JOINT PUBLIC HEARING
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS,
MONDAY, OCTOBER 20, 2014, AT 6:30 P.M.
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

I. CALL TO ORDER

II. PURPOSE OF HEARING

Zone Change Application No. 2014-17Z

A request of Sergio Guzman, owner/applicant; for approval of a change in zoning from Single Family Residential-1 (R-1) to General Business (GB) on approximately 0.90 acres of land, to wit:

Legal Description: Tract No. 26 of Westchester Estates, according to the Jack C. McKnight Survey thereof dated April 6, 1962, a partition in the H.T. & B. Railroad Survey, Abstract 242, Brazoria County, Texas.

General Location: 2701 Westchester Circle, 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.

Memo

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: October 20, 2014

Re: Zone Change Application Number 2014-17Z

A request of Sergio Guzman, owner/applicant; for approval of a change in zoning from Single Family Residential-1 (R-1) to General Business (GB) on approximately 0.90 acres of land, located at 2701 Westchester Circle, Pearland, TX.

Proposal

The subject property includes approximately 0.90 acres of land, of which the applicant is requesting a change in zoning from the Single Family Residential-1 (R-1) zoning district to the General Business (GB) zoning district. According to the applicant's letter of intent, the purpose of the requested change in zoning is to convert the existing single family home into a real estate office. Upon conversion to an office, all requirements of the Unified Development Code (UDC) must be met for a non-residential use.

Public Notification/Comment

Staff sent public notices, comment forms and a vicinity map to the owner/applicant and to property owners within 200 feet of the site. 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.

As of the date of this writing, staff has not received any returned notices from property owners within 200 feet of the site.

Recommendation

Staff recommends approval of the request to change the zoning of the approximately 0.90- acre site from R-1 to GB for the following reasons:

1. The change in zoning will result in conformance with the Comprehensive Plan, as the current zoning of R-1 does not conform to the future land use designation of Retail, Offices and Services.

2. The purpose of the proposed zoning district of GB is to permit an extensive variety of commercial uses including retail trade, personal and business service establishments, offices and commercial recreational uses of limited scope. These types of commercial uses are conducted wholly under a permanent part of the main business structure, such as a marquee. Broadway Street in this location is developed with a host of commercial uses including restaurants, auto-related uses and retail.

3. The existing residential adjacency standards will ensure that any proposed non-residential use has no major impact on the existing single family homes to the south.

4. All applicable requirements of the UDC will be met upon conversion of the structure from residential to office use.

Exhibits

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

Exhibit 1
Staff Report

Summary of Request

The applicant is requesting approval of a change in zoning from the Single Family Residential-1 (R-1) zoning district to the General Business (GB) zoning district on approximately 0.90 acres of land located at the southeast corner of Broadway Street and Westchester Circle. According to the applicant's letter of intent, the purpose of the requested change in zoning is to convert the existing single family home into a real estate office.

Site History

The subject property is currently developed with a single family home with an attached garage, which, according to Brazoria County Appraisal district records was constructed in 1977, with a carport added in 1995. The property was annexed into the City of Pearland in 1995. Since prior to the adoption of the Unified Development Code (UDC) in 2006, the property has retained the existing zoning of R-1.

With the exception of the single family subdivision to the south; Westchester Estates, the site is surrounded by non-residential uses and non-residential zoning districts to the north, west and east. The below table identifies surrounding uses and zoning districts:

	Zoning	Land Use
North	General Business (GB)	Undeveloped, Waffle House
South	Single Family Residential 1 (R-1)	Westchester Estates
East	General Business (GB)	Tottenberry's Private Preschool
West	General Business (GB)	O'Reilly Auto Parts

Conformance with the Thoroughfare Plan

The subject property has approximately 150 feet of frontage along Broadway Street; a major thoroughfare, which requires 120 feet of right-of-way. According to the survey submitted with the application, the existing right-of-way along Broadway Street is 100 feet. Should the property require platting in the future, a portion of the ultimate right-of-way will be required to be dedicated. The property also has frontage on Westchester Circle; a local street, which requires 50 feet of right-of-way. According to GIS records, the existing right-of-way width along Westchester Circle is approximately 60 feet and meets the requirements of the thoroughfare plan.

Conformance with the Unified Development Code

The GB zoning district is intended to permit an extensive variety of commercial uses including retail trade, personal and business service establishments, offices and commercial recreational uses of limited scope. The subject property meets the requirements of the proposed General Business (GB) zoning district as it relates to lot area, width and depth.

General Business (GB) Area Regulations		
Size of Lots	**Required**	**Existing Lot Dimensions**
Minimum Lot Size	22,500 sf.	37,500 sf.
Minimum Lot Width	150 ft.	150 ft.
Minimum Lot Depth	125 ft.	250 ft.

Upon conversion to a non-residential use, all applicable requirements of the UDC for non-residential uses must be met, including façade requirements, residential adjacency screening standards, and parking requirements, including surface and quantity.

Conformance with the Comprehensive Plan

The proposed change in zoning from R-1 to GB will result in compliance with the future land use designation of the Comprehensive Plan, which is *"Retail, Offices and Services*." According to the Comprehensive Plan, properties located within the aforementioned future land use designation should include neighborhood or convenience shopping centers or separate uses, preferably located at major street intersections, with limited outdoor retail activities. Nonresidential uses should buffer from neighboring single family residential uses. Appropriate zoning districts include the proposed zoning district of General Business (GB), Office and Professional (OP), and Neighborhood Service (NS).

Platting Status

The subject property is not platted. Any increase in building footprint or in impervious surface (paving) will trigger platting.

Availability of Utilities

The subject property has access to utilities. GIS data indicate that water is available to the site via an existing 16-inch waterline along Broadway Street and an existing 8-inch waterline along Westchester Circle. Additionally, there is an existing 8-inch sewer line along Broadway. The impact of the proposed use on the current infrastructure will also be analyzed at the time of permitting.

Impact on Existing and Future Development

Most surrounding properties are developed with and zoned for non-residential uses, with the exception of the property to the north of the site, which is undeveloped and zoned GB, and the single family subdivision; Westchester Estates, to the south, which is zoned R-1. Broadway Street, however, in this location is developed with and zoned for non-residential uses. Existing uses along Broadway Street in this area include a host of non-residential uses including restaurants, auto-related uses and retail.

There should be no major negative impacts to surrounding properties. Various improvements will be required as a result of the change in use from residential to non-residential, including residential adjacency standards to the south, which will provide a minimum buffer of 25 feet from the proposed non-residential use. Screening options include the following:

1. A 25-foot landscape buffer which shall remain open and unobstructed (no parking, driveways, etc.) and an opaque screening wall a minimum of 6-feet, but not to exceed 8-feet in height; or

2. In situations where a fence exists along the property line between the nonresidential and residential use, the screening shall be achieved by a 30-foot buffer and a vegetative screen dense enough to be completely opaque year round, which is at least 4 feet tall at planting and at least 8 feet tall within 12 months, unless the nonresidential use obtains permission from the owner(s) of the existing fence to replace said fence with the above required opaque screening wall.

The existing residential adjacency standards will ensure that any proposed non-residential use has no major impact on the existing single family homes.

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.

Recommendation

Staff recommends *approval* of the request to change the zoning of the approximately 0.90 acre site from R-1 to GB for the following reasons:

1. The change in zoning will result in conformance with the Comprehensive Plan, as the current zoning of R-1 does not conform to the future land use designation of Retail, Offices and Services.

2. The purpose of the proposed zoning district of GB is to permit an extensive variety of commercial uses including retail trade, personal and business service establishments, offices and commercial recreational uses of limited scope. These types of commercial uses are conducted wholly under a permanent part of the main business structure, such as a marquee. Broadway Street in this location is developed with a host of commercial uses including restaurants, auto-related uses and retail.

3. The existing residential adjacency standards will ensure that any proposed non-residential use has no major impact on the existing single family homes to the south.

4. All applicable requirements of the UDC will be met upon conversion of the structure from residential to office use.

AERIAL MAP

ZONE CHANGE 2014-17Z

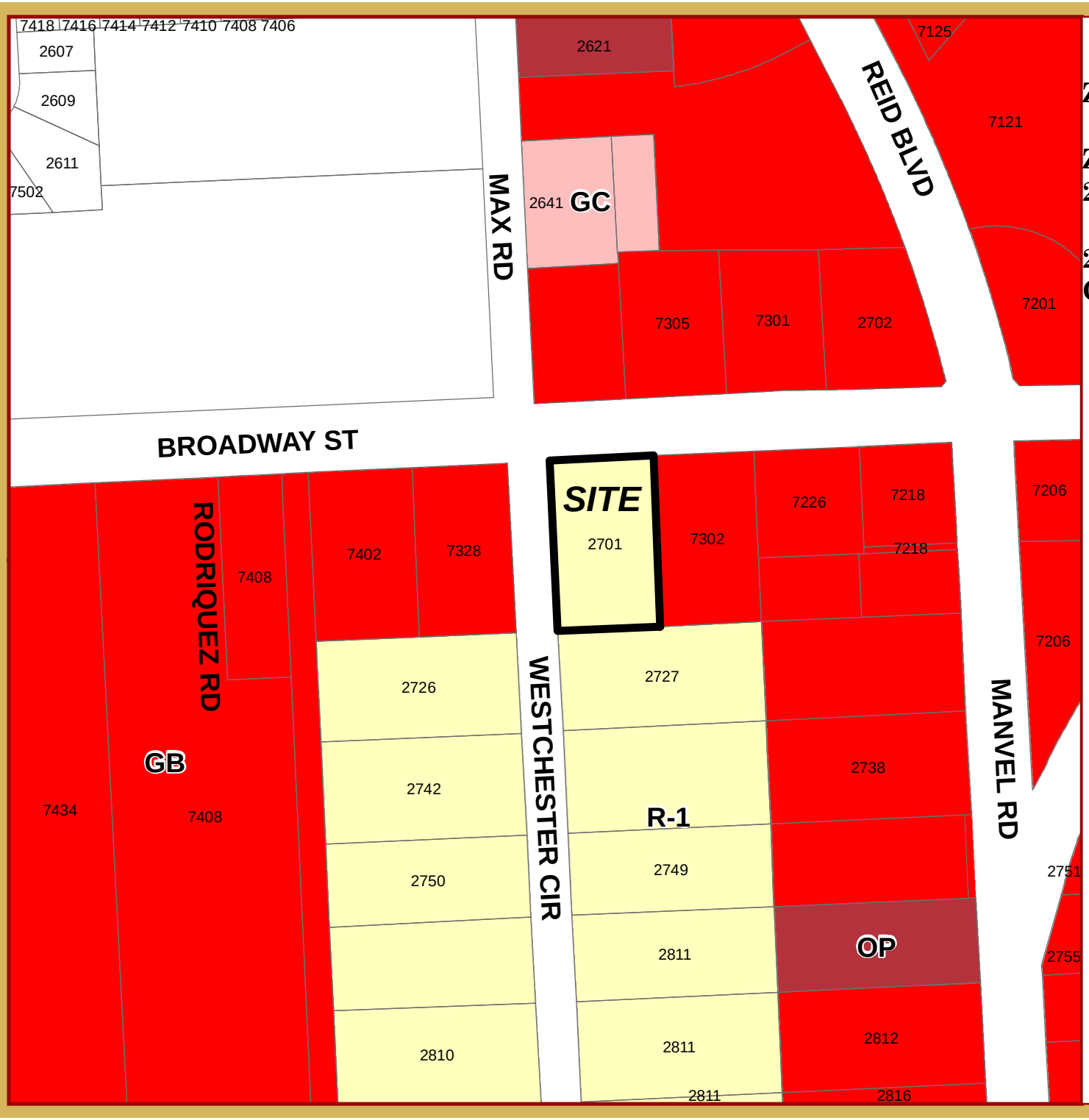
2701 WESTCHESTER CIRCLE

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 = 211 feet

22 MAY 2014
PLANNING DEPARTMENT

N



ZONING MAP

ZONE CHANGE 2014-17Z

2701 WESTCHESTER CIRCLE

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1 inch = 211 feet

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PLANNING DEPARTMENT

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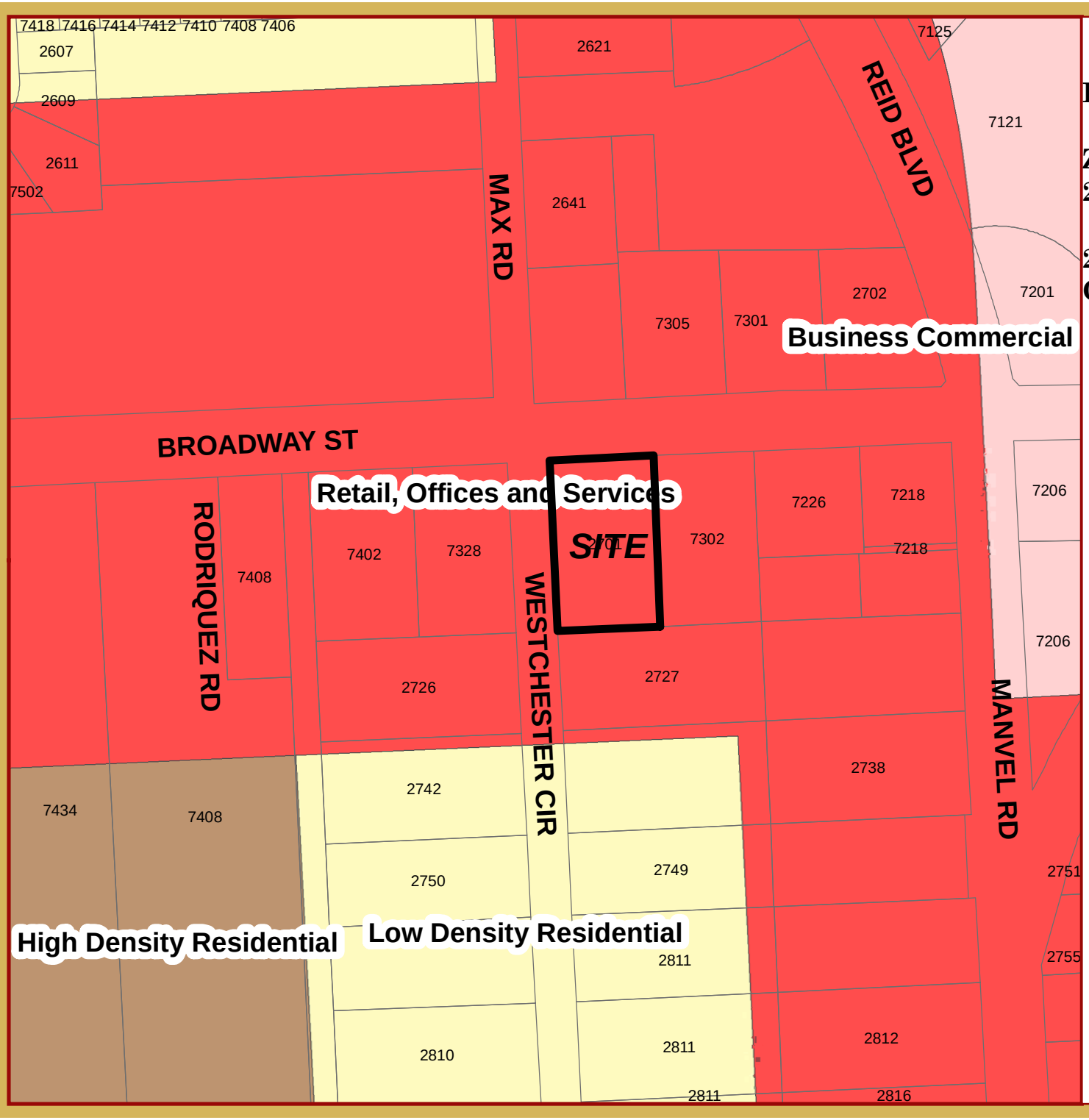

FLUP MAP

ZONE CHANGE 2014-17Z

2701 WESTCHESTER CIRCLE

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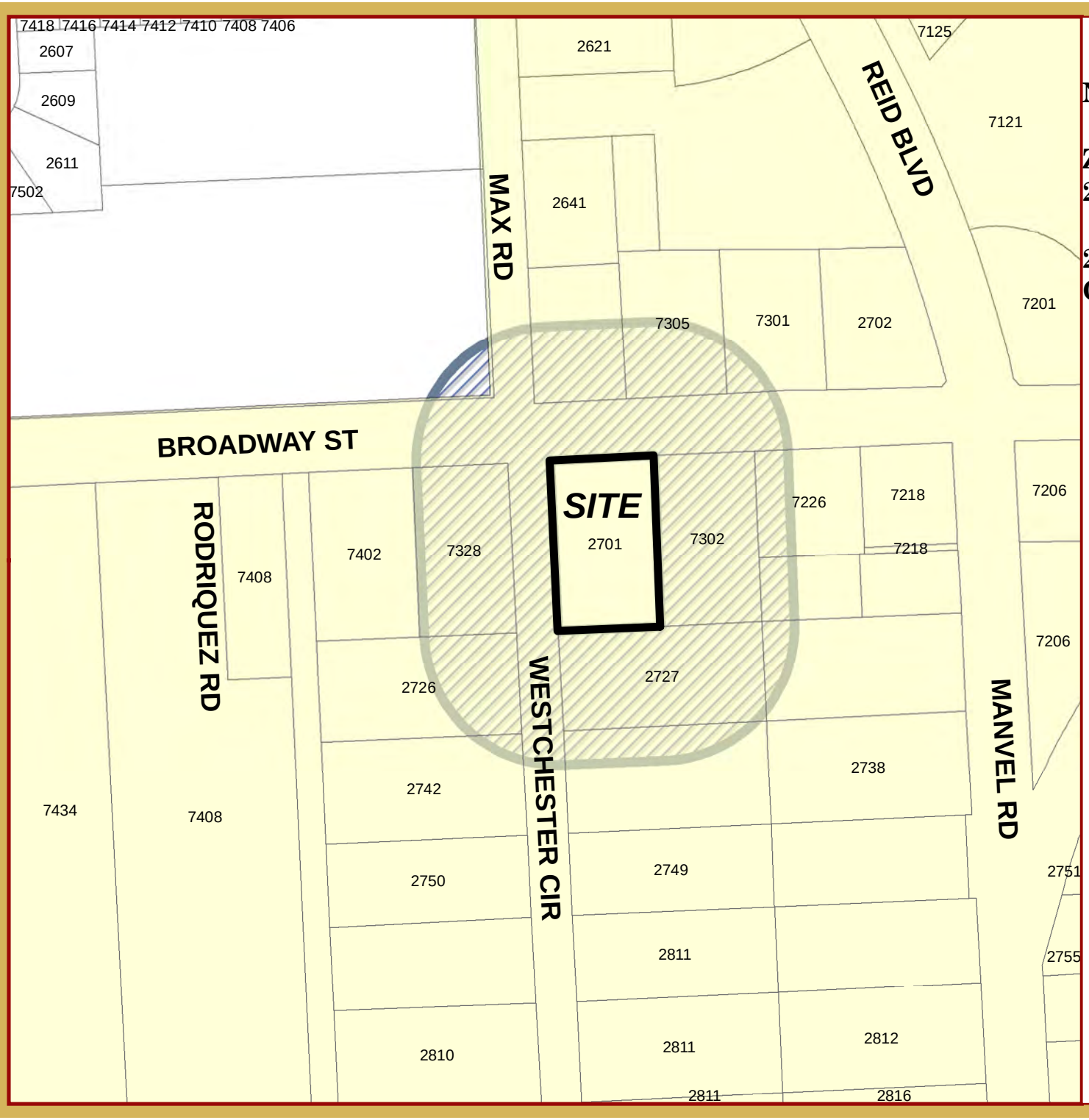
1 inch = 211 feet

22 MAY 2014
PLANNING DEPARTMENT

N



NOTIFICATION MAP

ZONE CHANGE 2014-17Z

2701 WESTCHESTER CIRCLE

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1 inch = 211 feet

22 MAY 2014
PLANNING DEPARTMENT

N

PROPERTY OWNER	ADDRESS	SUITE	CITY	STATE
BIBBS GEORGE E	2701 WESTCHESTER CIR		PEARLAND	TX
BUI DAT DUC & MYLINH LAM	6214 BUI DR		PEARLAND	TX
COLLINS GREGORY A & CYNTHIA L	2742 WESTCHESTER CIR		PEARLAND	TX
HAMM DAVE E	2726 WESTCHESTER CIR		PEARLAND	TX
HI-LO AUTO SUPPLY LP	PO BOX 1156		SPRINGFIELD	MO
KENDRICK RALSTON CS	12243 TRAUTWEIN RD		AUSTIN	TX
KWAK JUNG HWAN	2621 SUNFISH DR		PEARLAND	TX
MIDTOWN CARWASH INC	7226 BROADWAY ST		PEARLAND	TX
ORGAN CHARLES B JR	1204 MYRTLEWOOD DR		FRIENDSWOOD	TX
SYMS GROUP LLC	2307 HARTMAN DR		SUGAR LAND	TX
THOMAS JAMES D	PO BOX 1884		PEARLAND	TX
WH CAPITAL	3290 NORTHSIDE PKWY NW	STE 385	ATLANTA	GA
SERGIO GUZMAN	5401 COUNTY ROAD 100		PEARLAND	TX

ZIP
77584
77581
77584
77584
65801
78737
77584
77581
77546
77478
77588
30327
77584

City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281-652-1765
281-652-1702 fax
www.cityofpearland.com

APPLICATION FOR A CHANGE IN ZONING

Current Zoning District: R-1 Single-Family Residential-1 District

Proposed Zoning District: General Business (GB) ~~or Office & Professional District (OP)~~

Property Information:

Address or General Location of Property: 2701 Westchester Circle
Pearland, TX 77584

Tax Account No. 8215-0023-000:001

Subdivision: Westchester Lot: 26 Block:

A complete application must include all information shown on the Application Checklist attached to this application.

PROPERTY OWNER INFORMATION:

NAME Sergio Guzman
ADDRESS 5401 County Road 100
CITY Pearland STATE TX ZIP 77584
PHONE(281) 830-6186
FAX(281) 619-2880
E-MAIL ADDRESS sergiorealtor@hotmail.com

APPLICANT/AGENT INFORMATION:

NAME Same
ADDRESS
CITY STATE ZIP
PHONE( )
FAX( )
E-MAIL ADDRESS

*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: Sergio Guzman Date: 9/18/2014

Agent's/Applicant's Signature: — Date:

OFFICE USE ONLY:

FEES PAID: $775.00	DATE PAID: 19 Sept. 14	RECEIVED BY: JM	RECEIPT NUMBER: 355819

Application No. 2014-17Z

APPLICATION CHECKLIST FOR THE FOLLOWING

- **Zone Changes**
- **Planned Development Districts (PD**

☑ Application, filled out completely, and signed by the owner of the property to be considered for the conditional use permit.

☑ 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.**

☑ Metes and Bounds Description, (Survey, or a 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 zone change request in detail and why the zoning is being requested to be changed, and state the uses being proposed

*Letter of Intent is not required for a PD.

☑ Application fee, as determined below, by cash, check made payable to the City of Pearland, or credit card (Visa and MasterCard only)

- **Zero (0) to less than 25 acres:**
  - $ 750.00, plus $25.00 per each type of zoning district requested; or
  - $ 800.00 if requesting a Planned Development (PD)
- **25 to less than 50 acres:**
  - $ 800.00, plus $25.00 per each type of zoning district requested; or
  - $ 850.00 if requesting a Planned Development (PD)
- **50 to less than 75 acres:**
  - $ 850.00, plus $25.00 per each type of zoning district requested; or
  - $ 900.00 if requesting a Planned Development (PD)
- **75 to less than 100 acres:**
  - $ 900.00, plus $25.00 per each type of zoning district requested; or
  - $ 950.00 if requesting a Planned Development (PD)
- **100 acres and above:**
  - $ 9450.00, plus $25.00 per each type of zoning district requested; or
  - $ 1000.00 if requesting a Planned Development (PD)

☐ For PD's Only: the proposed PD document in electronic form by date of application (either emailed or on a CD) (see PD Format for guidelines on how to prepare the PD).

☑ Acknowledgement of the sign to be posted on the property 10 days prior to the public hearing.

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

☑ Application packets that are not **complete** will not be accepted. **When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, it may be necessary to postpone the proposed CUP/Zone Change and remove it from the scheduled agenda and place it on a future agenda date according to Section 1.2.1.2. of the Unified Development Code.**

Additional Information:

- Upon making an application for a zoning change or conditional use permit, the applicant shall place sign(s) as required. The City shall inspect such sign(s) to ensure compliance as required by the UDC.

- After the zoning change or conditional use permit request is approved by the City Council, denied by the City Council, or withdrawn by the applicant, the applicant shall remove the sign from the area of the request within ten (10) days of such event.

- It shall be unlawful for anyone to remove, destroy, deface or obstruct the view of a sign which gives notice that a zoning change or conditional use permit has been requested.

- In the event the applicant shall fail to erect and/or maintain signs in accordance with this section, then the public hearing before the Planning and Zoning Commission/City Council shall be postponed to a date in the future, which would allow time for compliance.

- The erection of any sign required by this section shall not require a permit under Section 4.1.2.6 of this UDC.

- The owner or applicant shall promptly notify the Planning Department of any sign required by this section, which becomes lost, stolen or vandalized. The Planning and Zoning Commission shall have the power to decide whether or not there has been substantial compliance with the posting requirements in the case of lost, stolen or vandalized signs.

POSTING OF ZONING NOTIFICATION SIGNS ON PROPERTY UNDER CONSIDERATION FOR A ZONE CHANGE (OR CONDITIONAL USE PERMIT)

Any person, firm or corporation requesting a zoning change, a conditional use permit (CUP), or a variance shall be required to erect and maintain a sign(s), to be inspected by the City, upon the property for which a variance or zoning change has been requested.

Such sign(s) shall be located as follows:

(1) One (1) sign per street frontage shall be located within thirty feet (30') of the abutting street, or as determined by the City.

(2) So as to be clearly visible and readable from the public right-of-way and not obstructed in any manner.

(3) So as not to create a hazard to traffic on the public rights-of-way abutting the property.

(4) On the subject property at least ten (10) days prior to the hearing of such zoning change request by the Planning and Zoning Commission, and to remain continuously on said property until final action by the City Council or withdrawal of the case by the applicant. Removal of the sign by the applicant prior to a recommendation by the Planning and Zoning Commission and/or a final decision by the City Council shall constitute a withdrawal of the request.

(5) The signs shall be as follows:

- A minimum sign size of 2 feet by 3 feet, but no larger than 4 feet by 4 feet
- At least 2 feet above the ground
- Blue or black lettering that is a minimum of 3 inches by 1/2 inch, on a white background
- Message content as follows:

PROPOSED (SPECIFY REQUEST)
Contact City of Pearland
281-652-1765

***Signs must be professionally made; handwritten signs are not allowed.**

***Signs must be freestanding and cannot be attached to a tree, fence, or building.**

Acknowledgement signature _____ Date 9/18/2014

ZONE CHANGE/ VARIANCE/PLAT/RECORDATION

(circle one)

$ 775.00 **BA** or **PF** or **FE**

Description: ***Input who the check is from***

COMMENTS/DESCRIPTION (F10):

Location or Address Zone Change

Applicant 2701 West Chester

Owner Sergio Guzman

CITY OF PEARLAND
R E P R I N T
*** CUSTOMER RECEIPT ***

Oper: MHARRIS Type: OC Drawer: 1
Date: 9/19/14 01 Receipt no: 355819

Description	Quantity	Amount
BA	BOARD OF ADJUSTMENTS 1.00	$775.00

Trans number: 4598054

SERGIO GUZMAN
MARIA A GUZMAN
5401 COUNTY RD 100
PEARLAND,TX 77584
SERGIO GUZMAN
ZONE CHANGE
2701 WEST CHESTER
MJH

Tender detail		
CK CHECK	9680	$775.00
Total tendered		$775.00
Total payment		$775.00

Trans date: 9/19/14 Time: 8:18:50

Sergio Guzman

5401County Road 100
Pearland, TX 77584
(281) 830-6186
sergiorealtor@hotmail.com

September 18, 2014

City of Pearland- Zoning
3523 Liberty Drive
Pearland, TX 77581

To Whom it May Concern,

My name is Sergio Guzman and I am writing this letter with the intent to request a zoning change for 2701 Westchester Circle, Pearland, TX 77584.

My intent for this property is to change the zoning from a Residential Zoning District to a Non-Residential Zoning district, specifically to General Business (GB) ~~or to an Office Professional District (OP~~). S.G SG

My wife and I are owners of Re/Max Pearland and hope to turn this location into our primary and owned office location. We have been leasing out an office space for many years and are now ready to have our own office space.

Your support and consideration will be greatly appreciated. Thank you for your time.

Warmest Regards,

Sergio Guzman

http://copgisweb.ci.pearland.tx.us/mox6/inter

GIS Mapping Inter...

Search

Web Client | Web Slice Gallery | Gateway

Query/Info | Selection | Draw | Lat/Long | System

Layers

- Elevation Layers
- Land Marks
- Utilities
- Capital Projects
- Planning Layers
  - Plats
  - Zoning
  - Zoning Ordinances
  - CUP SUP
  - Future Road Connections
  - Thoroughfare Plan
  - Thoroughfare Intersections
  - Land Use Retail Node
  - Land Use Plan
- Regional Growth Forecast
- Boundary Layers
- Roads
- Aerials
- Appraisal Districts
- City Boundaries

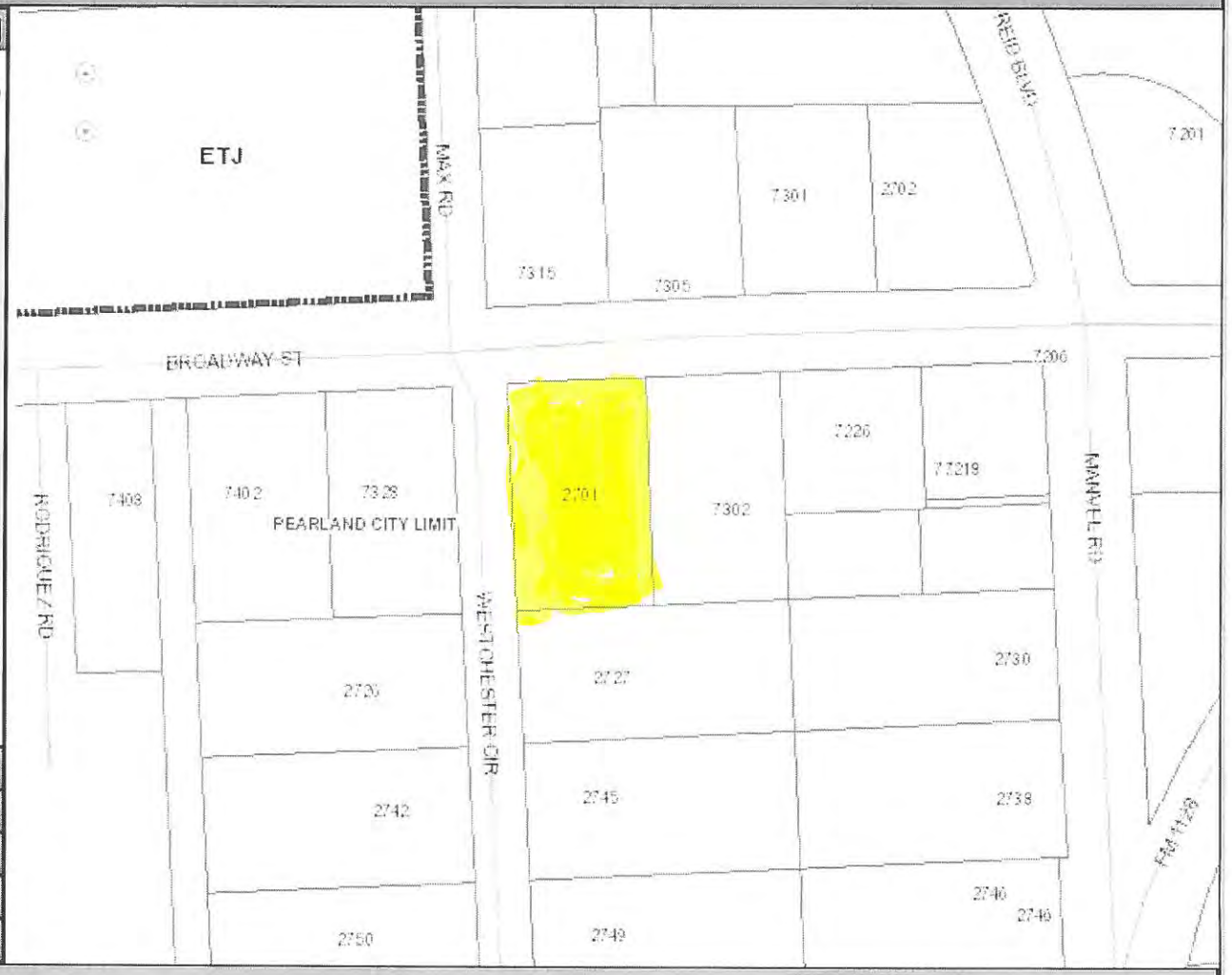
Queries

Address Locator

Markup

Lat / Long

Overview Map



Tool: Pan | X: 3134322.72, Y: 13769108.98, Longitude: -95.3321, Latitude: 29.5890 | 1: 2,311 | Scales | Bookmarks

LEGEND * ITEMS THAT MAY APPEAR IN DRAWING BELOW

M.U.E. = MUNICIPAL UTILITY EASEMENT
U.E. = UTILITY EASEMENT
A.E. = AERIAL EASEMENT
D.E. = DRAINAGE EASEMENT
S.S.E. = SANITARY SEWER EASEMENT
STM.S.E. = STORM SEWER EASEMENT
W.L.E. = WATER LINE EASEMENT

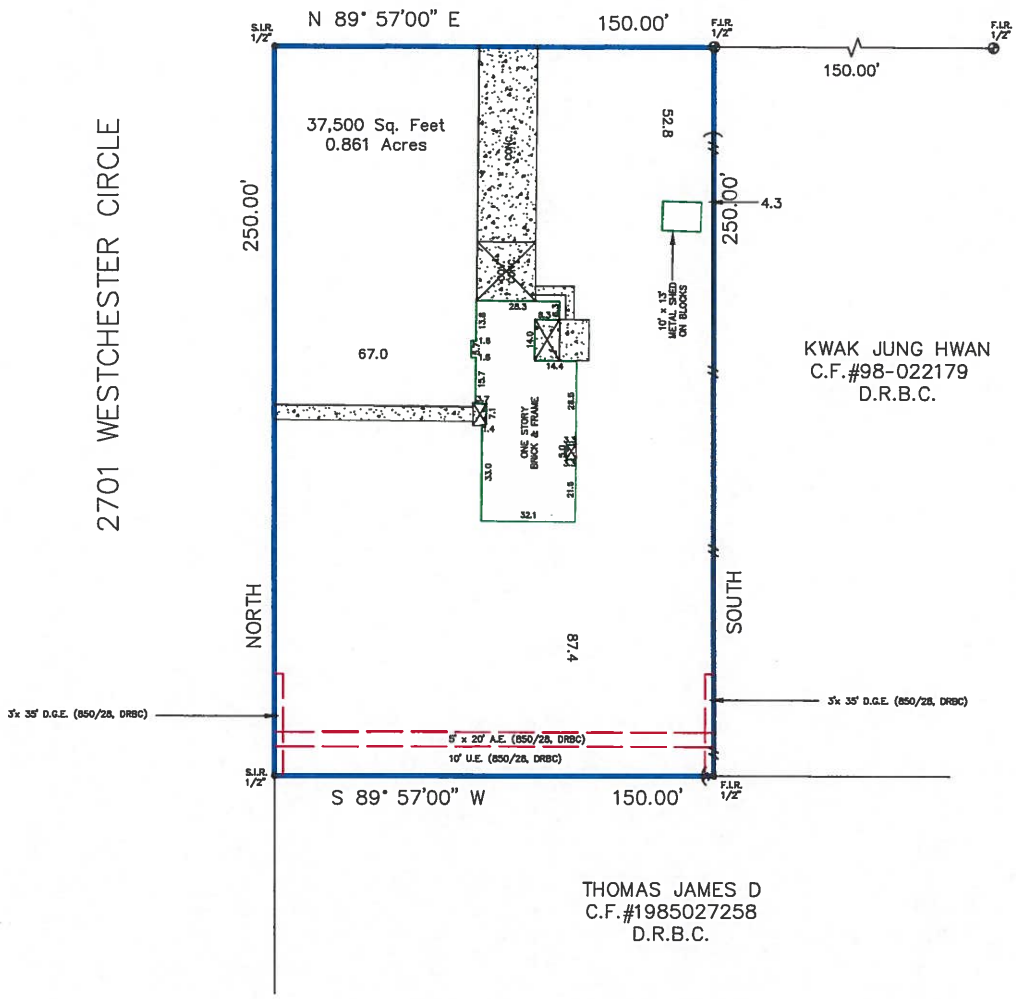
F.I.R. = FOUND IRON ROD
F.I.P. = FOUND IRON PIPE
S.I.R. = SET IRON ROD
W.P. = WOODEN POST
M.P. = METAL POST
C.F.# = CLERK'S FILE NUMBER
P.O.C. = POINT OF COMMENCING
P.O.B. = POINT OF BEGINNING
B.L. = BUILDING LINE
FND. = FOUND
BRS = BEARS

P.A.E. = PERMANENT ACCESS EASEMENT
P.U.E. = PUBLIC UTILITY EASEMENT
W.S.E. = WATER & SEWER EASEMENT
E.E. = ELECTRIC EASEMENT
P.C. = POINT OF CURVATURE
P.T. = POINT OF TANGENCY
P.R.C. = POINT OF REVERSE CURVATURE
P.C.C. = POINT OF COMPOUND CURVATURE
P.P. = POWER POLE
S.F.N.F. = SEARCHED FOR, NOT FOUND
U.T.S. = UNABLE TO SET

CONTROL MONUMENT
= PROPERTY LINE
= EASEMENT LINE
= BUILDING SETBACK LINE
= BUILDING WALL

= WOODEN FENCE
= CHAIN LINK FENCE
= METAL FENCE
= WIRE FENCE
= VINYL FENCE

SCALE 1"=50'



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

NOTES:
- BEARING BASIS: DEED – C.F.# 1971011684
- 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
- UNSPECIFIED WIDTH UTILITY EASEMENT, VOL 1034, PG 779, D.R.B.C.
- PAGE 1 OF 2

LEGAL DESCRIPTION
TRACT 26 OF WESTCHESTER ESTATES, ACCORDING TO THE JACK C MCKNIGHT SURVEY THEREOF, DATED APRIL 6, 1962, A PARTITION IN THE H.T.&B. RAILROAD SURVEY, ABSTRACT 242, IN BRAZORIA COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED IN METES AND BOUNDS AS ATTACHED

CLIENT	ADDRESS
MARIA GUZMAN SERGIO GUZMAN	2701 WESTCHESTER CIRCLE

STATE OF TEXAS REGISTERED TOBY P. GOUCHMAN 5585 PROFESSIONAL LAND SURVEYOR

JOB #	1408045
DATE	08/07/2014
GF#	1499-14-1067

I DO HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON (OR ON ATTACHED SHEET), 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 1366, FRIENDSWOOD, TX 77549
PHONE- 281-996-1113 FAX - 281-996-0112
EMAIL: orders@prosurv.net

ONLY SURVEY MAPS WITH THE SURVEYOR'S ORIGINAL SIGNATURE ARE GENUINE TRUE AND CORRECT COPIES OF THE SURVEYOR'S ORIGINAL WORK AND OPINION.

©2014 PRO-SURV - ALL RIGHTS RESERVED

A. Settlement Statement

U.S. Department of Housing and Urban Development

OMB Approval No. 2502-0265

B. Type of Loan

1. [ ] FHA 2. [ ] RHS 3. [ ] Conv. Unins.
4. [ ] VA 5. [ ] Conv. Ins.

6. File Number: 1499-14-1067

7. Loan Number:

8. Mortgage Insurance Case Number:

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
MARIA GUZMAN AND SERGIO GUZMAN

10015 W BROADWAY STE B
PEARLAND, TX 77584

E. Name and Address of Seller
CHRISTOPHER BIBBS, INDIVIDUALLY AND AS INDEPENDENT EXECUTOR OF THE ESTATE OF GEORGE E. BIBBS, DECEASED

2701 WESTCHESTER CIRCLE
PEARLAND, TX 77584

F. Name and Address of Lender
....

G. Property Location
2701 WESTCHESTER CIRCLE,
PEARLAND, TX 77584

COUNTY: BRAZORIA
LOT: 26
BLOCK:
SUBDIVISION: WESTCHESTER

H. Settlement Agent
AMERICAN TITLE COMPANY OF HOUSTON

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

I. Settlement Date 09/18/2014

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	$327,000.00	401. Contract Sales Price	$327,000.00
102. Personal Property		402. Personal Property	
103. Settlement Charges to Borrower	$288.00	403.	
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	$327,288.00	**420. Gross Amount Due To Seller**	$327,000.00
200. Amounts Paid By Or In Behalf Of Borrower		**500. Reductions In Amount Due To Seller**	
201. (See Exhibit 201)	$6,100.00	501. (See Exhibit 501)	$3,100.00
202. Principal		**502. Settlement Charges to Seller**	$22,998.44
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. Ad Valorem Taxes 2013 to Brazoria County Tax Assessor - Collector	$2,674.67
211.		511. Research and Probate Copies to Court Record Research, Inc.	$62.89
212.		512.	
213. City/Town Taxes		513. City/Town Taxes	
214. County Taxes		514. County Taxes	
216. All Taxes 1899.0300/yr 01/01/14 to 09/19/14	$1,357.94	516. All Taxes 1899.0300/yr 01/01/14 to 09/19/14	$1,357.94
218. Assessments		518. Assessments	
219.		519.	
220. Buyer's Total Credits	$7,457.94		
		520. Seller's Total Charges	$30,193.94
300. Cash At Settlement From/To Borrower		**600. Cash At Settlement To/From Seller**	
301. Gross Amount Due From Borrower (line 120)	$327,288.00	601. Gross Amount Due To Seller (line 420)	$327,000.00
302. Less Amounts Paid By/For Borrower (line 220)	$7,457.94	602. Less Deductions In Amt. Due To Seller (line 520)	$30,193.94
303. Cash [X] From [ ] To Borrower	$319,830.06	**603. Cash [X] To [ ] From Seller**	$296,806.06

S.G.

KAP

L. Settlement Statement

	Paid From Borrower's Funds At Settlement	Paid From Seller's Funds At Settlement
700. Total Sale Commission 327000.00 @ 6 % = 19620.00		
Division of Commission (line 700) As Follows:		
701. $9810.00 to Cullen Realty, LLC		
702. $9810.00 to ReMax Pearland		
703. Commission paid at settlement		$19,620.00
800. Items Payable In Connection With Loan		
801. Loan Origination Fee		
802. Loan Discount		
803. Appraisal Fee		
804. Credit Report		
805. Lender Inspection Fee		
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 Deed & Affidavit to Law Office of Kenneth R. Phillips, PC		$250.00
1106. Notary fee		
1107. Attorney Fee		
1108. Title Ins. Total to American Title Company of Houston/Law Office of Kenneth R. Phillips, PC		$2,133.00
1109. Lender's Coverage		
1110. Owner's Coverage (327000.00) (American Title Company of Houston, 45.00 %, 959.85) (Law Office of Kenneth R. Phillips, PC, 55.00 %, 1173.15)		
1120. Escrow Fee to Law Office of Kenneth R. Phillips, PC	$250.00	$250.00
1138. Tax Certificate to Processing Solutions, Inc.		$89.95
1152. Texas Policy Guaranty Fee - Owner to ATCOH/F.B.O. PGF		$1.80
1200. Government Recording And Transfer Charges		
1201. Recording Fees for Deed 38.00; Recording Fees for Release; Recording Fees for Mortgage	$38.00	
1239. Other Recording Fees - None Lena Bibbs Probate to Kenneth R. Phillips/Office Expense Account		$42.00
1243. Other Recording Fees - None George Bibbs Probate to Kenneth R. Phillips/Office Expense Account		$46.00
1300. Additional Settlement Charges		
1301. Survey to Pro-Surv		$565.69
1302. Pest inspection		
1400. Total Settlement Charges	$288.00	$22,998.44

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

Maria Guzman

Sergio Guzman

SELLERS

Christopher Bibbs, Individually and as Independent Executor of the Estate of George E. Bibbs, Deceased

By: Christopher Bibbs, Executor

The HUD-1 Settlement Statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with this statement.

Settlement Agent

Date

09/18/2014

Exhibits

	Buyer(s)	Seller(s)
Exhibit 201		
Deposit or earnest money	($3,000.00)	
Option Fee	($100.00)	
Earnest Money Extension	($3,000.00)	
Exhibit 501		
Option Fee		$100.00
Earnest Money Extension		$3,000.00

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

Maria Guzman

Sergio Guzman

SELLERS

Christopher Bibbs, Individually and as Independent Executor of the Estate of George E. Bibbs, Deceased

By: Christopher Bibbs, Executor

The HUD-1 Settlement Statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with this statement.

Settlement Agent

Date

09/18/2014

HUD-1 Addendum

File Number:	1499-14-1067	**Settlement Agent/Place of Settlement:**
Property Address:	2701 WESTCHESTER CIRCLE, PEARLAND, TX 77584 COUNTY: BRAZORIA LOT: 26 BLOCK: SUBDIVISION: WESTCHESTER	**AMERICAN TITLE COMPANY OF HOUSTON** 3322 E. WALNUT AVENUE, SUITE 111 PEARLAND, TX 77581 Phone : (281) 412-9922
Seller(s):	CHRISTOPHER BIBBS, INDIVIDUALLY AND AS INDEPENDENT EXECUTOR OF THE ESTATE OF GEORGE E. BIBBS, DECEASED	
Buyer(s):	MARIA GUZMAN AND SERGIO GUZMAN	**Settlement Date:** 9/18/2014 **Disbursement Date:** 9/19/2014
Loan Number:	**Lender:**	**Mortgage Broker:**

	Buyer Charges	Seller Charges
Title and Escrow Charges:		
Deed & Affidavit to Law Office of Kenneth R. Phillips, PC		$250.00
Escrow Fee to Law Office of Kenneth R. Phillips, PC	$250.00	
Tax Certificate to Processing Solutions, Inc.		$89.95
Line 1101 Total:	**$250.00**	**$339.95**
Owner's Coverage (Company) to American Title Company of Houston		$959.85
Owner's Coverage (FA/P-22 Attorney) to Law Office of Kenneth R. Phillips, PC		$1,173.15
Guaranty Assessment Recoupment Charge - Owner to ATCOH/F.B.O. PGF		$1.80
Line 1103 Total:	**$0.00**	**$2,134.80**
Escrow Fee to Law Office of Kenneth R. Phillips, PC		$250.00

I have carefully reviewed the HUD-1 Addendum 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 Addendum Statement.

BUYERS

Maria Guzman

Sergio Guzman

SELLERS

Christopher Bibbs, Individually and as Independent Executor of the Estate of George E. Bibbs, Deceased

By: Christopher Bibbs, Executor

The HUD-1 Addendum Statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with this statement.

Settlement Agent

Date

09/18/2014

NOTICE OF CONFIDENTIALITY RIGHTS. IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED OF RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER; OR YOUR DRIVER'S LICENSE NUMBER.

WARRANTY DEED
with Vendor's Lien

THE STATE OF TEXAS §
§ **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF BRAZORIA §

THAT, the undersigned, **CHRISTOPHER ALLEN BIBBS, INDIVIDUALLY AND AS INDEPENDENT EXECUTOR OF THE ESTATE OF GEORGE EDWARD BIBBS, DECEASED,** a resident of Brazoria County, Texas, [the "Grantor"], has executed this instrument for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) cash, along with other good and valuable consideration, to him in hand paid by **SERGIO I. GUZMAN and wife, MARIA A. GUZMAN,** residents of Brazoria County, Texas [the "Grantees"], the receipt and sufficiency of which is hereby acknowledged and confessed.

NOW, THEREFORE, for an in consideration as aforesaid, Grantor does hereby GRANT, BARGAIN, SELL AND CONVEY unto the said Grantees, all that certain tract of land, together with all improvements thereon, lying and being situated in the County of Brazoria, the State of Texas:

TRACT NO. 26 of WESTCHESTER ESTATES, according to the Jack C. McKnight Survey thereof dated April 6, 1962, a partition in the H. T. & B. Railroad Survey, Abstract 242, in Brazoria County, Texas, and being more particularly described by metes and bounds as follows;

BEGINNING at a 1/2 inch iron rod located SOUTH, a distance of 250.00 feet and S 89° 57' W, a distance of 448.00 feet from a 3/4-inch iron pipe marking the intersection of the south line of F.M. Road #518 and the west line of F.M. Road #1128;

THENCE S 89° 57' W along a line parallel to the south line of F.M. #518, a distance of 150.00 feet to a 1/2-inch iron rod for corner;

THENCE NORTH along a line parallel to the west line of F.M. #1128, a distance of 250.00 to a 1/2-inch iron rod on the south line of F.M. Road #518;

THENCE N 89° 57' E along the south line of F.M. Road #518, 100 feet wide, a distance of 150.00 feet to a 1/2-inch iron rod for corner;

THENCE SOUTH along a line parallel to the west line of F.M. Road #1128, a distance of 250.00 feet to the PLACE OF BEGINNING,

together with all rights, ways, privileges and easements appurtenant to the land, including Grantor's right, title and interest in and to all strips, gores, streets, alleys and way, public or private, adjoining or crossing said land [the "Property"].

FURTHER, for and in consideration as aforesaid, Grantor has conveyed the Property and, by the recording of this instrument, Grantees have so accepted the Property, in its present condition, *"AS IS-WHERE IS-WITH ALL FAULTS"* and, except for the warranty of title set forth below, Grantors make no warranty, either express or implied, as to the condition, merchantability or fitness of the Property.

THE CONVEYANCE evidenced by this instrument is made and accepted SUBJECT TO:

1. All ad valorem taxes, fees and assessments, if any, for the year 2014, and for all subsequent years, the payment of which Grantees assume (at the time of transfer of title), and all subsequent assessments for this and all prior years due to change(s) in land usage (including, but not limited to, the presence or absence of improvements, if any, on the Property), ownership, or both, the payment of which Grantees assume;

2. All valid oil, gas and mineral rights, interests or leases, royalty reservations, mineral interest and transfers of interests of any character, in the oil, gas or minerals of record in any county in which any portion of the Property is located;

3. All covenants, conditions, restrictions, zoning ordinances and other items of record in any county in which any portion of the Property is located, but only to the extent the same are still in force and effect;

4. All easements and rights-of-way, or record, pertaining to any portion of the herein described Property; and

5. All other presently recorded instruments (other than liens and conveyances by, through or under Grantor) that affect the Property and any portion thereof;

TO HAVE AND TO HOLD the above described Property, together with all and singular the rights and appurtenances thereto, unto the said Grantees, their heirs, successors and assigns forever, and the Grantor does hereby bind himself, his heirs, successors and assigns to WARRANT AND FOREVER DEFEND all and singular the said Property unto the said Grantees, their heirs, successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

IN WITNESS WHEREOF, this instrument has been executed in Brazoria County, Texas, on this the 18th day of September, 2014.

CHRISTOPHER ALLEN BIBBS, INDIVIDUALLY AND AS INDEPENDENT EXECUTOR OF THE ESTATE OF GEORGE EDWARD BIBBS, DECEASED

THE STATE OF TEXAS §
§
COUNTY OF BRAZORIA §

BEFORE ME, the undersigned authority, on this day personally appeared **CHRISTOPHER A. BIBBS, INDIVIDUALLY AND AS INDEPENDENT EXECUTOR OF THE ESTATE OF GEORGE EDWARD BIBBS, DECEASED,** 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 capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this 18th day of September, 2014.

KENNETH R. PHILLIPS
Notary Public, State of Texas
My Commission Expires
September 11, 2015

Notary Public in and for
The State of Texas

RETURN TO:

American Title Company / Pearland
Post Office Box 2887
Pearland, Texas 77581

MAILING ADDRESS OF GRANTEES:

10015 W. Broadway, Suite B
Pearland, Texas 77584

JOINT PUBLIC HEARING
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS,
MONDAY, OCTOBER 20, 2014, AT 6:30 P.M.
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

I. CALL TO ORDER

II. PURPOSE OF HEARING

Zone Change Application No. 2014-18Z

A request of Arnold A Patterson, applicant; on behalf of Pearland New Harvest Christian Fellowship, Inc. owner; for approval of a change in zoning from the Single Family Residential – 1 (R-1) zoning district to the General Business (GB) zoning district; on approximately 3.850 acres of land, to wit:

Legal Description: Being a 3.850 acre tract in the H.T. & B.R.R. Company Survey, Abstract No. 564, Brazoria County, Texas. Said 3.850 acre tract is in Lot 1, Block 1 of the New Harvest Christian Fellowship Subdivision as recorded in Clerk's File No. 2010052506 in the Brazoria County Official Public Records, Brazoria County, Texas

General Location: 12216 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.

Memo

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: October 20, 2014

Re: Zone Change Application Number 2014-18Z

A request of Arnold A Patterson, applicant; on behalf of Pearland New Harvest Christian Fellowship, Inc. owner; for approval of a change in zoning from the Single Family Residential – 1 (R-1) zoning district to the General Business (GB) zoning district; on approximately 3.850 acres of land, located at 12216 Broadway Street, Pearland, TX

Proposal

The subject property includes approximately 3.850 acres of land, of which the applicant is requesting a change in zoning from the Single Family Residential – 1 (R-1) zoning district to the General Business (GB) zoning district. According to the applicant's letter of intent, the purpose of the requested change is to allow for the property owner to divide the current lot and market a portion of it for commercial use.

Public Notification/Comment

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

As of the date of this writing, staff has not received any returned notices from property owners within 200 feet of the site in favor or in opposition to the request.

Recommendation

Staff is unable to recommend approval of the request to change the zoning of the approximately 3.850 acre site from R-1 to GB for the following reasons:

1. The change in zoning is not in conformance with the Future Land Use Plan designation of "Low Density Single Residential". The most recent update to the Future Land Use Plan called out a number of significant retail nodes in this area

centered on the major intersections to prevent further development of retail strip centers along the entire length of Broadway. The subject parcel is not located within any of these retail nodes. The proposed zone change, if approved, would go against this specific goal and could set precedence for future zone changes in this area.

2. The subject parcel is surrounded on three sides by existing residential uses and residential zoning. A zone change to GB for the purposes of commercial use could be deemed as spot zoning and would have a significant negative impact to the adjacent homes. The GB zone allows for a number of high impact commercial uses, such as gas stations, restaurants, and auto repair.

Exhibits

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

Exhibit 1
Staff Report

Summary of Request

The subject property includes approximately 3.850 acres of land, of which the applicant is requesting a change in zoning from the Single Family Residential – 1 (R-1) zoning district to the General Business (GB) zoning district. According to the applicant's letter of intent, the purpose of the requested change is to allow for the property owner to divide the current lot and market a portion of it for commercial use.

Site History

The subject property includes a total of 8.635 acres undeveloped and is currently partially developed with New Harvest Fellowship Church. The church proposes to subdivide the property, leaving 3.850 acres of land to the west as a separate lot. The applicant proposes to rezone the 3.850 acre tract to GB and sell it to a yet to be determined developer for commercial purposes.

The site is surrounded by Planned Development (PD) zoning to the north, west and south, with the future adjoining lot to the east being R-1. To the south and west are single family homes which are part of the Southern Trails Planned Development. Across Broadway, to the north, are additional single family homes that are part of the Shadow Creek Ranch Planned Development. To the east is the New Harvest Fellowship Church.

The below table identifies surrounding uses and zoning districts:

	Zoning	Land Use
North	Shadow Creek Planned Development (PD)	Single Family Subdivision
South	Southern Trails Planned Development (PD)	Single Family Subdivision
East	Single Family Residential – 1 (R-1)	Church
West	Southern Trails Planned Development (PD)	Single Family Subdivision

Conformance with the Unified Development Code

The property is currently undeveloped. The proposed site dimensions of 392 feet by 428 feet exceed the requirements of the GB zone. All other requirements of the UDC will need to be met upon development of the site including the requirements of the Corridor Overlay District.

A comparison of the existing R-1 and proposed GB zoning districts follow as it relates to the site in terms of the general regulations:

	Existing Zoning District Regulations (R-1)	**Proposed Zoning District Regulations (GB)**	**Site**
Minimum Lot Area	8,800 square feet	22,500 square feet	167,776 feet (3.850 acres)
Minimum Lot Width	80 feet	150 feet	392 feet
Minimum Lot Depth	90 feet	125 feet	428 feet
Minimum Front Yard	25 feet	25 feet	25 feet (30 feet if parking is up front)
Minimum Side Yard	7.5 feet	10 feet	25 feet (due to residential adjacency)
Minimum Rear Yard	20 feet	25 feet	25 feet
Residential Adjacency	N/A	30 foot with hedge or 25 foot with masonry wall	30 foot with hedge or 25 foot with masonry wall

Conformance with the Comprehensive Plan

The proposed change in zoning from R-1 to GB on the subject property does not conform to the future land use designation of the Comprehensive Plan which is “Low Density Residential.” According to the Comprehensive Plan, the aforementioned future land use designation is designed for medium to larger lot residential. During the 2010

Future Land Use Plan Update, this area was discussed at length regarding how future commercial growth should be planned for. The Planning and Zoning Commission and City Council approved the addition of retail nodes at the major intersections (Broadway/Kirby and Broadway/Kingsley) with an ultimate goal of preventing further development of retail strip centers along the entire length of Broadway. The proposed zone change is not located within one of these retail nodes and is surrounded by residential. Therefore, the proposed zone change is not in conformance with the Comprehensive Plan.

Conformance with the Thoroughfare Plan

The property has frontage on Broadway Street; a major thoroughfare of sufficient width which requires 120 feet of right-of-way.

Platting Status

The property was platted in December of 2010 as the Minor Plat of New Harvest Christian Fellowship. A replat will be required in order to subdivide the existing parcel.

Availability of Utilities

The subject property has access to public infrastructure. According to GIS records, there is an existing 16 inch water line on the north side of Broadway. Additionally, there is an existing 10 inch sewer line along the south side of Broadway. At the time of development, the developer will be required to tap into the provided services and payment of impact fees will be required.

Impact on Existing and Future Development

The GB zone allows for a number of high impact commercial uses, such as gas stations, restaurants, and auto repair. The subject property is surrounded by residential uses on three sides with the existing church facility to the east. The residential homes located within the Southern Trails subdivision to the south and west will be greatly impacted by this proposed zone change. Though a residential adjacency buffer is required, there still will be a significant negative impact regarding noise, lighting pollution, and traffic, to the existing residential homes. Furthermore, these homes were established with the existing R-1 zoning in place adjacent to their property which only permits residential uses or low impact nonresidential uses such as a church, school, or governmental building.

The applicant at this time has no proposed use for the land and intends to sell the property to a yet to be determined developer. If a commercial zone is considered appropriate for this area, staff would recommend a lesser zone of either Neighborhood Services (NS) in order to mitigate any potential impacts to the existing residential.

With the 2010 Future Land Use Plan update, precedence was established that would prevent this section of Broadway from having a continuous stretch of commercial and retail, by planning for retail nodes around the major intersections. If this zone change were to be approved, this would establish a case for future rezoning applications in the future along other sections of Broadway.

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

As of the date of this writing, staff has not received any comments either in opposition to or in support of the proposed change in zoning request.

Recommendation

Staff is unable to recommend approval of the request to change the zoning of the approximately 3.850 acre site from R-1 to GB for the following reasons:

1. The change in zoning is not in conformance with the Future Land Use Plan designation of "Low Density Single Residential". The most recent update to the Future Land Use Plan called out a number of significant retail nodes in this area centered on the major intersections to prevent further development of retail strip centers along the entire length of Broadway. The subject parcel is not located within any of these retail nodes. The proposed zone change, if approved, would go against this specific goal and could set precedence for future zone changes in this area.

2. The subject parcel is surrounded on three sides by existing residential uses and residential zoning. A zone change to GB for the purposes of commercial use could be deemed as spot zoning and would have a significant negative impact to the adjacent homes. The GB zone allows for a number of high impact commercial uses, such as gas stations, restaurants, and auto repair.

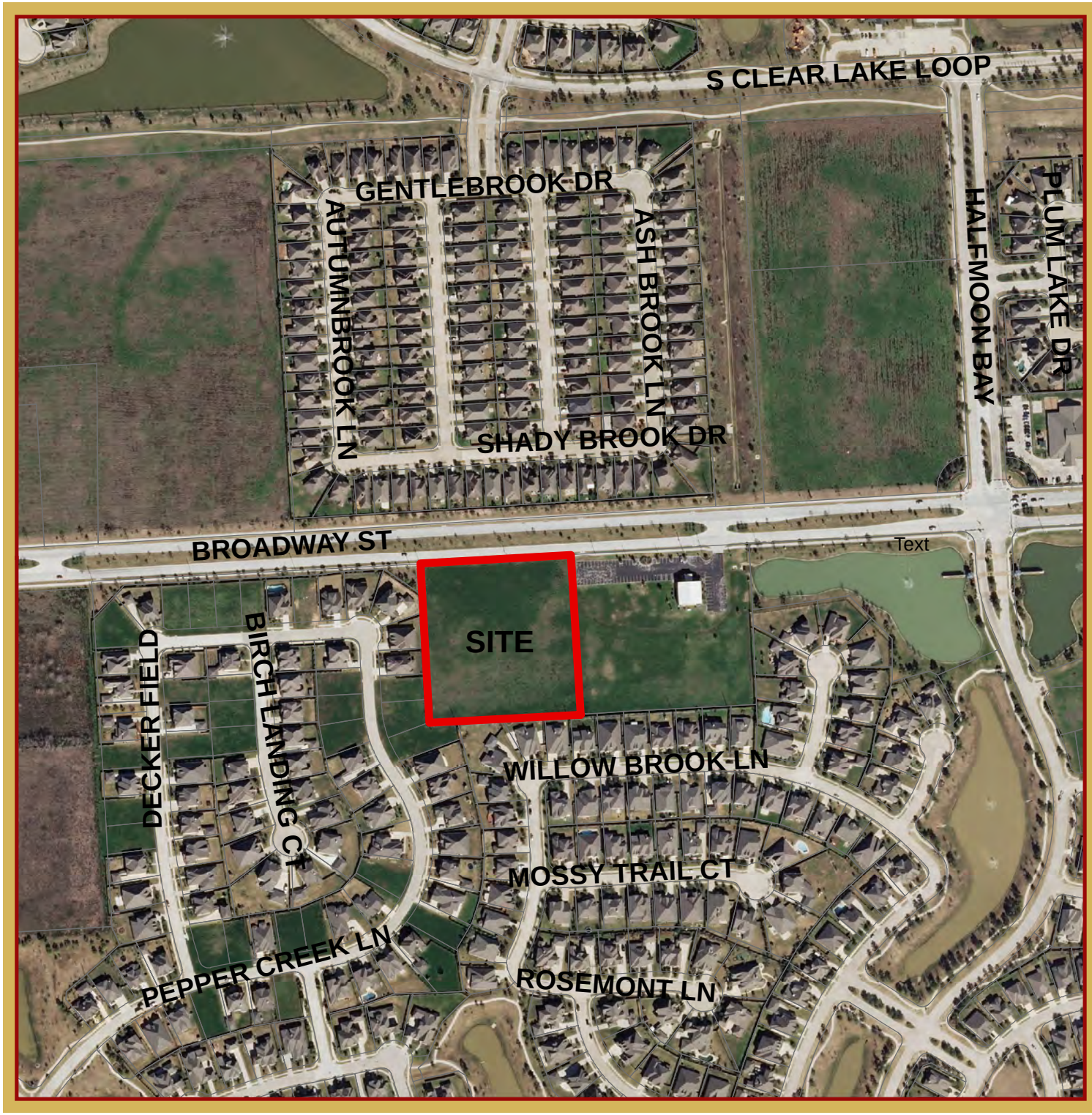


Exhibit 2

AERIAL MAP

Zone Change 2014-18Z

12216 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 = 377 feet

OCTOBER 2014
PLANNING DEPARTMENT

N

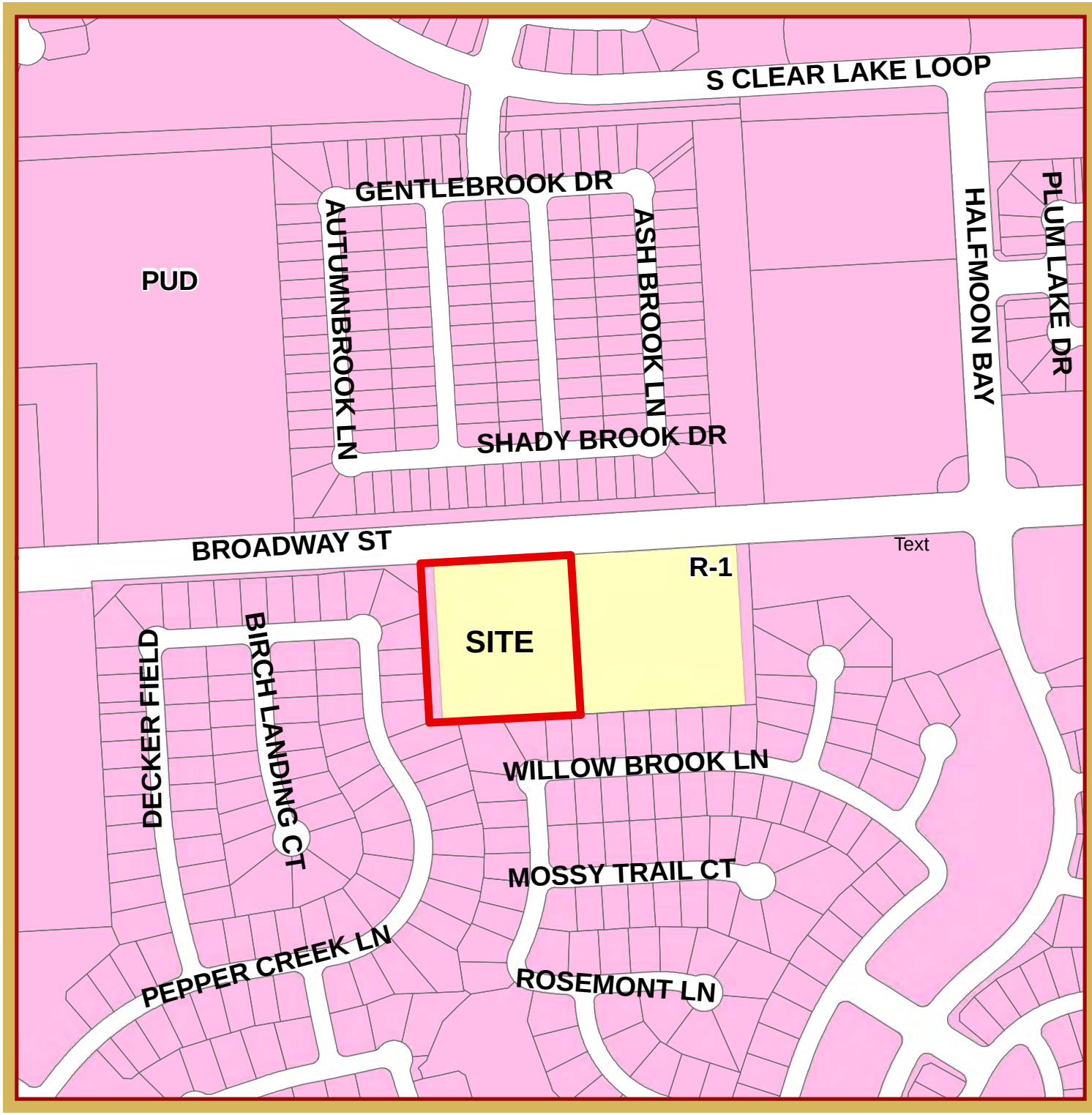


Exhibit 3

ZONING MAP

Zone Change 2014-18Z

12216 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 = 377 feet

OCTOBER 2014
PLANNING DEPARTMENT

N

Exhibit 4

FLUP MAP

Zone Change 2014-18Z

12216 Broadway St.

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1 inch = 377 feet

OCTOBER 2014
PLANNING DEPARTMENT

N

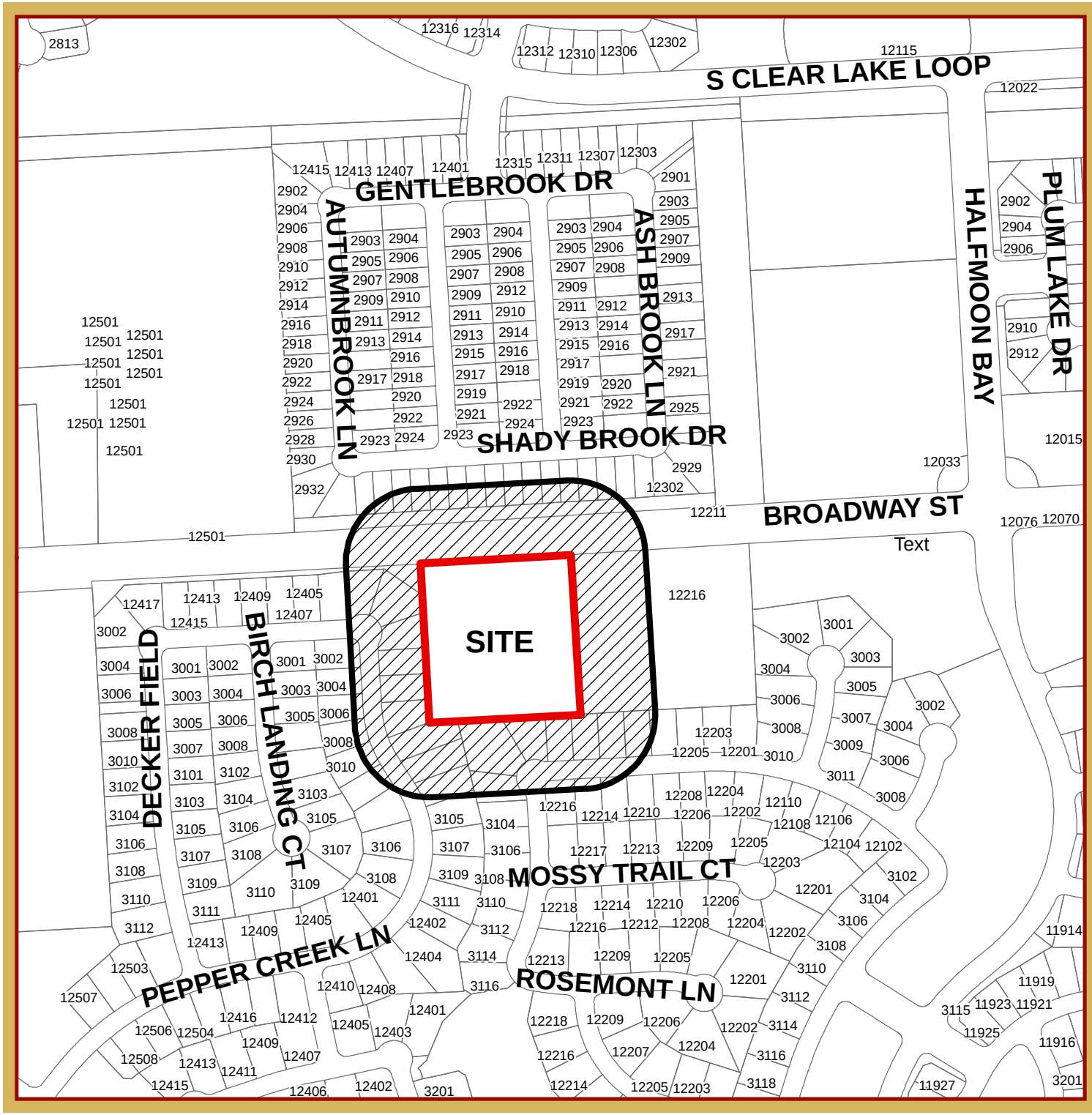

Exhibit 5

NOTIFICATION MAP

Zone Change 2014-18Z

12216 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 = 377 feet

OCTOBER 2014
PLANNING DEPARTMENT

N

Exhibit 6

ZONE CHANGE 2014-14Z
NOTIFICATION LIST

Owner	Address	City
SCHNITZER ALAN	12217 WILLOW BROOK LN	PEARLAND
CHEMUDUPATY SIVARAMA M	12212 WILLOW BROOK LN	PEARLAND
NIEVE FERNANDO A & LETICIA	12216 WILLOW BROOK LN	PEARLAND
BURTON MILLICENT	12306 SHADY BROOK DR	PEARLAND
DINH TUAN	12314 SHADY BROOK DR	PEARLAND
RAVIKOYY LLC	15414 PALM GRASS CT	HOUSTON
GAUVAIN TAGGART T & ERIN B	12406 SHADY BROOK DR	PEARLAND
THOMPSON FREDRICK & LOCKETT-THOMPSON KATRINA	12408 SHADY BROOK DR	PEARLAND
RIGGINS CHELSIE	12410 SHADY BROOK DR	PEARLAND
POPP CHARLES M & AMY J	12412 SHADY BROOK DR	PEARLAND
UNGER WILLIAM L & YOLAND	12414 SHADY BROOK DR	PEARLAND
HEAD ANGELA	12416 SHADY BROOK DR	PEARLAND
SHADOW CREEK RANCH MAINTENANCE ASSOCIATION	12234 SHADOW CREEK PKWY BLFDG 3	PEARLAND
ORTEGA JESUS	12219 WILLOW BROOK LN	PEARLAND
AYYAGARI SRINIVAS & SUNEETHA	3102 MOSSY TRAIL LN	PEARLAND
ASHTON HOUSTON RESIDENTIAL LLC	11375 S SAM HOUSTON PKWY W STE 100	HOUSTON
PERRY HOMES	PO BOX 34306	HOUSTON
WARREN RONALD P JR	3005 MASON GROVE LN	PEARLAND
GREEN BRIAN H & LISA M	3105 MASON GROVE LN	PEARLAND
ANDERSON ROBERT K & MARTHA N	3104 MASON GROVE LN	PEARLAND
POLAR MARTIN K & TIFFANY J	3103 MASON GROVE LN	PEARLAND
LLAMAS RENATO L & IMELDA	3102 MASON GROVE LN	PEARLAND
JOSEPH JOSHY	3010 MASON GROVE LN	PEARLAND
NGUYEN CLIFF & TRACY T	3101 MASON GROVE LN	PEARLAND
IMPERIAL HOMES TEXAS LTD		
BIGI MARINUS A & AMANDA L	3008 MASON GROVE LN	PEARLAND
PERRY HOMES	PO BOX 34306	HOUSTON
THOMAS BINOY C & BINDHU M CHERIAN	3006 MASON GROVE LN	PEARLAND
CHUNDRU GHOWTHAM & APARNA KAJA	3002 MASON GROVE LN	PEARLAND
LINVILLE CAIN & ERIKA SATO	3003 MASON GROVE LN	PEARLAND
TILLMAN JASON A & WYKENA M LIPSCOMB	12401 CLOVER CREEK LN	PEARLAND
RAEZER SHERYL	3001 MASON GROVE LN	PEARLAND
SOUTHERN TRAILS RESIDENTIAL ASSOC INC	2500 LEGACY DR STE 220	FRISCO

PEARLAND NEW HARVEST	PO BOX 1966	PEARLAND
SULOCHANA PRIYA & RUPESH ARAVINDAKSHAN	12214 WILLOW BROOK LN	PEARLAND
LAO JOSEPH M & FAYE V	12308 SHADY BROOK DR	PEARLAND
ROSALIND ROSE	12304 SHADY BROOK DR	PEARLAND
KONGO DANIEL H	12312 SHADY BROOK DR	PEARLAND
SPARKS KEITH	12318 SHADY BROOK DR	PEARLAND
MANARANG LUZVIMINDA T & YOLANDO B WEYRICH STEVEN A JR	12404 SHADY BROOK DR	PEARLAND
HUNG OSWALDO & FANNY T	12207 WILLOW BROOK LN	PEARLAND
MOHAN PATRICK & MARY	12209 WILLOW BROOK LN	PEARLAND
HARRIS SHEILA H & STACY L	12211 WILLOW BROOK LN	PEARLAND
DONNELLY PAUL & DAWN	12213 WILLOW BROOK LN	PEARLAND
DAVIS DARREL & DONNA MURRAY	12215 WILLOW BROOK LN	PEARLAND

State	Zip
TX	77584
TX	77584
TX	77584
TX	77584
TX	77584
TX	77059
TX	77584
TX	77584
TX	77584
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TX	77584
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TX	77584

City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281-652-1765
281-652-1702 fax
www.cityofpearland.com

APPLICATION FOR A CHANGE IN ZONING

Current Zoning District: R-1

Proposed Zoning District: GB - GENERAL BUSINESS

Property Information:

Address or General Location of Property: 12216 W. BROADWAY
PEARLAND, TX. 77584

Tax Account No. CHURCH

Subdivision: ALLISON-RICHEY GULF COAST HOME CO. SUBURBAN GARDENS Lot: / Block: /

A complete application must include all information shown on the Application Checklist attached to this application.

PROPERTY OWNER INFORMATION:

NAME PEARLAND NEW HARVEST CHRISTIAN FELLOWSHIP, INC.
ADDRESS 12216 W. BROADWAY
CITY PEARLAND STATE TX ZIP 77584
PHONE(713) 436-2400
FAX( )
E-MAIL ADDRESS

APPLICANT/AGENT INFORMATION:

NAME ARNOLD A. PATTERSON
ADDRESS 17103 LOBLOLLY BAY CT.
CITY HOUSTON STATE TX ZIP 77059
PHONE(832) 284-4482
FAX( )
E-MAIL ADDRESS AARATT9460@GMAIL.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: Keith Anderson Date: 9-11-2014

Agent's/Applicant's Signature: Arnold A. Patterson Date: 9-11-2014

OFFICE USE ONLY:

FEES PAID: $775.00	DATE PAID: 19 Sept. 14	RECEIVED BY: IC	RECEIPT NUMBER: 356800

Application No. 2014-18Z

POSTING OF ZONING NOTIFICATION SIGNS ON PROPERTY UNDER CONSIDERATION FOR A ZONE CHANGE (OR CONDITIONAL USE PERMIT)

Any person, firm or corporation requesting a zoning change, a conditional use permit (CUP), or a variance shall be required to erect and maintain a sign(s), to be inspected by the City, upon the property for which a variance or zoning change has been requested.

Such sign(s) shall be located as follows:

(1) One (1) sign per street frontage shall be located within thirty feet (30') of the abutting street, or as determined by the City.

(2) So as to be clearly visible and readable from the public right-of-way and not obstructed in any manner.

(3) So as not to create a hazard to traffic on the public rights-of-way abutting the property.

(4) On the subject property at least ten (10) days prior to the hearing of such zoning change request by the Planning and Zoning Commission, and to remain continuously on said property until final action by the City Council or withdrawal of the case by the applicant. Removal of the sign by the applicant prior to a recommendation by the Planning and Zoning Commission and/or a final decision by the City Council shall constitute a withdrawal of the request.

(5) The signs shall be as follows:

- A minimum sign size of 2 feet by 3 feet, but no larger than 4 feet by 4 feet
- At least 2 feet above the ground
- Blue or black lettering that is a minimum of 3 inches by 1/2 inch, on a white background
- Message content as follows:

PROPOSED (<u>SPECIFY REQUEST</u>)
Contact City of Pearland
281-652-1765

***Signs must be professionally made; handwritten signs are not allowed.**

***Signs must be freestanding and cannot be attached to a tree, fence, or building.**

Arnold C. Patterson — 9-11-2014

Acknowledgement signature — Date

pearland
new harvest
christian fellowship
Keith Anderson, *Senior Pastor*

12216 W. Broadway
Pearland, Texas 77584
713-436-2444
Fax 713-436-2500

Aug. 26, 2014

City of Pearland
Pearland, TX.

This letter is Pearland New Harvest Christian Fellowship's formal request to the City of Pearland to rezone part of our church property from its current zoning of R-1 to GB-General Business. As described in the meets and bounds description, this parcel of land contains approximately 3.85 acres. With the tremendous residential growth in our area, the frontage along Broadway is perfect for many small businesses. We feel that the best use of the 3.85 acres is for the development of businesses to serve the local community.

Our goal is to sell the 3.85 acres and use the proceeds to build a new 500 seat sanctuary on our existing property. We also plan to build a new meeting/conference hall that will seat 200-250. Our current church is too small to meet the needs of the rapidly growing community around us. We are holding multiple services and a larger church would better match the need of the community. It is our intent to make the meeting/conference hall available to the public which will also help meet the shortage of meeting space in the local area.

If you have any questions please let me know, I would be happy to meet and discuss this with you.

Sincerely,

Keith Anderson

Keith Anderson, Senior Pastor
Pearland New Harvest Christian Fellowship

pearland
new harvest
christian fellowship
Keith Anderson, *Senior Pastor*

12216 W. Broadway
Pearland, Texas 77584
713-436-2444
Fax 713-436-2500

Aug. 26, 2014

To whom it may concern:

Pearland New Harvest Christian Fellowship Church, Inc. authorizes Pastor Keith Anderson and Arnold Patterson, Church Administrator, to handle any and all matters concerning the rezoning of the church's property at 12216 W. Broadway, Pearland, Texas.

Thank you,

Keith Anderson

Keith Anderson, Senior Pastor
Pearland New Harvest Christian Fellowship Church, Inc.

ZONE CHANGE/ VARIANCE/[redacted]RECORDATION

$ 775.00 (circle one) **BA** or [redacted] or **FE**

Description: ***Input who the check is from***

COMMENTS/DESCRIPTION (F10):

Location or Address Pearland Harvest Christian Fellowship

Applicant Arnold Patterson

Owner 12216 W Broadway

[redacted]

CITY OF PEARLAND
*** CUSTOMER RECEIPT ***
Oper: AGONZALES Type: OC Drawer: 1
Date: 9/22/14 01 Receipt no: 356800

Description	Quantity	Amount
BA	BOARD OF ADJUSTMENTS 1.00	$775.00

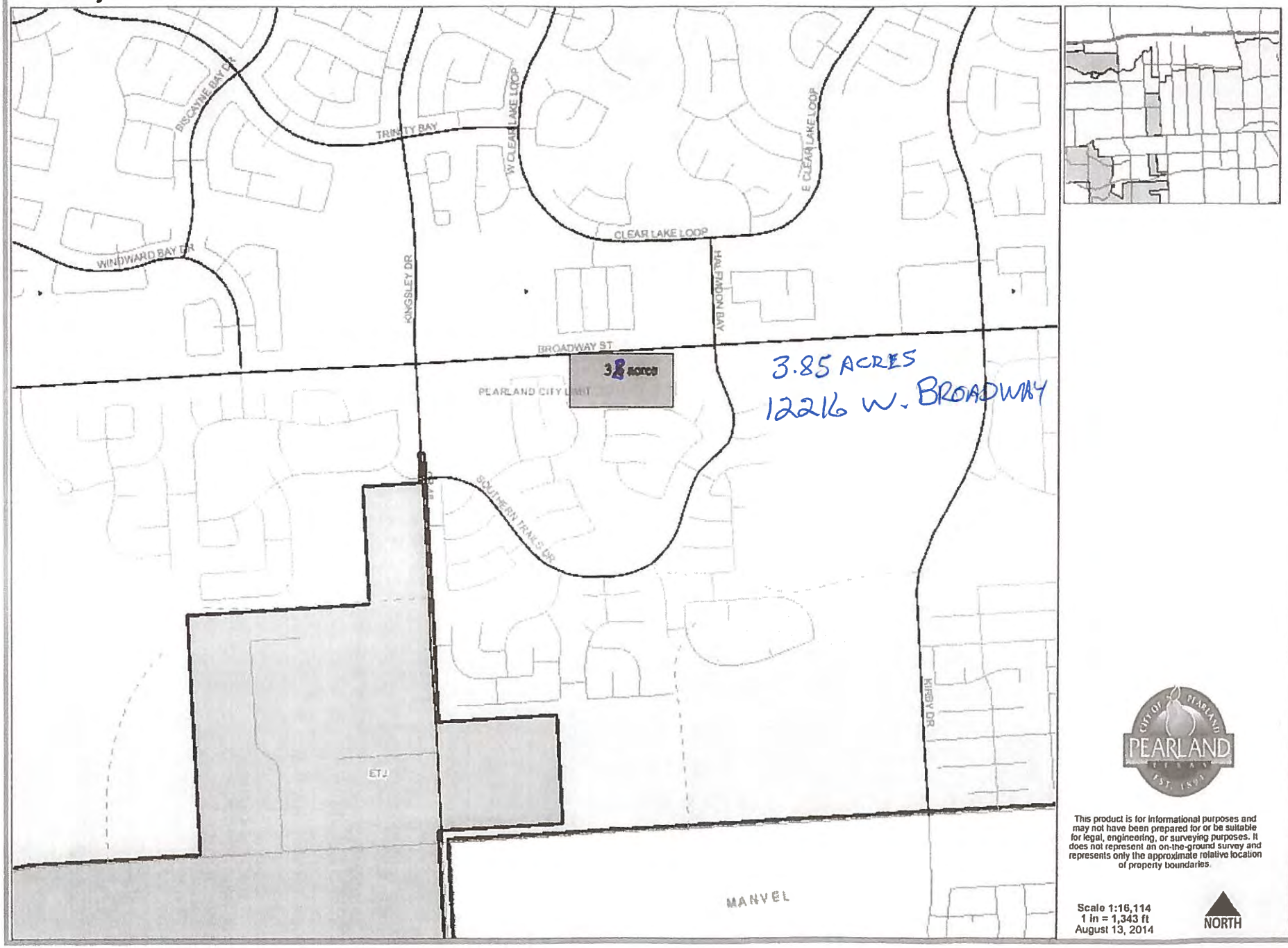
Trans number: 4599054

BOARD OF ADJ. FOR:
PEARLAND HARVEST CHRISTIAN
FELLOWSHIP 713.436.2444
ARNOLD PATTERSON
12216 W. BROADWAY

Tender detail
CK CHECK 85602 $775.00
Total tendered $775.00
Total payment $775.00

Trans date: 9/19/14 Time: 16:45:45

Broadway


BISCAYNE BAY DR
TRINITY BAY
W CLEAR LAKE LOOP
E CLEAR LAKE LOOP
CLEAR LAKE LOOP
WINDWARD BAY DR
KINGSLEY DR
HALFMOON BAY
BROADWAY ST
3.8 acres
PEARLAND CITY LIMIT
3.85 ACRES
12216 W. BROADWAY
SOUTHERN TRAILS DR
KIRBY DR
ETJ
MANVEL
CITY OF PEARLAND
PEARLAND
TEXAS
EST. 1891
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.
Scale 1:16,114
1 in = 1,343 ft
August 13, 2014
NORTH

TAX CERTIFICATE

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

Issued To:
PEARLAND NEW HARVEST CHRISTIAN FELLOWSHI
12216 W. BROADWAY
PEARLAND , TX 77584

Legal Description
A0564 H T & B R R BLOCK 1 TRACT 1, NEW HARVEST CHRISTIAN FELLOWSHIP ACRES 8.635

Fiduciary Number: 23318119

Parcel Address: 12216 BROADWAY
Legal Acres: 8.6350

<--- ---->

Account Number: **0564-0034-005**

Certificate No: 223390808
Certificate Fee: $10.00

Print Date: 09/11/2014
Paid Date: 09/11/2014
Issue Date: 09/11/2014
Operator ID: CHARISE

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2013. TAXES THRU 2013 ARE PAID IN FULL. TAXES HAVE NOT BEEN CREATED FOR YEAR(S): 2014.

Exemptions:
PRORATED-EXXV

Certified Owner:
PEARLAND NEW HARVEST
CHRISTIAN FELLOWSHIP INC
PO BOX 1966
PEARLAND , TX 77588-1966

2013 Value:	938,950
2013 Levy:	$0.00
2013 Levy Balance:	$0.00
Prior Year Levy Balance:	$0.00
Total Levy Due:	$0.00
P&I + Attorney Fee:	$0.00
Total Amount Due:	$0.00

Certified Tax Unit(s):
1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
27 ALVIN ISD
46 ALVIN COMMUNITY COLLEGE
54 BRAZORIA DRAINAGE DIST 4
96 CITY OF PEARLAND

Reference (GF) No: N/A

Issued By: Charise Johnson
RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(979) 864-1320, (979) 388-1320, (281) 756-1320

Pearland New Harvest Christian Fellowship, Inc.
3.850 Acres
Zone Change Application

H.T. & B.R.R. Company Survey
Abstract No. 564

STATE OF TEXAS §

COUNTY OF BRAZORIA §

METES AND BOUNDS DESCRIPTION of a 3.850-acre tract in the H.T. & B.R.R. Company Survey, Abstract No. 564, Brazoria County, Texas. Said 3.850-acre tract is in Lot 1, Block 1 of the New Harvest Christian Fellowship Subdivision as recorded in Clerk's File No. 2010052506 in the Brazoria County Official Public Records and is more particularly described by metes and bounds as follows:

COMMENCING at the northeast corner of said New Harvest Christian Fellowship Subdivision, said point is in the south line of Broadway Street (based on a width of 120-feet);

THENCE, South 86°46'15" West, along the south line of said Broadway Street for a distance of 488.00 feet to the POINT OF BEGINNING and northeast corner of the herein described tract;

THENCE, South 03°09'17" East, 488-feet west of and parallel to the east line of the aforementioned New Harvest Christian Fellowship Subdivision for a distance of 427.49 feet to the southeast corner of the herein described tract, said point being in the north line of Block 3 of Southern Trails, Phase 1, Section 3 as recorded in Clerk's File No. 2005042725 in the Brazoria County Clerk's Office;

THENCE, South 86°40'32" West, along said north line, same being the south line of said New Harvest Christian Fellowship Subdivision, for a distance of 392.00 feet to the southwest corner of the herein described tract, same being the southwest corner of said New Harvest Christian Fellowship Subdivision;

THENCE, North 03°09'17" West, along the west line of said New Harvest Christian Fellowship Subdivision, same being the east line of Block 2 of Southern Trails, Phase 1, Section 7 as recorded in Clerk's File No. 2007035728 in the Brazoria County Clerk's Office, for a distance of 428.14 feet to the northwest corner of the herein described tract, same being the northwest corner of said New Harvest Christian Fellowship Subdivision, said point is in the aforementioned south line of Broadway Street;

THENCE, North 86°46'15" East, along the south line of said Broadway Street, for a distance of 392.00 feet to the POINT OF BEGINNING, containing a computed area of 3.850-acres (167,705 square feet).

Note:

1. The bearings shown hereon are based on the Texas Coordinate System of 1983, South Central Zone.

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

Michael D. Wilson

Michael D. Wilson, R.P.L.S.
Registration No. 4821

09/10/14

The Wilson Survey Group, Inc.
2006 East Broadway, Suite 103
Pearland, Texas 77581
(281) 485-3991
WSG Job No. 10-149

STATE OF TEXAS
REGISTERED
MICHAEL D. WILSON
4821
PROFESSIONAL
LAND SURVEYOR

JOINT PUBLIC HEARING
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS,
MONDAY, OCTOBER 20, 2014, AT 6:30 P.M.
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

I. CALL TO ORDER

II. PURPOSE OF HEARING

Conditional Use Permit (CUP) Application No. CUP 2014-09

A request of BGE Kerry R. Gilbert & Associates, applicant; on behalf of George Fishman, owner; for approval of a Conditional Use Permit to allow for a Nursing/Convalescent Home within the Business Park – 288 (BP-288) zoning district, on approximately 9.4 acres of land, to wit:

Legal Description: Being a 9.4083 tract of land located in the H.T. & B.R.R. Company Survey, Abstract 300, Brazoria County Texas; said 9.4083 acre tract being all of a called 3.39 acre tract of land recorded in the name of George D. and Mary Fishman in Clerk's File Number 2005061002 of the Official Records of Brazoria County (O.R.B.C.) Texas, the remainder of a called 3.3 acre tract of land (North 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-015077 of the O.R.B.C. and the remainder of a called 3.3 acre tract of land (South 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-010496 of the O.R.B.C.

General Location: West side of Business Center Drive, south of Pearland Town Center, 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.

Memo

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: October 20, 2014

Re: Conditional Use Permit Application Number 2014-09

A request of BGE Kerry R. Gilbert & Associates, applicant; on behalf of George Fishman, owner; for approval of a Conditional Use Permit to allow for a Nursing/Convalescent Home within the Business Park – 288 (BP-288) zoning district, on approximately 9.4 acres of land located on West side of Business Center Drive, and south of Pearland Town Center.,

Proposal

The parent tract includes a total of 9.4 acres of land, of which the applicant is proposing to construct a Nursing/Convalescent Home on approximately 4.3 acres. The facility; the Medical Resort will include 54,000 square feet and a host of amenities for patients, including restaurant services, private and dual rooms, a gym and an outdoor therapy area.

Public Notification/Comment

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

As of the date of this writing, staff has not received any returned notices from property owners within 200 feet of the site in favor or in opposition to the request.

Recommendation

Staff recommends approval of the CUP 2014-09 to allow for a Nursing/Convalescent Home on the approximately 4.3 acre site, following reasons:

1. The proposed use will be in conformance with the Comprehensive Plan, with approval of the CUP, and meets the intent of the Business Park Future Land Use designation. The location of the property lends itself for a mix of non-residential

uses, as indicated by the Comprehensive Plan, and will continue to provide for a mix of uses that are planned or developed for the area.

2. There should be no major impacts to the single family residential subdivision to the west, as it will be separated from the proposed development via a 176-foot wide detention pond and a 60-foot drainage easement, for a total of 236-foot separation, which will provide a sufficient buffer between the non-residential use and the existing single family subdivision.

3. Approval of the CUP will not have a negative impact on the existing character of the neighborhood. The subject property is surrounded by commercial uses and/or zoning districts on three sides with a single family subdivision to the west, with an over 200 foot buffer.

4. The undeveloped site will conform to all requirements and policies of the UDC, with the exception of the amenitized detention facility located along the western-most boundary. However, a screening wall is proposed and staff recommends a tree-line with shrubs along the screening wall. All other requirements of the UDC will ensure an aesthetically appealing development, including compliance with screening/fencing, lighting, height, buffering, landscaping and parking requirements.

Conditions of Approval

1. In addition to the proposed screening wall, staff recommends a vegetative screen, on the east side of the proposed screening wall (within the proposed 30-foot buffer) to provide a visual screen from the proposed wall. The vegetative screen shall incorporate plantings and shrubs. Shrubs shall be placed a minimum of 3 feet on center.

2. The applicant has also applied for a variance to create a flag lot. All conditions approved with the variance must also be adhered to. Staff's recommended conditions for the reference include the following:

    a. The access easement located within the pole portion of the subject parcel shall be treated as City Street, requiring 1 caliper inch of tree for every 15 feet of frontage on either side of the easement, with each tree having a minimum of 2 caliper inches.

    b. Sidewalks shall be required along both sides of the access easement located within the pole portion of the subject parcel and connect to both Business Center Drive, and to planned walkways within the development.

Exhibits

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

Exhibit 1
Staff Report

Summary of Request

The parent tract includes approximately 9.4 acres, of which the applicant is requesting approval of a Conditional Use Permit (CUP) to allow for a Nursing/Convalescent Home on approximately 4.3 acres. According to the applicant's letter of intent, the facility; The Medical Resort, will include approximately 54,000 square feet, which will incorporate a Colonial Spanish design with tile rooftops and exterior stucco. The Medical Resort will provide personalized care to meet individual needs of patients in a hotel environment, with restaurant services in addition to medical and therapy services. A patient's stay at the facility will range from 21 to 30 days depending upon individual needs. The facility will include a total of 101 rooms, of which 73 will be private and 28 dual rooms; with private bathrooms, medical equipment, and a 2,000 square foot gym with an outdoor therapy area. The applicant also proposes 3 sites for future development of separate, non-residential uses.

Site History

The subject property is currently undeveloped. The property was annexed into the City of Pearland in 1996. Prior to the adoption of the Unified Development Code in 2006, the property was dually zoned Suburban Development Residential District (SD) and Low Density Single Family (R-1). In 2006 the Business Park-288 zoning district was created and applied to the subject property.

With the exception of the single family subdivision to the west; Southgate Estates, the site is surrounded by undeveloped properties located within non-residential zoning districts and/or non-residential/ mixed use Planned Developments (PDs). Directly north of the site is an undeveloped tract located within the Business Park 288 (BP-288) zoning district. Further north is the Pearland Town Center PD; a mixed use PD. The property to the south is located within the Business Center Drive PD; a non-residential

PD. The property on the east side of Business Center Drive is undeveloped and zoned BP-288.

The below table identifies surrounding uses and zoning districts:

	Zoning	Land Use
North	Business Park 288 (BP-288)	Undeveloped Commercial
South	Business Center Planned Development	Undeveloped Commercial
East	Business Park 288 (BP-288)	Undeveloped Commercial
West	Single Family Residential-2 (R-2)	Southgate Estates

Conformance with the Unified Development Code

The property is located within the Business Park-288 (BP-288) zoning district, which is intended to permit large office complexes/campuses and retail development in locations with good in locations with good visibility and roadway access. The BP-288 zoning district also permits uses (such as the proposed Nursing/Convalescent Home) with approval of a CUP, which may be suitable in certain locations and/or with certain conditions. A plat including 4 lots and approximately 2 acres for detention is proposed. The applicant is seeking a variance to reduce the lot width of the proposed Lot 4. The Nursing/Convalescent Home will be located on a 4.3 acre lot, identified as Lot 1, and will meet the requirements of the BP-288 zoning district as it relates to the area regulations. The lot area regulations are listed below. It is important to note that the plat nor the variance have been approved.

	BP-288 Requirement	Subject Property
Minimum Lot Size	43,560 sf (1 acre)	4.3338 Acres
Minimum Lot Width	150 ft.	445.48 ft.
Minimum Lot Depth	200 ft.	351.03 ft.

The applicant proposes 2.20023 acres for detention located on the western boundary of the site, which will be approximately 176 feet deep and nearly 500 feet wide. The BP-288 zoning district requires detention facilities to be incorporated as an amenity, such as a lake or pond. Other amenities for detention facilities include aesthetic or other characteristics that increase its visual desirability, including recreational facilities, landscaping or large trees.

The detention facility will be an expansion of the existing Channel A-124-05-00, and will be dedicated to Brazoria County Drainage District Number 4. Brazoria County Drainage District prohibits wet and amenitized detention facilities. Although the proposed detention will not be incorporated into the development as a lake or pond, the applicant proposes a screening wall which will meet the requirements of the UDC. Staff also recommends an opaque tree line along the proposed screening wall for visual appeal.

Conformance with the Comprehensive Plan

The subject property is located within the Business Park Future Land Use designation. According to the Comprehensive Plan, the area is generally encompassing of the SH 288 corridor and portions of Beltway 8 nearest SH 288. The Comprehensive Plan indicates a mixed use area developed in coordinated, master-planned campus-like settings with interdependent and complimentary uses. Preferred uses include office buildings of various heights, regional shopping centers and malls, research and development facilities and light manufacturing. The proposed development will be in compliance with, and meets the intent of the Business Park Future Land Use designation; and will continue to provide for a mix of uses that are planned or developed for the area. The location of the property lends itself for a mix of non-residential uses, as indicated by the Comprehensive Plan.

Conformance with the Thoroughfare Plan

The property has frontage on Business Center Drive; a secondary thoroughfare of sufficient width, which requires 100 feet of right-of-way.

Platting Status

A plat is currently under review for the subject 9.4 acre site. Four (4) lots and an approximately 2 acre site located along the western property line, adjacent to the existing single family subdivision, will be used for detention. Three (3) of the proposed lots; Lots 2-4 will have frontage on Business Center Drive. The applicant has requested a variance from the Planning and Zoning Commission to reduce the lot width of the proposed Lot 4 from 150 feet, as required within the BP-288 zoning district, to 145.42 feet. The proposed Nursing/Convalescent Home will be constructed on 4.3 acres, identified as Lot 1; a flag lot.

Availability of Utilities

The subject property has access to public infrastructure. According to GIS records, there is an existing 12 inch water line along the west side of Business Center Drive. Additionally, there is an existing 10 inch sewer line along the west side of Business Center Drive. The developer will be responsible to extend services to the site.

Impact on Existing and Future Development

The subject property is surrounded by commercial uses and/or zoning districts on three sides, most of which has yet to be developed; however, some developments are planned within the area, including various non-residential uses located within the Business Park PD, just south of the subject property. There is a single family subdivision just west of the site, which will be separated from the subject property via a 176-foot wide detention pond and a 60-foot drainage easement, for a total of 236-foot separation, which will provide a sufficient buffer between the non-residential use and the existing single family subdivision. Therefore, there should be no adverse impacts.

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 CUP. 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

As of the date of this writing, staff has not received any comments either in opposition to or in support of the proposed CUP to allow a Nursing/Convalescent Home.

Recommendation

Staff recommends approval of the CUP 2014-09 to allow for a Nursing/Convalescent Home on the approximately 4.3 acre site, following reasons:

1. The proposed use will be in conformance with the Comprehensive Plan, with approval of the CUP, and meets the intent of the Business Park Future Land Use designation. The location of the property lends itself for a mix of non-residential uses, as indicated by the Comprehensive Plan, and will continue to provide for a mix of uses that are planned or developed for the area.

2. There should be no major impacts to the single family residential subdivision to the west, as it will be separated from the proposed development via a 176-foot wide detention pond and a 60-foot drainage easement, for a total of 236-foot separation, which will provide a sufficient buffer between the non-residential use and the existing single family subdivision.

3. Approval of the CUP will not have a negative impact on the existing character of the neighborhood. The subject property is surrounded by commercial uses and/or zoning districts on three sides with a single family subdivision to the west, with an over 200 foot buffer.

4. The undeveloped site will conform to all requirements and policies of the UDC, with the exception of the amenitized detention facility located along the western-most boundary. However, a screening wall is proposed and staff recommends a tree-line with shrubs along the screening wall. All other requirements of the UDC will ensure an aesthetically appealing development, including compliance with screening/fencing, lighting, height, buffering, landscaping and parking requirements.

Conditions of Approval

1. In addition to the proposed screening wall, staff recommends a vegetative screen, on the east side of the proposed screening wall (within the proposed 30-foot buffer) to provide a visual screen from the proposed wall. The vegetative screen shall incorporate plantings and shrubs. Shrubs shall be placed a minimum of 3 feet on center.

2. The applicant has also applied for a variance to create a flag lot. All conditions approved with the variance must also be adhered to. Staff's recommended conditions for the reference include the following:

    a. The access easement located within the pole portion of the subject parcel shall be treated as City Street, requiring 1 caliper inch of tree for every 15 feet of frontage on either side of the easement, with each tree having a minimum of 2 caliper inches.

    b. Sidewalks shall be required along both sides of the access easement located within the pole portion of the subject parcel and connect to both Business Center Drive, and to planned walkways within the development.

AERIAL MAP

CUP 2014-09

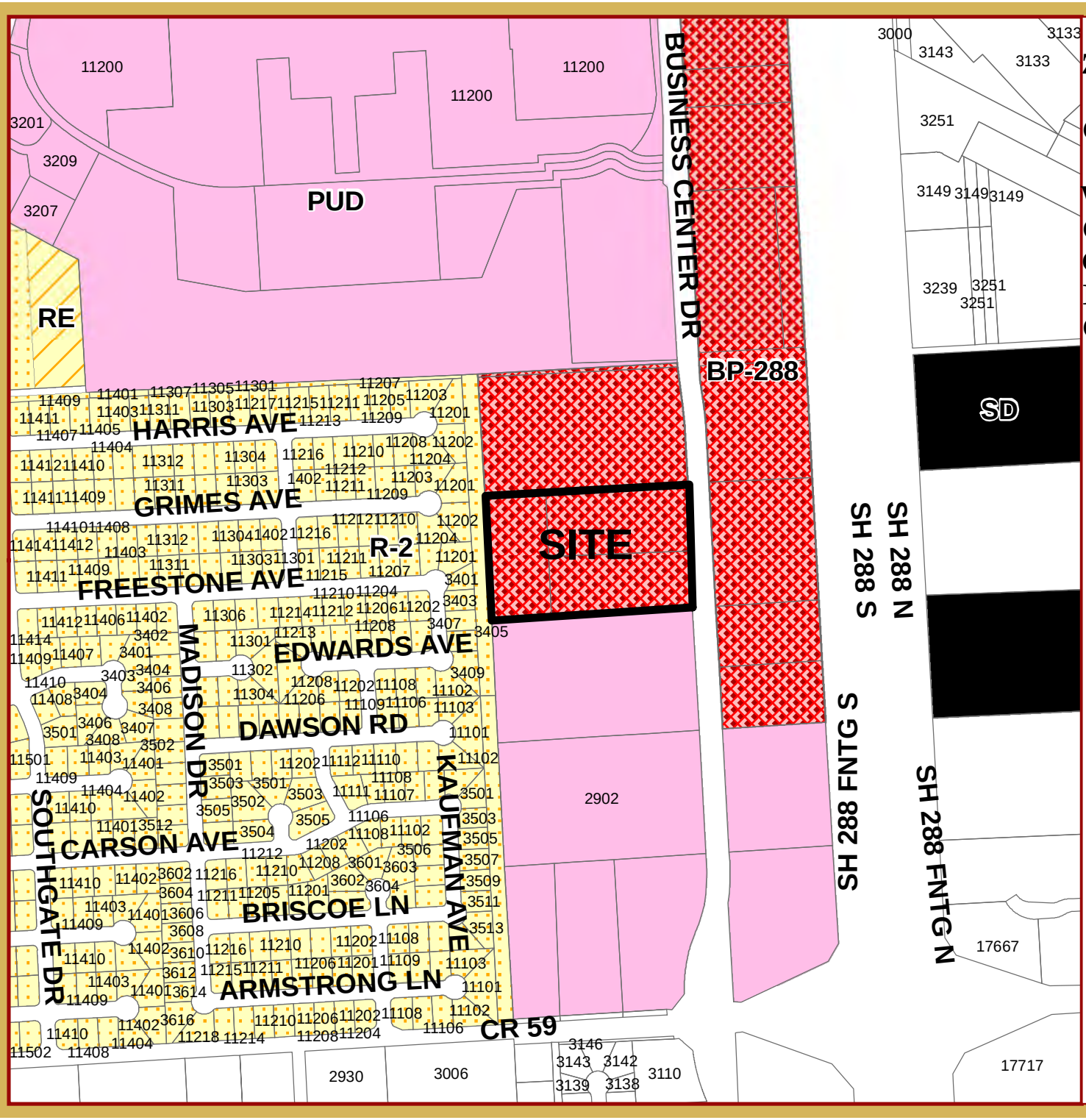
WEST OF BUSINNESS CENTER DR, NORTH OF CR 59, & SOUTH OF PEARLAND TOWN CENTER

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 = 562 feet

22 MAY 2014
PLANNING DEPARTMENT

N



ZONING MAP

CUP 2014-09

WEST OF BUSINNESS CENTER DR, NORTH OF CR 59, & SOUTH OF PEARLAND TOWN CENTER

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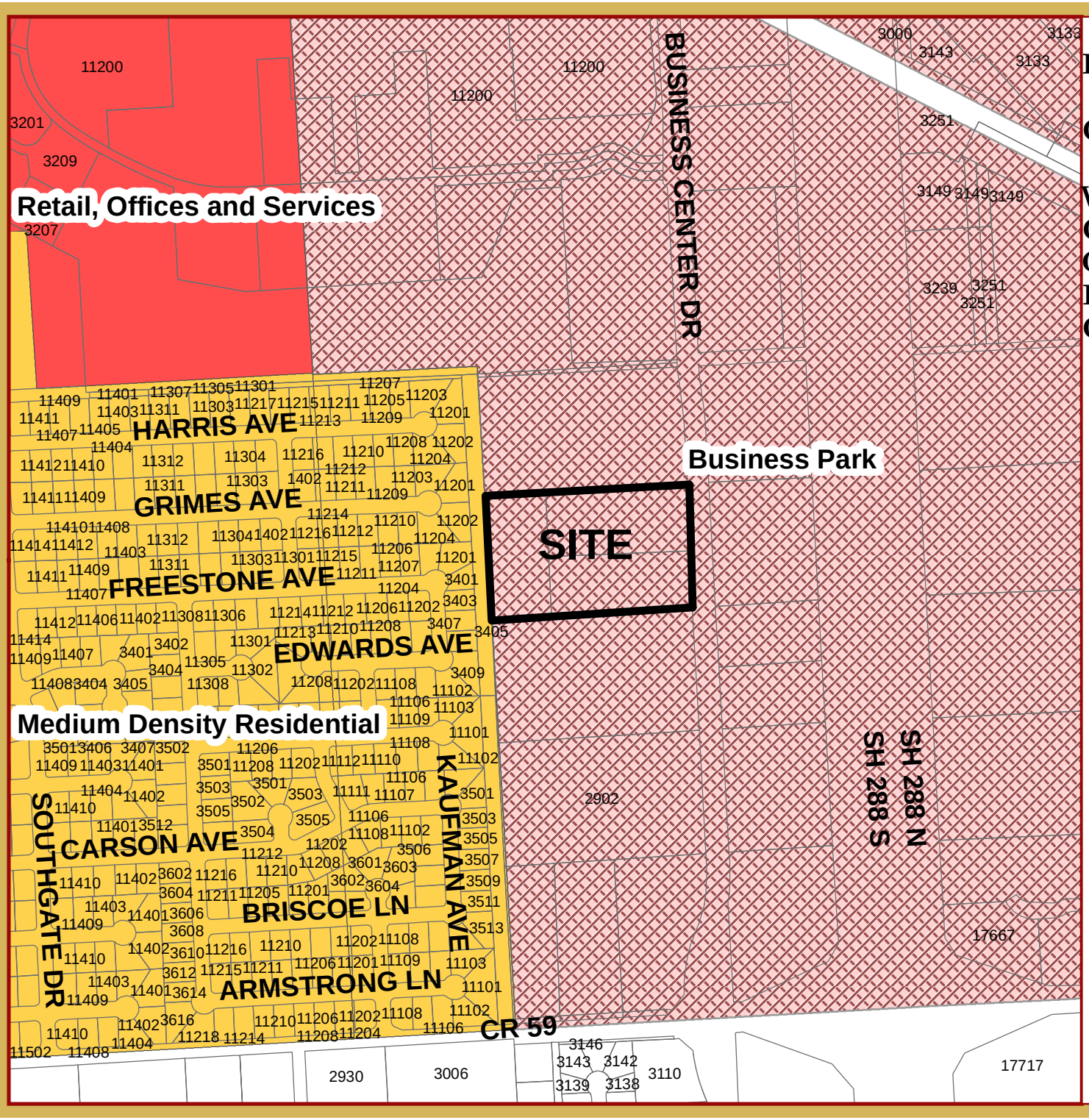
1 inch = 562 feet

22 MAY 2014
PLANNING DEPARTMENT

N



FLUP MAP

CUP 2014-09

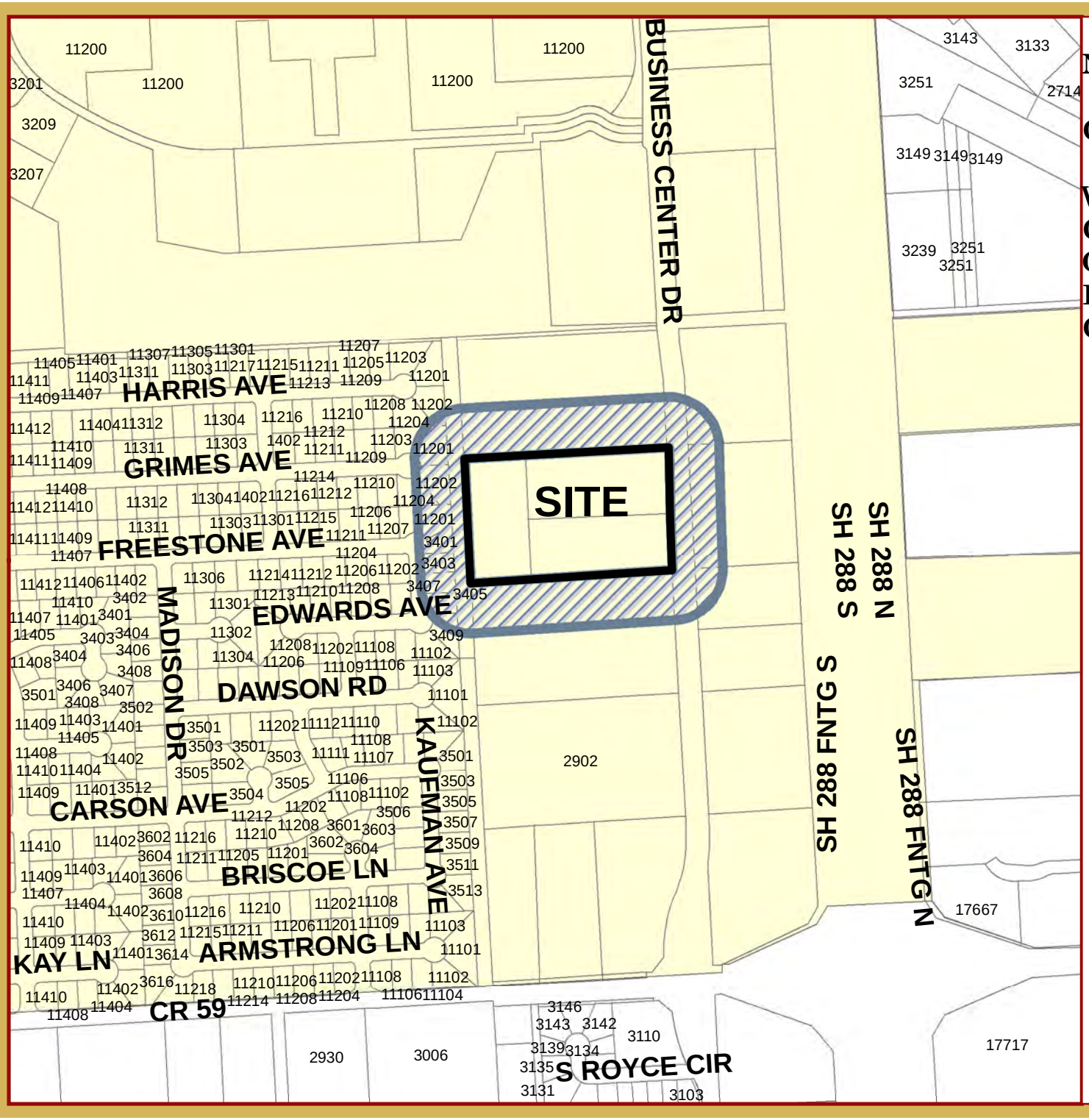
WEST OF BUSINNESS CENTER DR, NORTH OF CR 59, & SOUTH OF PEARLAND TOWN CENTER

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 = 562 feet

22 MAY 2014
PLANNING DEPARTMENT

N



NOTIFICATION MAP

CUP 2014-09

WEST OF BUSINNESS CENTER DR, NORTH OF CR 59, & SOUTH OF PEARLAND TOWN CENTER

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 = 562 feet

22 MAY 2014
PLANNING DEPARTMENT

PROPERTY OWNER	ADDRESS	SUITE	CITY
FEDERAL NATIONAL MORTGAGE ASSOC	14221 DALLAS PKWY	STE 200	DALLAS
FISHMAN GEORGE & MARY	3406 HAMPSHIRE ST		PEARLAND
GRIMM BILL & TIFFANY	11201 FREESTONE AVE		PEARLAND
HARVISON MELINDA	3407 KERR LN		PEARLAND
JONES LEWIS & LEWIS-JONES SHANTEL	11201 GRIMES AVE		PEARLAND
LINDQUIST PAMELA M	11204 HARRIS AVE		PEARLAND
LOTT REUBEN D & MERCHANT ERMA	11204 GRIMES AVE		PEARLAND
PARKSIDE 59/288 LTD	3003 W ALABAMA ST		HOUSTON
PLANT DALE W & JAN W	11202 HARRIS AVE		PEARLAND
RIDDLE SIMONE	3401 KERR LN		PEARLAND
SOMERVILLE ERNEST	3405 KERR LN		PEARLAND
SOUTHGATE COMMUNITY ASSOC	PO BOX 3217		PEARLAND
STRIPAY MARK	3409 KERR LN		PEARLAND
SUFFEL DAVID & TERESA MOREY	11203 FREESTONE AVE		PEARLAND
TRAN DANNY T & CELINE P	3403 KERR LN		PEARLAND
VIRANI AHMADALI	2814 ACORN WOOD WAY		HOUSTON
WEEMS F CARRINGTON	1603 W CLAY ST		HOUSTON
WILLIAMS HEZRON V & BERNADETTE	11203 GRIMES AVE		PEARLAND
YLT 288 PARTNERS	5855 SOVEREIGN DR	STE B	HOUSTON
BGE KERRY R. GILBERT & ASSOCIATES	23501 CINCO RANCH BLVD.	STE A-250	KATY

STATE	ZIP
TX	75254
TX	77581
TX	77584
TX	77584
TX	77584
TX	77584
TX	77584
TX	77098
TX	77584
TX	77584
TX	77584
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TX	77059
TX	77019
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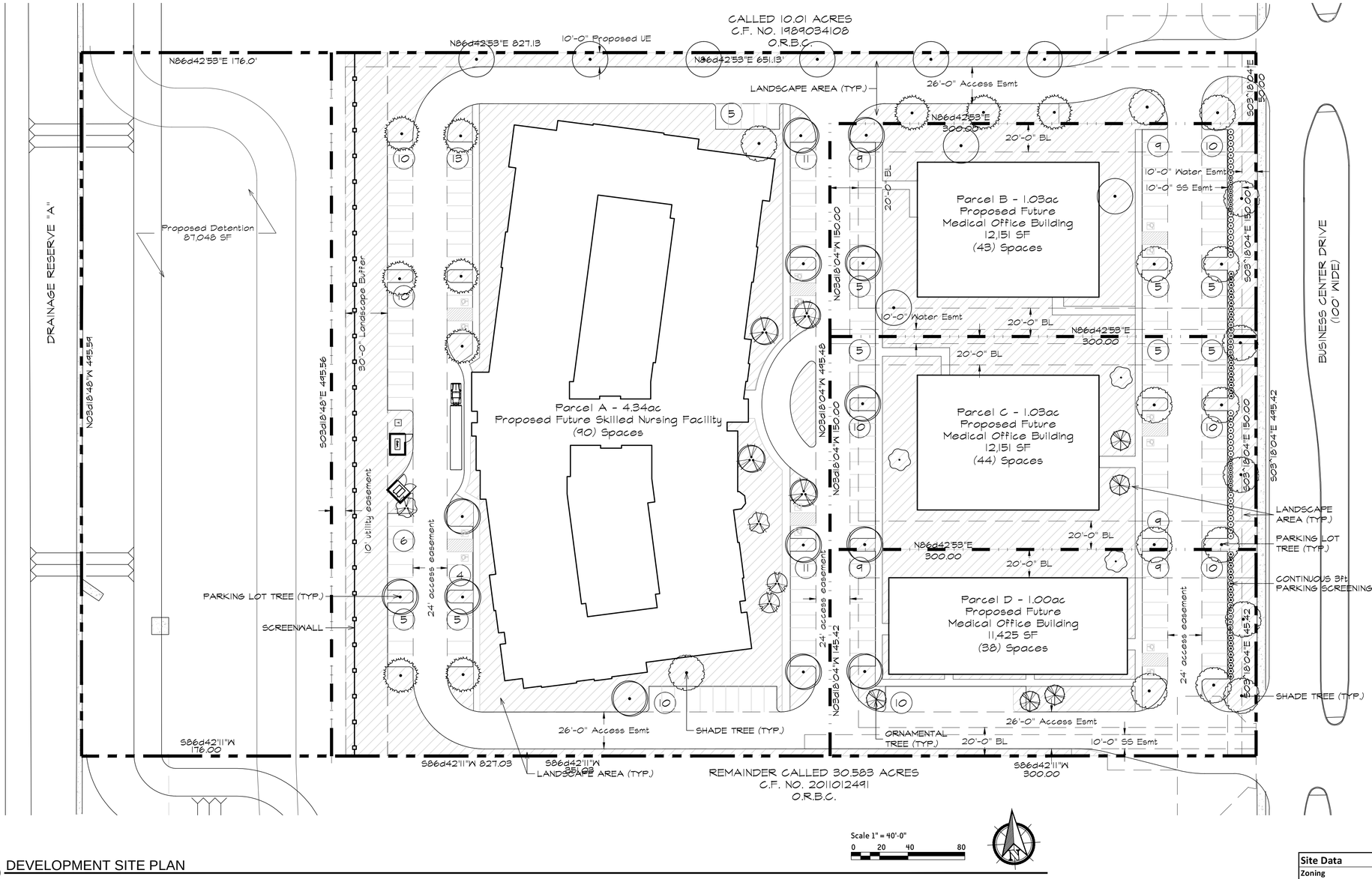
TX	77036
TX	77494



1 DEVELOPMENT SITE PLAN

NOte:
1) Detention for the site will be dedicated to the Brazoria County Drainage District #4 and will meet all applicable requirements of the Drainage District.
2) With the exception of detention requirements (see above note), all requirements of the Unified Development Code will be met.

THIS DRAWING, AS AN INSTRUMENT OF SERVICE, IS AND SHALL REMAIN THE PROPERTY OF **PI ARCHITECTS** AND SHALL NOT BE REPRODUCED, PUBLISHED OR USED IN ANY WAY WITHOUT THE PERMISSION OF **PI ARCHITECTS**

NOTE: BEWARE: UNDERGROUND UTILITIES IN PLACE, INCLUDING ELECTRICAL, GAS, WATER, SEWER, TELEPHONE, AND OTHERS. CONSULT PROJECT ENGINEER PRIOR TO CONSTRUCTION. ALL UTILITIES TO BE FLAGGED AND IDENTIFIED. LANDSCAPE CONTRACTOR RESPONSIBILITY.

Landscape Requirements

Zoning
BP 288 + Business Center PD

Street Trees	**Parcel A - (495)lf**		**Parcel B - (150)lf**		**Parcel C - (150)lf**		**Parcel D (146)lf**	
	Req	Prov	Req	Prov	Req	Prov	Req	Prov
1" per (15)lf	(17) 2"	(17) 2"	(5) 2"	(5) 2"	(5) 2"	(5) 2"	(5) 2"	(5) 2"
Parking Lot Trees	**Parcel A - (90)sp**		**Parcel B - (43)sp**		**Parcel C - (44)sp**		**Parcel D - (38)sp**	
	Req	Prov	Req	Prov	Req	Prov	Req	Prov
1" per (5)spaces	(9) 2"	(9) 2"	(5) 2"	(5) 2"	(5) 2"	(5) 2"	(4) 2"	(4) 2"
Landscape Area	**Parcel A - (276,178)sf**		**Parcel B**		**Parcel C**		**Parcel D**	
	Req	Prov	Req	Prov	Req	Prov	Req	Prov
15% of site area	(41,426)sf	(54,509)sf	(6,750)sf	(17,810)sf	(6,750)sf	(12,495)sf	(6,547)sf	(10,756)sf

Site Data

Zoning
BP 288 + Business Center PD

Proposed Use	**Parcel A**		**Parcel B**		**Parcel C**		**Parcel D**	
	Skilled Nursing		Medical Office		Medical Office		Medical Office	
Min Lot Dimensions	**Parcel A**		**Parcel B**		**Parcel C**		**Parcel D**	
	Req	Prov	Req	Prov	Req	Prov	Req	Prov
Font Setback	25ft	38ft	25ft	25ft	25ft	25ft	25ft	25ft
Rear Setback	20ft	99ft	20ft	20ft	20ft	20ft	20ft	20ft
Side Setback	20ft	47ft	20ft	20ft	20ft	20ft	20ft	20ft
Width			150ft	150ft	150ft	150ft	150ft	145.42ft
Flag	150ft	495ft						
Pole	50ft	50ft						
Depth			200ft	300ft	200ft	300ft	200ft	300ft
Flag	200ft	351ft						
Pole	200ft	300ft						
Area	1ac	4.34ac	1ac	1.03ac	1ac	1.03ac	1ac	1.00ac
Parking	**Parcel A**		**Parcel B**		**Parcel C**		**Parcel D**	
	Req	Prov	Req	Prov	Req	Prov	Req	Prov
(1) space per (2) beds	52	90						
(1) space per (300)sf			41	43	41	44	38	38

pi architects
3500 Jefferson St, Suite 303
Austin, TX 78731
P: (512) 231-1910
F: (512) 231-1950
www.piarch.com
architecture + master planning
interiors + landscape architecture

09/19/2014

REGISTERED LANDSCAPE ARCHITECT BRYAN C. WARNE 2321 STATE OF TEXAS

PEARLAND MEDICAL CAMPUS

PEARLAND, TEXAS

PRELIMINARY DRAWINGS

NOT FOR BIDDING, PERMIT, OR CONSTRUCTION PURPOSES

© 2014 PI ARCHITECTS, INC.

REVISIONS:

DATE: 10/02/14
PROJECT NUMBER: 14010
SHEET TITLE:
CONDITIONAL USE SITEPLAN

SHEET: L1

OF: 1

I:\00-Projects\2014\14010 SCE Pearland\00 Project Drawings\L1 Conditional Use.dwg Thu, Oct 02, 2014, 10:56am

RECEIVED
SEP 11 2014

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

APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

Conditional Use Permit Request for: Nursing/Convalescent Home
(list proposed use from the Table of Uses of the UDC)

Current Zoning District: BP-288

Property Information:

Address or General Location of Property: West of Business Center Drive, just south of Pearland Town Center

Tax Account No. 0300-0011-000, 0300-0011-100, 0300-0025-000

Subdivision: A0300 HT&BRR, Tract 37, 37A and 37B Lot: _____ Block: _____

A complete application must include all information shown on the Application Checklist attached to this application.

PROPERTY OWNER INFORMATION:

NAME George Fishman
ADDRESS 3406 Hampshire St
CITY Pearland STATE TX ZIP 77581
PHONE(832) 577-1158
FAX(713) 646-3108
E-MAIL ADDRESS Georgefishman77581@yahoo.com

APPLICANT/AGENT INFORMATION:

NAME BGE| Kerry R. Gilbert & Assocaites
ADDRESS 23501 Cinco Ranch Blvd. Suite A-250
CITY Katy STATE TX ZIP 77494
PHONE(281) 579-0340
FAX(281) 579-8212
E-MAIL ADDRESS kedwards@krga.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: _____ Date: ~~8/20/14~~ 8/20/14

Agent's/ Applicant's Signature: Kathryn Edwards Date: 9/11/14

OFFICE USE ONLY:

FEES PAID:	DATE PAID:	RECEIVED BY:	RECEIPT NUMBER:
250.00	9-11-14	J Brown	349110

Application No. CUP 2014-09

APPLICATION CHECKLIST FOR THE FOLLOWING
Conditional Use Permits (CUP)

- [x] Application, filled out completely, and signed by the owner of the property to be considered for the conditional use permit.
- [x] 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.**
- [x] Metes and Bounds Description, (Survey, or a Plat of the property that contain the metes and bounds description).
- [x] Parcel map, printed from the City of Pearland website, indicating the location and boundaries of the subject property.
- [x] Letter of Intent, explaining the conditional use permit request in detail, specifying proposed uses, specific operations of the use, square footage of buildings, unique characteristics of the property, and any other necessary information
- [x] Application fee of $250.00, by cash, check made payable to the City of Pearland, or credit card (Visa and MasterCard only)
- [x] Site Plan or Plot Plan showing the proposed layout of the subject property, including any proposed buildings, parking, landscaped areas, detention ponds, fences, and any other relevant information
- [x] Acknowledgement of the sign to be posted on the property 10 days prior to the public hearing
- [x] Provide evidence or proof that all taxes and obligations have been paid regarding the subject property.
- [ ] Application packets that are not **complete** will not be accepted. **When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, it may be necessary to postpone the proposed CUP/Zone Change and remove it from the scheduled agenda and place it on a future agenda date according to Section 1.2.1.2. of the Unified Development Code.**

POSTING OF ZONING NOTIFICATION SIGNS ON PROPERTY UNDER CONSIDERATION FOR A ZONE CHANGE (OR CONDITIONAL USE PERMIT)

Any person, firm or corporation requesting a zoning change, a conditional use permit (CUP), or a variance shall be required to erect and maintain a sign(s), to be inspected by the City, upon the property for which a variance or zoning change has been requested.

Such sign(s) shall be located as follows:

(1) One (1) sign per street frontage shall be located within thirty feet (30') of the abutting street, or as determined by the City.

(2) So as to be clearly visible and readable from the public right-of-way and not obstructed in any manner.

(3) So as not to create a hazard to traffic on the public rights-of-way abutting the property.

(4) On the subject property at least ten (10) days prior to the hearing of such zoning change request by the Planning and Zoning Commission, and to remain continuously on said property until final action by the City Council or withdrawal of the case by the applicant. Removal of the sign by the applicant prior to a recommendation by the Planning and Zoning Commission and/or a final decision by the City Council shall constitute a withdrawal of the request.

(5) The signs shall be as follows:

- A minimum sign size of 2 feet by 3 feet, but no larger than 4 feet by 4 feet
- At least 2 feet above the ground
- Blue or black lettering that is a minimum of 3 inches by 1/2 inch, on a white background
- Message content as follows:

PROPOSED (SPECIFY REQUEST)
Contact City of Pearland
281-652-1768

***Signs must be professionally made; handwritten signs are not allowed.**

***Signs must be freestanding and cannot be attached to a tree, fence, or building.**

Kathryn Edwards

Additional Information:

- Upon making an application for a zoning change or conditional use permit, the applicant shall place sign(s) as required. The City shall inspect such sign(s) to ensure compliance as required by the UDC.

- After the zoning change or conditional use permit request is approved by the City Council, denied by the City Council, or withdrawn by the applicant, the applicant shall remove the sign from the area of the request within ten (10) days of such event.

- It shall be unlawful for anyone to remove, destroy, deface or obstruct the view of a sign which gives notice that a zoning change or conditional use permit has been requested.

- In the event the applicant shall fail to erect and/or maintain signs in accordance with this section, then the public hearing before the Planning and Zoning Commission/City Council shall be postponed to a date in the future, which would allow time for compliance.

- The erection of any sign required by this section shall not require a permit under Section 4.1.2.6 of this UDC.

- The owner or applicant shall promptly notify the Planning Department of any sign required by this section, which becomes lost, stolen or vandalized. The Planning and Zoning Commission shall have the power to decide whether or not there has been substantial compliance with the posting requirements in the case of lost, stolen or vandalized signs.

September 1, 2014

Lata Krishnarao, Director
Community Development Department
3523 Liberty Drive
Pearland, Texas 77581

RE: Conditional Use Permit-Owner Authroization

Dear Lata,

I, George Fishman, am the owner of the ± 9.4 acres of property, located west of Business Center Drive, just south of Pearland Town Center. I authorize Global XYZ Development LLC and BGE| Kerry R. Gilbert & Associates to be the applicant and agent for the requested Conditional Use Permit for a Nursing/Convalescent Home for the subject tract.

Sincerely,

George Fishman

RECEIVED
SEP 11 2014

September 11, 2014

Lata Krishnarao, Director
Community Development Department
3523 Liberty Drive
Pearland, Texas 77581

RE: ± 9.4 Acre Fishman Tract-Nursing/Convalescent Home CUP

Dear Lata,

On behalf of our client Global XYZ Development LLC, we, BGE|Kerry R. Gilbert & Associate, Inc., are submitting an application for a Conditional Use Permit for the above referenced property located on Business Center Drive. Enclosed you will find:

- City of Pearland CUP Application
- Owner Authorization letter
- Metes and Bounds Description
- City of Pearland Zoning Map with Property Boundary
- Letter of Intent
- Application Fee (Check #1088)
- One (1) copy of site plan
- Acknowledgement of Sign to be posted 10 day prior to Public Hearing
- Tax Certificate
- One (1) CD with PDF site plan and application documents

We are requesting this application to be reviewed at the October 20, 2014 Joint Public Hearing. Please contact me if any further information is necessary.

Sincerely,

Kathryn Edwards

Kathryn Edwards

September 11, 2014

Lata Krishnarao, Director
Community Development Department
3523 Liberty Drive
Pearland, Texas 77581

RE: Nursing/Convalescent Home CUP-Business Center Drive

Dear Lata,

On behalf of our client Global XYZ Development LLC, we, BGE|Kerry R. Gilbert & Associate, Inc., are submitting an application for a Conditional Use Permit for the above referenced property located on Business Center Drive. The intent of the Conditional Use Permit is to allow development of a Skilled Nursing Facility that will offer personalized medical and therapy services to patients.

The facility will be developed and managed by Senior Care Excellence, a company with 15 years of experience in construction and development of Skilled Nursing Facilities. The proposed facility, The Medical Resort at Pearland, will offer a unique environment that is personalized for individual needs to ensure a high level of care for all patients. The medical resort concept offers a hotel quality environment and restaurant services in addition to the superior medical and therapy services. On average, a patient's stay at the facility ranges from 21 to 30 days depending on their rehabilitation needs.

The 54,000 square foot facility incorporates a Colonial Spanish design with tile rooftops and exterior stucco. The facility will include a total of 101 rooms (73 private rooms, 28 dual occupancy rooms) all with private baths and the necessary medical equipment. A 2000 square foot therapy gym with an outdoor therapy area offers state of the art equipment for orthopedic, cardiac and neurological related therapies.

The development will be located at the rear of a 9.4 acre site on the western side of Business Center Drive. Along the rear of the property is a ± 2 acre dry detention facility that will provide the necessary detention for the site. In front of the skilled nursing the facility are three sites for future development of separate uses. In addition to the elements listed above, the site will provide landscaping and parking that meet the City of Pearland regulations.

We are requesting this application to be reviewed at the October 20, 2014 Joint Public Hearing. Please contact me if any further information is necessary.

Sincerely,

Kathryn Edwards

Kathryn Edwards

ZONE CHANGE/ VARIANCE/ PLAT/ RECORDATION

$ 250.00 (circle one) BA or PF or FE

Description: ***Input who the check is from***

BROWN & GAY ENGINEERS, INC.

COMMENTS/DESCRIPTION (F10):

Location or Address Business Center Dr.

Applicant Kerry Gilbert & Assoc.

Owner George Fishman

BROWN & GAY ENGINEERS, INC.

Check Date: 9/11/2014

60233

Invoice Number	Date	Voucher	Amount	Discounts	Previous Pay	Net Amount
091114 - KGA0507-00	9/11/2014	00000079727	$250.00			$250.00
CITY OF PEARLAND		TOTAL	$250.00			$250.00
Operating Account	1	CITY21				

CITY OF PEARLAND
R E P R I N T
*** CUSTOMER RECEIPT ***

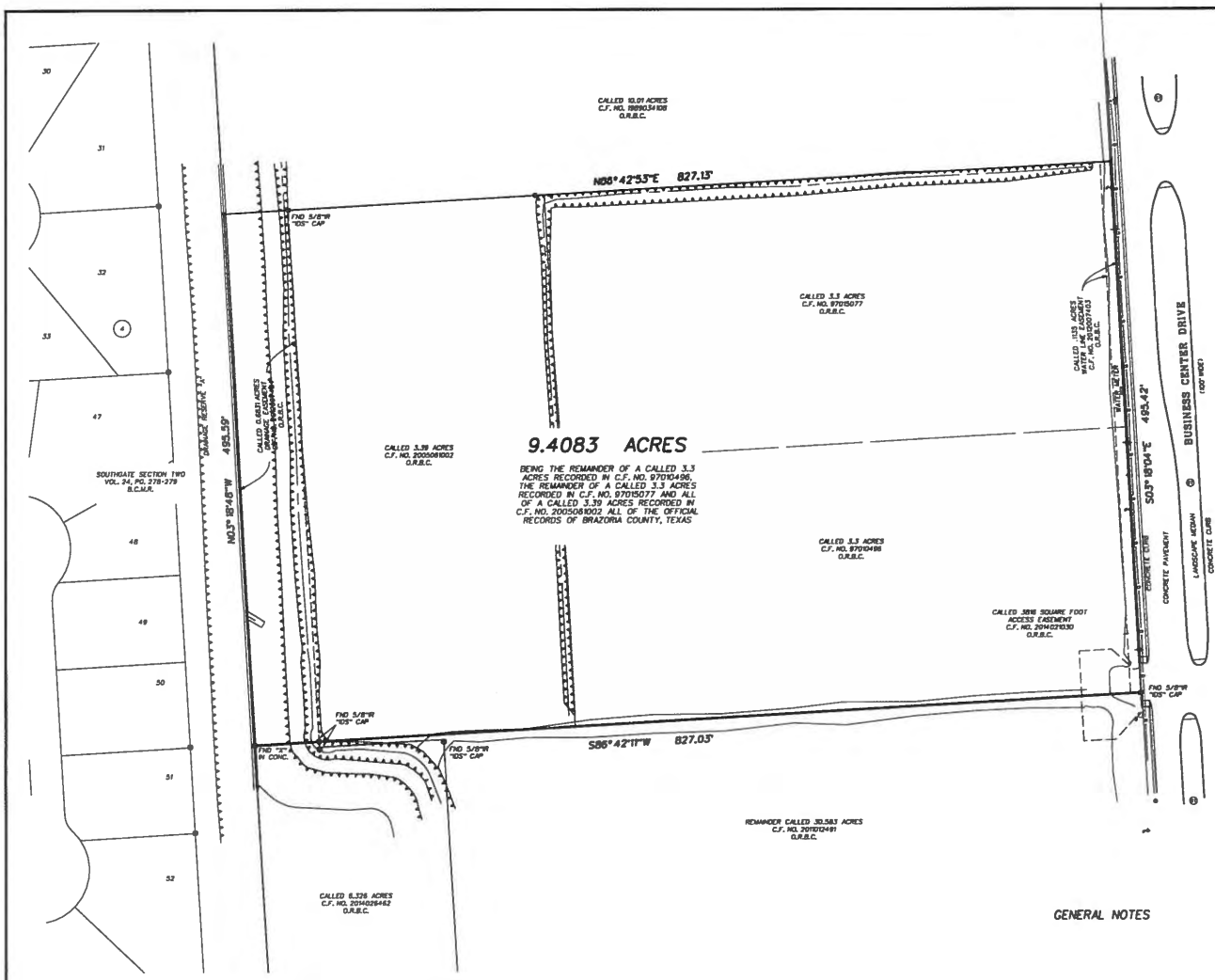
Oper: BDEROSA Type: OC Drawer: 1
Date: 9/12/14 01 Receipt no: 349110

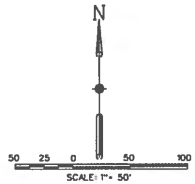
Description	Quantity	Amount
PF PLAT FEE	1.00	$250.00
Trans number:		4591080
BUSINESS CENTER DR		

Tender detail

CK CHECK	60233	$250.00
Total tendered		$250.00
Total payment		$250.00

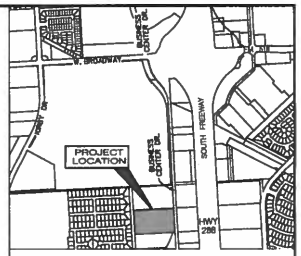
Trans date: 9/11/14 Time: 16:49:39





• - SET 5/8" IRON ROD WITH CAP STAMPED "COSTELLO INC" UNLESS OTHERWISE NOTED

⊕ - FOUND 5/8" IRON ROD UNLESS OTHERWISE NOTED



VICINITY MAP

METES AND BOUNDS DESCRIPTION

Being a 9.4083 acre tract of land located in the H.T. & B.R.R. Company Survey, Abstract 300, Brazoria County, Texas; said 9.4083 acre tract being all of a called 3.39 acre tract of land recorded in the name of George D. and Mary Fishman in Clerk's File Number 2005061002 of the Official Records of Brazoria County (O.R.B.C.) Texas, the remainder of a called 3.3 acre tract of land (North 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-015077 of the O.R.B.C. and the remainder of a called 3.3 acre tract of land (South 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-010496 of the O.R.B.C.; said 9.4083 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System, South Central Zone):

Beginning at an "X" scribed in concrete found for the northwest corner of a called 30.583 acre tract of land recorded in Clerk's File Number 2010012491 of the O.R.B.C. and the southwest corner of said called 3.39 acre tract, same being on the east line of Southgate Section Two, a subdivision recorded in Volume 24, Page 278-279 of the Brazoria County Plat Records, said "X" also being the northwest corner of a called 6.326 acre tract of land recorded in Clerk's File Number 2014026452 of the O.R.B.C.

1. Thence, with the west line of said called 3.39 acre tract and the east line of said Southgate Section Two, North 03 degree 18 minutes 45 seconds West, a distance of 495.59 feet to an "X" scribed in concrete set for the northwest corner of said called 3.39 acre tract and the southwest corner of a called 10.01 acre tract of land recorded in Clerk's File Number 1989034108 of the O.R.B.C.,
2. Thence, with the south line of said called 3.39 acre tract, the north line of aforesaid North 3.3 acre tract and the south line of said 10.01 acre tract, North 86 degree 42 minutes 53 seconds East, at 296.85 feet pass a to a 5/8-inch iron rod found, continuing in all a total distance of 827.13 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set on the northwest corner of a called 0.5652 recorded in Clerk's File Number 2012007402 of the O.R.B.C., same being the west right-of-way (R.O.W.) line of Business Center Drive (100-foot wide);
3. Thence, with the west line of said called 0.5652 acre tract, same being the west R.O.W. line of said Business center Drive, South 03 degree 18 minutes 04 seconds East, a distance of 495.42 feet to a 5/8-inch iron rod with cap stamped "ID3" found for the southwest corner of said called 0.5652 acre tract and the northwest corner of a called 0.8328 acre tract of land recorded in Clerk's File Number 2012006790 of the O.R.B.C., same being on the north line of aforesaid called 30.583 acre tract and the south line of aforesaid South 3.3 acre tract;
4. Thence, with the south line of said South 3.33 acre tract, the south line of aforesaid called 3.39 acre tract and the north line of said called 30.583 acre tract, South 86 degree 42 minutes 11 seconds West, a distance of 827.03 feet to the Point of Beginning and containing 9.4083 acres of land.

GENERAL NOTES

PRELIMINARY

LAND TITLE AND TOPOGRAPHIC SURVEY
9.4083 ACRES

H.T. & B.R.R. COMPANY SURVEY
SECTION 81, A-300
BRAZORIA COUNTY, TEXAS

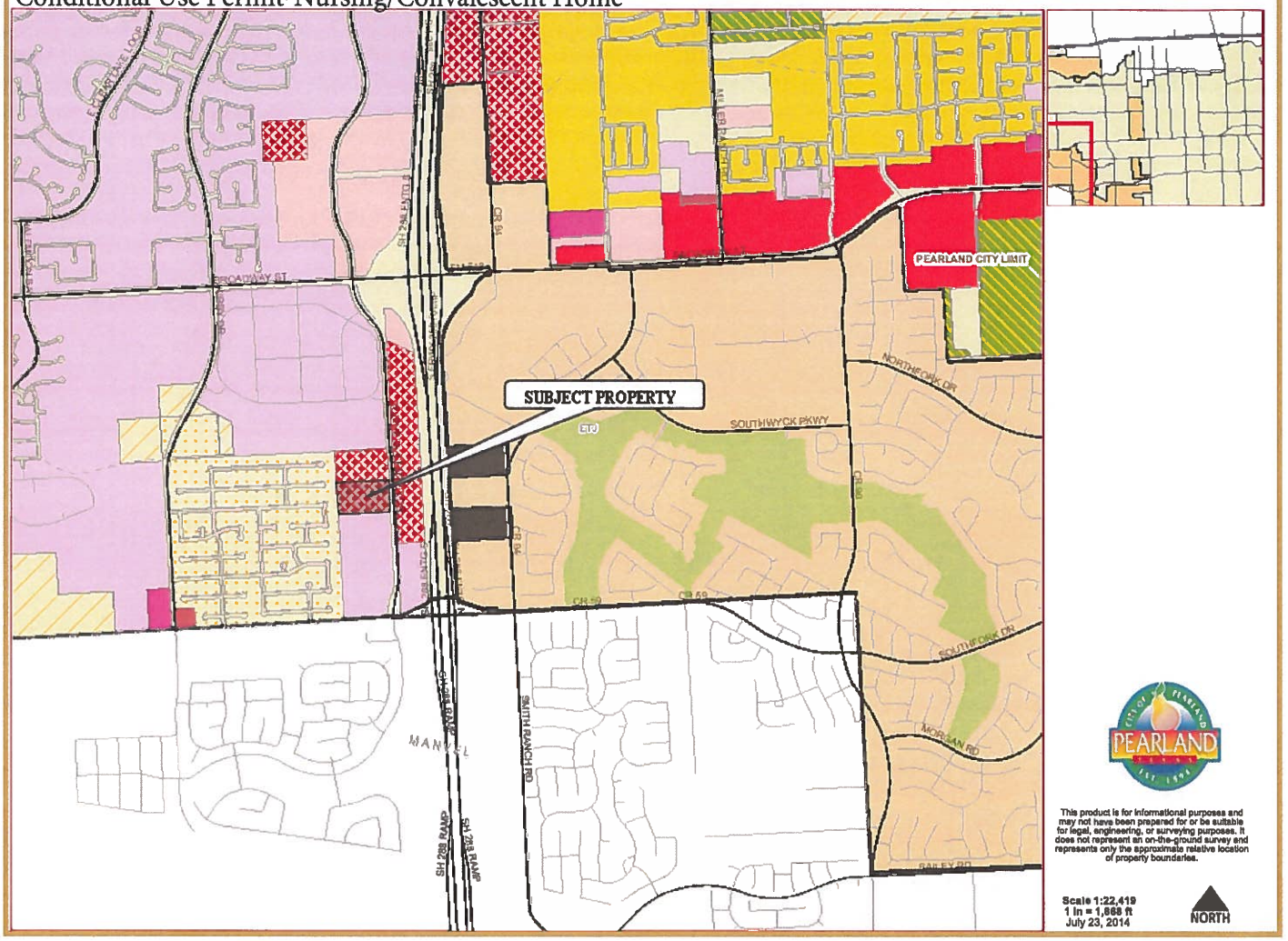
BEING THE REMAINDER OF A CALLED 3.3 ACRES RECORDED IN C.F. NO. 97010496, THE REMAINDER OF A CALLED 3.3 ACRES RECORDED IN C.F. NO. 97015077 AND ALL OF A CALLED 3.39 ACRES RECORDED IN C.F. NO. 2005061002 ALL OF THE OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS

ENGINEERING AND SURVEYING
9000 RICHMOND AVENUE SUITE 400
SOUTH BUILDING
HOUSTON, TEXAS 77063
(713) 783-7788 FAX:783-0800
TBPE FIRM REGISTRATION NO. 3199
TBPLS FIRM REGISTRATION NO. 10064400

JULY, 2014

JOB NO. 2014-231-001

Conditional Use Permit-Nursing/Convalescent Home



TAX CERTIFICATE

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

Issued To:
BROWN AND GAY ENGINEERING, INC
10777 WESTHEIMER
HOUSTON , TX 77042

Legal Description:
A0300 H T & B R R, TRACT 37A, ACRES 3.330

Fiduciary Number: 23278668

Parcel Address: BUSINESS CENTER DR
Legal Acres: 3.3299

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Account Number: **0300-0025-000**
Certificate No: 221145494
Certificate Fee: $10.00

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Print Date: 07/28/2014
Paid Date: 07/28/2014
Issue Date: 07/28/2014
Operator ID: AMBER

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2013. ALL TAXES ARE PAID IN FULL

Exemptions:

Certified Owner:
FISHMAN GEORGE & MARY
3406 HAMPSHIRE ST
PEARLAND , TX 77581-4829

2013 Value:	58,270
2013 Levy:	$1,737.60
2013 Levy Balance:	$0.00
Prior Year Levy Balance:	$0.00
Total Levy Due:	$0.00
P&I + Attorney Fee:	$0.00
Total Amount Due:	$0.00

Certified Tax Unit(s):
1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
27 ALVIN ISD
46 ALVIN COMMUNITY COLLEGE
54 BRAZORIA DRAINAGE DIST 4
65 PEARLAND MUNICIPAL MANAGEME
96 CITY OF PEARLAND

Reference (GF) No: N/A

Issued By:
RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(979) 864-1320, (979) 388-1320, (281) 756-1320

delinquent_tax_certificate.rdf v1.74

TAX CERTIFICATE

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

Issued To:
BROWN AND GAY ENGINEERING, INC
10777 WESTHEIMER
HOUSTON , TX 77042

Legal Description:
A0300 H T & B R R, TRACT 37, ACRES 3.0474

Fiduciary Number: 23278668

Parcel Address: BUSINESS CENTER DR
Legal Acres: 3.0474

>--
Account Number: **0300-0011-000**
Certificate No: 221148231
Certificate Fee: $10.00

Print Date: 07/28/2014
Paid Date: 07/28/2014
Issue Date: 07/28/2014
Operator ID: AMBER
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Exemptions:

Certified Owner:
FISHMAN GEORGE & MARY
3406 HAMPSHIRE ST
PEARLAND , TX 77581-4829

2013 Value:	53,100
2013 Levy:	$1,583.43
2013 Levy Balance:	$0.00
Prior Year Levy Balance:	$0.00
Total Levy Due:	$0.00
P&I + Attorney Fee:	$0.00
Total Amount Due:	$0.00

Certified Tax Unit(s):
1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
27 ALVIN ISD
46 ALVIN COMMUNITY COLLEGE
54 BRAZORIA DRAINAGE DIST 4
65 PEARLAND MUNICIPAL MANAGEME
96 CITY OF PEARLAND

Reference (GF) No: N/A

Issued By:
RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(979) 864-1320, (979) 388-1320, (281) 756-1320

Amber Cook

delinquent_tax_certificate.rdf v1.74

TAX CERTIFICATE

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

Issued To:
BROWN AND GAY ENGINEERING, INC
10777 WESTHEIMER
HOUSTON , TX 77042

Legal Description:
A0300 H T & B R R, TRACT 37B, ACRES 3.0474

Fiduciary Number: 23278668

Parcel Address: BUSINESS CENTER DR
Legal Acres: 3.0474

>--
Account Number: **0300-0011-100**
Certificate No: 221150875
Certificate Fee: $10.00

Print Date: 07/28/2014
Paid Date: 07/28/2014
Issue Date: 07/28/2014
Operator ID: AMBER
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46 ALVIN COMMUNITY COLLEGE
54 BRAZORIA DRAINAGE DIST 4
65 PEARLAND MUNICIPAL MANAGEME
96 CITY OF PEARLAND

Reference (GF) No: NA
Issued By:
RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(979) 864-1320, (979) 388-1320, (281) 756-1320

Amber Cook

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County:	Brazoria
Project:	Medical Resort at Pearland
C.I. No.:	1402-14
Job Number:	2014-231-001

METES AND BOUNDS DESCRIPTION FOR
9.4083 ACRES

Being a 9.4083 acre tract of land located in the H.T. & B.R.R. Company Survey, Abstract 300, Brazoria County, Texas; said 9.4083 acre tract being all of a called 3.39 acre tract of land recorded in the name of George D. and Mary Fishman in Clerk's File Number 2005061002 of the Official Records of Brazoria County (O.R.B.C.) Texas, the remainder of a called 3.3 acre tract of land (North 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-015077 of the O.R.B.C. and the remainder of a called 3.3 acre tract of land (South 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-010496 of the O.R.B.C.; said 9.4083 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System, South Central Zone):

Beginning at an "X" scribed in concrete found for the northwest corner of a called 30.583 acre tract of land recorded in Clerk's File Number 2011012491 of the O.R.B.C. and the southwest corner of said called 3.39 acre tract, same being on the east line of Southgate Section Two, a subdivision recorded in Volume 24, Page 278-279 of the Brazoria County Plat Records, said "X" also being the northwest corner of a called 6.326 acre tract of land recorded in Clerk's File Number 2014026462 of the O.R.B.C.

1. Thence, with the west line of said called 3.39 acre tract and the east line of said Southgate Section Two, North 03 degrees 18 minutes 48 seconds West, a distance of 495.59 feet to an "X" scribed in concrete set for the northwest corner of said called 3.39 acre tract and the southwest corner of a called 10.01 acre tract of land recorded in Clerk's File Number 1989034108 of the O.R.B.C.;

2. Thence, with the north line of said called 3.39 acre tract, the north line of aforesaid North 3.3 acre tract and the south line of said 10.01 acre tract, North 86 degrees 42 minutes 53 seconds East, at 296.85 feet pass a to a 5/8-inch iron rod found, continuing in all a total distance of 827.13 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set on the northwest corner of a called 0.5652 recorded in Clerk's File Number 20120070402 of the O.R.B.C., same being the west right-of-way (R.O.W.) line of Business Center Drive (100-feet wide);

3. Thence, with the west line of said called 0.5652 acre tract, same being the west R.O.W. line of said Business center Drive, South 03 degrees 18 minutes 04 seconds East, a distance of 495.42 feet to a 5/8-inch iron rod with cap stamped "IDS" found for the southwest corner of said called 0.5652 acre tract and the northwest corner of a called 0.8328 acre tract of land recorded in Clerk's File Number 20120087390 of the O.R.B.C., same being on the north line of aforesaid called 30.583 acre tract and the south line of aforesaid South 3.3 acre tract;

4. Thence, with the south line of said South 3.33 acre tract, the south line of aforesaid called 3.39 acre tract and the north line of said called 30.583 acre tract, South 86 degrees 42 minutes 11 seconds West, a distance of 827.03 feet to the **Point of Beginning** and containing 9.4083 acres of land.

7/30/14

STATE OF TEXAS
REGISTERED
LUTHER J. DALY
6150
PROFESSIONAL
LAND SURVEYOR

October 2, 2014

Ms. Johnna Matthews
City Planner
Community Development Department
3523 Liberty Drive
Pearland, Texas 77581

Re: Application for Conditional Use Permit for
+/- 9.4 Acre Fishman Tract-Nursing/Convalescent Home CUP Goodwill Store
CI Job No. 2014-231-008

Dear Ms. Mattews:

Please kindly be advised that Costello, Inc. is the design engineer for drainage, utilities, & paving improvements for the proposed site located in the H.T. & B.R.R. Company Section 81, A-300, in City of Pearland, Brazoria County, Texas 77581.

As you are aware, Ms. Kathryn Edwards of BGE | Kerry Gilbert and Associates, Inc. is currently working on obtaining a Conditional Use Permit for the referenced project and we have been informed that before the application is approved for review at the October 20, 2014 Joint Public Hearing, a note indicating that; all requirements of the Unified Development Code will be met needs to be included on the Site Plan. However, the question was how this would relate to the detention pond.

As we also discussed during the pre-development meeting on August 13, 2014, we are informed that all detention facilities within the City of Pearland must be amenitized. However, our proposed detention facility is an expansion to the existing Channel A-124-05-00, which belongs to Brazoria Drainage District No. 4 (BDD #4). Our proposed detention facility and its' property will be dedicated to BDD #4 and based on Part A.5 of Section 11 in BDD #4's Rules, Regulations & Guidelines, dated May 2013, the detention facility shall be dry and may not be amenitized. *Attached please find a copy for your reference.*

Attached please also find a copy of our email correspondence with BDD #4's engineer, indicating their no-objection to our detention concept. We are currently at final stages and should have their final no-objection letter within the next couple of weeks.

Therefore, as this also came up during the pre-development meeting and since the facility can't be amenitized, we will include screen walls in our construction plans.

Sincerely,

A. "Alex" Khoshakhlagh, P.E.
Project Manager

W:\2014\2014231\Detention Pond Letter regarding Conditional Use Permit.docx

Alex Khoshakhlagh

From: J. Stephen Wilcox, P.E., CFM
Sent: Thursday, October 02, 2014 10:51 AM
To: Kathryn Edwards; Alex Khoshakhlagh
Subject: FW: DD4 A-124 Channel Expansion

Kathryn,

Below is the email for the District Engineer stating that the pond expansion will need to be dedicated to DD4. Will this work to answer that question.

Respectfully,

Stephen

From: Jarrod Aden [mailto:jarrod@lentzengineering.net]
Sent: Thursday, August 21, 2014 7:46 AM
To: Stephen Wilcox
Cc: Mike Yost (my.bdd4@swbell.net); John Genaro
Subject: RE: DD4 A-124 Channel Expansion

Stephen – I have discussed your proposal with the District.

We have no objection to your detention concept subject to the following:

1) Property (for pond, channel, and maintenance berm) must be dedicated in fee to the District.
2) Owner must pay the required detention maintenance fee.
3) After the construction is complete, the District staff and Engineer must verify District standards have been met (construction final inspection).
4) The Board must accept the detention pond for maintenance at their regularly scheduled meeting after all other items have been completed.

Ultimately, it is the Board's decision as to whether or not the pond will be accepted for maintenance.

Feel free to call me with any questions.

Jarrod D. Aden, P.E., C.F.M.
President
Lentz Engineering, LLC
5909 West Loop South, Suite 200
Bellaire, Texas 77401
Office – 713-839-8900
Direct phone – 713-255-6160
Fax - 713-839-9020
Cell – 832-715-8424
jarrod@lentzengineering.net
www.lentzengineering.net

From: Stephen Wilcox [mailto:swilcox@coseng.com]
Sent: Tuesday, August 19, 2014 11:36 AM
To: Jarrod Aden
Subject: DD4 A-124 Channel Expansion

Jarrod,

Here is an aerial showing the site boundaries and location that we talked about on the phone. The aerial does not show the recent channel expansion done on the Moody Tract. Feel free to call me with any questions.

Respectfully,

J. Stephen Wilcox, P.E., CFM
Project Engineer
Hydrology & Hydraulics Department

Costello, Inc | Office: (713) 783-7788 | Mobile: (832) 443-9977

SECTION 11
MAINTENANCE OF DETENTION FACILITIES

All detention facilities constructed by a property owner or developer shall be maintained by the property owner or developer, their legal heir(s), grantee(s), successor(s) or assignee(s). The DISTRICT shall not be responsible for any such facility maintenance. Ownership of detention facilities constructed adjacent to a DISTRICT drainage facility may be transferred to the DISTRICT with the DISTRICT'S approval. Maintenance of these facilities and other facilities owned by the DISTRICT shall be by the DISTRICT.

A. NEWLY CONSTRUCTED DETENTION FACILITIES

The DISTRICT, at its option, may accept for maintenance all newly constructed detention facilities provided:

1. The developer/owner conveys the land area of the detention facility to the DISTRICT by General Warranty Deed, in a format acceptable to the DISTRICT. This conveyance shall include a minimum 20-foot wide unobstructed access way to the nearest public street.

2. The detention facility is constructed in accordance with Final Drainage Plans approved by the DISTRICT.

3. The DISTRICT is furnished a set of "As-Built" drawings, sealed by a surveyor registered in the State of Texas.

4. The detention facility has a concrete pilot channel.

5. The detention facility is designed to be a "dry" facility and not an amenity or private recreational facility. Amenity ponds shall be defined as any pond in which land area has been deeded to the Homeowners/Landowners. These ponds shall include "wet ponds" and ponds used for recreational purposes.

6. The developer/owner has paid to the DISTRICT the appropriate maintenance fee as reflected in the DISTRICT'S Fee Schedule.

7. The developer/owner provides to the DISTRICT 1) an owners title policy for the property conveyed based upon the fair market value as determined by an appraisal, including a tax search, 2) a Warranty, regarding the quality and performance of the facility, including but not limited to engineering, design, construction and operation, and, 3) an Indemnification and Hold Harmless

Agreement for any and all claims, actions and demands, including costs and attorneys' fees, the cause of which originated prior to conveyance. Each of these documents must be acceptable to the DISTRICT in form and content.

8. The pond shall have been constructed with adequate backslope drains and swales that were constructed to DISTRICT standards.

9. The detention facility, maintenance berms and access ways are not obstructed by any other easements or right-of-ways.

B. PREVIOUSLY CONSTRUCTED DETENTION FACILITIES

The DISTRICT, at its option, may accept for maintenance previously constructed detention facilities provided that:

1. The facilities are returned to the standards of the DISTRICT that were in force at the time the DISTRICT approved the final drainage plan.

2. The DISTRICT is provided access to inspect the facility and provide the developer/owner/homeowners association with a list of items that must be corrected. The DISTRICT is allowed to inspect the facility after corrective measures are completed to ensure compliance.

3. A concrete pilot channel is constructed.

4. A minimum twenty (20) foot wide unobstructed access way to the nearest public street is provided.

5. Upon request, the DISTRICT will provide the developer/owner/homeowners association an estimated cost to correct the deficiencies and add the concrete pilot channel. Upon agreement by the parties, the DISTRICT will provide the necessary construction in exchange for a fee based upon the estimated cost of repairs or upgrades as determined by the DISTRICT.

6. The developer/owner conveys the land area of the detention facility to the DISTRICT by General Warranty Deed, in a format acceptable to the DISTRICT.

7. The developer has paid to the DISTRICT the appropriate maintenance fee as reflected in the DISTRICT'S Fee Schedule.

8. The developer/owner provides to the DISTRICT 1) an owners title policy for the property conveyed based upon the fair market value as determined by an appraisal, including a tax search, 2) a Warranty, regarding the quality and performance of the facility, including but not limited to engineering, design, construction, and operation, and, 3) an Indemnification and Hold Harmless Agreement for any and all claims, actions and demands, including costs and attorneys' fees, the cause of which originated prior to conveyance. Each of these documents must be acceptable to the DISTRICT in form and content.

9. The detention facility, maintenance berms and access ways are not obstructed by any other easements or rights-of-way.

10. The detention facility is designed to be a "dry" facility and not an amenity or private recreational facility. Amenity ponds shall be defined as any pond in which land area has been deeded to the Homeowners/Landowners. These ponds shall include "wet ponds" and ponds used for recreational purposes.

For newly constructed and previously constructed detention ponds, the following additional restrictions apply:

1. No detention pond under two (2) acres will be accepted.

2. Detention facilities must be located adjacent to an existing DISTRICT facility.

3. Side slopes must be greater than 3:1 or greater.

4. A note in the acceptance agreement will state that mowing will be only performed on the normal DISTRICT mowing schedule.

5. Hand maintenance must be minimal, and the extent should be identified in the agreement.

6. The acceptance fee may be waived only if accepting the maintenance responsibilities is of substantial benefit to the DISTRICT.

7. Any variance granted to the facility must be considered as part of the acceptance criteria.

8. The DISTRICT will not accept pumped detention systems.