



WITHDRAWN

JOINT PUBLIC HEARING
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF
THE CITY OF PEARLAND, TEXAS,
MONDAY, JUNE 16, 2014, AT 6:30 P.M.
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

I. CALL TO ORDER

II. PURPOSE OF HEARING

Zone Change Application No. 2014-06Z

A request of Evelyn Pineda, owner/applicant; for approval of a change in zoning from Single Family Residential 2 (R-2) to Office and Professional (OP) on approximately 0.21 acres of land, to wit:

Legal Description: A tract of land being known as Lot 15 of Darlinda Addition, a subdivision in Brazoria County Texas as recorded in Volume 7, Page 20 of the Plat Records of said Brazoria County, and being the same tract of land as described in deed to Ernesto Perez and Evelyn Pineda under Clerk;s File Number 2006042620 of the Real Property Records of said Brazoria County.

General Location: South side of Broadway Street, and approximately 100 feet from the intersection of Broadway Street and Ray Street, Pearland, TX

III. APPLICATION INFORMATION AND CASE SUMMARY

- A. STAFF REPORT
- B. APPLICANT PRESENTATION
- C. STAFF WRAP UP

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
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF
THE CITY OF PEARLAND, TEXAS,
MONDAY, JUNE 16, 2014, AT 6:30 P.M.
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

I. CALL TO ORDER

II. PURPOSE OF HEARING

Zone Change Application No. 2014-07Z

A request by LJA Engineering, applicant; on behalf of Robert Alexander, owner; for approval of a change in zoning from Office and Professional (OP), General Business (GB) and Single Family Residential 2 (R-2) to General Business (GB) on approximately 26.5 acres of land, to wit:

Legal Description: Being 26.524 acres of land located in the Thomas J. Green Survey, Abstract No. 198, Brazoria County, Texas, more particularly being a portion of the residue of that certain called 140.6899 acre tract conveyed to Martha Alexander Crouch by instrument of record in Volume 1595, Page 422 of the Deed Records of said Brazoria County (B.C.D.R.) and a portion of the residue of that certain called 172.0566 acre tract conveyed to Robert L. Alexander by instrument of record in Volume 1725, Page 193 (B.C.D.R.), Brazoria County, Texas

General Location: Southeast corner of Pearland Parkway and Barry Rose Road, Pearland, TX

III. APPLICATION INFORMATION AND CASE SUMMARY

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Memo

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: June 16, 2014

Re: Zone Change Application Number 2014-7Z

A request of LJA Engineering, applicant; on behalf of Robert Alexander, owner; for approval of a change in zoning from Office and Professional (OP), General Business (GB) and Single Family Residential 2 (R-2) to General Business (GB) on approximately 26.5 acres of land, Pearland, TX

Proposal

The parent tract includes approximately 42.6 acres of land located within four (4) zoning districts; Planned Development (PD), Office and Professional (OP), General Business (GB) and Single Family Residential 2 (R2). Of the approximately 42.6 acres, the applicant proposes a change in zoning for approximately 26.5 acres of land currently located within three (3) zoning districts; OP, R2 and GB, with the majority of the property located within the GB zoning district. The applicant proposes to change the zoning of the 26.5 acres to GB, and no change is proposed to the approximately 20 acres remaining and currently located within the PD. According to the applicant's letter of intent, the purpose of the change in zoning is to develop the site with a mix of neighborhood service retail and pad sites that will be anchored with a grocery store.

Background

The subject property is currently undeveloped, including the approximately 20 acres currently located within the PD, which was approved in 2007. The PD allowed for uses consistent with the OP zoning district, including a church with the exception of hotels/motels, bed and breakfast and convenience stores. Prior to approval of the PD, the property was zoned R2 and GB. The subject 26.5 acres was zoned as it is currently zoned with most of the land being zoned GB; R2 zoning at the southeast corner of the subject property near the existing R2 zoning district and single family residential subdivision, Banbury Cross; and OP zoning at the intersection of Pearland Parkway and Barry Rose Road. The property was annexed into the City of Pearland in 1960.

As of the date of this writing, staff has not received any returned notices from property owners within 200 feet of the site.

Recommendation

Most of the property is located within the proposed zoning district of GB; however, staff is unable to recommend approval of the change in zoning from OP and R2 to GB for the remainder of the property for the following reasons:

1. Pursuant to Section 2.2.1.4 (Criteria for Approval), in making a determination regarding a requested zoning change, the Planning and Zoning Commission and the City Council may consider the following factors:
 - Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan; including the land use classification of the property on the Future Land Use Map and any incorporated sector plan maps.

The proposed zoning of GB for the entire 26.5 acre site does not conform to the future land use element of the Comprehensive Plan. The property is located within the “*Medium Density Residential*” future land use designation of the Comprehensive Plan. According to the Comprehensive Plan, the aforementioned future land use designation is designed for less traditional attached and detached developments, including duplexes, townhomes and patio homes; or a mix of low and high density residential uses, with an average density of 4-10 dwelling units per acre on average lot sizes of 4,000 to 6,000 square feet. Smaller lots may be acceptable if common open space is provided and overall density is not increased. Appropriate zoning districts for the “*Medium Density Residential*” future land use designation include R3 and R4 Single Family districts.

Although the subject property does not conform to the future land use element of the Comprehensive Plan, if the GB zoning district is approved for the 26.5 acre site, staff will include the property in its annual review and ultimate amendment of the Comprehensive Plan, to ensure that zoning districts across the city comply with the future land use element of the Comprehensive Plan.

- Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified.

The expansion of the GB zoning district immediately adjacent to existing residential subdivision at the southeast corner of the site could introduce uses to the existing single family neighborhoods that may be considered incompatible or invasive such as amusement parks, private clubs, auto sales, full service car wash, gas stations, parking garages, banks with a drive-thru, extended stay hotels and motels, laundromats, cafeterias, and restaurants, with or without drive-thru and drive-up services. It is important to note that the above uses and various other uses are permitted by right in the proposed zoning district, and would require no additional zoning approval or site plan approval outside of the permitting process.

Some of the more potentially invasive uses could be prohibited through the Planned Development (PD) process. Through the PD process, these same uses could be approved, and could be designed in a complementary manner, with the necessary safe guards to help mitigate any potentially negative impacts on existing and future developments within the area. A PD would also ensure compatibility with existing and proposed uses with more effective design standards, including heightened buffering regulations.

The GB zoning district could also potentially have a negative impact on future connectivity with surrounding developments including the adjoining property to the south and the existing residential subdivisions. A PD could allow for road and/or walkway access to the adjoining residential neighborhood, alleviating any traffic concerns that may arise.

- Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities in the area.

The proposed change is in accord with existing/proposed plans for providing public facilities. Residential is not proposed at this time for this development, and therefore should have no impact on the public school system. According to GIS data, the subject property has access to public water and sewer via a 12-inch water line along the east side of Barry Rose Road, and a 16 inch water line along the north side of Pearland Parkway; and a 15 and 18-inch sewer line along the south side of Pearland Parkway. Any extensions of existing infrastructure will be determined at the time of platting and will be the responsibility of the applicant/owner.

A zoning alternative that would facilitate development of this site as per the applicant's desires while addressing the above mentioned concerns of non-conformance to the Comprehensive Plan, residential adjacency concerns, and incompatibility of certain uses in close proximity to single family residential development would be a Planned Development. Staff has discussed this option with the applicant.

Exhibits

1. Staff Report
2. Aerial Map
3. Zoning Map
4. Future Land Use Map
5. Notification Map
6. Notification List



Exhibit 1 Staff Report

Summary of Request

The parent tract includes approximately 42.6 acres of land located within four (4) zoning districts; Planned Development (PD), Office and Professional (OP), General Business (GB) and Single Family Residential 2 (R2). Of the approximately 42.6 acres included within the parent tract, the applicant proposes a change in zoning for approximately 26.5 acres of land currently located within three (3) zoning districts; OP, R2 and GB. The majority of the property included within the 26.5 acres is located within the GB zoning district, and the applicant proposes to change the zoning for the entire 26.5 acres to GB. No change is proposed for the approximately 20 acres remaining and currently located within the PD. According to the applicant's letter of intent, the purpose of the change in zoning is to develop the site with a mix of neighborhood service retail and pad sites that will be anchored with a grocery store

Site History

The subject property is currently undeveloped, including the approximately 20 acres currently located within the PD, which was approved in 2007. The PD allowed for uses consistent with the OP zoning district and a church, with the exception of hotels/motels, bed and breakfast and convenience stores. Prior to approval of the PD, the 20 acre property was zoned R2 and GB. At the time that the PD was approved, the subject 26.5 acres was zoned as it is currently zoned with most of the land being zoned GB; with R2 zoning at the southeast corner of the subject property near the existing R2 zoning district and single family residential subdivision, Banbury Cross; and OP zoning at the intersection of Pearland Parkway and Barry Rose Road. The PD has expired. The property was annexed into the City of Pearland in 1960.

The site is surrounded by residential subdivisions to the south, east and west, as well as undeveloped land to the west, south and north. The below table identifies surrounding uses and zoning districts:

	Zoning	Land Use
North	Office and Professional (OP) Single Family Residential 1 (R1) Cluster	Undeveloped
South	Planned Development (PD) Single Family Residential 2 (R-2)	Undeveloped Alexander Landing Single Family Subdivision
East	Single Family Residential 2 (R2)	Banbury Cross Single Family Subdivision
West	General Business (GB) Single Family Residential 3 (R-3)	Undeveloped, Creekside Single Family Subdivision

Conformance with the Unified Development Code

The site is currently undeveloped. Any new development must meet the requirements of the zoning district in which it is located as well as the Corridor Overlay District (COD) regulations, as Pearland Parkway is located within the COD. The purpose of the proposed 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. The general regulations of the proposed GB zoning district follow:

Minimum Lot Area	22,500 square feet
Minimum Lot Width	150 feet
Minimum Lot Depth	125 feet
Minimum Front Yard Setback	25 feet
Minimum Side Yard Setback	10 feet, 25 feet if side yard abuts a residential zoning district
Minimum Rear Yard Setback	25 feet
Maximum Height	45 feet

Conformance with the Comprehensive Plan

The proposed zoning of GB for the entire 26.5 acres does not conform to the future land use element of the Comprehensive Plan, which is “*Medium Density Residential*.” Of the existing zoning districts, while the R-2 zoning is in conformance, OP and GB do not

conform to the Comprehensive Plan. According to the Comprehensive Plan, the aforementioned future land use designation is designed for less traditional attached and detached developments, including duplexes, townhomes and patio homes; or a mix of low and high density residential uses with an average density of 4-10 dwelling units per acre on average lot sizes of 4,000 to 6,000 square feet. Smaller lots may be acceptable if common open space is provided and overall density is not increased. Appropriate zoning districts for the "Medium Density Residential" future land use designation include R3 and R4 Single Family districts.

Although the subject property does not conform to the future land use element of the Comprehensive Plan, if the GB zoning district is approved for the 26.5 acre site, staff will include the property in its annual review and ultimate amendment of the Comprehensive Plan, to ensure that zoning districts across the city comply with the future land use element of the Comprehensive Plan.

Conformance with the Thoroughfare Plan

The subject property has frontage on Pearland Parkway; a major thoroughfare of sufficient width, which requires a minimum of 120 feet of right-of-way; and Barry Rose Road; a secondary thoroughfare of sufficient width, which requires a minimum of 100 feet of right-of-way. Additionally, according to the recently approved thoroughfare plan, Westminster Road; a minor collector will extend from the east through the subject property. Minor collectors require a minimum of 60 feet of right-of-way.

Platting Status

The property is not platted. Platting of the site will be required prior to any development or the issuance of building permits.

Availability of Utilities

According to GIS data, the subject property has access to public water and sewer via a 12-inch water line along the east side of Barry Rose Road, and a 16 inch water line along the north side of Pearland Parkway; and a 15 and 18-inch sewer line along the south side of Pearland Parkway. Any extensions of existing infrastructure will be determined at the time of platting and will be the responsibility of the applicant/owner.

Impact on Existing and Future Development

The site is surrounded by residential subdivisions to the south, east and west, as well as undeveloped land to the west, south and north. If approved, the GB zoning district could introduce nonresidential uses to the area that may be perceived as incompatible or invasive to the existing single family subdivisions, especially to the land directly adjacent to the existing single family homes at the southeast corner of the subject property. These uses would not require any further zoning approvals or site plan review

outside of the permitting process. Despite the residential adjacency screening requirements when a nonresidential use abuts a residential use, the following uses may be considered incompatible. Uses permitted by right within the proposed GB zoning include the following, but is not all inclusive of all uses that are permitted by right:

- Pool/Billiard Facility
- All-terrain vehicle sales
- Amusement Park
- Auto accessory and/or part sales
- Auto wash (full service)
- Gasoline Station
- Credit Agency
- Bed and Breakfast
- Extended Stay Hotel/Motel
- Rehabilitation Care Facility (halfway house)
- Rehabilitation Care Institution (commercial)
- Cigars/Tobacco Shop
- Consignment Shop
- Convenience Store (with or without gasoline sales)
- Department Store
- Private Club
- Laundromats
- Food Store/Supermarket
- Furniture and/or appliance store
- Garden Shop & Outside Plant Sales
- Hardware Store
- Jewelry Store
- Medical Appliances & Sales
- Motion Picture Theater
- Outside Display
- Restaurant (with or without drive-thru service)
- Cafeteria
- Parking Garage
- Assisted Living Facility
- Auction House
- Child Day Care Center
- Hospital (for profit and non-profit)
- Nursing/Convalescent Home
- School (college/university, elementary, high school, junior high, other)
- Exterminator Service

Some of the more potentially invasive uses could be prohibited through the Planned Development (PD) process. Through the PD process, these same uses could be approved, and could be designed in a complementary manner, with the necessary safe guards to help mitigate any potentially negative impacts on existing and future

developments within the area. A PD would also ensure compatibility with existing and proposed uses with more effective design standards, including heightened buffering regulations.

Additional Comments

The request has been reviewed by the City's Development Review Committee (DRC), and there were no additional comments from other departments at the time of this report.

Public Notification

Staff sent public notices, comment forms and a vicinity map to the applicant, the owner of the property and to property owners within 200 feet of the subject property under consideration for the zone change. Additionally, a legal notice of the public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant.

Opposition to or Support of Proposed Request

As of the date of this writing, staff has not received any comments either in opposition to or in support of the proposed change in zoning request.

Recommendation

Most of the property is located within the proposed zoning district of GB; however, staff is unable to recommend approval of the change in zoning from OP and R2 to GB for the remainder of the property for the following reasons:

1. Pursuant to Section 2.2.1.4 (Criteria for Approval), in making a determination regarding a requested zoning change, the Planning and Zoning Commission and the City Council may consider the following factors:
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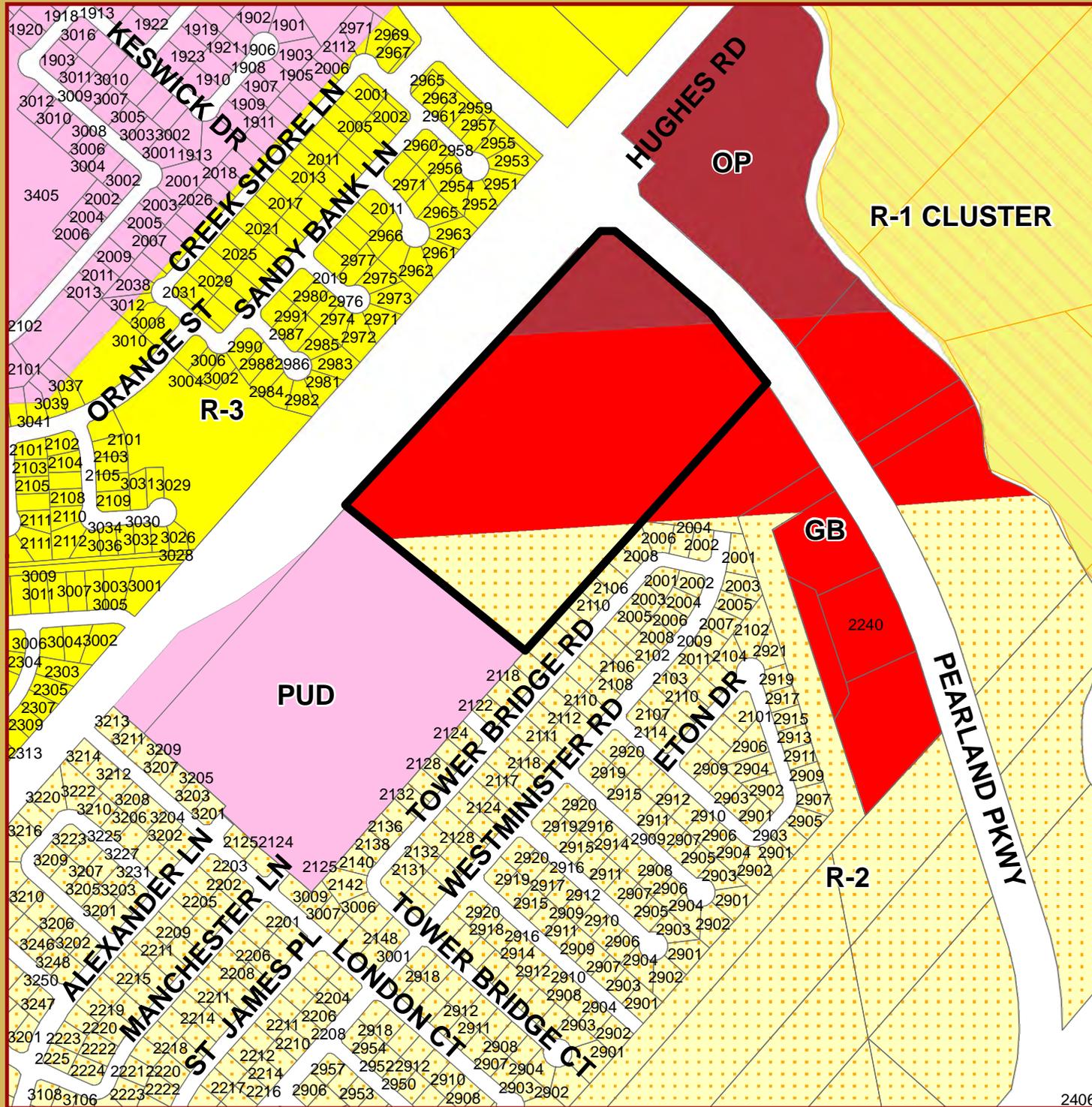
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ZONING MAP

**ZONE CHANGE
2014-7Z**

**BARRY ROSE RD. &
PEARLAND PKWY.**

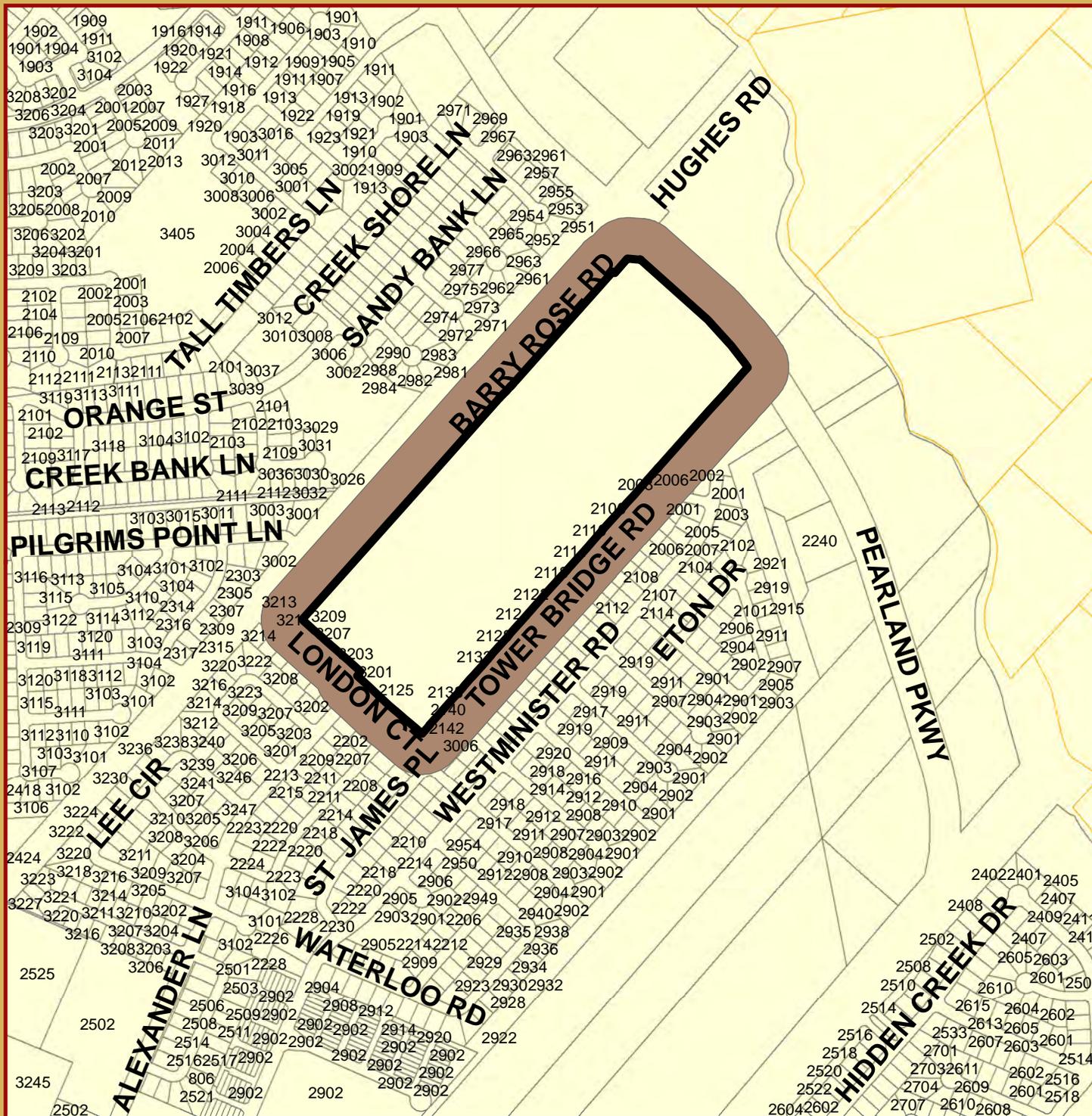


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1 inch = 500 feet

22 MAY 2014
PLANNING DEPARTMENT





NOTIFICATION MAP

ZONE CHANGE 2014-7Z

BARRY ROSE RD. & PEARLAND PKWY.



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1 inch = 703 feet

22 MAY 2014
PLANNING DEPARTMENT

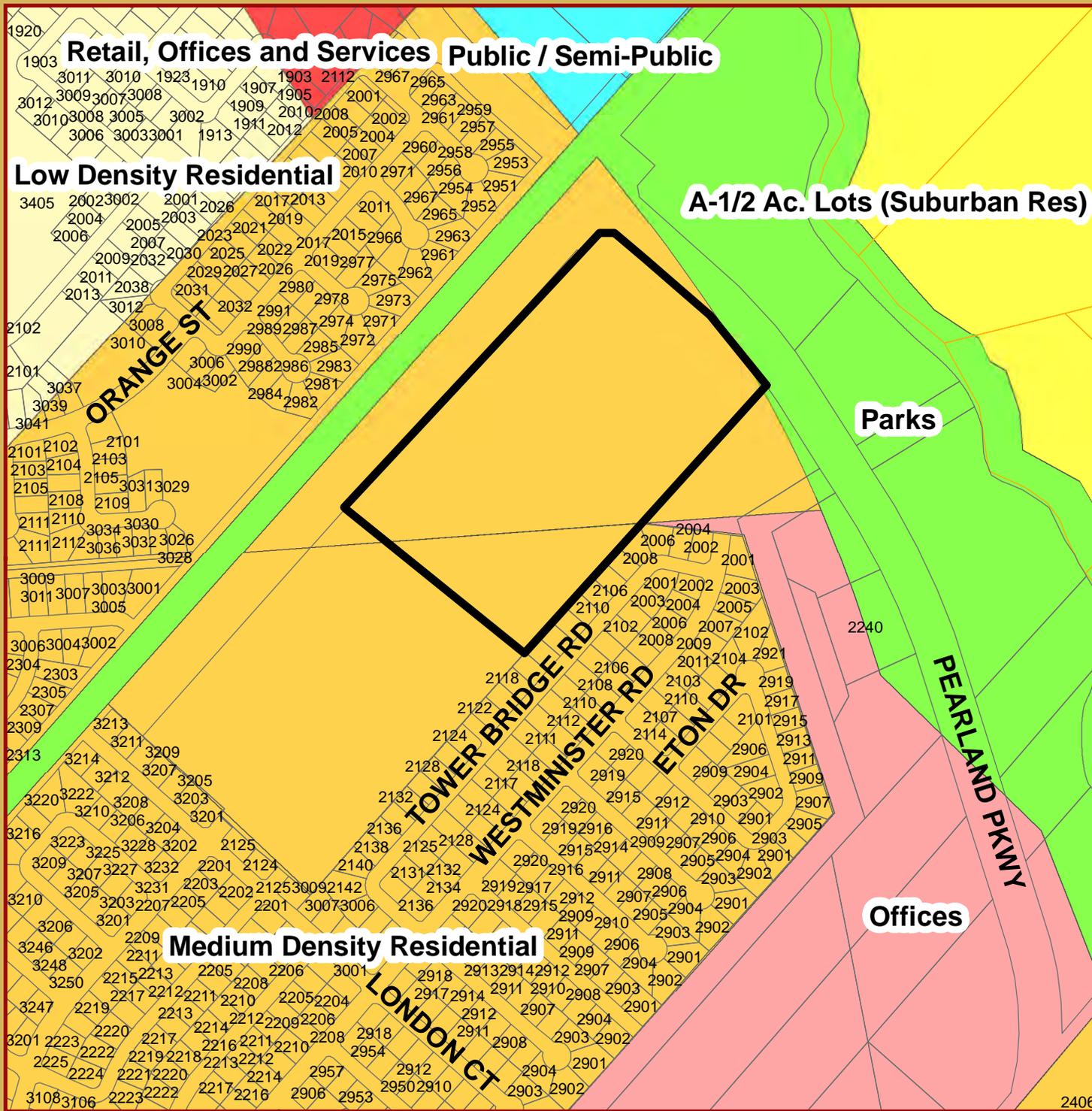


NOTIFICATION LIST
Zone Change 2014-7Z

NAME	ADDRESS	SUITE
AINSWORTH ALLISON L	2131 TOWER BRIDGE RD	
ALEXANDER ROBERT L	219 TIMBER VIEW DR	
ASUNCION ROMEO S & ELSIE N	2110 TOWER BRIDGE RD	
BENNETT LAURA MARIE	2133 TOWER BRIDGE RD	
BETANCOURT HERMAN	4828 LOOP CENTRAL DR	
BIESZKE STEVEN	2102 TOWER BRIDGE RD	
BRAZORIA COUNTY	451 N VELASCO ST	STE 230
BRUCE STEVEN	2114 TOWER BRIDGE RD	
CARLSON CRAIG & DE'ANNA	2124 TOWER BRIDGE RD	
CISNEROS IRMA	2111 TOWER BRIDGE RD	
CISNEROS LIVIA	2109 TOWER BRIDGE RD	
COLLINS WILLIAM M & APRIL M	2204 SAINT JAMES PL	
CONE ANDREW & GABRIELLA	108 TANAGER LN	
COTTON ASHLEY DAWN	2138 TOWER BRIDGE ROAD	
DILWORTH RODNEY RICK	3131 RUBY FALLS CT	
DIMAS ROBERTO & BECKY	2128 TOWER BRIDGE RD	
ENDRIS ROBERT T JR & PEIHONG DONG ENDRIS	3210 LONDON CT	
FULLER KEVIN	2105 TOWER BRIDGE RD	
GEORGIU JOSEPH & GLORIA	2004 TOWER BRIDGE RD	
GILMER HENRY G III & MONICA	2129 TOWER BRIDGE RD	
GOSS MARSHELLE D	2130 TOWER BRIDGE RD	
GUERRIERE THOMAS A & MADELEINE	3201 LONDON CT	
HARDY RONALD R & SHELLEY	2108 TOWER BRIDGE RD	
HARRIS THOMAS R	2201 MANCHESTER LN	
HECKMAN RONALD W & KIM T	2001 TOWER BRIDGE RD	
HINTON JOHN J & JEREMY	2118 TOWER BRIDGE RD	
INGEBREDTSEN THOMAS & TONI	2123 TOWER BRIDGE RD	
JUBERT DUANE C & AMANDA M	3208 LONDON CT	
KENNEY STEVE & GERALD	2116 TOWER BRIDGE RD	
KING GEORGE R & SANDRA W	2008 TOWER BRIDGE RD	
LAFLEUR MELISSA MICHELLE & MATTHEW WAYNE ROSE	2003 TOWER BRIDGE RD	
LAROWE LOTTIE NELL REV TRST	4325 LAUREN LN	
LAUDANO JOSEPH JR	2124 MANCHESTER LN	
LE KEVIN & THANH KIM PHAM	3206 LONDON CT	
LOPEZ JOSE & LUZ M LOPEZ	2203 MANCHESTER LN	
LOZANO ANSELMO JR & SANDRA	3213 LONDON CT	
MACK GARY A	3212 LONDON CT	
MANZANO ROBERT L & CYNTHIA	2006 TOWER BRIDGE RD	
MARCONTELL DOUGLAS E & SUSAN C	3209 LONDON CT	
MARESH LARRY G & EVELYN	3207 LONDON CT	
MCCREADY GEORGE S & MAGINA	2115 TOWER BRIDGE RD	
MORENO JOEANN & BIANCA Y	2101 TOWER BRIDGE RD	

MORRISON JONATHAN P
NGUYEN CUONG QUOC
NGUYEN VINH VAN & LENDI THI
NUNN BARNETT G
PERRY ZACHARY & FANNIE P
PETERS GREGORY F & MELISSA
PORTER RIKKI S & ALLISON
POWERS MICHAEL & ROBLES-POWERS JOAQUINA
RAMIREZ ROGELIO E
RATHJE MATTHEW L & DEANNA
RATLIFF CLYDE ANTHONY & DALY MELISSA RENE
REDLINGER JAMES WILLIAM
RENDON KATY
RESTIVO GEORGE J & MARGARET D
RINGROSE ROY M & LYNETTE
RIVERA EDGAR & LAURA ZEPEDA
ROBINSON CHARLENE B
RUDELL GARRY D & DONNA J
SANDSTRUM DONALD W & JANICE K
SKLENARIK CLARENCE F & PAULA
SLOMINSKI EDWARD M & LUCY
SPESHOCK CARL H & ANGELES C
SPOZIO RONALD CRAIG
STUEBER JAMES H & CLAIRE
VERA ROBERT & LISA
VILLEJOIN DAVID
WATKINS ROBERT E & PHYLLIS
WEST JEFFERY R & PAMELA
WIGINTON MARCUS E
WILLIAMS OPAL A
WITTMAN WENDY A
WOLLAM RYAN A & AMANDA M

2202 SAINT JAMES PL
3205 LONDON CT
2202 MANCHESTER LN
3204 LONDON CT
3009 LONDON CT
2120 TOWER BRIDGE RD
2106 TOWER BRIDGE RD
2113 TOWER BRIDGE RD
2203 ALEXANDER LN
2125 ALEXANDER LN
939 MANZANO ST NE
2201 ALEXANDER LN
2126 TOWER BRIDGE RD
2002 TOWER BRIDGE RD
2132 TOWER BRIDGE RD
3211 LONDON CT
3203 LONDON CT
2144 TOWER BRIDGE RD
2121 TOWER BRIDGE RD
3214 LONDON CT
2005 TOWER BRIDGE RD
2112 TOWER BRIDGE RD
2119 TOWER BRIDGE RD
3202 LONDON CT
2136 TOWER BRIDGE RD
PO BOX 717
2142 TOWER BRIDGE RD
2125 TOWER BRIDGE RD
2007 TOWER BRIDGE RD
2104 TOWER BRIDGE RD
2127 TOWER BRIDGE RD
2122 TOWER BRIDGE RD



FLUP MAP

**ZONE CHANGE
2014-7Z**

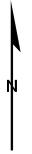
**BARRY ROSE RD. &
PEARLAND PKWY.**



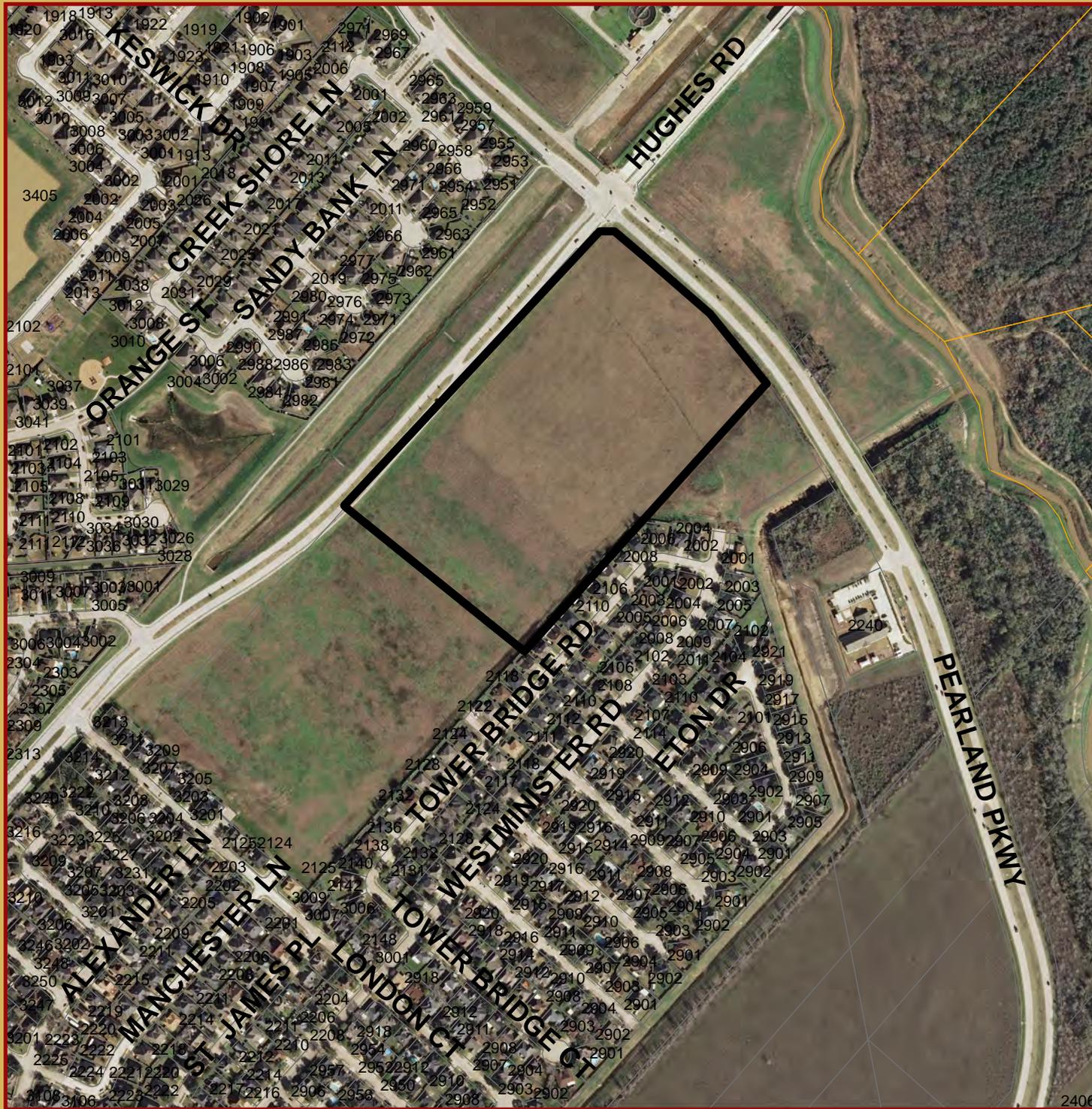
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1 inch = 500 feet

22 MAY 2014
PLANNING DEPARTMENT



2406



AERIAL MAP

**ZONE CHANGE
2014-7Z**

**BARRY ROSE RD. &
PEARLAND PKWY.**



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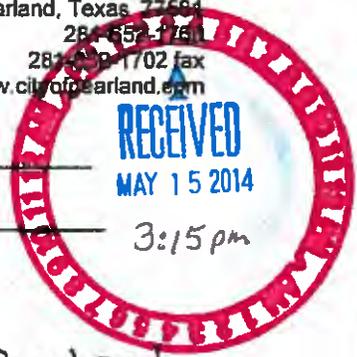
22 MAY 2014
PLANNING DEPARTMENT





APPLICATION FOR A CHANGE IN ZONING

City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77584
281-457-7161
281-457-1702 fax
www.cityofpearland.com



Current Zoning District: GB, R-2, DP

Proposed Zoning District: GB

Property Information:

Address or General Location of Property: South corner of Pearland
Parkway & Barry Rose

Tax Account No. _____

Subdivision: Lot: Block:

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

PROPERTY OWNER INFORMATION:

APPLICANT/AGENT INFORMATION:

NAME Robert Lee Alexander
ADDRESS 219 Timber View Dr.
CITY Boerne STATE Tx ZIP 78006
PHONE() _____
FAX() _____
E-MAIL ADDRESS _____

NAME LJA Engineering (Salim Dbeid)
ADDRESS 2929 Briarpark Ste. 600
CITY Houston STATE Tx ZIP 77042
PHONE(713) 953 5008
FAX(713) 953 5026
E-MAIL ADDRESS snoheid@ljaengineering.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: 5/14/14
A.G. Crouch Attorney For Robert Lee Alexander, Jr.
Agent's/Applicant's Signature: [Signature] Date: 4/16/14

OFFICE USE ONLY:

FEES PAID: <u>\$825.00</u>	DATE PAID: <u>5-15-14</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>230719</u>
----------------------------	---------------------------	---------------------------------	-------------------------------

Application No. 2014-72

APPLICATION CHECKLIST FOR THE FOLLOWING

- Zone Changes
- Planned Development Districts (PD)

- Application, filled out completely, and signed by the owner of the property to be considered for the conditional use permit.
- If the applicant is the designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on his behalf. Section 1.2.1.1 (a) of the Unified Development Code. *Submitted with original application dated 2/17/14*
- Metes and Bounds Description, (Survey, or a Plat of the property that provides or contains the metes and bounds description).
- Parcel map, printed from the City of Pearland website, indicating the location and boundaries of the subject property.
- Letter of Intent, explaining the zone change request in detail and why the zoning is being requested to be changed, and state the uses being proposed

*Letter of Intent is not required for a PD.

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

- **Zero (0) to less than 25 acres:**
 - \$ 750.00, plus \$25.00 per each type of zoning district requested; or
 - \$ 800.00 if requesting a Planned Development (PD)
- **25 to less than 50 acres:**
 - *\$825⁰⁰* \$ 800.00, plus \$25.00 per each type of zoning district requested; or
 - \$ 850.00 if requesting a Planned Development (PD)
- **50 to less than 75 acres:**
 - \$ 850.00, plus \$25.00 per each type of zoning district requested; or
 - \$ 900.00 if requesting a Planned Development (PD)
- **75 to less than 100 acres:**
 - \$ 900.00, plus \$25.00 per each type of zoning district requested; or
 - \$ 950.00 if requesting a Planned Development (PD)
- **100 acres and above:**
 - \$ 9450.00, plus \$25.00 per each type of zoning district requested; or
 - \$ 1000.00 if requesting a Planned Development (PD)

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

- Acknowledgement of the sign to be posted on the property 10 days prior to the public hearing.
- Provide evidence or proof that all taxes and obligations have been paid regarding the subject property. *submitted with original application dated 2/17/14*
- Application packets that are not complete will not be accepted. When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, it may be necessary to postpone the proposed CUP/Zone Change and remove it from the scheduled agenda and place it on a future agenda date according to Section 1.2.1.2. of the Unified Development Code.

Additional Information:

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

CITY OF PEARLAND
 *** CUSTOMER RECEIPT ***
 Oper: JCOTTER Type: DC Drawer: 1
 Date: 5/19/14 01 Receipt no: 230719

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	\$825.00

Trans number: 4467454

LJA ENGINEERING
 MARK JANTER
 2929 BRIARPARK STE 600
 HOUSTON TX
 LJA ENGINEER/ROBERT LEE
 ALEXANDER
 ZONE CHANGE PEARLAND PKWY/
 BERRY ROSE

Tender detail
 BR CREDIT CARD \$825.00
 Total tendered \$825.00
 Total payment \$825.00

Trans date: 5/15/14 Time: 15:14:30

ZONE CHANGE / VARIANCE / PLAT / RECORDATION

\$825⁰⁰ (circle one) **BA** or **PF** or **FE**

Description: Input who the check is from
 LJA Engineering ^{mark} Janter

COMMENTS/DESCRIPTION (F10):
 Location or Address 2929 Briarpark Ste 600
Houston TX 77042

Applicant LJA Engineer

Owner Robert Lee Alexander

**POSTING OF ZONING NOTIFICATION SIGNS
ON PROPERTY UNDER CONSIDERATION
FOR A ZONE CHANGE (OR CONDITIONAL USE PERMIT)**

Any person, firm or corporation requesting a zoning change, a conditional use permit (CUP), or a variance shall be required to erect and maintain a sign(s), to be inspected by the City, upon the property for which a variance or zoning change has been requested.

Such sign(s) shall be located as follows:

- (1) One (1) sign per street frontage shall be located within thirty feet (30') of the abutting street, or as determined by the City.
- (2) So as to be clearly visible and readable from the public right-of-way and not obstructed in any manner.
- (3) So as not to create a hazard to traffic on the public rights-of-way abutting the property.
- (4) On the subject property at least ten (10) days prior to the hearing of such zoning change request by the Planning and Zoning Commission, and to remain continuously on said property until final action by the City Council or withdrawal of the case by the applicant. Removal of the sign by the applicant prior to a recommendation by the Planning and Zoning Commission and/or a final decision by the City Council shall constitute a withdrawal of the request.
- (5) The signs shall be as follows:
 - A minimum sign size of 2 feet by 3 feet, but no larger than 4 feet by 4 feet
 - At least 2 feet above the ground
 - Blue or black lettering that is a minimum of 3 inches by 1/2 inch, on a white background
 - Message content as follows:

PROPOSED (SPECIFY REQUEST)
Contact City of Pearland
281-652-1765

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

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

Salim Ebeid
Acknowledgement signature

4/16/14
Date



2929 Briarpark Drive
Suite 600
Houston, Texas 77042-3703

Phone 713.953.5200
Fax 713.953.5026
www.ljaengineering.com

May 15, 2014

Ms. Johnna Matthews
City of Pearland
3519 Liberty Drive.
Pearland, Texas 77581

Re: Change in Zoning Request
To serve Pearland Market Place
Barry Rose at Pearland Parkway
LJA Project No. 1727-7002

Dear Ms. Matthews:

On behalf of our client, Milestone Properties, we are requesting a zoning change for 26.524 Acres of land being part of ± 46.0 acres bounded on the southeast by the existing Banbury Cross Section IV subdivision, bounded on the southwest by the existing Alexander Landing Section 4 subdivision, bounded on the northeast by Pearland Parkway and bounded on the northwest by Barry Rose Road. The site is currently vacant. Milestone Properties has contracted to buy and develop the site. The site is currently in three different zones, Office Professional District, General Business District and Single Family Residential-2. We are proposing to change the zoning to General Business District.

A. Description of Proposed Development.

Pearland Marketplace will be developed as a mix of neighborhood service retail and pad sites that will be anchored with a grocery store. The site is designed to maximize the separation of pedestrian and vehicular circulation allowing safe and easy access to these services while enhancing the overall development. Originally, the site was part of the New Life Lutheran Church PD 2000M-44, an approximately ± 20 acre tract, approved by the City in 2007. Key elements of the overall site plan include:

1. Vehicular access to the site will include one primary entry driveway located along Pearland Parkway and two located along Barry Rose Rd., which allow easy vehicular access throughout the site. These primary driveways are accented with special paving, landscaping, signage and monumentation at the entrances, intersections and terminus creating points of interest at the main activity nodes throughout the site creating a cohesive development with a unified theme. Other areas accented with special paving, landscaping and/or monumentation include the secondary driveway entrances, pedestrian crossings, and main entrances to the grocery store. An access road will bisect the detention pond and provide vehicular access from Banbury Cross to Barry Rose Rd. Reserves will be located at the intersection of this access road and Barry Rose Rd. to provide a location for the neighborhood to construct an entry sign.
2. The primary retail plaza is located close to Pearland Parkway and will provide the development with an accessible outdoor urban public space that will be accented with landscaping, site furnishings and is adjacent to an open space area. The plaza is located on the Northeast end of the retail building providing shade in the afternoon making it suitable location for a restaurant or café that provides outdoor dining. It is a generous size and will function as a multi-use area. The opposite end of the retail building includes a smaller plaza with access to and views of the trail along the detention basin. This location with access to the trail would also be ideal for outdoor dining, café or a coffee house.
3. Pedestrians can access the site along Pearland Parkway and Barry Rose Rd. at the primary and secondary driveways. Access is provided for the neighborhood to the South at the end

of Westminster Rd. tying in with the primary retail plaza. Primary pedestrian circulation through the site is along a 6' wide sidewalk located along one side of the primary and secondary driveways. The retail building and grocery store also provide pedestrian circulation and paving along their façade.

4. A 6' wide concrete pathway will be located along the edge of the detention basin providing additional access and recreational opportunities for the retail center and the adjacent neighborhood. This pathway will also tie into Barry Rose Rd. along the access road. The pathway will be planted with shade trees along the path and accented with flowering trees.
5. While the approach to the landscape design is typical for this type of development, the planting strategy and the amount of planting exceed what is typical enhancing the development and making it unique. The landscape design includes tree lined driveways and sidewalks creating an "avenue" effect that is pleasant for pedestrians and vehicles. Driveway entrances, key intersections, pedestrian crossings and pedestrian plazas are accented with flowering shrubs and trees. The parking lots are primarily planted with shade trees while high activity areas are accented with flowering trees. Shrubs screen the parking areas from the main driveways and the public street.
6. The landscaping area will include a combination of shrubs and trees near the detention facility and will enhance the screening of the center along the southeastern property line. The detention ponds have been strategically located to provide the maximum buffering from the proposed development to the adjoining residential area coupled with the park like walking trails along the pond.
7. Proposed tenants will include a 120,000 square foot anchor grocer, fast food restaurants, national retail tenants and multiple pad sites occupied by national restaurants, banks, and/or stand alone retail uses. There will be two reserve sites for future development by uses included within the PD.
8. All parking areas will be constructed of concrete to enhance the quality and longevity of the project and specific areas will receive decorative paving for site enhancement and connectivity.
9. The proposed landscaping and open space shown on the site plan will be 15% of the total gross area of the project including the proposed detention ponds and various pockets of landscaping.

Please send all correspondence to the following:

Salim Obeid
LJA Engineering, Inc.
2929 Briarpark Drive, Suite 600
Houston, Texas 77042
713.953.5008

Thank you for your consideration. If you have any questions or require additional information, please contact me at 713.953.5008.

Sincerely,



Salim Obeid

SO/pg

Copy: Gregory Patch, PE, LJA Engineering, Inc.

CROUCH LAW OFFICE

Attorneys at Law

(281) 331-5288

agcrouch@crouchlawoffice.com

A.G. Crouch
Fax (281) 331-9346

235 West Sealy Street
Alvin, Texas 77511

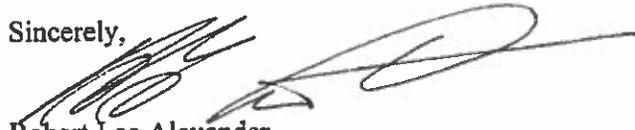
May 15, 2014

City of Pearland
Engineering Department
3519 Liberty Drive
Pearland, Texas 77581

Re: Pearland Parkway Market Place, Authorization Letter to Submit Zone Change

Robert Lee Alexander, hereby authorizes LJA Engineering, Inc. to submit an application for zone change to the City of Pearland for the property located at the South West corner of Pearland Parkway and Barry Rose Road.

Sincerely,



Robert Lee Alexander,
By his attorney, A. G. Crouch

TAX CERTIFICATE



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

Issued To:
SALIM OBEID
2929 BRIAR PARK
STE 600
HOUSTON, TX 77042

Legal Description:
A0198 T J GREEN (PEARLAND), TRACT 1-1D,
ACRES 41.3356

Fiduciary Number: 23202042

Parcel Address: BARRY ROSE RD

Legal Acres: 41.3356

>--
Account Number: 0198-0001-000
Certificate No: 220849913
Certificate Fee: \$10.00

Print Date: 05/13/2014
Paid Date: 05/13/2014
Issue Date: 05/13/2014
Operator ID: CHARISE

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2013. ALL TAXES ARE PAID IN FULL

Exemptions:
OPEN SPACE 1-D-1

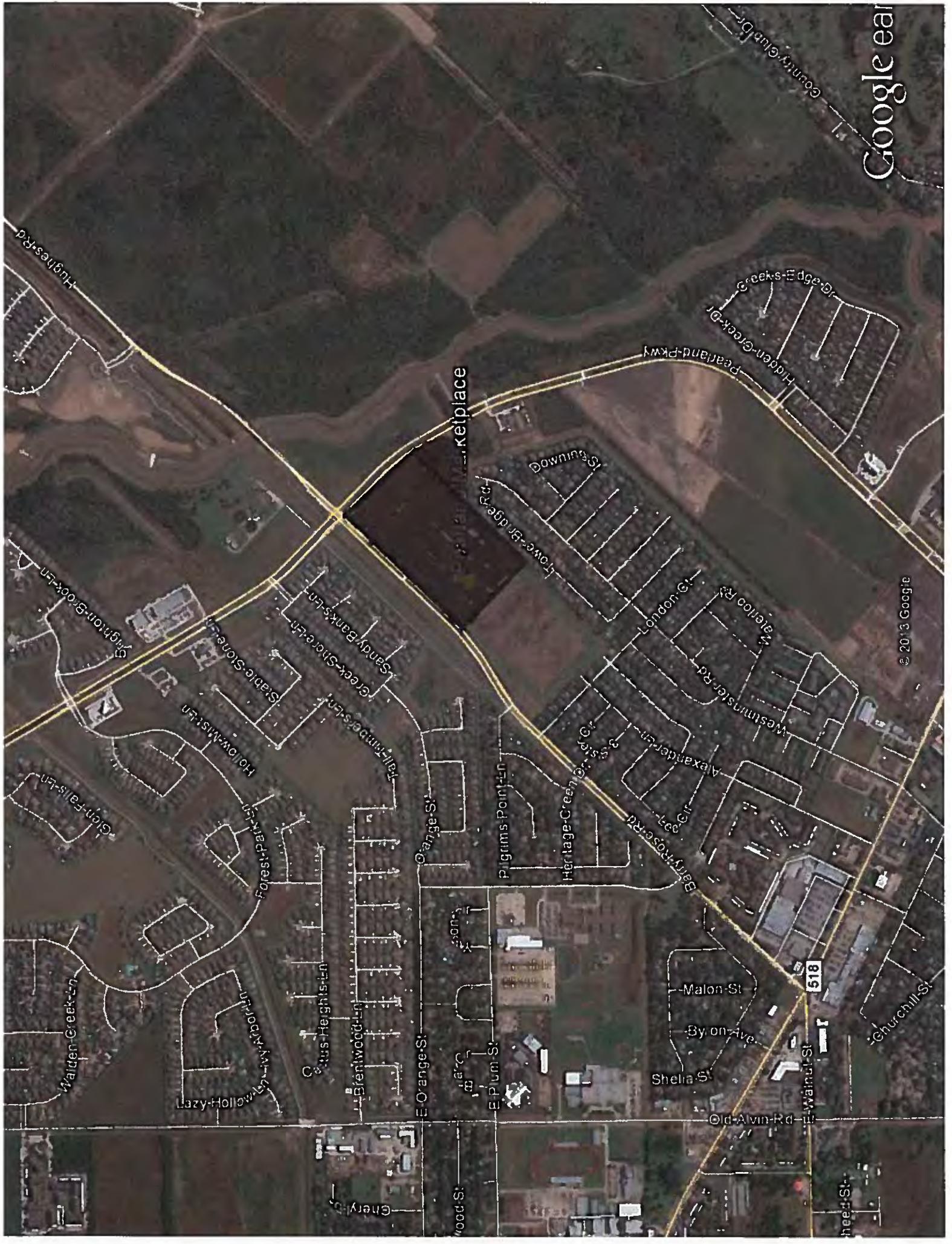
Certified Owner:
ALEXANDER ROBERT L
219 TIMBER VIEW DR
BOERNE, TX 78006-7852

Table with 2 columns: Description, Amount. Rows include 2013 Value (1,033,390), 2013 Levy (\$125.98), 2013 Levy Balance (\$0.00), Prior Year Levy Balance (\$0.00), Total Levy Due (\$0.00), P&I + Attorney Fee (\$0.00), Total Amount Due (\$0.00).

Certified Tax Unit(s):
1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
28 PEARLAND ISD
54 BRAZORIA DRAINAGE DIST 4
96 CITY OF PEARLAND

Reference (GF) No: N/A

Issued By: Charise BAns
RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(979) 864-1320, (979) 388-1320, (281) 756-1320

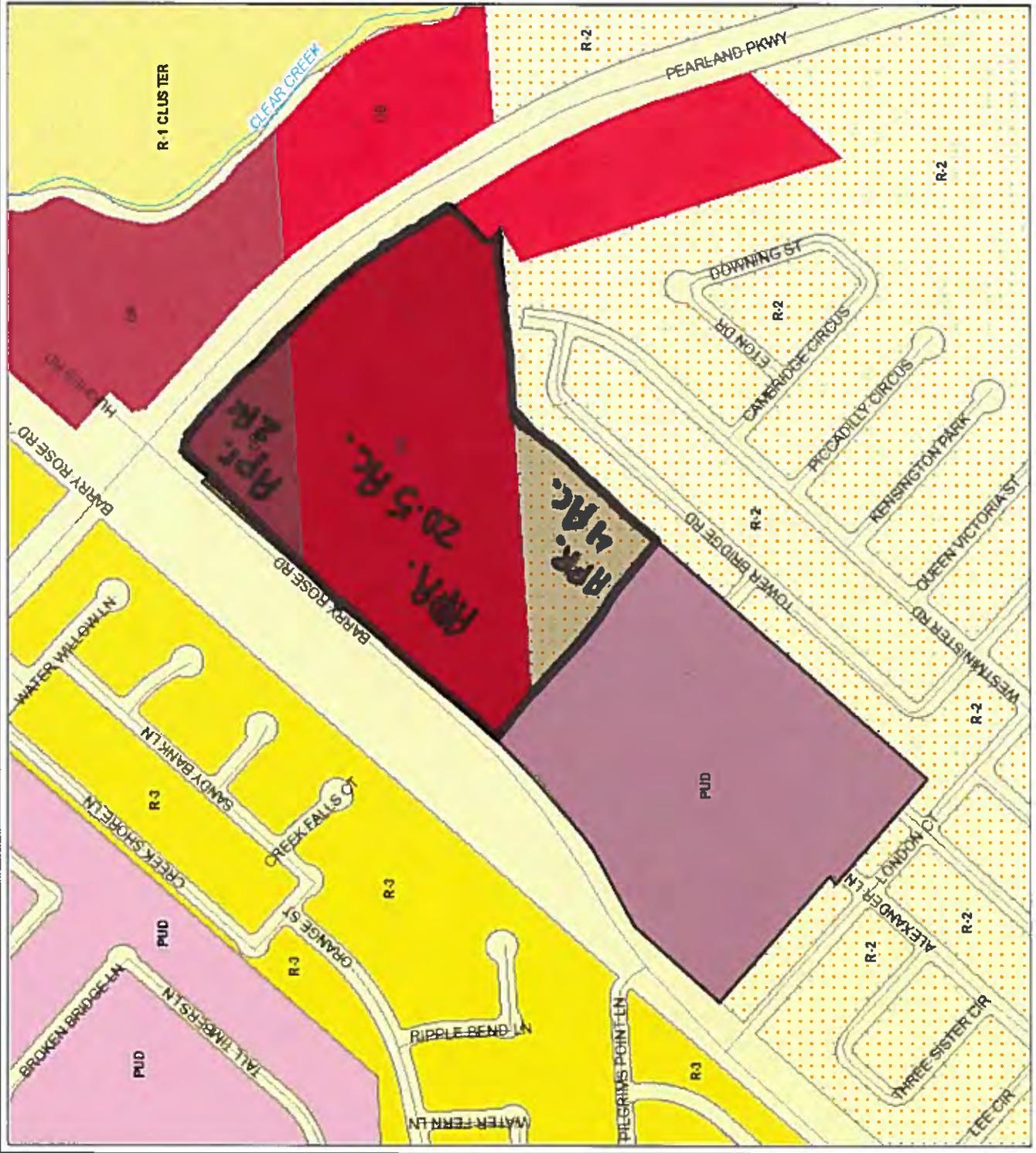




Legend

- Zoning
- TH
 - SR-15
 - SR-12
 - SP5
 - SP4
 - SP3
 - SP2
 - SP1
 - SD
 - RE
 - R-4
 - R-3
 - R-2
 - R-1 CLUSTER
 - R-1
 - PUD
 - OT-R
 - OT-MU
 - OT-GB
 - OP

Scale 1:4,999
1 in = 417 ft



DESCRIPTION OF
26.524 ACRES
PROPOSED ZONE BOUNDARY

Being 26.524 acres of land located in the Thomas J. Green Survey, Abstract No. 198, Brazoria County, Texas, more particularly being a portion of the residue of that certain called 140.6899 acre tract conveyed to Martha Alexander Crouch by instrument of record in Volume 1595, Page 422 of the Deed Records of said Brazoria County (B.C.D.R.) and a portion of the residue of that certain called 172.0566 acre tract conveyed to Robert L. Alexander by instrument of record in Volume 1725, Page 193 (B.C.D.R.), said 26.524 acres being more particularly described by metes and bounds as follows (all bearings referenced to the Texas Coordinate System, South Central Zone, NAD 83, 2001 adjustment);

BEGINNING at a 5/8-inch iron rod with cap stamped "LJA ENG" previously set for the northwest corner of Banbury Cross Section IV, a subdivision of record in Volume 19, Page 487-488 of the Plat Records of said Brazoria County (B.C.P.R.), being the north corner of Block 11, Lot 13 of said Banbury Cross Section IV, being in an easterly line of the residue of said 172.0566 acre tract, from which a found 5/8-inch iron rod bears South 46° 29' 44 West, 4.90 feet;

Thence, South 41° 43' 28" West, along said easterly line and the northwesterly line of said Banbury Cross Section IV, 604.43 feet to a 5/8-inch iron rod found for the most northerly common corner of Lot 4 and Lot 5, Block 11 of said Banbury Cross Section IV;

Thence, North 47° 01' 13" West, departing said easterly line acres and the northwesterly line of said Banbury Cross Section IV, 768.74 feet to 5/8-inch iron rod with cap stamped "RPLS 1718", found on the south line of that certain called 3.644 acre tract (Parcel 3) conveyed to City of Pearland by instrument of record under Document Number 20050118363 of the Official Records of said Brazoria County, B.C.O.R.;

Thence, North 41° 40' 30" East, along the south line of said 3.644 acres, the south line of that certain called 4.137 acres tract (Parcel 5) conveyed to City of Pearland by instrument of record under File Number 04-003782, B.C.O.R. and the south line of that certain called 0.149

acre tract (Tract 1) conveyed to City of Pearland by instrument of record under File Number 01-032032, B.C.O.R., 1,262.37 feet to a 5/8-inch iron rod with cap stamped "LJA ENG", previously set for corner, same being an angle point on the south line of said 0.419 acre tract;

Thence, South $86^{\circ} 04' 59''$ East, along the south line of said 0.419 acre tract, 43.93 feet to a point for corner on the south line of that certain called 2.739 acres tract conveyed to City of Pearland, by instrument of record in File Number 98-054852, B.C.O.R. and a point on the south right-of-way line of Pearland Parkway (130 feet wide), from which a 5/8-inch iron rod with cap stamped "Wilson" bears North $75^{\circ} 20' 20''$ East, 0.47 feet;

Thence, along the south line of said 2.739 acres, the westerly line of that certain called 1.164 acre tract conveyed to City of Pearland, by instrument of record under File Number 98-054881, B.C.O.R. and Pearland Parkway the following two (3) courses;

1. South $48^{\circ} 23' 21''$ East, 367.45 feet to a 5/8-inch iron rod with cap stamped "LJA ENG", previously set for corner, the beginning of a curve;
2. 532.98 feet along the arc of a tangent curve to the right, having a radius of 1805.00 feet, a central angle of $16^{\circ} 55' 06''$, and a chord which bears South $39^{\circ} 55' 48''$ East, 531.05 feet to a 5/8-inch iron rod with cap stamped "LJA ENG", previously set for corner;
3. South $31^{\circ} 28' 15''$ East, 208.12 feet to a 5/8-inch iron rod with cap stamped "LJA ENG", previously set for the northwest corner of that certain called 0.299 acre tract conveyed to City of Pearland, by instrument of record under File Number 99-013566, B.C.O.R. and being on a northerly line of a called 100 feet wide Drainage Easement conveyed to Brazoria County Drainage District Number Four (4) by instruments of record in Volume 1736, Page 884, B.C.D.R. and in Volume 1760, Page 655, B.C.D.R.;

26.524 acre

April 18, 2014
Job No. 1727-7002

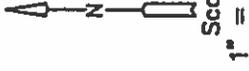
Thence, South 56° 00' 19" West, departing the south line of said Pearland Parkway and the south line of said 1.164 acre tract, along a northerly line of said 100 feet wide Drainage Easement, 359.97 feet to a 5/8-inch iron rod with cap stamped "LJA ENG", previously set for corner;

Thence, South 18° 03' 06" East, along a westerly line of said 100 feet wide Drainage Easement, 30.04 feet to the northeast corner of aforementioned Banbury Cross Section IV, and being the northeast corner of Block 8, Lot 86 of said Banbury Cross Section IV, from which a found 5/8-inch iron rod, bears North 20° 47' 07" West, 0.60 feet;

Thence North 82° 38' 01" West, along the northeasterly line of said Banbury Cross Section IV, 356.54 feet to the POINT OF BEGINNING and containing 26.524 acres of land.



LJA Engineering, Inc.

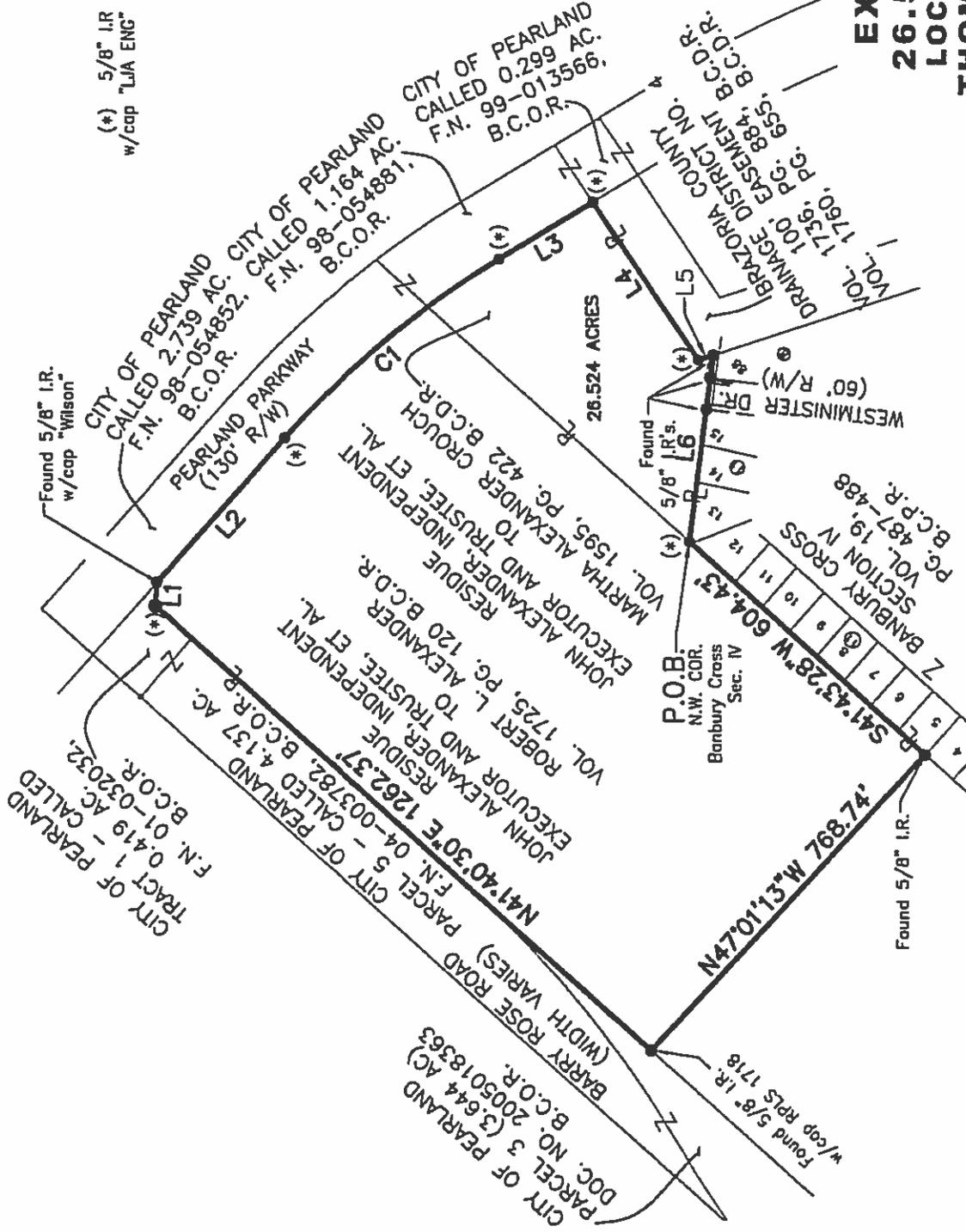


(*) 5/8" I.R.
w/cap "LJA ENG"

Line Table		
Line #	Direction	Length
L1	S86° 04' 59"E	43.83'
L2	S48° 23' 21"E	367.45'
L3	S31° 28' 15"E	208.12'
L4	S56° 00' 19"W	359.97'
L5	S18° 03' 06"E	30.04'
L6	N82° 38' 01"W	356.54'

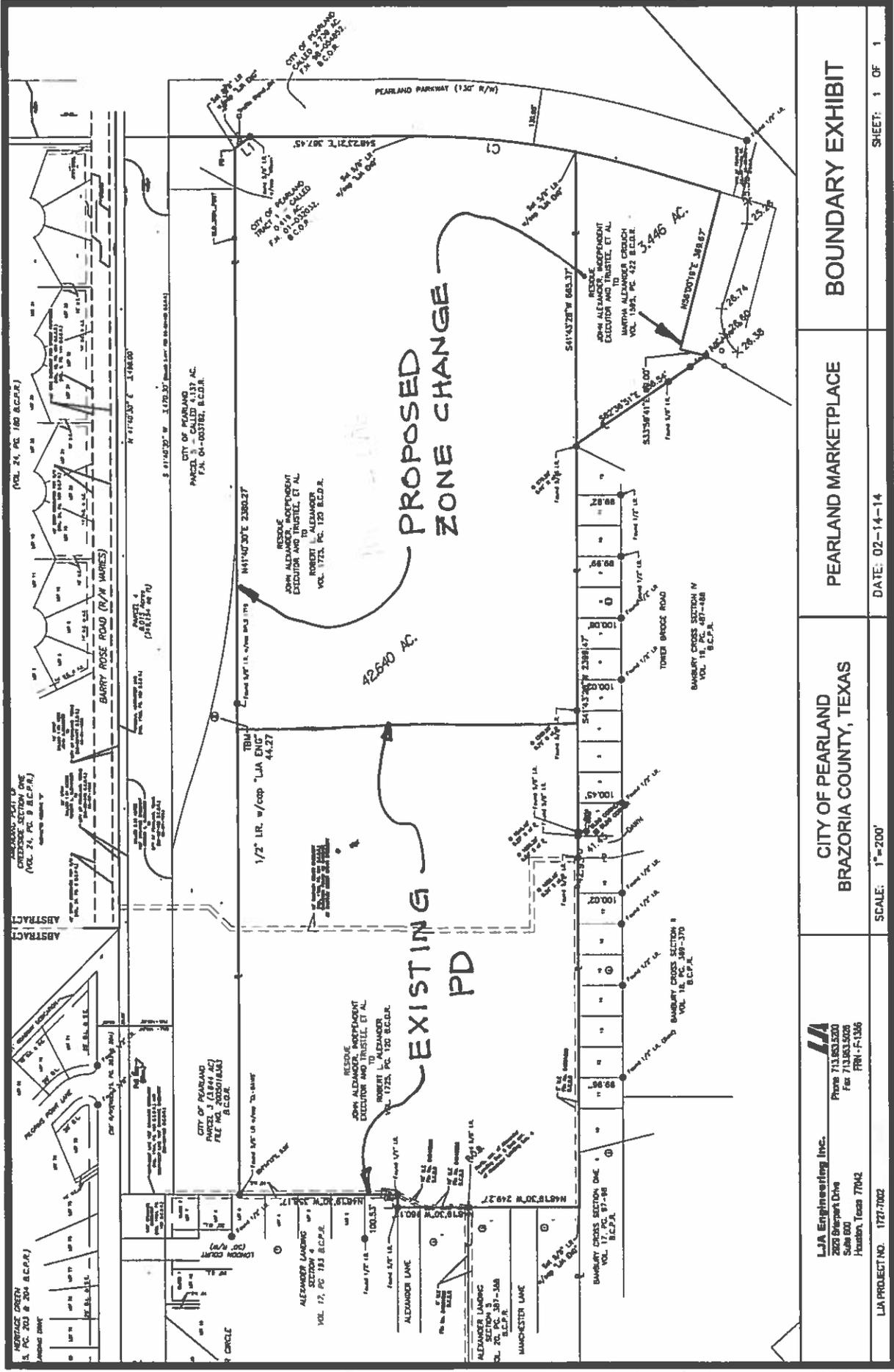
**EXHIBIT OF
26.524 ACRES
LOCATED IN THE
THOMAS J. GREEN
SURVEY, A-198
BRAZORIA COUNTY, TEXAS**

APRIL 2014 JOB NO. 1727-7002
LJA Engineering, Inc.
 2929 Briarpark Drive
 Suite 600
 Houston, Texas 77042
 Phone 713.953.5200
 Fax 713.953.5026
 T.B.P.L.S. Firm No. 10110501



Curve Table					
Curve #	Arc Length	Radius	Delta	Chord Bearing	Chord Distance
C1	532.98'	1,805.00	16°55'06"	S39° 55' 48"E	531.05'

Notes:
 All bearings based on the Texas Coordinate System, South Central Zone, NAD 83 2001 Adjustment.



LJA Engineering Inc.
 2625 Briarwood Drive
 Suite 600
 Houston, Texas 77042
 Phone 713.853.5500
 Fax 713.853.5009
 FRI - F-1336

**CITY OF PEARLAND
 BRAZORIA COUNTY, TEXAS**

PEARLAND MARKETPLACE

BOUNDARY EXHIBIT

LJA PROJECT NO. 1727-7022

SCALE: 1"=200'

DATE: 02-14-14

SHEET: 1 OF 1

Exhibit B



JOINT PUBLIC HEARING
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF
THE CITY OF PEARLAND, TEXAS,
MONDAY, JUNE 16, 2014, AT 6:30 P.M.
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

I. CALL TO ORDER

II. PURPOSE OF HEARING

Zone Change Application No. 2014-08Z

A request of Evelyn Pineda, owner/applicant; for approval of a change in zoning from Single Family Residential 2 (R-2) to Office and Professional (OP) on approximately 0.44 acres of land, to wit:

Legal Description: Being a tract of land containing 0.4362 acres (19,000 square feet), situated in the H.T. & R.R.R. Survey, Abstract No. 543, Brazoria County, Texas, being out of the H.C. Johnson 1.0 acre tract out of Lot 1 of a subdivision of Section 4 recorded in Volume 410, Page 536 of the Deed Records of Brazoria County, Texas, Brazoria County, Texas

General Location: Northwest corner of Walnut Street and Johnson Street, Pearland, TX

III. APPLICATION INFORMATION AND CASE SUMMARY

- A. STAFF REPORT
- B. APPLICANT PRESENTATION
- C. STAFF WRAP UP

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.



Memo

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: June 16, 2014

Re: Zone Change Application Number 2014-8Z

A request of Evelyn Pineda, owner/applicant; for approval of a change in zoning from Single Family Residential 2 (R-2) to Office and Professional (OP) on approximately 0.44 acres of land, located at the northwest corner of Walnut Street and Johnson Street, Pearland, TX.

Proposal

The subject property includes approximately 0.44 acres of land, of which the applicant is requesting a change in zoning from the Single Family Residential 2 (R-2) zoning district to the Office and Professional (OP) zoning district. According to the applicant's letter of intent, the purpose of the requested change in zoning is to use the property for an attorney's office, CPA, insurance agent's office or some other professional office.

Background

The subject property is developed with a single family home and an attached garage. According to Brazoria County Appraisal District records, the home was constructed in 1958, with additional improvements added in 1981. The property was annexed into the City of Pearland in 1905. Prior to the adoption of the Unified Development Code (UDC) in 2006, the property was zoned for single family residential and is currently located within the Single Family Residential 2 (R-2) zoning district.

As of the date of this writing, staff has not received any returned notices from property owners within 200 feet of the site in favor or in opposition to the request.

Recommendation

Staff is unable to recommend approval of the request to change the zoning of the approximately 0.44 acre site from R-2 to OP for the following reasons:

1. Pursuant to Section 2.2.1.4 (Criteria for Approval), in making a determination regarding a requested zoning change, the Planning and Zoning Commission and the City Council may consider the following factors:

- Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan; including the land use classification of the property on the Future Land Use Map and any incorporated sector plan maps.

The proposed zoning district of Office and Professional (OP) does not conform to the future land use element of the Comprehensive Plan for the site, which is “Medium Density Residential.” According to the Comprehensive Plan, the aforementioned future land use designation is designed for less traditional attached and detached developments, including duplexes, townhomes and patio homes; or a mix of low and high density residential uses, with an average density of 4-10 dwelling units per acre on average lot sizes of 4,000 to 6,000 square feet. Smaller lots may be acceptable if common open space is provided and overall density is not increased. Appropriate zoning districts for the “Medium Density Residential” future land use designation include R3 and R4 Single Family districts.

Although the proposed zoning district of OP does not conform to the future land use designation of the Comprehensive Plan, if the OP zoning district is approved for the 0.44 acre site, staff will include the property in its annual review and ultimate amendment of the Comprehensive Plan, to ensure that the zoning districts across the city comply with the future land use element of the Comprehensive Plan.

- Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified.

The purpose of the proposed zoning district of OP is to permit a wide variety of business, professional and organizational office needs of the community together with desirable associated uses. The OP zoning district permits low impact office developments such uses as medical/dental offices, veterinarian clinics, with or without outside pens. The OP zoning district also permits uses which may be considered more intense such as banks, with or without motor bank services, barber and beauty shops, bed and breakfast inn, general retail stores, and child day nurseries.

Additionally, when a change in use occurs on a piece of property there are certain triggers, including compliance with screening/fencing and parking requirements. For example residential adjacency screening requirements will apply to this property if the zone change is approved. Due to the existing residential zoning districts west and north of the site, either a 25 foot buffer area with an opaque screening wall with a maximum of 8 feet in height or a 30-foot vegetative buffer would be required along these property lines. According to the survey submitted as part of the zone change application, there is only 14.5 feet between the existing structure and the western property line.

Parking requirements are based on the use and the square footage of the building. Sufficient parking will be required based on the use as well as parking lot striping and screening, based on the location of the parking. An increase in pavement on site will trigger platting of the site, as it is currently not platted.

- Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities in the area.

The proposed change is in accord with existing/proposed plans for providing public facilities. Residential uses are not proposed at this time for this development, and therefore should have no impact on the public school system. According to GIS records, there is an existing 10 inch water line along the south side of Walnut Street and a 6 inch waterline along Johnson Street. Additionally, there is an existing 12 inch sewer line along the west side of Johnson Street and an 8 and 15 inch line along Walnut Street. At the time of permitting and/or platting, existing infrastructure will be assessed to determine if the extension of infrastructure is required. The impact of the proposed use on the current infrastructure will also be analyzed and impact fees may be assessed.

Exhibits

1. Staff Report
2. Aerial Map
3. Zoning Map
4. Future Land Use Map
5. Notification Map
6. Notification List



Exhibit 1 Staff Report

Summary of Request

The applicant is requesting approval of a change in zoning from the Single Family Residential 2 (R-2) zoning district to the Office and Professional (OP) zoning district on approximately 0.44 acres of land located at the northwest corner of Walnut Street and Johnson Street.

Site History

The subject property is developed with a single family home and an attached garage. According to Brazoria County Appraisal District records, the home was constructed in 1958, with additional improvements added in 1981. The property was annexed into the City of Pearland in 1905. Prior to the adoption of the Unified Development Code (UDC) in 2006, the property was zoned for single family residential and is currently located within the Single Family Residential 2 (R-2) zoning district.

The site is surrounded by the R2 zoning district to the north, west and east with properties south of the site located within the OP, R2 and Neighborhood Service (NS) zoning districts. The property to the south which is currently zoned OP was rezoned from R2 to OP in 1999. Similarly, the property south of the site currently zoned NS was rezoned from R2 to NS in 2013. Surrounding uses include undeveloped land directly abutting the site to the north and west; and single family dwellings to the south and east.

The below table identifies surrounding uses and zoning districts:

	Zoning	Land Use
North	Single Family Residential 2 (R2)	Undeveloped Single Family
South	Office and Professional (OP) Single Family Residential 2 (R2) Neighborhood Service (NS)	Single Family Home Attorneys Office

East	Single Family Residential 2	Single Family Homes
West	Single Family Residential 2 (R-2)	Undeveloped Single Family

Conformance with the Unified Development Code

The existing use of the subject property as a single family home conforms to the existing zoning district of R2. The purpose of the aforementioned zoning district is to permit low-density residential development of detached single-family dwelling units and appropriate desirable open space. When a change in use occurs on a piece of property there are certain triggers, including compliance with screening/fencing and parking requirements. For example residential adjacency screening requirements will apply to this property if the zone change is approved. Due to the existing residential zoning districts west and north of the site, either a 25 foot buffer area with an opaque screening wall with a maximum of 8 feet in height or a 30-foot vegetative buffer would be required along these property lines. According to the survey submitted as part of the zone change application, there is only 14.5 feet between the existing structure and the western property line.

A comparison of the existing (R2) and proposed (OP) zoning districts follow as it relates to the site in terms of the general regulations:

		Existing Zoning District Regulations (R2)	Proposed Zoning District Regulations (OP)	Site
Minimum Lot Area		7,000 square feet	12,500 square feet	19,000 square feet
Minimum Lot Width		70 feet	100 feet	100 feet
Minimum Lot Depth		90 feet	100 feet	190 feet
Minimum Front Yard		25 feet	25 feet	39.8 feet
Minimum Side Yard		7 feet 6 inches	10 feet	14.5 feet (west), > 14.5 (east)
Minimum Rear Yard		20 feet	10 feet	> 20 feet

Residential Adjacency	N/A	25 feet with wall or 30 feet with vegetation	14.5 feet (western property line)
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Conformance with the Comprehensive Plan

The proposed change in zoning from R-2 to OP of the subject property, does not conform to the future land use designation of the subject property which is “Medium Density Residential.” According to the Comprehensive Plan, the aforementioned future land use designation is designed for less traditional attached and detached developments, including duplexes, townhomes and patio homes; or a mix of low and high density residential uses with an average density of 4-10 dwelling units per acre on average lot sizes of 4,000 to 6,000 square feet. Smaller lots may be acceptable if common open space is provided and overall density is not increased. Appropriate zoning districts for the “Medium Density Residential” future land use designation include R3 and R4 Single Family districts.

If the OP zoning district is approved for the 0.44 acre site, staff will include the property in its annual review and ultimate amendment to the Comprehensive Plan, to ensure that the zoning district complies with the future land use element of the Comprehensive Plan.

Conformance with the Thoroughfare Plan

The property has frontage on Johnson Street; a local street of sufficient width which requires 50 feet of right-of-way, as well as Walnut Street; a major collector, which according to the thoroughfare plan is to be widened, and requires 80 feet of right-of-way.

Platting Status

The property is not platted. Platting of the site will be required prior to any development or the issuance of building permits.

Availability of Utilities

The subject property has access to public infrastructure, and according to the Utility Billing Department, is connected to public water and sewer. According to GIS records, there is an existing 10 inch water line along the south side of Walnut Street and a 6 inch waterline along Johnson Street. Additionally, there is an existing 12 inch sewer line along the west side of Johnson Street and an 8 and 15 inch line along Walnut Street. At the time of permitting, existing infrastructure will be assessed to determine if the

extension of infrastructure is required. The impact of the proposed use on the current infrastructure will also be analyzed and impact fees may be assessed.

Impact on Existing and Future Development

The subject property is surrounded by single family uses and/or zoning districts on all sides. The introduction of nonresidential uses to the site could potentially negatively impact surrounding developments and/or future developments. If the zoning is approved and the existing building is utilized, the residential adjacency screening requirements cannot be met as the existing structure is approximately 14.5 feet from the western property line. A 25-foot buffer area, with a wall; or a 30-foot vegetative buffer is required. Additionally Johnson Street is a local street and is residentially zoned, with the exception of Johnson Street as it intersects with Broadway Street. As a result of nonresidential zoning, where exists mostly residential uses and zoning, an increase in traffic may arise which could adversely impact the existing neighborhood.

Additional Comments

The request has been reviewed by the City's Development Review Committee (DRC), and there were no additional comments from other departments at the time of this report.

Public Notification

Staff sent public notices, comment forms and a vicinity map to the applicant, the owner of the property and to property owners within 200 feet of the subject property under consideration for the zone change. Additionally, a legal notice of the public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant.

Opposition to or Support of Proposed Request

As of the date of this writing, staff has not received any comments either in opposition to or in support of the proposed change in zoning request.

Recommendation

Staff is unable to recommend approval of the request to change the zoning of the approximately 0.44 acre site from R-2 to OP for the following reasons:

1. Pursuant to Section 2.2.1.4 (Criteria for Approval), in making a determination regarding a requested zoning change, the Planning and Zoning Commission and the City Council may consider the following factors:
 - Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan; including the land use classification of

the property on the Future Land Use Map and any incorporated sector plan maps.

The proposed zoning district of Office and Professional (OP) does not conform to the future land use element of the Comprehensive Plan for the site, which is "Medium Density Residential." According to the Comprehensive Plan, the aforementioned future land use designation is designed for less traditional attached and detached developments, including duplexes, townhomes and patio homes; or a mix of low and high density residential uses, with an average density of 4-10 dwelling units per acre on average lot sizes of 4,000 to 6,000 square feet. Smaller lots may be acceptable if common open space is provided and overall density is not increased. Appropriate zoning districts for the "Medium Density Residential" future land use designation include R3 and R4 Single Family districts.

Although the proposed zoning district of OP does not conform to the future land use designation of the Comprehensive Plan, if the OP zoning district is approved for the 0.44 acre site, staff will include the property in its annual review and ultimate amendment of the Comprehensive Plan, to ensure that the zoning districts across the city comply with the future land use element of the Comprehensive Plan.

- Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified.

The purpose of the proposed zoning district of OP is to permit a wide variety of business, professional and organizational office needs of the community together with desirable associated uses. The OP zoning district permits low impact office developments such uses as medical/dental offices, veterinarian clinics, with or without outside pens. The OP zoning district also permits uses which may be considered more intense such as banks, with or without motor bank services, barber and beauty shops, bed and breakfast inn, general retail stores, and child day nurseries.

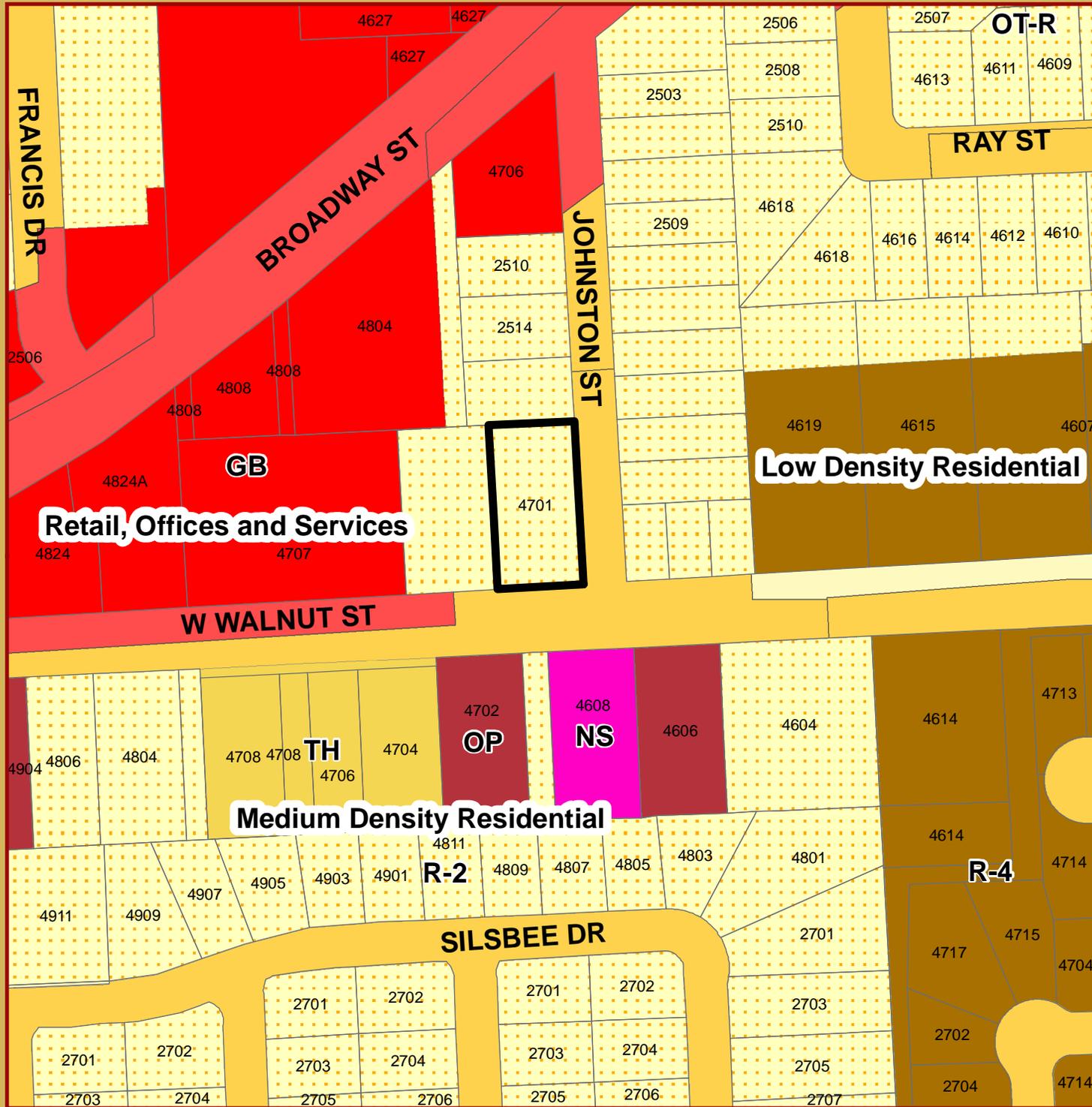
Additionally, when a change in use occurs on a piece of property there are certain triggers, including compliance with screening/fencing and parking requirements. For example residential adjacency screening requirements will apply to this property if the zone change is approved. Due to the existing residential zoning districts west and north of the site, either a 25 foot buffer area with an opaque screening wall with a maximum of 8 feet in

height or a 30-foot vegetative buffer would be required along these property lines. According to the survey submitted as part of the zone change application, there is only 14.5 feet between the existing structure and the western property line.

Parking requirements are based on the use and the square footage of the building. Sufficient parking will be required based on the use as well as parking lot striping and screening, based on the location of the parking. An increase in pavement on site will trigger platting of the site, as it is currently not platted.

- Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities in the area.

The proposed change is in accord with existing/proposed plans for providing public facilities. Residential uses are not proposed at this time for this development, and therefore should have no impact on the public school system. According to GIS records, there is an existing 10 inch water line along the south side of Walnut Street and a 6 inch waterline along Johnson Street. Additionally, there is an existing 12 inch sewer line along the west side of Johnson Street and an 8 and 15 inch line along Walnut Street. At the time of permitting and/or platting, existing infrastructure will be assessed to determine if the extension of infrastructure is required. The impact of the proposed use on the current infrastructure will also be analyzed and impact fees may be assessed.



ZONING MAP

**ZONE CHANGE
2014-8Z**

4701 WALNUT ST.

Low Density Residential

Retail, Offices and Services

Medium Density Residential

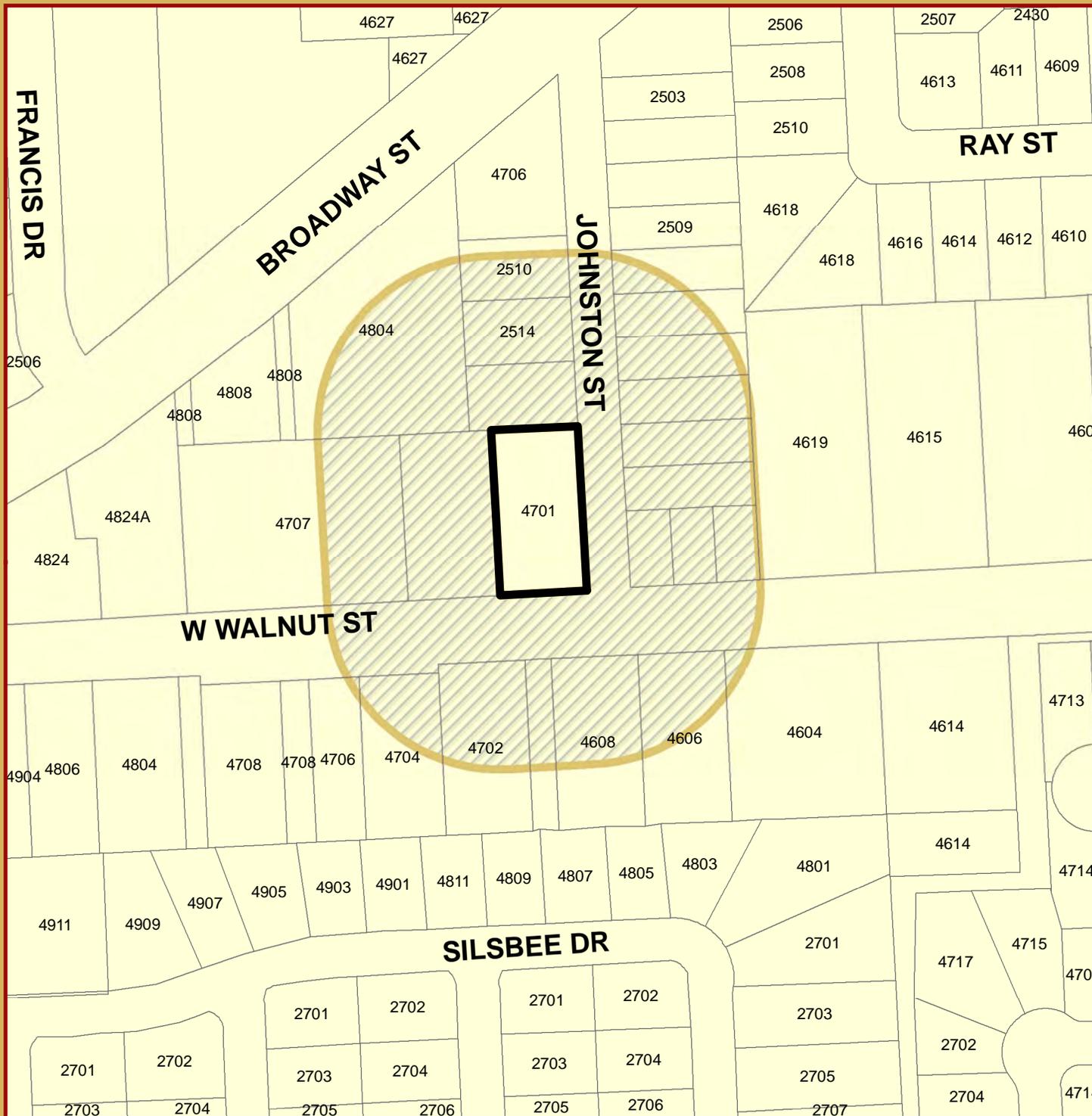


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1 inch = 167 feet

22 MAY 2014
PLANNING DEPARTMENT





NOTIFICATION MAP

**ZONE CHANGE
2014-8Z**

4701 WALNUT ST.



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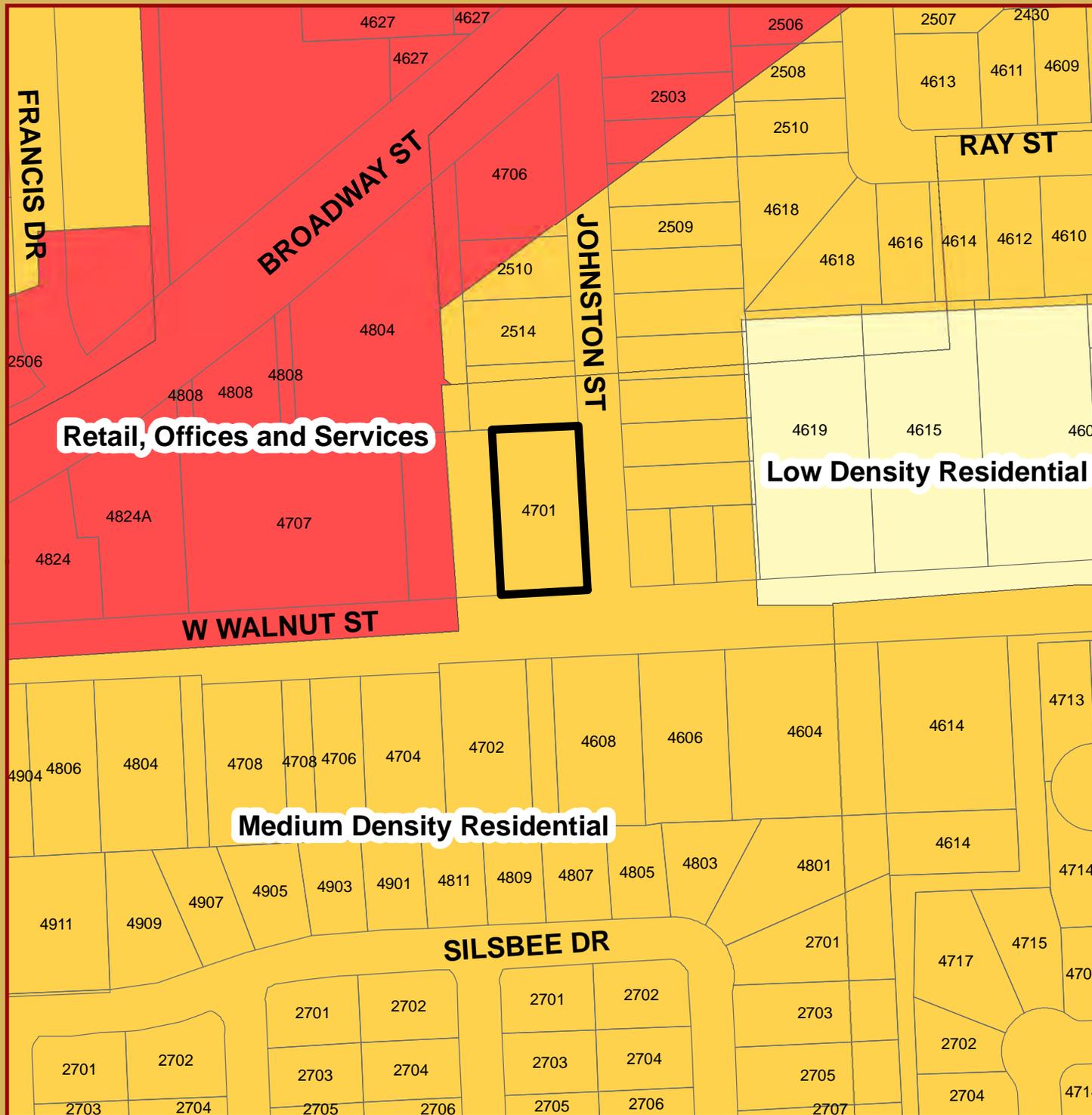
1 inch = 167 feet

22 MAY 2014
PLANNING DEPARTMENT



NOTIFICATION LIST**2014-8Z**

NAME	ADDRESS	CITY	STATE	ZIP
4608 W WALNUT LLC	1607 N VENICE DR	PEARLAND	TX	77581
4704 W WALNUT LLC	1607 N VENICE DR	PEARLAND	TX	77581
4706 W WALNUT LLC	1607 N VENICE DR	PEARLAND	TX	77581
BROWN ERINN G	2402 SUNLIGHT LN	PEARLAND	TX	77584
ELLIOTT J LON & SUZANNE	PO BOX 1302	PEARLAND	TX	77588
ETTE ENTERPRISES	2623 SUNBIRD CT	PEARLAND	TX	77584
GONGORA ROBERTO	1113 SHADOWBEND ST	PEARLAND	TX	77581
GONZALEZ MICHAEL W	4702 W WALNUT ST	PEARLAND	TX	77581
HOLDEN DANIEL W	2514 JOHNSTON ST	PEARLAND	TX	77581
KHAN KHALID RASHEED & ASFAR	3801 CANYON LAKE DR	PEARLAND	TX	77581
MCNEIL INTEREST	PO BOX 752423	HOUSTON	TX	77275
PRICE JOHN C	4619 W WALNUT ST	PEARLAND	TX	77581
REYES ONECIMO G III & ROSIE M REYES	2510 JOHNSTON ST	PEARLAND	TX	77581



FLUP MAP

**ZONE CHANGE
2014-8Z**

4701 WALNUT ST.

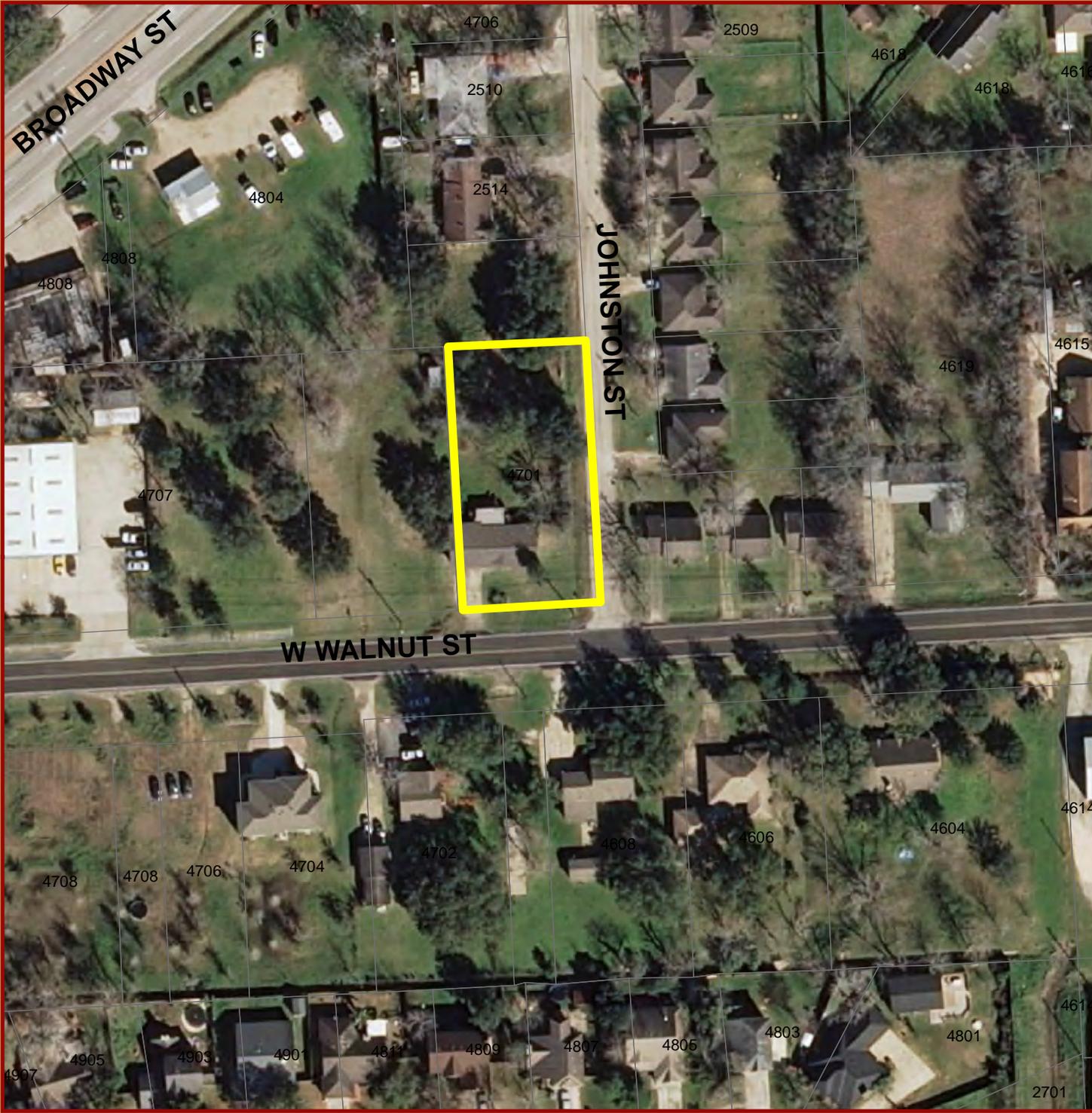


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1 inch = 167 feet

22 MAY 2014
PLANNING DEPARTMENT





AERIAL MAP

ZONE CHANGE 2014-8Z

4701 WALNUT ST.



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1 inch = 104 feet

22 MAY 2014
PLANNING DEPARTMENT





JOINT PUBLIC HEARING
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF
THE CITY OF PEARLAND, TEXAS,
MONDAY, JUNE 16, 2014, AT 6:30 P.M.
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

I. CALL TO ORDER

II. PURPOSE OF HEARING

Conditional Use Permit Application No. 2014-03

A request of Verret Group, applicant; on behalf of Vineyard Christian Fellowship of Pearland, owner; for approval of a Conditional Use Permit (CUP) to allow for a church on approximately 4.83 acres of land on the following described property, to wit:

Legal Description: 4.83 acres (210,206 square feet), all of a called 4.826 acres being the south 129' of Lot 79 and the north 214' of Lot 78, Figland Orchard, H.T. and B.R.R. Survey, Abstract 240, Brazoria County, Texas.

General Location: East side of Harkey Road, between Josephine Street to the north and Fite Road to the south, Pearland, TX

III. APPLICATION INFORMATION AND CASE SUMMARY

- A. STAFF REPORT
- B. APPLICANT PRESENTATION
- C. STAFF WRAP UP

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.



Memo

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: June 16, 2014

Re: Conditional Use Permit Application Number 2014-03

A request of Verret Group, applicant; on behalf of Vineyard Christian Fellowship of Pearland, owner; for approval of a Conditional Use Permit (CUP) to allow for a church on approximately 4.83 acres of land generally located on the east side of Harkey Road, between Josephine Street to the north and Fite Road to the south; Pearland, TX.

Proposal

The applicant is requesting approval of a Conditional Use Permit (CUP) to construct an approximately 15,500 square foot church on 4.83 acres of land. The proposed building will include a 361-seat auditorium, lobby, classrooms and offices. Per the site plan, a garden is proposed, a gravel trail partially located within the detention pond, a play area and one hundred (100) parking spaces. The primary entrance to the building will be located on the east side of the building with an additional entry near the south side of the building. The applicant proposes to preserve as many trees as possible as identified by the "ghosted in" trees on the site plan. New trees will be planted along Harkey Road to satisfy the street tree requirement and along the north and south property lines as required to meet residential adjacency requirements. At least fifteen percent (15%) of the gross site area is required to be maintained in landscaped area. As illustrated by the site plan, the applicant proposes to exceed the requirement. Access will be provided from Harkey Road and 6 foot sidewalks will be constructed.

Background

The property is currently undeveloped and is not platted. Platting of the two (2) tracts will be required prior to development. The property was annexed into the City of Pearland in 1997. The site is located within the Neighborhood Service (NS) zoning district, and which district's purpose is to permit a limited area of service establishments for the benefit of adjacent and nearby residential development. Surrounding uses include single family to the north and west; the property directly to the south is developed with what appears to be an accessory structure; and the property directly to the east is undeveloped.

A Conditional Use Permit (CUP) for a Church was approved for the site on April 7, 2008; however has since expired, as the permit was not acted upon. The CUP included a condition that no access shall be granted from Bardett Street to the site.

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 CUP.

Additionally, a legal notice of public hearing was published in the local newspaper and notification signs were placed on the property by the applicant.

Recommendation

Staff recommends approval of the CUP 2014-03 to allow for the construction of a church on the approximately 4.83 acres of land for the following reasons:

1. The proposed church should not negatively impact surrounding properties or developments. However increased traffic may be an issue. A Traffic Impact Analysis is required as part of the platting process in order to determine if any improvements would be required to mitigate any adverse impacts as it relates to traffic.
2. The subject property is adjacent to single family to the north and south. The building setback requirements in addition to the residential adjacency requirements will ensure minimal impacts to the existing residential developments. Pursuant to Section 4.2.4.1, because the applicant proposes a vegetative screen, a 30-foot buffer area is required dense enough to be completely opaque year round, which is at least four feet (4') tall at the time of planting and at least eight feet (8') tall within twelve (12) months. The applicant proposes to use new and existing trees.
3. As illustrated by the site plan, the applicant proposes to exceed the required 15% landscaped area.

Conditions

1. As approved with the expired CUP that was approved for a church in 2008, no access to the site shall be granted via Bardet Street.

Exhibits

1. Staff Report
2. Site Plan (Revised)
3. Aerial Renderings
4. Aerial Map
5. Zoning Map
6. Future Land Use Map
7. Notification Map
8. Notification List
9. Applicant Packet



Exhibit 1 Staff Report

Summary of Analysis

The applicant is requesting approval of a Conditional Use Permit (CUP) to construct an approximately 15,500 square foot church on 4.83 acres of land. The proposed building will include a 361-seat auditorium, lobby, classrooms and offices. Per the site plan, a garden is proposed, a gravel trail partially located within the detention pond, a play area and one hundred (100) parking spaces. The primary entrance to the building will be located on the east side of the building with an additional entry near the south side of the building. The applicant proposes to preserve as many trees as possible as identified by the “ghosted in” trees on the site plan. New trees will be planted along Harkey Road to satisfy the street tree requirement and along the north and south property lines as required to meet residential adjacency requirements. At least fifteen percent (15%) of the gross site area is required to be maintained in landscaped area. As illustrated by the site plan, the applicant proposes to exceed the requirement. Access will be provided from Harkey Road and 6 foot sidewalks will be constructed.

Surrounding Zoning and Land Uses

Surrounding uses include single family to the north and west; the property directly to the south is developed with what appears to be an accessory structure; and the property directly to the east is undeveloped.

	Zoning	Land Use
North	Neighborhood Service (NS)	Single Family
South	Single Family Residential 2 (R-2)	Accessory Structure
East	Single Family Residential 2 (R-2) & General Commercial	Undeveloped Land
West	Single Family Residential 3 (R-3)	Single Family

Conformance with the Unified Development Code

The subject property is located within the Neighborhood Service (NS) zoning district. The purpose of the aforementioned zoning district is to permit a limited area of service establishments for the benefit of adjacent and nearby residential development. The proposed use is permitted with approval of a Conditional Use Permit. The NS zone requires a minimum lot area of 12,500 square feet; a minimum lot width and depth of 100 feet; a minimum front yard setback of 25 feet and a minimum side yard of 10 feet; 15 feet if the side yard abuts a residential zoning district. The aforementioned site abuts residential or residentially zoned property to the south and north. The minimum rear yard is 10 feet; 15 feet if the rear yard abuts a residential zoning district. The subject property does not directly abut a residential use or zoning district the east. The proposed nonresidential use of a Church will be subject to the residential adjacency regulations which requires a 25 foot wide landscaped buffer which shall remain open

and unobstructed (i.e., no parking, driveways or other use of the buffer area.) The 25-foot buffer increases to a 30-foot buffer if screening is achieved through vegetation as opposed to fencing. The applicant proposes a 30-foot vegetative screen using existing and new trees.

The below table illustrates the above regulations and how the site will comply:

NS Requirements		Subject Property
Minimum Lot Area	12,500 square feet	210,206 square feet
Minimum Lot Width	100 feet	343 feet
Minimum Lot Depth	100 feet	100 feet
Minimum Front Yard	25 feet	52 feet, 4 inches
Minimum Side Yard	15 feet	30 feet N and >30 feet S
Minimum Rear Yard	10 feet	58 feet
Maximum Height	35 feet	26 feet
Minimum Landscaped Area	15%	>15%
Residential Adjacency Buffer using Vegetation	30 feet	30 feet

All other requirements will be met including façade requirements, dumpster screening, platting, etc.

Site History

The subject property was annexed into the City of Pearland in 1997. When a property is annexed into the City, the default zoning is Suburban Development (SD) district. As a result of the adoption of the Unified Development Code in 2006, the site was rezoned to NS. The property is undeveloped and is not platted. A Conditional Use Permit (CUP) for a Church was approved for the site on April 7, 2008; however has since expired, as the permit was not acted upon. The CUP included a condition that no access shall be granted from Bardett Street to the site.

Platting Status

The site is not platted. Platting will be required prior to development and the release of any permits. Platting will trigger right-of-way dedication, the installation of 6-foot sidewalks along the frontage of the property, various easements such as water and sewer easements, fire hydrants, detention facilities and a Traffic Impact Analysis (TIA).

Conformance with the Comprehensive Plan

The site is located within the Business Commercial future land use designation, and was added to the Comprehensive Plan (The Plan) as a result of the 2004 update. The Plan recommends non-residential-retail business within this designation and zoning districts General Business (GB) and General Commercial (GC). Although the existing zoning of the site (NS) and the proposed use (church) do not necessarily conform to the recommendations of The Plan, anticipated that the City would encounter development proposals that do not reflect the purpose

and intent of the 2004 update. In these situations, The Plan recommends that these developments should be evaluated on their own merit, on a case-by-case basis. A CUP allows the proposed development to be evaluated on its own merit, with input from the public, the Planning and Zoning Commission, and ultimately the City Council. In these instances, developments could be an improvement over what is recommended due to changing market, development and/or economic trends that have occurred after the update. Finally, The Plan recommends that these proposals should be viewed based on the following questions:

1. Will the proposed development enhance the City economically?
2. Will the proposed development enhance the City aesthetically?
3. Is the proposed development consistent with the City's vision, goals and/or objectives?
4. Is the proposed development a better use of land/property, both for the owner/developer and the City, than that recommended by The Plan?
5. Will the proposed development impact adjacent residential areas in a positive or negative manner?
6. Will the proposed development have adequate access-have considerations been made for roadway capacity, ingress and egress, traffic impact?
7. Are uses adjacent to the proposed development similar in nature in terms of appearance, hours of operation and other general aspects of compatibility?
8. Does the proposed development present a significant benefit to the public health, safety and welfare of the community?

Conformance with the Thoroughfare Plan

The subject property has frontage on Harkey Road; a secondary thoroughfare, which requires 100 feet of right-of-way. Harkey Road is not in conformance with the thoroughfare plan, as the width of the roadway in this location is 90 feet. Additional right-of-way will be dedicated at the time of platting.

Availability of Utilities

The subject property 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 surrounded by single family to the west, which is separated by Harkey Road and to the north. The property to the south is zoned for single family dwellings; however appears to be developed with an accessory structure. The property directly to the east is undeveloped and further east are commercial uses. Residential adjacency standards apply to the north and south of the subject property, which help to mitigate any negative impacts on the existing and future developments single family developments. The applicant proposes a 30 foot vegetative screen along the northern and southern property lines, using existing and new trees.

Additionally, a traffic impact analysis is required prior to development. This process will determine if improvements may be required to mitigate any traffic issues.

Additional Comments

A Pre-Development Meeting was held with the applicant in April, 2014. Additionally, the request has been reviewed by the Development Review Committee (DRC) and there were no additional comments from DRC 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 CUP. Additionally a legal notice of public hearing was published in the local newspaper and notification signs were placed on the property by the applicant.

Opposition to or Support of Proposed Request

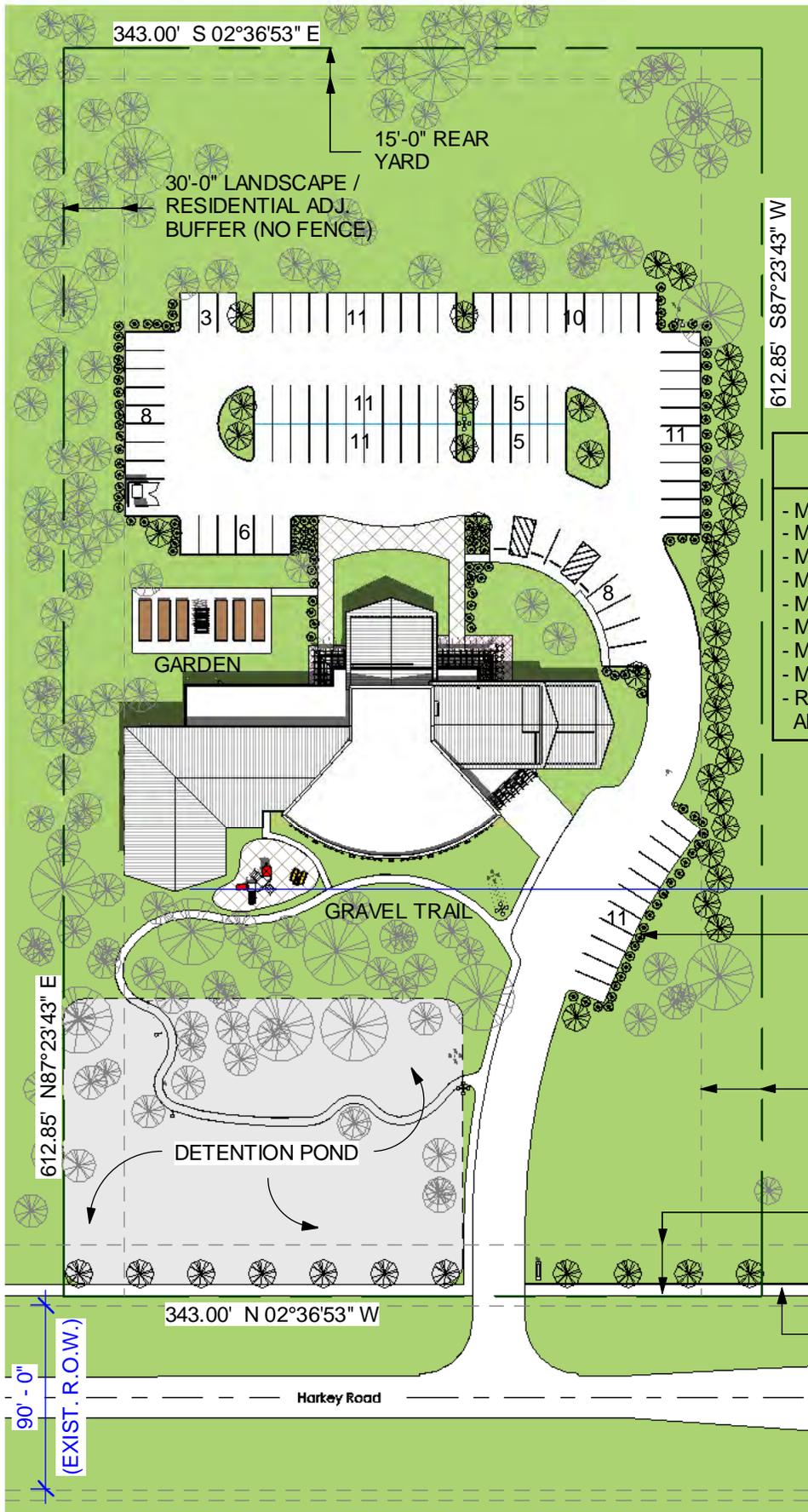
Staff has not received any comments either in opposition or in support of the CUP at the time of this report.

Staff recommends approval of the CUP 2014-03 to allow for the construction of a church on the approximately 4.83 acres of land for the following reasons:

1. The proposed church should not negatively impact surrounding properties or developments. However increased traffic may be an issue. A Traffic Impact Analysis is required as part of the platting process in order to determine if any improvements would be required to mitigate any adverse impacts as it relates to traffic.
2. The subject property is adjacent to single family to the north and south. The building setback requirements in addition to the residential adjacency requirements will ensure minimal impacts to the existing residential developments. Pursuant to Section 4.2.4.1, because the applicant proposes a vegetative screen, a 30-foot buffer area is required dense enough to be completely opaque year round, which is at least four feet (4') tall at the time of planting and at least eight feet (8') tall within twelve (12) months. The applicant proposes to use new and existing trees.
3. As illustrated by the site plan, the applicant proposes to exceed the required 15% landscaped area.

Conditions

1. As approved with the expired CUP that was approved for a church in 2008 for the subject property, no access to the site shall be granted via Bardet Street.



AREA CALCULATIONS:

PARKING (CHURCH)

- A. NON-FIXED SEATING
 - 1 SPACE PER 100SF OF THE MAIN AUDITORIUM FLOOR AREA.
 - REQD.: 2,908SF / 100SF = **30 SPACES**
- B. FIXED SEATING
 - 1 SPACE FOR EVERY 4 SEATS
 - 144 SEATS / 4 = **36 SPACES**
- C. TOTAL:
 - **REQUIRED:** **66 SPACES**
 - **PROVIDED:** **100 SPACES**

NS REQUIREMENTS		SUBJECT PROPERTY
- MIN. LOT AREA	12,500 SF	210,206 SF
- MIN. LOT WIDTH	100'-0"	343'-0"
- MIN. LOT DEPTH	100'-0"	612.85'
- MIN. FRONT YARD	25'-0"	52'-4"
- MIN. SIDE YARD	15'-0"	30'-0"
- MIN. REAR YARD	15'-0"	58'-10"
- MAX. HEIGHT	35'-0"	26'-0"
- MIN. LANDSCAPE AREA	15%	>15%
- RESIDENTIAL ADJACENCY BUFFER	30'-0"	30'-0"

NEW CONTINUOUS HEDGE

30'-0" LANDSCAPE / RESIDENTIAL ADJ. BUFFER (NO FENCE)

25'-0" FRONT YARD

6'-0" WIDE SIDEWALK

CENTERLINE OF ROAD

199'-3"

EQ. 100'-0" (R.O.W.)

5/30/2014
3:43:30 PM

① SITE PLAN - CUP
1" = 80'-0"



① SITE AERIAL - CUP

5/30/2014
3:44:15 PM



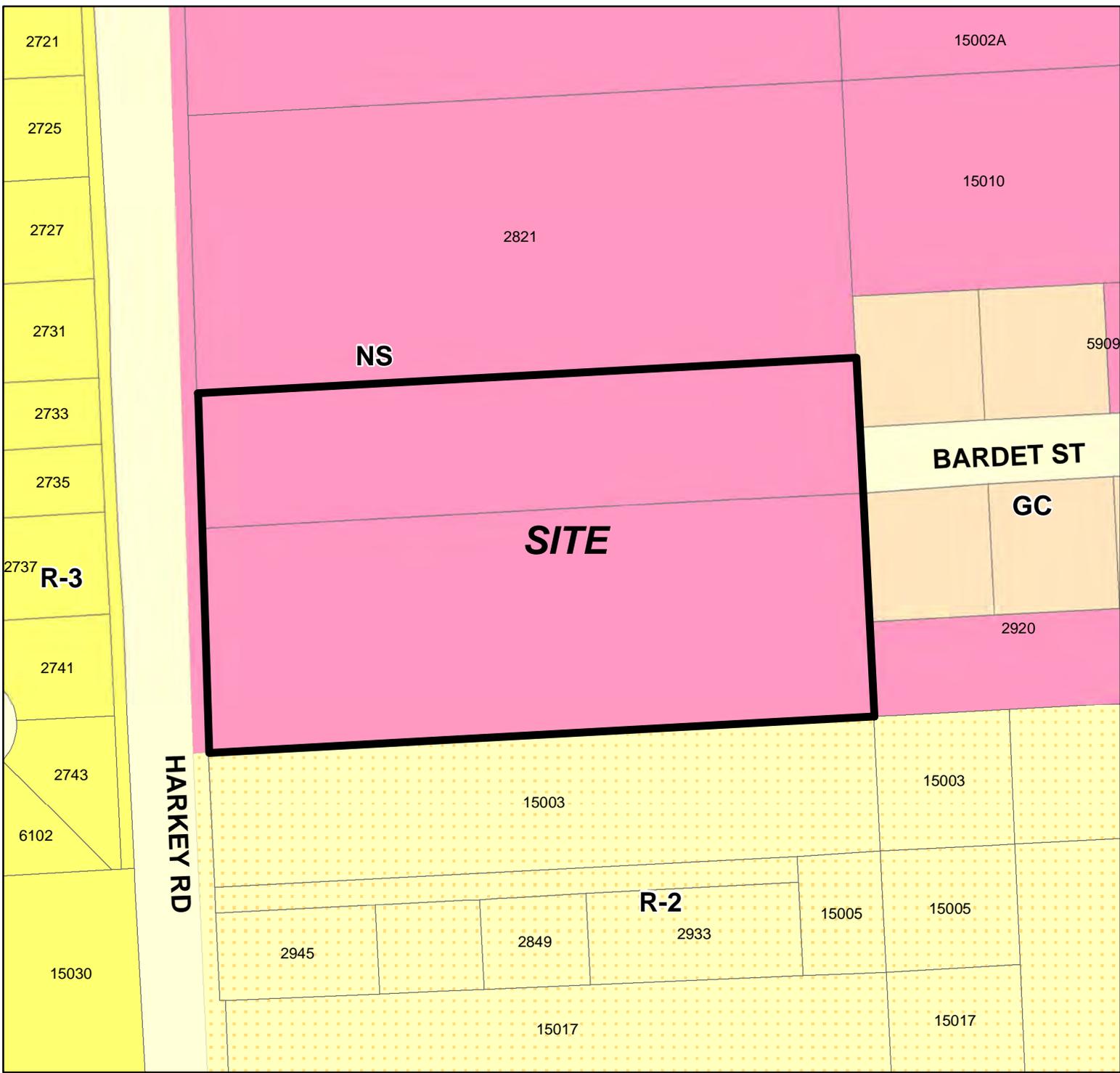
Aerial Map

CUP 2014-03

2905 Harkey Road

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.

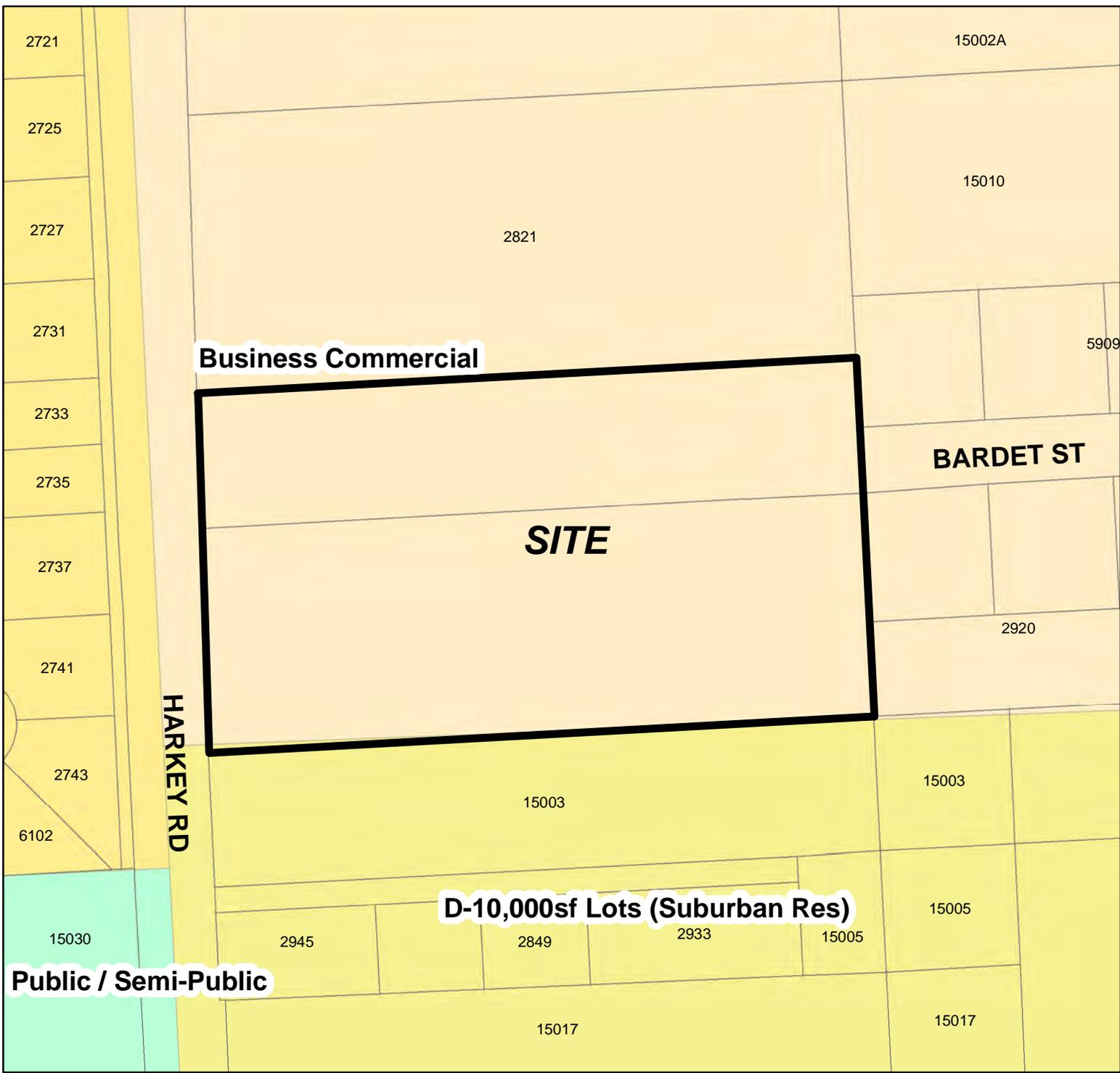




Zoning Map
CUP 2014-03
2905 Harkey Road

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.





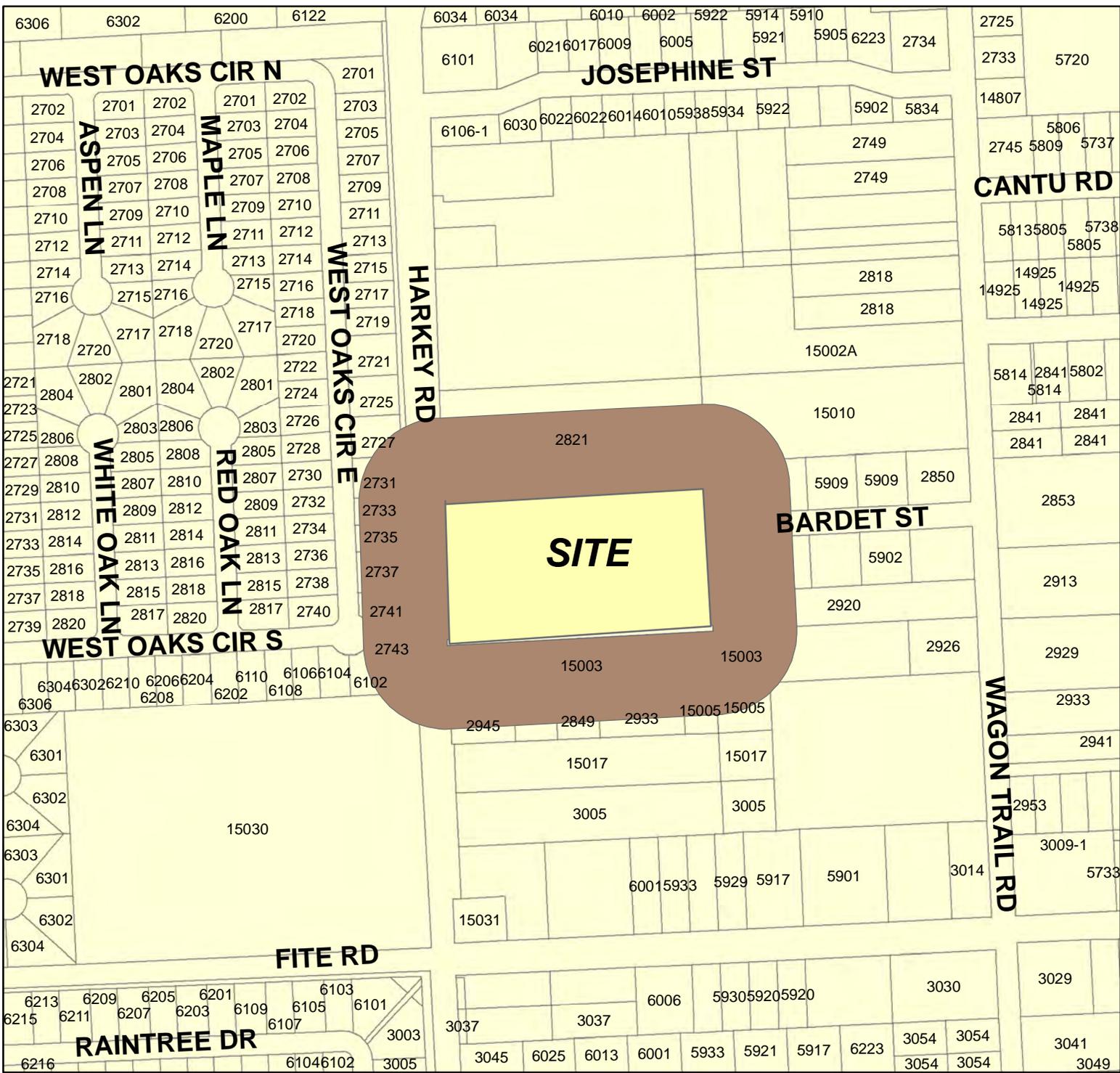
FLUP Map

CUP 2014-03

2905 Harkey Road

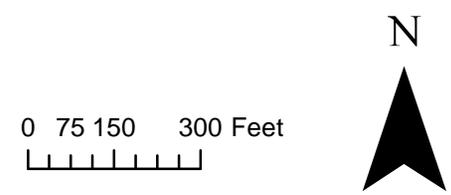
This product is for information purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.





Abutterl Map
CUP 2014-03
2905 Harkey Road

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NOTIFICATION LIST
CUP 2014-03

NAME	ADDRESS	CITY	STATE	ZIP
AMCU INC	2920 WAGON TRAIL RD	PEARLAND	TX	77584
BONEFAS WILLIAM J & MARYANN T	2727 W OAKS CIR E	PEARLAND	TX	77584
COWAN KENNETH D & SANDRA T	4128 FERNWOOD DR	HOUSTON	TX	77021
DEVIVEIROS MARIA & EVANGELOS GOLFIS	3811 HOUSTON LAKE DR	PEARLAND	TX	77581
EXPRE REALTY LTD	3219 OLD ALVIN RD	PEARLAND	TX	77581
GARZA CESAR CIRO	PO BOX 477	PEARLAND	TX	77588
GARZA MARIA R	2849 HARKEY RD	PEARLAND	TX	77584
GARZA MARIO ET UX	2933 HARKEY RD	PEARLAND	TX	77584
HERNANDEZ VICTOR A & NORMA A	6102 W OAKS CIR S	PEARLAND	TX	77584
JOHNSTON FAMILY HOLDINGS	5617 MEGAN ST	PEARLAND	TX	77581
PARRISH JACQUELINE DENISE	2733 W OAKS CIR E	PEARLAND	TX	77584
PEARLAND ELKS LODGE #2732	PO BOX 2251	PEARLAND	TX	77588
PEARLAND ISD	PO BOX 7	PEARLAND	TX	77588
PEIPELMAN KYLE C & CHERRY	2735 W OAKS CIR E	PEARLAND	TX	77584
VALENTINE JOHN L & SHEILA J	2731 W OAKS CIR E	PEARLAND	TX	77584
VASQUEZ LUCIANO JR & NICOLASA	2737 W OAKS CIR E	PEARLAND	TX	77584
VINEYARD CHRISTIAN FELLOWSHIP OF PEARLAND	PO BOX 1577	PEARLAND	TX	77588
VU JOSEPH H & FRANCES J	2741 W OAKS CIR E	PEARLAND	TX	77584



City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281-652-1765
281-652-1702 fax
www.cityofpearland.com

APPLICATION FOR AN UNCONDITIONAL USE PERMIT (CUP)

Conditional Use Permit Request for: Church, TEMPLE, OR PLACE OF WORSHIP
(list proposed use from the Table of Uses of the UDC)

Current Zoning District: BUSINESS COMMERCIAL

Property Information:

Address or General Location of Property: 2905 HARKEY ROAD

Tax Account No. 207403 & 207404

Subdivision: FIGLAND ORCHID Lot: 78 Block: _____

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

PROPERTY OWNER INFORMATION:

APPLICANT/AGENT INFORMATION:

NAME Vineyard Christian Fellowship of Pearland
ADDRESS 5740 Broadway, Suite 120
CITY Pearland STATE TX ZIP 77581
PHONE (281) 997-0722
FAX (281) 997-2873
E-MAIL ADDRESS _____

NAME VERRET GROUP
ADDRESS /0200 GREGANS MILL RD. 515
CITY THE WOODLANDS STATE TX ZIP 77380
PHONE (281) 367.4311
FAX (281) 367.3388
E-MAIL ADDRESS hnguyen@verretgroup.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 April 8, 2014

Agent's/
Applicant's Signature: [Signature] Date: 04/15/14

OFFICER USE ONLY:

FEES PAID: <u>\$200</u>	DATE PAID: <u>4/15/14</u>	RECEIVED BY: <u>Judy Brown</u>	RECEIPT NUMBER: <u>200633</u>
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Application No. CUP2014-03



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.**



**POSTING OF ZONING NOTIFICATION SIGNS
ON PROPERTY UNDER CONSIDERATION
FOR A ZONE CHANGE (OR CONDITIONAL USE PERMIT)**

Any person, firm or corporation requesting a zoning change, a conditional use permit (CUP), or a variance shall be required to erect and maintain a sign(s), to be inspected by the City, upon the property for which a variance or zoning change has been requested.

Such sign(s) shall be located as follows:

- (1) One (1) sign per street frontage shall be located within thirty feet (30') of the abutting street, or as determined by the City.
- (2) So as to be clearly visible and readable from the public right-of-way and not obstructed in any manner.
- (3) So as not to create a hazard to traffic on the public rights-of-way abutting the property.
- (4) On the subject property at least ten (10) days prior to the hearing of such zoning change request by the Planning and Zoning Commission, and to remain continuously on said property until final action by the City Council or withdrawal of the case by the applicant. Removal of the sign by the applicant prior to a recommendation by the Planning and Zoning Commission and/or a final decision by the City Council shall constitute a withdrawal of the request.
- (5) The signs shall be as follows:
 - A minimum sign size of 2 feet by 3 feet, but no larger than 4 feet by 4 feet
 - At least 2 feet above the ground
 - Blue or black lettering that is a minimum of 3 inches by 1/2 inch, on a white background
 - Message content as follows:

PROPOSED (SPECIFY REQUEST)
Contact City of Pearland
281-652-1765

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

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


Acknowledgement signature

April 8, 2014
Date



CITY OF PEARLAND
R E P R I N T

*** CUSTOMER RECEIPT ***

Oper: JCOOTER Type: OC Drawer: 1
Date: 4/15/14 01 Receipt no: 200633

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	\$250.00
Trans number:		4435201

VERRET GROUP LLC
CUP FOR "2" PARCELS
2905 HARKEY RD
VERRET GROUP
VINEYARD CHRISTIAN FELLOWSHIP
OF PEARLAND
VERRET GROUP LLC
10200 GROGAN'S MILL RD
SUITE 515
THE WOODLANDS

Tender detail		
CK CHECK	4135	\$250.00
Total tendered		\$250.00
Total payment		\$250.00

Trans date: 4/15/14 Time: 13:56:07

ZONE CHANGE/VARIANCE/RECORDATION

(circle one)

\$250.00

BA or or **FE**

Description: Input who the check is from

Verret Group, LLC

COMMENTS/DESCRIPTION (F10):

Location or

Address

CUP for "2" Parcels
2905 Harkey Rd

Applicant

Verret Group

Owner

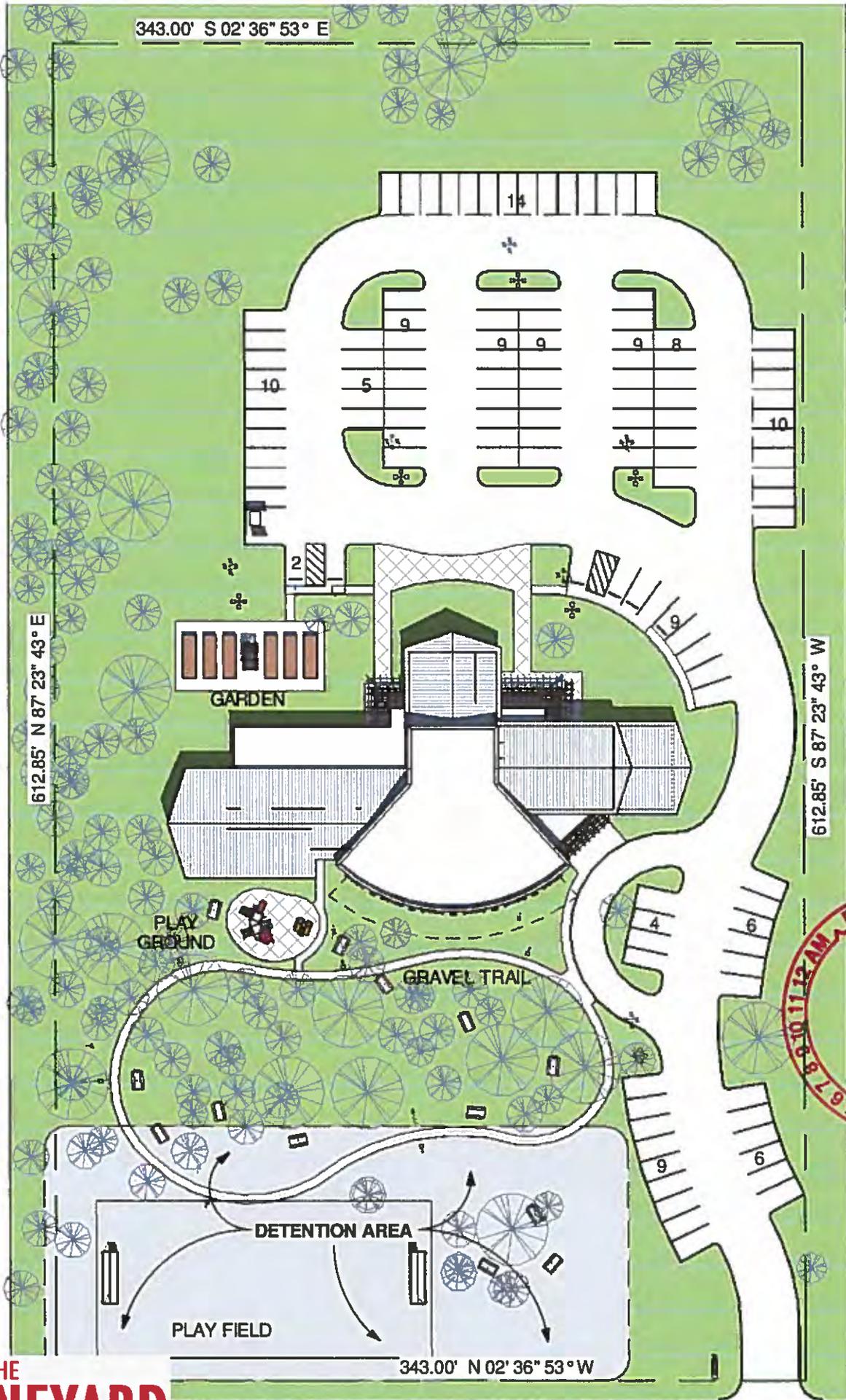
Vineyard Christian Fellowship
of Pearland

343.00' S 02' 36" 53° E

612.85' N 87' 23" 43° E

612.85' S 87' 23" 43° W

343.00' N 02' 36" 53° W



SITE PLAN - CUP
4/4/2014
1:08:40 PM

THE VINEYARD
CHURCH PEARLAND

Harkey Road

① SITE PLAN - CUP
1/64" = 1'-0"





April 8, 2014

To Whom It May Concern,

Please acknowledge that we have assigned Verret Group to act as an agent for Vineyard Christian Fellowship of Pearland in the securing of a Conditional Use Permit for our property located on Harkey Rd. in Pearland, TX.

I acknowledge that a sign is to be posted on our property identifying our request for a 'conditional use permit' 10 days prior to our public hearing.

If needed you may reach me by calling our office at 281-997-0722. You may also reach me via email at alan@pearlandvineyard.org. Our mailing address is P.O. Box 1577, Pearland, TX 77588-1577/

Thanks for your assistance in this process.

Sincerely,

Alan D. Allen
Sr. Pastor
The Vineyard Church - Pearland





Architecture, Construction, & Development
Earning Trust for 30 Years

10200 Grogans Mill, Suite 515
The Woodlands, Texas 77380
Phone: 281.367.4311
www.verretgroup.com

April 10, 2014

City of Pearland
Community Development
3523 Liberty Drive
Pearland, Texas 77581
The Woodlands, Texas 77380

Re: Letter of Intent for the CUP
The Vineyard Church Pearland
2905 Harkey Road

Dear Community Development Members,

On behalf of The Vineyard Church Pearland, Verret Group would like to submit the attached documents for the Community Development approval of the "Conditional Use Permit" for the property located at 2905 Harkey Road.

The following information is relative to this application:

Name of Project:	The Vineyard Church Pearland
Proposed Use:	A new Church with a 361 seat Auditorium, a Lobby, Classrooms, and Offices.
Lot:	4.83 acres (combined)
Building Size:	15,500 SF
Building Materials:	Split-face CMU, EIFS, Stone/Limestone, Wood (Trellis) and Prefinished Architectural Metal Panels.
Roof Materials:	Flat Roof (TPO) and Prefinished Standing Seam Metal Panels

The proposed property will relocate the existing Church in the community and create a welcoming environment to the area. In order to achieve the goal, we are requesting the approval of "Conditional Use" of the existing zoning form "Business Commercial" to "Church, Temple, or Place of Worship".

The new building's shell has a percentage of the Architectural metal panels, which is not listed as an acceptable material. In order to fit the theme of the design, would this material be acceptable by the Community Development Department? Please find enclosed color samples to show the physical property of the material.

Thank you for the opportunity and your directions toward the right solution.





Architecture, Construction, & Development
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The Woodlands, Texas 77380
Phone: 281.367.4311
www.verretgroup.com

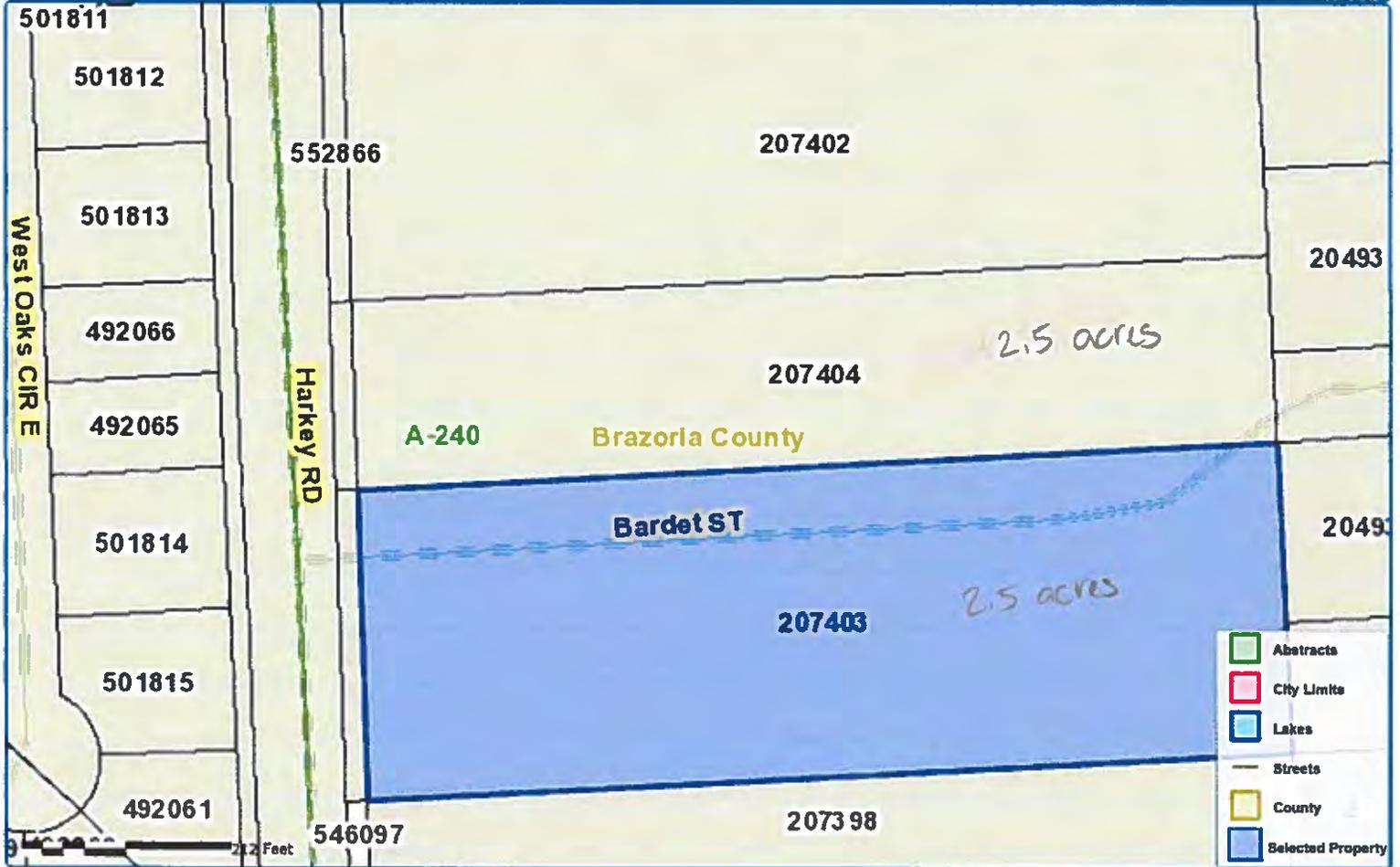
Let me know if you have any questions.

Best regards,
Verret Group, LLC.

A handwritten signature in black ink, appearing to read "Mark Verret", with a long horizontal flourish extending to the right.

Mark D. Verret
President

Brazoria CAD - Map of Property ID 207403 for Year 2013



Property Details

Account

Property ID: 207403
 Geo ID: 4100-0131-000
 Type: Real

Legal Description: FIGLAND ORCHARD (A0240 H T & B), LOT 78 (PT), ACRES 2.500

Location

Situs Address: HARKEY RD PEARLAND,
 Neighborhood: FIGLAND ORCHARD AREA
 Mapsco:
 Jurisdictions: CAD, CPL, DR4, GBC, RDB, SPL

Owner

Owner Name: VINEYARD CHRISTIAN FELLOWSHIP OF PEARLAND
 Mailing Address: , PO BOX 1577, , PEARLAND, TX 77588-1577

Property

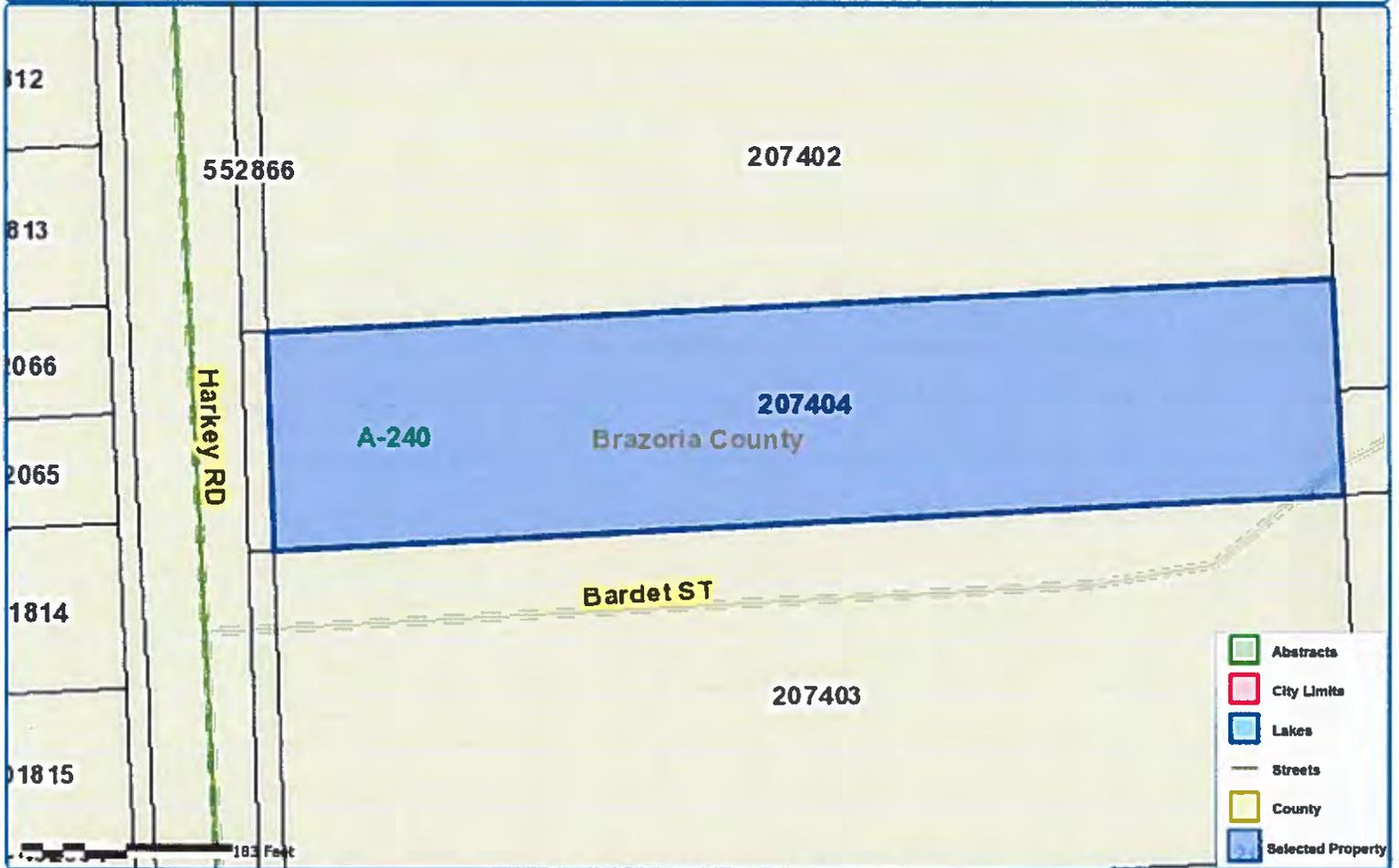
Appraised Value: \$44,000.00

<https://propaccess.trueautomation.com/Map/View/Map/51/207403/2013>

Map Disclaimer: This product is for informational purposes only 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. The Brazoria County Appraisal District expressly disclaims any and all liability in connection herewith.



Brazoria CAD - Map of Property ID 207404 for Year 2013



Property Details

Account

Property ID: 207404
Geo ID: 4100-0131-110
Type: Real

Legal Description: FIGLAND ORCHARD (A0240 H T & B) LOT 78-79B ACRES 2.5

Location

Situs Address: HARKEY RD PEARLAND,
Neighborhood: PEARLAND MHs SUBDIVISIONS
Mapsc0:
Jurisdictions: CAD, CPL, DR4, GBC, RDB, SPL

Owner

Owner Name: VINEYARD CHRISTIAN FELLOWSHIP OF PEARLAND
Mailing Address: , PO BOX 1577, , PEARLAND, TX 77588-1577

Property

Appraised Value: \$44,000.00

<https://propaccess.trueautomation.com/Map/View/Map/51/207404/2013>

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powered by:
PropertyACCESS
www.trueautomation.com

TAX CERTIFICATE



ROVIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
111 E. LOCUST
ANGLETON, TEXAS 77515

Issued To:

CUP
10200 GROVAN MILL ROAD 515
THE WOODLANDS, TX 77380

Legal Description:

HIGHLAND ORCHARD (A0240 H T & D), LOT 78
(PT). ACRES 2.500

Fiduciary Number: 23172299

Parcel Address: HARKY RD

Legal Acres: 2.5000

>--

Account Number: 4100-0131-000

Print Date: 04/15/2014

Certificate No: 220845429

Paid Date: 04/15/2014

Certificate Fee: \$10.00

Issue Date: 04/15/2014

Operator ID: AMBER

<--

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2013. ALL TAXES ARE PAID IN FULL.

Exemptions:

PRORATED

Certified Owner:

VINEYARD CHRISTIAN FELLOWSHIP OF PEARLAND
PO BOX 1577
PEARLAND, TX 77588-1577

2013 Value:	44,000
2013 Levy:	50.00
2013 Levy Balance:	\$0.00
Prior Year Levy Balance:	\$0.00
Total Levy Due:	\$0.00
P&I + Attorney Fee:	50.00
Total Amount Due:	50.00

Certified Tax Unit(s):

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

Reference (GF) No: N/A

Issued By: *Amber Cox*
ROVIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(979) 864-1388, (979) 348-1320, (281) 756-1320

TAX CERTIFICATE



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

Issued To:
CUP
10200 GROVAN MILL ROAD 515
THE WOODLANDS, TX 77380

Legal Description:
FIGLAND ORCHARD (A0240 H T & B) LOT
78-79B ACRES 2.5

Fiduciary Number: 23172299

Parcel Address: HARKBY RD
Legal Acres: 2.5000

>--

Account Number: 4100-0131-110
Certificate No: 220845431
Certificate Fee: \$10.00

Print Date: 04/15/2014
Paid Date: 04/15/2014
Issue Date: 04/15/2014
Operator ID: AMBER

<--

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Exemptions:
PRORATED

Certified Owner:
VINEYARD CHRISTIAN FELLOWSHIP OF PEARLAND
PO BOX 1577
PEARLAND, TX 77588-1577

2013 Value:	44,000
2013 Levy:	\$0.00
2013 Levy Balance:	\$0.00
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P&I + Attorney Fee:	\$0.00
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Certified Tax Unit(s):
1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
26 PEARLAND ISD
54 BRAZORIA DRAINAGE DIST 4
96 CITY OF PEARLAND

Reference (GF) No: N/A
Issued By: *Amber Cook*
RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(979) 864-1320, (979) 388-1320, (281) 756-1320

Brazoria CAD

Property Search Results > 207404 VINEYARD CHRISTIAN FELLOWSHIP OF PEARLAND for Year 2014

Property

Account

Property ID:	207404	Legal Description:	FIGLAND ORCHARD (A0240 H T & B) LOT 78-79B ACRES 2.5
Geographic ID:	4100-0131-110	Agent Code:	
Type:	Real		
Property Use Code:			
Property Use Description:			

Location

Address:	HARKEY RD PEARLAND,	Mapsc0:	
Neighborhood:	PEARLAND MHs SUBDIVISIONS	Map ID:	
Neighborhood CD:	SPL.MH.5		

Owner

Name:	VINEYARD CHRISTIAN FELLOWSHIP OF PEARLAND	Owner ID:	1045733
Mailing Address:	PO BOX 1577 PEARLAND, TX 77588-1577	% Ownership:	100.0000000000%
		Exemptions:	EX-XV

Values

Taxing Jurisdiction

Improvement / Building

Land

Roll Value History

Deed History - (Last 3 Deed Transactions)



Questions Please Call (979) 849-7792

This year is not certified and ALL values will be represented with "N/A".

Brazoria CAD

Property Search Results > 207403 VINEYARD CHRISTIAN FELLOWSHIP OF PEARLAND for Year 2014

Property

Account

Property ID:	207403	Legal Description:	FIGLAND ORCHARD (A0240 H T & B), LOT 78 (PT), ACRES 2.500
Geographic ID:	4100-0131-000	Agent Code:	
Type:	Real		
Property Use Code:			
Property Use Description:			

Location

Address:	HARKEY RD PEARLAND,	Mapsc0:	
Neighborhood:	FIGLAND ORCHARD AREA	Map ID:	
Neighborhood CD:	FIGLAND.AR		

Owner

Name:	VINEYARD CHRISTIAN FELLOWSHIP OF PEARLAND	Owner ID:	1045733
Mailing Address:	PO BOX 1577 PEARLAND, TX 77588-1577	% Ownership:	100.0000000000%
		Exemptions:	EX-XV

Values

Taxing Jurisdiction

Improvement / Building

Land

Roll Value History

Deed History - (Last 3 Deed Transactions)

Questions Please Call (979) 849-7792



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