

Approved 7-10-07

# RIVER BEND ON CLEAR CREEK



Planned Unit Development  
City of League City, TX

*Prepared for*

Deerwood Development Group, Inc.

By

Knudson & Associates, LP

2006

Revised July 11, 2007



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## **I. Introduction**

“River Bend on Clear Creek” (“RBCC”) is a proposed 68.76 acre multi-use development located on Wesley Drive between F.M. 518 and Interstate Highway 45 with a significant portion of the property bordering Clear Creek (see Attachment “A”-Vicinity Map). RBCC will be an upscale, high quality addition to League City which will include the creation of compact pedestrian friendly new neighborhood that will provide access to open space along Clear Creek and that will include commercial, office, and retail uses; restaurants, a hotel, and multi-family residential units. The property is situated as a peninsula nestled between Clear Creek and I-45 South. Attachment “B” Existing Land Uses, shows nearby existing uses, which include multi-family, retail, professional offices and restaurants. Forty percent, or approximately 27 acres, will remain undeveloped due to its location in the flood way and wetlands area, but will be designed as an amenity for the new urbanist designed neighborhood. RBCC is being developed by Deerwood Development Group, Inc.

The League City Comprehensive Plan was the genesis for the proposed Planned Unit Development, PUD. The Comprehensive Plan establishes a number of new directions as well as supporting key policies for development. The Comprehensive Plan requests the development of compact mixed use developments that create walkable pedestrian friendly neighborhoods providing environmentally friendly employment-generating activities for entertainment, retail and service use and River Bend PUD is designed to achieve that City planning goal. League City’s PUD process is set up to “encourage high quality development in the City by providing additional flexibility in the planning and development of projects. Such flexibility is intended to result in development that is more efficient, environmentally sensitive, visually pleasing, safe, and socially integrated than traditional zoning might provide.” RBCC illustrates this goal as it is efficient, environmentally sensitive and visually pleasing new community.

RBCC also fulfills and exceeds most of the stated goals of the “Comprehensive Plan for League City 2025”. These goals are:

- The development of compact pedestrian-friendly neighborhoods with small-scale mixed-use neighborhood centers, a range of diverse housing types and access to employment areas, local parks, open space and public facilities.
- The introduction of mixed-use development where complementary uses can occur on the same site or in close proximity, creating more compact, diversified development, enhancing the small-town character of future development as well as providing greater convenience for local residents.
- The location and encouragement of the development of major mixed use activity centers as a focus for the location of environmentally friendly employment-generating activities for commercial, entertainment, retail, industrial, service and public facilities’ uses as well as higher density multi-family residential uses.
- The continuation and enhancement of the City’s parks program; creating a generous provision of regional, community and neighborhood parks and a linked city-wide network of parks and open space.
- Greater emphasis on the preservation and protection of passive open space as an integral part of the city’s structure, allowing conservation the city’s natural resources and retention of rural character.
- The reinforcement of the policies for the timely, adequate and affordable provision of public infrastructure and facilities concurrent with the growth of new areas of the city and the need to proactively fund policies to bring existing areas of the city up to standard.
- The need to plan and regulate the use of land and the design of buildings, streets and public spaces in ways which will enhance the image of the city and reinforce its small town character.

## **II. Conceptual Plan**

### **a. Site Inventory and Analysis**

The site for RBCC is currently vacant and undeveloped (see orthographic view, Attachment “C”). The property is on the north and east side of Wesley Drive as it winds along between Texas FM Highway 518 and the northbound feeder road for IH 45. The subject property begins approximately 315 feet north of FM Highway 518 and wraps around Wesley Drive until just before it intersects with the IH 45 feeder road. The property is positioned perfectly for the creation of this new urbanist designed community. There are also a number of existing development restraints to this property, including an estimated 27 acres of floodway and wetlands, as well as several easements. Therefore, clustering development and providing for flexibility in design is needed.

The northern and eastern portions of the property are in the floodway and the wetlands and will not be substantially developed. This includes existing lakes and wetlands that border Clear Creek. Most of this area will be protected and be designed as a visual amenity and remain as open space after development. The developers understand that a Special Use Permit must be approved for any development in the floodway, such as the proposed dock and boat slips. Much of the remaining property lies in an AE flood zone with a portion bordering on Wesley Drive, being in an X zone. The proposed development will comply with all of the City’s floodplain regulations, including the minimum 18” freeboard requirement. It is anticipated that some of the existing floodplain area will be filled and mitigation provided for a net developable area of approximately 42 acres. These features and flood zone designations are depicted on Attachment “D-1”, the attached survey by GeoSurv, LLC, updated December 18,

2006. There are no existing single family uses immediately adjacent to the project site.

A tree inventory was conducted for the site and a copy of that plan is attached (see Attachment “E”). Every effort will be made to preserve existing mature and healthy trees on the site. In addition, new trees will be planted and other landscaping features will be provided as development of the site progresses. All tree preservation and replacement activities will be coordinated with the City’s Urban Forester.

The property is encumbered by a number of existing easements. There is a 70-ft. City of League City drainage easement on the south side of the property that follows the natural drainage flow to the wetlands and Clear Creek in the rear of the property. Also, in this same area, there is a sewer lift station at Wesley Drive and a sewer line easement that roughly parallels the drainage easement. There is an additional 20-ft. storm water easement on the western property line near and parallel to the IH 45 feeder road and an 80-ft. drainage easement along the east property line. There was previously a 20-ft. Humble Pipeline easement through the middle of the property in a northeast to southwest line that has been abandoned and is no longer applicable. Easements encumber an estimated 181,790 square feet or 4.17 acres. The locations of the easements have impacted the location of the proposed mixed use developments.

b. Survey

The required survey was referred to earlier and is shown as Attachment “D-1”, which is a copy of the stamped survey of the subject property by Dale L. Hardy / GeoSurv, L.L.C., updated December 18, 2006. The survey indicates property boundaries, wetlands delineations and known easements. Attachment “D-2” is the topographic survey with contour lines drawn at one-foot intervals.

c. Proposed Development Program

River Bend at Clear Creek will be a high quality development utilizing a creative mix of uses that currently include retail and office commercial, multi-family residential units, restaurants, a hotel and open space (see attachment G). These residential units will be in multiple buildings; some with attached parking garages as well as buildings with surface parking. The PUD plan ordinance will establish a comprehensive land use plan and zoning regulations to guide future improvements in RBCC. The plan and ordinance will provide a flexible, creative, and imaginative guideline for development. It will ensure the character and quality of the community and promote the efficient use of land through land use controls, design standards and quality planning.

RBCC at Clear Creek will be a pedestrian friendly development with walkways and pedestrian pathways connecting residential areas to open space, marina and waterfront as well as to the proposed office and retail uses throughout the project. This is a vital part of the project’s overall

design scheme and is in keeping with the stated goals of the League City Comprehensive Plan and the City's Zoning Ordinance.

The current zoning designation for the entire subject property is "CM - Commercial Mixed Use" district, as illustrated in Attachment "F-1". **The requested zoning designation for RBCC is for the underlying zoning district designation, "CM – Commercial Mixed Use" to remain over the entire site with a "PUD - Planned Unit Development" district overlay, as shown in Attachment "F-2".**

The proposed land uses will follow this underlying zoning district designation. However, to enhance the small-scale pedestrian character, certain CM requirements will need adjustment as part of the PUD. Such as in building footprints, however a minimum setback will be adhered to along all public streets as illustrated in exhibit G. Development of the subject property will be concentrated along Wesley Drive and be near the water and wetlands with some of the walkways being adjacent to the waterfront. The office/retail will be located along the northwestern part of the development, closest to the I-45 side, in order to achieve maximum visibility and accessibility for the commercial users. The exact location of pad sites shall be decided later as the cut and fill plan is finalized along with final plan. Due to the easement locations and cut and fill plan care will be taken to create the most desirable new urbanist design in keeping with the environmental challenges of the site. The Site is proposed to include a maximum of 350 multi-family residential units designed in multiple buildings, which will be generally located on the south side of the property with frontage on Wesley. The area designated for the multi-family residential area will encompass an estimated 15 acres. The multi-family will be medium density with beautiful views to the north and northeast. The multi-family units will vary building facades. The

proposed hotel will be located adjacent to the office and restaurant area. The hotel will be up to four-stories containing up to 100,000 square feet of area and up to 142 rooms. The restaurants will be located on multiple pads located in adjacent to the commercial/office area, either in free standing buildings or in the multi tenant buildings. Some of these sites within RBCC may be re-subdivided, in the future, and sold by Deerwood Development Group to others. The exact location of the builders footprints could vary as potential pad sites will be determined by the cut and fill plan and finalized tree protection plan. Pad sites will also provide minimum setbacks of 6 feet to internal streets and 10 feet setback to external streets. The part of the property along Clear Creek will remain undeveloped and designed to preserve natural areas with trail improvements. The attached Proposed Zoning Plan, Attachment “F-2”, depicts the proposed underlying zoning district, which will remain as CM with a PUD Overlay, and corresponding land uses for RBCC. All uses permitted in the Zoning Ordinance for the “CM” and “PUD” district will be permitted with this “PUD” unless otherwise noted.

d. Site Plan / Proposed Concept Plan

The proposed site plan, also called the Proposed Land Use Concept Plan, shown as Attachment “G”, indicates the proposed mix of uses for RBCC and the general location of each of these uses. The most obvious aspect of the proposed plan is the large area in the rear that will remain undeveloped and preserved. This area includes the existing floodway of Clear Creek, existing wetlands, an existing lake with the existing lagoon proposed to be developed into a marina for the use of the residents of the multi-family units and hotel. **There is 3.89 acres of park space that is being requested for HOA parkland requirement throughout the site.** There is approximately an additional 23 acres of open space that will

remain undeveloped and designed as a passive open space site. The conceptual plan indicates extensive pedestrian paths and a dock with multiple boat slips and a boat house on the existing lagoon. RBCC will have a 6 foot wide walking trail, approximately 8,000 linear feet (1.52 miles), located along Clear Creek and Wesley Drive. This walking trail will be constructed of concrete or raised synthetic wood products that are resistant to the environmental conditions when trails are located in the wetlands to protect and preserve the natural habitat of the wetlands. There will be a Commercial Owners Association (COA) for the entire development that will provide and pay for maintenance of the entire trail system and common areas.

Most of the area to be developed is down the front of the property, along Wesley Drive; however, some of the parcels may front the waterfront. The commercial development will include multi-story office buildings on the property. The middle of the property offers a panoramic view of the lagoon and Clear Creek. To take advantage of this view, RBCC will have several of its allowed uses to be designed to present a view of the creek to many of its occupants. Some of these multi-use pad sites may have upper floor office or retail units. See **Attachment "G"** for a map showing the general location of these buildings. Note that the final designated locations may change to accommodate the needs of the users. Parking garages will be built so as to make more efficient use of the limited buildable areas in the development and preserve scenic wooded areas. The last two proposed uses will be a multi-story hotel and multiple restaurants. **All uses permitted in the Zoning Ordinance for the "CM" and "PUD" district will be permitted with this "PUD" unless otherwise noted.**

#### e. Public Facilities

There are sufficient existing public facilities, water, sewer, drainage, fire, police to accommodate the needs of RBCC, at full development, without causing any excessive burden on City services and facilities. A “Conceptual Utility Assessment” by the project engineer, Dannenbaum Engineering Corporation, is shown in Attachment “H” and “H-2”. This drawing shows existing drainage patterns and existing utilities and other infrastructure.

Wesley Drive is an existing thoroughfare with a 70-ft. right of way. As mentioned earlier, there are several drainage and storm sewer easements on the property to accommodate the needs of the development. In addition to the site drainage patterns, Attachment “H” shows existing storm water lines in the Wesley Drive right of way, from 12” lines to 30” lines. Once developed, the engineer is proposing five discharge points with a discharge rate of 216 cubic feet per second.

**Attachment “H”** shows there is a sanitary sewer easement in the Wesley Dr. R.O.W. with a 12“ line. In addition, there is an existing lift station near the southeast corner of the property on Wesley Drive, approximately 300-feet north of FM Hwy. 518.

There is an 8” water line in the Wesley right of way. The engineers calculate that once developed, all residential and commercial uses will require a maximum 8” water lines and 8” sewer lines. All improvements at RBCC will be private but will be designed and constructed to meet or exceed the minimum construction standards of League City.

No changes to the Major Thoroughfare Plan are necessary.

Attachment “T” is a copy of the League City “Proposed Major Roadway Network and Future Land Use”. Traffic impacts were evaluated in the Traffic Impact Analysis (TIA) to the existing roadway system and traffic generated will be primarily on Wesley Drive, FM Highway 518 and I-45 and the IH-45 feeder road.

The recommendations of the TIA include:

1. The level of service for FM 518 at Wesley Drive during the PM peak hour could be improved by increased curb return radii. It is anticipated an optional double right turn would be striped for the southbound approach and a larger curb radii would facilitate the turn onto FM 518.
2. The decreased level of service for FM 518 at IH 45 E. Frontage Road will be significantly improved by the reversal of the northbound entrance ramp just north of the interchange. TxDOT is working on a plan to accommodate ramp reversals and the direct connects for NASA Road 1 By-Pass. The exact configuration and timing for the reversal of the IH-45 entrance and exit ramps is uncertain at this time. (Note: this is determined and funded by TxDOT )
3. A continuous left turn lane on Wesley Drive between FM 518 and IH 45 E Frontage Road would improve operation and safety for vehicles turning into driveways along the road and is recommended.

All of these improvements will be made with the first multifamily phase. The developer will be responsible for all improvements to public infrastructure, if any, that may be required for this project.

#### f. Population Projections

At development completion it is expected that the maximum number of multi-family residential units will be 350 units. Using a multiplier of 2.78 persons per household (as determined by the U.S. Census Bureau for League City in the 2000 Census), it is expected that there will be approximately **973** people living in the residential areas of RBCC. Attachment “J” is a copy of the U.S. Census Bureau 2000 Census Fact Sheet for League City, TX.

#### g. Variances from Regular Zoning Regulations

There are few areas where the proposed PUD development will deviate from the development regulations of the CM zoning districts.

#### Section 125-72.C. Development Regulations Commercial and Mixed Use Districts

##### I. Items Where a Variance is Requested

1. Multi-family residential is only permitted in the “CM” district when it is above retail or commercial, **variance is being requested**
2. Trails shall generally be constructed of reinforced concrete, **variance is being requested;** trails located in the wetlands are to be constructed of raised synthetic wood products to protect and preserve the natural habitat of the wetlands
3. Pad sites will provide minimum setbacks of a 6 ft. setback to internal streets and 10 ft. setback to external streets.

##### II. Items Where RBCC Complies With Current Regulations

1. Minimum Lot Dimension (ft.) side yard, nonresidential/residential, minimum required is 20/40. **No variance is being requested.**
2. Minimum Lot Dimensions (ft.) Width and Frontage will be a minimum of 100 feet. **No variance is being requested.**
3. Minimum Lot Dimension (ft.) Street Side Yard (Corner Lot) will be allowed to be a minimum of 15 feet for non-residential. This complies with the current regulations, **no variance is being requested.**
4. Maximum Building Height (ft.) is 125 feet, **no variance is being requested**
5. Pedestrian Orientation – Minimum Storefront Continuity (percent) will be 75 percent. This complies with existing regulations and **no variance is being requested.**
6. Pedestrian Orientation – Building Transparency will be allowed to be 25 percent. We understand that this applies only to retail uses and therefore **no variance is being requested.**
7. Pedestrian Orientation – Limitation on Blank Walls. Regulations allow no blank walls greater than 15 feet in length along street frontages. The development will have no internal public streets so this requirement only applies to buildings fronting on Wesley Drive and these buildings will meet the requirement. **No variance is being requested.**
8. Open Space and Landscaping – Minimum Landscaped Area (percent) will be a minimum of 20 percent for nonresidential. **No variance is being requested.**
9. Open Space and Landscaping – All required yards shall be landscaped, **no variance is being requested.**
10. Maximum Lot Coverage (percent) will be 80%, as required by the Zoning Ordinance, and **no variance is being requested.**

11. Minimum Building Separation (ft.) will be 25 feet, **no variance is being requested.**
12. Minimum Build-to lines (percent) will be 50% as required; **no variance is being requested.**

III. Items Where RBCC Exceeds Current Minimum Regulations - There are many areas where River Bend at Clear Creek will exceed the minimum requirements of League City:

1. Building Scale – Intensity of Use – Minimum Lot Area (sq. ft.) will be a minimum of 25,000. This complies with the current regulations, no variance is being requested. The lot areas will exceed the minimum 25,000 square feet requirement.
2. Minimum Lot Dimensions (ft.) Width will exceed the 100-foot minimum.
3. Minimum Lot Dimension (ft.) Rear Yard for residential/nonresidential required is 20/40, and RBCC will exceed this minimum standard.
4. Required Open Space – 3.89 acres (1 acre per 90 residential units, (350 units / 90)) are required for HOA parkland requirement. River Bend on Clear Creek is providing 10.13 acres of HOA parkland. Approximately 27 acres will remain undeveloped, resulting in approximately 40% of the total project being open space and undeveloped, which is an excessive amount of unusable land. The 3.89 acre HOA parkland requirement will include un-improvable land that included amenities such as the proposed 6' (8,000 lf/1.52 mile) walking trail and marina. The walking trail will include a 20 foot public pedestrian access easement along the length of the trail system. The development will include covered and

uncovered viewing and resting areas along the creek as well as a 6' trail along Clear Creek from I-45 to the end of the property with additional pathways connecting all of the commercial and residential uses. The trails will contain viewing area with benches, raised platforms, and gazebos with appropriate informational signs denoting the wetlands and the plants and wildlife that exist there. The trail will be installed along the edge of the floodway to ensure safe passage of pedestrians wanting to walk to proposed amenities such as the marina and other "green" open spaces. Additionally, the existing lagoon will contain a marina with boat slips and boat house to serve the residential and hotel uses on site. The development will include a Commercial Owners Association. The Commercial Owners Association will pay for and take care of the upkeep of the open space. Sidewalks are required to be 4 feet wide along Wesley Drive. We plan to exceed that requirement and construct concrete sidewalks that are 6 feet wide along Wesley Drive to promote a pedestrian friendly development. See attachment G for proposed trails, gazebos, seating area, lighthouse, and marina location. All signs, landscaping, and lighting will be approved by the Architectural Review Board, administered by the Developer.

#### h. Development Schedule

RBCC will begin development in 2008. Construction of streets and utilities should be substantially complete in two years. It is expected to take another 3-4 years for all phases to be completed. Phase One will most likely be the construction along Wesley Drive and later phases will be the construction of buildings farther away from Wesley Drive.

i. Illustrations

Attachment “K” provides illustrations of the conceptual designs for the commercial areas of RBCC. These are proposed possible image elevations only.

j. Why a PUD?

The City’s Comprehensive Plan and ordinance contemplate the use of PUD overlays for such unique site and new urbanist designs. Primarily, there is the development constraints placed on the property by the floodway and wetlands; more than 27 acres in the 68 acre development are not developable. This equates to 39% of the property. Although the underlying zoning districts will govern the uses, flexibility is needed on several site development regulations of the CM district. These deviations are itemized above in Section “g” - “Variances from Regular Zoning Regulations”.

Despite these deviations from the site development regulations, RBCC is consistent with the goals of a PUD development, as stated in the League City Zoning Ordinance. Specifically:

1. RBCC is consistent with the adopted Land Use Element of the Comprehensive Plan and other applicable policies and is compatible with surrounding development;
2. RBCC will enhance the potential for superior urban design and amenities in comparison with the development under the base district regulations that would apply if the Concept Plan were not approved;

3. Deviations from the base district regulations that otherwise would apply are justified by compensating benefits of the RBCC Concept Plan; and
4. RBCC includes adequate provisions for utilities, services, and emergency vehicle access; and public service demands will not exceed the capacity of existing and planned systems.
5. RBCC requests the ability to modify land uses based on building square footage rather than the acreage of land to the maximum of 15% deviation from the submitted plan without submitting a revised PUD plan.
6. RBCC requests the ability to modify the location of the land uses on the parcel to correlate with the desired location of the users who will occupy the site without submitting a revised PUD plan.

k. Architectural Elements / Proposed Possible Image Elevations

In order to preserve the aesthetic quality, continuity, theme and character of RBCC, the Developer will prepare a comprehensive set of architecture and design guidelines to be submitted with the Master Plan at the next step of approval. As mentioned earlier, Attachment “K” shows, graphically, some of the conceptual architectural elements being developed for RBCC. The comprehensive design guidelines shall cover such standards as entries, wall and fence design, signage, landscaping, walkways, building facades and other elements important to the aesthetic qualities of the RBCC. The architecture and design guidelines will apply to all structures and infrastructure within the boundaries of the PUD. These guidelines will become the basis for all construction and development. The guidelines will also be flexible enough to allow for architectural creativity and to avoid a monotony of building facades. No building will be constructed without architectural and design approval by the Developer or his design review committee. At this time, the conceptual guidelines and elevations for RBCC are in the preliminary

design phase. When these guidelines and elevations are complete, copies will be submitted to the League City Planning Department.

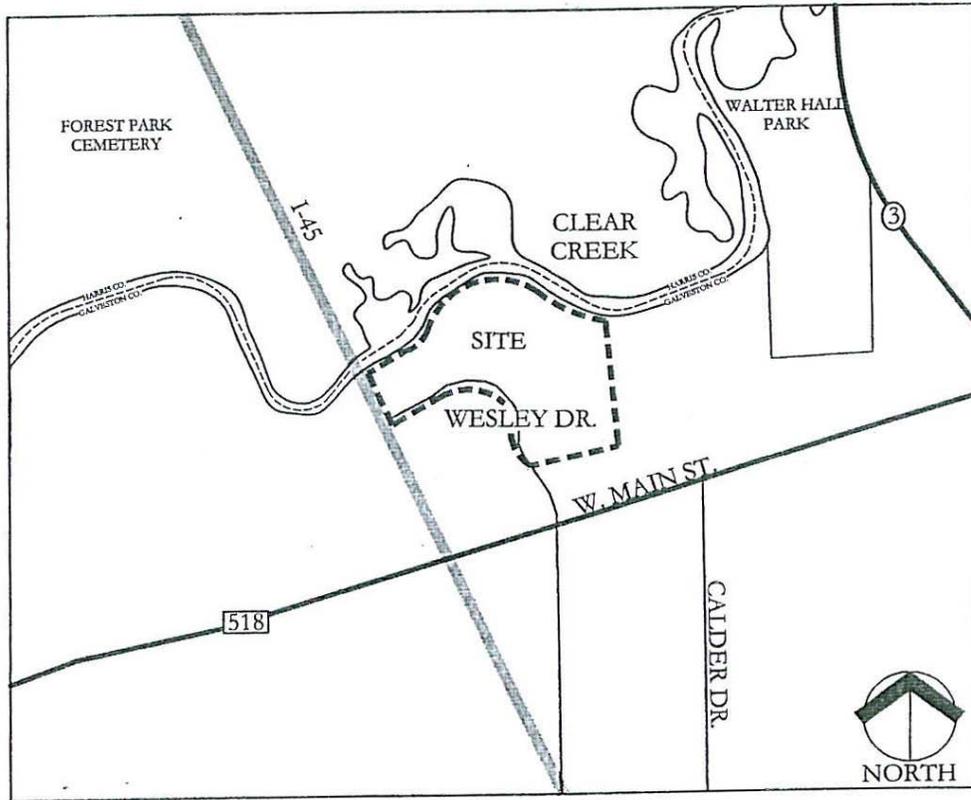
### **III. Summary**

RBCC on Clear Creek will be a high quality mixed use development that will be a wonderful new asset to League City. The property is currently vacant and has been for some time. The property is highlighted by the wetlands and lakes that abut Clear Creek to the rear of the site. The overall density is low because approximately **27 acres (40%)** of the 68 acre total will be open space and undeveloped. The mixture of commercial, multi-family residential and open space will complement existing nearby uses and will follow the permitted uses of the underlying base zoning districts, CM – Commercial Mixed Use District, unless otherwise noted. The requested PUD Overlay will allow flexibility of design. Specific design controls and architectural standards will be in place to ensure long term sustainability. The development will comply with city ordinance, flood plain, FEMA, and all regulations from the State of Texas.

#### **IV. Attachments**

- A. Vicinity Map
- B. Existing Land Uses
- C. Orthographic View
  - C-1 Proposed Property Usage
- D. Survey
  - D-1 Survey
  - D-1A Legal Description
  - D-2 Topographic Survey
- E. Tree Survey
- F. Zoning
  - F-1 Existing Zoning
  - F-2 Proposed Zoning
- G. Site Plan – Proposed Concept Plan
  - a. G-1 Preliminary Area Calculations
- H. Conceptual Utility Assessment
  - a. H-2 Conceptual Utility Assessment Drawing
- I. Major Roadway Plan
- J. U.S. Census Bureau Fact Sheet for League City, TX
- K. Architectural Illustrations / Proposed Possible Image Elevations
- L. Applicable League City Regulations

"A"

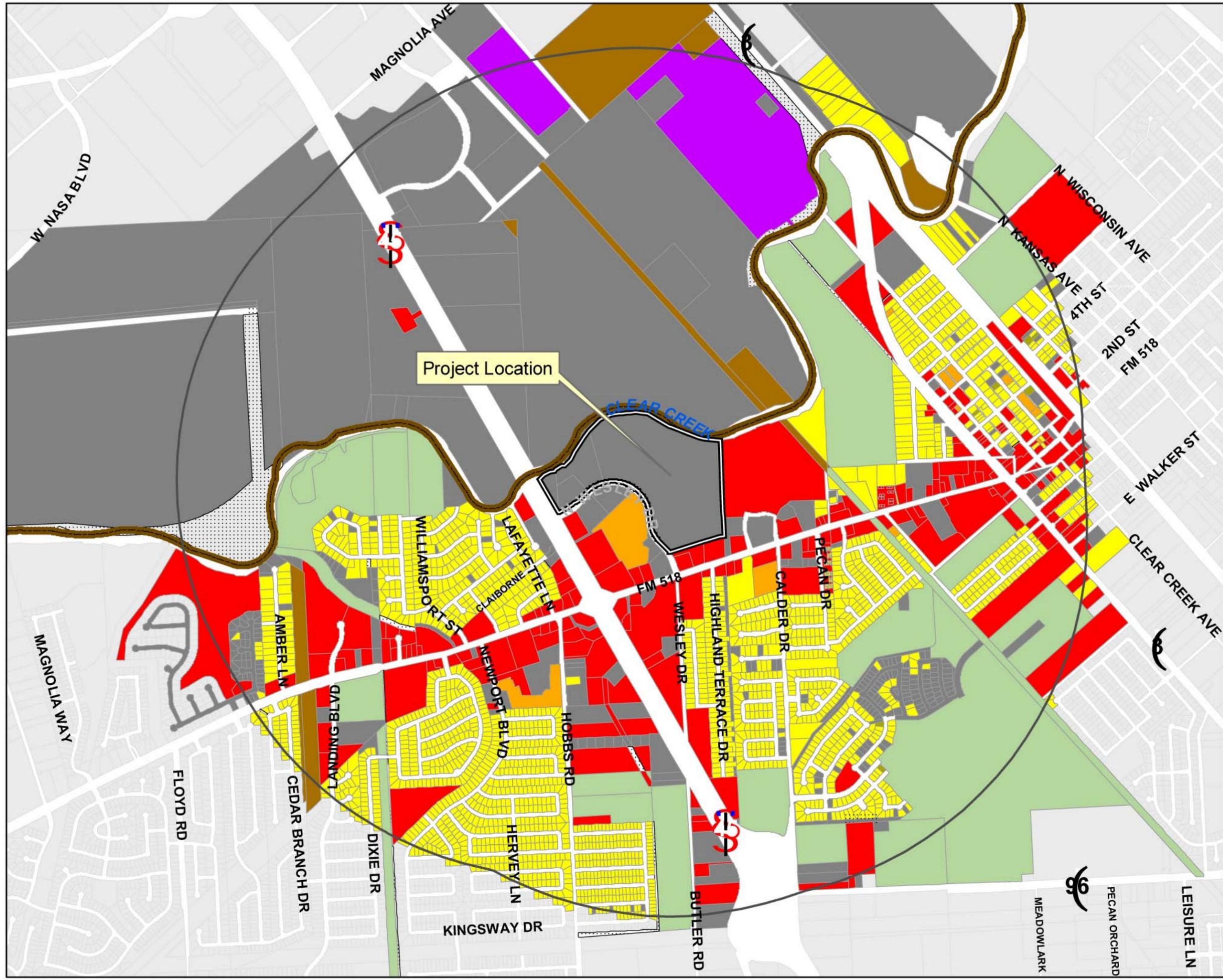
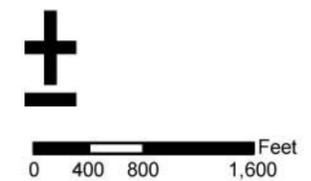


# Landuse "B"

- Landuse
- Single Family Residential
  - Residential Mobile Home
  - Multi-Family Residential
  - Commercial
  - Industrial
  - Utilities
  - Agricultural
  - Vacant
  - No Data
- Site Boundary  
 Area 1-mi of Site  
 County Boundary

\*: Galveston County: based on State Property Tax Board Codes  
 Harris County: based on landuse code

Sources:  
 Land use - Galveston Appraisal District, April 2005; Harris County Central Appraisal District, January 2005  
 Site boundary and area 1-mi of site - Knudson & Associates, May 2005



# River Bend Site Boundary

## "C"

 Site Boundary



Source of orthophotos:  
Houston-Galveston Area Council,  
January 2004



0 50 100 200 300 Feet

N



1 inch equals 300 feet

Harris County  
Galveston County

TRACT "C"  
COMMERCIAL/ OFFICE/ RETAIL  
7.76 ACRES

TRACT "B"  
MIDRISE OFFICE  
8.95 ACRES

40' ACCESS EASEMENT

CLEAR CREEK

TRACT "F"  
COMMERCIAL/ OFFICE/ RETAIL  
4.57 ACRES

TRACT "A"  
HOTEL/ RETAIL/ RESTURANT  
5.32 ACRES

Proposed Floodway

Wesley Drive

TRACT "D"  
MULTI FAMILY  
9.13 ACRES

DEVEREUX DR



TRACT "E"  
MULTI FAMILY  
5.87 ACRES

75' DRAINAGE EASEMENT  
10' SANITARY SEWER EASEMENT

ALDER DR

RIVER BEND AT CLEAR CREEK

GALVESTON COUNTY  
LEAGUE CITY, TEXAS

**DANNENBAUM**  
ENGINEERING CORPORATION  
3100 WEST ALABAMA, HOUSTON, TEXAS 77098

EXHIBIT C1  
PROPOSED PROPERTY USAGE

REVISED: JUNE 20, 2007

**Legend**

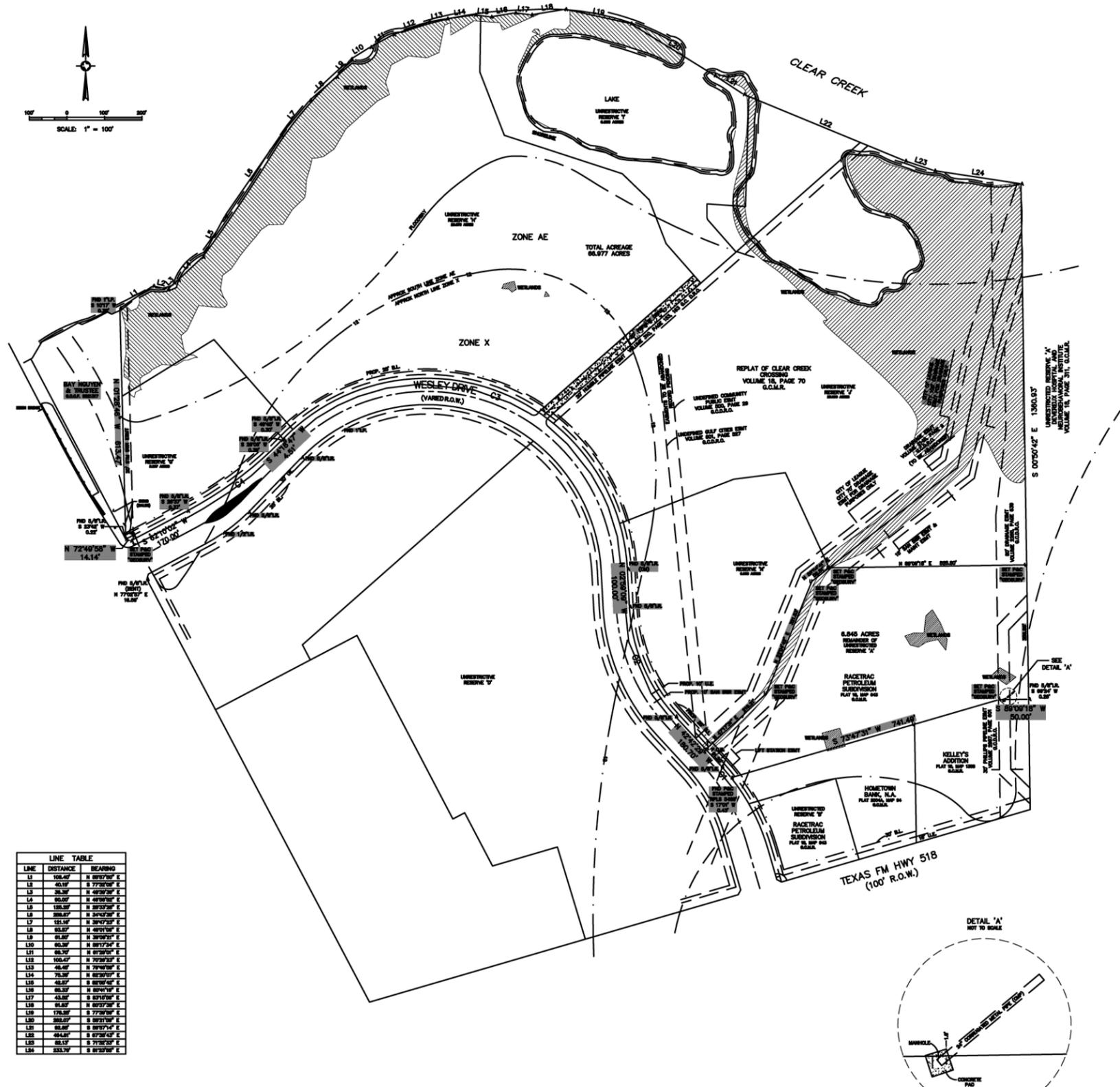
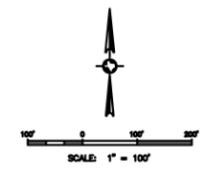
- PROPOSED FLOODWAY
- COUNTY LINE
- RIVERS AND CREEKS

**USAGE**

- WETLANDS
- 350 UNITS MULTI FAMILY
- HOTEL/ RETAIL/ RESTURANT
- MIDRISE OFFICE



HIGHLAND TER



LINE	DISTANCE	BEARING
L1	100.00'	N 89°00'00" E
L2	40.00'	S 77°30'00" E
L3	20.00'	N 45°00'00" E
L4	80.00'	N 45°00'00" E
L5	180.00'	N 89°00'00" E
L6	200.00'	N 34°00'00" E
L7	120.00'	N 34°00'00" E
L8	80.00'	N 45°00'00" E
L9	80.00'	N 34°00'00" E
L10	40.00'	N 89°00'00" E
L11	40.00'	N 89°00'00" E
L12	100.00'	N 79°00'00" E
L13	40.00'	N 79°00'00" E
L14	70.00'	N 89°00'00" E
L15	40.00'	N 89°00'00" E
L16	40.00'	S 89°00'00" E
L17	40.00'	S 89°00'00" E
L18	80.00'	S 89°00'00" E
L19	170.00'	S 77°30'00" E
L20	200.00'	S 89°00'00" E
L21	80.00'	S 89°00'00" E
L22	40.00'	S 89°00'00" E
L23	80.00'	S 77°30'00" E
L24	200.00'	S 89°00'00" E

CURVE	RADIUS	DELTA	ARC	BEARING	CHORD
C1	240.00'	04°00'00"	24.00'	N 45°00'00" E	24.00'
C2	400.00'	34°00'00"	260.00'	N 29°00'00" E	260.00'
C3	200.00'	138°00'00"	100.00'	N 89°00'00" E	100.00'
C4	100.00'	178°00'00"	20.00'	S 89°00'00" E	20.00'

**PROPERTY DESCRIPTION**  
 Being a tract or parcel containing 66.977 acres of land affected in the Stephen F. Austin League, Abstract Number 3, City of League City, Galveston County, Texas, being all of Unrestricted Reserve "U", Unrestricted Reserve "V", Unrestricted Reserve "W", Unrestricted Reserve "X", and Unrestricted Reserve "Y" of the Replat of Clear Creek Crossing, a subdivision of record in Volume 18, Page 70, Galveston County Map Records (G.C.M.R.), and 6.846 acres being out of and a part of Unrestricted Reserve "A" of Racetrac Petroleum Subdivision, a subdivision of record in Volume 18, Page 843, G.C.M.R. Said 6.846 acre part being more particularly described as follows (bearings are oriented to the bearing base reflected in said Replat of Clear Creek Crossing):

**BEARING** of an iron rod with cap set for the most Westerly corner of the herein described part and said Unrestricted Reserve "A", same being the most Southerly corner of said Unrestricted Reserve "A", and being at the Northerly line of Wesley Drive, a variable width public roadway right-of-way, as delineated on the said record plat of Replat of Clear Creek Crossing:

**THENCE**, in a Northerly direction along the common line of said Unrestricted Reserves "A" and "V", the following courses and distances:

N 47°17'31" E, 218.21 feet to an iron rod with cap set marking a point for angle to the left;  
 N 22°04'42" E, 321.53 feet to an iron rod with cap set marking a point for angle to the right;  
 N 12°04'41" E, 68.81 feet to an iron rod with cap set marking a point for angle to the right, said point being the common corner for said Unrestricted Reserves "A", "V", and "X";

**THENCE**, N 89°00'18" E, along the common line of said Unrestricted Reserves "A" and "V", a distance of 525.80 feet to an iron rod with cap set marking the Northwest corner of the herein described part and Unrestricted Reserve "A", same being the Southeast corner of said Unrestricted Reserve "V", and being at the Westerly line of Devereux Hospital and Neurobehavioral Institute, a subdivision of record in Volume 18, Page 311, G.C.M.R.;

**THENCE**, S 0°05'04" E, along the common line of said Devereux Hospital and Neurobehavioral Institute and said Unrestricted Reserve "A", a distance of 358.89 feet to a point for the Southerly corner of the herein described tract, same being the Northerly corner of Kelley's Addition, according to the map or plat thereof recorded in Plat Record Number 1306, Galveston County Map Records, from which a found 5/8 inch iron rod bears S 89°24' W, 0.28 feet;

**THENCE**, S 89°00'18" W, along the Northerly line of said Kelley's Addition, a distance of 80.00 feet to an iron rod with cap set marking a point for angle to the left;

**THENCE**, S 73°47'31" W, along the Northerly line of said Kelley's Addition, at a distance of 232.62 feet past the Northerly corner of said Kelley's Addition, same being the Northerly corner of HomeTown Bank, L.L.C., according to the map or plat thereof recorded in Plat Record 2200A, Map Number 84, Galveston County Map Records, and continuing for a total distance of 741.46 feet to a point in the curved right-of-way of the aforesaid Northerly line of Wesley Drive and for the most Southerly corner of the herein described tract, from which a found iron rod with cap stamped "RPLS 5489" bears S 17°01' W, 0.43 feet;

**THENCE**, in a Northerly direction along the Northerly line of said Wesley Drive, same being the Southerly line of said Unrestricted Reserve "A", and along the arc of a non-tangent curve to the left having a radius of 548.07 feet and a central angle of 04°00'17", an arc distance of 38.28 feet, the chord of which curve bears N 40°39'22" W, 38.28 feet to a 5/8 inch iron rod found marking a point for temporary;

**THENCE**, N 42°42'29" W, along the Northerly line of said Wesley Drive, same being the Southerly line of said Unrestricted Reserve "A", a distance of 81.20 feet to the POINT OF BEGINNING and containing an calculated area of 6.846 acres of land for this part, and for a total of 66.977 acres of land within the herein described tract.

September 24, 2004  
 December 18, 2006 (Update)

I hereby certify that on the above date, the herein described Lot, together with improvements located thereon, was surveyed on the ground and under my direction, and that this map, together with the boundaries as herein shown, accurately represents the facts as found on the ground file data.

Dale L. Hardy  
 Registered Professional  
 Land Surveyor 4947

**Notes:**

- This survey reflects boundary and easement information as per a Title Commitment for Title Insurance issued by South-Land Title, Case Number 2008 LC 115544-E (00827), effective date November 17, 2008, and issued December 8, 2008. No additional research regarding the existence of easements or restrictions of record has been performed by Dale Hardy/GeoSurv, LLC.
- This tract lies partially in Zone "X" (Shaded), areas of 500 year flood and/or areas of 100 year flood with average depths of less than 1 foot, and partially in Zone "AE", special flood hazard areas inundated by 100 year flood where base flood elevations have been determined, as per the National Flood Insurance Program Flood Community Panel Number 485488 0010 D, map revised September 22, 1998.
- Bearings are oriented to the bearing base reflected in the record plat of Replat of Clear Creek Crossing, Volume 18, Page 70, Galveston County Map Records.
- This tract is subject to Restrictive Covenants of record in Volume 18, Page 70, Volume 18, Page 843, Galveston County Map Records and under Galveston County Clerk File Number 0640038.
- This tract may be subject to platwise easements and right-of-way easements as per instruments recorded in Volume 315, Page 522, Volume 365, Page 29 and Volume 911, Page 322, Galveston County Deed Records.
- Surface or subsurface faulting, hazardous waste or other environmental issues have not been addressed within the scope of this survey.
- Areas of this tract lie below the line of Mean High and /or Mean Higher High Water and are subject to ownership by the State of Texas. The upland portion of this tract outlines and shows a common boundary with the tidally influenced submerged lands of the state. This common boundary is subject to change and can be determined accurately only by a survey on the ground made by a Licensed State Land Surveyor in accordance with the original grant from the sovereign. The owner(s) of this tract may gain or lose portions of the tract because of changes in the boundary. State law prohibits the use, encumbrance, construction, or placing of any structure in, on, or over state-owned submerged lands below the applicable tide line, without proper permission. Any man-made alteration to this boundary line, i.e., pier, bulkhead, dock or building construction or placement of fill materials, requires approval and possible permitting from the Texas General Land Office, U. S. Corps of Engineers and any other governmental agency which has jurisdictional control over such matters.

Dale L. Hardy  
**GeoSurv**  
 Registered Professional  
 Land Surveyors  
 P.O. Box 248, League City, Texas 77574  
 281-564-7738 409-745-6230 Fax 281-564-8928

September 24, 2004

Being a tract or parcel containing 66.965 acres of land situated in the Stephen F. Austin League, Abstract Number 3, City of League City, Galveston County, Texas, being all of Unrestricted Reserve "G", Unrestricted Reserve "H", Unrestricted Reserve "I", Unrestricted Reserve "J" and Unrestricted Reserve "N" of the Replat of Clear Creek Crossing, a subdivision of record in Volume 18, Page 70, Galveston County Map Records (G.C.M.R.), and 6.833 acres being out of and a part of Unrestricted Reserve "A" of Racetrac Petroleum Subdivision, a subdivision of record in Volume 18, Page 643, G.C.M.R. Said 6.833 acre part being more particularly described as follows (bearings are oriented to the bearing base reflected in said Replat of Clear Creek Crossing):

**BEGINNING** at a point in the easterly right-of-way of Wesley Drive (60 feet wide) as delineated on the said record plat of the Replat of Clear Creek Crossing, said point for the southerly corner of said Unrestricted Reserve "N" and the westerly corner of said Unrestricted Reserve "A" and the westerly corner of the herein described part;

**THENCE**, along the common lines of said Unrestricted Reserves "A" and "N" the following courses:

N 47°17'31" E, a distance of 219.12 feet to an angle point;

N 22°04'42" E, a distance of 321.55 feet to an angle point;

N 52°04'41" E, a distance of 58.60 feet to a point for a southwesterly corner of said Unrestricted Reserve "J";

**THENCE**, N 89°09'18" E, along the common lines of said Unrestricted Reserves "A" and "J", a distance of 525.79 feet to a point in the westerly line of Devereux Hospital and Neurobehavioral Institute, a subdivision of record in Volume 18, Page 311, G.C.M.R., said point for the easterly common corner of said Unrestricted Reserves "A" and "J" and the northeasterly corner of the herein described part;

**THENCE**, S 00°50'42" E, along the common line of said Devereux Hospital and Neurobehavioral Institute and said Unrestricted Reserve "A", a distance of 348.74 feet to a point for the Northeasterly corner of Unrestricted Reserve "L" of said Replat of Clear Creek Crossing, said point for the southeasterly corner of the herein described part;

**THENCE**, S 89°09'18" W, along the common line of said Unrestricted Reserves "A" and "L", a distance of 50.00 feet to an angle point;

**THENCE**, S 73°47'31" W, along the common line of said Unrestricted Reserves "A" and "L", at a distance of 152.97 feet pass the northwesterly corner of said Unrestricted Reserve "L", and continuing, in all, a distance of 772.62 feet to a point in the curved right-of-way of the aforesaid Wesley Drive and for the southwesterly corner of the herein described part;

**THENCE**, in a northwesterly direction, an arc distance of 39.26 feet, along the easterly right-of-way line of said Wesley Drive and along a non-tangent curve to the left having a central angle of 04°06'15", a radius of 548.07 feet and a chord which bears N 40°39'22" W, 39.25 feet to a point of tangency;

**THENCE**, N 42°42'29" W, along the easterly right-of-way line of Wesley Drive, a distance of 61.18 feet to the **POINT OF BEGINNING** and containing 6.833 acres of land for this part and for a total of 66.965 acres of land within the herein described tract.

**COMMITMENT FOR TITLE INSURANCE**

**SCHEDULE A**

Effective Date: **January 29, 2007**

GF. No. 2810002845

Commitment No.: Not Applicable issued: **March 1, 2007**  
(if applicable)

1. The policy or policies to be issued are:
  - (a) OWNER POLICY OF TITLE INSURANCE (Form T-1)  
(Not applicable for improved one-to-four family residential real estate)  
Policy Amount: **\$542,513.66**  
PROPOSED INSURED: **Arapahoe Land, A Texas Limited Partnership**
  - (b) TEXAS RESIDENTIAL OWNER POLICY OF TITLE INSURANCE -  
ONE-TO-FOUR FAMILY RESIDENCES (Form T-1R)  
Policy Amount:  
PROPOSED INSURED:
  - (c) MORTGAGEE POLICY OF TITLE INSURANCE (Form T-2)  
Policy Amount:  
PROPOSED INSURED:  
Proposed Borrower:
  - (d) TEXAS SHORT FORM RESIDENTIAL MORTGAGEE POLICY OF TITLE INSURANCE  
(Form T-2R)  
Policy Amount:  
PROPOSED INSURED:  
Proposed Borrower:
  - (e) MORTGAGEE TITLE POLICY BINDER ON INTERIM CONSTRUCTION LOAN (Form T-  
13)  
Binder Amount:  
PROPOSED INSURED:  
Proposed Borrower:
  - (f) OTHER  
Policy Amount:  
PROPOSED INSURED:
2. The interest in the land covered by this Commitment is:  
  
**Fee Simple.**
3. Record title to the land on the Effective Date appears to be vested in:  
  
**Bay Nguyen, Trustee and Hanh Thi Dinh**
4. Legal description of the land:  
  
**A tract or parcel of land containing 1.7792 acres, more or less, being that so-called 1.818 acre tract, out of Lot 52 of "Braskora Gardens" Subdivision, out of the Stephen F. Austin League, Abstract No. 3, Galveston County, Texas, as delineated on the map or plat thereof recorded in Volume 113, Page 47, Galveston County Clerk's Records, Said 1.7792 acres of land being more particularly described by metes and bounds, as follows, to-wit:**  
  
**Beginning at a 3/4 inch iron rod at the South apex corner of the herein described tract, and marking the Southeasterly corner of said Lot 52 of "Braskora Gardens" Subdivision, marking the Southwesterly corner of Clear Creek Crossing Subdivision as delineated on the map or plat thereof recorded in Volume 18, Page 41 of the Galveston County Map**

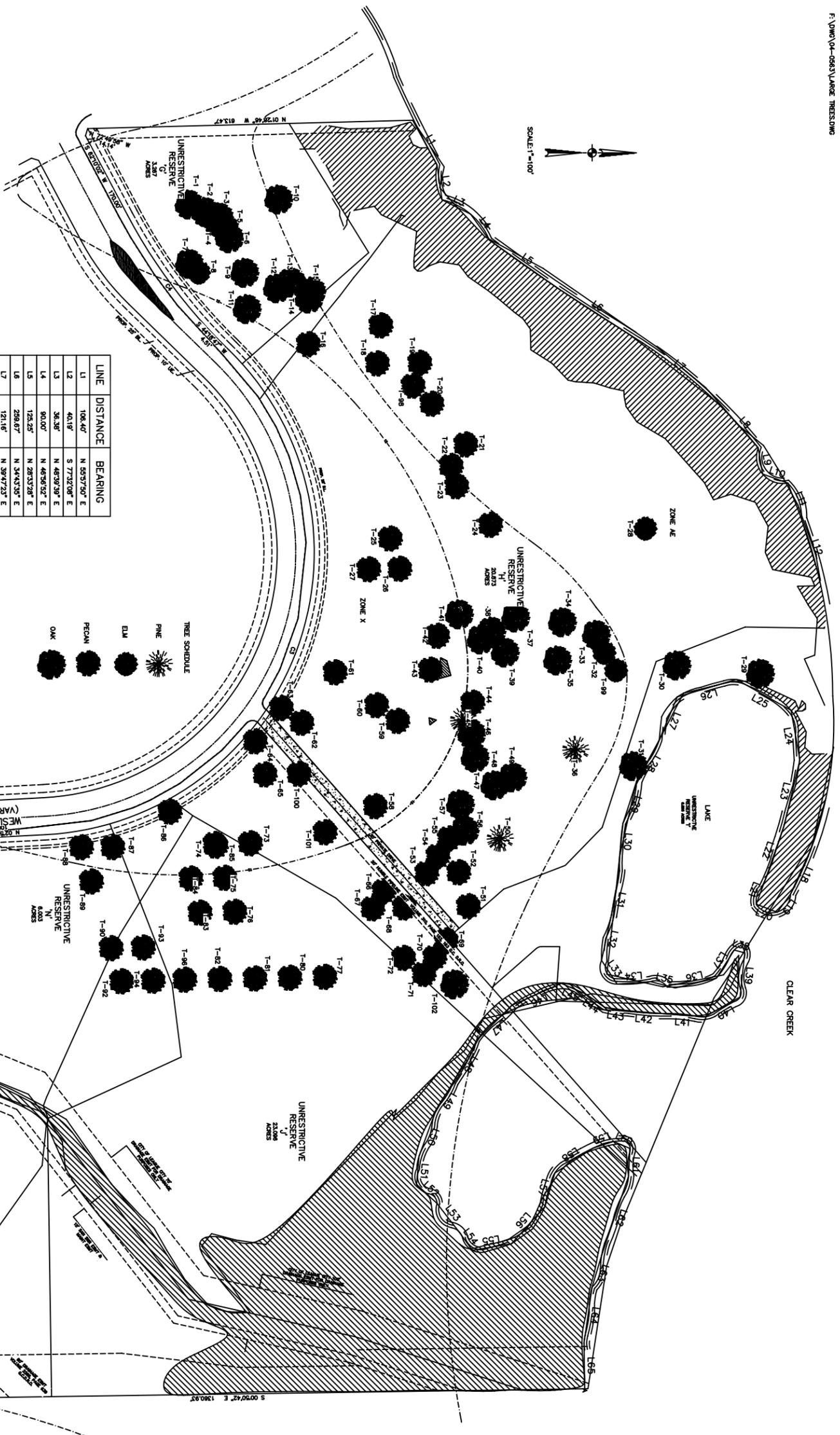
**Records, and also marking the intersection of the Northwesterly line of Clear Creek Crossing Boulevard with the Northeast right-of-way line of Interstate Highway No. 45, (Gulf Freeway);**

**Thence North 01 degree 18 minutes 33 seconds West, with the West boundary line of Clear Creek Crossing, as delineated on map or plat thereof recorded in Volume 18, Page 41 of the Galveston County Map Records, and the East line of said Lot 45, passing a 1/2 inch iron rod at 348.60 feet, and passing a 3/4 inch iron rod at 613.64 feet, continuing in all a total distance of 616.64 feet to a point at the North apex corner of the herein described tract, in the South boundary line of Clear Creek, a State-owned navigable stream;**

**Thence with the meanders of the South boundary line of said Clear Creek, South 52 degrees 02 minutes 58 seconds West - 37.20 feet, South 69 degrees 09 minutes 30 seconds West - 101.05 feet, South 63 degrees 07 minutes 41 seconds West - 105.20 feet, and South 37 degrees 33 minutes 30 seconds West - 33.31 feet to a point marking the intersection of said meander line with the Northeast right-of-way line of said Interstate Highway No. 45, (Gulf Freeway);**

**Thence South 27 degrees 35 minutes 00 seconds East, with the Northeast right-of-way line of said Highway, passing a 5/8 inch iron rod for reference at 23.00 feet, continuing in all a total distance of 551.86 feet to the Place of Beginning and containing within these metes and bounds 1.7792 acres of land.**





LINE	DISTANCE	BEARING
L1	106.40'	N 59°57'50" E
L2	40.18'	S 77°32'00" E
L3	36.36'	N 46°39'39" E
L4	90.00'	N 46°56'52" E
L5	126.25'	N 28°33'29" E
L6	298.87'	N 3°44'33" E
L7	121.16'	N 39°47'23" E
L8	83.57'	N 49°01'06" E
L9	61.50'	N 39°08'21" E
L10	60.39'	N 58°17'34" E
L11	68.70'	N 61°29'01" E
L12	100.47'	N 70°26'23" E
L13	48.45'	N 79°46'59" E
L14	75.36'	N 82°20'07" E
L15	42.57'	S 82°58'42" E
L16	65.33'	N 80°41'19" E
L17	43.52'	S 83°15'56" E
L18	91.83'	N 80°37'38" E
L19	178.25'	S 77°29'59" E
L20	262.07'	S 56°21'19" E
L21	92.65'	S 56°57'14" E
L22	464.61'	S 67°28'43" E
L23	82.13'	S 71°32'33" E
L24	233.79'	S 81°23'55" E

TREE SCHEDULE

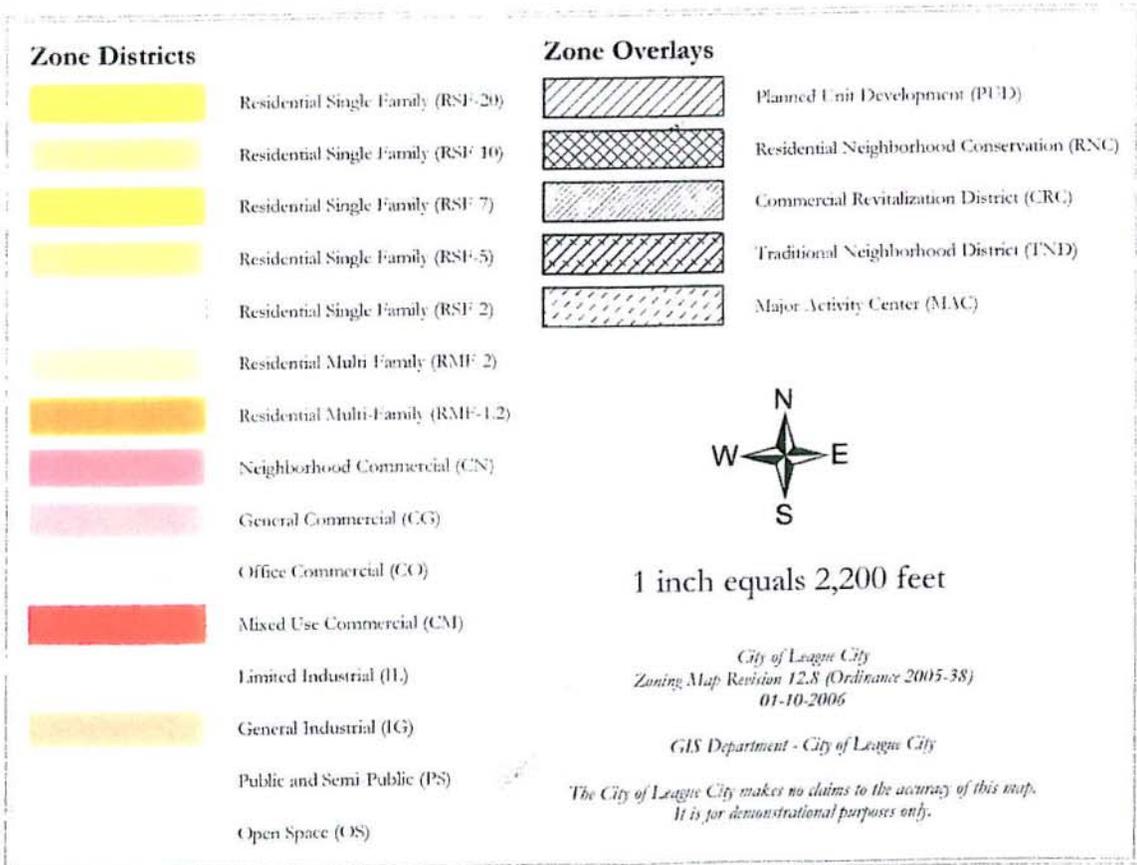
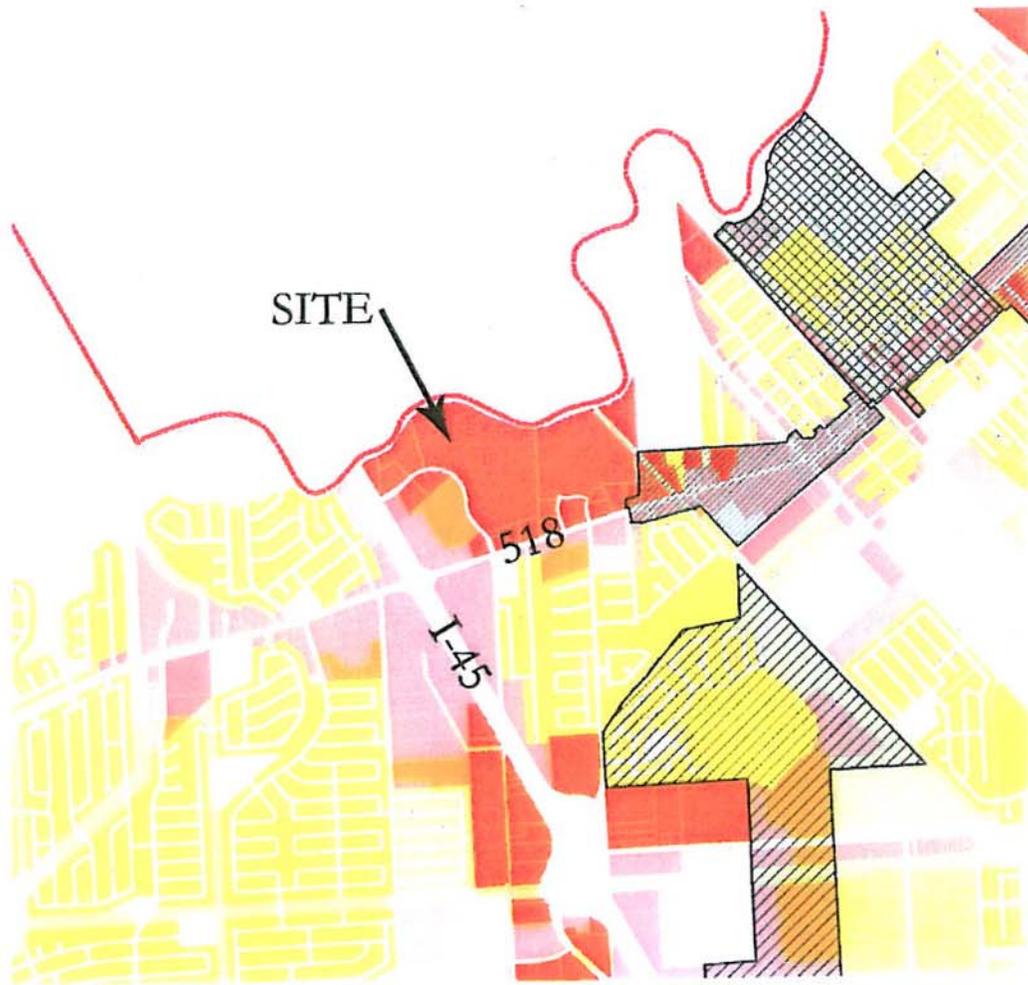
PINE
ELM
PECAN
OAK

CURVE	RADIUS	DELTA	ARC	TANGENT	BEARING	CHORD
C1	546.07'	04°09'15"	39.25'	19.84'	N 40°39'22" W	38.25'
C2	465.00'	39°43'20"	32.38'	167.17'	N 22°50'49" W	315.98'
C3	535.00'	132°42'04"	1239.10'	1221.69'	N 69°20'11" W	980.14'
C4	101.46'	175°11'5"	315.19'	158.88'	S 53°14'24" W	313.91'

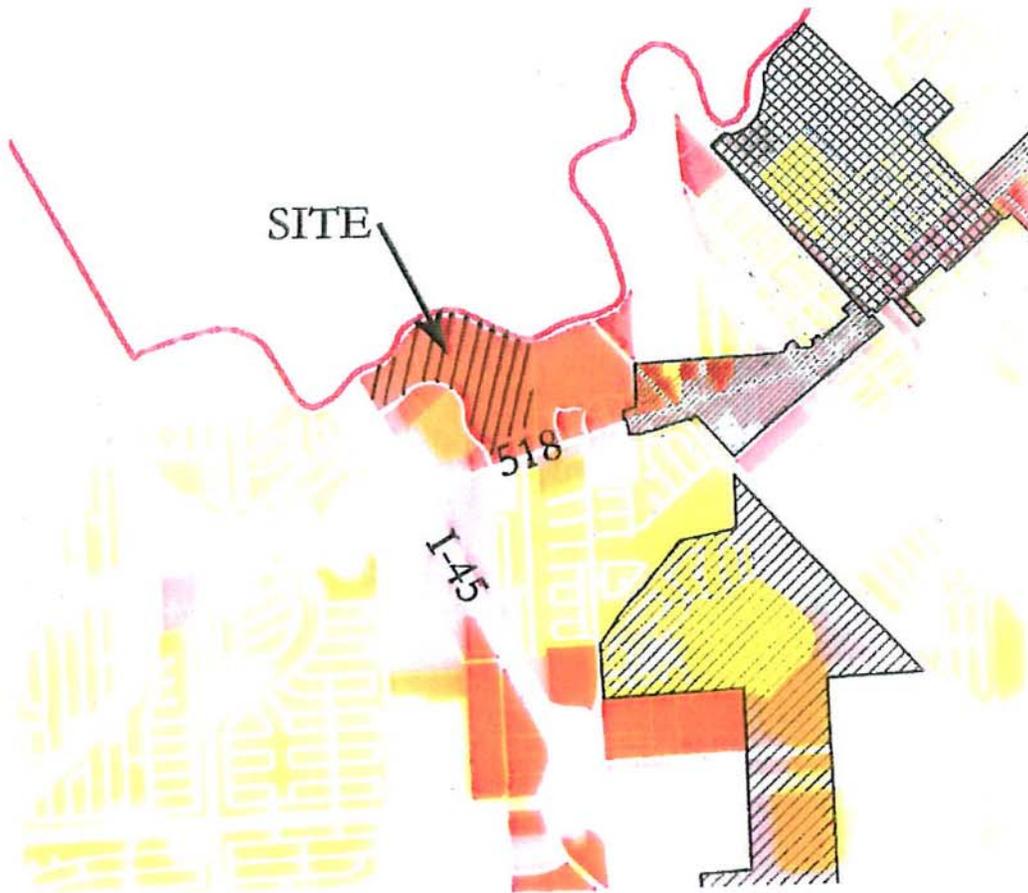
TREE NO.	TYPE	C.H.D.	TREE NO.	TYPE	C.H.D.
T-1	OAK	24"	T-50	PINE	23"
T-2	OAK	34"	T-51	PECAN	26"
T-3	OAK	36"	T-52	PECAN	24"
T-4	OAK	20"	T-53	PECAN	24"
T-5	OAK	34"	T-54	PECAN	24"
T-6	OAK	33"	T-55	PECAN	21"
T-7	OAK	24"	T-56	OAK	30"
T-8	ELM	24"	T-57	OAK	29"
T-9	OAK	38"	T-58	PECAN	25"
T-10	OAK	32"	T-59	PECAN	24"
T-11	OAK	30"	T-60	PECAN	24"
T-12	OAK	33"	T-61	PECAN	20"
T-13	OAK	20"	T-62	PECAN	20"
T-14	OAK	20"	T-63	PECAN	22"
T-15	OAK	20"	T-64	PECAN	20"
T-16	PECAN	22"	T-65	PECAN	22"
T-17	PECAN	18"	T-66	PECAN	20"
T-18	PECAN	20"	T-67	PECAN	21"
T-19	PECAN	18"	T-68	PECAN	26"
T-20	PECAN	22"	T-69	PECAN	30"
T-21	PECAN	18"	T-70	PECAN	18"
T-22	PECAN	18"	T-71	PECAN	17"
T-23	PECAN	18"	T-72	PECAN	17"
T-24	PECAN	28"	T-73	PECAN	17"
T-25	PECAN	38"	T-74	PECAN	24"
T-26	PECAN	43"	T-75	PECAN	24"
T-27	ELM	22"	T-76	PECAN	22"
T-28	ELM	22"	T-77	PECAN	20"
T-29	OAK	24"	T-78	PECAN	23"
T-30	OAK	35"	T-79	PECAN	30"
T-31	OAK	38"	T-80	PECAN	24"
T-32	ELM	20"	T-81	PECAN	24"
T-33	OAK	20"	T-82	PECAN	23"
T-34	OAK	20"	T-83	PECAN	23"
T-35	OAK	24"	T-84	PECAN	23"
T-36	OAK	24"	T-85	PECAN	24"
T-37	PINE	30"	T-86	PECAN	36"
T-38	OAK	30"	T-87	PECAN	27"
T-39	OAK	30"	T-88	PECAN	20"
T-40	OAK	33"	T-89	PECAN	29"
T-41	OAK	30"	T-90	PECAN	27"
T-42	OAK	33"	T-91	PECAN	22"
T-43	PECAN	18"	T-92	PECAN	22"
T-44	PECAN	19"	T-93	PECAN	30"
T-45	PECAN	20"	T-94	PECAN	23"
T-46	PINE	31"	T-95	PECAN	19"
T-47	OAK	24"	T-96	ELM	RND 15" CALL 19"
T-48	OAK	24"	T-97	PECAN	RND 19" CALL 20"
T-49	OAK	35"	T-98	PECAN	RND 17" CALL 20"
T-50	OAK	24"	T-99	OAK	RND 12" CALL 20"
T-51	OAK	24"	T-100	OAK	RND 12" CALL 20"

**PARTIAL TREE SURVEY  
RIVER MARKET  
DEPICTING PROTECTED TREES**  
MARCH 16, 2005

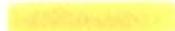
**GeoSurvey**  
Date L. Hardy  
Registered Professional  
Land Surveyors  
P.O. Box 246, League City, Texas 77574  
281-534-7739, 409-765-6030, Fax: 281-534-6928



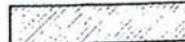
# PROPOSED ZONING



### Zone Districts

-  Residential Single Family (RSF-20)
-  Residential Single Family (RSF-10)
-  Residential Single Family (RSF-7)
-  Residential Single Family (RSF-5)
-  Residential Single Family (RSF-2)
-  Residential Multi Family (RMF-2)
-  Residential Multi-Family (RMF-1.2)
-  Neighborhood Commercial (CN)
-  General Commercial (CG)
-  Office Commercial (CO)
-  Mixed Use Commercial (CM)
-  Limited Industrial (IL)
-  General Industrial (IG)
-  Public and Semi Public (PS)
-  Open Space (OS)

### Zone Overlays

-  Planned Unit Development (PUD)
-  Residential Neighborhood Conservation (RNC)
-  Commercial Revitalization District (CRC)
-  Traditional Neighborhood District (TND)
-  Major Activity Center (MAC)

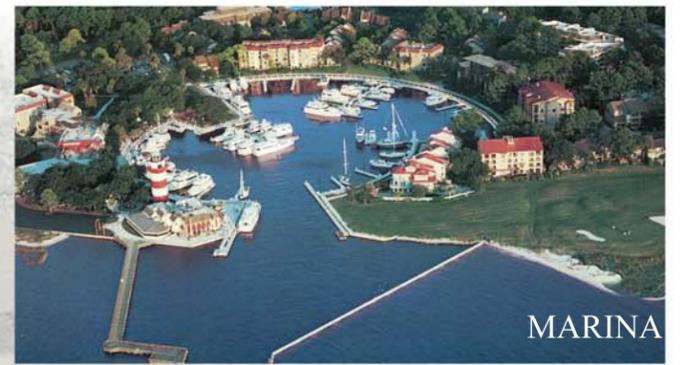
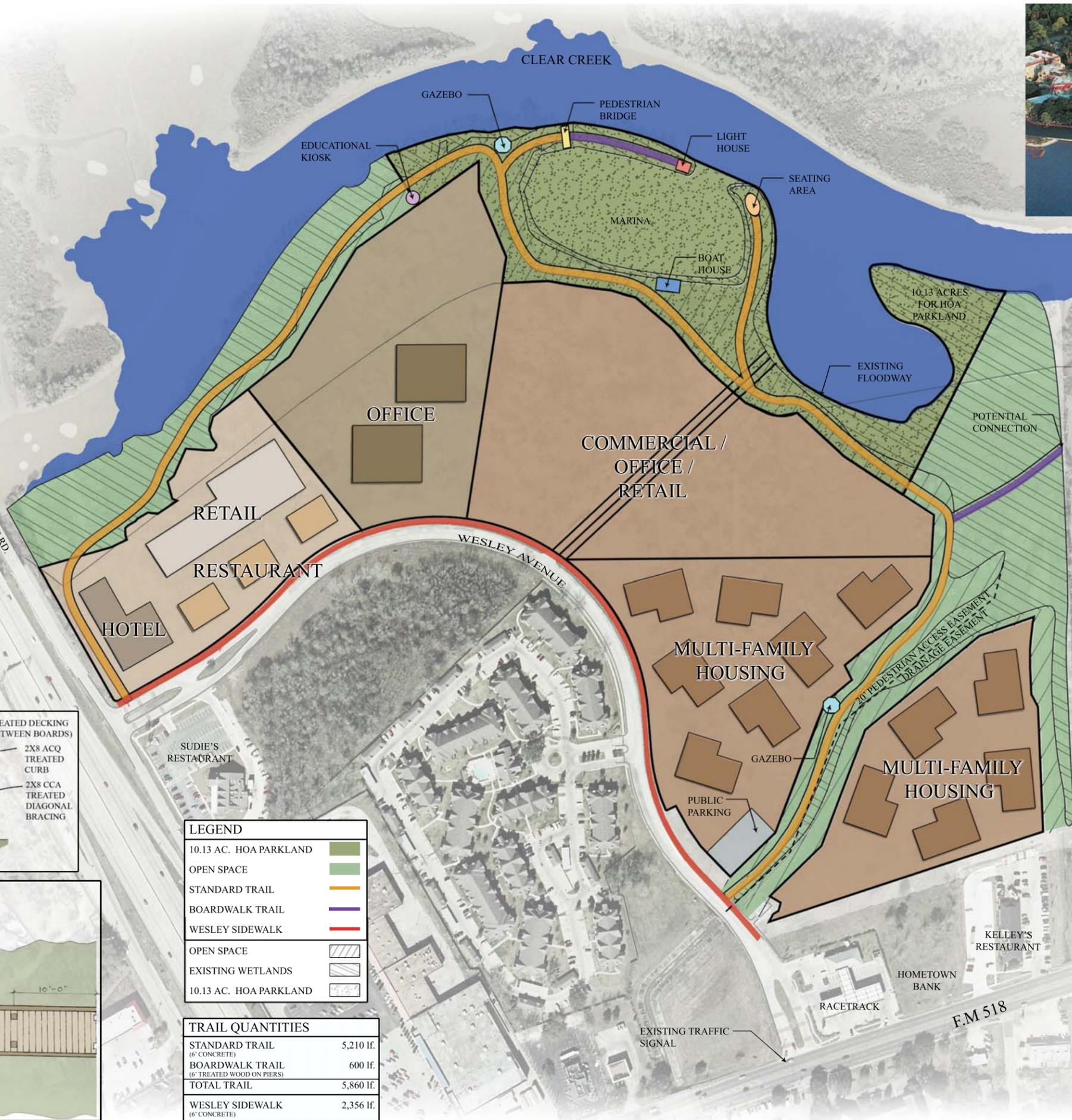
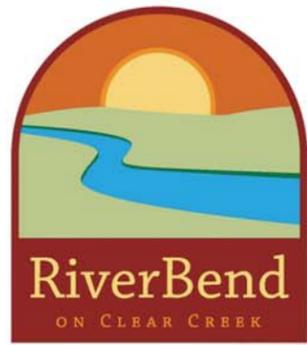


1 inch equals 2,200 feet

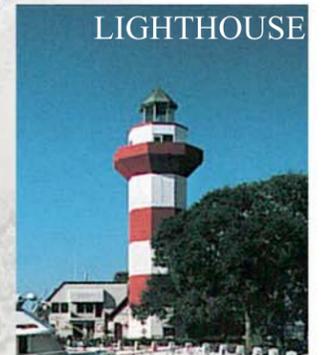
City of League City  
Zoning Map Revision 12.8 (Ordinance: 2005-38)  
01-10-2006

GIS Department - City of League City

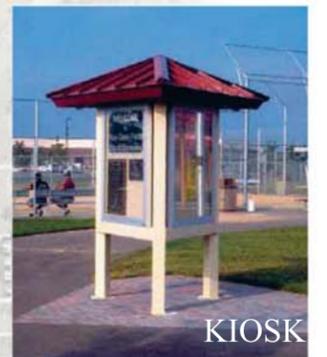
The City of League City makes no claims to the accuracy of this map.  
It is for demonstrational purposes only.



MARINA

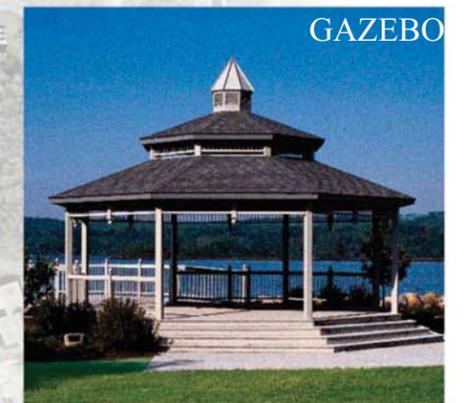


LIGHTHOUSE



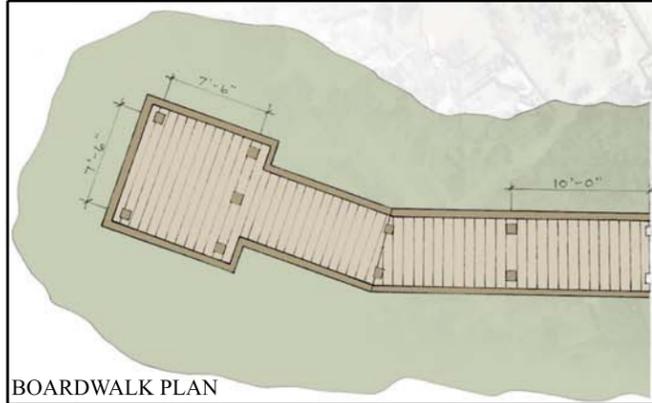
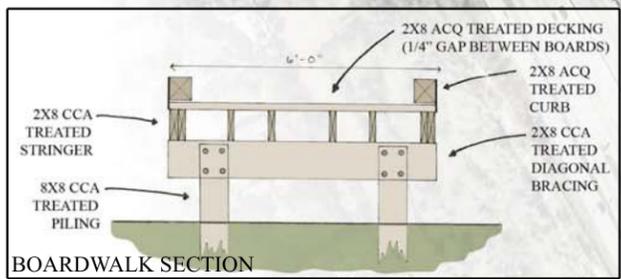
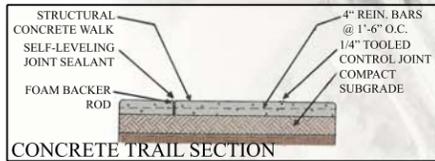
KIOSK

Source: www.poligon.com



GAZEBO

Source: www.poligon.com

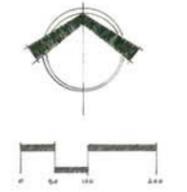


**LEGEND**

10.13 AC. HOA PARKLAND	
OPEN SPACE	
STANDARD TRAIL	
BOARDWALK TRAIL	
WESLEY SIDEWALK	
OPEN SPACE	
EXISTING WETLANDS	
10.13 AC. HOA PARKLAND	

**TRAIL QUANTITIES**

STANDARD TRAIL (6" CONCRETE)	5,210 LF.
BOARDWALK TRAIL (6" TREATED WOOD ON PIERS)	600 LF.
TOTAL TRAIL	5,860 LF.
WESLEY SIDEWALK (6" CONCRETE)	2,356 LF.





**River Bend on Clear Creek**

*Deerwood Development Group*

**Preliminary Area Calculations**

**Total Area per use**

Use							Total Square Footage
Office							350,000
Retail							50,000
Apartments							381,500
Restaurant							32,000
Hotel							100,000
Commercial / Office / Retail							12.33 AC
<b>Total</b>							<b>913,500</b>

**Total Surface Parking Calculations**

							Total Square Footage
							586,420
<b>Total</b>							<b>586,420</b>

NOTE: The office and commercial uses labeled as Tracts C and E on Exhibit C1 for which the square footage has not been determined will be consistent with the office and commercial uses labeled as Tracts A and B on Exhibit C1



**River Bend on Clear Creek**  
**Deerwood Development Group**

PEI JOB NO: 4102-01  
 DATE PRINTED: June 22, 2007  
 DATE LAST MODIFIED: June 22, 2007  
 DATE CHECKED:

BY: TLH  
 BY:

Building	Usage	Area (Sq Ft)	Rooms or Units	Service Unit Equivalency	ESFC
	Retail	50000		0.000223	11
	Office Above	50000		0.000335	17
	Restaurant	32000		0.006	192
	Hotel		142	0.251	36
	4 Story of MF		350	0.714	250
	Commercial / Retail / Office	7.76 AC		10 per AC	78
	Commercial / Retail / Office	4.57 AC		10 per AC	46
	Office Towers	300000		0.000335	101

Total ESFC: 729

\*Reference for Service Unit Equivalency: City of Houston Planning & Operations Support Division Discharge Criteria Sheet

\*Note: ESFC = Equivalent Single Family Connections

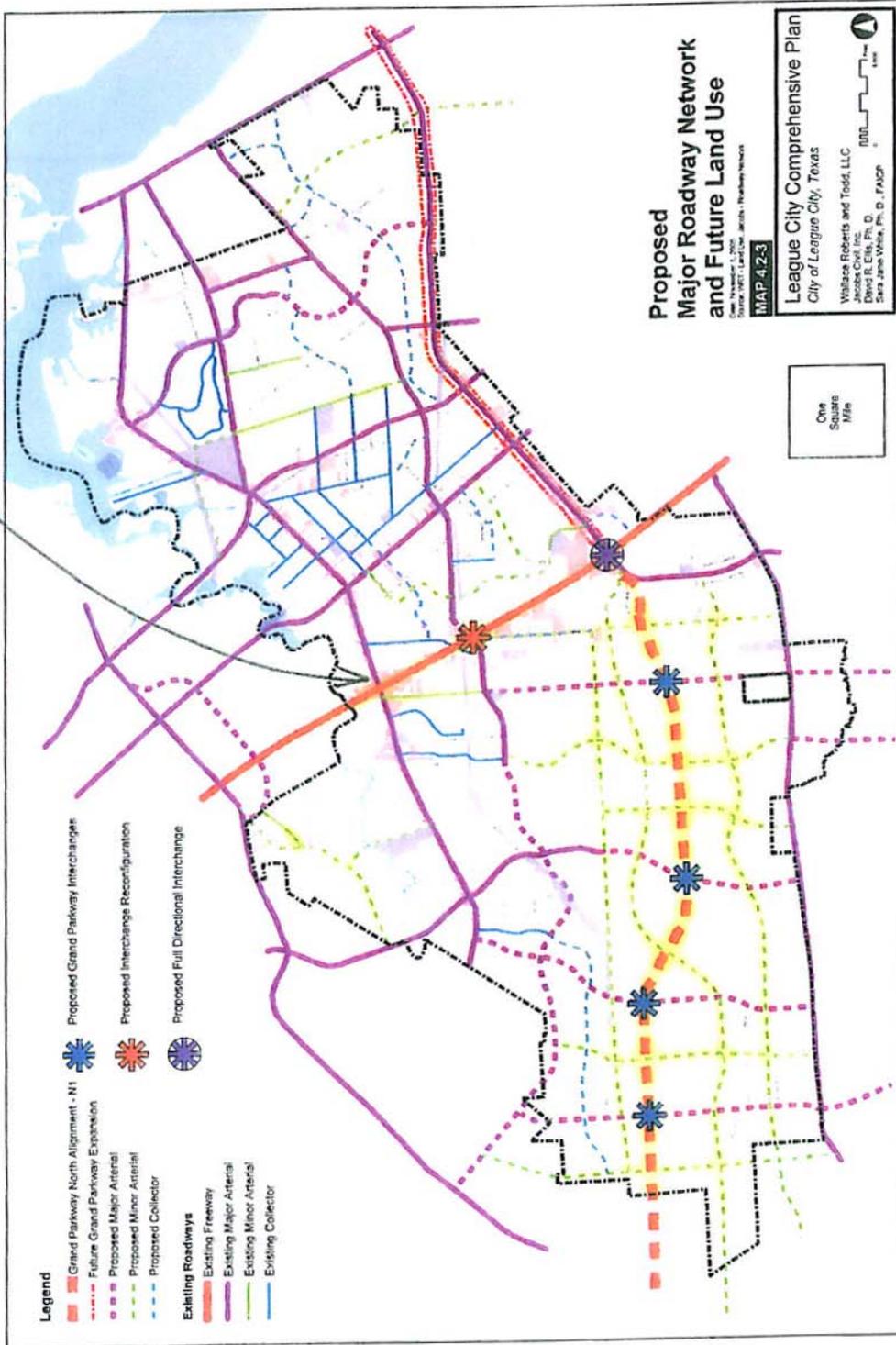
$$Q, \text{ gpd} = \text{Total ESFC} * 315 \text{ gdp/ESFC} = 229,711.23$$

$$Q_o, \text{ gpd} = 4 * Q = 918,844.92$$

NOTE: The office and commercial uses labeled as Tracts C and E on Exhibit C1 for which the square footage has not been determined will be consistent with the office and commercial uses labeled as Tracts A and B on Exhibit C1



PROJECT SITE




**U.S. Census Bureau**  
**American FactFinder**

## FACT SHEET

## League City city, Texas

## Census 2000 Demographic Profile Highlights:

General Characteristics - show more >>	Number	Percent	U.S.		
Total population	45,444			map	brief
Male	22,610	49.8	49.1%	map	brief
Female	22,834	50.2	50.9%	map	brief
Median age (years)	34.4	(X)	35.3	map	brief
Under 5 years	3,685	8.1	6.8%	map	
18 years and over	32,064	70.6	74.3%		
65 years and over	2,682	5.9	12.4%	map	brief
One race	44,516	98.0	97.6%		
White	38,170	84.0	75.1%	map	brief
Black or African American	2,311	5.1	12.3%	map	brief
American Indian and Alaska Native	168	0.4	0.9%	map	brief
Asian	1,439	3.2	3.6%	map	brief
Native Hawaiian and Other Pacific Islander	24	0.1	0.1%	map	brief
Some other race	2,404	5.3	5.5%	map	
Two or more races	928	2.0	2.4%	map	brief
Hispanic or Latino (of any race)	6,130	13.5	12.5%	map	brief
Household population	45,054	99.1	97.2%	map	brief
Group quarters population	390	0.9	2.8%	map	
Average household size	2.78	(X)	2.59	map	brief
Average family size	3.19	(X)	3.14	map	
Total housing units	17,280			map	
Occupied housing units	16,189	93.7	91.0%		brief
Owner-occupied housing units	12,466	77.0	66.2%	map	
Renter-occupied housing units	3,723	23.0	33.8%	map	brief
Vacant housing units	1,091	6.3	9.0%	map	
<b>Social Characteristics - show more &gt;&gt;</b>	<b>Number</b>	<b>Percent</b>	<b>U.S.</b>		
Population 25 years and over	29,095				
High school graduate or higher	26,438	90.9	80.4%	map	brief
Bachelor's degree or higher	10,329	35.5	24.4%	map	
Civilian veterans (civilian population 18 years and over)	4,024	12.6	12.7%	map	brief
Disability status (population 5 years and over)	5,172	12.6	19.3%	map	brief
Foreign born	4,035	8.9	11.1%	map	brief
Male, Now married, except separated (population 15 years and over)	11,340	66.9	56.7%		brief
Female, Now married, except separated (population 15 years and over)	11,354	66.2	52.1%		brief
Speak a language other than English at home (population 5 years and over)	6,536	15.7	17.9%	map	brief
<b>Economic Characteristics - show more &gt;&gt;</b>	<b>Number</b>	<b>Percent</b>	<b>U.S.</b>		
In labor force (population 16 years and over)	24,538	73.5	63.9%		brief
Mean travel time to work in minutes (workers 16 years and over)	28.7	(X)	25.5	map	brief
Median household income in 1999 (dollars)	67,838	(X)	41,994	map	
Median family income in 1999 (dollars)	72,760	(X)	50,046	map	
Per capita income in 1999 (dollars)	27,170	(X)	21,587	map	
Families below poverty level	445	3.6	9.2%	map	brief
Individuals below poverty level	2,142	4.8	12.4%	map	
<b>Housing Characteristics - show more &gt;&gt;</b>	<b>Number</b>	<b>Percent</b>	<b>U.S.</b>		
Single-family owner-occupied homes	11,704				brief

"J"

Median value (dollars)	112,000	(X)	119,600	map	brief
Median of selected monthly owner costs	(X)	(X)			brief
With a mortgage (dollars)	1,239	(X)	1,088	map	
Not mortgaged (dollars)	464	(X)	295		

(X) Not applicable.

Source: U.S. Census Bureau, Summary File 1 (SF 1) and Summary File 3 (SF 3)

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ATTACHMENT "K" - Architectural Illustrations / Proposed Possible Image Elevations

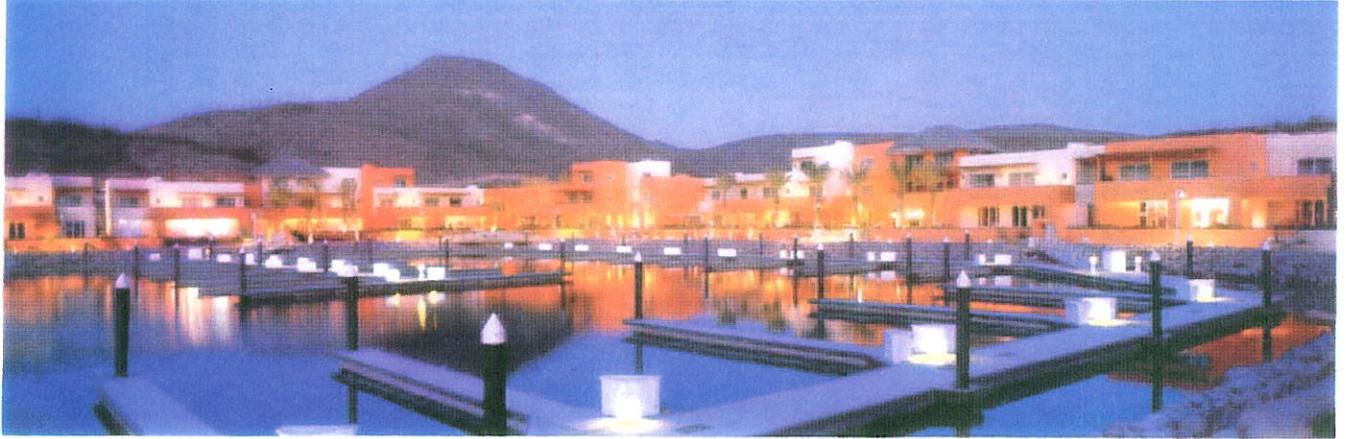


Figure 1: Marina with Multi-Family in the Background



Figure 2: Mixed-Use - Retail on First Floor and Office on Upper Floor



Figure 3: Hotel



Figure 4: Marina

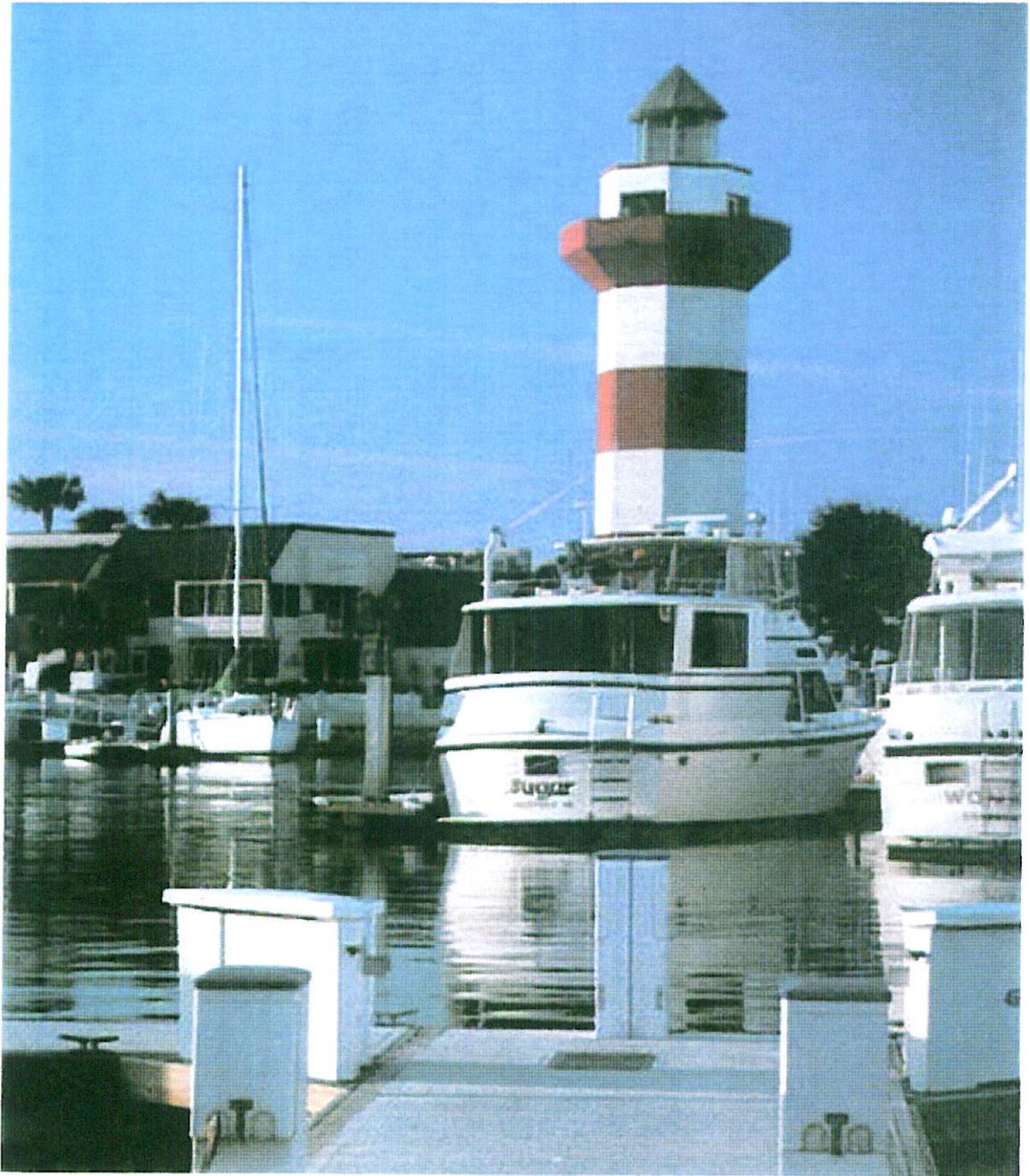


Figure 5: Marina with Lighthouse



Figure 6: Office Building

## **Sec. 125-47 Variance**

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### **Sections:**

- 125-20.A. General
- 125-20.B. Application Required
- 125-20.C. Fee Required
- 125-20.D. Notice

### **Sec. 125-47.A. General**

The Zoning Board of Adjustment (the Board) is authorized to permit variances from the regulations of this Zoning Ordinance in accordance with Section 125-22. The Board shall have the authority to grant upon such terms and conditions as it deems necessary.

Variance requests for all sections of this Zoning Ordinance are the responsibility of the applicant. Approval of a site development plan that deviates from the requirements of this Zoning Ordinance shall be void unless a variance has been specifically requested and approved in accordance with this Ordinance.

When an applicant shows that a provision of the regulations would cause practical difficulties, unnecessary hardship, or results are inconsistent with the general purpose of this Ordinance if strictly adhered to, and a departure may be made without destroying the intent of the regulations, the Board may, at its sole discretion, authorize a variance that would be in harmony with the general purpose and intent of this Ordinance. Such departure shall not be construed to be a change in this Ordinance. However, the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done as follows:

1. Permit such modification of the height area and yard requirements as may be necessary to secure an appropriate improvement on a lot;
2. Permit the addition or enlargement of a non-conforming building, provided that such work complies with all height and area regulations of the zone in which it is located, and that the total aggregate floor area of such work does not exceed 50 percent of the floor area of the non-conforming building;
3. Permit the extension of an existing or proposed conforming use into an adjoining more restricted zone;
4. Permit the modification of the conditions under which specific uses are allowed in certain zones;
5. Permit the modification of the automobile parking or loading requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of this Ordinance; and

6. Permit the repair of an existing non-conforming building as long as the value of the repairs do not exceed 50 percent of the appraised tax value.

The following adjustments must be present in order for the Board to grant a variance:

1. Such variance will not be contrary to public interest.
2. Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located
3. Such variance will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district.
4. Such variance will not alter the essential character of the district in which it is located or the property for which the variance is sought.
5. Such variance will be in harmony with the spirit and purposes of this Ordinance.
6. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to, or the result of, general conditions in the district in which the property is located.
7. The variance will not substantially weaken the general purposes of this Ordinance or the regulations herein established for the specific district.
8. The variance will not adversely affect the health, safety, and welfare of the public.

#### **Sec. 125-47.B. Application Required**

An application for a variance from the regulations of this Ordinance shall be filed with the Planning Department's established rules of procedure. An application may be filed by owner of the property or an authorized agent, or by the City Planner or designee.

#### **Sec. 125-47.C. Fee Required**

The appropriate filing fee shall accompany every application. No fee shall be charged for requests filed by the City Planner or designee.

#### **Sec. 125-47.D. Notice**

After receiving a proper application, the City Planner or designee will schedule a public hearing on the variance before the Board. At least 10 days prior to the hearing, written notice shall be sent to owners of real property lying within 500 feet of the property of which the variance is sought. Such notices shall be given in the same manner notice is given for a rezoning application.

## Sec. 125-48 Reserved

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## Sec. 125-49 Text or Map Amendment (Rezoning)

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### Sections:

- 125-49.A. Application Required
- 125-49.B. Fee Required
- 125-49.C. Notice
- 125-49.D. Criteria for Considering Text or Map Amendments (Rezoning)
- 125-49.E. Planning and Zoning Commission Hearing and Recommendation
- 125-49.F. City Council Hearing and Action
- 125-49.G. Appeal
- 125-49.H. Limitation on Reapplication
- 125-49.I. Joint Hearings

### Sec. 125-49.A. Application Required

Any proposal to amend, supplement or change the regulations or restrictions of this Ordinance, or the boundaries of the zoning districts, shall be filed with the Planning and Zoning Commission, in accordance with the Planning Department's established rules of procedure. An application may be filed by the owner of property or his authorized agent, or by the City Planner or designee. All applications shall include such submittal requirements as a statement of the reason(s) why the amendment (rezoning) is being requested, the legal description of the property including a copy of a plat or a survey, and other information or documentation necessary to process the application as required by the City Planner or designee, Planning and Zoning Commission, or the City Council.

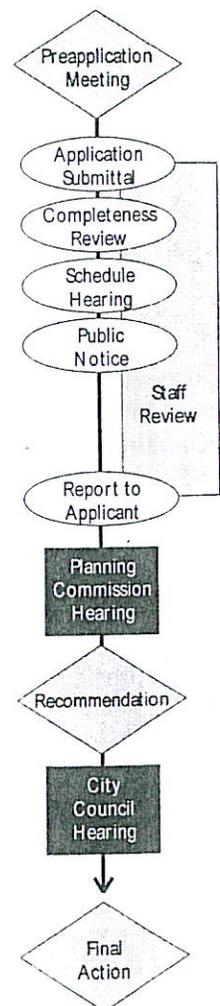
### Sec. 125-49.B. Fee Required

Applications shall be accompanied by the appropriate filing fee. No fee shall be charged for proposals filed by the City Planner or designee.

### Sec. 125-49.C. Notice

The City Council may from time to time amend, supplement or change, by ordinance, the regulations, restrictions or boundaries of such districts herein or subsequently established. A public hearing shall be held by the City Council before adopting any proposed amendment, supplement or change.

1. **Written Notice.** Written notice of all public hearings before the Planning and Zoning Commission and City Council on proposed changes in zoning classification shall be



sent to owners of real property lying within 500 feet of the property upon which the change in classification is proposed. Notice to be given not less than 10 days before the date set for hearing to all such owners who appear on the last approved City Tax Roll. Such notice may be served by depositing the notice, properly addressed and postage paid, in the United States Mail. When property lying within 500 feet of the property proposed to be changed is located in territory which was annexed to the City after the final date for making the renditions which are included on the last approved City Tax Roll, at least 15 days notice of the time and place of the public hearing shall be published in an official newspaper or a paper of general circulation in the City.

2. **Posted Notice. (Signs)**

- a. The City Planner or designee shall direct the erection of at least 1 sign upon each property proposed to be rezoned. Where possible, such sign or signs shall be located in a conspicuous place or places upon such property at a point or points nearest any right-of-way, street, roadway or public thoroughfare adjacent to such property. The City shall be responsible for making, installing and removing such signs, the costs for which shall be included as part of the fees the City assesses to applicants persons for rezoning requests.
- b. Such sign or signs shall be so erected not less than 10 days before the date set for public hearing before the Planning and Zoning Commission. Any such sign or signs shall be removed subsequent to the occurrence of either final action by the City Council or withdrawal of the application for amendment.
- c. Such sign or signs shall substantially indicate that a zoning amendment is proposed and shall further set forth that additional information can be acquired by telephoning the number indicated thereon.
- d. Such erection and/or the continued maintenance of any such sign or signs shall not be deemed a condition precedent to the holding of any public hearing, to the recommendation concerning or adoption of any proposed zoning amendment or to any other official action concerning any such amendment.

3. **Published Notice.** Notice of a public hearing before the City Council shall be given by publication one time in the official newspaper or a paper of general circulation in the municipality at least 15 days before the time of the hearing.

**Sec. 125-49.D. Criteria for Considering Text or Map Amendments (Rezoning)**

The Planning and Zoning Commission shall use, but not be limited to, the following criteria as reference in support of their recommendation for approval or denial:

1. Conformance of the proposed zoning and use with the City's Comprehensive Plan and other City policies;

2. The character of the surrounding area;
3. The zoning and use of nearby properties, and the extent to which the proposed zoning and use would be compatible;
4. The suitability of the property for the uses permitted by right in the proposed zoning district;
5. The extent to which approval of the application would detrimentally affect nearby properties;
6. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the street network or present parking problems in the vicinity of the property;
7. The extent to which approval of the application would harm the value of nearby properties;
8. The gain to public health, safety, and welfare due to denial of the application as compared to the hardship imposed upon the owner as a result of denial of the application; and
9. That there are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood.

#### **Sec. 125-49.E. Planning and Zoning Commission Hearing and Recommendation**

The Planning and Zoning Commission shall hold public hearings on all properly filed proposals. After closing of the public hearing on a proposal, the Planning and Zoning Commission shall transmit to the City Council its recommendation on said proposal.

#### **Sec. 125-49.F. City Council Hearing and Action**

1. ***Proposal Recommended for Approval.*** Every proposal to amend a zoning boundary which is recommended favorably by the Planning and Zoning Commission and every proposed amendment to the regulations of this Ordinance shall be forwarded to the City Council for setting and holding of a public hearing thereon. No change, however, shall become effective until after the adoption of an ordinance for same and its publication as required by law.
2. ***Proposal Recommended for Denial.*** When the Planning and Zoning Commission determines that a proposal to amend a zoning boundary should be denied, it shall so report to the City Council. After receiving the final report from the Planning and Zoning Commission, the City Council may approve the proposal or deny the proposal, with or without prejudice as to re-filing, and that decision shall be final

unless an appeal is filed with the City Secretary's Office within 12 days following City Council action.

### **Sec. 125-49.G. Appeal**

1. **Written Allegation Required.** An appeal from the decision of the Planning and Zoning Commission may be taken by any person who is aggrieved by the action of the Planning and Zoning Commission on a specific proposal. The appeal shall be reduced to writing, showing that:

- a. The Planning and Zoning Commission was prejudiced in its deliberation;
- b. New information is available which was not considered by the Planning and Zoning Commission;
- c. The Planning and Zoning Commission committed some error in its deliberation; or
- d. For other reasons, the requested change should be granted.

The Secretary shall forward the appeal to the City Council with the regular report of Planning and Zoning Commission action on the subject proposal.

2. **City Council Action.** Upon receipt of written appeal, the City Council may:

- a. Refer the original proposal and appeal to the Planning and Zoning Commission for a new hearing and a report and recommendation;
- b. Schedule its own hearing on the proposal;
- c. Deny the appeal in its entirety; or
- d. Deny the application without prejudice as to re-filing upon showing that unnecessary hardship will otherwise result and that the intent and spirit of the Ordinance will be observed.

### **Sec. 125-49.H. Limitation On Reapplication**

When a proposal is denied by the City Council or when the applicant has withdrawn the proposal after the giving of public notice, no new applications of like nature shall be accepted by the City or scheduled for a hearing by the Planning and Zoning Commission within a period of 12 months of the date of denial or withdrawal unless the proposal is denied without prejudice; provided, however, on receipt of written request by the original applicant describing substantially changed conditions in the community since prior consideration of his proposal so as to justify an earlier review of this matter, the City Council may waive the mandatory delay period and authorize the acceptance of a new application.

**Sec. 125-49.I. Joint Hearings**

In conformance with the Local Government Code, the City Council may hold a joint public hearing with the Planning and Zoning Commission on a request for a change in zoning classification. In case of a joint hearing, The City Council must not act on the request until it receives the report from the Planning and Zoning Commission.

# Article III – Zoning Regulations

## Division 1. Applicability

### **Sec. 125-60 Zoning Districts and Mapping**

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#### Sections:

- 125-60.A. Purposes
- 125-60.B. Establishment of Base Zoning Districts
- 125-60.C. Establishment of Overlay Zoning Districts
- 125-60.D. Zoning District Map
- 125-60.E. Interpretation of Zoning District Boundaries
- 125-60.F. Zoning Upon Annexation

*This section establishes the based and overlay zoning districts for this Article and outlines the rules for interpreting zoning district boundaries shown on the Official Zoning Map.*

#### **Sec. 125-60.A. Purposes**

The purpose of this Section is to establish base and overlay zoning districts for the City of League City. These zoning districts are intended to:

- Regulate and manage the location and use of buildings and land for residence, commerce and trade, industry, transportation, communications and utilities, and other purposes;
- Regulate and manage the location, height and size of buildings and structures hereafter erected or structurally altered, the size of yards, setbacks, and other open spaces, and the density of population; and
- Establish site development and design standards, subdivision standards, and requirements for adequate public facilities and services.

Specific provisions related to the base and overlay districts are included in Division 2 and Division 3 of this Article, respectively.

#### **Sec. 125-60.B. Establishment of Base Zoning Districts**

For the purposes of this Ordinance, the City of League City is hereby divided into 15 base zoning districts. Base zoning districts and Section references are shown in Schedule 125-60.B below.

**Schedule 125-60.B: Establishment of Base Zoning Districts**

<i>Base Zoning Districts and Section Reference</i>	<i>Base District Name</i>
125-70 Residential Single Family Districts	Residential Single Family 20 (RSF-20) Residential Single Family 10 (RSF-10) Residential Single Family 7 (RSF-7) Residential Single Family 5 (RSF-5) Residential Single Family 2 (RSF-2)
125-71 Residential Multi-Family Districts	Residential Multi-Family 2 (RMF-2) Residential Multi-Family 2 (RMF-1.2)
125-72 Commercial and Mixed Use Districts	Neighborhood Commercial (CN) General Commercial (CG) Commercial Office (CO) Commercial Mixed Use (CM)
125-73 Industrial Districts	Limited Industrial (IL) General Industrial (IG)
125-74 Public and Semi-Public District	Public and Semi-Public (PS)
125-75 Open Space District	Open Space (OS)

**Sec. 125-60.C. Establishment of Overlay Zoning Districts**

For the purposes of this Ordinance, overlay zones may be applied to the base zoning districts established in Section 125-60.B above. Overlay zoning districts and Section references are shown in Schedule 125-60.C below.

**Schedule 125-60.C: Establishment of Overlay Zoning Districts**

<i>Overlay Zoning Districts and Section Reference</i>	<i>Overlay District Name</i>
125-80 Planned Unit Development Overlay District	Planned Unit Development (-PUD)
125-81 Residential Neighborhood Conservation Overlay District	Residential Neighborhood Conservation (-RNC)
125-82 Commercial Revitalization Overlay District	Commercial Revitalization (-CRC)
125-83 Traditional Neighborhood Development Overlay District	Traditional Neighborhood Development (-TND)
125-84 Major Activity Center Overlay District	Major Activity Center (-MAC)

**Sec. 125-60.D. Zoning District Map**

The boundaries of these base and overlay zoning districts are hereby established as shown on the Official Zoning Map, which accompanies and is made part of this Zoning Ordinance. The City Planner or designee shall be responsible for custody of the Official Zoning Map and shall promptly make any changes approved by the City Council. The provisions of an ordinance establishing a district, amending a district classification, or amending a district boundary shall control over any conflicting information shown on the Official Zoning Map. The Official Zoning Map, together with all notations, references, and other

information shown thereon and all amendments thereto, shall be as much a part of this Ordinance as if fully set forth and described herein. The Official Zoning Map, properly attested, is on file in the office of the City Planner or designee and is fully accessible to the public during normal business hours.

### **Sec. 125-60.E. Interpretation of Zoning District Boundaries**

Where uncertainty exists with respect to the boundaries of the various zoning districts as shown on the Official Zoning Map accompanying and made a part of this Zoning Ordinance, the following rules shall apply:

1. In cases where a zoning district boundary line is given a position adjoining, coincident with, or within a street or alley or non-navigable stream, it shall be deemed to be in the center of the street, alley or stream, and if the actual location of such street, alley or stream varies slightly from the location as shown on the district map, then the actual location shall control.
2. In cases where a zoning district boundary line is shown as being located a specific distance from a street line or other physical feature, this distance shall control.
3. In cases where a zoning district boundary line is shown adjoining or coincident with a railroad, it shall be deemed to be in the center of the railroad right-of-way and distances measured from a railroad shall be measured from the center of the designated mainline track.
4. Where the zoning district boundary lines are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the zoning district boundaries shall be considered to be the lot lines, and where the zoning districts designated on the Official Zoning Map are bounded approximately by lot lines, said lot lines shall be considered to be the boundary of such zoning districts unless said boundaries are otherwise indicated on the Map or by ordinance.
5. In unsubdivided property, unless otherwise indicated, the zoning district boundary line on the Official Zoning Map shall be determined by the use of the scale contained on such map.
6. Zoning district boundary lines indicated as approximately following City Limits shall be considered to follow the City Limits.
7. All water areas within the City Limits are considered to be within a zoning district and controlled by applicable district regulations. Zoning district boundary lines over water areas are located by noted and scaled dimensions, by relation to physical features, by coincidence with the City Limit line, or by a straight line projection of the centerlines of streets as indicated on the district maps. Straight line district boundaries over water areas shall be assumed to continue as straight line until they intersect with each other or with the City Limit line.

8. Zoning district boundary lines indicated as following shorelines shall be considered to follow such shorelines, and in the event of change in the shoreline, shall be considered as moving with the actual shoreline.
9. Where existing physical or natural features contradict those shown on the Official Zoning Map, or if case any other uncertainty exists, the location of zoning district boundaries shall be determined by the City Planner or designee in accordance with the provisions in Section 125-41 of this Zoning Ordinance.
10. The City Planner shall keep a record of interpretations made pursuant to this Section that will be available to the public. When an interpretation relates to the Official Zoning Map, a record of measures taken to correct the placement of the zoning district boundary line on the map in order to remove permanently any ambiguity also shall be included in the record of interpretations.

**Sec. 125-60.F. Zoning Upon Annexation**

Any new addition and annexation of land to the City of League City shall be zoned "RSF-7", unless otherwise classified by the Planning and Zoning Commission and City Council at the time of annexation. The rezoning of annexed lands shall follow the procedures and requirements for the rezoning of other lands within the City as set forth in Section 125-49 of this Zoning Ordinance.

## **Sec. 125-72      Commercial and Mixed Use Districts**

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### **Sections:**

- 125-72.A.      Purposes
- 125-72.B.      Land Use Regulations
- 125-72.C.      Development Regulations
- 125-72.D.      Review of Plans

*This section establishes regulations for four commercial and mixed use district types: Neighborhood Commercial (CN), General Commercial (CG), Commercial Office (CO), and Commercial Mixed Use (CM).*

### **Sec. 125-72.A.      Purposes**

The specific purposes of the *C Commercial and Mixed Use Districts* are to create, maintain, and enhance commercial and mixed use areas that serve as local activity centers for surrounding neighborhoods as well as regional centers serving city and area residents. Commercial and mixed use areas are typically located on or near the City's major arterial roads and represent a range of development scales and intensities that may include residential uses where appropriate. Four *C Commercial and Mixed Use Districts* are established:

- ***CN Neighborhood Commercial.*** This district is intended to provide for areas of smaller-scaled and pedestrian-oriented neighborhood-serving commercial and mixed use development (typically with floorplates of less than 10,000 square feet) that includes retail, services, office, eating and drinking, housing, smaller-scaled public uses, etc.
- ***CG General Commercial.*** This district reflects existing and future areas of larger-scaled pedestrian- and auto-oriented commercial development (typically with floorplates of more than 10,000 square feet) located on the City's major arterial roads and include a wide variety of community-serving uses that include retail, services, office, auto-related businesses, eating and drinking, recreation and entertainment, public and semi-public uses, etc. Residential uses are not permitted in this district.
- ***CO Commercial Office.*** This district is intended to provide for areas of large-scale integrated professional office development of quality design in a landscaped setting serving high technology, research and development, and light industrial uses. Secondary support uses—such as business services and institutional uses—serving the development are encouraged. Development in this district will typically occur under a unified plan.
- ***CM Commercial Mixed Use.*** This district is intended to provide for areas of large-scale pedestrian- and auto-oriented region-serving mixed use development that includes a mix of retail formats (both large and small), office and business services, commercial lodging, office-oriented research and development, recreation and entertainment, etc. Multi-family residential uses are permitted in this district. Development in this district will occur under a unified master plan.

**Sec. 125-72.B. Land Use Regulations**

Schedule 125-72.B below prescribes the land use regulations for *C Commercial and Mixed Use Districts*. The regulations for each district are established by letter designations as follows:

"P" designates permitted use classifications.

"L" designates use classifications that are permitted, subject to certain limitations prescribed by the additional use regulations in Article IV, Division 1: Standards for Specific Uses. Number designations refer to the specific limitations listed at the end of Schedule 125-72.B.

"S" designates use classifications permitted after review and approval of a Special Use Permit by the City Council. These uses are also subject to certain limitations in Article IV, Division 1: Standards for Specific Uses.

Use classifications are defined in Article V, Division I: Use Classifications. In cases where a specific land use or activity is not defined, the City Planner or designee shall assign the land use or activity to a classification that is substantially similar in character. Use classifications not listed in the Schedule below are prohibited.

**Schedule 125-72.B: Use Regulations – Commercial and Mixed Use Districts**

<i>Use Classifications</i>	<i>CN</i>	<i>CG</i>	<i>CO</i>	<i>CM</i>	<i>Additional Regulations</i>
<b><i>Residential</i></b>					
Residential Dwellings					Refer to Section 125-90.B.
<i>Multi-Family Residential</i>	L1	—	—	L1	
<i>Single-Family Residential</i>	L1	—	—	—	
<i>Caretaker Unit</i>	—	L2	—	—	
<b><i>Residential Care Facilities</i></b>					
<i>Small Residential Care Facilities</i>	P	—	—	P	
<i>Residential Care Rooming Facilities</i>	P	—	—	P	
<i>Residential Care Apartment Facilities</i>	P	—	—	P	
<b><i>Public and Semipublic</i></b>					
Clubs or Lodges	P	P	S	P	
Colleges, Public or Private	S	P	P	P	
Cultural Institutions	P	P	P	P	
Day Care	P	P	P	P	
Educational Research and Development	—	P	P	P	
<b><i>Government Offices and Facilities</i></b>					
<i>Large-Scale</i>	—	P	P	P	

**Schedule 125-72.B: Use Regulations – Commercial and Mixed Use Districts**

<i>Use Classifications</i>	<i>CN</i>	<i>CG</i>	<i>CO</i>	<i>CM</i>	<i>Additional Regulations</i>
<i>Small-Scale</i>	P	P	P	P	
Hospitals	S	P	P	P	
Parks and Recreation	P	P	P	P	
Public Maintenance Facilities	—	S	—	—	Refer to Section 125-90.D.
Public Safety Facilities	P	P	P	P	
Religious Assembly	L11	P	P	P	Accessory uses permitted w/ SUP
Schools, Public or Private	P	P	P	P	
<b><i>Commercial</i></b>					
Alcoholic Beverage Sales	S, L12	L12	—	S, L12	
Ambulance Services	—	P	P	P	
Animal Sales and Services	S	P	—	S	
Automobile/Vehicle/Equipment Sales and Services					
<i>Automobile/Vehicle/Equipment Sales and Rental</i>	—	P	—	S	
<i>Automobile Rentals</i>	L3, L4	P	L3, L4	P	
<i>Car Wash</i>	—	P	L3	P	
<i>Gas and Service Stations</i>	—	P	—	S	
<i>Light Vehicle Service</i>	—	P	—	S	
<i>Auto Repair and Other Heavy Vehicle Service</i>	—	S	—	—	
Banks and Other Financial Institutions	L5	P	L3	P	Refer to Section 125-90.A.
Bed and Breakfast Establishment	P	P	—	P	
Building Materials Sales and Services	—	P	—	P	Refer to Section 125-90.D.
Business Services	P	P	P	P	
Catering Business	S	P	P	P	
Convention Center	—	P	P	P	
Eating and Drinking Establishments					
<i>Full Service</i>	P	P	L3	P	
<i>Limited Service</i>	P	P	L3	P	
<i>With Drive-Through Facilities</i>	—	P	—	P	Refer to Section 125-90.A.
<i>With Live Entertainment</i>	S	P	—	S	
<i>With Outdoor Seating</i>	L6	L6	L3	L4	
Food and Beverage Sales	P	P	L3	P	

**Schedule 125-72.B: Use Regulations – Commercial and Mixed Use Districts**

<i>Use Classifications</i>	<i>CN</i>	<i>CG</i>	<i>CO</i>	<i>CM</i>	<i>Additional Regulations</i>
Home Improvement Sales and Services	P	P	—	P	Refer to Section 125-90.C.
Hotels and Commercial Lodging	S	P	S	P	
Laboratory, Commercial	S	P	P	P	
Maintenance and Repair Services	P	P	P	P	
Massage Establishments and Massage Services	P	P	P	P	
Nurseries and Garden Supply Stores	P	P	—	P	Refer to Section 125-90.C.
Offices	P	P	P	P	
Parking Facilities	S	P	P	P	
Pawn Shops	—	L7	—	S	
Personal Instructional Services	P	P	—	P	
Personal Services	P	P	L3	P	
Recreation and Entertainment					
<i>Large-Scale</i>	—	P	L8	L9	Refer to Section 125-90.E.
<i>Small-Scale</i>	S	P	—	P	
Retail Sales	P	P	L3	P	Refer to Section 125-90.C.
Self Storage	—	P	—	P	Refer to Section 125-90.D.
Temporary Sales	S	S	S	S	
Undertaking, Funeral and Interment Services	S	P	—	P	
<b><i>Industrial</i></b>					
Production Industry					
<i>Artisan</i>	S	S	—	S	Refer to Section 125-90.D.
Research and Development	—	S	S	S	
Wholesaling and Distribution					
<i>With Store Facilities</i>	—	P	—	P	Refer to Section 125-90.D.
<b><i>Transportation, Communication, and Utilities</i></b>					
Communications Facilities	—	P	P	P	
Communication Towers and Structures	—	L10	L10	L10	
Transportation Facilities					
<i>Marinas, Docks</i>	P	—	—	P	
<i>Marinas, Private</i>	P	P	—	P	
<i>Marinas, Public</i>	P	P	—	P	
<i>Transportation Passenger Terminals</i>	S	P	P	P	

**Schedule 125-72.B: Use Regulations – Commercial and Mixed Use Districts**

<i>Use Classifications</i>	<i>CN</i>	<i>CG</i>	<i>CO</i>	<i>CM</i>	<i>Additional Regulations</i>
Utility, Minor	P	P	P	P	
<b><i>Specific Use Limitations</i></b>					
L1 Permissible if not a ground floor use.					L2 Permissible if accessory to RV park and public storage uses.
L3 Permitted only as an accessory use within the district.					L4 No outdoor storage or washing of vehicles.
L5 Drive-through facilities not permitted.					L6 Hours of operation may be limited.
<b><i>Specific Use Limitations – cont.</i></b>					
L7 Permitted if in accordance with the Texas Pawnshop Act (Texas Finance Code, Title 4, Chapter 371).					L8 Fitness and recreation sports centers permitted only.
L9 Fitness and recreation sports centers and entertainment complexes and theaters permitted only.					L10 Permissible if in accordance with the Communications Towers and Structures Ordinance and requires SUP.
L11 Accessory uses only permitted with SUP					L12 Prohibited w/in 1,000 feet of any private or public schools
<b><i>Accessory Uses and Structures</i></b>					See Article IV, Division 2
<b><i>Temporary Uses</i></b>					See Article IV, Division 3
<b><i>Nonconforming Uses and Structures</i></b>					See Article IV, Division 7

**Sec. 125-72.C. Development Regulations**

Schedule 125-72.C below prescribes the development regulations for *C Commercial and Mixed Use Districts*, including building scale, building form and location, pedestrian orientation, vehicle accommodation, and open space and landscaping. The letter designations in right-hand column refer to the additional regulations listed at the end of Schedule 125-72.C. Refer also to Article IV: Regulations Applicable in All or Several Districts.

**Schedule 125-72.C: Development Regulations -- Commercial and Mixed Use Districts**

<i>Development Standards</i>	<i>CN</i>	<i>CG</i>	<i>CO</i>	<i>CM</i>	<i>Additional Regulations</i>
<b><i>Building Scale – Intensity of Use</i></b>					
Minimum Lot Area (sq. ft.)	5,000	10,000	10,000	25,000	
Minimum Lot Dimensions (ft.)					
<i>Width</i>	25	75	75	100	
<i>Frontage</i>	25	75	75	100	
<b><i>Building Form and Location</i></b>					
Maximum Height (ft.)	30	125	60	125	
Minimum Yards (ft.)					

**Schedule 125-72.C: Development Regulations -- Commercial and Mixed Use Districts**

<i>Development Standards</i>	<i>CN</i>	<i>CG</i>	<i>CO</i>	<i>CM</i>	<i>Additional Regulations</i>
<i>Front</i>	--	20	20	--	
<i>Side (Nonresidential/Residential)</i>	10/15	15/30	10/20	20/40	
<i>Street Side (Corner Lot)</i>	10	15	10	15	
<i>Rear (Nonresidential/Residential)</i>	15/20	20/40	15/30	20/40	
Maximum Lot Coverage (Percent)	90	85	80	80	(1)
Minimum Build-to Lines (Percent)	50	--	--	50	(2)
Minimum Building Separation (ft.)	--	20	20	25	
<b><i>Pedestrian Orientation</i></b>					
Minimum Storefront Continuity (Percent)	75	50	--	75	(3)
Building Transparency (Percent)	75	50	75	75	(4)
Limitations on Blank Walls	Yes	Yes	Yes	Yes	(5)
<b><i>Vehicle Accommodation</i></b>					
Location of Parking and Loading	Yes	Yes	Yes	Yes	(6)
<b><i>Open Space and Landscaping</i></b>					
Minimum Landscaped Area (Percent)	10	15	20	20	
Perimeter Landscaping	Yes	Yes	Yes	Yes	(7)
<b><i>Other Standards</i></b>					
Accessory Uses and Structures				See Article IV, Division 2	
Off-Street Parking and Loading				See Article IV, Division 6	
Landscaping and Buffer Yards				See Article IV, Division 7	

1. ***Maximum Lot Coverage.*** Includes buildings, parking areas, and driveways and maneuvering areas, but excludes common open space amenities and landscaped areas.
2. ***Minimum Build-to Lines.*** Ground floor of buildings shall be built to the sidewalk along the primary street frontage.
3. ***Storefront Continuity.*** Ground floor of retail buildings shall have a storefront appearance along all street frontages excluding alleys. This requirement may be reduced to 50 percent to accommodate non-retail frontage occupied by entertainment or outdoor eating areas.
4. ***Building Transparency.*** Ground floor of buildings shall have views into occupied space provided by windows, displays, or doors along the primary street frontage. This

requirement may be reduced to 50 percent to accommodate non-retail frontage occupied by entertainment or outdoor eating areas.

5. **Blank Walls.** No blank walls greater than 15 feet in length, excluding garage doors, shall be permitted on all street frontages excluding alleys. Building surfaces shall include an offset, recess, or projection providing shadows or visual interest for at least 25 percent of the frontage.
6. **Location of Parking and Loading.** Parking shall be located behind or at the side of buildings, except for passenger drop-off areas which may be located at the building entry. Loading areas shall be screened so as not to be visible from public streets. Where the building abuts a residential district, the preferred location of loading facilities shall be the side away from the residential district boundary.
7. **Perimeter Landscaping.** All required yards shall be landscaped and unobstructed by parking areas, buildings, screening walls, and fences (refer to Article IV, Division 7).

#### **Sec. 125-72.D. Review of Plans**

All development is subject to development review in accordance with the City's applications and procedures, pursuant to Article II, Division 2: Applications and Procedures.

## **Division 3. Overlay Zoning District Regulations**

### **Sec. 125-80 –PUD Planned Unit Development Overlay District**

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#### **Sections:**

125-80.A.	Purposes
125-80.B.	Zoning Map Designator
125-80.C.	Applicability
125-80.D.	Land Use Regulations
125-80.E.	Development Regulations
125-80.F.	Initiation
125-80.G.	Criteria for Consideration of -PUD Overlay District Application
125-80.H.	Procedures for PUD Overlay District Application
125-80.I.	Required Plans and Materials
125-80.J.	Review of Plans

*This section establishes regulations for the -PUD Planned Unit Development Overlay District. These regulations clarify the City's existing regulations.*

#### **Sec. 125-80.A. Purposes**

The **-PUD Planned Unit Development Overlay District** is intended to encourage high quality development in the City by providing additional flexibility in the planning and development of projects. Such flexibility is intended to result in development that is more efficient, environmentally sensitive, visually pleasing, safe, and socially integrated than traditional zoning might provide. The -PUD Overlay District is also meant to provide the City with the ability to better manage development in areas that are adjacent to residential development. The specific purposes of the –PUD Overlay District are to:

- Establish a procedure for the development of land under unified controls to increase flexibility from the strict application of land use regulations, development standards, and procedures intended primarily for individual lots;
- Ensure orderly and thorough review procedures that will result in quality design, protection of open space and sensitive areas, and the creation and improvement of common open space and pedestrian and bicycle circulation, particularly in residential areas;
- Achieve efficient land use patterns while permitting creative and innovative approaches to the development of urban and suburban residential, commercial, and industrial land;

- Encourage mixed development patterns, architectural styles, and building forms to avoid monotony in large developments by allowing greater freedom in selecting the means to provide access light, open space, amenities; and
- Provide for flexibility in the strict application of certain of the land use regulations and performance standards found in the base zoning districts to take advantage of special site characteristics, location, and/or land uses.
- Consider the impact on adjacent developed properties, particularly residential areas, and enter into a documented dialog to address their issues and concerns.
- All -PUD Overlay Districts shall have an underlying zoning designation.

#### **Sec. 125-80.B. Zoning Map Designator**

A -PUD Overlay District will be combined with the base zoning district(s) applied to the area and will be shown on the Zoning Map by a -PUD designator applied to the base district(s) designation.

#### **Sec. 125-80.C. Applicability**

The applicability of the -PUD Overlay District shall be as follows:

1. **Allowable Locations.** No -PUD Overlay District may be applied to an area of the City that is not served by critical infrastructure, such as potable water, sanitary sewer, storm sewer, and paved streets, except where one or more of such services not currently in place is included in the City's master plan for installation or construction within a 3-year period from the date of the application for a Planned Unit Development. In addition, no -PUD Overlay District may be applied to an area that is located more than 1-mile from a major arterial street, as designated by the City Planner or designee, or shown on the Master Transportation Plan.
2. **Minimum Area.** No -PUD Overlay district may be applied to a land area less than 5-acres for residential development and 2-acres for non-residential development.

#### **Sec. 125-80.D. Land Use Regulations**

Any use authorized in Article III, Division 2: Base District Regulations, may be included in a -PUD Overlay District, provided such use is consistent with the land use concepts in the Comprehensive Plan for the area to be included in the -PUD Overlay District, and is not disruptive or inconsistent with current neighboring development, particularly residential areas. Existing uses are permitted and may continue. All uses in the -PUD Overlay District shall be in accordance with the Master Plan approved for the District (refer to Section 125-80.H).

### **Sec. 125-80.E. Development Regulations**

The total number of dwelling units in a -PUD Overlay District shall not exceed that permitted by the Comprehensive Plan density for the total area of parcels designated for residential use. Other development regulations, such as for building scale, building form and location, pedestrian orientation, parking accommodation, open space and landscaping, and other standards shall be as prescribed by the Development Plan approved for the District and may depart from conformance with the standards specified in the base zoning district where the -PUD Overlay District is applied if specifically approved by the Planning and Zoning Commission and/or City Council.

### **Sec. 125-80.F. Initiation**

A -PUD Overlay District may be initiated by a property owner or authorized agent, the Planning and Zoning Commission, or the City Council. If the property is not under a single ownership, then all owners shall join in the application and a map showing the extent of ownerships shall be submitted with concept plans and materials.

### **Sec. 125-80.G. Criteria for Consideration of -PUD Overlay District Application**

The Planning and Zoning Commission shall consider an application for rezoning to a -PUD Overlay District as prescribed under Section 125-49 and shall at the same time consider a proposed Concept Plan for the area. A recommendation of the Planning and Zoning Commission to rezone to a -PUD Overlay District shall be accompanied by a resolution recommending approval of the Concept Plan. In addition to the criteria for considering an application for a zoning map amendment under Section 125-49, the Planning and Zoning Commission shall recommend approval or conditional approval of the Concept Plan to the City Council upon finding that:

1. The Concept Plan is consistent with the adopted Land Use Element of the Comprehensive Plan and other applicable policies and is compatible with surrounding development;
2. The Concept Plan will enhance the potential for superior urban design and amenities in comparison with the development under the base district regulations that would apply if the Concept Plan were not approved;
3. Deviations from the base district regulations that otherwise would apply are justified by compensating benefits of the Concept Plan; and
4. The Concept Plan includes adequate provisions for utilities, services, and emergency vehicle access; and public service demands will not exceed the capacity of existing and planned systems. See the Adequate Public Facilities Ordinance for these requirements.

Refer to Section 125-80.1 for the requirements of a Concept Plan.

## **Sec. 125-80.H. Procedures for -PUD Overlay District Application**

In addition to the procedures for an application for a zoning map amendment under Section 125-49, an application for rezoning to a -PUD Overlay District shall be processed in the following manner.

1. ***Pre-Application Conference.*** Prior to submitting an application for a Planned Unit Development, the prospective applicant shall request a review by the City Planner or designee and representatives from other City departments, as appropriate, to discuss the prospective development with respect to compatibility with existing and anticipated land uses in the vicinity and the City's adopted planning rationale. The pre-application conference is intended to guide the prospective applicant in the preparation of a Concept Plan to be submitted for Planning and Zoning Commission consideration and City Council approval. There is no fee associated with a request for a pre-application conference; however, additional requests for a pre-application conference for the same site within a period of 1-year from the date of the initial conference may incur a fee associated with any City costs to do so.
2. ***Submission and Approval of Concept Plan.*** The applicant shall submit a Concept Plan (bubble plan) as part of the application for rezoning to a -PUD Overlay District, the required contents of which are noted in Section 125-80.I below. The City Planner or designee shall prepare a written report on the Concept Plan that will summarize the anticipated impacts of the proposed development on planning goals, utilities, emergency services, vehicular traffic, taxes, and properties within a 500-foot distance of the site for which the development is proposed. The Concept Plan, a list of requested variances, and report by the City Planner or designee shall be submitted for consideration by the Planning and Zoning Commission and recommendation to City Council. Upon approval by City Council of the Concept Plan, the applicant may proceed with the preparation of a Master Plan and proceed to subsequent steps for approval with reasonable assurance that if the agreed upon concept is carried forth, then preliminary and final plat approvals will be granted by the City. Following approval of the Concept Plan by City Council, the applicant shall prepare a Master Plan, the required contents of which are noted in Section 125-80.I below. Recommendation for approval or denial of a -PUD Overlay District shall be made by the Planning and Zoning Commission and approved or denied by City Council.
3. ***Approval of Master Plan.*** After City Council has approved the -PUD Overlay District, then the applicant shall submit a Master Plan for consideration by the Planning and Zoning Commission. The applicant may proceed with platting after approval of the Master Plan. The Master Plan must not have more than a 15 percent change in the land use or location from the previously approved Concept Plan for the -PUD Overlay District. Changes that alter the uses permitted or increase the density by more than 15 percent shall also be considered and approved by City Council via a public hearing and notified in the same manner as a text or map amendment.
4. ***Lapse of Approval and Renewal of Master Plan.*** A Master Plan shall be effective on the date the ordinance creating the -PUD Overlay District is approved and shall

expire after 2 years unless a building permit has been issued and a vested right established. An approved Master Plan may specify a development staging program exceeding 2 years. The Planning and Zoning Commission may recommend, and the City Council may renew, a Master Plan for a period of up to 2 years if it finds the renewal consistent with the purposes of this Section. Application for renewal shall be made in writing to the City Planner or designee not less than 30 days or more than 120 days prior to expiration.

5. **Revisions to Master Plan.** Changes to the Master Plan that do not alter the basic relationship of the proposed development to adjacent property; do not alter the uses permitted or increase the density, building height or coverage of the site; do not decrease the off-street parking ratio or reduce the yards provided at the boundary of the site; and do not significantly alter the landscape plans or signage as indicated on the approved development may be recommended by the City Planner or designee and approved by the Planning and Zoning Commission. Changes to the Master Plan that significantly alter the elements listed here, alter the uses permitted or increase the density require the application for a Master Plan revision or approval of a new Master Plan to be considered via a public hearing by the Planning and Zoning Commission with the following notification procedures.

- a. **Written Notice.** Written notice shall be sent to owners of real property lying within 500 feet of the property upon which the change is proposed. Notice to be given not less than 10 days before the date set for hearing to all such owners who appear on the last approved City Tax Roll. Such notice may be served by depositing the notice, properly addressed and postage paid, in the United States Mail.

Changes that alter the uses permitted or increase the density by more than 15 percent shall also be considered and approved by City Council via a public hearing and notified in the same manner as a text or map amendment.

6. **Annual Report.** The developer shall submit an annual progress report to the City Planner by September 1 of each year for review and acceptance. The report shall contain a discussion of the development schedule and any deviations from the originally approved schedule. The City Planner shall refer the annual report to the Planning and Zoning Commission and the City Council for review. Acceptance of the annual report by the City Planner or designee is required prior to any staff review of any aspect of the -PUD Overlay District project, including building permits and revisions.

### **Sec. 125-80.I. Required Plans and Materials**

An application for rezoning to a -PUD Overlay District requires the approval of a Concept Plan by City Council and approval of a Master Plan by the Planning and Zoning Commission. This section outlines the information required for each plan.

1. **Concept Plan.** The Concept Plan shall include the following information:

- a. A site inventory analysis showing existing vegetation, natural watercourses or standing water, flood prone areas, and any other known hazard areas. This analysis shall include graphic and textural materials indicating how the proposed development will affect such natural features and identify what, if any, trees intended for removal.
- b. An accurate survey of the subject property showing the existing topographical contour intervals of not more than five feet, and a plan showing the proposed topography at minimum five-foot contour intervals and significant change in drainage.
- c. A summary of the proposed development program, including: detailed tabulation showing the proposed acreage of each land use and underlying zoning districts; description of the open space program, including the location and function of developed and/or improved open space, its relationship to any natural or historic values on the site, and its status as either public or private open space.
- d. A scale drawing showing the proposed street and circulation system design, including a layout diagram, landscaping, and pedestrian amenities; building sites or lots; areas reserved for use as parks, playgrounds, utility easements, and school sites; lands to be dedicated to the City; general location and description of existing and proposed utility services (including size of water and wastewater mains); and the existing zoning classification and underlying zoning districts, if applicable, of all abutting properties.
- e. A determination that adequate public facilities exist to service the proposed development (road, sewerage, water, fire suppression, and storm drainage) as determined by the City Engineer and/or by the City's Adequate Public Facilities Ordinance.
- f. An estimate of the projected population within the -PUD Overlay District to assist the City and the applicable School District(s) in determining future needs.
- g. A summary of requested variance(s) from any provision in the League City Code of Ordinances.
- h. A development schedule indicating the rate of anticipated development to completion from the date on which construction begins. As part of the PUD Plan, the development schedule shall be adhered to by the owner, applicant, and any successor in interest.
- i. Perspective illustrations, either hand drawn or computer generated, indicating the general form and character of development, including representative examples of residential and non-residential buildings.