

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD FEBRUARY 18, 2013, 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. 2013-04Z

A request of Lisa Marino, applicant and The Old Place Inc., owner, for approval of a zone change from the Neighborhood Service (NS) zone to the General Business (GB) zone for 9.930 acres on the following described property, to wit:

Legal Description: Being 9.930 acres of land, Lots 30-30A, of the Allison – Richey Gulf Coast Home Company Subdivision of Section 20, of the H.T. & B. Railroad Company Survey, Abstract 506, Brazoria County, Texas

General Location: 8809 Broadway

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 FEBRUARY 18, 2013

Zone Change No. 2013-04Z

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Legal Description: Being 9.930 acres of land, Lots 30-30A, of the Allison – Richey Gulf Coast Home Company Subdivision of Section 20, of the H.T. & B. Railroad Company Survey, Abstract 506, Brazoria County, Texas

General Location: 8809 Broadway, Pearland, TX

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

Planning and Zoning Commission: February 18, 2013*
City Council for First Reading: March 11, 2013*
City Council for Second Reading: March 25, 2013*

(*dates subject to change)

SUMMARY: Lisa Marino, applicant, on behalf of The Old Place, Inc., owner, is requesting approval of a zone change from the Neighborhood Service (NS) zone to General Business (GB) zone for 9.930 acres for the above referenced location. If approved, this zone change will allow additional uses to be permitted by-right at this location, including many uses currently allowed only with the approval of a Conditional Use Permit. Examples of these uses include restaurant's, daycare's, food store's, church's, etc.

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	Neighborhood Service (NS)	Vacant
South	General Business (GB)	Vacant
East	General Business (GB)	Commercial Retail Center
West	General Business (GB)	Commercial Retail Center

CONFORMANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC): As previously mentioned, the property is currently zoned Neighborhood Service (NS). As the property is currently being requested to be rezoned to General Business (GB), a breakdown between those requirements is provided below:

	<u>NS</u>	<u>GB</u>	<u>Existing Site</u>
Lot Size:	12,500 sq ft	22,500 sq ft	0.9495 acres
Lot Width:	100'	150'	208.73'
Lot Depth:	100'	125'	208.70''
Front Setback:	25'	25'	~25'
Rear Setback:	10'	25'	~25'
Side Setback:	10'	10'	~10'

In addition to these requirements, this property is also subject to the City's Corridor Overlay District (COD) regulations. 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. At this time, the property does not appear to meet the landscaping or landscape buffer requirements for the COD. Future expansion of the building footprint (min. 500 square feet) or in parking (20% additional) will trigger full compliance of the Unified Development Code requirements. At this time, the applicant will only be required to comply with the parking and facade requirements. The building does currently meet the façade requirements.

PLATTING STATUS: The property is not currently platted. Platting would be required prior to the release of any future building permits. The applicant will be able to operate their business without having to plat the property.

CONFORMANCE WITH THE COMPREHENSIVE PLAN: The current Comprehensive Plan (latest update in 2009) 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 General Business (GB). The property's current zoning of Neighborhood Service (NS) is also an appropriate zoning district for the *Retail, Offices, and Services* designation in the Comprehensive Plan. Therefore, both the existing and proposed zoning districts are in compliance with the Comprehensive Plan.

CONFORMANCE WITH THE THOROUGHFARE PLAN: The subject property has frontage on Broadway, a major thoroughfare, with a minimum of 120' right-of-way. The property also has frontage on Hillhouse Road, a local road, with a minimum 60' right-of-way.

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

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The proposed zone change, if approved, is not anticipated to have any negative impacts on existing or future developments in the immediate area. The proposed zone change will be in conformance with the majority of other commercially zoned property on Broadway. Additionally, a Traffic Impact Analysis was submitted with the site plan approval for the existing shopping center which accounted for typical shopping center intensities such as the existing nail salon and recently approved daycare. Therefore, negative impacts from a traffic perspective are not anticipated.

In reviewing the zoning along Broadway, from the east side of Pearland to SH-288, it appears that there are less than 12 parcels that are zoning Neighborhood Service. The majority are zoned General Business (GB) or General Commercial (GC). Over time it is anticipated that these parcels will be rezoned to General Business (GB), based on the Future Land Use Plan.

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, however the property is currently developed.

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 2013-04Z 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.

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

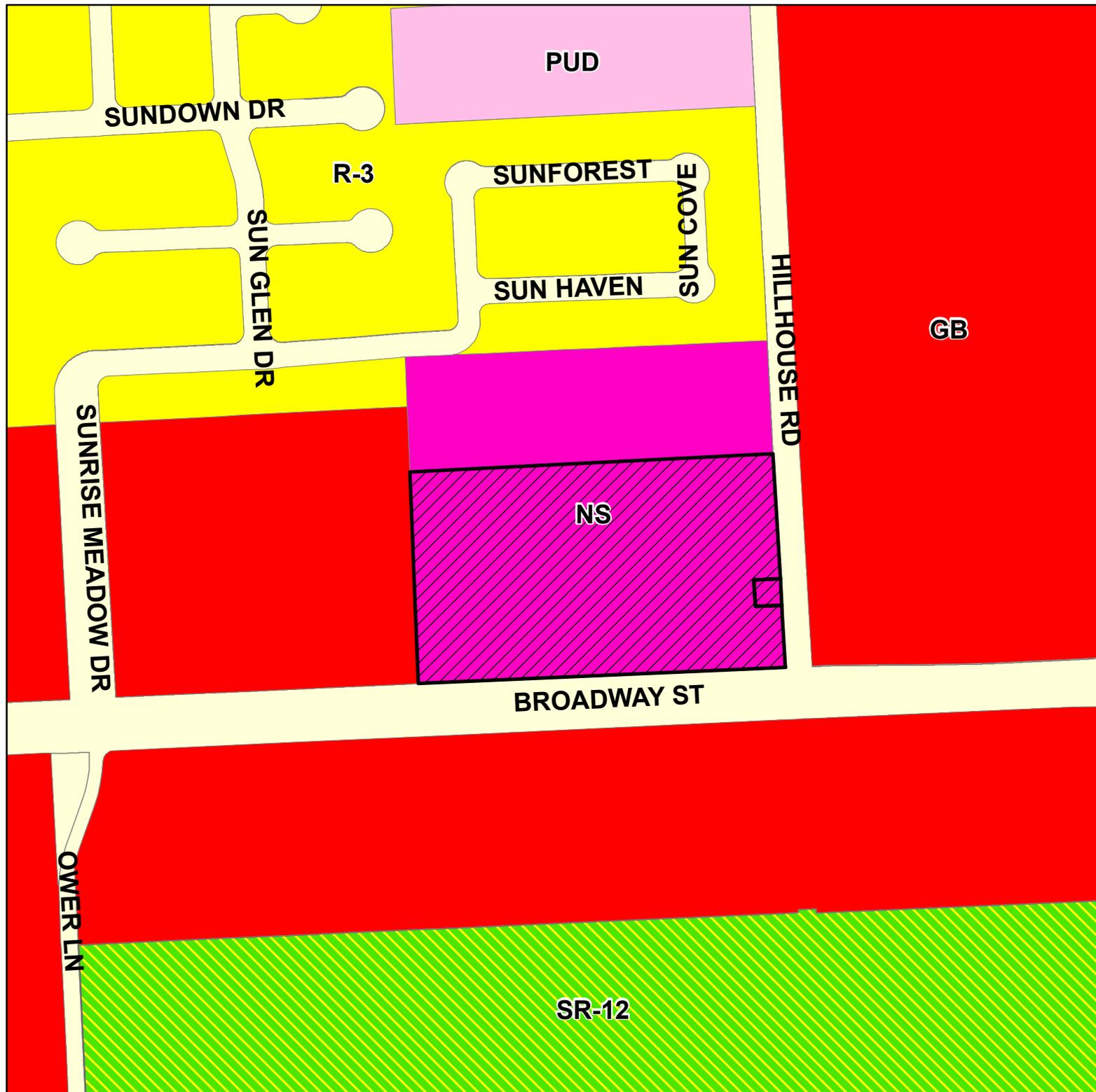
Zone Change 2013-04Z

8809 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.

N

0 75 150 300 Feet

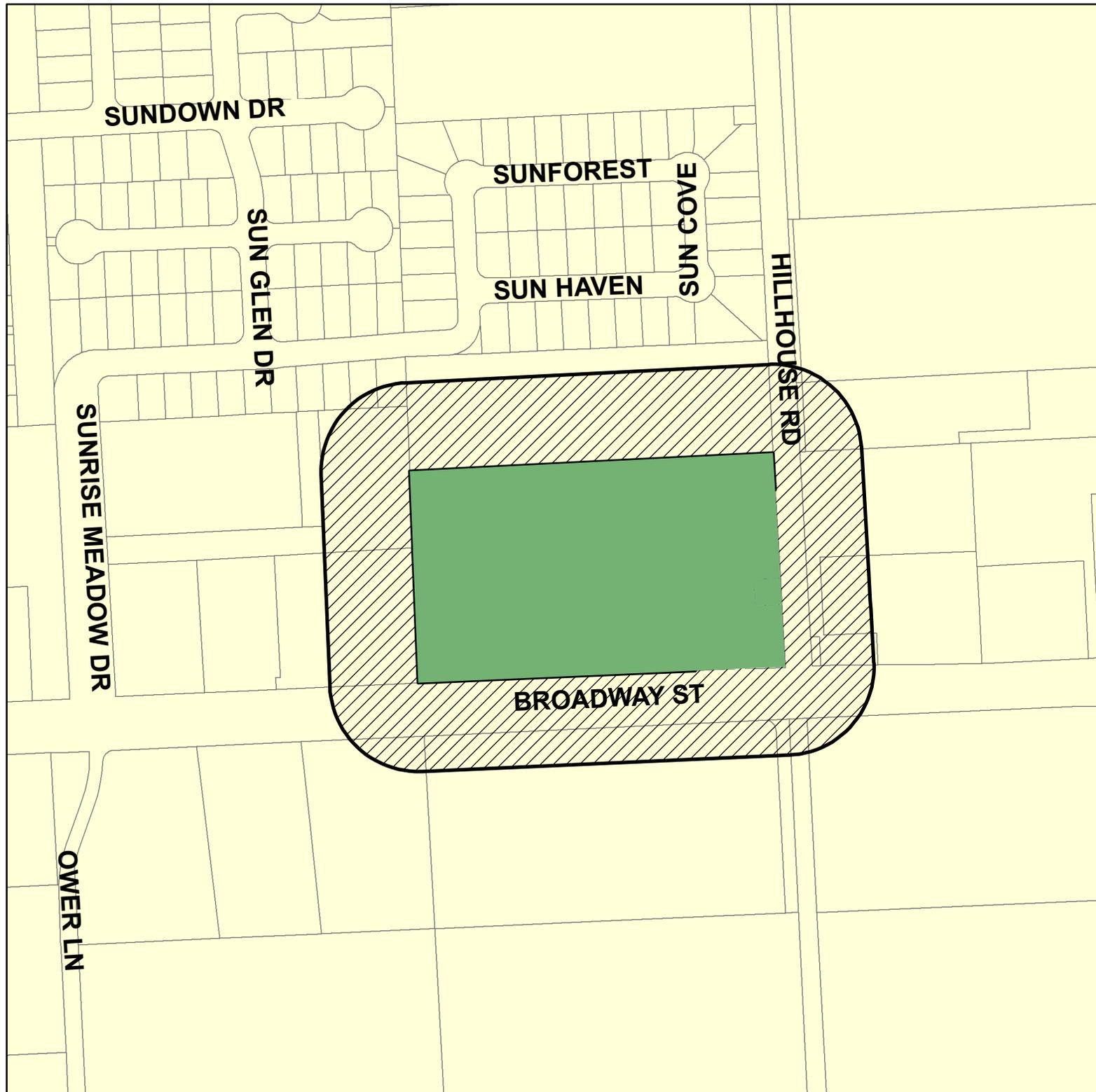




Abutter Map
Zone Change 2013-04Z
8809 Broadway

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.

0 75 150 300 Feet



Zone Change 2013-04Z

8809 Broadway - NS to GB

NAME	ADDRESS	CITY	STATE	ZIP
DOHERTY FRANK TRUSTEE	8735 BROADWAY ST	PEARLAND	TX	77584-7721
NEEDHAM RICKY D	813 INDIGO SPRINGS LN	LA MARQUE	TX	77568
VELAZQUEZ CARLOS & MELODY	9004 SUNRISE TRL	PEARLAND	TX	77584-2423
WILLIAMSON TRAVIS W	9006 SUNRISE TRL	PEARLAND	TX	77584-2423
THE OLD PLACE INC	PO BOX 703	MANVEL	TX	77578-0703
PEARLAND PLAZA LP	3922 ABBEYWOOD DR	PEARLAND	TX	77584-4943
SILVER PEAR 518 BUSINESS PARK LTD	PO BOX 79650	HOUSTON	TX	77279-9650
MOORE THEODORE & MAMMIE	2657 HILLHOUSE RD	PEARLAND	TX	77584-3493
FM 518 WEST LTD	3800 SOUTHWEST FWY	HOUSTON	TX	77027-7585
SU CHENG HUEY TR	102 PEBBLEBROOK CT	SUGAR LAND	TX	77478-3935
FORTRESS PEARLAND INVESTMENTS LLC	4318 W FUQUA ST	HOUSTON	TX	77045-6204
SIMMONS ANDREW	4830 MALLOW ST	HOUSTON	TX	77033-4006
WESTCHASE HOSPITALITY INC	1403 RAVENEL LN	SUGARLAND	TX	77479
LISA MARINO	8809 BROADWAY STE B	PEARLAND	TX	77584

Medium Density Residential

D-10,000sf Lots (Suburban Res)

SUNFOREST

SUN HAVEN

SUN COVE

SUNRISE TRAIL

SUNRISE MEADOW DR

Business Commercial

HILLHOUSE RD

BROADWAY ST

Retail, Offices and Services

Offices

OWER LN



FLUP Map

Zone Change 2013-04Z

8809 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.

N

0 75 150 300 Feet





Aerial Map
Zone Change 2013-04Z
8809 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.

0 75 150 300 Feet





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: NS

Proposed Zoning District: GB

Property Information:

Address or General Location of Property: ~~3811D~~ 8809 Broadway St, STE B,
Pearland, TX 77584

Tax Account No. _____

Subdivision: _____ Lot: _____ Block: _____

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

PROPERTY OWNER INFORMATION:

NAME THE OLD PLACE, INC.
ADDRESS P.O. Box 703
CITY MANVEL STATE TX ZIP 77578
PHONE (832) 372 1008
FAX (281) 489 1010
E-MAIL ADDRESS Kitty@K.BANKS@gmail.com

APPLICANT/AGENT INFORMATION:

NAME Lisa Marino
ADDRESS 8809 Broadway St, STE B
CITY Pearland STATE TX ZIP 77584
PHONE (281) 412-4475
FAX (281) 412-4684
E-MAIL ADDRESS lmarino@betterlifefhcs.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: Kitty Palmatin-Wilbanks Date: 01.16.13

Agent's/Applicant's Signature: Lisa Marino Date: 1/16/2013

OFFICE USE ONLY:

FEES PAID: <u>\$775</u>	DATE PAID: <u>2/5/13</u>	RECEIVED BY: <u>AZ</u>	RECEIPT NUMBER: <u>120296</u>
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Application No. 2013-042

The Old Place
P.O. Box 703
Manvel, TX 77578

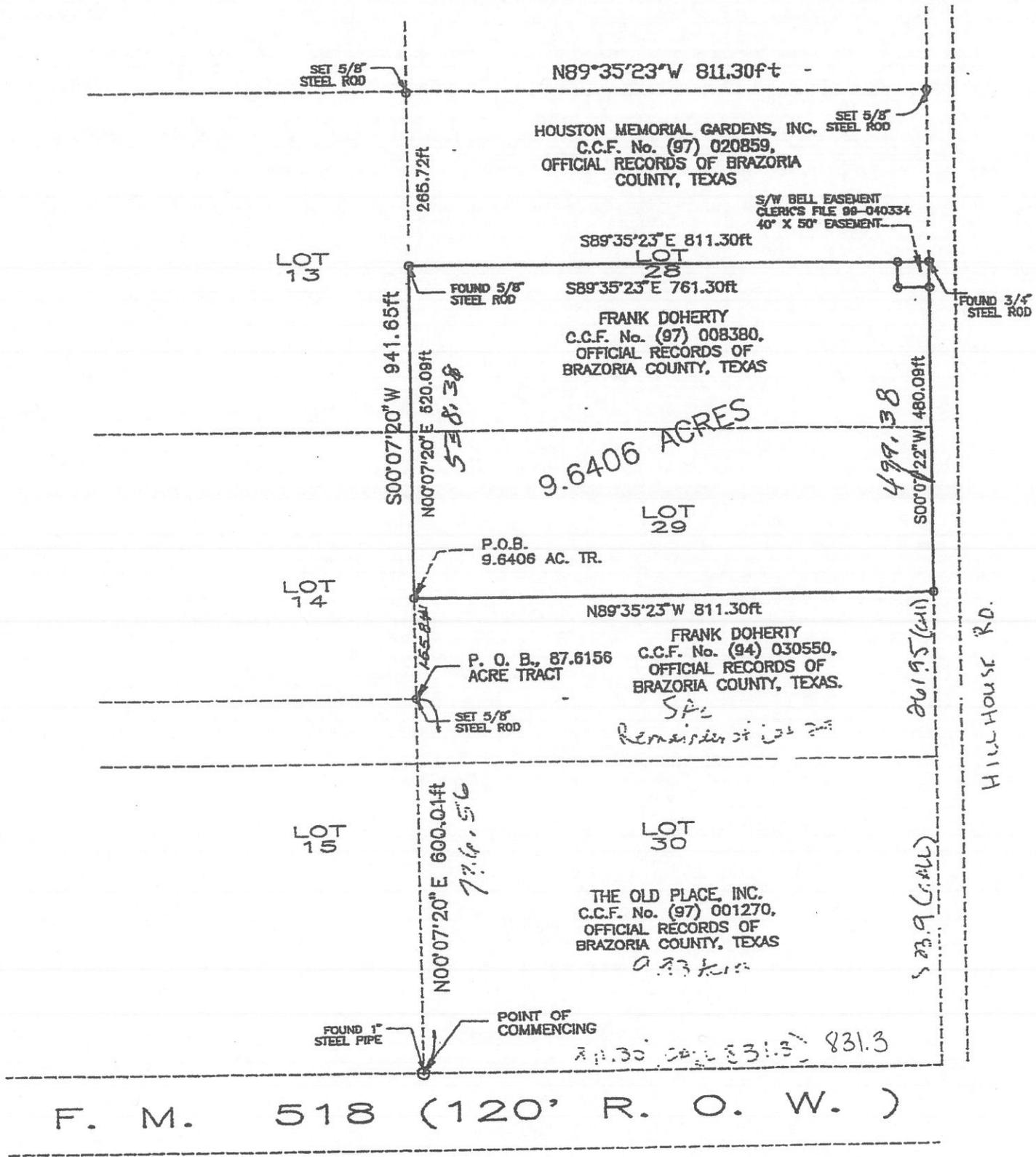
February 5, 2013

To Whom It May Concern:

On behalf of The Old Place, Inc., I authorize Lisa Moreno to process the zone change from NS to GP with the City of Pearland.

Respectfully,

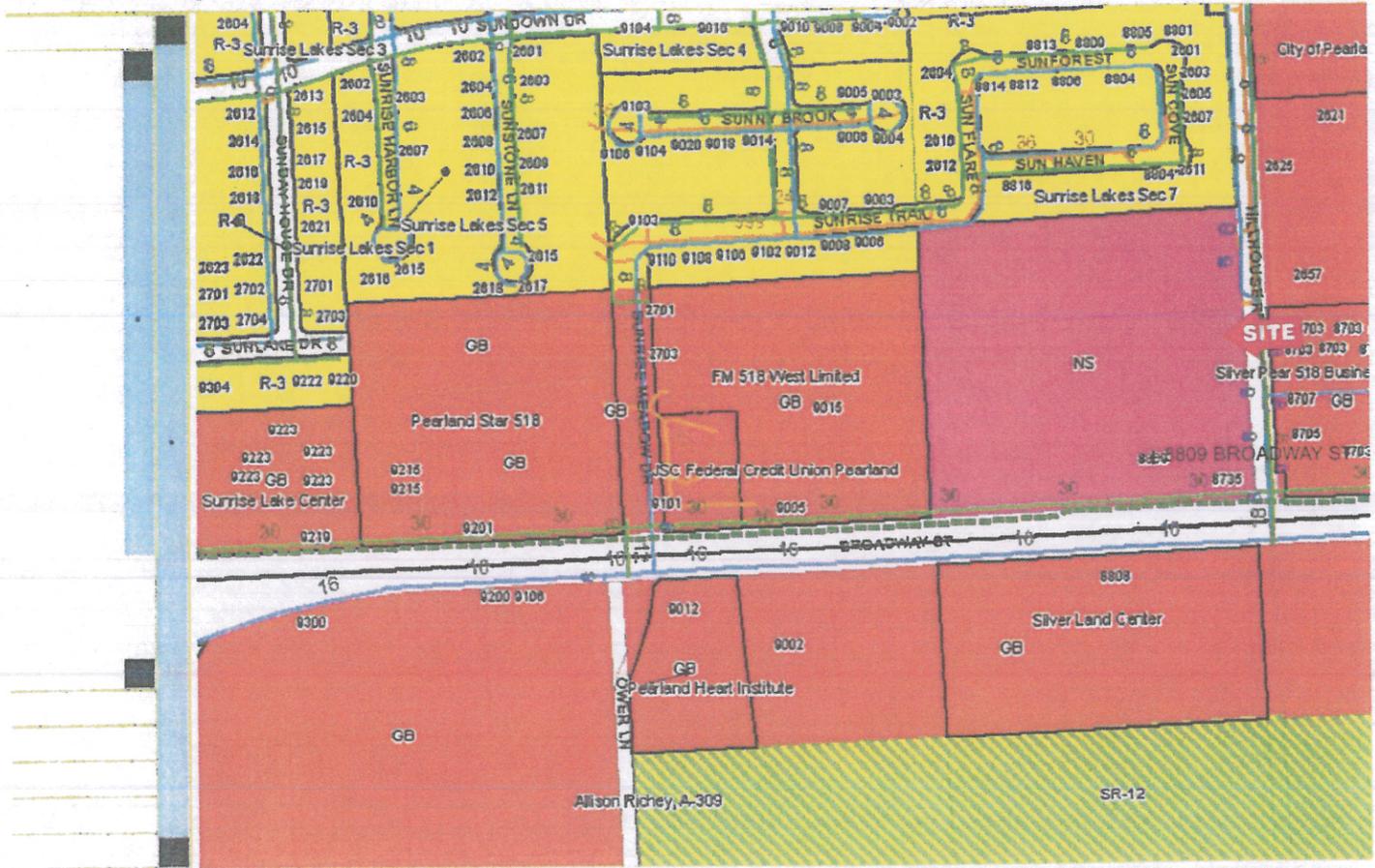
Kitty Dalmolin-Wilbanks



PLAT SHOWING 9.6406 ACRE TRACT

BEING THE SOUTH 1/2 OF LOT 28 AND THE NORTH 1/2 OF
 LOT 29, OF THE ALLISON-RICHEY GULF COAST HOME COMPANY
 SUBDIVISION OF SECTION 20, OF THE H. T. & B. RAILROAD
 COMPANY SURVEY, ABSTRACT 506, BRAZORIA COUNTY, TEXAS.

Info Lat/Long Selection System



Tool: Identify > Zoning

X: 3126414.25, Y: 13770065.56, Longitude:

(NS) NEIGHBORHOOD SERVICE DISTRICT

The Neighborhood Service District is intended to permit a limited area of service establishments and retail stores for the benefit of adjacent and nearby residential development and in which district all trade is conducted indoors and in such manner as to be capable of placement adjacent to residential districts without changing the character of the latter.

Better Life Health Care, Inc

8809 Broadway St, STE B
(281) 412-4475

January 17, 2013

RE: Letter of Intent

Dear Sir or Madam:

Please accept my letter of intent for the zoning permit request.

I will be using 8809 Broadway Suite B for the use of a day habilitation center for adults with special needs. We provide an environment for these individuals to receive personal care and also to work on personalized goals and objectives. The proposed business hours are Monday-Friday, 8am – 5pm. The square footage that we will be occupying is approximately 7,000 sq feet.

Sincerely,

Lisa Marino

Lisa Marino
Better Life Health Care, Inc
281-412-4475

CITY OF PEARLAND

*** CUSTOMER RECEIPT ***

Oper: AGONZALES Type: OC Drawer: 1
Date: 2/06/13 01 Receipt no: 128236

Description	Quantity	Amount
BA	BOARD OF ADJUSTMENTS	
	L.00	\$775.00
Trans number:		399852

ZONE CHANGE
LISA MARTINO
THE OLD PLACE, INC
8809 BROADWAY

Tender detail		
CK CHECK	6361900420	\$750.00
CA CASH		\$25.00
Total tendered		\$775.00
Total payment		\$775.00

Trans date: 2/05/13 Time: 16:19:54

**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:

J. M. ...
2/5/2013

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.



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

Certified Owner:

**THE OLD PLACE INC
PO BOX 703
MANVEL, TX 77578-0703**

Legal Description:

**A0506 H T & B R R, TRACT 30-30A, ACRES
9.930**

**Parcel Address: 8809 BROADWAY FM 518
Legal Acres: 9.9300**

**Remit Seq No: 19474068
Receipt Date: 12/28/2011
Deposit Date: 12/29/2011
Print Date: 12/27/2011**

**Account No: 1136350C
Assessment No: 900000022939706
Account No: 0506-0017-000
Assessor Code: MVL1**

Tax Unit Name	Tax Value	Tax Rate	Levy Paid	P&I	Coll Fee Paid	Total
Brazoria County	1,458,180	0.413101	6,023.76	0.00	0.00	6,023.76
Special Road & Bridge	1,458,180	0.060000	874.91	0.00	0.00	874.91
Pearland Isd	1,458,180	1.419400	20,697.41	0.00	0.00	20,697.41
Brazoria Drainage Dist 4	1,458,180	0.156000	2,274.76	0.00	0.00	2,274.76
City Of Pearland	1,458,180	0.685100	9,989.99	0.00	0.00	9,989.99
			\$39,860.83	\$0.00	\$0.00	\$39,860.83

Number(s):

PAYMENT TYPE:

Checks: \$39,860.83

Options on this property:

**Total Applied: \$39,860.83
Total Tendered: \$39,860.83
(for accounts paid on 12/28/2011)
Change Paid: \$0.00**

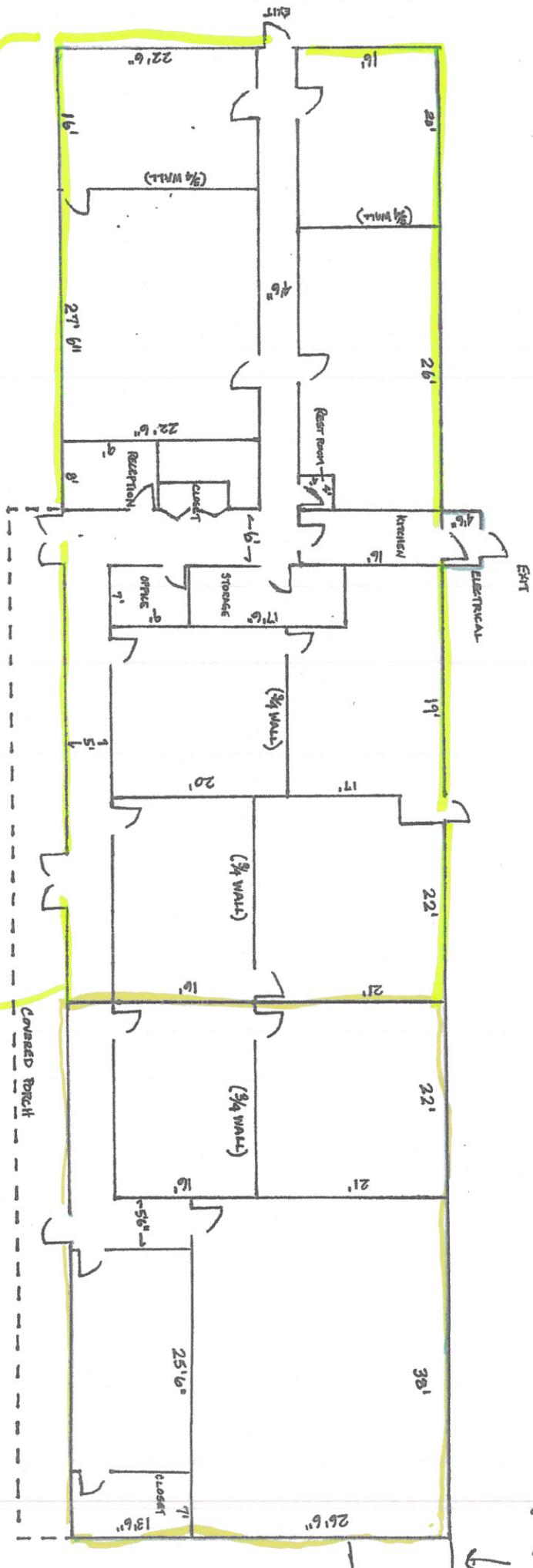
ACCOUNT PAID IN FULL

PAYER:

**THE OLD PLACE INC
PO BOX 703
MANVEL, TX 77578-0703**

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

Better Life Health Care



Parking

Outdoor play area

Tuesday, February 5, 2013

Taxes Due Detail by Year

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Account No.: 05060017000
Delinquency Date: 07/01/2013
Active Lawsuits None

* Additional Collection Costs

		by end of February 2013		by end of March 2013		by end of April 2013	
Year	Base Tax Due	Penalty, Interest, and ACC* Due	Total Due	Penalty, Interest, and ACC* Due	Total Due	Penalty, Interest, and ACC* Due	Total Due
2012	\$19,748.72	\$0.00	\$19,748.72	\$0.00	\$19,748.72	\$0.00	\$19,748.72
Total Amount Due:	\$19,748.72	\$0.00	\$19,748.72	\$0.00	\$19,748.72	\$0.00	\$19,748.72

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[Your Tax Portfolio](#)

[Tax Rates & Entities](#)
[Related Links](#)

[Tax Office FAQ](#)
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[Job Postings](#)

[County Directory](#)
[Related Links](#)

[Commissioner's Court](#)
[Courthouse History](#)

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

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APPLICATION CHECKLIST FOR THE FOLLOWING Conditional Use Permits (CUP)

- Application, filled out completely, and signed by the owner of the property to be considered for the conditional use permit.
- If the applicant is the designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on his behalf. **Section 1.2.1.1 (a) of the Unified Development Code.**
- Metes and Bounds Description, (Survey, or a Plat of the property that contain the metes and bounds description).
- Parcel map, printed from the City of Pearland website, indicating the location and boundaries of the subject property.
- Letter of Intent, explaining the conditional use permit request in detail, specifying proposed uses, specific operations of the use, square footage of buildings, unique characteristics of the property, and any other necessary information
- Application fee of \$250.00, by cash, check made payable to the City of Pearland, or credit card (Visa and MasterCard only)
- Site Plan or Plot Plan showing the proposed layout of the subject property, including any proposed buildings, parking, landscaped areas, detention ponds, fences, and any other relevant information
- Acknowledgement of the sign to be posted on the property 10 days prior to the public hearing
- Provide evidence or proof that all taxes and obligations have been paid regarding the subject property.
- Application packets that are not **complete** will not be accepted. **When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, it may be necessary to postpone the proposed CUP/Zone Change and remove it from the scheduled agenda and place it on a future agenda date according to Section 1.2.1.2. of the Unified Development Code.**

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD FEBRUARY 18, 2013, 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. 2013-05Z

A request of Christy Smidt (Kerry G. Gilbert & Assoc.), applicant and Beeman E. Strong (for the Settegast Family), owner, for approval of a zone change from the Planned Development (PD) zone to the General Business (GB) zone for 31.3165 acres on the following described property, to wit:

Legal Description: Being a 31.3165 acre (1,364,147 square foot) tract of land situated in the Thomas J. Green Survey, Abstract Number 198 in Brazoria County, Texas, and being out of and a part of the called 118.775 acre tract of land described in deed to Marion E. Settegast, et al as recorded in Volume 1421, Page 25 of the Brazoria County Deed Records, said 31.3165 acre tract of land.

General Location: Approximately 700' North of Broadway on Pearland Pkwy

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 FEBRUARY 18, 2013

Zone Change No. 2013-05Z

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General Location: Approximately 700' North of Broadway on Pearland Pkwy

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

Planning and Zoning Commission: February 18, 2013*

City Council for First Reading: March 11, 2013*

City Council for Second Reading: March 25, 2013*

(*dates subject to change)

CURRENT CASE: Christy Smidt, applicant, has applied for a zone change on behalf of Mr. Beeman Strong, representing the Settegast Family, owner, of 31.3165 acres of land located approximately 700' north of the northwest intersection of Broadway (FM 518) and Pearland Pkwy. The property in question is currently zoned Planned Development (PD) and contains land which is part of a Planned Development known as Pearland Commons which was approved by City Council in 2008. The applicant is requesting that the property be rezoned to General Business (GB).

The total acreage of the previously approved Pearland Commons Planned Development is approximately 53 acres. Approximately 22 of these acres were rezoned in 2011 to General Business for a proposed commercial development that included HEB grocery store.

The applicant is proposing a shopping center on the remaining 31 acre site which is intended to compliment the proposed development to the south. The development would abut the residential subdivision to the west and have parking in front along Pearland Parkway.

SITE HISTORY: Prior to the adoption of the Pearland Commons PD in March 2008, the entire site (all 53 acres) had three zoning designations: General Business (GB), and two residential zones, R-3 and R-2. The acreage for the GB zoned property, located at the northwest intersection of Broadway and Pearland Pkwy was approximately 20 acres. This is the site that was rezoned back to GB in 2011. The remaining acreage remained as PD and is now requesting a matching GB zone.

The GB zone was approved at the hard corner for a specific development (HEB grocery store) and had assurances in place from the developer that the project would be of a higher quality than would normally be required. The developer had also submitted a site plan at the time of zone change showing the layout of the proposed development. This adjoining 31 acre site is considered to be of similar importance to the city as was the 20 acre site at the hard corner. Unlike that zone change, this proposal lacks any specific site plan or specific uses and therefore any assurances of a higher quality development than would normally be required.

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	Single-Family Residential-2 (R-2)	Vacant
South	General Business (GB)	Commercial
East	Planned Development (PD) and General Commercial (GC)	Commercial, Single Family Residential
West	Single-Family Residential-2 (R-2) and Multi-Family (MF)	Single Family Subdivision, Multi-Family Units

CONFORMANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC): The subject property is currently zoned as Planned Development (PD).

PLATTING STATUS: The property has not been platted. Platting will be required prior to development of the land.

CONFORMANCE WITH THE COMPREHENSIVE PLAN: The current adopted Comprehensive Plan's Future Land Use Map indicates that approximately two thirds of the area should be offices, with the remainder being retail, offices, and services. Therefore, the designation of General Business (GB) being requested and some of the uses allowed in the GB zone would be not be consistent with the intent of the Comprehensive Plan for two thirds of the site.

CONFORMANCE WITH THE THOROUGHFARE PLAN: The subject property has frontage on Pearland Pkwy, a major thoroughfares with sufficient width for right-of-way of 120 feet.

AVAILABILITY OF UTILITIES: Public water and sewer are available for this site.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The proposed zone change, if approved, would allow all of the "Permitted By-Right" land uses in the City's Land Use Matrix for the General Business (GB) zoning district in the Unified Development Code to be developed on the property without any further zoning approval. Some of the more potentially invasive uses, if not designed in a complementary manner to nearby properties (especially abutting residential developments to the east and west), and with necessary safeguards to help mitigate any potentially negative impacts to the City's image at this location are listed below:

- Pool/Billiard Facility
- All-terrain vehicle sales
- Auto accessory and/or part sales
- Auto sales/Dealer
- Auto wash (full service) with no restrictions on location of bay doors
- Gasoline Station
- Credit Agency
- Bed and Breakfast
- Check Cashing Service
- Extended Stay Hotel/Motel
- Hotel
- Laundromat (self-service)
- Rehabilitation Care Facility (halfway house)
- Rehabilitation Care Institution (commercial)
- Cigars/Tobacco Shop
- Consignment Shop
- Convenience Store (with or without gasoline sales)
- Department Store
- Electronic Goods Store

- Food Store/Supermarket
- Furniture and/or appliance store
- Garden Shop & Outside Plant Sales
- Hardware Store
- Jewelry Store
- Medical Appliances & Sales
- Motion Picture Theater
- Outside Display
- Restaurant (with or without drive-thru service)
- Tavern
- Variety Store
- Video Rental
- Assisted Living Facility
- Auction House
- Child Day Care Center
- Hospital (for profit and non-profit)
- Nursing/Convalescent Home
- School (college/university, elementary, high school, junior high, other)
- Exterminator Service
- Machine Shop

This is not a complete list of allowed uses in the General Business (GB) zoning district. A complete list may be found in Chapter 2, Division 2, Section 2.5.2.1 of the Unified Development Code.

A straight GB zone change also could potentially have a negative impact on future connectivity with surrounding development including the adjoining commercial property to the south and the existing residential neighborhood to the west. A PD could allow for appropriate vehicular and pedestrian access to the adjoining residential neighborhood, alleviating some of the added traffic flow to Pearland Parkway.

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 and has not been provided with this application.

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

AGENT AUTHORIZATION: The Planning Department has on file documentation from the

Settegast family authorizing Beeman Strong to process this zone change application.

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 concerns with the current proposal:

1. This area is a major entry point and gateway into the city. This tract, located along Pearland Parkway, which serves as a major north south thoroughfare and an entry into the city, has opportunity to be developed in a manner that enhances the image of the City. Further, any development on this tract will be very visible and provides a great opportunity to provide an amenity/public gathering space for the east side, similar to the Town Center, but at a lesser scale. A zone change to GB will not provide any assurance as to the manner that the tract is developed. Staff is unsure how the development being proposed will result in higher levels of amenities; enhanced pedestrian connectivity; strong sense of place; meaningful public places with visual focal points, as a site plan is not required for a zone change application.
2. Property is open to all allowed uses in the GB zone, including those of concern that are listed above. Some of these uses may not be appropriate to be located in a scenic corridor that is also an entry way into the city.
3. Future access and connectivity to adjoining neighborhoods and commercial developments.
4. Unlike the adjoining GB zoned property where a specific development was proposed (the future HEB will be located at that location) and a site plan as presented to the City Council, this zone change lacks a specific site plan or any kind of assurances regarding specific uses and quality of development.
5. The recent rezoning of the 20 acre HEB parcel to the south in 2012, reverted that parcel to its original GB zone (prior to the PD being approved). However, this subject parcel was zoned residential (R-2 and R-3) before a PD was approved in 2008.

6. Development on this tract will sets the direction for the rest of the vacant land (approx. 80 acres) north of this subject parcel.

Therefore, based on the above information, if staff feels that a General Business (GB) zone is not appropriate for this site. With this in mind, a Planned Development may be a better option moving forward. The Unified Development Code states:

The purpose and intent of the PD district is to facilitate the design and implementation of retail development that is designed to aesthetically and harmoniously complement the adjacent residential and commercial areas.

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



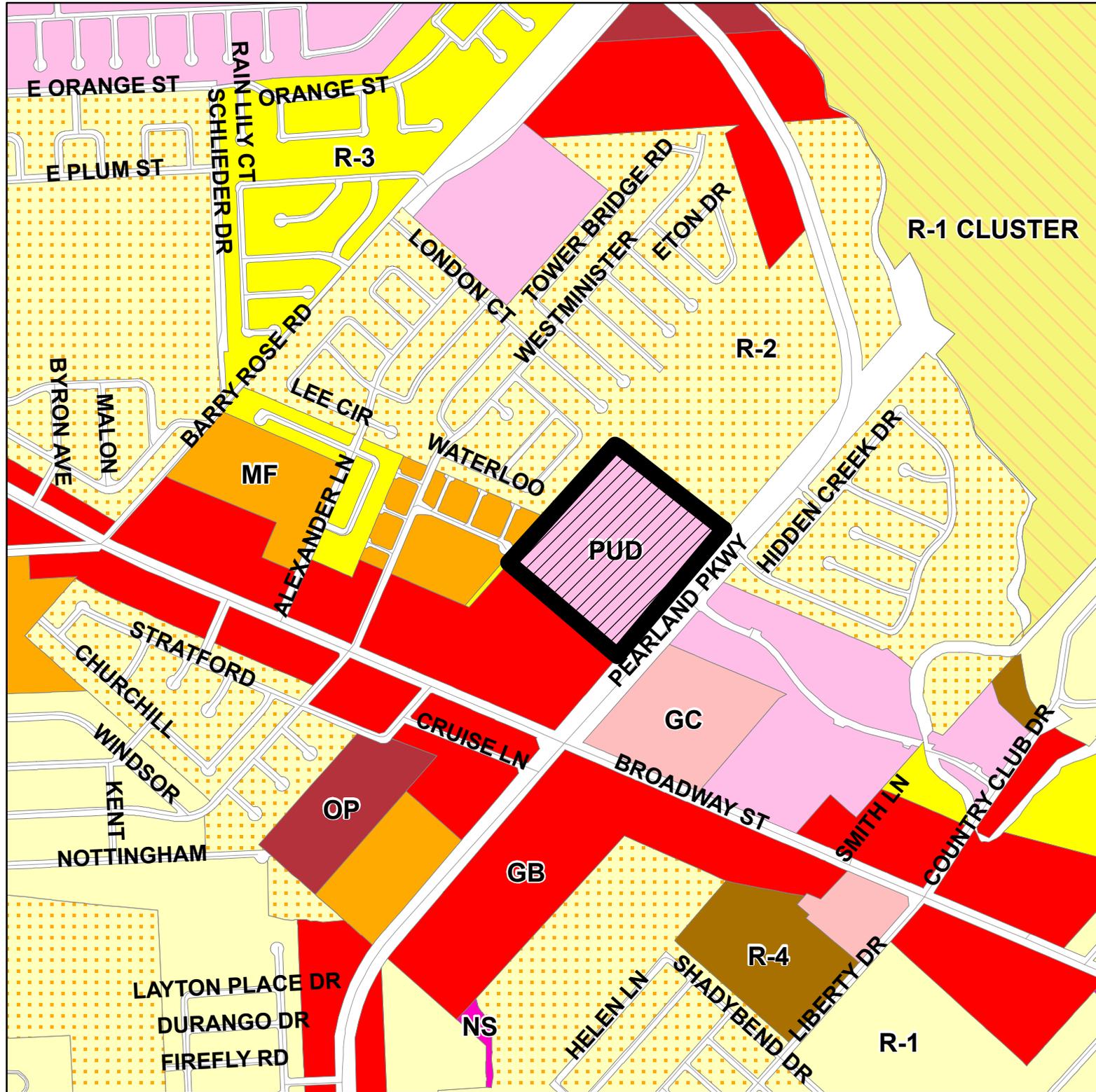
Vicinity and Zoning Map

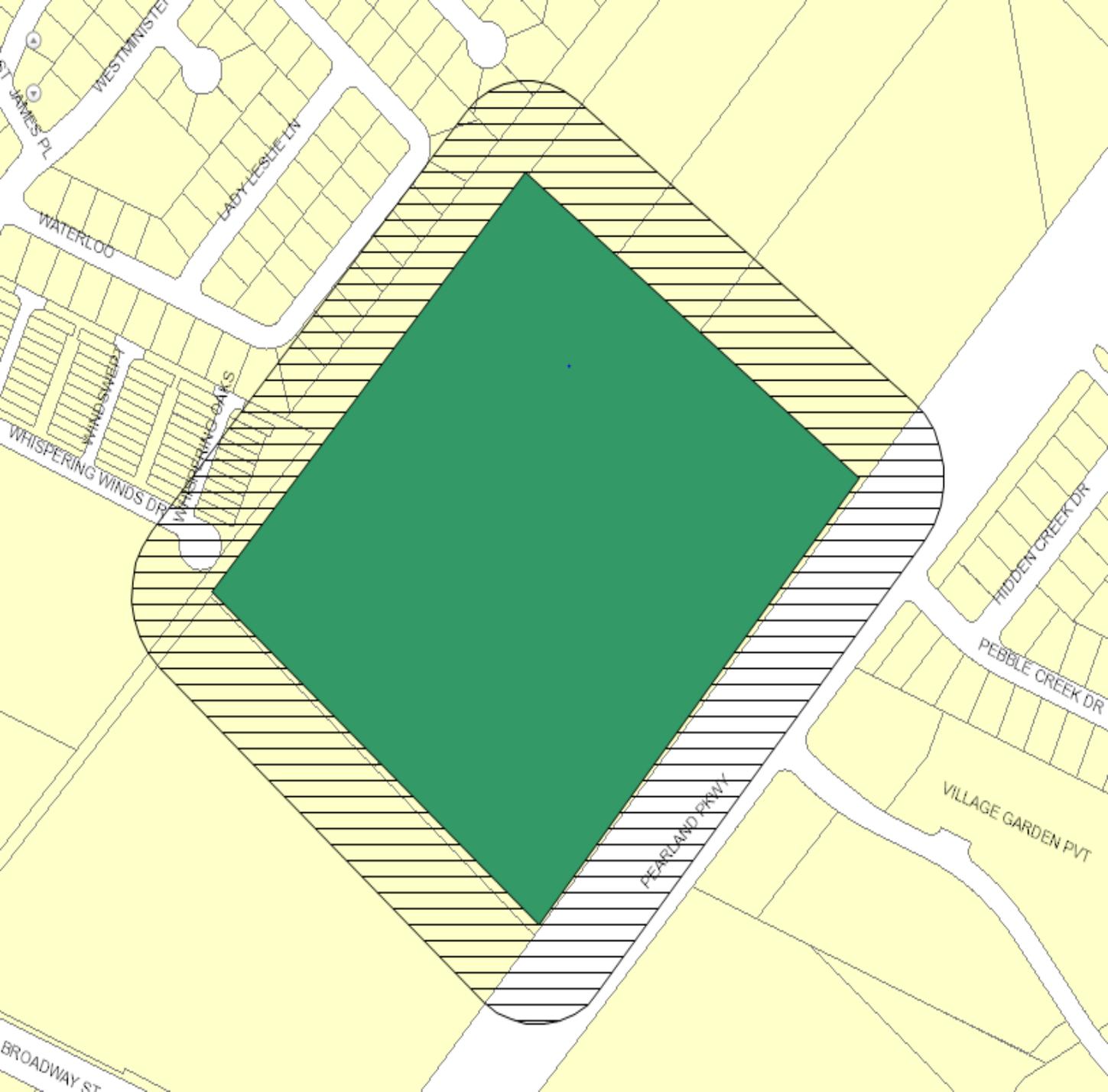
Zone Change 2013-05Z

Pearland Pkwy North of 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.

0 300 600 1,200 Feet





Abutter Map

Zone Change 3013-05Z

**Pearland Pkwy.
North of 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.

0 45 90 180 Feet
|-----|-----|-----|

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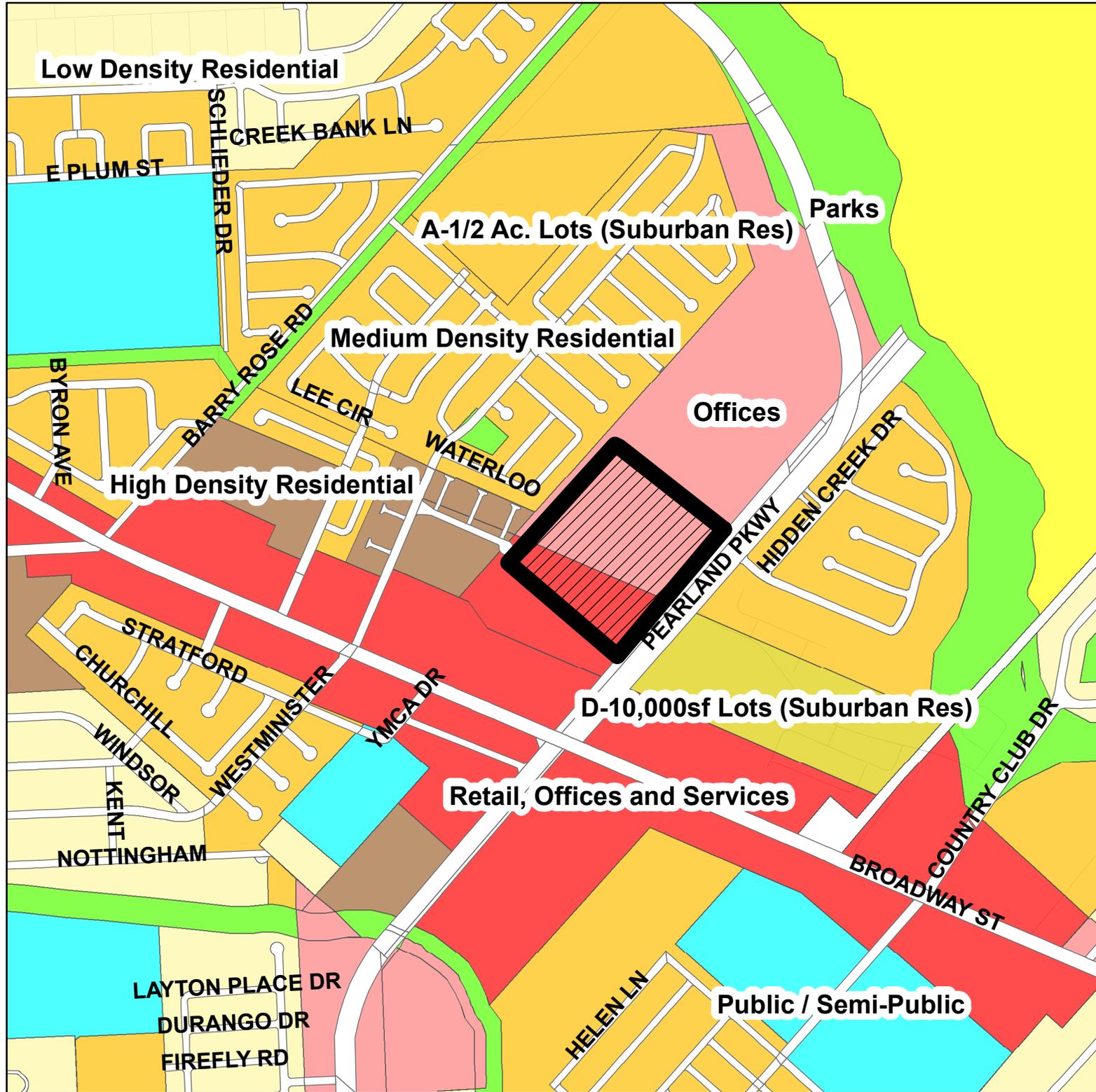


Zone Change 2013-05Z

31 Acres on Pearland Parkway - PD to GB

Name	Street Address
DRIS MOHAMED & Wafa Benachour	2926 Waterloo Rd
Dawson Steve & Debora	2924 Waterloo Rd
White Sonya K	2922 Waterloo Rd
Moeller Channing Theodore & Melissa	
Ann Cook	222 Settlers Haven Rd
Whispering Apartments LLC	% Claudia L Crocker 2301 S Capital of Texas Hwy
Roberts Deann M	2932 Waterloo Rd
Confidential	2930 Waterloo Rd
Johnson Deborah V	2928 Waterloo Rd
King Kimberly C	2901 London Ct
Huth Michael & Kristen Castillo	2904 London Ct
Confidential	2902 London Ct
Leal David	2940 Waterloo Rd
Mills Jason M	2938 Waterloo Rd
Lee-Jennings Kathleen Bernadette	2934 Waterloo Rd
Williams Matthew K	2836 Waterloo Rd

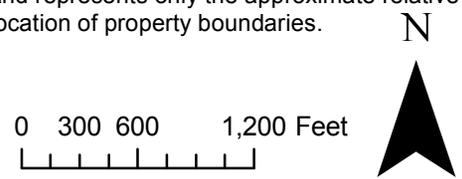
Unit	City	State	Zip
	PEARLAND	TX	77581
	PEARLAND	TX	77581-4542
	PEARLAND	TX	77581
	CLEVELAND	NC	27013
STE J102	AUSTIN	TX	78746-7706
	PEARLAND	TX	77581-4538
	PEARLAND	TX	77581-4538
	PEARLAND	TX	77581-4542
	PEARLAND	TX	77581-4533
	PEARLAND	TX	77581
	PEARLAND	TX	77581-4532
	PEARLAND	TX	77581-4538
	PEARLAND	TX	77581-4538
	PEARLAND	TX	77581-4538
	PEARLAND	TX	77581

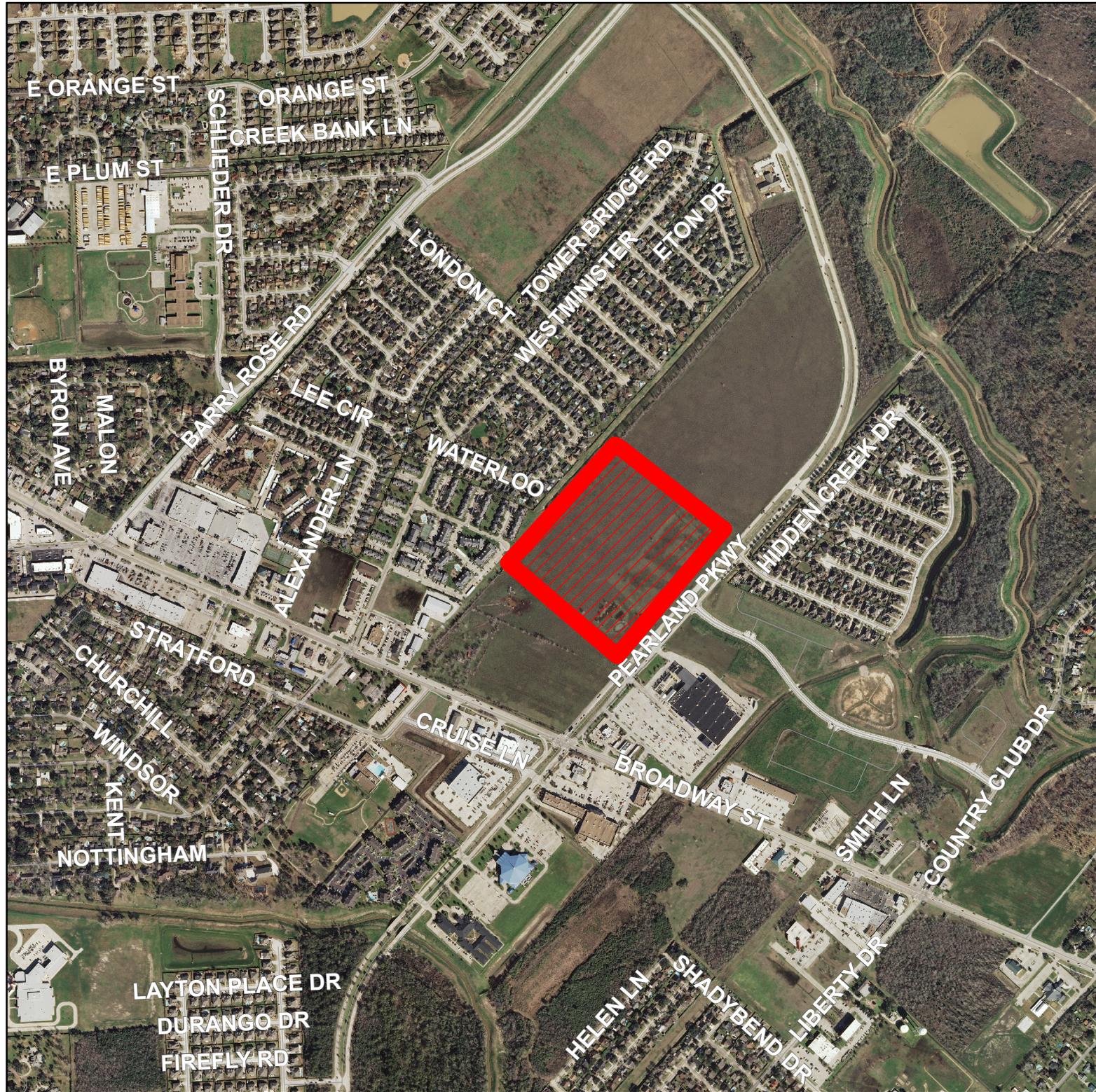


FLUP Map
Zone Change 2013-05Z

**Pearland Pkwy
North of 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.





Aerial Map

Zone Change 2013-05Z

**Pearland Pkwy
North of 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.

0 305 610 1,220 Feet





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: PD

Proposed Zoning District: GB

Property Information:

Address or General Location of Property: Pearland Parkway,
north of Fm 518

Tax Account No. 01980014140

Subdivision: _____ Lot: _____ Block: _____

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

PROPERTY OWNER INFORMATION:

APPLICANT/AGENT INFORMATION:

NAME Beeman E. Strong for the Settegast
ADDRESS 1300 Post Oak Blvd, Suite 150
CITY Houston STATE TX ZIP 77056
PHONE (713) 552-1110
FAX (713) 626-9110
E-MAIL ADDRESS bstrong@beemanstrong.com

NAME Christy Smidt Kerry R. Gilbert &
ADDRESS 23501 Cinco Ranch Blvd. #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: [Signature] for the Settegast
Family Date: 12/3/2012

Agent's/Applicant's Signature: [Signature] Date: 11/21/12

OFFICE USE ONLY:

FEES PAID: <u>\$ 825</u>	DATE PAID: <u>1/24/13</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>116672</u>
--------------------------	---------------------------	---------------------------------	-------------------------------

Application No. 2013-052

January 7, 2013

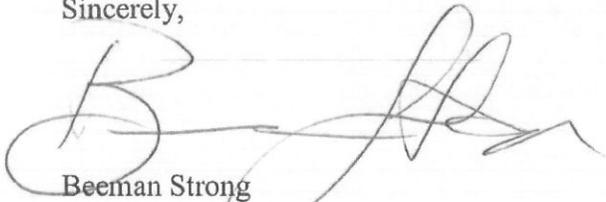
Harold Ellis, City Planner
The City of Pearland
Planning Department
3523 Liberty Drive
Pearland, Texas 77581

RE: Rezone application request – owner authorization

Dear Harold,

I, Beeman Strong, as representative for owners of 31.3165 acres of property located on Pearland Parkway near FM 518 (see Exhibit A & B) do authorize Kerry R. Gilbert & Assoc., Inc. to be our agent in our application to rezone the subject tract.

Sincerely,

A handwritten signature in black ink, appearing to read 'Beeman Strong', written over a large, stylized initial 'B'.

Beeman Strong
Beeman Strong & Co., Inc.

Exhibit B

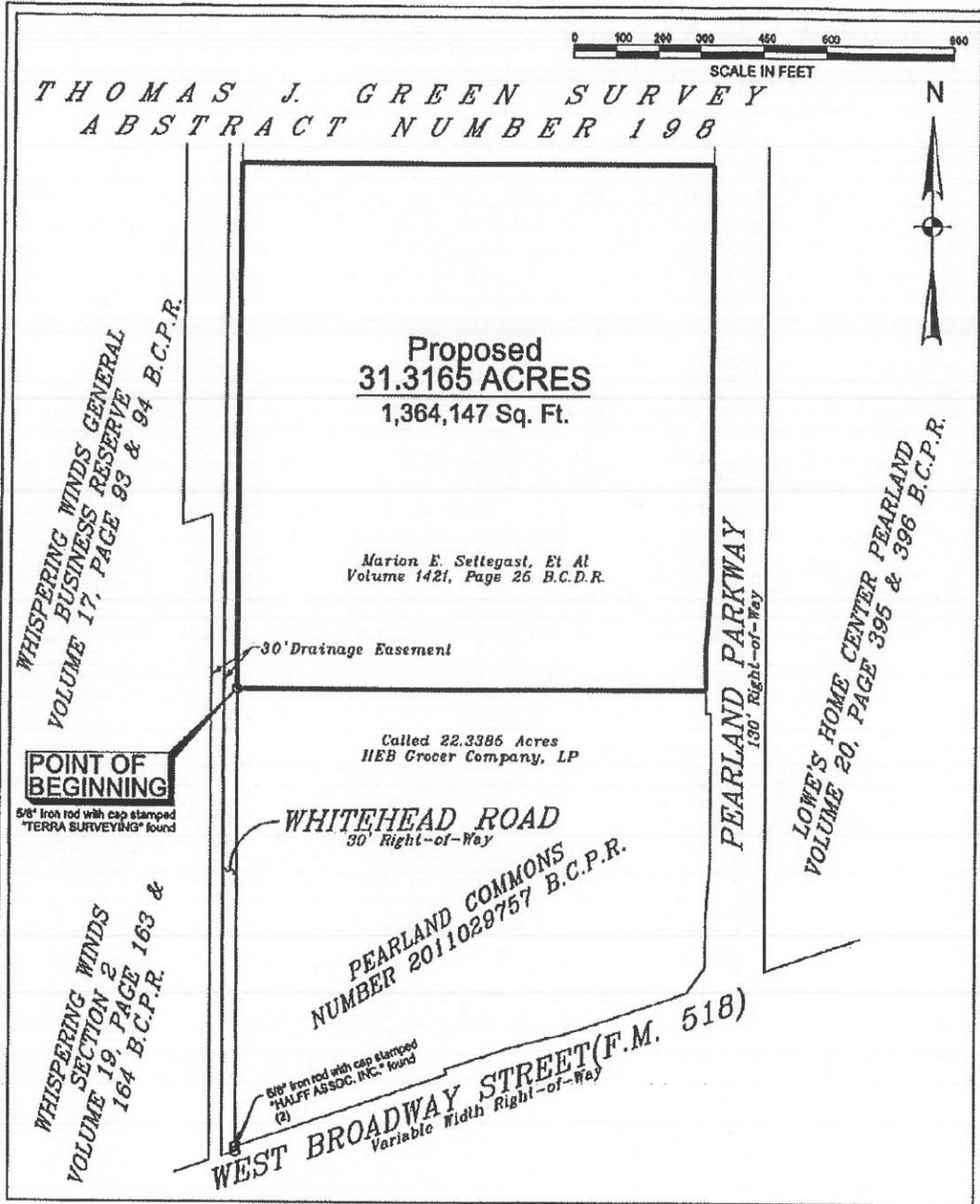


Exhibit A

LEGAL DESCRIPTION

BEING a 31.3165 acre (1,364,147 square foot) tract of land situated in the Thomas J. Green Survey, Abstract Number 198 in Brazoria County, Texas, and being out of and a part of the called 118.775 acre tract of land described in deed to Marion E. Settegast, et al as recorded in Volume 1421, Page 25 of the Brazoria County Deed Records, said 31.3165 acre tract of land being more particularly described as follows with bearings based on the Texas Coordinate System of 1983, South Central Zone:

BEGINNING at a 5/8 inch Iron rod with cap stamped "TERRA SURVEYING" found in the southwesterly right-of-way line of Whitehead Road (30 feet wide, unimproved) for the north corner of a 22.3385 acre tract of land described in deed to HEB Grocery Company, LP as recorded under Brazoria County Clerk's File Number 2011030072 and being the west corner of the herein described tract of land;

THENCE with the southwesterly right-of-way line of said Whitehead Road, North 41 degrees 52 minutes 28 seconds East, a distance of 1,219.88 feet to the north corner of the herein described tract of land;

THENCE departing the southwesterly right-of-way line of said Whitehead Road, South 48 degrees 04 minutes 19 seconds East, a distance of 1,120.58 feet to the northeasterly right-of-way line of Pearland Parkway (a variable width right-of-way) for the east corner of the herein described tract of land;

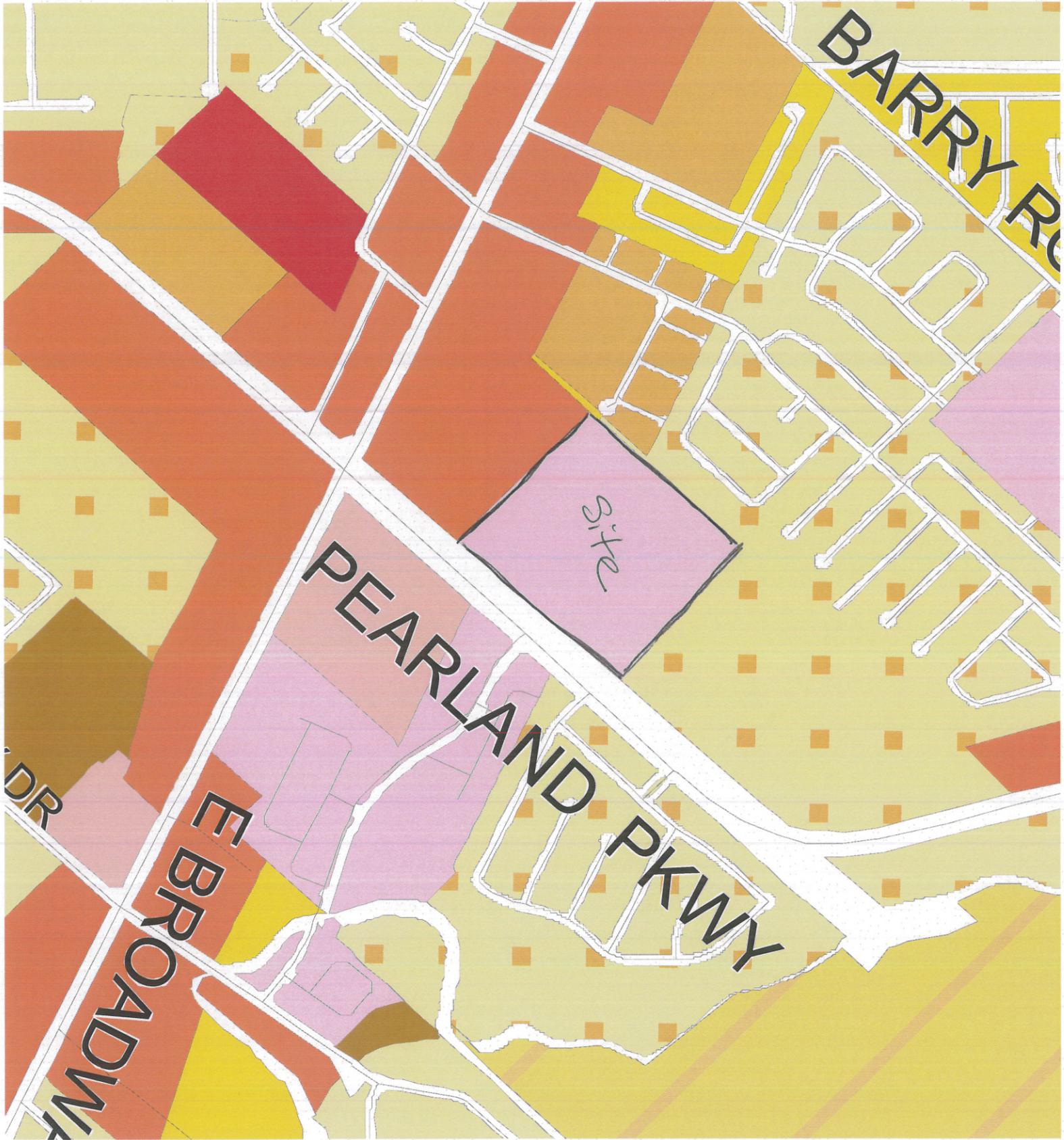
THENCE with the northeasterly right-of-way line of said Pearland Parkway the following courses and distances:

South 41 degree 55 minutes 41 seconds West, a distance of 968.20 feet to an angle point in the herein described tract of land;

South 46 degrees 30 minutes 07 seconds West, a distance of 150.48 feet to an angle point in the herein described tract of land;

South 41 degrees 55 minutes 41 seconds West, a distance of 101.67 feet to the east corner of the aforesaid 22.3385 acre tract of land and the south corner of the herein described tract of land;

THENCE departing the northeasterly right-of-way line of Pearland Parkway with the northerly line of said 22.3385 acre tract, North 48 degrees 04 minutes 19 seconds West, a distance of 1,107.43 feet to the **POINT OF BEGINNING** and containing 31.3165 acres (1,364,147 square feet) of land.



N ↗

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

January 17, 2013

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

RE: rezone application 31.3 acres on Pearland Parkway

Dear Harold,

On behalf of Stream Realty (developer) and The Settegast Family (owner), Kerry R. Gilbert & Assoc., Inc., submits to the City of Pearland a rezone application for 31.03 acres of land located on Pearland Parkway. Stream Realty intends to develop a commercial and retail center on this property and therefore, requests to rezone the property from PD to GB.

Please contact me if you require any further information to process this request.

Thank you,



Christy B. Smidt
Planner

cc: Ralph Tullier, Stream Realty

CITY OF PEARLAND
R E P R I N T

*** CUSTOMER RECEIPT ***

Oper: JCOTTER Type: OC Drawer: 1
Date: 1/28/13 01 Receipt no: 116672

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	\$825.00
Trans number:		3968852

N OF BROADWAY ON PEARLAND PRWY
KERRY R GILBERT AND ASSO
BEEMAN STRONG FOR THE
SETTEGAST FAMILY
PENGED REALTY LLC
2121 MID LN APT 347
HOUSTON

Tender detail		
CK CHECK	2019	\$825.00
Total tendered		\$825.00
Total payment		\$825.00

Trans date: 1/24/13 Time: 16:08:57

**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

Tuesday, December 18, 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 2012. 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: 01980014140

Address:
 SETTEGAST MARION E III
 13419 KINGSRIDE LN
 HOUSTON, TX 77079-3430

Property Site Address:
 FM 518

Legal Description:
 A0198 T J GREEN (PEARLAND) TRACT
 1E-2-2B-3-3A-4-4A-5 ACRES 97.9624,
 UNDIVIDED INTEREST 6.8300000000%

Current Tax Levy: \$14.79
Current Amount Due: \$0.00
Prior Year Amount Due: \$0.00
Total Amount Due: \$0.00

Last Payment Amount for Current Year Taxes: \$14.79

Active Lawsuits: None

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: \$318,229

Land Value: \$318,229

Improvement Value: \$0

Capped Value: \$0

Agricultural Value: \$535

Exemptions: None

Last Certified Date: 08/06/2012

[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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[Holiday Schedule](#)
[Job Postings](#)

[County Directory](#)
[Related Links](#)

[Commissioner's Court](#)
[Courthouse History](#)

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

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 ©1998-2006 Brazoria County

31.3 Acres
PD to GB

APPLICATION CHECKLIST FOR THE FOLLOWING

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

- Application, filled out completely, and signed by the owner of the property to be considered for the conditional use permit.
- If the applicant is the designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on his behalf. **Section 1.2.1.1 (a) of the Unified Development Code.**
- Metes and Bounds Description, (Survey, or a Plat of the property that provides or contains the metes and bounds description).
- Parcel map, printed from the City of Pearland website, indicating the location and boundaries of the subject property.
- Letter of Intent, explaining the zone change request in detail and why the zoning is being requested to be changed, and state the uses being proposed

*Letter of Intent is not required for a PD.

- Application fee, as determined below, by cash, check made payable to the City of Pearland, or credit card (Visa and MasterCard only)
 - **Zero (0) to less than 25 acres:**
 - \$ 750.00 plus \$25.00 per each type of zoning district requested; or
 - \$ 800.00 if requesting a Planned Development (PD)
 - **25 to less than 50 acres:**
 - \$ 800.00, plus \$25.00 per each type of zoning district requested; or
 - \$ 850.00 if requesting a Planned Development (PD)
 - **50 to less than 75 acres:**
 - \$ 850.00, plus \$25.00 per each type of zoning district requested; or
 - \$ 900.00 if requesting a Planned Development (PD)
 - **75 to less than 100 acres:**
 - \$ 900.00, plus \$25.00 per each type of zoning district requested; or
 - \$ 950.00 if requesting a Planned Development (PD)
 - **100 acres and above:**
 - \$ 950.00, plus \$25.00 per each type of zoning district requested; or
 - \$ 1000.00 if requesting a Planned Development (PD)

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

- Acknowledgement of the sign to be posted on the property 10 days prior to the public hearing.
- Provide evidence or proof that all taxes and obligations have been paid regarding the subject property.
- Application packets that are not **complete** will not be accepted. **When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, it may be necessary to postpone the proposed CUP/Zone Change and remove it from the scheduled agenda and place it on a future agenda date according to Section 1.2.1.2. of the Unified Development Code.**

Additional Information:

- Upon making an application for a zoning change or conditional use permit, the applicant shall place sign(s) as required. The City shall inspect such sign(s) to ensure compliance as required by the UDC.
- After the zoning change or conditional use permit request is approved by the City Council, denied by the City Council, or withdrawn by the applicant, the applicant shall remove the sign from the area of the request within ten (10) days of such event.
- It shall be unlawful for anyone to remove, destroy, deface or obstruct the view of a sign which gives notice that a zoning change or conditional use permit has been requested.
- In the event the applicant shall fail to erect and/or maintain signs in accordance with this section, then the public hearing before the Planning and Zoning Commission/City Council shall be postponed to a date in the future, which would allow time for compliance.
- The erection of any sign required by this section shall not require a permit under Section 4.1.2.6 of this UDC.
- The owner or applicant shall promptly notify the Planning Department of any sign required by this section, which becomes lost, stolen or vandalized. The Planning and Zoning Commission shall have the power to decide whether or not there has been substantial compliance with the posting requirements in the case of lost, stolen or vandalized signs.