

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD MAY 20, 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 2013-04

A request of James Elmore of Cisneros Design Group, applicant for Amegy Bank, 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 8400 Block of Broadway, more specifically described as:

Legal Description: Being a 3.395 acre tract of land being a portion of land called “Tract Two” described in a deed from R.R. Viada and Agnes M. Viada to R. R. Viada or Agnes M. Viada, Trustee, under Viada Family Living Trust, as recorded under Brazoria County Clerk’s File Number (C.F.) 2005 003071, of the Official Public Records of Real Property of Brazoria County, Texas and being a portion of Lot 27, of the Allison-Richey Gulf Coast Home Co’s Part of Suburban Gardens Subdivision of Section 21, of the H.T.& B. Railroad Company Survey, Abstract Number 309, Brazoria County, Texas.

General Location: 8400 Block of Broadway 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 MAY 20, 2013

Conditional Use Permit No. CUP 2013-04

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General Location: 8400 Block of Broadway Street

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

Planning and Zoning Commission:	May 20, 2013*
City Council for First Reading:	June 10, 2013*
City Council for Second Reading:	June 24, 2013*

(*dates subject to change if item is tabled)

SUMMARY: The applicant is requesting a Conditional Use Permit (CUP) to build an Auto Wash (Self-Service) on the subject parcel in conjunction with a proposed gas station/retail development. The property is currently zoned General Business (GB), which permits the proposed gas station/retail by right and an auto wash use with the approval of a CUP.

The proposed type of auto wash facility will be unattended and 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 access to the facility is proposed from Broadway. Preliminary Site plan drawings show the tunnel opening facing Broadway. The applicant is proposing landscaped islands and peninsulas to screen the opening from view along Broadway.

SURROUNDING ZONING AND LAND USES:

	Zoning	Land Use
North	General Business (GB)	Shopping Center
South	General Business (GB)	Vacant
East	General Business (GB)	Single Family Home
West	General Business (GB)	Commercial Retail

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The subject property is currently zoned General Business (GB). The overall parcel is 3.395 acres and meets the minimum size for the GB zone.

	GB	Actual
Lot Width	150'	361.3'
Lot Depth	125'	415.6'
Total Lot Area	22,500 Sq. Ft.	3.395 Acres

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 Amending Plat of Amegy Bank.

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, a major thoroughfare with right-of-way of 120', and Cullen, a secondary thoroughfare with right-of-way of 100'. There are not any dedications required for Broadway or Cullen, as the property is already platted. 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 an auto wash to be built as part of a gas station development/ retail development. It is not anticipated at this time that the proposed use will have any impacts on the surrounding development which are not able to be mitigated for.

Staff's only concern pertains to the proposed carwash bays facing Broadway, a Corridor Overlay District, and therefore recommends a condition of approval that would require the applicant to add additional screening to the area of the auto wash that faces Broadway. This additional screening is shown on the submitted site plan. In recent automotive related cases, Council has requested that outdoor activity be screened from the City's Corridor Overlay Districts.

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

SITE HISTORY: The property was annexed into the city in 1995 and was Zoned GB at that time. The site is currently vacant and has no past zoning or CUP cases.

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

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 2013-04 as proposed by the applicant for the following reasons and the following conditions:

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 be screened from Broadway per the submitted landscaping plan.
2. Auto wash be developed in accordance with detailed site plan.

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



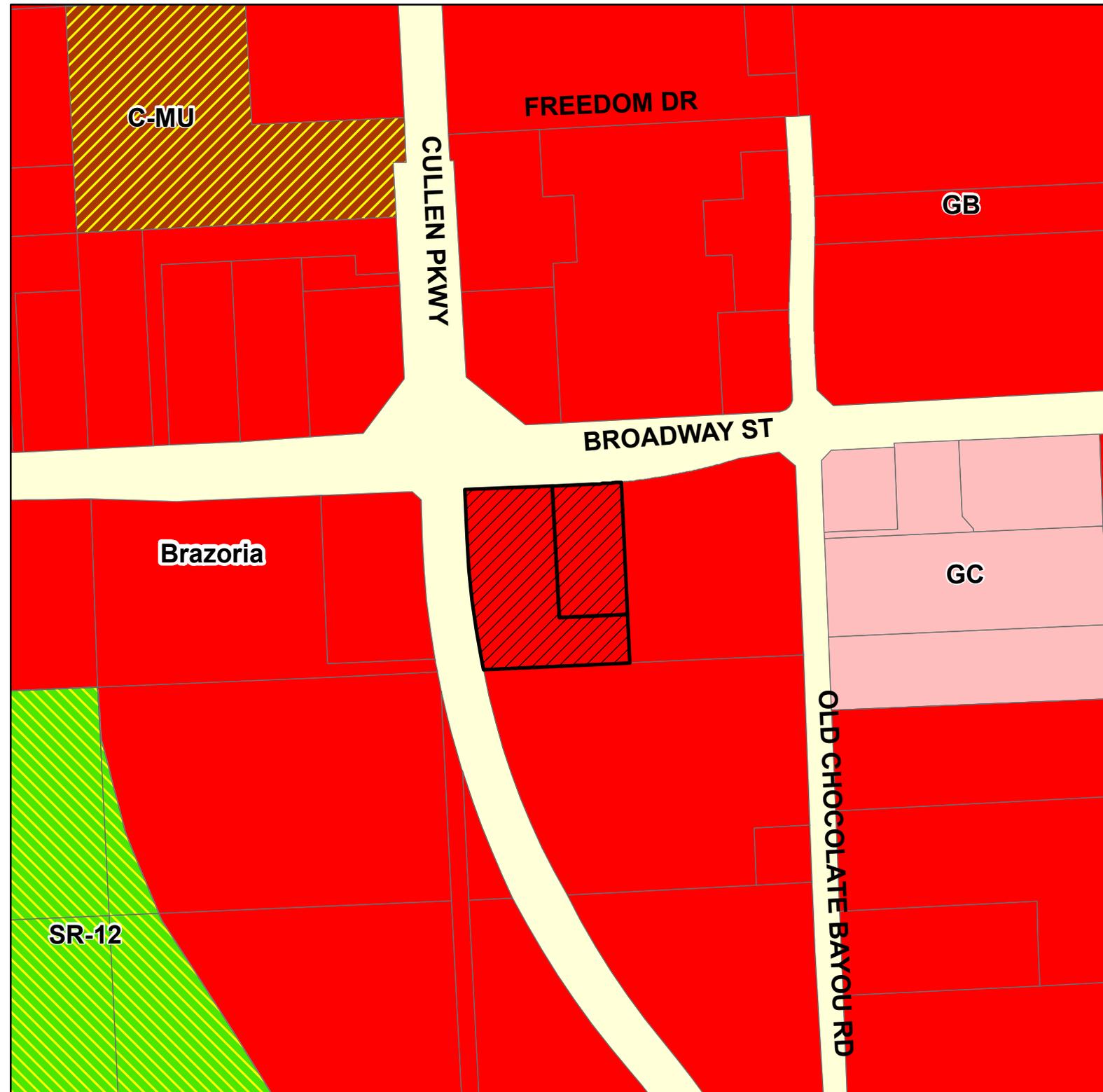
Zoning and Vicinity Map

CUP 2013-04

8400 Block of Broadway

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

0 100 200 400 Feet





Abutter Map

CUP 2013-04

8400 Block of Broadway

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N

0 100 200 400 Feet



CUP 2013-04

Carwash in a GB Zone

Owner	Street	City	State	Zip
KROGER TEXAS LP	19245 DAVID MEMORIAL DR STE A	SHENANDOAH	TX	77385-8776
SOUTH TRUST BANK	PO BOX 2609	CARLSBAD	CA	92018
AMEGY BANK NA	4400 POST OAK PKWY	HOUSTON	TX	77027-3421
VIADA AGNES M SURVIVOR'S TRUST %				
VIADA AGNES M & RAYMOND L	2718 OLD CHOCOLATE BAYOU RD	PEARLAND	TX	77584-8977
IMANI CHURCH THE	PO BOX 1652	PEARLAND	TX	77588-1652
TEXAS ANNUAL CONF OF THE UNITED				
METHODIST CHURCH	5215 MAIN ST	HOUSTON	TX	77002-9752
AVKAV	513 KNOTS LN	CARLSBAD	CA	92011-5422



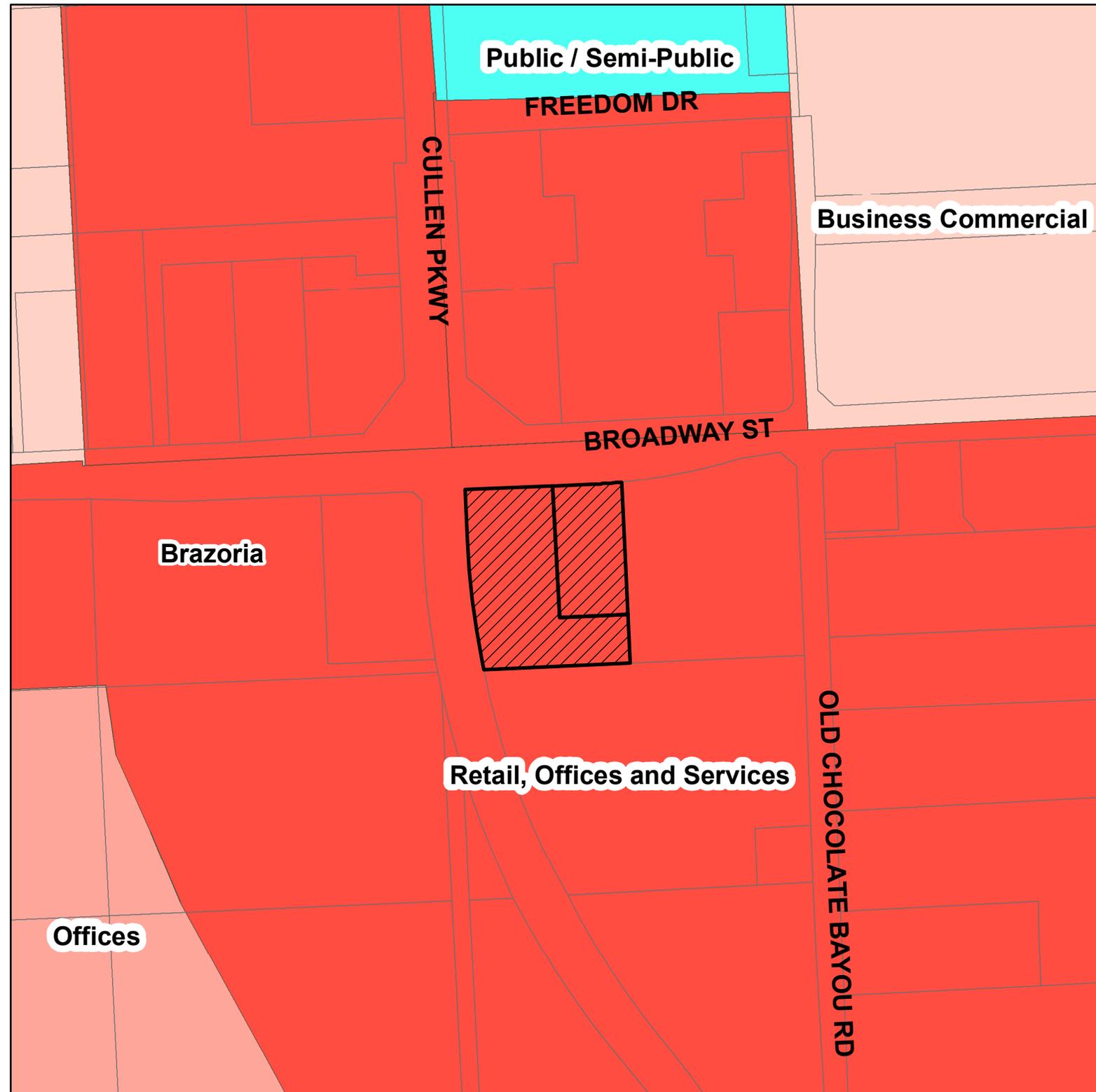
Zoning and Vicinity Map

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0 100 200 400 Feet





Aerial Map

CUP 2013-04

8400 Block of Broadway

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

N

0 100 200 400 Feet





APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

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

Conditional Use Permit Request for: AUTOMATIC SELF SERVICE AUTO WASH
(list proposed use from the Table of Uses of the UDC)

Current Zoning District: GB

Property Information:

Address or General Location of Property: 8416 - 8420 BROADWAY
SOUTHEAST CORNER BROADWAY @ CULLEN

Tax Account No. 03090038000

Subdivision: AMEGY BANK CULLEN BLVD Lot: A+B Block: ONE

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

PROPERTY OWNER INFORMATION:

NAME AMEGY BANK NATIONAL ASSOC.
ADDRESS 4400 POST OAK PARKWAY
CITY HOUSTON STATE Tx ZIP 77027
PHONE (713) 232-1001
FAX (713) 963-7564
E-MAIL ADDRESS john.wagner@amegybank.com

APPLICANT/AGENT INFORMATION:

NAME JAMES EMMONS - CIS-AXIS DESIGN
ADDRESS 2501 W 11TH
CITY HOU STATE Tx ZIP 77008
PHONE (713) 524-2880
FAX (713) 524-9803
E-MAIL ADDRESS JAMES @ CIS-AXIS.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: John R. Wagner VP Date: 3-18-13
John R. Wagner Vice President.

Agent's/
Applicant's Signature: [Signature] Date: 15 MARCA 2013

OFFICE USE ONLY:

FEES PAID: <u>\$250.00</u>	DATE PAID: <u>4/25/13</u>	RECEIVED BY: <u>IC</u>	RECEIPT NUMBER: <u>211653</u>
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Application No. CUP 2013-04

CISNEROS

LETTER OF
INTENT

Design Group

March 15, 2013

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

Re: Conditional Use Permit
8416 Broadway @ Cullen

Dear Sirs:

Please accept this as a letter of intent and as formal request for Conditional Use Permit. In conjunction with a convenience store with retail fuel sales, we would like to develop a 2400 square foot self service tunnel type car wash. Hours of operation would mirror convenience store so as to make certain supervisory staff would always be available. Layout would be a per site plans submitted with this application.

In the interest of having an attractive facility, the actual was activity would be well screen from view on Broadway.



James Elmore
Cisneros Design Group, Inc.

SEAL:

CULLEN MARKET
F.M. 518 at CULLEN Blvd., PEARLAND, TX
SITE PLAN & EXTERIOR PROFILE ELEV.

PROJECT:

REVISIONS & DATE

1)	05/08/2013

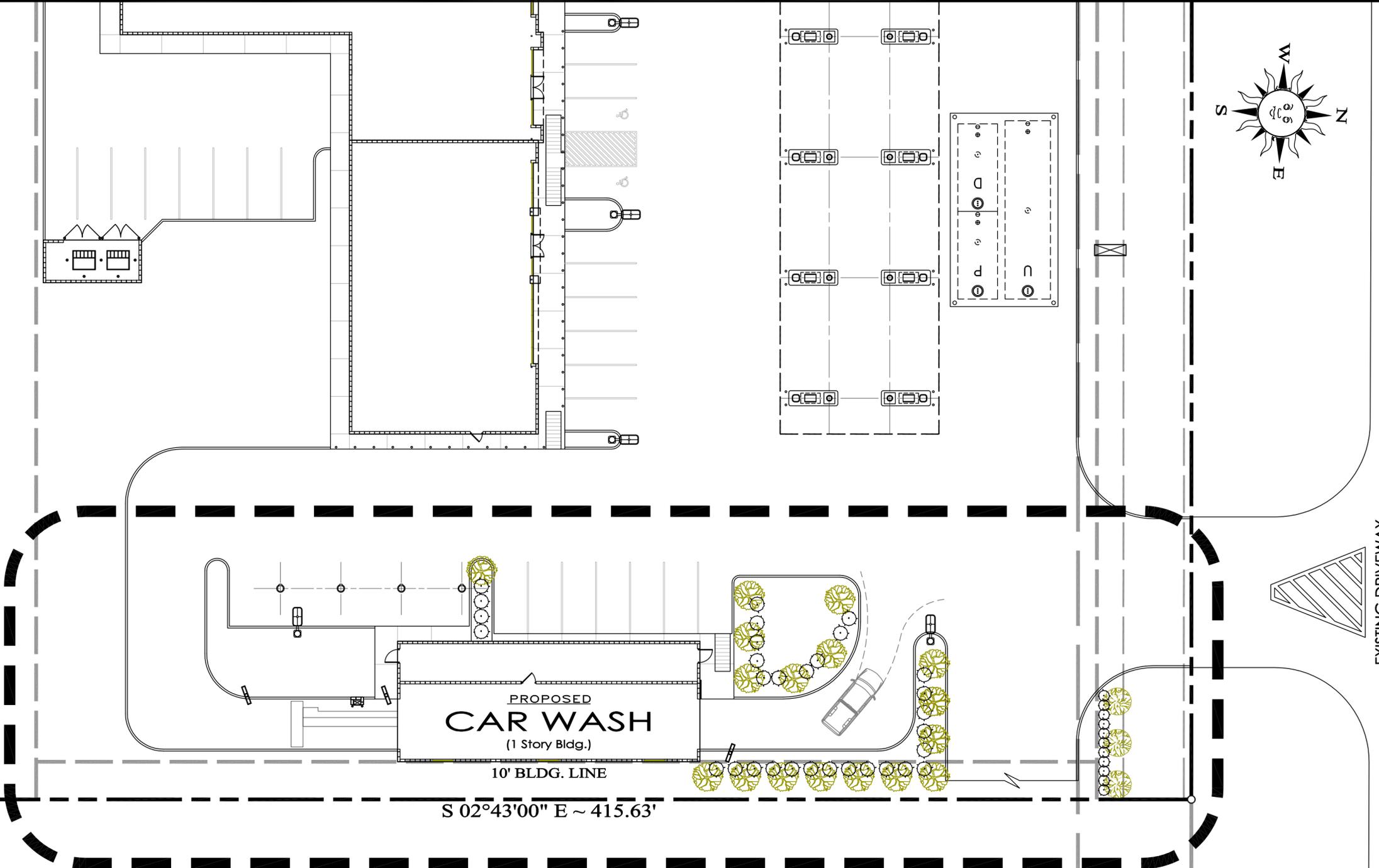
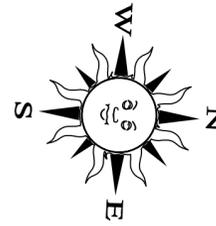
DRAWN BY:
Héctor Flores

DATE:
March 14th, 2013

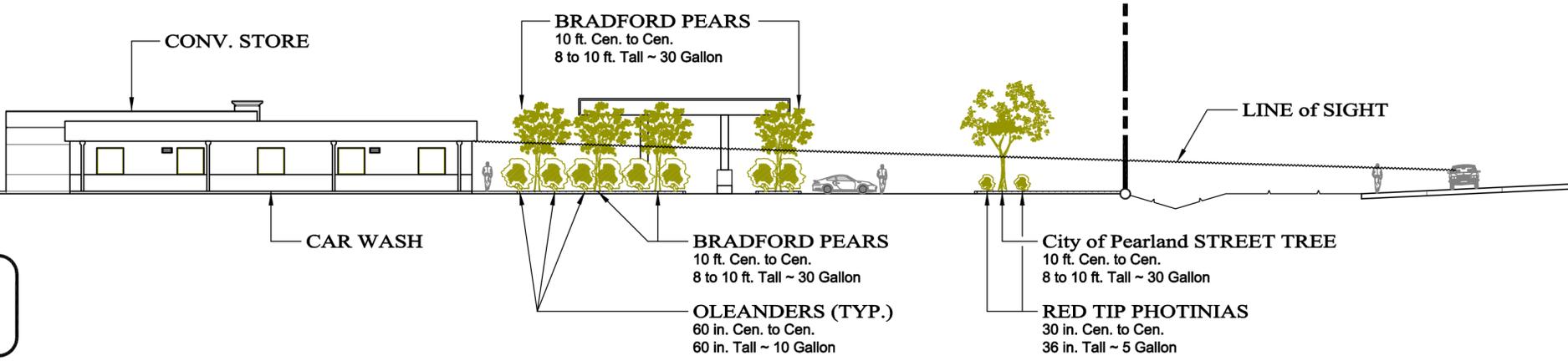
SCALE:
1" = 20'

SHEET NO:
SP2

F.M. 518



AREA SITE PLAN
SCALE: 1" = 20'



SITE ELEVATION
SCALE: 1" = 20'

EXHIBIT A

PROPERTY DESCRIPTION

A 3.395 acre (147,895 square foot) tract of land being a portion of a tract of land called "Tract Two (West One-Half of Lot 27)" described in a deed from R. R. Viada and Agnes M. Viada to R. R. Viada or Agnes M. Viada, Trustees, under the Viada Family Living Trust, as recorded under Brazoria County Clerk's File Number (C.F.) 2005 003071, of the Official Public Records of Real Property of Brazoria County, Texas and being a portion of Lot 27, of the Allison-Richey Gulf Coast Home Co's Part of Suburban Gardens Subdivision of Section 21, of the H. T. & B. Railroad Company Survey, Abstract Number 309, Brazoria County, Texas, said plat recorded in Volume 2, Pages 23-24 of the Brazoria County Plat Records, said 3.395 acre tract being more particularly described as follows (bearings based on the Texas State Plane Coordinate System, South Central Zone, NAD 83):

COMMENCING at a 1-inch iron pipe found in the west right-of-way line of Old Chocolate Bayou Road (a.k.a. County Road 89), width varies as occupied, from which the southeast corner of said Lot 27, also being the northeast corner of Lot 28 of said Suburban Gardens Subdivision of Section 21, bears North 87 degrees 18 minutes 14 seconds East, a distance of 12.45 feet, said 1-inch iron pipe also being the northeast corner of a called 9.5144 acre tract of land described in a deed from Prudential Residential Services, Limited Partnership to Wilfred Fretty, as recorded under Brazoria County Clerk's File Number 95-033970;

THENCE, South 87 degrees 18 minutes 14 seconds West, a distance of 397.47 feet, along the line common to said Lot 28 and Lot 27, to 3/4-inch iron pipe found for the southeast corner of said called "Tract Two (West One-Half)" tract and the southwest corner of a tract of land called the "Tract One (East One-Half of Lot 27)" also described in said C.F. 2005 003071, and the POINT OF BEGINNING of the herein described tract;

THENCE, South 87 degrees 18 minutes 14 seconds West, a distance of 338.18 feet, along the line common to said Lot 28 and Lot 27, to a 5/8-inch iron rod with "Wilson" cap found for the southwest corner of the herein described tract in the easterly right-of-way line of Cullen Boulevard, a.k.a. F.M. Highway 865, 100 feet wide, as shown and described in Volume 2, Pages 23-24, of the Brazoria County Plat Records, Volume 22, Pages 171-172, of the Brazoria County Plat Records, and in C.F. 2005 021376, of the Official Public Records of Real Property of Brazoria County, Texas;

THENCE, leaving the south line of Lot 27 along the easterly right-of-way line of said Cullen Boulevard, along the arc of a 1950.00 foot radius non-tangent curve to the right, having a central angle of 08 degrees 54 minutes 09 seconds, an arc length of 302.99 feet, and a chord which bears North 07 degrees 07 minutes 05 seconds West, a distance of 302.68 feet, to a 5/8-inch iron rod with "Wilson" cap found for a point of tangency;

THENCE, North 02 degrees 40 minutes 00 seconds West, a distance of 113.87 feet, continuing along the easterly right-of-way line of said Cullen Boulevard to a 5/8-inch iron rod with "Wilson" cap found for the northwest corner of the herein described tract in the southerly right-

of-way line of F.M. 518, also known as Broadway Street (width varies) as widened and described in a deed filed in Volume 1552, Page 997, of the Brazoria County Deed Records;

THENCE, North 87 degrees 18 minutes 28 seconds East, a distance of 361.31 feet, leaving the easterly right-of-way line of said Cullen Boulevard with the southerly right-of-way line of said F.M. 518, to a 5/8-inch iron rod with "CLR" plastic cap found for northeast corner of the herein described tract and the northwest corner of said "Tract One (East One-Half);

THENCE, South 02 degrees 43 minutes 00 seconds East, a distance of 415.63 feet, leaving the southerly right-of-way line of said F.M. 518 along the line common to said "Tract One (East One-Half)" and said "Tract Two (West One-Half)", to the POINT OF BEGINNING and containing a computed area of 3.395 acres (147,895 square feet) of land.

TAX CERTIFICATE



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

Issued To:

CISNEROS CONSTRUCTION GROUP, INC
2501 W. 11TH ST
HOUSTON, TX 77008

Legal Description:

A0309 H T & B R R BLOCK 1 TRACT A-B,
AMEGY BANK CULLEN BOULEVARD 27A ACRES
3.395

Fiduciary Number: 22477394

Parcel Address: FM 518

Legal Acres: 3.3950

> - -

Account Number: 0309-0038-000

Print Date: 03/15/2013

< - -

Certificate No: 216166938

Paid Date:

Certificate Fee: \$10.00

Issue Date: 03/15/2013

Operator ID: JACKIEG

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2012. ALL TAXES ARE PAID IN FULL

Exemptions:

Certified Owner:

AMEGY BANK NA
4400 POST OAK PKWY
HOUSTON, TX 77027-3421

Certified Tax Unit(s):

- 1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
28 PEARLAND ISD
54 BRAZORIA DRAINAGE DIST 4
96 CITY OF PEARLAND

Table with 2 columns: Description, Amount. Rows include 2012 Value (618,170), 2012 Levy (\$17,100.81), 2012 Levy Balance (\$0.00), Prior Year Levy Balance (\$0.00), Total Levy Due (\$0.00), P&I + Attorney Fee (\$0.00), Total Amount Due (\$0.00).

Reference (GF) No: N/A

Issued By: [Signature]
RO'VIN GARRETT, RTA
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(979) 864-1320, (979) 388-1320, (281) 756-1320

TAX CERTIFICATE



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

Issued To:

CISNEROS CONSTRUCTION GROUP, INC
2501 W. 11TH ST
HOUSTON, TX 77008

Legal Description:

A0309 H T & B R R BLOCK 1 TRACT A-B,
AMEGY BANK CULLEN BOULEVARD 27A ACRES
3.395

Fiduciary Number: 22477394

Parcel Address: FM 518

Legal Acres: 3.3950

> - -

Account Number: 0309-0038-000

Print Date: 03/15/2013

< - -

Certificate No: 216166944

Paid Date: 03/15/2013

Certificate Fee: \$10.00

Issue Date: 03/15/2013

Operator ID: JACKIEG

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4400 POST OAK PKWY
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28 PEARLAND ISD
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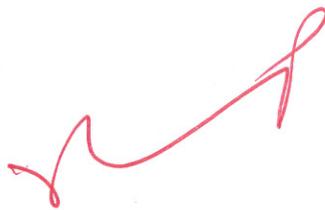
Issued By: [Signature]
RO'VIN GARRETT, RTA
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(979) 864-1320, (979) 388-1320, (281) 756-1320

SIGN TO BE POSTED

PROPOSED (CONDITIONAL USE PERMIT)

Contact City of Pearland

281-652-1768

A red handwritten signature or mark, possibly initials, located in the lower right quadrant of the page.

ZONE CHANGE OR VARIANCE (circle one)

Zone # BA CUP 2013-04

Description: Input who the check is from

COMMENTS (F10):

Address 5400 Block of Broad

Applicant James Elmore

Owner Arey Bank

Explanation: Zone Change CUP or Variance
\$250.00 (circle one)

CITY OF PEARLAND
R E P R I N T
*** CUSTOMER RECEIPT ***
Oper: NHARRIS Type: OC Drawer: 1
Date: 4/25/13 01 Receipt no: 211653

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	\$250.00
Trans number:		4066964

CUP 2013-04
8400 BROADWAY ST
CISNEROS
CONSTRUCTION GROUP INC
2501 W 11TH S
HOUSTON, TX 77008
713.524.2880
NJH

Tender detail		
CK CHECK	14551	\$250.00
Total tendered		\$250.00
Total payment		\$250.00

Trans date: 4/25/13 Time: 14:33:08

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD MAY 20, 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. 2013-08Z

A request of Collin Tadlock, applicant and The Grocers Supply Co., Inc., owner, for approval of a zone change from the General Business (GB) zone to the General Commercial (GC) zone on the following described property, to wit:

Legal Description: Being a 1.0090 acre tract of land out of the Allison-Richey Gulf Coast Home Company Subdivision of Section 9, H.T.& B. Railroad Company Survey, Abstarct No. 234, Brazoria County, Texas, according to the plat recorded in Volume 2, Page 24, of the Brazoria County Plat Records; this tract being a portion of the Dan Keller, Trustee, et al, call 9.977 acre tract (Volume 1748, Page 448, Brazoria County Deed Records).

General Location: 7201 Broadway 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 MAY 20, 2013

Zone Change No. 2013-08Z

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Legal Description: Being a 1.0090 acre tract of land out of the Allison-Richey Gulf Coast Home Company Subdivision of Section 9, H.T.& B. Railroad Company Survey, Abstarct No. 234, Brazoria County, Texas, according to the plat recorded in Volume 2, Page 24, of the Brazoria County Plat Records; this tract being a portion of the Dan Keller, Trustee, et al, call 9.977 acre tract (Volume 1748, Page 448, Brazoria County Deed Records).

General Location: 7201 Broadway St., Pearland, TX

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

Planning and Zoning Commission:	May 20, 2013*
City Council for First Reading:	June 10, 2013*
City Council for Second Reading:	June 24, 2013*

(*dates subject to change)

SUMMARY: Richard Tadlock, applicant and The Grocers Supply Co., Inc., owner, are requesting approval of a zone change from the General Business (GB) zone to the General Commercial (GC) zone for the above referenced location. The site was formerly a Valero gas station. The underground storage tanks have been removed and the applicant is now seeking a new tenant for the existing building. If approved, the applicant has indicated that a pawn shop is interested in leasing the property. Pawn Shops are permitted by right within the GC zone, and therefore will be permitted at this location if this request is approved.

The development requirements for the GB and GC zone are similar, with the major deviation being the allowed uses. A number of uses that are not permitted in the GB zone and are not considered to be compliant with the surrounding land uses or the existing Corridor Overlay District, are permitted in the GC zone.

SURROUNDING ZONING AND LAND USES:

	Zoning	Land Use
North	General Business (GB)	Grocery Store/Retail Center
South	General Business (GB)	Gas Station
East	General Business (GB)	Commercial
West	General Business (GB)	Fast Food

CONFORMANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC): As previously mentioned, the property is currently zoned General Business (GB). The applicant is seeking a zone change to General Commercial (GC). The current site is in conformance with both the GB and GC zones.

	GB/GC	Actual
Lot Width	150'	210'
Lot Depth	125'	234'
Total Lot Area	22,500 Sq. Ft.	1.009 Acres

PLATTING STATUS: The property is currently platted as part of the Albertson's Pearland Plat. Additional platting would not be required at this time.

CONFORMANCE WITH THE COMPREHENSIVE PLAN: The current Comprehensive Plan (latest update in 2009) indicates *Business Commercial* for the subject property. The Comprehensive Plan further indicates that GB or GC would be an appropriate zoning district for *Business Commercial*. The property's current zoning of General Business (GB) and the requested General Commercial (GC) would both be considered appropriate zoning districts for the site.

CONFORMANCE WITH THE THOROUGHFARE PLAN: The subject property has frontage on Broadway and Reid Rd., both major thoroughfares with a minimum of 120' right-of-way. In the future, Reid road will connect to the north with existing Max Rd.

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, would have several negative impacts on existing or future developments in the immediate area. The proposed site is surrounded by existing commercial uses all

of which are currently zoned General Business (GB).

Certain uses that are permitted in the GC zone but not permitted in the GB zone (by-right), may not be appropriate for this site and may be in conflict with existing land uses in the area. Example of these uses are listed below:

- Auto Repair (Major)
- Auto Repair (Minor)
- Auto Wrecker Service
- Boat Sales
- Bus or Truck Storage
- Motorcycle Sales/Dealer
- Tire Sales (Outdoors, With Open Storage)
- Truck and Bus rental or sales
- Tavern (Allowed in GC with approved CUP)
- Building Material Sales
- Dance Hall or Night Club (CUP in GB, Permitted in GC)
- Lumber Mill/Yard
- Manufactured Home Display, Sales and/or Rental
- Metal, Machine, or Wood Shop.
- Office Warehouse Storage or Sales
- Pawn Shop, Pay Day Loan and Gold Exchange
- Kennel with Outdoor Pens.

Furthermore, a number of new developments have been proposed or begun construction in this general area. It is anticipated that this requested zone change, if approved, would have an impact on these high quality developments and negatively influence future developments in the area.

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

SITE PLAN CONSIDERATIONS: A site plan is not required for a zone change, however the property is currently developed and staff is unaware of any proposed changes to the site at this time.

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 at the time of this report.

STAFF RECOMMENDATION: Staff is unable to recommend approval of the Zone Change 2013-08Z as proposed by the applicant for the following reasons:

1. The potential uses allowed in the GC zone, for example a Pawn Shop, would not be in conformance with the surrounding GB uses and would negatively impact new and proposed development in the immediate area.
2. The proposed zone change would likely have a negative impact on the surrounding properties and developments. There are a number of vacant lots in the vicinity that are zoned GB. When developed, these GB lots will be required to meet all development requirements of the Corridor Overlay District. At this time, the subject parcel and the existing building is not required to come into conformance with these requirements. Improvements that would not be triggered include landscaping, sidewalk, and façade (if applicable).

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



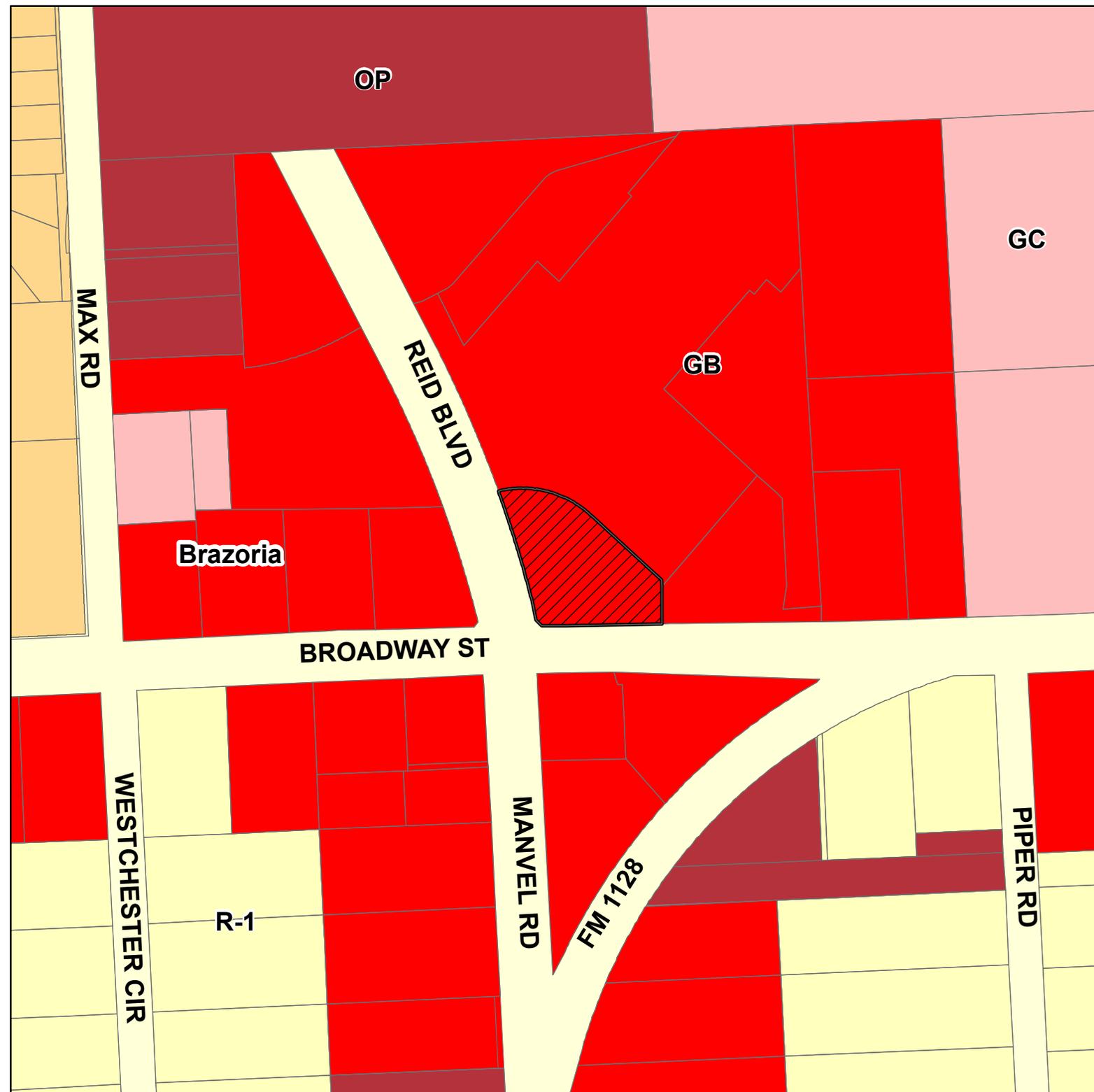
Zoning and Vicinity Map

Zone Change 2013-08Z

7201 Broadway 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.

0 75 150 300 Feet





Abutter Map

Zone Change 2013-08Z

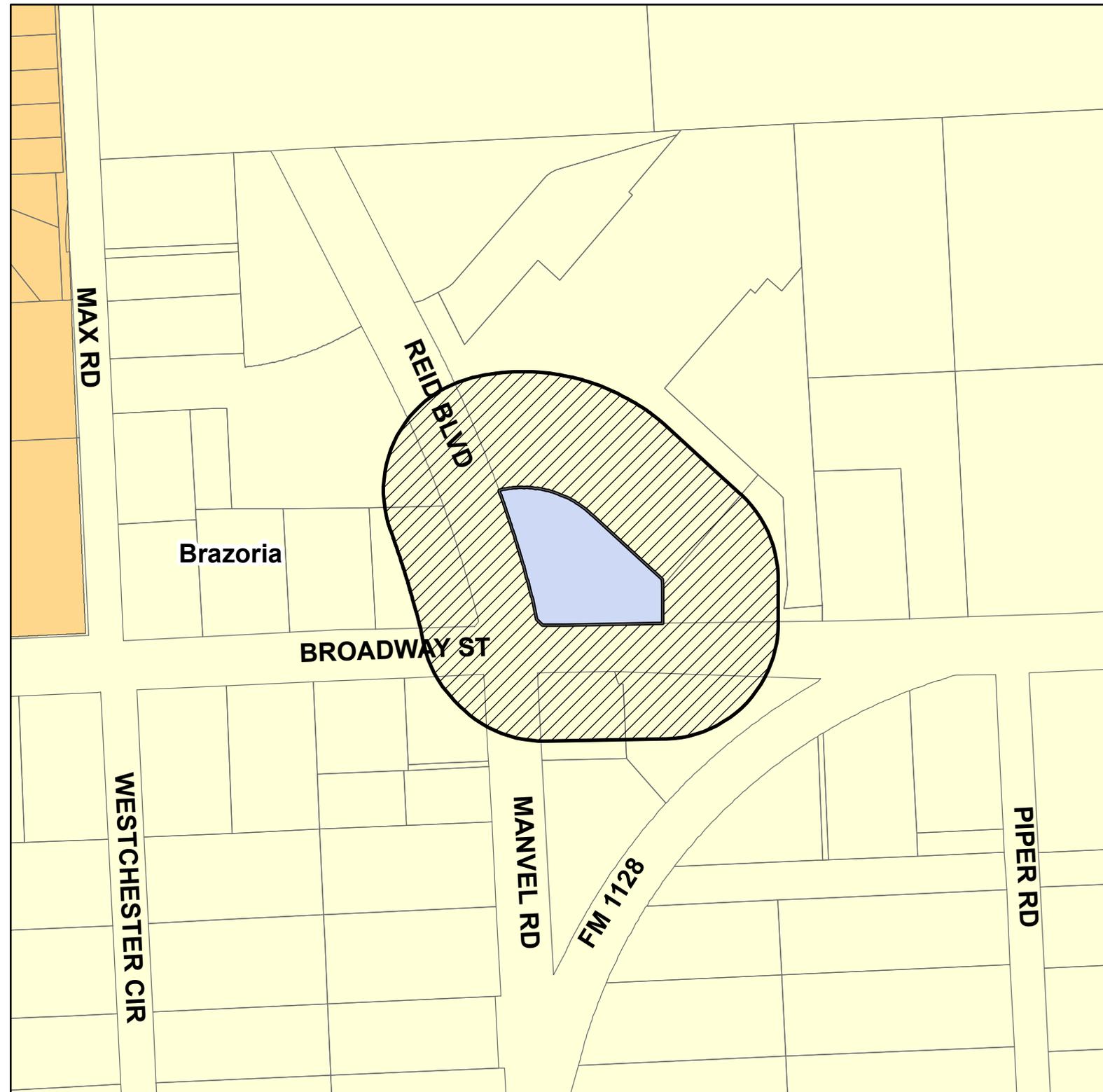
7201 Broadway St.

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.

0 75 150 300 Feet



N



Zone Change 2013-08Z

7201 Broadway St. GB-GC

Owner	Street	City	State	Zip
GROCCERS SUPPLY CO INC	3131 HOLCOMBE BLVD	HOUSTON	TX	77021-2116
MRA TWO LLC, DBA PEARLAND MRA LLC	3641 PARK LN	COCONUT GROVE	FL	33133-6826
JOHNSON SELDON G TRUSTEE	3182 KEARNS COR	LADY LAKE	FL	32162-7443
NINE GREENWAY PLAZA & SSP PROPERTIES VIII LP	555 E AIRTEX DR	HOUSTON	TX	77073-6099
SPRADLEY PROPERTIES LP	9850 SAGEPIKE DR	HOUSTON	TX	77089-3514
GLOBAL NEW MILLENIUM PARTNERS LTD	4415 HIGHWAY 6 SOUTH	SUGARLAND	TX	77478-4476
PEARWOOD PLAZA LTD	5700 LEGACY DR STE 10	PLANO	TX	75024-7133



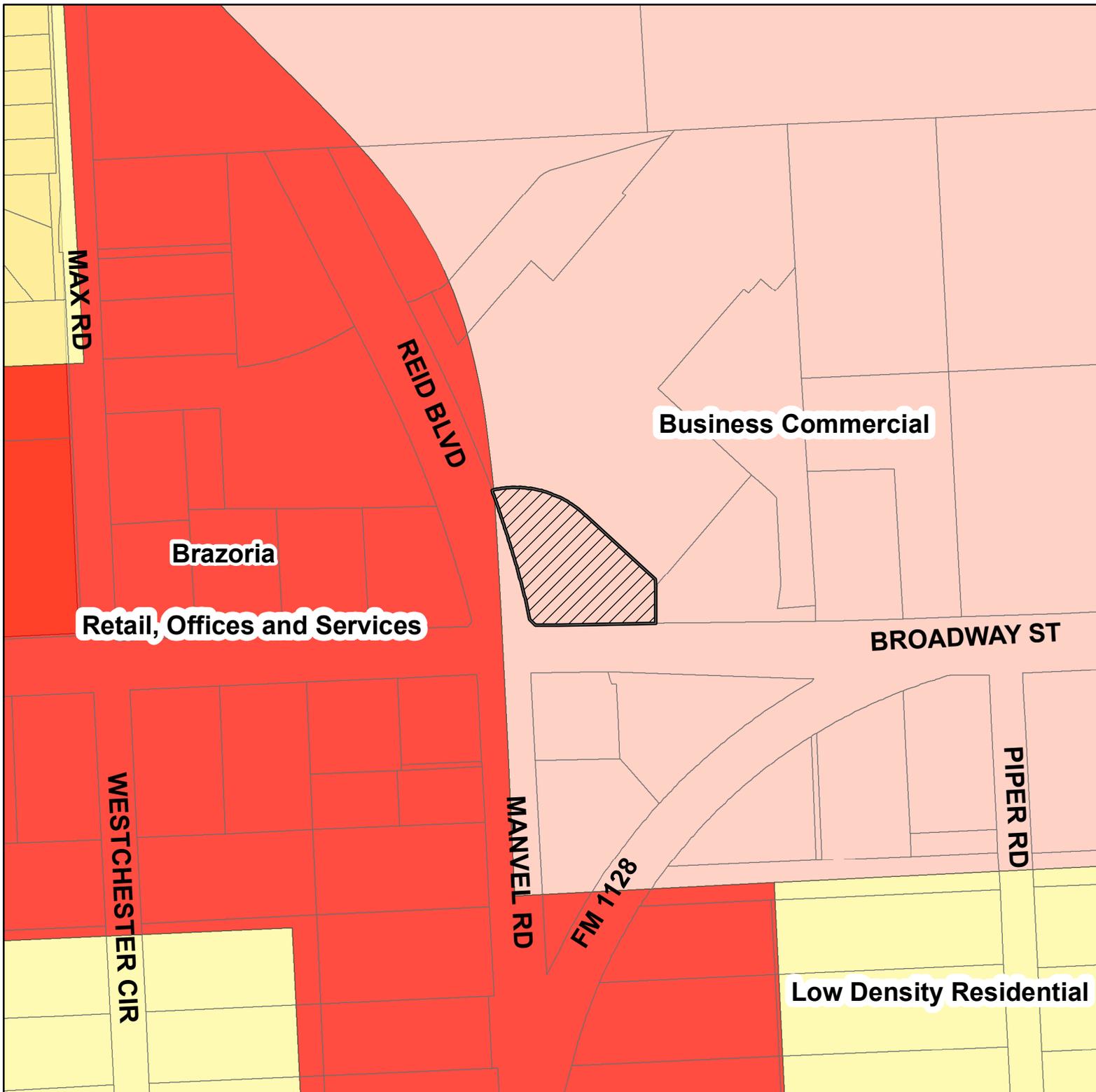
FLUP Map

Zone Change 2013-08Z

7201 Broadway St.

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0 75 150 300 Feet



Business Commercial

Brazoria

Retail, Offices and Services

Low Density Residential

MAX RD

REID BLVD

WESTCHESTER CIR

MANVEL RD

FM 1128

BROADWAY ST

PIPER RD



Aerial Map

Zone Change 2013-08Z

7201 Broadway 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.

0 75 150 300 Feet





APPLICATION FOR A CHANGE IN ZONING

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

Current Zoning District: (GB) General Business Retail District

Proposed Zoning District: (GC) General Commercial District

Property Information:

Address or General Location of Property: 7201 Broadway Pearland, TX 77581
Corner of Broadway and Reid Rd.

Tax Account No. 1168-0006-000

Subdivision: Albertson's (A0234 HT+B) Pearland Lot: Reserve F Block: 2

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

PROPERTY OWNER INFORMATION:

NAME The Grocers Supply Co., Inc.
ADDRESS 3131 E. Holcombe Blvd.
CITY Houston STATE TX ZIP 77221
PHONE (713) 715-2899
FAX (713) 749-9399
E-MAIL ADDRESS _____

APPLICANT/AGENT INFORMATION:

NAME Collin Tadlock
ADDRESS 3131 E. Holcombe Blvd.
CITY Houston STATE TX ZIP 77221
PHONE (713) 749-9388
FAX (713) 749-9399
E-MAIL ADDRESS Collin.Tadlock@grocersupply.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: _____

Agent's/Applicant's Signature: Collin Tadlock Date: 4/10/2013

OFFICE USE ONLY:

FEE PAID: <u>\$775.00</u>	DATE PAID: <u>4/25/13</u>	RECEIVED BY: <u>IC</u>	RECEIPT NUMBER: <u>211651</u>
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Application No. 2013-082



APPLICATION FOR A CHANGE IN ZONING

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

Current Zoning District: (GB) General Business Retail District

Proposed Zoning District: (GC) General Commercial District

Property Information:

Address or General Location of Property: 7201 Broadway St. Pearland, TX 77581
Corner of Broadway and Reid Rd.

Tax Account No. 1168-0006-000

Subdivision: Pearland Lot: Reserve F Block: 2

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

PROPERTY OWNER INFORMATION:

NAME The Grocers Supply Co., Inc.
ADDRESS 3131 E. Holcombe Blvd.
CITY Houston STATE TX ZIP 77221
PHONE (713) 715-2899
FAX (713) 749-9399
E-MAIL ADDRESS Colin.Taylor@grocersupply.com

APPLICANT/AGENT INFORMATION:

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

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

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

Owner's Signature: [Signature] Date: 4-24-13

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

OFFICE USE ONLY:

FEES PAID:	DATE PAID:	RECEIVED BY:	RECEIPT NUMBER:
------------	------------	--------------	-----------------

Application No. _____



GROCERS SUPPLY *Company Inc.*

PHONE (713) 747-5000 • 3131 E. HOLCOMBE BLVD. • P.O. BOX 14200 • HOUSTON, TEXAS 77221-4200

WHOLESALE GROCERS

April 18, 2013

The City of Pearland
Attn: Community Development
3523 Liberty Drive
Pearland, TX 77581

RE: Letter of Intent

To Whom It Concerns,

My name is Collin Tadlock and I work for The Grocers Supply Co, Inc. the owner of the tract of land in which we are seeking to change the zoning from a General Business Retail District (GB) to a General Commercial District (GC). In regards to the tract of land in the past it was a used for a Valero gas station and at the end of their lease term the tenant decided not to renew their lease based on competition on either side of the street. We tried to lease the space to other gas station operators but, could never come to an agreement based on costs and competition in the area. In late 2012 we decided to have the underground storage tanks (UST's) removed from the site as well as remove the fuel pumps and canopy and convert the store into a retail site. Since that time we have had the property listed with the brokerage firm (UCR) who has been trying to Lease the space for us. UCR have been approached by Half Price Pawn and Jewelry also, known as Money Mart to place one of their stores at the site. Half Price Pawn and Jewelry would take the entire building (1,800 SF). When we began looking into this tenant we found out that the current zoning for this site is a GB and does not allow for this type of use. We are seeking approval to change the zoning to a GC to allow for this type of occupant so, that they will be able to operate as a pawn shop, pay day loan, and gold exchange operator. We have currently executed a Lease with this tenant but, it is contingent on us being able to change the zoning for this site.

If you have any other questions, I can be reached at 713-749-9399.

Thanks you for your assistance,

Collin Tadlock
Property/Leasing Manager
The Grocers Supply Co., Inc.



GROCERS SUPPLY *Company Inc.*

PHONE (713) 747-5000 • 3131 E. HOLCOMBE BLVD. • P.O. BOX 14200 • HOUSTON, TEXAS 77221-4200

WHOLESALE GROCERS

April 24, 2013

City of Pearland
Attn: Ian Clowes
3523 Liberty Drive
Pearland, TX 77581

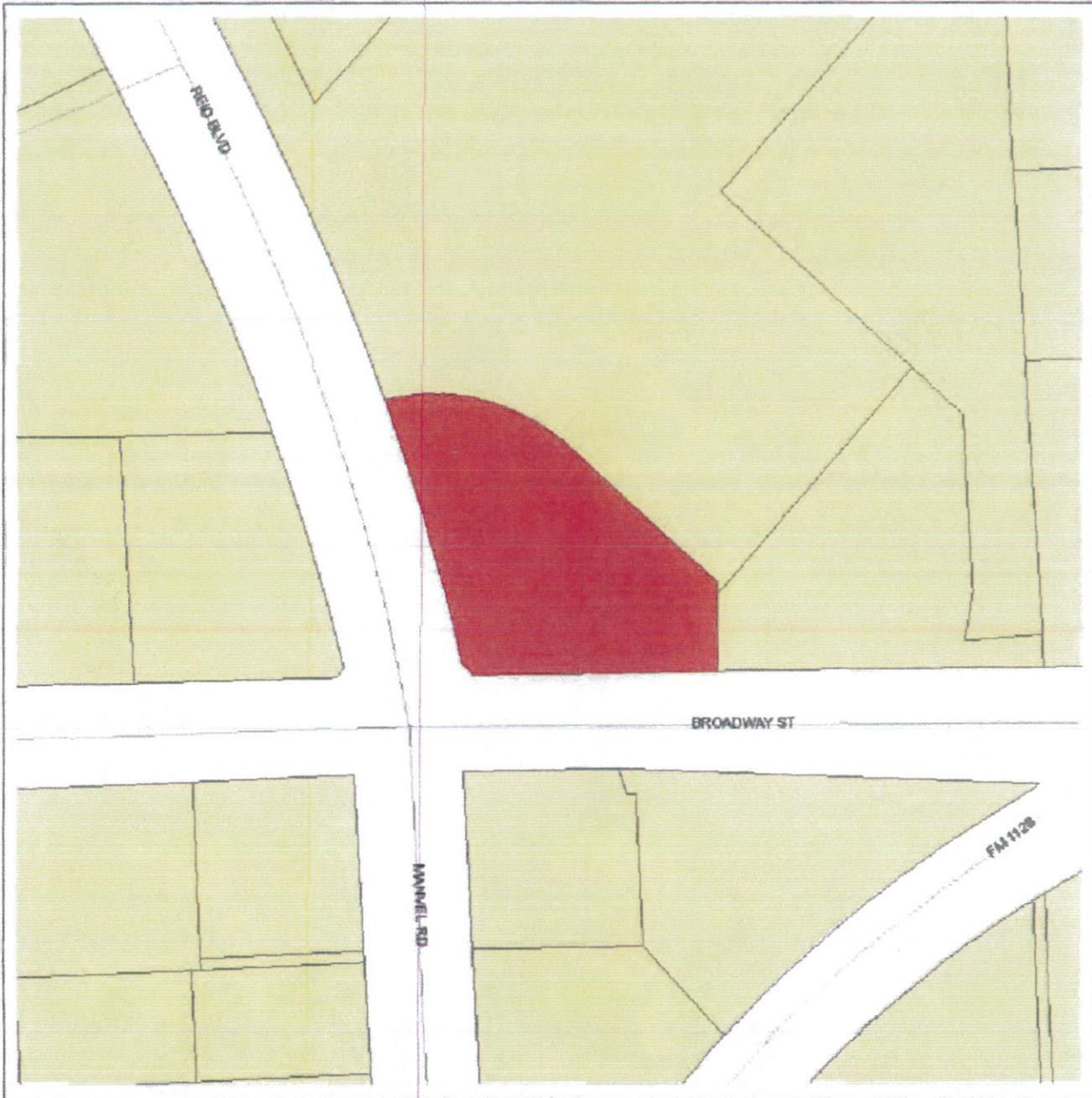
RE: Posting of Zoning Notification Signs

Dear Mr. Clowes,

The Grocers Supply Co., Inc. is aware that we will need to post a zoning notification sign on the property in question at least 10 days prior to the meeting based on the specs provided by the City of Pearland.

Sincerely,

Collin Tadlock
Property/Leasing Manager
The Grocers Supply Co., Inc.



Vicinity Map - Pearlland, TX



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



To see all the details that are visible on the screen, use the "Print" link next to the map.



December 19, 1996

PARCEL 5

Proposed Reserve "F"
Albertson's - Pearland

Being a 1.0090 acre (43,951 square feet) tract of land out of the Allison-Richey Gulf Coast Home Company Subdivision of Section 9, H. T. & B. Railroad Company Survey, Abstract No. 234, Brazoria County, Texas, according to the plat recorded in Volume 2, Page 24, of the Brazoria County Plat Records; this tract being a portion of the Dan Keller, Trustee, et al., call 9.977 acre tract (Volume 1748, Page 488, Brazoria County Deed Records); this 1.0090 acre tract being more particularly described as follows:

COMMENCE at a 1-inch iron pipe found for the northeast corner of Lot 31 and the northwest corner of Lot 63 of the said Allison-Richey Subdivision; said corner also being the northwest corner of the Ruby Lee Cox tract (Volume 958, Page 925, Brazoria County Deed Records) and the northeast corner of the said Keller tract;

THENCE, South 89°23'51" East - 241.99 feet to a 1-inch galvanized iron pipe found for the northeast corner of the said Cox tract;

THENCE, South - 850.62 feet to a 5/8-inch iron rod set for the southeast corner of the said Cox tract; said corner being in the northerly right-of-way line of State Farm-Market Road No. 518 (right-of-way width varies);

THENCE, North 86°49'37" West - 242.35 feet along the northerly right-of-way line of said F.M. 518 to a 5/8-inch iron rod set for the southwest corner of the said Cox tract;

THENCE, North 87°04'21" West - 34.29 feet along the northerly right-of-way line of said F.M. 518 to a 5/8-inch iron rod set for the southeast corner of and POINT OF BEGINNING for this 1.0090 acre tract;

THENCE, North 87°04'21" West - 214.94 feet along the northerly right-of-way line of said F.M. 518 to a 5/8-inch iron rod set for an angle point of this tract;

THENCE, North 88°44'07" West - 3.18 feet along the northerly right-of-way line of F.M. 518 to a 5/8-inch iron rod set for the southwest corner of this tract;

THENCE, in a northerly direction along a curve to the left being the easterly right-of-way line of Proposed Reed Boulevard (100-foot right-of-way width) having a radius of 460.00 feet, a delta angle of 05°45'10", an arc length of 46.19 feet, and a chord bearing North 08°56'36" West - 46.17 feet to a 5/8-inch iron rod set for a point-of-compound-curve;

Legal Description - Reserve "F"
December 19, 1996
Page 2

THENCE, in a northwesterly direction along another curve to the left being the easterly right-of-way line of said Proposed Reed Boulevard having a radius of 2,060.00 feet, a delta angle of $05^{\circ}21'24''$, an arc length of 192.59 feet, and a chord bearing North $14^{\circ}29'53''$ West - 192.52 feet to a $\frac{5}{8}$ -inch iron rod set for the northwesterly corner of this tract;

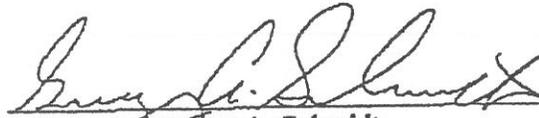
THENCE, in a southeasterly direction along a curve to the right having a radius of 185.00 feet, a delta angle of $54^{\circ}50'43''$, an arc length of 177.09 feet, and a chord bearing South $72^{\circ}25'22''$ East - 170.40 feet to a $\frac{5}{8}$ -inch iron rod set for a point-of-tangency;

THENCE, South $45^{\circ}00'00''$ East - 162.20 feet to a $\frac{5}{8}$ -inch iron rod set for the north-easterly corner of this tract;

THENCE, South $02^{\circ}55'37''$ West - 76.99 feet to the POINT OF BEGINNING and containing 1.0090 acres (43,951 square feet) of land.

COMPILED BY:

Texas Engineering And Mapping
Civil Engineers - Land Surveyors
Stafford, Texas
Job No. 055-1
wpwinLegal\055-1.r-f


Gregory A. Schmidt
Registered Professional Land Surveyor
State of Texas No. 4355



TAX RECEIPT



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

Certified Owner:

GROCCERS SUPPLY CO INC
3131 HOLCOMBE BLVD
HOUSTON, TX 77021-2116

Legal Description:

ALBERTSON'S (A0234 H T & B)(PEARLAND),
BLOCK 2, LOT RESERVE F, ACRES 1.007

Parcel Address: 7201 BROADWAY FM 518
Legal Acres: 1.0078

Remit Seq No: 22857801
Receipt Date: 01/31/2013
Deposit Date: 02/04/2013
Print Date: 02/02/2013
Printed By: LATOYA

Deposit No: 1303515C
Validation No: 900000027429660
Account No: **1168-0006-000**
Operator Code: LATOYA

Year	Tax Unit Name	Tax Value	Tax Rate	Levy Paid	P&I	Coll Fee Paid	Total
2012	Brazoria County	421,720	0.425860	1,795.94	0.00	0.00	1,795.94
2012	Special Road & Bridge	421,720	0.060000	253.03	0.00	0.00	253.03
2012	Pearland Isd	421,720	1.419400	5,985.89	0.00	0.00	5,985.89
2012	Brazoria Drainage Dist 4	421,720	0.156000	657.88	0.00	0.00	657.88
2012	City Of Pearland	421,720	0.705100	2,973.55	0.00	0.00	2,973.55
				\$11,666.29	\$0.00	\$0.00	\$11,666.29

Check Number(s):
1400113743

PAYMENT TYPE:

Checks: \$11,666.29

Exemptions on this property:

Total Applied: \$11,666.29
Total Tendered: \$77,632.29
(for accounts paid on 01/31/2013)
Change Paid: \$0.00

ACCOUNT PAID IN FULL

PAYER: 1084633
GROCCERS SUPPLY CO INC
PO BOX 14200
HOUSTON, TX 77221-420

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

ZONE CHANGE OR VARIANCE (circle one)

Zone # BA

Description: Input who the check is from
2013-082

COMMENTS (F10):

Address 7201 Broadway

Applicant ~~James Elmer~~

Owner Grocers Supply Co.

Explanation: Zone Change CUP or Variance
(circle one)

\$775.00

CITY OF PEARLAND
R E P R I N T
*** CUSTOMER RECEIPT ***
Oper: NHARRIS Type: OC Drawer: 1
Date: 4/25/13 01 Receipt no: 211651

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	\$775.00
Trans number:		4066962

ZONE CHANGE 2013-082
7201 BROADWAY ST.
GROCER SUPPLY CO. INC
REAL ESTATES DEPT
PO BOX 77221
NH

Tender detail		
CR CHECK	1400113979	\$775.00
Total tendered		\$775.00
Total payment		\$775.00

Trans date: 4/25/13 Time: 14:30:44

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD MAY 20, 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

UDC Amendment T-15

Consider proposed amendments to the Unified Development Code regarding electronic signs.

III. STAFF REPORT

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 Electronic Signage May 20, 2013

Proposed update to the Unified Development Code (UDC) regarding Electronic Signs.

APPROVAL PROCESS: After this Joint Public Hearing, the amendment will be considered as follows:

Planning and Zoning Commission: May 20, 2013*

City Council for First Reading: June 10, 2013*

City Council for Second Reading: June 24, 2013*

(*dates subject to change if action on the item is postponed)

SUMMARY

The Chamber of Commerce has been working with staff to amend the regulations regarding electronic signs. A workshop was held in February and March with the City Council in this regard. A visual demonstration of the existing requirements and proposed changes was held on May 10, 2013. Several changes have been proposed to the current regulations regarding Electronic Changeable Message Signs (ECMS), as shown below. The additions are shown in red, and deletions are stricken out.

In summary, the amendments include the following:

1. Type:

Permit either scrolling sign or changing message sign on one monument sign, with the following restrictions:

- a. For changing message signs, reduce the minimum static time from six (6) seconds to four (4) seconds and allow fading/ cross fading transition of less than 1 second.
 - b. Permit scrolling signs that are not taller than 12" with a minimum static display of 2 seconds and scrolling transition of not greater than 1 second.
2. Color:
- a. For changing message signs remove restriction on colors and allow more than one color. Currently, the flashing display (i.e., changeable message) portion is limited to one (1) color, and limited to white, gold, yellow, red, blue, or green.
 - b. For scrolling signs, limit the colors to two - one color for letters and one for the background.
3. Require that all Electronic Changeable Message Signs (ECMS) are equipped with automatic dimming technology.
4. Require that ECMS shall not exceed a brightness level of three-tenths (0.3) of a foot candle above ambient light.
5. Existing non-conforming signs that are not equipped with dimming technology and are limited to one color are exempt from dimming requirement.
6. Add the following definitions:
- (369) SIGN, ANIMATED:** A sign with any visual effect of a light source which causes the perception of movement of graphics or text.
- (376) SIGN, FLASHING/BLINKING:** Sign with a type of animation characterized by cyclical switching of visual content between on and off states in rapid successive increments of less than two (2) seconds.
- (392) SIGN, SCREEN TRANSITION:** A type of animation used to transition from one message to another and lasting less than 1 second.
- (393) SIGN, SCROLLING:** Sign with a type of animation which causes displayed text or graphics to move continuously up, down, or across the screen, so that a line of text or graphics appears at one edge of the screen for each line that moves off the opposite edge.

PUBLIC NOTIFICATION: A legal notice of public hearing was published in the local newspaper.

OPPOSITION TO OR SUPPORT OF PROPOSED REQUEST: Staff has received one letter from Keep Pearland Beautiful that has been attached.

STAFF RECOMMENDATION: It is staff's opinion that the majority of the proposed changes will be beneficial to the business community and will not have any negative impacts to the city in general.

These changes will address the two different types of electronic signs that have been discussed over the past few months - the scrolling signs as well as the electronic boards. Addition of the scrolling sign as a permitted sign, as proposed, will bring some existing signs into conformance.

It is staff's belief that these changes will not negatively affect the Scenic City guidelines, and will not hinder the City's quest to attain platinum certification in the future.

With the new requirements on brightness and clarification of transition time, the changes will have a positive impact on safety and aesthetics.

For these reasons, staff is in favor of these changes.

SUPPORTING DOCUMENTS:

- Proposed changes
- Letter from Keep Pearland Beautiful
- Scenic City score sheet

Proposed Changes

Unified Development Code

Proposed changes to regulations regarding Electronic Changeable Message Signs

Additions are shown in red, deletions are stricken out.

Chapter 4

Section 4.2.5.3 (b)

(7) Electronic Changeable Message Sign (**ECMS**): An electronic changeable message sign that conforms to the size and locational requirements of this Section shall be permitted with adherence the following:

- a. Each monument sign shall include either an electronic changeable message sign or a scrolling sign with the following restrictions:
 1. Each message displayed on an electronic changeable message sign must be static or depicted for a minimum of ~~six (6)~~ four (4) seconds **before a new screen or message is displayed, with fading transition of less than one (1) second.**
 2. Messages displayed on a scrolling sign **are** is permitted, ~~but~~ and must also conform to the minimum of ~~six (6)~~ two (2) seconds static display with a maximum scrolling transition time of one (1) second.
 3. Screens which change at a more rapid rate will be considered flashing and are prohibited. Scrolling messages designed to resemble flashing signs are also prohibited. All other animations, including videos, flashing / blinking, and other visual motion effects, are not permitted. No content may resemble any sort of traffic control, warning, or regulatory device in its shape, symbol, text, or attention getting effects.
- b. The ~~flashing display~~/**Electronic display** (i.e., changeable message) portion of **an electronic changeable message sign** shall not exceed twenty-five (25) percent of the total allowable effective sign area. **For scrolling signs the height of the scrolling display area shall not exceed 12" inches.**
- c. The ~~flashing display (i.e., changeable message) portion shall be limited to one (1) color, and shall be limited to white, gold, yellow, red, blue, or green. The Planning Director shall determine whether proposed colors conform to these colors.~~ **There will be no restriction of color use for any ECMS, with the exception that scrolling signs shall be limited to two colors, one color for the background and the second color for the message.**
- d. The addition of any flashing display (i.e., changeable message) to any nonconforming sign is prohibited.
- e. All ECMS shall be equipped with automatic dimming technology that adjusts brightness in direct correlation with ambient light conditions. Existing electronic signs that lack this technology need not conform to this requirement. Existing scrolling signs limited to one background color and one color for messages are also exempt from this dimming requirement.
- f. No ECMS shall exceed a brightness level of three-tenths (0.3) of a foot candle above ambient light as measured using a foot candle meter at a preset measuring distance

from the sign face. Measuring distance shall be determined by taking the square root of the product of the electronic display portion of the sign area and one hundred.

Example: For a 12 square foot sign, measuring distance = $\sqrt{(12 \times 100)} = 34.6$ feet from the sign.

Existing signs that lack this technology need not conform to this requirement.

Chapter 5

Add the following definitions.

(366) SIGN: Any object, device or display facing the exterior (outdoors), which is used to inform or give direction or to advertise or identify a person, organization, business, product, service, event or location by any means, including words, letters, numbers, symbols, figures, or illumination.

(367) SIGN, ALLOWABLE EFFECTIVE AREA: The effective area shall be measured from the highest point on the sign to the elevation of the center of the base of the sign by the width at the highest point (refer to *Figure 4-7*). The highest point and the width shall be inclusive of all supports and framing.

(368) SIGN COPY: The letters, numbers, symbols or geometric shapes, either in permanent or changeable form, on the surface of a sign.

(369) SIGN PERMIT: A City-issued permit that authorizes the display, erection, rebuilding, expansion or relocation of any on-premises or off-premises sign and that conforms to Chapter 4, Article 1, Division 2, Section 4.1.2.6 of this UDC.

(370) SIGN, ANIMATED: A sign with any visual effect of a light source which causes the perception of movement of graphics or text.

(371) SIGN, ATTACHED: Any sign attached to, applied on or supported by any part of a building or accessory structure, including awnings and other similar permanent attachments to the buildings. Also may be referred to as "building sign".

(372) SIGN, BILLBOARD: A, off-premise sign which is subject to regulation under the provisions of the Federal Highway Beautification Act, 23 U.S.C.A. Section 131 et seq., as amended.

(373) SIGN, BLADE: A non-illuminated panel sign with dimensional copy suspended from a decorative bracket attached to the building, typically upon a merchant's storefront, permitted for occupant identification purposes only, and limited to 1 blade sign per public entrance where public foot traffic occurs, and limited to two square feet per face.

(374) SIGN, BUILDER/SUBDIVISION: Any sign that advertises 1) a new subdivision for the purpose of selling lots, land, and/or buildings and/or 2) a builder(s) that has lots, land, or buildings for sale. Such sign may or may not be directional.

(375) SIGN, COMMUNITY INFORMATION: Any sign which promotes items of general interest to the community including time, temperature, date, atmospheric conditions and upcoming noncommercial events or charitable causes.

(376) SIGN, ELECTRONIC CHANGEABLE MESSAGE: Any sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.

(377) SIGN, FLASHING/BLINKING: Sign with a type of animation characterized by cyclical switching of visual content between on and off states in rapid successive increments of less than four (4) seconds.

(378) SIGN, FREESTANDING: An on-premise sign which advertises an establishment and is located on the premises owned or controlled by said establishment, which is supported by a single vertical support anchored or set into the ground.

(379) SIGN, GROUND: Also referred to as a *Monument Sign*. A sign which is supported by one (1) monolithic structure which is not less in width than one-half ($\frac{1}{2}$) the maximum sign height, set upon the ground and is not part of a building, including ground signs that advertise for more than one occupancy on the premises (multi-tenant).

(380) SIGN, ILLUMINATED: A sign exposed to artificial lighting by light sources located on or in the sign or specifically directed toward the sign.

(378) SIGN, MARQUEE: A sign with slots or wires for inserting individual letters so that a message about products sold or services provided on the same premises may be changed.

(381) SIGN, MONUMENT: See *Ground Sign*.

(382) SIGN, MULTI-TENANT: An on-premise sign with the name of the primary on-site facility and a list of the individual stores or businesses mounted on such sign. Examples include signs describing a mall arrangement, a shopping center development, and industrial park complex, or a complex of buildings with a unifying name and group of businesses.

(383) SIGN, MULTI-USER: A ground sign used to advertise more than two (2) businesses that are part of an integrated business development. A multi-user sign shall be located on the premises of one of said businesses, but shall be allowed to be off-premise signage as to the other businesses that are part of the integrated business development.

(384) SIGN, NON-COMMERCIAL or NON-BUSINESS: A sign with a message that does not contain or convey commercial context or information or advertising for any business, commodity, service, entertainment, product or other attraction or event.

(385) SIGN, NONCONFORMING: means any sign lawfully existing on the effective date of the ordinance from which the sign regulations in this Unified Development Code derive which does not conform to all the standards and requirements of this Unified Development Code.

(386) SIGN, OFF-PREMISE PORTABLE: An off-premise sign which is also a portable sign.

(387) SIGN, OFF-PREMISE: A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.

(388) SIGN, ON-PREMISE: A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product principally located or primarily manufactured or sold on the premises on which the sign is located.

(389) SIGN, PERMANENT: A sign designed to be anchored to the ground, a building or other structure for the duration of the use of the premises.

(390) SIGN, POLITICAL: A sign that contains primarily a political message and that is located on private real property with the consent of the property owner.

(391) SIGN, PORTABLE: Any sign designed or constructed to be easily moved from one location to another, including, but not limited to, signs mounted upon or designed to be mounted upon a trailer, bench, wheeled carrier, A-frame, or other non-motorized mobile structure; a portable sign which has its wheels removed shall still be considered a portable sign hereunder. For the purpose of this definition, trailer signs and signs on benches are “portable signs”.

(392) SIGN, REAL ESTATE: A sign which has the purpose of advertising for sale a parcel of real property or an estate in land, including rentals.

(393) SIGN, SCREEN TRANSITION: A type of fading animation used to transition from one message to another and lasting less than 1 second.

(394) SIGN, SCROLLING: Sign with a type of animation which causes displayed text or graphics to move continuously up, down, or across the screen, so that a line of text or graphics appears at one edge of the screen for each line that moves off the opposite edge.

(395) SIGN, SUBDIVISION IDENTIFICATION: Any sign that is a permanent sign identifying an entrance to a residential or nonresidential (e.g., office park) subdivision.

(396) SIGN, SUSPENDED: Signs which hang or are suspended from any projecting element off the façade of the building. This can include Blade Signs.

(397) SIGN, TEMPORARY: Any sign constructed of cloth, canvas, light fabric, cardboard, wallboard, plywood, or other light materials with short life expectancies. A portable sign shall not be considered a temporary sign.



"Striving For A Quality Community"

3519 Liberty Drive
Pearland, Texas 77581
281-652-1659
www.mykpb.org

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Planning and Zoning
City of Pearland
3519 Liberty Dr.
Pearland, TX. 77581

May 7, 2013

Dear Planning and Zoning Commissioner,

Keep Pearland Beautiful continues to support local business as a means to build a stronger community, and recognizes that electronic signs are useful and purposeful. Representing our community's interest in promoting economic growth and improving the quality of life for our citizens, KPBB asks the city to carefully evaluate any proposed changes to the current city electronic sign ordinance in keeping with Texas Scenic City criteria for electronic sign regulation.

Though Keep Pearland Beautiful has no strong objections to the proposed changes in the use of color, addition of dimming technology, prohibiting flashing signs, and maintaining the current display ratio of 25%, we believe that the other proposed changes compromise the quality of life and safety of our community.

As a Gold Level Scenic City, Pearland strives for Platinum certification, and the modifications to the electronic sign ordinance would jeopardize our ability to maintain even a Gold Level Certification. Decreasing the static or scrolling message transition for electronic signs to less than 6 seconds violates the Scenic City electronic sign criteria and will compromise our city's Gold certification. As it stands, Pearland was awarded the minimum number of points (270) for Gold Level Certification and it is unlikely those points awarded for the current electronic sign ordinance can be made up in other parts of the application.

It is our belief that the current ordinance in the Unified Development Code provides Pearland the best opportunity to pursue Platinum Level Certification as well as deliver the quality of life that residents and the business community can be proud of and deserve.

Keep Pearland Beautiful shares in the same goals to drive economic development, improve quality of life, and support local businesses in the Pearland community. Thank you for your continued efforts to help Keep Pearland Beautiful fulfill its vision and make Pearland one of the cleanest, most beautiful cities in Texas!

Sherwin Sun
Executive Director

Affiliate of:
Keep Texas Beautiful
Keep America Beautiful



Scenic City

CERTIFICATION PROGRAM

Pearland Appeal Score Sheet

Platinum Level Certification: 304+ Points (90+% of possible points)
Gold Level Certification: 270-303 Points (80-89% of possible points)
Silver Level Certification: 236-269 Points (70-79% of possible points)
Bronze Level Certification: 202-235 Points (60-69% of possible points)
Certified: 169+ Points (50-59% of possible points)

	<u>Possible Points</u>	<u>Points Awarded</u>	<u>Comments</u>
GRAND TOTAL	338	270	Gold
1. Streetscape: protection of native and established trees, landscaping and sidewalks	30	29	
1. Trees and landscaping along major roadways, city streets, street medians and in parking lots are required. <i>[Mandatory requirement]</i>	5	5	
2. Require upkeep of landscaping to ensure viability of plants.	5	5	
3. Landscape requirements apply to all public, private and institutional developments and shall be installed in a sound manner and in accordance with accepted good planting procedures.	5	5	
4. Landscaping and screening installed to be installed as part of project construction. Existing landscape areas to be retained shall be protected from vehicular encroachment during and after the construction phase by appropriate barriers.	5	5	
5. Sidewalks required to be a minimum of 5 feet in width; 8 feet in transit corridors; 10 feet in downtowns and high-density areas. Sidewalks must be maintained in good condition and have a buffer strip with a minimum width of 2 feet.	5	4	Does not meet scenic standards for 10ft .wide sidewalks downtown in high density areas.
6. Please describe your enforcement program: Provide information regarding enforcement, budget and FTE.	5	5	
2. Parks, Trails and Public Spaces	36	20	
1. Provide a comprehensive system of parks, greenbelts and open space that is compatible with the environment and conducive to residential neighborhoods, and meets national standards of 10 acres per 1,000 population.	5	3	Able to verify park acres and population online. Complies with national standards; however, no evidence provided concerning the establishment of comprehensive park systems, environmental compatibility, and residential neighborhood.
2. Parks contain a significant number of amenities including trees, benches, playgrounds, etc. which are maintained to good condition and have security features (anti-theft devices, safety for parking areas and trails, etc.).	5	5	Appeal Granted
3. There exists a park set-aside ordinance for development.	5	5	
4. Provide for a comprehensive and connective multi-use trail system and map. Trails are clearly marked with appropriate signage, and there are established measures for upkeep and maintenance.	5	0	Unsubstantial evidence provided.
5. The boundaries of designated open space and recreational areas should be clearly delineated as public spaces with future development prohibited or designated for public use if on private property.	3	3	

	<u>Possible Points</u>	<u>Points Awarded</u>	<u>Comments</u>
6. Any new development site must permanently set aside open space for public or private use which will not be developed. Open space may be used as community open space or preserved as green space.	3	3	
8. The following areas are considered high priorities when designating open space: resource buffers, high quality native trees, critical habitat areas, and high quality soil resources.	5	0	No Response
Please describe your enforcement program: Provide information regarding enforcement, budget and FTE.	5	1	No specific language provided concerning enforcement.
3. On-premises sign ordinance (permanent only with size, placement, and quantity restrictions)	43	38	
1. Strict limits on size, placement, and quantity of signs per business. All permanent signs require permits separate from the building permit. [The more restrictive, the more points will be awarded.]	15	15	
1.m Minimum requirement - signs require permits separate from the building permit.	0	0	Meets Mandatory requirement
1.a Strict limits on quantity of signs per business.	5	5	
1.b Strict limits on size, placement, and quantity of signs per side/property frontage.	10	10	
2. Banned signage: All wind devices, roof signs and portable signs.	5	3	3 points added - no specific mention of roof or wind devices
3. Restricted digital signage: All electronic changeable message (digital) signs are banned outright or restricted to special districts within city limits	5	5	
4. If digital signs are allowed, clearly-stated regulations strictly limit size, height, and brightness of such signs, and prohibit moving images and frequent rotation of fixed images on such signs. Regulations written so that signs are designed to be in context with the natural and built environment.	3	3	
5. A mechanism exists to bring existing (grandfathered) signs into conformity with the municipality's current sign code.	5	5	
6. A process exists to enforce removal of any sign that is significantly damaged, destroyed or abandoned.	5	5	
7. Please describe your enforcement program: Provide information regarding enforcement, budget and FTE.	5	2	No information provided concerning budget and enforcement timeline
4. Off-premises signage	50	43	
1. No permits are allowed to be issued for new outdoor general advertising off-premises devices [Mandatory requirement]	0	0	Meets mandatory requirement
2. Specific ordinance language states that existing, non-electronic billboards may NOT be modified, upgraded or in any way converted to an electronic, changeable message (digital) billboard format.	5	5	Billboards not allowed, and electronic signage prohibited
3. If digital billboards are allowed, clearly-stated regulations must strictly limit	5	5	
4. Policy prohibiting the relocation of billboards, or allowing relocation only when required by the construction of a project using public funding, provided that such relocation is restricted to a limited period of time.	5	5	
5. Parked motor vehicles and/or trailers are not allowed to be intentionally located so as to serve as an advertising device for a use, product or service.	5	5	Appeal Granted
6. Moving motor vehicles and/or trailers may not be employed primarily for the purpose of displaying commercial advertising messages. Commercial advertising messages are prohibited on any vehicle if the messages are unrelated to the primary business or activity for which the vehicle is utilized; this includes but is not limited to transit vehicles and school buses.	5	3	1 point added - not specifically prohibited
7. No advertising allowed on street furniture (bus shelters, park benches, transit stations, trash receptacles, directional kiosks, etc.)	5	5	
8. Ban on posting of signs on public property. Any signs found upon any public property may be removed by the city.	5	3	Not outright banned, but heavily regulated
9. Law prohibiting tree-cutting or similar clearing of vegetation on public rights-of-way to provide better view of off-premises signs.	5	5	
10. A process exists to remove nonconforming outdoor general advertising devices (i.e. billboards) that are not on federally-funded roadways.	5	5	

	<u>Possible Points</u>	<u>Points Awarded</u>	<u>Comments</u>
11. Please describe your enforcement program: Provide information regarding enforcement, budget and FTE.	5	2	No plan for enforcement or information on budget provided
5. Lighting standards for streetscapes and public spaces	25	15	
1. Street lighting program that places emphasis on the selection of lighting equipment and the location of street lighting so as to provide sufficient visibility, increased safety, and improved security for pedestrians and vehicles.	5	5	
2. Adequate illumination that meets the level-of-use standards set for the municipality.	5	5	
3. Outdoor lighting program that decreases light pollution effects and preserves the nighttime visual environment. The program should minimize glare and obtrusive light by emphasizing directional lighting, limiting misdirected, excessive, or unnecessary outdoor lighting, and curtailing and reversing any degradation of the night sky.	5	3	Cited ordinance does not clearly address this question
4. Cost-sharing program between the city and power provider(s) to upgrade light fixtures.	5	0	No evidence provided
5. Please describe your enforcement program: Provide information regarding enforcement, budget and FTE.	5	2	No information provided concerning plan for enforcement or budget.
6. Landscaping in Parking lots	24	23	
1. Incorporate appropriately-scaled, well-graded and planted earth berms on parking area perimeters to screen the parking area from streets and other facilities.	3	3	
2. Require that planted islands have curbs.	3	3	
3. Integrate groundcovers and small shrubs at island ends to add interest while maintaining visibility of pedestrians and vehicles; minimize the use of medium to tall shrubs on internal islands.	5	5	
4. If paving around a tree is required, use porous pavements such as cast-in-place, monolithic turf and concrete combinations over specimen tree roots to allow water and air exchange.	3	3	prohibit the use of impervious materials.
5. Require that regionally-native, drought-tolerant and extreme temperature-tolerant species whenever possible. Ensure that plants installed in or around parking areas receive proper irrigation to encourage deep root growth.	5	5	
6. Please describe your enforcement program: Provide information regarding enforcement, budget and FTE.	5	4	Need information on budget
7. Protection of landscaping during construction activities	25	22	
1. Require that protective barricades are installed around all protected trees and grand trees prior to any construction activities on a development site.	4	4	
2. Barricades are to be installed a minimum of 10 feet from a protected tree or at the designated protective root zone.	3	1	Restriction on hit but does not meet scenic standards (6 ft.). Ordinance contains other extensive requirements about fence installation.
3. Materials used for protective barricades shall be made of wood, fencing or solid material.	3	3	
4. Vertical barricades no less than 3 feet in height and no more than 6 feet apart. Horizontal members consisting of wood no less than 3 feet above existing grade and securely attached to the vertical members.	4	3	Meets requirements in height, but does not meet scenic standards for width and spacing.
5. Protective barricades removed only to prepare the development site for final landscaping activities.	3	3	
6. No parking or storing of vehicles, equipment or materials allowed within the protective root zone.	3	3	
7. Please describe your enforcement program: Provide information regarding enforcement, budget and FTE.	5	5	
8. Clearly-stated unity-of-design standards throughout the city or within defined areas or special districts (such as retail centers, historic districts, mixed-use developments, Tax Increment Reinvestment Zones, etc.). Five or more of these areas exist in the city, or these areas comprise at least 35% of the city. Examples of standards that must be in place to qualify as a unified-design area include:	10	10	

	<u>Possible Points</u>	<u>Points Awarded</u>	<u>Comments</u>
<ul style="list-style-type: none"> • Storefront design standards in terms of shapes and materials for awnings, storefront lighting, entries, doors, windows, and building appurtenances • Signage limitations for permitted on-premises signs and specific guidelines for display window signage, window graphics, plaque signs, and entry paving • Exterior furnishings / landscape - requirements regarding allowed exterior furnishings, landscaping, sidewalk grade, and ADA compliance 	10	10	
9. Litter and Graffiti	25	22	
1. Littering is expressly prohibited and fined, including pedestrian trash as well as that thrown from motor vehicles.	3	3	
2. Publicly supported cleanup efforts and education program for trash and graffiti.	5	5	Appeal Granted
3. Graffiti is expressly prohibited and fined, and a program exists to enforce effective removal.	3	3	
4. Public trash receptacles have a protective covering to prevent trash from blowing out of can.	3	0	No Response
5. Trash can only be placed for collection on certain designated days, and not before or after within a period of 15 hours.	3	3	
6. Strict prohibition on dumping.	3	3	
7. Please describe your enforcement program: Provide information regarding enforcement, budget and FTE.	5	5	
10. Utility and cable line program	40	21	
1. Install utility lines (including individual service lines, transmission lines and distribution lines) underground, below the finished grade of the right of way. Remove (if appropriate) all poles, guy wires and related structures used to support overhead prior to burial.	10	5	Not applicable everywhere, limited to one district
2. Utility infrastructure should be mounted on pads at ground level; if within the right of way, should not block sidewalks or visibility at intersections.	5	5	
3. All utility services located within the boundaries of a major roadway reconstruction or public improvement project are placed underground (in a minimum of 20% of the city).	5	0	No Response
4. For future individual utility service, lines which originate in a public road right of way and extend to any building or structure constructed after a certain date (including residential, commercial, or industrial) are installed underground.	5	3	Only required in the overlay district not applicable everywhere
5. Once utility service lines have been installed underground, the installation of new above-ground lines in that location is prohibited by ordinance.	5	3	Only required in the overlay district not applicable everywhere
6. On side streets with above-ground utility services which intersect with a roadway with underground utility lines, the first pole supporting the above ground service is placed on such side street at least 100 feet from the center of the roadway with the underground utilities.	5	0	No Response
7. Please describe your enforcement program: Provide information regarding enforcement, budget and FTE.	5	5	
11. Dumpster Screening	30	27	
1. The dumpster area is screened on three sides using material consisting of stone, brick, block, wood or a continuous planting of evergreens.	5	5	Appeal Granted
2. The opening for removal of the dumpster for collection is a minimum of 12 feet to allow for proper access when it is serviced. For every dumpster added, an additional 10 feet in width is required.	3	0	No Response
3. All dumpster enclosures are approved by the city prior to construction.	4	4	
4. Require that durable materials complement the building.	3	3	
5. Require that the owner incorporate landscaping to make the screen more effective.	5	5	
6. Require that location of the opening to the area be away from the sidewalk.	5	5	

	<u>Possible Points</u>	<u>Points Awarded</u>	<u>Comments</u>
7. Please describe your enforcement program: Provide information regarding enforcement, budget and FTE.	5	5	
<p>Bonus: Your city may have features or programs that contribute to its scenic appeal that are not listed in these specifications. If you would like these to be considered with your application, please provide a detailed description thereof. These features are not limited to, but might include:</p> <ul style="list-style-type: none"> • historic districts • historic preservation programs • a scenic program related to a unique geographic feature • a natural environment enhancement program • storm runoff collectors • beach/lake/river cleanups • retention basins • plantings in detention areas • landscaping along a body of water • a vegetated area bordering a stream or established to protect a stream system • innovative programs above and beyond our criteria in any of the 	20	9	Bonus points award for regional detention plan. Two points awarded for city beatification efforts. 2 points for historical district membership.