

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JUNE 18, 2012, 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 2012-03**

At the request of Narsh Inc., applicant, and owner, for approval of a Conditional Use Permit to allow the operation of an Auto Repair (Major) facility in the General Commercial (GC) District, on the following described property, to wit:

**Legal Description:** Lot 2 of 1011 Main Addition, A subdivision of 10.2734 acres situated in the H. T. & B. R. R. CO. Survey, Abstract 542, according to the map or plat thereof recorded in Clerk's File No. 2012009314 of the Official Records of Brazoria County, Texas

**General Location:** 1011 N. Main, Pearland, TX

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 JUNE 18, 2012

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### Conditional Use Permit No. CUP 2012-03

At the request of Narsh Inc., applicant, and owner, for approval of a Conditional Use Permit to allow the operation of an Auto Repair Facility (Major) in the General Commercial (GC) District, on the following described property, to wit:

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**General Location:** 1011 N. Main, Pearland, TX

**APPROVAL PROCESS:** After this Joint Public Hearing, the requested Conditional Use Permit application will be considered as follows:

Planning and Zoning Commission: June 18, 2012\*  
City Council for First Reading: July 9, 2012\*  
City Council for Second Reading: July 23, 2012\*

(\*dates subject to change)

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**SUMMARY:** Narsh Inc., applicant and owner, is requesting approval of a Conditional Use Permit to allow the operation of an Auto Repair Facility (Major) at the above referenced location. The site is currently zoned General Commercial (GC) and there are not currently any business operations ongoing at the site. The most recent commercial use on the site was column sales/construction company which is no longer in operation. The property has an existing commercial structure on site; however the structure is not currently in use.

The property owner is proposing to redevelop the site to be used as a Maaco Collision Repair and Auto Painting Facility. On August 3, 2011, a Pre-development meeting was

held between staff and the property owner to discuss the City's current regulations for development. At that meeting, the proposed use was classified as Auto Body Repair, which was a permitted use in the General Commercial (GC) zoning district at that time. On March 19, 2012, the applicant submitted plans to the City for a Commercial Build Out permit. The Planning Department reviewed the plans and was unable to approve the permit as the land use classification in the City's Unified Development Code no longer permits the proposed use. This proposed use is currently classified in the City's Land Use Matrix as Auto Repair Facility (Major) which is only permitted in the General Commercial (GC) zone with the approval of a Conditional Use Permit. The change in the two classifications occurred when the City last updated the Unified Development Code, which was approved on October 24, 2011. This update combined the land use classification of Auto Body Repair, permitted by-right prior to the latest UDC update in the GC zoning district, with Auto Repair Facility (Major), which is only permitted in the GC zoning district with the approval of a Conditional Use Permit.

If the Conditional Use Permit is approved, the site plan process will commence with the Planning and Building departments.

**SURROUNDING ZONING AND LAND USES:**

	<u>Zoning</u>	<u>Land Use</u>
North	General Commercial (GC)	Vacant
South	General Commercial (GC)	Commercial
East	General Commercial (GC)	Commercial
West	Light Industrial (M-1)	Commercial

**CONFORMANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC):** As previously mentioned, the property is currently zoned General Commercial (GC). A breakdown between those lot and development requirements and the site current configuration is provided below:

	<u>General Commercial</u>	<u>Existing Site</u>
Lot Size:	22,500 sq ft	53,397 sq ft
Lot Width:	150'	187.14
Lot Depth:	125'	271.75'
Front Setback:	25'	~95'
Rear Setback:	25'	~25'
Side Setback:	10'	~75'/~35'

At the time of development, all aspects of the Unified Development Code (UDC) will be required to be met. At this time, all aspects of the UDC appear to be met with the exception of the side façade materials, which the applicant is working with the Planning Department to address.

**PLATTING STATUS:** The property is currently platted as Minor Plat of 1011 Main Addition.

**CONFORMANCE WITH THE COMPREHENSIVE PLAN:** The current Comprehensive Plan (latest update in 2009) indicates *Industrial* for the subject property. The subject property is currently zoned General Commercial (GC), and that zoning district is not a correlating zoning district in the City's Comprehensive Plan for *Industrial*. Light and Heavy Industrial (M-1 and M-2) are the correlating zoning districts which would comply with the City's Comprehensive Plan and Future Land Use Plan. However, as the Future Land Use Plan is meant to be a guide, and not parcel specific, and as this property is in general proximity of other Light Industrial (M-1) zoning districts, the property in question could be considered to be in general compliance with the Comprehensive Plan.

**CONFORMANCE WITH THE THOROUGHFARE PLAN:** The subject property has frontage on Main St, a major thoroughfare, with a minimum of 120' right-of-way.

**AVAILABILITY OF UTILITIES:** The subject parcel does have access to public water and public sewer.

**IMPACT ON EXISTING AND FUTURE DEVELOPMENT:** The traffic impact of the proposed development will be reviewed by the City's Engineering Department at the time of formal site plan submittal. When the City combined the two land use classifications mentioned above, the thought was that Auto Body Repair facilities may not always be appropriate in the General Commercial (GC) zoning district, particularly on major thoroughfares or at entrances to the City. In this case, the building to be used exists, the façade on the front is masonry, and does not resemble a typical auto repair facility (photo below). In this situation, the proposed use may not be as unsuited for the area as it may be if it were in a more traditional auto repair facility building, which would not blend as well with entrances to the City or along major thoroughfares.



As the applicant may not be adding additional parking, parking lot and site landscaping would not be triggered with the change of use. Therefore, to assist in mitigating the potential adverse impacts of the proposed use along a major thoroughfare in the City's Corridor Overlay District, Council may want to consider adding a condition of approval to the Conditional use Permit which requires additional landscaping be added to the site. This is further detailed in the Conditions of Approval section of this report.

**ADDITIONAL COMMENTS:** This request has been reviewed by the City's Development Review Committee and there are no additional comments from other departments at the time of this report.

**SITE PLAN CONSIDERATIONS:** A conceptual site plan for was submitted with the Conditional Use Permit application. This plan appears to meet the City's Corridor Overlay District regulations. A complete review will occur at time of formal site plan submittal.

**PUBLIC NOTIFICATION:** Public notice, comment forms, and a vicinity map were mailed to property owners within 200 feet of the subject property under consideration for the Conditional Use Permit. 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 comments either in opposition to or in support of the proposed Conditional Use Permit request.

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

- (1) The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan;
- (2) The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
- (3) The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;
- (4) The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;

- (5) The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;
- (6) The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and
- (7) The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.

**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.

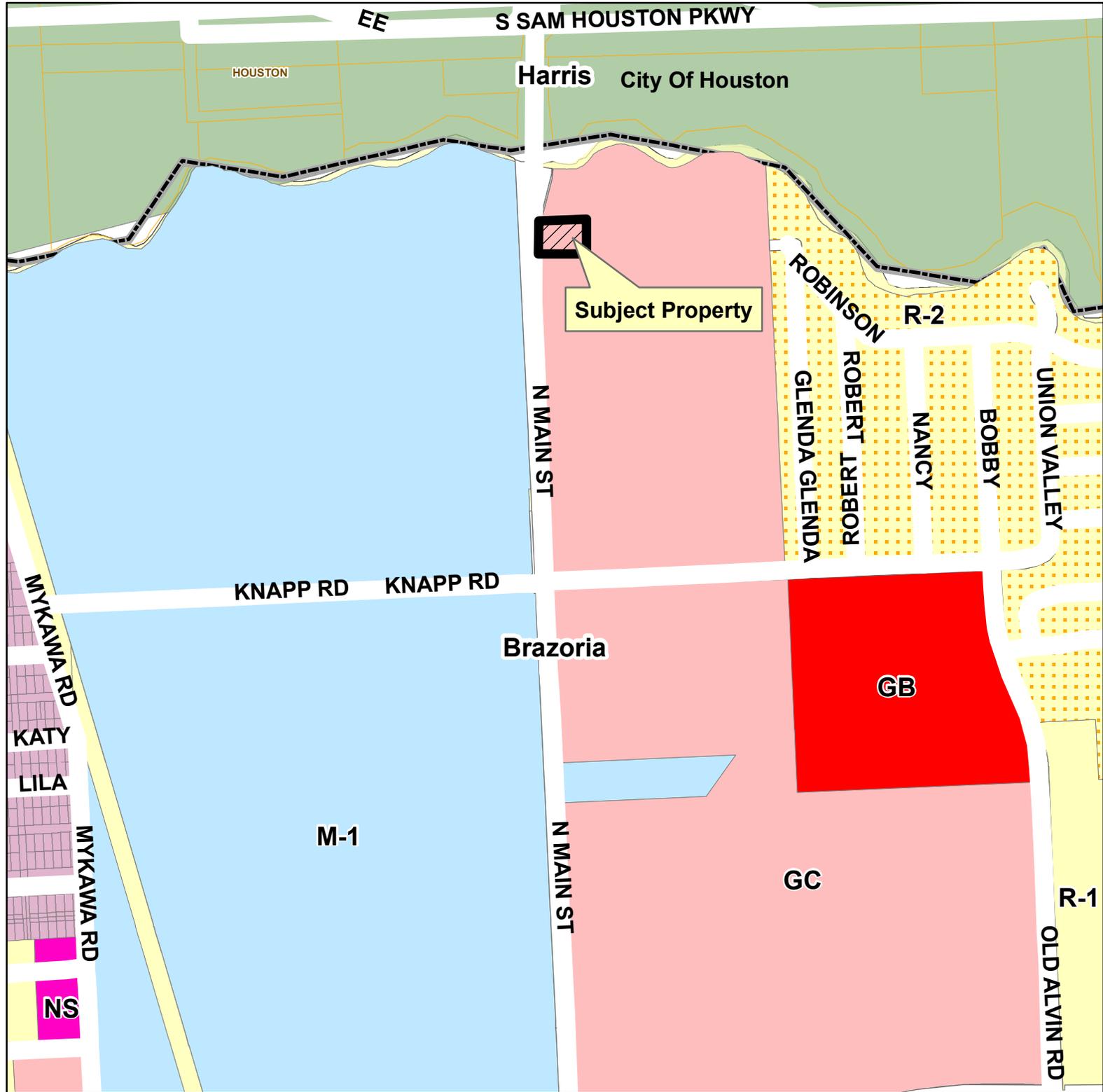
Should City Council identify additional impacts which it feels should be mitigated, additional conditions and modifications may be placed on the approval of the Conditional Use Permit.

**STAFF RECOMMENDATION:** Staff recommends approval of the Conditional Use Permit No. 2012-03 to allow the operation of an Auto Repair Facility (Major) in the General Commercial (GC) district as proposed by the applicant and owner for the following reasons and with the following condition:

1. The proposed request should not have any significant negative impact on the surrounding properties and developments.
2. The proposed request would be in conformance with the Unified Development Code with the approval of a Conditional use Permit.
3. The proposed request is in conformance with the criteria of approval of a Conditional Use Permit listed in the Unified Development Code.
4. The proposed request would result in redevelopment of a currently non-occupied building in a commercial zoning district.
5. The proposed request would enhance the property from its current state.

**SUPPORTING DOCUMENTS:**

- Vicinity and Zoning Map
- Property Ownership Map
- Property Owner Notification List
- Future Land Use Plan
- Aerial Photograph
- Zone Change Application and applicant packet

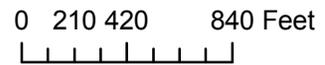


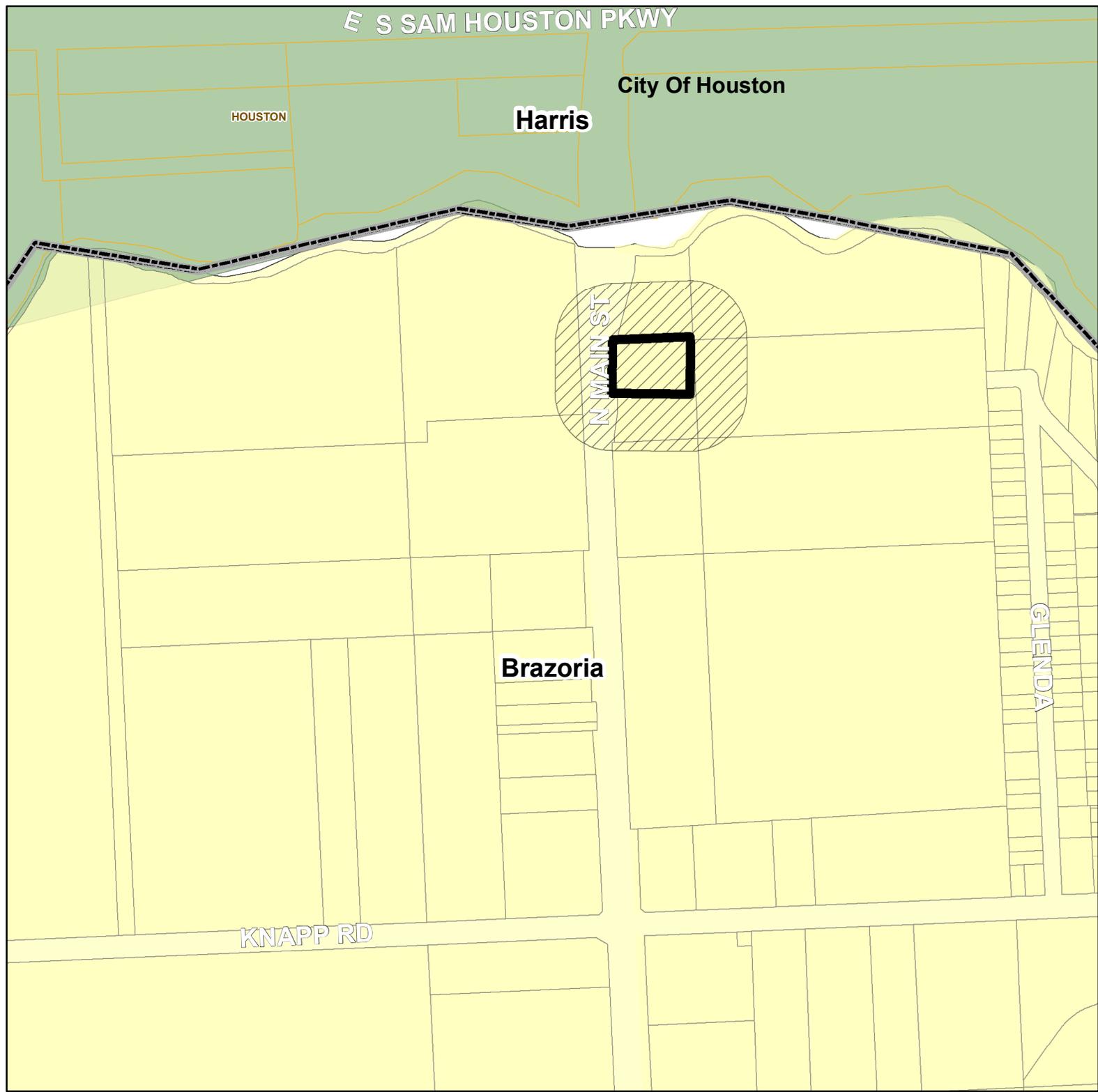
**Vicinity and Zoning Map**

**CUP 2012-03**

**1011 N. Main**

This product is for information 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.



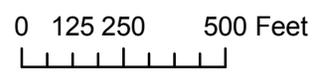


**Abutter Map**

**CUP 2012-03**

**1011 N. Main**

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<b>Owner</b>	<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zip</b>
GLADDEN RONNIE TAYLOR & MARGARET E	4714 COUNTY ROAD 42	ROSHARON	TX	77583
EJC FAMILY PARTNERSHIP LTD	1014 N. MAIN ST	PEARLAND	TX	77581
ST CLAIR CARLOS C/O HARRY ST CLAIR	4011 CREEK RIDGE LN	MISSOURI CITY	TX	77459
COLUMNS INC	1011 N. MAIN ST	PEARLAND	TX	77581
BELL BOTTOM FOUNDATION CO C/O JOE G WILKINS GENERAL MANAGER	1021 N. MAIN ST	PEARLAND	TX	77581
NARSH INC	3560 OLD SPANISH TRAIL	HOUSTON	TX	77021

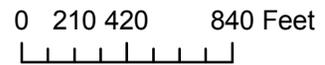


**FLUP Map**

**CUP 2012-03**

**1011 N. Main**

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**AERIAL Map**

**CUP 2012-03**

**1011 N. Main**

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0 125 250 500 Feet





# 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: AUTO REPAIR (MAJOR)  
(list proposed use from the Table of Uses of the UDC)  
Maaco Collision Re Pair & Auto Painting

Current Zoning District: G.C.

### Property Information:

Address or General Location of Property: 1011 Northmain ST  
Pearland TX 77581

Tax Account No. 05420021000

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

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

### PROPERTY OWNER INFORMATION:

NAME NARSH INC.  
ADDRESS 3560 Old Spanish Trail  
CITY Houston STATE TX ZIP 77021  
PHONE (832) 876-9099  
FAX (713) 741-1110  
E-MAIL ADDRESS Maaco53@Yahoo.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: [Signature] Date: 5-14-2012

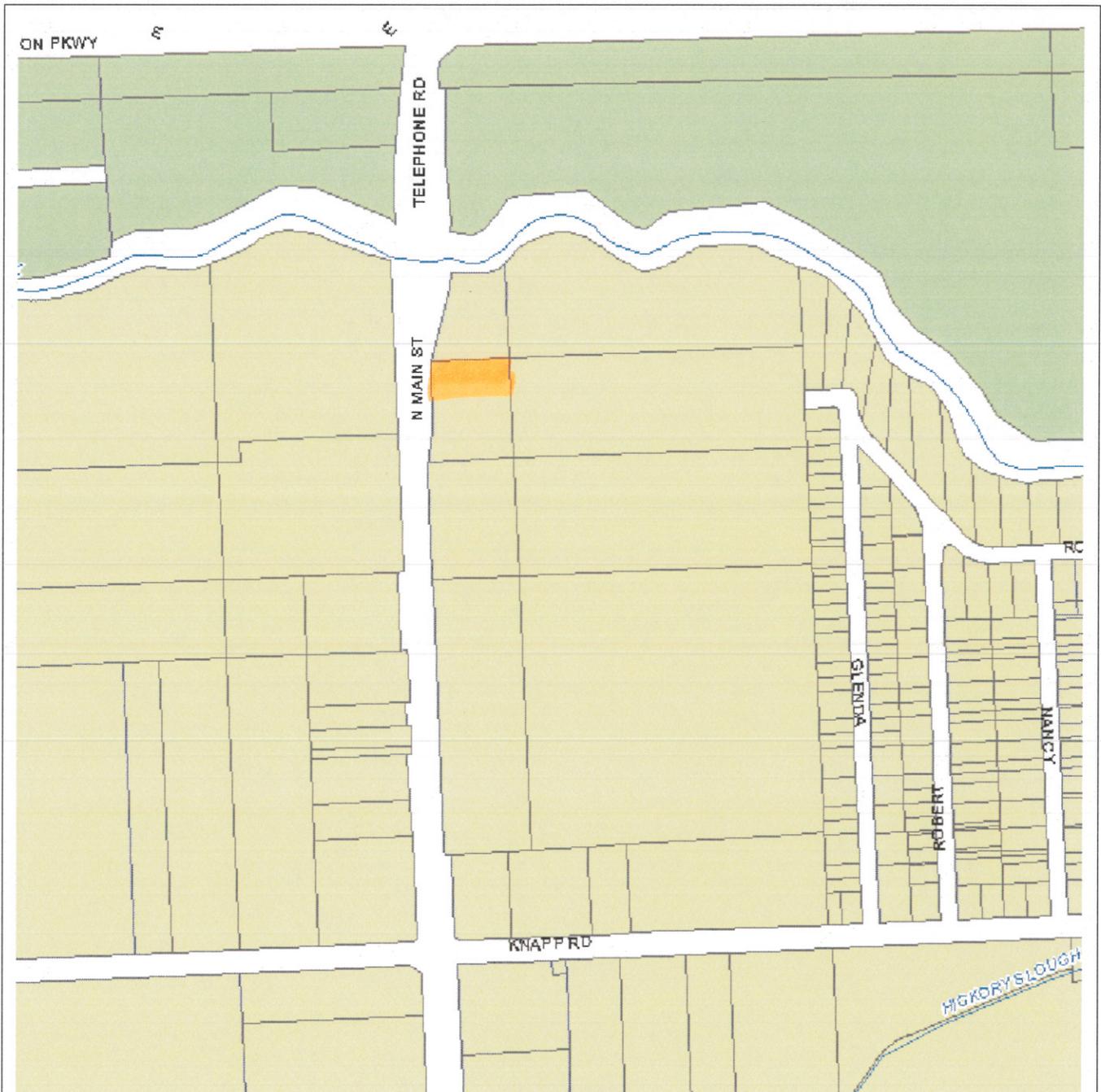
Agent's/  
Applicant's Signature: same Date: \_\_\_\_\_

### OFFICE USE ONLY:

FEES PAID: <u>250.00</u>	DATE PAID: <u>5/14/12</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>211479</u>
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Application No. 2012-03





### Vicinity Map - Pearland, TX



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.



May 14, 2012

Harold Ellis  
City Planner, City of Pearland  
3523 Liberty Drive,  
Pearland, TX 77581

**Re:** Conditional use Permit request  
1011 North Main Street Pearland, TX 77581

Dear Mr. Ellis,

Here is some additional information in connection with our Conditional Use Permit request. The following is a descriptive narrative about our business process that should answer all your questions.

Maaco Collision Repair and Auto Painting is the largest national franchise chain of body shops, established since 1971 with more than 500 franchised centers specializing in minor body repair and complete repainting of cars, small trucks, vans, etc. Our core business is to provide cosmetic refinishing of vehicles. Our typical customer vehicle needs a paint job and has minor dents and dings to be repaired. We prefer to not do major collision repairs, particularly those requiring extensive cutting, welding, frame straightening and/or repairs to engines and drive train components. For such damage we would typically sub out these types of repairs to local collision or mechanical repair shops.

Our operation generally involves the vehicle spending a few hours to a couple days in the actual body repair process (by comparison, heavy collision repairs can take many days or even weeks to complete). The vehicle is then prepped for refinishing (sanding, masking), primed and painted in the spray booth, dried in a gas fired oven, unmasked and detailed (vacuum interiors, clean windows, replace emblems, trim, wipers, license plates, etc. as needed) for delivery back to the customer. All work is done inside the building. Our business is typically open from 7:30 am to 5:30 pm Monday through Friday plus half a day on Saturday for the convenience of our customers. The shop crew is typically working from 8:00 am to 5:00 pm Monday through Friday; a partial crew may work Saturday on equipment maintenance and general housekeeping.

The paint storage & mixing room (typically an H-3 "liquid storage room") will contain approximately 150 gallons of automotive paints and related products in factory sealed containers (pints, quarts, gallons and fives). Paint mixing of up to a gallon at a time is accomplished in this same room; there are no pumps or piping between the storage room and the booth. All paint is applied in a self contained booth.

We do not do repairs to engines, drive trains, radiators, fuel systems or tanks, nor does our business involve tune-ups or oil changes. Vehicles requiring these types of repairs would undoubtedly have sustained heavy collision damage and would be subbed out as stated above. We do not wash cars and have no wash down area. We do not wet sand vehicles; in fact, we have no significant water usage (outside of normal restroom activities). Our typical customer vehicle is basically in good operating condition (not leaking fuel, oil, etc.) and just needs some cosmetic refinishing.

Vehicles waiting to be repaired would be temporarily kept in a fenced yard adjacent to the building. Once a vehicle repair has started, it is usually completed in just a couple of days. Once completed, they are delivered back to the customer.

We will be providing affordable cosmetic vehicle refinishing that is not yet available in this part of the market. Traffic impact would be minimal. We expect to have 12-14 employees and anticipate 8-12 customer visits per day. The surrounding neighborhoods include automotive repair/service, light industrial/manufacturing, and other commercial type services.

Furthermore, it will increase the employment base in the area.

We have already purchased a 12,000 sq. ft. building on a 53,000 sq. ft. lot commonly known as 1011 North Main Street Pearland, TX 77581.

There is sufficient onsite parking under current parking codes for customer vehicles and employees; any vehicles parked outside overnight would be within the existing fenced area at the rear of the site.

We have attached a shop plan for your review.

I, myself, as a resident of Pearland am striving to hold true the standards in our great city. If you have any questions or desire further information please do not hesitate to call me at the numbers below.



Best Regards,  
Syed S. Hussain  
Cell: (832) 876-9099  
Work: (713) 741-7444

CITY OF PEARLAND

\*\*\* CUSTOMER RECEIPT \*\*\*

Oper: CBLAIR      Type: CC    Drawer: 1  
Date: 5/15/12 02    Receipt no: 211479

Description	Quantity	Amount
BA	BOARD OF ADJUSTMENTS	
	1.00	\$250.00
Trans number:		3707773

KARSH INC.  
1011 N. MAIN  
CUP

Tender detail		
CK CHECK	5018	\$250.00
Total tendered		\$250.00
Total payment		\$250.00

Trans date: 5/14/12    Time: 13:34:17

H.T. & B.R.R. CO.  
SURVEY  
ABSTRACT 542

CARLOS ST. CLAIR  
FILE NO. 1992007413  
O.R.B.C.

P.O.B.

75'x75' PIPELINE ESMT.  
VOL. 492, PG. 533

FND 1/2" IR  
W/CAP MARKED  
"SURVEY 1"

FND 1/2" IR  
W/CAP MARKED  
"SURVEY 1"(A)

N 87°02'19"E

271.75'

30' PIPELINE ESMT.

30'x15' PIPELINE ESMT.

30'x50' PIPELINE ESMT.

NORTH MAIN STREET  
(R.O.W. VARIES)

N 01°36'45" W 187.14'

LOT 2

PART OF COLUMNS, INC.  
FILE NO. 1967009435  
O.R.B.C.

BRICK & METAL  
HI-BAY BUILDING

152.0'

193.51'

S 03°06'43" E

S 87°04'31" W

278.63'

10' ACCESS ESMT.

25' W.S.E.

TITLE COMPANY:

stewart  
title

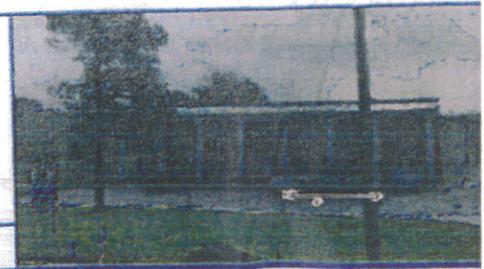
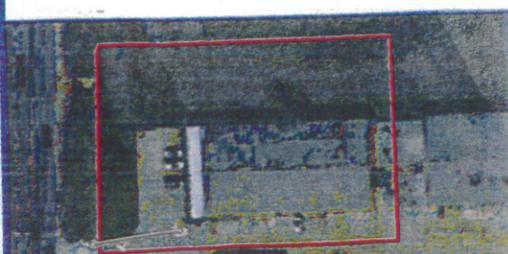
CATHY S. CROCKER

281-412-6900

G.F. #: 1103931662

ISSUE DATE:

4-11-2012



## 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:

(C.U.P.)

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

*#WS*  
*5-14-2012*

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

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

# DUPLICATE TAX RECEIPT



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

**Certified Owner:**

COLUMNS INC  
1011 N MAIN ST  
PEARLAND, TX 77581-2207

**Legal Description:**

A0542 H T & B R R, TRACT 82C-83C,  
PEARLAND, ACRES 10.2734

Parcel Address: 1011 N MAIN ST HWY 35  
Legal Acres: 10.2734

Remit Seq No: 18906425  
Receipt Date: 10/26/2011  
Deposit Date: 02/22/2012  
Print Date: 05/08/2012

Deposit No: TR120531  
Validation No: 900000023672553  
Account No: **0542-0021-000**  
Operator Code: CYNT

Year	Tax Unit Name	Tax Value	Tax Rate	Levy Paid	P&I	Coll Fee Paid	Total
2011	Brazoria County	853,700	0.413101	1,768.90	0.00	0.00	1,768.90
2011	Special Road & Bridge	853,700	0.060000	256.92	0.00	0.00	256.92
2011	Pearland Isd	853,700	1.419400	6,077.87	0.00	0.00	6,077.87
2011	Brazoria Drainage Dist 4	853,700	0.156000	667.99	0.00	0.00	667.99
2011	City Of Pearland	853,700	0.685100	2,933.60	0.00	0.00	2,933.60
				<b>\$11,705.28</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$11,705.28</b>

Check Number(s):  
1620

PAYMENT TYPE:

Checks: \$11,705.28

Exemptions on this property:

Total Applied: \$11,705.28

Change Paid: \$0.00

**ACCOUNT PAID IN FULL**

**PAYER:**  
COLUMNS INC  
1011 N MAIN ST  
PEARLAND, TX 77581-2207

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

# PROPOSED

(Conditional Use Permit)

Contact City of Pearland

281-652-1768