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**MINUTES OF THE JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON OCTOBER 15, 2007, 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 6:44 p.m. Mayor Tom Reid opened the hearing for the City Council and for the Planning and Zoning Commission, with the following present:

- |                              |                                       |
|------------------------------|---------------------------------------|
| Mayor Tom Reid               | P & Z Chairperson Ruby Sandars        |
| Mayor Pro Tem Steve Saboe    | P & Z Vice-Chairperson Henry Fuyertes |
| Council Member Kevin Cole    | P & Z Commissioner Neil West          |
| Council Member Felicia Kyle  | P & Z Commissioner Susan Sherrouse    |
| Council Member Helen Beckman | P & Z Commissioner Darrell Diggs      |
| Council Member Woody Owens   | P & Z Commissioner Jerry Koza, Jr.    |
|                              | P & Z Commissioner Sheryl Greiner *   |

Also in attendance: City Attorney Darrin Coker; Deputy City Attorney Nghiem Doan; City Manager Bill Eisen; Assistant City Manager Nicholas Finan; Assistant City Manager Mike Hodge; City Engineer Narciso Lira; Planning Director Lata Krishnarao; Senior Planner Theresa Grahmann; Plan and Plat Administrator Richard Keller; Planner Tim Chi, and Planning Administrative Secretary Judy Krajca. P & Z Commissioner Sheryl Greiner arrived at 6:54 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 Conditional Use Permit No. CUP2007-17 opened at 6:47 p.m.

**CONDITIONAL USE PERMIT NO. CUP2007-17**

A request by Freeland, Kauffman, & Fredeen, Inc., applicant for Renaissance Holding Group, LLC, owner, for approval of a Conditional Use Permit for a "retail development" in the Light Industrial District (M-1), Generally Located on the West Side of State Highway 35 (Main Street), and on the South Side of Rice Dryer Road.

Senior Planner Grahmann read the Staff report stating that Staff received one Public Comment Form opposed to the Conditional Use Permit.

Mr. Tom Browning of 17560 S. Roundtree Drive, Olathe, Kansas spoke on behalf of the applicant

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

P&Z Commissioner Greiner arrived at 6:54 p.m.

There was some discussion among the Council in regards to the property being replatted. Senior Planner Grahmann stated that a plat was in the process.

Other discussion ensued among the Council and Commission in regards to driveway access due to TxDOT, Conditions placed on the CUP as outlined in the Staff report, detention, the M-1 and Retail zoning, and Ingress and Egress issues.

The Public Hearing for Conditional Use Permit No. CUP2007-17 adjourned at 7:04 p.m.

The Public Hearing for Zone Change No. 2007-15Z opened at 7:04 p.m.

#### **ZONE CHANGE NO. 2007-15Z**

A request by Sanford Frankel, applicant for Pat Barcelo, 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) and Office and Professional District (OP) to General Business District (GB), Generally Located on the South Side of Walnut Street, and on the West Side of Old Alvin Road.

Senior Planner Grahmann read the Staff report stating that Staff recommended approval of the zone change.

Mr. Sanford Frankel, Architect for Windsong Village, 9660 Hillcroft, #326, Houston, TX 77096 spoke on behalf of the applicant.

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

There was no discussion among the Council/Commission/Staff.

The public hearing for Zone Change No. 2007-15Z adjourned at 7:09 p.m.

The public hearing for Zone Change No. 2007-17Z opened at 7:09 p.m.

#### **ZONE CHANGE NO. 2007-17Z**

A request by Gregory Patch, P.E., applicant for Boardwalk at the Spectrum, L.P,

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 Business Park District – 288 (BP-288) to General Commercial District (GC), General Location: Generally Located on the West Side of State Highway 288, and Approximately 1,600 Feet North of Shadow Creek Parkway.

Senior Planner Grahmann read the Staff report stating Staff recommends denial for the reasons outlined in the Staff report. Staff received one public comment form in favor of the zone change.

Mr. Patrick Egan of 2213 University Blvd., Houston, Texas spoke on behalf of the applicant stating intentions to purchase the 4.098 acres, and went into great detail of why the zone change was their best option. Mr. Egan then distributed a handout to the Council/Commission.

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

There was much discussion between the Council/Commission/Staff and Mr. Patrick Egan in regards to what was proposed w/the land.

Council Members Saboe, Kyle and Owens felt *comfortable* ~~okay~~ w/the Zone Change.

The Public Hearing for Zone Change No. 2007-17Z adjourned at 7:35 p.m.

The Public Hearing for Zone Change No 2007-14Z opened at 7:36 p.m.

#### **ZONE CHANGE NO. 2007-14Z**

A request by Bonnie and Janice Howard, applicant for John Aaron and Kathryn Howell, owners, 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 Suburban Residential – 12 District (SR-12) to Planned Development District (PD), on the following described property, Generally Located on the East Side of Zapalac Road, and Approximately 1,000 Feet North of FM 518 (Broadway Street).

Planning Director Krishnarao read the Staff report stating Staff received several letters and emails from adjacent property owners in opposition to the zone change.

Mrs. Janice Howard, Mr. Bonnie Howard, and Realtor Lewis McKinney, all spoke on behalf of the applicant.

Mr. Harsh Kumar of 806 Falling Leaf, Friendswood, Texas spoke in opposition on behalf of the Montessori School, *that he is planning in the area.*

Mr. Lynn Foster of 2650 Old Louetta Loop 5702, Spring, Texas spoke in opposition, on behalf of the Montessori School.

Mr. D.S. Ahlawat of 2525 C.R. 90, Pearland, Texas spoke in opposition, on behalf of the Montessori School.

Mr. Mike Melnik of 1011 Wood St. #303, Houston, Texas spoke in opposition as he has plans to build on the property north of the cemetery and feels this would be irreversible damage to the development of the area.

Mr. Larry Marcott of 3606 Inverness Ct., Pearland, Texas spoke in opposition as this proposed use would take the property out of the ~~City's~~ tax base.

Mr. Jerry Walker of 2726 West Wing, Manvel, Texas spoke in opposition as a realtor as he feels there is great property to the east for business, and this is the new center of Pearland.

Mr. John Howell of 2519 Zapalac Road, Pearland, Texas, owner, spoke in favor of the zone change stating he had the property on the market for a long time with no interest, and stated the property already has an Ag exemption, so the tax base won't change that much.

Council Member Kevin Cole stated that the applicant has brought back what was requested of them by the Council/Commission/Staff, and was in favor of this Zone Change.

The Public Hearing for Zone Change No. 2007-14Z adjourned at 8:04 p.m.

The Public Hearing for Zone Change No. 2007-16Z opened at 8:04 p.m.

#### **ZONE CHANGE NO. 2007-16Z**

A request by Pearland Town Center Limited Partnership, owners, 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, 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.

Planning Director Krishnarao read the Staff report and stated this is an amendment to the Planned Unit Development for Pearland Town Center.

The applicant was present but did not speak.

There was no one in the audience to speak for or against the zone change.

Planning Director Krishnarao outlined the changes in the PD to the Council and Commission, as the newest amendment had not been distributed in their packets. There were changes to page 32 in regards to each sign shall be limited to 15' height. The sign shall not exceed 100 s.f. per face, per side of entrance, excluding exposed supporting structure on associated decorative walls.

Discussion ensued regarding the height.

The Public Hearing for Zone Change No. 2007-16Z adjourned at 8:32 p.m.

### ADJOURNMENT

Mayor Reid adjourned the joint public hearing at 8:32p.m.

These minutes are respectfully submitted by:

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Judy Krajca  
Planning Administrative Secretary

Minutes approved as submitted and/or corrected on this \_\_\_\_\_ day of  
November 2007, A.D.

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Mayor Tom Reid

# PLANNING & ZONING COMMISSION MEETING

DATE: October 15, 2007

NAME	COMPANY	ITEM OF INTEREST	COMMENTS
Tom Browning	Prime Time Business	CUP 2007-17	
John A. Howell	self	2007-14Z	In Favor
RAUL WONG	HALFF ASSOC.	PD Pearland Pkwy/SIB	
John D MARTIN	Trammell Crow	PD Pearland Pkwy/SIB	IN FAVOR
Ed Talley	CDA ARCHITECTS	"	"
Kyle Miller Ralph Tullier	TRAMMELL CROW CO. "	PD PEARLAND COMMONS "	"
MATT KEENER	CB Richard Ellis	PD Pearland Commons	IN FAVOR
Janice B. Howard	Houston Memorial Gardens	2007-14Z	IN FAVOR
Bonnie Howard SR.	HOUSTON MEMORIAL GARDENS	2007-14Z	IN FAVOR
LOUIS C. MCKINNEY	MCKINNEY, PORTER & BEATTY	2007-14Z	IN FAVOR
GREG PATCH	LJA ENGINEERING	2007-17Z	IN FAVOR
PATRICK EGAN	GULF COAST CLE	2007-17Z	IN FAVOR
Randy Svatek	Windsong Village	2007-15Z	in Favor
SANFORD FRANKEL	FRANKEL ARCHITECTS, INC.	2007-15Z	IN FAVOR

(OVER) →

NAME	COMPANY	ITEM OF INTEREST	Comments
STEPHEN J. WINSLOW JEFF C. BREWER	ORANIPLAN ARCHTS CBL	ZONE CHANGE NO. 2007-16Z 2007-16Z	IN-FAVOR  IN FAVOR!

**SUMMARY OF AGENDA ITEMS**  
**JOINT PUBLIC HEARING**  
**OCTOBER 15, 2007**

1. **Conditional Use Permit No. CUP2007-17**, a request by Freeland, Kauffman, & Fredeen, Inc., applicant for Renaissance Holding Group, LLC, owner, for approval of a Conditional Use Permit for a "retail development" in the Light Industrial District (M-1), Generally Located on the West Side of State Highway 35 (Main Street), and on the South Side of Rice Dryer Road
2. **Zone Change No. 2007-15Z**, a request by Sanford Frankel, applicant for Pat Barcelo, 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) and Office and Professional District (OP) to General Business District (GB), Generally Located on the South Side of Walnut Street, and on the West Side of Old Alvin Road
3. **Zone Change No. 2007-17Z**, a request by Gregory Patch, P.E., applicant for Boardwalk at the Spectrum, L.P, 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 Business Park District – 288 (BP-288) to General Commercial District (GC), Generally Located on the West Side of State Highway 288, and Approximately 1,600 Feet North of Shadow Creek Parkway
4. **Zone Change No. 2007-14Z**, a request by Bonnie and Janice Howard, applicant for John Aaron and Kathryn Howell, owners, 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 Suburban Residential – 12 District (SR-12) to Planned Development District (PD), Generally Located on the East Side of Zapalac Road, and Approximately 1,000 Feet North of FM 518 (Broadway Street)
5. **Zone Change No. 2007-16Z**, a request by Pearland Town Center Limited Partnership, owners, 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, 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

# Present

Mayor Tom Reid

Mayor Pro Tem Steve Saboa

Council Helen

} Woody  
} Felicia Kyle  
} Kevin Cole

Chairperson Ruby Sanders

Vice Chairperson Henry Quertes

Commissioner Jerry

Darrell

Neil

Susan

absent - Sheryl Steiner

- arrived @ 6:54pm

~~Darrin~~

Darrin

Nick

Mike

Bill Eisen

Ngheim

Nereiso

Kate

Sheresa

July

RK

Lim

# 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: Tom Browning

Full Address: 17560 S. Roundtree Dr.

(include zip) OLATHE, KS 66062

I wish to speak regarding Item No. CUP 2007-17

Mayor opened 6:44

**AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD OCTOBER 15, 2007, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS**

- I. **CALL TO ORDER** *Mayor opened 6:47*
- II. **PURPOSE OF HEARING** *Ruby read...*

Conditional Use Permit No. CUP2007-17

A request by Freeland, Kauffman, & Fredeen, Inc., applicant for Renaissance Holding Group, LLC, owner, for approval of a Conditional Use Permit for a "retail development" in the Light Industrial District (M-1), on the following described property, to wit:

Legal Description: 16.885 acre tract of land out of a portion of Blocks 28 and 33, W. Zynchinski's Subdivision, recorded in Volume 29, Page 41, of the Brazoria County Deed Records, being the same property described as a 4.955 acre tract (Tract 1) and a 12.54 acre tract (Tract 3) in a deed recorded under Brazoria County Clerk File No. 96-046033, located in the H.T. & B.R.R. Company Survey, Abstracts 233, 542, 232, and 543, 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 Rice Dryer Road

**III. APPLICATION INFORMATION AND CASE SUMMARY**

- A. **STAFF REPORT** *TAG read... rec'd 1 Pub. Comm Form - opposed*
- B. **APPLICANT PRESENTATION** *Tom Browning introduced himself on behalf of the applicant*
- IV. **PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST** *No one present*

*Sheryl arrived @ 6:54*

- V. **COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION** *Woody inquired if property will have to be replatted. TAG a Plat is in the process.*
- VI. **ADJOURNMENT** *@ 1:04 Kevin Cole - stated staff would need to work w/ applicant on road access driveway*

**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.** *due to TXDOT*

*Ruby asked about attention in back for Retail. Discussion ensued re: M-1 zoning & Retail*

V cont.

Darrell & Henry  
inquired about cup  
for front only as retail  
and having conditions  
prop.

Data spoke in regards to  
leaving zoning as M-1  
& grant Cup of conditions.

Kevin - what Staff has proposed is  
OK w/ them. The back  
section may have issues in the  
future. Biggest concern w/ this  
prop. is Ingress & Egress. ~~the~~  
Much discussion ensued on this topic w/ City Eng. Marcia

A&J  
7.04

## JOINT PUBLIC HEARING AGENDA ITEM MEETING OF OCTOBER 15, 2007

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### Conditional Use Permit No. CUP2007-17

A request by Freeland, Kauffman, & Fredeen, Inc., applicant for Renaissance Holding Group, LLC, owner, for approval of a Conditional Use Permit for a "retail development" in the Light Industrial District (M-1)

**LEGAL DESCRIPTION:** 16.885 acre tract of land out of a portion of Blocks 28 and 33, W. Zynchlinski's Subdivision, recorded in Volume 29, Page 41, of the Brazoria County Deed Records, being the same property described as a 4.955 acre tract (Tract 1) and a 12.54 acre tract (Tract 3) in a deed recorded under Brazoria County Clerk File No. 96-046033, located in the H.T. & B.R.R. Company Survey, Abstracts 233, 542, 232, and 543, 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 Rice Dryer Road

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

Planning and Zoning Commission: October 15, 2007\*

(\*dates subject to change if item is tabled)

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**SUMMARY:** The applicant is requesting a Conditional Use Permit on the subject property for retail uses. The subject property is currently zoned as Light Industrial District (M-1). The applicant is wanting to develop retail uses on the subject property. Retail uses are not permitted by right in the M-1 district, but instead require a Conditional Use Permit. The subject property is currently undeveloped.

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 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	Light Industrial District (M-1)	Existing warehouses/ industrial/ commercial buildings
South	Light Industrial District (M-1) and General Commercial District (GC)	Abandoned Wal-Mart building; undeveloped tracts
East	General Commercial District (GC)	Various retail and commercial uses
West	Light Industrial District (M-1) and Heavy Industrial District (M-2)	Railroad tracts; industrial and manufacturing uses west of the railroad

**CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC):** The subject property is already zoned as 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. Any future subdivision of the subject tract would have to meet these minimum lot requirements.

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.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Light Industrial" for the subject property. The Comprehensive Plan further indicates that the appropriate zoning districts for "Light Industrial" is the Light Industrial District (M-1). Therefore, the existing zoning of the subject property is in conformance with the Comprehensive Plan. Retail uses are permitted in the M-1 district by the approval of a Conditional Use Permit.

**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. The subject property also has frontage on Rice Dryer Road, a local street with a right-of-way of 50 feet. The applicant will be responsible for platting the subject property, and if adequate right-of-way does not exist for these roadways, the applicant would be required to dedicate any necessary right-of-way when the subject property is platted.

**AVAILABILITY OF UTILITIES:** There is an 8 inch water main located on the west side of Main Street, and there is a 6 inch water main located on the north side of Rice Dryer Road. There is a 12 inch sanitary sewer line located on the east side of Main Street, and an 8 inch sanitary sewer line located on the south side of Rice Dryer 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 requested Conditional Use Permit asks for a broad range of retail uses. In the Unified Development Code's Table of Uses, all uses listed under "Retail and Business Service Uses" require a Conditional Use Permit in the M-1 district. These uses include those shown on the list attached to this report.

The subject property currently consists of two tracts, one that has frontage on State Highway 35, and the other having frontage on Rice Dryer Road. In the recent past, generally regarding either zone changes from Industrial property to other districts, or requests for conditional use permits for commercial uses in Industrial districts, the Commission and Council have expressed concerns with allowing industrial land to be developed for commercial uses. In this particular subject property, the applicant is wanting the Conditional Use Permit for retail uses to be applied to the entire subject property.

Staff believes that the tracts fronting on State Highway 35 might be more appropriate for

retail and commercial uses. The M-1 district does allow many other uses that are commercial and business related. However, Staff does not believe that the entire subject property should be used for retail uses. The tract in the back, which abuts the railroad, has limited exposure to State Highway 35, and will either be access through the potential retail development in the front, or from Rice Dryer Road. Due to the abutting railroad, Staff believes that the back tract should not be allowed to develop for retail uses. Fred Welch, Director of the Pearland Economic Development Corporation, agrees that the frontage of the property could be appropriate for retail, but the tract in the back should remain for industrial uses only.

The applicant could have applied for a zone change to GC and all retail and business uses would be permitted. However, by applying for a conditional use permit, the property remains zoned as M-1 and could be developed for industrial uses.

If the zone change is approved, the applicant may be responsible for the submittal of a traffic impact analysis (TIA) in order to determine the impact of the proposed development on adjacent roadways and adjacent properties, as well as the locations of driveways.

#### **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-1 district:

##### **Building Setbacks:**

Minimum front yard: 35 feet

Minimum side yard: 25 feet

Minimum rear yard: 25 feet

Maximum height: 45 feet

It appears that the proposed site plan meets these setback requirements.

##### **Corridor Overlay District:**

State Highway 35 (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.

##### **Building Façade:**

The Unified Development Code requires building façade materials based on the zoning district and the scale or roadway that the property is located on. In this case, the subject property is zoned as M-1 and is on a major thoroughfare, and therefore,

the requirement is that a masonry product be required on 100% of the front façade that faces the thoroughfare, and 50% of a masonry product on the sides. There is also a requirement that structures further than 250 feet from the road are allowed to use products other than masonry. Staff believes that this requirement is basically for industrial uses. Since the applicant is requesting a retail development, Staff believes that the applicant should be required to provide facades that pertain more to commercial developments. Therefore, Staff recommends that the following condition be added to the Conditional Use Permit if it is approved: "The development of the subject property comply with Section 2.6.2.1 (b) (1) of the UDC, which requires 100% masonry on any walls or portion of walls visible from the public right-of-way."

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 would not be required because the subject property is not adjacent to any residential use or residential district.

Screening of dumpsters, loading docks, and other elements are required to be screened, as stated in the Corridor Overlay District.

Landscaping:

The applicant would have to provide a landscape plan as part of the building permit application, which would have to prove compliance with the landscaping section of the Unified Development Code. In addition, the Corridor Overlay District has additional landscaping requirements that would also need to be met by the applicant. Also, a mechanical irrigation system is required to be installed and maintained for landscaping.

Traffic:

A traffic impact analysis (TIA) may be required when the subject property is developed. The TIA would determine the impact of the development on the

surrounding properties and adjacent roadways, and would also determine the location of driveways.

**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 only the lot fronting on State Highway 35, for the following reasons:

1. The proposed conditional use permit provides for a retail development in an area that is currently zoned M-1. The M-1 district allows retail developments by approval of a Conditional Use Permit.
2. The proposed retail development should not have any impact on the surrounding properties and developments, because there are other retail and commercial uses within the subject area.
3. The applicant will be required to comply with all requirements in the Unified Development Code pertaining to the development of the site.
4. The site plan, landscape plan, and building elevations will be reviewed again as part of a Building Permit Application, for compliance with all codes and ordinances applicable to the site. The site plan attached to this report is not approved as part of this Conditional Use Permit.

Staff recommends that the following conditions be added to the approval of this Conditional Use Permit:

1. The Conditional Use Permit only apply to the lot fronting on State Highway 35, as shown on the Location Map.
2. The uses allowed on the subject property include only those listed under "Retail and

Business Service Uses. (Conditional Uses Only – other uses allowed by right would still be allowed.)

3. The development of the subject property comply with Section 2.6.2.1 (b) (1) of the UDC, which requires 100% masonry on any walls or portion of walls visible from the public right-of-way, and all other requirements of Chapter 4 as they relate to property zoned GC.

**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 CONDITIONAL USE PERMIT (CUP)

Page 1 of Application

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

Conditional Use Permit Request for: Proposed Retail Development  
(list proposed use)

Current Zoning District: M-1

### Property Information:

Address or General Location: 1930 North Main Street West of SH35  
South of Rice Dryer St.  
Tax Account No.: 0232-0028-000 (12.54 acres); 0542-0029-000 (4.35 acres)  
Subdivision: \_\_\_\_\_  
Lot: \_\_\_\_\_ Block: \_\_\_\_\_

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

NAME Renaissance Holding Group, LLC.  
ADDRESS 110 Pine Terrace  
CITY Hot Springs STATE AR ZIP 71901  
PHONE ( 501 ) 318-1061  
FAX ( 501 ) 318-0880  
E-MAIL ADDRESS \_\_\_\_\_

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

### APPLICANT INFORMATION:

NAME Freeland-Kauffman + Fredeen, Inc.  
ADDRESS 1700 West Commerce Drive, Suite A  
CITY Rogers STATE AR ZIP 72756  
PHONE ( 479 ) 621-6699  
FAX ( 479 ) 621-0602  
E-MAIL ADDRESS dfredeen@sbcglobal.net

*The essential building blocks. . .*



Civil Engineers - Landscape Architects - Land Surveyors

August 20, 2007

Ms. Lata Krishnarao  
Planning Director  
City of Pearland  
3523 Liberty Drive  
Pearland, TX 77581  
281-652-1768  
fax 281-652-1702

RE: Conditional Use Permit  
Pearland Plaza

Dear Ms. Krishnarao:

The purpose of this letter is to request a Conditional Use Permit (CUP) for a commercial development located at the property at 1930 North Main St. The property is adjacent to the recently abandoned Wal-mart and is made up of two tracts, one 4.35 acre and one 12.54 acre. The 4.35-acre parcel is the only one to be developed at this time. The total 17 acres is currently zoned M-1 Industrial. The development will consist of two buildings. Building One will be 18,467 s.f. and Building Two will be 27,301 s.f. There will be a total of 242 parking spaces provided. The detention basin will be placed on the 12.54-acre parcel and sized for future development.

If you have any questions, please call. Thank you.

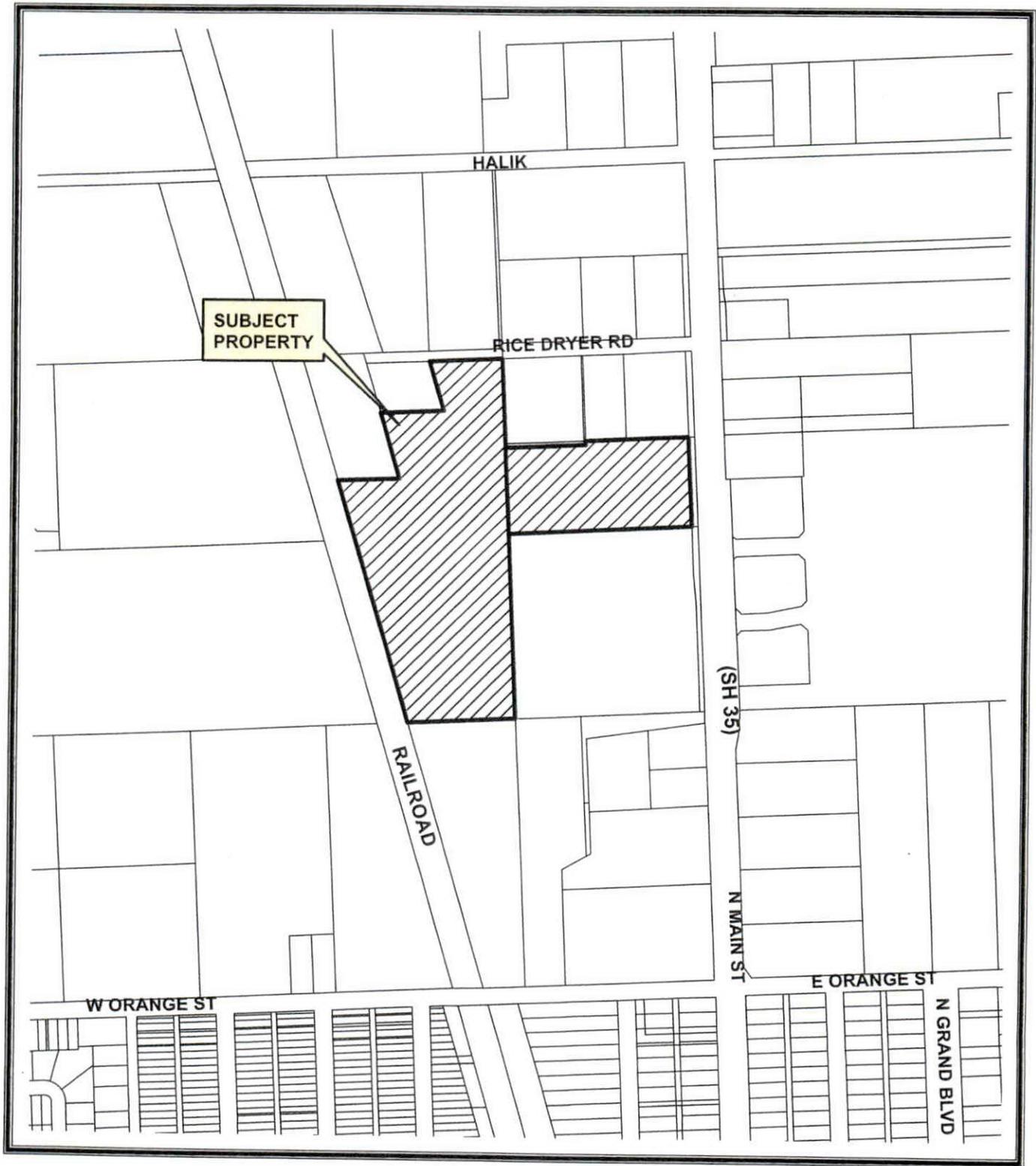
Sincerely,

A handwritten signature in black ink, appearing to read 'L. Douglas Fredeen', with a long horizontal line extending to the right.

L. Douglas Fredeen, PE

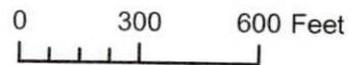
**Freeland - Kauffman & Fredeen, Inc.**

1700 West Commerce Drive, Suite A Rogers, AR 72756 Telephone 479-621-6699 Fax 479-621-0602  
Affiliate Freeland and Kauffman, Inc. Greenville, SC

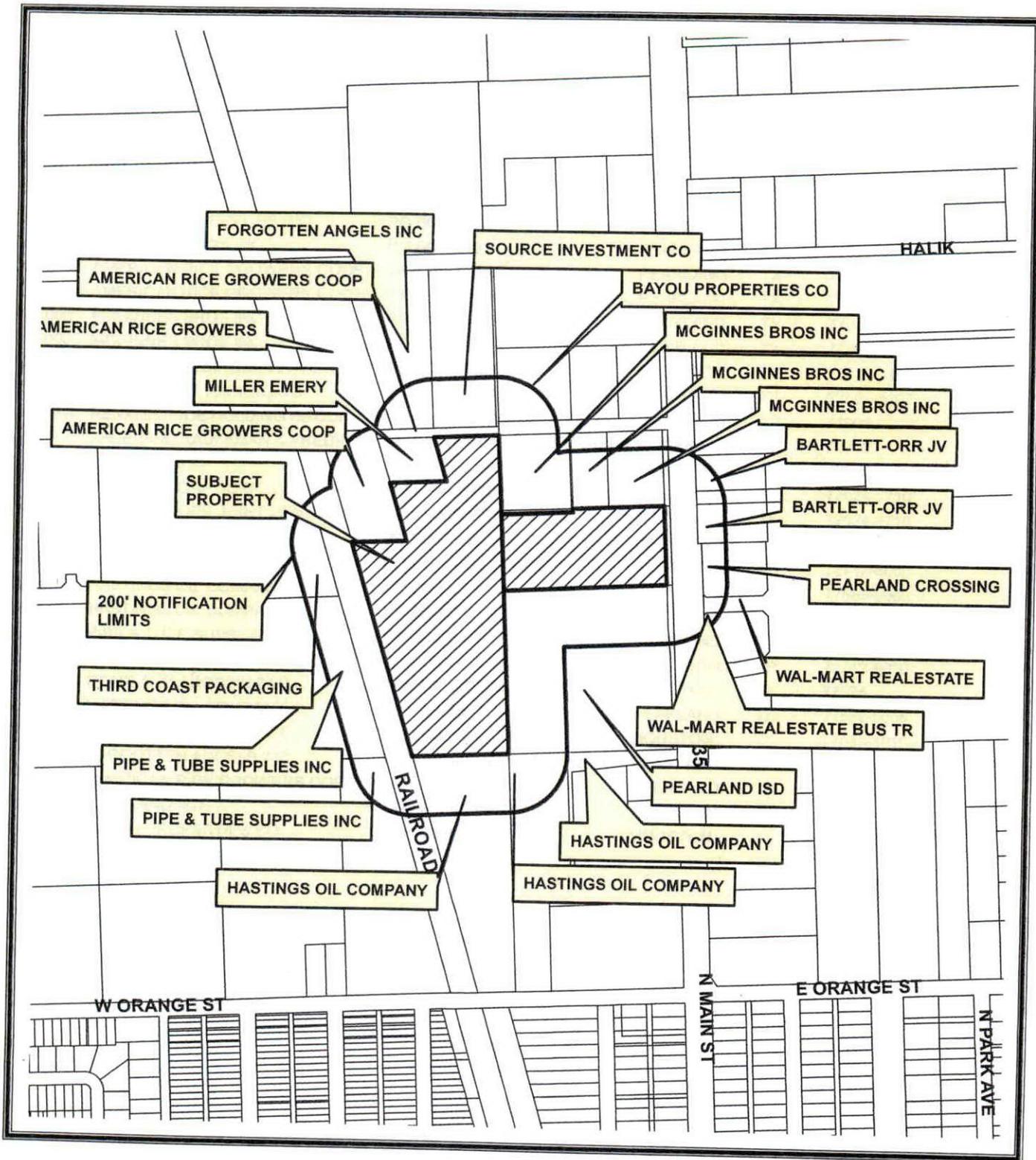


# LOCATION MAP

Conditional Use Permit  
No. CUP2007-17



Map Prepared on September 25, 2007



# OWNERSHIP MAP

Conditional Use Permit  
No. CUP2007-17

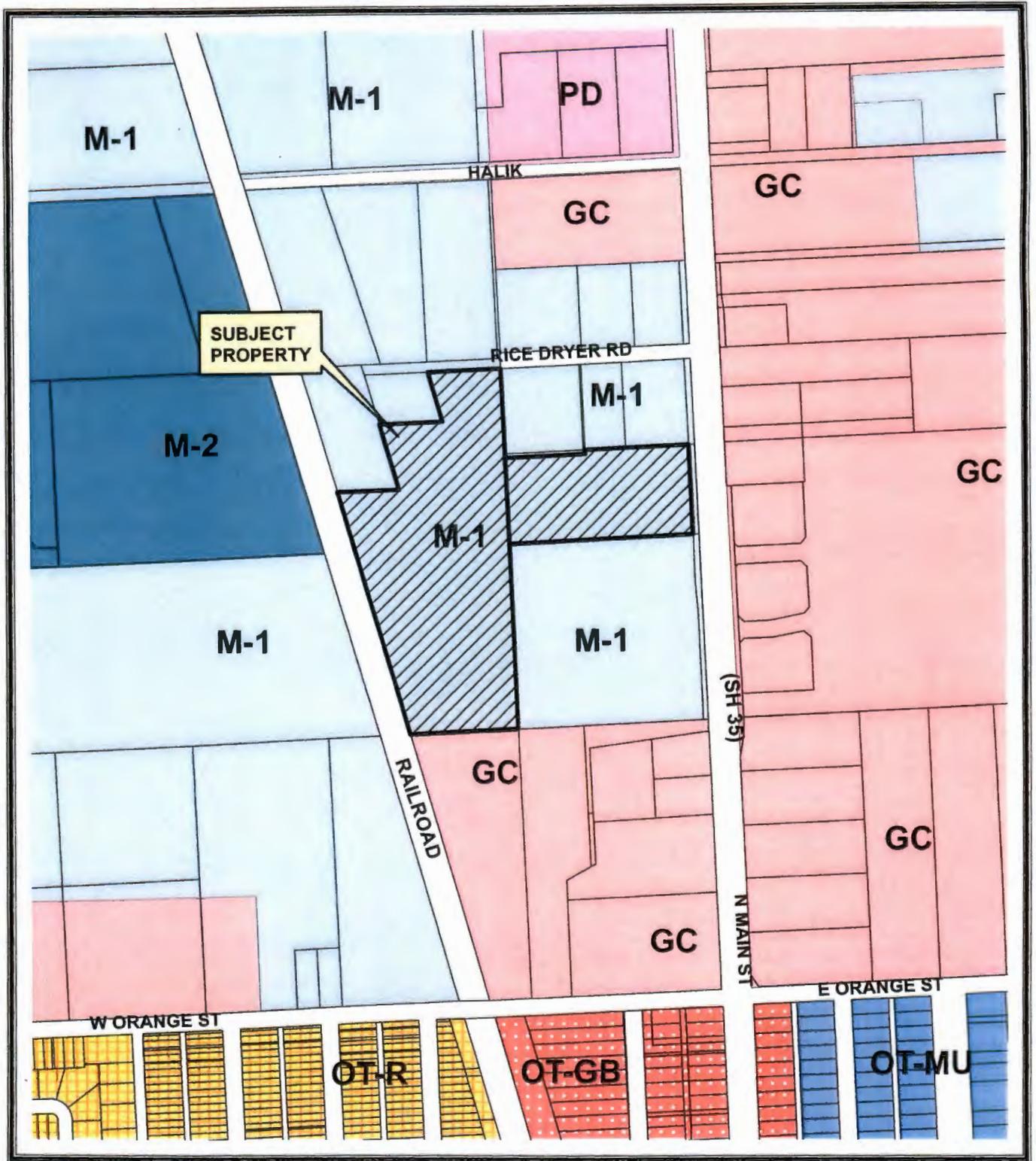


0 300 600 Feet

Map Prepared on September 25, 2007

**CONDITIONAL USE PERMIT NO. CUP2007-17**  
**Property Owner Notification List**

<u>TAX ACCT</u>	<u>OWNER</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>STATE</u>	<u>ZIP CODE</u>
0232-0037-011	PIPE & TUBE SUPPLIES INC	PO BOX 2677	PEARLAND	TX	77588-2677
0542-0048-120	MCGINNES BROS INC	PO BOX 610	PEARLAND	TX	77588-0610
0232-0001-000	AMERICAN RICE GROWERS COOP	4401 RICE DRIER RD	PEARLAND	TX	77581-2815
0232-0001-000	AMERICAN RICE GROWERS COOP	4401 RICE DRIER RD	PEARLAND	TX	77581-2815
0542-0049-000	MCGINNES BROS INC	PO BOX 610	PEARLAND	TX	77588-0610
0542-0049-000	MCGINNES BROS INC	PO BOX 610	PEARLAND	TX	77588-0610
0232-0028-000	FEF FAMILY LIMITED PARTNERSHIP	PO BOX 1148	CROCKETT	TX	75835-1148
0232-0037-016	THIRD COAST PACKAGING	1871 MYKAWA RD	PEARLAND	TX	77581-3207
PROP OWNER	RENAISSANCE HOLDING GROUP	110 PINE TERRACE	HOT SPRINGS	AR	71901
APPLICANT	FREELAND KAUFFMAN & FREDEEN	1700 W COMMERCE DR STE A	ROGERS	AR	72756
0232-0027-000	MILLER EMERY	919 MAPLE BRANCH LN	PEARLAND	TX	77584-2008
0542-0001-123	BARTLETT-ORR JOINT VENTURE	8554 KATY FRWY STE 100	HOUSTON	TX	77024-1710
0542-0001-160	BARTLETT-ORR JOINT VENTURE	8554 KATY FRWY STE 100	HOUSTON	TX	77024-1710
0542-0029-110	MCGINNES BROS INC	PO BOX 610	PEARLAND	TX	77588-0610
7017-0001-002	WAL-MART REALESTATE BUS TR	PO BOX 8050 MS 0555	BENTONVILLE	AR	72712-8050
0542-0035-000	HASTINGS OIL COMPANY	PO BOX 65	PEARLAND	TX	77588-0065
0232-0019-000	HASTINGS OIL COMPANY	PO BOX 65	PEARLAND	TX	77588-0065
0232-0035-000	PIPE & TUBE SUPPLIES INC	PO BOX 2677	PEARLAND	TX	77588-2677
7017-0001-000	WAL-MART REALESTATE BUS TR	PO BOX 8050 MS 0555	BENTONVILLE	AR	72712-8050
7017-0001-001	PEARLAND CROSSING LP	710 N POST OAK RD STE 400	HOUSTON	TX	77024
542-0035-000	HASTINGS OIL COMPANY	PO BOX 65	PEARLAND	TX	77588-0065
0232-0001-115	SOURCE INVESTMENT CO	6002 OSBORN ST	HOUSTON	TX	77033-1016
0232-0001-110	FORGOTTEN ANGELS INC	7918 BROADWAY ST STE 104	PEARLAND	TX	77581-7758
0232-0001-000	AMERICAN RICE GROWERS COOP	4401 RICE DRIER RD	PEARLAND	TX	77581-2815
0542-0012-000	PEARLAND ISD	2337 N GALVESTON	PEARLAND	TX	77581
0542-0027-000	BAYOU PROPERTIES CO	6002 OSBORN ST	HOUSTON	TX	77033-1016

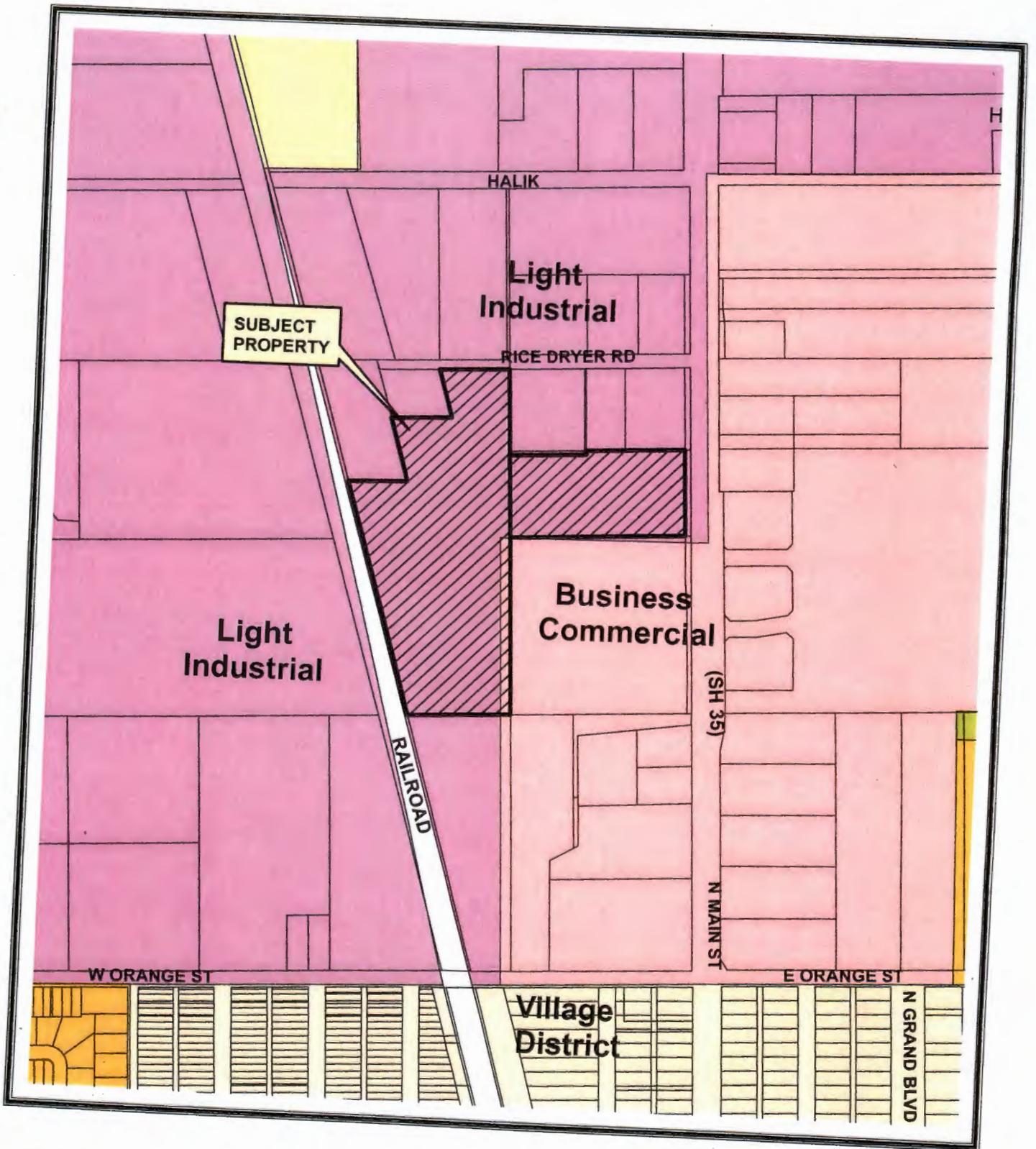


# ZONING MAP

Conditional Use Permit  
No. CUP2007-17

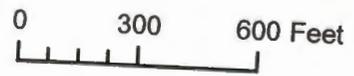


Map Prepared on September 25, 2007

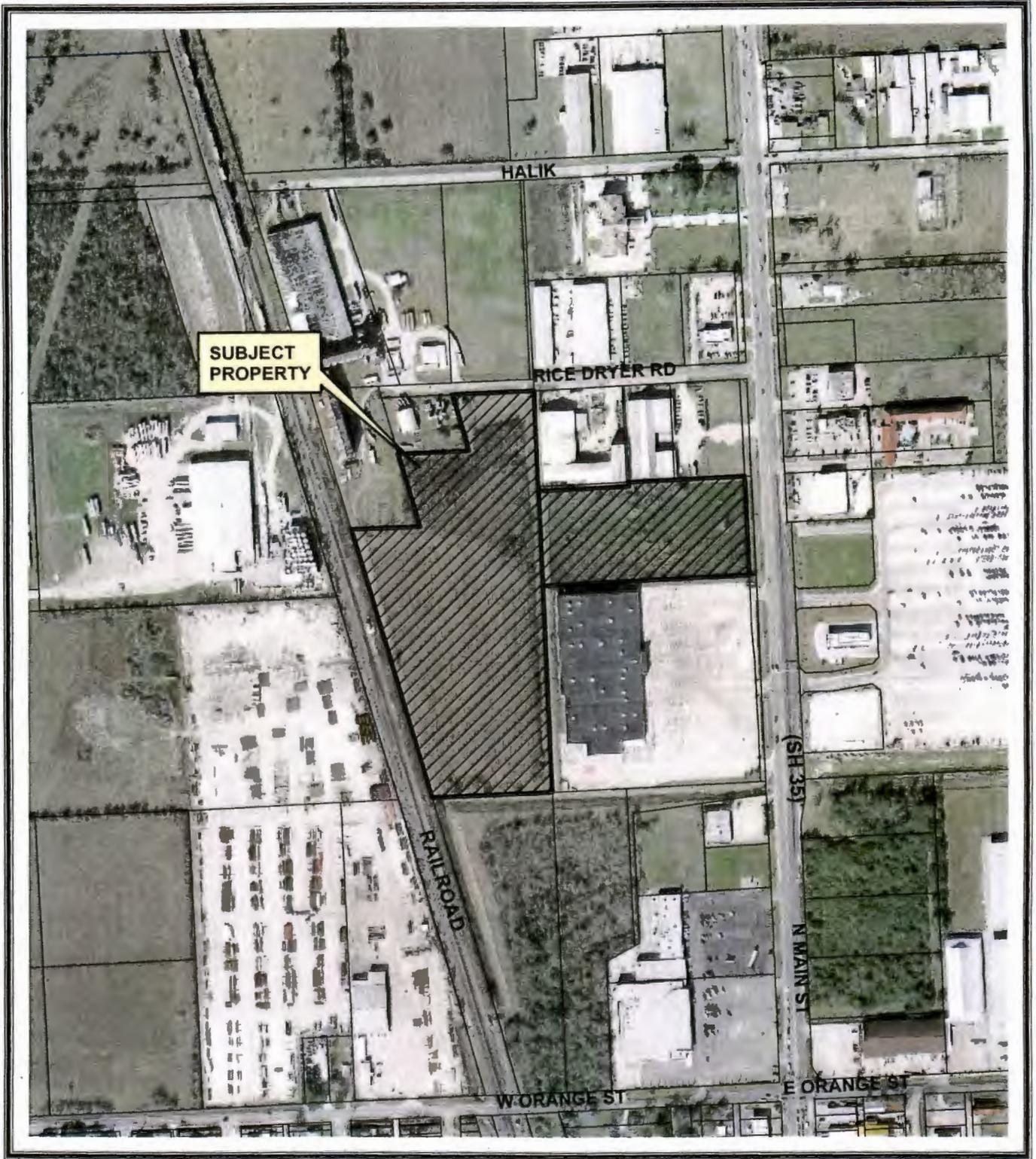


# FUTURE LAND USE PLAN

Conditional Use Permit  
No. CUP2007-17



Map Prepared on September 25, 2007



# AERIAL PHOTOGRAPH

Conditional Use Permit  
No. CUP2007-17



0 300 600 Feet

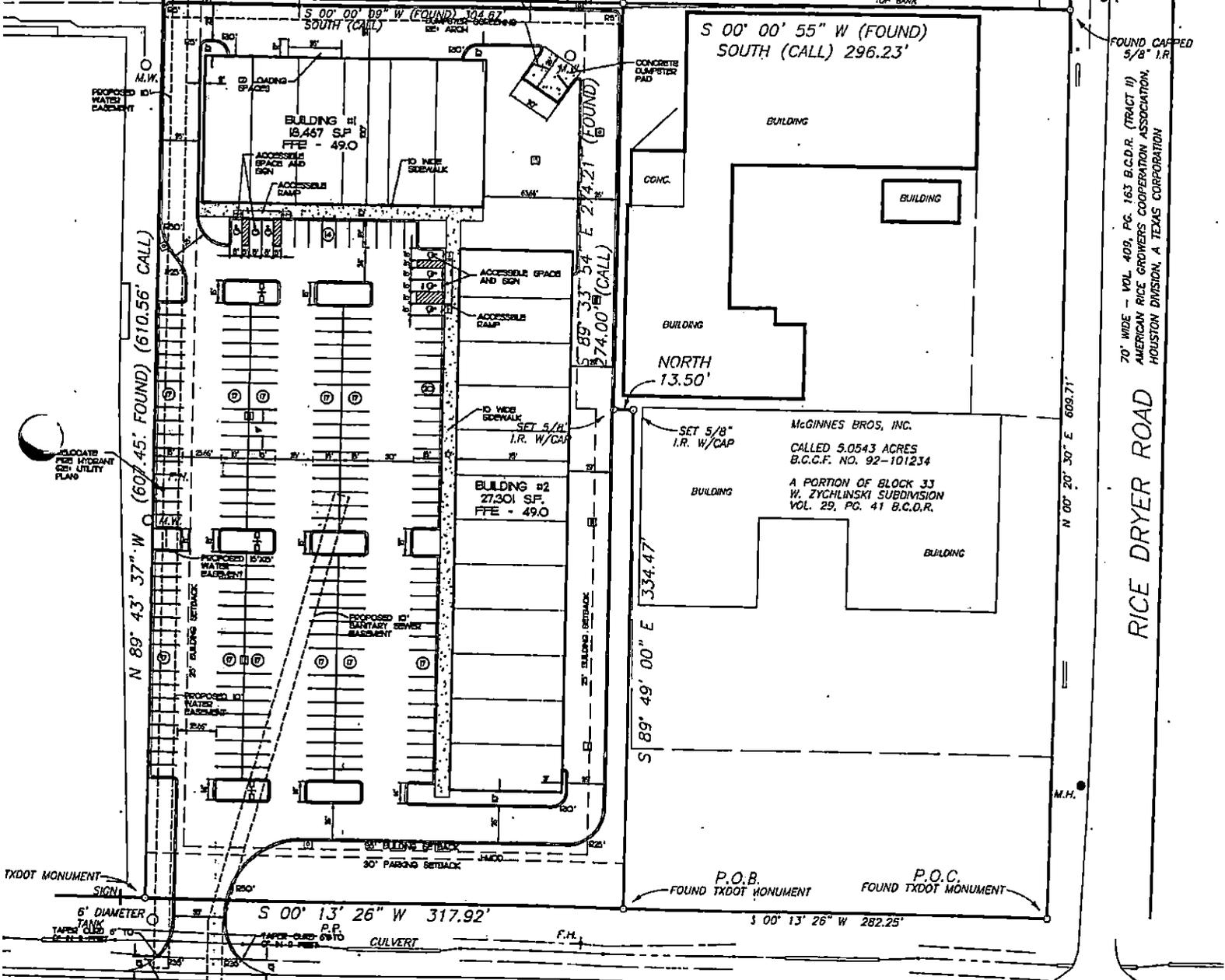
Map Prepared on September 25, 2007

16.885 ACRES

DRAINAGE & UTILITY EASEMENT PER VOL. 1288, PG. 872 B.C.D.R. REGISTERED IN VOL. 572, PG. 524 B.C.D.R.

10 CAPPED 5/8" I.R.

FOUND 3/8" I.R. FOUND 1/2" SQUARE BAR N 82° E. 2.21'



S 89° 46' 28" EAST 27'

FOUND CAPPED 5/8" I.R.

70' WIDE - VOL. 409, PG. 183 B.C.D.R. (TRACT II) AMERICAN RICE GROWERS COOPERATION ASSOCIATION, HOUSTON DIVISION, A TEXAS CORPORATION

RICE DRYER ROAD

N 00° 20' 30" E 609.71'

M.H.

TXDOT MONUMENT SIGN

6" DIAMETER TANK TAPES CLSD 6" TO 12" I.R. & 3" I.R.

STOP SIGN

STATE HIGHWAY 35 A PUBLICLY DEDICATED ROAD / HIGHWAY 140' R.O.W. - B.C.C.F. NOS. 2004069254, 2004076455 AND 2004035575

STATE OF TEXAS (ACTING BY AND THROUGH THE TEXAS TRANSPORTATION COMMISSION)

THIS PROPERTY DOES NOT APPEAR TO BE IN A FLOOD PLAIN AND APPEARS TO BE ACCORDING TO AN INTERPRETATION OF 1:50,000 SCALE DATUM DATED 9-27-99. BASE GRAPHIC PLOTTING ONLY.

## RETAIL AND BUSINESS SERVICE USES

- Antique Shop (No outside storage)
- Antique Shop (With outside storage)
- Apparel Shop
- Animal Hospital (No Outside Pens)
- Art Museum and/or Dealer
- Art Studio and/or Gallery
- Art Supply Store
  
- Bakery or Confectionery Shop (Retail Sales, Inside Service Only)
  
- Bakery or Confectionery Shop (Retail Sales, With Drive-Thru Service)
- Bakery (Wholesale)
- Book/Stationery Shop (Retail Only)
- Business Service Retail (Provides wares and/or service in support of professional occupations)
- Café
- Cafeteria
- Camera Shop (Retail Only)
- Cigars, Tobacco Shop (Retail Only)
- Carpenter Shop
- Catering Service
  
- Coffee, Donut and Similar Food Sales Shop (For On- or Off-Site Consumption)
  
- Computer Sales
- Consignment Shop
- Convenience Store (With Gasoline Sales)
- Convenience Store (Without Gasoline Sales)
- Copy/Printing Shop
- Department Store (Retail Only, for Hardware, Sporting Goods, Toys, Paints, Wallpaper, and/or Clothing)
- Drapery/Blind Shop

- Electronic Goods Store (Retail Only)
- Florist Shop (Retail Only)
- Food Store/Supermarket
- Furniture and/or Appliance Store (Retail or Rental Only, Indoor Only)
- Furniture Repair and Upholstering (No Outside Storage)
- Garage and/or Yard Sales
- Garden Shop & Outside Plant Sales (i.e., Plant Nursery)
- Gift or Card Shop (Retail Only)
- Handicraft & Art Object Sales Shop
- Hardware Store
- Hobby Shop (Retail Only)
- Home Improvement Center
- Ice Cream/Yogurt Shop (For On- or Off-Site Consumption)
- Itinerant Vendor/Seasonal Vending
- Jewelry Store
- Key Shop
- Market - Open Air (i.e., Flea Market)
- Meat and Fish Market (Retail Only)
- Medical Appliances & Sales
- Motion Picture Theater (Indoors)
- Optical Shop
- Outside Display *{See related regulations in applicable zoning districts}*
- Paint, Wallpaper Shop (Retail Only)
- Pet Shop-Small Animals, Birds or Fish
- Personal Custom Services, Tailor, Millinery, Etc.
- Pharmacy/Drug Store (Retail Only)
- Piano and Musical Instruments (Retail Only)
- Restaurant (With Drive-In and/or Drive-Thru Service)

- Restaurant (With No Drive-In or Drive-Thru Service)
- Retail Shops, Apparel, Accessories, Gifts & Similar Goods (Other than those listed; No Outside Storage)
- Shoe Store (Retail Only)
- Sign Shop (small scale, such as a storefront; includes sign and banner making for retail sale only)
- Stone Monuments - Retail Sales Only
- Studio, Decorator & Display of Art Objects
- Studio, Photographer, Artist, Music, Drama, Dance
- Studio, Health Reducing or Similar Service
- Tavern
- Variety Store
- Video Rental and/or Sales

# 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: SANFORD FRANKEL

Full Address: 9660 HILLCROFT, 326

(include zip) Houston, Tx 77094

I wish to speak regarding Item No. 2007-152

**AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD OCTOBER 15, 2007, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS**

**I. CALL TO ORDER** *Mayor opened @ 7:04*

**II. PURPOSE OF HEARING** *Ruby read . . .*

Zone Change No. 2007-15Z

A request by Sanford Frankel, applicant for Pat Barcelo, 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) and Office and Professional District (OP) to General Business District (GB), on the following described property, to wit:

Legal Description: 2.998 acre tract of land being out of Tract 112, of Section 1, of the A.C. H. & B. Survey, Abstract 147, according to the map or plat recorded in Volume 2, Page 1 of the Brazoria County Plat Records, said 2.998 acre tract of land being the same 3.00 acre tract described in Brazoria County Clerk's File No. 2004-039416, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the South Side of Walnut Street, and on the West Side of Old Alvin Road

**III. APPLICATION INFORMATION AND CASE SUMMARY**

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

**B. APPLICANT PRESENTATION** *Sanford Frankel, arch. for Wingsong 1192 introduced himself.*

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

**V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION**

*No one spoke*

**VI. ADJOURNMENT** *adj. 7:09*

**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 OCTOBER 15, 2007

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## Zone Change No. 2007-15Z

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**LEGAL DESCRIPTION:** 2.998 acre tract of land being out of Tract 112, of Section 1, of the A.C. H. & B. Survey, Abstract 147, according to the map or plat recorded in Volume 2, Page 1 of the Brazoria County Plat Records, said 2.998 acre tract of land being the same 3.00 acre tract described in Brazoria County Clerk's File No. 2004-039416, City of Pearland, Brazoria County, Texas

**GENERAL LOCATION:** Generally Located on the South Side of Walnut Street, and on the West Side of Old Alvin Road

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

Planning and Zoning Commission: October 15, 2007\*  
City Council for First Reading: November 12, 2007\*  
City Council for Second Reading: November 26, 2007\*

(\*dates subject to change if item is tabled)

---

**SUMMARY:** The applicant is requesting a change in zoning on the subject property for a General Business District (GB). The subject property is currently zoned as both General Commercial District (GC) and Office and Professional District (OP). The subject property is currently developed with the Windsong Village Convalescent and Rehabilitation Center. The applicant is wanting to add on an activity room to the complex. The area of the addition is located within the Office and Professional District. The OP district does not

allow a convalescent center by right, but requires a Conditional Use Permit. In order to have only one zoning district for the subject property, the applicant is requesting to rezone both the GC and OP areas to a General Business District (GB).

**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	Multi-Family District (MF)	Apartment complex
South	Office and Professional District (OP)	Undeveloped tract
East	General Commercial District (GC) and Multi-Family District (MF)	Apartment complex
West	Office and Professional District (OP) and General Commercial District (GC)	Single family residential lots; undeveloped tracts; commercial/industrial buildings

**CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC):** The applicant is requesting the GB district. The minimum lot size for the GB district is 22,500 square feet, the minimum lot width is 150 feet, and the minimum lot depth is 125 feet. The subject property exceeds these minimum requirements, as the subject property is approximately 3 acres in size, has a lot width of approximately 350 feet along Walnut Street, and has a lot depth of approximately 372 feet.

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.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "High Density Residential" for the subject property. The Comprehensive Plan further indicates that the appropriate zoning districts for "High Density Residential" is the Multi-Family District (MF). Therefore, the proposed zone change to GB does not conform to the Comprehensive Plan. The existing zoning of OP and GC are already in conflict with the Comprehensive Plan.

**CONFORMANCE TO THE THOROUGHFARE PLAN:** The subject property has frontage on Old Alvin Road and Walnut Street, both major collector streets with projected rights-of-way of 80 feet. The applicant will be responsible for platting the subject property, and if adequate right-of-way does not exist for these roadways, the applicant would be required to dedicate any necessary right-of-way when the subject property is platted.

**AVAILABILITY OF UTILITIES:** There is a 10 inch water main located within Walnut street, and there is an 8 inch water main located within Old Alvin Road. There is a 20 inch sanitary sewer line located within Walnut Street, and a 15 inch sanitary sewer line located within Old Alvin 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 requested zone change to a General Business District should not have a negative impact on the surrounding neighborhoods and residential properties. The subject property currently consists of two different zoning districts, GC and OP, both of which have different development standards, such as setbacks. Because the existing development is located in two zoning districts, the applicant is wanting to create one zoning district in order to provide consistency in the regulations.

The subject area is developed with a number of uses, including an apartment complex to the north and to the east, and commercial and retail uses to the northeast and the west. Zoning the property to a GB district will not impact the area, as the subject property is already developed with the convalescent center. Also, the GB district will allow the convalescent center to become a conforming use.

If the zone change is approved, the applicant may be responsible for the submittal of a traffic impact analysis (TIA) in order to determine the impact of the proposed development on adjacent roadways and adjacent properties, as well as the locations of driveways.

The proposed activity room addition will be approximately 2,200 square feet. Since the addition is over 500 square feet, certain upgrades to the property are required, such as compliance with landscaping, façade, and sidewalks, as well as others.

**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 for GB, for the following reasons:

1. Although contrary to the Future Land Use Plan, the proposed zone change to GB may be appropriate in the area due to the adjacent zoning of GC and OP in the subject area.
2. The subject property is already developed with a use that is permitted in the General Business District.
3. The subject property is currently divided between two different zoning districts, and the zone change to GB would create one zoning district on this tract, and would allow the existing use to become conforming.

**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: PART GC & PART OP

Proposed Zoning District: GB FOR ENTIRE PROPERTY

### Property Information:

Address or General Location of Property: 3400 E. WALNUT, CORNER OF E. WALNUT & OLD ALVIN RD.

Tax Account No. 0147-0045-110

Subdivision: A.C. H & B SURVEY, A147 Lot: 2.998 ACRES out of TRACT 112 Block: SECTION 1

A Complete Application must include all of this information:

- Fee (see Zoning Change Fee Schedule) \$275.00
- 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 Pat Barcelo  
 ADDRESS 406 Carriage Creek Ln.  
 CITY Friendswood STATE Tx ZIP 77546  
 PHONE (281) 996-8596  
 FAX (281) 485-6729  
 E-MAIL ADDRESS \_\_\_\_\_

### APPLICANT INFORMATION:

NAME SANFORD FRANKEL  
 ADDRESS Old Hillcroft, 326  
 CITY Houston STATE TX ZIP 77096  
 PHONE (713) 721-0579  
 FAX (713) 721-0589  
 E-MAIL ADDRESS FRANKELARCHITECTS@SBCGLOBAL.

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

Owner's Signature: Pat Barcelo Date: 9-13-2007

Agent's Signature: [Signature] Date: 9-17-07

### OFFICE USE ONLY:

FEES PAID: <u>\$275.00</u>	DATE PAID: <u>9/13/07</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: _____
----------------------------	---------------------------	---------------------------------	-----------------------

Application No. 2007-152

# FRANKEL ARCHITECTS, INC.

To Whom It May Concern:

**RE Zoning Change Request to GB**

Windsong Village Convalescent & Rehabilitation Center

3400 East Walnut Str. (corner Old Alvin Rd.)

Pearland; TX

Existing Zoned part OP and part GC

Windsong Village needs an additional Activity Room. An addition to the building is required, however, the portion of the building where the addition will be is in the portion zoned OP. According to the Land Use Matrix, a Rehabilitation Care Institution (Commercial) in an OP zone requires a Conditional Use Permit. Rather than applying for a CUP, we would like to change the zoning classification of the entire property to one zone. This type of use is permitted in the GB and GC zones. City Staff advised us to consider re-zoning to GB for the entire property of 3-acres.

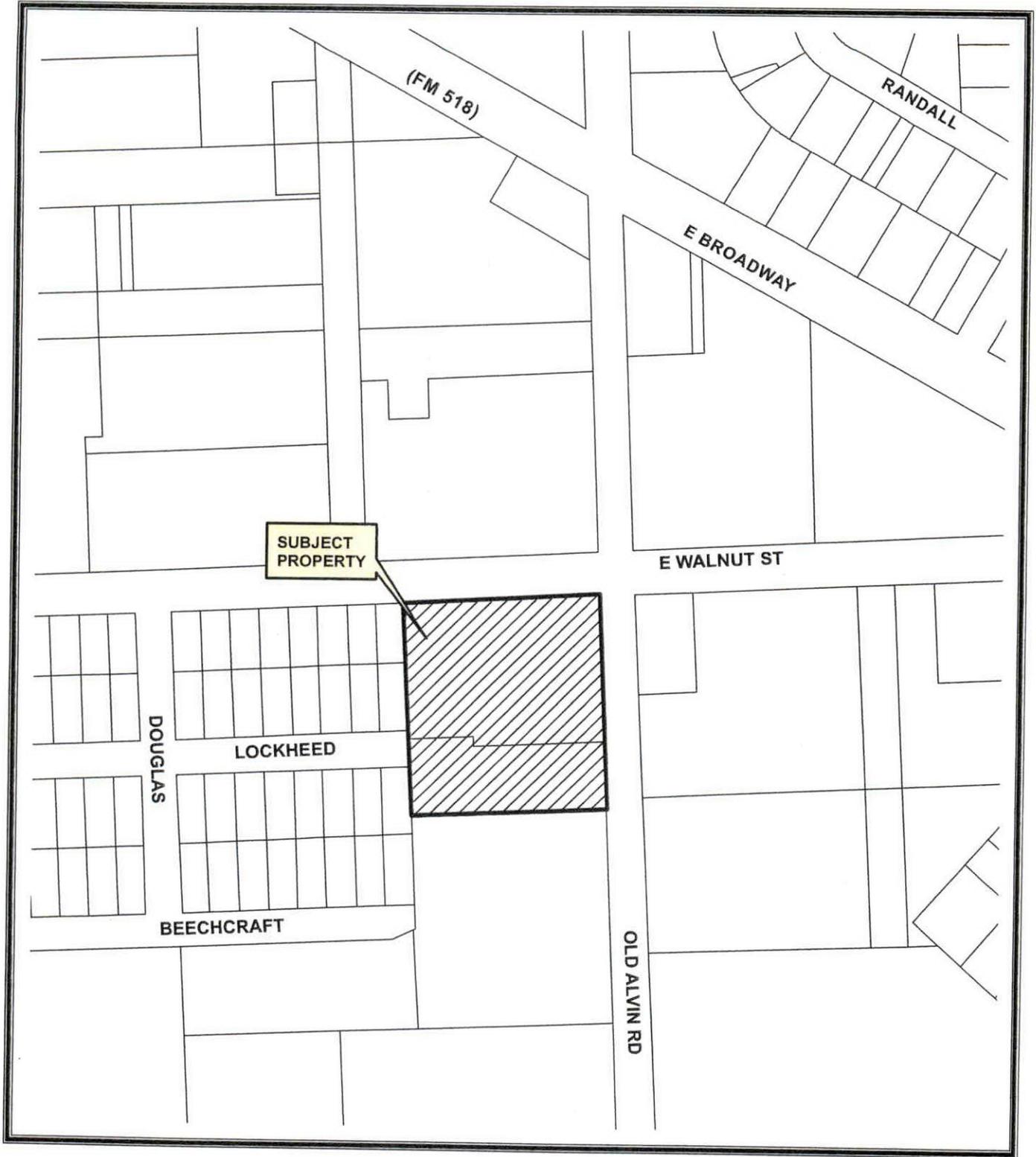
The Land Use of the property will remain the same for the foreseeable future. This facility was built in 1975 and it has been owned and operated by the same family for over 30-years. Currently there are 138-beds in this facility. The number of beds will not increase because of this addition. This addition will not cause an increase in traffic to the property.

This zoning change will fit in well with the existing zoned properties in the immediate vicinity of our property. They are OP, GC, GB, and MF. (See enclosed 8½ x11.)

The Site Plan shows that we currently, and with the addition, meet the area requirements of the GB Zone. The percentage of Open Landscaped Space will be 40%. The existing building is less than 45' high and the addition will be similar in elevation to the existing building.

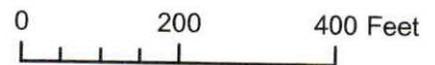
10724-1

9660 Hillcroft, 326, Houston, Texas, 77096 (713)721-0579

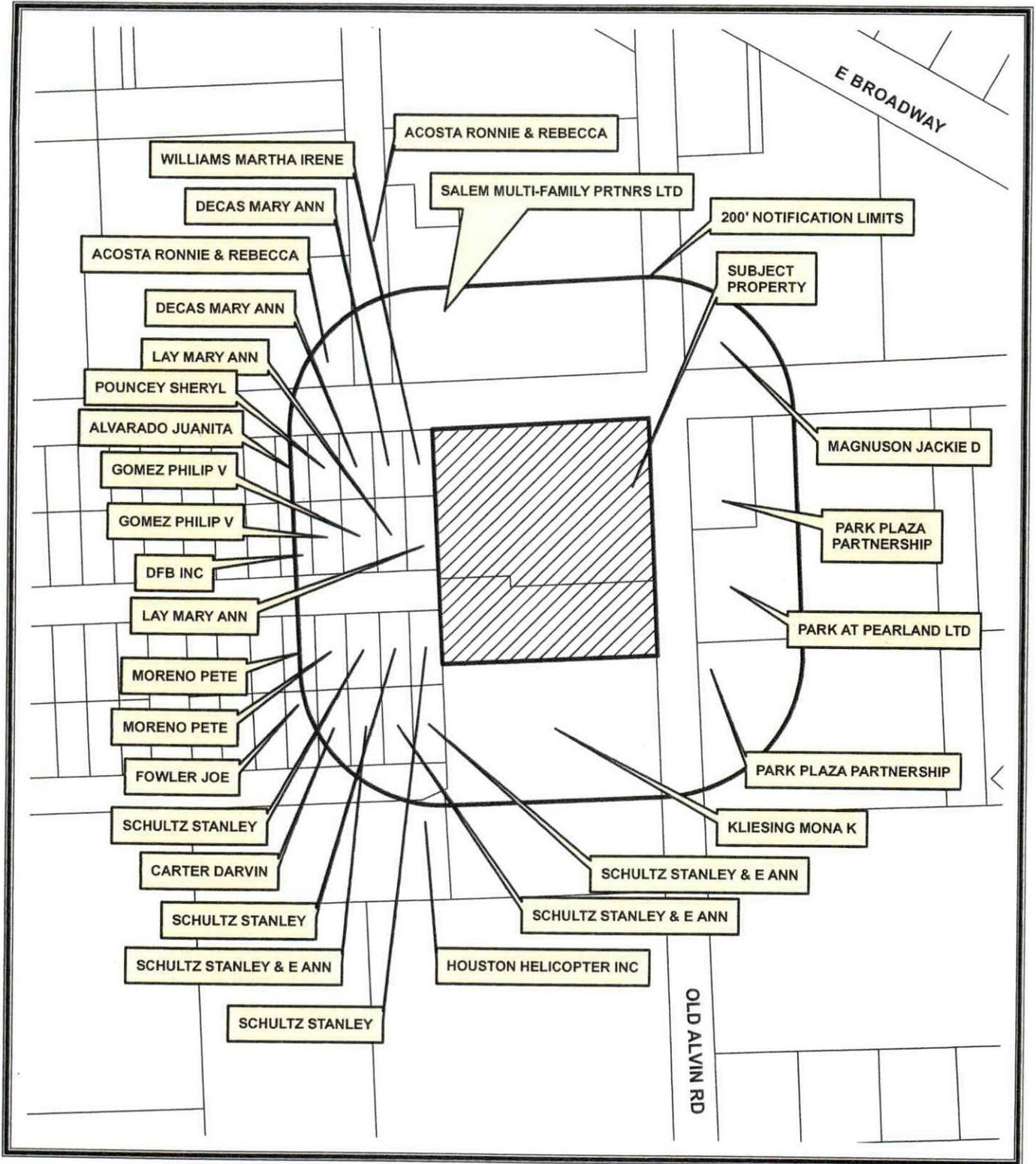


# LOCATION MAP

Zone Change  
No. 2007-15Z



Map Prepared on September 25, 2007



# OWNERSHIP MAP

Zone Change  
No. 2007-15Z

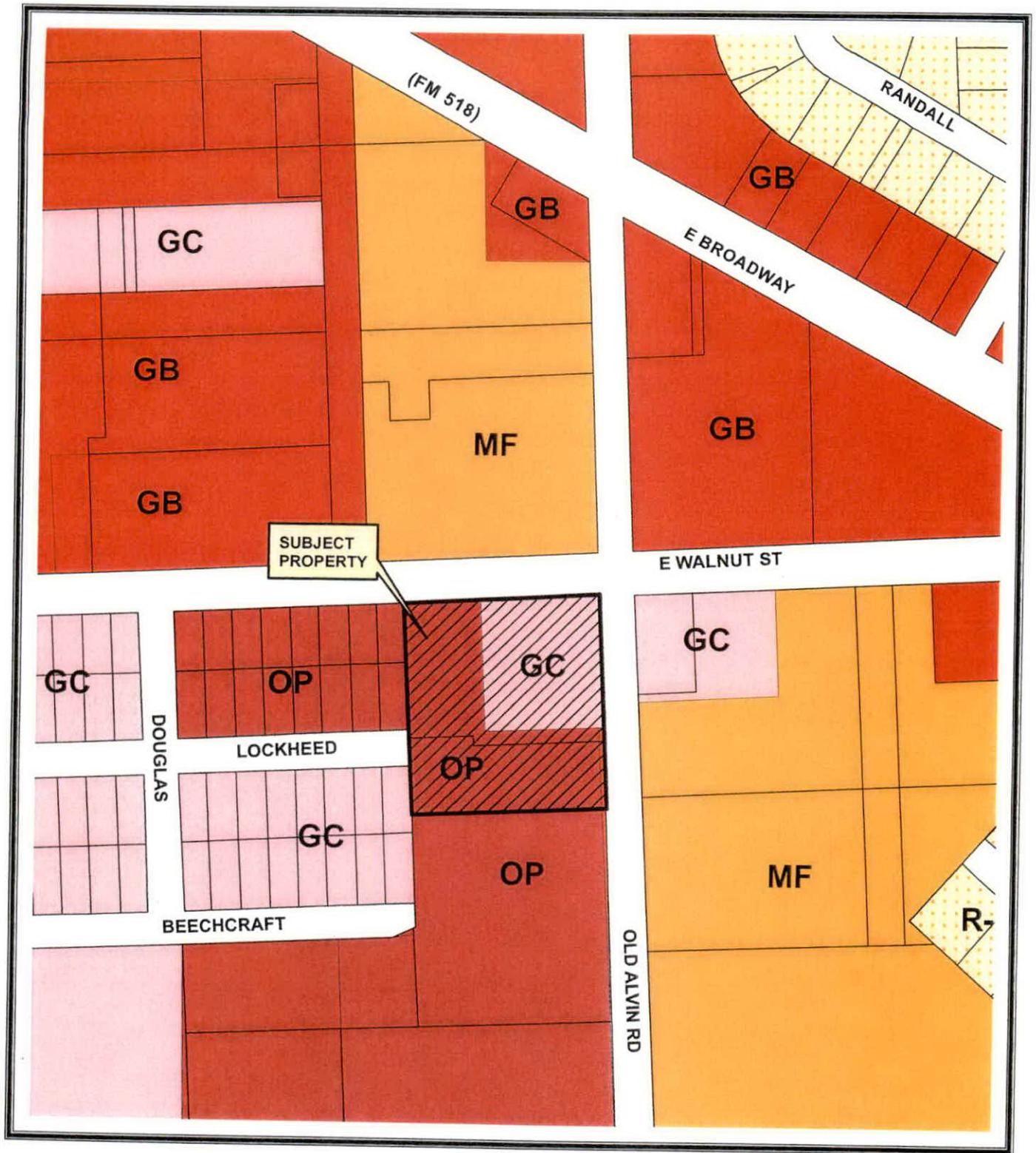


0 200 400 Feet

Map Prepared on September 25, 2007

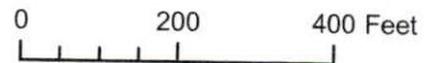
**ZONE CHANGE NO. 2007-15Z**  
**Property Owner Notification List**

<u>TAX ACCT</u>	<u>OWNER</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>STATE</u>	<u>ZIP CODE</u>
1164-0201-000	SCHULTZ STANLEY	2304 LONGWOOD ST	PEARLAND	TX	77581-5816
1164-0201-110	SCHULTZ STANLEY	2304 LONGWOOD ST	PEARLAND	TX	77581-5816
1164-0201-110	SCHULTZ STANLEY	2304 LONGWOOD ST	PEARLAND	TX	77581-5816
1164-0201-120	MORENO PETE	2407 JOHN AVE	FRIENDSWOOD	TX	77546-2007
1164-0201-120	MORENO PETE	2407 JOHN AVE	FRIENDSWOOD	TX	77546-2007
0147-0081-113	ACOSTA RONNIE & REBECCA	3421 E WALNUT	PEARLAND	TX	77581
0147-0063-110	MAGNUSON JACKIE D & PROP OWNER	PO BOX 728A	ALVIN	TX	77512-0728
	PAT BARCELO	406 CARRIAGE CREEK LN	FRIENDSWOOD	TX	77546
	APPLICANT SANFORD FRANKEL	9660 HILLCROFT STE 326	HOUSTON	TX	77096
0147-0080-110	SALEM MULTI-FAMILY PRTNRS LTD	6860 PRUTZMAN RD #1	BEAUMONT	TX	77706
0147-0038-000	ACOSTA RONNIE & REBECCA	3421 E WALNUT	PEARLAND	TX	77581
0147-0060-120	PARK AT PEARLAND LTD	3730 FM 1960 RD W STE 300	HOUSTON	TX	77068-3509
0147-0060-000	PARK PLAZA PARTNERSHIP	2411 PARK AVE	PEARLAND	TX	77581-4233
0147-0045-110	PEARLAND CONVALESCENT CTR	3400 E WALNUT ST	PEARLAND	TX	77581-4716
1164-0001-000	WILLIAMS MARTHA IRENE	3402 E WALNUT ST	PEARLAND	TX	77581-4716
1164-0002-000	DECAS MARY ANN	220 PALM LN	LAKE JACKSON	TX	77566-5548
1164-0002-000	DECAS MARY ANN	220 PALM LN	LAKE JACKSON	TX	77566-5548
1164-0004-000	POUNCEY SHERYL	3408 E WALNUT ST	PEARLAND	TX	77581-4716
1164-0007-000	ALVARADO JUANITA P ETAL	12420 MARION LN	DICKINSON	TX	77539-9221
1164-0009-000	LAY MARY ANN	220 PALM LN	LAKE JACKSON	TX	77566-5548
1164-0009-000	LAY MARY ANN	220 PALM LN	LAKE JACKSON	TX	77566-5548
1164-0011-000	GOMEZ PHILIP V	6414 SANDS DR	PASADENA	TX	77505-3840
1164-0011-000	GOMEZ PHILIP V	6414 SANDS DR	PASADENA	TX	77505-3840
1164-0013-000	DFB INC	511 MULBERRY DR	BARTONVILLE	TX	76226-6919
0147-0045-110	PEARLAND CONVALESCENT CTR	3400 E WALNUT ST	PEARLAND	TX	77581-4716
7029-0000-160	KLIESING MONA K	82 DRIFTOAK CIR	SPRING	TX	77381-6631
1164-0209-000	SCHULTZ STANLEY & E ANN	2304 LONGWOOD ST	PEARLAND	TX	77581-5816
1164-0209-000	SCHULTZ STANLEY & E ANN	2304 LONGWOOD ST	PEARLAND	TX	77581-5816
1164-0211-000	SCHULTZ STANLEY & E ANN	2304 LONGWOOD ST	PEARLAND	TX	77581-5816
1164-0212-000	CARTER DARVIN	2350 BERING DR APT 6	HOUSTON	TX	77057-4728
1164-0201-130	FOWLER JOE	2409 LYNN DR	PEARLAND	TX	77581-3912
7029-0000-161	HOUSTON HELICOPTER INC	PO BOX 830	PEARLAND	TX	77588-0830

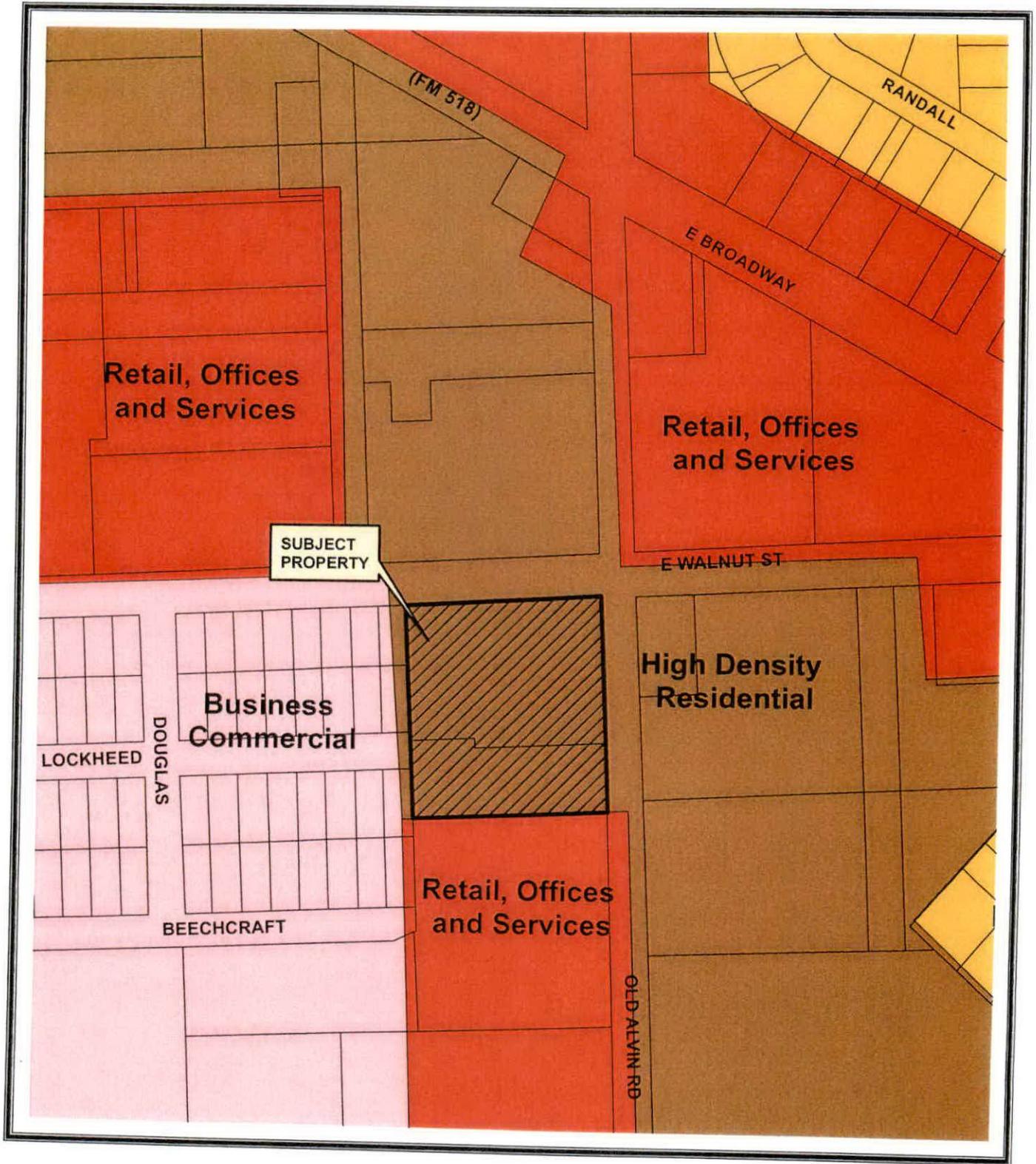


# ZONING MAP

Zone Change  
No. 2007-15Z

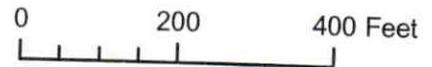


Map Prepared on September 25, 2007



# FUTURE LAND USE PLAN

Zone Change  
No. 2007-15Z



Map Prepared on September 25, 2007



# AERIAL PHOTOGRAPH

Zone Change  
No. 2007-15Z



0 200 400 Feet

Map Prepared on September 25, 2007

# 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: PATRICK EGAN

Full Address: 2213 UNIVERSITY BLVD

(include zip) HOUSTON, TX 77030

I wish to speak regarding Item No. 2007-172

**AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD OCTOBER 15, 2007, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS**

**I. CALL TO ORDER** *Mayor opened 7:09*

**II. PURPOSE OF HEARING** *Ruby read.*

Zone Change No. 2007-17Z

A request by Gregory Patch, P.E., applicant for Boardwalk at the Spectrum, L.P, 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 Business Park District – 288 (BP-288) to General Commercial District (GC), on the following described property, to wit:

Legal Description: 4.098 acres of land located in the James Hamilton Survey, Abstract 747, being out of the James Hamilton Survey Subdivision as evidenced by the instrument of record in Volume 83, Page 342, of the Harris County Deed Records, City of Pearland, Harris County, Texas

General Location: Generally Located on the West Side of State Highway 288, and Approximately 1,600 Feet North of Shadow Creek Parkway

**III. APPLICATION INFORMATION AND CASE SUMMARY**

**A. STAFF REPORT** *TAG read...*

**B. APPLICANT PRESENTATION**

*Staff recommends denial for reasons stated in Staff Rec'd 1 Pub. Comm. Form - favor in*

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

**V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION** →

**VI. ADJOURNMENT** *7:35*

**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.**

III. B. Patricia Egan spoke on  
behalf of the Kroger & how they hope to  
purchase the subject 4.098  
He went into great detail why this is  
the best option for you and  
He distributed a handout.

IV.  
What has happened to current bldg  
P. Egan - has been demolished.  
Neil West - any plans for kite & dike - P. Egan - none  
K. Cole - thinks its a good plan  
H. Juertes - who owns 7.000 acres  
P. Egan - Kroger owns  
TAG - ideally this piece should be combined w/  
current Strouhal / Kroger PD as an addendum  
Ruby - explain what staff wants  
TAG - addended to the Kroger PD  
P. Egan - he does not own prop. yet. water rights  
Dist. owns it.  
Steve Saboe - much discussion ensued  
ok w/ Saboe - what can happen  
Kyle - size  
Lata - not about use but about connectivity.  
woody - doesn't have a problem

file B

## JOINT PUBLIC HEARING AGENDA ITEM MEETING OF OCTOBER 15, 2007

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### **Zone Change No. 2007-17Z**

A request by Gregory Patch, P.E., applicant for Boardwalk at the Spectrum, L.P, 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 Business Park District – 288 (BP-288) to General Commercial District (GC), on the following described property, to wit:

**LEGAL DESCRIPTION:** 4.098 acres of land located in the James Hamilton Survey, Abstract 747, being out of the James Hamilton Survey Subdivision as evidenced by the instrument of record in Volume 83, Page 342, of the Harris County Deed Records, City of Pearland, Harris County, Texas

**GENERAL LOCATION:** Generally Located on the West Side of State Highway 288, and Approximately 1,600 Feet North of Shadow Creek Parkway

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

Planning and Zoning Commission: October 15, 2007\*  
City Council for First Reading: November 12, 2007\*  
City Council for Second Reading: November 26, 2007\*

(\*dates subject to change if item is tabled)

---

**SUMMARY:** The applicant is requesting a change in zoning on the subject property for a General Commercial District (GC). The subject property is currently zoned as Business Park District – 288 (BP-288). The applicant is requesting a zone change to GC in order for the subject tract and the tract to the south that is already zoned GC to both have the same zoning as part of the same development. The subject property is currently undeveloped.

**SURROUNDING ZONING AND LAND USES:**

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

	<u>Zoning</u>	<u>Land Use</u>
North	Spectrum District – S1	Undeveloped tract
South	General Commercial District (GC)	Existing commercial building
East	Business Park District – 288 (BP-288)	Undeveloped tract
West	Spectrum District – S1	Undeveloped tract

**CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC):** The applicant is requesting 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, as the subject property is approximately 4 acres in size, has a lot width greater than 150 feet along State Highway 288, and has a lot depth greater than 125 feet.

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.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Business Park" for the subject property, and for many of the properties located along State Highway 288. The Comprehensive Plan further indicates that the appropriate zoning districts for "Business Park" is a new business park zoning district, more specifically, the Business Park District – 288. The northern portion of the subject property is currently designated as "Parks" due to Clear Creek running on the north side of the subject property.

**CONFORMANCE TO THE THOROUGHFARE PLAN:** The subject property has frontage on State Highway 288, a major regional thoroughfare with a right-of-way greater than 120 feet. The applicant will be responsible for platting the subject property, and if adequate right-of-way does not exist for SH288, the applicant would be required to dedicate any necessary right-of-way when the subject property is platted.

**AVAILABILITY OF UTILITIES:** There are no water lines or sanitary sewer lines within the vicinity of 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 requested zone change to a General Commercial District may or may not have an impact on the surrounding properties. The subject property is currently zoned as Business Park District – 288, which is a zoning district that was created when the Unified Development Code was originally approved. The BP – 288 district was originally intended to include all properties along State Highway 288 within this district. However, any properties that were already zoned as GC or GB or PD retained that zoning district, and all properties that were in the temporary Suburban Development District (SD) were zoned as BP – 288. Along the west side of State Highway 288, the subject property is an isolated tract of BP-288. The only other areas on the west side of SH 288 that are zoned BP are located south of Broadway Street and extending to County Road 59. The east side of SH 288 is different; there are many properties that are zoned as BP – 288 in that area.

It is unclear what the applicant intends to build on the subject property that requires this zone change. It is Staff's understanding that the subject property is planned to be developed with the tract to the south that is currently zoned as GC. The GC district allows many commercial uses. The BP-288 district limits the uses allowed generally to office uses and very light retail uses.

One of the main differences between the GC district and the BP-288 district is that the BP-288 district does not allow any outdoor activities, such as display of merchandise or the outside storage of goods. It is Staff's understanding that the subject property may develop with a home improvement center, similar to a Home Depot or a Lowe's. The GC district does allow for the outside display and storage of goods and merchandise. The UDC does require that outside storage in a GC district be screened from view from the public right-of-way. Staff does have a concern with outside storage.

The applicant could apply for a Planned Development District (PD) for the subject property,

or combine it with the GC property directly to the south, which would be part of the same PD development. The PD district could address concerns such as outside storage and outside display, and construction of the trail along the creek that the adjoining PD was required to do.

Also, if the property is proposed to be developed with a home improvement center, which typically has outside storage and display areas, the BP-288 district does allow for a Conditional Use Permit for this use and a zone change would not be needed. A site plan is required to be submitted with a Conditional Use Permit, and screening of storage and display areas could be addressed with the Conditional Use Permit.

A PD would allow for better internal connectivity throughout the site, and to the adjoining Kroger Center PD development.

Also, the Master Parks Plan shows a linear park and trail system along Clear Creek. A PD could address the construction of the trail system along the creek.

If the zone change is approved, the applicant may be responsible for the submittal of a traffic impact analysis (TIA) in order to determine the impact of the proposed development on adjacent roadways and adjacent properties, as well as the locations of driveways.

**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 denial of the zone change for GC, for the following reasons:

1. The Future Land Use Plan designates the subject property for Business Park uses, and the proposed zoning of GC does not fit the Business Park description in the Comprehensive Plan.
2. The GC district allows for outdoor activities, such as outside storage and outside display, that could be better addressed through a PD or a Conditional Use Permit.

**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: BP-288

Proposed Zoning District: General Commercial

### Property Information:

Address or General Location of Property: Northwest of the SH 288 & E.M. 2234 intersection.

Tax Account No. 07470002000

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 Boardwalk at the Spectrum, LP  
ADDRESS 14326 Hwy. 288, South  
CITY Houston STATE TX ZIP 77047  
PHONE (713) 532-0977  
FAX (713) 532-1969  
E-MAIL ADDRESS David.Green@gulfcoastcg.com

### APPLICANT INFORMATION:

NAME Gregory Patch, P.E.  
ADDRESS 2909 Briarpark, Ste 600  
CITY Houston STATE TX ZIP 77042  
PHONE (713) 953-5200 ext. 5063  
FAX (713) 953-5026  
E-MAIL ADDRESS gpatch@lithengineering.com

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.

By: Boardwalk 288 GP, LLC, General Partner

Owner's Signature: Tracy Elizabeth Goswick, Manager Date: 9-17-07

Agent's Signature: Justin J. Edwards, Asst. P.M. Date: 9-17-07  
LJA Engineering & Surveying, Inc.

### OFFICE USE ONLY:

FEES PAID: <u>\$400<sup>00</sup></u>	DATE PAID: <u>9/20/07</u>	RECEIVED BY: <u>tag</u>	RECEIPT NUMBER: <u>-</u>
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Application No. 2007-17Z

**LJA Engineering & Surveying, Inc.**



2929 Briarpark Drive      Phone 713.953.5200  
Suite 600                      Fax 713.953.5026  
Houston, Texas 77042-3703      www.ljaengineering.com

September 17, 2007

Theresa Grahmann, Senior Planner  
City of Pearland – Planning Department  
3523 Liberty Drive  
Pearland, Texas 77581

Re: Shadow Creek Marketplace  
Strouhal Tract Zone Change Request (4 Acres)  
LJA Project No. 1725-0004

Dear Ms. Grahmann:

The Zone Change request for 4.075 acres situated in the James Hamilton Survey in Brazoria County is being requested to change the current BP-288 zoning to General Commercial. This 4.075 acres is located directly north of a 7.34 acre tract that is currently zoned General Commercial.

The proposed land use has not been decided. However, the General Commercial zoning would allow for this tract to have more flexibility in its development and allow for the land uses to be more coherent at this time.

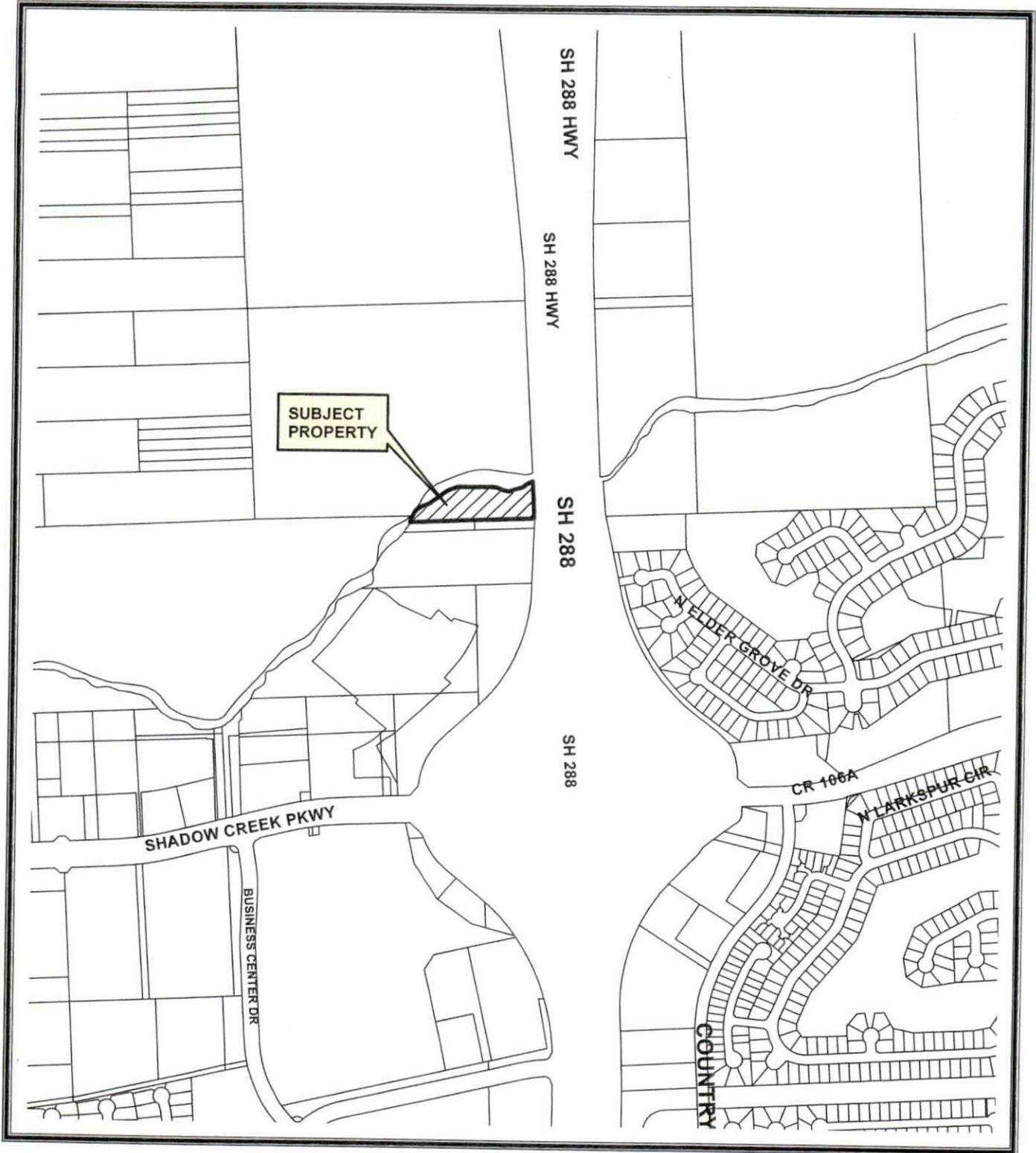
It is understood that this small tract is the last portion of property zoned as BP-288 in the area located northwest of SH 288 and FM 2234 intersections.

Sincerely,

Justin A. Schrader, EIT  
Assistant Project Manager

JAS/ybz





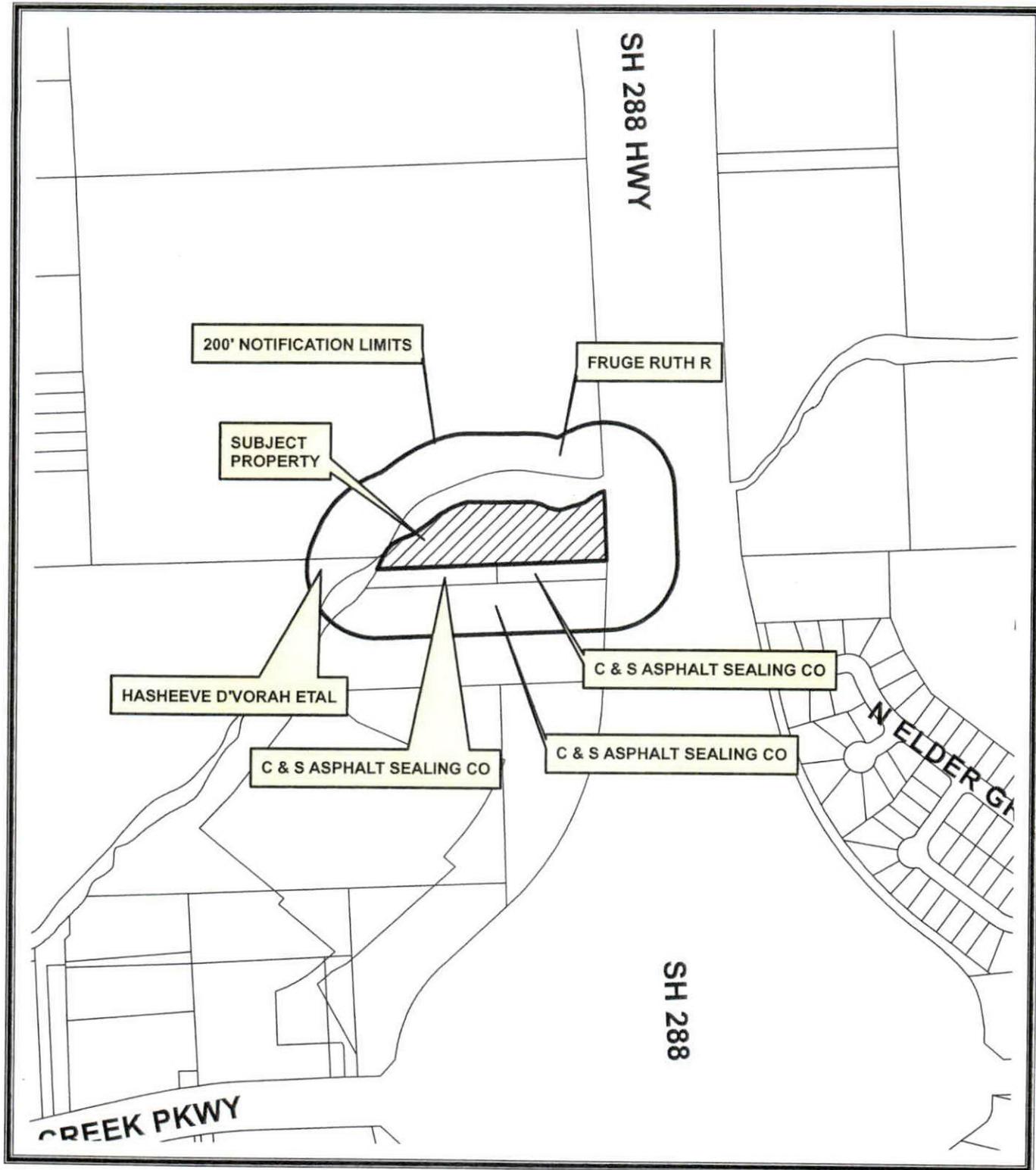
# LOCATION MAP

Zone Change  
No. 2007-17Z



0 300 600 Feet  


Map Prepared on September 25, 2007



# OWNERSHIP MAP

Zone Change  
No. 2007-17Z

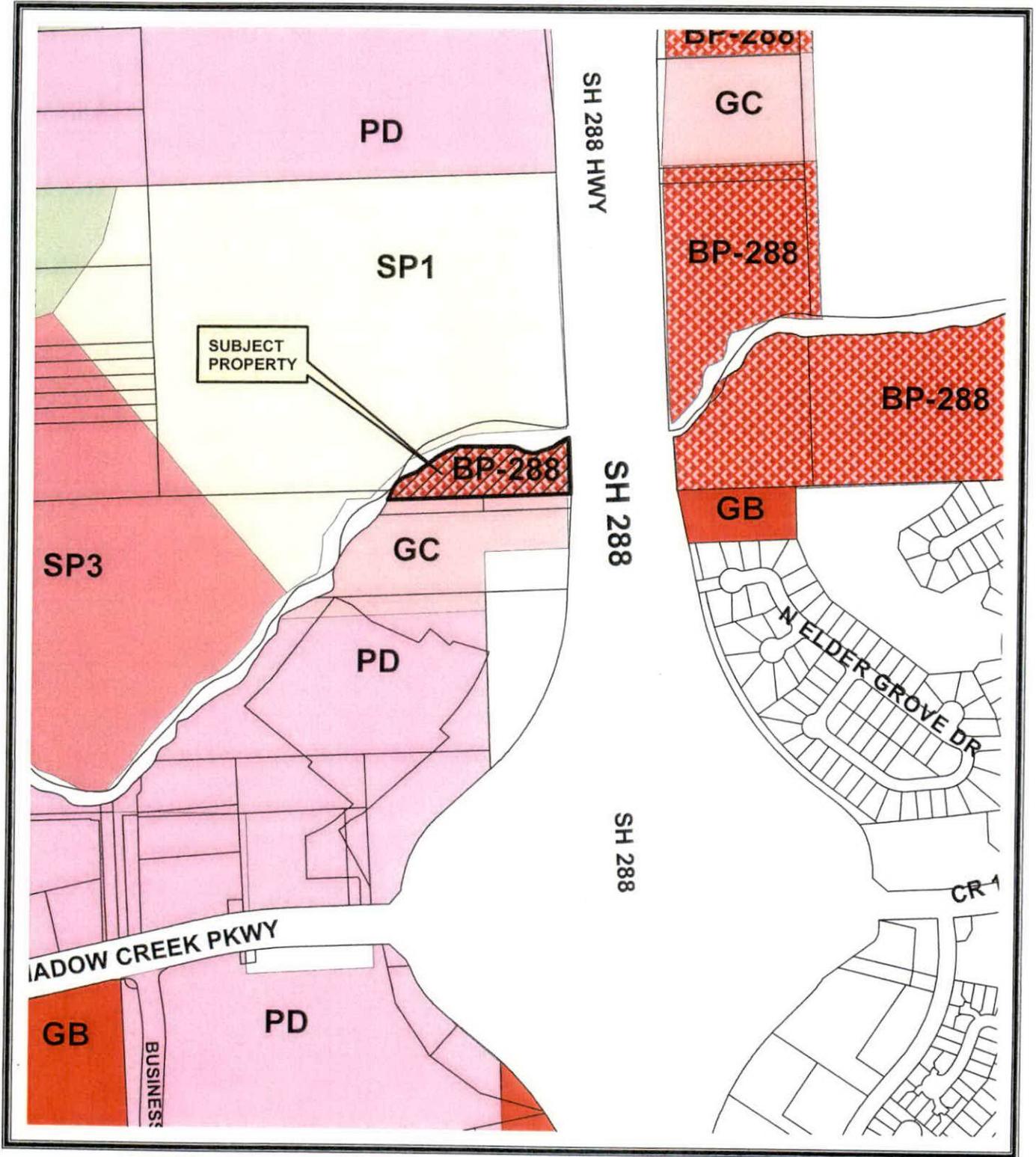


0 300 600 Feet

Map Prepared on September 25, 2007

**ZONE CHANGE NO. 2007-17Z**  
**Property Owner Notification List**

<u>TAX ACCT</u>	<u>OWNER</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>STATE</u>	<u>ZIP CODE</u>
0726-0001-110	C & S ASPHALT SEALING CO	PO BOX 2117	PEARLAND	TX	77588-2117
0726-0001-110	C & S ASPHALT SEALING CO	PO BOX 2117	PEARLAND	TX	77588-2117
0726-0001-110	C & S ASPHALT SEALING CO	PO BOX 2117	PEARLAND	TX	77588-2117
PROP OWNER	BOARDWALK AT THE SPECTRUM LP	14326 HWY 288 SOUTH	HOUSTON	TX	77047
APPLICANT	GREGORY PATCH PE	2929 BRIARPARK STE 600	HOUSTON	TX	77042
482350000001	HASHEEVE D'VORAH ETAL	4538 BELLAIRE BLVD	BELLAIRE	TX	77401-4228
451850000006	FRUGE RUTH R	PO BOX 557	HOUSTON	TX	77001-0557



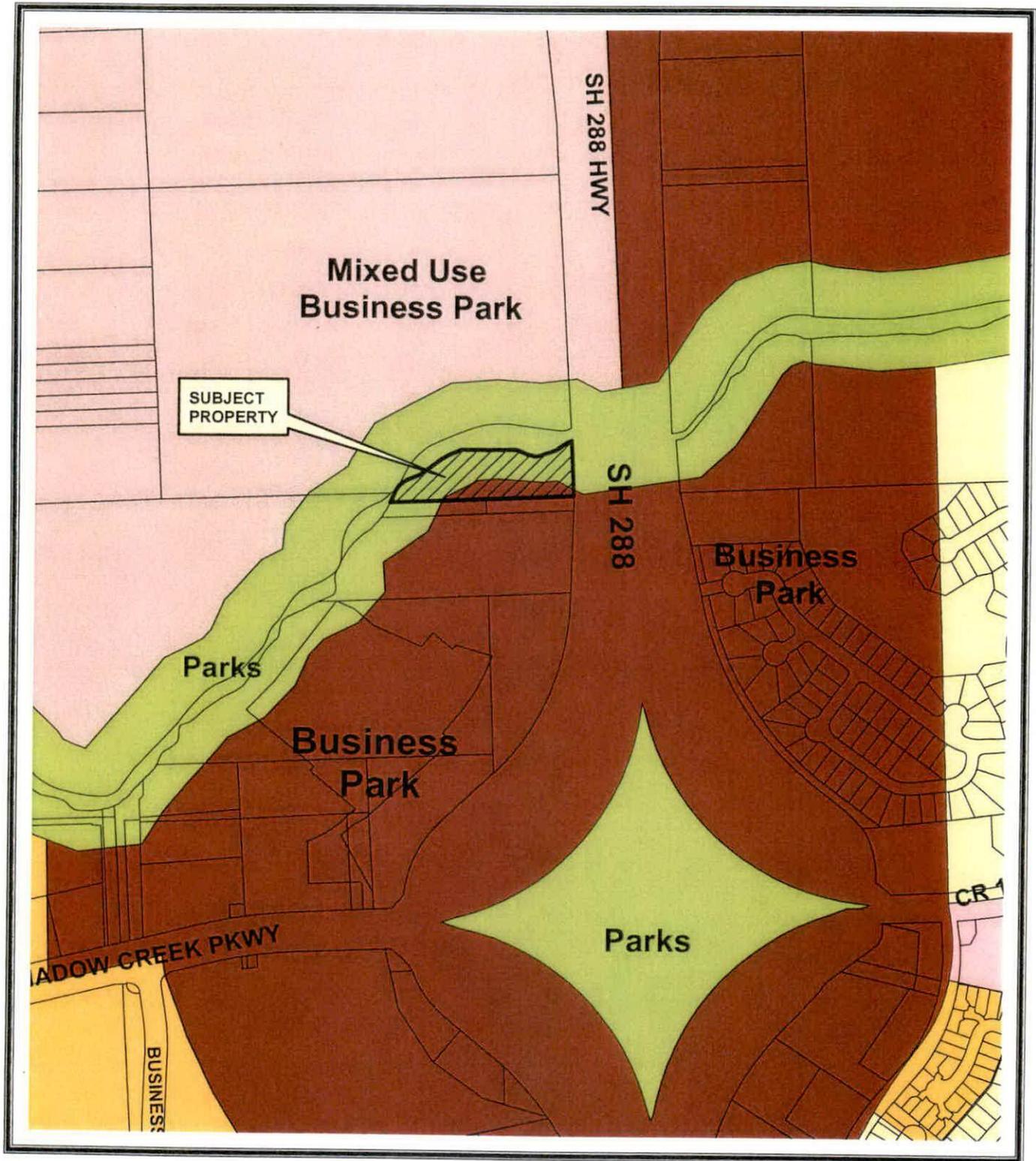
# ZONING MAP

Zone Change  
No. 2007-17Z



0 300 600 Feet

Map Prepared on September 25, 2007

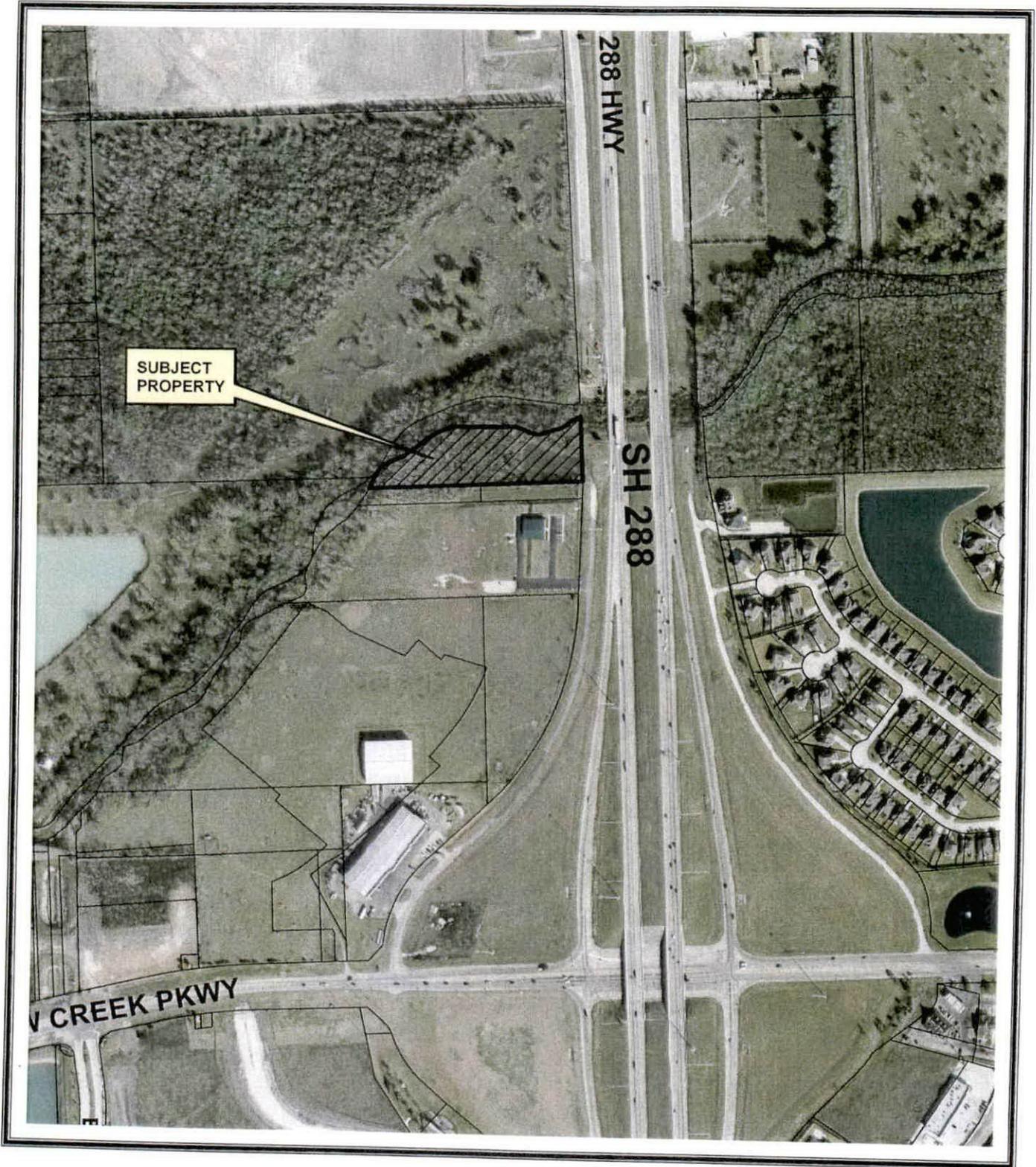


# FUTURE LAND USE PLAN

Zone Change  
No. 2007-17Z



Map Prepared on September 25, 2007



# AERIAL PHOTOGRAPH

Zone Change  
No. 2007-17Z



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 September 25, 2007

## 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:

LYNN FOSTER / LDF CONSTRUCTION

Full Address:

2650 OLD LOUETTA LOOP 5702

(include zip)

SPRING, TX 77381

I wish to speak regarding Item No.

(D) 2007-142

# 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: John A. Howell

Full Address: 2519 Zapatac Rd. Pearland TX 77581  
(include zip)

I wish to speak regarding Item No. 2007-14Z

# 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: JERRY WALKER

Full Address: 2726 WEST WING

(include zip) MANUEL, TX 77578

I wish to speak regarding Item No. 2007-14Z

# 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 Marcott

Full Address: 3606 Enjerness ct

(include zip) Pearland 77581

I wish to speak regarding Item No. 2007-142

# 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:

MIKE MELNIK

Full Address:

1011 Wood Street #303

(include zip)

HOUSTON, TX 77002

I wish to speak regarding Item No.

2007-147

# 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:

Janice B Steward

Full Address:

8542 Hidden Hollow Court

(include zip)

No City Tx 77459

I wish to speak regarding Item No.

2007-142

## 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: Bonnie Steward, Sr.

Full Address: 8542 Hidden Hollow Court

(include zip) Mo City, Tx 77459

I wish to speak regarding Item No. 2007-142

**AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD OCTOBER 15, 2007, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS**

**I. CALL TO ORDER** *Mayor opened 7:36*

**II. PURPOSE OF HEARING** *Ruby read...*

Zone Change No. 2007-14Z

A request by Bonnie and Janice Howard, applicant for John Aaron and Kathryn Howell, owners, 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 Suburban Residential – 12 District (SR-12) to Planned Development District (PD), on the following described property, to wit:

Legal Description: 20.00 acres of land, being Lot 45 and Lot 46, of the Allison Richey Gulf Coast Home Company Subdivision, Abstract 243, H.T. & B.R.R. Company Survey, as recorded in Volume 2, Page 23, of the Plat Records of Brazoria County, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the East Side of Zapalac Road, and Approximately 1,000 Feet North of FM 518 (Broadway Street)

**III. APPLICATION INFORMATION AND CASE SUMMARY**

**A. STAFF REPORT** *data read...*

**B. APPLICANT PRESENTATION** *Janice Howard, Bonnie Howard, Lewis McKinney - Realtor*

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

**V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION** →

**VI. ADJOURNMENT** *adj. 8:04*

**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.**

all opposed

IV. Harsh Kumar  
Bought land N of there & will have  
want a Montessori school. <sup>then purchased</sup> <sup>did not go a</sup> <sup>elementary would</sup> <sup>be there</sup>  
Lynn Foster spoke on behalf of Montessori Sch.  
D.S. Ahlawat - w/ Montessori Sch

7:46 - 7:48

Mike Melnik. own prop. East of Zapalack  
N of it.  
Plan to build off block commercial.  
feels elementary would be irreversible  
damage to development of the area.

Larry Marcott - agrees w/ previous speaker - opposed  
will take this prop. out of the City tax base.

Jerry Walker - Realtor - great property to the east  
for business. Center of fearland. <sup>opposed</sup>

John A. Howell - owner of property. Had property  
on Market for a long time & no interest.  
Elementary already existed - this addn. won't  
change this

in favor

V. K. Cole  
Appt. has brought back what was requested by Council/Comm/Staff  
in favor.  
H. Swertes -  
Woody - no problem w/ this. Concern w/ talk about an apartment.

# JOINT PUBLIC HEARING AGENDA ITEM MEETING OF OCTOBER 15, 2007

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## Zone Change No. 2007-14Z

A request by Bonnie and Janice Howard, applicant for John Aaron and Kathryn Howell, owners, 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 Suburban Residential – 12 District (SR-12) to Planned Development District (PD)

**LEGAL DESCRIPTION:** 20.00 acres of land, being Lot 45 and Lot 46, of the Allison Richey Gulf Coast Home Company Subdivision, Abstract 243, H.T. & B.R.R. Company Survey, as recorded in Volume 2, Page 23, of the Plat Records of Brazoria County, City of Pearland, Brazoria County, Texas

**GENERAL LOCATION:** Generally Located on the East Side of Zapalac Road, and Approximately 1,000 Feet North of FM 518 (Broadway Street)

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

Planning and Zoning Commission: October 15, 2007\*

City Council for First Reading: November 12, 2007\*

City Council for Second Reading: November 26, 2007\*

(\*dates subject to change if item is tabled)

---

**SUMMARY:** The applicant is requesting a change in zoning on the subject property for a Planned Development District (PD). The subject property is currently zoned as Suburban Residential – 12 District (SR-12). The applicant is requesting a zone change to a PD in order for the subject tract to be limited to cemetery usage.

On August 20, 2007, the applicant applied for a zone change for this same subject property for a General Commercial District (GC). The zone change for GC was denied by the Planning and Zoning Commission, due to the wide variety of land uses that are allowed

*Comm. asked them to come back at a PD*

within a GC district. It was suggested to the applicant that they should attempt to create a PD in order to restrict the land use to cemetery usage only, as that was the only intended development for the property. The applicant withdrew the GC request prior to scheduling it for the first reading at the City Council and they subsequently submitted the PD request.

**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	Suburban Residential – 12 District (SR-12)	Undeveloped tract
South	Single Family Residential – 1 District (R-1); General Commercial District (GC); and General Business District (GB)	Single family residence; various commercial businesses
East	Suburban Residential – 12 District (SR-12)	Undeveloped tract
West	General Business District (GB)	Cemetery; Undeveloped tract

**CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC):** The applicant is requesting the PD district, which outlines the requirements for development.

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

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Low Density Residential" for the subject property, and for many of the surrounding properties to the north and east. The

Comprehensive Plan further indicates that the appropriate zoning districts for "Low Density Residential" are the Single Family Estate District (RE), the Suburban Residential -15 District (SR-15), the Suburban Residential - 12 District (SR-12), and the Single Family Residential - 1 District (R-1). Therefore, the proposed zone change to PD for non-residential uses does not conform to the Comprehensive Plan.

**CONFORMANCE TO THE THOROUGHFARE PLAN:** The subject property does not have frontage on any adjacent roadway. Both Zapalac Road and Westgate Street provide access up to the edge of the subject property. When the subject property is platted for development, the applicant will have to provide adequate street access, so that all lots have frontage on a public or private street.

**AVAILABILITY OF UTILITIES:** There is an 8 inch water main located within Westgate Street. There is a 10 inch sanitary sewer line located within Westgate Street. 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.

**STAFF REVIEW OF THE PD DOCUMENT:** This PD is proposed on a 20-acre tract. The property is an open pasture with a single family house on one acre. The land is adjacent to an existing cemetery to the west, and the applicant intends to expand the cemetery into this property.

The applicant is seeking an underlying GB zone in the PD, but will limit the use to cemetery uses only. Cemetery use is permitted in a GB zone. All other requirements of the GB zone will be complied with. No deviations from the zoning requirements have been requested.

The comments generated at the workshop held last month have been incorporated in the PD.

The applicant intends to retain the single family use. The PD will allow only one single family residential use. However, the PD states that if the residential use is removed, then the property will be used for cemetery purposes. The residential use will follow the requirements of the current SR-12 zone. The applicant will also make sure that the access to the adjoining single family use will be retained and shown on the plat. Further, access to the cemetery will be restricted to the existing access on Cullen Boulevard and not

permitted from Zapalac Road.

The zoning of this property to a PD with underlying GB zone will require buffer requirements between this property and adjoining residential, including a 6' masonry fence and 25' landscaped buffer. All other GB zone requirements will also apply to this property.

The applicant had applied for a zone change to GC recently that was denied. Concerns were raised regarding the other uses permitted in GC zone and their impact on adjacent Suburban Residential Zoning, and on traffic on Cullen Boulevard. The applicant was urged to explore a PD at that time to restrict the use.

Several opposition letters have been received, which are attached to this report. Staff is in the process of mapping the properties owned by the parties that submitted the opposition letters.

The revised PD was submitted at the time this report was written and staff is in the process of reviewing the revisions. Additional comments, if any, will be relayed at the Public Hearing.

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

**OPPOSITION TO OR SUPPORT OF PROPOSED REQUEST:** Staff has received several letters and electronic mail from adjacent property owners that are in opposition to the proposed zone change request.

**SUPPORTING DOCUMENTS:**

- Zone Change Application
- Location Map
- Property Ownership Map
- Property Owner Notification List
- Zoning Map
- Future Land Use Plan
- Aerial Photograph
- Letters in Opposition
- Proposed Planned Development District (PD)



# 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: Suburban Residential District (SR-12)

Proposed Zoning District: ~~General Business District~~ PD-Planned  
Development District

**Property Information:**

Address or General Location of Property: 2519 Zapalac Road  
Pearland, Texas 77581

Tax Account No. 166474

Subdivision: N/A Lot: N/A Block: N/A

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 John & Kathryn Howell  
ADDRESS 2519 Zapalac Road  
CITY Pearland STATE TX ZIP 77581  
PHONE( 281 ) 997-3672  
FAX(      )       
E-MAIL ADDRESS jhowell166@gmail.com

**APPLICANT INFORMATION:**

NAME Bonnie & Janice Howard  
ADDRESS P. O. Box 330350  
CITY Houston STATE TX ZIP 77233  
PHONE( 713 ) 805-7016  
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: *John & Kathryn Howell* Date: 9/14/07

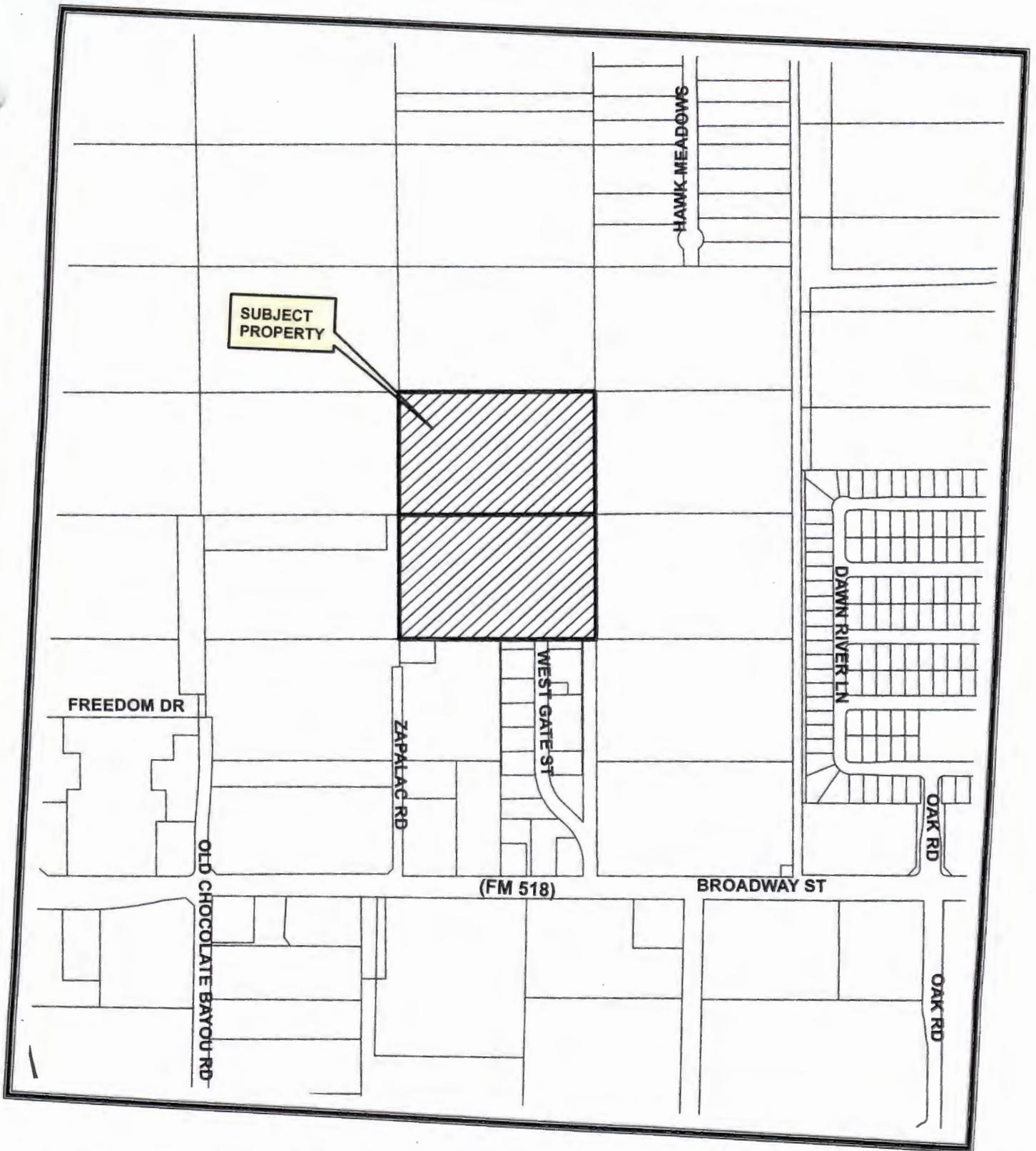
Agent's Signature: *Janet Biehnko* Date: 9/14/07

**OFFICE USE ONLY:**

FEES PAID: <u>\$125.00</u>	DATE PAID: <u>9/14/07</u>	RECEIVED BY: <u><i>tcg</i></u>	RECEIPT NUMBER: <u>    </u>
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credit from previous case

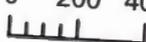
Application No. 2007-14Z



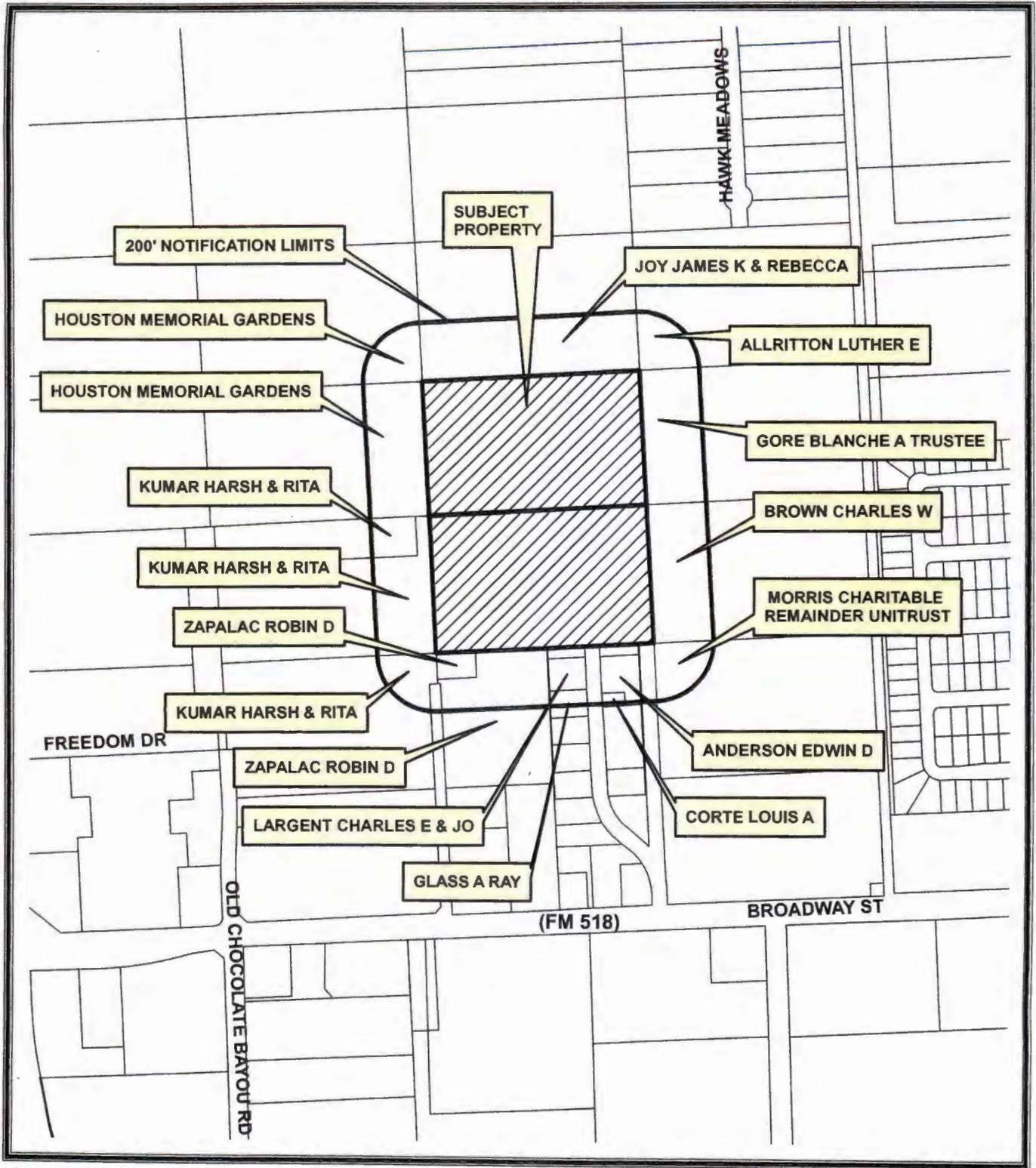
# LOCATION MAP

Zone Change  
No. 2007-14Z



0 200 400 Feet  


Map Prepared on September 25, 2007



# OWNERSHIP MAP

Zone Change  
No. 2007-14Z

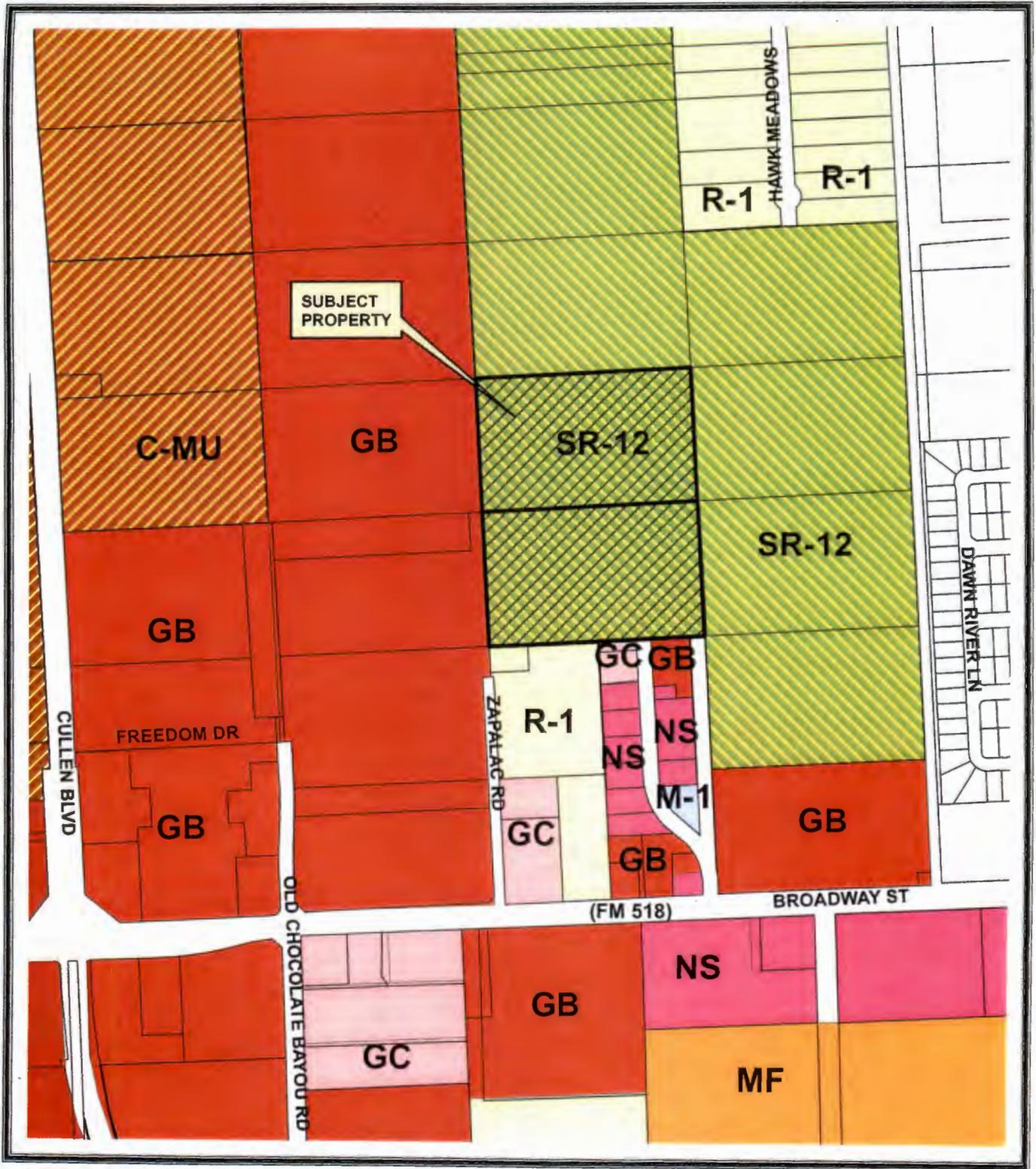


0 200 400 Feet

Map Prepared on September 25, 2007

**ZONE CHANGE NO. 2007-14Z**  
**Property Owner Notification List**

<u>TAX ACCT</u>	<u>OWNER</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>STATE</u>	<u>ZIP CODE</u>
0243-0004-120	ALLRITTON LUTHER E	29 CHARLESTON ST N	SUGAR LAND	TX	77478-3655
0243-0059-110	JOY JAMES K & REBECCA	2802 NEWBURY CT	PEARLAND	TX	77584-7726
0243-0015-000	GORE BLANCHE A TRUSTEE	PO BOX 52	ROUND TOP	TX	78954
0243-0011-001	HOUSTON MEMORIAL GARDENS	PO BOX 330350	HOUSTON	TX	77233-0350
0243-0047-001	HOWELL JOHN AARON & KATHRYN A	2519 ZAPALAC RD	PEARLAND	TX	77581-7776
0243-0034-000	HOUSTON MEMORIAL GARDENS	PO BOX 330350	HOUSTON	TX	77233-0350
0243-0009-000	BROWN CHARLES W	5403 CROIX RD	MANVEL	TX	77578-2722
APPLICANT	BONNIE AND JANICE HOWARD	PO BOX 330350	HOUSTON	TX	77233
0243-0047-001	HOWELL JOHN AARON & KATHRYN A	2519 ZAPALAC RD	PEARLAND	TX	77581-7776
0243-0060-000	KUMAR HARSH & RITA	PO BOX 794	FRIENDSWOOD	TX	77549
0243-0028-000	MORRIS CHARITABLE REMAINDER UNITRUST	2200 WILLOWICK RD UNIT 1B	HOUSTON	TX	77027-3951
0243-0067-110	ZAPALAC ROBIN D	2539 ZAPALAC RD	PEARLAND	TX	77581-7776
0243-0067-110	ZAPALAC ROBIN D	2539 ZAPALAC RD	PEARLAND	TX	77581-7776
0243-0060-000	KUMAR HARSH & RITA	PO BOX 794	FRIENDSWOOD	TX	77549
8228-0009-000	ANDERSON EDWIN D	4034 AVANTI DR	PEARLAND	TX	77584-4916
8228-0008-000	LARGENT CHARLES E & JO	6210 RAINTREE DR	PEARLAND	TX	77584-7097
8228-0007-000	GLASS A RAY	PO BOX 1293	PEARLAND	TX	77588-1293
8228-0001-140	CORTE LOUIS A	PO BOX 854	PEARLAND	TX	77588-0854



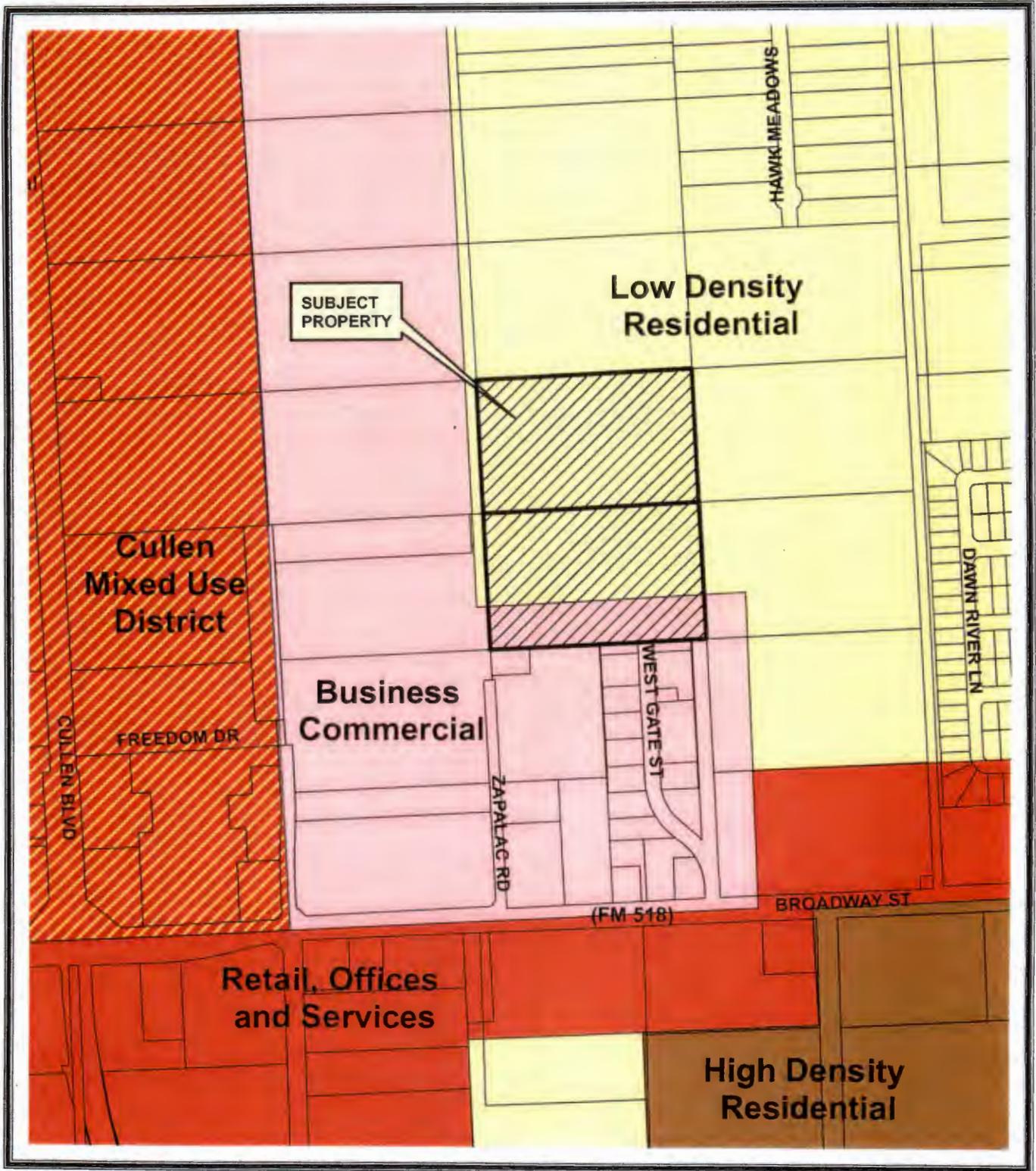
# ZONING MAP

Zone Change  
No. 2007-14Z



0 200 400 Feet

Map Prepared on September 25, 2007



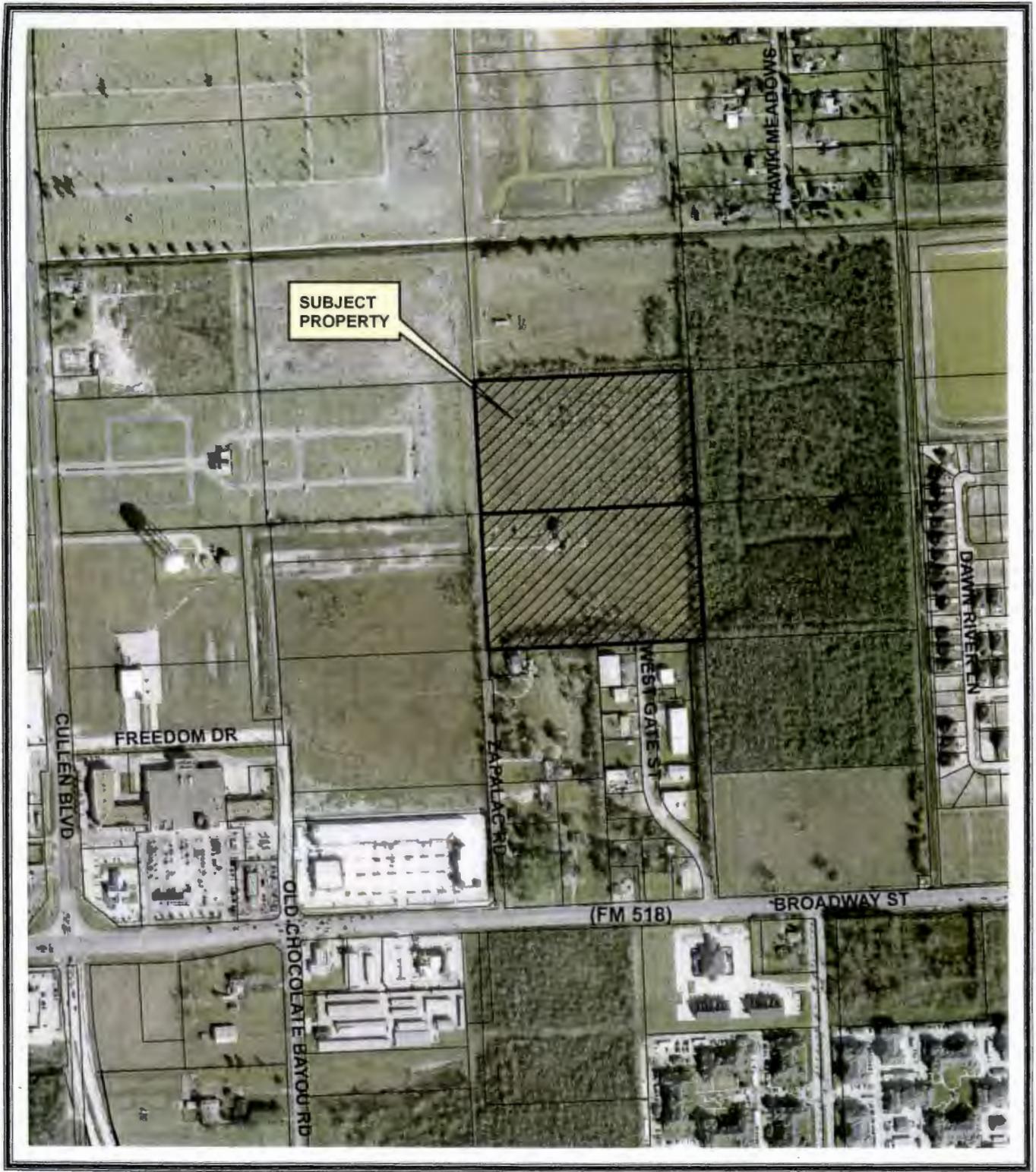
# FUTURE LAND USE PLAN

0 200 400 Feet

**Zone Change  
 No. 2007-14Z**



Map Prepared on September 25, 2007



# AERIAL PHOTOGRAPH

**Zone Change  
No. 2007-14Z**

0 200 400 Feet  
| | | |



Map Prepared on September 25, 2007

**SHIPRA ENTERPRISES, INC.  
4701 SAN JACINTO  
HOUSTON, TX 77004  
TEL: (713) 524-4555, FAX: (713) 520-9731**

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**September 19,2007**

**City of Pearland  
Liberty Dr. 3519  
Pearland, 77581**

**Attention: Planning Division**

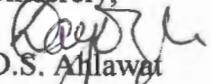
**Ref: Cemetery next to Residential/ Business Community**

We are shocked to hear that City of Pearland is considering of granting permission to build cemetery on prime commercial land next to our dream of Exclusive Business Community inclusive of State of Art Child Care Center, apartment complex, and professional buildings. We decided to develop this prime 18 acres of commercial land keeping in view its location to a planned Commercial Center. Location of commercial land is prime for business but not for cemetery. Approximity of proposed cemetery will be disastrous for our planned business development.

We have already committed ourselves have spent lot of time/ effort and money for this exclusive development.

This project is very important to us and will generate lot of prestige and business for City of Pearland. We will request you not to allow cemetery next to businesses. On our part we will seek avenue to lodge our protest socially and legally.

Sincerely,

  
D.S. Ahlawat  
(Administrator)

cc; Members of City Council



## School of Downtown

**Downtown Clear Lake Pearland Silverlake**  
713.520.6801 281.488.7599 281.485.7532 281.412.5763

2525 County Rd 90  
Pearland, TX 77584

Mayor Reid  
Bill Eisen: City Manager  
Fred Welch: Executive Director of Pearland Development  
Greg Albritton: Director of Business Development  
Eric Gage: Business Development/Marketing Manager  
Office of Planning and Zoning  
Members of City Council

Re: Protest to Proposed Cemetery

Dear Ladies and Gentlemen,

My name is Valerie C. Binkley and I am the Executive Director for the Montessori School of Downtown. I am writing to you because I learned of a "reconsideration" being made regarding permission to build a cemetery across from the location of our new school at \_\_\_\_\_.

We purchased this land to build a new campus because of the city of Pearland's needs. We have a campus on North Grand (we have had for 18 years) and a campus in Silverlake (we have had for 6 years). We have been great contributors to the city by providing the growing population with excellent quality care for the children. Because of this rapid growth, we have an extensive waiting list, which is largely why we are building a third school in the same city. The location is conducive to a school because it is located off a main road, making it convenient for the parents to drop off and pick up smoothly on their way to work. It also has ample room for the size playground that is needed for the children to receive their daily required physical activity. The atmosphere surrounding the school should be joyful and inviting. A cemetery located across the street would take away from the "mood" that young children bring forth and need to excel in their development.

As a representative of the school and the community, I must voice my resounding "PLEASE, NO" to this proposal. I hope you will give this some serious thought before going forward.

Sincerely,

Valerie C. Binkley  
Executive Director  
Montessori School of Downtown  
281.412.5763



Theresa Grahmann  
09/24/2007 02:21 PM

To:  
cc:  
cc:  
Subject: Fw: protest letter for granting cemetery

----- Forwarded by Katie Bittick/COP on 09/20/2007 08:16 AM -----  
hersh kumar <hershkumar@yahoo.com>

09/19/2007 06:20 PM

To council@ci.pearland.tx.us  
cc  
Subject protest letter for granting cemetery

The Mayor ,  
The City manager  
Members of city council  
Department of Zoning  
City pf Pearland

Dated Sept 19th ,2007

Ref: Protest of granting permission to have cemetery next to residential community

Dear Ladies and Gentlemen ,

I am the owner of the property of 18 acre located between Chocolate bayou and Zaplack road of FM 518 right behind of shopping center (north) . We are in process of having a mixed development where we are Putting a large Montessori child care centre and private school . Also , we are going to have large multi unit (Apartments )community on this land . The gate of this development open directly opposite to proposed cemetery which we heard from some people . We strongly protest it . We are not alone . We are in process of hiring legal help and protest it even in the case it is already approved by the city .

We and THOUSANDS of city residents will be adversely effected by your approval.

We were NEVER informed so that we could not protest it earlier.

It came to our knowledge that zoning department had denied the approval for the cemetery first but they are "RECONSIDERING" their decision.

You do not put grave yard beside school for children and apartment complex. It does not make

any sense.

Since We came to know about this problem today itself , We strongly protest that .Please deny the sanction of cemetery on this land .

I have been resident of Pearland for 20 years and we have business in Pearland . We want to avoid making it a legal issue. We earnestly request you to consider our protest for the welfare of the residents of Pearland. Hoping for a favorable action.

Thanking you

Sincerely yours,

Harsh Kumar

President

Montessori school of Downtown

2525 county Rd. 90

Pearland ,Tx-77584

(832) 605-3756 (cell) , Hershkumar@ yahoo.com

Mayor , City Manager , Zoning Department , Members of City Council (City of Pearland)

Be a better Heartthrob. [Get better relationship answers](#) from someone who knows.



Yahoo! Answers - Check it out. protest.wps

# 15/21 Japhet Realty, Ltd.

Real Estate ▪ Investments ▪ Development

1011 Wood Street, Suite 303

Houston, Texas 77002

Tel 832-203-6635

Fax 832-200-6368

[Japhetrealty@msn.com](mailto:Japhetrealty@msn.com)

September 20, 2007

City of Pearland, Texas

City Hall

3519 Liberty Dr.

Pearland, TX 77581

Telephone: (281) 652-1662

Fax: (281) 652-1708

E-Mail: [council@ci.pearland.tx.us](mailto:council@ci.pearland.tx.us)

Sent Via E-mail and Facsimile

Re: Cemetery Expansion

Dear Mayor and Pearland Council Members:

I am a land owner of 20 acres in the City of Pearland. Some weeks ago it was brought to my attention that the cemetery is looking to purchase additional land in the city to expand the cemetery.

I contacted my real estate agent Mr. Coy Wheeler of Keller Williams Realty-Pearland, to talk to the economic development and zoning departments and if needed, the council members, to object and protest such a move. Yesterday I was informed by Mr. Wheeler that an application for a Planned Development by the cemetery has been approved and will come before City Council for a vote.

This letter is to express my strong disapproval of the cemetery's expansion.

Since I first purchased my land in the City of Pearland, I have been excited, enthusiastic, and confident of the City's promise and future. This recent development is very disturbing and makes no economical or logical sense. An approval of a larger cemetery in the center of town will hurt this city. With all

due respect of taking care of the dead people, the live population should come first.

There is no better place where the people would like to live, entertain, or office than this vibrant area. Allowing an expansion of the cemetery will jeopardize a plan to bring a first class mixed use development of office space, ground floor retail, and high end single family homes to this area. The expansion will cause surrounding property values to decline, allowing the cemetery to expand even further. Eventually, property values in Avalon Terrace will fall as the cemetery closes in on its border.

Furthermore, no official notices were sent to some land owners as required by the Uniform Development Code. Neither Japhet Realty, nor the prior owner of my land, received a notification of the Joint Hearing. I have spoken with another adjoining land owner who did not receive a notice. One insignificant sign was placed in an inconspicuous area to let the people know what is to come. As of now there are still many people uninformed about the cemetery's expansion request. If my real estate agent had not spoken with the agent for the Sellers of the property the cemetery is trying to buy, I would have never known of their plans until it was too late.

We, the adjacent land owners who plan to develop the land to add value to the citizens and businesses of Pearland as well as add to the City's tax coffers ask that you keep the cemetery within its current boundaries by denying their Planned Development application. By doing so, you will ensure that property values will continue to rise and good development will not be retarded as it has been on Cullen Blvd.

I thank you for your attention and cooperation in this serious matter.

Sincerely,

Mike Melnik  
832-818-0750 Cellular

# Planned Development of Property Located at 2519 Zapalac Road

## I. Introduction

- A. The subject property is a 20-acre rectangular tract of pasture land with a house of four bedrooms, three and one-half baths, and a three-car detached garage. The property is bordered on the west side or front by Zapalac road, in front of which is a cemetery. The east side or rear of the property is bordered by a large retention pond. The north side is bordered by a ten-acre rectangular tract of pasture land with a mobile home. The south side is bordered by one residential property and several small businesses situated behind the residential property. The only road by which to access this property is Zapalac Road, which is a one-lane asphalt road.
- B. The proposed use of this property is restricted to a cemetery use and related structures and one existing single family house.
- C. The subject property encompasses 20 acres of land. One acre is devoted to a house. The remaining nineteen acres is pasture land.

## II. Zoning and Land Use.

- A. This property is currently zoned as Suburban Residential District (SR-12). The boundaries are as follows: On the west is a General Business District. On the east is a Suburban Residential (SR-12). On the north is a Suburban Residential District (SR-12). On the south are two zones—Single Family Residential (R-1) and General Commercial.
- B. General Business District is the proposed zone for this Planned Development. However the existing single family residential will conform to the requirements of the SR-12 zone. If the single family residential is

removed, then that portion of the property will be restricted to cemetery uses and will follow the requirements GB zone.

C. N/A

Land Use Summary

Use	Acres	Percentage of Total Acres	Zoning District
Single Family	1	0.5 %	
Multiple Family			
General Business/Commercial	20	100%	GB
Parkland to be dedicated to the City			
Common Open Spaces/Trails/Recreation to be maintained by HOA			
Detention			
Thoroughfares/ROW			
Internal Streets/Vehicular Circulation			
Others			

Density Calculations for Residential – N/A

III. Design standards applicable to the development.

A. All requirements of the Unified Development Code shall be met.

B. Refer to Design Plan and describe which aspects of plan are precise and which are general. (Generally, unless requested, do not show items on the Design Plan unless you are willing to accept them as concrete or fairly specific. Unless clearly marked as general and described as such, anything in the Design Plan will be considered to be part of the plan as shown.) **NA**

C. A specific list of deviations from standards in the base zoning district(s), together with any standards in the ordinance which are to be varied for development within the PD district. **None.**

- IV. Required dedications of land or public improvements – At the time of platting and development it will be ensured that access to the residential property located to the north of this land will be maintained. Access to the site and cemetery will be maintained from Cullen Boulevard. Zapalac Road will not be used to access the cemetery.
- V. A phasing schedule for the project, where applicable, setting forth the dates for submittal of site development plans and the timing of performance by the developer for dedications of land or public improvements and satisfaction of any conditions in relation to the phasing of development, where applicable -  
**NA**
- VI. Exhibits – Location Map and Parcel Boundaries.

**AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD OCTOBER 15, 2007, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS**

**I. CALL TO ORDER** *Mayor opened @ 8:04*

**II. PURPOSE OF HEARING** *Ruby read...*

Zone Change No. 2007-16Z

A request by Pearland Town Center Limited Partnership, owners, 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** *Data... amendment to the PD for Pearland Town Ctr. →*

**B. APPLICANT PRESENTATION**

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

**V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION** →

**VI. ADJOURNMENT** *8:32*

**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.**

III A. Data read add'l modifications

III B. Jeff Brewer w/CBL Prop.  
Steve Winslow Dallas Tx  
spoke about add'l height of sign.  
Omni Plans arch.

II. Data spoke of addn. (support, frame or columns) much confusion that Council / comm. ~~staff~~ does not have same handout ~~to~~ as staff.

Oct. 4 Document has added text

“excluding exposed supporting structure or associated decorative walls.”

Need 2 sentences. “Each sign shall be limited to 15' height ~~and~~ shall not exceed = 100 sq. ft per face, per side of entrance. ... excluding”

Much discussion ensued regarding height.

P1.32

## JOINT PUBLIC HEARING AGENDA ITEM MEETING OF OCTOBER 15, 2007

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### **Zone Change No. 2007-16Z**

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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

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

Planning and Zoning Commission: October 15, 2007\*

City Council for First Reading: November 12, 2007\*

City Council for Second Reading: November 26, 2007\*

(\*dates subject to change if item is tabled)

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**SUMMARY:** This mixed use Pearland Town Center Planned Development (PD) is located south of Broadway Street and west of SH 288 and was originally approved on February 27, 2006. This PD, 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 300 units), hospitality (200 room hotel), and civic land uses with appropriate public and pedestrian amenities

integrated throughout the development. Construction is underway for fourteen (14) retail stores currently. Permits are being processed for Macy's, Dicks Sporting Goods, and the hotel.

**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	Planned Development District (PD)	Various retail, office, and commercial developments
South	Single Family Residential – 2 District (R-2) and Business Park District – 288 (BP-288)	Single family residences; undeveloped land
East	Business Park District – 288 (BP288)	Undeveloped tracts
West	Planned Development District (PD) and Single Family Estate District (RE)	Undeveloped tracts

**CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC):** The existing and proposed PD outlines the requirements for development.

**PLATTING STATUS:** The subject property has been platted as the Pearland Town Center.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Business Park" and "Low Density Residential" for the subject property.

**STAFF REVIEW OF THE PD DOCUMENT:**

The proposed modifications and Council and P & Z recommendations have been listed below:

1. Building Height – Change from 75' to 100' to accommodate multi-story office buildings. Maximum height permitted in commercial zones (GB and GC) by the UDC is 45' with additional height approved by a Conditional Use Permit (CUP). The Council and P & Z wanted to make sure that the additional height was only

for offices. The PD specifically states that offices may be up to 100'. Page 12 of the PD document.

2. Screen Walls – Increase in height from a maximum of 8' to 10'. The UDC restricts screen height to 8'. Since the screen walls would match the material and color of the structure, and would be required to screen the contents, staff is in favor of this increase.  
This was approved at the workshop.
3. Screening materials – Allow access doors and gates to be less opaque than the 100 % opacity required for the walls. Currently metal doors and similar less opaque doors are permitted for areas that are screened by masonry fences; therefore staff is in favor of this proposal.  
No changes since the workshop.
4. Architectural Metals to be permitted for facades by right instead of being permitted by the Planning Director. The PD had required that architectural metals be approved by the Planning Director. Recently the Council had approved architectural metals for some portions of the lifestyle center.  
This modification has been dropped.
5. Screening of Vehicle Loading and Unloading Areas – Allow screening by masonry, evergreen vegetative screens, landscape berms, existing vegetation or a combination thereof instead of just masonry materials. The PD had required that all loading and unloading areas be screened by masonry materials only. The UDC allows the language proposed by the applicant. However the UDC also states that screening “be of sufficient height and opacity to completely obscure the activity, structure, or use”. Staff had recommended that this language be added and Council had recommended that the time allowed for growth to achieve complete opacity be specified.  
The language has not been added (page 18).
6. Walkway Lighting – Height of walkway lighting increased to 20' from 16'. The UDC restricts walkway lighting to 12'. Since the walkway lighting proposed by the applicant would include flags and banners and other decorative features within the Town Center, the applicant has requested taller lights to ensure that any attachment is kept clear of the pedestrians. Staff is in favor of this amendment.
7. Signage – Allow exterior signage to extend beyond roof line. Currently this is prohibited by the Unified Development Code (UDC). It is not clear to what extent the signage would extend beyond roof line. Staff has some concerns regarding this change, specifically regarding the effect this would have to the roof line. If the Council approves this change, then staff recommends that a maximum height that the signage could extend beyond the roof line be specified.  
This modification has been dropped.

8. Height of Sign Letters – Maximum height of sign letters increased from 72” to 96”. Currently, the UDC does not restrict the size of lettering on wall signs and staff is in favor of this amendment.  
Council and P & Z had recommended that the signage not extend beyond the parapet. This modification has been dropped.
9. Town Center Identification Signage – Allow one overhead gateway feature identification sign for the main Town Center entry driveway on Broadway, with a minimum vehicle clearance of 14’ and maximum height of 25’. This sign would include only the name of the project and any logos or graphics associated with the identity of the Town Center. This type of signage has not been addressed in the UDC. Currently UDC requires signage to be monument type and setback from the property line. Staff would recommend that the exact location of this signage be shown on the site plan with details regarding setback, width of supports, design etc.  
Council had recommended that the height be restricted to 24’ to conform to City’s limit on mutli user. The PD has not been modified to reflect the 24’ height (page 33). Staff had not received the details at the time of the report. The applicant had stated that they would include this with the PD.

Additional Modifications: These modifications were not discussed at the workshop.

1. Page 19 – Location and size of loading spaces to be adjusted as approved by the Planning Director. Staff is willing to work with the developer to provide this flexibility.
2. Page 31 - Allow various screening techniques for above ground meters, transformers etc. Staff is in favor of these modifications.
3. Page 32 - Since the workshop, the PD has additional language that exempts the supporting structure and associated decorative walls for identification signs from the 15’ height restriction. The change of height from 10’ to 15’ was discussed at the workshop, but exemptions for the supports and frame was not discussed. Currently, the height limit on signs includes all supports and framing. Staff is not too comfortable with this language as this does not restrict the size of the sign structure.

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

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

**SUPPORTING DOCUMENTS:**

- Zone Change Application
- Location Map
- Property Ownership Map
- Property Owner Notification List
- Zoning Map
- Future Land Use Plan
- Aerial Photograph
- Proposed Planned Development District (PD)



# 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

Proposed Zoning District: PD Amendment

### Property Information:

Address or General Location of Property: 11100 Broadway - Pearland, TX 77584

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

### APPLICANT INFORMATION:

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

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

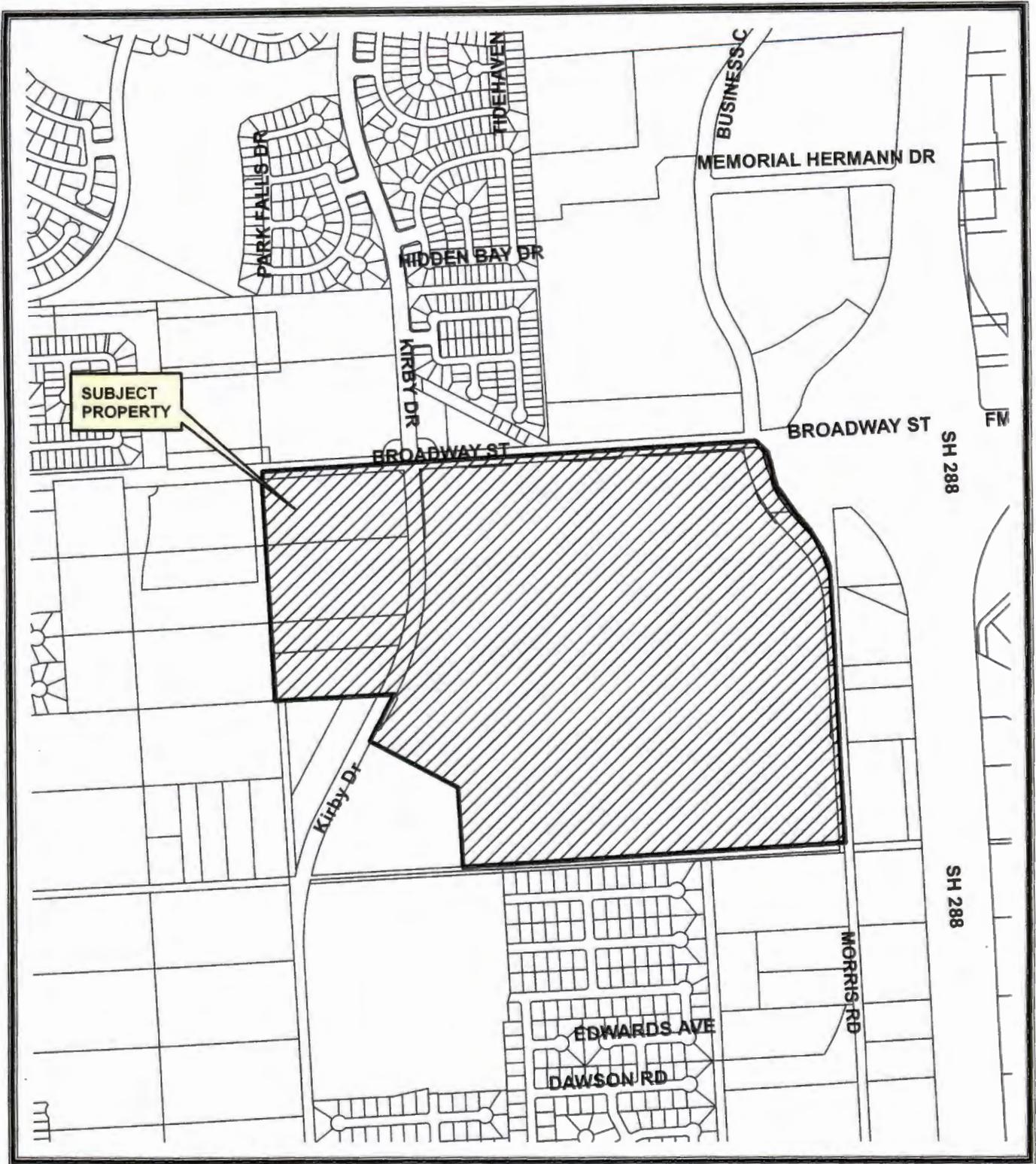
Owner's Signature: [Signature] Date: 9/18/07  
Michael I. Lebovitz, Chief Dev. Officer & Sr. Vice President

Agent's Signature: [Signature] Date: 9/18/07  
Michael I. Lebovitz, Chief Dev. Officer & Sr. Vice President

### OFFICE USE ONLY:

FEES PAID: <u>\$600<sup>00</sup></u>	DATE PAID: <u>9/17/07</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>—</u>
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Application No. 2007-167



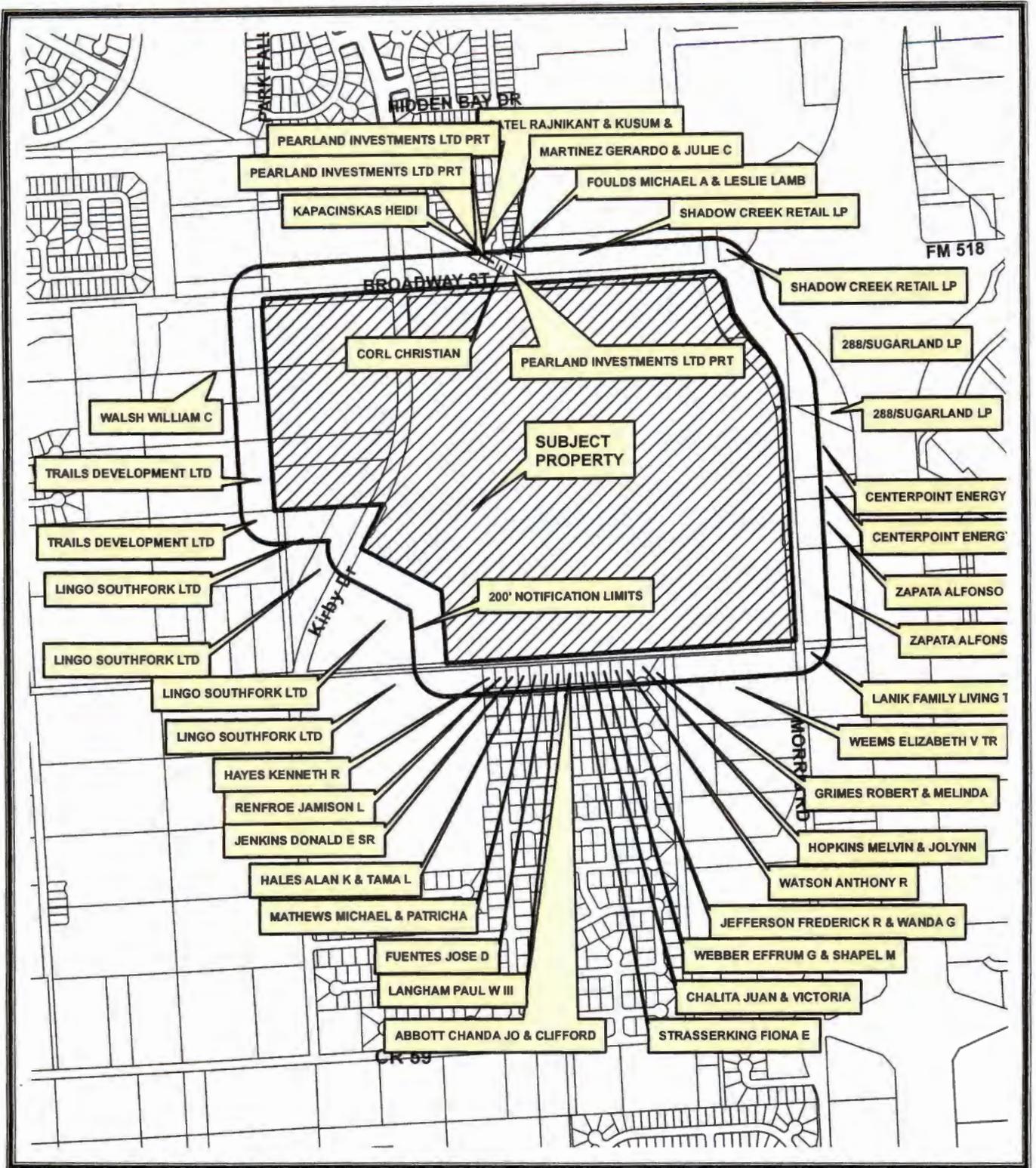
# LOCATION MAP

**Zone Change  
No. 2007-16Z**



0 300 600 Feet  


Map Prepared on September 25, 2007



# OWNERSHIP MAP

Zone Change  
No. 2007-16Z

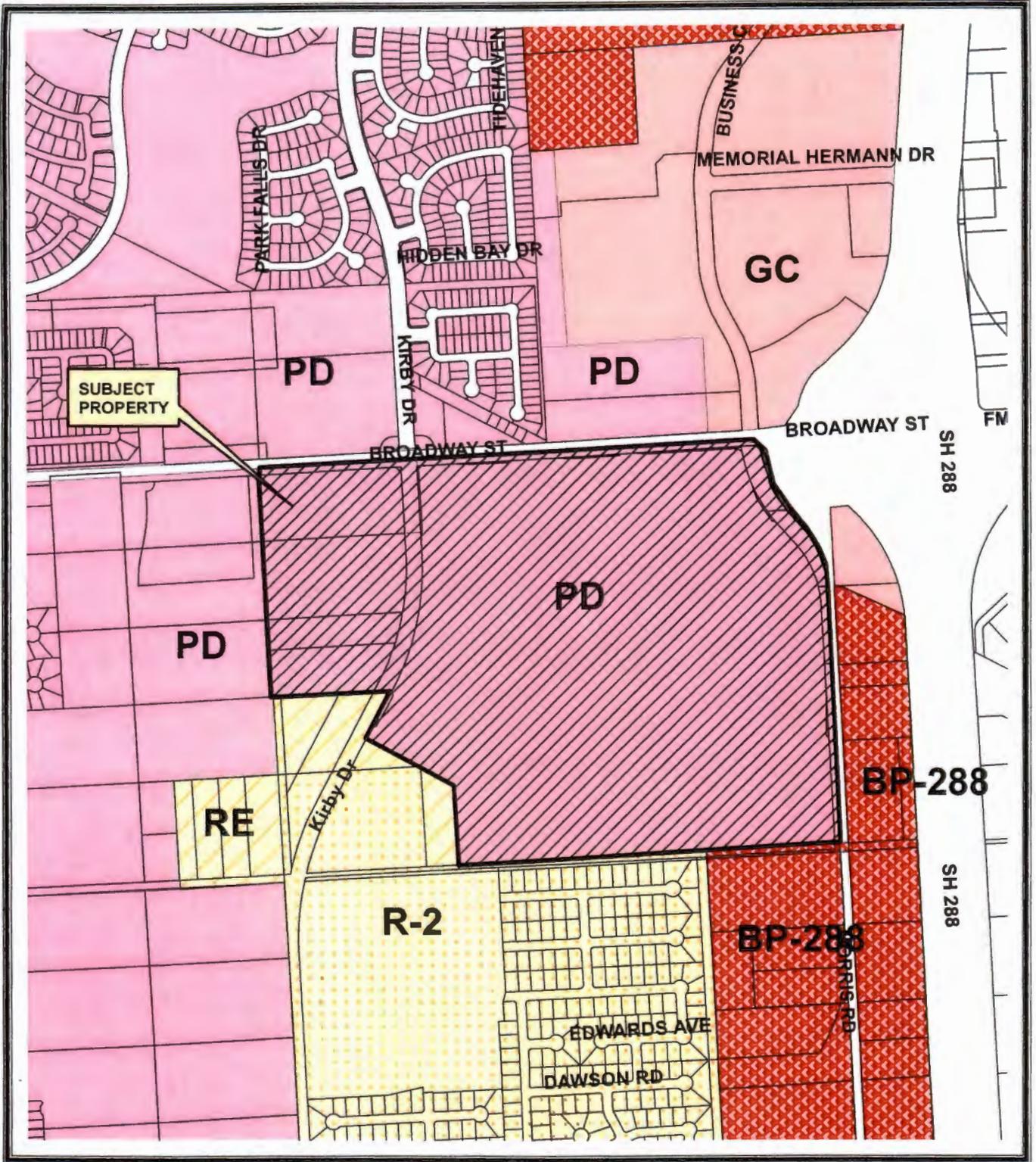


0 300 600 Feet

Map Prepared on September 25, 2007

**ZONE CHANGE NO. 2007-16Z**  
**Property Owner Notification List**

<u>TAX ACCT</u>	<u>OWNER</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>STATE</u>	<u>ZIP CODE</u>
7713-1000-001	LINGO SOUTHFORK LTD	3900 MAGNOLIA DR	PEARLAND	TX	77584
7713-1000-000	LINGO SOUTHFORK LTD	3900 MAGNOLIA DR	PEARLAND	TX	77584
7713-2004-014	HOPKINS MELVIN & JOLYNN	11203 HARRIS AVENUE	PEARLAND	TX	77584
7713-2004-002	RENFROE JAMISON L	11309 HARRIS AVE	PEARLAND	TX	77584
7713-2004-001	HAYES KENNETH R &	11311 HARRIS AVE	PEARLAND	TX	77584
0300-0012-000	LANIK FAMILY LIVING TRUST	P O BOX 980903	HOUSTON	TX	77098-0903
7713-2004-015	GRIMES ROBERT & MELINDA	11201 HARRIS AVE	PEARLAND	TX	77584
7502-1621-031	PATEL RAJNIKANT & KUSUM &	2912 MORNING BROOK WAY	PEARLAND	TX	77584-2119
0675-0028-030	PEARLAND INVESTMENTS LTD PRT	PO BOX 95398	LAS VEGAS	NV	89193-5398
7502-1621-029	FOULDS MICHAEL A & LESLIE LAMB	2917 MORNING BROOK WAY	PEARLAND	TX	77584
0675-0028-010	PEARLAND INVESTMENTS LTD PRT	2947 BROADWAY ST STE 300	PEARLAND	TX	77581-9500
7502-1621-030	MARTINEZ GERARDO & JULIE C	2919 MORNING BROOK WAY	PEARLAND	TX	77584
0675-0028-025	KAPACINSKAS HEIDI	2606 SALADO DR	PEARLAND	TX	77584-9110
0675-0032-000	SHADOW CREEK RETAIL LP	1900 W LOOP SOUTH STE 1300	HOUSTON	TX	77027
0564-0033-107	WILLIAM C WALSH	PO BOX 760	PEARLAND	TX	77588-0760
0675-0028-015	CORL CHRISTIAN	2422 BROADWAY ST	PEARLAND	TX	77581-6408
0675-0028-020	PEARLAND INVESTMENTS LTD PRT	PO BOX 95398	LAS VEGAS	NV	89193-5398
0300-0034-000	288/SUGARLAND LP	10575 WESTOFFICE DR	HOUSTON	TX	77042
0300-0013-110	MARTIN PEYTON TRUSTEE	310 MORTON ST # 280	RICHMOND	TX	77469-3119
0300-0034-000	288/SUGARLAND LP	10575 WESTOFFICE DR	HOUSTON	TX	77042
0300-0039-000	CENTERPOINT ENERGY INC	PO BOX 1475	HOUSTON	TX	77251-1475
0300-0039-000	CENTERPOINT ENERGY INC	PO BOX 1475	HOUSTON	TX	77251-1475
0300-0036-000	ZAPATA ALFONSO	10190 OLD KATY RD STE 510	HOUSTON	TX	77043-5240
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	77024-3818
0300-0036-000	ZAPATA ALFONSO	10190 OLD KATY RD STE 510	HOUSTON	TX	77043-5240
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	77584-5529
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	77584-5529
7713-2004-008	ABBOTT CHANDA JO & CLIFFORD	11215 HARRIS AVENUE	PEARLAND	TX	77584
7713-2004-007	LANGHAM PAUL W III &	11217 HARRIS AVE	PEARLAND	TX	77584-5529
7713-2004-006	FUENTES JOSE D	11301 HARRIS AVE	PEARLAND	TX	77584
7713-2004-005	MATHEWS MICHAEL & PATRICHA	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 &	11307 HARRIS AVE	PEARLAND	TX	77584
0564-0033-107	TRAILS DEVELOPMENT LTD	701 N POST OAK RD STE 300	HOUSTON	TX	77024-3818
0300-0023-000	PEARLAND TOWN CENTER LP	2030 HAMILTON PLACE BLVD STE 500	CHATTANOOGA	TN	37421
0300-0023-000	PEARLAND TOWN CENTER LP	2030 HAMILTON PLACE BLVD STE 500	CHATTANOOGA	TN	37421
0300-0037-150	WEEMS ELIZABETH V TR	PO BOX 2558	HOUSTON	TX	77252



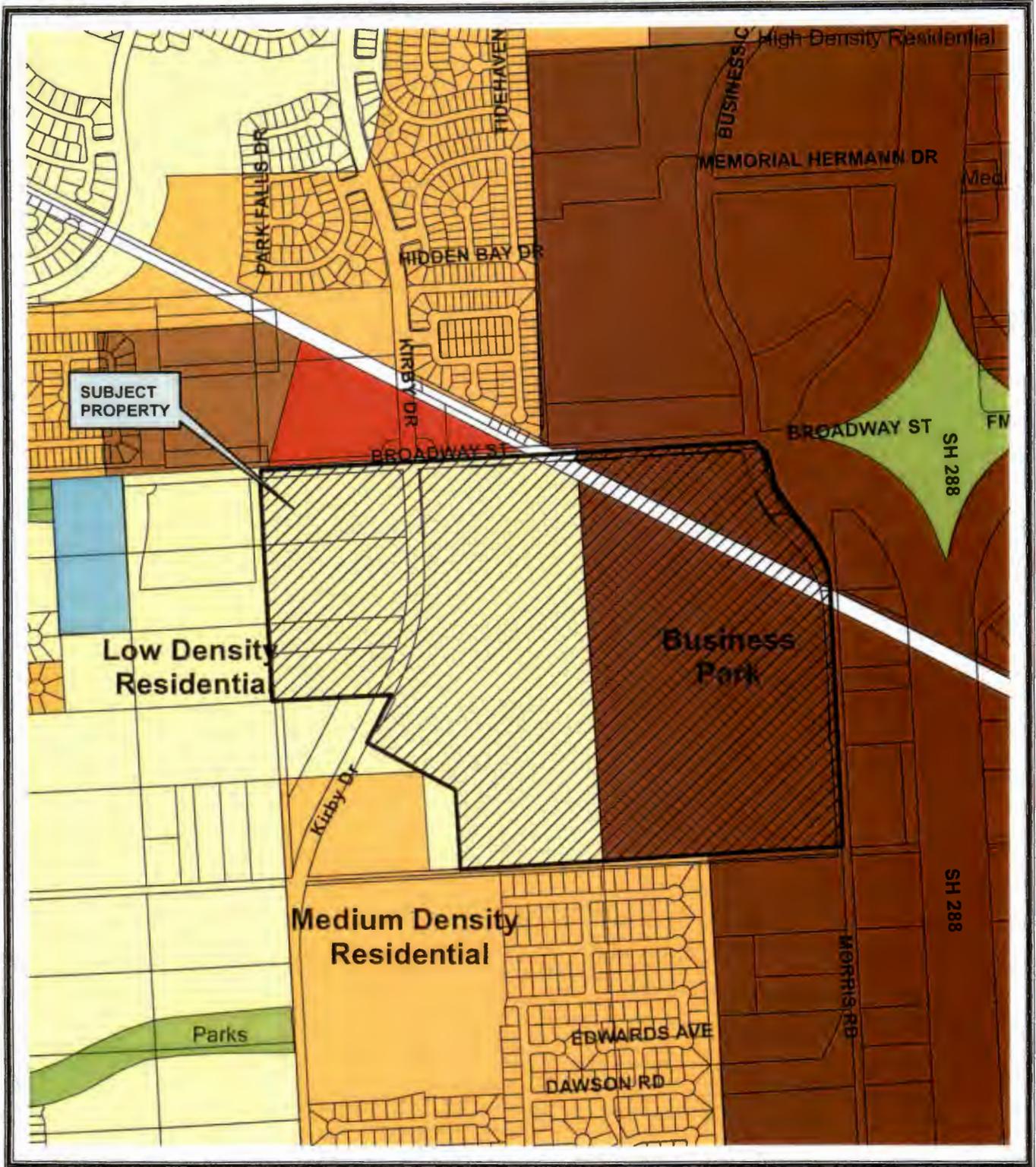
# ZONING MAP

Zone Change  
No. 2007-16Z



0 300 600 Feet

Map Prepared on September 25, 2007



# FUTURE LAND USE PLAN

**Zone Change  
No. 2007-16Z**



0 300 600 Feet

Map Prepared on September 25, 2007



# AERIAL PHOTOGRAPH

**Zone Change  
No. 2007-16Z**



0 300 600 Feet  
[Scale bar with three segments]

Map Prepared on September 25, 2007

## **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

### **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, office buildings, multi family buildings along with accent structures, architectural towers, and feature elements 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 yard 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
  - two and one half (2.5) 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.

### 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, provided that the building facade is set back a minimum of ninety feet (90') from the right of way. Any exterior building wall that is closer than 90' 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.

- 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. 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.
- 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.

### 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 10' height and shall not exceed - 100 square feet per face, per side of entrance. 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 25'. 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.

#### 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.