

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD NOVEMBER 15, 2010, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

- I. CALL TO ORDER
- II. PURPOSE OF HEARING

**Conditional Use Permit No. CUP 2010-10**

A request of Jon Quintero, applicant for Gilbert Allison, owner, for approval of a Conditional Use Permit (CUP) to allow a Hardware Store in the Cullen Mixed Use (C-MU) zone, on the following described property, to wit

**Legal Description:** Approximately 4.9990 Acre Tract of Land being the north one-half of lot 3 of the Allison Richey Gulf Coast Home company Suburb Gardens Subdivision of Section 19, H.T. & B.R.R. Co. Survey, Abstract 243, Brazoria County, Texas, According to the map or plat thereof recorded in Volume 2, Pages 23-24, Plat Records, Brazoria County, Texas.

**General Location:** 1855 Cullen Blvd, Pearland Texas

- III. APPLICATION INFORMATION AND CASE SUMMARY
  - A. STAFF REPORT
  - B. APPLICANT PRESENTATION
- 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.

# JOINT PUBLIC HEARING AGENDA ITEM MEETING OF NOVEMBER 15, 2010

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## Conditional Use Permit No. CUP 2010-10

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**General Location:** 1855 Cullen Blvd., Pearland, TX 77584

**APPROVAL PROCESS:** After this Joint Public Hearing, the requested zone change application will be considered as follows:

Planning and Zoning Commission: November 15, 2010\*

City Council for First and Only Reading: November 22, 2010\*

(\*dates subject to change if item is tabled)

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**SUMMARY:** The applicant is requesting approval of a conditional use permit to allow for the operation of a Hardware Store to be located at 1855 Cullen Blvd. The property is approximately 5 acres with two separate warehouse buildings located on the property, one towards the front of the property and a second located directly behind the first. The total square footage of all space on the property is approximately 35,000 square feet, with the following breakdown:

**Front Building:**

4 suites, approx. 20,000 Sq Ft  
Line Drive Sports (2 suites)  
Proposed Hardware (1 suite)  
1 Vacant suite for property owner storage

**Rear Building:**

6 suites, approx. 15,000 Sq Ft  
Crossfit Gym (1 suite)  
Chronicle Distribution Center (2 suites)  
3 Vacant suites

**SURROUNDING ZONING AND LAND USES:**

	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
North	Cullen Mixed Use (C-MU)	Residential
South	Cullen Mixed Use (C-MU)	Vacant
East	Single Family Residential-12 (SR-12)	Vacant
West	Cullen Mixed Use (C-MU)	Vacant

**CONFORMANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC):** When determining conformance with the Unified Development Code, there are different aspects that are taken into consideration. For this case, those aspects include the physical make-up of the property itself (lot size, width, etc), improvements on the site (structures, parking, landscaping, etc.), and use.

The subject property is currently zoned as Cullen-Mixed Use (C-MU). The minimum lot size for the C-MU zoning district is 22,500 square feet, the minimum lot width is 150 feet, and the minimum lot depth is 125 feet. The subject property exceeds these minimum requirements, as the property is approximately 5 acres in size, 262 in width, and 831 in depth. Therefore, the subject property is in conformance with the current Unified Development Code from this aspect.

The existing structures on the property are existing non-conforming structures. The building materials, landscaping, parking lot and signage do not appear to meet the current UDC. However, as the only a tenant change is being proposed at this time, total site compliance is not required based on the Unified Development Code.

The proposed use, a Hardware store, would be in conformance with the UDC, however only with an approved conditional use permit.

**PLATTING STATUS:** Currently the property has not been platted. The applicant will be applying for a tenant occupancy and this does not trigger the platting requirements according to Section 3.1.1.1 (c) of the Unified Development Code as this is considered exempt under remodeling and repair.

**CONFORMANCE WITH THE COMPREHENSIVE PLAN:** The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends Cullen Mixed-Use (C-MU) for the subject property and the surrounding properties, which is the current zoning designation for this property. The C-MU Zoning District does allow for retail sales (hardware store in this case) if the total sales area is less than 20,000 square feet. The proposed hardware store is approximately 6,000 square feet.

**CONFORMANCE WITH THE THOROUGHFARE PLAN:** The subject property has frontage on Cullen Blvd., a major thoroughfare with sufficient width of 120 feet.

**AVAILABILITY OF UTILITIES:** The subject parcel is not served by public water and sewer lines.

**IMPACT ON EXISTING AND FUTURE DEVELOPMENT:** The applicant proposes as presented in the letter of intent and site plan submitted to occupy Suite No. 107 at 1855 Cullen Blvd. The suite is approximately 6,000 square feet. As previously stated, the proposed use is a hardware store.

The operating hours would consist of Monday – Friday, 7:30am to 5pm, and Saturday and Sunday, 8:00am – 12noon.

This proposed use will be occupying existing vacant space and therefore does not trigger further landscaping, or façade changes. Required parking will be striped per UDC regulations, prior to a Certificate of Occupancy for the suite build-out.

**ADDITIONAL COMMENTS:**

There are no additional comments from other departments.

**SITE PLAN CONSIDERATIONS:** A site plan was submitted with the conditional use permit. The applicant is not proposing any changes to the site with this tenant build-out other than parking lot striping, as they are not triggered by the CUP application.

**PUBLIC NOTIFICATION:** Public notice/comment forms were mailed to property owners within 200 feet of the subject property under consideration. A legal notice of public hearing was published in the local newspaper, and a Zoning Sign was placed on the subject property.

**OPPOSITION TO OR SUPPORT OF PROPOSED REQUEST:** Staff has not received any comments either in opposition to or in support of the proposed zone change request.

**CRITERIA FOR APPROVAL:** When considering an application for a Conditional Use Permit, the Planning and Zoning Commission and City Council may evaluate the impact of the proposed conditional use on and its compatibility with surrounding properties and residential areas to ensure the appropriateness of the use at the particular location, and

consider the extent to which:

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

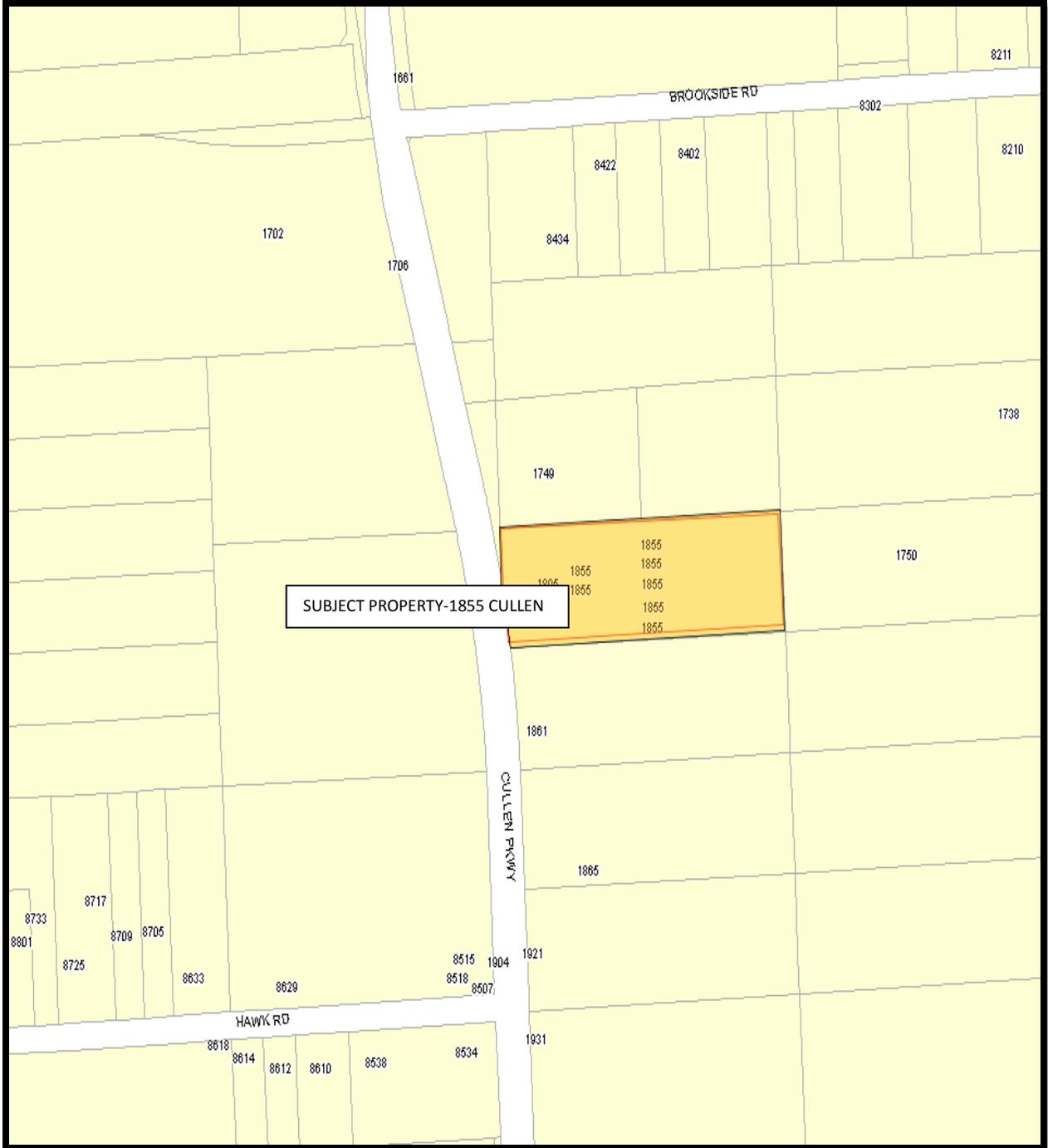
**Conditions.** The City Council may require such modifications in the proposed use and attach such conditions to the Conditional Use Permit as the City Council deems necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of this section. Conditions and modifications may include but are not limited to limitation of building size or height, increased open space, limitations on impervious surfaces, enhanced loading and parking requirements, additional landscaping, curbing, sidewalk, vehicular access and parking improvements, placement or orientation of buildings and entryways, buffer yards, landscaping and screening, signage restrictions and design, maintenance of buildings and outdoor areas, duration of the permit and hours of operation.

**STAFF RECOMMENDATION:** Staff recommends approval of the Conditional Use Permit No. 2010-10 as proposed by the applicant and owner for the following reasons:

1. The proposed use should not have any significant negative impact on the surrounding properties and developments, as it will be located within an existing building.
2. The proposed use would be conforming to the comprehensive plan with an approved conditional use permit.
3. The proposed use would be conforming to the current Unified Development Code with an approved conditional use permit.
4. The proposed use is in general compliance with most of the criteria of approval (listed above) for a Conditional Use Permit.
5. Council may place conditions on the approval of the Conditional Use Permit which are deemed necessary to mitigate adverse impacts of the proposed use.

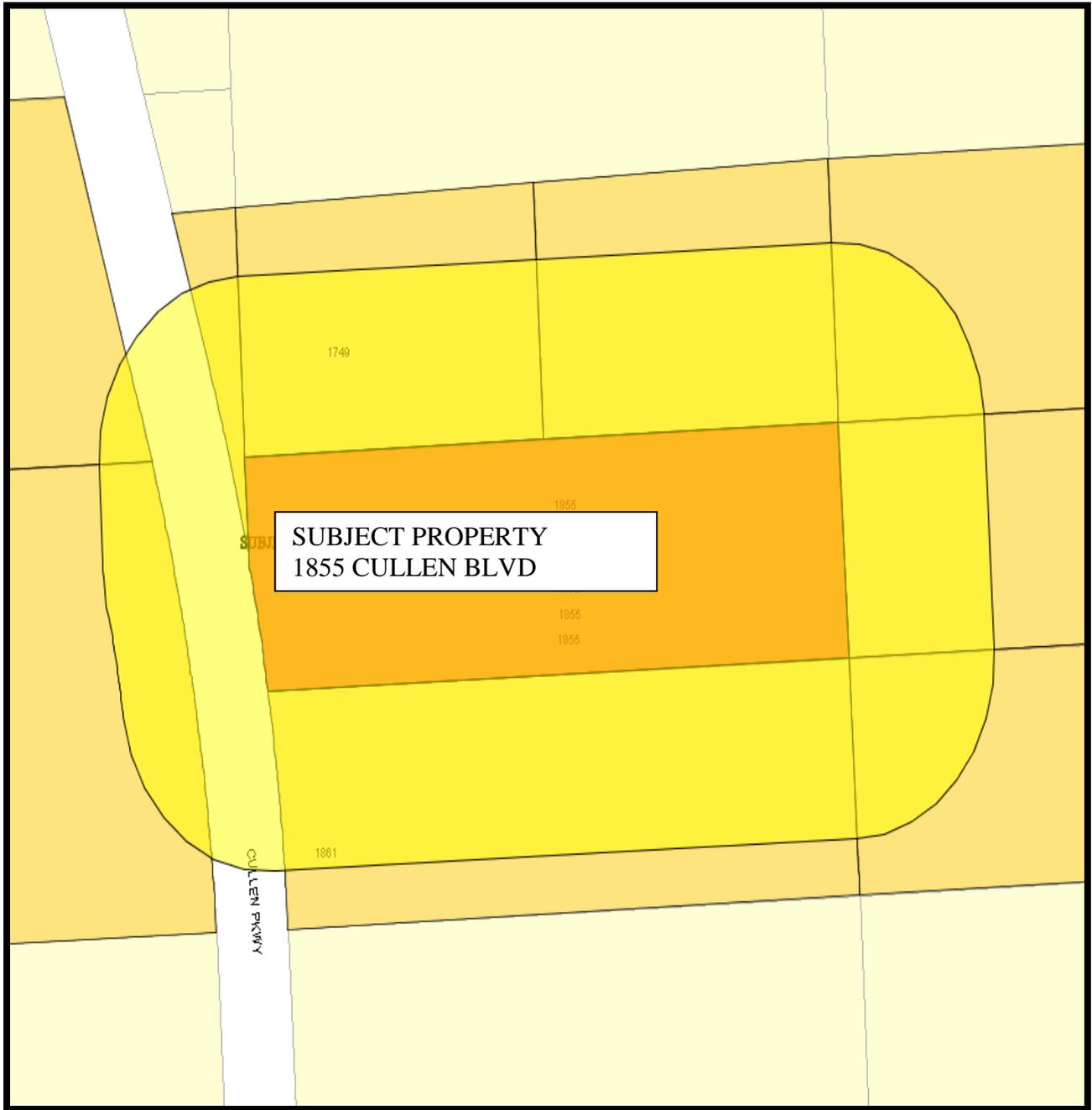
**SUPPORTING DOCUMENTS:**

- Zone Change Application
- Vicinity Map
- Property Ownership Map
- Property Owner Notification List
- Zoning Map
- Future Land Use Plan
- Aerial Photograph
- Other Maps and Related Documents



**VICINITY MAP**  
**CONDITIONAL USE PERMIT CUP 2010-10**  
**1855 CULLEN BLVD, PEARLAND, TEXAS**

↑  
**NORTH**

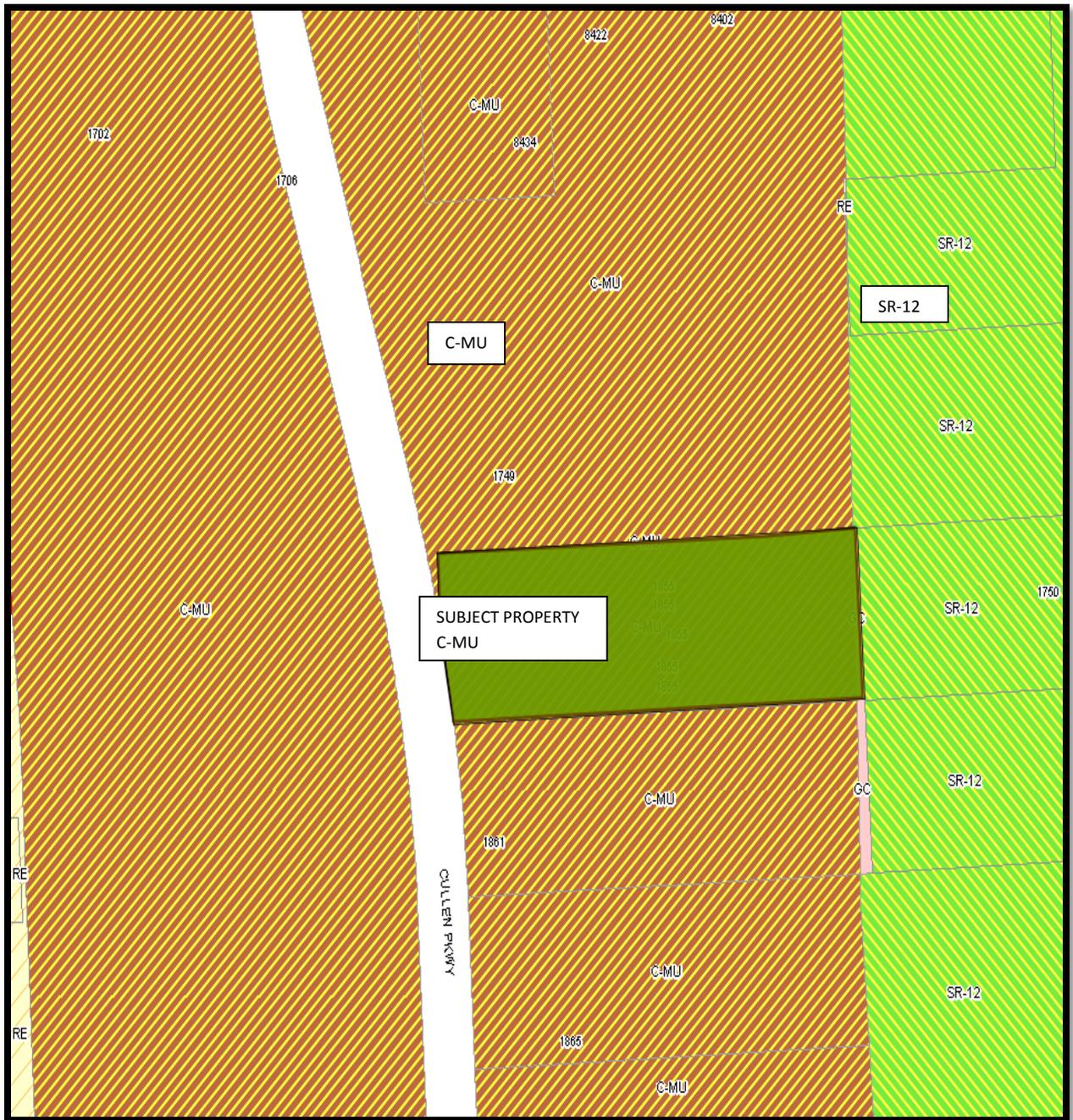


**ABUTTER MAP**  
**CONDITIONAL USE PERMIT CUP 2010-10**  
**1855 CULLEN BLVD, PEARLAND, TEXAS**

↑  
**NORTH**

**CUP APPLICATION NO. CUP 2010-10  
1855 CULLEN BLVD  
PROPERTY OWNERS NOTIFICATION LIST**

<b>Property Owner</b>	<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zip Code</b>
WENGLAR FRANK G & CAROLYN	5826 HIGH STAR DR	PEARLAND	TX	77081
VALADEZ BENIOT X SR & BENITO EXAVIER VALADEZ	1738 ADAMO LN	PEARLAND	TX	77581
HOANG QUANG VAN CUSTODIAN	1749 CULLEN BLVD	PEARLAND	TX	77581
HOANG QUANG VAN CUSTODIAN	1749 CULLEN BLVD	PEARLAND	TX	77581
HOANG QUANG VAN CUSTODIAN	1749 CULLEN BLVD	PEARLAND	TX	77581
GARCIA CHARLES H	6759 RIDGEWAY DR	PEARLAND	TX	77087
ALLISON INVESTMENT	6427 W CREEK DR	PEARLAND	TX	77581
VU DOMINIC TUC	8866 GULF FWY	PEARLAND	TX	77017
ADAMO SAM JOSEPH	2331 N LAKEFRONT DR	PEARLAND	TX	77573
GILBERT ALLISON	6427 W. CREEK	BROOKSIDE	TX	77581
JON QUINTERO	1855 CULLEN BLVD	PEARLAND	TX	77581



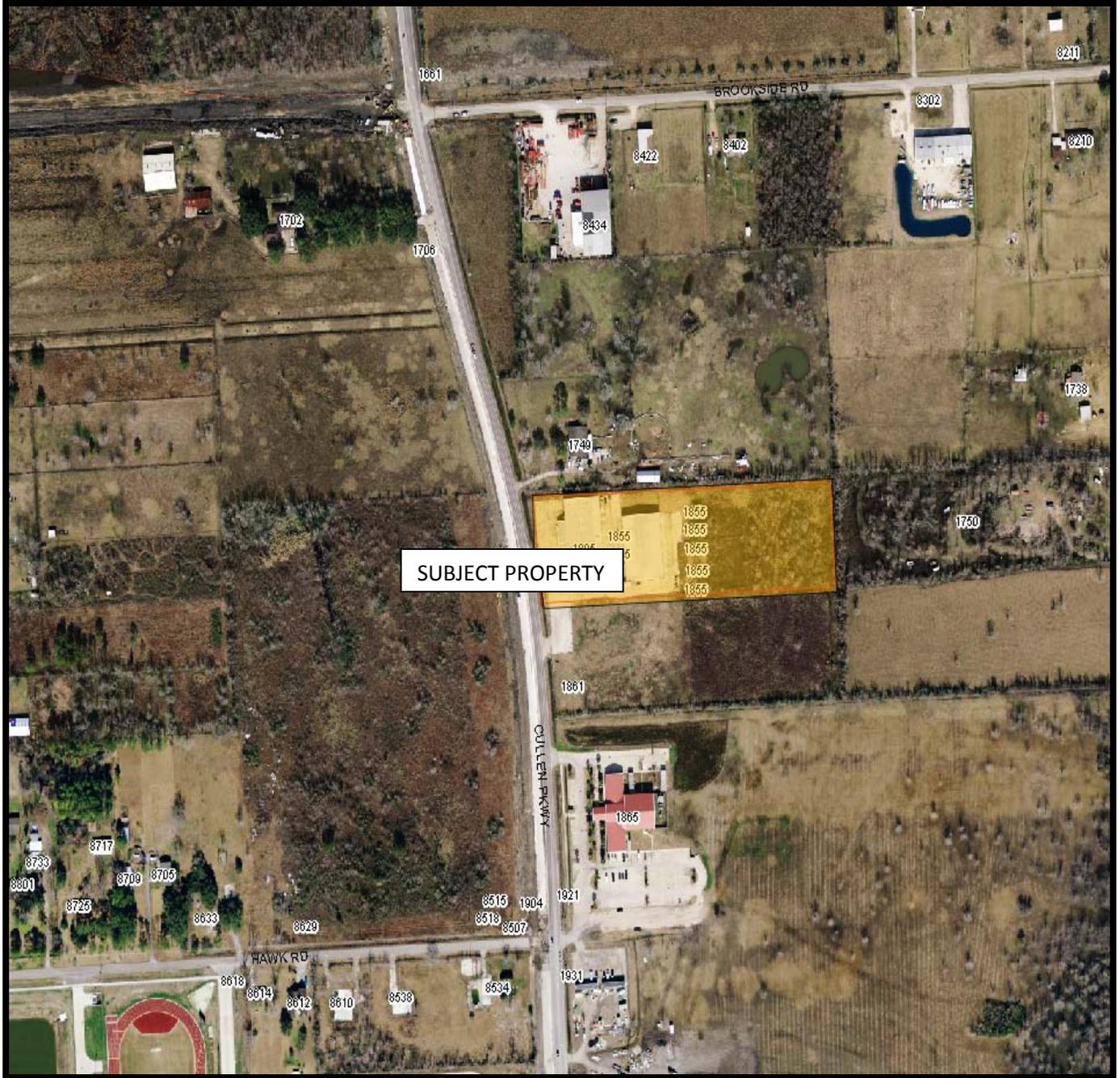
**ZONING MAP**  
**CONDITIONAL USE PERMIT CUP 2010-10**  
**1855 CULLEN BLVD, PEARLAND, TEXAS**

↑  
**NORTH**



**FUTURE LAND USE MAP**  
**CONDITIONAL USE PERMIT CUP 2010-10**  
**1855 CULLEN BLVD, PEARLAND, TEXAS**

↑  
**NORTH**



**AERIAL MAP**  
**CONDITIONAL USE PERMIT CUP 2010-10**  
**1855 CULLEN BLVD, PEARLAND, TEXAS**

↑  
**NORTH**



# APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

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

Conditional Use Permit Request for: HARDWARE STORE  
(list proposed use from the Table of Uses of the UDC)

Current Zoning District: C-MU

**Property Information:**

Address or General Location of Property: 1855 CULLEN BLVD.  
PEARLAND, TX 77581

Tax Account No. 166390

Subdivision: A0243 HT+BRR Lot: TRACT 3-3A Block: \_\_\_\_\_

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

**PROPERTY OWNER INFORMATION:**

NAME Gilbert Allison  
ADDRESS 6427 W O'Reek  
CITY Brookside STATE TX ZIP 77581  
PHONE (713) 702 0628  
FAX ( ) \_\_\_\_\_  
E-MAIL ADDRESS Gil@AllisonInvestments.com

**APPLICANT/AGENT INFORMATION:**

NAME Jon Quintero  
ADDRESS 1855 Cullen Blvd  
CITY Pearland STATE TX ZIP 77581  
PHONE (832) 282-3708  
FAX (281) 431-4651  
E-MAIL ADDRESS lion-ofspain@yahoo.com

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

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

Owner's Signature: Gilbert Allison Date: 9/17/10

Agent's/  
Applicant's Signature: [Signature] Date: 9 17 10

**OFFICE USE ONLY:**

FEES PAID: <u>\$250.00</u>	DATE PAID: <u>10/6/10</u>	RECEIVED BY: <u>TC</u>	RECEIPT NUMBER: <u>6620</u>
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Application No. 2010-10

Hardware Air Conditioning and Heat Supplies, LLC  
1855 Cullen Blvd. Unit 107  
Pearland, TX 77581

To whom it may concern,

This letter is a formal request for a conditional use permit to operate a hardware store that will be located at 1855 Cullen Blvd. Unit 107, Pearland, TX 77581. We will be occupying approximately 6,000 square feet of the already existing metal building located at this address.

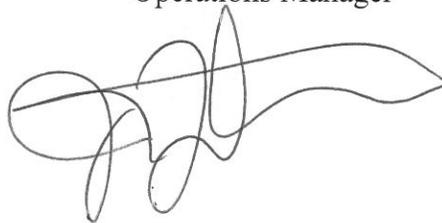
The proposed use that we are applying for will be a hardware store. The inventory that we will carry will include items that you will find at just about any general hardware store, such as screws, bolts, ladders, paint brushes, caulk, glue, 2 wheel dollies, rope, PVC, PVC fittings, copper, copper fittings, electrical supplies, tape, sheet metal, ducts, pipe insulation, gas pipe fittings, thermostats, tools, shovels, brooms, air conditioning parts, heater parts, and other miscellaneous items that fit into this same general use.

Our hours of operation will be typical for the average hardware store: Monday through Friday 7:30am to 5pm, Saturday/Sunday from 8am to noon.

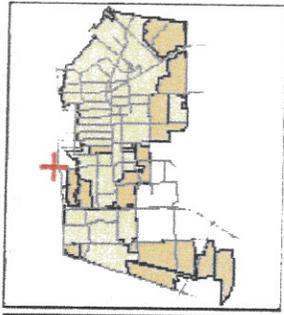
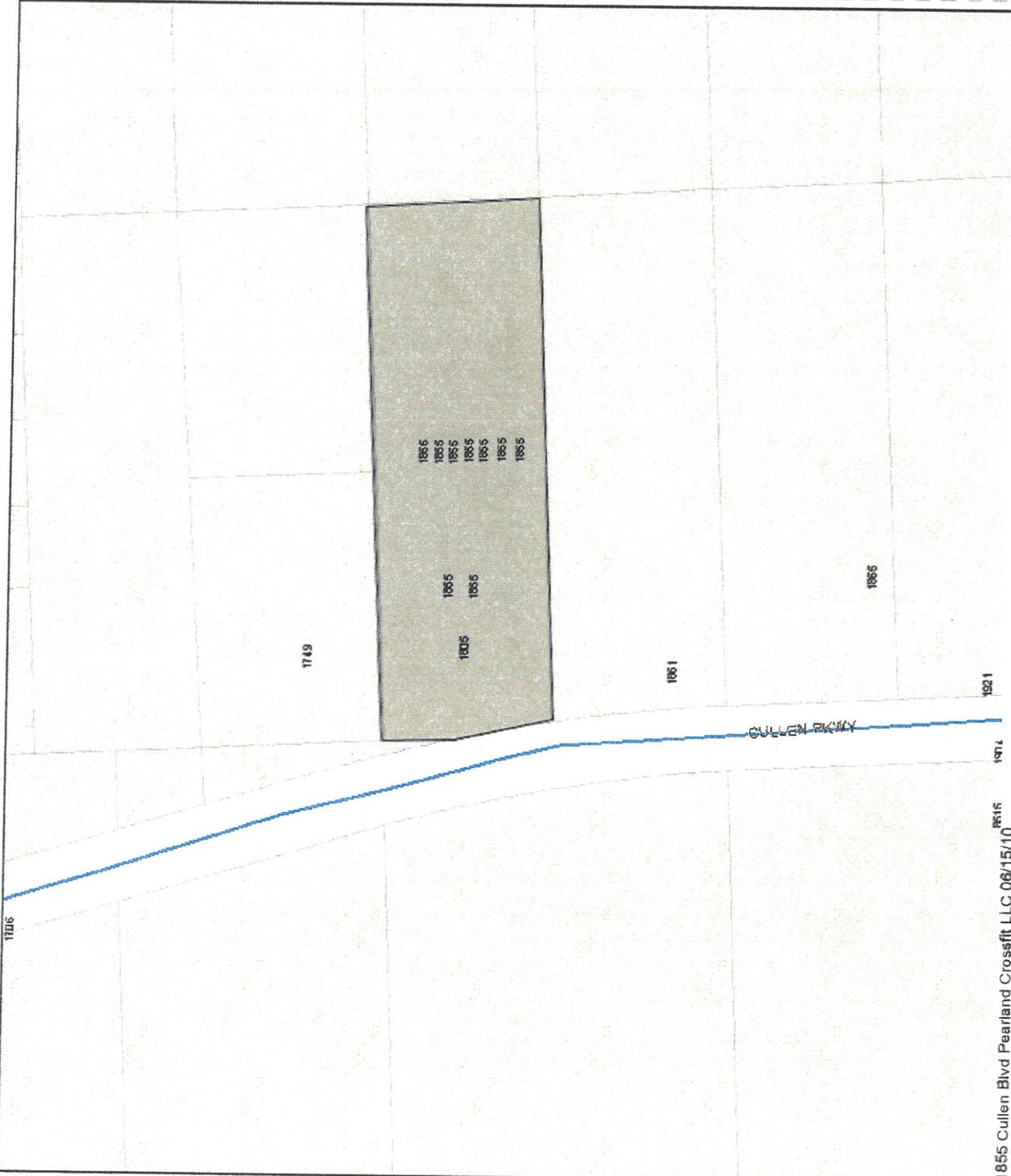
If there is any other information that you may need from us please feel free to contact the business manager: John Quintero (832) 282-3708.

Professionally,

John Quintero  
Operations Manager

A handwritten signature in black ink, appearing to read 'John Quintero', with a long horizontal flourish extending to the right.

Vicinity and Zoning Map



Legend

- Zoning
- TH
  - SR-15
  - SR-12
  - SP5
  - SP4
  - SP3
  - SP2
  - SP1
  - SD
  - RE
  - R-4
  - R-3
  - R-2
  - R-1 CLUSTER
  - R-1
  - PUD
  - OT-R
  - OT-MU
  - OT-GB
  - OP
  - NS
  - MH
  - MF
  - M-2
  - M-1
  - GC

Scale 1:2,500  
1 in = 208 ft

1855 Cullen Blvd Pearland Crossfit LLC 06/15/10

648' 3.115"

← 484 →

← 75 →

100' 0"

130' 0"

33' 0"

313 312 309

304 306 308

200' 0"

113

28'

33' 0"

101

33' 0"

107

Hc

103

Hc

33' 0"

100' 0"

60'

50'

0.06

33' 0"

6 HOLES - 18" x 18" PVC

101' 0"

750' 1.115"

Cullen Blvd. - 1/2 way between FM 518 & BMW B

CUP 2010-05

1855 Cullen Blvd.

**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.

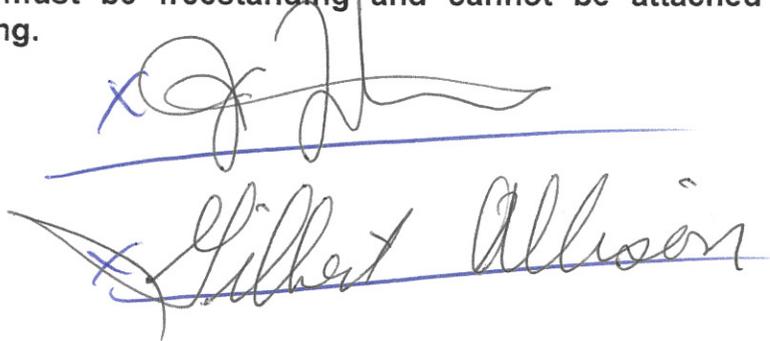
Such sign(s) shall be located as follows:

- (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.**

  
Gilbert Allison

**Brazoria CAD**

**Property Search Results > 166390 ALLISON INVESTMENT for Year 2010**

**Property**

**Account**

Property ID: 166390      Legal Description: A0243 H T & B R R, TRACT 3-3A, ACRES 9.996  
 Geographic ID: 0243-0001-000      Agent Code:  
 Type: Real

**Location**

Address: 1855 CULLEN BLVD      Mapsco:  
 PEARLAND,  
 Neighborhood: COMM ACCTS      Map ID:  
 Neighborhood CD: COMM

**Owner**

Name: ALLISON INVESTMENT      Owner ID: 266410  
 Mailing Address: 6427 W CREEK DR      % Ownership: 100.0000000000%  
 PEARLAND, TX 77581

Exemptions:

**Values**

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$464,750	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$95,550	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$254,310	\$800
(+) Timber Market Valuation:	+	\$0	\$0
<hr/>			
(=) Market Value:	=	\$814,610	
(-) Ag or Timber Use Value Reduction:	-	\$253,510	
<hr/>			
(=) Appraised Value:	=	\$561,100	
(-) HS Cap:	-	\$0	
<hr/>			
(=) Assessed Value:	=	\$561,100	

**Taxing Jurisdiction**

Owner: ALLISON INVESTMENT  
 % Ownership: 100.0000000000%  
 Total Value: \$814,610

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	BRAZORIA COUNTY APPRAISAL DISTRICT	0.000000	\$561,100	\$561,100	\$0.00
CPL	CITY OF PEARLAND	0.665100	\$561,100	\$561,100	\$3,731.88
DR4	BRAZORIA COUNTY DRAINAGE DISTRICT #4 (PEARLAND)	0.156000	\$561,100	\$561,100	\$875.32
GBC	BRAZORIA COUNTY	0.403101	\$561,100	\$561,100	\$2,261.80
RDB	ROAD & BRIDGE FUND	0.060000	\$561,100	\$561,100	\$336.66
SPL	PEARLAND INDEPENDENT SCHOOL DISTRICT	1.419400	\$561,100	\$561,100	\$7,964.25
Total Tax Rate:		2.703601			

Taxes w/Current Exemptions: \$15,169.91  
 Taxes w/o Exemptions: \$15,169.91

**Improvement / Building**

**Improvement #1:** Commercial State Code: F1 Living Area: 20020.0 sqft Value: \$247,677

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
406	STORAGE WAREHOUSE	S		1991	15270.0
406	STORAGE WAREHOUSE	S		1994	4750.0

**Improvement #2:** Misc Imp State Code: F1 Living Area: sqft Value: \$34,956

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
YPC1	CONCRETE PAVING AVERAGE	*		1991	6450.0
YPC1	CONCRETE PAVING AVERAGE	*		1998	3689.0
YPC1	CONCRETE PAVING AVERAGE	*		1999	29155.0

**Improvement #3:** Commercial State Code: F1 Living Area: 15000.0 sqft Value: \$182,117

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
406	STORAGE WAREHOUSE	S		1999	15000.0

**Land**

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	A1	FRONT ACREAGE	2.7300	118918.80	0.00	0.00	\$95,550	\$0
2	A4	IMPROVED PASTURE	7.2660	316681.20	0.00	0.00	\$254,310	\$800

**Roll Value History**

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2011	N/A	N/A	N/A	N/A	N/A	N/A
2010	\$464,750	\$349,860	800	561,100	\$0	\$561,100
2009	\$404,380	\$349,860	730	500,660	\$0	\$500,660
2008	\$615,670	\$349,860	690	711,910	\$0	\$711,910
2007	\$615,670	\$349,860	690	711,910	\$0	\$711,910
2006	\$553,650	\$249,900	690	622,590	\$0	\$622,590
2005	\$386,240	\$249,900	690	455,180	\$0	\$455,180
2004	\$361,630	\$99,960	690	389,620	\$0	\$389,620
2003	\$168,140	\$8,340	0	176,480	\$0	\$176,480
2002	\$170,850	\$6,670	0	177,520	\$0	\$177,520
2001	\$170,850	\$6,640	0	177,490	\$0	\$177,490

**Deed History - (Last 3 Deed Transactions)**

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page
1	12/30/1999 12:00:00 AM	WD	WARRANTY DEED	ALLISON'S CUSTO	ALLISON INVESTM	99	057945

**Questions Please Call (979) 849-7792**

Friday, September 17 2010

**Property Tax Status**[Begin a New Search](#)   [Go to Your Portfolio](#)   [Tax Office FAQ's](#)[Request a Tax Statement](#)

Make your check or money order payable to:

Ro'Vin Garrett, RTA

111 E Locust

Angleton, Texas 77515



A Convenience Fee of up to 2.65% will be charged for all credit card payments by the vendor providing this service. For eChecks, a convenience fee of \$1.50 will be charged for each transaction. The fee covers the cost of making payments by credit card possible. The fee will appear as a charge to 'Certified Payments'. No part of this fee is retained by Brazoria County.

Unless otherwise noted, all data refers to tax information for 2009. All amounts due include penalty, interest, and attorney fees when applicable. Due to the large volume of work during heavy payment periods amounts due may not reflect payments that have been received but not yet processed.

**Account Number: 02430001000****Address:**

ALLISON INVESTMENT  
6427 W CREEK DR  
PEARLAND, TX 77581

**Property Site Address:**

1855 CULLEN  
77581

**Legal Description:**

A0243 H T & B R R, TRACT 3-3A, ACRES 9.9  
96

**Current Tax Levy:** \$13,228.10**Current Amount Due:** \$0.00**Prior Year Amount Due:** \$0.00**Total Amount Due:** \$0.00**Last Payment Amount for Current Year Taxes:** \$13,228.10**Pending Credit Card or E-Check Payments:**

No Credit Card Payment Pending

**Jurisdictions:**

BRAZORIA COUNTY  
BRAZORIA DRAINAGE DIST 4  
CITY OF PEARLAND  
PEARLAND ISD  
SPECIAL ROAD & BRIDGE

**Market Value:** \$754,240**Land Value:** \$349,860**Improvement Value:** \$404,380**Capped Value:** \$0**Agricultural Value:** \$730**Exemptions:** None**Last Certified Date:** 09/03/2009[Taxes Due Detail by Year and Jurisdiction](#)[Payment Information](#)

[Click Here](#) to see your estimated amount due for a future date. You can see this information by year and by both year and jurisdiction.

**Tax Office:**[Search & Pay Taxes](#)[Appraisal District](#)[Your Tax Portfolio](#)**Brazoria County:**[Home](#)[Holiday Schedule](#)[Job Postings](#)[Tax Rates & Entities](#)[Related Links](#)[County Directory](#)[Related Links](#)[Tax Office FAQ](#)[Tax Office Home Page](#)[Commissioner's Court](#)[Courthouse History](#)

E-mail: [roving@brazoria-county.com](mailto:roving@brazoria-county.com)  
111 E. Locust Suite  
Angleton, TX 77515  
(979) 864-1320

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## APPLICATION CHECKLIST FOR THE FOLLOWING Conditional Use Permits (CUP)

- 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 contain the metes and bounds description).
- Parcel map, printed from the City of Pearland website, indicating the location and boundaries of the subject property.
- Letter of Intent, explaining the conditional use permit request in detail, specifying proposed uses, specific operations of the use, square footage of buildings, unique characteristics of the property, and any other necessary information
- Application fee of \$250.00, by cash, check made payable to the City of Pearland, or credit card (Visa and MasterCard only)
- 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
- 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.**

**WALKER L. TREESH**  
Registered Professional Land Surveyor

P.O. Box 2113  
Pearland, Texas 77588  
713-485-5191

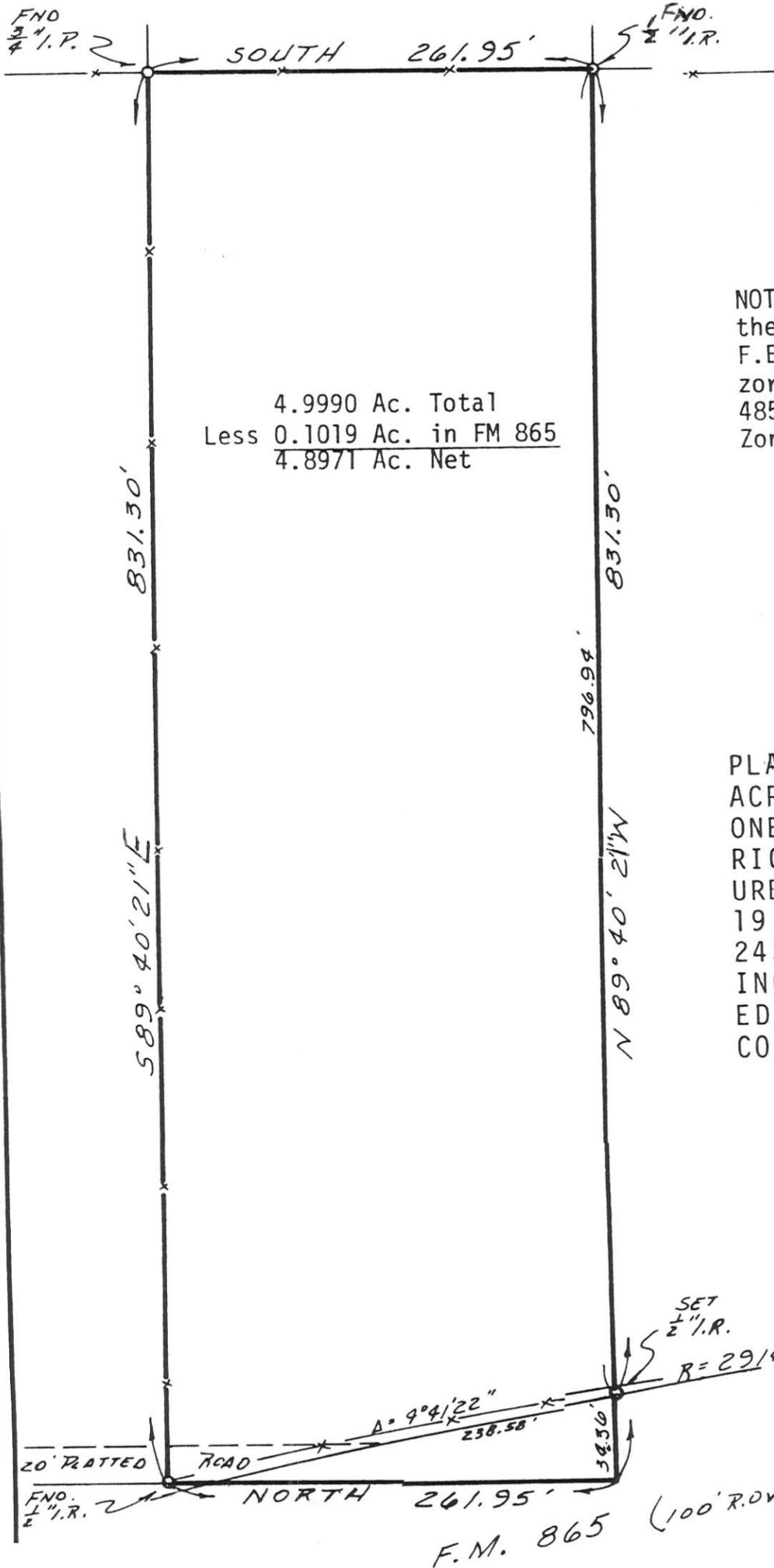
SCALE: 1"=100'

DATE: March 5, 1991

Job No. 91-1889

PURCHASER: Allison Custom Milling, Inc.

PROPERTY ADDRESS:



4.9990 Ac. Total  
Less 0.1019 Ac. in FM 865  
4.8971 Ac. Net

NOTE: This property does not lie within the 100 year flood plain according to the F.E.M.A. Flood Insurance Rate Map for Brazoria County, Texas, Community-Panel No. 485458 0030 H, Dated: June 5, 1989. Zone X

PLAT SHOWING A SURVEY OF A 4.9990 ACRE TRACT OF LAND BEING THE NORTH ONE-HALF OF LOT 3 OF THE ALLISON-RICHEY GULF COAST HOME COMPANY SUB-URBAN GARDENS SUBDIVISION OF SECTION 19, H.T.&B.R.R. CO. SURVEY, ABSTRACT 243, BRAZORIA COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 2, PAGES 23-24, PLAT RECORDS, BRAZORIA COUNTY, TEXAS,

T0: Texas Fidelity Title Co., GF# 9000729, and SBA, Exclusively.

I, WALKER L. TREESH, REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THIS SURVEY, AND THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY I-A, CONDITION III SURVEY.

WALKER L. TREESH  
Registered Professional  
Land Surveyor No. 1390

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD NOVEMBER 15, 2010, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

- I. CALL TO ORDER
- II. PURPOSE OF HEARING

**ZONE CHANGE APPLICATION NO. 2010-08Z**

A request of The City of Pearland, applicant and owner, for approval of a zone change from the Single Family Residential (R-1) zone, to Office Professional (OP) zone on the following described property, to wit

**Legal Description:** 0.4218 acre, being out of Lot 29 of Walcott's Pearland Subdivision, according to the map or plat recorded in Volume 35, Pages 241 and 242 of the Brazoria County Deed Records. Said 0.4218 acre tract also being part of a certain called 74.986 acre tract recorded in Brazoria County Clerk's file number 94-040206

**General Location:** Southwest corner of McHard and Pearland Pkwy  
Pearland, Texas

- III. APPLICATION INFORMATION AND CASE SUMMARY
  - A. STAFF REPORT
  - B. APPLICANT PRESENTATION
- 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.

# JOINT PUBLIC HEARING AGENDA ITEM MEETING OF NOVEMBER 15, 2010

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## Zone Change No. 2010-08Z

A request of The City of Pearland, applicant and owner, for approval of a zone change from the Single Family Residential (R-1) zone, to Office Professional (OP) zone on the following described property, to wit

**Legal Description:** 0.4218 acre, being out of Lot 29 of Walcott's Pearland Subdivision, according to the map or plat recorded in Volume 35, Pages 241 and 242 of the Brazoria County Deed Records. Said 0.4218 acre tract also being part of a certain called 74.986 acre tract recorded in Brazoria County Clerk's file number 94-040206

**General Location:** Southwest corner of McHard and Pearland Pkwy  
Pearland, Texas

**APPROVAL PROCESS:** After this Joint Public Hearing, the requested zone change application will be considered as follows:

Planning and Zoning Commission: November 15, 2010\*

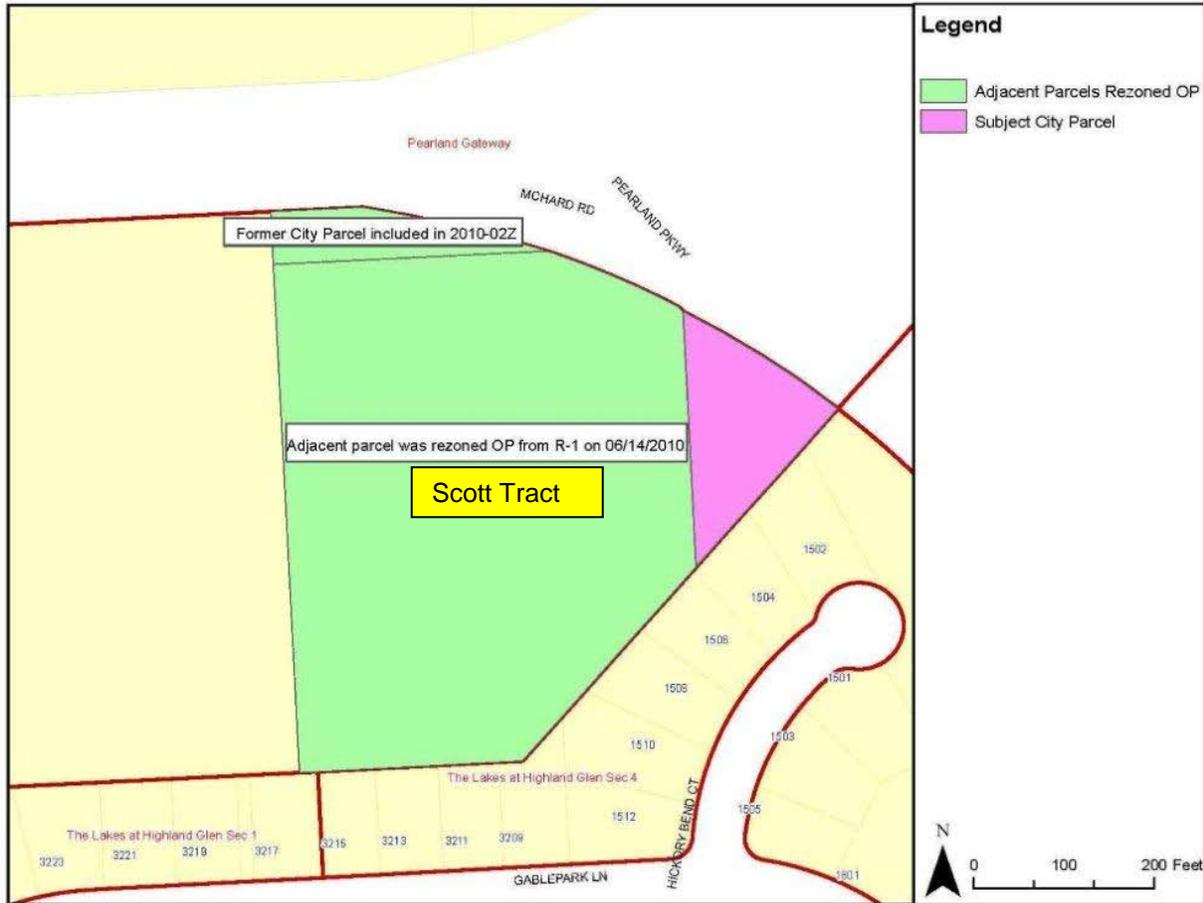
City Council for First Reading: December 13, 2010\*

City Council for Second Reading: December 27, 2010\*

(\*dates subject to change if item is tabled)

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**SUMMARY:** The City of Pearland is requesting approval of a zone change from Single Family Residential-1 (R-1) to Office Professional (OP). This request is a follow-up to a zone change approved by City Council in July 2010 which included approximately 5.83 acres of land at the Southwest Corner of McHard and Pearland Pkwy. At the time of the July 2010 zone change, there was one main tract at the Southwest intersection of McHard and Pearland Pkwy which was known as the Scott Tract and two smaller tracts of land owned by the City of Pearland. The owner of the larger tract of land purchased one of the smaller tracts of City owned property and applied for a zone change from R-1 to OP for the main tract of land and the smaller piece purchased from the City, which was approved by Council. The remaining smaller tract of land owned by the City is the land now being proposed to be rezoned at this time. These three tracts are illustrated below:



**SURROUNDING ZONING AND LAND USES:**

	<u>Zoning</u>	<u>Land Use</u>
North	Single Family Residential R-1	Vacant and University of Houston
South	Highland Glen PUD	Single Family Residential
East	Highland Glen PUD and Single Family Residential R-1	Single Family Residential
West	Office Professional OP	Vacant and Barbara Cockrell Elementary School

**CONFORMANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC):** The subject property is currently zoned as Single Family Residential (R-1). The minimum lot size for the R-1 district is 8,800 square feet, the minimum lot width is 80 feet, and the minimum lot depth is 90 feet. The Office Professional zoning district requires 12,000 square feet and 100 feet in width and depth. The property meets these development regulations for both zoning districts.

**PLATTING STATUS:** The property has not been platted.

**CONFORMANCE WITH THE COMPREHENSIVE PLAN:** In June of 2010, City Council approved an amendment to the Comprehensive Plan changing the area north and south of McHard to office professional from low-density residential. Therefore this zone change would bring an area currently not in compliance with the Future Land Use Plan in the Comprehensive Plan, into compliance.

**CONFORMANCE WITH THE THOROUGHFARE PLAN:** The subject property has frontage on McHard Road, a major thoroughfare with sufficient width for right-of-way of 120 feet.

**AVAILABILITY OF UTILITIES:** The subject parcel is not served by public water and sewer lines.

**IMPACT ON EXISTING AND FUTURE DEVELOPMENT:** As was discussed with the previous zoning case with the adjacent property, there are a number of issues including high traffic counts on the abutting commercial thoroughfares, noise issues, and safety concerns which help to illustrate that single family residential land use and zoning (the property's current zone) would likely not result in a development best suited for the site and surrounding area.

The proposed zone change should not have any significant negative impact on any surrounding structures or uses. This would also permit the applicant to develop the property in accordance with the Future Land Use Plan recommendations.

The applicant will be required to comply with all requirements of the Unified Development Code.

**ADDITIONAL COMMENTS:**

There are no additional comments from other departments.

**SITE PLAN CONSIDERATIONS:** A site plan is not required for a zone change as no development is planned at this time. Therefore, no site plan has been created or submitted for this proposed zone change.

**PUBLIC NOTIFICATION:** Public notice/comment forms were mailed to property owners within 200 feet of the subject property under consideration. A legal notice of public hearing was published in the local newspaper, and a Zoning Sign was placed on the subject property.

**OPPOSITION TO OR SUPPORT OF PROPOSED REQUEST:** Staff has not received any comments either in opposition to or in support of the proposed zone change request.

**STAFF RECOMMENDATION:** Staff recommends approval of the Zone Change 2010-08Z as proposed by the applicant with the following conditions, and for the following reasons:

Reasons for approval recommendation:

1. Approval of the zone change will result in conformance with the surrounding zoning and future land uses.
2. The proposed zone change is a follow-up to previously approved zone change 2010-02Z, which is the adjoining property.
3. The proposed zone change should not have any significant negative impact on the surrounding properties and developments.
4. The proposed zone change will bring the property into compliance with the latest approved Future Land Use Plan.

**SUPPORTING DOCUMENTS:**

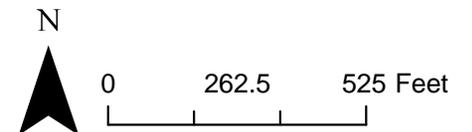
- Zone Change Application
- Vicinity Map
- Property Ownership Map
- Property Owner Notification List
- Zoning Map
- Future Land Use Plan
- Aerial Photograph
- Other Maps and Related Documents

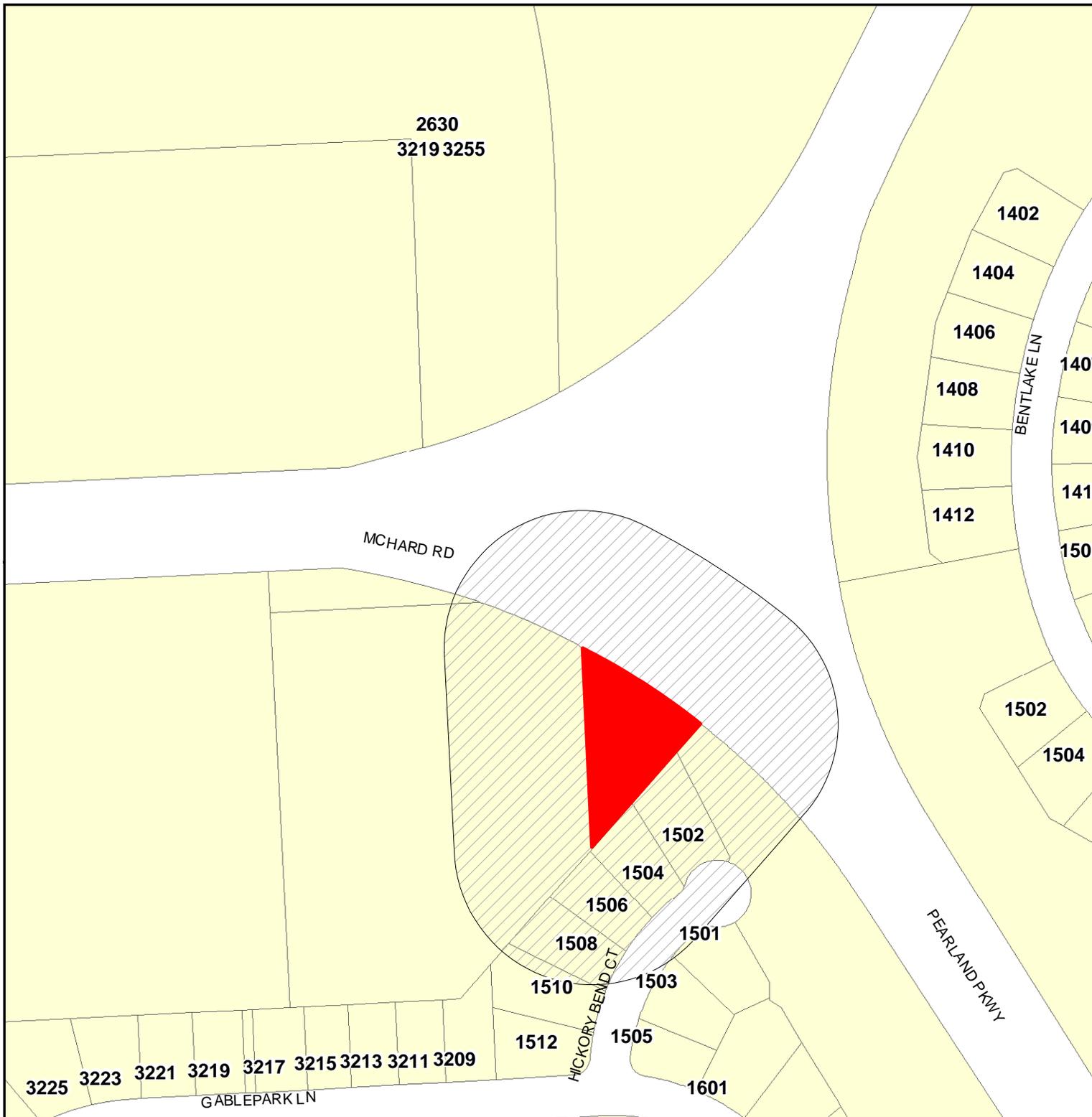


**VICINITY MAP**

**Zone Change 2010-08Z**

**Southwest Portion of  
Pearland Pkwy and  
McHard Road  
Pearland, TX**

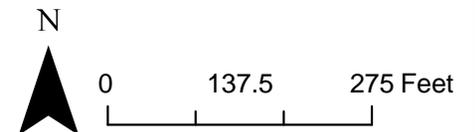




**ABUTTER MAP**

**Zone Change 2010-08Z**

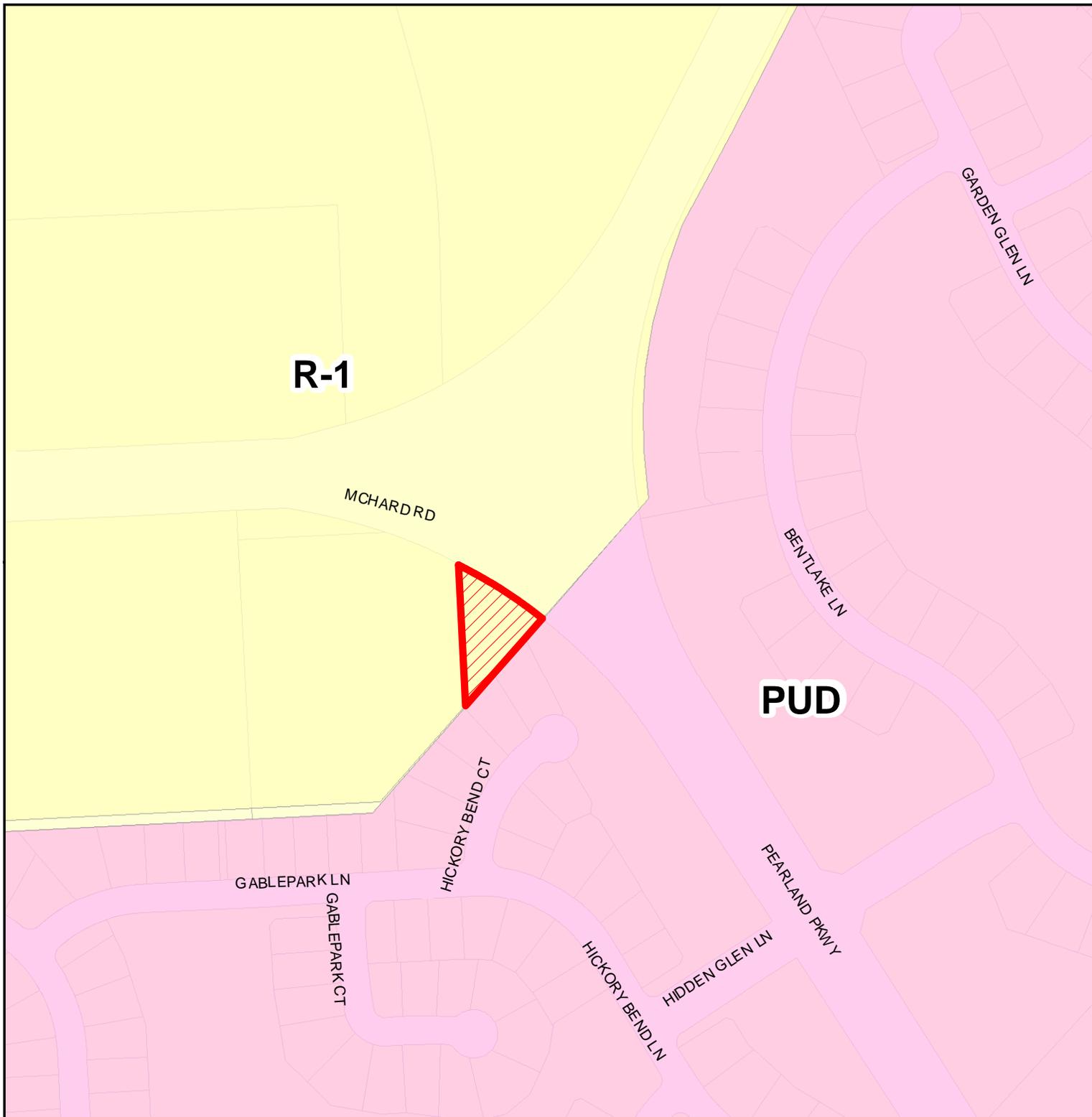
**Southwest Portion of  
Pearland Pkwy and  
McHard Road  
Pearland, TX**



**ZONE CHANGE APPLICATION NO. 2010-08Z  
CITY OF PEARLAND  
SOUTHWEST CORNER OF MCHARD AND PEARLAND PKWY  
PROPERTY OWNERS NOTIFICATION LIST**

BRAZORIA COUNTY MUD #23	3200 SW FRWY STE 2600	HOUSTON	TX	77027
ROSS CLARENCE L JR	1502 HICKORY BEND COURT	PEARLAND	TX	77581
LIRA RICHARD & MICHELLE HOLLEY- LIRA	1504 HICKORY BEND COURT	PEARLAND	TX	77581
SCOTT G D III & VIVIAN	703 HILLCREST DR	RICHMOND	TX	77469
AVEIGA JOSE & BLANCA	1506 HICKORY BEND COURT	PEARLAND	TX	77581
SCOGGINS LUCY	1508 HICKORY BEND COURT	PEARLAND	TX	77581
WATSON MONICA & DONNIE	1501 HICKORY BEND CT	PEARLAND	TX	77581
PLYMELL JEFFREY A	1510 HICKORY BEND COURT	PEARLAND	TX	77581
KNUDSON COURTNEY & DAVID RENAUD	1503 HICKORY BEND COURT	PEARLAND	TX	77581
CITY OF PEARLAND	3519 LIBERTY DRIVE	PEARLAND	TX	77581

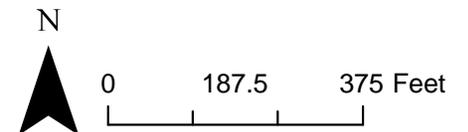


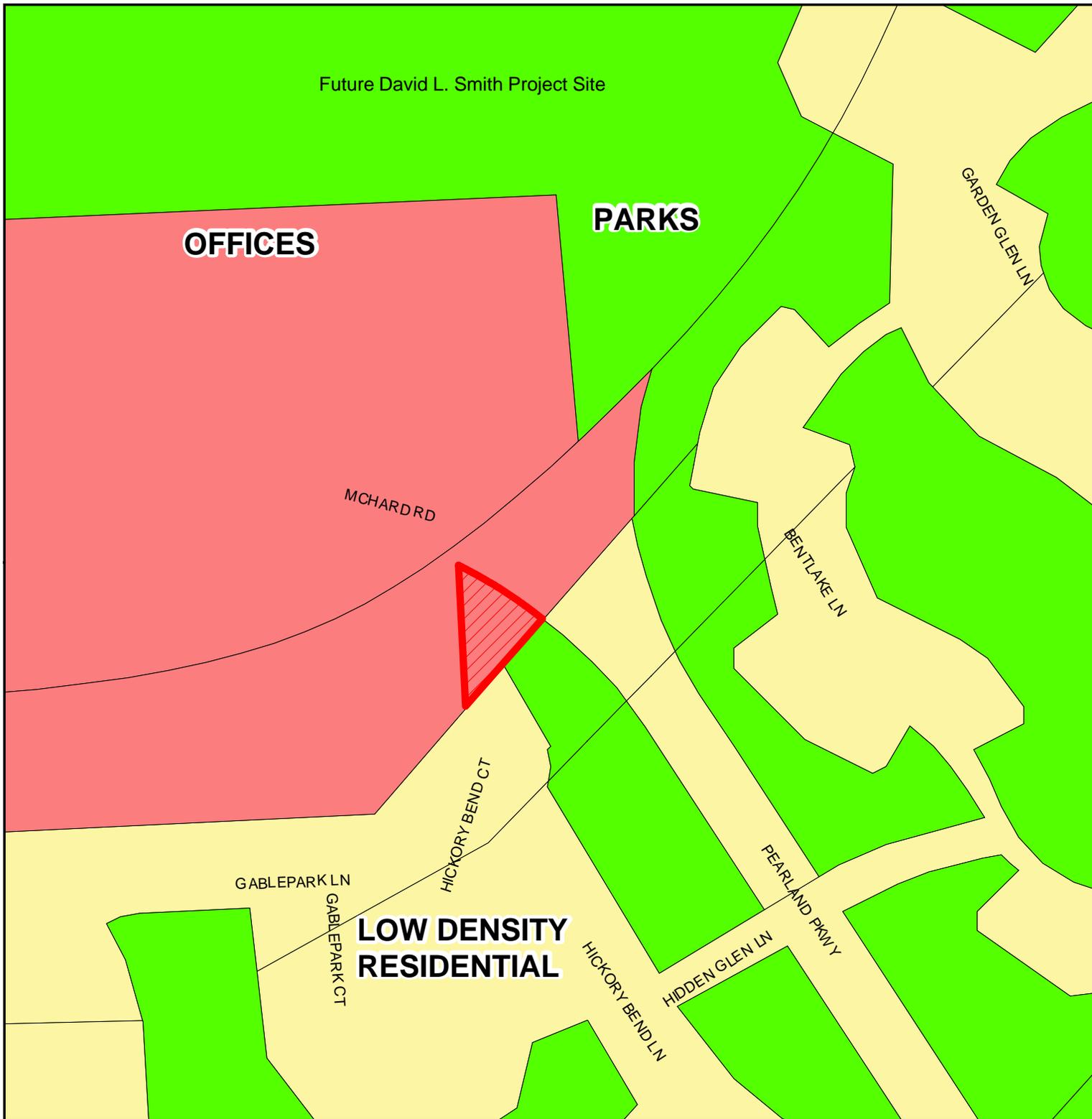


## ZONING MAP

Zone Change 2010-08Z

Southwest Portion of  
Pearland Pkwy and  
McHard Road

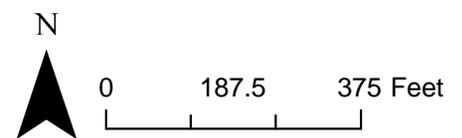


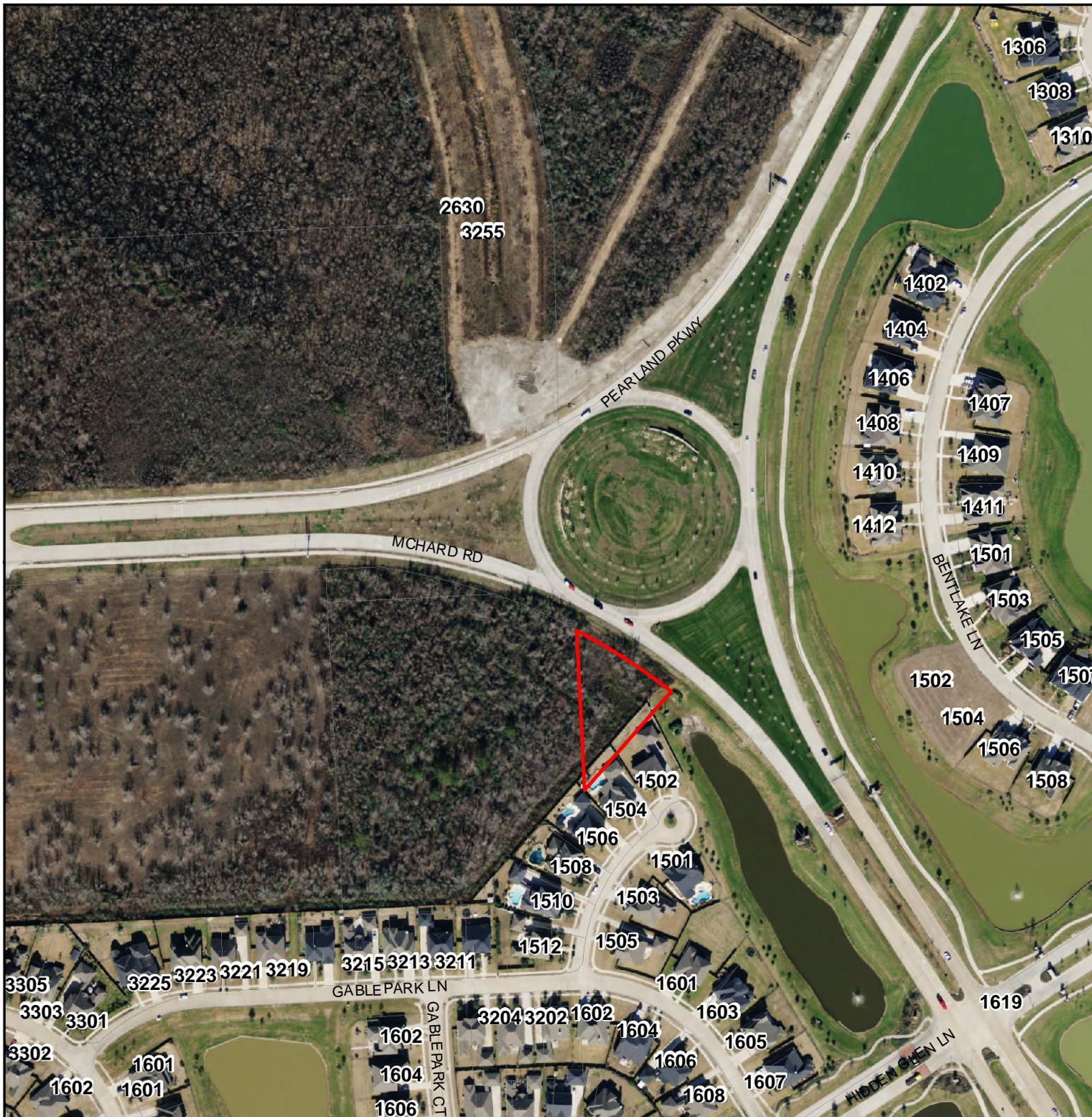


**FUTURE LAND USE MAP**

**Zone Change 2010-08Z**

**Southwest Portion of  
Pearland Pkwy and  
McHard Road**

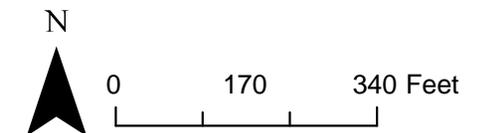




**AERIAL MAP**

**Zone Change 2010-08Z**

**Southwest Portion of  
Pearland Pkwy and  
McHard Road  
Pearland, TX**





# 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: Single Family Residential (R-1)

Proposed Zoning District: Office Professional (OP)

**Property Information:**

Address or General Location of Property: Southwest Corner of McHard and Pearland Pkwy

Tax Account No. 156061

Subdivision: \_\_\_\_\_ Lot: \_\_\_\_\_ Block: \_\_\_\_\_

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

**PROPERTY OWNER INFORMATION:**

City of Pearland

NAME Mike Hodge, Asst. City Mgr

ADDRESS 3519 Liberty Dr

CITY Pearland STATE TX ZIP 77581

PHONE( 281 ) 652-1650

FAX( 281 ) 652-1702

E-MAIL ADDRESS mhodge@ci.pearland.tx.us

**APPLICANT/AGENT INFORMATION:**

NAME Harold Ellis, Sr. Planner

ADDRESS 3519 Liberty Dr

CITY Pearland STATE TX ZIP 77581

PHONE( 281 ) 652-1742

FAX( 281 ) 652-1702

E-MAIL ADDRESS hellis@ci.pearland.tx.us

\*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: *Mike G. Hodge* Date: 10/22/10

Agent's/Applicant's Signature: *Harold Ellis* Date: 10/22/10

**OFFICE USE ONLY:**

FEES PAID: <u>N/A</u>	DATE PAID:	RECEIVED BY:	RECEIPT NUMBER:
-----------------------	------------	--------------	-----------------

Application No. 2010-082

TRACT II:

A TRACT OF LAND CONTAINING 0.4218 ACRE (18,374 SQUARE FEET), BEING OUT OF LOT 29 OF WALCOTT'S PEARLAND SUBDIVISION, ACCORDING TO THE MAP OR PLAT RECORDED IN VOLUME 35, PAGES 241 AND 242 OF THE BRAZORIA COUNTY DEED RECORDS (B.C.D.R.). SAID 0.4218 ACRE TRACT ALSO BEING PART OF A CERTAIN CALLED 74.986 ACRE TRACT RECORDED IN BRAZORIA COUNTY CLERK'S FILE NUMBER (B.C.C.F. NO.) 94-040206 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

(BEARINGS ARE BASED IN B.C.C.F. NO. 2002-016842)

BEGINNING at an iron rod set in the recognized southeasterly line of said Lot 29 marking the easterly corner of the herein described tract, said corner also being at a point on a curve in the southwesterly right-of-way (R.O.W.) line of Pearland Parkway (A.K.A. Mchard Road) and being the northerly corner of Reserve "A" of the Final Plat of The Lakes at Highland Glen, Section 4, according to the Map of Plat recorded in Volume 23, Page 331 of the Brazoria County Plat Records (B.C.P.R.);

THENCE S 41° 32' 17" W, along with the recognized southeasterly line of said Lot 29, the southeasterly line of the herein described tract and the northwesterly line of said Reserve "A" and Block 1 of said Final Plat of The Lakes at Highland Glen, Section 4, at 165.48 feet pass an iron rod found and continuing for a total distance of 205.04 feet to an iron rod set marking the southerly corner of the herein described tract and an angle point of a certain called 5.630 acre tract recorded in B.C.C.F. No. 96-040354;

THENCE N 02° 42' 00" W, along with the east line of said 5.630 acre tract, a distance of 250.48 feet to an iron rod set in the southwesterly R.O.W. line of aforesaid Pearland Parkway marking the northerly corner of the herein described tract and the southerly corner of a certain called 0.115 acre tract conveyed to the City of Pearland recorded in B.C.C.F. No. 2002-016842, said corner also being at a point on a curve to the right;

THENCE in a Southeasterly direction, along with the southwesterly R.O.W. line of said Pearland Parkway and the northeasterly line of the herein described tract, along with the arc of said curve to the right having a radius of 1,002.00 feet, an arc length of 176.84 feet, a central angle of 10° 06' 43" and a chord bearing and distance of S 56° 47' 32" E-176.61 feet to the POINT OF BEGINNING containing 0.4218 acre of land.



EDILBERTO V. BARRIENTOS  
Professional Land Surveyor, No. 5364  
September 09, 2008  
Job No. 08-10284

SCALE: 1" = 40'

**TRACT I: 0.3247 ACRE**  
**TRACT II: 0.4218 ACRE**  
**BEING OUT OF LOT 29**  
**WALCOTT'S PEARLAND SUBDIVISION**

ACCORDING TO THE MAP OR PLAN THEREOF RECORDED  
IN VOLUME 35, PAGE 201 OF THE PUBLIC DEED RECORDS  
OF BRAZORIA COUNTY, TEXAS  
(SEE ATTACHED METES AND BOUNDS)

ADDRESS: PEARLAND PARKWAY  
PEARLAND, TEXAS 77568  
ORDERED BY: RICHARD H. STOLLERS

THIS PROPERTY DOES NOT LIE WITHIN THE  
UNINCORPORATED AREA OF PEARLAND, TEXAS  
AS DETERMINED BY THE U.S. DEPT. OF HOUSING & URBAN  
DEVELOPMENT, COMMUNITY/PANEL NO. 480330C 0033 1  
MAP REVISION: 9/22/1999

MADE ONLY ON BASIS OF EXAMINATION OF MAPS  
AND RECORDS AND NOT ON BASIS OF A  
DETERMINATION MADE BY A FIELD STUDY

A SURVEYOR'S INSTRUMENT  
WAS BEYOND THE SCOPE OF THIS SURVEY

NOT BE SUBJECT TO ANY REQUIREMENTS AND/OR  
ADDITIONAL REQUIREMENTS, AND/OR REQUIREMENTS.

THIS SURVEY WAS APPROVED BY THE COMMISSIONER  
OF THE BRAZORIA COUNTY CLERK'S OFFICE

THIS SURVEY WAS APPROVED BY THE COMMISSIONER  
OF THE BRAZORIA COUNTY CLERK'S OFFICE

**MICHARD ROAD**  
(TOP HALF)

**PEARLAND PARKWAY**

**PEARLAND PARKWAY**

**RESERVE "A"**

**TRACT II**  
OUT OF PEARLAND TRACT  
BEING OUT OF LOT 29  
(PENDING LIT)

**LOT 9**

**LOT 8**

**LOT 10**

**TRACT I**  
OUT OF PEARLAND TRACT  
BEING OUT OF LOT 29  
(PENDING LIT)

**PEARLAND PARKWAY**

FOR REFERENCE ONLY  
NOT TO SCALE  
LARGE SCALE DRAWING TO  
BE DELIVERED



I HEREBY CERTIFY THAT THIS SURVEY WAS MADE  
IN ACCORDANCE WITH THE RULES AND REGULATIONS  
GOVERNING THE PRACTICE OF THE PROFESSION OF  
LAND SURVEYING IN THE STATE OF TEXAS AND THAT  
I AM A LICENSED PROFESSIONAL LAND SURVEYOR  
CERTIFIED FOR THIS TRANSACTIONS ONLY.

ROBERTO V. HERNANDEZ  
PROFESSIONAL LAND SURVEYOR  
NO. 5364  
COMMISSION EXPIRES  
SEPTEMBER 06, 2008

PRECISION SURVEYORS  
PROFESSIONAL LAND SURVEYORS  
1-800-LANDSURVY TEL: 281-485-1088  
1-800-365-1287 FAX: 281-485-1087  
1000 WILSON ROAD SUITE 200 WILSON, TEXAS 77570

DRAWN BY: SV