

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD OCTOBER 15, 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

**ZONE CHANGE APPLICATION NO. 2012-10Z**

A request of Jack McGuff, Jr, applicant, on behalf of Third Coast Terminals, owner, for approval of a zone change from the Light Industrial (M-1) zone and Heavy Industrial (M-2) zone, to Planned Development (PD) zone for approximately 41.61 acres on the following described property, to wit:

**Legal Description:** Being 2.9125 acres of land out of and part of Lot Forty (40), of the W. Zychlinski Subdivision, Section No. Three (3), in the H. T. & B. R. R. Co. Survey, A-232, Brazoria County, Texas, according to the plat recorded in Volume 29, Page 43 of the Deed Records of Brazoria County, Texas, and;

A 13.611 acre tract in the H. T. & B. R.R. CO. Survey, Section 3, Abstract No. 232 in Brazoria County, Texas. Said 13.611acre tract is part of Lot 40 of the W. Zychlinski subdivision as recorded in Volume 29, Page 43 of the Brazoria County Deed Records. Said 13.611 acre tract is further described as being that same tract described in a deed to Nguyen Enterprise, LLC as recorded in Clerk's File No. 03-059143 in the Brazoria County Clerk's Office, and;

A 25.081 Acre tract in the H.T. & B. R. R. Co. Survey, Abstract No. 232, Brazoria County, Texas. Said 25.081 acre tract is part of Lots 46 and 50, of the Zychlinski Subdivision as recorded in Volume 29, Page 43 in the Brazoria County Deeds Records and is further described as being part of Tract 5 and a part of Tract 6 described in a deed to FEF Family Limited Partnership as recorded in Clerk's File No. 96-046033 in the Brazoria County Clerk's Office, and is all of a 4.64 acre tract described in a deed to FEF Family Limited Partnership as recorded in Clerk's File No. 96-046031 in the Brazoria County Clerk's Office.

**General Location:** 1871 Mykawa Road  
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 OCTOBER 15, 2012

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### Zone Change No. 2012-10Z

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**General Location:** 1871 Mykawa Road  
Pearland, TX

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

Planning and Zoning Commission: October 15, 2012\*  
 City Council for First Reading: November 12, 2012\*  
 City Council for Second Reading: November 26, 2012\*

(\*dates subject to change)

**SUMMARY:** Jack McGuff, Jr, applicant, at the request of Third Coast Terminals, owner, has requested a Planned Development (PD) expansion of a previously approved PD known as Third Coast Terminals, approved by City Council in February 2009. The property contains approximately 18 acres, and the proposed expansion consists of approximately 41 acres. The sole allowed use in the Planned Development is *Chemical Packaging and Blending*. This use is currently allowed with the approval of a Conditional Use Permit (CUP) in the M-1, *Light Industrial* and M-2, *Heavy Industrial* zoning districts. Third Coast is currently in operation on site.

There are no proposed changes to the content of the Planned Development district. The only proposed change is to expand the acreage, into *Phase Two*, as illustrated on the attached phasing plan.

**SURROUNDING ZONING AND LAND USES:**

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

**CONFORMANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC):** The subject property is currently zoned Planned Development (PD), with a base zoning district of Heavy Industrial (M-2). The minimum lot sizes requirements for the base district as well as the total site are as follows:

	<u>M-2</u>	<u>Property in Question (total site)</u>
<u>Lot Area:</u>	40,000 sq. ft.	~1,785,960 sq. ft.
<u>Lot Depth:</u>	150'	~1,035' (at mid point)
<u>Lot Width:</u>	150'	~2,000' (at front setback)

As indicated above, the property meets the development regulations of the Planned Development.

**PLATTING STATUS:** The portion of the property currently being used by Third Coast for their operations has been platted. The area of expansion has not been platted. A subdivision plat will be required at the time of development of phase two.

**CONFORMANCE WITH THE COMPREHENSIVE PLAN:** The current adopted Comprehensive Plan's Future Land Use Map indicates this area should be *Industrial*. Corresponding zoning designations for the *Industrial* classification are M-1 and M-2, Light and Heavy Industrial. The land use designation proposed in the Planned Development is *Chemical Packaging and Blending*. This use is currently allowed with the approval of a Conditional Use Permit (CUP) in the M-1 and M-2 zoning districts. Therefore, if approved, the Planned Development requested would be consistent with the Comprehensive Plan.

**CONFORMANCE WITH THE THOROUGHFARE PLAN:** The subject property has frontage on Mykawa, a secondary thoroughfare with a 100' minimum right-of-way requirement.

**AVAILABILITY OF UTILITIES:** The subject parcel is served by public water and sewer.

**IMPACT ON EXISTING AND FUTURE DEVELOPMENT:** As this development already exists with no known negative impacts, the proposed amendment (PD expansion) is not anticipated to have any negative impacts on existing surrounding or future developments which are not able to be mitigated.

A Traffic Impact Analysis (TIA) may be required at the time of site plan review by the City's Engineering department to determine if there are any potentially negative traffic impacts anticipated as a result of the proposed development at the time. Mitigation measures that are deemed necessary as a result would be responsibility of the applicant to implement.

**ADDITIONAL COMMENTS:** This request has been reviewed by the City's Development Review Committee and there are no additional comments.

**SITE PLAN CONSIDERATIONS:** A site plan is not required for a zone change. A phasing plan has been provided indicating the existing operations and area of proposed expansion.

**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 notification 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 2012-10Z as proposed by the applicant for the following reasons:

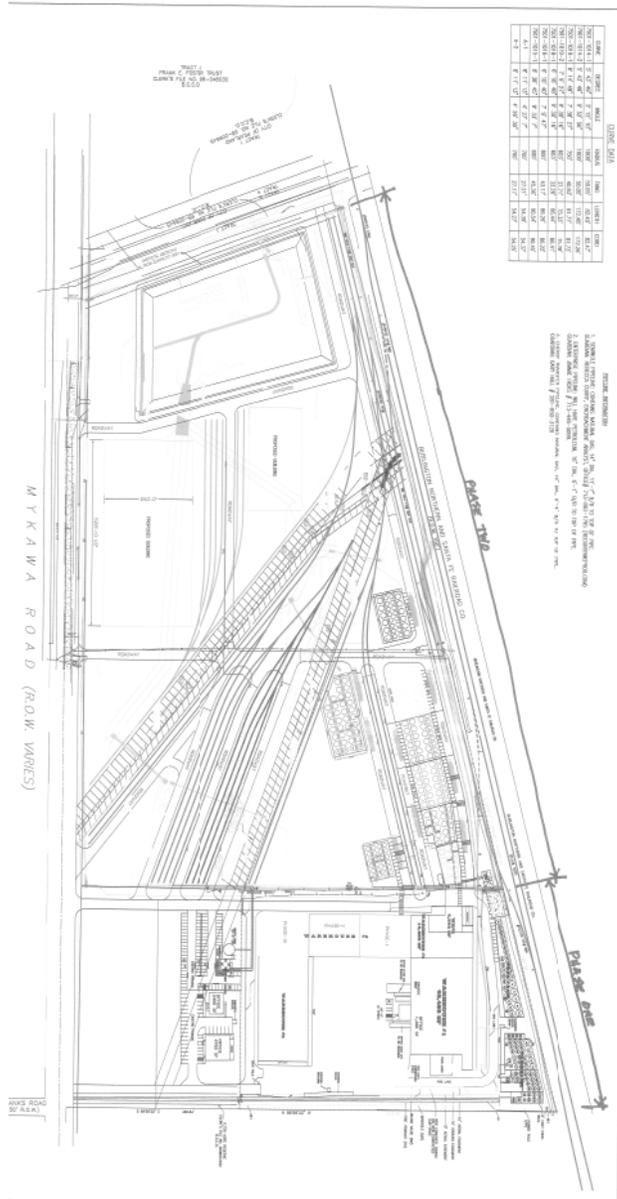
1. Approval of the zone change will result in conformance with the surrounding zoning as well as current and future land uses.

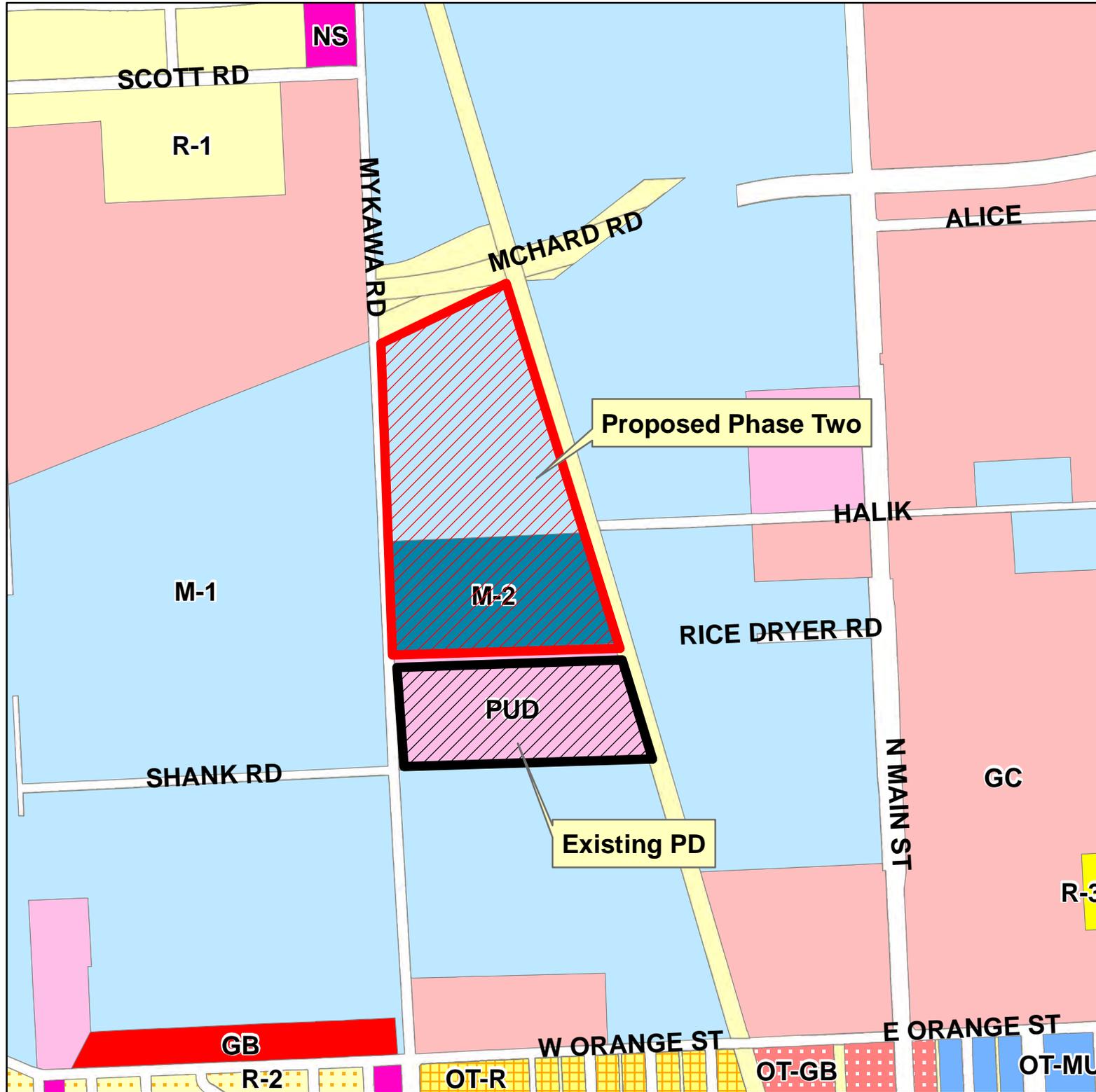
2. The proposed zone change should not have any significant negative impact on the surrounding properties and developments.
3. The proposed zone change will bring the property into compliance with the approved Future Land Use Plan.
4. The proposed zone change will result in the expansion of an existing business in Pearland.

**SUPPORTING DOCUMENTS:**

- Phasing Plan
- Vicinity and Zoning Map
- Property Ownership Map
- Property Owner Notification List
- Future Land Use Plan
- Aerial Photograph
- Zone Change Application and Applicant Documents
- Proposed PD Document

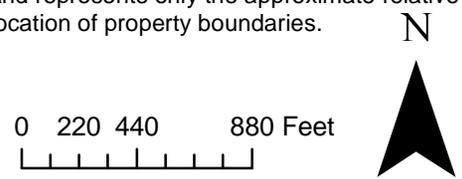
**Phasing Plan:**

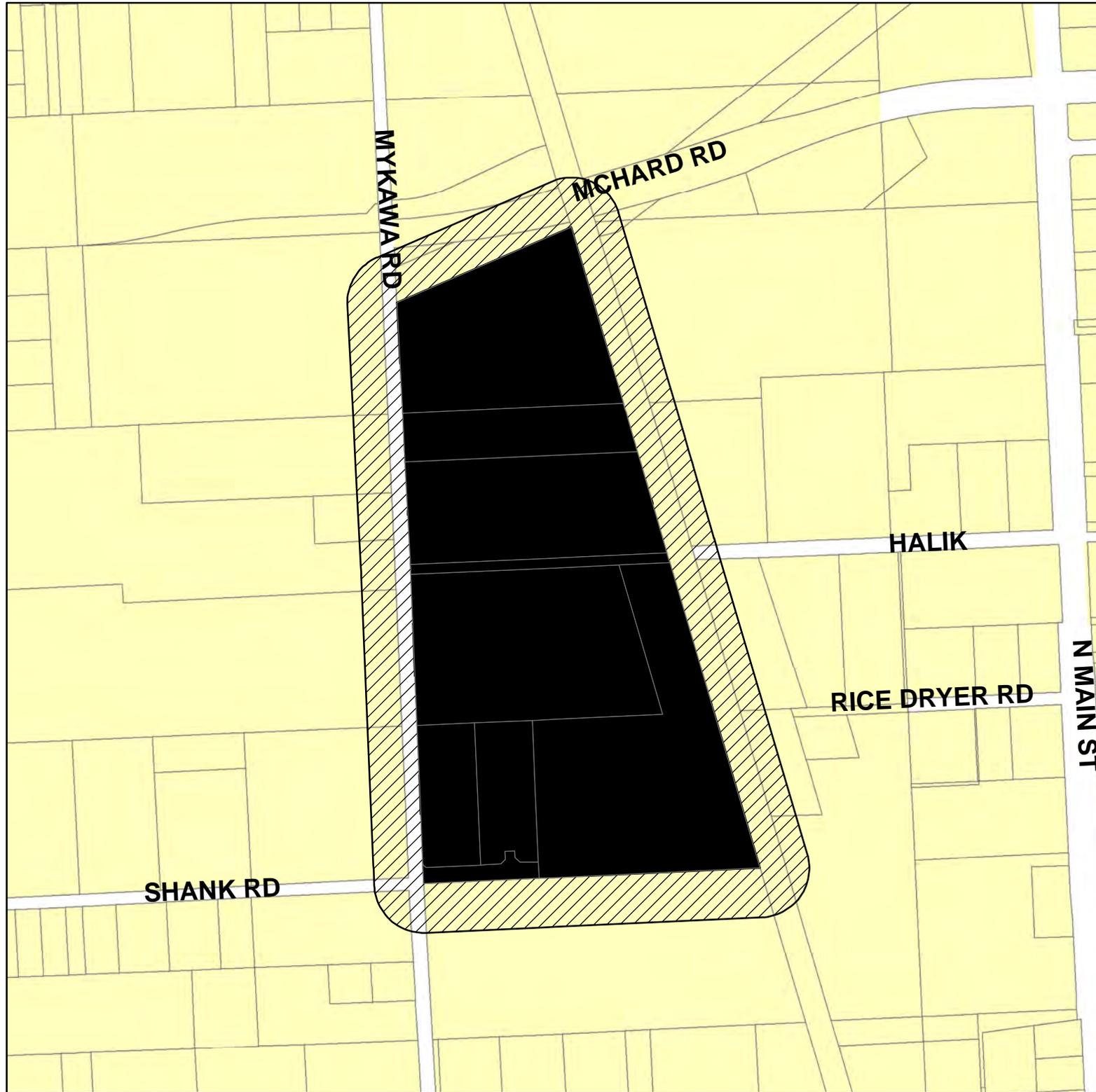




**Zoning & Vicinity Map**  
**Zone Change 2012-10Z**  
**1871 Mykawa**

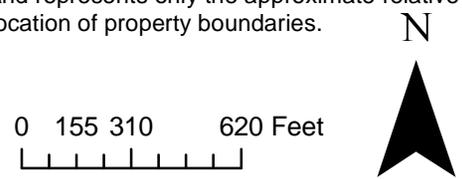
This product is for information purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



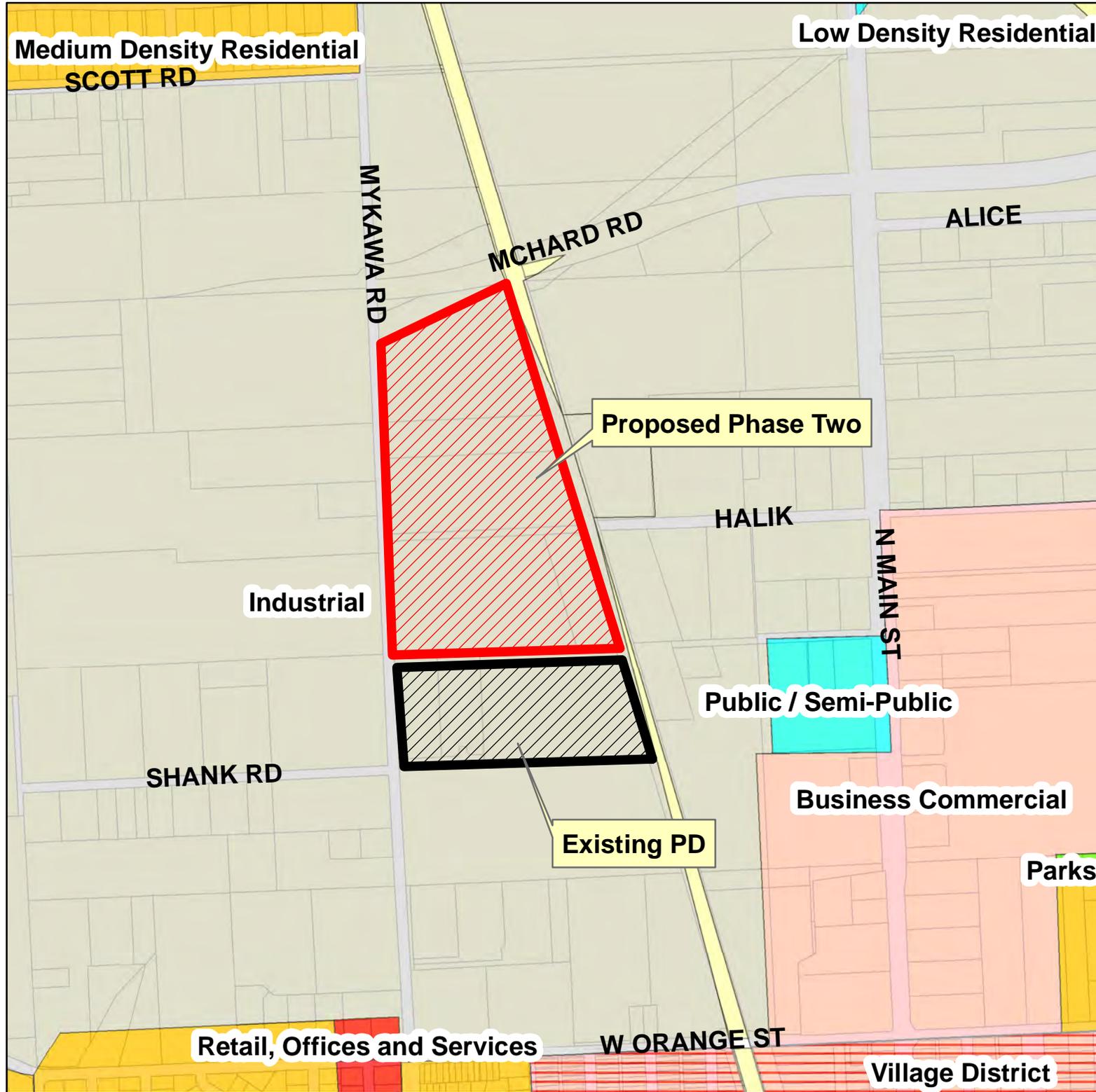


**Abutter Map**  
**Zone Change 2012-10Z**  
**1871 Mykawa**

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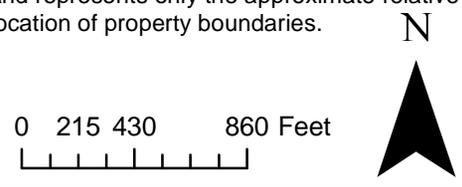


<b>Name</b>	<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zipcode</b>
BRAZORIA CO DRAINAGE #4	4805 BROADWAY ST	PEARLAND	TX	77581-3934
PEARLAND CEMETARY	HALIK ST	PEARLAND	TX	77581
1871 MYKAWA LTD	8100 WASHINGTON, SUITE 1000	HOUSTON	TX	77007
PRP PEARLAND PLAZA LLC	5539 SMU BLVD STE 100	DALLAS	TX	75206-5030
MONTALBANO LUMBER CO INC	1309 HOUSTON AVE	HOUSTON	TX	77007-6235
NEWMAN E W, JEFF FLEMING	2306 DUBLIN CIR	PEARLAND	TX	77581-5114
1871 MYKAWA LTD	1871 MYKAWA RD	PEARLAND	TX	77581-3207
HOUSTON PIPELINE CO LP, ATTN PROPERTY TAX DEPT	800 E SONTERRA BLVD STE 400	SAN ANTONIO	TX	78258-3941
PACKAGING SERVICE CO INC	1904 MYKAWA RD	PEARLAND	TX	77581-3210
MYKAWA INVESTMENTS LTD	1871 MYKAWA RD	PEARLAND	TX	77581-3207
DOUBLE D OIL & GAS LLC	10 MAGGIE LN	HOUSTON	TX	77063-1435
W & N ENTERPRISES, ROBERT STEELE	1710 MYKAWA RD	PEARLAND	TX	77581-2706
BRANDHOFF HAROLD E & STEPHANIE L	2101 N MAIN ST	PEARLAND	TX	77581-3309
PEARLAND ISD	PO BOX 7	PEARLAND	TX	77588-0007
THIRD COAST TERMINALS	1871 MYKAWA RD	PEARLAND	TX	77581
JACK MCGUFF, JR	5208 BROADWAY #204	PEARLAND	TX	77581
CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581-5416



**FLUP Map**  
**Zone Change 2012-10Z**  
**1871 Mykawa**

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**Aerial Map**

**Zone Change 2012-10Z**

**1871 Mykawa**

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0 220 440 880 Feet



# THIRD COAST TERMINALS PLANNED DEVELOPMENT (PD) FORMAT

11/19/08  
REVISED 01/27/09  
REVISED 09/28/12



# MCGUFFARCHITECTS

5208 Broadway #204  
Pearland, Texas 77581

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## THIRD COAST TERMINALS PLANNED DEVELOPMENT (PD) FORMAT

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11/19/08

Revised 01/27/09

Revised 09/28/12

### 1. Introduction

#### A. Description of Subject Property:

**The subject property consists of five (5) parcels, "A", "B", "C", "D" and "E". Parcel "A" is developed with warehouses and tank farms, including Main Warehouse No. 1 (49,468 sq.ft.), Warehouse No. 1 Office (1,468 sq.ft.); Warehouse No.2 (4,544 sq.ft.); Warehouse No.3 (14,925 sq.ft.); Warehouse No.4 under construction (51,600 sq.ft.), with a two (2) story 6,000 sq.ft. Office facility on the Southwest corner; Two (2) existing tank farm areas (81 tanks); tank farm (+ - 90 tanks) in existing detention area.**

**Parcel "B" is developed with two (2.) office Buildings and parking, including Office Building No.1 (4,760 sq.ft.) Office Building No.2 (2,460 sq.ft.); office parking area (39 spaces) and North parking area for warehouses located in Parcel "A" (80 spaces).**

**Parcel "C" is undeveloped.**

**Parcel "D" ( 13.5 acres) will be developed with new access roads , approximately 2,656 lin. ft. of rail spur tracks. Two (2) additional tank farms (24 tanks) and (35 tanks).**

**Parcel "E" (25 acres) will be developed with rail spurs, Warehouse No. 5 (+ - 132,000 sq.ft.), Warehouse No. 6 (+ - 100,000 sq.ft.), warehouse parking areas, detention area on North end of property and additional access road.**

#### B Description of Proposed Development:

**The property is used as a "Chemical Packaging and Blending Facility", with this use being permitted by an existing Conditional Use Permit. This development will be the expansion of the current industrial complex, consisting of new access roads, rail spurs, two (2) additional tank farms, two (2) additional warehouses, warehouse parking and detention area, as shown on the Design Plan.**

**Third Coast Terminals is a provider of bulk liquid handling solutions to the Petrochemical, Fine Chemical, Food and Pharmaceutical industries.**

## THIRD COAST TERMINALS

### PD FORMAT

11/19/08. REVISED 12/07/09. REVISED 09/28/12

- c. Describe the area of land in acreage:  
**The total industrial complex consists of + - 59.5 acres.**  
**Parcel "A" – 15 acres (Third Coast Packaging) Inc.)**  
**Parcel "B" - 3 acres (Mykawa Investments)**  
**Parcel "C" – 3 acres (Mykawa Investments)**  
**Parcel "D" – 13.5 acres (Third Coast Packaging, Inc.)**  
**Parcel "E" – 25 acres (Third Coast Packaging, Inc.)**
  
- D. A statement as to the purpose and intent of the PD district established herein:  
**The purpose and intent of the PD district is to provide continuing industrial services including contract manufacturing, toll processing, bulk product storage, railroad transportation logistics, warehousing and distribution industrial packaging, FDA and kosher packaging, laboratory services and blending.**

## II Zoning and Land Use

- A. Describe the existing zoning districts and the boundaries of said districts.  
Generally describe the location of the various districts. Use zoning districts from the UDC and refer to locations on the design plan.  
Third Coast Terminals Industrial Complex is zoned as per the current UDC as Heavy Industrial (M2); Property to the East, West and South is zoned Light Industrial (M1)
  
- B. Describe the base zoning district(s) and describe the areas in acreage of each different district:  
**The base zoning district to be overlaid is M2. The property consists of 38.5 acres. Property to the South M1 with the boundary from the South property line of Third Coast Terminals to Orange Street; Property to the East is zoned M1 with the boundary from the BNSF railroad to State Highway 35; Property to the West is zoned M1 with boundary unknown.**
  
- C. The general standards applicable to development within the district , with or without reference to the base district , including but not limited to, density, lot area, lot width, lot depth, yard depths and widths , building heights, building elevations, coverage, floor area ratio, parking access, accessory buildings, signs, lighting, project phasing or scheduling, management associations and such other requirements as the City Council may deem necessary in order to implement the comprehensive plan and the purpose of the PD district:

## THIRD COAST TERMINALS

### PD FORMAT

11/19/08; REVISED 01/27/09; REVISED 09/28/12

- C. (continued)  
**Property Area – total complex 59.5 acres (2,591,820 sq.ft.)**  
**Property Width – 2,160 ft. on Mykawa Road,**  
**Property Depth – average 1,200 ft.**  
**Warehouse Building Height – 22 ft. eave height ; 28 ft. overall**  
**Parking Areas – private access roads on North and South and Center.**  
**Sign – existing sign at Mykawa Road on South access road to remain.**
- D. Provide a table outlining the percent of use in each zoning classification . Include detention and major thoroughfares as specific items. Discuss possible variations from percentages in table and amount of variance requesting, if any:  
**Land Use Summary:**  
**Use – Industrial complex**  
**Acreage – 59.5 acres total complex.**  
**Zoning district – Heavy Industrial (M2)**  
**Detention Area No. 1 – 2.9125 acres**  
**Detention Area No. 2 – 4.45 acres**
- E. The permitted conditional and accessory uses authorized in the district, the location of such uses the residential densities, or other measurements of development , intensity associated with the base district or phases of the development in conformance with the approved design plan:  
**No accessory uses required**  
**No residential densities!**

III Design standards applicable to the development:

- A. **Sigbage, Landscaping, Fencing, Parking Screening, Trees, Etc.. Be sure to carefully consider all relevant regulations pertaining to the various land use requirement and if necessary address them in PD. These may be addressed with specific separate plans or as part of the design plan. State that these items are as per the UDC, or list variations:**

**SIGNAGE – existing company sign is located at Mykawa Road and will remain in place.**

**LANDSCAPING – all landscaping required is shown on Parcel “B” of original PD, dated 01/27/09. Parcel “D” and “E” will meet all landscaping requirements when developed.**

## THIED COAST TERMINALS

### PD FORMAT

11/19/08; revised 01/27/09; revised 09/28/12

- III A. (continued)
- PARKING - All parking for Parcel "A" and "B" is located on Parcel "B". All parking for Parcel "D" and "E", when developed, will meet all on-site parking requirements of the Unified Development code.**
- PLATTING – Parcel "A", "B" and "C" have been platted as shown in the original PD, dated 01/27/09. Parcel "D" and "E" have not been platted to date,**
- B. Refer to design plan and describe which aspects of plan are precise and which are general:  
**Warehouse No. 1, No.2, No.3 , Warehouse No.4 (under construction), Warehouse Office, Front Offices, Parking, Fire Lanes and Landscaping are specific. All remaining items shown on the Master site Development Plan (Design Plan) are general.**
- C. A specific list of deviations from standards in the base zoning district(s) together with any standards in the ordinance which are to be varied for development within the PD District:  
**Deviations for parking and landscaping in Parcel "B", as described in original PD document dated 01/27/09.**
- D. Add a note that all requirements of the UDC will be met , unless specifically mentioned in the planned development.  
**All requirements of the UDC will be met , except as per III C above.**
- IV Required dedications of land or public improvements:  
**All dedications of land or public improvements have been previously completed.**
- V. A phasing schedule for the project , where appropriate, setting forth the dates for submittal of site development plans and timing of performance by the developer for dedications for land or public improvements and satisfaction of any conditions in relation to the phasing of development, where applicable:  
**Phasing Schedule:  
New rail switches to begin February 2013.  
Rail Spurs (phase one) to begin December 2013.  
Rail Spurs (phase two) to begin September 2013.  
Warehouse No. 5 to begin first quarter of 2014,  
Access road and parking to begin first quarter 2014  
Warehouse No. 6 to begin in 2015.**

## **THIRD COAST TERMINALS**

### **PD FORMAT**

**11/19/08; REVISED 01/27/09; REVISED 09/28/12**

#### **VI Exhibits:**

- A. Design Plan (Master site development Plan) – Exhibit “A”**
- B. Master Site Landscaping Plan – Exhibit “B”**
- C. Enlarged Landscape Plan – Exhibit “C”**
- D. Reciprocal Agreement for Parking – Exhibit “D”**
- E. Reciprocal Agreement for Landscaping – Exhibit “E”**
- F. Survey of Parcel “D” (13.5 acres) – Exhibit “F”**
- G. Survey of Parcel “E” (25 acres) – Exhibit “G”**

MASTER SITE DEVELOPMENT PLAN

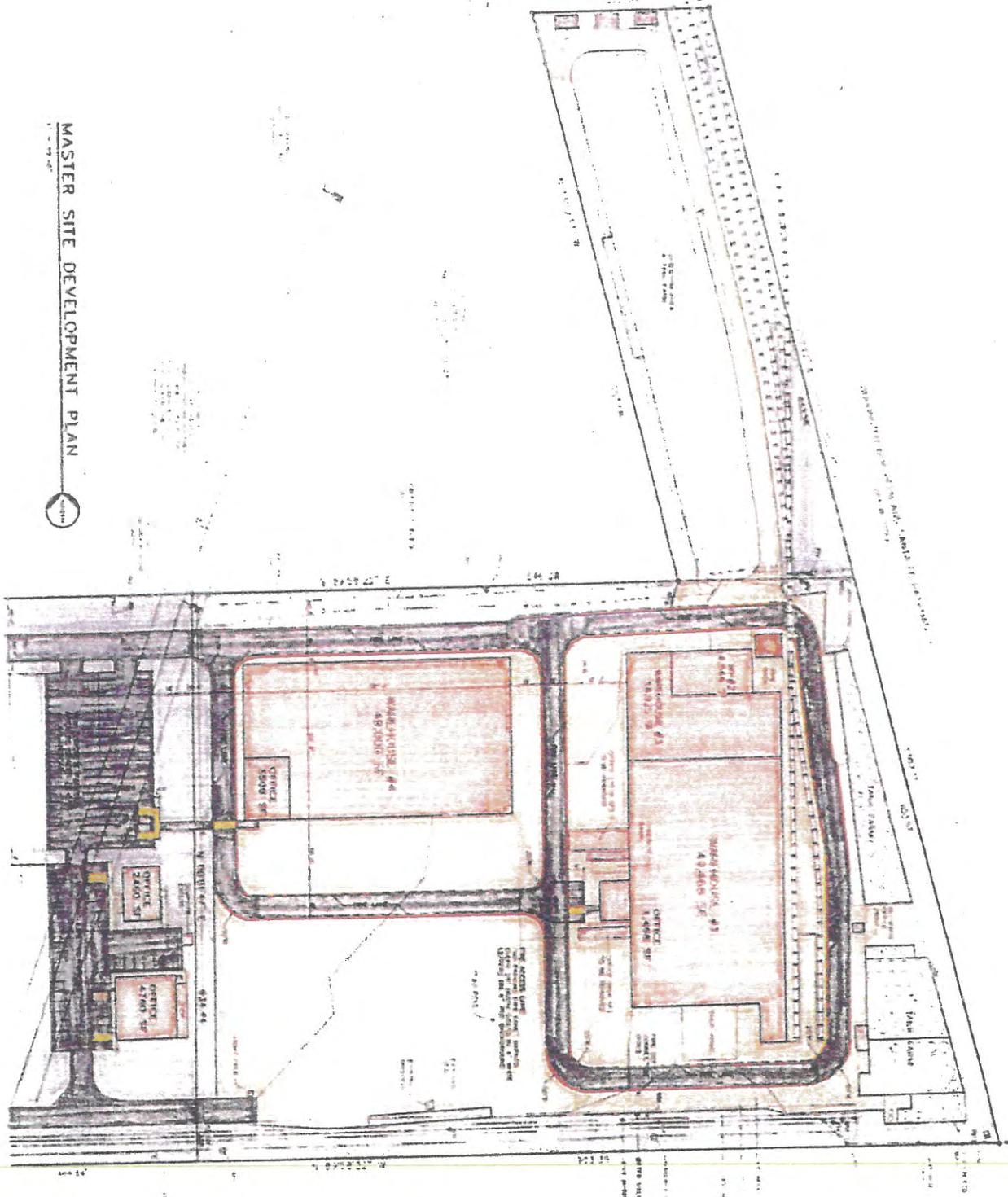
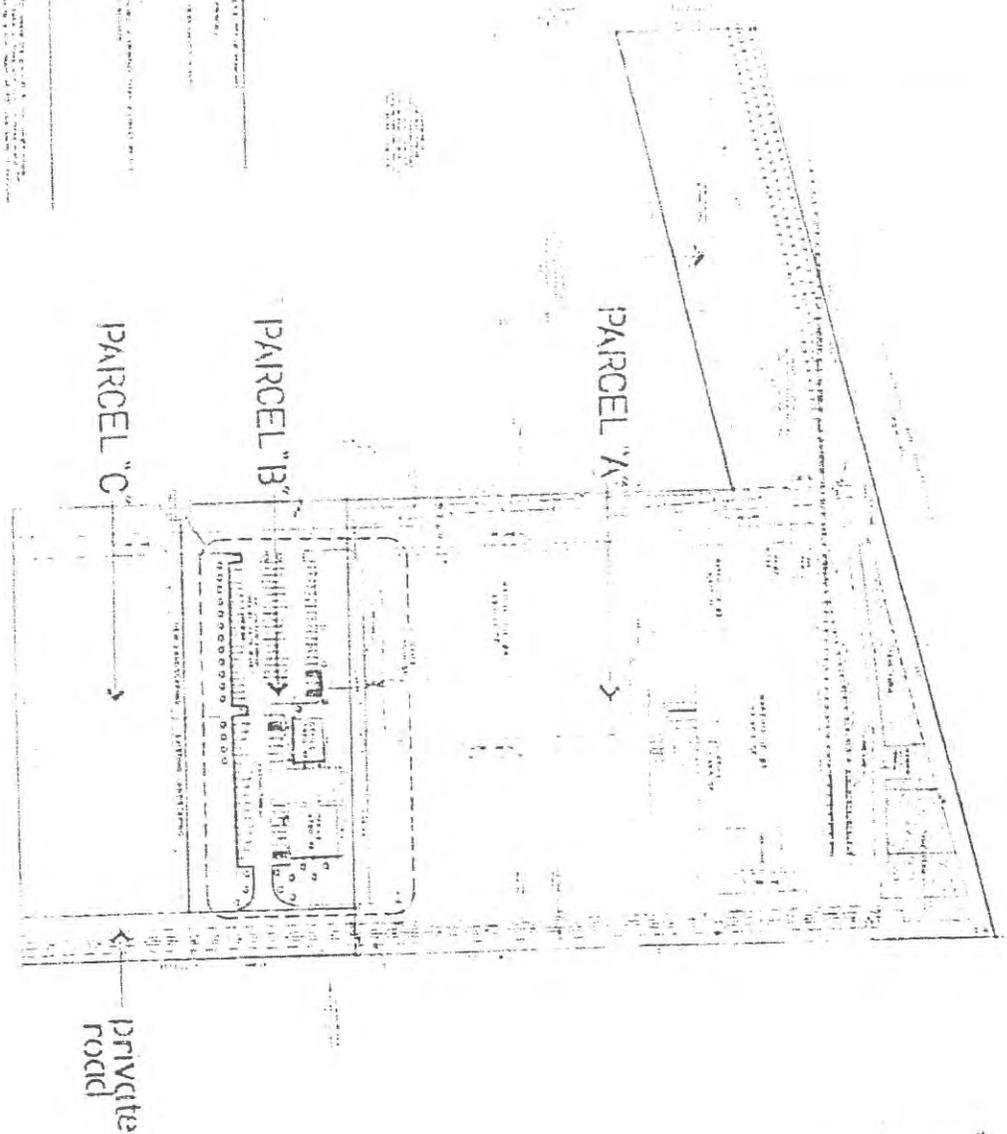


EXHIBIT A

<p>MSPI, 1</p>	<p>McGLIFF ARCHITECTS</p>		<p>MASTER SITE DEVELOPMENT PLAN          PD NO. 1  <b>THIRD COAST TERMINALS</b>          PEARLAND, TEXAS</p>
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1. The site is located in the County of ... State of ...  
 2. The site is bounded by ...  
 3. The site is approximately ...  
 4. The site is currently used for ...  
 5. The site is proposed for ...  
 6. The site is proposed to be divided into ...  
 7. The site is proposed to be used for ...  
 8. The site is proposed to be used for ...  
 9. The site is proposed to be used for ...  
 10. The site is proposed to be used for ...



MASTER SITE LANDSCAPE PLAN



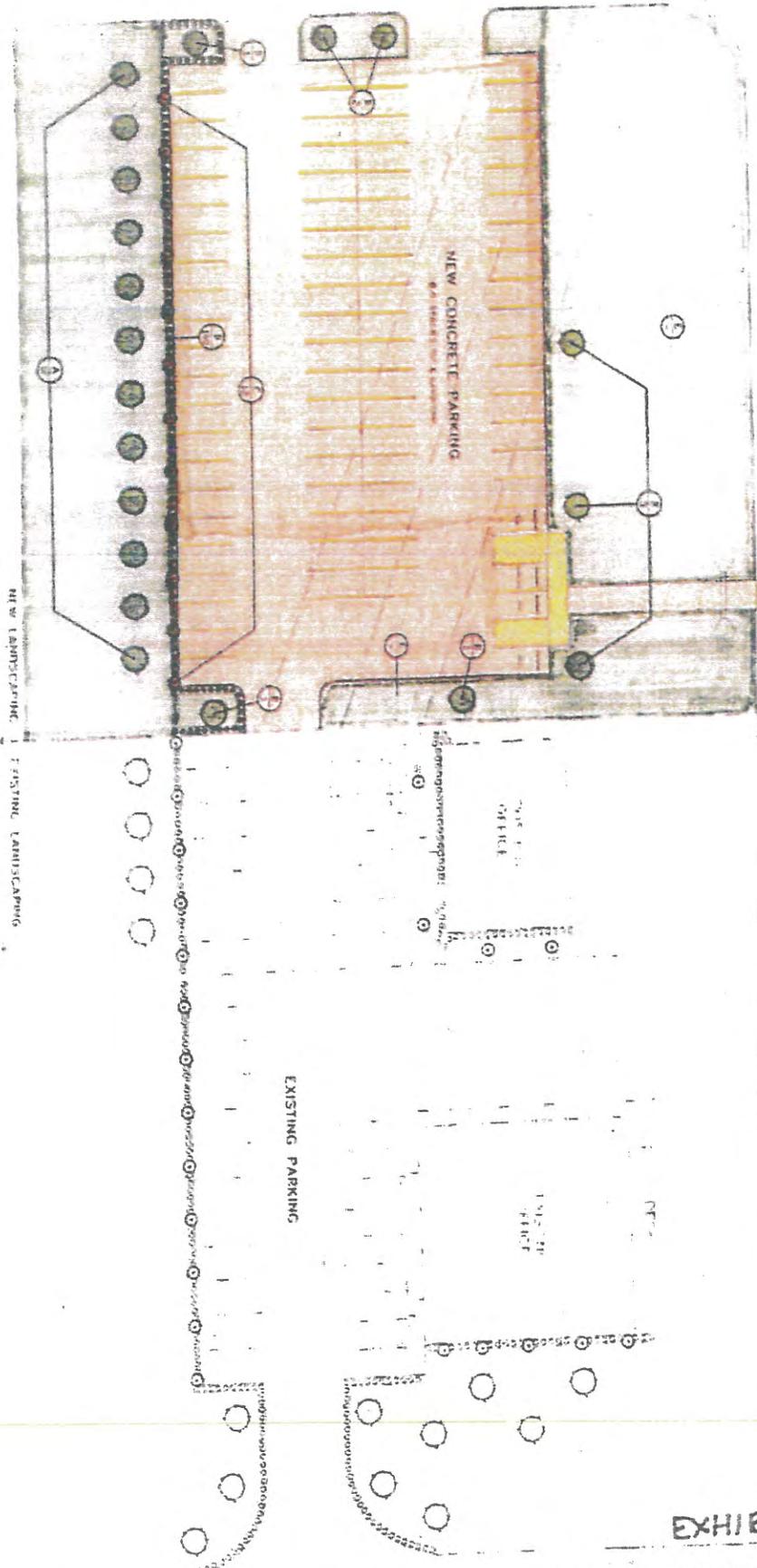
EXHIBIT 'B'

MASTER SITE DEVELOPMENT PLAN  
 PD NO. 1  
 THIRD COAST TERMINALS  
 FARMLAND, TEXAS

MURPHY & ASSOCIATES



PROJECT	DATE	REVISION	NO.



ENLARGED LANDSCAPE PLAN  
 NOTE: REFER TO SHEET M-1 FOR LANDSCAPE DESIGN

EXHIBIT "C"

RECIPROCAL SHARED PARKING AGREEMENT

THE STATE OF TEXAS            §  
COUNTY OF BRAZORIA        §

Mykawa Investments (hereinafter "Mykawa"), the owner and holder of the Real Property described as Parcels "B" and "C" including:

two parcels of land approximately 3 acres = each located at 1871 Mykawa Road, Pearland, Texas 77581 on the east side of the road with Parcel C being undeveloped, and Parcel B consisting of two (2) office buildings (1 bldg. with 4,760 Sq. Ft.; 1 bldg. with 2,460 Sq. Ft.) and 39 parking spaces with future parking spaces for warehouses located in Parcel A of approximately 30 spaces (known as the "Mykawa Property"); and,

shown on *Exhibit "A"* attached hereto and incorporated herein for all purposes (the "Property"), does hereby GRANT AND CONVEY to, **Third Coast Packaging, Inc** (hereinafter "Third Coast") the owner and holder of the Real Property described as Parcel "A" including:

one parcel of land approximately 15 acres = located at 1871 Mykawa Road, Pearland, Texas 77581 on the east side of Parcels B and C above with developed warehouses and tank farms, including warehouse no. 1 (49,468 Sq. Ft.), warehouse no. 1 office (1,468 Sq. Ft.), warehouse no. 2 (4,544 Sq. Ft.); warehouse no. 3 under construction (14,925 Sq. Ft.); future warehouse no. 4 (49,000 Sq. Ft.) and Two (2) existing tank farm areas (81 tanks), future tank farm (90= tanks), detention area and rail spur (known as the "Third Coast Property"); and,

as shown on *Exhibit "A"* as Parcel C; the JOINT RIGHT TO USE PORTIONS OF THE PROPERTY FOR PARKING associated with the joint use of the Third Coast Terminals Planned Development all collectively shown on *Exhibit "A"* as Parcels A, B, and C, attached hereto and incorporated herein for all purposes.

Any use of the Property by and between Mykawa and Third Coast (collectively the "Parties") in connection with this agreement shall be for the sole purpose of parking for employees, visitors, customers, and contractors to the packaging and blending facilities including its offices and for the sole benefit Mykawa and Third Coast and its business ventures together or separately. Mykawa and Third Coast shall, at all times during the term of this Agreement, allow the mutual and reciprocal use of the Parcels, and in the use of said rights and privileges herein granted, neither party shall create a nuisance or do any act that will be detrimental to said Property or the business of each Party.

The term of this Agreement shall run concurrent with the operations of Third Coast Packaging and shall expire earlier only at such time as the principal use upon the Property of blending and packaging chemicals ceases.

Each Party, at its own cost, shall maintain at all times during the term of this Agreement,

Commercial General Liability insurance, protecting the Parties to this agreement from liability and/or damages.

This agreement may only be amended, modified, or supplemented by written agreement and signed by representatives of both Parties. No assignment by a Party hereto of any rights under or interests in this agreement shall be binding on another Party hereto without the written consent of the Party sought to be bound.

Whenever possible, each provision of this agreement shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this agreement is prohibitive or invalid under applicable law, such provision shall be ineffective to the extent of such provision or invalidity, without invalidating the remainder of such provision or the remaining provisions of this agreement.

This Agreement shall be construed and enforced in accordance with and governed by the laws of the State of Texas. This Agreement and all obligations created hereunder shall be performable in Brazoria County, Texas.

EXECUTED and EFFECTIVE this the 7 day of January, 2009.

MYKAWA INVESTMENTS

THIRD COAST PACKAGING, INC.

[Signature]  
Authorized Agent  
Jim Clawson Pres  
Printed Name and Title

[Signature]  
Authorized Agent  
CHRIS CANDLER VICE PRESIDENT  
Printed Name and Title

STATE OF TEXAS §  
COUNTY OF BRAZORIA §

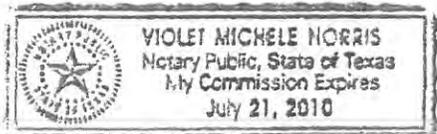
This instrument was acknowledged before me on this 7 day of January, 2009 by Violet Norris

[Signature]  
Notary Public in and for the State of Texas

STATE OF TEXAS §  
COUNTY OF BRAZORIA §

This instrument was acknowledged before me on this 7 day of January, 2009 by Violet Norris

[Signature]  
Notary Public in and for the State of Texas



RECIPROCAL SHARED LANDSCAPING AGREEMENT

THE STATE OF TEXAS           §  
 COUNTY OF BRAZORIA         §

**Mykawa Investments** (hereinafter "Mykawa"), the owner and holder of the Real Property described as Parcels "B" and "C" including:

two parcels of land approximately 3 acres = each located at 1871 Mykawa Road, Pearland, Texas 77581 on the east side of the road with Parcel C being undeveloped, and Parcel B consisting of two (2) office buildings (1 bldg. with 4,760 Sq. Ft.; 1 bldg. with 2,460 Sq. Ft.) and 39 parking spaces with future parking spaces for warehouses located in Parcel A of approximately 80 spaces (known as the "Mykawa Property"); and,

shown on *Exhibit "A"* attached hereto and incorporated herein for all purposes (the "Property"), does hereby GRANT AND CONVEY to, **Third Coast Packaging, Inc.** (hereinafter "Third Coast") the owner and holder of the Real Property described as Parcel "A" including:

one parcel of land approximately 15 acres ± located at 1871 Mykawa Road, Pearland, Texas 77581 on the east side of Parcels B and C above with developed warehouses and tank farms, including warehouse no. 1 (49,468 Sq. Ft.), warehouse no. 1 office (1,468 Sq. Ft.); warehouse no. 2 (4,544 Sq. Ft.); warehouse no. 3 under construction (14,925 Sq. Ft.); future warehouse no. 4 (49,000 Sq. Ft.) and Two (2) existing tank farm areas (81 tanks), future tank farm (90± tanks); detention area and rail spur (known as the "Third Coast Property"); and,

as shown on *Exhibit "A"* as Parcel C; the JOINT RIGHT TO USE PORTIONS OF THE PROPERTY FOR LANDSCAPING associated with the joint use of the Third Coast Terminals Planned Development all collectively shown on *Exhibit "A"* as Parcels A, B, and C, attached hereto and incorporated herein for all purposes.

Any use of the Property by and between Mykawa and Third Coast (collectively the "Parties") in connection with this agreement shall be for the sole purpose of landscaping to comply with the Master Site Development Plan between the Parcels and the Parties and for the sole benefit Mykawa and Third Coast and its business ventures together or separately. Mykawa and Third Coast shall, at all times during the term of this Agreement, allow the mutual and reciprocal use of the Parcels, and in the use of said rights and privileges herein granted, neither party shall create a nuisance or do any act that will be detrimental to said Property or the business of each Party.

The term of this Agreement shall run concurrent with the operations of Third Coast Packaging and shall expire earlier only at such time as the principal use upon Property of blending and packaging chemicals ceases.

Each Party, at its own cost, shall maintain at all times during the term of this Agreement,

Commercial General Liability insurance, protecting the Parties to this agreement from liability and/or damages

This agreement may only be amended, modified, or supplemented by written agreement and signed by representatives of both Parties. No assignment by a Party hereto of any rights under or interests in this agreement shall be binding on another Party hereto without the written consent of the Party sought to be bound.

Whenever possible, each provision of this agreement shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this agreement is prohibitive or invalid under applicable law, such provision shall be ineffective to the extent of such provision or invalidity, without invalidating the remainder of such provision or the remaining provisions of this agreement.

This Agreement shall be construed and enforced in accordance with and governed by the laws of the State of Texas. This Agreement and all obligations created hereunder shall be performable in Brazoria County, Texas.

EXECUTED and EFFECTIVE this the 7 day of January, 2009.

MYKAWA INVESTMENTS

THIRD COAST PACKAGING, INC.

[Signature]  
Authorized Agent  
Jim Clawson President  
Printed Name and Title

[Signature]  
Authorized Agent  
CRIS SANDERS vice president  
Printed Name and Title

STATE OF TEXAS §  
COUNTY OF BRAZORIA §

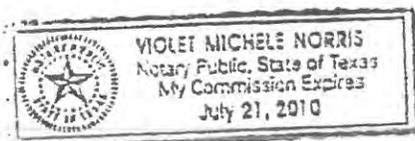
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Notary Public in and for the State of Texas

STATE OF TEXAS §  
COUNTY OF BRAZORIA §

This instrument was acknowledged before me on this 7 day of January, 2009 by Violet Norris

[Signature]  
Notary Public in and for the State of Texas







AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD OCTOBER 15, 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

**ZONE CHANGE APPLICATION NO. 2012-11Z**

A request of Chad Thumann, applicant, on behalf of Barbara Covington, owner, for approval of a zone change from the Residential Estate (RE) zone, to Single-Family Residential-1 (R-1) zone for 9.64 acres on the following described property, to wit:

**Legal Description:** A tract of land containing 4.82 acres known as Tract 20-A, situated in Lot 20 of the Allison Richey Gulf Coast Home Company Subdivision, Abstract No. 506, as recorded in Volume 2, Page 23 of the Brazoria County Map Records, and;

A tract of land containing 4.82 acres known as Tract 20, situated in Lot 20 of the Allison Richey Gulf Coast Home Company Subdivision, Abstract No. 506, as recorded in Volume 2, Page 23 of the Brazoria County Map Records.

**General Location:** 2014 Hillhouse Road

- 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 OCTOBER 15, 2012

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### Zone Change No. 2012-11Z

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**Legal Description:** A tract of land containing 4.82 acres known as Tract 20-A, situated in Lot 20 of the Allison Richey Gulf Coast Home Company Subdivision, Abstract No. 506, as recorded in Volume 2, Page 23 of the Brazoria County Map Records, and;

A tract of land containing 4.82 acres known as Tract 20, situated in Lot 20 of the Allison Richey Gulf Coast Home Company Subdivision, Abstract No. 506, as recorded in Volume 2, Page 23 of the Brazoria County Map Records.

**General Location:** 2014 Hillhouse Road  
Pearland, TX

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

Planning and Zoning Commission: October 15, 2012\*  
City Council for First Reading: November 12, 2012\*  
City Council for Second Reading: November 26, 2012\*

(\*dates subject to change)

---

**SUMMARY:** Chad Thumann, applicant, for Barbara Covington, owner, is requesting approval of a zone change from the Residential Estate (RE) zone to Single-Family Residential-1 (R-1) zone for 9.64 acres for the above referenced location. The applicant has indicated that the owner would like to develop the property into a single family residential development.

**SURROUNDING ZONING AND LAND USES:**

	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
North	Residential Estate (RE)	Single Family Residential
South	Residential Estate (RE)	Single Family Residential
East	Residential Estate (RE)	Public School
West	Single Family Residential-3 (R-3)	Single Family Residential

**CONFORMANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC):** As previously mentioned, the property is currently zoned Residential Estate (R-E). As the property is currently being requested to be rezoned to Single-Family Residential-1 (R-1), a breakdown between those requirements is provided below:

	<b><u>R-1</u></b>	<b><u>R-E</u></b>	<b><u>Existing Site</u></b>
Lot Size:	8,800 sq ft	21,780 sq ft	419,918 sq ft
Lot Width:	80'	120'	523.90'
Lot Depth:	90'	90'	801.30'
Front Setback:	25'	40'	n/a
Rear Setback:	20'	25'	n/a
Side Setback:	7.5'	10'	n/a

At the time of development all bulk requirements of the Unified Development Code will be required to be met.

**PLATTING STATUS:** The property is not currently platted. Platting will be required at the time of development.

**CONFORMANCE WITH THE COMPREHENSIVE PLAN:** The current adopted Comprehensive Plan's Future Land Use Map indicates this area should be *Suburban Residential*. Corresponding zoning designations for this classification are Suburban Residential-10 (SR-10) and Suburban Residential-15 (SR-15). Therefore, the designation of Single Family Residential-1 (R-1) being requested would be not be consistent with the Comprehensive Plan.

**CONFORMANCE WITH THE THOROUGHFARE PLAN:** The subject property has frontage on Hillhouse Rd road, a minor collector, with a minimum of 60' right-of-way.

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

**IMPACT ON EXISTING AND FUTURE DEVELOPMENT:** The proposed single family development is not anticipated to have any significant negative impacts on existing surrounding or future developments. As previously mentioned, the Single-Family

Residential-1 (R-1) zone allows for residential lots with a minimum area of 8,800 square feet. If Council is concerned the property potentially being developed into a residential subdivision with smaller lots than permitted in the Single-Family Estate District (RE), Council may view the zone change request as having a negative impact on surrounding or future development.

A Traffic Impact Analysis (TIA) may be required at the time of site plan review by the City's Engineering department to determine if there are any potentially negative traffic impacts anticipated as a result of the proposed expansion. If a TIA is required, and mitigation measures are deemed necessary as a result, the applicant would be responsible for implementing those measures.

**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 site plan is not required for a 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 notification sign was placed on the subject property.

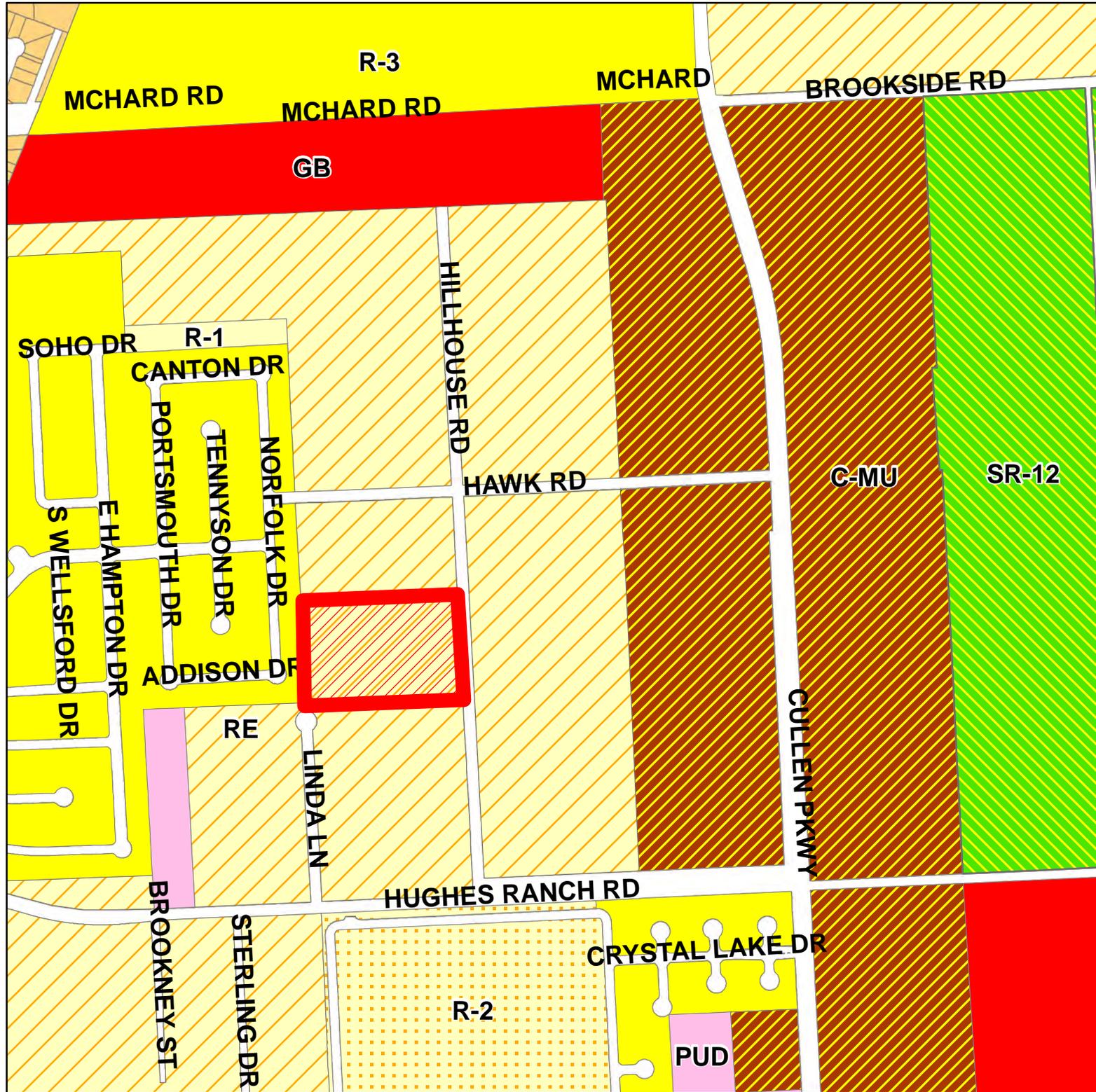
**OPPOSITION TO OR SUPPORT OF PROPOSED REQUEST:** Staff has not received any comments either in opposition to or in support of the proposed zone change request.

**STAFF RECOMMENDATION:** Staff is unable to recommend approval of the Zone Change 2012-02Z as proposed by the applicant for the following reasons:

1. Approval of the zone change may not be compatible with surrounding zoning and uses.
2. The proposed zone change may have any negative impact on the surrounding properties and developments by allowing smaller lots than as indicated for in the Future Land Use Plan.
3. The proposed zone is not in compliance with the latest approved Future Land Use Plan.

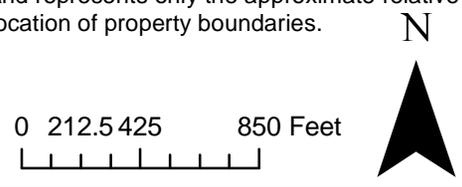
**SUPPORTING DOCUMENTS:**

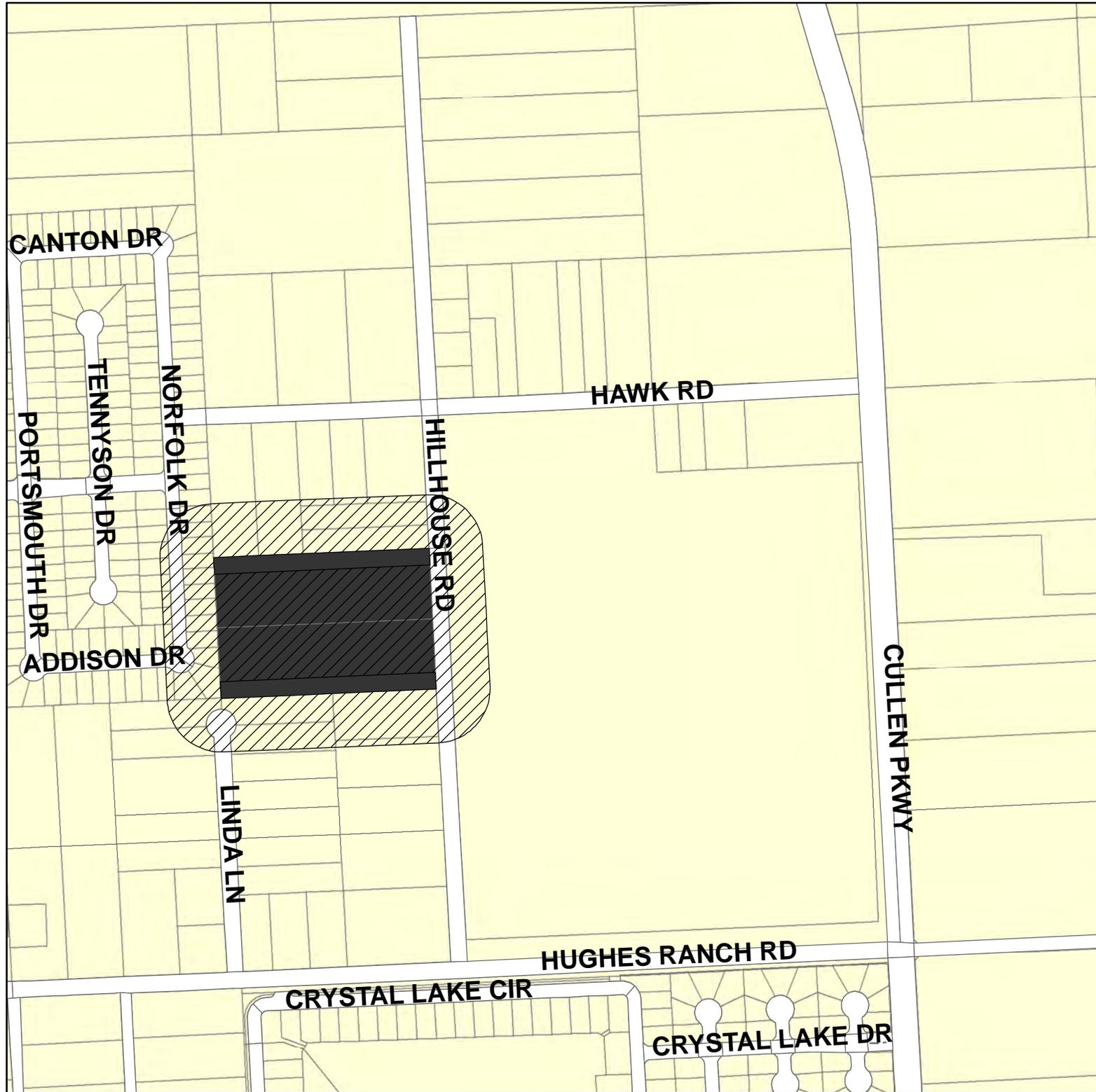
- Vicinity and Zoning Map
- Property Ownership Map
- Property Owner Notification List
- Future Land Use Plan
- Aerial Photograph
- Zone Change Application and Applicant Documents
- Related Documents



**Vicinity & Zoning Map**  
**Zone Change 2012-11Z**  
**2014 Hillhouse Rd**

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.



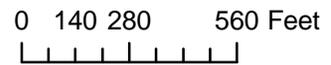


**Abutter Map**

**Zone Change 2012-10Z**

**1871 Mykawa**

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.



<b>Name</b>	<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zipcode</b>
SAVGUPTA LTD	14318 GOLF VIEW TRL	HOUSTON	TX	77059-4405
PHAM MINH CONG & THUONG TRAN LE	11422 SAGECREEK DR	HOUSTON	TX	77089-6822
SAVGUPTA LTD	14318 GOLF VIEW TRL	HOUSTON	TX	77059-4405
DAVIS MAURICE	8922 HAWK RD	PEARLAND	TX	77584-2745
ZEFF ANDREW & EVE	1011 NORFOLK DR	PEARLAND	TX	77584
MORGAN MATTHEW GARY & ALYSSA P	1003 NORFOLK DR	PEARLAND	TX	77584-3027
PHAM HENRY CONG & SEN HOANG	2002 HILLHOUSE RD	PEARLAND	TX	77584-2753
MARCHAND MERLIN J JR & EMILY E	1007 NORFOLK DR	PEARLAND	TX	77584-3027
ZEFF ANDREW R & EVE LEMPert	1011 NORFOLK DR	PEARLAND	TX	77584-3027
PHAM HENRY CONG & SEN HOANG	2002 HILLHOUSE RD	PEARLAND	TX	77584-2753
LASERNA VIVIAN	1010 NORFOLK DR	PEARLAND	TX	77584-3026
TEOH WEE-SIM & CHARLES MCADAMS	11422 BRAEWICK DR	HOUSTON	TX	77035-2316
CAM HOANG P & THU B NGUYEN	1014 NORFOLK DR	PEARLAND	TX	77584-3026
COVINGTON BARBARA L	PO BOX 841186	PEARLAND	TX	77584
BENAVIDEZ ROBERT	1019 NORFOLK DR	PEARLAND	TX	77584-3027
CRUZ MARISELDA	1018 NORFOLK DR	PEARLAND	TX	77584-3026
FRAZIER CHRISTINE E & DARIUS F HOLLINS	1023 NORFOLK DR	PEARLAND	TX	77584-3027
SARAFIN SHIRLEY	1022 NORFOLK DR	PEARLAND	TX	77584-3026
JONES JOHN E & KAREN S	1027 NORFOLK DR	PEARLAND	TX	77584-3027
DOROCHENKO ALLA	1026 NORFOLK DR	PEARLAND	TX	77584-3026
CUMMINGS LESLIE LYNNE	1031 NORFOLK DR	PEARLAND	TX	77584-3027
MUCHA WACLAW J & MALGORZATA	1030 NORFOLK DR	PEARLAND	TX	77584-3026
CHO SUNG-JOON	3328 CIRCLE BROOK DR APT K	ROANOKE	VA	24018-7206
RODRIGUEZ JOHN L & AGLAEL I	3839 ADDISON DR	PEARLAND	TX	77584-3023
CRAWFORD GEROME & BARBARA A	1039 NORFOLK DR	PEARLAND	TX	77584-3027
MANNING CAROL N	1043 NORFOLK DR	PEARLAND	TX	77584-3027
DIAL PAUL L & CAROL A	1047 NORFOLK DR	PEARLAND	TX	77584-3027
BURTON MARK R	3838 ADDISON DR	PEARLAND	TX	77584-3022
JONES ALLISON I	3842 ADDISON DR	PEARLAND	TX	77584-3022
HOKANSON DAVID N & PAMELA	2108 HILLHOUSE RD	PEARLAND	TX	77584-2755
FLORES CIPRIANO & ROMELIA	2053 LINDA LN	PEARLAND	TX	77584
FYLES LONNIE CLEOTHA JR	2054 LINDA LN	PEARLAND	TX	77584-2757
GILMORE BRENT & YVETTE	2101 LINDA LN	PEARLAND	TX	77584-2760

PHELPS GEORGE B  
PEARLAND ISD  
CHAD THURMANN

4630 BROWNSTONE LN  
PO BOX 7  
7918 BROADWAY STE 106

HOUSTON TX  
PEARLAND TX  
PEARLAND TX

77053-1202  
77588  
77581



### FLUP Map

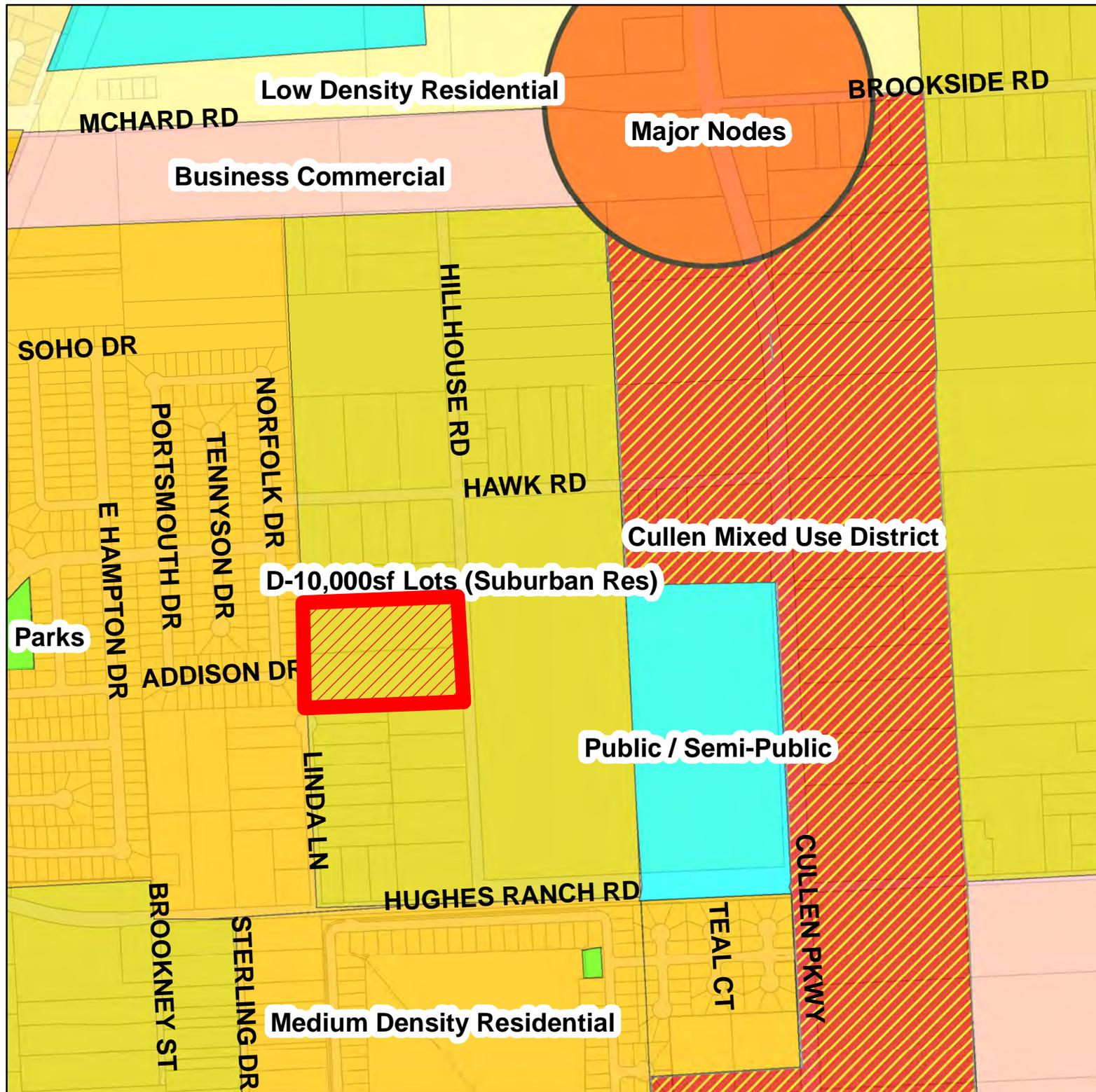
### Zone Change 2012-11Z

### 2014 Hillhouse Rd

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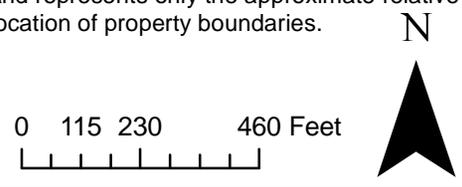
0 212.5 425 850 Feet





**Aerial Map**  
**Zone Change 2012-11Z**  
**2014 Hillhouse Rd**

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# 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-E SINGLE-FAMILY ESTATE DISTRICT

Proposed Zoning District: R-1 SINGLE-FAMILY RESIDENTIAL-1 District

**Property Information:**

Address or General Location of Property: 2014 HILLHOUSE RD  
PEARLAND TX 77584

Tax Account No. 175842 + 492357  
Subdivision: ALTON RICHEY GULF COAST HOME Company Lot: 20 + 20A Block: \_\_\_\_\_

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

**PROPERTY OWNER INFORMATION:**

NAME BARBARA COVINGTON  
ADDRESS PO BK 841186  
CITY Pearland STATE TX ZIP 77584  
PHONE (281) 412-7757  
FAX (281) 412-7767  
E-MAIL ADDRESS CSBC@PDR.NET

**APPLICANT/AGENT INFORMATION:**

NAME CHAD THUMANN  
ADDRESS 7918 Broadway, Suite 106,  
CITY Pearland STATE TX ZIP 77581  
PHONE (281) 997-1500  
FAX (281) 997-2886  
E-MAIL ADDRESS chad@rwestdevelopment.com

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

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

Owner's Signature: [Signature] Date: 9-5-2012

Agent's/Applicant's Signature: [Signature] Date: 9-5-2012

**OFFICE USE ONLY:**

FEES PAID: <u>275-</u>	DATE PAID: <u>9/11/12</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>343654</u>
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Application No. 2012-112

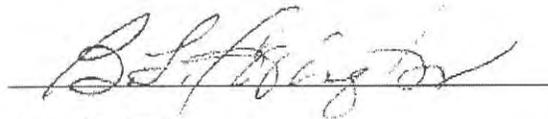
**From:** <chad@rwestdevelopment.com>  
**Subject:** agent letter  
**Date:** September 12, 2012 2:25:29 PM CDT  
**To:** bcm@pdq.net <bcm@pdq.net>  
**Reply-To:** <chad@rwestdevelopment.com>

9-12-2012

City of Pearland,

I, B.L. Covington authorize Chad Thumann to act as my agent for the zoning purposes of my property located at 2014 Hillhouse Rd Pearland, TX 77584. Any questions or concerns please feel free to contact me at 281-412-7757.

Thanks,



B. L. Covington

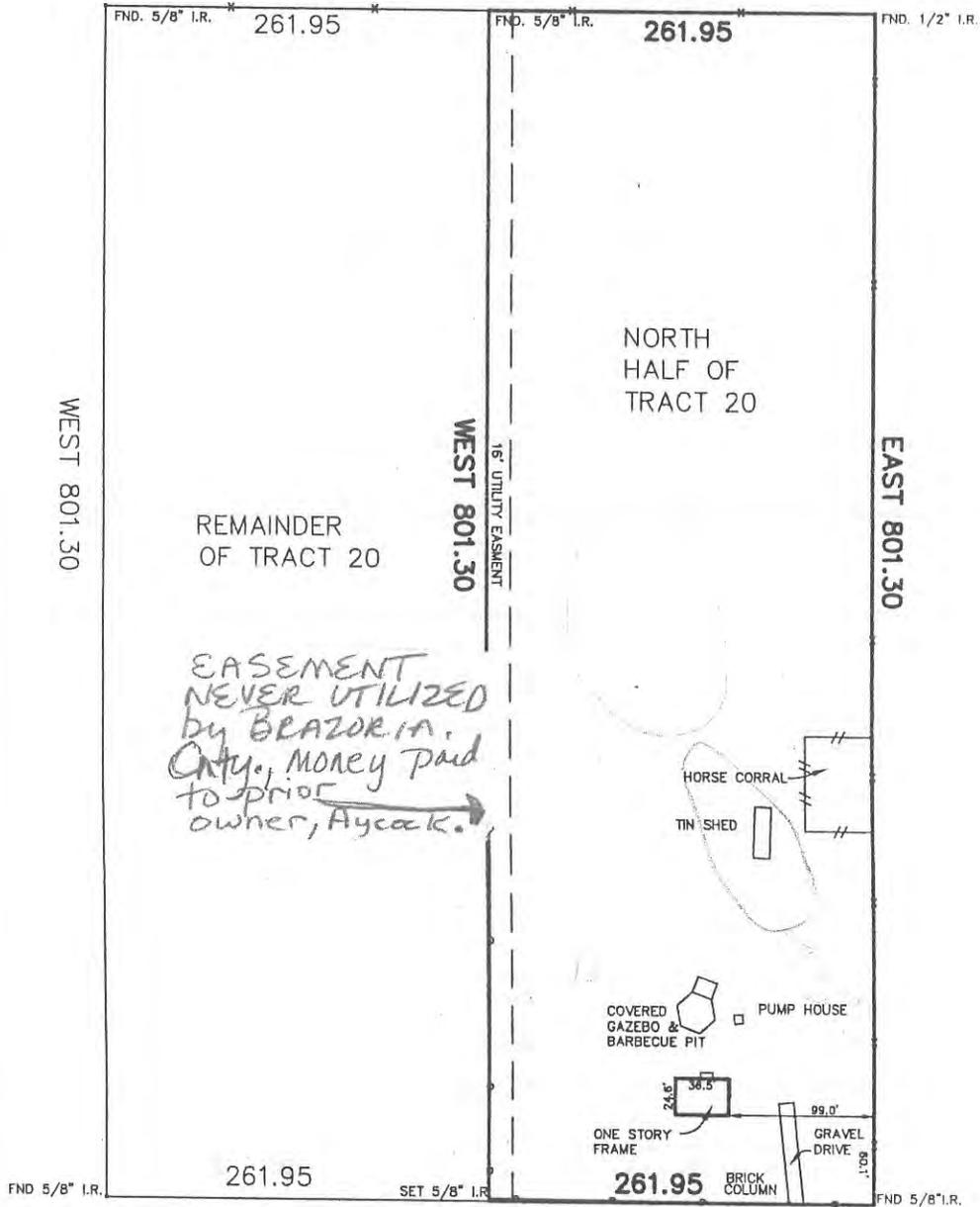
R. West Development., INC.  
Chad Thumann  
7918 Broadway, suite 106  
Pearland, TX 77581  
off. 281-997-1500  
fax 281-997-2886

This property IS NOT located in the 100 year flood plain & is in insurance rate map zone X, as per map 48039C/0030H dated 6-5-89.

SCALE: 1"=100'

LEGEND  
 U.E.—UTILITY EASEMENT  
 W.L.E.—WATER LINE EASEMENT  
 B.L.—BUILDING LINE  
 //—WOOD FENCE  
 ○—CHAIN LINK FENCE  
 X—BARBED WIRE FENCE  
 ◊—IRON FENCE

SOUTHDOWN, SECTION 7  
 VOLUME 1761, PAGE 989 OF THE B.C.D.R.  
 NORTH



EASEMENT NEVER UTILIZED by BRAZORIA, CITY. MONEY PAID to prior owner, Aycak.

SOUTH



I, MICHAEL D. MORTON, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE PLAT HEREON CORRECTLY REPRESENTS THE RESULTS OF AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND THAT THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN.

DATED THIS 13<sup>th</sup> DAY OF July 1998  
 MICHAEL D. MORTON — R.P.L.S. NO. 3686

- Notes:  
 1.) Basis for Bearings: assumed as platted  
 2.) Distances shown are ground distances  
 3.) Survey was made without benefit of title commitment

\* (LOT) TRACTS 20A AND 20B, OUT OF LOT 20, SEE ATTACHED EXHIBIT "A"

LOT(S)	BLOCK	SUBDIVISION	ALLISON RICHEY GULF COAST HOME CO. S/D		SECTION
RECORDATION			VOL. 2, PG. 23 OF THE B.C.M.R.	COUNTY	STATE
ADDRESS		CITY	ZIP CODE	LENDER	
902 HILLHOUSE ROAD		PEARLAND	77581		
PURCHASER			TITLE COMPANY	G.F. NO.	
BARBARA COVINGTON					
FIELD BY:	MM	7/10/98	ARROW SURVEYING P.O. BOX 410 PEARLAND, TEXAS 77588 (281) 412-2294 FAX(281) 412-2314		JOB NO.
DRAWN BY:	GYC	7/10/98			98-07-118
CHECKED BY:	AH	7/13/98			REVISION:

## EXHIBIT "A"

### TRACT I:

A DESCRIPTION OF A TRACT OF LAND CONTAINING 4.82 ACRES KNOWN AS TRACT 20-A, SITUATED IN LOT 20 OF THE ALLISON RICHEY GULF COAST HOME COMPANY SUBDIVISION, ABSTRACT NO. 506, AS RECORDED IN VOLUME 2, PAGE 23 OF THE BRAZORIA COUNTY MAP RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8 INCH IRON ROD FOUND ON THE WEST RIGHT-OF-WAY LINE OF HILLHOUSE ROAD, MARKING THE SOUTHEAST CORNER OF LOT 20 OF THE ALLISON RICHEY GULF COAST COMPANY SUBDIVISION, ABSTRACT NO. 506;

THENCE, NORTH, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID HILLHOUSE ROAD, A DISTANCE OF 261.95 FEET TO A 5/8 INCH IRON ROD SET FOR THE SOUTHEAST CORNER AND POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

THENCE, WEST, OVER AND ACROSS SAID LOT 20, A DISTANCE OF 801.30 FEET TO A 5/8 INCH IRON ROD FOUND ON THE WEST LINE OF SAID LOT 20, MARKING THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH, ALONG THE WEST LINE OF SAID LOT 20, A DISTANCE OF 261.95 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, EAST, ALONG THE NORTH LINE OF SAID LOT 20, A DISTANCE OF 801.30 FEET TO A 5/8 INCH IRON ROD FOUND ON THE WEST RIGHT-OF-WAY LINE OF SAID HILLHOUSE ROAD, FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID HILLHOUSE ROAD, A DISTANCE OF 261,95 FEET TO THE POINT OF BEGINNING.

### TRACT II:

A TRACT OF LAND CONTAINING 4.82 ACRES KNOWN AS TRACT 20. SITUATED IN LOT 20 OF THE ALLISON RICHEY GULF COAST HOME COMPANY SUBDIVISION, ABSTRACT NO. 506, AS RECORDED IN VOLUME 2, PAGE 23 OF THE BRAZORIA COUNTY MAP RECORDS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING FOR REFERENCE AT A 5/8 INCH IRON ROD FOUND MARKING THE SOUTHEAST CORNER OF LOT 20, WITH THIS BEING THE POINT OF BEGINNING:

THENCE SOUTH 90 DEGREES 00 MINUTE 00 SECOND WEST, 801.30 FEET TO A 5/8 INCH IRON ROD FOUND FOR CORNER;

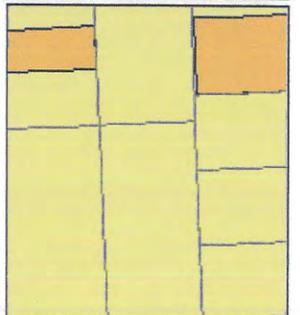
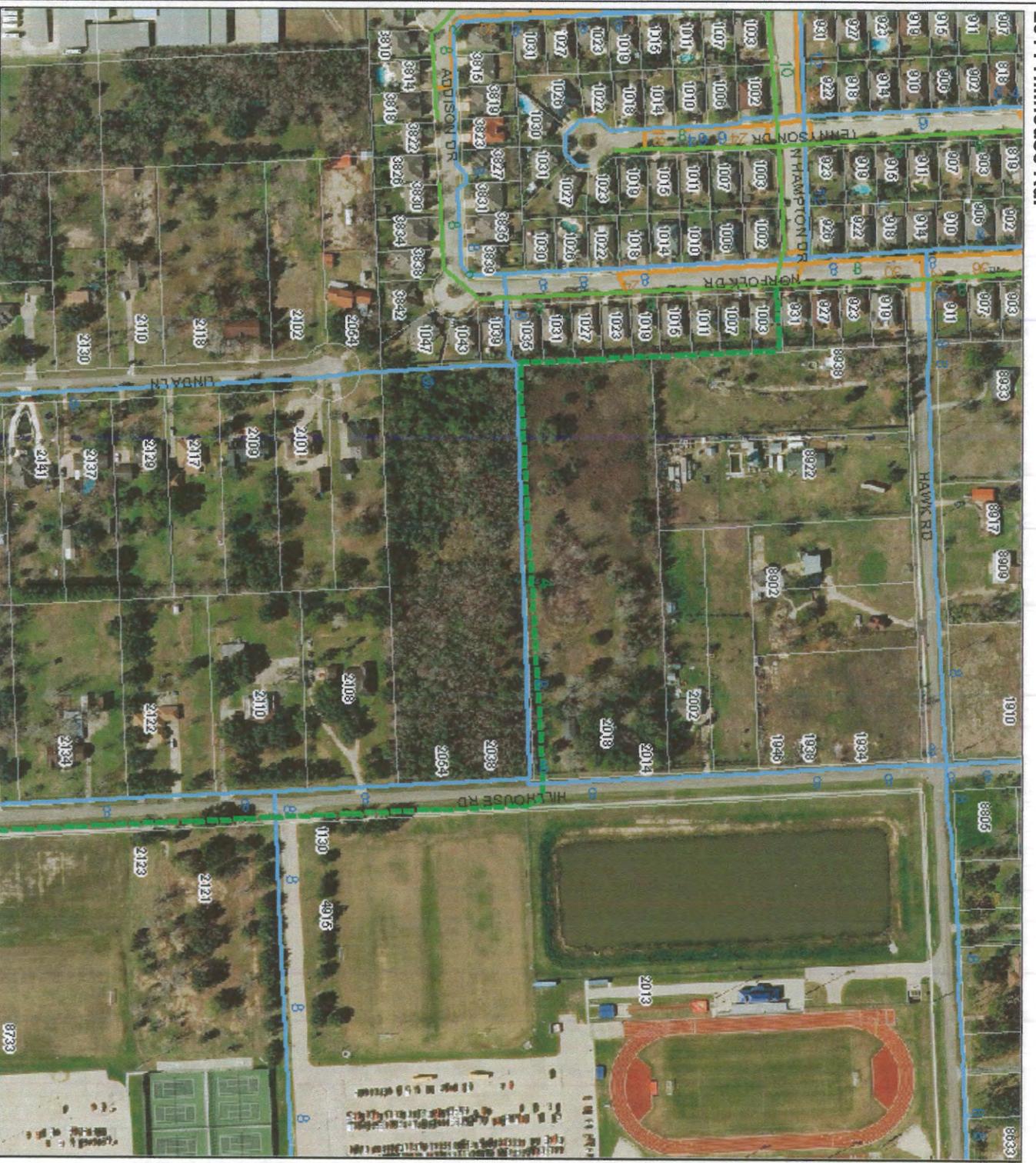
THENCE NORTH 00 DEGREE 00 MINUTE 00 SECOND EAST, 261.95 FEET TO A 5/8 INCH IRON ROD FOUND FOR CORNER;

THENCE SOUTH 90 DEGREES 00 MINUTE 00 SECOND EAST, 801.30 FEET TO A 5/8 INCH IRON ROD SET FOR CORNER, WITH SAID IRON ROD BEING IN THE WEST RIGHT-OF-WAY LINE OF HILLHOUSE (COUNTY ROAD #542);

THENCE SOUTH 00 DEGREE 00 MINUTE 00 SECOND EAST, 261.95 FEET ALONG SAID WEST RIGHT-OF-WAY LINE OF HILLHOUSE (COUNTY ROAD #542) TO THE POINT OF BEGINNING AND CONTAINING 4.32 ACRES OF LAND.

Note: The Company is prohibited from insuring the area or quantity of the land described herein. Any statement in the above legal description of the area or quantity of land is not a representation that such area or quantity is correct, but is made only for informational and/or identification purposes and does not override Item 2 of Schedule B hereof.

2014 Hillhouse Rd.



Scale 1:3,123  
1 in = 260 ft

## Letter of Intent

9-11-12

**RE: Letter of Intent to the City of Pearland:**

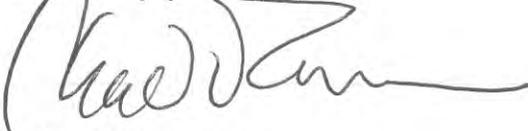
**This Letter of Intent is to serve as an indication of our interest in rezoning the below-referenced property. It is understood that this letter constitutes an agreement of intent only. The general terms are as follows:**

**PROPERTY:** A 9.64 acre tract of land located at 2014 Hillhouse rd. Pearland, TX 77584

**PURPOSE:** Rezone the above referenced property from a R-E (Single-Family Estate District) to an R-1 (Single-Family Residential-1 District).

**SCOPE:** Develop a 9.64 acre tract of land into 18 single family residential lots (85ft x 130ft). Lots will be located in a well landscaped, fenced, and gated community, offering homes from \$300,000 and up.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Chad Thumann', written over a horizontal line.

**Chad Thumann**

**R. West Development Co., Inc.**

CITY OF PEARLAND  
\*\*\* CUSTOMER RECEIPT \*\*\*  
Oper: AGONZALES Type: OC Drawer: 1  
Date: 9/27/12 01 Receipt no: 343654

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	\$275.00
Trans number:		3845198

ZONE CHANGE FOR 2014 HILLHOUSE  
CHAD THUMANN/BARBARA COVINGTON  
R WEST DEVELOPMENT  
7918 BROADWAY #106  
281.997.1500

Tender detail		
CK CHECK	23646	\$275.00
Total tendered		\$275.00
Total payment		\$275.00

Trans date: 9/26/12 Time: 13:18:25

**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.**

*Mad Jones 9-12-12*

Tuesday, September 11, 2012

**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 2011. 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: 05060002112****Address:**

COVINGTON BARBARA L  
PO BOX 841186  
PEARLAND, TX 77584

**Property Site Address:**

2014 HILLHOUSE

**Legal Description:**

A0506 H T & B R R, TRACT 20A, ACRES  
4.820

**Current Tax Levy:** \$4,976.79**Current Amount Due:** \$0.00**Prior Year Amount Due:** \$0.00**Total Amount Due:** \$0.00**Last Payment Amount for Current Year Taxes:** \$4,976.79**Pending Credit Card or E-Check Payments:**

No Payment Pending

**Jurisdictions:**

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

**Market Value:** \$182,060**Land Value:** \$146,770**Improvement Value:** \$35,290**Capped Value:** \$0**Agricultural Value:** \$0**Exemptions:** None**Last Certified Date:** 07/28/2011[Taxes Due Detail by Year and Jurisdiction](#)[Payment Information](#)

[Click Here](#) to see your estimated amount due for a different 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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Tuesday, September 11, 2012

**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



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**Account Number: 05060002000****Address:**

COVINGTON BARBARA L  
PO BOX 841186  
PEARLAND, TX 77584

**Property Site Address:**

2014 HILL HOUSE

**Legal Description:**

A0506 H T &amp; B R R, TRACT 20, ACRES 4.82

**Current Tax Levy:** \$4,012.10**Current Amount Due:** \$0.00**Prior Year Amount Due:** \$0.00**Total Amount Due:** \$0.00**Last Payment Amount for Current Year Taxes:** \$2,006.05**Pending Credit Card or E-Check Payments:**

No Payment Pending

**Jurisdictions:**

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

**Market Value:** \$146,770**Land Value:** \$146,770**Improvement Value:** \$0**Capped Value:** \$0**Agricultural Value:** \$0**Exemptions:** None**Last Certified Date:** 07/28/2011[Taxes Due Detail by Year and Jurisdiction](#)[Payment Information](#)

[Click Here](#) to see your estimated amount due for a different 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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AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD OCTOBER 15, 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

**ZONE CHANGE APPLICATION NO. 2012-12Z**

A request of Kerry Gilbert & Associates, applicant, on behalf of Beltway 23, Ltd., owner, for approval of a zone change from the Suburban Development (SD) zone to the Planned Development (PD) zone for 20.3 acres on the following described property, to wit:

**Legal Description:** The herein described 20.3 acres, more or less, being generally located in Section 80, J. S. Talmage Survey Abstract 564, Brazoria County, Texas; the south line being along the south line of Lot 2, Section 80, J. S. Talmage Survey, Abstract 564 according to the plat thereof as filed in Volume 2, Page 98 Brazoria County Plat Records; the west line being the east line of City of Pearland Ordinance No. 1035; the north line being the south right-of-way line of County Road 92 and the extension of City of Pearland Ordinance 924 and the east line being the west line of City of Pearland Ordinance No 924; All that certain 20.3 acres, more or less, annexed into the City of Pearland by Pearland Ordinance 1465 and being all of Lots 1 & 2, Section 80, J. S. Talmage Survey, Abstract 564.

**General Location:** Southeast corner Broadway/Kingsley

- 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 OCTOBER 15, 2012

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### Zone Change No. 2012-12Z

A request of Kerry Gilbert & Associates, applicant, on behalf of Beltway 23, Ltd., owner, for approval of a zone change from the Suburban Development (SD) zone to the Planned Development (PD) zone for 20.3 acres, to wit:

**Legal Description:** The herein described 20.3 acres, more or less, being generally located in Section 80, J. S. Talmage Survey Abstract 564, Brazoria County, Texas; the south line being along the south line of Lot 2, Section 80, J. S. Talmage Survey, Abstract 564 according to the plat thereof as filed in Volume 2, Page 98 Brazoria County Plat Records; the west line being the east line of City of Pearland Ordinance No. 1035; the north line being the south right-of-way line of County Road 92 and the extension of City of Pearland Ordinance 924 and the east line being the west line of City of Pearland Ordinance No 924; All that certain 20.3 acres, more or less, annexed into the City of Pearland by Pearland Ordinance 1465 and being all of Lots 1 & 2, Section 80, J. S. Talmage Survey, Abstract 564.

**General Location:** Southeast corner Broadway/Kingsley, Pearland, TX

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

Planning and Zoning Commission: October 15, 2012\*

City Council for First Reading: November 12, 2012\*

City Council for Second Reading: November 26, 2012\*

(\*dates subject to change)

---

**SUMMARY:** Kerry Gilbert & Associates, applicant, on behalf of Beltway 23 Ltd, owner, is requesting approval of a zone change from Suburban Development (SD) zone, to Planned Development (PD) zone for 20.3 acres for the above referenced location. The property in question was formally annexed into the City of Pearland corporate limits by City Council on July 23, 2012. At that time, the Suburban Development (SD) zoning was applied to the property.

In August of this year, the applicant applied for a General Business (GB) zone change for the same property. At that time, a number of concerns were raised by nearby residents, Council, the Planning and Zoning Commission, and staff. These concerns were potentially incompatible uses allowed in the General Business (GB) zone, as well as adequate buffering between the proposed commercial uses and existing single-family residential homes. Following the Joint Public Hearing on August 20<sup>th</sup> of this year, the applicant withdrew the General Business (GB) request.

The current Planned Development (PD) document submitted by the applicant appears to address the concerns listed above, with the exception of the following uses proposed to be allowed, which may not be compatible with nearby uses:

1. All-terrain vehicle sales
2. Auto part sales (indoor and outdoor)
3. Auto Wash (self service)
4. Ambulance service
5. Check cashing service
6. Laundromat (self service)
7. Propane sales
8. Wholesale trade (nondurable goods)
9. Commercial extraction of Soil, Sand and Gravel, or similar material
10. Outside storage
11. Petroleum or petroleum product extraction

**SURROUNDING ZONING AND LAND USES:**

	<u>Zoning</u>	<u>Land Use</u>
North	Planned Unit Development	Vacant
South	Planned Unit Development	Single-Family Residential
East	Planned Unit Development	Single-Family Residential
West	Planned Unit Development	Single-Family Residential

**CONFORMANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC):** As previously mentioned, the property is currently zoned Suburban Development (SD). As the property is currently being requested to be rezoned to a Planned Development, with General Business (GB) as a base zoning district, a breakdown between those requirements and the existing site is provided below:

	<u>General Business</u>	<u>Existing Site</u>
Lot Size:	22,500 sq ft	20.3 Acres
Lot Width:	150'	910'
Lot Depth:	125'	970'
Front Setback:	25'	n/a

Rear Setback: 25' n/a  
Side Setback: 10' if abuts res. n/a

As the site is currently undeveloped, new development will be required to meet all requirements of the Unified Development Code unless specifically deviated from in the Planned Development Document.

**PLATTING STATUS:** The property is not currently platted. Platting will be required at the time of development.

**CONFORMANCE WITH THE COMPREHENSIVE PLAN:** The current Comprehensive Plan (latest update in 2009) indicates *Low Density Residential* and *Minor Retail Node (25 acres)* for the subject property. The Comprehensive Plan defines a minor retail node to be approximately 25 acres. When taking into account the northwest and northeast corners of the intersection of Kingsley and Broadway also being developed as retail, if this zone change is approved it would result in a larger commercial development than 25 acres. As the Comprehensive Plan is only intended to be a general guide and not parcel specific the request could be considered to be in conformance with the Comprehensive Plan.

**CONFORMANCE WITH THE THOROUGHFARE PLAN:** The subject property has frontage on Broadway and Kingsley/CR48, both major thoroughfares, with a minimum of 120' right-of-way.

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

**IMPACT ON EXISTING AND FUTURE DEVELOPMENT:** As the proposed development is at the intersection of two major thoroughfares, it is not anticipated that the development will have negative impacts which are not mitigated for in the Planned Development. The Residential Retail Node height diagram will help to ensure an adequate buffer between the proposed development and existing single family residential. The applicant has proposed to remove a number of potentially incompatible uses from the development. In the *Summary* section of this report, additional potentially incompatible uses have been identified by staff. If these uses are removed from the proposed Planned Development Document, this concern will have been addressed.

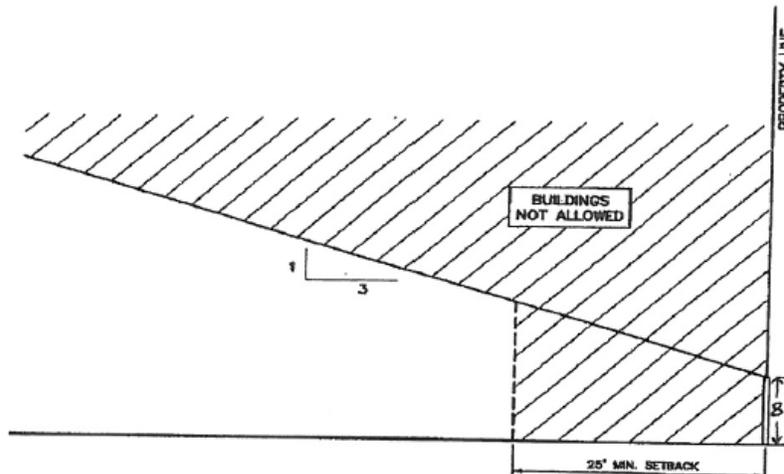
A Traffic Impact Analysis (TIA) may be required at the time of site plan review by the City's Engineering department to determine if there are any potentially negative traffic impacts anticipated as a result of the proposed development at that time. If a TIA is required, and mitigation measures are deemed necessary as a result, the applicant would be responsible for implementing those measures.

**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 the proposed Planned Development has been submitted by the applicant. The site plan indicates a convenient store with fuel sales at the immediate intersection of Broadway and Kingsley with two additional pad sites fronting Broadway, and a larger retail center towards the rear of the property.

**PLANNED DEVELOPMENT (PD) CONSIDERATIONS:**

The primary deviations from the Unified Development Code in the Planned Development proposal include Land Use, and Buffering. As previously mentioned, the base zoning district for the Planned Development is General Business (GB). All allowable land uses in the (GB) zoning district are permitted, however this PD proposes to remove potentially incompatible land uses, as previously mentioned in this report. In addition to the land use restrictions, an additional buffer is proposed between this site and existing single family residential. The Residential Retail Node height diagram has been added for additional buffering, as illustrated below:



**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 notification sign was placed on the subject property.

**OPPOSITION TO OR SUPPORT OF PROPOSED REQUEST:** At the time of this report, 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 2012-12Z as proposed by the applicant for the following reasons and with the following condition:

1. The proposed zone change does not appear to have any negative impacts on existing surrounding or future developments which are not able to be mitigated

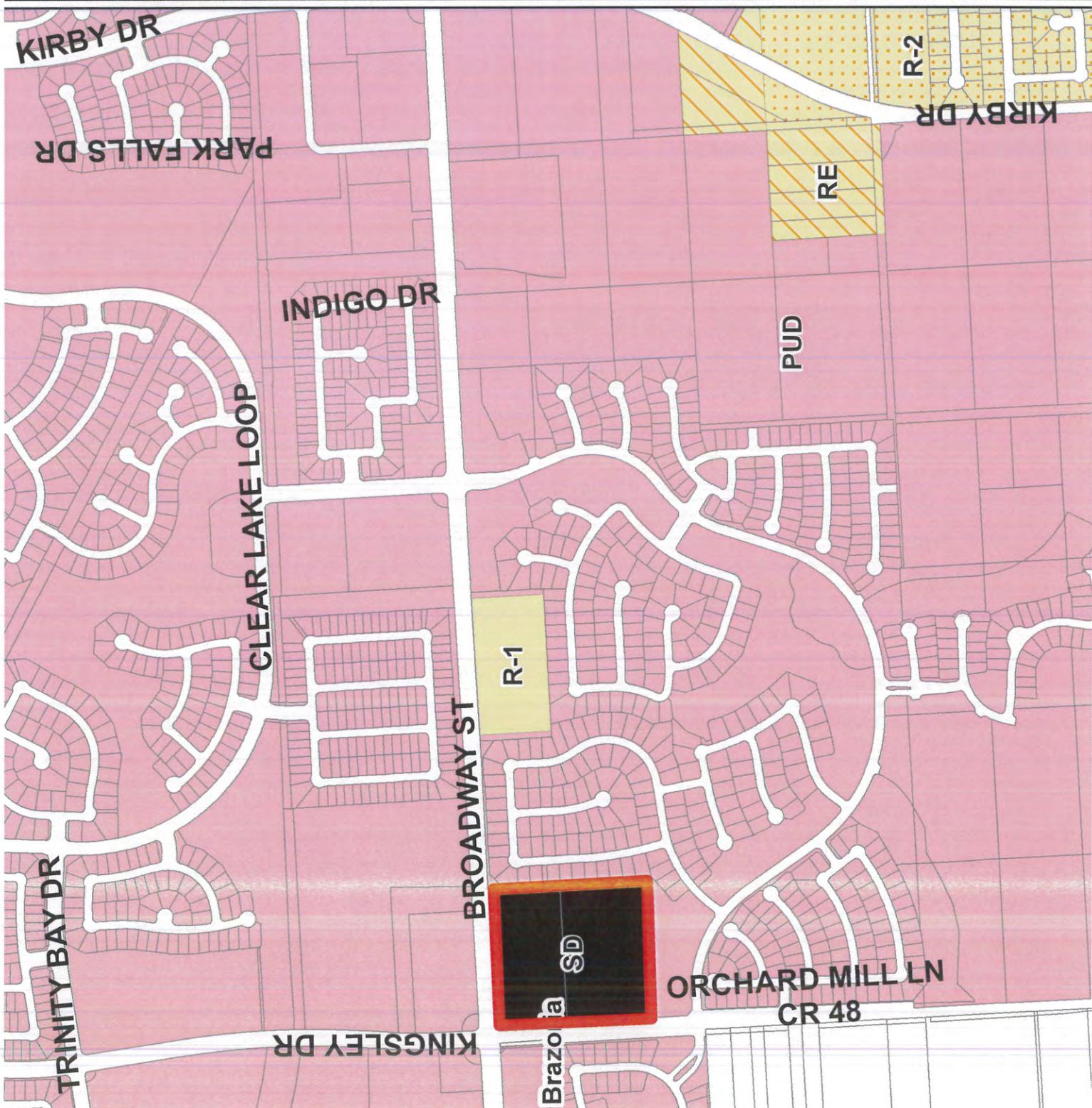
2. The proposed zone change would result in development which would blend well with existing nearby commercial uses.

Condition:

1. The applicant removes the identified potentially incompatible uses referenced in this document.

**SUPPORTING DOCUMENTS:**

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



## Vicinity and Zoning Map

Zone Change 2012-12Z

### Southeast Corner Broadway/Kingsley

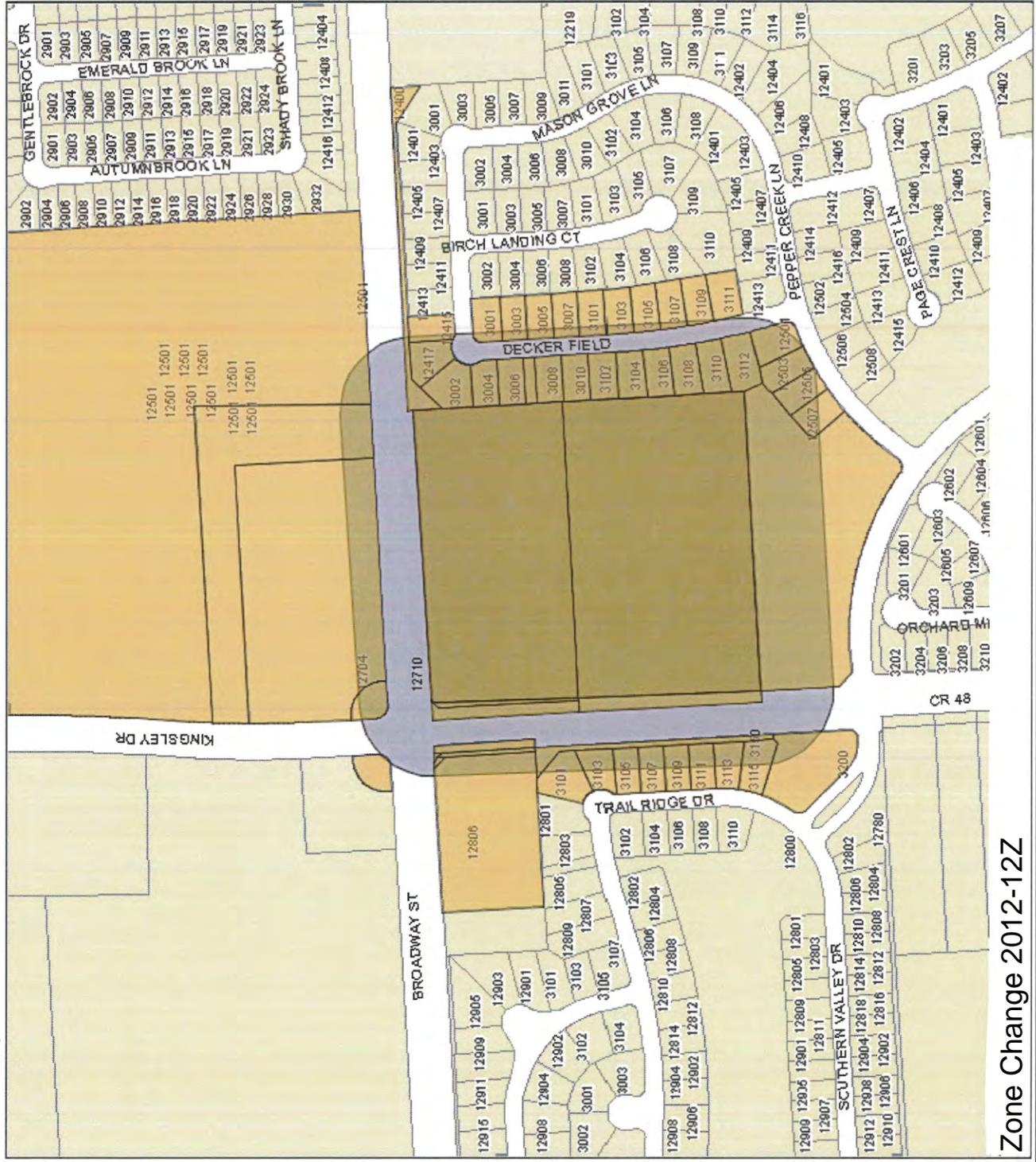
This product is for information purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



0 245 490 980 Feet



**Abutter Map**

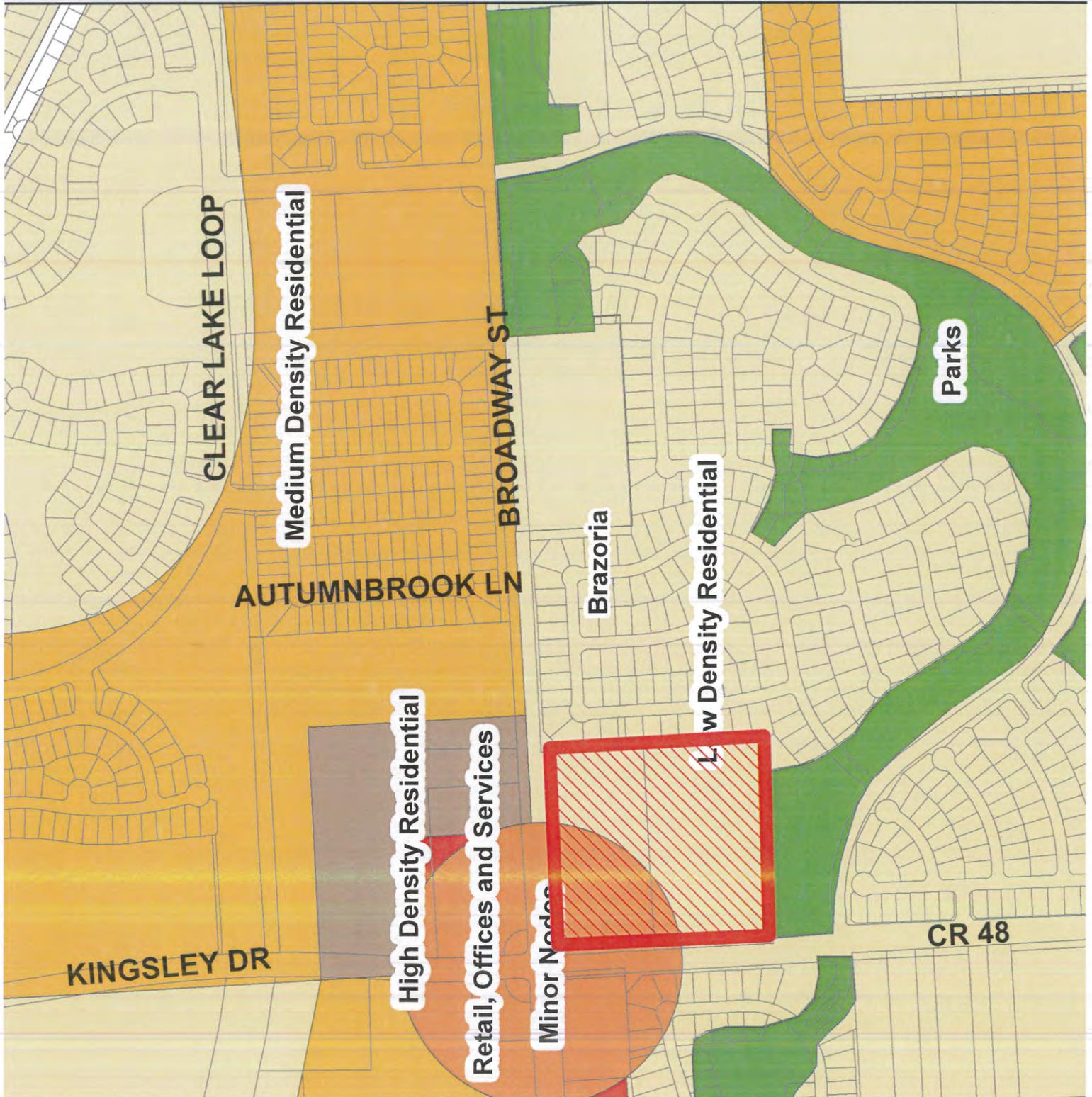


Scale 1:4,435  
1 in = 370 ft

**Zone Change 2012-12Z**

<b>Owner</b>	<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zip</b>
GREEN MARCUS NEAL & CHANDRA M	3008 DECKER FIELD LN	PEARLAND	TX	77584-3767
PAN YANG & CHIHCHIANG FU	3006 DECKER FIELD LN	PEARLAND	TX	77584-3767
SOUTHERN TRAILS RESIDENTIAL ASSOC INC	PO BOX 219223	HOUSTON	TX	77218
BELTWAY 23 LTD	5855 SOVEREIGN DR STE B	STE B	TX	77036-2318
SHADOW CREEK RANCH MAINTENANCE ASSOCIATION	12234 SHADOW CREEK PKWY BLDG 3 STE 114	SUITE #114	TX	77584-7330
RODRIGUEZ J RAUL & LYDIA G	3115 TRAIL RIDGE DR	PEARLAND	TX	77581
LEE MICHAEL PAUL & GLENDA K	3113 TRAIL RIDGE DR	PEARLAND	TX	77584
WILLIAMS JARED & SHACARLA	3101 TRAIL RIDGE DR	PEARLAND	TX	77584-3685
LOLLEY ANGELA C & JOHN R	12502 PEPPER CREEK LN	PEARLAND	TX	77584
LE TRAM	12503 PEPPER CREEK LN	PEARLAND	TX	77584-3766
NGO TIMOTHY H & TRAN T LE	12501 PEPPER CREEK LN	PEARLAND	TX	77584-3766
NGUYEN DAT V & CYNDI M	3112 DECKER FIELD LN	PEARLAND	TX	77584-3769
LEWIS STANLEY T & RONDA R	3111 DECKER FIELD LN	PEARLAND	TX	77584-3770
BELLOW LESTER JR & SHEILA H	3110 DECKER FIELD LN	PEARLAND	TX	77584-3769
GODINEZ REYNALDO D & SUSAN M	3109 DECKER FIELD LN	PEARLAND	TX	77584-3770
NG JAYSON & MYLAN NGO & KIEM NGO	3108 DECKER FIELD LN	PEARLAND	TX	77584-3769
LEE JENNIFER C	3107 DECKER FIELD LN	PEARLAND	TX	77584-3770
NGO THONG	3105 DECKER FIELD LN	PEARLAND	TX	77584-3770
ASHTON HOUSTON RESIDENTIAL LLC	11375 S SAM HOUSTON PKWY W STE 100	HOUSTON	TX	77031-2349
ZHENG ZHONG & SWEE TENG CHIN	3103 DECKER FIELD LN	PEARLAND	TX	77584-3770
CANNON DEAN	3004 DECKER FIELD LN	PEARLAND	TX	77581
PALACIOS JEROME P & JENELLIE BALINGIT	12417 CLOVER CREEK LN	PEARLAND	TX	77581
BURT CHRISTOPHER C	3001 DECKER FIELD LN	PEARLAND	TX	77584-3768
CL ASHTON WOODS LP C/O DENISE ORSBORN	6300 BEE CAVE RD BLDG 2 STE 500	AUSTIN	TX	78746-5149
LEONARD SCOTT P	12507 PEPPER CREEK LN	PEARLAND	TX	77584-3766
SCR C20B DEVELOPMENT LP	4201 BROADWAY ST	PEARLAND	TX	77581-4188
GEORGE BENETTA & FLEMING G PANJIKKARAN	3111 TRAIL RIDGE DR	PEARLAND	TX	77584-3685
NGUYEN STEVEN PHI & HOA LE TANG	3109 TRAIL RIDGE DR	PEARLAND	TX	77584-3685
PAUL PRINCY & SHAJAN U POULOSE	3107 TRAIL RIDGE DR	PEARLAND	TX	77584-3685

HARPER ERIC L & TERI L	3105 TRAIL RIDGE DR	PEARLAND	TX	77584-3685
BRAZORIA COUNTY MUNICIPAL UTILITY DIST #34	3200 SOUTHWEST FWY STE 2600	HOUSTON	TX	77027-7537
MCDONALD JOHN & TERRI	3101 DECKER FIELD LN	PEARLAND	TX	77584-3770
GRILLO RAFAEL A	3005 DECKER FIELD LN	PEARLAND	TX	77584
SAMUEL JOBY V & PRIYANKA S KOTIAN	3102 DECKER FIELD LN	PEARLAND	TX	77581
KERRY GILBERT & ASSOCIATES C/O CHRISTY SMIDT	23501 CINCO RANCH BLVD STE A-250	KATY	TX	77494

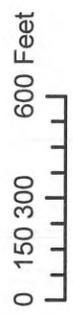


## FLUP Map

Zone Change 2012-12Z

## Southeast Corner Broadway/Kingsley

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.





### Aerial Map

Zone Change 2012-12Z

### Southeast Corner Broadway/Kingsley

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ZONE CHANGE APPLICATION Page 1 of 5 Updated June 2010)



# 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: SD

Proposed Zoning District: PD

### Property Information:

Address or General Location of Property: Southeast corner Broadway & Kingsley

Tax Account No. 05640036000 and 05640004000

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

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

### PROPERTY OWNER INFORMATION:

NAME Beltway 23, Ltd.  
ADDRESS 5855 Sovereign Rd # B  
CITY Houston STATE TX ZIP 77036  
PHONE (713) 246-4288  
FAX (713) 977-1311  
E-MAIL ADDRESS pnantson@yahoo.com

### APPLICANT/AGENT INFORMATION:

NAME Kerry R. Gilbert & Assoc.  
ADDRESS 23501 Cinco Ranch Blvd #250  
CITY Katy STATE TX ZIP 77494  
PHONE (281) 579-0340  
FAX (281) 579-8212  
E-MAIL ADDRESS CSmidt@yahoo.com

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

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

Owner's Signature: [Signature] Date: 9/13/12

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

### OFFICE USE ONLY:

FEES PAID: <u>400.00</u>	DATE PAID: <u>9/14/12</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>343641</u>
--------------------------	---------------------------	---------------------------------	-------------------------------

Application No. 2012-127

September 14, 2012

Lata Krishnarao, Director  
Planning Department  
3523 Liberty Drive  
Pearland, Texas 77581

RE: Rezone application request – owner authorization

Dear Lata,

I, Peter Tsou, Beltway 23, Ltd., owner of the 18.1 acres of property located at the southeast corner of Kingsley Road and Broadway do authorize Kerry R. Gilbert & Assoc., Inc. to be our agent in our application to rezone the subject tract.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Peter Tsou', is written over a horizontal line.

Peter Tsou  
Beltway 23, Ltd.

## 18.1 Acre Kingsley and Broadway PD

Prepared for:

Beltway 23, Ltd.

Prepared by:

Kerry R. Gilbert & Assoc., Inc.

September 28, 2012

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## I. Introduction

### A. Description of Property

The subject site is located at the southeast corner of Broadway (CR 92) and Kingsley (CR 48) and encompasses 18.1 acres of land. Currently, the site is vacant. The site was originally 20 acres however; dedication of land for Broadway (CR 92) and Kingsley (CR 48) have reduced the size of the site. Refer to Exhibit A – Location Map.

### B. Description of Proposed Development

The location of this project at the intersection of two major thoroughfares and lends itself for commercial, retail, and office development. There are a variety of possible uses for each tract, including small pad sites (banks, restaurants, gas station/convenience store, etc.), an office building or small retail center. The detention for the site will be provided by the detention facility along the southern boundary. Approximately 1.5 acres of land will be combined with the adjacent existing detention to the south in the Southern Trails Development making a larger detention facility. The existing amenities associated with the current detention facility in Southern Trails will remain. The subject tract is located within the Brazoria County MUD #34 which will provide utilities to the site. Refer to Exhibit B – Site Location and Surrounding Uses.

### C. Describe the area of land in acreage and legal description

Refer to Exhibit D – Survey and metes & bounds description.

### D. Statement as to the purpose and intent of the PD

The intent of this PD is to allow flexibility of uses with the commercial, retail, and office land uses within the project.

## II. Zoning and Land Uses

### A. Describe existing zoning district surrounding the site

The site is zoned SD. The surrounding uses are as follows:

- North: Shadow Creek Ranch PUD (commercial and multi-family uses)
- West: Southern Trails PUD (commercial and single-family uses)
- South: Southern Trails PUD (single-family residential use),
- East: Southern Trails PUD (single-family residential use)

### B. Describe the acreage difference between the Base Zoning and proposed district

The base zoning and proposed district is GB (General Business).

### C. General standards applicable to project

The standards applicable to the project are the GB (General Business) standards plus additional landscape buffer and building height standards stated in this document.

### D. Land uses Allowed and Prohibited

The intent of the PD is to allow for a variety of land uses, including a mix of commercial, office, retail and restaurants that are compatible to residential use. All permitted and conditional uses listed for GB in the UDC Land Use Matrix are allowed in addition to a gas station/convenience store/auto wash (self-serve), except the prohibited uses listed below.

Prohibited

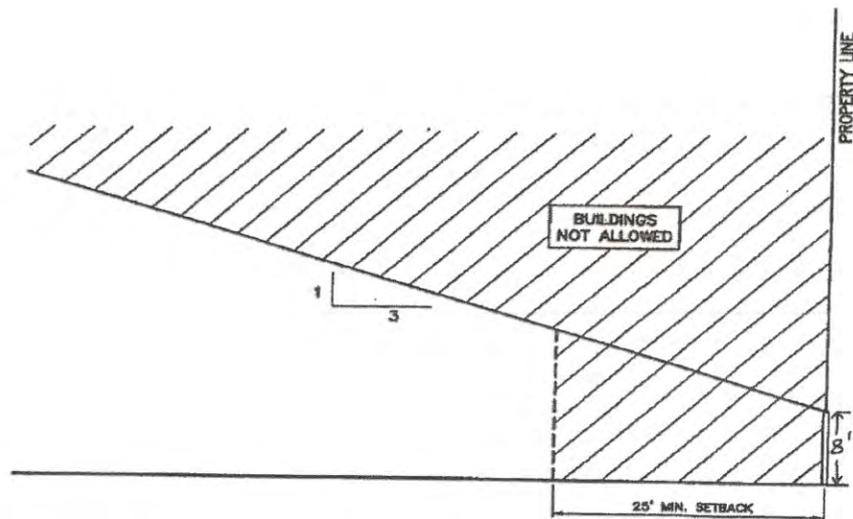
Boarding or rooming House  
Commercial Amusement, (outdoor)  
Country Club, Private Golf Course  
Dinner Theater  
Fairgrounds/rodeo grounds  
Gaming Establishment  
Auto Glass/Repair/Tinting  
Auto Interior Shop/Upholstry  
Auto Rental  
Auto Repair (major or minor)  
Auto Sales (new or used car lot)  
Auto Wash (Full Service)  
Commercial Transit Terminal  
Office - Parole-Probation, Bail Bonds  
Animal Clinic, Veterinarian (with outside pens)  
Bed & Breakfast Inn  
Extended Stay Hotel/Motel  
Rehabilitation Care Facility (Halfway House)  
Rehabilitation Care Institution (Commercial)  
Antique Shop (with outside storage)  
Bakery, (wholesale)  
Market - Open Air (Flea Market)  
Stone Monuments (Retail only)  
Sign Shop  
Auction House  
Fraternal Organization  
Fraternity or Sorority  
Home for Alcoholic, Narcotic or Psychiatric Patients  
Hospital (non-profit or for profit)  
Mortuary/Cemetery  
Sheltered Care Facility  
Electrical Substation  
Gas Transmission and metering station  
Telephone exchange switching relay and transmitting equipment  
Utility Shops or storage, Yards, and Building  
Cannery, wholesale  
Dance hall or night club  
Railroad, bus, light rail passenger station  
Upholstery Business with outside storage  
Airport & Heliport/Helipad &/or landing field  
Animal processing  
Asphalt or Asphalt/concrete batching plant

### III. Design Standards

#### A. Design Standards

1. Landscape Buffer: There shall be a 25' wide landscape buffer along the eastern boundary of the subject site, adjacent to the single-family residential. The buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use) and shall be planted with ground cover, shrubs and trees. The landscape buffer may be located within the required yard/setback area. Landscape elements permitted shall consist of shrubbery having year round foliage, that is at least seventy-five percent (75%) opaque and that is a minimum of six feet (6') in height at planting.

2. Building Height: Per the exhibit below, the height of any building adjacent to the eastern boundary of the subject tract will be restricted.



3. Sidewalks: Six (6) foot sidewalks are required along Kingsley Road and along Broadway.

4. Gas Station site: A gas station/convenience store/self-serve auto wash is planned for +2 acres at the corner. Exhibit C - Concept Plan, depicts the design of the facility.

#### B. Specific list of deviations.

Prohibiting certain land uses that otherwise are allowed in GB. The list of prohibited land uses is shown above.

C. All requirements of the Unified Development Code will be met, unless specifically mentioned in this document

### IV. Required dedications of land or public improvements

This development is primarily commercial, retail and office and therefore no dedication to parkland required.

V. Exhibits

A -Location Map

B - Site Location and Surrounding Uses

C - Concept Plan

D - Survey, metes & bounds description

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**EXHIBIT A**

Location map

a location map for

# KINGSLEY & BROADWAY PD ± 18.1 ACRES OF LAND

prepared for

## BELTWAY 23, LTD.

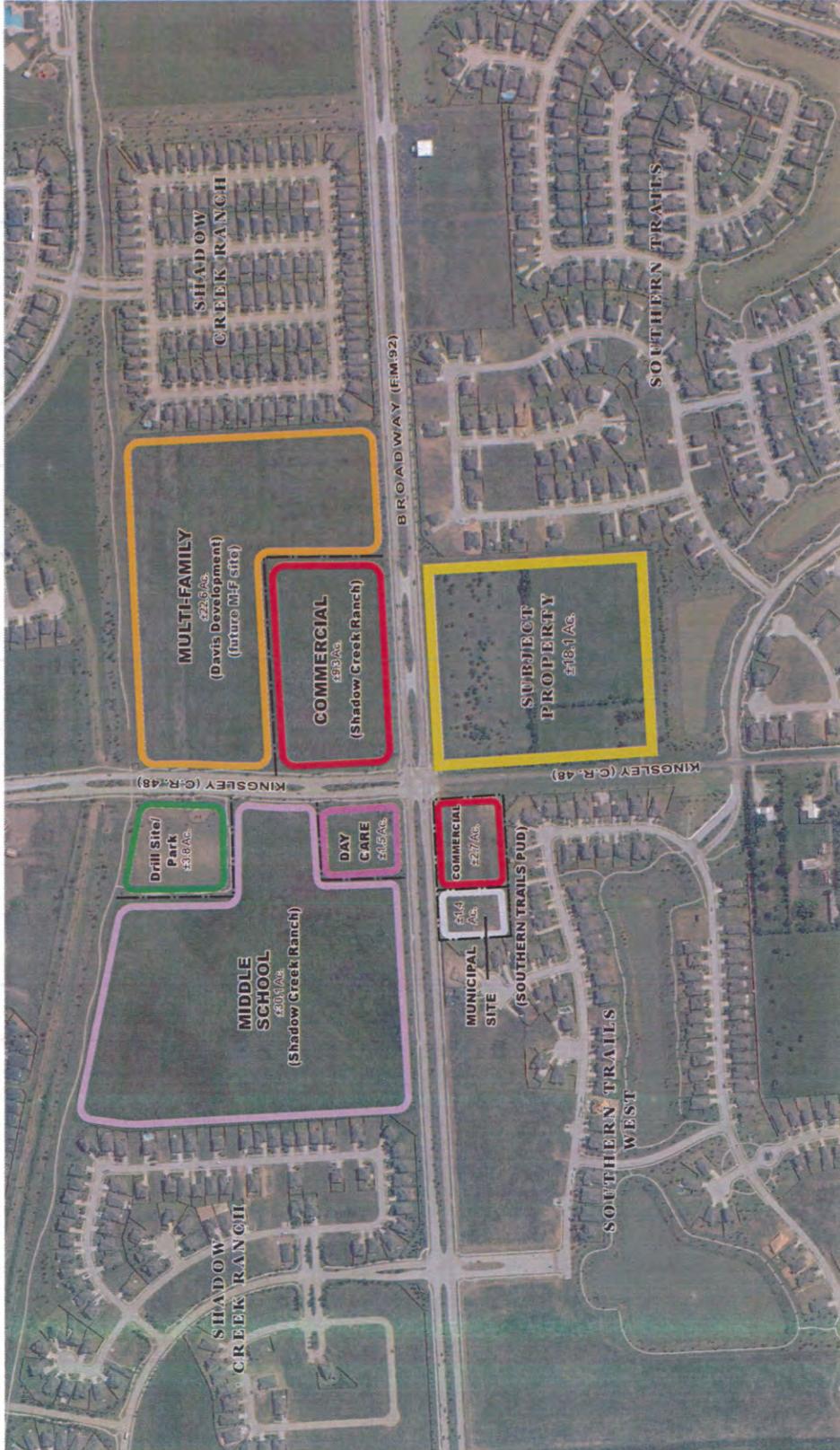
**KERRY R. GILBERT & ASSOCIATES, INC.**  
Land Planning Consultants  
22601 Crown Ranch Blvd.  
Suite A-250  
Katy, TX 77450  
(281) 574-9340  
Fax (281) 579-8272

SEPTEMBER 26, 2012  
KGA-A-256

NOT TO SCALE

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KERRY R. GILBERT & ASSOCIATES, INC.



site location and surrounding uses for

# KINGSLEY & BROADWAY PD prepared for BELTWAY 23, LTD.

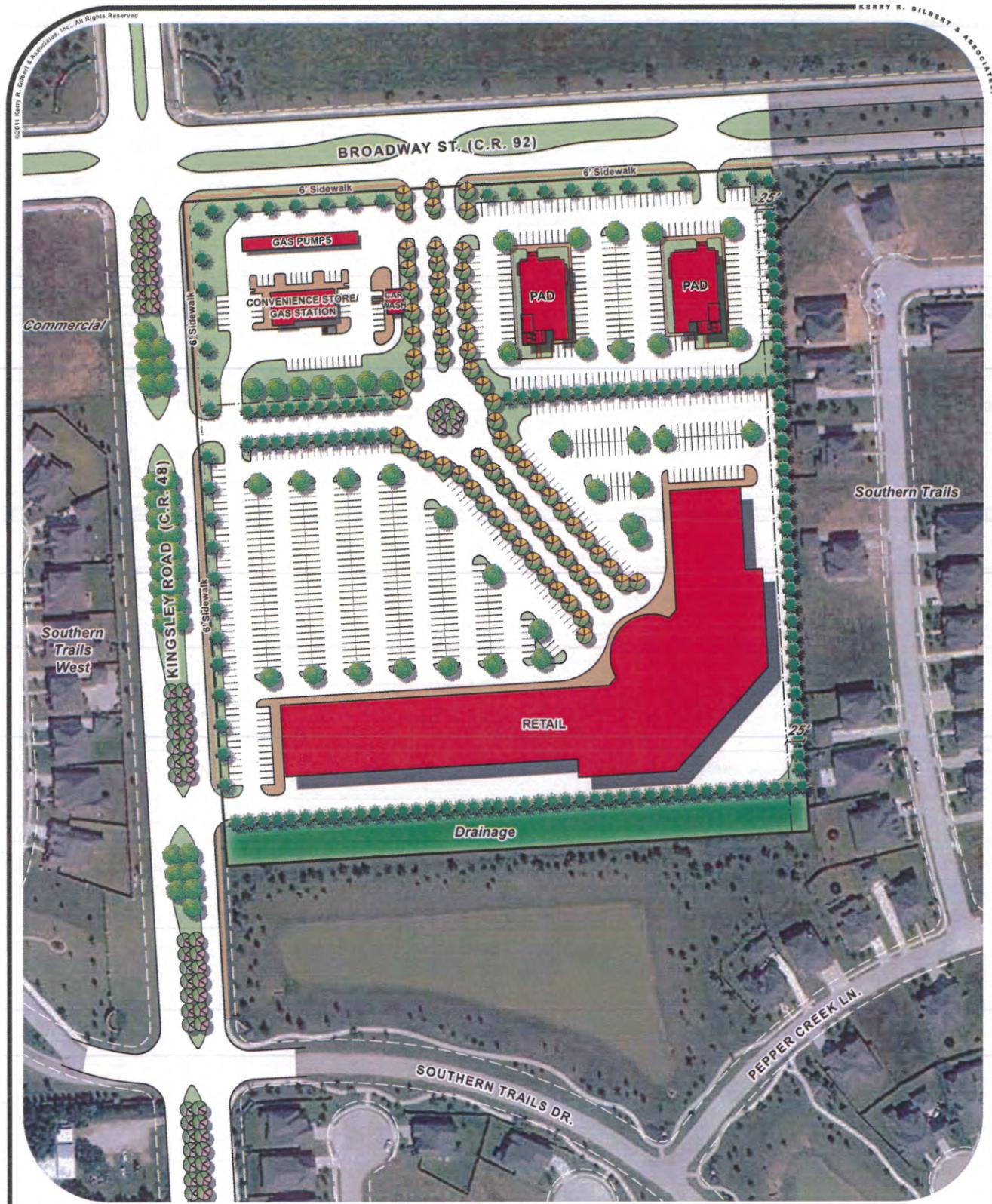
KERRY R. GILBERT & ASSOCIATES, INC.  
2301 Chico Ranch Blvd.  
Suite 1200  
Katy, Texas 77494  
Tel: (281) 576-0400  
Fax: (281) 576-0421

SEPTEMBER 24, 2012  
NOA 40-206

SCALE  
1" = 100'

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KERRY R. GILBERT & ASSOCIATES, INC.

a conceptual development plan for  
**KINGSLEY &  
 BROADWAY PD**  
 ± 18.1 ACRES OF LAND  
 prepared for  
**BELTWAY 23, LTD.**

**EXHIBIT  
 C**

**KERRY R. GILBERT & ASSOCIATES, INC.** Land Planning Consultants  
 23501 Cinco Ranch Blvd.  
 Suite A-250  
 Katy, Texas 77494  
 (281) 579-0240  
 Fax (281) 579-8212

SCALE

SEPTEMBER 28, 2012  
 KGA #1-256



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KERRY R. GILBERT & ASSOCIATES, INC.



SCALE 1" = 200' - 27.44" SHEET  
SCALE 1" = 400' - 11.11" SHEET



**NOTE:**  
THIS EXHIBIT WAS PREPARED USING RECORDED SUBDIVISION MAPS, RECORDED DEEDS, AND CITY ORDINANCES, AND DOES NOT REPRESENT AN ON THE GROUND SURVEY.

**NOTE:**  
THIS DOCUMENT WAS PREPARED UNDER 22 TAC 863.21, DOES NOT REPRESENT A FIELD SURVEY. IT IS INTENDED 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.

**NOTE:**  
ALL IMPROVEMENTS (ROADS, FENCES, ETC.) DEPICTED HEREON ARE DERIVED FROM A DIGITAL AIRPHOTOGRAPH, AND ARE NOT THE RESULT OF AN ON THE GROUND SURVEY.

**C.L. DAVIS & CO.**  
LAND SURVEYING  
1500 BRACORIA WAY  
PEARLAND, TEXAS 77548  
TEL: 281-291-4800  
FAX: 281-291-1944

**EXHIBIT**  
CITY OF PEARLAND, TEXAS

PROPOSED ANNEXATION OF 20.3 ACRES  
WITHIN BRAZORIA COUNTY

GENERAL LOCATION  
NORTH OF COUNTY ROAD 59  
EAST OF COUNTY ROAD 48  
SOUTH OF COUNTY ROAD 92  
WEST OF CITY OF PEARLAND  
ORDINANCE No. 924  
BRAZORIA COUNTY, TEXAS

DATE: 02-08-2012 SCALE: 1" = 200' JOB NO.: 11-1005  
DWD FILE: 11-1005-ANNEXATION

EXHIBIT "A"  
METES AND BOUNDS DESCRIPTION  
20.3 ACRES MORE OR LESS OUT OF  
J.S. TALMAGE SURVEY, ABSTRACT 564  
BRAZORIA COUNTY, TEXAS

The herein described 20.3 acres, more or less, being generally located in Section 80, J. S. Talmage Survey, Abstract 564, Brazoria County, Texas; the south line being along the south line of Lot 2, Section 80, J. S. Talmage Survey, Abstract 564 according to the plat thereof as filed in Volume 2, Page 98 Brazoria County Plat Records; the west line being the east line of City of Pearland Ordinance No. 1035; the north line being the south right-of-way line of County Road 92 and the extension of City of Pearland Ordinance No. 924 and the east line being the west line of City of Pearland Ordinance No 924;

All that certain 20.3 acres, more or less, to be annexed into the City of Pearland and being all of Lots 1 & 2, Section 80, J. S. Talmage Survey, Abstract 564 and being more particularly described by metes and bounds as follows;

Commencing at a point marking the common corner of Abstracts 305, 565, 564 and 538 and being the intersection of County Road 92 (Broadway) and County Road 48 (Kingsley Drive); Thence Southerly – 20' with the common line of said Abstract 538 and Abstract 564 to a point marking the POINT OF BEGINNING of herein described tract;

1. Thence Easterly – 910', more or less, with the south of City of Pearland Ordinance No. 880 to a point for corner marking the most northerly northwest corner of City of Pearland Ordinance No. 924;
2. Thence Southerly – 970', more or less, with the east line of said Lots 1 and 2, Section 80, J. S. Talmage Survey, Abstract 564 and the west line of City of Pearland Ordinance No. 924 to a point for corner;
3. Thence Westerly – 910', more or less, with the south line of said Lot 2, Section 80 and continuing with the most westerly north line of said City of Pearland Ordinance No. 924 to a point for corner;
4. Thence Northerly – 970', more or less, with the east line of said City of Pearland Ordinance No. 1035 to the POINT OF BEGINNING and containing 20.3 acres of land more or less

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

This metes and bounds description is accompanied by a separate plat, drawing or exhibit per Texas Board of Professional Land Surveyor's "General Rules of Procedures and Practices" Section 663.19(9).

Compiled by:  
C.L. Davis & Company  
Job Number: 11-421-141 Annexation-Beltway-23 M&B.doc  
02-09-2012



CITY OF PEARLAND  
\*\*\* CUSTOMER RECEIPT \*\*\*  
Oper: AGONZALES Type: OC Drawer: 1  
Date: 9/27/12 01 Receipt no: 343641

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	\$400.00
Trans number:		3845184

ZONE CHANGE FOR S.E. CORNER  
BROADWAY/KINGSLEY  
KERRY GILBERT & ASSOC.  
BELTWAY 23, LTD.  
5855 SOVEREIGN DR, #8  
HOU TX 77036

Tender detail		
CK CHECK	1196	\$400.00
Total tendered		\$400.00
Total payment		\$400.00

Trans date: 9/26/12 Time: 13:06:26

**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.

*Christy Sundt*  
9/24/14  
Kingsley & Broadway  
PD

Wednesday, September 12, 2012

### 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 2011. 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: 05640004000**

**Address:**  
 BELTWAY 23 LTD  
 5855 SOVEREIGN DR  
 STE B  
 HOUSTON, TX 77036-2318

**Property Site Address:**  
 2335 COUNTY ROAD 48

**Legal Description:**  
 A0564 H T & B R R TRACT 2 ACRES 9.6705

**Current Tax Levy:** \$22,881.00  
**Current Amount Due:** \$0.00  
**Prior Year Amount Due:** \$0.00  
**Total Amount Due:** \$0.00

**Last Payment Amount for Current Year Taxes:** \$22,881.00

**Pending Credit Card or E-Check Payments:**  
 No Payment Pending

**Jurisdictions:**  
 ALVIN COMMUNITY COLLEGE  
 ALVIN ISD  
 BRAZORIA COUNTY  
 BRAZORIA DRAINAGE DIST 4  
 SPECIAL ROAD & BRIDGE

**Market Value:** \$1,053,120  
**Land Value:** \$1,053,120  
**Improvement Value:** \$0  
**Capped Value:** \$0  
**Agricultural Value:** \$0  
**Exemptions:** None

**Last Certified Date:** 07/28/2011

[Taxes Due Detail by Year and Jurisdiction](#)

[Payment Information](#)

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

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[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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Wednesday, September 12, 2012

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111 E Locust  
Angleton, Texas 77515



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**Account Number: 05640036000**

**Address:**

BELTWAY 23 LTD  
5855 SOVEREIGN DR  
STE B  
HOUSTON, TX 77036-2318

**Property Site Address:**

COUNTY ROAD 48-92

**Legal Description:**

A0564 H T & B R R TRACT 1 ACRES 8.7044

**Current Tax Levy:** \$20,595.12

**Current Amount Due:** \$0.00

**Prior Year Amount Due:** \$0.00

**Total Amount Due:** \$0.00

**Last Payment Amount for Current Year Taxes:** \$20,595.12

**Pending Credit Card or E-Check Payments:**

No Payment Pending

**Jurisdictions:**

ALVIN COMMUNITY COLLEGE  
ALVIN ISD  
BRAZORIA COUNTY  
BRAZORIA DRAINAGE DIST 4  
SPECIAL ROAD & BRIDGE

**Market Value:** \$947,910

**Land Value:** \$947,910

**Improvement Value:** \$0

**Capped Value:** \$0

**Agricultural Value:** \$0

**Exemptions:** None

**Last Certified Date:** 07/28/2011

[Taxes Due Detail by Year and Jurisdiction](#)

[Payment Information](#)

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

---

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[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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©1998-2006 Brazoria County

## 18.1 Acre Kingsley and Broadway PD

Prepared for:

Beltway 23, Ltd.

Prepared by:

Kerry R. Gilbert & Assoc., Inc.

September 28, 2012

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B. Description of Proposed Development	
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D. Statement as to the purpose and intent of the PD	
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B – Site and Surrounding Uses Map	
C – Concept Plan	
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## **I. Introduction**

### **A. Description of Property**

The subject site is located at the southeast corner of Broadway (CR 92) and Kingsley (CR 48) and encompasses 18.1 acres of land. Currently, the site is vacant. The site was originally 20 acres however; dedication of land for Broadway (CR 92) and Kingsley (CR 48) have reduced the size of the site. Refer to Exhibit A – Location Map.

### **B. Description of Proposed Development**

The location of this project at the intersection of two major thoroughfares and lends itself for commercial, retail, and office development. There are a variety of possible uses for each tract, including small pad sites (banks, restaurants, gas station/convenience store, etc.), an office building or small retail center. The detention for the site will be provided by the detention facility along the southern boundary. Approximately 1.5 acres of land will be combined with the adjacent existing detention to the south in the Southern Trails Development making a larger detention facility. The existing amenities associated with the current detention facility in Southern Trails will remain. The subject tract is located within the Brazoria County MUD #34 which will provide utilities to the site. Refer to Exhibit B – Site Location and Surrounding Uses.

### **C. Describe the area of land in acreage and legal description**

Refer to Exhibit D – Survey and metes & bounds description.

### **D. Statement as to the purpose and intent of the PD**

The intent of this PD is to allow flexibility of uses with the commercial, retail, and office land uses within the project.

## **II. Zoning and Land Uses**

### **A. Describe existing zoning district surrounding the site**

The site is zoned SD. The surrounding uses are as follows:

- North: Shadow Creek Ranch PUD (commercial and multi-family uses)
- West: Southern Trails PUD (commercial and single-family uses)
- South: Southern Trails PUD (single-family residential use),
- East: Southern Trails PUD (single-family residential use)

### **B. Describe the acreage difference between the Base Zoning and proposed district**

The base zoning and proposed district is GB (General Business).

### **C. General standards applicable to project**

The standards applicable to the project are the GB (General Business) standards plus additional landscape buffer and building height standards stated in this document.

### **D. Land uses Allowed and Prohibited**

The intent of the PD is to allow for a variety of land uses, including a mix of commercial, office, retail and restaurants that are compatible to residential use. All permitted and conditional uses listed for GB in the UDC Land Use Matrix are allowed in addition to a gas station/convenience store/auto wash (self-serve), except the prohibited uses listed below.

Prohibited

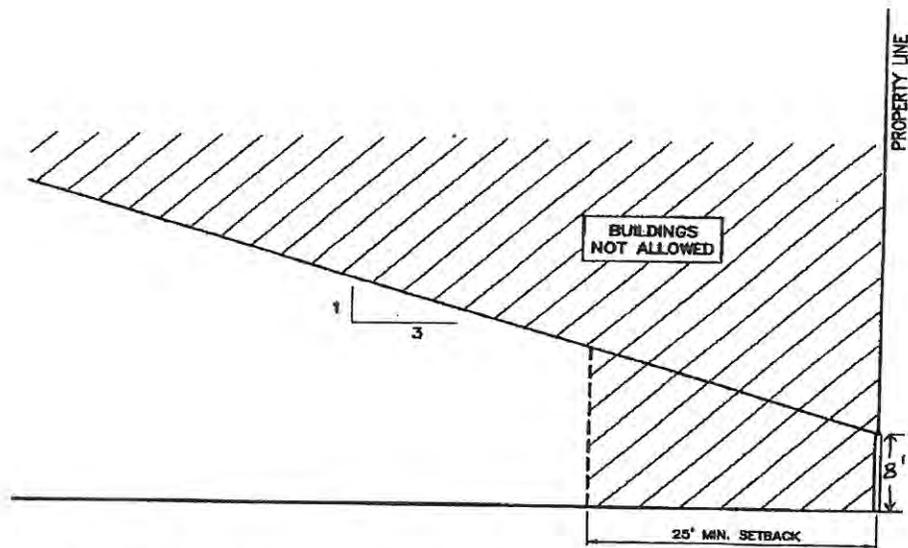
Boarding or rooming House  
Commercial Amusement, (outdoor)  
Country Club, Private Golf Course  
Dinner Theater  
Fairgrounds/rodeo grounds  
Gaming Establishment  
Auto Glass/Repair/Tinting  
Auto Interior Shop/Upholstry  
Auto Rental  
Auto Repair (major or minor)  
Auto Sales (new or used car lot)  
Auto Wash (Full Service)  
Commercial Transit Terminal  
Office – Parole–Probation, Bail Bonds  
Animal Clinic, Veterinarian (with outside pens)  
Bed & Breakfast Inn  
Extended Stay Hotel/Motel  
Rehabilitation Care Facility (Halfway House)  
Rehabilitation Care Institution (Commercial)  
Antique Shop (with outside storage)  
Bakery, (wholesale)  
Market – Open Air (Flea Market)  
Stone Monuments (Retail only)  
Sign Shop  
Auction House  
Fraternal Organization  
Fraternity or Sorority  
Home for Alcoholic, Narcotic or Psychiatric Patients  
Hospital (non-profit or for profit)  
Mortuary/Cemetery  
Sheltered Care Facility  
Electrical Substation  
Gas Transmission and metering station  
Telephone exchange switching relay and transmitting equipment  
Utility Shops or storage, Yards, and Building  
Cannery, wholesale  
Dance hall or night club  
Railroad, bus, light rail passenger station  
Upholstery Business with outside storage  
Airport & Heliport/Helipad &/or landing field  
Animal processing  
Asphalt or Asphalt/concrete batching plant

### III. Design Standards

#### A. Design Standards

1. Landscape Buffer: There shall be a 25' wide landscape buffer along the eastern boundary of the subject site, adjacent to the single-family residential. The buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use) and shall be planted with ground cover, shrubs and trees. The landscape buffer may be located within the required yard/setback area. Landscape elements permitted shall consist of shrubbery having year round foliage, that is at least seventy-five percent (75%) opaque and that is a minimum of six feet (6') in height at planting.

2. Building Height: Per the exhibit below, the height of any building adjacent to the eastern boundary of the subject tract will be restricted.



3. Sidewalks: Six (6) foot sidewalks are required along Kingsley Road and along Broadway.

4. Gas Station site: A gas station/convenience store/self-serve auto wash is planned for +2 acres at the corner. Exhibit C – Concept Plan, depicts the design of the facility.

#### B. Specific list of deviations.

Prohibiting certain land uses that otherwise are allowed in GB. The list of prohibited land uses is shown above.

C. All requirements of the Unified Development Code will be met, unless specifically mentioned in this document

### IV. Required dedications of land or public improvements

This development is primarily commercial, retail and office and therefore no dedication to parkland required.

## V. Exhibits

A -Location Map

B - Site Location and Surrounding Uses

C - Concept Plan

D - Survey, metes & bounds description



**A**  
EXHIBIT

location map



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a location map for  
**KINGSLEY & BROADWAY PD**  
 ± 18.1 ACRES OF LAND  
 prepared for  
**BELTWAY 23, LTD.**

KERRY R. GILBERT & ASSOCIATES, INC.

Land Planning Consultants

23501 Cinco Ranch Blvd.  
 Suite A-250  
 Katy, Texas 77494  
 (281) 579-0340  
 Fax (281) 579-8212

NOT TO SCALE

SEPTEMBER 28, 2012  
 KGA #I-256



# EXHIBIT B

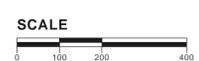
site location and surrounding uses for  
**KINGSLEY &  
 BROADWAY PD**  
 prepared for  
**BELTWAY 23, LTD.**

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Land Planning Consultants

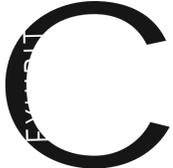


SEPTEMBER 28, 2012  
 KGA #I-256

23501 Cinco Ranch Blvd.  
 Suite A-250  
 Katy, Texas 77494  
 (281) 579-0340  
 Fax (281) 579-8212



a conceptual development plan for  
**KINGSLEY & BROADWAY PD**  
 ± 18.1 ACRES OF LAND  
 prepared for  
**BELTWAY 23, LTD.**

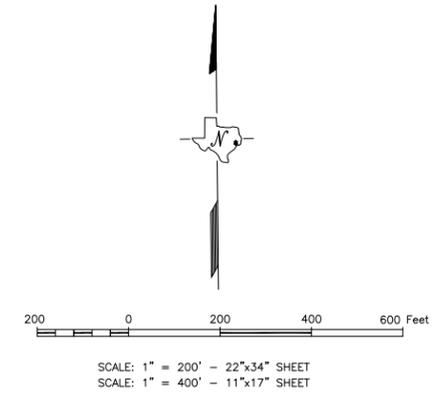
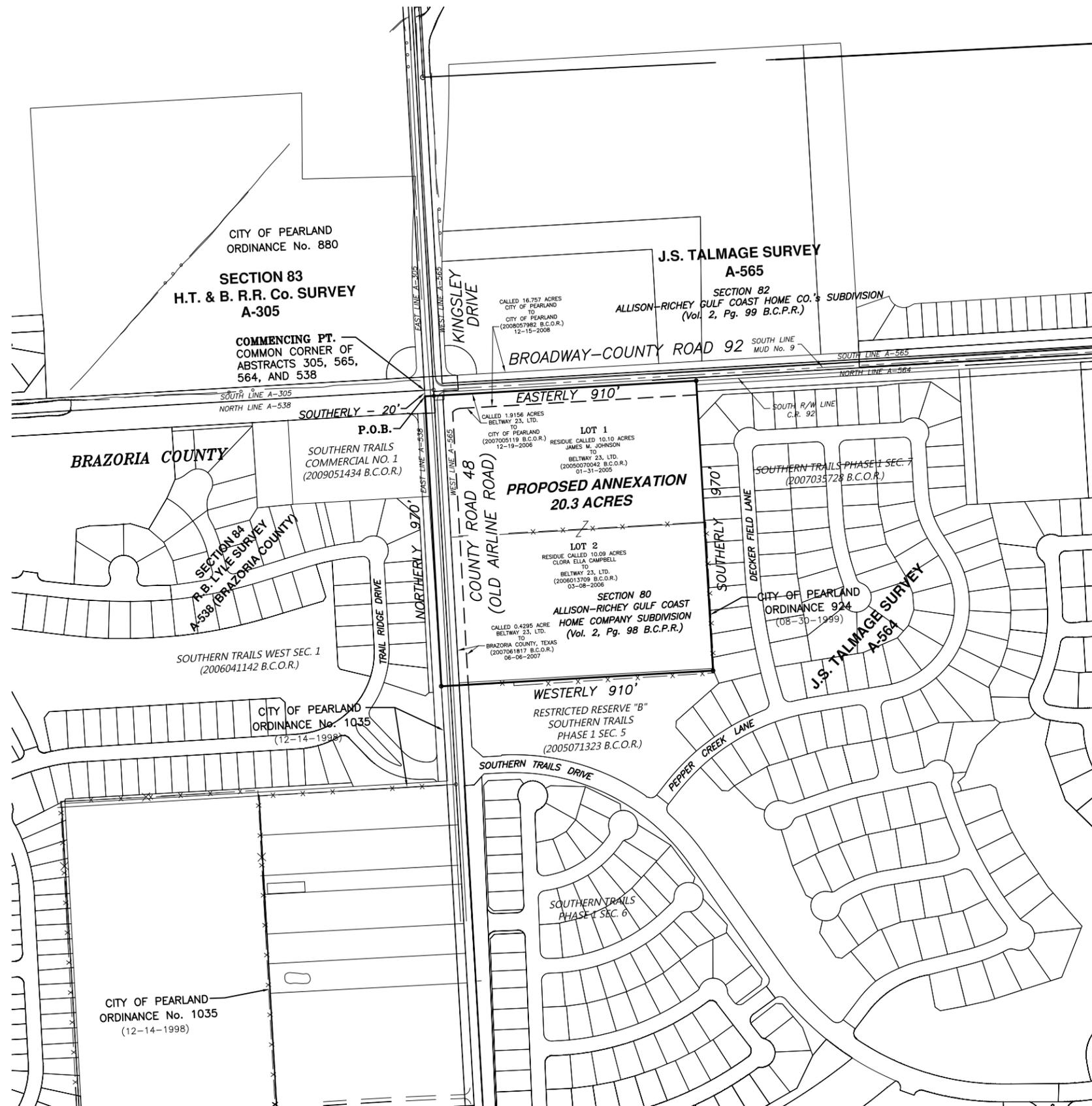


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SCALE 0 30 60 120  
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NOTE:  
THIS EXHIBIT WAS PREPARED USING RECORDED SUBDIVISION MAPS, RECORDED DEEDS, AND CITY ORDINANCES, AND DOES NOT REPRESENT AN ON THE GROUND SURVEY.

NOTE:  
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NOTE:  
ALL IMPROVEMENTS (ROADS, FENCES, ETC.) DEPICTED HEREON ARE DERIVED FROM A DIGITAL ORTHOPHOTOGRAPH, AND ARE NOT THE RESULT OF AN ON THE GROUND SURVEY.

**C.L. DAVIS & CO.** 1500 WINDING WAY  
LAND SURVEYING FRIENDSWOOD, TEXAS 77546  
281-482-9490  
FAX 281-482-1294

**EXHIBIT**  
CITY OF PEARLAND, TEXAS

**PROPOSED ANNEXATION OF 20.3 ACRES  
WITHIN BRAZORIA COUNTY**

**GENERAL LOCATION**  
NORTH OF COUNTY ROAD 59  
EAST OF COUNTY ROAD 48  
SOUTH OF COUNTY ROAD 92  
WEST OF CITY OF PEARLAND  
ORDINANCE No. 924  
BRAZORIA COUNTY, TEXAS

DATE: 02-08-2012 SCALE: 1" = 200' JOB NO.: 11-1005  
DWG FILE: 11-1005-ANNEXATION

EXHIBIT "A"  
METES AND BOUNDS DESCRIPTION  
20.3 ACRES MORE OR LESS OUT OF  
J.S. TALMAGE SURVEY, ABSTRACT 564  
BRAZORIA COUNTY, TEXAS

The herein described 20.3 acres, more or less, being generally located in Section 80, J. S. Talmage Survey, Abstract 564, Brazoria County, Texas; the south line being along the south line of Lot 2, Section 80, J. S. Talmage Survey, Abstract 564 according to the plat thereof as filed in Volume 2, Page 98 Brazoria County Plat Records; the west line being the east line of City of Pearland Ordinance No. 1035; the north line being the south right-of-way line of County Road 92 and the extension of City of Pearland Ordinance No. 924 and the east line being the west line of City of Pearland Ordinance No 924;

All that certain 20.3 acres, more or less, to be annexed into the City of Pearland and being all of Lots 1 & 2, Section 80, J. S. Talmage Survey, Abstract 564 and being more particularly described by metes and bounds as follows;

Commencing at a point marking the common corner of Abstracts 305, 565, 564 and 538 and being the intersection of County Road 92 (Broadway) and County Road 48 (Kingsley Drive); Thence Southerly – 20' with the common line of said Abstract 538 and Abstract 564 to a point marking the POINT OF BEGINNING of herein described tract;

1. Thence Easterly – 910', more or less, with the south of City of Pearland Ordinance No. 880 to a point for corner marking the most northerly northwest corner of City of Pearland Ordinance No. 924;
2. Thence Southerly – 970', more or less, with the east line of said Lots 1 and 2, Section 80, J. S. Talmage Survey, Abstract 564 and the west line of City of Pearland Ordinance No. 924 to a point for corner;
3. Thence Westerly – 910', more or less, with the south line of said Lot 2, Section 80 and continuing with the most westerly north line of said City of Pearland Ordinance No. 924 to a point for corner;
4. Thence Northerly – 970', more or less, with the east line of said City of Pearland Ordinance No. 1035 to the POINT OF BEGINNING and containing 20.3 acres of land more or less

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

This metes and bounds description is accompanied by a separate plat, drawing or exhibit per Texas Board of Professional Land Surveyor's "General Rules of Procedures and Practices" Section 663.19(9).

Compiled by:  
C.L. Davis & Company  
Job Number: 11-421-141 Annexation-Beltway-23 M&B.doc  
02-09-2012



AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD OCTOBER 15, 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

**ZONE CHANGE APPLICATION NO. 2012-13Z**

A request of Kerry Gilbert & Associates, applicant, on behalf of Parkside 59/288, Ltd., owner, for approval of a zone change from the Business Park 288 (BP-288) zone to the Planned Development (PD) zone for 38.909 acres on the following described property, to wit:

**Legal Description:** 38.909 acres of land in the H. T. & B. R. R. Company Survey, Section 81, Abstract No. 300, Brazoria County, Texas, being a portion of lots 38, 39, 40, 49, and 50 of the Allison Richey Gulf Coast Home Company's part of Suburban Gardens, a subdivision of record, Volume 2, Page 98, of the Plat Records of said Brazoria County (B.C.P.R.), more particularly being the residue of that certain called 30.583 acre tract (described as Part One), and the residue of that certain called 9.990 acre tract (described as Part Two) conveyed from Compass Bank to Parkside 59/288 Ltd, by an instrument of record under Document Number 2011012491, of the Official Public Records of said Brazoria County (B.C.O.P.R.)

**General Location:** Northwest corner CR59/SH288, 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 OCTOBER 15, 2012

---

### Zone Change No. 2012-13Z

A request of Kerry Gilbert & Associates, applicant, on behalf of Parkside 59/288, Ltd., owner, for approval of a zone change from the Business Park 288 (BP-288) zone to the Planned Development (PD) zone for 38.909 acres, to wit:

**Legal Description:** 38.909 acres of land in the H. T. & B. R. R. Company Survey, Section 81, Abstract No. 300, Brazoria County, Texas, being a portion of lots 38, 39, 40, 49, and 50 of the Allison Richey Gulf Coast Home Company's part of Suburban Gardens, a subdivision of record, Volume 2, Page 98, of the Plat Records of said Brazoria County (B.C.P.R.), more particularly being the residue of that certain called 30.583 acre tract (described as Part One), and the residue of that certain called 9.990 acre tract (described as Part Two) conveyed from Compass Bank to Parkside 59/288 Ltd, by an instrument of record under Document Number 2011012491, of the Official Public Records of said Brazoria County (B.C.O.P.R.)

**General Location:** Northwest corner CR59/SH288, Pearland, TX

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

Planning and Zoning Commission: October 15, 2012\*

City Council for First Reading: November 12, 2012\*

City Council for Second Reading: November 26, 2012\*

(\*dates subject to change)

---

**SUMMARY:** Kerry Gilbert & Associates, applicant, on behalf of Parkside 59/288 Ltd, owner, is requesting approval of a zone change from Business Park-288 (BP-288) zone, to Planned Development (PD) zone for 38.9 acres for the above referenced location. The proposed Planned Development (PD) is to be located at the northwest corner of State Highway 288 and County Road 59, and is referred to as Business Center PD. The property is currently undeveloped. The property is divided by Business Center Drive, and is generally located southeast of Pearland Town Center.

The applicant, Kerry Gilbert & Associates, is proposing a development divided into three Land Use Areas, as indicated in their submittal, including a variety of proposed commercial developments, such as restaurants, hotels, auto related uses (gas, wash, and minor auto repair), senior multi-family housing, museum, and manufacturing. At this time a site plan has not been submitted indicates actual building locations. The proposed base zoning for the property is BP-288.

**SURROUNDING ZONING AND LAND USES:**

	<u>Zoning</u>	<u>Land Use</u>
North	Business Park District-288 (BP-288)	Vacant
South	City of Manvel	Vacant, Commercial, Single-Family Residential
East	City of Pearland ETJ	Vacant
West	Single-Family Residential-2 (R-2)	Single-Family Residential

**CONFORMANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC):** As previously mentioned, the property is currently zoned Business Park District-288 (BP-288). As the property is currently being requested to be rezoned to a Planned Development (PD) with a base zoning district of BP-288, a breakdown between those requirements and the site current configuration is provided below:

	<u>BP-288</u>	<u>Existing Site</u>
Lot Size:	43,560 sq ft	38.9 Acres
Lot Width:	150'	n/a – new lots to be created w/development
Lot Depth:	200'	n/a – new lots to be created w/development

The Planned Development document deviates from the Unified Development Code with regards to Landscaping (parking setback) buffer width requirement (15' being proposed and 30' required), non-amenitized detention facilities where amenitized is required, and additional allowable uses are being proposed than are currently permitted in the BP-288 zoning district. Any requirement of the Unified Development Code not specifically addressed in the Planned Development document will be required to be met.

**PLATTING STATUS:** The property is not currently platted. Platting will be required at the time of development.

**CONFORMANCE WITH THE COMPREHENSIVE PLAN:** The current Comprehensive Plan (latest update in 2009) indicates *Business Park* for the subject property. The base zoning district in the proposed Planned Development is Business Park-288 (BP-288). The allowable uses do not substantially change the intent of that zoning designation, and therefore the zone change request could be considered to be in conformance with the

approved Future land Use Plan/Comprehensive Plan.

**CONFORMANCE WITH THE THOROUGHFARE PLAN:** The subject property has frontage on County Road 59 and Business Center Drive, both secondary thoroughfares, with a minimum of 100' right-of-way. County Road 59 is not currently constructed to the standards of a secondary thoroughfare, and Business Center Drive is currently in the process of being constructed.

**AVAILABILITY OF UTILITIES:** The subject parcel does not currently have access to public water and sewer. Utilities are in the process of being extended down Business Center Drive.

**IMPACT ON EXISTING AND FUTURE DEVELOPMENT:** A conceptual site plan for the proposed Planned Development has been submitted by the applicant. The proposed PD document separates allowable uses and development regulations based on three proposed land use areas. Based on this plan, it does not appear that there will be any adverse impacts that are not able to be mitigated. There will be a significant buffer between existing single family residential to the west of the proposed development consisting of the detention pond required for this development. This buffer is approximately 235'.

A Traffic Impact Analysis (TIA) will likely be required at the time of site plan review by the City's Engineering department to determine if there are any potentially negative traffic impacts anticipated as a result of the proposed development at that time. If a TIA is required, and mitigation measures are deemed necessary as a result, the applicant would be responsible for implementing those measures.

**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 the proposed Planned Development has been submitted by the applicant. The site plan indicates three (3) land use areas and the proposed PD document separates allowable uses and development regulations based on the land use areas.

**PLANNED DEVELOPMENT (PD) CONSIDERATIONS:**

The primary deviations from the Unified Development Code predominately deal with additional allowed uses than what is currently permitted in the BP-288 zoning district, a reduction in required setbacks on Business Center Drive, and a reduction in the required 30' landscape buffer along Business Center Drive from, to 15'. Additionally, the applicant is seeking additional flexibility on alternative building material approval based on trade designs, the requirement for an amenitized detention pond, and potential deviations from the requirement of underground power, as discussed in the recommendation section of this report.

**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 notification sign was placed on the subject property.

**OPPOSITION TO OR SUPPORT OF PROPOSED REQUEST:** At the time of this report, 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 2012-13Z as proposed by the applicant for the following reasons:

1. The proposed zone change appears to be in compliance with the City's approved Land Use Plan section of the Comprehensive Plan.
2. The proposed zone change does not appear to have any negative impacts on existing surrounding or future developments which are not able to be mitigated
3. The proposed zone change would result in development which would blend well with existing nearby commercial uses.
4. The proposed zone change will result in a development with increased development standards than apply to the current zoning district.

**STAFF CONCERNS:**

1. The applicant is proposing a 150' setback for overhead utilities along Business Center Drive. Without specific future building locations indicated, it is difficult to know if this setback will be sufficient to adequately conceal overhead power.
2. There is a typographical error in the *Specific list of deviations* section of the proposed PD, C (4) references the Planning Director where it should reference the Planning Commission. As the applicant is requesting additional flexibility on building materials for trade designs, they are proposing trade designs be approved by the City Planner rather than the Planning Commission.

**SUPPORTING DOCUMENTS:**

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



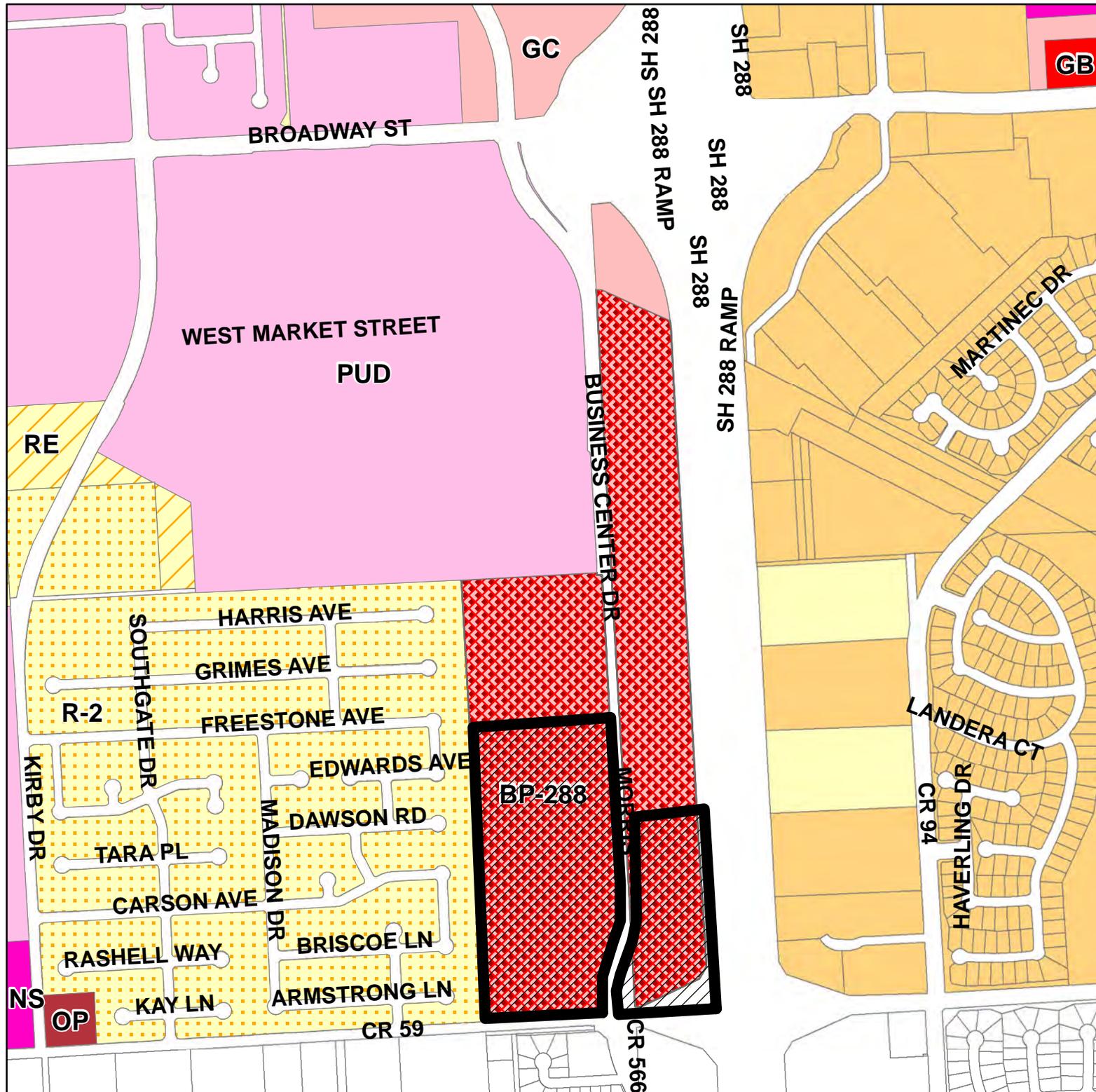
## Vicinity and Zoning Map

### Business Center PD

### Northwest Corner SH288/CR59

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.

0 235 470 940 Feet





**Abutter Map**

**Business Center PD**

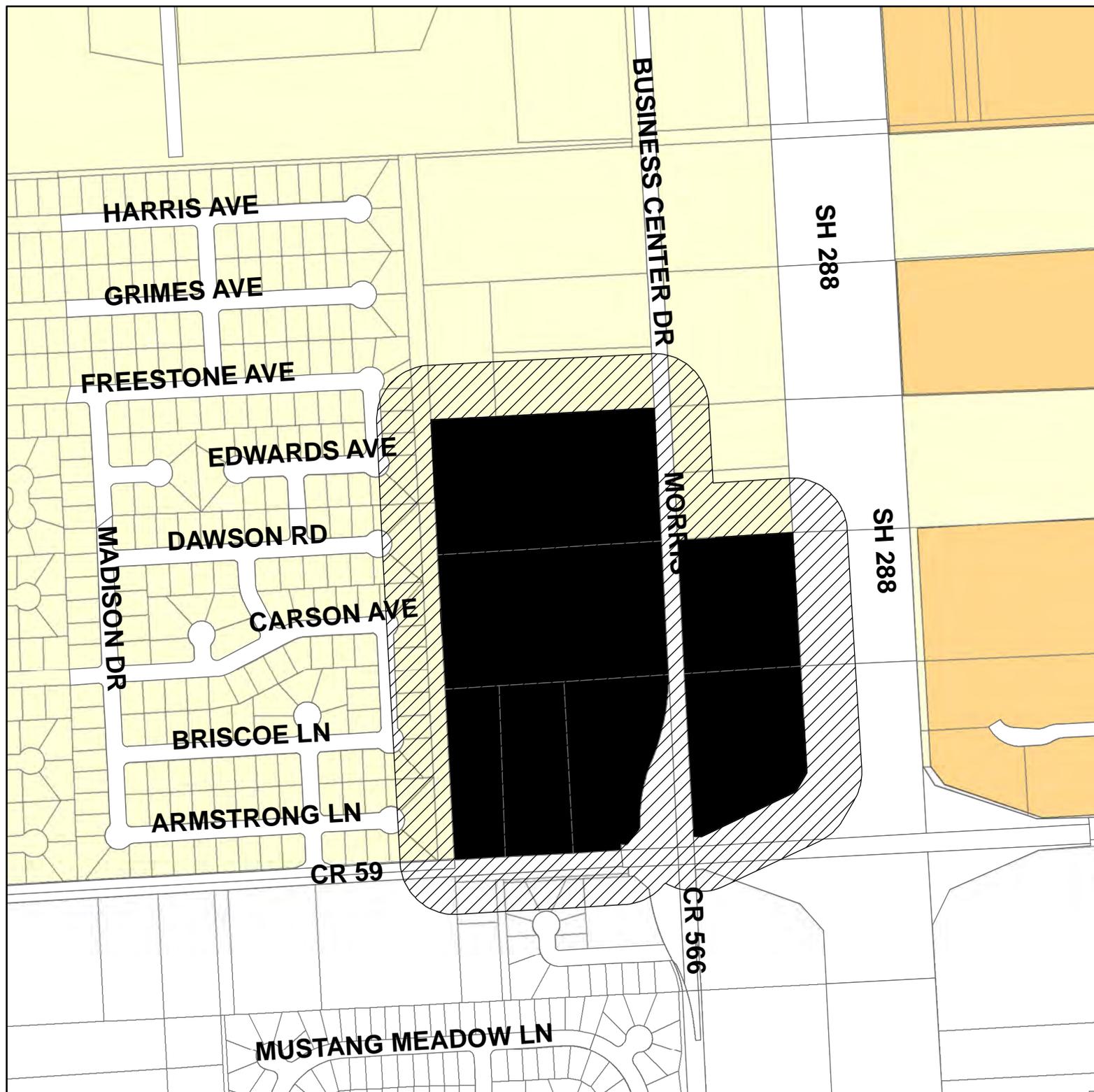
**Northwest Corner  
SH288/CR59**

**Per UDC Requirements  
only properties within  
Pearland City Limits  
received personal  
notification.**

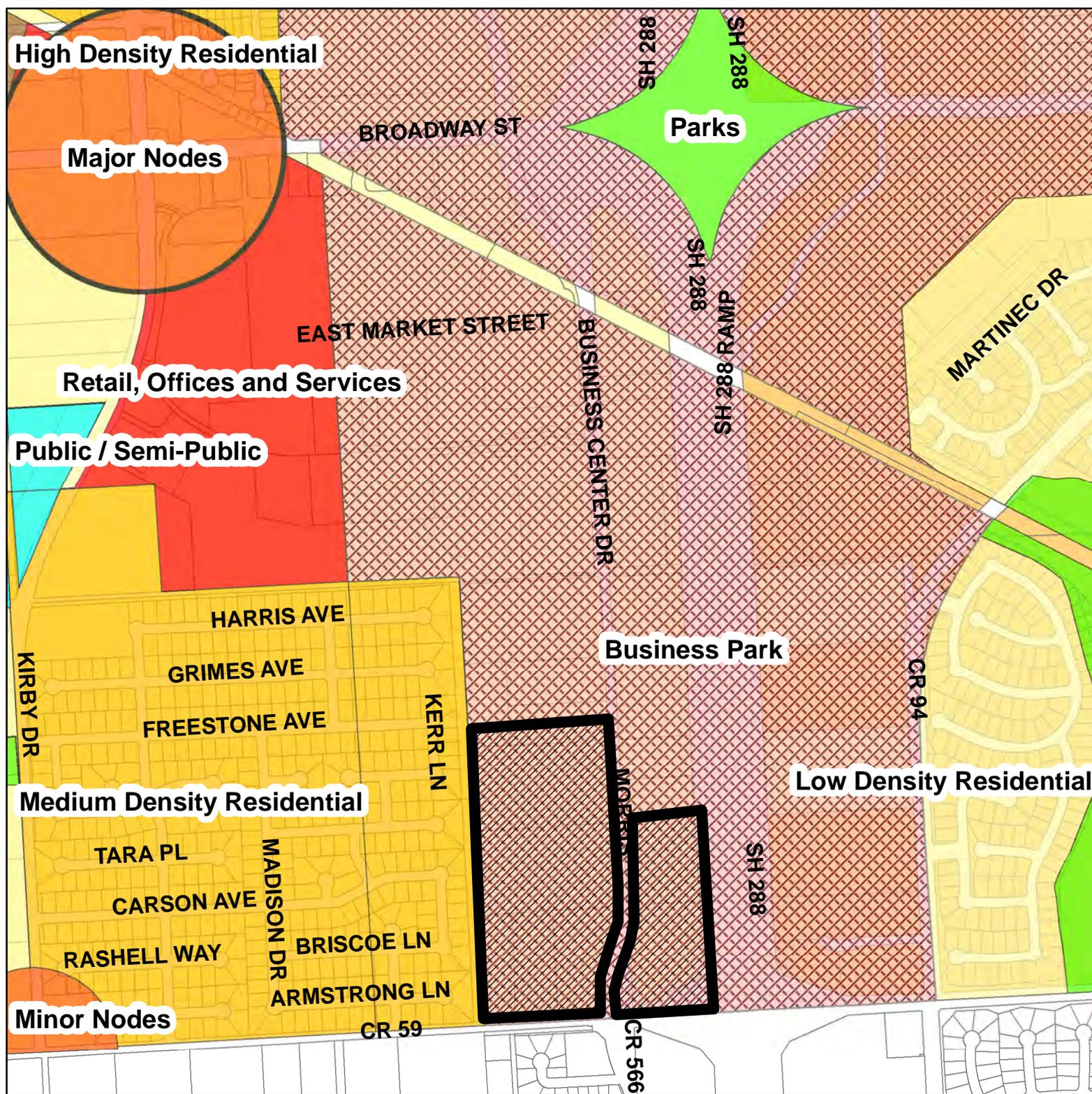
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N

0 135 270 540 Feet

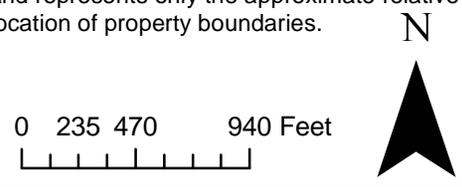


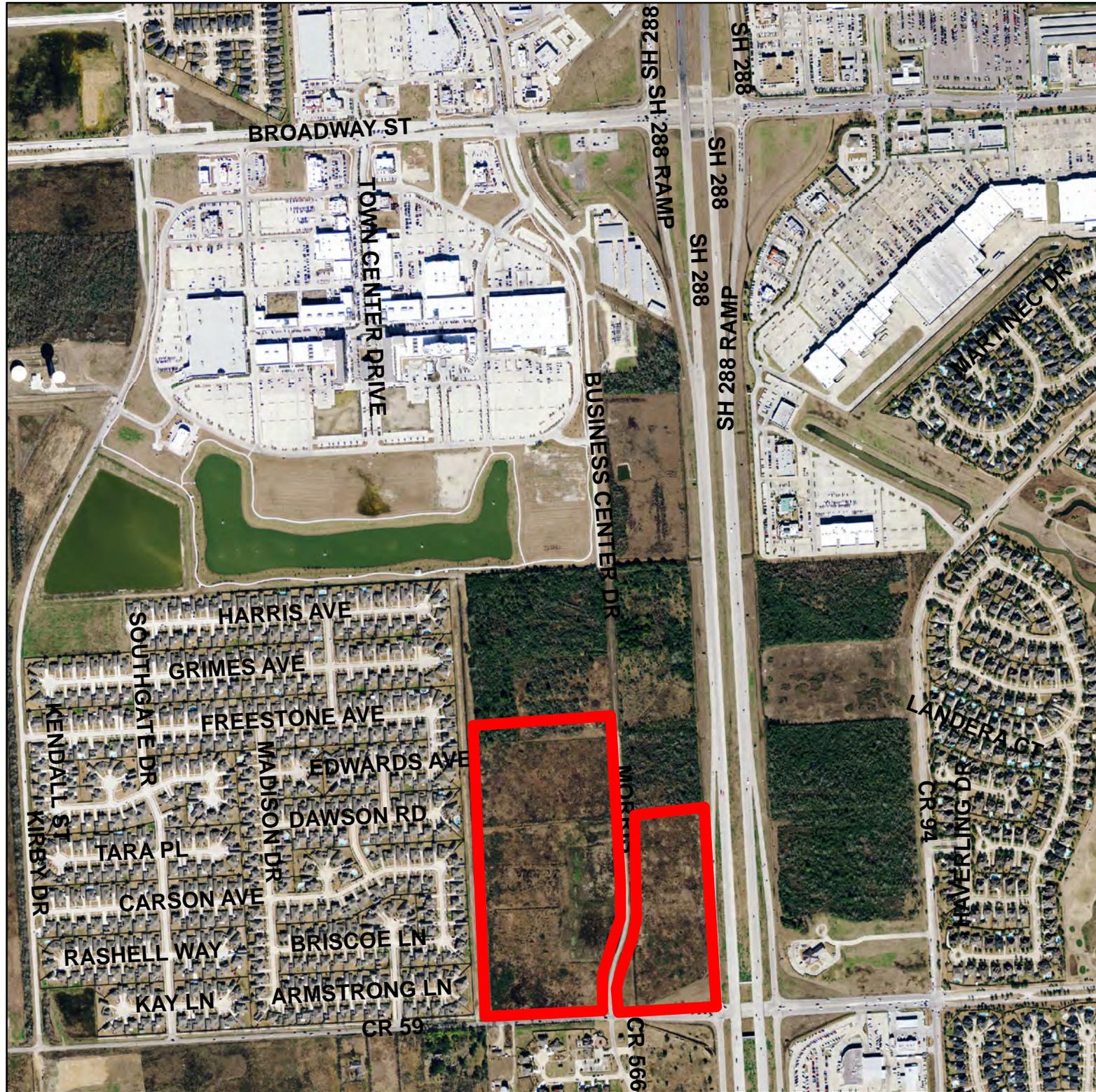
<b>Name</b>	<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zipcode</b>
YLT 288 PARTNERS	5855 SOVEREIGN DR STE B	HOUSTON	TX	77036-2337
GOLD STAR DEVELOPMENT C/O WILLIAM YEH	6229 RICHMOND AVE	HOUSTON	TX	77057-6211
PARKSIDE 59/288 LTD C/O JOE MOODY	3003 W ALABAMA ST	HOUSTON	TX	77098-2001
MCKAIG CLARK C	3509 KAUFMAN AVE	PEARLAND	TX	77584-7247
THOMAS ELIZABETH R	3405 KERR LN	PEARLAND	TX	77584-5535
HARVISON MELINDA	3407 KERR LN	PEARLAND	TX	77584-5535
STRIPAY MARK	3409 KERR LN	PEARLAND	TX	77584-5535
OLIVAREZ RAMONA A & ANDRES	11102 EDWARDS AVE	PEARLAND	TX	77584-5590
SUMNERS BRANDON & TONYA	11103 DAWSON RD	PEARLAND	TX	77584-7245
BEAN KENNETH & CECILIA	11101 DAWSON RD	PEARLAND	TX	77584-7245
PATEL SAMIR B & TEJAL M	11102 DAWSON RD	PEARLAND	TX	77584-7244
WOODS EMMETT B & BILLIE J	11101 CARSON AVE	PEARLAND	TX	77584-7243
CRUZ FLOR A & MANUEL L	3501 KAUFMAN AVE	PEARLAND	TX	77581
TRAN KIM LOAN	3503 KAUFMAN AVE	PEARLAND	TX	77584-7247
BENNETT JOHN R & RUTH W	3505 KAUFMAN AVE	PEARLAND	TX	77584-7247
SOLORZANO RODOLFO H & MARIA	3507 KAUFMAN AVE	PEARLAND	TX	77584-7247
PARKSIDE 59/288 LTD	3003 W ALABAMA ST	HOUSTON	TX	77098-2001
BOLLINGER WILLIAM BLAKE & ALLISON DRYDEN BOLLINGER	4619 BENTN SMITH RD	NASHVILLE	TN	37215
GALLEGOS LUIS & GREGORIA HUERTA	11501 CARSON AVE	PEARLAND	TX	77584-7268
PITTS GREGORY & LADONNA	11102 BRISCOE LN	PEARLAND	TX	77584-7240
HARRIS LYVESTRA	11103 ARMSTRONG	PEARLAND	TX	77581
ROBLES PETER & YVONNE ROSALES	832 DAVIS RD	LEAGUE CITY	TX	77573-2823
ZAMARRIPA HECTOR & CINDY	11102 ARMSTRONG LN	PEARLAND	TX	77584-7235
VIRANI AHMADALI	2814 ACORN WOOD WAY	HOUSTON	TX	77059-5808
FISHMAN GEORGE & MARY	3406 HAMPSHIRE ST	PEARLAND	TX	77581-4829
FISHMAN GEORGE & MARY	3406 HAMPSHIRE ST	PEARLAND	TX	77581-4829
RIDDLE SIMONE	3401 KERR LN	PEARLAND	TX	77581
TRAN DANNY T & CELINE P	3403 KERR LN	PEARLAND	TX	77584-5535
PARKSIDE 59/288 LTD	3003 W ALABAMA ST	HOUSTON	TX	77098-2001
SOUTHGATE COMMUNITY ASSOC	PO BOX 3217	PEARLAND	TX	77588-3217
KERRY GILBERT & ASSOCIATES	23501 CINCO RANCH	KATY	TX	77494



**FLUP Map**  
**Business Center PD**  
**Northwest Corner**  
**SH288/CR59**

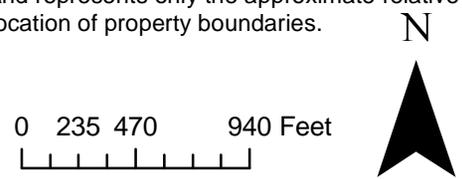
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**Aerial Map**  
**Business Center PD**  
**Northwest Corner**  
**SH288/CR59**

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# 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: BP-200

Proposed Zoning District: PD

**Property Information:**

Address or General Location of Property: Northwest corner of  
SH 200 and CR 59

Tax Account No. 03000025002 03000015000 03000020000  
03000006000 03000024000 03000010000

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

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

**PROPERTY OWNER INFORMATION:**

NAME <sup>59/288</sup> Parkside ~~200/59~~ Ltd.  
ADDRESS 3003 West Alabama St.  
CITY Houston STATE TX ZIP 77098  
PHONE (713) 773-5537  
FAX( ) \_\_\_\_\_  
E-MAIL ADDRESS joe.moody@parksidecorp.com

**APPLICANT/AGENT INFORMATION:**

NAME Kerry R. Gilbert & Assoc.  
ADDRESS 23501 Cinco Ranch Blvd. A-250  
CITY Katy STATE TX ZIP 77494  
PHONE (281) 579-0340  
FAX (281) 579-8212  
E-MAIL ADDRESS CSmidt@Krga.com

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

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

Owner's Signature: \_\_\_\_\_ Date: 9/13/12

Agent's/Applicant's Signature: \_\_\_\_\_ Date: 9/12/12

**OFFICE USE ONLY:**

FEES PAID: <u>450.00</u>	DATE PAID: <u>9/14/12</u>	RECEIVED BY: <u>KA</u>	RECEIPT NUMBER: <u>343651</u>
--------------------------	---------------------------	------------------------	-------------------------------

Application No. 2012-132

September 14, 2012

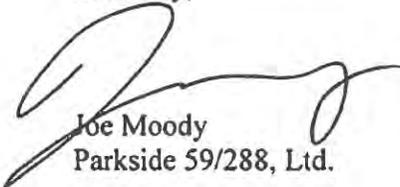
Lata Krishnarao, Director  
Planning Department  
3523 Liberty Drive  
Pearland, Texas 77581

RE: Rezone application request – owner authorization

Dear Lata,

Parkside 59/288, Ltd, is owner of the 38.9 acres of property located at CR 59 and Business Center Drive. We authorize Kerry R. Gilbert & Assoc., Inc. to be our agent in our application for request to rezone the subject tract.

Sincerely,



Joe Moody  
Parkside 59/288, Ltd.

CITY OF PEARLAND  
\*\*\* CUSTOMER RECEIPT \*\*\*  
Oper: AGONZALES Type: OC Drawer: 1  
Date: 9/27/12 01 Receipt no: 343651

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	\$450.00
Trans number:		3845194

ZONE CHANGE AT N.W. CORNER  
288 & CR 59  
KERRY GILBERT & ASSOC.  
PARKSIDE 59/288 LTD  
3003 W. ALABAMA  
HOUI TX 77098

Tender detail		
CK CHECK	605	\$450.00
Total tendered		\$450.00
Total payment		\$450.00

Trans date: 9/26/12 Time: 13:11:51

# Business Center PD

Prepared for:

Parkside 59/288, Ltd.

Prepared by:

Kerry R. Gilbert & Assoc., Inc.

September 28, 2012

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B – Survey, metes & bounds description	
C – Surrounding Properties/ Zoning Map	
D – Land Use Areas	
E – Power Line Exhibit	
F – Detention Screening Exhibit	

## **I. Introduction**

### **A. Description of Property**

Parkside 59/288, Ltd. is the owner of the subject property which contains  $\pm 38.9$  acres of land and is located at the northwest corner of CR 59 and US 288. Business Center Drive extends north to Broadway, bisecting the property into two developable tracts. Business Center Drive will also provide the primary entry points into each of the two tracts. Driveway access will also be taken from CR 59 to the south; however, there will be no direct driveway access to US 288 to the east. A 60 foot wide Brazoria County Drainage District Easement forms the western boundary of the tract. South Gate, a single-family residential subdivision is situated west of the drainage easement and proposed 176 foot wide detention pond. The subject tract is vacant, except for an asphalt roadway (the location of future Business Center Drive) that dead ends at northern edge of the property. Exhibit A – Location Map and Exhibit B – Survey depicts the location and boundary of project.

### **B. Description of Proposed Development**

The location of this project at the intersection of a major highway and a major thoroughfare lends itself for commercial, retail, and office development. There are a variety of possible uses for each tract, including small pad sites (banks, restaurants, gas station/convenience store, etc.), large big box retail (home improvement store, grocery store, etc.), hotel/motel, senior living facility and office buildings.

Exhibit D – Land Use Areas illustrates how the subject tract is affected by the future extension of Business Center Drive. Business Center Drive bisects the project into two commercial areas  $\pm 9.7$  acres east of Business Center Drive and  $\pm 29.2$  acres on the west. The storm water detention requirement of  $\pm 6.8$  acres will be located along the western boundary and provide an excellent buffer between the commercial and residential development. The width of the proposed detention is 176' wide which provides a significant buffer distance between the residential and commercial developments. Construction of the fence will occur as the development in LUA 2 and 3 occur.

Exhibit D – Land Use Areas shows the location of the detention between the single family residential and the commercial.

### **C. Describe the area of land in acreage and legal description**

Approximately 38.9 acres comprise the subject site. Exhibit B – Survey, Metes & Bounds description, describes the site.

### **D. Statement as to the purpose and intent of the PD**

The intent of this PD is to allow flexibility of uses with the commercial, retail, and office land uses within the project.

## II. Zoning and Land Uses

### A. Describe existing zoning district surrounding the site

The site is zoned BP-288. The surrounding uses are as follows:

- North: Pearland Town Center PUD and BP-288
- West: R-2 (Southgate neighborhood, Brazoria County Drainage District Easement)
- South: ETJ (single-family residential use),
- East: ETJ (vacant)

Exhibit C – Surrounding Properties/Zoning Map depicts the zoning districts of the adjacent tracts.

### B. Describe the acreage difference between the Base Zoning and proposed district

The base zoning district is BP-288. The proposed district overlays the entire 38.9 acre tract since the location of each specific land use has not yet been determined.

### C. General standards applicable to project

Development and land uses along SH 288 will conform to the BP-288 District (Section 2.4.3.3) and development and land uses along Business Center Drive and CR 59 will conform to the Corridor Overlay District (Section 2.4.5.1) except for the specific design standards listed in III. Design Standards Section C of this document, and land uses listed in the land use table.

### D. Permitted and conditional uses allowed

The intent of the PD is to allow for a variety of land uses, including a mix of commercial, office, senior housing, hotel/motel, retail and restaurants. To this end, three distinct Land Use Areas (LUA) are being defined that would confine specific land uses to certain portions of the tract. Location and size of a tract coupled with market conditions are factors in determining the best use for the tract. The LUA designations define the best uses for the tract and set specific design elements for particular uses. The design elements set up standards based on the land use.

Exhibit D – Land Use Areas depicts three land use areas and the respective acreage within each area. The table below lists the potential types of uses within each LUA plus design elements specific to those uses. Any land use permitted or conditionally permitted in the BP-288 district listed in the UDC Land Use Matrix is allowed along with the additional uses listed in the Land Use Area Table within this document. Any uses listed in the Land Use Area Table below are considered Permitted Uses in addition to the Permitted uses in the UDC Land Use Matrix for BP-288. The land uses listed in the table below are restricted to that specific Land Use Area. Additionally, the land uses listed are restricted to a maximum acreage within that specific Land Use Area. The acreage for that use is listed next to the use.

The acreage within each LUA may shift within 15% to allow for flexibility in land uses. The size of the LUA could change depending upon the actual use that is constructed so the ability to increase and decrease the acreage within the LUA is important.

### Land Use Area Table

	Types of Uses and Maximum Acreages	Design Element
<p><b>Land Use Area 1</b>  <b>+ 9.9 Acres</b></p>	<p>Restaurant (Drive-thru)*.....(9.9 acres)                      Restaurant (Dine-in)..... (9.9 acres)                      Hotel/Motel and Extended Stay**.....(6 acres)                      Gas/Convenience Store ***.....(3 acres)                      Auto Repair (minor) .....(5 acres)                      Auto Wash (full service/detail) .....(5 acres)                      Auto Wash (self-service) .....(5 acres)                      Laundry/ Dry Cleaning .....(2 acres)                      Garden / Nursery Store .....(8 acres)                      Shopping Center .....(8 acres)</p>	<p>Shared Driveways</p> <p>Orientation of bay windows shall not face Business Center Drive or SH 288.</p> <p>Drive-thru windows that face the street will be buffered per City Corridor Overlay District and BP-288 District requirements.</p>
<p><b>Land Use Area 2</b>  <b>+ 5.8 Acres</b></p>	<p>Restaurant (Drive-thru)* .....(5.8 acres)                      Restaurant (Dine-in) .....(5.8 acres)                      Gas/Convenience Store ***.....(3 acres)                      Auto Wash (self-service) associated with a gas station only</p>	<p>Shared Driveways</p> <p>Orientation of service bay doors shall not face Business Center Drive.</p> <p>Drive-thru windows that face the street will be buffered per City Corridor Overlay District and BP-288 District requirements.</p>
<p><b>Land Use Area 3</b>  <b>+ 23.4 Acres</b></p>	<p>Senior Housing Complex .....(14 acres)                      Flex / Back Office .....(12 acres)                      Museum .....(5 acres)                      Bio-tech, High-tech Manufacturing .....(10 acres)                      Shopping Center .....(12 acres)</p>	<p>Shared Driveways</p> <p>Senior Housing Complex is intended for housing by persons 55 years of age or older and that at least 80% of the occupied units are occupied by at least one person who is 55 or older. The design of the complex will incorporate interior hallways.</p> <p>Businesses to be oriented towards Business Center Drive, or if designed with a motor court, business can be oriented towards another business.</p> <p>Orientation of overhead doors and service bay doors shall not face Business Center Drive</p> <p>Flex/Back Office and Bio-tech, High-tech Manufacturing to be one-story industrial product with tilt wall or similar concrete construction that can accommodate 25% to 100% office use; dock high doors shall not face Business Center Drive.</p>

\* Restaurant (Drive-Thru) limited to three (3) establishments in LUA 1 and two (2) establishments in LUA 2.

\*\* Hotel/Motel/Extended Stay limited to two (2) establishments in LUA 1.

\*\*\*Gas/Convenience Store limited to one (1) facility in LUA 1 and one (1) facility in LUA 2.

### III. Design Standards

#### A. Design Standards

1. Exterior Materials and Colors: No more than three (3) dominant materials should be used on a building exterior. Acceptable materials are concrete, tilt wall concrete, concrete block, glass, glass block, brick, split face concrete block, stone, stucco, and trade designs, as permitted in Sec 2.6.2.1 of UDC, and as approved by the City Planner. Earth tones with limited pastel alternative as recommended for dominant wall colors for build materials. An accent color may be applied to trim, fascia boards, door panels, or miscellaneous metals. Accent colors will not exceed more than 20% of the building façade for any side of the building. Prohibited colors include colors considered to be fluorescent, iridescent, or dayglo.
2. Minimum Setback for Structures: The minimum setback for structures along the public right-of-way shall be twenty (20) feet.
3. Minimum Setback for Parking Buffer: The minimum setback for the off-street parking, maneuvering and loading area from the right-of-way shall be fifteen (15) feet.
4. Landscaping: A landscaping plan will be developed along the perimeter of the project to ensure uniformity. The landscaping plan will be in conformance with the Corridor Overlay District along Business Center Drive and CR 59 and BP-288 District along SH 288 for landscaping, parking lot screening, trash receptacle screening and tree plantings, except the minimum setback, which is discussed above.
5. Lighting: - Lighting in the parking lots and on the commercial buildings will be in conformance with the current City of Pearland Code.
6. Outside Storage: Outside storage operations are allowed only for those businesses in which outside storage is a function of the business, such as a nursery. The outside storage must be screened from public view and those standards will be in conformance with Sec 4.2.4.1 plus in no case shall outside storage be permitted along any yard that abuts any street or public right-of-way.
7. Parking: On and off street parking requirements will be in conformance with the City of Pearland UDC. Bicycle parking will also be in conformance with the Section 2.4.5.1.F in the Corridor Overly District.
8. Service Access and Service Areas: Service drives and service areas shall not interfere with parking, driveways or walkways and must be screened from adjoining properties, all public right-of-way and from the office area of any other building which share the site. A service area shall be provided at the rear (side opposite the street) of all buildings.
9. Vehicular Access: Location of ingress and egress will be controlled. Vehicular access will be designed to minimize auto-pedestrian conflicts, manage curb cut distances along the public right-of-way, and minimize automobile conflicts. Shared driveways will be planned to limit the number of driveways along CR 59 and Business Center Drive. Parkside 59/288, Ltd. has been working with the City of Pearland on the design of

Business Center Drive to ensure optimal driveway and cross access conditions for future development.

10. Screening: Screening will be in conformance with the City of Pearland UDC except for any exclusions listed below in Section C. The screening for the detention facility will consist of a six (6) foot tall masonry or pre-cast masonry wall along the eastern side of the facility, along LUA 2 and 3. The fence will be constructed in conjunction with the building it is screening within LUA 2 and 3. Exhibit J illustrates the proposed screening.

11. Utilities: Overhead power lines exist along north side of CR 59 and along the east side of Business Center Drive. The overhead line along Business Center Drive will be relocated as overhead lines along the east side of the proposed detention area. Overhead lines will also be used to bring power towards Business Center Drive; however, the overhead power shall be setback a minimum of 150' from Business Center Drive in which the utilities will transition to underground. Within 200' of Business Center Drive, the City Planner may review the screening requirements to minimize the view of the overhead poles from Business Center Drive. As sites are sold and developed, utilities to these sites will be constructed per the location specification listed above. Exhibit E – Utility Plan depicts the location of existing and proposed overhead power lines.

12. Detention Facility: The detention for this development will be located along the western boundary of the tract and will provide a buffer between the proposed commercial development and the South Gate neighborhood. The detention facility (including the high bank and berm) is 176 feet wide coupled with the existing BDD #4 Drainage right-of-way provides for a 236 foot wide buffer between commercial and residential. A screening wall, six (6) foot tall masonry or pre-cast masonry wall will be constructed along the eastside of the detention facility to enhance the screening of the residential. The wall will be constructed as the buildings are constructed on site. Landscape plantings of trees and shrubs will be also be incorporated along the frontage of CR 59 to provide a visual screening from the public right-of-way.

### C. Specific list of deviations.

1. Section 2.4.5.1.C.1 and Section 2.4.4.3.C: Land Use Area 1 has dual frontage for Land Use Area 1 and driveway access to the site is limited to Business Center Drive. A twenty foot (20') front building line along both sides of Business Center Drive allows for better design of the project.
2. Section 2.4.5.1.C.2: A setback of fifteen feet (15') for off-street parking, maneuvering and loading area within the project will allow for better design of the tract.
3. Section 2.4.5.1.D.2.d: Building materials are discussed above and include restrictions in the Corridor Overlay District. The building materials should not require the additional approval of the Planning Director.
4. Section 2.4.5.1.D.3: Building colors are limited to earth tones and pastel as discussed above, and should not require the additional approval of the Planning Director.
5. Section 2.4.4.3.A.1: Permitted uses in BP-288 are listed on the UDC Land Use Matrix. We request additional uses be permitted as listed in the Land Use Table in Section 2

above. Prohibited uses include “Pet Care Facility/Animal Kennel (with outdoor pens)” and “Office, Parole–Probation, Bail Bonds”.

6. Section 2.4.4.3.F: Detention facilities are required to be incorporated as an amenity. The detention required for this development is better served as a buffer to the single family residential rather than as a lake amenity for the project. The total width of the detention and drainage easement is 236 feet. This distance, coupled with the six foot (6') wall provides a sufficient buffer and screening to the residential neighborhood to the west.
7. Section 2.4.5.1.M: Overhead utilities will setback a minimum of 150' from Business Center Drive. Within the 150' setback, utilities will be constructed underground.

**D. All requirements of the Unified Development Code will be met, unless specifically mentioned in this document**

#### **IV. Required dedications of land or public improvements**

This development is primarily commercial, retail and office and therefore no dedication to parkland required. If the Senior Housing Complex is developed, then the park and open space requirements for multi-family will be applied to that specific site.

#### **VI. Exhibits**

- A – Location Map
- B – Survey, metes & bounds description
- C – Surrounding Properties/ Zoning Map
- D – Land Use Areas
- E – Power Line Exhibit
- F – Landscape/Screening along CR 59 and the Detention Basin



a location map for

# BUSINESS CENTER PD

± 38.9 ACRES OF LAND

prepared for

## PARKSIDE 59/288 LTD.

**KERRY R. GILBERT & ASSOCIATES, INC.**  
 Land Planning Consultants  
 2501 Cinco Ranch Blvd.  
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NOT TO SCALE

JUNE 16, 2012  
 FROM: A-170A

**EXHIBIT A** location map

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June 19, 2012  
Job No. 1352-1003-202

DESCRIPTION OF  
38.909 ACRES  
(1,694,878 SQUARE FEET)

Being 38.909 acres of land located in the H.T. & B. R.R. Company Survey, Section 81, Abstract Number 300, Brazoria County, Texas, being a portion of Lots 38, 39, 40, 49, and 50 of the Allison Richey Gulf Coast Homes Company's Part of Suburban Gardens, a subdivision of record in Volume 2, Page 98, of the Plat Records of said Brazoria County (B.C.P.R.), more particularly being the residue of that certain called 30.583 acre tract (described as Part One) and the residue of that certain called 9.990 acre tract (described as Part Two) conveyed from Compass Bank to Parkside 59/288, Ltd., by an instrument of record under Document Number 2011012491, of the Official Public Records of said Brazoria County, (B.C.O.P.R.), said 38.909 acres being more particularly described in two parts by metes and bounds as follows: Part One being 29.226 acres (1,273,076 square feet) and Part Two being 9.683 acres (421,802 square feet), all bearings referenced to the Texas Coordinate System, South Central Zone, NAD83 (1993 adjustment), Epoch 2002.02;

**PART ONE**

BEGINNING at a 5/8-inch iron rod with cap stamped "LJA ENG" found for the northwest corner of said 30.583 acre tract and the southwest corner of that certain called 3.39 acre tract conveyed from Brazoria County Land & Cattle Co. to George D. Fishman and wife, Mary Fishman by an instrument of record under Document Number 2005061002, of the Official Records of said Brazoria County, (B.C.O.R.), said point being on the east line of Southgate Section Two, a subdivision of record in Volume 24, Pages 278-279, B.C.P.R., said point also being common west corner of Lots 37 and 38 of said Allison Richey Gulf Coast Home Company's Part of Suburban Gardens subdivision;

Thence, North  $86^{\circ} 42' 55''$  East, along the common line of said Lots 37 and 38, along the north line of said 30.583 acre tract, the south line of said 3.39 acre tract and said south line of that certain called 3.33 acre tract conveyed from Ky-Tex to George Fishman and Mary Fishman by an instrument of record under File Number 96-040466 and corrected under File Number 97-010496, B.C.O.R., 826.97 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set on the west right-of-way line of Business Center Drive (100 feet wide) as described under Document Numbers 2012007382, 2012007390, 2012007393, and 2012007402, B.C.O.P.R., from which a 3/4-inch iron pipe found for the common corner of said Lots 37, 38, 47 and 48 of said Allison Richey Gulf Coast Home Company's Part of Suburban Gardens subdivision bears North  $86^{\circ} 42' 55''$  East, 49.51 feet;

Thence, South  $03^{\circ} 16' 00''$  East, along the west right-of-way line of said Business Center Drive, 1,025.77 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner, the beginning of a curve;

Thence, continuing along the west right-of-way line of said Business Center Drive, (width varies), 169.54 feet along the arc of a tangent curve to the right having a radius of 750.00 feet, a central angle of  $12^{\circ} 57' 08''$ , and a chord that bears South  $03^{\circ} 12' 34''$  West, 169.18 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for corner at the intersection of the west right-of-way line of said Business Center Drive and the west right-of-way line of County Road 566 (width varies) as described in Volume 2, Page 98, B.C.P.R., Volume 133, Page 126, Volume 881, Page 230, Volume 881, Page 232, Volume 1035, Page 636, and Volume 1035, Page 642, B.C.D.R., the beginning of a curve;

Thence, along the west right-of-way line of said County Road 566 the following four courses:

1. 66.34 feet along the arc of a non-tangent curve to the right having a radius of 686.20 feet, a central angle of  $05^{\circ} 32' 22''$ , and a chord that bears South  $18^{\circ} 58' 03''$  West, 66.32 feet to a concrete right-of-way monument found for corner;

2. South  $21^{\circ} 45' 33''$  West, 13.71 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for corner, the beginning of a curve;
3. 275.59 feet along the arc of a non-tangent curve to the left having a radius of 746.20 feet, a central angle of  $21^{\circ} 09' 40''$ , and a chord that bears South  $11^{\circ} 09' 26''$  West, 274.03 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner, from which a found concrete right-of-way monument bears North  $51^{\circ} 07' 14''$  West, 1.18 feet;
4. South  $42^{\circ} 42' 06''$  West, 71.88 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner on the north right-of-way line of County Road 59 (width varies) as described in Volume 2, Page 98 and Volume 24, Page 33-36, B.C.P.R.;

Thence, South  $86^{\circ} 44' 15''$  West, along said north right-of-way line, 10.00 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for an angle point on the north right-of-way line of said County Road 59, said point being the northeast corner of that certain called 0.5248 acre tract conveyed to the City of Pearland as a donation for right-of-way as described under Document Number 2012007390, B.C.O.P.R.;

Thence, South  $86^{\circ} 40' 26''$  West, along the north right-of-way line of said County Road 59 as described under Document Number 2012007390, B.C.O.P.R., 646.10 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for the northwest corner of said 0.5248 acre tract, said point being on the west line of the aforementioned 30.583 acre tract, said point being the southeast corner of Southgate Section One, a subdivision of record in Volume 24, Pages 33-36, B.C.P.R.;

38.909 acres

June 19, 2012  
Job No. 1352-1003-202

Thence, North  $03^{\circ} 18' 06''$  West, along the west line of said 30.583 acre tract, the west line of said Lots 38, 39 and 40, and the east line of said Southgate Section One, passing at 1,330.57 feet a 5/8-inch iron rod with cap stamped "DALE HARDY RPLS 4847" found for the northeast corner of said Southgate Section One and the southeast corner of of the aforementioned Southgate Section Two, continuing along the west line of said Lot 38 and the east line of said Southgate Section Two, in all 1,583.44 feet to the POINT OF BEGINNING and containing 29.226 acre (1,273,076 square feet) of land.

## **PART TWO**

BEGINNING a 5/8-inch iron rod found for the northeast corner of said 9.990 acre tract and the southeast corner of that certain called 2.515 acre tract conveyed from DXB Richmond, Inc to Gold Star Development by an instrument of record under Document Number 2008031966, B.C.O.P.R., said point also being on the west right-of-way line of SH 288 (width varies) as described in Volume 1041, Page 460, Volume 1041, Page 888, and Volume 1052, Page 159, B.C.D.R., said point being on the common lot line of said Lot 48 and 49 of said Section 81, from which a found 3/4-inch iron pipe bears South  $52^{\circ} 36' 37''$  East, 0.93 feet;

Thence, South  $03^{\circ} 14' 03''$  East, along the common line of said 9.990 acre tract and said westerly right-of-way line, 877.70 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for an angle point on said common line;

Thence, South  $30^{\circ} 49' 10''$  West, continuing along said common line, 82.81 feet to a broken concrete right-of-way monument found for an angle point on said common line;

Thence, South  $64^{\circ} 55' 07''$  West, continuing along said common line, 381.06 feet to a broken concrete right-of-way monument found for an angle point on said common line;

Thence, South  $86^{\circ} 45' 24''$  West, continuing along said common line, 30.02 feet to a broken concrete right-of-way monument found for the southwest corner of said 9.990 acre tract, same being the intersection on said westerly right-of-way line and the east right-of-way line of County Road 566 (width varies) as recorded in Volume 2, Page 98, B.C.P.R., Volume 133, Page 126, Volume 881, Page 230, Volume 881, Page 232, Volume 1035, Page 636, and Volume 1035, Page 642, B.C.D.R.;

Thence, North  $03^{\circ} 17' 17''$  West, departing said common line and along the west line of said 9.990 acre tract and along the east right-of-way line of said County Road 566, 371.60 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set at the intersection of the east right-of-way line of said County Road 566 and the east right-of-way line of said Business Center Drive (100 feet wide) as described under Document Numbers 2012007382, 2012007390, 2012007393, and 2012007402, B.C.O.P.R., the beginning of a curve;

Thence, along the east right-of-way line of said Business Center Drive, 187.07 feet along the arc of a non-tangent curve to the left having a radius of 850.00 feet, a central angle of  $12^{\circ} 36' 35''$ , and a chord that bears North  $03^{\circ} 02' 17''$  East, 186.69 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for corner;

Thence, North  $03^{\circ} 16' 00''$  West, continuing along the east right-of-way line of said Business Center Drive, 531.11 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner on the north line of the aforementioned 9.990 acre tract and the south line of the aforementioned 2.515 acre tract, said point also being on the common lot line of Lots 48 and 49 of the aforementioned Allison Richey Gulf Coast Homes Company's Part of Suburban Gardens subdivision;

Thence, North  $86^{\circ} 47' 22''$  East, along the common line of said 9.990 and 2.515 acre tracts and said common lot line, 410.34 feet to the POINT OF BEGINNING and containing 9.683 acres (421,802 square feet) of land.

38.909 acres

June 19, 2012  
Job No. 1352-1003-202

Said Part One and Part Two containing a total of 38.909 acres (1,694,878 square feet) of land.

This description was prepared from a survey prepared by the undersigned dated June 19, 2012.



Gary D. Nutter  
Registered Professional Land Surveyor  
Texas Registration Number 5659  
LJA Engineering & Surveying, Inc.







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**EXHIBIT D**

land use areas

a land use area exhibit for  
**BUSINESS CENTER PD**  
 ± 38.9 ACRES OF LAND

prepared for  
**PARKSIDE 59/288, LTD.**

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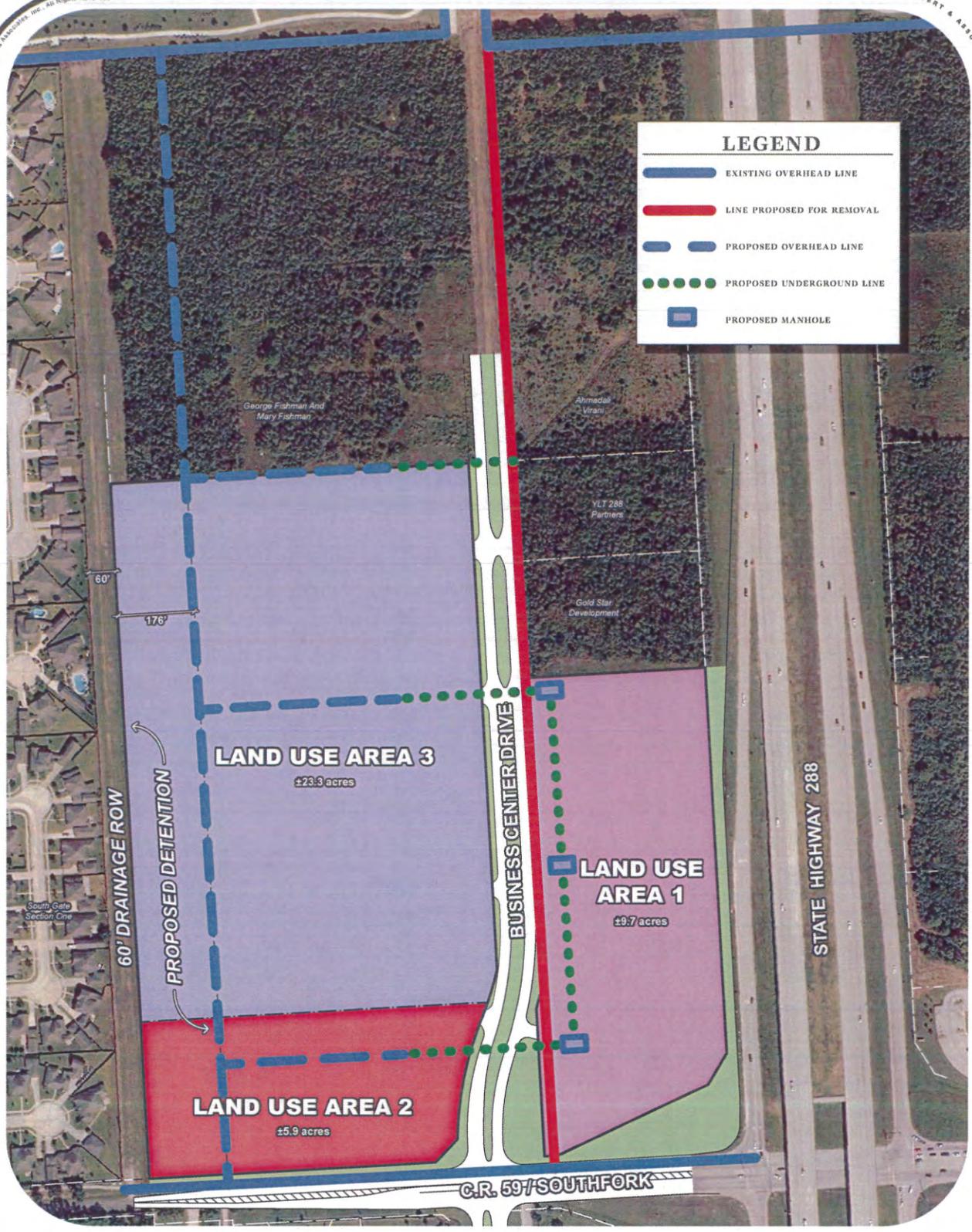
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SCALE

JUNE 15, 2012  
 KGA #1-176A

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LEGEND	
	EXISTING OVERHEAD LINE
	LINE PROPOSED FOR REMOVAL
	PROPOSED OVERHEAD LINE
	PROPOSED UNDERGROUND LINE
	PROPOSED MANHOLE



**EXHIBIT E** power line locations

a power line exhibit for  
**BUSINESS CENTER PD**  
 ± 38.9 ACRES OF LAND

prepared for  
**PARKSIDE 59/288, LTD.**

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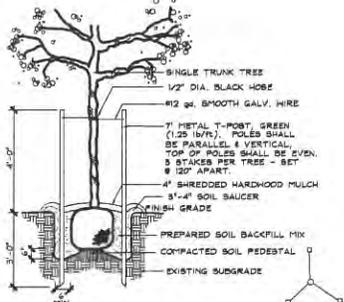
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SCALE

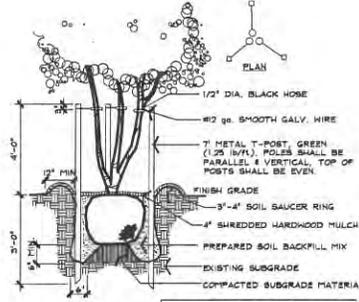
SEPTEMBER 27, 2012  
 KGA #1-176A

PLANT LIST

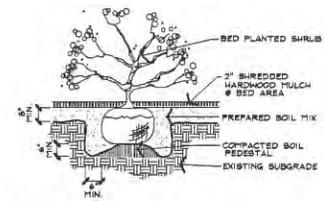
BOTANICAL NAME	COMMON NAME	SIZE	CONDITION	REMARKS
<i>Quercus shumardii</i>	Red Oak	65 Gal.	Container	12'-14' Ht., 5'-6' sprd., full, straight trunk
<i>Quercus virginiana</i>	Live Oak	65 Gal.	Container	12'-14' Ht., 5'-6' sprd., full, straight trunk
<i>Myrica cerifera</i>	Tree Form Waxmyrtle	30 Gal.	Container	Multi-trunk, 7'-8' Ht., 5'-6' sprd., 3 to 5 canes, full
<i>Myrica cerifera</i>	Waxmyrtle (shrub-form)	15 Gal.	Container	Full Pot, 2'-3' sprd., 4'-5' ht., 6' D.C.



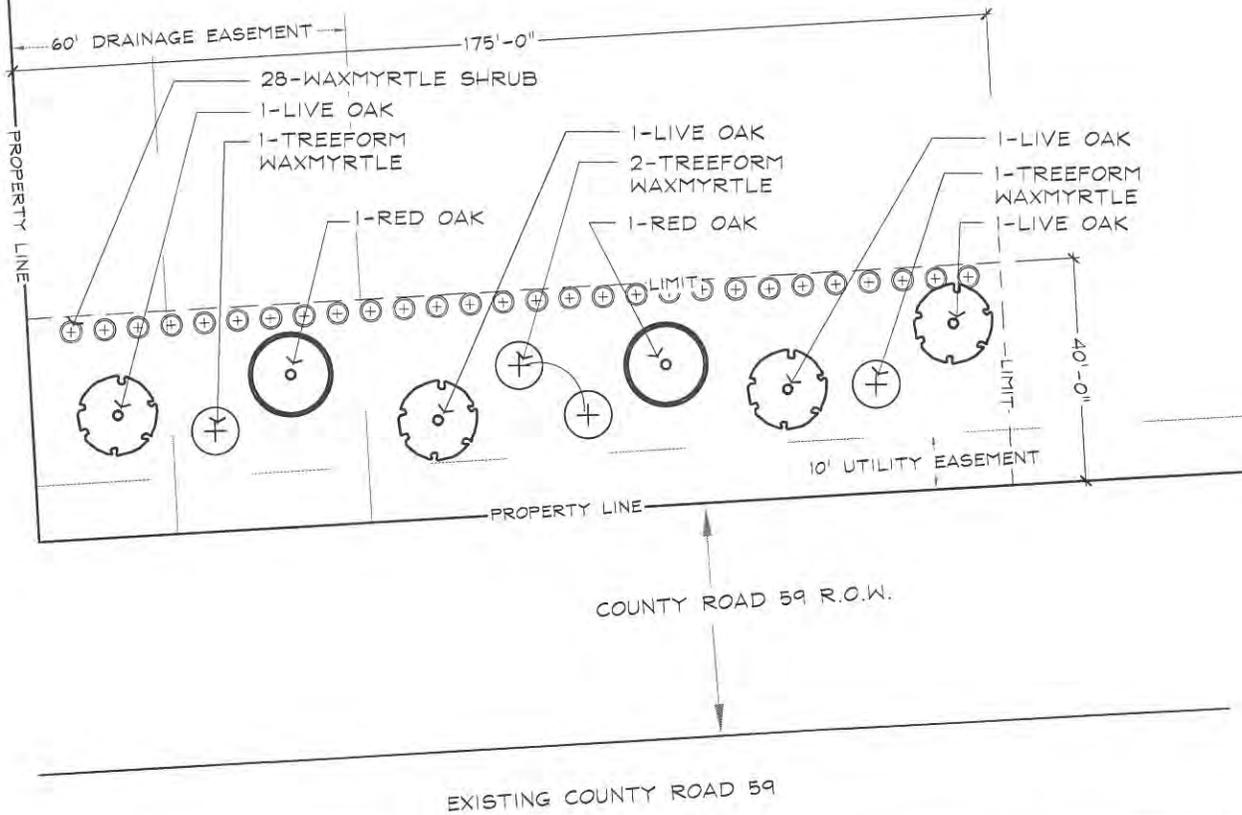
A STAKING DETAIL



B MULTI TRUNK TREE STAKING



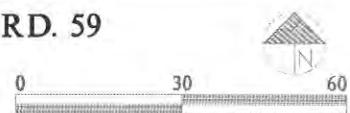
C BED PLANTED SHRUB



**BUSINESS CENTER PD**

**EXHIBIT F**

LANDSCAPE AND SCREENING AREA, BETWEEN CO. RD. 59 AND DETENTION BASIN



**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.**

*Christy Smith*  
*9/24/12*  
*Business Center PD*

Wednesday, September 12, 2012

168118

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**Account Number: 03000024000**

**Address:**

PARKSIDE 59/288 LTD  
 % JOE MOODY, PARKSIDE CAPITAL INVESTMENT  
 3003 W ALABAMA ST  
 HOUSTON, TX 77098-2001

**Property Site Address:**

COUNTY ROAD 59

**Legal Description:**

A0300 H T & B R R, TRACT 40, ACRES  
 3.1955

**Current Tax Levy:** \$3,182.44

**Current Amount Due:** \$0.00

**Prior Year Amount Due:** \$0.00

**Total Amount Due:** \$0.00

**Last Payment Amount for Current Year Taxes:** \$3,182.44

**Pending Credit Card or E-Check Payments:**

No Payment Pending

**Jurisdictions:**

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

**Market Value:** \$111,360

**Land Value:** \$111,360

**Improvement Value:** \$0

**Capped Value:** \$0

**Agricultural Value:** \$0

**Exemptions:** None

**Last Certified Date:** 10/11/2011

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168120

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**Account Number:** 03000025002

**Address:**  
PARKSIDE 59/288 LTD  
% JOE MOODY, PARKSIDE CAPITAL INVESTMENT  
3003 W ALABAMA ST  
HOUSTON, TX 77098-2001

**Property Site Address:**  
HIGHWAY 288 & COUNTY ROAD 59

**Legal Description:**  
A0300 H T & B R R, TRACT 49-50, ACRES  
10.173

**Current Tax Levy:** \$12,663.99

**Current Amount Due:** \$0.00

**Prior Year Amount Due:** \$0.00

**Total Amount Due:** \$0.00

**Last Payment Amount for Current Year Taxes:** \$12,663.99

**Pending Credit Card or E-Check Payments:**

No Payment Pending

**Jurisdictions:**

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

**Market Value:** \$443,140

**Land Value:** \$443,140

**Improvement Value:** \$0

**Capped Value:** \$0

**Agricultural Value:** \$0

**Exemptions:** None

**Last Certified Date:** 10/11/2011

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Wednesday, September 12, 2012

168098

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**Account Number:** 0300006000

**Address:**  
PARKSIDE 59/288 LTD  
% JOE MOODY, PARKSIDE CAPITAL INVESTMENT  
3003 W ALABAMA ST  
HOUSTON, TX 77098-2001

**Property Site Address:**  
COUNTY ROAD 556 AT COUNTY ROAD 59

**Legal Description:**  
A0300 H T & B R R, TRACT 40A, ACRES  
4.7395

**Current Tax Levy:** \$4,719.93

**Current Amount Due:** \$0.00

**Prior Year Amount Due:** \$0.00

**Total Amount Due:** \$0.00

**Last Payment Amount for Current Year Taxes:** \$4,719.93

**Pending Credit Card or E-Check Payments:**

No Payment Pending

**Jurisdictions:**

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

**Market Value:** \$165,160

**Land Value:** \$165,160

**Improvement Value:** \$0

**Capped Value:** \$0

**Agricultural Value:** \$0

**Exemptions:** None

**Last Certified Date:** 10/11/2011

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168103

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**Account Number: 03000010000**

**Address:**  
 PARKSIDE 59/288 LTD  
 % JOE MOODY, PARKSIDE CAPITAL INVESTMENT  
 3003 W ALABAMA ST  
 HOUSTON, TX 77098-2001

**Property Site Address:**  
 HIGHWAY 288 OFF

**Legal Description:**  
 A0300 H T & B R R, TRACT 38-38A, ACRES  
 9.95

**Current Tax Levy:** \$9,909.08

**Current Amount Due:** \$0.00

**Prior Year Amount Due:** \$0.00

**Total Amount Due:** \$0.00

**Last Payment Amount for Current Year Taxes:** \$9,909.08

**Pending Credit Card or E-Check Payments:**

No Payment Pending

**Jurisdictions:**

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

**Market Value:** \$346,740

**Land Value:** \$346,740

**Improvement Value:** \$0

**Capped Value:** \$0

**Agricultural Value:** \$0

**Exemptions:** None

**Last Certified Date:** 10/11/2011

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168109

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**Account Number:** 03000015000

**Address:**  
PARKSIDE 59/288 LTD  
% JOE MOODY, PARKSIDE CAPITAL INVESTMENT  
3003 W ALABAMA ST  
HOUSTON, TX 77098-2001

**Property Site Address:**  
COUNTY ROAD 59

**Legal Description:**  
A0300 H T & B R R, TRACT 40B, ACRES  
3.1955

**Current Tax Levy:** \$3,182.44

**Current Amount Due:** \$0.00

**Prior Year Amount Due:** \$0.00

**Total Amount Due:** \$0.00

**Last Payment Amount for Current Year Taxes:** \$3,182.44

**Pending Credit Card or E-Check Payments:**

No Payment Pending

**Jurisdictions:**

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

**Market Value:** \$111,360

**Land Value:** \$111,360

**Improvement Value:** \$0

**Capped Value:** \$0

**Agricultural Value:** \$0

**Exemptions:** None

**Last Certified Date:** 10/11/2011

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168112

Wednesday, September 12, 2012

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**Account Number:** 03000020000

**Address:**

PARKSIDE 59/288 LTD  
% JOE MOODY, PARKSIDE CAPITAL INVESTMENT  
3003 W ALABAMA ST  
HOUSTON, TX 77098-2001

**Property Site Address:**

2902 COUNTY ROAD 566

**Legal Description:**

A0300 H T & B R R, TRACT 39, ACRES 9.62

**Current Tax Levy:** \$9,580.43

**Current Amount Due:** \$0.00

**Prior Year Amount Due:** \$0.00

**Total Amount Due:** \$0.00

**Last Payment Amount for Current Year Taxes:** \$9,580.43

**Pending Credit Card or E-Check Payments:**

No Payment Pending

**Jurisdictions:**

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

**Market Value:** \$335,240

**Land Value:** \$335,240

**Improvement Value:** \$0

**Capped Value:** \$0

**Agricultural Value:** \$0

**Exemptions:** None

**Last Certified Date:** 10/11/2011

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# Business Center PD

Prepared for:

Parkside 59/288, Ltd.

Prepared by:

Kerry R. Gilbert & Assoc., Inc.

September 28, 2012

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## **I. Introduction**

### **A. Description of Property**

Parkside 59/288, Ltd. is the owner of the subject property which contains +38.9 acres of land and is located at the northwest corner of CR 59 and US 288. Business Center Drive extends north to Broadway, bisecting the property into two developable tracts. Business Center Drive will also provide the primary entry points into each of the two tracts. Driveway access will also be taken from CR 59 to the south; however, there will be no direct driveway access to US 288 to the east. A 60 foot wide Brazoria County Drainage District Easement forms the western boundary of the tract. South Gate, a single-family residential subdivision is situated west of the drainage easement and proposed 176 foot wide detention pond. The subject tract is vacant, except for an asphalt roadway (the location of future Business Center Drive) that dead ends at northern edge of the property. Exhibit A – Location Map and Exhibit B – Survey depicts the location and boundary of project.

### **B. Description of Proposed Development**

The location of this project at the intersection of a major highway and a major thoroughfare lends itself for commercial, retail, and office development. There are a variety of possible uses for each tract, including small pad sites (banks, restaurants, gas station/convenience store, etc.), large big box retail (home improvement store, grocery store, etc.), hotel/motel, senior living facility and office buildings.

Exhibit D – Land Use Areas illustrates how the subject tract is affected by the future extension of Business Center Drive. Business Center Drive bisects the project into two commercial areas +9.7 acres east of Business Center Drive and +29.2 acres on the west. The storm water detention requirement of +6.8 acres will be located along the western boundary and provide an excellent buffer between the commercial and residential development. The width of the proposed detention is 176' wide which provides a significant buffer distance between the residential and commercial developments. Construction of the fence will occur as the development in LUA 2 and 3 occur.

Exhibit D – Land Use Areas shows the location of the detention between the single family residential and the commercial.

### **C. Describe the area of land in acreage and legal description**

Approximately 38.9 acres comprise the subject site. Exhibit B – Survey, Metes & Bounds description, describes the site.

### **D. Statement as to the purpose and intent of the PD**

The intent of this PD is to allow flexibility of uses with the commercial, retail, and office land uses within the project.

## II. Zoning and Land Uses

### A. Describe existing zoning district surrounding the site

The site is zoned BP-288. The surrounding uses are as follows:

- North: Pearland Town Center PUD and BP-288
- West: R-2 (Southgate neighborhood, Brazoria County Drainage District Easement)
- South: ETJ (single-family residential use),
- East: ETJ (vacant)

Exhibit C – Surrounding Properties/Zoning Map depicts the zoning districts of the adjacent tracts.

### B. Describe the acreage difference between the Base Zoning and proposed district

The base zoning district is BP-288. The proposed district overlays the entire 38.9 acre tract since the location of each specific land use has not yet been determined.

### C. General standards applicable to project

Development and land uses along SH 288 will conform to the BP-288 District (Section 2.4.3.3) and development and land uses along Business Center Drive and CR 59 will conform to the Corridor Overlay District (Section 2.4.5.1) except for the specific design standards listed in III. Design Standards Section C of this document, and land uses listed in the land use table.

### D. Permitted and conditional uses allowed

The intent of the PD is to allow for a variety of land uses, including a mix of commercial, office, senior housing, hotel/motel, retail and restaurants. To this end, three distinct Land Use Areas (LUA) are being defined that would confine specific land uses to certain portions of the tract. Location and size of a tract coupled with market conditions are factors in determining the best use for the tract. The LUA designations define the best uses for the tract and set specific design elements for particular uses. The design elements set up standards based on the land use.

Exhibit D – Land Use Areas depicts three land use areas and the respective acreage within each area. The table below lists the potential types of uses within each LUA plus design elements specific to those uses. Any land use permitted or conditionally permitted in the BP-288 district listed in the UDC Land Use Matrix is allowed along with the additional uses listed in the Land Use Area Table within this document. Any uses listed in the Land Use Area Table below are considered Permitted Uses in addition to the Permitted uses in the UDC Land Use Matrix for BP-288. The land uses listed in the table below are restricted to that specific Land Use Area. Additionally, the land uses listed are restricted to a maximum acreage within that specific Land Use Area. The acreage for that use is listed next to the use.

The acreage within each LUA may shift within 15% to allow for flexibility in land uses. The size of the LUA could change depending upon the actual use that is constructed so the ability to increase and decrease the acreage within the LUA is important.

### Land Use Area Table

	Types of Uses and Maximum Acreages	Design Element
<p><b>Land Use Area 1</b></p> <p><b>+ 9.9 Acres</b></p>	<p>Restaurant (Drive-thru)*.....(9.9 acres)</p> <p>Restaurant (Dine-in)..... (9.9 acres)</p> <p>Hotel/Motel and Extended Stay**.....(6 acres)</p> <p>Gas/Convenience Store ***.....(3 acres)</p> <p>Auto Repair (minor) .....(5 acres)</p> <p>Auto Wash (full service/detail) .....(5 acres)</p> <p>Auto Wash (self-service) .....(5 acres)</p> <p>Laundry/ Dry Cleaning .....(2 acres)</p> <p>Garden / Nursery Store .....(8 acres)</p> <p>Shopping Center .....(8 acres)</p>	<p>Shared Driveways</p> <p>Orientation of bay windows shall not face Business Center Drive or SH 288.</p> <p>Drive-thru windows that face the street will be buffered per City Corridor Overlay District and BP-288 District requirements.</p>
<p><b>Land Use Area 2</b></p> <p><b>+ 5.8 Acres</b></p>	<p>Restaurant (Drive-thru)* .....(5.8 acres)</p> <p>Restaurant (Dine-in) .....(5.8 acres)</p> <p>Gas/Convenience Store ***.....(3 acres)</p> <p>Auto Wash (self-service) associated with a gas station only</p>	<p>Shared Driveways</p> <p>Orientation of service bay doors shall not face Business Center Drive.</p> <p>Drive-thru windows that face the street will be buffered per City Corridor Overlay District and BP-288 District requirements.</p>
<p><b>Land Use Area 3</b></p> <p><b>+ 23.4 Acres</b></p>	<p>Senior Housing Complex .....(14 acres)</p> <p>Flex / Back Office .....(12 acres)</p> <p>Museum .....(5 acres)</p> <p>Bio-tech, High-tech Manufacturing .....(10 acres)</p> <p>Shopping Center .....(12 acres)</p>	<p>Shared Driveways</p> <p>Senior Housing Complex is intended for housing by persons 55 years of age or older and that at least 80% of the occupied units are occupied by at least one person who is 55 or older. The design of the complex will incorporate interior hallways.</p> <p>Businesses to be oriented towards Business Center Drive, or if designed with a motor court, business can be oriented towards another business.</p> <p>Orientation of overhead doors and service bay doors shall not face Business Center Drive</p> <p>Flex/Back Office and Bio-tech, High-tech Manufacturing to be one-story industrial product with tilt wall or similar concrete construction that can accommodate 25% to 100% office use; dock high doors shall not face Business Center Drive.</p>

\* Restaurant (Drive-Thru) limited to three (3) establishments in LUA 1 and two (2) establishments in LUA 2.

\*\* Hotel/Motel/Extended Stay limited to two (2) establishments in LUA 1.

\*\*\*Gas/Convenience Store limited to one (1) facility in LUA 1 and one (1) facility in LUA 2.

### III. Design Standards

#### A. Design Standards

1. Exterior Materials and Colors: No more than three (3) dominant materials should be used on a building exterior. Acceptable materials are concrete, tilt wall concrete, concrete block, glass, glass block, brick, split face concrete block, stone, stucco, and trade designs, as permitted in Sec 2.6.2.1 of UDC, and as approved by the City Planner. Earth tones with limited pastel alternative as recommended for dominant wall colors for build materials. An accent color may be applied to trim, fascia boards, door panels, or miscellaneous metals. Accent colors will not exceed more than 20% of the building façade for any side of the building. Prohibited colors include colors considered to be fluorescent, iridescent, or dayglo.
2. Minimum Setback for Structures: The minimum setback for structures along the public right-of-way shall be twenty (20) feet.
3. Minimum Setback for Parking Buffer: The minimum setback for the off-street parking, maneuvering and loading area from the right-of-way shall be fifteen (15) feet.
4. Landscaping: A landscaping plan will be developed along the perimeter of the project to ensure uniformity. The landscaping plan will be in conformance with the Corridor Overlay District along Business Center Drive and CR 59 and BP-288 District along SH 288 for landscaping, parking lot screening, trash receptacle screening and tree plantings, except the minimum setback, which is discussed above.
5. Lighting: - Lighting in the parking lots and on the commercial buildings will be in conformance with the current City of Pearland Code.
6. Outside Storage: Outside storage operations are allowed only for those businesses in which outside storage is a function of the business, such as a nursery. The outside storage must be screened from public view and those standards will be in conformance with Sec 4.2.4.1 plus in no case shall outside storage be permitted along any yard that abuts any street or public right-of-way.
7. Parking: On and off street parking requirements will be in conformance with the City of Pearland UDC. Bicycle parking will also be in conformance with the Section 2.4.5.1.F in the Corridor Overly District.
8. Service Access and Service Areas: Service drives and service areas shall not interfere with parking, driveways or walkways and must be screened from adjoining properties, all public right-of-way and from the office area of any other building which share the site. A service area shall be provided at the rear (side opposite the street) of all buildings.
9. Vehicular Access: Location of ingress and egress will be controlled. Vehicular access will be designed to minimize auto-pedestrian conflicts, manage curb cut distances along the public right-of-way, and minimize automobile conflicts. Shared driveways will be planned to limit the number of driveways along CR 59 and Business Center Drive. Parkside 59/288, Ltd. has been working with the City of Pearland on the design of

Business Center Drive to ensure optimal driveway and cross access conditions for future development.

10. Screening: Screening will be in conformance with the City of Pearland UDC except for any exclusions listed below in Section C. The screening for the detention facility will consist of a six (6) foot tall masonry or pre-cast masonry wall along the eastern side of the facility, along LUA 2 and 3. The fence will be constructed in conjunction with the building it is screening within LUA 2 and 3. Exhibit J illustrates the proposed screening.

11. Utilities: Overhead power lines exist along north side of CR 59 and along the east side of Business Center Drive. The overhead line along Business Center Drive will be relocated as overhead lines along the east side of the proposed detention area. Overhead lines will also be used to bring power towards Business Center Drive; however, the overhead power shall be setback a minimum of 150' from Business Center Drive in which the utilities will transition to underground. Within 200' of Business Center Drive, the City Planner may review the screening requirements to minimize the view of the overhead poles from Business Center Drive. As sites are sold and developed, utilities to these sites will be constructed per the location specification listed above. Exhibit E – Utility Plan depicts the location of existing and proposed overhead power lines.

12. Detention Facility: The detention for this development will be located along the western boundary of the tract and will provide a buffer between the proposed commercial development and the South Gate neighborhood. The detention facility (including the high bank and berm) is 176 feet wide coupled with the existing BDD #4 Drainage right-of-way provides for a 236 foot wide buffer between commercial and residential. A screening wall, six (6) foot tall masonry or pre-cast masonry wall will be constructed along the eastside of the detention facility to enhance the screening of the residential. The wall will be constructed as the buildings are constructed on site. Landscape plantings of trees and shrubs will be also be incorporated along the frontage of CR 59 to provide a visual screening from the public right-of-way.

### **C. Specific list of deviations.**

1. Section 2.4.5.1.C.1 and Section 2.4.4.3.C: Land Use Area 1 has dual frontage for Land Use Area 1 and driveway access to the site is limited to Business Center Drive. A twenty foot (20') front building line along both sides of Business Center Drive allows for better design of the project.
2. Section 2.4.5.1.C.2: A setback of fifteen feet (15') for off-street parking, maneuvering and loading area within the project will allow for better design of the tract.
3. Section 2.4.5.1.D.2.d: Building materials are discussed above and include restrictions in the Corridor Overlay District. The building materials should not require the additional approval of the Planning Director.
4. Section 2.4.5.1.D.3: Building colors are limited to earth tones and pastel as discussed above, and should not require the additional approval of the Planning Director.
5. Section 2.4.4.3.A.1: Permitted uses in BP-288 are listed on the UDC Land Use Matrix. We request additional uses be permitted as listed in the Land Use Table in Section 2

above. Prohibited uses include “Pet Care Facility/Animal Kennel (with outdoor pens)” and “Office, Parole–Probation, Bail Bonds”.

6. Section 2.4.4.3.F: Detention facilities are required to be incorporated as an amenity. The detention required for this development is better served as a buffer to the single family residential rather than as a lake amenity for the project. The total width of the detention and drainage easement is 236 feet. This distance, coupled with the six foot (6’) wall provides a sufficient buffer and screening to the residential neighborhood to the west.
7. Section 2.4.5.1.M: Overhead utilities will setback a minimum of 150’ from Business Center Drive. Within the 150’ setback, utilities will be constructed underground.

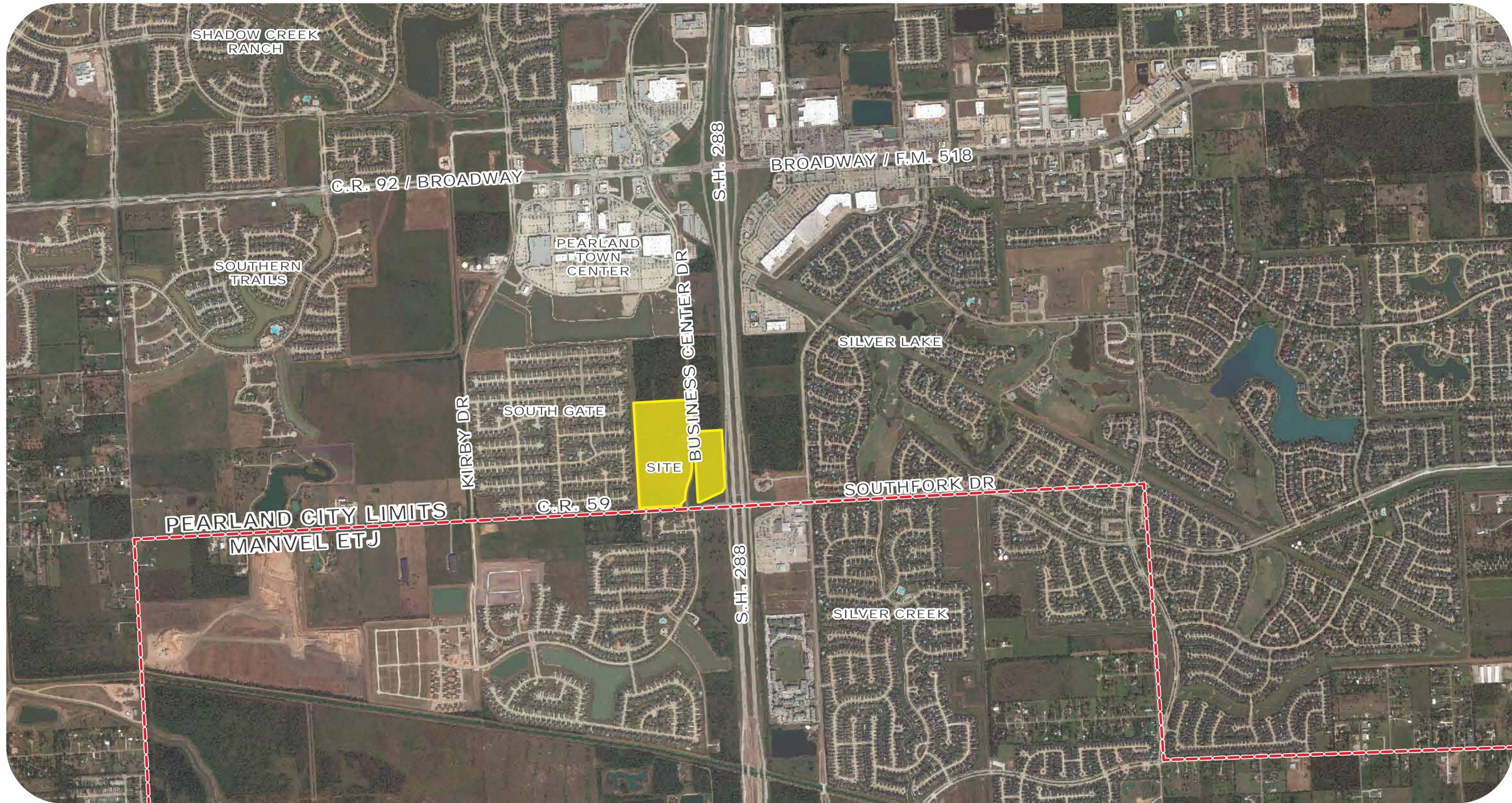
**D. All requirements of the Unified Development Code will be met, unless specifically mentioned in this document**

#### **IV. Required dedications of land or public improvements**

This development is primarily commercial, retail and office and therefore no dedication to parkland required. If the Senior Housing Complex is developed, then the park and open space requirements for multi-family will be applied to that specific site.

#### **VI. Exhibits**

- A – Location Map
- B – Survey, metes & bounds description
- C – Surrounding Properties/ Zoning Map
- D – Land Use Areas
- E – Power Line Exhibit
- F – Landscape/Screening along CR 59 and the Detention Basin



**A**

location map

a location map for  
**BUSINESS CENTER PD**  
 ± 38.9 ACRES OF LAND

prepared for  
**PARKSIDE 59/288 LTD.**

KERRY R. GILBERT & ASSOCIATES, INC.

Land Planning Consultants

23501 Cinco Ranch Blvd.  
 Suite A-250  
 Katy, Texas 77494  
 (281) 579-0340  
 Fax (281) 579-8212

NOT TO SCALE

JUNE 15, 2012  
 KGA #I-175A

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Notes:

- 1) All bearings referenced to the Texas Coordinate System, South Central Zone, NAD 83 (1993 ADJ) Epoch 2002.02.
2) This survey was prepared from information furnished by Stewart Title Guaranty Company, File No. 10203933002, Effective date June 3, 2012.
3) By graphical plotting, the subject tract lies within Zone 'X' (un-shaded) as defined as 'Areas determined to be outside the 500-year floodplain' as shown on Federal Emergency Management Agency Flood Insurance Rate Map, Map No. 4803300020 H, Effective date June 3, 1999.
4) The portion of the subject tract identified as being located within the city limits of the City of Pearland, Texas, is zoned 'SP-288' (Business Park District-288), and is subject to the provisions of City of Pearland Unified Development Ordinance No. 20007 and the Zoning Map, Ordinance No. 20007, approved by City Council, February 27, 2006 and as amended by official action of the City Council.
5) All of the subject tract lies within Brazoria County Municipal Utility District No. 34.
6) There are no structures and no paved or striped parking spaces on the subject tract.
7) There is no visible evidence of the subject tracts being used as a solid waste dump, sump, or sanitary landfill.
8) A metes and bounds description was prepared for the subject tract on a separate instrument dated June 19, 2012.

DESCRIPTION OF 38,909 ACRES (1,694,878 SQUARE FEET)

Being 38,909 acres of land located in the H.T. & B. R. R. Company Survey, Section 81, Abstract Number 300, Brazoria County, Texas, being a portion of Lots 38, 39, 40, 49, and 50 of the Allison Richey Gulf Coast Homes Company's Part of Suburban Gardens, a subdivision of record in Volume 2, Page 96, of the Plat Records of said Brazoria County (B.C.P.R.), more particularly being the residue of the certain called 30,583 acre tract described as Part One and the residue of that certain called 9,990 acre tract described as Part Two conveyed from Compass Bank to Parkside 59/288, Ltd., by an instrument of record under Document Number 201012491, of the Official Public Records of said Brazoria County, (B.C.P.R.), said 38,909 acres being more particularly described in two parts by metes and bounds as follows: Part One being 29,226 acres (1,273,076 square feet) and Part Two being 9,683 acres (421,802 square feet), all bearings referenced to the Texas Coordinate System, South Central Zone, NAD83 (1993 adjustment), Epoch 2002.02.

PART ONE

BEGINNING at a 5/8-inch iron rod with cap stamped 'LJA ENG' found for the northwest corner of said 30,583 acre tract and the southwest corner of that certain called 3.39 acre tract conveyed from Brazoria County Land & Cattle Co. to George D. Fishman and wife, Mary Fishman, by an instrument of record under Document Number 200206002, of the Official Records of said Brazoria County, (B.C.P.R.), said point being on the east line of Southgate Section Two, a subdivision of record in Volume 24, Page 278-279, B.C.P.R., said point also being common west corner of Lots 37 and 38 of said Allison Richey Gulf Coast Homes Company's Part of Suburban Gardens subdivision;

Thence, North 86°42'55" East, along the common line of said Lots 37 and 38, along the north line of said 30,583 acre tract, the south line of said 3.39 acre tract and said south line of that certain called 3.33 acre tract conveyed from Ky-Tex to George Fishman and Mary Fishman by an instrument of record under File Number 98-04065 and corrected under File Number 99-00485, B.C.P.R., 828.59 feet to a 5/8-inch iron rod with cap stamped 'LJA ENG' set on the west right-of-way line of Business Center Drive (100 feet wide) as described under Document Numbers 201007382, 201007393, 201007402, B.C.P.R., from which a 3/4-inch iron pipe found for the common corner of said Lots 37, 38, 47 and 48 of said Allison Richey Gulf Coast Homes Company's Part of Suburban Gardens subdivision bears North 86°42'55" East, 493.51 feet;

Thence, South 03°16'00" East, along the west right-of-way line of said Business Center Drive, 1025.77 feet to a 5/8-inch iron rod with cap stamped 'LJA ENG' set for corner, the beginning of a curve;

Thence, continuing along the west right-of-way line of said Business Center Drive, (width varies), 69.54 feet along the arc of a tangent curve to the right having a radius of 750.00 feet, a central angle of 12°57'05", and a chord that bears South 03°12'34" West, 69.98 feet to a 5/8-inch iron rod with cap stamped 'LJA ENG' found for corner at the intersection of the west right-of-way line of said Business Center Drive and the west right-of-way line of County Road 566 (width varies) as described in Volume 2, Page 96, B.C.P.R., Volume 133, Page 126, Volume 881, Page 232, Volume 1035, Page 636, and Volume 1035, Page 642, B.C.P.R., the beginning of a curve;

Thence, along the west right-of-way line of said County Road 566 the following four courses:
1. 66.34 feet along the arc of a non-tangent curve to the right having a radius of 686.20 feet, a central angle of 05°32'22", and a chord that bears South 18°58'03" West, 66.32 feet to a concrete right-of-way monument found for corner;
2. South 21°45'33" West, 13.71 feet to a 5/8-inch iron rod with cap stamped 'LJA ENG' found for corner, the beginning of a curve;
3. 275.59 feet along the arc of a non-tangent curve to the left having a radius of 746.20 feet, a central angle of 21°09'40", and a chord that bears South 11°09'26" West, 274.03 feet to a 5/8-inch iron rod with cap stamped 'LJA ENG' set for corner, from which a found concrete right-of-way monument bears North 51°07'14" West, 1.08 feet;

4. South 42°42'06" West, 71.88 feet to a 5/8-inch iron rod with cap stamped 'LJA ENG' set for corner on the north right-of-way line of County Road 59 (width varies) as described in Volume 2, Page 98 and Volume 24, Page 33-36, B.C.P.R.;

Thence, South 86°44'15" West, along said north right-of-way line, 10.00 feet to a 5/8-inch iron rod with cap stamped 'LJA ENG' found for an angle point on the north right-of-way line of said County Road 59, said point being the northeast corner of that certain called 0.5248 acre tract conveyed to the City of Pearland as a donation for right-of-way as described under Document Number 201007390, B.C.P.R.;

Thence, South 86°40'26" West, along the north right-of-way line of said County Road 59 as described under Document Number 201007390, B.C.P.R., 646.10 feet to a 5/8-inch iron rod with cap stamped 'LJA ENG' found for the northwest corner of said 0.5248 acre tract, said point being on the west line of the aforementioned 30,583 acre tract, said point being the southeast corner of Southgate Section One, a subdivision of record in Volume 24, Pages 33-36, B.C.P.R.;

Thence, North 03°18'05" West, along the west line of said 30,583 acre tract, the west line of said Lots 38, 39 and 40, and the east line of said Southgate Section One, passing at 1330.57 feet to a 5/8-inch iron rod with cap stamped 'DALE HARVEY RPLS 4847' found for the northeast corner of said Southgate Section One and the southeast corner of the aforementioned Southgate Section Two, continuing along the west line of said Lot 38 and the east line of said Southgate Section Two, in all 1,583.44 feet to the POINT OF BEGINNING and containing 29,226 acres (1,273,076 square feet) of land;

PART TWO
BEGINNING a 5/8-inch iron rod found for the northeast corner of said 9,990 acre tract and the southeast corner of that certain called 2.515 acre tract conveyed from DXB Richmond, Inc to Gold Star Development by an instrument of record under Document Number 2008031966, B.C.P.R., said point also being on the west right-of-way line of SH 288 (width varies) as described in Volume 1041, Page 462, Volume 1041, Page 468, and Volume 1035, Page 153, B.C.P.R., said point being on the common lot line of said Lot 48 and 49 of said Section 81, from which a found 3/4-inch iron pipe bears South 52°36'37" East, 0.53 feet;

Thence, South 03°14'03" East, along the common line of said 9,990 acre tract and said westerly right-of-way line, 877.07 feet to a 5/8-inch iron rod with cap stamped 'LJA ENG' found for an angle point on said common line;

Thence, South 30°49'10" West, continuing along said common line, 82.81 feet to a broken concrete right-of-way monument found for an angle point on said common line;

Thence, South 64°55'07" West, continuing along said common line, 381.06 feet to a broken concrete right-of-way monument found for an angle point on said common line;

Thence, South 86°45'24" West, continuing along said common line, 30.02 feet to a broken concrete right-of-way monument found for the southwest corner of said 9,990 acre tract, some being the intersection on said westerly right-of-way line and the east right-of-way line of County Road 566 (width varies) as recorded in Volume 2, Page 96, B.C.P.R., Volume 133, Page 126, Volume 881, Page 232, Volume 1035, Page 636, and Volume 1035, Page 642, B.C.P.R.;

Thence, North 03°11'11" West, departing said common line and along the west line of said 9,990 acre tract and along the east right-of-way line of said County Road 566, 371.60 feet to a 5/8-inch iron rod with cap stamped 'LJA ENG' found for the northwest corner of said County Road 566 and the east right-of-way line of said Business Center Drive (100 feet wide) as described under Document Numbers 201007382, 201007390, 201007393, and 201007402, B.C.P.R., the beginning of a curve;

Thence, along the east right-of-way line of said Business Center Drive, 187.07 feet along the arc of a non-tangent curve to the left having a radius of 850.00 feet, a central angle of 12°36'35", and a chord that bears North 03°02'11" East, 186.69 feet to a 5/8-inch iron rod with cap stamped 'LJA ENG' found for corner;

Thence, North 03°16'00" West, continuing along the east right-of-way line of said Business Center Drive, 5.11 feet to a 5/8-inch iron rod with cap stamped 'LJA ENG' set for corner on the north line of the aforementioned 9,990 acre tract and the south line of the aforementioned 2.515 acre tract, said point also being on the common lot line of Lots 48 and 49 of the aforementioned Allison Richey Gulf Coast Homes Company's Part of Suburban Gardens subdivision;

Thence, North 86°47'22" East, along the common line of said 9,990 and 2.515 acre tracts and said common lot line, 410.34 feet to the POINT OF BEGINNING and containing 9,683 acres (421,802 square feet) of land.

Said Part One and Part Two containing a total of 38,909 acres (1,694,878 square feet) of land.

SURVEYOR'S CERTIFICATE

To Parkside 288/59, Ltd., and Stewart Title Guaranty Company; I hereby certify that on the 15th day of June, 2012,

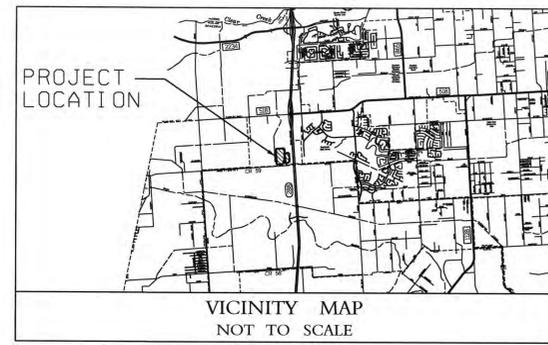
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6(a), 7(a), 7(b)(1), 7(b)(2), 7(c), 8, 9, 10(a), 14, 15, 16, and 18 of Table A thereof. The field work was completed on June 8, 2012.

Date of Plat or Map: June 19, 2012

GARY D. NUTTER
Registered Professional Land Surveyor
Texas Registration No. 5559

CURVE TABLE with columns: Curve, Radius, Tangent, Chord, Arc, Delta, Chord Bearing

LINE TABLE with columns: Line, Bearing, Distance

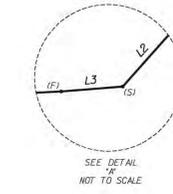


Scale: 1" = 80'

LEGEND

- B.C.D.R. - BRAZORIA COUNTY DEED RECORDS
B.C.O.P.R. - BRAZORIA COUNTY OFFICIAL PUBLIC RECORDS
B.C.P.R. - BRAZORIA COUNTY OFFICIAL RECORDS
B.C.P.L. - BRAZORIA COUNTY PLAT RECORDS
(S) - SET 5/8" I.R. W/CAP STAMPED 'LJA ENG'
(F) - FOUND 5/8" I.R. W/CAP STAMPED 'LJA ENG'
I.R. - IRON ROD
I.P. - IRON PIPE
(C.M.) - CONTROLLING MONUMENT
P - POWER POLE W/ GUY WIRE
E - OVERHEAD UTILITIES
E - ELECTRICAL BOX
E - ELECTRICAL JUNCTION BOX
E - ELECTRIC METER
P - PEDESTAL
T - TELEPHONE CABLE MARKER
H - HIGHBANK LINE STYLE
H - HIGHBANK LINE STYLE
F - FLOW LINE OF DITCH
A - EDGE OF ASPHALT
+ - FLUSHING VALVE
W - WATER VALVE
P - PEDESTAL
S - SIGN
G - GRATE INLET
M - GAS LINE MARKER (PIN FLAG)
S - STORM MANHOLE
S - SANITARY MANHOLE

ACREAGE SUMMARY
TRACT ONE = 29,226 ACRES (1,273,076 S.F.)
TRACT TWO = 9,683 ACRES (421,802 S.F.)
TOTAL = 38,909 ACRES (1,694,878 S.F.)



ALTA/ACSM LAND TITLE SURVEY OF 38.909 ACRES (1,694,878 S.F.) IN THE H.T. & B. R. R. COMPANY SURVEY SECTION 81, A-300 BRAZORIA COUNTY, TEXAS JUNE 2012 JOB NO. 1352-1003-202 LJA Engineering, Inc. 2829 Briarpark Drive Suite 600 Houston, Texas 77042 Phone 713.953.5200 Fax 713.953.5026

DESCRIPTION OF  
38.909 ACRES  
(1,694,878 SQUARE FEET)

Being 38.909 acres of land located in the H.T. & B. R.R. Company Survey, Section 81, Abstract Number 300, Brazoria County, Texas, being a portion of Lots 38, 39, 40, 49, and 50 of the Allison Richey Gulf Coast Homes Company's Part of Suburban Gardens, a subdivision of record in Volume 2, Page 98, of the Plat Records of said Brazoria County (B.C.P.R.), more particularly being the residue of that certain called 30.583 acre tract (described as Part One) and the residue of that certain called 9.990 acre tract (described as Part Two) conveyed from Compass Bank to Parkside 59/288, Ltd., by an instrument of record under Document Number 2011012491, of the Official Public Records of said Brazoria County, (B.C.O.P.R.), said 38.909 acres being more particularly described in two parts by metes and bounds as follows: Part One being 29.226 acres (1,273,076 square feet) and Part Two being 9.683 acres (421,802 square feet), all bearings referenced to the Texas Coordinate System, South Central Zone, NAD83 (1993 adjustment), Epoch 2002.02;

**PART ONE**

BEGINNING at a 5/8-inch iron rod with cap stamped "LJA ENG" found for the northwest corner of said 30.583 acre tract and the southwest corner of that certain called 3.39 acre tract conveyed from Brazoria County Land & Cattle Co. to George D. Fishman and wife, Mary Fishman by an instrument of record under Document Number 2005061002, of the Official Records of said Brazoria County, (B.C.O.R.), said point being on the east line of Southgate Section Two, a subdivision of record in Volume 24, Pages 278-279, B.C.P.R., said point also being common west corner of Lots 37 and 38 of said Allison Richey Gulf Coast Home Company's Part of Suburban Gardens subdivision;

Thence, North  $86^{\circ} 42' 55''$  East, along the common line of said Lots 37 and 38, along the north line of said 30.583 acre tract, the south line of said 3.39 acre tract and said south line of that certain called 3.33 acre tract conveyed from Ky-Tex to George Fishman and Mary Fishman by an instrument of record under File Number 96-040466 and corrected under File Number 97-010496, B.C.O.R., 826.97 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set on the west right-of-way line of Business Center Drive (100 feet wide) as described under Document Numbers 2012007382, 2012007390, 2012007393, and 2012007402, B.C.O.P.R., from which a 3/4-inch iron pipe found for the common corner of said Lots 37, 38, 47 and 48 of said Allison Richey Gulf Coast Home Company's Part of Suburban Gardens subdivision bears North  $86^{\circ} 42' 55''$  East, 49.51 feet;

Thence, South  $03^{\circ} 16' 00''$  East, along the west right-of-way line of said Business Center Drive, 1,025.77 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner, the beginning of a curve;

Thence, continuing along the west right-of-way line of said Business Center Drive, (width varies), 169.54 feet along the arc of a tangent curve to the right having a radius of 750.00 feet, a central angle of  $12^{\circ} 57' 08''$ , and a chord that bears South  $03^{\circ} 12' 34''$  West, 169.18 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for corner at the intersection of the west right-of-way line of said Business Center Drive and the west right-of-way line of County Road 566 (width varies) as described in Volume 2, Page 98, B.C.P.R., Volume 133, Page 126, Volume 881, Page 230, Volume 881, Page 232, Volume 1035, Page 636, and Volume 1035, Page 642, B.C.D.R., the beginning of a curve;

Thence, along the west right-of-way line of said County Road 566 the following four courses:

1. 66.34 feet along the arc of a non-tangent curve to the right having a radius of 686.20 feet, a central angle of  $05^{\circ} 32' 22''$ , and a chord that bears South  $18^{\circ} 58' 03''$  West, 66.32 feet to a concrete right-of-way monument found for corner;

2. South  $21^{\circ} 45' 33''$  West, 13.71 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for corner, the beginning of a curve;
3. 275.59 feet along the arc of a non-tangent curve to the left having a radius of 746.20 feet, a central angle of  $21^{\circ} 09' 40''$ , and a chord that bears South  $11^{\circ} 09' 26''$  West, 274.03 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner, from which a found concrete right-of-way monument bears North  $51^{\circ} 07' 14''$  West, 1.18 feet;
4. South  $42^{\circ} 42' 06''$  West, 71.88 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner on the north right-of-way line of County Road 59 (width varies) as described in Volume 2, Page 98 and Volume 24, Page 33-36, B.C.P.R.;

Thence, South  $86^{\circ} 44' 15''$  West, along said north right-of-way line, 10.00 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for an angle point on the north right-of-way line of said County Road 59, said point being the northeast corner of that certain called 0.5248 acre tract conveyed to the City of Pearland as a donation for right-of-way as described under Document Number 2012007390, B.C.O.P.R.;

Thence, South  $86^{\circ} 40' 26''$  West, along the north right-of-way line of said County Road 59 as described under Document Number 2012007390, B.C.O.P.R., 646.10 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for the northwest corner of said 0.5248 acre tract, said point being on the west line of the aforementioned 30.583 acre tract, said point being the southeast corner of Southgate Section One, a subdivision of record in Volume 24, Pages 33-36, B.C.P.R.;

Thence, North  $03^{\circ} 18' 06''$  West, along the west line of said 30.583 acre tract, the west line of said Lots 38, 39 and 40, and the east line of said Southgate Section One, passing at 1,330.57 feet a 5/8-inch iron rod with cap stamped "DALE HARDY RPLS 4847" found for the northeast corner of said Southgate Section One and the southeast corner of of the aforementioned Southgate Section Two, continuing along the west line of said Lot 38 and the east line of said Southgate Section Two, in all 1,583.44 feet to the POINT OF BEGINNING and containing 29.226 acre (1,273,076 square feet) of land.

## **PART TWO**

BEGINNING a 5/8-inch iron rod found for the northeast corner of said 9.990 acre tract and the southeast corner of that certain called 2.515 acre tract conveyed from DXB Richmond, Inc to Gold Star Development by an instrument of record under Document Number 2008031966, B.C.O.P.R., said point also being on the west right-of-way line of SH 288 (width varies) as described in Volume 1041, Page 460, Volume 1041, Page 888, and Volume 1052, Page 159, B.C.D.R., said point being on the common lot line of said Lot 48 and 49 of said Section 81, from which a found 3/4-inch iron pipe bears South  $52^{\circ} 36' 37''$  East, 0.93 feet;

Thence, South  $03^{\circ} 14' 03''$  East, along the common line of said 9.990 acre tract and said westerly right-of-way line, 877.70 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for an angle point on said common line;

Thence, South  $30^{\circ} 49' 10''$  West, continuing along said common line, 82.81 feet to a broken concrete right-of-way monument found for an angle point on said common line;

Thence, South  $64^{\circ} 55' 07''$  West, continuing along said common line, 381.06 feet to a broken concrete right-of-way monument found for an angle point on said common line;

38.909 acres

June 19, 2012  
Job No. 1352-1003-202

Thence, South  $86^{\circ} 45' 24''$  West, continuing along said common line, 30.02 feet to a broken concrete right-of-way monument found for the southwest corner of said 9.990 acre tract, same being the intersection on said westerly right-of-way line and the east right-of-way line of County Road 566 (width varies) as recorded in Volume 2, Page 98, B.C.P.R., Volume 133, Page 126, Volume 881, Page 230, Volume 881, Page 232, Volume 1035, Page 636, and Volume 1035, Page 642, B.C.D.R.;

Thence, North  $03^{\circ} 17' 17''$  West, departing said common line and along the west line of said 9.990 acre tract and along the east right-of-way line of said County Road 566, 371.60 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set at the intersection of the east right-of-way line of said County Road 566 and the east right-of-way line of said Business Center Drive (100 feet wide) as described under Document Numbers 2012007382, 2012007390, 2012007393, and 2012007402, B.C.O.P.R., the beginning of a curve;

Thence, along the east right-of-way line of said Business Center Drive, 187.07 feet along the arc of a non-tangent curve to the left having a radius of 850.00 feet, a central angle of  $12^{\circ} 36' 35''$ , and a chord that bears North  $03^{\circ} 02' 17''$  East, 186.69 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for corner;

Thence, North  $03^{\circ} 16' 00''$  West, continuing along the east right-of-way line of said Business Center Drive, 531.11 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner on the north line of the aforementioned 9.990 acre tract and the south line of the aforementioned 2.515 acre tract, said point also being on the common lot line of Lots 48 and 49 of the aforementioned Allison Richey Gulf Coast Homes Company's Part of Suburban Gardens subdivision;

Thence, North  $86^{\circ} 47' 22''$  East, along the common line of said 9.990 and 2.515 acre tracts and said common lot line, 410.34 feet to the POINT OF BEGINNING and containing 9.683 acres (421,802 square feet) of land.

38.909 acres

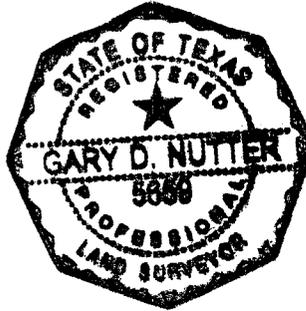
June 19, 2012  
Job No. 1352-1003-202

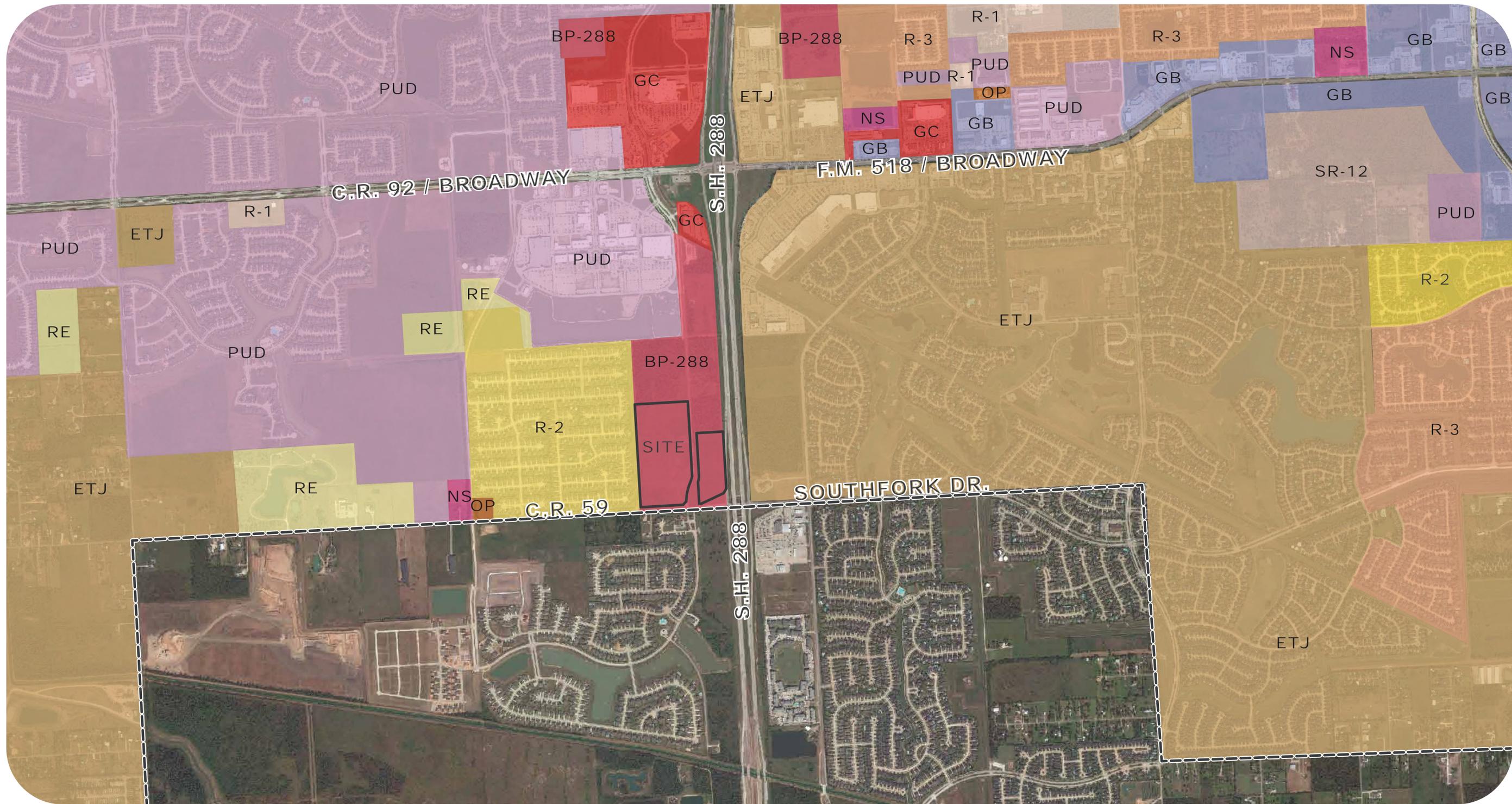
Said Part One and Part Two containing a total of 38.909 acres (1,694,878 square feet) of land.

This description was prepared from a survey prepared by the undersigned dated June 19, 2012.



Gary D. Nutter  
Registered Professional Land Surveyor  
Texas Registration Number 5659  
LJA Engineering & Surveying, Inc.





**C**

current zoning map

THIS DRAWING IS A PICTORIAL REPRESENTATION FOR PRESENTATION PURPOSES ONLY AND IS SUBJECT TO CHANGE. FURTHER, SAID DRAWING IS A SCANNED IMAGE ONLY AND IS NOT FOR COMPUTATION OR CONSTRUCTION PURPOSES. THIS DRAWING MAY OR MAY NOT INCORPORATE INFORMATION AND/OR DATA PROVIDED TO KERRY R. GILBERT & ASSOCIATES, INC. BY OTHER CONSULTANTS RELATIVE TO ENGINEERING AND DRAINAGE, FLOOD PLAINS AND ENVIRONMENTAL ISSUES AND SHOULD NOT BE RELIED UPON FOR ANY PURPOSE. NO WARRANTIES, EXPRESS OR IMPLIED, CONCERNING THE ACTUAL DESIGN, LOCATION, AND CHARACTER OF THE FACILITIES SHOWN ON THIS MAP ARE INTENDED. ADDITIONALLY, NO WARRANTY IS MADE TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

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a zoning map for  
**BUSINESS CENTER PD**  
 ± 38.9 ACRES OF LAND

prepared for  
**PARKSIDE 59/288, LTD.**

KERRY R. GILBERT & ASSOCIATES, INC.

Land Planning Consultants

23501 Cinco Ranch Blvd.  
 Suite A-250  
 Katy, Texas 77494  
 (281) 579-0340  
 Fax (281) 579-8212

NOT TO SCALE

JUNE 15, 2012  
 KGA #I-175A



**EXHIBIT D**

land use areas

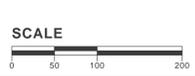
a land use area exhibit for  
**BUSINESS CENTER PD**  
 ± 38.9 ACRES OF LAND

prepared for  
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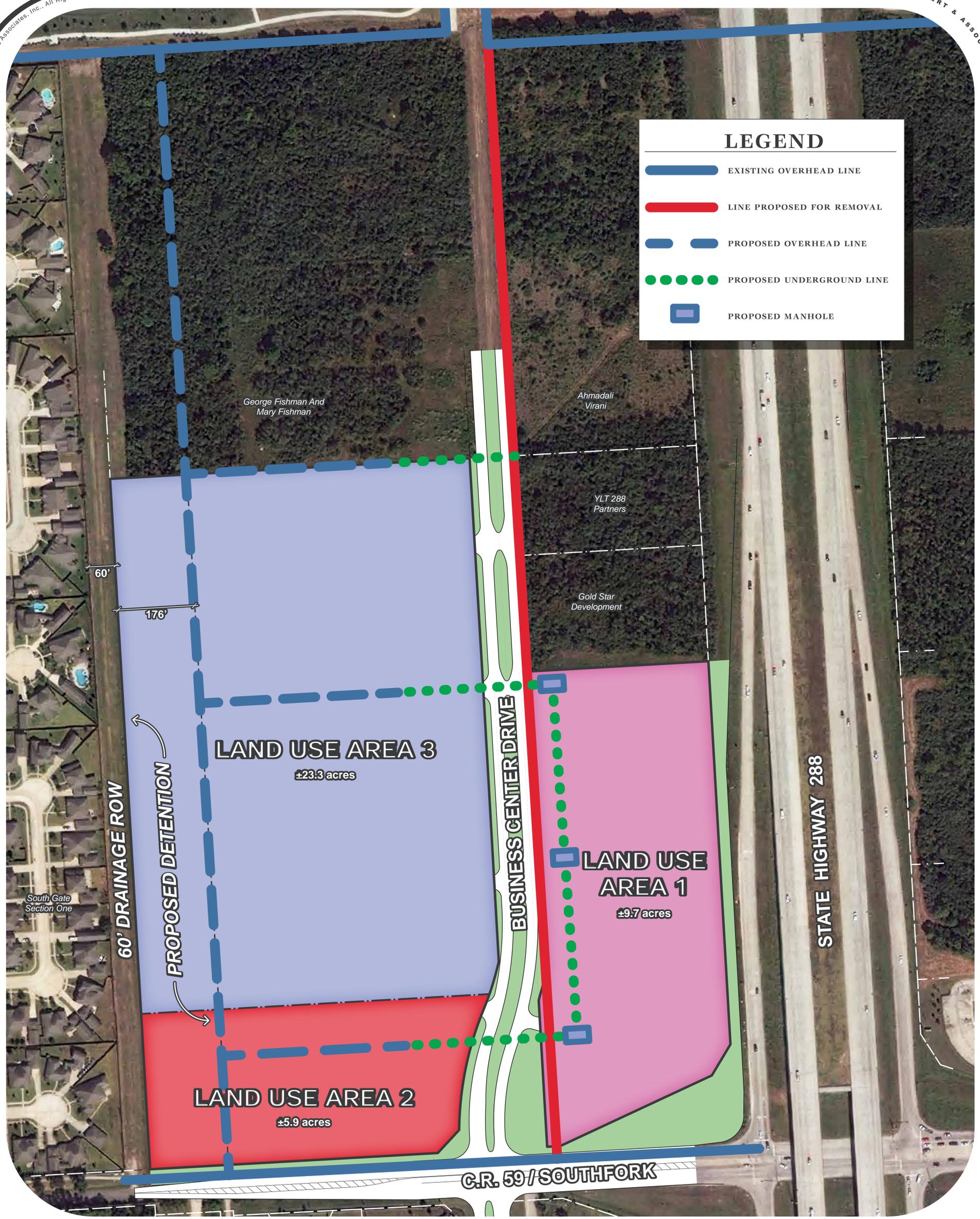
**KERRY R. GILBERT & ASSOCIATES, INC.**

**Land Planning Consultants**



JUNE 15, 2012  
 KGA #I-175A

23501 Cinco Ranch Blvd.  
 Suite A-250  
 Katy, Texas 77494  
 (281) 579-0340  
 Fax (281) 579-8212



**LEGEND**

- EXISTING OVERHEAD LINE
- LINE PROPOSED FOR REMOVAL
- PROPOSED OVERHEAD LINE
- PROPOSED UNDERGROUND LINE
- PROPOSED MANHOLE

60' DRAINAGE ROW

**LAND USE AREA 3**  
±23.3 acres

**LAND USE AREA 1**  
±9.7 acres

**LAND USE AREA 2**  
±5.9 acres

BUSINESS CENTER DRIVE

STATE HIGHWAY 288

**C.R. 59/SOUTHFORK**

**EXHIBIT E**

power line locations

a power line exhibit for  
**BUSINESS CENTER PD**  
 ± 38.9 ACRES OF LAND

prepared for  
**PARKSIDE 59/288, LTD.**

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**KERRY R. GILBERT & ASSOCIATES, INC.** Land Planning Consultants

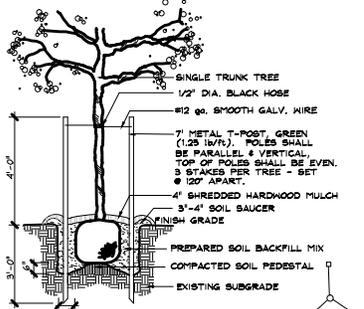
23501 Cinco Ranch Blvd.  
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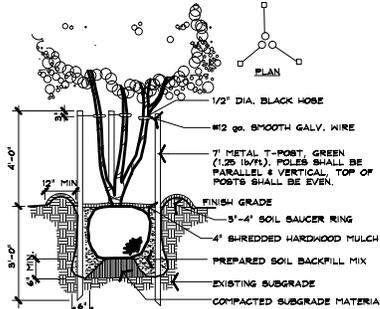
SEPTEMBER 27, 2012  
 KGA #I-175A

PLANT LIST

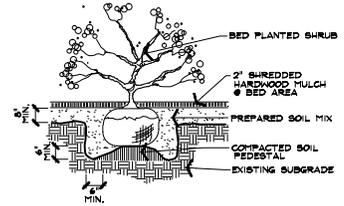
BOTANICAL NAME	COMMON NAME	SIZE	CONDITION	REMARKS
<i>Quercus shumardii</i>	Red Oak	65 Gal.	Container	12'-14' Ht., 5'-6' sprd., full, straight trunk
<i>Quercus virginiana</i>	Live Oak	65 Gal.	Container	12'-14' Ht., 5'-6' sprd., full, straight trunk
<i>Myrica cerifera</i>	Tree Form Waxmyrtle	30 Gal.	Container	Multi-trunk, 7'-8' Ht., 5'-6' sprd., 3 to 5 canes, full
<i>Myrica cerrifera</i>	Waxmyrtle (shrub-form)	15 Gal.	Container	Full Pot, 2'-3' sprd., 4'-5' ht., 6' O.C.



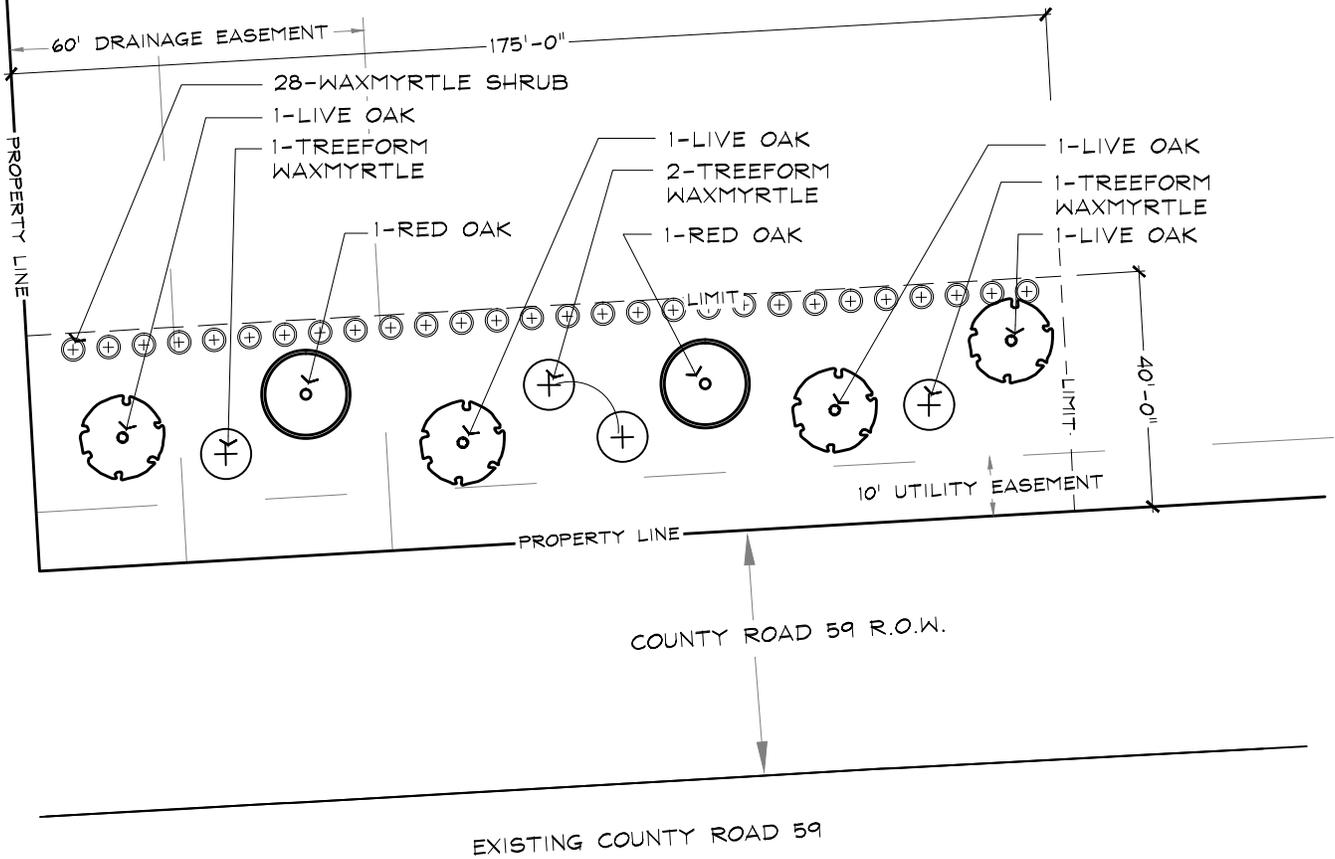
**A** STAKING DETAIL NTS



**B** MULTI TRUNK TREE STAKING NTS



**C** BED PLANTED SHRUB NTS



**BUSINESS CENTER PD**

**EXHIBIT F**

**LANDSCAPE AND SCREENING AREA, BETWEEN CO. RD. 59 AND DETENTION BASIN**



AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD OCTOBER 15, 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 2012-04**

At the request of Sudershan Jambulapati, applicant, for Guru Om Sai, LLC., owner, for approval of a Conditional Use Permit to allow for a Child Daycare (Business) in the Neighborhood Service (NS) District, on the following described property, to wit:

**Legal Description:** Being a 0.9495 acre tract of land situated in the H.T. & B R.R. Company Survey Abstract 242 in Brazoria County, Texas, being the same tract of land conveyed to Joseph B. Benes and recorded in Volume 408 Page 538 of the Deed Records of Brazoria County, Texas.

**General Location:** 7902/7904 Broadway, 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 OCTOBER 15, 2012

---

### Conditional Use Permit No. CUP 2012-04

At the request of Sudershan Jambulapati, applicant, for Guru Om Sai, LLC., owner, for approval of a Conditional Use Permit to allow for a Child Daycare (Business) in the Neighborhood Service (NS) District, on the following described property, to wit:

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**General Location:** 7902/7904 Broadway

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

Planning and Zoning Commission: October 15, 2012\*  
City Council for First Reading: November 12, 2012\*  
City Council for Second Reading: November 26, 2012\*

(\*dates subject to change)

---

**SUMMARY:** Sudershan Jambulapati, applicant, for Guru Om Sai, LLC., owner, is requesting approval of a Conditional Use Permit to allow the operation of a child daycare center at the above referenced location. If approved, the daycare center would be located within the rear building of the Sai Plaza development.

Sai Plaza consists of two shell buildings, as indicated on the site plan included with the applicants submittal. The daycare being proposed would be located in the larger of the two buildings (approximately 1,200 sq ft) located towards the rear of the site, at the southwest intersection of Broadway and Tranquility Lakes Blvd. The daycare is planned to be a traditional daycare center with peak hours in the morning and after work. Other uses for the shopping center include a hair and nail salon.

**SURROUNDING ZONING AND LAND USES:**

	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
North	General Business (GB)	Vacant
South	Multi-Family (MF)	Multi-Family Residential Units
East	Neighborhood Service (NS)	Vacant
West	Neighborhood Service (NS)	Commercial

**CONFORMANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC):** As previously mentioned, the property is currently zoned Neighborhood Service (NS). The minimum lot size for the NS district is 12,500 square feet, the minimum lot width is 100', and the minimum lot depth is 100'. Additionally, the front setback for this site is 25', and the side and rear setbacks are 10'. The property is approximately 200' wide and approximately 200' deep, meeting the bulk development requirements for the site, and the improvements constructed on site meet the City's setback requirements. In addition to these requirements, this property is also subject to the City's Corridor Overlay District (COD) regulations, which were determined to be met at the time of site plan approval. Among other regulations, a 30' front landscaping setback is required as a result of the COD regulations, as well as an increase in the quantity of trees and shrubs, and enhanced building façade materials. Therefore, the property was developed in conformance to the Unified Development Code (UDC), and the daycare use will be in conformance to the UDC with approval of a Conditional Use Permit.

**PLATTING STATUS:** The property is currently platted. The plat was approved as part of the site plan and development process for the site.

**CONFORMANCE WITH THE COMPREHENSIVE PLAN:** The current Comprehensive Plan (latest update in July 2004) indicates *Retail, Offices, and Services* for the subject property. The Comprehensive Plan further indicates that an appropriate zoning district for *Retail, Offices, and Services* is Neighborhood Service (NS). Therefore, as the subject property is currently zoned Neighborhood Service (NS), the proposed use, a daycare center, is in compliance with the current Comprehensive Plan with the approval of Conditional Use Permit.

**CONFORMANCE WITH THE THOROUGHFARE PLAN:** The subject property has frontage on Broadway, 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:** As this proposed use will only be the second business to occupy the Sai Plaza shopping center, it is not anticipated to have any negative impacts on existing or future developments in the immediate area. Additionally, a Traffic Impact Analysis was submitted with the site plan

approval for the shopping center which accounted for uses with similar intensities as a daycare center. Therefore, negative impacts from a traffic perspective are not anticipated.

**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 site plan for this use was submitted with the Conditional Use Permit application. The site plan illustrates current site configuration, and changes to the site are not anticipated in order to operate a daycare center at the proposed location.

**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.

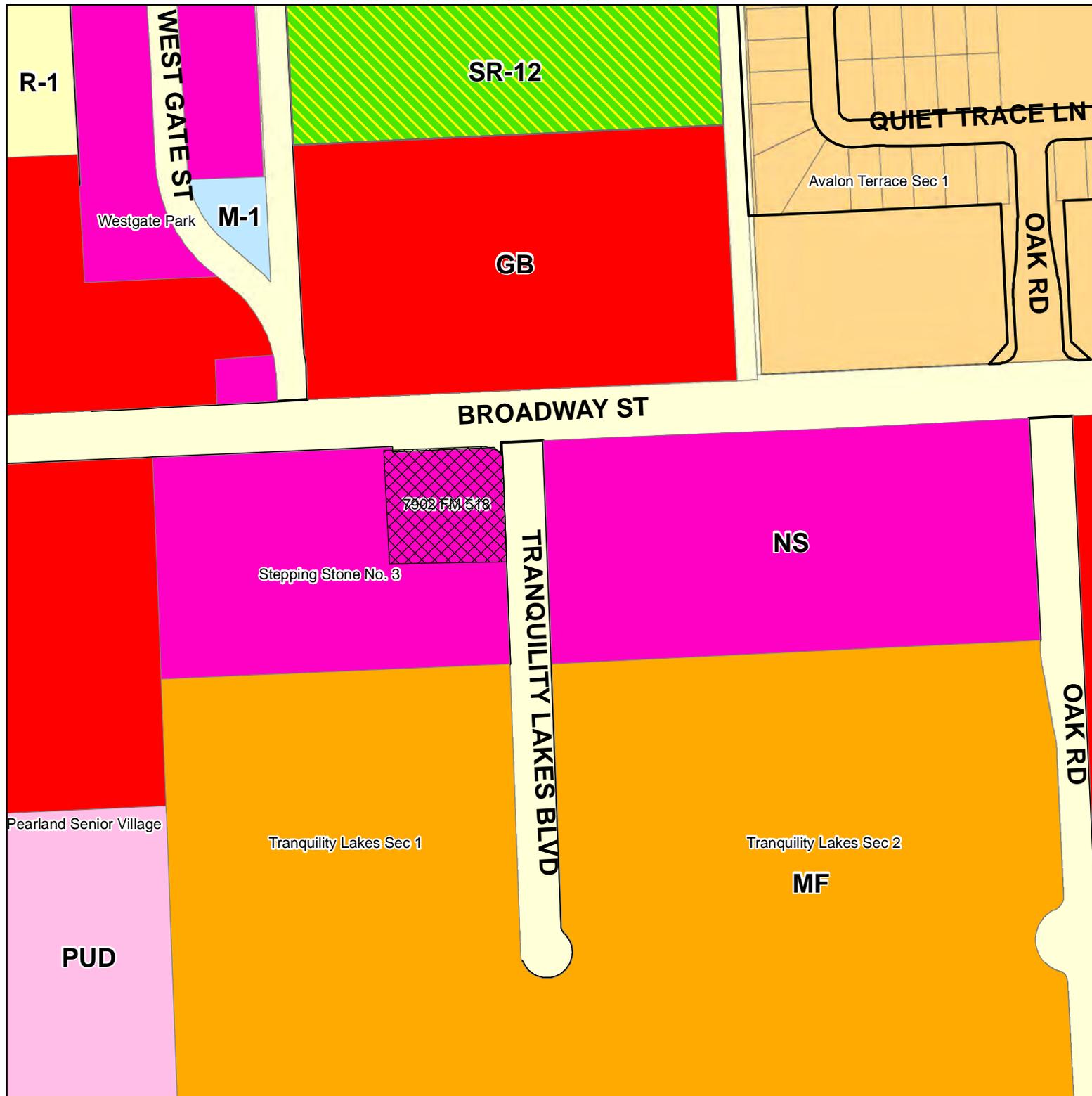
**Conditions:** The City Council may require such modifications in the proposed use and attach such conditions to the Conditional Use Permit as the City Council deems necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of this section. It should be noted that at this time staff has not identified negative impacts which will need to be mitigated as a result of the proposed additions. Should City Council identify impacts which it feels should be mitigated, 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. 2012-04 to allow the operation of a Child Daycare Center in the Neighborhood Service (NS) district as proposed by the applicant and owner for the following reasons:

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 would be in conformance with the Comprehensive Plan with the approval of a Conditional Use Permit.
4. The proposed request appears to be in conformance with the criteria of approval of a Conditional Use Permit listed in the Unified Development Code.

**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
- Related Documents

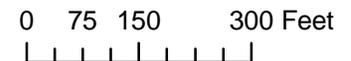


### Vicinity Map

CUP 2012-04

7902/7904 Broadway

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.



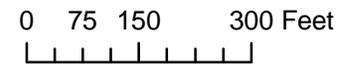


**Abutter Map**

**CUP 2012-04**

**7902/7904 Broadway**

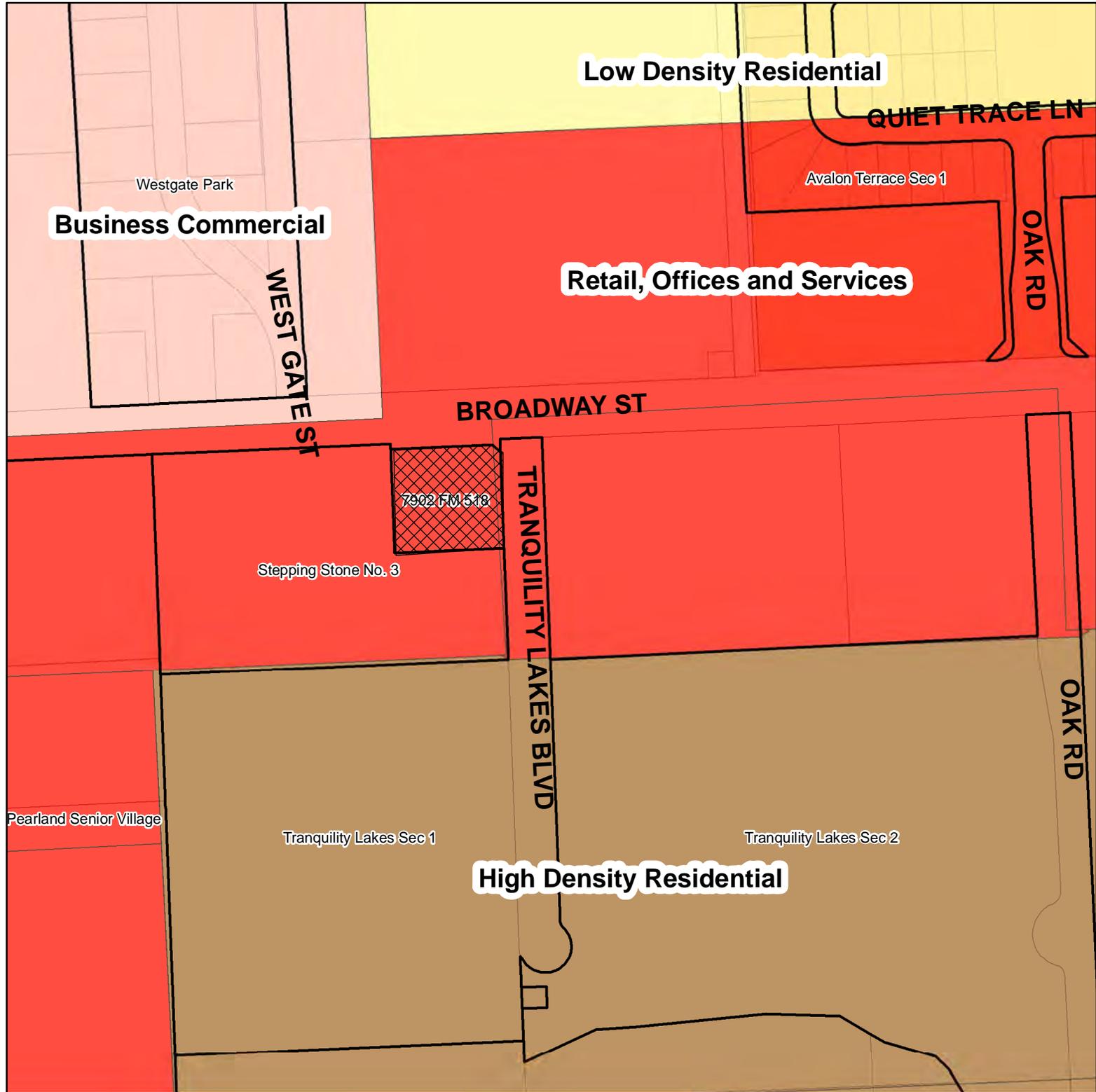
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## CUP 2012-04

7902/7904 Broadway - Child Daycare Center

<b>NAME</b>	<b>ADDRESS</b>	<b>CITY</b>	<b>STATE</b>	<b>ZIPCODE</b>
TAPUZ LTD	PO BOX 22957	HOUSTON	TX	77227-2957
GURU OM SAI LLC	1214 IVORY MEADOW LN	SUGAR LAND	TX	77479-5457
HUGHES-WEST INVESTMENTS LTD	7918 BROADWAY ST STE 106	PEARLAND	TX	77581-7930
<b>OWNER</b>				
SHELBY LUTHER L TRUSTEE	3434 POAGVILLE RD	COLDWATER	MS	38618-3208
<b>APPLICANT</b>				
SUDERSHAN JAMBOLAPATI	4606 SCHILLER PARK	SUGAR LAND	TX	77479

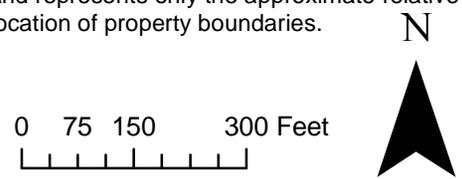


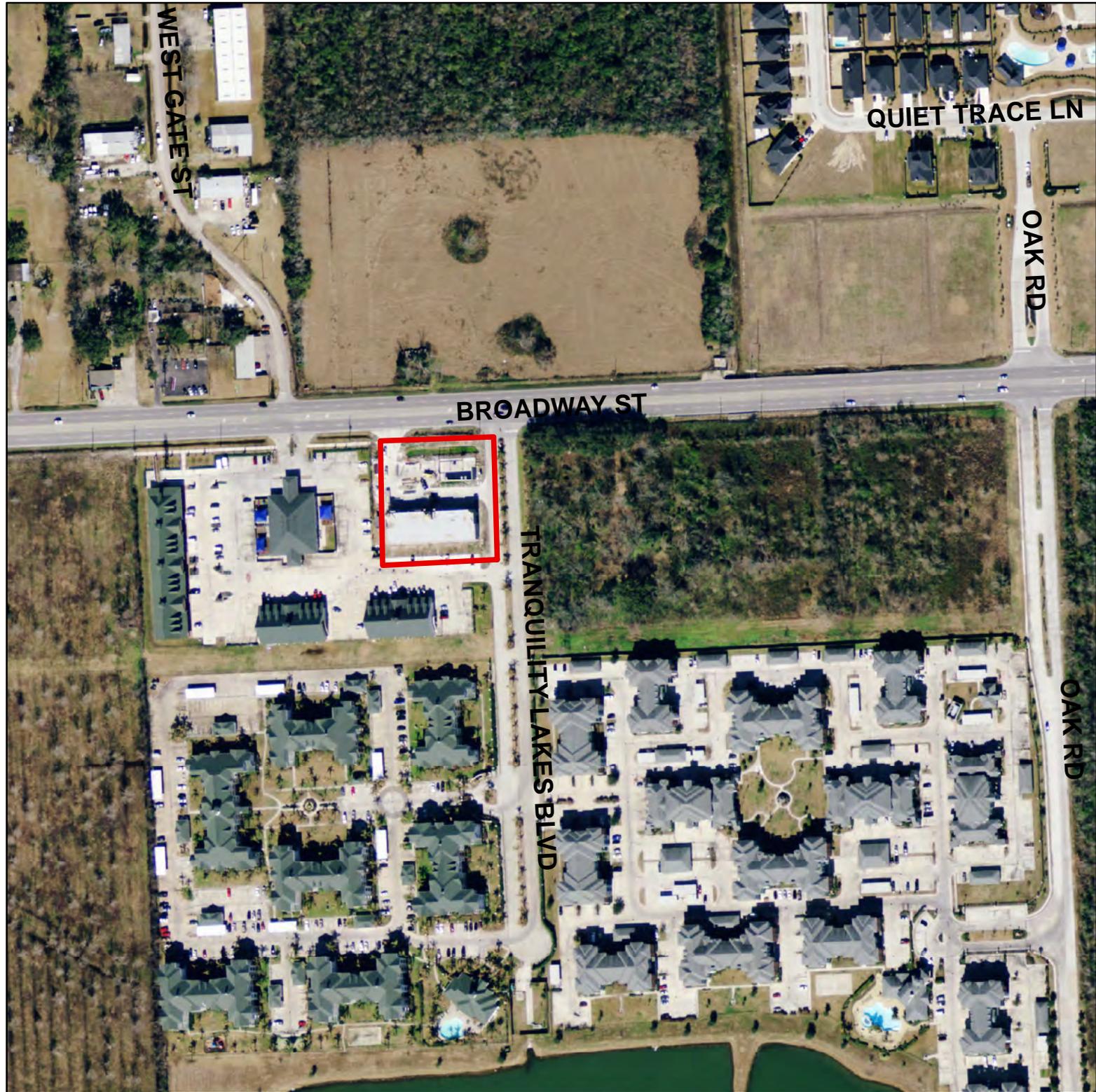
**FLUP Map**

**CUP 2012-04**

**7902/7904 Broadway**

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**Aerial Map**

**CUP 2012-04**

**7902/7904 Broadway**

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0 75 150 300 Feet





# APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

Conditional Use Permit Request for: Child Daycare Center (Business)  
(list proposed use from the Table of Uses of the UDC)

Current Zoning District: Neighborhood Services (NS)

**Property Information:**

Address or General Location of Property: 7904 BROADWAY,  
PEARLAND, TX - 77581

Tax Account No. 0242-0001-00

Subdivision: A0242 HT + BRR Lot: A Block: 1

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

**PROPERTY OWNER INFORMATION:**

NAME GURU OM SAI  
 ADDRESS \_\_\_\_\_  
 CITY SUGAR LAND STATE TX ZIP 77479  
 PHONE (832) 877-6564  
 FAX (281) 565-7699  
 E-MAIL ADDRESS PROFS789@AOL.COM

**APPLICANT/AGENT INFORMATION:**

NAME SUDERSHAN JAMBULPATI  
 ADDRESS 4606 SCHILLER PARK  
 CITY SUGAR LAND STATE TX ZIP 77479  
 PHONE (832) 877-6564  
 FAX (281) 565-7699  
 E-MAIL ADDRESS PROFS789@AOL.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: J. Sudeshan Date: 9/4/12

Agent's/  
 Applicant's Signature: J. Sudeshan Date: 9/4/12

**OFFICE USE ONLY:**

FEES PAID: <u>250.00</u>	DATE PAID: <u>9/8/12</u>	RECEIVED BY: <u>JC</u>	RECEIPT NUMBER:
--------------------------	--------------------------	------------------------	-----------------

Application No. 2012-04

Mr. Harold Ellis

Senior Planner

9/4/2012

3523 Liberty Drive

Pearland, Texas -77581

Guru Om Sai LLC

1214 Ivory Meadow Ln

Sugar Land, Texas-77581

Re: Sai Plaza, Conditional Use Permit for Child Care.

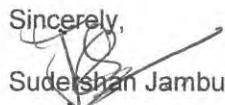
Mr. Ellis,

We are intending to lease a 1200 Sq ft of space in Sai Plaza for a Extended Day Child Care. Sai Plaza is located on Broadway and will serve very well our Pearland Community.

I request you to grant us the needed conditional use permit and oblige.

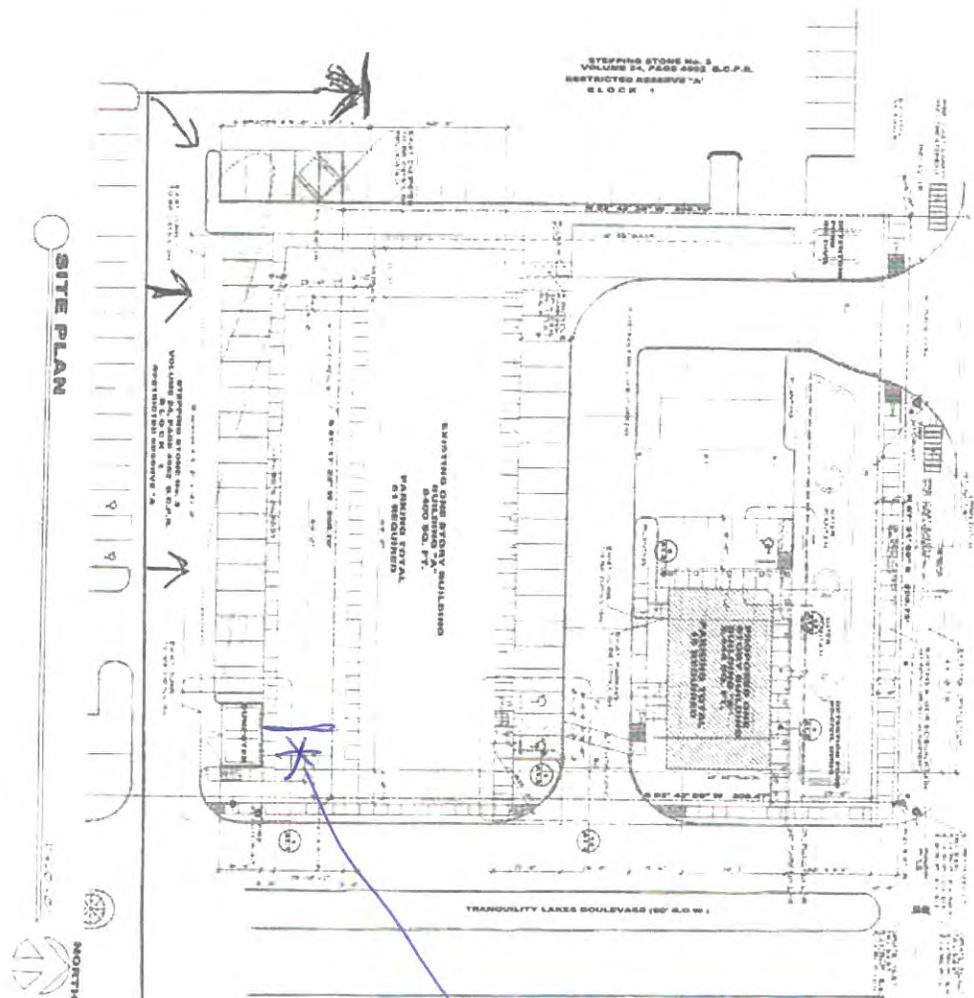
Thanking You,

Sincerely,

  
Sudeshan Jambulapati

SAI Plaza

Pearland, Texas



ADDITIONAL  
PARKING

SUBJECT  
"DAY CARE"

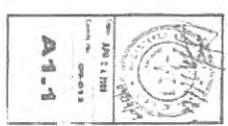


PAVING TABLE

PAVING	AREA	AMOUNT	REMARKS
ASPHALT	1000	1000	
CONCRETE	500	500	
GRAVEL	200	200	
TOTAL	1700	1700	

PAVING DIMENSIONS

PAVING	AREA	AMOUNT	REMARKS
ASPHALT	1000	1000	
CONCRETE	500	500	
GRAVEL	200	200	
TOTAL	1700	1700	



**BLONXI Architects**

2223 NORTH MAIN STREET  
SUITE 901  
HOUSTON, TEXAS 77002

PH: 713-725-7773  
FAX: 713-725-7217  
Email: info@blonxi.com

**SAI PLAZA**

7002 BROADWAY BLVD.  
PEARLAND, TEXAS 77581





7904 FM 518, PEARLAND 77581

SAI PLAZA

**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

**DUPLICATE TAX RECEIPT**



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

Certified Owner:

**GURU OM SAI LLC**  
 1214 IVORY MEADOW LN  
 SUGAR LAND, TX 77479-5457

Legal Description:

A0242 H T & B R R BLOCK 1 TRACT A, 7902  
 PM 518 ACRES .9495

Parcel Address: 7902 BROADWAY ST  
 Acres: 0.9495

Remit Seq No: 20863815  
 Receipt Date: 04/30/2012  
 Deposit Date: 05/01/2012  
 Print Date: 09/07/2012  
 Printed By: CYNT

Deposit No: 143011014213  
 Validation No: 2  
 Account No: **0242-0001-000**  
 Operator Code: SAND

Year	Tax Unit Name	Tax Value	Tax Rate	levy Paid	P&I	Coll Fee Paid	Total
2011	Brazoria County	675,000	0.413101	2,788.45	306.73	0.00	3,095.16
2011	Special Road & Bridge	675,000	0.060000	405.00	44.55	0.00	449.55
2011	Pearland Ind	675,000	1.419400	9,580.95	1,033.90	0.00	10,614.85
2011	Brazoria Drainage Dist 4	675,000	0.156000	1,053.06	115.83	0.00	1,168.89
2011	City Of Pearland	675,000	0.685100	4,624.43	508.69	0.00	5,133.12
				<b>\$18,451.81</b>	<b>\$2,029.70</b>	<b>\$0.00</b>	<b>\$20,481.51</b>

Check Number(s):  
 12010390

PAYMENT TYPE:

Checks: \$20,481.51

Exemptions on this property:

Total Applied: \$20,481.51

Change Paid: 00.00

**ACCOUNT PAID IN FULL**

**PAYER:**  
**GURU OM SAI LLC**  
 1214 IVORY MEADOW LN  
 SUGAR LAND, TX 77479-5457

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

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD OCTOBER 15, 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 2012-05**

At the request of Warren Escovy – LJA Engineering, Inc., applicant, for The Diocese of Galveston-Houston, owner, for approval of a Conditional Use Permit to allow for a Church, Temple, or Place of Worship in the Single Family Residential-1 (R1) District, on the following described property, to wit:

**Legal Description:** Being a 19.934 acre tract of land located in the T.J. Green Survey, Abstract 290, Harris County, Texas, being a portion of Lots 16, 17, 39, and 40, and all of Lots 26 and 27 of the Allison Richey Gulf Coast Home Company Subdivision, Section “G”, a Subdivision of record in Volume 4, Page 48 of the map records of said Harris County.

**General Location:** 1800 Block of Riverstone Ranch Ln. Pearland, TX 77089

- 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 OCTOBER 15, 2012

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### Conditional Use Permit No. CUP 2012-05

At the request of Warren Escovy – LJA Engineering, Inc., applicant, for The Diocese of Galveston-Houston, owner, for approval of a Conditional Use Permit to allow for a Church, Temple, or Place of Worship in the Single Family Residential-1 (R1) District, on the following described property, to wit:

**Legal Description:** Being a 19.934 acre tract of land located in the T.J. Green Survey, Abstract 290, Harris County, Texas, being a portion of Lots 16, 17, 39, and 40, and all of Lots 26 and 27 of the Allison Richey Gulf Coast Home Company Subdivision, Section “G”, a Subdivision of record in Volume 4, Page 48 of the map records of said Harris County.

**General Location:** 1800 Block of Riverstone Ranch Dr.

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

Planning and Zoning Commission: October 15, 2012\*  
City Council for First Reading: November 12, 2012\*  
City Council for Second Reading: November 26, 2012\*

(\*dates subject to change)

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**SUMMARY:** Warren Escovy, applicant and Galveston-Houston Diocese, owner, are requesting approval of a Conditional Use Permit to allow for the operation of a Church at the above referenced location. If approved, the diocese plans on constructing a new church on the site.

The site is currently vacant land is located across the street from a Pasadena ISD elementary school. The site is zoned R-1 Cluster and is located within the Riverstone Ranch Cluster plan. The site was designated as a future church site within the Cluster Plan. The proposed use would be in conformance with the approved cluster plan.

**SURROUNDING ZONING AND LAND USES:**

	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
North	Houston ETJ	Single Family Residential
South	Single Family (R-1 Cluster)	Vacant
East	Single Family (R-1 Cluster)	Pasadena Elementary School
West	Single Family (R-1 Cluster)	Vacant

**CONFORMANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC):** As previously mentioned, the property is currently zoned Single Family Residential (R-1 Cluster). The minimum lot size for the R-1 district is 8,800 square feet, the minimum lot width is 80', and the minimum lot depth is 90'. Additionally, the front setback for this site is 25', the side setback is 7.5' and the rear setback is 20'. The property is approximately 660' wide and approximately 1320' deep, meeting the bulk development requirements for the site, and the improvements constructed on site will meet the City's setback requirements. The nonresidential use of a church or place of worship will be subject to all commercial screening requirements. This includes a 25' buffer with a masonry wall or a 30' buffer with a vegetative wall for all areas that abut residential property.

**PLATTING STATUS:** The property is not currently platted. Platting will be required prior to development.

**CONFORMANCE WITH THE COMPREHENSIVE PLAN:** The current Comprehensive Plan (latest update in July 2004) indicates *A-1/2 Ac. Lots (Suburban Residential)* for the subject property. The Comprehensive Plan further indicates that an appropriate zoning district for Low Density Residential is R-1. Furthermore, the Comprehensive Plan indicates that smaller lots may be acceptable if common open space is provided and overall density is not increased. The subject property is currently zoned R-1 Cluster, and has been previously approved by the Planning and Zoning Commission. The proposed use, Church, Temple, or Place of Worship, would be in compliance with the current Comprehensive Plan and Cluster Plan with the approval of a Conditional Use Permit.

**CONFORMANCE WITH THE THOROUGHFARE PLAN:** The subject property has frontage on Riverstone Ranch Dr., a local street, with a minimum of 50' right-of-way.

**AVAILABILITY OF UTILITIES:** The subject parcel does not currently have access to public water and public sewer through the City of Pearland. Access to utilities will be addressed at time of development.

**IMPACT ON EXISTING AND FUTURE DEVELOPMENT:** The site is currently vacant and located within the Riverstone Ranch Cluster Plan. The approved plan specifically designated this site as a future church site. The property directly to south and west is designated as a future site of a community college and the property to the east is an existing elementary school. The proposed use of a church would compliment these

existing and proposed uses. The property to the north is an established residential subdivision. A traffic impact analysis may be required as a part of the platting process. This will determine what, if any, improvements may be needed to the road infrastructure to minimize the impacts of this added use.

As the proposed church, if approved, will be a commercial development in a residential zoning district, the Unified Development Codes indicates that the Neighborhood Service (NS) zoning regulations will apply.

**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 site plan for this use was submitted with the Conditional Use Permit application. The site plan illustrates current site configuration, as well as the location of all proposed structures.

**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. It should be noted that at this time staff has not identified negative impacts which will not be adequately dealt with through the Unified Development Code requirements. Staff recommends that as a condition of approval, the submitted site plan be approved as part of the Conditional Use Permit. Should City Council identify 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. 2012-05 to allow the operation of a Church, Temple, or Place of Worship in the Single Family Residential (R-1 Cluster) district as proposed by the applicant and owner for the following reasons and with the following condition:

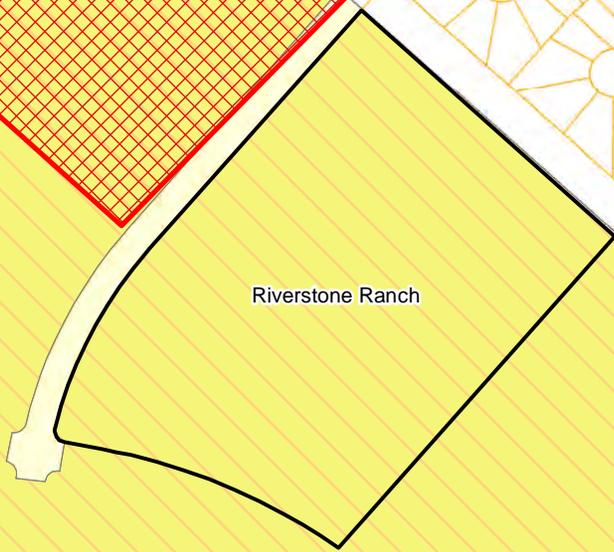
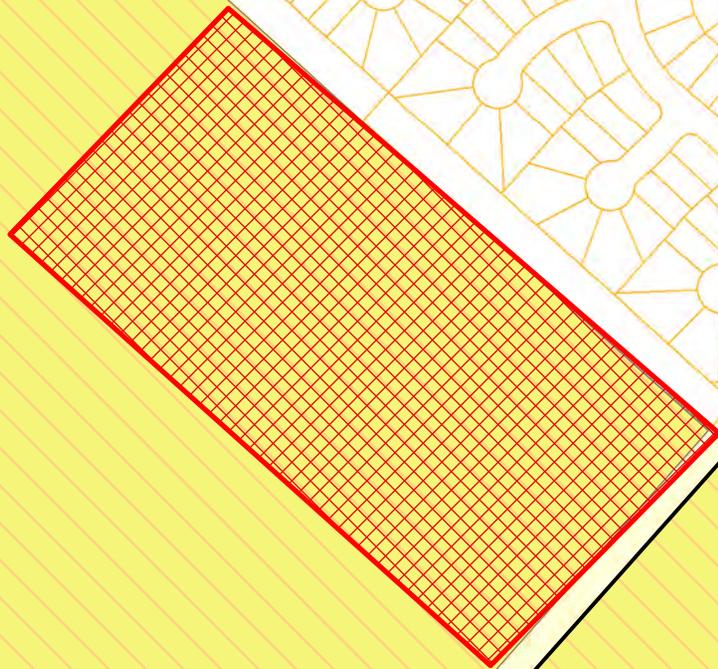
1. The proposed request should not have any significant negative impact on the surrounding properties and developments.
2. The proposed request would be in conformance with the Unified Development Code with the approval of a Conditional use Permit.
3. The proposed request would be in conformance with the Comprehensive Plan with the approval of a Conditional Use Permit.
4. The proposed request appears to be in conformance with the criteria of approval of a Conditional Use Permit listed in the Unified Development Code.
5. The proposed request would be in conformance with the approved Riverstone Ranch Cluster Plan.

**CONDITIONS OF APPROVAL:**

1. The submitted site plan be approved as part of the Conditional Use Permit.

**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
- Related Documents



Riverstone Ranch

**R-1 CLUSTER**

### Vicinity Map

**CUP 2012-05**

**1800 Block of  
Riverstone Ranch Ln.**

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.

0 115 230 460 Feet





## Abutter Map

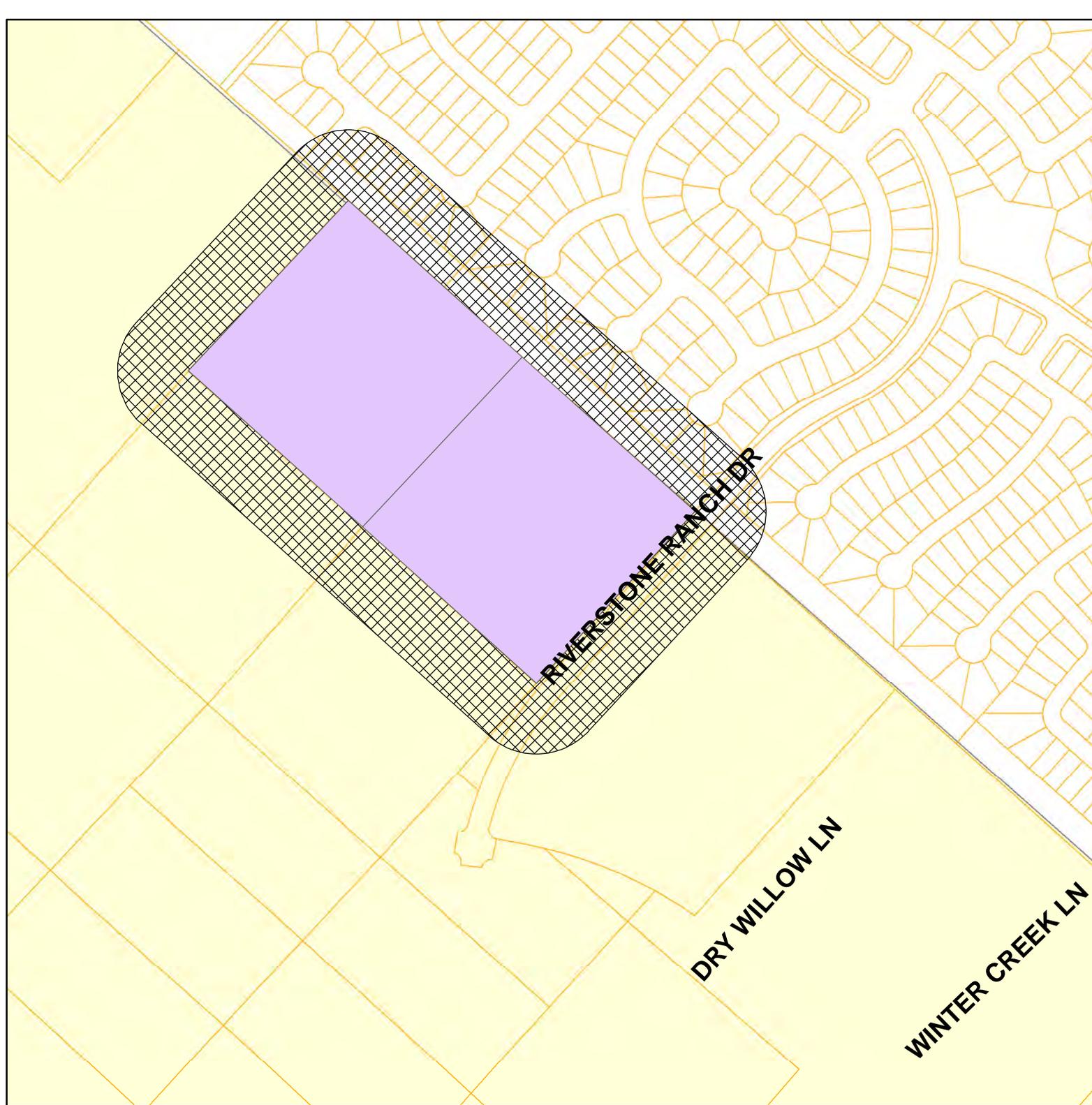
**CUP 2012-05**

**1800 Block of  
Riverstone Ranch Ln.**

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N

0 105 210 420 Feet



## CUP 2012-05

1800 Block of Riverstone Ranch Dr. - Church, Temple, or Place of Worship

<b>NAME</b>	<b>ADDRESS</b>	<b>CITY</b>	<b>STATE</b>	<b>ZIP</b>
CLOSON WILLIAM	9202 STONERIDGE CANYON LN	HOUSTON	TX	77089-2275
ROMERO JULIANA & GREGORIO	9203 BUFFALO BEND LN	HOUSTON	TX	77089-5912
ALEXANDER JAMES C & KRISTEN H	9211 CHIA VALLEY CT	HOUSTON	TX	77089-5847
VASQUEZ ARMANDO & DEBBIE M	9206 MAJAVE COVE CT	HOUSTON	TX	77089-5856
HANKA KAITLYN D	9207 ARROWHEAD TRACE LN	HOUSTON	TX	77089-5833
GARCIA MARTIN	11038 SLATE RIVER LN	HOUSTON	TX	77089-6908
WOODS KEVIN & TARA B	11034 SLATE RIVER LN	HOUSTON	TX	77089-6908
GILL AMRITPAUL & AMARJIT	9210 CHIA VALLEY CT	HOUSTON	TX	77089-5846
MILLER LINDA G	9206 CHIA VALLEY CT	HOUSTON	TX	77089-5846
RIVERSTONE LAND INVESTORS	1300 POST OAK BLVD STE 1110	HOUSTON	TX	77056-3018
PASADENA ISD	PO BOX 1318	PASADENA	TX	77501-1318
BERDEJO KARLA	348 RUSTIC LN	FRIENDSWOOD	TX	77546-4322
RIVERSTONE RANCH HOMEOWNER ASSOCIATION INC	8711 HIGHWAY 6 N STE 270	HOUSTON	TX	77095-2272
ORTIZ PETE JR	11026 SLATE RIVER LN	HOUSTON	TX	77089-6908
SHARPE TERRENCE	9202 BUFFALO BEND LN	HOUSTON	TX	77089-5800
SAMARA OMAR	11018 SLATE RIVER LN	HOUSTON	TX	77089-6910
ALVAREZ JOHN PHILLIPS & ERIKA	11042 SLATE RIVER LN	HOUSTON	TX	77089-6908
TAYLOR SUSAN	9202 CHIA VALLEY CT	HOUSTON	TX	77089-5846
PHAN NHUNG T	9203 MAJAVE COVE CT	HOUSTON	TX	77089-5863
MARTINEZ JUAN J	11046 SLATE RIVER LN	HOUSTON	TX	77089-6908
REYNA TOMAS P & MARCIA B	9207 CHIA VALLEY CT	HOUSTON	TX	77089-5847
CURTIS LAN	9203 ARROWHEAD TRACE LN	HOUSTON	TX	77089-5833
PRECELLA HERMAN & GABRIELA	9206 BUFFALO BEND LN	HOUSTON	TX	77089-5800
GONZALES LIZA	9206 STONERIDGE CANYON LN	HOUSTON	TX	77089-2275
THIEU LUAN H	9207 BUFFALO BEND LN	HOUSTON	TX	77089-5912
GUTIERREZ MARTIN & CLUDIA	9202 MAJAVE COVE CT	HOUSTON	TX	77089-5856
ELLIS LAURY S	9207 MAJAVE COVE CT	HOUSTON	TX	77089-5863
RIVERSTONE RANCH HOA ASSOC	8711 HIGHWAY 6 N STE 270	HOUSTON	TX	77095-2272
FINNELL BARBARA A	305 FRESA RD	PASADENA	TX	77502-4749

**OWNER**

DIOCESE GALVESTON HOUSTON

1700 SAN JACINTO ST

HOUSTON

TX

77002-8216

**APPLICANT**

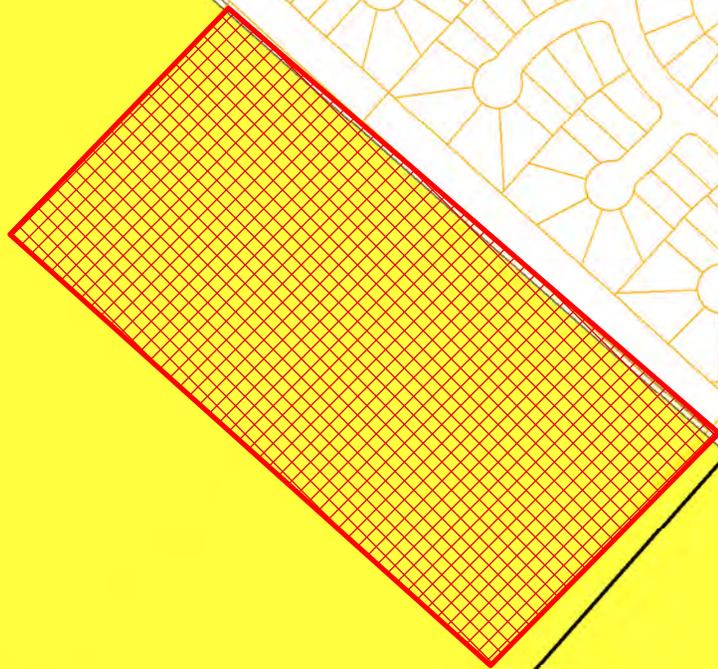
ESCOVY WARREN - LJA ENGINEERING

2929 BRIARPARK DRIVE STE 600

HOUSTON

TX

77042



Riverstone Ranch

**A-1/2 Ac. Lots (Suburban Res)**

**FLUP Map**

**CUP 2012-05**

**1800 Block of  
Riverstone Ranch Ln.**

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N

0 115 230 460 Feet



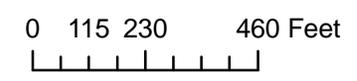


**Aerial Map**

**CUP 2012-05**

**1800 Block of  
Riverstone Ranch Ln.**

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# 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:** St. Luke the Evangelist Catholic Church  
(list proposed use from the Table of Uses of the UDC)  
St. Luke the Evangelist Catholic Church

**Current Zoning District:** R-1

**Property Information:**

Address or General Location of Property: Riverstone Ranch Lane

Tax Account No. 04216000070 04216000500

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

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

**PROPERTY OWNER INFORMATION:**

*his successors in office or assigns, for the use and benefit of St. Luke the Evangelist Parish*

NAME Most Rev Daniel Cardinal DiNardo, Archbishop of Galv-Houston  
ADDRESS 1700 San Jacinto  
CITY Houston STATE TX ZIP 77002  
PHONE ( 713 ) 659-5461  
FAX ( 713 ) 654-5790  
E-MAIL ADDRESS ksykes@archgh.org

**APPLICANT/AGENT INFORMATION:**

NAME Warren Escovy-LJA Engineering, Inc.  
ADDRESS 2929 Briarpark Drive, Ste. 600  
CITY Houston STATE TX ZIP 77042  
PHONE ( 713 ) 953-5212  
FAX ( 713 ) 953-5026  
E-MAIL ADDRESS wescovy@ljaengineering.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: Christina E. [Signature] Agent & Attorney-in-Fact for the Most Rev. Daniel N. DiNardo Date: 9/13/12

Agent's/  
Applicant's Signature: Warren Escovy [Signature] Date: 9/13/12

**OFFICE USE ONLY:**

FEES PAID: <u>250.00</u>	DATE PAID: <u>9/14/12</u>	RECEIVED BY: <u>JK</u>	RECEIPT NUMBER: <u>331249</u>
--------------------------	---------------------------	------------------------	-------------------------------

Application No. 2012-05

2929 Briarpark Drive  
Suite 600  
Houston, Texas 77042-3703

Phone 713.953.5200  
Fax 713.953.5026  
www.ljaengineering.com

September 13, 2012

Mr. Harold Ellis  
City Planner  
City of Pearland  
3519 Liberty Dr.  
Pearland, Texas 77581

Re: Letter of Intent  
Conditional Use Permit for the  
Catholic Community of St. Luke the Evangelist  
LJA Project No.: 2083-0002 (6.0)

Dear Mr. Ellis:

Please accept this application for a Conditional Use Permit for the Catholic Community of St. Luke the Evangelist. It is to be located on a 20-acre tract of land, currently owned by the Catholic Diocese of Galveston-Houston.

Their phase one plan for this church development, consists of a 10,125 sq. ft. building (for worship services and bible study), associated with a parking lot, driveways and utilities. If funds permit, a covered outdoor pavilion, additional supporting parking lots and driveway may be added.

If there are questions or comments during the C.U.P. process please contact either myself or Warren Escovy of LJA Engineering.

Regards,



Mark Janzer, PE, LEED AP  
Project Manager

MJ/dl



Archdiocese of Galveston-Houston  
Chancery Office

September 10, 2012

CITY OF PEARLAND  
Planning Department  
3523 Liberty Drive  
Pearland, Texas 77581

Reference: St. Luke the Evangelist Church

To Whom It May Concern:

This letter of representation authorizes LJA Engineering, represented by their employees Warren Escovy and Rene Rodriguez, to file applications in our behalf for the Conditional Use Permit and the Minor Subdivision Plat to the City of Pearland.

If you have any questions or comments regarding this matter, please contact our Real Estate Department at 713-659-5461 at your convenience.

Sincerely,

Christina E. Deajon  
Vice Chancellor, and  
Agent and Attorney-In-Fact for  
Most Rev. Daniel Cardinal DiNardo  
Archbishop of Galveston-Houston

DESCRIPTION OF  
19.934 ACRES  
RIVERSTONE CHURCH BOUNDARY

All that certain tract or parcel containing 19.934 acres of land located in the T.J. Green Survey, Abstract 290, Harris County, Texas, being a portion of Lots 16, 17, 39 and 40, and all of Lots 26 and 27 of the Allison Richey Gulf Coast Home Company Subdivision, Section "G", a subdivision of record in Volume 4, Page 48 of the Map Records of said Harris County (H.C.M.R.), said 19.934 acres being more particularly described by metes and bounds as follows, all bearings referenced to the Texas State Plane Coordinate System, South Central Zone (NAD 83);

BEGINNING at the north corner of Riverstone Ranch School Site, a subdivision of record at Film Code No. 628181, H.C.M.R, same being on the northwesterly right-of-way line of Riverstone Ranch Drive (60 feet wide), and being on the common line of aforementioned T.J. Green Survey and the E.M. House Survey, Abstract 1075;

Thence, departing said common survey line, South  $41^{\circ} 35' 38''$  West, along a northwesterly line of said Riverstone Ranch School Site and Riverstone Ranch Drive, 652.50 feet to a point for corner, the beginning of a curve;

Thence, continuing along said northwesterly line of Riverstone Ranch School Site and Riverstone Ranch Drive, 5.04 feet along the arc of a tangent curve to the left, having a radius of 930.00 feet, a central angle of  $00^{\circ} 18' 38''$ , and a chord which bears S  $41^{\circ} 26' 19''$  West, 5.04 feet, to a point for corner;

Thence, departing the northwesterly line of said Riverstone Ranch School Site and Riverstone Ranch Drive, North  $48^{\circ} 21' 15''$  West, along the southwesterly line of aforementioned Lots 40, 27, and 17, 1,319.61 feet to a point for corner;

19.934 Acres

September 12, 2012  
Job Number 2083-0002

Thence, departing said southwesterly line, North  $41^{\circ} 35' 04''$  East, 658.48 feet to a point for corner on the southwesterly line of the George McDougal Survey, Abstract 564, and the northeasterly line of aforementioned T.J. Green Survey;

Thence, South  $48^{\circ} 18' 49''$  East, along said southwesterly line of said George McDougal Survey and aforementioned E.M. House Survey, and the northeasterly line of said T.J. Green Survey, 1,319.71 feet to the POINT OF BEGINNING and containing 19.934 acres of land.

LJA Engineering, Inc.



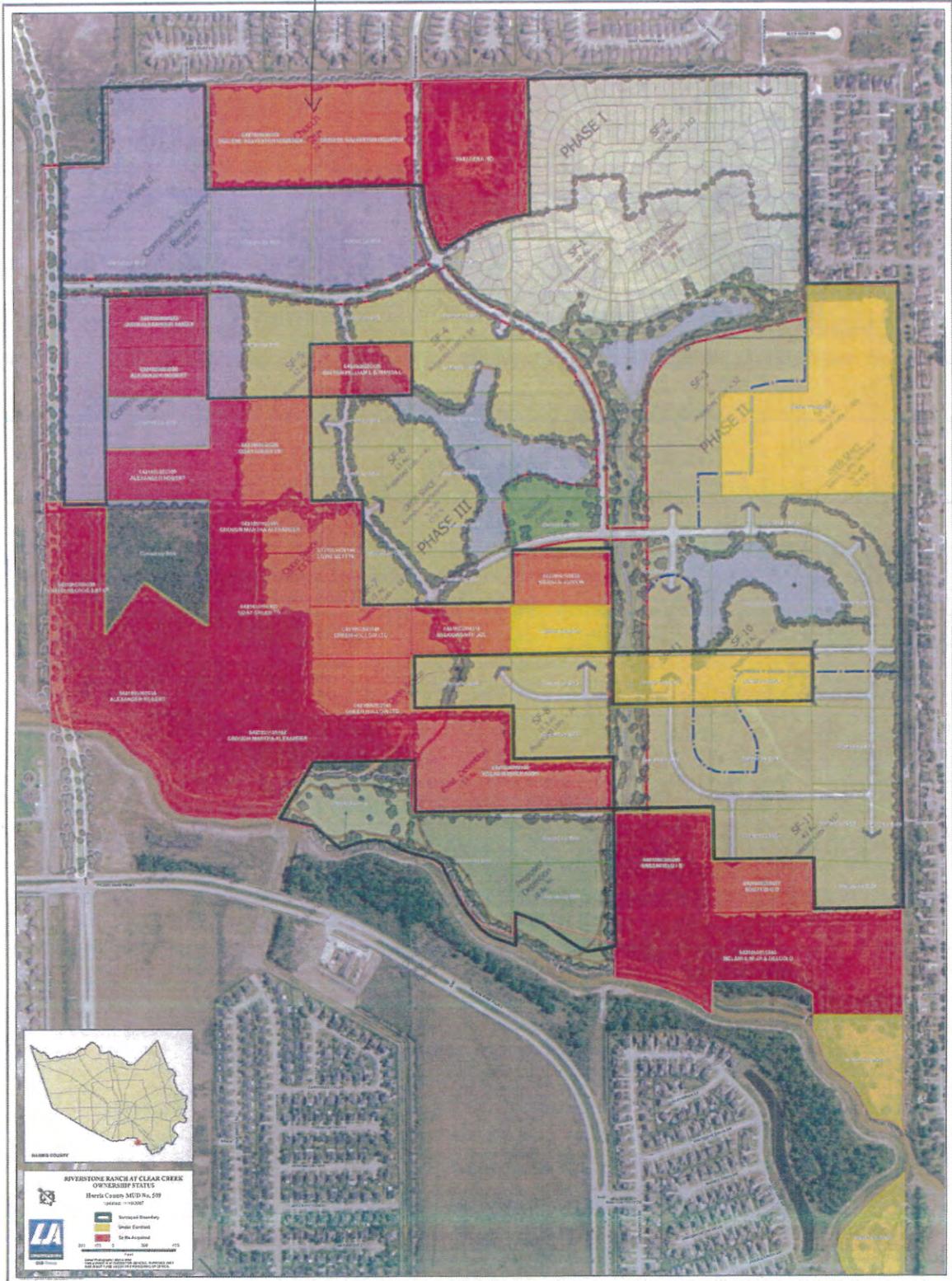


### Vicinity Map - Pearland, TX

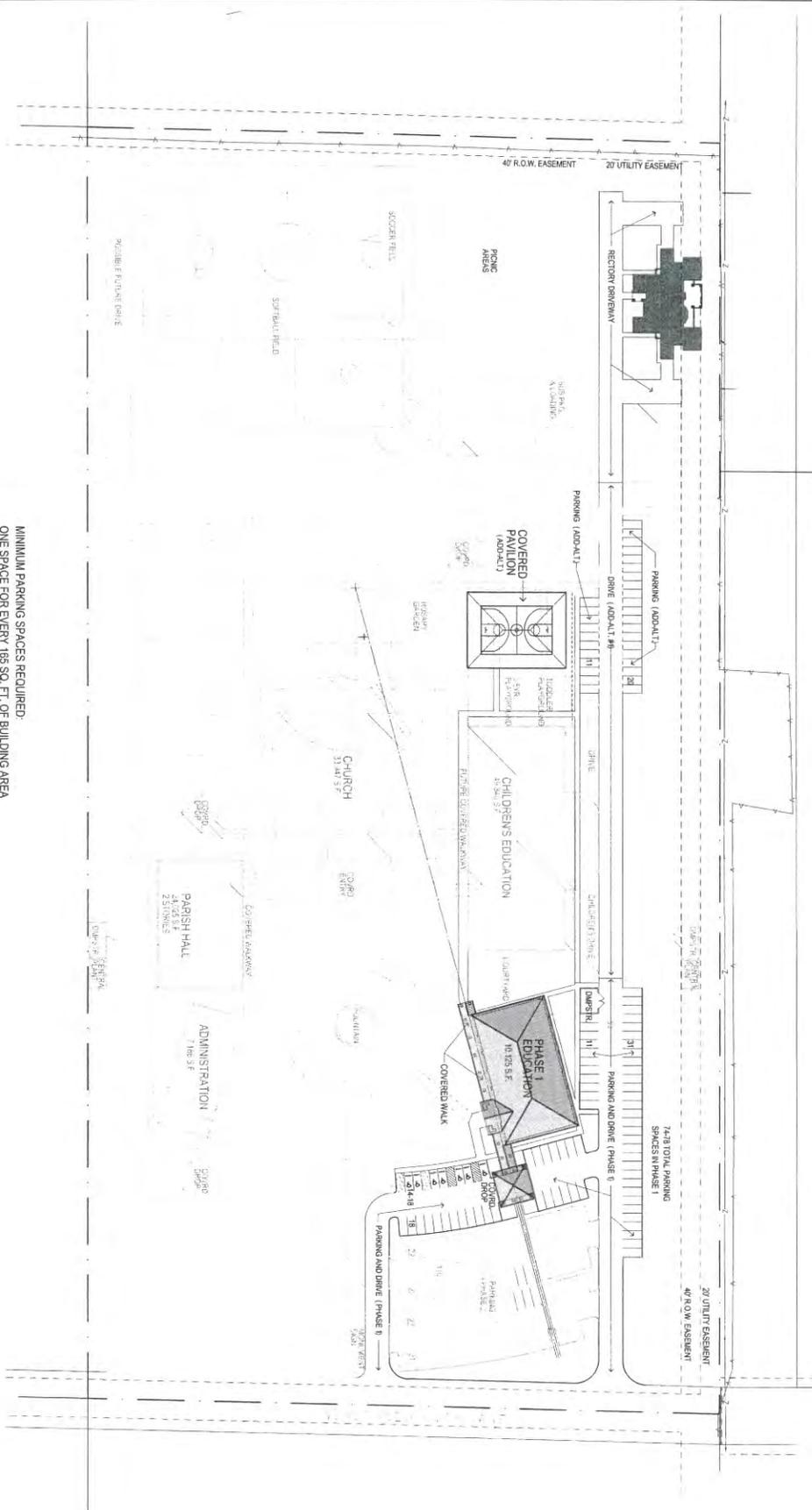


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St. Luke site





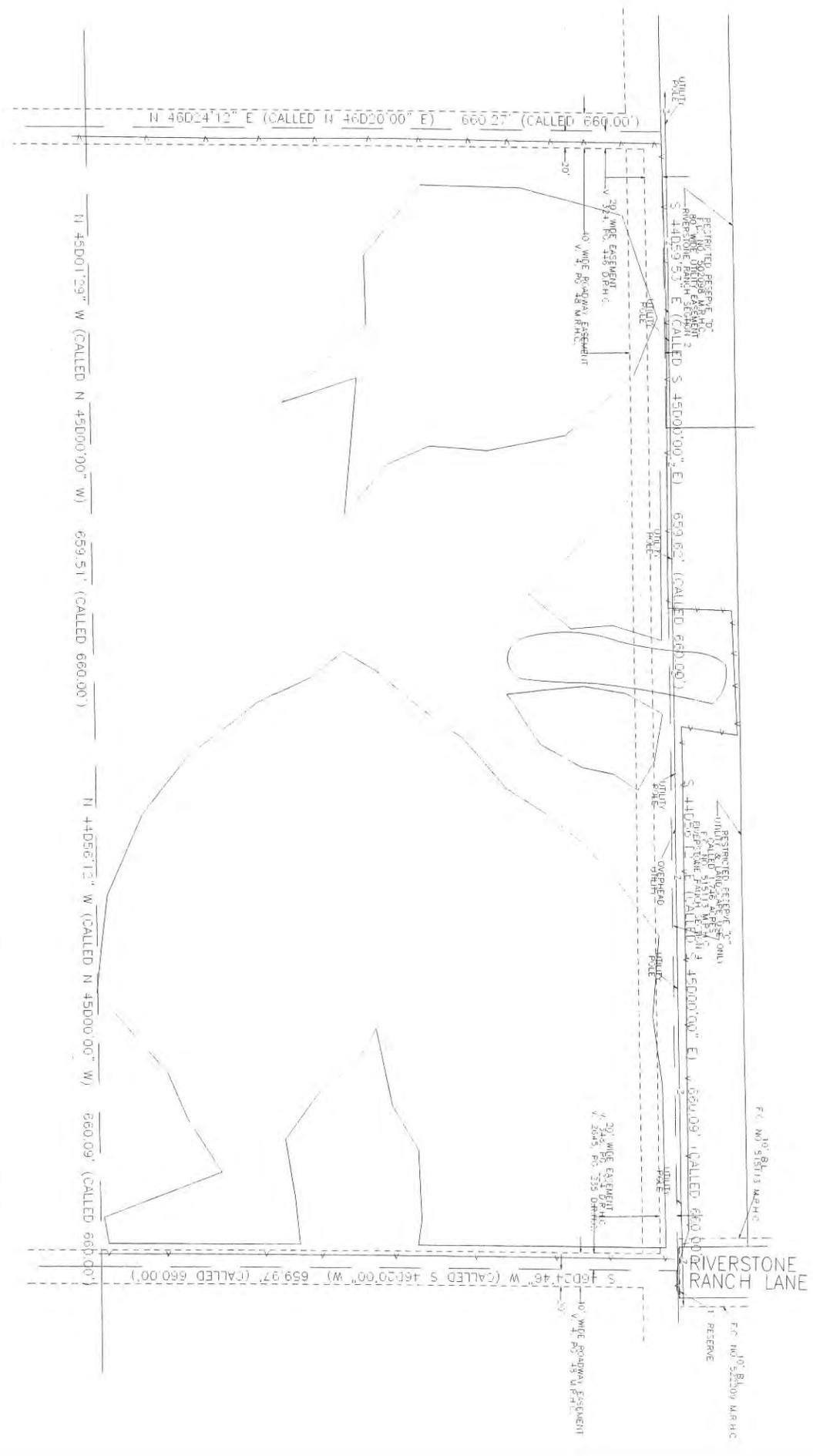


MINIMUM PARKING SPACES REQUIRED:  
 ONE SPACE FOR EVERY 165 SQ. FT. OF BUILDING AREA  
 BUILDING AREA = 10,125 SQ. FT.  
 10,125 / 165 = 61.36 = 62 REQUIRED PARKING SPACES

1 SITE PLAN  
 1-28-04

<p>DATE: 11/10/04          DRAWN BY: [Name]          CHECKED BY: [Name]          APPROVED BY: [Name]          PROJECT NO: [Number]</p>	<p><b>ST. LUKE THE EVANGELIST CATHOLIC CHURCH</b></p>	<p><b>HBL</b>          3701 Kirby, Suite 1166          Houston, Texas 77098          (713) 621-7581          (713) 623-8258 (fax)</p>	<p>THIS DOCUMENT IS FOR INTERIM REVIEW ONLY. IT HAS NOT BEEN APPROVED FOR CONSTRUCTION. ANY CHANGES TO THIS DOCUMENT SHALL BE MADE BY THE CLIENT.</p>
	<p>Riverstone Ranch</p>		

St. Luke the Evangelist Catholic Church  
 IBLA Project No. 12-02



St. Luke's the Evangelist Catholic Church  
Existing Site

Friday, September 14, 2012

Tax Year: 2012

HARRIS COUNTY APPRAISAL DISTRICT  
 REAL PROPERTY ACCOUNT INFORMATION  
**042160000500**

Print E-mail

**Ownership History | Related Accounts**

Owner and Property Information

Owner Name & Mailing Address: **THE DIOCESE OF GALVESTON- HOUSTON (ST LUKE PARISH) 1700 SAN JACINTO ST HOUSTON TX 77002-8216**

Legal Description: **LT 26 & 27 ALLISON RICHEY GULF COAST HOME SEC G ABST 290 T J GREEN**  
 Property Address: **0 COUNTRY CLUB RD PEARLAND TX 77581**

State Class Code	Land Use Code	Building Class	Total Units
X3 -- Religious Exempt	4300 -- General Commercial Vacant	--	0

Land Area	Building Area	Net Rentable Area	Neighborhood	Neighborhood Group	Market Area	Map Facet	Key Map®
435,386 SF	0	0	9774	0	4027	5750C	615H

Value Status Information

Capped Account	Value Status	Notice Date	Shared CAD
No	Noticed	04/05/2012	Yes

Exemptions and Jurisdictions

Exemption Type	Districts	Jurisdictions	ARB Status	2011 Rate	2012 Rate	Online Tax Bill
<b>Total</b>	021	PASADENA ISD	Certified: 08/10/2012	1.350000		
	040	HARRIS COUNTY	Certified: 08/10/2012	0.391170		View
	041	HARRIS CO FLOOD CNTRL	Certified: 08/10/2012	0.028090		
	042	PORT OF HOUSTON AUTHY	Certified: 08/10/2012	0.018560		
	043	HARRIS CO HOSP DIST	Certified: 08/10/2012	0.192160		
	044	HARRIS CO EDUC DEPT	Certified: 08/10/2012	0.006581		
	047	SAN JACINTO COM COL D	Certified: 08/10/2012	0.185602		
	059	CITY OF PEARLAND	Certified: 08/10/2012	0.685100		

Valuations

	Value as of January 1, 2011		Value as of January 1, 2012	
	Market	Appraised	Market	Appraised
Land	52,245	Land	0	
Improvement	0	Improvement	0	
<b>Total</b>	<b>52,245</b>	<b>52,245 Total</b>	<b>0</b>	<b>0</b>

5-Year Value History

Land

Market Value Land

Line	Description	Site Code	Unit Type	Units	Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Value
1	4300 -- General Commercial Vacant	--	AC	9.9951	1.00	1.00	1.00	--	1.00	0	0	0

You have reached the website of the Harris County Tax Office. Our website offers tax searches by name, address and account number. Please visit our [homepage](#) for more information.

Don Sumners, CPA, RTA  
 Tax Assessor-Collector  
 P.O. Box 4622  
 Houston, Texas 77210-4622



**2011**

**2011 Property Tax Statement**

Current As Of  
 September 13, 2012  
 Account Number  
 042-160-000-0500

Mortgage Co. / Tax Agent Account  
 No

Receipt / Postmark Date  
 11/28/2011

THE DIOCESE OF GALVESTON-  
 HOUSTON (ST LUKE PARISH)  
 1700 SAN JACINTO ST  
 HOUSTON TX 77002-8216

Taxing Jurisdiction	Exemption	Taxable Value	Tax Rate	Taxes	Property Description
Harris County	0	52,245	0.391170	\$204.37	LT 26 & 27
Harris County Flood Control Dist	0	52,245	0.028090	\$14.68	ALLISON RICHEY
Port of Houston Authority	0	52,245	0.018560	\$9.70	GULF COAST HOME SEC G
Harris County Hospital District	0	52,245	0.192160	\$100.39	ABST 290 T J GREEN 9.9951 AC
Harris County Dept. of Education	0	52,245	0.006581	\$3.44	COUNTRY CLUB RD 77581
San Jacinto College District	0	52,245	0.185602	\$96.97	<b>Appraised Value</b>
Total 2011 Taxes Due by January 31, 2012					Land - Market Value 52,245
Payments applied to 2011 taxes					Impr - Market Value 0
Total Current Taxes Due					Total Market Value 52,245
Prior year(s) taxes due (if any)					Less Capped Mkt Value 0
<b>TOTAL AMOUNT DUE</b> →					Appraised Value 52,245
					View five-year jurisdiction tax/value history
<b>Penalties for Paying Late</b>					View 15 year tax/value history
	<b>Rate</b>	<b>Current</b>	<b>Delinquent</b>	<b>Total</b>	<b>Exemptions /Litigation</b>
By February 29, 2012	7%	\$0.00	\$0.00	\$0.00	
By March 31, 2012	9%	\$0.00	\$0.00	\$0.00	
By April 30, 2012	11%	\$0.00	\$0.00	\$0.00	
By May 31, 2012	13%	\$0.00	\$0.00	\$0.00	
By June 30, 2012	15%	\$0.00	\$0.00	\$0.00	

Totals due may contain an additional section 33.11 collection penalty of 20%

5 year changes 2006-2011 (+/-) Appr Value: 0% Taxable Value: 6866% Tax Rate: 4% Tax Bill: 7131%

IF YOU ARE 65 YEARS OF AGE OR OLDER OR ARE DISABLED AND THE PROPERTY DESCRIBED IN THIS DOCUMENT IS YOUR RESIDENCE HOMESTEAD, YOU SHOULD CONTACT THE APPRAISAL DISTRICT REGARDING ANY ENTITLEMENT YOU MAY HAVE TO A POSTPONEMENT IN THE PAYMENT OF THESE TAXES.

[Tax Receipt](#) | [Search 2011 Tax](#) | [Print](#) | [HCAD](#)

H2B

Friday, September 14, 2012

Tax Year: 2012

HARRIS COUNTY APPRAISAL DISTRICT  
 REAL PROPERTY ACCOUNT INFORMATION  
**042160000070**

Print E-mail

**Ownership History**

Owner and Property Information

Owner Name & Mailing Address: **DIOCESE GALVESTON HOUSTON  
 1700 SAN JACINTO ST  
 HOUSTON TX 77002-8216**

Legal Description: **LTS 16 & 17  
 ALLISON RICHEY  
 GULF COAST HOMES SEC G  
 ABST 290 T J GREEN  
 0 COUNTRY CLUB RD  
 PEARLAND TX 77581**

State Class Code	Land Use Code	Building Class	Total Units
X3 -- Religious Exempt	4300 -- General Commercial Vacant	--	0

Land Area	Building Area	Net Rentable Area	Neighborhood	Neighborhood Group	Market Area	Map Facet	Key Map®
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	041	HARRIS CO FLOOD CNTRL	Certified: 08/10/2012	0.028090		
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	047	SAN JACINTO COM COL D	Certified: 08/10/2012	0.185602		
	059	CITY OF PEARLAND	Certified: 08/10/2012	0.685100		

Valuations

	Value as of January 1, 2011		Value as of January 1, 2012	
	Market	Appraised	Market	Appraised
Land	52,270	Land	0	
Improvement	0	Improvement	0	
<b>Total</b>	<b>52,270</b>	<b>52,270 Total</b>	<b>0</b>	<b>0</b>

5-Year Value History

Land

Market Value Land

Line	Description	Site Code	Unit Type	Units	Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Value
1	4300 -- General Commercial Vacant	--	AC	10.0000	1.00	1.00	1.00	--	1.00	0	0	0

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**Don Sumners, CPA, RTA  
Tax Assessor-Collector  
P.O. Box 4622  
Houston, Texas 77210-4622**



**2011**

**2011 Property Tax Statement**

Current As Of  
September 13, 2012

Account Number  
042-160-000-0070

Mortgage Co. / Tax Agent Account  
No

Receipt / Postmark Date  
11/28/2011

**DIOCESE GALVESTON HOUSTON  
1700 SAN JACINTO ST  
HOUSTON TX 77002-8216**

Taxing Jurisdiction	Exemption	Taxable Value	Tax Rate	Taxes	Property Description
Harris County	0	52,270	0.391170	\$204.46	LTS 16 & 17
Harris County Flood Control Dist	0	52,270	0.028090	\$14.68	ALLISON RICHEY
Port of Houston Authority	0	52,270	0.018560	\$9.70	GULF COAST HOMES SEC G
Harris County Hospital District	0	52,270	0.192160	\$100.44	ABST 290 T J GREEN 10.0000 AC
Harris County Dept. of Education	0	52,270	0.006581	\$3.44	COUNTRY CLUB RD 77581
San Jacinto College District	0	52,270	0.185602	\$97.01	<b>Appraised Value</b>
Total 2011 Taxes Due by January 31, 2012				\$429.73	Land - Market Value 52,270
Payments applied to 2011 taxes				\$429.73	Impr - Market Value 0
Total Current Taxes Due				\$0.00	Total Market Value 52,270
Prior year(s) taxes due (if any)				\$0.00	Less Capped Mkt Value 0
<b>TOTAL AMOUNT DUE</b> →				\$0.00	Appraised Value 52,270
<b>Penalties for Paying Late</b>					View five-year jurisdiction tax/value history
	<b>Rate</b>	<b>Current</b>	<b>Delinquent</b>	<b>Total</b>	View 15 year tax/value history
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Totals due may contain an additional section 33.11 collection penalty of 20%

5 year changes 2006-2011 (+/-) Appr Value: 0% Taxable Value: 6869% Tax Rate: 4% Tax Bill: 7135%

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Tax Receipt

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AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD OCTOBER 15, 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 2012-06**

At the request of Edward Hersh, applicant, for H.E. Halford, Jr., owner, for approval of a Conditional Use Permit to allow for Outside Display/Storage in the Old Townsite General Business (OT-GB) District, on the following described property, to wit:

**Legal Description:** Being Lots 3-6, Block 5 of the Townsite of Pearland Subdivision, a Subdivision of record in Volume 29, Page 41 of the H.C.D.R. Brazoria County, Texas.

**General Location:** 2205 N. Main St. Pearland. TX 77581

- 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 OCTOBER 15, 2012

---

### Conditional Use Permit No. CUP 2012-06

At the request of Edward Hersh, applicant, for H.E. Halford, Jr., owner, for approval of a Conditional Use Permit to allow for Outside Display/Storage in the Old Townsite General Business (OT-GB) District, on the following described property, to wit:

**Legal Description:** Being Lots 3-6, Block 5 of the Townsite of Pearland Subdivision, a Subdivision of record in Volume 29, Page 41 of the H.C.D.R. Brazoria County, Texas.

**General Location:** 2205 N. Main St.

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

Planning and Zoning Commission: October 15, 2012\*  
City Council for First Reading: November 12, 2012\*  
City Council for Second Reading: November 26, 2012\*

(\*dates subject to change)

---

**SUMMARY:** Edward Hersh, applicant and H.E. Halford Jr., owner, are requesting approval of a Conditional Use Permit to allow for outside storage/display at the above referenced location. If approved, the applicant would like to display stone monuments for sale outside of their existing business.

The site is currently occupied by a shopping center. The applicant has recently leased one of tenant spaces and would like to display merchandise outside in the open space adjacent to the building.

The property is zoned Old Townsite General Business (OT-GB). Any outdoor display or storage in any portion of the Old Townsite requires approval of a Conditional Use Permit.

**SURROUNDING ZONING AND LAND USES:**

	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
North	Old Townsite General Bus. (OT-GB)	Commercial (Chevron)
South	Old Townsite General Bus. (OT-GB)	Vacant Commercial Lot
East	Old Townsite Mixed Use (OT-MU)	Single Family Residential
West	Old Townsite General Bus. (OT-GB)	Commercial

**CONFORMANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC):** As previously mentioned, the property is currently zoned Old Townsite General Business (OT-GB). The minimum lot size for the OT-GB district is 3,000 square feet, the minimum lot width is 50', and no minimum lot depth. Additionally, the front setback for this site is 0', the side setback is 0' and the rear setback is 7.5'. The property is approximately 100' wide and approximately 125' deep, meeting the bulk development requirements for the site. The existing uses on site are in conformance with the Unified Development Code.

**PLATTING STATUS:** The property is not currently platted.

**CONFORMANCE WITH THE COMPREHENSIVE PLAN:** The current Comprehensive Plan (latest update in July 2004) indicates *Village District* for the subject property. The Comprehensive Plan further indicates that an appropriate zoning district for *Village District* is Old Townsite General Business (OT-GB). The existing zone (OT-GB) and the proposed use, outside display/storage, are in compliance with the current Comprehensive Plan with the approval of a Conditional Use Permit.

**CONFORMANCE WITH THE THOROUGHFARE PLAN:** The subject property has frontage on Main St. (SH 35), a major thoroughfare, with a minimum of 120' right-of-way.

**AVAILABILITY OF UTILITIES:** The subject parcel is served by city water and sewer.

**IMPACT ON EXISTING AND FUTURE DEVELOPMENT:** The site is currently occupied by a shopping center. The applicant has leased out the end unit for his stone monument business with the intention of using the adjacent vacant land for display of stone monuments. A stone monument business currently exists to the south of this property and utilizes the land around them to display their product. No CUP was obtained for such storage, however, that use is considered nonconforming, and existed prior to current regulations. The intent of the Old Townsite is to create a lively, walkable district with shops and eateries that have a small amount of outdoor display and seating mainly located close to the building, often under a canopy or awning. Staff does not believe that this request meets the intent of the Old Townsite district. Allowing this type of outdoor display could act as a catalyst for future large scale display and storage which could have a negative impact on the district as a whole.

With the TXDOT expansion of Main St. (SH 35), numerous aesthetic improvements will be completed as part of the project. This type of display and storage would not enhance these improvements. Furthermore, previous Conditional Use Permits in this area have been approved for uses with conditions that outside display/storage not be permitted at anytime.

**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 site plan for this use was not submitted with the Conditional Use Permit application. As a condition of approval, one will be requested that outlines the specific area of display.

**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. It should be noted that at this time staff has not identified negative impacts which will not be adequately dealt with through the Unified Development Code requirements. Should City Council identify impacts which it feels should be mitigated, conditions and modifications may be placed on the approval of the Conditional Use Permit.

**STAFF RECOMMENDATION:** Staff is unable to recommend approval of the Conditional Use Permit No. 2012-06 to allow for outside storage/display in the Old Townsite General Business (OT-GB) district as proposed by the applicant and owner for the following reasons and the following condition:

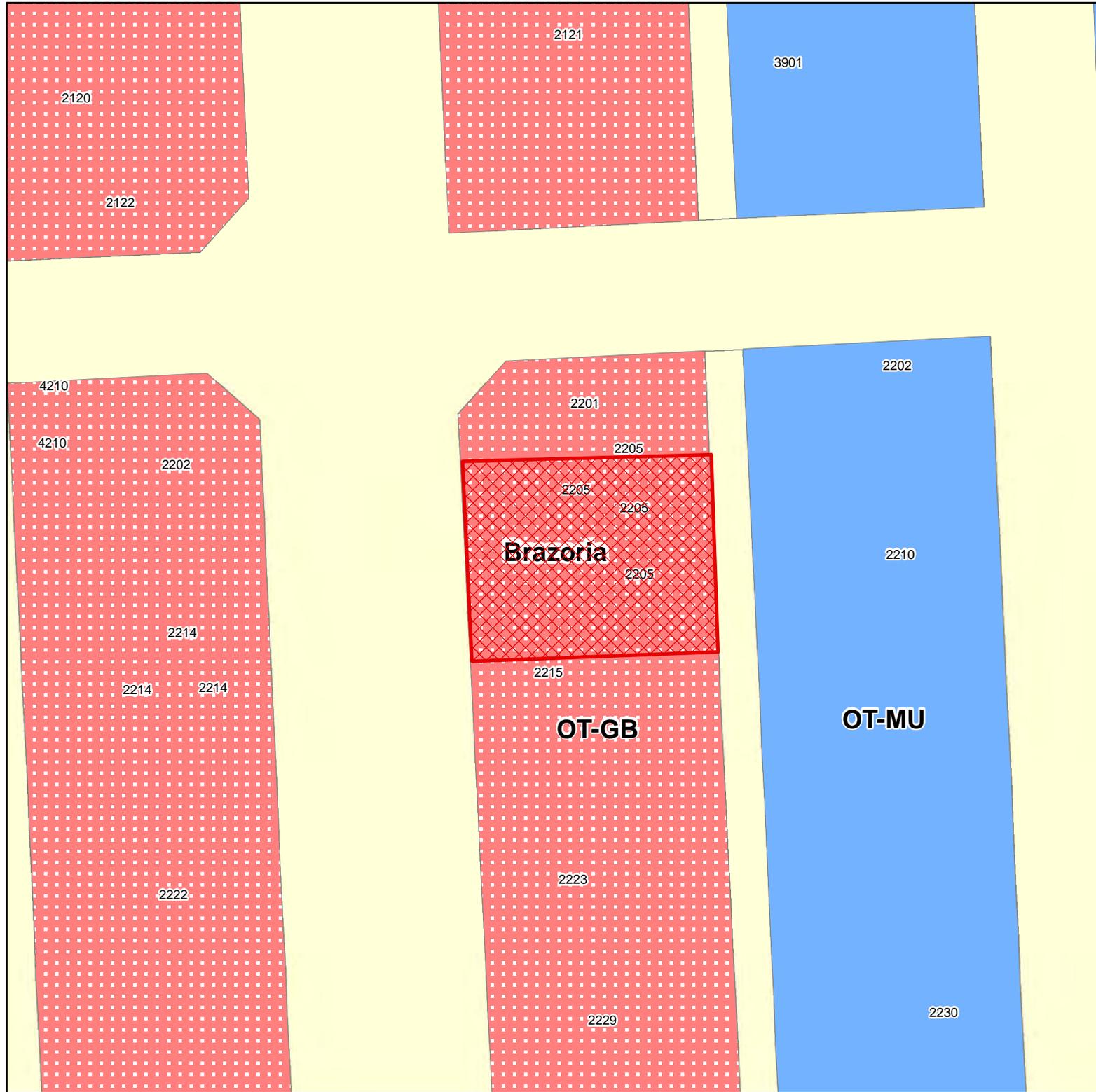
1. The proposed request could have a significant negative impact on the surrounding properties and developments.
2. The proposed request would not be in conformance with the Old Townsite Plan.
3. The proposed request does not appear to meet the criteria of approval for a Conditional Use Permit, specifically numbers 3 and 6 listed above, under Criteria of Approval.

**CONDITIONS OF APPROVAL:** Should the City Council approve the Conditional Use Permit, staff recommends the following condition:

1. Complete site plan submitted to the city, outlining exact area of display and other improvements proposed.
2. Meet numbers 3 and 6 listed above under Criteria of Approval by incorporating screening alternatives.

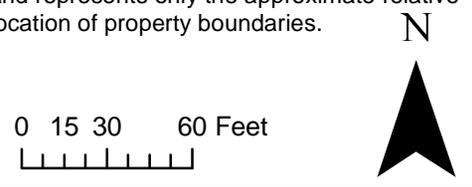
**SUPPORTING DOCUMENTS:**

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



**Vicinity Map**  
**CUP 2012-06**  
**2205 N. Main St.**

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.





## CUP 2012-06

2205 Main St. - Outside Display/Storage

<b>NAME</b>	<b>ADDRESS</b>	<b>CITY</b>	<b>STATE</b>	<b>ZIP</b>
MCDONALD'S CORP 042-0248	PO BOX 182571	COLUMBUS	OH	43218-2571
VAN EMAN CARY	17920 MACEY RD	HEARNE	TX	77859-9370
HOWARD PAUL E	PO BOX 216	ROSHARON	TX	77583-0216
CRANDALL JAMIE & PATRICIA	27546 WALLER GLADISH RD	WALLER	TX	77484
HOWARD PAUL E	PO BOX 216	ROSHARON	TX	77583-0216
CRANDALL JAMIE & PATRICIA	27546 WALLER GLADISH RD	WALLER	TX	77484
LONG CHARLES E & PEGGY F	2230 HOUSTON AVE	PEARLAND	TX	77581-4212
NICKELS DILINH & THINH D HOANG	10624 PENARA ST	SAN DIEGO	CA	92126-5944
FORTUNA PLAZA	502 SIMS CT	DICKINSON	TX	77539-6384
LAM FINANCE LLC	9426 BAYOU BLUFF DR	SPRING	TX	77379-9410
CCLR LTD	5601 BROADWAY ST	GALVESTON	TX	77551-4440
VINEYARD CHRISTIAN FELLOWSHIP INC	PO BOX 1577	PEARLAND	TX	77588-1577
RUSCHE PROPERTIES I LLC	555 E AIRTEX DR	HOUSTON	TX	77073-6099
<b>OWNER</b>				
HALFORD H.E. JR.	PO BOX 2181	PEARLAND	TX	77581
<b>APPLICANT</b>				
HERSH EDWARD	1603 DIXIE HILL	PEARLAND	TX	77581



## FLUP Map

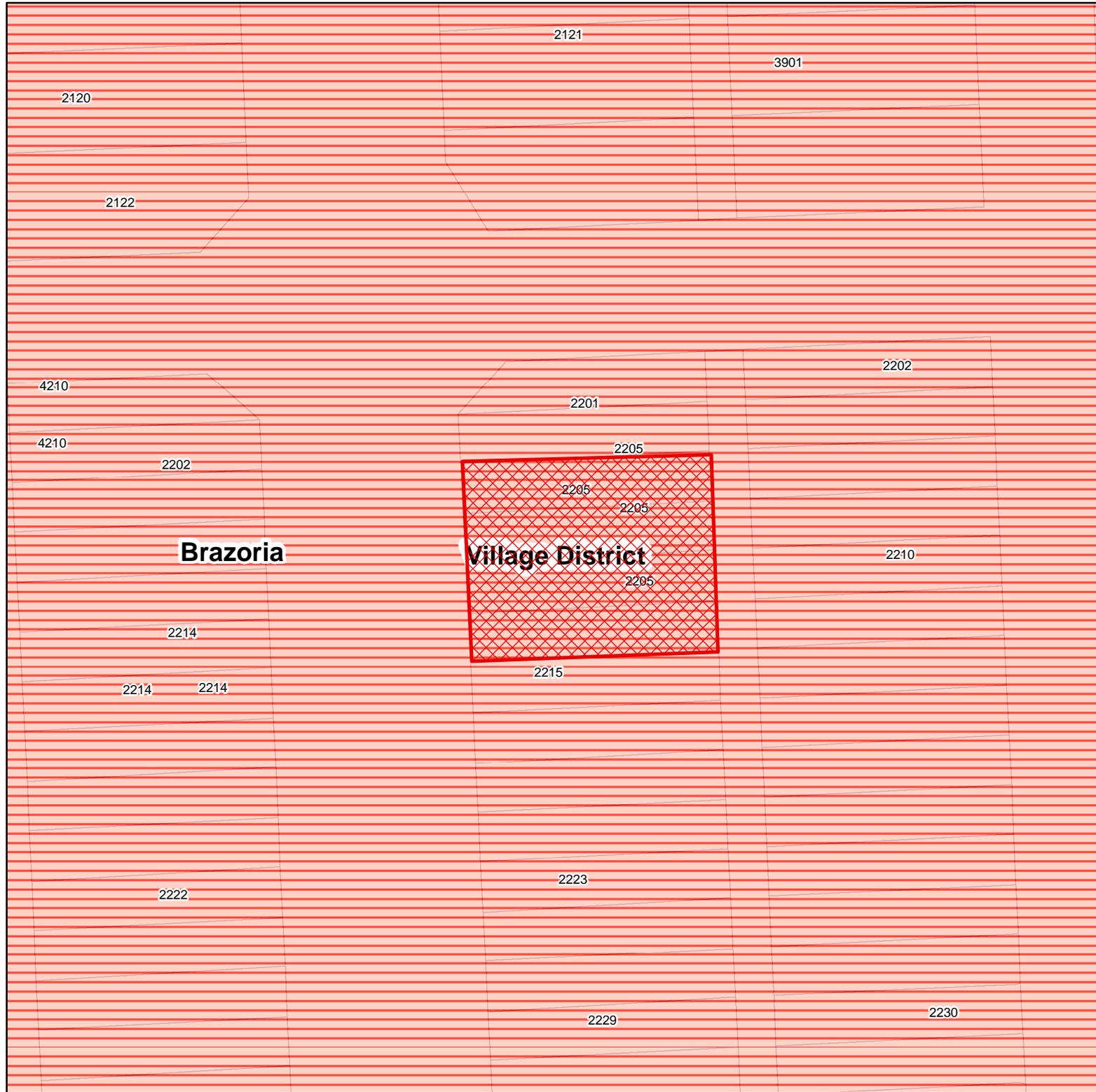
CUP 2012-06

2205 N. Main St.

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N

0 15 30 60 Feet  
|-----|-----|-----|-----|



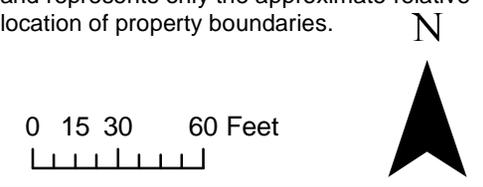


## Aerial Map

### CUP 2012-06

### 2205 N. Main St.

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



# APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

Conditional Use Permit Request for: Outside display of memorials  
(list proposed use from the Table of Uses of the UDC)

Current Zoning District: Townsite Pearland

**Property Information:**

Address or General Location of Property: 2205 N. Main Street, Ste C

Tax Account No. \_\_\_\_\_

Subdivision: Old Townsite Lot: 3,4,5,6 Block: 5

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

**PROPERTY OWNER INFORMATION:**

**APPLICANT/AGENT INFORMATION:**

NAME H. E. Halford, Jr  
ADDRESS PO Box 2181  
CITY Pearland STATE TX ZIP 77581  
PHONE( 281 ) 489 4272  
FAX( \_\_\_\_\_ ) \_\_\_\_\_  
E-MAIL ADDRESS \_\_\_\_\_

NAME Edward Hersh  
ADDRESS 1603 Dixie Hill Ct  
CITY Pearland STATE TX ZIP 77581  
PHONE( 281 ) 948 8662  
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: 8/28/2012

Agent's/  
Applicant's Signature: [Signature] Date: 8/24/2012

**OFFICE USE ONLY:**

FEES PAID: <u>250 -</u>	DATE PAID: <u>9/14</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>332105</u>
-------------------------	------------------------	---------------------------------	-------------------------------

Application No. 2012-66

**H.E. Halford, Jr.  
P.O. Box 2181  
Pearland, Texas 77581  
August 23, 2012**

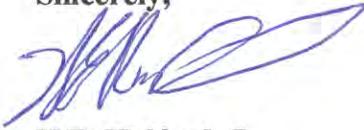
**RE: Application for a CUP**

**As the owner of the property at 2205 N. Main Street in Pearland, Texas, I am in support of the application being filed by Edward Hersh and Paul Corl aka Corl and Hersh Memorials, LLC in their request to display memorials outside their show room in Suite C. They have my full support to display their memorials in front of their building under the covered area and on the side, adjacent to the building on the concrete pad.**

**Furthermore, Corl and Hersh are authorized to act as agent in their request to obtain the desired permit for a Conditional Use Permit (CUP) with the desired outcome of the permit being granted so Corl and Hersh Memorials LLC can remain in business.**

**Should you have any questions, do not hesitate to contact me.**

**Sincerely,**

A handwritten signature in blue ink, appearing to read 'H.E. Halford, Jr.', written in a cursive style.

**H.E. Halford, Jr.  
Owner**

August 23, 2012

**RE: Request for a Conditional Use Permit**

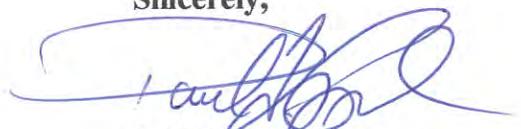
This is our letter of intent requesting a Conditional Use Permit for our showroom located at 2205 N. Main Street, Suite C.

The purpose of this request is to allow our business to display memorials in front of our showroom on the concrete directly in front of the building and adjacent to the building (on the side) on existing concrete.

Currently there are two other monument dealers located on Main Street. One is located within 200 feet of our location and they have an outdoor display of monuments not only in front of their building, but also on a grass area. The other business with monuments has their display outside on a grass area.

Thank you for your consideration.

Sincerely,



**Paul F. Corl**



**Edward D. Hersh**

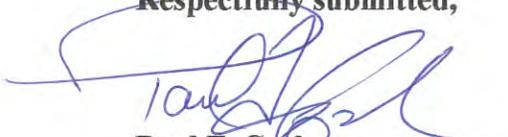


August 23, 2012

**RE: Request for Conditional Use Permit---Notification Sign**

**In accordance with the application checklist for a Conditional Use Permit, here is our letter of acknowledgement that we agree to and shall have a professionally made sign to notify the public of our intent to seek the CUP and post such sign ten (10) days prior to the public hearing.**

**Respectfully submitted,**

  
**Paul F. Corl**

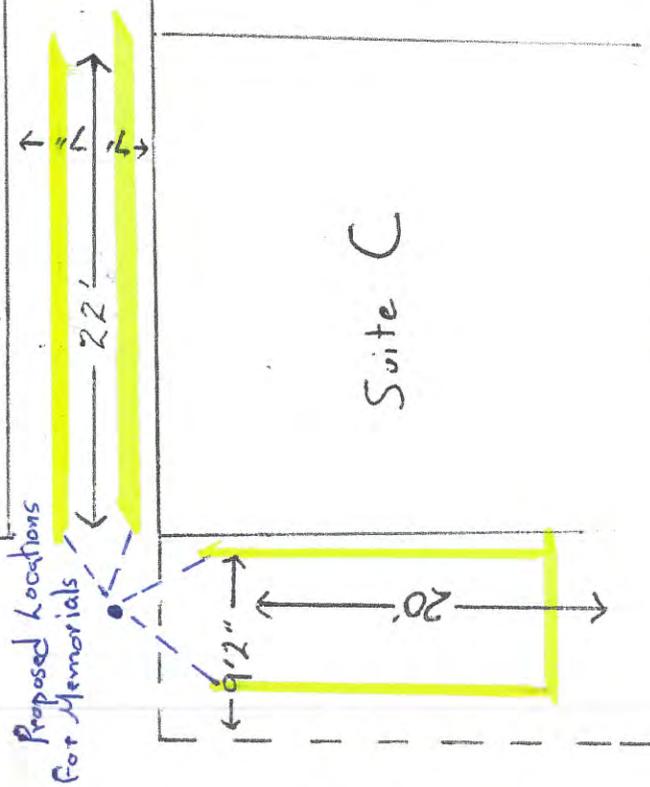
  
**Edward D. Hersh**



# 2205 N MAIN Ste C

← MAIN STREET →

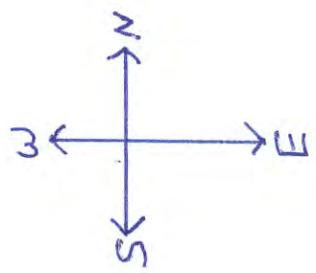
PARKING AREA



Suite C

Suite B

Suite C



## Notes

- Not drawn to scale
- Yellow indicates location of memorials

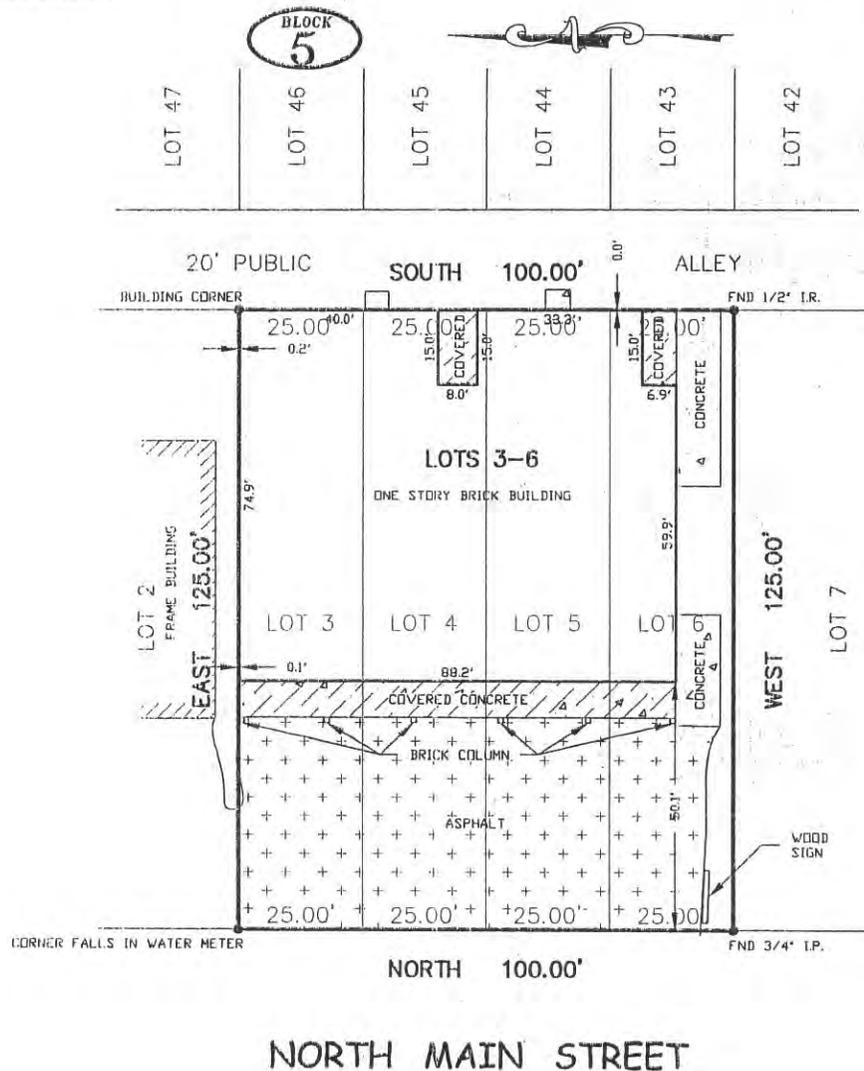
This property IS NOT located in the 100 year flood plain & is in insurance rate map zone X, as per map 48039C/00351 dated 09-22-99.

SCALE: 1" = 30'

I.R. - IRON ROD  
I.P. - IRON PIPE

LEGEND

- // - WOOD FENCE  
- OHE - OVERHEAD ELECTRIC



NOTES:

- 1.) BASIS FOR BEARINGS: ASSUMED AS PLATTED
- 2.) DISTANCES SHOWN ARE GROUND DISTANCES
- 3.) THIS SURVEY WAS PERFORMED WITH OUT THE BENEFIT OF A TITLE COMMITMENT, EASEMENTS AND RESTRICTIONS MAY EXIST WHICH ARE NOT SHOWN HEREBY. NO ADDITIONAL RESEARCH REGARDING THE EXISTENCE OF EASEMENTS OR RESTRICTIONS OF RECORD HAS BEEN PERFORMED BY ARROW SURVEYING
- 4.) SURVEY BASED ON BEST OF EVIDENCE FOUND



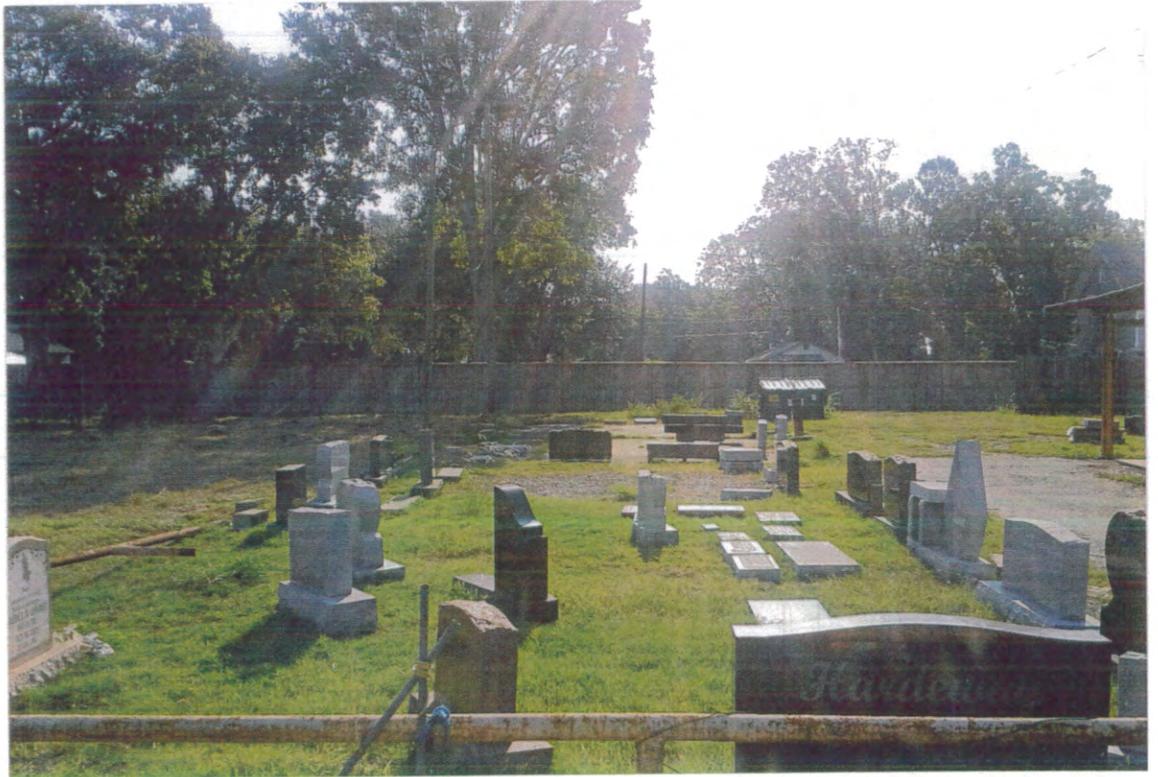
I MICHAEL D. MORTON, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE PLAT HEREOF CORRECTLY REPRESENTS THE RESULTS OF AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND THAT THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN.

DATED THIS THE 6 DAY OF Sept 2012

MICHAEL D. MORTON - R.P.L.S. NO. 3688

THIS CERTIFICATION IS REVOKED AND THIS SURVEY IS NULL AND VOID IF THIS DOCUMENT IS ALTERED IN ANY MANNER, USED OR RELIED UPON BY ANY ONE OTHER THAN THE PARTIES ADDRESSED BELOW, OR DOES NOT BEAR AN ORIGINAL SIGNATURE AND SEAL OF THE SURVEYOR.

LOT(S) 3-6	BLOCK 5	SUBDIVISION TOWNSITE OF PEARLAND	SECTION
RECORDATION VOL. 29, PG. 41 of the H.C.D.R.		COUNTY BRAZORIA	STATE TEXAS
ADDRESS 2205 NORTH MAIN STREET	CITY PEARLAND	ZIP CODE 77581	LENDER
PURCHASER SONNY HALFORD		TITLE COMPANY	G.F. NO.
FILED BY: MM	DATE: 09-04-12	ARROW SURVEYING	
DRAWN BY: LR	DATE: 09-05-12	P.O. BOX 410 PEARLAND, TEXAS 77588	
CHECKED BY: MM	DATE: 09-05-12	(281) 412-2294 FAX(281) 412-2314	
		JOB NO.	12-09-001
		REVISION:	







2011 TAX STATEMENT



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

**Certified Owner:**  
 HALFORD HUBERT E JR  
 PO BOX 2181  
 PEARLAND, TX 77588-2181

**Legal Description:**  
 PEARLAND, BLOCK 5, LOT 3-4-5-6

**Account No:** 7025-0048-000  
**As of Date:** 08/23/2012

**Appr. Dist. No.:** 236845

**Legal Acres:** .2870  
**Parcel Address:** 2205 N MAIN ST HWY 35  
**Print Date:** 08/23/2012

Market Value		Appraised Value	Assessed Value	Capped Value	Homesite Value	Agricultural Market Value	Non-Qualifying Value
Land	Improvement						
\$75,000	\$105,360	\$180,360	\$180,360	\$0	\$0	\$0	\$180,360

Taxing Unit	Assessed Value (100%)	Exemptions		Taxable Value	Tax Rate	Tax
		Code	Amount			
BRAZORIA COUNTY	\$180,360		\$0.00	\$180,360	0.4131010	\$745.07
<i>Amount saved by additional sales tax revenue \$136.22</i>						
SPECIAL ROAD & BRIDGE	\$180,360		\$0.00	\$180,360	0.0600000	\$108.22
PEARLAND ISD	\$180,360		\$0.00	\$180,360	1.4194000	\$2,560.03
BRAZORIA DRAINAGE DIST 4	\$180,360		\$0.00	\$180,360	0.1560000	\$281.36
CITY OF PEARLAND	\$180,360		\$0.00	\$180,360	0.6851000	\$1,235.65

**Total Tax:** \$4,930.33  
**Total Tax Paid to date:** \$4,930.33  
**Total Tax Remaining:** \$0.00

**Exemptions:**

**AMOUNT DUE IF PAID BY THE END OF:**

AUG 2012 19%	SEP 2012 20%	OCT 2012 21%	NOV 2012 22%	DEC 2012 23%	JAN 2013 24%
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

FEB 2013 25%	MAR 2013 26%	APR 2013 27%	MAY 2013 28%	JUN 2013 29%	JUL 2013 30%
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

**School Information:**

PEARLAND ISD 2011 M&O 1.0400000 I&S .37940000 Total 1.4194000 2010 M&O 1.0400000 I&S .37940000 Total 1.4194000

PLEASE CUT AT THE DOTTED LINE AND RETURN THIS PORTION WITH YOUR PAYMENT.

4.1.43

**Print Date:** 08/23/2012

**PLEASE NOTE YOUR ACCOUNT NUMBER ON YOUR CHECK AND MAKE CHECKS PAYABLE TO:**

RO'VIN GARRETT, RTA  
 BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR  
 111 E. LOCUST  
 ANGLETON, TEXAS 77515  
 (979) 864-1320, (979) 388-1320, (281) 756-1320



\* 7 0 2 5 0 0 4 8 0 0 0 \*

7025-0048-000  
 HALFORD HUBERT E JR  
 PO BOX 2181  
 PEARLAND, TX 77588-2181

**AMOUNT PAID:**  
 \$ \_\_\_\_\_

70250048000 2011 082012 000000000000 000000000000 000000000000 8