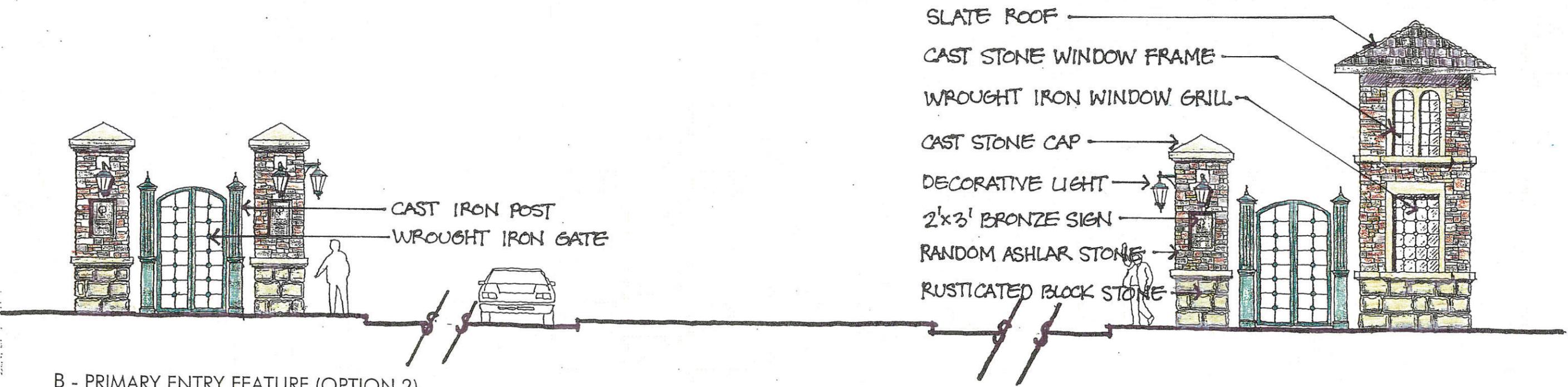
a phasing development plan for  
**527.1 ACRES P.U.D.**  
**PEARLAND, TEXAS**

prepared for  
**BEAZER HOMES, U.S.A.**  
 clark condon associates  
 LANDSCAPE ARCHITECTS

5177 RICHMOND AVENUE SUITE 1075 HOUSTON TEXAS 77056  
 PHONE: 713.871.1414 FAX: 713.871.0888 www.clarkcondon.com



B - PRIMARY ENTRY FEATURE (OPTION 1)



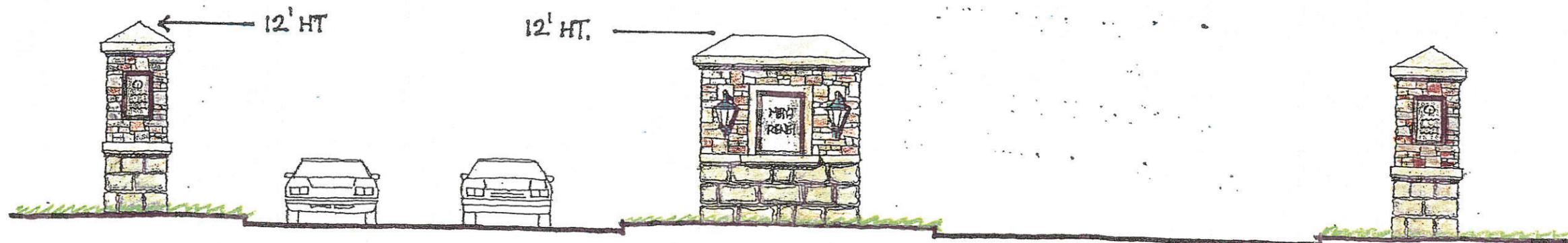
B - PRIMARY ENTRY FEATURE (OPTION 2)

- SLATE ROOF
- CAST STONE WINDOW FRAME
- WROUGHT IRON WINDOW GRILL
- CAST STONE CAP
- DECORATIVE LIGHT
- 2'x3' BRONZE SIGN
- RANDOM ASHLAR STONE
- RUSTICATED BLOCK STONE

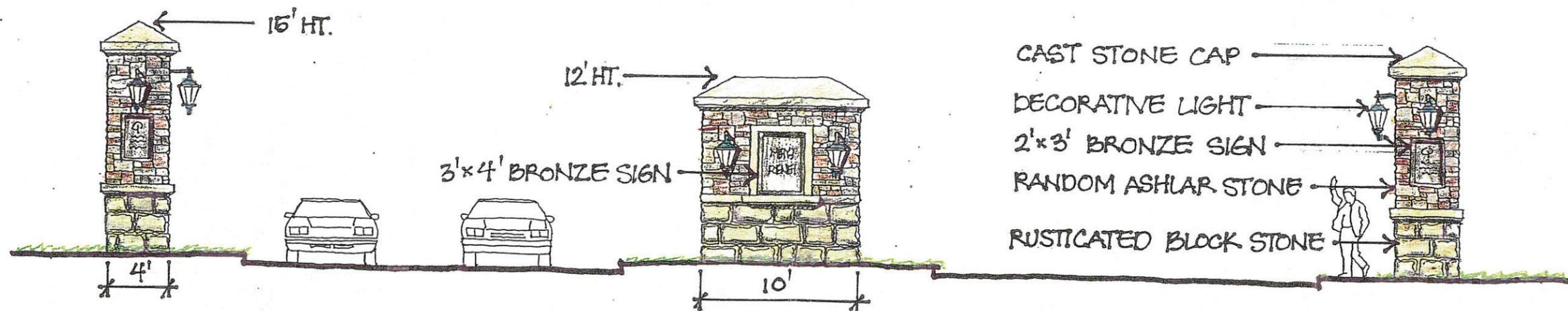
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C - SECONDARY ENTRY FEATURE (OPTION 1)

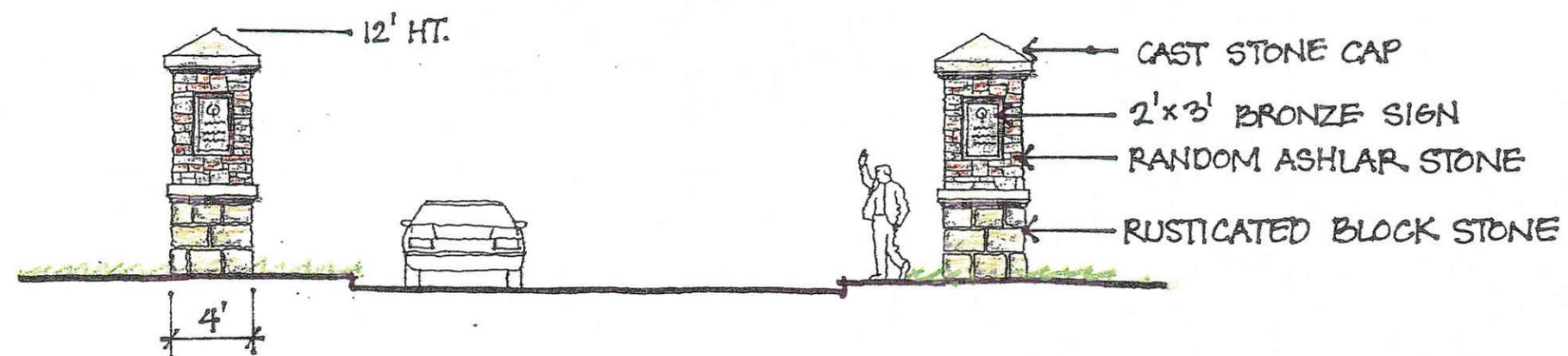


C - SECONDARY ENTRY FEATURE (OPTION 2)

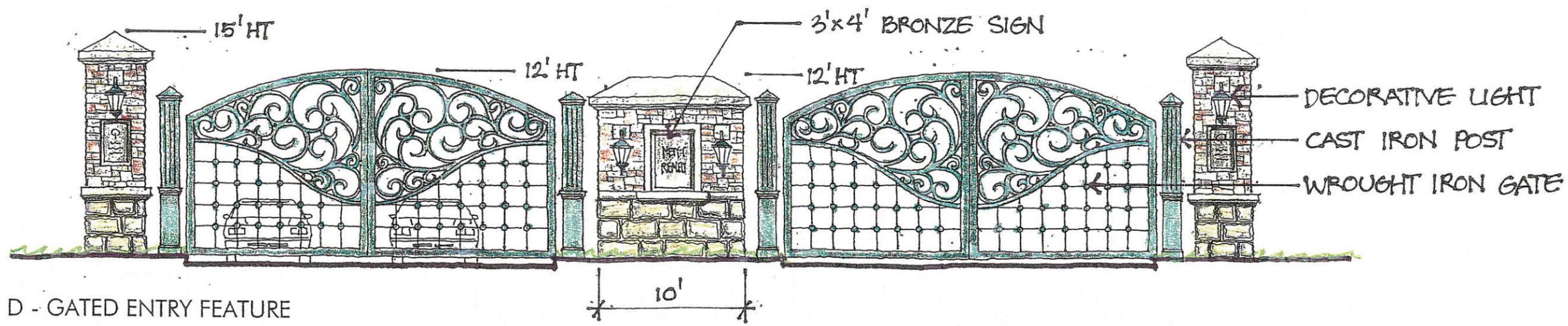
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E - VILLAGE ENTRY FEATURE

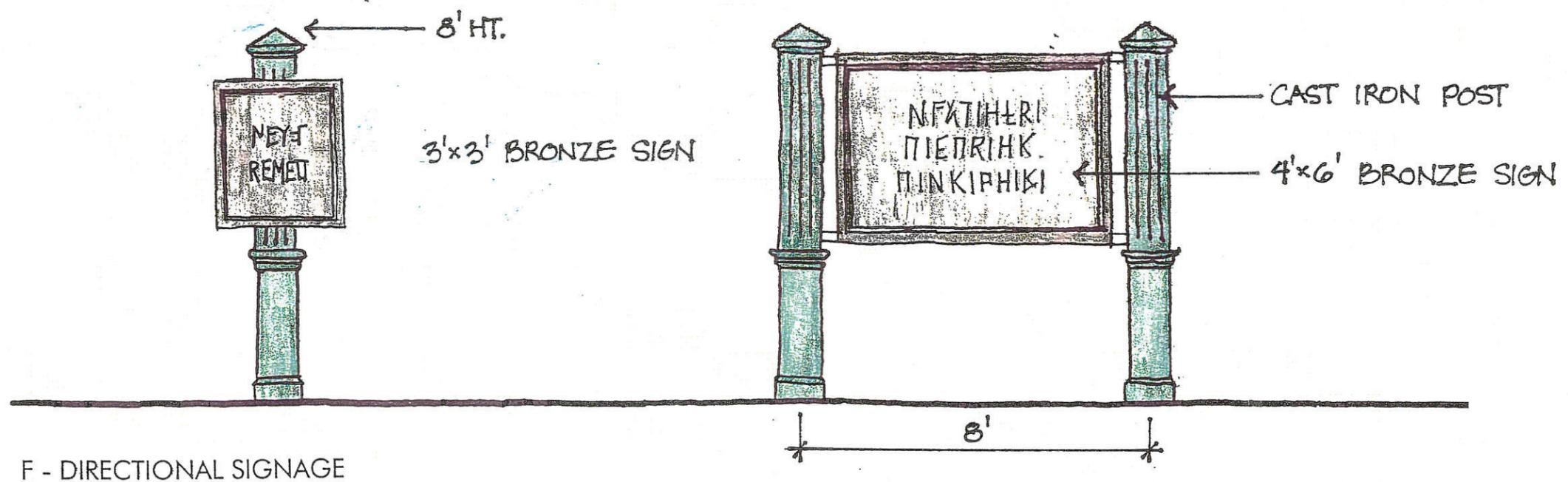


D - GATED ENTRY FEATURE

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June 21, 2002

Chairman  
Planning & Zoning Commission  
City of Pearland  
3519 Liberty Drive  
Pearland, Texas 77581

Re: Request for Agenda Replacement  
Request for Variance to Ordinance No. 741-3  
The Villages at Mary's Creek, Section 1, Phase 1

Dear Mr. Chairman:

On June 17, 2002 we were made aware of the provisions of City Ordinance No. 741-3, Section 2, Exhibit B, No. 2, approved by the City on May 13, 2002, and effective date of May 25, 2002, by Mr. John Hargrove, P.E. Mr. Hargrove explained to us that under the Ordinance all "perimeter drainage and detention facilities must be complete prior to any interior facility construction." While we understand the intent of the Ordinance, and plan to comply with it in the future, we must request a Variance to the Ordinance for *The Villages at Mary's Creek, Section 1, Phase 1*.

We received funding for *The Villages at Mary's Creek* from our lending institution on June 15, 2001 and promptly began working on the project. Our business plan, submitted with our application for funding, required that lots be available for sale during Summer 2002. Because of various and lengthy delays caused by redrafting the land plan to accommodate the preservation of large trees on the site, we have encountered a delay in starting construction of over 6 months.

In an effort to recover lost time, we have scheduled the detention facility construction and the underground water, sewer, lift station, and drainage construction to occur concurrently. Since you approved the final plat on June 3, 2002, we plan to begin Clearing and Grubbing as soon as possible. The Clearing and Grubbing, Detention, and Utilities have already been Bid. We have made the contractors aware of the situation and that they must make allowances for each other during construction and that they must maintain positive drainage at all times. We do not anticipate any problems with internal facilities under construction concurrently with detention facilities. Our engineer has assured us that this type of construction scheduling is normal.

We hereby request Variance to Ordinance No. 741-3, Section 2, Exhibit B, No. 2, which requires completion of perimeter drainage and detention facilities prior to construction of any interior construction, effective date May 23, 2002. We are requesting a Variance to the Ordinance to allow "grandfathering" based on the Final Plat approval on June 3, 2002 (9 days after the effective date of Ordinance 741-3) and that compliance with City Ordinance No. 772, Tree Protection and Preservation, has delayed the project sufficiently to allow for Ordinance No. 741-3 to become effective.

Your consideration of our request is greatly appreciated. Please call if you have any questions or need additional information.

Sincerely,



S. Kevin Price  
VMC Partners, Ltd.