AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD APRIL 15, 2013, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

**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

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT
B. APPLICANT PRESENTATION

IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

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

# JOINT PUBLIC HEARING AGENDA ITEM
# MEETING OF 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:**

| | **Zoning** | **Land Use** |
|---|---|---|
| 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:

| | General Business | Existing Site |
|---|---|---|
| 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.

**ADDITONAL 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.

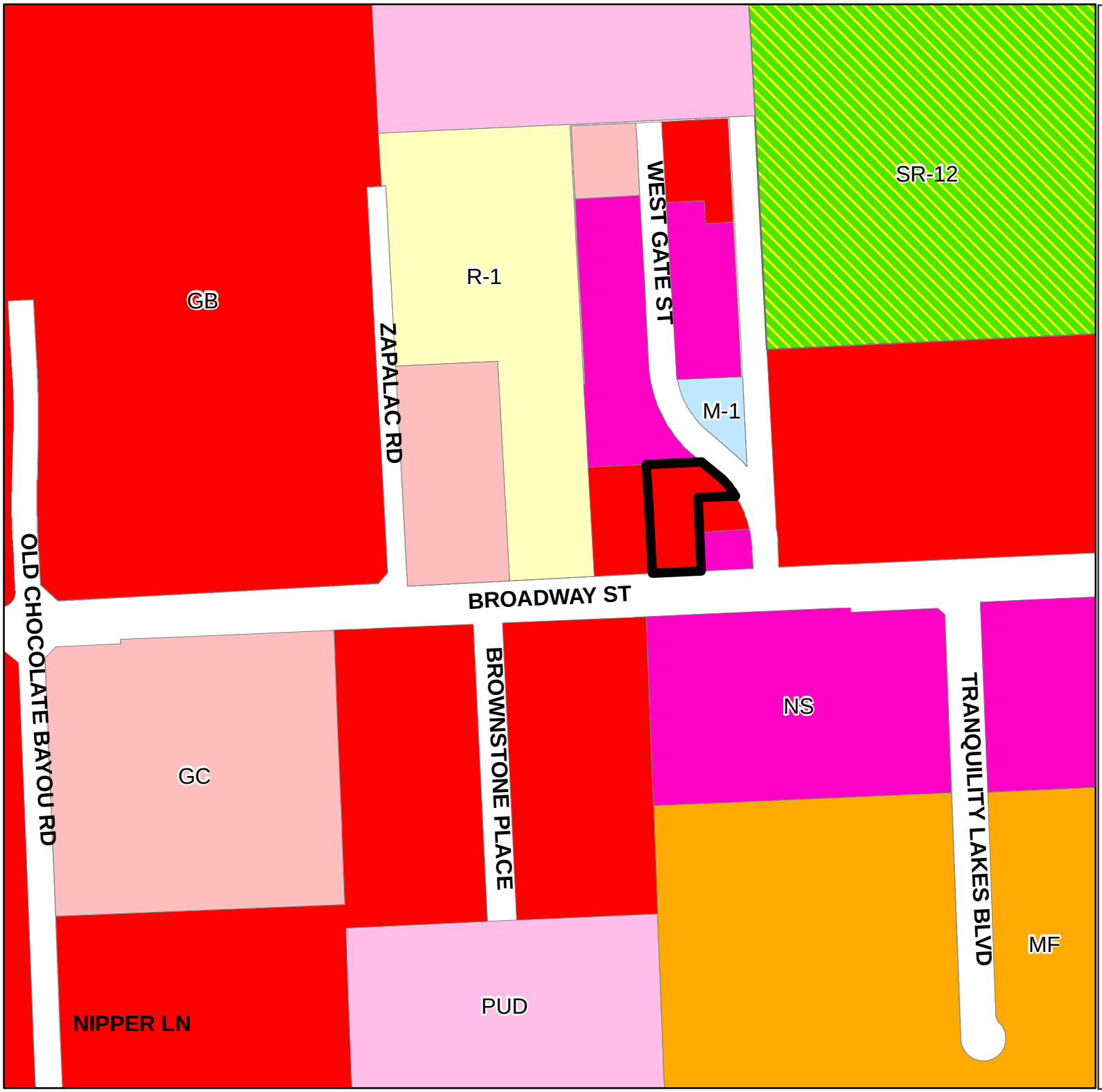
5. The proposed request would enhance the property from its current state, particularly with the recommended condition of approval, listed below.

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



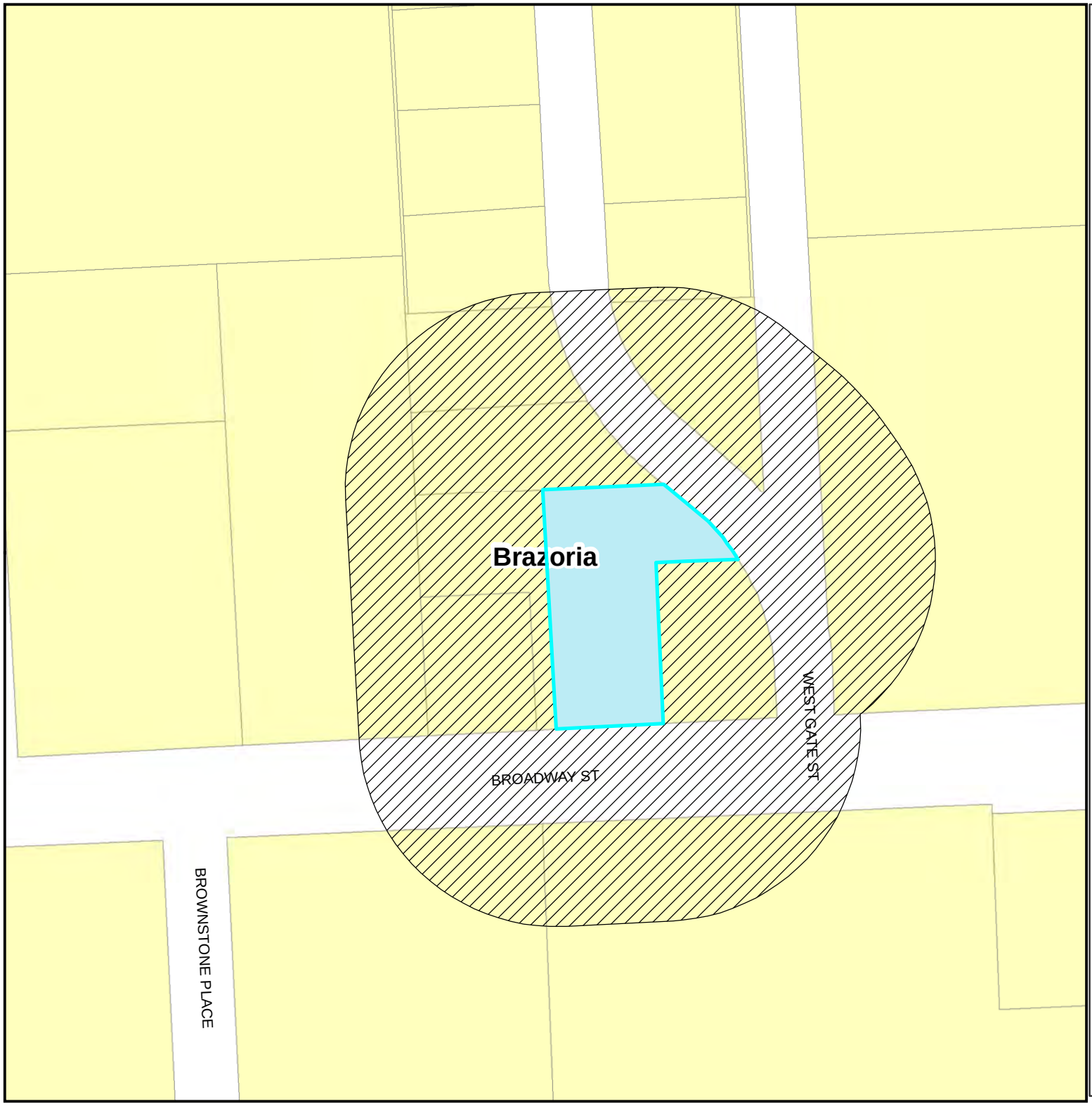

**Vicinity and Zoning Map**

**CUP 2013-02**

**7929 Broadway St.**

N

0 55110 220 Feet




**Abutter Map**

**CUP 2013-02**

**7929 Broadway St.**

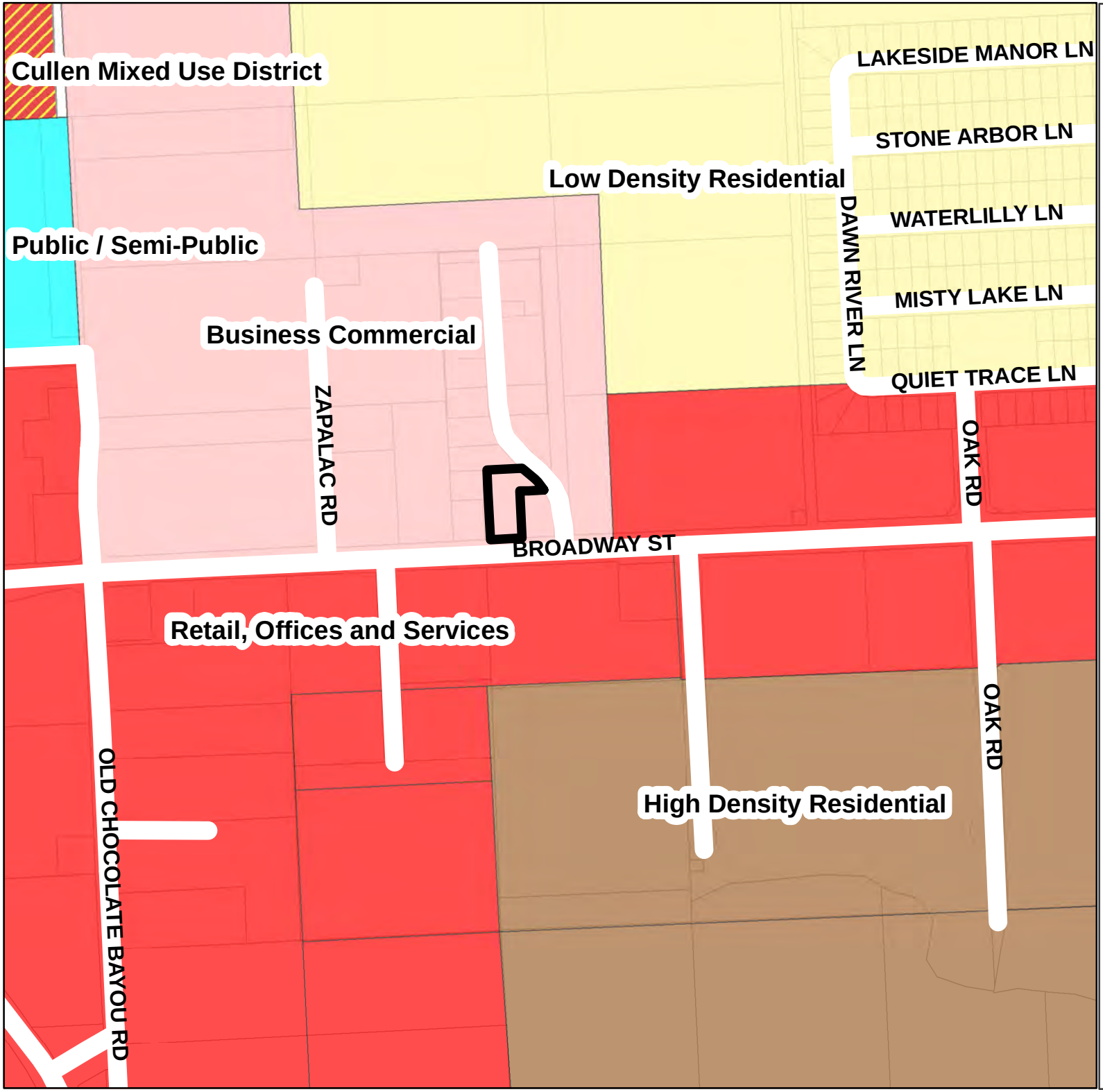
N

0 85 170 Feet

# 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.**

**Aerial Map**

**CUP 2013-02**

**7929 Broadway St.**

N

0 20 40 80 Feet

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

# APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

**Conditional Use Permit Request for:** 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 erl@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 erl@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: $250.00 | DATE PAID: 3/11/13 | RECEIVED BY: IC | RECEIPT NUMBER: 162109 |
|---|---|---|---|

**Application No.** 2013-02

stewart title

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)

TX 1202.0355
BOUNDARY SURVEY
BRAZORIA COUNTY

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

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

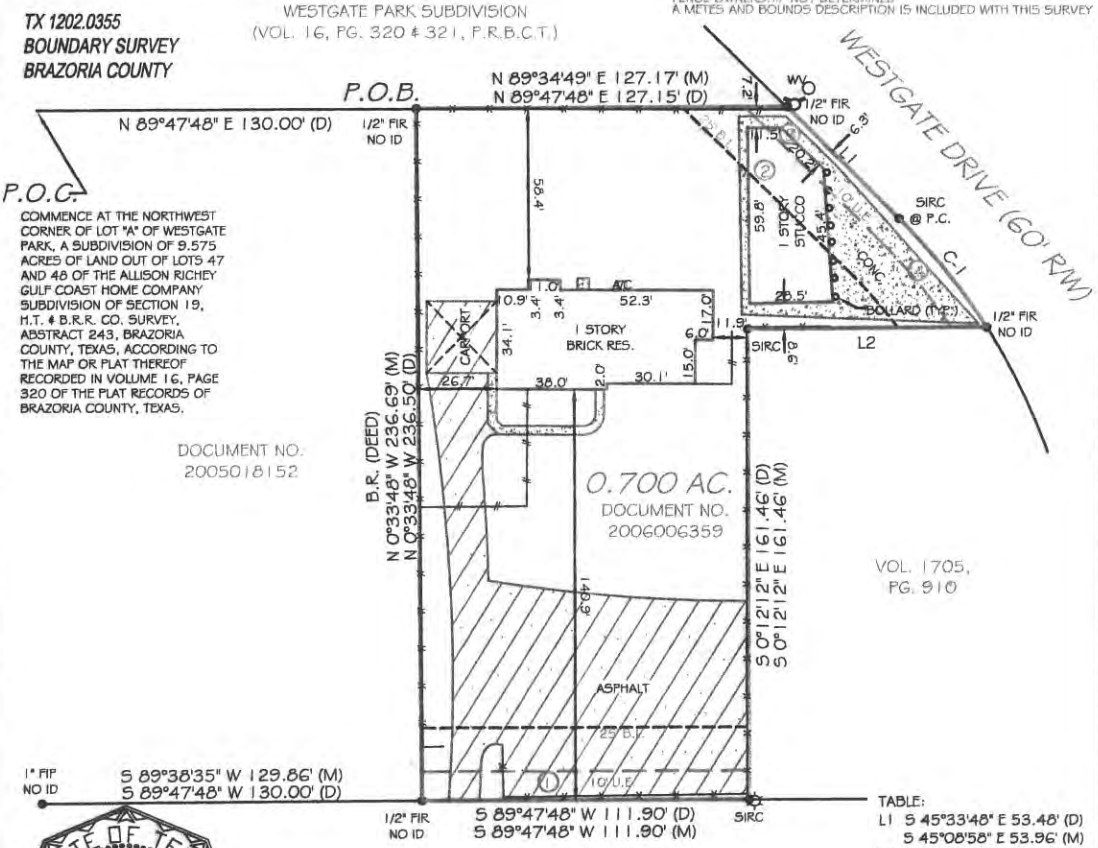



TABLE:
L1 S 45°33'48" E 53.48' (D)
S 45°08'58" E 53.96' (M)
L2 S 89°47'48" W 82.09' (D)
S 89°30'49" W 81.83' (M)
C-1
R= 211.42'(P&M)
L= 48.26'(P) 47.78'(M)
Δ =13°04'43"(P) 12°56'55"(M)
S 39°01'26" E, 48.16'(P)
S 39°05'15" E, 47.68'(M)

STATE OF TEXAS REGISTERED JAMES P. WALKOVIAK 5971 PROFESSIONAL LAND SURVEYOR

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. Walkoviak

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.

50 0 25 50
GRAPHIC SCALE (In Feet)
1 inch = 50' ft.

N

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 hereon 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

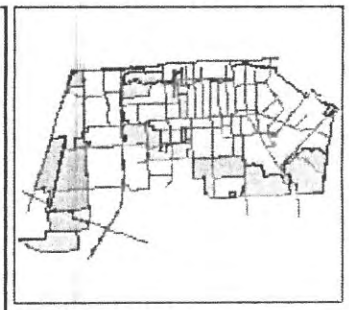
COMMUNITY NUMBER: 485458
PANEL: 0040
SUFFIX: 1

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

EXACTA Texas Surveyors, Inc.
LB# 101739-00
www.exacta365.com
P (281)763-7766 • F (281)763-7767
5300 North Braeswood, #4-311, Houston, TX 77096

surveyVM
P: 440.488.3834
www.surveyVM.com

# 7929 Broadway



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:

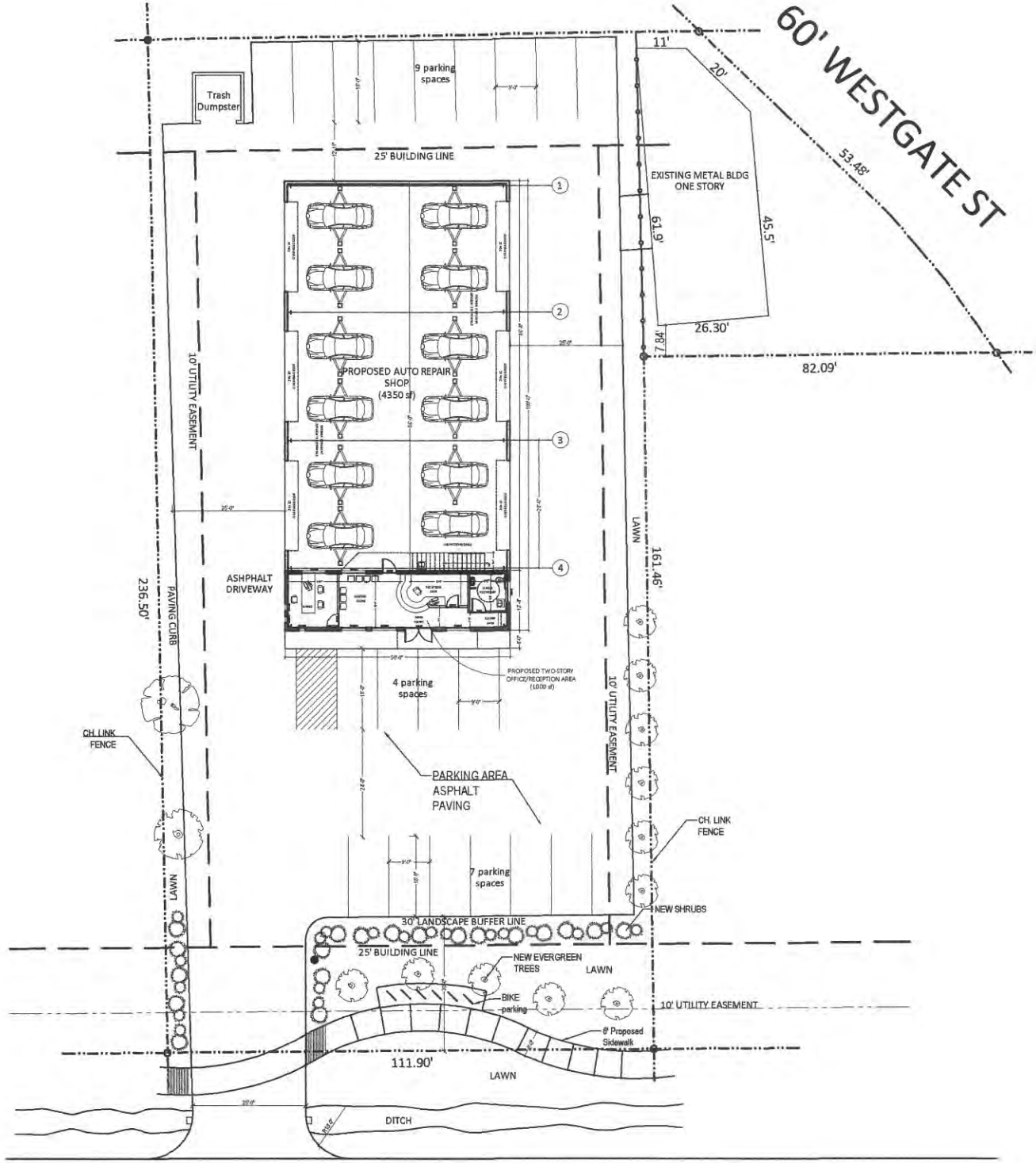
Current Condition: A the moment on this property there is an existing 2400 sf one-store single family residence which is in poor condition and requires a remodel. The house is not occupied at the moment. In the past, this property has functioned as a Car Dealership which is the current occupancy permit. 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 s 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 life 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 no 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 of Total Proposed Areas |

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

CONDOR AUTOCENTER

# 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 (<u>SPECIFY REQUEST</u>)**
**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.**

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD APRIL 15, 2013, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

**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:** Northwest corner of Broadway (FM 518) and Pearland Parkway.

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT
B. APPLICANT PRESENTATION

IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

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

# JOINT PUBLIC HEARING AGENDA ITEM
# MEETING OF APRIL 15, 2013

## Conditional Use Permit No. CUP 2013-03

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**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)

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**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:**

| | Zoning | Land Use |
|---|---|---|
| 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.

**ADDITONAL 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.

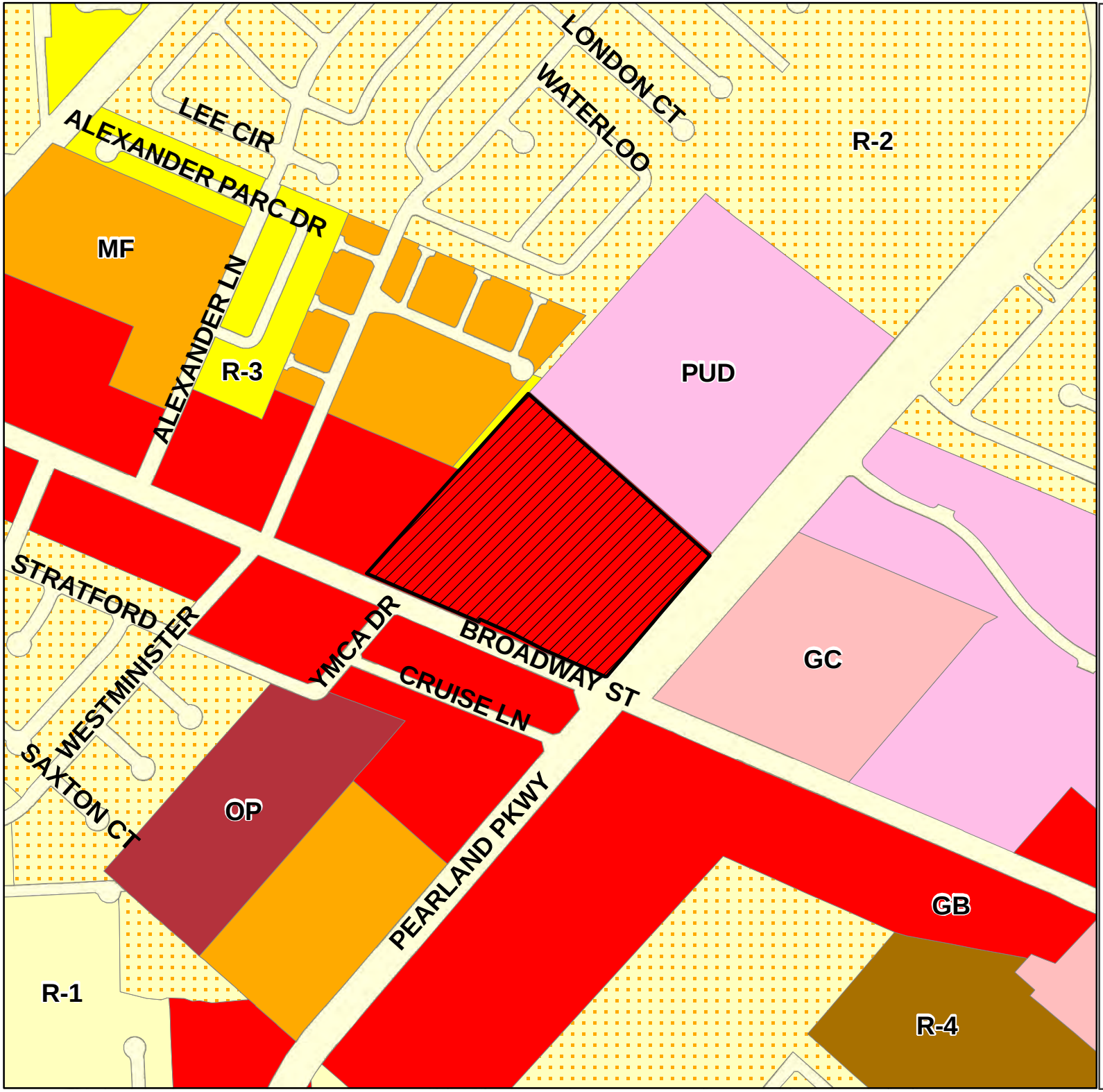
3. This proposed Conditional Use Permit is compatible with the neighboring properties zoning classification

**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

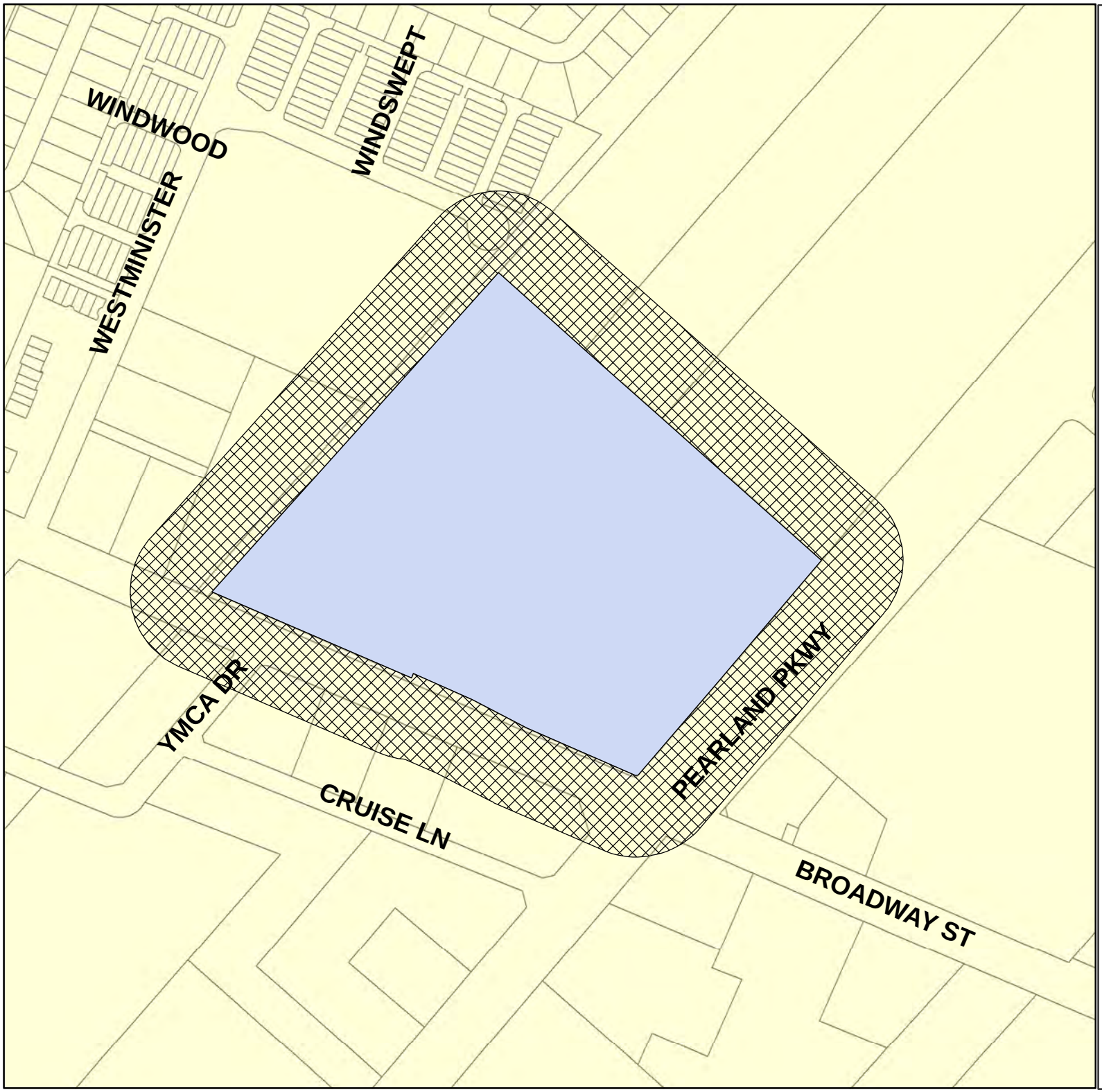
## CUP 2013-03

## 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

0 140 280 560 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.

N

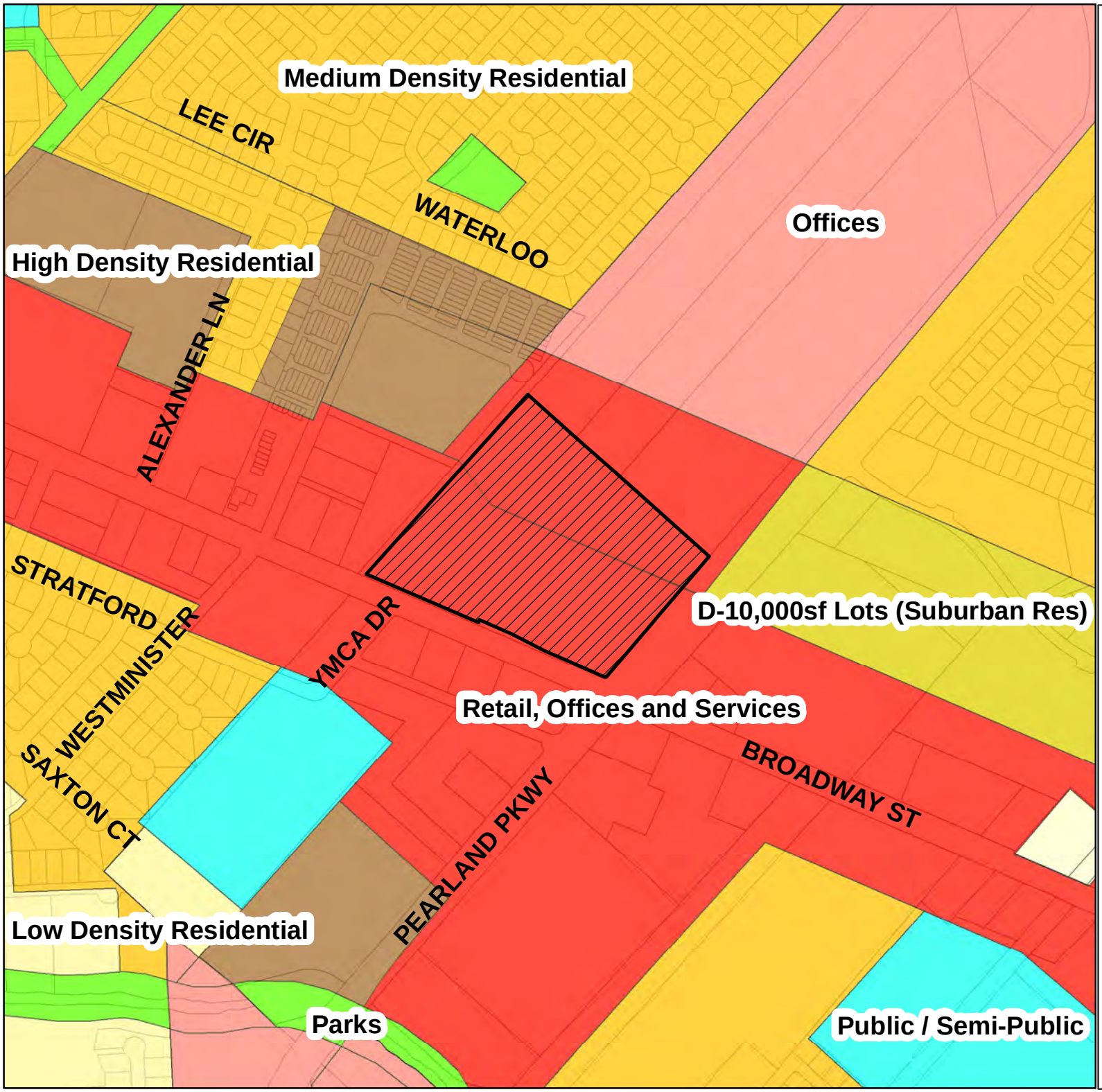
0 80 160 320 Feet

# CUP 2013-03

Carwash in a GB Zone

| Name | Address |
| --- | --- |
| WHISPERING APARTMENTS LLC | % CLAUDIA L CROCKER |
| KELLEY R W | FAMILY LTD PARTNERSHIP |
| FIRST PRESBYTERIAN CHURCH | |
| HALLE PROPERTIES LLC | |
| JPMORGAN CHASE BANK NA ASSOC | |
| ELLIS CARL H & JOYCE A | REFERENCE ONLY |
| CVS PEARLAND PARKWAY LP | CVS CORP #5877-02 OCCUPANCY EXP DEPT |
| SOUTH TRUST BANK | |
| ARC BFPRLTX001 | % AMERICAN REALTY CAPITAL II |
| CVS PEARLAND PARKWAY LP | CVS CORP #5877-02 OCCUPANCY EXP DEPT |

| Address 2 | City | State | Zip |
|---|---|---|---|
| 2301 S CAPITAL OF TEXAS HWY STE J102 | AUSTIN | TX | 78746-7706 |
| 2933 BROADWAY ST | PEARLAND | TX | 77581-4508 |
| 2930 BROADWAY ST | PEARLAND | TX | 77581-4507 |
| 20255 N SCOTTSDALE RD | SCOTTSDALE | AZ | 85255-6456 |
| 270 PARK AVE | NEW YORK | NY | 10017-2014 |
| SEE REPLAT WHISPERNG WNDS SEC | 8277-2004-000 | | 0 |
| 1 CVS DR | WOONSOCKET | RI | 02895-6146 |
| PO BOX 2609 | CARLSBAD | CA | 92018 |
| 106 YORK RD | JENKINTOWN | PA | 19046 |
| 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

0 140 280 560 Feet

# Aerial Map

## CUP 2013-03

## Pearland Pkwy @ Broadway

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N

0 140 280 560 Feet

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

# APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

**Conditional Use Permit Request for:** 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: Date: 2.22.13

Agent's/
Applicant's Signature: Lyle Henkel, P.E. Date: 2/28/13

**OFFICE USE ONLY:**

| FEES PAID: $250.00 | DATE PAID: 3/22/13 | RECEIVED BY: IC | 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,

Todd Piland

Executive Vice President

**H-E-B**

P.O. Box 839999
San Antonio, Tx. 78283-3999

(210) 938-8932
(210) 938-7788 fax

646 S. Main Avenue
San Antonio, Tx. 78204

Query/Info Selection Draw Lat/Long System

Layers

Queries

Geocoding

Markup

Manager

Polygons

Area: 924418.87, Perimeter: 3941.02

PolyLines

Points

Text

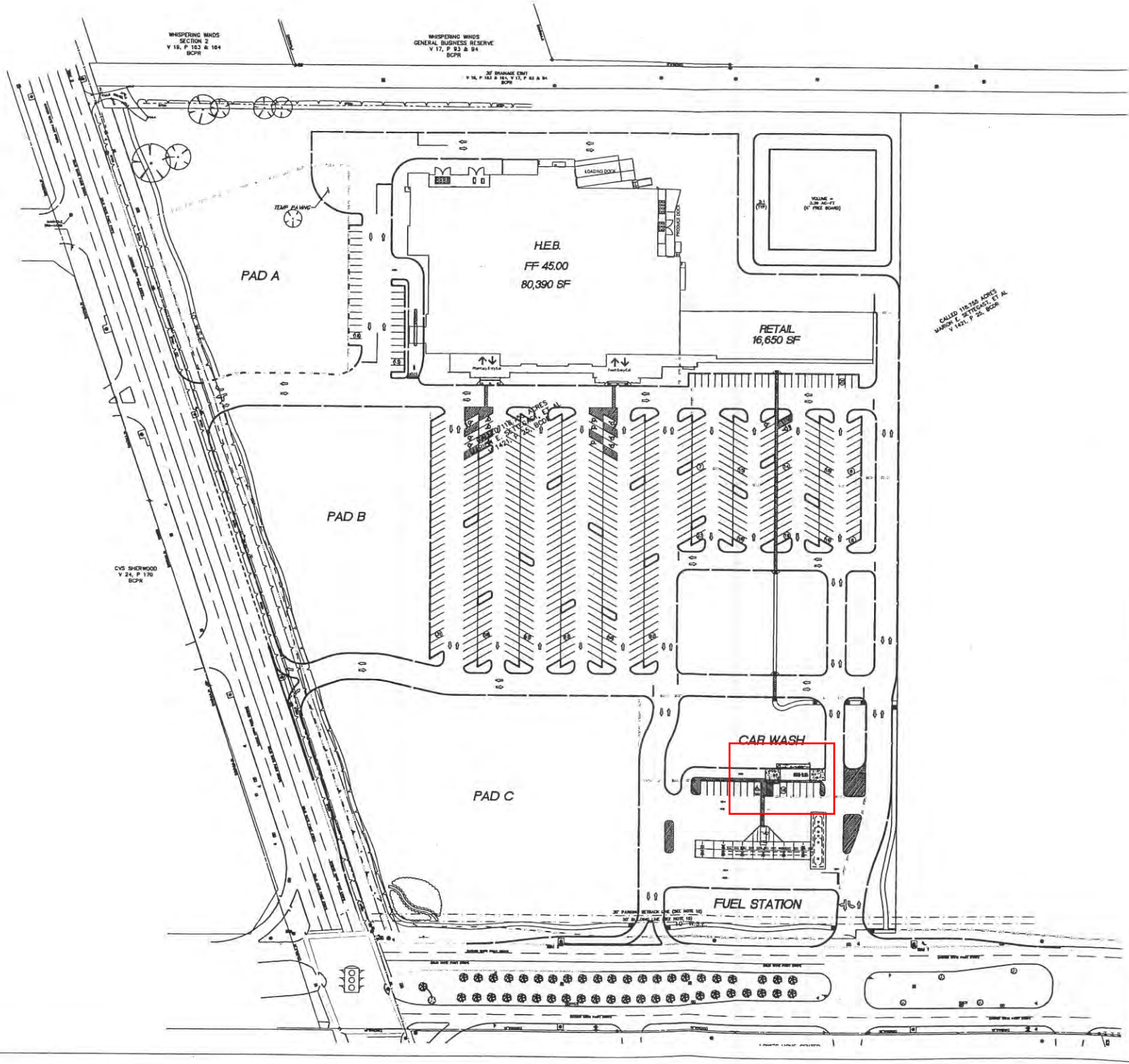
HEB Site

Callouts

Lat / Long

Overview Map

Tool: Draw Text X: 3154662.56, Y: 13769911.23, Longitude: -95.2681, Latitude: 29.5595 1: 5,000




| HEB PARKING SUMMARY | |
|---|---|
| TOTAL BUILDING SF | 80,390 SF |
| PARKING RATIO REQUIRED | 1:175 |
| TOTAL PARKING REQUIRED | 460 SPACES |
| PARKING PROVIDED | 460 SPACES |
| PARKING RATIO PROVIDED | 1:175 |

| RETAIL PARKING 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 |

| ACREAGE SUMMARY | |
|---|---|
| HEB | 12.81 AC |
| RETAIL | 1.46 AC |
| FUEL STATION | 1.33 AC |
| CAR WASH | 0.87 AC |
| PAD A | 1.41 AC |
| PAD B | 1.81 AC |
| PAD C | 2.93 AC |
| TOTAL | 22.34 AC |

HEB GROCERY

PRELIMINARY SITE PLAN 1

TERRA ASSOCIATES, INC.
CONSULTING ENGINEERS

1445 N. LOOP WEST – SUITE 450
HOUSTON, TEXAS 77042
713-863-0333
TBPE Registration No.: F-003632

| | | | |
|---|---|---|---|
| DRAWN BY: DCR | SCALE: 1" = 50' | CONTRACT: 1 | |
| CHECKED BY: LCH | DATE: JAN. 23, 2013 | PROJECT No. 1070-1201 | |
| FILE NAME: SITEPLAN-1 | PLOT SCALE: 1:1 | SHEET 1 OF 1 | |

TERRA
ASSOCIATES, INC.
CONSULTING ENGINEERS

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 Parlway 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,

Lyle Henkel, P.E.

Lyle Henkel, P.E.
President

1445 North Loop West, Suite 450 • Houston, Texas 77008 • 713-993-0333 • 713-993-0743 (FAX)

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: 70450000001**

**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

Taxes Due Detail by Year and Jurisdiction

Payment Information

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

**Tax Office:**

Search & Pay Taxes
Tax Rates & Entities
Tax Office FAQ
Appraisal District
Related Links
Tax Office Home Page
Your Tax Portfolio

**Brazoria County:**

Home
County Directory
Commissioner's Court
Holiday Schedule
Related Links
Courthouse History
Job Postings

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

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD APRIL 15, 2013, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

**ZONE CHANGE APPLICATION NO. 2013-06Z**

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.

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT
B. APPLICANT PRESENTATION

IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

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

# JOINT PUBLIC HEARING AGENDA ITEM
# MEETING OF 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:**

| | Zoning | Land Use |
|---|---|---|
| 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:

| | R2 | NS | Existing Site |
|---|---|---|---|
| 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.

**ADDITONAL 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.

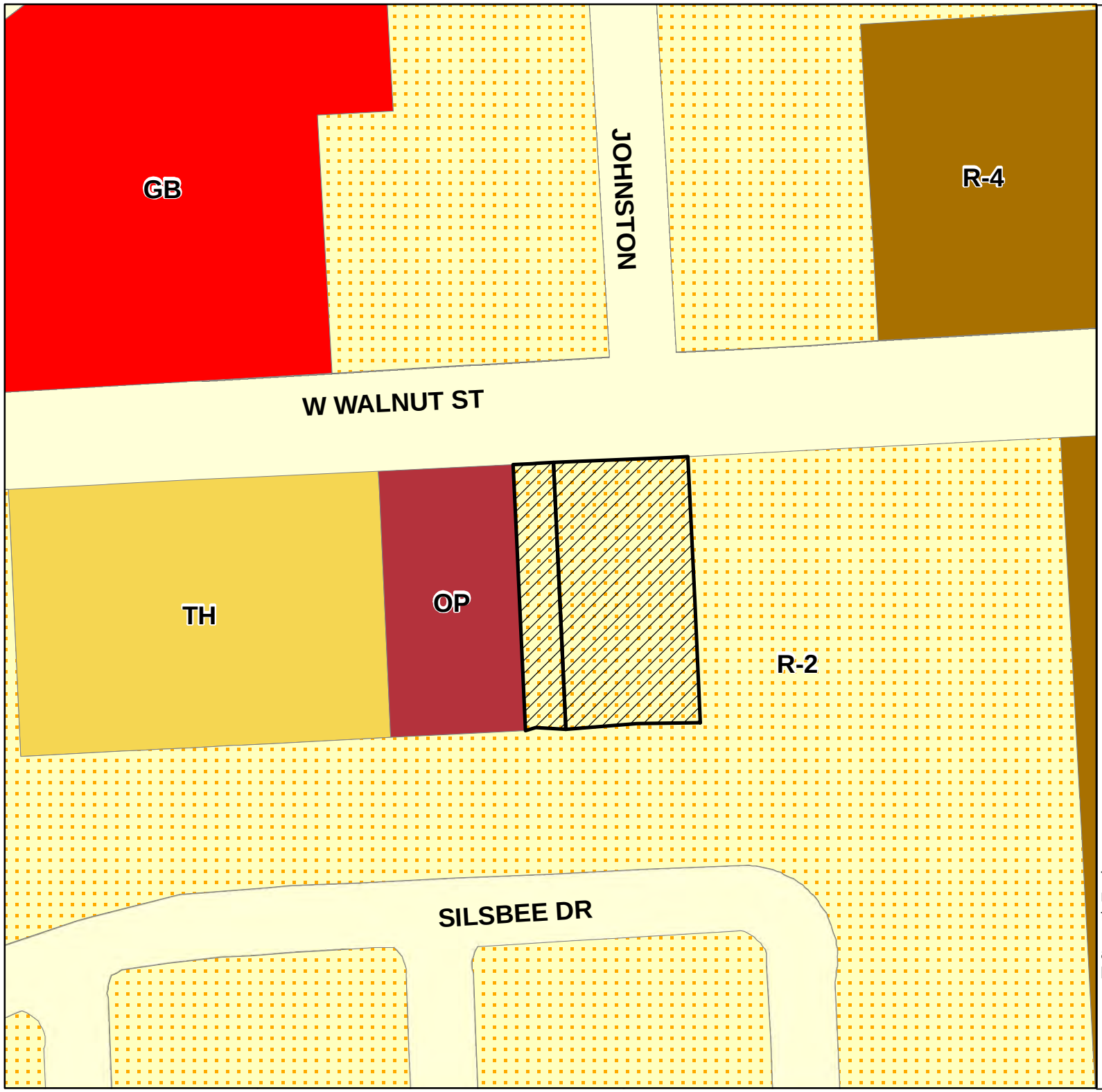
**STAFF RECOMMENDATION:** Staff recommends approval of the Zone Change 2013-06Z as proposed by the applicant for the following reasons:

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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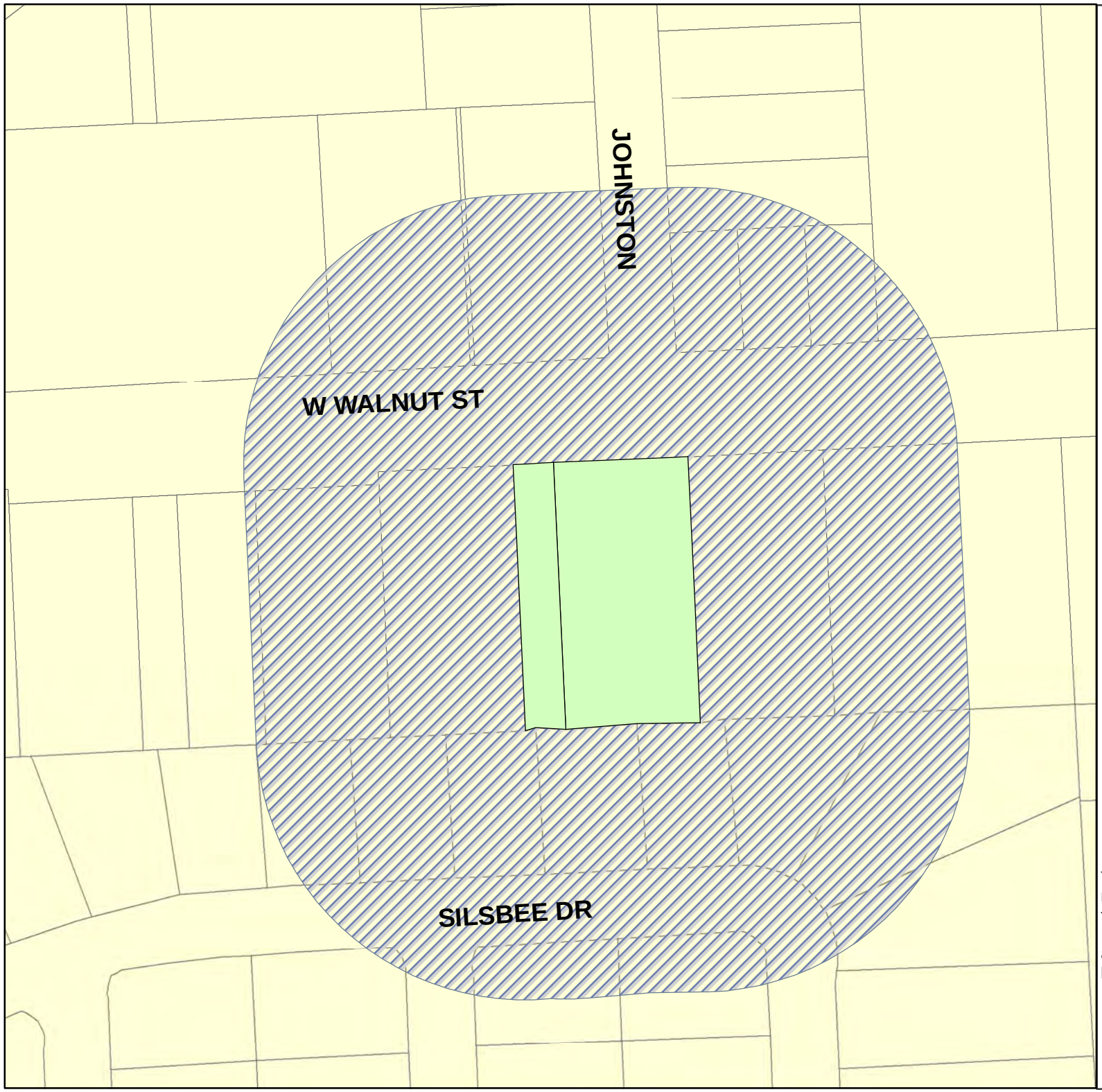
N

0 60 120 Feet




# Abutter Map

## Zone Change 2013-06Z

## 4608 Walnut St.

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N

0 60 120 Feet

# Zone Change 2013-06Z

4608 Walnut St. - R-2 to NS

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

| Zip |
| --- |
| 77581-6794 |
| 77584-1315 |
| 77588-1302 |
| 77581-3919 |
| 77090-5825 |
| 77581-7506 |
| 77584-1313 |
| 77584-1313 |
| 77584-1313 |
| 77581 |
| 77584-1313 |
| 77584-1313 |
| 77584-1311 |
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| 77581-3918 |
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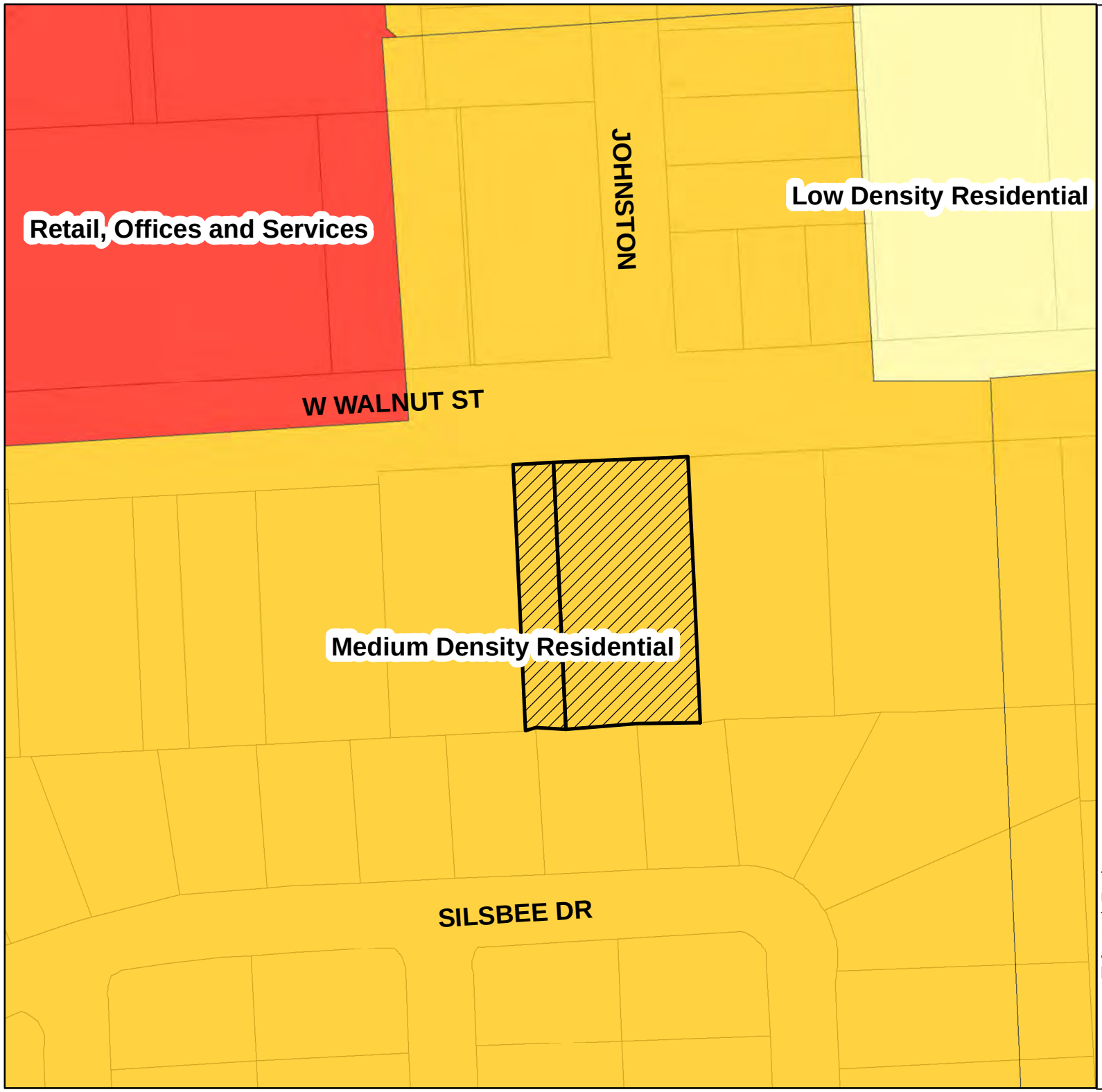
| 77584 |
| 77584-1327 |




# FLUP Map

## Zone Change 2013-06Z

## 4608 Walnut St.

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N

0 60 120 Feet

# Aerial Map

## Zone Change 2013-06Z

## 4608 Walnut St.

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

N

0 60 120 Feet

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

# APPLICATION FOR A CHANGE IN ZONING

**Current Zoning District:** R-2

**Proposed Zoning District:** ~~GB~~ 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@walkercom.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.

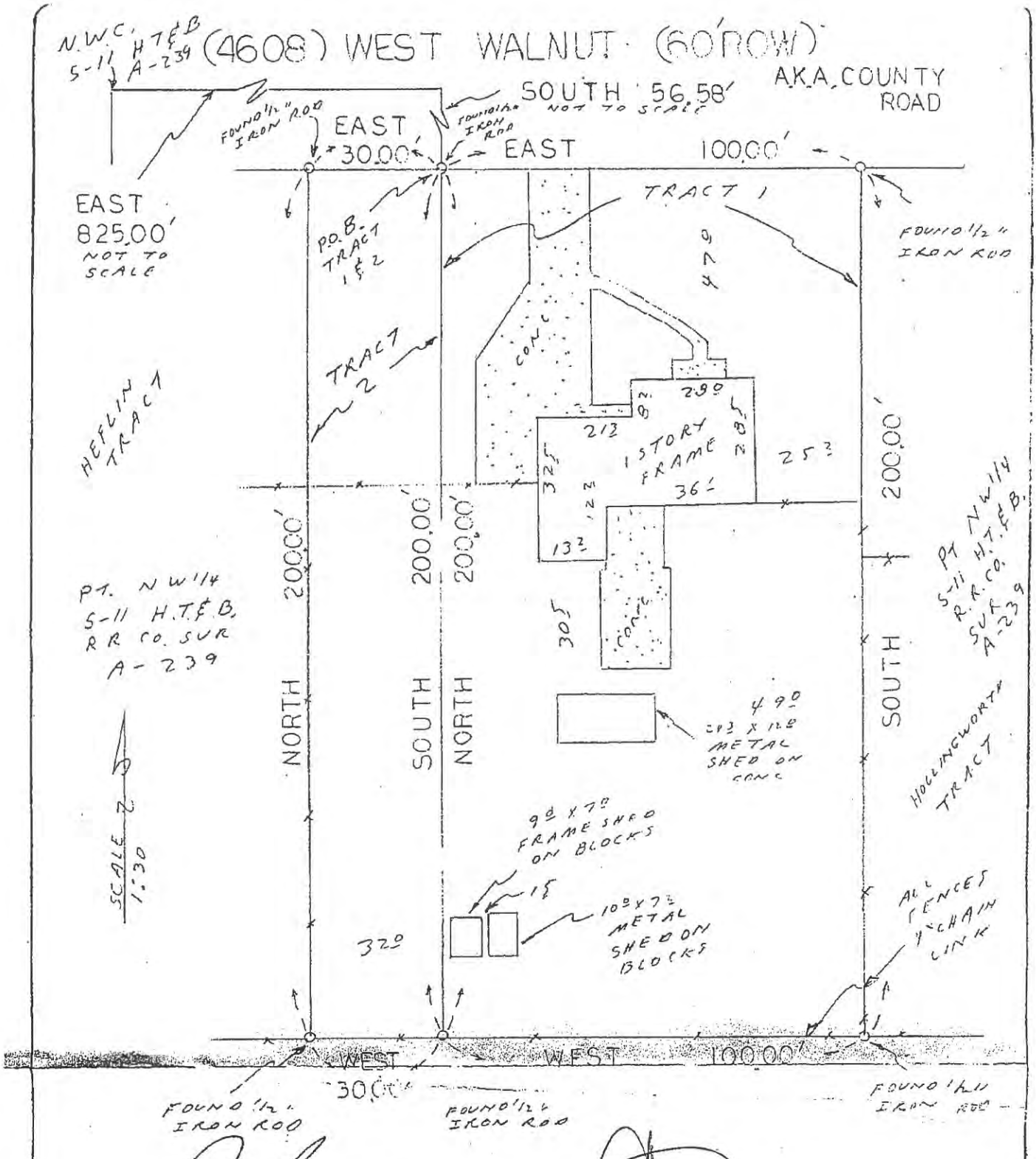
Owner's Signature: [signature] Date: 1/29/13

Agent's/Applicant's Signature: Date:

**OFFICE USE ONLY:**

| FEES PAID: $775.00 | DATE PAID: 3/22/13 | RECEIVED BY: FC | RECEIPT NUMBER: 174277 |
|---|---|---|---|

**Application No.** 2013-062




THOMAS E. FISHER (OWNER)

Kathleen Denniston

~~BUYER~~ ~~Samuel L. Pool and wife,~~
~~Frances Pool~~

4608 West Walnut

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 Go

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

View Larger Map on Google Maps

- 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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Copyright Â© 2013 City of Pearland.

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD APRIL 15, 2013, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

**ZONE CHANGE APPLICATION NO. 2013-07Z**

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

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT
B. APPLICANT PRESENTATION

IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

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

# JOINT PUBLIC HEARING AGENDA ITEM
# MEETING OF 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:

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

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

Planning and Zoning Commission: 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 then 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:**

| | Zoning | Land Use |
|---|---|---|
| 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 thoroughfares with sufficient width for right-of-way of 120 feet.

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

**IMPACT ON EXISTING AND FUTURE DEVELOPMENT:** The proposed zone change, if approved, would allow all of the "Permitted By-Right" land uses in the City's Land Use Matrix for the General Business (GB) zoning district in the Unified Development Code 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.

**ADDITONAL 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.

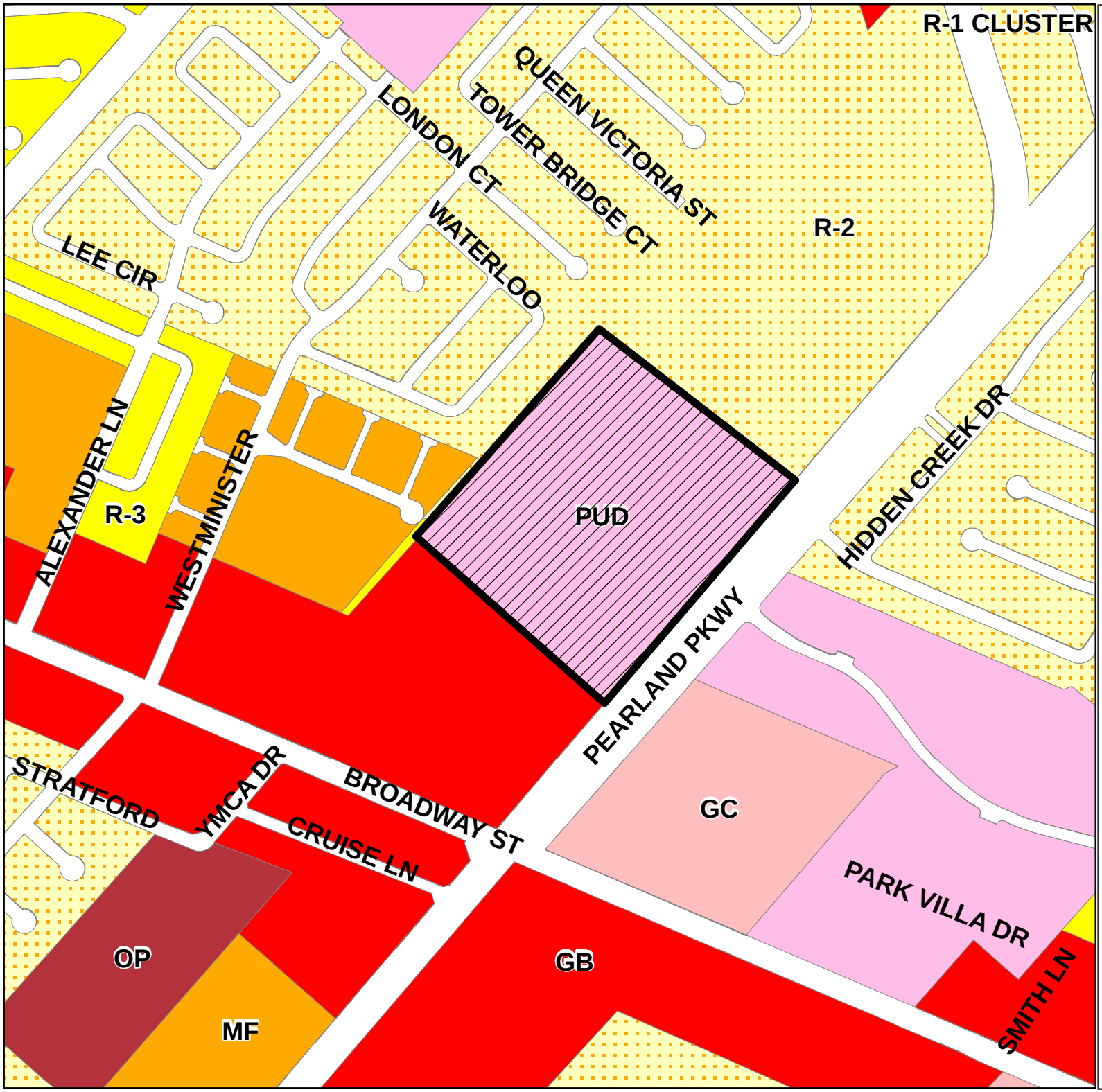
4. The proposed PD will bring the property into compliance with the approved Future Land Use Plan.

**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




# Vicinity and Zoning Map

## Zone Change 2013-07Z

## Pearland Pkwy
## North of Broadway

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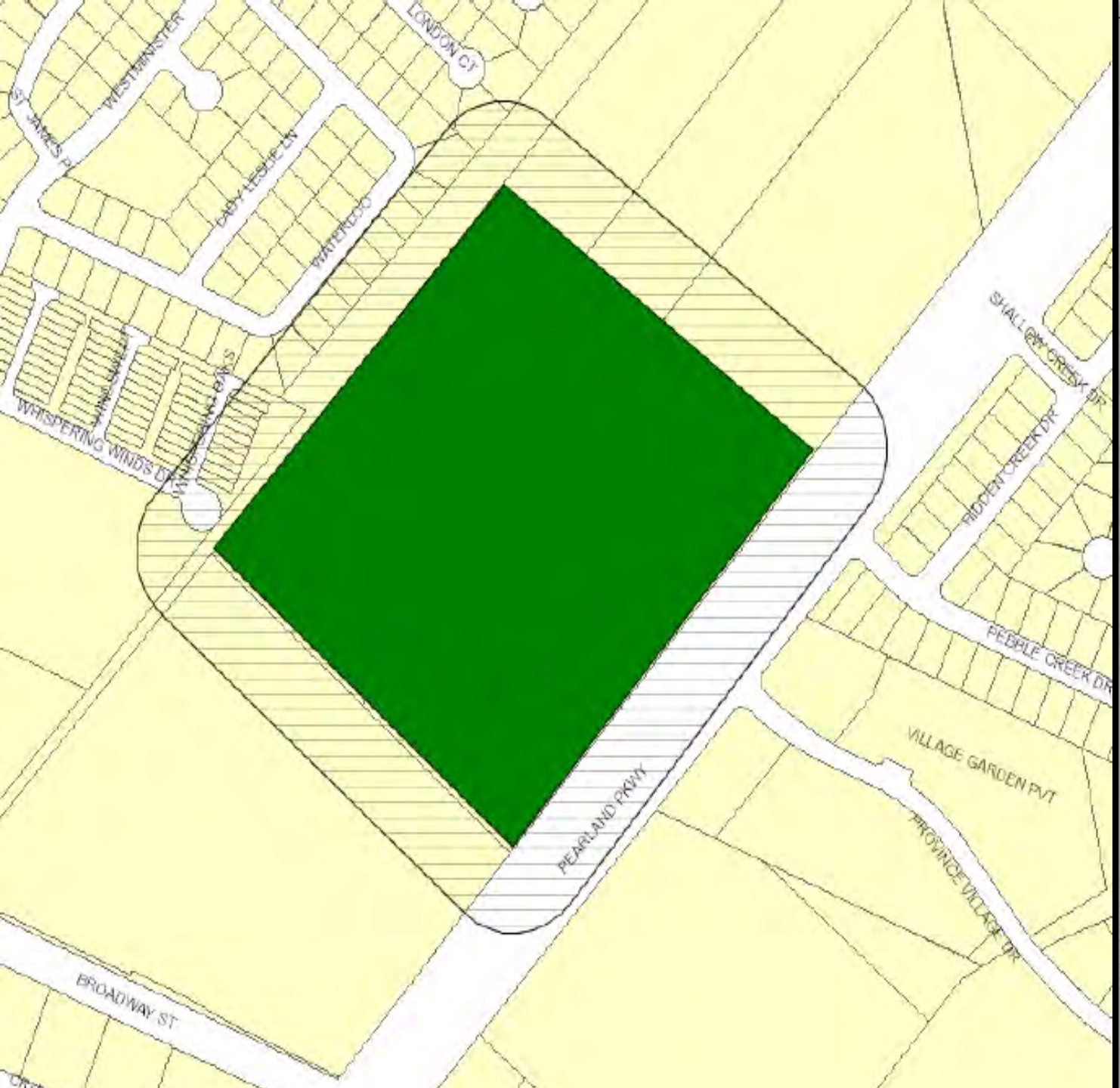
N

0 145 290 580 Feet




# Abutter Map

## Zone Change 2013-07Z

## Pearland Pkwy
## North of Broadway

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N

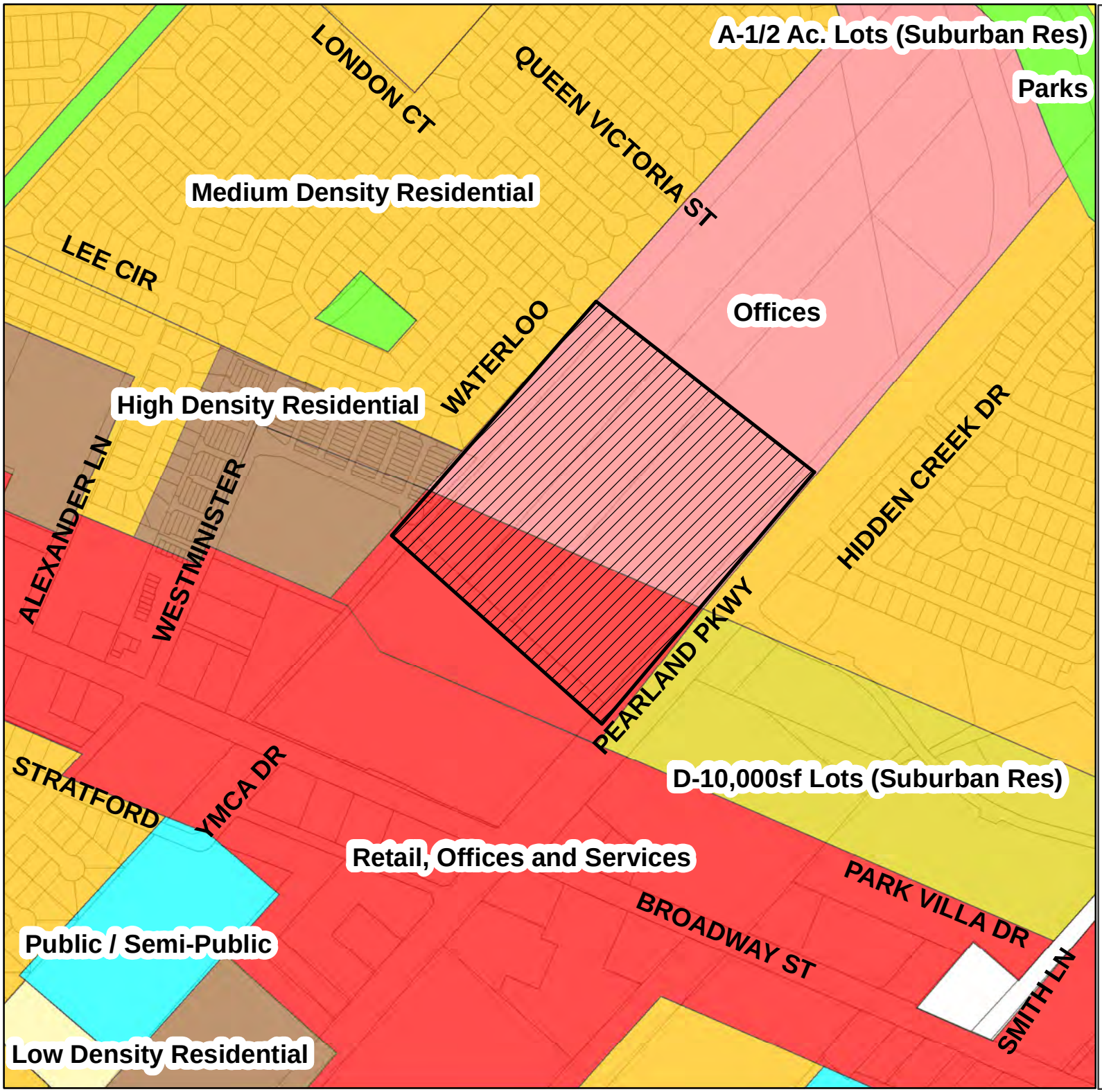
0 145 290 580 Feet

# Zone Change 2013-07Z

31 Acres on Pearland Parkway - PD to PD

| Name | | Street Address |
|---|---|---|
| DRIS MOHAMED & WAFA BENACHOUR | | 2926 WATERLOO RD |
| DAWSON STEVE & DEBORA | | 2924 WATERLOO RD |
| WHITE SONYA K | | 2922 WATERLOO RD |
| MOELLER CHANNING THEODORE & MELISSA ANN COOK | | 222 SETTLERS HAVEN RD |
| WHISPERING APARTMENTS LLC | % CLAUDIA L CROCKER | 2301 S CAPITAL OF TEXAS HWY |
| ROBERTS DEANN M | | 2932 WATERLOO RD |
| CONFIDENTIAL | | 2930 WATERLOO RD |
| JOHNSON DEBORAH V | | 2928 WATERLOO RD |
| KING KIMBERLY C | | 2901 LONDON CT |
| HUTH MICHAEL & KRISTEN CASTILLO | | 2904 LONDON CT |
| CONFIDENTIAL | | 2902 LONDON CT |
| LEAL DAVID | | 2940 WATERLOO RD |
| MILLS JASON M | | 2938 WATERLOO RD |
| LEE-JENNINGS KATHLEEN BERNADETTE | | 2934 WATERLOO RD |
| WILLIAMS MATTHEW K | | 2836 WATERLOO RD |

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




**FLUP Map**

**Zone Change 2013-07Z**

**Pearland Pkwy**
**North of Broadway**

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N

0 145 290 580 Feet

# Aerial Map

## Zone Change 2013-07Z

## Pearland Pkwy
## North of Broadway

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N

0 145 290 580 Feet

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

# APPLICATION FOR A CHANGE IN ZONING

**Current Zoning District:** PD

**Proposed Zoning District:** PD

**Property Information:**

Address or General Location of Property: Pearland Parkway north of FM 518

Tax Account No. _____

Subdivision: _____ Lot: _____ Block: _____

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

**PROPERTY OWNER INFORMATION:**

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

**APPLICANT/AGENT INFORMATION:**

NAME Christy Smidt, Kerry R. Gilbert
ADDRESS 23501 Cinco Ranch Blvd. A-250
CITY Katy STATE TX ZIP 77494
PHONE(281) 579-0340
FAX(281) 579-8212
E-MAIL ADDRESS csmidt@krga.com

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

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

Owner's Signature: _____ Date: _____

Applicant/Agent's Signature: _____ Date: _____

OFFICE USE ONLY:

| FEES PAID: $825 | DATE PAID: 1/24/13 | RECEIVED BY: HE | RECEIPT NUMBER: 116672 |
|---|---|---|---|

**Application No.** 2013-072

# EXHIBIT "A"

| | |
|---|---|
| **THIRD COAST RESOURCES I, LTD.**<br>BY: Third Coast Asset Resources, Inc.<br>its general partner<br><br>By: _____<br>Eden E. Settegast, President<br>Date of Execution: _____ | **THIRD COAST RESOURCES II, LTD.**<br>BY: Third Coast Asset Resources, Inc.<br>its general partner<br><br>By: _____<br>Eden E. Settegast, President<br>Date of Execution: _____ |
| **BRENTWOOD PARTNERS L.P.**<br><br>BY: _____<br>William A. Langdon, Jr., Trustee<br>General Partner<br>Date of Execution: _____ | BY: _____<br>William A. Langdon, Jr.<br><br>Date of Execution: _____ |
| BY:<br>_____<br>Jennie S. Smith<br><br>Date of Execution: _____ | BY:<br>_____<br>Marion Sullivan<br><br>Date of Execution: _____ |
| BY:<br>_____<br>Carlita S. Laurent, Trustee<br><br>Date of Execution: _____ | BY:<br>_____<br>Sandra S. Abadie<br><br>Date of Execution: _____ |
| BY:<br>_____<br>Marion E. Settegast, III<br><br>Date of Execution: _____ | BY:<br>_____<br>Carlita S. Sealy<br><br>Date of Execution: _____ |

# EXHIBIT "A"

713-626-9110

| | |
|---|---|
| **THIRD COAST RESOURCES I, LTD.**<br>BY: Third Coast Asset Resources, Inc.<br>its general partner<br><br>By:_____<br>Eden E. Settegast, President<br>Date of Execution:_____ | **THIRD COAST RESOURCES II, LTD.**<br>BY: Third Coast Asset Resources, Inc.<br>its general partner<br><br>By:_____<br>Eden E. Settegast, President<br>Date of Execution:_____ |
| **BRENTWOOD PARTNERS L.P.**<br><br>BY: _____<br>William A. Langdon, Jr., Trustee<br>General Partner<br>Date of Execution:_____ | BY: _____<br>William A. Langdon, Jr.<br><br>Date of Execution:_____ |
| BY: Jennie S. Smith<br>Jennie S. Smith<br><br>Date of Execution: 1/31/13 | BY:<br>_____<br>Marion Sullivan<br><br>Date of Execution:_____ |
| BY:<br>_____<br>Carlita S. Laurent, Trustee<br><br>Date of Execution:_____ | BY:<br>_____<br>Sandra S. Abadie<br><br>Date of Execution:_____ |
| BY:<br>_____<br>Marion E. Settegast, III<br><br>Date of Execution:_____ | BY:<br>_____<br>Carlita S. Sealy<br><br>Date of Execution:_____ |

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| **BRENTWOOD PARTNERS L.P.**<br>BY: _____<br>William A. Langdon, Jr., Trustee<br>General Partner<br>Date of Execution: 1-30-2013 | BY: _____<br>William A. Langdon, Jr.<br><br>Date of Execution: 1-30-2013 |
| BY:<br>_____<br>Jennie S. Smith<br><br>Date of Execution:_____ | BY:<br>_____<br>Marion Sullivan<br><br>Date of Execution:_____ |
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| BY:<br>_____<br>Jennie S. Smith<br><br>Date of Execution:_____ | BY:<br>_____<br>Marion Sullivan<br><br>Date of Execution:_____ |
| BY: Carlita S. Laurent<br>Carlita S. Laurent, Trustee<br><br>Date of Execution: Jan. 31, '13 | BY:<br>_____<br>Sandra S. Abadie<br><br>Date of Execution:_____ |
| BY:<br>_____<br>Marion E. Settegast, III<br><br>Date of Execution:_____ | BY:<br>_____<br>Carlita S. Sealy<br><br>Date of Execution:_____ |

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| BY:<br>_____<br>Carlita S. Laurent, Trustee<br><br>Date of Execution:_____ | BY:<br>_____<br>Sandra S. Abadie<br><br>Date of Execution:_____ |
| BY: Marion E. Settegast III<br>Marion E. Settegast, III<br><br>Date of Execution: 1/31/2013 | BY:<br>_____<br>Carlita S. Sealy<br><br>Date of Execution:_____ |

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| BY:<br>_____<br>Jennie S. Smith<br><br>Date of Execution:_____ | BY: Marion Sullivan<br>Marion Sullivan<br><br>Date of Execution: 2/1/13 |
| BY:<br>_____<br>Carlita S. Laurent, Trustee<br><br>Date of Execution:_____ | BY: Sandra S. Abadie<br>Sandra S. Abadie<br><br>Date of Execution: 1-30-13 |
| BY:<br>_____<br>Marion E. Settegast, III<br><br>Date of Execution:_____ | BY:<br>_____<br>Carlita S. Sealy<br><br>Date of Execution:_____ |

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| | |
|---|---|
| **THIRD COAST RESOURCES I, LTD.**<br>BY: Third Coast Asset Resources, Inc.<br>its general partner<br><br>By:_____<br>Eden E. Settegast, President<br>Date of Execution:_____ | **THIRD COAST RESOURCES II, LTD.**<br>BY: Third Coast Asset Resources, Inc.<br>its general partner<br><br>By:_____<br>Eden E. Settegast, President<br>Date of Execution:_____ |
| **BRENTWOOD PARTNERS L.P.**<br><br>BY: _____<br>William A. Langdon, Jr., Trustee<br>General Partner<br>Date of Execution:_____ | BY: _____<br>William A. Langdon, Jr.<br><br>Date of Execution:_____ |
| BY:<br>_____<br>Jennie S. Smith<br><br>Date of Execution:_____ | BY:<br>_____<br>Marion Sullivan<br><br>Date of Execution:_____ |
| BY:<br>_____<br>Carlita S. Laurent, Trustee<br><br>Date of Execution:_____ | BY:<br>_____<br>Sandra S. Abadie<br><br>Date of Execution:_____ |
| BY:<br>_____<br>Marion E. Settegast, III<br><br>Date of Execution:_____ | BY: Carlita S. Sealy<br>Carlita S. Sealy<br><br>Date of Execution: 1-30-2013 |

HALFF

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 30.7935 acre tract of land being more particularly described as follows with bearings based on the Texas Coordinate System of 1983, South Central Zone:

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

THENCE with the southwesterly right-of-way line of said Whitehead Road, North 41 degrees 52 minutes 28 seconds East, a distance of 1,199.55 feet to the north corner of the herein described tract of land;

THENCE departing the southwesterly right-of-way line of said Whitehead Road, South 48 degrees 04 minutes 19 seconds East, a distance of 1,120.56 feet to the northeasterly right-of-way line of Pearland Parkway (a variable width right-of-way) for the east corner of the herein described tract of land;

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

> South 41 degree 55 minutes 41 seconds West, a distance of 947.88 feet to an angle point in the herein described tract of land;
>
> South 46 degrees 30 minutes 07 seconds West, a distance of 150.48 feet to an angle point in the herein described tract of land;
>
> South 41 degrees 55 minutes 41 seconds West, a distance of 101.67 feet to the east corner of the aforesaid 22.3385 acre tract of land and the south corner of the herein described tract of land;

THENCE departing the northeasterly right-of-way line of Pearland Parkway with the northerly line of said 22.3385 acre tract, North 48 degrees 04 minutes 19 seconds West, a distance of 1,107.43 feet to the **POINT OF BEGINNING** and containing 30.7935 acres (1,341,365 square feet) of land.



HALFF ASSOCIATES, INC.

14800 ST. MARY'S LANE, SUITE 160
HOUSTON, TX 77079-2943

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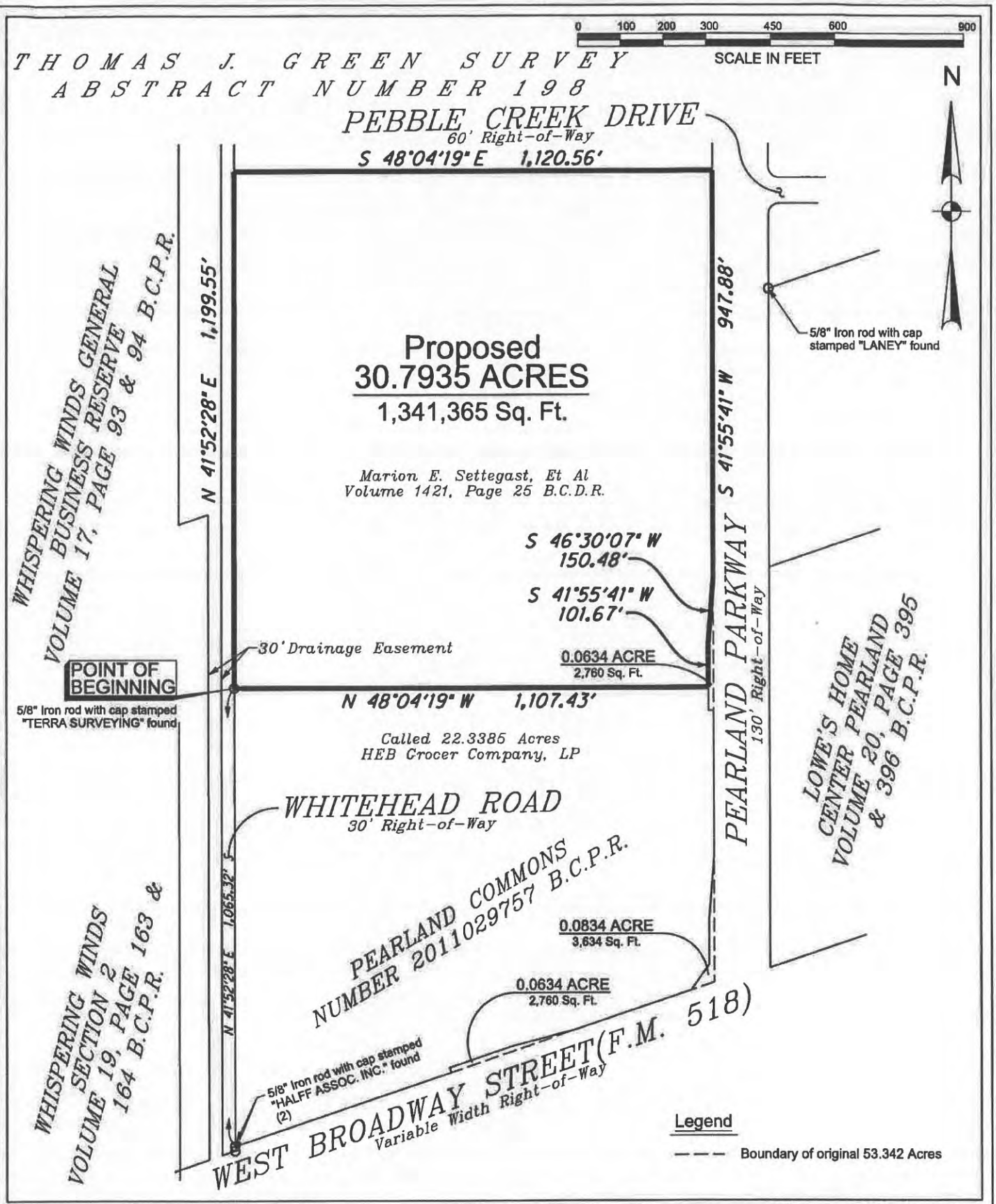


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TBPE FIRM# F-312
14800 ST. MARY'S LANE, SUITE 160
HOUSTON, TEXAS 77079-2943
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FAX (281) 310-5259

# AN EXHIBIT OF THE PROPOSED REZONING TRACT

IN THE THOMAS J. GREEN SURVEY,
ABSTRACT NUMBER 198
BRAZORIA COUNTY, TEXAS

| | |
|---|---|
| Project No.: | 29175 |
| Issued: | 02/14/2013 |
| VEXH002-PARC-29175.dgn | |
| 2 of 2 | |

3/14/2013 10:37:41 AM ah2151 HALFF I:\29000\29175\CADD\VEXH002-PARC-29175.dgn Design W_IR2200_MON_FS_FW.plt

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

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

March 15, 2013

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

RE: Center at Pearland Parkway PD

Harold,

Enclosed is a hard copy of the PD per our meeting on February 27, 2013. We have included several of the ideas discussed, including building materials (pg. 3), landscape enhancements (pg. 4), and a list of Prohibited Uses. The building materials section includes two types of material on each façade with the addition of architectural features. However, the details will not be decided upon until we know the materials and architectural features of the HEB development. There are several landscape enhancements to encourage pedestrian activity. The first is the primary entry median (twenty foot wide median) that will include a six foot sidewalk, trees and plantings. The second enhancement is the open space area adjacent to the multi-tenant pad sites, called "The Plaza". The third enhancement will occur along the store fronts of the multi-tenant building in the rear of the tract. Planters, flower pots, benches will be added along the storefronts in the sidewalk.

We have also reduced our requests for deviations to signage and the 25' buffer required adjacent to residential zone.

Please feel free to contact me with any questions or concerns, or if you need any further details in order to process our request.

Sincerely,

Christy B. Smidt
Planner

cc: Ralph Tullier, Stream Realty
Mark Sondock, Stream Realty

# Planned Development

# for

# Center at Pearland Parkway

Prepared For

Stream Realty

Kerry R. Gilbert & Associates, Inc.

March 2013

# Center at Pearland Parkway
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## I. Introduction

### A. Description of the Subject Property

The Center at Pearland Parkway is located on Pearland Parkway north of Broadway (FM 518) and directly next to the future HEB grocery store located at the corner of Broadway and Pearland Parkway. The site contains ±28.0 acres situated to the east of an existing 85 foot wide Brazoria Drainage District #4 drainage easement which provides approximately 130 feet of separation from an existing multi-family complex and the rear side of a single-family residential neighborhood. The site is currently vacant as is the property to the north. Stream Realty Partners has contracted to buy and develop the site. Refer to Exhibit A – Project Location.

### B. Description of Proposed Development.

The Center at Pearland Parkway will be developed as a mix of neighborhood service retail establishments in clusters and pad sites that are designed and situated such that the resulting center conveniently accommodates customers and their vehicles while focusing on internal and external pedestrian activity. Originally, the site was part of the Pearland Commons PD, a larger ±53.3 acre tract, approved by the City in 2008. However, in 2010, HEB purchased the 22.0 acres located at the hard corner for a grocery store, fuel station and a few pad sites. Although there is separate ownership, the intent of our retail development is to interconnect in a cohesive fashion with the HEB site so that they are one project, and not two different projects. Interconnectivity will occur within the parking lot to allow vehicles and pedestrians to move throughout the project. The architectural style of our project will compliment the style to be established by the HEB site. Key elements of the overall site plan include:

1. Primary project entry located on Pearland Parkway at the entry across from Providence Village Drive near the center of the overall site. Project identifier and enhanced landscaping will occur at this entrance.

2. The primary entrance transforms into a landscaped, linear walkway with landscaping, special paving treatments, and a sidewalk for pedestrian connectivity to the retail space in the rear of the development. The median width will be twenty (20) feet wide with a meandering six (6) foot wide sidewalk and enhanced landscaping on either side of the sidewalk. Trees, shrubs and the seasonal plantings will provide some shade and buffer from the parking lot. Refer to Exhibit E – Conceptual Plan.

3. The Plaza, an outdoor playground, deck and/or grassy, open area with covered patio areas is nestled among a cluster of eateries and boutique shopping site located centrally to the shopping and the HEB site. This area is designed to create a Plaza that is accessible via pedestrian walkways throughout the project. Internal and external plazas will accompany these specialty restaurant and retail sites providing a perfect complement to the deck/grassy, open area. The Plaza is nestled among three buildings, each of which will include multiple small retail establishments.

4. Driveways along Pearland Parkway are limited to essential locations and are coordinated with existing driveways and esplanade openings. The one exception to this is the proposed driveway near the northern boundary on Pearland Parkway. This driveway has been situated to line up with Pebble Creek Drive to allow for a new esplanade opening. The location of all of the driveways will ensure traffic entering and exiting the project is accommodated in the most efficient and safe manner.

5. A 30' wide landscape buffer is provided along the entire frontage of Pearland Parkway. This area will contain landscaping, shrubbery and walkways designed to screen the adjacent parking areas from the abutting roadways with naturally aesthetic appeal.

6. The rear facade of the buildings within the center will be a continuation of the underlying architectural theme of the project consisting of a textured paint treatment coupled with the variation of building depths and offsets in the rear elevations of the various buildings in the center. The landscaping area will include a combination of shrubs and trees near the detention facility and will enhance the screening of the center along the western property line.

7. Proposed tenants include more than a half dozen national tenants ranging in size up to 26,000 square feet; multiple pad sites occupied by national restaurants, banks, and /or stand alone retail uses; approximately 20,000 square feet of specialty and/or in–line retail space.

8. All parking areas will be constructed of concrete rather than asphalt to enhance the quality and longevity of the project.

9. The proposed landscaping and open space shown on the site plan will be ±15% of the total gross area of the project including the covered patio, playground and deck area along with the various pockets of landscaping. This does not include the ±4.7 acres of "Reserve Tract" vacant land located in the back of the center.

**C. Describe the area of land in acreage.**
The total land area is ±28.0 acres. Refer to Exhibit B – Site Location and Exhibit C – Survey and Legal Description.

**D. A statement as to the purpose and intent of the PD district established therein.**
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.

## II. Zoning and Land Use

**A. Describe the existing zoning districts and the boundaries of said districts.**
The existing zoning is the Pearland Commons PD overlay on a GB District. This was part of a larger +53.3 acre PD. Since then, HEB purchased +22.0 acres and with approval from City Council, removed the acreage from the PD. Refer to Exhibit D – Existing Zoning.

**B. Describe the base zoning district(s) to be overlaid.**
The current zoning is a PD overlay on the GB district.

**C. The general standards applicable to development within the district**

The site, regardless of zoning district, is located on Pearland Parkway, a designated corridor within the Corridor Overlay District. The Corridor Overlay District affects any tract located along specified major thoroughfares in Pearland. The project complies with the GB and the COD districts. The COD is discussed further in Section III of this document. Other aspects of the project such as the parking, signage, lighting, etc. are discussed further in Section III of this document.

The management of the project will be overseen by a professional commercial property manager with expertise in maintenance and continuity of the common areas. The phasing plan is discussed further in Section V of this document.

**Standards within Zoning District Table**

| | GB |
|---|---|
| Density | None listed |
| Lot Area (Min.) | 22,500 sq. ft. |
| Lot Depth (Min.) | 125' |
| Lot Width (Min.) | 150' |
| Lot Coverage | None listed |
| Building Height | 45' |
| Building Elevation | Variation required |
| Front Setback | 25' |
| Side Setback | 10' or 25' if abut Major Thoroughfare |
| Rear Setback | 25' |

1. **Provide the percentage of use in each zoning classification.**
   The land use in the overall project is 100% commercial/retail and will be in accordance with the land uses permitted in GB zone, except for prohibited uses listed below. There is no parkland dedication requirement, and there are no public streets located internally to the project.

2. **Prohibited Uses**
   Currently, the GB zone allows for several uses that are not suited for a retail development. Exhibit L is a list of all the prohibited uses that otherwise are allowed in the GB zone.

**D. The permitted, conditional and accessory uses authorized in the district, the location of such uses, the residential densities or other measurements of development intensity associated with base districts or phases of the development in conformance with the approved Design Plan.**

The Center at Pearland Parkway is a proposed retail project and at this time, the tenants have not been selected. There are no accessory uses associated with this project. The intent of the development is to incorporate the design and architectural style of the adjacent HEB site, however, at this time this information is not available.

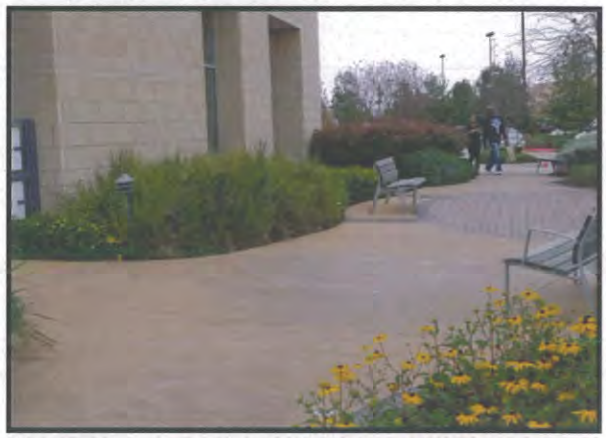
## III. Design standards applicable to the development

**A. Design Standards.** Specific design standards, including signage, building height, landscaping, fencing, parking, etc., that are applicable to this development are the standards set forth for the GB zoning district which are listed in Chapter 2, Article 4, Division 4, Section 4 of the UDC and the design standards for the Corridor Overlay District, as listed in Chapter 2, Article 4, Division 5, Section 1 of the UDC. Refer to Exhibit E – Conceptual Plan.

1. **Building Materials**: The project complies with the current UDC standards. Beyond minimum standards, buildings within this project will be required to include two types of materials for each store front and multi-tenant pad site, a stucco, tilt-wall, or EIFS building with a stone material. Each building will

include a minimum of 10% stone material. In addition to the two types of materials, architectural enhancements will also be included on each building.

2. **Landscape Enhancements**: The project complies with the current UDC. The project will also incorporate landscape enhancements above the minimum standards on the primary entry median and along the façade of the buildings. The entry median which is twenty (20) feet wide will be enhanced with trees, shrubs and plantings along with a six (6) foot sidewalk. Additionally, the store fronts will incorporate plantings and benches along the sidewalk in front of the store fronts providing a pleasant walking experience. These are additional amenities unique to this site.



3. **The Plaza**: A park area, not required for retail developments, has been incorporated to allow for families and friends to gather in a passive park setting next to small eatery and boutique shops. Adjacent to the three multi-tenant buildings, this is an ideal location to gather with friends and family after shopping or eating at one of the restaurants. The location is central to the shopping in both this development and the HEB development. Proximity to the activity associated with HEB is important to the energy of The Plaza. Refer to Exhibit F- The Plaza.

4. **Sidewalks**: The sidewalk located along Pearland Parkway complies with the width and material standards stated in the current UDC 2.4.5.1(l). The sidewalk in the primary boulevard median is six (6) feet wide and will meander throughout the twenty (20) foot wide median. The sidewalks that compose the internal pedestrian circulation, as shown on Exhibit E, will be a minimum of six (6) feet in width and will be a defined sidewalk by utilizing several techniques such as staining or painting the concrete and the installation of pavers. Refer to Exhibit E – Conceptual Plan for general location and proposed curved alignment of the sidewalks.

5. **Parking and Vehicular Circulation**: The project complies with the current UDC. This section also includes standards of lighting of the parking lot and sidewalks. Although not required, the project is designed to provide interconnectivity for vehicles and pedestrians between this project and the HEB site for a cohesive development plan. The lighting plan will also emulate the decorative style and height of light structures of the HEB site. Refer to Exhibit E - Conceptual Plan for general layout of the parking lot and the vehicle circulation plan and to Exhibit K – Lighting Plan.

6. **Fencing**: The project contemplates an expansion of land through the purchase of the adjacent tract to the north. However, at this time; the adjacent tract is zoned residential, which requires masonry fencing or a 25' landscape buffer. Since the development will be enlarged in the future, the 25' landscape buffer will be included in the future development. The project will blend with the HEB tract to the south and the future expansion tract to the north, to give the appearance of one large retail development.

7. **Corridor Overlay District**: The project complies with the current UDC standards for the COD. These standards apply because the project abuts Pearland Parkway. Included within these standards are requirements for building articulation and building material, increased building line and landscape enhancements along the street and the increased screening standards along any parking areas.

**B. Refer to Design Plan and describe which aspects of plan are precise and which are general.**

The Design Plan in this document is included for the sole purpose of establishing general design guidelines as to the basic character and physical relationships of the planned uses and facilities. Everything depicted on the Design Plan is general and nothing is precise because the project is not yet designed. The ideas and plans represent the intent of the developer and the quality and character of the development. Adjustments to the Design Plan that do not introduce or remove new public facilities, do not deviate substantially from the Design Plan and otherwise comply with the intent of the various requirements within The Center at Pearland Parkway PD and other city ordinances and regulations in effect at the time this document is adopted shall not require separate or additional approvals from City Council or the Planning & Zoning Commission. It is essential to the success of The Center at Pearland Parkway PD to maintain flexibility in the site plan process in order to respond to ever changing market conditions and retail demand. Listed below are criteria to further define the flexibility, or lack thereof, with respect to the Master plan.

- Open space within the project including The Plaza, the boulevard median, landscape buffers along Pearland Parkway and along the rear of the project may not be reduced in size by more than 10% without the consent of City Council. In no case will the open space be less than the requirements set forth in the UDC.
- The location of the open space may shift within the project to accommodate specific change in the dimensions of buildings, parking and pad sites so long as the basic concept and intent of the Master plan remains intact.
- The location of buildings including pad sites may shift or be altered in size, dimension, and number. Such changes may be made without separate or further approvals from the City Council or the Planning and Zoning Commission so long as the basic concept and intent of the Master plan remains intact.

**C. A specific list of deviations from standards in the base zoning district(s), together with any standards in the ordinance which are to be varied for development within the PD district.**

The intent of the proposed plan is to comply with the standards of the GB zoning district for the entire project with the exception of those items listed below.

1. **Signage**: Section 4.2.5.4 (b)(2) places a maximum of two multi-user/multi-tenant signs per street frontage separated by a minimum of 600' for an integrated business development. The frontage the project possesses along Pearland Parkway is ±1,172 feet. Due to the number of tenants proposed for this development, an additional multi-tenant sign, for a total of three signs, is required to accommodate signage for all of the tenants. Two of the multi-tenant signs will accommodate the tenants in the rear of the property, while the third multi-tenant sign will accommodate the multiple tenants in the three building sites adjacent to The Plaza. Each building site will hold approximately three to five tenants. We also request that the multi-tenant sign located at the primary entry is allowed to be a height of twenty (20) feet and the other two multi-tenant signs will be fifteen (15) feet in height. This will allow the multi-

tenant sign located at the primary entry to include project monumentation that is typical for these developments. The multi-user/multi-tenant signs will comply with maximum height and maximum area as stated in the current UDC. We request that signage requirements apply to the PD rather than to the parcels of land within the PD that may fall under separate ownership. Refer to Exhibit – J Signage Exhibit.

2. **Buffer to Residential**: Section 2.4.4.5(k) requires a 25' landscape buffer adjacent to residential use or district. The vacant land along Pearland Parkway and north of this tract is most likely to be developed for retail/commercial. Additionally, this development may expand in the future into the adjacent tract, at which time any open space buffer would be removed.

**D. All requirements of the Unified Development Code will be met, except those specifically mentioned above in Section III C of this Planned Development.**

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

Center at Pearland Parkway is solely commercial and does not require dedication of land for parkland or public improvements to any roadways, unless required by the TIA or the City.

**V. A phasing schedule for the project**

The project is divided into two phases. The development within this PD is Phase I.

**Prohibited Uses List**
**Exhibit L**

**Below is a list of land uses allowed in the General Business Zone, but which will be prohibited specifically within the Center at Pearland Parkway PD.**

Agriculture Field or crop
Agriculture Animal Husbandry
Farm/Ranch livestock
Feed & grain store supply (C)
Boarding or Rooming House
Farm Accessory building
Guest, caretaker or security quarters (C)
Off street parking incidental to residential main house
Social & Recreational building (homeowners association, neighborhood rec center
Country Club, private or public golf course
Fairgrounds, Rodeo grounds (C)
Swimming pool – private club
Tennis or swim club
Tennis court (private/lighted) (C)

<u>Auto uses</u>
All terrain vehicles – dealer, sales
Auto glass repair/tinting (C)
Auto interior shop/upholstery (C)
Auto repair – minor (C)
Auto sales/dealer (new and used auto sales)
Auto wash (full service, detail shop)
Commercial transit terminal
Parking lot or garage for passenger cars and trucks of less than one ton capacity

<u>Office uses</u>
Credit agency
Office, parole-probation, bail bonds
Telemarketing agency (C)
Ambulance service (C)
Bed & breakfast inn
Extended stay motel/hotel
Funeral home (C)
Hotel/motel (C)
Laundromat (self service laundry)
Rehabilitation care facility (halfway house)
Rehabilitation care institution (commercial)
Astrology, hypnotists or psychic arts
Bakery (wholesale)
Convenience store (without gasoline)
Food store/supermarket
Garage and/or yard sales (C)

<u>Institutional and government uses</u>
Adult day care (business)

Assisted living facility
Auction house
Child day care (business)
Child Day Nursery
Church, temple, or place of worship
Civic center (municipal)
Civic club
Convent or monastery
Day camp (for children)
Fraternal Organization
Fraternity or sorority house
Governmental building or use
Home of alcoholic, narcotic or psychiatric patients (C)
Hospital (for profit or not for profit)
Institution of religious, education, or philanthropic nature
Library, public or museum (indoor)
Mortuary/cemetery
Municipal public administration offices
Nursing/Convalescent Home (Skilled Nursing facility)
School – elementary, junior or high school
School – other than public or parochial
Sheltered care facility (C)
Studio or radio and or television (no towers)

Commercial and related uses
Cabinet business
Cannery Wholesale (C)
Dance hall or night club (C)
Drive-in theater (C)
Exterminator service/company (no outdoor sales or storage)
Heating and air conditioning sales/service (C)
Mini-warehouse/self storage (C)
Moving and storage company (C)
News printing/book binding (C)
Outside storage (C)
Plumbing or carpenter shop (no outside storage) (C)
Printing equipment, supplies and repairs (C)

Industrial uses
Airport and helipad landing field (C)
Animal processing (C)
Asphalt batching plant/ asphalt/concrete batching plant (C)
Commercial – extraction of soil, sand or gravel (C)
Petroleum or petroleum product extraction (C)

KERRY R. GILBERT & ASSOCIATES, INC.

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EXHIBIT A

a project location map for

# THE CENTER AT PEARLAND PARKWAY

## ± 28.0 ACRES OF LAND

prepared for

## STREAM REALTY

KERRY R. GILBERT & ASSOCIATES, INC.
Land Planning Consultants
23501 Cinco Ranch Blvd.
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NOT TO SCALE

MARCH 2013
KGA #I-215A

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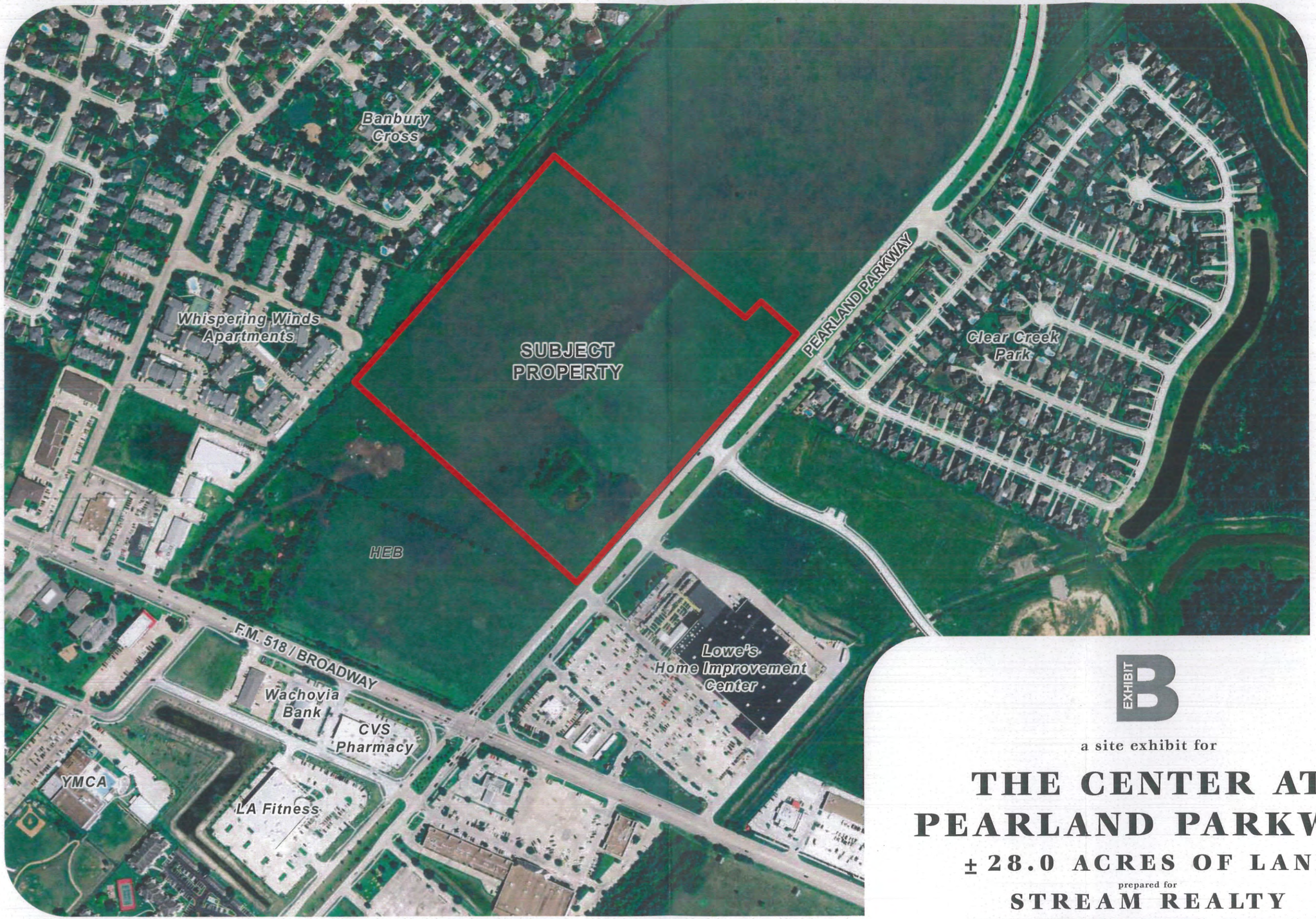


EXHIBIT B

a site exhibit for

# THE CENTER AT PEARLAND PARKWAY

## ± 28.0 ACRES OF LAND

prepared for

## STREAM REALTY

KERRY R. GILBERT & ASSOCIATES, INC.
Land Planning Consultants
23501 Cinco Ranch Blvd.
Suite A-250
Katy, Texas 77494
(281) 579-0340
Fax (281) 579-8212

SCALE
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MARCH 2013
KGA #I-215A

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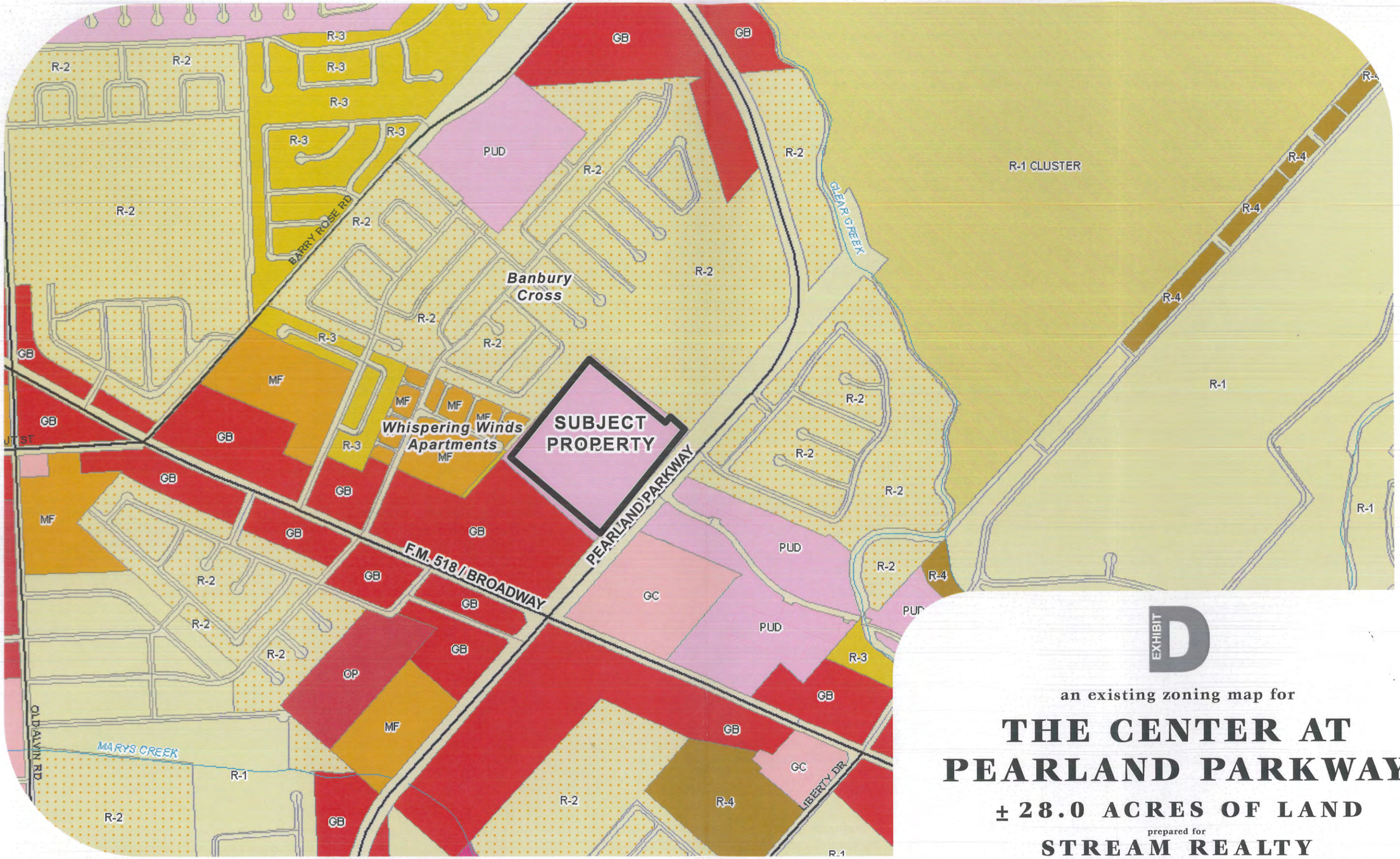


EXHIBIT D

an existing zoning map for

# THE CENTER AT PEARLAND PARKWAY

## ± 28.0 ACRES OF LAND

prepared for

## STREAM REALTY

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NOT TO SCALE

MARCH 2013
KGA #I-215A

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KERRY R. GILBERT & ASSOCIATES, INC.

SCALE: 0 50' 100' 200'

N

# THE CENTER AT PEARLAND PARKWAY

CITY OF PEARLAND, TEXAS

03.14.2013

PHASE I - 28.0 Acres

SCALE: 0 50' 100' 200'

N

# THE CENTER AT PEARLAND PARKWAY

CITY OF PEARLAND, TEXAS

03.14.2013

*PHASE I - 28.0 Acres*

N

SCALE: 0 50' 100' 200'

# THE CENTER AT PEARLAND PARKWAY

CITY OF PEARLAND, TEXAS

03.14.2013

*PHASE I - 28.0 Acres*

SCALE: 0 50' 100' 200'

N

# THE CENTER AT PEARLAND PARKWAY

CITY OF PEARLAND, TEXAS

03.14.2013

*PHASE I - 28.0 Acres*

SCALE: 0 50' 100' 200'

N

# THE CENTER AT PEARLAND PARKWAY

CITY OF PEARLAND, TEXAS

03.08.2013

PHASE I - 28.0 Acres

MULTI-TENANT SIGNAGE

PAD SITE SIGNAGE

PROJECT IDENTIFIER

SCALE: 0 50' 100' 200'

N

# THE CENTER AT PEARLAND PARKWAY

CITY OF PEARLAND, TEXAS

03.08.2013

PHASE I - 28.0 Acres

## LIGHTING STANDARDS

- BUILDING MOUNTED LIGHTING (MAX. 20FT)
- 39-FOOT LIGHTING STANDARD
- 20-FOOT LIGHTING STANDARD

## Planned Development – Center at Pearland Parkway
## ~31 acres

## Staff comments:

- There is no need to specify that a 30' wide landscape buffer will be provided as this is a requirement within the Corridor Overlay District.
- It states that ± 15% of the site will be landscaped. The UDC requires that a minimum of 15% be landscaped. Please remove the ± to ensure that this requirement is met.
- Will the 4.7 acre "reserve tract" be amenitized or landscaped? If not, there is no need to mention it within the landscape section of the PD.
- The use of EIFS as a building material has been removed from the UDC as an acceptable building façade material and thus should be removed from this PD.
- Stone should be used for at least 30% of the exterior of each building. The proposed 10% would not be sufficient.
- Please provide a detailed exhibit for the entry feature including proposed signage. The provided exhibit indicates minimal landscaping with only 2 trees shown. Please provide types of plantings and indicate total caliper inches of trees and shrubs that will be provided in order to show how this will be an enhancement to the project.
- For sidewalk section, please remove painted sidewalks as an option as these may be difficult to maintain. Stained concrete and pavers will be sufficient.
- For site lighting, there is no need to mention that they will emulate the lights of neighboring properties as those designs have not been approved by the city. Please provide an exhibit showing the types of lighting proposed and ensure that lighting height is in conformance with the UDC.
- Under section B, please remove the statement that everything depicted on the Design Plan is general and nothing is precise.
- Please remove the section that would allow deviations to the minimum amount of and location of the open space that is being proposed.
- Under requested deviations, staff recommends three signs, one at a height of 20' and two additional not to exceed 10' as opposed to the requested 15'.
- Please provide an exhibit that shows proposed sign elevations.

- Please state in the PD that there will be no outside storage permitted regardless of the use.
- The front facades of each building shall maintain variations and off sets as shown in these exhibits.
- Remove all “C’s” from the list of allowed uses and state that any use in the GB zone that is not excluded from this PD but would require a CUP still would require a CUP.
- Please add the following uses to your list of excluded uses.
    - *Commercial Amusement Outdoor*
    - *Auto Parts Sales w/outside storage.*
    - *Vet Office with Outside Pens*
    - *Antique Shop w/outside storage*
    - *Check Cashing Services*