AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JUNE 4, 2007, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

Conditional Use Permit No. CUP2007-07

A request by HEB Grocery Company, LP, applicant for Shadow Creek Retail, LP, owner, for approval of a Conditional Use Permit for the use of "polycarbonate materials in lieu of a glass façade" in the General Commercial District (GC), on the following described property, to wit:

Legal Description: 15.1060 acres of land situated in the T.C.R.R.Company Survey, Section 4, Abstract 675, and being out of and a portion of the 88.4906 acre tract as described in the deed to the Shadow Creek Retail, LP, recorded under Brazoria County Clerk's File No. 06-010816, said 15.1060 acre tract also being out of and a portion of Lots B and C in Block 3 of Shadow Creek Town Center, according to the plot thereof recorded under Brazoria County Clerk's File No. 06-041084, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the West Side of SH 288, and on the North Side of Broadway Street

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT
B. APPLICANT PRESENTATION

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

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

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

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JUNE 4, 2007, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

Zone Change No. 2007-05Z

A request by ONS Investments, LLC, applicant for Hersh Kumar, 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 Cullen Mixed Use District (C-MU) to General Commercial District (GC), on the following described property, to wit:

Legal Description: 4.59 acre tract, being Lot 7A, which is the South one-half of Lot 7 of the Allison Richey Gulf Coast Home Company Subdivision of Suburban Gardens, Section 19, in the H.T. & B.R.R. Company Survey, Abstract 243, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the East Side of Cullen Boulevard, and Approximately 500 Feet North of Hughes Ranch Road (County Road 403)

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT
B. APPLICANT PRESENTATION

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

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

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AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JUNE 4, 2007, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

Zone Change No. 2007-06Z

A request by Freeman T. and Ollie A. Wyche, 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 General Business Retail District (GB) to Single Family Residential – 2 District (R-2), on the following described property, to wit:

Legal Description: 5.9136 acres of land out of a called 9.29 acre tract of land out of the south one-half of Lot 30 of the Allison Richey Gulf Coast Home Company Subdivision of Section 21, H.T. & B.R.R. Company Survey, Abstract 309, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the North Side of Fite Road, and Approximately 350 Feet West of Cullen Boulevard

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT
B. APPLICANT PRESENTATION

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

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

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

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JUNE 4, 2007, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

Amendments to the Unified Development Code (UDC)

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

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT
B. APPLICANT PRESENTATION

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

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

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

PUBLIC HEARING

SEE NEXT ITEM

I. Call to order
II. Purpose of Hearing
III. Application Information and Case Summary
   A. Staff Report
   B. Applicant Presentation
IV. Persons wishing to speak for or against the proposed request
V. Commission/Staff discussion
VI. Adjournment

Sterling Grove

Replat – Staff Report

P& Z Meeting Date: June 4, 2007

APPLICANT:
C.L. Davis & Co. Land Surveying, for Robert S. Steele, W & N Enterprise, owner.

REQUEST:
Partial replat of 23.0988 acres for Sterling Grove located South of McHard fronting on Mykawa Road.

ZONING:
A combination of M-1 (Light Industrial District) and GC (General Commercial District).

TRAFFIC AND TRANSPORTATION:
A Traffic Impact Analysis was provided to the city.

UTILITIES:
Water and sewer are available.

STORMWATER MANAGEMENT:
Stormwater detention facility is provided on site.

PARKS AND OPEN SPACE:
The property is nonresidential, and therefore the requirement does not apply to it.

OUTSTANDING ITEMS:
1. Lienholder's certification - title report shows a lienholder
2. Add streetlights at 250' intervals on Woody Road.
3. Add 5' E.E.s centered on proposed R-O-W lines of Woody and Mykawa Roads for streetlight service.
4. Total acreage on submitted tax certificates should add to total acreage being platted.
5. Certification should read planning COMMISSION instead of DIRECTOR as this plat is on the P&Z Agenda.
6. Approved tree survey and tree disposition plan.
7. Acreage shown in owners' statement should match acreage shown in title block and metes and bounds description.
8. Plat must show dedication of 50' wide right-of-way on this side of centerline of Mykawa Road.
9. Label the 100' dimension in Mykawa Road
10. Establish dimensions for easements along north boundary of plat.

ATTACHMENTS:

(1). Map
(2). Application


Approximate location of the subject property
MANOR DR
APRIL
FEBRUARY
BROOKSIDE RD
ORCHID
WOODY RD
WILKE RD
COMAL
PECOS
SCOTT LN
HATFIELD RD
RICE
RICE RD
FIELD CT
MCHARD RD
NYKAWA RD
N MAIN ST
HALIK
RICE DRYER RD
SHANK RD
PLUM FALLS LN
VILLAGE GATE DR
ORCHARD SPRING DR
PLUM FALLS DR
W ORANGE ST
ROSE
ELM
CEDAR
N ORANGE CIR
GB
R-2(S)
R-2
GC
R-1
NS
PUD
M-2
M-2(S)
M-1(S)
M-1
R-2(PUD)
GO-MU
MH
OT-R
OT

JAN 2007

PLAT APPLICATION

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

Please Check Type of Plat Requested:

- ☐ Preliminary Subdivision Plat
- ☐ Final Subdivision Plat
- ☐ Minor (Subdivision) Plat
- ☐ Amending Plat
- ☐ Master Plat
- ☐ Preliminary Development Plat
- ☐ Final Development Plat
- ☑ Replat

***Please send any and all correspondence to:**

jkrajca@ci.pearland.tx.us

MAY 07 2007

SUBDIVISION NAME: STERLING GROVE

NUMBER OF LOTS: 1

GENERAL LOCATION: South of Mcland Frontage on Mykawa Road

A complete application must include all items shown on the corresponding submittal checklist for each different type of plat. See Page 2.

PRIMARY CONTACT: L.L. DAVIS
MAILING ADDRESS: 1500 WINDING WAY
CITY, STATE, ZIP: FRIENDSWOOD, TX 77546
PHONE: 281-482-9490 FAX: 281-482-1294
E-MAIL ADDRESS: LLDAVIS@LLDAVISCOMPANY.COM

OWNER NAME: ROBERT S. STEELE
MAILING ADDRESS: 1710 MYKAWA RD
CITY, STATE, ZIP: PEARLAND, TX 77581
PHONE: 281-485-8339 FAX:
E-MAIL ADDRESS:

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

Owner's Signature: Robert S. Steele Date:

Applicant's Signature: Date: 05/04/2007

I acknowledge that this plat has been submitted on this day, _____, and the Plat filing date is _____, which will be the first day it will be reviewed by the Planning Staff. I hereby sign and date this acknowledgement.

Signature: _____ **Date:** _____

All waiver requests must be received by the resubmittal time and date that corresponds to the Plat Resubmittal Deadline, per the attached schedule.

FEES PAID:
DATE PAID:
RECEIVED BY:
RECEIPT NO.:

Southern Trails Phase I Sec. 7

Final Plat- Staff Report

P & Z Meeting Date: June 4, 2007

APPLICANT:
Alan McKee, Pate Engineers, Inc., for CL Ashton Woods, L.P., owner.

REQUEST:
Final plat of 28.19 acres for Southern Trails Phase I Section 7 located south of FM 518 and east of Kingsley (CR 48).

ZONING:
Planned Unit Development (P.U.D.). This subdivision is consistent with the single family district in accordance with the PUD agreement between Ashton Southern Trails Joint Venture and the City of Pearland dated February 09, 2004.

TRAFFIC AND TRANSPORTATION:
A Traffic Impact Analysis (TIA) was performed as a part of the Master Plan for the entire Southern Trails Development.

UTILITIES:
Water and sewer are available.
Letter of No Objections obtained from AT&T and Time Warner Cable.

STORMWATER MANAGEMENT:
Detention facilities will be consolidated and constructed in accordance with the guidelines in Southern Trails P.U.D.

PARKS AND OPEN SPACE:
Parks and trail system are incorporated into Southern Trails master plan.

OUTSTANDING ITEMS:

1. City Limits line is not shown correctly. Both sides of Broadway adjacent to this plat appear to be within the City.
2. Plot T.B.M. location on the plat - it must be within the plat limits. Add a note describing its location. (Co-ordinates provided for T.B.M. make it appear that it is far outside the plat limits).
3. Total reserve acreage in title block should equal the sum of reserve areas in Land Use Table.
4. Add 10' W.S.E. behind right-of-way lines of Pepper Creek Ln. and Noble Manor Ln.
5. Are B.D.D. # 4 signatures required? County Courthouse may refuse to record this plat if these are left unsigned.
6. Streetlight layout which was provided left the end of Birch Landing Ct. without a streetlight. Assistant City Engineer is investigating this.
7. 10' B.L. must lie outside of Reserves "A" and "B". These reserves cannot function as building setback lines. Correct on Sect. 8 also (adjoining area).
8. 5' E.E. on Noble Manor Lane should be centered on right-of-way line.
9. CenterPoint approval letter.
10. Show streetlight on Detail "A".

ATTACHMENTS:

1. Map
2. Plat Application


Approximate location of the subject property
BROADWAY ST
KINGSLEY DR
PERDIDO BAY LN
SILHOUETTE BAY DR
WINDWARD BAY DR
GENTLEBROOK DR
AUTUMNBROOK LN
EMERALD BROOK LN
LAUREL BROOK LN
ASH BROOK LN
SHADY BROOK LN
HALFMOON BAY
PLUM LAKE DR
SOUTHBAY DR
DECKER FIELD
BIRCH LANDING CT
PEPPER CREEK LN
R-1
R-1(S)
WILLOW BROOK LN
MOSSY TRAIL CT
ROSEMONT LN
ORCHARD BRIAR LN
AUBURN TRAIL LN
TRAIL RIDGE DR
SOUTHERN VALLEY DR
PAGE CREST LN
DRAKE SPRINGS LN
SOUTHERN TRAILS DR
ORCHARD HILL LN
MANOR LAKE LN
GARDEN FIELD LN
PUD
DAWN MIST CT
BRIGHT LANDING CT
BRIGHT LANDING LN
FOREST SAGE LN
TRAIL HOLLOW DR
RE
FALL BRANCH LN
SHADY RUN LN
CARMEL HILL LN
ALMOND COVE CT
LINDEN ROSE CT
CIMARRON VALLEY LN
HONEYSUCKLE RD
CR 48
CR 997
HARVEST MOON LN
EDEN COVE LN
HARMONY HALL CT

JAN 2007

PLAT APPLICATION

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

Please Check Type of Plat Requested:

- ☐ Preliminary Subdivision Plat
- ☒ Final Subdivision Plat
- ☐ Minor (Subdivision) Plat
- ☐ Amending Plat
- ☐ Master Plat
- ☐ Preliminary Development Plat
- ☐ Final Development Plat
- ☐ Replat

***Please send any and all correspondence to:** MAY 0 7 2007

jkrajca@ci.pearland.tx.us APR 2 3 2007

SUBDIVISION NAME: SOUTHERN TRAILS PHASE 1 SEC. 7

NUMBER OF LOTS: 92

GENERAL LOCATION: SOUTH OF FM 518, EAST OF KINGSLEY (CR 48)

A complete application must include all items shown on the corresponding submittal checklist for each different type of plat. See Page 2.

PRIMARY CONTACT: PATE ENGINEERS (ATTN. ALAN McKEE)
MAILING ADDRESS: 13333 NORTHWEST FREEWAY SUITE 300
CITY, STATE, ZIP: HOUSTON TEXAS 77040
PHONE: 713-462-3178 FAX: 713-462-3178
E-MAIL ADDRESS: amckee@pateeng.com

OWNER NAME: C.L. ASHTON WOODS L.P.
MAILING ADDRESS: 11375 W. SAM HOUSTON PKWY S, SUITE 160
CITY, STATE, ZIP: HOUSTON TEXAS 77084
PHONE: 281-561-7773 FAX: 281-561-7774
E-MAIL ADDRESS: ctaylor@ashtonwoods.com

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

Owner's Signature: _____ Date: 4.23.07

Applicant's Signature: _____ Date: 4-23-07

I acknowledge that this plat has been submitted on this day, _____, and the Plat filing date is _____, which will be the first day it will be reviewed by the Planning Staff. I hereby sign and date this acknowledgement.

Signature: _____ **Date:** _____

All waiver requests must be received by the resubmittal time and date that corresponds to the Plat Resubmittal Deadline, per the attached schedule.

FEES PAID: _____
DATE PAID: 4-23-07
RECEIVED BY: Krajca
RECEIPT NO.:

Southern Trails Phase I Sec. 8

Final Plat- Staff Report

P & Z Meeting Date: June 4, 2007

APPLICANT:
Alan McKee, Pate Engineers, Inc., for CL Ashton Woods, L.P., owner.

REQUEST:
Final plat of 15.38 acres for Southern Trails Phase I Section 8 located south of FM 518 and east of Kingsley (CR 48).

ZONING:
Planned Unit Development (P.U.D.). This subdivision is consistent with the single family district in accordance with the PUD agreement between Ashton Southern Trails Joint Venture and the City of Pearland dated February 09, 2004.

TRAFFIC AND TRANSPORTATION:
A Traffic Impact Analysis (TIA) was performed as a part of the Master Plan for the entire Southern Trails Development.

UTILITIES:
Letter of No Objection received from Time Warner Cable. At & T letter addressed the utility easement concern. Water and sewer are available.

STORMWATER MANAGEMENT:
Detention facilities will be consolidated and constructed in accordance with the guidelines in Southern Trails P.U.D.

PARKS AND OPEN SPACE:
Parks and trail system are incorporated into Southern Trails master plan.

OUTSTANDING ITEMS:

1. Plot T.B.M. location on the plat - it must be within the plat limits. Add a note describing its location. (Co-ordinates provided for T.B.M. make it appear that it is far outside the plat limits.)
2. 10' B.L. must lie outside of Reserves "A" and "B". These reserves cannot function as building setback lines.
3. Add 10' W.S.E. behind right-of-way lines of Noble Manor Lane.
4. Show other units of Southern Trails on vicinity maps on BOTH SHEETS (outlines only with Section Numbers).
5. CenterPoint approval letter.

ATTACHMENTS:

1. Map
2. Plat Application


Approximate location of the subject property
GENTLEBROOK DR
AUTUMNBROOK LN
EMERALD BROOK LN
LAUREL BROOK LN
ASH BROOK LN
SHADY BROOK LN
HALFMOON BAY
PLUM LAKE DR
SOUTHBAY DR
PERIDIO BAY LN
SILHOUETTE BAY DR
WINDWARD BAY DR
KINGSLEY DR
BROADWAY ST
R-1
R-1(S)
BIRCH LANDING CT
DECKER FIELD
TRAIL RIDGE DR
WILLOW BROOK LN
MOSSY TRAIL CT
PEPPER CREEK LN
ROSEMONT LN
AUBURN TRAIL LN
SOUTHERN VALLEY DR
PAGE CREST LN
DRAKE SPRINGS LN
ORCHARD BRIAR LN
SOUTHERN TRAILS DR
ORCHARD HILL LN
DAWN MIST CT
BRIGHT LANDING LN
TRAIL HOLLOW DR
RE
MANOR LAKE LN
GARDEN FIELD LN
PUD
BRIGHT LANDING CT
FALL BRANCH LN
FOREST SAGE LN
SHADY RUN LN
CARMEL HILL LN
LINDEN ROSE CT
DIAMOND COVE CT
HONEYSUCKLE RD
CIMARRON VALLEY LN
CR 48
HARVEST MOON LN
EDEN COVE LN
HARMONY HALL CT
CR 567

JULY 2006

PLAT APPLICATION

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

MAY 0 7 2007

Please Check Type of Plat Requested:

- [x] Preliminary Subdivision Plat
- [ ] Final Subdivision Plat
- [ ] Minor (Subdivision) Plat
- [ ] Amending Plat
- [ ] Master Plat
- [ ] Preliminary Development Plat
- [ ] Final Development Plat
- [ ] Replat

SUBDIVISION NAME: CULLEN PARK ESTATES

NUMBER OF LOTS: 32

GENERAL LOCATION: INTERSECTION OF CR. 89 AND CR. 101

A complete application must include all items shown on the corresponding submittal checklist for each different type of plat. See Page 2.

PRIMARY CONTACT: MUNROE KELSEY
MAILING ADDRESS: 2820 FM 517 EAST
CITY, STATE, ZIP: DICKINSON, TX 77539
PHONE: 281-309-9100 FAX: 281-309-9300
E-MAIL ADDRESS:

OWNER NAME: RAY PETERSON
MAILING ADDRESS: 140 N. HOUSTON AVE.
CITY, STATE, ZIP: HUMBLE, TX 77338
PHONE: 281-540-6607 FAX:
E-MAIL ADDRESS:

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

Owner's Signature: Robert Weakley Date: 1/19/07

Applicant's Signature: O. Munroe Kelsey Date: 1-19-2007

FEES PAID: 592.00	DATE PAID: 1-22-07	RECEIVED BY: Krajca	RECEIPT NUMBER:

I acknowledge that this plat has been submitted on this day, _____, and the Plat filing date is _____, which will be the first day it will be reviewed by the Planning Staff. I hereby sign and date this acknowledgement.

Signature: _____ **Date:** _____

F Y I

ONLY

Regarding City Council's Agenda
For 6/4/07

SUMMARY OF AGENDA ITEMS
JOINT PUBLIC HEARING
JUNE 4, 2007
6:30 PM

1. **Conditional Use Permit No. CUP2007-05**

   A request by Tal-Con and Chris Talbert, applicant for Town Lake, L.P. and Renee McGuire, owner, for approval of a Conditional Use Permit for a "Mini-Warehouse and Self Storage" facility in the General Commercial District (GC), Generally Located on the East Side of SH 35 (Main Street), on the South Side of Oiler Drive, and on the North Side of English Lake Drive

2. **Conditional Use Permit No. CUP2007-07**

   A request by HEB Grocery Company, LP, applicant for Shadow Creek Retail, LP, owner, for approval of a Conditional Use Permit for the use of "polycarbonate materials in lieu of a glass façade" in the General Commercial District (GC), Generally Located on the West Side of SH 288, and on the North Side of Broadway Street

3. **Zone Change No. 2007-05Z**

   A request by ONS Investments, LLC, applicant for Hersh Kumar, 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 Cullen Mixed Use District (C-MU) to General Commercial District (GC), Generally Located on the East Side of Cullen Boulevard, and Approximately 500 Feet North of Hughes Ranch Road (County Road 403)

4. **Zone Change No. 2007-06Z**

   A request by Freeman T. and Ollie A. Wyche, 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 General Business Retail District (GB) to Single Family Residential – 2 District (R-2), Generally Located on the North Side of Fite Road, and Approximately 350 Feet West of Cullen Boulevard

5. **Amendments to the Unified Development Code (UDC)**

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

Mayor Reid
Ruby
Woody
Helen
Felicia
Kevin
Steve Saboe - Mayor Protem - ~~arrived @~~ was not present

Jerry
Susan
Sheryl
Darrel
Neil
Henry

Nick
Mike
Darrin
Narciso
Bill Essin
Nguyen

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 Invernes ct.

(include zip) Pearland 77581

I wish to speak regarding Item No. CUP 2007-05

03/2005

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: Duncan E. Doss

Full Address: 3814 Canyon Lake Drive
77581

(include zip)

I wish to speak regarding Item No. 5

03/2005

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: Britta M. Thompson

Full Address: 3904 Canyon Lake Dr.

(include zip) Pearland, TX 77581

I wish to speak regarding Item No. CUP 2007-05

I am opposed to this permit. There is no way to ensure the storage that will be in the facility. Many of the items that tend to be stored in this storage area. I am concerned about the drainage of the area immediately in the back of the residential area.

I would like to enter my official request to rezone the area in the back of Towne Lake Estates to be residential, general business, or community services.

03/2005

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 Gilmore

Full Address: 3812 Canyon Lake Dr.

(include zip) Pearland, TX 77581

I wish to speak regarding Item No. CUP2007-05

03/2005

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: David Kinsey

Full Address: 3902 Canyon Lake Drive

(include zip) Pearland TX 77581

I wish to speak regarding Item No. CUP 2007-05

Ditch Drainage
Retention Pond - Town Lake

03/2005

Mayor REID called mtg to order @ 7:34 pm
TAG read JPH process

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JUNE 4, 2007, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER opened @ 7:37

II. PURPOSE OF HEARING

Conditional Use Permit No. CUP2007-05 Ruby read

A request by Tal-Con and Chris Talbert, applicant for Town Lake, L.P. and Renee McGuire, owner, for approval of a Conditional Use Permit for a "Mini-Warehouse and Self Storage" facility in the General Commercial District (GC), on the following described property, to wit: TAG read staff rpt. Staff recommends approval. - 2 Pub. Comm forms

Legal Description: 4.00 acres out of a 16.9958 acre tract of land, located in the A.C.H. & B Survey, Abstract 507, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the East Side of SH 35 (Main Street), on the South Side of Oiler Drive, and on the North Side of English Lake Drive

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT TAG read

B. APPLICANT PRESENTATION Chris Talbert, applicant 7501 Westview, Houston TX

IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST 5 people

Larry Marcott, 3606 Inverness Ct. Pearland - opposed not highest & best use of land
Duncan E. Doss 3814 Canyon Lk Dr. Pearland - concern w/ fence behind property
Britta Thompson, 3404 Canyon Lk Dr. concerned w/ storage
John Gilmore 3812 Canyon Lk Dr - mixed feeling
David Kenzy 3402 Canyon Lk. - Concerns parking retention

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

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

adj. 7:59

I Kevin Cole - ditch behind canyon LK dr & fence.
and how will be maintained

Marcelo Lara - asst City Eng. as it is planned
will review. as move forward, will see
where it flows. Don't want to block any drainage

Kevin - what rules will appl. have to follow
for drainage.

Marcelo - orig. under old Plan. Eng. will re-analyze

Kevin - ① against - due to it being up against residential.
Storage against resid. he's unsure due to what is
being stored.
② also - new corridor. Storage isn't highest
and best use for Dev. ~~Plan~~
③ Like to see doing away w/ Lt. Indust. in
this gen. location on 35.

TAG staff can look @ concerns as Comp Plan
is being redone this summer

TAG addressed fencing area.

Helen - while lkg @ Comp Plan - look @
Resid next to Lt. Industrial

Henry ① Don't we have a rendition to go by.
TAG - it's conceptual. site plan hasn't been reviewed.
comm. can add conditions to this.
② asked about height of bldg.
applicant - doesn't know yet

Kevin - asked B & Z to consider ~~Existing Stor. facilities~~
4 facilities permitted in the area.

JOINT PUBLIC HEARING AGENDA ITEM
MEETING OF JUNE 4, 2007

Conditional Use Permit No. CUP 2007-05

A request by Tal-Con and Chris Talbert, applicant for Town Lake, L.P. and Renee McGuire, owner, for approval of a Conditional Use Permit for a "Mini-Warehouse and Self Storage" facility in the General Commercial District (GC)

LEGAL DESCRIPTION: 4.00 acres out of a 16.9958 acre tract of land, located in the A.C.H. & B Survey, Abstract 507, City of Pearland, Brazoria County, Texas

GENERAL LOCATION: Generally Located on the East Side of SH 35 (Main Street), on the South Side of Oiler Drive, and on the North Side of English Lake Drive

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

Planning and Zoning Commission Meeting: June 4, 2007

SUMMARY: The applicant is requesting approval of a Conditional Use Permit (CUP) for a "Mini-Warehouse and Self Storage" facility in the General Commercial District (GC). The subject property is currently undeveloped.

The applicant has indicated that there will be multiple storage building totaling approximately 75,000 square feet of storage space, with an office. 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**

	Zoning	Land Use
North	General Commercial District (GC)	Undeveloped tract
South	General Commercial District (GC)	Undeveloped tract
East	Single Family Residential – 2 District (R-2)	Single family residences within the Town Lake Estates residential subdivision
West	Heavy Industrial District (M-2)	Undeveloped land

CONFORMANCE TO UNIFIED DEVELOPMENT CODE (UDC): The subject property is currently zoned as GC. 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 property is approximately 4 acres in size, and has a lot width of approximately 290 feet, and a lot depth of approximately 600 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 conditional use permit application, it appears that the subject property has not been platted. The subject property will need to be platted in accordance with the Unified Development Code, Chapter 3, Subdivision Regulations, prior to issuance of a building permit. The plat will need to address all requirements listed in Chapter 3, and be approved by the City, and the plat will need to be filed for record with the County Clerk, prior to issuance of a building permit.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Light Industrial" uses for the subject property, and for many of the adjacent properties along the east and west sides of State Highway 35. The Comprehensive Plan further indicates that the appropriate zoning districts for "Light Industrial" is the Light Industrial District (M-1). The existing zoning for the property conflicts with the comprehensive plan designation. The proposed mini-warehouse and self storage facility is allowed in GC by 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 an ultimate right-of-way of 120 feet. Additional right-of-way for SH 35 may be necessary and will be reviewed when the subject property is platted.

No other roadways affect the subject property.

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.

AVAILABILITY OF UTILITIES: There is a 16 inch water line located on the west side of State Highway 35. There are no sanitary sewer facilities adjacent to the subject property. The applicant will be responsible for extending all utilities as necessary to serve the proposed development.

Availability and adequacy of utilities will be reviewed during the review of any subdivision plat or building permit applications submitted for the subject property.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The proposed conditional use permit for mini-warehouse and self storage should not have a negative impact on the surrounding properties.

The subject property is located within a larger area that is currently zoned for GC uses. The GC district extends along the east side of State Highway 35 from English Lake Drive all the way to Walnut Street.

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

Building Setbacks:
Minimum front yard: 25 feet
Minimum side yard: 10 feet
Minimum rear yard: 25 feet
Maximum height: 45 feet

It appears that the proposed site plan meets these setbacks outlined in the GB district.

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

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

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

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

Screening:
Screening is required along the east property line where the subject property shares a property line with a residential subdivision that is currently zoned as R-2. The applicant will be required to provide a 25 foot wide landscape buffer along the east side of the property. The applicant is also required to construct a 6 foot high masonry fence along the inside edge of the 25 foot landscape buffer.

The Corridor Overlay District also contains specific regulations on screening of storage areas, but it appears from the site plan that the applicant will not have any open storage or outside display areas.

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

PUBLIC COMMENTS: 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.

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

1. The proposed conditional use permit provides for a mini-warehouse and self storage facility in an area that is currently zoned GC and the surrounding areas are also zoned as GC. The GC district allows mini-warehouse and self storage by approval of a Conditional Use Permit.

2. The proposed facility should not have any impact on the surrounding properties and developments.

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 Planning and Zoning Commission add this specific condition to the approval of the Conditional Use Permit:

1. The applicant comply with all applicable requirements in the Unified Development Code.

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: Self Storage
(list proposed use)

Current Zoning District: GC-General Commercial

Property Information:

Address or General Location: Four Acres, out of a 17.0470 @ Highway 35 and Oiler

Tax Account No.:

Subdivision: ACH&B Survey, Abstract 507, City of Pearland, Brazoria County, TX, North Commercial Tract, Towne Lake Estates. To be further described by the metes and bounds.

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

NAME Town Lake LP – Renee L. McGuire
ADDRESS 7918 Broadway, Suite 106
CITY Pearland STATE TX ZIP 77581
PHONE (281) 9971500
FAX (281) 997-2886
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 Tal-Con – Chris Talbert
ADDRESS 7501 Westview
CITY Houston STATE TX ZIP 77055
PHONE (713) 984-0710
FAX (603) 215-7609
E-MAIL ADDRESS cct@tal-con.com

2007-05

Talbert Properties

7501 Westview Drive
Houston, Texas 77055
(713) 984-0710 (Phone)
(603) 215-7609 (Fax)
ctalbert@datamate.com

April, 10 2007

City of Pearland
3523 Liberty Drive
Pearland, Texas 77581

Subject: Highway 35 and Oiler Drive
4 Acres out of 17.040
Conditional Use Permit

Gentlemen:

We are requesting a conditional use permit with regard to the above subject property. A plat of the property is attached hereto as further identification. We are seeking approval to build a self storage facility on the 4 acre tract. The completed Application for Special Use Permit is enclosed herein. The details of our proposal are as follows:

1 Proposed Usage--Self storage facility.

2 Square Footage of Proposed Building(s)--Multiple buildings totaling approximately 75,000 square feet of self storage space.

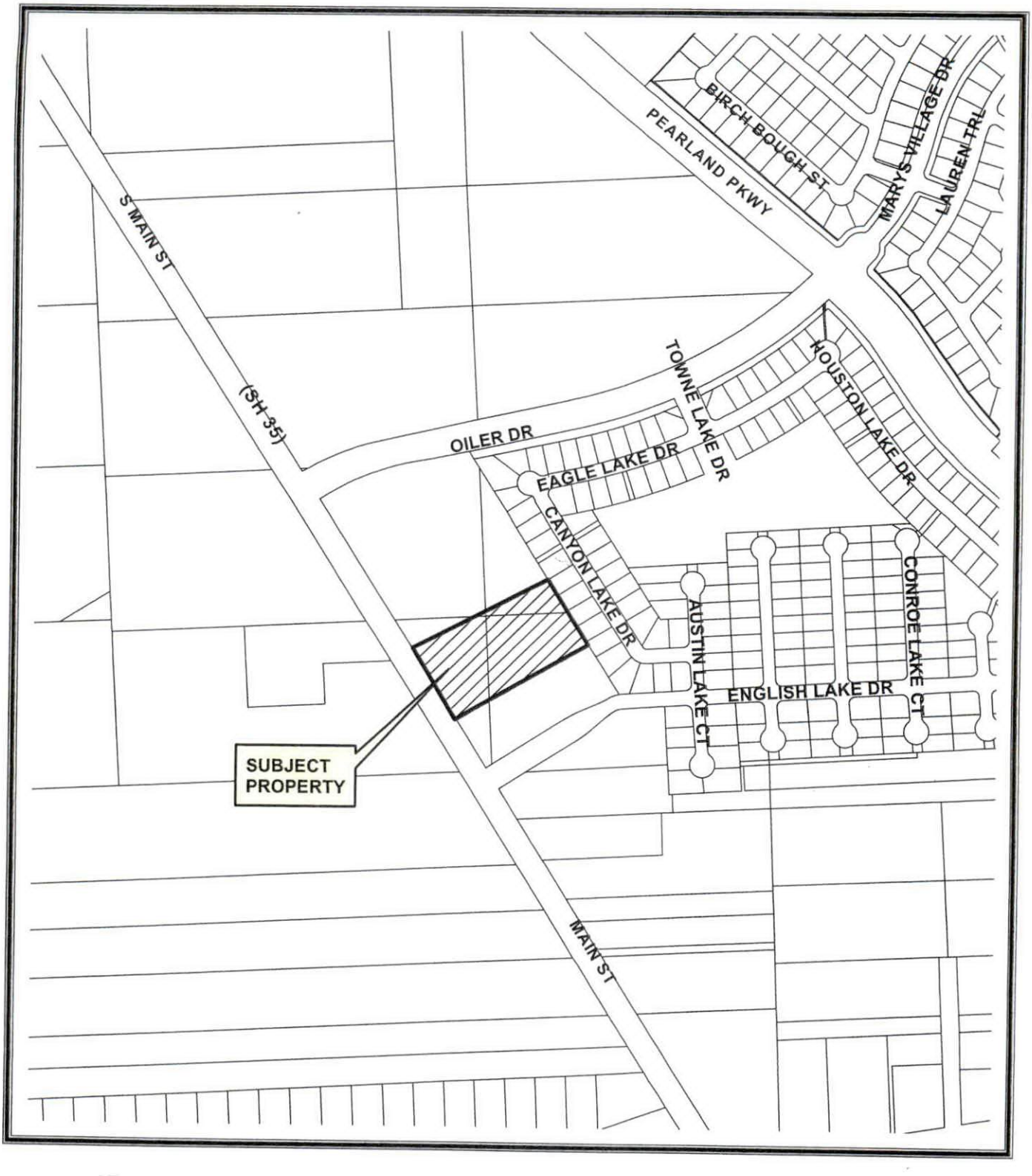
3 Size Tract--The self storage facility will be constructed on approximately 4 acres of the tract.

4 There are no special considerations or unique characteristics of the subject property.

Respectfully submitted,

Chris Talbert

Enclosure: Application for Special Use Permit



LOCATION MAP

Conditional Use Permit
No. CUP2007-05

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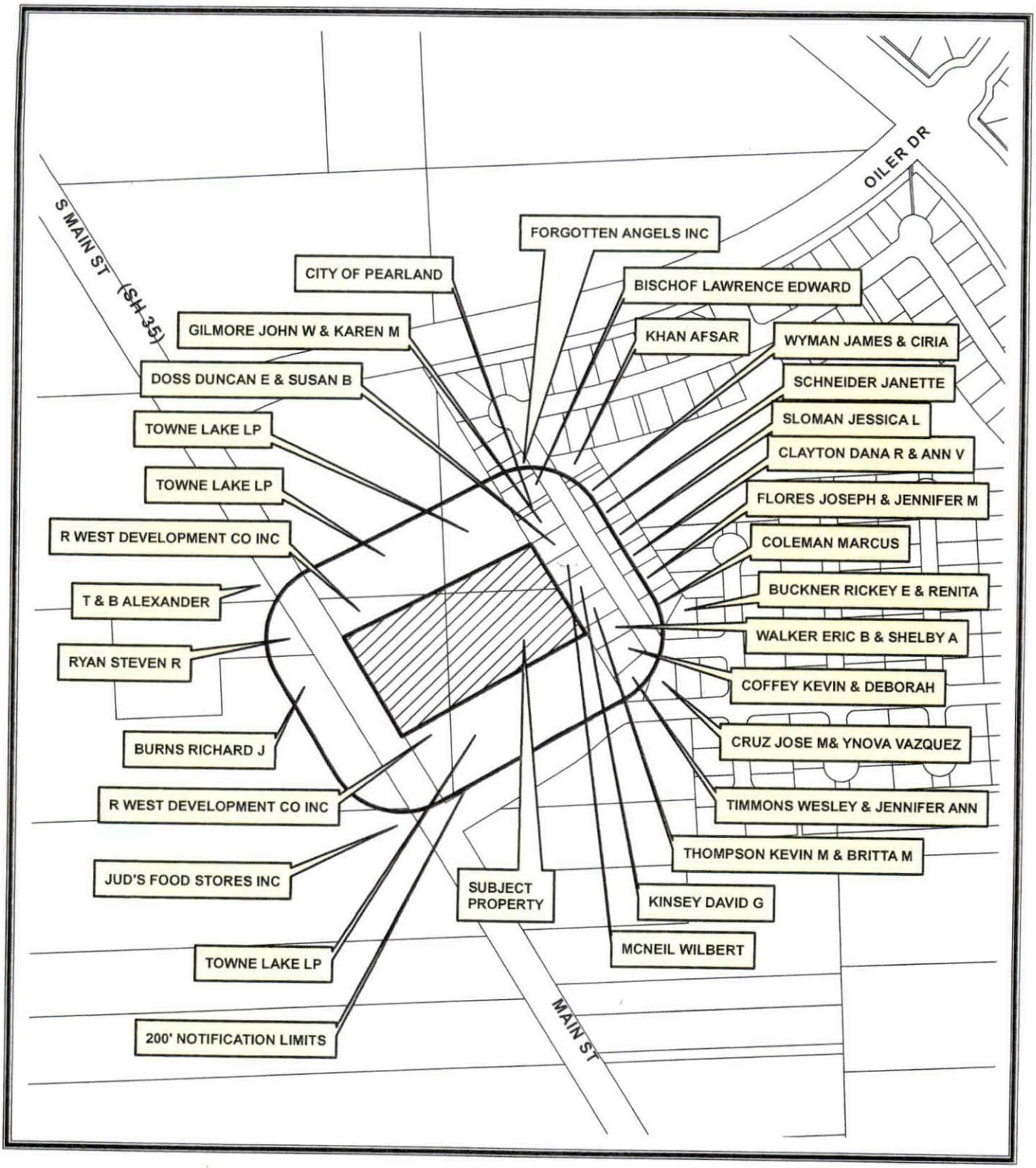
Map Prepared on May 1, 2007



OWNERSHIP MAP

Conditional Use Permit No. CUP2007-05

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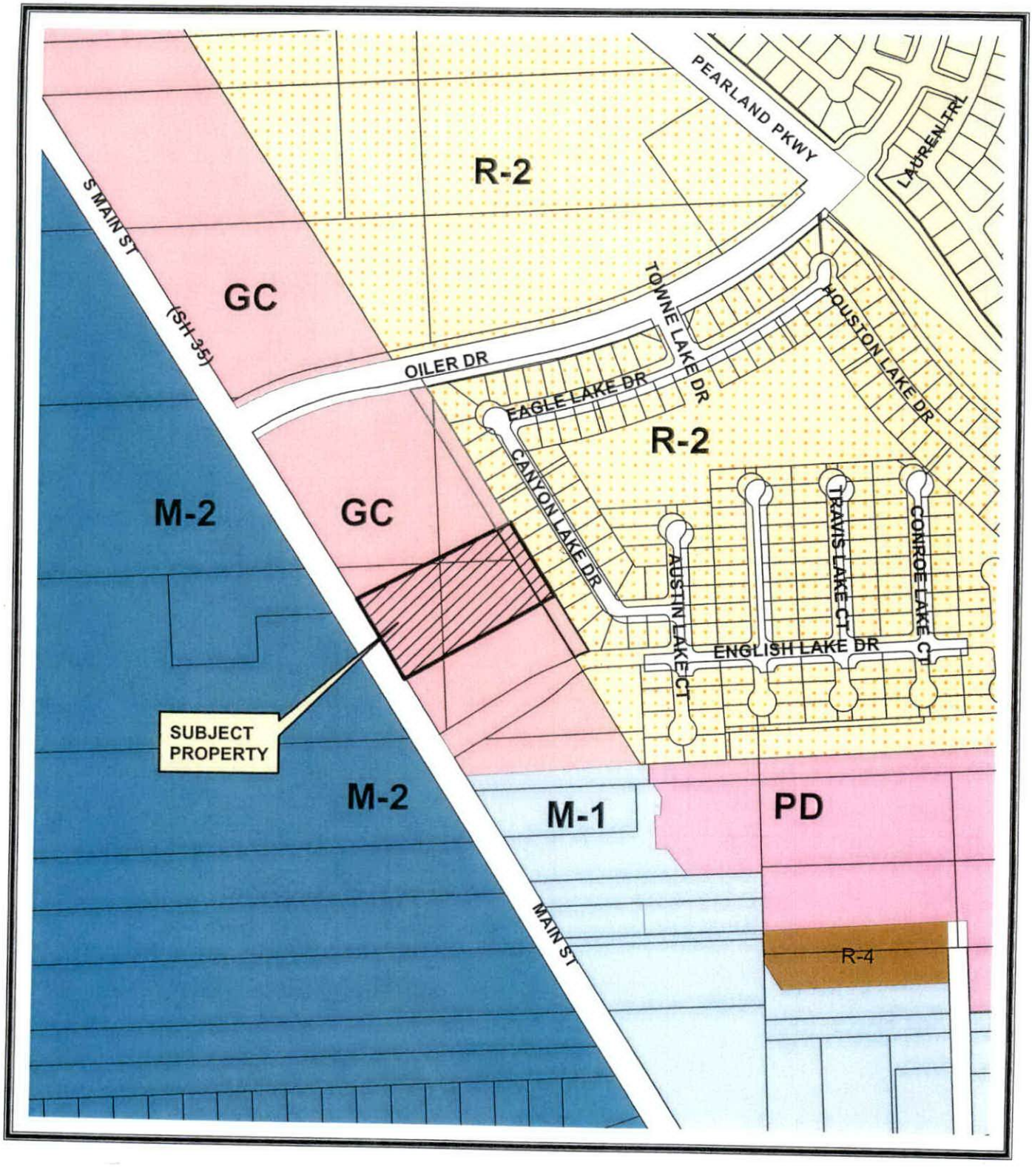
Map Prepared on May 1, 2007

CONDITIONAL USE PERMIT NO. CUP2007-05
Property Owner Notification List

TAX ACCT	OWNER	ADDRESS	CITY	ST	ZIP CODE
0507-0003-005	TOWNE LAKE LP	7918 BROADWAY ST STE 106	PEARLAND	TX	77581-7758
0507-0003-005	TOWNE LAKE LP	7918 BROADWAY ST STE 106	PEARLAND	TX	77581-7758
0507-0019-000	T & B ALEXANDER FMLY LTD PRTNSP	2411 PARK AVE	PEARLAND	TX	77581-4233
8039-1003-071	KHAN AFSAR	3801 CANYON LAKE DR	PEARLAND	TX	77581
8039-1004-016	GILMORE JOHN W & KAREN M	3812 CANYON LAKE DR	PEARLAND	TX	77581-4776
8039-1004-014	FORGOTTEN ANGELS INC	7918 BROADWAY ST STE 104	PEARLAND	TX	77581-7758
0594-0002-000	JUD'S FOOD STORES INC	PO BOX 769	BRENHAM	TX	77834-0769
	TAL CON CHRIS TALBERT	7501 WESTVIEW	HOUSTON	TX	77055
8039-1003-070	WYMAN JAMES & CIRIA	3803 CANYON LAKE DR	PEARLAND	TX	77581-4777
8039-1004-015	BISCHOF LAWRENCE EDWARD	3810 CANYON LAKE DR	PEARLAND	TX	77581-4776
8039-1003-069	SCHNEIDER JANETTE	1813 EAGLES CV	FRIENDSWOOD	TX	77546-5134
8039-1000-006	CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581-5416
8039-1003-068	SLOMAN JESSICA L	3807 CANYON LAKE DR	PEARLAND	TX	77581-4777
8039-1004-017	DOSS DUNCAN E & SUSAN B	3814 CANYON LAKE DR	PEARLAND	TX	77581-4776
8039-1003-067	CLAYTON DANA R & ANN V	3809 CANYON LAKE DR	PEARLAND	TX	77581-4777
8039-1004-018	MCNEIL WILBERT	3816 CANYON LAKE DR	PEARLAND	TX	77581-4776
8039-1003-066	FLORES JOSEPH & JENNIFER M	3901 CANYON LAKE DR	PEARLAND	TX	77581-4788
8039-1004-019	KINSEY DAVID G	3902 CANYON LAKE DR	PEARLAND	TX	77581-4787
8039-1004-020	THOMPSON KEVIN M & BRITTA M	3904 CANYON LAKE DR	PEARLAND	TX	77581-4787
8039-1003-065	COLEMAN MARCUS	6435 IVY FALLS	MISSOURI CITY	TX	77459
0507-0028-000	BURNS RICHARD J	719 LAUREL GROVE LN	PEARLAND	TX	77584
0507-0003-005	TOWNE LAKE LP	7918 BROADWAY ST STE 106	PEARLAND	TX	77581-7758
8039-1003-064	BUCKNER RICKEY E & RENITA	3905 CANYON LAKE DR	PEARLAND	TX	77581-4788
0507-0003-000	R WEST DEVELOPMENT CO INC	PO BOX 1376	MANVEL	TX	77578
0507-0028-130	RYAN STEVEN R & CHARLOTTE L	3714 OAK DALE DR	PEARLAND	TX	77581-6168
8039-1004-021	WALKER ERIC B & SHELBY A	3906 CANYON LAKE DR	PEARLAND	TX	77581-4787
8039-1004-022	COFFEY KEVIN & DEBORAH	3908 CANYON LAKE DR	PEARLAND	TX	77581-4787
8039-1004-023	TIMMONS WESLEY & JENNIFER ANN	3910 CANYON LAKE DR	PEARLAND	TX	77581-4787
8039-1004-024	CRUZ JOSE M& YNOVA VAZQUEZ	3912 CANYON LAKE DR	PEARLAND	TX	77581-4787



ZONING MAP

Conditional Use Permit No. CUP2007-05

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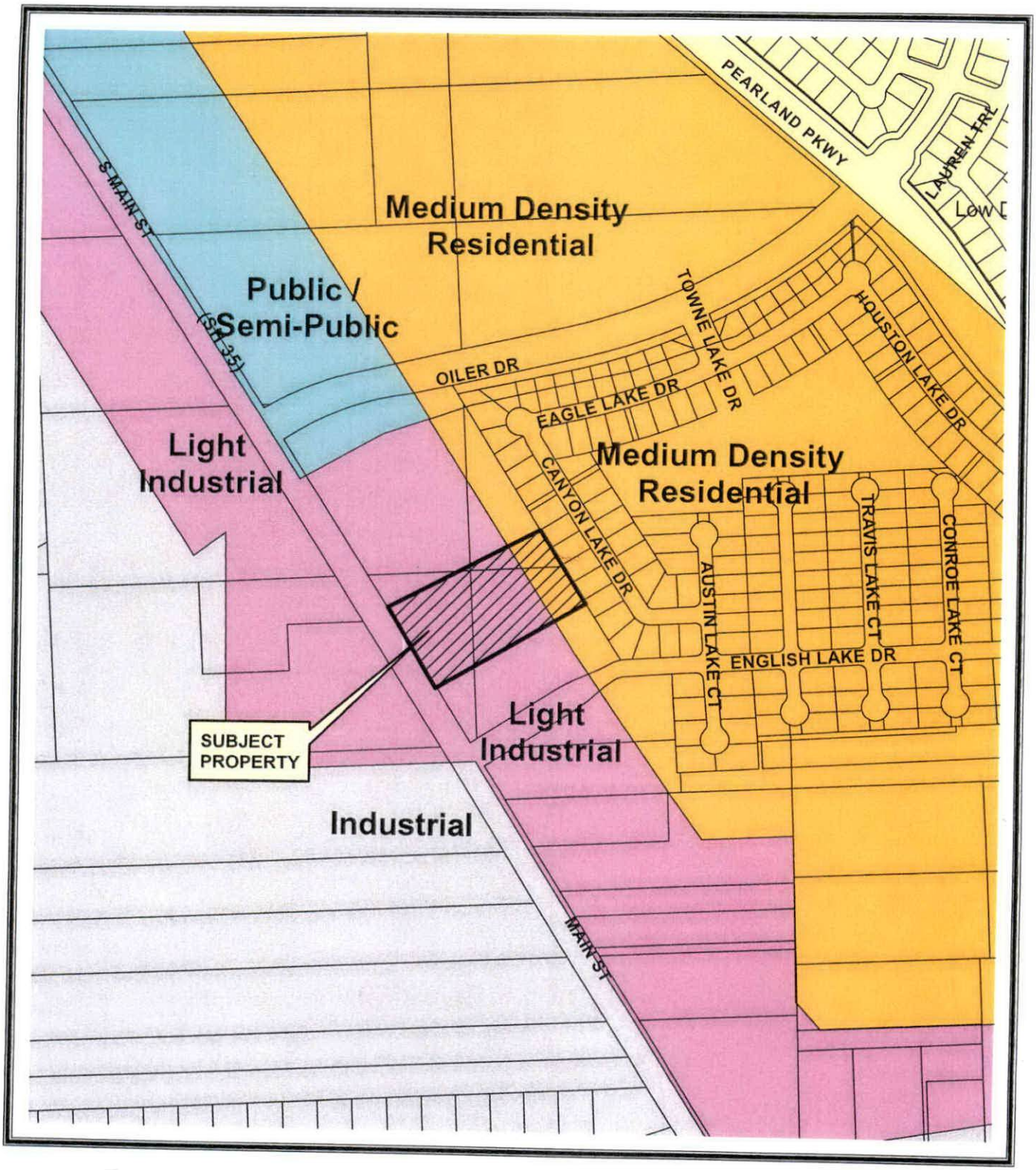
Map Prepared on May 1, 2007



FUTURE LAND USE PLAN

Conditional Use Permit
No. CUP2007-05

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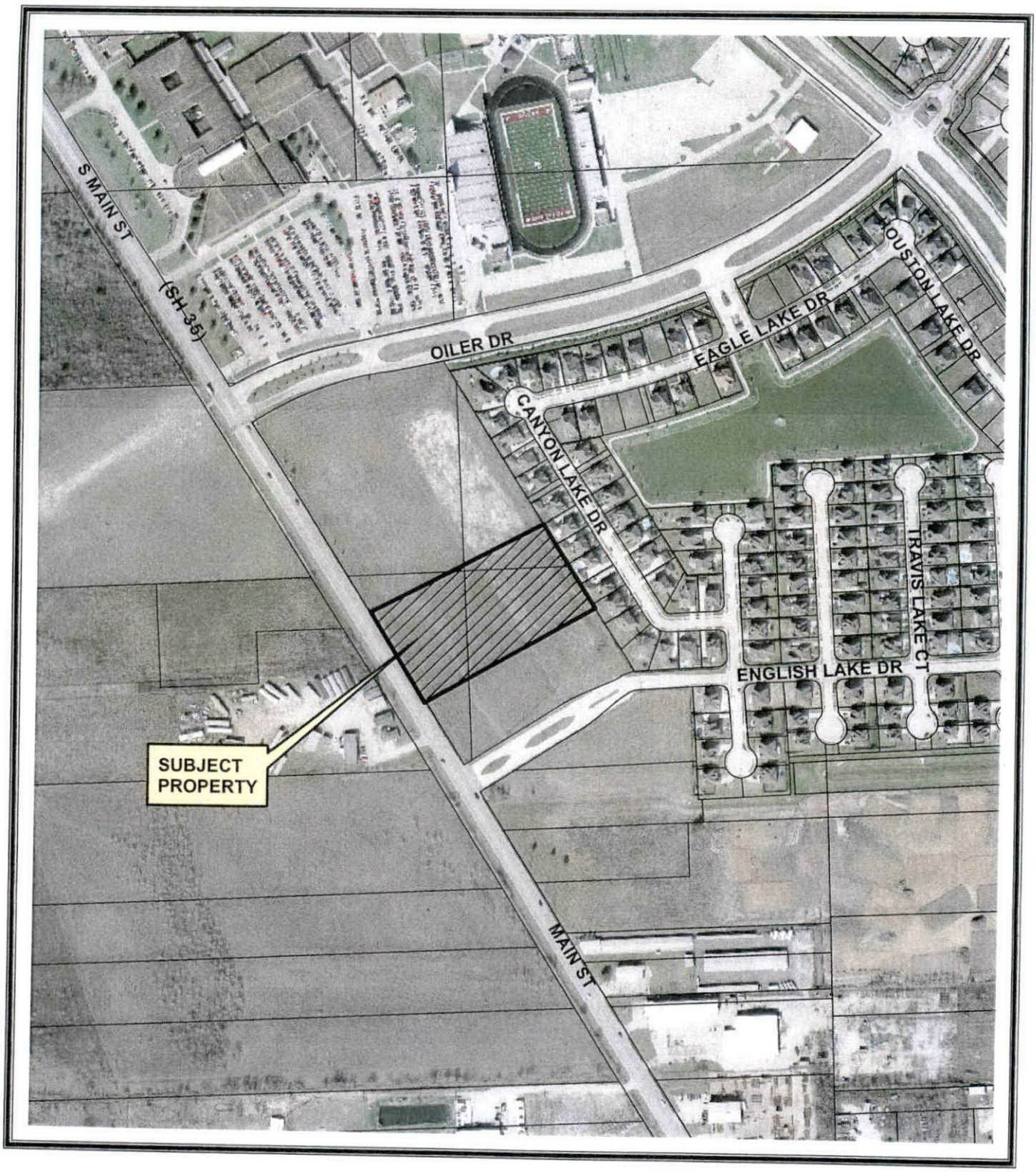
Map Prepared on May 1, 2007



AERIAL PHOTOGRAPH

Conditional Use Permit
No. CUP2007-05

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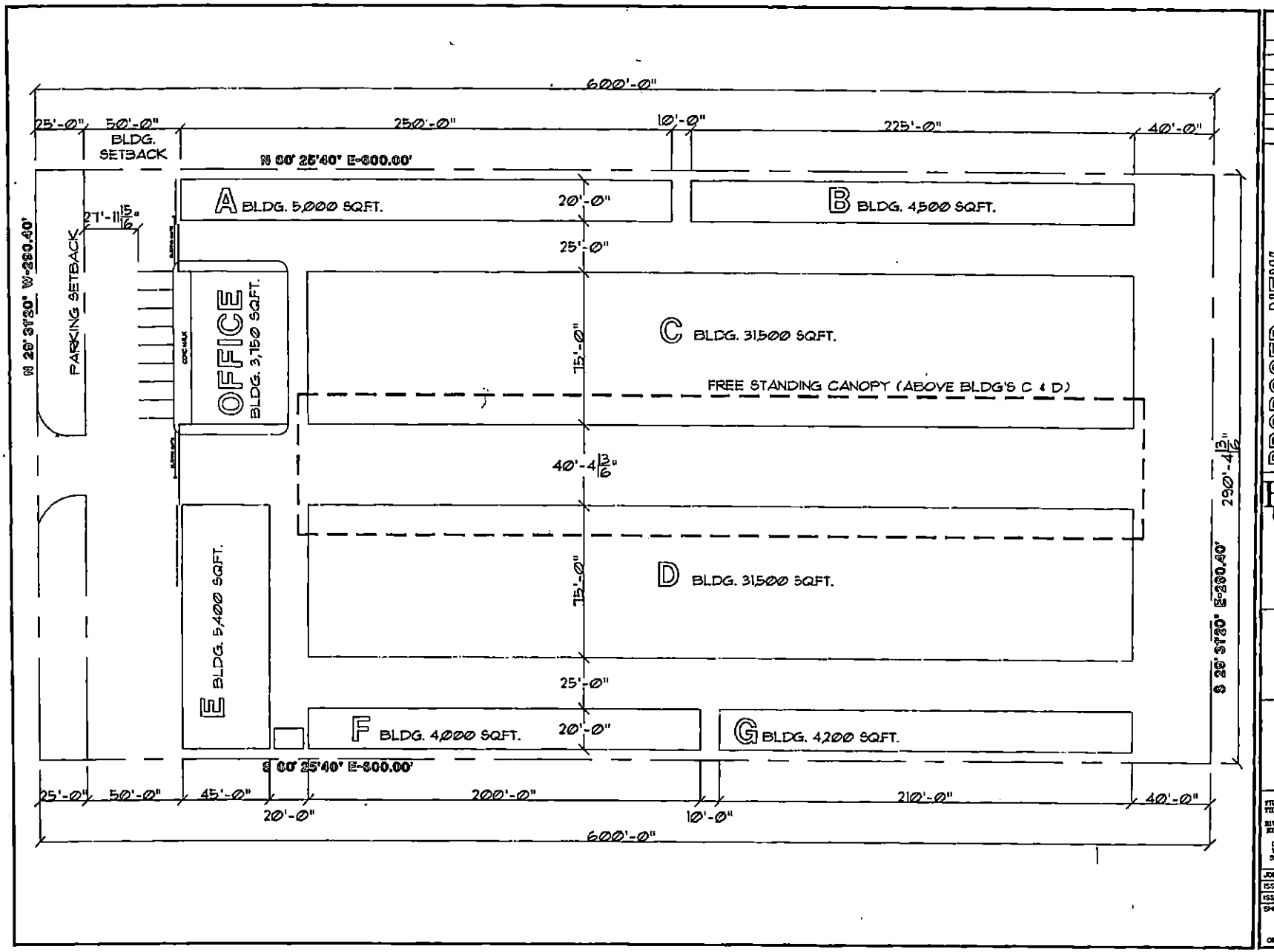
Map Prepared on May 1, 2007



REVISION	BY

PROPOSED NEW SELF STORAGE
HWY 35 • ENGLISH LAKE DR.
BRAZORIA COUNTY, TEXAS

River City Design
8045 Cascade Pass
Converse, TX 78109
(p) 210.495.3499
(f) 210.295.0892

JOB # 156
ISSUE DATE: 3/24/09
ISSUE: FOR APPROVAL
SHEET: SP1
OF 1 SHEETS

Mayor opened 8:00

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JUNE 4, 2007, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING Ruby read...

Conditional Use Permit No. CUP2007-07

A request by HEB Grocery Company, LP, applicant for Shadow Creek Retail, LP, owner, for approval of a Conditional Use Permit for the use of "polycarbonate materials in lieu of a glass façade" in the General Commercial District (GC), on the following described property, to wit:

Legal Description: 15.1060 acres of land situated in the T.C.R.R.Company Survey, Section 4, Abstract 675, and being out of and a portion of the 88.4906 acre tract as described in the deed to the Shadow Creek Retail, LP, recorded under Brazoria County Clerk's File No. 06-010816, said 15.1060 acre tract also being out of and a portion of Lots B and C in Block 3 of Shadow Creek Town Center, according to the plot thereof recorded under Brazoria County Clerk's File No. 06-041084, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the West Side of SH 288, and on the North Side of Broadway Street

rec'd no public comment forms

III. APPLICATION INFORMATION AND CASE SUMMARY

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

B. APPLICANT PRESENTATION no one present

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

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

Henry - concern was screening of Garden Area. Will be addressed when they ~~app~~ submit site plan.

Darrell - polycarbonate being more cost effective. Any change UDC could be modified to include.

VI. ADJOURNMENT

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

Adj. @ 8:06

JOINT PUBLIC HEARING AGENDA ITEM
MEETING OF JUNE 4, 2007

Conditional Use Permit No. CUP 2007-07

A request by HEB Grocery Company, LP, applicant for Shadow Creek Retail, LP, owner, for approval of a Conditional Use Permit for the use of "polycarbonate materials in lieu of a glass façade" in the General Commercial District (GC)

LEGAL DESCRIPTION: 15.1060 acres of land situated in the T.C.R.R. Company Survey, Section 4, Abstract 675, and being out of and a portion of the 88.4906 acre tract as described in the deed to the Shadow Creek Retail, LP, recorded under Brazoria County Clerk's File No. 06-010816, said 15.1060 acre tract also being out of and a portion of Lots B and C in Block 3 of Shadow Creek Town Center, according to the plot thereof recorded under Brazoria County Clerk's File No. 06-041084, City of Pearland, Brazoria County, Texas

GENERAL LOCATION: Generally Located on the West Side of SH 288, and on the North Side of Broadway Street

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

Planning and Zoning Commission Meeting: June 4, 2007

SUMMARY: The applicant is requesting approval of a Conditional Use Permit (CUP) for the use of polycarbonate materials in lieu of a glass façade for the new HEB store that is currently under construction on the subject property.

The HEB store is zoned as "GC" – General Commercial District, and is located on a thoroughfare. The façade requirement for this property is 100 percent masonry or glass for any wall or portion of wall that is visible from the roadway or adjacent residential property.

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

The applicant is proposing to use polycarbonate in lieu of glass for the façade at the HEB Texas Backyard Greenhouse. (The use of polycarbonate would only affect the greenhouse and not the main store.)

SURROUNDING ZONING AND LAND USES:
*** surrounding zoning districts based on the new map adopted February 27, 2006**

	Zoning	Land Use
North	General Commercial District (GC)	Memorial Hermann medical office building/hospital
South	Planned Development District (PD)	Future Pearland Town Center (retail and office shopping center)
East	City of Pearland ETJ (area is outside the City limits)	Retail and office shopping center
West	General Commercial District (GC)	Future retail and office shopping center

CONFORMANCE TO UNIFIED DEVELOPMENT CODE (UDC): The subject property is currently zoned as GC. 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.

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

PLATTING STATUS: The subject property has been platted as part of the Shadow Creek Town Center. No further platting is required at this time.

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 surrounding properties. The Comprehensive Plan further indicates that the appropriate zoning districts for "Business Park" is the Business Park District 288. The existing zoning of GC currently conflicts with the Comprehensive Plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on State Highway 288, Memorial Hermann Drive, and Business Center Drive. The subject property was recently platted, and all adjacent roadways have adequate right-of-way that has already been dedicated.

No other roadways affect the subject property.

AVAILABILITY OF UTILITIES: The applicant is extending all utilities necessary to serve the development during the construction of the site.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The proposed conditional use permit for the use of polycarbonate instead of glass should not have a negative impact on the surrounding properties or the overall development.

Polycarbonate is a thermoplastic that is characterized by high-impact strength and flexibility, and in many cases is used as a shatter resistant substitute for glass. From the outside of the building, polycarbonate will appear the same as glass.

PUBLIC COMMENTS: 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.

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

1. The proposed conditional use permit provides for polycarbonate instead of glass as a façade material, and polycarbonate will appear the same as glass from the outside of the building.

2. The UDC states that any new technologies may be allowed by the approval of a Conditional Use Permit.

3. The proposed facility and its use of polycarbonate should not have any impact on the surrounding properties and developments.

SUPPORTING DOCUMENTS:

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

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: Replace glass gable ends with polycarbonate gable ends at the Texas Backyard Greenhouse.
(list proposed use)

Current Zoning District: Shadow Creek Town Center Planned Unit Development

Property Information:

Address or General Location: 2805 Business Center Drive

Tax Account No.: 018999-HEB

Subdivision: Shadow Creek Town Center

Lot: Portion of Lots B and C Block: 3

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

NAME Shadow Creek Retail, LP
ADDRESS 1900 West Loop South, Suite 1300
CITY Houston STATE Texas ZIP 77027
PHONE(713) 270-3356
FAX(713) 270-6285
E-MAIL ADDRESS mark.miller@transwestern.net

* 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 HEB Grocery Company, LP
ADDRESS P.O. Box 240910
CITY San Antonio STATE Texas ZIP 78224
PHONE(210) 938-7988
FAX(210) 938-7918
E-MAIL ADDRESS stojanik.bill@heb.com

2007-07

11 April 2007

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

Re: HEB Pearland New Store
2805 Business Center Drive
Pearland, TX 77581

To Whom It May Concern:

Attached is an application for a Conditional Use Permit for the above project.

HEB would like to propose the use of polycarbonate in lieu of glass at the HEB Texas Backyard Greenhouse. We feel that polycarbonate is a superior material and has the following advantages over glass in this application:

- Polycarbonate is virtually indestructible and inherently safety glazing.
- Polycarbonate has an insulation value similar to insulated glass.
- Polycarbonate reduces glare that is typical of glass.
- A polycarbonate system is very resilient and less likely to leak than a glass system.

Attached are sketches of the elevations indicating the proposed locations of the polycarbonate and product data of the proposed product. In addition, I have attached photos of a recently complete Texas Backyard in another city showing the proposed product installed.

The proposed use is located at:

> Being a tract or parcel containing 15.1060 acres (658,017 square feet) of land situated in the T.C.R.R. Co. Survey, Section 4, Abstract Number 675, Brazoria County, Texas, and being out of and a portion of the 88.4906 acre tract as described in the deed to the Shadow Creek Retail, LP, recorded under Brazoria County Clerk's File Number 06-010816, said 15.1060 acre tract also being out of and a portion of Lots B and C in Block 3 of Shadow Creek Town Center, according to the plot thereof recorded under Brazoria County Clerk's File Number 06-041084.

Selser Schaefer Architects
1350 South Boulder Avenue, Suite 1100
Tulsa, Oklahoma 74119-3295

telephone 918.587.2282
telefax 918.587.2285
www.selserschaefer.com

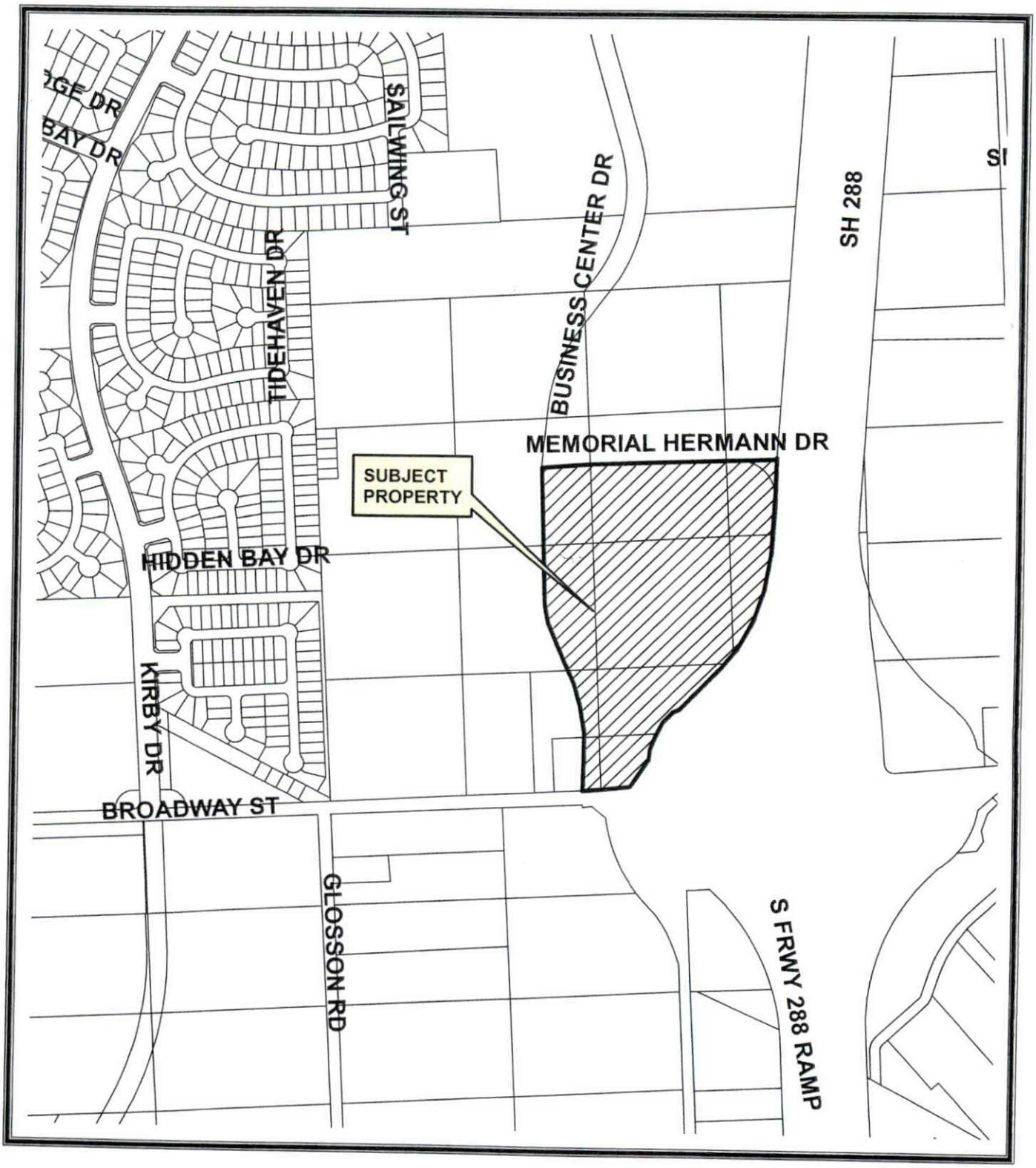
Please let us know if you have any additional questions. Do not hesitate to call me at 918-587-2282.

Sincerely,

Angela C. Sexton, AIA

attached: Sketch of Texas Backyard Exterior Elevations
Product Information stating advantages of polycarbonate
Photos of existing HEB Leander Texas Backyard
Site Survey, dated 08.02.06
Site Plan, dated 03.09.07

cc: Richard Schmidt, HEB Construction
Bill Stojanik, HEB Construction
Charlie Wernette, HEB Design
Jeff Jacoby, HEB Design



LOCATION MAP

Conditional Use Permit
No. CUP2007-07

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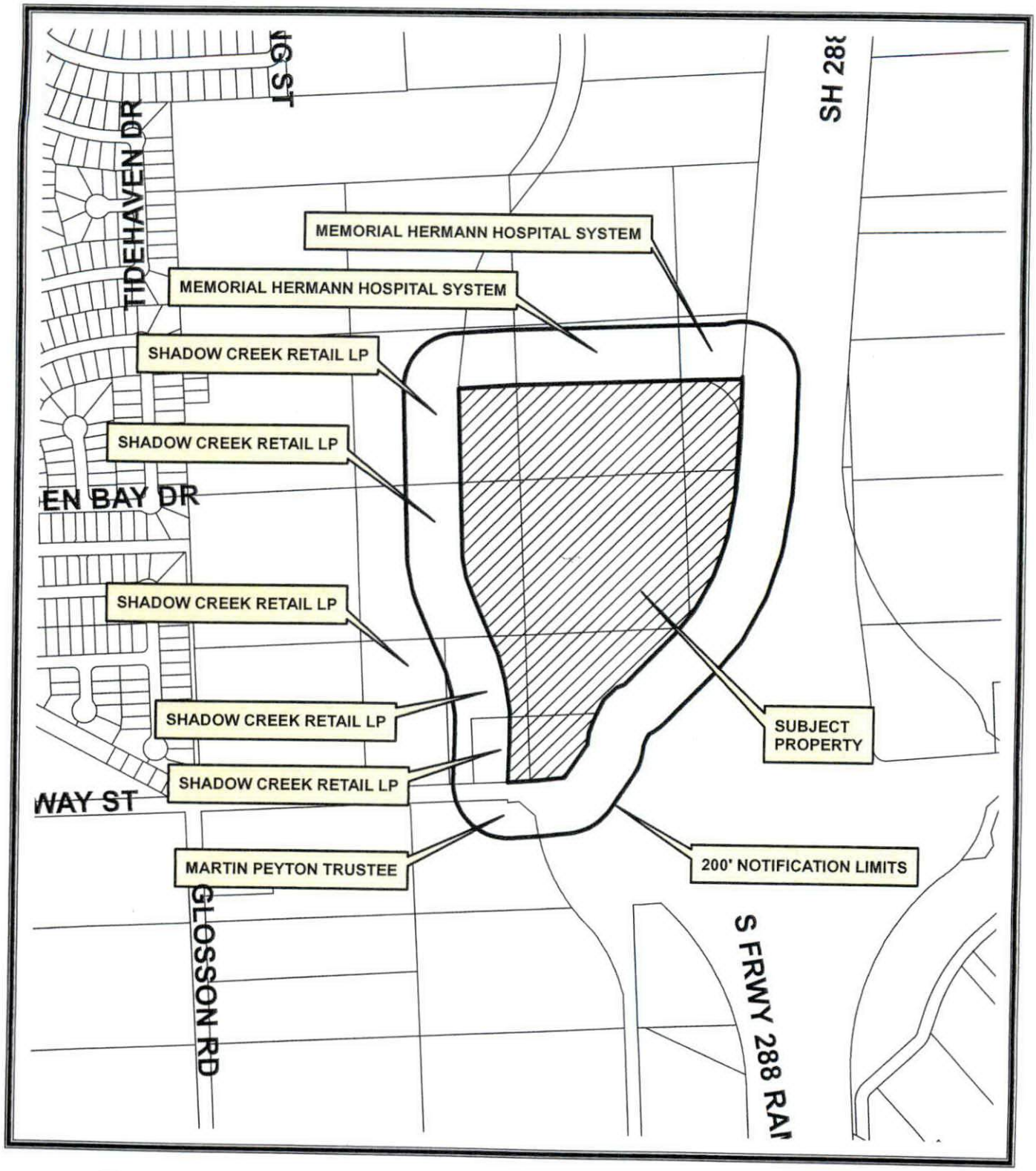
0 300 600 Feet

Map Prepared on May 1, 2007



OWNERSHIP MAP

Conditional Use Permit
No. CUP2007-07

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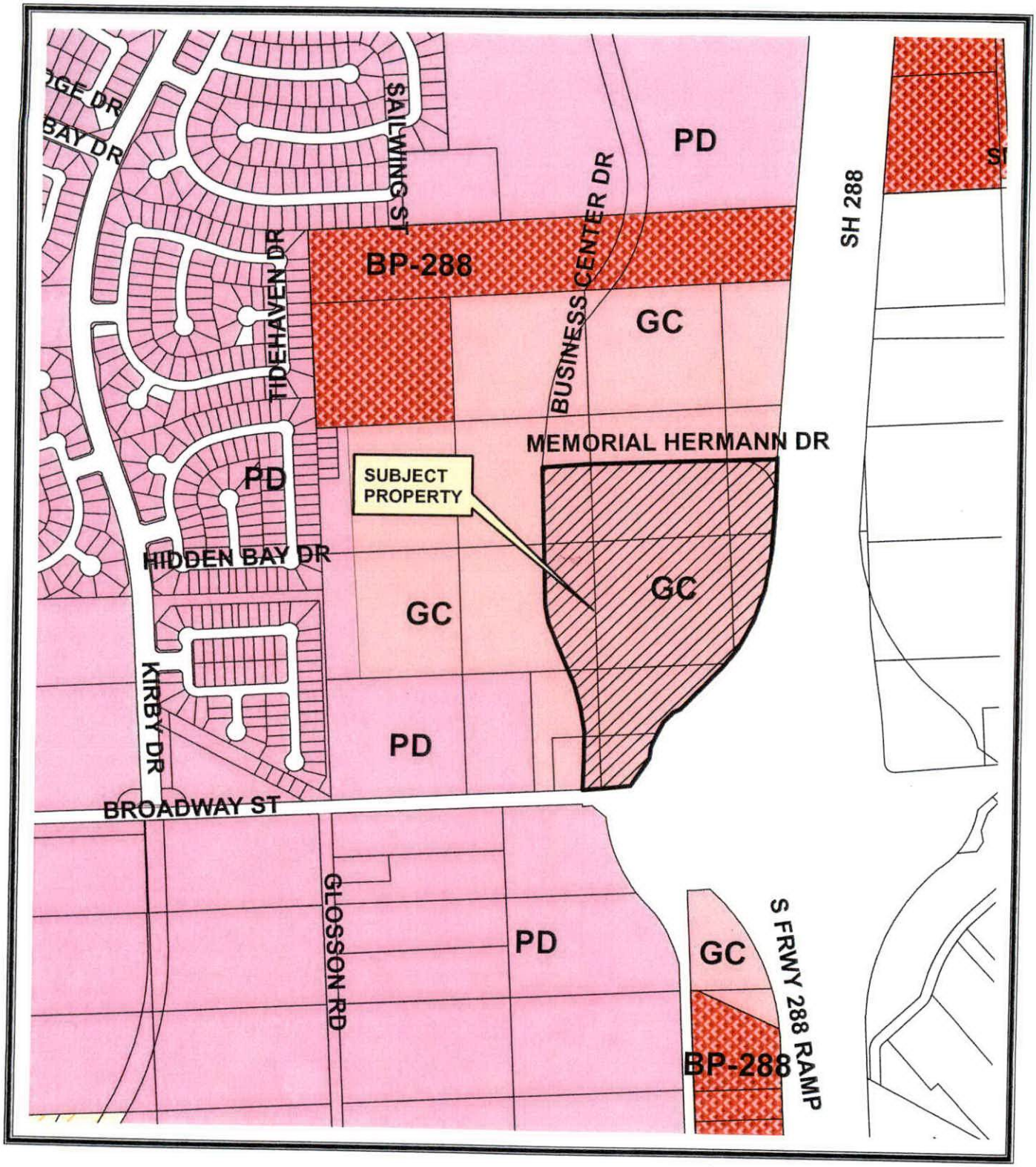
Map Prepared on May 1, 2007

CONDITIONAL USE PERMIT NO. CUP 2007-07
Property Owner Notification List

TAX ACCT	OWNER	ADDRESS	CITY	ST	ZIP CODE
0675-0038-007	MEMORIAL HERMANN HOSPITAL SYSTEM	7737 SOUTHWEST FWY STE 200	HOUSTON	TX	77074-1800
0675-0038-007	MEMORIAL HERMANN HOSPITAL SYSTEM	7737 SOUTHWEST FWY STE 200	HOUSTON	TX	77074-1800
0675-0038-007	MEMORIAL HERMANN HOSPITAL SYSTEM	7737 SOUTHWEST FWY STE 200	HOUSTON	TX	77074-1800
	HEB GROCERY COMPANY LP	PO BOX 240910	SAN ANTONIO	TX	78224
0675-0038-000	SHADOW CREEK RETAIL LP	1900 W LOOP SOUTH STE 1300	HOUSTON	TX	77027
0675-0038-000	SHADOW CREEK RETAIL LP	1900 W LOOP SOUTH STE 1300	HOUSTON	TX	77027
0675-0038-000	SHADOW CREEK RETAIL LP	1900 W LOOP SOUTH STE 1300	HOUSTON	TX	77027
0675-0038-000	SHADOW CREEK RETAIL LP	1900 W LOOP SOUTH STE 1300	HOUSTON	TX	77027
0675-0038-000	SHADOW CREEK RETAIL LP	1900 W LOOP SOUTH STE 1300	HOUSTON	TX	77027
0675-0029-000	SHADOW CREEK RETAIL LP	1900 W LOOP SOUTH STE 1300	HOUSTON	TX	77027
0675-0038-000	SHADOW CREEK RETAIL LP	1900 W LOOP SOUTH STE 1300	HOUSTON	TX	77027
0675-0031-000	SHADOW CREEK RETAIL LP	1900 W LOOP SOUTH STE 1300	HOUSTON	TX	77027
0675-0032-000	SHADOW CREEK RETAIL LP	1900 W LOOP SOUTH STE 1300	HOUSTON	TX	77027
0675-0038-100	SHADOW CREEK RETAIL LP	1900 W LOOP SOUTH STE 1300	HOUSTON	TX	77027
0675-0038-100	SHADOW CREEK RETAIL LP	1900 W LOOP SOUTH STE 1300	HOUSTON	TX	77027
0300-0013-110	MARTIN PEYTON TRUSTEE	310 MORTON ST # 280	RICHMOND	TX	77469-3119



ZONING MAP

Conditional Use Permit
No. CUP2007-07

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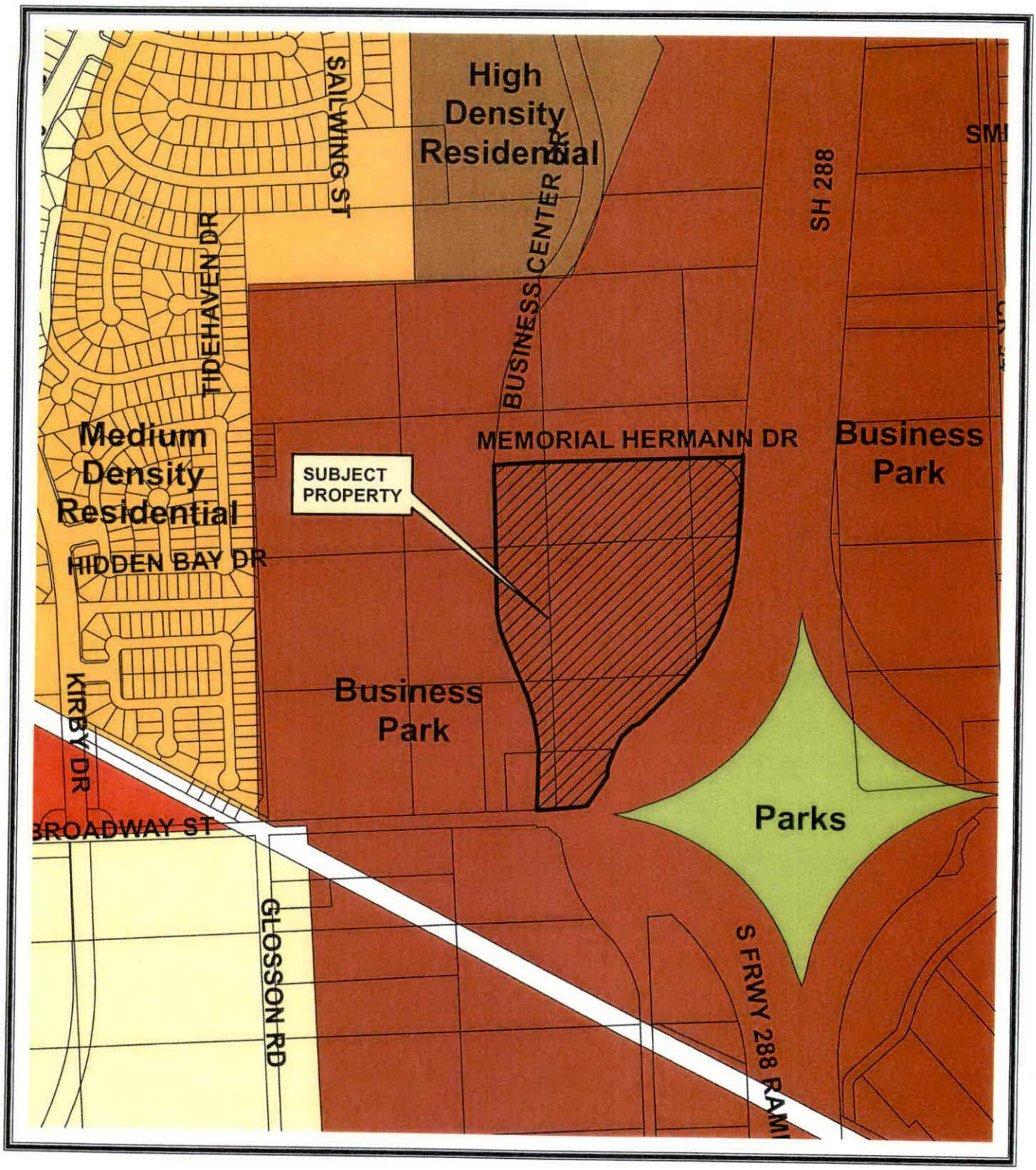
Map Prepared on May 1, 2007



FUTURE LAND USE PLAN

Conditional Use Permit
No. CUP2007-07

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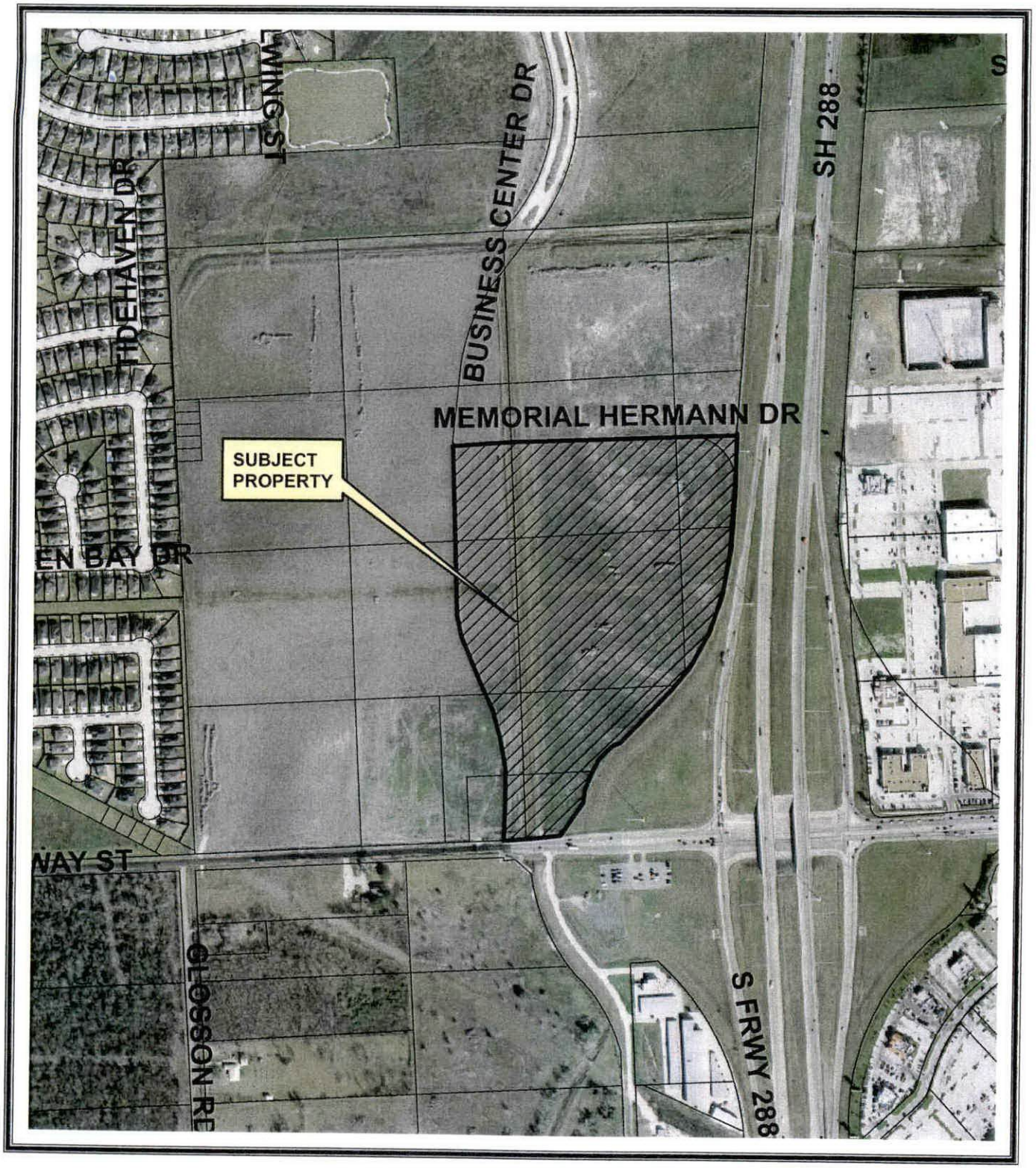
Map Prepared on May 1, 2007



AERIAL PHOTOGRAPH

Conditional Use Permit
No. CUP2007-07

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0 300 600 Feet

Map Prepared on May 1, 2007

Sundance Supply® - > Quote & Order < -

.Home Site Map
>Contact Sundance

.Polycarbonate -Site Index -For Multiwall & -Corrugated

.Choose Install .System

.Well known customers

.Policies

.Privacy

.FAQ's (?'s)

.Links

-Reload Site

Why use polycarbonate instead of glass?----Quoting & OrderingD

Glass offers visual clarity, but has many drawbacks. To comply with building codes, safety glass is required if installed within 12" of a door, 18" of the floor or overhead. In vertical applications tempered glass is okay, but in overhead applications tempered over laminated annealed (windshield type glass) is required. In roof applications this glass cracks easily and is very expensive.

For insulation two lites of glass, in an insulated unit, are necessary. On wall two lites of tempered, on roof tempered over laminated annealed. Insulated glass has a service life. The seals will eventually fail and the unit will fog. Seal warranty is 5 to 10 years, but is void in high moisture greenhouse and pool enclosure applications.

Since clear glass does not diffuse the light hot spots occur in greenhouse applications. Glass is also heavy, requiring a strong frame. A sophisticated install system with aluminum and rubber gaskets is required or leaks occur, especially on overhead glazing. Often numerous lites of glass are required in a roof slope, resulting in horizontal mullion bars that dam water and can easily lead to leaks. Insulated glass should not overhang the eave, requiring a horizontal mullion bar at this location and possible leaks.

Polycarbonate is virtually indestructible and is inherently safety glazing! Football helmets and the inner layers of bullet resistant glass are made of polycarbonate.

Multi-wall polycarbonate is inexpensive and has an insulation value similar to insulated glass. Polycarbonate diffuses the light and is very easy to install. One sheet of polycarbonate goes from the roof peak all the way to the overhanging eave, effectively shedding water.

Polycarbonate is a resilient material. When the Cap is snugly installed, the pressure of the legs of the Cap cause the polycarbonate to slightly give, creating a watertight seal. One of the great advantages to polycarbonate is that gaskets are not required to achieve a watertight seal. The more parts of a glazing system, the more likelihood for leakage. Gaskets in install system caps will often shrink, creating a gap for water to enter.

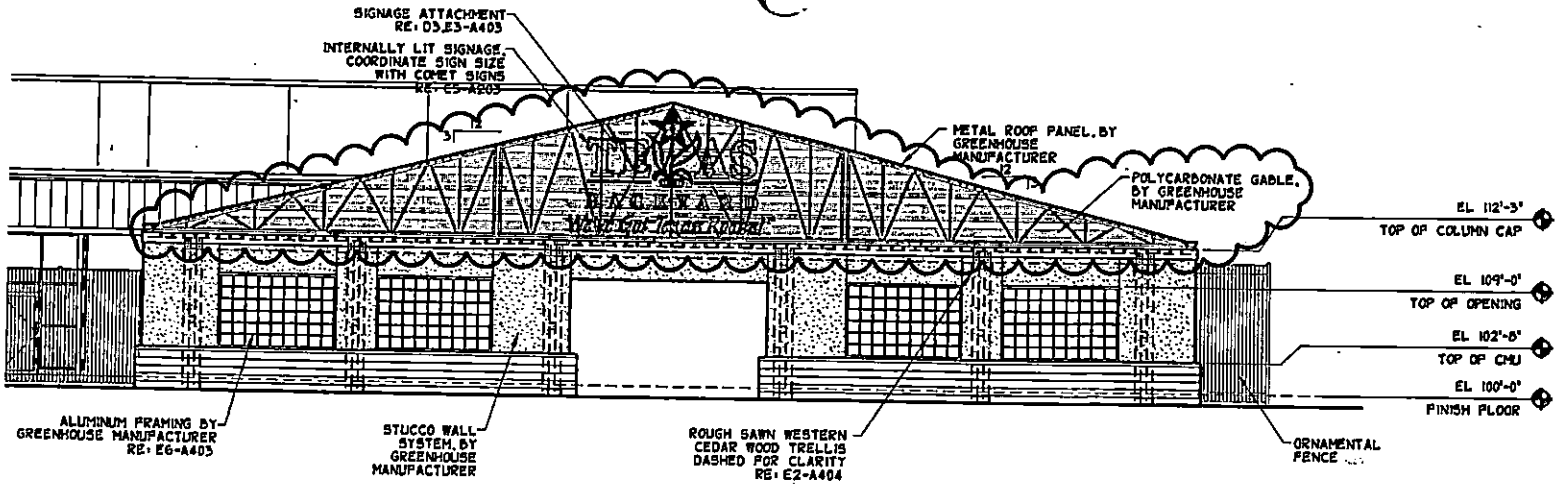
- Also see Glazing Comparison for more information.
- If you want glass on a vertical wall see glass walled sunrooms and pool enclosures.
- Compare clarity of Glass & Polycarbonate

Quoting & Ordering Instructions

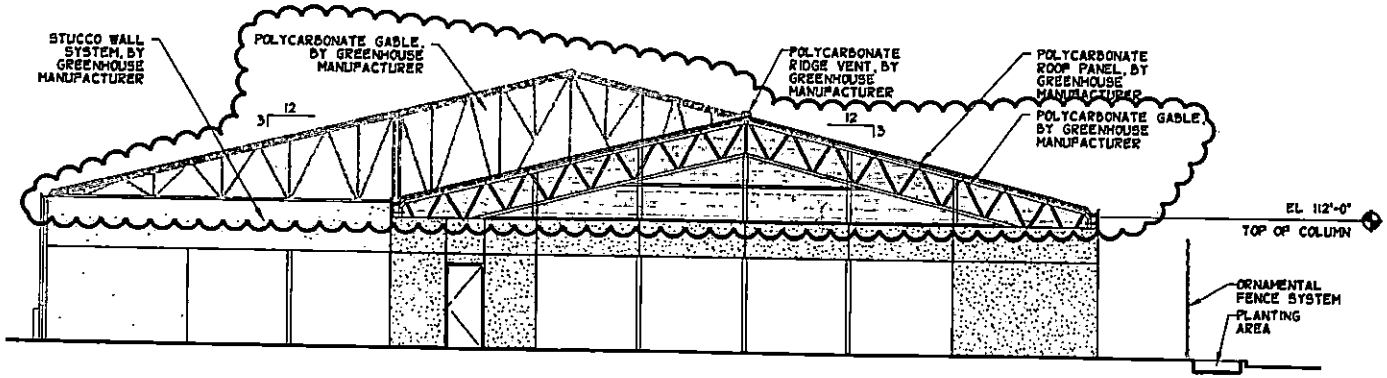
Reload Sundance Supply Site


Low Prices


TEXAS
H-E-B



E2-A402 | TEXAS BACKYARD - FRONT ELEVATION | 3/16"=1'-0"

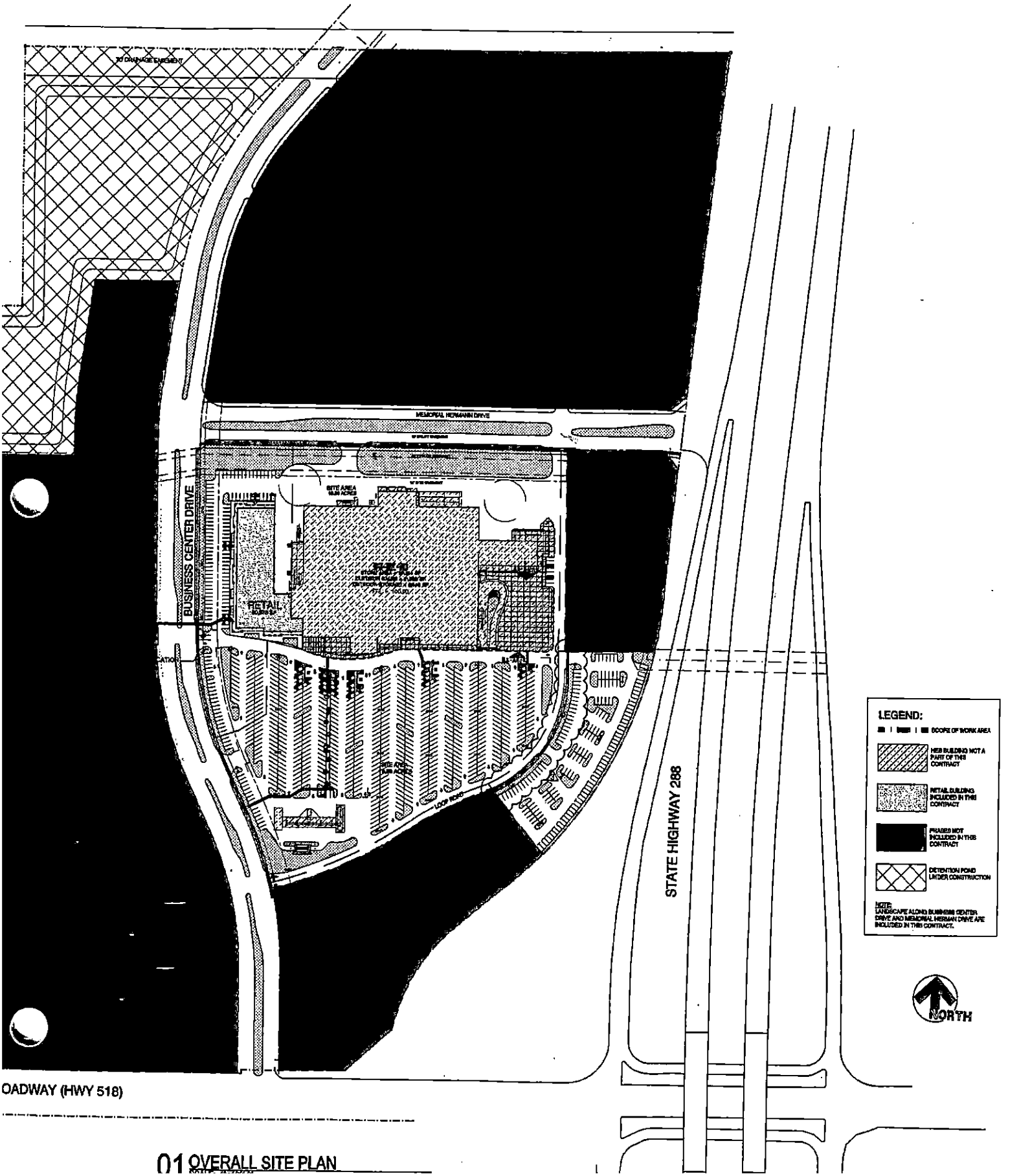


A1-A402 | TEXAS BACKYARD - REAR ELEVATION | 3/16"=1'-0"

H-E-B
PEARLAND
2220 BUSINESS CENTER DRIVE
PEARLAND, TEXAS 77581

SELSERSCHAEFER ARCHITECTS
1350 SOUTH BOULDER AVENUE SUITE 900
TULSA, OKLAHOMA 74119-3295
918 587-2752 TELEFAX 918 587-2285
WEB PAGE: WWW.SELSERSCHAEFER.COM

REVISION NO.	REVISION DATE	REVISION
CITY	04.11.07	–
ISSUE	ISSUE DATE	SHEET NO.
01	09.22.06	
PROJECT NO.		
06051012		001



01 OVERALL SITE PLAN

Opened @ 8:07

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JUNE 4, 2007, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING Ruby read

Zone Change No. 2007-05Z

A request by ONS Investments, LLC, applicant for Hersh Kumar, 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 Cullen Mixed Use District (C-MU) to General Commercial District (GC), on the following described property, to wit: to suit his development needs

Legal Description: 4.59 acre tract, being Lot 7A, which is the South one-half of Lot 7 of the Allison Richey Gulf Coast Home Company Subdivision of Suburban Gardens, Section 19, in the H.T. & B.R.R. Company Survey, Abstract 243, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the East Side of Cullen Boulevard, and Approximately 500 Feet North of Hughes Ranch Road (County Road 403)

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT TAG read... Staff recommends denial for 5 reasons in staff rpt. Staff rec'd numerous public comment forms with concerns re: traffic, h.s., near sched., prop. valuation, cullen Rd traffic

B. APPLICANT PRESENTATION

Nitin Narang / Hersh Kumar - 2707 Sterling Fields Dr., Pearland

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

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT @ 8:23

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.

Delicia - explain car lot

Nitin - Car lot - used

Side B of Tape 1 8:20 pm

Woody agreed - not best use. City spending lots of money in area & not best use

Helen - agrees. Biggest concern is car lot.

Ruby - spent lot of time creating CMU & feel we stick w/it.

Kevin. When ~~area~~ Corridor overlay is completed, need to look @ uses & how the corridor might change due to H.S.

Joint Public Hearing

SPEAKER'S CARD

If you wish to speak during the Public Hearing, please complete the following information and give this card to the Recording Secretary either before or after your comments. Thank you.

Name: NITIN NARANG & HERSH KUMAR.

Full Address: 2707 STERLING FIELDS DR.

(include zip) PEARLAND, TX 77584

I wish to speak regarding Item No. Zone Change 2007-05 I (III D)

applicant

03/2005

JOINT PUBLIC HEARING AGENDA ITEM
MEETING OF JUNE 4, 2007

Zone Change No. 2007-05Z

A request by ONS Investments, LLC, applicant for Hersh Kumar, 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 Cullen Mixed Use District (C-MU) to General Commercial District (GC)

LEGAL DESCRIPTION: 4.59 acre tract, being Lot 7A, which is the South one-half of Lot 7 of the Allison Richey Gulf Coast Home Company Subdivision of Suburban Gardens, Section 19, in the H.T. & B.R.R. Company Survey, Abstract 243, City of Pearland, Brazoria County, Texas

GENERAL LOCATION: Generally Located on the East Side of Cullen Boulevard, and Approximately 500 Feet North of Hughes Ranch Road (County Road 403)

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

Planning and Zoning Commission: June 4, 2007*
City Council for First Reading: June 25, 2007*
City Council for Second Reading: July 9, 2007*

(*dates subject to change if item is tabled)

SUMMARY: The applicant is requesting a change in zoning on the subject property to suit his development needs. The subject property is currently zoned as Cullen Mixed Use District (C-MU). The C-MU district is limited in the number of uses that it allows, because the C-MU district is intended to provide for the continuation and limited growth of non-residential land uses that have been in existence along Cullen Boulevard for a long period of time, while also respecting the residential uses that have developed. The applicant is

wanting to zone the property to a General Commercial District (GC) in order to allow more uses for the subject property to fit their proposed development. The applicant's proposed development currently includes a banquet/party/conference center, wedding or party related stores such as bridal showrooms, tuxedo rentals, wedding planners, salons, jewelry stores, and automobile sales and showrooms. The subject property is currently undeveloped.

SURROUNDING ZONING AND LAND USES:
*** surrounding zoning districts based on the new map adopted February 27, 2006**

	Zoning	Land Use
North	Cullen Mixed Use District (C-MU)	Undeveloped lot
South	Culen Mixed Use District (C-MU)	Commercial business
East	Suburban Residential – 12 District (SR-12)	Single family residence
West	Cullen Mixed Use District (C-MU)	Undeveloped land (future Pearland ISD school site)

CONFORMANCE TO 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 over 4 acres in size, has a width greater than 200 feet, and has a depth greater than 600 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 "Cullen Mixed Use District" for the subject property, and for all of the properties fronting on Cullen Boulevard. The Comprehensive Plan further indicates that the appropriate zoning districts for "Cullen Mixed Use" is the Cullen Mixed Use District. Therefore, the proposed zone change does not conform to the Comprehensive Plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Cullen Boulevard, a major thoroughfare with an ultimate right-of-way of 120 feet. If adequate right-of-way does not exist for Cullen Boulevard, the applicant would be required to dedicate any necessary right-of-way when the subject property is platted.

If the zone change is approved, the applicant will 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.

AVAILABILITY OF UTILITIES: There are no water or sanitary sewer facilities adjacent to the subject property. The applicant will be responsible for extending all utilities as necessary to serve the proposed development.

Availability and adequacy of utilities will be reviewed during the review of any subdivision plat or building permit applications submitted for the subject property.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The applicant is wanting to develop the following uses on the subject property: banquet/party/conference center, wedding or party related stores such as bridal showrooms, tuxedo rentals, wedding planners, salons, jewelry stores, and automobile sales and showrooms. In the CMU district, the hair salon and tuxedo rental are already permitted uses. The banquet center, bridal showroom, wedding planner, and jewelry store all require a Conditional Use Permit in the CMU district. And any and all auto related uses are strictly prohibited in the Cullen Mixed Use District.

During the review of the Comprehensive Plan in 2003 and 2004, it was recognized that Cullen Boulevard (and Garden Road and O'Day Road) are roadways that are characterized by diverse type of land use, including residential, commercial, and industrial. Because of the mix of uses along Cullen Boulevard, the Cullen Mixed Use District was defined in the Comprehensive Plan and later incorporated into the Unified Development Code. The CMU district provides for consistency between the Comprehensive Plan and the Zoning Map.

Within the mixed use districts, it was recommended that the majority of the existing non-residential uses become conforming uses. Further, any new non-residential developments permitted be closely defined to be consistent with existing uses along Cullen Boulevard.

Prior to the start of the Comprehensive Plan Update, these mixed use roadways were a hodge-podge of various zoning districts and various developments. There were several instances in which zoning changes were granted that were inconsistent with the previous Comprehensive Plan, which did not benefit the City nor the land owners within the area. The creation of the mixed use districts was a way to correct the assortment of zoning districts and developments within the area and provide consistency between the Comprehensive Plan and the Zoning Map, and to have existing residential and non-residential land uses become conforming uses and exist in harmony with one another. By taking one parcel of land within the Cullen Mixed Use District and changing it to a General Commercial District takes the City back in the past to where it was in 2003 before the Comprehensive Plan was updated and the mixed use districts created. The General Commercial District allows a plethora of uses, many of which would not be desirable along Cullen Boulevard nor consistent with other land uses in the area.

Additionally, Staff is concerned about the development standards. Improvement of Cullen Boulevard, construction of the high school, construction of city facilities, and development of trails along Cullen Boulevard will set high standards in that area, appropriate for an entryway into the City. Currently, Cullen is not a Corridor Overlay District and thus has minimum development requirements. During a previous UDC workshop, there was some discussion about setting some higher development standards for Cullen Boulevard, such as designating Cullen Boulevard as a Corridor Overlay District. Additionally, the uses permitted in a GC zone may not be appropriate to an "entryway" to the City, adjacent to educational facilities, or compatible to existing uses. Due to these reasons, Staff is not comfortable with a GC zone, without any corridor overlay standards or use restrictions. This zone change may be premature, considering that the City is in the process of adopting higher standards for Cullen Boulevard. Staff recommends that a Planned Development District (PD) might be more appropriate, whereby the City Council and the Planning and Zoning Commission can discuss some of the standards and uses.

PUBLIC COMMENTS: 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.

STAFF RECOMMENDATION: Staff recommends denial of the zone change for GC, for the following reasons:

1. The proposed zone change from CMU to GC does not conform to the

Comprehensive Plan designation of "Cullen Mixed Use District" for the subject property.

2. The GC district allows a wide variety of uses, many of which are not appropriate along Cullen Boulevard.

3. The Cullen Mixed Use District was specifically created to provide consistency between the Comprehensive Plan and the Zoning Map, and allowed uses to exist in harmony with one another along Cullen Boulevard.

4. The proposed zone change places the City in the same position that we were in prior to the 2004 Comprehensive Plan, in which Cullen Boulevard was a hodge-podge of various zoning districts and uses, and it undermines the 2004 Comprehensive Plan.

5. Corridor Overlay District standards have not been formulated for Cullen Boulevard, both on the north and south sides of FM 518, as of yet.

SUPPORTING DOCUMENTS:

- Zone Change Application
- Location Map
- Property Ownership Map
- Property Owner Notification List
- Zoning Map
- Future Land Use Plan
- Aerial Photograph
- Additional Aerial Photographs of Cullen Boulevard

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: C-MU

Proposed Zoning District: GC

Property Information:

Address or General Location of Property: 2109 CULLEN, PEARLAND TX 77581

Tax Account No. 166460 - BRAZORIA COUNTY

Subdivision: A0243 HT & BRR Lot: TRACT 7A Block: ACRES 5.00

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 HERSH KUMAR
ADDRESS COUNTY RD. 90
CITY PEARLAND STATE TX ZIP 77584
PHONE(281) 412-5763
FAX( )
E-MAIL ADDRESS

APPLICANT INFORMATION:

NAME ONS INVESTMENTS LLC
ADDRESS 2707 STERLING FIELDS DR.
CITY PEARLAND STATE TX ZIP 77584
PHONE(713) 436-3755 / 281-627-7122
FAX(713) 694-9992
E-MAIL ADDRESS SHIVALIINC@YAHOO.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.

Owner's Signature: Date: 4/23/07

Agent's Signature: Date: 4/23/07.

OFFICE USE ONLY:

FEES PAID:	DATE PAID:	RECEIVED BY:	RECEIPT NUMBER:
$275.00	4/27/07	tag	

Application No. 2007-05

ONS INVESTMENTS LLC
2707 Sterling Fields Dr., Pearland, TX 77581, 713-436 3755

April 9, 2007

CONCEPT

Objective

- To build possibly a one of a kind **Upscale Center**, this shall offer one stop specialty shopping and fun. The **Upscale Center** to consist of Banquet/Party Hall cum Conference, Wedding or Party related stores like Bridal Showroom, Tuxedo Rental, Wedding Planner, A Salon, Jewelry Store, An Upscale Car sales showroom and few other related entities to serve Pearland City.

Need

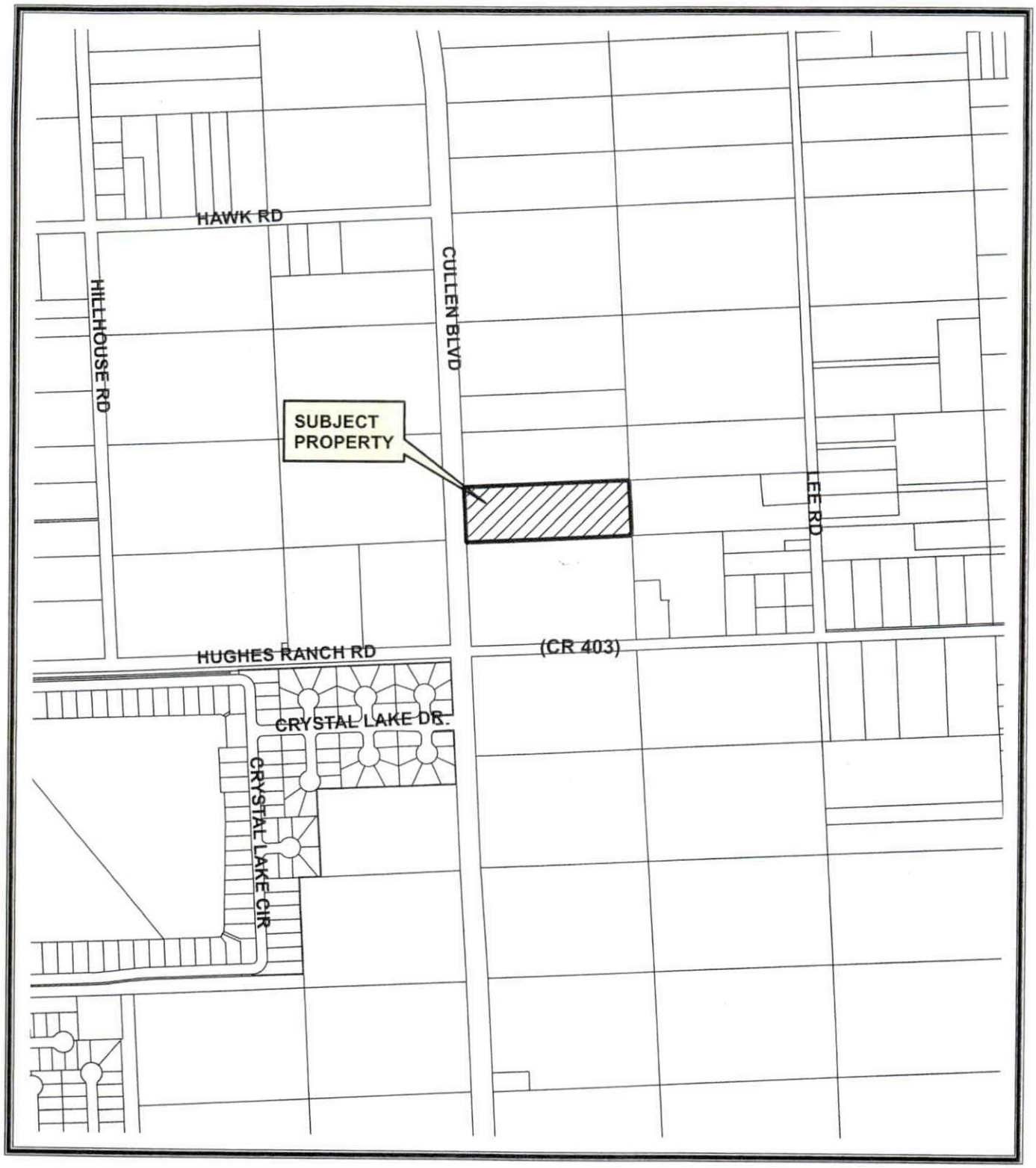
- Pearland in whole lacks a proper Wedding/Party/Conference facility. The community is growing; median household income is on the increase too. There are not many places in and around Houston/Pearland area which offer one stop Wedding / Party related amenities. The Car showroom in itself is intended to be different, as it is going to cater very high end cars and not usual autos at a typical dealership. Pearland needs one as there is none of that sort. The planned Center is not aimed to serve the Pearland community only, but the Center shall be an attraction for everybody else, which in turn shall bring more revenues and growth for City of Pearland.

Location

- With one of the fastest growing communities around Houston area, City of Pearland offers premier location necessary for a successful business. The Cullen (Blvd on which the facility is located) has no commercial development so far. Most of the construction is either on FM 518 or 288. The project with an estimated investment of 4-5million dollars in phases is going to be first on Cullen. The City of Pearland and surrounding community in all is going to reap the benefits of this development. The other indirect reward may be that the TXDOT may reconsider their strategy to speed up the expansion plan of Cullen into a four lane road, owing to commercial progress on the street. It is very obvious once a construction starts at one location; others are likely to follow the suit. Therefore however we look at it, the Center shall be a Win-Win situation for everyone.

Zone Change

- We hope our application to change the existing Zone from C-MU to GC shall be considered favorably.



LOCATION MAP

Zone Change
No. 2007-05Z

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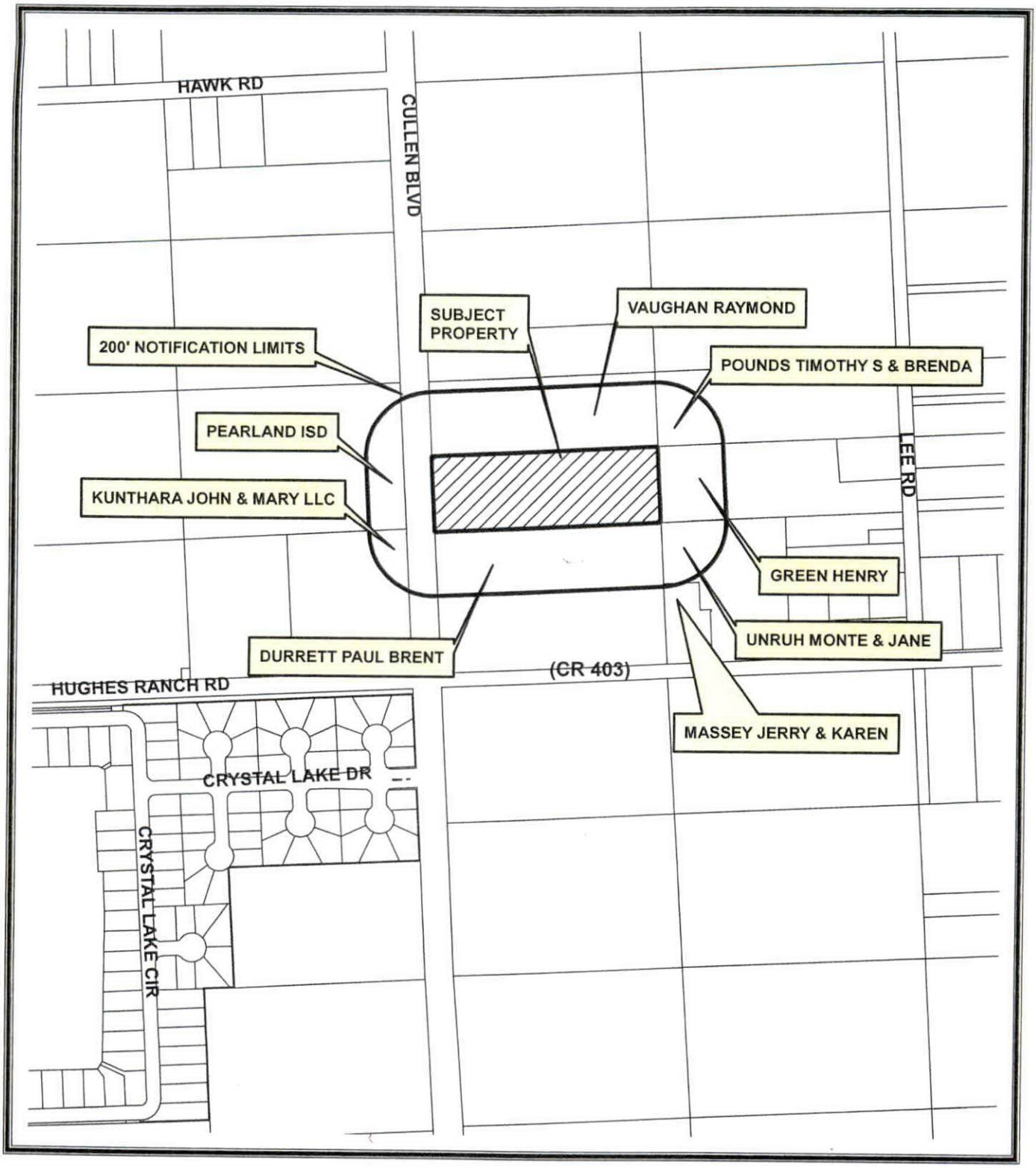
Map Prepared on May 1, 2007



OWNERSHIP MAP

Zone Change
No. 2007-05Z

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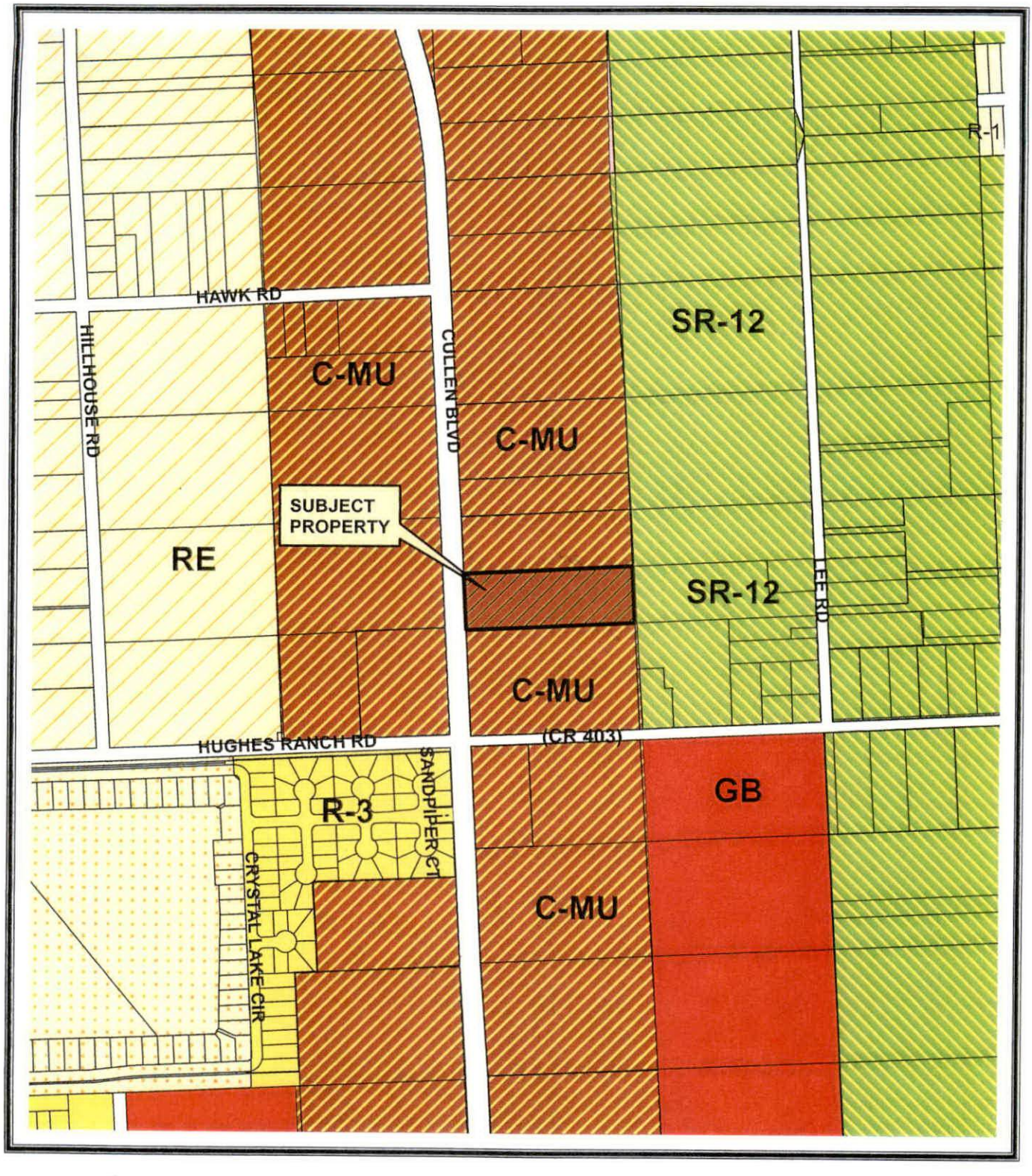
0 300 600 Feet

Map Prepared on May 1, 2007

ZONE CHANGE NO. 2007-05Z
Property Owner Notification List

TAX ACCT	OWNER	ADDRESS	CITY	ST	ZIP CODE
0243-0052-110	POUNDS TIMOTHY S & BRENDA	2042 LEE RD	PEARLAND	TX	77581-8982
0243-0042-000	VAUGHAN RAYMOND	2005 CULLEN BLVD	PEARLAND	TX	77581-8979
	HERSH KUMAR	2525 COUNTY ROAD 90	PEARLAND	TX	77584
	ONS INVESTMENTS LLC	2707 STERLING FIELDS DR	PEARLAND	TX	77584
0506-0061-000	PEARLAND ISD	PO BOX 7	PEARLAND	TX	77588-0007
0243-0026-000	GREEN HENRY	2110 LEE RD	PEARLAND	TX	77581-8984
0243-0042-002	CLASSIC STORAGE STATION	8909 HUGHES RANCH RD	PEARLAND	TX	77584-3037
0506-0019-000	KUNTHARA JOHN & MARY LLC	6718 HERITAGE HAVEN CT	RICHMOND	TX	77469-9859
0243-0033-099	UNRUH MONTE & JANE	8229 HUGHES RANCH RD	PEARLAND	TX	77581-7866
0243-0008-000	DURRETT PAUL BRENT	6120 BROOKSIDE RD	PEARLAND	TX	77581-2042
0243-0033-110	MASSEY JERRY & KAREN	8305 HUGHES RANCH RD	PEARLAND	TX	77581-7868



ZONING MAP

Zone Change No. 2007-05Z

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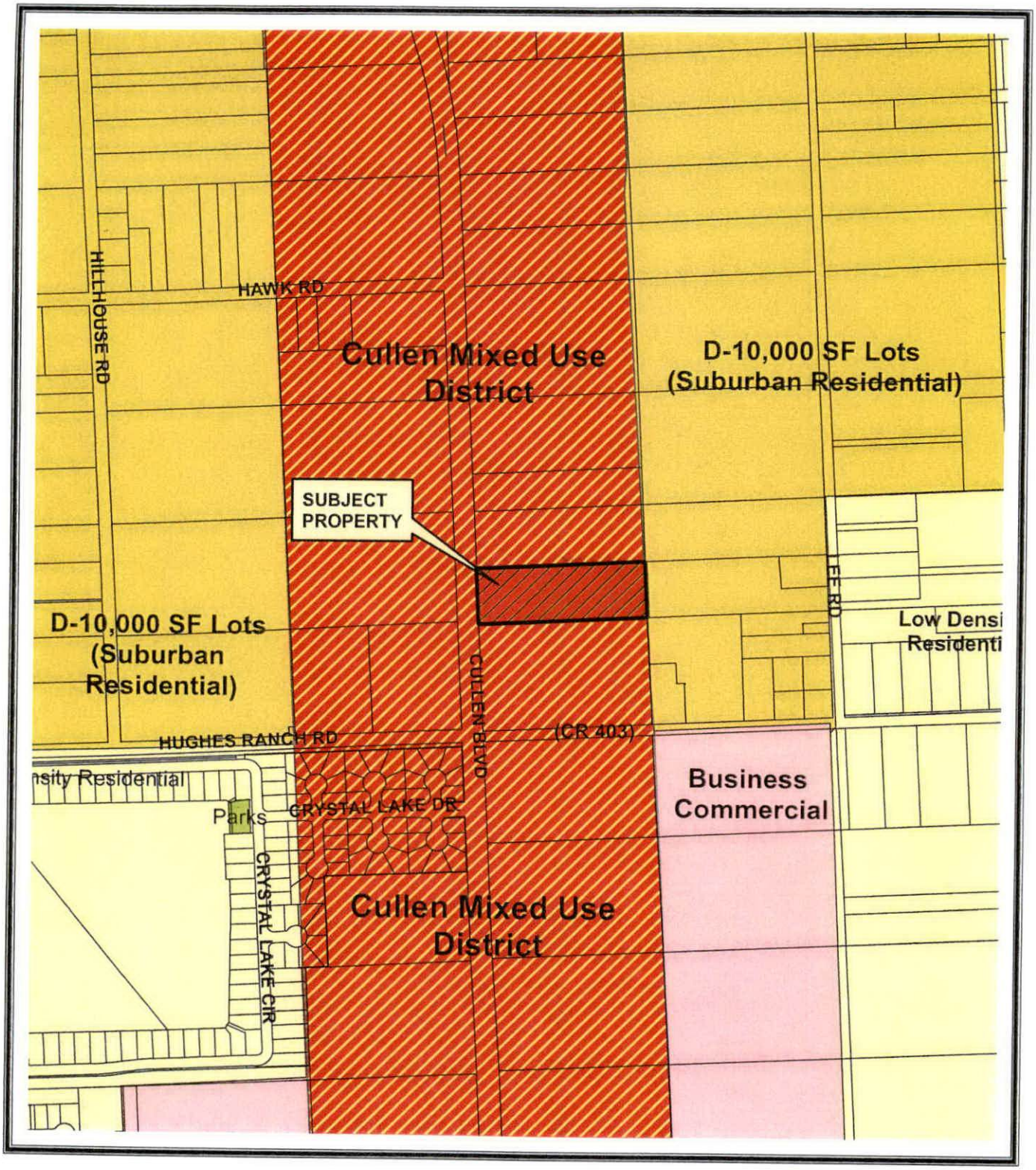
0 300 600 Feet

Map Prepared on May 1, 2007



FUTURE LAND USE PLAN

0 300 600 Feet

Zone Change No. 2007-05Z

N W E S

Map Prepared on May 1, 2007

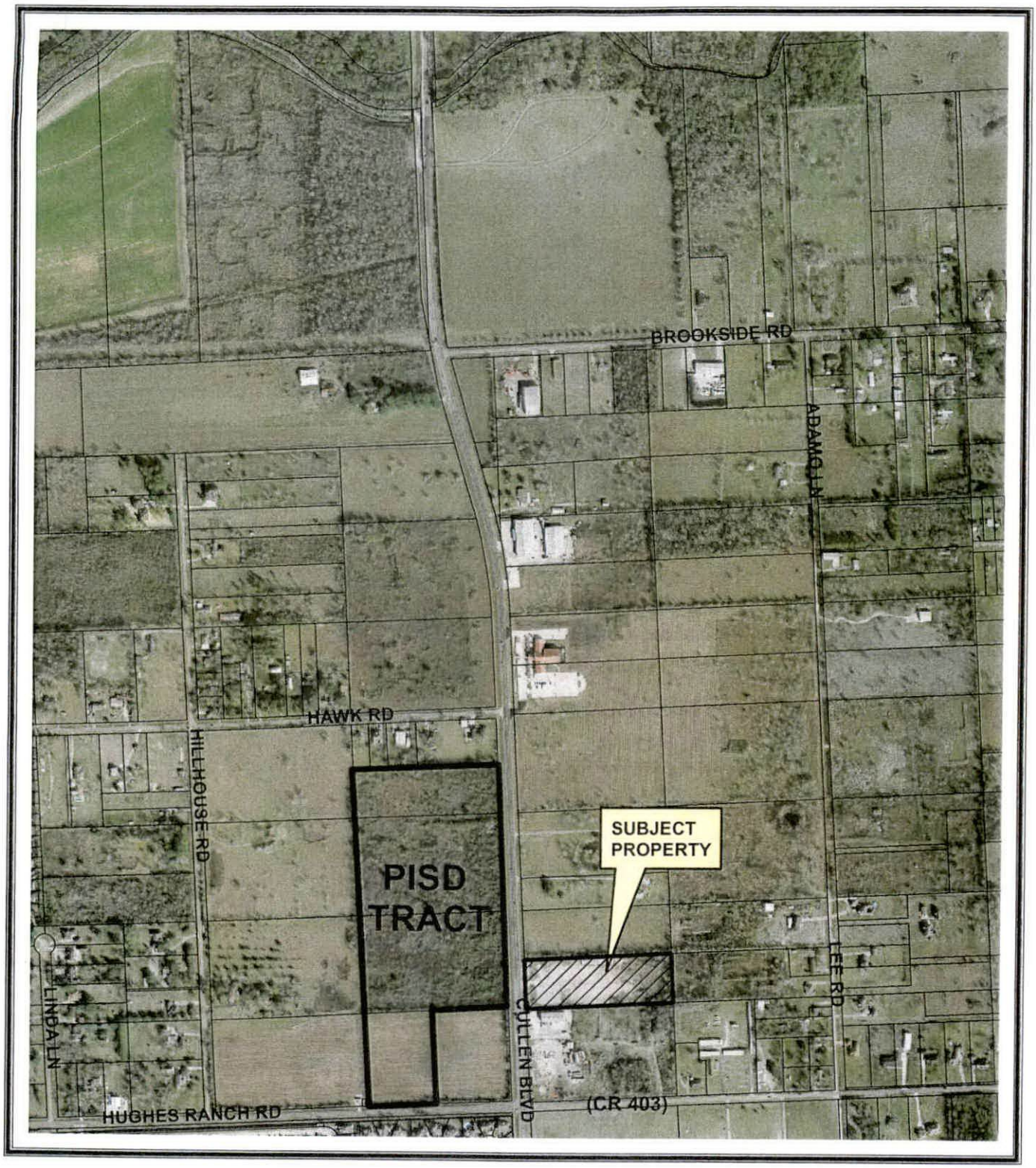
AERIAL PHOTOGRAPH

0 300 600 Feet

Zone Change No. 2007-05Z

N W E S

Map Prepared on May 1, 2007



ADDITIONAL
AERIAL PHOTOGRAPH 1

0 300 600 Feet

Zone Change
No. 2007-05Z

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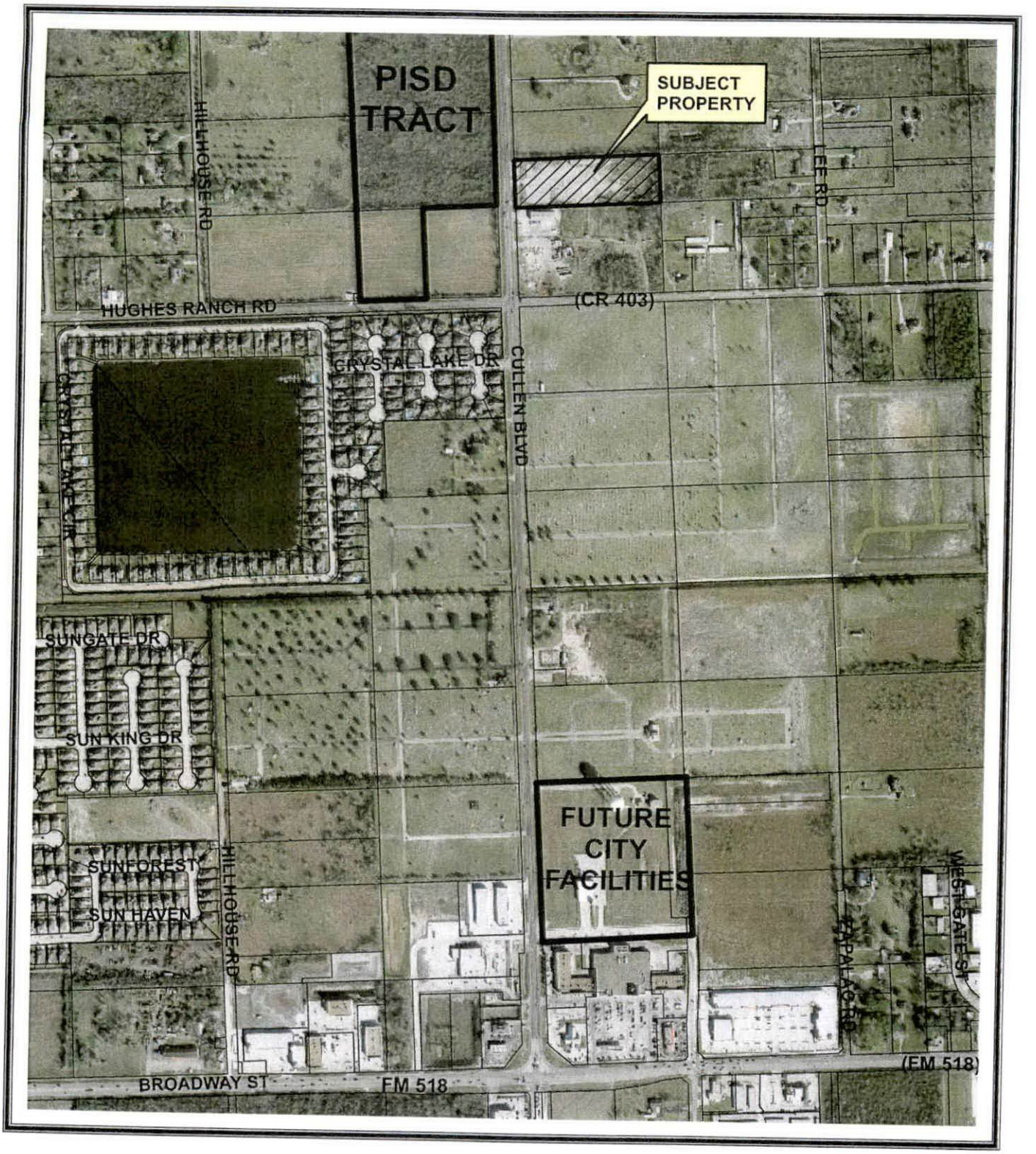
Map Prepared on May 1, 2007



ADDITIONAL AERIAL PHOTOGRAPH 2

0 300 600 Feet

Zone Change No. 2007-05Z

N W E S

Map Prepared on May 1, 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: Chris Talbert

Full Address: 7501 Westview

(include zip) Houston Tx 77055

I wish to speak regarding Item No. CUP2007-05

03/2005

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: Ollie A Wyche

Full Address: 8335 Fite Road

(include zip) Pearland TX 77584

I wish to speak regarding Item No. 2007-062

03/2005

Mayor opened @ 8:23

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JUNE 4, 2007, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING Ruby read...

Zone Change No. 2007-06Z

A request by Freeman T. and Ollie A. Wyche, 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 General Business Retail District (GB) to Single Family Residential – 2 District (R-2), on the following described property, to wit:

Legal Description: 5.9136 acres of land out of a called 9.29 acre tract of land out of the south one-half of Lot 30 of the Allison Richey Gulf Coast Home Company Subdivision of Section 21, H.T. & B.R.R. Company Survey, Abstract 309, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the North Side of Fite Road, and Approximately 350 Feet West of Cullen Boulevard

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT TAG read.. staff recommends approval. Rec'd no Public Comment form

B. APPLICANT PRESENTATION Ollie Wyche owner spoke. keep street residential - To east is comm Resid. for Patio homes.

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

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT adj @ 9:40

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.

Recessed @ 9:40

V Kevin - R-2 has to be 70' wide X 103'
Clarification

will be on 3 ac. Clarified home site to east will be 10 homes on 1st
Data explained when Platted, they will have to meet all regulations of UDC.
Ruby asked about detention.

Narciso addressed that it was explained in Pre-Dev
and she has enough land to do this.

Felicia inquired about R.O.W.

Kevin - referred to Patio Homes next to this. Not sure
this is the best use of Property.

Further discussion continued regarding surrounding areas.

JOINT PUBLIC HEARING AGENDA ITEM
MEETING OF JUNE 4, 2007

Zone Change No. 2007-06Z

A request by Freeman T. and Ollie A. Wyche, 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 General Business Retail District (GB) to Single Family Residential – 2 District (R-2)

LEGAL DESCRIPTION: 5.9136 acres of land out of a called 9.29 acre tract of land out of the south one-half of Lot 30 of the Allison Richey Gulf Coast Home Company Subdivision of Section 21, H.T. & B.R.R. Company Survey, Abstract 309, City of Pearland, Brazoria County, Texas

GENERAL LOCATION: Generally Located on the North Side of Fite Road, and Approximately 350 Feet West of Cullen Boulevard

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

Planning and Zoning Commission: June 4, 2007*
City Council for First Reading: June 25, 2007*
City Council for Second Reading: July 9, 2007*

(*dates subject to change if item is tabled)

SUMMARY: The applicant is requesting a change in zoning on the subject property for single family residential uses. The applicant currently has a single family residence located on the subject property, which consists of approximately 6 acres.

In 2000, the subject property was zoned Suburban Development District (SD) and the applicant applied to rezone to Single Family Residential – 1 District (R-1), and subsequently constructed their residence. When the City adopted the Revised Zoning Map in February 2006, the subject property was rezoned from R-1 to General Business District

(GB), in conformance with the Comprehensive Plan. The applicant has indicated that they want to develop a small subdivision for custom homes on the undeveloped portion of the subject property, for R-2 size lots. Therefore, the applicant is requesting an R-2 district.

SURROUNDING ZONING AND LAND USES:
*** surrounding zoning districts based on the new map adopted February 27, 2006**

	Zoning	Land Use
North	General Business Retail District (GB)	Office park (under construction)
South	Single Family Residential – 2 District (R-2)	Single family residences within the Villages of Edgewater
East	General Business Retail District (GB)	Undeveloped tract
West	Planned Development District (PD) for single family residential uses	Undeveloped land

CONFORMANCE TO UNIFIED DEVELOPMENT CODE (UDC): The applicant is requesting the R-2 district. The minimum lot size for the R-2 district is 7,000 square feet, the minimum lot width is 70 feet, and the minimum lot depth is 90 feet. The subject property exceeds these minimum requirements. Since the applicant intends to further subdivide the subject property into multiple residential lots, each lot would have to conform with the minimum lot requirements listed above.

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 "Retail, Office, and Service" uses for the subject property, and for many of the properties fronting on Cullen Boulevard. The Comprehensive Plan further indicates that the appropriate zoning districts for "Retail, Office, and Service" uses are the Office and Professional District (OP), the Neighborhood Service District (NS), and the General Business Retail District (GB). Therefore, the proposed zone change to R-2 does not conform to the Comprehensive Plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Fite Road, a minor collector street with an ultimate right-of-way of 60 feet. If adequate right-of-way does not exist for Fite Road, 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 on the west side of Cullen Boulevard. A sanitary sewer line is also located within Cullen Boulevard. 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: In 2000, the subject property was zoned as R-1, which at the time R-1 conformed with the Comprehensive Plan. The 2004 Update to the Comprehensive Plan changed the land use designation of the subject property to "Retail, Office, and Service" uses. It appears that the land use designation was changed due to the realignment of Cullen Boulevard, and due to the various retail and office developments that were occurring along Cullen Boulevard between FM 518 and Fite Road. After the land use designation was changed, the zoning map was updated and properties were zoned in conformance with the Comprehensive Plan. Therefore, the zoning for the subject property was changed from R-1 to GB.

There is currently one residence on the subject property. The applicant is wanting to zone the property to R-2 to make the residence a conforming use, and also to allow the development of several more single family residential lots on the subject property. The applicant has met with Staff at a pre-development meeting and provided a plan indicating that they wanted to construct 10 additional lots for the development of custom homes. The proposed lots are 70 feet wide, thereby meeting the requirements of the R-2 district.

Since the subject property was originally zoned as R-1 and a single family residence exists

on the subject property, Staff does not have a concern with zoning the property for residential uses. However, the applicant is requesting R-2, which is a higher zoning district than the original R-1. In other words, the R-1 zoning district that the applicant received in 2000 would not permit them to construct the size lots that they are requesting.

The northwest corner of Cullen Boulevard and Fite Road is zoned as Neighborhood Service District (NS), and there is a narrow strip of General Business between the NS tract and the subject property. The PD over to the west was approved for patio homes with a minimum lot size of 60 feet by 115 feet, which is similar to an R-3 size lot. The subject property serves as a transition between GB uses to the east, and the residential PD that was approved with a gross density of 3 units per acre.

Even though the proposed zone change does not conform to the Comprehensive Plan and is a higher zoning district than what was previously granted, Staff believes that it would not be a detriment to the surrounding area if the zone change to R-2 were granted. There appears to be an abundance of GB zoned lots in the area, extending from FM 518 to Fite Road, on both sides of Cullen Boulevard and Old Chocolate Bayou Road.

PUBLIC COMMENTS: 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.

STAFF RECOMMENDATION: Staff recommends approval of the zone change for R-2, for the following reasons:

1. Although contrary to the Future Land Use Plan designation of retail, office, and service uses, the subject property is currently being used for residential purposes and would allow for a limited number of additional single family residential uses.

2. Staff does not have a concern about the reduction of non-residential zoned districts in that area, because it appears that there is adequate land within the area that is zoned as GB.

3. The subject property was originally zoned for single family residential uses and under that zoning, the applicant constructed their single family residence.

4. The subject property is adjacent to an R-2 district to the south, and an approved PD with a gross density of 3 units per acres that is less than the density allowed in an R-1 zone (3.2 units per acre).

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: Residential

Proposed Zoning District: R-2 for 2 acres
Remaining 3.9136 acreage Residential

Property Information:

Address or General Location of Property: 2 ACRE TRACT of Land out of a called 9.29 ACRE TRACT of LAND OUT of SOUTH ONE HALF of LOT 30 of the ALLISON Rickey GULF COAST.

Tax Account No. 0309000449/40

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

A Complete Application must include all of this information:

- [X] Fee (see Zoning Change Fee Schedule)
- [X] Legal Description and/or Survey of the Property
- [X] 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 Freeman T & Ollie A Wyche
ADDRESS 8335 Fite Road
CITY Pearland STATE TX ZIP 77584
PHONE (281) 773 4602
FAX (281) 997 2646
E-MAIL ADDRESS goodie1014@netzero.net

APPLICANT INFORMATION:

NAME SAME as Property OWNER
ADDRESS
CITY STATE ZIP
PHONE( )
FAX( )
E-MAIL ADDRESS

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

Owner's Signature: [signature] Date: 4/23/07

Agent's Signature: Date:

OFFICE USE ONLY:

FEES PAID:	DATE PAID:	RECEIVED BY:	RECEIPT NUMBER:
$275.00	4/27/07	tcg	

Application No. 2007-06

Date: April 23, 2007

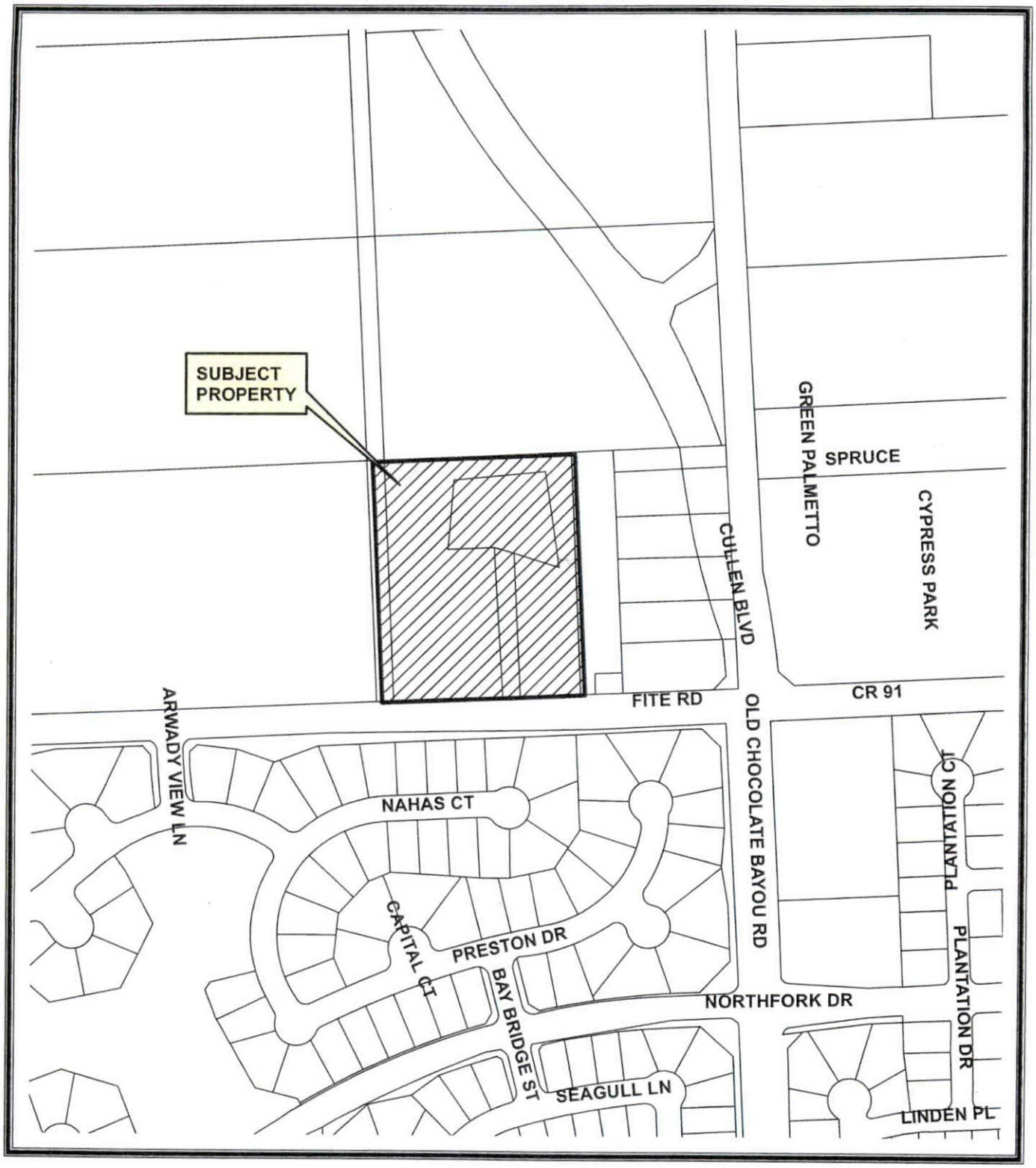
To: City of Pearland Community Development
3523 Liberty Drive
Pearland Texas 77581

From: Freeman T. & Ollie A. Wyche
8335 Fite Road
Pearland, Texas 77584

Attn: Zoning Change Request

The property at 8335 Fite Road was previously zoned to Residential on November 2000. Since then the planning / zone committee has rezoned the property to General Business without owner's notification. The current use of the property is being used as residential and would like to remain in the Residential zone. The two acre tract to the south meets the qualifications for an R-2 development (see the attached layout) for ten single family residential units. In the future, the development will consist of ten individual custom home units. At this time zoning changes are required to start the infrastructure of the development. Thank you for your attention and time

Freeman & Ollie Wyche



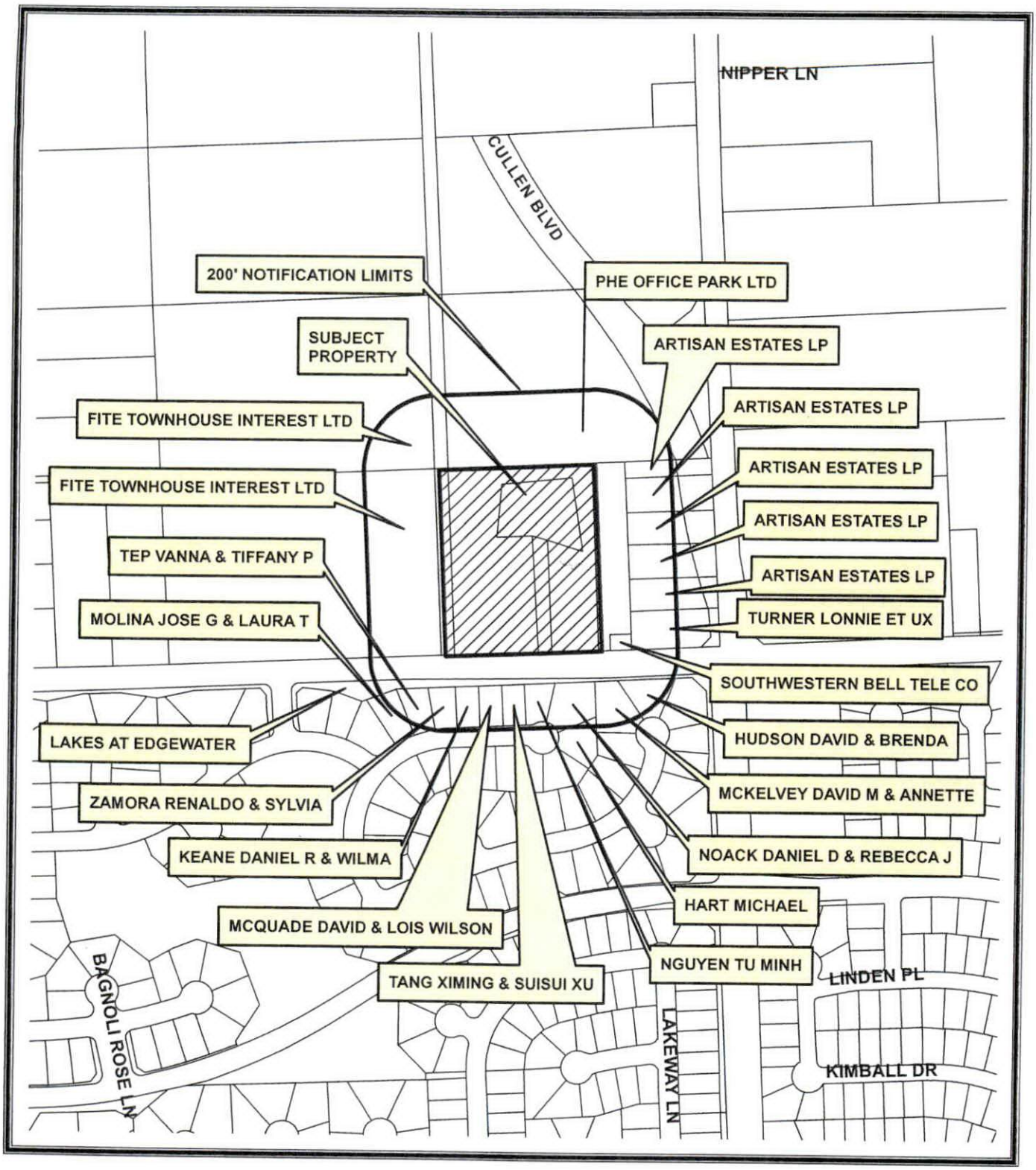
LOCATION MAP

Zone Change No. 2007-06Z

N W E S

0 300 600 Feet

Map Prepared on May 1, 2007



OWNERSHIP MAP

Zone Change No. 2007-06Z

N
W E
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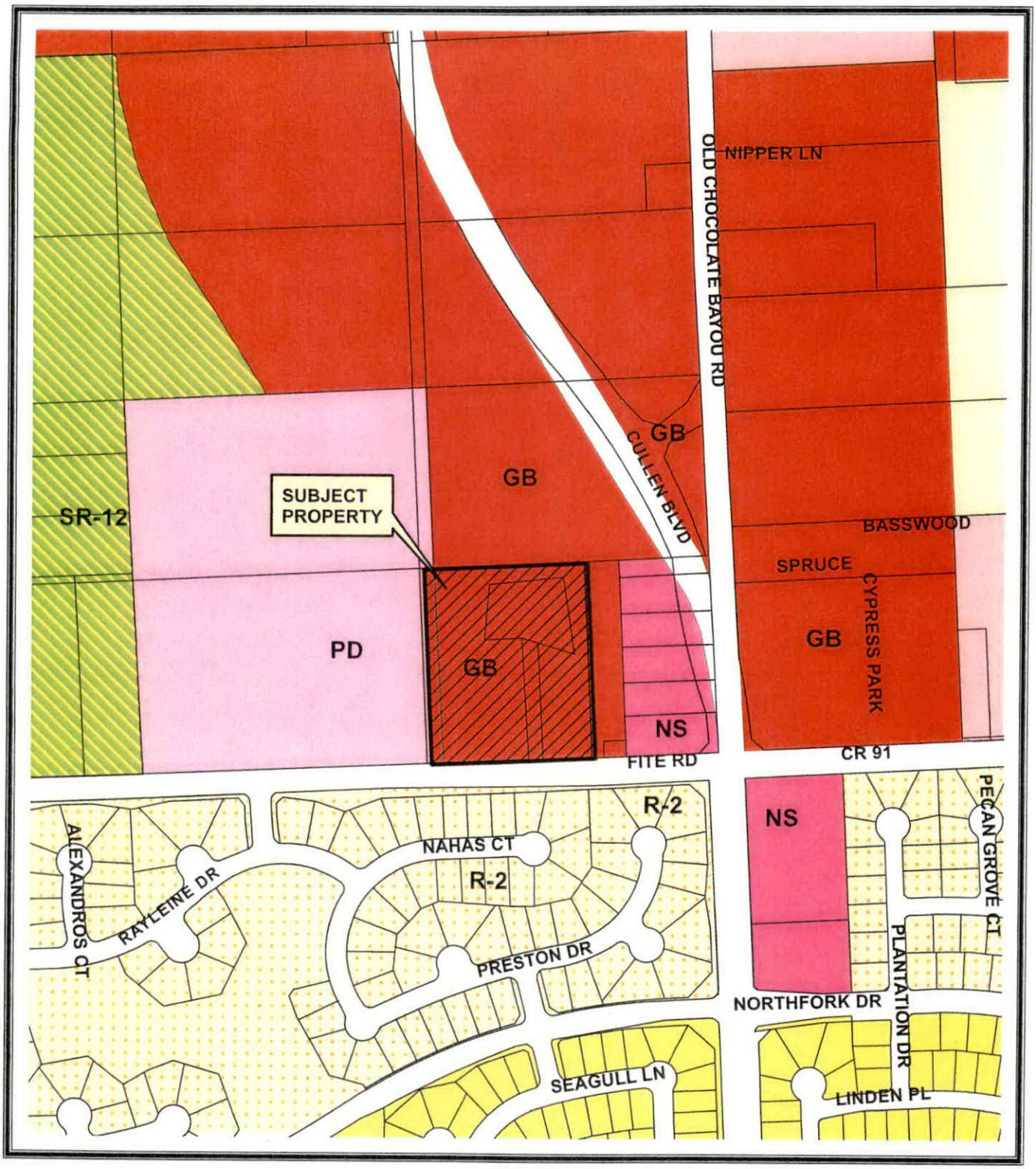
0 300 600 Feet

Map Prepared on May 1, 2007

ZONE CHANGE NO. 2007-06Z
Property Owner Notification List

TAX ACCT	OWNER	ADDRESS	CITY	ST	ZIP CODE
0309-0034-001	CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581-5416
0309-0034-002	PHE OFFICE PARK LTD	7757 SAN FELIPE #204	HOUSTON	TX	77063
0309-0005-110	FITE TOWNHOUSE INTEREST LTD	7757 SAN FELIPE #204	HOUSTON	TX	77063
0309-0044-000	ARTISAN ESTATES LP	802 TIBER ST	HOUSTON	TX	77024
0309-0044-000	ARTISAN ESTATES LP	802 TIBER ST	HOUSTON	TX	77024
0309-0044-140	WYCHE FREEMAN T II & OLLIE	8335 FITE RD	PEARLAND	TX	77584-9283
0309-0004-000	FITE TOWNHOUSE INTEREST LTD	7757 SAN FELIPE #204	HOUSTON	TX	77063
0309-0044-140	WYCHE FREEMAN T II & OLLIE	8335 FITE RD	PEARLAND	TX	77584-9283
0309-0044-000	ARTISAN ESTATES LP	802 TIBER ST	HOUSTON	TX	77024
0309-0044-000	ARTISAN ESTATES LP	802 TIBER ST	HOUSTON	TX	77024
0309-0044-000	ARTISAN ESTATES LP	802 TIBER ST	HOUSTON	TX	77024
0309-0044-110	TURNER LONNIE ET UX	3054 OLD CHOCOLATE BAYOU RD	PEARLAND	TX	77584-8981
0309-0044-130	SOUTHWESTERN BELL TELE CO	1 BELL CTR # 36-M-01	SAINT LOUIS	MO	63101-3004
8138-5100-000	THE LAKES AT EDGEWATER ESTATES	1505 HIGHWAY 6 S STE 110	HOUSTON	TX	77077-1725
8138-5101-011	HUDSON DAVID & BRENDA	8301 PRESTON DR	PEARLAND	TX	77584-9702
8138-5101-012	MCKELVEY DAVID M & ANNETTE	8303 PRESTON DR	PEARLAND	TX	77584-9702
8138-5101-035	NOACK DANIEL D & REBECCA J	8301 NAHAS CT	PEARLAND	TX	77584-7994
8138-5101-036	NGUYEN TU MINH	8303 NAHAS CT	PEARLAND	TX	77584-7994
8138-5101-037	TANG XIMING & SUISUI XU	8305 NAHAS CT	PEARLAND	TX	77584-7994
8138-5101-038	MCQUADE DAVID & LOIS WILSON	8401 NAHAS CT	PEARLAND	TX	77584-7996
8138-5101-039	KEANE DANIEL R & WILMA	8403 NAHAS CT	PEARLAND	TX	77584-7996
8138-5101-040	ZAMORA RENALDO & SYLVIA	315 CAVAYO TRL	HELOTES	TX	78023-4497
8138-5101-041	TEP VANNA & TIFFANY P	8407 NAHAS CT	PEARLAND	TX	77584-7996
8138-5101-043	MOLINA JOSE G & LAURA T	8401 RAYLEINE DR	PEARLAND	TX	77584-7998
8138-5101-034	HART MICHAEL	8302 NAHAS CT	PEARLAND	TX	77584-7993



ZONING MAP

Zone Change
No. 2007-06Z

N
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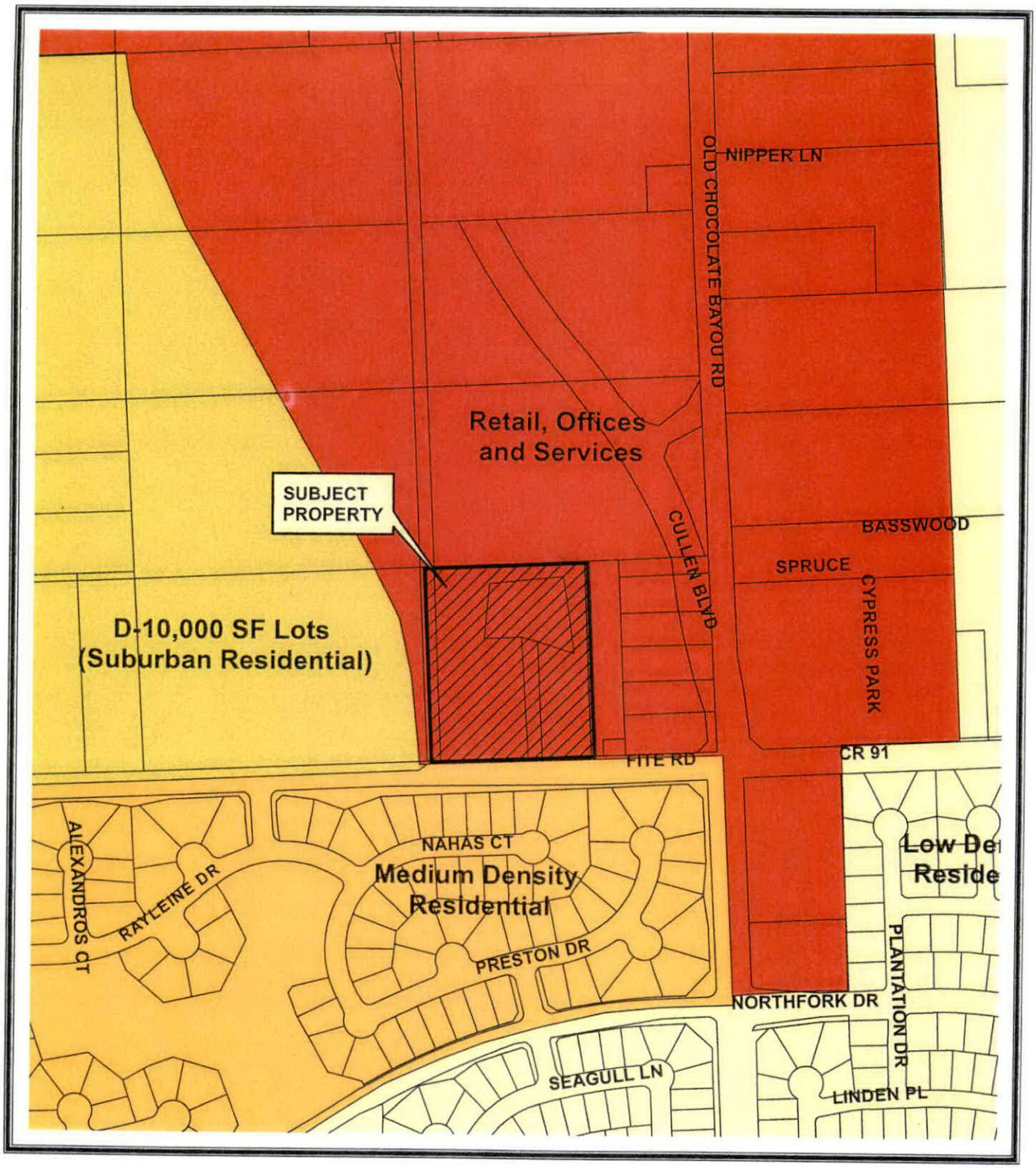
0 300 600 Feet

Map Prepared on May 1, 2007



FUTURE LAND USE PLAN

0 300 600 Feet

Zone Change
No. 2007-06Z

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Map Prepared on May 1, 2007

AERIAL PHOTOGRAPH

Zone Change
No. 2007-06Z

N
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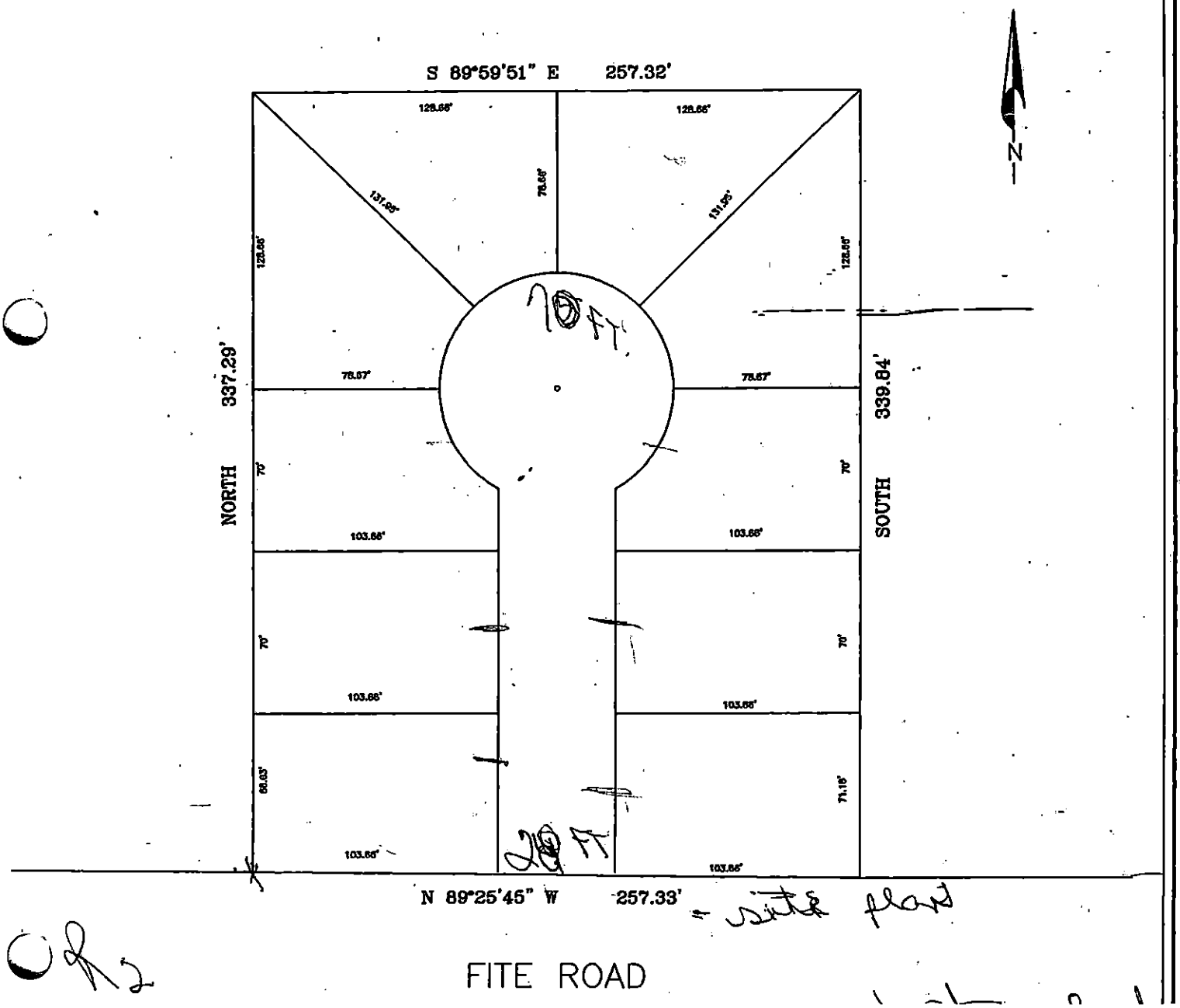
S

0 300 600 Feet

Map Prepared on May 1, 2007



= site plan

FITE ROAD

CITY OF PEARLAND
PLANNING & ZONING

AGENDA ITEM

DATE: June 1, 2007

TO: Planning & Zoning Commission

FROM: Lata Krishnarao, AICP, Planning Director

SUBJECT: Proposed Modification to the Unified Development Code – Joint Public Hearing

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Attached are the proposed modification to the Unified Development Code (UDC). This is scheduled for a joint public hearing on June 4, 2007. These modifications have bee discussed at joint workshops in the past few months. The modifications regarding Highway signage and variances for existing developments are not included in the modifications at this time. Those tow items will be discussed at separate workshops.

V. UDC - JPH

Susan
pg. 84
clerical error on item
5, C 300 feet

reconvened @ 8:52

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JUNE 4, 2007, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER Mayor called @ 8:52

II. PURPOSE OF HEARING Ruby read

Amendements to the Unified Development Code (UDC)

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

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT Kata read

B. APPLICANT PRESENTATION nothing add'l to present

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

~~Cathy~~ Nancy Kozaneckí representing Pine Hollow HOA pg. 84 item No. 6. spoke in favor

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT @ 9:00

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. Two Issues

- Hwy signage on 288
- Variances

These are not included - but will be in future workshops.

slight chng in P&Z pkt. re: PODS & storage container.

new hand out issued.

corridor overlay district added.

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

AGENDA OF: 06-04-07	**ITEM NO. JPH #5**
DATE SUBMITTED: 05-17-07	**DEPARTMENT OF ORIGIN: Planning**
PREPARED BY: Lata Krishnarao	**PRESENTOR: Lata Krishnarao, Nghiem Doan**
REVIEWED BY: Nicholas Finan	**DATE: 5-29-07**

SUBJECT: Joint Public Hearing regarding proposed revisions to Unified Development Code.

EXHIBITS: Highlighted pages of the proposed Unified Development Code revisions.

EXPENDITURE REQUIRED: None

AMOUNT BUDGETED: N/A
ACCOUNT NO. N/A

ADDITIONAL APPROPRIATION REQUIRED: N/A
ACCOUNT NO. N/A

FUNDS AVAILABLE _____ (Finance Department Approval)

EXECUTIVE SUMMARY

This is a joint public hearing to consider the proposed revisions to Unified Development Code for the City of Pearland.
A series of workshops was held by the Planning and Zoning Commission and City Council in the past months to discuss these modifications. The yellow highlighted text shows the changes. Some items that required more discussion and research, including signage along highways and administrative variance, have been removed from the list and will be discussed at a separate workshop.

RECOMMENDED ACTION

Conduct the joint public hearing.

Section 1.2.6.5 Municipal Court Actions

(a) The City Attorney is authorized to prosecute violations of this Unified Development Code in the municipal court where jurisdiction lies for the action.

(b) In prosecutions for violations of this Unified Development Code, it shall not be necessary to allege or prove a culpable mental state, as said requirement is hereby waived.

(c) In prosecutions for violations of Division 5 of Article 2 of Chapter 4 of this Unified Development Code, there shall be a rebuttable presumption that:

(1) The record owner of real property upon which a sign is illegally erected, placed, constructed, repaired, or modified is the entity that is responsible for or caused said erection, placement, construction, repair, or modification, if the sign is located on private property; or

(2) The business entity advertised on a sign illegally erected, placed, or constructed on public property is the entity that is responsible for or caused said erection, placement, or construction.

(3) The primary beneficiary of any advertisement, handbill, circular, poster or piece of paper attached to any public utility pole is the person who attached or caused the attachment to the pole. The term "primary beneficiary" means a person(s) or legal entity(s) that benefits from the advertisement, handbill, circular, poster or piece of paper.

Section 2.2.4.2 Application Requirements

(a) **Responsible Official.** The Planning Director shall be the responsible official for a Cluster Development Plan.

(b) **Accompanying Applications.** Approval of an ~~The~~ application for a Cluster Development Plan ~~may~~ must be ~~accompanied by~~ obtained before an application for approval of a master subdivision plat or a preliminary subdivision pla~~n~~t covering any property that was included in the Cluster Development Plan may be submitted. Where a master subdivision plat is required, it shall be decided before the decision on any preliminary subdivision plat ~~The application for the Cluster Development Plan shall be decided first~~.

(c) **Contents.** All applications and related contents shall be submitted consistent with a requirements checklist supplied by the Planning Department.

Section 2.2.4.4 Criteria for Approval

(a) **Factors.** The Planning and Zoning Commission, or the City Council on appeal, shall apply the following factors in taking action on the Cluster Development Plan application:

(1) The Cluster Development Plan meets the standards for residential density as outlined in the following in relation to each zoning district:

(2) The Cluster Development Plan is consistent with other zoning district regulations, except minimum lot size, width and depth.

(3) The Cluster Development Plan contains sufficient buffering to assure compatibility with adjacent uses and the character of the neighborhood.

(4) The Cluster Development Plan provides open space or amenities to the development that could not be achieved through application of minimum lot size standards. As referred to herein, open space and amenities do not include any land dedicated to the City under the parkland dedication requirement in Chapter 3, Article 2, Division 10.

(b) **Conditions.** The Planning and Zoning Commission, or the Council on appeal, may impose such conditions on approval of the Cluster Development Plan as are necessary to assure compatibility with adjoining uses and neighborhood character.

Table 2-1
~~Average Net Density~~ Gross Density for Residential Areas of Dwelling Units per Acre Permitted in Cluster Developments by Base Zoning District

ZONING DISTRICT	~~Average Net~~ Gross Density
RE	1.3
SR-15	1.9
SR-12	2.3
R-1	3.2
R-2	4.0
R-3	4.7
R-4	5.6
Townhome	9.4

NOTE: The above densities are based on ~~net~~ gross density for residential areas as defined in Chapter 5 of this UDC

Section 2.4.2.1 SD, Suburban Development District

(a) **Purpose.** The Suburban Development District (SD) is intended to provide areas for land that is relatively undeveloped and/or agricultural in nature. The SD District is also a default district for newly annexed land that is not yet ready to be zoned for a particular intended use.

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

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

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

(3) Outside storage is prohibited, except:

a. storage within leased portable containers such as PODS for not longer than seven (7) calendar days; or

b. within sheds, as these terms are defined in Section 5.1.1.1.

Section 2.4.2.2 R-E, Single-Family Estate District

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

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

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

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

(c) **Area Regulations.**

(1) Size of Lots:

a. *Minimum Lot Area* – One-half (1/2) acre (21,780 square feet)

b. *Minimum Lot Width* - One hundred and twenty feet (120')

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

d. *Maximum Lot Coverage* - Fifty percent (50%)

(2) Size of Yards:

a. *Minimum Front Yard* - Forty feet (40'); thirty-five feet (35') feet for cul-de-sac lots and thumbnail lots.

b. *Minimum Side Yard* – Ten feet (10'); equal to the front yard when abutting a street right-of-way.

c. *Minimum Rear Yard* – Twenty-five feet (25'); thirty feet (30') when adjacent to a thoroughfare or collector roadway, except if landscaping is provided and is visible from (i.e., there is no fence or other visible obstruction) the thoroughfare or collector).

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

(e) **Accessory Buildings.** Accessory buildings shall meet the requirements of Chapter 2, Article 5, Division 3 of this UDC.

(f) **Common Areas – Management & Maintenance.** For any land and/or facilities to be used in common by residents of the development, there shall be provisions made for the establishment of a property owners association to manage and maintain such common land and/or facilities.

(g) **Outside Storage.** Outside storage is prohibited, except:

(1) storage within leased portable containers such as PODS for not longer than seven (7) calendar days; or

(2) within sheds, as these terms are defined in Section 5.1.1.1.

Section 2.4.2.3 SR-15, Suburban Residential-15 District

(a) Purpose. The Suburban-Residential-15 District (SR-15) is intended to permit the low density residential development of detached single-family dwelling units and appropriate desirable open space.

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

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

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

(c) Area Regulations.

(1) Size of Lots:

a. *Minimum Lot Area* - Fifteen thousand (15,000) square feet

b. *Minimum Lot Width* - One hundred feet (100')

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

d. *Maximum Lot Coverage* - Fifty percent (50%)

(2) Size of Yards:

a. *Minimum Front Yard* - Thirty feet (30'); twenty-five feet (25') feet for cul-de-sac lots and thumbnail lots.

b. *Minimum Side Yard* – Ten feet (10'); equal to the front yard when abutting a street right-of-way.

c. *Minimum Rear Yard* – Twenty-five feet (25'); thirty feet (30') when adjacent to a thoroughfare or collector roadway, except if landscaping is provided and is visible from (i.e., there is no fence or other visible obstruction) the thoroughfare or collector).

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

(e) **Accessory Buildings.** Accessory buildings shall meet the requirements of Chapter 2, Article 5, Division 3 of this UDC.

(f) **Common Areas – Management & Maintenance.** For any land and/or facilities to be used in common by residents of the development, there shall be provisions made for the establishment of a property owners association to manage and maintain such common land and/or facilities.

(g) **Outside storage.** Outside storage is prohibited, except:

(1) storage within leased portable containers such as PODS for not longer than seven (7) calendar days; or

(2) within sheds, as these terms are defined in Section 5.1.1.1.

Section 2.4.2.4 SR-12, Suburban Residential-12 District

(a) **Purpose.** The Suburban-Residential-12 District (SR-12) is intended to permit the low density residential development of detached single-family dwelling units and appropriate desirable open space.

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

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

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

(c) **Area Regulations.**

(1) Size of Lots:

a. *Minimum Lot Area* - Twelve thousand (12,000) square feet

b. *Minimum Lot Width* - One hundred feet (100')

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

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

(2) Size of Yards:

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

b. *Minimum Side Yard* – Ten feet (10'); equal to the front yard when abutting a street right-of-way.

c. *Minimum Rear Yard* – Twenty feet (20'); thirty feet (30') when adjacent to a thoroughfare or collector roadway, except if landscaping is provided and is visible from (i.e., there is no fence or other visible obstruction) the thoroughfare or collector).

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

(e) **Accessory Buildings.** Accessory buildings shall meet the requirements of Chapter 2, Article 5, Division 3 of this UDC.

(f) **Common Areas – Management & Maintenance.** For any land and/or facilities to be used in common by residents of the development, there shall be provisions made for the establishment of a property owners association to manage and maintain such common land and/or facilities.

(g) **Outside storage.** Outside storage is prohibited, except:

(1) storage within leased portable containers such as PODS for not longer than seven (7) calendar days; or

(2) within sheds, as these terms are defined in Section 5.1.1.1.

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

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

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

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

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

(c) **Area Regulations.**

(1) Size of Lots:

a. *Minimum Lot Area* - Eight thousand and eight hundred (8,800) square feet

b. *Minimum Lot Width* - Eighty feet (80')

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

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

(2) Size of Yards:

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

b. *Minimum Side Yard*

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

2. Corner Lot:

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

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

c. *Minimum Rear Yard*

1. Twenty feet (20')

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

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

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

(e) **Accessory Buildings.** Accessory buildings shall meet the requirements of Chapter 2, Article 5, Division 3 of this UDC.

(f) **Common Areas – Management & Maintenance.** For any land and/or facilities to be used in common by residents of the development, there shall be provisions made for the establishment of a property owners association to manage and maintain such common land and/or facilities.

(g) **Outside storage.** Outside storage is prohibited, except:

(1) storage within leased portable containers such as PODS for not longer than seven (7) calendar days; or

(2) within sheds, as these terms are defined in Section 5.1.1.1.

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

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

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

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

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

(c) Area Regulations.

(1) Size of Lots:

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

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

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

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

(2) Size of Yards:

a. *Minimum Front Yard*

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

b. *Minimum Side Yard*

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

c. *Minimum Rear Yard*

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

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

(e) Accessory Buildings. Accessory buildings shall meet the requirements of Chapter 2, Article 5, Division 3 of this UDC.

(f) Common Areas – Management & Maintenance. For any land and/or facilities to be used in common by residents of the development, there shall be provisions made for the

establishment of a property owners association to manage and maintain such common land and/or facilities.

(g) Outside storage. Outside storage is prohibited, except:

(1) storage within leased portable containers such as PODS for not longer than seven (7) calendar days; or

(2) within sheds, as these terms are defined in Section 5.1.1.1.

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

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

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

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

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

(c) **Area Regulations.**

(1) Size of Lots:

a. *Minimum Lot Area* - Six thousand (6,000) square feet

b. *Minimum Lot Width* - Sixty feet (60')

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

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

(2) Size of Yards:

a. *Minimum Front Yard*

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

b. *Minimum Side Yard*

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

c. *Minimum Rear Yard*–

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

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

(e) **Accessory Buildings.** Accessory buildings shall meet the requirements of Chapter 2, Article 5, Division 3 of this UDC.

(f) **Common Areas – Management & Maintenance.** For any land and/or facilities to be used in common by residents of the development, there shall be provisions made for the

establishment of a property owners association to manage and maintain such common land and/or facilities.

(g) Outside storage. Outside storage is prohibited, except:

(1) storage within leased portable containers such as PODS for not longer than seven (7) calendar days; or

(2) within sheds, as these terms are defined in Section 5.1.1.1.

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

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

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

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

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

(c) Area Regulations.

(1) Size of Lots:

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

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

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

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

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

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

(2) Size of Yards: (See *Figure 2-1* on the following page.)

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

b. *Minimum Side Yard*

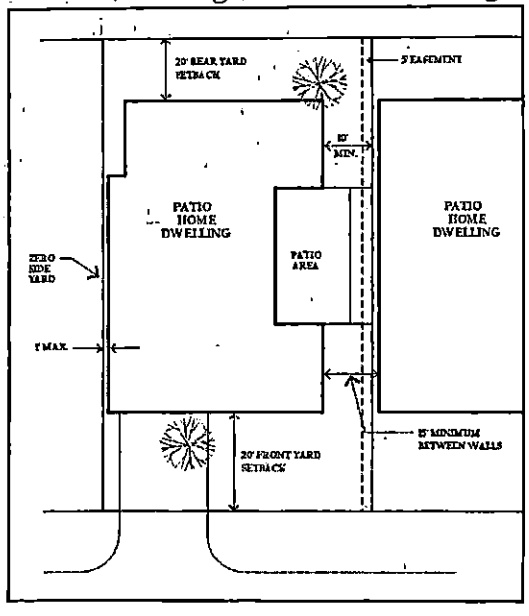
1. Interior Lot:

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

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

2. Minimum Building Separation: The separation between two patio home dwellings, or between a patio home dwelling and any other type of principal building on an adjacent lot, shall be a minimum of fifteen feet (15') wall-to-wall.

3. Corner Lot:



a) Equal to the front yard on the side abutting a street right-of-way or alley.

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

c. *Minimum Rear Yard* – Twenty feet (20')

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

(e) **Accessory Buildings.** Accessory buildings shall meet the requirements of Chapter 2, Article 5, Division 3 of this UDC.

(f) **Common Areas – Management & Maintenance.** For any land and/or facilities to be used in common by residents of the development, there shall be provisions made for the establishment of a property owners association to manage and maintain such common land and/or facilities.

(g) **Common Open Space.** Common open space is considered common area and shall be maintained as such in accordance with Subsection (f) above. In addition, the following shall be required for common open space.

(1) In all areas where patio homes are developed, there shall be at least nine hundred (900) square feet of common open space per dwelling unit.

(2) The minimum area of any common open space shall be six thousand (6,000) square feet.

(3) The minimum dimension of any common area shall be eighty feet (80').

(4) Each area of common open space shall be within three hundred feet (300') of all dwelling units intended to be served by the common open space, measured along a route of pedestrian access.

(5) Each required area of common open space shall be appropriately graded, turfed, surfaced or otherwise landscaped and provided with suitable drainage facilities.

(6) Facilities such as pedestrian ways and outdoor swimming pools may be included as part of the required common open space.

(7) Off-street parking areas, service drives, and detention facilities shall not be included in any calculation of required common open space

(h) Outside storage. Outside storage is prohibited, except:

(1) storage within leased portable containers such as PODS for not longer than seven (7) calendar days; or

(2) within sheds, as these terms are defined in Section 5.1.1.1.

Section 2.4.2.9 - TH, Townhouse Residential District

(a) **Purpose.** The Townhouse Residential District (TH) is intended to permit the development of attached townhouse units. The TH District should be located to provide a buffer between lower density residential and non-residential zoning districts.

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

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

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

(c) **Area Regulations.**

(1) Size of Lots:

a. *Minimum Lot Area* - Three thousand (3,000) square feet

b. *Minimum Lot Width* - Thirty feet (30')

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

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

e. *Permitted Length for Attached Townhouse Units* - A complex of attached townhouse dwelling units shall have a minimum length of three (3) dwelling units, and shall not exceed two hundred feet (200') in length or the width of six (6) attached units, whichever is less.

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

(2) Size of Yards:

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

b. *Minimum Side Yard*

1. Interior Lot: Zero, except as noted below.

2. Minimum Building Separation: Fifteen feet (15') for the ends of any two (2) adjacent building complexes or rows of buildings.

2. Corner Lot:

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

b) A minimum of fifteen feet (15') adjacent to a street and ten feet (10') adjacent to a rear yard.

c. *Minimum Rear Yard* – Ten feet (10')

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

(e) **Accessory Buildings.** Accessory buildings shall meet the requirements of Chapter 2, Article 5, Division 3 of this UDC.

(f) **Common Areas – Management & Maintenance.** For any land and/or facilities to be used in common by residents of the development, there shall be provisions made for the establishment of a property owners association to manage and maintain such common land and/or facilities.

(g) **Common Open Space.** Common open space is considered common area and shall be maintained as such in accordance with Subsection (f) above. In addition, the following shall be required for common open space.

(1) In all areas where townhouses are developed, there shall be at least nine hundred (900) square feet of common open space per dwelling unit.

(2) The minimum area of any common open space shall be six thousand (6,000) square feet.

(3) The minimum dimension of any common area shall be eighty feet (80').

(4) Each area of common open space shall be within three hundred feet (300') of all dwelling units intended to be served by the common open space, measured along a route of pedestrian access.

(5) Each area of required common open space shall be appropriately graded, turfed, surfaced or otherwise landscaped and provided with suitable drainage facilities.

(6) Facilities such as pedestrian ways and outside swimming pools may be included as part of the required common open space.

(7) Off-street parking areas, service drives, and detention facilities shall not be included in any calculation of required common open space.

(h) **Single-Family Uses.** Any single-family development that occurs within the TH Zoning District shall meet the requirements of the R-3 Zoning District.

(i) Outside storage. Outside storage is prohibited, except:

(1) storage within leased portable containers such as PODS for not longer than seven (7) calendar days; or

(2) within sheds, as these terms are defined in Section 5.1.1.1.

Section 2.4.2.10 MF, Multiple-Family Residential District

(a) **Purpose.** The Multiple-Family Residential District (MF) is intended to permit the development of multiple-family (apartment) residences and associated uses. This district should be located adjacent to a major thoroughfare and may serve as a buffer between low or medium density residential development and non-residential development or high-traffic roadways.

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

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

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

(c) **Area Regulations.**

(1) Size of Lots:

a. *Minimum Gross Site Area* - Every tract that is developed for multiple-family use shall have a minimum gross site area of twenty thousand (20,000) square feet.

b. *Minimum Site Width* - Every tract that is developed for multiple-family use shall have a minimum site width of one hundred twenty-five feet (125').

c. *Maximum Project Coverage* - Forty percent (40%)

(2) Size of Yards:

a. *Minimum Front Yard* – Twenty-five feet (25')

b. *Minimum Side Yard*

1. One-Story Building: Ten feet (10').
2. Buildings Over One-Story: Ten feet (10'), with an additional five feet (5') for each story thereafter.
3. Every part of a required yard or court shall be maintained as open space, provided that ordinary projections may extend into a side yard or court a maximum of twenty-four inches (24"). Also see Section 2.6.1.1(f)(2).

c. *Minimum Rear Yard* – Twenty-five feet (25'); thirty feet (30') when adjacent to a thoroughfare or collector roadway, except if landscaping is provided and is visible from (i.e., there is no fence or other visible obstruction) the thoroughfare or collector).

(3) Maximum Number of Dwelling Units: Sixteen (16) dwelling units per gross acre of land used for residential purposes.

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

(e) **Accessory Buildings.** Accessory buildings shall meet the requirements of Chapter 2, Article 5, Division 3 of this UDC.

(f). **Common Areas – Management & Maintenance.** For any land and/or facilities to be used in-common by residents of the development, there shall be provisions made for the management and maintenance of such common land and/or facilities.

(g) **Common Open Space.** Common open space is considered common area and shall be maintained as such in accordance with Subsection (f) above. In addition, the following shall be required for common open space.

(1) In all areas where multiple-family units are developed, there shall be at least nine hundred (900) square feet of common open space per dwelling unit.

(2) The minimum area of any common open space shall be six thousand (6,000) square feet.

(3) The minimum dimension of any common area shall be eighty feet (80').

(4) Each area of common open space shall be within three hundred feet (300') of all dwelling units intended to be served by the common open space, measured along a route of pedestrian access.

(5) Each area of required common open space shall be appropriately graded, turfed, surfaced or otherwise landscaped and provided with suitable drainage facilities.

(6) Facilities such as pedestrian ways and outside swimming pools may be included as part of the required common open space.

(7) Off-street parking areas, service drives, and detention facilities shall not be included in any calculation of required common open space.

(8) The landscaped buffer required in this Subsection (n) below may be counted toward meeting this common open space requirement.

(h) **Maximum Percentage of Efficiency Units.** A maximum of twenty-five percent (25%) of the dwelling units within a multiple-family development shall be efficiency units.

(i) **Fences & Screening.** Fences and screening shall be provided and maintained as set forth in Chapter 4, Article 2, Division 4 of this UDC. Screening elements shall be consistent in color and material with the multiple-family development.

(j) **Parking.** Parking shall be provided as required in Chapter 4, Article 2, Division 1 of this UDC.

(k) **Access.** Access shall be provided in accordance with the City's Engineering Design Criteria Manual.

(l) **Refuse Containers.** All refuse and refuse containers shall be screened from the view of adjacent public streets and from the view of any adjacent single-family, patio home, and/or townhouse development(s). The location of such containers shall be limited to the side or rear of the development, whichever has the least impact on the view from the adjacent roadway(s) and development(s).

(m) **Landscaped Open Area.** At least fifteen percent (15%) of the gross site area shall be maintained in landscaped open area. Other landscaping requirements shall be provided in conformance to Chapter 4, Article 2, Division 2 of this UDC.

(n) **Adjacent to a Single-Family or Nonresidential Use or Zoning District.** When a multiple-family development is established on a tract of land that is adjacent to a single-family development, to property zoned for single-family use, to a nonresidential use, or to property zoned for nonresidential use, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such uses or districts. 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 landscape buffer may be counted toward other landscaping requirements, but shall not be counted toward landscaping required in the front yard area.

(o) **Single-Family Uses.** Any single-family development that occurs within the MF Zoning District shall meet the requirements of the R-3 Zoning District.

(p) **Patio Home & Townhouse Uses.** Any patio home development that occurs within the MF Zoning District shall meet the requirements of the R-4 Zoning District, and any townhouse development that occurs shall meet the requirements of the TH Zoning District.

(q) **Outside storage.** Outside storage is prohibited, except:

(1) storage within leased portable containers such as PODS for not longer than seven (7) calendar days; or

(2) within sheds, as these terms are defined in Section 5.1.1.1.

Section 2.4.2.11 MH, Manufactured Home Park District

(a) **Purpose.** The Manufactured Home Park District (MH) is intended to provide basic and uniform regulations and performance objectives to establish reasonable standards and safeguards to insure the safety, health and welfare of the occupants and users of manufactured home park areas. These requirements shall be used in conjunction with the other mobile/manufactured home regulations as set in Chapter 4, Article 2, Division 6 of this UDC.

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

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

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

(c) **Area Regulations.**

(1) Size of Lots:

a. *Minimum Gross Site Area* - Every residential tract that is developed for manufactured home uses shall have a minimum gross site area of three (3) acres.

b. *Minimum Site Width* - Every residential tract that is developed for manufactured home uses shall have a minimum site width of one hundred fifty feet (150').

c. *Maximum Project Coverage* - Thirty percent (30%)

d. *Minimum Site Depth* - Every residential tract that is developed for manufactured home uses shall have a minimum site depth of two hundred fifty feet (250').

e. *Minimum Lot Area* - Six thousand (6,000) square feet.

e. *Minimum Lot Width* - Sixty feet (60').

f. *Minimum Lot Depth* - Ninety feet (90')

(2) Minimum Size of Dwelling Unit: Every dwelling unit in this district shall have a minimum floor area of six hundred (600) square feet.

(3) Size of Yards:

a. *Minimum Front Yard* - Ten feet (10')

b. *Minimum Side Yard* - Ten feet (10')

c. *Minimum Rear Yard* – Ten feet (10'); twenty feet (20') when adjacent to a thoroughfare or collector roadway (see Subsection (l) below).

(4) Maximum Number of Dwelling Units: Five (5) dwelling units per gross acre of land used for residential purposes.

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

(e) **Accessory Buildings.**

(1) There shall be storage facilities which shall not be within any required yard with a minimum capacity of two hundred (200) cubic feet per mobile home space. These shall be provided for each space or in compounds located within one hundred feet (100') of each space. Wherever provided, storage facilities shall be constructed of non-combustible materials.

(2) Additional accessory buildings, including an office(s) for the manufactured home park, community facilities, house for the owner/manager of the manufactured home park, not exceeding ten percent (10%) of the gross site area shall be permitted behind any

building line, provided, however, such accessory buildings shall be solely for the convenience and necessity of the inhabitants of the park.

(3) Also refer to Chapter 2, Article 5, Division 3 of this UDC.

(f) **Common Areas – Management & Maintenance.** For any land and/or facilities to be used in common by residents of the development, there shall be provisions made for the management and maintenance of such common land and/or facilities.

(g) **Common Open Space.** Common open space is considered common area and shall be maintained as such in accordance with Subsection (f) above. In addition, the following shall be required for common open space.

(1) In all areas where a manufactured home park is developed, there shall be at least six hundred (600) square feet of common open space per dwelling unit.

(2) The minimum area of any common open space shall be six thousand (6,000) square feet.

(3) The minimum dimension of any common open space area shall be eighty feet (80').

(4) Each common open space area shall be within three hundred feet (300') of all dwelling units intended to be served by the common open space, measured along a route of pedestrian access.

(5) Each area of required common open space shall be appropriately graded, turfed, surfaced or otherwise landscaped and provided with suitable drainage facilities.

(6) Facilities such as pedestrian ways and outside swimming pools may be included as part of the required open space.

(7) Off-street parking areas, service drives, and detention facilities shall not be included in any calculation of required common open space.

(8) The landscaped buffer required in this Subsection (m) below may be counted toward meeting this common open space requirement.

(h) **Fences & Screening.** Fences and screening shall be provided and maintained as set forth in Chapter 4, Article 2, Division 4 of this UDC.

(i) **Parking.** A minimum of two (2) off-street parking spaces shall be provided for each dwelling unit. Parking shall also be in conformance with Chapter 4, Article 2, Division 1 of this UDC.

(j) **Access.** Access shall be provided in accordance with the City's Engineering Design Criteria Manual.

(k) **Refuse Containers.** All refuse and refuse containers shall be screened from the view of adjacent public streets and from the view of any adjacent single-family, patio home, and/or townhouse development(s). Such containers shall not be located within side or rear yard areas.

(l) **Landscaped Open Area.** At least fifteen percent (15%) of the gross site area shall be maintained in landscaped open area.

(m) **Adjacent to a Single-Family or Nonresidential Use or Zoning District, Adjacent to the Roadway.**

(1) When a manufactured home park is established on a tract of land that is adjacent to a single-family development, to property zoned for single-family use, to a nonresidential use, or to property zoned for nonresidential use, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such

uses or districts. 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.

(2) Along all roadways adjacent to a manufactured home park, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such uses or districts. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located with the required yard/setback area.

(n) **Single-Family Uses.** Any single-family development that occurs within the MH Zoning District shall meet the requirements of the R-3 Zoning District.

(o) **Patio Home & Townhouse Uses.** Any patio home development that occurs within the MH Zoning District shall meet the requirements of the R-4 Zoning District, and any townhouse development that occurs shall meet the requirements of the TH Zoning District.

(p) **Multiple-Family Uses.** Any multiple-family development that occurs within the MH Zoning District shall meet the requirements of the MF Zoning District.

(q) **Street Right-of-Way.** All streets within the site shall have a sixty-foot (60') minimum right-of-way to provide sufficient access for oversized vehicles. Such roadways shall be designed and constructed consistent with the City's standards for minor collector streets.

(r) **Mobile/Manufactured Home Space Improvements.**

(1) Paving - All wheels of structural supports shall be placed on an approved foundation as set forth by the Building Inspection Department.

(2) Sanitary Facilities - Refer to requirements within Section 4.2.6.7 of this UDC.

(3) Anchoring Devices - Each mobile home space shall be provided with tie-down anchors as provided by State and Federal Regulations.

(4) Utilities - All utility service shall be underground.

(s) **Other Regulations.** The development shall conform with all applicable provisions of the Mobile Home Ordinance No. 179 (and subsequent amendments) of the City of Pearland and all other applicable City and State Regulations.

(t) **Mobile Home Replacement.** A mobile home as defined herein is one that was constructed before July, 1976. A manufactured home as defined herein is one that has been constructed after July, 1976. Any mobile home that is deemed a legal, conforming use and that is in need of replacement shall only be replaced with a manufactured home constructed after July, 1976.

(u) **Outside storage.** Outside storage is prohibited, except:

(1) storage within leased portable containers such as PODS for not longer than seven (7) calendar days; or

(2) within sheds, as these terms are defined in Section 5.1.1.1.

Section 2.4.3.1 SPD, Spectrum District

(a) Purpose. The purpose of the Spectrum District is to provide a visually cohesive district that allows for diverse land uses within one overall District and to provide a zoning district that is consistent with the recommendations within the City's adopted *2004 Comprehensive Plan Update*. The Spectrum District is comprised of five (5) Sub-Districts that provide areas for these different land uses in a compatible manner. The requirements for development within each district are contained herein. The Sub-Districts are as follows:

(1) District S1: The Beltway District: The S1 Sub-District is intended for nonresidential development that typically desires high visibility from major thoroughfares. Retail uses such as shops and restaurants should be the primary uses within this Sub-District. A "mall-like" setting, either indoor or outdoor, would be ideal for these locations. Pedestrian circulation should be a prime consideration. In addition, science and technology related office uses (also referred to as "tech-flex") and/or "Class A" office uses developed within a business park or corporate campus would also be appropriate. In addition, development should respect natural features such as creeks and drainageways by integrating such features into the overall design of the site(s).

(2) District S2: The Mixed Use District: The S2 Sub-District is appropriate for a variety of land uses, including hotels, a conference center/convention center, tourism-oriented uses, commercial, light industrial, and science and technology related uses. This wide variety of acceptable uses is intended to allow for optimum market flexibility for development within the S2 area. Any commercial and/or light industrial uses developed should be within a business park or corporate campus with buildings and parking situated such that a feeling of open space is created, and business activities should take place wholly within buildings. Development should also respect natural features such as creeks and drainageways by integrating such features into the overall design of the site(s). Walkability and pedestrian-orientation is important for this site due to its central location within the overall Spectrum District.

(3) District S3: The Mixed Use–High Density Residential District: The S3 Sub-District is intended for Traditional Neighborhood Design (TND), which is characterized by a vertical mix of nonresidential and residential uses, with retail and/or office uses on the ground floor and residential uses above. In addition, consistent with other areas of the Spectrum District, commercial, and light industrial science and technology related uses developed within a business park or corporate campus would also be appropriate within the S3 area. Compatibility with residential uses should be an important design consideration.

(4) District S4: The Light Industrial and Science & Technology District: The S4 Sub-District is intended for light industrial uses that may have some business activity that takes place outside and/or some outside storage of materials. To maintain the quality of the Spectrum District, however, such outside activity and/or storage should be screened. The S4 Sub-District should provide positive transition between development within the S5 Sub-District (discussed below) and the S2 Sub-District. Design guidelines should ensure that businesses provide an aesthetically pleasing view from the planned roadways.

(5) District S5: The Light & Heavy Industrial District: The S5 Sub-District is intended for light or heavy industrial development that may have outside business activity and

outside storage. Much of the development to the south and west of the Spectrum District area is characterized by heavy commercial and industrial businesses, and the S5 Sub-District should provide transition between these existing uses and the development within the S4 Sub-District. Design guidelines should be established to ensure that future development provides an aesthetically pleasing view from the planned roadways.

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

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

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

(c) **Area Regulations.**

(1) Size of Lots:

a. *Minimum Lot Size* - One (1) acre (43,560 square feet).

b. *Minimum Lot Width* - One hundred feet (100').

c. *Minimum Lot Depth* - Two hundred feet (200').

(2) Size of Yards:

a. *Minimum Front Yard* - Fifty-five feet (55') along Kirby Drive; fifty feet (50') along Spectrum Drive; twenty feet (20') along all other roadways

b. *Minimum Side Yard* – Twenty-five feet (25')

c. *Minimum Rear Yard* – Twenty-five feet (25')

d. *Landscaped Buffer Permitted* - The landscaped buffer required within the Spectrum District may be located within the required front yard area.

(d) **Exterior Materials Standards:** The front facades of all structures facing onto a thoroughfare or collector shall be a minimum seventy percent (70%) masonry, as defined in Subsection (1) below. The side facades of such structures shall be a minimum fifty percent (50%) masonry. The following materials meet the masonry requirements within the Spectrum District.

(1) Primary Exterior Materials:

a. The primary exterior materials permitted shall be limited to the following:

1. Brick Masonry
2. Concrete Masonry Units
3. Glass Block
4. Pre-Cast Concrete
5. Cast Stone (and stone veneer)
6. Tilt-Slab
7. Stucco
8. Wall Panel Systems,
9. Spandrel Wall Systems

(2) Coloration:

a. All coloration of exterior materials shall conform to the ~~Spectrum Materials~~ Color Chart~~s,~~ available in the City's Planning Department and according to Section 2.4.5.1 (d) (3).

b. Corporate trademark colors can only be used as accent colors and shall be limited to a maximum of one percent of the total exterior surface. Such colors may be applied to subordinate building elements (such as canopies, subordinate entry forms, and architectural details).

(e) **Perimeter Fencing:** Perimeter fencing shall be used to provide security and/or visual separation of sites at individual property lines and shall meet the following requirements.

(1) Permitted Materials:

a. Solid masonry,

b. Stucco,

c. Wrought iron,

d. Living/landscaped screen,

e. Chain link when such fencing is not visible from any thoroughfare or collector and when such fencing is visually covered by live landscaping elements or screened with a living/landscaped screen.

(2) Standards: When a perimeter wall is used as a screening wall, it shall be a masonry wall.

(3) Prohibited Materials:

a. Barbed wire and similar materials (in quality and appearance),

b. Pre-engineered interlocking concrete systems,

c. Wood.

(4) Use & Location: Perimeter fences shall not enclose the yard space of any property between the building and Spectrum Drive or Kirby Drive. Fences fronting these roads shall not be closer to the street than the building line adjacent to the applicable street.

(f) **Screening:** Screening shall meet or exceed the following requirements.

(1) Standards:

a. *Required* - Screening walls are required for the following:

1. Service loading dock areas
2. Outside storage
3. Refuse and/or recycling areas and containers
4. Mechanical and utility equipment areas
5. Roof apparatus (including ventilation, HVAC, or other such equipment), which shall be completely screened from all sides by screening walls of the same material and color as the main building.

b. *Height*

~~a~~1. Detached screening walls shall be a maximum height of eight feet (8').

~~b~~2. Attached screening walls shall be a maximum height of fourteen feet (14').

c. *Use* - Gates for screening enclosures shall be solid metal on a metal frame, and shall be kept closed when the screened area is not in use.

(2) Materials & Characteristics:

a. *Materials* - Screening walls that are attached to the primary structure shall be constructed of the same finish material as the dominant exterior material of the primary structure.

b. *Detached Screening* - Areas to be screened (except parking areas) that are detached from the primary structure:

1. By a distance of more than thirty feet (30') shall be screened with masonry walls that conform to the masonry material standards of this Spectrum District.
2. By a distance of more than fifty feet (50') may be screened with an evergreen landscape screen comprised of plant materials that form a one hundred percent opaque screen.

c. *Parking Area Screening* - Parking area screening shall be accomplished with a berm and/or planted edge of evergreen shrubs and trees. Berms used for parking lot screening shall not exceed four feet (4') in height and shall have a slope from the street of four feet (4') in height to one foot (1') in distance (4':1'). The total parking lot edge concealed by drifts of planted shrubs shall not be less than seventy-five percent (75%).

d. *Roof-Mounted Utility Equipment* - Roof-mounted utility equipment shall be screened with a material that is consistent in color and finish of the structure upon which the equipment is located.

e. *Variation of Screening Walls Required* - All screening walls that are twenty feet (20') in length or longer provide some horizontal variation in the wall that is equal to at least three feet (3') in depth for every twenty feet (20') in length

(g) **Landscaping Requirements.**

(1) Landscape Buffer: The required minimum landscape buffer shall be provided along the street rights-of-way according to the following:

a. *Along Kirby Drive* - A minimum thirty-foot (30') landscape buffer shall be provided along the street R.O.W.

b. *Along Spectrum Drive* - A minimum twenty-foot (20') landscape buffer shall be provided along the street R.O.W.

c. *Along State Highway 288* - A minimum thirty-five-foot (35') landscape buffer shall be provided along the street R.O.W.

d. *Along Beltway 8* - A minimum thirty-five-foot (35') landscape buffer shall be provided along the street R.O.W.

e. Screening walls and parking areas shall not be located within this landscape buffer.

f. Retaining walls may be constructed along the perimeter of this landscape buffer.

(2) Berms: Berms shall only be located within the landscape buffer when they are used to screen parking areas. In such cases, berms shall have maximum slope from the street of four feet (4') in height to one foot (1') in distance (4:1).

(3) Retaining Structures: Retaining walls, planter walls, and other retaining structures shall be constructed of the same material as the primary on-site structure.

(4) Natural Drainage: Natural drainage patterns shall be maintained where possible. Grass swales or storm sewer pipes shall be used in landscape areas. Open, concrete channels or flumes shall not be permitted.

(5) Parking Lot Landscaping:

a. *Landscaping & Screening*

1. The requirements for landscaped areas herein may be met by one large landscaped area or by smaller landscaped areas throughout the parking area.
2. Landscaped areas shall be provided at a ratio of twenty-five (25) square feet per space. Landscape areas shall not be provided such that areas are only around the perimeter of the parking lot.
3. Landscape islands shall be a minimum of six feet (6') in width and one hundred and seventy (170) square feet in area, measured by the inside curb dimension.
4. The design of landscaping areas shall allow a minimum clearance of four feet (4') between the front edge of the curb and the trunk of trees planted within such areas.
5. Parking spaces shall be within one hundred feet (100') from a landscaped parking island.
6. Parking area landscaping shall be designed with asymmetrical geometries that lend informality to the overall aesthetic; large landscape islands with varying geometries are preferred to a rhythmic pattern of a single small island every few spaces.
7. Parking area screening shall conform to the requirements of subsection (f)(2)c. of this District.

b. *Canopy Trees*

1. Canopy trees shall be provided at a ratio of one (1) canopy tree per three thousand (3,000) square feet of the total parking lot square footage.
2. Canopy trees shall be planted within the landscaped areas (those required above). If sufficient space is not available within the landscaped areas, canopy trees may be located along the parking lot perimeter.

(6) Street Landscaping: Along the street right-of-way frontage of any parcel and within the required landscape buffer, one (1) two-inch (2") caliper tree shall be planted for every fifty feet (50') of frontage. Trees may be clustered together, however, the number of trees required shall not decrease.

(7) Detention/Retention Facilities: Such facilities shall be incorporated into each development as an amenity, such as a lake or pond. The term "amenity" is defined within Chapter 5 of this UDC.

(8) Irrigation: All landscape areas shall be properly irrigated.

(h) Building Layout.

(1) Primary Structures: Primary structures must have their most significant architectural elements facing the street.

(2) Outside the Required Landscaped Buffer: All structures located within the Spectrum District shall be located outside of the required landscaped buffer.

(3) Structures With Loading Areas and/or Service Bays:

a. The loading areas and/or service bays of a structure shall be located to the side of the structure that does not face the roadway, with the following exception.

b. When any structure with loading areas and/or service bays is on a lot that consists of an entire block, bays that must face the street must not face the more major roadway. Major and minor roadways shall be identified on the Site Plan for the tract to be developed.

(4) Accessory Structures: Accessory structures shall not be located in the front yard of any site unless such structures are intended as guard or other security structure.

(i) **Site Access.**

(1) Access Within One Site: Adequate access from different areas within a site shall be provided such that vehicles are not required to enter the street to move from one area to another on the same site.

(2) Access From Site-to-Site: Adequate access between sites shall be provided such that vehicles are not required to enter the street to move from one site to another site; cross-access shall be required.

(3) General: Access shall be provided in accordance with the City's Engineering Design Criteria Manual.

(j) **Parking.**

(1) Parking Area Locational Requirements:

a. A ten-foot (10') landscape edge shall be provided between the parking area and the building. This requirement does not apply to loading/unloading areas.

b. Parking lots may be constructed within the building setback area, but shall not be constructed within the landscape buffer.

c. Parking structures shall not be constructed within the building setback area or within the landscape buffer.

(2) General: Parking shall be provided in conformance with Chapter 4, Article 2, Division 1 of this UDC.

(k) **Sidewalks.** Sidewalks and pedestrian access shall be required for the development of all lots within the Spectrum District, and shall meet the requirements of Chapter 3, Article 2, Division 7 of this UDC.

(1) Easement Required: A ten foot (10') wide public use easement shall be provided for the required sidewalk when placed outside of a public right-of-way. This easement may be within the required landscaped buffer.

(2) Curved Alignment Required: The required sidewalk shall have a curved alignment for at least eighty percent (80%) of the State Highway 288 frontage. Sidewalks on intersecting streets shall not have a curved alignment unless approved by the City Engineer.

(3) Construction Criteria: Construction criteria for the required sidewalk:

a. Minimum six feet (6') wide.

b. Minimum eight-foot (80') centerline radius, maximum intersection angle of twenty (20) degrees, and maximum twenty-foot (20') foot tangent between sidewalk curves.

c. Minimum six-foot (6') separation between back of street curb and edge of sidewalk, except at street intersections and bridge approaches.

d. Sidewalk approaches, including the wheelchair ramp, to street and driveway intersections shall be straight and parallel to the adjacent street for a minimum of ten feet (10').

e. Detailed construction plans shall be submitted to the City Engineer for approval prior to construction of the sidewalk.

f. Deviations from these criteria may be approved by the City Engineer for good cause such as cases of unusual or unique topography or to preserve desirable natural features.

(4) Connection to the Building: A minimum six-foot (6') wide pedestrian sidewalk shall connect the perimeter sidewalk to the building entry. The connecting sidewalk shall be accessible, readily visible, and paved.

(l) Lighting.

(1) Uniformity: Standards, poles, and fixtures shall be a single color, uniform in design throughout the site. When development is adjacent to Kirby Drive and/or Spectrum Drive, lighting shall be uniform along the roadway(s).

(2) Prohibited Poles: Wooden poles are prohibited, except on a temporary basis during development construction and only until a Certificate of Occupancy is issued.

(3) Height: Standards, poles, and fixtures shall be no taller than the height of the building being served.

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

(~~3~~5) Accent Lighting:

a. Uplighting shall be concealed or positioned to screen the light source from adjacent property.

b. Floodlighting or spotlighting of architecture, graphics, or natural features shall not create spillage of light onto adjacent property or public streets.

(m) Building Design.

(1) Building Form: All portions of a structure shall have a unified design treatment. For example, a structure with an office portion and a warehousing portion should be consistently designed such that the office portion is not visibly different on the exterior of the structure.

(2) Roof Form:

a. *Roof-to-Wall Connections*

1. Roof-to-wall connections that replicate the qualities of residential or smaller scale construction are not permitted; therefore, residentially scaled overhangs and soffits are not permitted.

2. Flat roofs shall be concealed with a solid parapet. Building walls capped with a gravel stop are not permitted.

b. ~~*Coloring* - Roof systems, other than flat roofs behind closed parapets, shall conform to the Roof/Metal Finishes Color Chart, available in the City's Planning Department.~~

~~c.~~ *Prohibited Exterior Treatment* - No roof shingles are permitted (concrete, slate, asphalt, wood, asbestos, or clay) except for retail uses where such roofing is part of a corporate or thematic design.

(3) Definition of Building Entrances:

a. *Recesses, Protected Doorway* - The door for public access in to the structure shall be architecturally projected (or recessed) from the structure within an architectural expression of entry. The architectural variation shall conform with the guidelines set forth in Section 2.4.5.1 (d) (1) b.

b. *Coordinated With Landscaping* - All public entries into the structure must bear a relationship to the landscape development of the site. Pathways leading to the entry must be articulated within the landscape design, through the use of such devices as a widened pathway with accent planting, a plaza, or a water feature.

c. *Pedestrian Relationship* - Architectural devices such as decorative paving, banners, flags, sculptures, decorative walls, or other special architectural details of the building meant for the close view of the entry participant shall be used to enhance entrances.

(n) **Retail Arcades/Canopies:** Retail uses shall provide pedestrian arcades or canopies in front of retail structures.

(1) Arcades - Arcades shall:

a. Have a minimum dept of ten feet (10'),

b. Be supported by masonry columns clad with the same material as the dominant exterior material of the retail use behind, and

c. Be an extension of the architectural character of the retail spaces by having architectural tie ins such as bands, opening articulation, and/or rhythmic modulation of openings.

(2) Canopies - Canopies may be provided in lieu of arcades if the canopy maintains a pitched or curved roof form, has the same depth dimension as an arcade, and is supported by masonry supports clad with the dominant exterior material of the retail use.

(o) **Glass.** Windows and other wall openings must be defined by function and structure and must be consistent in form, pattern, articulation, and color.

(1) Reflective glass shall not be permitted; glass shall not have a reflectivity that exceeds twenty-seven percent (27%)

(2) Glass shall have a character of transparency. Tinted glass may be used, however, the tinting shall not reduce the light transmission to less than thirty-five percent (35%).

(p) **Signage.**

(1) General Standards: The following standards shall apply to all signs.

a. *Permitted Signs*
   1. On-Premise Ground Signs, for the purpose of business identification
   2. On-Premise Building Signs, for the purpose of business identification
   3. On-Site Directional Signs
   4. On-Site Information Signs

b. *Prohibited Signs*
   1. Roof-mounted signs
   2. Signs extending above a roofline or parapet wall
   3. Signs attached to exterior glass

c. *Unified Design* - Signs within one development shall conform to a unified design.

(2) Ground Sign Standards:

a. One (1) ground sign shall be permitted for each site.

b. Sites with multiple street frontage shall be permitted one (1) sign per street frontage.

c. Signs shall be constructed of the same material as the site/building identified;

d. Signs shall be surrounded by a landscape bed(s) that extend a minimum of three feet (3') from the base of the ground sign structure

(3) Building Signs:

a. The total area of all building signs on the front facade of a structure shall be equal to a maximum of thirty percent (30%) of the total front façade area.

b. The total area of all building signs on facades other than the front façade (i.e., back and side facades) shall be equal to a maximum of 15% of the total front façade area.

(q) **Special Requirements by Sub-District.**

(1) Height: Permitted heights within the Spectrum District are as follows:

a. District S1, The Beltway District - Maximum of ten (10) stories

b. District S2, The Mixed Use District - Maximum of six (6) stories

c. District S3, The Mixed Use–High Density Residential District
   1. Maximum of six (6) stories for structures with nonresidential uses only
   2. Minimum of four (4) stories for structures with a mixture of residential and nonresidential uses

d. District S4, The Light Industrial and Science & Technology District - Maximum of four (4) stories

e. District S5, The Light & Heavy Industrial District - Maximum of four (4) stories

(2) Outside Storage: Outside storage is permitted within the S-4 Sub-District and the S-5 Sub-District, and shall be screened in accordance with the requirements of Subsection (f) of this Spectrum District.

(3) Residential Uses: Residential uses are permitted within the S3 Sub-District with the following requirements.

a. *Setbacks* – There shall be no front yard setback; the width of the required sidewalk (see below) shall provide adequate setback.

b. *Sidewalk* – A sidewalk that is a minimum of eight feet (8') in width shall be provided along all street rights-of-way.

c. *Mixed Uses Required* – Residential uses are permitted only as a component of a mixed use structure, wherein retail and/or office uses are located on the first and/or second floor of the structure.

d. *Common Open Space/Density* – Shall comply with the open space/density requirements of the Multi-Family District (MF).

(4) Science & Technology Related Uses - Landscaping: All structures used for science, technology, and/or industrial buildings shall be required to have landscaping elements incorporated around a minimum of thirty percent (30%) of the perimeter; this calculation shall be made exclusive of loading areas not visible from a roadway.

(r) **Utilities.** All utility service lines shall be located underground. Above-ground lines are allowed only upon a determination made by the Planning Director that they will be adequately screened or obscured from view and that underground placement is not desirable.

(s) **Cumulative, Conflicts.** All standards set forth herein are cumulative in nature. Where properties contain more than one use, the requirements for each use shall be met. In areas where requirements set forth in existing Codes of the City of Pearland and/or in other regulations within this UDC and the requirements set forth within this Section 2.4.3.1 are in conflict, the more extensive/restrictive requirements shall be met.

Section 2.4.3.4 OT, Old Townsite District

(a) **Purpose.** The purpose of the Old Townsite District (OT) is to:

(1) Promote good building and streetscape design.
(2) Reinforce existing land use patterns and character.
(3) Categorize area into zoning districts as per the UDC with modifications.
(4) Promote downtown as a walkable, pedestrian friendly district.
(5) Promote multiple types of development and uses.
(6) Set forth general provisions and architectural regulations to ensure quality of streetscape and building construction.
(7) Allow reduced parking ratios, shared parking and flexibility to encourage re-use of existing buildings.
(8) Allow flexibility in building codes and façade requirements to encourage relocation and re-use of existing buildings.
(9) Emphasize mixed uses and focus on the streetscape and public spaces to create pedestrian-friendly mixed-use developments.

(b) **Proposed Zoning Districts.** The OT is comprised of three zoning districts – Old Townsite General Business District (OT-GB), Old Townsite Single Family Dwelling District (OT-R), and Old Townsite Mixed Use District (OT-MU).

(1) **Old Townsite General Business District (OT-GB)**

a. **Development Standards.** All development standards of the General Business District (GB), Section 2.4.4.4 of the UDC shall apply, with the following exceptions:

Minimum Lot Area: Three thousand square feet (3000 sq. ft.)

Minimum Front Yard: For yards abutting Main Street and/or Broadway Street required front yard shall be determined by the existing street right of way. The minimum front yard required shall be such that the front setback line is at a distance of sixty feet (60') from the centerline of Broadway and/or Main Street. Zero feet (0') for yards abutting Main Street and/or Broadway Street with one hundred and twenty feet (120') right of way. Twenty-five feet (25') along other streets.

Minimum Rear Yard: Twenty feet (20'); Twenty-five feet (25') if abutting a residential zoning district; seven and a half feet (7.5') if abutting an alley.

Minimum Lot Width: Fifty feet (50')
Reconstruction or development on narrower lots shall be allowed if the lot was in existence in its current configuration and under separate ownership from adjoining lots on or before July 10, 2006 (date of adoption of this ordinance).

Maximum Height: None.

b. **Permitted Uses.** All uses permitted in the GB zone, Section 2.4.4.4 of the UDC with the following exceptions:

Uses permitted in GB zone permitted on all floors, but required on first floor even for parking structures unless institutional / governmental uses are proposed.
Residential on upper floors allowed by a Conditional Use Permit (CUP).
Institutional / governmental uses permitted with City's approval by a CUP.

c. **Accessory buildings in Old Townsite**. All accessory buildings in Old Townsite shall comply with Section 2.5.3.1 of the UDC with the following exceptions:

Minimum Front Setback – Accessory building shall be located behind the front building setback line established by the primary building.
Minimum Side Setback - Five feet (5').
Minimum Rear Setback - Seven and a half feet (7.5') if located along an alley, twenty feet (20') if no alley.
Additional dwelling unit (one) and home occupation (as defined in UDC in an accessory structure shall be permitted.
Accessory structures shall not be larger than 660 sq.ft. (footprint) or exceed two stories or 24 feet in height, whichever is less.

d. **Primary Building Street Façade**. At least seventy five percent (75%) of street facade must be constructed to front building line. At least 50% of street facade must be constructed to front building line if wider sidewalks (than that required under section 3.2.11.1) or courtyard spaces are provided along the street.

For lots with less that one hundred feet (100') wide frontage this percentage may be reduced to allow a twenty-five feet (25') wide driveway to access the rear of the property.

e. **Projecting Façade Elements**. Awnings, canopies, balconies, colonnades, arcades, bay windows, stoops and front porches may be permitted in City's right of way with appropriate approvals from the City and in conformance with Development Guidelines specified below under Section 2.4.3.4 (c) 5. Approval from Texas Department of Transportation (TXDOT) shall be required for elements along state roads.

f. **Outdoor Seating**. Outdoor seating for restaurants, may be permitted, as accessory and adjacent to the principal building, on sidewalks and public ROW along City streets, as long as a minimum of three feet (3') wide clear passageway is provided for pedestrians and subject to an approval of a Conditional Use Permit (CUP). TXDOT approval shall be required for state roads.

g. **Parking**. On street parking shall be subject to the following:

1. No parking shall be permitted in the front yard.
2. Non-residential uses in existing structures may be permitted to reduce by 50% the number of parking spaces required by the UDC for that use. The number of parking spaces may be reduced even further as determined by a traffic report and approved by the City of Pearland. All new additions, and existing and new multi-family uses, shall meet the parking requirements in chapter 4 of the UDC, unless specified herein.

3. Shared parking between properties shall be permitted as long as the total number of parking spaces meet the requirements of subsection 2 above for each use and all parking spaces as required under subsection 2 above are located within five hundred (500') of the building.
4. Stacked parking (parallel parking without the access aisle) for up to 3 cars shall be permitted for existing residential uses being converted to other non-residential use and where the converted area does not exceed six hundred square feet (600 sq. ft.) of floor area.
   A stacking space shall be an area measuring eight feet (8') by twenty feet (20').

(2) Old Townsite Residential District (OT-R)

a. **Development Standards.** All development standards of the Single Family Dwelling District (R-4), Section 2.4.2.8 of the UDC shall apply, with the following exceptions:

<u>Minimum Lot Area:</u> Three thousand square feet (3000 sq. ft.)

<u>Minimum Front Yard</u>: Twenty feet (20').

<u>Minimum Rear Yard</u>: Twenty feet (20'); seven and a half feet (7.5') if abutting an alley.

<u>Minimum Lot Width</u>: Fifty feet (50')
Reconstruction or development on narrower lots shall be allowed if the lot was in existence in its current configuration and under separate ownership from adjoining lots on or before July 10, 2006 (date of adoption of this ordinance).

b. **Permitted Uses.** All uses permitted in R-4 district, townhomes and duplexes.
All uses allowed in the OP district may be permitted with a Conditional Use Permit; all institutional uses allowed by a Conditional Use Permit.

c. **Common Open Space Required.** Common open space, as defined in section 2.4.2.9.(g) of the UDC, shall be required for all townhouse and multi family developments and shall meet the following requirements:
In all areas where Multi-Family Dwelling units are constructed, there shall be at least four hundred (400) square feet of common open space per dwelling unit. Each common open space shall be within three hundred (300) feet of all dwelling units it is intended to serve measured along a route of pedestrian access. Each 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 swimming pools, may be counted toward the required common open space. Off-street parking areas, service drives, and detention facilities shall not be included in any calculation of required open space. Minimum dimension of any common open space shall be forty feet (40').

d. **Accessory buildings in Old Townsite.** All accessory buildings in Old Townsite shall comply with the requirements of Chapter 2.5.3.1 of the UDC with the following exceptions:
   Minimum Front Setback – Seventy-five feet (75').

Minimum Side Setback - Three feet (3').
Minimum Rear Setback - Seven and a half feet (7.5') if located along an alley, twenty feet (20') if no alley.
Additional dwelling unit (one) and home occupation (as defined in UDC in an accessory structure shall be permitted.
Accessory structures shall not be larger than 660 sq.ft. (footprint) or exceed two stories or 24 feet in height, whichever is less.

e. **Primary Building Street Façade.** At least seventy five percent (75%) of street facade must be constructed to front building line. At least 50% of street facade must be constructed to front building line if wider sidewalks (than that required under Section 3.2.11.1) or courtyard spaces are provided along the street.

For lots with less that one hundred feet (100') wide frontage this percentage may be reduced to allow a twenty-five feet (25') wide driveway to access the rear of the property.

f. **Projecting Façade Elements.** Awnings, canopies, balconies, colonnades, arcades, bay windows, stoops and front porches may be permitted in City's right of way with appropriate approval from the City and in conformance with Development Guidelines specified below under section 2.4.3.4 (c) 5. Approval from Texas Department of Transportation (TXDOT) shall be required for elements along state roads.

g. **Outdoor Seating.** Outdoor seating for restaurants, shall be permitted, as accessory and adjacent to the building, on sidewalks and public ROW along City streets, as long as a minimum of three feet (3') wide clear passageway is provided for pedestrians and subject to an approval of a Conditional Use Permit (CUP). TXDOT approval shall be required for state roads.

h. **Parking.** On street parking shall be subject to the following:
1. No parking shall be permitted in the in the front yard.
2. Non-residential uses in existing structures may be permitted to reduce by fifty percent (50%) the number of parking spaces required by the UDC for that use. The number of parking spaces may be reduced even further as determined by a traffic report and approved by the City of Pearland. All new additions, and existing and new multi-family uses, shall meet the parking requirements in chapter 4 of the UDC, unless specified herein.
3. Shared parking between properties shall be permitted as long as the total number of parking spaces meet the requirements of subsection 2 above for each use and all parking spaces as required under subsection 2 above are located within five hundred (500') of the building.
4. Stacked parking for up to 3 cars shall be permitted for existing residential uses being converted to other non-residential use and where the converted area does not exceed six hundred square feet (600 sq. ft.) of floor area. A stacking space shall be an area measuring eight feet (8') by twenty feet (20').

(3) Old Townsite Mixed Use District (OT-MU)

a. **Development Standards.** All development standards of the General Business District (GB) of the UDC shall apply, with the following exceptions:

Minimum Lot Area: Three thousand square feet (3000 sq. ft.)

Minimum Front Yard: Zero feet (0').

Minimum Rear Yard: Twenty feet (20'); seven and a half feet (7.5') if abutting an alley.

Minimum Side Yard: Five feet (5') for detached structures; 0 feet for attached structures

Minimum Lot Width: Fifty feet (50')
Reconstruction or development on narrower lots shall be allowed if the lot was in existence in its current configuration and under separate ownership from adjoining lots on or before July 10, 2006 (date of adoption of this ordinance).

Maximum Height: Forty feet (40') or 3 stories, whichever is lesser.

b. **Permitted Uses.** All uses permitted in the Office and Professional District (OP), Townhouse Residential District (TH), and Single Family Dwelling District (R-4). Uses allowed in Multi Family District (MF) by a CUP

c. **Common Open Space Required.** Common open space, as defined in section 2.4.2.9.(g) of the UDC, shall be required for all townhouse and multi family developments and shall meet the following requirements:
In all areas where Multi-Family Dwelling units are constructed, there shall be at least four hundred (400) square feet of common open space per dwelling unit. Each common open space shall be within three hundred (300) feet of all dwelling units it is intended to serve measured along a route of pedestrian access. Each 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 swimming pools, may be counted toward the required common open space. Off-street parking areas, service drives, and detention facilities shall not be included in any calculation of required open space. Minimum dimension of any common open space shall be forty feet (40').

d. **Accessory buildings in Old Townsite.** All accessory buildings in Old Townsite shall comply with the requirements of section 2.5.3.1 the UDC with the following exceptions:

Minimum Front Setback – Accessory building shall be located behind front building setback line established by the principal building.
Minimum Side Setback – Three feet (3').
Minimum Rear Setback - Seven and a half feet (7.5') if located along an alley, twenty feet (20') if no alley.
Additional dwelling unit (one) and home occupation (as defined in UDC in an accessory structure shall be permitted.
Accessory structures shall not be larger than 660 sq.ft. (footprint) or exceed two stories or 24 feet in height, whichever is less.

e. **Primary Building Street Façade**. At least seventy five percent (75%) of street facade must be constructed to front building line. At least 50% of street facade must be constructed to front building line if wider sidewalks (than that required under Section 3.2.11.1) or courtyard spaces are provided along the street.

For lots with less that one hundred feet (100') wide frontage this percentage may be reduced to allow a twenty-five feet (25') wide driveway to access the rear of the property. feet (25') wide driveway to access the rear of the property.

f. **Projecting Façade Elements**. Awnings, canopies, balconies, colonnades, arcades, bay windows, stoops and front porches may be permitted in City's right of way with approval from City staff and in conformance with Development Guidelines specified below under section 2.4.3.4 (c) 5. Approval from Texas Department of Transportation (TXDOT) shall be required for elements along state roads.

g. **Outdoor Seating**. Outdoor seating for restaurants, shall be permitted, as accessory and adjacent to the building, on sidewalks and public ROW along City streets, as long as a minimum of three feet (3') wide clear passageway is provided for pedestrians and subject to an approval of a Conditional Use Permit (CUP). TXDOT approval shall be required for state roads.

h. **Parking**. On street parking shall be subject to the following:
   1. No parking shall be permitted in the in the front yard.
   2. Non-residential uses in existing structures may be permitted to provide 50% of parking spaces required by the UDC for that use. The number of parking spaces may be reduced even further as determined by a traffic report and approved by the City of Pearland. All new additions, and existing and new multi-family uses, shall meet parking the requirements of the UDC, unless specified herein.
   3. Shared parking between properties shall be permitted as long as the total number of parking spaces meet the requirements of subsection 2 above for each use and all parking spaces as required under subsection 2 above are located within five hundred (500') of the building.
   4. Stacked parking for up to 3 cars shall be permitted for existing residential uses being converted to other non-residential use and where the converted area does not exceed six hundred square feet (600 sq. ft.) of floor area. A stacking space shall be an area measuring eight feet (8') by twenty feet (20').

(c) Development Requirements

All development requirements specified in the UDC will apply, with the following additional requirements and exceptions:

1. **Drive-Thru Facilities.** New drive-thru windows should not be located on the façade facing the primary streetscapes.

   Drive-thru facilities shall not hinder pedestrian flow or adjacent buildings and their functions.

2. **Utilities.**

a. For new building construction and significant building renovation (of over fifty percent of the value of the existing building and improvements) all utilities within the property shall be required to be underground. Only exception is if the utility is required to be above ground to operate properly.
b. All other utilities shall be required to be underground in accordance with the city's right of way management ordinance.
c. Location of above ground utility equipment shall avoid conflict with pedestrian movement and visually shield the equipment.

3. **Building Elevations.** Rear facing buildings and loading docks are prohibited on street facades for the following streets – Main, Broadway, Grand, Orange, Mykawa, Walnut, and Galveston.

4. **Concealed Equipment.** All equipment shall be located in rear yards or otherwise screened. Equipment shall include AC compressors and window and wall units, electric and utility meters and boxes, irrigation and pump pools, permanent barbecues, satellite dish antennas less than forty eight inches in (48") in height or diameter, loading docks, service areas, trash disposal facilities and backflow devices. Antennas over forty-eight inches (48") shall require a CUP.

5. **Projecting Façade Elements.** Projecting façade elements include awnings, canopies, balconies, colonnades and arcades. These shall be permitted on city streets after approval by the City and on TX DOT ROW, if permitted by TXDOT and approved by City. The following requirements shall apply:
   a. Not to project closer than two feet (2') to the curb.
   b. Eight feet (8') minimum clearance between sidewalk and bottom of awning or canopy; ten feet (10') minimum clearance between sidewalk and bottom of balconies, colonnades and arcades.
   c. May project in public ROW if approved by the City.
   d. Eight feet (8') minimum depth of sidewalk from building face to the inside column of colonnade or arcade.
   e. Minimum two feet (2') between outer column face of colonnade or arcade and curb.

6. **Façade Regulations.** Shall meet all requirements of the UDC, except that wood and hardy plank will be permitted for facades.

7. **Transparency Requirements.** For non-residential facades facing public street, park, plaza or public space a minimum of fifteen percent (15%) of overall façade must be transparent. For non-residential, a minimum of twenty five percent (25%) of façade wall area is required to have store front windows on ground floor.

   For residential buildings (both single family and multi family) a minimum of 15% of façade is required to comprise of window area.

   A lesser percentage of transparency for overall façade or store front windows for all buildings may be permitted by a CUP.

   Remodeling or repair of existing buildings may be exempt from these requirements. Any new addition or construction shall be required to comply with these requirements.

8. **Windows, Skylights and Doors.** Windows, skylights and doors shall be oriented vertically for facades facing public areas including streets.

9. **Building Signs.** Projecting signs and awning signs shall be permitted in addition to wall signs upon approval by the City (Recommend Planning and Building Departments). Projections shall not be allowed on City right-of-way. All other requirements of the UDC regarding signage shall be applicable.

10. **Outdoor Activities or Uses.** No outdoor commercial activities or uses shall be permitted in any OTS District without a temporary permit issued by the City's Building Official pursuant to the City Building Code, unless expressly authorized herein.
    a. Outdoor Display and Outdoor Seating. Outdoor display and outdoor seating in all districts within the Old Townsite may be permitted by a CUP.
    b. Outdoor storage, as defined by Section 5.1.1.1, is allowed only upon obtaining a CUP and providing screening pursuant to Section 4.2.4.1 (d). In no case shall outdoor storage be permitted along any yard that abuts any street or public right-of-way that is greater than twenty feet (20') in width.

(d) **Development Recommendations**

1. **Mixed Use Development.** Mixed uses are encouraged on each block. Active uses such as shopping or dining are encouraged on street.

2. **Accentuate Primary Entrance.** Accentuate primary entrance (for both existing and new buildings) with architecture features such as:
   - Art
   - Breaking the building's rhythm
   - Detail work
   - Lighting
   - Projecting façade elements
   - Recessed entries
   - Signage
   - Shelter pedestrian as they enter and exit.
   - Well lit entrances.

3. **Response to Human Scale:** Developments are encouraged to address the scale of pedestrian, and create active storefronts by using lights, quality materials, and creative displays. Encourage lower floors to be architecturally different from but still compatible with the upper floors through level of detail and design.

4. **Alleys and Side Streets.** Alleys and side streets are encouraged to be the primary access for parking lots and loading docks behind the building.

5. **Landscape Features Permitted with City's Approval.** (Need to determine the official/board or staff responsible)
   a. Flowerpots in street-scape.
   b. Hanging baskets in new light poles.
   c. Store owners to have option of creating planting beds.
   d. City to work with property owners to place landscape features in appropriate places.

(e) **Relaxation of Building Codes.** To encourage re-use, rehabilitation of existing buildings (built prior to adoption of this ordinance) and relocation of buildings into the area the Building Official

may approve relaxation of certain building codes as per the guidelines adopted by the City. *(Guidelines to be adopted by the City)*

(f) **Non-conforming Buildings.** Buildings constructed prior to the adoption of this ordinance (if removed or destroyed due to any cause) can be rebuilt on either the existing footprint or per this ordinance. Buildings constructed after the adoption of this ordinance will be required to comply with this ordinance.

(g) **Street Amenities.** The City will formulate a streetscape plan as per the recommendations of the Old Townsite Plan. *(This plan needs to be adopted).* Once the standards have been adopted the property owner will be responsible for installation of street furniture (lights, benches, signs, tree lighting, etc.) when the property is developed. The streetscape guidelines may include - street amenities, pedestrian lighting, street furniture, public art and signage.

(h) Unless specified herein under Section 2.4.3.4, all other requirements of the UDC will apply.

Section 2.4.4.1 OP, Office & Professional District

(a) **Purpose.** The Office & Professional District (OP) is intended to permit a wide variety of business, professional and organization office needs of the community together with desirable associated uses.

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

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

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

(c) **Area Regulations.**

(1) Size of Lots:

a. *Minimum Lot Size* - Twelve thousand and five hundred (12,500) square feet.

b. *Minimum Lot Width* - One hundred feet (100').

c. *Minimum Lot Depth* - One hundred feet (100').

(2) Size of Yards:

a. *Minimum Front Yard* – Twenty-five feet (25')

b. *Minimum Side Yard* - Ten feet (10')

c. *Minimum Rear Yard* - Ten feet (10')

(d) **Height Restrictions.** No building shall exceed thirty-five feet (35') in height. Additional height may be approved through a Conditional Use Permit (CUP).

(e) **Outdoor Activities or Uses.**

(1) No outdoor commercial activities or uses shall be permitted in the OP District without a temporary permit issued by the City's Building Official. ~~Refer to~~ pursuant to the City Building Code, unless expressly authorized herein.

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

(f) **Fences & Screening.** Fences and screening shall be provided and maintained as set forth in Chapter 4, Article 2, Division 4 of this UDC.

(g) **Parking.** Parking and loading shall be provided in conformance with Chapter 4, Article 2, Division 4 of this UDC.

(h) **Access.** Access shall be provided in accordance with the City's Engineering Design Criteria Manual.

(i) **Refuse Containers.** All refuse and refuse containers shall be screened from the view of adjacent public streets and from the view of any adjacent single-family, patio home, and/or townhouse development(s).

(j) **Landscaped Open Area.** At least fifteen percent (15%) of the gross site area shall be maintained in landscaped open area.

(k) **Adjacent to a Single-Family Use or Zoning District.** When an office/professional development is established on a tract of land that is adjacent to a single-family development or to property zoned for single-family use, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located with the required yard/setback area.

Section 2.4.4.2 BP-288, Business Park District-288

(a) Purpose. The Business Park District-288 (BP-288) is intended to permit large office complexes/campuses and retail development in locations with good visibility and roadway access; visibility and access are inherently provided by State Highway 288. These regulations are also intended to create high quality development that enhances the City's image as a desirable place to live, work, and shop.

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

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

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

(c) Area Regulations.

(1) Size of Lots:

a. *Minimum Lot Size* - One (1) acre (43,560 square feet).

b. *Minimum Lot Width* - One hundred and fifty feet (150').

c. *Minimum Lot Depth* - Two hundred feet (200').

(2) Size of Yards:

a. *Minimum Front Yard* – Twenty-five feet (25')

b. *Minimum Side Yard* - Twenty feet (20')

c. *Minimum Rear Yard* - Twenty feet (20')

(d) Height Restrictions. No building shall exceed sixty-five feet (65') in height. Additional height may be approved through a Conditional Use Permit (CUP).

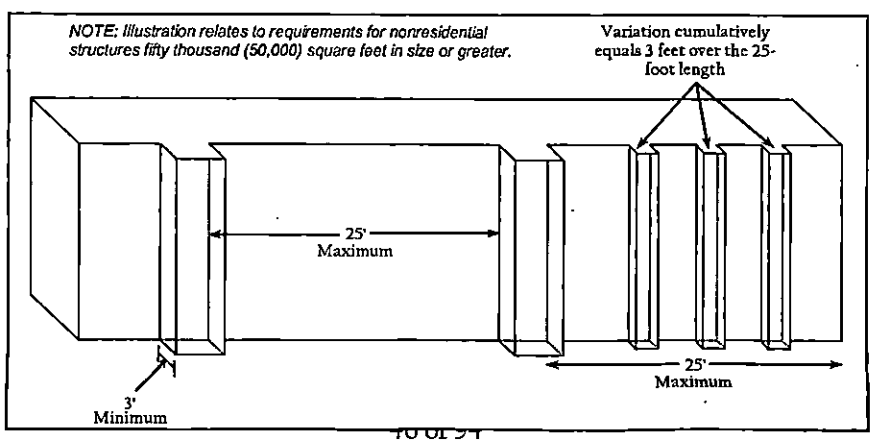
(e) Building Facade Standards. Requirements are applicable to all structures and facades visible from State Highway 288 except single-family detached dwellings. A Facade Design Plan of the entire proposed project shall be submitted with Site Plan review documents.

(1) Building Articulation:

a. Building articulation, as defined within Chapter 5 of this UDC, shall be provided as follows:

1. All nonresidential structures fifty thousand (50,000) square feet in size or greater shall incorporate architectural variation of at least three feet (3') in depth for every twenty-five feet (25') in vertical or horizontal length.

2. All nonresidential structures less than fifty thousand (50,000) square feet shall incorporate architectural variation of at least one foot (1') in depth for



every ten feet (10') in vertical or horizontal length.

(2) Building Materials: Corrugated metal and exposed fasteners are prohibited. Architectural metals are prohibited except for miscellaneous trimwork.

(3) Building Colors: Façade materials shall not consist of colors classified by the City as fluorescent, iridescent, or dayglo.

(~~e~~f) **Detention/Retention Facilities.** Such facilities shall be incorporated into each development as an amenity, such as a lake or pond. The term "amenity" is defined within Chapter 5 of this UDC.

(~~f~~g) **Lighting.**

(1) Uniformity: Standards, poles, and fixtures shall be a single color, and shall be uniform in design throughout the site.

(2) Prohibited Poles: Wooden poles are prohibited, except on a temporary basis during development construction and only until a Certificate of Occupancy is issued.

(3) Height: Standards, poles, and fixtures shall be no taller than twenty feet (20') in height.

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

(~~3~~5) Accent Lighting:

a. Uplighting shall be concealed or positioned to screen the light source from adjacent property and rights-of-way.

b. Floodlighting or spotlighting of architecture, graphics, or natural features shall not create spillage of light onto adjacent property or public streets.

(~~g~~h) **Screening Standards.**

(1) Site Elements Required to Be Screened: The following site elements shall be screened from the public view from State Highway 288.

a. *Mechanical and Utility Equipment*

1. Screens shall be of a color and material that is consistent with the primary on-site building.

2. Roof-mounted equipment may be screened with an architectural element that is an extension of the building on which it is located, such as a parapet wall.

b. *Vehicle Loading and Unloading Areas* - Screens shall incorporate shrubbery having year-round foliage and\or a fence, wall, or architectural element of the building that has a minimum six foot (6') height and is a maximum seventy-five percent (75%) opaque.

c. *Refuse, Refuse Containers, and Recycling Containers* - Screens shall consist of a solid fence, wall, or architectural element of the building with a minimum six foot (6') height.

(2) Screening Elements Required: All fences and walls visible from State Highway 288 shall be:

a. Constructed of masonry or other materials approved by the Planning Director or his designee.

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

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

(3) Residential Subdivision Fences:

a. Residential subdivision fences shall be uniform in style, color, and material along the length of the subdivision.

b. Wood rail fencing shall be permitted for perimeter fencing for large individual residential lots and for large-lot residential subdivisions, which shall mean subdivisions with lot sizes of at least one-half acre in size.

(4) Variation of Screening Walls Required: All screening walls that are twenty feet (20') in length or longer provide some horizontal variation in the wall that is equal to at least three feet (3') in depth for every twenty feet (20') in length.

(~~h~~i) Buffering Standards.

(1) Site Elements Required to Be Buffered: The following site elements shall be visually buffered from the public view from State Highway 288:

a. *Parking Areas* - Outdoor parking areas located within one hundred feet (100') of the State Highway 288 right-of-way.

b. *Fuel Pumps* - Fuel pumps located between the street and the building.

c. *Drive-Up Windows* - Vehicle drive-up windows facing the street.

(2) Buffering Elements Required: Required buffering shall be a maximum of three feet (3') in height and shall be provided by one or more of the following:

a. Freestanding masonry wall.

b. Landscaped earth berm with a maximum four-to-one (4:1) slope. Retaining walls may be used to facilitate berming.

c. Shrubbery having year-round foliage that is a maximum seventy-five percent (75%) opaque.

(3) **Adjacent to a Single-Family Use or Zoning District:** When a nonresidential development is established on a tract of land that is adjacent to a single-family development or to property zoned for single-family use, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located with the required yard/setback area.

(~~i~~j) **Utilities.** All utility service lines shall be located underground. Above-ground lines may be located in the rear or other areas of the property as necessary, however such lines must not be prominent from the front view of the property or from the view of roadways (the visibility of the poles must be partially or wholly obscured). Any determination on whether utilities are noticeable shall be made by the Planning Director.

(~~j~~k) Outdoor Activities or Uses.

(1) No outdoor commercial activities or uses shall be permitted in the BP-288 District without a temporary permit issued by the City's Building Official~~. Refer to~~ pursuant to the City Building Code, unless expressly authorized herein.

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

(~~k~~l) **Parking.** Parking and loading shall be provided in conformance with Chapter 4, Article 2, Division 1 of this UDC.

(~~l~~m) **Access.** Access shall be provided in accordance with the City's Engineering Design Criteria Manual.

(~~m~~n) **Landscaping Standards.**

(1) Minimum Percentage of Landscaping: A minimum of fifteen percent (15%) of the front yard area, or the yard adjacent to State Highway 288, as applicable, shall consist of landscaped open areas.

(2) Tree Requirements: Trees are required along State Highway 288 as follows, and at least fifty percent (50%) of the required trees shall be located along the frontage of the lot, adjacent to State Highway 288.

a. Large shade trees with a minimum two-inch (2") caliper measured at twelve inches (12") above the root ball shall be provided, with the total caliper inches equal to at least one inch (1") for each ten feet (10') of frontage.

b. Ornamental trees with a minimum two-inch (2") caliper measured at twelve inches (12") above the root ball shall be provided, with the total caliper inches equal to one inch (1") for each fifteen feet (15') of frontage.

c. A minimum of sixty percent (60%) of required street trees shall be evergreen with year-round foliage.

d. At the time of planting, a minimum of eight feet (8') shall be provided between a tree trunk and the back of any curb and between a tree trunk and any planned or existing underground public utility lines.

e. At the time of planting, a minimum of six feet (6') shall be provided between individual trees.

(3) Required Interior Site Landscaping:

a. Space for vehicle overhangs shall be provided in order to avoid damaging planted trees and shrubs.

b. No parking space shall be more than fifty feet (50') from a tree.

(4) Irrigation System: A mechanical irrigation system is required to be installed and maintained.

Section 2.4.4.4 GB, General Business Retail District

(a) **Purpose.** The General Business Retail District (GB) is intended to permit an extensive variety of commercial uses including retail trade, personal and business service establishments, offices and commercial recreational uses of limited scope. These types of commercial uses are conducted wholly within an enclosed building but may incidentally display merchandise wholly under a permanent part of the main business structure, such as a marquee.

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

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

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

(c) **Area Regulations.**

(1) Size of Lots:

a. *Minimum Lot Size* – Twenty-two thousand and five hundred (22,500) square feet in area.

b. *Minimum Lot Width* - One hundred and fifty feet (150').

c. *Minimum Lot Depth* - One hundred and twenty-five feet (125').

(2) Size of Yards:

a. *Minimum Front Yard* - Twenty-five feet (25')

b. *Minimum Side Yard*

1. Ten feet (10'), except as provided below.

2. Twenty-five feet (25') if side yard abuts a residential zoning district.

c. *Minimum Rear Yard* - Twenty-five feet (25')

(d) **Height Restrictions.** No building shall exceed forty-five feet (45') in height. Additional height may be approved through a Conditional Use Permit (CUP).

(e) **Outdoor Activities or Uses.** In connection with any permitted use, there shall be allowed the incidental display of merchandise out of doors subject to the following limitations:

(1) Except as provided below, all display areas out of doors shall be confined to a pedestrian walkway immediately adjacent to the building housing the primary use, shall not extend from such building a distance of more than ten feet (10'), and shall be located wholly under a permanent part of a main business building such as a marquee, provided that adequate pedestrian access is maintained. Adequate pedestrian access shall be an unobstructed thirty-six inch (36") walkway.

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

a. That there is an adequate off-street parking area, approved by the City; and

b. That the location and layout of drives and parking areas, of lighting, and of temporary sales signs will not constitute a hazard to public traveling to the abutting public streets and will not obstruct the visibility along such streets.

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

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

(f) **Fences & Screening.** Fences and screening shall be provided and maintained as set forth in Chapter 4, Article 2, Division 4 of this UDC, and as specified below.

(g) **Parking.** Parking and loading shall be provided in conformance with Chapter 4, Article 2, Division 1 of this UDC.

(h) **Landscaped Open Area.** At least fifteen percent (15%) of the gross site area shall be maintained in landscaped open area.

(i) **Access.** Access shall be provided in accordance with the City's Engineering Design Criteria Manual (EDCM).

(j) **Refuse Containers.** All refuse and refuse containers shall be screened from the view of adjacent public streets and from the view of any adjacent single-family, patio home, townhouse, and/or multiple-family development(s). Such containers shall not be located within the front yard area, and shall be to the side or rear of the lot.

(k) **Adjacent to a Single-Family Use or Zoning District.** When a nonresidential development is established on a tract of land that is adjacent to a single-family development or to property zoned for single-family use, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located with the required yard/setback area.

(l) **Alcoholic Beverages.** The sale, dispensing, and otherwise handling of alcoholic beverages directly to the consumer for consumption on the premises shall be permitted only if incidental and secondary to the sale of food for human consumption on the premises, which shall be construed to mean that at least fifty percent (50%) of gross receipts must be from sales of food for consumption on the premises. This regulation shall not apply to private clubs operating within hotels and motels.

Section 2.4.4.5 GC, General Commercial District

(a) **Purpose.** The General Commercial District (GC) is intended to permit a wide variety of businesses characterized by those uses that may require an extensive amount of land for the conduct of business and/or that may require outside storage areas.

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

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

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

(c) **Area Regulations.**

(1) Size of Lots:

a. *Minimum Lot Size* – Twenty-two thousand and five hundred (22,500) square feet in area.

b. *Minimum Lot Width* - One hundred and fifty feet (150').

c. *Minimum Lot Depth* - One hundred and twenty-five feet (125').

(2) Size of Yards:

a. *Minimum Front Yard* - Twenty-five feet (25')

b. *Minimum Side Yard*

1. Ten feet (10'), except as provided below.
2. Twenty-five feet (25') if side yard abuts a residential zoning district or a public right-of-way.

c. *Minimum Rear Yard* - Twenty-five feet (25')

(d) **Height Restrictions.** No building shall exceed forty-five feet (45') in height. Additional height may be approved through a Conditional Use Permit (CUP).

(e) **Outdoor Activities or Uses.** In connection with any permitted use, there shall be allowed outdoor activities or uses subject to the following limitations:

(1) Except as provided below, out of doors display, storage and sale of merchandise, equipment and vehicles shall be permitted.

(2) Out of doors display, storage and sale of merchandise, equipment and vehicles shall not be permitted on property adjacent to a residential zoning district.

a. Such activities/uses shall be permitted on such property upon City Council approval of a Conditional Use Permit (in accordance with Article2, Division 3 of this chapter) authorizing said activities/uses.

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

(f) **Fences & Screening.** Fences and screening shall be provided and maintained as set forth in Chapter 4, Article 2, Division 4 of this UDC.

(g) **Parking.** Parking and loading shall be provided in conformance with Chapter 4, Article 2, Division 1 of this UDC.

(h) **Access.** Access shall be provided in accordance with the City's Engineering Design Criteria Manual (EDCM).

(i) **Refuse Containers.** All refuse and refuse containers shall be screened from the view of adjacent public streets and from the view of any adjacent single-family, patio home, townhouse, and/or multiple-family development(s). Such containers shall not be located within the front yard area, and shall be to the side or rear of the lot.

(j) **Adjacent to a Single-Family Use or Zoning District.** When a nonresidential development is established on a tract of land that is adjacent to a single-family development or to property zoned for single-family use, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located with the required yard/setback area.

Section 2.4.5.1 COD, Corridors Overlay District

(a) **Purpose.**

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

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

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

(1) Pearland Parkway: ~~Dixie Farm Road to northern City limits~~ For the full length of the roadway within the City limits

(2) Oiler Drive: ~~SH 35 to Pearland Parkway~~ For the full length of the roadway within the City limits

(3) McHard Road: ~~SH 35 to Pearland Parkway~~ For the full length of the roadway within the City limits

(4) SH 35: For the full length of the roadway within the City limits, except within the Old Townsite District

(5) Broadway Road: For the full length of the roadway within the City limits, except within the Old Townsite District

(6) Magnolia Road: For the full length within the City limits of the contiguous roadway known as Magnolia Road, County Road 59, Southfork Drive, and John Lizer Road ~~within the City limits~~, except within the Old Townsite District

(7) Kirby Drive: For the full length of the roadway within the City limits

(8) Dixie Farm Road: For the full length of the roadway within the City limits

(9) Beltway 8: For the full length of the roadway within the City limits

(10) Bailey Avenue: For the full length of the roadway within the City limits

(11) Massey Ranch Road: For the full length of the roadway within the City limits

(12) Cullen Boulevard: For the full length of the roadway within the City limits

(c) **Lot and Setback Standards.**

PUBLIC COMMENT FORM

City of Pearland
Planning Department
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281-652-1742
281-652-1702 fax

CONDITIONAL USE PERMIT NO. CUP2007-05

Joint Public Hearing to be held Monday, June 4, 2007, at 6:30 PM in the Council Chambers of City Hall, 3519 Liberty Drive, Pearland, Texas.

If you are unable to attend the Joint Public Hearing, but wish to have your opinions made a part of the public record, please complete this form and *return to the above noted address (by mail, by fax, or in person, or send your comments by email to tgrahmann@ci.pearland.tx.us)* prior to the Joint Public Hearing. You may complete this form *and* attend the Joint Public Hearing.

_____ I am **IN SUPPORT OF** the requested zoning as explained on the attached notice. *(Checking "IN SUPPORT OF" means that you support the zone change request and feel that the zoning should be approved accordingly.)*

__X__ I am **OPPOSED TO** the requested zoning as explained on the attached notice. *(Checking "OPPOSED TO" means that you are in opposition to the zone change request and feel that the request should be denied.)*

Name: JESSICA SLOMAN

Address: 3807 CANYON LAKE DR PEARLAND TX 77581

Tax Account No. (if property shown on enclosed map): _____

Signature: [signature] Date: 6/1/07

COMMENTS: PLEASE SEE ATTACHED CORRESPONDENCE

CONDITIONAL USE PERMIT NO. CUP2007-05

COMMENTS: I am opposed to the zoning change requested by Tal-Con / Chris Talbert because using the listed land for a self-storage facility is not the most appropriate or effective way to use that land. As a resident of Towne Lake Estates, I believe that it could be used in a more productive way.

My primary concern is that there is currently a storage facility in the same area. In fact, the facility proposed by Tal-Con would be *less than ¼ mile* from U-Stor Mor, located at 4147 S. Main (Hwy 35). There is no need to have two storage facilities in one block. This is a crucial point because allowing Tal-Con to construct this type of building will set the tone for any other construction in the area.

The Bailey Road construction will be complete soon and will lend itself to development not only on Bailey Rd, but also up and down Hwy 35. Two storage facilities may make the area look like a warehouse/industrial district and may influence all future development. As a homeowner in the area, and as parent of children who will attend what is now PHS, I do not want this area to be anchored by a self-storage facility. Doing so will have lasting ramifications not only on my neighborhood, but also on future construction in and around the intersection of Bailey Road and Hwy 35.

The Bailey Road expansion will provide new possibilities for both controlling east/west traffic and for residential and commercial development. Currently, the gated neighborhoods of Towne Lake Estates and the Villages of Mary's Creek, as well as the Pearland High School, promote the feeling of comfortable living in a safe and respectable community. This is what I want for my neighborhood and my city. I do not want a self-storage facility to influence our community. Permitting construction of a storage facility will set the tone for future development and may negatively affect the comfortable and welcoming feel of our area.

Chris.Benson@Lyondell.com

06/04/2007 10:41 AM

To: <TGrahmann@ci.pearland.tx.us>
cc:
Subject: Please deny zoning change #2007-05Z

Ms. Grahmann,

I am sending this email to express my concern and opposition to the rezoning of the property near Crystal Lake subdivision under the zone change request #2007-05Z. Crystal Lake is closest subdivision located in this area and changing property from the current Mixed Use District to the General Commercial District would have serious negative consequences for our subdivision and the surrounding areas. I would attend the June 4th hearing in person if it were not for previous commitments and am asking that my voice be heard on this issue via means of this email.

I can not stress how beautiful Crystal Lake subdivision is and without maintaining strict zoning requirements in the adjacent areas, I believe the subdivision will eventually deteriorate causing further decline in property values not only within our subdivision but eventually spreading to other nearby subdivisions.

On behalf of my family and other concerned residents of Crystal Lake, please vote against the rezoning requested for change #2007-05Z.

Sincerely,
Chris Benson
4026 Crystal Lake Circle North
Pearland, TX 77584

"karen konzelmann" <kontex@earthlink.net >

06/04/2007 09:53 AM
Please respond to kontex

To: TGrahmann@ci.pearland.tx.us
cc:
Subject: Deny # 2007-05Z

From: karen konzelmann
To: TGrahmann@ci.pearland.tx.us
Sent: 6/4/2007 9:03:42 AM
Subject: Deny # 2007-05Z

Good Morning!

I am writing to ask that our vote be recorded as being opposed to # 2007-05Z regarding changing Mixed Use to Commerial on Cullen in Pearland. We cannot attend the meeting this evening due to health issues.

Cullen is such a mess of funeral traffic and now the coming high school that the proposed change would make it even worse. Also, for commercial development there are lots of empty spaces, already built along 518 for those kinds of enterprises.

When we bought our homes in the Crystal Lake subdivision we had no idea that a high school would be built so close and the amount of traffic that would bring. We certainly favor the education of our children, but not the additional problems of commercial use close to the school.

Thank you for your consideration.

David and Karen Konzelmann
1321 Crystal Lake Circle West
Pearland TX 77584 phone 281-997-8736

"Calleise Johnson" <CalleiseJ@ecico.com >

06/01/2007 10:50 AM

To: <TGrahmann@ci.pearland.tx.us>
cc:
Subject: Please deny zone change #2007-05Z

Hello Ms. Grahmann,

I am writing to request that the P&Z commission deny the request # 2007-05Z. This request asks that a lot near my neighborhood, Crystal Lake residential community, be rezoned from Cullen Mixed Use District to General Commercial District.

When the Cullen Mixed Use District was approved, we hoped it would protect our community and reduce the risk of property and quality of life devaluation in our area. To approve this rezoning request would greatly harm our neighborhood and property values. It would also set a precedent for rezoning along Cullen Mixed Use District which we hoped would be alleviated when the Unified Development Code was approved.

The General Commerical District would allow a list of many currently disallowed businesses to move into the Cullen Mixed Use District area including, but not limited to: RV Park & trailer home sales, car sales & rental lots and repair shops, tatoo/piercing parlors, taverns, dance hall, mini and large outdoor storage acilities, pet kenneling, hotel/motel, parole office, boarding houses, flea markets, heavy machinery sales & storage, pipe processing & storage etc. In addition, if the area goes General Commercial District, many more uses that currently must undergo scrutiny and may be denied would be permitted without question. For example: pool hall, bowling alley, gas station, convenience store, amusement park, drive through restaurants and other retail, hardware/appliance stores, clothing manufacturing, etc.

There are currently 5 large lots for sale in the Cullen Mixed Use District and more will probably go up for sale soon. Please help protect our neighborhood and support the Cullen Mixed Use District regulations within our community.

Thanks for the opportunity to share my concerns with the P&Z commission and City Councilmembers.

Calleise Letney Johnson
1307 Crystal Lake Circle West
Cell # 832-338-7355

"Critz Cullen"
<critzcullen@houston.rr.com>
06/01/2007 11:08 AM

To: <TGrahmann@ci.pearland.tx.us>
cc:
Subject: concern to P&Z: Please deny zone change #2007-05Z

Please deny zone change #2007-05Z.
We are homeowners in the area and do not approve this proposed change.

Thank you,

Critz and Karen Cullen
1206 Kingfisher Ct N
Pearland TX 77584

"Scott Parrish"
<scott@ssparrish.com
>
Sent by: Scott Parrish
<ssparrish@gmail.com>

To: <TGrahmann@ci.pearland.tx.us>
cc: <jean@ssparrish.com>
Subject: Zoning Change Request #2007-05Z

06/01/2007 11:14 AM
Please respond to
ssparrish

Ms. Grahmann,

I am writing to voice my strong opposition to P&Z change request #2007-05Z. I am a homeowner in the Crystal Lake subdivision whose main entrance is on Cullen road at Hughes Ranch road. Allowing the zoning change from Cullen Mixed Use District to General Commercial District sets a dangerous precedent for the property owners along Cullen by potentially allowing unrestricted commercial growth along Cullen. This would likely have serious detrimental effects to the property values in the area by allowing undesirable businesses to locate along Cullen. Traffic along this corridor has already reached extreme levels making entrance and exit from our subdivision quite difficult and also posing a danger to children waiting for school busses in the morning. Cullen is almost impassable on Saturdays due to the constant stream of funeral traffic. Allowing unrestricted commercial growth along Cullen will increase the traffic even further. We are already seeing the effects of this growth along 518 with many new strip centers sitting empty for some time before the developers lower the rent enough to bring any revenue in that they can, the result of which is a large number of miscellaneous small businesses with no planning or thought put into the overall growth of the area and giving the whole area an "ad-hoc" feel as opposed to a well planned community that the city of Pearland is trying to promote.

On our behalf, please urge the council members to vote against this and all future zoning requests for General Commercial District along Cullen.

Thank you for your attention.

Scott and Jean Parrish
1410 Crystal Lake Circle East
Pearland, Texas 77584
281-485-0985

"Lancaster, Bob"
<Bob.Lancaster@coair.com>

06/01/2007 11:48 AM

To: <TGRAHMANN@ci.pearland.tx.us>
cc:
Subject: Please deny zone change #2007-05Z

Ms. Grahmann –

I am sending this email to express my concern and opposition to the rezoning of the property near Crystal Lake subdivision under the zone change request #2007-05Z. Crystal Lake is closest subdivision located in this area and changing property from the current Mixed Use District to the General Commercial District would have serious negative consequences for our subdivision and the surrounding areas. I would attend the June 4th hearing in person if it were not for previous commitments and am asking that my voice be heard on this issue via means of this email.

I can not stress how beautiful Crystal Lake subdivision is and without maintaining strict zoning requirements in the adjacent areas, I believe the subdivision will eventually deteriorate causing further decline in property values not only within our subdivision but eventually spreading to other nearby subdivisions.

On behalf of my family and other concerned residents of Crystal Lake, please vote against the rezoning requested for change #2007-05Z.

Sincerely,

Robert, Karen and Jennifer Lancaster
4003 Crystal Lake Circle South
Pearland, Texas 77584

John & Maureen McGoldrick II <031189@sbcglobal.net>

06/01/2007 12:35 PM

To: TGrahmann@ci.pearland.tx.us
cc:
Subject: concern to P&Z: Please deny zone change #2007-05Z

Please deny zone change #2007-05Z.
We are homeowners in the area and do not approve this proposed change.

Thank you.

John and Maureen McGoldrick
1210 Kingfisher Court North
Pearland, Texas
031189@sbcglobal.net

John and Maureen McGoldrick

"phil & becky casey" <caseypbc@hotmail.com>

06/01/2007 12:52 PM

To: TGRAHMANN@ci.pearland.tx.us
cc:
Subject: Vote against 2007-o5z from the Casey's in Crystal Lake

Ms. Grahmann -

I am sending this email to express my concern and opposition to the rezoning of the property near Crystal Lake subdivision under the zone change request #2007-05Z. Crystal Lake is closest subdivision located in this area and changing property from the current Mixed Use District to the General Commercial District would have serious negative consequences for our subdivision and the surrounding areas. I would attend the June 4th hearing in person if it were not for previous commitments and am asking that my voice be heard on this issue via means of this email.

I can not stress how beautiful Crystal Lake subdivision is and without maintaining strict zoning requirements in the adjacent areas, I believe the subdivision will eventually deteriorate causing further decline in property values not only within our subdivision but eventually spreading to other nearby subdivisions.

On behalf of my family and other concerned residents of Crystal Lake, please vote against the rezoning requested for change #2007-05Z.

Sincerely,

The Casey's
1414 Crystal Lake Circle East
713-854-3086

Arnie Asp
<olda52@houston.rr.com>

06/01/2007 02:58 PM

To: TGRAHMANN@ci.pearland.tx.us
cc:
Subject: Re: Deny Zone change request #2007-05Z

Ms. Grahmann -

I am sending this email to express my concern and opposition to the rezoning of the property near Crystal Lake subdivision under the zone change request #2007-05Z. Crystal Lake is the closest subdivision located in this area and changing property from the current Mixed Use District to the General Commercial District would have serious negative consequences for our subdivision and the surrounding areas. Due to the short notice, I am asking that my voice be heard on this issue via means of this email.

I can not stress how beautiful Crystal Lake subdivision is and without maintaining strict zoning requirements in the adjacent areas, I believe the subdivision will eventually deteriorate causing further decline in property values not only within our subdivision but eventually spreading to other nearby subdivisions.

On behalf of my family and other concerned residents of Crystal Lake, please encourage the City Council/P&Z Members to vote against the rezoning requested for change #2007-05Z.

Thank you,

Arnold Asp
3910 Crystal Lake Cir N
Pearland TX 77584

"Leonard Bush" <bearclan2@mindspring.com>
06/01/2007 03:02 PM

To: <TGRAHMANN@ci.pearland.tx.us>
cc:
Subject: Zone Change Request #2007-05Z

Ms. Grahmann –

I am sending this email to express my concern and opposition to the rezoning of the property near Crystal Lake subdivision under the zone change request #2007-05Z. Crystal Lake is the closest subdivision located in this area and changing property from the current Mixed Use District to the General Commercial District would have serious negative consequences for our subdivision and the surrounding areas. I would attend the June 4th hearing in person if it were not for previous commitments and am asking that my voice be heard on this issue via means of this email.

I can not stress how beautiful Crystal Lake subdivision is and without maintaining strict zoning requirements in the adjacent areas, I believe the subdivision will eventually deteriorate causing further decline in property values not only within our subdivision but eventually spreading to other nearby subdivisions.

On behalf of my family and other concerned residents of Crystal Lake, please vote against the rezoning requested for change #2007-05Z.

Sincerely,
Leonard & Barbara Bush
1323 Crystal Lake Circle East
'The people should not be afraid of their government.
The government should be afraid of its people.'
V for Vendetta

Quis custodiet ipsos custodes?
Who is to guard the guards themselves?

"They That Can Give Up Essential Liberty
To Obtain A Little Temporary Safety
Deserve Neither Liberty Or Safety."
Ben Franklin

"Ardoin, Valerie" <Valerie.Ardoin@mercer.com>
06/01/2007 06:28 PM

To: <tgrahmann@ci.pearland.tx.us>
cc:
Subject: Please deny zone change request #2007-05Z

Dear Ms. Grahmann,

I am sending this email to express my concern and opposition to the rezoning of the property near Crystal Lake subdivision under the zone change request # 2007-05Z. Crystal Lake is the closest subdivision to this area and changing the property from the current Mixed Use District to the General Commercial District could have serious negative consequences for our subdivision and the surrounding areas.

Without maintaining strict zoning requirements in the adjacent areas, I believe the subdivision will eventually deteriorate, causing further decline in property values not only within our subdivision but eventually spreading to other nearby subdivisions.

On behalf of my family and other concerned residents of Crystal Lake, please vote against the rezoning requested for change # 2007-05Z.

Thank you,
Valerie Ardoin
1435 Crystal Lake Circle East
Pearland, TX 77584

Valerie M. Ardoin, CEBS
Senior Associate
Mercer Health & Benefits
1000 Main Street, Suite 2900
Houston, TX 77002-6336

phone: +1 713-276-2152
fax: +1 713-276-2117
mobile: +1 832-722-3425

FE01

"Carl McGinnis"
<hairymac@sbcglobal.net>
06/01/2007 07:05 PM

To: <TGRAHMANN@ci.pearland.tx.us>
cc:
Subject: Planning and Zoning Change request #2007-05Z

Ms. Grahmann –

I am a resident of Crystal Lake which is now in the City of Pearland. I am sending this email to express my concern and opposition to the rezoning of the property near Crystal Lake subdivision under the zone change request #2007-05Z. Crystal Lake is closest subdivision located in this area and changing property from the current Mixed Use District to the General Commercial District would have serious negative consequences for our subdivision and the surrounding areas. If not for lack of childcare I would attend the June 4th hearing however I would like my voice to be heard on this issue via means of this email.

I can not stress how beautiful Crystal Lake subdivision is and without maintaining strict zoning requirements in the adjacent areas, I believe the subdivision will eventually deteriorate causing further decline in property values not only within our subdivision but eventually spreading to other nearby subdivisions.

On behalf of my family and other concerned residents of Crystal Lake, please vote against the rezoning requested for change #2007-05Z.

Sincerely,

Glynda McGinnis
1210 Sandpiper Court North
Pearland, TX 77584

Michael Van Dyke
<mishko22@yahoo.com>
06/01/2007 08:36 PM

To: TGRAHMANN@ci.pearland.tx.us
cc:
Subject: zone change request #2007-05Z

Dear Theresa Grahmann:

I would like to add my voice in opposition to the proposed zone change #2007-05Z (see below). While this change may be of significant benefit to its current and/or future property holders, offering more flexible use of this property with less potential public oversight, it may well be less beneficial for the homeowners and voters in Crystal Lake. For example, do we need another convenience store, fast-food outlet, video arcade, donut shop, etc,. at this location? Before such a change is made, its impact on nearby residential, church, and future PISD properties (e.g., Glenda Dawson High School) must be considered, as well as the potential domino effect of adjoining estate properties changing to General Commercial District zoning, based on this precedent. Better would be to examine areas surrounding premier high schools in other cities, to see how they can best contribute to the overall environments in both their schools and nearby neighborhoods.

Thanking you for your consideration.

Sincerely,

Michael Van Dyke
1324 Crystal Lake Circle East
Pearland, TX 77584

D. CONSIDERATION & POSSIBLE ACTION— Zone Change No. 2007-05Z

A request by ONS Investments, LLC, applicant for Hersh Kumar, 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 Cullen Mixed Use District (C-MU) to General Commercial District (GC), on the property located on the East Side of Cullen Boulevard, and Approximately 500 Feet North of Hughes Ranch Road (County Road 403)

Allison Ewart
<allison_dornan@yahoo.com>

06/02/2007 02:05 PM

To: TGRAHMANN@CI.PEARLAND.TX.US
cc:
Subject: Please deny zone change #2007-05Z

Ms. Grahmann -

I am sending this email to express my concern and opposition to the rezoning of the property near Crystal Lake subdivision under the zone change request #2007-05Z. Crystal Lake is closest subdivision located in this area and changing property from the current Mixed Use District to the General Commercial District would have serious negative consequences for our subdivision and the surrounding areas. I would attend the June 4th hearing in person if it were not for previous commitments and am asking that my voice be heard on this issue via means of this email.

I can not stress how beautiful Crystal Lake subdivision is and without maintaining strict zoning requirements in the adjacent areas, I believe the subdivision will eventually deteriorate causing further decline in property values not only within our subdivision but eventually spreading to other nearby subdivisions.

On behalf of my family and concerned residents of Crystal Lake, please vote against the rezoning requested for change #2007-05Z.

Sincerely,

Sean, Allison and Lucy Ewart

Eboyd677@aol.com
06/03/2007 05:26 AM

To: TGRAHMANN@ci.pearland.tx.us
cc:
Subject: Rezoning

Ms. Grahmann –

I am sending this email to express my concern and opposition to the rezoning of the property near Crystal Lake subdivision under the zone change request #2007-05Z. Crystal Lake is closest subdivision located in this area and changing property from the current Mixed Use District to the General Commercial District would have serious negative consequences for our subdivision and the surrounding areas. I would attend the June 4th hearing in person if it were not for previous commitments and am asking that my voice be heard on this issue via means of this email.

I can not stress how beautiful Crystal Lake subdivision is and without maintaining strict zoning requirements in the adjacent areas, I believe the subdivision will eventually deteriorate causing further decline in property values not only within our subdivision but eventually spreading to other nearby subdivisions.

On behalf of my family and other concerned residents of Crystal Lake, please vote against the rezoning requested for change #2007-05Z.

Sincerely,
Edna Boyd
1315 Sandpiper Court South
Pearland, TX 77584

"Sharon Hughes" <hugsharon@gmail.com>
06/03/2007 01:59 PM

To: TGrahmann@ci.pearland.tx.us
cc:
Subject: Please deny zone Change #2007-05Z

Dear Ms. Grahmann,

I am sending this email to express my concern and opposition to the rezoning of the property near Crystal Lake subdivision under the zone change request #2007-05Z. Crystal Lake is the closest subdivision located in this area and changing property from the current Mixed Use District to the General Commercial District would have serious negative consequences for our subdivision and the surrounding areas.

Our small gated subdivision is being changed drastically in many ways. The approval of the recent bond election means 2 major roads that border our subdivision on 2 sides will be widened from 2 lanes to 4 lanes. The new Glenda Dawson High School is being constructed just across the street from Crystal Lake.

People who reside in Crystal Lakes are justifiably concerned about what effect all these drastic changes will have on quality of life and property values. The widening of Hughes Ranch Road and Cullen will bring high-speed, high volume traffic and the related noise to within just a few feet of people's backyard. Please work with our neighborhood regarding these changes before allowing any rezoning in the area surrounding Crystal Lakes.

On behalf of may family and other concerned residents of Crystal Lake, please vote against the rezoning requested for change #2007-05Z.

Sincerely,

Sharon Hughes Oshkoohi
1314 Crystal Lake Circle E.
Pearland, TX 77584
281-412-0761

"Fredrickson, Becky & Steven"
<fredrickson@earthlink.net>

06/03/2007 10:29 PM

To: <TGRAHMANN@ci.pearland.tx.us>
cc: "Becky Fredrickson'" <bjfredrickson@earthlink.net>
Subject: change request #2007-05Z

Ms. Grahmann,

I am writing to express my opposition to the rezoning of the property near Crystal Lake subdivision under the zone change request #2007-05Z. Crystal Lake is closest subdivision located in this area and changing property from the current Mixed Use District to the General Commercial District could have serious negative consequences for the Crystal Lake subdivision and the surrounding areas. I would attend the June 4th hearing in person if it were not for previous commitments and am asking that my voice be heard on this issue via this email.

If current zoning requirements in the adjacent areas are relaxed, I believe the attractiveness of the Crystal Lake subdivision will be impacted causing a decline in property values not only within our subdivision but eventually spreading to nearby subdivisions.

On behalf of my family and other concerned residents of Crystal Lake, please vote against the rezoning requested for change #2007-05Z.

Sincerely,

Becky Fredrickson, M.D., Ph.D.
1415 Crystal Lake Circle West
Pearland, TX 77584
281-412-5406

architectural variation of at least three feet (3') in depth for every twenty-five feet (25') in vertical or horizontal length.

2. All nonresidential structures less than fifty thousand (50,000) square feet shall incorporate architectural variation of at least one foot (1') in depth for every ten feet (10') in vertical or horizontal length.

(2) Building Materials:

a. All structures shall conform to the requirements in Article 6, Division 2 of this chapter.

b. Corrugated metal and exposed fasteners are prohibited. Architectural metals are prohibited except for miscellaneous trimwork.

c. A minimum twenty-five percent (25%) of an exterior wall facing the specified major thoroughfare shall be transparent, except for Public Educational Facilities, which are exempt from this requirement.

d. All facades of an individual building, multiple buildings in a shopping center, or integrated business development, and all roofing in a shopping center or integrated business development shall have architectural design, color, and materials that are compatible or consistent with an overall theme, as determined by the Planning Director.

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

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

(f) **Bicycle Parking.**

a. Bicycle parking spaces shall be provided at an amount equal to a minimum of five percent (5%) of the required vehicular parking spaces.

b. Bicycle parking shall be conveniently provided for all uses allowed in the following zoning districts: Office and Professional, Neighborhood Service, Business Park-288, General Business, and General Commercial.

c. Each required bicycle parking space shall include a means to secure individual bicycles.

(g) **Landscaping Standards.**

(1) Minimum Percentage of Landscaping in the Required Setback Area: A minimum of fifteen percent (15%) of the required setback area shall consist of landscaped open areas with a permeable surface.

(2) Minimum Percentage of Landscaping Generally: A minimum of fifteen percent (15%) of the gross lot area shall consist of landscaped open areas.

a. Landscaping elements shall be established along the outside (i.e., the side nearest the right-of-way) of all required screening elements (refer to Subsection (h) below).

(3) Tree Requirements: Trees are required along all specified major thoroughfares as follows, and at least fifty percent (50%) of the required trees shall be located along the frontage of the lot adjacent to the specified roadways:

a. Large shade trees with a minimum two-inch (2") caliper measured at twelve inches (12") above the root ball shall be provided, with the total caliper inches equal to at least one inch (1") for each ten feet (10') of frontage.

b. Ornamental trees with a minimum two-inch (2") caliper measured at twelve inches (12") above the root ball shall be provided, with the total caliper inches equal to one inch (1") for each fifteen feet (15') of frontage, except for Public Educational Facilities, which are exempt from this requirement.

c. A minimum of sixty percent (60%) of required street trees shall be evergreen with year-round foliage.

d. At the time of planting, a minimum of three feet (3') shall be provided between a tree trunk and the back of any curb and eight feet (8') between a tree trunk and any planned or existing underground public utility lines.

e. At the time of planting, a minimum of six feet (6') shall be provided between individual trees.

(4) Required Interior Site Landscaping:

a. Space for vehicle overhangs shall be provided in order to avoid damaging planted trees and shrubs.

b. No parking space shall be greater than fifty feet (50') from a tree. Each island shall contain at least one (1) tree. Public Educational Facilities shall be exempt from this requirement.

(5) Irrigation System: A mechanical irrigation system is required to be installed and maintained.

(6) Adjacent to a Single-Family Use or Zoning District: When a nonresidential development is established on a tract of land that is adjacent to a single-family development or to property zoned for single-family use, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located with the required yard/setback area and may count toward (g)(1) above.

(h) **Lighting Standards.**

(1) Vehicular Circulation & Parking Areas:

a. High pressure sodium or metal halide fixtures shall be used with no direct glare onto adjacent properties or public streets. The glare from such fixtures shall be shielded from adjacent properties and/or public streets.

b. Minimum light level within the parking area shall be 0.5 foot candles when the attendant facility is in use.

c. Standards, poles, and fixtures shall be a single color, uniform in design throughout the site and no taller than the height of the building being served.

d. Creosote treated wooden poles are prohibited.

e. Street lights along the specified corridor shall conform to the standard fixture adopted by the City. Installation of such fixture or payment in lieu of installation shall be required prior to acceptance of subdivision improvements by the City or issuance of a certificate of occupancy, as applicable

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

(3) Accent Lighting:

a. Uplighting shall be concealed or positioned to screen the light source from adjacent property.

b. Floodlighting or spotlighting of architecture, graphics, or natural features shall not create spillage of light onto adjacent property or public streets.

(i) Screening Standards.

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

a. *Mechanical and Utility Equipment*

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

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

b. *Vehicle Loading and Unloading Areas*

1. Screens shall incorporate shrubbery having year-round foliage and\or a wall or architectural element of the building that is a minimum of six feet (6') in height and is a maximum of seventy-five percent (75%) opaque.

c. *Refuse, Refuse Containers, and Recycling Containers*

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

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

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

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

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

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

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

b. Located within any required visibility triangle.

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

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

2. Public Educational Facilities shall be permitted to use chain link fence along the perimeter of sports fields and detention basins. Any chain link fence located one hundred feet (100') or less from a thoroughfare listed in subsection (b) shall be constructed of chain link material that is entirely coated by black or dark green vinyl, and shall also include one of the following features:

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

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

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

B. masonry columns that are:

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

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

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

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

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

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

(5) Residential Subdivision Fences:

a. Residential subdivision fences shall be uniform in style, color, and material along the length of the subdivision.

b. If visible from a street right-of-way, fences shall be constructed of masonry materials. However, large-lot subdivisions, which are defined as subdivisions with average lot sizes of one-half acre or more, shall be permitted to be screened with wood rail fencing.

(j) **Buffering Standards.**

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

a. *Parking Areas* - Outdoor parking areas that are visible from any street right-of-way.

b. *Fuel Pumps* - Fuel pumps located between the street and the building.

c. *Drive-Up Windows* - Vehicle drive-up windows facing the street.

(2) Buffering Elements Required: Required buffering shall be a maximum of three feet (3') in height shall be provided by way of one or more of the following:

a. Freestanding masonry wall.

b. Landscaped earth berm with a maximum four-to-one (4:1) slope. Retaining walls may be used to facilitate berming if unseen from the street.

c. Shrubbery having year-round foliage.

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

(1) Except as provided below, all display areas out of doors shall be confined to a pedestrian walkway immediately adjacent to the building housing the primary use, shall not extend from such building a distance of more than ten feet (10'), and shall be located wholly under a permanent part of a main business building such as a marquee, provided that adequate pedestrian access is maintained. Adequate pedestrian access shall be an unobstructed thirty-six inch (36") walkway.

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

a. That there is an adequate off-street parking area, approved by the City; and

b. That the location and layout of drives and parking areas, of lighting, and of temporary sales signs will not constitute a hazard to public traveling to the abutting public streets and will not obstruct the visibility along such streets.

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

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

(~~k~~l) **Sidewalk Standards.**

(1) Location: The required sidewalk along all specified major thoroughfares may be located within the front yard building and parking setbacks as well as the parkway area from the back of curb to the right-of-way line. Sidewalks shall not be required for development along Beltway 8 frontage roads.

(2) Easement Required: A ten foot (10') wide public use easement shall be provided for the required sidewalk when placed outside of street right-of-way.

(3) Curved Alignment Required: The required sidewalk shall have a curved alignment for at least eighty percent (80%) of the major thoroughfare street frontage. Sidewalks on intersecting streets shall not have a curved alignment unless approved by the City Engineer.

(4) Construction Criteria: Construction criteria for the required sidewalk:

a. Minimum six feet (6') wide.

b. Minimum eight-foot (80') centerline radius, maximum intersection angle of twenty (20) degrees, and maximum twenty-foot (20') foot tangent between sidewalk curves.

c. Minimum six-foot (6') separation between back of street curb and edge of sidewalk, except at street intersections and bridge approaches.

d. Sidewalk approaches, including the wheelchair ramp, to street and driveway intersections shall be straight and parallel to the adjacent street for a minimum of ten feet (10').

e. Detailed construction plans shall be submitted to the City Engineer for approval prior to construction of the sidewalk.

f. Deviations from these criteria may be approved by the City Engineer for good cause such as cases of unusual or unique topography or to preserve desirable natural features.

(5) A minimum six-foot (6') wide pedestrian sidewalk shall connect the perimeter sidewalk to the building entry. This connecting sidewalk shall be accessible, readily visible, and paved.

(~~l~~m) Utilities. All utility service lines shall be located underground. Above-ground lines may be located in the rear or other areas of the property as necessary, however such lines must not prominent from the front view of the property or from the view of roadways (the visibility of the poles must be partially or wholly obscured). Any determination on whether utilities are prominent shall be made by the Planning Director.

Section 2.5.6.3 Residential Anti-Monotony Regulations

(a) **Purpose.** Standards for addressing the issue of monotony in residential neighborhoods are set forth to promote the ideal of visually interesting residential areas. These standards are intended to encourage high-quality and innovative designs for the exterior of local homes and yard areas that in turn encourage viable neighborhoods of enduring aesthetic value.

(b) **Applicability.**

(1) ~~Any and all~~ The requirements ~~within~~ of this ~~S~~section ~~2.5.6.3~~ shall apply to any new construction within a residential subdivision the plat for which was filed ~~herein~~after the adoption date of this UDC, the 27th of February, 2006.

(2) ~~Any and all requirements within this Section 2.5.6.3 shall conform to the Texas Local Government Code provisions of Section 211.016, and shall not apply to any residential subdivision plat under the second anniversary of the later of the following:~~

~~a. The date the plat was approved; or~~

~~b. The date the City of Pearland accepts the subdivision improvements offered for public dedication.~~

(~~3~~) Only residential subdivision plats for townhome (but not duplex) developments and multiple-family developments shall be exempt from the requirements within this Section 2.5.6.3.

(c) **Requirements Related to Residential Floor Plans.** Where the development application indicates a residential development comprised of seventy-five (75) or more lots, a minimum of eight (8) front facades must be utilized, and no single front facade shall be duplicated within four (4) lots or tracts.

(d) **Varying Front Yards, Living Space Areas, & Garage Locations.** The following shall be applied cumulatively to residential developments with twenty (20) or more platted lots.

(1) Front Yards Varied: Variations of the front yard setback shall be allowed such that a maximum of one-third (1/3) of the platted lots are permitted to decrease the setback a maximum of five feet (5').

(~~3~~2) Garage Locations: A minimum of one-third (1/3) of the houses shall be arranged such that the garage is not the dominant visual architectural feature by incorporating at least one (1) of the following:

a. A garage that is detached from the house and is connected to the house with a breezeway or sidewalk.

b. A garage that is accessed from a driveway at the rear of the lot (i.e., back-entry).

c. A garage that is accessed from a side turn-in driveway at the front facade (i.e., j-drive).

d. A garage with a second story that is enhanced with windows, gables, or a porch

Section 3.1.1.3 Exemptions

(a) **Subdivision Plat Exemptions.** The following land divisions are exempt from the requirements of this article that apply to subdivision plats:

(1) Sale, inheritance, or gift of land by metes and bounds of tracts upon which no improvements, development, subdivision or alteration is intended;

(2) Use of existing cemeteries complying with all State and local laws and regulations;

(3) A division of land created by order of a court of competent jurisdiction; and

(4) A division of land that results in the creation of two or more parcels, each of which is greater than five (5) acres inside the City limits, or each of which is greater than ten (10) acres within the City's extraterritorial jurisdiction for areas subject to an interlocal agreement between the City and the County, when each parcel has direct access to an existing public street, and no dedication of public facilities is required under this Unified Development Code in connection with the division~~; and~~.

~~(5) Creation of a remainder tract.~~

(b) **Development Plat Exemptions.** The following development activities are exempt from the requirements of this article that apply to development plats:

(1) Any development activity associated with a subdivision plat that conforms to the subdivision requirements set forth in this chapter;

(2) Sale, inheritance, or gift of land by metes and bounds of tracts upon which no improvements, development, subdivision or alteration is intended;

(3) Use of existing cemeteries complying with all State and local laws and regulations;

(4) Bona fide agricultural activities;

(5) Construction of agricultural accessory structures and related development activities; and

(6) Construction of a single-family dwelling and related accessory structures and development activities on a lot for which a final or minor subdivision plat has been approved.

Section 4.1.2.6 Sign Permit

(a) **Purpose.** The purpose of a sign permit is to authorize the display, erection, rebuilding, expansion or relocation of any non-exempt sign authorized under the UDC.

(b) **Applicability.** A sign permit is required within the City limits for all non-exempt signs, and for off-premise signs in the City's extraterritorial jurisdiction.

(1) All signs, whether or not a sign permit is required under this section, shall comply with all other City Codes, including the Electrical and Building Codes.

(2) Electrical permits pursuant to the electrical code in the City's code of ordinances are also required for electric signs, except those designed to be plugged into an existing electric outlet.

(c) **Exemptions.** The following signs and activities do not require a sign permit:

(1) ~~Temporary window displays consisting of merchandise or posters.~~ Signs authorized by Section 4.2.5.3 (b) (8).

(2) ~~Signs advertising the sale or lease of real property on which they are located. These real estate signs shall not exceed thirty-two (32) square feet in area per sign face and shall not exceed six feet (6') in height above ground level.~~ Signs authorized by Section 4.2.5.3 (b) (11) and erected on residential property.

(3) Signs authorized by Section 4.2.5.5 (d) (1).

(4) Signs authorized by Section 4.2.5.5 (d) (2) and erected on residential property.

(5) Signs authorized by Section 4.2.5.5 (d) (3) c.

(6) Signs authorized by Section 4.2.5.9.

(7) Signs that were previously permitted and in existence before the effective date of this UDC.

~~(4) Inflatable signs, including balloons, a maximum of twelve feet (12') in greatest dimension, limited to holiday-related signs that are displayed for a maximum of thirty (30) days per display period and a maximum of five (5) display periods per year.~~

~~(5) On-premise temporary signs advertising new subdivisions or model homes when such signs do not exceed thirty-two (32) square feet in area per sign face. A maximum of one (1) such sign per street frontage is permitted.~~

~~(6) Signs facing the interior of athletic stadiums or fields or facing the exterior of athletic stadiums or fields operated by nonprofit organizations or governmental entities.~~

~~(7) Unlit signs up to thirty-two (32) square feet in area per sign face, on the premises of a governmental, religious, educational or other noncommercial institution, which function solely as community information signs and do not advertise a product or for-profit service.~~

~~(8) A sign that has as its purpose the protection of life and property.~~

~~(9) A sign or marker giving information about the location of underground electric transmission lines, telegraph or telephone properties and facilities, pipelines, public sewers, or water lines or other public utilities.~~

~~(10) A sign erected by an agency of the state or a political subdivision of the state, which may or may not be located on public property.~~

~~(11) On-site directional and informational signs not exceeding two (2) square feet.~~

~~(12) One unlighted or indirectly lighted sign with names and/or street numbers so long as the area of such sign does not exceed one (1) square foot for each dwelling unit.~~

~~(13) Bulletin boards not over sixteen (16) square feet per face in area for public, charitable or religious institutions when the same are located on the premises of such institutions.~~

~~(14) One temporary construction sign denoting the type of business to occupy the premises, architect, engineer, financial institution, contractor, or other principal parties when placed upon the site under construction and not exceeding thirty-two (32) square feet in area per sign face and not exceeding six feet (6') above ground level. One additional temporary sign not exceeding thirty-two (32) square feet in area per sign face stating the opening date of the business, or a similar message (e.g., "coming soon", "grand opening", "now open", etc.) may be placed on-site no sooner than six (6) months prior to the issuance of a certificate of occupancy.~~

~~(15) Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface or when constructed of bronze or other non-combustible materials.~~

~~(16) Signs that are displayed on vehicles that are being operated or stored in the normal course of a business, such as signs indicating the name or the type of business, that are located on moving vans, delivery trucks, trailers and other commercial vehicles; but only if the primary purpose of such vehicles is not for the display of the signs thereon, and only if such vehicles are parked or stored in properly designated and paved parking spaces that are located in areas appropriate to their use as commercial or delivery vehicles, such as service areas or locations close to the business building(s) away from public traffic.~~

~~(17) Signs displayed on a vehicle for the sole purpose of advertising the vehicle for sale, lease or hire.~~

~~(18) Signs consisting of a plaque or historical marker commemorating a person, event, structure, or site.~~

~~(19) Governmental signs.~~

~~(20) Temporary signs customarily associated with a recognized national, state, local or religious holiday.~~

~~(21) Signs on vending machines, gasoline pumps and amusement equipment pertaining to the function of the facilities.~~

~~(22) Signs carried by humans.~~

~~(23) Unlighted signs or electric signs plugged into an existing electric outlet, in first or second story windows provided that the signs do not exceed fifty percent (50%) of the window's size (window signs are included in the total on-premise attached sign calculation).~~

~~(24) Flags, emblems and insignia of any governmental body, decorative displays for holidays or public demonstrations which do not contain advertising and are not used as such and which do not exceed thirty-five feet (35') in height and one hundred (100) square feet in area.~~

~~(25) Signs announcing special events for nonprofit organizations and service groups. These signs may be posted up to fourteen (14) days prior to the subject event and shall be removed within five days after the event. Signs of this type posted on private property shall require the consent of the property owner. No such signs shall be posted on public property unless~~

~~the event is being sponsored by an organization partially or wholly funded by public funds or a governmental agency or being sponsored by a group or organization using publicly owned facilities. No such signs shall be allowed under any circumstances in a public right-of-way. These signs shall not exceed thirty-two (32) square feet in area per sign face.~~

~~(26) On-site signs advertising the sale of fresh fruit, vegetables, or other produce grown and harvested on the same property on which the sale is to take place, as long as the fruit, vegetables, or produce has not been substantially altered. Substantial alteration includes, without limitation, cooking, canning, baking, and use in jams, jellies, preserves, and candies. These signs may only be displayed during those periods of time when the produce advertised is actually available for purchase. These signs must be constructed of durable, all-weather material, and may not exceed three (3) square feet in size. Only one such sign shall be allowed per two hundred feet (200') of property frontage on the street or right-of-way along which the signs are to be displayed.~~

~~(27) Change in the sign copy on an existing sign or the replacement of a nonstructural panel or sign face within a fixed frame, provided that the change does not create an off-premise sign from a sign previously classified as on-premise, or vice versa.~~

~~(28) Painting, repainting, cleaning or other normal maintenance and repair of a sign not involving structural changes.~~

~~(29) Unlit political signs less than thirty-six (36) square feet in size and less than eight feet (8') in height, and in accordance with Chapter 216 of the Texas Local Government Code.~~

~~(30) Builder/subdivision signs as permitted in Section 4.2.5.3.~~

(d) **Effect of Approval.** Approval of a sign permit authorizes the placement, construction, repair or other activity authorized by the permit in accordance with its terms.

(e) **Application Requirements.**

(1) Responsible Official: The Building Official or his/her designee is the responsible official for a sign permit.

(2) Contents: An application for a sign permit shall be prepared in accordance with application forms available in the Community Development Department.

(f) **Decision.**

(1) Approval, Denial, Appeal: The Building Official shall either approve, conditionally approve or deny the application for a sign permit. If a variance petition has been submitted to the City Council, the Community Development Director shall suspend the Building Official's decision until after the petition is decided.

(2) Time for Decision: The Building Official shall make a decision on the permit within five (5) working days after the official filing date, or, if a variance petition is pending, within five (5) working days of the date the Building Official is notified of the City Council's decision on the petition.

(3) Amendments: After the approval of a sign permit, an applicant shall not be required to submit an amended application, if proposed amendments do not involve changes to the location, sign type, electrification or increase in size or height of the sign.

(g) **Appeal and Relief Procedures.**

(1) Appeal: The applicant may appeal the Building Official's decision on a sign permit to the Zoning Board of Adjustment (ZBA) in accordance with Chapter 1, Article 3, Division 1. The Council shall decide the appeal in accordance with the same.

(2) Vested Rights Petition: The applicant may file a vested rights petition with the application for a sign permit. The petition shall be decided in accordance with the procedures in Chapter 1, Article 3, Division 3.

(h) **Criteria for Approval.** The Building Official, or the City Council on appeal, shall decide whether to approve, conditionally approve or deny a sign permit application based upon the following criteria.

(1) The application is consistent with any building permit required to establish the use to which the sign is appurtenant;

(2) The application conforms to the approved Site Plan for the land on which the sign is to be placed;

(3) The application conforms to any special sign standards contained in overlay districts or planned development districts authorized under Chapter 2 of this UDC.;

(4) The application meets the sign standards in Article 2, Division 5 of this Chapter 4.

(i) **Expiration.** A sign permit shall expire within ninety (90) days of approval of the permit, if construction or other authorized activity has not commenced on the sign. If a sign permit is issued in conjunction with a building permit, the sign permit shall expire upon expiration of the building permit, and the sign must be completed at the time the structure is completed. If a conforming on-premise sign is removed for a period of six (6) months, a new sign permit shall be required.

(j) **Extension and Reinstatement.** The Building Official may grant an extension of the expiration date or reinstate an expired sign permit for a period not to exceed one hundred and eighty (180) days pursuant to Chapter 1, Article 2, Division 5.

Section 4.2.1.3 Design & Construction Standards

(a) **Public Street Parking.** A public street shall not be classified as off-street parking in computing the parking requirements for any use.

Table 4-3
Required Parking Dimensions

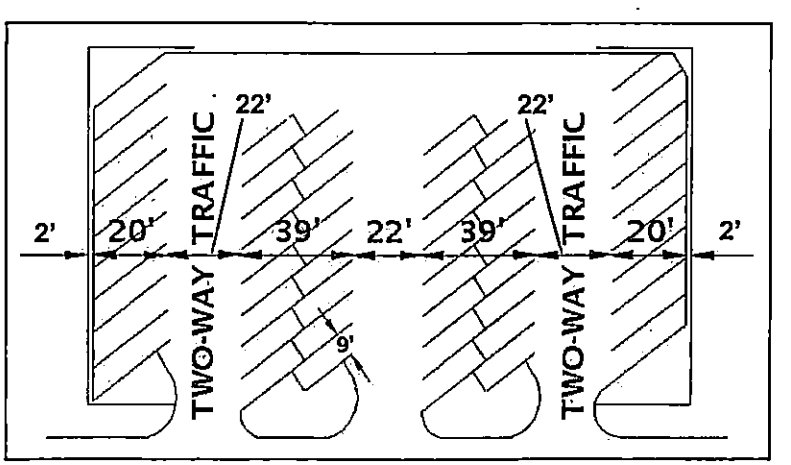
Parking Angle (degrees)	Stall Width (feet)	Aisle Length Per Stall (feet)	Depth of Stall Perpendicular to Aisle (feet)	Aisle Width (feet)	
				One-Way	Two-Way
0 parallel	8.0	23.0	8.0	12.0	24.0
30	9.0	18.0	16.8	11.0	22.0
45	9.0	12.7	19.1	13.0	22.0
60	9.0	10.4	20.1	18.0	23.0
90	9.0	9.0	18.0	24.0	24.0

(b) **Truck or Bus Parking Areas.** Parking spaces used for the parking of trucks or buses shall not be counted toward meeting the requirements of this section.

(c) **Fractional Spaces Resulting from Parking Calculations.** When the computation for the number of parking spaces required under this chapter results in the requirements of a fractional space, the fractional space requirement shall be satisfied by adding 1 additional space to the whole space total.

(d) **Dimensional Standards.** All required or provided off-street parking areas shall be designed in accord with the following dimensional standards:

(1) Standard Parking Spaces: A stall or area containing a rectangular space measuring no less than nine feet wide by 18 feet deep, except for parallel spaces which shall be a minimum of eight feet by 23 feet, in accord with the following dimensions or interpolation thereof for parking angles not indicated:



(~~3~~2)Accessible Parking Spaces for Persons with Disabilities:

a. Off-street parking spaces shall be reserved for the physically disabled in an amount not less than that required by the Americans with Disabilities Act accessibility guidelines.

b. Each parking space reserved for the physically disabled shall conform to the identification requirements of the state department of licensing and regulation promulgated under state law, and the design specifications enumerated in the Americans with Disabilities Act accessibility guidelines.

c. Current copies of both the state and federal regulations are available in the Department of Community Services.

d. State law offenses for improper use of parking spaces reserved for the disabled upon private property shall apply within the City. Any peace officer and the designated City official enforcing parking regulations may issue citations for improper use.

(e) **Parking Spaces/Areas Serving Uses Other Than Single-Family or Duplex.** All parking areas and spaces serving uses other than single-family or duplex dwellings shall be designed and constructed so as to have free ingress and egress at all times and so that the perimeter of the parking area (lot) is bounded by a raised or ribbon curb(s).

(f) **Parking Spaces/Areas Serving Residential Uses.** All parking areas and spaces required to serve residential uses shall be maintained such that they are open and accessible for parking use. In the case of a parking lot, it shall be designed and constructed so that the perimeter of the parking area (lot) is bounded by a raised or ribbon curb(s).

(g) **Vehicles Backing Into Public Streets and Sidewalks.** No parking space or parking area shall be designed so as to require a vehicle to back into a public street or across a public sidewalk~~, except in the case of one- and two-family dwelling units~~. All maneuvering shall be on-site. All spaces adjacent to a property line shall have curbs or wheel stops to prevent vehicles from extending beyond the property line. Exceptions:

(1) Parking for one- and two-family dwelling units; and

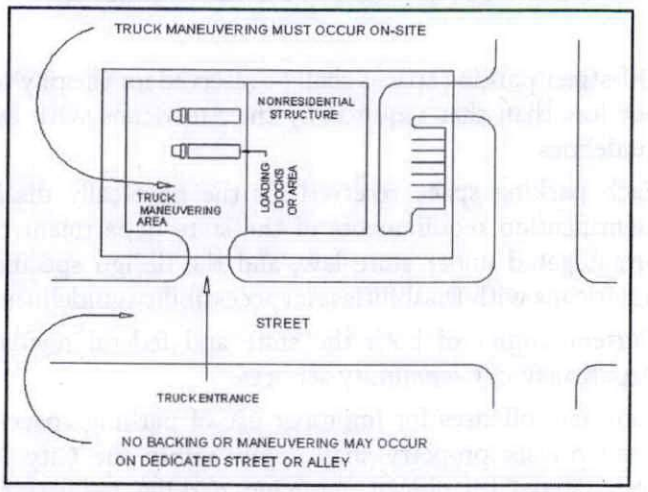
(2) Parking spaces or parking areas located within the Old Townsite may use adjoining public or private streets for maneuvering room, provided:

a. No parking space encroaches upon any right-of-way, public or private;

b. No parking space is located closer than ten feet (10') to a ROW intersection;

c. The design and construction of the parking spaces complies with the standards found in Section 4.2.1.3; and

d. Sidewalks are constructed between the parking spaces as allowed herein and all buildings on the property.



(h) **Maneuvering Areas and Public Alleys.** When off-street parking facilities are located adjacent to an improved public alley, the width of the alley may be assumed to be a portion of the maneuvering space requirement.

(i) **Off-Street Parking Facilities Not Required Herein.** When off-street parking facilities are provided in excess of minimum amounts specified in this division, or when off-street parking facilities are provided, but not required by this chapter, the off-street parking facilities shall comply with the minimum requirements for parking and maneuvering space specified in this division.

(j) **Paving of Parking Areas for Permanent, Principal Uses.** All required or provided parking areas for permanent, principal uses, including outdoor display areas for the sale or rental of vehicles, shall be paved according to City standards and specifications for all-weather surfaces as provided in this UDC. Parking lanes in parking lots must be clearly marked by paint, buttons, or other approved material, except that areas used solely for display of vehicles for sale or rental are not required to have marked parking lanes. Vehicle storage areas which are fenced or screened, and are not open to the public, are exempt from these requirements.

(k) Section 4.2.1. 3 (k) Alternative Landscaping for Parking.

On sites of one acre or more, when specifically requested by the owner, the Planning Director shall permit not more than 25 percent of required parking spaces to be maintained in landscaped open space until the property owner desires to increase the number of parking spaces or until 90 percent of the parking spaces are observed occupied at any three (3) times during any consecutive sixty (60) day period, whichever is earlier, at which time the Planning Director shall require construction of additional parking spaces. Such additional spaces shall be constructed within six (6) months of the date of the written notice by the Planning Director. All open space and landscaping requirements shall be based on the maximum required number of parking spaces, rather than the reduced amount shown here.

(l) **Pedestrian Lanes.** When a parking area is designed to accommodate more than one hundred (100) vehicles, and where a majority of the parking spaces are not located next to a building walkway at the perimeter of the building, there shall be provided separate, marked pedestrian walkways to enable pedestrians to safely transit the parking area with minimum

hazard. Such walkways shall have a clear width of not less than four feet (4'), exclusive of any vehicle overhang where head-in parking adjoins the walkways.

(~~l~~m)**Dead Ends and Turnaround Space.** No parking area serving a use other than single-family or duplex dwellings shall be designed or constructed which ends in a dead end, unless turnaround space of at least nine feet in depth is provided.

(~~m~~n)**Entrances and Exits.** All entrances or exits to a parking area shall be designed and constructed in accordance with Chapter 3, Article 2, Division 7 (Driveways).

(~~n~~o)**Setback Required.** All parking areas or parking spaces serving uses other than single-family or duplex dwellings shall be set back a minimum of two feet (2') from any public right-of-way.

(~~o~~p)**Lighting.** Any lighting used to illuminate any off-street parking area shall be designed and constructed so as to be reflected downward and away from any adjoining property or street.

(~~p~~q)**Nonconforming Uses and Structures.** Any use of property existing at the time of adoption of these regulations and standards that does not conform with the regulations and standards prescribed in this division shall be deemed a nonconforming use and subject to the terms and conditions of Chapter 2, Article 7 of this Code. When any nonconforming structure is structurally altered, adequate parking spaces which meet the requirements of the regulations and standards adopted in this section shall be required for the entire structure and use.

(~~q~~r)**Issuance of Occupancy Permit(s).** No occupancy permit shall be issued until the terms and conditions of this chapter have been met, as approved by the Building Official.

Section 4.2.1.6 Off-Street Parking Lot Construction – All-Weather Surface

(a) All-Weather Surface for Parking Areas.

(1) Portland Cement Concrete: This off-street parking lot surface shall consist of a pavement or base of Portland cement concrete, with or without monolithic curbs, constructed as specified in this section on the prepared subgrade or other base course in conformity with the thickness and typical cross sections shown on plans and to the lines and grades established subject to approval by the City Engineer. Alternative pavement materials may be used for parking surfaces upon approval of the Building Official and the City Engineer. The paving material or c~~C~~oncrete shall be considered of satisfactory quality if it meets the following:

a. It is designed with the intention of producing a minimum average flexural strength (modulus of rupture) of 650 pounds per square inch at the age of seven days using a standard testing machine in which the load is applied at the center of the beam span; the coarse aggregate factor shall not exceed 0.85; unless otherwise shown on the plans, the concrete shall contain not less than five sacks of cement per cubic yard of concrete; the water-cement ratio shall not exceed 6.25 gallons/sack; concrete specimens shall be prepared, cured and tested as outlined in the state transportation department bulletin G-11; and the number of tests required shall be in accordance with the guide schedule of minimum sampling and testing requirements; and

b. It is mixed, placed, finished and cured in accordance with standard requirements utilized in proper concrete construction.

(2) Concrete Structure: The slabs shall consist of a minimum of five inches (5") of concrete, reinforced with a six-inch by six-inch by ten-gauge wire mesh placed two inches above the prepared subbase or base material.

(3) Hot-Mixed Asphaltic Concrete:

a. An asphaltic concrete surface shall consist of a base course, a leveling-up course, a surface course or any combination of these courses as shown on the plans, each to be composed of a compacted mixture of mineral aggregate and asphaltic material. The pavement shall be constructed on the previously completed and approved subbase, base or existing pavement (asphaltic or Portland cement) as specified in this division and in accordance with the construction plans.

b. The mineral aggregate shall be composed of a coarse aggregate and a fine aggregate bound together by asphalt cement or oil asphalt. The grade of asphaltic material shall be type D of either hot mix-hot lay or hot mix-cold lay variety. The application for surface pavement shall be no less than four inches (4") thick after proper compaction. The contractor shall notify the City Engineer of the source of the asphaltic material prior to the start of the project, and the source will be subject to the Director's approval.

c. Proper compaction shall be attained to the satisfaction of the City Engineer through utilization of specified rollers or other approved rollers.

(4) Masonry Paving Units: Pervious or impervious masonry paving units shall be installed and maintained according to the manufacturer's recommendations for the anticipated traffic load. Masonry paving units shall not be used without obtaining a permit from the Building Official based upon review of construction plans and specifications,

provided that no separate permit for the use of masonry paving units is required when the use is in connection with a building permit for construction activity on the same lot.

(5) Other Pervious Materials: Pervious materials may be used upon approval by the City Engineer.

Section 4.2.4.1 Screening

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

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

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

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

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

a. The nonresidential or multiple-family use shall construct an opaque screening wall a minimum of six feet (6') in height, but not to exceed eight feet (8') in height. The screen shall be located no closer to the street than the property line. Such screening fence shall be maintained in good condition. Any sections of this Code concerning sight obstructions of intersections shall be applicable to the screen where it is intersected by a street or throughway.

b. There shall be a 25-foot wide landscape buffer between nonresidential or multiple-family and all single-family uses. ~~The requirement may be reduced to 15 feet if the nonresidential use is an office/professional use.~~

c. Prior to construction of buffers, complete plans showing type of material, depth of beam and structural support shall be submitted to the Building Inspection Division for analysis to determine whether or not:

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

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

(3) Any required landscaping (refer to Division 2) shall be placed on the residential side of any required screening wall. If the screening wall exists previous to the development of the nonresidential or multiple-family use (as applicable), required landscaping may be placed on the nonresidential or multiple-family (as applicable) side of such wall.

(b) **Parking Area Screening Along Major and Secondary Thoroughfares.** Landscaping shall be required for the screening of parking areas along major thoroughfares or secondary thoroughfares when nonresidential parking areas are located on the nonresidential lot such that they are adjacent to such roadways (i.e., there is no building between the parking area and the lot line adjacent to the roadway). In such case, parking areas shall be screened by a continuous hedge of shrubs that are maintained at a height of no more than thirty-six inches (36") nor less than eighteen inches (18") as measured from the surrounding soil line.

(c) **Residential Screening Along Major and Secondary Thoroughfares (Applies to the City & ETJ).**

(1) Requirement Criteria: Where residential subdivisions are platted so that the rear or side yards of single-family or two-family residential lots are adjacent to a major or secondary thoroughfare roadway as described in Chapter 3, or are separated from such

thoroughfare by an alley, or back up to such thoroughfare, the developer shall provide, at its sole expense, a minimum six-foot tall masonry screening wall (also see Subsection (2) below), or some other alternative form of screening, if approved by the Planning Director, according to the following alternatives and standards. All screening shall be adjacent to the right-of-way or property line and fully located on the private lot(s), including columns and decorative features. All forms of screening shall conform to the requirements of City ordinances and policies that govern sight distance for traffic safety.

(2) Screening Alternatives: Screening shall be provided in accordance with, and shall be constructed to, standards and criteria as set forth in the City's EDCM. An alternative form of screening, in lieu of the masonry wall, may be approved by Planning Director and the City Engineer with the Preliminary Subdivision Plat or Preliminary Development Plat application. Alternatives that may considered include:

a. A living/landscaped screen in conjunction with decorative metal (e.g., wrought iron) fence sections with masonry columns;

b. A combination of berms and living/landscaped screening;

c. A combination of berms, decorative masonry walls and living/landscaped screening, either with or without a decorative metal or "WoodCrete" type of fence with masonry columns; or

d. Some other creative screening alternative may be approved if it meets the spirit and intent of this Section, if it is demonstrated to be long-lasting and generally maintenance-free, and if the Planning Director and City Engineer find it to be in the public interest to approve the alternative screening device.

(3) Time Required for Opacity: Any required screening device shall be, or shall achieve, at least six feet in height and at least ninety percent opacity within three years of initial installation/planting. Any landscaping used to achieve the purpose of required screening shall be in conformance with Division 2 and/or Division 3 of this article.

(4) Maintenance Easement: A wall/screening maintenance easement at least five feet in width shall be dedicated to the City or to a property owners association on the private lot side and adjacent to the entire length of the screening wall or device.

(5) Installation: The screening/wall/device shall be installed prior to final acceptance of the subdivision public improvements. All landscape materials, if utilized, shall be installed in accordance with Division 2 and/or Division 3 of this article. Failure to properly install all components of a required screening wall or device within the prescribed time frame, shall constitute a violation of this Unified Development Code, and shall authorize the City Engineer to refuse acceptance of the subdivision public improvements.

(6) Design of Walls: All masonry, wrought iron, steel or aluminum screening wall plans and details must be designed and sealed by a licensed professional engineer, and must be approved by the City Engineer. Use of chain-link, chicken-wire, hog-wire fencing, and any other material similar in appearance and quality is expressly prohibited. The use of wood is prohibited.

(7) Height of Screening: The height of required screening devices, including spans between columns, shall be a minimum of six feet and shall be no more than eight feet. Decorative columns, pilasters, stone caps, sculptural elements, and other similar

features may exceed the maximum eight-foot height by up to two feet for a total maximum height of 10 feet for these features, provided that such taller elements comprise no more than 10% of the total wall length in elevation view.

(8) Other Easements: Screening fences, walls and devices shall not be constructed within any portion of a utility or drainage easement unless specifically authorized by the City and by any other applicable utility provider(s).

(d) General Screening.

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

a. All loading spaces and docks, outside storage areas including open storage, storage in containers and boxes not designed to be permanently affixed to real property, refuse containers/areas, mechanical and electrical equipment, and the rear of nonresidential uses/structures on double frontage lots, must be screened from view from the street or public rights-of-way and adjoining properties.

b. Approved screening techniques include masonry, evergreen vegetative screens, landscape berms, existing vegetation or any combination thereof. In any case in which a fence/wall is constructed to provide screening, landscaping elements shall be incorporated along a majority of the fence/wall. Also, in the case of roof-mounted mechanical equipment, parapet roof structures are approved for screening such equipment.

c. If a nonresidential use is adjacent to a residential use other than multiple-family, such nonresidential use shall be screened in accordance with Section 4.2.4.1(a) and shall include a vegetative buffer.

(2) If screening is required, it shall be of sufficient height and opacity to completely obscure the activity, structure, or use.

Section 4.2.4.2 Screening for Utility Support Structures and Stations

(a) **Applicability.** This section shall apply to all utility support structures or stations located on private property regardless if there is an easement or other form of agreement between the utility company or property owner.

(b) **Support Structures and Stations Defined.** These shall include, but not be limited to, any switching equipment, lift stations, pipe valves connected to pipes above ground, boxes or cabinets, cabling equipment or wiring above ground, transmitting equipment, control rooms, control cabinets, etc. Utility poles and transformers and like appurtenances attached to utility poles more than ten feet (10') above the ground are not considered a support structure or station.

(c) **Regulations.** A utility support structure or station located on private property or outside a public street right of way must have proper screening. The construction or modification of an existing utility support structure or station equal to more than fifty percent (50%) of its value or area, must provide screening meeting one of the following:

(1) Eight foot (8') high masonry fence with up to a maximum of four-foot (4') long sections of wrought iron or similar style fencing material to allow for security. For walls or sides that have over fifty percent (50%) masonry as a component (not counting the gate) no landscaping would be required on that side. The gate may or may not be sight bearing, but would need to be wrought iron or metal in a neutral or natural color - not gray or steel. All drives and work areas will be paved with concrete within the area under the utilities control.

(2) Wrought iron fencing or substantially similar style, eight feet (8') high, with gate similar in style to the fencing shall be permitted, but shall require a concrete slab over the entire area under the utilities control including the drive or access to the support structure or station.

(3) Opaque or near–opaque live vegetative screening year-round from the ground to a height of at least eight feet (8') at installation along the boundary lines of the easement or area containing the utility facilities or apparatus. The screening shall provide a minimum of fifty percent (50%) screening during the growing season. The planting shall be a minimum of eight feet in height at a spacing of at least four feet (4') on center.

(4) A self-contained masonry building that houses the equipment, provided the structure is constructed consistent with the appearance of surrounding businesses or homes in the area in which it is located. Factors affecting appearance shall include, but not be limited to, pitched shingle roofs, façade articulations, color scheme, and architecture trim.

(d) **Alternative.** If the utility company does not wish to install the screening as outlined, it may, ~~seek~~ in its application for a conditional use permit, ~~and~~ submit ~~its~~ an alternative plan for providing proper screening. If the alternate screening plan is approved with the CUP, the utility company may install screening pursuant thereto in lieu of screening that conforms with the requirements of this section.

(e) **Exceptions.** The following two conditions exempt certain equipment from the above requirements ~~or~~ and the requirement to obtain a Conditional Use Permit (CUP):

(1) Where no more than two support structures and/or stations as defined above are within fifty feet (50') of each other, are located within a common public utility easement, and each structure or station is located on a concrete pad with the dimensions of the structure being no larger than six feet (6') in height, four feet (4') deep, and seven feet (7') wide and is located at least fifty feet (50') from the ~~edge~~ ROW line of a public street ~~surface~~.

(2) Pedestals, cabinets, or similar equipment structures when the structure is less than three feet (3') in height, covers less than six (6) square feet, and is located in a common public utility easement, but is partially hidden from public view from a public street by landscaping, building, or fencing, as deemed appropriate by the Director of Planning or designee.

Section 4.2.5.1 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 that are more restrictive shall apply. Special sign standards apply within the Spectrum and Old Townsite zoning districts, as outlined in the applicable sections of Chapter 2.

(b) **Exempted Signs.** See Section 4.1.2.6.(c) for all signs exempt from the requirements to obtain a sign permit.

(c) **Prohibited Signs.** The following signs are expressly prohibited:

(1) Signs having any visible part that moves, swings or rotates, except for banners and flags, and swinging signs up to ten square feet in area constructed of rigid material hanging by hinges or other flexible connection.

(2) Signs emitting odor, visible matter or audible sound.

(3) Permanent portable signs (temporary portable signs are regulated by Section 4.2.5.~~4~~5).

(4) Inflatable signs and balloons, except as allowed in Section 4.2.5.~~4~~5.

(5) Portable signs.

(6) Signs attached to a mobile structure, such as a vehicle or trailer used as an on-premise or off-premise sign, primarily for the purpose of serving as a static display for the advertisement of the sale, storage, or distribution of a product or service.

(7) Signs, papers, other materials, or paint, stenciling, or writing of any name, number (except house numbers), or other marking on any sidewalk, curb, gutter, street, utility pole, trees, public building, fence or structure unless authorized by this UDC.

(8) Signs illuminated to any intensity greater than two hundred (200) lamberts. The restrictions of luminance shall be determined from any other premise or from any public right-of-way other than an alley. Lights shall be shielded to prevent the source of lighting from being directly visible from residential property.

(9) Sign, or any portion therof, erected upon or over public right of way or public property, except as specifically authorized by this UDC. Unauthorized signs located upon or over public rights of way or public property may be immediately removed by the City Building Official or designee.

(10) Signs and advertising devices which move, flash, rotate, blink, change color, or are animated; or have any type of intermittent illumination, including flashing, fading, revolving or blinking lights, or any type of moving, scrolling or changing message by means of lights or illumination are prohibited except as provided in Section 4.2.5.3.

(11) Signs and advertising devices which produce noises discernible from more than one hundred fifty feet (150').

(12) Signs in a floodway zone without the approval of the Floodplain Administrator or designee.

(13) Off-premise signs, unless erected as part of a City-adopted signage program or specifically authorized by this UDC.

(14) Signs containing statements, words, or pictures of an obscene, indecent, or immoral character that would offend public morals or decency.

(15) Signs placed on the side or rear of any building or property when such signs face upon a contiguous residential area.

(16) Signs containing or having attached thereto banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similar devices, except in accordance with Section 4.2.5.45.

(17) Freestanding signs, as defined in Chapter 5 of this UDC.

(d) **Location Requirements.** All signs are subject to the following general location requirements:

(1) No sign shall be maintained at any location where it may interfere with the view of or be confused with any traffic control sign or signal.

(2) No sign shall be located on or project over public property, a street right-of-way, or a public utility easement, except governmental signs, bench signs, subdivision identification signs, temporary banner signs and permitted signs in the Old Townsite (zoning) District.

(3) All signs shall maintain a clearance of at least eight feet (8') when located over a public sidewalk and at least twelve feet (12') when located over a driveway.

(4) No sign, except a governmental sign or a single ground sign, shall be located within a sight triangle.

(5) Only signs required in the interest of public safety and direction may occupy a required off-street parking or loading space or obstruct any driveway or sidewalk.

(6) New signs and signs being structurally altered shall maintain clearance from the public utility facilities, shall not substantially interfere with drainage and shall not be located in a utility or drainage easement. Signs shall maintain ten feet (10') of vertical and horizontal clearance from all electrical lines

(7) Only governmental signs or temporary holiday signs may be located on the roof of any building or accessory structure.

(8) Signs are permitted on sidewalks only within the Old Townsite District provided that a minimum path of five feet (5') in width remains clear of any obstacles.

(9) No on-premise free standing sign shall be located within seventy-five feet (75') of another on-premise free standing sign on the same side of the street or highway.

(10) A non-commercial sign, as defined in Chapter 5 of this UDC, shall be permitted wherever a commercial sign is allowed under this division, except as otherwise expressly provided herein.

(e) **Abandonment.**

(1) Freestanding signs and ground signs which no longer advertise a bona fide business conducted, or a product sold, on the premise containing the sign are subject to removal on the first anniversary of the date the business, person or activity that the sign identifies or advertises ceases to operate on the premises. If the premises containing

the sign is leased, the sign is subject to removal on the second anniversary of the date that the most recent tenant ceases to operate on the premises.

(2) The Building Official or designee shall give written notice to the owner of the premises containing the abandoned sign to remove the sign within ninety (90) days after notification is received. In the Building Official's (or designee's) sole discretion, he or she may require that the owner of the premises containing an abandoned ground sign to install blank faces on the ground sign in lieu of removal.

(3) Upon the owner's failure to comply with the instructions of such notice within the time specified in such order, the Building Official or designee is authorized to file a complaint in Municipal Court and/or cause removal of such sign, and any expense incidental thereto shall be paid by the owner of the land, building or structure to which such sign is attached or upon which it is erected.

(f) Construction & Maintenance Standards:

(1) Compliance With Codes: All permanent signs shall comply with the City building and electrical codes.

(2) Certification Required: The design of all permanent signs requiring a sign permit shall be certified by a professional engineer for structural integrity.

(3) Electric Signs: Electric signs shall have an accessible disconnect switch and shall be labeled to indicate the voltage and amperage of electrical circuits connected to the sign.

(4) Maintenance Required: All signs, together with all supports, braces, guys and anchors shall be kept in good repair by the owner of the sign or the person in charge of the premises. Failure to keep a sign in good repair as defined in the Pearland Building Code shall be deemed cause for removal (in accordance with Section 4.2.5.7) if the owner of the sign or person in charge thereof fails to make such repairs within thirty (30) days of notice of deficiencies from the Building Official or designee.

(5) Safety Hazard: A sign determined to be a hazard to public health and safety shall be subject to enforcement under Section 4.2.5.7 of this division.

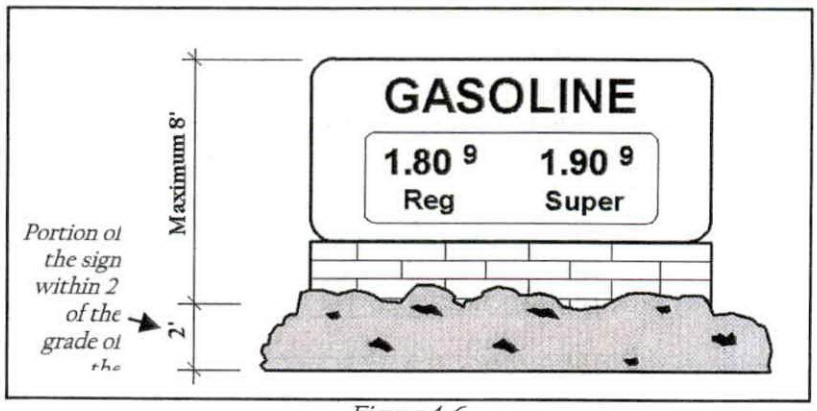


Figure 4-6
Measuring the Height of a Sign

3. GB zoning district – seventy-five (75) square feet;
4. BP-288, C, M-1, and M-2 zoning districts – one hundred (100) square feet;
5. Mixed use districts (SPD, C-MU, G/O-MU, and OT) – unless otherwise specified within the SPD or OT regulations, fifty (50) square feet for nonresidential uses; not permitted for residential uses;
6. Planned Developments (PD) – as specified on the Site Plan, if different from the base zoning district;
7. Non-residential uses in residential districts – thirty-two (32) square feet. Other signs in residential districts are prohibited except where expressly allowed under this UDC.

b. The effective area shall be measured from the highest point on the sign to the elevation of the center of the base of the sign by the width at the highest point (refer to *Figure 4-7*). Changeable message signs or marquee signs may be part of a ground sign, but shall not cover more than seventy-five percent (75%) of the effective area.

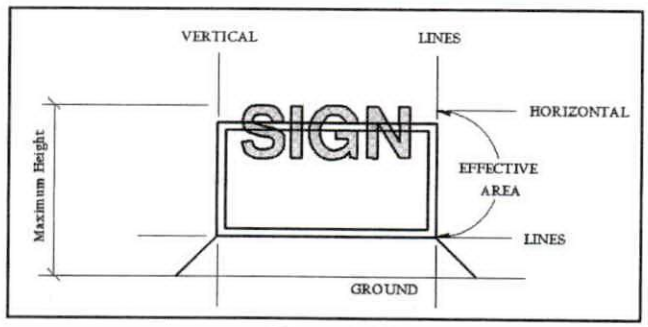


Figure 4-7
Measuring the Effective Sign Area

(4) Location: No ground sign shall be closer than five feet (5') to any property line.

(5) ~~Builder/Subdivision Sign:~~

~~a. One builder/subdivision sign may be located at the main entrance of any new subdivision.~~

~~b. The maximum area of a builder/subdivision sign shall not exceed 130 square feet (two sides maximum).~~

~~c. Such sign(s) shall be removed after a period of five (5) years or when the subdivision is sold out, whichever occurs first.~~

~~d. Directional sign(s) associated with a builder/subdivision shall conform to the locational requirements of this Section unless permitted in the public right-of-way as part of a City-adopted program for this type of signage.~~

Subdivision, Builder, or Model Home Sign: A sign advertising a new residential subdivision under active construction and sales or a model home therein shall be allowed subject to the following conditions:

a. The sign must be located on: (1) a lot on which a model home is located; or (2) a lot, tract, or reserve that is not intended for sale and the maintenance of which is the responsibility of the builder, developer, or homeowners association.

b. The sign may not exceed ten feet (10') in height or thirty-two square feet (32 ft^2) in area per sign face.

c. Only one sign in this category is allowed per three feet (300') of local street frontage. Signs on model home lots do not count against this limit.

d. "Active construction and sales" means: (1) the subdivision has lots for sale; (2) there is at least one (1) pending building permit for new construction of a home within the subdivision; and (3) there is a model home in the subdivision open during regular business hours where potential buyers may review and select available home floorplans, options, and upgrades.

e. All signs erected pursuant to this subsection must be removed within five (5) years.

(6) Subdivision Identification Sign: A permanent subdivision identification(s) sign that is a maximum of one hundred and twenty (120) square feet in area per sign may be displayed on private property at a street entrance to the subdivision, in addition to other ground signs permitted by this division. The sign is subject to the following:

a. The size, material, and location of the sign shall be indicated on the construction plans for the subdivision;

b. A "~~Monument~~ Reserve" shall be shown on the Final Subdivision Plat or Final Development Plat, indicating the location of the sign; and,

b. There shall not be more than two (2) such signs per street entrance to the subdivision.

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

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

b. The flashing display (i.e., changeable message) portion shall not exceed twenty-five (25) percent of the total allowable effective sign area.

c. The flashing display (i.e., changeable message) portion shall be limited to one (1) color, and shall be limited to white, gold, yellow, red, blue, or green. The Planning Director shall determine whether proposed colors conform to these colors.

d. The addition of any flashing display (i.e., changeable message) to any nonconforming sign is prohibited.

(8) For Sale/Lease Sign: A sign advertising that certain real property or a portion thereof is for sale or lease shall be allowed subject to the following conditions:

a. The sign may not contain any message unrelated to the property's being for sale or lease.

b. For nonresidential properties, the sign may not exceed six feet (6') in height or thirty-two square feet (32 ft^2) in area per sign face. For residential properties, the sign may not exceed four feet (4') in height or six square feet (6 ft^2) in area per sign face.

c. Only one such sign is allowed per parcel of real property.

(9) Construction Sign: A sign placed on non-residential real property undergoing construction or within one month before the commencement of construction shall be allowed subject to the following conditions:

a. The sign may only identify the principal parties to the construction, including without limitation the contractor, architect, engineer, and any lending institution, and may not contain any other advertising.

b. The sign may not exceed six feet (6') in height or thirty-two square feet (32 ft^2) in area per sign face.

c. Only one such sign is allowed per street frontage of the property, with a maximum of two per property.

(10) Business Opening Sign: A sign placed on non-residential real property announcing the opening for business of the non-residential use located thereon shall be allowed subject to the following conditions:

a. The sign must be displayed continuously for not more than ninety (90) days during the permissible display period beginning upon issuance of the building permit and ending one month after issuance of the certificate of occupancy for the use.

b. The sign may not exceed six feet (6') in height or thirty-two square feet (32 ft^2) in area per sign face.

c. Only one such sign is allowed per street frontage of the property, with a maximum of two per property.

(11) Holiday Sign: Signs placed on real property acknowledging, observing, or celebrating a recognized national, state, or local holiday without containing any other advertising shall be allowed subject to the following conditions:

a. The signs may not be displayed for more than a total of ninety (90) days per calendar year.

b. The sign may not exceed twelve feet (12') in height or sixty-four square feet (64 ft^2) in area per sign face.

c. Only two of such signs are allowed per street frontage for non-residential properties, with a maximum of four per property. There is no limit on number for residential properties.

(12) Special Events Sign: Signs advertising a special event sponsored by a non-profit organization, charitable group, or civic club and placed on real property where said event is to take place shall be allowed subject to the following conditions:

a. The signs may not be displayed more than fourteen (14) days before, or five (5) days after, the event.

b. The sign may not exceed six feet (6') in height or thirty-two square feet (32 ft^2) in area per sign face.

c. Only one such sign is allowed per street frontage, with a maximum of three per property.

(13) Marquee Sign: Signs located on the premises of a religious, educational, or other noncommercial institution, which function solely to disseminate information about events, programs, or announcements related to the institution's purpose or function shall be allowed subject to the following conditions:

a. The sign may not exceed six feet (6') in height or thirty-two square feet (32 ft^2) in area per sign face.

b. Only one such sign is allowed per property.

(14) Government Sign: Signs erected by an entity of the state, county, or local governments and containing only information or advertising related to that entity's governmental function shall be allowed subject to the following conditions:

a. The sign may not exceed twelve feet (12') in height or one hundred and fifty square feet (150 ft^2) in area per sign face.

b. Only two such signs are allowed per street frontage of the property.

Section 4.2.5.5 Temporary Signs

(a) **General.** Temporary signs are subject to the limitations indicated in this section, as well as the location restrictions in Section 4.2.5.1(f).

(b) **Area Limitations.** Temporary signs shall not exceed the following area limitations:

(1) State Highway 288: Ninety-six (96) square feet each for premises within the State Highway 288 corridor.

(2) Other Premises: Thirty-two (32) square feet each for all other premises.

(3) Banner Signs: Unless otherwise provided, fifty (50) square feet.

(c) **Banner Defined.** A banner is hereby defined to be a temporary sign as that term is defined Chapter 5 of this UDC that is designed to be attached or installed with rope, wire, or other temporary means so as to allow ease of installation and removal.

(1) Use or Display of Banners: Except for temporary signs that do not require permits (refer to Section 4.1.2.6(c)), the use or display of banners is hereby prohibited unless a permit for such use is obtained from the Planning Director or his designee. A banner permit may be issued only in the following circumstances:

a. Any premise or nonresidential occupancy requesting a temporary sign larger than thirty-two (32) square feet may display one (1) banner sign per street frontage (also see Subsection 4.2.5.4(d) for total number allowed) announcing a grand opening of a new business. Display of such sign is limited to a maximum of thirty (30) days per opening. The privilege to begin display of such sign expires three (3) months after the issuance of a certificate of occupancy. Use of grand opening signs only applies to new ownership or occupancy (i.e., use). At least one-half (½) of all readable copy on the banner must state "Grand Opening" or "Now Open."

c. Any non-profit organization or governmental entity may display banner signs containing a message directly related to a special event provided, however, that such banners may be displayed no more than fourteen (14) days prior to the event and must be removed within three (3) days after the conclusion of the event. Displays under this classification will be limited to three (3) per year.

d. Banners may be allowed for the temporary identification of a business if the business owner provides the Planning Director written evidence that a permanent sign order has been executed and the business owner is awaiting installation of said permanent sign. As a temporary identification device, the banner must meet size, dimension, lettering, and layout specifications for building-mounted signs and must be securely fastened on a minimum of six (6) locations to the fascia. If the banner meets these conditions, it will be permitted for identification purposes for a period not to exceed thirty (30) days.

e. Any premise or non-residential occupancy may use banners to advertise sales events fourteen (14) times per year for a total duration of twenty-four (24) days inclusive. The occupant has the option of dividing the total days among the fourteen (14) events, with the minimum duration of display being one (1) day.

(2) Location: Any banner permitted in accordance with this Ordinance shall be displayed at the permittee's normal place of business or operation and shall be affixed to that side of the building facing the street on which the permittee is addressed.

(3) Cost & Display Period: The cost for a banner permit shall be Ten Dollars ($10.00), and shall be paid at the time of application. Each application shall include the period of display for the banner to be permitted, including the day that the display will start and the day when it will cease. The display period shall be continuous and uninterrupted by periods of non-display. A separate permit shall be required for each period of display of the banner. Multiple periods of display will not be allowed on one permit.

(4) Violation: Banners used or displayed in violation of this section shall be subject to removal by the Building Official or his/her designee.

(5) TxDOT District 12 Guidelines: Banners displayed pursuant to the Texas Department of Transportation (TxDOT) District 12 guidelines for the temporary installation of banners over state rights-of-way shall be exempt from the terms of this division.

(d) **Other Temporary Signs.** The following signs shall be allowed, subject to any conditions set forth below.

(1) Temporary window signs: These signs must be temporary in design and construction, such as paper, poster, mylar or similar plastic film, or painted with removable paint; may not exceed in coverage twenty-five percent (25%) of all windows combined or fifty percent (50%) of any one window; must be placed inside the business establishment and be professional in appearance, except for temporary signs not promoting a business but rather associated with a non-profit, neighborhood, or civic event; and may not be displayed for more than forty-five (45) days.

(2) Holiday inflatable signs or decorations: Holiday-related inflatables that contain no business-related advertising, including without limitation balloons, decorations, and yard displays, shall not exceed twelve feet (12') in any dimension and may not be displayed so that the top of the inflatable is greater than: fifteen feet (15') from the ground on a residential lot; or the maximum structure height allowed in the zoning district on a nonresidential lot. The continuous display period of this type of sign shall not exceed thirty (30) days, with no more than five (5) display periods per calendar year.

(3) Off-premise special events signs: Signs advertising a special event sponsored by a non-profit organization, charitable group, or civic club may be placed off-premises of where said event is to take place shall be allowed subject to the following conditions:

a. The signs may not be displayed more than fourteen (14) days before, or five (5) days after, the event.

b. No more than ten signs not exceeding six feet (6') in height or thirty-two square feet (32 ft^2) in area per sign face are allowed within the City's limits, limited to one per street frontage. These signs shall be exempt from sign permit fees.

c. There is no quantity limit on signs not exceeding three and a half feet (3.5') in height or five square feet (5 ft^2) in area per sign face, except only one is allowed per lot.

(e) **Number of Temporary Signs Permitted on One ~~Premises~~ Lot.** The number of temporary signs other than political signs displayed on one ~~premises~~ lot at any given time is limited to one (1) sign per street frontage and a maximum of two (2) signs per lot.

(~~e~~f) **Permits Not Required.** Refer to Section 4.1.2.6.(c).

~~(f) **Time Durations Permitted.** Temporary signs are subject to the following limitations of the duration of their use:~~

~~(1) Political Signs: Political signs larger than thirty six (36) square feet or eight feet in height pertaining to a candidate or issue in an election. No more than sixty (60) days before the election nor more than seven (7) days after the election.~~

~~(2) Construction Signs: During the period of construction.~~

~~(3) Real Estate Signs: During the period in which the subject property is for sale or lease. This shall not apply to residential uses that have individual units for sale or lease on a continuous basis, such as multiple-family uses.~~

~~(4) All Other Temporary Signs: Ninety days within a calendar year.~~

~~Section 4.2.5.5 Signs on Utility Poles~~

~~(a) Placement of Signs on Utility Poles Prohibited. It is unlawful for any person to attach or cause to be attached any advertisement, handbill, circular, poster or piece of paper to any public utility pole located within the City.~~

~~(b) Presumption Regarding Person Attaching Sign. In any prosecution charging a violation of this section, it is presumed that the primary beneficiary of any advertisement, handbill, circular, poster or piece of paper attached to any public utility pole is the person who attached or caused the attachment to the pole. The term 'primary beneficiary' means a person(s) or legal entity(s) that benefits from the advertisement, handbill, circular, poster or piece of paper.~~

~~(c) Authority to Remove. The Planning Director or his/her designee shall have the authority to remove any advertisement, handbill, circular, poster or piece of paper attached to any public utility pole within the City.~~

Section 4.2.5.8 Signs on Utility Poles

(a) **Placement of Signs on Utility Poles Prohibited.** It is unlawful for any person to attach or cause to be attached any advertisement, handbill, circular, poster or piece of paper to any public utility pole located within the City.

(b) **Authority to Remove.** The Planning Director or his/her designee shall have the authority to remove any advertisement, handbill, circular, poster or piece of paper attached to any public utility pole within the City.

Section 4.2.5.9 General Exemptions

(a) **Generally.** Notwithstanding any other provision in this UDC to the contrary, the following signs shall be exempt from all sign requirements contained in the UDC except for any requirement for the sign specifically listed herein.

(b) Exemptions.

(1) Warning/Safety Signs. Signs that have as their sole purpose the protection of life or property, including without limitation emergency exit, fire lane, or no trespassing, are allowed so long as no advertising whatsoever is contained thereon and they do not exceed two square feet (2 ft^2) in size.

(2) Utility Location Signs. Signs erected by a governmental entity or private utility company to mark the location of utility transmission lines or similar facilities are allowed so long as no advertising whatsoever is contained thereon and they do not exceed two square feet (2 ft^2) in size.

(3) On-site directional and informational signs not exceeding two square feet (2 ft^2) in size.

(4) Historical/Memorial Signs. On-premise attached or ground signs that commemorate a person, event, or structure are allowed so long as no advertising whatsoever is contained thereon and they do not exceed eight square feet (8 ft^2) in size.

(5) Vehicle for Sale Signs. Signs placed on motorized vehicles advertising them for sale are allowed so long as no other advertising whatsoever is contained thereon and they do not exceed two square feet (2 ft^2) in size or four signs per vehicle.

(6) Outdoor Merchandise Display Signs. Signs affixed to outdoor equipment or machinery such as vending machines or gasoline pumps with instructions for use, or signs located immediately adjacent to merchandise displayed for sale outdoors, are allowed so long as no other advertising whatsoever is contained thereon and they do not exceed one square foot (1 ft^2) in size.

(7) Human Signs. Signs carried or wholly supported by humans are allowed so long as they do not exceed thirty-two square feet (32 ft^2) in size.

(8) Flags. The official flags of any governmental entity are allowed so long as the flag pole is no greater than thirty-five feet (35') in height if mounted on the ground, or twelve feet (12') in height if mounted on top of a building, and the flag does not exceed one hundred square feet (100 ft^2) in size.

(9) Unlit Political Signs. Political signs that are not lighted are allowed provided they do not exceed eight feet (8') in height or thirty-two square feet (32 ft^2) in area

(10) Signs facing the interior of athletic stadiums or fields or facing the exterior of athletic stadiums or fields operated by nonprofit organizations or governmental entities.

Section 5.1.1.1 General Definitions

(a) **General Definitions.** The following definitions are intended to provide descriptions for words and terms used within this UDC. Absent any conflict, words and terms used in this UDC shall have the meanings ascribed thereto in this Chapter 5. When words and terms are defined herein, and are also defined in other ordinance(s) of the City, shall be read in harmony unless there exists an irreconcilable conflict, in which case the definition contained in this Chapter 5 shall control. For any definition not listed in this Chapter 5 of this UDC, the definition found within the latest edition of Webster's Dictionary shall be used.

. . .

DENSITY, GROSS RESIDENTIAL: The number of dwelling units per gross acre used for residential use. All density calculations shall be made using gross acreage dedicated for residential use, exclusive of easements and thoroughfare rights-of-way, and inclusive of retention/detention areas, public or private streets that are platted or will be platted as part of the development of the property, open space, recreational areas, and parks provided within the development.

. . .

OUTSIDE STORAGE: (Also referred to as *Open Storage.*) Keeping, displaying or storing, outside a building, of any goods, materials, merchandise or equipment on a lot or tract on a generally permanent basis for more than twenty-four (24) hours. This includes storage within boxes, containers, portable sheds, trailers, and other structures that are not permanently affixed to a foundation, do not resemble the main onsite building in architectural style, or are not assembled onsite.

. . .

SHED: (Also referred to as *Tool Shed.*) An accessory structure typically used for storage that is: (1) constructed onsite; (2) securely affixed to the ground by means of a permanent foundation or with tiedowns designed to be used to anchor a shed to the ground; (3) resembles the main onsite structure in architectural style; and (4) does not exceed fifteen percent (15%) of the square footage of the main onsite structure in size.

. . .

WAREHOUSE STORAGE or DISTRIBUTION FACILITY: Building or facility used for the storage and/or distribution of wholesale items/products.

. . .

YARD: Open space on the lot or ~~building plot~~ parcel on which a building is situated, between the property line and ~~the setback~~ an imaginary straight line that incorporates the nearest face of the main building and drawn to bisect the property, which is open and unobstructed to the sky by any structure except as herein provided. ~~In measuring a yard for compliance with this ordinance, the minimum horizontal distance between the lot line (street R.O.W. line) and the main building shall be used.~~

YARD, FRONT: ~~The open (unoccupied, unobstructed) space~~ That portion of the yard located ~~in front of the front building line of the principal building(s), calculated as the minimum horizontal distance~~ between the front property line and the imaginary straight line incorporating the front face ~~building line~~ of the principal building(s). Refer to Chapter 2, Article 6, Division 1 for diagrams related to this definition.

. . .

YARD, REAR: ~~The open (unoccupied, unobstructed) space~~ That portion of the yard located ~~behind the rear building line of the principal building(s), calculated as the minimum horizontal distance~~ between the rear property line and the imaginary straight line incorporating the rear face ~~building line~~ of the principal building(s). Refer to Chapter 2, Article 6, Division 1 for diagrams related to this definition.

YARD, SIDE: ~~The open (unoccupied, unobstructed) space~~ That portion of the yard bounded by the front yard, the rear yard, ~~located on either side of the principal building(s), calculated as the minimum horizontal distance between~~ the side property line, and the nearest side ~~building line~~ face of the principal building(s). Refer to Chapter 2, Article 6, Division 1 for diagrams related to this definition.

. . .

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: Nancy Kozanecki

Full Address: 3705 Pine Branch

(include zip) Pearland, TX 77581

I wish to speak regarding Item No. UDC

in favor

03/2005

MINUTES OF THE JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON JUNE 4, 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 7:34 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
Council member Kevin Cole	P & Z Vice-Chairperson Sheryl Greiner
Council member Felicia Kyle	P & Z Commissioner Susan Sherrouse
Council member Helen Beckman	P & Z Commissioner Neil West
Council member Woody Owens	P & Z Commissioner Henry Fuertes
	P & Z Commissioner Jerry Koza, Jr.
	P & Z Commissioner Darrell Diggs

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; Assistant 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

Senior Planner Theresa Grahmann explained the Joint Public Hearing process for the attending public, and explained that the Planning & Zoning Commission Meeting would not be meeting following the Joint Public Hearing.

Mayor Reid opened the hearing for Conditional Use Permit No. CUP2007-01 at 7:14 p.m.

A. CONDITIONAL USE PERMIT NO. CUP2007-05

A request by Tal-Con and Chris Talbert, applicant for Town Lake, L.P. and Renee McGuire, owner, for approval of a Conditional Use Permit for a "Mini-Warehouse and Self Storage" facility in the General Commercial District (GC), on the property located on the on the East Side of SH 35 (Main Street), on the South Side of Oiler Drive, and on the North Side of English Lake Drive.

P&Z Chairperson Sandars read the purpose into the record.

Senior Planner Grahmann read the Staff report. The applicant is requesting a Conditional Use Permit for a Mini-Warehouse and Self Storage facility in the General Commercial District (GC). Staff recommends approval for the reasons

outlined in the Staff report. Staff received three public comment forms against the Conditional Use Permit.

The applicant, Chris Talbert of 7501 Westview, Houston, TX was present to speak.

Mr. Larry Marcott of 3606 Inverness Court, Pearland, TX spoke against the CUP. He feels it is not the highest and best use of the land.

Mr. Duncan E. Doss of 3814 Canyon Lake Drive, Pearland, TX spoke with concern of the fence.

Ms. Britta M. Thompson of 3904 Canyon Lake Drive, Pearland, TX spoke against the CUP. Her concerns were with items stored in the facility, drainage, and the area between the subdivision and proposed area.

Mr. John Gilmore of 3812 Canyon Lake Drive, Pearland, TX spoke with mixed feelings of a Storage facility being placed in the area near his subdivision.

Mr. David Kinsey of 3902 Canyon Lake Drive, Pearland, TX spoke against the CUP with concerns of parking, retention pond, and drainage.

Council Member Cole asked about the ditch area behind Canyon Lake Drive, a fence, and how it would be maintained, and rules being followed for drainage. Assistant City Engineer Lira stated that as plans are submitted it would be reviewed. Engineering will have to look at the drainage issue as the project moves forward and analyze the plans.

Council Member Cole expressed that he is against the CUP for the following reasons:

(1) Unknown items in storage next to residential
(2) New Coridor. Storage isn't the highest and best use for development.
(3) Would like to see the City do away with Light Industrial (M-1) zoning in this general location of Hwy. 35.

Senior Planner Grahmann stated that Staff would look at concerns as the Comprehensive Plan is updated. Ms. Grahmann also addressed the fence issue and what would be required under the Unified Development Code.

Council Member Beckman asked that while Staff is looking at the Comprehensive Plan, that they look into how much Residential is next to Light Industrial.

Commissioner Fuertes asked Staff if rendition of the storage facility was available. Sr. Planner Grahmann stated that this was only conceptual. A site plan has not been reviewed. She stated that the Commission could add conditions if approved. Mr. Fuertes also inquired about the height, and the applicant, Mr. Talbert stated that this was unknown at this time.

Council Member Cole asked the Commission to take into consideration that there are already four storage facilities being permitted in the general area at this time.

The Public Hearing for Conditional Use Permit No. CUP2007-05 was adjourned at 7:59 p.m.

The Public Hearing for Conditional Use Permit No. CUP2007-07 opened at 8:00 p.m.

B. CONDITIONAL USE PERMIT NO. CUP2007-07

A request by HEB Grocery Company, LP, applicant for Shadow Creek Retail, LP, owner, for approval of a Conditional Use Permit for the use of "polycarbonate materials in lieu of a glass façade" in the General Commercial District (GC), on the property located on the West Side of SH 288, and on the North Side of Broadway Street.

P&Z Chairperson Sandars read the purpose into the record.

Senior Planner Grahmann read the Staff report. The applicant is asking for approval for the use of "polycarbonate materials in lieu of a glass façade". Staff recommends approval. There were no public comment forms received.

The applicant was not present to speak.

There was no one in the audience present to speak for or against the Conditional Use Permit (CUP).

Commissioner Fuertes expressed concern with screen of the garden area. Senior Planner Grahmann explained that this would be addressed when the applicant submitted a site plan.

Commissioner Diggs asked if Polycarbonate is more cost effective, possibly modify the UDC to include this type material.

The Public Hearing for Conditional Use Permit No. CUP2007-07 adjourned at 8:06 p.m.

The Public Hearing for Zone Change No. 2007-05Z opened at 8:07 p.m.

C. ZONE CHANGE NO. 2007-05Z

A request by ONS Investments, LLC, applicant for Hersh Kumar, 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 Cullen Mixed Use District (C-MU) to General Commercial District (GC), on the property located on the East Side of Cullen Boulevard, and Approximately 500 Feet North of Hughes Ranch Road (County Road 403).

P&Z Chairperson Sandars read the purpose into the record.

Senior Planner Grahmann read the Staff report. The applicant is requesting a change in zoning to suit his development needs. Staff recommends denial for the five reasons listed in the Staff report. Staff received numerous Public Comment Forms opposing the zone change. Concerns were traffic, the new High School, location near the subdivision, property devaluation, and Cullen Road traffic issues.

Mr. Nitin Narang of 2707 Sterling Fields Drive, Pearland, TX spoke on behalf of the owner.

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

Council Member Kyle asked the applicant to explain his car lot. Mr. Narang stated it was a used car lot. Ms. Kyle stated she was not in favor of the car lot.

Council Member Owens agreed with Ms. Kyle. He stated the City is spending a lot of money in the area and this is not the best use.

Council Member Beckman agreed with Council Members Kyle and Owens.

Chairperson Sandars stated that a lot of time was spent creating the Cullen Mixed Use District and feels the City should following these guidelines.

Council Member Cole stated when the Corridor overlay is completed, Council and Staff need to look at uses and how the corridor might change, now that the High School has been located in the area.

The Public Hearing for Zone Change No. 2007-05Z was adjourned at 8:23 p.m.

The Public Hearing for Zone Change No. 2007-06Z opened at 8:23 p.m.

D. ZONE CHANGE NO. 2007-06Z

A request by Freeman T. and Ollie A. Wyche, 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 General Business Retail District (GB) to Single Family Residential – 2 District (R-2), on the property located on the North Side of Fite Road, and Approximately 350 feet West of Cullen Boulevard.

P&Z Chairperson Sandars read the purpose into the record.

Senior Planner Grahmann read the Staff report. The applicant is requesting a change in zoning on the subject property for single family residential uses. Staff recommends approval. Staff received no Public Comment forms.

The owner, Ollie Wyche of 8335 Fite Road, Pearland, TX spoke.

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

Council Member Cole asked for clarification of the R-2 zoning and the lot width.

Planning Director Krishnarao explained that when the property is platted, the applicant will have to meet all regulations in the UDC.

Chairperson Sandars asked about detention, and Assistant City Engineer Lira explained that this was addressed in the Pre-Development meeting.

Council Member Kyle inquired about the Right-of-Way.

Council Member Cole referred to the Patio Homes that will be built next to this. He has concerns that this is not the best use of the property. Further discussion continued regarding the surrounding areas.

The Public Hearing for Zone Change No. 2007-0Z was adjourned at 8:40 p.m.

Mayor Reid recessed the meeting for a short break.

The Public Hearing for Amendments to the Unified Development Code (UDC) opened at 8:52 p.m.

ADJOURNMENT

Mayor Reid adjourned the hearing at 8:37 p.m.

These minutes are respectfully submitted by:

_____

Judy Krajca
Planning Administrative Secretary

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

_____

Mayor Tom Reid