

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD NOVEMBER 18, 2013, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

- I. CALL TO ORDER
- II. PURPOSE OF HEARING

CONDITIONAL USE PERMIT NO. CUP 2013-10

A request of Greg McGahey, applicant for CVS Pharmacy, Inc., for approval of a Conditional Use Permit, within the General Business Retail (GB) zoning district, to allow an *Emergency Care Clinic*, on approximately 1.08 acres of land on the following described property, to wit:

Legal Description: Lot 1, Block 1, CVS Sherwood, recorded in Volume 24, Page 170, B.C.P.R., being out of Thomas J. Green Survey, A-198, Brazoria County, Texas

General Location: 2906 Broadway St., Pearland, TX

- III. APPLICATION INFORMATION AND CASE SUMMARY
 - A. STAFF REPORT
 - B. APPLICANT PRESENTATION
- IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST
- V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION
- VI. ADJOURNMENT

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



JOINT PUBLIC HEARING AGENDA ITEM MEETING OF NOVEMBER 18, 2013

Conditional Use Permit No. CUP 2013-10

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General Location: 2906 Broadway St., Pearland, TX

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

Planning and Zoning Commission:	November 18, 2013*
City Council for First Reading:	December 9, 2013*
City Council for Second Reading:	December 16, 2013*

(*dates subject to change)

SUMMARY: Greg McGahey, applicant for CVS Pharmacy, Inc., owner; is requesting approval of a Conditional Use Permit (CUP) to allow for a 24-hr *Emergency Care Clinic*; First Choice Emergency Room (FCER), within the General Business Retail (GB) zoning district. The existing GB zoning district permits the proposed use, with approval of a Conditional Use Permit (CUP).

The applicant proposes to construct a 6,500 square foot, building consisting of patient care areas, x-ray and CT examination rooms, a lobby and support space, as well as an area to serve as administrative offices connected to the ER. Two (2) entrances will serve the ER; one for patient drop off and one for ambulance pick up, with canopies to provide protection from the weather to patients.

For reference, a Joint Public Hearing was held on October 21, 2013 for a CUP request to allow a similar facility operated by the same company at 2752 Sunrise Blvd. The proposal will result in a reuse of an existing building directly adjacent to an existing shopping center, which was most recently used as a restaurant. At the regular meeting of the Planning and Zoning Commission on October 21, 2013, the Commission recommended approval of the CUP. The City Council First Reading is scheduled for November 11, 2013 and the Second Reading is scheduled for November 25, 2013.

SURROUNDING ZONING AND LAND USES:

	Zoning	Land Use
North	General Business Retail (GB)	Future H.E.B
South	General Business Retail (GB) & Office and Professional (OP)	Detention Reserve YMCA
East	General Business Retail (GB)	Firestone, Wells Fargo
West	General Business Retail (GB)	Discount Tire, First Presbyterian Church

CONFORMANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC): The subject property is currently undeveloped and is zoned General Business Retail (GB) District. The property includes approximately 1.08 acres and meets the minimum lot size for the GB zoning district. The property will be required to meet all current requirements of the Unified Development Code for the proposed use. The purpose of the GB zoning district is to permit an extensive variety of commercial uses, including retail trade, personal and business service establishments, offices and commercial recreational uses of limited scope. These types of commercial uses are conducted wholly within an enclosed building but may incidentally display merchandise wholly under a permanent part of the main business structure, such as a marquee.

General Regulations	GB Zoning District	Existing Site
Minimum Lot Size	22,500 sq. ft.	47,081 sq. ft.
Minimum Lot Width	150 ft.	154.22 ft.
Minimum Lot Depth	125 ft.	197.71 ft.
Minimum Front Setback	25 ft.	~ 55 ft.*
Minimum Side Setback	10 ft.	~94 ft/ west property line and ~10 ft./east property line *
Minimum Rear Setback	25 ft.	~72 ft.*

* per the attached site plan

SITE HISTORY: The subject property was annexed into the City of Pearland in 1960 and is currently undeveloped. The property has been zoned GB since the adoption of zoning within the City of Pearland.

PLATTING STATUS: The approximately 1.08 acre site was originally included in a 4.86 acre lot which was platted as Block 1, Lot 1 of the CVS Sherwood Subdivision, and received final plat approval by the Planning and Zoning Commission on May 19, 2004. The property was re-platted into one lot; Lot 1, Block 1, CVS Sherwood Subdivision, and was approved on February 23, 2007. Mutual access to all lots within the CVS Sherwood Subdivision and adjacent property has been granted via existing driveways along Broadway Street and Cruise Lane.

CONFORMANCE WITH THE COMPREHENSIVE PLAN: The site is located within the *Retail, Offices and Services Future Land Use Designation*. The Comprehensive Plan indicates that appropriate corresponding zoning districts include *Office and Professional (OP)*, *Neighborhood Services (NS)* and *General Business Retail District (GB)*. The subject site is located within the GB zoning district and therefore the proposed use is consistent with the Comprehensive Plan with approval of a Conditional Use Permit (CUP).

CONFORMANCE WITH THE THOROUGHFARE PLAN: The subject property has frontage on Y.M.C.A Drive to the west; a minor collector, with a minimum required right-of-way dedication of 60 feet; Cruise Lane to the south; a minor collector, with a minimum right-of-way dedication of 60 feet; and Broadway Street to the north; a major thoroughfare, with a minimum required right-of-way dedication of 120 feet. Right-of-way dedication, per the Thoroughfare Plan, has been met for the development of the subject property.

AVAILABILITY OF UTILITIES: The subject parcel has access to public water and public sewer. The applicant is responsible for extending lines onto the subject property, if necessary.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The subject property is currently undeveloped and is surrounded by nonresidential developments (See above Surrounding Zoning and Land Uses Chart), with the exception of the property to the north, which is currently under construction for a future H.E.B; a supermarket chain. It is not anticipated that adjacent commercial and undeveloped properties will be negatively impacted. The property directly to the south of the site is platted as a Detention Reserve within the CVS Sherwood Subdivision and was designed to accommodate the subject property. The proposed use of the site as a 24-hr *Emergency Care Clinic* is compatible with the existing surrounding uses, and the immediate area is commonly zoned. A Traffic Impact Analysis (TIA) is required prior to the issuance of a building or site work permit to assess the effects of the proposed development's traffic on the existing traffic network and to determine if any improvements are necessary to accommodate the development.

ADDITIONAL COMMENTS: A Pre-Development Meeting was held with the applicant on September 4, 2013. This request has been reviewed by the City's Development Review Committee and there were no additional comments from other departments at the time of this report.

PUBLIC NOTIFICATION: Public notices, comment forms, and a vicinity map were mailed to the applicant as well as property owners within 200 feet of the subject property under consideration for the Conditional Use Permit on November 4, 2013. There are six (6) property owners within 200 feet of the site. A legal notice of public hearing was published in the local newspaper on October 31, 2013 and a notification sign was placed on the property by the applicant on November 8, 2013.

OPPOSITION TO OR SUPPORT OF PROPOSED REQUEST: Staff has not received any comments either in opposition to or in support of the proposed Conditional Use Permit request at the time of this report. However, staff has received two (2) phone calls from nearby citizens who expressed neither support of nor opposition to the proposal.

CRITERIA FOR APPROVAL: When considering an application for a Conditional Use Permit, the Planning and Zoning Commission and City Council shall evaluate the impact of the proposed use on and its compatibility with surrounding properties and residential areas to ensure the appropriateness of the use at the particular location, and shall consider the extent to which:

- (1) The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan;
- (2) The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
- (3) The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;
- (4) The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;
- (5) The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;
- (6) The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and

- (7) The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.

Conditions: The City Council may require such modifications in the proposed use and attach such conditions to the Conditional Use Permit as the City Council deems necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of this section. It should be noted that at this time staff has not identified negative impacts which will need to be mitigated as a result of the proposed redevelopment. However, in order to ensure that the site is redeveloped in accordance with the current proposal, staff is recommending that the site plan submitted with this application be added to the adopting ordinance, if approved by Council, in the form of a condition of approval. Should City Council identify impacts which it feels should be mitigated, additional conditions and modifications may be placed on the approval of the Conditional Use Permit.

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit (CUP 2013-10) to allow the operation of an *Emergency Care Clinic* within the General Business Retail (GB) zoning district for the following reasons and subject to the following condition:

1. It is not anticipated that the proposed use will have any significant negative impacts on surrounding properties or developments.
2. The proposed request will conform to the Unified Development Code and Comprehensive Plan's Future Land Use Map, with approval of the Conditional Use Permit (CUP).
3. The proposed request is in conformance with the criteria for approval of a CUP, as listed above and in the UDC.

Recommended Conditions:

1. The site shall be developed in accordance with the site plan, as submitted by the applicant, and all applicable City requirements.

SUPPORTING DOCUMENTS:

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



Vicinity and Zoning Map

CUP 2013-10

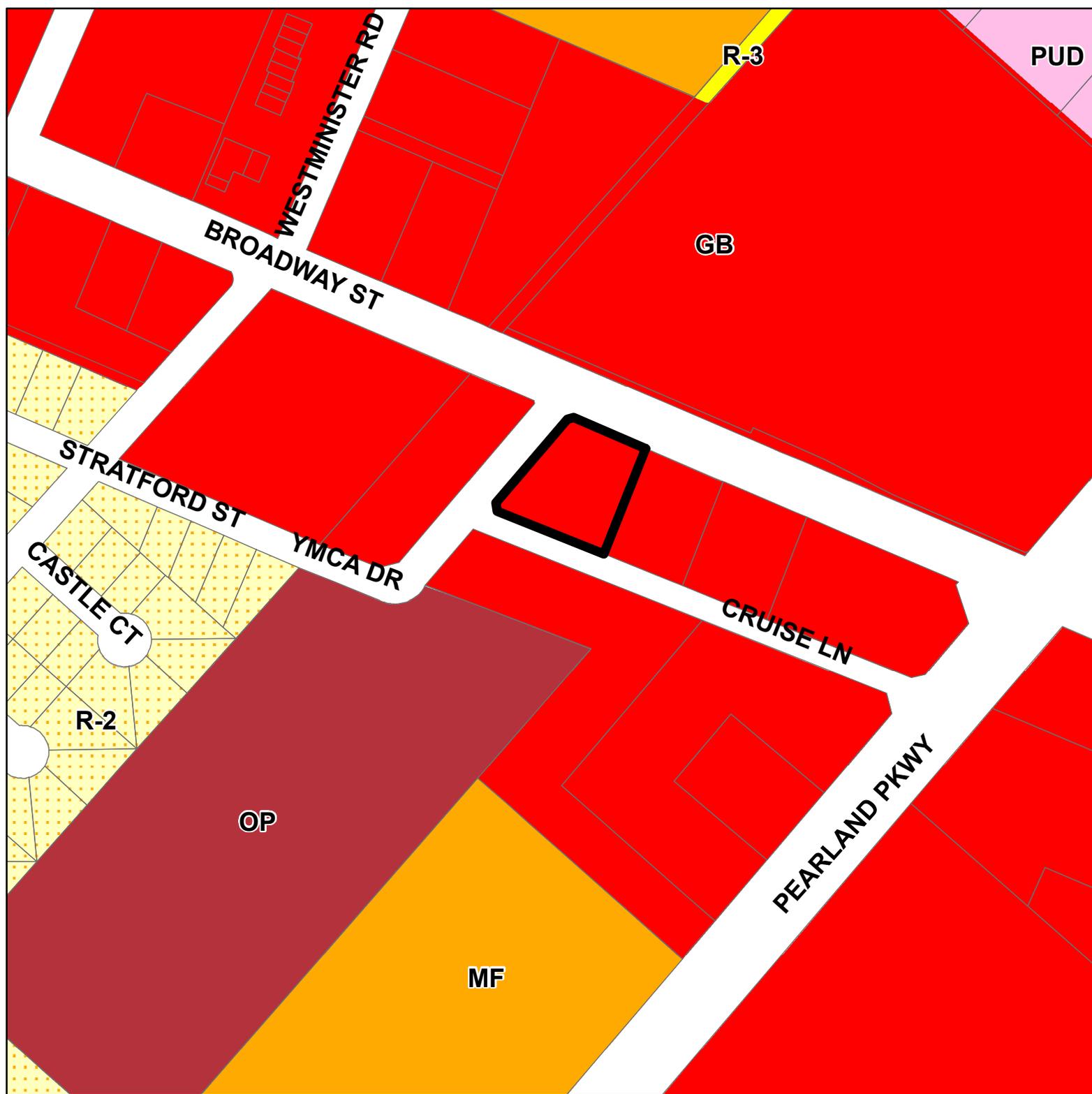
2906 Broadway St.

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

N



0 62.5125 250 Feet





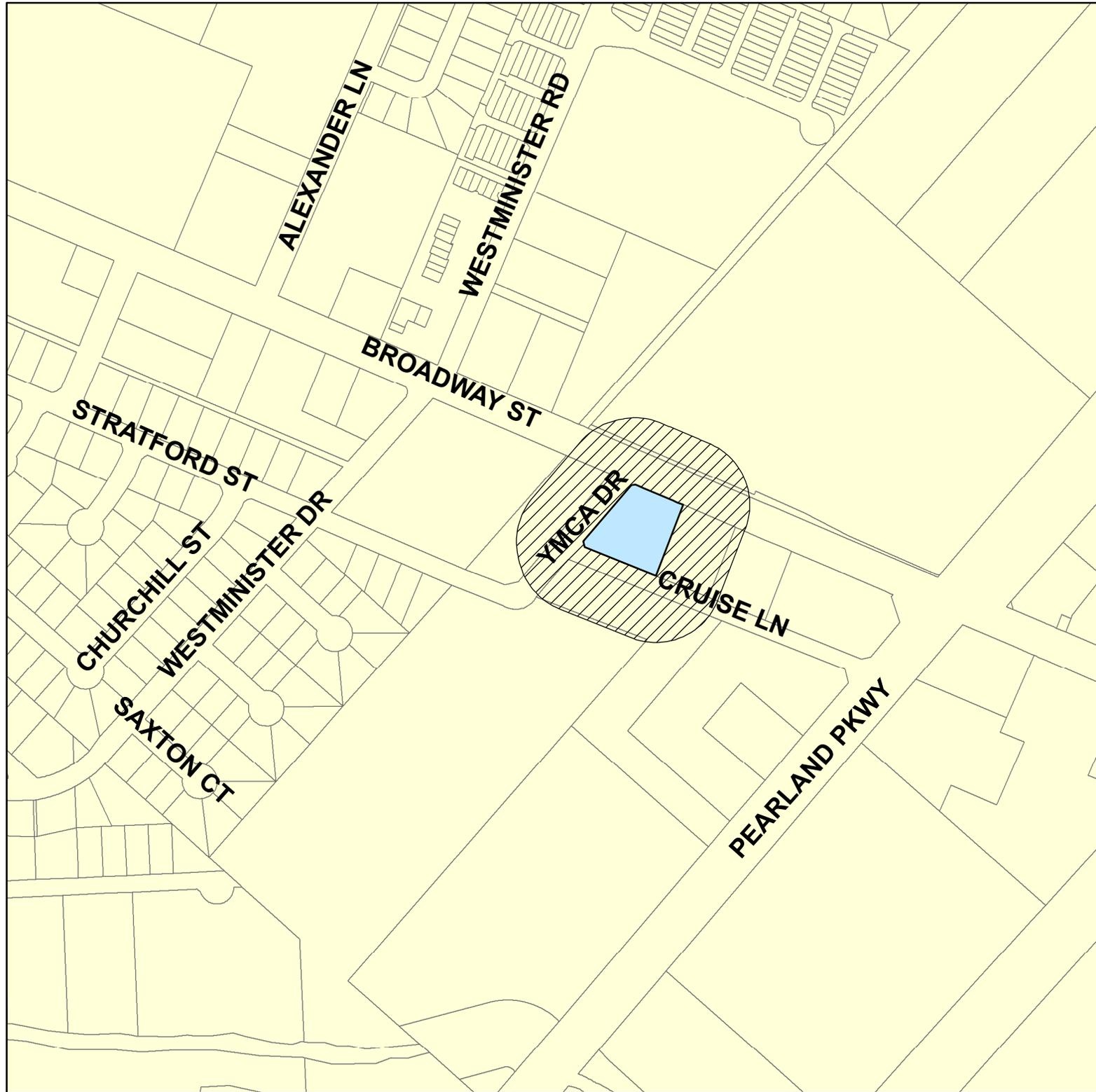
Abutter Map

CUP 2013-10

2906 Broadway St.

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0 95 190 380 Feet



CUP 2013-10

2906 Broadway St.

NAME	ADDRESS	CITY	STATE	ZIP
HALLE PROPERTIES LLC	20255 N SCOTTSDALE RD	SCOTTSDALE	AZ	85255
SOUTH TRUST BANK	PO BOX 2609	CARLSBAD	CA	92018
SOUTH TRUST BANK	106 YORK RD	JENKINTOWN	PA	19046
CVS PHARMACY	1 CVS DR	WOONSOCKET	RI	02895
CVS PEARLAND PARKWAY LP	1600 LOUISIANA ST	HOUSTON	TX	77002
H.E.B. GROCERY COMPANY	P.O. BOX 839999	SAN ANTONIO	TX	78283
GREG MCGAHEY	8080 PARK LANE, SUITE 800	DALLAS	TX	75231



FLUP Map

CUP 2013-10

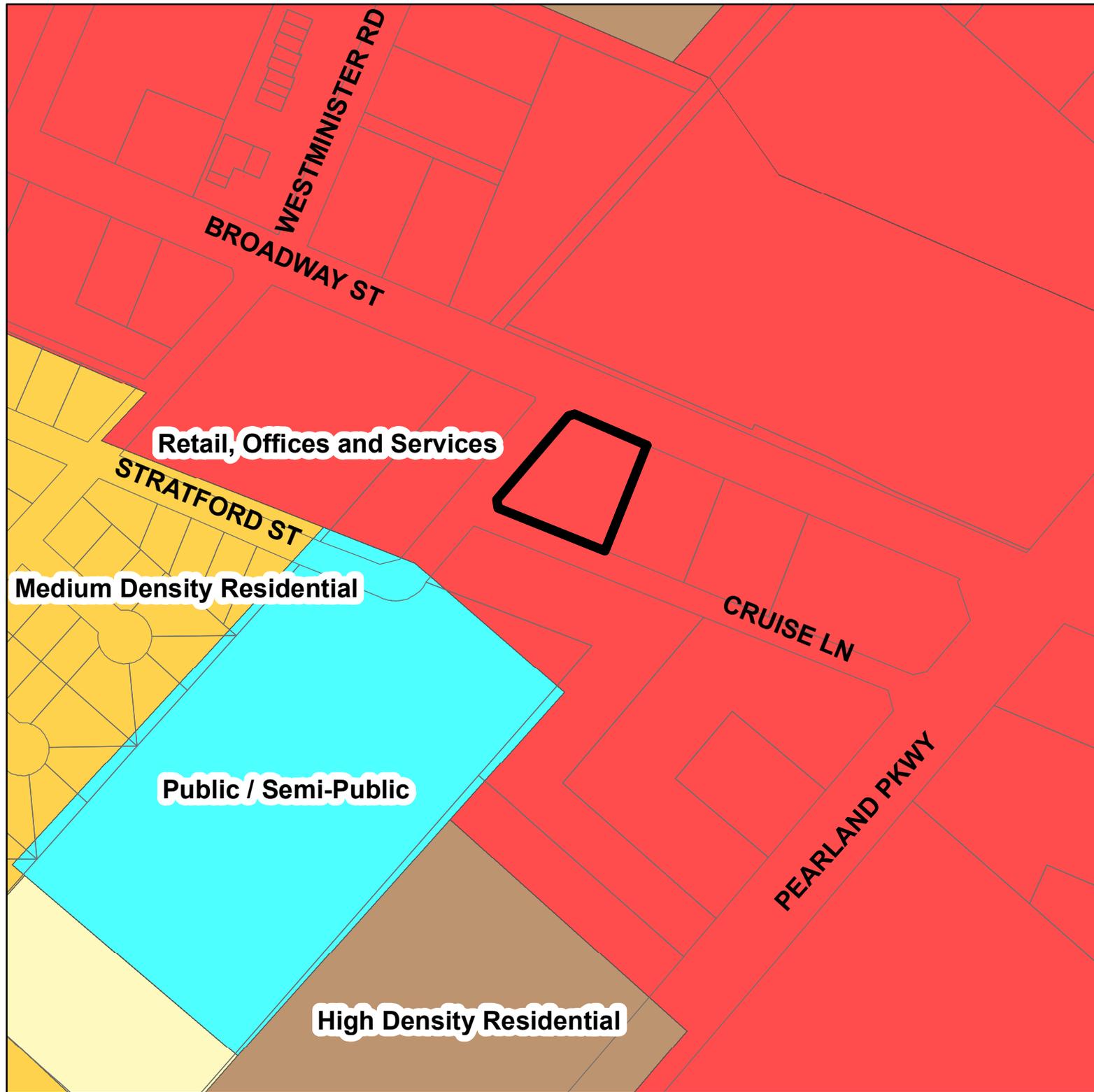
2906 Broadway St.

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N



0 62.5125 250 Feet





Aerial Map

CUP 2013-10

2906 Broadway St.

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N

0 62.5125 250 Feet





APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

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

Conditional Use Permit Request for: First Choice Emergency Room
(list proposed use from the Table of Uses of the UDC)

Current Zoning District: General Business Retail District

Property Information:

Address or General Location of Property: _____
Southeast corner of West Broadway Street and YMCA Drive

Tax Account No. 596519

Subdivision: CVS Sherwood Lot: 1 Block: 1

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

PROPERTY OWNER INFORMATION:

NAME CVS Pharmacy, Inc. (Property #05877)
ADDRESS One CVS Dr., Mail Drop 23062A
CITY Woonsocket STATE RI ZIP 02895
PHONE(401) 770-5760
FAX(401) 765-7877
E-MAIL ADDRESS _____

APPLICANT/AGENT INFORMATION:

NAME Greg McGahey
ADDRESS 8080 Park Lane, Suite 800
CITY Dallas STATE TX ZIP 75231
PHONE(214) 252-6262
FAX(214) 523-0800
E-MAIL ADDRESS gmcgahey@ucr.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: [Signature] Date: 9-13-2013

Agent's/
Applicant's Signature: [Signature] Date: 9-13-13

OFFICE USE ONLY:

FEES PAID: <u>250.00</u>	DATE PAID: <u>10/31/13</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>3170</u>
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Application No. CUP 2013-10



CVS Realty Co.

One CVS Drive | Woonsocket, RI 02895

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

RE: UCR Development Services, LLC Authorization Letter to Submit Application for
Conditional Use Permit to the City of Pearland

CVS Pharmacy, Inc. hereby authorizes UCR Development Services, L.L.C. to
submit an application for a Conditional Use Permit to the City of Pearland
regarding certain property located at the southeast corner of West Broadway Street
and YMCA drive.

Sincerely,

By: 

Name: Dawn Hume

Title: Manager, Support Dept



ENGINEERS ■ SURVEYORS ■ PLANNERS
LANDSCAPE ARCHITECTS ■ ENVIRONMENTAL SCIENTISTS

4800 Sugar Grove Boulevard
Suite 316
Stafford, TX 77477
281.494.0360 Fax 281.494.0309

Oct. 2, 2013

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

RE: Conditional Use Permit Application
First Choice ER – Pearland (Firestone) site

Dear Sirs:

This letter is a notice of intent to file a Conditional Use Permit Application for our site at 2906 Broadway St, located within the CVS Subdivision. Our intended use for this site is a 24-hour emergency care clinic. The current zoning classification is General Business Retail District and an emergency care clinic may be approved as a Conditional Use.

Our plan is to construct a 6,500 SF emergency care clinic consisting of patient care areas, x-ray and CT examination rooms, lobby and support space. There will also be an area built out to serve as administrative office space connected to the ER. The exterior will be renovated as described below. There will be two entrances serving the ER, one for patient drop-off and one for ambulance pick-up. Both are required by State law and will have new canopies to provide weather protection for patients.

The planned site improvements is to Currently we anticipate three ground signs, two of which are required by State law to direct patients to the emergency entrance.

If you have any questions, or need additional information, please do not hesitate to contact us.

Thank you for your time and consideration,

A blue ink signature of Jim Evans, written in a cursive style, is positioned above his name and title.

Jim Evans
Assistant Project Manger

JEE
Attachments: CUP application set

CITY OF PEARLAND
REPRINT
*** CUSTOMER RECEIPT ***
Oper: NHARRIS Type: OC Drawer: 1
Date: 10/03/13 01 Receipt no: 3170

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	\$250.00
Trans number:		4231733

FIRST CHOICE ER
2941 S LAKE VISTA DR #200
LEWISVILLE, TX 75067
972.899.6666
CUP CVS PHARMACY/GREG MCCANEY
NJH

Tender detail		
CK CHECK	3482	\$250.00
Total tendered		\$250.00
Total payment		\$250.00

Trans date: 10/03/13 Time: 11:04:45

ZONE CHANGE/ VARIANCE/PLAT/RECORDATION

(circle one)

BA or **PF** or **FE**

Description: Input who the check is from

CUP

COMMENTS/DESCRIPTION (F10):

Location or

\$250.00

Address

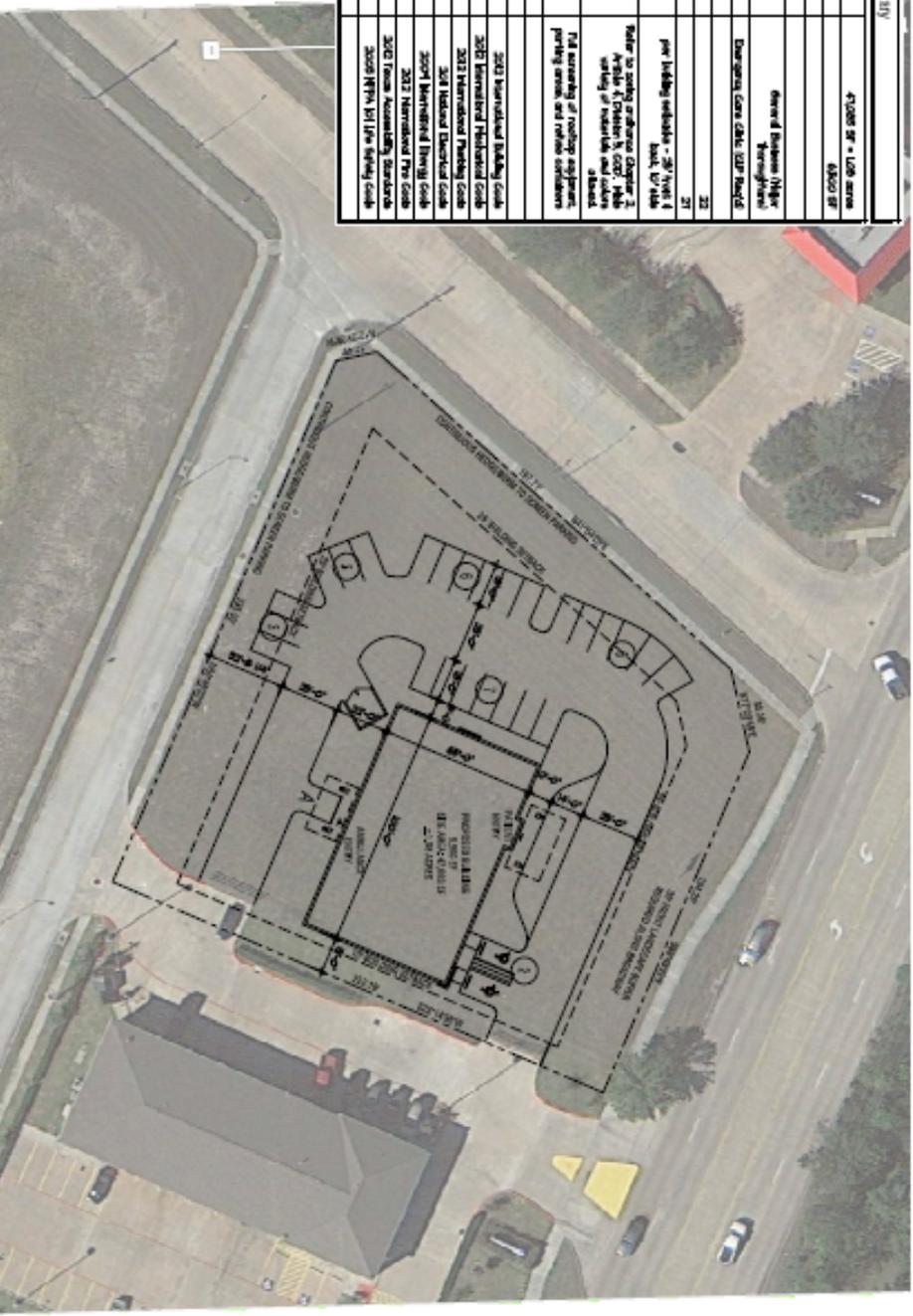
CVS Pharmacy/

Applicant

Greg McHaley

Owner _____

Site Information Summary	
Total Site Area	47,000 sq. + Use areas
Building Area	60,000 sq.
MTS 2019/20	General Business (High Throughput)
Existing Zoning	
Use	Emergency Care Clinic, 24/7 Retail
Permitting Required by City	22
1 permit per 2000 sq.	
Trucking Permitted	21
Major Lot Coverage (Building)	per building schedule - 20' front & back, 17' side
Architectural/Design Requirements	Refer to zoning ordinance Chapter 17, Article 1, Section 17.02.01 for details regarding siting of materials and loading areas
Screening Requirements	Full screening of loading equipment, parking areas, and other conditions
APPLICABLE CODES	
Building	2002 International Building Code
Plumbing	2002 International Plumbing Code
Mechanical	2002 International Mechanical Code
Electrical	2002 International Electrical Code
Fire	2002 International Fire Code
Sign	2002 International Sign Code
Accessibility	2002 Texas Accessibility Standards
Use Schedule (per TDRS)	2002 IFPA, 601 Use Siting Code



SWD of Broadway St. & Pearland Pkwy. - Pearland, TX



November 1, 2013

Scale: 1" = 30'-0"

CS-3



ENGINEERS ■ SURVEYORS ■ PLANNERS
LANDSCAPE ARCHITECTS ■ ENVIRONMENTAL SCIENTISTS

4800 Sugar Grove Boulevard
Suite 316
Stafford, TX 77477
281.494.0360 Fax 281.494.0309

Oct. 2, 2013

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

RE: Conditional Use Permit Application
Acknowledgement of Sign Posting
First Choice ER – Pearland (Firestone) site

Dear Sirs:

This letter is an acknowledgement that a sign, manufactured to the standards of the City of Pearland's CUP application, indicating the property is under consideration for a Conditional Use Permit will be posted on the property as prescribed in the application.

Thank you for your time and consideration,

A handwritten signature in blue ink, appearing to read 'Jim Evans', written over a horizontal line.

Jim Evans
Assistant Project Manger

JEE
Attachments: CUP application set

Tax Certificate Update

Remit certificate fee to :

Customer : CHARTER TITLE - MAIN OFFICE (Branch
MO)

Certificate Number : 6115889

National TaxNet
P.O. Box 848123
Dallas, Texas 75284-8123

User : 2156 2156

Print Date : 09/14/2013

GF Number : 1017002861

Fee : \$71.58 (includes sales
tax)

Closer : KIM LAVERN

Buyer(s) :

Certificate Current Year Tax Summary		
Jurisdiction	Tax Year	Base Tax
BRAZORIA COUNTY RO'VIN GARRETT RTA ASSR	2012	\$1,143.81
PEARLAND CITY	2012	\$1,659.95
PEARLAND ISD	2012	\$3,341.55
BRAZORIA COUNTY DD #4	2012	\$367.26
Current Year Total (as available)		\$6,512.57

Certificate Totals of Taxes Due by Collector			
PAYABLE TO:	Balance Due w/o Penalties	Amount Due 09/2013	Amount Due 10/2013
BRAZORIA COUNTY RO'VIN GARRETT RTA ASSR	\$0.00	\$0.00	\$0.00

WARNING - WARNING - WARNINGPLEASE READ THE CERTIFICATE CAREFULLY AS COMMENTS AND/OR WARNINGS ARE INCLUDED
ON THIS CERTIFICATE INDICATING THAT A LIABILITY SITUATION MAY EXIST.

CAD Account Number(s)
23690001001

Assessment Information		2013 Assessed Values	
Account Number:	23690001001 (Parcel 1 of 1)		
Owner Name(s):	CVS PEARLAND PARKWAY LP CVS CORP #5877-02 OCCUPANCY EXP DEPT	Land:	235,420
Mailing Address:	1 CVS DR WOONSOCKET, RI 02895-1460	Imprv:	0
Property Address:	BROADWAY FM 518	Total:	235,420
Legal Description:	CVS SHERWOOD (A0198 T J GREEN)(PEARLAND) BLK 1 LOT 1 (REPLAT 08) ACRES 1.0808		
Geo Id:	000000596519		
Acreage:	1.08080		
2013 Exemptions:	None	Total Est. Taxes w/o Exempt: \$6,512.56	
Warnings:	Property is assessed as land only. Please verify no improvements prior to closing or additional taxes may be due.		

Tax Information Detail - CAD Account 23690001001				
PEARLAND CITY COLLECTED BY BRAZORIA COUNTY RO'VIN GARRETT RTA ASSR (979) 864-1340		Payments as of : 08/29/2013 Current Year Taxes 08/29/2013 Prior Year Taxes		
2012 Tax Rate: 0.705100 Est. Taxes w/o Exempt: \$1,659.95				
	Tax Year	Base Tax	Amount Due 09/2013	Amount Due 10/2013
	2012	\$1,659.95	Paid	Paid
	SUBTOTAL	\$1,659.95	\$0.00	\$0.00

Tax Information Detail - CAD Account 23690001001				
BRAZORIA COUNTY DD #4 COLLECTED BY BRAZORIA COUNTY RO'VIN GARRETT RTA ASSR (979) 864-1340		Payments as of : 08/29/2013 Current Year Taxes 08/29/2013 Prior Year Taxes		
2012 Tax Rate: 0.156000 Est. Taxes w/o Exempt: \$367.26				
	Tax Year	Base Tax	Amount Due 09/2013	Amount Due 10/2013
	2012	\$367.26	Paid	Paid
	SUBTOTAL	\$367.26	\$0.00	\$0.00

Tax Information Detail - CAD Account 23690001001				
BRAZORIA COUNTY RO'VIN GARRETT RTA ASSR 111 E LOCUST ANGLETON, TX 77515 (979) 864-1340		Payments as of : 08/29/2013 Current Year Taxes 08/29/2013 Prior Year Taxes		
2012 Tax Rate: 0.485860 Est. Taxes w/o Exempt: \$1,143.81				
Tax Year	Base Tax	Amount Due 09/2013	Amount Due 10/2013	
2012	\$1,143.81	Paid	Paid	
SUBTOTAL	\$1,143.81	\$0.00	\$0.00	

Tax Information Detail - CAD Account 23690001001				
PEARLAND ISD COLLECTED BY BRAZORIA COUNTY RO'VIN GARRETT RTA ASSR (979) 864-1340		Payments as of : 08/29/2013 Current Year Taxes 08/29/2013 Prior Year Taxes		
2012 Tax Rate: 1.419400 Est. Taxes w/o Exempt: \$3,341.55				
Tax Year	Base Tax	Amount Due 09/2013	Amount Due 10/2013	
2012	\$3,341.55	Paid	Paid	
SUBTOTAL	\$3,341.55	\$0.00	\$0.00	

Account Summary of Taxes Due			
Payable to:	Balance Due w/o Penalties	Amount Due 09/2013	Amount Due 10/2013
BRAZORIA COUNTY RO'VIN GARRETT RTA ASSR	\$0.00	\$0.00	\$0.00

Exclusions and Conditions of Tax Certificates
ALL APPLICABLE AD VALOREM TAXES ON THE ABOVE REFERENCED PROPERTY(S) ARE FOUND TO HAVE THE STATUS PROVIDED EXCEPT:
<ul style="list-style-type: none"> a. THE STATUS DOES NOT COVER ANY CHANGES MADE TO THE TAX RECORDS OF THE AGENCIES LISTED AFTER THE "PAYMENTS AS OF" DATE b. DOES NOT INCLUDE OR IS NOT A CERTIFICATION OF ANY <ul style="list-style-type: none"> 1. MINERAL TAXES 2. PERSONAL PROPERTY TAXES (INCLUDING MOBILE HOMES) 3. ANY OTHER NON AD VALOREM TAXES

Texas Tax Information
<ul style="list-style-type: none"> • Texas taxes are usually billed for the calendar year on or around October 1st • Taxes are delinquent on February 1st • Additional penalties apply to current year delinquencies on July 1st

HOA Certificate

National TaxNet
P.O. Box 848123
Dallas, Texas 75284-8123

Customer : CHARTER TITLE - MAIN OFFICE (Branch MO) **Certificate Number :** 6115889
User : 2156 2156 **Print Date :** 09/14/2013
GF Number : 1017002861
Closer : KIM LAVERN
Buyer(s) :

PROPERTY INFORMATION

Owner Name(s): CVS PEARLAND PARKWAY LP CVS CORP #5877-02 OCCUPANCY EXP DEPT
Legal Description: CVS SHERWOOD (A0198 T J GREEN)(PEARLAND) BLK 1 LOT 1 (REPLAT 08) ACRES 1.0808
Situs Address: BROADWAY FM
CAD Account: BRAZORIA, #23690001001

HOMEOWNER'S ASSOCIATION INFORMATION

HOA Name: NO MAINTENANCE ASSESSED
Collection Cycle: Unknown
Collector: NO MAINTENANCE ASSESSED
Phone:
Fax:
Contact:

Comments: THE LEGAL DESCRIPTION REQUESTED IS NOT ASSESSED BY A HOMEOWNERS ASSOCIATION.
NO HOMEOWNERS ASSOCIATION FEES APPLY.

ASSESSMENT INFORMATION

Billing Cycle	Assessment Type	Base Amount	Balance Due	Payoff	Payoff	Payoff
			Total Due:	\$0.00	\$0.00	\$0.00
Comments:						
HOA Bill Status: Ready						

APPLICATION CHECKLIST FOR THE FOLLOWING Conditional Use Permits (CUP)

- 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 contain 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 conditional use permit request in detail, specifying proposed uses, specific operations of the use, square footage of buildings, unique characteristics of the property, and any other necessary information
- Application fee of \$250.00, by cash, check made payable to the City of Pearland, or credit card (Visa and MasterCard only)
- Site Plan or Plot Plan showing the proposed layout of the subject property, including any proposed buildings, parking, landscaped areas, detention ponds, fences, and any other relevant information
- 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.**

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD NOVEMBER 18, 2013, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

UDC Amendment T-16

Consider proposed amendments to the Unified Development Code.

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.

**AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS**

AGENDA OF: November 18, 2013	ITEM NO.:
DATE SUBMITTED: November 5, 2013	DEPT. OF ORIGIN: Planning
PREPARED BY: Ian Clowes and Harold Ellis	PRESENTOR: Harold Ellis
REVIEWED BY: Mike Hodge	REVIEW DATE: November 11, 2013
SUBJECT: Unified Development Code Updates (T-16)	
EXHIBITS: 1) First UDC T-16 Amendment Joint Workshop Agenda Request 2) Second UDC T-16 Amendment Joint Workshop Agenda Request 3) Third UDC T-16 Amendment Joint Workshop Agenda Request	
EXPENDITURE REQUIRED: N/A	AMOUNT BUDGETED: N/A
AMOUNT AVAILABLE: N/A	PROJECT NO.: N/A
ACCOUNT NO.: N/A	
ADDITIONAL APPROPRIATION REQUIRED: N/A	
ACCOUNT NO.: N/A	
PROJECT NO.: N/A	
To be completed by Department:	
<input type="checkbox"/> Finance	<input type="checkbox"/> Legal
<input type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution

EXECUTIVE SUMMARY

The City's Unified Development Code, initially adopted in February 2006, is reviewed annually. This review is based on input over the past year from citizens, developers, City Council, the Planning and Zoning Commission, board members, and city staff. Based on this input, Planning staff creates a list of proposed amendments to the Unified Development Code. This year's amendments, if approved, would result in the 16th amendment to the Unified Development Code.

As the Unified Development Code is the City of Pearland's local zoning ordinance, state law and city charter require a Joint Public Hearing with the Planning and Zoning Commission and City Council, followed by two readings of the ordinance by the City Council to approve any amendments.

As in the past, this year's amendment process began with a series of workshops with the Commission. Workshops were conducted on July 15, August 5 and August 19, 2013, to discuss the proposed amendments. The Commission then presented their final list of recommended changes to the City Council in the form of two Joint Workshop's, on September 16, and October 7, 2013. A third and final joint workshop was held on November 4, 2013 to discuss one additional amendment to the Unified Development Code that was not discussed at prior workshops.

Staff began the workshop process with a total of seventeen (17) proposed amendments. After the first Joint Workshop on September 16, there were four (4) originally proposed amendments which have been removed from this year's annual Unified Development Code update list. Three items, which pertain to electrical utility requirements, human sign requirements, and Cluster Development Plans need additional research and will be discussed at the next update of the UDC. The fourth item, which pertains to wine bars, will continue to be regulated by the Texas Alcoholic Beverage Commission and County regulations. With these four (4) items removed, and one additional item added, which pertains to the Garden/O'Day Mixed Use District, there are now a total of fourteen (14) amendments as part of this annual update.

From these workshops, the Commission has recommended that staff amend the UDC as summarized in this report. Detailed information pertaining to these changes, as well as draft proposed redline changes are contained in the attached agenda requests provided for the prior workshops discussed in this report.

Summary of proposed amendments:

1. Buffering along Thoroughfares:

Section of be amended - Screening 4.2.4.1 (c) (1)

Proposed amendment:

This is a clarification to ensure that when a landscape reserve is shown to be located between a subdivision and a thoroughfare, a masonry wall is required as opposed to wood fencing, unless screening alternatives are proposed. Additionally, this amendment adds language that establishes that this requirement is only applicable if rear or side yards of residential lots are adjacent to and within 200' of a major or secondary thoroughfare.

2. Clarification of the definition of Banner Signs:

Sections to be amended – Temporary Signs 4.2.5.5 (c) (Page 4-70) and General Definitions 5.1.1.1 (a) (370)

Proposed amendment:

This amendment adds further clarification to differentiate Banner Signs from Temporary Signs.

3. *Clarification on Temporary Signs as they relate to Special and Off Premise Events:*

Sections to be amended – On Premise Ground Signs 4.2.5.3 (b) (12) (Page 4-67) and Temporary **Signs** 4.2.5.5 (d) (3) (Page 4-71).

Proposed amendment:

This amendment adds the phrase *Temporary Sign* to the section regarding Special Events Sign and Off Premise Special Event Signs to clarify the type of sign as it is defined in the definition section of the Unified Development Code:

4. *Combine Check Cashing use with Pawn Shop/Title Loan use and amend the definition accordingly:*

Section to be amended - Land Use Matrix 2.5.2.1 (a) (Page 2-184 and 2-142).

Proposed amendment:

Staff feels that these uses are similar in nature and therefore should be combined and allowed/disallowed in the same zoning districts.

5. *Expand the Stable, Commercial use to allow riding schools:*

Section to be amended – Land Use Matrix 2.5.2.1 (a) (Page 2-112)

Proposed amendment:

Currently this type of facility does not fit well into any existing category. Adding this use to the commercial stable category provides more clarity for the staff and potential applicant as to where this use is permitted.

6. *Allow the self-service carwash use as part of primary use:*

Sections to be amended – Land Use Matrix 2.5.2.1 and **Corridor Overlay**

District 2.4.5.1 (d) (4)

Proposed amendment:

We have had a number of Conditional Use Permit cases recently that have been for self-service drive- thru carwashes that were secondary to a permitted primary use on the same lot in the General Business zone. If requirements are added to the Unified Development Code which address any potentially negative impacts,

which are also proposed as part of this amendment the use may be able to be permitted by right, thus eliminating the Conditional Use Permit process for this use.

7. Adding a CUP process for new and used car sales:

Section to be amended – Land Use Matrix 2.5.2.1

Proposed amendment:

Requiring a CUP for proposed new and used auto sales will allow the City Council to look at each request and determine if the site is best suited for the proposed use. Additionally, the proposed change will allow Council to determine what, if any, improvements need to be completed prior to issuance of a Certificate of Occupancy.

8. Require a CUP for the operation of Bail Bonds offices:

Section to be amended – Land Use Matrix 2.5.2.1

Proposed amendment:

The amendment proposes a CUP in all zones in order to allow P&Z and City Council to determine whether this particular, potentially sensitive use, should be permitted at a specific requested location.

9. Proposed Amendments to allowable uses in the Spectrum S4 and S5 zoning districts:

Section to be amended – Land Use Matrix 2.5.2.1

Proposed amendment:

Staff believes that the proposed revision to the land use matrix will facilitate the location of additional uses in the area. The development guidelines in the SP4 and SP5 zoning districts will ensure that the intent of the Comprehensive Plan is maintained, specifically – “mixture of architectural and design characteristics that are aesthetically pleasing”.

10. Fencing along Corridor Overlay District (COD), Screening and Fence Type:

Section to be amended - Corridor Overlay District 2.4.5.1 (i) (3) and 2.4.5.1

(i) (5)

Proposed amendments:

The amendment will add clarifying language with regard to front yard fence height requirements, and allow additional fencing and landscaping options for repairing or replacing existing fences.

11. Fencing along Corridor Overlay District (COD), Definition:

Section to be amended - General Definitions 5.1.1.1 (a)

Proposed amendment:

As we are proposing amendments which pertain to subdivision and wood rail fences (above), we believe definitions for these types of fences should be added for clarification purposes.

12. Limit asphalt parking as an allowable paving material:

Section to be amended - Off-Street Parking Lot Construction - Subbase 4.2.1.4, Off-Street Parking Lot Construction – Base Course 4.2.1.5, and Off-Street Parking Lot Construction – All-Weather Surface 4.2.1.6

Proposed amendment:

Based on recent applications for asphalt parking lots, which are currently allowed in the Unified Development Code, staff is recommending that the City limit asphalt as an allowable material for paving.

13. Prohibit Temporary Buildings for permanent Commercial Use:

Sections to be amended - General Definitions 5.1.1.1 (a) and Corridor Overlay Zoning District 2.4.5.1 (n)

Proposed amendment:

The purpose of this proposed amendment is to prevent the use of temporary buildings being located on commercial property for permanent use.

14. *Adding additional uses, by way of Conditional Use Permit, in the Garden/O'Day Mixed Use District (G/O-MU):*

Section to be amended – Industrial Use CUP- 2.4.3.3 (i)

Proposed amendment:

Currently in the G/O-MU zoning district, properties which were formerly zoned industrial (either M-1 or M-2), are eligible to be granted a Conditional Use Permit to allow uses not permitted in the existing zone, but were permitted either by right or with the approval of a Conditional Use Permit in the property's former zone. This amendment proposes to expand upon this section of the UDC and permit properties formerly zoned other non-residential and residential zoning districts the opportunity to request a CUP to allow uses permitted in the property's former zone, or a predetermined base zoning district for properties formerly zoned residential but used for commercial purposes.

Recommended action:

Staff recommends approval of the proposed UDC T-16 amendments.

**AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS**

AGENDA OF: September 16, 2013	ITEM NO.:
DATE SUBMITTED: August 22, 2013	DEPT. OF ORIGIN: Planning
PREPARED BY: Ian Clowes and Harold Ellis	PRESENTOR: Harold Ellis
REVIEWED BY:	REVIEW DATE:
SUBJECT: Annual Unified Development Code Updates (T-16)	
EXHIBITS: Proposed Areas of Amendments and Recommended Language	
EXPENDITURE REQUIRED: N/A	AMOUNT BUDGETED: N/A
AMOUNT AVAILABLE: N/A	PROJECT NO.: N/A
ACCOUNT NO.: N/A	
ADDITIONAL APPROPRIATION REQUIRED: N/A	
ACCOUNT NO.: N/A	
PROJECT NO.: N/A	
To be completed by Department:	
<input type="checkbox"/> Finance <input type="checkbox"/> Legal <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution	

EXECUTIVE SUMMARY

The City's Unified Development Code, initially adopted in February 2006, is reviewed annually. This review is based on input over the past year from citizens, developers, City Council, the Planning and Zoning Commission, board members, and city staff. Based on this input, Planning staff creates a list of proposed amendments to the Unified Development Code. This year's amendments, if approved, would result in the 16th amendment to the Unified Development Code.

As the Unified Development Code is the City of Pearland's local zoning ordinance, state law and city charter require a Joint Public Hearing with the Planning and Zoning Commission and City Council, followed by two readings of the ordinance by the City Council to approve any amendments.

In the City of Pearland, City Council has directed that the Planning and Zoning Commission review these amendments in detail and make a recommendation at the joint workshop. Therefore, as in the past, this year's amendment process

began with a series of workshops with the Commission. Workshops were conducted on July 15, August 5 and August 19, 2013, to discuss the proposed amendments. From these workshops, the Commission has recommended that staff amend the UDC as detailed in this report.

This year and for the purposes of this workshop, there are a total of sixteen (16) proposed amendments. As has been done in the past, we have separated the proposed amendments into three (3) separate categories: 1) *Clarification on existing UDC language*, which includes amendments 1-3; 2) *Land Use Matrix changes*, which includes amendments 4-9; and *General Unified Development Code changes*, which includes amendments 10-16.

Additions to the Unified Development Code are shown in red font and deletions are shown in red strikeout font. Current code language is *Italicized*.

Exhibit 1 Proposed Areas of Amendments and Recommended Language:

Clarification on existing UDC language

1. Clarification of buffering along Thoroughfares:

Section of be amended - Screening 4.2.4.1 (c) (1)

Proposed amendment:

This is a clarification to ensure that when a landscape reserve is shown to be located between a subdivision and a thoroughfare, a masonry wall is required as opposed to wood fencing, unless screening alternatives as discussed later in this report are proposed.

This clarification will ensure that proposed subdivisions comply with all screening requirements when abutting/visible from a thoroughfare.

Amendment:

4.2.4.1 (c) (1)

(c) *Residential Screening Along Major and Secondary Thoroughfares (Applies to the City & ETJ).*

- (1) *Requirement Criteria: Where residential subdivisions are platted so that the rear or side yards of single-family or two-family residential lots are adjacent to a major or secondary thoroughfare roadway as described in Chapter 3, or are separated from such thoroughfare by an alley, landscape or open space area/detention facility, or back up to such thoroughfare, the developer shall provide, at its sole expense, a minimum six-foot tall masonry screening wall (also see Subsection (2) below), or some other alternative form of screening, if approved by the Planning Director, according to the following alternatives and standards. All screening shall be adjacent to the right-of-way or property line*

and fully located on the private lot(s), including columns and decorative features. All forms of screening shall conform to the requirements of City ordinances and policies that govern sight distance for traffic safety.

Screening Alternatives: Screening shall be provided in accordance with, and shall be constructed to, standards and criteria as set forth in the City's EDCM. An alternative form of screening, in lieu of the masonry wall, may be approved by Planning Director and the City Engineer with the Preliminary Subdivision Plat or Preliminary Development Plat application. Alternatives that may be considered include:

- a. A living/landscaped screen in conjunction with decorative metal (e.g., wrought iron) fence sections with masonry columns;
- b. A combination of berms and living/landscaped screening;
- c. A combination of berms, decorative masonry walls and living/landscaped screening, either with or without a decorative metal or "WoodCrete" type of fence with masonry columns; or
- d. Some other creative screening alternative may be approved if it meets the spirit and intent of this Section, if it is demonstrated to be long-lasting and generally maintenance-free, and if the Planning Director and City Engineer find it to be in the public interest to approve the alternative screening device.

Basis for Recommendation

This language clarification will avoid confusion in the interpretation of the requirement. The Planning and Zoning Commission concurred with this clarification.

2. Clarification of the definition of Banner Signs:

Section to be amended – Temporary Signs 4.2.5.5 (c) (Page 4-70) and Definitions 5.1.1.1 (a) (370)

Proposed amendment:

Adding further clarification to differentiate Banner Signs from Temporary Signs.

Staff has seen an influx of requests to place banner like signs either on poles, vehicles, or other structures in order to advertise a specific business or event. Some of these uses may be permitted under the temporary sign definition but should not be considered under the banner sign definition.

Amendment:

5.1.1.1 (a) (370)

- (c) **Banner Defined.** A banner is hereby defined to be a temporary sign as that term is defined Chapter 5 of this UDC that is designed to be attached or installed with rope, wire, or other temporary means to a portion of the on premise building façade, so as to allow ease of installation and removal.

Basis for Recommendation:

This amendment will help clarify the definition of a banner as a temporary sign affixed to the façade of an on premise business and add an official definition of a *Banner Sign* to Chapter 5. The Planning and Zoning Commission concurred with this clarification.

3. *Clarification on Temporary Signs as they relate to Special and Off Premise Events:*

Section to be amended – On Premise Ground Signs 4.2.5.3 (b) (12) (Page 4-67) and **Temporary Signs** 4.2.5.5 (d) (3) (Page 4-71).

Proposed amendment:

Add the phrase *Temporary Sign* to the section regarding Special Events Sign and Off Premise Special Event Signs to clarify the type of sign as it is defined in the definition section of the Unified Development Code:

For these types of signs, we need to clarify that the permitted signs are different than Portable Signs or Marquee Signs.

The Unified Development Code currently has a definition for *Temporary Sign* but this type of sign is not appropriately referenced in the sign code.

Amendment:

4.2.5.3 (b) (12)

(12) Special Events Sign: **Temporary** Signs advertising a special event sponsored by a non-profit organization, charitable group, or civic club and placed on real property where said event is to take place shall be allowed subject to the following conditions:

- a. The signs may not be displayed more than fourteen (14) days before, or five (5) days after, the event.
- b. The sign may not exceed six feet (6') in height or thirty-two square feet (32 ft²) in area per sign face.
- c. Only one such sign is allowed per street frontage, with a maximum of three per property.

- d. Portable Signs as defined in section 5.1.1.1 (a) (389) are not considered Temporary Signs and will not be permitted.

4.2.5.5 (d) (3)

- (3) Off-premise special events signs: Temporary Signs advertising a special event sponsored by a non-profit organization, charitable group, or civic club may be placed off-premises of where said event is to take place shall be allowed subject to the following conditions:
 - a. The signs may not be displayed more than fourteen (14) days before, or five (5) days after, the event.
 - b. No more than ten signs not exceeding six feet (6') in height or thirty-two square feet (32 ft²) in area per sign face are allowed within the City's limits, limited to one per street frontage. These signs shall be exempt from sign permit fees.
 - c. There is no quantity limit on signs not exceeding three and a half feet (3.5') in height or five square feet (5 ft²) in area per sign face, except only one is allowed per lot.
 - d. Portable Signs as defined in section 5.1.1.1 (a) (389) are not considered Temporary Signs and will not be permitted.

Basis for Recommendation:

This amendment will help to provide clarity and consistency when interpreting sign requests. The Planning and Zoning Commission concurred with this clarification.

Land Use Matrix changes

- 4. Combine Check Cashing use with Pawn Shop/Title Loan use and amend the definition accordingly:

Section to be amended - Section proposed to be changed: 2.5.2.1 (a) (Page 2-184 and 2-142).

Proposed amendment:

Staff feels that these uses are similar in nature and thus should be combined and allowed/disallowed in the same zoning districts. By calling out the different uses, this allows for more clarity when determining the best land use category for an applicant's proposed use.

Currently, as *Check Cashing* is a separate land use category from *Pawn Shop*, *Payday Loan*, and *Gold Exchange*, the uses are permitted in different areas of

the City. A *Check Cashing* business is permitted by right in the Old Townsite General Business Zone, General Business, General Commercial, and M-1 and M-2 Industrial districts and with the approval of a Conditional Use Permit in the BP-288, Neighborhood Service, and S1, S2, and S3 Spectrum zones.

A *Pawn Shop, Payday Loan, and Gold Exchange*, is only permitted by right in the General Commercial and Light Industrial (M-1) zones. This proposal, while adding *Check Cashing* to the same category is to continue the use by right in the same categories and add it with the approval of a Conditional Use Permit in the Old Townsite General Business, BP-288, and General Business zones.

Amendment:

Use	Residential Zoning Districts										Mixed Use Districts					Old Town			Non-Residential Zoning Districts											
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MH	SPD					C-MU	G/O-	MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
Check Cashing Service											S1	S2	S3	S4	S5															
											C	C	C								P				C	C	P	P	P	P
	Description: An establishment that cashes customers' checks for a fee.																													
Parking: One space for 200 square feet of gross floor area.																														

Use	Residential Zoning Districts										Mixed Use Districts					Old Town			Non-Residential Zoning Districts													
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-	MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2		
Pawn Shop, Pay Day Loan (including Title Loans and Check Cashing) & Gold Exchange											S1	S2	S3	S4	S5																	
																					C				C			C	P	P		
	Description: An establishment that loans money in exchange for personal property pledged by the property owner to the business, or that buys such property from its owner for resale. Retail sales permitted, including sales of pre-owned items, provided that sales of such pre-owned items comply with all applicable law. This use includes establishments that primarily buy gold from customers, and institutions that loan money based on postdated checks and car titles, or cash personal/paychecks for a fee.																															
Parking: One space per 300 square feet of gross floor area.																																

Other options for addressing the issue:

If council prefers to keep the uses separate, that can be done and discussions can occur with regards to where Council believes these uses are most appropriate in the City.

Basis for recommendation:

As *Check cashing* is considered to be a similar use as *Pawn Shop, Gold Exchange, and Title Loans* use and should be combined. Additionally, the

- (4) For any type of use that requires openings in the facade for vehicle entry or exit: These openings must not face a public roadway unless adequately screened to minimize the visual impact on the roadway. The screening should meet the requirements 2.4.5.1 (i) (b), 2.4.5.1. (2), and 2.4.5.1 (3) (c) (a).

Other options for addressing the issue:

If Council is more comfortable addressing each carwash associated with a permitted primary use on a case-by-case basis, staff can continue processing them as such. If the Council has other conditions which they believe will help mitigate any potential negative impacts, those conditions may also be added to the Unified Development Code as conditions for allowing the auto-washes by right.

Basis for recommendation:

With the language above, added to the Corridor Overlay District section of the Unified Development Code, that states no bay doors shall be permitted to face the thoroughfare without adequate screening, staff believes that necessity for a Conditional Use Permit for an auto-wash, self-serve, is alleviated. The Planning and Zoning Commission concurred with this amendment.

8. Separate new and used car sales in the land use matrix:

Section to be amended - Section to be changed: 2.5.2.1

Proposed amendment:

The proposal is to separate new and used car sales and require used car sales to obtain a Conditional Use Permit prior to obtaining a Certificate of Occupancy. This will allow the City Council to look at each site and determine what, if any, improvements need to be completed prior to issuance of a Certificate of Occupancy.

Recently we have had a number of used car lots open up throughout the city. The majority of these have opened on sites that do not currently comply with the Unified Development Code and no site improvements are triggered or undertaken. This has led to further deterioration of the sites as the intensity of the used car sales use exceeds that of previous uses on these sites.

General Unified Development Code changes

10. Human Signs:

Section to be amended - Section to be changed/added: **General Exceptions** 4.2.5.9 (b) (7) and **Temporary Signs** 4.2.5.5 (d) (4)

Proposed amendment:

Amend the section of the sign code that discusses human signs by adding moderate restrictions on how human signs can be displayed throughout the city.

This is in response to a substantial increase in the use of human signs throughout the city including costumed characters. The concerns discussed at the past workshop included traffic safety concerns, including hazards such as driver distraction caused by the signs, as well as the signs being a general visual nuisance.

The City of Webster adopted a human sign code this past May. The majority of the City of Pearland proposed language was taken from The City of Webster’s ordinance with a few additional restrictions. Webster does not regulate the size or the movements of such signs. We are proposing both size restrictions and movement restrictions in order to limit possible roadway distractions. We also are limiting the location and the number per lot. Webster allows one sign per business and must be displayed at the business. We are proposing to permit only one human sign per individual lot per month and signs must not be located on any paved area of a public or private street, public medians or public swale. This will prevent a large shopping center located on one individual lot from having multiple human signs out in the ROW at the same time.

Amendment:

Section 4.2.5.9 (b) (7)

Remove Human Signs from the Exempted Signs Section and move it to the temporary signs section (below)

Section 4.2.5.9 General Exemptions

(a) **Generally.** *Notwithstanding any other provision in this UDC to the contrary, the following signs shall be exempt from all sign requirements contained in the UDC except for location restrictions, unless modified below, and any requirement for the sign specifically listed herein.*

(b) **Exemptions.**

~~(7) Human Signs. Signs carried or wholly supported by humans are allowed so long as they do not exceed thirty-two square feet (32 ft²) in size.~~

Section 4.2.5.5 (d) (4)

Section 4.2.5.5 Temporary Signs

(d) **Other Temporary Signs.** *The following signs shall be allowed, subject to any conditions set forth below.*

- (7) Human signs are permitted within the city limits. Human signs are defined as a person wearing a costume or holding a sign while outside for the purpose of advertising a business, product, service, person, event or issue. Human signs are not permitted on any paved area of a public or private street, public medians or public swale. All human signs are also subject to the following:
- a. A permit for up to 10 consecutive days of display per month is required. Only one such permit for one human sign will be issued to an individual lot per month.
 - b. Sign holders must be standing (not seated) on the sidewalk or on private property. The use of podiums, chairs, ladders, risers, silts, vehicles, roofs, or any other structure or device is prohibited.
 - c. The maximum size of any sign being held is six square feet.
 - d. Signs are not permitted to be shaken, swung, oscillated, waved, rotated, twirled or thrown.
 - e. No electronic displays of any type including lights, video, LED, or reader boards are allowed.

Other options for addressing the issue:

If necessary, other options may be researched based on Council input and discussion at the workshop.

Basis for recommendation:

This is a proposed amendment which has been discussed in the past with prior Unified Development Code amendments. As this issue has become more prevalent in the region as a whole, cities are beginning to regulate how to address the issue. This issue has been discussed in the past by City Council, and regulating human signs is supported by the Eyes of Pearland. The Planning and Zoning Commission also concurs with this amendment.

11. *Fencing along Corridor Overlay District (COD), Screening and Fence Type:*

Section to be amended - Section proposed to be amended: **Corridor Overlay**

Zoning District 2.4.5.1 (i) (3) and Section 2.4.5.1 (i) (5)

Proposed amendments:

Add clarifying language with regard to front yard fence height requirements, and allow additional fencing and landscaping options for repairing or replacing existing fences.

An example of this would be the residential lots which front onto Dixie Farm Rd. Since the front yards are located along the roadway, they would not be permitted to install privacy fences but would be able to install fences not exceeding 4' in height which are decorative in nature. This amendment is meant to clarify an existing requirement.

Additionally, new subdivision fences which abut the COD are required to be constructed of masonry materials or wood rail fencing for larger lot subdivisions. The code is not clear on what developed or vacant single family lots that are not part of a subdivision, with an existing subdivision fence, may do when it comes to constructing, replacing or repairing fences. A recent example of this situation is occurring along Bailey where as a result of the widening, existing fences need to be relocated or rebuilt. The amendment allows for other types of fencing with landscaping.

Amendment:

2.4.5.1 (i) (3)

- 3) Screening Elements Prohibited: *No fence or wall visible from a public street shall be:*
- a. *Greater than eight feet (8') in height unless regulated by section 4.2.4.3 (a) (2) (b).*
 - b. *Located within any required visibility triangle.*
 - c. *Constructed with any of the following materials: surface painted or coated concrete, chain link, concertina wire, barbed wire, corrugated metal, fiberglass panels, or wood (unless completely screened with vegetation per Section 2.4.5.1 (i) (3) (c) (2) (A) (i), with a 3' landscape planting area. Landscape alternatives may be approved by the Planning Director or designee.*

2.4.5.1 (i) (5)

- 5) Residential ~~Subdivision~~ Fences:

- a. Residential subdivision fences shall be uniform in style, color, and material along the length of the subdivision.
- b. If visible from a street right-of-way, fences shall be constructed of masonry materials.

(i) For large-lot subdivisions, which are defined as subdivisions with average lot sizes of one-half acre or more or single lots not part of a platted subdivision, wood rail fencing may be used if it is not more than 25% opaque.

(ii) In situations where single family parcels exist and where a subdivision fence or wall does not currently exist, wood fencing may be used if it is completely screened from view of the roadway by shrubs per Section 2.4.5.1 (i) (3) (c) (2) (A) (i), with a 3' landscape planting area. Landscape alternatives may be approved by the Planning Director or designee.

Basis for recommendation:

Staff believes that this amendment will help clarify existing requirements and also provide additional fencing options. Currently a fence abutting a Corridor Overlay District would not be permitted to be constructed of wood. This amendment will allow wood as a material as long it is screened with landscaping. This request stems from recent cases where fence permit applicants were unclear on what the height requirements were and what screening options were required for different types of fencing. The Planning and Zoning Commission concurs with this amendment.

12. *Fencing along Corridor Overlay District (COD), Definition's*

Sections to be amended - Sections proposed to be amended: **General Definitions 5.1.1.1 (a)**

Proposed amendment:

As we are proposing amendments which pertain to subdivision and wood rail fences (above), we believe definitions for these types of fences should be added for clarification purposes.

Amendment:

Adding 5.1.1.1 (a) (184) (185) and amending subsequent numbers:

(184) FENCE, SUBDIVISION: A cohesive fence which is typically built by and at the cost of the developer at the time of initial subdivision development. These fences surround the development and are also typically maintained by a home

owners association and are often regulated by recorded deed restrictions with design requirements.

(185) FENCE, WOOD RAIL: A fence constructed of narrow, or split wood timbers, placed between upright supporting posts and with a maximum opacity of 25%.

Basis for recommendation:

This amendment is in conjunction with the prior amendment and provides additional clarification. The Planning and Zoning Commission concurs with this request.

13. *Remove or limit asphalt parking as an allowable paving material:*

Section to be amended - Section to be amended: **Off-Street Parking Lot Construction - Subbase** 4.2.1.4 and Section 4.2.1.5 **Off-Street Parking Lot Construction – Base Course**, and Section 4.2.1.6 **Off-Street Parking Lot Construction – All-Weather Surface**

Proposed amendment:

This item was initially discussed with the Commission on July 15th. Based on recent applications for asphalt parking lots, which are currently allowed in the Unified Development Code, staff is recommending that the City limit or eliminate asphalt as an allowable material for paving. Not only is asphalt less aesthetically pleasing, it is significantly less durable than concrete.

The Commission initially indicated that they would like to see the material limited as well, but was concerned with removing it as an allowed use all together and requested staff research further options.

The Engineering Department has researched further options and believes that the durability concern will be addressed by adding language to the Unified Development Code which requires asphalt, if used, to be constructed with the same sub-base as concrete.

Amendment:

4.2.1.4

(3) **Embankment:**

- a. **Embankment material shall be consistent with the City of Pearland (COP) specification section for Bedding, Backfill, and Embankment Material.**
- b. *Except as otherwise specified, embankment filling shall be constructed in successive layers for the full width of the individual parking lot cross section*

and in lengths as are best suited to the sprinkling and compaction methods utilized.

- c. Layers of embankment may be formed by utilizing equipment which will spread the material as it is dumped, or they may be formed by being spread by blading or other acceptable methods from piles or windrows dumped from excavating or hauling equipment in amounts that provide even distribution.
 - d. Each layer of **embankment** fill shall be uniform as to material, density and moisture content before beginning compaction. Where layers of unlike materials abut each other, each layer shall be feather-edged for at least 100 feet or the material shall be so mixed as to prevent abrupt changes in the soil. No material placed in the embankment by dumping in a pile or windrow shall be incorporated in a layer in that position, but all piles or windrows shall be moved by blading or similar methods.
 - e. Compaction of embankments shall be obtained by the method described as "ordinary compaction".
- (4) Ordinary Compaction: When the ordinary compaction method is specified, the following shall apply. "Depth" means the depth of material achieved upon compaction until there is no evidence of further compaction, in accordance with the provisions governing "rolling". Prior to and in conjunction with the rolling operation, each layer shall be **compacted to a minimum of 95% maximum dry density within $\pm 3\%$ of the optimum, unless otherwise specified by the Design Engineer** and shall be kept leveled with suitable equipment to ensure uniform compaction over the entire layer.
- (5) All parking lot pavements shall consist of a minimum 6 inch of Class A, Lime Treated Subgrade compacted to a minimum of 95% maximum dry density within $\pm 3\%$ of the optimum.

4.2.1.5

Base Course for Parking Areas.

- (1) Generally: For off-street parking lot pavements, flexible base shall consist of a foundation course composed of crushed stone or other stone materials as specified in the COP specification section for base course for pavement and in conformity with the typical sections shown on plans or grades established by the **Design Engineer**. Concrete parking lots **do not require base course**.
- (2) Material: **One of the following materials; crushed stone, recycled crushed concrete base, cement-stabilized crushed stone, cement-stabilized bank-run gravel, recycled crushed stone and hot mixed asphalt base, can be used as specified in the COP specification section for Base Course for Pavement. The material shall be a graded material that has sufficient fine material to bind the base. The material sources shall be subject to approval by the City Engineer.**
- (3) Construction Methods:
 - a. Immediately before placing the base material, the subgrade shall be checked as to conformity with **dry density, moisture content, grade and section**.

- b. *Materials deposited upon the subgrade shall be spread and shaped the same day unless otherwise approved by the City Engineer in writing. If inclement weather or other unforeseen circumstances render impractical the spreading of the material during the first 24-hour period, the material shall be scarified and spread in a manner subject to approval by the City Engineer. The material will be sprinkled, if directed, and will then be bladed, dragged and shaped to conform to typical sections as shown on the plans. All areas and “nests” of segregated coarse or fine material shall be corrected or removed and replaced with well-graded material, as directed by the City Engineer. If additional binder is considered desirable or necessary after the material is spread and shaped, it shall be furnished and applied in an amount subject to approval by the City Engineer. The binder material shall be spread by harrowing, brooming or other approved methods.*
- c. *The base course shall be compacted in accordance to COP specification section for Base Course for Pavement with a minimum of 95% dry density with moisture content within ±3% of the optimum, unless otherwise specified by the Design Engineer.*

4.2.1.6

All-Weather Surface for Parking Areas.

- (1) *Portland Cement Concrete: This off-street parking lot surface shall consist of a pavement of Portland cement concrete, with or without monolithic curbs, constructed as specified in this section on the prepared subgrade or other base course in conformity with the thickness and typical cross sections shown on plans and to the lines and grades established subject to approval by the City Engineer. Alternative pavement materials may be used for parking surfaces upon approval of the Building Official and the City Engineer. The paving material or concrete shall be considered of satisfactory quality if it meets the requirement specified in the COP specification section for Concrete Pavement.*

The following guidelines can be used for concrete parking lot upon verified by the Design Engineer and approved by the City engineer.

Component	Material Thickness (Inches)		
	Automobile Parking Area (EAL ¹ <6)	Driveways (Light Duty) (EAL = 6-20)	Driveways and Truck Traffic Areas (Medium Duty) (EAL =21-75)
Portland Cement Concrete (Min Comp. Strength 3500 psi)	5	6	7
Lime Treated Subgrade	6	6	6
Reinf. Steel (Grade 60)	#3@18” c/c eachway	#3@12” c/c eachway	#4@18” c/c eachway
¹ Equivalent daily 18-kip single-axle load applications			

The above guideline is not intended as a substitute for geotechnical recommendation of a design professional and professional judgment.

(2) Hot-Mixed Asphaltic Concrete:

- a. An asphaltic concrete surface shall consist of a lime treated subgrade, a base course, a surface course and leveling up surface as needed and as shown on the plans, each to be composed of a compacted mixture of mineral aggregate and asphaltic material. The pavement shall be constructed on the previously completed and approved subbase, base or existing pavement (asphaltic or Portland cement) as specified in this division and in accordance with the construction plans.
- b. The mineral aggregate shall be composed of a coarse aggregate and a fine aggregate bound together by asphaltic material. The grade of asphaltic material shall be type D of either hot mix-hot lay or hot mix-cold lay variety. The material used for Hot-mix asphalt concrete shall be in accordance to the COP specification for Asphaltic Concrete Pavement. The contractor shall notify the City Engineer of the source of the asphaltic material prior to the start of the project, and the source will be subject to the City Engineer's approval.
- c. Proper compaction shall be attained to the satisfaction of the City Engineer through utilization of specified rollers or other approved rollers as specified in the COP specification section for Asphaltic Concrete Pavement.
- d. The following guidelines can be used for asphalt concrete parking lot upon verified by the Design Engineer and approved by the City engineer.

Component	Material Thickness (Inches)		
	Automobile Parking Area (EAL ¹ <6)	Driveways (Light Duty) (EAL = 6-20)	Driveways and Truck Traffic Areas (Medium Duty) (EAL =21-75)
Hot Mix Asphalt Concrete	2	2	2.5
Base Course	6	8	10
Lime Treated Subgrade	6	6	6

¹ Equivalent daily 18-kip single-axle load applications

The above guideline is not intended as a substitute for geotechnical recommendation of a design professional and professional judgment.

- (3) Masonry Paving Units: Pervious or impervious masonry paving units shall be installed and maintained according to the manufacturer's recommendations for the anticipated traffic load. Masonry paving units shall not be used without obtaining a permit from the Building Official based upon review of construction plans and specifications, provided that no separate permit for the use of masonry paving units is required when the use is in connection with a building permit for construction activity on the same lot.

Other options for addressing the issue:

One option which was discussed with the Commission pertained to limiting asphalt parking in certain zoning districts and/or within the Corridor Overlay Districts.

Basis for recommendation:

Staff believes the current regulations in the Unified Development Code should be amended. The proposed amendment will help to address the concern that asphalt is not as durable as other paving materials. If asphalt is used and constructed in a more durable manner, aesthetic concerns will also be minimized. The Planning and Zoning Commission concurs with this request.

14. Require that all utilities throughout the city be underground:

Section to be amended – Sections to be amended: Townhouse Residential District 2.4.2.9 (j), Multiple-Family Residential District 2.4.2.10 (r), Garden/O’Day Mixed Use District 2.4.3.3 (j), Cullen-Mixed Use District 2.4.3.2. (i), General Commercial 2.4.4.6 (k), General Business Retail District 2.4.4.5 (m), Neighborhood Service District 2.4.4.4 (l), Office & Professional District 2.4.4.2 (l)

Proposed amendment:

Add a section under each of the indicated zoning districts which do not already require underground electrical utility lines which states no overhead utilities shall be extended to the property unless in the rear of the property and not prominently visible. Currently the City requires underground utilities in the Corridor Overlay Districts, and several other zoning districts, as indicated on the following chart.

At this time we are recommending adding the underground requirement to additional commercial, mixed use, and higher density residential zoning districts only. Below is a chart which further illustrates which zoning districts currently require underground utilities for new development as well as the districts that are being suggested to have the requirement added to:

Underground Utility Requirement

Zoning District

GC	<i>Proposed</i>	SP1	Required
GB	<i>Proposed</i>	SP2	Required
NS	<i>Proposed</i>	SP3	Required
OP	<i>Proposed</i>	SP4	Required
BP-288	Required	SP5	Required
C-MU	<i>Proposed</i>	MF	<i>Proposed</i>
G/O MU	<i>Proposed</i>	MH	Required
OT-GB	Required	TH	<i>Proposed</i>
OT-MU	Required	PD	Varies
OT-R	Required	COD*	Required

*Corridor Overlay District

The language below is the language currently used in the Unified Development Code in the districts which currently require underground electrical utilities.

Amendment:

Utilities. All utility service lines shall be located underground. Above-ground lines may be located in the rear or other areas of the property as necessary, however such lines must not be prominent from the front view of the property or from thview of roadways (the visibility of the poles must be partially or wholly obscured). Any determination on whether utilities are noticeable shall be made by the Planning Director

Basis for recommendation:

In light of recent cases which have resulted in new prominently visible above ground utility poles, there has been discussion on whether the City should require new poles and lines to be located underground in more areas of the City. This is being discussed not only for aesthetic reasons but also public safety concerns. The topic of this proposed amendment has been discussed at City Council in the past and the Planning and Zoning Commission concurs with the amendment as proposed.

15. Prohibit Temporary Buildings for permanent Commercial Use:

Section to be amended - Sections proposed to be amended: **General Definitions** 5.1.1.1 (a) and **Corridor Overlay Zoning District** 2.4.5.1 (n)

Proposed amendment:

The purpose of this proposed amendment is to prevent the use of temporary buildings being located on commercial property for permanent use. This is not meant to prohibit the use of commercial construction trailers used during the construction process. At this time staff's recommendation is to add a definition to the UDC for temporary commercial buildings and add language to the Corridor Overlay District section that prohibits the use of these types of structures. This recommendation and definition comes from examples of definitions and regulations from cities throughout the country and from discussions with local planners from surrounding communities.

The proposed definition below is a combined effort between the Planning and Building Departments, as well as other research on the topic.

Amendment:

5.1.1.1 (a)

(68) BUILDING, TEMPORARY (COMMERCIAL): Any building or structure that is designed to be transportable in one or more sections, on either a permanent or temporary chassis, and which may or may not be designed to be placed on a permanent or temporary foundation. This definition does not include temporary construction trailers permitted as a *Contractor's Temporary On-Site Construction Office*, as defined in Section 2.5.2.1 of the Unified Development Code unless associated with a Special Event permit and or permitted outdoor activity or use in applicable zoning district.

Section 2.4.5.1 (n)

(d) No temporary building shall be permitted for any type of use.

Basis for recommendation:

The reason for the amendment is that the City has seen a few cases in which temporary buildings have been left on site for permanent use. The City responded to those cases by asking the property owner to apply a masonry material to the façade, as required by the UDC. As stucco is considered a masonry material, property owners have added a layer of stucco to a temporary building, which then meets the requirements of the code, but in reality, there is still a temporary building on site. The Pearland Economic Development Corporation and the Planning and Zoning Commission concur with this amendment.

16. Proposed Amendments to allowable uses in the Spectrum S4 and S5 zoning districts.

Section to be amended – Section 2.5.2.1 Land Use Matrix

Proposed amendment:

A Joint Workshop was conducted with City Council and the Planning and Zoning Commission on December 3, 2012 where amendments to the City’s Land Use Matrix was proposed which involved adding additional allowable land uses to the Spectrum S4 and S5 zoning districts. As discussed at the workshop, these zones were established in 2004 and it was envisioned that the area would attract medical related uses and therefore medical manufacturing and uses in the medical field were permitted. In the past few years, the City has witnessed a demand for visible and accessible sites that would permit other similar manufacturing uses, in a controlled and pleasing environment. At the time of the December 2012 workshop, City Council and the Planning and Zoning Commission concurred with adding the additional land uses.

Amendment:

Land Use Matrix

P=Permitted

C=Conditional Use Permit

T=Temporary Commercial Permit

Proposed changes area highlighted in yellow.

(11-20-12)

<i>Types of Uses</i>	<i>SP4</i>	<i>SP5</i>	<i>M-1</i>	<i>M2</i>
<i>Accessory Dwelling ☐☐</i>				
<i>Accessory Structure (Business or Industry) ☐☐</i>	P	P	<i>P</i>	<i>P</i>
<i>Accessory Structure (Residential) ☐☐</i>				
<i>Adult Day Care Center(Business) ☐</i>				
<i>Agricultural Animal Husbandry ☐☐</i>	<i>C</i>	<i>C</i>	<i>P</i>	<i>P</i>
<i>Agricultural Field Crops, Orchards</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Airport ☐☐, Heliport/Helipad☐☐ or Landing Field</i>	<i>C</i>	<i>C</i>	<i>C</i>	<i>C</i>
<i>All-Terrain Vehicle (Go-Carts & Motor Cycles) Dealer/Sales</i>	P	P	<i>P</i>	<i>P</i>
<i>Ambulance Service ☐☐</i>	CP	CP	<i>P</i>	
<i>Animal Hospital (No Outside Pens)</i>			<i>C</i>	
<i>Animal Processing</i>			<i>P</i>	<i>P</i>

Types of Uses	SP4	SP5	M-1	M2
<i>Antenna (Commercial or Non-commercial) See Telecommunications Regulations</i>				
<i>Antique Shop <input type="checkbox"/> (No outside storage) <input type="checkbox"/></i>			C	
<i>Antique Shop <input type="checkbox"/> (With outside storage) <input type="checkbox"/></i>			C	
<i>Apparel Shop</i>			C	
<i>Appliance Repair <input type="checkbox"/></i>			P	P
<i>Art Museum and/or Dealer, or Studio</i>			C	
<i>Asphalt Batching Plant</i>			P	P
<i>Asphalt/Concrete Batching Plant <input type="checkbox"/></i>			P	P
<i>Assisted Living Facility <input type="checkbox"/></i>				
<i>Astrology, Hypnotist or Psychic Arts</i>			C	
<i>Auction House</i>				
<i>Auto Accessories and/or Parts (Only Retail Sales in building, no outside storage or display, no repair) <input type="checkbox"/></i>			P	
<i>Auto Assembly or Auto Parts Manufacturing</i>	P	P	P	P
<i>Auto Glass Repair/Tinting</i>			P	P
<i>Auto Interior Shop/Upholstery</i>			P	P
<i>Auto Parts Sale (With Outside Storage or Display)</i>			P	P
<i>Auto Parts Sales (Indoors Only; With Repair Bays)</i>			P	P
<i>Auto Rental <input type="checkbox"/></i>			P	P
<i>Auto Repair (Major) <input type="checkbox"/></i>			P	P
<i>Auto Repair (Minor) <input type="checkbox"/></i>			P	P
<i>Auto Sales/Dealer <input type="checkbox"/> (New- In Building, Auto Servicing and Used Auto Sales as accessory uses only) <input type="checkbox"/></i>			P	P
<i>Auto Wash (Full Service/Detail Shop) <input type="checkbox"/></i>			P	P
<i>Auto Wash (Self-Service) <input type="checkbox"/></i>			P	P
<i>Auto Wrecker Service</i>			P	P
<i>Automatic Teller Machine (ATM)</i>	P	P	P	
<i>Automobile Driving School (including Defensive Driving)</i>	P	P	P	
<i>Bakery (Wholesale) <input type="checkbox"/></i>			C	
<i>Bakery or Confectionery Shop (Retail Sales, Inside Service Only) <input type="checkbox"/></i>	P	P		
<i>Barber/Beauty Shop/Tanning Studios (No Related School/College)</i>			C	
<i>Barber/Cosmetology School/College</i>	P	P	P	
<i>Bed & Breakfast Inn <input type="checkbox"/></i>	P	P		
<i>Bio-Tech, High-Tech Manufacturing</i>	CP	CP		

Types of Uses	SP4	SP5	M-1	M2
Boarding or Rooming House <input type="checkbox"/>				
Boat Sales (New/Repair)			P	P
Building Material Sales	CP	P	P	P
Bulk Grain and/or Feed Storage			P	P
Bus or Truck Storage			P	P
Cabinet Business	P	P	P	P
Cafeteria <input type="checkbox"/>			C	
Cannery Wholesale			P	P
Catering Service			C	
Cattle Feedlot (CAFO)			C	C
Cellular Communications Tower	C	C	C	C
Check Cashing Service			P	
Chemical Packing and/or Blending			C	C
Child Day Care Center (Business) <input type="checkbox"/>				
Child Day Nursery <input type="checkbox"/>				
Church/Temple/Place of Worship <input type="checkbox"/>	P	P		
Cigars, Tobacco Shop (Retail Only)			C	
Civic Center (Municipal) <input type="checkbox"/>				
Civic Club				
Cleaning, Dyeing or Laundry Plant, Commercial <input type="checkbox"/>			P	P
Clinic, Medical or Dental <input type="checkbox"/>	C	C	C	
Clothing Manufacturing	CP	P	P	P
Commercial Amusement, Indoor <input type="checkbox"/>				
Commercial Amusement, Outdoor <input type="checkbox"/>				
Commercial Extraction of Soil, Sand, and Gravel	C	C	C	C
Commercial Transit Terminal			P	P
Community /Group Home <input type="checkbox"/>				
Community or Social Buildings <input type="checkbox"/>				
Consignment Shop			C	
Construction Contractor with Storage Yard			P	P
Contractor's Temporary On-Site Construction Office (only with permit from B.O.)	P	P	P	P
Convenience Store (Without Gasoline Sales) <input type="checkbox"/>			C	
Convent or Monastery <input type="checkbox"/>	P	P		
Copy/Printing Shop <input type="checkbox"/>			C	
Country Club, Private & Public Golf Course <input type="checkbox"/>	P			
Credit Agency	P	P	C	
Dance Hall or Night Club <input type="checkbox"/>				

Types of Uses	SP4	SP5	M-1	M2
Day Camp (For Children) <input type="checkbox"/>				
Department Store <input type="checkbox"/> (Retail Only, for Hardware, Sporting Goods, Toys, Paints, Wallpaper, and/or Clothing) <input type="checkbox"/>			C	
Dinner Theatre				
Drag Strip/Race Track <input type="checkbox"/>			C	C
Drive-In Theater				
Dumps and Landfills				C
Dwelling - Four-Family (Quadriplex) (Defined Under Dwelling - Multiple-Family) <input type="checkbox"/>				P
Dwelling - HUD-Code Manufactured(Mobile) Home <input type="checkbox"/>			C	C
Dwelling - Industrialized Home <input type="checkbox"/>				
Dwelling - Mobile Home <input type="checkbox"/>				
Dwelling - Multiple-Family <input type="checkbox"/>				
Dwelling - Patio Home <input type="checkbox"/>				
Dwelling - Single-Family Detached <input type="checkbox"/>	P	P		
Dwelling - Town House				
Dwelling - Two-Family <input type="checkbox"/>				
Electric Power Generating Plant			C	C
Electrical Substation	CP	P	C	C
Emergency Care Clinic	C	C	C	
Exhibition Hall or Public Assembly			P	P
Explosives Manufacturer and/or Storage				C
Extended Stay Hotel/Motel <input type="checkbox"/>	C			
Exterminator Service/Company (No outdoor sales or storage)				
Fairgrounds or Rodeo Grounds			C	C
Farm (Ranch, Livestock) <input type="checkbox"/>	P	P	P	P
Farm Accessory Building	P	P	P	P
Feed & Grain Store/Farm Supply Store <input type="checkbox"/>			P	P
Financial Institution (No Motor Bank Services) <input type="checkbox"/>	P	P	C	
Financial Institution (With Motor Bank Services) <input type="checkbox"/>	P	P	C	
Flour and Other Grain Mills			P	P

Types of Uses	SP4	SP5	M-1	M2
Food Store/Supermarket <input type="checkbox"/>			C	
Franchised Private Utility <input type="checkbox"/> (Other than those listed)	CP	P	P	P
Fraternal Organization <input type="checkbox"/>				
Fraternity or Sorority House <input type="checkbox"/>				
Funeral Home <input type="checkbox"/>			C	
Furniture and/or Appliance Store (Retail or Rental Only, Indoor Only)			C	
Furniture/Appliances - Open Storage & Retail Sale			P	P
Gaming Establishment <input type="checkbox"/>			C	C
Garage and/or Yard Sales			C	
Garden Shop & Outside Plant Sales (i.e., Plant Nursery)			C	
Gas Transmission & Metering Station	C	P	P	P
Gasoline Station <input type="checkbox"/>			P	P
General Retail Store, other than listed			C	
Governmental Building or Use (County, State or Federal)	C	C	P	P
Gravestone/Tombstone Sales			P	P
Guest, Caretakers or Security Quarters	P	P	C	C
Gym/Health Club (Physical Fitness; Indoors Only)			C	
Hardware Store <input type="checkbox"/>			C	
Hazardous Emissions				C
Heating & Air-Conditioning Sales/Services		C	P	P
Heavy Machinery Sales, Storage & Repair <input type="checkbox"/>			P	P
Heavy Manufacturing Process	P	P		P
Home for Alcoholic, Narcotic or Psychiatric Patients				
Home Sales office-temp(for new subdivision)				
Hospice (Defined Under Household Care Facility)				
Hospital (For Profit) <input type="checkbox"/>	P	P	P	P
Hospital (Non-Profit) <input type="checkbox"/>	C	C	P	P
Hotel/Motel <input type="checkbox"/>			C	
Institution of Religious, Educational or Philanthropic Nature	P	P		
Jewelry Store			C	
Laboratory, Medical or Dental	P	P	P	P

Types of Uses	SP4	SP5	M-1	M2
<i>Laundromat (Self-Service Laundry)</i>			<i>P</i>	
<i>Library, Public, or Museum</i>				
<i>Light Manufacturing Process</i>	<i>GP</i>	<i>GP</i>	<i>P</i>	<i>P</i>
<i>Limousine/Taxi Service</i>			<i>P</i>	<i>P</i>
<i>Liquefied Petroleum Storage & Sales</i>			<i>C</i>	<i>C</i>
<i>Livestock Sales, Wholesale</i>			<i>P</i>	<i>P</i>
<i>Locksmith</i>			<i>P</i>	<i>P</i>
<i>Lumber Mill/Yard</i>			<i>P</i>	<i>P</i>
<i>Manufactured Home Display, Sales and/or Rental (New or Used)</i>			<i>P</i>	<i>P</i>
<i>Manufacturer of Chlorine or Other Toxic Gasses</i>				<i>C</i>
<i>Manufacturing, Industrial Storage or Assembly Process Not Prohibited by Law but excluding those listed in Section 2.4.4.6 and Section 2.4.4.7 of this UDC</i>				<i>P</i>
<i>Market - Open Air (i.e., Flea Market)</i>			<i>C</i>	
<i>Medical Appliances & Sales</i>			<i>C</i>	
<i>Medical Device Assembly</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Metal, Machine or Wood Shop</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Milk Depot - Wholesale</i>			<i>P</i>	<i>P</i>
<i>Mini-Warehouse/Self Storage</i>			<i>C</i>	<i>C</i>
<i>Minor Concrete Batching Operation & Storage of Associated Processing Material (Restricted to 1.5 Yards or Less Per Batch)</i>				<i>P</i>
<i>Mortuary/Cemetery (Including Mausoleum/Crematorium)</i>				
<i>Motorcycle Sales/Dealer (New/Repair)</i>			<i>P</i>	<i>P</i>
<i>Moving and Storage Company</i>			<i>P</i>	<i>P</i>
<i>Municipal Public Administration Offices</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>News Printing/Book Binding</i>			<i>P</i>	<i>P</i>
<i>Nursing/Convalescent Home (Defined Under Skilled Nursing Facility)</i>				
<i>Office (Other than listed)</i>	<i>P</i>	<i>P</i>	<i>C</i>	
<i>Office Warehouse Storage or Sales(Defined Under Storage or Wholesale Warehouse)</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>

Types of Uses	SP4	SP5	M-1	M2
<i>Office, Parole-Probation, Bail Bonds</i>	C	C	C	
<i>Office/Clinic, Veterinarian (No Animal Hospital or Outside Pens)</i>	C	C	C	
<i>Office/Clinic, Veterinarian (No Animal Hospital, With Outside Pens)</i>	C	C	C	
<i>Off-site Detention Facility</i>	C	C	C	C
<i>Off-Street Parking Incidental to Nonresidential Main Use</i>			P	P
<i>Off-Street Parking Incidental to Residential Main Use</i>			P	P
<i>Onsite Detention Facility</i>	P	P	P	P
<i>Outside Display {See related regulations in applicable zoning districts}</i>			C	
<i>Outside Storage</i>			P	P
<i>Park and/or Playground (Private)</i>	P C	P C		
<i>Park and/or Playground (Public; Municipal)</i>	P C	P C		
<i>Parking Lot or Garage for passenger cars and trucks of less than one (1) ton capacity</i>	C	C	P	P
<i>Pawn Shop, Pay Day Loan, Gold Exchange</i>			P	
<i>Penal or Correctional Institutions</i>			P	P
<i>Pet and Animal Grooming Shop</i>				
<i>Petrochemical or Petroleum Product Extraction</i>	C	C	C	C
<i>Petroleum Products Bulk Storage (Wholesale)</i>			C	C
<i>Petroleum Refining, Manufacturer, or Bulk Storage</i>	C	C		C
<i>Piano and Musical Instruments (Retail Only)</i>			C	
<i>Pipe Processing or Storage Yard</i>			C	P
<i>Plumbing or Carpenter Shop (No Outside Storage)</i>	P	P	P	P
<i>Printing Equipment, Supplies and Repairs</i>			P	P
<i>Private Club</i>			C	C
<i>Propane Sales (Retail)</i>			P	P
<i>Radio or Television or Microwave Towers (Commercial) {See Telecommunications Regulations, Chap.2, Art. 5, Div. 5 of the UDC}</i>	C	C	P	P
<i>Radio or Television Transmitting Station (Commercial) {See Telecommunications Regulations, Chap. 2, Art. 5, Div. 5 of the UDC}</i>	C	C	P	P
<i>Railroad Team Tracks, Freight, Depot or Docks</i>			P	P

Types of Uses	SP4	SP5	M-1	M2
<i>Railroad, Bus, Light Rail Passenger Station (Public)</i>	C	C	P	P
<i>Recreation Center (Private, For Profit)</i>				
<i>Rehabilitation Care Facility (Halfway House)</i>			P	
<i>Rehabilitation Care Institution (Commercial)</i>			P	
<i>Reproduction of Blueprints</i>				
<i>Restaurant (With Drive-In and/or Drive-Thru Service)</i>			C	
<i>Restaurant (With No Drive-In or Drive-Thru Service)</i>			C	
<i>Sanitary Landfill (Private)</i>			C	C
<i>Sanitary Landfill (Public)</i>			C	C
<i>Satellite Dish (greater than 4' in diameter)(See Telecommunications Regs. Chp. 2, Art. 5, Div. 5 of the UDC)</i>	P	P	P	P
<i>Satellite Dish (Private, less than 4' in diameter) {See Telecommunications Regs}. Chp. 2, Art. 5, Div. 5 of the UDC}</i>	P	P	P	P
<i>School – Elementary, Junior High, High (Public or Parochial)</i>	C			
<i>School - Other Than Public or Parochial</i>	C			
<i>Seamstress or Dressmaker (Retail Only)</i>				
<i>Security Monitoring Company (No Outside Storage)</i>	P	P	C	
<i>Sheltered Care Facility</i>				
<i>Shopping Center See applicable use categories</i>				
<i>Sign Shop</i>			C	
<i>Social & Recreational Building, including homeowners association neighborhood recreation centers Stable, Commercial</i>			P	P
<i>Stone Monuments – Fabrication and Outdoor Storage</i>			C	
<i>Stone Monuments - Retail Sales Only (indoors)</i>			C	

Types of Uses	SP4	SP5	M-1	M2
<i>Storage of Used Lumber and Building Materials</i>			<i>P</i>	<i>P</i>
<i>Studio - Tattoo or Body Piercing</i>			<i>C</i>	<i>C</i>
<i>Studio for Radio and/or Television (No Tower)</i>			<i>P</i>	<i>P</i>
<i>Studio or Learning Center for Fine or Performing Arts</i>			<i>P</i>	<i>P</i>
<i>Swimming Pool, Commercial</i>				
<i>Swimming Pool, Private (Use Only By Resident)</i>				
<i>Tavern</i>			<i>C</i>	
<i>Taxidermist</i>			<i>P</i>	<i>P</i>
<i>Telemarketing Agency</i>			<i>C</i>	
<i>Telephone Exchange Switching Relay & Transmitting Equipment</i>	<i>CP</i>	<i>CP</i>	<i>C</i>	<i>C</i>
<i>Temporary Outdoor Amusement/Activity*</i>	<i>T</i>	<i>T</i>	<i>T</i>	<i>T</i>
<i>Tennis Court (Private/ Lighted)</i>				
<i>Tennis or Swim Club (Private, For Profit)</i>				
<i>Tire Retreading and Capping</i>			<i>P</i>	<i>P</i>
<i>Tire Sales (Outdoors, With Open Storage)</i>			<i>P</i>	<i>P</i>
<i>Tool and Machinery Rental (with Outdoor Storage)</i>			<i>P</i>	<i>P</i>
<i>Transfer Station (Refuse/Pick-up)</i>			<i>P</i>	<i>P</i>
<i>Travel Trailer/RV Park/Campground (Long-Term Stays) {Travel Trailer Defined}</i>				
<i>Truck and Bus Rental</i>			<i>P</i>	<i>P</i>
<i>Truck or Freight Terminal</i>			<i>P</i>	<i>P</i>
<i>Upholstery Business(with Outdoor Storage)</i>			<i>P</i>	<i>P</i>
<i>Utility Shops or Storage, Yards and Building</i>			<i>P</i>	<i>P</i>
<i>Warehouse & Distribution Facility</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Wholesale Trade - Nondurable Goods</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Wrecking or Salvage Yard (Auto, Steel, or Building Materials)</i>			<i>C</i>	<i>P</i>

Basis for recommendation:

Staff believes that the proposed revision to the land use matrix will facilitate location of additional uses in the area. The development guidelines in the SP4 and SP5 zoning districts will ensure that the intent of the Comprehensive Plan is maintained, specifically – “mixture of architectural and design characteristics that are aesthetically pleasing”.

This area currently lacks appropriate public utilities and infrastructure to accommodate future industrial development. Ideally the public will partner with private developers to improve the infrastructure in the area. Due to the significant public investment that has already been committed to in this area and the additional public and private investment that will be needed in the future, it is important that we ensure high quality development that will provide the tax base to support the investment. The Pearland Economic Development Corporation concurs with this amendment.

Recommended action:

Conduct the workshop and provide staff with direction.

**AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS**

AGENDA OF: October 7, 2013	ITEM NO.:
DATE SUBMITTED: September 25, 2013	DEPT. OF ORIGIN: Planning
PREPARED BY: Harold Ellis	PRESENTOR: Harold Ellis
REVIEWED BY:	REVIEW DATE:
SUBJECT: Annual Unified Development Code Updates (T-16)	
EXHIBITS: A) Agenda Request for September 16, 2013 Joint Workshop B) Draft Cluster Development Plan amendments discussed with the Commission C) January 7, 2013 Planning and Zoning Commission Workshop powerpoint presentation regarding Cluster Development Plans	
EXPENDITURE REQUIRED: N/A	AMOUNT BUDGETED: N/A
AMOUNT AVAILABLE: N/A	PROJECT NO.: N/A
ACCOUNT NO.: N/A	
ADDITIONAL APPROPRIATION REQUIRED: N/A	
ACCOUNT NO.: N/A	
PROJECT NO.: N/A	
To be completed by Department:	
<input type="checkbox"/> Finance	<input type="checkbox"/> Legal
<input type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution

EXECUTIVE SUMMARY

The City's Unified Development Code, initially adopted in February 2006, is reviewed annually. This review is based on input over the past year from citizens, developers, City Council, the Planning and Zoning Commission, board members, and city staff. Based on this input, Planning staff creates a list of proposed amendments to the Unified Development Code. These amendments are discussed in this report in two separate sections, as outlined below:

- 1) UDC clarifications and minor amendments
- 2) Cluster Development Plan discussion

UDC Clarifications and minor amendments

Workshops were conducted with the Planning and Zoning Commission on July 15, August 5 and August 19, 2013, to discuss this year's proposed amendments. These amendments were presented to the City Council by the Planning and Zoning Commission at a Joint Workshop on September 16, 2013. This year there were a total of sixteen (16) proposed amendments. Of this number, Council concurred with 10 (ten) of the proposed amendments with little or no discussion. For reference, all of the proposed amendments are listed in attached Exhibit A, *Agenda Request for September 16, 2013 Joint Workshop*.

This report will focus on the three (3) proposed amendments which Council recommended be clarified or modified. There are three (3) originally proposed amendments which, following the Joint Workshop, have been removed from this year's annual Unified Development Code update list. These two items, which pertain electrical utility requirements and human sign requirements, need additional research and will be discussed at the next update of the UDC. The last item, which pertains to wine bars, will continue to be Texas Alcoholic Beverage Commission and County regulations.

1. Clarification of buffering along Thoroughfares:

Section of be amended - Screening 4.2.4.1 (c) (1)

Proposed amendment:

This is a clarification to ensure that when a landscape reserve is shown to be located between a subdivision and a thoroughfare, a masonry wall is required as opposed to wood fencing, unless screening alternatives are proposed. Based on feedback received at the Joint Workshop, staff has amended the language as indicated below. Council indicated that there should be a distance requirement added to this section of the code so that lots which were in excess of the specified distance would be exempt from this requirement.

This clarification will ensure that proposed subdivisions comply with all screening requirements when abutting/visible from a thoroughfare.

Amendment:

4.2.4.1 (c) (1)

(c) Residential Screening Along Major and Secondary Thoroughfares (Applies to the City & ETJ).

- (1) Requirement Criteria: Where residential subdivisions are platted so that the rear or side yards of single-family or two-family residential lots are adjacent to and within 200' of a major or secondary thoroughfare roadway-right-of-way line as described in Chapter 3, or are separated from such thoroughfare by an

alley, landscape, or open space area/detention facility and utility easements, or back up to such thoroughfare, the developer shall provide, at its sole expense, a minimum six-foot tall masonry screening wall (also see Subsection (2) below), or some other alternative form of screening, if approved by the Planning Director, according to the following alternatives and standards. All screening shall be adjacent to the right-of-way or property line and fully located on the private lot(s), including columns and decorative features. All forms of screening shall conform to the requirements of City ordinances and policies that govern sight distance for traffic safety.

Screening Alternatives: Screening shall be provided in accordance with, and shall be constructed to, standards and criteria as set forth in the City's EDCM. An alternative form of screening, in lieu of the masonry wall, may be approved by Planning Director and the City Engineer with the Preliminary Subdivision Plat or Preliminary Development Plat application. Alternatives that may be considered include:

- a. A living/landscaped screen in conjunction with decorative metal (e.g., wrought iron) fence sections with masonry columns;*
- b. A combination of berms and living/landscaped screening;*
- c. A combination of berms, decorative masonry walls and living/landscaped screening, either with or without a decorative metal or "WoodCrete" type of fence with masonry columns; or*
- d. Some other creative screening alternative may be approved if it meets the spirit and intent of this Section, if it is demonstrated to be long-lasting and generally maintenance-free, and if the Planning Director and City Engineer find it to be in the public interest to approve the alternative screening device.*

Basis for Recommendation

This language clarification will avoid confusion in the interpretation of the requirement. The Planning and Zoning Commission concurred with this clarification.

2. Prohibit Temporary Buildings for permanent commercial use:

Section to be amended - Sections proposed to be amended: **General Definitions 5.1.1.1 (a)** and **Corridor Overlay Zoning District 2.4.5.1 (n)**

Proposed amendment:

The purpose of this proposed amendment is to prevent the use of temporary buildings being located on commercial property for permanent use. This is not meant to prohibit the use of commercial construction trailers used during the construction process. At this time staff's recommendation is to add a definition to the UDC for temporary commercial buildings and add language to the Corridor Overlay District section that prohibits the use of these types of structures. This recommendation and definition comes from examples of definitions and

regulations from cities throughout the country and from discussions with local planners from surrounding communities. Council feedback generally supported the amendment, however the amendment needed to be reworded for additional clarity.

The proposed definition below is a combined effort between the Planning and Building Departments, as well as other research on the topic.

Amendment:

5.1.1.1 (a)

(68) BUILDING, TEMPORARY (COMMERCIAL): Any building or structure that is designed to be transportable in one or more sections, and placed on a temporary chassis. This definition does not include temporary construction trailers permitted as a *Contractor's Temporary On-Site Construction Office*, as defined in Section 2.5.2.1 of the Unified Development Code unless associated with a Special Event permit and or permitted outdoor activity or use in applicable zoning district.

Section 2.4.5.1 (n)

(d) No temporary building shall be permitted for any type of use.

Basis for recommendation:

The reason for the amendment is that the City has seen a few cases in which temporary buildings have been left on site for permanent use. The City responded to those cases by asking the property owner to apply a masonry material to the façade, as required by the UDC. As stucco is considered a masonry material, property owners have added a layer of stucco to a temporary building, which then meets the requirements of the code, but in reality, there is still a temporary building on site. The Pearland Economic Development Corporation and the Planning and Zoning Commission concur with this amendment.

4. Separate new and used car sales in the land use matrix:

Section to be amended - Section to be changed: 2.5.2.1

Proposed amendment:

The original proposal taken to the Joint Workshop was to separate new and used car sales and require used car sales to obtain a Conditional Use Permit prior to obtaining a Certificate of Occupancy. Based on Council's feedback at the workshop, the amended proposal is to require a Conditional Use Permit for both new and used car facilities. This will allow the City Council to look at each

Cluster Development Plan Discussion

The City has experienced an increase in Cluster Development Plan activity both in the form of formal Cluster Development Plan applications, as well as general discussions with developers pertaining to possible future submittals. The Planning and Zoning Commission held workshops on January 7, February 4, March 4, and May 6, 2013 to discuss the options on the best manner to address future cluster development cases. At these workshops, staff presented a history and background of Cluster Development Plans, in general; a summary of how Pearland's Comprehensive Plan and Unified Development Code currently addresses Cluster Development Plans; current and suggested review criteria of a Cluster Development Plan approval (including amenities); differences between a Cluster Development Plan and a Planned Development; and how surrounding cities address Cluster Development Plans/types of developments.

These workshops stemmed from an increase in Cluster Development Plan activity, and input from staff, the development community, City Council, and the Planning and Zoning Commission which indicated that there was currently a lack of detailed approval criteria in the Unified Development Code. Additionally, the Commission was concerned that a few Cluster Plan applications may have been approved in recent past that may not have best met the intent of a Cluster Plan. Public notification of pending Cluster Plan approvals was also discussed as being a concern, as the current process does not include a public hearing or notification process.

Two options were discussed with the Commission to address these concerns. One option was to add to the approval criteria currently in the Unified Development Code to provide applicants, staff, and the Planning and Zoning Commission clarity in expected amenities for Cluster Plans. There was also discussion of adding a public hearing component to the process as the approval of a Cluster Plan allows the ability to deviate from lot size, which may result in smaller lots abutting existing residential homes which may be on larger lots. Language was drafted by Planning and Legal staff reflecting these proposed changes to the current Cluster Development Plan section of the Unified Development Code for review by the Commission. This language is attached to this report as Exhibit B, *Draft Cluster Development Plan amendments discussed with the Commission*. Upon further discussing these changes, the Commission found it difficult to identify exactly what amenities were appropriate for Cluster Plans, and how to quantify them based on the size of development.

The second option discussed was to handle Cluster Development type proposals in the form of a Planned Development. This is the manner in which the surrounding communities address them, and allows the Commission the ability to analyze each proposal on a case by case basis and also addresses the public hearing concern. The Commission discussed the option of having detailed approval criteria (such as amenities based on a sliding scale) within the Planned Development language in the Unified Development Code. After lengthy discussion, the Commission felt that rather than having a preset list of amenities, that they, as a Commission, could hold each case to the most appropriate level of review and recommend the most appropriate amenities on an individual basis through the Planned Development process, rather than having a preset approval or amenity guide. Therefore, the Commission determined that the best

route moving forward would be to eliminate the use of the Cluster Development Plan section of the Unified Development Code and instead allow applicants to apply for a Planned Development and follow that review and approval process.

Section to be amended 2.2.4.1:

Section 2.2.4.1 Purpose and Applicability

- (a) **Purpose.** The purpose of a Cluster Development Plan shall be to authorize the use of residential density standards in substitution for minimum lot size standards for residential uses.
- (b) **Applicability.** A Cluster Development Plan shall be required inside the City limits whenever the property owner seeks authorization to have subsequent development applications reviewed under residential density standards in lieu of minimum lot size standards.

(1) This section of the Unified Development Code shall no longer be effective or applicable with the adoption of Ordinance 2000T-16, January 9, 2014.

This was initiated by the Planning and Zoning Commission and discussions with City Council.

Recommended action:

Conduct the workshop and provide staff with direction.

**AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS**

AGENDA OF: November 4, 2013	ITEM NO.:
DATE SUBMITTED: October 29, 2013	DEPT. OF ORIGIN: Planning
PREPARED BY: Harold Ellis and Johnna Matthews	PRESENTOR: Lata Krishnarao
REVIEWED BY:	REVIEW DATE:
SUBJECT: Annual Unified Development Code Updates (T-16) – Additional Amendment regarding the Garden/O’Day Mixed Use Zoning District	
EXHIBITS: Proposed Additional Amendment and Recommended Language	
EXPENDITURE REQUIRED: N/A	AMOUNT BUDGETED: N/A
AMOUNT AVAILABLE: N/A	PROJECT NO.: N/A
ACCOUNT NO.: N/A	
ADDITIONAL APPROPRIATION REQUIRED: N/A	
ACCOUNT NO.: N/A	
PROJECT NO.: N/A	
To be completed by Department:	
<input type="checkbox"/> Finance	<input type="checkbox"/> Legal
<input type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution

EXECUTIVE SUMMARY

The City’s Unified Development Code, initially adopted in February 2006, is reviewed annually. This review is based on input over the past year from citizens, developers, City Council, the Planning and Zoning Commission, board members, and city staff. Based on this input, Planning staff creates a list of proposed amendments to the Unified Development Code. This initial list was finalized as a result of a series of workshops with the Planning and Zoning Commission on July 15, 2013; August 5; and 19, 2013. The Commission then presented their final list of recommended changes to the City Council in the form of two Joint Workshop’s, on September 16, and October 7, 2013.

The third and final joint workshop is to discuss one additional amendment to the Unified Development Code, not discussed at prior workshops. This amendment pertains to the Garden/O’Day-Mixed Use zoning district, pertaining to the re-use of existing commercial buildings/properties used for non-residential purposes. More specifically, and as discussed in more detail in this report, this amendment

proposes to expand upon the current section of the Unified Development Code which allows a property owner to seek a Conditional Use Permit to allow uses which were either allowed by-right or with the approval of a Conditional Use Permit in the property's former zoning district if the property was formerly zoned Light or Heavy Industrial (M-1 or M-2).

The next steps in the annual Unified Development Code amendment process include a Joint Public Hearing, which is scheduled for November 18, 2013, followed by first and second readings of the ordinance adopting the amendments. This year's amendments, if approved, would result in the 16th amendment to the Unified Development Code, and are anticipated to be finalized in January, 2014.

Additions to the Unified Development Code are shown in red font and deletions are shown in red strikeout font. Current code language is *italicized*.

Exhibit 1 Proposed Additional Amendment and Recommended Language:

Addition to existing UDC language

1. Adding additional uses, by way of Conditional Use Permit, in the Garden/O'Day Mixed Use District (G/O-MU):

Section to be amended – Industrial Use CUP- 2.4.3.3 (i)

Proposed amendment:

Currently in the G/O-MU zoning district, properties which were formerly zoned industrial (either M-1 or M-2), are eligible to be granted a Conditional Use Permit to allow uses not permitted in the existing zone, but were permitted either by right or with the approval of a Conditional Use Permit in the property's former zone.

It has recently been discussed that there are a number of nonresidential uses which currently exist on properties where the former zoning was not industrial and therefore are not able to request a Conditional Use Permit to continue or introduce a use formerly permitted on the property. In addition to industrial zones, properties were formerly zoned the following non-residential and residential zoning districts:

Non-Residential

Commercial (C)

General Business (GB)

Office Professional (OP)

Residential

Suburban Development (SD)

Low Density Residential (R-1)

Residential Estate (RE)

Staff has identified two issues which need to be addressed:

1) Properties which were **zoned** Office Professional (OP), General Business (GB), Commercial (C), Light Industrial (M-1), and Heavy Industrial (M-2) prior to the adoption of the Unified Development Code when the Garden/O'Day Mixed Use (G/O-MU) zoning district was applied.

These properties had uses which were permitted by their prior zoning but are not permitted by the Garden/O'Day Mixed Use (G/O-MU) zoning district.

In order to ensure that these properties are able to continue, resume, and change to any use that was permitted by their prior zoning of Office Professional (OP), General Business (GB), Commercial (C), Light Industrial (M-1), and Heavy Industrial (M-2), staff is proposing the following amendment:

Amendment:

2.4.3.3 (i)

(i) **Industrial Use CUP for properties formerly zoned non-residential prior to the adoption of the Unified Development Code.**

(1) *Eligibility.* ~~Properties located on Garden Road or O'Day Road within the current Garden/O'Day Mixed Use zoning district that were formerly zoned Neighborhood Service (NS), Office Professional (OP), General Business (GB), Commercial (C), Light Industrial District (M-1) or Heavy Industrial District (M-2) and which were rezoned to Garden/O-Day Mixed Use District (G/O-MU) when the UDC was adopted in 2006, are eligible to seek one of two Industrial Use CUPs, either an M-1 CUP or an M-2 CUP a Conditional Use Permit (CUP), based upon the each individual properties' previous zoning.~~

(2) *Effect.*

a. ~~The M-1 Conditional Use Permit (CUP) would add all permitted uses and uses permitted by the approval of a Conditional Use Permit (CUP) allowed in the M-1 property's prior zoning district as listed in the Unified Development Code's Land Use Matrix and/or the Land Use and Urban Development Ordinance's Schedule of Uses, in addition to the permitted uses for the underlying G/O-MU zoning. Uses listed as conditional uses for the M-1 district would require a separate CUP to authorize.~~

b. ~~The M-2 CUP would add all permitted uses allowed in the M-2 zoning district as listed in the Land Use Matrix in addition to the permitted uses for the underlying G/O-MU zoning. Uses listed as conditional uses for the M-2 district would require a separate CUP to authorize.~~

(3) *Applicable requirements.* ~~The zoning district regulations applicable to a property zoned G/O-MU with an Industrial Use a Conditional Use Permit -(CUP) shall follow be determined by the primary use of said property. If the primary use is a G/O-MU use, then the regulations for the G/O-MU district shall apply. Additional regulations may be placed on the Conditional Use Permit (CUP) in accordance with Section 2.2.3.4 (b). If the primary use is an M-1 or M-2 use, then the regulations for the appropriate industrial district shall apply. If the use~~

~~is permitted in both the G/O-MU district and the industrial district, then the less restrictive regulations shall apply.~~

- (4) *Expiration. The abandonment and expiration provisions of Section 2.2.3.5 shall not apply to any Industrial Use CUP.*

2) Properties that were being **used** as non-residential uses and were zoned Suburban Development (SD), Low Density Residential (R-1), and Residential Estate (RE) prior to the adoption of the Unified Development Code when the Garden/O'Day Mixed Use (G/O-MU) zoning district was applied.

In order to ensure that these properties are able to be developed, redeveloped, or reused in the manner in which they are currently being used, were used prior to the properties current zone, this amendment proposes a Conditional Use Permit process to allow for additional uses, based upon the properties prior use.

In order to ensure that properties which were zoned residential prior to the application of the Garden O'Day Mixed Use Zoning District and were being used as non-residential, a non-residential base zoning district needs to be applied to the property. This zoning district will be used for the purposes of establishing what uses would be allowed with the approval of a Conditional Use Permit. As part of the Planning Department's analysis, as shown below and indicated on the attached map, it has been determined that existing non-residential properties, which were A) developed either with a prior residential zone in place or B) prior to annexation, the Unified Development Code's General Commercial (GC) zone will best allow all existing uses to remain, expand, or change, with the approval of a Conditional Use Permit.

Garden/O'Day Road Land Use Classification

The Garden/O'Day Mixed Use (G/O-MU) zoning district was applied to the below properties with the adoption of the Unified Development Code (UDC) in February, 2006.

Properties located on the east side of O'Day Road were annexed in 1983; properties located on the west side of O'Day Road were annexed in 1995 and 1996. Properties located on the east side of Garden Road were annexed in 1996; and properties located on the west side of Garden Road were annexed in 1997.

Number Identification on Map	Historical Zoning-Land Use and Urban Development Ordinance	UDC Land Use Classification	Current Zoning Status	Effect of Proposed T-16 Amendment
1	Suburban Development District (SD)	N/A (CUP 2009-18, Od. # 2000CUP-41)	N/A	N/A
2	Suburban Development District (SD)	Office (Other Than Listed)	C	P

3	Suburban Development District (SD)	Office Warehouse/Storage/Sales	NC	CUP
4	Heavy Industrial District (M-2)	Office Warehouse/Storage/Sales (CUP 2008-14, Ord. # 2000CUP-15)	C	CUP
5	Suburban Development District (SD)	Office Warehouse/Storage/Sales	NC	CUP
6	Suburban Development District (SD)	Heavy Machinery Sales/ Storage, Rental & Repair	NC	CUP
7	School (S) & Suburban Development District (SD)	School/Elementary	C	P
8	Suburban Development District (SD)	Office Warehouse/Storage/Sales	NC	CUP
9	School (S)	Church, Temple, Place of Worship (CUP, Ord. # 509-666)	C	P
10	Suburban Development District (SD)	Heavy Machinery Sales/ Storage, Rental & Repair	NC	CUP
11	Heavy Industrial District (M-2)	Metal, Machine or Wood Shop (CUP2008-14 Ord. # 2000CUP-15)	C	CUP
12	Heavy Industrial District (M-2)	Office Warehouse/Storage/Sales (CUP2008-14 Ord. # 2000 CUP-15)	C	CUP
13	Heavy Industrial District (M-2)	Light Manufacturing (CUP2008-14, Ord. # 2000 CUP-15)	C	CUP
14	Suburban Development District (SD)	Church, Temple, Place of Worship	C	P
15	Suburban Development District (SD)	Pet & Animal Grooming Shop	C	CUP
16	Suburban Development District (SD)	Office Warehouse/Storage/Sales	NC	CUP
17	Commercial (C)	Auto Repair (Major)	NC	CUP
18	Suburban Development District (SD)	Mini-Warehouse Storage/Sales	NC	CUP
19	Office Professional District (OP)	Office (Other Than Listed)	C	P

20	Suburban Development District (SD)	Office Warehouse/Storage/Sales	NC	CUP
21	Suburban Development District (SD)	Auto Repair (Major)	NC	CUP
22	Heavy Industrial District (M-2)	Office/Warehouse Light Manufacturing (CUP 2008-14, Ord. # 2000CUP-15)	C	CUP
23	Heavy Industrial District (M-2)	Office (Other Than Listed) Office Warehouse (CUP 2008-14, Ord. # 2000CUP-15)	C	CUP
24	Low Density Residential (R-)	Office Warehouse/Storage/Sales	NC	CUP
25	Suburban Development District (SD)	Upholstery Business	NC	CUP
26	Suburban Development District (SD)	Office Warehouse/Storage/Sales	NC	CUP
27	Light Industrial District (M-1)	Office Warehouse/Storage/Sales (CUP 2008-14, Ord. # 2000 CUP-15)	C	CUP
28	Suburban Development District (SD)	N/A	N/A	N/A
29	Commercial (C)	N/A	N/A	N/A

C: Conforming

NC: Non-conforming

P: Permitted

CUP: Permitted with the approval of a Conditional Use Permit

While it is always the intent of the Planning Department to provide clear and accurate information; the information provided is preliminary in nature and is based on a windshield survey and minor discrepancies may exist.

Amendment

2.4.3.3 (j)

(j) CUP for properties formerly zoned residential prior to the adoption of the Unified Development Code.

- (1) Eligibility. Properties located on within the current Garden/O'Day Mixed Use zoning district that were formerly zoned Suburban Development (SD), Low Density Residential (R-1), or Residential Estate (RE) and which were rezoned to Garden/O-Day Mixed Use District (G/O-MU) when the UDC was adopted in 2006, are eligible to seek a Conditional Use Permit (CUP).**

(2) Effect.

a. The Conditional Use Permit (CUP) would add all permitted uses and uses permitted by the approval of a Conditional Use Permit (CUP) allowed in the General Commercial (GC) zoning district as listed in the Unified Development Code's Land Use Matrix and/or the Land Use and Urban Development Ordinance's Schedule of Uses, in addition to the permitted uses for the underlying G/O-MU zoning.

(3) Applicable requirements. The zoning district regulations applicable to a property zoned G/O-MU with a Conditional Use Permit -(CUP) shall follow the regulations for the G/O-MU district. Additional regulations may be placed on the Conditional Use Permit (CUP) in accordance with Section 2.2.3.4 (b).

(4) Expiration. The abandonment and expiration provisions of Section 2.2.3.5 shall apply.

Basis for Recommendation

As previously mentioned, the Planning Department has done an analysis of non-residential properties in the G/O-MU zoning district. The results of this analysis indicate that there are a total of approximately 27 existing non-residential properties within the boundaries of the existing zoning district. The majority of the non-residential uses are along Garden Road, with approximately 21 businesses, and the remaining 6 being located along O'Day Road.

As the chart below indicates, there are a wide variety of non-residential uses currently operating in the G/O-MU zoning district. It should be noted, however, that most of the uses are not retail related and are more service oriented businesses.

A summary of the uses identified by staff is below, classified by the Unified Development Code's Land Use Matrix:

<u>Quantity</u>	<u>Land Use Matrix Classification</u>
2	Auto Repair (Major)
2	Church, Temple, Place of Worship
2	Heavy Machinery Sales, Storage, Rental and Repair
1	Light Manufacturing
1	Metal, Machine, or Wood Shop
1	Mini-Warehouse Storage/Sales
3	Office (Other than listed)
12	Office Warehouse Storage/Sales
1	Pet and Animal Grooming Shop
1	School, Elem, Jr, or High School (Public or Parochial)
1	Upholstery Business
3	Vacant Non-residential (land classification not applicable)

As the Garden/O'Day Mixed Use zoning district currently has the uses listed above, and the Unified Development Code currently allows industrial uses which were formerly permitted to go through the Conditional Use Permit process to locate or expand within the current zoning, staff believes additional uses which were also permitted in former zoning districts or within the General Commercial (GC) zone for properties with a residential prior zoning would not adversely impact the area.

Through the Conditional Use Permit process, the Planning and Zoning Commission and City Council will have the opportunity to review each request for a use not currently permitted in the Garden/O'Day Mixed Use zone, ensure the requested use is suited for the proposed site, and add conditions of approval if necessary to ensure compatibility and mitigate any potentially adverse impacts.

For reference, the criteria of approval in Section 2.2.3.4 of the Unified Development Code, as well as the discussion on conditions of approved is provided below:

Section 2.2.3.4 Criteria for Approval

- (a) **Factors.** *When considering an application for a Conditional Use Permit, the Planning and Zoning Commission and City Council shall evaluate the impact of the proposed conditional use on and its compatibility with surrounding properties and residential areas to ensure the appropriateness of the use at the particular location, and shall consider the extent to which:*
- (1) The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan;*
 - (2) The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;*
 - (3) The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;*
 - (4) The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;*
 - (5) The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;*
 - (6) The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and*
 - (7) The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.*

(b) **Conditions.** *The City Council may require such modifications in the proposed use and attach such conditions to the Conditional Use Permit as the City Council deems necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of this section. Conditions and modifications may include but are not limited to limitation of building size or height, increased open space, limitations on impervious surfaces, enhanced loading and parking requirements, additional landscaping, curbing, sidewalk, vehicular access and parking improvements, placement or orientation of buildings and entryways, buffer yards, landscaping and screening, signage restrictions and design, maintenance of buildings and outdoor areas, duration of the permit and hours of operation.*

Recommended action:

Conduct the workshop and provide staff with direction.