

AGENDA

CITY OF PEARLAND PLANNING & ZONING COMMISSION

APRIL 15, 2013

6:30 p.m.

Henry Fuertes
P&Z CHAIRPERSON

Linda Cowles
P&Z VICE-CHAIRPERSON

COMMISSIONERS

Neil West

Ginger McFadden



Matthew Hanks

Mary Starr

Daniel Tunstall

In accordance with the Texas Open Meeting Act the Agenda is posted for public information, at all times, for at least 72 hours preceding the scheduled time of the meeting on the bulletin board located at the front entrance of the City Hall, 3519 Liberty Drive.

AGENDA – REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, APRIL 15, 2013, AT 6:30 P.M., 2nd Floor CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

II. APPROVAL OF MINUTES

Approve the Minutes of the April 1, 2013, p.m. P&Z Regular Meeting, held at 6:00 p.m.

III. EXCUSE ABSENCE

Excuse absence of Chairperson Henry Fuentes and Commissioner Ginger McFadden from the P&Z Regular Meeting of April 1, 2013.

IV. NEW BUSINESS

A. CONSIDERATION & POSSIBLE ACTION – CONDITIONAL USE PERMIT NO. CUP 2013-02

A the request of Esteban V. Rodriguez, applicant for Condor Auto Care Center, LLC., owner, for approval of a Conditional Use Permit to allow for Minor Auto Repair in the General Business (GB) zone, on property located at 7929 Broadway, more specifically described property, to wit:

Legal Description: Plat of survey of a 0.6984 acre tract being a part of lot “A” of Westgate Park a subdivision of 9.575 acres of land out of lots 47 and 48 of the Allison Richey Gulf Coast Home Company Subdivision of Section 19 of the H. T. & B. Railroad Company survey, Abstract 243, Brazoria County, Texas, according to the map or plat thereof recorded in Volume 16, page 320, of the plat records of Brazoria County, Texas

General Location: 7929 Broadway St., Pearland, TX

B. CONSIDERATION & POSSIBLE ACTION – CONDITIONAL USE PERMIT NO. CUP 2013-03

A request of Lyle Henkel, Terra Associates, applicant for HEB Grocery Co, LP – Todd Piland, owner, for approval of a Conditional Use Permit to allow for Auto Wash – Self Service in the General Business (GB) zone, on property located at the northwest corner of Broadway and Pearland Pkwy., more specifically described property:

Legal Description: Being a tract containing 22.7711 acres of land situated in the Thomas J, Green Survey, abstract Number 198, Brazoria County, Texas, and being out of and a portion of the called 118.755 acre tract as described in the deed to Marion E. Settegest, et al, recorded in Volume 1421, Page 25, of the Brazoria County Deed Records, Brazoria County, Texas.

General Location: Northwest corner of Broadway (FM 518) and Pearland Parkway

C. CONSIDERATION & POSSIBLE ACTION – ZONE CHANGE APPLICATION NO. 2013-06Z

A request of Richard Gonzalez applicant and owner, for approval of a zone change from the Single Family R-2 zone to the Neighborhood Services (NS) zone on the following described property, to wit:

Legal Description: Being a .460 acre tract of land out of the H.T. & B. R.R Company Survey, section 11, abstract 239, City of Pearland, Brazoria County, Texas.

General Location: 4608 Walnut St.

D. CONSIDERATION & POSSIBLE ACTION – ZONE CHANGE APPLICATION NO. 2013-07Z

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

Legal Description: Being a 30.7935 acre (1,341,365 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. Settegest, 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

E. CONSIDERATION & POSSIBLE ACTION – REPLAT OF LOT 2, BLOCK 1 OF KIRBY COMMONS

A request by Chris L. Hendrick, applicant, on behalf of 518 @ Kirby, LLC, owner for approval of a Partial Replat of Lot 2, Block 1 of Kirby Crossing. The site is

Decision
Date:
4/19/2013

located near the northwest corner of Kirby and Broadway on the following described property, to wit

Legal Description: A Subdivision of 1.333 acres in the T.C. & B.R.R. CO. Survey, section 3, Abstract No. 678, in the City of Pearland, Brazoria County, Texas.

General Location: Located at the northwest corner of Kirby Dr. and Broadway St.

F. CONSIDERATION & POSSIBLE ACTION – PRELIMINARY PLAT OF COVINGTON ESTATES

**Decision
Date:
4/19/2013**

A request by John English of Rekha Engineering, Inc., applicant and R. West Development, Inc., owner, for approval of the Preliminary Plat of Covington Estates, a 20 lot subdivision on a 9.64 acre tract of land, generally located at 2014 Hillhouse Road.

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

G. CONSIDERATION & POSSIBLE ACTION – WAIVER OF DECISION OF FINAL PLAT OF PRESERVE OF HIGHLAND GLEN SECTION 2

A request by Rene Rodriguez, from LJA Engineering, applicant, on behalf of Beazer Homes Texas, LP, owner, for approval of a Waiver of Decision on a Final Plat of Preserve at Highland Glen, Sec. 2, a 143 lot single-family residential subdivision, to wit

Legal Description: Being 36.5 acres of land located in the Derril H.M. Hunter Survey, Abstract 36, Harris County, Texas, more particularly being a portion of a called 56.233 acre tract conveyed to Beazer Homes Texas, L.P., by an instrument of record in File No. 20110092185, Official Public Records of Said Harris County, Texas (H.C.O.P.R.R.P.), being a portion of a called 61.217 acre tract conveyed to Beazer Homes Texas, L.P., by an instrument of record in File No. 20110092165, H.C.O.P.R.R.P., an undivided one-half (1/2) interest in said 56.233 acres and said 61.217 acres conveyed to Lennar Homes of Texas Land and Construction, Ltd by instrument of record in File No. 20110407994, H.C.O.P.R.R.P.

General Location: A half mile northeast of the intersection of Hughes Road and Pearland Parkway.

H. CONSIDERATION & POSSIBLE ACTION – FINAL PLAT OF PRESERVE OF HIGHLAND GLEN SECTION 2

**Decision
Date:
4/19/2013**

A request by Rene Rodriguez, from LJA Engineering, applicant, on behalf of Beazer Homes Texas, LP, owner, for approval of a Final Plat of Preserve at Highland Glen, Sec. 2, a 143 lot single-family residential subdivision, to wit

Legal Description: Being 36.5 acres of land located in the Derril H.M. Hunter Survey, Abstract 36, Harris County, Texas, more particularly being a portion of a called 56.233 acre tract conveyed to Beazer Homes Texas, L.P., by an instrument of record in File No. 20110092185, Official Public Records of Said Harris County, Texas (H.C.O.P.R.R.P.), being a portion of a called 61.217 acre tract conveyed to Beazer Homes Texas, L.P., by an instrument of record in File No. 20110092165, H.C.O.P.R.R.P., an undivided one-half (1/2) interest in said 56.233 acres and said 61.217 acres conveyed to Lennar Homes of Texas Land and Construction, Ltd by instrument of record in File No. 20110407994, H.C.O.P.R.R.P.

General Location: A half mile northeast of the intersection of Hughes Road and Pearland Parkway.

I. CONSIDERATION & POSSIBLE ACTION – PRELIMINARY PLAT OF BUSINESS CENTER PLANNED DEVELOPMENT TRACTS C-3 AND C-4

A request by Eric D. Johnson, P.E. from IDS Engineering Group, applicant, on behalf of Joe Moody, owner, for approval of a Preliminary Development Plat of Business Center Planned Development Tracts C-3 and C-4.

Legal Description: Being 3.35 acres of land, in the H.T. & B.R.R. Co. Survey, A-300, Brazoria County, Texas, being a portion of the 30.583 acre tract described in the deed from Compass Bank to Parkside 59/288, Ltd. Recorded under Document No. 2011012491, in the Official Public Records of Brazoria County, Texas.

General Location: Northwest corner of Business Center Drive and County Road 59.

J. DISCUSSION ITEMS

1. Commissioners Activity Report
2. Next P&Z/Workshop (Cluster Development) – May 06, 2013
3. Next Joint Public Hearing – May 20, 2013

V. ADJOURNMENT

This site is accessible to disabled individuals. For special assistance, please call Young Lorfing at 281-652-1655 prior to the meeting so that appropriate arrangements can be made.

I, Debbie Cody, Administrative Clerk of the City of Pearland, Texas, do hereby certify that the foregoing agenda was posted in a place convenient to the general public at City Hall on the 12th day of April, 2013, A.D., at 5:30 p.m.

Debbie Cody, Administrative Clerk

Agenda removed _____ day of April 2013.

APPROVAL

OF

MINUTES

MINUTES OF THE REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, APRIL 1, 2013, AT 6:00 P.M., CITY COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

CALL TO ORDER

P&Z Vice-Chairperson Linda Cowles called the meeting to order at 6:04 p.m. with the following present:

P&Z Vice-Chairperson Linda Cowles
P&Z Commissioner Neil West
P&Z Commissioner Matthew Hanks
P&Z Commissioner Daniel Tunstall
P&Z Commissioner Mary Starr

Also in attendance were: Director of Community Development Lata Krishnarao, Assistant City Manager Mike Hodge, Planner II Ian Clowes, Assistant City Attorney Nghiem Doan, Assistant City Engineer Richard Mancilla, and Administrative Clerk Debbie Cody.

NEW BUSINESS

CONSIDERATION & POSSIBLE ACTION – PRELIMINARY PLAT OF SOUTHERN TRAILS SECTION THIRTEEN

A request by Christy Smidt of Kerry Gilberts and Associates, applicant, on behalf of CL Ashton Woods, LP, owner, for approval of a Preliminary Plat of Southern Trails Section 13, a 36 lot single-family residential subdivision, to wit

Legal Description: Being 8.1 acres of land out of the H.T. & B. R.R. Company Survey, Sec. 80, A-564, City of Pearland, Brazoria County Texas, also being out of Allison-Richey Gulf Coast Home Company Subdivision as recorded in Volume 2, Page 98 B.C.P.R.

General Location: Approximately 500' south of the southeast corner of the intersection of Kingsley and Walnut Place Ln

Planner II Ian Clowes stated that the Planned Unit Development (PUD) of this subdivision was approved on February 23, 2004 and the item being presented is Section Thirteen of that PUD, which is the southernmost section. There were no outstanding items that staff asked as a condition of approval.

Motion was made by Commissioner Daniel Tunstall to approve the aforementioned item and it was seconded by Commissioner Matthew Hanks.

The vote was 5-0 approving the preliminary plat of Southern Trails Section Thirteen.

CONSIDERATION & POSSIBLE ACTION – PRELIMINARY PLAT OF SOUTHLAKE SECTION THREE

A request by Rene Rodriguez, from LJA, applicant, on behalf of 518 SCR, LTD, owner, for approval of a Preliminary Plat of Southlake Section Three, a 41 lot single-family residential subdivision, to wit

Legal Description: A subdivision of 14.485 acres of land located in the H.T. & B.R.R. Co. Survey, Sec. 84, Abstract Number 538, City of Pearland, Brazoria County, Texas, being a portion of that certain called 315.292 acre tract of land conveyed to 518SCR, LTD. By instrument of record in File No. 2011089118, Official Public Records, Fort Bend County, Texas (F.B.C.O.P.R.) and in Document No. 2011036869, Official Public Records, Brazoria County, Texas (B.C.O.P.R.).

General Location: Approximately three quarters of a mile south of the intersection of Broadway and Shelton Ridge Lane.

A motion was made by Commissioner Daniel Tunstall to approve and seconded by Commissioner Mary Starr.

Planner II Ian Clowes presented the staff report explaining that this is part of the Shadow Creek addendum which was approved in 2006 and is comprised of approximately 453 acres of which 300 or so are Southlake. One of the conditions of approval is that a portion of the trail system, which is required for this section, be completed or a bond in place prior to submittal of final plat. The second condition is finalization and recordation of the plat for Shelton Ridge Lane Phase 2 prior to submission of final plat. There was a request to have the trail system moved in order to eliminate need for a bridge. Commissioner Tunstall expressed concern having not seen the Shadow Creek Ranch Planned Unit Development (PUD) and was not comfortable ruling on a plat within that PUD without having confirmation of its requirements. Questions ensued regarding the width of the lots and also easement in relation to the trail on the west side of the property. Warren Escovy of LJA Engineering was present and answered various questions posed by the Commission. Community Development Director Lata Krishnarao explained that the staff was comfortable with the intent of the applicant to replace the amenity, that being the trail, and just change the location, still providing the connectivity. She further explained that had this been a major amendment to the PUD, the staff would have brought back the Master Plat to the Commission. The criteria used to determine the level of the change was asking what amenities were required, what would be the purpose of the amenity and does the change meet that intent. By increasing the length of the trail and just changing the location, the staff felt the intention was justified. She emphasized that if the Commission thought this was a major change, the staff could bring back the Master Plat before the Commission.

The motion was amended as an approval upon meeting the aforementioned conditions expressed by staff. Commissioner Mary Starr made the motion and it was seconded by Commissioner Matthew Hanks.

The vote was 4-1 approving the preliminary plat of Southlake Section Three with the dissenting vote from Commissioner Daniel Tunstall.

CONSIDERATION & POSSIBLE ACTION – PRELIMINARY PLAT OF SOUTHLAKE SECTION FOUR

A request by Rene Rodriguez, from LJA, applicant, on behalf of 518 SCR, LTD, owner, for approval of a Preliminary Plat of Southlake Section Four, a 52 lot single-family residential subdivision, to wit

Legal Description: A subdivision of 13.177 acres of land located in the H.T. & B.R.R. Co. Survey, Sec. 84, Abstract Number 538, City of Pearland, Brazoria County, Texas, being a portion of that certain called 315.292 acre tract of land conveyed to 518SCR, LTD. By instrument of record in File No. 2011089118, Official Public Records, Fort Bend County, Texas (F.B.C.O.P.R.) and in Document No. 2011036869, Official Public Records, Brazoria County, Texas (B.C.O.P.R.).

General Location: Approximately three quarters of a mile south of the intersection of Broadway and Shelton Ridge Lane.

A motion was made by Commissioner Matthew Hanks to approve with the conditions indicated by staff of the preliminary plat of Southlake Section Four and seconded by Commissioner Mary Starr.

Planner II Ian Clowes presented the staff report, illustrating the maps of future land use. He indicated the plat did meet all requirements however there were two conditions for approval, that being:

1. Prior to submittal of a final plat, the plat of Shelton Ridge Lane Phase 2 must be finalized and recorded.
2. Required trail for this section must be completed or a bond be put in place prior to submittal of final plat.

There were questions from Vice-Chairperson Linda Cowles regarding Reserve A and Reserve B and open space. Warren Escovy from LJA Engineering explained that it is restricted to drainage on the north end of Reserve B and the south end of Reserve A. He stated there would also be some open space.

Vice-Chairperson Cowles called for a vote. The vote was 4-1 for approval with the dissenting vote from Commissioner Daniel Tunstall.

DISCUSSION ITEMS

1. Commissioners Activity Report – Commissioner Daniel Tunstall mentioned a discussion with Chairperson Henry Fuentes regarding getting a copy of the Shadow Creek Ranch Planned Development (PD) and it was determined that the electronic file would be sent to the entire Commission. Commissioner Tunstall asked if we had a current status of Shadow Creek Ranch build-outs as far as number of dwellings completed. Director of Community Development Lata Krishnarao stated that we could get those numbers for him.
2. Next P&Z Workshop (Cluster Development) – May 6, 2013 – Community Development Director Krishnarao explained that the intent of the workshop would be to finalize the draft cluster plan.
3. APA National Conference – Vice-Chairperson Cowles questioned whether there would be a quorum for April 15th meeting since 3 commissioners would be at this conference and Planner II Clowes highlighted the items that would be on the upcoming Joint Public Hearing on April 15th, that being two zone changes and two Conditional Use Permits.
4. Next JPH/P&Z Regular Meeting – April 15, 2013 – Administrative Clerk Debbie Cody mentioned that the Commission had been polled as to who would attend this meeting to confirm if there would be a quorum and the four remaining commissioners (those not attending the National Conference) responded affirmatively.

ADJOURNMENT

P&Z Vice-Chairperson Linda Cowles adjourned the P&Z Regular Meeting at 6:52 p.m.

These minutes are respectfully submitted by:

Debbie Cody, Administrative Clerk

Minutes approved as submitted and/or corrected on this 15th day of April 2013, A.D.

P&Z Chairperson Henry Fuentes

EXCUSE ABSENCE

NEW BUSINESS

**P&Z AGENDA
ITEM**

A



JOINT PUBLIC HEARING AGENDA ITEM MEETING OF APRIL 15, 2013

Conditional Use Permit No. CUP 2013-02

A the request of Esteban V. Rodriguez, applicant for Condor Auto Care Center, LLC., owner, for approval of a Conditional Use Permit to allow for Minor Auto Repair in the General Business (GB) zone, on property located at 7929 Broadway, more specifically described property, to wit:

Legal Description: Plat of survey of a 0.6984 acre tract being a part of lot "A" of Westgate Park a subdivision of 9.575 acres of land out of lots 47 and 48 of the Allison Richey Gulf Coast Home Company Subdivision of Section 19 of the H. T. & B. Railroad Company survey, Abstract 243, Brazoria County, Texas, according to the map or plat thereof recorded in Volume 16, page 320, of the plat records of Brazoria County, Texas

General Location: 7929 Broadway St., Pearland, TX

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

Planning and Zoning Commission:	April 15, 2013*
City Council for First Reading:	May 13, 2013*
City Council for Second Reading:	May 13, 2013*

(*dates subject to change)

SUMMARY: Esteban V. Rodriguez, applicant, is requesting approval of a Conditional Use Permit (CUP) to allow the operation of a Minor Auto Repair Facility at the above referenced location. The site is currently zoned General Business (GB) and there are not currently any business operations ongoing on the site. The most recent commercial use on the site was an auto sales lot which is no longer in operation. The property has an existing residential home structure on site; however the structure is not being used as a home and is currently vacant.

The property owner is proposing to redevelop the site to be used as a Minor Auto Repair facility. The City's Unified Development Code does allow a Minor Auto Repair Facility in the General Business (GB) zone with the approval of a CUP. A previous CUP for the same proposed use on this site had been approved in January of 2012. That CUP was never acted on by the applicant so has now expired. The applicant is now ready to proceed with the opening of his business and is seeking the approval of a new CUP.

If the CUP is approved, the site plan process will commence with the Planning and Building departments. A Pre-development meeting was held between staff and the property owner to discuss the City's current regulations for development which will be required to be met for this property when redeveloped.

SURROUNDING ZONING AND LAND USES:

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

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

	<u>General Business</u>	<u>Existing Site</u>
Lot Size:	22,500 sq ft	~30,690 sq ft
Lot Width:	150'	111.90'
Lot Depth:	125'	236.50'
Front Setback:	25'	130'
Rear Setback:	25'	39'
Side Setback:	10'	4'/10'

At the time of development, all aspects of the Unified Development Code (UDC) will be required to be met.

PLATTING STATUS: The property is currently platted as Westgate Park.

CONFORMANCE WITH THE COMPREHENSIVE PLAN: The current Comprehensive Plan (latest update in 2009) indicates *Business Commercial* for the subject property. The proposed use, a Minor Auto Repair Facility, is a permitted use in the General Business zoning district with the approval of a CUP. Furthermore, as the subject property is currently

zoned General Business (GB), and that zoning district is a correlating zoning district in the City's Comprehensive Plan for a Business Commercial, the zoning is 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.

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

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The proposed redevelopment of this site is not anticipated to have any negative impacts on existing surrounding or future developments. The traffic impact of the proposed development will be reviewed by the City's Engineering Department at the time of formal site plan submittal.

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 use was submitted with the CUP application. This plan appears to meet the City's Corridor Overlay District regulations. A complete review will occur at time of formal site plan submittal.

PUBLIC NOTIFICATION: Public notice, comment forms, and a vicinity map were mailed to property owners within 200 feet of the subject property under consideration for the CUP. 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 CUP request.

CRITERIA FOR APPROVAL: When considering an application for a CUP, 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 CUP 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.

The proposed facility will have automotive repair bays as an integral part of the use. Being that Broadway is within the Corridor Overlay District, staff feels that a condition should be in place that prevents the repair bays from facing or opening up onto Broadway St.

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

STAFF RECOMMENDATION: Staff recommends approval of the CUP No. 2013-02 to allow the operation of a Minor Auto Repair Facility in the General Business (GB) 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 CUP.
3. The proposed request is in conformance with the criteria of approval of a CUP listed in the Unified Development Code.
4. The proposed request would result in redevelopment of a currently non-occupied residential home in a commercial zoning district.

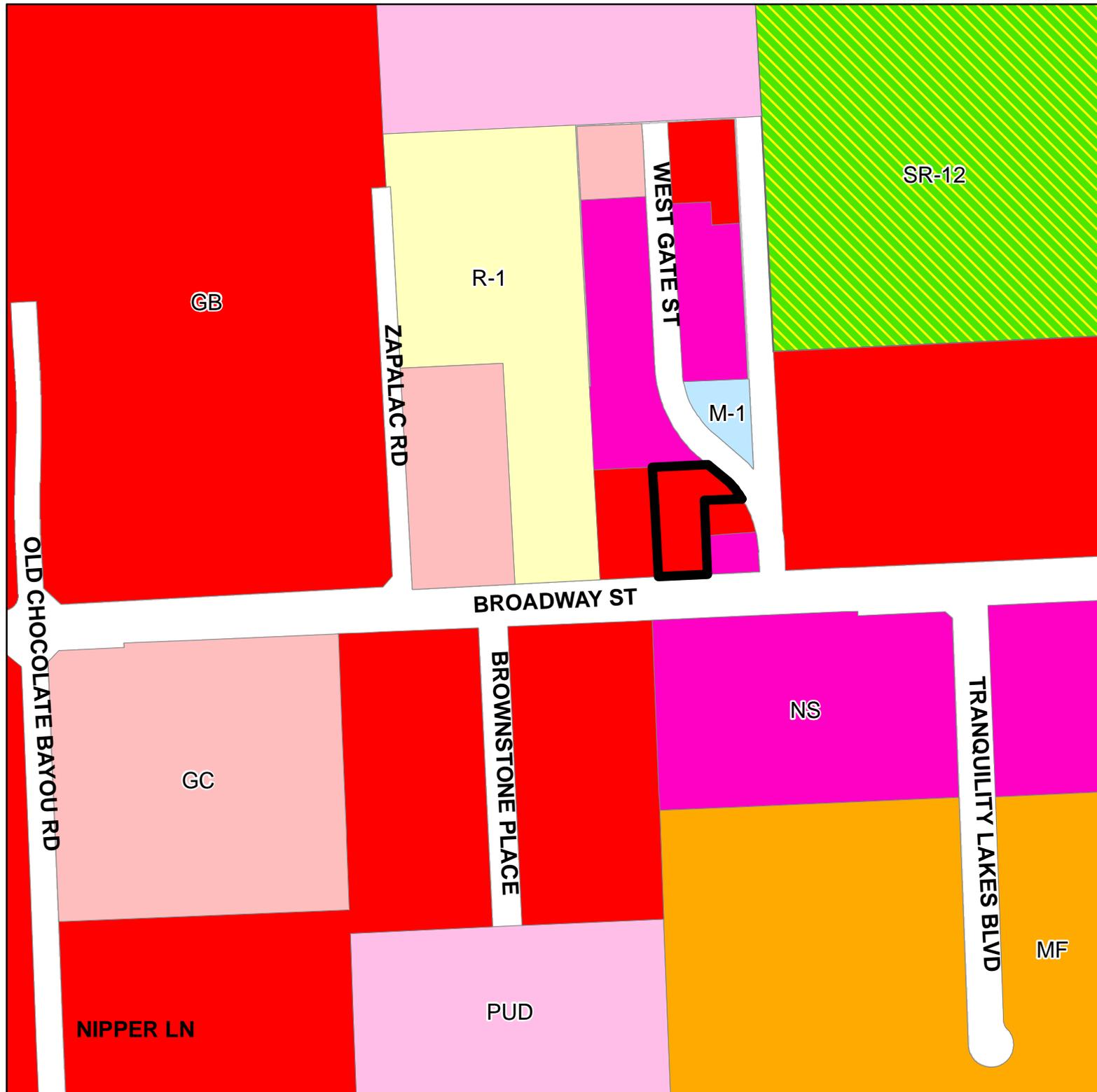
5. The proposed request would enhance the property from its current state, particularly with the recommended condition of approval, listed below.

Condition:

1. Repair bays shall not be permitted to open up to or face onto Broadway St.

SUPPORTING DOCUMENTS:

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



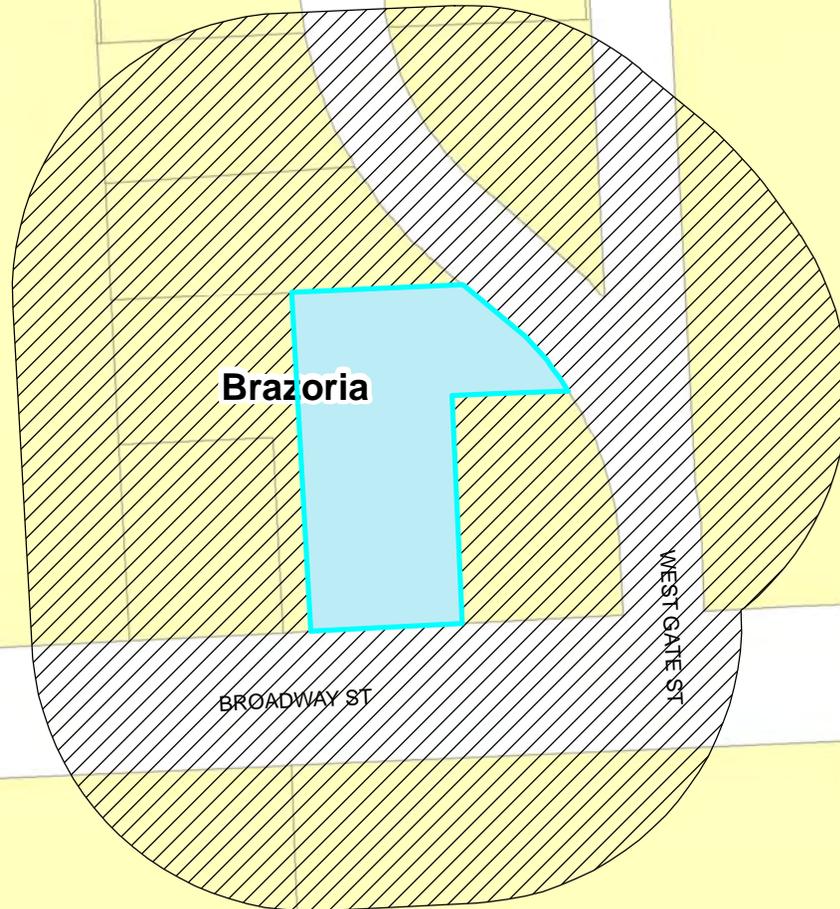
Vicinity and Zoning Map

CUP 2013-02

7929 Broadway St.

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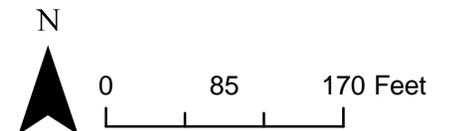




Abutter Map

CUP 2013-02

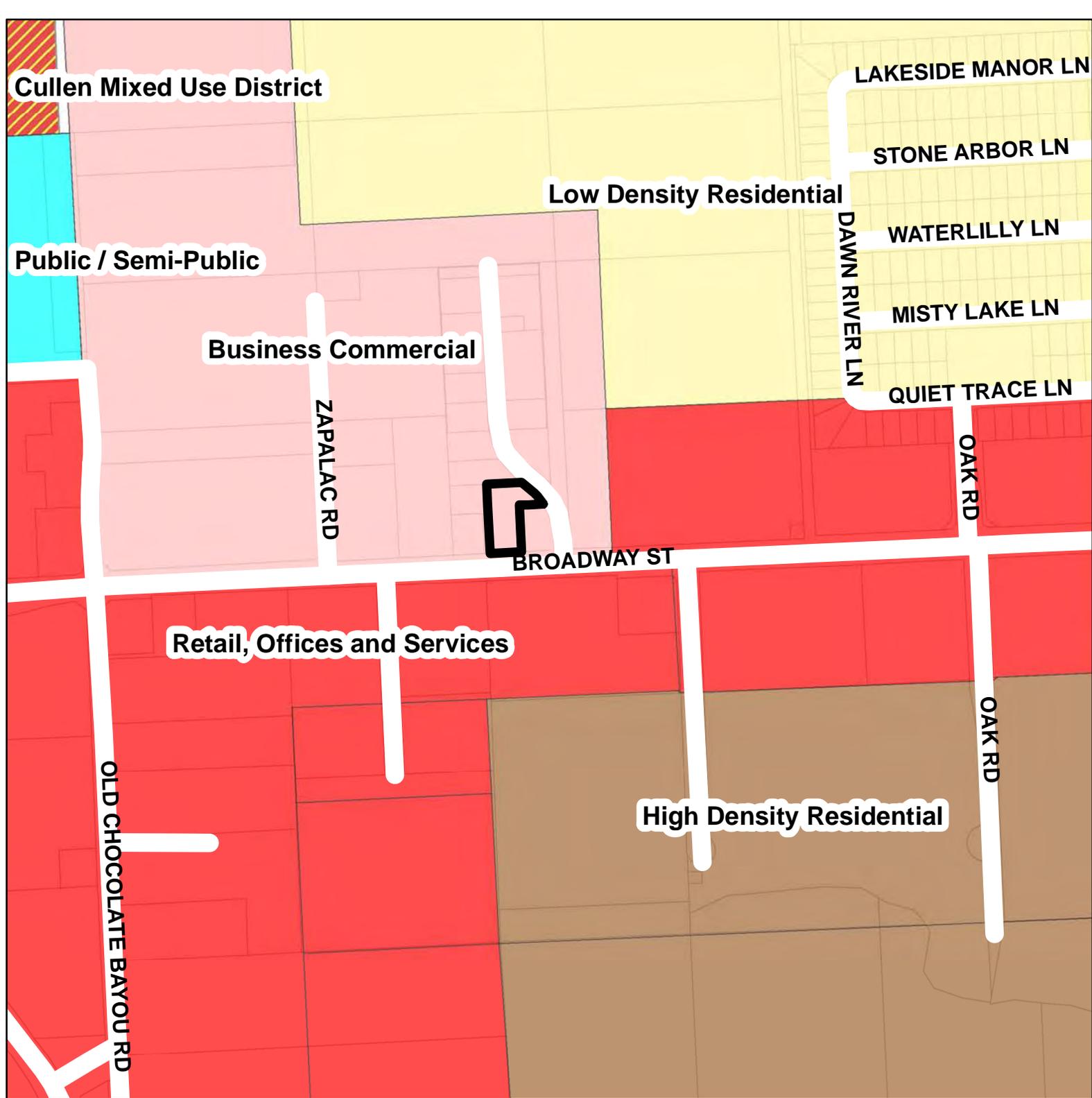
7929 Broadway St.



CUP 2013-02

7929 Broadway Minor Auto Repair in GB

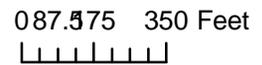
Owner	Address	City	State	Zip
GARNER FARRELL B & DONNA S	PO BOX 84205	PEARLAND	TX	77584-0017
TAPUZ LTD	PO BOX 22957	HOUSTON	TX	77227-2957
HRBACEK EMIL J	8013 BROADWAY ST	PEARLAND	TX	77581-7760
O DAY & O DAY - ASTRO PLUMBING	PO BOX 149	PEARLAND	TX	77588-0149
BURNS ROBERT	PO BOX 580591	HOUSTON	TX	77258-0591
CORTE LOUIS A	PO BOX 854	PEARLAND	TX	77588-0854
RODRIGUEZ ANA E & ESTEBAN V	PO BOX 84110	PEARLAND	TX	77584-0018
LEBON CHARLES	3681 LYON SPRINGS RD	SEVIERVILLE	TN	37862-8257
MORENO EMMA E	7937 BROADWAY ST	PEARLAND	TX	77581-7784
HUGHES-WEST INVESTMENTS LTD	7918 BROADWAY ST, STE 106	PEARLAND	TX	77581-7930



FLUP Map

CUP 2013-02

7929 Broadway St.





WEST GATE ST

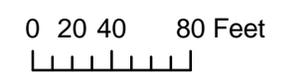
BROADWAY ST



Aerial Map

CUP 2013-02

7929 Broadway St.





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: MINOR AUTO REPAIR
(list proposed use from the Table of Uses of the UDC)

Current Zoning District: GB

Property Information:

Address or General Location of Property: 7929 BROADWAY
PEARLAND, TEXAS 77581

Tax Account No. 8228-0001-120

Subdivision: WEST GATE PARK Lot: A3 Block: _____

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

PROPERTY OWNER INFORMATION:

NAME CONDOR AUTO CARE CENTER, LLC
ADDRESS 7929 BROADWAY STREET
CITY PEARLAND STATE Tx ZIP 77581
PHONE (832) 276-3709
FAX (866) 867-7396
E-MAIL ADDRESS er1@medicalplussupplies.com

APPLICANT/AGENT INFORMATION:

NAME ESTEBAN V. RODRIGUEZ
ADDRESS P.O. BOX 84110
CITY PEARLAND STATE Tx ZIP 77584
PHONE (832) 276-3709
FAX (866) 276-3709
E-MAIL ADDRESS er1@medicalplussupplies.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: E Rodriguez Date: 03/12/2013

Agent's/
Applicant's Signature: E Rodriguez Date: 03/12/2013

OFFICE USE ONLY:

FEES PAID: <u>\$250.00</u>	DATE PAID: <u>3/11/13</u>	RECEIVED BY: <u>IC</u>	RECEIPT NUMBER: <u>162109</u>
----------------------------	---------------------------	------------------------	-------------------------------

Application No. 2013-02



PROPERTY ADDRESS: 7929 BROADWAY STREET PEARLAND, Texas 77581

DATE: 2/8/2012

FIELD WORK DATE: 2/7/2012

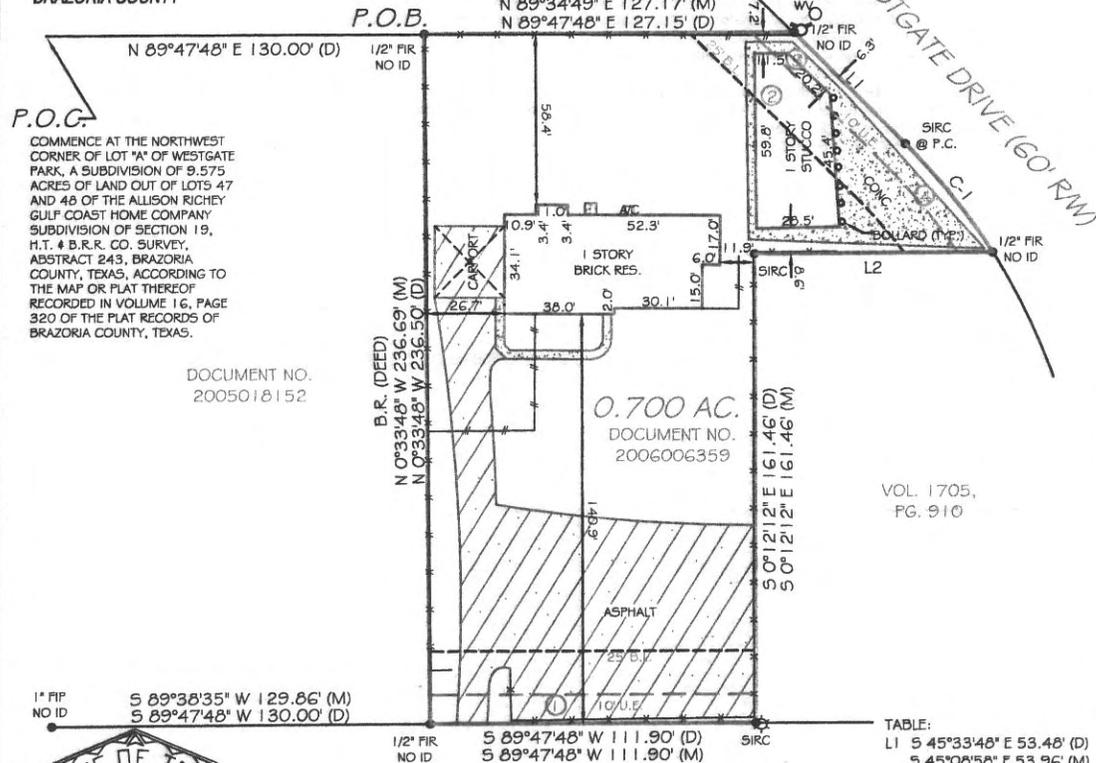
REVISION DATE(S): (rev.1 2/9/2012)

LOT B

NOTE:
FENCE OWNERSHIP NOT DETERMINED
A METES AND BOUNDS DESCRIPTION IS INCLUDED WITH THIS SURVEY

TX 1202.0355
BOUNDARY SURVEY
BRAZORIA COUNTY

WESTGATE PARK SUBDIVISION
(VOL. 16, PG. 320 & 321, P.R.B.C.T.)



P.O.C.
COMMENCE AT THE NORTHWEST CORNER OF LOT "A" OF WESTGATE PARK, A SUBDIVISION OF 9.575 ACRES OF LAND OUT OF LOTS 47 AND 48 OF THE ALLISON RICHEY GULF COAST HOME COMPANY SUBDIVISION OF SECTION 19, H.T. & B.R. CO. SURVEY, ABSTRACT 243, BRAZORIA COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 16, PAGE 320 OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS.

DOCUMENT NO.
2005018152

0.700 AC.
DOCUMENT NO.
2006006359

VOL. 1705,
PG. 910

TABLE:

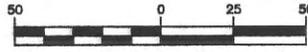
L1	S 45°33'48" E 53.48' (D)
	S 45°08'58" E 53.96' (M)
L2	S 89°47'48" W 82.09' (D)
	S 89°30'49" W 81.83' (M)
C-1	
R	= 211.42'(P#M)
L	= 48.26'(P) 47.78'(M)
Δ	= 13°04'43"(P) 12°56'55"(M)
	S 39°01'26" E, 48.16'(P)
	S 39°05'15" E, 47.68'(M)



I HEREBY CERTIFY THAT THIS PLAT REPRESENTS THE RESULTS OF A SURVEY MADE ON THE GROUND ON THE 7TH DAY OF FEBRUARY 2012.

James P. Walkowiak

NOTES:
1.) SUBJECT TO APPLICABLE RESTRICTIVE COVENANTS LISTED IN ITEM NO. 1, SCHEDULE "B" OF THE TITLE COMMITMENT ISSUED BY STEWART TITLE COMPANY UNDER G.F. NO. 1103931914.



GRAPHIC SCALE (In Feet)
1 inch = 50' ft.



Use of This Survey for Purposes other than Intended, Without Written Verification, will be at the User's Sole Risk and Without Liability to the Surveyor. Nothing herein shall be Construed to Give ANY Rights or Benefits to Anyone Other than those Certified.

POINTS OF INTEREST: 1. ASPHALT OVER 10' U.E. 2. BUILDING OVER 25' B.L. 3. BUILDING OVER 10' U.E. 4. CONCRETE OVER 10' U.E.

LEGAL DESCRIPTION:
SEE EXHIBIT A

CERTIFIED TO:
Condor Auto Care Center, LLC; STEWART TITLE; JPMORGAN CHASE BANK, N.A.

CLIENT NUMBER: 1103931914

SURVEY # 1215

BUYER: Condor Auto Care Center, LLC

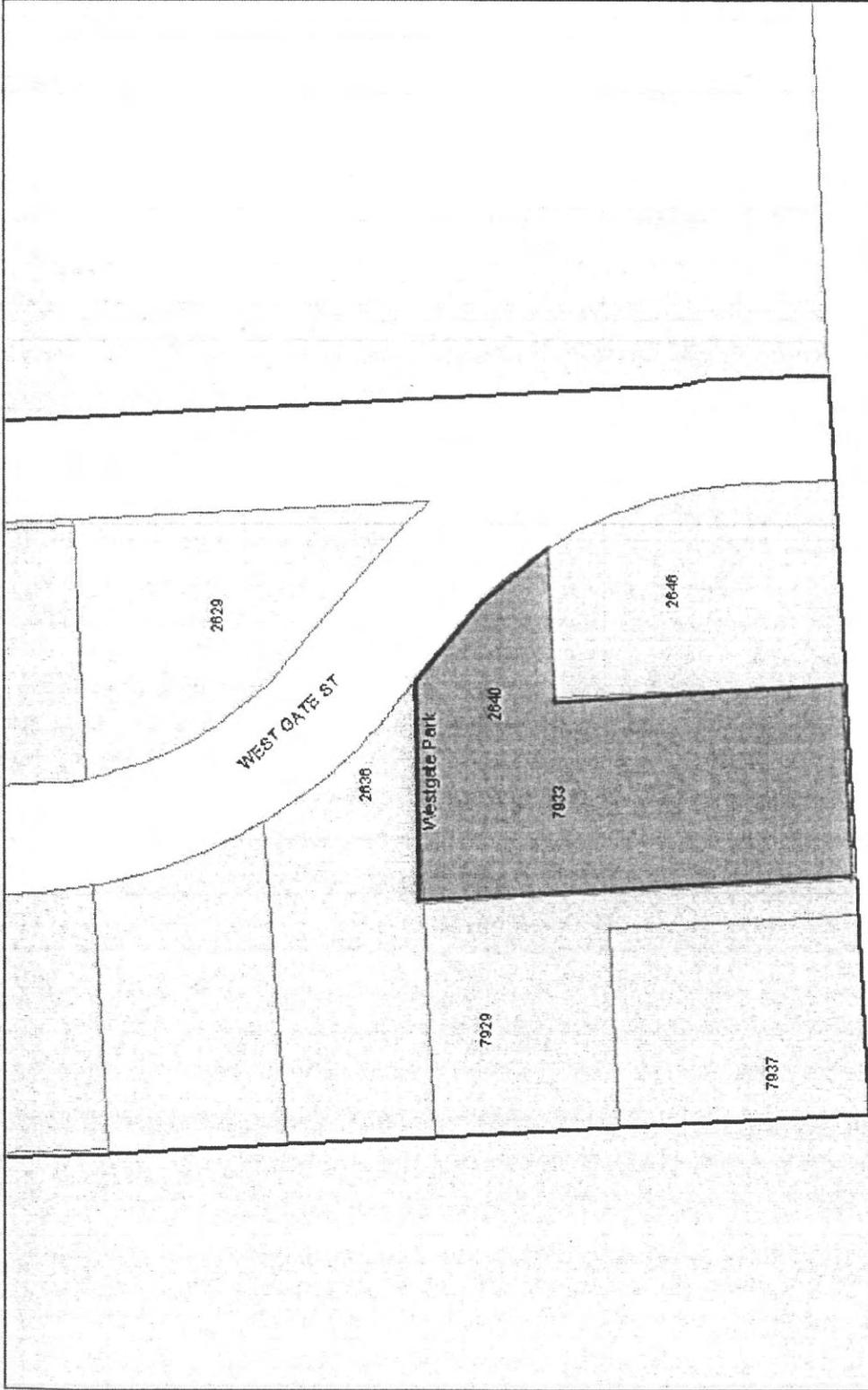
COMMUNITY NUMBER: 485458
PANEL: 0040
SUFFIX: 1

F.I.R.M. DATE: 09/22/99
ZONE: X

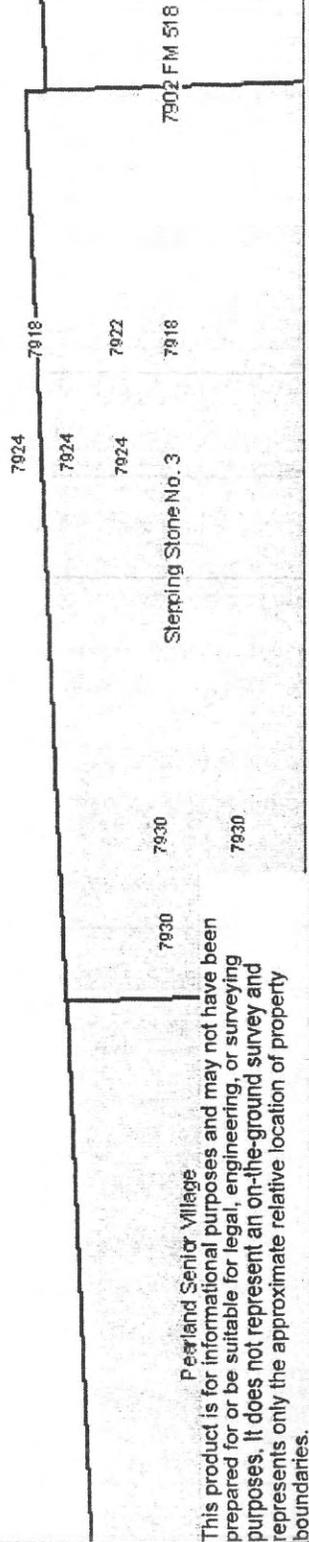
EXACTA
Texas Surveyors, Inc. 5300 North Braeswood, #4-311, Houston, TX 77096
www.exacta365.com
P (281) 763-7766 • F (281) 763-7767

survey VM
P: 440.488.3834
www.surveyVM.com

7929 Broadway



BROADWAY ST



Peerland Senior Village

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

Scale 1:1,087
1 in = 91 ft

Condor Auto Center LLC

P.O.Box 841357

Pearland TX 77584

(281) 495-8913



Pearland, March 12, 2013

City of Pearland
Planning Department
3523 Liberty Drive
Pearland, Texas 77581

RE: 7929 Broadway, Pearland TX
Conditional Use Permit (CUP) Application

To Whom It May Concern:

Condor Auto Care Center LLC, owner of the property located at the address mentioned above. The reason for this letter is to request approval for the Conditional Use Permit on this property for a new project Condor Auto Care Center is planning. This procedure is necessary to allow this property to comply with the land use dedicated by the City of Pearland for new commercial projects in the GP land use zone. The following is a detail description of the proposed project on this property:

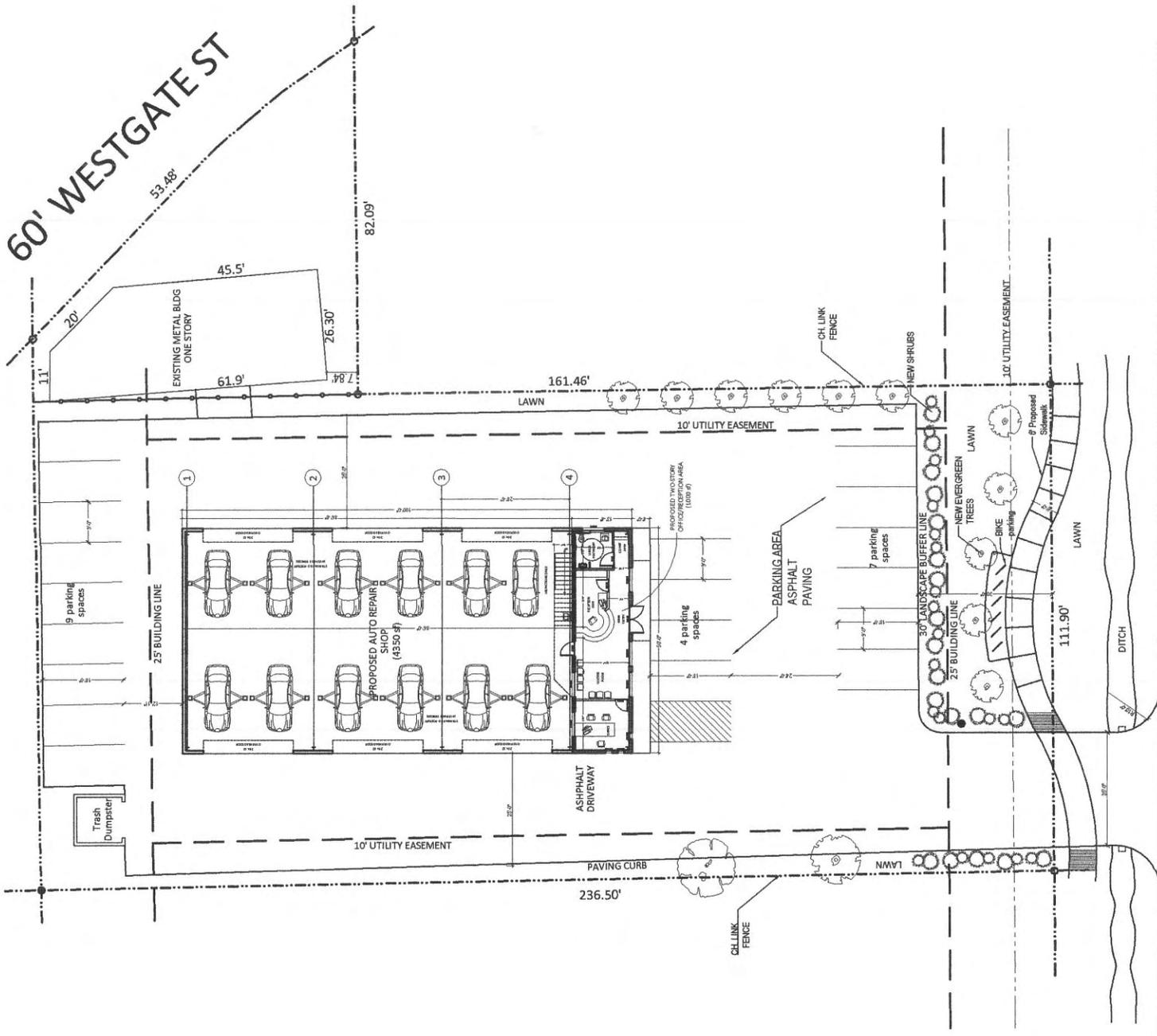
Current Condition: At the moment on this property there is an existing 2400 sf one-store single family residence which is in poor condition and requires a remodel. The house is not occupied at the moment. In the past, this property has functioned as a Car Dealership which is the current occupancy permit. The house has been used as business office and the front parking to display cars.

Proposed Project: Condor Auto Care Center currently rent a building for minor auto repair, on 6905 Broadway in Pearland, TX. This business is growing and Condor Auto Care Center needs to move out, and instead of looking for a new place to rent, Condor would like to develop this property and stop paying rent. The vision Condor has for the property mentioned above is to convert, retrofit and expand the existing house into a new Auto Repair / Mechanic Shop building. The building will have approximately a total of 5000 sf to accommodate 12 open working bays with car lifts & front/back access doors. There will be an office space for staff as well as a reception /waiting area. The main use and services offered for this auto repair building will be the ones described under the Development Code Land Use Matrix as: Minor Auto Repair. The hours of operation will be Monday-Saturday from 8:00am-5:00pm. Our architectural vision for the proposed design is to provide a nice contemporary look front facing Broadway. This will not look like the typical 'metal-building shop', instead. It will look like a modern auto repair center. Please refer to preliminary drawings to see the intended concept.

Should you have any questions concerning this project, please do not hesitate to contact me.

Sincerely,

Condor Auto Care Center LLC
Esteban Rodriguez
Member



SQUARE FOOTAGE	
4350 sf	Proposed Shop Area
1000 sf	Proposed Office/Reception
5350 sf	Total Proposed Areas

100' WIDE F.M. 518 (7929 BROADWAY)



DUPLICATE TAX RECEIPT



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

Certified Owner:

CONDOR AUTO CARE CENTER
7929 BROADWAY
PEARLAND, TX 77584

Legal Description:

WESTGATE PARK (A0243 H T & B R R 19),
LOT A3, ACRES 0.698

Parcel Address: 7929 BROADWAY ST
Legal Acres: 0.6980

Remit Seq No: 22610814
Receipt Date: 01/25/2013
Deposit Date: 01/28/2013
Print Date: 03/11/2013
Printed By: PEAR1

Deposit No: 212511034610
Validation No: 244
Account No: **8228-0001-120**
Operator Code: LATOYA

Year	Tax Unit Name	Tax Value	Tax Rate	Levy Paid	P&I	Coll Fee Paid	Total
2012	Brazoria County	234,110	0.425860	996.98	0.00	0.00	996.98
2012	Special Road & Bridge	234,110	0.060000	140.47	0.00	0.00	140.47
2012	Pearland Isd	234,110	1.419400	3,322.96	0.00	0.00	3,322.96
2012	Brazoria Drainage Dist 4	234,110	0.156000	365.21	0.00	0.00	365.21
2012	City Of Pearland	234,110	0.705100	1,650.71	0.00	0.00	1,650.71
				\$6,476.33	\$0.00	\$0.00	\$6,476.33

Check Number(s):
00003934

PAYMENT TYPE:

Checks: \$6,476.33 ---<

Exemptions on this property:

Total Applied: \$6,476.33

Change Paid: \$0.00

ACCOUNT PAID IN FULL

PAYER:
CONDOR AUTO CARE CENTER
7929 BROADWAY
PEARLAND, TX 77584

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

**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.**

**P&Z AGENDA
ITEM**

B



JOINT PUBLIC HEARING AGENDA ITEM MEETING OF APRIL 15, 2013

Conditional Use Permit No. CUP 2013-03

A request of Lyle Henkel, Terra Associates, applicant for HEB Grocery Co, LP – Todd Piland, owner, for approval of a Conditional Use Permit to allow for Auto Wash – Self Service in the General Business (GB) zone, on property located at the northwest corner of Broadway and Pearland Pkwy., more specifically described property:

Legal Description: Being a tract containing 22.7711 acres of land situated in the Thomas J, Green Survey, abstract Number 198, Brazoria County, Texas, and being out of and a portion of the called 118.755 acre tract as described in the deed to Marion E. Sattegest, et al, recorded in Volume 1421, Page 25, of the Brazoria County Deed Records, Brazoria County, Texas.

General Location: 6301 Broadway Street

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

Planning and Zoning Commission:	April 15, 2013*
City Council for First Reading:	May 13, 2013*
City Council for Second Reading:	May 13, 2013*

(*dates subject to change if item is tabled)

SUMMARY: The applicant is requesting a Conditional Use Permit to build an Auto Wash (Self-Service) on the subject parcel. The property is currently zoned General Business (GB), which permits the proposed use with the approval of a CUP.

Auto Wash (Self-Service) is defined as follows in the Unified Development Code (UDC):

Washing, waxing or cleaning of automobiles or light duty trucks where the owner of the vehicle causes the vehicle to become washed. One type of unattended car wash facility utilizes automated self-service (drive-through/rollover) wash bays and apparatus in which the vehicle owner inserts money or tokens into a machine, drives the vehicle into the car wash bay, and waits in the vehicle while it is being washed. The other type

of unattended facility is comprised of a wand-type self-service(open) wash bays in which the vehicle owner drives the vehicle into the wash bay, gets out of the vehicle, and hand washes the vehicle with a wand-type apparatus by depositing coins or tokens into a machine.

The access to the facility is proposed from Pearland Pkwy. Preliminary Site plan drawings show the tunnel openings face Broadway while the more articulated primary façade faces Pearland Pkwy.

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	Planned Development (PD)	Vacant
South	General Business (GB)	Commercial
East	General Commercial (GC)	Commercial
West	General Business (GB)	Commercial

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The subject property is currently zoned General Business (GB). The overall parcel is 22.82 acres and meets the minimum size for the GB zone. The property will be required to meet all current requirements of the Unified Development Code for the proposed use.

PLATTING STATUS: The property has been platted as Pearland Commons.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan recommends *Retail, Offices, and Services* for the subject property and the surrounding properties. The Comprehensive Plan further indicates that the appropriate zoning districts are General Business (GB), and Office Professional (OP). The existing zoning and the proposed use with an approved CUP are in compliance with the Comprehensive Plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Broadway and Pearland Pkwy., both major thoroughfares with sufficient width for right-of-way of 120 feet. There are not any dedications required for Broadway or Pearland Pkwy. The proposed Conditional Use Permit is in conformance with the Thoroughfare Plan.

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

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The applicant is requesting approval of a Conditional Use Permit that would allow auto Wash to be built as part of an overall shopping development. It is not anticipated at this time that the proposed use

will have any major impacts on the surrounding development. The auto wash will be located as part of a fuel station which is already a permitted use in the GB zone.

Staff recommends a condition of approval that would not permit the auto wash bay to face Pearland Pkwy. As the proposed location is much closer to Pearland Parkway than Broadway, turning the bay opening away from Pearland Parkway will minimize the visual effect that the proposed use may have on Pearland Parkway.

ADDITIONAL COMMENTS: This request has been reviewed by the City's Development Review Committee (DRC) and there are no additional or outstanding comments from other departments.

SITE PLAN CONSIDERATIONS: A site plan was submitted with the application. The plan shows the auto wash being located near the Pearland Parkway frontage with the bays facing toward Broadway.

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 sign advertising the proposed Conditional Use Permit 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 Conditional Use Permit request at this time.

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit No. CUP 2013-03 as proposed by the applicant for the following reasons and the following condition:

1. The proposed Conditional Use Permit should not have any significant negative impact on the surrounding properties and developments.
2. The proposed Conditional Use Permit is in conformance with the current land use plan.
3. This proposed Conditional Use Permit is compatible with the neighboring properties zoning classification

CONDITIONS:

1. Auto wash bays may not open up to or face onto Pearland Parkway.

SUPPORTING DOCUMENTS:

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



Zoning and Vicinity Map

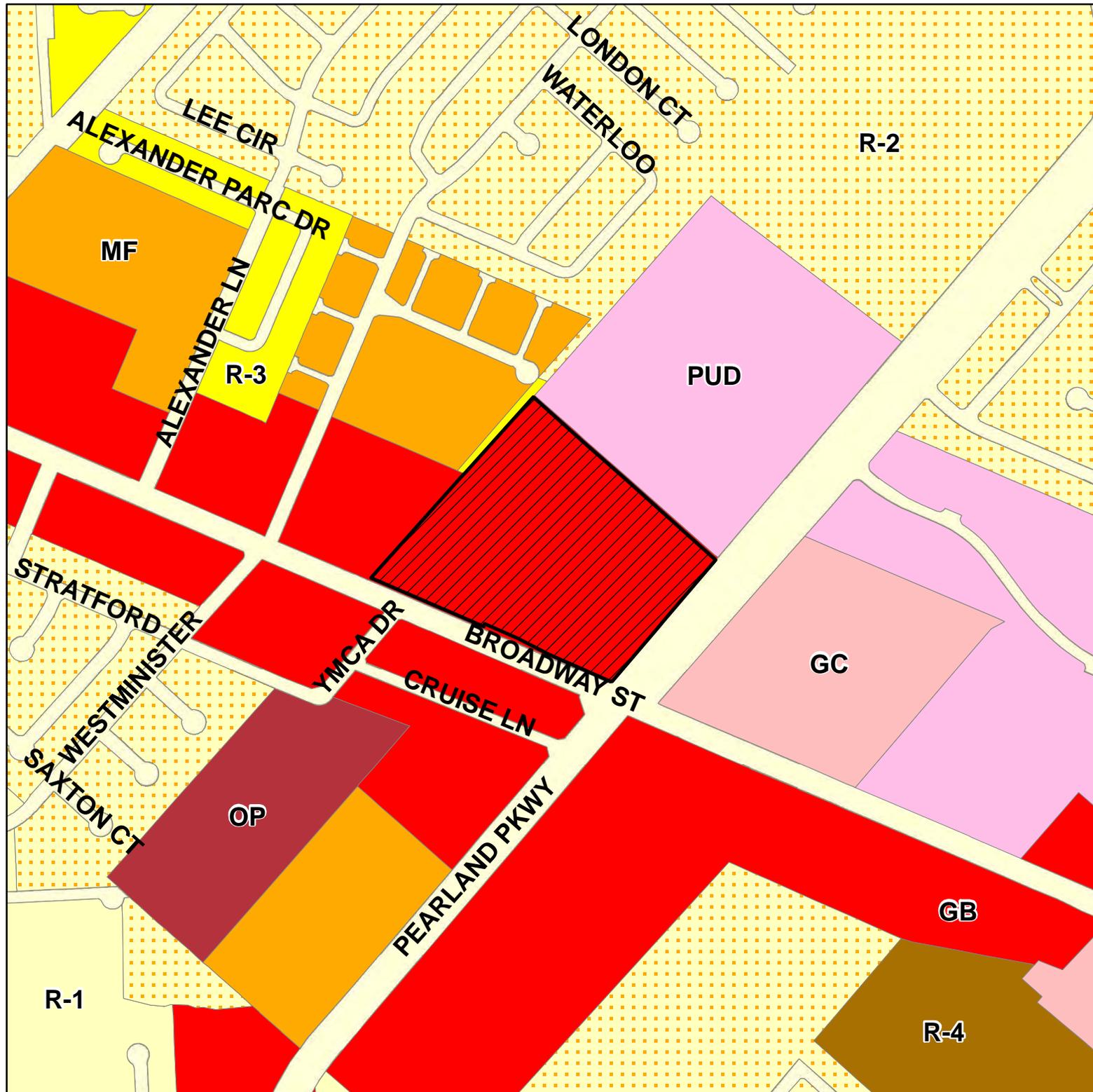
CUP 2013-03

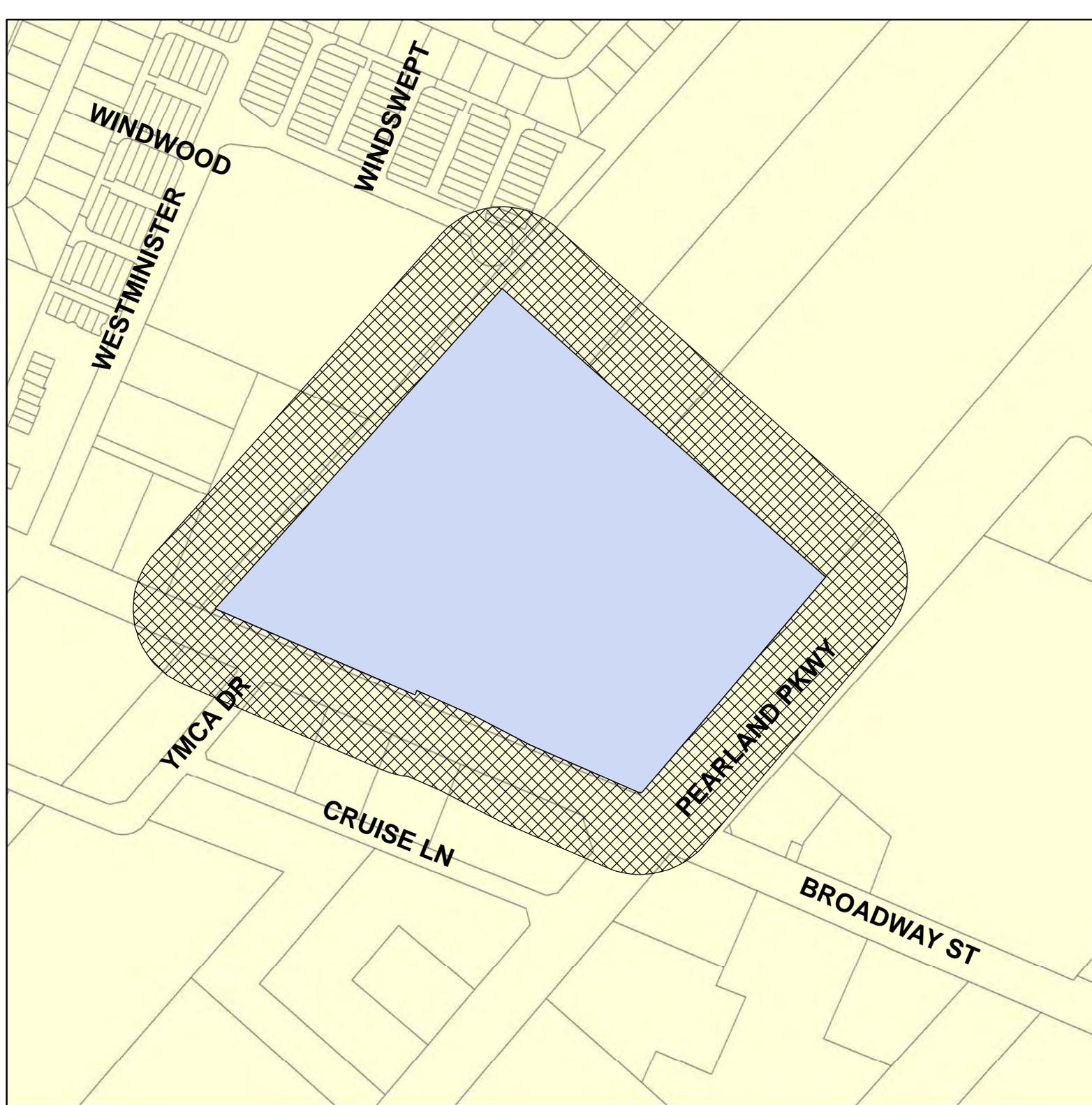
Pearland Pkwy
@ Broadway

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

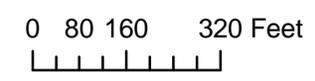
0 140280 560 Feet





Abutter Map
CUP 2013-03
Pearland Pkwy
@ 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.



CUP 2013-03

Carwash in a GB Zone

Name	Address	Address 2	City	State	Zip
WHISPERING APARTMENTS LLC	% CLAUDIA L CROCKER	2301 S CAPITAL OF TEXAS HWY STE J102	AUSTIN	TX	78746-7706
KELLEY R W	FAMILY LTD PARTNERSHIP	2933 BROADWAY ST	PEARLAND	TX	77581-4508
FIRST PRESBYTERIAN CHURCH		2930 BROADWAY ST	PEARLAND	TX	77581-4507
HALLE PROPERTIES LLC		20255 N SCOTTSDALE RD	SCOTTSDALE	AZ	85255-6456
JPMORGAN CHASE BANK NA ASSOC		270 PARK AVE	NEW YORK	NY	10017-2014
ELLIS CARL H & JOYCE A	REFERENCE ONLY	SEE REPLAT WHISPERNG WNDS SEC	8277-2004-000		0
CVS PEARLAND PARKWAY LP	CVS CORP #5877-02 OCCUPANCY EXP DEPT	1 CVS DR	WOONSOCKET	RI	02895-6146
SOUTH TRUST BANK		PO BOX 2609	CARLSBAD	CA	92018
ARC BFPRLTX001	% AMERICAN REALTY CAPITAL II	106 YORK RD	JENKINTOWN	PA	19046
CVS PEARLAND PARKWAY LP	CVS CORP #5877-02 OCCUPANCY EXP DEPT	1 CVS DR	WOONSOCKET	RI	02895-6146



FLUP Map

CUP 2013-03

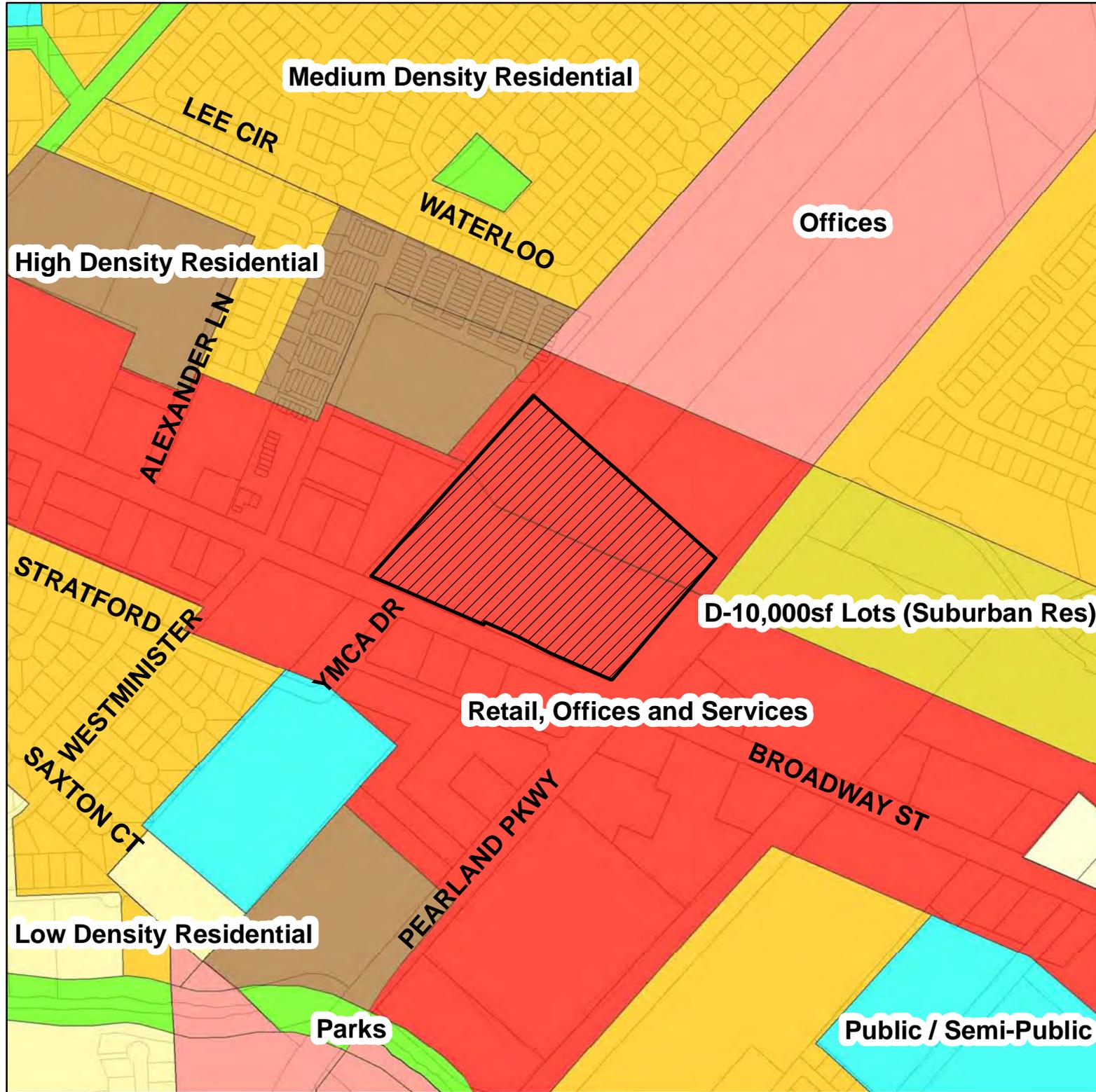
**Pearland Pkwy
@ Broadway**

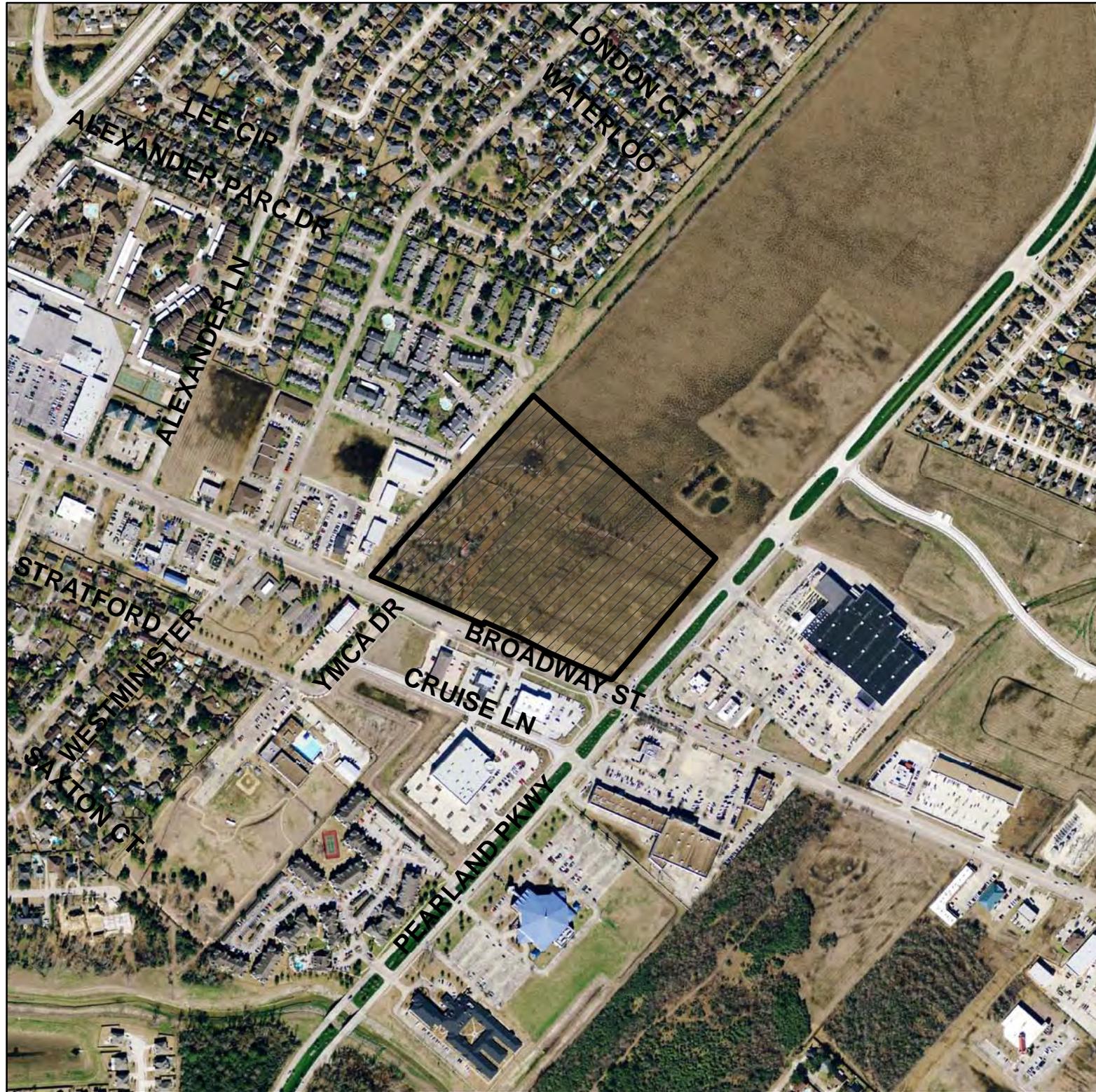
This product is for information purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

N



0 140280 560 Feet





Aerial Map

CUP 2013-03

**Pearland Pkwy
@ 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 140280 560 Feet
| | | | |





APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

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

Conditional Use Permit Request for: Auto Wash - Self Service
(list proposed use from the Table of Uses of the UDC)

Current Zoning District: General Business

Property Information:

Address or General Location of Property: West side of Pearland Parkway about one block north of FM 518.

Tax Account No. 639584

Subdivision: Pearland Commons Lot: A Block: _____

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

PROPERTY OWNER INFORMATION:

NAME HEB Grocery Co, LP - Todd Piland
ADDRESS 646 South Main St.
CITY San Antonio STATE TX ZIP 78204
PHONE(210) 938-8000
FAX(210) 938-7788
E-MAIL ADDRESS _____

APPLICANT/AGENT INFORMATION:

NAME Lyle Henkel, Terra Assoc.
ADDRESS 1445 N Loop West, Suite 450
CITY Houston STATE TX ZIP 77008
PHONE(713) 993-0333
FAX(713) 993-0743
E-MAIL ADDRESS leh@terraassoc.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: *Todd Piland* Date: 2.22.13

Agent's/
Applicant's Signature: *Lyle Henkel, P.E.* Date: 2/20/13

OFFICE USE ONLY:

FEES PAID: <u>A 250.00</u>	DATE PAID: <u>3/22/13</u>	RECEIVED BY: <u>IC</u>	RECEIPT NUMBER: 174281
----------------------------	---------------------------	------------------------	------------------------

Application No. 2013-03



February 20, 2013

City of Pearland
Community Development
3523 Liberty Drive
Pearland, TX 77581

**Re.: Conditional Use Permit for
HEB located at NWQ of Pearland Parkway and Broadway
Pearland, TX**

To whom it may concern:

Please let this letter serve as notice that HEB is hereby authorizing Terra Associates, Inc. to act on our behalf and may file the application with the City of Pearland concerning the Conditional Use permit for this site.

Please advise if you should have any questions.

Respectfully,

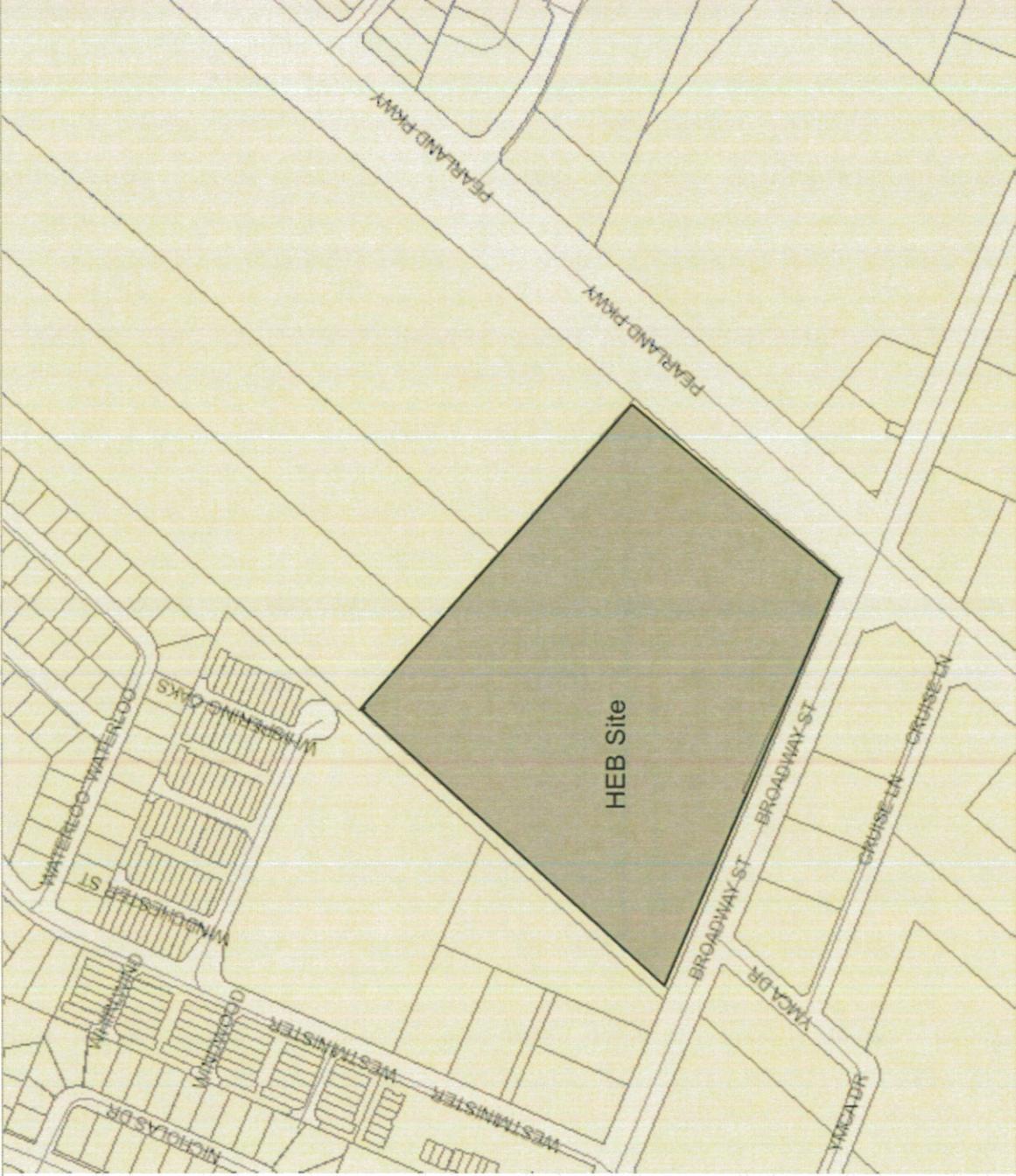
A handwritten signature in blue ink, which appears to read 'Todd Piland', is written over the typed name.

Todd Piland

Executive Vice President



- Layers
- Queries
- Geocoding
- Markup
- Manager
- Polygons
- PolyLines
- Points
- Text
- HEB Site
- Callouts
- Lat / Long
- Overview Map



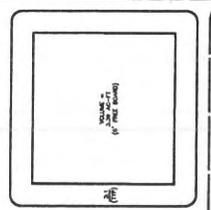
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Tool: Draw Text X: 3154662.56, Y: 13769911.23, Longitude: -95.2681, Latitude: 29.5595



MASSACHUSETTS
SECTION 2
V. 11, P. 33 & 34
8022

GENERAL BUILDING
SECTION 2
V. 11, P. 33 & 34
8022



NOISE WALL (10' HIGH SOUND)
TEMP. SIGNAGE
SEE PLAN 2 FOR A & B
SEE PLAN 3 FOR C & D

RETAIL PARKING SUMMARY	
TOTAL BUILDING SF	80,390 SF
TOTAL PARKING SPACES REQUIRED	440 SPACES
TOTAL PARKING PROVIDED	440 SPACES
PARKING RATIO PROVIDED	1:178

RETAIL BUILDING SUMMARY	
TOTAL BUILDING SF	16,650 SF
PARKING RATIO REQUIRED	1:200
TOTAL PARKING REQUIRED	84 SPACES
STANDARD PARKING PROVIDED	84 SPACES
PARKING RATIO PROVIDED	1:200

ACCESSIBLE SUMMARY	
HEB	12.51 AC
RETAIL	1.33 AC
FUEL STATION	1.31 AC
CAR WASH	1.31 AC
PAD A	1.81 AC
PAD B	1.81 AC
TOTAL	20.58 AC

HEB GROCERY

PRELIMINARY SITE PLAN 1

TERRA 1445 N. LOOP WEST - SUITE 450
 HOUSTON, TEXAS 77057-3333
 PROJECT NO. 1970-1001
 SHEET NO. 1 OF 1

DATE: JAN. 28, 2013
 PROJECT NO. 1970-1001
 SHEET NO. 1 OF 1



March 4, 2013

City of Pearland
Planning and Zoning Department
3519 Liberty Drive
Pearland, Texas 77581

Attention: Harold Ellis, Senior Planner

Office: 281.652.1742
Fax: 281.652.1702

**Re: Condition Use Permit – Letter of Intent for
HEB Grocery – Pearland Commons
NWQ of Pearland Parkway and Broadway (FM 518)
Pearland, Texas**

Dear Mr. Ellis,

Please allow this correspondence to serve as notice to the City that, per the attached site plan, it is the intent of HEB to construct a Car Wash, in conjunction with the fuel station, as part of the development of this tract. Both of these components have been an integral part of the design of the site since inception of this project.

The car wash will be an automatic, single drive through lane car wash. The car wash building will be approximately 941 SF. The building will be aesthetically pleasing and follow the general architectural theme of the developed site.

Please advise if further information is needed in regards to this conditional use permit request.

Respectfully,

A handwritten signature in blue ink that reads "Lyle Henkel, P.E." The signature is written in a cursive style.

Lyle Henkel, P.E.
President

Tuesday, February 19, 2013

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: 7045000001

Address:

HEB GROCERY COMPANY LP
PO BOX 839999
SAN ANTONIO, TX 78283-3999

Property Site Address:

Legal Description:

PEARLAND COMMONS (A0198 T J
GREEN)(PEARLAND), LOT A, ACRES 22.3385

Current Tax Levy: \$107,673.94

Current Amount Due: \$0.00

Prior Year Amount Due: \$0.00

Total Amount Due: \$0.00

Last Payment Amount for Current Year Taxes: \$107,673.94

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: \$3,892,260

Land Value: \$3,892,260

Improvement Value: \$0

Capped Value: \$0

Agricultural Value: \$0

Exemptions: None

Last Certified Date: 08/06/2012

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E-mail: roving@brazoria-county.com
111 E. Locust Suite

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**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.**

*Acknowledged:
3/4/13 [Signature]*

**P&Z AGENDA
ITEM**

C



JOINT PUBLIC HEARING AGENDA ITEM MEETING OF APRIL 15, 2013

Zone Change No. 2013-06Z

A request of Richard Gonzalez applicant and owner, for approval of a zone change from the Single Family (R-2) zone to the Neighborhood Services (NS) zone, to wit:

Legal Description: Being a .460 acre tract of land out of the H.T. & B. R.R Company Survey, section 11, abstract 239, City of Pearland, Brazoria County, Texas.

General Location: 4608 Walnut, Pearland, TX

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

Planning and Zoning Commission: April 15, 2013*
City Council for First Reading: May 13, 2013*
City Council for Second Reading: May 13, 2013*

(*dates subject to change)

SUMMARY: Richard Gonzalez applicant and owner, is requesting approval of a zone change from the Single Family (R-2) zone to the Neighborhood Services (NS) zone for the above referenced location. If approved, this zone change will allow the applicant to convert the existing single family home on site into a proposed coffee shop and office space.

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	Single Family (R-2)	Single Family Home
South	Single Family (R-2)	Single Family Home
East	Single Family (R-2)	Single Family Home
West	Office Professional (OP)	Law Office

CONFORMANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC): As previously mentioned, the property is currently zoned Single Family (R-2). As the property is currently being requested to be rezoned to Neighborhood Services (NS), a breakdown between those requirements is provided below:

	<u>R2</u>	<u>NS</u>	<u>Existing Site</u>
Lot Size:	7,000 sq ft	12,500 sq ft	20,000 sq ft
Lot Width:	70'	100'	100
Lot Depth:	90'	100'	200'
Front Setback:	25'	25'	~25'
Rear Setback:	20'	10'	~25'
Side Setback:	7.5'	10'	~10'

In addition to these requirements, the site will be required to conform to the landscaping, parking, and façade standards of the Unified Development Code. Parking will need to be added to comply with the commercial guidelines for the proposed use. Landscaping, including shrubs to screen the additional parking will be required. The current façade would need to be upgraded to masonry in order to comply with the commercial standards.

PLATTING STATUS: The property is not currently platted. Platting would be required prior to the release of any future building permits.

CONFORMANCE WITH THE COMPREHENSIVE PLAN: The current Comprehensive Plan (latest update in 2009) indicates *Medium Density Residential* for the subject property. The Comprehensive Plan further indicates that NS would not be an appropriate zoning district for *Medium Density Residential*. The property's current zoning of Single Family (R2) is considered an appropriate zoning district for the *Medium Density Residential* designation in the Comprehensive Plan.

Though this zone change would not be in conformance with the Future Land Use Plan, staff feels that a potential amendment to the land use plan for this area may be appropriate. The area overall is in transition to a more mixed use neighborhood and is located just outside the Old Townsite District. Staff feels that extending the boundaries of the Old Townsite westward along Walnut would benefit the neighborhood by allowing more mixed use developments and allow for further future investment in the neighborhood.

CONFORMANCE WITH THE THOROUGHFARE PLAN: The subject property has frontage on Walnut St, a major collector, with a minimum of 80' 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 site is located next door to an existing office space and down the street from property currently zoned General

Business (GB). The area appears to be in a mode of transition from residential to mixed use. This proposed zone change could act as a good transition or buffer from the remaining residential and the existing commercial.

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 2013-06Z as proposed by the applicant for the following reasons:

1. Approval of the zone change will result in conformance with the surrounding zoning and act as a transition zone between commercial and residential uses.
2. The proposed zone change should not have any significant negative impact on the surrounding properties and developments.

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



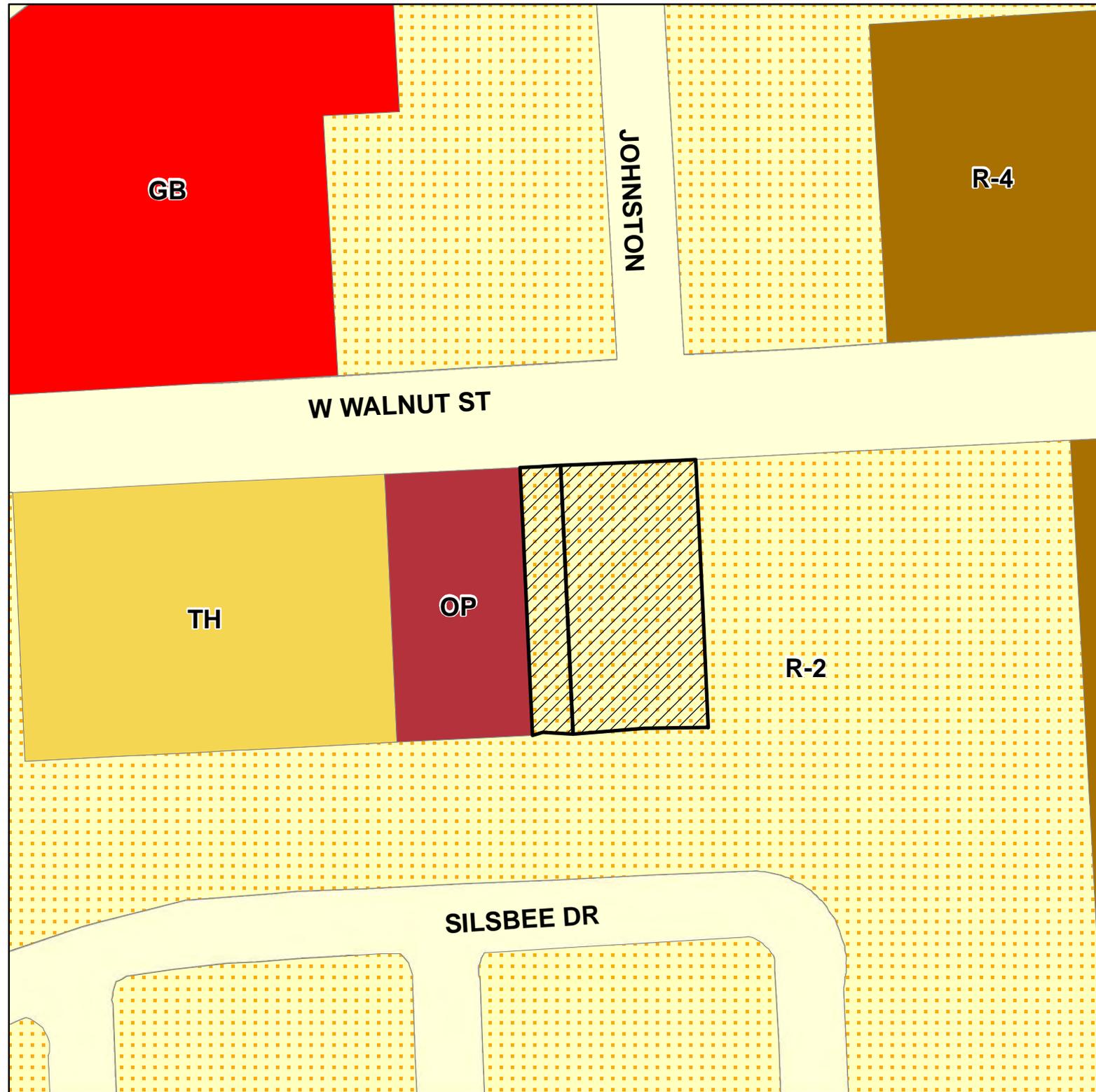
Zoning and Vicinity Map

Zone Change 2013-06Z

4608 Walnut St.

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0 20 Feet





Abutter Map

Zone Change 2013-06Z

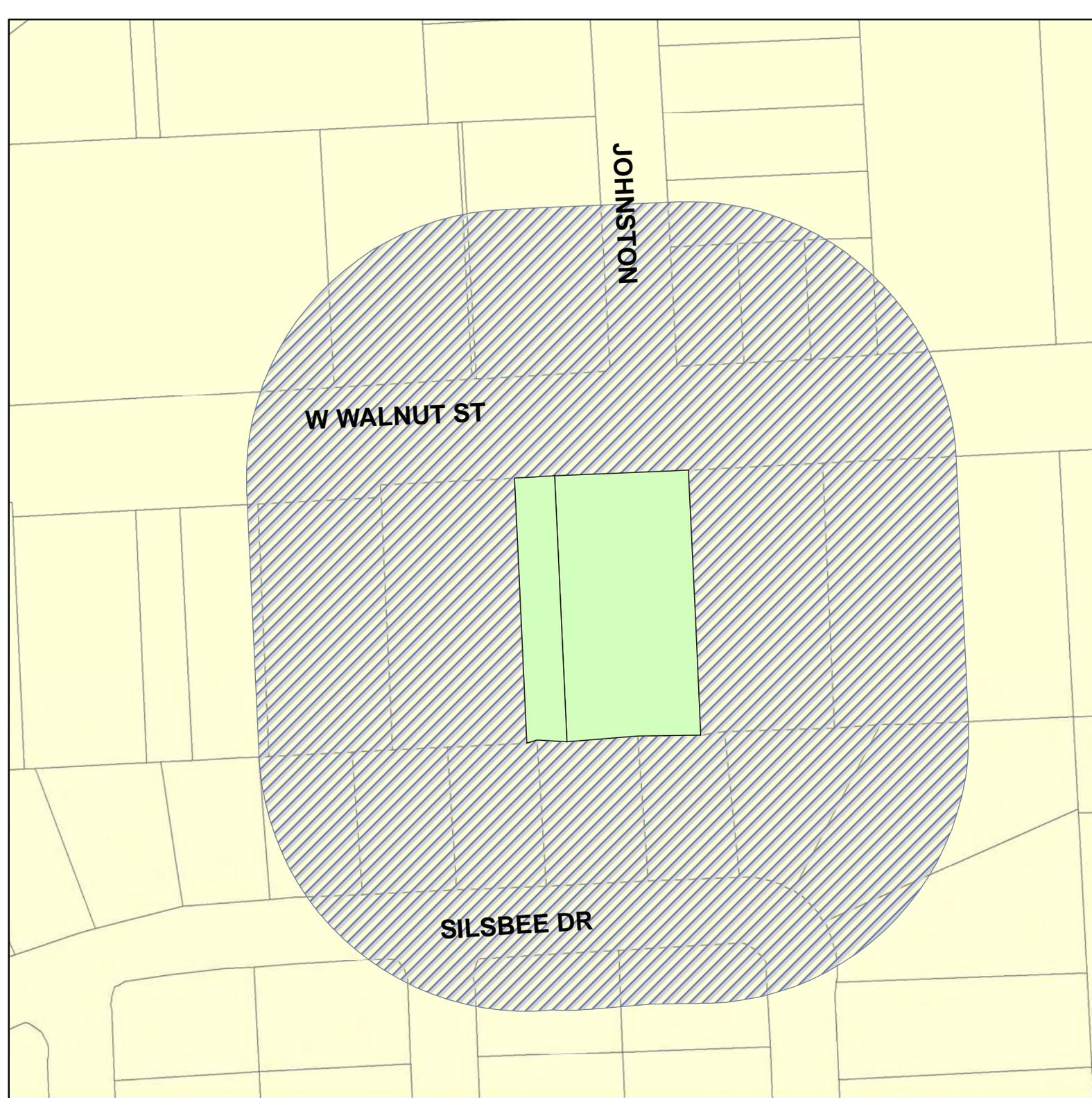
4608 Walnut St.

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N



0 20 Feet



Zone Change 2013-06Z

4608 Walnut St. - R-2 to NS

Name	Address	City	State	Zip
GONGORA ROBERTO	1113 SHADOWBEND ST	PEARLAND	TX	77581-6794
HARLAND JULIA F	2701 HOLLY SPRINGS DR	PEARLAND	TX	77584-1315
ELLIOTT J LON & SUZANNE	PO BOX 1302	PEARLAND	TX	77588-1302
GUERRERO RACHEL	4604 W WALNUT ST	PEARLAND	TX	77581-3919
ADVANTAGE HOUSE BUYERS INC	15729 NORTH FWY I-45	HOUSTON	TX	77090-5825
4608 W WALNUT LLC	1607 N VENICE DR	PEARLAND	TX	77581-7506
BAZAN ROGER	4801 SILSBEE DR	PEARLAND	TX	77584-1313
THOMPSON BRANDON L & JUDY EASON	4803 SILSBEE DR	PEARLAND	TX	77584-1313
LEE VIRGINIA L	4805 SILSBEE DR	PEARLAND	TX	77584-1313
GARCIA DAVID O	4807 SILSBEE	PEARLAND	TX	77581
SUSTALA JIM & JANICE	4809 SILSBEE DR	PEARLAND	TX	77584-1313
LOPEZ SANTIAGO T	4811 SILSBEE DR	PEARLAND	TX	77584-1313
PETERS JAMES C	2702 HOLLY SPRINGS DR	PEARLAND	TX	77584-1311
DRIVER ADRIA GAY	2701 HOT SPRINGS DR	PEARLAND	TX	77584
MILLS GREGORY	2702 HOT SPRINGS DR	PEARLAND	TX	77584-1314
PRICE JOHN C	4619 W WALNUT ST	PEARLAND	TX	77581-3918
GONZALEZ MICHAEL W	4702 W WALNUT AVE	PEARLAND	TX	77581
HERNANDEZ ALFRED	4901 SILSBEE DR	PEARLAND	TX	77584
SOTO ANDRES & GABRIELA	4903 SILSBEE DR	PEARLAND	TX	77584-1327

Retail, Offices and Services

JOHNSTON

Low Density Residential

W WALNUT ST

Medium Density Residential

SILSBEE DR



FLUP Map

Zone Change 2013-06Z

4608 Walnut St.

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N

0 20 Feet





Aerial Map

Zone Change 2013-06Z

4608 Walnut St.

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N



0 20 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: R-2

Proposed Zoning District: ~~GD~~ NS

Property Information:

Address or General Location of Property: 4608 Walnut
Pearland, Tx 77581

Tax Account No. 0239-0043-000

Subdivision: HT+BRR Lot: Tract 1F Block: A 0239

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

PROPERTY OWNER INFORMATION:

NAME Richard Gonzalez
ADDRESS 1607 N Venice
CITY Pearland STATE Tx ZIP 77581
PHONE (281) 997-5743
FAX (281) 997-5750
E-MAIL ADDRESS richard.gonzalez@walker.com

APPLICANT/AGENT INFORMATION:

NAME Same as owner
ADDRESS _____
CITY _____ STATE _____ ZIP _____
PHONE (_____) _____
FAX (_____) _____
E-MAIL ADDRESS _____

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

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

Owner's Signature: [Signature] Date: 1/29/13

Agent's/Applicant's Signature: _____ Date: _____

OFFICE USE ONLY:

FEES PAID: <u>\$775.00</u>	DATE PAID: <u>3/22/13</u>	RECEIVED BY: <u>JFC</u>	RECEIPT NUMBER: <u>174277</u>
----------------------------	---------------------------	-------------------------	-------------------------------

Application No. 2013-062

The City of Pearland
c/o Community Development
3523 Liberty Drive
Pearland, TX 77581

February 15, 2013

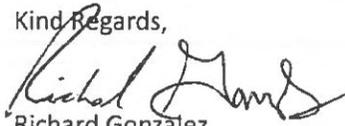
Attention: Zoning Board

To Whom It May Concern:

I, Richard Gonzalez am the present owner of *4608 W. Walnut Pearland, TX 77581.*

I am submitting this paperwork to request a zone change for the above mentioned property. I personally feel it is justified as this property has several small businesses around it. As a long time Pearland resident and business owner myself, I feel the addition of a Coffee shop would benefit the City of Pearland in addition to providing a great commodity to the local businesses in the area.

Kind Regards,



Richard Gonzalez



Property Search: Number Street

[HOME](#)

[INTERACTIVE MAPS](#)

[MAP LIBRARY](#)

[CAPITAL IMPROVEMENTS](#)

[PUBLIC SAFETY](#)

4608 WALNUT W ST



Location

4608 WALNUT W ST
PEARLAND, TX 77584

Key Map® Location: 614 R



City Limit Information

Within city limits: Yes
Annexation Number: 0
Annexation Date: Fri May 12, 1905



Trash / Recycling

Trash Pickup: Wednesday, Saturday



Recycling Pickup: Saturday



Voting Information

Voting Precinct: 47



Boundary Area

Subdivision:
School District: Pearland ISD
Drainage District: 4
Municipal Utility District: n/a



Landuse

Land use : Medium Density Residential
Zone: R-2

External Map Services



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- [View on Yahoo! Maps](#)
- [View on MSN Maps](#)
- [View on Mapquest](#)

Appraisal Districts

- [Brazoria County Appraisal District](#)
- [Harris County Appraisal District](#)
- [Fort Bend Appraisal District](#)

* GIS Online Map Services Disclaimer

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**P&Z AGENDA
ITEM**

D



JOINT PUBLIC HEARING AGENDA ITEM MEETING OF APRIL 15, 2013

Zone Change No. 2013-07Z

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 Planned Development (PD) zone for 31.3165 acres, to wit:

Legal Description: Being a 30.7935 acre (1,341,365 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

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

Planning and Zoning Commission: April 15, 2013*
City Council for First Reading: May 13, 2013*
City Council for Second Reading: May 27, 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 30.7935 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 a new and separate Planned Development (PD).

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.

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 22 acres. This is the site that was rezoned back to GB in 2011. The remaining acreage remained as PD and is now requesting a new PD zone.

The GB zone was approved at the hard corner for a specific development and had assurances in place from the developer that the project would be of a higher quality than would normally be required. This adjoining 31 acre site is considered to be of similar importance to the city as was the 22 acre site at the hard corner.

The applicant originally requested a straight General Business (GB) zone change in February of 2013. This application was withdrawn by the applicant after the City Council and Planning and Zoning Commission voiced their concerns with allowing a straight GB zone change with no assurances as to the kind of development that would be constructed. With this in mind, staff has advised the applicant that 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.

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 this area should be retail, offices, and service. Therefore, the designation of General Business (GB) being requested would be consistent with the intent of the Comprehensive Plan.

CONFORMANCE WITH THE THOROUGHFARE PLAN: The subject property has frontage on Pearland Pkwy, a major thoroughfare 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 excluding those listed in the PD as excluded uses. Overall, the proposed development would enhance the already approved development to the south and would include a number of amenities that would not be required in the Unified Development Code for a normal development of this kind.

At the original Joint Public Hearing for this development, City Council and the Planning and Zoning Commission had a number of concerns with allowing a straight GB zone change. The applicant appears to have addressed most of these concerns through the submitted PD document. The proposed PD would create a superior development by providing the following:

- Varied location of buildings and outparcels to prevent a generic strip center feel
- Linear building along the back of the development will include variable depths and off sets preventing a singular monotonous face.
- Public gathering and play areas are proposed around restaurant pad sites with pedestrian connectivity to other areas of the development and neighboring properties.
- Enhanced entry feature that will create a sense of place, with landscaped median and walkway leading from Pearland Parkway and continuing for the full depth of the development.
- Meandering walkways throughout the development and along Pearland Parkway will ensure pedestrian access to all areas of the development.
- Walkway along rear building will be enhanced with plantings and variations in

materials and design to ensure a more aesthetically appealing environment for the pedestrian.

- Concrete pavement will be required along with stained concrete and brick pavers to add variation to the design. No asphalt will be permitted.
- Light poles to service the pad sites along Pearland Parkway will be limited in height to 20' and lights along the rear of the development will be mounted on the building.
- All structures will be required to include two different building materials for the façade which will prevent monotonous design schemes. Stone will be required for a percentage of each building façade and metal and EIFS will only be permitted as trim.
- A comprehensive sign package has been requested that will enhance the overall development.

Though staff ultimately feels this development would be a compliment to the surrounding areas, there are still a number of outstanding concerns with the current PD document. These comments have been submitted to the applicant and have been provided to you as part of this packet.

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 has been provided as part of the application submittal.

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.

AGENTS 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 recommends approval of the Zone Change 2013-07Z as proposed by the applicant for the following reasons and with the following condition:

1. Approval of the PD will allow for a higher quality development with a larger amount of amenities that would not normally be required for a development in a traditional zone.

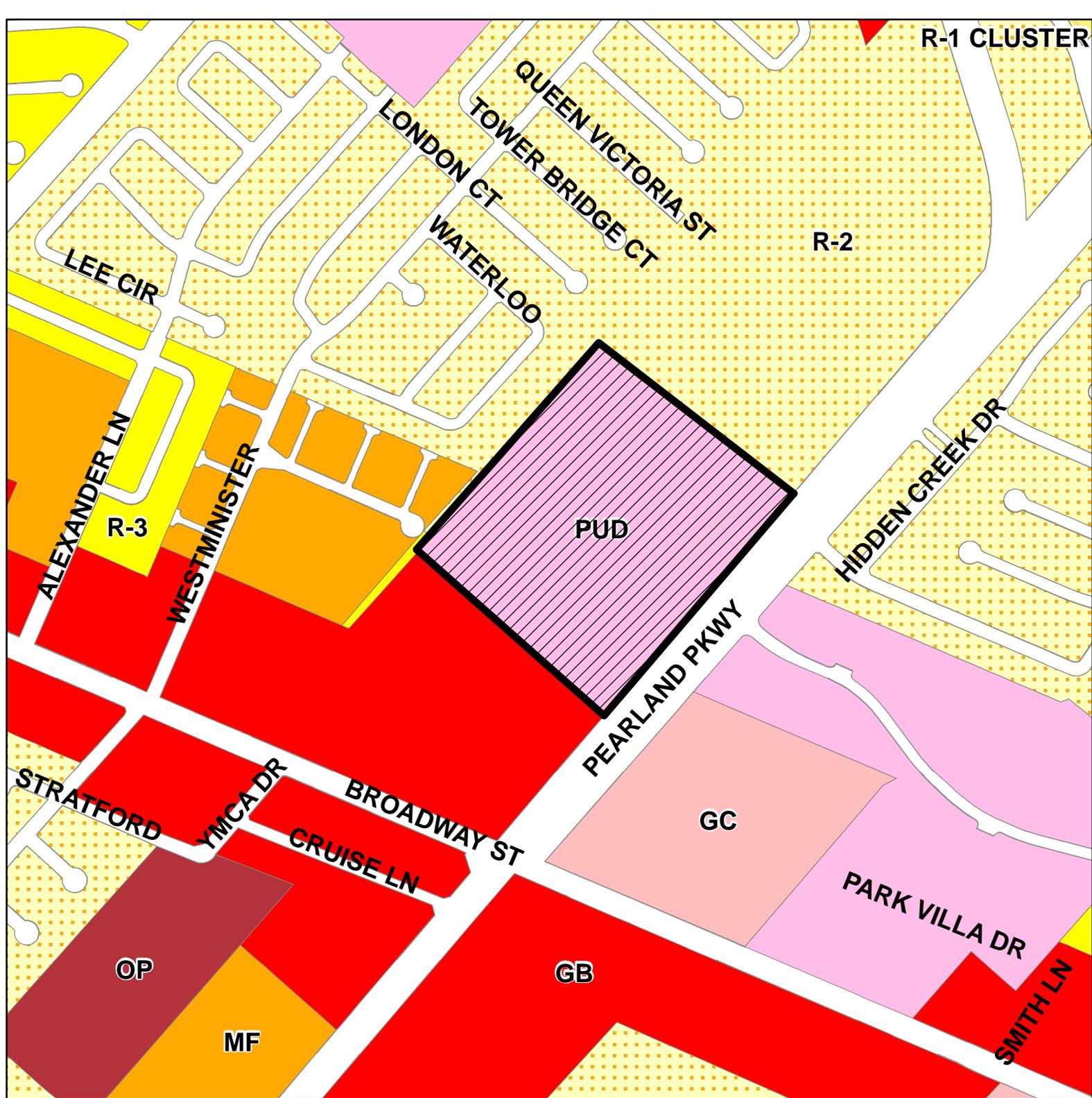
2. Approval of the PD will result in conformance with the surrounding zoning as well as current and future land uses.
3. The proposed PD should not have any significant negative impact on the surrounding properties and developments.
4. The proposed PD will bring the property into compliance with the approved Future Land Use Plan.

CONDITION:

1. All outstanding staff comments to be fully addressed and incorporated into the PD document prior to final approval.

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
- Initial Staff Comments and other Related Documents



R-1 CLUSTER

R-2

R-3

PUD

GC

GB

OP

MF



Vicinity and Zoning Map

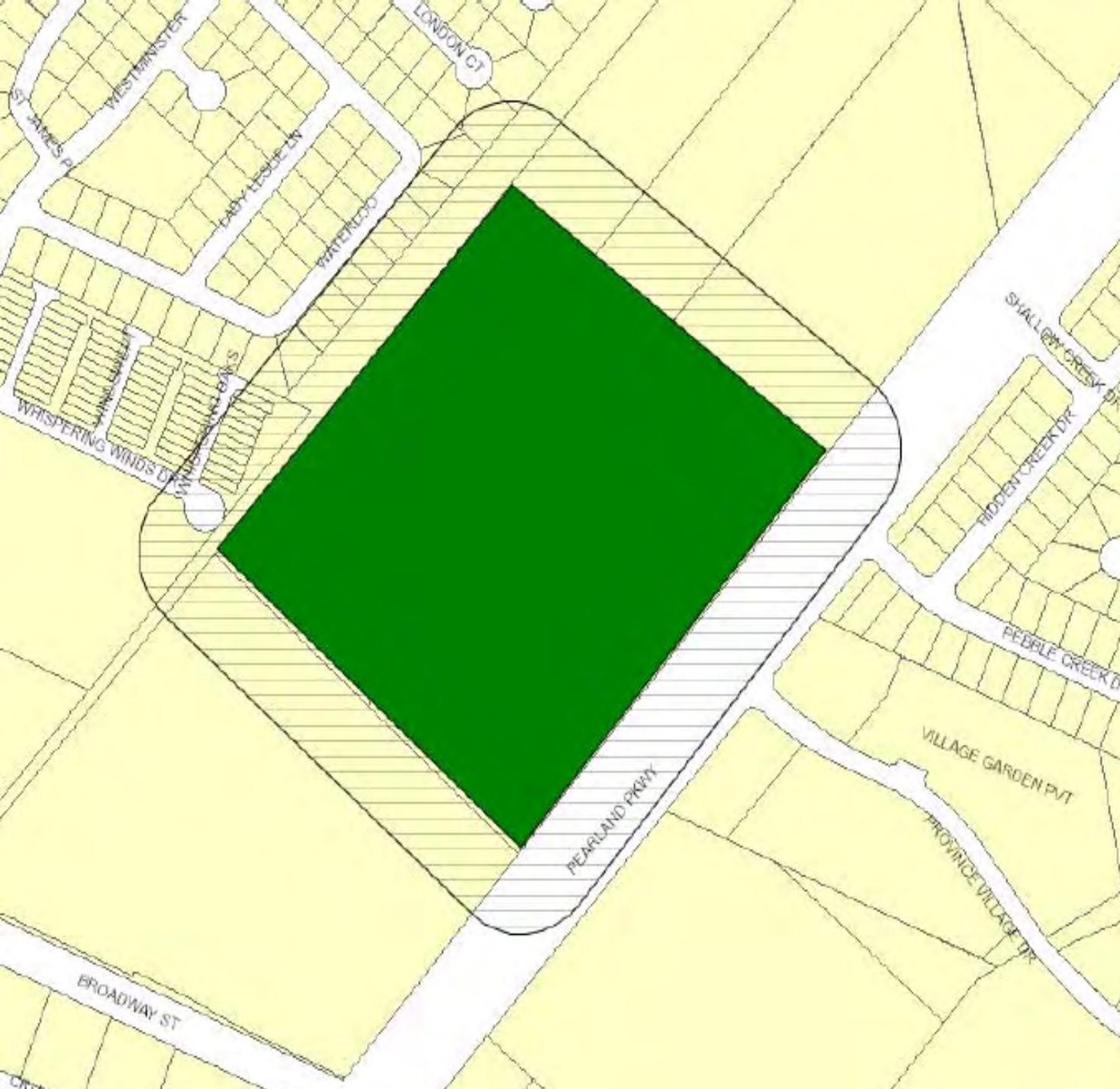
Zone Change 2013-07Z

**Pearland Pkwy
North of Broadway**

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0 145 290 580 Feet





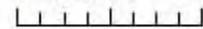
Abutter Map

Zone Change 2013-07Z

**Pearland Pkwy
North of Broadway**

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0 145 290 580 Feet



Zone Change 2013-07Z

31 Acres on Pearland Parkway - PD to PD

Name	Street Address	Unit	City	State	Zip
DRIS MOHAMED & Wafa Benachour	2926 Waterloo Rd		PEARLAND	TX	77581
DAWSON STEVE & DEBORA	2924 Waterloo Rd		PEARLAND	TX	77581-4542
WHITE Sonya K	2922 Waterloo Rd		PEARLAND	TX	77581
MOELLER CHANNING THEODORE & MELISSA					
ANN COOK	222 Settlers Haven Rd		CLEVELAND	NC	27013
WHISPERING APARTMENTS LLC	2301 S Capital of Texas Hwy	STE J102	AUSTIN	TX	78746-7706
ROBERTS DEANN M	2932 Waterloo Rd		PEARLAND	TX	77581-4538
CONFIDENTIAL	2930 Waterloo Rd		PEARLAND	TX	77581-4538
JOHNSON DEBORAH V	2928 Waterloo Rd		PEARLAND	TX	77581-4542
KING KIMBERLY C	2901 London Ct		PEARLAND	TX	77581-4533
HUTH MICHAEL & KRISTEN CASTILLO	2904 London Ct		PEARLAND	TX	77581
CONFIDENTIAL	2902 London Ct		PEARLAND	TX	77581-4532
LEAL DAVID	2940 Waterloo Rd		PEARLAND	TX	77581-4538
MILLS JASON M	2938 Waterloo Rd		PEARLAND	TX	77581-4538
LEE-JENNINGS KATHLEEN BERNADETTE	2934 Waterloo Rd		PEARLAND	TX	77581-4538
WILLIAMS MATTHEW K	2836 Waterloo Rd		PEARLAND	TX	77581

**P&Z AGENDA
ITEM**

E



City of Pearland

Reviewed by:

Date Reviewed:

P&Z AGENDA REQUEST

TO: Planning & Zoning Commission
REQUESTOR: Ian Clowes
DATE: 04/08/2013
AGENDA ITEM SUBJECT: Partial Replat of Lot 2, Block 1 of Kirby Commons

Old Business **New Business** Discussion Item Workshop

Summary: A request by Chris L. Hendrick, applicant, on behalf of 518 @ Kirby, LLC, owner for approval of a Partial Replat of Lot 2, Block 1 of Kirby Commons. The site is located near the northwest corner of Kirby and Broadway.

Staff Recommendation: Approval

Regular P&Z meetings are held on the first and third Monday of every month. This form must be received 6 calendar days prior to the meeting in order to be included on the agenda.



PLANNING AND ZONING COMMISSION MEETING OF APRIL 15, 2013

REPLAT OF LOT 2, BLOCK 1 OF KIRBY COMMONS

A request by Chris L. Hendrick, applicant, on behalf of 518 @ Kirby, LLC, owner for approval of a Partial Replat of Lot 2, Block 1 of Kirby Crossing. The site is located near the northwest corner of Kirby and Broadway on the following described property, to wit

Legal Description: A Subdivision of 1.333 acres in the T.C. & B.R.R. CO. Survey, section 3, Abstract No. 678, in the City of Pearland, Brazoria County, Texas.

General Location: Located at the NW corner of Kirby Dr. and Broadway St.

SUMMARY: The applicant is requesting approval of a Replat for a roughly 1.333 acre tract out of lot 2A of the previously approved Kirby Commons Minor plat. The applicant has indicated that the property has been sold and a replat is necessary in order to develop the property as desired.

LAND USE AND URBAN DEVELOPMENT ORDINANCE: The property is currently zoned Planned Development – Commercial (PD-C) and is part of the Shadow Creek Planned Development. The proposed replat meets the requirements of the Land Use and Urban Development Ordinance as well as the requirements of the PD.

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	Single Family - PD	Shadow Creek - SF
South	Planned Development	Pearland Town Center
East	Planned Development - C	Shadow Creek Commercial
West	Single Family - PD	Shadow Creek - SF

COMFORMANCE TO THE COMPREHENSIVE PLAN: The City of Pearland Land Use Plan designates the property for Retail, Offices, and Services. The allowed uses within the planned development are in conformance with the comprehensive plan.

PLATTING STATUS: The original minor plat of Kirby Commons was approved in June of 2008 by the City. The first partial replat was approved by the Planning and Zoning

Commission in January of 2009.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Broadway, a major thoroughfare with right-of-way of 120'. The subject parcel is in conformance with the approved thoroughfare plan.

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

TRAFFIC AND TRANSPORTATION: A Traffic Impact Analysis was submitted to the City for the overall development of Kirby Commons and has been approved.

UTILITIES AND INFRASTRUCTURE: Water and sewer service are available to for this site.

STORMWATER MANAGEMENT: Detention will be provided in accordance to city requirements.

STAFF RECOMMENDATION: Staff recommends approval of the Partial Replat of Lot 2 Block 1 of Kirby Commons as proposed by the applicant, for the following reasons:

1. The proposed replat will not cause any adverse impacts on the surrounding properties.
2. This request is in conformance with the comprehensive plan.
3. This request is in conformance with the Land Use and Urban Development Ordinance as well as the Unified Development Code.

SUPPORTING DOCUMENTS:

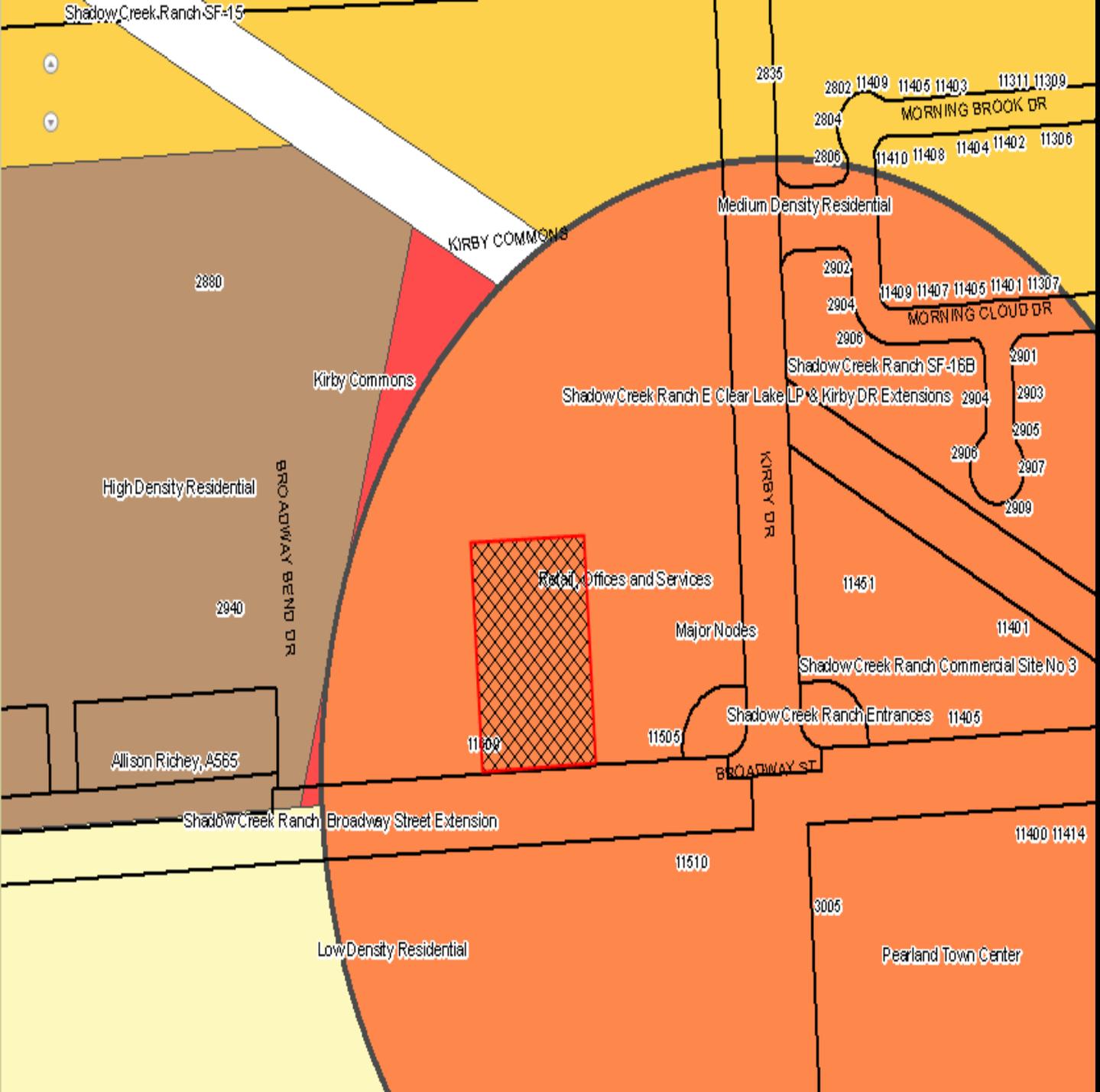
- Vicinity Map
- Land Use Map
- Aerial Map
- Partial Replat of Lot 2, Block 1 of Kirby Commons



Partial Replat of Lot 2,
Block 1 of Kirby
Commons

Vicinity Map

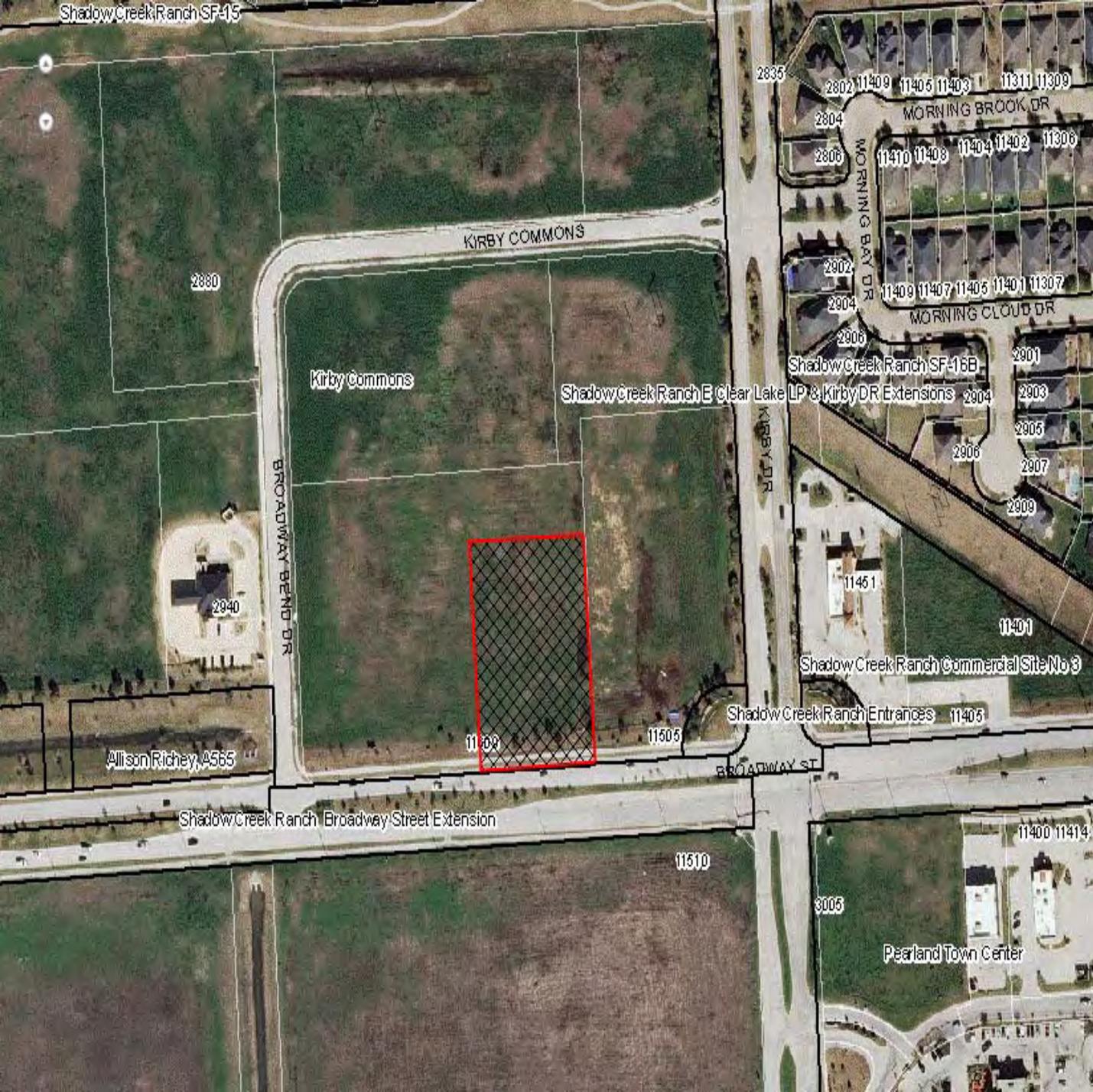




Partial Replat of Lot 2,
Block 1 of Kirby
Commons

Future Land Use Map





Partial Replat of Lot 2,
Block 1 of Kirby
Commons

Aerial Map



STATE OF TEXAS
COUNTY OF BRAZORIA

WE, KWIK PEARLAND CENTER, LLC, OWNER OF THE PROPERTY SUBDIVIDED IN THE "PARTIAL REPLAT OF THE REPLAT OF LOT 2, BLOCK 1 OF KIRBY COMMONS" IN BRAZORIA COUNTY, TEXAS, DO HEREBY MAKE SUBDIVISION OF SAID PROPERTY, ACCORDING TO THE PROPERTY LINES, LOTS, BUILDING LINES, AND EASEMENTS SHOWN HEREON, AND DO HEREBY DEDICATE FOREVER FOR THE USE OF THE PUBLIC, AS SUCH, THE LAND SHOWN HEREON AS HEREBY DEDICATED TO THE PUBLIC FOR EASEMENT AND RIGHT-OF-WAY, AND DO HEREBY WAIVE ALL CLAIMS FOR DAMAGES OCCASIONED BY THE ESTABLISHMENT OF GRADES, AS APPROVED, FOR THE EASEMENT DEDICATED, OR OCCASIONED BY THE ALTERATION OF THE SURFACE, OF AND PORTION OF THE DRAINAGE EASEMENTS TO CONFORM TO SUCH GRADES, AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS, AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED, SUBJECT, TO ALL MATTERS OF RECORD.

FURTHER, WE, KWIK PEARLAND CENTER, LLC, DO DEDICATE AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER AN UNOBSTRUCTED AERIAL EASEMENT THE AERIAL EASEMENT SHALL EXTEND HORIZONTALLY AN ADDITIONAL SEVEN FEET SIX INCHES (7'6") FROM A PLANE SIXTEEN FEET (16'0") ABOVE GROUND LEVEL UPWARD LOCATED ADJACENT TO AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED HEREON.

THIS IS TO CERTIFY THAT KWIK PEARLAND CENTER, LLC, OWNER OF THE PROPERTY SUBDIVIDED AS SHOWN HEREON HAS COMPLIED OR WILL COMPLY WITH ALL RULES AND REGULATIONS.

WITNESS MY HAND IN _____ COUNTY, TEXAS
THIS _____ DAY OF _____, 2013.

BY: SERGIO FERNANDEZ
(MEMBER)

STATE OF TEXAS
COUNTY OF BRAZORIA

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED SERGIO FERNANDEZ, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN SET FORTH.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2013.

SIGNATURE
NOTARY PUBLIC IN AND FOR _____ COUNTY, TEXAS.
MY COMMISSION EXPIRES: _____

STATE OF TEXAS
COUNTY OF _____

WE, MEMORIAL CITY BANK, ACTING BY AND THROUGH _____ AND HOLDER OF A LIEN AGAINST THE ABOVE DESCRIBED PROPERTY, DO HEREBY IN ALL THINGS SUBORDINATE TO SAID SUBDIVISION AND DECLARATION OF SAID LIEN, AND WE HEREBY CONFIRM MORTGAGE CLEARING CORP., IS THE PRESENT OWNER OF SAID LIEN AND HAVE NOT ASSIGNED THE SAME, NOR ANY PART THEREOF.

WITNESS MY HAND IN _____ COUNTY, _____
THIS _____ DAY OF _____, 2013.

BY: _____
TITLE: _____

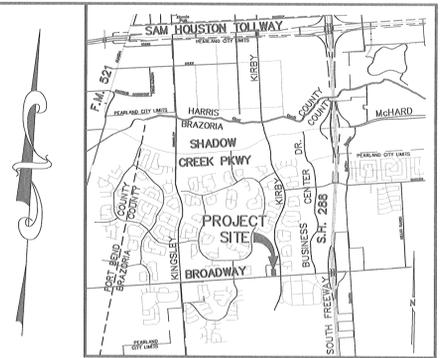
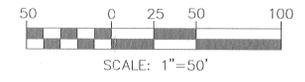
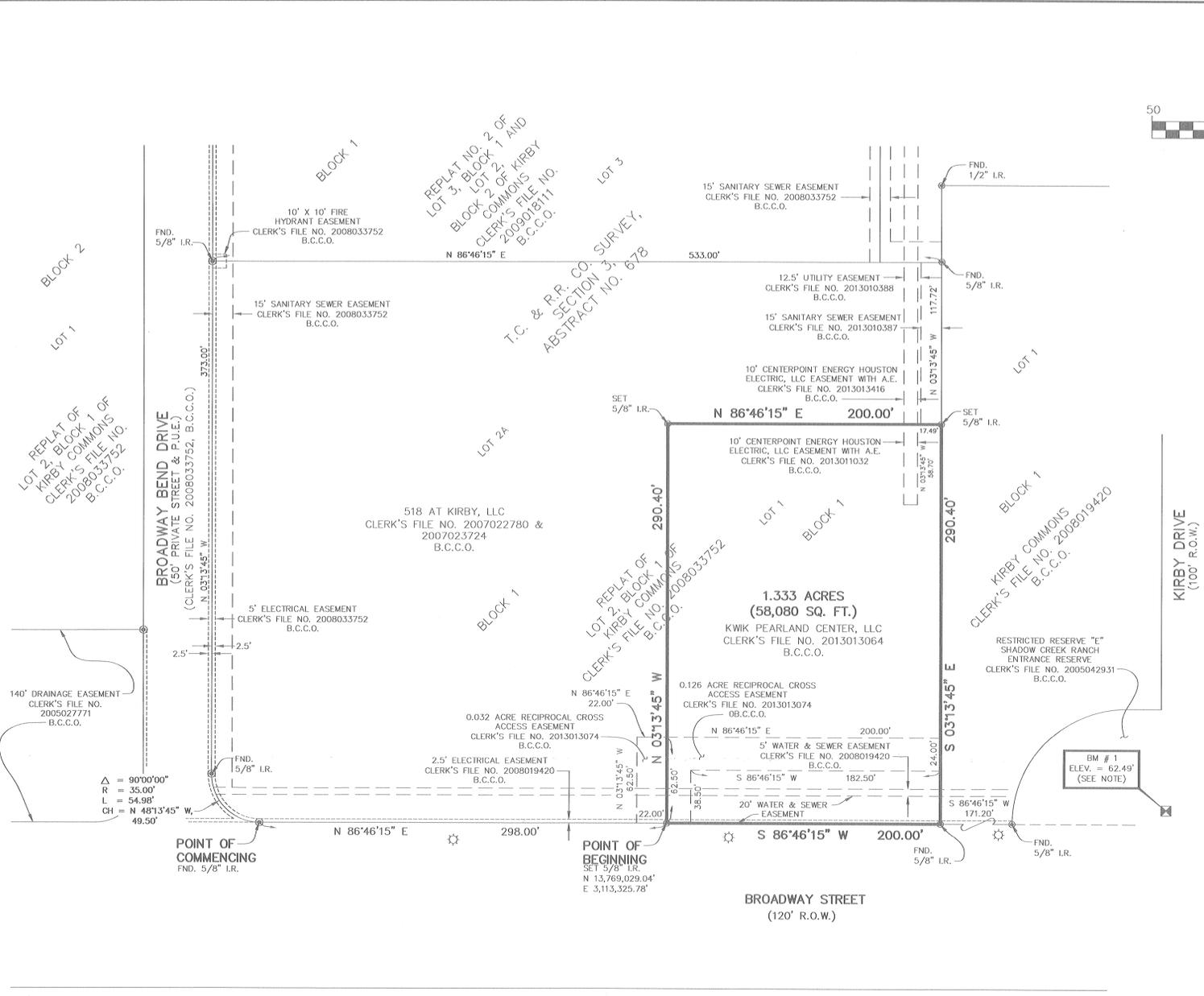
STATE OF TEXAS
COUNTY OF _____

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____ OF MEMORIAL CITY BANK, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN SET FORTH AND IN THE CAPACITY THEREIN AND HEREIN STATED, AND AS THE ACT AND DEED OF SAID BANK.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2013.

NOTARY PUBLIC IN AND FOR _____ COUNTY, TEXAS.
MY COMMISSION EXPIRES: _____

- NOTES:
1. BEARINGS AND THE COORDINATE SHOWN HEREON ARE SURFACE AND BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE, (SCALE FACTOR = 0.99987).
 2. ACCORDING TO THE F.I.R.M. NO. 48039C0020 H, DATED JUNE 5, 1989, THE SUBJECT TRACT LIES IN AN UNSHADED ZONE "X" AREA. THIS DESIGNATION IS BASED ON SCALING FROM THE F.I.R.M. AND IS EFFECTIVE AT THE TIME THE PLAT IS RECORDED. FLOODPLAIN STATUS IS SUBJECT TO CHANGE AS FEMA FIRM MAPS ARE UPDATED.
 3. THIS PLAT HAS BEEN PREPARED TO MEET THE REQUIREMENTS OF THE STATE OF TEXAS, BRAZORIA COUNTY AND THE CITY OF PEARLAND.
 4. THIS PLAT WAS PREPARED FROM INFORMATION PROVIDED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, FILE NO. FTH11008323, HAVING AN EFFECTIVE DATE OF JULY 18, 2012.
 5. ALL SUBDIVISION COMMON AREAS, INCLUDING BUT NOT LIMITED TO, DETENTION FACILITIES, EASEMENTS, AND OPEN SPACE WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE MAINTAINED BY A HOMEOWNERS ASSOCIATION, COMMERCIAL PROPERTY ASSOCIATION OR OTHER ENTITY AND SHALL NOT BE THE RESPONSIBILITY OF THE CITY OF PEARLAND OR BRAZORIA COUNTY.
 6. ANY CONSTRUCTION PROPOSED TO BE INSTALLED WITHIN A DEDICATED EASEMENT WITH PRESCRIBED RIGHTS TO A PRIVATE ENTITY SHALL REQUIRE THE PERMISSION OF THE PRIVATE ENTITY PRIOR TO THE START OF CONSTRUCTION. FAILURE TO SECURE SUCH PERMISSION SHALL RESULT IN THE RIGHT HOLDER(S) OF THE EASEMENT REMOVING ANY UNAPPROVED PAVEMENT, STRUCTURES, UTILITIES, OR OTHER FACILITIES LOCATED WITHIN THE EASEMENT. THE RESPONSIBILITY OF SECURING APPROVAL FROM THE PRIVATE ENTITIES TO BUILD WITHIN AN EASEMENT IS SOLELY THAT OF THE PROPERTY OWNER.
 7. THE MINIMUM SLAB ELEVATION FOR ALL BUILDINGS LOCATED WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE THE HIGHER OF (1) EITHER 12 INCHES ABOVE THE TOP OF CURB ELEVATION FOR A CURB STREET OR 12 INCHES ABOVE THE ELEVATION OF THE EDGE OF THE ROADWAY IF NO CURB EXISTS, OR (2) 12 INCHES ABOVE THE 100 YEAR FLOODPLAIN WATER SURFACE ELEVATION FOR STRUCTURES TO BE LOCATED WITHIN THE 100 YEAR FLOODPLAIN.
 8. ANY PROPOSED DRAINAGE SYSTEM FOR THIS SUBDIVISION SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE CITY OF PEARLAND AND BRAZORIA DRAINAGE DISTRICT #4.
 9. ALL LANDSCAPING AND STRUCTURES, INCLUDING FENCES AT INTERSECTIONS SHALL CONFORM TO THE CITY OF PEARLAND AND ASHTO SITE DISTANCE REQUIREMENTS FOR MOTORISTS.
 10. DRIVEWAY REQUIREMENTS FOR THE LOCATION, WIDTHS AND OFFSETS FROM AN INTERSECTION AND ANY EXISTING DRIVEWAY OR PROPOSED DRIVEWAYS, SHALL CONFORM TO THE REQUIREMENTS OF THE CITY OF PEARLAND ENGINEERING DESIGN CRITERIA MANUAL AND UNIFIED DEVELOPMENT CODE.
 11. ACCESS RIGHTS TO PARKING AREAS AND DRIVEWAYS ARE HEREBY GRANTED TO ALL ADJOINING COMMERCIAL PROPERTIES.
 10. PROJECT BENCHMARK IS CITY OF PEARLAND G.P.S. MONUMENT # 9, ELEVATION = 59.03', NGVD 1929 (87 ADJ.).
 11. PROJECT TBM IS "BM-1" AND IS THE NORTHWEST BOLT AT THE BASE OF A GALVANIZED TRAFFIC SIGNAL POLE AT THE NORTHWEST CORNER OF BROADWAY STREET AND KIRBY DRIVE. ELEV = 62.49' NGVD29 (87 ADJ.). TEXAS STATE PLANE SURFACE COORDINATE: N 13,769,045.66, E 3,113,771.54 (SCALE FACTOR: 0.99987).



LEGEND

B.C.C.O.	BRAZORIA COUNTY CLERK'S OFFICE
B.C.D.R.	BRAZORIA COUNTY DEED RECORDS
FND.	FOUND
I.P.	IRON PIPE
I.R.	IRON ROD
R.O.W.	RIGHT OF WAY
SQ. FT.	SQUARE FEET
⊗	EXISTING STREETLIGHT

THE PURPOSE OF THIS PARTIAL REPLAT IS TO CREATE A 1.333 ACRE TRACT OUT OF LOT 2A, BLOCK 1 OF THE REPLAT OF LOT 2, BLOCK 1 OF KIRBY COMMONS SUBDIVISION

11500 BLOCK OF BROADWAY
PARTIAL REPLAT
OF THE REPLAT OF LOT 2, BLOCK 1 OF
KIRBY COMMONS

A SUBDIVISION OF 1.333 ACRES IN THE
T.C. & R.R. CO. SURVEY, SECTION 3, ABSTRACT NO. 678,
IN THE CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS

1 LOT, 1 BLOCK

APRIL, 2013

OWNER: KWIK PEARLAND CENTER, LLC
11210 SCARSDALE BOULEVARD
HOUSTON, TEXAS 77036
PHONE: (281) 484-5945

SURVEYOR: THE WILSON SURVEY GROUP
PROFESSIONAL LAND SURVEYORS
2006 E. BROADWAY PEARLAND, TEXAS
(281) 485-3991 FAX (281) 485-3998
CONTACT: MICHAEL D. WILSON

NEW BROADWAY, LTD.
CLERK'S FILE NO. 06-071333
B.C.C.O.

CERTIFICATE OF CITY PLANNER
THIS IS TO CERTIFY THAT THE CITY PLANNER OF THE CITY OF PEARLAND, TEXAS HAS APPROVED THIS "PARTIAL REPLAT OF THE REPLAT OF LOT 2, BLOCK 1 OF KIRBY COMMONS" AND IS IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF PEARLAND AS SHOWN HEREON AND AUTHORIZES THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2013.

HENRY FUERTES
P&Z COMMISSIONER

ANDREA BROUGHTON, P.E.
CITY ENGINEER

DARRIN COKER,
CITY ATTORNEY

CERTIFICATE OF SURVEYOR

I, MICHAEL D. WILSON, AM REGISTERED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND CORRECT; WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND; THAT ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH IRON PIPES OR RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN FIVE-EIGHTH (5/8) INCH AND A LENGTH OF NOT LESS THAN TWO (2) FEET, UNLESS OTHERWISE NOTED.

MICHAEL D. WILSON
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 4821

**P&Z AGENDA
ITEM**

F



City of Pearland

Reviewed by:
Harold Ellis

Date Reviewed:
04/09/2013

P&Z AGENDA REQUEST

TO: Planning & Zoning Commission
REQUESTOR: Ian Clowes
DATE: 04/08/2013
AGENDA ITEM SUBJECT: Preliminary Plat of Covington Estates

Old Business New Business Discussion Item Workshop

Summary: A request by John English of Rekha Engineering, Inc., applicant, on behalf of R. West Development, Inc., owner for approval of a Preliminary Plat of Covington Estates, a 20 lot subdivision on 9.64 acres of land, generally located at 2014 Hillhouse Rd.

Staff Recommendation: Approval

Regular P&Z meetings are held on the first and third Monday of every month. This form must be received 6 calendar days prior to the meeting in order to be included on the agenda.



PLANNING AND ZONING COMMISSION MEETING OF APRIL 15, 2013

PRELIMINARY PLAT OF COVINGTON ESTATES

A request by John English of Rekha Engineering, Inc., applicant and R. West Development, Inc., owner, for approval of the Preliminary Plat of Covington Estates, a 20 lot subdivision on a 9.64 acre tract of land, generally located at 2014 Hillhouse Road.

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

SUMMARY: This is a request for a Preliminary Plat of Covington Estates. The property contains a total of 9.64 acres with 20 proposed lots, a pocket park, trails, enhanced entry, and large detention reserve that will be amenitized with a fountain, trail, and gazebo. The site has an approved Cluster Plan, detailed later in this report, which is intended to allow flexibility with lot sizes for the developer and in return the applicant shall provide open space and amenities which are not achieved through the application of minimum lot standards.

APPROVED CLUSTER PLAN: The Covington Estates Cluster Plan was approved on February 18, 2013. The property is currently zoned Suburban Residential – 12,000 sq. ft. (SR-12). The Cluster plan allows the applicant to deviate from the standard SR-12 lot sizes in return for additional green space and amenities. Furthermore, a variance was approved by the Planning and Zoning Commission allowing for an extended length cul-de-sac. The current site plan for the approved Cluster Development Plan indicates a cul-de-sac length over 600', which is the maximum permitted in section 3.2.6.4 (I) of the Unified Development Code. Through the approval of the Cluster Development Plan, the Planning and Zoning Commission granted a variance, allowing for the proposed cul-de-sac length to extend to 750'.

The typical proposed lot size for the Cluster Development plan is 84.5' x 140,' which equals 11,830 square feet. The minimum lot size in a traditional SR-12 development

would be 100' X 90' and 12,000 square feet. The density being proposed is 2.08 units per acre. This information is further illustrated in the table below:

	<u>Approved Cluster</u>	<u>SR-12</u>
Minimum lot area:	10,961 sq ft	12,000 sq ft
Minimum lot width:	84.5'*	100'
Minimum lot depth:	140'*	90'
Density (units/acre)	2.08	2.3

*typical lot width and depth for the approved Cluster Development Plan.

UNIFIED DEVELOPMENT CODE: The subject property is currently zoned Suburban Residential-12 (SR-12) Cluster. The approved cluster for this site allows the developer to vary the size of lots as long as the overall density of the development does not go over 2.3 dwelling units an acre, as specified in Section 2.2.4.3 of the Unified Development Code. All requirements of the Unified Development Code that are not deviated from through the approved Cluster Plan will be met.

SURROUNDING ZONING AND LAND USES:

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

CONFORMANCE WITH THE COMPREHENSIVE PLAN: The Future Land Use designation for the subject land is Suburban Residential Development. The approved Comprehensive Plan further indicates that corresponding lot sizes for Suburban Residential would be 10,000, 12,000, or 15,000 square foot lots. Therefore, the proposed development is in conformance with the Comprehensive Plan.

PLATTING STATUS: This is the first plat for the subject property. A final plat will be required after the completion and acceptance of all public infrastructure and amenities and prior to the release of any building permits.

CONFORMANCE WITH THE THOROUGHFARE PLAN: The subject contains frontage on Hillhouse Road, a minor collector with a minimum right-of-way of 60'. Hillhouse Road is currently constructed as a two lane road, with a width of approximately 20'.

AVAILABILITY OF UTILITIES: Public water and sewer are available for this site, but will have to be extended to the site by the applicant.

ADDITIONAL COMMENTS: This request has been reviewed by the city's Development

Review Committee and there were no additional comments.

STAFF RECOMMENDATION: Staff recommends approval of the Preliminary Plat of Covington Estates as proposed by the applicant, for the following reasons:

1. The proposed preliminary plat will not cause any adverse impacts on the surrounding properties.
2. This request is in conformance with the comprehensive plan.
3. This request is in conformance with the approved Cluster Development Plan and the Unified Development Code.

SUPPORTING DOCUMENTS:

- Vicinity and Zoning Map
- Future Land Use Plan
- Aerial Map
- Preliminary Plat of Covington Estates
- Cluster Plan Exhibit



Zoning and Vicinity Map

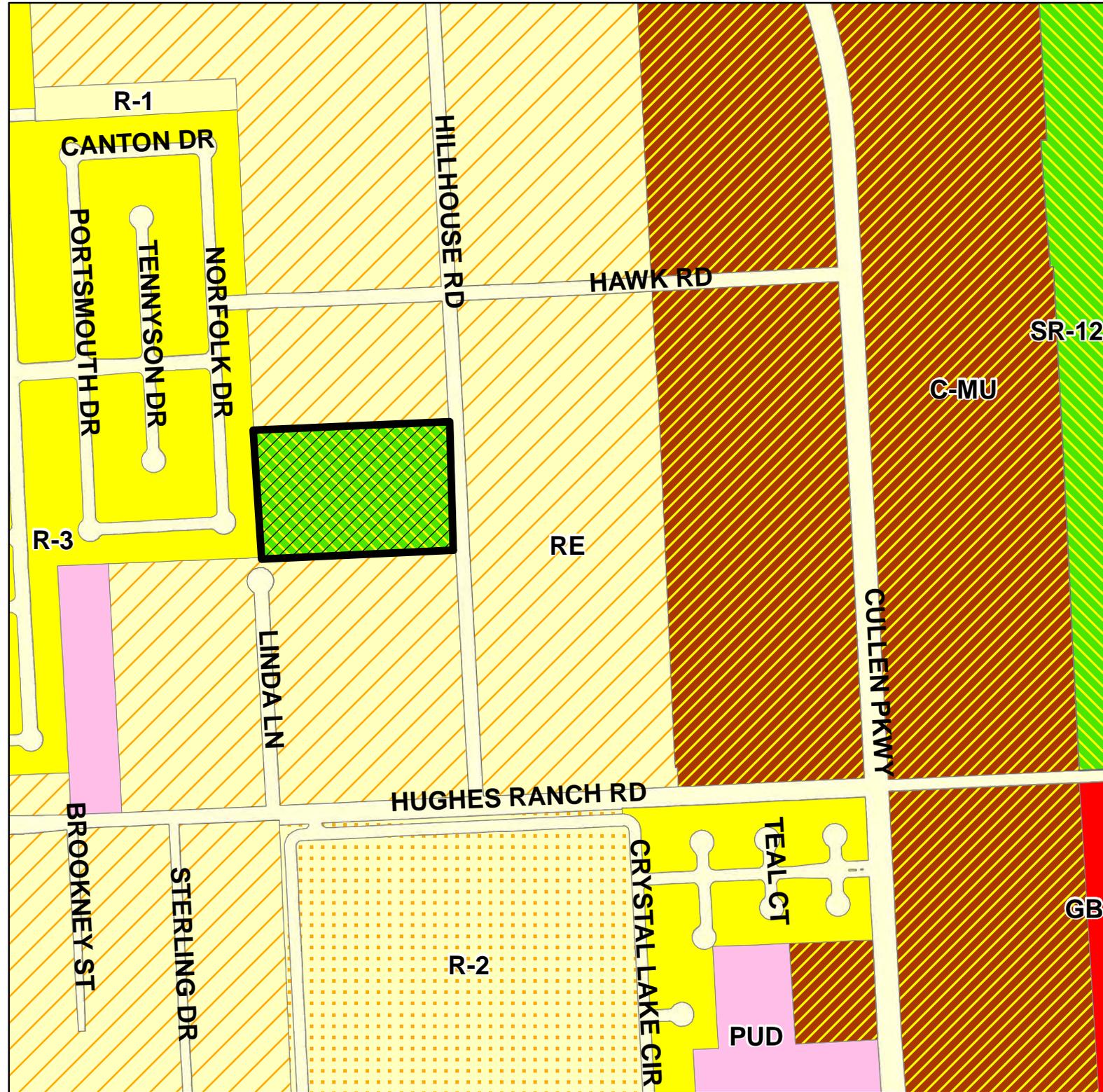
Preliminary Plat of Covington Estates

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 40 Feet





FLUP Map

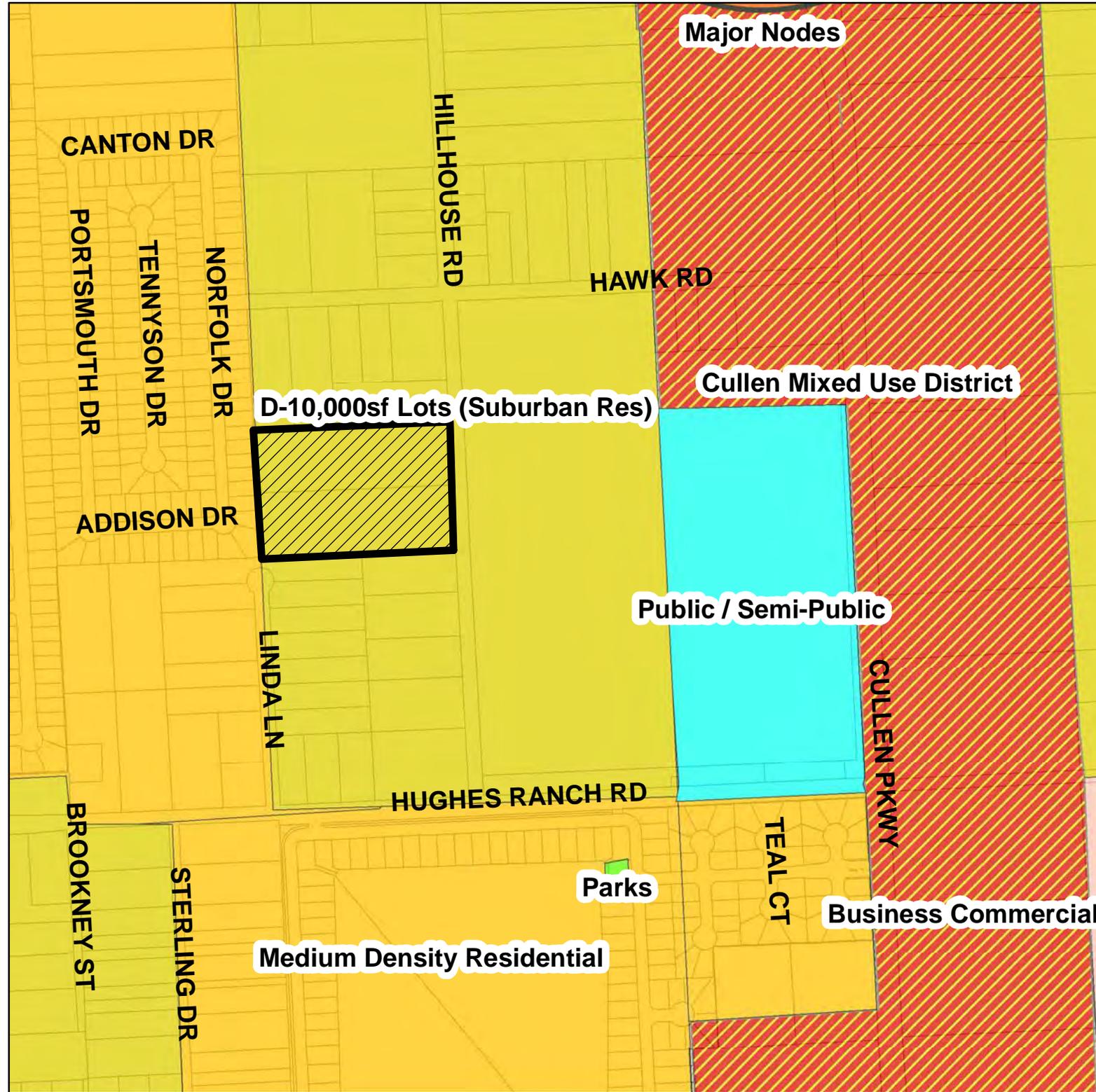
Preliminary Plat of Covington Estates

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 40 Feet



Major Nodes

Cullen Mixed Use District

Public / Semi-Public

Business Commercial

Medium Density Residential

Parks

D-10,000sf Lots (Suburban Res)

CANTON DR

PORTSMOUTH DR

TENNYSON DR

NORFOLK DR

HILLHOUSE RD

HAWK RD

ADDISON DR

LINDA LN

HUGHES RANCH RD

BROOKNEY ST

STERLING DR

TEAL CT

CULLEN PKWY



Aerial Map

Preliminary Plat of Covington Estates

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 40 Feet



STATE OF TEXAS
COUNTY OF BRAZORIA

We, Covington Estates, LLC, acting by and through Renee L. McGuire, Manager, owners of the property subdivided in this plot of COVINGTON ESTATES, 9.6373 acres out of the Allison Richey Gulf Coast Home Company Subdivision, Abstract No. 506, Brazoria County, Texas, do hereby make subdivision of said property for and on behalf of said Covington Estates, LLC, Ltd., according to the lines, lots, streets, alleys, reserves, parks, and easements as shown hereon, and dedicate for public use as such the streets, alleys, parks, and easements shown hereon forever, and do hereby waive all claims for damages occasioned by the establishment of grades as approved for the streets and drainage easements dedicated, or occasioned by the alteration of the surface, or any portion of the streets or drainage easements to conform to such grades, and do hereby bind ourselves, our heirs, successors and assigns to warrant and defend the title to the land so dedicated.

Further, owners have dedicated and by these presents do dedicate to the use of the public, for public utility purposes forever, unobstructed aerial easements. The aerial easements shall extend horizontally an additional eleven feet, six inches (11' 6") for ten feet (10') perimeter ground easements or seven feet, six inches (7' 6") for fourteen feet (14' 0") perimeter ground easements or five feet, six inches (5' 6") for sixteen feet (16' 0") perimeter ground easements, from a plane sixteen feet (16' 0") above ground level upward, located adjacent to and adjoining said public utility easements that are designated with aerial easements (U.E. and A.E.) as indicated and depicted hereon, whereby each aerial easement totals twenty one feet, six inches (21' 6") in width.

Further, owners have dedicated and by these presents do dedicate to the use of the public, for public utility purposes forever, unobstructed aerial easements. The aerial easements shall extend horizontally an additional ten feet (10' 0") for ten feet (10' 0") back-to-back ground easements, or eight feet (8' 0") for fourteen feet (14' 0") back-to-back ground easements or seven feet (7' 0") for sixteen feet (16' 0") back-to-back ground easements, from a plane sixteen feet (16' 0") above ground level upward, located adjacent to both sides and adjoining said public utility easements that are designated with aerial easements (U.E. and A.E.) as indicated and depicted hereon, whereby each aerial easement totals thirty feet (30' 0") in width.

Witness my hand in Pearland, Brazoria County, Texas,
this ___ day of _____

By
Covington Estates, LLC
Renee L. McGuire, Manager

STATE OF TEXAS
COUNTY OF BRAZORIA

Before me, the undersigned authority, on this day personally appeared Renee L. McGuire, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated.

Given under my hand and seal of office,
this ___ day of _____

Notary Public in and for
County, Texas.

I, Richard S. Willett, Registered Professional Land Surveyor No. 4615, do hereby certify that this plot correctly represents a survey made under my supervision on the ground in accordance with the information provided me and correctly represents the facts as found at the time of survey and is true and correct and that all boundary corners, lot corners, angle points, and points of curvature are properly marked with 5/8 inch diameter iron rods three feet long or as shown on the plot.



Richard S. Willett
Registered Professional Land Surveyor
Texas Registration No. 4615

This is to certify that the City Planner of the City of Pearland, Texas has approved this minor plot and subdivision of COVINGTON ESTATES and is in conformance with the laws of the State of Texas and the ordinances of the City of Pearland as shown hereon and authorizes the recording of this plat this ___ day of _____

Henry Fuentes
P&Z Chairperson
City of Pearland, Texas

Approved for the City of Pearland, Texas this ___ day of _____

Darrin Coker
City Attorney

Andrea Broughton, P.E.
City Engineer

Description of a 9.6373 acre (419,801 square feet) tract of land in the Allison Richey Gulf Coast Home Company Subdivision, Abstract 506 in Brazoria County, Texas, said 9.6373 acre tract of land recorded under Volume 2, Page 23 of the Brazoria County Map Records, said 9.6373 acre tract being more particularly described by metes and bounds as follows (with bearings referenced to said subdivision plat):

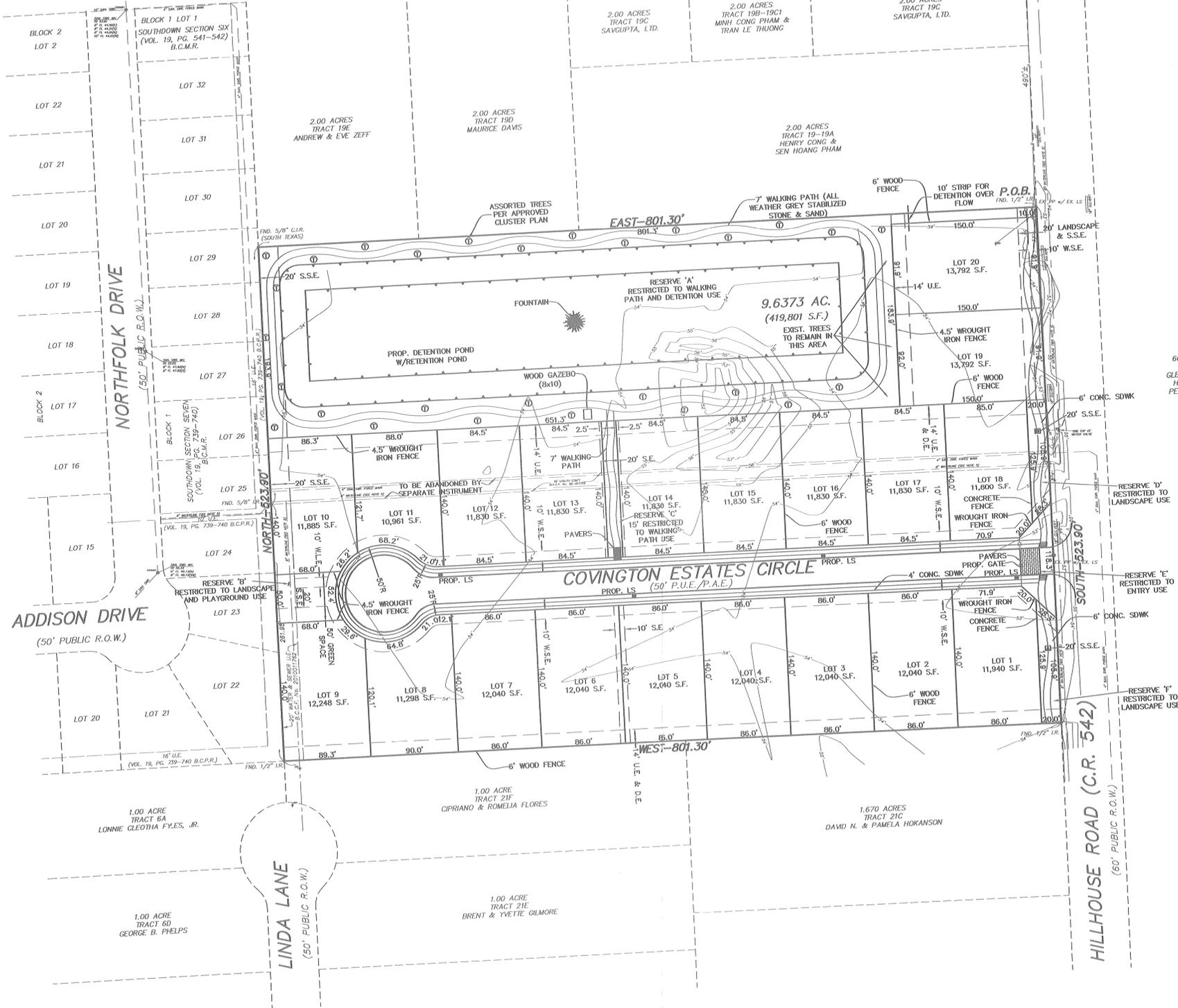
BEGINNING at a 5/8-inch iron rod found marking the northeasterly corner of the herein described tract in the westerly Right-of-Way (R.O.W.) line of Hillhouse Road (County Road 542);

THENCE South, along the westerly R.O.W. line of said Hillhouse Road, a distance of 523.90 feet to a 5/8-inch iron rod found marking the southeasterly corner of the herein described tract;

THENCE West, along the southerly line of the herein described tract, a distance of 801.30 feet to a 5/8-inch iron rod found marking the southwesterly corner of the herein described tract in the westerly line of Southdown, Section 7, a subdivision recorded under Volume 1761, Page 899 of the Brazoria County Deed Records;

THENCE North along said westerly line, a distance of 523.90 feet to a capped 1/2-inch iron rod stamped "South Texas" found marking the northwesterly corner of the herein described tract;

THENCE East, along the northerly line of the herein described tract, a distance of 801.30 feet to the POINT OF BEGINNING and containing 9.6373 acres as shown on the on the survey map prepared by Rekha Engineering, Inc. dated 09-19-12



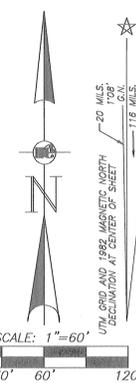
HAWK ROAD
(60' PUBLIC R.O.W.)

ADDISON DRIVE
(50' PUBLIC R.O.W.)

COVINGTON ESTATES CIRCLE
(50' P.U.E./P.A.E.)

HILLHOUSE ROAD (C.R. 542)
(60' PUBLIC R.O.W.)

LINDA LANE
(50' PUBLIC R.O.W.)



VICINITY MAP
SCALE: 1" = 1/4 MILE

- NOTES:
1. This plat has been prepared to meet the requirements of the State of Texas, Brazoria County and the City of Pearland.
2. This plat was prepared with the benefit of a title report by First American Title Insurance Company, GF No. 1707015-H109, Effective Date: June 6, 2012.
3. All bearings references are to the Texas State Plane Coordinate System, South Central Zone. (NAD 83)
4. All subdivision common areas including but not limited to detention facilities, easements, and open space within the boundaries of the plat shall be maintained by a homeowners association, commercial property association or other entity and shall not be the responsibility of the City of Pearland or Brazoria County.
5. Five-eighths inch (5/8") iron rods three feet in length are set on all perimeter boundary corners, unless otherwise noted. Block corners or street right-of-ways have not been mentioned.
6. Benchmark - Brass cap set flush in concrete, stamped "City of Pearland" 10 GPS MONU, 1995. The monument is located northerly along the south bound Highway 288 approximately 2400 feet from the intersection of F.M. 518 and Highway 288. The monument is westerly 21 feet from the west edge of asphalt of the south bound Highway 288 and approximately 185 feet from large highway light pole #265 B. ELEV. 59.29' (NGVD 1929) 1987 Adjustment.
Temporary Benchmark - Top of water valve 38' north of entrance, Elevation = 53.89
7. According to the Federal Emergency Management Agency's Flood Insurance Rate Map No. 48039C0030, revised September 22, 1999 the subject tract is located in Zone "X" (unshaded), areas determined to be outside the 0.2% annual chance floodplain.
All Floodplain information noted in the plat reflects the status per the FEMA FIRM map that is effective at the time that the plat is recorded. Floodplain status is subject to change as FEMA FIRM maps are updated.
8. Any construction proposed to be installed within a dedicated easement with prescried rights to a private entity shall require the permission of the private entity prior to the start of construction. Failure to secure such permission may result in the right holder(s) of the easement removing any unapproved pavement, structures, utilities, or other facilities located within the easement. The responsibility of securing approval from the private entities to build within an easement is solely that of the property owner.
9. The minimum slab elevation for all buildings located within the boundaries of this plat shall be the higher of (1) either 12 inches above the top of curb elevation for a curb street or 12 inches above the elevation of the edge of the roadway if no curb exists, or (2) 12 inches above the 100 year floodplain water surface elevation for structures to be located within the 100 year floodplain.
10. Any proposed drainage system for this subdivision shall be designed to meet the requirements of the City of Pearland and Brazoria Drainage District #4.
11. All landscaping and structures, including fences at intersections shall conform to the City of Pearland and AASHTO site distance requirements for motorists.
12. Driveway requirements for the location, widths and offsets from an intersection and any existing driveway or proposed driveways, shall conform to the requirements of the City of Pearland Engineering Design Criteria Manual and Unified Development Code.
13. 6' sidewalk will be provided along Hillhouse Road and 4' sidewalk will be provided in the interior of the development.
14. Covington Estates Circle is to be a curbed street and not open ditch.
15. Planning and Zoning Commission has approved the Cluster Plan for this development and has approved the variance for cul-de-sac length.
16. All proposed fencing is to match approved cluster plan as shown hereon.

2014 HILLHOUSE ROAD
PRELIMINARY PLAT
OF

COVINGTON ESTATES

A SUBDIVISION OF 9.6373 ACRES OF LAND SITUATED IN ALLISON RICHEY GULF COAST HOME COMPANY SUBDIVISION, ABSTRACT No. 506, AS RECORDED IN VOLUME 2, PAGE 23 OF THE BRAZORIA COUNTY MAP RECORDS, CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS

SCALE: 1" = 60' 6 RESERVES, 1 BLOCK, 20 LOTS, DATE: APRIL 4, 2013

OWNER:
COVINGTON ESTATES, LLC
RENEE L. MCGUIRE - MANAGER
7918 BROADWAY, SUITE 106
PEARLAND, TEXAS 77581
281-997-1500

ENGINEER AND SURVEYOR:
REKHA ENGINEERING INC.
5301 Hollister, Suite 190
Houston, Texas 77040
713-895-8080
713-895-8081
Fax: 713-895-7686
Job No. 0906-29004
Contact: John H. English, Sr. Vice President
joke1@rednet

LEGEND table with columns for symbols and descriptions: ACRES, A.E., B.C.C.F.No., B.C.D.R., B.C.P.R., D.E., EX., FND., IR, LS, O.R.B.C.T., PP, P.O.B., PROP., R.O.W., S.E., S.F., TBM, U.E., VOL., PG., W.S.E., AERIAL EASEMENT, BRAZORIA COUNTY CLERK'S FILE No., BRAZORIA COUNTY DEED RECORDS, BRAZORIA COUNTY PLAT RECORDS, DRAINAGE EASEMENT, EXISTING, IRON ROD, LIGHT STANDARD, OFFICIAL RECORDS BRAZORIA COUNTY, TEXAS, POWER POLE, PLACE OF BEGINNING, PROPOSED, RIGHT-OF-WAY, STORM EASEMENT, SQUARE FEET, TEMPORARY BENCHMARK, UTILITY EASEMENT, VOLUME, PAGE, WATER & SEWER EASEMENT

File Info: I:\3213\PLAT\3213-PRPLAT.DWG Apr 08, 2013 12:08pm Carfax

**COVINGTON ESTATES
CLUSTER DEVELOPMENT
PLAN**



APPLICATION FOR A CLUSTER DEVELOPMENT PLAN

City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281.652.1768
281.652.1702 fax
cityofpearland.com

A Cluster Development Plan for: Covington ESTATES
(list proposed use from the Table of Uses of the UDC)

Current Zoning District: SR 12

Property Information:

Address or General Location of Property: 2014 Hillhouse Rd
Pearland, TX 77581

Tax Account No. 175842 + 492357

Subdivision: Allison Richey Gulf Coast Home Co. Lot: 20-20A Block: _____

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

PROPERTY OWNER INFORMATION:

NAME Covington Estates LLC
ADDRESS 7918 Broadway
CITY Pearland STATE TX ZIP 77581
PHONE (281) 997-1500
FAX (281) 997-2886
E-MAIL ADDRESS Chad@Rwestdevelopment.com

APPLICANT/AGENT INFORMATION:

NAME _____
ADDRESS _____
CITY _____ STATE _____ ZIP _____
PHONE(_____) _____
FAX(_____) _____
E-MAIL ADDRESS _____

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

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

Owner's Signature: Chad Rumm *president by Mac West* Date: 1-15-13
Manager

Applicant/Agent's Signature: _____ Date: _____

OFFICE USE ONLY:

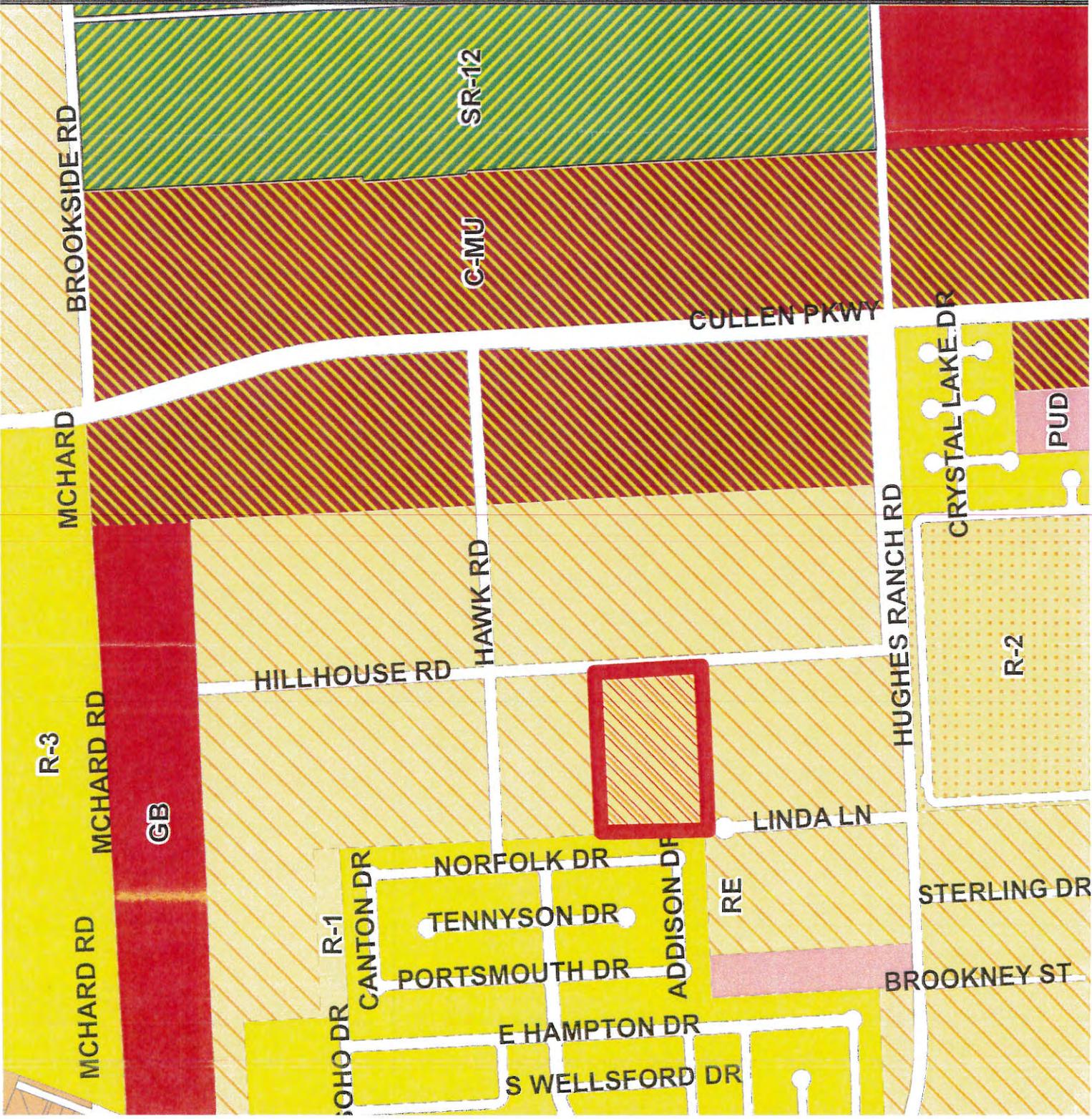
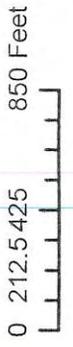
FEES PAID: <u>400.00</u>	DATE PAID: <u>1/15/13</u>	RECEIVED BY: <u>ITZ</u>	RECEIPT NUMBER: _____
--------------------------	---------------------------	-------------------------	-----------------------

Application No.



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.



Letter of Intent

1-15-13

RE: Letter of Intent to the City of Pearland:

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

PROPERTY: A Vacant Tract of land consisting of 9.6 acres located at 2014 Hillhouse Rd Pearland, TX 77581 (see exhibit 1 for current land condition).

PURPOSE: Establish a Cluster Development Plan on the above referenced property, meeting the standards for residential density as outlined in the UDC and provide sufficient buffering and compatibility to the surrounding neighborhoods.

SCOPE: This Cluster Plan provides open space and amenities to the development, that can not be achieved through minimum lot size standards. The Cluster Development Plan is consistent with other zoning district regulations, except lot width and size. In order to provide open space and amenities to the development, (lots 1-20) width requirements and (10 lots) size requirements, could not be achieved through minimum lot standards.

A list of additional amenities that increase the desirability to the City of Pearland and its marketability to the public, are listed below:

ENHANCED ENTRY:

1. **Wrought Iron Electric Gate** providing security to the community(see example in exhibit 2).
2. **Wrought Iron Fence** beginning at gate and ending at the setback line.
3. **Masonry Fence** beginning at setback line and ending at rear lot line.

4. **Decorative Masonry Entry Sign** naming the subdivision.(see example in exhibit 3).
5. **Landscaping** around entry sign and across the wrought iron fence.
6. **Pavers Inserted in the Roadway** in front of the entrance gate.
7. **Sidewalk** on top of **Berms** winding in and out of the trees.
8. Four **Large Oak Trees** (5-7 inches in diameter).

POCKET PARK AREA:

1. **Multicolored Play Structure**, including two Slides , steps, sliding pole and Tic-Tac-Toe (see example in exhibit 4)
2. Two **Benches** for the parents, placed underneath trees (see example in exhibit 5).
3. Six **Large Oak Trees** (5-7 inches in diameter).

GAZEBO:

1. 8x10 **Gazebo** constructed of Wood, Hardy plank, and Stone (see example in exhibit 6)
2. Two **Benches**
3. Black Iron **Cooking Grill**(see example in exhibit 7)

LAKE:

1. Wet Detention **Pond with Water Feature** (see example in exhibit 8).
2. **Concrete Walking Trail** winding in and out of Trees surrounding the entire lake.
3. **Fountain** Water Feature in the middle of the Lake(see example in exhibit 9).
4. **26 Trees** (10 oak trees 5-7 inches in diameter)carefully placed around the pond and side walk to help achieve a natural look.
5. **Existing Hardwood Trees** including a 33'' Oak Tree
6. **Landscaped Sign** and Entry to a winding walkway leading to the lake.

REQUIRED INFORMATION:

Total Site Area: 418,176 sq ft

Total Area of Easements: 42,170 sq ft

Total of all Space Minus the Easements: 376,006 sq ft
Total Area of all Amenities: 144,912sq ft
Total Area of all Amenitized Detention: 127,787 sq ft
Total Area of all non-Amenitized detention: 0 sq ft
Total Amenity Percentage: $(144,912 / 376,006) = 39\%$

**Sincerely yours,
Covington Estates, LLC**

Chad Thumann

EXHIBIT 1



Subject site 10AC





12/11/12 5

AMERICAN
PARKS ★ COMPANY



800-381-4491

AmericanParksCompany.com





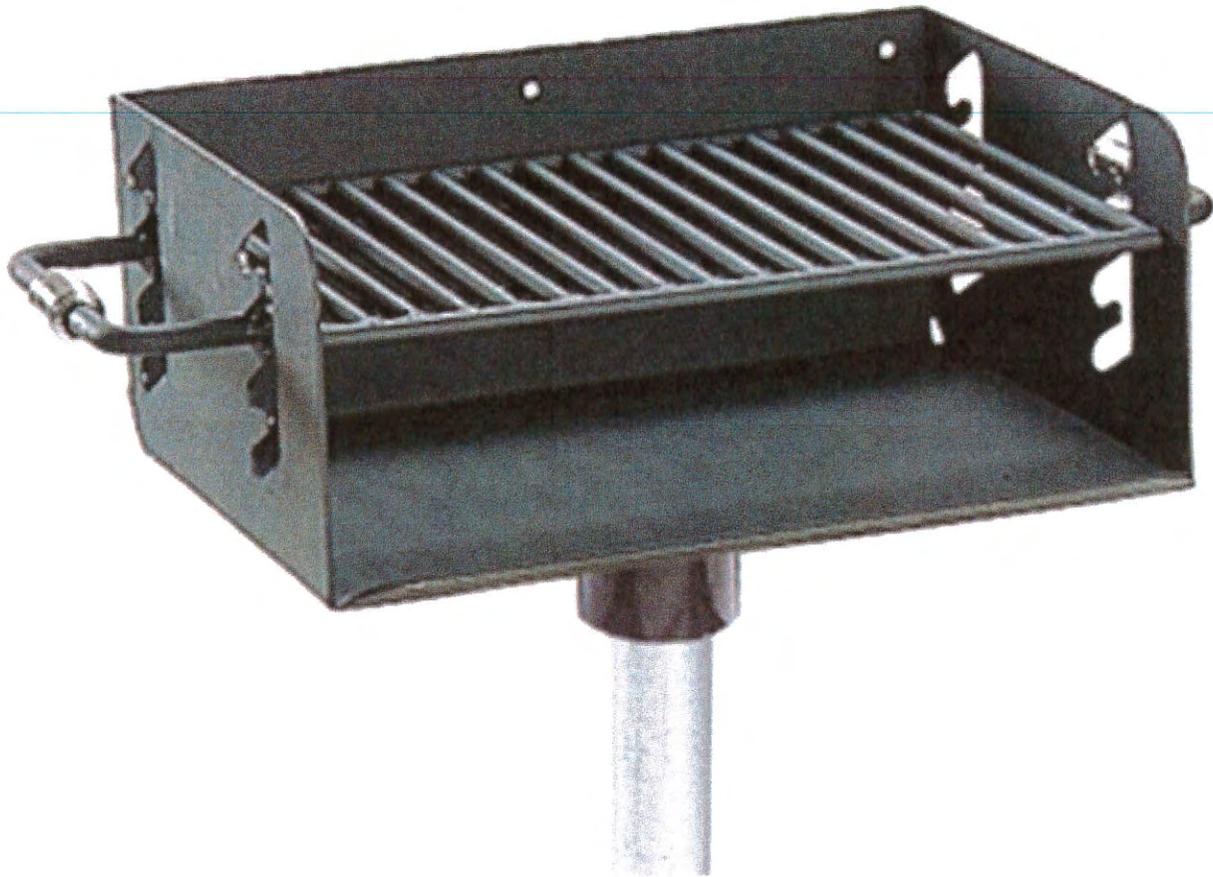
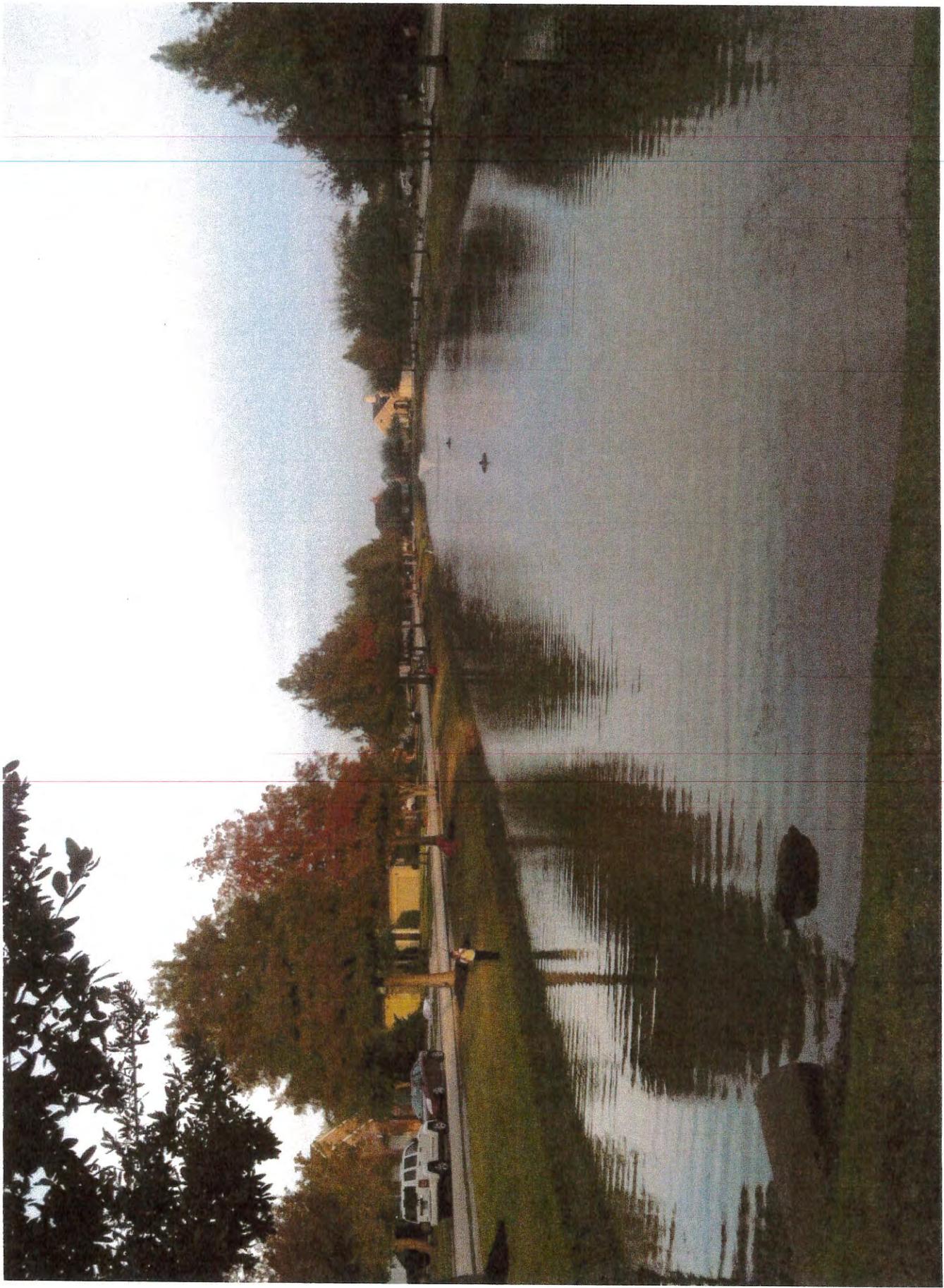
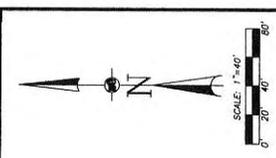


EXHIBIT 8







LIST OF AGENCIES
 WOOD LAZARUS
 ENGINEERING & ARCHITECTURE
 1100 W. WINDYBROOK
 SUITE 100
 WACO, TEXAS 76798

CITY OF WACO AND
 WACO, TEXAS
 14' UTILITY EASEMENT
 1' IMPROVED WALK



DRAWINGS INCOMPLETE
 THIS SET OF DRAWINGS IS FOR PRELIMINARY CONSTRUCTION PURPOSES ONLY. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS OF THE SITE PRIOR TO CONSTRUCTION. THE ENGINEER ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS IN THESE DRAWINGS.

DATE: 7/16/73

COMINGTON ESTATES
 PEARMAN, BRAZILZONA COUNTY, TEXAS

REV.	DESCRIPTION	DATE
1	UPDATE	07/11/73

SCALE: 1"=40'
 DATE: 10/10/72

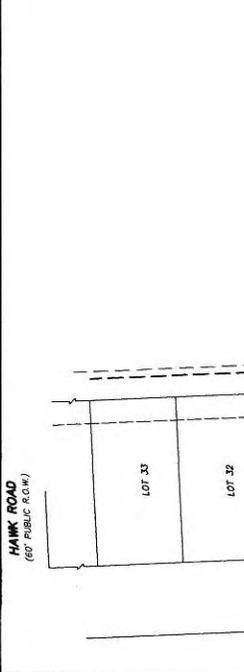
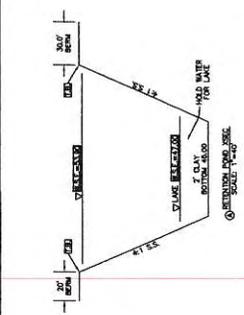
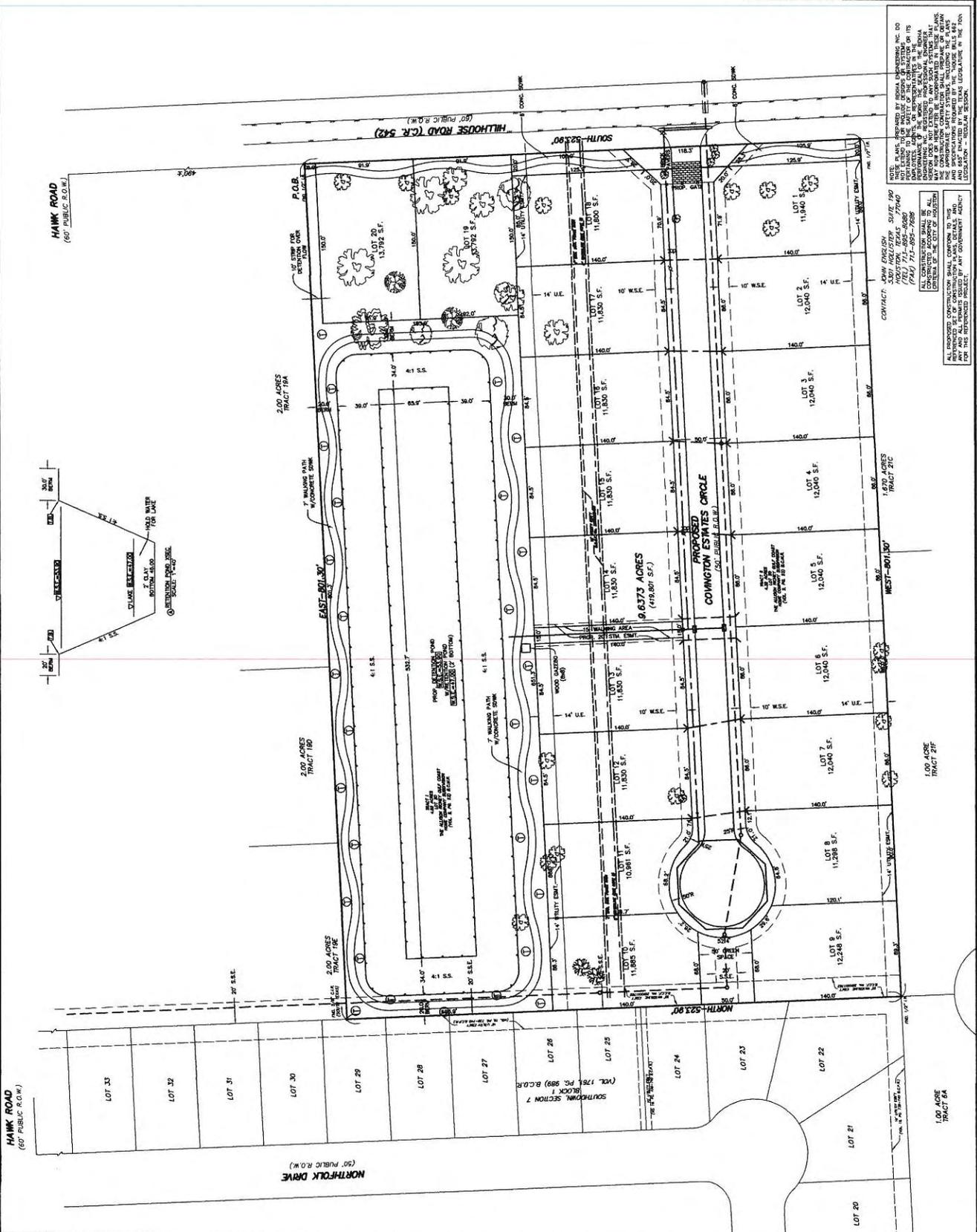
PRELIMINARY OVERALL LOT DIMENSIONAL PLAN

REKHA ENGINEERING INC.
 500 W. WINDYBROOK
 SUITE 100
 WACO, TEXAS 76798
 (817) 771-8930
 (817) 771-8931

DRAWN BY: DS
 CHECKED BY: GHE
 APPROVED BY: DNE (DSE No. 0912-3213)

SHEET NO. 7-3372
C3B

CLIENT: COMINGTON ESTATES, L.L.C.



9.6373 ACRES
 (49,801 S.F.)

COMINGTON ESTATES CIRCLE
 PROPOSED
 (50' PUBLIC R.O.W.)

NOTE: THIS PLAN IS PROVIDED BY REKHA ENGINEERING INC. AND IS NOT A CONTRACT. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS OF THE SITE PRIOR TO CONSTRUCTION. THE ENGINEER ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS IN THESE DRAWINGS.

CONTACT: JOHN ENGLISH
 3307 HOLLYSTEP, SUITE 150
 WACO, TEXAS 76798
 (817) 771-8930-8939
 (817) 771-8930-7689

CONTRACTING TO ALL
 CONTRACTING TO ALL
 CONTRACTING TO ALL

ALL PROPOSED CONSTRUCTION SHALL COMPLY WITH THE LATEST EDITIONS OF THE TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) STANDARD SPECIFICATIONS FOR CONSTRUCTION OF PUBLIC WORKS AND THE LATEST EDITIONS OF THE TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) STANDARD SPECIFICATIONS FOR CONSTRUCTION OF HIGHWAYS.

**P&Z AGENDA
ITEM**

G



City of Pearland

Reviewed by:

Date Reviewed:

P&Z AGENDA REQUEST

TO: Planning & Zoning Commission
REQUESTOR: Ian Clowes
DATE: 04/08/2013
AGENDA ITEM SUBJECT: Waiver Request - Final Plat of Preserve at Highland Glen Section 2

Old Business **New Business** Discussion Item Workshop

Summary: A request by Rene Rodriguez, from LJA Engineering, applicant, on behalf of Beazer Homes Texas, LP, owner, for approval of a Waiver of Decision of Time for the Final Plat of Preserve at Highland Glen, Sec. 2, a 143 lot single-family residential subdivision, to allow for the completion and acceptance of the infrastructure, generally located a half mile northeast of the intersection of Barry Rose and Pearland Parkway.

Staff Recommendation: Approval



2929 Briarpark Drive
Suite 600
Houston, Texas 77042-3703

Phone 713.953.5200
Fax 713.953.5026
www.ljaengineering.com

April 9, 2013

City of Pearland
Planning Department
3523 Liberty Drive
Pearland, Texas 77581

Re: Final Plat of Preserve at Highland Glen Section Two
LJA Job No. 1406-2919C (6.1)

Dear Planning & Zoning Commission/Planning Director:

Please accept for consideration the following request for waiver of decision time pursuant to Section 3.1.1.4 (b) of Pearland's UDC. LJA Engineering, Inc., hereby request an additional 40 days before the Planning and Zoning must act upon the plat known as Preserve at Highland Glen Section Two. This extension is to allow time for construction to be complete and accepted by the City of Pearland.

LJA Engineering, Inc. (LJA) agrees that the waiver, if granted, shall be construed as tolling the official filing date of the above plat by the number of days granted pursuant to this request.

Sincerely,

A handwritten signature in blue ink that reads 'Rene R.' with a small flourish at the end.

Rene Rodriguez
Sr. Project Coordinator

RR/lb

**P&Z AGENDA
ITEM**

H



City of Pearland

Reviewed by:

Date Reviewed:

P&Z AGENDA REQUEST

TO: Planning & Zoning Commission
REQUESTOR: Ian Clowes, Planner II
DATE: 04/08/2013
AGENDA ITEM SUBJECT: Final Plat of the Preserve at Highland Glen, Sec. 2

Old Business **New Business** Discussion Item Workshop

Summary: A request by Rene Rodriguez, from LJA Engineering, applicant, on behalf of Beazer Homes Texas, LP, owner, for approval of a Final Plat of Preserve at Highland Glen, Sec. 2, a 143 lot single-family residential subdivision, generally located a half mile northeast of the intersection of Barry Rose and Pearland Parkway.

Staff Recommendation: No action required with the approval of a Waiver of Decision.



PLANNING AND ZONING COMMISSION MEETING OF APRIL 15, 2013

FINAL PLAT OF PRESERVE AT HIGHLAND GLEN SECTION 2

A request by Rene Rodriguez, from LJA Engineering, applicant, on behalf of Beazer Homes Texas, LP, owner, for approval of a Final Plat of Preserve at Highland Glen, Sec. 2, a 143 lot single-family residential subdivision, to wit

Legal Description: Being 36.5 acres of land located in the Derril H.M. Hunter Survey, Abstract 36, Harris County, Texas, more particularly being a portion of a called 56.233 acre tract conveyed to Beazer Homes Texas, L.P., by an instrument of record in File No. 20110092185, Official Public Records of Said Harris County, Texas (H.C.O.P.R.R.P.), being a portion of a called 61.217 acre tract conveyed to Beazer Homes Texas, L.P., by an instrument of record in File No. 20110092165, H.C.O.P.R.R.P., an undivided one-half (1/2) interest in said 56.233 acres and said 61.217 acres conveyed to Lennar Homes of Texas Land and Construction, Ltd by instrument of record in File No. 20110407994, H.C.O.P.R.R.P.

General Location: A half mile northeast of the intersection of Hughes and Pearland Parkway.

SUMMARY: This is a request for a Final Plat of Preserve at Highland Glen Sec. 2 a 143 lot single-family residential subdivision on approximately 36.5 acres. This proposed subdivision is the second of three phases of an overall Cluster Plan for The Preserve at Highland Glen. The Cluster Plan was approved on March 7, 2011 with an overall area of 130.5 acres and a total build out of 285 single-family lots. The Cluster Plan is intended to allow some flexibility with lot sizes for the developer and in return they provide a larger amount of green space including pocket parks, trails, and amenitized detention areas.

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	Houston ETJ	Single Family Residential
South	PUD (Stonebridge), R-3 – Medium Density Res.	Single Family Residential (Stonebridge Estates)
East	Houston ETJ	Single Family Residential
West	PUD (Lakes of Highland Glen)	Vacant Land, Single Family Residential

UNIFIED DEVELOPMENT CODE: The subject property is currently zoned as Single-Family Residential (R-1) Cluster. A cluster development plan was approved on March 7, 2011, which allows the developer to vary the size of lots as long as the overall density of the development does not go over 3.2 dwelling units an acre. This proposed development is in accordance to the Cluster Development Plan for the Preserve at Highland Glen. The minimum lot sizes and density requirements for the Single-Family Residential-1 (R-1) are as follows:

	<u>R-1</u>	<u>Cluster Average</u>
<u>Lot Area:</u>	8,800 sq. ft.	7,800 sq. ft.
<u>Lot Depth:</u>	80'	65'
<u>Lot Width:</u>	90'	120'
<u>Density for Cluster Development:</u>	3.2 units/acre	2.66 units/acre

PLATTING STATUS: This request is for the Final Plat for The Preserve at Highland Glen Section Two, which has 143 of the total 285 single family residential lots for the development. The Preliminary Plat for this section was approved on August 20, 2012.

CONFORMANCE WITH THE COMPREHENSIVE PLAN: The Future Land Use designation for the subject land is Suburban Residential Development. This land use designation is in compliance with the Comprehensive Plan as this property is zoned R-1 (Single Family Residential-1).

CONFORMANCE WITH THE THOROUGHFARE PLAN: The subject property is the second phase of The Preserve at Highland Glen which currently has frontage on the newly constructed Hughes Road (Barry Rose expansion), a secondary thoroughfare with sufficient width for right-of-way of 100 feet. The City constructed the extension (including the involved bridge) from Pearland Pkwy to the first entrance into the proposed development. The remainder was constructed by the developer of Ridge Creek, but is not needed for the proposed Preserve at Highland Glen. Additionally, the property has access from existing Azure Brook Lane, located in the Clear Brook subdivision, outside the City limits of Pearland. Interior roads within the subdivision have and will continue to be built to the local road standards of the City of Pearland with a right-of-way of 60'.

AVAILABILITY OF UTILITIES: The subject parcel is served by public water and sewer lines. These lines have been constructed along with the required infrastructure within Section One of this subdivision and will be extended to Section Two.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The proposed Final Plat should not have any significant adverse impacts on any surrounding structures or uses. This would also permit the applicant to develop the property in overall accordance with the Future Land Use Plan recommendations, and approved cluster plan.

STATUS OF AMMENITIES: The following amenities were constructed in Section 1 of the Preserve at Highland Glen.

1. Linear Park with Trail and Seating (6' wide concrete). **(Complete)**
2. Pocket Park One **(Complete)**
3. Improved drainage ditch with landscaping. **(Complete)**

The following amenities will be constructed in Section 2 of the Preserve at Highland Glen.

1. A one (1) acre pocket park is planned for phase two which will include seating and a meandering trail.

The pocket park for Section 2 is required to be constructed within 120 days of the approval of the Final Plat.

The required trail along Clear Creek and the final pocket park will be constructed as part of Section 3 and will be required to be completed within 120 days after the recordation of the final plat.

STAFF RECOMMENDATION: Staff recommends approval of this Final Plat of Preserve at Highland Glen as proposed by the applicant for the following reasons:

1. Approval of the Final Plat would be in conformance with the surrounding zoning and future land uses.
2. The Final Plat will not have any significant adverse impact on the surrounding properties and developments.
3. The proposed development will be in conformance to the approved Cluster Development Plan and the guidelines of the Unified Development Code.

SUPPORTING DOCUMENTS:

- Vicinity and Zoning Map
- Future Land Use Plan
- Aerial Photograph
- Landscaping Exhibit
- Open Space Exhibit
- Final Plat of the Preserve at Highland Glen Section Two
- Amenity Exhibit and Timeline



Zoning and Vicinity Map

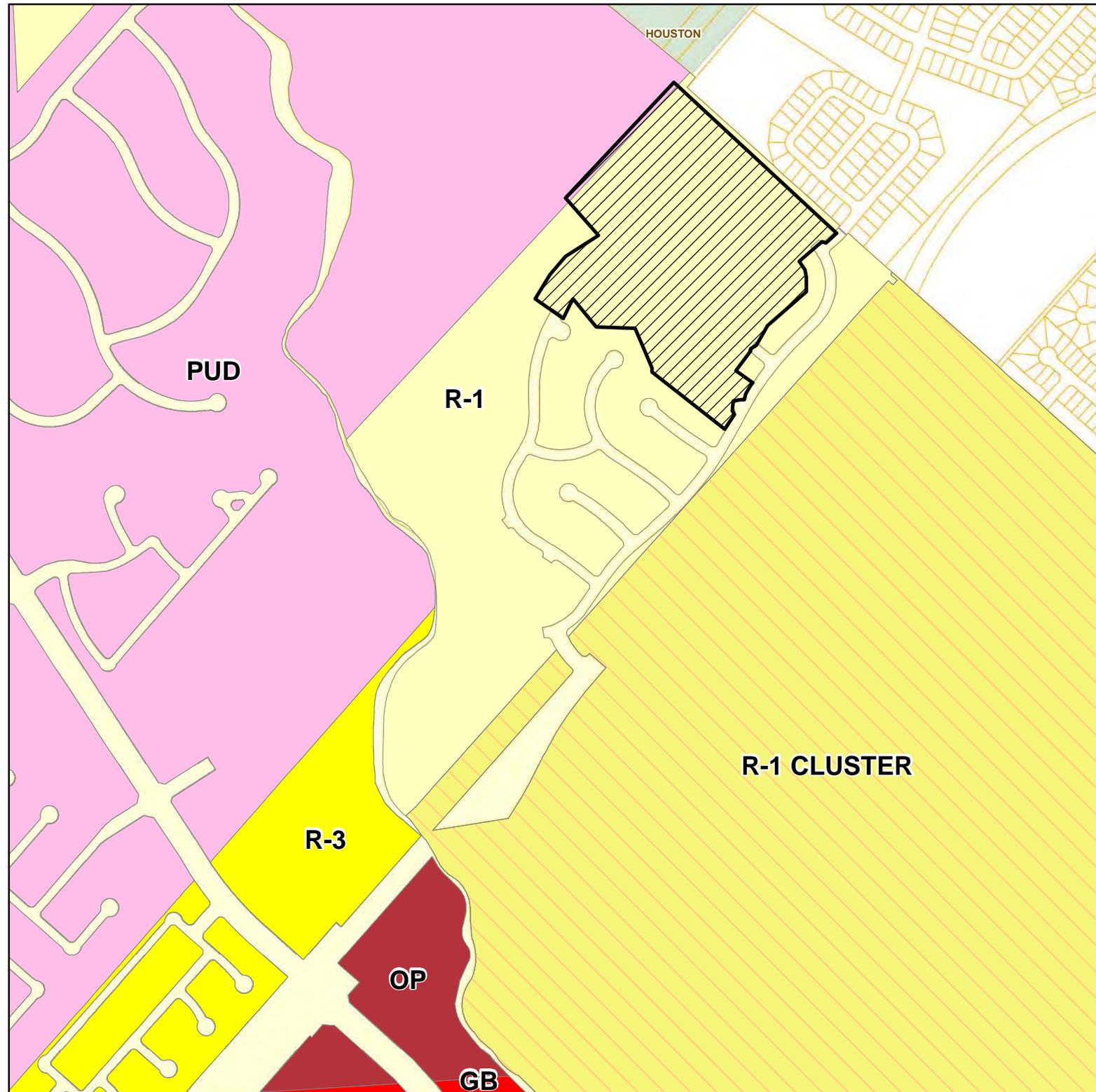
Final Plat of Preserve at Highland Glen Section 2

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 50 100 Feet





FLUP Map

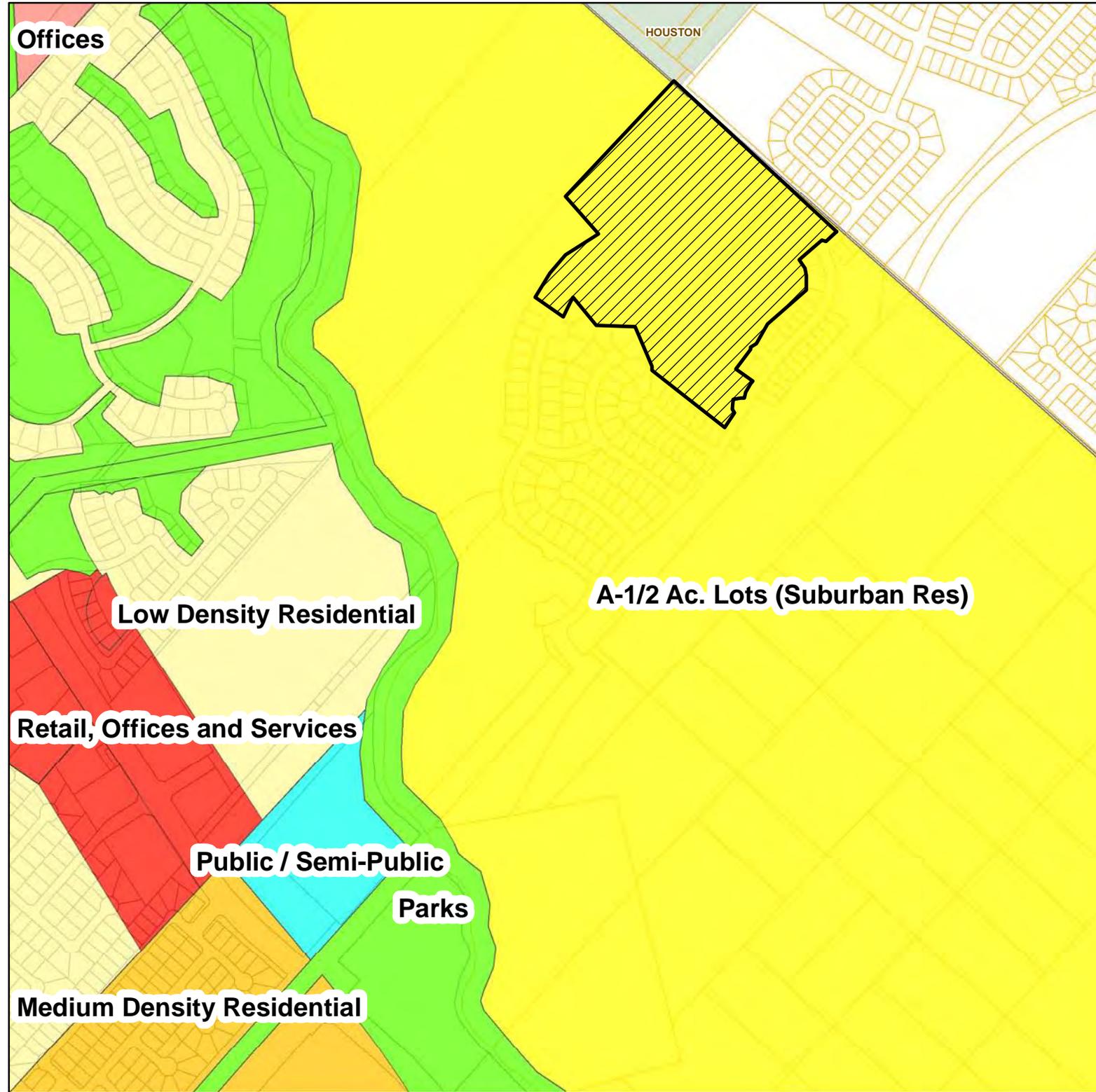
Final Plat of Preserve at Highland Glen Section 2

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N



0 50 100 Feet



Offices

HOUSTON

Low Density Residential

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

Retail, Offices and Services

Public / Semi-Public

Parks

Medium Density Residential



Aerial Map

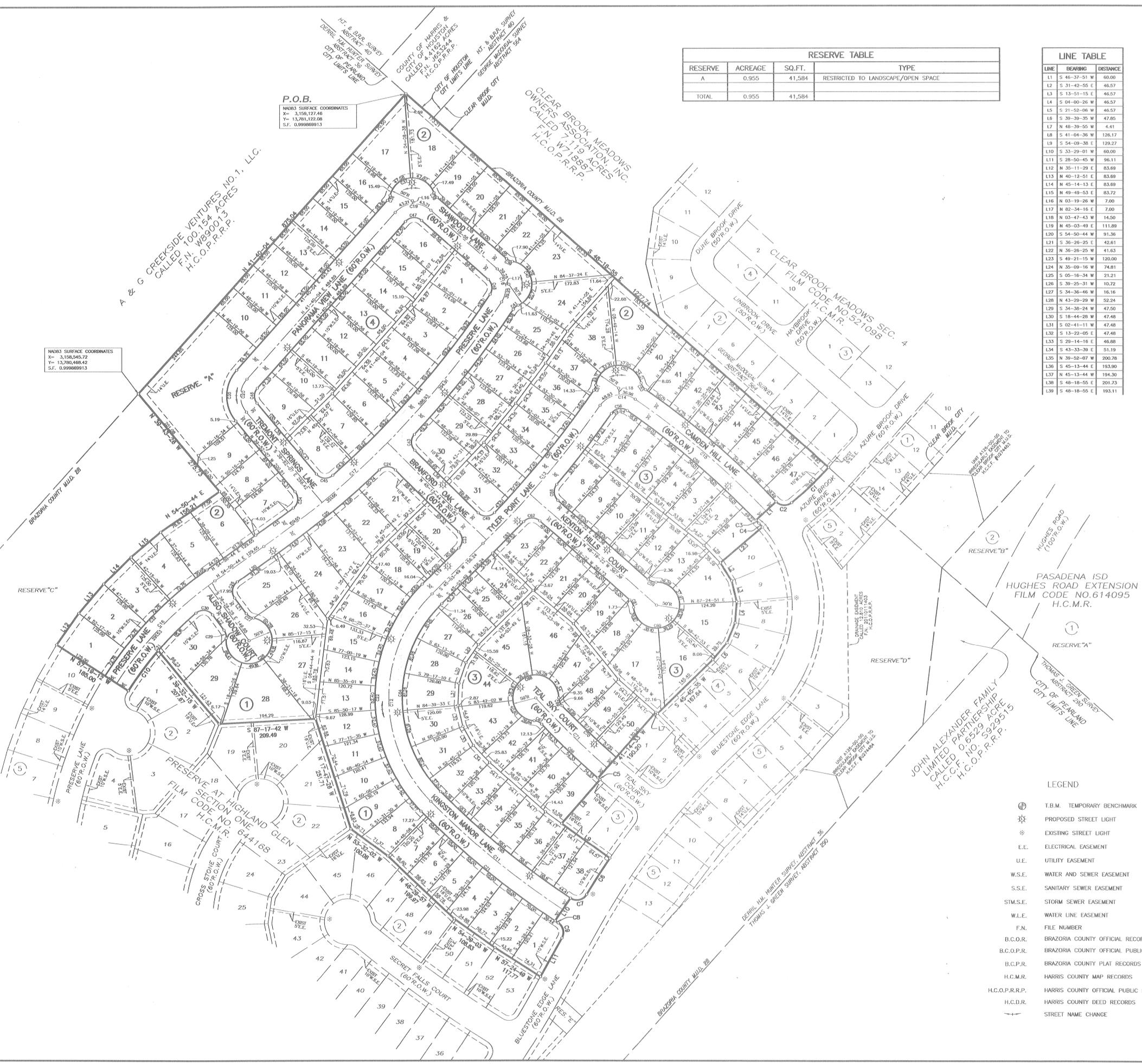
Final Plat of Preserve at Highland Glen Section 2

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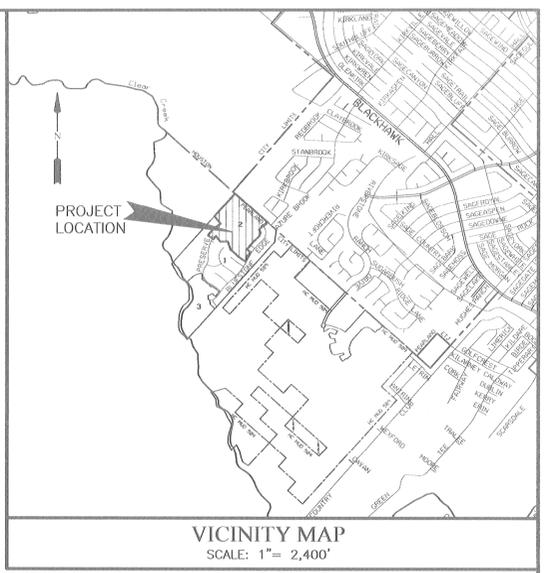
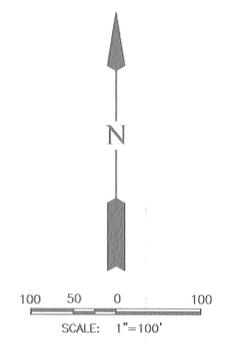
0 50 100 Feet





RESERVE TABLE			
RESERVE	ACREAGE	SQ.FT.	TYPE
A	0.955	41,584	RESTRICTED TO LANDSCAPE/OPEN SPACE
TOTAL	0.955	41,584	

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 46-37-51 W	60.00
L2	S 31-42-55 E	46.57
L3	S 13-51-15 E	46.57
L4	S 04-00-26 W	46.57
L5	S 21-52-06 W	46.57
L6	S 39-39-35 W	47.85
L7	N 48-39-55 W	4.41
L8	S 41-04-36 W	126.17
L9	S 54-09-38 E	129.27
L10	S 33-29-01 W	60.00
L11	S 28-50-45 W	96.11
L12	N 35-11-29 E	83.69
L13	N 40-12-51 E	83.69
L14	N 45-14-13 E	83.69
L15	N 49-49-53 E	83.72
L16	N 03-19-26 W	7.00
L17	N 82-34-16 E	7.00
L18	N 03-47-43 W	14.50
L19	N 45-03-49 E	111.89
L20	S 54-50-44 W	91.36
L21	S 36-26-25 E	42.61
L22	N 36-26-25 W	41.63
L23	S 49-21-15 W	120.00
L24	N 35-09-16 W	74.81
L25	S 05-16-34 W	21.21
L26	S 39-25-31 W	10.72
L27	S 34-36-46 W	16.16
L28	N 43-29-29 W	52.24
L29	S 34-36-24 W	47.50
L30	S 18-44-28 W	47.48
L31	S 02-41-11 W	47.48
L32	S 13-22-05 E	47.48
L33	S 29-14-16 E	46.88
L34	S 43-33-39 E	51.19
L35	N 39-52-07 W	200.78
L36	S 45-13-44 E	193.90
L37	N 45-13-44 W	194.30
L38	S 48-18-55 E	201.73
L39	S 48-18-55 E	193.11



CURVE TABLE						
CURVE	RADIUS	DELTA	ARC	TANGENT	CHORD	CHORD BEARING
C1	670.00	9-32-09	111.51	55.88	111.38	S 46-21-45 W
C2	25.00	85-30-01	37.31	23.11	33.94	N 86-07-10 W
C3	1770.00	0-17-43	9.12	4.56	9.12	S 43-13-18 E
C4	270.00	2-25-41	11.44	5.72	11.44	S 41-51-36 E
C5	2030.00	0-09-57	5.87	2.94	5.87	S 48-50-26 E
C6	1630.00	3-17-28	93.63	46.83	93.62	S 32-22-45 W
C7	25.00	92-45-01	40.47	26.23	36.19	S 77-06-31 W
C8	1830.00	0-14-52	7.91	3.96	7.91	S 56-38-25 E
C9	25.00	85-36-36	37.35	23.15	33.98	S 13-57-53 E
C10	770.00	8-04-36	108.54	54.36	108.45	S 36-43-06 W
C11	1890.00	11-51-32	372.55	186.94	371.89	S 50-35-13 E
C12	320.00	89-43-17	501.10	316.45	451.45	S 00-12-11 W
C13	2380.00	9-50-07	394.01	197.89	394.52	N 40-08-46 E
C14	55.00	89-28-47	85.89	54.50	77.43	S 79-58-06 W
C15	1800.00	11-55-21	374.55	187.96	373.88	N 49-19-50 W
C16	800.00	22-09-56	309.49	156.70	307.56	S 43-45-46 W
C17	2000.00	21-23-16	746.98	377.88	742.25	N 44-09-06 E
C18	55.00	81-46-23	78.50	47.82	72.00	N 07-25-44 W
C19	55.00	90-01-01	86.41	55.02	77.79	S 88-40-34 W
C20	55.00	81-32-11	78.27	47.42	71.83	S 00-53-58 W
C21	1830.00	11-51-32	378.76	190.06	378.09	N 50-35-13 W
C22	350.00	89-43-17	546.08	348.30	493.77	N 00-12-11 E
C23	25.00	90-17-33	36.40	25.13	35.45	N 00-04-57 W
C24	25.00	88-27-59	36.60	24.34	34.88	N 89-27-43 W
C25	2030.00	8-32-27	302.60	151.58	302.32	S 50-34-31 W
C26	25.00	91-17-09	39.83	25.57	35.75	S 09-12-10 W
C27	25.00	42-50-00	18.69	9.81	18.26	S 57-51-25 E
C28	50.00	265-40-01	231.84	53.93	73.33	S 53-33-35 W
C29	25.00	42-50-00	18.69	9.81	18.26	N 15-01-25 W
C30	25.00	94-14-01	41.12	26.92	36.64	N 83-33-26 W
C31	770.00	18-38-45	223.70	112.85	222.92	S 41-00-11 W
C32	830.00	22-09-56	321.09	162.58	319.10	N 43-45-46 E
C33	1970.00	2-58-07	151.40	50.71	101.39	N 53-22-18 E
C34	25.00	91-45-54	40.54	25.78	35.90	N 06-00-50 E
C35	85.00	81-32-11	120.96	73.39	111.01	N 00-53-58 E
C36	25.00	28-05-23	12.26	6.25	12.13	N 27-37-22 E
C37	50.00	148-11-47	127.58	164.55	95.68	N 86-40-34 E
C38	25.00	28-05-23	12.26	6.25	12.13	S 34-16-14 E
C39	25.00	32-40-48	14.26	7.33	14.07	S 64-39-19 E
C40	50.00	147-07-58	128.40	169.52	95.91	S 07-25-44 E

CURVE TABLE						
CURVE	RADIUS	DELTA	ARC	TANGENT	CHORD	CHORD BEARING
C41	25.00	32-40-56	14.26	7.33	14.07	S 49-47-47 W
C42	2030.00	9-46-56	346.59	173.22	346.17	S 38-20-47 W
C43	25.00	88-27-59	36.60	24.34	34.88	S 00-59-44 E
C44	1970.00	15-11-53	522.55	262.82	521.02	S 41-03-24 W
C45	25.00	91-28-33	39.91	25.65	35.81	N 85-36-23 W
C46	25.00	81-32-11	35.56	21.56	32.65	N 00-53-58 E
C47	25.00	90-01-01	39.28	25.01	35.36	N 86-40-34 E
C48	25.00	81-46-23	35.68	21.65	32.73	S 07-25-44 E
C49	25.00	91-23-00	39.87	25.61	35.78	N 89-04-46 E
C50	2270.00	8-38-37	342.45	171.55	342.12	N 39-03-58 E
C51	25.00	27-21-16	11.94	6.08	11.82	N 21-04-02 E
C52	50.00	159-28-32	139.17	276.17	98.40	N 87-07-40 E
C53	25.00	41-56-20	16.30	8.58	17.89	S 34-06-14 E
C54	1830.00	11-42-15	373.02	187.56	373.17	S 49-13-16 E
C55	1770.00	11-55-21	368.31	184.82	367.65	N 49-19-50 W
C56	25.00	89-28-47	47.47	30.04	24.77	S 79-58-06 W
C57	2330.00	4-46-55	194.46	97.29	194.40	S 37-37-10 W
C58	25.00	88-20-00	38.54	24.28	34.84	S 04-09-22 E
C59	25.00	42-50-00	18.69	9.81	18.26	S 68-44-22 E
C60	50.00	265-40-01	231.84	53.93	73.33	S 41-40-38 W
C61	25.00	42-50-00	18.69	9.81	18.26	N 26-54-22 W
C62	25.00	88-59-25	38.83	24.56	35.04	S 87-10-55 W
C63	2330.00	2-22-36	96.66	48.33	96.65	S 43-52-31 W
C64	290.00	89-43-17	454.12	288.59	409.12	S 00-12-11 W
C65	1770.00	11-51-32	366.34	183.83	365.69	S 50-35-13 E
C66	2030.00	4-46-36	169.24	84.67	169.19	N 46-22-09 W
C67	25.00	42-07-04	18.38	9.63	17.97	N 65-02-23 W
C68	50.00	265-39-25	231.83	53.94	73.34	S 46-43-48 W
C69	25.00	43-34-45	19.02	9.99	18.56	N 22-13-53 W
C70	1970.00	4-44-12	162.86	81.48	162.81	N 46-23-21 W
C71	2000.00	6-13-04	217.05	108.63	216.94	S 45-38-55 E

- LEGEND**
- ⊕ T.B.M. TEMPORARY BENCHMARK
 - ⊙ PROPOSED STREET LIGHT
 - ⊙ EXISTING STREET LIGHT
 - E.E. ELECTRICAL EASEMENT
 - U.E. UTILITY EASEMENT
 - W.S.E. WATER AND SEWER EASEMENT
 - S.S.E. SANITARY SEWER EASEMENT
 - STM.S.E. STORM SEWER EASEMENT
 - W.L.E. WATER LINE EASEMENT
 - F.N. FILE NUMBER
 - B.C.O.R. BRAZORIA COUNTY OFFICIAL RECORDS
 - B.C.O.P.R. BRAZORIA COUNTY OFFICIAL PUBLIC RECORDS
 - B.C.P.R. BRAZORIA COUNTY PLAT RECORDS
 - H.C.M.R. HARRIS COUNTY MAP RECORDS
 - H.C.O.P.R.P. HARRIS COUNTY OFFICIAL PUBLIC RECORDS REAL PROPERTY
 - H.C.D.R. HARRIS COUNTY DEED RECORDS
 - STREET NAME CHANGE

1500 BLOCK OF CAMDEN HILL LANE

**FINAL PLAT OF
PRESERVE AT HIGHLAND GLEN
SECTION TWO**

A SUBDIVISION OF 36.500 ACRES OF LAND SITUATED IN
THE DERRILL H.M. HUNTER SURVEY, ABSTRACT 36,
CITY OF PEARLAND, HARRIS COUNTY, TEXAS

143 LOTS 1 RESERVE (0.955 ACRE) 4 BLOCKS

APRIL 5, 2013 JOB NO. 1406-2919C-310

OWNERS:
BEAZER HOMES TEXAS, L.P.
BY: BEAZER HOMES TEXAS HOLDING, INC.
IT'S GENERAL PARTNER
KURT WATZEL, SENIOR DIVISION PRESIDENT
10110 W. SAM HOUSTON PARKWAY N., STE. A-100, HOUSTON, TEXAS 77064
PH. (713) 849-5017

ENGINEER:
LJA Engineering, Inc.

2929 Briarpark Drive Phone 713.953.5200
Suite 600 Fax 713.953.5026
Houston, Texas 77042

**P&Z AGENDA
ITEM**

1

P&Z AGENDA ITEM

DISCUSSION ITEMS

1. COMMISSIONER'S ACTIVITY REPORT
2. NEXT P&Z/WORKSHOP (CLUSTER DEVELOPMENT) - MAY 6, 2013
3. NEXT JOINT PUBLIC HEARING - MAY 20, 2013

J

**ADJOURN
MEETING**