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

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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 the in conformance with this vision.

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

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

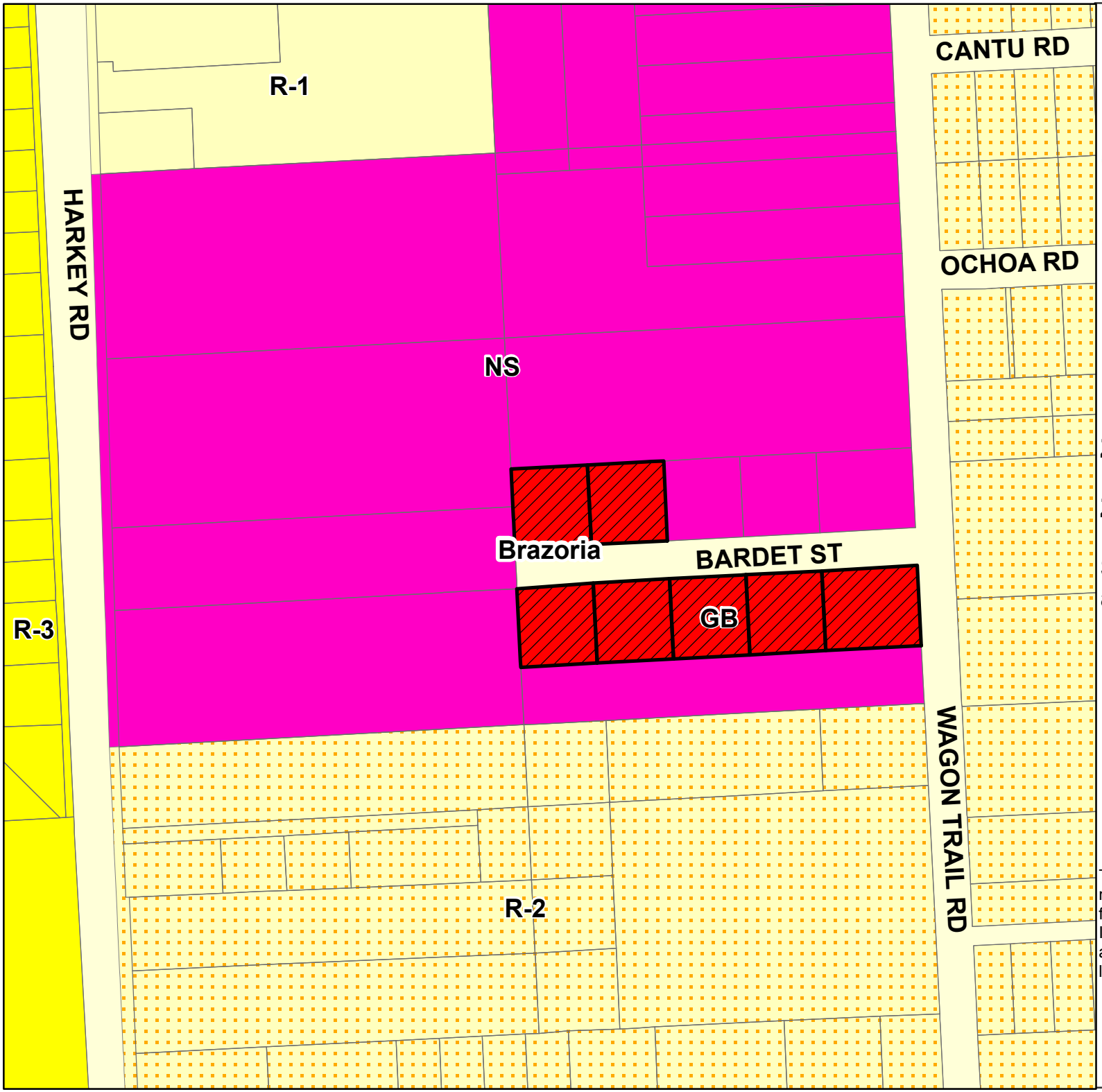
1. Approval of the zone change will result in conformance with the surrounding zoning as well as current and future land uses.

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



CITY OF PEARLAND
PEARLAND
TEXAS
EST. 1894

Zoning and Vicinity Map

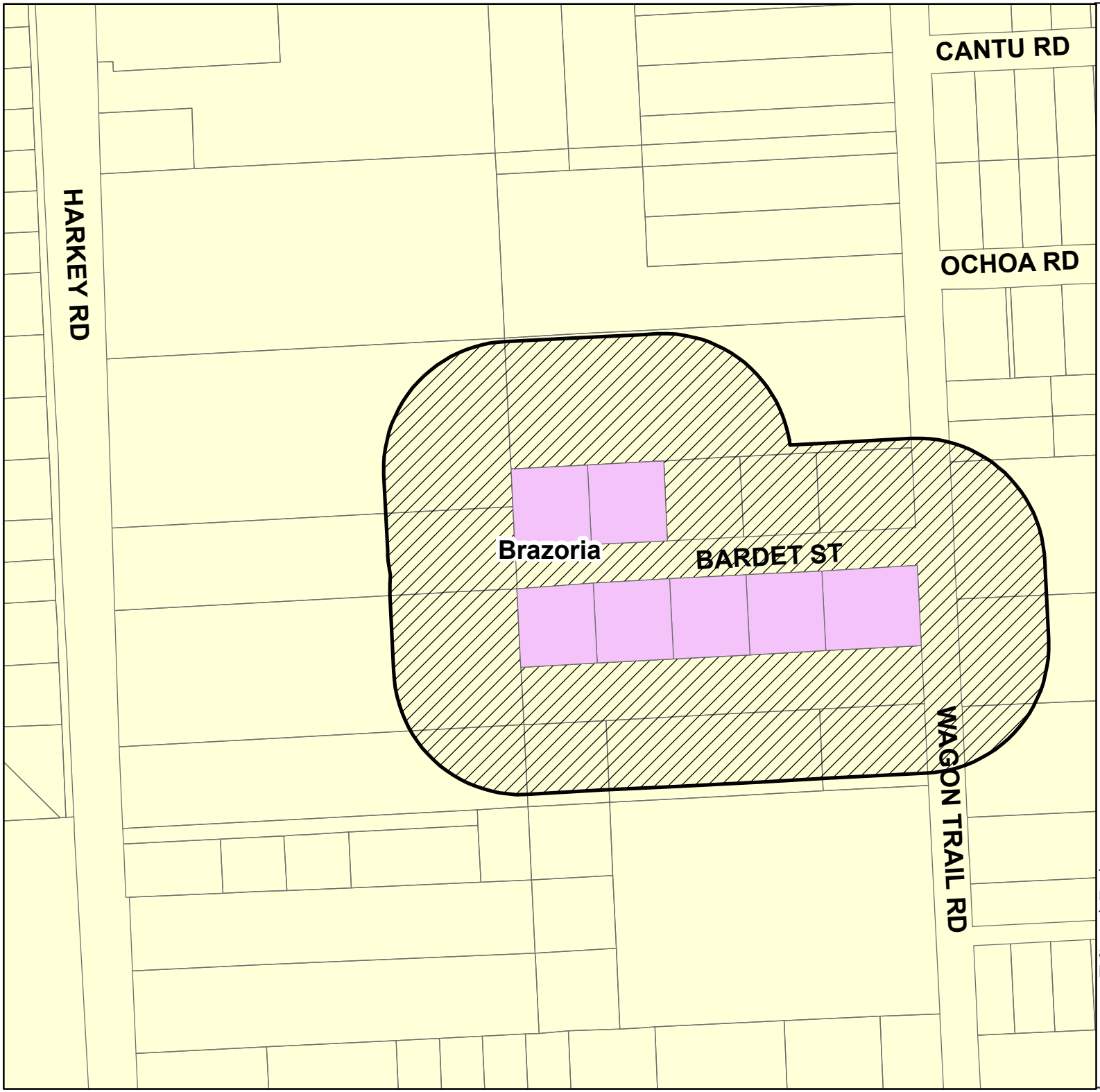
Zone Change 2013-09Z

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.

N

0 70 140 280 Feet



Abutter Map

Zone Change 2013-09Z

Southwest Corner of Bardet and Wagon Trail

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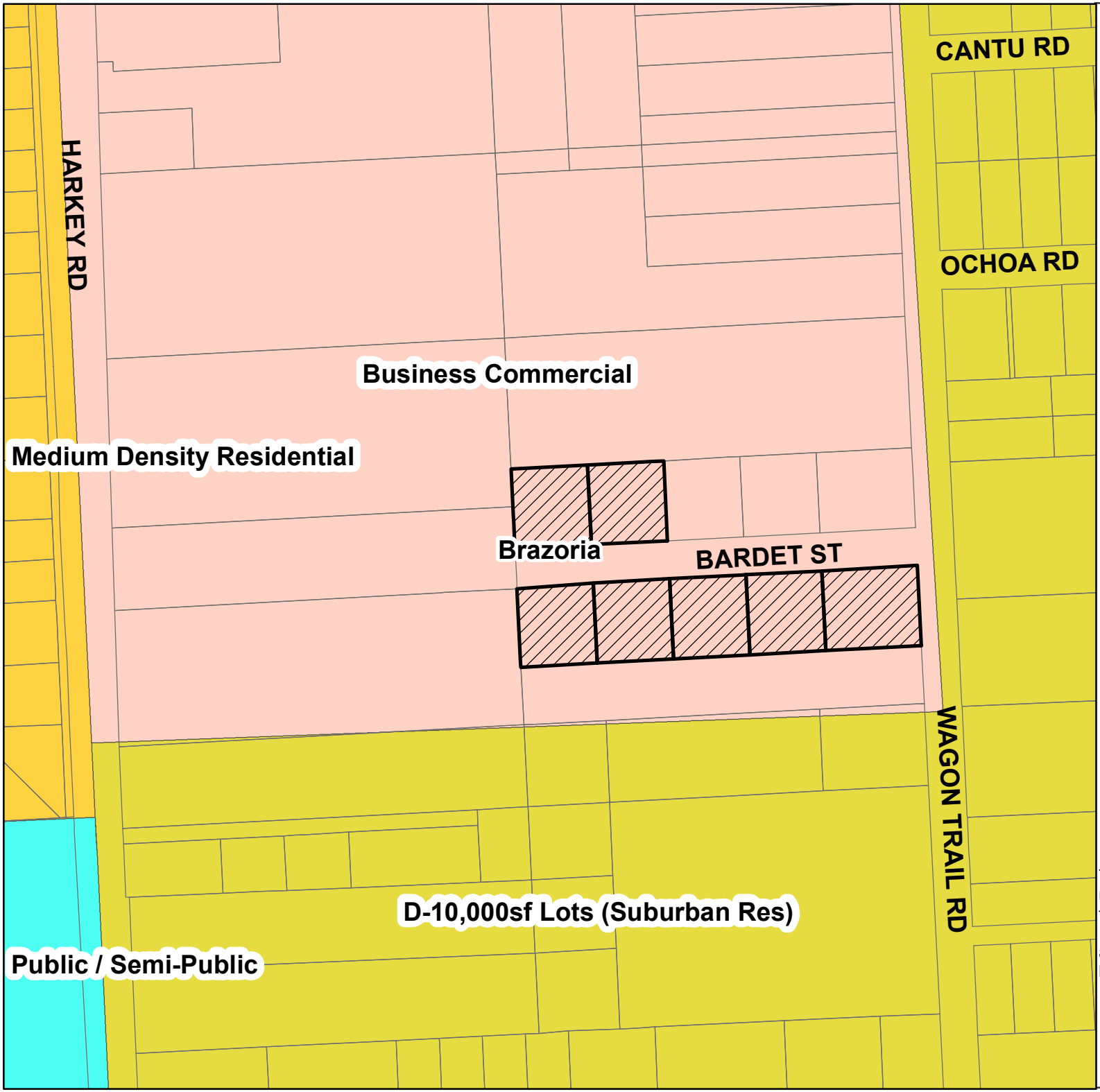
N

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



CITY OF PEARLAND
PEARLAND
TEXAS
EST. 1894

FLUP Map

Zone Change 2013-09Z

Southwest Corner of Bardet and Wagon Trail

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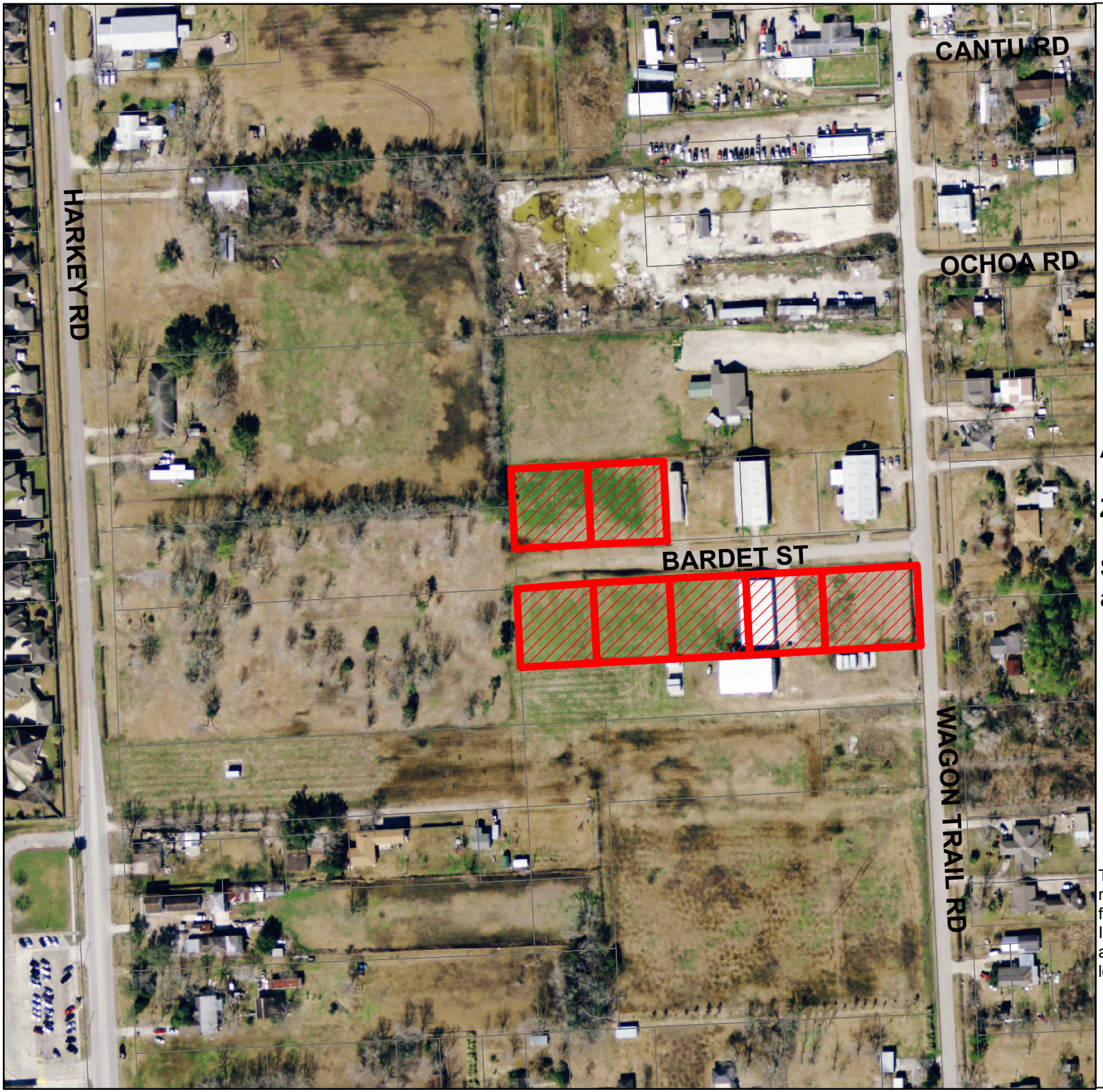
N

0 70 140 280 Feet



CITY OF PEARLAND
PEARLAND
TEXAS
EST. 1894

Aerial Map

Zone Change 2013-09Z

Southwest Corner of Bardet and Wagon Trail

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N

0 70 140 280 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: 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 Wagontrail.

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

Subdivision: Detenbeck & Barnhart 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 Alvin 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: $750.00	DATE PAID: 5-17-13	RECEIVED BY: Brown	RECEIPT NUMBER: 232753

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.

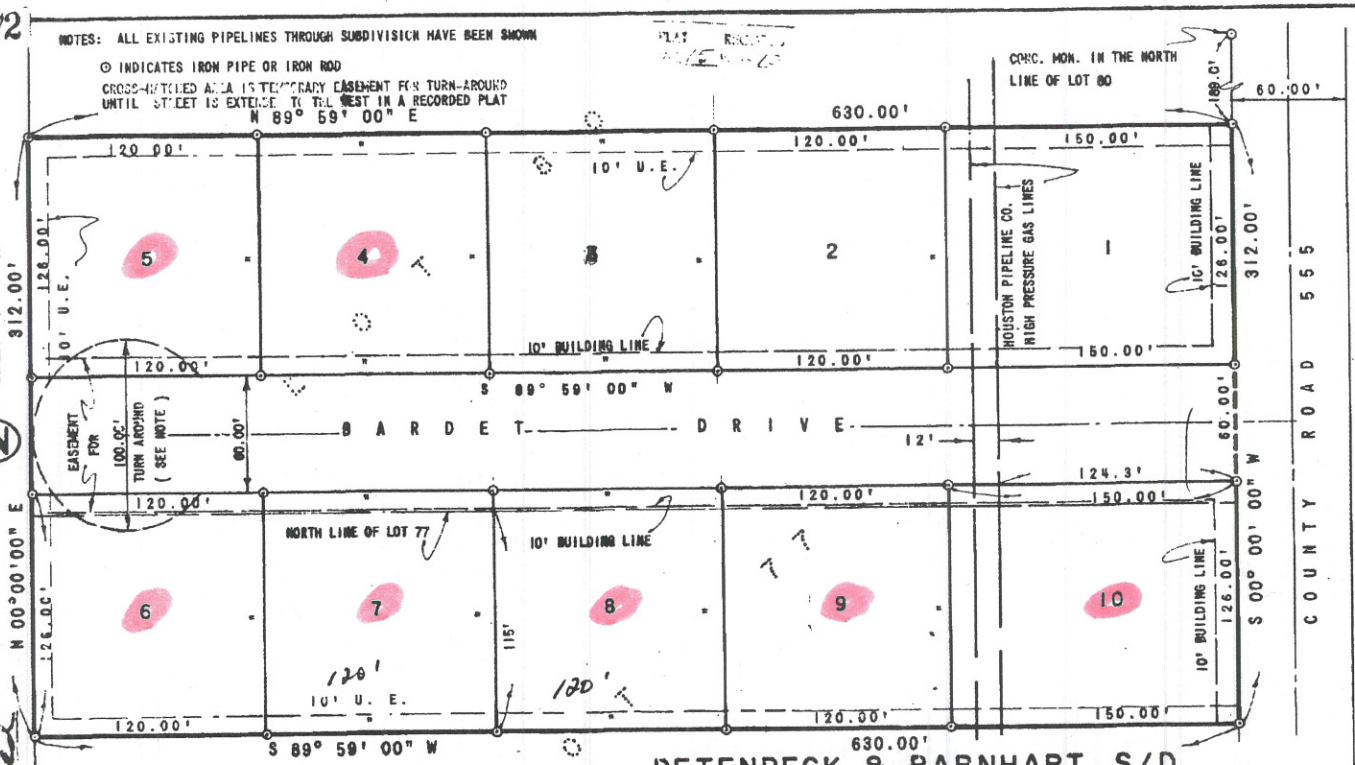
Lance Smith
Expre Realty

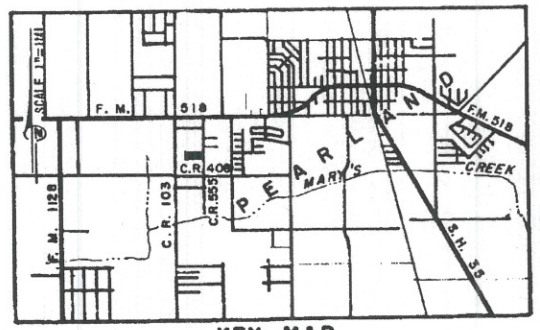
24372

NOTES: ALL EXISTING PIPELINES THROUGH SUBDIVISION HAVE BEEN SHOWN

⊙ INDICATES IRON PIPE OR IRON ROD

CROSS-HATCHED AREA IS TEMPORARY EASEMENT FOR TURN-AROUND UNTIL STREET IS EXTENDED TO THE WEST IN A RECORDED PLAT





KEY MAP

DETENBECK & BARNHART S/D

A SUBDIVISION OF 4.512 ACRES OF LAND BEING THE NORTH 1.663 ACRES OF LOT 77 & THE SOUTH 2.849 ACRES OF LOT 80, OF THE FIGLAND ORCHARDS SUBDIVISION, H. T. & B. R. R. CO. SURVEY SECT. 13, A - 240, RECORDED IN VOL. 3, PAGE 77, PLAT RECORDS BRAZORIA COUNTY, TEXAS.

APPROVED FOR FILING. BRAZORIA COUNTY ASSUMES NO OBLIGATION FOR GRADING, DRAINAGE STRUCTURES OR SURFACING THE ROADS OR STREETS AND ALLEYS OR MAKING ANY OTHER IMPROVEMENTS ON SUBDIVISIONS. BY ORDER NO. 1 OF THE COMMISSIONER'S COURT OF BRAZORIA COUNTY THIS 28th DAY OF Dec, 1973. Clifton C. Gruber COUNTY JUDGE

UNDEVELOPED

SUBDIVISION APPROVED

BY THE COMMISSIONERS COURT, BRAZORIA COUNTY, TEXAS THIS ___ DAY OF ___ 1973

Clifton C. Gruber — COUNTY JUDGE
W. A. Nicky — COUNTY ENGINEER
Elgin Brown — COMMISSIONER PREC. 1
Steve A. Wright Jr. — COMMISSIONER PREC. 2
Bob Griffin — COMMISSIONER PREC. 3
___ — COMMISSIONER PREC. 4

BY THE BRAZORIA COUNTY DRAINAGE DISTRICT NO. 4 THIS 5 DAY OF Dec 1973

Richard L. Griffin — COMMISSIONER
Leigh A. Blumer — COMMISSIONER
Kermond Halick — COMMISSIONER

PLAT APPROVED

DATE 12-3-73

H. E. Eckhardt — COUNTY SURVEYOR

DATE 11-30-73

Ruby L. Pace — PLAT BOOK RECORDER

SUBDIVISION APPROVED

BY THE CITY OF PEARLAND, TEXAS

THIS 26 DAY OF November 1973

MAYOR PROTEM C. W. Griffin
COUNCILMAN Bonny Bonds
COUNCILMAN Tom Reid
COUNCILMAN Jane Sanders
COUNCILMAN ___
COUNCILMAN ___

Judy C. Williams — CITY ATTORNEY

BY THE PEARLAND PLANNING COMMISSION

THIS ___ DAY OF November 1973

J. D. Pennington
H. M. Sonnier
N. C. Morrow
L. F. Teeter
Bill Payne
M. L. Blasingame

FILED FOR RECORD AT 2:45 O'CLOCK P. M.

DEC 5 1973

H. R. STEVENS, JR.
CLERK COUNTY COURT, BRAZORIA CO., TEXAS
BY Jane Todd DEPUTY

STATE OF TEXAS
COUNTY OF BRAZORIA

THE OWNERS OF LAND SHOWN ON THIS PLAT AND WHOSE NAMES ARE SUBSCRIBED THERETO, 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 CONSIDERATION 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, SUCESSORS AND ASSIGNS TO WARRANT AND DEFEND THE TITLE TO THE LAND SO DEDICATED.

Lee C. Detenbeck — LEE C. DETENBECK (OWNER)
Joseph Barnhart — 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 2nd DAY OF October 1973

Virginia B. Price
NOTARY REPUBLIC IN AND FOR BRAZORIA COUNTY, TEXAS

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.

STATE OF TEXAS — MALCOLM A. COLLINS — 6708 — REGISTERED PROFESSIONAL ENGINEER

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

2818
2821
OCHOA RD
21
2830
2830
5814
6302
2841
5802
6320
5734
5722
6336
9
2834
2841
2845
LOT 5
LOT 4
5021
5909
5905
2850
2853
6021
2905
BARDET ST
LOT 6
LOT 7
5914
LOT 8
5902
LOT 9
LOT 10
2921
2920
2920
2920
2920
2929
2926
2937
2933
2933
2853
2941
2945
2942
WASSON TRAIL RD
2953
3005

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.**

Expre Realty LTD Acknowledges that a Sign Following the above Spec. will be Posted on property 10 Days before Hearings.

Lane Smith 5-15-13

Wednesday, May 15, 2013

Property Tax Status

Begin a New Search Go to Your Portfolio Tax Office FAQ's

Request a Tax Statement

Make your check or money order payable to:
Ro'Vin Garrett, RTA
111 E Locust
Angleton, Texas 77515

A Convenience Fee of up to 2.65% will be charged for all credit card payments by the vendor providing this service. For eChecks, a convenience fee of $1.50 will be charged for each transaction. The fee covers the cost of making payments by credit card possible. The fee will appear as a charge to 'Certified Payments'. No part of this fee is retained by Brazoria County.

Unless otherwise noted, all data refers to tax information for 2012. All amounts due include penalty, interest, and attorney fees when applicable. Due to the large volume of work during heavy payment periods amounts due may not reflect payments that have been received but not yet processed.

Account Number: 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

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

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Angleton, TX 77515
(979) 864-1320

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Wednesday, May 15, 2013

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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

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(979) 864-1320

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Wednesday, May 15, 2013

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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

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

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Wednesday, May 15, 2013

Property Tax Status

Begin a New Search Go to Your Portfolio Tax Office FAQ's

Request a Tax Statement

Make your check or money order payable to:
Ro'Vin Garrett, RTA
111 E Locust
Angleton, Texas 77515

A Convenience Fee of up to 2.65% will be charged for all credit card payments by the vendor providing this service. For eChecks, a convenience fee of $1.50 will be charged for each transaction. The fee covers the cost of making payments by credit card possible. The fee will appear as a charge to 'Certified Payments'. No part of this fee is retained by Brazoria County.

Unless otherwise noted, all data refers to tax information for 2012. All amounts due include penalty, interest, and attorney fees when applicable. Due to the large volume of work during heavy payment periods amounts due may not reflect payments that have been received but not yet processed.

Account Number: 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

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

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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

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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

Taxes Due Detail by Year and Jurisdiction

Payment Information

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

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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

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:

	R1	GB	Existing Site
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.

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

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

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

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

STAFF RECOMMENDATION: Staff recommends approval of the Zone Change 2013-10Z 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.

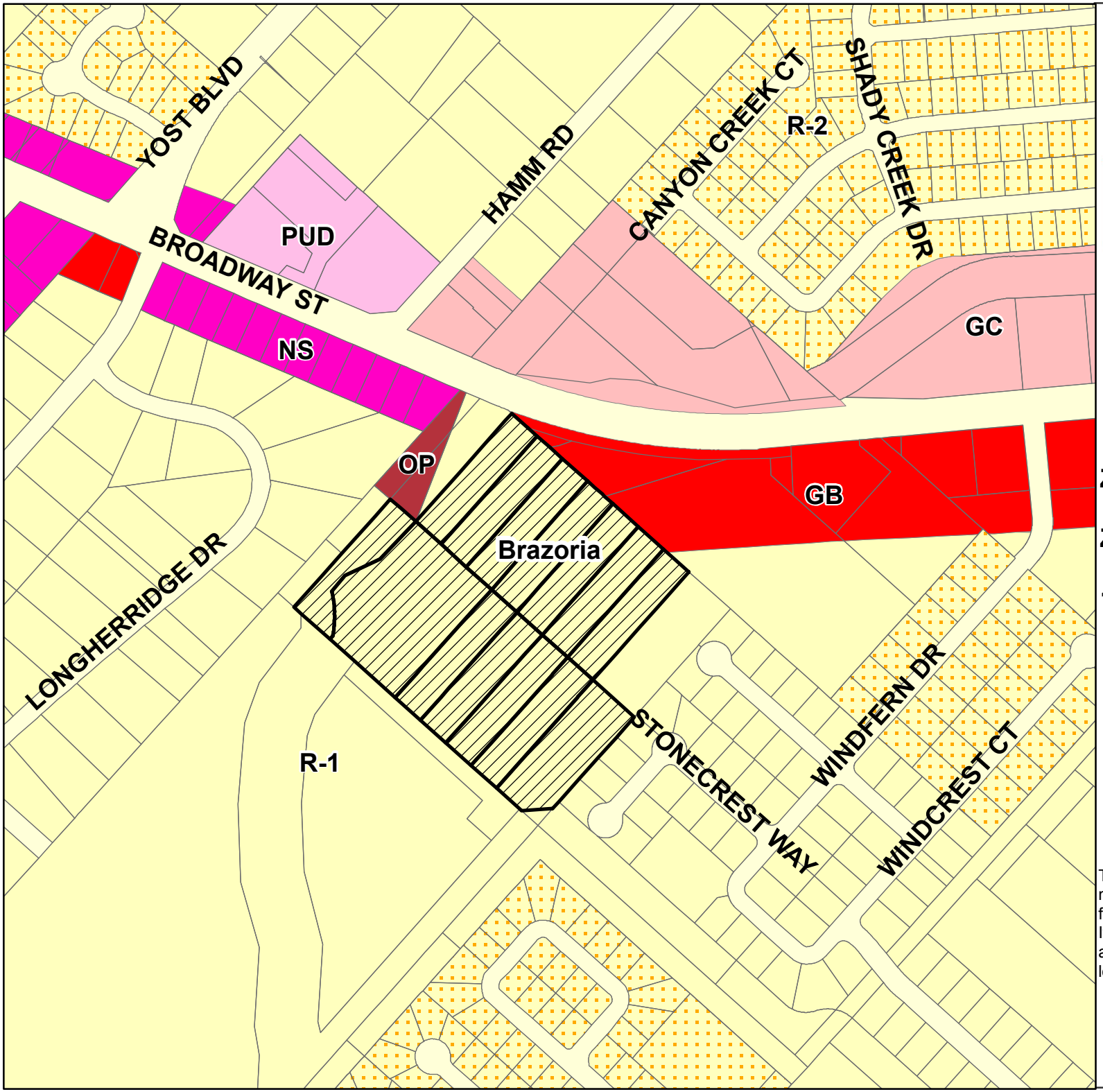
2. The proposed zone change should not have any significant negative impact on the surrounding properties and developments.

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



CITY OF PEARLAND
PEARLAND
TEXAS
EST. 1894

Zoning and Vicinity Map

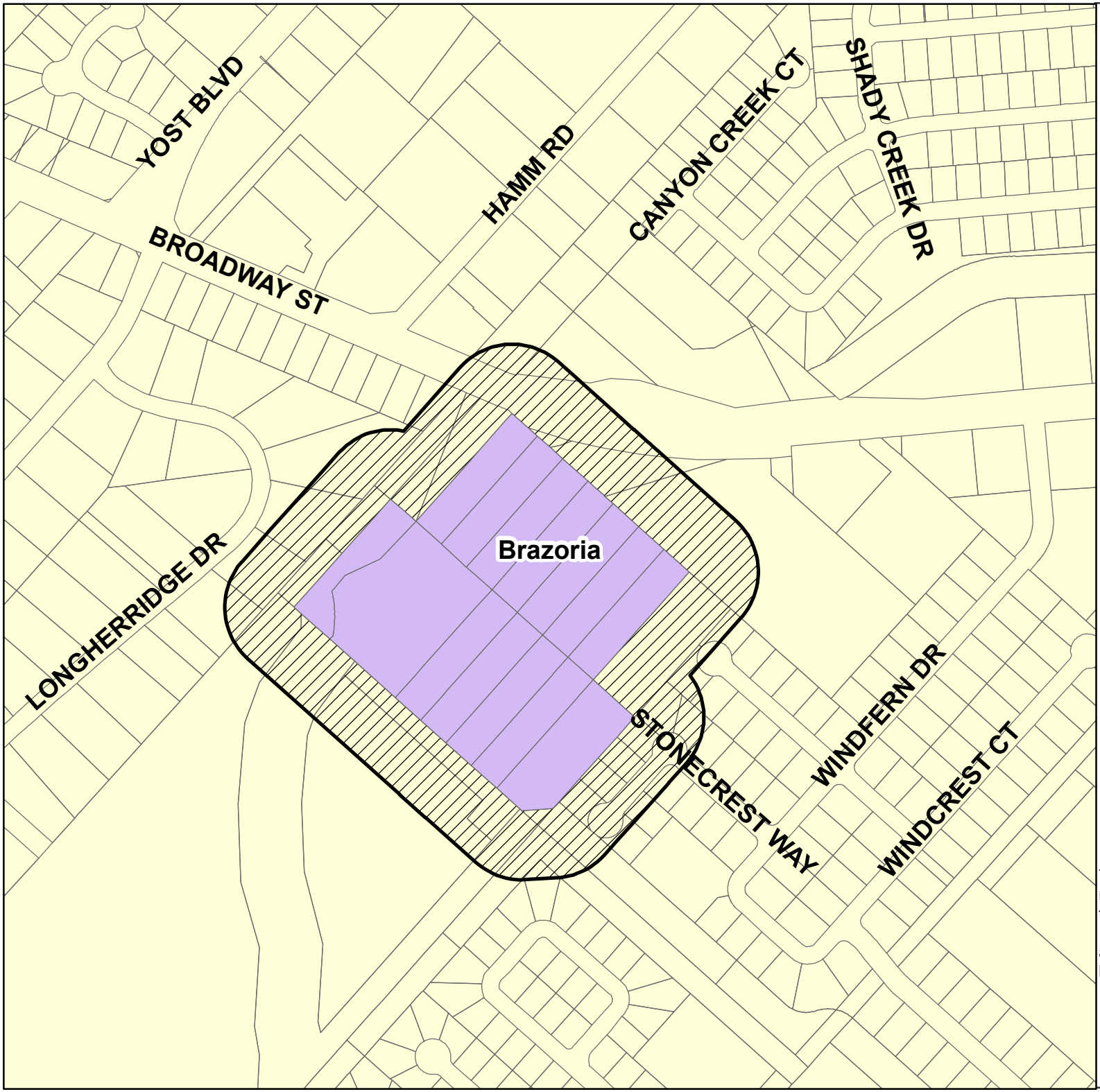
Zone Change 2013-10Z

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.

N

0 125 250 500 Feet



CITY OF PEARLAND
PEARLAND
TEXAS
EST. 1894

Abutterl Map

Zone Change 2013-10Z

1908 Broadway

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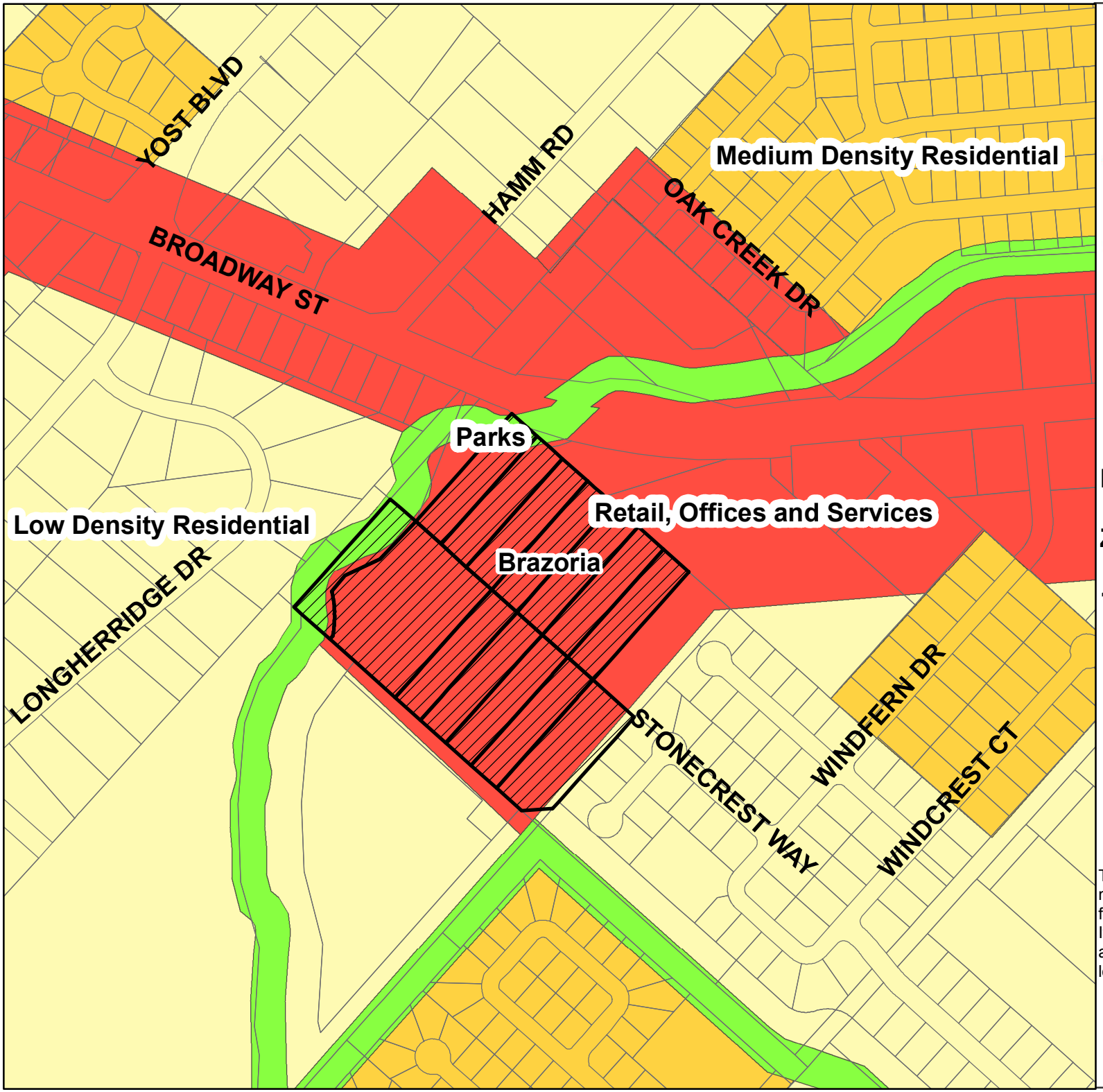
N

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
ORDENEAUX RODDY J & MICHALYN MILLER ORDENEAUX	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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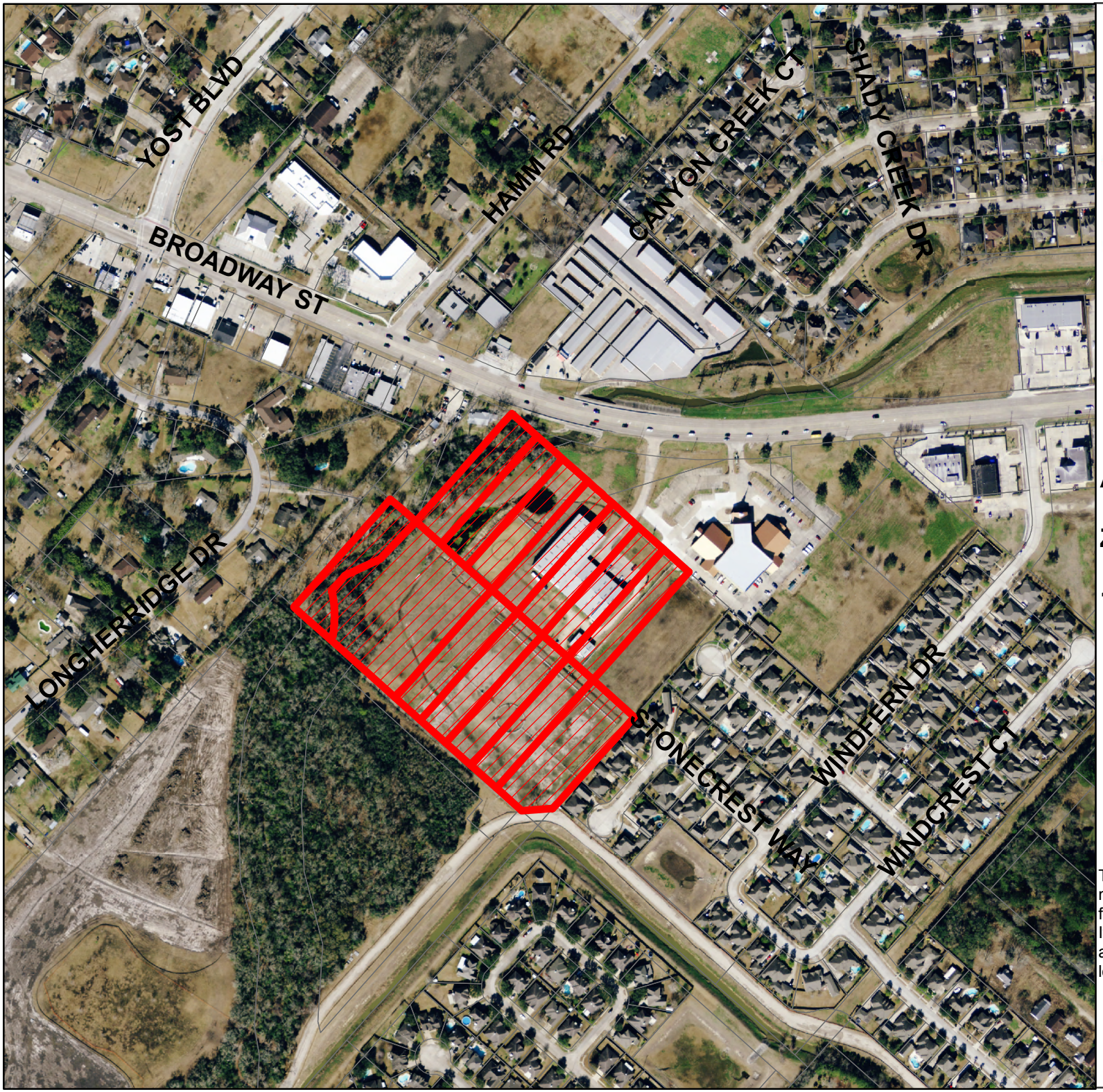
N

0 125 250 500 Feet



CITY OF PEARLAND
PEARLAND
TEXAS
EST. 1894

Aerial Map

Zone Change 2013-10Z

1908 Broadway

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N

0 125 250 500 Feet

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

APPLICATION FOR A CHANGE IN ZONING

Current Zoning District: R1 - w/ specific use permit

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

Property Information:

Address or General Location of Property: 1908 E Broadway Pearland, Tx 77581

Tax Account No. _____

Subdivision: Navregang Lot: _____ Block: _____

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

PROPERTY OWNER INFORMATION:

Lynn Almond

NAME Bay 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: Lynn Almond Date: 5/16/13

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

OFFICE USE ONLY:

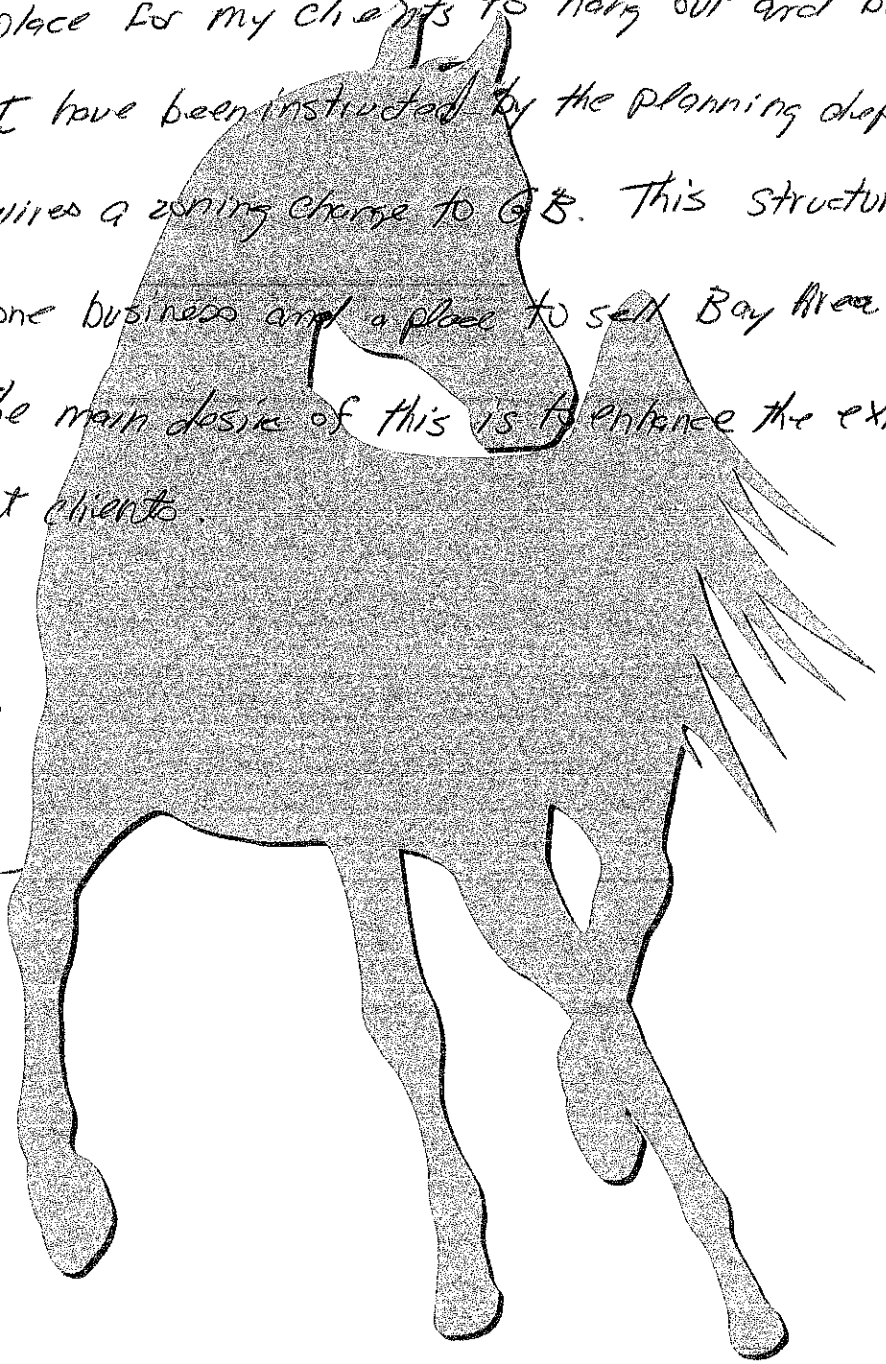
FEES PAID: $750.00 CC	DATE PAID: 5/17/13	RECEIVED BY: IC	RECEIPT NUMBER: 232826

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 C-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., 1994.

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., 1994.

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

From:_____

To :_____

☐ Change in Regulations in Section_____

☑ Specific Use in GB & R-1 Zone. (Primarily R-1)

For: EQUESTRIAN CENTER (HORSE STABLES) & OWNERS HOME

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 D. Howard (AGENT)

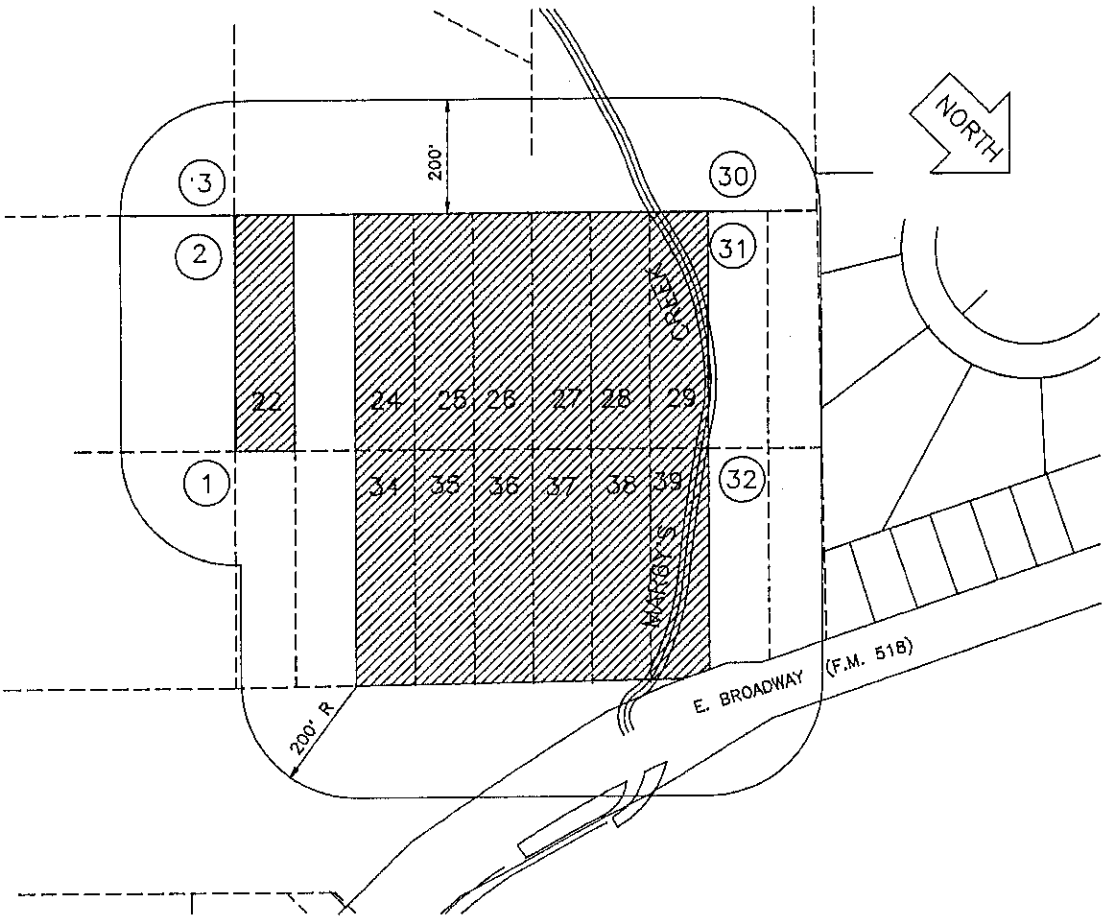
FEE: $ 250.00 DATE PAID: 3/11/94 RECEIVED BY: K Canada

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

Receipt #85020

Rec'd 3-17-94 City Secretary

"EXHIBIT A"



NORTH
200'
3
30
2
31
22
24
25
26
27
28
29
1
34
35
36
37
38
39
32
MARGY'S CREEK
E. BROADWAY (F.M. 518)
200' R

3380

"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:

March 25, 1994

_____, 19____

_____, 19____

_____, 19____

Gloria Boike
BUSINESS MANAGER

Subscribed and sworn to this 25th day of March 1994.

Richard A. Crawley
NOTARY PUBLIC
STATE OF TEXAS

(SEAL)

KATHY A. CRAWLEY
NOTARY PUBLIC
STATE OF TEXAS
EXPIRES
7-2-94

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 Marcell Estrella, 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:

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 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

SP-31

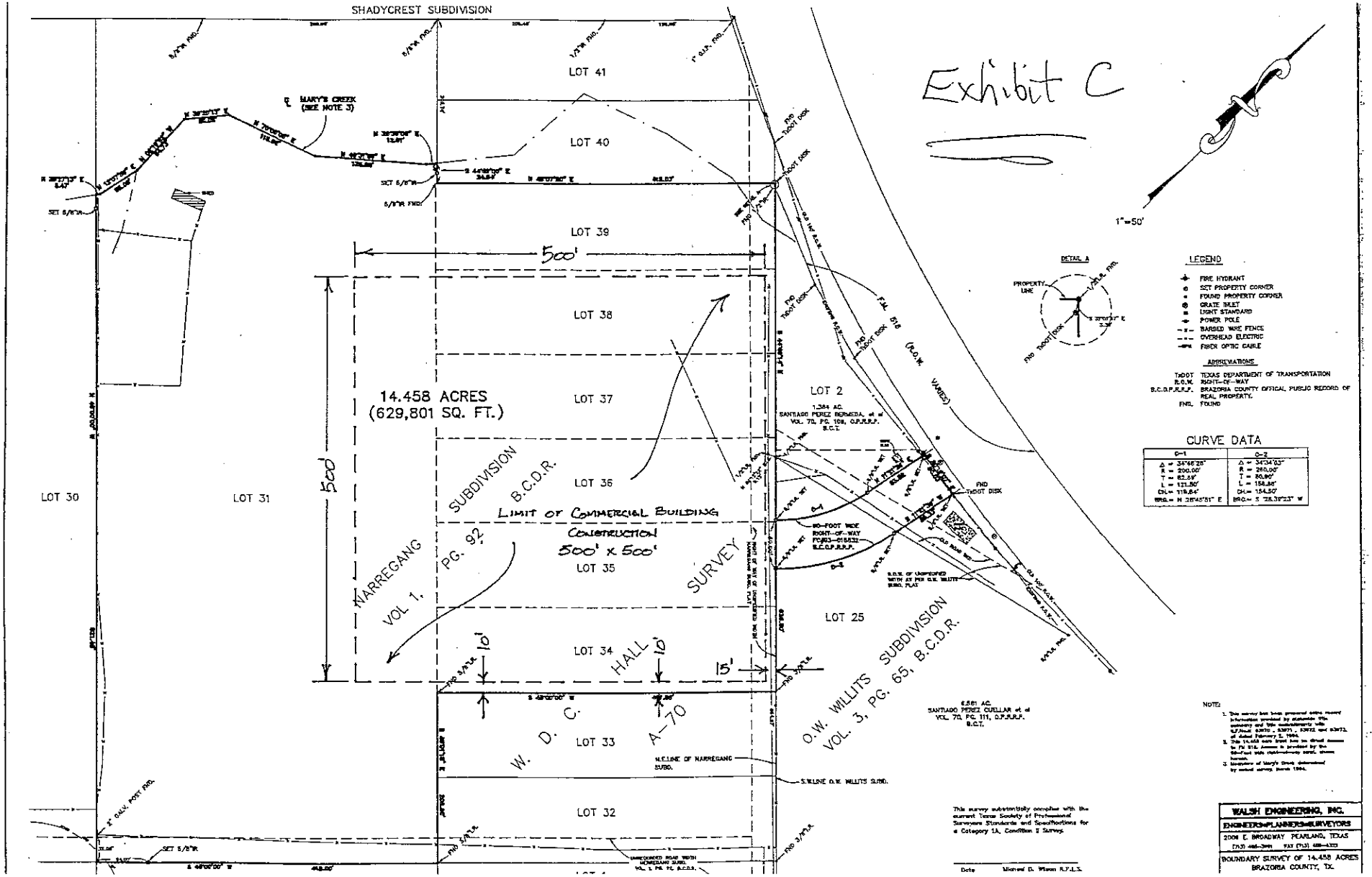


Exhibit C
SHADYCREST SUBDIVISION
LOT 41
LOT 40
LOT 39
LOT 38
LOT 37
LOT 36
LOT 35
LOT 34
LOT 33
LOT 32
LOT 30
LOT 31
LOT 2
LOT 25
500'
500'
14.458 ACRES
(629,801 SQ. FT.)
NARREGANG SUBDIVISION
VOL 1, PG. 92 B.C.D.R.
LIMIT OF COMMERCIAL BUILDING CONSTRUCTION
500' x 500'
W. D. C. HALL SURVEY
A-70
O.W. WILLITS SUBDIVISION
VOL. 3, PG. 65, B.C.D.R.
1.384 AC.
SANTIAGO PEREZ BERMEDA, et al
VOL. 70, PG. 108, O.P.R.R.P.
B.C.T.
6.861 AC.
SANTIAGO PEREZ CUELLAR et al
VOL. 70, PG. 111, O.P.R.R.P.
B.C.T.
FM 518 (R.O.W. VARIES)
1"=50'
DETAIL A
LEGEND
FIRE HYDRANT
SET PROPERTY CORNER
FOUND PROPERTY CORNER
GRATE INLET
LIGHT STANDARD
POWER POLE
BARBED WIRE FENCE
OVERHEAD ELECTRIC
FIBER OPTIC CABLE
ABBREVIATIONS
TxDOT TEXAS DEPARTMENT OF TRANSPORTATION
R.O.W. RIGHT-OF-WAY
B.C.O.P.R.R.P. BRAZORIA COUNTY OFFICAL PUBLIC RECORD OF REAL PROPERTY.
FND. FOUND
CURVE DATA
C-1
Δ = 34°46'28"
R = 200.00'
T = 62.59'
L = 121.50'
CH.= 119.64'
BRG.= N 28°45'51" E
C-2
Δ = 34°34'03"
R = 260.00'
T = 80.90'
L = 158.86'
CH.= 154.50'
BRG.= S 28°39'23" W
NOTE:
This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Condition II Survey.
Date
Michael D. Wilson R.P.L.S.
WALSH ENGINEERING, INC.
ENGINEERS•PLANNERS•SURVEYORS
2006 E. BROADWAY PEARLAND, TEXAS
BOUNDARY SURVEY OF 14.458 ACRES
BRAZORIA COUNTY, TX.

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

***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	$750.00
Trans number:		4008858

ZONE CHANGE 2013-102
SNO-CONE GB
BAY AREA EQUESTRIAN CENTER

Tender detail		
CK CHECK	3007	$750.00
Total tendered		$750.00
Total payment		$750.00

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

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 o n 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 o n 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:

	R-1	GC	Existing Site
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.

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

SITE PLAN CONSIDERATIONS: A site plan is not required for a zone change. 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:

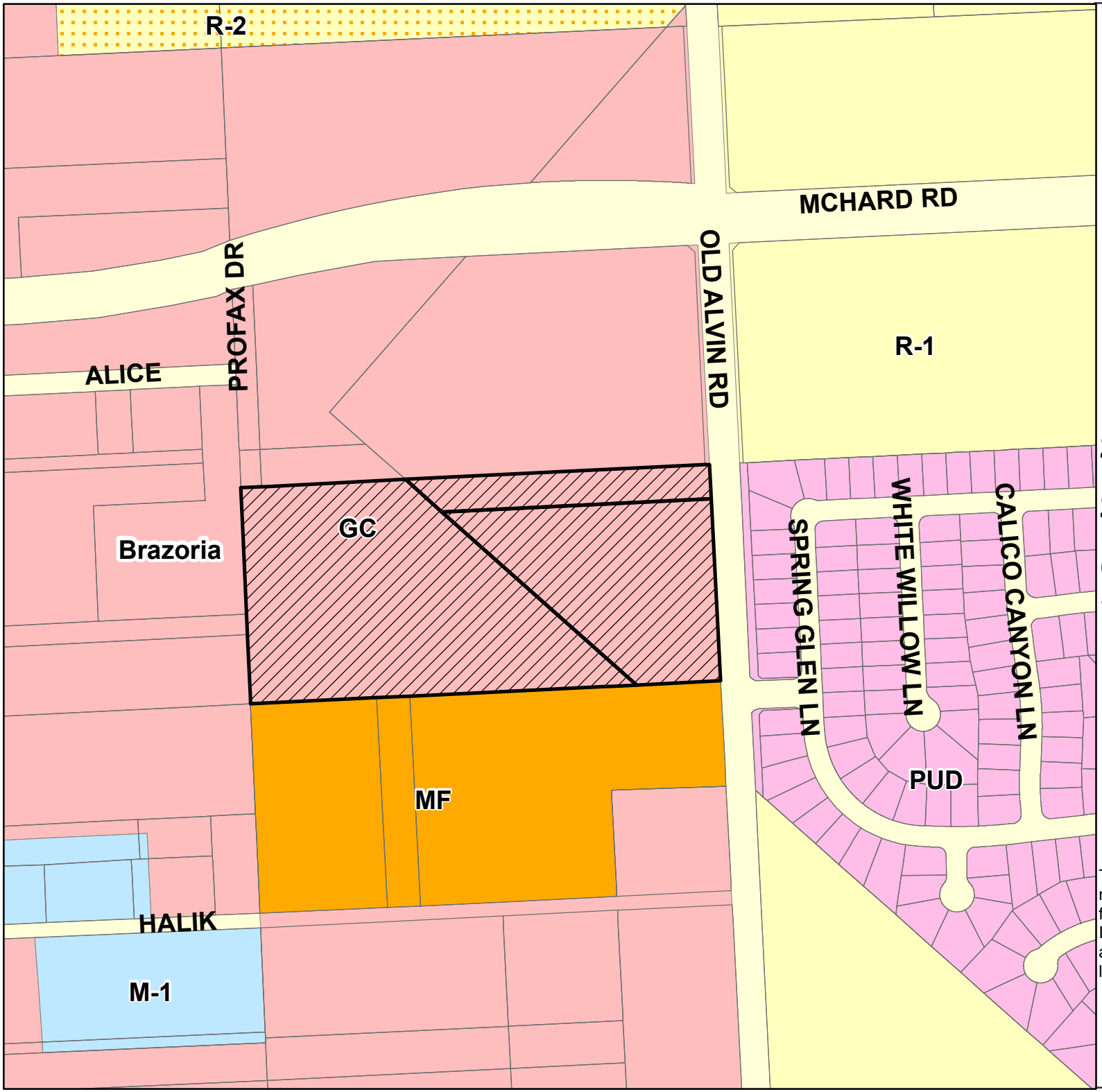
1. Approval of the zone change will result in conformance with the surrounding zoning as well as current land uses.

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



CITY OF PEARLAND
PEARLAND
TEXAS
EST. 1894

Zoning and Vicinity Map

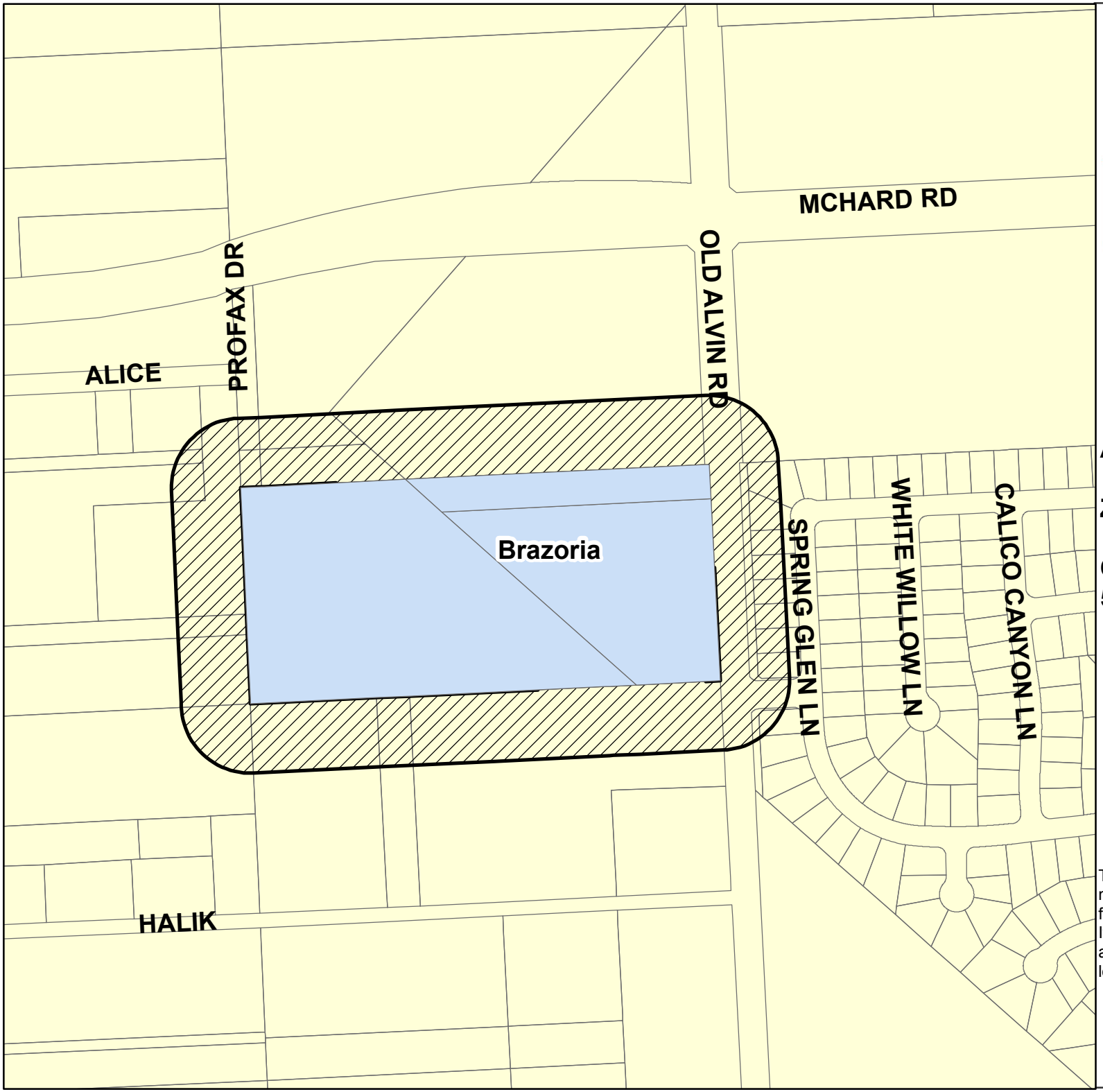
Zone Change 2013-11Z

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.

N

0 125 250 500 Feet



CITY OF PEARLAND
PEARLAND
TEXAS
EST. 1894

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.

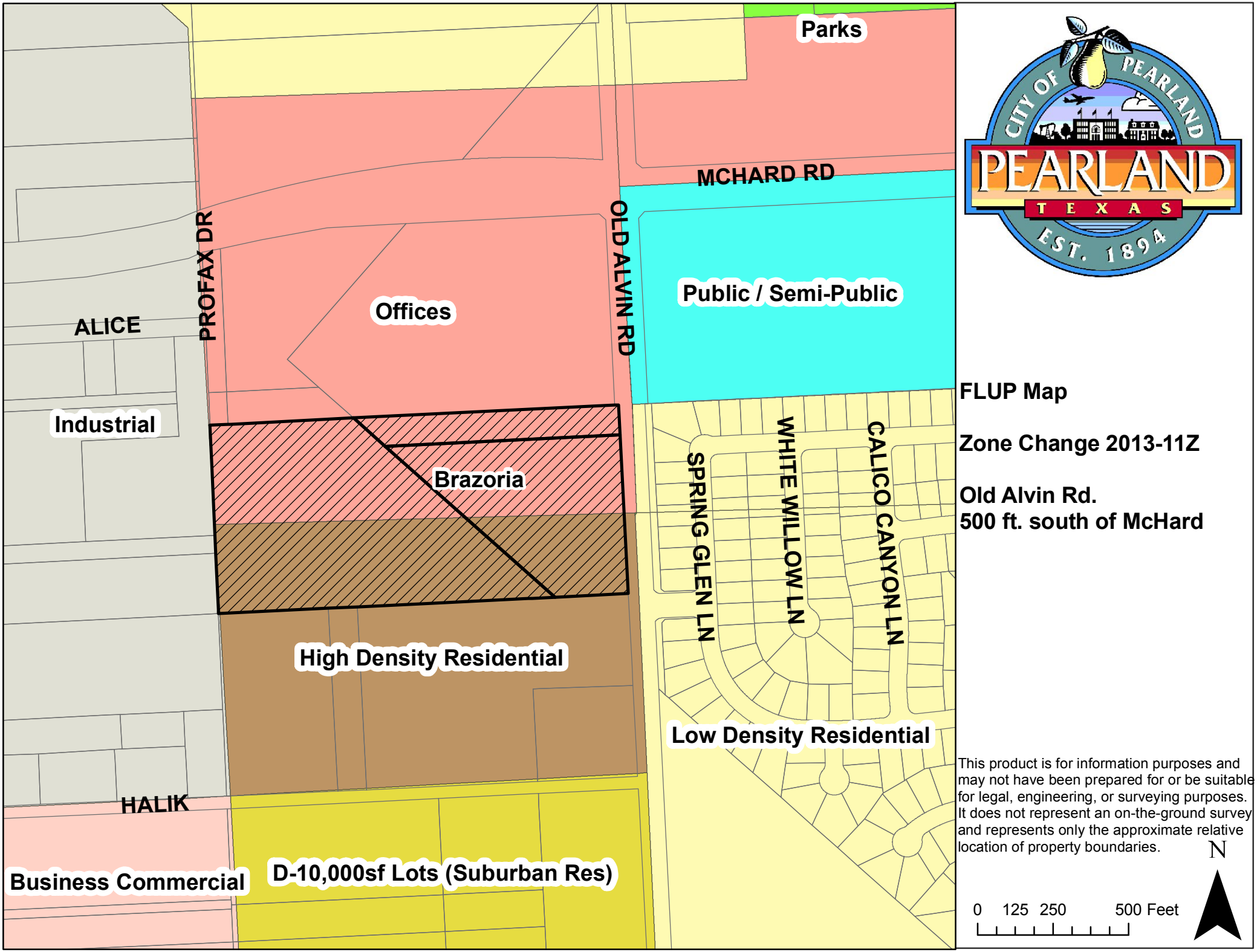
N

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



CITY OF PEARLAND
PEARLAND
TEXAS
EST. 1894

FLUP Map

Zone Change 2013-11Z

Old Alvin Rd.
500 ft. south of McHard

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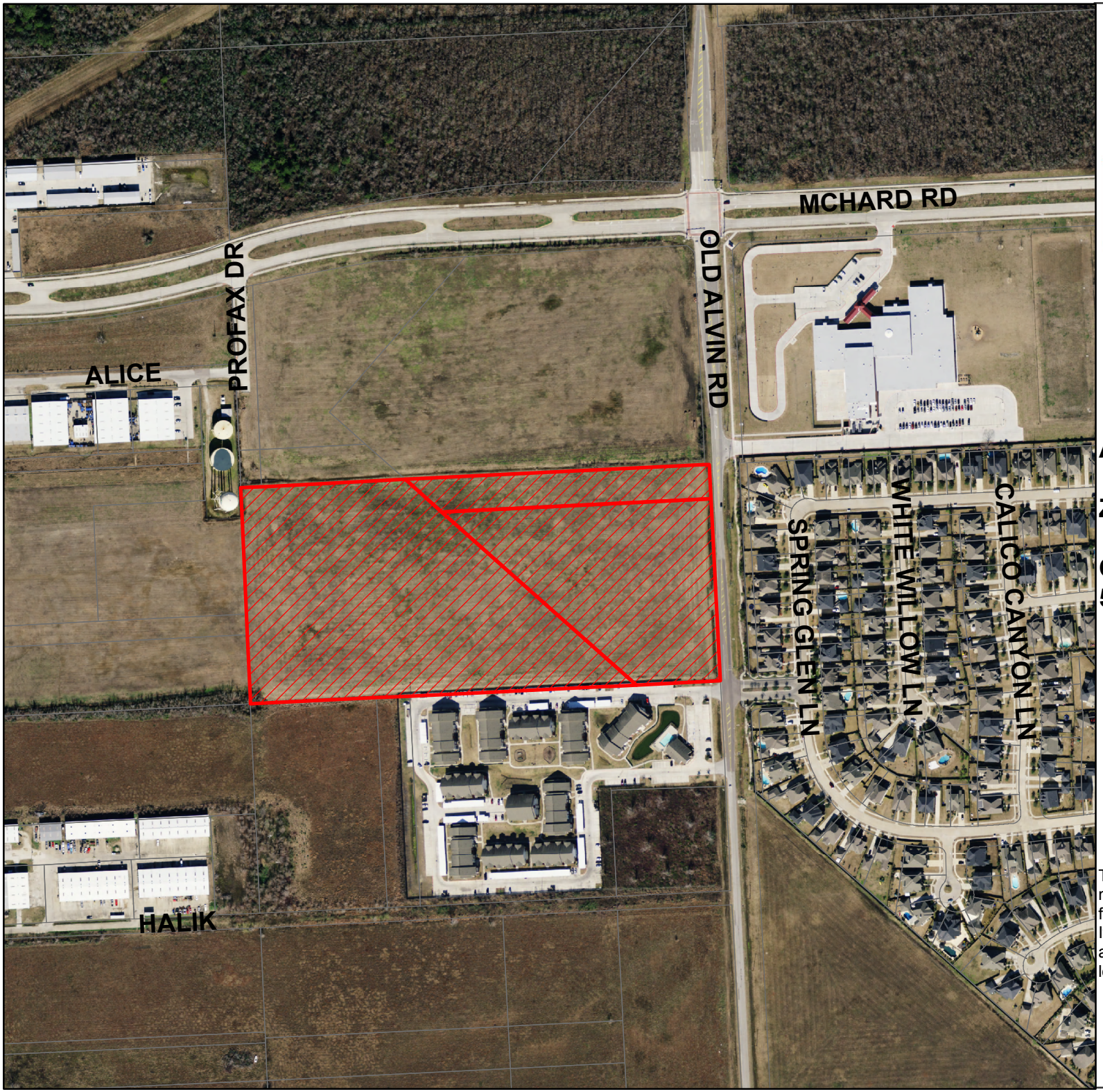
N

0 125 250 500 Feet



CITY OF PEARLAND
PEARLAND
TEXAS
EST. 1894

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.

N

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 & 1657766

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

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

PROPERTY OWNER 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 tompa5812@aol.com

APPLICANT/AGENT INFORMATION:

NAME Gehan Homes - Chris Lynch
ADDRESS 38175 Capital of Texas Hwy #275
CITY Austin STATE TX ZIP 78706
PHONE(512) 330-9366 X 4210
FAX( )
E-MAIL ADDRESS clynch@gehanhomes.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 Managing Partner Date: 5/10/13

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

OFFICE USE ONLY:

FEES PAID: $1175	DATE PAID: 5/20/13	RECEIVED BY: TC	RECEIPT NUMBER: 233076

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

5/10/13
Date

Scale 1:3,133
1 in = 261 ft

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 , Grantor

By: _____
Bettye M. Alexander , Grantor

(ACKNOWLEDGMENT)

STATE OF TEXAS

COUNTY OF Brazoria

This instrument was acknowledged before me on the 18th day of December, 199_ by Thomas P. Alexander and Bettye M. Alexander.

Notary Public in and for
The State of T E X A S

LINDA H. HAYNES
Notary Public, State of Texas
Commission Expires 1/1/2000

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.N. 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, also being all or part of that certain 11.291 acre tract and 58.723 acre tract conveyed by the Estate of Anton 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, 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
Registered Public Surveyor No. 558

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

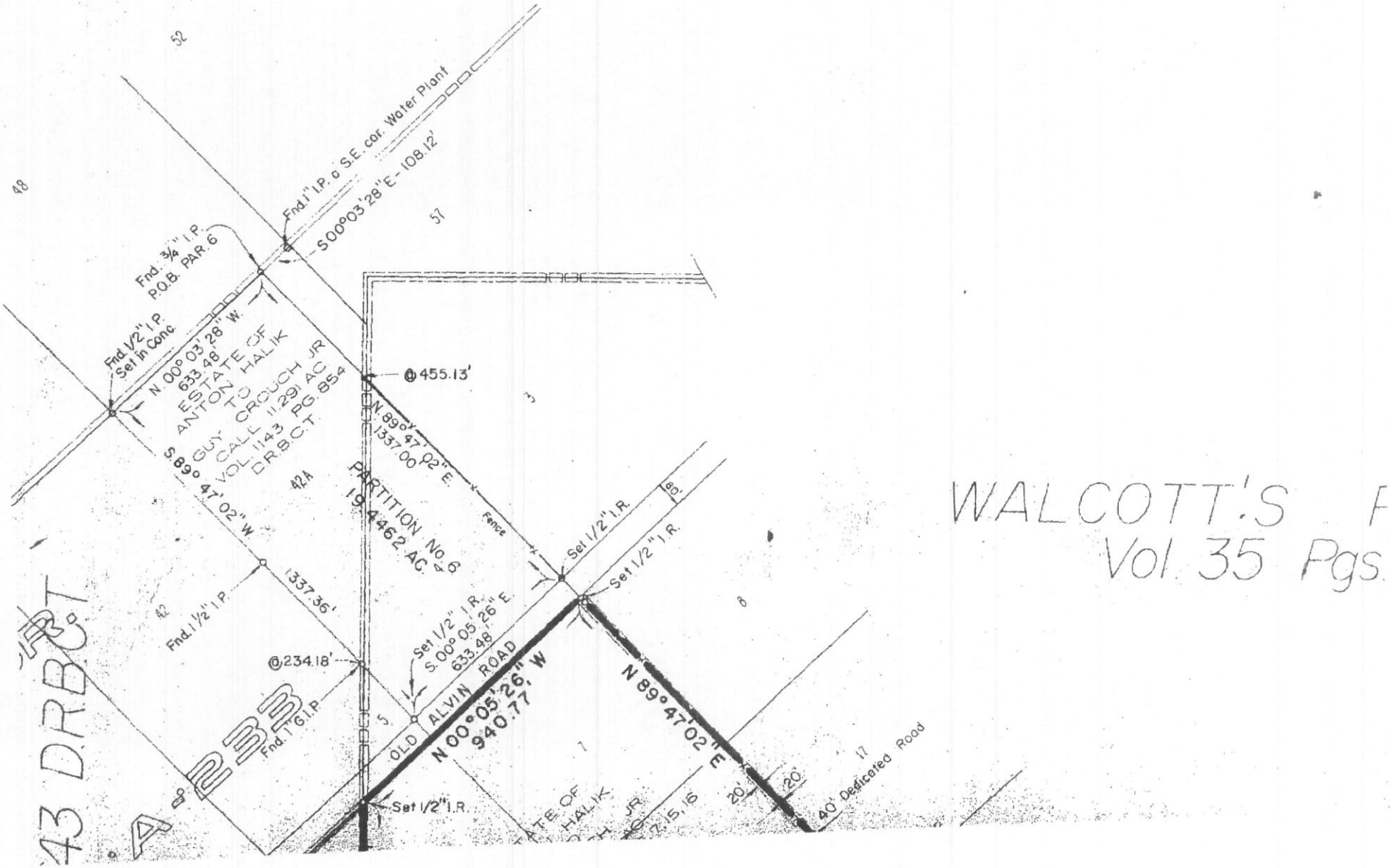
95 DEC 19 PM 3:23

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

(281) 485-2456



WALCOTT'S F
Vol. 35 Pgs.

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: Graham
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**
Certificate No: 216208561
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:	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
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 (GF) No: N/A

Issued By: D. Graham
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 S of McHard

Explanation: Plat Fee

GC to R-1

$775.00

CITY OF PEARLAND
REPRINT
*** CUSTOMER RECEIPT ***

Oper: MHARRIS 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:		4089134
PF	PLAT FEE	
	1.00	$400.00
Trans number:		4089136

CLUSTER PLAN

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

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

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