

# AGENDA

## CITY OF PEARLAND PLANNING & ZONING COMMISSION

JULY 7, 2014

6:30 p.m.

Henry Fuertes  
P&Z CHAIRPERSON

Mary Starr  
P&Z VICE-CHAIRPERSON

### COMMISSIONERS

Elizabeth McLane

Derrick Reed



Daniel Tunstall

Ginger McFadden

Linda Cowles

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



**REGULAR MEETING**  
PLANNING AND ZONING COMMISSION OF THE  
CITY OF PEARLAND, TEXAS,  
**MONDAY, JULY 7, 2014, AT 6:30 p.m.**  
**COUNCIL CHAMBERS - CITY HALL - 3519 LIBERTY DRIVE**

**I. CALL TO ORDER**

**II. CONSENT AGENDA**

All items listed under the “Consent Agenda” are considered to be routine and require little or no deliberation by the P&Z Commission. These items will be enacted / approved by one motion unless a commissioner requests separate action on an item, in which event the item will be removed from the Consent Agenda and considered by separate action (*ix. Matters removed from Consent Agenda*). Approval of the Consent Agenda enacts the items of legislation.

**A. CONSIDERATION & POSSIBLE ACTION – APPROVAL OF MINUTES:**

1. Approve the Minutes of the June 16, 2014, p.m. P&Z Regular Meeting, held at 6:30 p.m.

**B. CONSIDERATION & POSSIBLE ACTION – REPLAT OF SHADOW CREEK MARKET PLACE**

**Decision  
Date:  
7/11/2014**

A request by Rene Rodriguez, from LJA, applicant, on behalf of GCCLE-Shadow Creek, L.P. & SC Retail, L.P., owner, for approval of a Replat of Shadow Creek Marketplace, an 11 lot commercial subdivision on 17.299 acres of land, to wit:

**Legal Description:** Being a subdivision of 17.299 acres of land situated in the W.W. Dupuy and L.F. Roberts Survey, Abstract 174, City of Pearland, Fort Bend County, Texas; also being out of Lot C of Shadow Creek Marketplace Amending Plat, recorded in document No. 2008001974, Brazoria County, Texas.

**General Location:** Generally located at the Northwest intersection of Shadow Creek Parkway and State Highway 288.

**III. MATTERS REMOVED FROM CONSENT AGENDA**

**IV. OLD BUSINESS**

**A. CONSIDERATION OF POSSIBLE ACTION - CONDITIONAL USE PERMIT APPLICATION NO. 2014-04**

A request of Chan Patel with Sparkles Express, applicant; on behalf of The Old Place, Inc., owner; for approval of a Conditional Use Permit (CUP) to allow for an Auto Wash (Self Service) within the General Business (GB) zoning district, on approximately 1.10 acres of land on the following described property, to wit:

**Legal Description:** A tract or parcel containing 1.1019 acres or 47,999 square feet of land, out of a called 9.993 acre tract situated in the H.T. & B.R.R. CO. Survey, Abstract No. 506, Brazoria County, Texas Conveyed to the Old Place, Inc. as recorded in the Brazoria County Clerk's File No. 97-001270, Brazoria County, Texas

**General Location:** Approximately 1.1 acres of land included in a larger tract of land located at the northwest corner of Broadway Street and Hillhouse Road, Pearland, Texas

**B. CONSIDERATION AND POSSIBLE ACTION – ZONE CHANGE NO. 2014-02Z**

A request of Steven Biegel, applicant; on behalf of America Modern Green Development, LLC., owner; for approval of a zone change from the Waterlights Planned Development (PD) to the Modern Green-Ivy District PD, on approximately 48.5 acres of land on the following described property, to wit:

**Legal Description:** That portion of Lot 5 of the subdivision of James Hamilton Survey, Abstract No. 881, a portion lying within Harris County, Texas and the remainder lying within Brazoria County, Texas, according to the map or plat thereof recorded in Volume 83, Page 342 of the deed records of Harris County, Texas.

**General Location:** Southwest corner of Spectrum Boulevard and State Highway 288

**V. ELECTION OF OFFICERS**

**VI. DISCUSSION ITEMS**

1. Commissioners Activity Report
2. Zoning Update
3. Comprehensive Plan Update
4. Next JPH/P&Z Meeting July 21, 2014

**VII. ADJOURNMENT**

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

I, Judy Brown, Office Supervisor of the City of Pearland, Texas, do hereby certify that the foregoing agenda was posted in a place convenient to the general public at City Hall on the 3rd of June, 2014, A.D., at 5:30 p.m.

\_\_\_\_\_  
Judy Brown, Office Supervisor

Agenda removed \_\_\_\_\_ day of July, 2014.

# **CONSENT AGENDA**

**APPROVAL**

**OF**

**MINUTES**

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

**CALL TO ORDER**

P&Z Chairperson Henry Fuertes opened the P&Z Regular Meeting at 8:09 p.m.

In attendance were:

P&Z Chairperson Henry Fuertes  
P&Z Member Elizabeth McLane  
P&Z Member Derrick Reed  
P&Z Member Linda Cowles  
P&Z Member Daniel Tunstall  
P&Z Member Ginger McFadden

Also in attendance were City Planner Johnna Matthews, Associate Planner Ian Clowes, Assistant City Engineer Richard Mancilla and Office Supervisor Judy Brown.

**CONSENT AGENDA**

P&Z Commissioner Daniel Tunstall asked that Consent Agenda Item D be removed from the Consent Agenda for further discussion.

**A. CONSIDERATION & POSSIBLE ACTION – APPROVAL OF MINUTES:**

1. Approve the Minutes of the May 19, 2014, p.m. P&Z Regular Meeting, held at 6:30 p.m.
2. Approve the Minutes of the June 2, 2014, p.m. P&Z Regular Meeting, held at 6:30 p.m.

**B. CONSIDERATION & POSSIBLE ACTION – FINAL PLAT OF SHADOW CREEK RANCH SF-63B**

A request by Rene Rodriguez, from LJA, applicant, on behalf of 741 SCR, LTD, owner, for approval of a Final Plat of Shadow Creek Ranch - SF 63B, a 69 lot single-family residential subdivision on 18.094 acres of land, to wit:

**Legal Description:** Being a subdivision of 18.094 acres of land situated in the S.G. Haynie Survey, Abstract 620, City of Pearland, Fort Bend County, Texas.

**General Location:** Generally located 600 feet west of Trinity Bay Dr. south of Shadow Creek Pkwy.

**C. CONSIDERATION & POSSIBLE ACTION - FINAL PLAT OF SHADOW CREEK RANCH SF-64**

A request by Rene Rodriguez, from LJA, applicant, on behalf of 741 SCR, LTD, owner, for approval of a Preliminary Plat of Shadow Creek Ranch - SF 64, a 38 lot single-family residential subdivision on approximately 14.021 acres of land, to wit:

**Legal Description:** Being a subdivision of 14.021 acres of land situated in the H.T.&B.R.R. Co. Survey, Abstract 565, City of Pearland, Fort Bend County, Texas.

**General Location:** Generally located at the southeast corner of Kingsley Dr. and Trinity Bay Dr.

**D. CONSIDERATION & POSSIBLE ACTION – PRELIMINARY PLAT OF HIGHLAND PARK**

A request by Rene Rodriguez of LJA Engineering, applicant; on behalf of Beazer Homes Texas, LP, owner; for approval of a Preliminary Plat of Highland Park, a 56 lot subdivision on 19.445 acres of land, to wit:

**Legal Description:** Being a subdivision of land containing 19.455 acres of land situated in the H.T. & B.R.R. Co. Survey, Section 1, Abstract 233, and the D.H.M. Hunter Survey Abstract 76, City of Pearland Texas, County of Brazoria, Texas.

**General Location:** Generally located at the intersection of Old Alvin Rd. and Highland Park Dr.

P&Z Chairperson Elizabeth McLane made the motion to approve items A - C as presented on the Consent Agenda, and P&Z Vice Chairperson Mary Starr seconded

The vote was 7-0. Items A - C on the Consent Agenda were approved.

**II. MATTERS REMOVED FROM CONSENT AGENDA**

As requested by P&Z Commissioner Daniel Tunstall, Consent Agenda Item D was removed for further discussion.

**D. CONSIDERATION & POSSIBLE ACTION – PRELIMINARY PLAT OF HIGHLAND PARK**

A request by Rene Rodriguez of LJA Engineering, applicant; on behalf of Beazer Homes Texas, LP, owner; for approval of a Preliminary Plat of Highland Park, a 56 lot subdivision on 19.445 acres of land, to wit:

**Legal Description:** Being a subdivision of land containing 19.455 acres of land situated in the H.T. & B.R.R. Co. Survey, Section 1, Abstract 233, and the D.H.M. Hunter Survey Abstract 76, City of Pearland Texas, County of Brazoria, Texas.

**General Location:** Generally located at the intersection of Old Alvin Rd. and Highland Park Dr.

Associate Planner Ian Clowes stated that all of the requirements were met and staff recommended approval. Commissioner Derrick Reed requested that all Preliminary Plats be removed from the Consent Agenda in the future in order to discuss. Associate Planner Clowes stated if a plat meets all the requirements, code dictates it must be approved.

P&Z Commissioner Daniel Tunstall made the motion to approve, and P&Z Vice Chairperson Mary Starr seconded.

The vote was 7-0. Preliminary Plat of Highland Park was approved.

### III. OLD BUSINESS

#### A. CONSIDERATION & POSSIBLE ACTION - CONDITIONAL USE PERMIT APPLICATION NO. 2014-04

A request of Chan Patel with Sparkles Express, applicant; on behalf of The Old Place, Inc., owner; for approval of a Conditional Use Permit (CUP) to allow for an Auto Wash (Self Service) within the General Business (GB) zoning district, on approximately 1.10 acres of land on the following described property, to wit:

**Legal Description:** A tract or parcel containing 1.1019 acres or 47,999 square feet of land, out of a called 9.993 acre tract situated in the H.T. & B.R.R. CO. Survey, Abstract No. 506, Brazoria County, Texas Conveyed to the Old Place, Inc. as recorded in the Brazoria County Clerk's File No. 97-001270, Brazoria County, Texas

**General Location:** Approximately 1.1 acres of land included in a larger tract of land located at the northwest corner of Broadway Street and Hillhouse Road, Pearland, Texas

City Planner Johnna Matthews stated the case will remain postponed and will

be back on the agenda July 7, 2014 for a vote. No action necessary.

#### IV. NEW BUSINESS

##### A. CONSIDERATION & POSSIBLE ACTION – PLANNING and ZONING VARIANCE 2014-02

A request by Russ Holland., applicant; on behalf of Pavilion ENTB – Pearland East, LP, owner; for approval of a Planning and Zoning Variance to allow a minimum of 75-foot lot width where 150 feet is required within the General Commercial (GC) zoning district, to wit:

**Legal Description:** Being a 1.446 acre tract of land out of the Final Plat NTB Pearland Store as recorded in Volume 24, Page 395 Plat Records of Brazoria County, lying in the W.D.C. Hall League Survey, Abstract 70 and being out of any part of that 17.5068 acre tract deeded to Milestone Partners, LTD by deed recorded in Brazoria County Clerk's file number 98-045867.

**General Location:** Generally located at 1505 Broadway St.

P&Z Commissioner Elizabeth McLane made the motion, and P&Z Vice-Chairperson Mary Starr seconded.

Associate Planner Ian Clowes read the staff report stating there were no conditions and recommended approval.

The vote was 7-0. Planning & Zoning Variance 2014-02 was approved.

##### B. CONSIDERATION & POSSIBLE ACTION - 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

Item was withdrawn. No action necessary.

### **C. CONSIDERATION & POSSIBLE ACTION - ZONE CHANGE APPLICATION NO. 2014-07Z**

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

P&Z Commissioner Derrick Reed made the motion to approve, and P&Z Commissioner Daniel Tunstall seconded.

P&Z Commissioner Linda Cowles agreed this needed to be a Planned Development and would like to see some of the uses excluded while getting a quality development.

P&Z Chairperson Henry Fuentes stated there were three (3) options: to approve, deny or postpone.

P&Z Commissioner's Reed and Tunstall both stated they were ready to vote.

Discussion ensued with the Commission discussing a motion to postpone the zone change. Commissioner Reed withdrew his motion to approve. The motion to approve died for lack of a second.

P&Z Commissioner Daniel Tunstall made the motion to postpone, and P&Z Commissioner Linda Cowles seconded.

City Planner Johnna Matthews explained that the Zone Change was advertised as General Business (GB) and could not be brought back as a Planned Development (PD).

The vote was 7-0. Zone Change Application No. 2014-07Z was postponed.

**D. CONSIDERATION & POSSIBLE ACTION - 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

P&Z Commissioner Daniel Tunstall made the motion to approve, and P&Z Commissioner Derrick Reed seconded.

There was no discussion.

The vote was 7-0. Zone Change Application No. 2014-08Z was approved.

**E. CONSIDERATION & POSSIBLE ACTION - 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

P&Z Commissioner Elizabeth McLane made the motion to approve, and P&Z Commissioner Linda Cowles seconded, with staff's recommendation to approve with the condition, as described in the staff report.

There was no discussion

The vote was 7-0. Conditional Use Permit Application No. 2014-03 was approved with the following condition:

- 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.

#### **F. DISCUSSION ITEMS**

1. Commissioners Activity Report – Commissioner McFadden stated she read an article regarding car washes noting that the type of car wash that was recently before them was the new trend and it started in the College Station area. Commissioner Reed stated he was on the Board of Directors at the Houston Community Tool Bank stating they provide tools to non-profit organizations, service projects, churches, schools.
2. Comprehensive Plan Update – P&Z Workshop will be on July 21, 2014
3. Next P&Z Meeting July 7, 2014 – Commissioner McFadden will not be in attendance on the 7<sup>th</sup>, and Vice-Chairperson Starr may not be. Commissioner Cowles stated she would not be available on July 21<sup>st</sup>.
4. Election of Officers July 7, 2014

#### **V. ADJOURNMENT**

P&Z Chairperson Henry Fuertes adjourned the P&Z Regular Meeting at 8:57 p.m.

These minutes were respectfully submitted by:

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Judy Brown, Office Supervisor

Minutes approved as submitted and/or corrected on this 7th day of July 2014, A.D.

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Henry Fuertes, Chairperson

**CONSENT  
AGENDA ITEM**

**B**



City of Pearland

## P&Z AGENDA REQUEST

TO: Planning & Zoning Commission

REQUESTOR: Ian Clowes

DATE: 07/01/2014

AGENDA ITEM SUBJECT: Replat of Shadow Creek Marketplace

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Old Business     **New Business**     Discussion Item     Workshop

**Summary:** A request by Rene Rodriguez, from LJA, applicant; on behalf of GCCLE-Shadow Creek, L.P. & SC Retail, L.P., owner; for approval of a Replat of Shadow Creek Marketplace, an 11 lot commercial subdivision, generally located at the Northwest intersection of Shadow Creek Parkway and State Highway 288.

**Staff Recommendation: Approval**



# PLANNING AND ZONING COMMISSION MEETING OF JULY 7, 2014

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## REPLAT OF SHADOW CREEK MARKETPLACE

A request by Rene Rodriguez, from LJA, applicant; on behalf of GCCLE-Shadow Creek, L.P. & SC Retail, L.P., owner; for approval of a Replat of Shadow Creek Marketplace, an 11 lot commercial subdivision on 17.299 acres of land, to wit:

**Legal Description:** Being a subdivision of 17.299 acres of land situated in the W.W. Dupuy and L.F. Roberts Survey, Abstract 174, City of Pearland, Fort Bend County, Texas; also being out of Lot C of Shadow Creek Marketplace Amending Plat, recorded in document No. 2008001974, Brazoria County, Texas.

**General Location:** Located at the northwest intersection of Shadow Creek Parkway and State Highway 288.

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**ZONING:** The proposed subdivision is a replat of the existing Amending Plat of Shadow Creek Marketplace which was last approved in October of 2007. The applicant is seeking to further subdivide the existing lot C into 3 larger with 7 pad sites. The property is currently zoned Planned Development (PD) with a small portion to the northeast being zoned as General Commercial (GC). The proposed subdivision meets the requirements of both the PD and GC zones.

**PREVIOUS PLATS:** This is a replat of the existing Amending Plat of Shadow Creek Marketplace. A replat is required in order to further subdivide commercial lots.

**UNIFIED DEVELOPMENT CODE:** All requirements of the Unified Development Code have been met.

**CONFORMANCE TO THE THOROUGHFARE PLAN:** The subject property is served by Shadow Creek Pkwy, which is a 120-foot Major Thoroughfare. No changes are proposed to existing streets or driveways.

**AVAILABILITY OF UTILITIES:** Public water and sewer are available for this site, and have been extended to the site by the developer.

**TRAFFIC AND TRANSPORTATION:** A Traffic Impact Analysis is not required for this replat.

**STORMWATER MANAGEMENT:** A Drainage Plan has been approved by the Engineering Department.

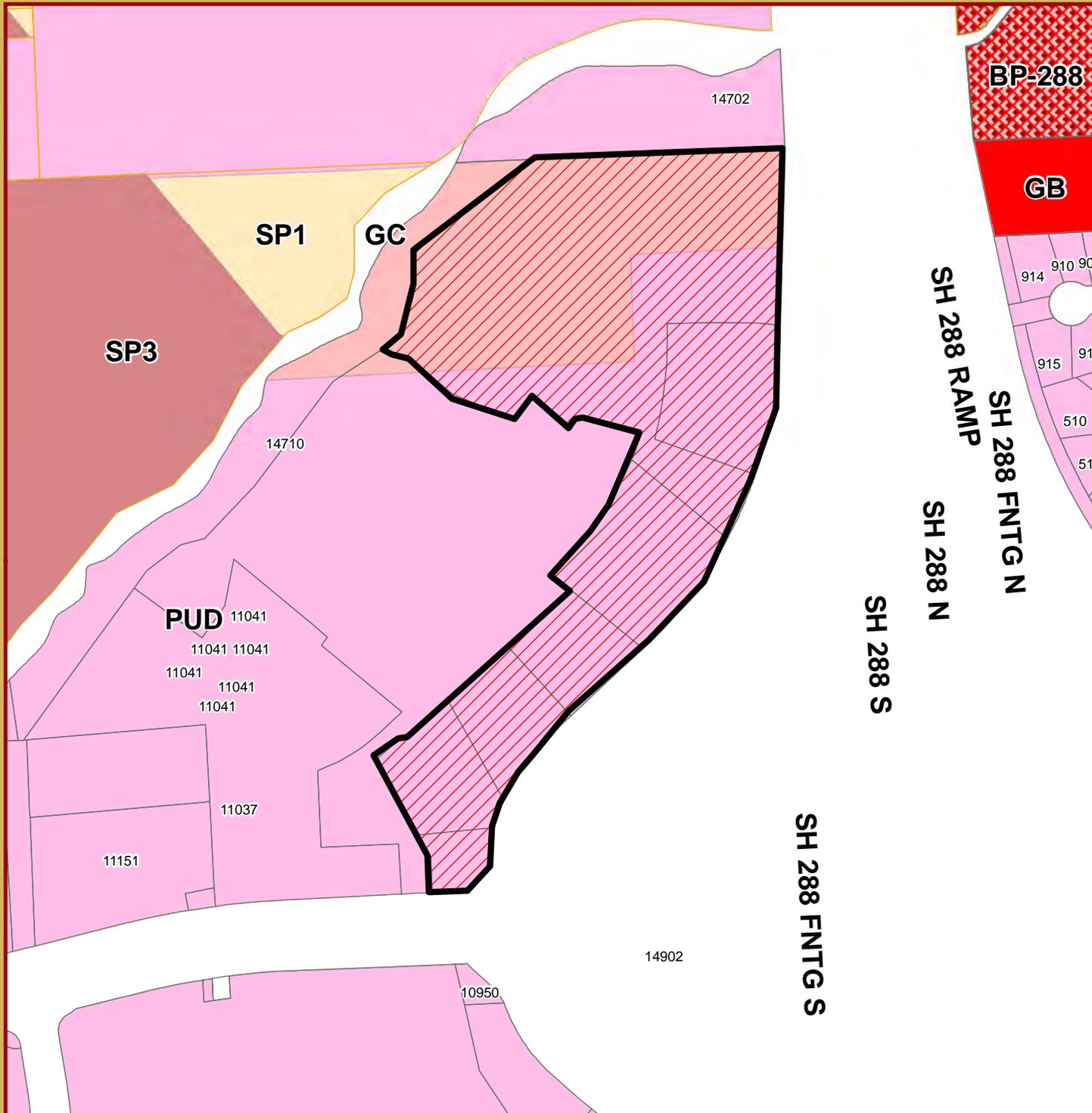
**ADDITIONAL COMMENTS:** This request has been reviewed by the city's Development Review Committee and there were no additional comments.

**STAFF RECOMMENDATION:** Staff recommends approval of this Replat of Shadow Creek Marketplace as proposed by the applicant for the following:

1. The proposed replat will not cause any adverse impacts on the surrounding properties.
2. This request is in conformance with the comprehensive plan.
3. This request is in conformance with the Unified Development Code.

**SUPPORTING DOCUMENTS:**

- Vicinity and Zoning Map
- Land Use Map
- Aerial Map
- Replat of Shadow Creek Marketplace



## ZONING MAP

### Replat of Shadow Creek Marketplace



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

1 inch = 327 feet

MAY 2014  
PLANNING DEPARTMENT

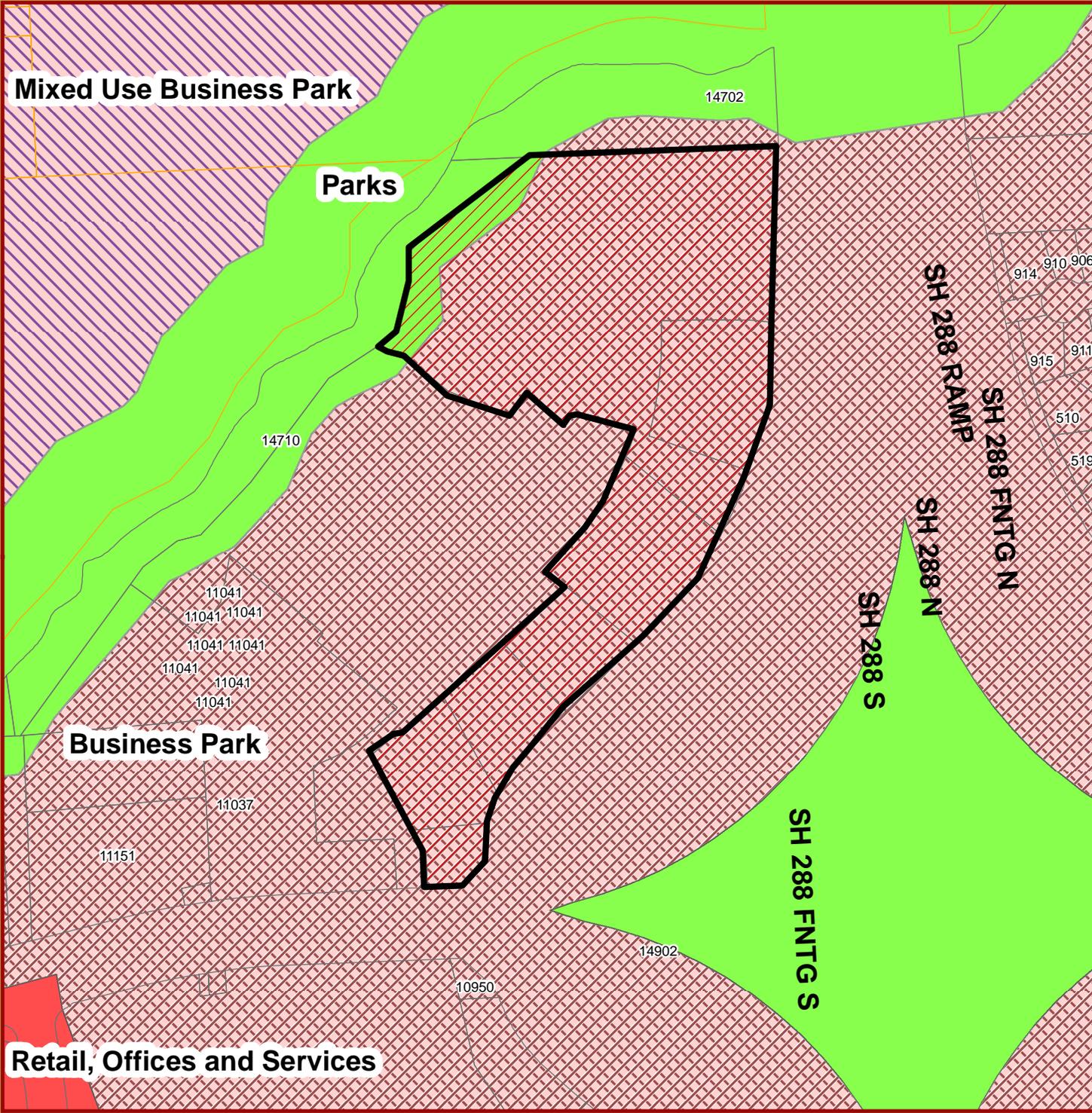


**Mixed Use Business Park**

**Parks**

**Business Park**

**Retail, Offices and Services**



# FLUP MAP

## Replat of Shadow Creek Marketplace



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

1 inch = 327 feet

MAY 2014  
PLANNING DEPARTMENT





## AERIAL MAP

### Replat of Shadow Creek Marketplace



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

1 inch = 327 feet

MAY 2014  
PLANNING DEPARTMENT





**ITEMS REMOVED  
FROM CONSENT  
AGENDA**

# **OLD BUSINESS**

**P&Z AGENDA  
ITEM**

**A**



City of Pearland

## P&Z AGENDA REQUEST

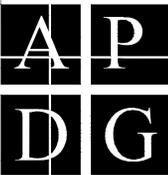
**TO:** Planning & Zoning Commission  
**REQUESTOR:** City of Pearland Planning Department  
**DATE:** 07/7/2014  
**AGENDA ITEM SUBJECT:** Conditional Use Permit Application Number CUP 2014-04

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- Old Business**     **New Business**     **Discussion Item**     **Workshop**

**Summary:** A request of Chan Patel with Sparkles Express, for approval of a Conditional Use Permit (CUP) to allow for an Auto Wash (Self Service) within the General Business (GB) zoning district, on approximately 1.1 acres of land. The property is generally located at the northwest corner of Broadway Street and Hillhouse Road; Pearland, Texas.

The item was originally postponed from the May 19, 2014 regular meeting of the Planning and Zoning Commission. The Planning and Zoning Commission requested a revised site plan/landscape plan, which illustrates adequate screening of the car wash tunnel opening and the two vacuum areas, as well as elevations.



A PLUS DESIGN GROUP

ARCHITECTURE  
INTERIORS  
CONSTRUCTION

972-724-4440

972-691-7731 FAX

APDG.US

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Trent W. Clark, Architect  
TX Registration # 17084

**PRELIMINARY  
NOT FOR  
CONSTRUCTION**

These Drawings are  
incomplete and may not be  
used for regulatory approval,  
permit, or construction.

**SPARKLES EXPRESS**  
PEARLAND, TEXAS

A NEW CAR WASH  
FACILITY FOR:

REVISIONS

| No. | DATE | NOTE |
|-----|------|------|
|     |      |      |
|     |      |      |
|     |      |      |

Drawn by: J.E.

Checked by: T.C.

Project No. 14-0321

Date 06-20-2014

SITE PLAN &  
LANDSCAPE PLAN

**A1**

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16

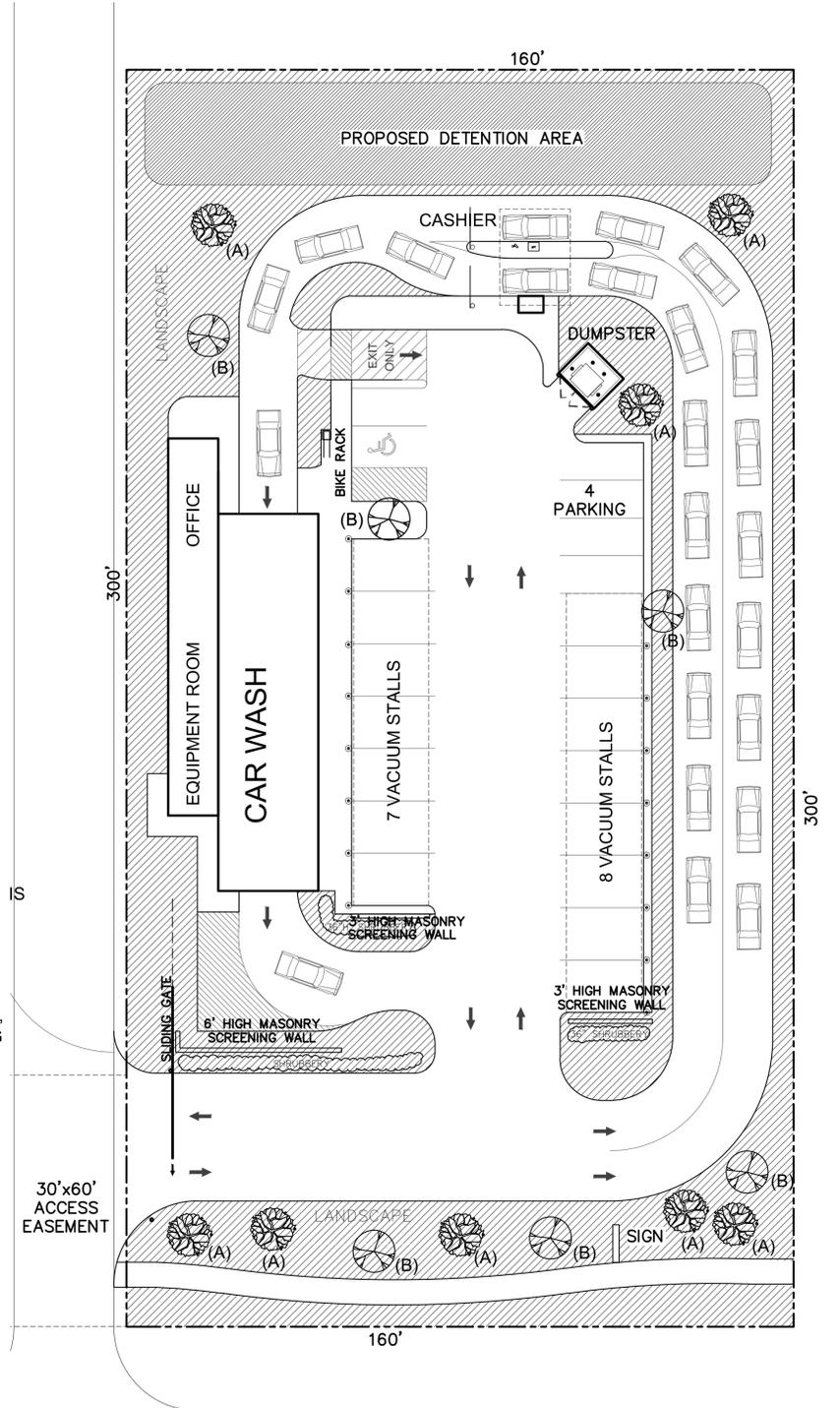
A  
B  
C  
D  
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F  
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H  
J  
K  
L  
M  
N

1. AREA WITHIN SETBACKS = 8,031 S.F.  
LANDSCAPED AREA OF SETBACKS = 875 S.F.  
PERCENTAGE = 90%

2. LOT AREA = 48,000 S.F.  
LANDSCAPED AREA = 16,627 S.F.  
PERCENTAGE = 34%

3. (A) LARGE SHADE TREES  
160' FRONTAGE / 10 = 16 CALIPER INCHES  
8- 3" CALIPER TREES PROVIDED

(B) ORNAMENTAL TREES  
160' FRONTAGE / 15 = CALIPER INCHES  
6 - 2" CAL. TREES PROVIDED  
LARGE SHADE TREES WILL BE LIVE OAKS,  
ORNAMENTAL TREES WILL BE FLOWERING  
OR SIMILAR

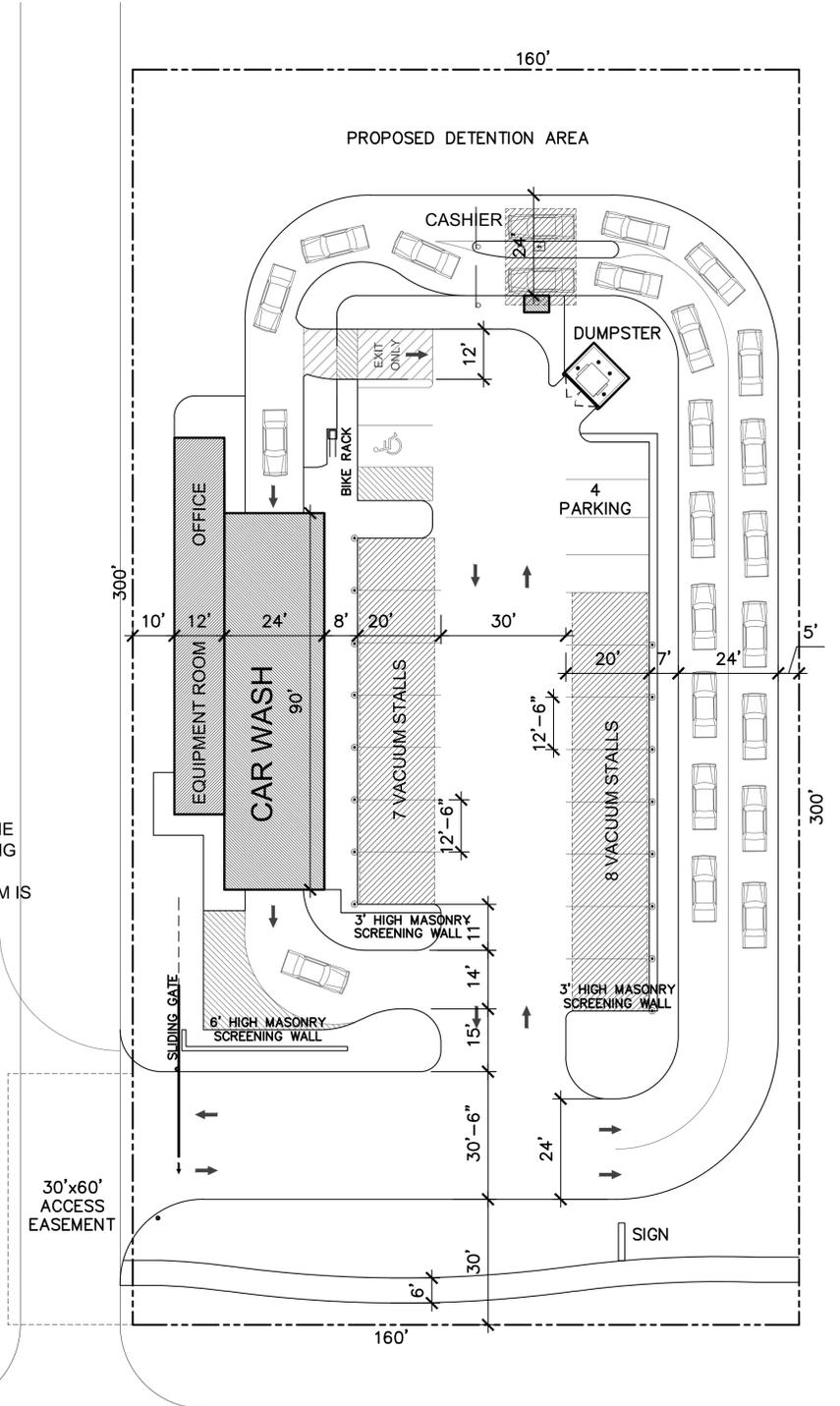


**N4 LANDSCAPE PLAN**  
SCALE: 1"=20'

NOTE:  
1. LANDSCAPE WILL COMPLY WITH THE CITY ORDINANCE AND LANDSCAPING STANDARDS.  
2. A MECHANICAL IRRIGATION SYSTEM IS REQUIRED TO BE INSTALLED AND MAINTAINED.  
3. ALL CAR WASH EQUIPMENT IS LOCATED INSIDE THE BUILDING

|                  |  |
|------------------|--|
| BLDG AREA        | 3,294 S.F.                                   |
| STORIES          | 1  |
| BLDG HT.         | 28FT.  |
| FLOOR AREAS      |  |
| TUNNEL           | 2,160 S.F.                                   |
| EQUIPMENT        | 920 S.F.                                     |
| OFFICE           | 214 S.F.                                     |
| REQUIRED PARKING | 17   |
| PROVIDED PARKING | 1 H/C<br>5 STANDARD<br>15 VACUUM<br>21 TOTAL |

**N9 SITE PLAN**  
SCALE: 1"=20'



30'x60'  
ACCESS  
EASEMENT

BROADWAY ST. - HIGHWAY 518  
(MAJOR THOROUGHFARE)

REVIEW SET  
NOT FOR CONSTRUCTION



**VIEW FROM THE SOUTHWEST**

# Sparkles Car Wash

Pearland, Texas

**APDG**  
A Plus Design Group  
ARCHITECTS

© COPYRIGHT 2014 A PLUS DESIGN GROUP, LLC  
JUNE 11, 2014



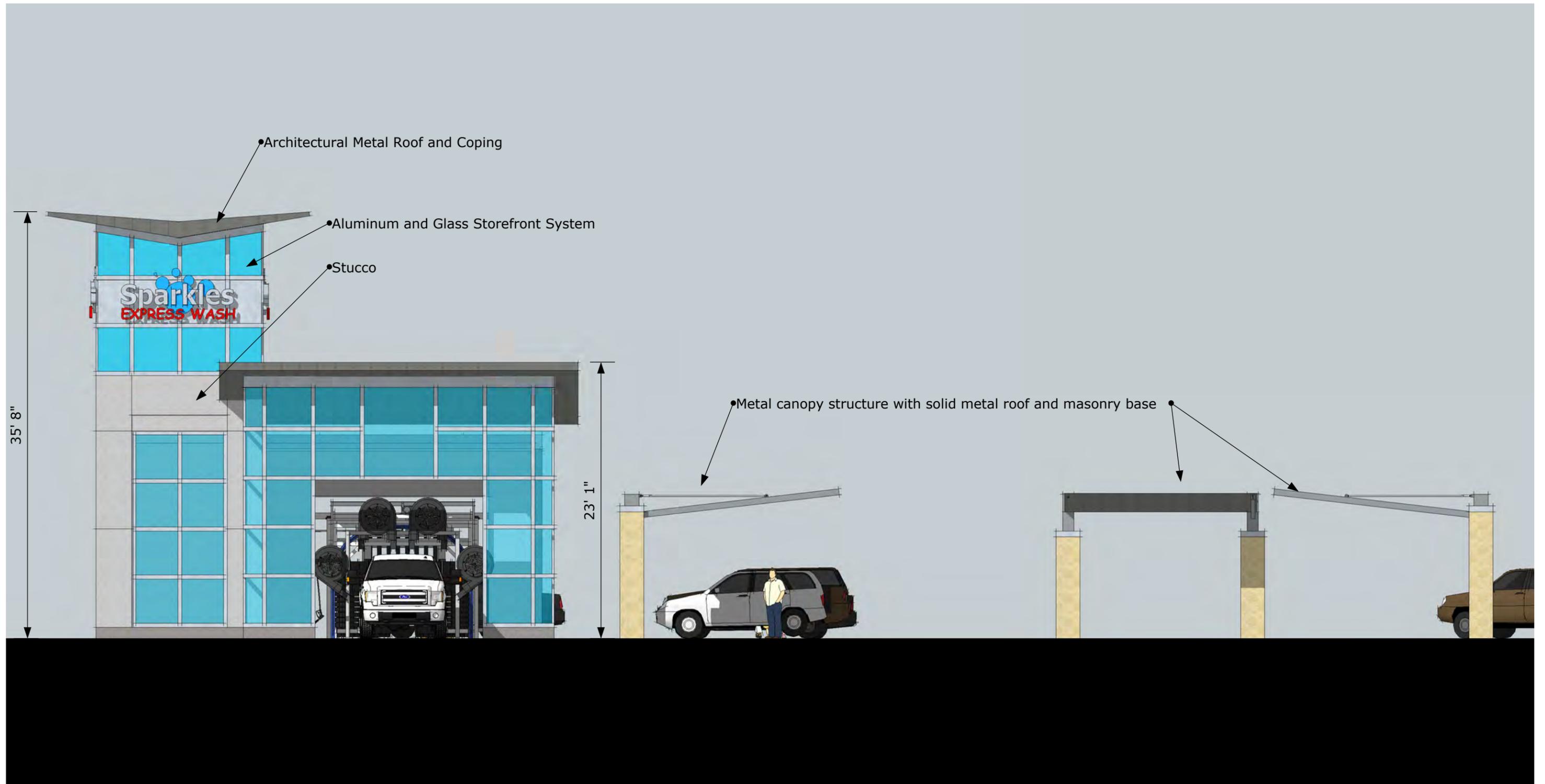
**VIEW FROM THE SOUTHEAST**

# Sparkles Car Wash

Pearland, Texas

**APDG**  
A Plus Design Group  
ARCHITECTS

© COPYRIGHT 2014 A PLUS DESIGN GROUP, LLC  
JUNE 11, 2014



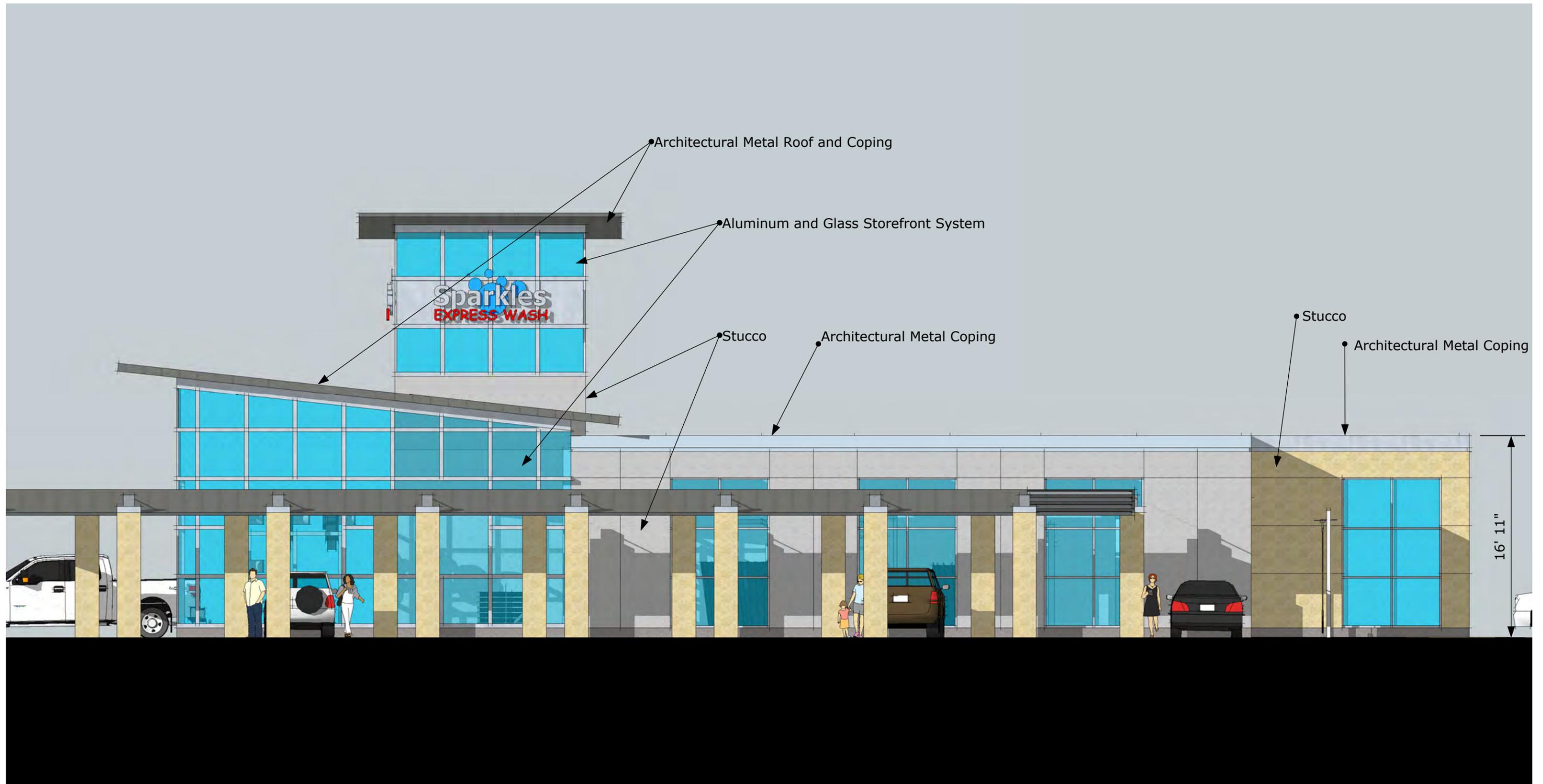
SOUTH ELEVATION 1/8" = 1'-0"

# Sparkles Car Wash

Pearland, Texas

**APDG**  
 A Plus Design Group  
 ARCHITECTS

© COPYRIGHT 2014 A PLUS DESIGN GROUP, LLC  
 JUNE 11, 2014



EAST ELEVATION 1/8" = 1'-0"

# Sparkles Car Wash

Pearland, Texas





WEST ELEVATION 1/8" = 1'-0"

# Sparkles Car Wash

Pearland, Texas

**APDG**  
A Plus Design Group  
ARCHITECTS

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JUNE 11, 2014



**JOINT PUBLIC HEARING**  
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF  
THE CITY OF PEARLAND, TEXAS,  
**MONDAY, MAY 19, 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. 2014-04**

A request of Chan Patel with Sparkles Express, applicant; on behalf of The Old Place, Inc., owner; for approval of a Conditional Use Permit (CUP) to allow for an Auto Wash (Self Service) within the General Business (GB) zoning district, on approximately 1.10 acres of land on the following described property, to wit:

**Legal Description:** A tract or parcel containing 1.1019 acres or 47,999 square feet of land, out of a called 9.993 acre tract situated in the H.T. & B.R.R. CO. Survey, Abstract No. 506, Brazoria County, Texas Conveyed to the Old Place, Inc. as recorded in the Brazoria County Clerk's File No. 97-001270, Brazoria County, Texas

**General Location:** Approximately 1.1 acres of land included in a larger tract of land located at the northwest corner of Broadway Street and Hillhouse Road, Pearland, Texas

**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 of the City of Pearland  
From: Planning Department  
Date: May 5, 2014  
Re: Conditional Use Permit Application Number CUP 2014-04

A request of Chan Patel with Sparkles Express, for approval of a Conditional Use Permit (CUP) to allow for an Auto Wash (Self Service) within the General Business (GB) zoning district, on approximately 1.1 acres of land. The property is generally located at the northwest corner of Broadway Street and Hillhouse Road; Pearland, Texas.

### Proposal

The subject property of which the applicant is requesting approval of a Conditional Use Permit (CUP) to construct an Auto Wash (Self Service) on approximately 1.1 acres. The Unified Development Code (UDC) defines an Auto Wash (Self-Service) as "Washing, waxing or cleaning of automobiles or light duty trucks where the owner of the vehicle causes the vehicle to become washed.

According to the applicant, the proposed express tunnel car wash is designed to automatically wash and dry vehicles through the tunnel entrance, where an attendant will guide the vehicle onto the conveyer. Blowers at the end of the conveyer will dry the vehicle before the customer exits the tunnel. The proposed structure, including the tunnel and the equipment room/offices will be approximately 3,060 square feet, with 16 vacuums in two separate areas, with each section covered with an awning. The applicant has indicated that the car wash hours of operation are generally 8:00 am – 7:00 pm (possibly 8:00 pm in the summer months); seven (7) days per week.

Access will be from Broadway Street via an existing access easement just west of the subject property, where customers will enter, pay at one of the auto cashiers, move through the tunnel, stop at the vacuum cleaners, if necessary, and exit back onto Broadway Street via the existing access easement. The existing access easement currently provides access to Candlewood Suites and Texas Children's Medical Office. It is important to note that Broadway Street is a major thoroughfare and is located within the Corridor Overlay District (COD), which requires enhanced design standards.

## **Background**

The subject property is developed with a multi-tenant building which was previously used as a daycare. According to Brazoria County appraisal district records, the building was constructed in 1985, with asphalt paving added in 1997. The property was annexed into the city in 1996. Pursuant to Chapter 2 of the Unified Development Code, when a property is annexed into the city, the default zoning district is Suburban District (SD),. The site was zoned to Neighborhood Service (NS) and a Conditional Use Permit was approved on December 10, 2012 for a Daycare Center.

## **Recommendation**

The request meets the criteria for approval as outlined in Section 2.2.3.4 (Criteria for Approval). Staff recommends approval of the Conditional Use Permit (CUP 2014-04) to allow for the construction and operation of an Auto Wash (Self Service) on approximately 1.1 acres of land within the GB zoning district, for the following reasons:

1. The proposed Auto Wash (Self Service) will not significantly negatively impact surrounding properties or developments, as the majority of the surrounding properties are developed within non-residential uses, with the exception of the non-conforming single family home and storage of machinery and heavy equipment to the north.
2. With the recommended conditions of approval, the proposed CUP would allow for a use that is not necessarily compatible with surrounding uses and the character of an area; however can be made compatible with conditions.
3. The property has frontage on Broadway Street; a major thoroughfare, and is located within the COD. The COD overlay regulations supplement the regulations of the GB zoning district with more restrictive standards. These standards will ensure a high quality development that will enhance the character of the area and ensure an aesthetically pleasing development.
4. The subject property is located within the "Retail, Offices and Services" future land use designation of the Comprehensive Plan and is in compliance with this future land use designation.
5. Broadway Street is a major thoroughfare and provides a high degree of mobility, serves high volumes of traffic and has higher speeds than most other types of roadways. It is desirable to minimize the number of driveways on thoroughfares in order to reduce the number of conflict points and facilitate traffic flow. No new driveways will be added to Broadway Street, as a result of this development, as access will be from an existing access easement to the west of the site currently used to provide access to Candlewood Suites and Texas Children's Medical Office. There will be no employees or customers drying vehicles outside or cleaning the interior of the cars at the end of the tunnel. Therefore, it is anticipated that there will be no traffic back-up onto Broadway Street. Additionally, a Traffic Impact Analysis (TIA) is required at the time of platting, which may require additional improvements, such as a deceleration lane, for example.

6. The proposed development will require platting of the site. Platting will ensure that infrastructure is adequate to serve the proposed development. The subject property has access to public water and sewer. There is an existing 16 inch waterline on the south side of Broadway Street, approximately 110 feet from the property line and 2 existing sanitary manholes along the frontage of the site. Extensions of these lines will likely be required depending upon how the tract is platted, and will be determined during the platting process.

### **Conditions**

1. The applicant proposes to cover the vacuum areas with an awning. Adequate screening needs to be provided, as required.
2. A landscape plan, showing screening and landscaping, is required as part of the approval of the Conditional Use Permit.

### **Exhibits**

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



## Exhibit 1 Staff Report

### **SUMMARY OF ANALYSIS:**

The applicant is requesting approval of a Conditional Use Permit (CUP) to construct an Auto Wash (Self Service) on approximately 1.1 acres out of a called 9.993-acre tract. The Unified Development Code (UDC) defines an Auto Wash (Self-Service) as “Washing, waxing or cleaning of automobiles or light duty trucks where the owner of the vehicle causes the vehicle to become washed. One type of unattended car wash facility utilizes automated self-service (drive-through/rollover) wash bays and apparatus in which the vehicle owner inserts money or tokens into a machine, drives the vehicle into the wash bay, and waits in the vehicle while it is being washed. The other type of unattended facility is comprised of wand-type self-service (open) wash bays in which the vehicle owner drives the vehicle into the wash bay, gets out of the vehicle, and hand washes the vehicle with a wand-type apparatus by depositing coins or tokens into the machine.”

According to the applicant, the proposed express tunnel car wash is designed to automatically wash and dry vehicles through the tunnel entrance, where an attendant will guide the vehicle onto the conveyer. Blowers at the end of the conveyer will dry the vehicle before the customer exits the tunnel. This activity meets the initial definition of “Auto Wash (Self Service), as explained in the definition per the UDC.

Access will be from Broadway Street via an existing access easement just west of the subject property, where customers will enter, pay at one of the auto cashiers, move through the tunnel, stop at the vacuum cleaners, if necessary, and exit back onto Broadway Street via the existing access easement. The existing access easement currently provides access to Candlewood Suites and Texas Children’s Medical office.

The property is currently developed with retail office space designed for use by multiple tenants, and was formally used as a daycare via approval of a CUP on December 10, 2012. Platting will be required prior to development. The applicant proposes to plat an approximately 1.1 acre lot out of the total 9.9 acres for the purpose of constructing the proposed car wash.

The site is located within the General Business (GB) zoning district, and which district’s purpose is to permit an extensive variety of commercial uses, including retail trade, personal and business service establishments, offices and commercial recreation uses of limited scope. The GB zoning district requires approval of a Conditional Use Permit (CUP) for the proposed use. A CUP allows for a use that is not necessarily compatible with surrounding uses; however can be made compatible with conditions. According to Chapter 2 of the Unified Development Code (UDC) such conditions may include modifications necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of the UDC.

**SITE HISTORY:** The subject property is developed with a multi-tenant building which was previously used as a daycare. According to Brazoria County appraisal district records, the building was constructed in 1985, with asphalt paving added in 1997. The site was annexed into the city in 1996. The default zoning for property that is annexed into the city is Suburban District (SD). The property was zoned to Neighborhood Service (NS) and a CUP was approved on December 12, 2012 for the aforementioned Daycare Center.

The site is surrounded by nonresidential uses on all sides and the GB zoning district, with the exception of the property to the north, which is zoned Neighborhood Service (NS) and is developed with a non-conforming single family home and is used for the storage of machinery and heavy equipment. Neither use is a permitted use within the NS zoning district. The below table identifies surrounding uses and zoning districts.

**SURROUNDING ZONING AND LAND USES:**

|              | <b>Zoning</b>             | <b>Land Use</b>  |
|--------------|---------------------------|--|
| <b>North</b> | Neighborhood Service (NS) | Single Family Home and Storage of Machinery and Heavy Equipment          |
| <b>South</b> | General Business (GB)     | Undeveloped  |
| <b>East</b>  | General Business (GB)     | Retail Shopping Center, including Capital Bank, H&R Block, Dental Office |
| <b>West</b>  | General Business (GB)     | Candlewood Suites,   |

**CONFORMANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC):** The subject property is located within the General Business (GB) zoning district. The purpose of the aforementioned zoning district is to permit an extensive variety of commercial uses, including retail trade, personal and business service establishments, offices and commercial recreation uses of limited scope. The GB zoning district requires approval of a Conditional Use Permit (CUP) for the proposed use. A CUP allows for a use that is not necessarily compatible with surrounding uses; however can be made compatible with conditions. Pursuant to Chapter 2 of the UDC such conditions may include modifications necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of the UDC.

The GB zone requires a minimum lot area of 22,500 square feet; a minimum lot width of 150 feet, a minimum lot depth of 125 feet; a minimum front yard setback of 25 feet and a minimum side yard of 10 feet, and a maximum height of 45 feet.

Additionally, COD regulations apply to properties fronting on Broadway Street, as Broadway Street is a Major Thoroughfare, according to the city's Thoroughfare Plan. The COD is intended to help the city to exercise greater control over the aesthetic, functional and safety characteristics of development along major thoroughfares when developments front on such roadways. The COD regulations supplement the standards of the base zoning district with new or different standards which are more restrictive. Such standards include, but are not limited to the following:

- A 30-foot wide buffer is required along property frontages that face major thoroughfares, such as Broadway Street. The aforementioned 30-foot buffer shall be free of paving, including parking areas, maneuvering and loading areas.
- No outdoor activity is allowed within the COD

- Meandering sidewalks are required along property frontages.
- Outdoor storage is not permitted without approval by the City Council via a CUP, and must meet certain requirements.
- Screening is required for vehicle loading and unloading. Screens shall incorporate shrubbery having year round foliage and/or a wall or architectural element of the building that is a minimum of 6 feet in height and is a maximum of 75% opaque.
- All utility service shall be located underground.
- Building articulation is required for all nonresidential structures.
- Mechanical irrigation is required to be installed and maintained.

**PLATTING STATUS:** The property is not platted. Prior to development and the issuance of building permits, platting will be required. Platting will trigger various site improvements, including detention and extension of public infrastructure.

**CONFORMANCE WITH THE COMPREHENSIVE PLAN:** The subject property is located within the “Retail, Offices and Services” future land use designation. According to the comprehensive plan, major features of this designation include the following:

- Neighborhood shopping centers, or developed as separate uses
- Located at major intersections
- Limited outdoor retail activities
- Buffer from neighboring single family residential
- Appropriate zoning districts: OP, Office and Professional; NS, Neighborhood Service; GB, General Business (selected uses)

**CONFORMANCE WITH THE THOROUGHFARE PLAN:** The subject property has frontage on Broadway Street; a major thoroughfare which requires 120 feet of right-of-way. The applicant’s survey indicates that right-of-way along the property frontage is 120 feet; however the thoroughfare plan indicates that Broadway Street is to be widened in this area. Right-of-way will be dedicated, if necessary, at the time of platting.

**AVAILABILITY OF UTILITIES:** The subject property has access to public water and sewer. There is an existing 16 inch waterline on the south side of Broadway Street, approximately 110 feet from the property line and 2 existing sanitary manholes along the frontage of the site. Extensions of these lines will likely be required depending upon how the tract is platted, and will be determined during the platting process.

**IMPACT ON EXISTING AND FUTURE DEVELOPMENT:** The proposed Auto Wash (Self Service) will not significantly impact surrounding properties or developments. All surrounding properties are zoned for non-residential uses and zoning districts, including GB to the west, east and south and NS to the north. Properties to the east and west are developed with a retail shopping center (east) and a hotel and medical offices (west). The property to the south (south side of Broadway Street) is currently undeveloped and the property to the north is developed with a non-conforming single family home and appears to be used for storage of machinery and heavy equipment. The site is considered non-conforming, as single family dwelling units and the storage of machinery and heavy equipment are not permitted uses within the NS zoning district. Additionally, as proposed, the proposed 1.1 acre lot will not directly abut the property to the north, and will be approximately 180 feet from the north property line. Additionally, the tract to the north is heavily treed along its southern property line.

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

**PUBLIC NOTIFICATION:** Staff sent nineteen (19) 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 CUP on May 9, 2014. Additionally, a legal notice of the public hearing was published in the local newspaper on Thursday, May 1, 2004 and a notification sign was placed on the property by the applicant. Staff has not received any returned notices from property owners within 200 feet of the site.

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

**RECOMMENDATION:** Staff recommends approval of the Conditional Use Permit (CUP 2014-04) to allow for the construction and operation of an Auto Wash (Self Service) on approximately 1.1 acres of land within the GB zoning district, as proposed by the applicant and owner for the following reasons:

1. The proposed Auto Wash (Self Service) will not significantly impact surrounding properties or developments. All surrounding properties are zoned for non-residential uses and zoning districts, including GB to the west, east and south and NS to the north. Properties to the east and west are developed with a retail shopping center (east) and a hotel and medical offices (west). The property to the south (south side of Broadway Street) is currently undeveloped and the property to the north is developed with a non-conforming single family home and appears to be used for storage of machinery and heavy equipment. The site is considered non-conforming, as single family dwelling units and the storage of machinery and heavy equipment are not permitted uses within the NS zoning district. Additionally, as proposed, the proposed 1.1 acre lot will not directly abut the property to the north, and will be approximately 180 feet from the north property line. Additionally, the tract to the north is heavily treed along its southern property line.
2. A CUP allows for a use that is not necessarily compatible with surrounding uses and the character of an area; however can be made compatible with conditions. Pursuant to Chapter 2 of the UDC such conditions may include modifications necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of the UDC. As mentioned above, the subject property is surrounded by non-residential developments and non-residential zoning districts. Although the property to the north is zoned NS, which is a non-residential zoning district, it is considered non-conforming as a result of the existing single family home and is being used for the storage of machinery and heavy equipment.
3. Additionally, the property has frontage on Broadway Street; a major thoroughfare, and is located within the COD. The COD overlay regulations supplement the regulations of the GB zoning district with more restrictive standards. These standards will ensure a high quality development that will enhance the character of the area and ensure an aesthetically pleasing development. Such standards include, but are not limited to the following:
  - A 30-foot wide buffer is required along property frontages that face major thoroughfares, such as Broadway Street. The aforementioned 30-foot buffer shall be free of paving, including parking areas, maneuvering and loading areas;
  - No outdoor activity is allowed within the COD;
  - 100% masonry or glass, transparency and building articulation along Broadway Street; and

- Enhanced landscaping, including large shade trees, ornamental trees, shrubs and parking lot islands.
4. The subject property and surrounding properties are located within the “Retail, Offices and Services” future land use designation of the Comprehensive Plan. According to the Comprehensive Plan, major features of this designation include the following:
- Neighborhood shopping centers, or separate commercial uses;
  - Located at major intersections;
  - Limited outdoor retail activities;
  - Buffer from neighboring single family residential;
  - Appropriate zoning districts include Office and Professional (OP), Neighborhood Service (NS) and selected uses within the General Business (GB) zoning district.

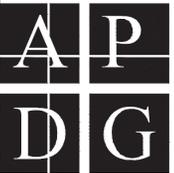
The proposed use conforms to and meets the intent and vision of the future land use designation of the Comprehensive Plan. All surrounding properties are zoned for commercial uses, and there will be no negative impacts to the non-conforming single family home to the north, as substantial landscape buffering exists and would be required if the Auto Wash were to directly abut the residential use. There will be limited outdoor activity, which will include patrons of the car wash who may choose to vacuum their vehicles under the covered vacuum areas. Even in this instance substantial screening is required by the Unified Development Code, which includes street trees, ornamental trees, a 30 foot wide buffer area, as shown on the site plan, which includes meandering sidewalks, and which shall remain free of parking, maneuvering and loadings areas. Additionally, the vacuum stalls as well as the area where cars will exit the tunnel shall be screened with a screening wall.

5. Broadway Street is a major thoroughfare and provides a high degree of mobility, serves high volumes of traffic and has higher speeds than most other types of roadways. It is desirable to minimize the number of driveways on thoroughfares in order to reduce the number of conflict points and facilitate traffic flow. No new driveways will be added to Broadway Street, as a result of this development, as access will be from an existing access easement to the west of the site currently used to provide access to Candlewood Suites and Texas Children’s Medical Office. There will be no employees or customers drying vehicles outside or cleaning the interior of the cars at the end of the tunnel. Therefore, it is anticipated that there will be no traffic back-up onto Broadway Street. Additionally, a Traffic Impact Analysis (TIA) is required at the time of platting, which may require additional improvements, such as a deceleration lane, for example.
6. The proposed development will require platting of the site. Platting will ensure that infrastructure is adequate to serve the proposed development. The subject property has access to public water and sewer. There is an existing 16 inch waterline on the south side of Broadway Street, approximately 110 feet from the property line and 2 existing sanitary manholes along the frontage of the site. Extensions of these lines will likely be required depending upon how the tract is platted, and will be determined during the platting process.

**CONDITIONS:**

1. The applicant proposes to cover the vacuum areas with an awning. Adequate screening needs to be provided, as required.
2. A landscape plan, showing screening and landscaping, is required as part of the approval of the Conditional Use Permit.

# Exhibit 2 Revised Site Plan



A PLUS DESIGN GROUP

ARCHITECTURE  
INTERIORS  
CONSTRUCTION

972-724-4440

972-691-7731 FAX

APDG.US

© COPYRIGHT A PLUS DESIGN GROUP 2014

Trent W. Clark, Architect  
TX Registration # 17084

**PRELIMINARY  
NOT FOR  
CONSTRUCTION**

These Drawings are  
incomplete and may not be  
used for regulatory approval,  
permit, or construction.

**SPARKLES EXPRESS**  
PEARLAND, TEXAS

A NEW CAR WASH  
FACILITY FOR:

REVISIONS

| No. | DATE | NOTE |
|-----|------|------|
|     |      |      |
|     |      |      |
|     |      |      |
|     |      |      |

Drawn by: M.L.

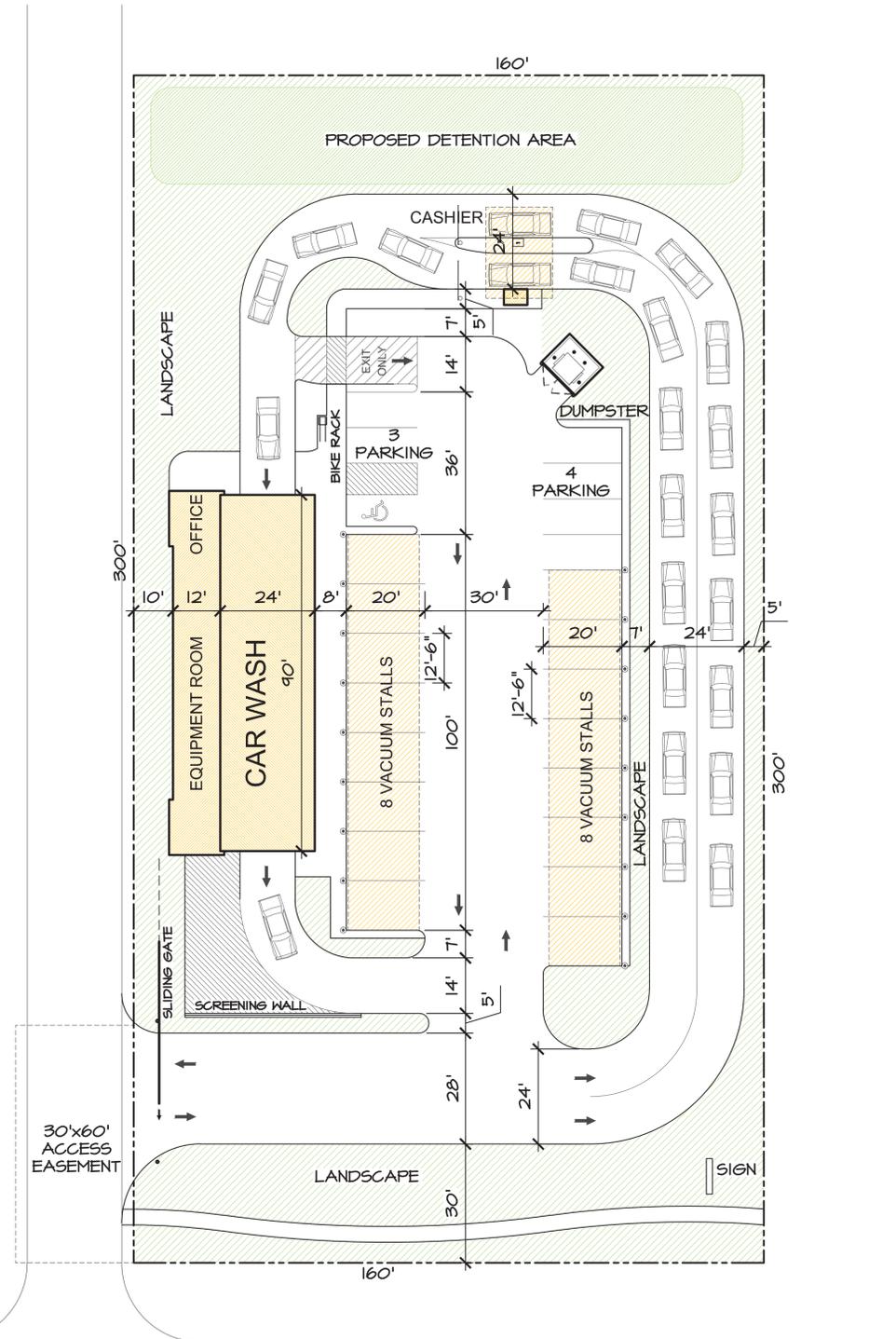
Checked by: T.C.

Project No. 14-0321

Date 05-01-2014

SITE PLAN

**A1**



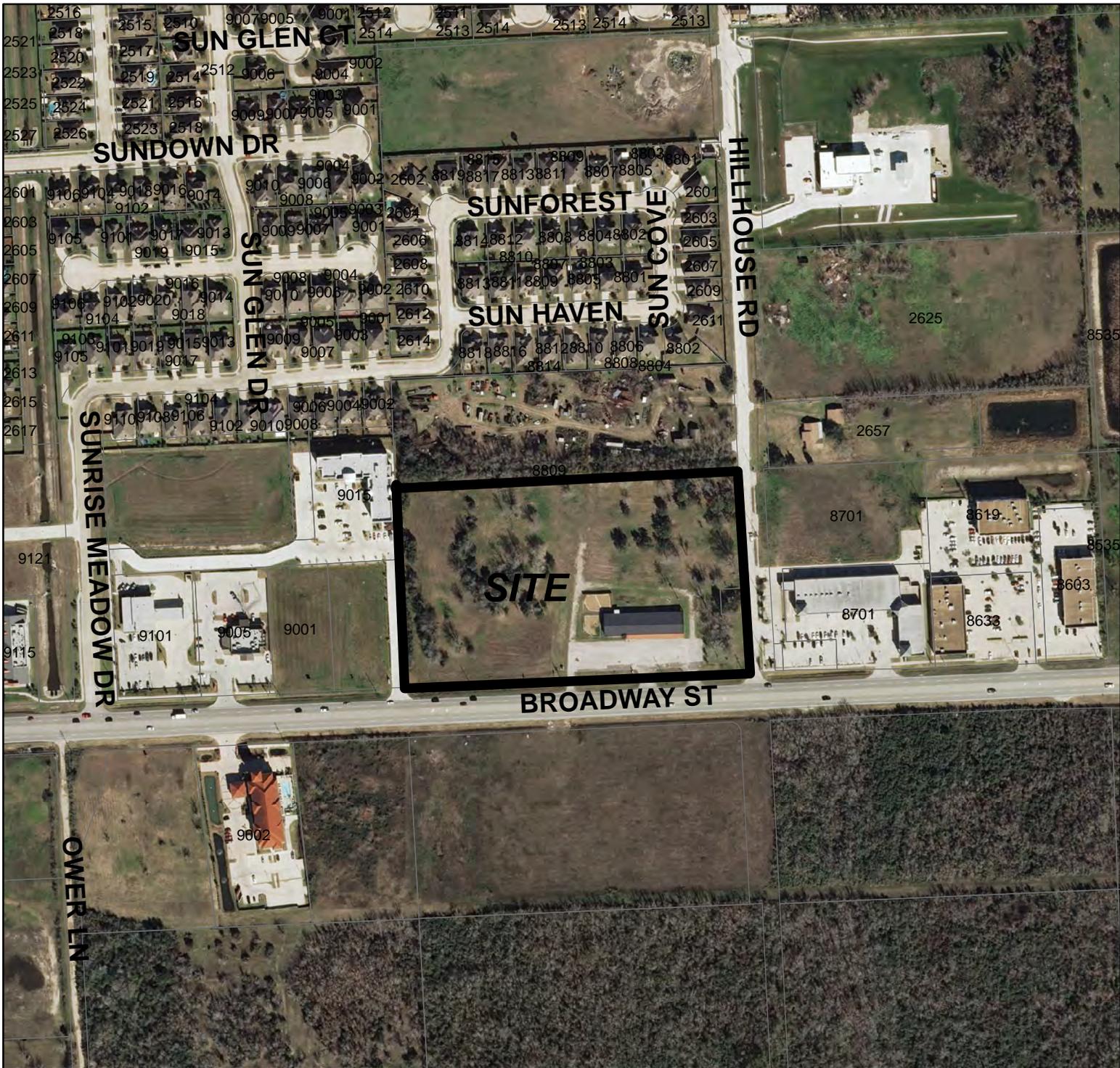
- NOTE:
1. LANDSCAPE WILL COMPLY WITH THE CITY ORDINANCE AND LANDSCAPING STANDARDS.
  2. ALL CAR WASH EQUIPMENT IS LOCATED INSIDE THE BUILDING

|                  |  |
|------------------|--|
| BLDG AREA        | 3,294 S.F.                                   |
| STORIES          | 1  |
| BLDG HT.         | 28FT.  |
| FLOOR AREAS      |  |
| TUNNEL           | 2,160 S.F.                                   |
| EQUIPMENT        | 920 S.F.                                     |
| OFFICE           | 214 S.F.                                     |
| REQUIRED PARKING | 17   |
| PROVIDED PARKING | 1 H/C<br>6 STANDARD<br>16 VACUUM<br>23 TOTAL |

**N9 SITE PLAN**  
SCALE: 1"=20'

**REVIEW SET  
NOT FOR CONSTRUCTION**

BROADWAY ST. - HIGHWAY 518



### Exhibit 3 Aerial Map

Aerial Map

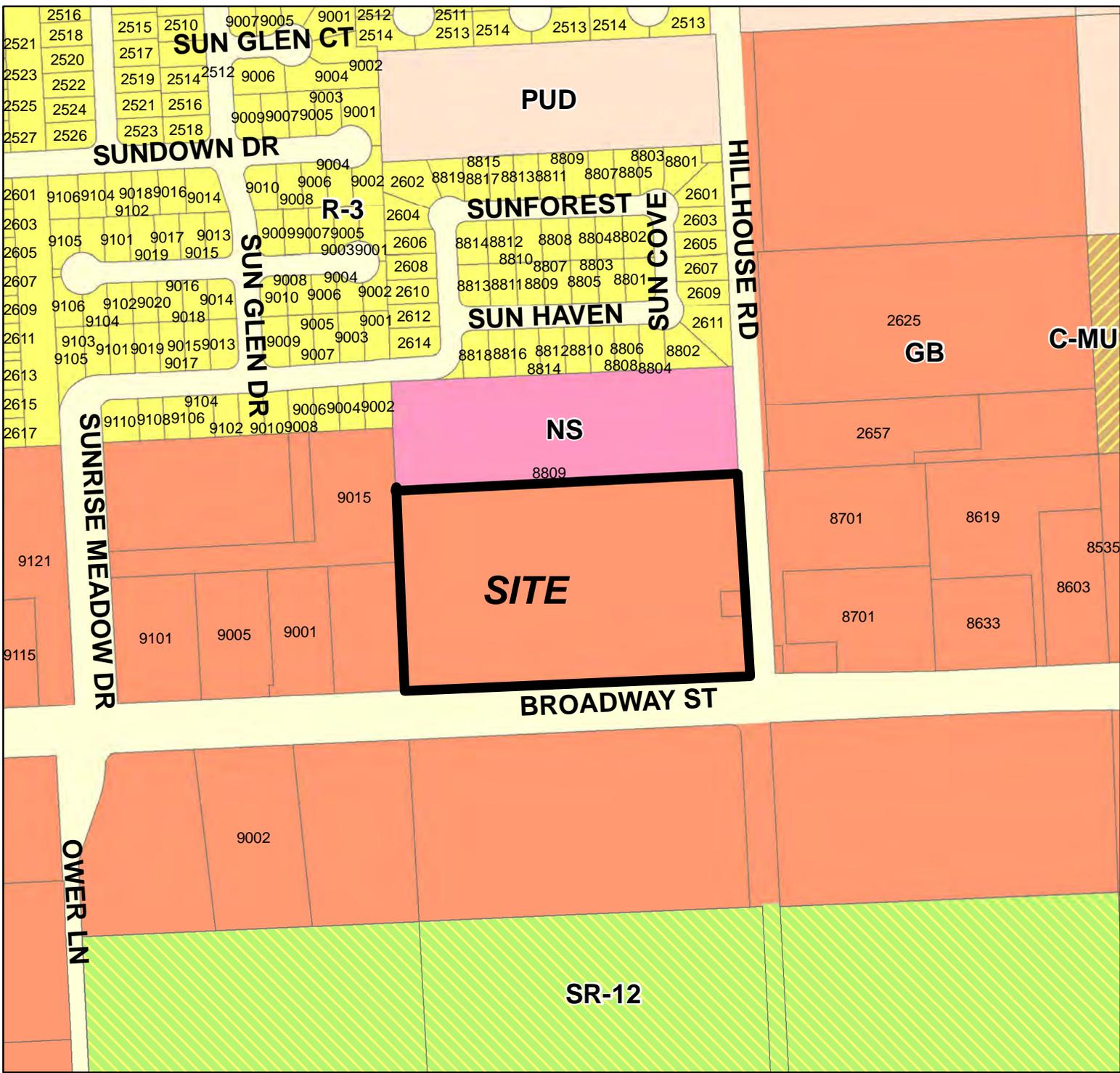
CUP 2014-04

Hillhouse &  
Broadway Street

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

0 75 150 300 Feet  
|-----|-----|-----|-----|





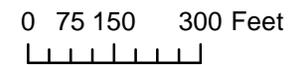
**Exhibit 4  
Zoning Map**

**Zoning Map**

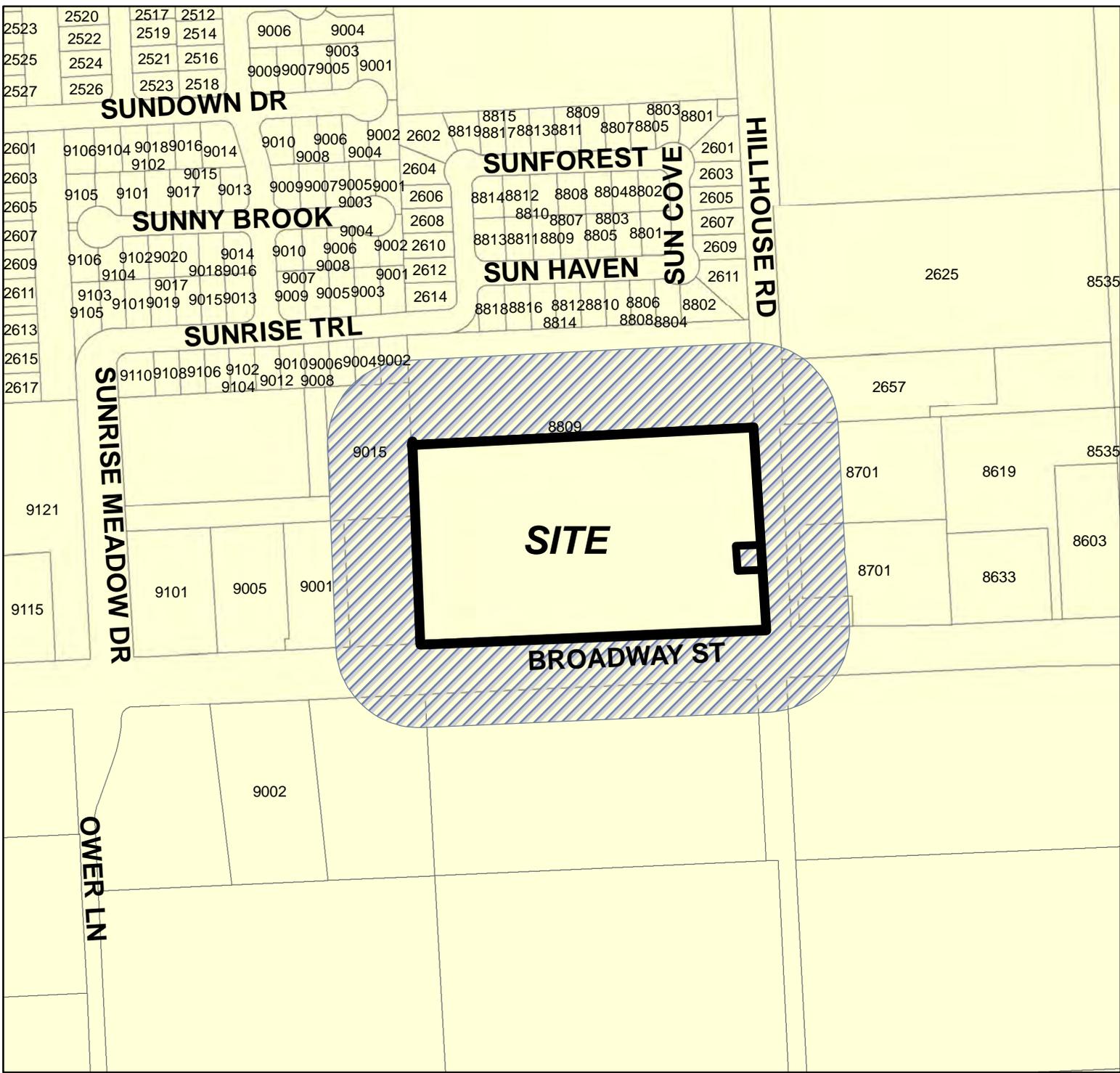
**CUP 2014-04**

**Hillhouse &  
Broadway Street**

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.







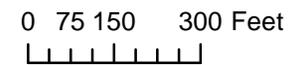
**Exhibit 6  
Notification Map**

**Notification Map**

**CUP 2014-04**

**Hillhouse &  
Broadway Street**

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.



# Exhibit 7

## Notification List

| NAME                              | ADD_LINE2             | CITY       | STA` ZIP |
|-----------------------------------|-----------------------|------------|----------|
| DOHERTY FRANK TRUSTEE             | 8735 BROADWAY ST      | PEARLAND   | TX 77584 |
| NEEDHAM RICKY D                   | 813 INDIGO SPRINGS LN | LA MARQUE  | TX 77568 |
| VELAZQUEZ CARLOS & MELODY         | 9004 SUNRISE TRL      | PEARLAND   | TX 77584 |
| WILLIAMSON TRAVIS W               | 9006 SUNRISE TRL      | PEARLAND   | TX 77584 |
| SILVER PEAR 518 BUSINESS PARK LTD | PO BOX 79650          | HOUSTON    | TX 77279 |
| THE OLD PLACE INC                 | PO BOX 703            | MANVEL     | TX 77578 |
| PEARLAND PLAZA LP                 | 3922 ABBEYWOOD DR     | PEARLAND   | TX 77584 |
| SILVER PEAR 518 BUSINESS PARK LTD | PO BOX 79650          | HOUSTON    | TX 77279 |
| MOORE THEODORE & MAMMIE           | 2657 HILLHOUSE RD     | PEARLAND   | TX 77584 |
| THE OLD PLACE INC                 | PO BOX 703            | MANVEL     | TX 77578 |
| SU CHENG HUEY TR                  | 102 PEBBLEBROOK CT    | SUGAR LAND | TX 77478 |
| FORTRESS PEARLAND INVESTMENTS LLC | 4318 W FUQUA ST       | HOUSTON    | TX 77045 |
| SIMMONS ANDREW                    | 4830 MALLOW ST        | HOUSTON    | TX 77033 |
| WESTCHASE HOSPITALITY INC         | 9015 BROADWAY ST      | PEARLAND   | TX 77584 |
| BPI REALTY SERVICES INC           | 3800 SOUTHWEST FWY    | HOUSTON    | TX 77027 |
| WESTCHASE HOSPITALITY INC         | 9015 BROADWAY ST      | PEARLAND   | TX 77584 |
| SILVER PEAR 518 BUSINESS PARK LTD | PO BOX 79650          | HOUSTON    | TX 77279 |
| THE OLD PLACE INC                 | PO BOX 703            | MANVEL     | TX 77578 |
| SILVER PEAR 518 BUSINESS PARK LTD | PO BOX 79650          | HOUSTON    | TX 77279 |

**Exhibit 8  
Applicant Packet**

CUP APPLICATION Page 1 of 6 (Updated June 2010)



**APPLICATION FOR  
A CONDITIONAL USE  
PERMIT (CUP)**

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

Conditional Use Permit Request for: Auto Wash (Self-Service)  
(list proposed use from the Table of Uses of the UDC)

Current Zoning District: General Business

**Property Information:**

Address or General Location of Property: Em 518 (Broadway)

See attached Exhibit A

Tax Account No. Property ID 175877

Subdivision: W/A - Comm Accts Lot: \_\_\_\_\_ Block: \_\_\_\_\_

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

**PROPERTY OWNER INFORMATION:**

NAME The Old Place, Inc.

ADDRESS P.O. Box 703

CITY Marvel STATE TX ZIP 77578

PHONE (832) 372-1003

FAX( ) \_\_\_\_\_

E-MAIL ADDRESS Kitty.willbanks@gmail.com

**APPLICANT AGENT INFORMATION:**

NAME SPARKLES EXPRESS CARWASH  
Chandramani Patel (Chan C Patel)

ADDRESS 46 Lela Mist Drive

CITY Sugar Land STATE TX ZIP 77479

PHONE (281) 565-6445

FAX( ) \_\_\_\_\_

E-MAIL ADDRESS chanpatel@yahoo.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: Kitty Willbanks Date: 04.07.14

Agent's/ Applicant's Signature: Chandramani Patel Date: April 7/2014

**OFFICE USE ONLY:**

|                            |                           |                        |                               |
|----------------------------|---------------------------|------------------------|-------------------------------|
| FEES PAID: <u>\$250.00</u> | DATE PAID: <u>4/16/14</u> | RECEIVED BY: <u>IC</u> | RECEIPT NUMBER: <u>202059</u> |
|----------------------------|---------------------------|------------------------|-------------------------------|

Application No. CUP2014-04

## **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.**

**Additional Application requirements for Telecommunications Towers, Antennas, and Shared Use on Existing Towers and Alternate Structures to be provided per Section 2.5.5.2 of the current Unified Development Code:**

- An inventory of the applicant's existing towers that are either within the City or within one mile of the corporate limits, specifying the location, height, and design of each tower. The Planning Department may share the information with other applicants for a conditional use permit under this article.
- Site plans to scale specifying the location of tower(s), transmission building and other accessory uses, street access, parking, fences, landscaped areas, and adjacent land uses.
- A report from a professional structural engineer licensed in the State of Texas documenting the following:
  - a. Tower height and design, showing a cross-section of the tower structure.
  - b. Total anticipated capacity of the tower structure, including the number and types of antennas which can be accommodated.
- A letter of intent to lease excess space on the tower and to lease additional excess land on the tower site when the shared use potential of the tower is absorbed, if structurally and technically possible.
- Each applicant must make a good faith effort to substantially demonstrate that no existing towers could accommodate the applicant's proposed antenna by doing the following:
  - a. The applicant must contact the owners of all existing towers of a height roughly equal to or greater than the height of the tower proposed by the applicant. A list must be provided of all owners contacted, the date of the contact, and the form and content of the contact. Where an existing tower is known to have capacity for additional antennas of the sort proposed, that application for a new tower is not complete until the owner of the existing tower responds, unless the applicant submits sufficient information for the Planning Department to determine that all reasonable efforts to obtain a response have been made and further efforts would be futile.
  - b. The applicant must request the following information from each tower owner contacted:
    - Identification of the site by location, existing uses, and tower height.
    - Whether each tower could structurally accommodate the antenna proposed by the applicant without requiring structural changes be made to the tower. To enable the owner to respond, the applicant must provide each owner with the height, length, weight, and other relevant data about the proposed antenna.

- Whether each tower could structurally accommodate the proposed antenna if structural changes were made, not including totally rebuilding the tower. If so, the owner must specify in general terms what structural changes would be required.
- If structurally able, would shared use by the existing tower be precluded for reasons related to RF interference. If so, the owner must describe in general terms what changes in either the existing or proposed antenna would be required to accommodate the proposed tower, if at all.
- Any other information which may be requested by the Planning Department to fully evaluate and review the application and the potential impact of a proposed tower or antenna.

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

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

Such sign(s) shall be located as follows:

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

**PROPOSED (SPECIFY REQUEST)  
Contact City of Pearland  
281-652-1768**

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

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

CR

### **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.



**ZONE CHANGE/ VARIANCE/ [ ] RECORDATION**

(circle one)

\$250.00

**BA**

or



or FE

Description: Input who the check is from

**COMMENTS/DESCRIPTION (F10):**

Location or Address CUP 2014-04

8809 Broadway

Applicant \_\_\_\_\_

Owner \_\_\_\_\_

**CITY OF PEARLAND  
R E P R I N T**

**\*\*\* CUSTOMER RECEIPT \*\*\***

Oper: AGONZALES Type: DC Drawer: 1  
Date: 4/17/14 01 Receipt no: 202059

| Description             | Quantity | Amount   |
|-------------------------|----------|----------|
| BA BOARD OF ADJUSTMENTS | 1.00     | \$250.00 |
| Trans number:           |          | 4437691  |

CUP 2014-04  
8809 BROADWAY  
PATEL

|                |      |          |
|----------------|------|----------|
| Tender detail  |      |          |
| CK CHECK       | 3959 | \$250.00 |
| Total tendered |      | \$250.00 |
| Total payment  |      | \$250.00 |

Trans date: 4/16/14 Time: 15:50:20

**The Old Place, Inc.**  
P. O. Box 703  
Manvel, TX 77578

---

April 16, 2014

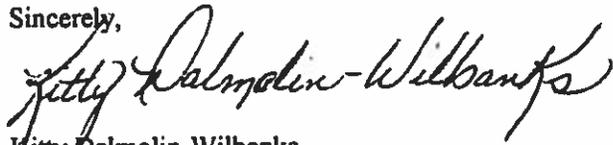
City of Pearland  
Attn: Johnna Matthews  
3519 Liberty Drive  
Pearland, TX 77581

Re: CUP Application Authorization

Dear Ms. Matthews:

Authorization is hereby given to Chan Patel with Sparkles Express to submit a Conditional Use Permit Application with the City of Pearland for a public hearing to be held on May 19, 2014. Please feel free to contact me at 832-372-1008 if you have any questions or need additional information.

Sincerely,



Kitty Dalmolin-Wilbanks  
The Old Place, Inc.

## **Letter of Intent**

**The subject property at 8909 Broadway is the location of the proposed Express Tunnel car wash. For zoning purposes the car wash is currently categorized as Auto Wash (Self-Serve). The owner is requesting a Conditional Use Permit be granted for the project at this location.**

**An Express Tunnel, as proposed, is designed to automatically wash and dry vehicles in very short period of time. Customers enter the premises, pay at one of the auto cashiers, and then drive to the tunnel entrance where an attendant guides the vehicle onto the conveyor.**

**The conveyor moves the vehicle through the tunnel as soap and wax is applied and soft-touch brushes are activated at the appropriate times to clean all areas of the vehicle. Blowers at the end of the conveyor dry the vehicle before the customer exits the tunnel.**

**Free vacuums are available for customers wanting to take advantage of this service.**

**The business model is designed for a customer to enter the car wash from Broadway (by means of the Access Easement from the existing access drive), pay at one of the auto cashiers, move through the tunnel and, if there is no stopping at the vacuums, be back on Broadway with a clean and dry vehicle in under five minutes – without ever having to exit their vehicle.**

**The car wash structure, including the tunnel and the equipment room/offices, is approximately 3,060 sq. ft. Plans are for (16) free vacuums, in two separate vacuum areas, with each section covered with an awning.**

**Final architectural design is to be determined, but the development will be of quality construction emphasizing glass, steel and masonry (following Pearland guidelines). The vacuum covers are to be high-grade all-weather fabric awnings, with steel supports, designed to coordinate with the building structure. There will be a matching awning cover over the pay stations.**

**Since this is not a Full-Serve wash, there will not be employees at the end of the tunnel drying vehicles and doing interior work. So there won't be cars and trucks stacking up near the street while this work is done. As said, vehicles will either exit the tunnel and move back onto Broadway or drive to the designated vacuum spaces.**

**The car wash hours of operation are generally 8:00 AM – 7:00 PM (possibly 8:00 PM in the summer). When the wash is closed there will be a locked gate restricting all access to the property. So, as opposed to a Self-Serve car wash, there will be no activity of any kind on the premises after the gate is locked at closing.**

A P

D G

A PLUS DESIGN GROUP  
ARCHITECTURE  
INTERIORS  
CONSTRUCTION

APDG.115

Trent W. Cook, Architect  
The Registration # 13264

PRELIMINARY  
NOT FOR CONSTRUCTION

All Dimensions are  
exclusive and any site  
work shall be done  
under the supervision  
of a Licensed Professional  
Engineer or Architect.

PEARLAND, TEXAS

# SPARKLES EXPRESS

A NEW CAR WASH  
FACILITY FOR

REVISIONS

NO. DATE NOTE

Drawn by: M.L.

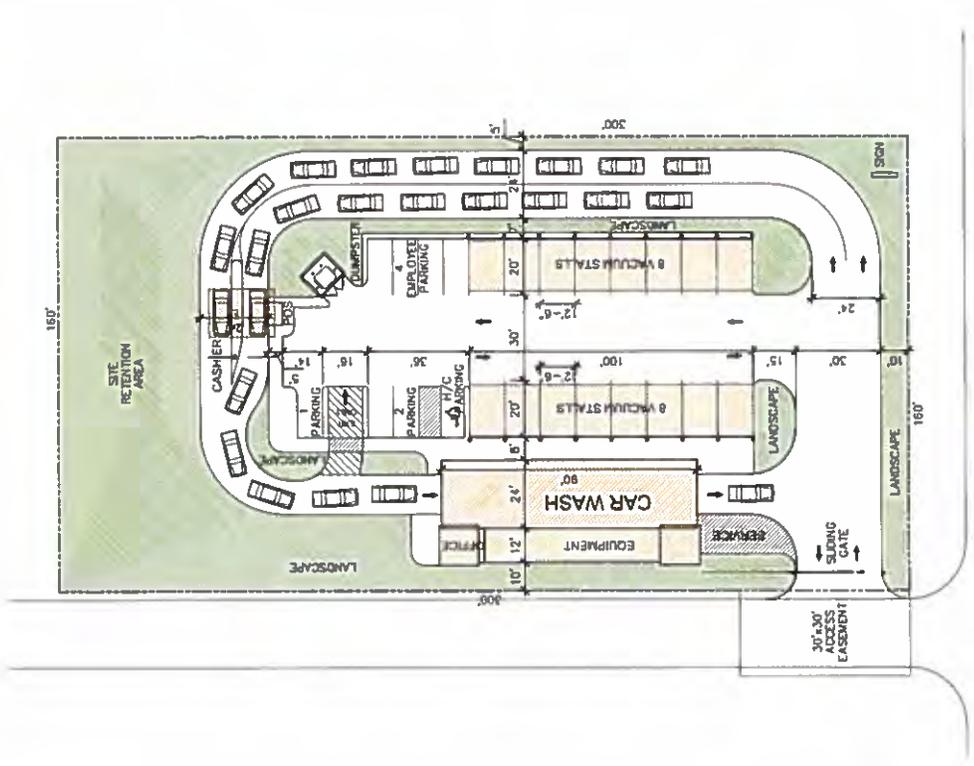
Checked by: T.E.

Project No.: 11-0217

Date: 04-17-2014

SITE PLAN

A1



1/8" = 1' SITE PLAN SCALE

BROADWAY ST. - HIGHWAY 518



Contract Exhibit A



Initials  
Seller Jake  
Buyer CP





Windrose Land Services, Inc

3200 Wilcrest, Suite 325

Houston, Texas 77042

Phone (713) 458-2281 Fax (713) 461-1151

Professional Surveying and Engineering Services

Firm Registration No. 10108800

## DESCRIPTION

### 1.1019 ACRES OR 47,999 SQUARE FEET

A TRACT OR PARCEL CONTAINING 1.1019 ACRES OR 47,999 SQUARE FEET OF LAND, OUT OF A CALLED 9.993 ACRE TRACT SITUATED IN THE H.T. & B.R.R. CO. SURVEY, ABSTRACT No. 506, BRAZORIA COUNTY, TEXAS CONVEYED TO THE OLD PLACE INC. AS RECORDED IN THE BRAZORIA COUNTY CLERK'S FILE No. 97-001270, BRAZORIA COUNTY, TEXAS, SAID 1.1019 ACRE BEING DESCRIBED AS FOLLOWS WITH ALL BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL 4204, NAD 83;

BEGINNING AT A 5/8 INCH IRON ROD FOUND AT THE NORTH RIGHT-OF-WAY LINE OF F.M. 518 (BROADWAY)(120' R.O.W.) AND THE SOUTHEAST CORNER OF A LOT "C", FM 518 WEST LIMITED SUBDIVISION AS RECORDED IN THE BRAZORIA PUBLIC OFFICIAL PLAT RECORDS 2008019802, BRAZORIA COUNTY, TEXAS AND BEING THE SOUTH WEST CORNER OF SAID 9.993 ACRE TRACT AND OF THE HEREIN DESCRIBED TRACT;

THENCE ALONG COMMON BOUNDARY LINE OF SAID LOT C AND SAID 9.993 ACRE TRACT AND HEREIN DESCRIBED TRACT, NORTH 02 DEGREES 52 MINUTES 24 SECONDS WEST A DISTANCE OF 300.00 FEET TO A 5/8 INCH IRON ROD FOUND MARKING THE NORTHEAST CORNER OF SAID LOT C AND BEING THE SOUTH EAST CORNER OF LOT "B" OF SAID SUBDIVISION, AND MARKING THE NORTHWEST OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 87 DEGREES 25 MINUTES 56 SECONDS EAST A DISTANCE OF 160.00 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET MARKING THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 02 DEGREES 52 MINUTES 24 SECONDS EAST A DISTANCE OF 300.00 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET ON THE NORTH RIGHT-OF-WAY LINE OF FM 518 (BROADWAY) MARKING THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE OF FM 518, SOUTH 87 DEGREES 25 MINUTES 56 SECONDS WEST, A DISTANCE OF 160.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING 1.1019 ACRES OR 47,999 SQUARE FEET OF LAND, PREPARED BY WINDROSE LAND SERVICES, INC.

  
MIKE KURKOWSKI  
R.P.L.S. NO. 5101  
STATE OF TEXAS



03-26-2014  
DATE

Thursday, February 20, 2014



### Property Tax Status

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

**Shopping Cart:** For your convenience you may pay several accounts at once. Click the 'Click Here to Pay Now' button to add this account to the shopping cart. Additional accounts can be added by doing a search again, then clicking the 'Click Here to Pay Now' button for each account. Up to 50 accounts may be paid at one time. Accounts are not saved in the shopping cart after you go to the Certified Payment web site.



A **Convenience Fee** of up to 2.4% will be charged for all credit card payments by the vendor providing this service. For eChecks, a convenience fee of \$1.50 will be charged for each transaction. The fee covers the cost of making payments by credit card possible. The fee will appear as a charge to 'Certified Payments'. No part of this fee is retained by Brazoria County.

Unless otherwise noted, all data refers to tax information for 2013. All amounts due include penalty, interest, and attorney fees when applicable. Due to the large volume of work during heavy payment periods amounts due may not reflect payments that have been received but not yet processed.

**Account Number:** 05060017000

**Address:**  
THE OLD PLACE INC  
PO BOX 703  
MANVEL, TX 77578-0703

**Property Site Address:**  
8809 BROADWAY FM 518

**Legal Description:**  
A0506 H T & B R R, TRACT 30-30A, ACRES  
9.930

**Current Tax Levy:** \$59,944.96  
**Current Amount Due:** \$0.00  
**Prior Year Amount Due:** \$0.00  
**Total Amount Due:** \$0.00

**Last Payment Amount for Current Year Taxes:** \$59,944.96

**Active Lawsuits:** None

**Pending Credit Card or E-Check Payments:**  
No Payment Pending

**Jurisdictions:**  
BRAZORIA COUNTY  
BRAZORIA DRAINAGE DIST 4  
CITY OF PEARLAND  
PEARLAND ISD  
SPECIAL ROAD & BRIDGE

**Market Value:** \$2,165,000  
**Land Value:** \$1,562,060  
**Improvement Value:** \$602,940  
**Capped Value:** \$0  
**Agricultural Value:** \$0  
**Exemptions:** None  
**Last Certified Date:** 08/21/2013

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[Payment Information](#)

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E-mail: [royvng@brazoria-county.com](mailto:royvng@brazoria-county.com)  
111 E Locust Suite  
Angleton, TX 77515  
(979) 864-1320

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**P&Z AGENDA  
ITEM**

**B**

**See separate file for  
attachment**

# **ELECTION OF OFFICERS**

# **P&Z AGENDA**

# **DISCUSSION ITEMS**

- 1. Commissioners Activity Report**
- 2. Zoning Update**
- 3. Comprehensive Plan Update**
- 4. Next JPH/P&Z Meeting, July 21, 2012**

**ADJOURN  
MEETING**