



JOINT PUBLIC HEARING
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF
THE CITY OF PEARLAND, TEXAS,
MONDAY, OCTOBER 17, 2016, AT 6:30 P.M.
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

I. CALL TO ORDER

II. PURPOSE OF HEARING

Conditional Use Permit Application No. CUP 16-00007

A request of Leslie K Padilla, for Sovereign Grace Church of Pearland, applicant, on behalf of Pearland Westside II Associates, LP, owner; for approval of a Conditional Use Permit to allow for a church in the Neighborhood Services (NS) zoning district; on approximately 0.846 acres of land.

Legal Description: A certain 218.00 by 169.00 tract of land out of a tract "A" of the West Side Plaza adjoining McLean Road on the East and Walnut Street (F.M. 518) on the north, said tract containing 0.846 acre, more or less.

General Location: 5004 Broadway Street, Pearland, TX.

III. APPLICATION INFORMATION AND CASE SUMMARY

- A. STAFF REPORT
- B. APPLICANT PRESENTATION
- C. STAFF WRAP UP

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

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

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



Staff Report

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: October 12, 2016

Re: Conditional Use Permit Application No. CUP 16-00007

A request of Leslie K Padilla, for Sovereign Grace Church of Pearland, applicant, on behalf of Pearland Westside II Associates, LP, owner; for approval of a Conditional Use Permit to allow for a church in the Neighborhood Services (NS) zoning district; on approximately 0.846 acres of land.

General Location: 5004 Broadway Street, Pearland, TX.

Summary of Request

This request is for approval of a Conditional Use Permit (CUP) on approximately 0.846 acres of land, located at 5004 Broadway Street, to allow for a church in the Neighborhood Services (NS) zoning district.

Recommendation

Staff recommends approval of the requested CUP to allow for a church on the approximately 0.846 acre site for the following reasons:

1. The site was previously used for a Goodwill. While this CUP is for a change of use, the intensity of the use will be less than the previous use. The proposed use will likely not cause a traffic problem for the Pearland Westside, the surrounding shopping center, as the uses are occupied at different times.
2. The shopping center has a history with churches. Two CUP's were approved in 2009 for churches on the main shopping center lot. Currently there are no other religious uses within the center.
3. The proposed use is in conformance with the FLUP, zoning district, and surrounding properties.

Site History

The subject property is currently developed with a general retail structure as part of Pearland Westside, an existing shopping center, and zoned Neighborhood Services (NS). The property was redeveloped 2003 for the change of use from a bank to a Goodwill and to come into compliance with the façade standards for the Corridor

Overlay District. The proposed CUP will be the fourth CUP for the shopping center (three for church use and one for a cigar shop).

The site is bounded by General Business (GB) zoning to the north, GB and Single-Family Residential-2 (R-2) to the East, and NS to the south and west. The below table identifies surrounding uses and zoning districts:

	Zoning	Land Use
North	General Business (GB)	Church
South	Neighborhood Service (NS)	Commercial Shopping Center
East	General Business (GB) and Single-Family Residential-2 (R-2)	Residential and Bail Bonds
West	Neighborhood Service (NS)	Commercial Shopping Center

Conformance with the Comprehensive Plan

The current zoning is in conformance with the Future Land Use Plan (FLUP). FLUP designates this property as “Retail, Offices and Services” which is described as including a variety of office and retail development. The Comprehensive Plan recommends that neighborhood retail and services should be located at the intersections of Thoroughfares or Collector streets or at the edge of logical neighborhood areas. In addition, offices should be compatible with nearby residential uses. The proposed use of a church is a service for the surrounding area and a low intensity commercial use which makes it compatible with the residential uses across Mclean Road.

Conformance with the Thoroughfare Plan

The subject property is located at the junction of Broadway Street, West Walnut Street, and Mclean Road.

Broadway Street has a right-of-way of 142 feet and is a Major Thoroughfare to be widened. Major thoroughfares are defined as having a minimum right-of-way of 120 feet. Broadway Street has sufficient right-of-way.

West Walnut Street has a right-of-way of 64 feet and is a Major Collector to be widened. Major Collectors are defined as having a minimum right-of-way of 80 feet. At its most narrow intersection, West Walnut Street requires additional right-of-way of 16 feet.

Mclean Road has a right-of-way of 67 feet and is a Minor Collector of sufficient width. Minor Collectors are defined as having a minimum right-of-way of 60 feet.

Conformance with the Unified Development Code

The property is currently developed and conforming with the current Unified Development Code (UDC). The applicant plans to repurpose the existing structure for a sanctuary and associated church offices. The lot requirements of the proposed NS zoning district are provided in the following table.

Neighborhood Service (NS) Area Regulations

Size of Lot	Required	Proposed
Minimum Lot Size	12,500 sq. ft.	0.846 acres / 36,852 sq. ft
Minimum Lot Width	100 ft.	218 ft.
Minimum Lot Depth	100 ft.	169 ft.

The property may remain in its current state. If the property undergoes any major changes, it will be required to meet current development standards. The property falls within the COD and any development would be required to stay in compliance with the COD requirements in addition to other UDC requirements.

Platting Status

The subject property is platted as West Side Plaza Tract II.

Availability of Utilities

The subject property has access to City water and sanitary sewer infrastructure. A 12-inch water line exists along the south side of West Walnut Street and a 10-inch water line along the west side of Mclean Road. A 15-inch sanitary sewer line also runs along the west side of Mclean Road.

Impact on Existing and Future Development

The proposed CUP should not have any negative impact on existing or future development of the shopping center. The site was previously used for a Goodwill. While this CUP is for a change of use, the intensity of the use will be less than the previous use. The proposed use will likely not cause a traffic problem for the Pearland Westside, the surrounding shopping center, as the uses are occupied at different times. The shopping center has a history with churches. Two CUP's were approved in 2009 for churches on the main shopping center lot. Currently there are no other religious uses within the center.

Additional Comments

The request has been reviewed by the City's Development Review Committee (DRC), and there were no additional comments from other departments at the time of this report.

Public Notification

Staff sent public notices, comment forms and a vicinity map to the applicant, the owner of the property and to property owners within 200 feet of the subject property under consideration for the zone change. Additionally, a legal notice of the public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant.

Opposition to or Support of Proposed Request

Staff has not received any returned notices in opposition to or in support of the proposed change in zoning request. Staff has received one phone call in opposition to this request.

Exhibits

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Notification Map
5. Notification List
6. Applicant Packet

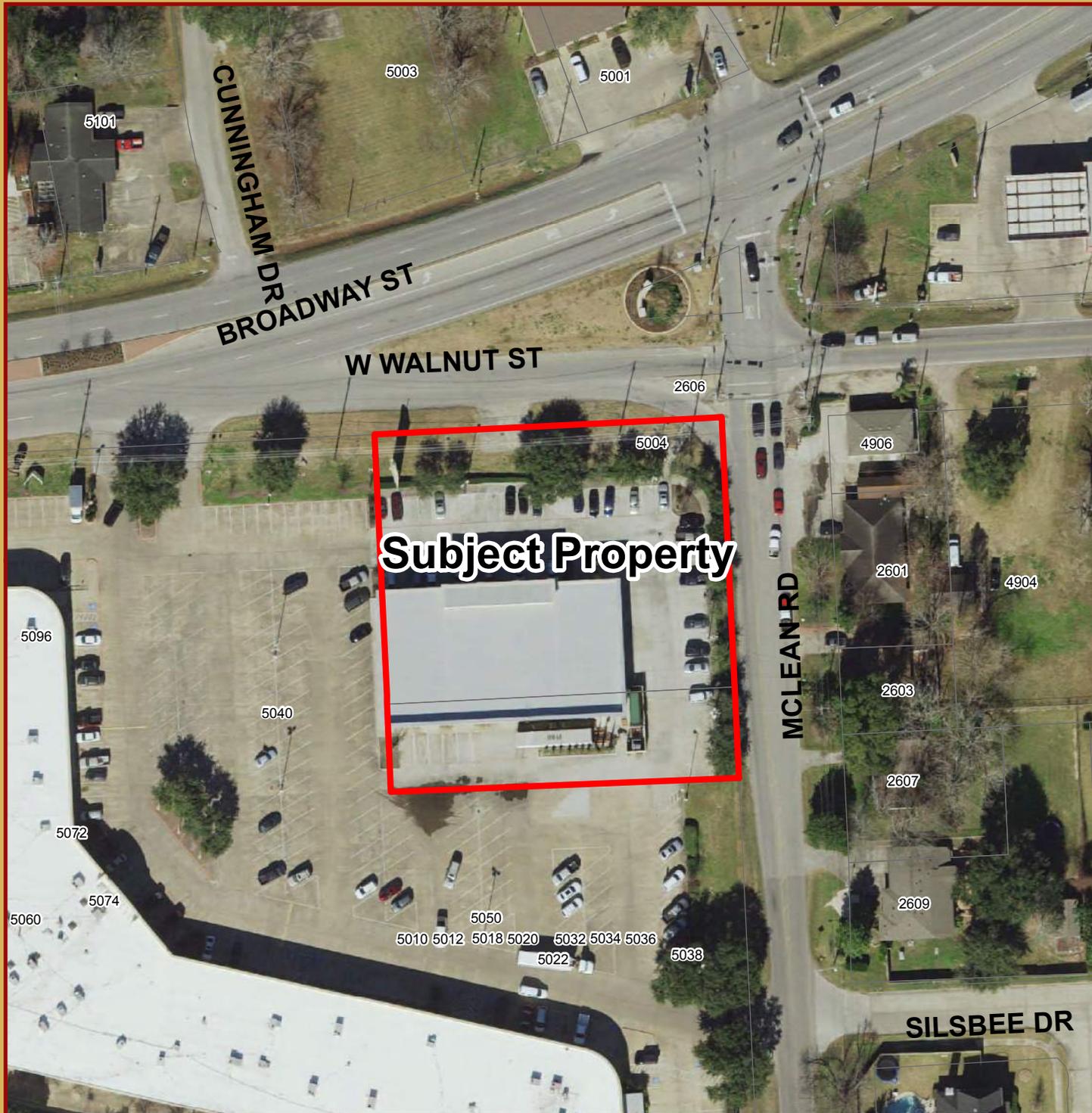


Exhibit 1

AERIAL MAP

CUP 16-00007

5004 Broadway Street

Subject Property



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 91 feet

AUGUST 2016
PLANNING DEPARTMENT



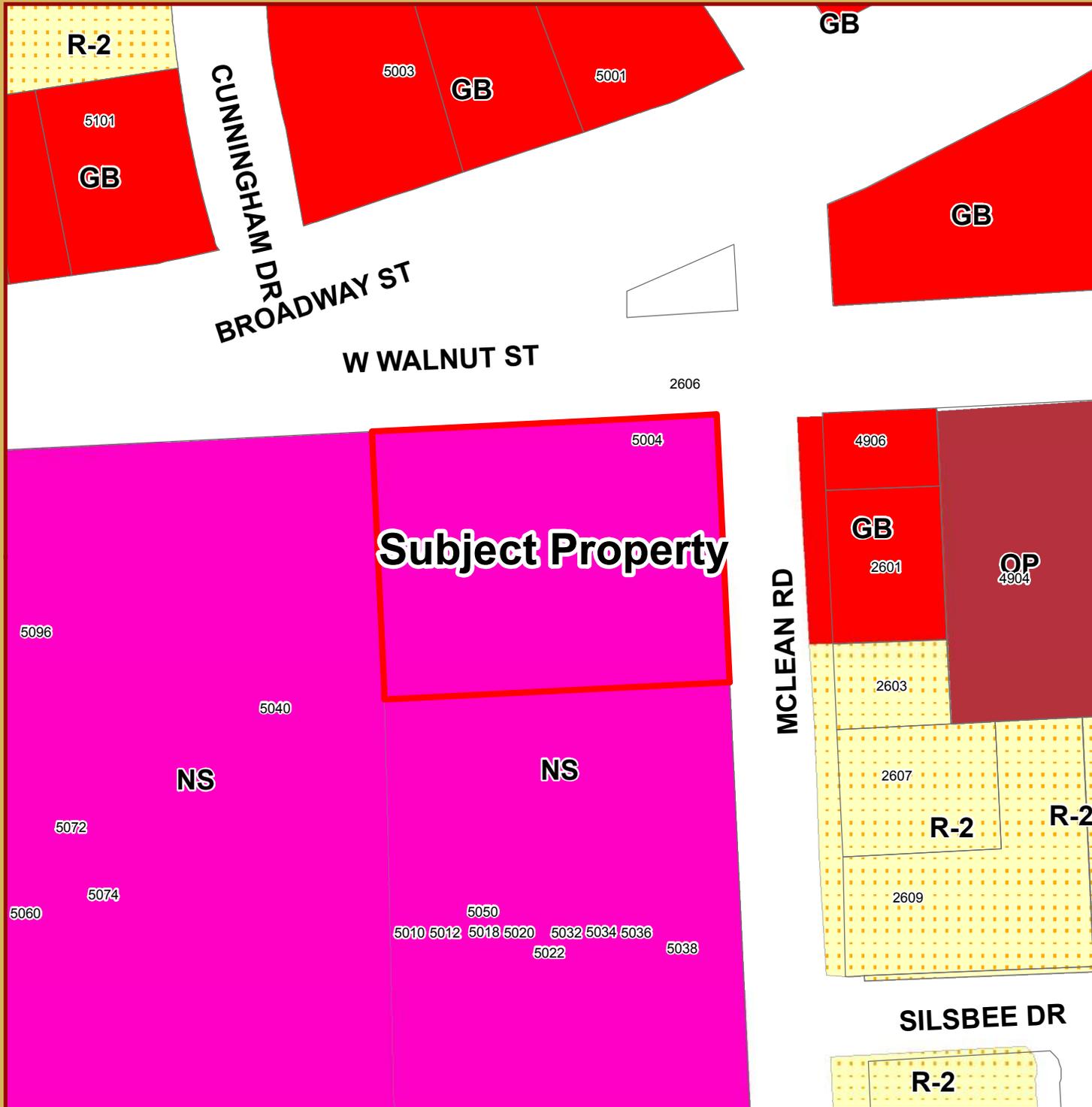


Exhibit 2

ZONING MAP

CUP 16-00007

5004 Broadway Street



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1 inch = 91 feet

AUGUST 2016
PLANNING DEPARTMENT



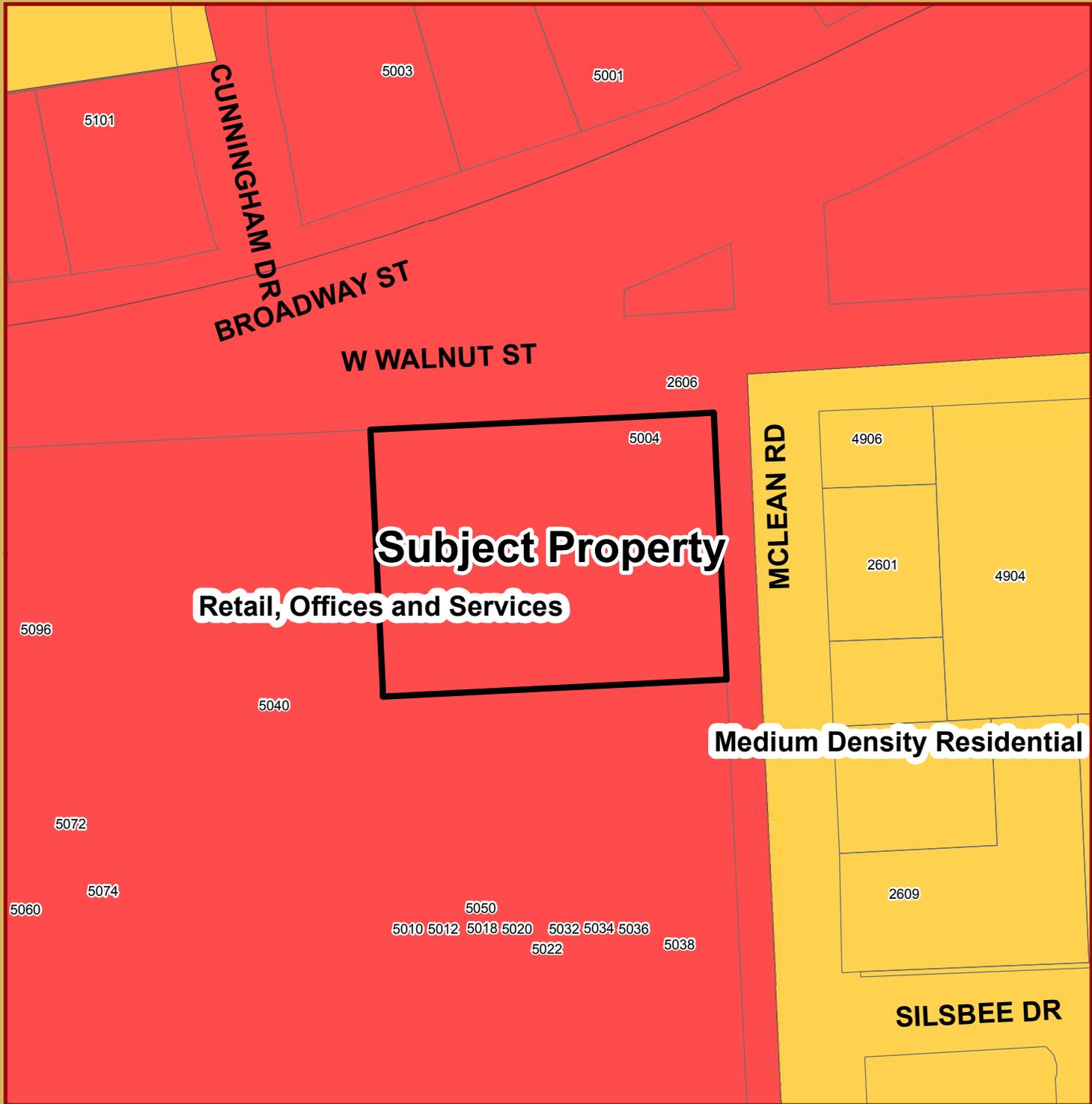


Exhibit 3

FLUP MAP

CUP 16-00007

5004 Broadway Street



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1 inch = 91 feet

AUGUST 2016
PLANNING DEPARTMENT

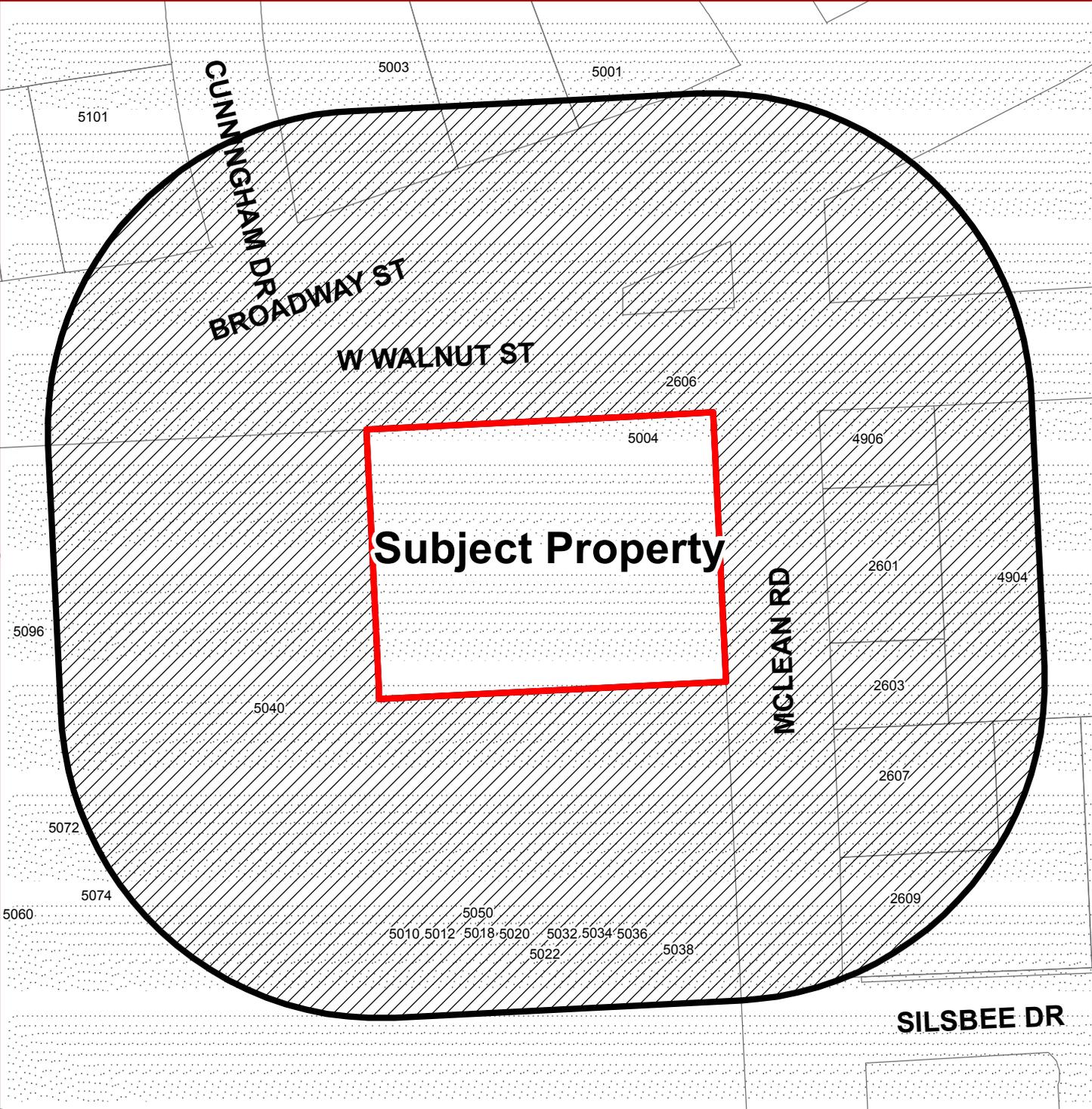


Exhibit 4

NOTIFICATION MAP

CUP 16-00007

5004 Broadway Street



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1 inch = 91 feet
 AUGUST 2016
 PLANNING DEPARTMENT



Exhibit 5

CUP 16-00007

Property_Owner	Address	City	State	Zip_Code
2 BARNETTS LTD	5402 RYAN ACRES DR	PEARLAND	TX	77584
AROUD MOHAMMED FATIH	11403 SOFTBREEZE CT	PEARLAND	TX	77584
CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
FELTS ALBERT C & BETTY L	2927 VEVA DR	PEARLAND	TX	77584
JORDAN JEANIE ALENE & CANDACE ANN ATKINSON	2609 MCLEAN RD	PEARLAND	TX	77584
MCLEHANY TROY	15702 SEASIDE LN	HOUSTON	TX	77062
MERCER JAMES T	2601 TARRYTOWN LN	PEARLAND	TX	77581
PEARLAND WESTSIDE II ASSOC. LP	7373 E DOUBLETREE, #200	SCOTTSDALE AZ		85258
PHAM HIEP & THANH	PO BOX 84117	PEARLAND	TX	77584
PHAM MIKE	918 SHAWNEE ST	HOUSTON	TX	77034
SOVEREIGN GRACE CHURCH OF PEARLAND	P. O. BOX 1053	PEARLAND TX		77588
WESTSIDE SC PEARLAND LTD	4808 GIBSON ST, 3RD FL	HOUSTON	TX	77007



City of Pearland Planning Department Universal Application

City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281.652.1765
281.652.1702 (fax)
pearlandtx.gov

Please complete each field - Incomplete applications will not be accepted. All applications, including the checklist, must be submitted in electronic format as a PDF and provided by email, USB / CD. Refer to the schedule on the City's website and/or within the Planning Department for deadlines and anticipated meeting dates for each project type.

TYPE OF APPLICATION:

- Zoning Change (from) _____ (to) _____
- Cluster Development Plan
- Planned Development Workshop
- Plat (list type): _____

- ZBA Variance
- P&Z Variance
- Special Exception
- Conditional Use Permit

*Plat Types include:
Minor, Amending,
Preliminary, Final,
Master, Replat

PROJECT INFORMATION:

- Residential Commercial Property Platted Property Not Platted

Project Name: Sovereign Grace Church of Pearland Tax ID: 760398736

Project Address/Location: 5004 Broadway, Pearland, TX

Subdivision: West Side Plaza II (A0240 HT&B) No. of Lots: 1 Total Acres: 0.846

Brief Description of Project: Allow building at 5004 Broadway to be used as a Church serving the surrounding community

When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, therefore it may be necessary to postpone the proposed project and remove it from the scheduled agenda and place it on a future agenda according to Section 1.2.1.2 of the Unified Development Code.

PROPERTY OWNER INFORMATION:

Name: Pearland Westside II ASSO. LP

Address: 7373 E. Doubletree #200

City: Scottsdale State: AZ Zip: 85258

Phone: 480-607-0735

Fax: 480-483-2823

Email Address: RGTIEDJE@gmail

APPLICANT/AGENT INFORMATION:

Name: Sovereign Grace Church of Pearland

Address: P.O. Box 1053

City: Pearland State: TX Zip: 77588

Phone: 7137752294

Fax: _____

Email Address: leslie.k.padilla@nasa.gov

**Property owner must be the current owner of the property at the time of submittal of the application, and not the party that has the property under contract. As owner and applicant, I hereby request approval of the above described request as provided for by the Unified Development Code of the City of Pearland.

**Owner's Signature: [Signature] Date: 6-6-2016

Agent's/ Applicant's Signature: [Signature] Date: 8/10/16

OFFICE USE ONLY:

FEES PAID:	DATE PAID:	RECEIVED BY:	RECEIPT NUMBER:
Fees will be accepted by phone or in person. Please contact 281.652.1765 for instructions.			APPLICATION NUMBER:

PEARLAND WESTSIDE II ASSO.LP
7373 E. DOUBLETREE - #200 SCOTTSDALE, AZ 85258
PH. 480-607-0735 FAX: 480-483-2823

June 6, 2016

To Whom It May Concern:

RE: 5004 Broadway
Pearland, Texas

Pearland Westside Associates II Limited is owner of record of the above referenced property located in Pearland, Brazoria County, Texas.

We herewith agree to allow Leslie K. Padilla to apply for a "Change of Use" for said property with the City of Pearland Texas.

Very truly yours,
Pearland Westside II Associates Limited


By MDC/VS, it's General Partner

Letter of Intent
Conditional Use Permit
5004 Broadway, Pearland, TX 77584

Sovereign Grace Church of Pearland (SGCP) is requesting a Conditional Use Permit (CUP) for 5004 Broadway, Pearland, Texas.

The old Goodwill building is 10,500 square feet sitting on a .846 acre lot in the West Side Plaza Strip Center. This currently vacant space will be reconfigured to facilitate church assembly and worship. This will include installing walls to ensure the main worship room will be no greater than 5300 square feet. Our specific hours of worship on the first Sunday of the month are 9am to 1pm, with every other Sunday ending at noon. This CUP would allow the purchase of this currently vacant building to be used as the home of Sovereign Grace Church of Pearland.

SGCP has been located in Pearland since 2002 and owns land on Max Rd. The members have been grateful to rent excellent facilities and have always desired to own within the city. The members meet each Sunday morning with the service stretching into the early afternoon on first Sundays for communion.

The members of Sovereign Grace Church of Pearland thank you for carefully considering this request for a CUP allowing our church to grow with our city. We ensure proper signs will be post prior to public hearings.

Please let me know if additional information is needed to support this request, and thank you for your time.

Sincerely,

Sovereign Grace Church of Pearland

TAX RECEIPT



RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
111 E. LOCUST
ANGLETON, TEXAS 77515

Certified Owner:

PEARLAND WESTSIDE II ASSOC LIMITED
7373 E DOUBLETREE RANCH RD STE 200
SCOTTSDALE, AZ 85258-2145

Legal Description:

WEST SIDE PLAZA II (A0240 H T &
B)(PEARLAND), BLOCK 1, LOT 1, ACRES
0.846

Parcel Address: 5004 BROADWAY FM 518
Legal Acres: 0.8460

Remit Seq No: 31193551

Receipt Date: 01/25/2016

Deposit Date: 01/26/2016

Print Date: 02/03/2016 11:18 AM

Printed By: LATOYA

Deposit No: 512511134843

Validation No: 968

Account No: **8248-2001-001**

Operator Code: LATOYA

Year	Tax Unit Name	Rec Type	Tax Value	Tax Rate	Levy Paid	P&I	Coll Fee Paid	Total
2015	Brazoria County	TL	1,249,910	0.426000	5,324.62	0.00	0.00	5,324.62
2015	Special Road & Bridge	TL	1,249,910	0.060000	749.95	0.00	0.00	749.95
2015	Pearland Isd	TL	1,249,910	1.415600	17,693.73	0.00	0.00	17,693.73
2015	Brazoria Drainage Dist 4	TL	1,249,910	0.155500	1,943.61	0.00	0.00	1,943.61
2015	City Of Pearland	TL	1,249,910	0.705300	8,815.62	0.00	0.00	8,815.62
					\$34,527.53	\$0.00	\$0.00	\$34,527.53

> - -

- - <

Check Number(s):
00001246

PAYMENT TYPE:

Checks: \$34,527.53

Exemptions on this property:

Total Applied: \$34,527.53
Total Tendered: \$34,527.53
(for accounts paid on 01/25/2016)
Change Paid: \$0.00

PAYER:
PEARLAND WESTSIDE II ASSOC LIMITED
7373 E DOUBLETREE RANCH RD STE 200
SCOTTSDALE, AZ 85258-2145

ACCOUNT PAID IN FULL

(979) 864-1320, (979) 388-1320, (281) 756-1320

This property appears to be in an area of 500 year flood, area of 100 year flood with an average depth of less than 1 ft. or with drainage area less than 1 sq. mile or an area protected by levees from 100 year flood, and in insurance rate map zone shaded X & AE as per map 48039C0045J Dated: 09-22-99

This determination to be used for flood insurance rate purposes ONLY and is NOT to be relied upon for ANY other purpose. Surveyor makes no representation as to whether property may Flood.



WEST SIDE PLAZA
Vol. 17, Pg.'s 259-260 B.C.D.R.

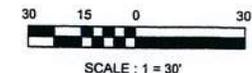
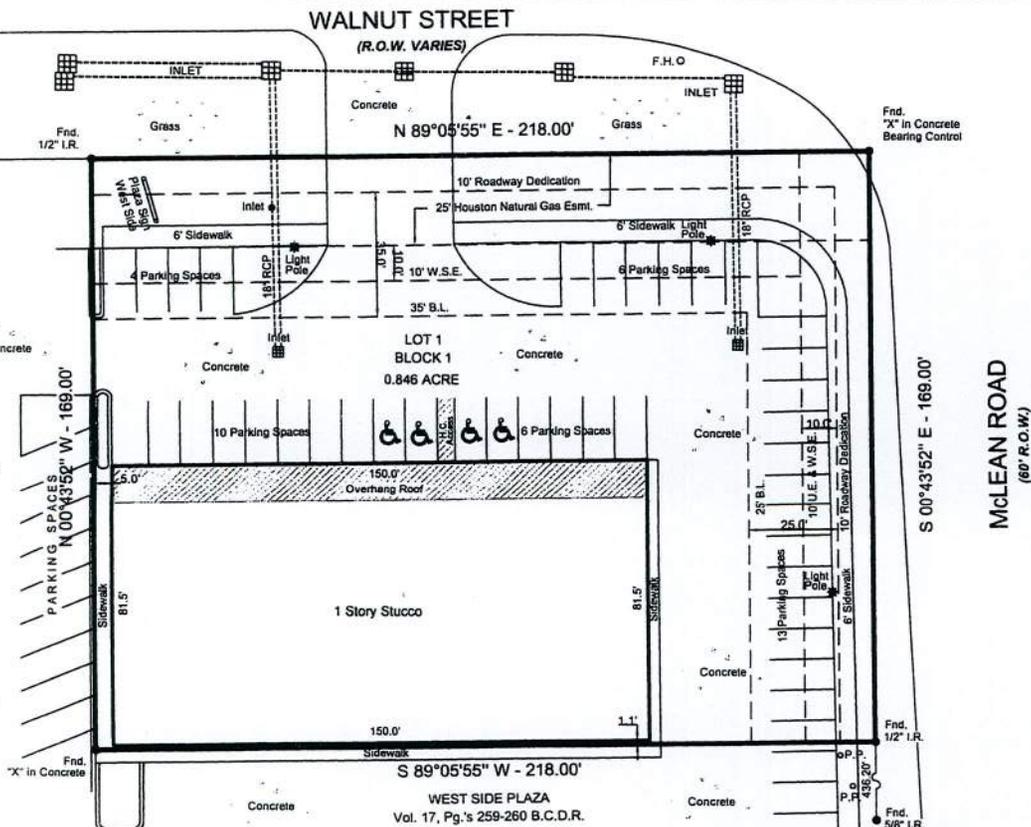
Notes:

- Basis for Bearings: WEST R.O.W. LINE OF McLEAN ROAD.
- Distances shown are ground distances.
- All abstracting done by title company.
- All B.L.'s & U.E.'s taken from recorded plat unless otherwise noted.
- All fences are 6' wood unless otherwise noted.
- Dimension ties from improvements to property lines are calculated and should NOT be relied upon for construction and/or removal of any improvements including fences.
- Bldg. dimensions may not be used to calculate square footage.
- This property subject to any and all recorded and unrecorded easements. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants or ownership title evidence.
- Houston Pipeline R.O.W. Esmt. per Vol. 286, Pg. 337 B.C.D.R. and amended in Vol. 946, Pg. 256 B.C.D.R.
- H.L. & P. Esmt. per Vol. 186, Pg. 599 O.R.B.C.

I hereby certify that this survey under my supervision was this day made on the ground and that this plat correctly represents the property legally described hereon (or on attached sheet). That the facts found at the time of this survey show the improvements and that there are no visible encroachments appearing on the ground, except as shown, to the best of my knowledge surveyed 10-31-07.

Lucien C. Schaffer Jr. 10-31-07
LUCIEN C. SCHAFFER, JR., P.L.S. No. 4803 Date

This survey is certified for this transaction only, is not transferable to additional institutions or subsequent owners. If this survey does not bear an original BLUE seal it is invalid and should not be relied upon for any purpose.



This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A Condition II Survey.

LOT: 1	BLOCK: 1	SUBDIVISION: WEST SIDE PLAZA TRACT II	SECTION: -
RECORDATION: VOL. 22, PG. 39 OF PLAT RECORDS	COUNTY: BRAZORIA	STATE: TEXAS	
ADDRESS: WALNUT STREET	CITY: PEARLAND	LENDER: REGIONS BANK	
PURCHASER: PEARLAND WESTSIDE II ASSOCIATES LIMITED	TITLE COMPANY: PARTNERS TITLE COMPANY	GF. #: 2715001526	

GULLETT & ASSOCIATES, INC.
P.O. BOX 230187
HOUSTON, TEXAS 77223
(713) 644-3219 • FAX (713) 644-4845

SURVEYED BY: --
DRAWN BY: aic
DRAWING NO: 00011158

01 030830

THE CITY OF HOUSTON
COUNTY OF HARRIS

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared _____, 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 consideration therein expressed, and in the presence of _____ and _____, who are not disinterested persons.

WITNESSES MY HAND AND SEAL OF OFFICE, this 3rd day of MAY 2001.

Notary Public in and for the State of Texas
My Commission Expires 1-27-04

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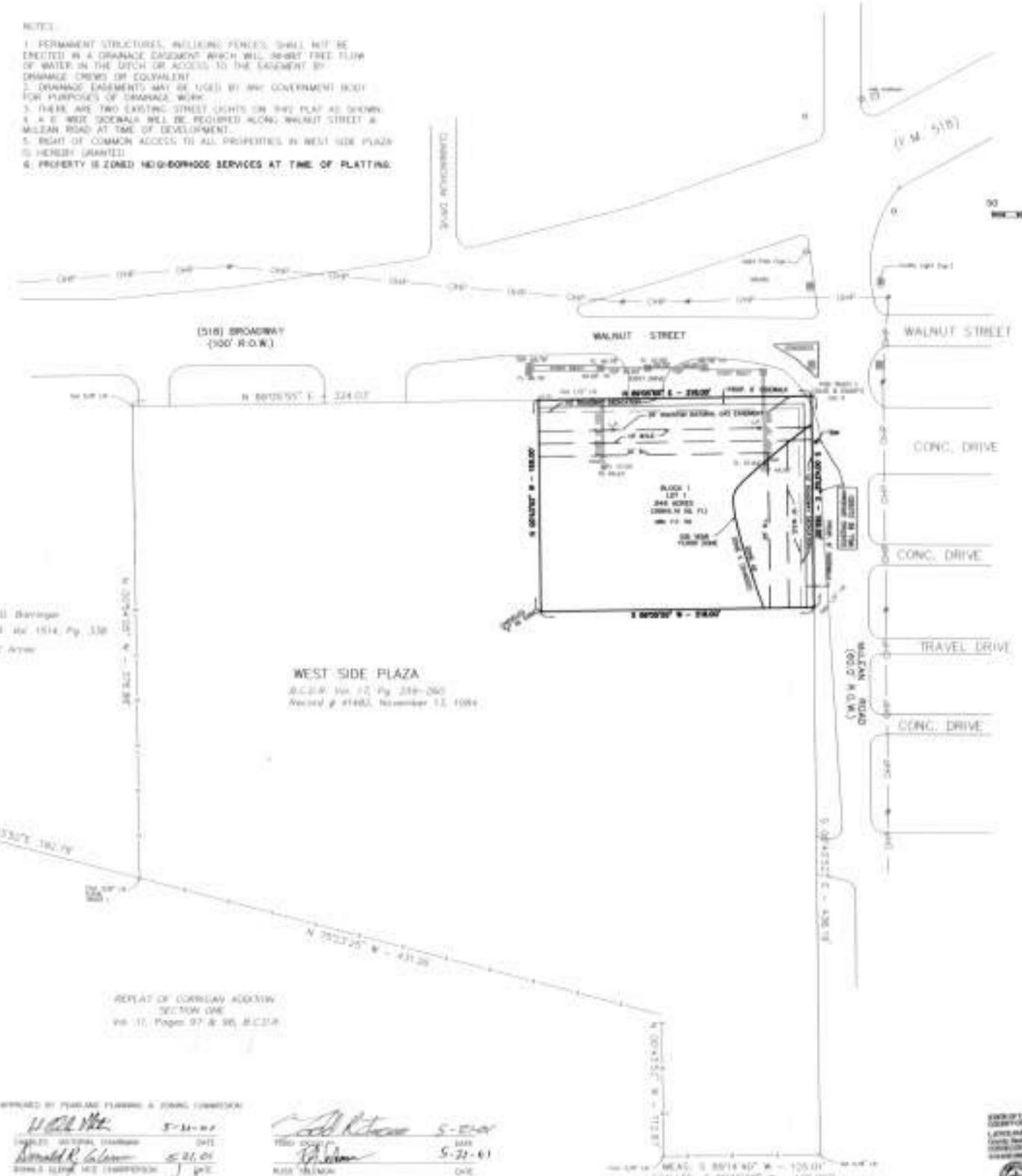
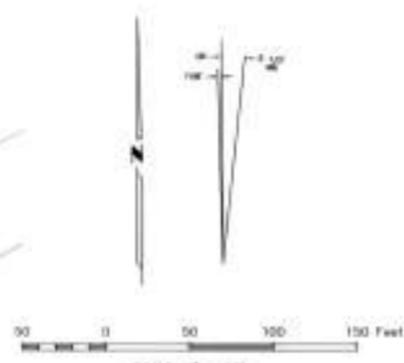
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PLAT RECORDS
Vol. 22 Page 39-40

- NOTES:
1. PERMANENT STRUCTURES, INCLUDING FENCES, SHALL NOT BE ERECTED IN A DRAINAGE EASEMENT WHICH WILL IMPAIR FREE FLOW OF WATER IN THE DITCH OR ACCESS TO THE EASEMENT BY DRAINAGE CHAINS OR EQUIVALENT.
 2. DRAINAGE EASEMENTS MAY BE USED BY ANY GOVERNMENT BODY FOR PURPOSES OF DRAINAGE WORK.
 3. THERE ARE TWO EXISTING STREET LIGHTS ON THIS PLAT AS SHOWN.
 4. A 6' WIDE SIDEWALK WILL BE REQUIRED ALONG WALNUT STREET & MILEAN ROAD AT TIME OF DEVELOPMENT.
 5. RIGHT OF COMMON ACCESS TO ALL PROPERTIES IN WEST SIDE PLAZA IS HEREBY GRANTED.
 6. PROPERTY IS ZONED HIGHBOROUGH SERVICES AT TIME OF PLATTING.



- LEGEND
- DC P.P. POWER POLE W/ PIPE GUARDS
 - SS SANITARY SEWER
 - OMH MANHOLE
 - L.P. EXIST. LIGHT POLE
 - F.H. FIRE HYDRANT
 - HP HANDICAP PARKING
 - O.H.E. OVER HEAD ELECTRIC

FLOOD STATEMENT
BASED ON THE FLOOD INSURANCE RATE MAP (COMMUNITY PANEL NO. 480300045), DATED SEPTEMBER 22, 1999, THE TRACT HEREBY SURVEYED LIES WITHIN ZONE X1 WHICH IS DETERMINED TO BE LOCATED IN THE 100 YEAR FLOOD PLAIN. (SIF 84.0)

FLOOD PLAIN ELEV. 48.0 (1978 ADA)
MINIMUM FLOOR SLAB ELEVATION 50.0

BOUNDARY
BRASS SIGN IN CONCRETE POST, 66.5 FEET SOUTH OF THE CENTERLINE OF P.M. 508 AND 141 FEET WEST OF THE CENTERLINE OF CORNGAN DRIVE. ELEV. 48.75 (1978 ADA)

TOP OF CURB, NE DRIVEWAY CURB ELEV. 48.83

ENGINEER:
MUNICIPAL ENGINEERING CO., INC.
J. D. GARNER, P.E.
3301 FEDERAL STREET
PASADENA, TEXAS 77504
PHONE: (713) 941-8888

SURVEYOR:
GILLET & ASSOCIATES, INC.
JOHN P. HORNE, RPLS #5099
P.O. BOX 230187
HOUSTON, TEXAS 77223
PHONE: (713) 644-3219

OWNER:
MILLENRIM DEVELOPMENT, INC.
RAY TIEDE, PRESIDENT
1499 POTOMAC
HOUSTON, TEXAS 77057
PHONE: (713) 782-1349

ACKNOWLEDGMENT
I, _____, County Clerk of Harris County, Texas, do hereby certify that the foregoing instrument was acknowledged before me on this day of MAY 2001, by _____, and _____, who are not disinterested persons.

WITNESSES MY HAND AND SEAL OF OFFICE, this 3rd day of MAY 2001.

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My Commission Expires 1-27-04

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APPROVED BY HARRIS COUNTY PLANNING & ZONING COMMISSION

U.C. Mc... 5-11-01
Donald R. Glavin 5-21-01
Walter... 5-21-01

FINAL PLAT
OF
WEST SIDE PLAZA TRACT II

A 0.946 ACRE TRACT OUT OF A TRACT "A" OF THE WEST SIDE PLAZA, A SUBDIVISION OF 3.89 ACRES, OUT OF RESERVE A OF CORNGAN ADDITION, SECTION ONE, PEARLAND TOWNSHIP, ACCORDING TO MAP OR PLAT RECORDED IN VOLUME 17, PAGE 295 OF THE PLAT RECORDS OF HARRIS COUNTY, TEXAS.

CONTAINING
1 LOT 1 BLOCK
MAY 1, 2001

FILED FOR RECORD
01 JUL 12 PM 01:27

West Side Plaza
Tract II Final

DRAWING NO. 8, CREATED BY: 150201257, REV. 01/01

Metes and Bounds Description

Tract II:

A certain 218.00 by 169.00 tract of land out of a tract "A" of the West Side Plaza adjoining McLean Road on the East and Walnut Street (F.M. 518) on the North and being more particularly described by metes and bounds as follows:

Beginning at a chiseled "x" at the point of intersection of the South line of the South line of said Walnut Street and the West line of said McLean Road (60' Row);

Thence South $00^{\circ} 43 \text{ Min } 52 \text{ Sec}$ East along the West line of McLean Road. A distance of 169.00 feet to a 1/2 inch iron rod for corner;

Thence South $89^{\circ} 05 \text{ Min } 55 \text{ Sec}$ West a distance of 218.00 feet to a chiseled "x" in concrete for corner;

Thence North $00^{\circ} 43 \text{ Min } 52 \text{ Sec}$ West a distance of 169.00 feet to a set 1/2 inch iron rod in the South line of said Walnut Street;

Thence North $89^{\circ} 05 \text{ Min } 55 \text{ Sec}$ East along the South line of said Walnut Street a distance of 218.00 feet to the Point of Beginning;

Said tract containing .846 acre, more or less

COMMITMENT FOR TITLE INSURANCE
SCHEDULE A

File No. 16000331138	Effective Date: May 08, 2016 at 8:00 AM
Closer: Gail Kohl	Issued May 16, 2016 at 1:01 PM

1. The policy or policies to be issued are:

- (a) OWNER'S POLICY OF TITLE INSURANCE (Form T-1)
(Not applicable for improved one-to-four family residential real estate)
Policy Amount: T.B.D.
PROPOSED INSURED: To Be Determined
- (b) TEXAS RESIDENTIAL OWNER'S POLICY OF TITLE INSURANCE
--ONE-TO-FOUR FAMILY RESIDENCES (Form T-1R)
Policy Amount: \$
PROPOSED INSURED:
- (c) LOAN POLICY OF TITLE INSURANCE (Form T-2)
Policy Amount: \$
PROPOSED INSURED:
Proposed Borrower:
- (d) TEXAS SHORT FORM RESIDENTIAL LOAN POLICY OF TITLE INSURANCE (Form T-2R)
Policy Amount: \$
PROPOSED INSURED:
Proposed Borrower:
- (e) LOAN TITLE POLICY BINDER ON INTERIM CONSTRUCTION LOAN (Form T-13)
Binder Amount: \$
PROPOSED INSURED:
Proposed Borrower:
- (f) OTHER -
Policy Amount: \$
PROPOSED INSURED:

2. The interest in the land covered by this Commitment is:

Fee Simple

3. Record title to the land on the Effective Date appears to be vested in:

Pearland Westside II Associates Limited, a Texas limited partnership

4. Legal description of the land:

Lot One (1), Block One (1), West Side Plaza Tract II, according to the map or plat thereof recorded in Volume 22, Page 39, Plat Records, Brazoria County, Texas.

RECIPROCAL EASEMENT AGREEMENT

This Reciprocal Easement Agreement (the "Agreement") is executed by PEARLAND WESTSIDE ASSOCIATES LIMITED, a Texas limited partnership ("Pearland") and by MILLENNIUM DEVELOPMENT II, INC., a Texas corporation ("Millennium"), for the purposes and upon the consideration herein set forth.

RECITALS

- A. Pearland is the owner of that certain 5.044 acre tract of land ("Tract A") being more particularly described by metes and bounds on Exhibit "A" which is attached hereto and incorporated herein by reference.
- B. Millennium is the owner of that certain .846 acre tract of land ("Tract B") being more particularly described by metes and bounds on Exhibit "B" which is attached hereto and incorporated herein by reference.
- C. Tract A and Tract B are both shown on the survey plat dated January 10, 2000, prepared by Charles O. Brandt, Registered Professional Surveyor No. 4344, of Gullett & Associates, Inc. of Houston, Texas.
- D. Tract A and Tract B are contiguous parcels of land in Brazoria County, Texas. Tract A consists of a shopping center commonly known as West Side Plaza, and Tract B consists of a pad site immediately adjacent to and adjoining West Side Plaza.
- E. Pearland desires to grant, sell and convey to Millennium a perpetual easement over Tract A for access from Tract B and for parking from Tract B onto Tract A (the "Tract A Easement").
- F. Millennium desires to grant, sell and convey to Pearland a perpetual easement over Tract B for access from Tract A and for parking from Tract A onto Tract B (the "Tract B Easement").

NOW, THEREFORE, in consideration of the payment of the sum of TEN and NO/100 DOLLARS (\$10.00) and other good and valuable consideration by each party to the other, and for the further consideration of the agreement of each party hereto to grant an easement in favor of the other, each party does hereby grant an easement in favor of the other as more particularly set forth herein.

GRANT OF THE TRACT A EASEMENT

1. Grant of Easement. Pearland grants, sells and conveys to Millennium the Tract A Easement, which shall be an easement appurtenant and right-of-way upon and across the driveways and parking areas of Tract A.
2. Purpose of Easement. The Tract A Easement and right-of-way granted herein is for the purpose of providing driveway access and parking from Tract B onto Tract A for the benefit of Millennium, its successors and assigns.

GRANT OF THE TRACT B EASEMENT

3. **Grant of Easement.** Millennium grants, sells and conveys to Pearland the Tract B Easement, which shall be an easement appurtenant and right-of-way upon and across the driveways and parking areas of Tract B.

4. **Purpose of Easement.** The Tract B Easement and right-of-way granted herein is for the purpose of providing driveway access and parking from Tract A onto Tract B for the benefit of Pearland, its successors and assigns.

GENERAL COVENANTS

5. **Duration of Easements.** The Tract A Easement and the Tract B Easement shall be perpetual.

6. **Warranty of Title.** Pearland, its successors and assigns, are and shall be bound to warrant and forever defend the Tract A Easement and the rights conveyed in this instrument to Millennium, its successors and assigns, against every person lawfully claiming or to claim any part of the Tract A Easement herein conveyed. Millennium, its successors and assigns, are and shall be bound to warrant and forever defend the Tract B Easement and the rights conveyed in this instrument to Pearland, its successors and assigns, against every person lawfully claiming or to claim any part of the Tract B Easement herein conveyed.

7. **Non-Exclusiveness of Easements.** The Tract A Easement and the Tract B Easement, and all rights and privileges granted herein by the parties hereto are non-exclusive, and Pearland and Millennium reserve and retain the right to convey similar rights and easements to such other persons as they may deem proper, as long as the conveyance of such rights and easements does not unreasonably interfere with the easements herein conveyed.

8. **Indemnity.** Pearland shall hold harmless, defend and indemnify Millennium against claims, demands, actions or liabilities which may arise from Pearland's exercise of the rights associated with the Tract B Easement. Millennium shall hold harmless, defend and indemnify Pearland against claims, demands, actions or liabilities which may arise from Millennium's exercise of the rights associated with the Tract A Easement.

9. **Rights Reserved.** Pearland retains, reserves and shall continue to enjoy the use of the surface of all of Tract A for any and all purposes, as long as such purposes do not unreasonably interfere with the use by Millennium of the Tract A Easement. Millennium retains, reserves and shall continue to enjoy the use of the surface of all of the Tract B Easement for any and all purposes, as long as such purposes do not unreasonably interfere with the use by Pearland of the Tract B Easement.

10. **Binding Effect.** The terms and provisions of this Reciprocal Easement Agreement shall bind and inure to the benefit of Pearland and to Millennium, and to their respective successors and assigns.

Executed this the _____ day of September, 2000.

PEARLAND WESTSIDE ASSOCIATES LIMITED, a Texas Limited Partnership, by its General Partner, MILLENNIUM DEVELOPMENT CORP., a Texas Corporation

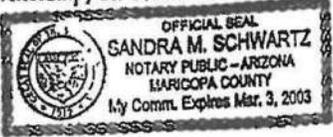
By: [Signature]
RAYMOND G. TIEDJE, President

MILLENNIUM DEVELOPMENT II, INC., a Texas Corporation

By: [Signature]
RAYMOND G. TIEDJE, President

STATE OF ~~TEXAS~~ ARIZONA
COUNTY OF ~~HARRIS~~ MARICOPA

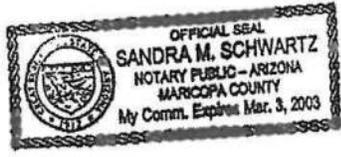
This instrument was acknowledged before me on the 27th day of September, 2000 by RAYMOND G. TIEDJE, the President of Millennium Development Corp., a Texas Corporation, the General Partner of PEARLAND WESTSIDE ASSOCIATES LIMITED, a Texas Limited Partnership, on behalf of said Corporation as the General Partner of said Limited Partnership.



[Signature]
NOTARY PUBLIC, State of ~~TEXAS~~
ARIZONA

STATE OF ~~TEXAS~~ ARIZONA
COUNTY OF ~~HARRIS~~ MARICOPA

This instrument was acknowledged before me on the 27th day of September, 2000 by RAYMOND G. TIEDJE, the President of MILLENNIUM DEVELOPMENT II, INC., a Texas Corporation, on behalf of said Corporation.



[Signature]
NOTARY PUBLIC, State of ~~TEXAS~~
ARIZONA



DESIGNERS - PLANNERS
CONSTRUCTION - CONSULTANTS

301 WEST EDGEWOOD
SUITE #10 B
FRIENDSWOOD, TEXAS
77546
(281)482-3395
FAX:
(281)482-7304
E-MAIL:
sean@rivesdesigners.com

DISCLAIMER:
TO THE BEST OF MY KNOWLEDGE AND BELIEF, I HAVE PREPARED THESE PLANS IN ACCORDANCE WITH THE PROFESSIONAL STANDARDS AND PRACTICES OF THE ARCHITECTURAL PROFESSION. I AM NOT PROVIDING CONTRACT ADMINISTRATION SERVICES. NO WARRANTIES ARE GIVEN OR IMPLIED FOR THE ACCURACY OF THESE PLANS. THESE PLANS ARE THE SOLE PROPERTY OF RIVES DESIGNERS AND ARE FOR THE SOLE USE ON A SPECIFIC PROJECT AND MAY NOT BE USED ON ANY OTHER PROJECT WITHOUT WRITTEN PERMISSION FROM RIVES DESIGNERS.

PROJECT DESCRIPTION:

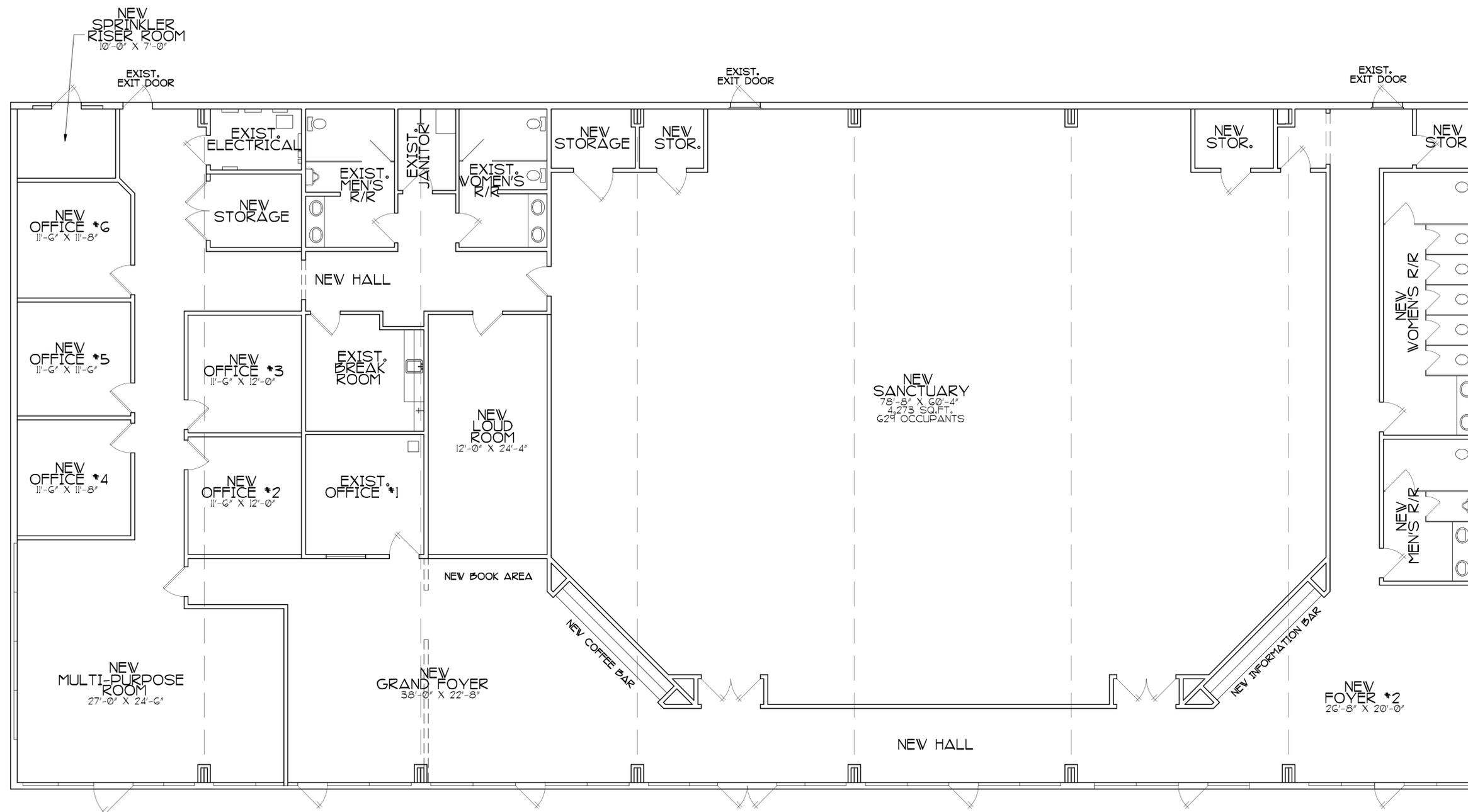
CLIENT:
**A PROPOSED
NEW BUILDOUT FOR:
SOVEREIGN GRACE
CHURCH**

REVISIONS:

DATE: 08/22/16
JOB NO:
DRAWN BY: S.T.R.
SHEET NUMBER:

3.0

OF

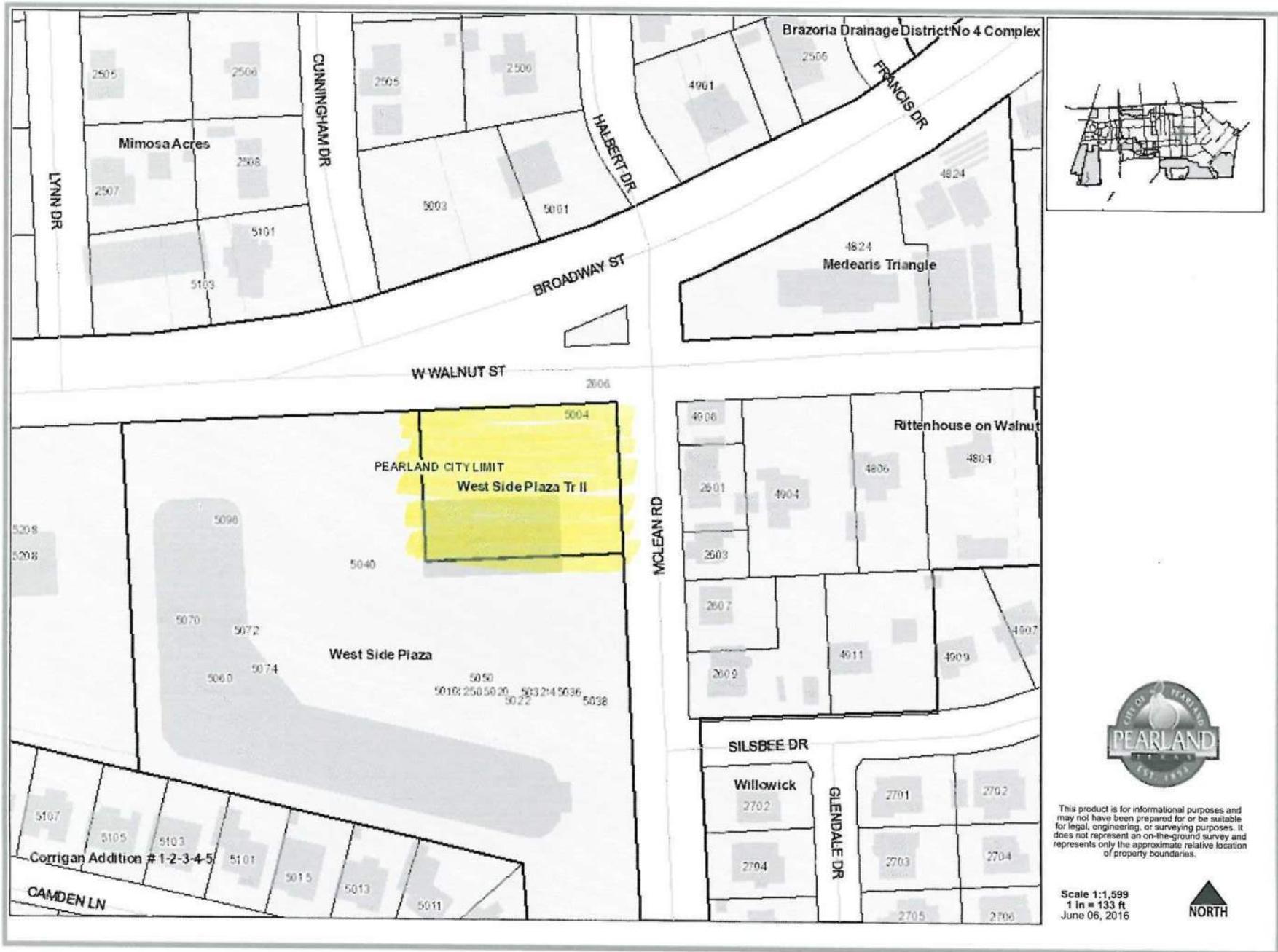


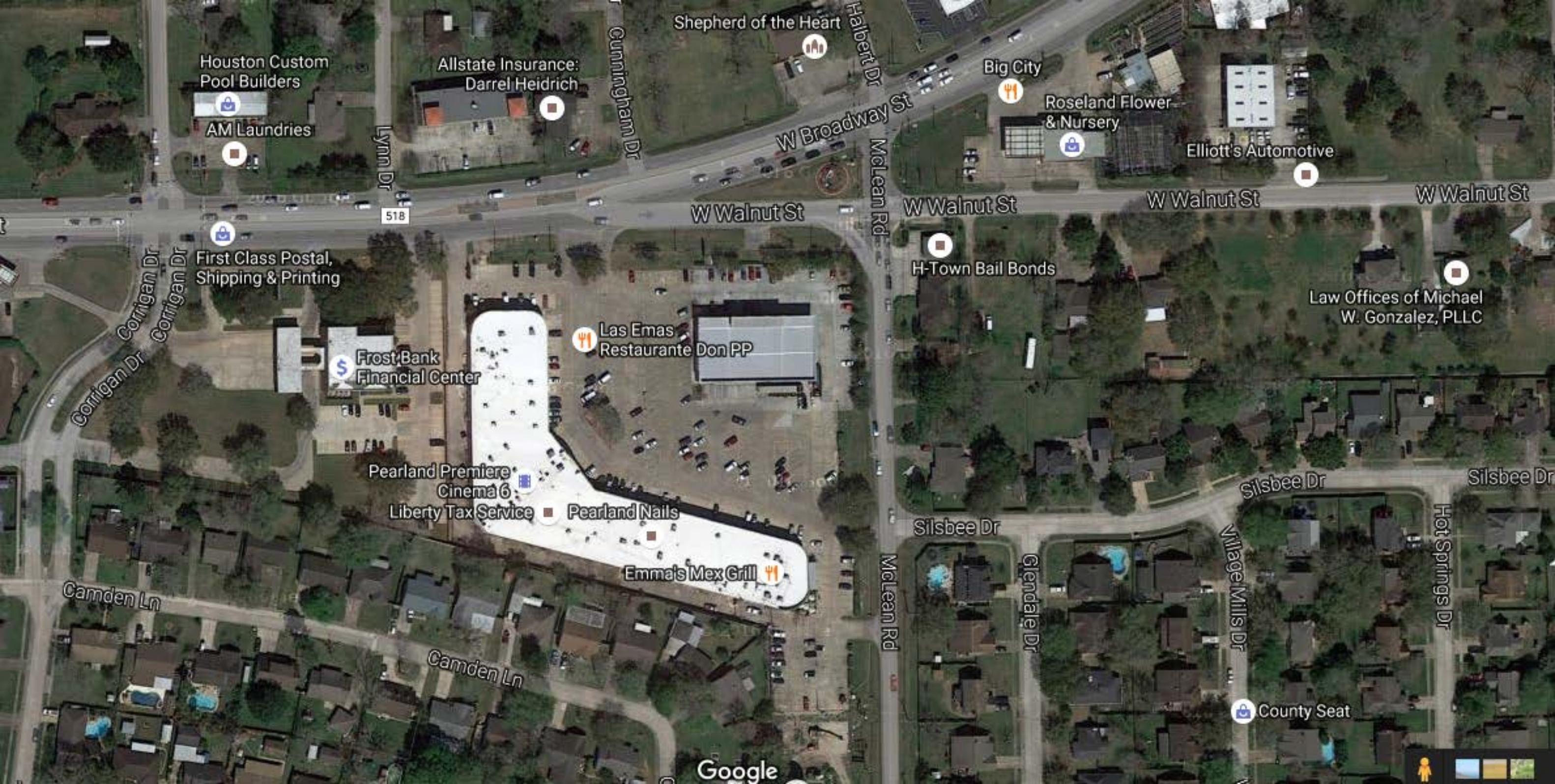
EXISTING BUILDING = 10,371 SQ.FT.

FLOOR PLAN

AI
SC: 3/16" = 1'-0"

FILE NAME: 160822-010
SHEET NO: 3.0
SCALE FACTOR: 1/16" = 1'-0"





Houston Custom Pool Builders

AM Laundries

Allstate Insurance: Darrel Heidrich

Shepherd of the Heart

Big City

Roseland Flower & Nursery

Elliott's Automotive

First Class Postal, Shipping & Printing

Frost Bank Financial Center

Las Emas Restaurante Don PP

H-Town Bail Bonds

Law Offices of Michael W. Gonzalez, PLLC

Pearland Premiere Cinema 6

Liberty Tax Service

Pearland Nails

Emma's Mex Grill

Silsbee Dr

Silsbee Dr

Silsbee Dr

Camden Ln

Camden Ln

McLean Rd

Glendale Dr

Village Mills Dr

Hot Springs Dr

County Seat

Google

WALNUT STREET

(old abandoned entrance)

sidewalk

sidewalk

(21 SPACES)

DRIVEWAY

(12 SPACES)
(4 H/C SPACES)

H/C H/C H/C H/C

5004

SOVEREIGN GRACE COMMUNITY CHURCH

anthony miller
construction coordinator
(832)-613-4579
soverign antdaddy

DRIVEWAY

(13 SPACES)

MCLEAN ROAD

9 SPACES ADJOINING

(5 SPACES
ADJOINING)

DRIVEWAY

PARKING SPACES RE-CAP	
STANDARD SPACES	-46
HANDICAP SPACES	-4
TOTAL SPACES	-50

JAMES W. GARTRELL, JR., PE, RPLS

CONSULTING ENGINEER - SURVEYOR
TEXAS P. E. #22590 - TEXAS R.P.L.S. #1445

GULF COAST ENGINEERING & SURVEYING

TBPE FIRM #4534 - TBPLS FIRM #10061900
P.O. BOX 382 LA MARQUE, TEXAS 77668
409 / 935-2462 TEXAS CITY 281 / 488-6969 HOUSTON



JOINT PUBLIC HEARING
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF
THE CITY OF PEARLAND, TEXAS,
MONDAY, OCTOBER 17, 2016, AT 6:30 P.M.
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

I. CALL TO ORDER

II. PURPOSE OF HEARING

Conditional Use Permit Application No. CUP 16-00008

A request of Jose Urioste, applicant, on behalf of Rafael Ortega, owner; for approval of a Conditional Use Permit to allow for a grocery store and general retail in the Light Industrial (M-1) zoning district; on approximately 1.99294 acres of land.

Legal Description: All of that certain 1.99294 acre tract or parcel of land in the A.C.H. & B. Survey, Section 1, Abstract No. 147 in Brazoria County, Texas, being a portion of the North one-half of tract 123 of the subdivision of the A.C.H. & B. Survey, Section 1 according to the plat of same recorded in Volume 2, Page 1 of the Plat Records of Brazoria County, Texas, said tract being that portion of the north one-half of Tract 123 lying West of State Highway No. 35 (a.k.a Main Street)

General Location: 3200 block of Main Street, south of Swensen Road, on the west side of Main Street.

III. APPLICATION INFORMATION AND CASE SUMMARY

- A. STAFF REPORT
- B. APPLICANT PRESENTATION
- C. STAFF WRAP UP

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

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

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



Staff Report

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: October 12, 2016

Re: Conditional Use Permit Application No. CUP 16-00008

A request of Jose Urioste, applicant, on behalf of Rafael Ortega, owner; for approval of a Conditional Use Permit to allow for a grocery store and general retail in the Light Industrial (M-1) zoning district; on approximately 1.99294 acres of land.

General Location: 3200 block of Main Street, south of Swensen Road, on the west side of Main Street.

Summary of Request

This request is for approval of a Conditional Use Permit (CUP) to allow a grocery store within the Light Industrial (M-1) Zoning District. The applicant is proposing a 10,000 square-foot grocery store, two additional general retail lease spaces on the structure, landscaping, and drainage pond. The subject property is located on an undeveloped parcel in a primarily industrial district. While a grocery store is allowed by right in the General Business (GB) or General Commercial (GC) zoning district, it requires a CUP to be located within the M-1 zoning district and is prohibited in the Heavy Industrial (M-2) zoning district.

Recommendation

Staff does not recommend approval of the requested CUP to allow for a grocery store and general retail on the approximately 1.99294 acre site for the following reasons:

1. The site is located in a non retail area along one of the primary corridors of the City where the west side of the road is industrially zoned and the east is zoned for commercial. Development of this site for industrial purposes would better complement the other industrial and commercial development in the area in the Light Industry (M-1) zoning classification. The City has limited industrial zoned land which should be utilized for industrial developments.
2. It is not anticipated that the proposed use of a grocery store and general retail uses will have significant positive impacts on or benefit surrounding properties or developments, or add value to the area. This type of development should be located in a retail node where there is density to support a grocery store use.

3. The Future Land Use Plan FLUP designates this property as “Light Industrial” which is described as suitable for manufacturing, assembly, high-tech industries, etc. The Comprehensive Plan recommends for industrial uses on this sites because it is sufficiently separated from residential uses. The proposed grocery store and general retail use, is not in conformance with the Comprehensive Plan.
4. Drawings do not meet conformance with the minimum standards of the Corridor Overlay District (COD) or Unified Development Code (UDC). The proposed site plan does not show required interior landscaping, architectural elevations, or screening details for the parking area and refuse enclosure.

If the CUP is considered for approval, staff recommends the following conditions:

1. Meet all minimum requirements of the COD and UDC.
2. Provide a landscaped area against all parking spaces along the north property line at a minimum of six-feet (6’) in width.
3. Drawings provided with the CUP do not meet the UDC requirements. Revise the site plan to show conformance with required interior landscaping, architectural elevations, and screening details for the parking area, refuse enclosure, and drainage facility. Provide an elevation of the façade to show compliance with the Corridor Overlay District color palette requirements prior to the first reading of the ordinance.

Site History

The subject property is currently undeveloped and zoned M-1. The property is surrounded by a variety of heavy commercial and industrial type uses. The property is directly adjacent to State Highway 35 (Main Street) which falls within the boundaries of the Corridor Overlay District (COD). This allows the City to exercise greater control of aesthetics, function, and safety of developments with frontage along specified Major Thoroughfares including State Highway 35.

The site is bounded by Light Industrial (M-1) to the north, south, and west; and General Commercial (GC) to the east across State Highway 35 (Main street). The below table identifies surrounding uses and zoning districts:

	Zoning	Land Use
North	Light Industrial (M-1)	Brazoria County Drainage District #4
South	Light Industrial (M-1)	Generator Service Company
East	General Commercial (GC)	Vacant
West	Light Industrial (M-1)	Generator Service Company / DPS

Conformance with the Comprehensive Plan

The current zoning is in conformance with the Future Land Use Plan (FLUP). FLUP designates this property as “Light Industrial” which is described as suitable for manufacturing, assembly, high-tech industries, etc. The Comprehensive Plan

recommends for industrial uses on this sites because it is sufficiently separated from residential uses.

The proposed grocery store and general retail use, however, is not in conformance with the Comprehensive Plan. For the proposed retail type uses, the Comprehensive Plan recommends retail establishments be clustered throughout the city, be located at intersections, and located near residential developments.

Conformance with the Thoroughfare Plan

The subject property is located along State Highway 35 (Main Street). According to City records, State Highway 35 (Main Street) has right-of-way of 120 feet and is a Major thoroughfare of sufficient width. Major Thoroughfares are defined as having a minimum right-of-way of 120 feet.

Conformance with the Unified Development Code

The property is currently undeveloped. The proposed development is not in conformance with the current UDC. The proposed site plan does not show required interior landscaping, architectural elevations, or screening details for the parking area and refuse enclosure. The property falls within the Corridor Overlay District (COD) and any development would be required to be in compliance with the COD requirements in addition to other UDC requirements.

The lot requirements of the proposed M-1 zoning district are provided in the following table.

Light Industrial (M-1) Area Regulations		
Size of Lot	Required	Proposed
Minimum Lot Size	40,000 sq. ft.	Approximately 86,789 sq. ft.
Minimum Lot Width	150 ft.	Approximately 388 ft.
Minimum Lot Depth	150 ft.	Approximately 161 - 346 ft.

Platting Status

The subject property is not currently platted. Platting will be required prior to development of the site.

Availability of Utilities

The subject property has access to City water and sanitary sewer infrastructure. A 6-inch water line exists along the west State Highway 35 (Main Street). A 12-inch sanitary sewer line also runs along east side of the street.

Impact on Existing and Future Development

The proposed conditional use permit would not have a positive impact on promoting existing or future industrial development within this corridor. The site is surrounded by Total Energy Solutions (a manufacturer of generators) and Brazoria County Drainage District #4. The site is located in a transitional area along one of the primary corridors of

the City where the west side of the road is industrially zoned and the east is zoned for commercial. Development of this site for industrial purposes would help anchor industrial development that is expected within the Light Industry (M-1) zoning classification.

Additional Comments

The request has been reviewed by the City's Development Review Committee (DRC), and there were no additional comments from other departments at the time of this report.

Public Notification

Staff sent public notices, comment forms and a vicinity map to the applicant, the owner of the property and to property owners within 200 feet of the subject property under consideration for the zone change. Additionally, a legal notice of the public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant.

Opposition to or Support of Proposed Request

Staff has not received any returned notices in opposition to or in support of the proposed change in zoning request.

Exhibits

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Notification Map
5. Notification List
6. Applicant Packet



Exhibit 1

AERIAL MAP

CUP 16-00008

**3200 Block of
Main St (SH 35)**



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 110 feet

SEPTEMBER 2016
PLANNING DEPARTMENT



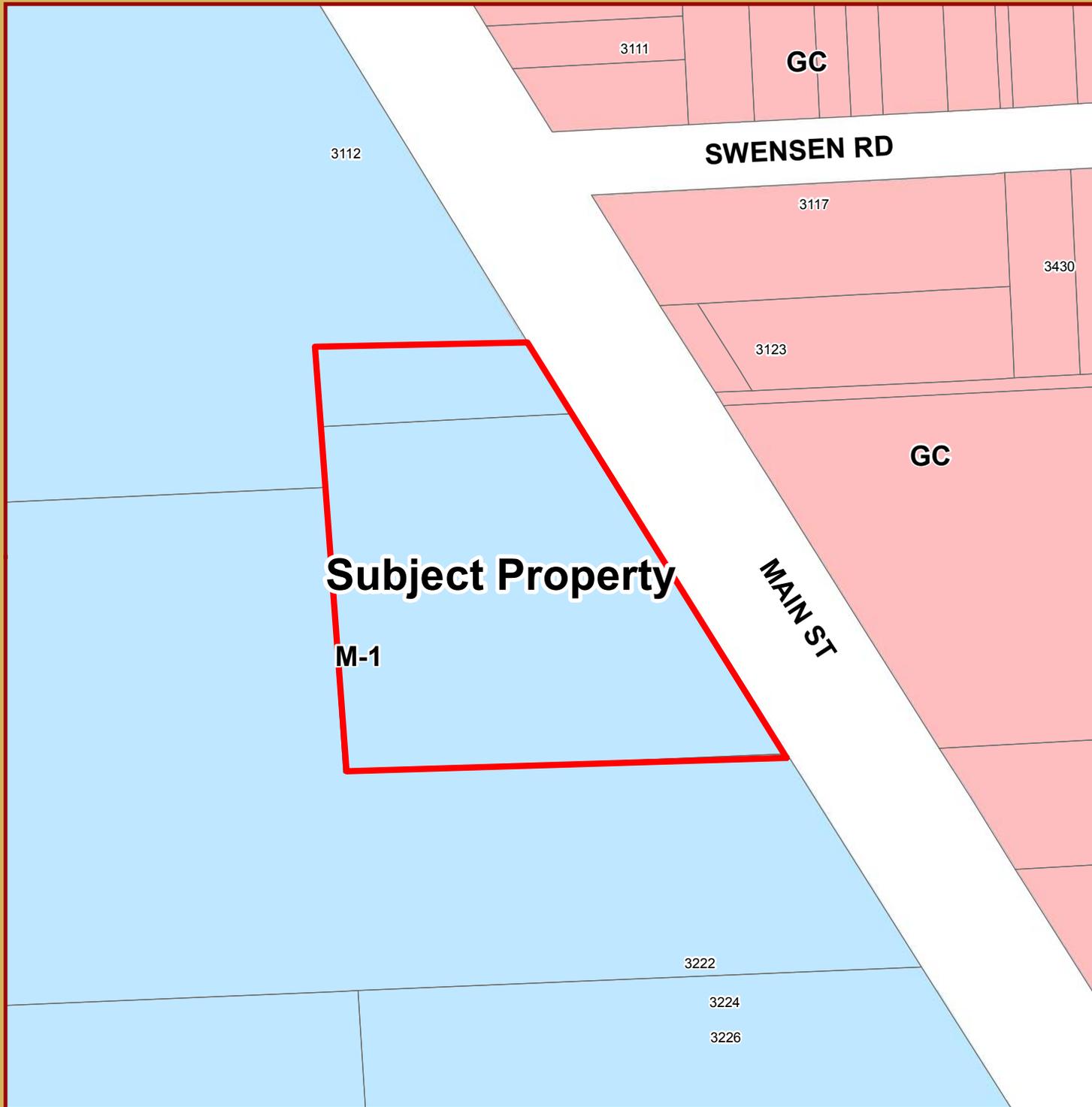


Exhibit 2

ZONING MAP

CUP 16-00008

**3200 Block of
Main St (SH 35)**



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1 inch = 110 feet

SEPTEMBER 2016
PLANNING DEPARTMENT



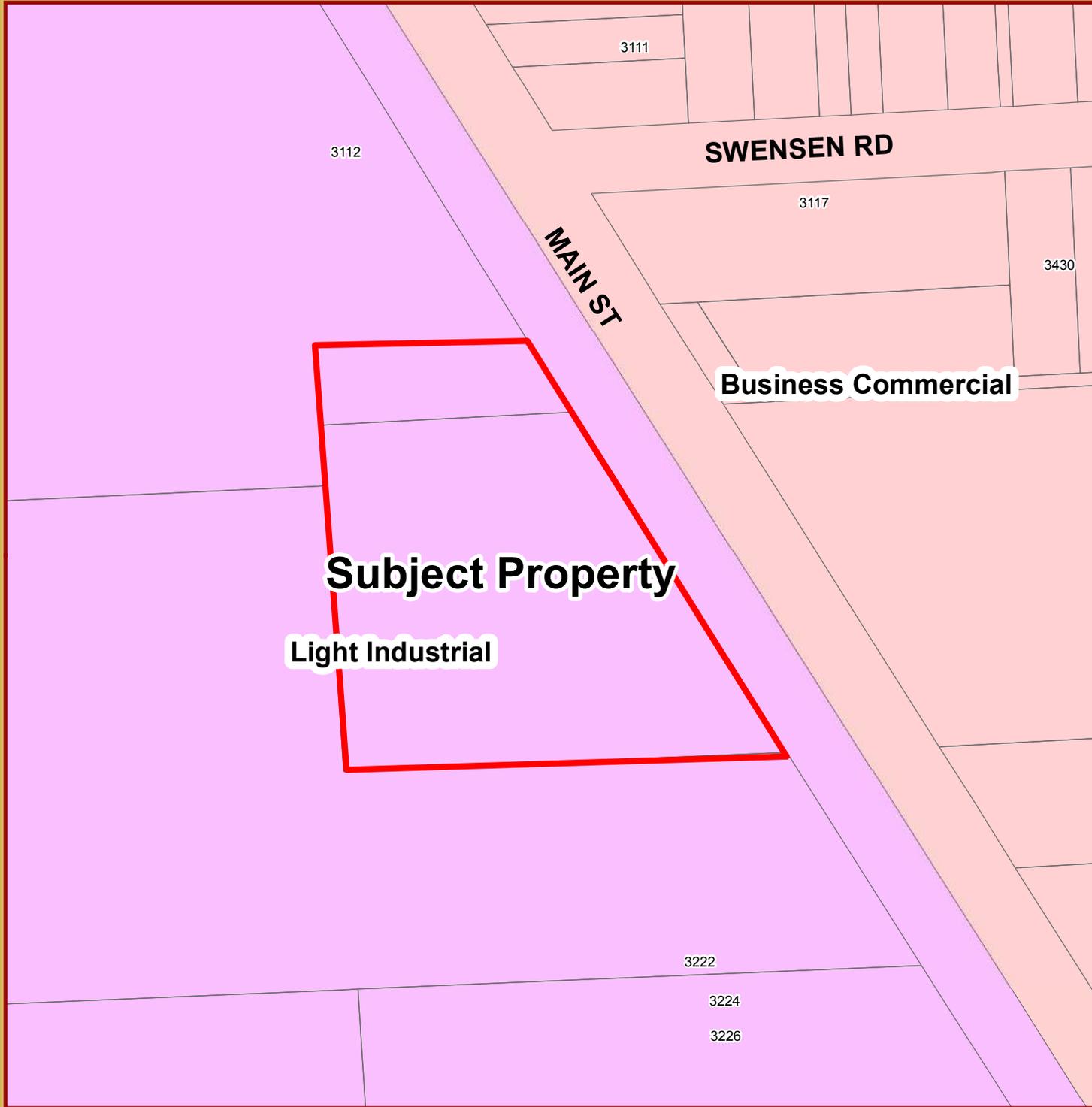


Exhibit 3

FLUP MAP

CUP 16-00008

3200 Block of
Main St (SH 35)



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1 inch = 110 feet

SEPTEMBER 2016
PLANNING DEPARTMENT



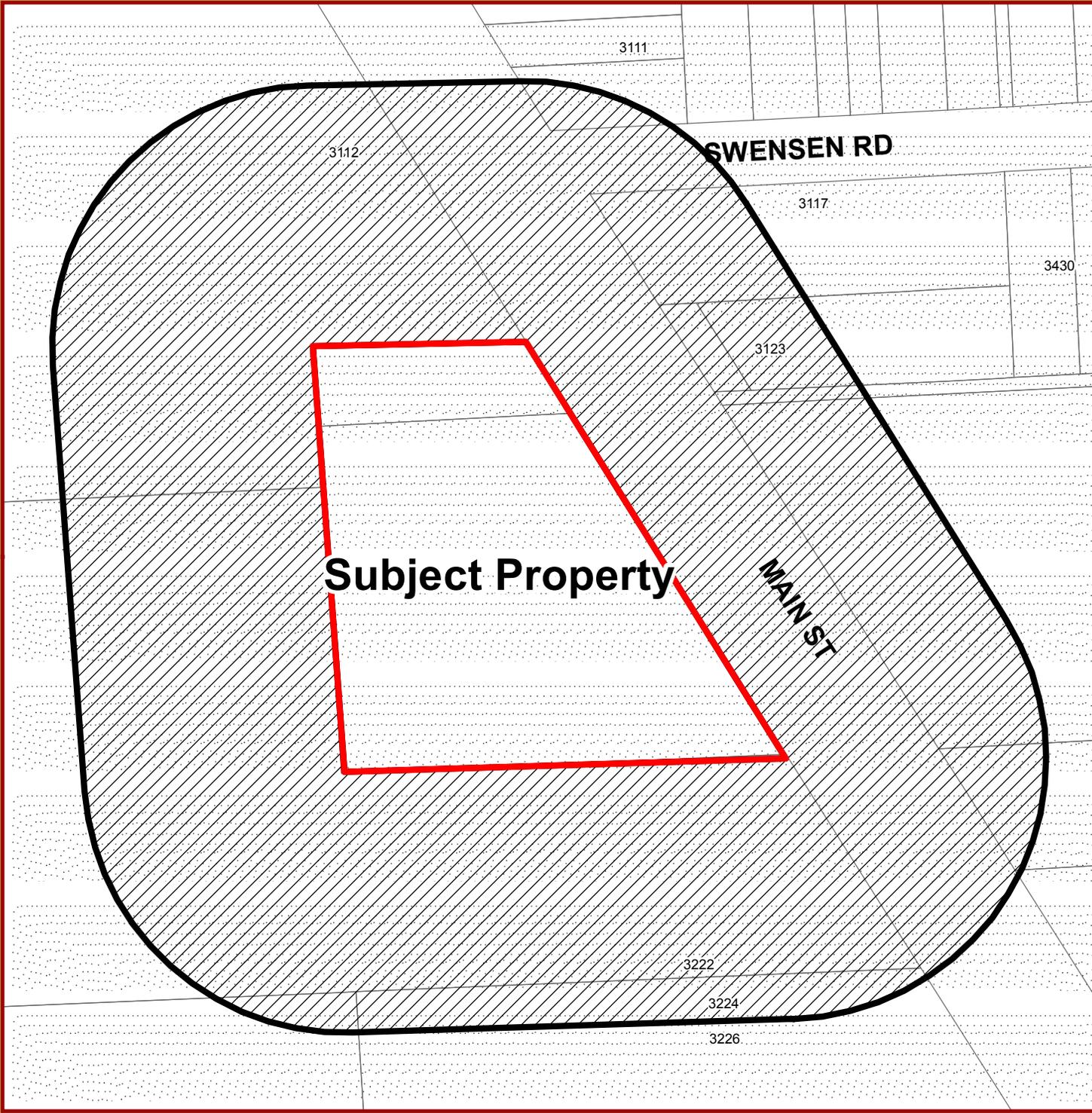


Exhibit 4

NOTIFICATION MAP

CUP 16-00008

**3200 Block of
Main St (SH 35)**



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 110 feet

SEPTEMBER 2016
PLANNING DEPARTMENT



Exhibit 5

CUP 16-00008

Property_Owner	Address	City	State	Zip_Code
BCG INC	3117 S MAIN ST	PEARLAND	TX	77581
BRAZORIA CO DRAINAGE #4	4805 BROADWAY ST	PEARLAND	TX	77581
CMD INVESTMENTS LLC	5307 I-45 N	LA MARQUE	TX	77568
CORREIA HOLDING INC	1737 COUNTY ROAD 57	ROSHARON	TX	77583
JOSE URIOSTE	3239 FRICK RD	HOUSTON	TX	77086
PEARLAND FAMILY TAE KWON DO LLC	3111 S MAIN ST	PEARLAND	TX	77581
RAFAEL ORTEGA	8845 LONG POINT	HOUSTON	TX	77055
TOTAL ENERGY INVESTMENTS LLC	129 DEMANADE BLVD STE 200	LAFAYETTE	LA	70503
UPSTAGE CENTER INC % MICHAEL EGGERS	3302 OLD ALVIN RD STE A	PEARLAND	TX	77581
WOOD PATRICIA A	3300 N RIDGE DR	WACO	TX	76710



City of Pearland Planning Department Universal Application

City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281.652.1765
281.652.1702 (fax)
pearlandtx.gov

Please complete each field - incomplete applications will **not** be accepted. **All applications, including the checklist, must be submitted in electronic format as a PDF and provided by email, USB / CD.** Refer to the schedule on the City's website and/or within the Planning Department for deadlines and anticipated meeting dates for each project type.

TYPE OF APPLICATION:

- Zoning Change (from) _____ (to) _____
- Cluster Development Plan
- Planned Development Workshop
- Plat (list type): _____

- ZBA Variance
- P&Z Variance
- Special Exception
- Conditional Use Permit

**Plat Types include:
Minor, Amending,
Preliminary, Final,
Master, Replat*

PROJECT INFORMATION:

- Residential
- Commercial
- Property Platted
- Property Not Platted

Project Name: LA MICHUACANA Tax ID: _____

Project Address/Location: 3200 Block of Main St.

Subdivision: _____ No. of Lots: _____ Total Acres: 1.99294

Brief Description of Project: MEAT MARKET & GROCERY STORE & ~~SHOP~~ RETAIL SPACES.

When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, therefore it may be necessary to postpone the proposed project and remove it from the scheduled agenda and place it on a future agenda according to Section 1.2.1.2 of the Unified Development Code.

PROPERTY OWNER INFORMATION:

APPLICANT/AGENT INFORMATION:

Name: Rafael Ortega Name: JOSE URIOSTE

Address: 8845 LONG POINT Address: 3239 FRICK RD

City: HOUSTON State: TX Zip: 77055 City: HOUSTON State: TX Zip: 77086

Phone: 713 547 4600 Phone: 281-216-2674

Fax: _____ Fax: _____

Email Address: joseurioste@lmmmm.net Email Address: jose Urioste@lmmmm.net

****Property owner must be the current owner of the property at the time of submittal of the application, and not the party that has the property under contract.**

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

**Owner's Signature: Rafael Ortega Date: 9/9/16

Agent's/
Applicant's Signature: [Signature] Date: 9/9/16

OFFICE USE ONLY:

FEES PAID:	DATE PAID:	RECEIVED BY:	RECEIPT NUMBER:
------------	------------	--------------	-----------------

Fees will be accepted by phone or in person. Please contact 281.652.1765 for instructions.

APPLICATION NUMBER:

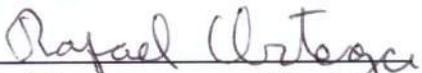
September 12, 2016

City of Pasadena

Re: Designated Agent; 3200 Main St. Pearland TX 77581

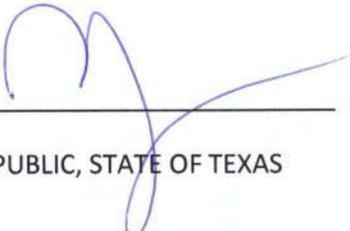
Please be advised that Rafael Ortega, Manager of Roder Properties Ltd. is the owner of property located at 3200 Main St., Pearland TX 77581. I grant permission to Jose Urioste to be the designated agent over the filling of any application need it for the property on 3200 Main St., Pearland TX 77581.Ltd.

Thank you for your time and attention to this matter.

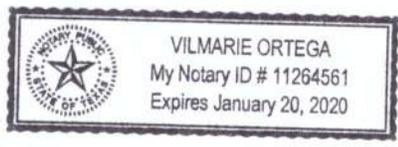

Rafael Ortega, manager of Roade Properties, Ltd.

STATE OF TEXAS § (Acknowledgment)
COUNTY OF HARRIS §

This instrument was acknowledged before me on this the __12__ day of September, 2016, by Rafael Ortega, personally known to me.



NOTARY PUBLIC, STATE OF TEXAS



**d. Criteria for Approval**

When considering an application for a CUP, the Planning and Zoning Commission and City Council shall evaluate the impact of the proposed conditional use on and its compatibility with surrounding properties and residential areas to ensure the appropriateness of the use at the particular location, and shall consider the extent to which:

1. The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan;
2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
3. The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;
4. The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;
5. The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;
6. The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and
7. The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.

e. Conditions for Approval

The Planning and Zoning Commission and City Council may require such modifications in the proposed use and attach such conditions to the Conditional Use Permit as they deem necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of the ordinance. Conditions and modifications may include but are not limited to:

1. Limitation of building size or height
2. Limitations on impervious surfaces
3. Increased open space
4. Enhanced loading and parking requirements



5. Additional landscaping
6. Curbing, sidewalk, vehicular access, and/or parking improvements
7. Placement or orientation of buildings and entryways, buffer yards, landscaping and screening
8. Signage restrictions
9. Design and maintenance of buildings and outdoor areas
10. Duration of the permit
11. Hours of operation

f. Expiration

A Conditional Use Permit shall expire if:

1. A building permit, if any, for the use has not been approved within one year of the date of approval of the permit;
2. The building permit subsequently expires;
3. The use has been discontinued for a period exceeding six months; or
4. A termination date attached to the permit has passed.

g. Checklist

- Application and checklist filled out completely and signed by the owner of the property.
- If the applicant is the designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on his behalf. **Section 1.2.1.1 (a) of the Unified Development Code (UDC).**
- Metes and bounds description (survey or plat of the property that provides or contains the metes and bounds description).
- Parcel map, printed from the City of Pearland website, indicating the location and boundaries of the subject property.
- Letter of Intent explaining the Conditional Use Permit request in detail, specifying:
 - Proposed uses: _____
 - Specific operations of the use: _____
 - Square footage of buildings/lot sizes _____
 - Unique characteristics of the property _____
 - Other necessary information (list here) _____



Site plan showing the following:

- Proposed layout of the subject property _____
- Proposed buildings _____
- Parking _____
- Landscape plan _____
- Detention ponds _____
- Fence _____
- Other relevant information (list here) _____

Acknowledgement of the sign to be posted on the property ten (10) days prior to the public hearing.

Provide evidence or proof that all taxes and obligations have been paid regarding the subject property.

Application fee, as determined below, by cash, check made payable to the City of Pearland, or credit card (Visa and MasterCard only). Please refer to the City's webpage www.pearlandtx.gov for updated fees.

Additional Application Requirements for Telecommunications Towers, Antennas, and Shared Use on Existing Towers and Alternate Structures per Section 2.5.5.2 of the Unified Development Code

An inventory of the applicant's existing towers that are either within the City or within one mile of the corporate limits specifying:

N/A

- Location
- Height
- Design

Note: This information may be shared by the Planning Department with other applicants.

Site plan to scale specifying:

N/A

- Location of tower(s)
- Transmission building and other accessory uses
- Street access
- Parking
- Fences
- Landscaped areas
- Adjacent land uses



- N/A A report from a professional structural engineer licensed in the state of Texas documenting:
 - Tower and design, with a cross-section of the structure
 - Total anticipated capacity of the structure, including the number and types of antennas which can be accommodated

- N/A Letter of Intent to lease excess space on the tower and to lease additional excess land on the tower site when the shared use potential of the tower is absorbed, if structurally and technically possible.

Each applicant must make good faith effort to substantially demonstrate that no existing towers could accommodate the applicant's proposed antenna by doing the following:

- N/A Contact the owners of all existing towers of a height roughly equal to or greater than the height of the tower proposed by the applicant.
 - A list must be provided of all owners contacted, the date of the contact, and the form and content of the contact.
 - Where an existing tower is known to have capacity for additional antennas of the sort proposed, that application for a new tower is not complete until the owner of the existing tower responds, unless the applicant submits sufficient information for the Planning Department to determine that all reasonable efforts to obtain a response have been made and further efforts would be futile.
- N/A Request the following information from each tower owner contacted:
 - Identification of the site by location, existing uses, and tower height.
 - Whether each tower could structurally accommodate the antenna proposed by the applicant without requiring structural changes be made to the tower. To enable the owner to respond, the applicant must provide each owner with the height, length, weight, and other relevant data about the proposed antenna.
 - Whether each tower could structurally accommodate the proposed antenna if structural changes were made, not including totally rebuilding the tower. If so, the owner must specify in general terms what structural changes would be required.
 - If structurally able, would shared use by the existing tower be precluded for reasons related to RF interference? If so, the owner must describe in general terms what changes in either the existing or proposed antenna would be required to accommodate the proposed tower, if at all.

September 13, 2016

City of Pearland,

Letter of Intent explaining the Conditional Use Permit request

Proposed Uses:

1200 square footage for retail space

10,000 square footage for meat market and grocery store

Specific operation of the use:

Retail space and Meat market/Grocery store

Square Footage of buildings/lot sizes:

12400 square footage of building

1.993 acres lot size

Unique characteristics of the property:

In front of freeway

Other necessary information:

N/A

September 13, 2016

City of Pearland,

Rafael Ortega has acknowledged the fact that the sign will be posted on the property (10) days prior to the public hearing.

If you have any questions feel free to contact the designated agent Jose Urioste @ 281-216-2674.

A. Settlement Statement

U.S. Department of Housing
and Urban Development

OMB Approval No. 2502-0265

B. Type of Loan

1. <input type="checkbox"/> FHA	2. <input type="checkbox"/> RHS	3. <input type="checkbox"/> Conv. Unins.	6. File Number: 1499-16-1055	7. Loan Number:	8. Mortgage Insurance Case Number:
4. <input type="checkbox"/> VA	5. <input type="checkbox"/> Conv. Ins.				

C. NOTE: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside of the closing; they are shown here for informational purposes and are not included in the totals.

D. Name and Address of Borrower ROADE PROPERTIES, LTD., A TEXAS LIMITED PARTNERSHIP 8845 LONG POINT ROAD SUITE B HOUSTON, TX 77055	E. Name and Address of Seller PATRICIA ALEXANDER WOOD 3300 N RIDGE DRIVE WACO, TX 76710	F. Name and Address of Lender INDEPENDENT BANK 9601 KATY FREEWAT, SUITE 100, HOUSTON, TX 77024
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G. Property Location

3200 MAIN STREET,
PEARLAND, TX 77581

H. Settlement Agent

AMERICAN TITLE COMPANY OF HOUSTON

COUNTY: BRAZORIA
LOT:
BLOCK:
SUBDIVISION:

Place of Settlement
3322 E. WALNUT AVENUE, SUITE 111
PEARLAND, TX 77581

I. Settlement Date 08/17/2016

J. SUMMARY OF BORROWER'S TRANSACTIONS

K. SUMMARY OF SELLER'S TRANSACTIONS

100. Gross Amount Due From Borrower		400. Gross Amount Due To Seller	
101. Contract Sales Price	\$434,062.33	401. Contract Sales Price	\$434,062.33
102. Personal Property		402. Personal Property	
103. Settlement Charges to Borrower	\$6,567.85	403.	
110. Roll Back Taxes Holdback to Ro'Vin Garrett, Tax Assessor	\$12,811.99	410.	
Adjustments For Items Paid By Seller in Advance		Adjustments For Items Paid By Seller in Advance	
113. City/Town Taxes		413. City/Town Taxes	
114. County Taxes		414. County Taxes	
118. Assessments		418. Assessments	
119.		419.	
120. Gross Amount Due From Borrower	\$453,442.17	420. Gross Amount Due To Seller	\$434,062.33
200. Amounts Paid By Or In Behalf Of Borrower		500. Reductions in Amount Due To Seller	
201. Deposit or earnest money	\$4,653.00	501. Excess Deposits	
202. Principal Loan Amount from Independent Bank	\$348,480.00	502. Settlement Charges to Seller	\$29,541.87
203. Existing Loan(s) Taken Subject to		503. Existing Loan(s) Taken Subject to	
206.		506. Earnest money retained by Agent	
Adjustments For Items Unpaid By Seller		Adjustments For Items Unpaid By Seller	
210.		510.	
211.		511.	
212.		512.	
213. City/Town Taxes		513. City/Town Taxes	
214. County Taxes		514. County Taxes	
216. All Taxes 617.22/yr 1/1/2016 to 8/19/2016	\$389.56	516. All Taxes 617.22/yr 1/1/2016 to 8/19/2016	\$389.56
218. Assessments		518. Assessments	
219.		519.	
220. Buyer's Total Credits	\$353,522.56	520. Seller's Total Charges	\$29,931.43
300. Cash At Settlement From/To Borrower		600. Cash At Settlement To/From Seller	
301. Gross Amount Due From Borrower (line 120)	\$453,442.17	601. Gross Amount Due To Seller (line 420)	\$434,062.33
302. Less Amounts Paid By/For Borrower (line 220)	\$353,522.56	602. Less Deductions in Amt. Due To Seller (line 520)	\$29,931.43
303. Cash [X] From [] To Borrower	\$99,919.61	603. Cash [X] To [] From Seller	\$404,130.90

L. Settlement Statement

700. Total Sale Commission 434062.33 @ 6.01063 % = 26089.87		
Division of Commission (line 700) As Follows:	Paid From Borrower's Funds At Settlement	Paid From Seller's Funds At Settlement
701. \$13021.87 to TA Properties		
702. \$13068.00 to Nan and Company Properties LLC / Susana Martinoia, Agent		
703. Commission paid at settlement		\$26,089.87
800. Items Payable In Connection With Loan		
801. Loan Origination Fee % to Independent Bank	\$1,742.40	
802. Loan Discount		
803. Appraisal Fee to Greenbriar Appraisal Company	\$1,500.00	
804. Credit Report		
805. Environmental Fee to EDR	\$529.50	
810. Document Preparation to Chernosky, Smith, Resslering & Smith, PLLC	\$795.00	
812. Flood Cert. Fee to Independent Bank f/b/o American Flood Research, Inc	\$15.00	
813. Tax Service to Independent Bank f/b/o Lereta, LLC	\$106.00	
900. Items Required By Lender To Be Paid In Advance		
901. Interest		
902. Mortgage Insurance Premium		
903. Hazard Ins. Premium		
1000. Reserves Deposited With Lender		
1001. Hazard Ins. Reserve		
1002. Mortgage Ins. Reserve		
1003. City Property Taxes		
1004. County Property Taxes		
1010. Aggregate Accounting Adjustment		
1100. Title Charges		
1101. Settlement/Closing Fee		
1102. Abstract or Title Search		
1103. Title examination		
1104. Title Insurance Binder		
1105. Document Preparation		
1106. Notary fee		
1107. Attorney Fee		
1108. Title Ins. Total to American Title Company of Houston/Law Office of Kenneth R. Phillips, PC	\$100.00	\$2,726.00
1109. Lender's Coverage (348480.00) (American Title Company of Houston, 45.00 %, 45.00) (Law Office of Kenneth R. Phillips, PC, 55.00 %, 55.00)		
1110. Owner's Coverage (434062.33) (American Title Company of Houston, 45.00 %, 1226.70) (Law Office of Kenneth R. Phillips, PC, 55.00 %, 1499.30)		
1111. Endorsement (American Title Company of Houston, 45.00 %, 123.84) (Law Office of Kenneth R. Phillips, PC, 55.00 %, 151.36)	\$275.20	
1118. Courier Fee Fed Ex X 2 to Kenneth R. Phillips/Office Expense Account		\$43.00
1120. Escrow Fee to Law Office of Kenneth R. Phillips, PC	\$400.00	\$400.00
1138. Tax Certificate to Processing Solutions, Inc.		\$130.00
1145. Deed Prep to Law Office of Kenneth R. Phillips, PC		\$150.00
1152. Texas Policy Guaranty Fee - Owner to ATCOH/F.B.O. PGF		\$3.00
1154. Texas Policy Guaranty Fee - Lender to ATCOH/F.B.O. PGF	\$3.00	
1200. Government Recording And Transfer Charges		
1201. Recording Fees for Deed 42.00; Recording Fees for Release; Recording Fees for Mortgage 90.00	\$132.00	
1300. Additional Settlement Charges		
1301. Survey to Pro-Surv	\$969.75	
1302. Pest inspection		
1400. Total Settlement Charges		
	\$6,567.85	\$29,541.87

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief it is true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of the HUD-1 Settlement Statement.

BUYERS

Road Properties, Ltd., a Texas limited partnership

BY: ODA, L.L.C., a Texas limited liability company,
ITS: sole General Partner

SELLERS

Patricia Alexander Wood

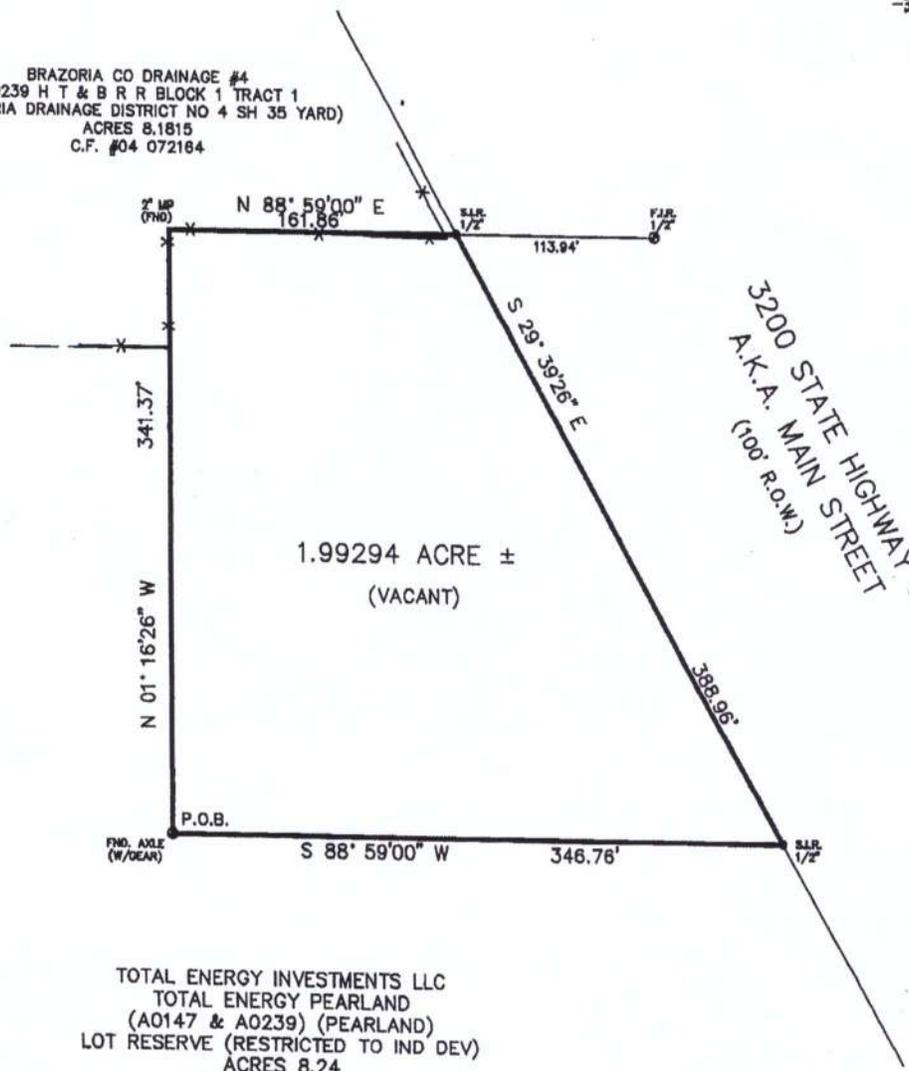
LEGEND * ITEMS THAT MAY APPEAR IN DRAWING BELOW

M.U.E. = MUNICIPAL UTILITY EASEMENT	U.L. = UTILITY EASEMENT	S.E. = SEWER EASEMENT	D.E. = DRAINAGE EASEMENT	S.W.E. = SANITARY SEWER EASEMENT	S.F.E. = STORM SEWER EASEMENT	W.L.E. = WATER LINE EASEMENT	P. = NO IRON ROD AND IRON PIPE	S.B. = SET BACK ROD	W.P. = WOODEN POST	M.P. = METAL POST	C.P. = CLIPPER FILE HAMMER	P.O.B. = POINT OF BEGINNING	B.L. = BUILDING LINE	FND. = FOUND	BRS. = BEARS	P.A.E. = PERMANENT ACCESS EASEMENT	P.U.E. = PUBLIC UTILITY EASEMENT	S.W.E. = WATER & SEWER EASEMENT	E.E. = ELECTRIC EASEMENT	P.S. = POINT OF CURVATURE	P.T. = POINT OF TANGENCY	P.C. = POINT OF CURVATURE	P.O.C. = POINT OF COMPOUND CURVATURE	P.P. = POWER POLE	S.F.A.P. = SEARCHED FOR, NOT FOUND	U.T.A. = UNABLE TO SET	⊙ CONTROL POINT	— LINE	— EASEMENT LINE	— BUILDING SETBACK LINE	— BUILDING WALL	— WOODEN FENCE	— CHAIN LINK FENCE	— METAL FENCE	— WIRE FENCE	— VINYL FENCE
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SCALE
1"=80'



BRAZORIA CO DRAINAGE #4
A0239 H T & B R R BLOCK 1 TRACT 1
(BRAZORIA DRAINAGE DISTRICT NO 4 SH 35 YARD)
ACRES 8.1815
C.F. #04 072164



TOTAL ENERGY INVESTMENTS LLC
TOTAL ENERGY PEARLAND
(A0147 & A0239) (PEARLAND)
LOT RESERVE (RESTRICTED TO IND DEV)
ACRES 8.24
C.F. #2014030687

Reviewed & Accepted by: _____ Date: _____ / _____ / _____ Date: _____

NOTES:
 - BEARING BASIS: PLAT
 - SUBJECT TO ANY AND ALL RECORDED AND UNRECORDED EASEMENTS
 - SURVEYOR HAS NOT INDEPENDENTLY ABSTRACTED PROPERTY
 - UNDERGROUND UTILITY INSTALLATIONS, UNDERGROUND IMPROVEMENTS, FOUNDATIONS AND/OR OTHER UNDERGROUND STRUCTURES WERE NOT LOCATED BY THIS SURVEY
 - THIS SURVEY IS CERTIFIED FOR THIS TRANSACTION ONLY, IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS
 - SUBJECT TO RESTRICTIVE COVENANTS AS PER TITLE COMMITMENT
 - SUBJECT TO ZONING AND BUILDING ORDINANCES ENFORCED BY LOCAL MUNICIPALITIES
 - PAGE 1 OF 2

LEGAL DESCRIPTION
 ALL OF THAT CERTAIN 1.99294 ACRE TRACT OR PARCEL OF LAND IN THE A.C.H.#89 SURVEY, SECTION 1, ABSTRACT NO. 147 IN BRAZORIA COUNTY, TEXAS, BEING A PORTION OF THE NORTH ONE-HALF OF TRACT 123 OF THE SUBDIVISION OF THE A.C.H.#89 SURVEY, SECTION 1 ACCORDING TO THE PLAT OF SAME RECORDED IN VOLUME 2, PAGE 1 OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS, SAID TRACT BEING THAT PORTION OF THE NORTH ONE-HALF OF TRACT 123 LYING WEST OF STATE HIGHWAY NO. 35 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS ATTACHED.

ROADE PROPERTIES, LTD ADDRESS 3200 STATE HIGHWAY 35 A.K.A. MAIN STREET

JOB # 1607349
 DATE 7-29-16
 GF# 1499-16-1055



I DO HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON (OR ON ATTACHED SHEETS, AND THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN, AND WAS DONE BY ME OR UNDER MY SUPERVISION, AND CONFORMS TO OR EXCEEDS THE CURRENT STANDARDS AS ADOPTED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING.

PRO-SURV
 P.O. BOX 1368, FRIENDSWOOD, TX 77649
 PHONE-281-896-1113 FAX-281-998-0112
 EMAIL: orders@prosurv.net
 T.B.P.L.S. FIRM #10110300
 ONLY SURVEY MAPS WITH THE SURVEYOR'S ORIGINAL SIGNATURE ARE GENUINE TRUE AND CORRECT COPIES OF THE SURVEYOR'S ORIGINAL WORK AND OPINION.
 ©2016 PRO-SURV - ALL RIGHTS RESERVED

FIELD NOTES
OF A SURVEY OF

All of that certain 1.99294 acre tract or parcel of land in the A.C.H & B. Survey, Section 1, Abstract No. 147 in Brazoria County, Texas, being a portion of the North one-half of Tract 123 of the subdivision of the A.C.H & B Survey, Section 1 according to the plat of same recorded in Volume 2, Page 1 of the Plat Records of Brazoria County, Texas, said tract being that portion of the north one-half of Tract 123 lying West of State Highway No. 35 (a.k.a. Main Street) and being more particularly described by metes and bounds as follows, to-wit:

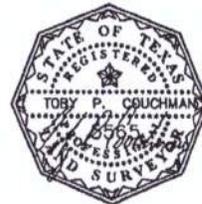
BEGINNING at an axle (with gear) found at the southwest corner of the North one-half of said tract 123 for the southwest corner of this tract;

THENCE North 01 deg. 16 min. 26 sec. West, a distance of 341.37 feet to a 2 inch metal post (found) marking the northwest corner of Tract 123 and the northwest corner of this tract;

THENCE North 88 deg. 59 min. 00 sec. East, a distance of 161.86 feet along the North line of said Tract 123 to a 1/4 inch iron rod set in the southwest line of State Highway 35 (100 foot right-of-way) for the northeast corner hereof;

THENCE South 29 deg. 39 min. 26 sec. East, a distance of 388.96 feet along the southwest line of State Highway No. 35 to a 1/4 inch iron rod set in the south line of the said north one-half of Tract 123 for the Southeast corner hereof;

THENCE South 88 deg. 59 min. 00 sec. West, a distance of 346.76 feet along the south line of the North one-half of Tract 123 to the PLACE OF BEGINNING and containing 1.99294 acre of land, more or less.



Important Notice

The attached title insurance commitment contains information which has been obtained or derived from records and information owned by Title Data, Inc. or one of its subsidiaries (collectively "Title Data"). Title Data owns and maintains land title plants for various Texas counties. Title Data created its title plants through the investment of extensive time, labor, skill and money. **The information contained in the title plants is protected by federal copyright law and Texas common law on trade secrets and contract.**

Title Data has granted our company a license to use one or more of its title plants. Our company's right to access and use Title Data's title plants is governed by our contract with Title Data. Our contract with Title Data restricts who can receive and/or use a title insurance commitment which is based, in whole or in part, upon Title Data's records and information.

Under the terms of our contract with Title Data, we are permitted to provide you with the attached title insurance commitment **for limited use and distribution only**. Specifically, you are sublicensed to deliver, exhibit, or furnish the attached title insurance commitment (or any copies thereof) **ONLY** to your bona fide employees and a third party who is playing a bona fide role in this proposed real estate transaction, including a lawyer, a lender, a surveyor, a real estate broker or agent, and the parties to this proposed transaction.

For purposes of our agreement with Title Data, "deliver, exhibit, or furnish" includes, without limitation, copying this title insurance commitment (whether such copying be by means of a photocopier, facsimile machine, another electronic scanning device, or any other method of reproduction) and providing such copy to any third party.

Your furnishing of the attached title insurance commitment to anyone not specifically enumerated above is not permitted by our contract with Title Data and constitutes a breach of our sublicense to you. Your furnishing of the attached title insurance commitment to anyone not specifically enumerated above is also a violation of federal copyright law and Texas common law.

Therefore, as an express condition of us providing you with the attached title insurance commitment, you specifically agree to limit its uses to those set forth herein, and to provide a copy of this letter to any party to whom you deliver, exhibit, or furnish the attached title insurance commitment (or any copies thereof).

In the event you are unable or unwilling to comply with these conditions, immediately return the attached title insurance commitment to our company, without reviewing, copying, or otherwise utilizing in any way the information contained therein.

A COPY OF THIS LETTER MUST ACCOMPANY THE ATTACHED TITLE INSURANCE COMMITMENT AT ALL TIMES. ALL DOWNSTREAM RECIPIENTS MUST PROVIDE A COPY OF THIS LETTER TO ANY OTHER AUTHORIZED USERS OF THE ATTACHED TITLE INSURANCE COMMITMENT.



Interactive Map



All Rights Reserved

N.O.	DESCRIPTION
1	
2	
3	
4	
5	
6	

Job No.: 057-16
 Designed by: HE
 Drawn by: HE
 Checked by: JT

LA MICHOCACANA MEAT MARKET
 3200 S. MAIN STREET
 PEARLAND, TX 77581

Project Name:

JL Trevino & Associates P.L.L.C.

9800 Northwest freeway, 500
 Houston, Texas 77092
 (281) 433-8688 / (713) 957-5105
 jltandassociates@gmail.com
 TX FIRM # 10510

© This is an original design by J.L. TREVINO & ASSOCIATES and is solely owned by J.L. TREVINO & ASSOC. All rights are reserved. Any infringement of this copyright is prohibited by law.

Seal:

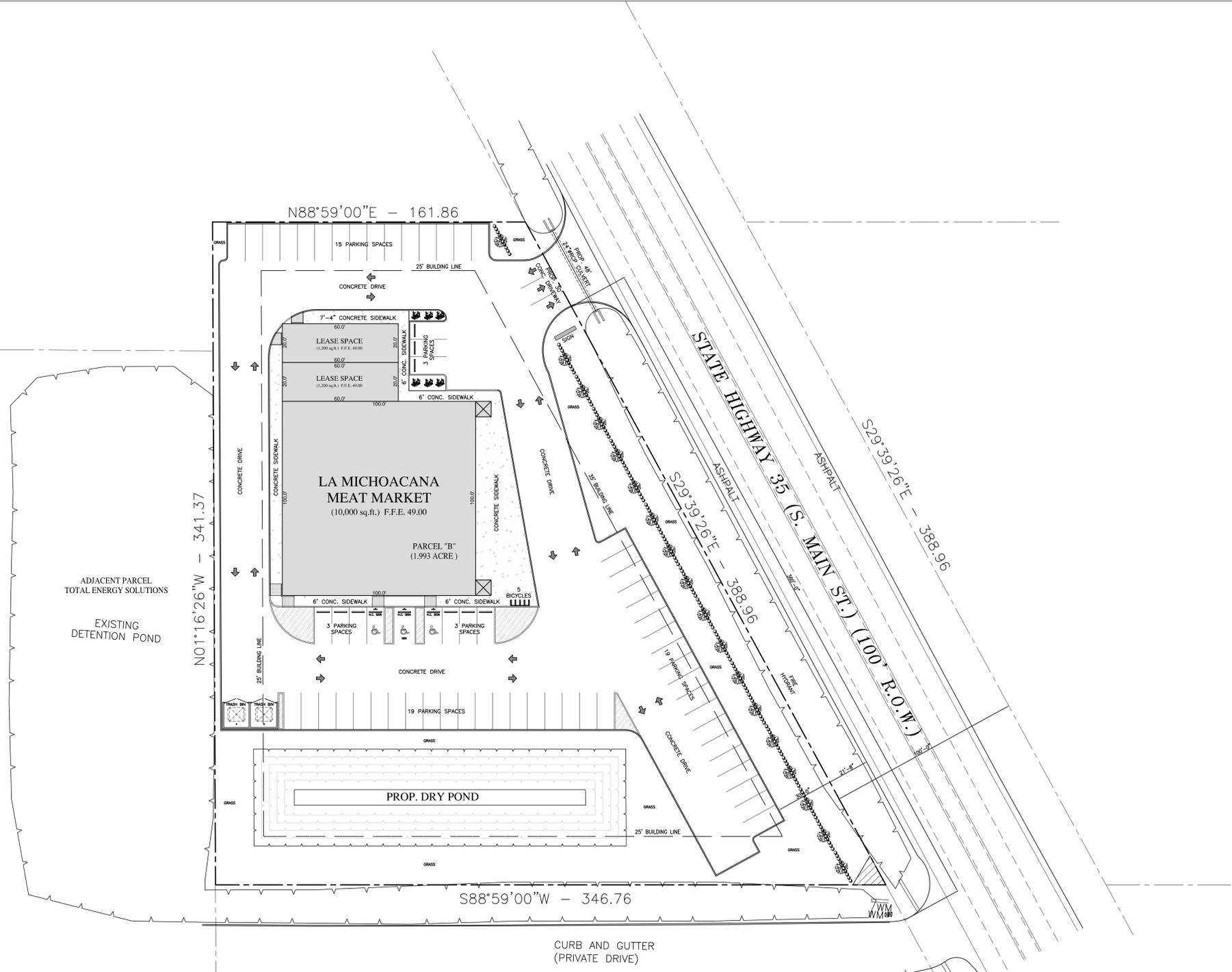
INTERIM REVIEW ONLY
 THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF
 P.E. JORGE TREVINO
 P.E. # 96485
 DATE: September 13, 2016
 IT IS NOT TO BE USED FOR CONSTRUCTION, BEDDING OR PERMITTING PURPOSES

Sheet Name:

SITE PLAN

Scale: 1" = 30'-0"
 Sheet Number:

C-01



SITE ANALYSIS

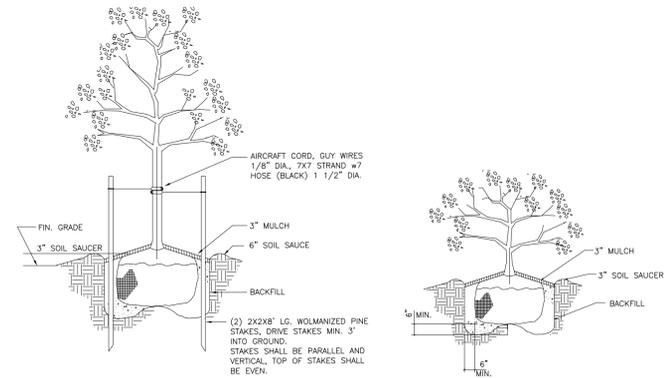
- PROPOSED BUILDING	12,400 sq.ft.
- PROP. CONCRETE SIDEWALK	- sq.ft.
- PROPOSED CONC. PARKING LOT	- sq.ft.
-	- sq.ft.
-	- sq.ft.
- LANDSCAPE AREA	- sq.ft.
- TOTAL LAND AREA	86,815 sq.ft.

- SITE LAYOUT NOTES**
1. THE HORIZONTAL AND VERTICAL LOCATION OF EXISTING SUBSURFACE UTILITIES HAVE BEEN DETERMINED FROM DATA PROVIDED BY OTHERS. IT WILL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROTECT ALL EXISTING UTILITIES WITHIN THE AREA OF CONSTRUCTION THAT ARE TO REMAIN IN SERVICE. CONTRACTOR SHALL VERIFY SIZE AND LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.
 2. ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS ARE TO FACE OF BUILDING. REFER TO ARCHITECTURAL PLANS FOR BUILDING DIMENSIONS.
 4. REFER TO ARCHITECTURAL PLANS FOR DETAILS AND DIMENSIONS OF HC CURB RAMP, SIDEWALK/RAMP, SIDEWALK EDGE, SIDEWALK TOOLED JOINT, SIDEWALK EXPANSION JOINT, HC PARKING SIGN, PIPE BOLLARD, HC PARKING STRIPE AND DUMPSTER ENCLOSURE.
 5. REFER TO LANDSCAPE ARCHITECT PLANS FOR DETAILS AND DIMENSIONS OF LANDSCAPE AND HARDSCAPE AREAS.

- SITE PLAN GENERAL NOTES:**
1. THE CONTRACTOR SHALL SECURE ALL PERMITS AND PAY ALL FEES
 2. DIMENSIONS ON DRAWINGS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS. THE CONTRACTOR SHALL VERIFY AND BE RESPONSIBLE FOR CONDITIONS AT THE SITE AND REPORT AND DISCREPANCIES TO THE ARCHITECT PRIOR TO PROCEEDING WITH WORK.
 3. ALL HAZARDOUS MATERIAL IDENTIFICATION, HANDLING AND REMOVABLE SHALL BE DIRECTED AND EXECUTED BY A LICENSED CONTRACTOR LEGALLY AUTHORIZED TO PERFORM SUCH WORK.
 4. IDENTIFY AND PROTECT KNOWN UTILITIES (ABOVE AND BELOW GROUND) FROM DAMAGE, STAKE AND FLAG LOCATIONS OR CALL UTILITY COMPANY TO MARK LOCATIONS.
 5. IDENTIFY AND PROTECT ALL EASEMENT, STAKE AND FLAG LOCATIONS
 6. CONFIRM SURVEY BENCHMARKS AND INTENDED ELEVATIONS
 7. PROTECT ALL TREES WITH PROTECTIVE NETTING 24" MIN. DIA.
 8. PROVIDE DESIGNATED TRASH WASH ZONE 15' FROM ANY TREE. ALL TOOL CLEANUP SHALL BE PERFORMED IN DESIGNATED AREA.

PARKING LOT ANALYSIS

- PROPOSED LAND USE	LA MICHOCACANA MEAT MARKET SHOPPING CENTER
- PREVIOUS LAND USE	VACANT
- LA MICHOCACANA MEAT MARKET SHOPPING CENTER	12,400 sq.ft.
-	- sq.ft.
- NUMBER OF PARKING SPACES REQUIRED FOR PROPOSED DEVELOPMENT	(GFA x (X spaces))/(X sq.ft.)
- LA MICHOCACANA MEAT MARKET SHOPPING CENTER	(12,400 sq.ft. x 1 spaces)/(200 sq.ft.) = 62 spaces
	TOTAL = 62 spaces
- NUMBER PARKING SPACES PROVIDED	62 PARKING SPACES
- NUMBER OF HANDICAP PARKING SPACES	1 VAN ACCESSIBLE SPACE & 2 ACCESSIBLE SPACE



TREE PLANTING

SHRUB PLANTING

SITE PLAN
 SCALE: 1" = 30'-0"



JOINT PUBLIC HEARING
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF
THE CITY OF PEARLAND, TEXAS,
MONDAY, OCTOBER 17, 2016, AT 6:30 P.M.
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

I. CALL TO ORDER

II. PURPOSE OF HEARING

Zone Change Application No. ZONE 16-00013

A request of Eriberto and Maria Martinez, applicant, on behalf of Jeremy Murphy, Access Church, owner; for approval of a change in zoning from Single-Family Residential-1 (R-1) and Office & Professional (OP) to a General Business (GB) zoning district; on approximately 2.0424 acres of land.

Legal Description: Being a 1.9001 acres of land situated in lots 1 and 2 block 3, Skyway Manor Subdivision, being a subdivision of 68.24 acres out of the west half of the northwest ¼ of Section 15 H.T.&B.R.R. Co. survey, abstract 241, Brazoria County, Texas; and

Tract II, being a 0.1423 portion of lot 1, in block 3, of Skyway Manor Subdivision, being a subdivision of 68.24 acres out of the west half of the northwest ¼ of section 15, H.T.&B.R.R. Co. survey, abstract 241, Brazoria County, Texas, according to the recorded map or plat thereof in volume 7, page 67 of the plat records of Brazoria County, Texas

General Location: 7030 W Broadway Street, Pearland, TX

III. APPLICATION INFORMATION AND CASE SUMMARY

- A. STAFF REPORT
- B. APPLICANT PRESENTATION
- C. STAFF WRAP UP

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

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

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



Staff Report

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: October 12, 2016

Re: Zone Change Application No. ZONE 16-00013

A request of Eriberto and Maria Martinez, applicant, on behalf of Jeremy Murphy, Access Church, owner; for approval of a change in zoning from Single-Family Residential-1 (R-1) and Office & Professional (OP) to a General Business (GB) zoning district; on approximately 2.0424 acres of land.

General Location: 7030 W Broadway Street, Pearland, TX

Summary of Request

The applicant is requesting a change of zoning from Single-Family Residential-1 (R-1) and Office & Professional (OP) to a General Business (GB) zoning district in order to allow for a change of use from a church to funeral home by right in the existing structure. The applicant is not planning to make any changes to the exterior of the structure at this time. In the current OP zoning district, which is six percent of the total site, the proposed use is prohibited. By changing the zoning district to GB the proposed use is allowed by right.

Recommendation

Staff recommends approval of this change in zoning from Single-Family Residential-1 (R-1) and Office & Professional (OP) to a General Business (GB) zoning district on the approximately 2.0424 acre site for the following reasons:

1. The Future Land Use Plan (FLUP) calls for this area to be Business Commercial. The proposed use would allow greater conformance with the FLUP than the current use of the property.
2. The requested zoning change is more compatible with the surrounding zoning classifications. Prior to the adoption of the UDC in 2006, the property was zoned R-1 Low Density Single-Family Residential. The site was and continues to be one of a few "pockets" of residentially classified property along Broadway Street.

Site History

The subject property is currently developed with a church structure, small paved parking area, and additional, unpaved parking area to the side. This property has always been zoned R-1, which is a low density single family zoning. Prior to 2002 a church use was allowed within the R-1 zoning district by right, however today the same use would require a Conditional Use Permit (CUP).

The site is surrounded by a mix of various uses, including a drive-in restaurant and vacant land to the north; a self-serve carwash to the east; single-family residential to the south; and residential and a car rental business to the west.

The below table identifies surrounding uses and zoning districts:

	Zoning	Land Use
North	General Business (GB)	Vacant, Drive-in Restaurant
South	Office & Professional (OP) Single-Family Residential-1 (R-1)	Residential
East	General Business (GB)	Car Wash
West	Office & Professional (OP) General Business (GB)	Car Rental, Residential

Conformance with the Comprehensive Plan

The subject property is located within the Business Commercial Future Land Use Designation which is characterized by including a mix of retail businesses. The Comprehensive Plan recommends that neighborhood retail and services should be located at the intersections of Thoroughfares or Collector streets or at the edge of logical neighborhood areas. In addition, offices should be compatible with nearby residential uses. The proposed use as a funeral home is in compliance with the designated land use for the area. As a low intensity commercial use, it is compatible with the residential uses to the south and provides a buffer between the residential to the south and Broadway Street.

Conformance with the Thoroughfare Plan

According to City records, Broadway Street is a Major Thoroughfare to be widened. Major Thoroughfares are defined as having a minimum right-of-way of 120 feet. This portion of Broadway has a 100 foot right-of-way and is not in compliance with the Thoroughfare Plan.

Conformance with the Unified Development Code

The subject property is currently developed. In the current configuration the property is not in conformance with the Unified Development Code (UDC) regulations, however the property is considered legal-nonconforming as it is not in compliance with the COD. This means the property may remain as is provided that no triggers are pulled (expansion of building or interior renovation greater than 50 percent of the buildings value). When a new Certificate of Occupancy is applied with a change of use, the property will be required to come into compliance with the UDC for landscaping,

screening, and façade treatment. This change in zoning classification is the first step in the process to bring the site into compliance with the intended new use.

The property is directly adjacent to Broadway Street which falls within the boundaries of the Corridor Overlay District (COD) any new development would be required to be in compliance with the COD requirements in addition to other UDC requirements. The COD allows the City to exercise greater control of aesthetics, function, and safety of developments with frontage along specified Major Thoroughfares including Broadway Street.

The proposed lot and setback requirements of the proposed GB zoning district are indicated in the following table.

General Business (GB) Area Regulations		
Size of Lot	Required	Proposed
Minimum Lot Size	22,500 sq. ft.	Approximately 82,766 sq. ft.
Minimum Lot Width	150 ft.	Approximately 305 ft.
Minimum Lot Depth	125 ft.	Approximately 230 - 291 ft.

Platting Status

The subject property is platted as Lots 1 and 2 of Block 3 of Skyway Manor.

Availability of Utilities

The subject property has access to City water and sanitary sewer infrastructure. A 12-inch water line exists along the west side of Piper Road, and a 16-inch water line is located along the south side of Broadway Street. An 8-inch sanitary sewer line also runs along the south side of Broadway Street.

Impact on Existing and Future Development

Rezoning the property to a unified commercial district will alleviate the buffering requirement which is currently required on the property to the south and west. By changing the zoning of the subject property the adjacent property has significantly greater development potential. While no expansion is proposed, the change in use will periodically increase traffic at the intersection of Piper Road and Broadway Street.

Additional Comments

The request has been reviewed by the City's Development Review Committee (DRC), and there were no additional comments from other departments at the time of this report.

Public Notification

Staff sent public notices, comment forms and a vicinity map to the applicant, the owner of the property and to property owners within 200 feet of the subject property under consideration for the zone change. Additionally, a legal notice of the public hearing was

published in the local newspaper, and a notification sign was placed on the property by the applicant.

Opposition to or Support of Proposed Request

Staff has not received any returned notices in opposition to or in support of the proposed change in zoning request.

Exhibits

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Notification Map
5. Notification List
6. Applicant Packet



Exhibit 1

AERIAL MAP

ZONE 16-00013

7030 W Broadway St



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 103 feet

SEPTEMBER 2016
PLANNING DEPARTMENT



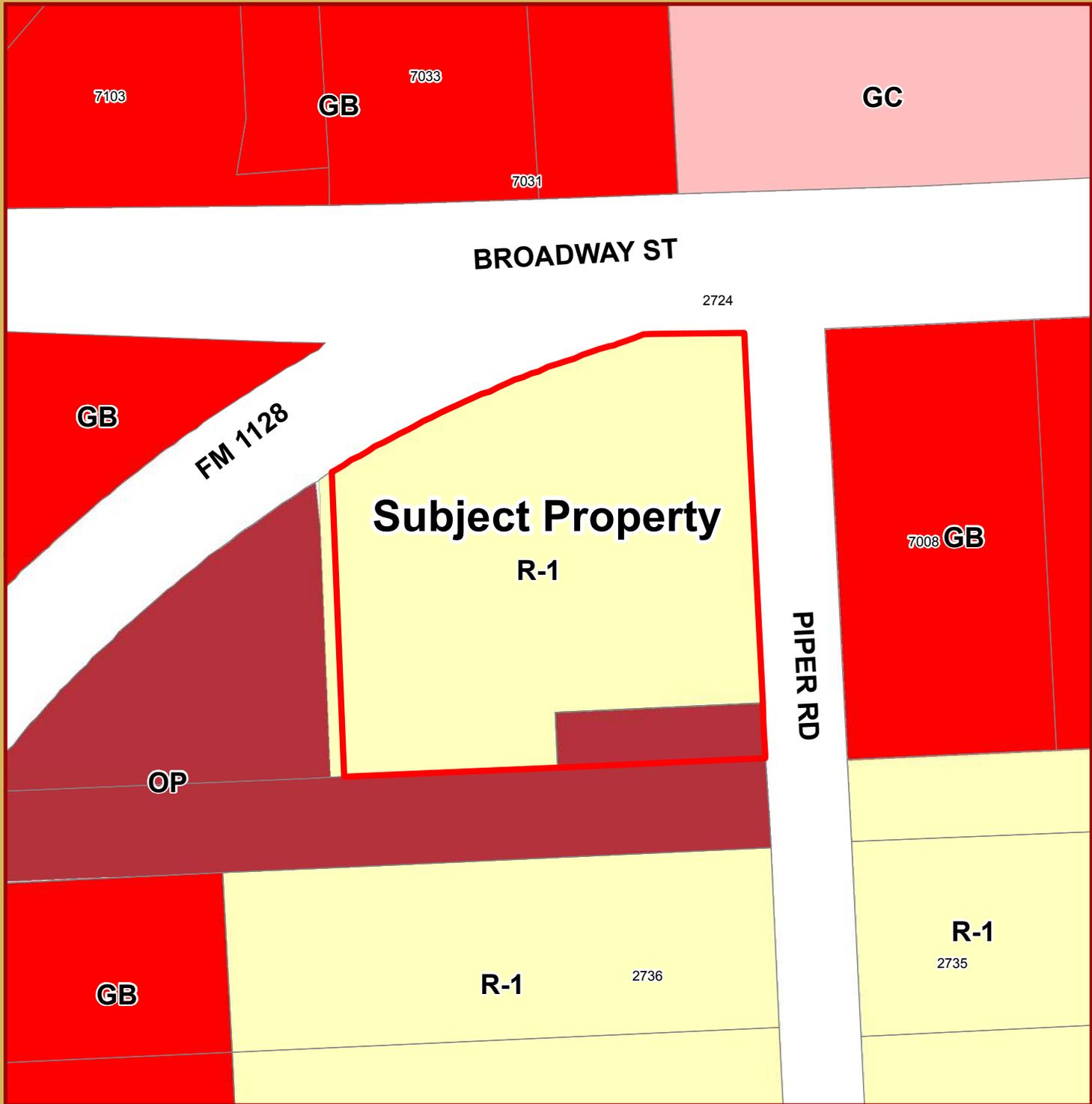


Exhibit 2

ZONING MAP

ZONE 16-00013

7030 W Broadway St



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SEPTEMBER 2016
PLANNING DEPARTMENT

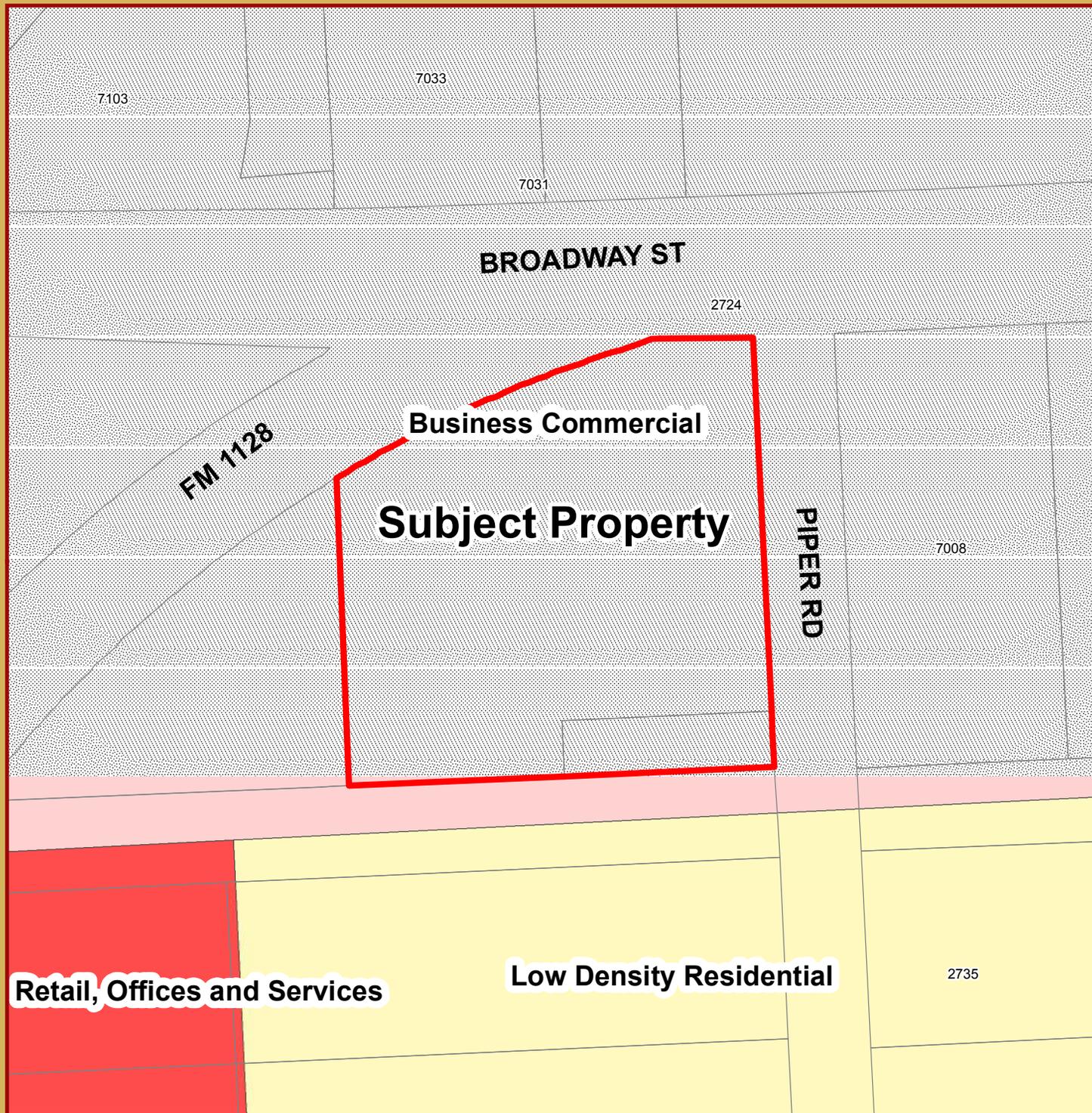


Exhibit 3

FLUP MAP

ZONE 16-00013

7030 W Broadway St



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1 inch = 103 feet

SEPTEMBER 2016
PLANNING DEPARTMENT



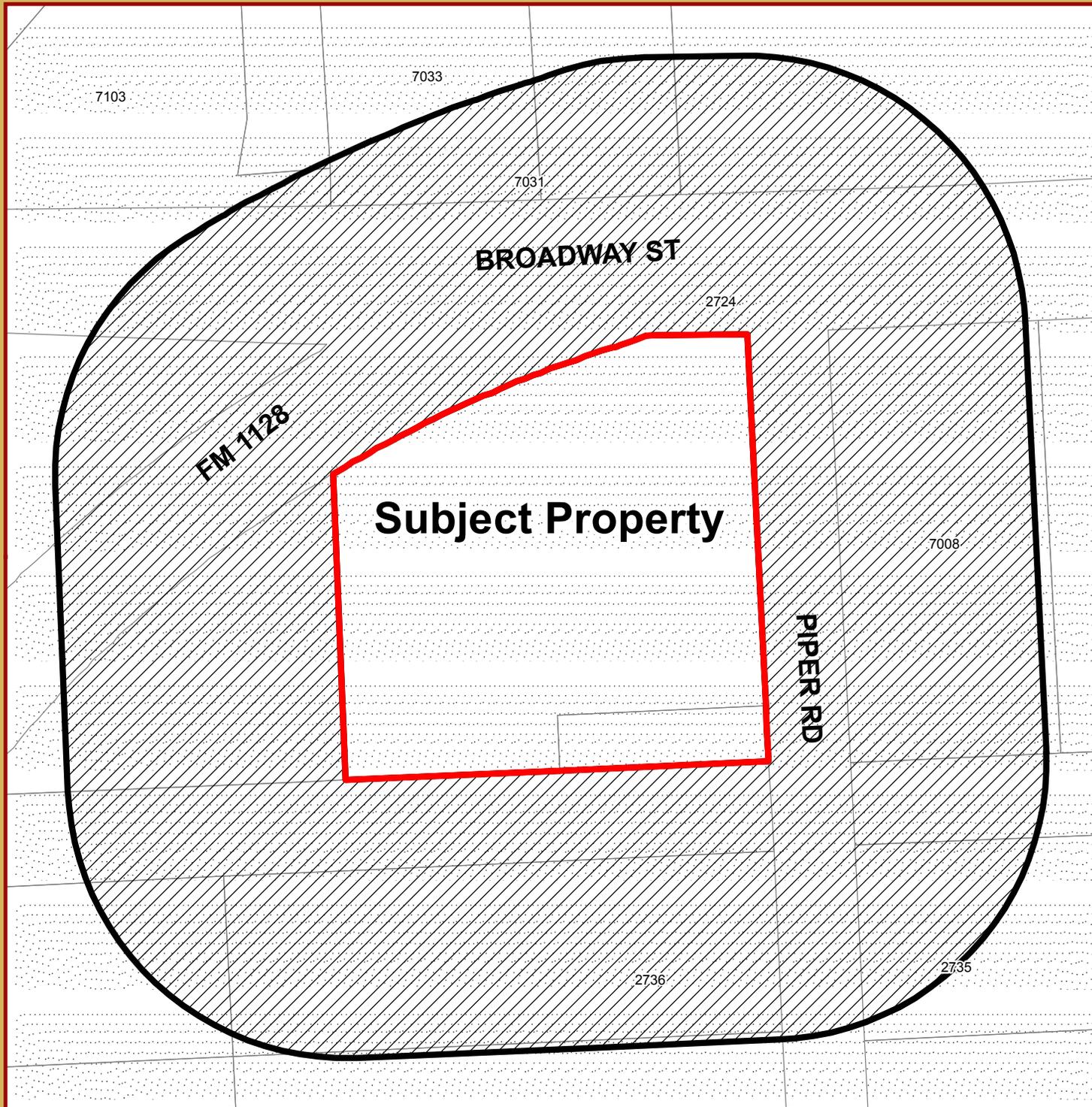


Exhibit 4

NOTIFICATION MAP

ZONE 16-00013

7030 W Broadway St



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1 inch = 103 feet

SEPTEMBER 2016
PLANNING DEPARTMENT



Exhibit 5

ZONE 16-00013

Property_Owner	Address	City	State	Zip_Code
2ML REAL ESTATE INTEREST INC	952 ECHO LN, STE 314	HOUSTON	TX	77024
ACCESS CHURCH	11500 SHADOW CREEK PKWY	PEARLAND	TX	77584
ADAMS FRANCES P FAMILY INT PARTNERSHIP LTD	3305 CHURCHILL ST	PEARLAND	TX	77581
BAHAM INTERESTS LIMITED PARTNERSHIP	5306 CLINTON DR	HOUSTON	TX	77020
BETHEL WILLIAM J JR	2743 MANVEL RD	PEARLAND	TX	77584
CAMPBELL CARA D	2723 MANVEL RD	PEARLAND	TX	77584
EBELING WILLIAM W & MARHSA	2740 PIPER RD	PEARLAND	TX	77584
ERIBERTO & MARIA MARTINEZ	7030 W BROADWAY ST	PEARLAND	TX	77581
IN-REM C & G PROPERTIES LTD	321 GRAND RANCH LN	FRIENDSWOOD	TX	77546
JEREMY MURPHY/ACCESS CHURCH	7030 W BROADWAY ST	PEARLAND	TX	77581
SPRADLEY PROPERTIES LP	4006 E TIMBER CUT CT	PEARLAND	TX	77584
STROUHAL DON C JR & PHYLLIS	3638 BLUEBIRD WAY	PEARLAND	TX	77584
WEBSTER MYRTLE LEE	3901 BLUEBIRD WAY	PEARLAND	TX	77584
WELLS RICHARD A	2736 PIPER RD	PEARLAND	TX	77584



City of Pearland Planning Department Universal Application

City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281.652.1765
281.652.1702 (fax)
pearlandtx.gov

Please complete each field - incomplete applications will **not** be accepted. **All applications, including the checklist, must be submitted in electronic format as a PDF and provided by email, USB / CD.** Refer to the schedule on the City's website and/or within the Planning Department for deadlines and anticipated meeting dates for each project type.

TYPE OF APPLICATION:

- Zoning Change (from) R1+OP (to) GB
- Cluster Development Plan
- Planned Development Workshop
- Plat (list type): _____

- ZBA Variance
- P&Z Variance
- Special Exception
- Conditional Use Permit

*Plat Types include:
Minor, Amending,
Preliminary, Final,
Master, Replat

PROJECT INFORMATION:

Residential Commercial Property Platted Property Not Platted

Project Name: Godfrey Memorial Funeral Home Tax ID: 81-3656456

Project Address/Location: 7030 W. Broadway

Subdivision: Skyway Manor No. of Lots: 2 Total Acres: 2.0424

Brief Description of Project: Funeral Home

When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, therefore it may be necessary to postpone the proposed project and remove it from the scheduled agenda and place it on a future agenda according to Section 1.2.1.2 of the Unified Development Code.

PROPERTY OWNER INFORMATION:

Name: Access Church / Jeremy Murphy

Address: 7030 W. Broadway St.

City: Pearland State: TX Zip: 77581

Phone: (832) 689-0843

Fax: _____

Email Address: jeremy@nyaccesschurch.com

APPLICANT/AGENT INFORMATION:

Name: Eriberto & Maria Martinez

Address: 7030 W. Broadway

City: Pearland State: TX Zip: 77581

Phone: 713-344-6907

Fax: _____

Email Address: mariamtz93@yahoo.com

**Property owner must be the current owner of the property at the time of submittal of the application, and not the party that has the property under contract.
As owner and applicant, I hereby request approval of the above described request as provided for by the Unified Development Code of the City of Pearland.

**Owner's Signature: [Signature] Date: 9/12/16

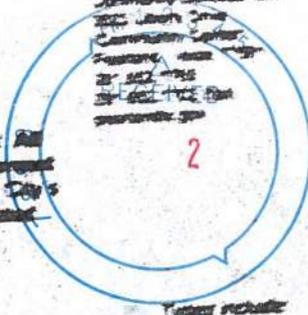
Agent's/
Applicant's Signature: [Signature] Date: 9/12/16

OFFICE USE ONLY:			
FEE PAID:	DATE PAID:	RECEIVED BY:	RECEIPT NUMBER:
Fees will be accepted by phone or in person. Please contact 281.652.1765 for instructions.			APPLICATION NUMBER:



City Pearland Planning Application

Request
Community Development
2000 Liberty Street
Pearland, Texas 77588
281-462-1100
281-462-1100 Fax
pearland@pc.com



complete each field in complete applications be accepted All
applications, including the submitted format
PDF and USB Prior to the schedule City's
website and/or within the Planning Department deadline
meeting dates project

TYPE OF

- Zoning Change from GB
- Cluster Development Plan
- Planned Development Workshop
- Plat (flat type): _____

- Variance
- PIZ variance
- Special Exception
- Officers' Permit

Types include
Amending

Master

Partic

- Residential
- Commercial
- Property Platted

Project Name: Godfrey Memorial - real HOME

Project Address/Location: 1030 W Broadway

Subdivision: 2 Acres

Brief Description of: Funeral Home

PROPERTY OWNER INFORMATION

APPLICANT INFORMATION

Name

Address

City

Phone

Fax

Email Address: info@myac ssch rdh com

1030 W Broadway

**Property owner must

property
owner and applicant
Code of City of Pearland

**Owner Signature: [Signature]

Agent
Applicant Signature: [Signature]

Date: 9/12/16

OFFICE USE ONLY

	RECEIVED BY:	RECEIPT NUMBER:
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Fee to phone 652.5766 for instructions.

APPLICATION NUMBER: 009 9 3

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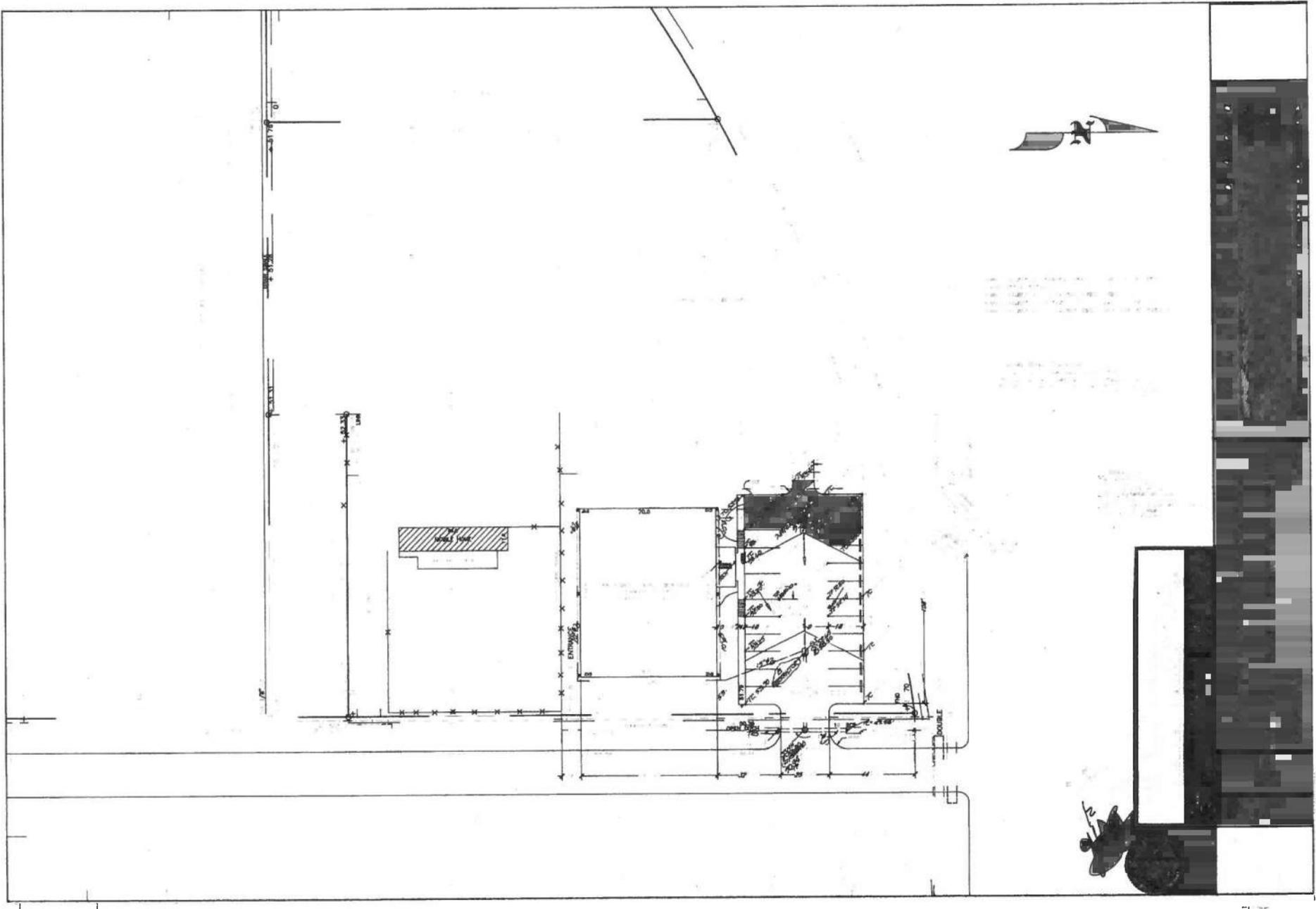
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Assemblies of God Church Directory

enhance your church's listing with a website, an online sermon archive and more.

Online Sermon Archive - The Assemblies of God of Australia have an online sermon archive. You can search for sermons by date, topic, or speaker. Visit [http://www.assembliesofgod.org.au/sermons](#) for more information.

Website - If you have a website, you can link it to your church listing. Visit [http://www.assembliesofgod.org.au/websites](#) for more information.

Online Sermon Archive - The Assemblies of God of Australia have an online sermon archive. You can search for sermons by date, topic, or speaker. Visit [http://www.assembliesofgod.org.au/sermons](#) for more information.

Website - If you have a website, you can link it to your church listing. Visit [http://www.assembliesofgod.org.au/websites](#) for more information.

Phone: (08) 9442 1111
 Fax: (08) 9442 1112
 Email: admin@assembliesofgod.org.au
 Website: <http://www.assembliesofgod.org.au>

International Assemblies of God Federation

For more information, visit <http://www.assembliesofgod.org>

Asia	Asia Assemblies of God Alliance
Central	Assemblies of God of Argentina
Australia	Assemblies of God of Australia
Bahamas	Assemblies of God in the Bahamas

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U. S. TREASURY DEPARTMENT
INTERNAL REVENUE SERVICE
WASHINGTON 25, D. C.

IN REPLY REFER TO
T:R:EO:5
JJF

AUG 31 1964

General Council of the Assemblies
of God
1445 Boonville Avenue
Springfield, Missouri 65802

Gentlemen:

We have considered your request for a group ruling holding your subordinate units exempt from Federal income tax as organizations described in section 501(c)(3) of the Internal Revenue Code of 1954.

Our records disclose that you were held exempt from Federal income tax under section 231(6) of the Revenue Act of 1921 on April 15, 1922. On September 14, 1935 you were held exempt under section 101(6) of the Revenue Act of 1934, which ruling was affirmed under the Revenue Act of 1936 on April 27, 1938. On September 20, 1955 the District Director held that since section 501(c)(3) of the 1954 Internal Revenue Code contains the same provisions as section 101(6) of the prior Revenue Acts, previous rulings are held to be applicable under the 1954 Code.

Based upon the information presented, it is held that your subordinate departments, district councils, churches, institutions, organizations, schools and colleges, whose names appear in your Directory, revised to January 1, 1964, are exempt from Federal income tax as organizations described in section 501(c)(3) of the Internal Revenue Code of 1954 as it is shown that they are organized and operated exclusively for religious purposes.

You and your subordinate units are not required to file Federal income tax returns so long as a tax exempt status is maintained.

It will not be necessary for you and your subordinate units to file the annual information return, Form 990-A, generally required of organizations exempt under section 501(c)(3) of the Code, as the specific exceptions contained in section 6033(a) of the Code are applicable.

RECEIVED

SEP 3 1964

GENERAL SECRETARY'S
OFFICE

-2-

General Council of the Assemblies of God

Contributions made to you and your subordinate units are deductible by the donors as provided by section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to or for the use of you and your subordinate units are deductible for Federal estate and gift tax purposes as provided by sections 2055, 2106 and 2522 of the Code.

You and your subordinate units are not liable for the taxes imposed under the Federal Insurance Contributions Act (social security taxes) unless waiver of exemption certificates are, or have been, filed as provided in that Act. Inquiries about the waiver of exemption certificates should be addressed to the District Director concerned. You and your subordinate units are not liable for the taxes imposed under the Federal Unemployment Tax Act.

For next year, and for each succeeding year thereafter, please send us the following information not later than forty-five days after the close of your annual accounting period:

1. Lists showing the names and mailing addresses of your new subordinate units and the names and addresses of any units which have ceased to exist or have changed their names or addresses. The names should be arranged in alphabetical or numerical order. In lieu of the lists referred to above you may furnish us with a copy of your published directory. Please send us one copy of the list or directory for this office and one copy for each district in which your subordinate units are located.
2. A statement signed by one of your principal officers stating whether or not the information upon which your original group ruling was based is applicable in all respect to the new subordinate units.
3. A statement if, at the close of the year, there were no changes in your roster.

LEGAL DESCRIPTION**TRACT I**

1.9001 ACRES OF LAND SITUATED IN LOTS 1 AND 2 BLOCK 3, SKYWAY MANOR SUBDIVISION, BEING A SUBDIVISION OF 68.24 ACRES OUT OF THE WEST HALF OF THE NORTHWEST ¼ OF SECTION 15 H.T.&B.R.R. CO. SURVEY, ABSTRACT 241, BRAZORIA COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS; BEARING BASIS IS WEST RIGHT-OF-WAY LINE OF PIPER STREET BEING SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST.

BEGIN AT A FOUND ½ INCH IRON ROD IN THE WEST LINE OF PIPER STREET FROM WHICH POINT THE SOUTHEAST CORNER OF SAID LOT 1 BLOCK 3, SKYWAY MANOR, BEARS SOUTH A DISTANCE OF 40.00 FEET, FOR THE MOST EASTERLY SOUTHEAST CORNER OF THE HEREIN DESCRIBED 1.90 ACRE TRACT AND ALSO THE PLACE OF BEGINNING;

THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ALONG A LINE PARALLEL TO AND 40.00 FEET NORTH OF THE SOUTH LINE OF SAID LOT 1 BLOCK 3, SKYWAY MANOR, A DISTANCE OF 155.00 FEET TO POINT FROM WHICH A FOUND ½ INCH IRON ROD BEARS SOUTH 11 DEGREES 09 MINUTES WEST 0.37 FEET IN THE EAST LINE OF LOT 2 BLOCK 3, SKYWAY MANOR, FOR CORNER;

THENCE, SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ALONG AND WITH THE EAST LINE OF LOT 2 BLOCK 3, A DISTANCE OF 40.00 FEET TO A 3/8 INCH IRON ROD FOR CORNER;

THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS, WEST ALONG AND WITH THE SOUTH LINE OF SAID LOT 2 BLOCK 3, A DISTANCE OF 150.00 FEET TO A FOUND 1 INCH IRON PIPE FOR CORNER;

THENCE, NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST ALONG A LINE PARALLEL WITH AND 10.00 FEET EAST OF THE WEST LINE OF SAID LOT 2 BLOCK 3, A DISTANCE OF 231.97 FEET TO A SET 5/8 INCH CAPPED IRON ROD STAMPED "SOUTH TEXAS SURVEYING" IN THE SOUTHEAST ARC OF A CURVE TO THE RIGHT, FOR CORNER;

THENCE, IN A NORTHEASTERLY DIRECTION ALONG AND WITH THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 20 DEGREES 19 MINUTES 25 SECONDS AND A RADIUS OF 909.14 FEET, A DISTANCE OF 322.48 FEET TO A SET 5/8 INCH CAPPED IRON ROD STAMPED "SOUTH TEXAS SURVEYING" IN THE WEST LINE OF PIPER STREET FOR CORNER;

THENCE, SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ALONG AND WITH THE WEST LINE OF PIPER STREET, A DISTANCE OF 291.39 FEET TO THE PLACE OF BEGINNING, SAID TRACT CONTAINS 1.9001 ACRES OF LAND.

TRACT II

A PORTION OF LOT 1, IN BLOCK 3, OF SKYWAY MANOR SUBDIVISION, BEING A SUBDIVISION OF 68.24 ACRES OUT OF THE WEST HALF OF THE NORTHWEST ¼ OF SECTION 15, H.T.&B.R.R. CO. SURVEY, ABSTRACT 241, BRAZORIA COUNTY, TEXAS, ACCORDING TO THE RECORDED MAP OR PLAT THEREOF IN VOLUME 7, PAGE 67 OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS, SAID PORTION OF LOT 1 BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS; BEARING BASIS IS THE WEST RIGHT-OF-WAY LINE OF PIPER ROAD BEING SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST.

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, IN THE NORTH RIGHT-OF-WAY LINE OF THE HOUSTON PIPE LINE COMPANY RIGHT-OF-WAY EASEMENT;

THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS, WEST ALONG THE NORTH LINE OF SUCH PIPE LINE EASEMENT 155.00 FEET TO A POINT FOR CORNER, BEING THE SOUTHWEST CORNER OF LOT 1;

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE WEST LINE OF LOT 1, A DISTANCE OF 40.00 FEET TO A POINT FOR CORNER; FROM WHICH A FOUND ½ INCH IRON ROD BEARS SOUTH 11 DEGREES 09 MINUTES WEST 0.37 FEET

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS, EAST PARALLEL WITH THE NORTH RIGHT-OF-WAY LINE OF THE HOUSTON PIPE LINE COMPANY EASEMENT, A DISTANCE OF 155.00 FEET TO A FOUND ½ INCH IRON ROD FOR CORNER IN THE EAST LINE OF LOT 1;

\\COPFS\Planning\JPH\JPH CASES 2016\Zone Changes\ZONE 16-00013, 7030 Broadway Funeral Home\1. ZONE 16-00013, 10.17.2016 JPH\Submittal 9.21.26 - M&B\metes and Bounds.doc

THENCE, SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WITH THE EAST LINE OF LOT 1, A DISTANCE OF 40.00 FEET TO THE PLACE OF BEGINNING.

GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

WEST BROADWAY STREET
(AKA FM 518)
(PUBLIC R.O.W. VARIES)

LEGAL DESCRIPTION

TRACT I

1.9001 ACRES OF LAND SITUATED IN LOTS 1 AND 2 BLOCK 3, SKYWAY MANOR SUBDIVISION, BEING A SUBDIVISION OF 68.24 ACRES OUT OF THE WEST HALF OF THE NORTHWEST 1/4 OF SECTION 15, H.T.&B.R.R. CO. SURVEY, ABSTRACT 241, BRAZORIA COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS; BEARING BASIS IS WEST RIGHT-OF-WAY LINE OF PIPER STREET BEING SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST.

BEGIN AT A FOUND 1/2 INCH IRON ROD IN THE WEST LINE OF PIPER STREET FROM WHICH POINT THE SOUTHEAST CORNER OF SAID LOT 1 BLOCK 3, SKYWAY MANOR, BEARS SOUTH A DISTANCE OF 40.00 FEET, FOR THE MOST EASTERLY SOUTHEAST CORNER OF THE HEREIN DESCRIBED 1.90 ACRE TRACT AND ALSO THE PLACE OF BEGINNING;

THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ALONG A LINE PARALLEL TO AND 40.00 FEET NORTH OF THE SOUTH LINE OF SAID LOT 1 BLOCK 3, SKYWAY MANOR, A DISTANCE OF 155.00 FEET TO POINT FROM WHICH A FOUND 1/2 INCH IRON ROD BEARS SOUTH 11 DEGREES 09 MINUTES WEST 0.37 FEET IN THE EAST LINE OF LOT 2 BLOCK 3, SKYWAY MANOR, FOR CORNER;

THENCE, SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ALONG AND WITH THE EAST LINE OF LOT 2 BLOCK 3, A DISTANCE OF 40.00 FEET TO A 3/8 INCH IRON ROD FOR CORNER;

THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ALONG WITH THE SOUTH LINE OF SAID LOT 2 BLOCK 3, A DISTANCE OF 150.00 FEET TO A FOUND 1 INCH IRON PIPE FOR CORNER;

THENCE, NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ALONG A LINE PARALLEL WITH AND 10.00 FEET EAST OF THE WEST LINE OF SAID LOT 2 BLOCK 3, A DISTANCE OF 231.97 FEET TO A SET 5/8 INCH CAPPED IRON ROD STAMPED "SOUTH TEXAS SURVEYING" IN THE SOUTHEAST ARC OF A CURVE TO THE RIGHT, FOR CORNER;

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THENCE, SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ALONG AND WITH THE WEST LINE OF PIPER STREET, A DISTANCE OF 291.39 FEET TO THE PLACE OF BEGINNING, SAID TRACT CONTAINS 1.9001 ACRES OF LAND.

TRACT II

A PORTION OF LOT 1, IN BLOCK 3, OF SKYWAY MANOR SUBDIVISION, BEING A SUBDIVISION OF 68.24 ACRES OUT OF THE WEST HALF OF THE NORTHWEST 1/4 OF SECTION 15, H.T.&B.R.R. CO. SURVEY, ABSTRACT 241, BRAZORIA COUNTY, TEXAS, ACCORDING TO THE RECORDED MAP OR PLAT THEREOF IN VOLUME 7, PAGE 67 OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS, SAID PORTION OF LOT 1 BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS; BEARING BASIS IS THE WEST RIGHT-OF-WAY LINE OF PIPER ROAD BEING SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST.

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, IN THE NORTH RIGHT-OF-WAY LINE OF THE HOUSTON PIPE LINE COMPANY RIGHT-OF-WAY EASEMENT;

THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE NORTH LINE OF SUCH PIPE LINE EASEMENT 155.00 FEET TO A POINT FOR CORNER, BEING THE SOUTHWEST CORNER OF LOT 1;

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE WEST LINE OF LOT 1, A DISTANCE OF 40.00 FEET TO A POINT FOR CORNER; FROM WHICH A FOUND 1/2 INCH IRON ROD BEARS SOUTH 11 DEGREES 09 MINUTES WEST 0.37 FEET

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST PARALLEL WITH THE NORTH RIGHT-OF-WAY LINE OF THE HOUSTON PIPE LINE COMPANY EASEMENT, A DISTANCE OF 155.00 FEET TO A FOUND 1/2 INCH IRON ROD FOR CORNER IN THE EAST LINE OF LOT 1;

THENCE, SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WITH THE EAST LINE OF LOT 1, A DISTANCE OF 40.00 FEET TO THE PLACE OF BEGINNING.

TRACT I
1.9001 ACRES
(82,766 SQ. FT.)

TRACT II
0.1423 ACRES
(6,200 SQ. FT.)

PIPER STREET
(PUBLIC R.O.W. VARIES)

- LEGEND:
AE - AERIAL EASEMENT
BL - BUILDING LINE
BLDG - BUILDING
ESMT - EASEMENT
FND - FOUND
HL&P - HOUSTON LIGHTING & POWER
IP - IRON PIPE
IR - IRON ROD
CIR - CAPPED IRON ROD
STS - STAMPED SOUTH TEXAS SURVEYING
HCCF - HARRIS COUNTY CLERKS FILE
HCDR - HARRIS COUNTY DEED RECORDS
HCMR - HARRIS COUNTY MAP RECORDS
POB - POINT OF BEGINNING
POC - POINT OF COMMENCING
PS - PARKING SPACES
ROW - RIGHT OF WAY
SQ. FT. - SQUARE FEET
UE - UTILITY EASEMENT
--- BARBED WIRE FENCE
--- CHAIN LINK FENCE
--- CONCRETE
--- COVERED CONCRETE
--- OVERHEAD ELECTRIC LINES
--- WOOD FENCE
--- WROUGHT IRON FENCE
--- GUY WIRE
--- CATCH BASIN
--- CABLE BOX
--- ELECTRIC BOX
--- ELECTRIC MH
--- FIRE HYDRANT
--- FIBER OPTIC MARKER
--- FLAG POLE
--- GAS METER
--- GAS VALVE
--- CURB INLET
--- LIGHT POLE
--- MANHOLE
--- MONITORING WELL
--- PIPELINE MARKER
--- POWER POLE
--- SERVICE POLE
--- SANITARY MANHOLE
--- STORM MANHOLE
--- TELEPHONE PEDESTAL
--- TRANSFORMER
--- TRAFFIC SIGNAL BOX
--- TRAFFIC SIGNAL POLE
--- UNDERGROUND CABLE MARKER
--- WATER WELL
--- WATER METER
--- WATER VALVE
--- BENCHMARK

NOTES:
1. BEARING BASIS IS THE WEST R.O.W. LINE OF PIPER STREET BEING S00°00'00"E.
2. SURVEYOR DID NOT ABSTRACT PROPERTY, SURVEY BASED ON LEGAL DESCRIPTIONS SUPPLIED BY TITLE COMPANY, SURVEY AS SHOWN AND LEGAL DESCRIPTION AS PER AN ON THE GROUND SURVEY, EASEMENTS, BUILDING LINES, ETC., SHOWN ARE AS IDENTIFIED BY GF NO. 1633848-LPHF OF TITLE RESOURCES GUARANTY COMPANY.
3. NOTHING IN THIS SURVEY IS INTENDED TO EXPRESS AN OPINION REGARDING OWNERSHIP OR TITLE.
4. THE WORD CERTIFY IS UNDERSTOOD TO BE AN EXPRESSION OF PROFESSIONAL JUDGMENT BY THE SURVEYOR, WHICH IS BASED ON HIS BEST KNOWLEDGE, INFORMATION AND BELIEF.
5. SURVEY IS CERTIFIED FOR THIS TRANSACTION ONLY.
6. THE FINDINGS AND OPINIONS OF SOUTH TEXAS SURVEYING ASSOCIATES, INC. REFLECTED HEREON ARE PRIVILEGED, CONFIDENTIAL AND INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY FOR WHOM THIS WORK WAS PREPARED, IT IS UNDERSTOOD THAT THE USE OF, RELIANCE ON, OR REPRODUCTION OF SAME, IN WHOLE OR IN PART, BY OTHERS WITHOUT THE EXPRESS WRITTEN CONSENT OF SOUTH TEXAS SURVEYING ASSOCIATES, INC. IS PROHIBITED AND WITHOUT WARRANTY, EXPRESS OR IMPLIED. SOUTH TEXAS SURVEYING ASSOCIATES, INC. SHALL BE HELD HARMLESS AGAINST DAMAGES OR EXPENSES RESULTING FROM SUCH UNAUTHORIZED USE, RELIANCE OR REPRODUCTION. COPYRIGHT 2016. ALL RIGHTS RESERVED.

FLOOD NOTE:
PROPERTY LIES WITHIN FLOOD ZONE "X", ACCORDING TO F.I.R.M. MAP NO. 48039C 00401, DATE 9-22-99, BY GRAPHING PLOTTING ONLY. WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION.
BEFORE ANY DEVELOPMENT PLANNING, DESIGN, OR CONSTRUCTION IS STARTED, THE COMMUNITY, CITY AND COUNTY IN WHICH SUBJECT TRACT EXISTS SHOULD BE CONTACTED. SAID ENTITIES MAY IMPOSE LARGER FLOOD PLAN AND FLOODWAY AREAS THAN SHOWN BY F.I.R.M. MAPS THAT WILL AFFECT DEVELOPMENT.

SURVEYOR'S CERTIFICATION
I, HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND AND COMPLETED ON THIS 12TH DAY OF SEPTEMBER, 2016, AND THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF SURVEY SHOWING ANY IMPROVEMENTS. THERE ARE NO ENCROACHMENTS APPARENT ON THE GROUND, EXCEPT AS SHOWN. THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR CATEGORY 1A, CONDITION II SURVEY. THIS SURVEY IS CERTIFIED FOR BOUNDARY ONLY AND FOR THIS TRANSACTION ONLY. SURVEYOR DID NOT ABSTRACT PROPERTY, EASEMENTS, BUILDING LINES, ETC., SHOWN ARE AS IDENTIFIED BY:
GF 1633848-LPHF OF TITLE RESOURCES GUARANTY COMPANY.



Fred W. Lawton, Registered Professional Land Surveyor No. 2321

SURVEY OF

TRACT I
1.9001 ACRES OF LAND SITUATED IN LOTS 1 AND 2 BLOCK 3, SKYWAY MANOR SUBDIVISION, BEING A SUBDIVISION OF 68.24 ACRES OUT OF THE WEST HALF OF THE NORTHWEST 1/4 OF SECTION 15, H.T.&B.R.R. CO. SURVEY, ABSTRACT 241, BRAZORIA COUNTY, TEXAS.
TRACT II
A PORTION OF LOT 1, IN BLOCK 3, OF SKYWAY MANOR SUBDIVISION, BEING A SUBDIVISION OF 68.24 ACRES OUT OF THE WEST HALF OF THE NORTHWEST 1/4 OF SECTION 15, H.T.&B.R.R. CO. SURVEY, ABSTRACT 241, BRAZORIA COUNTY, TEXAS, ACCORDING TO THE RECORDED MAP OR PLAT THEREOF IN VOLUME 7, PAGE 67 OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS.

Table with columns: ADDRESS: 7030 WEST BROADWAY STREET (AKA FM 518) PEARLAND, TEXAS 77581; SITE: ACCESS CHURCH; JOB NO: 1381-16; DATE: 9-12-16; SCALE: 1" = 20'; SHEET 1 OF 1; REVISIONS table.

SOUTH TEXAS SURVEYING ASSOCIATES, INC.
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