

AGENDA

CITY OF PEARLAND PLANNING & ZONING COMMISSION

JUNE 17, 2013

6:30 p.m.

Henry Fuertes
P&Z CHAIRPERSON

Linda Cowles
P&Z VICE-CHAIRPERSON

COMMISSIONERS

Matthew Hanks

Mary Starr



Daniel Tunstall

Ginger McFadden

Vacant

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

AGENDA – REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, JUNE 17, 2013, AT 6:30 P.M., 2ND FLOOR CONFERENCE ROOM, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

II. APPROVAL OF MINUTES

Approve the Minutes of the June 3, 2013, P&Z Regular Meeting, held at 6:30 p.m.

III. NEW BUSINESS

A. CONSIDERATION AND POSSIBLE ACTION - ZONE CHANGE APPLICATION NO. 2013-09Z

A request of Expre Realty, applicant and 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 lots 4-10 in a subdivision of 4.512 acres of land being the north 1.663 acres of lot 77 and the south 2.849 acres of lot 80, of the Figland Orchards Subdivision H.T.&B.R.R.Co. Survey Section 13, A-240, recorded in Vol. 3, Page 77, Plat Records of Brazoria County, Texas.

General Location: Southwest corner of Bardet and Wagon Trail

B. CONSIDERATION AND POSSIBLE ACTION - ZONE CHANGE APPLICATION NO. 2013-10Z

A request of Lynn Almond of Bay Area Equestrian Properties, LP, applicant and owner, for approval of a zone change from the Single Family Residential (R-1) zone to the General Business (GB) zone on the following described property, to wit:

Legal Description: Being lots 22-29 and lots 34-39 in a subdivision of 14.458 acres of land out of the Narregang Subdivision, Plat Records of Brazoria County, Texas.

General Location: 1908 Broadway St.

C. CONSIDERATION AND POSSIBLE ACTION - ZONE CHANGE APPLICATION NO. 2013-11Z

A request of Chris Lynch of Gehan Homes, LP, applicant, on behalf of T & B Alexander Family Ltd. Partnership, owner, for approval of a zone change from the General Commercial (GC) zone to the Single Family Residential (R-1) zone on the following described property, to wit:

Legal Description: Being a 19.4462 acre tract of land located in the H.T.&B.R.R. Co. Survey, section 1, Abstract No. 233 and the D.H.H. Hunter Survey, Abstract No. 76, Brazoria County, Texas, being a part of Lot 42, Zychlinski Subdivision, a map or plat of which is recorded in Volume 29 on Page 43, and the remainder of Lot 4, Walcotts Pearland Subdivision, a map or plat of which is recorded in Volume 35 on Page 241, also being all or part of the certain 11.291 acre tract and 58.723 acre tract conveyed by the Estate of Anten Halik to A. Guy Crouch, Jr. per deed dated December 15, 1972 and recorded in Volume 1143 on page 854, all referenced deeds and maps are recorded in the Deed Records of Brazoria County, Texas.

General Location: Old Alvin Rd approximately 500 feet south of McHard Rd.

D. CONSIDERATION AND POSSIBLE ACTION - MASTER PLAT OF SHADOW RIDGE

**Decision
Date:**

6/21/13

A request by Geoff Freeman of Kerry Gilberts and associates, applicant, on behalf of Ralph S. Davis Family Bypass Trust, owner for approval of a Master Plat of Shadow Ridge, a commercial and residential subdivision on 48 acres of land, generally located at the 13000 Block of Broadway.

Legal Description: A subdivision of 48 acres of land out of the William Pettus League Survey, A-68 City of Pearland, Brazoria County, Fort Bend County, Texas.

General Location: 13000 Block of Broadway.

E. DISCUSSION ITEMS

1. Commissioners Activity Report
2. Election of Officers, July 1, 2013
3. Next P&Z/JPH Regular Meeting – July 15, 2013
4. Unified Development Code Updates (T-15 and T-16)

IV. ADJOURNMENT

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

I, Debbie Cody, Administrative Clerk of the City of Pearland, Texas, do hereby certify that the foregoing agenda was posted in a place convenient to the general public at City Hall on the 14th day of June, 2013, A.D., at 5:30 p.m.

Debbie Cody, Administrative Clerk

Agenda removed _____ day of June 2013.

APPROVAL

OF

MINUTES

MINUTES OF THE REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, JUNE 3, 2013, AT 6:30 P.M., 2ND FLOOR CONFERENCE ROOM, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

CALL TO ORDER

P&Z Chairperson Henry Fuertes called the meeting to order at 6:33 p.m. with the following present:

P&Z Chairperson Henry Fuertes
P&Z Vice-Chairperson Linda Cowles
P&Z Commissioner Daniel Tunstall
P&Z Commissioner Mary Starr
P&Z Commissioner Ginger McFadden

Also in attendance were: City Planner Harold Ellis, Planner II Ian Clowes, Assistant City Engineer Richard Mancilla, and Administrative Clerk Debbie Cody.

APPROVAL OF MINUTES

A motion was made by Vice-Chairperson Linda Cowles to approve the minutes of May 20, 2013 the P&Z Regular Meeting and seconded by Commissioner Mary Starr. The vote to approve was 5 – 0.

NEW BUSINESS

CONSIDERATION AND POSSIBLE ACTION - WAIVER OF DECISION OF TIME - PRELIMINARY PLAT OF SOUTHERN TRAILS SECTION 15

A request by Christy Smidt of Kerry R. Gilberts and Associates, applicant, on behalf of CL Ashton Woods, LP, owner, for approval of a Preliminary Plat of Southern Trails Section 15, a 42 lot single-family residential subdivision.

Legal Description: Being 20.2 acres of land located in the H.T. & B.R.R. Co. Survey, Section 84 A-538 and Section 80 A-564, City of Pearland, Brazoria County, Texas, also being out of Allison-Richey Gulf Coast Home Company Subdivision as recorded in Volume 2, Page 98 B.C.P.R.

General Location: The northwest corner of Kirby Dr. and Magnolia Crossing.

A motion was made by Commissioner Daniel Tunstall and seconded by Commissioner

Mary Starr.

Planner II Ian Clowes reported that the reason for the request for waiver of decision was simply that the applicant needed more time to address the comments made on the plat. The vote was called and was 5-0 for approval.

CONSIDERATION AND POSSIBLE ACTION - PRELIMINARY PLAT OF SOUTHERN TRAILS SECTION 15

A request by Christy Smidt of Kerry R. Gilberts and Associates, applicant, on behalf of CL Ashton Woods, LP, owner, for approval of a Preliminary Plat of Southern Trails Section 15, a 42 lot single-family residential subdivision.

Legal Description: Being 20.2 acres of land located in the H.T. & B.R.R. Co. Survey, Section 84 A-538 and Section 80 A-564, City of Pearland, Brazoria County, Texas, also being out of Allison-Richey Gulf Coast Home Company Subdivision as recorded in Volume 2, Page 98 B.C.P.R.

General Location: The northwest corner of Kirby Dr. and Magnolia Crossing.

There was no action necessary due to approval of a waiver of decision of time.

CONSIDERATION AND POSSIBLE ACTION - WAIVER OF DECISION OF TIME - PRELIMINARY PLAT OF SHADOW OAKS SECTION 1

A request by Christy Smidt of Kerry R. Gilberts and Associates, applicant, on behalf of Richard Marek of KB Homes, owner, for approval of a Preliminary Plat of Shadow Oaks Section 1, a 130 lot single-family residential subdivision.

Legal Description: Being 52.1 acres of land located in the A.B. Langerman Survey, A-555, City of Pearland, Fort Bend County, Texas.

General Location: The southern intersection of Broadway St. and Windward Bay Dr.

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

Planner II Ian Clowes reported that the applicant needed more time to address the comments made on the plat. He illustrated the thoroughfare plan on the map and stated that originally there were some ownership issues where it looked like it would need to be platted without the road connecting, but the issues were resolved. There were no questions or comments and a vote was taken for approval at 5-0.

CONSIDERATION AND POSSIBLE ACTION - PRELIMINARY PLAT OF SHADOW OAKS SECTION 1

A request by Christy Smidt of Kerry R. Gilberts and Associates, applicant, on behalf of Richard Marek of KB Homes, owner, for approval of a Preliminary Plat of Shadow Oaks Section 1, a 130 lot single-family residential subdivision.

Legal Description: Being 52.1 acres of land located in the A.B. Langerman Survey, A-555, City of Pearland, Fort Bend County, Texas.

General Location: The southern intersection of Broadway St. and Windward Bay Dr.

There was no action necessary due to approval of a waiver of decision of time.

CONSIDERATION AND POSSIBLE ACTION - WAIVER OF DECISION OF TIME - FINAL PLAT OF RIVERSTONE RANCH AT CLEAR CREEK SECTION 1

A request by Warren Escovy – LJA Engineering Inc., applicant, on behalf of Meritage Homes of Texas, LLC, owner, for approval of a Preliminary Plat of Riverstone Ranch at Clear Creek Section 1, a 59 lot single-family residential subdivision, to wit

Legal Description: Being a subdivision of 34.055 acres of land situated in the T.J. Green Survey, Abstract 290, City of Pearland, Harris County, Texas also being a Replat of lots 41, 42, 54-61, 70, 73-78, 90 and 91 of the Allison Richey Gulf Coast, Section “G”, a subdivision of record in Volume 4, Page 48, Map Records of Harris County, Texas.

General Location: Southeast of Riverstone Ranch Drive, approximately 1200 feet south of the City of Houston ETJ border, Pearland, TX.

A motion was made by Vice-Chairperson Linda Cowles and seconded by Commissioner Ginger McFadden.

Planner II Ian Clowes presented the staff report explaining that most of the comments had been addressed by the applicant, but the reason for the request for waiver of decision of time was due to the need for park land dedication. When the cluster plan was approved, it required park land dedication as opposed to park land fees and there was no allowance for such dedication with this final plat submittal. The applicant had stated that they potentially had land they could use, but they were not sure so they were looking to see if a bond could be done. According to Mr. Clowes, it is not something that is normally done and therefore the applicant would need to either dedicate park land at this time or amend the cluster plan to allow for payment in lieu of the dedication. The request for waiver was to allow more time to work out the details. A vote was taken and approved 5-0.

CONSIDERATION AND POSSIBLE ACTION - FINAL PLAT OF RIVERSTONE RANCH AT CLEAR CREEK SECTION 1

A request by Warren Escovy – LJA Engineering Inc., applicant, on behalf of Meritage Homes of Texas, LLC, owner, for approval of a Preliminary Plat of Riverstone Ranch at Clear Creek Section 1, a 59 lot single-family residential subdivision, to wit

Legal Description: Being a subdivision of 34.055 acres of land situated in the T.J. Green Survey, Abstract 290, City of Pearland, Harris County, Texas also being a Replat of lots 41, 42, 54-61, 70, 73-78, 90 and 91 of the Allison Richey Gulf Coast, Section “G”, a subdivision of record in Volume 4, Page 48, Map Records of Harris County, Texas.

General Location: Southeast of Riverstone Ranch Drive, approximately 1200 feet south of the City of Houston ETJ border, Pearland, TX.

No action was necessary due to approval of the waiver of decision for time.

DISCUSSION ITEMS

1. Zoning Update – City Planner Harold Ellis reported on 2 zone changes from the previous agenda, the first being at 4608 Walnut which was awaiting the second reading and the second being a request to change the zoning from General Business (GB) to General Commercial (GC) which the P&Z recommended denial. Lastly, was a Conditional Use Permit (CUP) for a carwash which is awaiting the first reading by Council.
2. Commissioners Activity Report – Chairperson Henry Fuertes wanted to discuss detention ponds and open space but deferred to the workshop to be held after the meeting.
3. National APA Conference Overview - City Planner Harold Ellis suggested that each of the commissioners who attended the National APA Conference give a brief overview of that conference.

Chairperson Henry Fuertes talked about the presentation that was given regarding a big box coming to town without mentioning names. It was given from the perspective of city staff, a commissioner, and a council member. There were many comments after the presentation from people after who were appreciative of the insightful honesty.

Vice-Chairperson Linda Cowles stated that she was very grateful to be allowed to go to this conference. One of the workshops she attended was about parks and having a sense of place. They talked about the importance of community input

and the processes of charrettes to gather ideas. She also went to another workshop about aging and the baby boomer generation. Being there will be millions of people from that generation in our community as senior citizens, what is the city doing to plan for those people who at some point, will no longer be driving. She also went to a workshop about form based codes versus what the city is currently doing. She liked the idea of having these transition areas, where you have areas that transition from one zone to another. Lastly, there was a workshop she stumbled upon regarding ethics. She learned that staff has to walk a fine line when it comes to dealing with developers and maintaining professionalism and expressed her appreciation of staff for what they do.

Commissioner Ginger McFadden went to a workshop for planning commissioners which presented a very thorough overview of the planning process. She also attended one on ethical decision making and another on what a suburban planner is to do. She noted that many people at the convention noticed that she was from Pearland and were impressed with that. Among other workshops attended was one on arts and parks and how there are many connecting trails among the different communities and also one regarding the use of social media and mobile apps as a means of obtaining feedback. She mentioned that the ethics workshop suggested that the commissioners should have a city email address so that if anything happened, the planners would have a specific email address related to city business. City Planner Harold Ellis mentioned that it could possibly be in the works already. Vice-Chairperson Cowles also mentioned a workshop that talked about due process and what we are not supposed to say and added that one of the persons on the panel suggested that anyone who got up to speak in the Planning & Zoning meeting should be sworn in.

The staff overview of the convention was deferred to another time.

4. Commission notification of upcoming cases (DRC agenda) – City Planner Harold Ellis explained that the Commissioners would be receiving a copy of the Development Review Committee Agendas to keep them informed of upcoming plats, zone changes and various activities. Vice-Chairperson Linda Cowles mentioned an interest in attending Pre-Development meetings also, however it could only be those meetings that the Commission would not be directly involved in.
5. Next P&Z/JPH Regular Meeting – June 17, 2013 – Vice-Chairperson Linda Cowles mentioned that she would not be able to attend the next meeting, nor Commissioner Daniel Tunstall. With the absence of Commissioner Matthew Hanks from this meeting, it would be verified that the four remaining commissioners would be able to attend. Planner II Ian Clowes mentioned that there would be three zone changes presented at the upcoming meeting.

6. Election of Officers, July 1, 2013 – It was announced that the July 1, 2013 P&Z Regular Meeting would include election of officers (Chair and Vice-Chair) to the Commission.

ADJOURNMENT- Chairperson Henry Fuyertes adjourned the meeting at 7:02 PM.

These minutes are respectfully submitted by:

Debbie Cody, Administrative Clerk

Minutes approved as submitted and/or corrected on this 17th day of June 2013, A.D.

P&Z Chairperson Henry Fuyertes

NEW BUSINESS

**P&Z AGENDA
ITEM**

A

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JUNE 17, 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. 2013-09Z

A request of Expre Realty, applicant and 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 lots 4-10 in a subdivision of 4.512 acres of land being the north 1.663 acres of lot 77 and the south 2.849 acres of lot 80, of the Figland Orchards Subdivision H.T.&B.R.R.Co. Survey Section 13, A-240, recorded in Vol. 3, Page 77, Plat Records of Brazoria County, Texas.

General Location: Southwest corner of Bardet and Wagon Trail

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 JUNE 17, 2013

Zone Change No. 2013-09Z

A request of Expre Realty, applicant and 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 lots 4-10 in a subdivision of 4.512 acres of land being the north 1.663 acres of lot 77 and the south 2.849 acres of lot 80, of the Figland Orchards Subdivision H.T.&B.R.R.Co. Survey Section 13, A-240, recorded in Vol. 3, Page 77, Plat Records of Brazoria County, Texas.

General Location: Southwest corner of Bardet and Wagon Trail, Pearland, TX

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

Planning and Zoning Commission	June 17, 2013*
City Council for First Reading:	July 8, 2013*
City Council for Second Reading:	July 22, 2013*

(*dates subject to change)

SUMMARY: Expre Realty applicant and owner, is requesting approval of a zone change from the General Business (GB) zone to the General Commercial (GC) zone for the above referenced location. If approved, this zone change will allow the applicant to build additional buildings for office warehouse use to rent to future tenants. The property consists of 7 lots, 6 of which are vacant. The applicant is proposing to build buildings on each of the vacant lots. There is currently one building located on one of the 7 lots. The building is used for office warehouse use.

SURROUNDING ZONING AND LAND USES:

	Zoning	Land Use
North	Neighborhood Services (NS)	Elks Lodge
South	Neighborhood Services (NS)	Vacant

East	Single Family Res. (R-2)	Residential Homes
West	Neighborhood Services (NS)	Vacant

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 property is currently platted into 7 separate lots. The current lots are not in conformance with the lot width requirement of either the GB or GC zones.

	GB/GC	Actual
Lot Width	150'	120'
Lot Depth	125'	125'
Total Lot Area	22,500 Sq. Ft.	1.009 Acres

As illustrated above, the current lots do not meet the size requirements of either zone. As this lots are currently platted, they do not need to meet the size requirements in order for them to be developed. In addition to these requirements, the site will be required to conform to all other development requirements of the Unified Development Code (UDC).

PLATTING STATUS: The property was platted in 1973 as part of the Detenbeck and Barnhart Subdivision Plat.

SITE HISTORY: The property was annexed into the city limits in 1997 and received a zone change from Suburban Development (SD) to GB in 2001 to allow commercial uses. Initially, the applicant had sought a GC zone for the property. At the time the Planning and Zoning Commission did not feel that GC was appropriate for the surrounding area due to close residential proximity and the Commission also did not feel the GC request was in conformance with the Future Land Use Plan at the time. Therefore, the Commission recommended a lesser zone of GB.

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 GB is also in conformance.

CONFORMANCE WITH THE THOROUGHFARE PLAN: The subject property has frontage on Wagon Trail and Bardet St, both local streets, with a minimum of 60' right-of-way. For development on the lots at the rear of the subject property, Bardet will have to be lengthened and capped with a cul-de-sac or other approved turn around.

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 extensive negative impacts on existing or future developments in the immediate area. The proposed area already consists of a number of office/warehouse buildings that have been in operation for a number of years and is surrounded by other vacant or developed commercial sites. The comprehensive plan anticipated this area becoming more commercialized in the future and this zone change would be in conformance with this vision.

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 partially 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 2013-09Z as proposed by the applicant for the following reasons:

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

SUPPORTING DOCUMENTS:

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



Zoning and Vicinity Map

Zone Change 2013-09Z

Southwest Corner of Bardet and Wagon Trail

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 70 140 280 Feet

CANTU RD

OCHOA RD

WAGON TRAIL RD

R-1

NS

Brazoria

BARDET ST

GB

R-2

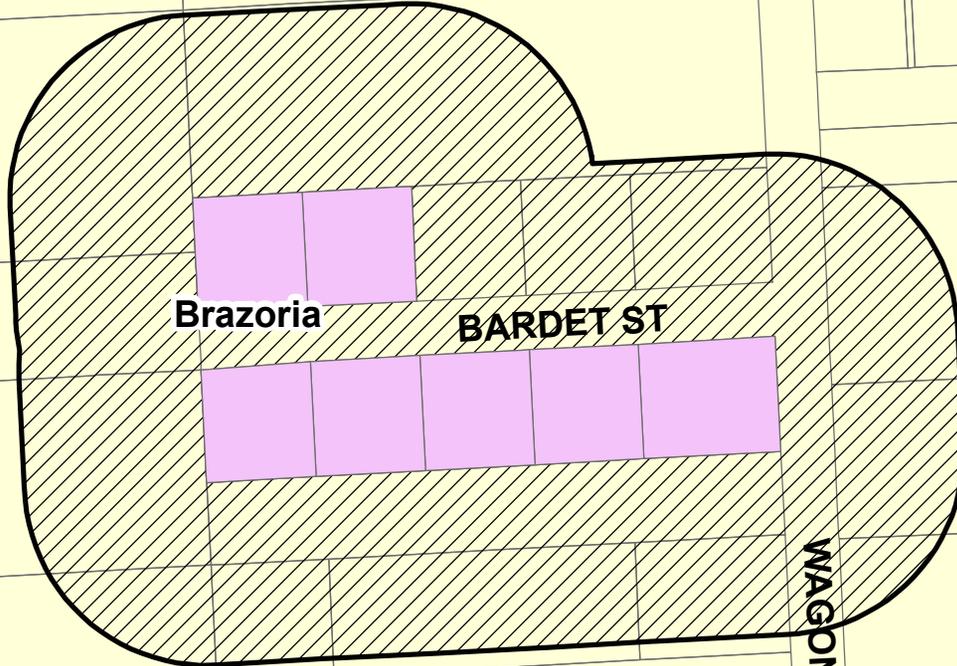
HARKEY RD

R-3

HARKEY RD

CANTU RD

OCHOA RD



Brazoria

BARDET ST

WAGON TRAIL RD



Abutter Map

Zone Change 2013-09Z

Southwest Corner of Bardet and Wagon Trail

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N

0 70 140 280 Feet



Zone Change 2013-09Z

SW Corner of Bardet and Wagon Trail - GB to GC

Name	Address	City	State	Zip
VINEYARD CHRISTIAN FELLOWSHIP OF PEARLAND	PO BOX 1577	PEARLAND	TX	77588-1577
EXPRE REALTY LTD	3219 OLD ALVIN RD	PEARLAND	TX	77581-5211
BUSH ARTHUR J & MARY	8239 LANHAM LN	HOUSTON	TX	77075-2656
CLARK HORACE SCOTT	5909 BARDET ST	PEARLAND	TX	77584
PEARLAND ELKS LODGE #2732	PO BOX 2251	PEARLAND	TX	77588-2251
JOHNSTON FAMILY HOLDINGS	5617 MEGAN	PEARLAND	TX	77584
SHAY SHAY TRUST 9707	1102 BARKLY CT	PEARLAND	TX	77581
ESPARZA MARIA CARMEN	2853 WAGON TRAIL RD	PEARLAND	TX	77584
LIGHTFOOT C J	PO BOX 871	PEARLAND	TX	77588-0871
AMCU INC	2920 WAGON TRL RD	PEARLAND	TX	77584
MENDEZ MIREYA	715 BROOKS ST	HOUSTON	TX	77009-8504
GOLFIS EVAN G & MARIA DE VIVEIROS	3811 HOUSTON LAKE DR	PEARLAND	TX	77581-4795



FLUP Map

Zone Change 2013-09Z

Southwest Corner of Bardet and Wagon Trail

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0 70 140 280 Feet



CANTU RD

OCHOA RD

WAGON TRAIL RD

HARKEY RD

Business Commercial

Medium Density Residential

Brazoria

BARDET ST

D-10,000sf Lots (Suburban Res)

Public / Semi-Public

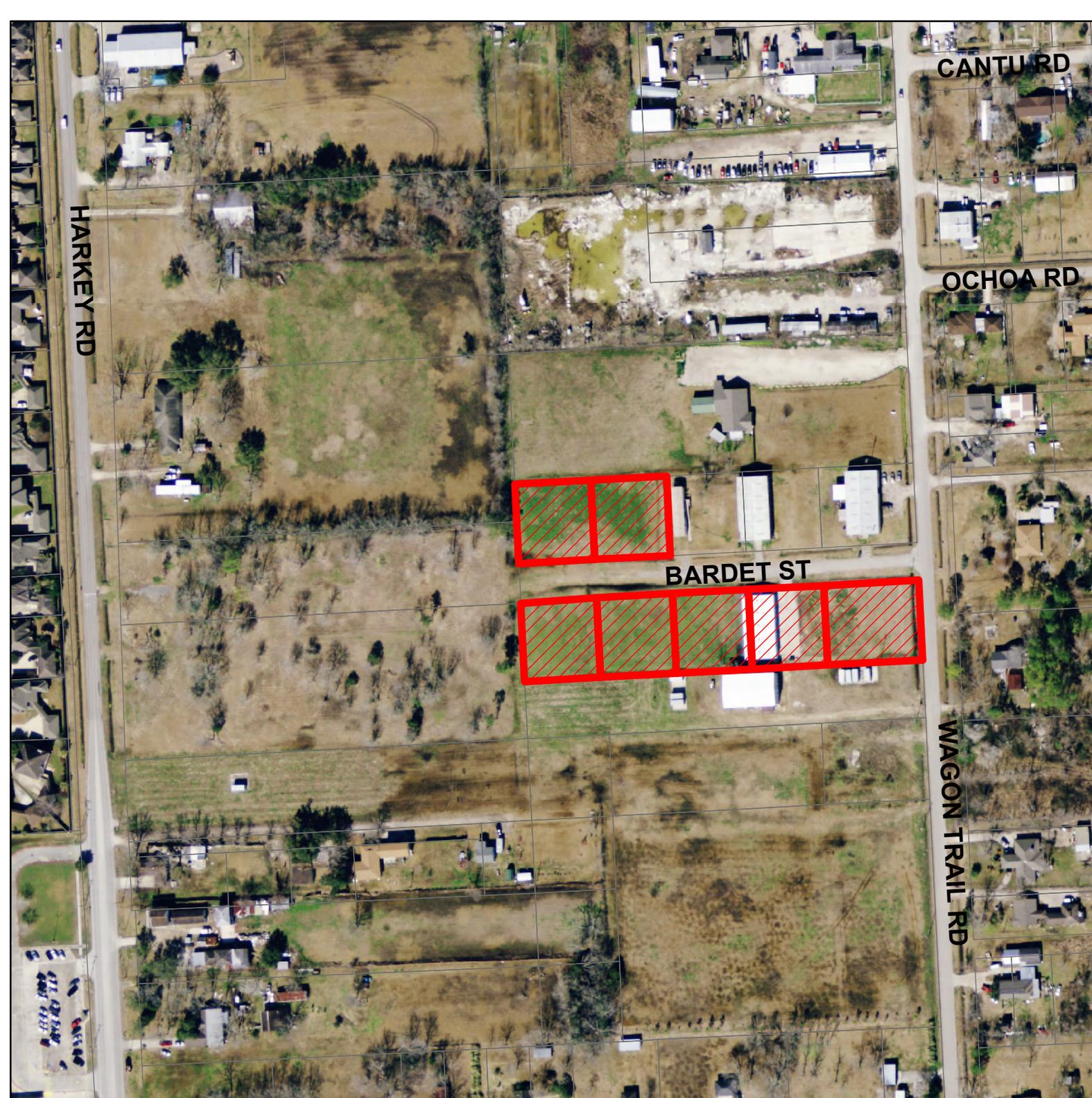
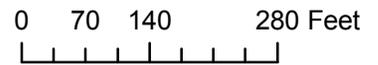


Aerial Map

Zone Change 2013-09Z

Southwest Corner of Bardet and Wagon Trail

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HARKEY RD

CANTU RD

OCHOA RD

BARDET ST

WAGON TRAIL RD



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: General Business

Proposed Zoning District: General Commercial

Property Information:

Address or General Location of Property: 6-lots located on Bardet.

Bardet is located between 518 & Fite off of Waggon Trail.

Tax Account No. Lot (4) - 3411-0004 Thru Lot (10) - 3411-0010

Subdivision: Detenbeck & Barenhart Lot: 4-10 Block: _____

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

PROPERTY OWNER INFORMATION:

NAME Expre Realty LTD.
ADDRESS 3219 Old Plum Rd.
CITY PEARLAND STATE TX ZIP 77581
PHONE (281) 850-1893
FAX (713) 667-0515
E-MAIL ADDRESS LANCE@PDCASTSTONE.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: _____ Date: 5-15-13

Agent's/Applicant's Signature: _____ Date: 5-15-13

OFFICE USE ONLY:

FEES PAID: <u>\$750⁰⁰</u>	DATE PAID: <u>5-17-13</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>232753</u>
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Application No. 2013-092

Letter of Intent

Pearland Board Members,

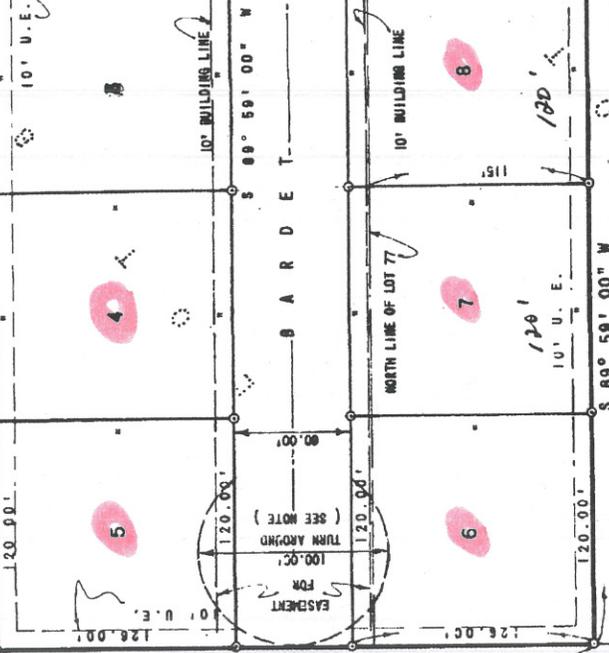
Expre Realty formally request the zoning board to consider changing the current zoning of these 7 lots from General Business to General Commercial. Allowing this zone change will bring this property into the same zoning with other properties in close proximity and reflect the City of Pearland's future Zoning plans for the area.

This property abuts properties with similar buildings and businesses that General Commercial allows. Bardet's one block long with little to no traffic. Building a shopping center type building for lease or sale with the limited traffic exposure would not work. 518 has plenty of these types of buildings available . We would rather target small service/wholesale businesses that need office space and the ability to house inventory. With the help of Jack Mcguff (our architect) and the planning staff at the City , we believe we can create with architecture and building layout a GC development that falls in line with the surrounding community. The growing service company sector that has been fueling the economic growth of our country is alive and well in Pearland. This Zone change will allow us to provide lease space for Pearland service companies and offer them a central location within the City of Pearland to better service it's customers.

Lance Smith
Expre Realty

24372

NOTES: ALL EXISTING PIPELINES THROUGH SUBDIVISION HAVE BEEN SHOWN
O INDICATES IRON PIPE OR IRON ROD
CROSS-MARKED AREA IS TEMPORARY EASEMENT FOR TURN-AROUND
UNTIL STREET IS EXTENDED TO FULL WIDTH IN A RECORDED PLAT



SCALE: 1" = 60'

APPROVED FOR FILING. BRAZORIA COUNTY ASSUMES NO OBLIGATION
AND ALLEYS OR MAKING ANY OTHER IMPROVEMENTS ON SUBDIVISIONS.
BY ORDER OF THE COMMISSIONERS COURT OF BRAZORIA.

SUBDIVISION APPROVED
BY THE COMMISSIONERS COURT, BRAZORIA COUNTY, TEXAS THIS 23RD DAY OF November 1973
COUNTY CLERK
Richard C. Stevens, Jr.
COMMISSIONER PRC. 1
Richard C. Stevens, Jr.
COMMISSIONER PRC. 2
Richard C. Stevens, Jr.
COMMISSIONER PRC. 3
Richard C. Stevens, Jr.
COMMISSIONER PRC. 4
Richard C. Stevens, Jr.
COMMISSIONER PRC. 5
Richard C. Stevens, Jr.
COMMISSIONER PRC. 6
Richard C. Stevens, Jr.
COMMISSIONER PRC. 7
Richard C. Stevens, Jr.
COMMISSIONER PRC. 8
Richard C. Stevens, Jr.
COMMISSIONER PRC. 9
Richard C. Stevens, Jr.
COMMISSIONER PRC. 10
Richard C. Stevens, Jr.
COMMISSIONER PRC. 11
Richard C. Stevens, Jr.
COMMISSIONER PRC. 12
Richard C. Stevens, Jr.
COMMISSIONER PRC. 13
Richard C. Stevens, Jr.
COMMISSIONER PRC. 14
Richard C. Stevens, Jr.
COMMISSIONER PRC. 15
Richard C. Stevens, Jr.
COMMISSIONER PRC. 16
Richard C. Stevens, Jr.
COMMISSIONER PRC. 17
Richard C. Stevens, Jr.
COMMISSIONER PRC. 18
Richard C. Stevens, Jr.
COMMISSIONER PRC. 19
Richard C. Stevens, Jr.
COMMISSIONER PRC. 20
Richard C. Stevens, Jr.

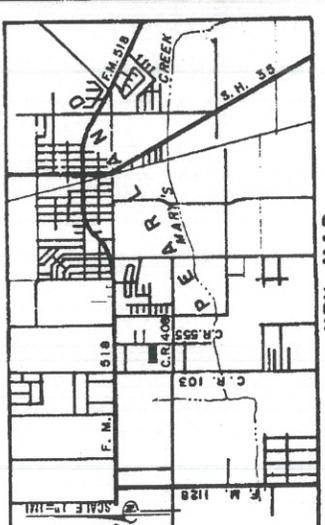
SUBDIVISION APPROVED
BY THE CITY OF PEARLAND, TEXAS
THIS 23RD DAY OF November 1973
MAYOR Protem C.W. Smith
COUNCILMAN James D. ...
COUNCILMAN John ...
COUNCILMAN James ...
COUNCILMAN ...

BY THE PEARLAND PLANNING COMMISSION
THIS 23RD DAY OF November 1973
...
...
...
...

STATE OF TEXAS
COUNTY OF BRAZORIA
I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT
AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE
UNDER MY SUPERVISION ON THE GROUND.
MALCOLM A. COLLINS, Registered Professional Engineer & Public Surveyor
PREPARED AND CERTIFIED BY:
COENCO, INC., CONSULTING ENGINEERS
P.O. BOX 1388 • 221 S. GORDON • ALVIN, TEXAS



FILED FOR RECORD
AT 2:45 O'CLOCK
DEC 5 1973
H. R. STEVENS, JR.
CLERK COUNTY COURT, BRAZORIA CO., TEXAS
BY *...* DEPUTY



STATE OF TEXAS
COUNTY OF BRAZORIA
THE OWNERS OF LAND SHOWN ON THIS PLAT AND WHOSE NAMES ARE SUBSCRIBED
THEREON, AND IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DEDICATE TO
THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS,
EASEMENTS AND PUBLIC PLACES HEREON SHOWN FOR THE PURPOSE AND CONSIDER-
ATION HEREIN EXPRESSED.
THE OWNERS DO HEREBY WAIVE ALL CLAIMS FOR DAMAGES OCCASIONED BY THE
ESTABLISHMENT OF GRADES AS APPROVED FOR THE STREETS AND DRAINAGE
EASEMENTS DEDICATED OR OCCASIONED BY THE ALTERATION OF THE SURFACE OF
ANY PORTION OF THE STREETS OR DRAINAGE EASEMENTS TO CONFORM TO SUCH
GRADES AND DO HEREBY BIND MYSELF MY HEIRS, SUCCESSORS AND ASSIGNS TO
WARRANT AND DEFEND THE TITLE TO THE LAND SO DEDICATED.
LEE C. DETENBECK (OWNER)
JOSEPH BARNHART (OWNER)

STATE OF TEXAS
COUNTY OF BRAZORIA
BEFORE ME THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY
APPEARED LEE C. DETENBECK AND JOSEPH BARNHART, KNOWN TO ME TO BE THE
PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND
ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSE AND
CONSIDERATION HEREIN EXPRESSED AND IN THE CAPACITY HEREIN STATED.
GIVEN UNDER MY HAND AND SEAL THIS 23RD DAY OF October 1973
Malcolm A. Collins
NOTARY PUBLIC IN AND FOR BRAZORIA COUNTY, TEXAS

21

2818

2818

2830

2830

2834

2850

6021

2905

Lot 5

Lot 4

5909

5905

BARDETT ST

Lot 6

Lot 7

5914 Lot 8

5902 Lot 9

Lot 10

2920

2920

2920

2926

2929

2933

2853

2942

3005

2821

2917

63363355716

OCHODA RD

5814

2841

5802

5794

5722

5

6302

6320

6336

2841

2845

2853

2921

2929

2937

2933

2941

2945

2953

WAGON TRAIL RD

5870

**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.

Espre Realty LTD Acknowledges that a sign follows the above spec. will be posted on property 10 days before hearing.
[Signature] *5-15-13*

Wednesday, May 15, 2013

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Make your check or money order payable to:

Ro'Vin Garrett, RTA
 111 E Locust
 Angleton, Texas 77515



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Account Number: 34110004000**Address:**

EXPRE REALTY LTD
 3219 OLD ALVIN RD
 PEARLAND, TX 77581-5211

Property Site Address:

BARDET DR

Legal Description:

DETENBECK & BARNHART, LOT 4

Current Tax Levy: \$271.93**Current Amount Due:** \$0.00**Prior Year Amount Due:** \$0.00**Total Amount Due:** \$0.00**Last Payment Amount for Current Year Taxes:** \$271.93**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: \$9,830**Land Value:** \$9,830**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](#)

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Account Number: 34110005000**Address:**EXPRE REALTY LTD
3219 OLD ALVIN RD
PEARLAND, TX 77581-5211**Property Site Address:**

BARDET DR

Legal Description:

DETENBECK & BARNHART, LOT 5

Current Tax Levy: \$271.93**Current Amount Due:** \$0.00**Prior Year Amount Due:** \$0.00**Total Amount Due:** \$0.00**Last Payment Amount for Current Year Taxes:** \$271.93**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:** \$9,830**Land Value:** \$9,830**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](#)

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Account Number: 34110006000**Address:**EXPRE REALTY LTD
3219 OLD ALVIN RD
PEARLAND, TX 77581-5211**Property Site Address:**
BARDET DR**Legal Description:**

DETENBECK & BARNHART, LOT 6

Current Tax Levy: \$271.93**Current Amount Due:** \$0.00**Prior Year Amount Due:** \$0.00**Total Amount Due:** \$0.00**Last Payment Amount for Current Year Taxes:** \$271.93**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:** \$9,830**Land Value:** \$9,830**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](#)

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Account Number: 34110007000**Address:**EXPRE REALTY LTD
3219 OLD ALVIN RD
PEARLAND, TX 77581-5211**Property Site Address:**

BARDET DR

Legal Description:

DETENBECK & BARNHART, LOT 7

Current Tax Levy: \$271.93**Current Amount Due:** \$0.00**Prior Year Amount Due:** \$0.00**Total Amount Due:** \$0.00**Last Payment Amount for Current Year Taxes:** \$271.93**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:** \$9,830**Land Value:** \$9,830**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](#)

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Account Number: 34110008000**Address:**

EXPRE REALTY LTD
3219 OLD ALVIN RD
PEARLAND, TX 77581-5211

Property Site Address:

BARDET DR

Legal Description:

DETENBECK & BARNHART, LOT 8

Current Tax Levy: \$271.93**Current Amount Due:** \$0.00**Prior Year Amount Due:** \$0.00**Total Amount Due:** \$0.00**Last Payment Amount for Current Year Taxes:** \$271.93**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: \$9,830**Land Value:** \$9,830**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](#)

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Account Number: 34110009000**Address:**EXPRE REALTY LTD
3219 OLD ALVIN RD
PEARLAND, TX 77581-5211**Property Site Address:**

5902 BARDET ST

Legal Description:

DETENBECK & BARNHART, LOT 9

Current Tax Levy: \$2,748.66**Current Amount Due:** \$0.00**Prior Year Amount Due:** \$0.00**Total Amount Due:** \$0.00**Last Payment Amount for Current Year Taxes:** \$2,748.66**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:** \$99,360**Land Value:** \$15,120**Improvement Value:** \$84,240**Capped Value:** \$0**Agricultural Value:** \$0**Exemptions:** None**Last Certified Date:** 08/06/2012[Taxes Due Detail by Year and Jurisdiction](#)[Payment Information](#)

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Account Number: 34110010000

Address:
EXPRE REALTY LTD
3219 OLD ALVIN RD
PEARLAND, TX 77581-5211

Property Site Address:
BARDET DR

Legal Description:
DETENBECK & BARNHART, LOT 10

Current Tax Levy: \$339.98

Current Amount Due: \$0.00

Prior Year Amount Due: \$0.00

Total Amount Due: \$0.00

Last Payment Amount for Current Year Taxes: \$339.98

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: \$12,290

Land Value: \$12,290

Improvement Value: \$0

Capped Value: \$0

Agricultural Value: \$0

Exemptions: None

Last Certified Date: 08/06/2012

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PLAT FEE

Payment Type/Code PF BA
Description: Input who the check is from

COMMENTS (F10): Zone chg.

Plat Name 6 lots on Bardet

Explanation: Plat Fee

\$750.00

ZONE CHANGE OR VARIANCE

CITY OF PEARLAND
*** CUSTOMER RECEIPT ***
Oper: BDEROSA Type: OC Drawer: 1
Date: 5/17/13 01 Receipt no: 232753

Description	Quantity	Amount
BA	BOARD OF ADJUSTMENTS	
	1.00	\$750.00
Trans number:		4088785

ZONE CHANGE 6 LOTS (4-10)
ON BARDET DR -EXPRE REALTY
5711 CLAREWOOD, SUITE C HOUST
TX 77081

Tender detail		
CK CHECK	2152	\$750.00
Total tendered		\$750.00
Total payment		\$750.00

Trans date: 5/17/13 Time: 8:17:20

**P&Z AGENDA
ITEM**

B

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JUNE 17, 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. 2013-10Z

A request of Lynn Almond of Bay Area Equestrian Properties, LP, applicant and owner, for approval of a zone change from the Single Family Residential (R-1) zone to the General Business (GB) zone on the following described property, to wit:

Legal Description: Being lots 22-29 and lots 34-39 in a subdivision of 14.458 acres of land out of the Narregang Subdivision, Plat Records of Brazoria County, Texas.

General Location: 1908 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 JUNE 17, 2013

Zone Change No. 2013-10Z

A request of Lynn Almond of Bay Area Equestrian Properties, LP, applicant and owner, for approval of a zone change from the Single Family Residential (R-1) zone to the General Business (GB) zone on the following described property, to wit:

Legal Description: Being lots 22-29 and lots 34-39 in a subdivision of 14.458 acres of land out of the Narregang Subdivision, Plat Records of Brazoria County, Texas.

General Location: 1908 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:	June 17, 2013*
City Council for First Reading:	July 8, 2013*
City Council for Second Reading:	July 22, 2013*

(*dates subject to change)

SUMMARY: Lynn Almond of Bay Area Equestrian, applicant and owner, is requesting approval of a zone change from the Single Family (R-1) zone to the General Business (GB) zone for the above referenced location. If approved, this zone change will allow the applicant to add a snow cone business as an accessory use to the existing equestrian business as well as bring the property into a zoning district which is more compatible with the existing development.

The current use is permitted in the R-1 zone through a Specific Use Permit (SUP) that was approved in 1994. The newly proposed accessory use would not be permitted under the approved SUP. The zone change to GB would allow both the uses to operate on site in conformance with the Unified Development Code (UDC) classified in the land use matrix as a Private Club and Food Sales On or Off Premise.

SURROUNDING ZONING AND LAND USES:

	Zoning	Land Use
North	General Commercial (GC)	Mini Storage
South	Single Family (R-1/R-2)	Single Family Subdivision

East	Single Family/General Bus. (R-1/GB)	Church
West	Single Family/Office Prof. (R-1/OP)	Commercial/Residential

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

	<u>R1</u>	<u>GB</u>	<u>Existing Site</u>
Lot Size:	8,800 sq ft	22,500 sq ft	20,000 sq ft
Lot Width:	80'	150'	829'
Lot Depth:	90'	125'	776'
Front Setback:	25'	25'	~25'
Rear Setback:	20'	20'	~25'
Side Setback:	7.5'	10'	~100'

In addition to these requirements, the site will be required to conform to the landscaping, parking, and façade standards of the Unified Development Code upon expansion. Parking may 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 on the existing equestrian center would not need to be upgraded but the new facility added to the site would need to be masonry in order to comply with the commercial standards. SUP's were eliminated with the adoption of the UDC in 2006 and replaced with the Conditional Use Permit (CUP) process.

PLATTING STATUS: The property is not currently platted. Platting would be required for any future expansion.

SITE HISTORY: The site is currently home to an existing equestrian center which was constructed in 1994 after an approval of a SUP. The SUP permitted the proposed commercial use in the existing R-1 zone with the following conditions:

1. Site shall be limited to 60 stalls, with a future 20 stall expansion (maximum 500 square feet).
2. Horses on the premises shall be full board only (all care provided by BAEC).
3. Most horses shall be kept in a stall overnight – pasture board limited to a maximum of 5 horses, barring natural disaster or acts of God.
4. Facilities shall be equipped with an automated fly-spray system.
5. Manure shall be stored in covered dumpster and removed twice per week.
6. Paved driveway and parking shall be provided with allowance for future parking.
7. No alcohol or smoking shall be allowed on the premises.
8. Trailer storage shall be allowed only behind the front building line.
9. No occupied motor homes shall be allowed over night.
10. Signage shall be located within the 60' access easement and shall comply with

the Land Use and Urban Development Ordinance.

11. Commercial development shall be confined to a 500' x 500' area as shown in "Exhibit C"

With the approval of this requested zone change, the above referenced SUP with the 11 conditions will become void and no longer enforceable. All land use regulations will revert back to the UDC.

CONFORMANCE WITH THE COMPREHENSIVE PLAN: The current Comprehensive Plan (latest update in 2009) indicates *Retail, Offices, and Services* for the subject property. The Comprehensive Plan further indicates that GB would be an appropriate zoning district for *Retail, Offices, and Services*. The property's current zoning of Single Family (R-1) is not considered an appropriate zoning district for the *Retail, Offices, and Services* designation in 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. Access to the site is achieved via an access easement from Broadway.

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 to an existing church and has frontage on Broadway. The site currently is occupied by a commercial equestrian center. The owner would like to add a small building to the property that will serve as a small snow cone stand and store with the main purpose being to serve existing customers/clients of the equestrian center. This is not anticipated to have a significant impact to the surrounding properties or land uses. All required buffering between this use and any adjacent residential uses will be provided by the applicant. The proposed zone change is in conformance with the future land use plan.

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

SITE PLAN CONSIDERATIONS: A site plan is not required for a zone change, however the property is currently developed.

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

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

STAFF RECOMMENDATION: Staff recommends approval of the Zone Change 2013-10Z as proposed by the applicant for the following reasons:

1. Approval of the zone change will result in conformance with the surrounding zoning as well as current and future land uses.
2. The proposed zone change should not have any significant negative impact on the surrounding properties and developments.
3. The proposed zone change will bring the property into compliance with the approved Future Land Use Plan.
4. The proposed zone change would bring an existing use (Private Club) into further compliance with the zoning designation. The zone change will enable the site to be developed for other non-residential uses that would be permitted in GB.

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



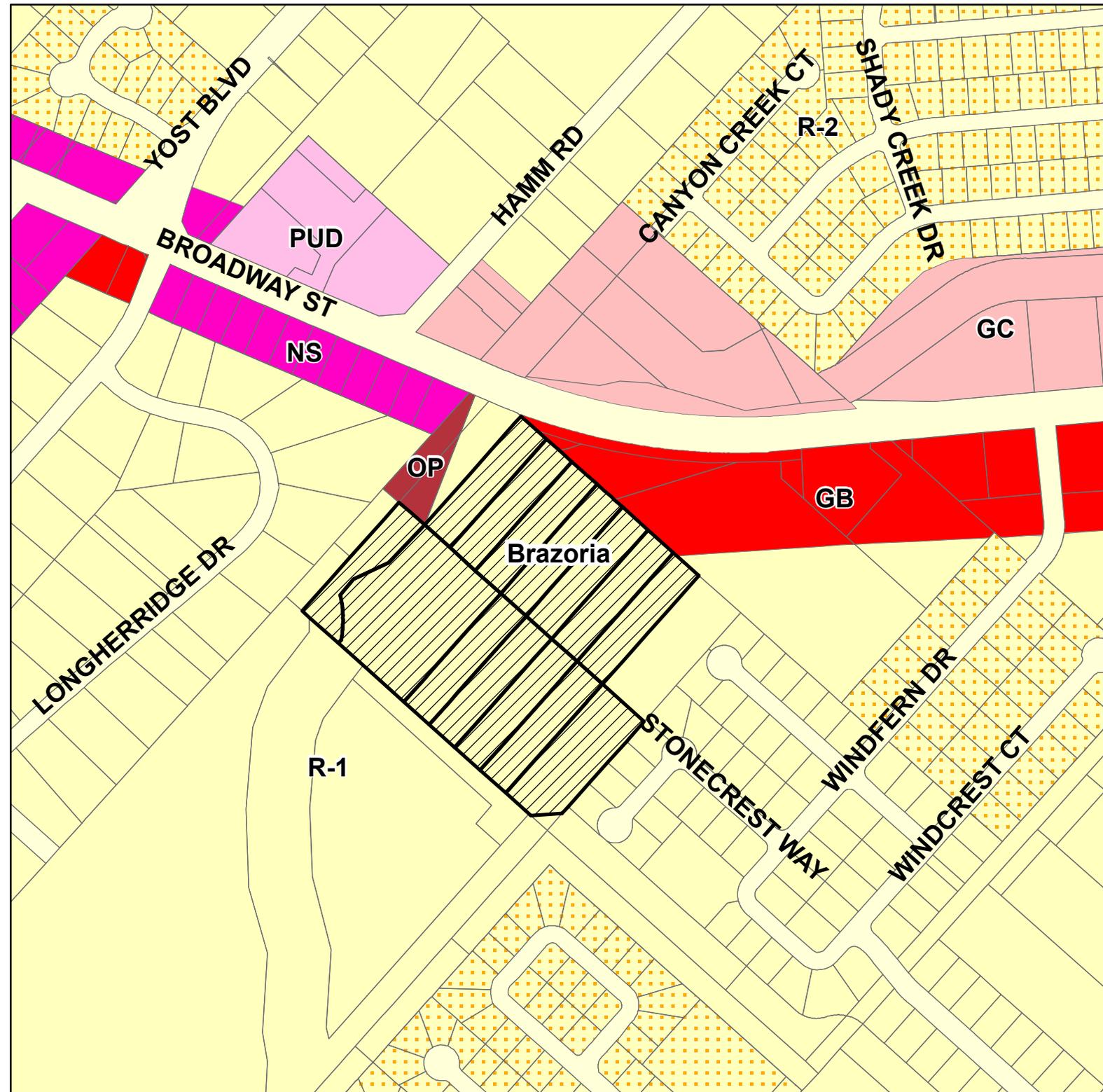
Zoning and Vicinity Map

Zone Change 2013-10Z

1908 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.

0 125 250 500 Feet





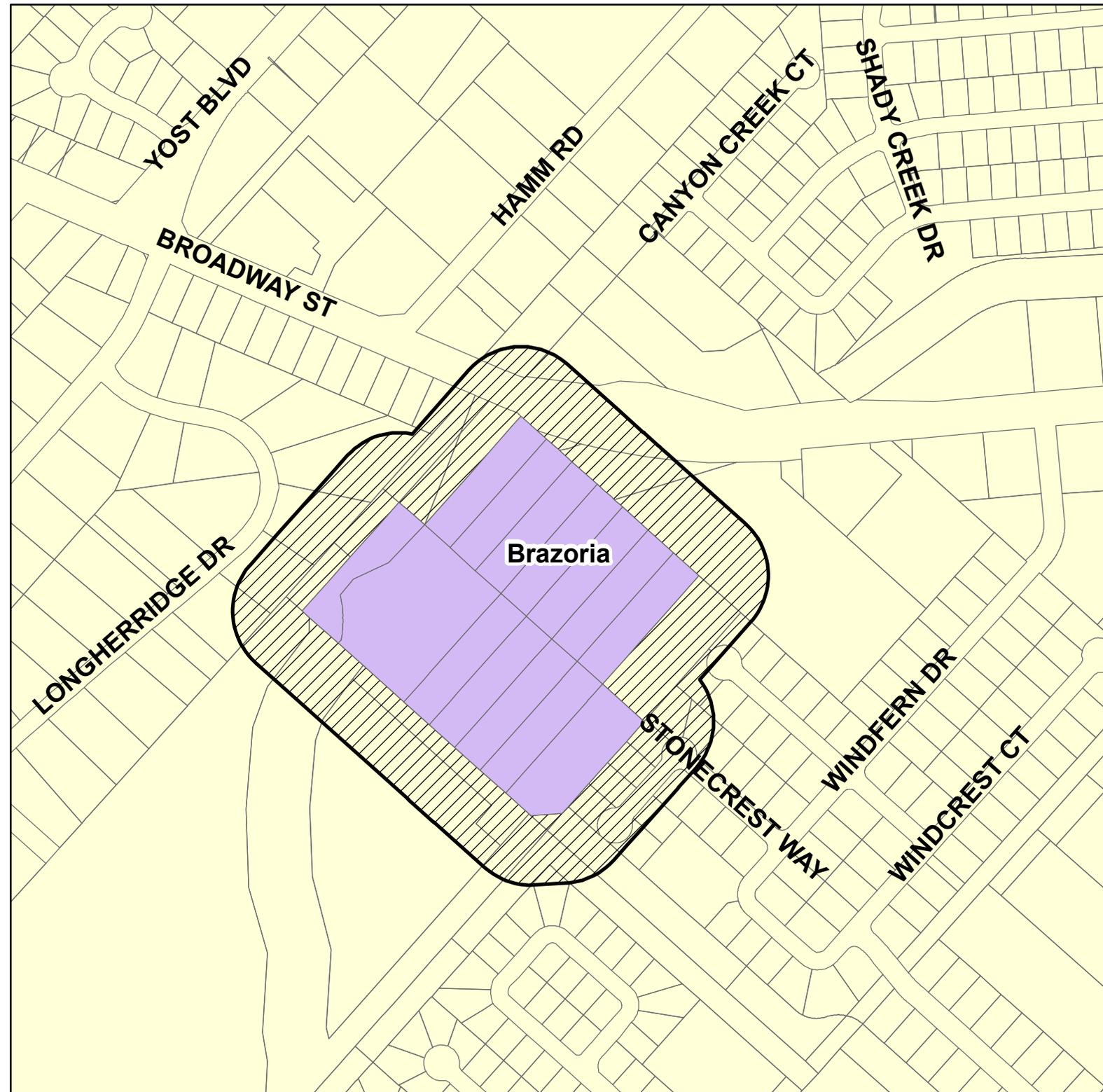
Abutterl Map

Zone Change 2013-10Z

1908 Broadway

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0 125 250 500 Feet



Zone Change 2013-10Z

1908 Broadway. - R-1 to GB

Name	Address	City	State	Zip
CONFIDENTIAL	3406 STONECREST CT	PEARLAND	TX	77584
BRAZORIA CO DRAINAGE #4	4805 BROADWAY ST	PEARLAND	TX	77581-3934
HIRED HANDS DAY SPA	1920 BROADWAY ST	PEARLAND	TX	77581-5608
BROWN BEVERLY L	1916 BROADWAY ST	PEARLAND	TX	77581-5608
ALMOND LYNN JANETTE	2020 STONE CREST WAY	PEARLAND	TX	77584
ADAMS WILLIARD & LINDA	3408 STONECREST CT	PEARLAND	TX	77581-6459
HEITZMAN DAVID ETUX	3403 STONECREST CT	PEARLAND	TX	77581-6460
LANGFORD WALTER C III & JANIE S	3405 STONECREST CT	PEARLAND	TX	77581-6460
BOYD JOHN R & ROBIN E	3601 OAK HOLLOW DR N	PEARLAND	TX	77581-6178
MYERS GREG A & MARTHA	1909 OAK HOLLOW DR E	PEARLAND	TX	77581-6173
SCOTT VICTOR W & KIMBERLY C	3603 OAK HOLLOW DR N	PEARLAND	TX	77581-6178
PEARLAND UNITED PENTECOSTA	PO BOX 394	PEARLAND	TX	77588-0394
BAY AREA EQUESTRIAN PROPERTIES	1908 E BROADWAY	PEARLAND	TX	77584
CLINE BRUCE W & SHARON	2005 BROADWAY ST	PEARLAND	TX	77581-5563
WCW INTERESTS	P O BOX 760	PEARLAND	TX	77581
PALMER KELLY JEAN	2001 LONGHERRIDGE DR	PEARLAND	TX	77581-6111
VANNOY JOSEPHINE C	3403 LONGHERRIDGE DR	PEARLAND	TX	77581-6113
ORDENEUX RODDY J & MICHALYN MILLER				
ORDENEUX	PO BOX 1721	PEARLAND	TX	77588-1721
BROWN CAROLYN F & JUDITH L HANUS	3407 LONGHERRIDGE DR	PEARLAND	TX	77581
FIRST CHURCH OF PEARLAND THE	1850 BROADWAY ST	PEARLAND	TX	77581-5606
GRIFFIN KENNETH R & BOBBY	2016 FAIRWOOD ST	PEARLAND	TX	77581-6442
FEDERAL NATIONAL MORTGAGE ASSOC	14221 DALLAS PKWY STE 200	DALLAS	TX	75254-2962
KLOUDA MARK & NORMA	2021 STONECREST WAY	PEARLAND	TX	77581-6462
WILKERSON GEORGE A & LAURA S	3402 STONECREST CT	PEARLAND	TX	77581-6459
CLARK JAMES C & PHYLIS L	2019 STONECREST WAY	PEARLAND	TX	77581-6462
NIBS PEARLAND LLC	7500 BELLAIRE BLVD #210	HOUSTON	TX	77036
HOWARD LARRY & LYNN	1908 BROADWAY ST	PEARLAND	TX	77581-5608
BUEHLER FREDERICK B & WONG DEBORAH M	3404 STONECREST CT	PEARLAND	TX	77581-6459



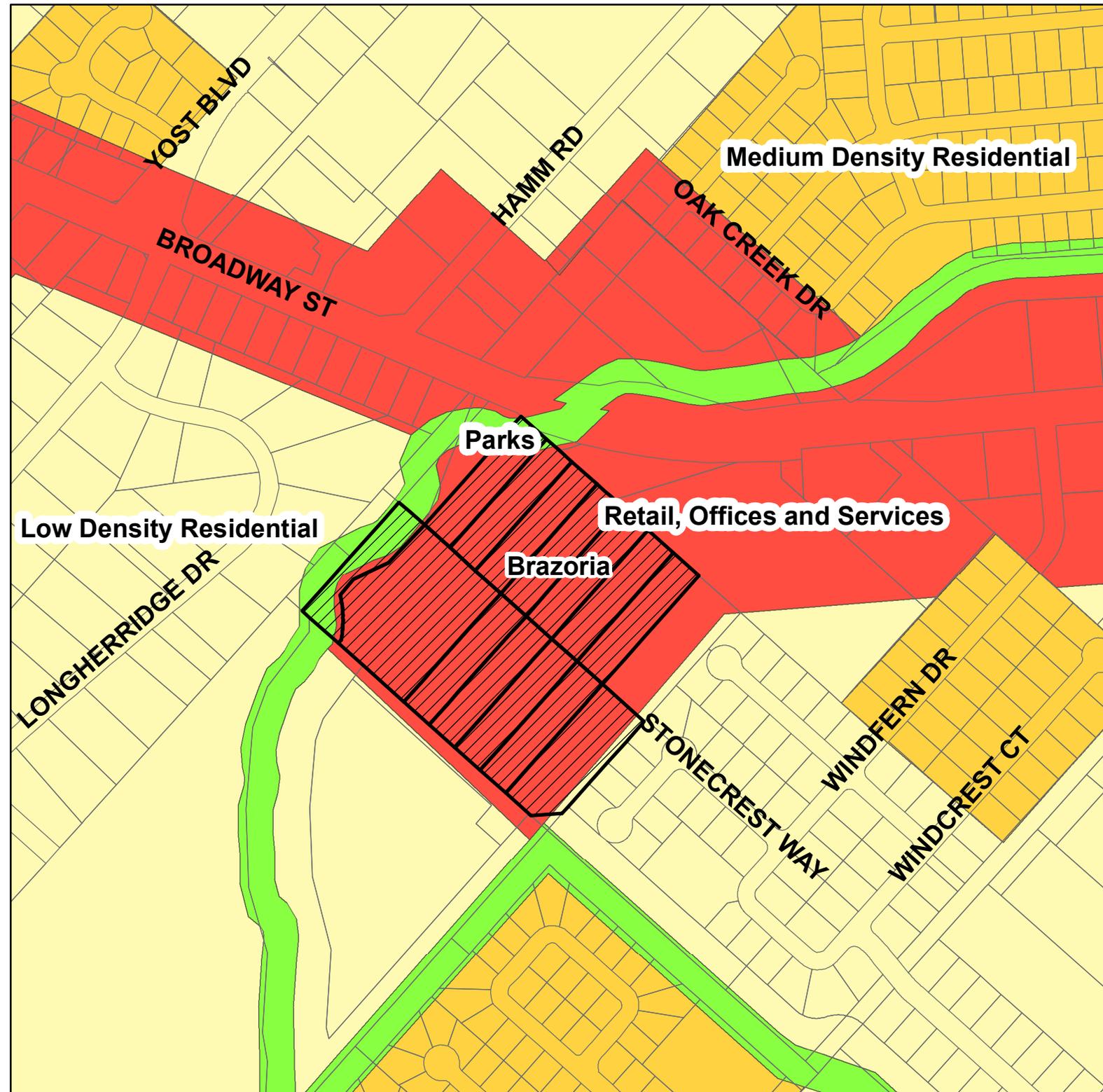
FLUP Map

Zone Change 2013-10Z

1908 Broadway

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0 125 250 500 Feet





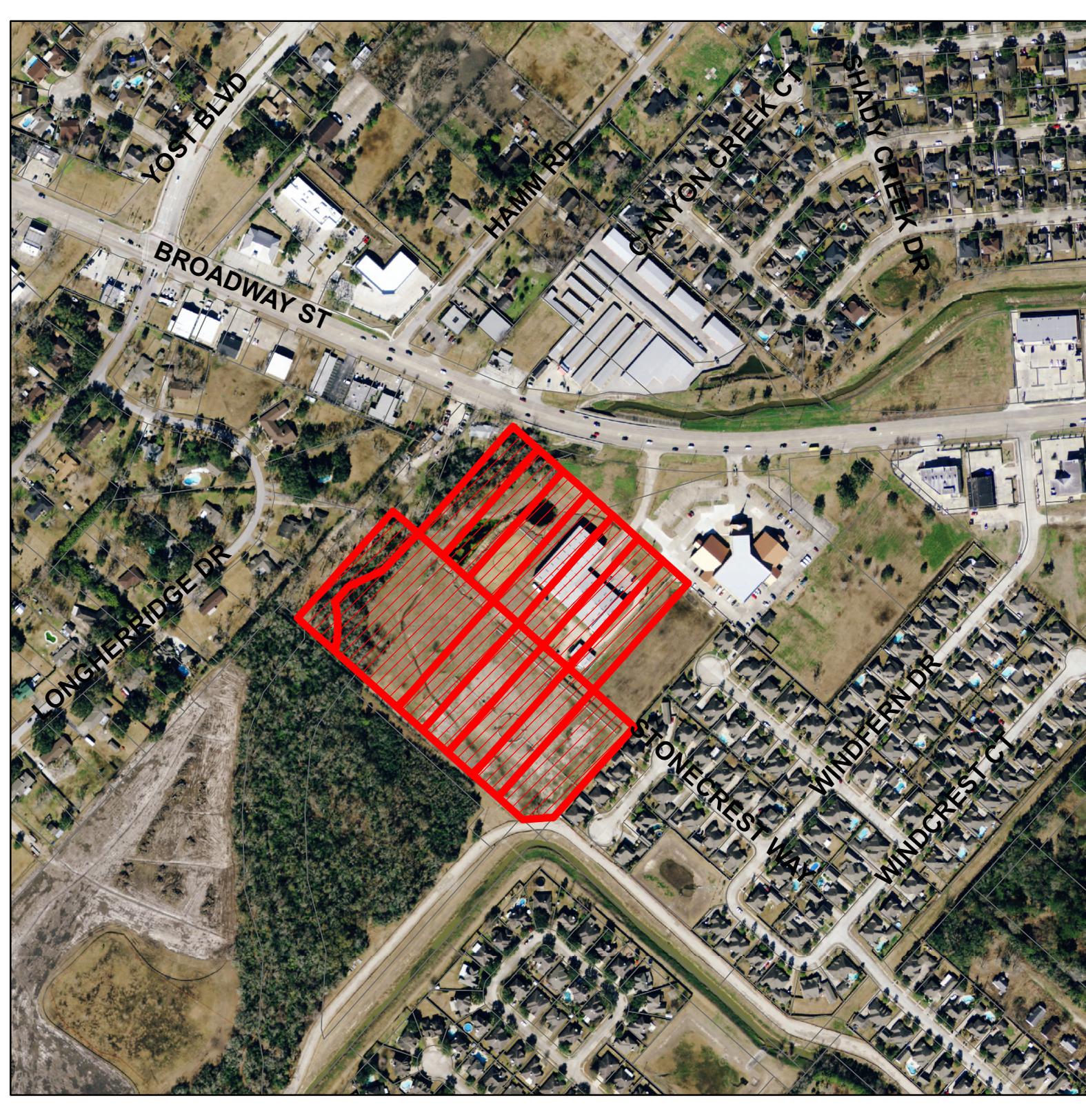
Aerial Map

Zone Change 2013-10Z

1908 Broadway

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0 125 250 500 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: R1 - w/ specific use permit

Proposed Zoning District: GB - w/ some specific use permit

Property Information:

Address or General Location of Property: 1908 E Broadway

Pearland, Tx 77581

Tax Account No. _____

Subdivision: Narregang Lot: _____ Block: _____

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

PROPERTY OWNER INFORMATION:

Lynn Almond

NAME Ray Area Equestrian Properties LP

ADDRESS 1908 E Broadway

CITY Pearland STATE Tx ZIP 77581

PHONE (713) 829-4512

FAX (281) 996-7875

E-MAIL ADDRESS ljalmond@comcast.net

APPLICANT/AGENT INFORMATION:

NAME Lynn Almond

ADDRESS 1908 E Broadway

CITY Pearland STATE Tx ZIP 77581

PHONE (713) 829-4512

FAX (281) 996-7875

E-MAIL ADDRESS ljalmond@comcast.net

*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: 5/16/13

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

OFFICE USE ONLY:

FEES PAID: <u>\$750.00</u>	DATE PAID: <u>5/17/13</u>	RECEIVED BY: <u>IC</u>	RECEIPT NUMBER: <u>232826</u>
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Application No. 2013-102



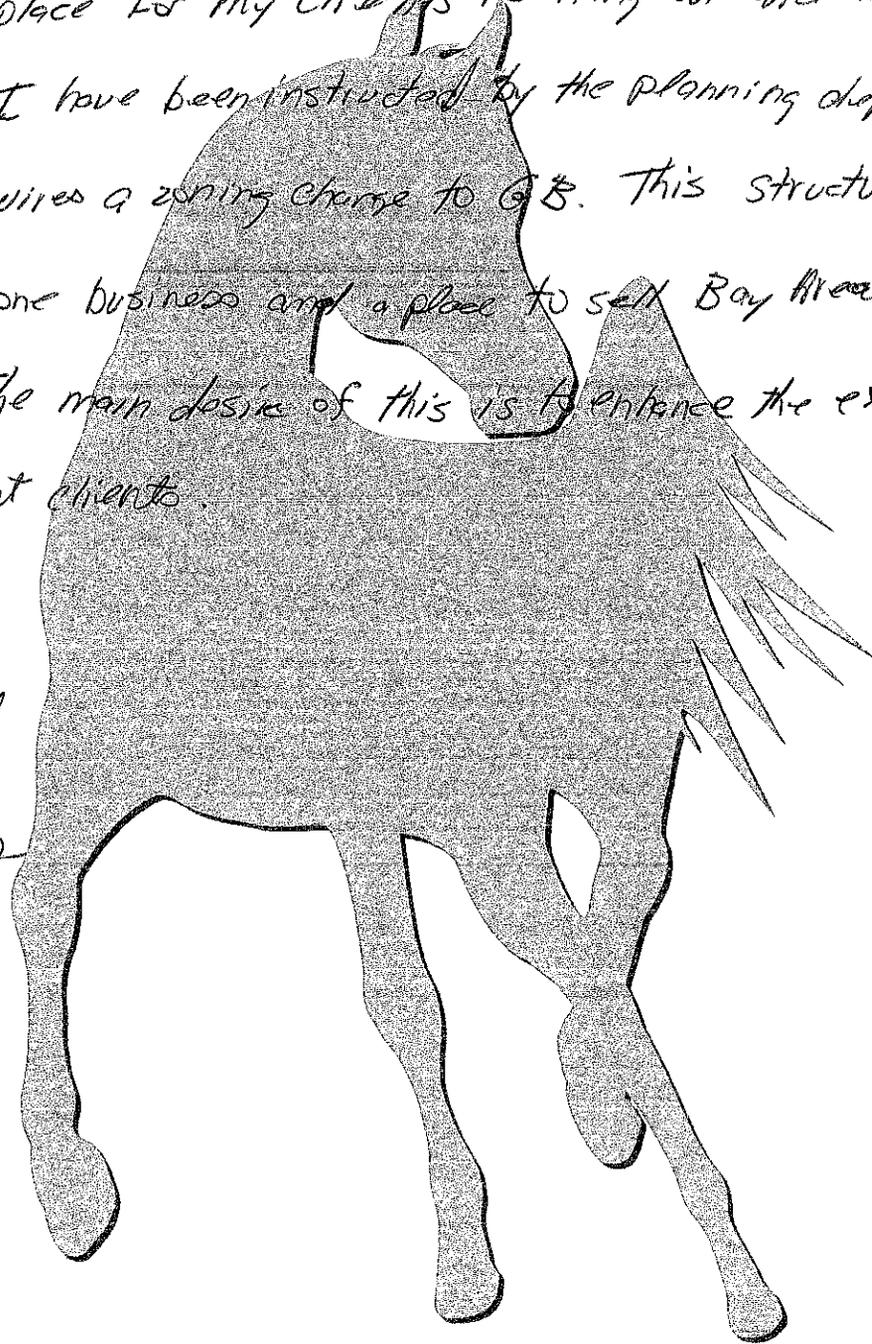
**BAY AREA
EQUESTRIAN CENTER**

1908 E Broadway Pearland, Texas 77581
(281) 996 - 1515

I have owned and operated the Bay Area Equestrian Center for the past 18 years. I desire to build a small structure and have a place for my clients to hang out and buy snowcones. I have been instructed by the Planning department that this requires a zoning change to G.B. This structure will house a snowcone business and a place to sell Bay Area shirts, hats, ect. The main desire of this is to enhance the experience of my current clients.

Lynn Almond

713-829-4512



ORDINANCE NO. 509-48

AN ORDINANCE OF THE CITY OF PEARLAND, TEXAS, AMENDING ORDINANCE NO. 509, THE LAND USE AND URBAN DEVELOPMENT ORDINANCE OF THE CITY OF PEARLAND, TEXAS, FOR THE PURPOSE OF GRANTING A SPECIFIC USE PERMIT TO ALLOW AN EQUESTRIAN CENTER (HORSE STABLES) AND OWNER'S HOME IN A GENERAL BUSINESS DISTRICT (GB) AND A SINGLE FAMILY DWELLING DISTRICT (R-1) (LOCATED PRIMARILY IN R-1) ON ACRES NUMBERS 31-22, 31-24, 31-25, 31-26, 31-27, 31-28, 31-29, 34, 35, 36, 37, 38, 39 IN THE NARREGANG SUBDIVISION (1920 E. BROADWAY) AT THE REQUEST OF LARRY AND LYNN HOWARD, AGENTS FOR MARCELLA ESTRELLA OWNER; PROVIDING FOR AN AMENDMENT TO THE LAND USE DISTRICT MAP; CONTAINING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AN EFFECTIVE DATE; AND OTHER PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, Larry and Lynn Howard, Agents for Marcella Estrella, Owner, filed on March 11, 1994, an application for a Specific Use Permit pursuant to Section 23 of Ordinance No. 509, the Land Use and Urban Development Ordinance of the City, for approval of a Specific Use Permit to allow an equestrian center upon a certain tract and parcel of land within the territorial limits of said City, such land being fully described in the original application for Specific Use Permit attached hereto and made a part hereof for all purposes as "Exhibit A;" and,

WHEREAS, on the 11th day of April, 1994, a joint public hearing was held before the Planning and Zoning Commission and the City Council of the City of Pearland, Texas, notice being given by publication in the official newspaper of the City, the affidavit of publication being attached hereto and made a part hereof for all purposes, as Exhibit "B", said call and notice being in strict conformity with provisions of Section 28.3 and 28.4 of Ordinance No. 509; and

WHEREAS, on the 12th day of April, 1994, the Planning and Zoning Commission of the City submitted its report and recommendation to the City Council regarding the proposed application of Larry and Lynn Howard, Agents, whereby the Commission recommended and approved the issuance of a Specific Use Permit to allow an equestrian center in a General Business District (GB) and a Single Family District (R-1) and

WHEREAS, upon receipt of the report from the Planning and

Zoning Commission, the City Council considered this application, and concurred with the recommendation of the Planning and Zoning Commission, at its meeting on April 25, 1994; and

WHEREAS, the City Council having fully heard the testimony and argument of all interested parties, having been fully advised in the premises, finds that in the case of the application of Larry and Lynn Howard, Agents, for a Specific Use Permit to allow an equestrian center in a General Business (GB) District and a Single Family District (R-1) facts were presented which, in the judgment of the City Council, would justify the approval of said application, now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

I.

There is hereby issued a Specific Use Permit to allow an equestrian center upon the property described in attached "Exhibit A".

II.

The issuance of said Specific Use Permit is made subject to the following terms and conditions, to-wit:

(1) Site shall be limited to 60 stalls, with a future 20 stall expansion (maximum of 5000 square feet).

(2) Horses on the premises shall be full board only (all care provided by BAEC).

(3) Most horses shall be kept in a stall overnight - pasture board limited to a maximum of 5 horses, barring natural disaster or acts of God.

(4) Facilities shall be equipped with an automated fly-spray system.

(5) Manure shall be stored in covered dumpster and removed twice per week.

(6) Paved driveway and parking shall be provided with allowance for future parking.

(7) No alcohol or smoking shall be allowed on the premises.

(8) Trailer storage shall be allowed only behind the front

building line.

(9) No occupied motor homes shall be allowed over night.

(10) Signage shall be located within the 60' access easement and shall comply with the Land Use and Urban Development Ordinance.

(11) Commercial development shall be confined to 500'x500' area as shown on "Exhibit C".

III.

The City Council of the City of Pearland finds and determines that the recitations in the preamble hereof are true and that all necessary prerequisites of law have been accomplished. The City Council further finds and determines that there has been compliance with the mandates of law in the posting and presentation of this matter to the Planning and Zoning Commission and to the City Council for consideration and decision.

IV.

The City Council of the City of Pearland finds and determines that the specific use permit granted herein promotes the health, safety, and general welfare of the public and is a proper valid exercise of the City's police powers.

V.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

VI.

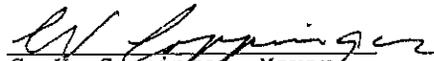
All rights and remedies which have accrued in the favor of the City under this Ordinance and its amendments thereto shall be and are preserved for the benefit of the City.

VII.

The City Secretary is hereby directed to cause to be prepared an amendment to the official Land Use District Map of the City, pursuant to the provisions of Section 2 of Ordinance No. 509, and consistent with the approval herein granted for the issuance of a

specific use permit.

PASSED, APPROVED, and ADOPTED on first reading this 25
day of April, A. D., 19 94.


C. V. Coppinger, Mayor

ATTEST:


Pat Jones, City Secretary

PASSED, APPROVED, and ADOPTED on second and final reading this
9 day of May, A. D., 19 94.


C. V. Coppinger, Mayor
David Smith, Mayor Pro Tem

ATTEST:


Pat Jones, City Secretary

APPROVED AS TO FORM:


Dick H. Gregg, Jr., City Attorney

"EXHIBIT A"

ZONING CHANGE APPLICATION

CHANGE REQUESTED:

Change in Zoning Classification

Specific Use in CB & R-1 Zone
(Primarily R-1)
For: EQUESTRIAN CENTER

From: _____

(HORSE STABLES) & OWNERS HOME

To : _____

Change in Regulations in
Section _____

PROPERTY IDENTIFICATION:

Street or Road Address: 1920 E Broadway

Lot _____, Block _____, Addition _____ Tax I.D.# _____

LEGAL DESCRIPTION:

Unplatted Land: (Must have survey & metes and bounds description) _____

Narrigang Sub. (Estrella Property) Acre #s 31-22, 31-23, 31-24
31-25, 31-26, 31-27, 31-28, 31-29, 34, 35, 36, 37, 38, 39, 40

PROPOSED USE OF LAND WITHIN REQUESTED DESIGNATION:

OPEN PASTURE LAND, COVERED RIDING ARENA, HORSE STABLES

WE WILL OFFER FULL-BOARD CARE OF HORSES AND RIDING LESSONS

RECORD OWNER: Marcella Estrella

OWNER'S MAILING ADDRESS & PHONE NO.: 1920 E. Broadway, Pearland
485-1950

AGENT'S NAME: LARRY & LYNN HOWARD NO. 992-5214

AGENT'S MAILING ADDRESS: 209 BRIGADOON FRIENDSWOOD TEXAS 77546

PETITION: As OWNER/AGENT, I hereby petition the City for approval of the above described request as provided by the laws of the State of Texas and Ordinances of the City of Pearland.

SIGNATURE: Marcella Estrella OWNER SIGNATURE: Larry Howard AGENT

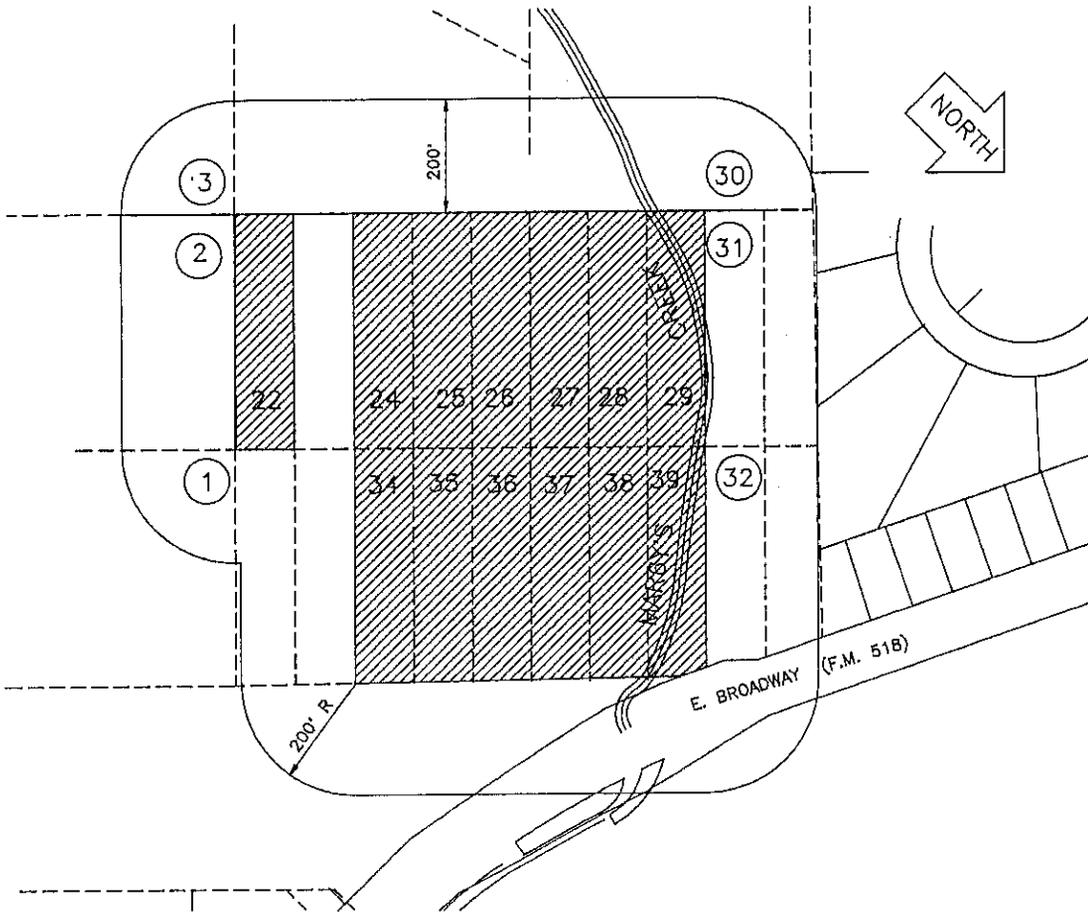
FEE: \$ 250⁰⁰ DATE PAID: 3/11/94 RECEIVED BY: K Canada

DATE FILED: 3/11/94 APPLICATION NO. SP-31

Receipt #85020

rec'd 3-17-94
City Secretary

"EXHIBIT A"



1380

"EXHIBIT B"

AFFIDAVIT OF PUBLICATION

Before me, the undersigned authority, on this day personally appeared GLORIA BOIKE, Business Manager for THE JOURNAL, a newspaper having general circulation in Brazoria County, Texas, who being by me duly sworn, deposes and says that the foregoing attached notice was published in said newspaper on the following date(s), to wit:

_____, 19 94
_____, 19 ____
_____, 19 ____
_____, 19 ____

Gloria Boike
BUSINESS MANAGER

Subscribed and sworn to this 25th day of March

19 94

NOTICE OF A JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS

Notice is hereby given that on the 11th day of April, 1994, at 7:00 P.M., the City Council and Planning and Zoning Commission of the City of Pearland, will conduct a Joint Public Hearing in the Council Chambers, City Hall (3519 Liberty Drive, Pearland, Texas) on the request of Larry and Lynn Howard, Agents for Marcelle Estrel, Owner, for a Specific Use Permit in a General Business District (GB) and a Single Family Dwelling District (R-1) (located primarily in R-1) to allow an equestrian center (horse stables) and owner's home on the following described property, to-wit:

Acres #'s: 31-22, 31-23, 31-24, 31-25, 31-26, 31-27, 31-28, 31-29, 34, 35, 36, 37, 38, 39, 40 of the Narregang Subdivision (1920 E. Broadway)

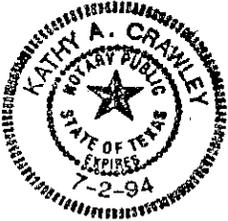
At said hearing all interested parties shall have the right and opportunity to appear and be heard on the subject.

Sincerely yours,
Pat Jones
City Secretary

Kathy A. Crawley

NOTARY PUBLIC
STATE OF TEXAS

(SEAL)



**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, conditional use permit (CUP), variance, or special exception (SE) shall be required to erect and maintain a sign(s), to be inspected by the City upon the property for which a variance, zoning change, CUP, or SE has been requested.

Signs(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

John Alford

*Signs must be professionally made; handwritten signs are not allowed.

*Signs must be freestanding and cannot be attached to a tree, fence, or building.

CITY OF PEARLAND
R E P R I N T

*** CUSTOMER RECEIPT ***

Oper: AGONZALES Type: OC Drawer: 1
Date: 5/17/13 01 Receipt no: 232826

Description	Quantity	Amount
RA BOARD OF ADJUSTMENTS	1.00	6750.00
Trans number:		4088858

ZONE CHANGE 2013-102
END-CONE GB
RAY AREA EQUESTRIAN CENTER

Tender detail		
CK CHECK	3007	6750.00
Total tendered		6750.00
Total payment		6750.00

Trans date: 5/17/13 Time: 9:08:14

**P&Z AGENDA
ITEM**

C

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JUNE 17, 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. 2013-11Z

A request of Chris Lynch of Gehan Homes, LP, applicant, on behalf of T & B Alexander Family Ltd. Partnership, owner, for approval of a zone change from the General Commercial (GC) zone to the Single Family Residential (R-1) zone on the following described property, to wit:

Legal Description: Being a 19.4462 acre tract of land located in the H.T.&B.R.R. Co. Survey, section 1, Abstract No. 233 and the D.H.H. Hunter Survey, Abstract No. 76, Brazoria County, Texas, being a part of Lot 42, Zychlinski Subdivision, a map or plat of which is recorded in Volume 29 on Page 43, and the remainder of Lot 4, Walcotts Pearland Subdivision, a map or plat of which is recorded in Volume 35 on Page 241, also being all or part of the certain 11.291 acre tract and 58.723 acre tract conveyed by the Estate of Anten Halik to A. Guy Crouch, Jr. per deed dated December 15, 1972 and recorded in Volume 1143 on page 854, all referenced deeds and maps are recorded in the Deed Records of Brazoria County, Texas.

General Location: Old Alvin Rd approximately 500 feet south of McHard Rd.

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 JUNE 17, 2013

Zone Change No. 2013-11Z

A request of Chris Lynch of Gehan Homes, LP, applicant, on behalf of T & B Alexander Family Ltd. Partnership, owner, for approval of a zone change from the General Commercial (GC) zone to the Single Family Residential (R-1) zone, to wit:

Legal Description: Being a 19.4462 acre tract of land located in the H.T.&B.R.R. Co. Survey, section 1, Abstract No. 233 and the D.H.H. Hunter Survey, Abstract No. 76, Brazoria County, Texas, being a part of Lot 42, Zychlinski Subdivision, a map or plat of which is recorded in Volume 29 on Page 43, and the remainder of Lot 4, Walcotts Pearland Subdivision, a map or plat of which is recorded in Volume 35 on Page 241, also being all or part of the certain 11.291 acre tract and 58.723 acre tract conveyed by the Estate of Anten Halik to A. Guy Crouch, Jr. per deed dated December 15, 1972 and recorded in Volume 1143 on page 854, all referenced deeds and maps are recorded in the Deed Records of Brazoria County, Texas.

General Location: Old Alvin Rd approximately 500 feet south of McHard Rd.

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

Planning and Zoning Commission:	June 17, 2013*
City Council for First Reading:	July 8, 2013*
City Council for Second Reading:	July 22, 2013*

(*dates subject to change)

SUMMARY: Chris Lynch of Gehan Homes, LP, applicant, on behalf of T & B Alexander Family Ltd. Partnership, owner, for approval of a zone change from the General Commercial (GC) zone to the Single Family Residential (R-1) zone for the above referenced location. If approved, this zone change will allow the applicant to develop a single family subdivision on 19.4 acres of vacant property.

The site is currently vacant and the applicant has applied for a proposed cluster plan that will consist of 56 single family lots with 3 acres of open space with amenities consisting of parks, gazebos, trails, and playgrounds. The Cluster Development Plan is being proposed concurrently with this zone change request.

SURROUNDING ZONING AND LAND USES:

	Zoning	Land Use
North	General Commercial (GC)	Vacant
South	Multi Family (MF)	Apartment Complex
East	Planned Development (PD)	Lakes of Highland Glen
West	General Commercial (GC)	Vacant/Water Tank

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

	<u>R-1</u>	<u>GC</u>	<u>Existing Site</u>
Lot Size:	8,800 sq ft	22,500 sq ft	19.4 acres
Lot Width:	80'	150'	600
Lot Depth:	90'	125'	1350'
Front Setback:	25'	25'	n/a
Rear Setback:	20'	20'	n/a
Side Setback:	7.5'	10'	n/a

In addition to these requirements, the site will be required to be in full compliance with all other development requirements of the Unified Development Code (UDC).

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

SITE HISTORY: The property was annexed into the city in 1960 and is currently vacant.

CONFORMANCE WITH THE COMPREHENSIVE PLAN: The current Comprehensive Plan (latest update in 2009) indicates a split between *Offices* and *High Density Residential* for the subject property. The Comprehensive Plan further indicates that R-1 would not be an appropriate zoning district for *Offices* and *High Density Residential*. The property's current zoning of GC is not considered an appropriate zoning district for the *Offices* and *High 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 with the approval of the zone change and cluster plan for a residential subdivision north of McHard, and with the proximity to the elementary school at the

southeast corner of McHard and Old Alvin, this site lends itself more towards residential use as opposed to commercial.

CONFORMANCE WITH THE THOROUGHFARE PLAN: The subject property has frontage on Old Alvin, 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 adjacent to an existing apartment complex and across the street from an elementary school and existing residential subdivision. Though it is not in conformance with the future land use plan, it is believed that this proposed use would be a good fit for the surrounding 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. As previously mentioned, a Cluster Development Plan has been submitted and is currently under review.

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 2013-11Z as proposed by the applicant for the following reasons:

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



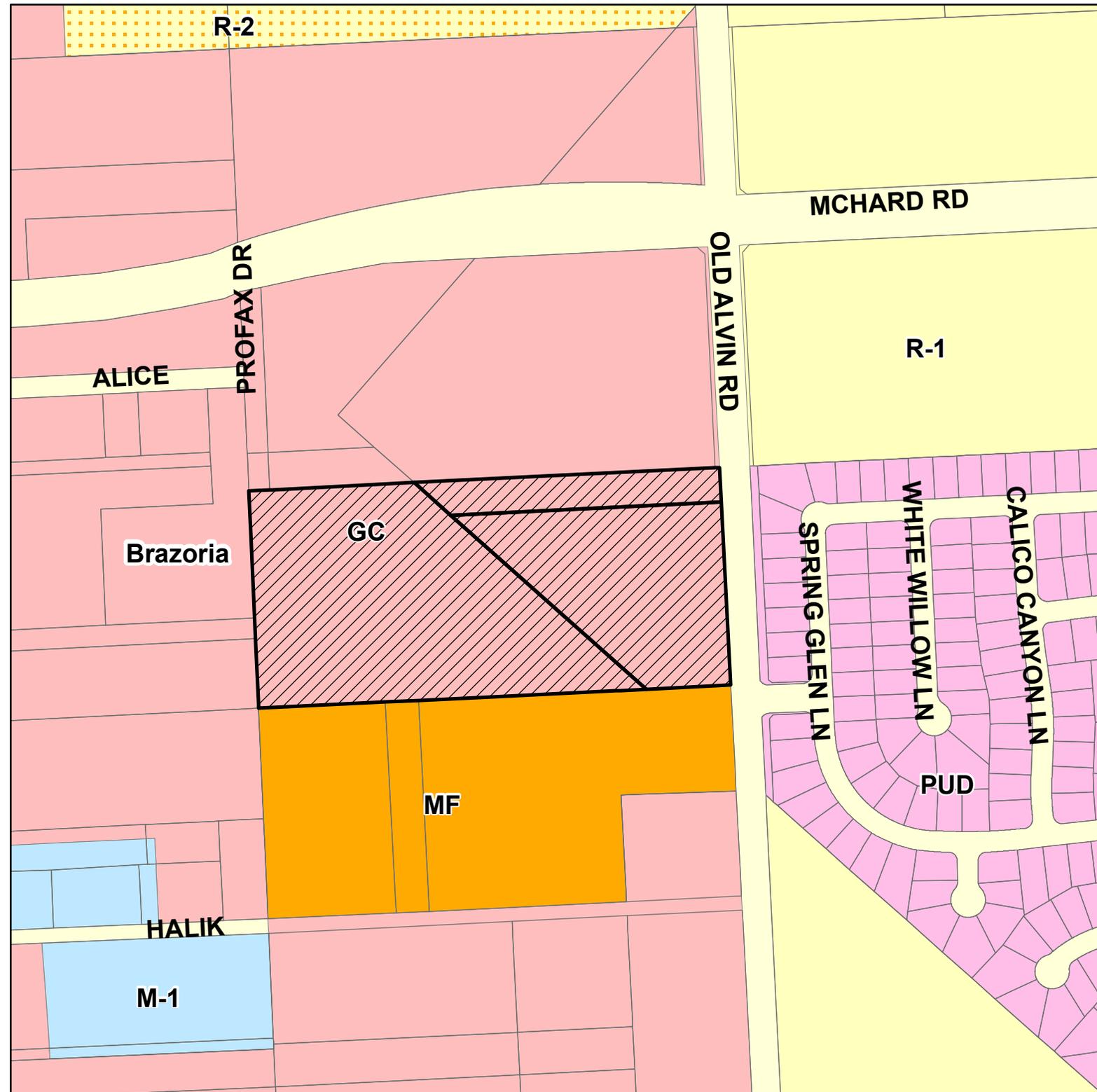
Zoning and Vicinity Map

Zone Change 2013-11Z

Old Alvin Rd.
500 ft. south of McHard

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.

0 125 250 500 Feet





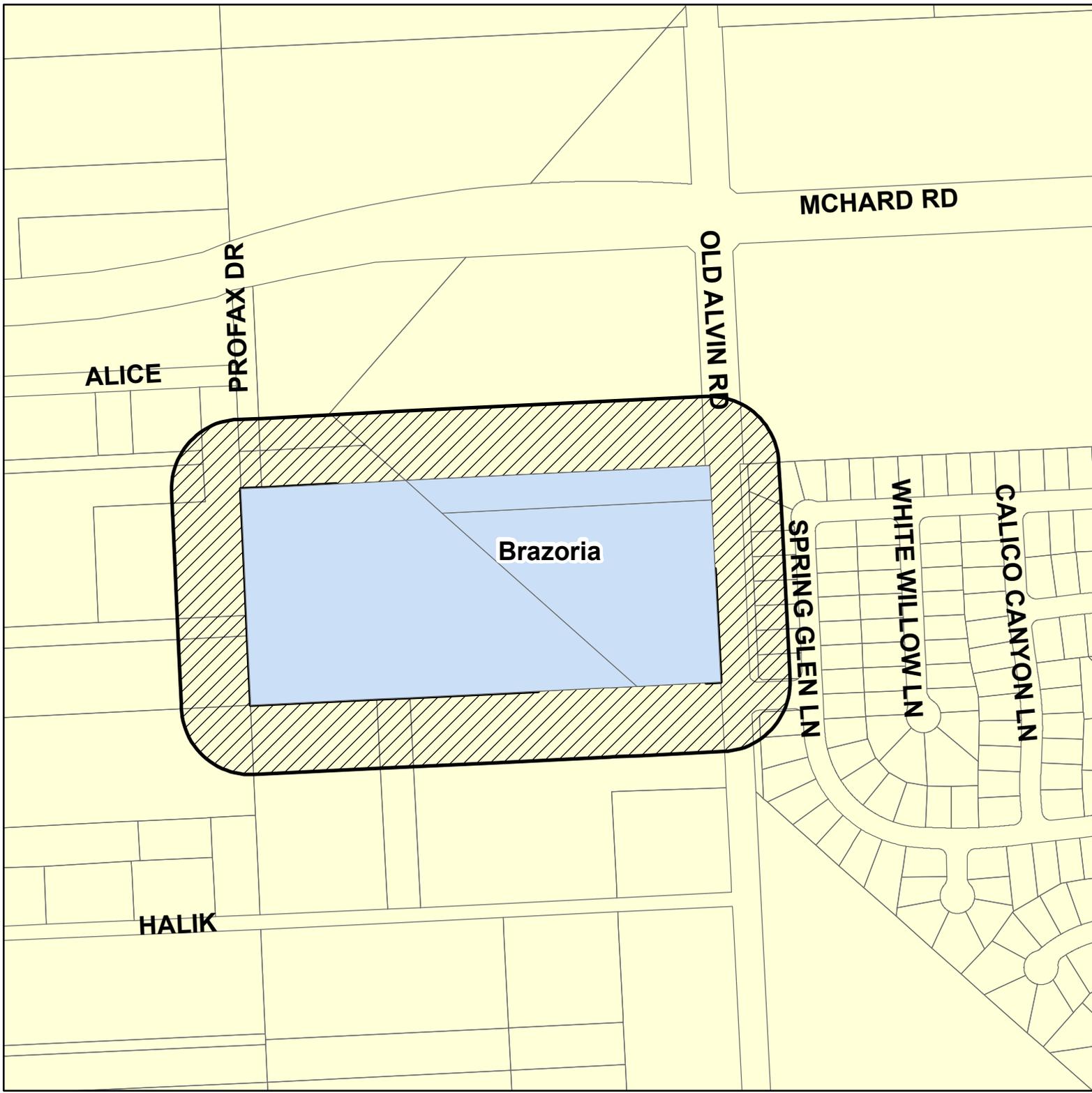
Abutter Map

Zone Change 2013-11Z

**Old Alvin Rd.
500 ft. south of McHard**

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.

0 125 250 500 Feet



Zone Change 2013-11Z

Old Alvin 500 ft. south of McHard - GC to R-1

Name	Address	City	State	Zip
KOZA INTERESTS LTD & ALVAREZ INTERESTS LTD & RICHARD ASHLEY	1603 N MAIN ST	PEARLAND	TX	77581-2803
ASSOCIATED PROPERTIES INC	PO BOX 898	PEARLAND	TX	77588-0898
ALEXANDER T & B FAMILY LTD PRTNSHP	2411 PARK AVE	PEARLAND	TX	77581-4233
168 OAKBRIDGE LLC	1710 OLD ALVIN RD	PEARLAND	TX	77581-3007
MKH PROPERTIES CO LTD	4505 WASATCH BLVD	SALT LAKE CTY	UT	84124-4709
LAKES AT HIGHLAND GLEN COMMUNITY ASSOC INC	PO BOX 218844	HOUSTON	TX	77218-8844
ROBINSON JARED SETH & BETH J	1702 SPRING GLEN LN	PEARLAND	TX	77581-5589
ELICERIO OSIEL A	1711 N AVENUE M	FREEPORT	TX	77541-3619
RAJU PALIVELA P TRUSTEE	12121 RICHMOND AVE STE 220	HOUSTON	TX	77092



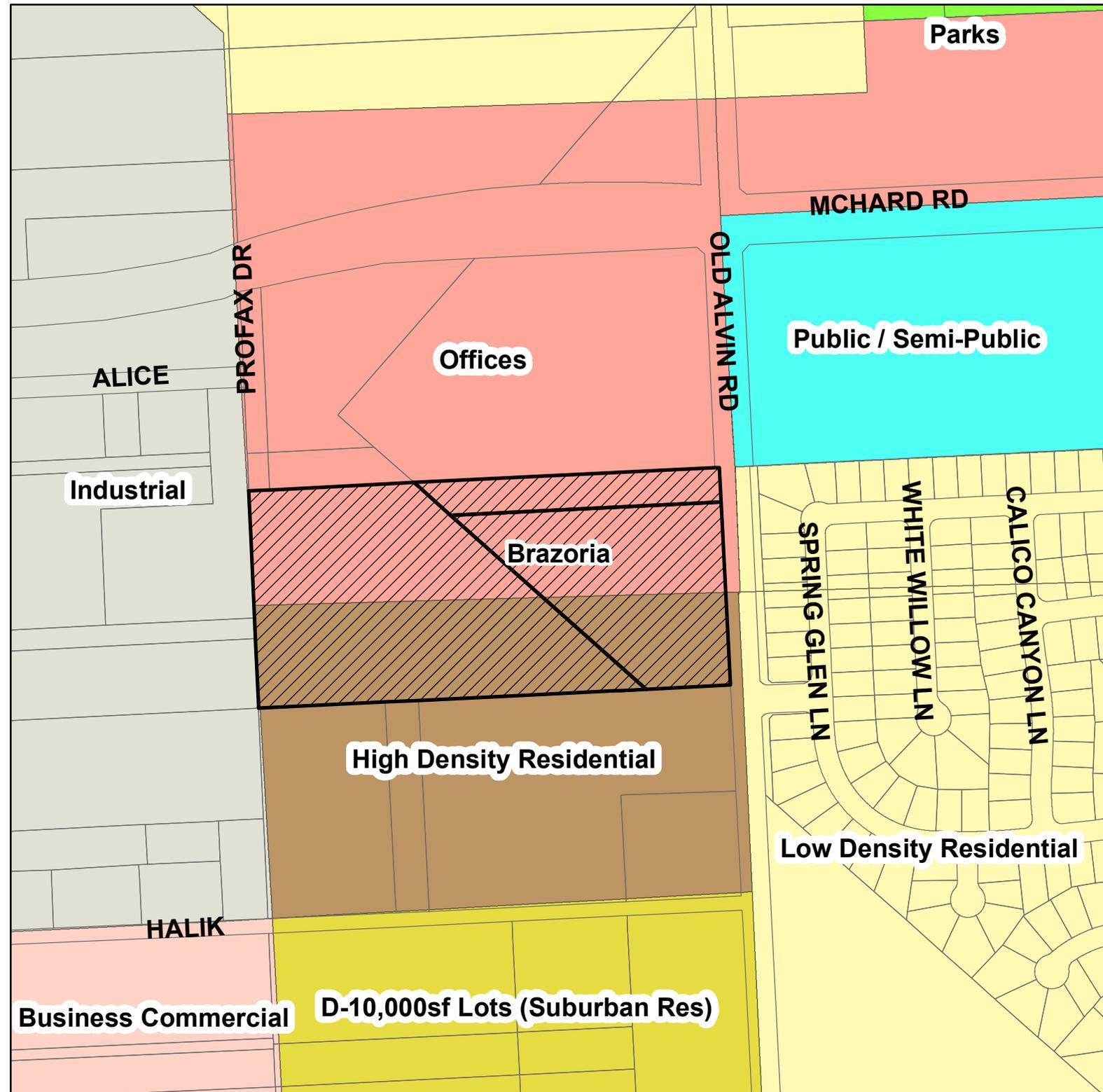
FLUP Map

Zone Change 2013-11Z

Old Alvin Rd.
500 ft. south of McHard

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.

0 125 250 500 Feet





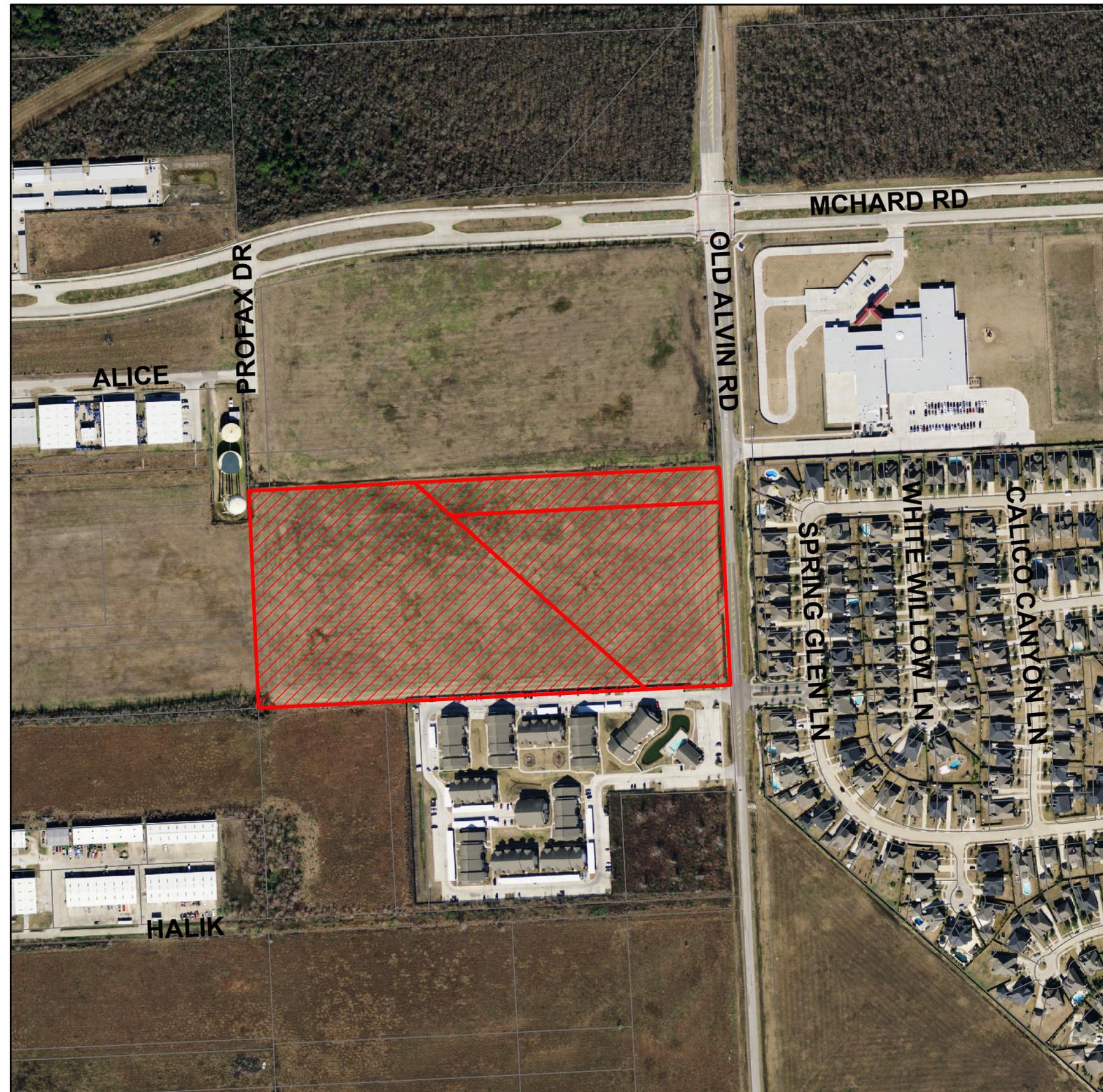
Aerial Map

Zone Change 2013-11Z

**Old Alvin Rd.
500 ft. south of McHard**

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.

0 125 250 500 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: GC - General Commercial

Proposed Zoning District: R-1 - Single Family

Property Information:

Address or General Location of Property: 19.4 Acres - West side of Old Alvin Rd.
- North of Oakbridge Apts.

Tax Account No. Property ID: 156055 & 165766

Subdivision: Zychlinski Subdivision Lot: Part of Lot 42
Walcott's Pearland Subdivision Lot: Remainder of Lot 4 Block: _____

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

PROPERTY OWNER INFORMATION:

APPLICANT/AGENT INFORMATION:

NAME T & B Alexander Family Ltd. Partnership
Thomas P. Alexander, Jr.
ADDRESS 2411 S. Park
CITY Pearland STATE TX ZIP 77581
PHONE (281) 485-2455
FAX () _____
E-MAIL ADDRESS tompa58121@aol.com

NAME Grehan Homes - Chris Lynch
ADDRESS 38175 Capital of Texas Hwy #275
CITY Austin STATE TX ZIP 78706
PHONE (512) 330-9366 X4210
FAX () _____
E-MAIL ADDRESS clynch@grehanhomes.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: Thomas P. Alexander Date: 5/10/13
Managing Partner

Agent's/Applicant's Signature: [Signature] Date: 5/10/13
Director of Land Development

OFFICE USE ONLY:

FEES PAID: <u>1175</u>	DATE PAID: <u>5/20/13</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>233076</u>
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Application No. 2013-192

Harold Ellis
City Planner
City of Pearland
3519 Liberty Drive
Pearland TX 77581

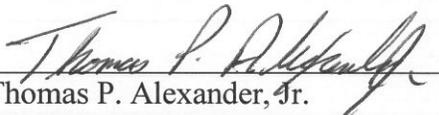
RE: Authorization to file applications

Mr. Ellis:

I hereby assign Gehan Homes as agent on behalf of T&B Alexander Family Limited Partnership for the sole purpose of representing T&B Alexander Family Limited Partnership in its zoning and cluster plan applications for approximately 19.4 acres on Old Alvin Road. This representation as agent is only for this transaction and would not be for any other use. This authorization as agent does not include the power to bind T&B Alexander Family Limited Partnership to any liability or payment obligation.

Please contact me if you have any questions.

Sincerely,


Thomas P. Alexander, Jr.
Managing Partner
T&B Alexander Family Limited Partnership
2411 S. Park
Pearland TX 77581

5/18/13
Date

96-044930

5

WARRANTY DEED**Date:** December 18, 1996**Grantors:** Thomas P. Alexander and Bettye M. Alexander**Grantors' Mailing Address (including county):**

2411 South Park
Pearland, Brazoria County, Texas 77581

Grantee: T. & B. Alexander Family Ltd. Partnership,
a limited partnership organized under the laws of the state of Texas**Grantee's Mailing Address (including county):**

2411 South Park
Pearland, Brazoria County, Texas 77581

Consideration: Ten Dollars (\$10.00) and other valuable consideration to the undersigned paid by the Grantee herein named, the receipt of which is hereby acknowledged.**Property (including any improvements):**

All that certain 19.4462 acre tract of land located in the H.T. & B. R.R. Co. Survey, Section 1, Abstract No. 233, and the D.H.M. Hunter Survey, Abstract No. 76, Brazoria County, Texas, being a part of Lot 42, Zychlinski Subdivision, a map or plat of which is recorded in Volume 29 on Page 43, and the remainder of Lot 4, Walcott's Pearland Subdivision, a map or plat of which is recorded in Volume 35 on Page 241, Deed Records of Brazoria County, Texas; said tract being more particularly described in field notes prepared by Harold B. Fisher, Registered Public Surveyor, attached hereto and incorporated herein, consisting of one page and designated Exhibit "A" to Deed from Thomas P. Alexander and Bettye M. Alexander to T. & B. Alexander Family Ltd. Partnership.

Reservations from and Exceptions to Conveyance and Warranty:

All valid covenants, restrictions, reservations, easements, rights-of-way, mineral severances and mineral lease, assessment and charge obligations, and continuing liens securing the payment of such assessment and charge obligations as are recorded in the public records of Brazoria County, Texas and are applicable to, enforceable against, and affecting the property, and further,

All of the oil, gas and other minerals in, on and under said land, have heretofore been granted, conveyed, assigned and delivered to the ten children of C. H. Alexander and Helen F. Alexander, in equal shares, by mineral deed dated April 15, 1980, recorded in Volume 1519, Pages 168-180, Deed Records, Brazoria County, Texas. This conveyance is made subject to the terms and provisions of said prior mineral conveyance, and there is hereby expressly granted and conveyed to Grantee, Grantee's heirs, devisees, personal representatives and assigns, the right and power to approve or disapprove the terms and provisions pertaining to surface use under any oil, gas or other mineral lease hereafter granted by any of the children of C. H. Alexander and Helen F. Alexander or their respective heirs, devisees, personal representatives or assigns covering the oil, gas or other minerals in, on and under the herein conveyed land, and the right and power to prohibit or waive any use of the surface of said land for exploration or development or production of the oil, gas or other minerals in, on or under such land; which provisions are and shall be covenants running with the land.

Grantors, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grant, sell, and convey to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantors bind Grantors and Grantors' heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

When the context requires, singular nouns and pronouns include the plural.

EXECUTED on the date above first written.

By: *Thomas P. Alexander*
Thomas P. Alexander, Grantor

By: *Bettye M. Alexander*
Bettye M. Alexander, Grantor

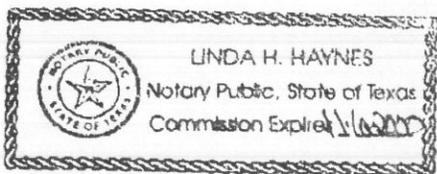
(ACKNOWLEDGMENT)

STATE OF TEXAS

COUNTY OF Brazoria

This instrument was acknowledged before me on the 18th day of December, 1999
by Thomas P. Alexander and Bettye M. Alexander.

Linda H. Haynes
Notary Public in and for
The State of TEXAS



After Recording Return To:
Thomas P. Alexander
2411 South Park
Pearland, TX 77581

Prepared in the Law Office of:
Michael D. Martin
7 Switchbud Place, Suite 192-251
The Woodlands, TX 77380

All of that certain 19.4462 acre tract of land located in the H.T. & B.R.R. Co. Survey, Section 1, Abstract No. 233, and the D.H.H. Hunter Survey, Abstract No. 76, Brazoria County, Texas, being a part of Lot 42, Zychlinski Subdivision, a map or plat of which is recorded in Volume 29 on Page 43, and the remainder of Lot 4, Walcott's Pearlond Subdivision, a map or plat of which is recorded in Volume 35 on Page 241, also being all or part of that certain 11.291 acre tract and 58.723 acre tract conveyed by the Estate of Anton Malik to A. Guy Crouch, Jr. per deed dated December 15, 1972 and recorded in Volume 1143 on Page 854, all referenced deeds and maps are recorded in the Deed Records of Brazoria County, Texas, said 19.4462 acre tract of land being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a 3/4 inch iron rod found for the northwest corner of the said 11.291 acre tract of land and the northwest corner of the herein described tract, said 3/4 inch iron rod is also located South 00 deg. 03 min. 28 sec. East, 108.12 feet from a 1 inch iron pipe found at the southeast corner of a water plant site for the common occupied corner of Lots 42, 48, 52 and 57, Zychlinski Subdivision;

THENCE North 89 deg. 47 min. 02 sec. East, along and with the north line of the said 11.291 acre tract and the said 58.723 acre tract, at 455.13 feet pass the common north corner of the said 11.291 acre tract and the 58.723 acre tract, same being the northwest corner of Lot 4, in all a total distance of 1337.00 feet to a 1/2 inch iron rod set in the west right-of-way line of Old Alvin Road, a public road 80.00 feet wide, as described in that certain instrument dated August 22, 1979 and recorded in Volume 1475 on Page 845 of the Deed Records of Brazoria County, Texas, for the northeast corner of the herein described tract;

THENCE South 00 deg. 05 min. 26 sec. East, along and with the said west right-of-way line of Old Alvin Road, a total distance of 633.48 feet to a 1/2 inch iron rod set in the dividing line between the said Lot 4 and Lot 5, for the southeast corner of the herein described tract;

THENCE South 89 deg. 47 min. 02 sec. West, along and with the south line of the said 58.723 acre tract and the said 11.291 acre tract, same being the south line of Lot 4 and the westerly projection thereof, at 234.18 feet pass the common south corner of the 58.723 acre tract and the 11.291 acre tract, in all a total distance of 1337.36 feet to a 1/2 inch iron pipe set in concrete found in the west line of Lot 42 for the common east corner of Lots 43 and 48, the southwest corner of the 11.291 acre tract and the southwest corner of the herein described tract;

THENCE North 00 deg. 03 min. 28 sec. West, along and with the dividing line between Lots 42 and 48, a total distance of 633.48 feet to the PLACE OF BEGINNING and containing 19.4462 acres of land.

Harold B. Fisher
 Harold B. Fisher
 Registered Public Surveyor No. 558

Exhibit "A"
 Deed from Thomas P. Alexander and Bettye M. Alexander
 to T. & B. Alexander Family Ltd. Partnership

55 DEC 19 PM 3:23

THE STATE OF TEXAS
 COUNTY OF BRAZORIA

I, DOLLY BAILEY, Clerk of the County Court in and for Brazoria County, Texas, do hereby certify that this instrument was FILED FOR RECORD and RECORDED in the OFFICIAL RECORD at the time and date as stamped hereon by me.



Dolly Bailey

Zoning Letter of Intent

19.4462 Acres

West side of Old Alvin Road – West of Highland Glen Subdivision/North of Oakbridge Apartments

Intent:

The owner of the property desires to sell the property to a homebuilder for construction of a residential subdivision. The property is currently zoned GC (General Commercial); the property has been owned by the same family for over 25 years. The property has been actively marketed since 1996 at commercial pricing with no interest received. After the pricing was reduced to residential levels, interest in the property increased substantially. The owner desires to rezone the property to R1 (single family residential)

Concurrent with this rezoning request, the owner has submitted a cluster plan application. The cluster plan reflects a nominal lot size of 6,600 square feet and provides a minimum of 2,200 square feet per lot of open space within the subdivision and a variety of amenity enhancements.

Justification/Support:

The property is currently zoned GC, but has never been marketable at commercial sales prices. The property is located diagonally across Old Alvin Road from Cockrell Elementary School, so single family residential uses on the property are an ideal companion to this neighborhood school. Further, the future land use plan depicts this property as multi-family (southern half) and offices (northern half).

Rezoning of this property is consistent with the vision and goals of both the 1999 comprehensive plan and the 2004 comprehensive plan update as described below.

Page 6 of the **2004 comprehensive plan update** states:

“...it is recommended that the City rezone existing undeveloped parcels that are zoned multiple-family to either a single-family zoning district or a nonresidential zoning district, depending on location.”

As stated previously, a portion of the property is depicted as multi-family, so it is consistent with the goals of the city to rezone this property away from multi-family uses.

Further, the **2004 comprehensive plan update** anticipates that zoning requests different from the future land use plan may be received and offers the following guidance on page 47 of that document:

DEVIATIONS FROM THE PLAN UPDATE

At times, the City will likely encounter development proposals that do not directly reflect the purpose and intent of this 2004 Comprehensive Plan Update. Review of such development proposals should include the following considerations:

- Will the proposed development enhance the City economically?*
- Will the proposed development enhance the City aesthetically?*
- Is the proposed development consistent with the City's vision, goals, and/or objectives?*

- *Is the proposed development a better use of land/property, both for the owner/developer and the City, than that recommended by the Plan?*
- *Will the proposed development impact adjacent residential areas in a positive or negative manner?*
- *Will the proposed development have adequate access – have considerations been made for roadway capacity, ingress and egress, traffic impact?*
- *Are uses adjacent to the proposed development similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility?*
- *Does the proposed development present a significant benefit to the public health, safety and welfare of the community?*

Development proposals that are inconsistent with the Plan or that do not meet its general intent should be reviewed based upon the above questions. Such proposals should also be evaluated on their individual merit, on a case-by-case basis. It is important to note that it should be incumbent upon the applicant to provide evidence as to how the proposed development addresses the aforementioned questions.

It is also important to recognize that proposals contrary to the Plan could be an improvement over what is recommended within the Plan. This may be due to changing market, development, and/or economic trends that occur at some point in the future after this Plan Update is adopted. If such changes occur, and especially if there is a significant benefit to the City of Pearland, then these proposals should be approved, and the Plan should be amended accordingly.

In response to this guidance, we offer the following responses to the eight questions posed above:

1. Will the proposed development enhance the City economically?

The property currently has an Ag exemption and is assessed at a total value of \$9,730, and generates \$68.61 annually in property taxes at the current city property tax rate (combined general fund and debt service). At an average value of \$ 250,000 the proposed homes will be valued collectively at approximately \$14,000,000 and generate just under \$100,000 in annual property taxes. The residents will also contribute utility revenues, franchise fees, and, during construction, building permit fees and impact fees will be generated. Using a commonly accepted metric for sales tax generation in the community by the residents, results in an annual projection of \$23,000 in new sales taxes to the city from residents of the proposed homes

2. Will the proposed development enhance the City aesthetically?

Existing subdivisions in this vicinity are high-quality and well maintained. The proposed residential uses will be a more positive influence on the character of the immediate neighborhoods than would be additional multi-family, office, or commercial uses.

The main entrance will be aligned with a central neighborhood open space axis creating an appealing visual extending to the depth of the property. Homes will be set back approximately 100 feet from Old Alvin Road preserving the sense of open space that exists along the corridor. Homes with rear yards facing Old Alvin Road will have an upgraded wood fence matching the

level of quality across Old Alvin Road in Highland Glen. Other Internal aesthetic considerations are outlined in the cluster plan application.

3. Is the proposed development consistent with the City's vision, goals, and/or objectives?

This rezoning along with the accompanying cluster plan application directly supports the **vision** of the community as stated on page 2.3 of the **1999 Comprehensive Plan**, which reads in part:

“Pearland, Texas is identified as one of the most livable places in the United States in 2020.....The community boasts of one of the highest per capita incomes in the state. The community provides a wide range of attractive and affordable housing in some of America's best planned neighborhoods. These developments offer many recreational amenities which blend in aesthetically with the environment and are conveniently accessible by a modern thoroughfare plan.”

Additionally, development of this property as proposed furthers **Intermediate Goal No. 3: Attractive and Affordable Housing**, as stated on page 2.5 of the **1999 comprehensive plan**.

The property is diagonally adjacent to an elementary school. Single family residential uses for this property are much more compatible with the school than would be commercial or office uses. It is simply empirically sensible that the qualities and benefits of neighborhood elementary schools can be maximized by locating residential uses in proximity to the school.

The property at the southwest corner of McHard and Old Alvin Roads is in separate ownership and would not be affected by this zone change. Preservation of the corner of commercial/office uses would be consistent with the **1999 comprehensive plan** goals of encouraging such development at corner nodes as supposed to strip development along thoroughfares and collectors.

4. Is the proposed development a better use of land/property, both for the owner/developer and the City, than that recommended by the Plan?

As stated previously, the property has not been marketable at commercial pricing under the current GC zoning since at least 1996, a period of tremendous growth and development within the city. The property has never been developed and is currently in agricultural use. The future land use plan depicts the southern half of the property as “multi-family” so the proposed residential uses will be more beneficial for the city, the school district, and the adjacent residential properties.

The future land use plan depicts the northern half of the property as “offices”. Office uses are more conducive to locations on major thoroughfares, not on collector streets such as Old Alvin Road. Additionally, the property is directly west of an existing residential subdivision and directly southwest from an elementary school, so residential uses are more suited for this property than would be office uses.

There are numerous vacant parcels on major thoroughfares with superior locations in commercial areas that are more suitable for office and general commercial uses. Those parcels are better situated than this property for likely development as office or general commercial

uses in the foreseeable future. It is unlikely that the demographics of the city will support development of all the vacant commercial properties on SH 35 and Pearland Parkway that are available; therefore, inferiorly located properties such as the subject are less likely to develop with quality uses.

5. Will the proposed development impact adjacent residential areas in a positive or negative manner?

The proposed single family residential use will be positive for the adjacent residential area. General commercial, Multi-family, or offices would each have a larger noise and traffic impact on the existing adjacent residential uses.

6. Will the proposed development have adequate access – have considerations been made for roadway capacity, ingress and egress, traffic impact?

Due to the configuration of the property, a maximum of one access point is allowed to Old Alvin Road. Subject to final city approval, the subdivision will have emergency-only access to the city's water plant access road at Profax Drive at the northwest corner of the tract. A single family residential neighborhood will generate less traffic than commercial, office, or multi-family uses.

7. Are uses adjacent to the proposed development similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility?

The proposed single family use is compatible with the existing Highland Glen subdivision and elementary school to the east of the property and the existing multi-family uses to the south. The property to the north is depicted as offices on the future land plan and will be compatible with appropriate buffering. The property to the west is the city's Alice Road water facility, which will not be impacted by residential single family residential use on this property.

8. Does the proposed development present a significant benefit to the public health, safety and welfare of the community?

As mentioned previously, this property is adjacent to an existing elementary school. Single family residential uses within walking distance of an elementary school is an ideal benefit to the health, safety, and welfare of the community, and is, in fact, more appropriate for this tract than would be office or general commercial uses.

Summary

This rezoning request supports good neighborhood planning principles and is:

- Consistent with the vision and goals of the 1999 comprehensive plan
- Conforms to the guidelines of the 2004 comprehensive plan update
- Will not be detrimental to any surrounding uses
- Is more compatible with the existing residential uses than would be any allowed or proposed multi-family, office, or general commercial uses
- Compatible with and enhances the existing adjacent elementary school

TAX CERTIFICATE



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

Issued To:
GROMAX DEVELOPMENT
4201 W. BROADWAY
PEARLAND, TX 77581

Legal Description:
A0233 H T & B R R (PEARLAND), TRACT
42A, ACRES 11.290

Fiduciary Number: 1474828

Parcel Address: OLD ALVIN RD

Legal Acres: 11.2900

> - -
Account Number: 0233-0019-000
Certificate No: 216208562
Certificate Fee: \$10.00

Print Date: 05/13/2013
Paid Date: 05/13/2013
Issue Date: 05/13/2013
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:

OPEN SPACE 1-D-1

Certified Owner:

ALEXANDER T & B FAMILY LTD PRTNSHP
2411 PARK AVE
PEARLAND, TX 77581-4233

2012 Value: 112,900
2012 Levy: \$156.30
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

Certified Tax Unit(s):

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

Reference (GE) 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:

GROMAX DEVELOPMENT
4201 W. BROADWAY
PEARLAND, TX 77581

Legal Description:

A0076 D H M HUNTER (PEARLAND), TRACT 4,
ACRES 8.160

Fiduciary Number: 1474828

Parcel Address: OLD ALVIN RD

Legal Acres: 8.1600

>--

Account Number: 0076-0016-000

Print Date: 05/13/2013

Certificate No: 216208561

Paid Date: 05/13/2013

Certificate Fee: \$10.00

Issue Date: 05/13/2013

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:

OPEN SPACE 1-D-1

Certified Owner:

ALEXANDER T & B FAMILY LTD PRTN SHP
2411 PARK AVE
PEARLAND, TX 77581-4233

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 and Amount. Rows include 2012 Value (\$81,600), 2012 Levy (\$112.87), 2012 Levy Balance (\$0.00), Prior Year Levy Balance (\$0.00), Total Levy Due (\$0.00), P&I + Attorney Fee (\$0.00), and 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

APPLICATION CHECKLIST FOR THE FOLLOWING

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

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

*Letter of Intent is not required for a PD.

- Application fee, as determined below, by cash, check made payable to the City of Pearland, or credit card (Visa and MasterCard only)

- **Zero (0) to less than 25 acres:** *\$775*
 - \$ 750.00 plus \$25.00 per each type of zoning district requested; or
 - \$ 800.00 if requesting a Planned Development (PD)
- **25 to less than 50 acres:**
 - \$ 800.00, plus \$25.00 per each type of zoning district requested; or
 - \$ 850.00 if requesting a Planned Development (PD)
- **50 to less than 75 acres:**
 - \$ 850.00, plus \$25.00 per each type of zoning district requested; or
 - \$ 900.00 if requesting a Planned Development (PD)
- **75 to less than 100 acres:**
 - \$ 900.00, plus \$25.00 per each type of zoning district requested; or
 - \$ 950.00 if requesting a Planned Development (PD)
- **100 acres and above:**
 - \$ 950.00, plus \$25.00 per each type of zoning district requested; or
 - \$ 1000.00 if requesting a Planned Development (PD)

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

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

Additional Information:

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

PLAT FEE

Gehan Houston

Payment Type/Code ~~BA~~ BA

Description: Input who the check is from

COMMENTS (F10): 19. acres

~~Plat Name~~

Old Alvin $\frac{1}{2}$ S of McHard

Explanation: Plat Fee

GC to R-1

\$ 775.00

CITY OF PEARLAND
R E P R I N T
*** CUSTOMER RECEIPT ***
Oper: NHARRIS Type: OC Drawer: 1
Date: 5/20/13 01 Receipt no: 233076

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	\$775.00
Trans number:		4009134
PF PLAT FEE	1.00	\$400.00
Trans number:		4009136
CLUSTER PLAN		

ZONE CHANGE GC TO R-1
OLD ALVIN S. OF MCHARD
CLUSTER PLAN
OLD ALVIN S. OF MCHARD
19.4 ACRES
GEHAN HOUSTON
15725 ALLAS N PARKWAY, STE 300
ADDISON, TX 75001
972.383.4300
NHJ

Tender detail		
CK CHECK	294733	\$1175.00
Total tendered		\$1175.00
Total payment		\$1175.00

Trans date: 5/17/13 Time: 13:45:47

**P&Z AGENDA
ITEM**

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City of Pearland

P&Z AGENDA REQUEST

TO: Planning & Zoning Commission
REQUESTOR: Ian Clowes
DATE: 06/12/2013
AGENDA ITEM SUBJECT: Master Plat of Shadow Ridge

Old Business **New Business** Discussion Item Workshop

Summary: A request by Geoff Freeman of Kerry Gilberts and associates, applicant, on behalf of Ralph S. Davis Family Bypass Trust, owner for approval of a Master Plat of Shadow Ridge, a commercial and residential subdivision on 48 acres of land, generally located at the 13000 Block of Broadway.

Staff Recommendation: Approval

Agenda Reviewed by:

HE

Date Reviewed:

6/13/2013



PLANNING AND ZONING COMMISSION MEETING OF JUNE 17, 2013

MASTER PLAT OF SHADOW RIDGE

A request by Geoff Freeman of Kerry Gilberts and associates, applicant, on behalf of Ralph S. Davis Family Bypass Trust, owner for approval of a Master Plat of Shadow Ridge, a commercial and residential subdivision on 48 acres of land, generally located at the 13000 Block of Broadway.

Legal Description: A subdivision of 48 acres of land out of the William Pettus League Survey, A-68 City of Pearland, Brazoria County, Fort Bend County, Texas.

General Location: 13000 Block of Broadway

SUMMARY: This is a request for a Master Plat of Shadow Ridge. The property contains a total of 48 acres and is part of the Shadow Creek Ranch Planned Development. The property has 120 proposed residential lots and 2 commercial tracts totaling approximately 8.3 acres. The property is zoned Planned Development. As the area is proposed to be developed as both residential and commercial, two base zoning districts will apply. For the residential area, the R-4 residential zoning classification will serve as the base zoning district. For the commercial area, the GB zoning classification will serve as the base zoning district, as is the case with other commercial areas in Shadow Creek.

UNIFIED DEVELOPMENT CODE: As discussed above, the property is currently zoned Planned Development (PD). As this is part of the Shadow Creek Ranch Planned Development, this tract is governed by the Land Use and Urban Development Ordinance.

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	Planned Development (PD)	Single Family Residential
South	Planned Development (PD)	Single Family Residential
East	Planned Development (PD)	Single Family Residential
West	Planned Development (PD)	Single Family Residential

CONFORMANCE WITH THE COMPREHENSIVE PLAN: The Future Land Use designation for the subject land is *Medium Density Residential*. The approved Comprehensive Plan further indicates that one of the corresponding zones for this land use is R-4. Therefore, the residential portion of the property would be in conformance with the comprehensive plan. The land development plan approved as part of the Shadow Creek Planned Development does permit flexibility in land uses.

PLATTING STATUS: This is the first plat for the subject property. A preliminary and final plat will be required for the residential phases of this development. The commercial tracts would be platted as Minor Plats.

CONFORMANCE WITH THE THOROUGHFARE PLAN: The subject parcel contains frontage on Broadway, which is a major thoroughfare with a minimum right-of-way of 120'. All right-of-way has been acquired and the road is built to its full width.

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

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

STAFF RECOMMENDATION: Staff recommends approval of the Master Plat of Shadow Ridge as proposed by the applicant, for the following reasons:

1. The proposed master plat will not cause any adverse impacts on the surrounding properties.
2. This request is in conformance with the comprehensive plan.
3. This request is in conformance with the approved Planned Development and the Land Use and Urban Development Ordinance.

SUPPORTING DOCUMENTS:

- Vicinity and Zoning Map
- Future Land Use Plan
- Aerial Map
- Master Plat of Shadow Ridge

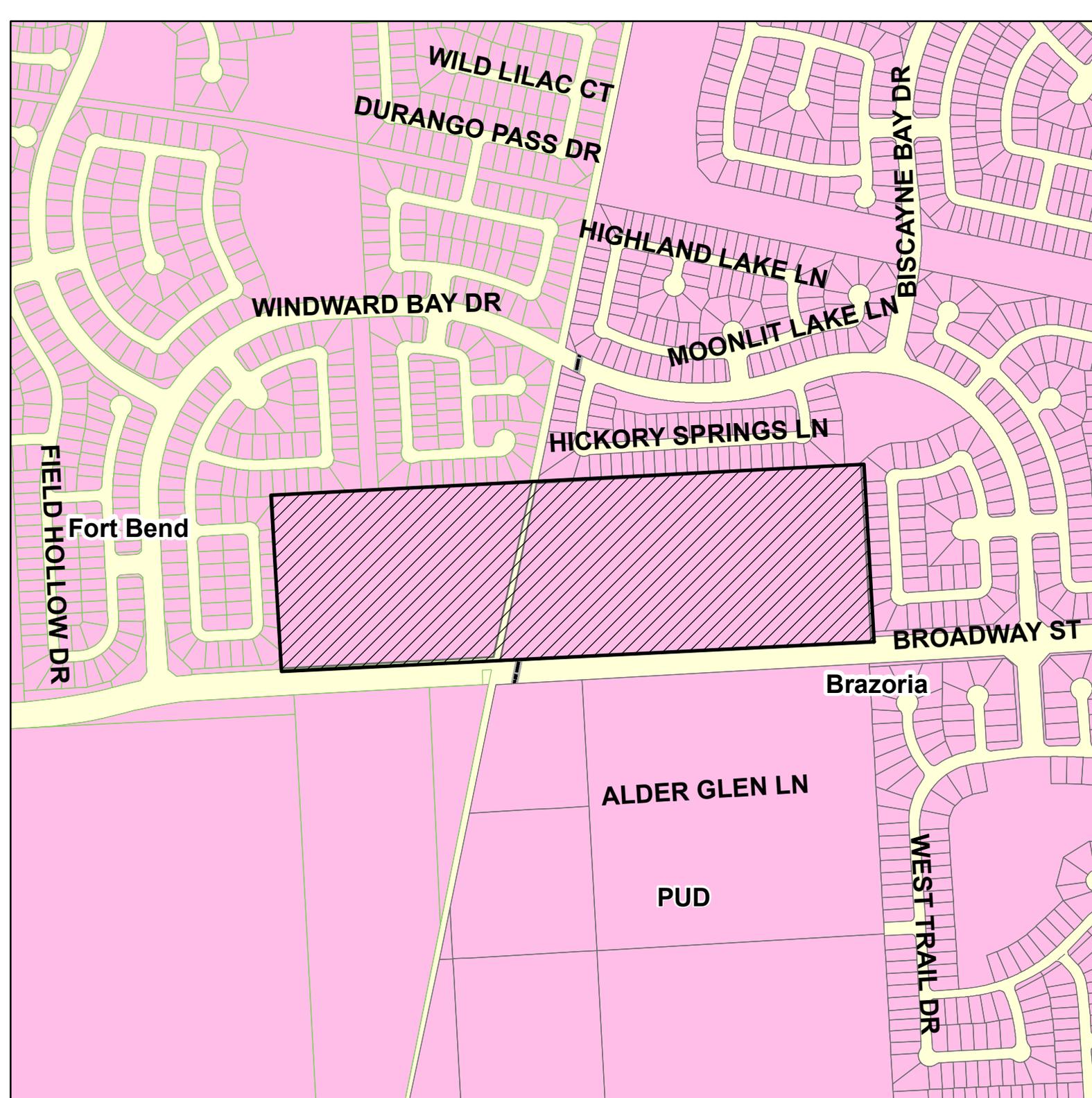


Zoning and Vicinity Map

Master Plat of Shadow Ridge

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.

0 195 390 780 Feet





FLUP Map

Master Plat of
Shadow Ridge

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

0 195 390 780 Feet



WILD LILAC CT

Low Density Residential

HIGHLAND LAKE LN

MOONLIT LAKE LN

WINDWARD BAY DR

BISCAYNE BAY DR

Medium Density Residential

BENTVINE DR

Fort Bend



BROADWAY ST

Brazoria

Business Commercial

TAMARA CREEK LN

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

Parks

WEST TRAIL DR

FIELD HOLLOW DR



Aerial Map

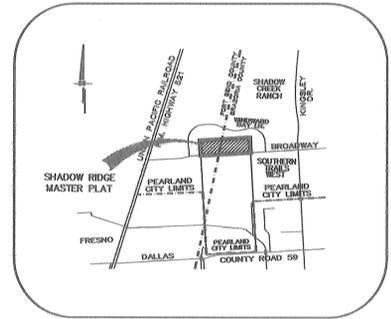
Master Plat of
Shadow Ridge

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.

0 195 390 780 Feet

N





GENERAL NOTES:

- 1.) ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP NO. 48059C00204, EFFECTIVE DATE OF JUNE 5, 1999 AND 48157C002054, EFFECTIVE DATE JANUARY 3, 1997, NONE OF THE PROPERTY NORTH OF THE CANAL IS AFFECTED BY A FLOOD HAZARD AREA. SOUTH OF THE CANAL, APPROX. 50 ACRES IS SHOWN TO BE WITHIN THE MUSTANG BAYOU 100-YEAR FLOODPLAIN. FLOODPLAIN STATUS IS SUBJECT TO CHANGE AS FEMA FIRM MAPS ARE UPDATED.
- 2.) ALL FLOODPLAIN INFORMATION NOTED IN THE PLAT REFLECTS THE STATUS PER THE FEMA FIRM MAP THAT IS EFFECTIVE AT THE TIME THAT THE PLAT IS RECORDED. FLOODPLAIN STATUS IS SUBJECT TO CHANGE AS FEMA FIRM MAPS ARE UPDATED.
- 3.) ALL LANDSCAPING AND STRUCTURES, INCLUDING FENCES AT INTERSECTIONS SHALL CONFORM TO THE CITY OF PEARLAND AND AASHTO SITE DISTANCE REQUIREMENTS FOR MOTORISTS.
- 4.) ANY PROPOSED DRAINAGE SYSTEM FOR THIS SUBDIVISION SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE CITY OF PEARLAND AND BRAZORIA COUNTY/FORT BEND COUNTY FLOOD CONTROL.
- 5.) THE MINIMUM SLAB ELEVATION FOR ALL BUILDINGS LOCATED WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE THE HIGHER OF 1) EITHER TWELVE (12) INCHES ABOVE THE TOP OF CURB ELEVATION FOR A CURB STREET OR TWELVE (12) INCHES ABOVE THE ELEVATION OF THE EDGE OF THE ROADWAY IF NO CURB EXISTS, OR 2) TWELVE (12) INCHES ABOVE THE 100 YEAR FLOODPLAIN WATER SURFACE ELEVATION FOR STRUCTURES TO BE LOCATED WITHIN THE 100 YEAR FLOODPLAIN.
- 6.) DRIVEWAY REQUIREMENTS FOR THE LOCATION, WIDTH AND OFFSET FROM AN INTERSECTION AND ANY EXISTING DRIVEWAY OR PROPOSED DRIVEWAYS, SHALL CONFORM TO THE REQUIREMENTS OF THE CITY OF PEARLAND ENGINEERING DESIGN CRITERIA MANUAL AND UNIFIED DEVELOPMENT CODE.
- 7.) 4 FOOT SIDEWALK REQUIRED ON ALL INTERNAL PUBLIC STREET RIGHTS-OF-WAY AND 6' SIDEWALKS ON RIGHTS-OF-WAY 60 FEET OR WIDER.
- 8.) THIS SUBDIVISION IS CONSISTANT WITH THE SINGLE FAMILY SHADOW CREEK RANCH PUD.
- 9.) ALL SUBDIVISION COMMON AREAS INCLUDING BUT NOT LIMITED TO DETENTION FACILITIES, EASEMENTS, AND OPEN SPACE WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE MAINTAINED BY A HOMEOWNERS ASSOCIATION OR OTHER ENTITY AND SHALL NOT BE THE RESPONSIBILITY OF THE CITY OF PEARLAND OR BRAZORIA COUNTY/FORT BEND COUNTY.
- 10.) THIS PLAT HAS BEEN PREPARED TO MEET THE REQUIREMENTS OF THE STATE OF TEXAS, BRAZORIA COUNTY/FORT BEND COUNTY, AND THE CITY OF PEARLAND.
- 11.) CORNER LOTS ARE RESTRICTED TO FRONT ACCESS ONLY.
- 12.) ANY CONSTRUCTION PROPOSED TO BE INSTALLED WITHIN A DEDICATED EASEMENT WITH PRESCRIBED RIGHTS TO A PRIVATE ENTITY MAY REQUIRE THE PERMISSION OF THE PRIVATE ENTITY PRIOR TO THE START OF CONSTRUCTION. FAILURE TO SECURE SUCH PERMISSION SHALL RESULT IN THE RIGHT HOLDER(S) OF THE EASEMENT REMOVING ANY UNAPPROVED PAYMENT, STRUCTURES, UTILITIES, OR OTHER FACILITIES LOCATED WITHIN THE EASEMENT. THE RESPONSIBILITY OF SECURING APPROVAL FROM THE PRIVATE ENTITIES TO BUILD WITHIN AN EASEMENT IS SOLELY THAT OF THE PROPERTY OWNER.
- 13.) ALL BEARING REFERENCES ARE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD83), WITH COORDINATES GIVEN IN FEET. COORDINATES SHOWN ARE SURFACE FOR MAD 83, AND MAY BE CONVERTED TO GRID BY MULTIPLYING BY A FACTOR OF 0.999869913.
- 14.) ALL CURB-OR-SAG RADII ARE 50' UNLESS OTHERWISE NOTED.
- 15.) THIS PLAT IS LOCATED IN BRAZORIA FORT BEND COUNTY AND NO. 1.
- 16.) THIS PLAT IS LOCATED IN THE FORT BEND ISD (FORT BEND COUNTY) AND THE ALVN ISD (BRAZORIA COUNTY).
- 17.) ALL STREETS ARE 50' RIGHT-OF-WAY UNLESS OTHERWISE NOTED.

LOT TABLE

50' X 120' : 125 LOTS

13000 BLOCK OF BROADWAY STREET
A MASTER PLAT OF

SHADOW RIDGE
BEING 48.0± ACRES OF LAND

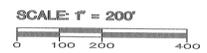
OUT OF THE
WILLIAM PETTUS LEAGUE SURVEY, A-68
CITY OF PEARLAND, BRAZORIA COUNTY, FORT BEND COUNTY, TEXAS

DEVELOPER:
DEVELOPMENT CONSULTANTS, INC.
11600 NW FREEWAY #640
HOUSTON, TEXAS 77092
ATTN: MR. MIKE DOYLE

ENGINEER:
LJA ENGINEERING & SURVEYING, INC.
2929 BRIARPARK DRIVE, #600
HOUSTON, TEXAS 77042
ATTN: MR. JAMES ROSS

PLANNER:
KERRY R. GILBERT & ASSOCIATES, INC.

Land Planning Consultants
23501 Cinco Ranch Blvd.
Suite A-250
Katy, Texas 77494
(281)579-0340



JUNE 10, 2013
KGA#03901D-010

DISCLAIMER AND LIMITED WARRANTY
THIS MASTER PLAT HAS BEEN PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THE CITY OF PEARLAND SUBDIVISION AND ZONING ORDINANCES IN EFFECT AT THE TIME THIS PLAT WAS PREPARED ALONG WITH ANY VARIANCE OR VARIANCES TO THE PROVISIONS OF THE AFORESAID ORDINANCE WHICH ARE SUBSEQUENTLY GRANTED BY THE CITY OF PEARLAND PLANNING AND ZONING COMMISSION. THIS MASTER PLAT WAS PREPARED FOR THE LIMITED PURPOSE OF GUIDANCE IN THE PREPARATION OF ACTUAL ENGINEERING AND DEVELOPMENT PLANS. THIS LIMITED WARRANTY IS MADE IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, AND NEITHER KERRY R. GILBERT & ASSOCIATES, INC., NOR ANY OF ITS OFFICES, OR DIRECTORS, OR EMPLOYEES MAKE ANY OTHER WARRANTIES OR REPRESENTATIONS, EXPRESS OR IMPLIED CONCERNING THE DESIGN, LOCATION, QUALITY, CHARACTER OF ACTUAL UTILITIES OR OTHER FACILITIES IN, ON, OVER, OR UNDER THE PREMISES INDICATED IN THE MASTER SUBDIVISION PLAT.

P&Z AGENDA ITEM

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1. Commissioners Activity Report
2. Election of Officers, July 1, 2013
3. Next P&Z/JPH Regular Meeting - July 15, 2013
4. Unified Development Code Updates (T-15 and T-16)

**ADJOURN
MEETING**