



JOINT PUBLIC HEARING
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF
THE CITY OF PEARLAND, TEXAS,
MONDAY, OCTOBER 19, 2015 AT 6:30 P.M.
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

I. CALL TO ORDER

II. PURPOSE OF HEARING

Zone Change Application No. 2015-10Z

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 Office Professional (OP) 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 19, 2015

Re: Zone Change Application Number 2015-10Z

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 Office Professional (OP) zoning district; on approximately 3.850 acres of land, located at 12216 Broadway Street, Pearland, TX

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 Office Professional (OP) 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.

The applicant applied for a zone change in October of 2014, and requested a General Business (GB) zoning district. Staff was unable to support this request due to the abutting residential subdivision. GB would have permitted a large amount of intensive commercial uses that may have not been compatible with the surrounding neighborhood. The request was ultimately recommended for denial by the Planning and Zoning Commission and denied by City Council. At the Public Hearing, City Council and the Planning and Zoning Commission discussed that a compromise could be that the property be rezoned to OP as opposed to the more intensive GB.

Recommendation

Staff recommends approval of the request to change the zoning of the approximately 3.850 acre site from R-1 to OP 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" but with the property fronting along Broadway Street, an OP zoning designation is considered appropriate for this specific site.

2. The subject parcel is surrounded on three sides by existing residential uses and residential zoning. A zone change to OP will be the least intensive commercial zone and should not have significant negative impacts to the surrounding properties.
3. Any development on site will comply with all requirements of the Unified Development Code (UDC) including residential adjacency buffering and all Corridor Overlay District (COD) requirements.

Site History

The subject property includes a total of 8.635 acres undeveloped and is currently partially developed with New Harvest Christian 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 OP 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 Christian 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 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.

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 OP 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 propose OP 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 (OP)	Site
Minimum Lot Area	8,800 square feet	12,500 square feet	167,776 feet (3.850 acres)
Minimum Lot Width	80 feet	100 feet	392 feet
Minimum Lot Depth	90 feet	100 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	10 feet	25 feet (due to residential adjacency)
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 OP 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.

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

At the public hearing for the previous request to change to GB, a number of the council members concerns were similar to the large number of residents who came out to speak against the proposed request. The GB zone allows for a number of high impact commercial uses. The subject property is surrounded by residential uses on three sides with the existing church facility to the east. Concern was raised that even 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.

Staff feels that the OP zone, with less intense uses such as small office or minor retail uses, would pose a much lesser threat to the adjoining neighborhood. Business that are permitted within the OP zone tend to be on a smaller scale, with reduced building heights, shorter hours of operation, and less required site lighting. This appears to be a compromise that should allow the property owner to achieve their goals while impacting the adjoining residential as little as possible.

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/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.

Opposition to or Support of Proposed Request

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

Exhibits

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

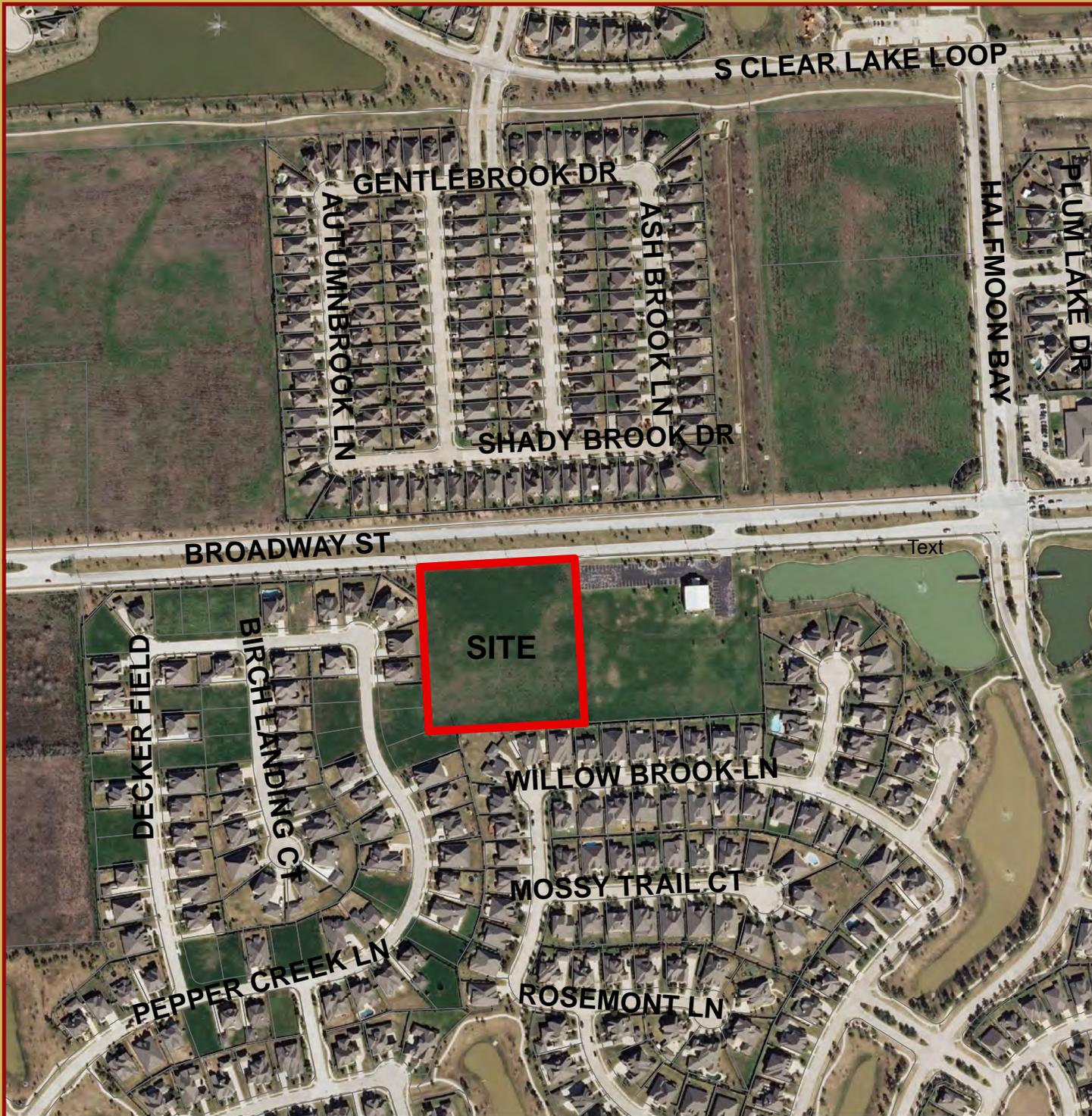


Exhibit 1

AERIAL MAP

Zone Change 2015-10Z

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 2015
PLANNING DEPARTMENT





Exhibit 2

ZONING MAP

Zone Change 2015-10Z

12216 Broadway St.



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Exhibit 3

FLUP MAP

Zone Change 2015-10Z

12216 Broadway St.



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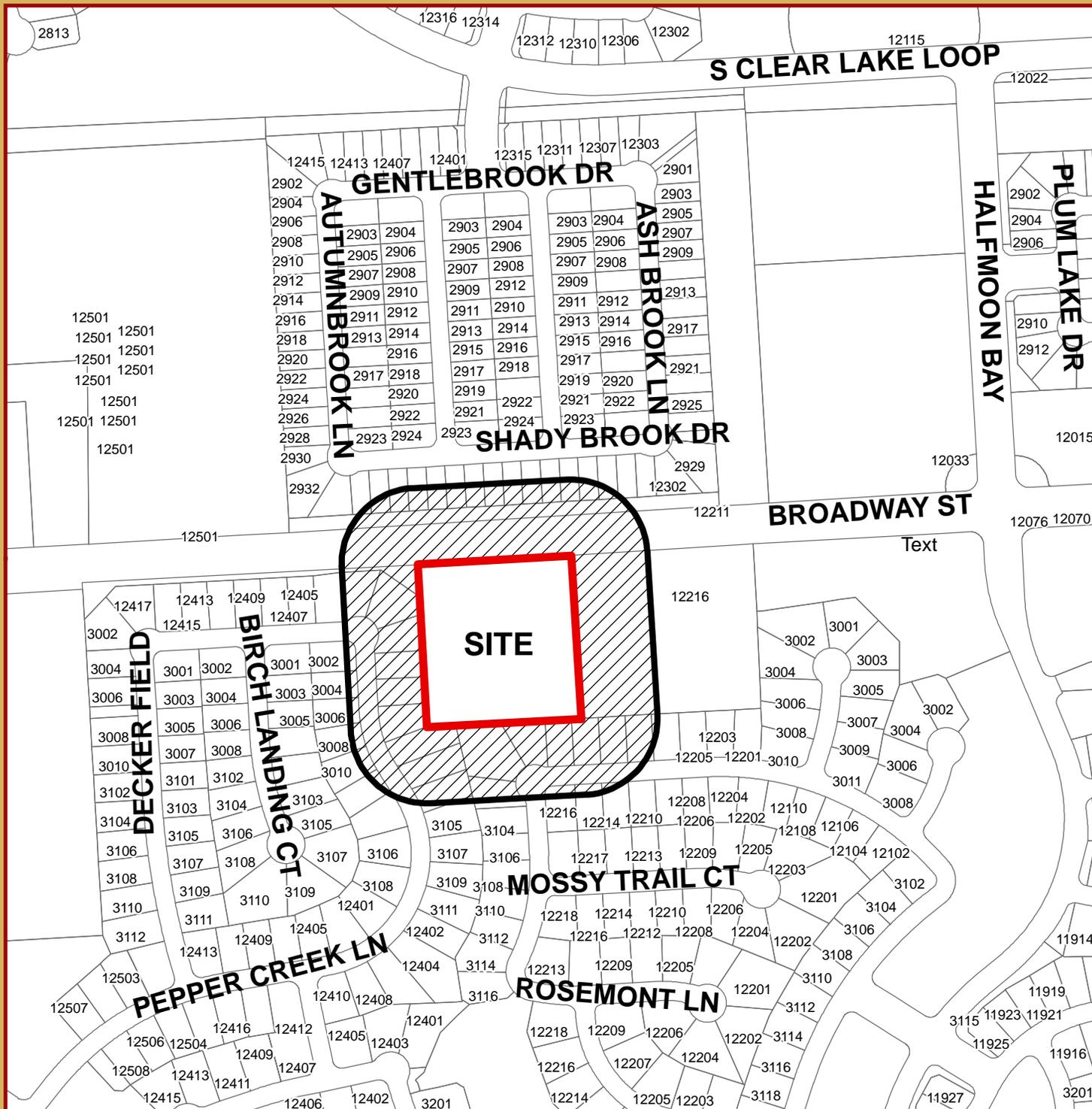


Exhibit 4

NOTIFICATION MAP

Zone Change 2015-10Z

12216 Broadway St.



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1 inch = 377 feet

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PLANNING DEPARTMENT



EXHIBIT 5

Zone Change 2015-10Z

12216 Broadway St. R-1 to OP

Owner	Address	City	State	Zip
IMPERIAL HOMES TEXAS LTD	100 BEARD SAWMILL RD	SHELTON	CT	06484
JOSEPH JOSHY	3010 MASON GROVE LN	PEARLAND	TX	77584
KONGO DANIEL H	12312 SHADY BROOK DR	PEARLAND	TX	77584
ANDERSON ROBERT K & MARTHA N	3104 MASON GROVE LN	PEARLAND	TX	77584
AYYAGARI SRINIVAS & SUNEETHA	3102 MOSSY TRAIL LN	PEARLAND	TX	77584
BIGI MARINUS A & AMANDA L	3008 MASON GROVE LN	PEARLAND	TX	77584
BURTON MILLICENT	12306 SHADY BROOK DR	PEARLAND	TX	77584
CHEMUDUPATY SIVARAMA M	12212 WILLOW BROOK LN	PEARLAND	TX	77584
CHUNDRU GHOWTHAM	3002 MASON GROVE LN	PEARLAND	TX	77584
DAVIS DARREL & DONNA MURRAY	12215 WILLOW BROOK LN	PEARLAND	TX	77584
DEAMS DARRELL REGINALD	3004 MASON GROVE	PEARLAND	TX	77584
DINH TUAN	12314 SHADY BROOK DR	PEARLAND	TX	77584
DONNELLY PAUL & DAWN	12213 WILLOW BROOK LN	PEARLAND	TX	77584
GAUVAIN TAGGART T & ERIN B	12406 SHADY BROOK DR	PEARLAND	TX	77584
GREEN BRIAN H & LISA M	3105 MASON GROVE LN	PEARLAND	TX	77584
HARRIS SHEILA H & STACY L	12211 WILLOW BROOK LN	PEARLAND	TX	77584
HUNG OSWALDO & FANNY T	12207 WILLOW BROOK LN	PEARLAND	TX	77584
LAO JOSEPH M & FAYE V	12308 SHADY BROOK DR	PEARLAND	TX	77584
LINVILLE CAIN & ERIKA SATO	880 FACULTY DRIVE	COLUMBIA	OH	43321
LLAMAS RENATO L & IMELDA	3102 MASON GROVE LN	PEARLAND	TX	77584
MOHAN PATRICK & MARY	12209 WILLOW BROOK LN	PEARLAND	TX	77584
NGUYEN CLIFF & TRACY T	3101 MASON GROVE LN	PEARLAND	TX	77584
NIEVE FERNANDO A & LETICIA	12216 WILLOW BROOK LN	PEARLAND	TX	77584
ORTEGA JESUS	12219 WILLOW BROOK LN	PEARLAND	TX	77584
PEARLAND NEW HARVEST	PO BOX 1966	PEARLAND	TX	77588
PERRY HOMES	PO BOX 34306	HOUSTON	TX	77234
POLAR MARTIN K & TIFFANY J	3103 MASON GROVE LN	PEARLAND	TX	77584
POPP CHARLES M & AMY J	12412 SHADY BROOK DR	PEARLAND	TX	77584
RAEZER SHERYL	3001 MASON GROVE LN	PEARLAND	TX	77584
RAVIKOYY LLC	15414 PALM GRASS CT	HOUSTON	TX	77059
RIGGINS CHELSIE	12410 SHADY BROOK DR	PEARLAND	TX	77584
ROSALIND ROSE	12304 SHADY BROOK DR	PEARLAND	TX	77584
SCHNITZER ALAN	12217 WILLOW BROOK LN	PEARLAND	TX	77584
SHADOW CREEK RANCH MAINTENANCE ASSOCIATION	12234 SHADOW CREEK PKWY	PEARLAND	TX	77584
SHAH AMIT & JIGNA KARIA	3007 MASON GROVE LN	PEARLAND	TX	77584
SOUTHERN TRAILS RESIDENTIAL ASSOC INC	2500 LEGACY DR STE 220	FRISCO	TX	75034

SPARKS KEITH	12318 SHADY BROOK DR	PEARLAND	TX	77584
SULOCHANA PRIYA	12214 WILLOW BROOK LN	PEARLAND	TX	77584
THOMAS BINOY C	3006 MASON GROVE LN	PEARLAND	TX	77584
THOMPSON FREDRICK	12408 SHADY BROOK DR	PEARLAND	TX	77584
TILLMAN JASON A	12401 CLOVER CREEK LN	PEARLAND	TX	77584
UNGER WILLIAM L & YOLAND	12414 SHADY BROOK DR	PEARLAND	TX	77584
WARREN RONALD P JR	3005 MASON GROVE LN	PEARLAND	TX	77584
WEYRICH STEVEN A JR	2302 EAGLES WAY	PEARLAND	TX	77581
WIMBLEY NOVETA ANN	12416 SHADY BROOK DR	PEARLAND	TX	77584
ARNOLD PATTERSON	17103 LOBLOLLY BAY CT.	HOUSTON	TX	77059
PEARLAND NEW HARVEST	12216 BROADWAY ST	PEARLAND	TX	77584



APPLICATION FOR A CHANGE IN ZONING

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

Current Zoning District: R-1

Proposed Zoning District: OP

Property Information:

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

Tax Account No. CHURCH (NON-TAXABLE)

Subdivision: ALLISON RICHEY GULF COAST Lot: _____ Block: _____
HOME COMPANY'S SUBURBAN GARDENS

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
ADDRESS 12216 W. BROADWAY
CITY PEARLAND STATE TX ZIP 77584
PHONE(713) 436-2400
FAX(_____) _____
E-MAIL ADDRESS _____

APPLICANT/AGENT INFORMATION:

NAME ARNOLD R. PATTERSON
ADDRESS 17103 LOBLOLLY BAY CT.
CITY HOUSTON STATE TX ZIP 77059
PHONE(832) 284-4482
FAX(_____) _____
E-MAIL ADDRESS ARNATT9460@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 Gmelson Date: 9-16-2015

Agent's/Applicant's Signature: Arnold R. Patterson Date: 9-16-2015

OFFICE USE ONLY:

FEES PAID: <u>N/A</u>	DATE PAID: <u>-</u>	RECEIVED BY: <u>IC</u>	RECEIPT NUMBER: <u>-</u>
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Application No. 2015-102

September 16, 2015

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 OP. 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 and offices. We feel that the best use of the 3.85 acres is for the development of businesses and offices 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.

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

Sincerely,



Keith Anderson, Senior Pastor
Pearland New Harvest Christian Fellowship

September 16, 2015

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 Broadway, Pearland, Texas.

Thank You,



Keith Anderson, Senior Pastor
Pearland New Harvest Christian Fellowship

**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;

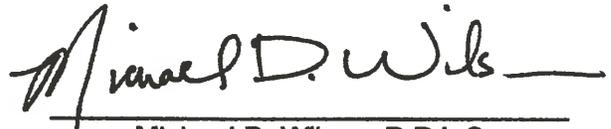
THENCE, North 03°09'17" West, along the west line of said New Harvest Christian Fellowship Subdivision, same being the east line of Block 2 of Southern Trails, Phase 1, Section 7 as recorded in Clerk's File No. 2007035728 in the Brazoria County Clerk's Office, for a distance of 428.14 feet to the northwest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

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



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

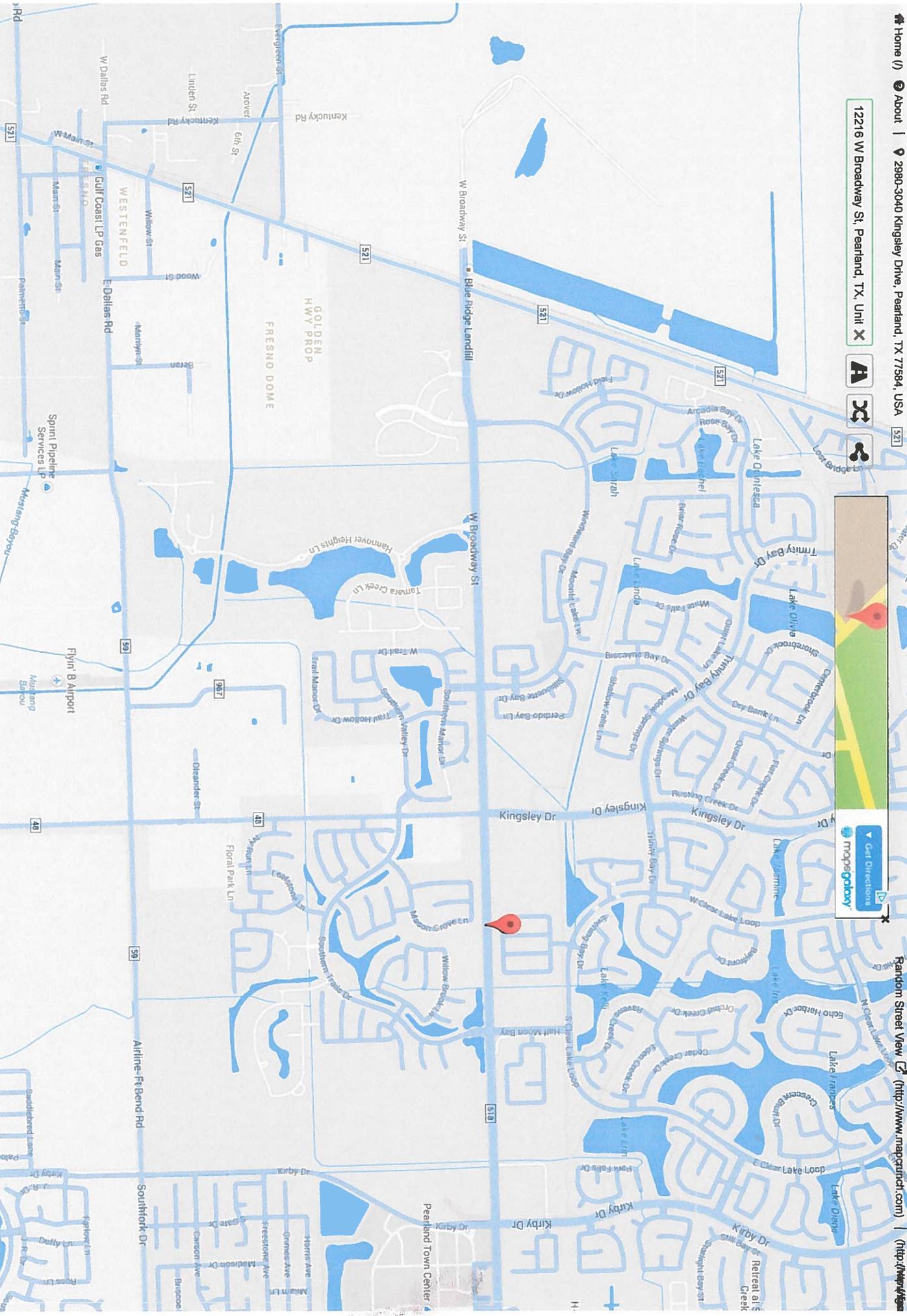


09/10/14

12216 W Broadway St, Pearland, TX, Unit X



Get Directions
 mopsGalaxy



Posting of Notification Signs on Property under Consideration for a Zone Change

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.



Signature

9-16-15

Date