



**CITY OF
IOWA
COLONY**

**PLANNING AND ZONING
COMMISSION MEETING**

**Tuesday, May 07, 2024
7:00 PM**

Iowa Colony City Council Chambers, 3144 Meridiana Parkway, Iowa Colony, Texas 77583

Phone: 281-369-2471 • Fax: 281-369-0005 • www.iowacolonytx.gov

THIS NOTICE IS POSTED PURSUANT TO THE TEXAS OPEN MEETING ACT (CHAPTER 551 OF THE TEXAS GOVERNMENT CODE). THE **PLANNING AND ZONING COMMISSION OF IOWA COLONY** WILL HOLD A **PUBLIC MEETING AT 7:00 PM ON TUESDAY, MAY 7, 2024** IN THE **IOWA COLONY CITY COUNCIL CHAMBERS, 3144 MERIDIANA PARKWAY, IOWA COLONY, TEXAS 77583** FOR THE PURPOSE OF DISCUSSING AND IF APPROPRIATE, TAKE ACTION WITH RESPECT TO THE FOLLOWING ITEMS.

Requests for accommodations or interpreter services must be made 48 hours prior to this meeting. Please contact the City Secretary at 281-369-2471.

CALL TO ORDER

CITIZEN COMMENTS

An opportunity for the public to address the Planning and Zoning Commission on agenda items or concerns not on the agenda. To comply with Texas Open Meetings Act, this period is not for question and answer. Those wishing to speak must identify themselves and observe a three-minute time limit.

PUBLIC HEARING

1. Hold a public hearing to consider rezoning the following property from Single Family Residential to Business and Retail:

Approximately 10 acres of land on County Road 48, South ½ of Lots 190 & 191, Section 66, H.T. & B.R.R. Company Survey, A-560, Brazoria County, Texas.
2. Hold a public hearing to consider amending the Ellwood Planned Unit Development to realign Karsten Boulevard and to allow for 45' wide lots, generally located west of State Highway 288 and south of Davenport Parkway (previously known as C.R. 64) in the northern portion of Brazoria County, just south of the metro Houston area.

ITEMS FOR CONSIDERATION

3. Consider approval of the April 2, 2024 Planning and Zoning Commission meeting minutes.
4. Consider approval of the April 22, 2024 Planning and Zoning Commission worksession minutes.
5. Consideration and possible action on a recommendation to City Council concerning rezoning the following property from Single Family Residential to Business and Retail.

Approximately 10 acres of land on County Road 48, South ½ of Lots 190 & 191, Section 66, H.T. & B.R.R. Company Survey, A-560, Brazoria County, Texas.
6. Consideration and possible action to make a recommendation to City Council for the Ellwood PUD Amendment No. 1.
7. Consider approval of the Ellwood Detention Reserve A and B Final Plat.
8. Consider approval of the Ellwood Detention Reserve C Final Plat.

9. Consider approval of the Replat of a Portion of Lot 64 of the Emigration Land Company Subdivision.
10. Consider approval of the Sterling Lakes North Section 7 Final Plat.
11. Consider approval of the Sterling Lakes North Section 8 Final Plat.
12. Consideration and possible action for variances to the proposed development of a 13.51-acre tract for multifamily use, as part of the Amendment to the Development Agreement for Sterling Lakes and Sierra Vista.
13. Consideration and possible action to provide a recommendation to City Council for the Plan of Development for the Crystal Entertainment District.

ADJOURNMENT

I, Kayleen Rosser, hereby certify that the above notice of meeting of the Iowa Colony Planning and Zoning Commission was posted pursuant to the Texas Open Meeting Act (Chapter 551 of the Texas Government Code) on Thursday, May 2, 2024.



Kayleen Rosser, City Secretary



**CITY OF IOWA COLONY
NOTICE OF PUBLIC HEARINGS ON REZONING**

To be held on:

Public Hearing, May 7, 2024, at 7:00 p.m.

Public Hearing, May 13, 2024, at 7:00 p.m.

City Council Chambers

3144 Meridiana Pkwy., Iowa Colony, Texas, 77583

The Iowa Colony Planning and Zoning Commission will hold a public hearing at 7:00 p.m. on May 7, 2024, and the Iowa Colony City Council will hold a public hearing at 7:00 p.m. on May 13, 2024, each in the Iowa Colony City Council Chambers, 3144 Meridiana Pkwy., Iowa Colony, Texas, 77583, pursuant to the Comprehensive Zoning Ordinance and the Unified Development Code, as amended, to consider rezoning the following property from Single Family Residential to Business and Retail:

Approximately 10 acres of land on County Road 48, South ½ of Lots 190 & 191,
Section 66, H.T. & B.R.R. Company Survey, A-560, Brazoria County, Texas.

All interested persons may be heard concerning this matter. A copy of the application for action by the City of Iowa Colony and a map of the area subject to this action are available for inspection by any person upon a reasonable request to the City Secretary at the address herein stated or at krosser@iowacolonytx.gov.

Kayleen Rosser
Iowa Colony City Secretary

**CITY OF IOWA COLONY
NOTICE OF PUBLIC HEARINGS ON AMENDING
ELLWOOD PLANNED UNIT DEVELOPMENT**

To be held on:

Public Hearing, May 7, 2024, at 7:00 p.m.

Public Hearing, May 13, 2024, at 7:00 p.m.

City Council Chambers

3144 Meridiana Pkwy., Iowa Colony, Texas, 77583

The Iowa Colony Planning and Zoning Commission will hold a public hearing at 7:00 p.m. on May 7, 2024, and the Iowa Colony City Council will hold a public hearing at 7:00 p.m. on May 13, 2024, each in the Iowa Colony City Council Chambers, 3144 Meridiana Pkwy., Iowa Colony, Texas, 77583, pursuant to the Comprehensive Zoning Ordinance and the Unified Development Code, as amended, to consider amending the Ellwood Planned Unit Development to realign Karsten Boulevard and to allow for 45' wide lots, generally located west of State Highway 288 and south of Davenport Parkway (previously known as C.R. 64) in the northern portion of Brazoria County, just south of the metro Houston area.

All interested persons may be heard concerning this matter. A copy of the application for action by the City of Iowa Colony and a map of the area subject to this action are available for inspection by any person upon a reasonable request to the City Secretary at the address herein stated or at krosser@iowacolonytx.gov.

Kayleen Rosser
Iowa Colony City Secretary



**CITY OF
IOWA
COLONY**

**PLANNING & ZONING COMMISSION
MEETING MINUTES**

Item 3.

**Tuesday, April 02, 2024
7:00 PM**

Iowa Colony City Council Chambers, 3144 Meridiana Parkway, Iowa Colony, Texas 77583

Phone: 281-369-2471 • Fax: 281-369-0005 • www.iowacolonytx.gov

Members present: Warren Davis, Terry Hayes, David Hurst, Les Hosey, Robert Wall, Brenda Dillon and Brian Johnson

Members absent: None

Others present: Dinh Ho and Robert Hemminger

CALL TO ORDER

Chairman Hurst called the meeting to order at 7:00 P.M.

CITIZEN COMMENTS

There were no comments from the public.

ITEMS FOR CONSIDERATION

1. Consider approval of the March 5, 2024 Planning and Zoning Commission meeting minutes.
Motion made by Johnson to approve the March 5, 2024 Planning and Zoning Commission meeting minutes, Seconded by Hayes.
Voting Yea: Johnson, Hurst, Dillon, Hayes, Wall, Davis
Voting Abstaining: Hosey
2. Consider approval of the Brazoria County Municipal Utility District No. 57 Water Plant Preliminary Plat.
Motion made by Hosey to approve the Brazoria County Municipal Utility District No. 57 Water Plant Preliminary Plat, Seconded by Dillon.
Voting Yea: Johnson, Hurst, Dillon, Hosey, Hayes, Wall, Davis
3. Consider approval of the Sterling Lakes Retail Final Plat.
Motion made by Johnson to approve the Sterling Lakes Retail Final Plat, Seconded by Dillon.
Voting Yea: Johnson, Hurst, Dillon, Hosey, Hayes, Wall, Davis
4. Consider approval of the Creekhaven Section 1 Preliminary Plat.
Motion made by Johnson to approve the Creekhaven Section One Preliminary Plat and the Creekhaven Section Two Preliminary Plat. Seconded by Hosey.
Voting Yea: Johnson, Hurst, Dillon, Hosey, Hayes, Wall, Davis
5. Consider approval of the Creekhaven Section Two Preliminary Plat.
The action was taken during item no. 4.

ADJOURNMENT

The meeting was adjourned at 7:14 P.M.

APPROVED THIS 7th DAY OF MAY 2024.

ATTEST:

Kayleen Rosser, City Secretary

David Hurst, Chair





**PLANNING & ZONING COMMISSION
WORKSESSION MINUTES**

Item 4.

**Monday, April 22, 2024
6:00 PM**

Iowa Colony City Council Chambers, 3144 Meridiana Parkway, Iowa Colony, Texas 77583

Phone: 281-369-2471 • Fax: 281-369-0005 • www.iowacolonytx.gov

Members present: Warren Davis, Terry Hayes, Les Hosey, Robert Wall, Brenda Dillon and Brian Johnson

Members absent: David Hurst

Others present: Dinh Ho and Robert Hemminger

CALL TO ORDER

Vice Chair Brenda Dillon called the worksession to order at 6:06 P.M.

CITIZEN COMMENTS

There were no comments from the public.

ITEMS FOR CONSIDERATION

1. Review of progress toward comprehensive UDC (Unified Development Code) updates with Kendig Keast Collaborative.

Ashley Woolsey with Kendig Keast Collaborative presented the Module 2 updates to the UDC. The presentation is attached.

ADJOURNMENT

The worksession was adjourned at 6:35 P.M.

APPROVED THIS 7th DAY OF MAY 2024.

ATTEST:

Kayleen Rosser, City Secretary

David Hurst, Chair



Unified Development Code Module 2

Ashley Woolsey, AICP
Brian Mabry, AICP

Kendig Keast Collaborative
April 22nd, 2024

Brief Recap of Project

Project Team



Ashley Woolsey, AICP
Project Manager



Brian Mabry, AICP
Code Practice Leader and
Deputy Project Manager



Bret Keast, AICP
CEO and Owner



City of Iowa Colony
Officials, Staff, Residents

City of Iowa Colony Project Contacts
Dinh Ho – City Engineer
Robert Hemminger – City Manager
Natasha Brooks – City Attorney
Albert Cantu – Building Official/Fire
Marshal

Kendig Keast

Bret Keast, AICP
CEO and Owner

Ashley Woolsey
Project Manager

Brian Mabry, AICP
Code Practice Leader and
Deputy Project Manager

UDC Timeline

Phase 1: Project Orientation

Staff Coordination
Document Review
Field Reconnaissance



Aug. 2023

Aug.–Sept. 2023



Phase 2: Code Diagnosis

Review City Documents
Annotated Outline
Code Audit

Phase 3: Iterative Drafting

Drafting Ordinance Modules (2)
Joint Presentations to PC & CC for each
Module
Draft Updated Zoning Map



Sept.–April 2024



May–June 2024



Phase 4: Adoption

Public Hearing Draft
Presentations to P&Z / CC
Adopted UDC Delivered Electronically

UDC Drafting Modules

1

- General Provisions**
- Zoning Districts**
 - Establishment
 - Purpose Statements
 - Dimensional Standards
- Land Uses Table and Standards**
 - Permitted, Limited, Special Uses
 - Accessory and Temporary Uses
- Site Development Standards**
 - Landscaping & Buffering
 - Signs
 - Parking, Loading, & Stacking
- Definitions**

2

- Subdivision Standards**
 - Street widths
 - Sidewalks
 - Utilities
 - Improvement Acceptance
- Administration**
 - General Provisions
 - Review Bodies
 - Review Procedures
 - Nonconformities
 - Enforcement, Violations, & Penalties
- Definitions**

Module 2

Module 2 Contents

- Chapter 6 Subdivision Design and Improvements
- Chapter 7 Development Review Bodies
- Chapter 8 Development Review Procedures
- Chapter 9 Nonconformities and Enforcement of UDC
- Chapter 10 Measurements and Word Usage

Chapter 6 Subdivision Design and Improvements

- Outlines standards for street network and design, easements, sidewalks, parkland dedication, etc.
- Describes when platting is required and any exemptions

Key Changes:


- Made a change where the Administrator can approve street names rather than having to be approved by Council
- Removed specific requirements that are already detailed in the Engineering Design Criteria Manual and instead stated compliance with the manual was required for the applicable topic and inserted a linked referenced the manual
- Requiring sidewalks in all subdivisions, not just “large” ones and increased sidewalk minimum width to 6 ft., which is more standard

Essential of Chapter 7 Development Review Bodies

- Describes each administrative, elected, or appointment review body and lists powers and duties related to this UDC
- **Key Changes:**
 - Consolidated all development review bodies to one Chapter
 - Added City Manager
 - Changed when “responsible official” was used to list the specific role or their designee who is responsible


Administrative Review Bodies

- Administrator
- City Engineer
- Building Official
- City Manager
- Floodplain Administrator
- Other City Officials



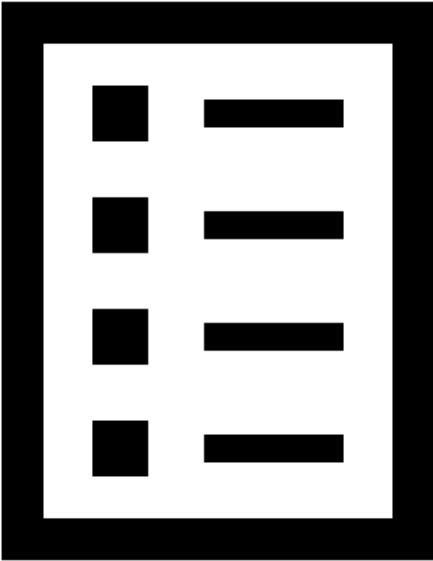
Elected or Appointed Review Bodies

- City Council
- Planning Commission
- Zoning Board of Adjustment



Essentials of Chapter 8 Development Review Procedures

- Universal Review Procedures that are applicable to all the development review procedures covered in the UDC
 - Pre-Submission Conference
 - Application Submission and Fees
 - Completeness Review
 - Staff Review, Distribution, and Report
 - Public Notice, Meetings, and Hearings
 - Timing, contents, and recipients of notice
 - How public hearings are to be conducted
 - Continuances and Withdrawals
 - Recommendation and Decision Making
 - Common review criteria
 - Timelines for decisions on applications
 - Post-Decision Provisions
 - Expiration, Extensions, and Reinstatement
- Each individual procedure has a section with any additional information that is specific to that procedure and not covered in the common review criteria.



Chapter 8 Development Review Procedures

- **Key Changes:**
 - Consolidates language regarding processes for review and decisions on all development procedures in one Chapter
 - Establishes clear review criteria to facilitate review and final decisions
 - Created a Development Review Summary Table
 - Lists applications and provides cross reference
 - Shows timing or when needed
 - Shows expiration time if no action is taken
 - Establishes who makes recommendation and who takes final action
 - Cross-references related standards (for example, Sign Permit points to Sign standards)
 - Renaming and/or adding more details to various procedures (e.g. Master Preliminary Plat was changed to Platting Concept Plan to avoid confusion with a Preliminary Plat or Master Development Plan)

Table 8.1.10-1, Development Review Summary						
Key: ♦ = Pre-Development Conference Required Pu = Published Notice Required M = Mailed Notice Required [] = Public Meeting or Hearing Required -- = Not Required/Not Applicable						
Development Application (Cross-Reference to Procedure)	Submittal Timing	Pre-Development Conference	Public Notice (8.1.6)	Review / Recommendation and Decision	Expiration ¹ (8.1.9)	Cross-Reference to Related Standards
Administrative Improvement Plan and Permit Procedures						
<i>Floodplain Development Permit (Section 8.2.6)</i>	Prior to development activity within any special flood hazard area	--	--	Floodplain Administrator	1 year	Chapter 5, Floodplain and Floodway Development
<i>Sign Permit (Section 8.2.7)</i>	Prior to installing, relocating, or substantially modifying a sign	--	--	Administrator	6 months	Article 4.8, Signage
Site Development Procedures						
<i>Site Development Plan (Section 8.3.1)</i>	Prior to any development of a site unless specifically exempted in this UDC	♦	Pu M	Administrator	2 years	
<i>Master Development Plan (Section 8.3.2)</i>	As part of a PUD Zoning Map Amendment	♦	Pu M	Review/Recommendation: Administrator Final Decision: Planning Commission	2 years	


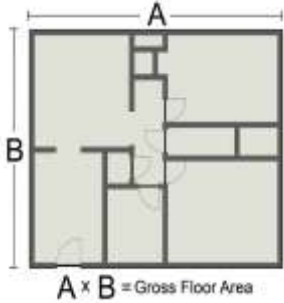
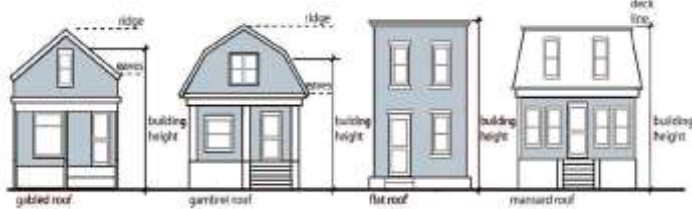
Essentials of Chapter 9 Nonconformities and Enforcement of UDC

- Nonconformities
 - Describes types of nonconformities and outlines under what circumstances one may continue (aka grandfathered in) and what terminates it.
- Enforcement of the UDC
 - Describes what constitutes a violation and outlines the process for enforcement (how owners are notified of violations, timeframe for corrections, which entity can impose which remedies and penalties, etc.)
- **Key Changes:**
 - Consolidates all language regarding nonconformities and enforcement of the UDC and removed duplicative processes from the various documents



Essentials of Chapter 10 Measurements and Word Usage

- Shows how to measure building height, lot area, lot width, sign height, etc.
- Describes how to interpret language used in UDC such as:
 - Meaning of “shall” versus “may”
 - “And” versus “or”
 - Rounding of numbers
 - How to calculate number of “days”
- **Key Changes:**
 - Added methodology for new measurements (e.g. how to measure when a minimum distance is between uses)
 - Included graphics for each measurement

Table 10.1.1-1, Measurements		
Measurement	Methodology	Illustration
Distance/Separation Between Uses	The horizontal distance (measured along the shortest line that can be drawn) from the property line of the lot containing the first subject use to the closest property line of the lot containing the other subject use.	
Gross Floor Area	The total area of all the floors of a building, including basements, intermediately floored tiers, mezzanines, etc., as measured from the exterior surfaces of the outside walls of the building.	
Height	<i>Buildings:</i> The vertical distance from the grade level of that portion of a parcel covered by the building to the highest point of the coping of a flat roof, the deck line of a mansard roof, or to the ridge of a gable, hip, or gambrel roof. Asymmetrical or dynamic roof forms shall be measured from the grade level to the highest point of the building, as measured with a flat roof.	
	<i>Buildings on Sloped Lots:</i> The height shall be measured as the vertical distance from the average ground level to the topmost point of the roof. The average ground level shall be determined by adding the lowest and highest points at the building wall and dividing by two.	

Next Steps

- Comments on Module 2 due to KKC – May 10th
- Public Review Draft of UDC – Week of May 20th
- Draft Development Guidebook – Week of May 20th |
- Planning and Zoning Public Hearing – June 3rd (Tentative)
- City Council Public Hearing – June 17th or July 15th (Tentative)



Thank You!

Questions or Comments?

Unified Development Code Module 2

Ashley Woolsey, AICP
Brian Mabry, AICP

Kendig Keast Collaborative
April 22nd, 2024

Form A
City of Iowa Colony
"Where We Make It Happen"

APPLICATION FOR AMENDMENT TO REGULATIONS
OR TO THE OFFICAL ZONING DISTRICT MAP

Name/Address Dawg House Trust / William Blake, Cheryl Blake
Individual/Company/Corporation

Description of Amendment Proposed Change zoning classification
from SFR-BR to BR.

Statement of need or justification for said amendment, including its consistency with the zoning policies and purposes set forth in this Ordinance and/or its consistency with the City's most current comprehensive planning document or documents. (Use separate sheet of paper for your statement).

The legal description and address of the property affected and the proposed boundaries of said property;

The signed consent of the property owner or owners whose property would be affected by the proposed amendment;

The applicant's interest in the subject property if the applicant is not the property owner of all or a portion of the subject property;

The present zoning classification and existing uses of the property proposed to be reclassified; and

Such other information or documents as the City Council and Zoning Administrator may deem necessary.

A non-refundable fee must accompany the application to defray the cost of notification and processing the application. Please refer to the fee schedule of the City of Iowa Colony for the fee for your particular zoning need.

Signature required: W. S. Blake, Cheryl Blake

Form approved: July 20 2009

Request for Zoning District Map Change.

Property owner: The Dawg House Trust / William Blake and Chery Blake
 26037 Lewis Ranch Road
 New Braunfels TX, 78132
 [REDACTED]
 832 455 1914

Property Location: County Road 48

Legal Description: A0560 HT & BRR
 Tract 190 – 191 S ½
 Acres 10.000

Property Account Number: 05600002000

Zoning Classification: SFR -BR

Existing Uses: Currently the property is not used for any specific purpose.

Proposed Uses:

I am writing to bring your attention to a prime piece of real estate that has been on the market for several years. The ten-acre property, situated near highway 288, has garnered interest primarily from potential buyers looking to establish businesses. However, the existing mixed zoning has proven to be a significant deterrent for these potential investors.

Given the strategic location of the property, surrounded by existing businesses on two sides and several others in close proximity, it appears unlikely that the land would attract residential development. The demand and interest we have seen are predominantly from entrepreneurs keen on leveraging the property for commercial purposes.

In light of these circumstances, I am formally requesting a comprehensive review and reconsideration of the property's zoning classification. Specifically, I propose that the entire ten acres be rezoned to Business Retail. This change would not only align with the current trends in the area but also streamline the sale and development process, fostering economic growth and job creation.

Moreover, I understand the importance of community engagement in matters of zoning changes. To that end, I am committed to working closely with the local community,

addressing concerns, and ensuring that the proposed change aligns with the best interests of all stakeholders involved.

In conclusion, I believe that rezoning the property to Business Retail is a strategic and timely move that will unlock its full potential for economic development. I kindly request your support in facilitating this zoning change, and I am available at your convenience to discuss this matter further.

Thank you for your time and consideration.

Sincerely,



William D. Blake



Cheryl A. Blake



Tuesday, May 30, 2023

Mayor Wil Kennedy
c/o City Council
City of Iowa Colony
12003 Iowa Colony Blvd.
Iowa Colony, TX 77553

Re: William Blake and Cheryl Blake
c/o The Dawg House Trust
Application for Amendment to the Official Zoning District Map
10 acres of South ½ of Tract 190 and 191 of the H.T. & B.R.R Company's Subdivision, Section 66 of the H.T. and B.R.R. Co's
Survey, Abstract 560
Letter of Recommendation to Approve the Zoning Amendment Application

Dear Mayor Kennedy and City Council:

On behalf of the City of Iowa Colony, has reviewed the Application for Amendment to the Official Zoning District Map from William and Cheryl Blake to rezone approximately 10 acres on County Road 48 (tracts 190 and 191).

The applicant requests to rezone the approximately 10-acre tract, Property ID No. 17823. The property is currently zoned Mixed-Use District and seeking to change zoning to District Business Retail. The Applicant has not provided a proposed use for this site.

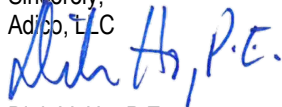
Based on our review of the application and supporting documents, this project is inconsistent with the City of Iowa Colony Comprehensive Plan adopted in June 2020.

Business Retail should be located in the High-Density Mixed Use Land Use as outlined in the comprehensive plan.

As such, we are recommending APPROVING the Application for Amendment to the Official Zoning District Map.

Should you have any questions, please do not hesitate to call our office.

Sincerely,
Adico, LLC



Dinh V. Ho, P.E.
TBPE Firm No. 16423

Cc: Kayleen Rosser, COIC
Robert Hemminger, COIC
File: 16007-2-378

MEMORANDUM

Date: May 1, 2024
To: Mayor & Planning and Zoning and City Council
From: Dinh V. Ho, P.E.
RE: Ellwood (formerly Rally 288 West) PUD Amendment No. 1
Staff's Summary and Recommendations
CC: Robert Hemminger, Kayleen Rosser

The developers of Ellwood (formerly called Rally 288 West) is requesting approval for Amendment No. 1 to the PUD agreement. The original PUD was approved by City Council in June 2022.

Below is a brief overview of the request for Amendment No. 1 to the PUD:

1. Change the name of project to Ellwood PUD.
 - a. Previously called Rally West PUD.
2. Realign Karsten Boulevard to be consistent with the City's Major Thoroughfare Plan.
 - a. The original approved PUD had Karsten Blvd. @ Davenport Pkwy. alignment along the western boundary of the tract. Staff recommend realignment to the match future alignment of Karsten to the north.
3. Create an additional land use category to allow for 45-wide lots.
 - a. No change in the overall unit density has not increased from the original PUD. This allows the developer to recapture the lots that would have been lost due to revision to the alignment of Karsten.
4. Clarify that all parkland except for the pool will be publicly accessible to all residents of the City but owned and maintained by the MUD/HOA.

Ellwood Planned Unit Development District

The City of Iowa Colony

Ordinance # 2022-09

Adopted June 27, 2022

Draft Submitted April 23, 2024

Prepared for:

Beazer Homes Texas, LP

10235 West Little York, Suite 200

Houston, Texas 77040

Prepared by:



10011 Meadowglen Ln.
Houston, Texas 77042
www.EHRA.team | 713.784.4500
TBPE No. F-726 | TBPLS No. 10092300

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APPENDIX

Appendix A - City of Iowa Colony Ordinance 2021-37

Appendix B - City of Iowa Colony Ordinance 73 – C

Appendix C - City of Iowa Colony Ordinance _____ (Zoning Ordinance)

I. INTRODUCTION

A. Summary

The Planned Unit Development District (PUD) establishes comprehensive guidance and regulations for Ellwood. Ellwood is comprised of 259.4 acres of privately owned land to be developed for single family and commercial uses.

The intent of this document is to provide a means by which development may occur in an orderly and responsible manner by establishing guidelines that ensure quality development and specifically address the goals of both the city and the developer.

The purpose of this amendment is to realign Karsten Boulevard and to allow for 45' wide lots. Realigning Karsten Boulevard will bring the PUD circulation plan in conformance with the City's Major Thoroughfare Plan, thereby creating a congruent set of plans. Allowing a greater variety of lot sizes will provide more options to homebuyers and will help to meet market demands.

B. Project Location

The Project is located west of State Highway 288 and south of Davenport Parkway (previously known as C.R. 64) in the northern portion of Brazoria County, just south of the metro Houston area. The Project is located entirely within Iowa Colony City Limits.

C. Existing Zoning

The property is currently zoned as Planned Unit Development (PUD) under Ordinance No. 2022-09. This PUD amendment shall replace and supersede the previous PUD and other city regulations in conflict with the PUD. See Appendices B and C for the relevant annexation ordinances.

D. Surrounding Land Use


Most properties surrounding the Project are undeveloped, with some existing industrial uses located adjacent to State Highway 288. To the west and south of the Project are pockets of large lot single family development. To the northwest are large master planned communities (Sterling Lakes and Sierra Vista). The southeastern corner of Sierra Vista is 600 feet from the northwestern corner of Ellwood and contains single-family residential lots that are less than 6,600 square feet.

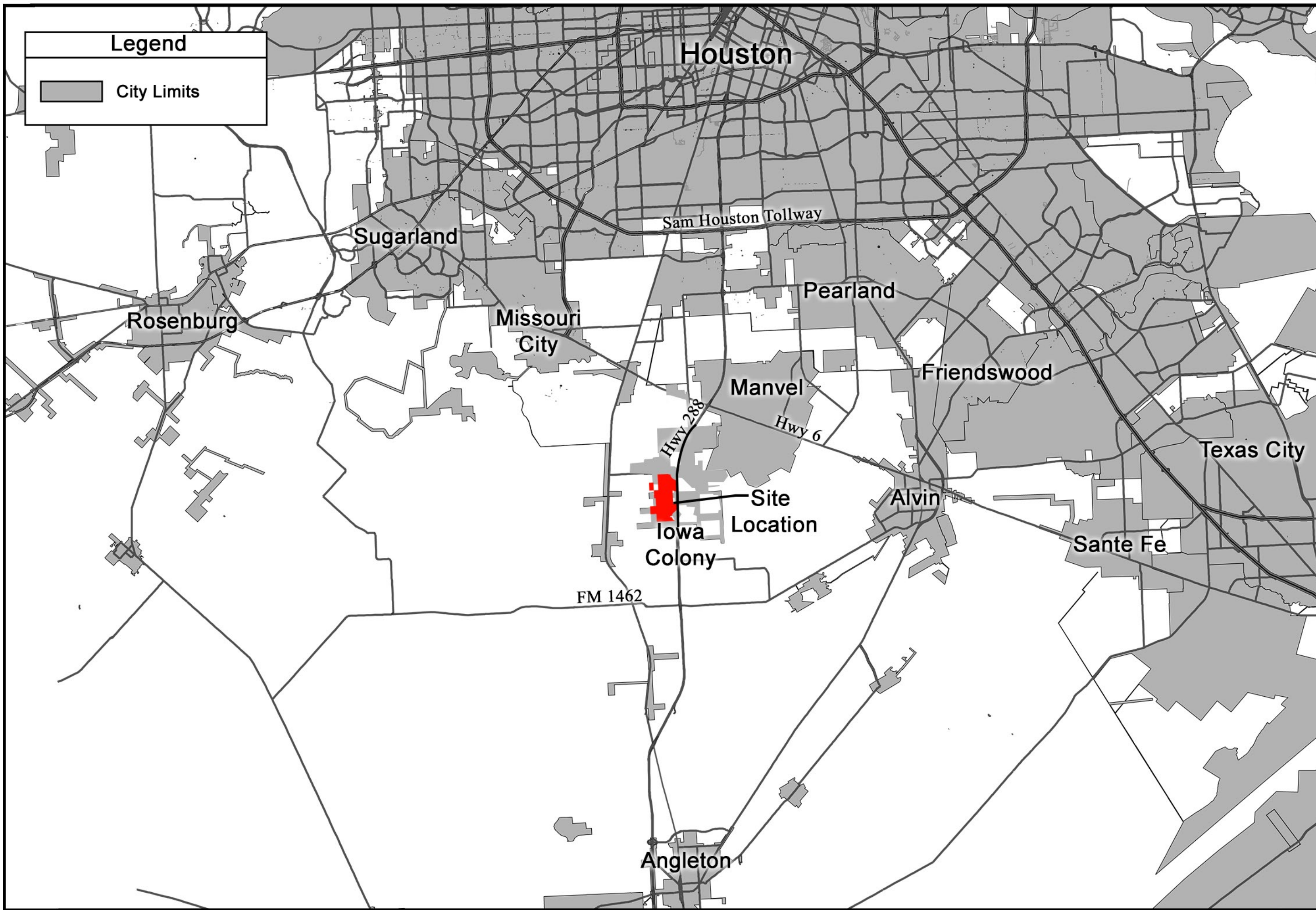
E. Existing Site Conditions

The most notable natural feature of the site is North Hayes Creek, which traverses the property from northwest to southeast. The areas adjacent to the creek are heavily vegetated, while the remainder of the site is mostly open pasture. The property is generally flat with little topography. In addition to North Hayes Creek, there is a pipeline corridor and a transmission power line corridor that cross the property from north to south.

In 1914, the Emigration Land Company platted hundreds of acres in what is now Iowa Colony, per Volume 2, Page 113 of the Brazoria County Plat Records. Two of the 40' rights-of-way dedicated in this plat run east to west across the site, but these were never improved. These rights-of-way will be abandoned when platting for this project is completed.

Legend

 City Limits



Ellwood

Exhibit 1: Vicinity Map

P:\221-022-00\LandPlan\PUD\Amendment\Exhibits\For Exhibit Prep\Vicinity Map.dwg Dec 08, 2023 8:18am Edited by: plipetska

NOT TO SCALE



NORTH
EHRA JOB NO.
221-022-00

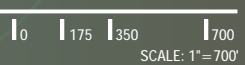
No warranty or representation of design or proposed improvement herein. All Plans for land or facilities to change without notice.



259.4
Total Acres

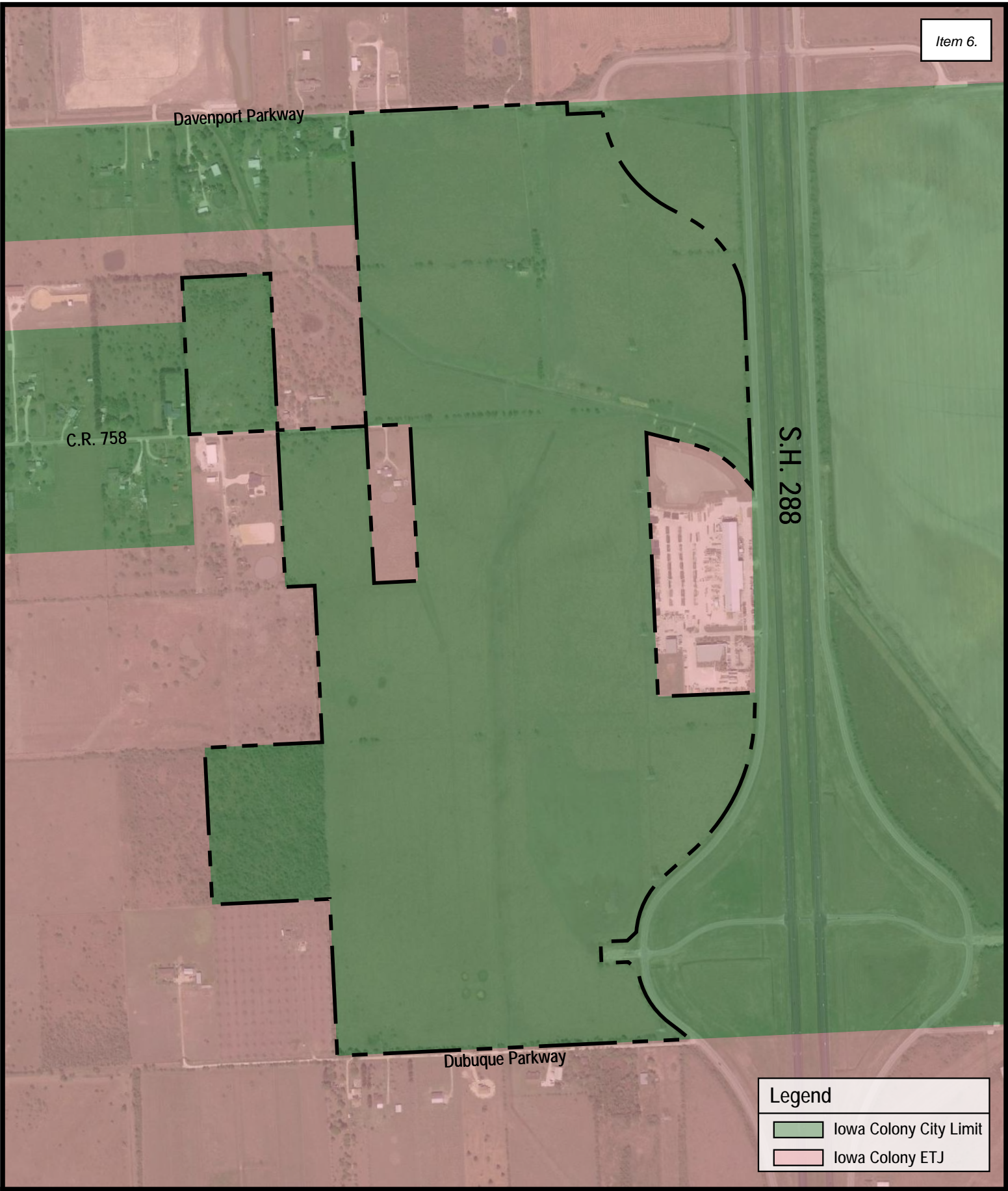
Ellwood

Exhibit 2: Ownership Map



10011 MEADOWGLEN LANE
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TBPLS No. 10002300

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improvements are
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Legend

- Iowa Colony City Limit
- Iowa Colony ETJ

Ellwood

Exhibit 3: Jurisdictional Map



SCALE: 1"=700'



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 subject to change without notice.

II. DEVELOPMENT PLAN

A. Purpose & Intent

The purpose of the Development Plan is to clarify planning considerations and guide implementation of the vision for the community. In addition, it will establish a framework for Ellwood by identifying the type, location, and projected density of the land uses proposed within the development.

This section contains a description of the goals, objectives, and policies of the PUD combined with various plan components intended to guide the design principles of the community.

B. Goals & Objectives

The primary goal of the Ellwood Planned Unit Development District is to create a close-knit community which builds upon the legacy of the nearby master planned communities and highlights the natural features of the site.

To achieve this goal, key objectives have been established to guide development and provide direction for the overall vision of the community. These objectives are as follows:

1. Establish a Strong Community Character & Sense of Place

A trail system is proposed that will create a strong community character by providing neighborhood connectivity. It will also enhance sense of place by showcasing natural features, such as North Hayes Creek, and amenitizing the pipeline corridor and detention ponds.

In addition, the implementation of a community theming plan will establish a strong sense of place by assuring design and visual continuity throughout the community.

2. Provide Multiple Housing Types

Providing multiple housing types will create distinction and character among the neighborhoods within the community. It will also provide different options to homebuyers, which will enhance the community's and City's long-term viability.

3. Ensure Quality Development

Ellwood will ensure the quality of development through the establishment of design guidelines for the community that regulate architectural standards, landscaping, signage, and other common elements of the development. Copies of the residential guidelines and the non-residential design guidelines will be provided to the City once prepared.

4. Provide for Orderly Growth

Ellwood will provide for orderly growth by being sensitive to the natural features of the site and selecting land uses that are appropriate based on-site characteristics. Buffering between incompatible land uses will be achieved by parks, greenbelts, landscaping, streets, open space, or drainage features.

Because of the proximity to SH 288, traffic impacts to other roads with less improvements will be minimized. Additionally, Ellwood will help the City achieve a highly efficient and cohesive public infrastructure system.

C. Preliminary Land Use Plan

1. Proposed Uses & Densities

Successful master planned communities provide a variety of uses and housing options to attract residents from all stages of life. The proposed land uses will help to achieve a variety of housing choices to create a sustainable community while allowing for a reasonable amount of flexibility to accommodate ever-changing market demands.

Land uses proposed for Ellwood consist of Single Family - 60's (SF - 60's), Single Family - 50's (SF - 50's), Single Family - 45's (SF - 45's), Commercial (C), Institutional (I) and Parks & Open Space (POS). The following is a brief description of these proposed uses.

Single Family - 60's – The Single Family - 60's category (SF - 60's) is intended for the development of detached, single family dwelling units. Lot sizes within the SF - 60's category are intended to be 60-foot wide lots or larger (as measured at the lesser of the front or rear setback) with a minimum lot area of 6,600 square feet.

Single Family - 50's – The Single Family - 50's category (SF - 50's) provides for the development of detached, single family dwelling units. SF - 50's homes shall have a

minimum lot width of 50 feet (as measured at the lesser of the front or rear setback), a minimum lot area of 6,000 square feet, and a minimum building floor area of 1,400 square feet (not including the attached garage area).

Single Family - 45's – The Single Family - 45's category (SF - 45's) provides for the development of detached, single family dwelling units. SF - 45's homes shall have a minimum lot width of 45 feet (as measured at the lesser of the front or rear setback), a minimum lot area of 5,400 square feet, and a minimum building floor area of 1,400 square feet (not including the attached garage area).

Commercial – The Commercial category (C) is designed to meet the demand for commercial development along State Highway 288.

Institutional – The Institutional category (I) is intended to provide for the development of public and private uses that serve the community. Private uses may include, but are not limited to private schools, day care facilities, hospitals, utilities, etc.

Parks & Open Space – The Parks & Open Space category (P-OS) is intended to provide for the development of recreation and open space areas within the community.

TABLE 1		
Land Use		
Land Use	Gross Acres	%
Single Family - 60's (SF - 60's)	44.7	17.2%
Single Family - 50's (SF - 50's)	34.9	13.5%
Single Family - 45's (SF - 45's)	32.1	12.5%
Commercial (C)	23.2	8.9%
Institutional (I)	1.3	0.5%
Rights-of-Way (Arterials & Collectors)	15.3	5.8%
Parks & Open Space (P-OS)	107.9	41.6%
Totals	259.4	100%

Land uses may be relocated within the boundaries of the PUD, provided they comply with the acreage restrictions referred to in this section. The city will be notified of any changes to the Preliminary Land Use Plan.

Land use categories shall be regulated on a total gross acreage basis. The gross acreage of individual land uses may increase or decrease by up to ten (10) percent without further approval of the Planning and Zoning Commission or City Council. This shall not apply to land within the Parks and Open Space category which may be increased by any amount without further approval. However, the Parks and Open Space category may not decrease more than ten (10) percent without approval of the Planning Commission and City Council. Of the combined Single Family - 60's, Single Family - 50's, and Single Family - 45's areas, no more than sixty (60) percent of that total may be Single Family - 50's or Single - Family 45's. Table 1 shall be the basis for calculating any and all land use changes by future administrative approvals as described in the administrative section of this PUD.

The density of lots shall not exceed 2.0 units per gross acre. At a gross acreage of 259.4, this would result in a maximum of 518 allowed units.

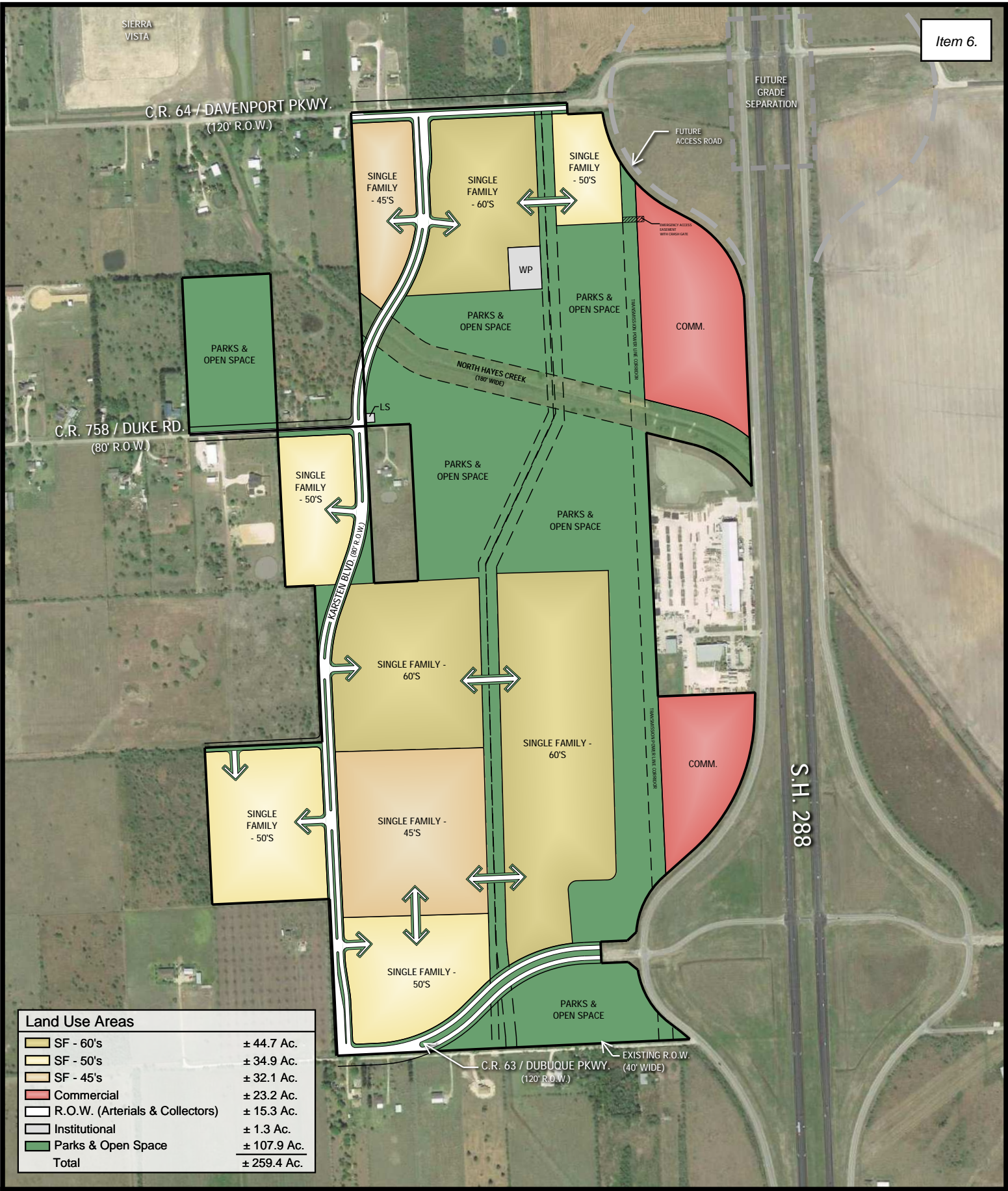
D. Benefits to the City of Iowa Colony

Ellwood will help meet the demand for quality residential and commercial development as the City of Iowa Colony continues to grow and will enable the City to achieve its vision for the future.

Master planned communities, in general, provide tremendous benefits for cities over traditional “piece-meal” development. Historically, property values in master planned communities are greater and more stable than property values outside of master planned communities, providing cities with a greater ability to plan and fund services. Additionally, residents of master planned communities typically call upon public services, including public safety, at a lower rate than in other areas that are not master planned, deed restricted, and managed by strong homeowner’s associations. Master planned communities bring stability and predictability that facilitate a city’s long-range planning and financial objectives.

The rural character of the area will be preserved by protecting the North Hayes Creek and creating a system of trails that connect the neighborhoods to the creek, detention ponds, and one another. By creating an environment that encourages people to form bonds and share experiences, Ellwood will establish a cohesive community of people that blends with and preserves Iowa Colony’s small town values.

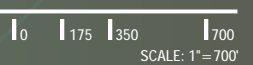
In addition, Ellwood will help create the “rooftops” necessary to drive the commercial development planned along State Highway 288 which will generate sales tax revenue for Iowa Colony.



Land Use Areas	
SF - 60's	± 44.7 Ac.
SF - 50's	± 34.9 Ac.
SF - 45's	± 32.1 Ac.
Commercial	± 23.2 Ac.
R.O.W. (Arterials & Collectors)	± 15.3 Ac.
Institutional	± 1.3 Ac.
Parks & Open Space	± 107.9 Ac.
Total	± 259.4 Ac.

Ellwood

Exhibit 4: Preliminary Land Use Plan



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E. Transportation

Ellwood will establish a transportation network consisting of streets and other forms of transportation designed to meet the mobility needs of the community.

1. Existing Access

Ellwood currently has access to State Highway 288 to the east, C.R. 758 (to be renamed at a later date) to the west, and Davenport Parkway to the north. To the south, Dubuque Parkway is proposed to extend through the property to connect to State Highway 288. Karsten Boulevard is proposed to extend through the property in a north-south fashion to connect Davenport Parkway, C.R. 758, and Dubuque Parkway.

2. Street Hierarchy

The street system in Ellwood will consist of a hierarchy of streets ranging from major arterials to local streets. The intent of the system is to establish a series of streets that are sized appropriately for the land uses that they serve and to direct traffic within the community to the collector streets and major arterials while discouraging any negative impact on residential neighborhoods and surrounding properties. The following is a brief description of street types that may be implemented within Ellwood:

Major Arterials – Major arterials are intended to serve as principal thoroughfares identified as Major Arterial Streets on the City’s Thoroughfare Plan.

Major Collector Streets – Major Collector streets are intended to help distribute traffic between major arterials and other collector streets and are identified as Major Collector Streets on the City’s Thoroughfare Plan.

Local Streets – Local streets are designed to provide access to residential lots.

3. Minimum Right-of-Way Widths & Paving Sections

Streets within Ellwood shall conform to the following standards:

<p align="center">TABLE 2</p> <p align="center">Minimum Right-of-Way Width & Paving Sections</p>		
	<p>Minimum Right-of-Way Width</p>	<p>Standard Paving Section (Measured from back of curb to back of curb)</p>
Major Arterial	120 feet	Two (2) 25 foot divided sections ¹
Major Collector	80 feet	Two (2) 25 foot divided sections ¹
Local Street	50 feet	28 feet

1) All bridge crossings may have a reduced median width.

4. Vehicular Circulation Plan

The Vehicular Circulation Plan illustrates the proposed circulation system for Ellwood. The plan is designed to meet the mobility needs of the development in a safe and efficient manner as well as provide adequate circulation for the overall area.

5. Karsten Boulevard

Karsten Boulevard is proposed to extend through Ellwood, running north to south on the western side of the Project, connecting Davenport Parkway with Dubuque Parkway. It will be the sole major collector within Ellwood. Esplanade openings will be strategically placed along Karsten, which the circulation plan will illustrate. The specific locations of esplanade openings will be proposed via notes on the preliminary plat and must be approved by the City’s Designated Official. Requests for additional esplanade openings not shown on the exhibit will be considered on a case by case basis, subject to approval by City’s Designated Official.

Extending Karsten Boulevard through the Project will help improve the circulation within Iowa Colony. It will connect Davenport Parkway, County Road 758, and Dubuque Parkway, thereby creating an alternate route if an accident occurs on S.H. 288.

The developer will work with the City's assistance to acquire the right-of-way for the segment of Karsten Boulevard that is proposed to be built outside of the project boundary between C.R. 758 and Davenport Parkway. It is in the City's interest to assist with the acquisition of this portion of the right-of-way to promote adequate circulation for the project and the surrounding community. The developer shall be responsible for funding the purchase of said right-of-way should the city assist with acquisition of the property. Where Karsten Boulevard abuts the Project boundary, the developer will dedicate 70' of right-of-way within the Project boundary, except for within 200' of intersections with Major Thoroughfares, where the developer will dedicate 90' of right-of-way. The remaining 10' of right-of-way outside of the Project boundary will be dedicated by others at a later date.

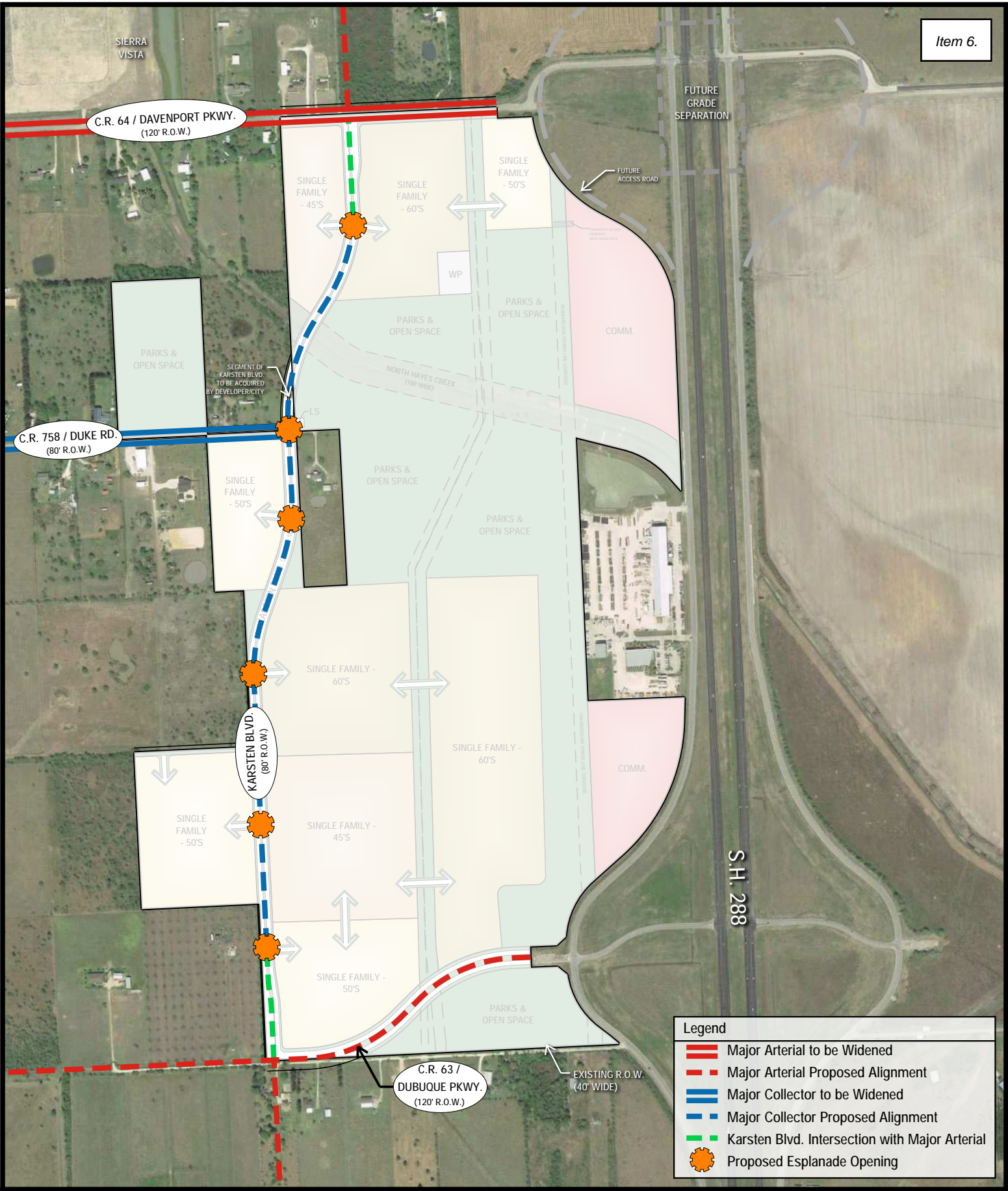
6. Davenport Parkway, County Road 758, and Dubuque Parkway

Davenport Parkway (designated as a major arterial on the City's major thoroughfare plan) runs along the northern boundary of the Project. Davenport Parkway will connect to an S.H. 288 access ramp and overpass once completed in the coming years. The interim pavement design for the segment of Davenport Parkway within the Project boundary may be constructed after the S.H. 288 overpass is completed, but no later than the last day of 2026.

County Road 758 is designated as a major collector on the City's major thoroughfare plan and runs west of the Project. It will terminate at its intersection with future Karsten Boulevard. Where this road is bisected by the project boundary, the developer shall pay fee in lieu of construction since construction of a half road in these areas is not feasible.

Dubuque Parkway (designated as a major arterial on the City's major thoroughfare plan) will extend through the southern portion of the Project to connect with State Highway 288. An S.H. 288 access ramp and overpass is also planned for Dubuque Parkway, although it is planned for construction later than the Davenport Parkway access ramp and overpass.

The necessary right-of-way will be dedicated for all of these roads, and the roads will be constructed where the proposed alignments are located wholly within the Project boundary. Where the road alignments are bisected by the project boundary, the necessary right-of-way will be dedicated, and the developer shall construct one half of the road (where feasible).



Legend

- Major Arterial to be Widened
- Major Arterial Proposed Alignment
- Major Collector to be Widened
- Major Collector Proposed Alignment
- Karsten Blvd. Intersection with Major Arterial
- Proposed Esplanade Opening

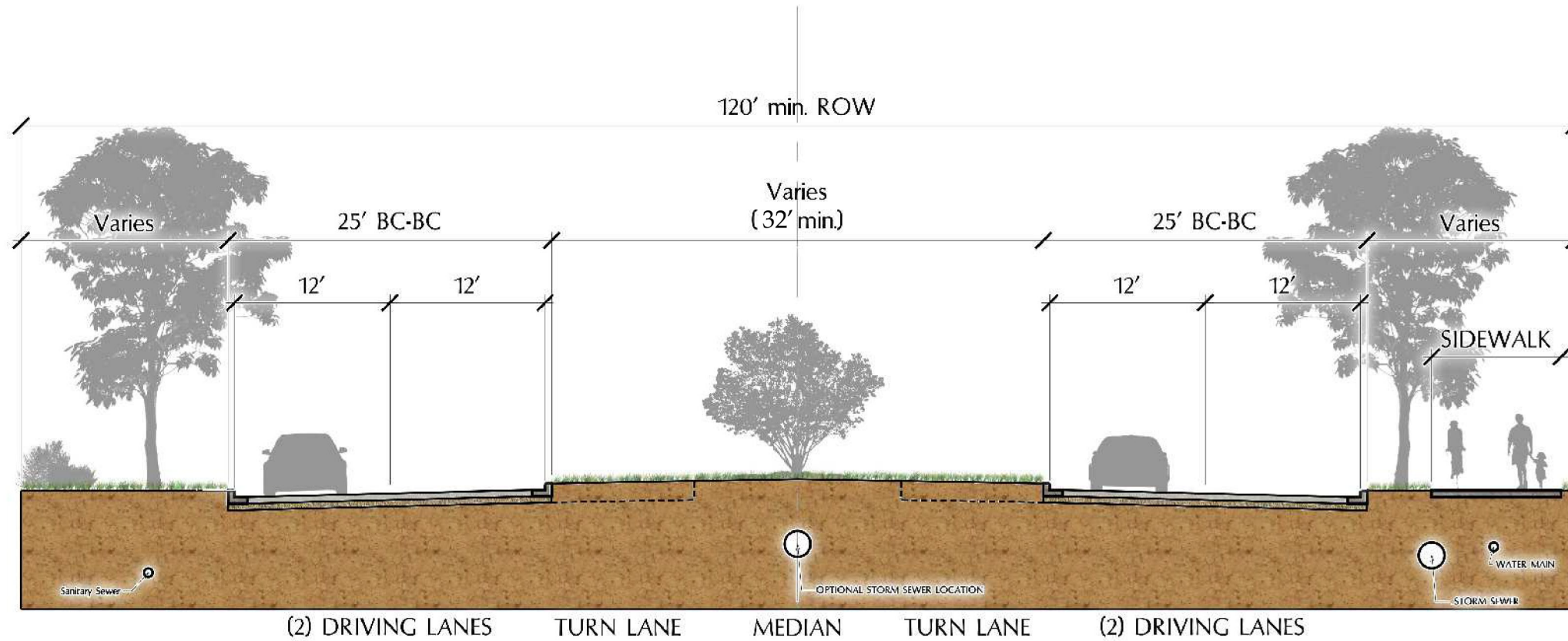
Ellwood

Exhibit 5: Circulation Plan



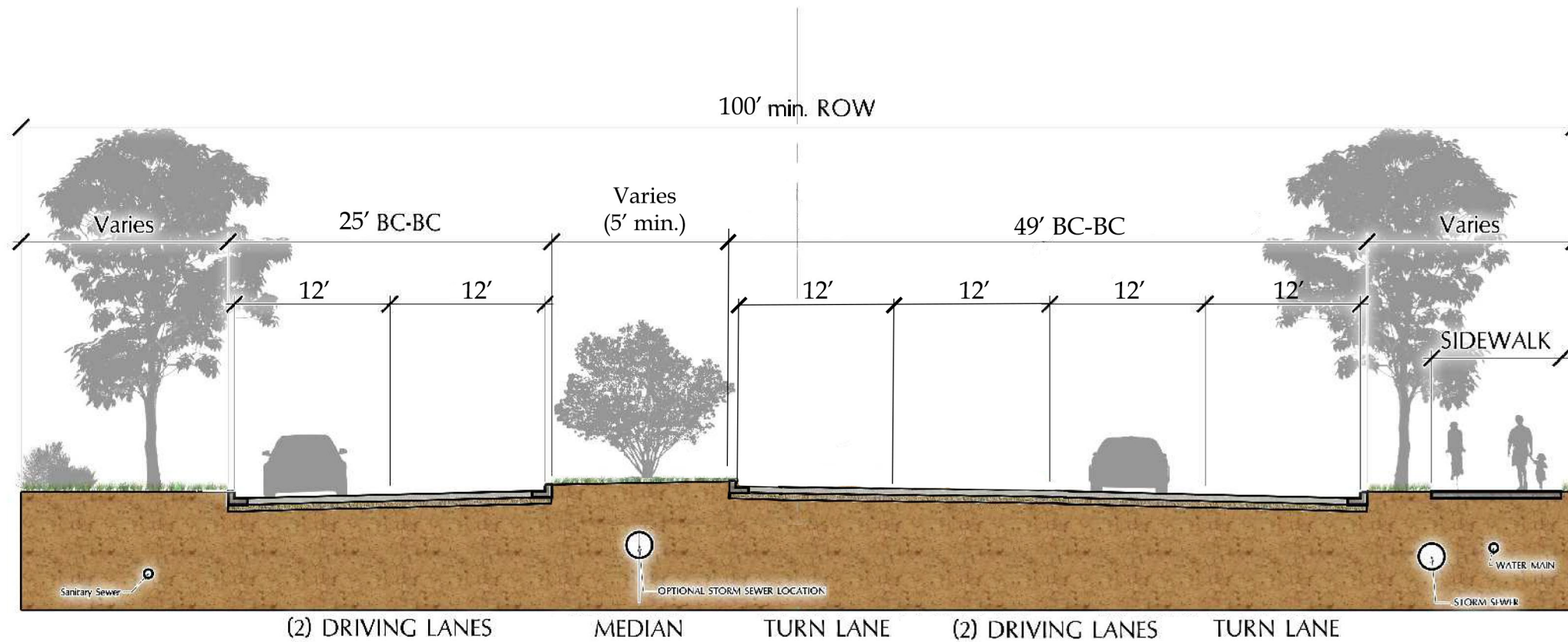
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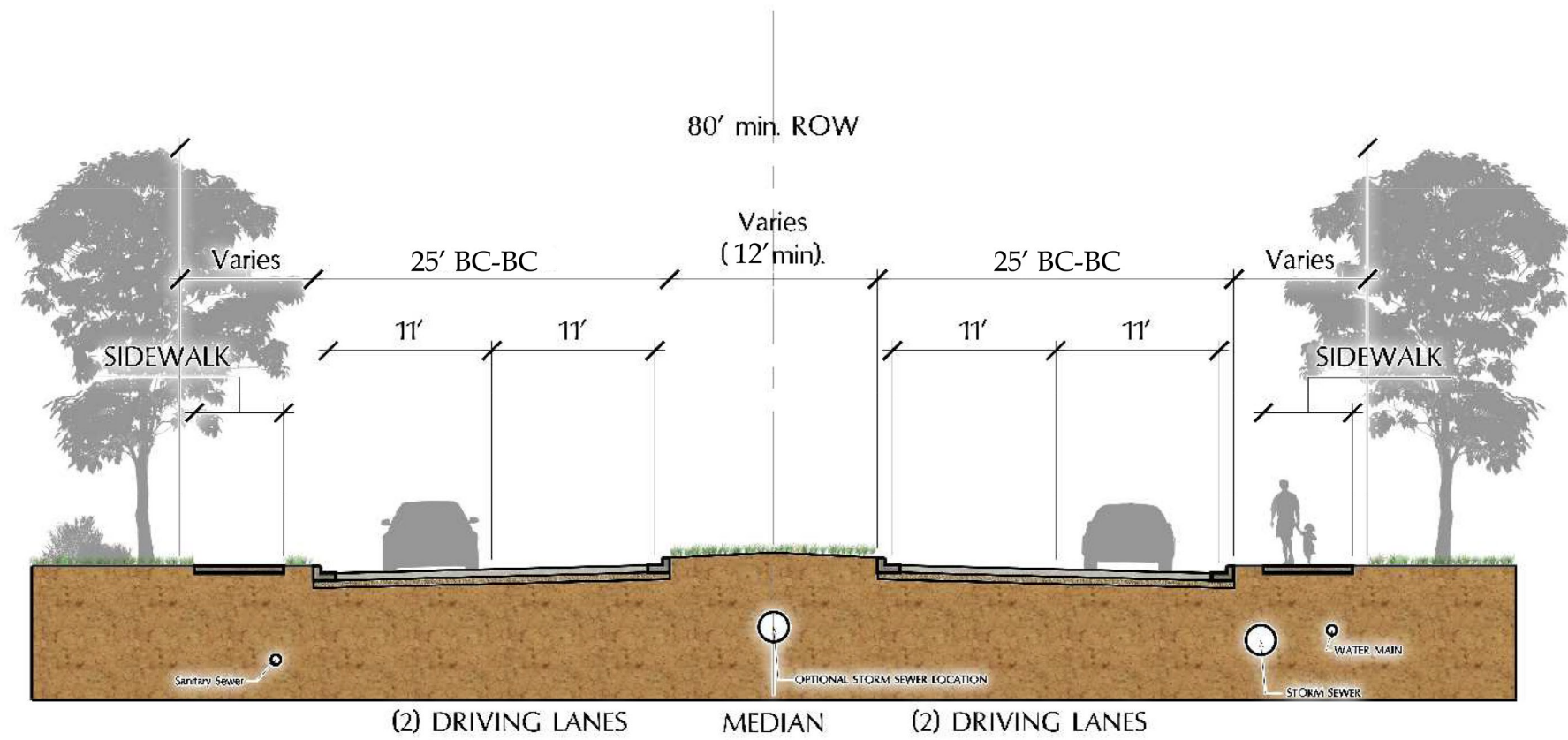
Notes:

1. Sidewalk(s) may be located outside of right-of-way within an approved sidewalk easement.
2. Sidewalk may be located as 6' sidewalk on both sides of ROW or as 8' sidewalk on one side of ROW.
3. If an existing or proposed trail is located on an adjacent reserve, a sidewalk shall not be required.
4. Median openings shall be located in conformance with the Circulation Plan.
5. Median width may be reduced to 16 feet to accommodate left turn lanes.
6. Driving lanes may meander within the right-of-way as right-of-way widens greater than 120' minimum.
7. Utility locations are schematic in nature. Actual location may vary due to engineering limitations.
8. Proposed trees within median will be planted a minimum of 5' from utility lines.



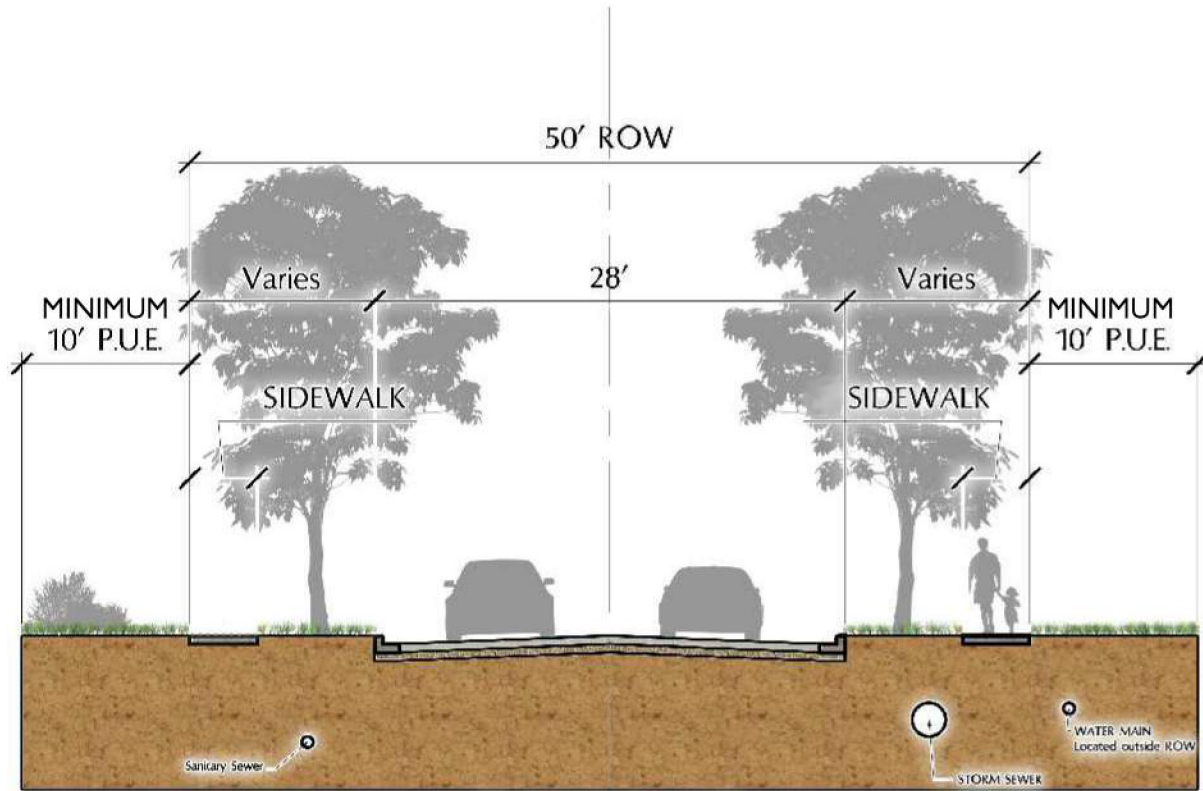
Notes:

1. Sidewalk(s) may be located outside of right-of-way within an approved sidewalk easement.
2. Sidewalk may be located as 6' sidewalk on both sides of ROW or as 8' sidewalk on one side of ROW.
3. If an existing or proposed trail is located on an adjacent reserve, a sidewalk shall not be required.
4. Median openings shall be located in conformance with the Circulation Plan.
5. Utility locations are schematic in nature. Actual location may vary due to engineering limitations.
6. Proposed trees within median will be planted a minimum of 5' from utility lines.
7. A 10' P.U.E. shall be located outside of the R.O.W. on the east side of Karsten Boulevard.



Notes:

1. Sidewalk(s) may be located outside of right-of-way within an approved sidewalk easement.
2. If an existing or proposed trail is located on an adjacent reserve, a sidewalk shall not be required.
3. Median openings shall be located in conformance with the Circulation Plan.
4. Median width may be increased to accommodate left turn lanes.
5. Right turn lanes will be provided, if necessary, at intersections with Major Arterials. Right-of-way may be widened to accommodate 11' right turn lane.
6. Utility locations are schematic in nature. Actual location may vary due to engineering limitations.



(2) DRIVING LANES

Notes:

1. Sidewalk(s) may be located outside of right-of-way within an approved sidewalk easement.
2. If an existing or proposed trail is located on an adjacent reserve, a sidewalk shall not be required.
3. Utility locations are schematic in nature. Actual location may vary due to engineering limitations.
4. P.U.E. shall mean public utility easement.
5. P.U.E.'s in excess of 10' may be required depending on final engineering design.

7. Street Design Criteria

Streets within Ellwood shall conform to the following standards:

Cul-de-sacs: Cul-de-sacs within residential areas shall be measured along the centerline of the street from the nearest intersecting street to the center of the terminus bulb. The maximum length of cul-de-sacs in residential areas shall be determined by the number of vehicle trips generated per day, which shall not exceed 350. For the purposes of this requirement, the following standard shall apply:

Detached Units – 10 vehicle trips per day per unit (35 units)

Attached units – 8 vehicle trips per day per unit (44 units)

In no case shall cul-de-sacs exceed 800 feet in length.

Landscape “islands” having a maximum radius of sixteen (16) feet shall be permitted within cul-de-sac bulbs.

Cul-de-sacs in non-residential areas shall be considered on a case-by-case basis by the City’s Designated Official.

Intersections: Intersections of local streets shall be spaced at a minimum of 125’ apart, as measured from centerline to centerline.

Streets shall be designed to intersect as nearly as possible to right angles.

No street shall intersect any other street at less than 70 degrees.

Property lines at intersections of major arterials and major collectors shall transition with a 25 foot minimum radius curve. Property lines at intersections of local streets shall transition with a 25 foot minimum radius curve. Property lines that intersect at less than 90 degrees shall transition with a 25-foot minimum radius curve.

Curves: Curves along major arterials shall be designed to meet or exceed minimum ASHTO standards. International Transportation Engineers (ITE) Context Sensitive Solutions shall be allowed.

Curves along major collector streets shall have a minimum centerline radius of 300 feet. Reverse curves shall be separated by a tangent distance of not less than 100 feet.

Curves along local streets shall have a minimum centerline radius of 100 feet. Reverse curves shall be separated by a tangent distance of not less than 50 feet. This standard shall not apply to “L type” intersections. These types of intersections shall have a minimum centerline radius of 50 feet.

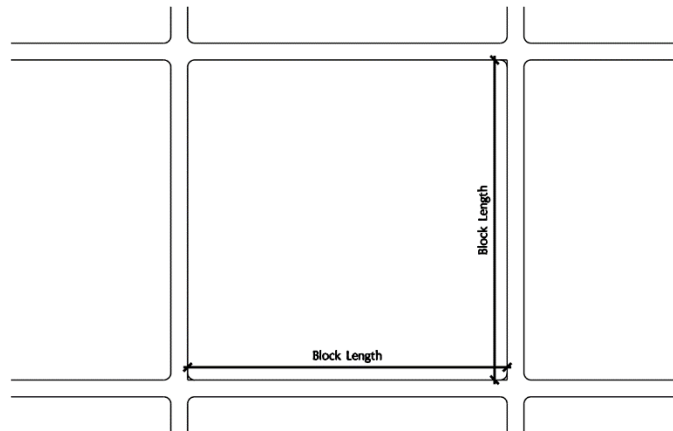
Block Length: Major arterials shall have a maximum block length of 2,600 feet with the following exception:

- Major arterials that run parallel to drainage features having a minimum width of fifty (50) feet shall have a maximum block length of 4,000 feet.

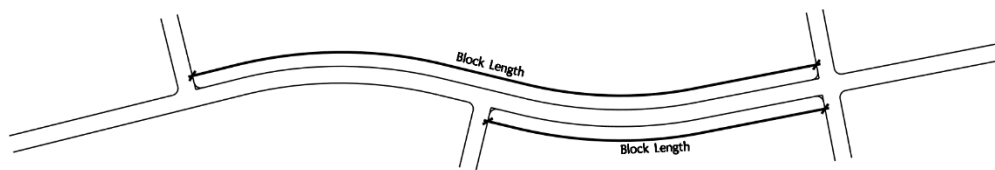
Major collectors shall have a maximum block length of 1,800 feet and local streets shall have a maximum block length of 1,200 feet with the following exceptions:

- Crossings of creeks shall only be required by streets that are identified as major corridors on the City’s Thoroughfare Plan.
- The maximum block length along pipeline easements or drainage features having a minimum width of 50 feet shall be 2,000 feet.

Block length shall be measured between intersections from edge of right-of-way to edge of right-of-way.



Traditional Block Length Measurement



Curvilinear Block Length Measurement

In cases where multiple blocks may exceed 2,400 feet and pedestrian connections are not provided, the City’s Designated Official may require that a reserve, having a minimum width of twenty (20) feet, be provided to accommodate such a connection if it would significantly improve overall pedestrian circulation within the development. Where physically possible, a minimum thirty (30) feet wide emergency access reserve that connects the Ellwood boundary with a public street must be provided a minimum of every 2,400 feet along the Ellwood boundary unless determined to be unnecessary by the City’s Designated Official.

Points of Access: All subdivision sections containing more than thirty-five (35) lots shall have a minimum of two points of access. A divided or boulevard entry consisting of two (2) 20-foot wide travel lanes separated by a median having a minimum width of 15 feet shall be acceptable in all circumstances and shall be considered two points of access for these purposes provided that the divided paving section extends to the first intersecting street that is not a

cul-de-sac and continues to provide two points of access to all other parts of the subdivision except cul-de-sac streets. Parking along the divided entry shall be prohibited. A divided or boulevard entry with a loop shall be considered two points of access. If the loop is not completed and there are over thirty-five (35) lots, a temporary emergency access easement shall be provided until such point that the loop has been completed.

All subdivision sections, regardless of the number of lots, will require a minimum of two points for emergency protection access. One of the points may be gated with a 911 emergency gate/KNOX lock box system for emergency protection personnel use only.

Lot Frontage: Each SF - 60's and SF - 50's lot shall have frontage on a local street.

Lots may not have direct vehicular access to a major arterial or major collector street unless the lot is one acre or greater in size and provides a turnaround that prohibits vehicles from backing onto the major arterial or collector.

8. Traffic Signalization

A Traffic Impact Analysis will be required to determine if traffic signals are warranted at the intersection of Karsten Boulevard with Davenport Parkway and the intersection of Karsten Boulevard with Dubuque Parkway.

If it is determined a signalized intersection is warranted per Engineering Design Criteria Manual, the Developer shall fully fund the traffic signal at this intersection. If a traffic signal is not warranted, the developer shall escrow 25% of costs for design and construction for each intersection. Escrowed funds for traffic signal improvements shall be due prior to platting Phase Two per Exhibit 13.

9. Street Sidewalks

Sidewalks shall be provided in accordance with the following schedule:

TABLE 3			
Sidewalk Requirements			
Street Type	Minimum Requirement		
Major Arterial	6 foot sidewalks shall be provided on both sides of the street	OR	An 8 foot sidewalk shall be provided on one side of the street
Major Collector	6 foot sidewalks shall be provided on both sides of the street	OR	An 8 foot sidewalk shall be provided on one side of the street
Local Street	5 foot sidewalks shall be provided on both sides of the street		

* At bridge crossings, 6 foot sidewalks shall be provided on both sides of the street or an 8 foot sidewalk shall be provided on one side of the street

Generally, sidewalks should be constructed within the right-of-way. Sidewalks adjacent to open space areas may meander between the right-of-way and open space when desired. When trails exist or are proposed on an adjacent reserve of open space area, sidewalks shall not be required provided that the trail is constructed of concrete. If a sidewalk is provided on only one side of the street and it meanders outside the right-of-way, it must return to the right-of-way at least every 1,400 feet.

Deviations from the above schedule will be considered on a case by case basis, subject to approval by City’s Designated Official.

F. Parks, Open Space & Trails

1. Parks & Open Space

Parks and Open Space will be a central feature of the community and its identity. Ellwood will celebrate and draw upon the natural beauty of North Hayes Creek by preserving it to the greatest extent possible. There will be no clear cutting and the introduction of concrete structures will be minimized. In addition to North Hayes Creek, man-made detention basins will be created that will extend out into the

community from the Creek. These detention basins will be contoured and landscaped and they will form the backbone of the open space system, providing a common “thread” that binds the community together both physically as well as socially.

Additionally, active recreational facilities will be developed and built within Ellwood, ranging from small pocket parks to the larger neighborhood parks, which will be connected through an extensive pedestrian trail system. This will be the backdrop for many leisure activities.

The recreation and open space areas, besides providing areas for neighbor interaction, will provide physical separation, buffer zones, and transitions between areas of development. The undeveloped open space portion of the project is preserved to provide the communities with “passive” recreational opportunities and to maintain a visual barrier between adjacent uses.

The Iowa Colony Unified Development Code regulations require that not less than 1 acre for each 54 proposed dwelling units be set aside for neighborhood park purposes. Based on the 518 maximum dwelling units possible within this PUD, the parkland dedication requirement for Ellwood is 9.6 acres. Parkland shall comply with the City’s Planned Unit Development Ordinance (O-2019-14).

Easements, detention area maintenance berms, and drainage channel borders shall qualify at a 50% credit for parkland if they comply with the following criteria: include hike, bike, and all-weather paths that are connected to recreational areas as part of an open space system; landscaping and sodding installed according to the construction standards of the City; an average width of at least thirty feet (30’) and a minimum width of twenty feet (20’); and side slopes that do not exceed five to one (5:1) ratio, unless otherwise approved by the City.

The City of Iowa Colony planned unit development regulations require that not less than 5% of the total area of development be set aside for open space. Based on a total area of 259.4 acres, the open space requirement for Ellwood is 13.0 acres. Approximately 107.8 acres of land within Ellwood is planned to be designated as neighborhood parkland and open space. A minimum of 9.6 acres will be solely dedicated to neighborhood parkland purposes. The following table indicates the amount of parks and open space to be provided.

TABLE 4				
Parks and Open Space				
	Required		Provided	
Land Use	% of gross acreage	Acreage	% of gross acreage	Acreage
Parks and Open Space (POS)	5%	13.0	42%	107.8

All parkland will be accessible for general public use, except for the pool, which will be restricted to use by Ellwood residents. The Municipal Utility District or Homeowners Association will own and maintain all parks and open space. This will provide a benefit to the greater community by providing recreation opportunities to the public at no cost to the City. The developer will also contribute an additional \$450 per dwelling unit for the development of regional parks.

The Parks, Open Space, & Trails Plan is preliminary in nature and illustrates the proposed parks and open space areas within Ellwood. The specific location of individual parks or open spaces may be moved or combined as the design and development of Ellwood moves forward. However, all lots shall be within a quarter-mile radius of a dedicated neighborhood park. The city will be notified of any changes to the Parks, Open Space, & Trails Plan. The City’s regional parkland fee shall still apply to all lots within this PUD.

A pool, recreation center, and playground will be constructed with Phase 2. An additional playground will be constructed with Phase 3. However, the precise locations of these amenities are subject to change.

2. Compensating Open Space

Lots less than 6,600 square feet shall provide compensating open space in the minimum amount required by the City’s planned unit development ordinance (O-2019-14). The compensating open space shall be in accordance with the following schedule and in conformance with additional performance standards as follows.

TABLE 5	
Compensating Open Space	
Single-family residential lot area may be reduced to between:	Upon providing this amount of compensating open space per single-family residential lot (square feet)
6,000 – 6,599	150
5,500 – 5,999	300
5,000 – 5,499	450
4,500 – 4,999	600
4,000 – 4,499	750

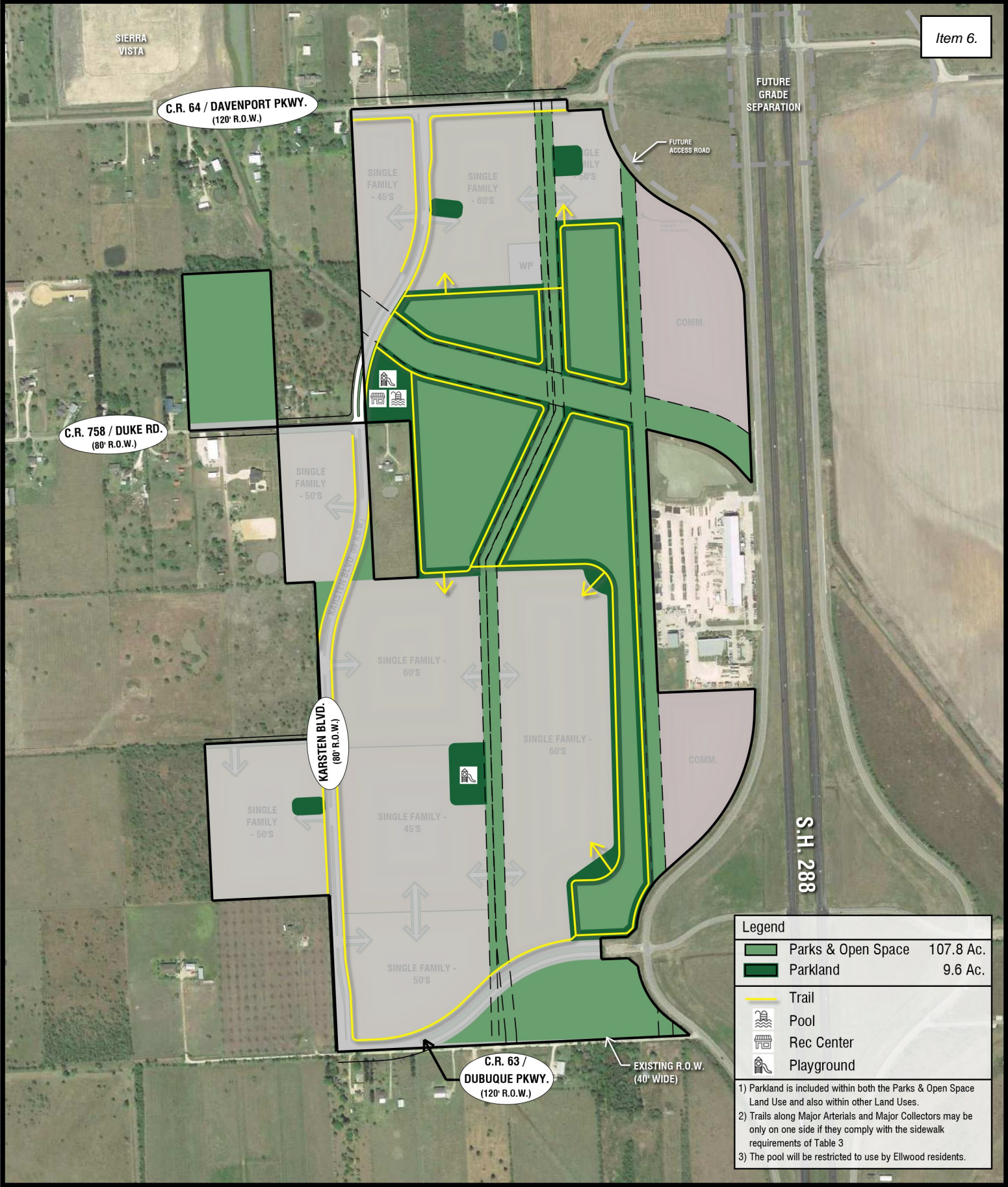
No more than twenty-five (25%) percent of the total required compensating open space may be located within the one hundred (100) year floodplain. The minimum size of any area used for compensating open space shall be one thousand (1,000) square feet, with a minimum width of twenty (20) feet.

3. Trails

In addition to the required street sidewalks, Ellwood will provide an extensive trail system that will extend throughout the community offering access to parks and between neighborhoods. The trail system within Ellwood will be maintained by the Municipal Utility District or Home Owner’s Association, except where trails are included in public parkland dedication areas, in which case the responsibility of maintenance shall transfer to the City of Iowa Colony.

The Parks, Open Space, & Trails Plan identifies the proposed location of trails within Ellwood. Trails may be paved or unpaved and constructed of materials that are appropriate for the specific application. The Parks, Open Space, & Trails Plan is preliminary in nature. The specific location of individual trails may be moved or combined as the design and development of Ellwood moves forward. The city will be notified of any such changes.

All trails along roadways shall follow the guidelines as set forth in Table 3. All other trails not along roadways shall be a minimum of 4 feet in width.



Legend	
	Parks & Open Space 107.8 Ac.
	Parkland 9.6 Ac.
	Trail
	Pool
	Rec Center
	Playground

- 1) Parkland is included within both the Parks & Open Space Land Use and also within other Land Uses.
- 2) Trails along Major Arterials and Major Collectors may be only on one side if they comply with the sidewalk requirements of Table 3
- 3) The pool will be restricted to use by Ellwood residents.

Ellwood

Exhibit 10: Parks, Open Space, & Trails Plan



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SIERRA VISTA

C.R. 64 / DAVENPORT PKWY.
(120' R.O.W.)

FUTURE GRADE SEPARATION

FUTURE ACCESS ROAD

SINGLE FAMILY - 45'S

SINGLE FAMILY - 60'S

SINGLE FAMILY - 50'S

WP

PARKS & OPEN SPACE

PARKS & OPEN SPACE

COMM.

PARKS & OPEN SPACE

C.R. 758 / DUKE RD.
(80' R.O.W.)

SINGLE FAMILY - 50'S

PARKS & OPEN SPACE

PARKS & OPEN SPACE

LS

KARSTEN BLVD. (80' R.O.W.)

SINGLE FAMILY - 60'S

SINGLE FAMILY - 60'S

COMM.

SINGLE FAMILY - 50'S

SINGLE FAMILY - 45'S

SINGLE FAMILY - 50'S

S.H. 288

C.R. 63 / DUBUQUE PKWY.
(120' R.O.W.)

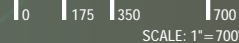
EXISTING R.O.W. (40' WIDE)

Legend

- Precast Concrete / Masonry
- View Fence
- Standard Wood Fence

Ellwood

Exhibit 11: Fencing Plan



NORTH

EHRA
ENGINEERING THE FUTURE SINCE 1938

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G. Infrastructure

1. Municipal Utility Districts

Ellwood is served by Brazoria County Municipal Utility District #57, which will be responsible for providing public utility service to the project. The City of Iowa Colony shall have the option to assume the maintenance and operation of MUD constructed facilities. The specific terms, conditions, and timing of any transfer of MUD facilities to the City will be the subject of a separate utility agreement to be executed between the appropriate MUD and the City.

2. Water

The water distribution system within Ellwood will be designed to meet or exceed the City of Iowa Colony and TCEQ requirements. One water plant is anticipated. Water wells, ground storage tanks, pressure tanks, and booster pumps will be constructed as necessary to meet demand.

The size of water distribution lines will vary based on the ultimate needs of the community. The City of Iowa Colony may choose to participate in the cost of facilities to be oversized to serve other areas outside of the boundaries Ellwood.

3. Wastewater

The wastewater collection and distribution system within Ellwood will be designed to meet or exceed the City of Iowa Colony and TCEQ requirements. Wastewater generated within the development will be collected by an internal network of gravity flow lines and lift stations and treated at the BCMUD No. 55 wastewater treatment plant in Meridiana, unless the City of Iowa Colony builds a regional wastewater plant closer to Ellwood in which case wastewater would be treated at that plant.

The size of wastewater collection lines will vary based on the ultimate needs of the community. The City of Iowa Colony may choose to participate in the cost of facilities to be oversized to serve other areas outside of the boundaries of Ellwood.

4. Storm Drainage & Detention System

The drainage plan and storm sewer system will be designed in accordance with City of Iowa Colony and Drainage District # 5 regulations. The storm water runoff within Ellwood will be routed through a curb and gutter street system to storm sewer lines that will outfall into detention basins contoured and landscaped to resemble natural

lakes throughout the community. The internal detention basins will provide storage volume for the increased storm water runoff resulting from development of the property, but will also be incorporated as amenity features and open space integrated into the theme of the community. The storm water from the detention basins will outfall in a controlled fashion to North Hayes Creek at a rate no greater than the pre-development rate of storm water runoff.

The drainage collection systems will be designed to convey the 100-year sheet flow either in the collection system near the outfall point or by sheet flow drainage through the curb and gutter streets with maximum ponding per agency requirements. The proposed internal detention basin system will be sized to contain the excess run-off resulting from a 24 hour 100-year frequency rainfall event for developed and undeveloped conditions with a minimum freeboard of one foot before out falling into the receiving stream. The storm sewer system will consist of reinforced concrete pipe and box culverts sized per agency requirements. Concrete channelization will be minimized.

5. Flood Plain Management

City, county, and FEMA regulations require the elevations of building slabs to be at or above certain minimum elevations to protect people and structures and to reduce the probability of flooding. When Ellwood is developed, portions of the property, including portions of the flood plain, will be filled with soil to meet those minimum elevation requirements. When a flood plain area is filled, the volume of storm water storage displaced from the flood plain by the new fill must be replaced. This replacement volume is known as "flood plain mitigation". Flood plain mitigation is accomplished by excavating a nearby area within the same watershed as the area of fill with a volume equal to the volume of fill placed in the flood plain. This requirement ensures that the available flood plain storage volume is not decreased and that surrounding properties are not adversely affected. Ellwood will construct the required floodplain mitigation volume in accordance with city, county, and FEMA requirements and will prepare a LOMR-F (Letter of Map Revision - Based on Fill) to reflect the adjusted flood plain areas that will occur internal to the property as a result of development. No habitable structures shall be constructed within the floodway.

The Ellwood drainage system, including storm water detention and flood plain mitigation, will comply with applicable agency requirements to ensure no adverse impacts will result upstream or downstream due to development of Ellwood.

6. Homeowner’s Association & Architectural Review Committee

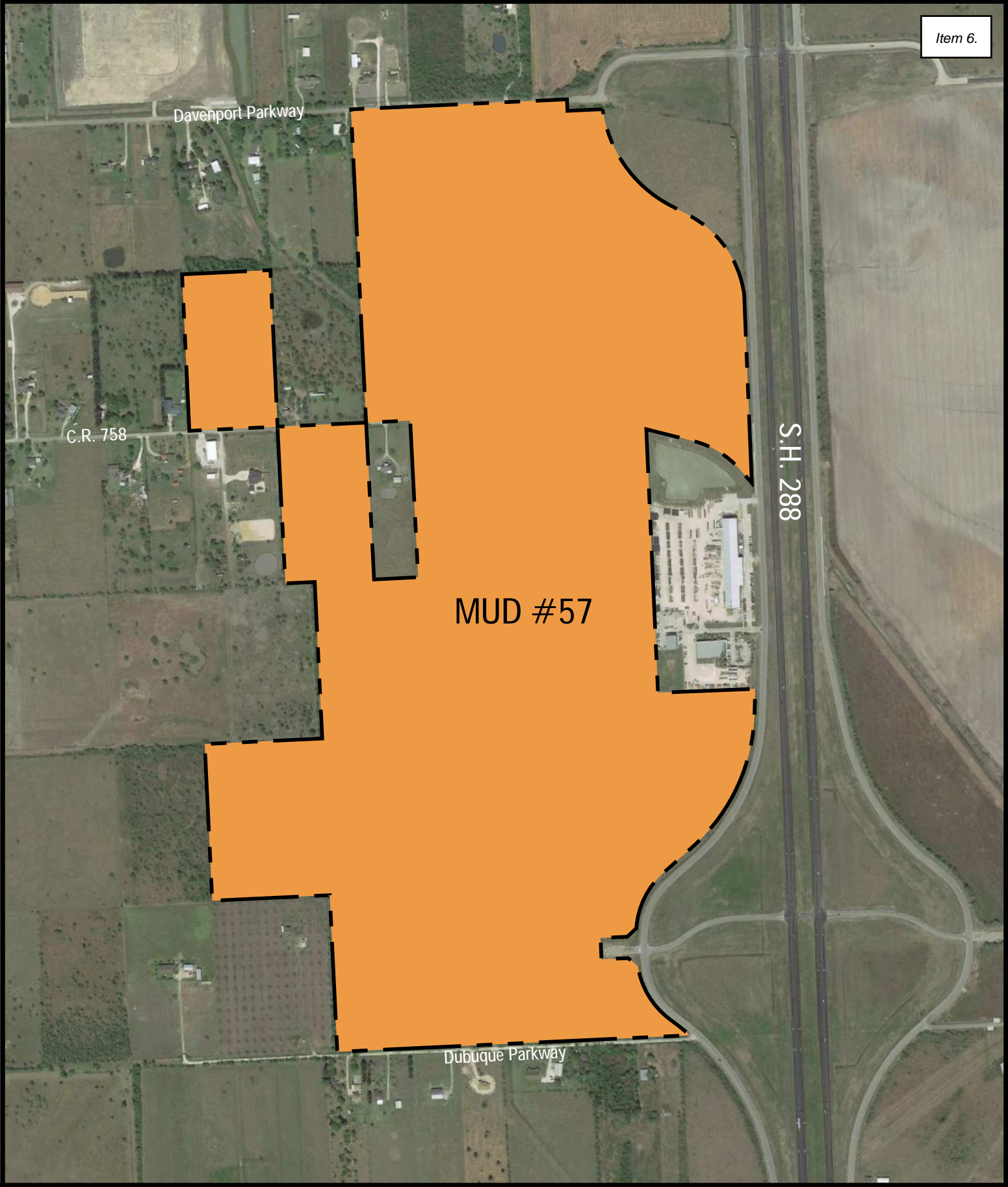
A Homeowner’s Association (HOA) will be created to promote community involvement, maintain common areas, and to enforce deed restrictions and covenants. Copies of these restrictions and covenants will be provided to the city for their review and comment prior to being recorded with the county clerk. The City of Iowa Colony will in no way be responsible for the enforcement of these private covenants.

In addition to the HOA, an Architectural Review Committee (ARC) will be established to ensure conformance to the development standards contained within the PUD and enforce design guidelines which shall be established separately.

Property Owner’s Associations (POA) may be established for non-residential property owners for the same purposes as Homeowner’ Associations.

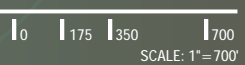
H. Project Phasing

The phasing strategy for Ellwood provides a balanced approach relative to anticipated market demands. The Project Phasing Plan illustrates the proposed phasing plan for Ellwood and indicates the estimated construction timing of each phase. This plan is subject to change based on market demands, availability of infrastructure, physical encumbrances, or legal limitations. The city will be notified of any changes to the Phasing Plan.



Ellwood

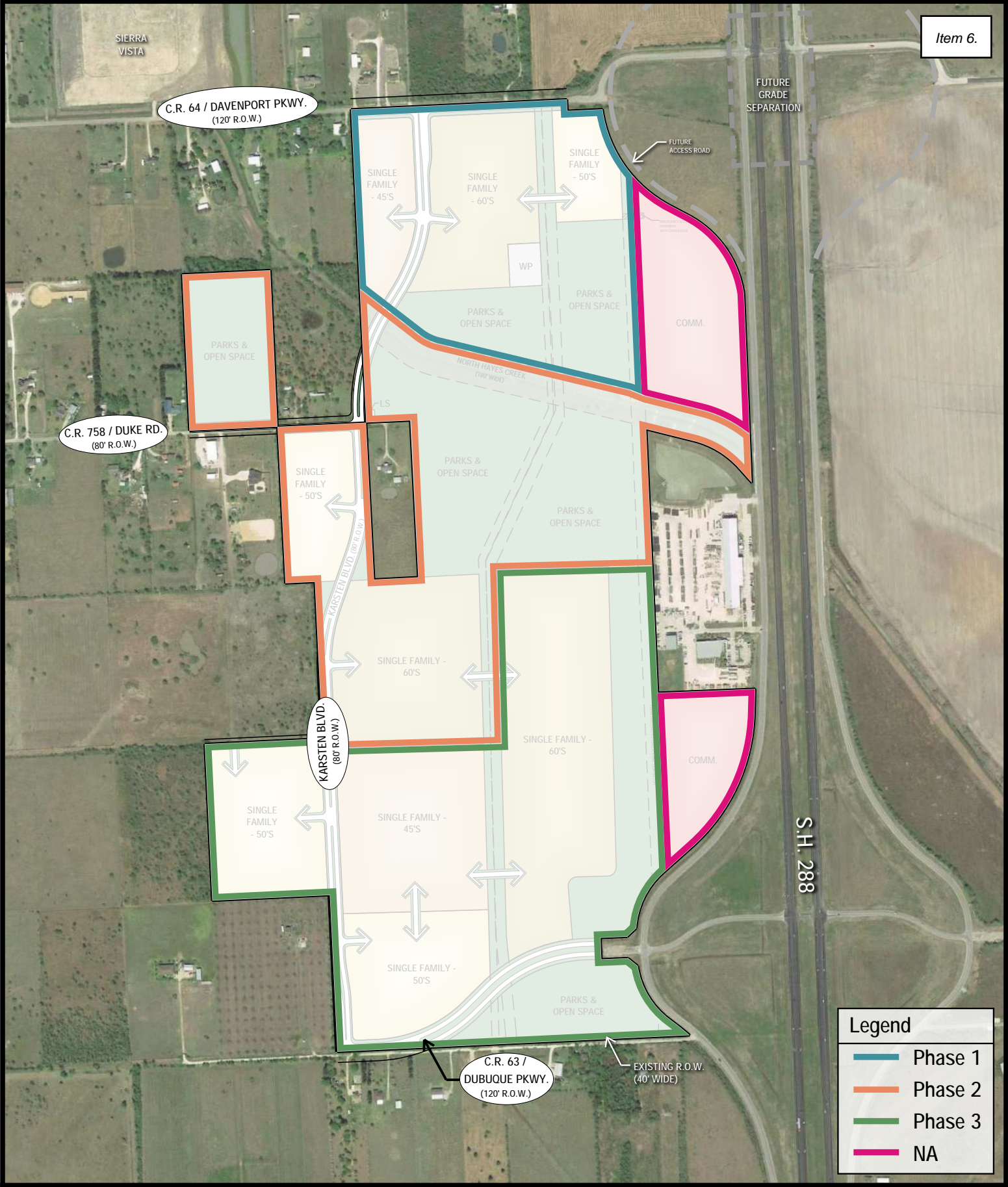
Exhibit 12: MUD Map



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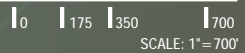
EHRA JOB NO.
 221-022-00



Legend	
█	Phase 1
█	Phase 2
█	Phase 3
█	NA

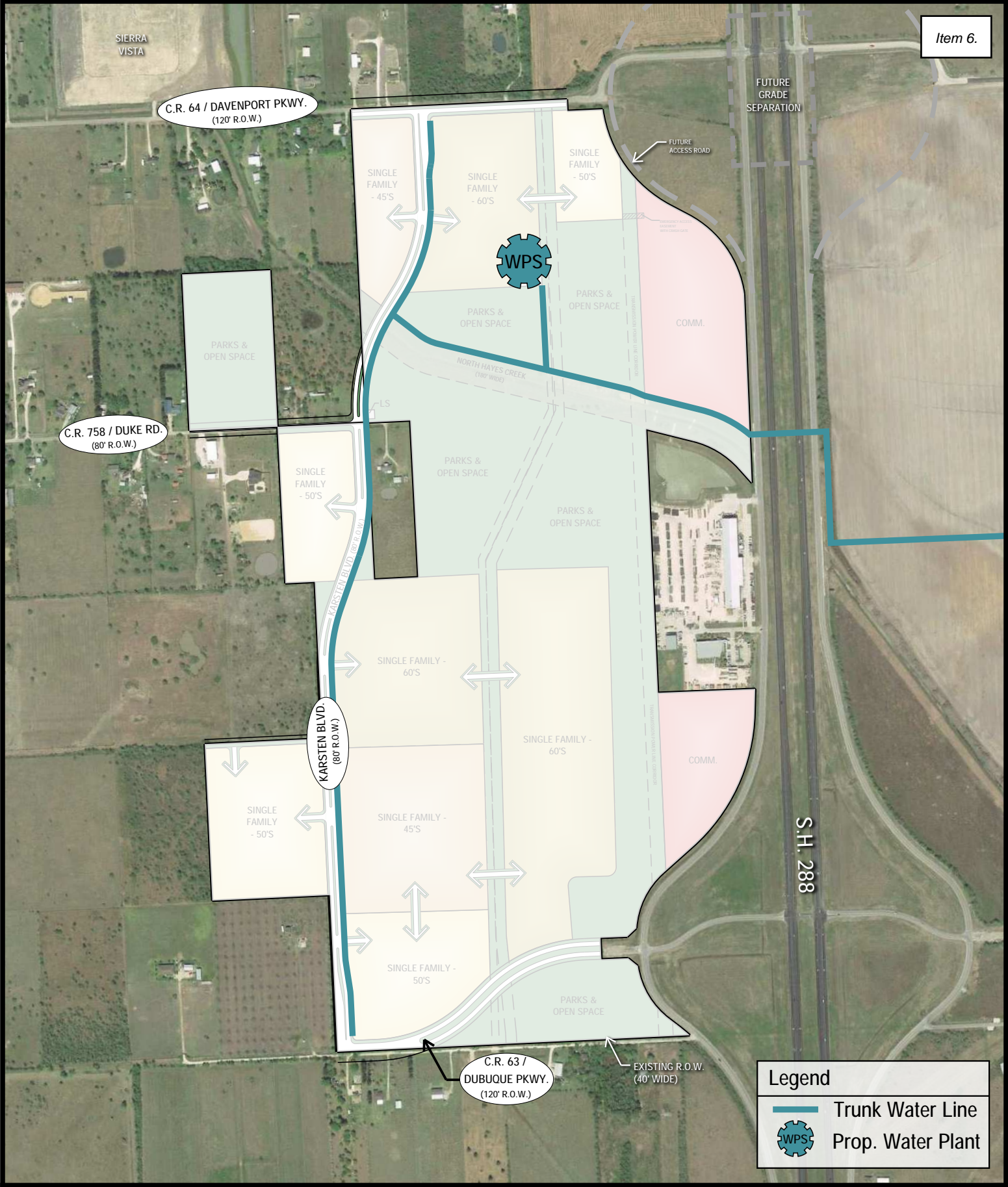
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Exhibit 13: Phasing Plan



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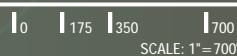


Legend

- Trunk Water Line
- Prop. Water Plant

Ellwood

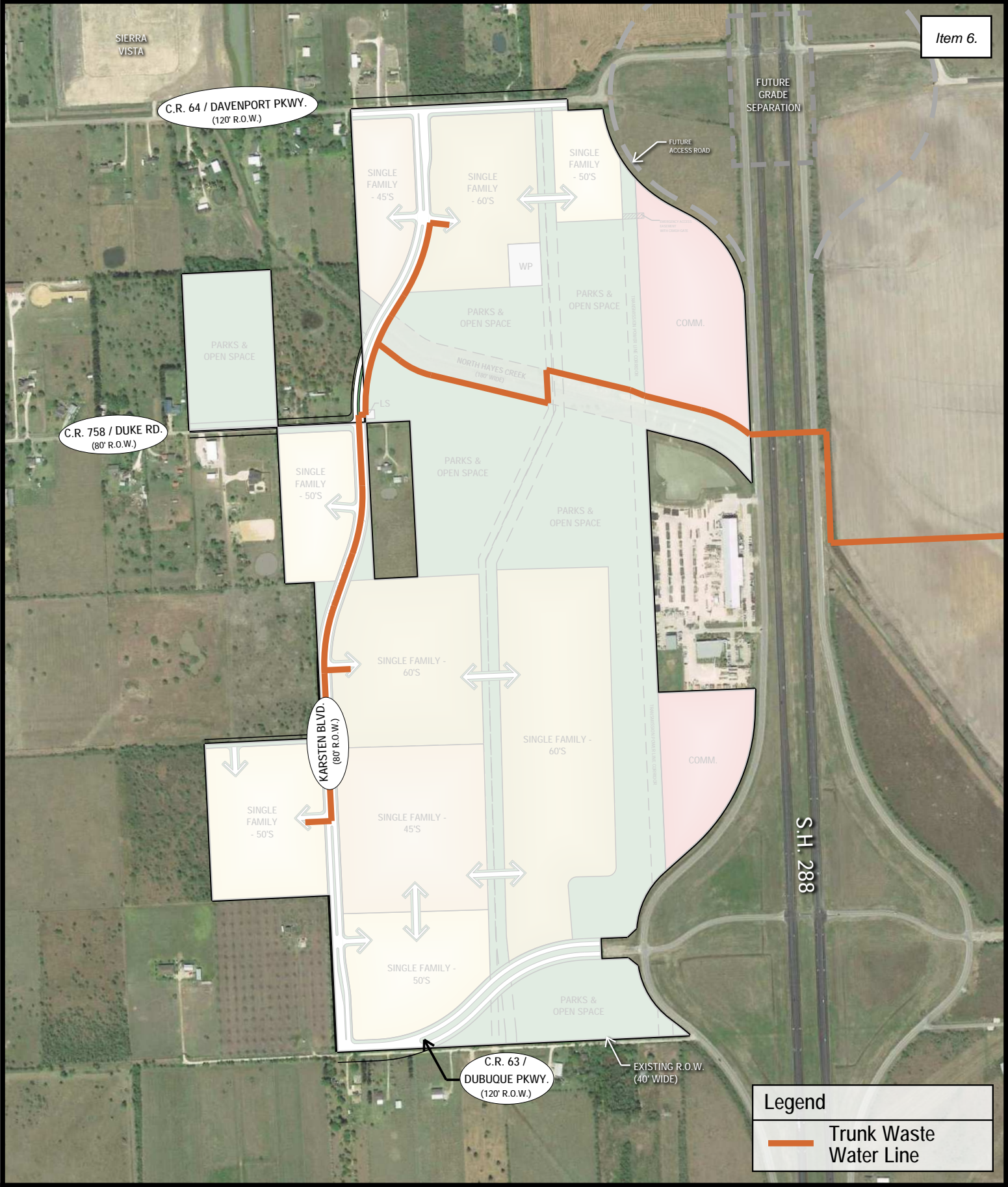
Exhibit 14: Water Supply and Distribution Plan




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Legend

 Trunk Waste Water Line

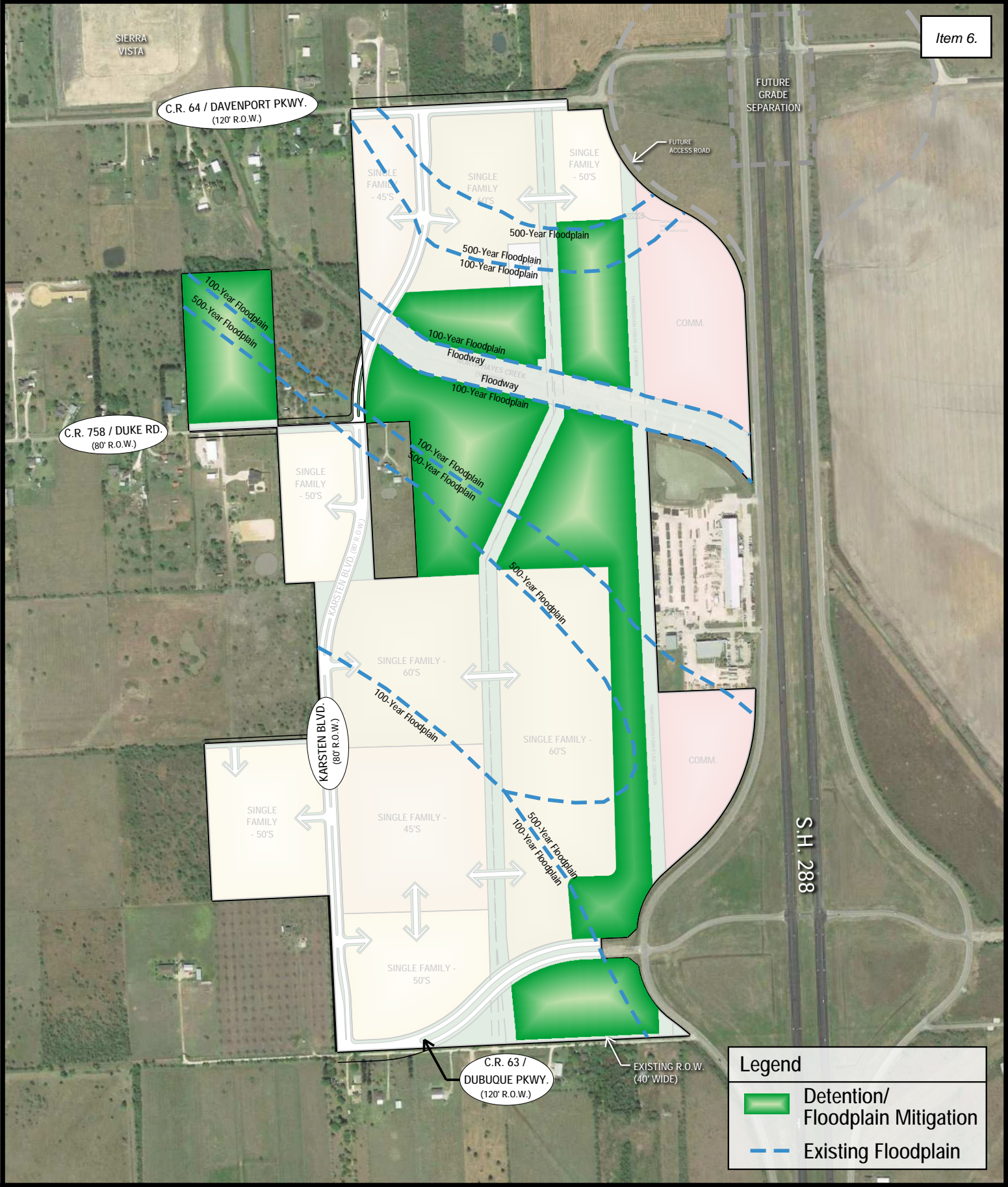
Ellwood

Exhibit 15: Sanitary Sewer Collection and Treatment Plan



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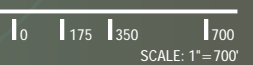


Legend

- Detention/
Floodplain Mitigation
- Existing Floodplain

Ellwood

Exhibit 16: Storm Water Detention and Floodplain Mitigation Plan



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III. DEVELOPMENT REGULATIONS

A. Purpose & Intent

The purpose of the development regulations is to serve as the primary means of achieving the goals and objectives of the Development Plan.

They are designed to establish clear minimum development standards while providing a reasonable amount of flexibility in accommodate future needs.

B. General Provisions

1. Applicability

The regulations contained herein shall apply to all property located within the boundaries of Ellwood PUD. Appendix 1 contains the legal description of the property.

All construction and development within the PUD area shall comply with applicable provisions of the City of Iowa Colony codes and ordinances as they exist on the date of adoption of this PUD and the laws of the State of Texas, except as modified within the amended PUD.

If specific development standards are not established or if an issue, condition, or situation arises or occurs that is not clearly addressed or understandable in the PUD, then those regulations and standards of the City of Iowa Colony codes and ordinances that are applicable for the most similar issue, condition, or situation shall apply as determined by the City's Designated Official. Appeal of any determination regarding applicability may be made to City Council.

This PUD may be amended by the same procedure as it was adopted, by ordinance. Each amendment shall include all sections or portions of the PUD that are affected by the change.

2. Additional Uses

If a proposed use has not specifically been listed as being a permitted use in a particular land use category within the PUD, it shall be the duty of the City's Designated Official to determine if said use is: 1) consistent with the intent of the zone; and 2) compatible with other listed permitted uses.

3. Non-Conforming Land Uses

Where, at the adoption of this PUD, a lawful use of land exists which would not be permitted by the regulations imposed by this PUD, such use may continue so long as it remains otherwise lawful, provided:

- No non-conforming use shall be enlarged, increased, or extended to occupy a greater area of land than was originally occupied at the date of adoption of this PUD.
- No non-conforming use shall be moved, in whole or in part, to any lot or parcel within the PUD.
- If any non-conforming use ceases for a period of more than 180 days, any subsequent use of the land shall conform to the regulations established by this PUD.
- No additional structures shall be erected in connection with any non-conforming use that does not conform to the regulations established by this PUD.

4. Non-Conforming Structures

Where, at the adoption of this PUD, a lawful structure exists which would not be permitted by the regulations imposed by this PUD, such structure may continue to exist so long as it remains otherwise lawful, provided:

- No non-conforming structure shall be enlarged, increased, or extended beyond its size at the date of adoption of this PUD.
- In the event that any non-conforming structure or non-conforming portion of a structure is destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the regulations established by this PUD.
- No non-conforming structure shall be moved, in whole or in part, to any lot or parcel within the PUD.

5. Existing Utilities

Existing utilities and all uses allowed by existing easements shall continue to be permitted in all designations within the PUD.

6. General Development Plan

A general development plan illustrating all contiguous property under one ownership shall be submitted for approval of the Planning Commission prior to or simultaneously with the application for the first preliminary subdivision plat. The General Development Plan shall show the following:

- The alignment of any major thoroughfares and collector streets in accordance with the Vehicular Circulation Plan.
- All recorded easements
- Other proposed streets that will stub out (temporarily terminate) to the boundary of the project
- Proposed land uses and major utilities

The General Development Plan shall eliminate the requirement of a master preliminary plat set forth in Section 20 of the City of Iowa Colony Subdivision Ordinance. Preliminary plats shall be required for each section of development except for minor plats as defined by state law.

Preliminary plats should generally conform to the General Development Plan. Any significant change, as determined by the City's Designated Official shall require the submittal of a revised general development plan for approval by the Planning Commission.

7. Grading

The developer shall be permitted to commence topographic grading of the property, including clearing and grubbing, in preparation of development upon preliminary plat approval. For road construction, grading may commence upon the submittal of construction drawings. However, prior to any grading activity, a Storm Water Pollution Plan must be submitted and any required City of Iowa Colony grading permits must be obtained. The City may issue the necessary permits prior to the approval of construction plans and plat recordation with the understanding that any grading performed under these circumstances shall be at the risk of the developer.

8. Temporary Uses

Temporary uses conducted in connection with the development of the property shall not require zoning permits from the city, but will require health and safety

permits (electrical, plumbing, structural, HVAC, etc.). All temporary uses must be approved by the developer or the Architectural Review Committee. These uses may include, but are not limited to:

- Sales office
- Construction office
- Construction/storage yards
- Construction roads
- Fencing
- Water pumps and ponds
- Concrete batch plants or rock crushing operations and equipment for the processing of on-site materials provided such operations:
 - a.) Maintain a 1,000 foot separation between all operations or storage and the nearest occupied residence;
 - b.) Limit hours of operation to between 7:00 a.m. and dusk, Monday through Friday;
 - c.) Do not include the import or export of materials except as to be used on the property or for off-site improvements related to the project.
 - d.) Are enclosed by a solid fence having a minimum height of six (6) feet.

9. Design Guidelines

Design guidelines will be created which will address site and building design within Ellwood. The purpose of these guidelines will be to preserve the character of Ellwood by establishing high quality design standards for development. Copies of these guidelines will be provided to the City.

10. Lighting

All lighting within Ellwood will be subject to standards established in the Iowa Colony Unified Development Code. These standards will help to ensure that attractive, high-quality lighting is provided throughout the community.

11. Site Development Standards

The exhibits contained in this PUD satisfy the requirements of Section 74 (e) of the City of Iowa Colony Zoning Ordinance regarding a “Preliminary Site Plan”. The “Final Site Plan” required by Section 74 (f) of the City of Iowa Colony Zoning Ordinance shall be the same “Final Plan” to be submitted with the final subdivision plat as referenced below.

Development standards will be created for all residential and commercial development within Ellwood. The developer shall submit an “outline development plan” containing to the degree practical the items required by Section 27 (B) of the City of Iowa Colony Subdivision Ordinance with the preliminary plat. A “final plan” containing to the degree practical, the items required by Section 27 (G), (H) and (I) of the subdivision ordinance with each final plat.

C. Development Standards

1. Single Family - 60's (SF - 60's)

Purpose: The Single Family - 60's category is intended for the development of detached, single family dwelling units and compatible uses. There will be no private/gated Single Family - 60's sections.

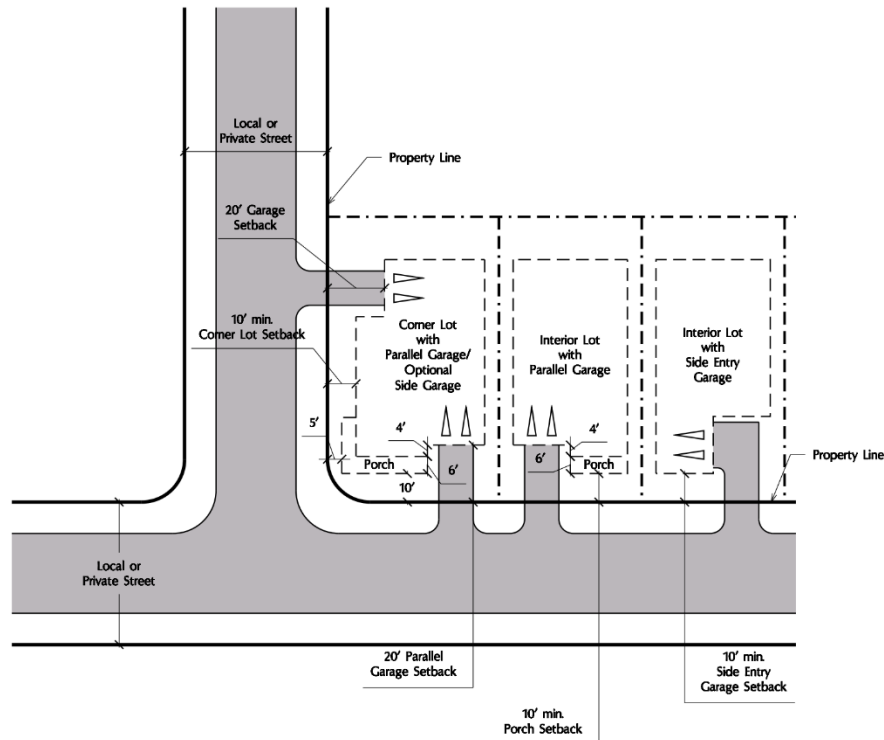
- Permitted uses:*
- Accessory structures
 - Community centers
 - Drill sites
 - Entry features & monuments
 - Institutional uses
 - Minor utilities
 - Open space
 - Parks
 - Recreational facilities
 - Religious assembly
 - Single family homes
 - Temporary uses
- Minimum Lot Area:* 6,600 square feet
- Minimum Lot Width:* 60 feet at the lesser of the front or rear building setback line
- Minimum Setbacks:*
- Front: 20 feet for lots that front on a local street
5 feet for lots that front on a common area
 - Rear: 15 feet**
 - Side: 5 feet**

- Corner: 10 feet for lots that side on a local street*
- Reserves: 15 feet for lift stations fenced by precast concrete/masonry walls
- 25 feet for reserves adjacent to Major Arterials

*Porches (if provided) may encroach into the front setback up to ten (10) feet provided they have a minimum depth of six (6) feet. On corner lots, porches may encroach into the side setback up to five (5) feet provided they have a minimum depth of six (6) feet. Where garages face directly onto a street with the garage door parallel to the street, the garage must meet the minimum setback requirement. Side-entry garages where the garage door is perpendicular to the street may be set back a minimum of ten (10) feet. (See lot diagram below)

**One Story accessory structures may be setback three (3) feet from the rear or side property lines provided that they do not encroach into any utility easement. Accessory structures greater than one story in height must comply with the minimum setback requirements.

SINGLE FAMILY - 60's LOT DIAGRAM



Architectural features may encroach into the setback area a maximum of three (3) feet and may not extend more than five (5) feet above the principal structure.

Maximum Building Height: Two (2) stories. Three (3) stories may be allowed with fire marshal approval.

Parking Requirement: Shall comply with the parking standards established in this section.

2. Single Family - 50's (SF - 50's)

Purpose: The Single Family - 50's (SF - 50's) category is intended for the development of detached, single family dwelling units. There will be no private/gated Single Family - 50's sections.

Permitted uses:

- Accessory structures
- Community centers
- Drill sites

Entry features & monuments

Institutional uses

Minor utilities

Open space

Parks

Recreational facilities

Religious assembly

Single family homes

Temporary uses

Minimum Lot Area: 6,000 square feet

Minimum Lot Width: 50 feet at the lesser of the front or rear building setback line

Minimum Building Floor Area: 1,400 square feet

Maximum Lot Coverage: 60% of lot (inclusive of attached garage area)

Minimum Setbacks:

Front: 20 feet for lots that front on a local street*

5 feet for lots that front on a common area

Rear: 15 feet**

Side: 5 feet**

Corner: 10 feet for lots that side on a local street*

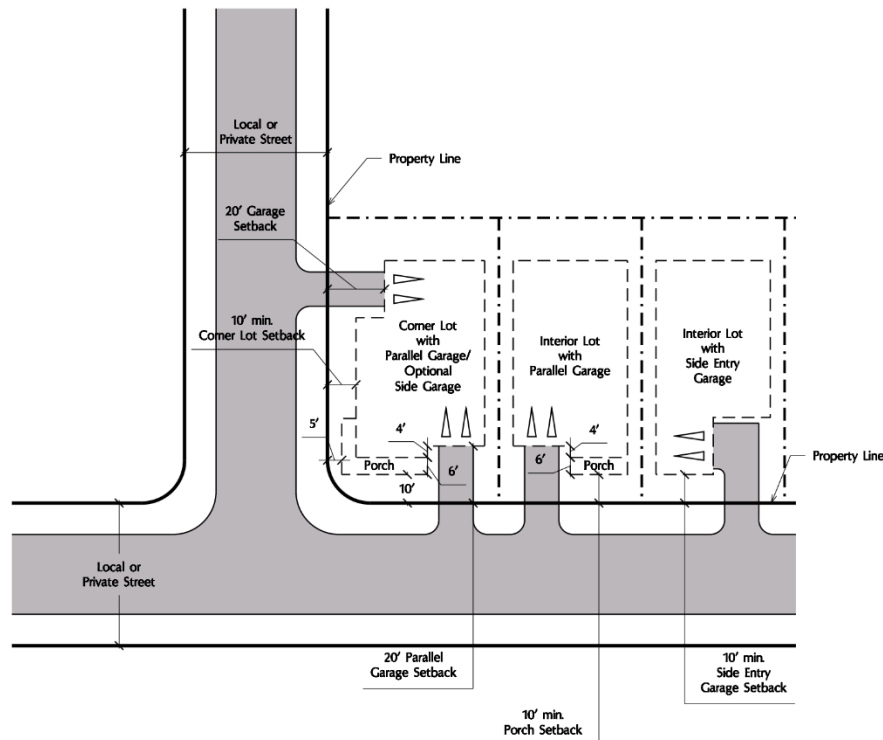
Reserves: 15 feet for lift stations fenced by precast concrete/masonry walls

25 feet for reserves adjacent to Major Arterials

*Porches (if provided) may encroach into the front setback up to ten (10) feet provided they have a minimum depth of six (6) feet. On corner lots, porches may encroach into the side setback up to five (5) feet provided they have a minimum depth of six (6) feet. Where garages face directly onto a street with the garage door parallel to the street, the garage must meet the minimum setback requirement. Side-entry garages where the garage door is perpendicular to the street may be set back a minimum of ten (10) feet. (See lot diagram)

**Accessory structures may be setback three (3) feet from the rear or side property lines provided that they do not encroach into any utility easement.

SINGLE FAMILY - 50's LOT DIAGRAM



Architectural features may encroach into the setback area a maximum of three (3) feet and may not extend more than five (5) feet above the principal structure.

Maximum Building Height: Two (2) stories. Three (3) stories may be allowed with fire marshal approval.

Parking Requirement: Shall comply with the parking standards established in this section.

Additional Requirements:

Single Family - 60's homes shall comply with the standards established in Single Family - 60's category.

For one (1) story primary structures in any Single Family - 50's residential area, all front exterior walls, all side exterior walls on corner lots, and all exterior walls backing a major thoroughfare or major collector, and all exterior walls backing an amenity pond shall be constructed of brick or masonry veneer for one hundred (100) percent of the exterior wall surface (exclusive of windows and doors). In total, a minimum of eighty (80) percent of the exterior wall surface (exclusive of windows and doors) shall be constructed of brick or masonry veneer, with the remaining maximum twenty (20) percent wall surface being cementitious fiber board (also known as fiber cement board) material, board and batten, or equal. Gables may have siding accents. Secondary and accessory structures shall be cementitious fiber board or equal.

For two (2) story primary structures in any Single Family - 50's residential area, a minimum of sixty (60) percent of the exterior wall surface (exclusive of windows and doors) shall be constructed of brick or masonry veneer, with the remaining forty (40) percent wall surface being cementitious fiber board (also known as fiber cement board) material, board and batten, or equal. Secondary and accessory structures shall be cementitious fiber board or equal.

3. Single Family - 45's (SF - 45's)

Purpose: The Single Family - 45's (SF - 45's) category is intended for the development of detached, single family dwelling units. There will be no private/gated Single Family - 45's sections.

Permitted uses:

Accessory structures

Community centers

Drill sites

Entry features & monuments

Institutional uses

- Minor utilities
- Open space
- Parks
- Recreational facilities
- Religious assembly
- Single family homes
- Temporary uses

- Minimum Lot Area:* 5,400 square feet
- Minimum Lot Width:* 45 feet at the lesser of the front or rear building setback line
- Minimum Building Floor Area:* 1,400 square feet
- Maximum Lot Coverage:* 60% of lot (inclusive of attached garage area)

Minimum Setbacks:

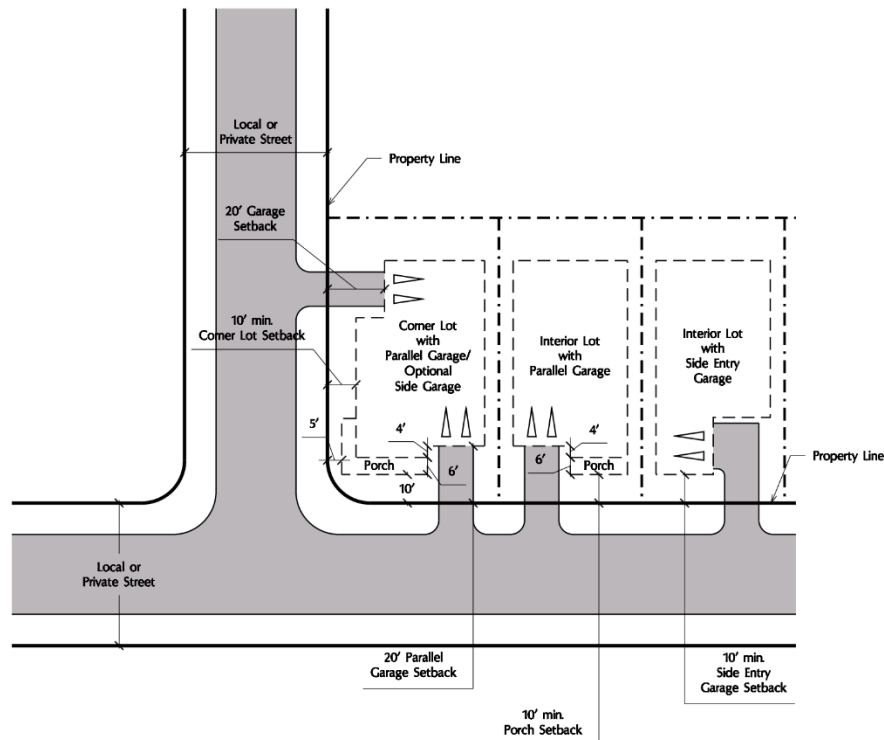
- Front: 20 feet for lots that front on a local street*
- 5 feet for lots that front on a common area
- Rear: 15 feet**
- Side: 5 feet**
- Corner: 10 feet for lots that side on a local street*
- Reserves: 15 feet for lift stations fenced by precast concrete/masonry walls
- 25 feet for reserves adjacent to Major Arterilas

*Porches (if provided) may encroach into the front setback up to ten (10) feet provided they have a minimum depth of six (6) feet. On corner lots, porches may encroach into the side setback up to five (5) feet provided they have a minimum depth of six (6) feet. Where garages face directly onto a street with the garage door parallel to the street, the garage must meet the minimum

setback requirement. Side-entry garages where the garage door is perpendicular to the street may be set back a minimum of ten (10) feet. (See lot diagram)

**Accessory structures may be setback three (3) feet from the rear or side property lines provided that they do not encroach into any utility easement.

SINGLE FAMILY - 45's LOT DIAGRAM



Architectural features may encroach into the setback area a maximum of three (3) feet and may not extend more than five (5) feet above the principal structure.

Maximum Building Height: Two (2) stories. Three (3) stories may be allowed with fire marshal approval.

Parking Requirement: Shall comply with the parking standards established in this section.

Additional Requirements:

Single Family - 60's homes shall comply with the standards established in Single Family - 60's category and Single Family - 50's homes shall comply with the standards established in Single Family - 50's category.

For one (1) story primary structures in any Single Family - 45's residential area, all front exterior walls, all side exterior walls on corner lots, and all exterior walls backing a major thoroughfare or major collector, and all exterior walls backing an amenity pond shall be constructed of brick or masonry veneer for one hundred (100) percent of the exterior wall surface (exclusive of windows and doors). In total, a minimum of eighty (80) percent of the exterior wall surface (exclusive of windows and doors) shall be constructed of brick or masonry veneer, with the remaining maximum twenty (20) percent wall surface being cementitious fiber board (also known as fiber cement board) material, board and batten, or equal. Gables may have siding accents. Secondary and accessory structures shall be cementitious fiber board or equal.

For two (2) story primary structures in any Single Family - 45's residential area, a minimum of sixty (60) percent of the exterior wall surface (exclusive of windows and doors) shall be constructed of brick or masonry veneer, with the remaining forty (40) percent wall surface being cementitious fiber board (also known as fiber cement board) material, board and batten, or equal. Secondary and accessory structures shall be cementitious fiber board or equal.

4. Commercial (C)

Purpose: The Commercial District is intended for the development of service-oriented retail that meets the daily needs of the community.

Permitted uses:

- Abstract or title company
- Accounting
- Advertising agency
- Agricultural uses
- Animal feed store
- Antique store

- Appraisers
- Architect
- Art gallery
- Arts and crafts store
- Automatic laundry
- Automobile parking lots
- Automobile parts store
- Bakery, employing no more than five (5) persons
- Bank
- Barber and beauty shop
- Bookkeeper
- Bookstore
- Cafeteria
- Candy store
- Catering
- Childcare center
- Clinic for treatment of humans
- Clothes store
- Collection agency
- Commercial billboard or advertising signs not to exceed thirty-two (32) square feet in area per sign
- Computer store and repairs
- Convenience store
- Credit counselor

Dance studio

Delivery service

Dental clinic

Department store

Doctor

Drafting service

Drug store

Engineer

Entry features & monuments

Filling station or service station, but without wrecker service

Financial consultant

Flea market, maximum one (1) acre including parking

Florist shop

Furniture store

Gift shop

Gun shop

Grocery store

Hardware store

Home appliance store

Ice retail distributing, but not manufacturing

Insurance agency

Jewelry store

Laundry storefront, dry cleaning storefront, or laundry plant,
but not dry cleaning plant

Lawyer

Locksmith

Medical supply store

Minor utilities

Mortgage company

Motels and tourist courts

Motion picture theater, but not drive-in theater

Musical instrument store

Notary public

Office supply and machinery store and repairs

Open space

Optician or optometrist

Parks

Pawnshops that have been duly licensed to transact business by the Consumer Credit Commissioner under the Texas Pawnshop Act (Article 5069-51.01 et seq., Vernon's Texas Civil Statutes)

Plant nursery

Public facilities

Public safety site

Radio repair and sales

Radio studio (excluding tower)

Real estate agent

Record and tape store

Recreational facilities

Restaurants and taverns

Shoe store and repair shop

Sporting goods store

Stockbroker

Studio (art, music or photo)

Taxidermist

Tailor

Toy store

Travel agency

Video arcade

Washateria

Non-Permitted uses: Auction

Auto repair

Billboards

Cemeteries

Kennel (commercial)

Massage parlors

Pawn shop

Self-service car wash (automated car washes are allowed as accessory uses)

Sexually oriented businesses

Swap meet

Tattoo shop

Taxidermist

Upholstery shop

Minimum Lot Area: 8,000 square feet

Minimum Lot width: 80 feet

Max. Lot coverage: 85 percent

Minimum Setbacks:

Build-to: 71 feet (for buildings with gross leasable area over 25,000 square feet)

53 feet (for buildings with gross leasable area under 25,000 square feet)

Rear: 20 feet

Side: 10 feet

Corner: 20 feet

Lift stations: 15 feet if fenced by precast concrete/masonry walls

Along Major Arterials: 25 feet

Architectural features may encroach into the setback area a maximum of three (3) feet.

Maximum Building Height: Thirty-five (35) feet unless otherwise approved by City Council. All building area above two (2) stories shall be non-habitable and built with non-combustible material unless approved by the Fire Chief.

Parking Requirement: Shall comply with the parking standards established in this section.

Additional Requirements: Telecommunication towers may not exceed eighty (80) feet in height and shall be set back from property lines a distance equal to or greater than the height of the tower.

5. Institutional (I)

Purpose: The Institutional category is intended to provide for the development of public and private uses that serve the community.

- Permitted uses:*
- Major utilities
 - Minor utilities
 - Open space
 - Parks
 - Public facilities
 - Public safety site
 - Recreational facilities
 - Religious assembly
 - Schools (public & private)
 - Telecommunication towers
 - Temporary uses
 - Tree farms

Minimum Lot Area: 5,000 square feet

Minimum Lot width: 50 feet

Minimum Setbacks:

Front: 25 feet

Rear: 10 feet

Side: 5 feet

Corner: 5 feet

Lift stations: 15 feet if fenced by precast concrete/masonry walls

Along Major Arterials: 25 feet

Architectural features may encroach into the setback area a maximum of three (3) feet.

Maximum Building Height: 60 feet. All building area above two (2) stories shall be non-habitable and built with non-combustible material unless approved by the Fire Chief.

Parking Requirement: Shall comply with the parking standards established in this section

Additional Requirements: Telecommunication towers may not exceed eighty (80) feet in height and shall be set back from property lines a distance equal to or greater than the height of the tower.

6. Parks & Open Space (P-OS)

Purpose: The Parks & Open Space category is intended to provide for the development of recreation and open space areas within the community.

- Permitted uses:*
- Community centers
 - Drill site
 - Entry features & monuments
 - Institutional uses
 - Minor utilities
 - Open space
 - Parks
 - Public facilities, excluding major utilities
 - Recreational facilities
 - Telecommunication towers
 - Temporary uses
 - Tree farms

Minimum Lot Area: None

Minimum Lot width: None

Minimum Lot depth: None

Minimum Setbacks:

Along Major Arterials: 25 feet

Along other streets: 10 feet

Rear: 10 feet

Side: 10 feet

Lift stations: 15 feet if fenced by precast concrete/masonry walls

Architectural features may encroach into the setback area a maximum of thirty-six (36) inches.

Max. Building Height: 34 feet. Maximum height may exceed 34 feet if approved by the Fire Chief.

Parking Requirement: Shall comply with the parking standards established in this section

Additional Requirements: Telecommunication towers may not exceed eighty (80) feet in height and shall be set back from property lines a distance equal to or greater than the height of the tower.

7. Parking

Parking within Ellwood shall be provided according to the following schedule:

TABLE 6	
Parking Requirements	
Land Use	Minimum Requirement
Single Family – 60’s	2 enclosed spaces per unit
Single Family – 50’s	2 enclosed spaces per unit
Single Family – 45’s	2 enclosed spaces per unit
Office (non-medical)*	1 space per 200 square feet of gross floor area
Medical office*	1 space per 300 square feet of gross floor area
Retail*	1 space per 250 square feet of gross floor area Maximum 1.5 spaces per 250 square feet of gross floor area
Restaurant*	2 spaces per 250 square feet of gross floor area
Tavern*	2 spaces per 200 square feet of gross floor area
Hotel/Motel*	0.5 spaces per room and 1 space per 200 square feet of gross floor area
Theater/Auditorium/Church/Assembly hall	0.25 spaces per seat

* At least one electric vehicle charging station shall be installed for each development.

Deviations from the above requirements shall be considered by the City’s Designated Official on a case by case basis. Appeals to the Official’s interpretation may be made to City Council within thirty (30) days of the date of the determination.

The City’s Designated Official shall determine the minimum number of parking spaces required for any use not specified above. Appeals to the Official’s interpretation may be made to City Council within thirty (30) days of the date of the determination.

Shared parking should be encouraged where appropriate. Adjustment of the minimum number of parking spaces required to serve a combination of occupancies shall be determined according to the following formula:

- 1) Determine the parking requirement for each occupancy as though it were a separate use;
- 2) Multiply each amount by the corresponding percentage for each applicable time period shown in the following schedule:

TABLE 7					
Shared Parking Table					
	Weekdays			Weekends	
Use	Night Midnight – 6 a.m.	Day 9 a.m. – 4 p.m.	Evening 6 p.m. - Midnight	Day 9 a.m. – 4 p.m.	Evening 6 p.m. - Midnight
Retail	5%	50%	90%	100%	70%
Restaurant / Tavern	10%	50%	100%	50%	100%
Entertainment / Recreation	10%	40%	100%	80%	100%
All Others	100%	100%	100%	100%	100%

- 3) Calculate the column total for each time period;
- 4) The column with the highest value shall be the parking requirement.

D. Definitions

Accessory structure – any above ground structure that is (1) incidental to and customarily associated with the main structure on the site, and (2) located on the same lot as the principal building. Accessory structures may include, but are not limited to detached garages and gazebos, but does not include utility or storage sheds.

Architectural feature – an ornamentation or decorative feature attached to or protruding from the exterior wall of a building. Architectural features may include, but are not limited to windows (e.g. bay windows), chimneys, columns, awnings, marquees, façade, or fascia.

Attached housing – a building containing three or more dwelling units.

Banking or financial institution – a chartered financial institution that engages in deposit banking and closely related functions such as making loans, investments and other fiduciary activities. Drive-up windows and drive-thru automated teller machines (ATM) are permitted as an accessory use.

Block length – the distance measured along a street between two intersecting streets.

Building – a structure used for or supporting any use or occupancy that requires a building permit.

Build-to-Line – identifies the precise horizontal distance from a street right-of-way that the building must be built to, in order to create a uniform line of buildings along the street

Childcare facility – a commercial or non-profit facility that provides shelter, care, activity, and supervision of children for periods of less than 24 hours a day and is licensed by the state.

Community center – a meeting place used by the community in which community members may gather for social, educational, recreational, or cultural activities. Uses include recreation, fitness center, meeting areas, and restaurants with or without alcohol sales. Community center use may be restricted to dues paying members.

Condominium – A single dwelling unit in a multi-unit dwelling or structure, which is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property.

Convenience store – Any retail establishment offering for sale gasoline and a limited line of groceries and household items intended for the convenience of the neighborhood. Automotive washing is permitted as an accessory use. The sale of alcohol is permitted as an accessory use.

Council – Shall mean the City Council of the City of Iowa Colony.

Cul-de-sac - Any street with only one outlet that terminates in a vehicular turnaround.

Designated Official – The individual authorized by the City of Iowa Colony to provide direction and oversight and personally perform duties related to a comprehensive program to protect the health and safety of citizens and the quality of life by ensuring that planning activities meet appropriate codes, standards and city ordinances.

Detached housing – A site-built building containing only one dwelling unit.

Developer – Beazer Homes Texas, LP

Drill site – A tract of land designated for the purpose of extracting oil or gas comprising a “spacing unit “or “proration unit” as determined by the State Railroad Commission.

Dwelling unit - Any building or portion thereof which is designed or used exclusively for residential purposes.

Entry features – Primary points of vehicular entry into the property that are enhanced with landscaping, water features, architectural treatments, and lighting.

Front loaded – Any dwelling unit that takes vehicular access from the street on which it fronts.

Frontage – Frontage shall mean that portion of any lot or tract that abuts a street or approved common area. A lot or tract abutting more than one street shall have frontage on only one street which shall be deemed to be the side having the shortest dimension unless otherwise indicated on the subdivision plat.

General development plan – A plan illustrating all contiguous property under one ownership, legal interest, or common control that identifies the alignment of any major thoroughfares and collector streets in accordance with the Vehicular Circulation Plan, all recorded easements, other proposed streets that will stub out to the boundary of the project, and proposed land uses and major utilities.

Grocery store – A retail establishment primarily selling prepackaged and perishable food as well as other convenience and household goods. The sale of alcohol is permitted as an accessory use.

Gross acreage – Gross acreage shall mean the total area of land inclusive of all encumbrances, including, but not limited to rights-of-way, drainage ways, pipeline and utility easements, detention facilities, parks and open space areas.

Gross density – A measurement of density based on the calculation of the total gross acres within a subdivided area divided by the total number of dwelling units within that area.

Home occupation – An occupation or activity which is clearly incidental and secondary to use of the premises as a dwelling and which is carried on wholly or in part within a main building or accessory building by a member of the family who resides on the premises. A home occupation use shall not change the residential character of the property or the neighborhood and shall meet all applicable legal requirements. A home occupation may not display signage on the property. No more than one (1) employee may reside off-premises.

Homeowner's association (HOA) – A non-profit corporation, established for the purpose of managing and maintaining community property and services within a subdivision. All residential property owners within the subdivision shall be a member of the HOA for that subdivision.

Institutional use – A use designated for public facilities including, but not limited to major and minor utilities, public safety sites, libraries, schools (both public and private) and other civic uses.

Knuckle – The projection toward the outside corner of a bend in the right-of-way of that allows for adequate turning movements for emergency and other vehicles.

Landscaping – Planting and related improvements for the purpose of beautifying and enhancing a portion of land and for the control of erosion and the reduction of glare, dust and noise. Rocks and/or gravel, by itself shall not constitute landscaping.

Laundry services (including dry cleaning) – A facility that launders or dry cleans articles dropped off on the premises directly by the customers or where articles are dropped off, sorted, and picked up, but where laundering is done elsewhere.

Local street - A public street that is not a major arterial or major collector and conforms to the criteria established in this PUD.

Lodging facilities – A building in which lodging is offered for compensation for a period of less than seven (7) days. This use includes hotels, motels, inns, and bed and breakfast residences, but does not include group homes and boarding houses.

Lot – An undivided tract of land having frontage on a public or private street which is designated as a separate and distinct tract and identified by numerical identification on a duly and properly recorded subdivision plat.

Major arterial – A public street designated as a Major Arterial on the City’s Thoroughfare Plan.

Major collector – A public street designated as a Major Collector Street on the City’s Thoroughfare Plan.

Major utility – Uses or structures providing utility services that have a potential major impact by virtue of appearance, noise, size, traffic generation or other operational characteristics, which include, but are not limited to, transmission substations, wastewater treatment facilities, water reservoirs and pump stations, and power plants. This use does not include private individual water supplies or septic tanks. *See Minor Utilities.*

Minor utility – Small scale facilities that are necessary to support development and that involve only minor structures. Minor utilities include, but are not limited to facilities such as power lines, water and sewer lines, wastewater lift stations, storm drainage facilities, transformers, hydrants, switching boxes and similar structures.

Mixed-use – A tract of land, building, or structure developed for two or more different uses such as, but not limited to, residential, office, retail, public, or entertainment. The mix of uses may occur either on the same tract of land, but compartmentalized into separate buildings, or located within the same building (e.g. retail on the first floor and office or residential on the floors above the retail).

Neighborhood – A collection of compatible subdivisions.

Open space – A portion of land designated as open space on the Preliminary Land Use Plan. Open space areas may include pipeline and utility easements, drainage ways, and wet and dry detention areas.

Overall project - The approximately 259.4 acres of land that constitutes the entire Ellwood project.

Personal services – Establishments providing non-medical related services generally related to personal needs, including beauty and barber shops, day spas, garment and shoe repair shops, laundry services (including dry cleaning), photographic studios, dance studios, and health clubs. These uses may include the accessory retail sales of products related to the services provided.

Personal storage – An area used or intended for the storage of materials, vehicles or equipment not in service.

Private – Elements of the development that are not intended for public use and are operated and maintained by a private entity.

Professional office- A room or group of rooms used for conducting the affairs of a business, medical, professional, or service industry.

Project – The approximately 259.4 acres of land which is the subject of this PUD, the legal description of which is contained in the appendix of this document.

Property owner's association (POA) – A non-profit corporation, established for the purpose of managing and maintaining community property and services within a commercial development.

Public facilities – Any non-commercial land use (whether publicly or privately owned) which is to be used and/or allocated for the general good of the public. These uses include, but are not limited to governmental offices, libraries, parks, and major and minor utilities.

Public safety site – A tract of land containing a building or structure that is designated for police, fire, or emergency services.

Public utilities – Any utilities that are provided by the city, county, or municipal utility district which may include, but are not limited to water and wastewater.

Recreational facilities – Any structure or building intended for active recreational use. Recreational uses shall include, but are not limited to clubhouses, tennis courts, basketball courts, sports fields, pools, playground equipment, bleachers, etc.

Religious assembly – A building or group of buildings used or proposed to be used for conducting organized religious services and accessory uses directly associated with the use.

Restaurant (including carry-out and drive-thru) – A commercial establishment where food and beverages are prepared for consumption either on or off the premises. The sale of alcohol is permitted.

Retail – Retail sales of any article, substance, or commodity within a building or structure.

School (public or private) – An institution for the teaching of children or adults including primary and secondary schools, colleges, professional schools, art schools, trade schools, and similar facilities.

Shared parking – The use of the same off-street parking stall or stalls to satisfy the off-street parking requirements for two or more individual land uses without significant conflict or encroachment.

Subdivision – The division of a lot, tract, or parcel of land into two or more lots, plats, sites or other divisions of land for the purpose of residential, industrial, office and business development or other uses.

Telecommunication tower – A structure on which there are electronic facilities for receiving or transmitting communication signals.

Temporary use – Any use allowed for a specific period of time. A use that is not of a permanent nature.

Theater – An outdoor or indoor area or building used for dramatic, operatic, motion pictures, or other performances.

Wastewater treatment facilities – Any facility used for the treatment of commercial and residential wastewater for sewer systems and for the reduction and handling of solids and gasses removed from such wastes.

Water plant facilities – Any facility used for the collection, treatment, testing, storage, pumping, or distribution of water for a public water system.

IV. GENERAL ADMINISTRATION & AMENDMENTS

A. Purpose

This section establishes guidelines regarding the administration and future amendments to the PUD.

B. Changes to the Zoning Ordinance

The Development Regulations section of the PUD addresses only those areas that differ from the City of Iowa Colony Zoning Ordinance. In the event that an issue, condition or situation arises that is not specifically addressed in the PUD, the City of Iowa Colony Zoning Ordinance in place at the time of the adoption of this document shall be used by the City's Designated Official as the basis to resolve the issue.

C. Variances from the Subdivision Ordinance

The criteria established in this PUD require variances from the City of Iowa Colony Subdivision Ordinance. These variances are necessary to achieve the community vision established for Ellwood. Table 7 describes the requested variances and their corresponding section of the subdivision ordinance. These variances shall apply to all property within the PUD.

D. Variances from the Design Manual

The criteria established in this PUD require variances from the City of Iowa Colony Design Manual. These variances are necessary to achieve the community vision. Table 8 describes the requested variances and their corresponding section of the design manual. These variances shall apply to all property within the PUD.

**TABLE 8
Ellwood Subdivision Ordinance, Zoning Ordinance, and Unified Development Code Variances**

Ordinance Reference	Requirement	Proposed	Difference	Justification
Subdivision Ordinance Sec. 20 Master Preliminary Plat Procedure for a Large Tract (A)	Where the proposed subdivision constitutes a unit of a larger tract of land which is intended to be subsequently subdivided as additional units of the same subdivision, the subdivision plat shall be accompanied by a master preliminary plat showing the tentative proposed layout of the streets, blocks and drainage of the entire area. The over-all layout, if approved by the council, shall be attached to and filed with a copy of the approved subdivision plat in the permanent files of the City. Thereafter, fractional final plats of subsequent units of each subdivision may be submitted without additional preliminary plat approval, provided no significant changes are made to the master preliminary plat. Any request to change the over-all layout must be submitted according to the procedures prescribed in Section 19, Preliminary Plat Process.	A general development plan illustrating all contiguous property under one ownership shall be submitted for approval of the Planning Commission prior to or simultaneously with the application for the first preliminary subdivision plat. The General Development Plan shall show the alignment of any major thoroughfares and collector streets in accordance with the City's Land Use and Thoroughfare Plan, all recorded easements, other proposed streets that are necessary to demonstrate an overall circulation system for the development and proposed land uses and public facilities. This approval shall eliminate the requirement of a master preliminary plat set forth in Section 20 of the City of Iowa Colony Subdivision Ordinance. Preliminary plats shall be required for each section of development with the exception of minor plats as defined by state law. Preliminary plats should generally conform to the General Development Plan. Any significant change shall require the submittal of a revised general development plan.	Rather than submit one "master" preliminary plat, a general development plan will be submitted which will establish the general framework for the development. Preliminary plats will be submitted for each section of development.	It is not feasible to provide the level of detail necessary to submit a preliminary plat for tract of land of this size at the onset of the project. The proposed General Development Plan meets the intent and general purpose of the requirement and by submitting preliminary plats for each section of the development, the city will be provided with the same level of detail with less chance for error. Submittal of preliminary plats throughout the development life of the project will ensure the developer can respond to market conditions without being required to continuously alter an outdated overall lotting plan.
Subdivision Ordinance Sec. 22 Final Plat Procedure (B) #31	In the event the tract of land being subdivided fronts on a street or road that does not meet the city's design specifications, the subdivider shall be required to improve the street or road to meet those specifications from a street or road that does meet the city's requirements, to the farthestmost boundary of the subdivision.	In the event the tract of land being subdivided fronts on a street or road that does not meet the city's design specifications, the developer shall be required to improve the street or road to meet those specifications from a street or road that does meet the city's requirements, to the farthestmost boundary of the subdivision. The developer shall not improve Duke Road, but will pay fee in lieu of construction.	The developer shall not improve Duke Road, but will pay fee in lieu of construction.	From west to east, County Road 758 runs along the southern boundary the Project and then the northern boundary of the Project. To make improvements to County Road 758 within the Project boundary, from west to east, would mean to improve the northern half of the road and then the southern half of the road. Improvements of this nature would make the pavement improvements irregular. Paying fee in lieu of construction will allow the entirety of Duke Road to be improved at a later date.
Subdivision Ordinance Sec. 27 Planned Unit Developments (D)	The minimum size of a PUD shall be 20 acres and not less than 5 percent of the total area shall be set aside as common landscaped areas. Utility easements, drainage easements and detention basins shall not be included in calculating the 5 percent requirement.	Open space areas shall include pipeline and utility easements, drainage ways and wet and dry detention areas.	Open space areas shall include pipeline and utility easements, drainage ways and wet and dry detention areas.	This is not a requirement in the Planned Unit Developments (Sec. 74) of the Zoning Ordinance.
Subdivision Ordinance Sec. 27 Planned Unit Developments (E)	The minimum lot width of all residential lots to be located within a PUD shall be 60 feet.	The minimum lot width of all residential lots to be located within a PUD shall be 45 feet.	15 foot reduction in width	This is not a requirement in the Planned Unit Developments (Sec. 74) of the Zoning Ordinance.

**TABLE 8
Ellwood Subdivision Ordinance, Zoning Ordinance, and Unified Development Code Variances**

Ordinance Reference	Requirement	Proposed	Difference	Justification
Subdivision Ordinance Sec. 33 Streets, Minimum right-of-way	The minimum right-of-way for local streets shall be 60 feet.	Local streets may have a right-of-way width of 50 feet.	10 foot reduction in right-of-way width. 10 foot utility easements will be provided where necessary for utility purposes. Paving section shall remain 28 feet	The street paving section shall remain 28 feet and thus will have no affect on traffic circulation. 10 foot utility easements will be provided where necessary for utility maintenance. Reduction in right-of-way width allows for the preservation of more open space.
Subdivision Ordinance Sec. 33 Multiple Access Points (E) (clarification)	All subdivisions except single dead-end streets shall have a minimum of two access points to existing proposed public streets. This may be a boulevard where a second access is not available.	All subdivisions shall provide a minimum of two points of access. A divided or boulevard entry shall be considered two points of access for these purposes provided that the divided paving section extends to the first intersecting street.	Clarification that a boulevard entry shall be considered two points of access in all cases.	N/A
Subdivision Ordinance Sec. 33 Right-of-way widths (K)	All street rights-of-way widths shall be not less than 60 feet.	Local streets may have a right-of-way width of 50 feet.	10 foot reduction in right-of-way width. 10 foot utility easements will be provided where necessary for utility purposes. Paving section shall remain 28 feet	The street paving section shall remain 28 feet and thus will have no affect on traffic circulation. 10 foot utility easements will be provided where necessary for utility maintenance. Reduction in right-of-way width allows for the preservation of more open space.
Subdivision Ordinance Sec. 35 Easements (A)	Generally, easements for utilities shall be provided across lots or centered on rear or side lot lines where necessary and shall be at least eight (8) feet wide so as to create a sixteen (16) foot total width. Where easements are all on one side lot, a minimum of ten (10) feet may be used if only one line is proposed to be installed. Where easements are to be used for multiple purposes the minimum width shall be sixteen (16) feet.	Generally, easements for utilities shall be provided across lots or centered on rear or side lot lines where necessary and shall be at least seven feet wide so as to create a 14 foot total width. Where easements are all on one side lot, a minimum of ten feet may be used if only one line is proposed to be installed. Where easements are to be used for multiple purposes the minimum width shall be 14 feet. This shall not apply to public water, sewer, or drainage facilities.	The utility easement minimum width is reduced by two feet.	This is the standard width for Centerpoint utility easements.
Subdivision Ordinance Sec. 36 Blocks (D)	No block shall exceed one thousand two hundred (1,200) feet in length in residential or commercial developments.	The maximum block length for major arterials shall be 2,600 feet except where the thoroughfare runs parallel to a drainage feature having a minimum width of 50 feet which may have a maximum block length of 4,000 feet. The maximum block length for major collectors shall be 1,800 feet and the maximum block length for local streets shall be 1,200 feet. Crossings of bayous or canals shall only be required by streets that are identified as major corridors on the City's Thoroughfare Plan. The maximum block length along pipeline easements and drainage features having a minimum width of 50 feet shall be 2,000 feet.	1,400 feet on major arterials. 2,800 feet for major arterials that run parallel to drainage features with a minimum width of 50 feet. 600 feet for major collectors. 800 feet along pipelines and drainage features	Generally, intersections along major arterials and major collectors should be spaced farther apart than along local streets. This allows for more efficient traffic flow and limits pedestrian/auto conflicts. Pipelines and drainage features represent physical encumbrances that warrant additional spacing standards.

**TABLE 8
Ellwood Subdivision Ordinance, Zoning Ordinance, and Unified Development Code Variances**

Ordinance Reference	Requirement	Proposed	Difference	Justification
Subdivision Ordinance Sec. 37 Lots (B) Lots Smaller Than One Acre #1	Minimum front setback lines shall be at least twenty-five (25) feet. Each corner lot shall have at least the minimum front residential setback line on both streets.	The minimum front setback for SF - 60's, SF - 50's, and SF - 45's lots, and all cul-de-sacs and knuckles shall be 20 feet. Corner lots shall have a minimum side setback of 10 feet. Porches may encroach into the front setback up to 10 feet provided they have a minimum depth of 6 feet. On corner lots, porches may encroach into the side setback up to 5 feet provided they have a minimum depth of 6 feet. Where garages face directly onto a street, the garage must be setback a minimum of 20 feet. Side-entry garages must be set back a minimum of 10 feet.	5 foot reduction for front setbacks 10 foot reduction for porches having a minimum side setback of 10 feet 15 foot reduction for side-entry garages 15 foot reduction for side setbacks on corner lots	Reduced setbacks foster a pedestrian friendly environment and encourage neighbor interaction. Porches and varying building lines create interest along the street and help to achieve a more attractive street scene.
Subdivision Ordinance Sec. 37 (B) Lots Smaller Than One Acre #2	Lot Dimensions. Regardless of any other provisions of this Ordinance, lot dimensions shall be a minimum of sixty (60) feet in width at the building setback line and of a depth so as to provide an area of not less than six thousand three hundred (6,300) square feet.	The minimum lot width for SF - 45's lots shall be 45 feet with a minimum area of 5,400 square feet.	15 foot reduction in width and 900 square feet reduction in area	Allowing reductions in minimum lot width and area is necessary in order to achieve a variety of housing products which is an essential component of healthy and sustainable communities.
Subdivision Ordinance Sec. 40 Additional Street Requirements (B)	The developer shall be responsible for construction of all roadways within the development according to minor street standards. Where the major Thoroughfare Plan requires street widths over and above the local street requirements, the developer shall dedicate the right-of-way required for the larger street and construct up to a thirty eight (38) foot wide pavement. If the City requires a pavement wider than the thirty eight (38) feet, the City shall provide funding for the increased width subject to the availability of funds and within legal limitations.	The developer shall bear the cost of all streets within Ellwood. The entire cost of major arterials and major collectors shall be eligible for reimbursement by the MUD.	The developer will build all necessary streets within Ellwood and the city will not have to fund any street improvements.	The MUD allows for the construction of infrastructure that will benefit areas outside of Ellwood without any out-of-pocket expense by the city.
Subdivision Ordinance Sec. 40 Additional Street Requirements (C)	The developer shall be responsible for the construction of necessary improvements on perimeter streets to bring the pavement and curbing to minor street standards for the street abutting the development.	The developer shall dedicate the necessary right-of-way for perimeter streets and improve the perimeter streets to the Project boundary. The developer shall not improve Duke Road, but will pay fee in lieu of construction.	The developer will not be responsible for the construction of necessary improvements on the entire width of perimeter streets, but only to the Project boundary. The developer shall not improve Duke Road, but will pay fee in lieu of construction.	The developer will only be responsible for street improvements within Ellwood. This is common practice. From west to east, County Road 758 runs along the southern boundary the Project and then the northern boundary of the Project. To make improvements to County Road 758 within the Project boundary, from west to east, would mean to improve the northern half of the road and then the southern half of the road. Improvements of this nature would make the pavement improvements irregular. Paying fee in lieu of construction will allow the entirety of Duke Road to be improved at a later date.

**TABLE 8
Ellwood Subdivision Ordinance, Zoning Ordinance, and Unified Development Code Variances**

Ordinance Reference	Requirement	Proposed	Difference	Justification
Subdivision Ordinance Sec. 42 Sidewalks	In large subdivisions, four (4) foot wide sidewalks shall be required and shall be constructed in accordance with the City's design criteria. If not constructed prior to issuance of a building permit, any sidewalks required by this article must be constructed as part of the issuance of a building permit for each tract.	Sidewalks adjacent to reserves or open space areas shall be constructed prior to the release of the construction maintenance bond for the appropriate section.	Sidewalks will be constructed prior to acceptance by the city rather than the issuance of building permits.	Sidewalks are frequently damaged during the home construction process. Allowing sidewalks to be put in after permitting is more efficient, avoids unnecessary damage and achieves the desired result.
Zoning Ordinance Sec. 74 Planned Unit Developments (d.iii.A.1.v) Single-family residential lot area	Any single-family residential area with single-family residential lots less than sixty-six hundred (6,600) square feet in lot area shall include primary structures constructed of brick or masonry veneer exterior walls for one-hundred (100) percent of the exterior wall surface (exclusive of windows and doors) for one (1) story structures and a minimum of sixty (60) percent of the exterior wall surface (exclusive of windows and doors) for two (2) story structures with the remaining maximum forty (40) percent being cementitious fiber board (also known as fiber cement board) material, or equal, for two (2) story structures. Secondary and accessory structures shall be cementitious fiber board or equal.	<p>For one (1) story primary structures in any SF - 50's or SF - 45's residential area, all front exterior walls, all side exterior walls on corner lots, and all exterior walls backing a major thoroughfare or major collector, and all exterior walls backing an amenity pond shall be constructed of brick or masonry veneer for one hundred (100) percent of the exterior wall surface (exclusive of windows and doors). In total, a minimum of eighty (80) percent of the exterior wall surface (exclusive of windows and doors) shall be constructed of brick or masonry veneer, with the remaining maximum twenty (20) percent wall surface being cementitious fiber board (also known as fiber cement board) material, board and batten, or equal. Gables may have siding accents. Secondary and accessory structures shall be cementitious fiber board or equal.</p> <p>For two (2) story primary structures in any SF - 50's or SF - 45's residential area, a minimum of sixty (60) percent of the exterior wall surface (exclusive of windows and doors) shall be constructed of brick and masonry, with the remaining forty (40) percent wall surface being cementitious fiber board (also known as fiber cement board) material, board and batten, or equal. Secondary and accessory structures shall be cementitious fiber board or equal.</p>	<p>For one story primary structures, a twenty percent reduction in overall minimum exterior wall surface required to be brick or masonry veneer, as well as a requirement that all front exterior walls, all side exterior walls on corner lots, and all exterior walls backing a major thoroughfare or major collector, and all exterior walls backing an amenity pond be constructed of brick or masonry veneer for one hundred percent of exterior wall surface. An addition of board and batten as an acceptable material for the remaining maximum twenty percent wall surface.</p> <p>For two story primary structures, the inclusion of board and batten as an acceptable material for the remaining maximum forty percent wall surface.</p>	<p>Reducing the overall minimum exterior wall surface required to be brick or masonry veneer and allowing siding accents on gables allows for a greater variety of products. At the same time, walls with high visibility will still meet the requirements and maintain the desired look of the neighborhood. Board and batten is a high-quality, attractive veneer and its inclusion allows for a greater variety of products.</p> <p>Board and batten is a high-quality, attractive veneer and its inclusion allows for a greater variety of products.</p>

TABLE 8
Ellwood Subdivision Ordinance, Zoning Ordinance, and Unified Development Code Variances

Ordinance Reference	Requirement	Proposed	Difference	Justification
Zoning Ordinance Sec. 74 Planned Unit Developments (d.iii.A.1.vii) Single-family residential lot area	Single-family lots, within a single-family residential lot area with lots less than sixty-six hundred (6,600) square feet in lot area, with a lot area between five thousand (5,000) square feet and sixty-six hundred (6,600) square feet require a minimum building floor area of twenty-four hundred (2,400) square feet (not including the attached garage area) and a maximum first floor building coverage of fifty (50) percent of the single-family residential lot area.	SF - 45's and SF - 50's lots require a minimum building floor area of 1,400 square feet (not including the attached garage area) and a maximum first floor building coverage of sixty (60) percent of the single-family residential lot area.	A 1,000 square foot reduction in minimum building floor area and ten percent increase in maximum first floor building coverage.	A smaller minimum building floor area and a greater maximum first floor building coverage allow for a greater variety of floor plans to be built, providing different options to homebuyers and enhancing the community's long-term viability. Floor plans of all sizes will be high-quality and preserve the character of the community.
Zoning Ordinance Sec. 74 Planned Unit Developments (d.iii.A.2.a.i) Rear building setback	Any single-family residential lot, within a single-family residential lot area with less than sixty-six hundred (6,600) square feet in lot area, with a lot area less than sixty-six hundred (6,600) square feet in lot area but at least thirty-five hundred (3,500) square feet in lot area shall have a minimum twenty (20) feet building setback from the rear lot line.	SF - 50's and SF - 45's lots require a minimum fifteen (15) feet building setback from rear lot line.	A five (5) foot reduction in minimum building setback from rear lot line for SF - 50's and SF - 45's lots.	A smaller minimum building setback line from rear lot line allows for a greater variety of floor plans to be built, providing different options to homebuyers and enhancing the community's long-term viability. Floor plans of all sizes will be high-quality and preserve the character of the community.
Zoning Ordinance Sec. 74 Planned Unit Developments (d.iii.l) Spacing between developments #1	The perimeter boundary of a single-family residential development having single-family residential lots less than sixty-six hundred (6,600) square feet in area shall be located no closer than thirteen hundred and twenty (1,320) feet to the perimeter boundary of another single-family residential development having single-family residential lots less than sixty-six hundred (6,600) square feet in area.	There shall be no minimum distance between the perimeter boundaries of single-family residential developments with single-family residential lots less than 6,600 square feet.	The minimum distance between the perimeter boundaries of single-family residential developments with single-family residential lots less than 6,600 square feet is removed.	The perimeter boundary of Ellwood is 512 feet from the perimeter boundary of Sierra Vista, which also has single-family residential lots that are less than 6,600 square feet. Removing the minimum distance will allow for more high-quality development conveniently adjacent to State Highway 288. This development will then attract homebuyers and enhance the City's long-term viability.
Unified Development Code Sec. 3.2.1.5 Private Neighborhood Park Land in Lieu of Land Dedication for Neighborhood Parks (a)	A developer responsible for dedication under this Article may elect to meet up to fifty percent (50%) of the requirements of Section 3.2.1.3 by the provision of private neighborhood park land.	All parkland will be accessible for general public use, except for the pool, which will be restricted to use by Ellwood residents. The Municipal Utility District or Homeowners Association will own and maintain all parkland.	No parkland will be dedicated to the City.	This will provide consistency and simplicity in ownership and maintenance. It will also provide recreation opportunities to the public at no cost to the City.

**TABLE 8
Ellwood Subdivision Ordinance, Zoning Ordinance, and Unified Development Code Variances**

Ordinance Reference	Requirement	Proposed	Difference	Justification
<p>Unified Development Code Ordinance Article 3 Screening and Fencing (3.3.1.3 (e)) Installation</p>	<p>The screening/wall/device shall be installed prior to final acceptance of the subdivision public improvements. All landscape materials, if utilized, shall be installed in accordance with other Divisions of this article and other Chapters of the Uniform Development Code. Failure to properly install all components of a required screening wall or device within the prescribed timeframe, shall constitute a violation of this Unified Development Code, and shall authorize the City Engineer to refuse acceptance of the subdivision public improvements.</p>	<p>Necessary perimeter fencing shall be installed prior to the issuance of the first Certificate of Occupancy.</p>	<p>Perimeter fencing shall not be required prior to final acceptance of the subdivision public improvements.</p>	<p>Perimeter fencing is typically installed along with landscaping, not with streets and public infrastructure. There is no benefit to installing fencing prior to the issuance of the first Certificate of Occupancy.</p>

**TABLE 9
Ellwood Engineering Design Criteria Manual Variances**

Design Manual reference	Requirement	Proposed	Difference	Justification
General Statement	References throughout the document refer to approval by "the city".	Conditions which require specific approval or deviations from the standards in the criteria manual are approved by the City Engineer. Appeals of City Engineer rulings are made to the City Council.	Specifies the specific individual responsible for technical decisions related to administration of the Criteria Manual.	Technical decisions should be made by a person with expertise in that area. This procedure relieves the City Council of a routine task and provides more certainty as to the individual within the city organization responsible for ruling on these items.
Graphic Requirements 2.6.4.B	Where existing or proposed bridges have sufficient space and structural capacity for installing water mains or conduits (twelve inches (12") or smaller) under the bridge, but above the top of the bent cap elevation, such installation will be permitted upon specific approval of the construction plans.	Where existing or proposed bridges have sufficient space and structural capacity for installing water mains or conduits under the bridge, but above the top of the bent cap elevation, such installation will be permitted upon specific approval of the construction plans.	Allow water lines of all sizes to be attached to bridges.	Bridges within Ellwood can be designed to accommodate the weight of the water line. Eliminating a separate pipe bridge is more economical and more esthetically pleasing.
Storm Water Drainage Design 5.3.6.E.f.1	New Requirement	On-grade inlets are allowed.	NA	With large grade changes as are planned on Karsten Boulevard, interim "on-grade" inlets will be required instead of inlets at the low point of the road only.
Storm Water Drainage Design 5.3.6.J.e.1.e	The maintenance berms shall be at least 20 feet wide surrounding the top of bank of the detention area.	The maintenance berm shall be 30 feet in width at a slope not to exceed a 10:1 (10%) slope, or 20 feet in width when adjacent to right-of-way. No back slope swales are required for areas of the detention basin where there are 5:1 or flatter side slopes and no more than 1/2 of the adjacent lot depth (or a maximum of 50 feet in nonresidential areas) draining over the side slope. Areas with side slopes steeper than 5:1, or areas draining more than 1/2 of the adjacent lot (or more than 50 feet in nonresidential) must have back slope swales.	Clarification of maintenance berm requirements.	This criteria preserves the maintenance berm requirements, but creates a more aesthetic look. In areas where the side slopes are very flat (as proposed in the standard) erosion is not an issue, so the backslope drains can be eliminated. Maintenance bonds will be in place to ensure maintenance does occur if problems develop.
Paving 6.3.1.D.b	Minimum width requirements for a right-of-way: Local streets: 60 feet right-of-way	Minimum width requirements for a right-of-way: Local streets: 50 feet with a 10-foot utility easement on each side.	A reduction of 10 feet of ROW width, but an overall increase in area available for the street and utilities from 60 feet to 70 feet.	The pavement width would remain unchanged at 28 feet, so there is no impact on vehicular accessibility. The ROW reduction allows additional property to be on the tax rolls rather than in non-taxable ROW.

E. Interpretation

The City's Designated Official shall be responsible for interpreting the provisions of the PUD. Appeals to the Designated Official's interpretation shall be made to City Council within thirty (30) days of the date of the interpretation.

F. Administrative Approval

Certain changes to the provisions may be made administratively by the City of Iowa Colony Designated Official, provided such changes are consistent with the intent and general purpose of the PUD and do not result in the reduction of open space by more than fifteen (15) percent within the project or exceed the maximum number of dwelling units permitted.

Decisions by the Designated Official regarding administrative changes shall be subject to appeal by the City Council. The following categories shall be considered administrative changes, but are not limited to:

- The addition of new information to the PUD, including maps or text that does not change or affect any of the regulations or guidelines contained therein.
- Changes to the community infrastructure phasing and alignment, such as roads, drainage, water and sewer systems, excluding water and sewer plant locations.
- Changes in land use plan boundaries within the PUD, division of areas or combinations of areas provided there is not a net loss of open space and no net increase in the total of units allowed.
- Changes or modifications in lot sizes and/or configuration, provided that the lots meet the minimum requirements established in the development standards for their respective land use.
- Changes to development regulations that are in the interest of the community and do not affect health or safety issues.
- Placement and/or construction of community identity or character features such as entry monuments, neighborhood signage, community art, mailboxes, etc.
- Relocation or modification of school or park sites.

- The creation of gated neighborhoods, private residential streets, or other modifications in common area assets to be maintained by a group of residential homeowners, provided the overall circulation of the project is maintained.
- The determination that a use may be allowed which is not specifically listed as a permitted use, but may be determined to be analogous and/or accessory to a permitted use as determined by the City's Designated Official.

The City's Designated Official shall have the authority to make a determination whether an administrative approval is appropriate regarding any situations or circumstances that are not specifically listed here.

G. Substantial Change

The PUD may be substantially amended by the procedure outlined in Article VIII of the City of Iowa Colony Zoning Ordinance.

H. Fees

All fees associated with the entitlement process shall be assessed as indicated by the City's applicable fee schedule. All fees shall be fair and reasonable.

I. Additional Requirements

The developer shall utilize, or cause its contractors to utilize, Separated Building Materials and Labor Contracts for all taxable building material contracts related to the development in the amount of one thousand dollars (\$1,000.00) or more, to site payment of the sales tax on building materials for the development to the property.

Noncompliance of the PUD will result in withholding of building permits within the boundaries of the PUD.

Regardless of any other provision, no plat or building permit in the premises shall be approved until the City and the drainage district with jurisdiction of the premises have approved the drainage.

Appendix A

ORDINANCE NO. 2021-37

AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS, CONTAINING FINDINGS OF FACT; ANNEXING PARTS OF MUD 57 AND HIGHWAY 288, AS MORE FULLY DESCRIBED HEREIN; ADOPTING MUNICIPAL SERVICES AGREEMENTS, AND PROVIDING A SEVERANCE CLAUSE AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IOWA COLONY, TEXAS, DULY ASSEMBLED:

1. The City Council of the City of Iowa Colony, Texas (“the City”) hereby finds that all statements in any part of this ordinance are true.
2. This annexation is authorized by Subchapter 43, C-3 and Section 43.1056 of the Texas Local Government Code and all other applicable law.
3. The owners of the land annexed by this ordinance are Rally 288 West, LLC, Rally 288 East, LLC, and the Texas Department of Transportation (herein jointly called “Owners”). Rally 288 West, LLC and Rally 288 East, LLC have requested this annexation. The Texas Department of Transportation (“TxDOT”) has been deemed by law to consent to this annexation, because the City notified TxDOT of the intent to annex TxDOT’s portion of the property herein described at least 61 days before passing the ordinance annexing that property, and TxDOT has not objected in writing to that annexation.
4. This entire ordinance is in the public interest.
5. The procedures and requirements of the Texas Local Government Code and any other applicable law have been duly followed and satisfied concerning this annexation.
6. The property (herein called “the Annexed Area”) described on Exhibit “A,” which is attached hereto and incorporated herein in full, is hereby annexed into the City of Iowa Colony, Texas, and the boundary limits of the City of Iowa Colony are hereby extended to include the Annexed Area within the territorial limits of the City of Iowa Colony. The inhabitants of the Annexed Area shall hereafter be entitled to all the rights and privileges of citizens of the City of Iowa Colony and shall be bound by the acts, ordinances, resolutions, and regulations of this City.
7. The City of Iowa Colony hereby adopts and enacts the Municipal Services Agreements attached hereto as Exhibit “B” and incorporated herein in full.
8. The City Secretary is hereby directed to file certified copies of this ordinance with the Brazoria County Clerk and the Texas Comptroller of Public Accounts.
9. If any portion of this ordinance, of whatever size, is ever held to be invalid for any reason, the remainder of this ordinance shall remain in full force and effect. Without limiting the generality of the foregoing, if this annexation is ever held invalid as to any portion, of whatever

size, of the territory described on Exhibit "A" hereto, then this annexation shall remain valid as to the remainder of such territory.

10. This ordinance shall be effective immediately upon its passage and approval. The Home Rule Charter of the City requires only one reading of this ordinance, because state law required public hearings before the passage of this ordinance.

READ, PASSED AND APPROVED on the 20th day of December, 2021.

CITY OF IOWA COLONY, TEXAS

By: *Michael Byrum-Bratsen*
MICHAEL BYRUM-BRATSEN,
MAYOR

ATTEST:

Kayleen Rosser
KAYLEEN ROSSER, CITY SECRETARY



Iowa Colony/Ordinance/Annexation/Ord Annexing Parts of MUD 57 and Highway 288

EXHIBIT "A"
ANNEXED AREA

CURVE TABLE			
CURVE	RADIUS	DELTA ANGLE	ARC LENGTH
C1	458.37	44°16'48"	354.25
C2	458.37	44°12'07"	353.67
C3	1273.24	40°34'28"	892.84

LINE	BEARING	DISTANCE
L1	S 87°16'27" W	1900.12
L2	N 48°10'58" E	102.36
L3	N 47°14'28" E	70.53
L4	N 87°38'11" E	149.85
L5	N 02°20'49" W	120.00
L6	S 87°39'11" W	150.00
L7	N 50°26'08" W	69.60
L8	N 32°56'12" W	32.06
L9	N 12°20'42" W	581.22
L10	N 02°18'54" W	517.42
L11	N 87°19'08" E	2389.83
L12	S 02°40'32" E	2771.19

THIS DOCUMENT WAS PREPARED UNDER THE TAG 483.291, DOES NOT REFLECT THE RESULTS OF ANY SURVEY, INVESTIGATION, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

Robert L. Boelsche

ROBERT L. BOELSCHKE
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 4448



10011 MEADOWCLENLEN
HOUSTON, TEXAS 77042
713-784-4600
WWW.EHRA.ORG
TYPE NO. F-728
TBPELS No. 10092300

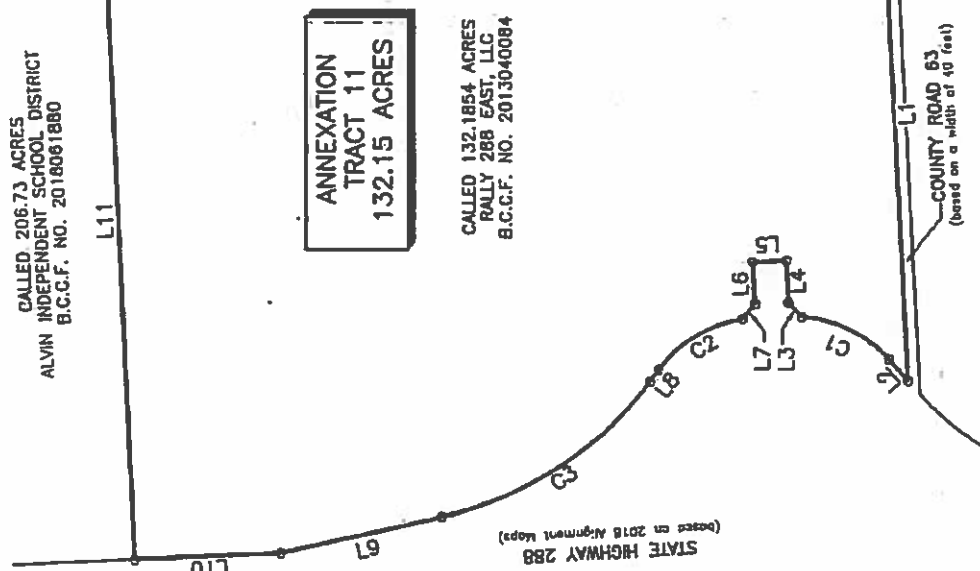
ENGINEERING THE FUTURE
SINCE 1928

BRAZORIA COUNTY M.U.D. NO. 57
ANNEXATION TRACT 11
BRAZORIA COUNTY, TEXAS

DATE: 08/08/2021 SCALE: 1" = 500'
JOB NO: 071-045-00
BY: 1645007-BOELSCHKE-DL-11.dwg DRAWING NO.:



P.O.B.
X: 3108427.36
Y: 1371472.16



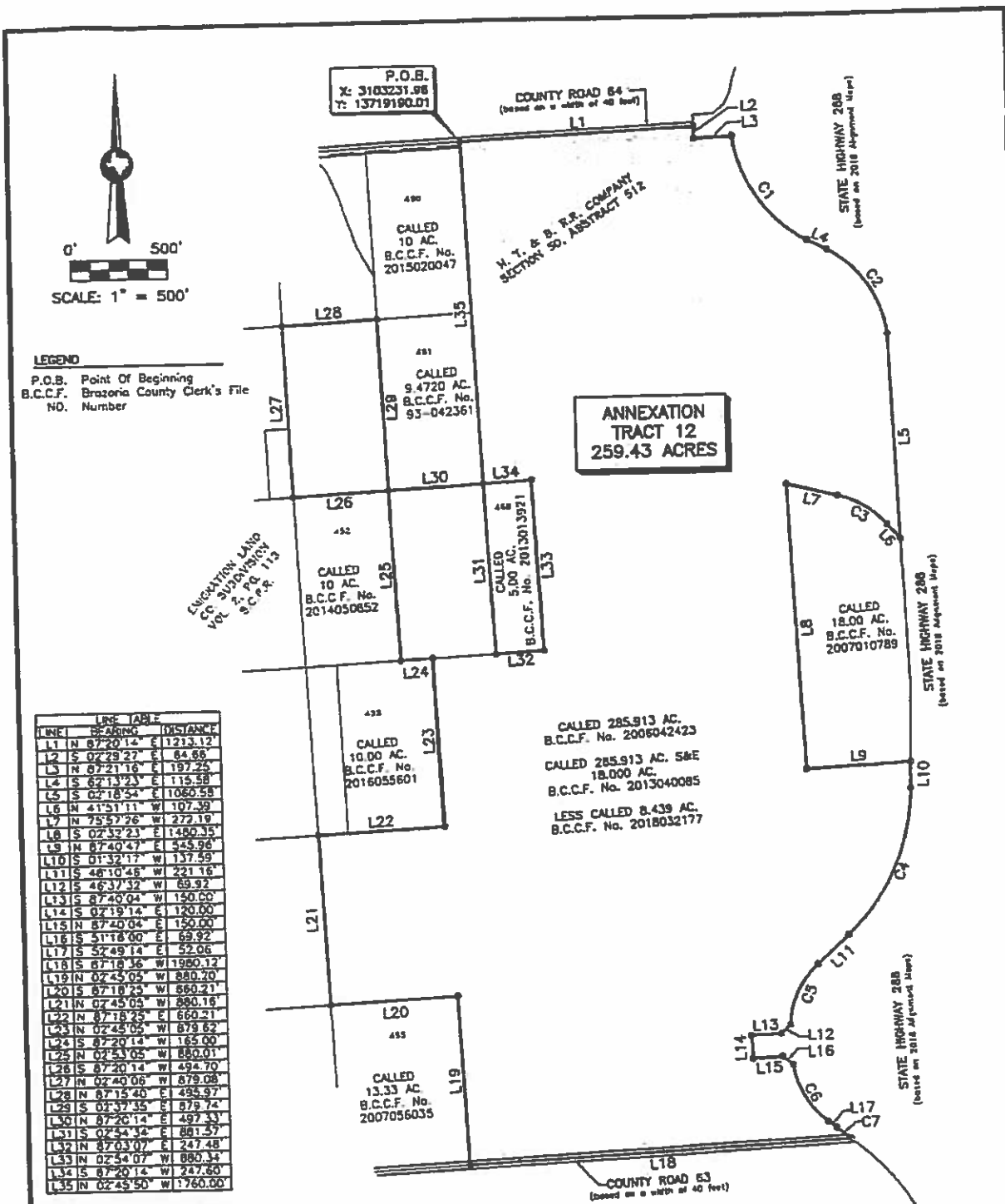
ANNEXATION TRACT 11
132.15 ACRES

CALLED 132.1854 ACRES
RALLY 288 EAST, LLC
B.C.C.F. NO. 2013040084

CALLED 206.73 ACRES
ALVIN INDEPENDENT SCHOOL DISTRICT
B.C.C.F. NO. 2018061880

NOTES:
1. FOR ADDITIONAL INFORMATION ABOUT THIS TRACT, SEE THE METES AND BOUNDS DESCRIPTION PREPARED SEPARATELY.
2. BEARING ORIENTATION IS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE AS DETERMINED BY GPS MEASUREMENTS.

P.O.B.
B.C.C.F. NO.
LEGEND
Point Of Beginning
Brazoria County Clerk's File Number



LEGEND
 P.O.B. Point Of Beginning
 B.C.C.F. No. Brazoria County Clerk's File No.

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 87°20'14"	E 1213.12'
L2	S 02°29'27"	E 64.86'
L3	N 87°21'16"	E 197.25'
L4	S 62°13'23"	E 115.58'
L5	S 02°18'54"	E 1060.58'
L6	N 41°51'11"	W 107.39'
L7	N 75°57'26"	W 272.19'
L8	S 02°52'23"	E 1490.35'
L9	N 87°40'47"	E 545.96'
L10	S 01°32'17"	W 137.55'
L11	S 46°10'45"	W 221.16'
L12	S 46°37'52"	W 53.92'
L13	S 87°40'04"	W 150.00'
L14	S 02°19'14"	E 120.00'
L15	N 87°40'04"	E 150.00'
L16	S 51°18'00"	E 69.92'
L17	S 52°49'14"	E 52.06'
L18	S 87°18'16"	W 1980.12'
L19	N 02°45'05"	W 880.70'
L20	S 87°18'25"	W 860.21'
L21	N 02°45'05"	W 880.16'
L22	N 87°18'25"	E 660.21'
L23	N 02°45'05"	W 879.62'
L24	S 87°20'14"	W 165.00'
L25	N 02°45'05"	W 880.01'
L26	S 87°20'14"	W 494.70'
L27	N 02°40'08"	W 879.08'
L28	N 87°15'40"	E 495.97'
L29	S 01°37'35"	E 879.74'
L30	N 87°20'14"	E 497.33'
L31	S 02°34'34"	E 861.57'
L32	N 87°03'07"	E 247.48'
L33	N 02°54'07"	W 880.34'
L34	S 87°20'14"	W 247.60'
L35	N 02°45'50"	W 1760.00'

CURVE TABLE

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	724.00'	54°11'43"	684.82'	S 150°07'31" E	659.38'
C2	596.00'	54°09'25"	563.35'	S 35°08'40" E	542.61'
C3	510.00'	34°08'15"	303.57'	N 58°34'19" W	289.11'
C4	1041.74'	46°38'25"	848.02'	S 24°51'32" W	824.80'
C5	458.37'	24°14'55"	354.00'	S 24°03'17" W	345.27'
C6	458.37'	44°14'55"	354.00'	S 39°41'45" E	345.27'
C7	1273.24'	4°18'08"	95.61'	S 50°40'10" E	95.58'

EHRA
 ENGINEERING THE FUTURE SINCE 1896

10011 MEADOWGLEN LN
 HOUSTON, TEXAS 77042
 713-784-4500
 WWW.EHRAINING.COM
 TBPE No. F-728
 TBPELS No. 10082300

BRAZORIA COUNTY M.U.D. NO. 57
ANNEXATION TRACT 12
BRAZORIA COUNTY, TEXAS

DATE: October 8, 2021 SCALE: 1" = 500' JOB NO.: 071-045-00
 Dwg. NAME: 07104500-PM027-ADDX-TR-12.dwg DRAWING NO.: NONE

THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATOR OR RECONSTRUCTION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

Robert L. Goelsche
 ROBERT L. GOELSCH
 REGISTERED PROFESSIONAL LAND SURVEYOR
 TEXAS REGISTRATION NO. 4448



- NOTES:**
- FOR ADDITIONAL INFORMATION ABOUT THIS TRACT, SEE THE METES AND BOUNDS DESCRIPTION PREPARED SEPARATELY.
 - BEARING ORIENTATION IS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1883 SOUTH CENTRAL ZONE AS DETERMINED BY GPS MEASUREMENTS.

HIGHWAY 288 ANNEXATION TRACT
December 2021

The entire width of the segment of the right-of-way of State Highway 288 that begins at the north edge of the right-of-way of Brazoria County Road 63/Dubuque Parkway and continues north along the right-of-way of State Highway 288 to where the existing city limits of the City of Iowa Colony cross Highway 288.

DAVENPORT PKWY (FCR64)

(SH-288)

PROPOSED TxDOT
R.O.W. ANNEXATION

DASHED
LINE LABELS
CITY LIMITS

DUBUQUE PKWY (FCR63)

DUBUQUE PKWY (FCR63)

DASHED
LINE LABELS
CITY LIMITS

NOLAN RYAN EXPRESS WAY

**EXHIBIT “B”
MUNICIPAL SERVICES AGREEMENTS**

**MUNICIPAL SERVICES AGREEMENT
BETWEEN THE CITY OF IOWA COLONY, TEXAS AND
RALLY 288 WEST, LLC**

This Municipal Services Agreement ("Agreement") is entered into by the City of Iowa Colony, Texas ("City") and Rally 288 West, LLC ("Owner").

RECITALS

The parties agree that the following recitals are true and form the basis upon which the parties have entered into this Agreement.

Section 43.0671 of the Texas Local Government Code ("LGC") permits the City to annex an area if each owner of land in an area requests the annexation

When the City elects to annex such an area, the City is required to enter into a written agreement with the property owner that sets forth the City services to be provided for the Property on or after the effective date of the annexation (the "Effective Date").

Owner owns approximately 259.43 acres of land ("Property") generally located in the northwest quadrant of the intersection of Dubuque Parkway (C.R. 63) and State Highway 288, which is the property in Brazoria County Appraisal District Property ID No. 176233 and Geographic ID No. 0512-0032-000, and which is situated in Brazoria County, Texas and in the City's extraterritorial jurisdiction, and the Property is described on Exhibit "A", which is attached and incorporated herein by reference.

Owner has filed a written request with the City for full-purpose annexation of the Property.

City and Owner desire to set out the City services to be provided for the Property on or after the effective date of annexation.

NOW THEREFORE, in exchange for the mutual covenants, conditions and promises contained herein, City and Owner agree as follows:

1. **PROPERTY.** This Agreement is only applicable to the Property.

2. **METHODS OF PROVIDING SERVICES.**

a. This Agreement provides for the delivery of services to the Property as herein provided, in accordance with state law and applicable city ordinances, rules, regulations, and policies. The City may accomplish the delivery of any services required by this Agreement through any means permitted by law. Without limiting the generality of the foregoing, whenever this Agreement requires the City to provide a service, the City may do so either directly or by arranging for delivery of that service through another governmental entity, a private entity, or any other person and in any lawful manner.

b. Nothing herein shall impair any rights of any party under the contract by which Owner purchased the Property from the City or the documents executed pursuant to that contract.

- c. Fees and charges for public services of any nature are beyond the scope of this Agreement and shall be determined in compliance with applicable law.

3. MUNICIPAL SERVICES.

- a. Commencing on the Effective Date, the City will provide for the Property the municipal services set forth in this subsection.
- i. Police. The City's Police Department will provide law enforcement services.
 - ii. Building Inspection and Code Enforcement. The City will provide code enforcement services. This includes issuing building, electrical, plumbing, and other permits and providing inspection services for new construction and remodeling, and enforcing all other applicable codes that regulate building construction within the City. These include zoning enforcement, animal control, subdivision regulation, and junk vehicle compliance, among other City codes and ordinances.
 - iii. Planning and Zoning. The City will provide comprehensive planning, land development, land use, and building review and inspection services.
 - iv. Parks and Recreational Facilities. The Property will have the same rights as other, similar property in the City concerning publicly-owned parks and recreational facilities throughout the City. Any private parks, facilities, and buildings will be unaffected by the annexation.
- b. The City does not provide the following services to the Property and does not contract to do so:
- i. Fire Protection. At this time, the Iowa Colony Volunteer Fire Department, which is not a part of the City, and Brazoria County Emergency Services District No. 3 provide fire protection services to the Property.
 - ii. Emergency Medical Services. At this time, the Iowa Colony Volunteer Fire Department, which is not a part of the City, and Brazoria County Emergency Services District No. 3 provide emergency medical services to the Property.
 - iii. Stormwater Drainage. At this time, stormwater drainage is provided by a municipal utility district.
 - iv. Roads and Streets. The City will maintain any adjoining city streets, streetlights, and regulatory signs over which the City has jurisdiction, except to the extent that another public entity or homeowners' association is obligated to provide those services.
 - v. Water and Wastewater. At this time, water and wastewater services are provided by a municipal utility district.
 - vi. Solid Waste Services. At this time, the City does not provide solid waste services.
- c. The City shall not be required to provide a service except as expressly provided by this Agreement.

- d. Owner understands and acknowledges that the City departments listed above may change names or be re-organized by the City. Any reference to a specific department also includes any subsequent City department that will provide the same or similar services.
4. **SERVICE LEVEL.** Where this Agreement requires the City to provide a service, the City will provide the Property with a level of that service, related infrastructure, and related infrastructure maintenance that are comparable to the level of services, infrastructure, and infrastructure maintenance provided by the City in other parts of the City with topography, land use, population density, and other pertinent factors similar to those of the Property.
5. **AUTHORITY.** City and Owner represent that they have full power, authority, and legal right to execute, deliver, and perform their respective obligations pursuant to this Agreement. Owner acknowledges that approval of the annexation is within the sole jurisdiction of the City Council. Nothing in this Agreement guarantees favorable decisions by the City Council.
6. **SEVERABILITY.** If any part, term, or provision of this Agreement is held by a court to be illegal, invalid, or otherwise unenforceable, such illegality, invalidity, or unenforceability will not affect the validity of any other part, term or provision, and the rights of the parties will be construed as if the part, term, or provision was never part of the Agreement.
7. **INTERPRETATION.** The parties to this Agreement covenant and agree that in any litigation relating to this Agreement, the terms and conditions of the Agreement will be interpreted according to the laws of the State of Texas. The parties acknowledge that they are of equal bargaining power and that each of them was represented by legal counsel in the negotiation and drafting of this Agreement.
8. **GOVERNING LAW AND VENUE.** This Agreement shall be governed by Texas Law. Venue of any litigation concerning this Agreement or the subject matter hereof shall be only in the state courts located in Brazoria County, Texas or the United States District Court for the Southern District of Texas, Houston or Galveston Division.
9. **NO WAIVER.** The failure of either party to insist upon the performance of any term or provision of this Agreement or to exercise any right granted hereunder shall not constitute a waiver of that party's right to insist upon appropriate performance or to assert any such right on any future occasion.
10. **GOVERNMENTAL POWERS AND IMMUNITIES.** The parties agree that neither the execution of this Agreement nor any act, omission, or condition relating to this Agreement shall ever be a waiver of governmental or official powers or immunities of any nature.
11. **COUNTERPARTS.** This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.
12. **CAPTIONS.** The captions to the various clauses of this Agreement are for informational purposes only and shall not alter the substance of the terms and conditions of this Agreement.

13. AGREEMENT BINDS AND BENEFITS SUCCESSORS AND RUNS WITH THE LAND. NOT A THIRD PARTY CONTRACT.

a. This Agreement is binding on and inures to the benefit of the parties and their respective successors and assigns. The terms of this Agreement constitute covenants running with the land comprising the Property. This Agreement shall be recorded in the Official Records of the Brazoria County Clerk.

b. This is not a third party contract and does not create any rights of any person except the parties and their respective successors and assigns, as provided in the preceding subsection.

14. REMEDIES. No party shall be liable for monetary damages for the breach of this Agreement. The sole remedy for a breach of this Agreement by the City shall be disannexation as provided in Section 43.141 of the Texas Local Government Code.

15. ENTIRE AGREEMENT.

a. This Agreement constitutes the entire agreement between the parties and supersedes all prior oral and written agreements between the parties concerning the subject matter hereof, except that nothing herein shall impair any rights under the contract by which City sold the Property to Owner or the documents executed pursuant to that contract.

b. This Agreement shall not be amended unless executed in writing by both parties.

16. EFFECTIVE DATE: This Agreement shall be effective upon the annexation of the Property by the City.

SIGNATURE PAGES FOLLOW.

CITY OF IOWA COLONY, TEXAS

By: Michael Byrum-Bratsen
Michael Byrum-Bratsen,
Mayor

ATTEST:

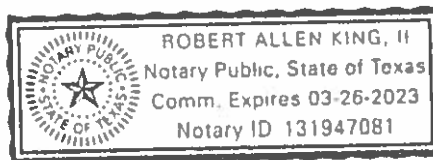
Kayleen Rosser
Kayleen Rosser,
City Secretary

STATE OF TEXAS §

COUNTY OF BRAZORIA §

This instrument was acknowledged before me on the 20 day of December, 2021, by Michael Byrum-Bratsen, as Mayor of the City of Iowa Colony, a Texas municipal corporation, on behalf of said corporation.

By: Robert Allen King, II
Notary Public, State of Texas



STATE OF TEXAS §

COUNTY OF BRAZORIA §

This instrument was acknowledged before me on the 20 day of December, 2021, by Kayleen Rosser, as City Secretary of the City of Iowa Colony, a Texas municipal corporation, on behalf of said corporation.

By: Robert Allen King, II
Notary Public, State of Texas

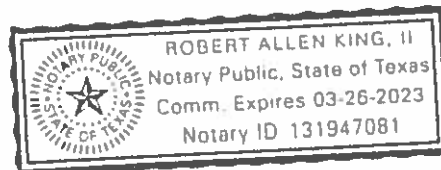


EXHIBIT "A-1"

**METES AND BOUNDS DESCRIPTION
 BRAZORIA COUNTY M.U.D. NO. 57 ANNEXATION TRACT 12
 BEING 259.43 ACRES
 SITUATED IN THE
 W.H. DENNIS (H. T. & B. R.R. COMPANY SURVEY, SECTION 50), ABSTRACT 512
 BRAZORIA COUNTY, TEXAS**

DESCRIPTION OF A 259.43 ACRE TRACT OF LAND SITUATED IN THE W.H. DENNIS (H. T. & B. R.R. COMPANY SURVEY, SECTION 50), ABSTRACT 512, BRAZORIA COUNTY, TEXAS, BEING THE RESIDUE OF THAT CERTAIN 285.913 ACRE TRACT OF LAND CONVEYED TO RALLY 288 WEST, LLC BY DEED RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE NUMBER (B.C.C.F. No.) 2013040085, SAID 259.43 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE 4204, AS DETERMINED BY GPS MEASUREMENTS):

BEGINNING at the northwesterly corner of the said 285.913 acre tract, same being in the common line of the W.H. Dennis (H.T. & B.R.R. Company Survey, Section 50), Abstract 512, and the H.T. & B.R.R. Company Survey, Section 51, Abstract 288, also being within County Road 64 (based on a width of 40 feet) having state plane (grid) coordinates of X = 3,103,231.96 and Y = 13,719,190.01;

- 1) **THENCE**, North 87°20'14" East, along the northerly line of said 285.913 acre tract with County Road 64 for a distance of 1,213.12 feet to the northeasterly corner of the herein described tract being in the westerly right-of-way line of State Highway 288 (based on 2018 Alignment Maps);
- THENCE**, along the westerly line of said State Highway 288 the following six (6) courses and distances:
- 2) South 02°29'27" East, for a distance of 64.66 feet to a point for corner;
 - 3) North 87°21'16" East, for a distance of 197.25 feet to a point in the arc of a non-tangent curve;
 - 4) In a southeasterly direction along the arc of said non-tangent curve to the left having a radius of 724.00 feet, a central angle of 54°11'43", an arc length of 684.82 feet, and a chord bearing of South 35°07'31" East, for a distance of 659.58 feet to a point of tangency;
 - 5) South 62°13'23" East, for a distance of 115.58 feet to a point for non-tangent curve to the right;
 - 6) In a southeasterly direction along the arc of said non-tangent curve to the right having a radius of 596.00 feet, a central angle of 54°09'25", an arc length of 563.35 feet, and a chord bearing of South 35°08'40" East, for a distance of 542.61 feet to a point for corner;
 - 7) South 02°18'54" East, for a distance of 1,060.58 feet to the northeasterly corner of that certain 18.00 acre tract recorded under B.C.C.F. NO. 2007010789;
- 8) **THENCE**, North 41°51'11" West, along the northerly line of the said 18.00 acre tract for a distance of 107.39 feet to a point of curvature;
 - 9) **THENCE**, continuing along the northerly line of the said 18.00 acre tract in a northwesterly direction along the arc of said curve to the left having a radius of 510.00 feet, a central angle of 34°06'15", an arc length of 303.57 feet, and a chord bearing of North 58°54'19" West, for a distance of 299.11 feet to a point of tangency;
 - 10) **THENCE**, North 75°57'26" West, continuing along the said northerly line for a distance of 272.19 feet to the northwesterly corner of said 18.00 acre tract;
 - 11) **THENCE**, South 02°32'23" East, along the westerly line of said 18.00 acre tract for a distance of 1,480.35 feet to the southwest corner of said 18.00 acre tract;

259.43 Acres
H.T. & B.R.R. Co. Survey, Section 50, Abstract 512

- 12) THENCE, North 87°40'47" East, along the southerly line of said 18.00 tract for a distance of 545.96 feet to the southeasterly corner of said 18.00 acre tract being in the westerly right-of-way line of said State Highway 288;

THENCE, continuing along the westerly right-of-way line of said State Highway 288 the following twelve (12) courses and distances:

- 13) South 01°32'17" West, for a distance of 137.59 feet to a point for non-tangent curve to the right;
- 14) In a southwesterly direction along the arc of said non-tangent curve to the right having a radius of 1,041.74 feet, a central angle of 46°38'29", an arc length of 848.02 feet, and a chord bearing of South 24°51'32" West, for a distance of 824.80 feet to a point of tangency;
- 15) South 48°10'46" West, for a distance of 221.16 feet to a point of curvature;
- 16) In a southwesterly direction along the arc of said curve to the left having a radius of 458.37 feet, a central angle of 44°14'59", an arc length of 354.00 feet, and a chord bearing of South 26°03'17" West, for a distance of 345.27 feet to a point for corner;
- 17) South 46°37'32" West, for a distance of 69.92 feet to a point for corner;
- 18) South 87°40'04" West, for a distance of 150.00 feet to a point for corner;
- 19) South 02°19'14" East, for a distance of 120.00 feet to a point for corner;
- 20) North 87°40'04" East, for a distance of 150.00 feet to a point for corner;
- 21) South 51°16'00" East, for a distance of 69.92 feet to a point in the arc of a non-tangent curve to the left;
- 22) In a southeasterly direction along the arc of said non-tangent curve to the left having a radius of 458.37 feet, a central angle of 44°14'59", an arc length of 354.00 feet, and a chord bearing of South 30°41'45" East, for a distance of 345.27 feet to a point of tangency;
- 23) South 52°49'14" East, for a distance of 52.06 feet to a point of curvature;
- 24) In a southeasterly direction along the arc of said curve to the right having a radius of 1,273.24 feet, a central angle of 04°18'08", an arc length of 95.61 feet, and a chord bearing of South 50°40'10" East, for a distance of 95.58 feet to the southeasterly corner of the herein described tract and being in County Road 63 (based on a width of 40 feet);
- 25) THENCE, South 87°18'36" West, along the southerly line of said 285.913 acre tract with said County Road 63 and for a distance of 1,980.12 feet to the southwesterly corner of the herein described tract;

THENCE, along the westerly line of said 285.913 acre tract the following seventeen (17) courses and distances:

- 26) North 02°45'05" West, for a distance of 880.20 feet to a point for corner;
- 27) South 87°18'25" West, for a distance of 660.21 feet to a point for corner;
- 28) North 02°45'05" West, for a distance of 880.16 feet to a point for corner;
- 29) North 87°18'25" East, for a distance of 660.21 feet to a point for corner;
- 30) North 02°45'05" West, for a distance of 879.62 feet to a point for corner;
- 31) South 87°20'14" West, for a distance of 165.00 feet to a point for corner;

259.43 Acres
H.T. & B.J.R. Co. Survey, Section 50, Abstract 512

- 32) North 02°53'05" West, for a distance of 880.01 feet to a point for corner;
- 33) South 87°20'14" West, for a distance of 494.70 feet to a point for corner;
- 34) North 02°40'06" West, for a distance of 879.08 feet to a point for corner;
- 35) North 87°15'40" East, for a distance of 495.97 feet to a point for corner;
- 36) South 02°37'35" East, for a distance of 879.74 feet to a point for corner;
- 37) North 87°20'14" East, for a distance of 497.33 feet to a point for corner;
- 38) South 02°54'34" East, for a distance of 881.57 feet to a point for corner;
- 39) North 87°03'07" East, for a distance of 247.48 feet to a point for corner;
- 40) North 02°54'07" West, for a distance of 880.34 feet to a point for corner;
- 41) South 87°20'14" West, for a distance of 247.60 feet to a point for corner;
- 42) North 02°45'50" West, for a distance of 1,760.00 feet to the POINT OF BEGINNING and containing 259.43 acres of land.

This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

EDMINSTER, HINSHAW, RUSS AND ASSOCIATES, INC. dba EHRA, Inc. TBPELS No. 10092300

Robert L. Boelsche
 Robert L. Boelsche, R.P.L.S.
 Texas Registration No. 4446
 10011 Meadowglen Lane
 Houston, Texas 77042
 713-784-4500



Date: October 6, 2021
 Job No: 071-045-00
 File No: R:\2007\071-045-00\documents\technical\2021\07104500-MUD 57 ANNEX-TRACT-12.doc

**MUNICIPAL SERVICES AGREEMENT
BETWEEN THE CITY OF IOWA COLONY, TEXAS AND
RALLY 288 EAST, LLC**

This Municipal Services Agreement ("Agreement") is entered into by the City of Iowa Colony, Texas ("City") and Rally 288 East, LLC ("Owner").

RECITALS

The parties agree that the following recitals are true and form the basis upon which the parties have entered into this Agreement.

Section 43.0671 of the Texas Local Government Code ("LGC") permits the City to annex an area if each owner of land in an area requests the annexation

When the City elects to annex such an area, the City is required to enter into a written agreement with the property owner that sets forth the City services to be provided for the Property on or after the effective date of the annexation (the "Effective Date").

Owner owns approximately 132.15 acres of land ("Property") generally located in the northeast quadrant of the intersection of Dubuque Parkway (C.R. 63) and State Highway 288, which is the property in Brazoria County Appraisal District Property ID No. 116982 and Geographic ID No. 0259-0001-000 and which is situated in Brazoria County, Texas and in the City's extraterritorial jurisdiction, and the Property is described on Exhibit "A", which is attached and incorporated herein by reference.

Owner has filed a written request with the City for full-purpose annexation of the Property.

City and Owner desire to set out the City services to be provided for the Property on or after the effective date of annexation.

NOW THEREFORE, in exchange for the mutual covenants, conditions and promises contained herein, City and Owner agree as follows:

1. **PROPERTY.** This Agreement is only applicable to the Property.
2. **METHODS OF PROVIDING SERVICES.**
 - a. This Agreement provides for the delivery of services to the Property as herein provided, in accordance with state law and applicable city ordinances, rules, regulations, and policies. The City may accomplish the delivery of any services required by this Agreement through any means permitted by law. Without limiting the generality of the foregoing, whenever this Agreement requires the City to provide a service, the City may do so either directly or by arranging for delivery of that service through another governmental entity, a private entity, or any other person and in any lawful manner.
 - b. Nothing herein shall impair any rights of any party under the contract by which Owner purchased the Property from the City or the documents executed pursuant to that contract.

c. Fees and charges for public services of any nature are beyond the scope of this Agreement and shall be determined in compliance with applicable law.

3. MUNICIPAL SERVICES.

a. Commencing on the Effective Date, the City will provide for the Property the municipal services set forth in this subsection.

- i. Police. The City's Police Department will provide law enforcement services.
- ii. Building Inspection and Code Enforcement. The City will provide code enforcement services. This includes issuing building, electrical, plumbing, and other permits and providing inspection services for new construction and remodeling, and enforcing all other applicable codes that regulate building construction within the City. These include zoning enforcement, animal control, subdivision regulation, and junk vehicle compliance, among other City codes and ordinances.
- iii. Planning and Zoning. The City will provide comprehensive planning, land development, land use, and building review and inspection services.
- iv. Parks and Recreational Facilities. The Property will have the same rights as other, similar property in the City concerning publicly-owned parks and recreational facilities throughout the City. Any private parks, facilities, and buildings will be unaffected by the annexation.

b. The City does not provide the following services to the Property and does not contract to do so:

- i. Fire Protection. At this time, the Iowa Colony Volunteer Fire Department, which is not a part of the City, and Brazoria County Emergency Services District No. 3 provide fire protection services to the Property.
- ii. Emergency Medical Services. At this time, the Iowa Colony Volunteer Fire Department, which is not a part of the City, and Brazoria County Emergency Services District No. 3 provide emergency medical services to the Property.
- iii. Stormwater Drainage. At this time, stormwater drainage is provided by a municipal utility district.
- iv. Roads and Streets. The City will maintain any adjoining city streets, streetlights, and regulatory signs over which the City has jurisdiction, except to the extent that another public entity or homeowners' association is obligated to provide those services.
- v. Water and Wastewater. At this time, water and wastewater services are provided by a municipal utility district.
- vi. Solid Waste Services. At this time, the City does not provide solid waste services.

c. The City shall not be required to provide a service except as expressly provided by this Agreement.

- d. Owner understands and acknowledges that the City departments listed above may change names or be re-organized by the City. Any reference to a specific department also includes any subsequent City department that will provide the same or similar services.
4. **SERVICE LEVEL.** Where this Agreement requires the City to provide a service, the City will provide the Property with a level of that service, related infrastructure, and related infrastructure maintenance that are comparable to the level of services, infrastructure, and infrastructure maintenance provided by the City in other parts of the City with topography, land use, population density, and other pertinent factors similar to those of the Property.
5. **AUTHORITY.** City and Owner represent that they have full power, authority, and legal right to execute, deliver, and perform their respective obligations pursuant to this Agreement. Owner acknowledges that approval of the annexation is within the sole jurisdiction of the City Council. Nothing in this Agreement guarantees favorable decisions by the City Council.
6. **SEVERABILITY.** If any part, term, or provision of this Agreement is held by a court to be illegal, invalid, or otherwise unenforceable, such illegality, invalidity, or unenforceability will not affect the validity of any other part, term or provision, and the rights of the parties will be construed as if the part, term, or provision was never part of the Agreement.
7. **INTERPRETATION.** The parties to this Agreement covenant and agree that in any litigation relating to this Agreement, the terms and conditions of the Agreement will be interpreted according to the laws of the State of Texas. The parties acknowledge that they are of equal bargaining power and that each of them was represented by legal counsel in the negotiation and drafting of this Agreement.
8. **GOVERNING LAW AND VENUE.** This Agreement shall be governed by Texas Law. Venue of any litigation concerning this Agreement or the subject matter hereof shall be only in the state courts located in Brazoria County, Texas or the United States District Court for the Southern District of Texas, Houston or Galveston Division.
9. **NO WAIVER.** The failure of either party to insist upon the performance of any term or provision of this Agreement or to exercise any right granted hereunder shall not constitute a waiver of that party's right to insist upon appropriate performance or to assert any such right on any future occasion.
10. **GOVERNMENTAL POWERS AND IMMUNITIES.** The parties agree that neither the execution of this Agreement nor any act, omission, or condition relating to this Agreement shall ever be a waiver of governmental or official powers or immunities of any nature.
11. **COUNTERPARTS.** This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.
12. **CAPTIONS.** The captions to the various clauses of this Agreement are for informational purposes only and shall not alter the substance of the terms and conditions of this Agreement.

13. AGREEMENT BINDS AND BENEFITS SUCCESSORS AND RUNS WITH THE LAND. NOT A THIRD PARTY CONTRACT.

a. This Agreement is binding on and inures to the benefit of the parties and their respective successors and assigns. The terms of this Agreement constitute covenants running with the land comprising the Property. This Agreement shall be recorded in the Official Records of the Brazoria County Clerk.

b. This is not a third party contract and does not create any rights of any person except the parties and their respective successors and assigns, as provided in the preceding subsection.

14. REMEDIES. No party shall be liable for monetary damages for the breach of this Agreement. The sole remedy for a breach of this Agreement by the City shall be disannexation as provided in Section 43.141 of the Texas Local Government Code.

15. ENTIRE AGREEMENT.

a. This Agreement constitutes the entire agreement between the parties and supersedes all prior oral and written agreements between the parties concerning the subject matter hereof, except that nothing herein shall impair any rights under the contract by which City sold the Property to Owner or the documents executed pursuant to that contract.

b. This Agreement shall not be amended unless executed in writing by both parties.

16. EFFECTIVE DATE: This Agreement shall be effective upon the annexation of the Property by the City.

SIGNATURE PAGES FOLLOW.

CITY OF IOWA COLONY, TEXAS

By: *Michael Byrum-Bratsen*
Michael Byrum-Bratsen,
Mayor

ATTEST:

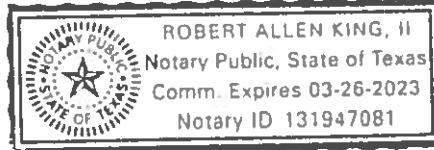
Kayleen Rosser
Kayleen Rosser,
City Secretary

STATE OF TEXAS §

COUNTY OF BRAZORIA §

This instrument was acknowledged before me on the 20 day of December, 2021, by Michael Byrum-Bratsen, as Mayor of the City of Iowa Colony, a Texas municipal corporation, on behalf of said corporation.

By: *Robert Allen King, II*
Notary Public, State of Texas

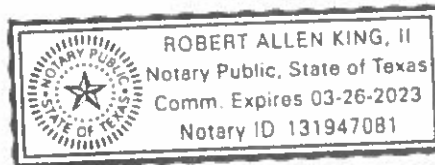


STATE OF TEXAS §

COUNTY OF BRAZORIA §

This instrument was acknowledged before me on the 20 day of December, 2021, by Kayleen Rosser, as City Secretary of the City of Iowa Colony, a Texas municipal corporation, on behalf of said corporation.

By: *Robert Allen King, II*
Notary Public, State of Texas



RALLY 288 EAST, LLC

By: *nt*
Mathew Lawson,
Authorized Agent

STATE OF TEXAS §
Harris
COUNTY OF ~~BRAZORIA~~ §

This instrument was acknowledged before me on the *20th* day of *December*, 2021, by Mathew Lawson, as the Authorized Agent, on behalf of Rally 288 East, LLC.

By: *Annell Udy*
Notary Public, State of Texas

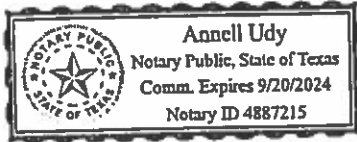


EXHIBIT "A-2"

**METES AND BOUNDS DESCRIPTION
 BRAZORIA COUNTY M.U.D. NO. 57 ANNEXATION TRACT 11
 BEING 132.15 ACRES
 SITUATED IN THE
 H. T. & B. R.R. COMPANY SURVEY, SECTION 49, ABSTRACT 259
 BRAZORIA COUNTY, TEXAS**

DESCRIPTION OF A 132.15 ACRE TRACT OF LAND SITUATED IN THE H. T. & B. R.R. COMPANY SURVEY, SECTION 49, ABSTRACT 259, BRAZORIA COUNTY, TEXAS, BEING OUT OF THAT CERTAIN 132.1854 ACRE TRACT OF LAND CONVEYED TO RALLY 288 WEST, LLC BY DEED RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE NUMBER (B.C.C.F. No.) 2013040084, SAID 132.15 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE 4204, AS DETERMINED BY GPS MEASUREMENTS):

BEGINNING at the northerly right-of-way line of County Road 64 (based on a width of 40 feet) being the southeasterly corner of said 132.1854 acre tract having state plane (grid) coordinates of X = 3,108,427.36 and Y = 13,714,172.16;

- 1) THENCE, South 87°16'27" West, along the southerly line of said 132.1854 acre tract and the northerly right-of-way line of said County Road 64 for a distance of 1,900.12 feet to a point for corner in the easterly right-of-way line of State Highway 288 (based on 2018 Alignment Maps);

THENCE, along the easterly line of said State Highway 288 the following twelve (12) courses and distances:

- 2) North 48°10'58" East, for a distance of 102.36 feet to a point for corner;
- 3) In a northeasterly direction along the arc of said curve to the left having a radius of 458.37 feet, a central angle of 44°16'19", an arc length of 354.25 feet, and a chord bearing of North 26°02'33" East, for a distance of 345.49 feet to a point for corner;
- 4) North 47°14'28" East, for a distance of 70.53 feet to a point for corner;
- 5) North 87°39'11" East, for a distance of 149.95 feet to a point for corner;
- 6) North 02°20'49" West, for a distance of 120.00 feet to a point for corner;
- 7) South 87°39'11" West, for a distance of 150.00 feet to a point for corner;
- 8) North 50°26'06" West, for a distance of 69.60 feet to a point for corner;
- 9) In a northwesterly direction along the arc of said curve to the left having a radius of 458.37 feet, a central angle of 44°12'07", an arc length of 353.62 feet, and a chord bearing of North 30°49'08" West, for a distance of 344.91 feet to a point for corner;
- 10) North 52°55'12" West, for a distance of 52.06 feet to a point for corner;
- 11) In a northwesterly direction along the arc of said curve to the right having a radius of 1,273.24 feet, a central angle of 40°34'29", an arc length of 901.66 feet, and a chord bearing of North 32°37'57" West, for a distance of 882.94 feet to a point for corner;
- 12) North 12°20'42" West, for a distance of 581.22 feet to a point for corner;
- 13) North 02°18'54" West, for a distance of 517.42 feet to the westerly common corner of said 132.1854 acre tract and that certain tract called 206.73 acres conveyed to Alvin Independent School District by deed recorded under B.C.C.F. NO. 2018061880;
- 14) THENCE, North 87°19'08" East, along the common line between said 132.1854 acre tract and said 206.73 acre tract for a distance of 2,389.63 feet to the easterly common corner of said 132.1854 acre tract and said 206.73 acre tract of land;

132.15 Acres
H.T. & B.R.R. Co. Survey, Section 50, Abstract 512

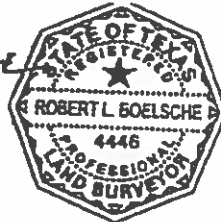
- 15) THENCE, South 02°40'32" East, along the easterly line of said 132.1854 acre tract for a distance of 2,771.16 feet to the POINT OF BEGINNING and containing 132.15 acres of land.

This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

EDMINSTER, HINSHAW, RUSS AND ASSOCIATES, INC. dba EHRA, Inc. TBPELS No. 10092300

Robert L. Boelsche

Robert L. Boelsche, R.P.L.S.
Texas Registration No. 4446
10011 Meadowglen Lane
Houston, Texas 77042
713-784-4500



Date: October 6, 2021
Job No: 071-045-00
File No: R:\2007\071-045-00\documents\technical\2021\07104500-MUD 57 ANNEX-TRACT-11.doc



12003 Iowa Colony Blvd.
Iowa Colony Tx. 77583
Phone: 281-369-2471
Fax: 281-369-0005
www.iowacolonytx.gov

CERTIFICATION

STATE OF TEXAS
COUNTY OF BRAZORIA
CITY OF IOWA COLONY

I, Kayleen Rosser, City Secretary of the City of Iowa Colony, Texas being the person charged with the care, custody, and control of the records, do hereby certify that the foregoing is a true, correct, and complete copy of Ordinance No. 2021-37 approved by the City Council on the 20th day of December, 2021, in the City of Iowa Colony, Texas, and I further certify that the same has not been repealed, amended, altered, or changed in any way since its enactment.

IN TESTIMONY WHEREOF witness my hand and the seal of the City of Iowa Colony, Texas, on the 21st day of December, 2021.



Kayleen Rosser
KAYLEEN ROSSER, CITY SECRETARY
CITY OF IOWA COLONY

FILED and RECORDED

Instrument Number: 2021083573

Filing and Recording Date: 12/21/2021 11:30:50 AM Pages: 27 Recording Fee: \$126.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Brazoria County, Texas.



A handwritten signature in cursive script that reads "Joyce Hudman".

Joyce Hudman, County Clerk
Brazoria County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

DO NOT DESTROY - Warning, this document is part of the Official Public Record.

cclerk-clare

Appendix B

D E E D
VOL 1199 PAGE 804

ORDINANCE NO. 73- C

AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS, PROVIDING FOR THE EXTENSION OF THE BOUNDARIES OF IOWA COLONY, TEXAS, AND THE ANNEXATION OF CERTAIN ADJACENT TERRITORY CONSISTING OF LAND BEING A PORTION OF THE W. H. DENNIS SURVEY NO. 52, ABSTRACT 513, a PORTION OF THE H. T. & B. R.R. COMPANY SURVEY NO. 49, ABSTRACT 259, A PORTION OF THE C. M. HAYS SURVEY NO. 4, ABSTRACT 532, A PORTION OF THE LAVACA NAVIGATION COMPANY SURVEY NO. 3, ABSTRACT 328, A PORTION OF THE C. M. HAYS SURVEY NO. 2, ABSTRACT 531, A PORTION OF THE W. H. DENNIS SURVEY NO. 50, ABSTRACT 512, A PORTION OF THE LAVACA NAVIGATION COMPANY SURVEY NO. 1, ABSTRACT 329, AND A PORTION OF THE H. T. & B. R. R. COMPANY SURVEY NO. 51, ABSTRACT 288, AND BEING MORE PARTICULARLY DESCRIBED BELOW:

WHEREAS, it would be convenient and desirable for territory now lying adjacent of Iowa Colony, whose inhabitants have signed a petition to that effect, and

WHEREAS, A public hearing has been held in accordance with State Law on the question of annexation of the hereinafter described territory, said hearing having been held more than ten days prior to the initial reading of this Ordinance and not more than twenty days prior to the initial reading of this Ordinance and notice of said hearing having been given by publication in accordance with law:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IOWA COLONY, TEXAS:

That the following described land and territory lying adjacent to and adjoining the City of Iowa Colony, Texas, is hereby added and annexed to the City of Iowa Colony. Said territory hereinafter described shall hereafter be included within the boundaries and City Limits of the City of Iowa Colony, Texas, at the various points contiguous to the area hereinafter described, are hereby altered and amended so as to include the following described area within the Corporate Limits of the City of Iowa Colony, Texas:

BEGINNING At the common corner of the W. H. Dennis Survey No. 52, Abstract 513, the H. T. & B. R.R. Company Survey No. 51, Abstract 288, the W. H. Dennis Survey No. 50, Abstract 512, and the H. T. & B. R.R. Company Survey No. 49, Abstract 259, Brazoria County, Texas;

THENCE NORTH along the common line between H. T. & B. R.R. Company Survey No. 51 and the W. H. Dennis Survey No. 52, a distance of 660.0 feet to a point for corner;

D E E D

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THENCE EAST 660.0 feet from and parallel to the common line of the W. H. Dennis Survey No. 52 and the H. T. & B. R.R. Company Survey No. 49, a distance of 4880.0 feet to a point on the Westerly line of the present Iowa Colony Corporate Limits;

THENCE SOUTH along the West line of the present Iowa Colony Corporate Limits, at 660.0 feet cross County Road No. 64, and continue for a total distance of 1320.0 feet to a point for corner;

THENCE WEST- 660.0 feet from and parallel to the common line between the aforesaid W. H. Dennis Survey No. 52 and the H. T. & B. R.R. Company Survey No. 49, a distance of 9900.0 feet to a point for corner, which is located SOUTH- 660.0 feet and EAST - 660.0 feet from the Northwest corner of the W. H. Dennis Survey No. 50;

THENCE SOUTH parallel to and 660.0 feet from the West line of the W. H. Dennis Survey No. 50, which is the approximate center line of County Road No. 48, a distance of 440.0 feet to a point for corner;

THENCE EAST - 1320.0 feet to a point for corner;

THENCE SOUTH, at 660.0 feet cross the centerline of County Road No. 758, and continue for a total distance of 1320.0 feet to a point for corner;

THENCE WEST parallel to and 660.0 feet from County Road No. 758, a distance of 1320.0 feet to a point for corner, which is located SOUTH - 660.0 feet and EAST -660.0 feet from the intersection of the centerline of County Road No. 48 and County Road No. 758;

THENCE SOUTH parallel to and 660.0 feet Easterly from the centerline of County Road No. 48, a distance of 4000.0 feet to a point for corner, said point being located EAST -660.0 feet and SOUTH - 1100.0 feet from the Southwest corner of the W. H. Dennis Survey No. 50, Abstract 51;

THENCE EAST parallel to and 660.0 feet NORTH of County Road No. 54, a distance of 4072.0 feet to the Northeast corner of the herein described tract;

THENCE SOUTH, at 460.0 feet pass the lower Northwest corner of the present Iowa Colony Corporate Limits, and continue for a total distance of 1320.0 feet to a point for the Southeast corner of the herein described tract on the Westerly line of the present Iowa Colony Corporate Limits;

THENCE WEST parallel to and 660.0 feet SOUTH of County Road No. 54, a distance of 9007.0 feet to a point for the most Southwest corner of the herein described tract;

THENCE NORTH, at 660.0 feet cross the centerline of County Road No. 54, and continue for a total distance of 1320.0 feet to a point for corner;

THENCE EAST parallel to and 660.0 feet NORTH of County Road No. 54, a distance of 3615.0 feet to a point for corner, which is located NORTH -660.0 feet and WEST -660.0 feet from the intersection of the centerline of County Road No. 48 and County Road No. 54;

THENCE NORTH parallel to and 660.0 feet Westerly from the centerline of County Road No. 48, a distance of 2200.0 feet to a point for corner, said point being located SOUTH 660.0 feet and WEST - 660.0 feet from the intersection of the centerline of County Road No. 48 and County Road No. 382;

D E E D
VOL 1199 PAGE 806

THENCE WEST parallel to and 660.0 feet Southerly from the centerline of County Road No. 382, a distance of 3640.0 feet to a point for corner;

THENCE NORTH, at 660.0 feet cross the centerline of County Road No. 382, and continue for a total distance of 1320.0 feet to a point for corner;

THENCE EAST parallel to and 660.0 feet Northerly from the centerline of County Road No. 382, a distance of 3300.0 feet to a point for corner in the centerline of County Road No. 48, which is also the common line between the W. H. Dennis Survey No. 50, Abstract 512, and the C. M. Hays Survey No. 2, Abstract 531;

THENCE NORTH along the centerline of County Road No. 48, a distance of 2200.0 feet to a point for corner, which is 660.0 feet due SOUTH of the common corner of the H. T. & B. R.R. Company Survey No. 51, Abstract 288, the Lavaca Navigation Company Survey No. 1, Abstract 329, the C. M. Hays Survey No. 2, Abstract 531, and the W. H. Dennis Survey No. 50, Abstract 512;

THENCE due WEST - 1000.0 feet to a point for corner;

THENCE NORTH - 1320.0 feet to a point for corner;

THENCE EAST -1000.0 feet to a point for corner in the centerline of County Road No. 48, being the common line of the H. T. & B. R.R. Company Survey No. 51, Abstract 288, and the Lavaca Navigation Company Survey No. 1, Abstract 329;

THENCE SOUTH along said line, a distance of 660.0 feet to a point for the common corner of the aforesaid surveys;

THENCE EAST along the common line between the H. T. & B. R.R. Company Survey No. 51 and the W. H. Dennis Survey No. 50, which is also the approximate centerline of County Road No. 64, a distance of 5280.0 feet to the PLACE OF BEGINNING.

The above described additional territory and area so annexed shall hereafter in all respects be a part of the City of Iowa Colony, Texas, and the inhabitants thereof shall be entitled to all the rights and privileges of the citizens of Iowa Colony and shall be bound by the acts, ordinances, resolutions and regulations of the City of Iowa Colony, Texas.

Passed and approved this the 9th day of July, 1973.

CITY OF IOWA COLONY

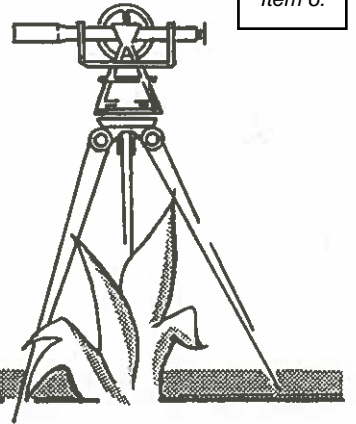
By: Maurice S. Bright
Maurice S. Bright, Mayor

ATTEST:

Carolyn E. Bowen
Carolyn E. Bowen, City Secretary

D. H. ADAMS
Registered Public Surveyor

217 W. Sealy St. - Ph. 331-3523
ALVIN, TEXAS 77511



F I E L D N O T E S

IOWA COLONY ANNEX NO. 3

Being a portion of the W. H. Dennis Survey No. 52, Abstract 513, a portion of the H. T. & B. R.R. Company Survey No. 49, Abstract 259, a portion of the C. M. Hays Survey No. 4, Abstract 532, a portion of the Lavaca Navigation Company Survey No. 3, Abstract 328, a portion of the C. M. Hays Survey No. 2, Abstract 531, a portion of the W. H. Dennis Survey No. 50, Abstract 512, a portion of the Lavaca Navigation Company Survey No. 1, Abstract 329, and a portion of the H. T. & B. R.R. Company Survey No. 51, Abstract 288, and being more particularly described as follows:

BEGINNING at the common corner of the W. H. Dennis Survey No. 52, Abstract 513, the H. T. & B. R.R. Company Survey No. 51, Abstract 288, the W. H. Dennis Survey No. 50, Abstract 512, and the H. T. & B. R.R. Company Survey No. 49, Abstract 259, Brazoria County, Texas;

THENCE NORTH along the common line between H. T. & B. R.R. Company Survey No. 51 and the W. H. Dennis Survey No. 52, a distance of 660.0 feet to a point for corner;

THENCE EAST - 660.0 feet from and parallel to the common line of the W. H. Dennis Survey No. 52 and the H. T. & B. R.R. Company Survey No. 49, a distance of 4880.0 feet to a point on the Westerly line of the present Iowa Colony Corporate Limits;

THENCE SOUTH along the West line of the present Iowa Colony Corporate Limits, at 660.0 feet cross County Road No. 64, and continue for a total distance of 1320.0 feet to a point for corner;

THENCE WEST - 660.0 feet from and parallel to the common line between the aforesaid W. H. Dennis Survey No. 52 and the H. T. & B. R.R. Company Survey No. 49, a distance of 9900.0 feet to a point for corner, which is located SOUTH - 660.0 feet and EAST - 660.0 feet from the Northwest corner of the W. H. Dennis Survey No. 50;

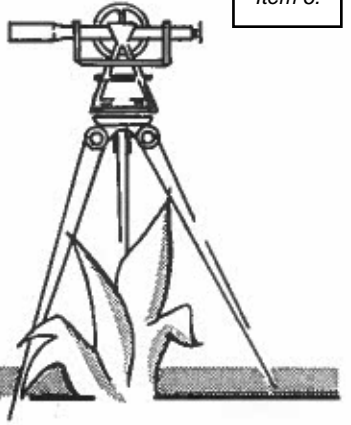
THENCE SOUTH parallel to and 660.0 feet from the West line of the W. H. Dennis Survey No. 50, which is the approximate centerline of County Road No. 48, a distance of 440.0 feet to a point for corner;

THENCE EAST - 1320.0 feet to a point for corner;

THENCE SOUTH, at 660.0 feet cross the centerline of County Road No. 758, and continue for a total distance of 1320.0 feet to a point for corner;

D. H. ADAMS
Registered Public Surveyor

217 W. Sealy St. - Ph. 331-3523
ALVIN, TEXAS 77511



F I E L D N O T E S

IOWA COLONY ANNEX NO. 3

Page 2

THENCE WEST parallel to and 660.0 feet from County Road No. 758, a distance of 1320.0 feet to a point for corner, which is located SOUTH - 660.0 feet and EAST - 660.0 feet from the intersection of the centerline of County Road No. 48 and County Road No. 758;

THENCE SOUTH parallel to and 660.0 feet Easterly from the centerline of County Road No. 48, a distance of 4000.0 feet to a point for corner, said point being located EAST - 660.0 feet and SOUTH - 1100.0 feet from the Southwest corner of the W. H. Dennis Survey No. 50, Abstract 512;

THENCE EAST parallel to and 660.0 feet NORTH of County Road No. 54, a distance of 4072.0 feet to the Northeast corner of the herein described tract;

THENCE SOUTH, at 460.0 feet pass the lower Northwest corner of the present Iowa Colony Corporate Limits, and continue for a total distance of 1320.0 feet to a point for the Southeast corner of the herein described tract on the Westerly line of the present Iowa Colony Corporate Limits;

THENCE WEST parallel to and 660.0 feet SOUTH of County Road No. 54, a distance of 9007.0 feet to a point for the most Southwest corner of the herein described tract;

THENCE NORTH, at 660.0 feet cross the centerline of County Road No. 54, and continue for a total distance of 1320.0 feet to a point for corner;

THENCE EAST parallel to and 660.0 feet NORTH of County Road No. 54, a distance of 3615.0 feet to a point for corner, which is located NORTH - 660.0 feet and WEST - 660.0 feet from the intersection of the centerline of County Road No. 48 and County Road No. 54;

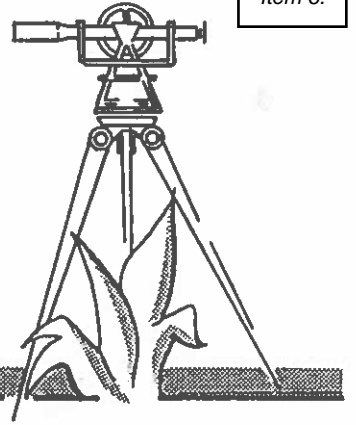
THENCE NORTH parallel to and 660.0 feet Westerly from the centerline of County Road No. 48, a distance of 2200.0 feet to a point for corner, said point being located SOUTH 660.0 feet and WEST - 660.0 feet from the intersection of the centerline of County Road No. 48 and County Road No. 382;

THENCE WEST parallel to and 660.0 feet Southerly from the centerline of County Road No. 382, a distance of 3640.0 feet to a point for corner;

THENCE NORTH, at 660.0 feet cross the centerline of County Road No. 382, and continue for a total distance of 1320.0 feet to a point for corner;

D. H. ADAMS
Registered Public Surveyor

217 W. Sealy St. - Ph. 331-3523
ALVIN, TEXAS 77511



F I E L D N O T E S

IOWA COLONY ANNEX NO. 3

Page 3

THENCE EAST parallel to and 660.0 feet Northerly from the centerline of County Road No. 382, a distance of 3300.0 feet to a point for corner in the centerline of County Road No. 48, which is also the common line between the W. H. Dennis Survey No. 50, Abstract 512, and the C. M. Hays Survey No. 2, Abstract 531;

THENCE NORTH along the centerline of County Road No. 48, a distance of 2200.0 feet to a point for corner, which is 660.0 feet due SOUTH of the common corner of the H. T. & B. R.R. Company Survey No. 51, Abstract 288, the Lavaca Navigation Company Survey No. 1, Abstract 329, the C. M. Hays Survey No. 2, Abstract 531, and the W. H. Dennis Survey No. 50, Abstract 512;

THENCE due WEST - 1000.0 feet to a point for corner;

THENCE NORTH - 1320.0 feet to a point for corner;

THENCE EAST - 1000.0 feet to a point for corner in the centerline of County Road No. 48, being the common line of the H. T. & B. R.R. Company Survey No. 51, Abstract 288, and the Lavaca Navigation Company Survey No. 1, Abstract 329;

THENCE SOUTH along said line, a distance of 660.0 feet to a point for the common corner of the aforesaid surveys;

THENCE EAST along the common line between the H. T. & B. R.R. Company Survey No. 51 and the W. H. Dennis Survey No. 50, which is also the approximate centerline of County Road No. 64, a distance of 5280.0 feet to the PLACE OF BEGINNING.

Field notes written November 21, 1973.

BY: *D. H. Adams*
D. H. Adams, Registered Public Surveyor



Appendix C

Tuesday, April 30, 2024

Kaitlin Gile
EHRA Engineering
10011 Meadowglen Lane
Houston, TX 77042
Email: kgile@ehra.team

Re: Ellwood Detention Reserve "A" and "B" Final Plat
Letter of No Objection
COIC Project No. 3696
Adico, LLC Project No. 16007-2-359

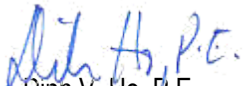
Dear Ms. Gile:

On behalf of the City of Iowa Colony, Adico, LLC has reviewed the second submittal for Ellwood Detention Reserve "A" and "B" Final Plat received on or about April 25, 2024. The review of the plat is based on the City of Iowa Colony Subdivision Ordinance dated August 2002, and as amended.

Based on our review, we have no objection to the plat as resubmitted on April 25, 2024. Please provide two (2) sets of mylars and ten (10) prints of the plat to Kayleen Rosser, City Secretary, by no later than May 1, 2024, for consideration at the May 7, 2024, Planning and Zoning meeting.

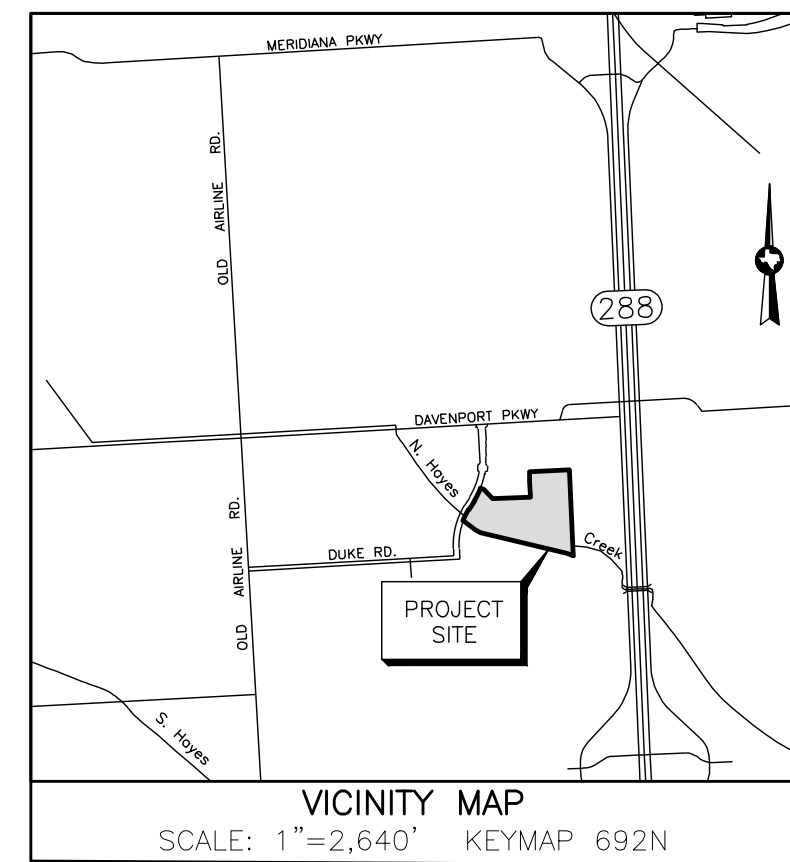
Should you have any questions, please do not hesitate to call our office.

Sincerely,
Adico, LLC



Dinn V. Ho, P.E.
TBPE Firm No. 16423

Cc: Kayleen Rosser, COIC
Robert Hemminger, COIC
File: 16007-2-359



BENCHMARK(S):
NGS MONUMENT # E 306 DISK FOUND IN TOP OF CONCRETE MONUMENT, LOCATED 2.0 MILES WEST OF MANVEL, 2 MILES WEST ALONG THE GULF, COLORADO AND SANTA FE RAILWAY FROM THE STATION AT MANVEL, BRAZORIA COUNTY, 0.2 MILE WEST OF A SHELL-ROAD CROSSING, 5-1/2 FEET NORTHWEST OF MILE POLE 38, 39 FEET SOUTH OF THE SOUTH RAIL, 33 FEET NORTH OF THE CENTERLINE OF A DIRT ROAD, 6.7 FEET NORTH OF THE RIGHT-OF-WAY FENCE, 3 FEET WEST OF A WHITE WOODEN WITNESS POST AND SET IN THE TOP OF A CONCRETE POST ABOUT FLUSH WITH THE GROUND. ELEV.=52.00 (NAVD '88) 1991 ADJUSTMENT

BRAZORIA COUNTY DRAINAGE DISTRICT NO. 5:

- 1. Slab elevations (finished floor) shall be a minimum of 2 feet above natural ground.
- 2. All drainage easements shown hereon shall be kept clear of fences, buildings, plantings and other obstructions to the operation and maintenance of drainage facilities.
- 3. All property shall drain into the drainage easement only through an approved drainage structure.
- 4. All drainage easements and detention pond reserves shown on this plat will be maintained by the property owners and/or business owners; provided, however, and governmental entity have jurisdiction, including, without limitation, Brazoria County, Texas and Brazoria County Drainage District #5, shall have the right, but not the obligation to enter upon the drainage easements to perform maintenance operations at any time after the date hereof.
- 5. The property identified in the foregoing plat lies within Brazoria County Drainage District #5.
- 6. This rural commercial site employs a natural drainage system, which is intended to provide drainage for the site that is similar to that which existed under pre-development conditions. Thus, during large storm events, ponding of water should be expected to occur on the site to the extent it may have prior to development, but such ponding should not remain for an extended period of time.
- 7. Land use within the subdivision is limited to an average imperviousness of no more than 72 percent. The drainage and/or detention system has been designed with the assumption that this average percent, imperviousness will not be exceeded. If this percentage is to be exceeded, a replot and/or redesign of the system may be necessary.
- 8. Other than shown hereon, there are no pipeline easements or pipelines within the boundaries of this plan.
- 9. All storm water drainage pipes, culverts, tiles or other (includes driveway culverts) will be minimum 24" I.D. or equal.
- 10. Dedicated drainage easement(s) granted to Brazoria County Drainage District #5 for drainage maintenance purposes shall include 45 feet top of bank, plus the sum (footage) of both ditch side slopes and channel bottom and 45 feet of bank on the opposite bank.
- 11. Dedicated ingress/egress accesses are granted to Brazoria County Drainage District #5 (see District Resolution No. 2007-06 & 2007-07). Access will be gated and locked with Brazoria County Drainage District #5's lock.
- 12. Prohibited use of "metal" pipe in storm water/sewer applications (See District Resolution No. 2007-08).
- 13. Prohibited use of "rip rap" in storm water/sewer applications. (District Policy).
- 14. Pipelines, utility lines and other crossing under any Brazoria County Drainage District #5 ditch require approval and permitting prior to construction.
- 15. All dedicated storm sewer drainage and/or access easements to be granted to Brazoria County Drainage District #5 by the property owner will be initiated and recorded, at the property owner's expense, in Brazoria County, Texas with a "Recorded Document Number" affixed to said easement prior to final approval granted by Brazoria County Drainage District #5 Board of Commissioners.
- 16. It will be the property owner's responsibility to verify if any Brazoria County Drainage District #5 "Dedicated" drainage easements are on or cross their property. If so, the property owner will comply as stated within the recorded easement.
- 17. Project field start-up will start within 365 calendar days from date shown here. Continuous and reasonable field site work is expected. See Brazoria County drainage criteria manual section 1, Introduction; Sub-Section 1.5. Plat and Plan approval process, and drainage acceptance procedures; time limit for approval and Brazoria County Drainage District #5 Resolution 2011-1, allowable time(s) and procedures for starting-up approved projects.

STATE OF TEXAS }
COUNTY OF BRAZORIA }

We, KLLB AIV LLC, a Delaware limited liability company, acting by and through Tricia Patton, Authorized Signatory of KLLB AIV LLC, a Delaware limited liability company, owner of the property subdivided in this plat, ELLWOOD DETENTION RESERVES "A" AND "B", do hereby make subdivision of said property for and on behalf of said KLLB AIV, a Delaware limited liability company, according to the lines, lots, building lines, streets, alleys, parks and easements as shown hereon and dedicate for public use, the streets, alleys, parks and easements shown hereon forever, and do hereby waive all claims for damages occasioned by the establishment of grades as approved for the streets and drainage easements dedicated, or occasioned by the alteration of the surface, or any portion of the streets or drainage easements to conform to such grades, and do hereby bind ourselves, our heirs, successors and assigns to warrant and defend the title to the land so dedicated.

FURTHER, we do hereby certify that we are the owners of all property immediately adjacent to and adjoining the boundaries of the above and foregoing subdivision of ELLWOOD DETENTION RESERVES "A" AND "B" where public utility easements are to be established outside the boundaries of the above and foregoing subdivision and do hereby make and establish and dedicate to the use of the public utilities forever all public utility easements shown in said adjacent acreage.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public utility purposes forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional eleven feet, six inches (11'-6") for ten feet (10'-0") perimeter easements or seven feet, six inches (7'-6") for fourteen feet (14'-0") perimeter easements or five feet, six inches (5'-6") for sixteen feet (16'-0") perimeter easements from a plane sixteen feet (16'-0") above the ground level upward, located adjacent to and adjoining said public utility easement that are designated with aerial easements (U.E. & A.E.) as indicated and depicted, hereon, whereby the aerial easement totals twenty one feet, six inches (21'-6") in width.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional ten feet (10'-0") for ten feet (10'-0") back-to-back easements, or eight feet (8'-0") for fourteen feet (14'-0") back-to-back easements or seven feet (7'-0") for sixteen feet (16'-0") back-to-back easements, from a plane sixteen feet (16'-0") above ground level upward, located adjacent to both sides and adjoining said public utility easements that are designated with aerial easements (U.E. & A.E.) as indicated and depicted hereon, whereby the aerial easement totals thirty feet (30'-0") in width.

IN TESTIMONY WHEREOF, KLLB AIV LLC, a Delaware limited liability company, has caused these presents to be signed by Tricia Patton, Authorized Signatory of KLLB AIV LLC, a Delaware limited liability company, thereunto authorized by this _____ day of _____, 2024.

OWNER
KLLB AIV LLC,
A Delaware Limited Liability Company

BY: _____
Print Name: Tricia Patton
Title: Authorized Signatory

STATE OF TEXAS }
COUNTY OF HARRIS }

BEFORE ME, the undersigned authority, on this day personally appeared Tricia Patton, Authorized Signatory of KLLB AIV LLC, a Delaware limited liability company, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed, and as the act and deed of said limited liability company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2024.

Notary Public in and for the
State of Texas
My Notary Commission Expires _____

I, Robert Boelsche, am authorized under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature and other points of reference have been marked with iron rods having an outside diameter of not less than five-eighths of one inch (5/8) inch and a length of not less than three (3) feet.

Robert Boelsche, Registered Professional Land Surveyor
Texas Registration No. 4446

CITY OF IOWA COLONY APPROVAL

CITY COUNCIL APPROVAL

Wil Kennedy, Mayor

McLean Barnett, Council Member

Arnetta Hicks-Murray, Council Member

Marquette Greene-Scott, Council Member

Tim Varlack, Council Member

Sydney Hargroder, Council Member

Kareem Boyce, Council Member

Dinh Ho, P.E., City Engineer

Date

PLANNING AND ZONING COMMISSION APPROVAL

David Hurst, Chairman
Planning and Zoning Commission

Les Hosoy
Planning and Zoning Commission Member

Brenda Dillon
Planning and Zoning Commission Member

Brian Johnson
Planning and Zoning Commission Member

Terry Hayes
Planning and Zoning Commission Member

Robert Wall
Planning and Zoning Commission Member

Warren Davis Jr.
Planning and Zoning Commission Member

Date

METES AND BOUNDS DESCRIPTION
ELLWOOD DETENTION RESERVES "A" AND "B"
BEING A 24.70 ACRE TRACT OF LAND LOCATED IN THE
W.H. DENNIS SURVEY, ABSTRACT NO. 512
BRAZORIA COUNTY, TEXAS

DESCRIPTION OF A 24.70 ACRE TRACT OF LAND LOCATED IN THE W.H. DENNIS SURVEY, ABSTRACT NO. 512, BRAZORIA COUNTY, TEXAS, BEING OUT OF THAT CERTAIN TRACT OF LAND CONVEYED TO KLLB AIV LLC, DESCRIBED AS BEING 233.54 ACRES BY DEED RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE NUMBER (B.C.C.F. NO.) 2025036335 AND PART OF LOTS 468, 471, 473, 474, AND 475 OF THE EMIGRATION LAND COMPANY SUBDIVISION AS RECORDED IN VOLUME 2, PAGE 113 OF THE BRAZORIA COUNTY PLAT RECORDS; SAID 24.70 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (WITH BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE, AS DETERMINED BY GPS MEASUREMENTS):

COMMENCING at a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" found marking the most easterly northeast corner of said 233.54 acre tract being in arc of a curve in the westerly right-of-way line of State Highway 288;

THENCE, South 02°32'23" East, along the easterly line of said 233.54 acre tract for a distance of 227.70 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set marking the northeast corner and the POINT OF BEGINNING of the herein described tract of land;

- 1) THENCE, South 02°32'23" East, continuing along the easterly line of said 233.54 acre tract for a distance of 1,182.43 feet to a 5/8-inch capped iron rod stamped "BL" found marking the northwest corner of that certain tract of land called 18.00 acres described under B.C.C.F. No. 2007010789;
- 2) THENCE, North 65°46'30" West, for a distance of 89.60 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;
- 3) THENCE, North 76°38'44" West, for a distance of 1,220.45 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;
- 4) THENCE, North 62°27'14" West, for a distance of 85.46 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;
- 5) THENCE, North 52°54'03" West, for a distance of 204.53 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set in the arc of a non-tangent curve to the right, and being the southwest corner of the herein described tract of land ;
- 6) THENCE, in a northeasterly direction along the arc of a curve to the right having a radius of 960.00 feet, an arc length of 171.30 feet, an angle of 10°13'26", and a chord bearing North 26°40'58" East, for a distance of 171.07 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" to the point of tangency;
- 7) THENCE, North 31°47'41" East, for a distance of 136.10 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" to a point of curvature to the left;
- 8) THENCE, in a northerly direction along the arc of a curve to the left having a radius of 1,040.00 feet, an arc length of 203.63 feet, an angle of 1°13'06", and a chord bearing North 26°11'07" East, for a distance of 203.31 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;
- 9) THENCE, South 69°25'26" East, for a distance of 48.32 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;
- 10) THENCE, South 42°21'38" East, for a distance of 176.51 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;
- 11) THENCE, North 87°37'00" East, for a distance of 517.86 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;
- 12) THENCE, North 01°55'49" West, for a distance of 217.01 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;
- 13) THENCE, North 02°22'56" West, for a distance of 135.00 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;
- 14) THENCE, North 87°37'00" East, for a distance of 549.24 feet to the POINT OF BEGINNING, and containing 24.70 acres of land

APPROVED BY BRAZORIA COUNTY DRAINAGE DISTRICT NO. 5

Lee Walden, P.E., Date Kerry L. Osburn Date
President Vice President

Brandon Middleton Date Dinh V. Ho, P.E. Date
Secretary/Treasurer District Engineer

Note: Project field startup will start within 365 calendar days from date here shown. Continuous and reasonable field site work is expected.

BCCDD 5 ID# B240019

FINAL PLAT ELLWOOD DETENTION RESERVES "A" AND "B"

BEING A SUBDIVISION OF 24.70 ACRES OUT OF THE
W. H. DENNIS SURVEY, A-512, AND BEING OUT OF
LOTS 468, 471, 473, 474, AND 475 OF THE EMIGRATION
LAND COMPANY SUBDIVISION IN THE CITY OF IOWA
COLONY, BRAZORIA COUNTY, TEXAS

1 BLOCK 4 RESERVES (24.70 ACRES)

OWNER

KLLB AIV LLC, A DELAWARE LIMITED LIABILITY COMPANY
6900 E. CAMELBACK ROAD, SUITE 1090
SCOTTSDALE, AZ 85251
(786)-753-8110

DEVELOPER

BEAZER HOMES, TEXAS, L.P., A DELAWARE LIMITED PARTNERSHIP
10235 WEST LITTLE YORK, SUITE 200
HOUSTON, TX 77040
(281)-560-6600

MARCH, 2024

ENGINEER/SURVEYOR

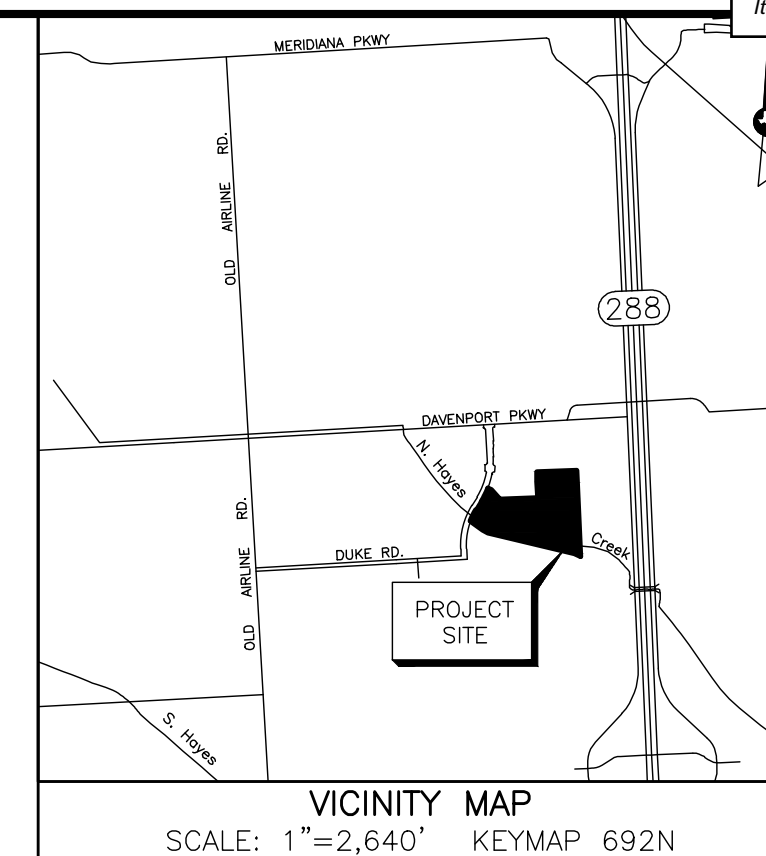
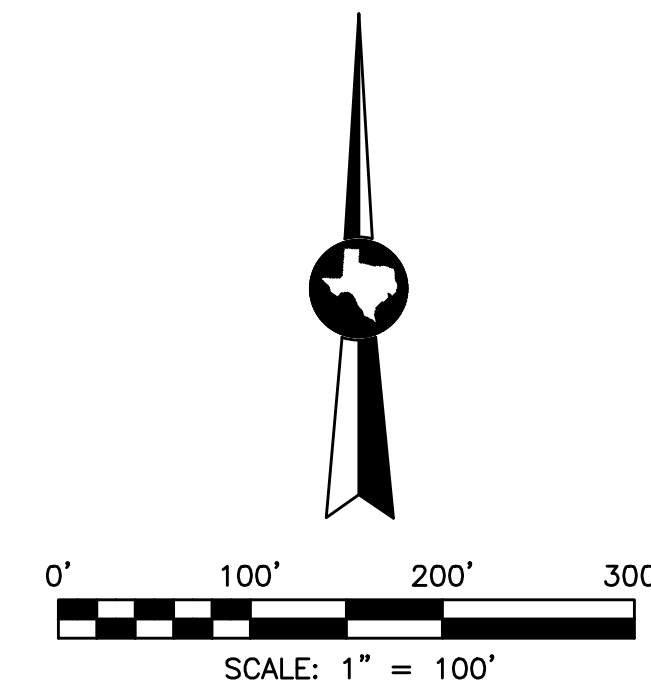
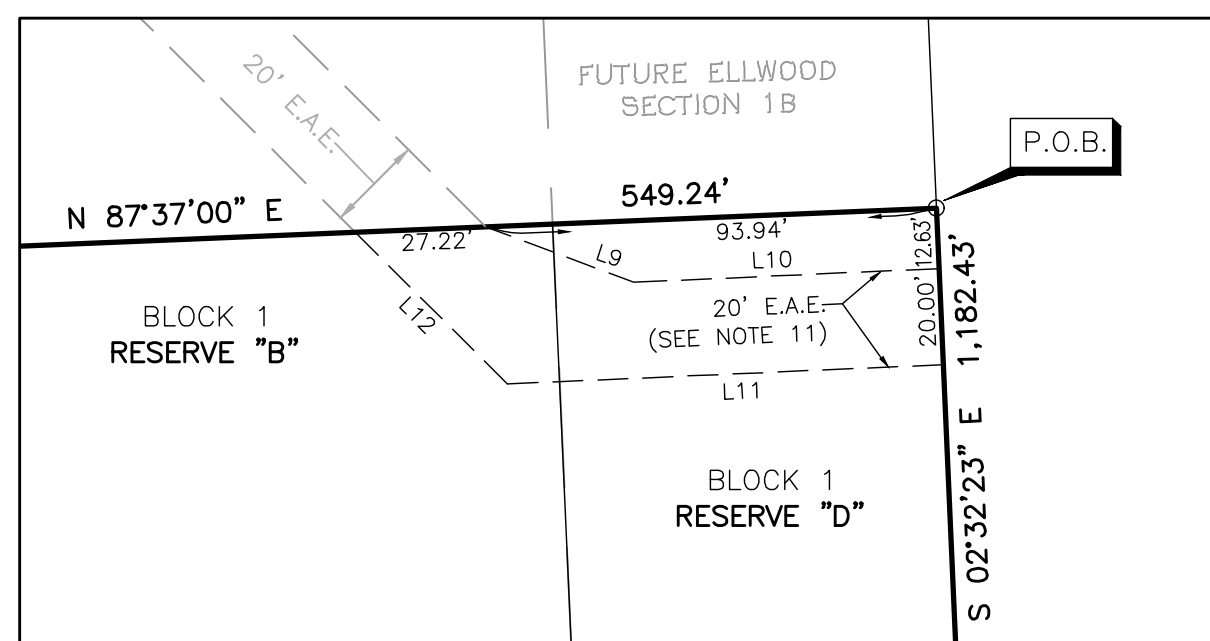


10011 MEADOWGLEN LN
HOUSTON, TEXAS 77042
713-784-4500
WWW.EHRA.TEAM
TBPE No. F-726
TBPELS No. 10092300

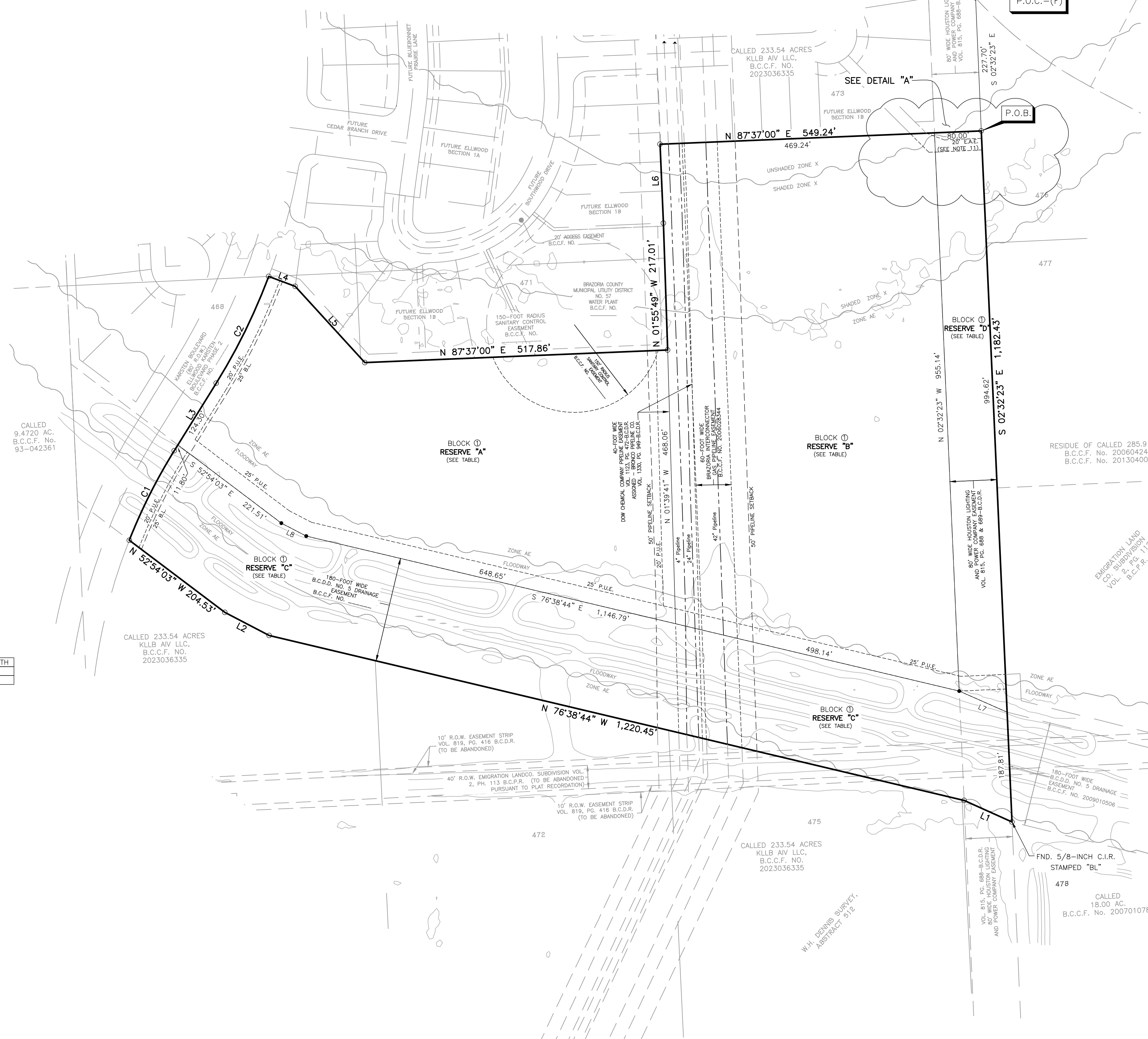
GENERAL NOTES:

- Bearing orientation is based on the Texas State Plane Coordinate System of 1983, South Central Zone, as determined by GPS measurements.
- All boundary corners for the plot shown hereon are set 5/8-inch iron rods 36-inches in length with cap stamped "E.H.R.A. 713-784-4500" set in concrete, unless otherwise noted.
- A- indicates Abstract
AC, indicates Acres
B.C.C.F. NO. indicates Brazoria County Clerk's File Number
B.C.D.R. indicates Brazoria County Deed Records
B.C.P.R. NO. indicates Brazoria County Plat Records Number
B.L. indicates Building Line
C.I.R. indicates Capped Iron Rod
E.A.E. indicates Emergency Access Easement
FND, indicates Found
PC, indicates Page
P.O.B. indicates Point Of Beginning
P.O.C. indicates Point of Commencing
P.U.E. indicates Public Utility Easement
R.O.W. indicates Right of Way
U.E. indicates Utility Easement
VOL. indicates Volume
(F) indicates found 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500"
- The property subdivided in the foregoing plat lies within Brazoria County, the City of Iowa Colony, Brazoria County M.U.D. 57, and Brazoria County Drainage District #5 (B.D.D.#5).
- The boundary for this plat has a closure in excess of 1:15,000.
- Subject to Ordinance No. 2011-4 (Pipeline Setback Ordinance), no residential, commercial, or industrial structure, other than structures necessary to operate the Facility or Pipeline, shall be erected at or moved to a location nearer than fifty feet (50') to any Facility or Pipeline other than a low pressure pipeline distribution system pipeline as defined herein.
- No building permits will be issued until all storm sewer drainage improvements, if any, and which may include detention, have been constructed.
- This final plat will expire two (2) years after final approval by City Council if construction of the improvements has not commenced within the two-year initial period or the one-year extension period granted by City Council.
- All water and wastewater facilities shall conform to the city's design criteria.
- This plat is subject to the Rally 288 West PUD Ordinance No. 2022-09.
- The emergency access provided must be 20 feet in width and have a traffic load of H-20 as specified by the American Association of State and Highway Officials (AASHTO).
- According to the Federal Emergency Management Agency Flood Insurance Rate Map, Brazoria County, Texas, Community Panel No. 48039C0120K, dated December 30, 2020, a portion of the subject property shown hereon lies within the "Floodway", a portion of the property lies within "Zone AE" (areas of 1% annual chance floodplain with base flood elevations determined) and a portion of the subject property shown hereon lies within shaded "Zone X" (areas of 0.2% annual chance floodplain, areas of 1% annual chance floodplain for depth less than 1 foot or area less than 1 square mile) and a portion lies within unshaded "Zone X" (areas determined to be outside the 0.2% annual chance floodplain).

This flood statement does not imply that the property or structures thereon will be free from flooding or flood damage. On rare occasions floods can and will occur and flood heights may be increased by man-made or natural causes. The location of the flood zone was determined by scaling from said FEMA map. The actual location, as determined by elevation contours, may differ. Edminster, Hinshaw, Russ & Associates, Inc. d/b/a EHRA, assumes no liability as to the accuracy of the location of the flood zone limits. This flood statement shall not create liability on the part of Edminster, Hinshaw, Russ & Associates, Inc. d/b/a EHRA.



BENCHMARK(S):
 NGS MONUMENT # E 306 DISK SET IN TOP OF CONCRETE MONUMENT, LOCATED 2.0 MILES WEST OF MANVEL, 2 MILES WEST ALONG THE GULF, COLORADO AND SANTA FE RAILWAY FROM THE STATION AT MANVEL, BRAZORIA COUNTY, 0.2 MILE WEST OF A SHELL-ROAD CROSSING, 5-1/2 FEET NORTHWEST OF MILE POLE 38, 39 FEET SOUTH OF THE SOUTH RAIL, 33 FEET NORTH OF THE CENTERLINE OF A DIRT ROAD, 6.7 FEET NORTH OF THE RIGHT-OF-WAY FENCE, 3 FEET WEST OF A WHITE WOODEN WITNESS POST AND SET IN THE TOP OF A CONCRETE POST ABOUT FLUSH WITH THE GROUND. ELEV.=52.00' (NAVD '88) 1991 ADJUSTMENT



LINE	BEARING	DISTANCE
L1	N 65°48'30" W	89.50'
L2	N 62°27'14" W	85.46'
L3	N 31°47'41" E	136.10'
L4	S 69°25'26" E	48.32'
L5	S 42°21'38" E	176.51'
L6	N 02°22'56" W	135.00'
L7	N 60°08'52" W	89.51'
L8	N 62°27'14" W	48.01'
L9	S 69°29'29" E	32.91'
L10	N 87°27'37" E	63.66'
L11	S 87°27'37" W	90.89'
L12	N 45°06'09" W	44.75'

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	960.00'	10°13'26"	171.30'	N 26°40'58" E	171.07'
C2	1040.00'	11°13'06"	203.63'	N 26°11'07" E	203.31'

RESERVE	RESTRICTED TO	AREA
A	DETENTION, DRAINAGE, LANDSCAPE, OPEN SPACE, RECREATION, UTILITY PURPOSES	298,556 SQ. FT. / 6.86 ACRES
B	DETENTION, DRAINAGE, LANDSCAPE, OPEN SPACE, RECREATION, UTILITY PURPOSES	420,445 SQ. FT. / 9.65 ACRES
C	DRAINAGE, LANDSCAPE, OPEN SPACE, RECREATION, UTILITY PURPOSES	278,933 SQ. FT. / 6.40 ACRES
D	LANDSCAPE, OPEN SPACE, AND UTILITY PURPOSES	77,991 SQ. FT. / 1.79 ACRES
TOTAL		1,075,925 SQ. FT. / 24.70 ACRES

FINAL PLAT ELLWOOD DETENTION RESERVES "A" AND "B"

BEING A SUBDIVISION OF 24.70 ACRES OUT OF THE W. H. DENNIS SURVEY, A-512, AND BEING OUT OF LOTS 468, 471, 473, 474, AND 475 OF THE EMIGRATION LAND COMPANY SUBDIVISION IN THE CITY OF IOWA COLONY, BRAZORIA COUNTY, TEXAS

1 BLOCK 4 RESERVES (24.70 ACRES)

OWNER

KLLB AIV LLC, A DELAWARE LIMITED LIABILITY COMPANY
 6900 E. CAMELBACK ROAD, SUITE 1090
 SCOTTSDALE, AZ 85251
 (786)-753-8110

DEVELOPER

BEAZER HOMES, TEXAS, L.P., A DELAWARE LIMITED PARTNERSHIP
 10235 WEST LITTLE YORK, SUITE 200
 HOUSTON, TX 77040
 (281)-560-6600

MARCH, 2024

ENGINEER/SURVEYOR



10011 MEADOWGLEN LN
 HOUSTON, TEXAS 77042
 713-784-4500
 WWW.EHRA-TEAM
 TBPE No. F-726
 TBPELS No. 10092300

Tuesday, April 30, 2024

Kaitlin Gile
EHRA Engineering
10011 Meadowglen Lane
Houston, TX 77042
Email: kgile@ehra.team

Re: Ellwood Detention Reserve "C" Final Plat
Letter of No Objection
COIC Project No. 3695
Adico, LLC Project No. 16007-2-360

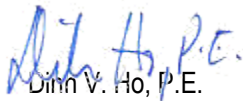
Dear Ms. Gile:

On behalf of the City of Iowa Colony, Adico, LLC has reviewed the second submittal for Ellwood Detention Reserve "C" Final Plat received on or about April 25, 2024. The review of the plat is based on the City of Iowa Colony Subdivision Ordinance dated August 2002, and as amended.

Based on our review, we have no objection to the plat as resubmitted on April 25, 2024. Please provide two (2) sets of mylars and ten (10) prints of the plat to Kayleen Rosser, City Secretary, by no later than May 1, 2024, for consideration at the May 7, 2024, Planning and Zoning meeting.

Should you have any questions, please do not hesitate to call our office.

Sincerely,
Adico, LLC


Dinn V. Ho, P.E.
TBPE Firm No. 16423

Cc: Kayleen Rosser, COIC
Robert Hemminger, COIC
File: 16007-2-360

STATE OF TEXAS }
COUNTY OF BRAZORIA }

We, Rally 288 West, LLC, a Texas limited liability company, acting by and through Matt Lawson, Authorized Agent of Rally 288 West, LLC, a Texas limited liability company, owner of the property subdivided in this plat, ELLWOOD DETENTION RESERVE "C", do hereby make subdivision of said property for and on behalf of said Rally 288 West, LLC, a Texas limited liability company, according to the lines, lots, building lines, streets, alleys, parks and easements as shown hereon and dedicate for public use, the streets, alleys, parks and easements shown hereon forever, and do hereby waive all claims for damages occasioned by the establishment of grades as approved for the streets and drainage easements dedicated, or occasioned by the alteration of the surface, or any portion of the streets or drainage easements to conform to such grades, and do hereby bind ourselves, our heirs, successors and assigns to warrant and defend the title to the land so dedicated.

FURTHER, we do hereby certify that we are the owners of all property immediately adjacent to and adjoining the boundaries of the above and foregoing subdivision of ELLWOOD DETENTION RESERVE "C" where public utility easements are to be established outside the boundaries of the above and foregoing subdivision and do hereby make and establish and dedicate to the use of the public utilities forever all public utility easements shown in said adjacent acreage.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public utility purposes forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional eleven feet, six inches (11'-6") for ten feet (10'-0") perimeter easements or seven feet, six inches (7'-6") for fourteen feet (14'-0") perimeter easements or five feet, six inches (5'-6") for sixteen feet (16'-0") perimeter easements from a plane sixteen feet (16'-0") above the ground level upward, located adjacent to and adjoining said public utility easement that are designated with aerial easements (U.E. & A.E.) as indicated and depicted, hereon, whereby the aerial easement totals twenty one feet, six inches (21'-6") in width.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional ten feet (10'-0") for ten feet (10'-0") back-to-back easements, or eight feet (8'-0") for fourteen feet (14'-0") back-to-back easements or seven feet (7'-0") for sixteen feet (16'-0") back-to-back easements, from a plane sixteen feet (16'-0") above ground level upward, located adjacent to both sides and adjoining said public utility easements that are designated with aerial easements (U.E. & A.E.) as indicated and depicted hereon, whereby the aerial easement totals thirty feet (30'-0") in width.

IN TESTIMONY WHEREOF, Rally 288 WEST, LLC, a Texas limited liability company, has caused these presents to be signed by Matt Lawson, Authorized Agent of Rally 288 WEST, LLC, a Texas limited liability company, thereunto authorized by this ___ day of _____, 2024.

OWNER

Rally 288 WEST, LLC,
a Texas limited liability company

BY: _____
Print Name Matt Lawson
Title: Authorized Agent

STATE OF TEXAS }
COUNTY OF HARRIS }

BEFORE ME, the undersigned authority, on this day personally appeared Matt Lawson, Authorized Agent of Rally 288 WEST, LLC, a Texas limited liability company, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed, and as the act and deed of said limited liability company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ___ day of _____, 2024.

Notary Public in and for the
State of Texas
My Notary Commission Expires _____

I, Robert Boelsche, am authorized under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature and other points of reference have been marked with iron rods having an outside diameter of not less than five-eighths of one inch (5/8) inch and a length of not less than three (3) feet.

"Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document."

Robert Boelsche, Registered Professional Land Surveyor
Texas Registration No. 4446

CITY OF IOWA COLONY APPROVAL

CITY COUNCIL APPROVAL

Wil Kennedy, Mayor

McLean Barnett, Council Member

Arnetta Hicks-Murray, Council Member

Marquette Greene-Scott, Council Member

Tim Varlack, Council Member

Sydney Hargroder, Council Member

Kareem Boyce, Council Member

Dinh Ho, P.E., City Engineer

Date

PLANNING AND ZONING COMMISSION APPROVAL

David Hurst, Chairman
Planning and Zoning Commission

Les Hoesey
Planning and Zoning Commission Member

Brenda Dillon
Planning and Zoning Commission Member

Brian Johnson
Planning and Zoning Commission Member

Terry Hoyes
Planning and Zoning Commission Member

Robert Wall
Planning and Zoning Commission Member

Warren Davis Jr.
Planning and Zoning Commission Member

Date

APPROVED BY BRAZORIA COUNTY DRAINAGE DISTRICT NO. 5

Lee Walden, P.E., Date
President Kerry L. Osburn Date
Vice President

Brandon Middleton Date
Secretary/Treasurer Dinh V. Ho, P.E. Date
District Engineer

Note: Project field startup will start within 365 calendar days from date here shown. Continuous and reasonable field site work is expected.

BCCDD 5 ID# B240020

METES AND BOUNDS DESCRIPTION
ELLWOOD DETENTION RESERVE "C"
BEING A 9.111 ACRE TRACT OF LAND LOCATED IN THE
W.H. DENNIS SURVEY, ABSTRACT NO. 512
BRAZORIA COUNTY, TEXAS

DESCRIPTION OF A 9.111 ACRE TRACT OF LAND LOCATED IN THE W.H. DENNIS SURVEY, ABSTRACT NO. 512, BRAZORIA COUNTY, TEXAS, BEING OUT OF THE RESIDUE OF THAT CERTAIN TRACT OF LAND DESCRIBED AS BEING 285,913 ACRES BY DEEDS RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE NUMBERS (B.C.C.F. NO.) 2006042423 AND 2013040985 AND PART OF LOTS 477, 478, 480, AND 481 OF THE EMIGRATION LAND COMPANY SUBDIVISION AS RECORDED IN VOLUME 2, PAGE 113 OF THE BRAZORIA COUNTY PLAT RECORDS, SAID 9.111 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (WITH BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE, AS DETERMINED BY GPS MEASUREMENTS):

COMMENCING at a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" found marking the most easterly northeast corner of said tract of land called 233.54 acres described by deed recorded under B.C.C.F. No. 2023036335 being in arc of a curve in the westerly right-of-way line of State Highway 288;

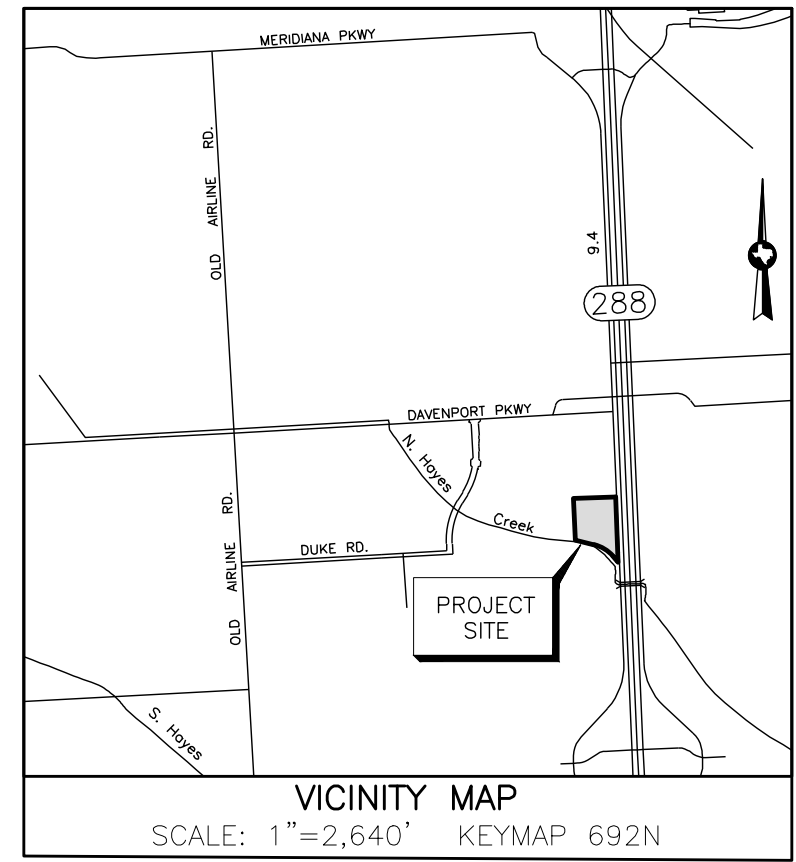
THENCE, South 02°32'23" East, along the easterly line of said 233.54 acre tract for a distance of 838.60 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set marking the northwest corner and POINT OF BEGINNING of the herein described tract of land;

- 1) THENCE, North 87°27'37" East, for a distance of 581.46 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set in the westerly right-of-way line of State Highway 288 (based on width of 420 feet) and marking the northeast corner of the herein described tract;
2) THENCE, South 02°18'54" East, along the westerly right-of-way line of State Highway 288 for a distance of 897.97 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set marking the southeast corner of the herein described tract from which a 5/8 inch iron rod found bears S 37° 50' E, a distance of 1.57 feet and a second a 5/8 inch iron rod found bears S 00° 46' E, a distance of 2.46 feet, marking the northeast corner of that certain tract of land called 18.00 acres described by deed under B.C.C.F. No. 2007010789;

THENCE, along the northerly line of said 18.00 acre tract the following three (3) courses and distances:

- 3) THENCE, North 41°51'11" West, for a distance of 107.39 feet to a 5/8-inch capped iron rod stamped "BL" found marking a point of curvature;
4) THENCE, in a northwesterly direction along the arc of a curve to the left having a radius of 510.00 feet, an arc length of 303.57 feet, an angle of 34°06'15", and a chord bearing North 58°54'19" West, for a distance of 299.11 feet to a 5/8-inch capped iron rod stamped "BL" found marking a point of tangency;
5) THENCE, North 75°57'26" West, for a distance of 272.19 feet to a 5/8-inch capped iron rod stamped "BL" found marking the northwest corner of said 18.00 acre tract being in the easterly line of the aforementioned 233.54 acre tract of land and marking the southwesterly corner of the herein described tract of land;
6) THENCE, North 02°32'23" West, along the easterly line of the said 233.54 acre tract of land for a distance of 571.52 feet to the POINT OF BEGINNING of the herein described tract of land and containing 9.111 acres of land.

BENCHMARK(S):
NGS MONUMENT # E 306 DISK FOUND IN TOP OF CONCRETE MONUMENT, LOCATED 2.0 MILES WEST OF MANVEL, 2 MILES WEST ALONG THE GULF, COLORADO AND SANTA FE RAILWAY FROM THE STATION AT MANVEL, BRAZORIA COUNTY, 0.2 MILE WEST OF A SHELL-ROAD CROSSING, 5-1/2 FEET NORTHWEST OF MILE POLE 38, 39 FEET SOUTH OF THE SOUTH RAIL, 33 FEET NORTH OF THE CENTERLINE OF A DIRT ROAD, 6.7 FEET NORTH OF THE RIGHT-OF-WAY FENCE, 3 FEET WEST OF A WHITE WOODEN WITNESS POST AND SET IN THE TOP OF A CONCRETE POST ABOUT FLUSH WITH THE GROUND.
ELEV.=52.00 (NAVD '88) 1991 ADJUSTMENT



FINAL PLAT
ELLWOOD DETENTION
RESERVE "C"

BEING A SUBDIVISION OF 9.111 ACRES OUT OF THE
W. H. DENNIS SURVEY, A-512, AND BEING OUT OF LOTS
477, 478, 480 AND 481 OF THE EMIGRATION LAND
COMPANY SUBDIVISION IN THE CITY OF IOWA COLONY,
BRAZORIA COUNTY, TEXAS

1 BLOCK 2 RESERVES (9.111 ACRES)

OWNER

RALLY 288 WEST, LLC, A TEXAS LIMITED
LIABLITY COMPANY

1602 AVENUE D, SUITE 100, KATY, TEXAS 77493
(832)437-7863

MARCH, 2024

ENGINEER/SURVEYOR



1001 MEADOWGLEN LN
HOUSTON, TEXAS 77042
713-784-4500
EHRA TEAM
TBPE No. F-726
TBPELS No. 10092300

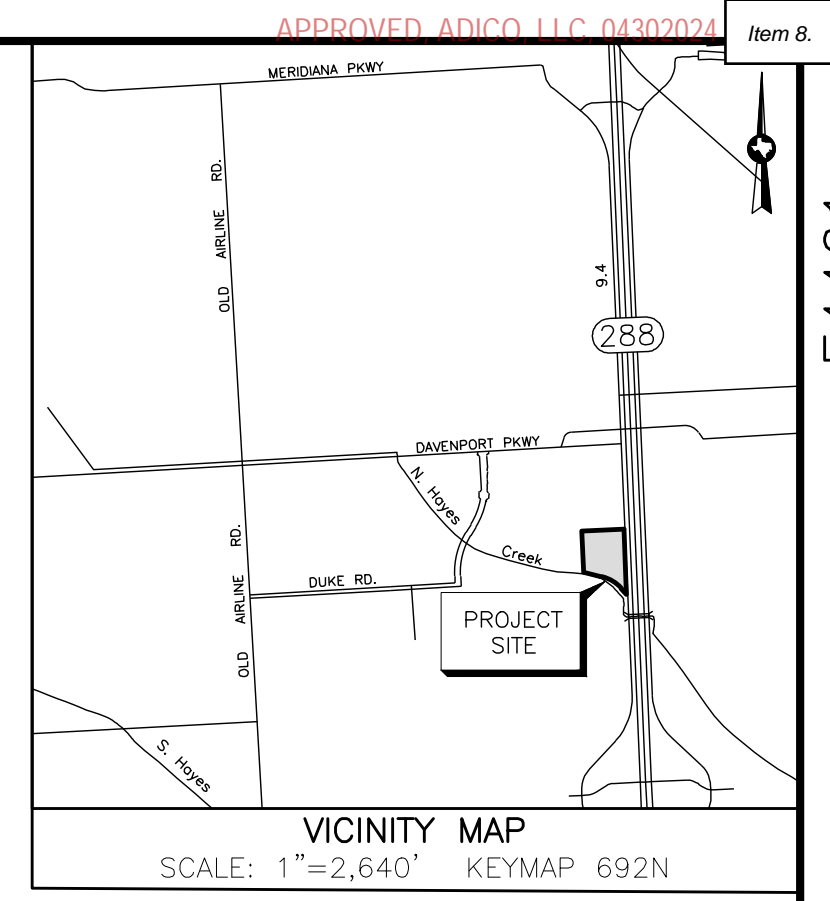
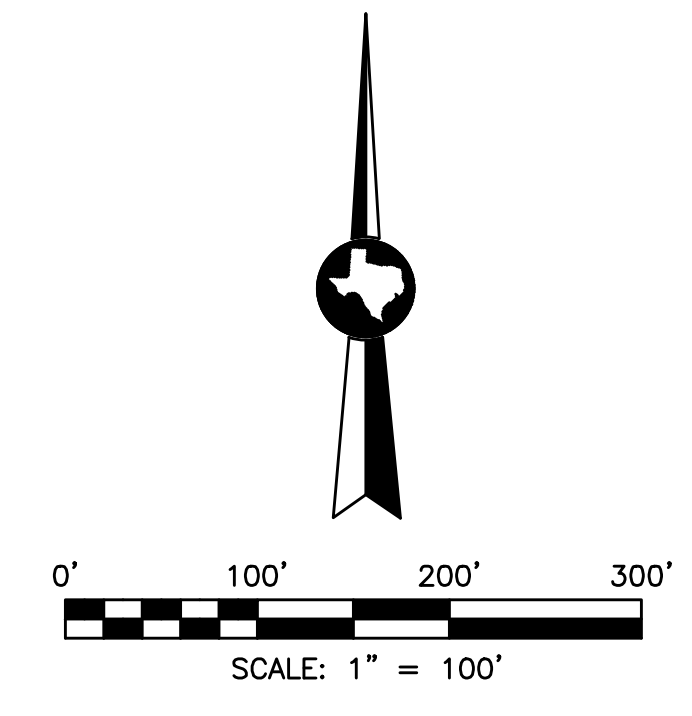
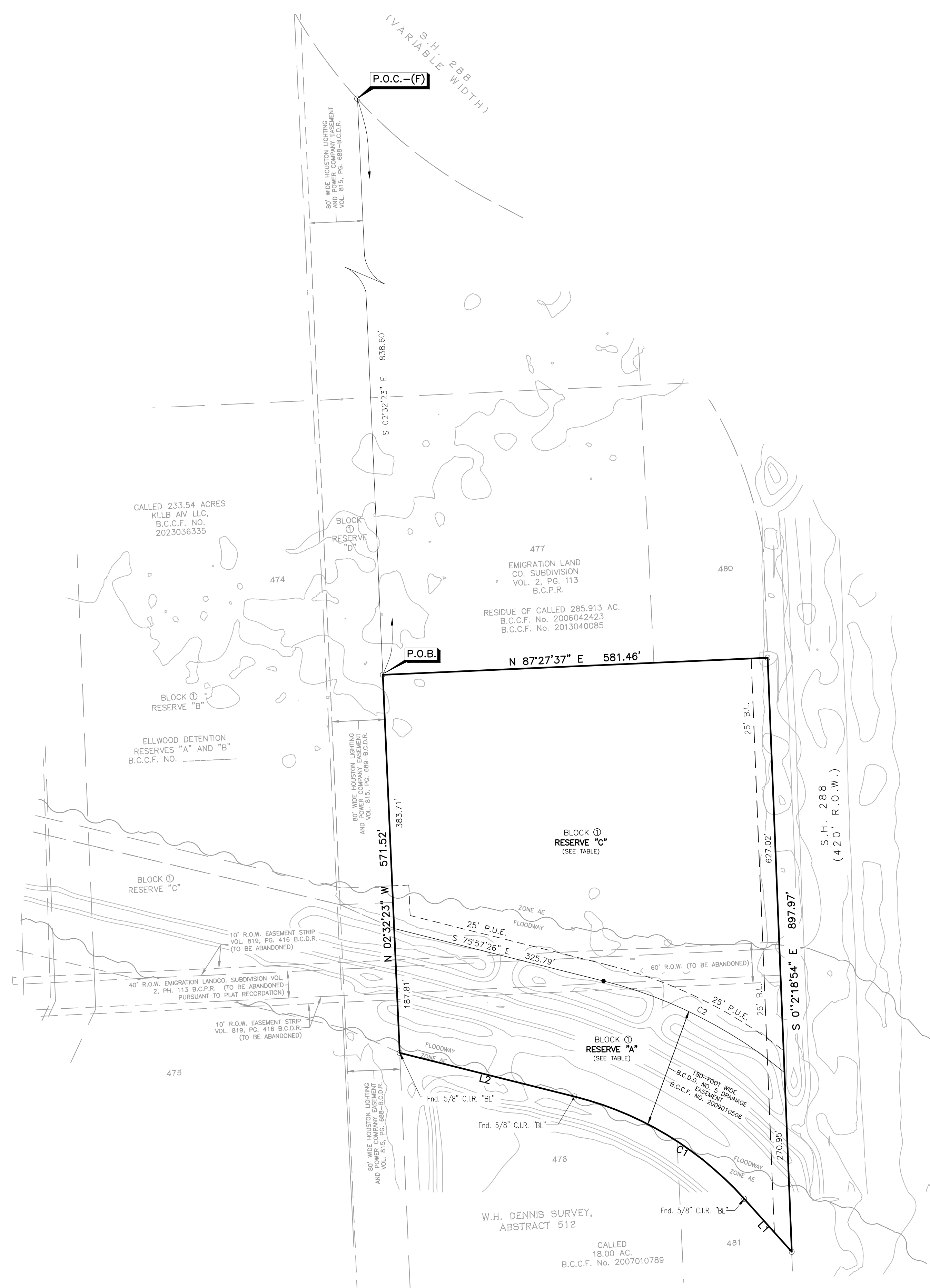
GENERAL NOTES:

- Bearing orientation is based on the Texas State Plane Coordinate System of 1983, South Central Zone, as determined by GPS measurements.
- All boundary corners for the plot shown hereon are set 5/8-inch iron rods 36-inches in length with cap stamped "E.H.R.A. 713-784-4500" set in concrete, unless otherwise noted.
- A- indicates Abstract
AC, indicates Acres
B.C.C.F. NO. indicates Brazoria County Clerk's File Number
B.C.D.R. indicates Brazoria County Deed Records
B.C.P.R. NO. indicates Brazoria County Plat Records Number
B.L., indicates Building Line
C.I.R. indicates Capped Iron Rod
P.G. indicates Page
P.O.B. indicates Point Of Beginning
P.O.C. indicates Point of Commencing
P.U.E. indicates Public Utility Easement
R.O.W. indicates Right of Way
U.E. indicates Utility Easement
VOL. indicates Volume
(F) indicates found 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500"
- The property subdivided in the foregoing plat lies within Brazoria County, the City of Iowa Colony, Brazoria County M.U.D. 57, and Brazoria County Drainage District #5 (B.D.D.#5).
- The boundary for this plot has a closure in excess of 1:15,000.
- Subject to Ordinance No. 2011-4 (Pipeline Setback Ordinance), no residential structure shall be constructed within 50 feet of the pipelines located inside of this plot boundary.
- No building permits will be issued until all storm sewer drainage improvements, if any, and which may include detention, have been constructed.
- This final plat will expire two (2) years after final approval by City Council if construction of the improvements has not commenced within the two-year initial period or the one-year extension period granted by City Council.
- All water and wastewater facilities shall conform to the city's design criteria.
- This plat is subject to the Rally 288 West PUD Ordinance No. 2022-09.
- According to the Federal Emergency Management Agency Flood Insurance Rate Map, Brazoria County, Texas, Community Panel No. 48039C0120K, dated December 30, 2020, a portion of the subject property shown hereon lies within the "Floodway", a portion of the property lies within "Zone AE" (areas of 1% annual chance floodplain with base flood elevations determined) and a portion of the subject property shown hereon lies within shaded "Zone X" (areas of 0.2% annual chance floodplain, areas of 1% annual chance floodplain for depth less than 1 foot or area less than 1 square mile).

This flood statement does not imply that the property or structures thereon will be free from flooding or flood damage. On rare occasions floods can and will occur and flood heights may be increased by man-made or natural causes. The location of the flood zone was determined by scaling from said FEMA map. The actual location, as determined by elevation contours, may differ. Edminster, Hinshaw, Russ & Associates, Inc. d/b/a EHR, assumes no liability as to the accuracy of the location of the flood zone limits. This flood statement shall not create liability on the part of Edminster, Hinshaw, Russ & Associates, Inc. d/b/a EHR.

BRAZORIA COUNTY DRAINAGE DISTRICT NO. 5:

- Slab elevations (finished floor) shall be a minimum of 2 feet above natural ground.
- All drainage easements shown hereon shall be kept clear of fences, buildings, plantings and other obstructions to the operation and maintenance of drainage facilities.
- All property shall drain into the drainage easement only through an approved drainage structure.
- All drainage easements and detention pond reserves shown on this plat will be maintained by the property owners and/or business owners; provided, however, and governmental entity have jurisdiction, including, without limitation, Brazoria County, Texas and Brazoria County Drainage District #5, shall have the right, but not the obligation to enter upon the drainage easements to perform maintenance operations at any time after the date hereof.
- The property identified in the foregoing plat lies within Brazoria County Drainage District #5.
- This rural commercial site employs a natural drainage system, which is intended to provide drainage for the site that is similar to that which existed under pre-development conditions. Thus, during large storm events, ponding of water should be expected to occur on the site to the extent it may have prior to development, but such ponding should not remain for an extended period of time.
- Land use within the subdivision is limited to an average imperviousness of no more than 72 percent. The drainage and/or detention system has been designed with the assumption that this average percent, imperviousness will not be exceeded. If this percentage is to be exceeded, a replat and/or redesign of the system may be necessary.
- Other than shown hereon, there are no pipeline easements or pipelines within the boundaries of this plan.
- All storm water drainage pipes, culverts, tiles or other (includes driveway culverts) will be minimum 24" I.D. or equal.
- Dedicated drainage easement(s) granted to Brazoria County Drainage District #5 for drainage maintenance purposes shall include 45 feet top of bank, plus the sum (footage) of both ditch side slopes and channel bottom and 45 feet of bank on the opposite bank.
- Dedicated ingress/egress accesses are granted to Brazoria County Drainage District #5 (see District Resolution No 2007-06 & 2007-07). Access will be gated and locked with Brazoria County Drainage District #5's lock.
- Prohibited use of "metal" pipe in storm water/sewer applications (See District Resolution No. 2007-08).
- Prohibited use of "rip rap" in storm water/sewer applications. (District Policy).
- Pipelines, utility lines and other crossing under any Brazoria County Drainage District #5 ditch require approval and permitting prior to construction.
- All dedicated storm sewer drainage and/or access easements to be granted to Brazoria County Drainage District #5 by the property owner will be initiated and recorded, at the property owner's expense, in Brazoria County, Texas with a "Recorded Document Number" affixed to said easement prior to final approval granted by Brazoria County Drainage District #5 Board of Commissioners.
- It will be the property owner's responsibility to verify if any Brazoria County Drainage District #5 "dedicated" drainage easements are on or cross their property. If so, the property owner will comply as stated within the recorded easement.
- Project field start-up will start within 365 calendar days from date shown here. Continuous and reasonable field site work is expected. See Brazoria County drainage criteria manual section 1, Introduction; Sub-Section 1.5, Plat and Plan approval process, and drainage acceptance procedures; time limit for approval and Brazoria County Drainage District #5 Resolution 2011-1, allowable time(s) and procedures for starting-up approved projects.



BENCHMARK(S):
 NGS MONUMENT # E 306 DISK SET IN TOP OF CONCRETE MONUMENT, LOCATED 2.0 MILES WEST OF MANVEL, 2 MILES WEST ALONG THE GULF, COLORADO AND SANTA FE RAILWAY FROM THE STATION AT MANVEL, BRAZORIA COUNTY, 0.2 MILE WEST OF A SHELL-ROAD CROSSING, 5-1/2 FEET NORTHWEST OF MILE POLE 38, 39 FEET SOUTH OF THE SOUTH RAIL, 33 FEET NORTH OF THE CENTERLINE OF A DIRT ROAD, 5.7 FEET NORTH OF THE RIGHT-OF-WAY FENCE, 3 FEET WEST OF A WHITE WOODEN WITNESS POST AND SET IN THE TOP OF A CONCRETE POST ABOUT FLUSH WITH THE GROUND.
 ELEV.=52.00 (NAVD '88) 1991 ADJUSTMENT

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	510.00'	34°06'15"	303.57'	N 58°54'19" W	239.11'
C2	690.00'	25°38'21"	308.77'	N 63°08'15" W	306.20'

LINE	BEARING	DISTANCE
L1	N 41°51'11" W	107.39'
L2	N 75°57'26" W	272.19'

RESERVE	RESTRICTED TO	RESERVE TABLE	
		AREA	AREA
A	DRAINAGE, LANDSCAPE, OPEN SPACE, RECREATION, UTILITY PURPOSES	118,093 SQ. FT. /	2.711 ACRES
C	DETENTION, DRAINAGE, LANDSCAPE, OPEN SPACE, RECREATION, UTILITY PURPOSES	278,792 SQ. FT. /	6.400 ACRES
TOTAL		396,885 SQ. FT. /	9.111 ACRES

FINAL PLAT ELLWOOD DETENTION RESERVE "C"

BEING A SUBDIVISION OF 9.111 ACRES OUT OF THE W. H. DENNIS SURVEY, A-512, AND BEING OUT OF LOTS 477, 478, 480 AND 481 OF THE EMIGRATION LAND COMPANY SUBDIVISION IN THE CITY OF IOWA COLONY, BRAZORIA COUNTY, TEXAS

1 BLOCK 2 RESERVES (9.111 ACRES)

OWNER

RALLY 288 WEST, LLC, A TEXAS LIMITED LIABILITY COMPANY
 1602 AVENUE D, SUITE 100, KATY, TEXAS 77493
 (832)437-7863

MARCH, 2024

ENGINEER/SURVEYOR



1001 MEADOWGLEN LN
 HOUSTON, TEXAS 77042
 713-784-4500
 EHR TEAM
 TBPE No. F-726
 TBPES No. 10092300

Tuesday, April 30, 2024

Darrel Heidrich
Baker & Lawson, Inc.
4005 Technology Dr., Ste. 1530
Angleton, TX 77515
dheidrich@bakerlawson.com

Re: Replat of a Portion of Lot 64 of the Emigration Land Company Subdivision
Letter of Recommendation to Approve
COIC Project No. 3854
Adico, LLC Project No. 16007-2-362

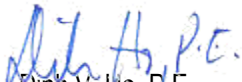
Dear Mr. Heidrich:

On behalf of the City of Iowa Colony, Adico, LLC has reviewed the second submittal of "Replat of a Portion of Lot 64 of the Emigration Land Company Subdivision", received on or about April 30, 2024. The review of the plat is based on the City of Iowa Colony Subdivision Ordinance dated August 2002, and as amended.

Based on our review, we have no objection to the plat as resubmitted on April 30, 2024. Please provide two (2) sets of signed mylars and ten (10) prints of the plat to Kayleen Rosser, City Secretary, by no later than May 1, 2024, for consideration at the May 7, 2024, Planning and Zoning meeting.

Should you have any questions, please do not hesitate to call our office.

Sincerely,
Adico, LLC


Dinh V. Ho, P.E.
TBPE Firm No. 16423

Cc: Kayleen Rosser, COIC
Robert Hemminger, COIC
File: 16007-2-362

STATE OF TEXAS
COUNTY OF BRAZORIA

KNOW ALL MEN BY THESE PRESENTS THAT:

I DAVID JOHNS, OWNER OF THE PROPERTY SUBDIVIDED IN THE FOREGOING PLAT BEING A REPLAT OF A PORTION OF LOT 64, EMIGRATION LAND COMPANY SUBDIVISION, DOES HEREBY MAKE SUBDIVISION OF SAID PROPERTY ACCORDING TO THE LINES, LOTS AND EASEMENTS SHOWN HEREON AND DO HEREBY DEDICATE TO THE PUBLIC ALL EASEMENTS FOR THEIR USE FOREVER AND DESIGNATE SAID SUBDIVISION AS THE PLAT OF 3 LOTS, BEING A SUBDIVISION OF 8.903 ACRES IN THE CITY OF IOWA COLONY, BRAZORIA COUNTY, TEXAS AND DO HEREBY BIND MYSELF, MY HEIRS AND ASSIGNS TO WARRANT AND DEFEND THE TITLE TO THE LAND SO DEDICATED.

WITNESS MY HAND THIS THE _____ DAY OF _____, 20____.

DAVID JOHNS

STATE OF TEXAS
COUNTY OF BRAZORIA

BEFORE ME THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED DAVID JOHNS KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THE SAME WAS THE ACTING OWNER FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____, 20____.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES

CITY COUNCIL APPROVALS

I CERTIFY THAT THE ABOVE AND FOREGOING PLAT BEING A REPLAT OF A PORTION OF LOT 64, EMIGRATION LAND COMPANY SUBDIVISION, WAS APPROVED

THIS THE _____ DAY OF _____, 20____, BY THE CITY COUNCIL OF THE CITY OF IOWA COLONY, TEXAS.

WILL KENNEDY, MAYOR McLEAN BARNETT, COUNCIL POSITION 1

ARNETTA HICKS-MURRAY, COUNCIL POSITION 2 MARQUETTE GREEN-SCOTT, COUNCIL POSITION 3

TIMOTHY VARLACK, COUNCIL DISTRICT A KAREEM BOYCE, COUNCIL DISTRICT B

SYDNEY HARGRODER, COUNCIL DISTRICT C

DINH HO, P.E., CITY ENGINEER

PLANNING AND ZONING COMMISSION APPROVALS

I CERTIFY THAT THE ABOVE AND FOREGOING PLAT BEING A REPLAT OF A PORTION OF LOT 64, EMIGRATION LAND COMPANY SUBDIVISION, WAS APPROVED

THIS THE _____ DAY OF _____, 20____, BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF IOWA COLONY, TEXAS.

DAVID HURST, CHAIRMAN ROBERT WALL, MEMBER

LES HOSEY, MEMBER BRENDA DILLON, MEMBER

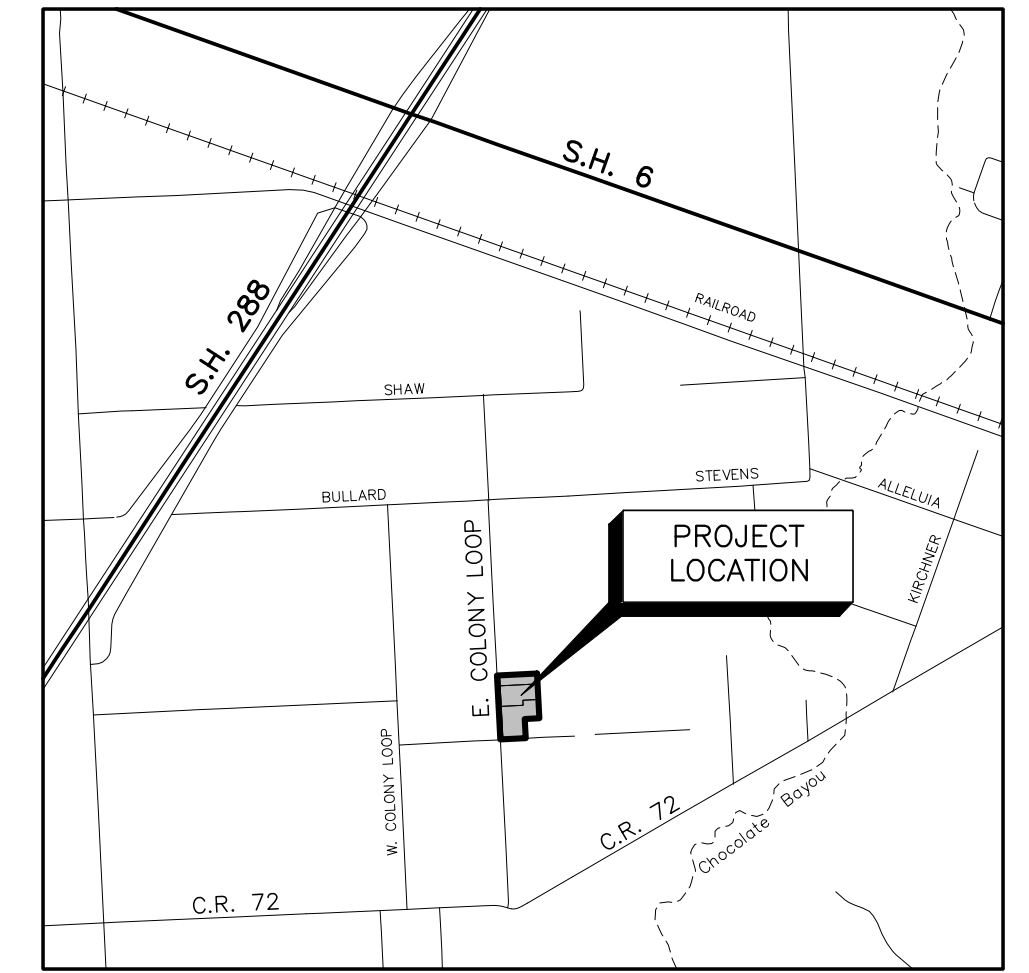
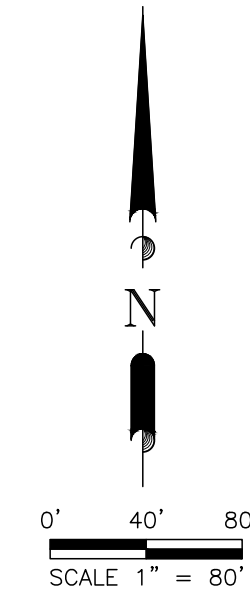
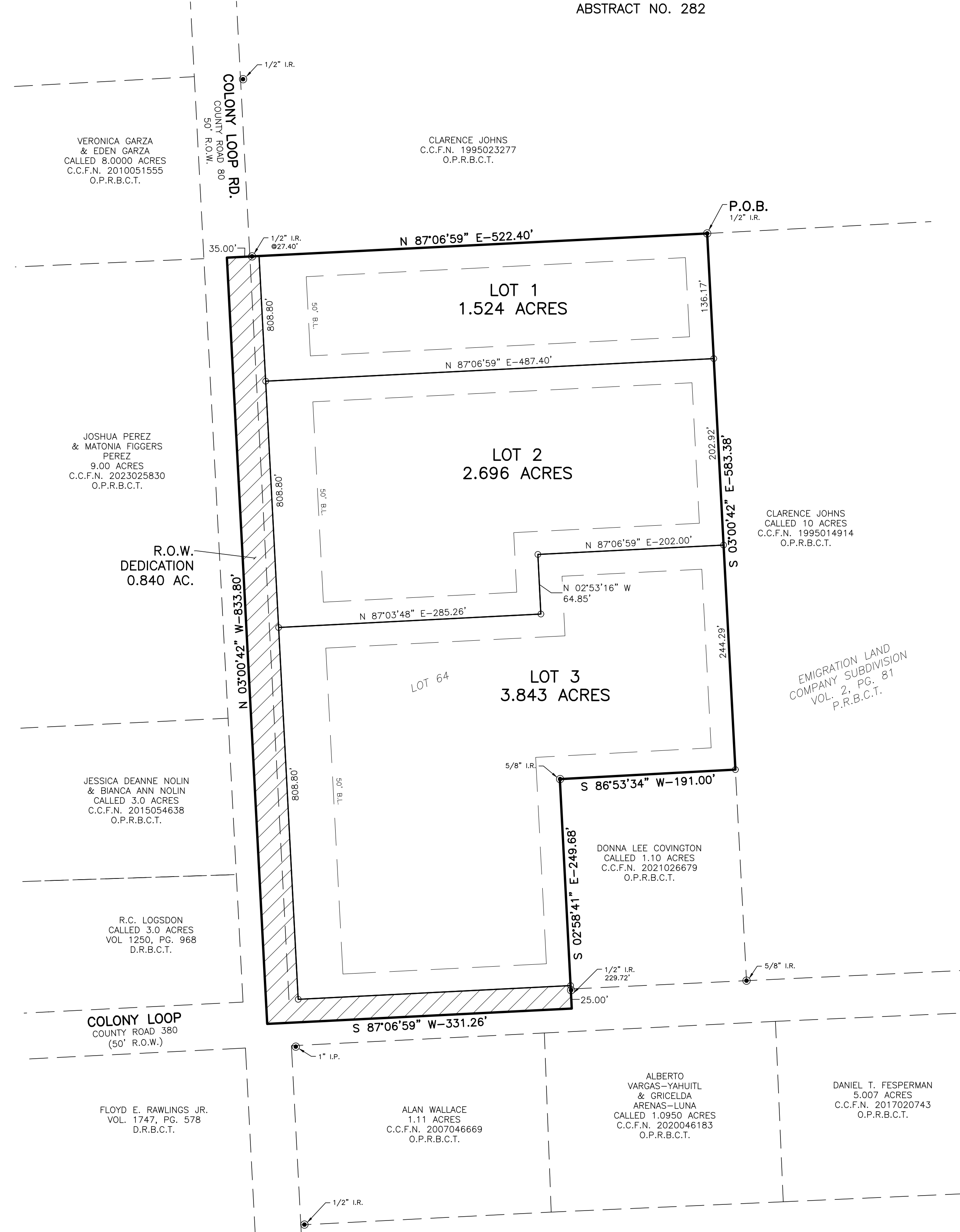
WARREN DAVIS, MEMBER TERRY HAYES, MEMBER

BRIAN JOHNSON, MEMBER

SURVEYOR'S NOTES:

- 1. THIS PLAT LIES WITHIN THE CITY LIMITS OF IOWA COLONY.
2. THE PROPERTY SURVEYED LIES WITHIN ZONE "X" UNSHADED, ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 48039C0110K, WITH AN EFFECTIVE DATE OF DECEMBER 30, 2020.
3. ALL BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, (NAD83) SOUTH CENTRAL ZONE, PER GPS OBSERVATIONS.
4. THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A CITY PLANNING LETTER PROVIDED BY CHARTER TITLE COMPANY, DATED APRIL 3, 2024, WITH REGARD TO ANY RECORDED EASEMENTS, RIGHTS-OF-WAY OR SETBACKS AFFECTING THE SURVEYED PROPERTY. NO ADDITIONAL RESEARCH REGARDING THE EXISTENCE OF EASEMENTS, RESTRICTIONS, OR OTHER MATTERS OF RECORD HAS BEEN PERFORMED BY THE SURVEYOR. THERE MAY BE EASEMENTS, OR OTHER ENCUMBRANCES THAT ARE NOT SHOWN HEREON.
5. THE REASON FOR THIS PLAT IS TO DIVIDE THE SUBJECT TRACT INTO 3 LOTS.
6. DETENTION WILL BE REVIEWED/PROVIDED FOR EACH INDIVIDUAL RESIDENTIAL LOT AT TIME OF PERMITTING.
7. THE APPROVAL OF THE PLAT SHALL EXPIRE TWELVE (12) MONTHS AFTER CITY COUNCIL APPROVES UNLESS THE FINAL PLAT HAS BEEN SUBMITTED FOR FINAL APPROVAL DURING THAT TIME. AN EXTENSION OF TIME MAY BE GIVEN AT THE DISCRETION OF THE CITY COUNCIL FOR A SINGLE EXTENSION PERIOD OF SIX (6) MONTHS.
8. THIS PLAT IS SUBJECT TO THE CITY OF IOWA COLONY PIPELINE ORDINANCE NO. 2011-4 AND AS AMENDED.
9. ALL SIDE AND REAR LOT LINES: 25'.
10. BOUNDARY CLOSURE CALCULATIONS, IS A MINIMUM OF 1:15,000.
11. THE FINAL PLAT WILL EXPIRE TWO (2) YEARS AFTER FINAL APPROVAL BY COUNCIL, IF CONSTRUCTION OF THE IMPROVEMENTS HAS NOT COMMENCED WITHIN THE TWO-YEAR INITIAL PERIOD OR THE ONE-YEAR EXTENSION PERIOD GRANTED BY COUNCIL.

BRAZORIA COUNTY, TEXAS
H.T. & B. R.R. CO. SURVEY
ABSTRACT NO. 282



VICINITY MAP
SCALE 1" = 2,500'

FIELD NOTES FOR 8.903 ACRES

BEING A 8.903 ACRE TRACT OF LAND LOCATED WITHIN THE H.T. & B. RAILROAD SURVEY, ABSTRACT NO. 282, BRAZORIA COUNTY, TEXAS, BEING A PORTION OF LOT 64 OF THE EMIGRATION LAND COMPANY SUBDIVISION, AS RECORDED IN VOLUME 2, PAGE 81 OF THE PLAT RECORDS, BRAZORIA COUNTY, TEXAS (P.R.B.C.T.), BEING ALL OF A CALLED 1.00 ACRE TRACT, AS RECORDED IN COUNTY CLERKS FILE NO. (C.C.F.N.) 2001050114 OF THE OFFICIAL PUBLIC RECORDS, BRAZORIA COUNTY, TEXAS (O.P.R.B.C.T.) AND A PORTION OF THAT CERTAIN TRACT, AS RECORDED IN VOLUME 1081, PAGE 839 OF THE DEED RECORDS, BRAZORIA COUNTY, TEXAS (D.R.B.C.T.), REFERRED TO HEREAFTER AS THE ABOVE REFERENCED TRACT OF LAND, SAID 8.903 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, (NAD83) SOUTH CENTRAL ZONE, PER GPS OBSERVATIONS):

BEGINNING 1/2-INCH IRON ROD FOUND FOR CORNER, BEING THE NORTHEAST CORNER OF THE ABOVE REFERENCED TRACT, SAME BEING ON THE SOUTH LINE OF THAT CERTAIN TRACT, AS RECORDED IN C.C.F.N. 1995023277 OF THE O.P.R.B.C.T., SAME BEING THE NORTHWEST CORNER OF A CALLED 10 ACRE TRACT, AS RECORDED IN C.C.F.N. 1995014914 OF THE O.P.R.B.C.T.;

THENCE SOUTH 03°00'42" EAST, ALONG THE EAST LINE OF THE ABOVE REFERENCED TRACT, SAME BEING THE WEST LINE OF SAID CALLED 10 ACRE TRACT, A DISTANCE OF 583.38 FEET TO A 5/8-INCH CAPPED IRON ROD, STAMPED "BAKER & LAWSON" SET FOR CORNER;

THENCE SOUTH 86°53'34" WEST, ALONG THE SOUTH LINE OF THE ABOVE REFERENCED TRACT, SAME BEING THE NORTH LINE OF A CALLED 1.10 ACRE TRACT, AS RECORDED IN C.C.F.N. 2021026679 OF THE O.P.R.B.C.T., A DISTANCE OF 191.00 FEET TO A 5/8-INCH IRON ROD FOUND FOR CORNER, BEING AN INTERIOR SOUTHERLY CORNER OF THE ABOVE REFERENCED TRACT;

THENCE SOUTH 02°58'41" EAST, ALONG THE EAST LINE OF THE ABOVE REFERENCED TRACT, SAME BEING THE WEST LINE OF SAID CALLED 1.10 ACRE TRACT, PASSING AT A DISTANCE OF 229.72 FEET TO A 1/2-INCH IRON ROD FOUND FOR REFERENCE, CONTINUING FOR A TOTAL DISTANCE OF 249.68 FEET TO A POINT FOR CORNER, BEING IN COUNTY ROAD 380;

THENCE SOUTH 87°06'59" WEST, ALONG THE SOUTH LINE OF THE ABOVE REFERENCED TRACT, SAME BEING IN SAID COUNTY ROAD 380, A DISTANCE OF 331.26 FEET TO A POINT FOR CORNER, BEING THE SOUTHWEST CORNER OF THE ABOVE REFERENCED TRACT;

THENCE NORTH 03°00'42" WEST, ALONG THE WEST LINE OF THE ABOVE REFERENCED TRACT, SAME BEING IN COUNTY ROAD 80, A DISTANCE OF 833.80 FEET TO A POINT FOR CORNER, BEING THE NORTHWEST CORNER OF THE ABOVE REFERENCED TRACT;

THENCE NORTH 87°06'59" EAST, ALONG THE NORTH LINE OF THE ABOVE REFERENCED TRACT, SAME BEING THE SOUTH LINE OF SAID CERTAIN TRACT, A DISTANCE OF 522.40 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT OF AND CONTAINING 8.903 ACRES OF LAND, MORE OR LESS.

STATE OF TEXAS §
COUNTY OF BRAZORIA §

KNOWN ALL MEN BY THESE PRESENTS:

THAT I, DARREL HEIDRICH, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY SUPERVISION.

PRELIMINARY
NOT TO BE RECORDED
FOR ANY PURPOSE
DATE: 4/30/2024

DARREL HEIDRICH
REGISTERED PROFESSIONAL LAND SURVEYOR
LAND SURVEYOR NO. 5378

REPLAT OF A PORTION OF LOT 64 OF THE EMIGRATION LAND COMPANY SUBDIVISION 8.903 ACRES 3 LOTS BEING A PORTION OF LOT 64 EMIGRATION LAND COMPANY SUBDIVISION VOL. 2, PG 81 P.R.B.C.T. H.T. & B. R.R. CO. SURVEY ABSTRACT NO. 282 BRAZORIA COUNTY, TEXAS

LEGEND

- O.P.R.B.C.T. = OFFICIAL PUBLIC RECORDS BRAZORIA COUNTY, TEXAS
D.R.B.C.T. = DEED RECORDS BRAZORIA COUNTY, TEXAS
P.R.B.C.T. = PLAT RECORDS BRAZORIA COUNTY, TEXAS
C.C.F.N. = COUNTY CLERK'S FILE NUMBER
VOL. PG. = VOLUME, PAGE
O = 5/8" I.R.C. SET "BAKER & LAWSON"
● = FOUND MONUMENT (AS NOTED)
I.R. = IRON ROD
I.R.C. = IRON ROD W/CAP
I.P. = IRON PIPE
P.O.B. = POINT OF BEGINNING

CITY PLANNING LETTER
TITLE COMPANY: CHARTER TITLE COMPANY
DATED: APRIL 3, 2024
NOTES:
NO SURVEY ENCUMBRANCES FOUND

OWNER:
DAVID JOHNS
687 GALLAGHER DR.
CANYON LAKE, TX
78133

Baker & Lawson Inc. 4005 Technology Dr., Suite 1530 Angleton, TX 77515 Phone # 979-849-6681 www.bakerlawson.com Licensed Surveying Firm No. 10052500

Table with 4 columns: JOB NO., SCALE, DRAWN BY, CKED BY, DRAWING NO., DATE, REV. NO.

Tuesday, April 30, 2024

Merrett Huddleston
Elevation Land Solutions
9709 Lakeside Blvd., Suite 200
The Woodlands, TX 77381

Re: Sterling Lakes North Section 7 Final Plat
Letter of Recommendation to Approve
COIC Project No. 3708
ALLC Project No. 16007-2-357

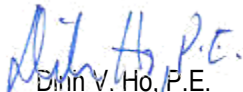
Dear Ms. Huddleston:

On behalf of the City of Iowa Colony, Adico, LLC has reviewed the second submittal for Sterling Lakes North Section 7 Final Plat, received on or about April 26, 2024. The review of the plat is based on the City of Iowa Colony Subdivision Ordinance dated August 2002, and as amended.

Based on our review, we have no objection to the plat as resubmitted on April 26, 2024. Please provide two (2) sets of mylars and ten (10) prints of the plat to Kayleen Rosser, City Secretary, by no later than May 1, 2024, for consideration at the May 7, 2024, Planning and Zoning Meeting.

Should you have any questions, please do not hesitate to call our office.

Sincerely,
Adico, LLC


Dinh V. Ho, P.E.
TBPE Firm No. 16423

Cc: Kayleen Rosser
Robert Hemminger
File: 16007-2-357

STATE OF TEXAS §
COUNTY OF BRAZORIA §

A METES & BOUNDS description of a certain 36.01 acre (1,568,432 square feet) tract of land situated in the J.S. Talmage Survey, Abstract No. 561 (also known as the H.T. & B.R.R. Co. Survey, Section 68, Abstract No. 561), in Brazoria County, Texas, being a portion of a called 127.270 acre tract conveyed to Astro Sterling Lakes North, L.P., a Delaware limited partnership, by deed recorded in Clerk's File No. 2022025939, Brazoria County Official Public Records; said 36.01 acre (1,568,432 square feet) tract of land being more particularly described as follows with all bearings being based on the Texas Coordinate System, South Central Zone, NAD 83:

BEGINNING at a 5/8-inch iron rod (with cap) found, being the northerly northeast corner of said called 127.270 acre tract, being the interior southwest corner of a called 60.001 acre tract conveyed to Micheal J. Gentry by deed recorded in Clerk's File No. 2020011282, Brazoria County Official Public Records, and being the northeast corner of the herein described tract;

THENCE, South 02°54'33" East, along the east line of said called 127.270 acre tract, at a distance of 659.90 feet passing a 5/8-inch iron rod (with cap) found, at a distance of 989.08 feet passing a 5/8-inch iron rod (with cap) found, and at a distance of 1,319.30 feet passing a 1/2-inch iron rod found, in all a total distance of 1,921.21 feet to a 5/8-inch iron rod (with cap stamped "ELS") set, being the southwest corner of said Lot 1, Block 1 of Sanchez--Lagunas and being the southeast corner of the herein described tract, from which a 5/8-inch iron rod (with cap) found bears South 02°54'33" East, continuing along the east line of said called 127.270 acre tract, 29.92 feet, being on the north right-of-way of Bullard Road, a generally recognized public road (no record found; 60 feet wide as occupied);

THENCE, over and across said called 127.270 acre tract the following sixteen (16) courses and distances:

- 1. South 86°48'27" West, 742.22 feet to a 5/8-inch iron rod (with cap stamped "ELS") set, being the southwest corner of the herein described tract and being the beginning of a curve to the left;
2. Along said curve to the left in a northeasterly direction, with a radius of 30.00 feet, a central angle of 90°00'00", an arc length of 47.12 feet, and a chord bearing North 41°48'27" East, 42.43 feet to a 5/8-inch iron rod (with cap stamped "ELS") set;
3. North 03°11'33" West, 390.00 feet to a 5/8-inch iron rod (with cap stamped "ELS") set, being the beginning of a curve to the left;
4. Along said curve to the left in a northwesterly direction, with a radius of 25.00 feet, a central angle of 90°00'00", an arc length of 39.27 feet, and a chord bearing North 48°11'33" West, 35.36 feet to a 5/8-inch iron rod (with cap stamped "ELS") set;
5. South 86°48'27" West, 25.77 feet to a 5/8-inch iron rod (with cap stamped "ELS") set;
6. North 03°11'33" West, 60.00 feet to a 5/8-inch iron rod (with cap stamped "ELS") set;
7. North 86°48'27" East, 138.08 feet to a 5/8-inch iron rod (with cap stamped "ELS") set;
8. North 03°11'33" West, 221.40 feet to a 5/8-inch iron rod (with cap stamped "ELS") set, being the beginning of a curve to the right;
9. Along said curve to the right in a northerly direction, with a radius of 50.00 feet, a central angle of 135°14'47", an arc length of 118.02 feet, and a chord bearing North 39°10'13" West, 92.47 feet to a 5/8-inch iron rod (with cap stamped "ELS") set;
10. North 61°32'50" West, 31.62 feet to a 5/8-inch iron rod (with cap stamped "ELS") set;
11. North 02°08'36" West, 227.22 feet to a 5/8-inch iron rod (with cap stamped "ELS") set;
12. South 86°48'27" West, 50.01 feet to a 5/8-inch iron rod (with cap stamped "ELS") set;
13. North 03°11'33" West, 60.00 feet to a 5/8-inch iron rod (with cap stamped "ELS") set;
14. North 86°48'27" East, 86.18 feet to a 5/8-inch iron rod (with cap stamped "ELS") set;
15. North 03°11'33" West, 38.04 feet to a 5/8-inch iron rod (with cap stamped "ELS") set;

16. North 42°30'21" West, 1,004.04 feet to a 5/8-inch iron rod (with cap stamped "ELS") set, being on the north line of said called 127.270 acre tract, from which a 3/4-inch iron pipe found bears South 86°44'59" West, along the north line of said called 127.270 acre tract, 8.64 feet, being the northwest corner of said called 127.270 acre tract, being the southwest corner of a called 10.000 acre tract conveyed to Blas Eduardo Garcia by deed recorded in Clerk's File No. 2022045402, Brazoria County Official Public Records, and being on the east line of a called 306.158 acre tract (Parcel 3) conveyed to 608 Colony Investments, LTD., a Texas limited partnership, by deed recorded in Clerk's File No. 2021062781, Brazoria County Official Public Records;

THENCE, North 86°44'59" East, along the north line of said called 127.270 acre tract and along the south line of said called 60.001 acre tract, 1,311.44 feet to the POINT OF BEGINNING, CONTAINING 36.01 acres (1,568,432 square feet) of land in Brazoria County, Texas, filed in the offices of Elevation Land Solutions in The Woodlands, Texas.

BRAZORIA DRAINAGE DISTRICT NO. 4 SIGNATURE BLOCK

APPROVED BY BOARD OF COMMISSIONERS ON _____

Brazoria Drainage District No. 4 _____

District Engineer _____

THE SIGNATURES ABOVE ARE EVIDENCE THAT THE DISTRICT'S BOARD OF COMMISSIONERS APPROVED THIS SUBMISSION ON THE DATE PROVIDED ABOVE BASED UPON THE RECOMMENDATION OF THE DISTRICT'S ENGINEER WHO HAS REVIEWED THE SHEETS PROVIDED AND FOUND THEM TO BE IN GENERAL COMPLIANCE WITH THE DISTRICT'S "RULES, REGULATIONS, AND GUIDELINES". THE APPROVAL OF A FINAL DRAINAGE PLAN OR REQUEST FOR VARIANCE WILL TYPICALLY EXPIRE ONE YEAR AFTER THE DATE OF BOARD APPROVAL. THE APPROVAL OF A DRAINAGE IMPACT ANALYSIS, MASTER DEVELOPMENT PLAN, OR FINAL PLAT WILL TYPICALLY EXPIRE TWO YEARS AFTER THE DATE OF APPROVAL. SEE SECTION 12 IN THE DISTRICT'S RULES, REGULATIONS, AND GUIDELINES FOR ADDITIONAL INFORMATION REGARDING THE EXPIRATION OF APPROVALS. AFTER EXPIRATION, RE-APPROVAL IS REQUIRED. PLEASE NOTE THAT THE DISTRICT APPROVAL DOES NOT NECESSARILY MEAN THAT ALL INFORMATION IN THE SUBMITTAL HAS BEEN CHECKED AND VERIFIED. IN THE EVENT OF ANY CONFLICT OR INCONSISTENCY BETWEEN THE DISTRICT'S "RULES, REGULATIONS, AND GUIDELINES" AND THIS APPROVED SUBMITTAL, THE DISTRICT'S "RULES, REGULATIONS, AND GUIDELINES" SHALL PREVAIL. ANY BOARD APPROVED DEVIATIONS FROM DISTRICT CRITERIA SHALL BE ITEMIZED ON THE COVER PAGE AND OTHER APPROPRIATE SHEETS. ANY SUBMITTAL PREPARED BY A PROFESSIONAL ENGINEER OR PROFESSIONAL LAND SURVEYOR HAS TYPICALLY BEEN SIGNED AND SEALED BY THAT LICENSED PROFESSIONAL. THAT SIGNATURE AND SEAL CONVEYS RESPONSIBILITY AND ACCOUNTABILITY TO THAT ENGINEER OR SURVEYOR.

BDD4 REF ID#: ___24-000086_____

STATE OF TEXAS §
COUNTY OF BRAZORIA §

We, ASTRO STERLING LAKES NORTH, L.P., A DELAWARE LIMITED PARTNERSHIP, acting by and through Brian Stidham, Authorized Person, being an officer of ASTRO STERLING LAKES NORTH GP, LLC, a Delaware Limited Liability Company, its General Partner, owners of the property subdivided in this plat (hereinafter referred to as "Owner") of the 36.01 Acre tract described in the above and foregoing map of STERLING LAKES NORTH SEC 7, do hereby make and establish said subdivision and development plan of said property according to all lines, dedications, restrictions, and notations on said maps or plat and hereby dedicate to the use of the public forever, all streets (except those streets designated as private streets, or permanent access easements), alleys, parks, water courses, drains, easements and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title on the land so dedicated.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional eleven feet, six inches (11'-6") for ten feet (10'-0") perimeter ground easements or seven feet, six inches (7'-6") for fourteen feet (14'-0") perimeter ground easements or five feet, six inches (5'-6") for sixteen feet (16'-0") perimeter ground easements, from a plane sixteen feet (16'-0") above the ground level upward, located adjacent to and adjoining said public utility easements that are designated with aerial easements (U.E. and A.E.) as indicated and depicted hereon, whereby the aerial easement totals twenty one feet, six inches (21'-6") in width.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional ten feet (10'-0") for ten feet (10'-0") back-to-back ground easements, or eight feet (8'-0") for fourteen feet (14'-0") back-to-back ground easements or seven feet (7'-0") for sixteen feet (16'-0") back-to-back ground easements, from a plane sixteen feet (16'-0") above ground level upward, located adjacent to both sides and adjoining said public utility easements that are designated with aerial easements (U.E. and A.E.) as indicated and depicted hereon, whereby the aerial easement totals thirty feet (30'-0") in width.

FURTHER, owners do hereby certify that we are the owners of all property immediately adjacent to the boundaries of the above and foregoing subdivision of STERLING LAKES NORTH SEC 7, where building setback lines or public utility easements are to be established outside the boundaries of the above and foregoing subdivision and do hereby make and establish all building setback lines and dedicate to the use of the public, all public utility easements shown in said adjacent acreage.

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat is hereby restricted to prevent the drainage of any septic tanks into any public or private street, permanent access easement, road or alley, or any drainage ditch, either directly or indirectly.

FURTHER, Owners do hereby dedicate to the public a strip of land fifteen feet (15'-0") wide on each side of the center line of any and all bayous, creeks, gullies, ravines, draws, sloughs, or other natural drainage courses located in said plat, as easements for drainage purposes, giving the City of Iowa Colony, Brazoria County, or any other governmental agency, the right to enter upon said easement at any and all times for the purposes of construction and maintenance of drainage facilities and structures.

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek, or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences, buildings, planting and other obstructions to the operation and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement except by means of an approved drainage structure.

IN TESTIMONY WHEREOF, the ASTRO STERLING LAKES NORTH, L.P., a Delaware limited partnership, has caused these presents to be signed by Brian Stidham, Authorized Person, being an officer of ASTRO STERLING LAKES NORTH GP, LLC, a Delaware limited liability company, its General Partner, thereunto authorized this _____ day of _____, 20____

ASTRO STERLING LAKES NORTH, L.P.,
A Delaware limited partnership
By: ASTRO STERLING LAKES NORTH GP, LLC,
a Delaware limited liability company,
its General Partner

By: _____
Brian Stidham, Authorized Person

This plat is hereby APPROVED by the City of Iowa Colony City Council, this _____ day of _____, 20____.

Wil Kennedy
Mayor

McLean Barnett

Arnetta Hicks-Murray

Marquette Greene-Scott

Tim Varlack

Sydney Hargroder

Kareem Boyce

This plat is hereby APPROVED by the City of Iowa Colony Planning and Zoning Commission, this _____ day of _____, 20____.

David Hurst
Chairman

Warren Davis

Les Hosey

Robert Wall

Brenda Dillon

Brian Johnson

Terry Hayes

STATE OF TEXAS §
COUNTY OF BRAZORIA §

Before me, the undersigned authority, on this day personally appeared Brian Stidham, Authorized Person, being an officer of ASTRO STERLING LAKES NORTH GP, LLC, a Delaware Limited Liability Company, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ Day of _____, 20____

Notary Public in and for the State of Texas

Printed Name: _____

My Commission expires _____

I, Paul R. Bretherton, am authorized (or registered) under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and accurate; was prepared from an actual survey of the property made under my supervision on the ground; that, except as shown all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or other objects of a permanent nature) pipes or rods having an outside diameter of not less than five eighths (5/8) inch and a length of not less than three (3) feet; and that the plat boundary corners have been tied to the Texas Coordinate System of 1983, south central zone.

Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.

Paul R. Bretherton
Texas Registration No. 5977

This plat is hereby APPROVED by the City of Iowa Colony City Engineer, this _____ day of _____, 20____.

Dinh V. Ho, P.E.

FINAL PLAT
STERLING LAKES NORTH
SEC 7

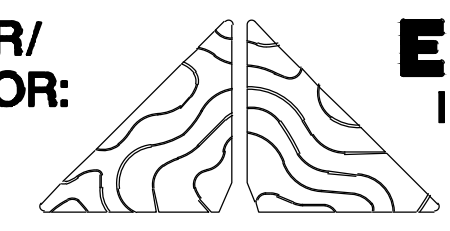
A SUBDIVISION OF 36.01 ACRES OF LAND
OUT OF THE

J.S. TALMAGE SURVEY, ABSTRACT NO. 561 (ALSO
KNOWN AS THE H.T. & B.R.R. CO. SURVEY, SECTION 68,
ABSTRACT NO. 561)
BRAZORIA COUNTY, TEXAS

118 LOTS 2 RESERVES 4 BLOCKS
APRIL 25, 2024

OWNER/
DEVELOPER: ASTRO STERLING LAKES NORTH, L.P.,
a Delaware Limited Partnership
C/O STARWOOD LAND ADVISORS
6310 CAPITAL DRIVE, SUITE 130
LAKEWOOD RANCH, FLORIDA 34202
JOSH WADLEY
(713) 783-6702

ENGINEER/
SURVEYOR: ELEVATION
land solutions
TBPE REGISTRATION NUMBER F-22671
9709 LAKESIDE BLVD, SUITE 200
THE WOODLANDS, TX 77380-8323-2000
TBPS REGISTRATION NUMBER 10194692



Tuesday, April 30, 2024

Merrett Huddleston
Elevation Land Solutions
9709 Lakeside Blvd., Suite 200
The Woodlands, TX 77381

Re: Sterling Lakes North Section 8 Final Plat
Letter of Recommendation to Approve
COIC Project No. 3709
ALLC Project No. 16007-2-358

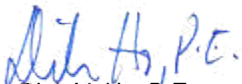
Dear Ms. Huddleston:

On behalf of the City of Iowa Colony, Adico, LLC has reviewed the second submittal for Sterling Lakes North Section 8 Final Plat, received on or about April 26, 2024. The review of the plat is based on the City of Iowa Colony Subdivision Ordinance dated August 2002, and as amended.

Based on our review, we have no objection to the plat as resubmitted on April 26, 2024. Please provide two (2) sets of mylars and ten (10) prints of the plat to Kayleen Rosser, City Secretary, by no later than May 1, 2024, for consideration at the May 7, 2024, Planning and Zoning Meeting.

Should you have any questions, please do not hesitate to call our office.

Sincerely,
Adico, LLC



Dinh V. Ho, P.E.
TBPE Firm No. 16423

Cc: Kayleen Rosser
Robert Hemminger
File: 16007-2-358

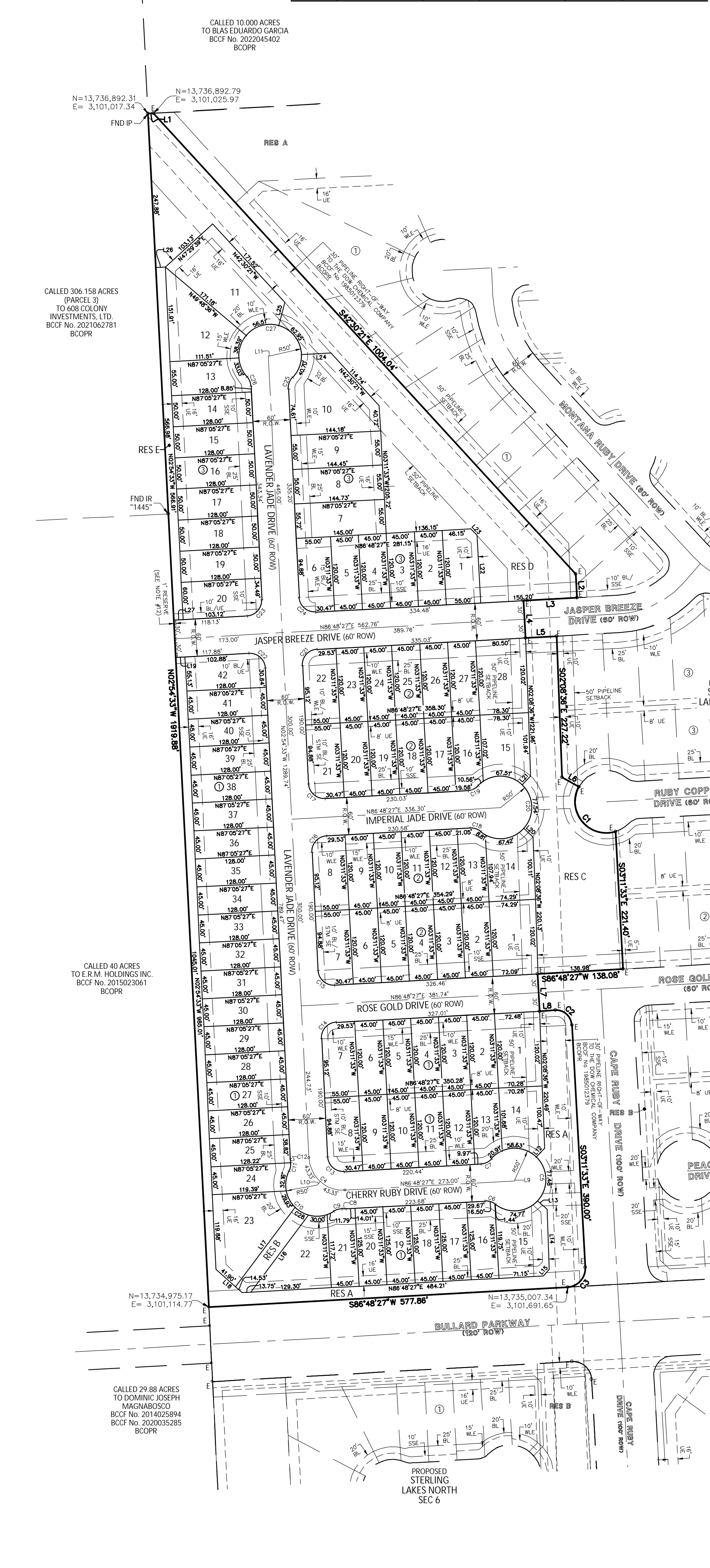
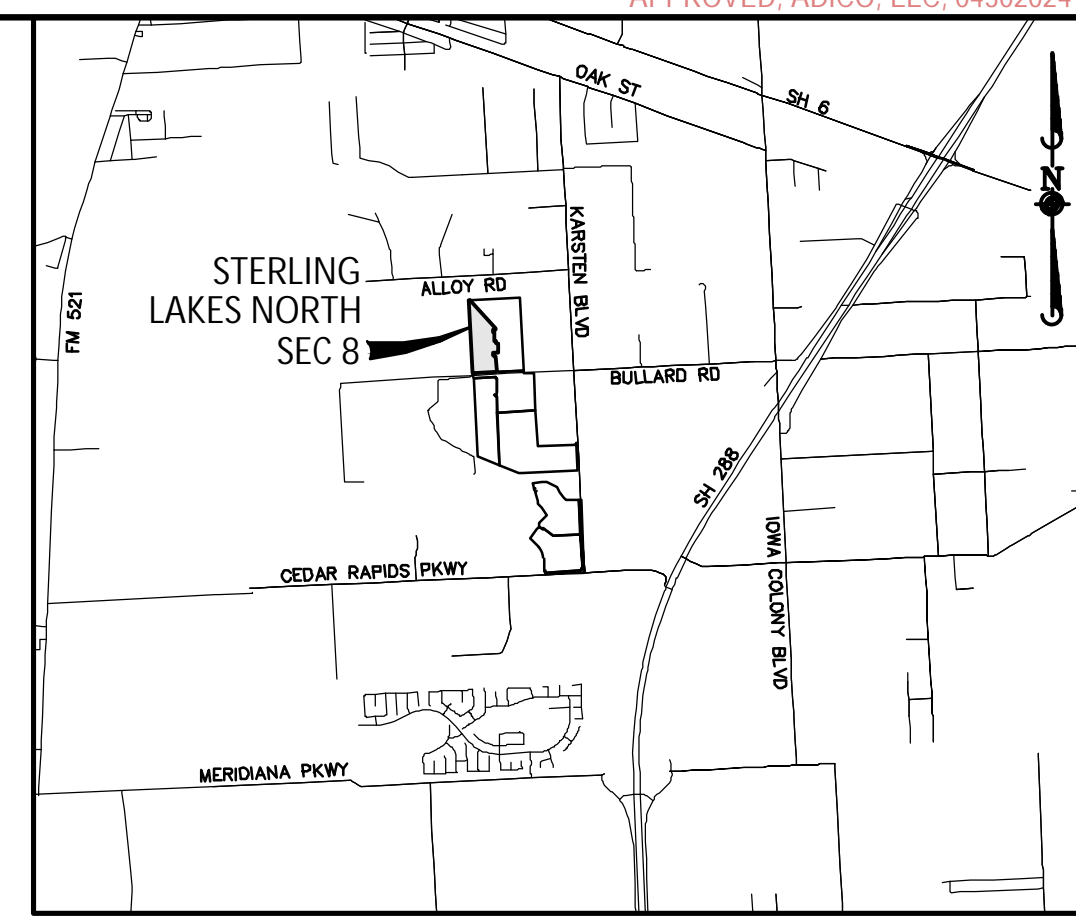
Curve Table with columns: Curve #, Length, Radius, Delta, CHORD LENGTH, CHORD BEARING. Lists curves C1 through C28 with their respective measurements.

Line Table with columns: Line #, Length, Direction. Lists lines L1 through L27 with their respective lengths and bearings.

- FINAL PLAT NOTES: 1. THE PRELIMINARY PLAT WAS APPROVED BY CITY OF IOWA COLONY ON 02/06/2024. 2. THIS PLAT LIES WITHIN THE BRAZORIA COUNTY M.U.D. NO. 32 BOUNDARY. 3. THE COORDINATES SHOWN HEREON ARE TEXAS SOUTH CENTRAL ZONE NO. 4204 STATE PLANE GRID COORDINATES (NAD83) AND MAY BE BROUGHT TO SURFACE BY APPLYING THE FOLLOWING COMBINED SCALE OF 1.00013789. 4. BOUNDARY CLOSURE CALCULATIONS, THE MINIMUM OF WHICH SHALL BE 1:15,000. 5. SURVEY MONUMENTS SHALL BE SET TO THE STANDARDS OF THE TEXAS SOCIETY OF PROFESSIONAL LAND SURVEYING PRACTICES ACT AND THE GENERAL RULES OF PROCEDURES AND PRACTICES OF THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING AND SHALL BEAR REFERENCE CAPS AS INDICATED. 6. ALL INTERIOR MONUMENTS SHALL BE SET AFTER CONSTRUCTION OF UTILITIES AND PAVEMENT, AND AFTER LOTS ARE PROPERLY GRADED. LOT CORNERS WILL BE SET 5/8" IRON RODS WITH PLASTIC CAPS STAMPED "ELS". 7. BENCHMARK SHOWN HEREON ARE BASED ON TXDOT MONUMENT HV-79C, LOCATED IN THE MEDIAN OF S.H. 288 APPROXIMATELY 125 FEET +/- SOUTH OF C.R. 58 WITH A PUBLISHED ELEVATION OF 49.31 FEET, NAVD 88, 1991 ADJUSTMENT. 8. THIS TRACT OF LAND LIES WITHIN UNSHADED ZONE "X", AREAS DEFINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN, ACCORDING TO F.E.M.A. FLOOD INSURANCE RATE MAPS NO. 48039C010K, DATED DECEMBER 30, 2020 AND 48039C010SK, DATED DECEMBER 30, 2020. 9. EACH LOT SHALL BE RESTRICTED TO A SINGLE-FAMILY RESIDENTIAL USE. 10. SINGLE FAMILY RESIDENTIAL SHALL MEAN THE USE OF A LOT WITH ONE BUILDING FOR AND CONTAINING NOT MORE THAN TWO SEPARATE UNITS WITH FACILITIES FOR LIVING, SLEEPING, COOKING AND EATING THEREIN. A LOT UPON WHICH IS LOCATED A FREE-STANDING BUILDING CONTAINING ONE DWELLING UNIT AND A DETACHED SECONDARY DWELLING UNIT OF NOT MORE THAN 900 SQ. FT. ALSO SHALL BE CONSIDERED SINGLE FAMILY RESIDENTIAL. A BUILDING THAT CONTAINS ONE DWELLING UNIT ON ONE LOT THAT IS CONNECTED BY A PARTY WALL TO ANOTHER BUILDING CONTAINING ONE DWELLING UNIT ON AN ADJACENT LOT SHALL BE SINGLE FAMILY RESIDENTIAL. 11. ALL BUILDING LINES (BL) ALONG THE RIGHT-OF-WAY ARE AS SHOWN HEREON. 12. ONE FOOT RESERVE DEDICATED TO THE PUBLIC IN FEE AS A BUFFER SEPARATION BETWEEN THE SIDE OR ENDS OF STREETS WHERE SUCH STREETS ABUT ADJACENT PROPERTY; THE CONDITION OF SUCH DEDICATION BEING THAT WHEN THE ADJACENT PROPERTY IS SUBDIVIDED IN A RECORDED PLAT THE ONE FOOT RESERVE SHALL THEREUPON BECOME VESTED IN THE PUBLIC FOR STREET RIGHT-OF-WAY PURPOSES AND THE FEE TITLE THERETO SHALL REVERT TO AND REVEST IN THE DEDICATOR, HIS HEIRS, ASSIGNS, OR SUCCESSORS. 13. ALL EASEMENT ARE CENTERED ON LOT LINES UNLESS SHOWN OTHERWISE. 14. ALL OFF-SITE UTILITY EASEMENTS TO BE DEDICATED BY SEPARATE INSTRUMENT PRIOR TO RECORDEATION. 15. ABSENT WRITTEN AUTHORIZATION BY THE AFFECTED UTILITIES, ALL UTILITY AND AERIAL EASEMENTS MUST BE KEPT UNOBSTRUCTED FROM ANY NON-UTILITY IMPROVEMENTS OR OBSTRUCTIONS BY THE PROPERTY OWNER. ANY UNAUTHORIZED IMPROVEMENTS OR OBSTRUCTIONS MAY BE REMOVED BY ANY PUBLIC UTILITY AT THE PROPERTY OWNER'S EXPENSE. WHILE WOODEN POSTS AND PANELED WOODEN FENCES ALONG THE PERIMETER AND BACK TO BACK EASEMENTS AND ALONGSIDE REAR LOT LINES ARE PERMITTED, THEY TOO MAY BE REMOVED BY THE PUBLIC UTILITIES AT THE PROPERTY OWNER'S EXPENSE SHOULD THEY BE AN OBSTRUCTION. PUBLIC UTILITIES MAY PUT SAID WOODEN POSTS AND PANELED WOODEN FENCES BACK UP, BUT GENERALLY WILL NOT REPLACE WITH NEW FENCING. 16. THERE ARE PIPELINES OR PIPELINE EASEMENTS THROUGH THIS SUBDIVISION AND ARE SHOWN HEREON. 17. ALL DRAINAGE EASEMENTS SHOWN HEREON SHALL BE KEPT CLEAR OF FENCES, BUILDINGS, FOUNDATIONS, PLANTINGS AND OTHER OBSTRUCTIONS FOR THE OPERATION AND MAINTENANCE OF DRAINAGE FACILITIES. 18. SLAB ELEVATIONS (FINISHED FLOOR) SHALL BE SET AT OR ABOVE THE MINIMUM SLAB ELEVATIONS DEFINED. 19. ALL PROPERTY SHALL DRAIN INTO THE DRAINAGE EASEMENT ONLY THROUGH AN APPROVED DRAINAGE STRUCTURE. 20. ALL STORM WATER DRAINAGE PIPES, CULVERTS, OR OTHER (INCLUDES DRIVEWAY CULVERTS) WILL BE A MINIMUM 24" I.D. OR EQUIVALENT. 21. ALL STORM SEWERS WILL BE MAINTAINED BY BRAZORIA COUNTY M.U.D. NO. 32. 22. THIS SUBDIVISION EMPLOYS A DRAINAGE SYSTEM, WHICH UTILIZES STREETS AND ADJACENT PROPERTIES WITHIN THE SUBDIVISION PLAT BOUNDARY TO STORE AND CONVEY STORM WATER. THUS, DURING STORM EVENTS, FLOODING OF WATER SHOULD BE EXPECTED TO OCCUR IN THE SUBDIVISION. 23. ALL LOTS SHALL HAVE ADEQUATE WASTEWATER FACILITIES. 24. ALL WATER AND WASTEWATER FACILITIES SHALL CONFORM TO THE CITY OF IOWA COLONY'S ENGINEERING DESIGN CRITERIA MANUAL. 25. EACH LOT SHALL PROVIDE A MINIMUM OF TWO OFF-STREET PARKING SPACES PER DWELLING UNIT ON EACH LOT. IN THOSE INSTANCES WHERE A SECONDARY UNIT IS PROVIDED ONLY ONE ADDITIONAL SPACE SHALL BE PROVIDED. 26. SIDEWALKS MUST BE CONSTRUCTED AS PART OF THE ISSUANCE OF A BUILDING PERMIT FOR EACH LOT. 27. A MINIMUM OF 5 FOOT WIDE SIDEWALKS SHALL BE REQUIRED ALONG STREETS AND SHALL CONFORM TO THE CITY OF IOWA COLONY'S ENGINEERING DESIGN CRITERIA MANUAL. 28. ALL STREETS SHALL BE CONSTRUCTED IN ACCORDANCE WITH CITY OF IOWA COLONY'S ENGINEERING DESIGN CRITERIA MANUAL. 29. OWNER WILL PROVIDE STREET NAME SIGNS AND TRAFFIC CONTROL DEVICES IN ACCORDANCE WITH THE TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES. 30. FINAL PLAT WILL EXPIRE TWO (2) YEARS AFTER FINAL APPROVAL BY COUNCIL, IF CONSTRUCTION OF THE IMPROVEMENTS HAS NOT COMMENCED WITHIN THE TWO-YEAR INITIAL PERIOD OR THE ONE-YEAR EXTENSION PERIOD GRANTED BY COUNCIL. 31. THE PLAT IS SUBJECT TO THE REQUIREMENTS OF SIERRA VISTA DEVELOPMENT AGREEMENT BETWEEN THE CITY OF IOWA COLONY AND LAND TEXAS SIERRA VISTA, LLC. 32. THIS SUBDIVISION CONTAINS ONE OR MORE PERMANENT ACCESS EASEMENTS THAT HAVE NOT BEEN DEDICATED TO THE PUBLIC OR ACCEPTED BY THE CITY OF IOWA COLONY OR ANY OTHER LOCAL GOVERNMENT AGENCY AS PUBLIC RIGHTS-OF-WAY. THE CITY OF IOWA COLONY HAS NO OBLIGATION, NOR DOES ANY OTHER LOCAL GOVERNMENT AGENCY HAVE ANY OBLIGATION, TO MAINTAIN OR IMPROVE ANY PERMANENT ACCESS EASEMENT WITHIN THE SUBDIVISION, WHICH OBLIGATION SHALL BE THE SOLE RESPONSIBILITY OF THE OWNERS OF PROPERTY IN THIS SUBDIVISION.

Reserve Area Table with columns: Reserve Letter, Area (Sq Ft), Area (Ac), Usage Restricted To. Lists reserves A through E and a TOTAL.

Block 1, Block 2, Block 3 table with columns: Lot No., Min Slab Elev., Lot No., Min Slab Elev., Lot No., Min Slab Elev. Lists lot numbers and elevations for each block.



ABBREVIATIONS: AE= AERIAL EASEMENT, DE= DRAINAGE EASEMENT, PAE= PRIVATE ACCESS EASEMENT, PUE= PUBLIC UTILITY EASEMENT, SSE= SANITARY SEWER EASEMENT, STM SE= STORM SEWER EASEMENT, LVE= UNOBSTRUCTED VISIBILITY EASEMENT, UE= UTILITY EASEMENT, WLE= WATER LINE EASEMENT, BL= BUILDING LINE, PVT= PRIVATE, ROW= RIGHT-OF-WAY, BCCF= BRAZORIA COUNTY CLERK'S FILE, BCCR= BRAZORIA COUNTY DEED RECORDS, BCCP= BRAZORIA COUNTY MAP RECORDS, BCCPR= BRAZORIA COUNTY OFFICIAL PUBLIC RECORDS, CAB= CABINET SHEET, SHT= SHEET, VOL= VOLUME, PG.= PAGE, FND= FOUND, IR= IRON ROD, S= SET 5/8" IRON ROD W/ CAP, E= EXISTING 5/8" IRON ROD W/ CAP, SC= STREET NAME CHANGE.

FINAL PLAT STERLING LAKES NORTH SEC 8. A SUBDIVISION OF 22.19 ACRES OF LAND OUT OF THE J.S. TALMAGE SURVEY, ABSTRACT NO. 561 (ALSO KNOWN AS THE H.T. & B.R.R. CO. SURVEY, SECTION 68, ABSTRACT NO. 561) BRAZORIA COUNTY, TEXAS. 90 LOTS 5 RESERVES 3 BLOCKS APRIL 25, 2024. OWNER/ DEVELOPER: ASTRO STERLING LAKES NORTH, LP., a Delaware Limited Partnership C/O STARWOOD AND ADVISORS 6310 CAPITAL DRIVE, SUITE 130 LAKEWOOD RANCH, FLORIDA 34202 JOSH WADLEY (713) 783-6702.

- BCDD4 Standard District Notes: 1. Any governmental body for purposes of drainage work may use drainage easements and fee strips provided the DISTRICT is properly notified. 2. Permanent structures, including fences and permanent landscaping, shall not be erected in a drainage easement, access easement, or fee strip. 3. Maintenance of detention facilities is the sole responsibility of the owner of the property. The DISTRICT will provide maintenance of regional facilities owned and constructed by the DISTRICT, or sub regional facilities constructed by developer(s) for which ownership has been transferred to the DISTRICT with the DISTRICT'S approval. The DISTRICT is responsible only for the maintenance of facilities owned by the DISTRICT unless the DISTRICT specifically contracts or agrees to maintain other facilities. 4. Contractor shall notify the DISTRICT'S Inspector at least forty-eight (48) hours before beginning work and twenty-four (24) hours before placing any concrete. 5. The DISTRICT'S personnel shall have the right to enter upon the property for inspection at any time during construction or as may be warranted to ensure the detention facility and drainage system are operating properly. 6. Appropriate cover for the side slopes, bottom, and maintenance berm shall be established prior to acceptance of the construction by the DISTRICT. At least 95% germination of the grass must be established prior to acceptance of construction by the DISTRICT. 7. Any future development of this property must be in conformance with the DISTRICT'S Rules, Regulations & Guidelines. 8. The DISTRICT'S approval of the Final Drainage Plan (and Final Plat if required) does not affect the property rights of third parties. The developer is responsible for obtaining and maintaining any one all easements, fee strips, and/or any other rights-of-way across third parties' properties for purposes of moving excess runoff to the DISTRICT'S drainage facilities as contemplated by the Final Drainage Plan and Final Plat. 9. Drainage Easements shall be used only for the purposes of constructing, operating, maintaining, repairing, replacing, and reconstructing of a drainage facility, and any and all related equipment and facilities together with any and all necessary incidentals and appurtenances thereto in, upon, over, across, and through the Easement Area. The DISTRICT'S successors, assigns, agents, employees, workmen, and representatives shall all present and future times, have the right and privilege of ingress and egress in, upon, over, across, and through the Easement Area. 10. Access Easements shall be used for ingress and egress to the DISTRICT'S drainage facilities and shall be kept clear of any and all obstructions. 11. An As-Built Certificate and As-Built Survey are required to be submitted to the DISTRICT before a Certificate of Compliance can be issued. Contact the DISTRICT'S Inspector for further clarification. 12. All drainage plans and plats shall be in conformance with the DISTRICT'S Rules, Regulations & Guidelines. Board approval of a drainage plan or plat does not constitute permission to deviate. Deviation from the DISTRICT'S Rules, Regulations & Guidelines is only authorized and allowed by a separate Request for Variance which was approved by the Board. Any Board approved variance shall be referenced on the plan cover page and on the appropriate sheet where applicable. The use of the term "Guidelines" herein does not affect the mandatory nature of these Rules, Regulations & Guidelines. 13. Brazoria County MUD No. 32 will be responsible for the maintenance of the drainage/detention shown on this plat.

ENGINEER/ SURVEYOR: ELEVATION land solutions. TPBE REGISTRATION NUMBER F-22671 6700 LAKEVIEW BLVD, SUITE 200 THE WOODLANDS, TX 77380 832-823-2200 TBPB REGISTRATION NUMBER 10194692.

STATE OF TEXAS §
COUNTY OF BRAZORIA §

A METES & BOUNDS description of a certain 22.19 acre (966,798 square feet) tract of land situated in the J.S. Talmage Survey, Abstract No. 561 (also known as the H.T. & B.R.R. Co. Survey, Section 68, Abstract No. 561), in Brazoria County, Texas, being a portion of a called 127.270 acre tract conveyed to Astro Sterling Lakes North, L.P., a Delaware limited partnership, by deed recorded in Clerk's File No. 2022025939, Brazoria County Official Public Records; said 22.19 acre (966,798 square feet) tract of land being more particularly described as follows with all bearings being based on the Texas Coordinate System, South Central Zone, NAD 83:

BEGINNING at a 3/4-inch iron pipe found, being the northwest corner of said called 127.270 acre tract, being the southwest corner of a called 10,000 acre tract conveyed to Blas Eduardo Garcia by deed recorded in Clerk's File No. 2022045402, Brazoria County Official Public Records, and being on the east line of a called 306.158 acre tract (Parcel 3) conveyed to 608 Colony Investments, LTD., a Texas limited partnership, by deed recorded in Clerk's File No. 2021062781, Brazoria County Official Public Records, and being the northwest corner of the herein described tract;

THENCE, North 86°44'59" East, along the north line of said called 127.270 acre tract, 8.64 feet to a 5/8-inch iron rod (with cap stamped "ELS") set, from which a 5/8-inch iron rod (with cap) found bears North 86°44'59" East, continuing along the north line of said called 127.270 acre tract, 1,311.44 feet, being the northerly northeast corner of said called 127.270 acre tract and being the interior southwest corner of a called 60,001 acre tract conveyed to Micheal J. Gentry by deed recorded in Clerk's File No. 2020011282, Brazoria County Official Public Records;

THENCE, over and across said called 127.270 acre tract, the following sixteen (16) courses and distances:

- 1. South 42°30'21" East, 1,004.04 feet to a 5/8-inch iron rod (with cap stamped "ELS") set;
2. South 03°11'33" East, 38.04 feet to a 5/8-inch iron rod (with cap stamped "ELS") set;
3. South 86°48'27" West, 86.18 feet to a 5/8-inch iron rod (with cap stamped "ELS") set;
4. South 03°11'33" East, 60.00 feet to a 5/8-inch iron rod (with cap stamped "ELS") set;
5. North 86°48'27" East, 50.01 feet to a 5/8-inch iron rod (with cap stamped "ELS") set;
6. South 02°08'36" East, 227.22 feet to a 5/8-inch iron rod (with cap stamped "ELS") set;
7. South 61°32'50" East, 31.62 feet to a 5/8-inch iron rod (with cap stamped "ELS") set, being the beginning of a curve to the left;
8. Along said curve to the left in a southeasterly direction, with a radius of 50.00 feet, a central angle of 135°14'47", an arc length of 118.02 feet, and a chord bearing South 39°10'13" East, 92.47 feet to a 5/8-inch iron rod (with cap stamped "ELS") set;
9. South 03°11'33" East, 221.40 feet to a 5/8-inch iron rod (with cap stamped "ELS") set;
10. South 86°48'27" West, 138.08 feet to a 5/8-inch iron rod (with cap stamped "ELS") set;
11. South 03°11'33" East, 60.00 feet to a 5/8-inch iron rod (with cap stamped "ELS") set;
12. North 86°48'27" East, 25.77 feet to a 5/8-inch iron rod (with cap stamped "ELS") set, being the beginning of a curve to the right;
13. Along said curve to the right in a southeasterly direction, with a radius of 25.00 feet, a central angle of 90°00'00", an arc length of 39.27 feet, and a chord bearing South 48°11'33" East, 35.36 feet to a 5/8-inch iron rod (with cap stamped "ELS") set;
14. South 03°11'33" East, 390.00 feet to a 5/8-inch iron rod (with cap stamped "ELS") set, being the beginning of a curve to the right;
15. Along said curve to the right in a southwesterly direction, with a radius of 30.00 feet, a central angle of 90°00'00", an arc length of 47.12 feet, and a chord bearing South 41°48'27" West, 42.43 feet to a 5/8-inch iron rod (with cap stamped "ELS") set;
16. South 86°48'27" West, 577.86 feet to a 5/8-inch iron rod (with cap stamped "ELS") set, being the southwest corner of the herein described tract, being on the west line of said called 127.270 acre tract, and being on the east line of a called 40 acre tract conveyed to E.R.M. Holdings, Inc., a Texas corporation, by deed recorded in Clerk's File No. 2015023061, Brazoria County Official Public Records, from which a 5/8-inch iron rod (with cap) found bears South 02°54'33" East, along the west line of said called 127.270 acre tract, and along the east line of said called 40 acre tract, 30.00 feet, being on the north right-of-way line of Bullard Road, a generally recognized public road (no record found; 60 feet wide as occupied);

THENCE, North 02°54'33" West, along the west line of said called 127.270 acre tract, 1,919.88 feet to the POINT OF BEGINNING, CONTAINING 22.19 acres (966,798 square feet) of land in Brazoria County, Texas, filed in the offices of Elevation Land Solutions in The Woodlands, Texas.

BRAZORIA DRAINAGE DISTRICT NO. 4 SIGNATURE BLOCK

APPROVED BY BOARD OF COMMISSIONERS ON _____

Brazoria Drainage District No. 4 _____

District Engineer _____

THE SIGNATURES ABOVE ARE EVIDENCE THAT THE DISTRICT'S BOARD OF COMMISSIONERS APPROVED THIS SUBMISSION ON THE DATE PROVIDED ABOVE BASED UPON THE RECOMMENDATION OF THE DISTRICT'S ENGINEER WHO HAS REVIEWED THE SHEETS PROVIDED AND FOUND THEM TO BE IN GENERAL COMPLIANCE WITH THE DISTRICT'S "RULES, REGULATIONS, AND GUIDELINES". THE APPROVAL OF A FINAL DRAINAGE PLAN OR REQUEST FOR VARIANCE WILL TYPICALLY EXPIRE ONE YEAR AFTER THE DATE OF BOARD APPROVAL. THE APPROVAL OF A DRAINAGE IMPACT ANALYSIS, MASTER DEVELOPMENT PLAN, OR FINAL PLAT WILL TYPICALLY EXPIRE TWO YEARS AFTER THE DATE OF APPROVAL. SEE SECTION 12 IN THE DISTRICT'S RULES, REGULATIONS, AND GUIDELINES FOR ADDITIONAL INFORMATION REGARDING THE EXPIRATION OF APPROVALS. AFTER EXPIRATION, RE-APPROVAL IS REQUIRED. PLEASE NOTE THAT THE DISTRICT APPROVAL DOES NOT NECESSARILY MEAN THAT ALL INFORMATION IN THE SUBMITTAL HAS BEEN CHECKED AND VERIFIED. IN THE EVENT OF ANY CONFLICT OR INCONSISTENCY BETWEEN THE DISTRICT'S "RULES, REGULATIONS, AND GUIDELINES" AND THIS APPROVED SUBMITTAL, THE DISTRICT'S "RULES, REGULATIONS, AND GUIDELINES" SHALL PREVAIL. ANY BOARD APPROVED DEVIATIONS FROM DISTRICT CRITERIA SHALL BE ITEMIZED ON THE COVER PAGE AND OTHER APPROPRIATE SHEETS. ANY SUBMITTAL PREPARED BY A PROFESSIONAL ENGINEER OR PROFESSIONAL LAND SURVEYOR HAS TYPICALLY BEEN SIGNED AND SEALED BY THAT LICENSED PROFESSIONAL. THAT SIGNATURE AND SEAL CONVEYS RESPONSIBILITY AND ACCOUNTABILITY TO THAT ENGINEER OR SURVEYOR.

BDD4 REF ID#: ____24-000087_____

STATE OF TEXAS §
COUNTY OF BRAZORIA §

We, ASTRO STERLING LAKES NORTH, L.P., A DELAWARE LIMITED PARTNERSHIP, acting by and through Brian Stidham, Authorized Person, being an officer of ASTRO STERLING LAKES NORTH GP, LLC, a Delaware Limited Liability Company, its General Partner, owners of the property subdivided in this plat (hereinafter referred to as "Owner") of the 22.19 Acre tract described in the above and foregoing map of STERLING LAKES NORTH SEC 8, do hereby make and establish said subdivision and development plan of said property according to all lines, dedications, restrictions, and notations on said maps or plat and hereby dedicate to the use of the public forever, all streets (except those streets designated as private streets, or permanent access easements), alleys, parks, water courses, drains, easements and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title on the land so dedicated.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional eleven feet, six inches (11'-6") for ten feet (10'-0") perimeter ground easements or seven feet, six inches (7'-6") for fourteen feet (14'-0") perimeter ground easements or five feet, six inches (5'-6") for sixteen feet (16'-0") perimeter ground easements, from a plane sixteen feet (16'-0") above the ground level upward, located adjacent to and adjoining said public utility easements that are designated with aerial easements (U.E. and A.E.) as indicated and depicted hereon, whereby the aerial easement totals twenty one feet, six inches (21'-6") in width.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional ten feet (10'-0") for ten feet (10'-0") back-to-back ground easements, or eight feet (8'-0") for fourteen feet (14'-0") back-to-back ground easements or seven feet (7'-0") for sixteen feet (16'-0") back-to-back ground easements, from a plane sixteen feet (16'-0") above ground level upward, located adjacent to both sides and adjoining said public utility easements that are designated with aerial easements (U.E. and A.E.) as indicated and depicted hereon, whereby the aerial easement totals thirty feet (30'-0") in width.

FURTHER, owners do hereby certify that we are the owners of all property immediately adjacent to the boundaries of the above and foregoing subdivision of STERLING LAKES NORTH SEC 8, where building setback lines or public utility easements are to be established outside the boundaries of the above and foregoing subdivision and do hereby make and establish all building setback lines and dedicate to the use of the public, all public utility easements shown in said adjacent acreage.

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat is hereby restricted to prevent the drainage of any septic tanks into any public or private street, permanent access easement, road or alley, or any drainage ditch, either directly or indirectly.

FURTHER, Owners do hereby dedicate to the public a strip of land fifteen feet (15'-0") wide on each side of the center line of any and all bayous, creeks, gullies, ravines, draws, sloughs, or other natural drainage courses located in said plat, as easements for drainage purposes, giving the City of Iowa Colony, Brazoria County, or any other governmental agency, the right to enter upon said easement at any and all times for the purposes of construction and maintenance of drainage facilities and structures.

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek, or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences, buildings, planting and other obstructions to the operation and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement except by means of an approved drainage structure.

IN TESTIMONY WHEREOF, the ASTRO STERLING LAKES NORTH, L.P., a Delaware limited partnership, has caused these presents to be signed by Brian Stidham, Authorized Person, being an officer of ASTRO STERLING LAKES NORTH GP, LLC, a Delaware limited liability company, its General Partner, thereunto authorized this ____ day of _____, 20____

ASTRO STERLING LAKES NORTH, L.P.,
A Delaware limited partnership
By: ASTRO STERLING LAKES NORTH GP, LLC,
a Delaware limited liability company,
its General Partner

By: _____
Brian Stidham, Authorized Person

This plat is hereby APPROVED by the City of Iowa Colony City Council, this ____ day of _____, 20____.

Wil Kennedy
Mayor

McLean Barnett

Arnetta Hicks-Murray

Marquette Greene-Scott

Tim Varlack

Sydney Hargroder

Kareem Boyce

This plat is hereby APPROVED by the City of Iowa Colony Planning and Zoning Commission, this ____ day of _____, 20____.

David Hurst
Chairman

Warren Davis

Les Hosey

Robert Wall

Brenda Dillon

Brian Johnson

Terry Hayes

STATE OF TEXAS §
COUNTY OF BRAZORIA §

Before me, the undersigned authority, on this day personally appeared Brian Stidham, Authorized Person, being an officer of ASTRO STERLING LAKES NORTH GP, LLC, a Delaware Limited Liability Company, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ Day of _____, 20____

Notary Public in and for the State of Texas

Printed Name: _____

My Commission expires _____

I, Paul R. Bretherton, am authorized (or registered) under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and accurate; was prepared from an actual survey of the property made under my supervision on the ground; that, except as shown all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or other objects of a permanent nature) pipes or rods having an outside diameter of not less than five eighths (5/8) inch and a length of not less than three (3) feet; and that the plat boundary corners have been tied to the Texas Coordinate System of 1983, south central zone.

Preliminary, this document shall not be recorded for any purpose and shall not be used or relied upon as a final survey document.

Paul R. Bretherton
Texas Registration No. 5977

This plat is hereby APPROVED by the City of Iowa Colony City Engineer, this ____ day of _____, 20____.

Dinh V. Ho, P.E.

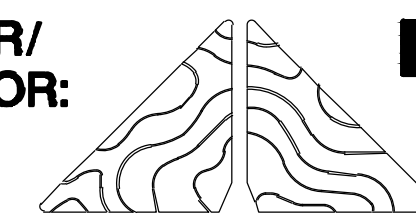
FINAL PLAT
STERLING LAKES NORTH
SEC 8

A SUBDIVISION OF 22.19 ACRES OF LAND
OUT OF THE
J.S. TALMAGE SURVEY, ABSTRACT NO. 561 (ALSO
KNOWN AS THE H.T. & B.R.R. CO. SURVEY, SECTION 68,
ABSTRACT NO. 561)
BRAZORIA COUNTY, TEXAS

90 LOTS 5 RESERVES 3 BLOCKS
APRIL 25, 2024

OWNER/
DEVELOPER: ASTRO STERLING LAKES NORTH, L.P.,
a Delaware Limited Partnership
c/o STARWOOD LAND ADVISORS
6310 CAPITAL DRIVE, SUITE 130
LAKEWOOD RANCH, FLORIDA 34202
JOSH WADLEY
(713) 783-6702

ENGINEER/
SURVEYOR: ELEVATION
land solutions
TBPE REGISTRATION NUMBER F-22671
9709 LAKESIDE BLVD, SUITE 200
THE WOODLANDS, TX 77380-8233-2000
TBPS REGISTRATION NUMBER 10194692



MEMORANDUM

Date: May 1, 2024
To: Mayor & Councilmembers
From: Dinh V. Ho, P.E.
RE: Alliance Realty Partners, LLC, Sierra Vista – 383 Investments, LLC
Staff's Summary and Recommendations
CC: Robert Hemminger, Kayleen Rosser

Alliance Realty Partners, LLC is proposing development of a 13.51-acre tract, a multifamily development on the east side of Karsten Blvd., at Mt. Emerson Drive. The development is part of the previously approved mixed-use development agreement (Amendment to Development Agreement on Sterling Lakes and Sierra Vista), approved by City Council in August 2022.

The proposed development includes 13.51 acres of land situated in Section 51 of the H.T. & B.R.R. Co. Survey, Abstract No. 288, Brazoria County, Texas.

The development consists of 13.51 acres of the +/-45 acres mixed use development.

Proposed Multifamily Summary

- i) Total acreage: 13.51 acres (one tract)
- ii) Proposing a total of 297 units, mixture of Efficiency, 1BD and 2BD units.
- iii) Density: 22 units/acre – Consistent with Plan of Development
- iv) Apartments for the entire 13.51-acre tract

If City Council chooses to allow for multifamily, staff recommends approval subject to the following, in addition to the requirements of the Sierra Vista/Sterling Lakes Plan of Development.

- (1) The proposed development is the max 22 units/acre allowed in the Plan of Development, therefore consistent with the POD.
- (2) All surface parking lots shall be screened from view of any adjacent public streets with a min 3' berm or landscape edge per POD.
- (3) All fencing shall be masonry or wrought iron. Fencing shall be subject to final approval.
- (4) Provide façade requirements to include masonry (as defined as brick, stone or stucco) on one hundred percent (100%) of first floor of building(s) and total of 60% overall. The façade and architectural features shall be in uniform with the Sierra Vista Development.
- (5) Require 25% of all spaces to be covered parking.

**AMENDMENT TO DEVELOPMENT AGREEMENTS ON
STERLING LAKES AND SIERRA VISTA
August 15, 2022**

I. PARTIES

This **AMENDMENT TO DEVELOPMENT AGREEMENTS FOR STERLING LAKES AND SIERRA VISTA** (this “Amendment”), is agreed by the following parties, herein collectively called “the Parties”:

A. CURRENT PARTIES, herein collectively called the “Current Parties”:

CITY OF IOWA COLONY, TEXAS, a municipal corporation and home rule city of the State of Texas (the “City”);

STERLING LAKES IOWA ASSOCIATES, a Texas joint venture (“SLIA”);

IOWA COLONY STERLING LAKES, LTD., a Texas limited partnership (“ICSL”);

LAND TEJAS STERLING LAKES SOUTH, L.L.C., a Texas limited liability company (“LTSL”) (LTSL, SLIA, and ICSL are collectively called the “Developer” herein);

MCALISTER OPPORTUNITY FUND 2012, L.P., a Delaware limited partnership (“McAlister”);

B. ADDITIONAL PARTIES

ASTRO STERLING LAKES NORTH, L.P. (“Astro SLN”) a Delaware limited partnership; and

ASTRO SIERRA VISTA, L.P. (“Astro SV”), A Delaware limited liability company;

II. EXISTING AGREEMENTS. DEFINITIONS

Unless otherwise specified, the terms “Agreement,” “Agreements,” “Development Agreement,” or “Development Agreements” herein shall mean all Agreements described herein, all prior amendments to any of them, and this amendment.

This document amends two Development Agreements: the Sterling Lakes Development Agreement; and the Sierra Vista Development Agreement; as described below.

A. STERLING LAKES DEVELOPMENT AGREEMENT

The term “Sterling Lakes Development Agreement” herein means all of the following agreements and this further amendment:

1. The City and Land Tejas Companies entered into that certain Development Agreement dated November 12, 2003, (the “Initial Agreement”), relating to the development of a tract of land described more fully therein. The Initial Agreement additionally provided for the creation, operation and annexation of the District, and the District ratified and approved the terms of the initial Agreement after its creation.

2. Subsequently, SLIA and ICSL succeeded Land Tejas Companies in interest in the land. Then the City, SLIA, ICSL, the District, and Land Tejas Companies, entered into that certain First Amendment to Development Agreement effective June 17, 2013, to provide for an amended Plan of Development and certain other terms.

3. The City, SLIA, ICSL, and the District then entered into the Second Amendment to Development Agreement effective September 15, 2014.

4. The City, SLIA, ICSL, and the District then entered into a further Amendment to Development Agreement effective July 19, 2021.

5. The parties wish to further amend the Sterling Lakes Development Agreement as herein stated.

B. SIERRA VISTA DEVELOPMENT AGREEMENT

The term “Sierra Vista Development Agreement” herein means all of the following agreements and this further amendment:

1. The City, LTSLs, and McAlister entered into that certain Development Agreement effective February 15, 2016, (the “Agreement”), for the development of the property therein described and including a Plan of Development for Sterling Lakes and Sierra Vista.

2. The parties to the Sierra Vista Development Agreement amended it effective February 15, 2021.

3. The parties to the Sierra Vista Development Agreement then entered into a further Amendment to Development Agreement effective July 19, 2021.

4. Now the parties wish to further amend the Sierra Vista Development Agreement as herein stated.

III. RECITALS

1. After the Current Parties executed the Development Agreements, Astro Sterling Lakes North, L.P. and Astro Sierra Vista, L.P. each acquired ownership of some of the land subject to the Development Agreements, and the Parties wish to make Astro Sterling Lakes North, L.P. and Astro Sierra Vista, L.P. parties to the Development Agreements as additional Developers. Astro SLN and Astro SV shall each have the rights and obligations of a Developer under the Development Agreements, as to the land they now own, respectively, regardless whether they later convey any of that land. Astro Sterling Lakes North, L.P. now owns the land described in the deed

to Astro Sterling Lakes North, L.P. from Iowa Colony Sterling Lakes, Ltd., recorded at County Clerk's File No. 2021084511 in the Official Records of Brazoria County, Texas. Astro Sierra Vista, L.P. now owns the land in the deed to Astro Sierra Vista, L.P. from Land Tejas Sterling Lakes South, L.L.C., recorded at County Clerk's File No. 2021084558 in the Official Records of Brazoria County, Texas.

2. Now the Parties also wish to amend the Development Agreements as herein stated.

III. AMENDMENTS TO AGREEMENTS

1. Astro Sterling Lakes North, L.P. and Astro Sierra Vista, L.P. are hereby made parties to the Development Agreements, as Developers, as to the land each of them now owns, respectively, as described above.

2. Exhibit B attached hereto is hereby substituted in its entirety for the Plan of Development in the prior versions of the Development Agreements.

3. The following is added to each of the Development Agreements as the last section of those Agreements:

“Section ____. Sales Tax. Except to the extent precluded by any existing contract, the Developer shall utilize, and cause its contractors to utilize, separated building materials and labor contracts for all taxable building materials related to the Development in the amount of One Thousand Dollars (\$1,000.00) or more, to site payment of the sales tax on building materials for the Development to the Property.”

4. The City of Iowa Colony, Texas makes the disclosures in this section.

- a. The landowner is not required to enter into this agreement.

- b. The City is authorized to annex the land in this document under Subchapter 43, C-3 of the Texas Local Government Code, subject to a request of the landowner, or pursuant to a strategic partnership agreement under Section 43.0751 of the Texas Local Government Code. The City already obtained such requests from the landowners at the times of the original Development Agreements, and the City already has such strategic partnership agreements.

- c. This paragraph is a plain-language description of the annexation procedures applicable to the land in this document, if the land is annexed by request of the landowner under Subchapter 43, C-3 of the Texas Local Government Code. If the land is taxed agriculturally, as wildlife habitat, or for timber production, then the City must offer a non-annexation agreement, and the annexation may not be completed unless the landowner rejects that offer. The City and the owner must make a municipal services agreement. The landowner must request the annexation in writing, which has already been done in connection with the original

Development Agreements. The City must hold a public hearing on the annexation, after giving notice of the hearing by publication in a newspaper and posting on the City's internet website. The City must also give notice of intent to annex to the school district with jurisdiction of the area to be annexed and to various public entities providing various services to the area to be annexed. The area may be annexed by a city ordinance at or after the conclusion of the public hearing.

d. This paragraph is a plain-language description of the annexation procedures applicable to the land in this document, if the land is annexed pursuant to a strategic partnership agreement under Section 43.0751 and Subchapter 43, C-1 of the Texas Local Government Code. The procedures are similar to those described above, except that the consent of the landowner is not required, and the City must make a municipal services plan instead of an agreement, and the annexation requires two public hearings instead of one.

e. The procedures for this annexation require either the landowner's consent or a strategic partnership agreement under Section 43.0751 of the Texas Local Government Code, and the City already has both.

f. This Agreement, if accepted by the landowner, constitutes a waiver of governmental immunity by the City for purposes of the enforcement of this Agreement.

4. The parties hereby reaffirm the Agreements in full, subject to the amendments herein, and the Agreements shall remain in full force and effect in accordance with their terms, subject to these amendments.

EXECUTED AND APPROVED to be effective as of **AUGUST 15, 2022.**

CITY OF IOWA COLONY

By: 
Michael Byrum-Bratsen, Mayor

ATTEST:


Kayleen Rosser, City Secretary

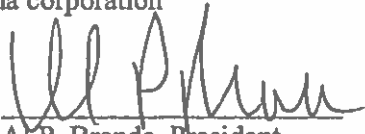


STERLING LAKES IOWA ASSOCIATES,
a Texas joint venture


By: Iowa Colony Sterling Lakes 274, Ltd.,
a Texas limited partnership,
Managing Joint Venture

GENERAL PARTNER:

L.T. MANAGEMENT, INC.
a Nevada corporation

By: 
Al P. Brende, President

LIMITED PARTNERS:


Al P. Brende, individually

L.T. PARTNERSHIP, LTD.
a Texas limited partnership

By: L.T. Management, Inc.
a Nevada corporation

By: 
Al P. Brende, President

Iowa Colony Sterling Lakes, Ltd,
a Texas limited partnership

GENERAL PARTNER:

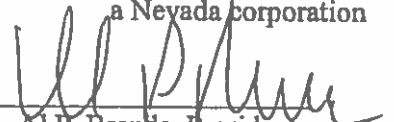
L.T. MANAGEMENT, INC.
a Nevada corporation

By: 
Al P. Brende, President

LIMITED PARTNERS:



Al P. Brende, individually

L.T. PARTNERSHIP, LTD.
a Texas limited partnership

By: L.T. Management, Inc.
a Nevada corporation

Al P. Brende, President

LAND TEJAS STERLING LAKES SOUTH, LLC,

a Texas limited liability company

By: 
AMP. Brende, Sole Manager

**MCALISTER OPPORTUNITY FUND
2012, L.P.,**
a Delaware limited partnership

By: MOF 2012 GP, LLC
a Delaware limited liability
company,
as its General Partner

By: 
Signature
Name: PAUL CONNOR
Title: Manager

Astro Sterling Lakes North LP

a Delaware limited partnership

By: Astro Sterling Lakes North GP LLC

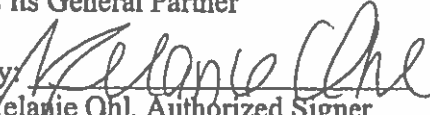
a Delaware limited liability company

It's General Partner

By: Melanie OHL
Name: Melanie OHL
Title: Authorized Signer

**ASTRO SIERRA VISTA, L.P., a
Delaware limited partnership**

By: Astro Sierra Vista GP, LLC,
a Delaware limited liability company,
as its General Partner

By: 
Melanie Ohl, Authorized Signer

ATTACHMENT:
AMENDED PLAN OF DEVELOPMENT FOR
STERLING LAKES
AND
SIERRA VISTA

EXHIBIT B
PLAN of DEVELOPMENT
Sterling Lakes at Iowa Colony
And
Sierra Vista

A. Introduction.

1. The property is comprised of 1,285.64 acres, consisting of residential and commercial uses with community facilities such as parks, lakes, trails, open space and other general public facilities.
2. This PD includes the following sections:
 - General Provisions
 - Land Uses
 - Development Regulations for Single Family Lots
 - Development Regulations for Townhouse residential, tri-plex and duplex units.
 - Development Regulations for Commercial Tracts not in the Town Center Sub-District
 - Development Regulations for Town Center
 - Parks, Recreation and Trails
 - School and Community Facility Sites
 - Landscape
 - Street Plan & Cross-Sections
 - Project Phasing
 - Architectural Entry / District Sign
 - Specific Conditions

B. General Provisions.

1. The PD approved herein must be constructed, developed, and maintained in compliance with this Agreement and other applicable ordinances of the City. If any provision or regulation of any City ordinance applicable in District MU (Mixed Use District) is not contained in this Agreement, all the regulations contained in the Development Code applicable to District MU in effect on the effective date of this Agreement apply to this PD as though written herein, except to the extent the City regulation or provision conflicts with a provision of this Agreement. In the event that there are discrepancies between the text of this document and the exhibits attached, the text shall prevail.

2. The project shall be developed in accordance with the following figures that are attached to and made part of this PD:

Figure 1:	<i>Boundary Exhibit</i>
Figure 1a:	<i>Jurisdiction Map</i>
Figure 2:	<i>General Development Plan</i>
Figure 2a:	<i>Town Center Sub-District</i>
Figure 3:	<i>Landscape and Open Space Plan</i>
Figure 4:	<i>Thoroughfare Exhibit</i>
Figure 5:	<i>Street cross section for Spine Road, (divided)</i>
Figure 6:	<i>Street cross section for Spine Road, (undivided)</i>
Figure 7:	<i>Pedestrian Cross Section and Detail</i>
Figure 8:	<i>Sterling Lakes North General Plan</i>
Figure 9:	<i>Phasing Plan of Development</i>

The project is located west of State Highway 288, between County Roads 573, Alloy Road and 64, Davenport Parkway. The property is within the William Pettus Survey, H.T. & B.R.R. Company Survey No. 68, 288, and 289, Brazoria County, Texas. As shown on [Figure 1a: Jurisdiction Map](#), parts of the proposed development lie within the City Limit, and part in the extra-territorial jurisdiction of the City of Iowa Colony.

3. A homeowners' association shall be established and made legally responsible to maintain all common areas, private streets, recreation reserves and community amenities not otherwise dedicated to the public. All land and facilities dedicated to a Municipal Utility District shall be maintained by said District.
4. All future building permits shall be reviewed for conformance with this PD.
5. Access to Valley Glen Road (SH 288 frontage road) shall be limited to one public street or private non-exclusive driveway. The spacing of the intersection to Valley Glen Road shall be a minimum 1,200 feet apart and shall connect to another public street or an internal driveway network to provide mutual use, non-exclusive access to multiple users.

An additional driveway connection to Valley Glen Road may be permitted no closer than 600 feet apart with the approval of the Planning Commission upon review of a Traffic Impact Analysis, TIA, prepared specifically for the commercial use(s) proposed fronting on Valley Glen Road. The TIA shall:

- Clearly show and distinguish between all existing, proposed and future facilities on the site
- Clearly delineate and distinguish between all existing and proposed traffic improvements, including turn lanes
- Show all applicable traffic counts at all existing and proposed intersections and driveways
- Provide comparative analysis of ingress, egress and trip distribution pre and post development with and without the proposed driveway intersections on Valley Glen Road.

C. Land Uses.

1. Permitted land uses for tracts identified as Single Family Residential (SFR) on [Figure 2](#) shall be those uses permitted within District SFR of the Zoning Ordinance.
2. Permitted land uses for the Commercial tract on [Figure 2](#) shall be those uses permitted within District MU of the Zoning Ordinance. Commercial may include multi-family residential, subject to City Council approval at the time multi-family is proposed for development. Any other commercial or non-residential use may be allowed, but only if the city council exercises its discretion to grant appropriate approval for said use.
 - (a) Multi-Family use is limited to two separate projects with each project containing no more than 300 units.
 - (b) No building or structure shall exceed 3 stories or 45 feet, subject to Fire Marshall review and approval
 - (c) There shall be no more than 22 units per net platted acre. Except that if all required parking is provided within a parking garage that is screened from view of any public street, there shall be no limit on density as long as the total number of units do not exceed 300 units
 - (d) At least 50% of all required parking shall be covered parking.
 - (e) All surface parking lots shall be screened from view of any adjacent public streets with a minimum 3 foot berm or landscape hedge
 - (f) A minimum 6% of the gross area of the site shall be required as landscaping.
3. Permitted land uses for the tracts identified as "Townhouse" on [Figure 2](#) shall be townhouse residential, tri-plex and duplex units.
4. Permitted land uses for the tracts within the Town Center Sub-District shall be those uses shown in the following table. Certain land uses are permitted only when developed under specific conditions as established in the Notes section of the [Table 1.0: Permitted Uses](#).

Table 1.0 – Permitted Uses:

Land Uses Permitted	2.Towncenter	3.Townhouse	Notes
Residential Land Uses			
Dwelling, Single Family Attached	X	X	
Dwelling, Single Family Detached	X	X	
Public and Civil Land			

Uses			
Wedding Venue	X		
Recreation and Entertainment			
Amusement and Recreational Services	X		
Other Spectator Sports, incl. rental concessions	X		
Other Reservation Services	X		
Auditorium/ Indoor performance Venue	X		
Membership Sports and Recreation Club	X		
Medical Land Uses			
Clinic	X		
Medical, Dental & Optical Retail Sales	X		
Medical, Dental Office	X		
Optician Shop	X		
Motor Vehicle/Transportation			
Auto Service Station	X		
Bicycle Sales, Repairs & Hire	X		
Recreational Vehicle Rental	X		
Recreation Vehicle and Boat Sales	X		
Professional Services			
Bank, Savings and Loan Association, Financial Institution	X		Note 1.
Office, Business	X		
Office, Professional	X		
Office, Real Estate Development Tract or Field Office	X		
Commercial, Retail, Personal Services			
Antique Shop	X		
Apparel Alteration and Retail or Tailor Shop	X		

Art Gallery	X		
Arts, Crafts and Hobby Shop	X		
Bakery, Retail Confectionery	X		Note 3
Barbershop, Beauty Salon, other Personal Shop	X		
Catering Service	X		
Convenience Store, without Fuel Sales	X		
Convenience Store, with Fuel Sales	X		Note 7
Department Store	X		Note 4
Farmers' Market, Outdoor	X		
Furniture, Fixture & Appliance Store	X		
Gift Shop including Florist	X		
Grocery Store	X		
Grocery Store, with Fuel Sales	X		Note 7
Health Club	X		
Hobby Studio, Private	X		
Hotel, Motel	X		Note 8
Kiosk	X		
Laundry, Dry Cleaning Pickup & Receiving Station	X		Note 5
Liquor Store, Packaging Sales	X		
Meat Market (includes Seafood)	X		
Mobile Food Unit	X		
Music Store	X		
Office Supply Store	X		
Pet Shop	X		
Pharmacy	X		
Restaurant	X		
Restaurant, Drive-in/Drive-thru	X		
Restaurant, Refreshment Stand (temporary or	X		

Seasonal)			
Tanning Studio	X		
Tobacco Shop	X		
Manufacturing and Industrial			
Art & Craft Production	X		
Accessory Use			
Accessory Building	X	x	Note 9
Temporary uses during construction. Including a "sales trailer" or "construction office"	X	X	

Notes: Uses within the Town center sub-district must be developed in compliance with the following conditions:

1. Functions Closely Related to Banking excludes check cashing, credit access businesses, and motor vehicle title loans (as defined in Chapter 393 of the Texas Financial Code).
2. Subject to a maximum of 10,000 square feet gross leasable area per establishment.
3. Subject to a maximum of 20,000 square feet gross leasable area per establishment.
4. Subject to a maximum of 35,000 square feet of gross leasable area per establishment.
5. For Laundry, Dry Cleaning Pickup & Receiving Station, rear doors must be screened by masonry screening walls that are a minimum 6 feet in height.
6. Limited to office with no outdoor storage on site or overnight parking.
7. Conditions for Gasoline Sales:
 - (a) Recessed lighting under the pump station canopy and in fixtures throughout the site.
 - (b) There shall be no outdoor speakers, except those required by law at pump stations.

- (c) Fueling canopy columns shall be 100% of the following two materials: brick and/or stone.
- (d) Canopy roofs over the pump dispensers shall have a pitched roof.
- (e) Fueling canopy and columns may encroach into required pipeline setbacks up to 15' while fuel pumps must remain outside the pipeline setback.
- (f) At least one pump island shall include alternative fuel dispensing positions, including electrical vehicle charging station is required.
- (g) Minimum landscaping buffering to include:
 - i. Hedges of at least three feet in height at time of planting screening the entire parking lot perimeter.
 - ii. Trees of at least three inches in diameter and eight feet in height at the time of planting for every 50 feet of parking lot perimeter, except street trees.

8. Conditions for Hotel:

- (a) Entrance through exterior doors must be secured and accessible only to guests and employees.
- (b) Hotel management must be on-site 24 hours each day; Prohibit overnight parking of trucks with more than two axles and recreational vehicles in the hotel's parking lot and parking garage, erect signs in compliance with Chapter 2308 of the Texas Occupations Code stating those vehicles will be towed from the hotel property.
- (c) Delivery service areas must be screened from the view of any right-of-way or residential area by masonry walls.

9. Accessory uses, include uses which are subordinate to and incidental to the principal uses, including:

- Private garage;
- Swimming pool;
- One storage building per residence, not exceeding 225 square feet in floor area or 12 feet in height;
- Cabana, pavilion or roofed area;
- Meeting, party and/or social rooms; and
- Tennis courts and other recreational facilities, as an accessory to the principal use.
- Paved automobile parking lots incidental to the principal use

- 5. Within the boundary of the proposed Plan of Development, a minimum 5% of the total project acreage (65 acres) will be required for Parks/Recreation/Open Space.

In addition, approximately 20 acres of land located outside the boundary of the Plan of Development shall be dedicated to the City as public park area. Land used for public park area shall have a minimum frontage of 60 feet on a public street. Portions of open space that do not have any additional man-made improvements provided by the developer, such as hiking/running trail, benches or shelters that facilitate an active human recreational role will not be considered contributing to the minimum public park area requirement.

Contributing open space areas must be adjacent to and/or have frontage on public street right-of-way. Landscape buffers adjacent to public street right-of-way must be at least fifteen (15) feet wide and contain an average density of (1) tree, a minimum caliper of one and one-half inch (1-1/2") for every thirty (30') feet of street frontage, or portion thereof, measured along the street-facing lot line in order to count to contributing open space. The trees may be clustered or spaced linearly; they need not be placed evenly.

6. Should the surface rights of any designated drill sites revert to the private land owner, and that land owner desires to sell that land, the City will have the first right-of-refusal to purchase the land formerly designated as drill site land at fair market value.

D. Development Regulations for Single Family Lots – Maximum 2,800 lots permitted. Lots less than 60 feet wide = maximum 65% of 2,800 lots or a maximum 1,820 lots. (Maximum 808 lots at 45 feet wide, maximum 955 lots at 50 feet wide) Lots 60 feet wide or greater = minimum of 35% of 2,800 lots or minimum 980 lots. Single-family home sites within the PD shall be developed in accordance with the following regulations:

1. Within the areas indicated as Area Type #1 on Figure 2;
The minimum lot width shall be 45 feet wide. Except: the maximum percentage of lots less than 60 feet wide shall not exceed 65 percent of the total maximum number of lots. (Maximum 1,850 lots)

No more than 808 lots shall be 45 feet wide.
No more than 955 lots shall be 50 feet wide.
2. No lots less than 50 feet wide shall be permitted south of County Road 56, Meridiana Parkway.
3. Within the areas indicated as Area Type #2 on Figure 2, the minimum lot width shall be 60 feet wide. A minimum 35 percent of the total maximum number of lots shall be 60 feet wide or greater and at least 6.0% of lots must be greater than 60 feet wide.
4. Minimum lot depth: 110 feet or 90 feet for lots fronting on the bulb portion of a cul-de-sac.

5. Maximum lot coverage: Sixty (60%) percent calculated as the ground covered by building structures, principal or accessory, of the gross lot surface area.
6. Maximum height: Two (2) stories. Roof gables, chimneys, and vent stacks may extend to a height not to exceed 35 feet above the average level of the base of the foundation of the building. Height regulations prescribed herein shall not apply to satellite earth station antennas or any personal communication electronic facilities protected by the Federal Telecommunications Act of 1996.
7. Minimum front yard building setback: 25 feet; 20 feet on cul-de-sac bulbs as measured from the front property / right-of-way line.
8. Minimum side yard building setbacks: 5 feet for interior, non-corner lots and the non-street side of corner lots; 10 feet exterior side yard for corner lots if a minimum fifteen (15) feet by fifteen (15) feet visibility triangle, as measured from the property line / street right-of-way line, that restricts the placement or maintenance of any vertical obstruction, either natural or man-made, within a vertical distance of between three (3) feet and eight (8) feet of the natural ground elevation, is provided on the platted lot subdivision at any street, public or private, intersection. A street side setback of twenty-five (25) feet minimum will be required for all lots siding on a designated major arterial, minor arterial or major collector.
9. Minimum rear yard building setback: 10 feet, except when the rear utility easement width is greater than ten (10) feet, the greater width is the minimum rear yard building setback. When a lot or a reserve is either directly adjacent to a major or minor arterial right-of-way or directly adjacent to a reserve less than fifteen (15) feet wide that is adjacent to a major or minor arterial, the minimum rear yard building setback is twenty –five (25) feet measured from the street right-of-way line and a minimum of ten (10) feet from the rear property line. When a residential lots backs to a designated major or minor arterial and a detached one-story garage is constructed on the residential lot, the rear yard between the detached one-story garage and the rear property line may be reduced to a minimum of three (3) feet if a minimum of twenty –five (25) feet is maintained between the rear of the one-story detached garage and the right-of-way line of the major or minor arterial.
10. All lots shall have a minimum of two (2) trees, planted in the front yard setback. The trees must be a minimum of one and one-half (1-1/2) inches in caliper width and a minimum height of six (6) feet as measured at the tree trunk from the ground as planted. The trees must be located between five (5) feet and fifteen (15) feet from a side lot line and between five (5) feet and twenty (20) feet from the front property line with a minimum of ten (10) feet between tree trucks.

E. Development Regulations for townhouse residential, tri-plex and duplex units within the tracts identified as “Townhouse” as shown on Figure 2 *General Development Plan* .

1. Townhouse, tri-plex and duplex residential is limited to no more than 168 units.
2. And all other regulations listed for town house residential listed in the Development Regulations for Town Center, G.1, listed below.

F. Development Regulations for Commercial Tracts (not in the Town Center Sub-District) Area regulations, yard requirements, and maximum lot coverage, height, and floor area per District MU in the Zoning Ordinance shall apply to the Commercial tract within the PD. At the time of the preliminary plat of any commercial land, a draft of the protective covenants whereby the Developer proposes to regulate the use of the land shall be submitted to the City. The restrictive covenants, conditions or limitations shall never be less than the minimum requirements of the City as specified in the City’s applicable ordinance(s).

G. Development Regulations for Town Center Sub-District: Land within the boundaries of the Town Center Sub-District as shown on Figure 2 *General Development Plan*, shall be developed in accordance with the following development regulations.

- 1. Townhouse:**
 - 2. Townhouse Residential: including tri-plex and duplex lots. One of a group of no less than two (2) nor more than eight (8) attached dwelling units, separated by a fire rated wall, each dwelling unit located on a separate lot.
 - 2. Residential units shall be constructed of brick or masonry veneer exterior walls for one-hundred (100) percent of the exterior wall surface (exclusive of windows and doors) for one (1) story structures; and a minimum of sixty (60) percent of the exterior wall (exclusive of windows and doors) for two (2) story structures with the remaining maximum forty (40) percent being fiber cement board.
 - 3. Front yards and all common areas within the townhouse development shall be maintained by a property owners association
 - 1.

a.	The total number of units shall not exceed.	177 units
	The maximum permitted density	12 units per acre
b.	The minimum lot area	1,400 sq. ft.
c.	The minimum lot width	20 feet A 10' minimum lot width is permitted for flag lots. The "staff" portion of the flag lots shall be restricted to legal frontage only. No driveways or buildings shall be constructed on the portion of the lot that is less than 20 feet wide
d.	The minimum lot depth	70 feet
e.	The minimum front yard setback	20 feet / 15 feet if vehicular access is from a rear alley/shared driveway.
f.	The minimum rear yard setback	10 feet / 3 feet if vehicular access is from a rear alley.
g.	The minimum side yard setback	0 feet between units; 6 feet at the end of each building complex
h.	The minimum side yard of corner lots	10 feet on street side/ 5' if siding on

		"T" type or "L" Type turnaround (see below) minimum 25 foot side yard if the side street is a major thoroughfare
i.	The maximum lot coverage by structures	80 percent
j.	The maximum lot coverage by structures, driveways and parking	85 percent
k.	The maximum height.	35 feet Two (2) stories. Roof gables, chimneys, and vent stacks may extend to a height not to exceed 35 feet above the average level of the base of the foundation of the building. Height regulations prescribed herein shall not apply to satellite earth station antennas or any personal communication electronic facilities protected by the Federal Telecommunications Act of 1996.
l.	Guest parking shall be provided on the site at a minimum 1 space per every 6 units	1 space/6 units

(m) Lot access: Access to lots may be from either a public or private street, a permanent access easement (PAE) or a courtyard. Lots may take driveway access from a private alley provided the lots also have adequate minimum frontage on either a public or private street, a permanent access easement or a common courtyard. Courtyards may not exceed 120 feet and must be a minimum 25 feet wide.

- i. The minimum right-of-way required for permanent access easement is 28 feet. The right-of-way width of a permanent access easement is coterminous with the pavement width and the terms are used interchangeably. The width shall be measured from edge to edge across the surface of the pavement.
- ii. Sidewalks are not required adjacent or along a permanent access easement.
- iii. Intersections along permanent access easements shall be spaced a minimum of 65 feet apart and shall not intersect at less than an 80-degree angle.
- iv. When a permanent access easement intersects with another permanent access easement at a 90-degree angle, the

permanent access easement shall provide a 20-foot radius at the intersection.

- v. When a permanent access easement intersects with another permanent access easement at an angle of between 80 and 90 degrees each acute angle shall have a 25-foot radius at the intersection.
- vi. A permanent access easement may not be a direct straight-line extension of a public street.
- vii. Curves along a permanent access easement may have any centerline radius except that the centerline radius of a reverse curve shall not be less than 65 feet. Reverse curves shall be separated by a tangent of not less than 25 feet.
- viii. Dead end permanent access easements shall not exceed 100 feet or must provide an "L" type, or "T" type turn around.
- ix. The minimum right-of-way requirement for a private alley is 20'. The right-of-way width of a private alley is coterminous with the pavement width and the terms are used interchangeably. The width shall be measured from edge to edge across the surface of the pavement.
- x. When a private alley intersects with a permanent access easement, or public street the alley shall provide a 20' radius at the intersection.
- xi. When a private alley intersects with another private alley the minimum radius shall be 10'.
- xii. An alley may not be a direct straight-line extension of a public street.
- xiii. Dead end alleys may not exceed 100'

(n) Parking for Townhouse Residential Use.

- i. Each subdivision providing for a townhouse residential use shall provide at least two off-street parking spaces per dwelling unit on each lot.
- ii. Each subdivision plat providing for a townhouse residential use on a permanent access easement with six or more dwelling units shall provide one additional parking space for every six dwelling units. Each additional guest parking space shall conform to the following requirements:

- a. The guest parking space shall be placed within the boundaries of the subdivision plat, unless the guest parking space abuts a continuous curb along a public or private street that is adjacent to or within the plat boundary and that is not a major thoroughfare.
- b. For a subdivision plat where the lots abut a permanent access easement and take vehicular access only from a private alley, a guest parking space may be included within the permanent access easement.
- c. The guest parking space shall not be placed within a lot.
- d. The guest parking space shall not be placed where parking is prohibited by law; and
- e. The guest parking space shall be accessible to all residents of each dwelling unit of the subdivision plat.

2. Commercial and non-residential uses:

a.	<p>Front Yard Setback – Requirements of The Unified Development Code - Section 3.5.3.1. Setback and build to lines for Commercial/Retail/Office/Industrial Use Buildings.</p> <p>For School and Day-Care Use Buildings, additional parking bays may be constructed between the building and the front property line provided a pedestrian walkway is constructed to connect the front of the building to the sidewalk within the street right-of-way.</p>	<p>Minimum 50 feet from existing pipeline along Meridiana Parkway or approximately 85 feet from Meridiana Parkway. (Except fueling canopy and columns may encroach into the required pipeline setbacks up to 15' while fuel pumps must remain outside of the pipeline setback.)</p> <p>Minimum 10 feet from the Town Center commercial drive, (PAE).</p> <p>Minimum 25 feet from any other public or private street.</p>
b.	The minimum rear yard setback	30 feet if adjacent to any Residential Zone
c.	The minimum side yard setback	50 feet from existing pipeline along Meridiana Parkway or approximately 85 feet. Minimum 10 feet from the Town Center commercial

		drive, (PAE). 25 feet from any other public or private street 30 feet if adjacent to any Residential Zone.
d.	The minimum distance between detached structures	10 feet
e.	The maximum lot coverage by structures	65 percent
f.	The maximum lot coverage by structures, driveways and parking	90 percent
g.	The Maximum height.	35 feet Two (2) stories. Roof gables, chimneys, and vent stacks may extend to a height not to exceed 35 feet above the average level of the base of the foundation of the building. Height regulations prescribed herein shall not apply to satellite earth station antennas or any personal communication electronic facilities protected by the Federal Telecommunications Act of 1996.
h.	Parking requirements. All development within the Town Center District will meet or exceed the minimum parking requirements specified in the City's Zoning Ordinance. In calculating the required number of parking spaces for each land use, the City Engineer may give credit for shared parking utilizing the Shared Parking criteria published by the Urban Land Institute. City Engineer shall determine and establish the parking requirements for each building in the PUD as part of the building permit issued for each building, in accordance with the requirements of the section	

H. Building Regulations – Non-residential Buildings within the Town Center Sub-District shall be developed in accordance with the following regulations: Requirements of The Unified Development Code - Section 3.5.3. -Character Defining Elements. do not apply to this Plan of Development.

- 1. Building façade design criteria:
 - (a) Building facades shall include offsets, or changes in building materials, colors and textures, or other methods to break up the horizontal and vertical building planes.

- (b) Building facades shall incorporate architectural details that create shade and cast shadows to provide visual relief.
 - (c) Facades greater than 100 feet in length that face Crystal View Drive or Meridiana Parkway shall incorporate offsets having a minimum depth of at least 2 feet, and extending at least 20% of the length of the façade.
 - (d) No uninterrupted length of a façade shall exceed 100 feet.
2. Building façade finishes:
- (a) Primary Finish means an exterior finish consisting of brick, stone (natural, cast, or cultured-textured), stucco and glass.
 - (b) Secondary Finish means an exterior finish consisting of wood, ceramic tiles, concrete masonry units (indented, hammered, or split face concrete), and fiber cement siding.
 - (c) Primary Finishes shall comprise at least 70% of each facade. The remaining portion of an exterior wall that is not constructed of a Primary Finish must be constructed of a Secondary Finish. No single primary building finish material shall cover more than 80% of the front of any building.
 - (d) Secondary Finishes shall comprise no more than 30% of the façade for any building.
 - (e) Use of architectural metals is limited to canopies, parapet walls, roof systems, and miscellaneous trim work.
 - (f) The following building materials shall not be used for a Primary or Secondary Finish:
 - (i) Vinyl siding, wood fiber hardboard siding, oriented strand board siding, plastic or fiberglass panels.
 - (ii) Unfired or underfired clay, sand, or shale brick.
 - (iii) Smooth or untextured concrete surfaces.
3. Building façade features:
- (a) Canopies shall be provided at all building entrances facing Meridiana Parkway or Crystal View Drive. Canopies may be structural extensions of the building or constructed of fabric attached to the building. An individual canopy shall cover a ground area of at least 20 square feet.
 - (b) The front façade (the side of the building facing the street or internal access easement) of the first floor of a retail building, shall be at least 60% transparent to permit visibility between the building occupants and outdoor pedestrians and motor vehicle drivers.
 - (c) Ground floor façades for retail buildings that face Meridiana Parkway or Crystal View Drive shall have storefronts, canopies, arcades, display windows, entry areas, awnings or other features along at least 50% of their horizontal length.
4. All façades of an individual building and the façades of multiple buildings within a single reserve shall be of similar architectural design, color and materials where facing or siding to a public or private street or pedestrian walkway.

- 5. Screening walls, wing walls, columns, and similar building extensions and supports shall be of complementary architectural design, color and materials as the building or structure to which they are attached.
- 6. Building canopies:
 - (a) Canopies shall be provided at all street facing building entrances intended for pedestrians.
 - (b) Canopies may be structural extensions of the building or constructed of fabric attached to the building.
 - (c) An individual canopy shall cover a ground area of at least 20 square feet.

7. Service and Equipment Areas, as shown on below.

- (a) Service and Equipment Areas must be oriented toward service drives and away from the public right-of-way unless adequately screened.
- (b) Service and Equipment Areas must be visually and acoustically screened from public streets, pedestrian gathering areas, and within 50 feet of building entrances.
- (c) Screening shall consist of wing walls, landscape screens, changes in building orientation, and/or other architectural elements that provide sufficient barrier.
- (d) Screening shall extend a minimum of 12 inches above the object being screened.
- (e) Screening walls, wing walls, columns, and similar building extensions and supports shall be of complementary architectural design, color and materials as the building or structure to which they are attached.



VISUAL BARRIER



LANDSCAPE SCREENING



BLENDED INTO FACADE MATERIALS

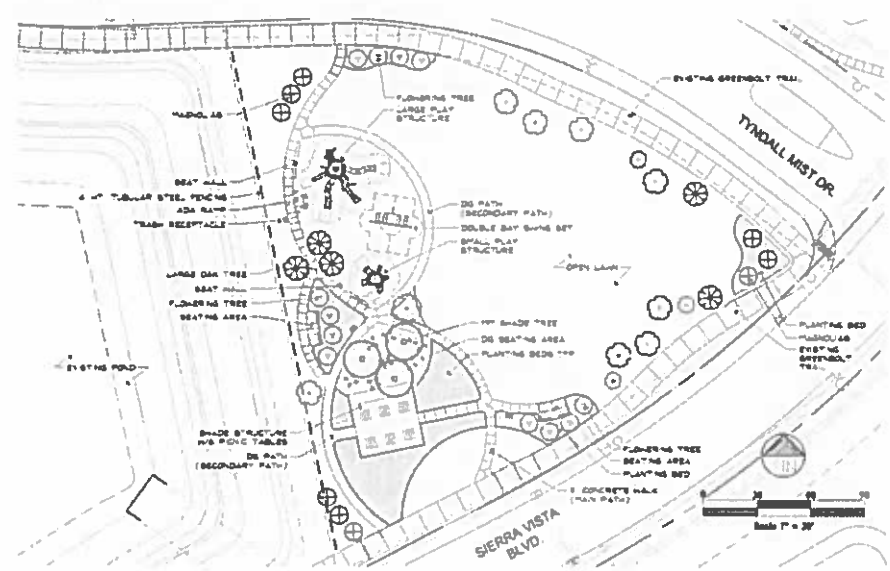
8. Mechanical and Utility Equipment Screening:

- (a) Mechanical and Utility equipment must be placed in the most inconspicuous location possible.
- (b) Mechanical and Utility equipment shall be located internally within rear access drives and alongside rear-facing facades not consistent with the primary building façade or pedestrian access points.

- (c) Ground-mounted mechanical equipment must be hidden from public view or screened with architecturally integral wing walls and/or landscape planting, or another acceptable screening device.
- (d) Where building mounted utility equipment cannot be placed behind screens or other barriers and is visible from the public right-of-way, it must be treated such that it blends into the context of the adjacent façade materials.
- 9. Utility boxes taller than 2 feet may not be placed in an intersection clear vision area or interfere with the use of streets, sidewalks or other pedestrian or vehicular paths

I. Parks, Recreation and Trails – As shown on Figure 3, an integrated network of open space and recreational amenities shall be provided in accordance with the following regulations:

- 1. A landscape buffer with a minimum 15-foot width shall be located along each side of the central spine road, as shown on Figure 3, where lots side or rear to the spine road. The buffer is in addition to the minimum street right-of-way width and shall include trees, benches, plazas and landscape screening. No on-street parking will be allowed along the designated spine road.
- 2. Recreational sites will be strategically located along the central spine road, and shall include the following:
 - (a) A recreational site north of Meridiana Parkway (County Road 56) near the main project entry shall include water recreation i.e., “splash pad”, and a swimming pool with dressing rooms, playground and picnic facilities.
 - (b) A “pocket park” shall be constructed south of Meridiana Parkway along the central spine road, south of Section 6. The park shall include amenities and design like the concept plan illustrated below. A 16.7-acre recreation reserve and the construction of the resort style “lazy river” will replace the obligation to construct a recreation center in Sierra Vista per the agreement dated September 14, 2016.



- (c) A recreational site north of Cedar Rapids Parkway (County Road 57) shall include a swimming pool and splash pad, with dressing rooms, playground and picnic facilities.
- (d) Additional Recreation Sites, strategically located near the entries of various neighborhood pods, as shown on Figure 3. A contributing park, recreation and/or open space area must be located a maximum of one-quarter (1/4) mile from all residential lots.
- (e) A contributing park / recreation / open space area of a minimum area of one-quarter (1/4) acre must be contained within each private gated section.
- (f) In addition to the three recreation sites identified above, six additional recreation sites shall be provided with the following minimum improvements.
- Recreation sites shall provide a variety of recreation uses both passive and active. At a minimum, a recreation site shall include a paved plaza area a minimum of 500 square feet and shall include a decorative paving pattern.
 - Each site shall include at least 2 benches, 2 shade trees, a drinking fountain and bicycle parking. Bicycle parking shall include racks or other structures intended for parking bicycles, with a minimum of 4 spaces.
 - At least 2 parks shall include ball field facilities for informal play, including baseball back stops and soccer goals.
 - At least 1 park shall include a fenced area with double gates for use as a dog park.
3. On-site storm water detention designed as permanent lakes will be provided within the project, providing additional open space with recreational amenities. A large lake will be located near the project entry.
- Contributing open space areas shall include the area of the permanent water surface and the adjacent side slopes, at a maximum slope of 5:1, for the permanent lake with a minimum water depth of six (6) feet beyond the slope transition. On-site storm water detention area that do not contain a permanent lake area or do not contain permanent man-made improvements, such as hike/bike trails with benches/structures, and that are not accessible with a minimum of one access point directly from a street (public or private) will not be included in the calculation for the minimum amount of required parks / recreation / open space.
- (a) A minimum of two (2) view corridors per lake with an unobstructed view from the adjacent streets with a minimum combined width of 60 feet, per lake, shall be provided to each permanent lake. The minimum width of a single view corridor is 20 feet. Views to the permanent lakes from the view corridors shall not be obstructed by fences, structures, screening or landscaping that would prevent seeing the lake area.
- (b) View corridors shall be separated by a minimum of one thousand (1,000) feet as measured along the lake water edge. Unless the lake is less than one thousand (1,000) feet in length in which case the view corridors shall be separated by at least 4/5 the total length of the lake.
- (c) A concrete pedestrian path a minimum of five (5) feet in width shall connect the required street sidewalk with the lake water edge.

4. Minimum 4-foot width sidewalks shall be provided along both sides of local residential streets. All sidewalks shall be constructed in accordance with the City of Iowa Colony standard details and shall meet the State of Texas ADA standards.
5. Minimum 5-foot width sidewalks shall be provided along both sides of major arterials, minor arterials, major collectors and the central spine road (as depicted in Figure 4 attached) within and adjacent to the property. At the discretion of the developer, a six-foot wide sidewalk may be constructed on only one side of the right-of-way in lieu of two 5 foot wide sidewalks on both sides of the right-of-way. In either case, the sidewalks may meander out of the right-of-way and into an adjacent landscape reserve if so provided.

J. Public School and Community Facility Sites

1. As shown on Figure 2, a forty-eight-point three (48.3) acre elementary and junior high school site shall be provided for purchase at the option of the Alvin Independent School District. If the AISD chooses not to purchase the site, the site is limited to the same uses as for tracts identified as Single Family Residential (SFR) on Figure 2.
2. At no cost to the City of Iowa Colony, a 4.66 acre site located south of CR 56, and west of CR 383 shall be provided to the City, for the purpose of municipal government/public safety purposes. As the land adjacent to the 4.66 acres provided to the City become available for development, the land shall be offered to the City of Iowa Colony as a first right-of-refusal at fair market value.

K. Landscape. All development within the Town Center District will meet or exceed the minimum landscape requirements specified in the City's Unified Development Code, Section 3.3.1 Screening, and shall meet the landscape requirements specified in the developer's commercial deed restrictions and development covenants except as listed below.

1. Screening
 - a) The existing trees and hedge row along existing CR 48 will meet the requirements of Section 3.3.1.2 without the need for additional plantings.
2. Plant List

Trees: Except palm trees to be placed within the recreation site only and not within the ROW as street trees.

 - Little Gem – Magnolia grandiflora 'Little Gem' (Evergreen)
 - Vitex – Vitex agnus-castus
 - Pindo Palm- Butia capitata
 - European Fan Palm- Chamaerops humilis cerifera
 - Chinese Fan Palm- Livistona chinensis
 - Mazari Palm- Nannorrhops ritchiana
 - Canary Island Date Palm- Phoenix canariensis
 - Medjool Date Palm- Phoenix dactylifera 'Medjool'

- Sylvester Palm- Phoenix sylvestris
- Texas Sabal Palm- Sabal texana
- California Fan Palm- Washingtonia filifera
- Washingtonia Palm- Washingtonia robusta
- Eagleston Holly- Ilex x attenuate 'Eagleston'
- Crape Myrtle - Red- Lagerstroemia x 'Arapaho'
- Crape Myrtle – Pink- Lagerstroemia x 'Sioux'
-

Shrubs/Groundcovers:

- Coppertone Loquat – Eriobotrya japonica 'Coppertone' (Evergreen)
- Morning Light Miscanthus – Miscanthus sinensis 'Morning Light' (Herbaceous)
- Dwarf Bottlebrush – Callistemon citrinus 'Little John' (Evergreen)
- Variegated Flax Lily – Dianella tasmanica 'Variegata' (Evergreen)
- Mexican Feather Grass – Nassella tenuissima (Herbaceous)
- New Gold Lantana – Lantana x hybrid 'New Gold' (Evergreen)
- Liriope – Liriope muscari (Evergreen)
- Gulf Muhly Grass - Muhlenbergia capillaris
- Drift Rose (Apricot) – Rosa 'Meimirrot'
- Dwarf Firebush – Hamelia patens
- Summer Wisteria – Indigofera decora
- Hameln Grass – Pennisetum alopecuroides 'Hameln'
- Sandy Leaf Fig – Ficus tikoua
- Purple Trailing Verbena – Verbena canadensis 'Homestead Purple'
- Snow-N-Summer Jasmine – Trachelospermum asiaticum 'Snow-N-Summer'
- Green Mound Juniper – Juniperus procumbens 'Green Mound'
- Bicolor Iris – Dietes Bicolor (Evergreen)
- Foxtail Fern – Asparagus meyeri (Evergreen)
- Japanese Blueberry – Elaeocarpus decipiens (Evergreen)
- Dwarf Palmetto- Sabal minor
- Shell Ginger- Alpinia Zerumbet 'Variegata'
- Bat Faced Cuphea- Cuphea llavea
- Canna Lily- Canna indica
- Yellow Iris- Iris pseudacorus
- Knockout Rose- Roba 'Radrazz'
- Double Red Knockout Rose- Rosa x 'Knockout' TM
- Variegated Asian Jasmine- Asiatic jasmine
- Geyser Pink Gaura- Gaura lindheimeri 'Geyser Pink'
- Geyser White Gaura- Gaura lindheimeri 'Geyser White'
- Super Green Giant Liriope- Liriope muscari 'Super Green Giant'
- Yellow-tip Ligustrum- Ligustrum howardii
- Sweet Viburnum - Viburnum odoratissimum
- Kaleidoscope Abelia- Abelia x grandiflora 'Kaleidoscope'

- Rose Creek Abelia- Abelia x grandiflora 'Rose Creek'
- Dwarf Schilling's Holly- Ilex vomitoria 'Schilling's Dwarf'
- Lindheimer's Muhly- Muhlenbergia lindheimeri
- Dwarf Nandina- Nandina domestica
- Switch Grass- Panicum virgatum 'Shenandoah'
- Spring Bouquet Laurestinus- Viburnum tinus 'Spring Bouquet'
- Sand Cord Grass- Spartina bakeri
- Variegated Confederate Jasmine- Trachelospermum jasminoides 'Variegatum'

L. Street Plan and Cross Sections.

Street improvements shall be built in phases as the project develops in accordance with the City's Engineering Design Criteria Manual, Developers Agreement, street plan and cross sections listed below.

- Figure 4: *Thoroughfare Exhibit*
- Figure 5: *Street cross section for the spine road (divided) and greenbelt*
- Figure 6: *Street cross section for the spine road (undivided) and greenbelt*

M. Project Phasing – Figure 9 indicates the general time and location of the proposed development phasing. The precise dates of each phase is subject to change due to general economic variables and market demand.

- N. Architectural Entry / District Sign** – An archway, freestanding project identification sign may be constructed subject to the following conditions and specifications:
- a. The sign shall be compatible with the architectural composition of the adjacent building(s) and the district.
 - b. Sign finish materials shall consist of brick, stone, and metal.
 - c. The architectural entry feature may span the public street right-of-way on Crystal View Drive. shown on Figure 2a *General Development Plan*. The entry feature may be located within a street right-of-way, including within a median, as long as the sign does not restrict visibility.
 - d. The minimum height of the feature shall be 16 feet, or as recommended by the Fire Marshall, from the top of the curb to the bottom of the overhang structure. The maximum height of the feature shall be limited to 30 feet.
 - e. The effective area shall be limited to a maximum of 210 square feet and is limited to identify only the project name, Sierra Vista and the project logo or logotype.
 - f. The sign is exempt from any requirement that it be located a minimum distance from a property line.

- g. District identity signs, shall maintain a minimum 8 foot clearance between the lowest element of the sign and the grade below.

— ENTRY FEATURE (SEE EXHIBIT B.1 ARCHITECTURAL ENTRY/ DISTRICT SIGN)

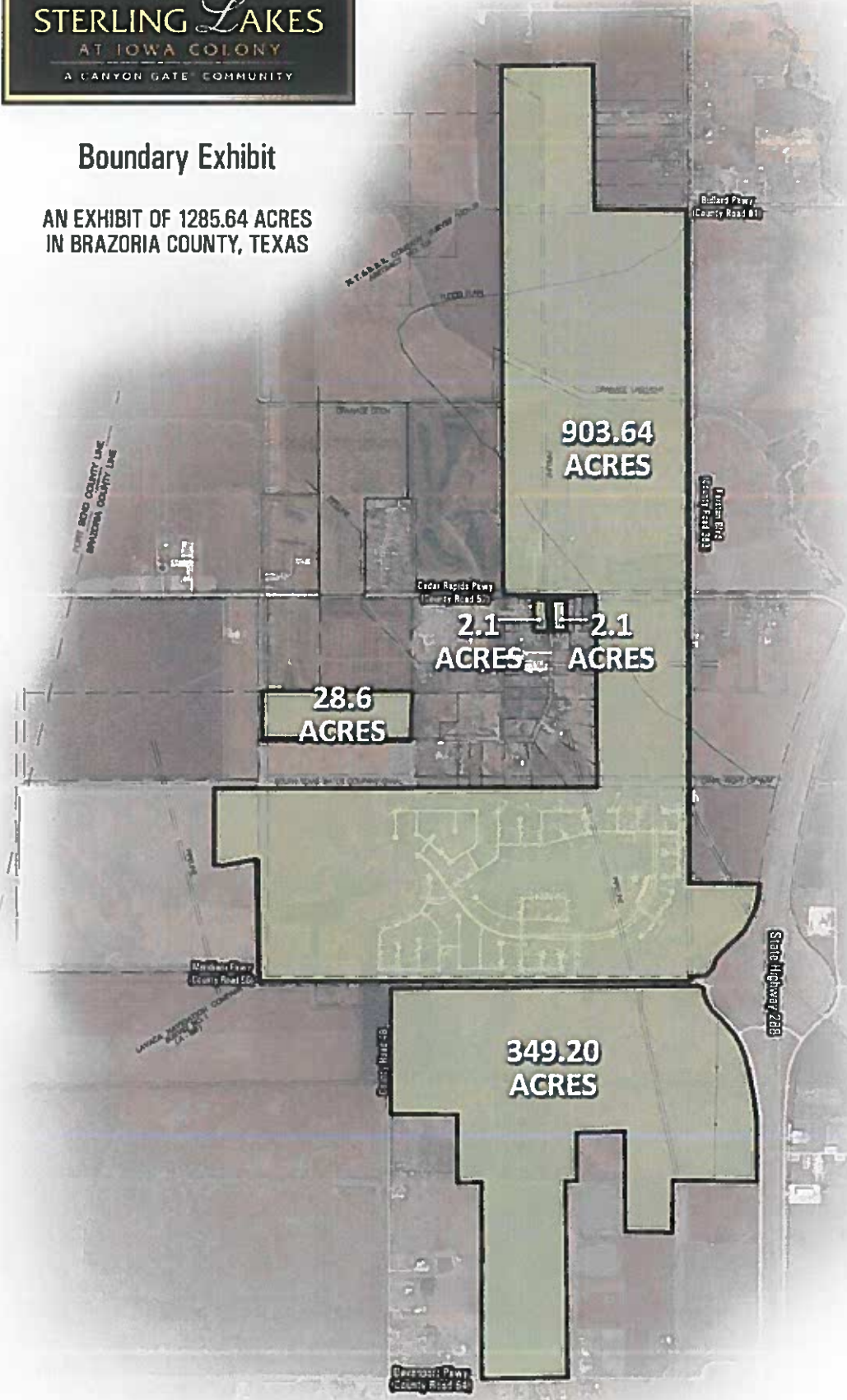


- O. Specific Conditions** – Implementation of this master-planned community will require consideration of site conditions that necessitate granting the following variances from specific sections of the Subdivision Ordinance and Engineering Design Criteria Manual:
1. *No block shall exceed a length of one thousand two hundred (1,200) feet in residential or commercial developments.*
All streets within the gated areas shall be private and access will be limited to local residential traffic only. Entry points will be limited for security purposes. Consequently, streets will not be stubbed to adjacent acreage, resulting in external block lengths greater than 1,200 feet. Some internal blocks will exceed 1,200 feet, to a maximum distance of 2,600 feet, to accommodate detention lakes and reserves. This variance does not apply to areas of the development that do not include private residential streets.
 2. *Access to Public Streets. The subdividing of land shall be such as to provide each lot with satisfactory access to a public street.*
All the streets in the gated portions of the community will be private with access limited to local traffic only. Gated private street neighborhoods will connect to public streets. All gated sections containing more than 35 lots shall have at least two connections to a public street. If a future second point of access is not yet constructed a temporary connection shall be provided until the permanent connection is constructed. All private streets will be constructed to the City's public street standards. A homeowners' association will assume all responsibility to repair and maintain the private streets. As such, the adherence to this requirement for the private street portions of the development will not be required.

SIERRA VISTA
and
STERLING LAKES
 AT IOWA COLONY
 A CANYON GATE COMMUNITY

Boundary Exhibit

**AN EXHIBIT OF 1285.64 ACRES
 IN BRAZORIA COUNTY, TEXAS**



NORTH

0 350' 700' 1400'

SCALE: 1" = 1400'
DATE: 11.9.2015

FIGURE 1

THIS PLAN WAS PREPARED USING REASONABLY RELIABLE SOURCES AND IS SUBJECT TO CHANGE WITHOUT NOTICE. THE PLAN HAS NOT BEEN VERIFIED BY ANY SURVEYING PROFESSIONAL. ADDITIONAL SURVEYS AND REVISIONS MAY BE REQUIRED. THIS PLAN IS AN ARTIST'S CONCEPTION AND IS NOT TO BE USED FOR CONSTRUCTION PURPOSES. ALL PLANS FOR RECORDS OR LAND USES ARE SUBJECT TO CHANGE WITHOUT NOTICE.

SIERRA VISTA
and
STERLING LAKES
 AT IOWA COLONY
 A CANYON GATE COMMUNITY

Jurisdiction Map

LEGEND

- IOWA COLONY CITY LIMIT
- IOWA COLONY ETJ
- ALVIN ETJ
- ALVIN CITY LIMIT

ALL JURISDICTIONAL LINES ARE APPROXIMATE AND SUBJECT TO CHANGE

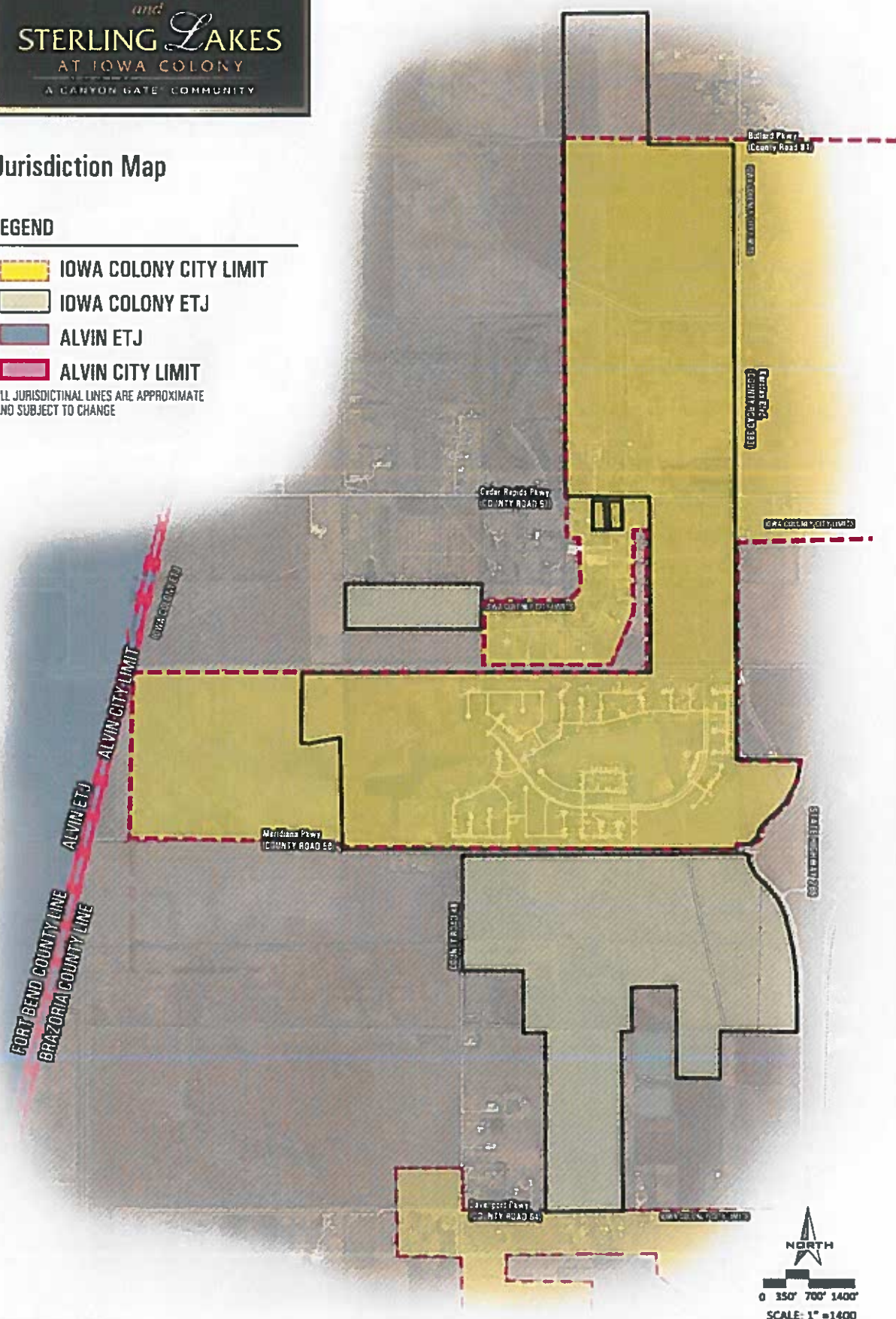


FIGURE 1A

NORTH
 0 350' 700' 1400'
 SCALE: 1" = 1400'
 DATE: 03.2021

THIS PLAN WAS PREPARED WITH REASONABLY RELIABLE DATA AND IS SUBJECT TO CHANGE WITHOUT NOTICE. THE PLAN HAS BEEN PREPARED BY AN ENGINEER AND IS SUBJECT TO THE PROFESSIONAL LIABILITY INSURANCE POLICY OF THE ENGINEER. THE PLAN IS AN APPROXIMATE REPRESENTATION AND IS NOT TO BE USED FOR CONSTRUCTION OR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF JONES & CARTER.

SIERRA VISTA and STERLING LAKES AT IOWA COLONY A CANYON GATE COMMUNITY

General Development Plan

LEGEND

	AREA TYPE SF1			AREA TYPE SF2			
	45s	50s	55s	60s	65s	70s	100s
STERLING LAKES	478	173	253	241	0	59	66
STERLING LAKES NORTH	323	183	0	365	5	0	0
SIERRA VISTA	0	368	0	184	0	32	0
TOTAL	801	724	253	790	5	91	66
	TOTAL TYPE 1 1,778 <small>SEE NOTE 4</small>			TOTAL TYPE 2 972 <small>SEE NOTE 5</small>			
	TOTAL > 60' 182 <small>SEE NOTE 6</small>						

	Total Section Ac.	Total Number of Lots
STERLING LAKES	348.61	1290
STERLING LAKES NORTH	238.66	876
SIERRA VISTA	209.98	584
TOTAL	797.25	2,750 <small>SEE NOTE 8</small>

- Note 1: Maximum 808 Lots
- Note 2: Maximum 955 Lots
- Note 3: Maximum 1,683 Lots
- Note 4: Sum of area type #1 lots shall not exceed 85%
- Note 5: Total of type #2 lots greater than 60' - Min. 0%
- Note 6: Total maximum 2,800 Lots in SF1 & SF2

- 3 INDICATES PROPOSED DETENTION
- 4 INDICATES PROPOSED CIVIC
- 5 INDICATES PROPOSED COMMERCIAL
- 8 INDICATES PLATTED LOTS
- 7 INDICATES EXISTING LAKES/DETENTION
- 8 INDICATES PRIVATE STREET
- 9 INDICATES PROPOSED TOWNHOUSE
- 10 INDICATES PROPOSED TOWN CENTER
- * INDICATES PROPOSED GATED ENTRY
- INDICATES PROPOSED RECREATION SITE

TOTAL SF1 & SF2 LOTS	
PLATTED/ EXISTING LOTS	1,866 LOTS
PROPOSED MAX. LOTS-SF1&SF2	934 LOTS
TOTAL MAX SF1 & SF2 LOTS	2,800 LOTS
FUTURE TH LOTS	
MAX. FUTURE TH LOTS/UNITS	345 LOTS
TOTAL MAX LOTS/UNITS	3,145 LOTS

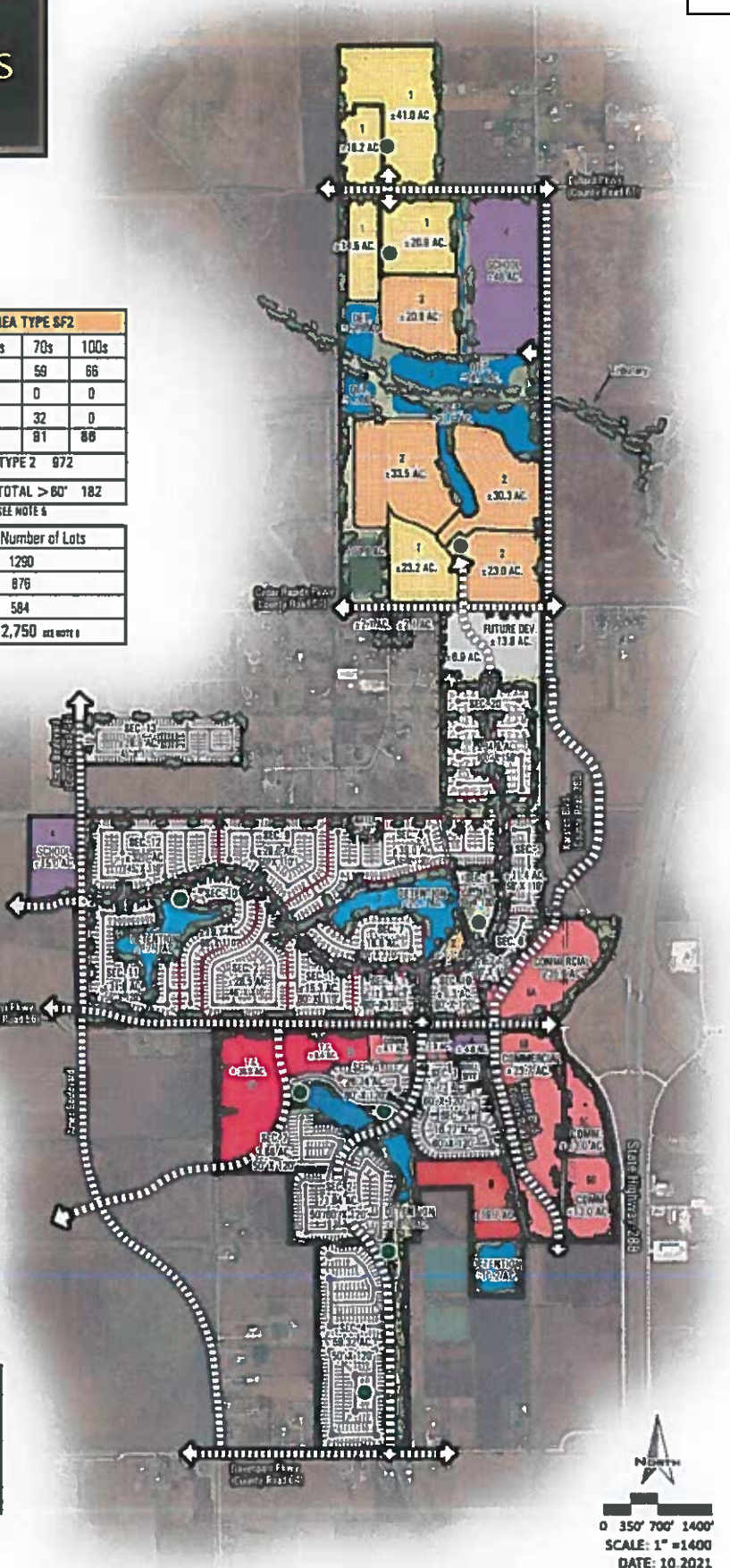


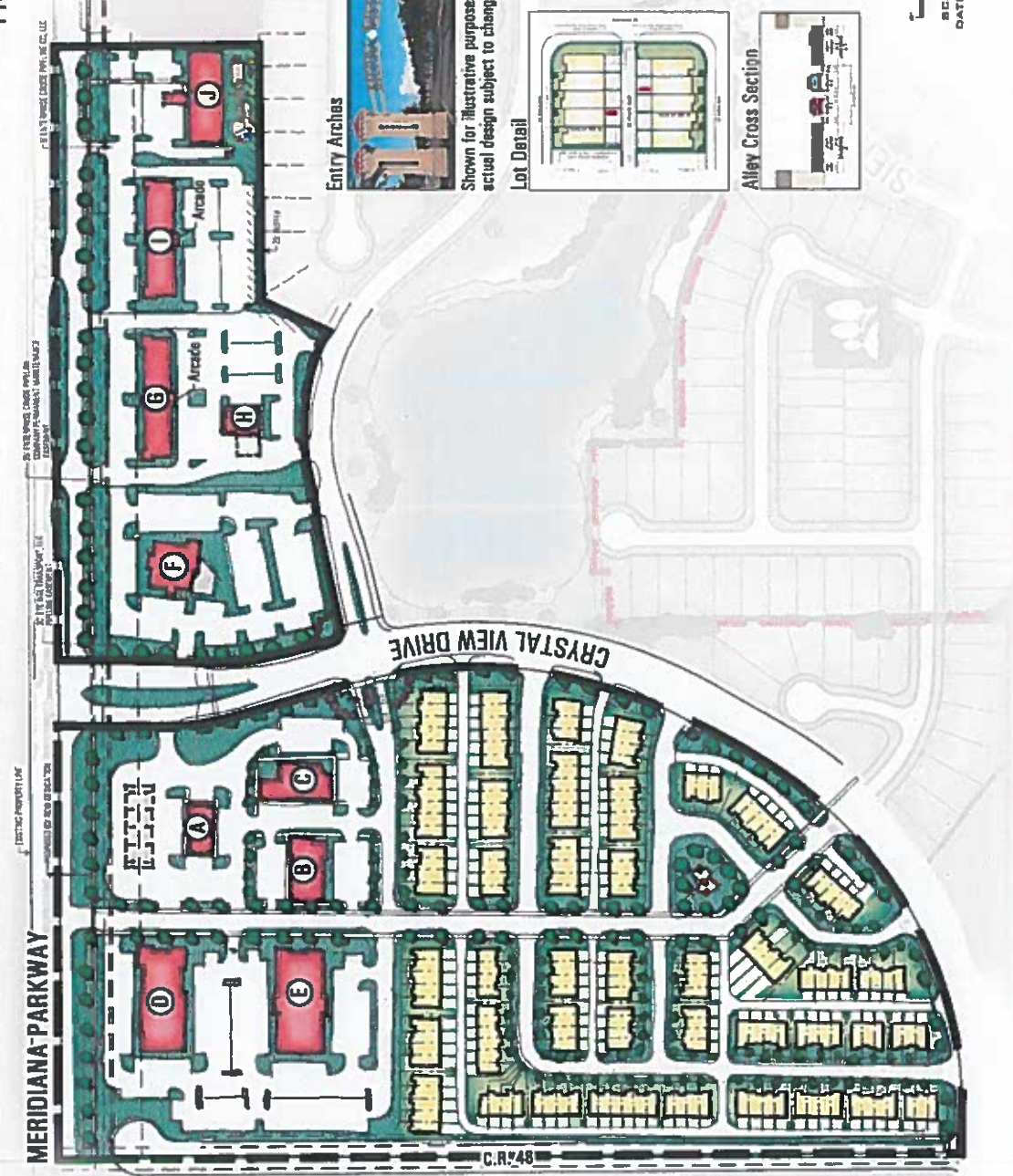
FIGURE 2

THIS PLAN WAS PREPARED USING REASONABLY RELIABLE SOURCES AND IS SUBJECT TO CHANGE WITHOUT NOTICE. THE PLANNING AND DESIGN SERVICES PROVIDED BY JONES & CARTER ARE LIMITED TO THE SERVICES SPECIFICALLY LISTED IN THE SCOPE OF WORK. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.

FIGURE 2a

SIERRA VISTA
and
STERLING LAKES
 AT IOWA COLONY
 A CANYON GATE COMMUNITY

Town Center Sub-District



LAND USE	4,500 S.F.	2.8 AC.
A Convenience w/ gas	6,400 S.F.	1.0 AC.
B Comm./ pizza, dry spa, dentist, restite	8,000 S.F.	1.3 AC.
C Comm./ cleaners, nail salon, barber, spa, restaurant	10,500 S.F.	3.0 AC.
D Comm./ restaurant, broker, test prep, tutoring/ medical office/ automotive	10,500 S.F.	2.0 AC.
E Comm./ restaurant, broker, test prep, tutoring/ medical office/ automotive	7,800 S.F.	3.0 AC.
F Comm./ restaurant, salon	21,500 S.F.	2.0 AC.
G Comm./ restaurant, salon	3,500 S.F.	1.3 AC.
H Bank	21,500 S.F.	2.4 AC.
I Comm./ restaurant, salon	14,000 S.F.	1.8 AC.
J Daycare/ School	41,800 S.F.	21.9 AC.
Total Commercial		17.6 AC.
Townhouse		39.4 AC.
TOTAL		39.4 AC.

NOTE: Building sites (S.F.) and site acreage (AC.) are shown for illustrative purposes only. Final plans are subject to change.

The PD shall substantially conform to the general layout, design concepts, and in accordance with the listed townhouse residential, commercial and office land uses shown here.

SIERRA VISTA
and
STERLING LAKES
 AT IOWA COLONY
 A CANYON GATE COMMUNITY

Contributing Landscape and Open Space Plan

LEGEND	ACREAGE	TOTAL %
REQUIRED OPEN SPACE	65 ACRES	5%

OPEN SPACE INCLUDES LANDSCAPE BUFFERS, DETENTION AREAS, GREEN BELTS AND RECREATION SITES.
 (CONTRIBUTING RECREATION SITES SHALL BE ACCESSIBLE FROM A PUBLIC STREET.)

- INDICATES PRIVATE NON-CONTRIBUTING RECREATION SITES
- INDICATES PROPOSED RECREATION SITE MINIMUM 1/4 AC. (SEE NOTE)
- 1/4 MILE RADIUS SERVICE AREA
- PROPOSED PUBLIC PARK NOT INCLUDED IN LANDSCAPE/OPEN SPACE AREA CALCULATIONS
- INDICATES 15' MINIMUM GREENBELT/ LANDSCAPE BUFFER WITH SIDEWALK
 NOTE: 8' MINIMUM SIDEWALK REQUIRED ON ONE SIDE OF THE SPINE ROAD
- INDICATES MINIMUM 5' WIDE PUBLIC STREET SIDEWALK
- LANDSCAPE BUFFERS TO COUNT AS REQUIRED OPEN SPACE SUBJECT TO:
 MINIMUM 15' WIDE AND CONTAINING REQUIRED 1 1/2" CALIPER TREES
- DETENTION LAKE TO COUNT AS REQUIRED OPEN SPACE SUBJECT TO:
 5:1 MAXIMUM SIDE SLOPE, PERMANENT WATER SURFACE AND MINIMUM 6' WATER DEPTH

Note:
 Recreation sites shall provide a variety of recreational uses-passive and active. At minimum, a recreation site shall include a paved plaza area. The plaza area shall be a minimum of 500 sq. ft. and shall include a decorative paving pattern.

Each site shall include at least 2 benches, 2 shade trees, a drinking fountain and bicycle parking. Bicycle parking shall include racks or other structures intended for parking bicycles, with a minimum of 4 spaces.

At least 2 parks shall include ball field facilities for informal play, including baseball back stops and soccer goals. At least 1 park shall include a fenced area with double gates for use as a dog park.

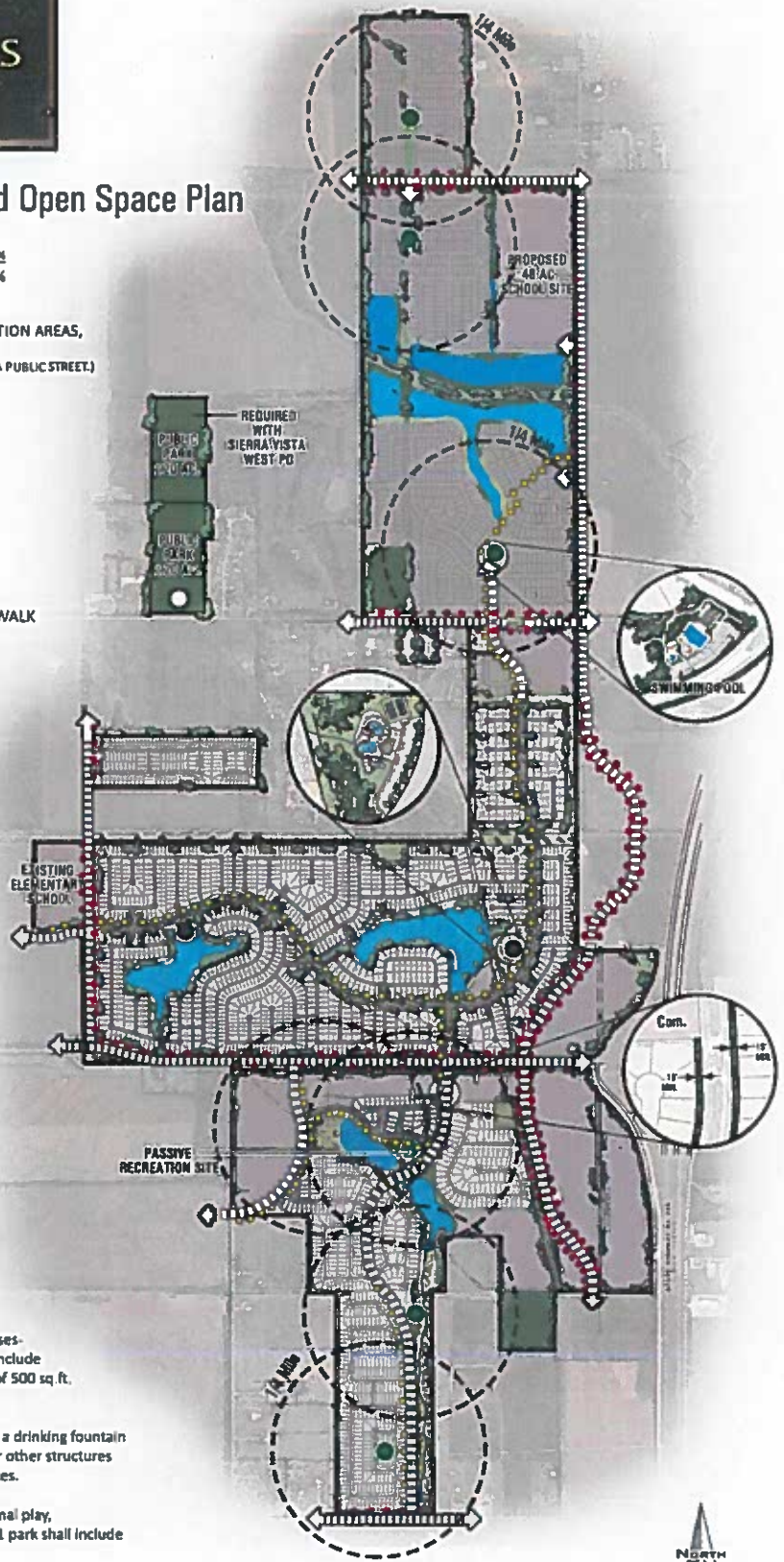


FIGURE 3

SIERRA VISTA
near
STERLING LAKES
 AT IOWA GEOLGY
 A CANYON GATE COMMUNITY

Thoroughfare Exhibit

LEGEND

- | | | | |
|--|-------------------------------------------------------------------------------|--|---------------------------------------------|
| | MAJOR ARTERIAL (TO BE WIDENED)
(120' R.O.W. MIN. - 45 M.P.H. DESIGN SPEED) | | SPINE ROAD (PRIVATE)
(80' R.O.W. MIN.) |
| | MAJOR ARTERIAL (PROPOSED)
(120' R.O.W. MIN. - 45 M.P.H. DESIGN SPEED) | | SPINE ROAD (PUBLIC)
(80' R.O.W. MIN.) |
| | MINOR ARTERIAL (PROPOSED)
(120' R.O.W. MIN. - 40 M.P.H. DESIGN SPEED) | | SPINE ROAD (PROPOSED)
(80' R.O.W. MIN.) |
| | MAJOR COLLECTOR
(180' R.O.W. MIN. - 35 M.P.H. DESIGN SPEED) | | LOCAL STREET (PUBLIC)
(60' R.O.W. MIN.) |
| | MAJOR COLLECTOR (PROPOSED)
(180' R.O.W. MIN. - 35 M.P.H. DESIGN SPEED) | | LOCAL STREET (PRIVATE)
(60' R.O.W. MIN.) |
| | MINOR COLLECTOR (PROPOSED)
(180' R.O.W. MIN. - 30 M.P.H. DESIGN SPEED) | | GATED ENTRY |
| | SUPER ARTERIAL (PUBLIC)
(S.H. 288, R.O.W. VARIES) | | SIGNALIZED INTERSECTION |

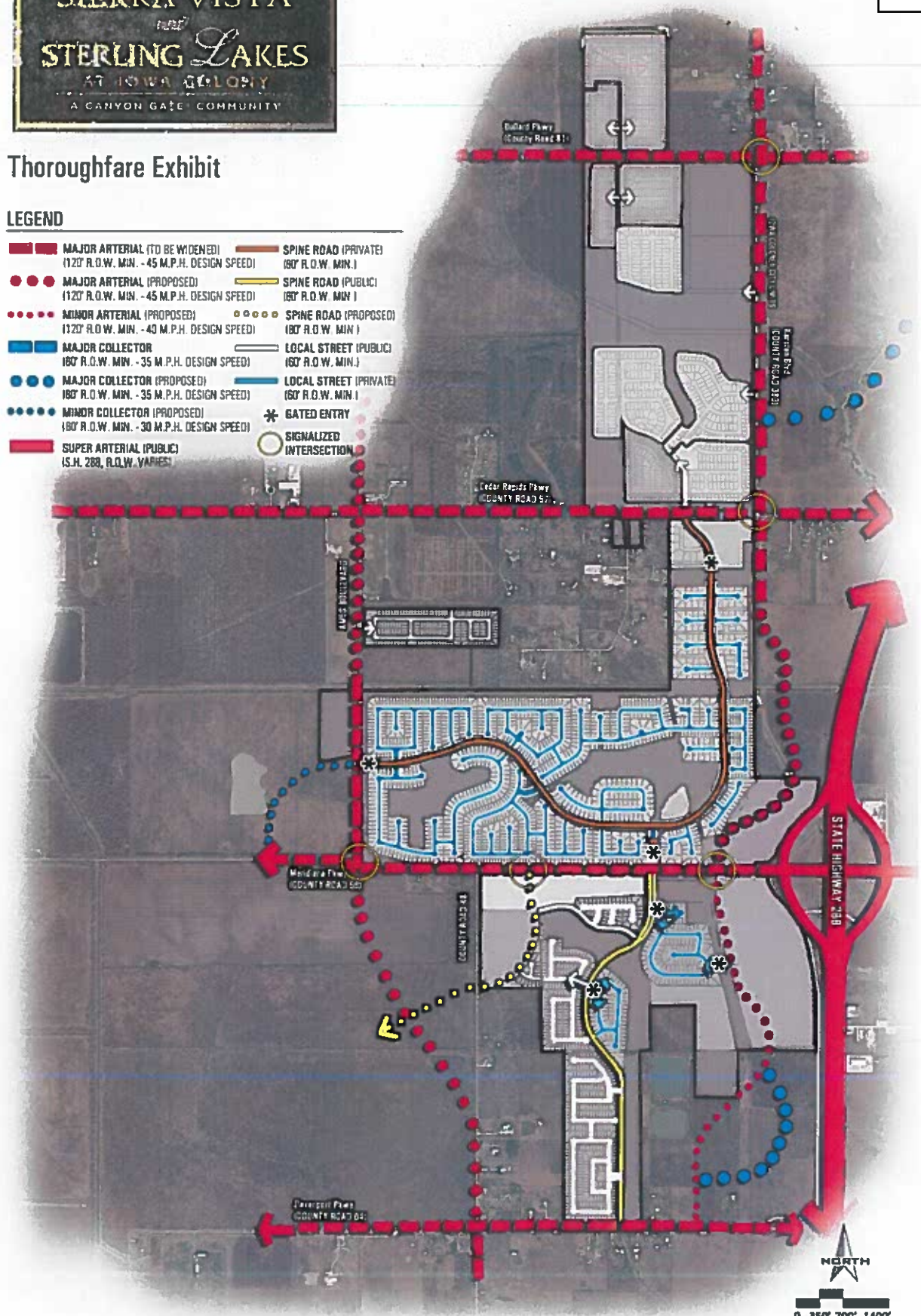
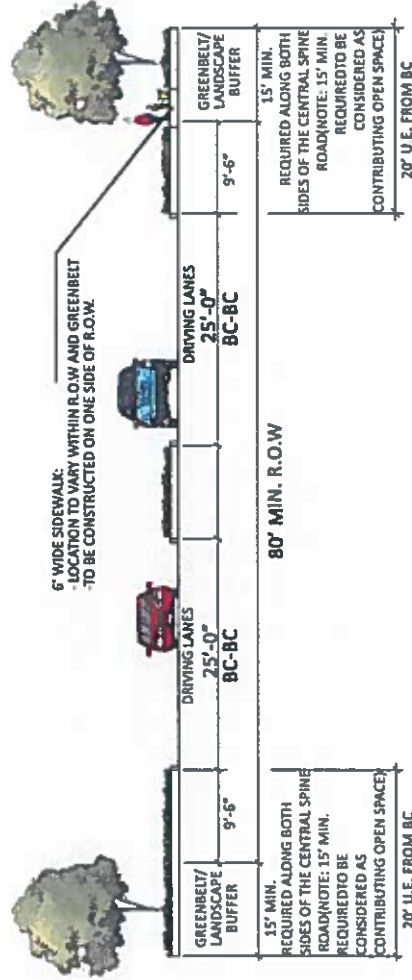


FIGURE 4

NORTH
 0 350' 700' 1400'
 SCALE: 1" = 1400'
 DATE: 10.2021

SIERRA VISTA
and
STERLING LAKES
AT IOWA COLONY
A CANYON GATE COMMUNITY

SPINE ROAD (DIVIDED) PROPOSED STREET CROSS SECTION

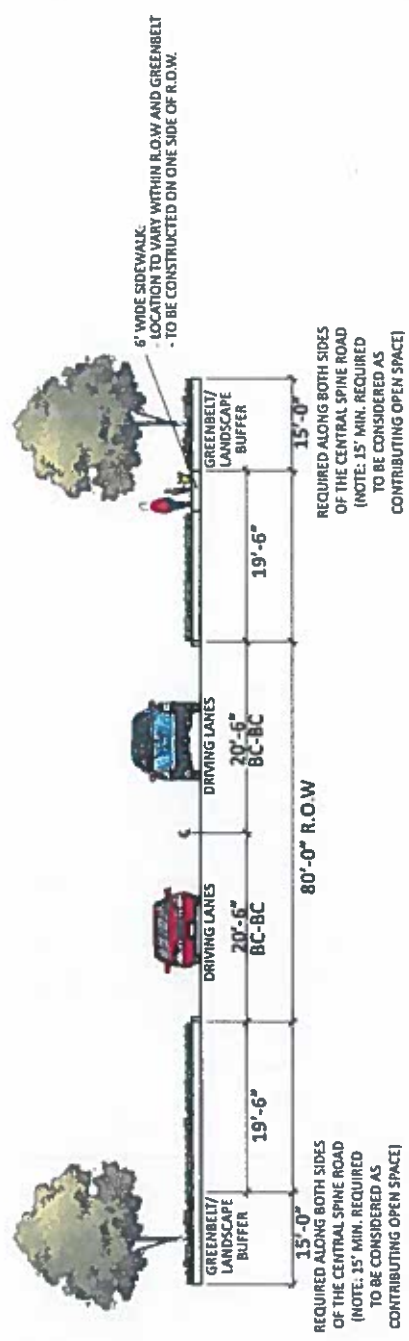


0' 5' 10' 16' 20'

SCALE 1" = 20'
DATE: 05.01.2018

FIGURE 5

SPINE ROAD (UNDIVIDED) PROPOSED STREET CROSS SECTION



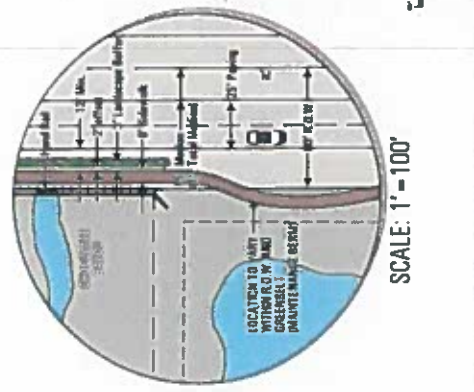
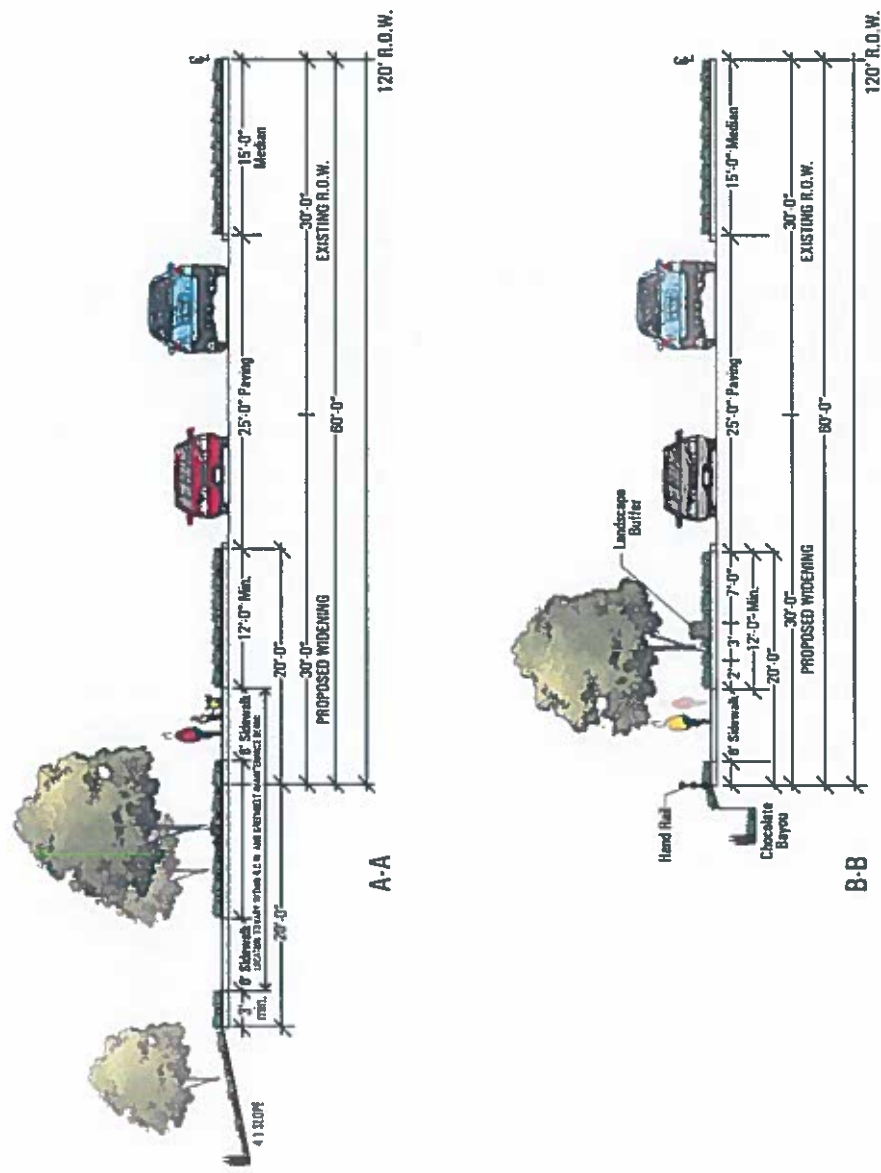
0' 5' 10' 16' 20'
 SCALE 1" = 20'
 DATE: 05.01.2018

FIGURE 6

Sierra Vista West

Pedestrian Cross-Section and Detail

FIGURE 7



Sterling Lakes North



FIGURE 8

THIS PLAN WAS PREPARED USING REASONABLY RELIABLE SOURCES AND IS SUBJECT TO CHANGE PENDING A DETAILED BOUNDARY SURVEY. THIS PLAN HAS NOT BEEN REVIEWED BY ANY GOVERNMENTAL AGENCY. ADDITIONAL PRELIMINARY DESIGN DETAILS MAY BE REQUIRED. THIS PLAN IS AN ARTIST'S CONCEPTION AND IS PROVIDED FOR GENERAL INFORMATION PURPOSES ONLY. ALL PLANS FOR PUBLIC USE ARE SUBJECT TO CHANGE WITHOUT NOTICE.

SIERRA VISTA
STERLING LAKES
AT IOWA COLONY
A CANYON GATE COMMUNITY

Phasing Plan

- PHASE I (1-2 Years)
- PHASE II (3-5 Years)
- PHASE III (6-10 Years)

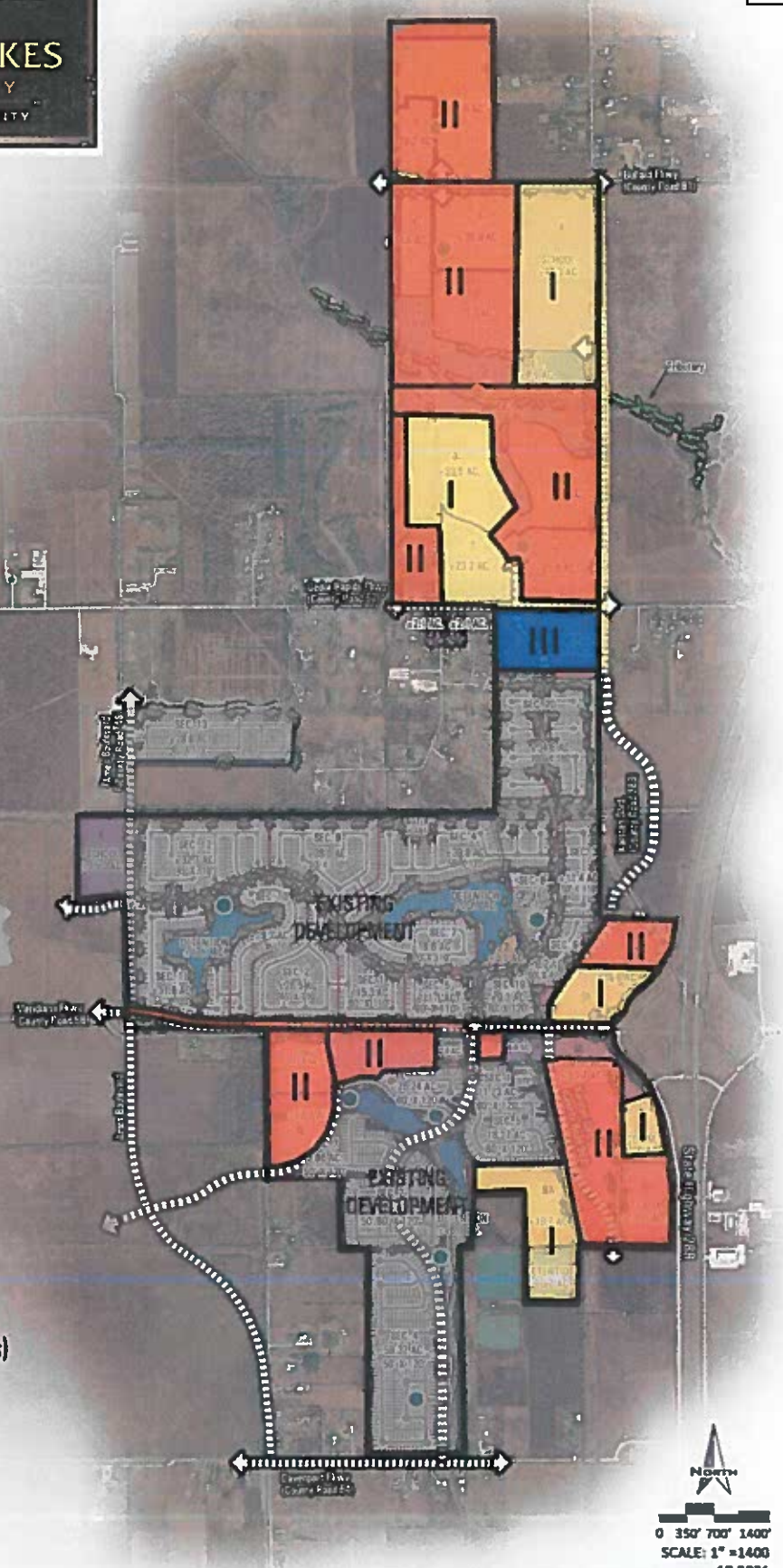


FIGURE 9

THIS PLAN WAS PREPARED USING REASONABLY RELIABLE SOURCES AND IS SUBJECT TO CHANGE WITHOUT NOTICE. ADDITIONAL STUDIES AND/OR SURVEYS MAY BE REQUIRED. THIS PLAN IS AN OFFICIAL DOCUMENT AND IS SUBJECT TO THE OFFICIAL INFORMATION PROVIDED. ALL PHASE PERMITTERS ON LAND USES ARE SUBJECT TO CHANGE WITHOUT NOTICE.

MAY 1, 2024

*CRYSTAL CENTER
ENTERTAINMENT DISTRICT
AT IOWA COLONY*

*EXHIBIT F:
PLAN OF DEVELOPMENT
THE CITY OF IOWA COLONY*

PREPARED FOR THE FOLLOWING ENTITIES:
DICKSON LEWIS & DIANA CAY, IOWA COLONY STERLING LAKES, SNK VENTURES
LAND TEJAS STERLING LAKES SOUTH, STERLING MERIDIANA 35 G.P.LLC, SHOPS AT STERLING LAKES

EXHIBIT F
Crystal Center Entertainment District at Iowa Colony
Plan of Development

Overview

The proposed Crystal Center Entertainment District at Iowa Colony (“the *District*”) is envisioned as the heart of the Sierra Vista and Sterling Lakes at Iowa Colony development and will be crafted to create a unique identity for the City of Iowa Colony. The *District* is intended to permit an extensive variety of uses that are compatible and mutually supportive, built around a *Lagoon Amenity* that will serve as a regional destination and a local amenity. The *District*, envisioned as a Live, Work, Play environment, will be appropriately landscaped and will require development to adhere to development standards that differ from the current Uniform Development code (the “UDC”) as identified in this Exhibit F.

A. Contents.

- A. Contents
- B. General Provisions
- C. Sub-Areas
- D. Land Use
- E. Development Regulations
- F. GreenboLT
- G. Building Regulations
- H. Landscape Regulation

B. General Provisions.

1. Development Regulations. Development of the Property shall be governed solely by the following regulations (collectively, the “Development Regulations”).
 - the Plan of Development (the “PD”) set forth in this Exhibit F (the “Development Regulations)
 - The Development Plan attached as Exhibit F-3, or as amended from time to time (the “Development Plan”).
 - The City of Iowa Colony subdivision regulations in effect on the date this PD is adopted (the “Subdivision Regulations”).
 - The City of Iowa Colony building codes in effect on the date this PD is adopted (the “Building Codes”).
 - Unified Development Code
 - Revisions to this Plan of Development.

- The City of Iowa colony Zoning Regulations in effect on the date this PD is adopted (“Zoning Regulations”)
2. Notwithstanding the obligation to comply with the Governing Regulations, the Developer does not, by entering into this Agreement, waive any constitutional, common law, statutory, or other rights the Developer may have to challenge the future applications of the Subdivision Regulations, Unified Development Code (UDC), or Building Codes (including any amendments thereto) to the use or development of the Property.
 3. The *District* approved herein will be constructed, developed, and be maintained in compliance with this PD. If any provision or regulation of any City ordinance applicable in the *District* is not contained in this ordinance, all modifications to these regulations contained shall follow the UDC in effect on the effective date of this ordinance, except to the extent the City regulation or provision conflicts with a provision of this ordinance. The City Manager or his/her designee may approve minor amendments to this PD or to the UDC requirements applicable to this project provided the design intent of this PD is being met.
 4. Amendments to this PD

To facilitate the effective development of the project and allow the development to respond and adjust to ongoing market conditions, occasional refinement of the PD may be necessary. To minimize City of Iowa Colony staff, Planning Commission and City Council time, this PD allows for two (2) distinct amendment processes. Minor Amendments may be approved administratively by the City’s Planning and Zoning Director, whereas Major Amendments will require a full review and approval of staff, Planning Commission and City Council. The specific items which constitute a Minor Amendment vs. a Major Amendment are detailed below.

- a. Minor PD Amendment: The following items shall constitute a minor PD amendment and may be approved administratively:
 - Adjustments to the concept plan for the *District* or sub areas of the District as long as the overall land uses do not change. Adjustments include but are not limited to internal streets, drive aisles, parking (as long as total parking does not fall below the required minimum) or building number, size or layout/location needed to meet site and/or engineering requirements during final design and construction that does not change the intersection of Karsten Boulevard with CR 57 (Cedar Rapids Parkway) or with CR 56 (Meridiana Parkway)
 - Increasing the Commercial land uses as long as sufficient parking is available for the increase.
 - Modifying the shape of the sub areas or the uses within the sub areas (with the exception of multi-family uses which are only allowed in the Town Center sub area) so long as the overall sizes of the sub areas do not change more than 10%.

b. Major PD Amendment: The following items shall constitute a major PD amendment, and will require review and recommendation by City Staff and Planning and Zoning, and approval by City Council:

- Any increase in multi-family units beyond the 650-unit cap in this PD.
- Any revision in use, size, and layout not specifically noted above as a Minor Amendment.
- Any increase to the heights identified in the Development Regulations section of this PD will be considered major amendments.

5. Park land dedication fees are not required to be paid until submission of building permit for the residential land uses of the project.

6. Except as otherwise provided herein, the words used in this PD have the meaning established by the Uniform Development Code. In this ordinance:

Open Space shall include the portion of all land contained within the *District* that is associated with the *Lagoon Amenity* including; any water surface area, beach area, paved plazas, walkways, and amenity areas serving the lagoon; and all other areas not covered by buildings, parking lots, driveways, and other impermeable material. Area intended for pedestrian use that is covered by impermeable material is included in the definition of open space.

The District, as shown on [Exhibit F-1, Location Map](#), and [Exhibit F-3 General Development Plan – Crystal Center Entertainment District at Iowa Colony](#), encompasses +/- 116.0 acres, west of SH 288, south of Cedar Rapids Parkway (CR 57), and north of Meridiana Parkway (CR 56).

Lagoon Amenity or Outdoor Recreational Use means any other outdoor use that has not been listed in the permitted land use tables and may include water bodies as defined by Title 25.1 of the Texas Administrative Code chapter 265 subchapter K. .

7. The following exhibits are attached to and made part of this PD.

- Exhibit F-1: [Location Map](#)
- Exhibit F-2: [Jurisdiction Map](#)
- Exhibit F-3: [General Development Plan](#)
- Exhibit F-4: [Karsten BLVD. / GreenboLT section](#)

C. Sub-Areas.

As shown on [Exhibit F-3, General Development Plan – Crystal Center Entertainment District at Iowa Colony](#)

The *District* is divided into three (3) sub-areas:

1. Sub-area 1 (Commercial North): Sub-area 1 will allow a mix of commercial uses that orient to the adjacent SH 288. This area may be utilized for detention or parking in support of the other sub-areas of the *District*.
2. Sub-area 2A (Town Center): Sub-area 2A will be a mixed-use area, which is designed to provide a walkable "*live, work & and play*" environment.
3. Sub-area 2B (Lagoon/Beach): Sub-area 2B will focus primarily on entertainment and outdoor recreational uses, and may include a *lagoon amenity, outdoor recreational use*, restaurants, bars, multi-use venues, public access beach areas, and support facilities for the *lagoon amenity*.
4. Sub-area 3: (Commercial South). Sub-area 3 will allow a mix of commercial uses that will orient to the adjacent major thoroughfare or to SH 288.

D. Land Use.

Reference [Table 1.0: Permitted Uses](#) for permitted Land Uses within each Sub-*District*.

1. Permitted land uses are listed below in [Table 1.0: Permitted Uses](#). Any use that is not expressly listed below and cannot be reasonably categorized as falling within the definition or common English interpretation of listed use, may be considered by Iowa Colony Planning and Zoning Commission and City Council as a variance to this *PD*. When considering the suitability of an unlisted use, Iowa Colony Planning and Zoning Commission and City Council shall have regard to the permissibility of similar land uses, the vision and objectives of the *District*, the potential amenity impacts associated with the use and whether allowing the use (with or without special conditions) is in the public interest.
2. Permitted land uses may be mixed horizontally or vertically on a single property.
3. Certain land uses are permitted when developed under specific conditions as established in the Notes section below.
4. Detention may be required within any sub area and/or may be required to be located offsite. Detention will be coordinated at the time of plan submission.

Table 1.0 – Permitted Uses:

Land Uses Permitted	1. Commercial North	2A. Town Center	2B. Lagoon / Beach	3. Commercial South	Notes
Residential Land Uses					
Dwelling, Multifamily/ Condominium		X		X	Note 1, 13
Dwelling, single family attached/duplex, triplex, townhouse		X		X	Note 11, 13
Public and Civil Land Uses					
Wedding Venue		X	X	X	
Outdoor Stage, Performance Venue		X	X	X	
Parking Garage	X	X	X	X	
Recreation and Entertainment					
Amusement and Recreational Venue and Services	X	X	X	X	
Other Spectator Sports, incl. rental concessions	X	X	X	X	
Other Reservation Services	X	X	X	X	
Auditorium/ Indoor performance Venue	X	X		X	
Performance Venue, Outdoor	X	X	X	X	
Membership Sports and Recreation Club	X	X	X	X	
Event Venue / Conference Center	X	X	X	X	
Lagoon Amenity/ outdoor recreational use			X		
Medical Land Uses					
Clinic	X			X	
Medical, Dental & Optical Retail Sales	X	X		X	
Medical, Dental Office	X	X		X	
Optician Shop	X	X		X	

Motor Vehicle/Transportation	1. Commercial North	2A. Town Center	2B. Lagoon / Beach	3. Commercial South	
Auto Service Station	X			X	
Bicycle Sales, Repairs & Hire	X	X		X	
Recreational Vehicle Rental	X			X	
Recreation Vehicle and Boat Sales	X			X	
Professional Services					
Accessory Banking	X	X		X	Note 2
Bank, Savings and Loan Association, Financial Institution	X	X		X	
Office, Business	X	X		X	
Office, Professional	X	X		X	
Office, Real Estate Development Tract or Field Office	X	X		X	
Commercial, Retail, Personal Services					
Antique Shop	X	X		X	
Apparel Alteration and Retail or Tailor Shop	X	X		X	
Art Gallery	X	X		X	
Arts, Crafts and Hobby Shop	X	X		X	
Bakery, Retail Confectionery	X	X		X	Note 3
Barbershop, Beauty Salon, other Personal Shop	X	X		X	
Catering Service	X	X		X	
Convenience Store, without Fuel Sales	X	X		X	
Convenience Store, with Fuel Sales	X			X	Note 9

Commercial, Retail, Personal Services	1. Commercial North	2A. Town Center	2B.Lagoon / Beach	3. Commercial South	
Department Store	X			X	Note 4
Farmers' Market, Outdoor		X	X	X	
Furniture, Fixture & Appliance Store	X	X		X	
Gift Shop including Florist	X	X		X	
Grocery Store	X	X		X	
Grocery Store with fuel sales	X			X	Note 9
Health Club	X	X	X	X	
Hobby Studio, Private	X			X	
Hotel, Motel	X	X	X	X	Note 8
Kiosk	X	X	X	X	
Laundry, Dry Cleaning Pickup & Receiving station	X			X	Note 10
Liquor Store, Packaging Sales	X	X		X	
Meat Market (includes Seafood)	X			X	
Mobile Food Unit	X	X	X	X	
Music Store	X	X		X	
Office Supply Store	X	X		X	
Pet Shop	X	X		X	
Pharmacy	X	X		X	
Restaurant	X	X	X	X	
Restaurant, Drive-in/Drive-thru	X			X	
Restaurant, Refreshment Stand (temporary or Seasonal)	X	X	X	X	
Tanning Studio	X	X	X	X	
Tavern, Bars & Nightclubs	X	X	X	X	Note 5
Art & Craft Production	X			X	
Craft Brewery, Distillery or Winery	X	X	X	X	Note 6

Accessory Use	1. Commercial North	2A. Town Center	2B. Lagoon / Beach	3. Commercial South	
Accessory Building		X	X		Note 11,12
Support Services Building		X	X		Note 12

Notes: Conditional Uses and Permits: Any other commercial, nonresidential, public, or private park use may be allowed, but only if the city council exercises its discretion to grant a specific use permit. However, regardless of any other provision, no specific use permit shall be available for the following uses, and such uses are hereby prohibited in the *District*: any use that is noxious or offensive by reason of emission of odors, soot, dust, gas, fumes, vibrations, electrical or magnetic emissions, noise, or other emissions onto the land of another person. Uses within the *District* must be developed in compliance with the following conditions:

1. Residential units shall not exceed 650 units for the entirety of the *District* described in this PD. Unit mix may be of any % so long as the total number of residential units does not exceed 650 units
2. Condominium / Multi-Family is permitted in the *District* provided adequate parking is provided to meet the UDC requirements. Other development regulations are specified in Section E.1, Development Regulations. Multi-family uses within the *District* shall be designed with units accessible to a temperature-controlled interior corridor. No external corridors shall be permitted.
 - (a) Internal corridor means corridors located internal to the building complex and not along the building perimeter or adjacent to a public street or internal access easement.
 - (b) External corridor means a corridor that is located along the perimeter of the building complex and adjacent to a public street or internal access easement.
 - (c) On the ground floor, "exit ways" from an interior corridor shall be enclosed with doors with controlled access.
 - (d) Corridors and or "exit ways" on the upper levels that open to the adjacent public street or internal access easements shall be screened from public view by the use of a decorative screen that will limit the view of any stairs.
 - (e) Temperature in the corridors shall be controlled by the use of a mechanical ventilation system to include at a minimum ceiling fan installed at regular intervals not to exceed 40 feet on center, automatically activated by a thermostat.
 - (f) Internal corridors shall include at least the following minimum architectural finishes:
 - Decorative and or recessed lighting fixtures.
 - Door frames and base boards of a contrasting color
3. Functions Closely Related to Banking excludes check cashing, credit access businesses, and motor vehicle title loans (as defined in Chapter 393 of the Texas Financial Code).
4. Subject to a maximum of 10,000 square feet gross leasable area per establishment.

5. Subject to a maximum of 35,000 square feet of gross leasable area per establishment.
6. Conditions for Tavern, Bars & Nightclubs - Drinking Places other than Micro- Brewery or Brew Pub that do not serve food:
 - (a) Use not permitted within 300 feet of any Single-Family Lot Line.
 - (b) A Drinking Place that does not serve food shall not be greater than 12,500 square feet in size.
7. Conditions for Micro-Brewery or Brew Pub:
 - (a) Use not permitted within 300 feet of any existing Single-Family Lot Line.
 - (b) No Micro-Brewery or Brewpub shall be greater than 15,000 square feet per establishment.
8. Conditions for Hotel/Motel:
 - (a) Entrance through exterior doors must be secured and accessible only to guests and employees.
 - (b) Hotel management must be on-site 24 hours each day.
 - (c) Prohibit overnight parking of trucks with more than two axles and recreational vehicles in the hotel's parking lot and parking garage, erect signs in compliance with Chapter 2308 of the Texas Occupations Code stating those vehicles will be towed from the hotel property.
 - (d) Delivery service areas must be screened from the view of any right-of-way or residential area by masonry walls.
9. Conditions for Gasoline Sales:
 - (a) Recessed lighting under the pump station canopy and in fixtures throughout the site.
 - (b) There shall be no outdoor speakers, except those required by law at the pump stations.
 - (c) Fueling canopy columns shall be designed to fit with the architectural style of the district and should have a minimum of 25% masonry or stone wrap on the columns.
 - (d) Canopy roofs over the pump dispensers shall fit the architectural style of the district.
 - (e) Minimum landscaping buffer to include:
 - i. Hedges of at least three feet in height at time planting that screens the entire parking lot perimeter.
 - ii. Trees of at least three inches in diameter and eight feet in height at the time of planting for every 50 linear feet of parking lot perimeter, except where street trees are provided adjacent to the parking lot.
10. For Laundry, Dry Cleaning Pickup & receiving station, rear doors must be screened by masonry screening walls that are a minimum of 6 feet in height.
11. Accessory uses, include uses which are subordinate to and incidental to the principal

uses, including:

- (a) Private garage.
- (b) Swimming pool, lazy river, slides, or other water amenity playgrounds.
- (c) Playground.
- (d) Cabana, pavilion or roofed area.
- (e) Meeting, party and/or social rooms.
- (f) Tennis courts and other recreational facilities, as an accessory to the principal use.
- (g) Paved automobile parking lots incidental to the principal use

12. Support Services, include uses which support the overall operation and function of the development and are incidental to the principal buildings serving the users of the project, including:

- (a) Machine room, pump rooms, mechanical rooms, or enclosures
- (b) Operations and maintenance buildings, yards, or sheds
- (c) Storage facilities for sporting equipment, furnishings, or other items used in the operations of the development.

13. Build to rent products are permitted within sub area 2.B and may be developed as a traditional single-family lot or as a larger parcel of land with private public access easements to access the units.

14. For all uses:

Outdoor speaker use is prohibited in the areas shown in red on Figure 1.

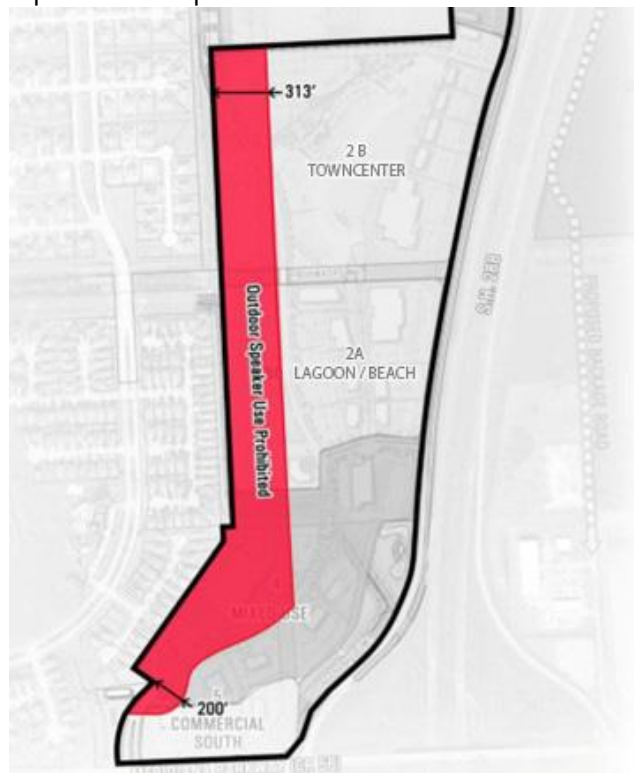


Figure 1.

E. Development Regulations.

Land within the boundaries of the *District*, as shown on *Exhibit F-3 General Development Plan – Crystal Center Entertainment District at Iowa Colony*, shall be developed in accordance with the following development regulations:

1. Minimum Open Space: Fifteen percent (15%) of the total *Entertainment District* shall be open space and may include the body of water for the *Lagoon Amenity*. Individual parcels within the sub-areas are not subject to individual parcel *Open Space* requirements.

2. Condominium/Multi-Family Residential:

a.	The total number of units shall not exceed.	650*
b.	The minimum size of residential units	700 sf gross
c.	The minimum lot width	80 feet
d.	The minimum lot depth	100 feet
e.	The minimum front yard setback	25 feet from public street
f.	The minimum rear yard setback	10 feet
g.	The minimum side yard setback	10 feet
h.	The minimum distance between structures	10 feet
i.	The maximum lot coverage by structures	75 percent
j.	The maximum lot coverage by structures, driveways and parking	90 percent
k.	The maximum building height is determined from finish grade to top of parapet or middle of roof pitch. *The maximum building height may be increased from 35' to 65' upon the City's receipt of an appropriately sized fire fighting apparatus.*	35', 65' Max. see *
l.	Ornamental features, including but not limited to the following elements may be constructed up to 15 feet above the maximum height allowed:	Chimneys Ornamental tower spires Cooling Towers Elevator bulkheads Roof gables Parapet walls, and Mechanical equipment
m.	Multi-family developments larger than 1 acre are required to have more than one point of access to the development from public streets or a paved public access easement adjacent to the boundaries of the development.	All multifamily shall have a min. of 2 access point
n.	Except as otherwise provided in this section, each multi-family residential development shall provide paved pedestrian access to the lagoon amenity.	

*NOTE: The total number of residential units for all residential uses within the overall *District* shall not exceed 650 units total.

3. Commercial and non-residential uses:

a.	The minimum lot area	8,000 square feet
b.	The minimum lot width	80 feet
c.	The minimum lot depth	100 feet
d.	The minimum front yard setback For School and Day-Care Use Buildings, additional parking bays may be constructed between the building and the front property line provided a pedestrian walkway is constructed to connect the front of the building to the sidewalk within the street right-of-way.	50 feet from State Highway 288, 25 feet from any other public or private street.
e.	The minimum rear yard setback	30 feet if adjacent to any Residential Zone
f.	The minimum side yard setback	50 feet from State Highway 288, 25 feet from any other public street, 30 feet if adjacent to any Residential Zone.
g.	The minimum distance between detached structures	12 feet
h.	The maximum lot coverage by structures	65 percent
i.	The maximum lot coverage by structures, driveways and parking	90 percent
j.	The maximum building height is determined from finish grade to top of parapet or middle of roof pitch. - Office height may be increased from 35' to 65' upon the City's receipt of an appropriately sized fire fighting apparatus. - Hotel Height may be increased up to a maximum of 75' upon the City's receipt of an appropriately sized fire fighting apparatus.	35' 65' – Office only 75' – Hotel only
k.	Ornamental features, including but not limited to the following elements may be constructed up to 15 feet above the maximum height allowed:	Chimneys Ornamental tower spires Cooling Towers Elevator bulkheads Roof gables Parapet walls, and Mechanical equipment
l.	Parking requirements. All commercial development within the Mixed-Use Sub Area will meet or exceed the minimum parking requirements specified in the City's Zoning Ordinance. In calculating the required number of parking spaces for each land use, the City Engineer may give credit for shared parking utilizing the Shared Parking criteria published by the Urban Land Institute.	
m.	Landscape requirements. All development within the District will exceed the minimum landscape requirements specified in the City's Unified Development Code.	
n.	Open Space. Pipeline easements, drainage easements, and other areas not included as open space or suitable for	

	development will, when possible, be incorporated into the community open space plan for use as pedestrian corridors and greenbelts. These areas will then be maintained by the owner associations and will not become a potential “no-mans” land.	
o.	Freeway Frontage Road Access. Driveways to State Highway 288 (if provided) shall be required to provide a joint-use private access easement between adjacent tracts fronting the freeway to minimize the total number of access points along the freeway and to facilitate traffic flow between the tracts.	
p.	Signage. The City of Iowa Colony sign ordinance shall apply until such time as a master sign plan is approved by City Council.	

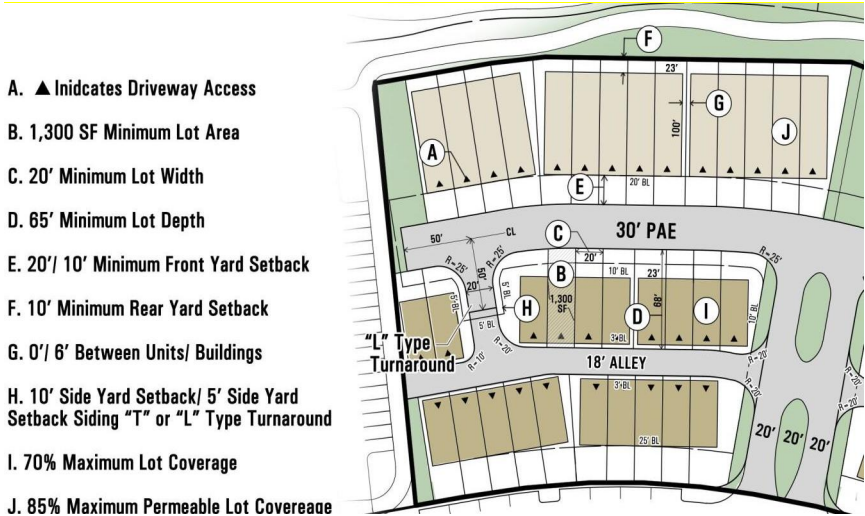
*NOTE: Additional increases in height for hotel use will required a major amendment to the PD.

4. Townhouse residential, tri-plex and duplex units uses:

a.	Townhouse Residential: including tri-plex and duplex lots. One of a group of no less than two (2) nor more than eight (8) attached dwelling units, separated by a fire rated wall, each dwelling unit located on a separate lot.	
b.	Residential units shall be constructed of brick or masonry veneer exterior walls for one-hundred (100) percent of the exterior wall surface (exclusive of windows and doors) for one (1) story structures; and a minimum of sixty (60) percent of the exterior wall (exclusive of windows and doors) for two (2) story structures with the remaining maximum forty (40) percent being fiber cement board.	
c.	Front yards and all common areas within the townhouse development shall be maintained by a property owners association	
d.	The total number of units shall not exceed.	650 units*
e.	The maximum permitted density	14 units per acre
f.	The minimum lot area	1,300 sq. ft.
g.	The minimum lot width	20 feet A 10' minimum lot width is permitted for flag lots. The “staff” portion of the flag lots shall be restricted to legal frontage only. No driveways or buildings shall be constructed on the portion of the lot that is less than 20 feet wide

h.	The minimum lot depth	65 feet
i.	The minimum front yard setback	20 feet / 10 feet if vehicular access is from a rear alley/shared driveway.
j.	The minimum rear yard setback	10 feet / 3 feet if vehicular access is from a rear alley.
k.	The minimum side yard setback	0 feet between units; 6 feet at the end of each building complex
l.	The minimum side yard of corner lots	10 feet on street side/ 5' if siding on "T" type or "L" Type turnaround (see below)
m.	The maximum lot coverage by structures	80 percent
n.	The maximum lot coverage by structures, driveways and parking	85 percent
o.	The maximum height.	35 feet Two (2) stories. Roof gables, chimneys, and vent stacks may extend an additional 10 feet above the average level of the base of the foundation of the building. Height regulations prescribed herein shall not apply to satellite earth station antennas or any personal communication electronic facilities protected by the Federal Telecommunications Act of 1996.
p.	Additional parking shall be provided on the site at a minimum 1 space per every 5 units	1 space / 5 units

*NOTE: The total number of residential units for all residential uses within the overall *District* shall not exceed 650 units total.



- A. ▲ Indicates Driveway Access
- B. 1,300 SF Minimum Lot Area
- C. 20' Minimum Lot Width
- D. 65' Minimum Lot Depth
- E. 20' / 10' Minimum Front Yard Setback
- F. 10' Minimum Rear Yard Setback
- G. 0' / 6' Between Units/ Buildings
- H. 10' Side Yard Setback/ 5' Side Yard Setback Siding "T" or "L" Type Turnaround
- I. 70% Maximum Lot Coverage
- J. 85% Maximum Permeable Lot Coverage

Figure 2. Conceptual PAE and Alley layout

q. Lot access: Access to lots may be from either a public or private street, or from a permanent access easement (PAE). Lots may take driveway access from a private alley provided the lots also have adequate minimum frontage on either a public or private street, or from a permanent access easement.

- i. The minimum right-of-way required for permanent access easement is 30 feet. The right-of-way width of a permanent access easement is coterminous with the pavement width and the terms are used interchangeably. The width shall be measured from edge to edge across the surface of the pavement.
- ii. Sidewalks are not required adjacent or along a permanent access easement.
- iii. Intersections along permanent access easements shall be spaced a minimum of 65 feet apart and shall not intersect at less than an 80-degree angle.
- iv. When a permanent access easement intersects with another permanent access easement at a 90-degree angle, the permanent access easement shall provide a 25-foot radius at the intersection.
- v. When a permanent access easement intersects with another permanent access easement at an angle of between 80 and 90 degrees each acute angle shall have a 25-foot radius at the intersection.
- vi. A permanent access easement may not be a direct straight-line extension of a public street.
- vii. Curves along a permanent access easement may have any centerline radius except that the centerline radius of a reverse curve shall not be less than 65 feet. Reverse curves shall be separated by a tangent of not less than 25 feet.
- viii. Dead end permanent access easements shall not exceed 100 feet or must provide an "L" type, or "T" type turn around.
- ix. The minimum right-of-way requirement for a private alley is 18 feet. The right-of-way width of a private alley is coterminous with the pavement width and the terms are used interchangeably. The width shall be measured from edge to edge across the surface of the pavement.
- x. When a private alley intersects with a permanent access easement, or public street the alley shall provide a 20-foot radius at the intersection.
- xi. When a private alley intersects with another private alley the minimum radius shall be 10 feet.
- xii. An alley may not be a direct straight-line extension of a public street.
- xiii. Dead end alleys may not exceed 100 feet.

r. Parking for Townhouse Residential Use.

- i. Each subdivision providing for a townhouse residential use shall provide at least two off-street parking spaces per dwelling unit on each lot.
- ii. Each subdivision plat providing for a townhouse residential use on a permanent access easement with six or more dwelling units shall provide one additional parking space for every five dwelling units. Each additional guest parking space shall conform to the following requirements:
 - a. The guest parking space shall be placed within the boundaries of the subdivision plat, unless the guest parking space abuts a continuous curb along a public or private street that is adjacent to or within the plat boundary and that is not a major thoroughfare. All parking spaces shall be maintained by the HOA.
 - b. For a subdivision plat where the lots abut a permanent access easement and take vehicular access only from a private alley, a guest parking space may be included within the permanent access easement.
 - c. The guest parking space shall not be placed within a lot.
 - d. The guest parking space shall not be placed where parking is prohibited by law; and
 - e. The guest parking space shall be accessible to all residents of each dwelling unit of the subdivision plat.

F. GreenboLT and Pedestrian Circulation Regulations.

In lieu of the standard sidewalks required by the City's current regulations on both sides of Karsten Boulevard, a 12' wide multi-use trail for use by electric (only) golf carts and other vehicles, like scooters, Segway scooters, bicycles etc. shall be provided within the Right of Way and along one side only of Karsten Boulevard. Pavement marking and signage shall be installed.

G. Screening of Adjacent Land uses:

1. *Sub Area 2B (Lagoon/Beach)* is exempt from the regulations of Section 3.3.1.1, 3.3.1.3, and 3.3.2.3 of the UDC, based on the following conditions:
 - (a) When adjacent to single family residential, and the use is located on the opposite side of a major thoroughfare (Karsten Boulevard), and buildings on site are located a minimum of 300' away from the property line.

H. Parking Regulations:

1. *Sub-Areas 1 (Commercial South), 2A (Town Center), & 3 (Commercial North)*: Areas shall be subject to the Engineering Design Criteria Manual and parking regulations of the Unified Development Code.
2. *Sub-Area 2B (Lagoon/ Beach)*: Parking shall be provided at a rate of 3.2 occupants

per car. The minimum parking required shall support the daily posted maximum occupancy of (1500 users).

- (a) Permanent parking spaces to support the maximum daily capacity may be phased according to the following:
 - (i) The first phase of development may provide up to 300 spaces of permanent parking. Additional parking required to meet the maximum daily capacity in phase 1 may be provided as *overflow parking*.
 - (ii) *Overflow parking* may be installed as pervious materials and may include $\frac{3}{4}$ " stone as the primary surface with drainage sock for drainage.
- (b) The minimum size of a permanent head-in 90-degree parking stall is 9' x 18'. Smaller spaces may be permitted if marked as a "compact" space. No more than 10% of the parking provided shall be designed as "compact".
- (c) Additional overflow parking shall be permitted on-site during special events. This special event parking may be considered temporary / overflow parking and may be located within *Sub-Areas 1, 3* or within the non-developed *Sub-Area 2A*. This temporary / overflow parking may be improved with pervious materials and may include a $\frac{3}{4}$ " stone as the primary surface with drainage sock for drainage.
- (d) The general location and layout of the future permanent parking areas may be shown as a diagram for site plan or permit approval. Final civil construction plans for future parking are not required for site plan or permit approval of initial phases under this PD.
- (e) Shared Parking scenarios may be permitted as defined:

3. Shared Parking: Is permitted for two or more different use classifications within the *District* that are not used for or restricted to single-family residential purposes to reduce the overall parking space requirement.

- (a) The amount of shared parking permitted in the *District* shall be determined by submitting a parking study with a site plan that details the parking supply and demand of the intended uses per typical weekday and typical weekend time frames. The number of approved shared parking spaces shall be determined by the city manager after consideration of all relevant factors.

I. Building Regulations SUB-AREA 1, 2A, & 3 / Town Center & Commercial Area: – Buildings within *Sub-Area 1, 2A, & 3* shall be developed in accordance with the following regulations:

1. Building façade design criteria:
 - (a) Building facades shall include offsets, or changes in building materials, colors and textures, or other methods to break up the horizontal and vertical building planes.
 - (b) Building facades shall incorporate architectural details that create shade and cast shadows to provide visual relief.
 - (c) Facades greater than 100 feet in length that face Karsten Boulevard, Cedar Rapids Parkway or Meridiana Parkway shall incorporate offsets having a minimum depth of at least 2 feet and extending at least 20% of the length of the façade.
 - (d) No uninterrupted length of a façade shall exceed 100 feet.

2. Building façade finishes:
 - (a) Primary Finish means an exterior finish consisting of brick, stone (natural, cast, or cultured-textured), stucco, and glass.
 - (b) Secondary Finish means an exterior finish consisting of wood, ceramic tiles, concrete masonry units (indented, hammered, or split face concrete), architectural metal panels (limited to metal composite and insulated metal panels) and fiber cement siding.
 - (c) Primary Finishes shall comprise at least 70% of each façade. The remaining portion of an exterior wall that is not constructed of a Primary Finish must be constructed of a Secondary Finish. No single primary building finish material shall cover more than 80% of the front of any building.
 - (d) Secondary Finishes shall comprise no more than 30% of the façade for any building.
 - (e) Use of architectural metals (not defined as metal composite or insulated metal panels) is limited to canopies, parapet walls, roof systems, and miscellaneous trim work.
 - (f) The following building materials shall not be used for a Primary or Secondary Finish:
 - (i) Vinyl siding, wood fiber hardboard siding, oriented strand board siding, plastic or fiberglass panels.
 - (ii) Unfired or underfired clay, sand, or shale brick.
 - (iii) Smooth or untextured concrete surfaces.

1. Building façade features for Retail Buildings only:
 - (a) The front façade (the side of the building facing the street or internal access easement) of the publicly accessible first floor of a retail building, shall be at least 60% transparent to permit visibility between the building occupants and outdoor pedestrians and motor vehicle drivers.
 - (b) Ground floor façades for retail buildings shall have storefronts, canopies, arcades, display windows, entry areas, awnings or other features along at least 50% of their horizontal length.

3. All façades of an individual building and the façades of multiple buildings within a single reserve shall be of similar architectural design, color, and materials unless buildings are considered supporting the primary use.

4. Screening walls, wing walls, columns, and similar building extensions and supports shall be of complementary architectural design, color, and materials as the building or structure to which they are attached.

5. Building canopies:
 - (a) Canopies shall be provided at all street facing building entrances intended for pedestrians.
 - (b) Canopies may be structural extensions of the building or constructed of fabric attached to the building.
 - (c) An individual canopy shall cover a ground area of at least 20 square feet.

6. Service and Equipment Areas:
 - (a) Service and Equipment Areas must be oriented toward service drives and away from the public right-of-way unless adequately screened.

- (b) Service and Equipment Areas must be visually and acoustically screened from public streets, pedestrian gathering areas, within 50 feet of building entrances, and from view of Sub-Area 2A for parcels immediately adjacent to the lagoon.
 - (c) Screening shall consist of wing walls, free standing masonry walls, landscape screens, changes in building orientation, and/or other elements that provide sufficient barrier. Screening may consist of a combination of these items.
 - (d) Screening shall extend a minimum of 12 inches above the object being screened.
 - (e) Screening walls, wing walls, columns, and similar building extensions and supports shall be of complementary architectural design, color and materials as the building or structure to which they are attached.
7. Mechanical and Utility Equipment:
- (a) Mechanical and Utility equipment must be placed in the most inconspicuous location possible.
 - (b) Mechanical and Utility equipment shall be located internally within rear or side access drives and alongside rear or side-facing facades not consistent with the primary building façade, pedestrian access points, and from view of Sub-Area 2A for parcels immediately adjacent to the lagoon.
 - (c) Ground-mounted mechanical equipment must be hidden from public view, or screened with architecturally integral wing walls and/or landscape planting, or another acceptable screening device.
 - (d) Where building mounted utility equipment cannot be placed behind screens or other barriers and is visible from the public right-of-way, it must be treated such that it blends into the context of the adjacent façade materials.
 - (e) Utility boxes taller than 2 feet may not be placed in an intersection clear vision area or interfere with the use of streets, sidewalks or other pedestrian or vehicular paths
8. Support Services Building:
- (a) Support Service Building shall follow the requirements of industrial Use Buildings as defined in the UDC.
 - (b) Delivery service areas must meet the same screening and visibility requirements as defined in Section 8 a
- J. Building Regulations SUB-AREA 2B (Lagoon/Beach).
In acknowledgment that the Sub-Area 2A (Lagoon) is a unique and distinct attraction, where the primary use of the building is inwardly focused towards the lagoon amenity, the provisions of Section 3.5.3.1, Section 3.5.3.2, Section 3.5.3.3, Section 3.5.3.4, Section 3.5.3.6, Section 3.5.3.7, 3.5.3.11, and 3.5.3.12 of the UDC shall not apply.

Buildings within Sub-Area 2B shall be developed in accordance with the following regulations:

1. Secondary building Requirements:
- (a) Secondary buildings that are behind the perimeter fence of the lagoon amenity and not visible from Karsten Boulevard shall be exempt from Article 5 of the UDC.
 - (b) Secondary buildings are not required to be masonry and shall be constructed in

such a manner as to blend in and compliment the architecture of the internal lagoon amenity area.

- (c) Secondary Buildings include the following:
 - (i) Those structures under 1,000 GSF, single story, and not taller than 20'-0" in height) necessary for the support, functionality, and use of the lagoon amenity.
 - (ii) Accessory Structures.
 - (iii) Support Services Buildings.
2. Building façade design criteria:
 - (a) Building facades shall include offsets, or changes in building materials, colors and textures, or other methods to break up the horizontal and vertical building planes.
 - (b) Building facades shall incorporate architectural details that create shade and cast shadows to provide visual relief.
 - (c) Facades greater than 100 feet in length that face Karsten Boulevard shall incorporate offsets having a minimum depth of at least 2 feet and extending at least 20% of the length of the façade.
 - (d) No uninterrupted length of a façade shall exceed 100 feet.
 - (e) There shall be no limit to the number of colors used on the exterior of the building.
 3. Building façade finishes:
 - (a) Primary Finish means an exterior finish consisting of brick, stone (natural, cast, or cultured-textured), glass, and stucco, or any material permitted by the UDC.
 - (b) Secondary Finish means an exterior finish consisting of wood (either natural or cementitious), ceramic tiles, concrete masonry units (indented, hammered, or split face concrete), architectural metal panels (limited to metal composite and insulated metal panels) and fiber cement siding.
 - (c) Primary Finishes shall comprise at least 70% of each facade. The remaining portion of an exterior wall that is not constructed of a Primary Finish must be constructed of a Secondary Finish. No single primary building finish material shall cover more than 80% of the front of any building.
 - (d) Secondary Finishes shall comprise no more than 30% of the façade for any building.
 - (e) Use of architectural metals (not defined as metal composite or insulated metal panels) is limited to canopies, parapet walls, roof systems, and miscellaneous trim work.
 - (f) The following building materials shall not be used for a Primary or Secondary Finish:
 - (i) Vinyl siding, wood fiber hardboard siding, oriented strand board siding, plastic, or fiberglass panels.
 - (ii) Unfired or underfired clay, sand, or shale brick.
 - (iii) Smooth or untextured concrete surfaces.
 4. Character Defining Elements:
 - (a) All buildings within the referenced Sub-Area shall be in a character and scale to support the aesthetic values of the lagoon amenity purpose.
 5. Screening walls, wing walls, columns, and similar building extensions and supports shall be of complementary architectural design, color, and materials as the building

or structure to which they are attached.

6. Service and Equipment Areas:
 - (a) Service and Equipment Areas must be oriented toward service drives and away from the public right-of-way unless adequately screened.
 - (b) Service and Equipment Areas must be visually and acoustically screened from public streets, pedestrian gathering areas, and within 50 feet of building entrances.
 - (c) Screening shall consist of wing walls, free-standing masonry walls, landscape screens, changes in building orientation, and/or other elements that provide a sufficient barrier. Screening may consist of a combination of these items.
 - (d) Screening shall extend a minimum of 12 inches above the object being screened.
 - (e) Screening walls, wing walls, columns, and similar building extensions and supports shall be of complementary architectural design, color, and materials as the building or structure to which they are attached.

7. Mechanical and Utility Equipment
 - (a) Mechanical and Utility equipment must be placed in the most inconspicuous location possible.
 - (b) Mechanical and Utility equipment shall be located internally within rear access drives and alongside rear-facing facades not consistent with the primary building façade or pedestrian access points.
 - (c) Ground-mounted mechanical equipment must be hidden from public view or screened with architecturally integral wing walls and/or landscape planting, or another acceptable screening device.
 - (d) Where building-mounted utility equipment cannot be placed behind screens or other barriers and is visible from the public right-of-way, it must be treated such that it blends into the context of the adjacent façade materials.
 - (e) Utility boxes taller than 2 feet may not be placed in an intersection clear vision area or interfere with the use of streets, sidewalks or other pedestrian or vehicular paths.

8. Building Roof Finishes:
 - (a) Additional approved roofing material include thatch roofing – either synthetic or natural, in addition to those expressly permitted in the UDC.

- J. Lighting:
 1. Sub-Area 1 (Commercial South), 2A (Town Center), & 3(Commercial North): Shall follow the requirements as set forth in the UDC.
 2. Sub-Area 2B (Lagoon/Beach): Lighting for the area inside of the perimeter fence related to the Outdoor Recreational Use shall be regulated by: Title 25.1 of the Texas Administrative Code chapter 265 subchapter K. Any area outside of the perimeter fence shall follow the requirements as set forth in the UDC.

- K. Tree Ordinance. The *District* is exempt from the City of Iowa Colony tree ordinance.

- L. Landscape. All development within the *District* will meet or exceed the minimum landscape requirements specified in the City's Unified Development Code. The following additional plants shall be permitted to be used within Sub-Area 2B (Lagoon/Beach) of the *District*. Additional plants may be added to this list provided they are not an invasive species in the state of Texas and are reviewed and approved by staff.

1. Plant List

Trees:

- Little Gem – *Magnolia grandiflora* 'Little Gem' (Evergreen)
- Vitex – *Vitex agnus-castus*
- Pindo Palm- *Butia capitata*
- Sago Palm- *Cycas revoluta*
- European Fan Palm- *Chamaerops humilis cerifera*
- Chinese Fan Palm- *Livistona chinensis*
- Mazari Palm- *Nannorrhops ritchiana*
- Canary Island Date Palm- *Phoenix canariensis*
- Medjool Date Palm- *Phoenix dactylifera* 'Medjool'
- Sylvester Palm- *Phoenix sylvestris*
- Texas Sabal Palm- *Sabal texana*
- California Fan Palm- *Washingtonia filifera*
- Washingtonia Palm- *Washingtonia robusta*
- Eagleston Holly- *Ilex x attenuate* 'Eagleston'
- Crape Myrtle - Red- *Lagerstroemia x 'Arapaho'*
- Crape Myrtle – Pink- *Lagerstroemia x 'Sioux'*

Shrubs/Groundcovers:

- Coppertone Loquat – *Eriobotrya japonica* 'Coppertone' (Evergreen)
- Morning Light Miscanthus – *Miscanthus sinensis* 'Morning Light' (Herbaceous)
- Dwarf Bottlebrush – *Callistemon citrinus* 'Little John' (Evergreen)
- Variegated Flax Lily – *Dianella tasmanica* 'Variegata' (Evergreen)
- Mexican Feather Grass – *Nassella tenuissima* (Herbaceous)
- New Gold Lantana – *Lantana x hybrid* 'New Gold' (Evergreen)
- Liriope – *Liriope muscari* (Evergreen)
- Gulf Muhly Grass - *Muhlenbergia capillaris*
- Drift Rose (Apricot) – *Rosa* 'Meimirrot'
- Dwarf Firebush – *Hamelia patens*
- Summer Wisteria – *Indigofera decora*
- Hameln Grass – *Pennisetumalopecuroides* 'Hameln'
- Sandy Leaf Fig – *Ficus tikoua*
- Purple Trailing Verbena – *Verbena canadensis* 'Homestead Purple'
- Snow-N-Summer Jasmine – *Trachelospermum asiaticum* 'Snow-N-Summer'
- Green Mound Juniper – *Juniperus procumben* 'Green Mound'

- Bicolor Iris – *Dietes Bicolor* (Evergreen)
- Foxtail Fern – *Asparagus meyeri* (Evergreen)
- Japanese Blueberry – *Elaeocarpus decipiens* (Evergreen)
- Dwarf Palmetto- *Sabal minor*
- Shell Ginger- *Alpinia Zerumbet* 'Variegata'
- Bat Faced Cuphea- *Cuphea llavea*
- Canna Lily- *Canna indica*
- Yellow Iris- *Iris pseudacorus*
- Knockout Rose- *Rosa* 'Radrazz'
- Double Red Knockout Rose- *Rosa* x 'Knockout' TM
- Elephant's Ear- *Colocasia*
- Banana- *Musa acuminata*
- Bird of Paradise- *Strelitzia* spp.
- Variegated Japanese Aralia - *Fatsia japonica* 'Variegata'
- Flame of the Woods- *Jungle geranium*
- Princess Flower- *Pleroma urvilleanum*
- Variegated Asian Jasmine- Asiatic jasmine
- Geyser Pink Gaura- *Gaura lindheimeri* 'Geyser Pink'
- Geyser White Gaura- *Gaura lindheimeri* 'Geyser White'
- Super Green Giant Liriope- *Liriope muscari* 'Super Green Giant'
- Yellow-tip Ligustrum- *Ligustrum howardii*
- Sweet Viburnum- *Viburnum odoratissimum*
- Kaleidoscope Abelia- *Abelia x grandiflora* 'Kaleidoscope'
- Rose Creek Abelia- *Abelia x grandiflora* 'Rose Creek'
- Dwarf Schilling's Holly- *Ilex vomitoria* 'Schilling's Dwarf'
- Lindheimer's Muhly- *Muhlenbergia lindheimeri*
- Dwarf Nandina- *Nandina domestica*
- Switch Grass- *Panicum virgatum* 'Shenandoah'
- Spring Bouquet Laurestinus- *Viburnum tinus* 'Spring Bouquet'
- Sand Cord Grass- *Spartina bakeri*
- Variegated Confederate Jasmine- *Trachelospermum jasminoides* 'Variegatum'

Vines:

- Algerian Ivy- *Hedera canaiensis*
- Trumpet Vine- *Campsis radicans*
- Evergreen Wisteria- *Callerya reticulata*
- Virginia Creeper- *Parthenocissus quinquefolia*