

AGENDA

CITY OF PEARLAND PLANNING & ZONING COMMISSION

October 20, 2014

6:30 p.m.

Henry Fuertes
P&Z CHAIRPERSON

Daniel Tunstall
P&Z VICE-CHAIRPERSON

COMMISSIONERS

Elizabeth McLane

Derrick Reed



Mary Starr

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, OCTOBER 20, 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 October 6, 2014 P&Z Regular Meeting, held at 6:30 p.m.
2. Excuse the Absence of Henry Fuertes and Elizabeth McLane from the October 6, 2014 P&Z Regular meeting.

III. MATTERS REMOVED FROM CONSENT AGENDA

IV. NEW BUSINESS

A. CONSIDERATION AND POSSIBLE ACTION – ZONE CHANGE APPLICATION NO. 2014-17Z

A request of Sergio Guzman, owner/applicant; for approval of a change in zoning from Single Family Residential-1 (R-1) to General Business (GB) on approximately 0.90 acres of land, to wit:

Legal Description: Tract No. 26 of Westchester Estates, according to the Jack C. McKnight Survey thereof dated April 6, 1962, a partition in the H.T. & B. Railroad Survey, Abstract 242, Brazoria County, Texas.

General Location: 2701 Westchester Circle, Pearland, TX

B. CONSIDERATION AND POSSIBLE ACTION – ZONE CHANGE APPLICATION NO. 2014-18Z

A request of Arnold A Patterson, applicant; on behalf of Pearland New Harvest Christian Fellowship, Inc. owner; for approval of a change in zoning from the Single Family Residential – 1 (R-1) zoning district to the General Business (GB) zoning district; on approximately 3.850 acres of land, to wit:

Legal Description: Being a 3.850 acre tract in the H.T. & B.R.R. Company Survey, Abstract No. 564, Brazoria County, Texas. Said 3.850 acre tract is in Lot 1, Block 1 of the New Harvest Christian Fellowship Subdivision as recorded in Clerk’s File No. 2010052506 in the Brazoria County Official Public Records, Brazoria County, Texas

General Location: 12216 Broadway Street, Pearland, TX

C. CONSIDERATION AND POSSIBLE ACTION – CONDITIONAL USE PERMIT APPLICATION NO. 2014-09

A request of BGE Kerry R. Gilbert & Associates, applicant; on behalf of George Fishman, owner; for approval of a Conditional Use Permit to allow for a Nursing/Convalescent Home within the Business Park – 288 (BP-288) zoning district, on approximately 9.4 acres of land, to wit:

Legal Description: Being a 9.4083 tract of land located in the H.T. & B.R.R. Company Survey, Abstract 300, Brazoria County Texas; said 9.4083 acre tract being all of a called 3.39 acre tract of land recorded in the name of George D. and Mary Fishman in Clerk’s File Number 2005061002 of the Official Records of Brazoria County (O.R.B.C.) Texas, the remainder of a called 3.3 acre tract of land (North 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk’s File Number 97-015077 of the O.R.B.C. and the remainder of a called 3.3 acre tract of land (South 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk’s File Number 97-010496 of the O.R.B.C.

General Location: West side of Business Center Drive, south of Pearland Town Center, Pearland, TX

D. CONSIDERATION AND POSSIBLE ACTION – PLANNING AND ZONING VARIANCE 2014-04

A request by Luther Daly of Costello, Inc., applicant; on behalf of George and Mary Fishman, owner; for approval of a Planning and Zoning Variance to

allow a minimum of 145.42 -foot lot width where 150 feet is required within the existing Business Park 288 (BP-288) zoning district on 9.4083 acres of land, to wit:

Legal Description: A subdivision of 9.4083 acres of land located in the H.T.& B.R.R. Company Survey, Abstract 300, Brazoria County, Texas.

General Location: Located on the west side of Business Center Drive, south of Pearland Town Center.

E. CONSIDERATION AND POSSIBLE ACTION – PLANNING AND ZONING VARIANCE 2014-05

A request by Luther Daly of Costello, Inc., applicant; on behalf of George and Mary Fishman, owner; for approval of a Planning and Zoning Variance to allow for a flag lot within the existing Business Park 288 (BP-288) zoning district on 9.4083 acres of land, to wit:

Legal Description: A subdivision of 9.4083 acres of land located in the H.T.& B.R.R. Company Survey, Abstract 300, Brazoria County, Texas.

General Location: Located on the west side of Business Center Drive, south of Pearland Town Center.

F. CONSIDERATION AND POSSIBLE ACTION – AMENDMENT TO DIXIE FARM AND TALL OAK CLUSTER DEVELOPMENT PLAN

A request by Korie Johnston of DR Horton, applicant and Kathy Jan Freeman and Kim Freeman, owner (s), for approval of an extension of a Cluster Development Plan on a 14.3 acre tract of land for a single-family residential subdivision, to wit:

Legal Description: Being 11.933 acres of land located in the W.D.C. Hall League, Abstract 70, Brazoria County, Texas, more particularly being a portion of Lot 3 and Lot 4 of the George W. Jenkins Subdivision, a subdivision of record in Volume 79, Page 616 of the Brazoria County Deed Records (B.C.D.R.), also being the residue of a 7.5 acre tract (described as the Southwest $\frac{3}{4}$ of Lot 3) of which an undivided one-half interest was conveyed to Kim Freeman by instrument of record in File Number 99-010744 of the Brazoria County Official Records (B.C.O.R.) and an un-divided $\frac{1}{4}$ interest, each, was to Kim Freeman and Kathy Jan Freeman, by instrument of record in File number 96-044065 of said B.C.O.R., and the residue of a 5 acre tract (described as southwest $\frac{1}{2}$ of Lot 4) of which an undivided one-half interest was conveyed to Kathy Freeman, by instrument of record in File number 99-0010744, of said B.C.O.R. and an undivided one fourth interest,

each, was conveyed to Kim Freeman and Kathy Jan Freeman by instrument of record in File Number 96-044065, of said B.C.O.R., and;

Being 2.387 acres of land located in the W.D.C. Hall League, Abstract 70, Brazoria County, Texas, more particularly being a portion of Lot 3 of the George W. Jenkins Subdivision, a subdivision of record in Volume 79, Page 616 of the Brazoria County Deed Records (B.C.P.R.), and being the residue of a 2.5 acre tract (described as the Northeast ¼ of Lot 3) conveyed to Kathy Freeman by instrument of record in Volume 1009, Page 57 of said B.C.D.R.

General Location: Northeast corner of Dixie Farm Road and Tall Oak Drive, Pearland, TX.

G. DISCUSSION ITEMS

1. Commissioners Activity Report
2. Comprehensive Plan Update
3. Commissioner Expiration of Term

V. 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, Jennifer Tatum, Office Assistant 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 15th day of October, 2014, A.D., at 5:30 p.m.

Jennifer Tatum, Office Assistant

Agenda removed _____ day of October, 2014.

CONSENT AGENDA

**P&Z AGENDA
ITEM**

A

APPROVAL

OF

MINUTES

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

CALL TO ORDER

P&Z Vice Chairperson Daniel Tunstall opened the meeting for the P&Z Regular Meeting at 6:34 p.m.

In attendance were:

P&Z Vice Chairperson Daniel Tunstall
P&Z Member Derrick Reed
P&Z Member Linda Cowles
P&Z Member Ginger McFadden
P&Z Member Mary Starr

Also in attendance were Director of Community Development Lata Krishnarao, City Planner Johnna Matthews, Senior Planner Ian Clowes, Deputy City Attorney Nghiem Doan and Office Assistant Jennifer Tatum.

CONSENT AGENDA

CONSIDERATION & POSSIBLE ACTION – APPROVAL OF MINUTES:

Approve the Minutes of the September, 15, 2014, P&Z Regular Meeting, held at 6:30 p.m.

Excuse the Absence of Mary Starr from the September 15, 2014 P&Z Regular meeting.

CONSIDERATION & POSSIBLE ACTION – FINAL PLAT OF ENCLAVE AT HIGHLAND GLEN SECTION 4

A request by Rene Rodriguez of LJA Engineering, applicant; on behalf of Jeff Anderson of Beazer Homes, owner; for approval of a Final Plat of Enclave at Highland Glen Section 4, a 37 lot subdivision on 25.9 acres of land, to wit:

Legal Description: A subdivision of land containing 25.9 acres of land out of the Thomas J. Green Survey, A-290, City of Pearland Texas, County of Brazoria, Texas.

General Location: Generally located at the intersection of Hughes Rd. and Harbor Ridge Ln.

CONSIDERATION & POSSIBLE ACTION – FINAL PLAT OF ENCLAVE AT HIGHLAND GLEN SECTION 5

A request by Rene Rodriguez of LJA Engineering, applicant; on behalf of Jeff Anderson of Beazer Homes, owner; for approval of a Final Plat of Enclave at Highland Glen Section 5, a 55 lot subdivision on 12.9 acres of land, to wit:

Legal Description: A subdivision of land containing 12.9 acres of land out of the Thomas J. Green Survey, A-290, City of Pearland Texas, County of Brazoria, Texas.

General Location: Generally located at the intersection of Baywater Creek Ln. and Cedar Ridge Ln.

CONSIDERATION & POSSIBLE ACTION – FINAL PLAT OF PEARLAND LAKES SECTION 2

A request by Geoff Freeman of BGE Kerry R. Gilbert and Associates, applicant; for Greg Coleman of Beazer Homes, owner; for approval of the Final Plat of Pearland Lakes Section 2, a 37 lot subdivision on 12.3 acres of land, to wit:

Legal Description: Being 12.3 acres of land out of the H.T. &B.R.R.R. Co. Survey, Section 85, A-304 City of Pearland, Brazoria County, Texas.

General Location: Located at the 2500 Block of Silverlake Pkwy.

CONSIDERATION & POSSIBLE ACTION – PRELIMINARY PLAT OF PROVINCE VILLAGE RESIDENTIAL TRACT A

A request by Rene Rodriguez of LJA Engineering, applicant, on behalf of Chris Lynch of Gehan Homes, LTD., owner for approval of the Preliminary Plat of Province Village Residential Tract A, a 17 lot subdivision on 5.125 acres of land, to wit

Legal Description: A subdivision of 5.125 acres of land situated in the W.D.C. Hall Survey, Abstract 23, City of Pearland, Brazoria County, Texas.

General Location: Northwest corner of Country Club Drive and Province Village Drive.

CONSIDERATION & POSSIBLE ACTION – PRELIMINARY PLAT OF PROVINCE VILLAGE RESIDENTIAL TRACT B

A request by Rene Rodriguez of LJA Engineering, applicant, on behalf of Chris Lynch of Gehan Homes, LTD., owner for approval of the Preliminary Plat of Province Village Residential Tract B, a 54 lot subdivision on 13.451 acres of land, to wit

Legal Description: A subdivision of 13.451 acres of land situated in the Thomas J. Green Survey, Abstract 198, City of Pearland, Brazoria County, Texas.

General Location: Located on the south side of Province Village Drive between Country Club Drive and Pearland Parkway.

CONSIDERATION & POSSIBLE ACTION – PRELIMINARY PLAT OF PROVINCE VILLAGE RESIDENTIAL TRACT C

A request by Rene Rodriguez of LJA Engineering, applicant, on behalf of Chris Lynch of Gehan Homes, LTD., owner for approval of the Preliminary Plat of Province Village Residential Tract C, a 21 lot subdivision on 7.11 acres of land, to wit

Legal Description: A subdivision of 7.111 acres of land situated in the Thomas J. Green Survey, Abstract 198, City of Pearland, Brazoria County, Texas.

General Location: Located on the north side of Province Village Drive between Country Club Drive and Pearland Parkway.

P&Z Commissioner Mary Starr made the motion to approve the Consent Agenda, P&Z Commissioner Linda Cowles seconded.

The vote was 5–0. The Items on the Consent Agenda were approved.

MATTERS REMOVED FROM CONSENT AGENDA - None

NEW BUSINESS

CONSIDERATION AND POSSIBLE ACTION – REPLAT OF SHADOW CREEK RANCH SF-57

A request by Rene Rodriguez, from LJA, applicant, on behalf of 741 SCR, LTD, owner, for approval of a Replat of Shadow Creek Ranch - SF 57, a 94 lot residential subdivision on 23.470 acres of land, to wit:

Legal Description: A subdivision of 23.470 acres of land situated in the F. Hooper Survey, Abstract 198 and the H.T.& B.R.R. Co. Survey, Section 83, Abstract 761, City of Pearland, Fort Bend County, Texas, same being a Partial Replat of Shadow Creek Ranch SF-57, a subdivision recorded in Plat No. 20060296, Plat Records of Fort Bend County, Texas.

General Location: Located at the northeast corner of Windward Bay Drive and Broadway Street.

Senior Planner Ian Clowes read the staff report stating that staff recommended approval.

P&Z Vice Chairperson Daniel Tunstall inquired about whether a new traffic study had been done. Senior Planner Ian Clowes stated that a new one had not been done. Mr. Tunstall wanted to know if a stop sign was added. Mr. Clowes stated that he was not sure who would determine where stop signs would be placed. Interim City Engineer Richard Mancilla stated that stop sign locations are reviewed during the construction plan review.

P&Z Commissioner Mary Starr made the motion to approve the Replat of Shadow Creek Ranch SF-57, P&Z Commissioner Ginger McFadden seconded.

The vote was 5-0. Replat of Shadow Creek Ranch SF-57 was approved.

CONSIDERATION AND POSSIBLE ACTION – REPLAT OF SHADOW CREEK RANCH SF-58

A request by Rene Rodriguez, from LJA, applicant, on behalf of 741 SCR, LTD, owner, for approval of a Replat of Shadow Creek Ranch - SF 58, a 54 lot residential subdivision on 12.975 acres of land , to wit:

Legal Description: A subdivision of 12.975 acres of land situated in the H.T. & B.R.R. Company Survey, Section 83, Abstract 761, City of Pearland, Fort Bend County, Texas, same being a Partial Replat of Shadow Creek Ranch SF-58, a subdivision recorded in Plat No. 20060297, Plat Records of Fort Bend County, Texas.

General Location: Located on the south side of Windward Bay Drive north of Shadow Ridge.

Senior Planner Ian Clowes read the staff report stating staff recommended approval. No further discussion ensued.

P&Z Commissioner Mary Starr made the motion to approve the Replat of Shadow Creek Ranch SF-58, P&Z Commissioner Linda Cowles seconded.

The vote was 5-0. Replat of Shadow Creek Ranch SF-58 was approved.

DISCUSSION ITEMS

Commissioners Activity Report – None

Comprehensive Plan Update - Director of Community Development Lata Krishnarao stated that there was not much of an update and that they were still working on the first draft.

Parks and Recreation Master Plan – Director of Community Development Lata Krishnarao stated that the city was working on a update and that a consultant was on

board. Ms. Krishnarao also asked the P&Z Commissioners to join in on the discussion on mind mixer and to share their opinions. P&Z Commissioner Linda Cowles inquired if the same consultant was being used as with the Comprehensive Plan. Ms. Krishnarao replied no.

How Public Spaces Make Cities Work – Training Video – Director of Community Development Lata Krishnarao stated that PEDC hired consultants to improve Hwy 35 and that a pilot project may be done. Ms. Krishnarao stated that this project may lead to a future plan for Broadway. Ms. Krishnarao also stated that the PD next to HEB on Pearland Parkway was in the process of making play spaces and public areas as requested by staff.

Retrofitting Suburbia – Training Video – There was no discussion following the video.

Next P&Z Meeting - October 20, 2014 – P&Z Commissioner Linda Cowles will not attend.

ADJOURNMENT

P&Z Vice Chairperson Daniel Tunstall adjourned the P&Z Regular meeting at 7:27 p.m.

These minutes were respectfully submitted by:

Jennifer Tatum, Office Assistant

Minutes approved as submitted and/or corrected on this 20th day of October 2014, A.D.

Henry Fuertes, Chairperson

EXCUSE ABSENCES

Excuse the absence of Henry Fuertes and Elizabeth McLane from the October 6, 2014 P&Z Regular meeting.

NEW BUSINESS

**MATTERS
REMOVED FROM
CONSENT
AGENDA**

**P&Z AGENDA
ITEM**

A



JOINT PUBLIC HEARING
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF
THE CITY OF PEARLAND, TEXAS,
MONDAY, OCTOBER 20, 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. 2014-17Z

A request of Sergio Guzman, owner/applicant; for approval of a change in zoning from Single Family Residential-1 (R-1) to General Business (GB) on approximately 0.90 acres of land, to wit:

Legal Description: Tract No. 26 of Westchester Estates, according to the Jack C. McKnight Survey thereof dated April 6, 1962, a partition in the H.T. & B. Railroad Survey, Abstract 242, Brazoria County, Texas.

General Location: 2701 Westchester Circle, 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: October 20, 2014

Re: Zone Change Application Number 2014-17Z

A request of Sergio Guzman, owner/applicant; for approval of a change in zoning from Single Family Residential-1 (R-1) to General Business (GB) on approximately 0.90 acres of land, located at 2701 Westchester Circle, Pearland, TX.

Proposal

The subject property includes approximately 0.90 acres of land, of which the applicant is requesting a change in zoning from the Single Family Residential-1 (R-1) zoning district to the General Business (GB) zoning district. According to the applicant's letter of intent, the purpose of the requested change in zoning is to convert the existing single family home into a real estate office. Upon conversion to an office, all requirements of the Unified Development Code (UDC) must be met for a non-residential use.

Public Notification/Comment

Staff sent public notices, comment forms and a vicinity map to the owner/applicant and to property owners within 200 feet of the site. 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.

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

Recommendation

Staff recommends approval of the request to change the zoning of the approximately 0.90- acre site from R-1 to GB for the following reasons:

1. The change in zoning will result in conformance with the Comprehensive Plan, as the current zoning of R-1 does not conform to the future land use designation of Retail, Offices and Services.
2. The purpose of the proposed zoning district of GB is to permit an extensive variety of commercial uses including retail trade, personal and business service establishments, offices and commercial recreational uses of limited scope. These types of commercial uses are conducted wholly under a permanent part of the main business structure, such as a marquee. Broadway Street in this location is developed with a host of commercial uses including restaurants, auto-related uses and retail.
3. The existing residential adjacency standards will ensure that any proposed non-residential use has no major impact on the existing single family homes to the south.
4. All applicable requirements of the UDC will be met upon conversion of the structure from residential to office use.

Exhibits

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



Exhibit 1 Staff Report

Summary of Request

The applicant is requesting approval of a change in zoning from the Single Family Residential-1 (R-1) zoning district to the General Business (GB) zoning district on approximately 0.90 acres of land located at the southeast corner of Broadway Street and Westchester Circle. According to the applicant's letter of intent, the purpose of the requested change in zoning is to convert the existing single family home into a real estate office.

Site History

The subject property is currently developed with a single family home with an attached garage, which, according to Brazoria County Appraisal district records was constructed in 1977, with a carport added in 1995. The property was annexed into the City of Pearland in 1995. Since prior to the adoption of the Unified Development Code (UDC) in 2006, the property has retained the existing zoning of R-1.

With the exception of the single family subdivision to the south; Westchester Estates, the site is surrounded by non-residential uses and non-residential zoning districts to the north, west and east. The below table identifies surrounding uses and zoning districts:

	Zoning	Land Use
North	General Business (GB)	Undeveloped, Waffle House
South	Single Family Residential 1 (R-1)	Westchester Estates
East	General Business (GB)	Tottenberry's Private Preschool
West	General Business (GB)	O'Reilly Auto Parts

Conformance with the Thoroughfare Plan

The subject property has approximately 150 feet of frontage along Broadway Street; a major thoroughfare, which requires 120 feet of right-of-way. According to the survey submitted with the application, the existing right-of-way along Broadway Street is 100 feet. Should the property require platting in the future, a portion of the ultimate right-of-way will be required to be dedicated. The property also has frontage on Westchester Circle; a local street, which requires 50 feet of right-of-way. According to GIS records, the existing right-of-way width along Westchester Circle is approximately 60 feet and meets the requirements of the thoroughfare plan.

Conformance with the Unified Development Code

The GB zoning district is intended 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 subject property meets the requirements of the proposed General Business (GB) zoning district as it relates to lot area, width and depth.

General Business (GB) Area Regulations		
Size of Lots	Required	Existing Lot Dimensions
Minimum Lot Size	22,500 sf.	37,500 sf.
Minimum Lot Width	150 ft.	150 ft.
Minimum Lot Depth	125 ft.	250 ft.

Upon conversion to a non-residential use, all applicable requirements of the UDC for non-residential uses must be met, including façade requirements, residential adjacency screening standards, and parking requirements, including surface and quantity.

Conformance with the Comprehensive Plan

The proposed change in zoning from R-1 to GB will result in compliance with the future land use designation of the Comprehensive Plan, which is “Retail, Offices and Services.” According to the Comprehensive Plan, properties located within the aforementioned future land use designation should include neighborhood or convenience shopping centers or separate uses, preferably located at major street intersections, with limited outdoor retail activities. Nonresidential uses should buffer from neighboring single family residential uses. Appropriate zoning districts include the proposed zoning district of General Business (GB), Office and Professional (OP), and Neighborhood Service (NS).

Platting Status

The subject property is not platted. Any increase in building footprint or in impervious surface (paving) will trigger platting.

Availability of Utilities

The subject property has access to utilities. GIS data indicate that water is available to the site via an existing 16-inch waterline along Broadway Street and an existing 8-inch waterline along Westchester Circle. Additionally, there is an existing 8-inch sewer line along Broadway. The impact of the proposed use on the current infrastructure will also be analyzed at the time of permitting.

Impact on Existing and Future Development

Most surrounding properties are developed with and zoned for non-residential uses, with the exception of the property to the north of the site, which is undeveloped and zoned GB, and the single family subdivision; Westchester Estates, to the south, which is zoned R-1. Broadway Street, however, in this location is developed with and zoned for non-residential uses. Existing uses along Broadway Street in this area include a host of non-residential uses including restaurants, auto-related uses and retail.

There should be no major negative impacts to surrounding properties. Various improvements will be required as a result of the change in use from residential to non-residential, including residential adjacency standards to the south, which will provide a minimum buffer of 25 feet from the proposed non-residential use. Screening options include the following:

1. A 25-foot landscape buffer which shall remain open and unobstructed (no parking, driveways, etc.) and an opaque screening wall a minimum of 6-feet, but not to exceed 8-feet in height; or
2. In situations where a fence exists along the property line between the nonresidential and residential use, the screening shall be achieved by a 30-foot buffer and a vegetative screen dense enough to be completely opaque year round, which is at least 4 feet tall at planting and at least 8 feet tall within 12 months, unless the nonresidential use obtains permission from the owner(s) of the existing fence to replace said fence with the above required opaque screening wall.

The existing residential adjacency standards will ensure that any proposed non-residential use has no major impact on the existing single family homes.

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.

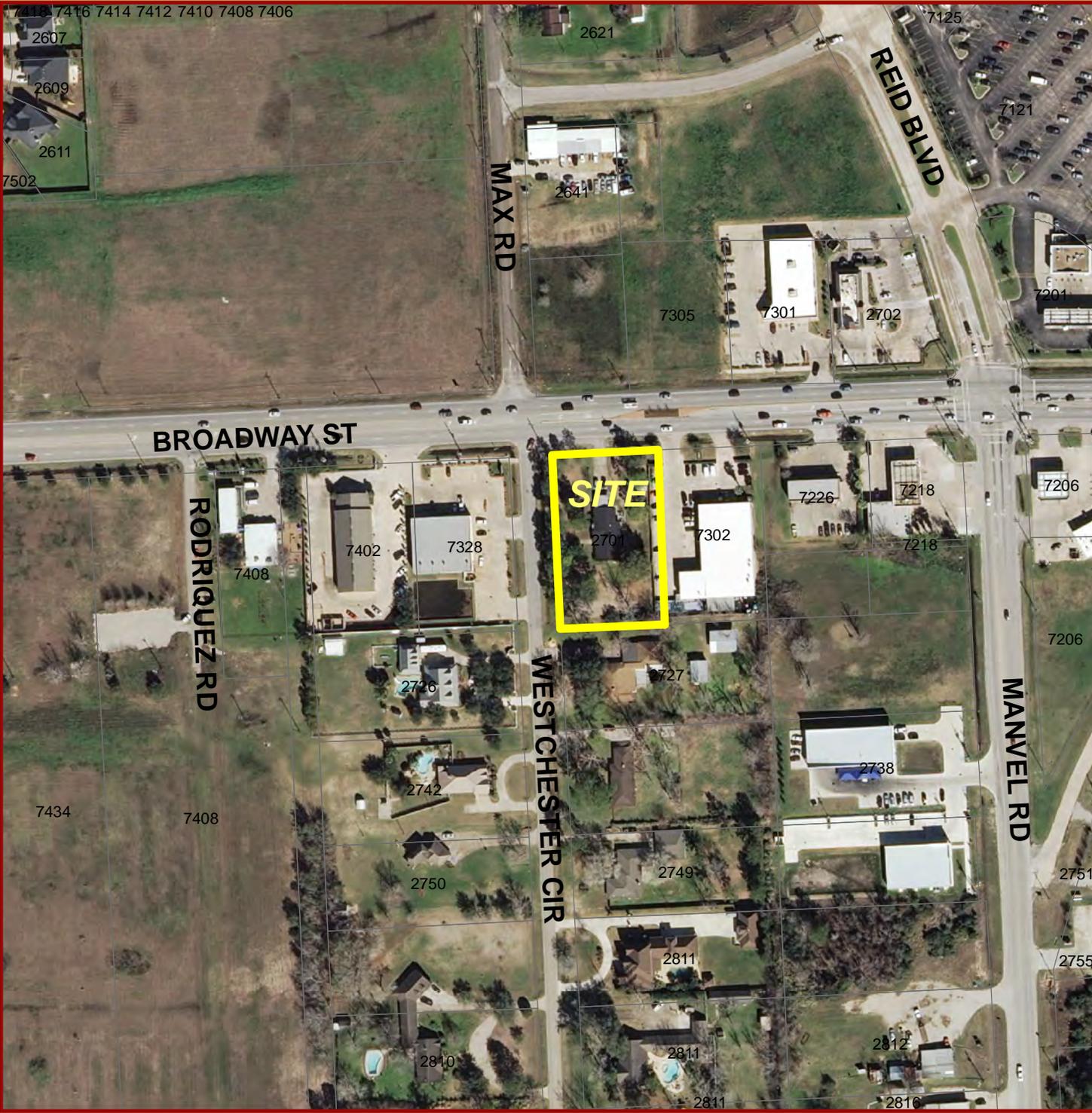
Opposition to or Support of Proposed Request

Staff has not received any returned notices in opposition to or in support of the proposed change in zoning request.

Recommendation

Staff recommends *approval* of the request to change the zoning of the approximately 0.90 acre site from R-1 to GB for the following reasons:

1. The change in zoning will result in conformance with the Comprehensive Plan, as the current zoning of R-1 does not conform to the future land use designation of Retail, Offices and Services.
2. The purpose of the proposed zoning district of GB is to permit an extensive variety of commercial uses including retail trade, personal and business service establishments, offices and commercial recreational uses of limited scope. These types of commercial uses are conducted wholly under a permanent part of the main business structure, such as a marquee. Broadway Street in this location is developed with a host of commercial uses including restaurants, auto-related uses and retail.
3. The existing residential adjacency standards will ensure that any proposed non-residential use has no major impact on the existing single family homes to the south.
4. All applicable requirements of the UDC will be met upon conversion of the structure from residential to office use.



AERIAL MAP

**ZONE CHANGE
2014-17Z**

**2701 WESTCHESTER
CIRCLE**

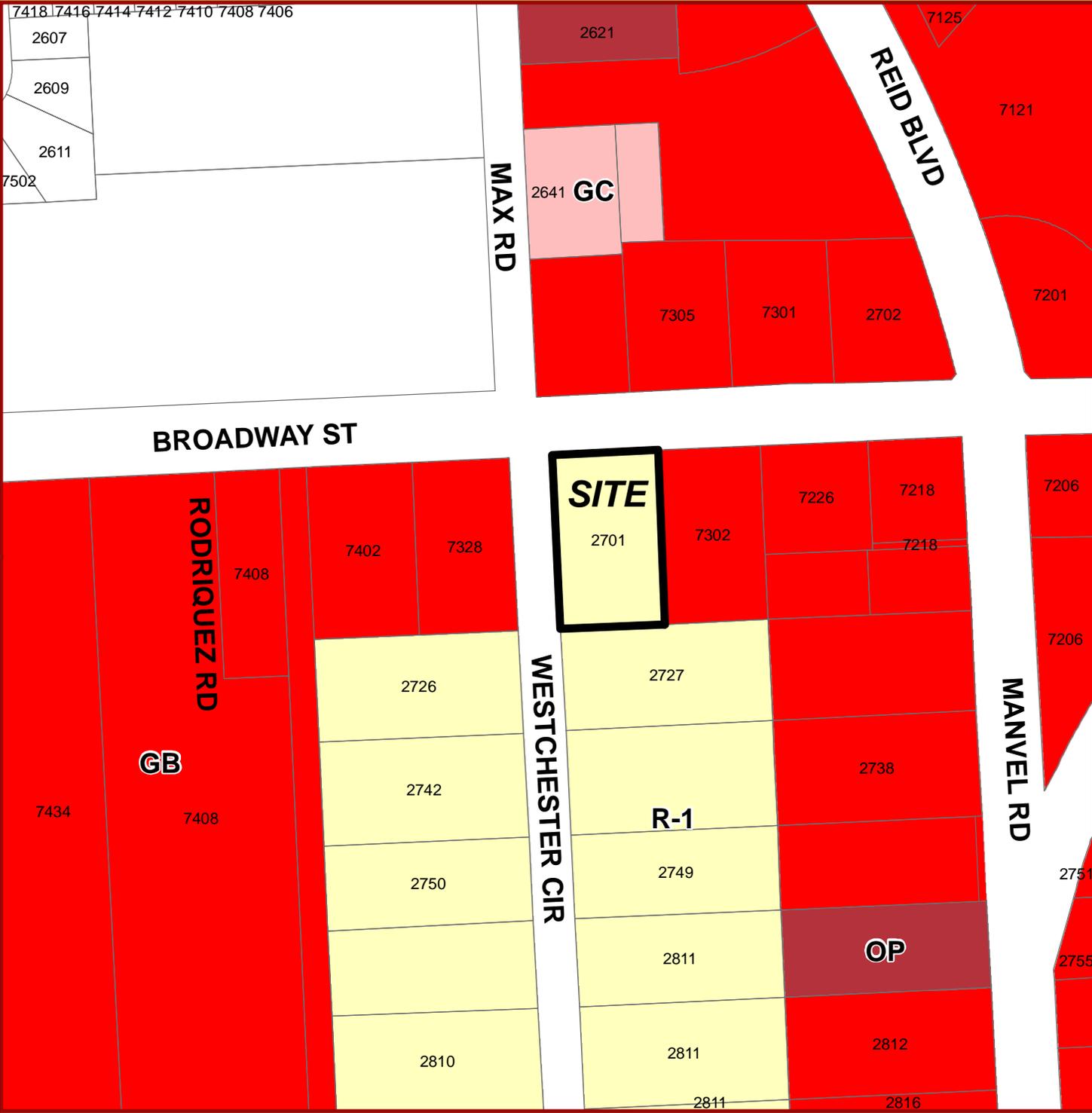


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 211 feet

22 MAY 2014
PLANNING DEPARTMENT





ZONING MAP
ZONE CHANGE
2014-17Z

2701 WESTCHESTER CIRCLE

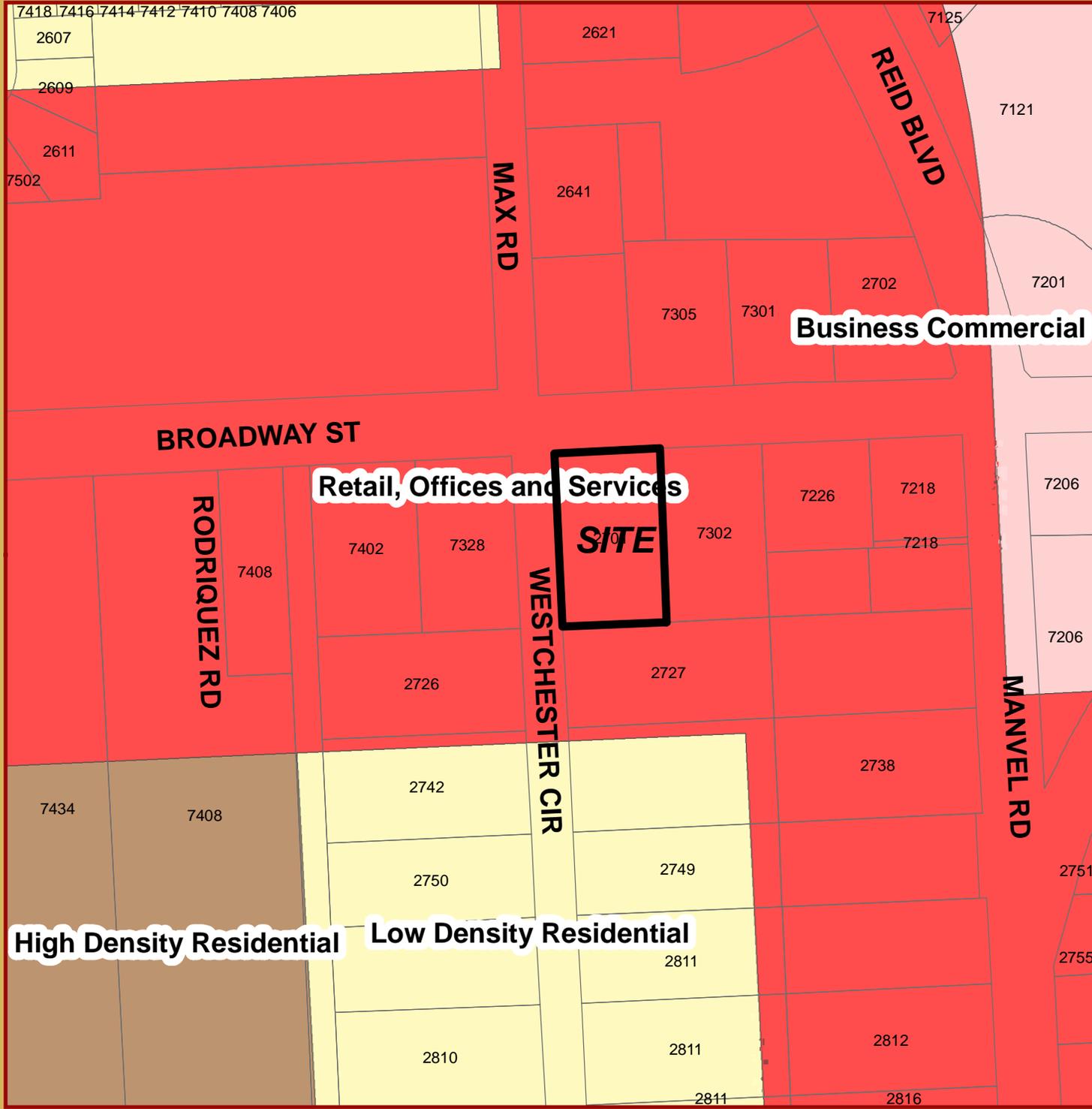


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22 MAY 2014
 PLANNING DEPARTMENT





FLUP MAP
ZONE CHANGE
2014-17Z

2701 WESTCHESTER CIRCLE

Business Commercial

Retail, Offices and Services

SITE

High Density Residential

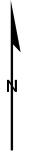
Low Density Residential

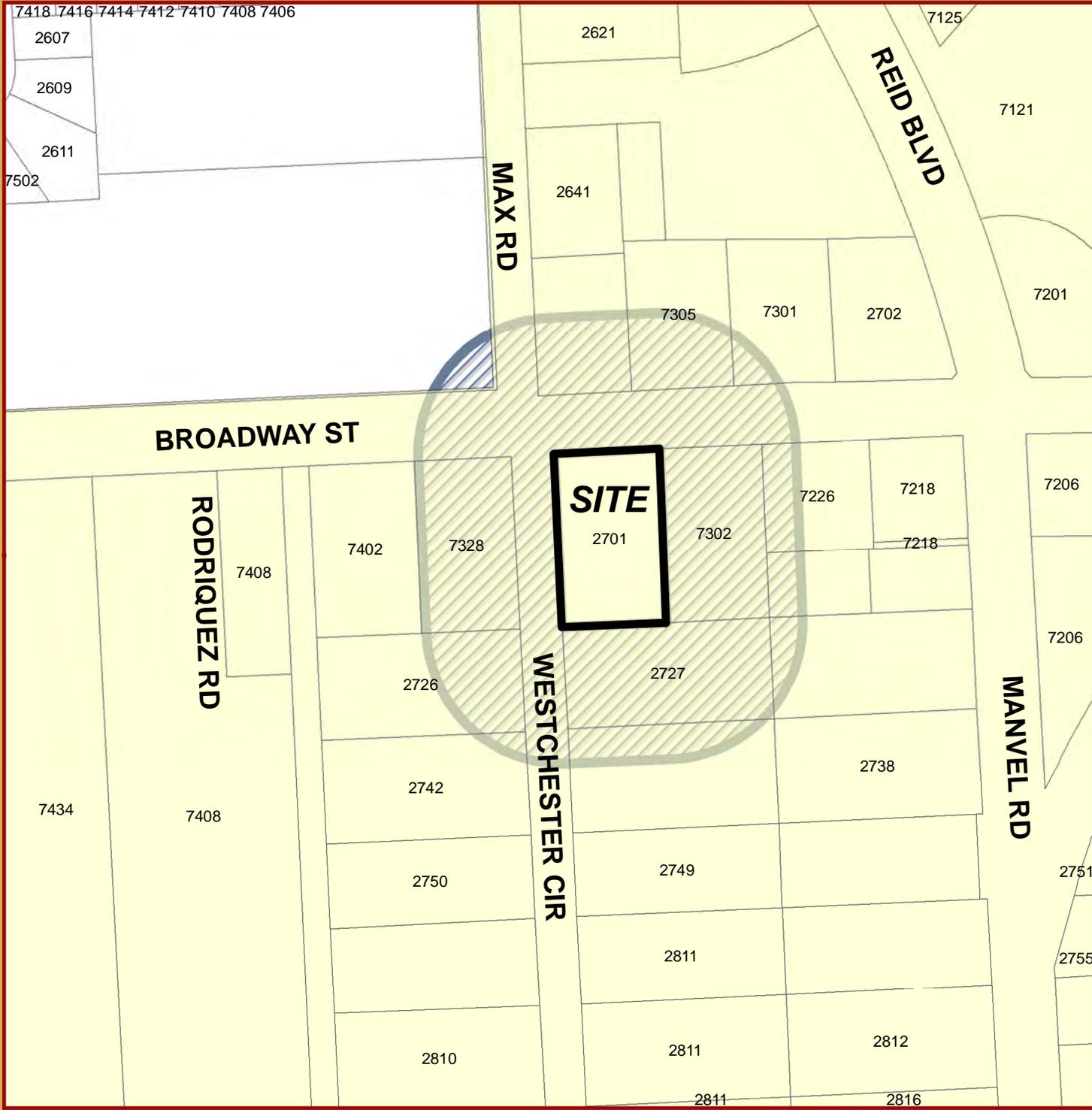


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22 MAY 2014
 PLANNING DEPARTMENT





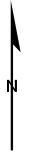
NOTIFICATION MAP
ZONE CHANGE
2014-17Z
2701 WESTCHESTER
CIRCLE



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22 MAY 2014
 PLANNING DEPARTMENT



PROPERTY OWNER	ADDRESS	SUITE	CITY	STATE
BIBBS GEORGE E	2701 WESTCHESTER CIR		PEARLAND	TX
BUI DAT DUC & MYLINH LAM	6214 BUI DR		PEARLAND	TX
COLLINS GREGORY A & CYNTHIA L	2742 WESTCHESTER CIR		PEARLAND	TX
HAMM DAVE E	2726 WESTCHESTER CIR		PEARLAND	TX
HI-LO AUTO SUPPLY LP	PO BOX 1156		SPRINGFIELD	MO
KENDRICK RALSTON CS	12243 TRAUTWEIN RD		AUSTIN	TX
KWAK JUNG HWAN	2621 SUNFISH DR		PEARLAND	TX
MIDTOWN CARWASH INC	7226 BROADWAY ST		PEARLAND	TX
ORGAN CHARLES B JR	1204 MYRTLEWOOD DR		FRIENDSWOOD	TX
SYMS GROUP LLC	2307 HARTMAN DR		SUGAR LAND	TX
THOMAS JAMES D	PO BOX 1884		PEARLAND	TX
WH CAPITAL	3290 NORTHSIDE PKWY NW	STE 385	ATLANTA	GA
SERGIO GUZMAN	5401 COUNTY ROAD 100		PEARLAND	TX

ZIP

77584

77581

77584

77584

65801

78737

77584

77581

77546

77478

77588

30327

77584



APPLICATION FOR A CHANGE IN ZONING

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

Current Zoning District: R-1 Single-Family Residential-1 District

Proposed Zoning District: General Business (GB) of ~~Office & Professional~~ District ~~(OP)~~

Property Information:

Address or General Location of Property: 2701 Westchester Circle
Pearland, TX 77584

Tax Account No. 8215 - 0023 - 000 : 001

Subdivision: Westchester Lot: 26 Block: _____

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

PROPERTY OWNER INFORMATION:

NAME Sergio Guzman
ADDRESS 5401 County Road 100
CITY Pearland STATE Tx ZIP 77584
PHONE(281) 830-6186
FAX(281) 619-2880
E-MAIL ADDRESS Sergiorealtor@hotmail.com

APPLICANT/AGENT INFORMATION:

NAME Same
ADDRESS _____
CITY _____ STATE _____ ZIP _____
PHONE(_____) _____
FAX(_____) _____
E-MAIL ADDRESS _____

*Property owner must be the current owner of the property at the time of submittal of the application, and not the party that has the property under contract.

As owner and applicant, I hereby request approval of the above described request as provided for by the Unified Development Code of the City of Pearland.

Owner's Signature: Sergio Guzman Date: 9/18/2014

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

OFFICE USE ONLY:

FEES PAID: <u>\$775.00</u>	DATE PAID: <u>19 Sept. 14</u>	RECEIVED BY: <u>JM</u>	RECEIPT NUMBER: <u>355819</u>
----------------------------	-------------------------------	------------------------	-------------------------------

Application No. 2014-17Z

APPLICATION CHECKLIST FOR THE FOLLOWING

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

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

*Letter of Intent is not required for a PD.

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

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

**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.

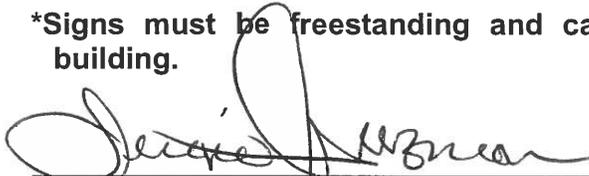
Such sign(s) shall be located as follows:

- (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

9/18/2014

Date

ZONE CHANGE/ VARIANCE/ PLAT/ RECORDATION

(circle one)
\$ 775.00 **BA** or **PF** or **FE**

Description: Input who the check is from

COMMENTS/DESCRIPTION (F10):

Location or Address Zone Change

Applicant 2701 West Chester

Owner Sergio Guzman

CITY OF PEARLAND
R E P R I N T
*** CUSTOMER RECEIPT ***
Oper: MHARRIS Type: DC Drawer: 1
Date: 9/19/14 01 Receipt no: 355019

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	\$775.00
Trans number:		4598054

SERGIO GUZMAN
MARIA A GUZMAN
5401 COUNTY RD 100
PEARLAND, TX 77584
SERGIO GUZMAN
ZONE CHANGE
2701 WEST CHESTER
MJH

Tender detail		
CK CHECK	9600	\$775.00
Total tendered		\$775.00
Total payment		\$775.00

Trans date: 9/19/14 Time: 8:18:50

Sergio Guzman

5401 County Road 100
Pearland, TX 77584
(281) 830-6186
sergiorealtor@hotmail.com

September 18, 2014

City of Pearland- Zoning
3523 Liberty Drive
Pearland, TX 77581

To Whom it May Concern,

My name is Sergio Guzman and I am writing this letter with the intent to request a zoning change for 2701 Westchester Circle, Pearland, TX 77584.

My intent for this property is to change the zoning from a Residential Zoning District to a Non-Residential Zoning district, specifically to General Business (GB) ~~or to an Office Professional District (OP)~~.
SG

My wife and I are owners of Re/Max Pearland and hope to turn this location into our primary and owned office location. We have been leasing out an office space for many years and are now ready to have our own office space.

Your support and consideration will be greatly appreciated. Thank you for your time.

Warmest Regards,


Sergio Guzman

LEGEND * ITEMS THAT MAY APPEAR IN *
DRAWING BELOW

M.U.E. = MUNICIPAL UTILITY EASEMENT
 U.E. = UTILITY EASEMENT
 A.E. = AERIAL EASEMENT
 D.E. = DRAINAGE EASEMENT
 S.S.E. = SANITARY SEWER EASEMENT
 S.T.S.E. = STORM SEWER EASEMENT
 W.L.E. = WATER LINE EASEMENT

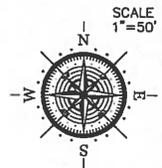
F.I.R. = FOUND IRON ROD
 F.I.P. = FOUND IRON PIPE
 S.I.R. = SET IRON ROD
 W.P. = WOODEN POST
 M.P. = METAL POST
 C.F.# = CLEVER'S FILE NUMBER
 P.O.C. = POINT OF COMMENCING
 P.O.B. = POINT OF BEGINNING
 B.L. = BUILDING LINE
 F.N.D. = FOUND
 B.R.S. = BEARS

P.A.E. = PERMANENT ACCESS EASEMENT
 P.U.E. = PUBLIC UTILITY EASEMENT
 W.S.E. = WATER & SEWER EASEMENT
 E.E. = ELECTRIC EASEMENT
 P.C. = POINT OF CURVATURE
 P.T. = POINT OF TANGENCY
 P.R.C. = POINT OF REVERSE CURVATURE
 P.C.C. = POINT OF COMPOUND CURVATURE
 P.P. = POWER POLE
 S.F.A.F. = SEARCHED FOR, NOT FOUND
 U.T.S. = UNABLE TO SET

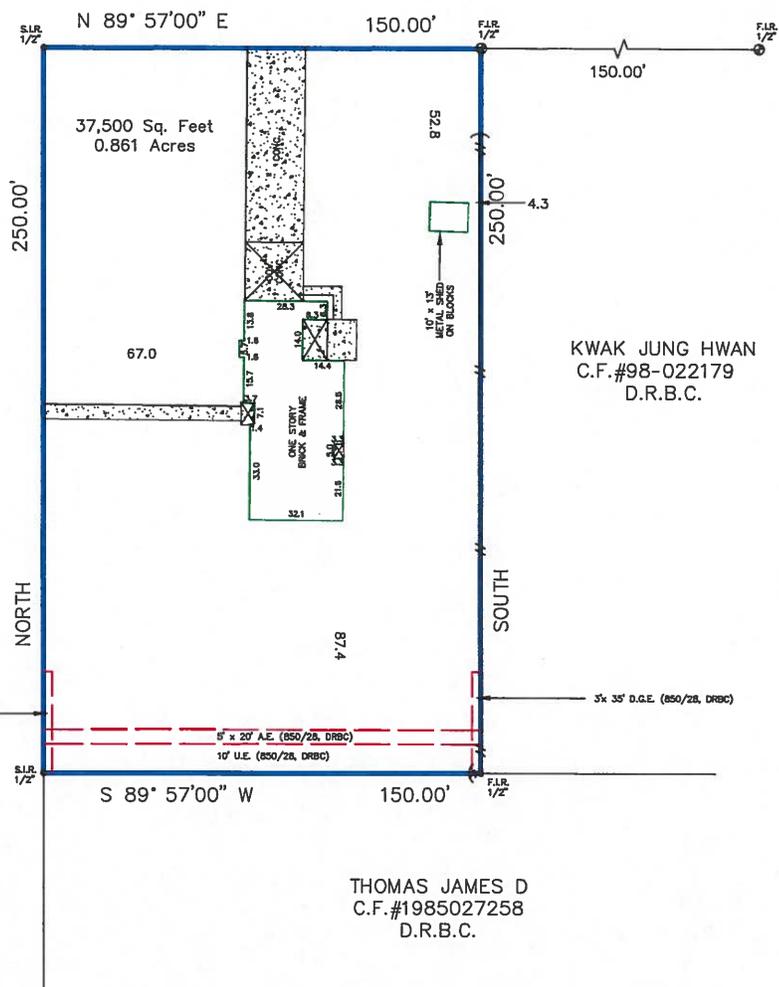
⊙ = CONTROL MONUMENT
 — = PROPERTY LINE
 — = EASEMENT LINE
 — = BUILDING SETBACK LINE
 — = BUILDING WALL

— = WOODEN FENCE
 — = CHAIN LINK FENCE
 ⊙ = METAL FENCE
 — = WIRE FENCE
 — = VINYL FENCE

BROADWAY STREET
 FARM TO MARKET 518
 100' R.O.W.



2701 WESTCHESTER CIRCLE



KWAK JUNG HWAN
 C.F.#98-022179
 D.R.B.C.

THOMAS JAMES D
 C.F.#1985027258
 D.R.B.C.

Reviewed & Accepted by: _____ Date _____ / _____ / _____ Date _____

NOTES:
 - BEARING BASIS: DEED - C.F.# 1971011684
 - SUBJECT TO ANY AND ALL RECORDED AND UNRECORDED EASEMENTS
 - SURVEYOR HAS NOT INDEPENDENTLY ABSTRACTED PROPERTY
 - UNDERGROUND UTILITY INSTALLATIONS, UNDERGROUND IMPROVEMENTS, FOUNDATIONS AND/OR OTHER UNDERGROUND STRUCTURES WERE NOT LOCATED BY THIS SURVEY
 - THIS SURVEY IS CERTIFIED FOR THIS TRANSACTION ONLY, IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS
 - SUBJECT TO RESTRICTIVE COVENANTS AS PER TITLE COMMITMENT
 - SUBJECT TO ZONING AND BUILDING ORDINANCES ENFORCED BY LOCAL MUNICIPALITIES
 - UNSPECIFIED WIDTH UTILITY EASEMENT, VOL 1034, PG 779, D.R.B.C.
 - PAGE 1 OF 2

LEGAL DESCRIPTION
 TRACT 26 OF WESTCHESTER ESTATES, ACCORDING TO THE JACK C MCKNIGHT SURVEY THEREOF, DATED APRIL 6, 1962, A PARTITION IN THE H.T.&B. RAILROAD SURVEY, ABSTRACT 242, IN BRAZORIA COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED IN METES AND BOUNDS AS ATTACHED

CLIENT MARIA GUZMAN
 SERGIO GUZMAN

ADDRESS 2701 WESTCHESTER CIRCLE



I DO HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON (OR ON ATTACHED SHEET), AND THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN, AND WAS DONE BY ME OR UNDER MY SUPERVISION, AND CONFORMS TO OR EXCEEDS THE CURRENT STANDARDS AS ADOPTED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING.

JOB # 1408045
DATE 08/07/2014
GF# 1499-14-1067

PRO-SURV
 P.O. BOX 1366, FRIENDSWOOD, TX 77549
 PHONE- 281-996-1113 FAX - 281-996-0112
 EMAIL: orders@prosurv.net

ONLY SURVEY MAPS WITH THE SURVEYOR'S ORIGINAL SIGNATURE ARE GENUINE TRUE AND CORRECT COPIES OF THE SURVEYOR'S ORIGINAL WORK AND OPINION.
 © 2014 PRO-SURV - ALL RIGHTS RESERVED

B. Type of Loan			
1. <input type="checkbox"/> FHA	2. <input type="checkbox"/> RHS	3. <input type="checkbox"/> Conv. Unins.	6. File Number: 1499-14-1067
4. <input type="checkbox"/> VA	5. <input type="checkbox"/> Conv. Ins.		7. Loan Number:
			8. Mortgage Insurance Case Number:
<p>C. NOTE: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside of the closing; they are shown here for informational purposes and are not included in the totals.</p>			
D. Name and Address of Borrower MARIA GUZMAN AND SERGIO GUZMAN 10015 W BROADWAY STE B PEARLAND, TX 77584		E. Name and Address of Seller CHRISTOPHER BIBBS, INDIVIDUALLY AND AS INDEPENDENT EXECUTOR OF THE ESTATE OF GEORGE E. BIBBS, DECEASED 2701 WESTCHESTER CIRCLE PEARLAND, TX 77584	
		F. Name and Address of Lender	
G. Property Location 2701 WESTCHESTER CIRCLE, PEARLAND, TX 77584 COUNTY: BRAZORIA LOT: 26 BLOCK: SUBDIVISION: WESTCHESTER		H. Settlement Agent AMERICAN TITLE COMPANY OF HOUSTON Place of Settlement 3322 E. WALNUT AVENUE, SUITE 111 PEARLAND, TX 77581	
		I. Settlement Date 09/18/2014	
J. SUMMARY OF BORROWER'S TRANSACTIONS		K. SUMMARY OF SELLER'S TRANSACTIONS	
100. Gross Amount Due From Borrower		400. Gross Amount Due To Seller	
101. Contract Sales Price	\$327,000.00	401. Contract Sales Price	\$327,000.00
102. Personal Property		402. Personal Property	
103. Settlement Charges to Borrower	\$288.00	403.	
Adjustments For Items Paid By Seller In Advance		Adjustments For Items Paid By Seller in Advance	
113. City/Town Taxes		413. City/Town Taxes	
114. County Taxes		414. County Taxes	
118. Assessments		418. Assessments	
119.		419.	
120. Gross Amount Due From Borrower	\$327,288.00	420. Gross Amount Due To Seller	\$327,000.00
200. Amounts Paid By Or In Behalf Of Borrower		500. Reductions In Amount Due To Seller	
201. (See Exhibit 201)	\$6,100.00	501. (See Exhibit 501)	\$3,100.00
202. Principal		502. Settlement Charges to Seller	\$22,998.44
203. Existing Loan(s) Taken Subject to		503. Existing Loan(s) Taken Subject to	
206.		506. Earnest money retained by Agent	
Adjustments For Items Unpaid By Seller		Adjustments For Items Unpaid By Seller	
210.		510. Ad Valorem Taxes 2013 to Brazoria County Tax Assessor - Collector	\$2,674.67
211.		511. Research and Probate Copies to Court Record Research, Inc.	\$62.89
212.		512.	
213. City/Town Taxes		513. City/Town Taxes	
214. County Taxes		514. County Taxes	
216. All Taxes 1899.0300/yr 01/01/14 to 09/19/14	\$1,357.94	516. All Taxes 1899.0300/yr 01/01/14 to 09/19/14	\$1,357.94
218. Assessments		518. Assessments	
219.		519.	
220. Buyer's Total Credits	\$7,457.94	520. Seller's Total Charges	\$30,193.94
300. Cash At Settlement From/To Borrower		600. Cash At Settlement To/From Seller	
301. Gross Amount Due From Borrower (line 120)	\$327,288.00	601. Gross Amount Due To Seller (line 420)	\$327,000.00
302. Less Amounts Paid By/For Borrower (line 220)	\$7,457.94	602. Less Deductions In Amt. Due To Seller (line 520)	\$30,193.94
303. Cash [X] From [] To Borrower	\$319,830.06	603. Cash [X] To [] From Seller	\$296,806.06

S.G.
CML

KRP

L. Settlement Statement

700. Total Sale Commission 327000.00 @ 6 % = 19620.00

Division of Commission (line 700) As Follows:	Paid From Borrower's Funds At Settlement	Paid From Seller's Funds At Settlement
701. \$9810.00 to Cullen Realty, LLC		
702. \$9810.00 to ReMax Pearland		
703. Commission paid at settlement		
800. Items Payable In Connection With Loan		\$19,620.00
801. Loan Origination Fee		
802. Loan Discount		
803. Appraisal Fee		
804. Credit Report		
805. Lender Inspection Fee		
900. Items Required By Lender To Be Paid In Advance		
901. Interest		
902. Mortgage Insurance Premium		
903. Hazard Ins. Premium		
1000. Reserves Deposited With Lender		
1001. Hazard Ins. Reserve		
1002. Mortgage Ins. Reserve		
1003. City Property Taxes		
1004. County Property Taxes		
1010. Aggregate Accounting Adjustment		
1100. Title Charges		
1101. Settlement/Closing Fee		
1102. Abstract or Title Search		
1103. Title examination		
1104. Title Insurance Binder		
1105. Document preparation Deed & Affidavit to Law Office of Kenneth R. Phillips, PC		
1106. Notary fee		\$250.00
1107. Attorney Fee		
1108. Title Ins. Total to American Title Company of Houston/Law Office of Kenneth R. Phillips, PC		
1109. Lender's Coverage		\$2,133.00
1110. Owner's Coverage (327000.00) (American Title Company of Houston, 45.00 %, 959.85) (Law Office of Kenneth R. Phillips, PC, 55.00 %, 1173.15)		
1120. Escrow Fee to Law Office of Kenneth R. Phillips, PC		
1138. Tax Certificate to Processing Solutions, Inc.	\$250.00	\$250.00
1152. Texas Policy Guaranty Fee - Owner to ATCOH/F.B.O. PGF		\$89.95
1200. Government Recording And Transfer Charges		\$1.80
1201. Recording Fees for Deed 38.00; Recording Fees for Release; Recording Fees for Mortgage		
1239. Other Recording Fees - None Lena Bibbs Probate to Kenneth R. Phillips/Office Expense Account	\$38.00	
1243. Other Recording Fees - None George Bibbs Probate to Kenneth R. Phillips/Office Expense Account		\$42.00
1300. Additional Settlement Charges		\$46.00
1301. Survey to Pro-Surv		
1302. Pest inspection		\$565.69
1400. Total Settlement Charges	\$288.00	\$22,998.44

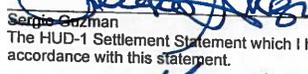
I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief it is true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of the HUD-1 Settlement Statement.

BUYERS

Maria Guzman

SELLERS

Christopher Bibbe, Individually and as Independent Executor of the Estate of George E. Bibbs, Deceased

Settle Agent

The HUD-1 Settlement Statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with this statement.

By: Christopher Bibbe, Executor

Date
09/18/2014

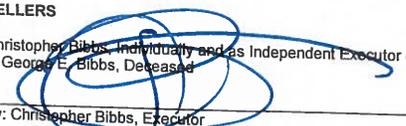
Exhibit	Buyer(s)	Seller(s)
Exhibit 201	Deposit or earnest money	
	Option Fee	(\$3,000.00)
	Earnest Money Extension	(\$100.00)
Exhibit 501	Option Fee	(\$3,000.00)
	Earnest Money Extension	\$100.00
		\$3,000.00

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief it is true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of the HUD-1 Settlement Statement.

BUYERS


 Maria Guzman


 Sergio Guzman

SELLERS


 Christopher Bibbs, Individually and as Independent Executor of the Estate of George E. Bibbs, Deceased
 By: Christopher Bibbs, Executor

The HUD-1 Settlement Statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with this statement.

Settlement Agent


Date
 09/18/2014

HUD-1 Addendum

File Number:	1499-14-1067	Settlement Agent/Place of Settlement:	
Property Address:	2701 WESTCHESTER CIRCLE, PEARLAND, TX 77584 COUNTY: BRAZORIA LOT: 26 BLOCK: SUBDIVISION: WESTCHESTER	AMERICAN TITLE COMPANY OF HOUSTON 3322 E. WALNUT AVENUE, SUITE 111 PEARLAND, TX 77581 Phone : (281) 412-9922	
Seller(s):	CHRISTOPHER BIBBS, INDIVIDUALLY AND AS INDEPENDENT EXECUTOR OF THE ESTATE OF GEORGE E. BIBBS, DECEASED		
Buyer(s):	MARIA GUZMAN AND SERGIO GUZMAN	Settlement Date:	9/18/2014
		Disbursement Date:	9/19/2014
Loan Number:	Lender:	Mortgage Broker:	
		Buyer Charges	Seller Charges
Title and Escrow Charges:			
Deed & Affidavit to Law Office of Kenneth R. Phillips, PC			\$250.00
Escrow Fee to Law Office of Kenneth R. Phillips, PC		\$250.00	
Tax Certificate to Processing Solutions, Inc.			\$89.95
Line 1101 Total:		\$250.00	\$339.95
Owner's Coverage (Company) to American Title Company of Houston			\$959.85
Owner's Coverage (FA/P-22 Attorney) to Law Office of Kenneth R. Phillips, PC			\$1,173.15
Guaranty Assessment Recoupment Charge - Owner to ATCOH/F.B.O. PGF			\$1.80
Line 1103 Total:		\$0.00	\$2,134.80
Escrow Fee to Law Office of Kenneth R. Phillips, PC			\$250.00

I have carefully reviewed the HUD-1 Addendum Statement and to the best of my knowledge and belief, it is true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of the HUD-1 Addendum Statement.

BUYERS

Maria Guzman

Sergio Guzman

SELLERS

Christopher Bibbs, Individually and as Independent Executor of the Estate of George E. Bibbs, Deceased

By: Christopher Bibbs, Executor

The HUD-1 Addendum Statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with this statement.

Settlement Agent

Date

09/18/2014

NOTICE OF CONFIDENTIALITY RIGHTS. IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED OF RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER; OR YOUR DRIVER'S LICENSE NUMBER.

**WARRANTY DEED
with Vendor's Lien**

**THE STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF BRAZORIA §**

THAT, the undersigned, **CHRISTOPHER ALLEN BIBBS, INDIVIDUALLY AND AS INDEPENDENT EXECUTOR OF THE ESTATE OF GEORGE EDWARD BIBBS, DECEASED**, a resident of Brazoria County, Texas, [the "Grantor"], has executed this instrument for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) cash, along with other good and valuable consideration, to him in hand paid by **SERGIO I. GUZMAN and wife, MARIA A. GUZMAN**, residents of Brazoria County, Texas [the "Grantees"], the receipt and sufficiency of which is hereby acknowledged and confessed.

NOW, THEREFORE, for an in consideration as aforesaid, Grantor does hereby GRANT, BARGAIN, SELL AND CONVEY unto the said Grantees, all that certain tract of land, together with all improvements thereon, lying and being situated in the County of Brazoria, the State of Texas:

TRACT NO. 26 of WESTCHESTER ESTATES, according to the Jack C. McKnight Survey thereof dated April 6, 1962, a partition in the H. T. & B. Railroad Survey, Abstract 242, in Brazoria County, Texas, and being more particularly described by metes and bounds as follows;

BEGINNING at a 1/2 inch iron rod located SOUTH, a distance of 250.00 feet and S 89° 57' W, a distance of 448.00 feet from a 3/4-inch iron pipe marking the intersection of the south line of F.M. Road #518 and the west line of F.M. Road #1128;

THENCE S 89° 57' W along a line parallel to the south line of F.M. #518, a distance of 150.00 feet to a 1/2-inch iron rod for corner;

THENCE NORTH along a line parallel to the west line of F.M. #1128, a distance of 250.00 to a 1/2-inch iron rod on the south line of F.M. Road #518;

THENCE N 89° 57' E along the south line of F.M. Road #518, 100 feet wide, a distance of 150.00 feet to a 1/2-inch iron rod for corner;

THENCE SOUTH along a line parallel to the west line of F.M. Road #1128, a distance of 250.00 feet to the PLACE OF BEGINNING,

together with all rights, ways, privileges and easements appurtenant to the land, including Grantor's right, title and interest in and to all strips, gores, streets, alleys and way, public or private, adjoining or crossing said land [the "Property"].

FURTHER, for and in consideration as aforesaid, Grantor has conveyed the Property and, by the recording of this instrument, Grantees have so accepted the Property, in its present condition, "*AS IS-WHERE IS-WITH ALL FAULTS*" and, except for the warranty of title set forth below, Grantors make no warranty, either express or implied, as to the condition, merchantability or fitness of the Property.

THE CONVEYANCE evidenced by this instrument is made and accepted **SUBJECT TO:**

1. All ad valorem taxes, fees and assessments, if any, for the year 2014, and for all subsequent years, the payment of which Grantees assume (at the time of transfer of title), and all subsequent assessments for this and all prior years due to change(s) in land usage (including, but not limited to, the presence or absence of improvements, if any, on the Property), ownership, or both, the payment of which Grantees assume;
2. All valid oil, gas and mineral rights, interests or leases, royalty reservations, mineral interest and transfers of interests of any character, in the oil, gas or minerals of record in any county in which any portion of the Property is located;
3. All covenants, conditions, restrictions, zoning ordinances and other items of record in any county in which any portion of the Property is located, but only to the extent the same are still in force and effect;
4. All easements and rights-of-way, or record, pertaining to any portion of the herein described Property; and
5. All other presently recorded instruments (other than liens and conveyances by, through or under Grantor) that affect the Property and any portion thereof;

TO HAVE AND TO HOLD the above described Property, together with all and singular the rights and appurtenances thereto, unto the said Grantees, their heirs, successors and assigns forever, and the Grantor does hereby bind himself, his heirs, successors and assigns to **WARRANT AND FOREVER DEFEND** all and singular the said Property unto the said Grantees, their heirs, successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

IN WITNESS WHEREOF, this instrument has been executed in Brazoria County, Texas, on this the 18th day of September, 2014.



CHRISTOPHER ALLEN BIBBS, INDIVIDUALLY AND AS INDEPENDENT EXECUTOR OF THE ESTATE OF GEORGE EDWARD BIBBS, DECEASED

THE STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

BEFORE ME, the undersigned authority, on this day personally appeared **CHRISTOPHER A. BIBBS, INDIVIDUALLY AND AS INDEPENDENT EXECUTOR OF THE ESTATE OF GEORGE EDWARD BIBBS, DECEASED**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this 18th day of September, 2014.



**Notary Public in and for
The State of Texas**

RETURN TO:

American Title Company / Pearland
Post Office Box 2887
Pearland, Texas 77581

MAILING ADDRESS OF GRANTEEES:

10015 W. Broadway, Suite B
Pearland, Texas 77584

**P&Z AGENDA
ITEM**

B



JOINT PUBLIC HEARING
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF
THE CITY OF PEARLAND, TEXAS,
MONDAY, OCTOBER 20, 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. 2014-18Z

A request of Arnold A Patterson, applicant; on behalf of Pearland New Harvest Christian Fellowship, Inc. owner; for approval of a change in zoning from the Single Family Residential – 1 (R-1) zoning district to the General Business (GB) zoning district; on approximately 3.850 acres of land, to wit:

Legal Description: Being a 3.850 acre tract in the H.T. & B.R.R. Company Survey, Abstract No. 564, Brazoria County, Texas. Said 3.850 acre tract is in Lot 1, Block 1 of the New Harvest Christian Fellowship Subdivision as recorded in Clerk's File No. 2010052506 in the Brazoria County Official Public Records, Brazoria County, Texas

General Location: 12216 Broadway 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: October 20, 2014

Re: Zone Change Application Number 2014-18Z

A request of Arnold A Patterson, applicant; on behalf of Pearland New Harvest Christian Fellowship, Inc. owner; for approval of a change in zoning from the Single Family Residential – 1 (R-1) zoning district to the General Business (GB) zoning district; on approximately 3.850 acres of land, located at 12216 Broadway Street, Pearland, TX

Proposal

The subject property includes approximately 3.850 acres of land, of which the applicant is requesting a change in zoning from the Single Family Residential – 1 (R-1) zoning district to the General Business (GB) zoning district. According to the applicant's letter of intent, the purpose of the requested change is to allow for the property owner to divide the current lot and market a portion of it for commercial use.

Public Notification/Comment

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

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 3.850 acre site from R-1 to GB for the following reasons:

1. The change in zoning is not in conformance with the Future Land Use Plan designation of "Low Density Single Residential". The most recent update to the Future Land Use Plan called out a number of significant retail nodes in this area

centered on the major intersections to prevent further development of retail strip centers along the entire length of Broadway. The subject parcel is not located within any of these retail nodes. The proposed zone change, if approved, would go against this specific goal and could set precedence for future zone changes in this area.

2. The subject parcel is surrounded on three sides by existing residential uses and residential zoning. A zone change to GB for the purposes of commercial use could be deemed as spot zoning and would have a significant negative impact to the adjacent homes. The GB zone allows for a number of high impact commercial uses, such as gas stations, restaurants, and auto repair.

Exhibits

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



Exhibit 1 Staff Report

Summary of Request

The subject property includes approximately 3.850 acres of land, of which the applicant is requesting a change in zoning from the Single Family Residential – 1 (R-1) zoning district to the General Business (GB) zoning district. According to the applicant's letter of intent, the purpose of the requested change is to allow for the property owner to divide the current lot and market a portion of it for commercial use.

Site History

The subject property includes a total of 8.635 acres undeveloped and is currently partially developed with New Harvest Fellowship Church. The church proposes to subdivide the property, leaving 3.850 acres of land to the west as a separate lot. The applicant proposes to rezone the 3.850 acre tract to GB and sell it to a yet to be determined developer for commercial purposes.

The site is surrounded by Planned Development (PD) zoning to the north, west and south, with the future adjoining lot to the east being R-1. To the south and west are single family homes which are part of the Southern Trails Planned Development. Across Broadway, to the north, are additional single family homes that are part of the Shadow Creek Ranch Planned Development. To the east is the New Harvest Fellowship Church.

The below table identifies surrounding uses and zoning districts:

	Zoning	Land Use
North	Shadow Creek Planned Development (PD)	Single Family Subdivision
South	Southern Trails Planned Development (PD)	Single Family Subdivision
East	Single Family Residential – 1 (R-1)	Church
West	Southern Trails Planned Development (PD)	Single Family Subdivision

Conformance with the Unified Development Code

The property is currently undeveloped. The proposed site dimensions of 392 feet by 428 feet exceed the requirements of the GB zone. All other requirements of the UDC will need to be met upon development of the site including the requirements of the Corridor Overlay District.

A comparison of the existing R-1 and proposed GB zoning districts follow as it relates to the site in terms of the general regulations:

	Existing Zoning District Regulations (R-1)	Proposed Zoning District Regulations (GB)	Site
Minimum Lot Area	8,800 square feet	22,500 square feet	167,776 feet (3.850 acres)
Minimum Lot Width	80 feet	150 feet	392 feet
Minimum Lot Depth	90 feet	125 feet	428 feet
Minimum Front Yard	25 feet	25 feet	25 feet (30 feet if parking is up front)
Minimum Side Yard	7.5 feet	10 feet	25 feet (due to residential adjacency)
Minimum Rear Yard	20 feet	25 feet	25 feet
Residential Adjacency	N/A	30 foot with hedge or 25 foot with masonry wall	30 foot with hedge or 25 foot with masonry wall

Conformance with the Comprehensive Plan

The proposed change in zoning from R-1 to GB on the subject property does not conform to the future land use designation of the Comprehensive Plan which is “Low Density Residential.” According to the Comprehensive Plan, the aforementioned future land use designation is designed for medium to larger lot residential. During the 2010

Future Land Use Plan Update, this area was discussed at length regarding how future commercial growth should be planned for. The Planning and Zoning Commission and City Council approved the addition of retail nodes at the major intersections (Broadway/Kirby and Broadway/Kingsley) with an ultimate goal of preventing further development of retail strip centers along the entire length of Broadway. The proposed zone change is not located within one of these retail nodes and is surrounded by residential. Therefore, the proposed zone change is not in conformance with the Comprehensive Plan.

Conformance with the Thoroughfare Plan

The property has frontage on Broadway Street; a major thoroughfare of sufficient width which requires 120 feet of right-of-way.

Platting Status

The property was platted in December of 2010 as the Minor Plat of New Harvest Christian Fellowship. A replat will be required in order to subdivide the existing parcel.

Availability of Utilities

The subject property has access to public infrastructure. According to GIS records, there is an existing 16 inch water line on the north side of Broadway. Additionally, there is an existing 10 inch sewer line along the south side of Broadway. At the time of development, the developer will be required to tap into the provided services and payment of impact fees will be required.

Impact on Existing and Future Development

The GB zone allows for a number of high impact commercial uses, such as gas stations, restaurants, and auto repair. The subject property is surrounded by residential uses on three sides with the existing church facility to the east. The residential homes located within the Southern Trails subdivision to the south and west will be greatly impacted by this proposed zone change. Though a residential adjacency buffer is required, there still will be a significant negative impact regarding noise, lighting pollution, and traffic, to the existing residential homes. Furthermore, these homes were established with the existing R-1 zoning in place adjacent to their property which only permits residential uses or low impact nonresidential uses such as a church, school, or governmental building.

The applicant at this time has no proposed use for the land and intends to sell the property to a yet to be determined developer. If a commercial zone is considered appropriate for this area, staff would recommend a lesser zone of either Neighborhood Services (NS) in order to mitigate any potential impacts to the existing residential.

With the 2010 Future Land Use Plan update, precedence was established that would prevent this section of Broadway from having a continuous stretch of commercial and retail, by planning for retail nodes around the major intersections. If this zone change were to be approved, this would establish a case for future rezoning applications in the future along other sections of Broadway.

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 3.850 acre site from R-1 to GB for the following reasons:

1. The change in zoning is not in conformance with the Future Land Use Plan designation of "Low Density Single Residential". The most recent update to the Future Land Use Plan called out a number of significant retail nodes in this area centered on the major intersections to prevent further development of retail strip centers along the entire length of Broadway. The subject parcel is not located within any of these retail nodes. The proposed zone change, if approved, would go against this specific goal and could set precedence for future zone changes in this area.
2. The subject parcel is surrounded on three sides by existing residential uses and residential zoning. A zone change to GB for the purposes of commercial use could be deemed as spot zoning and would have a significant negative impact to the adjacent homes. The GB zone allows for a number of high impact commercial uses, such as gas stations, restaurants, and auto repair.

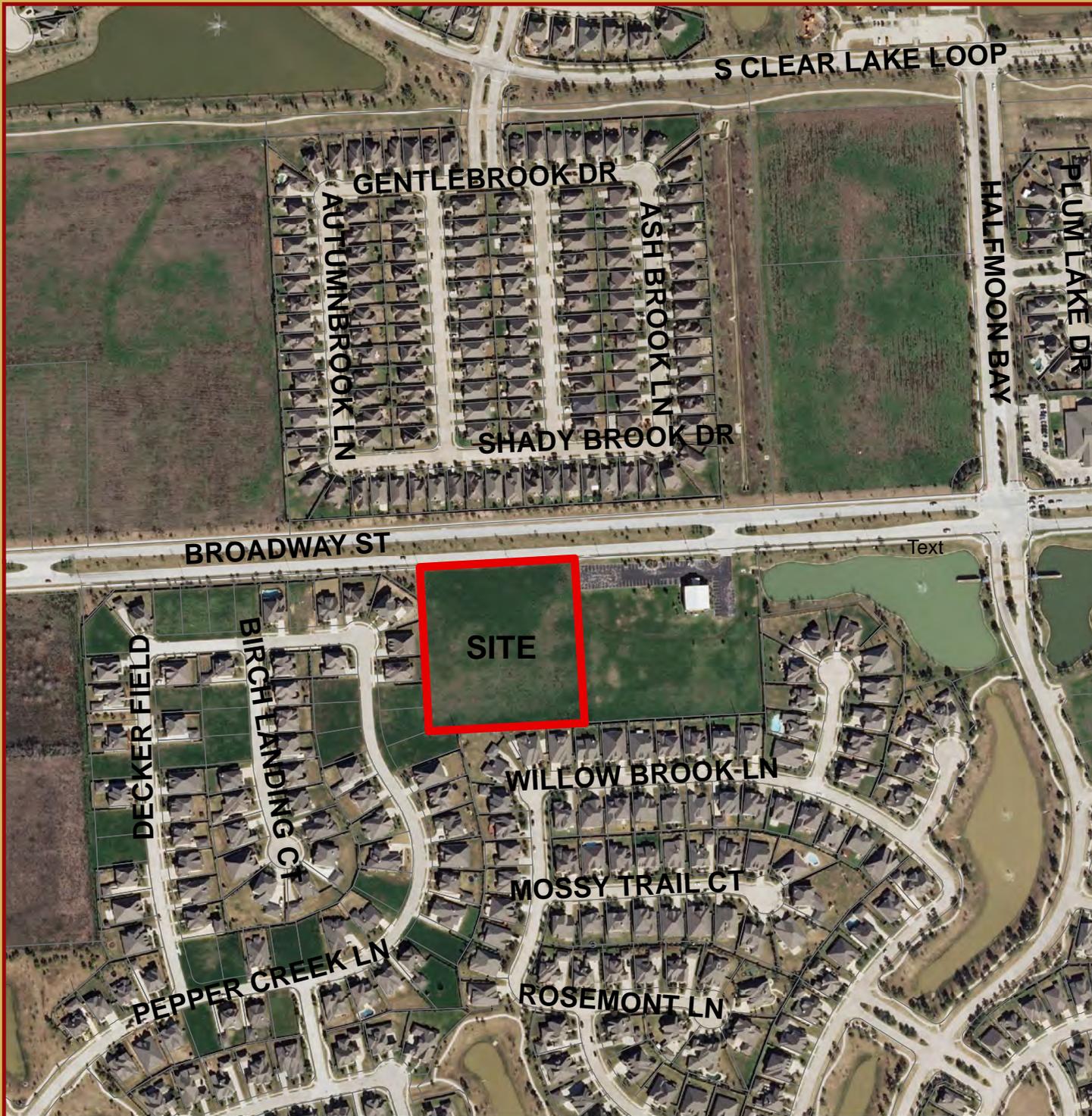


Exhibit 2

AERIAL MAP

Zone Change 2014-18Z

12216 Broadway St.



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 = 377 feet

OCTOBER 2014
PLANNING DEPARTMENT



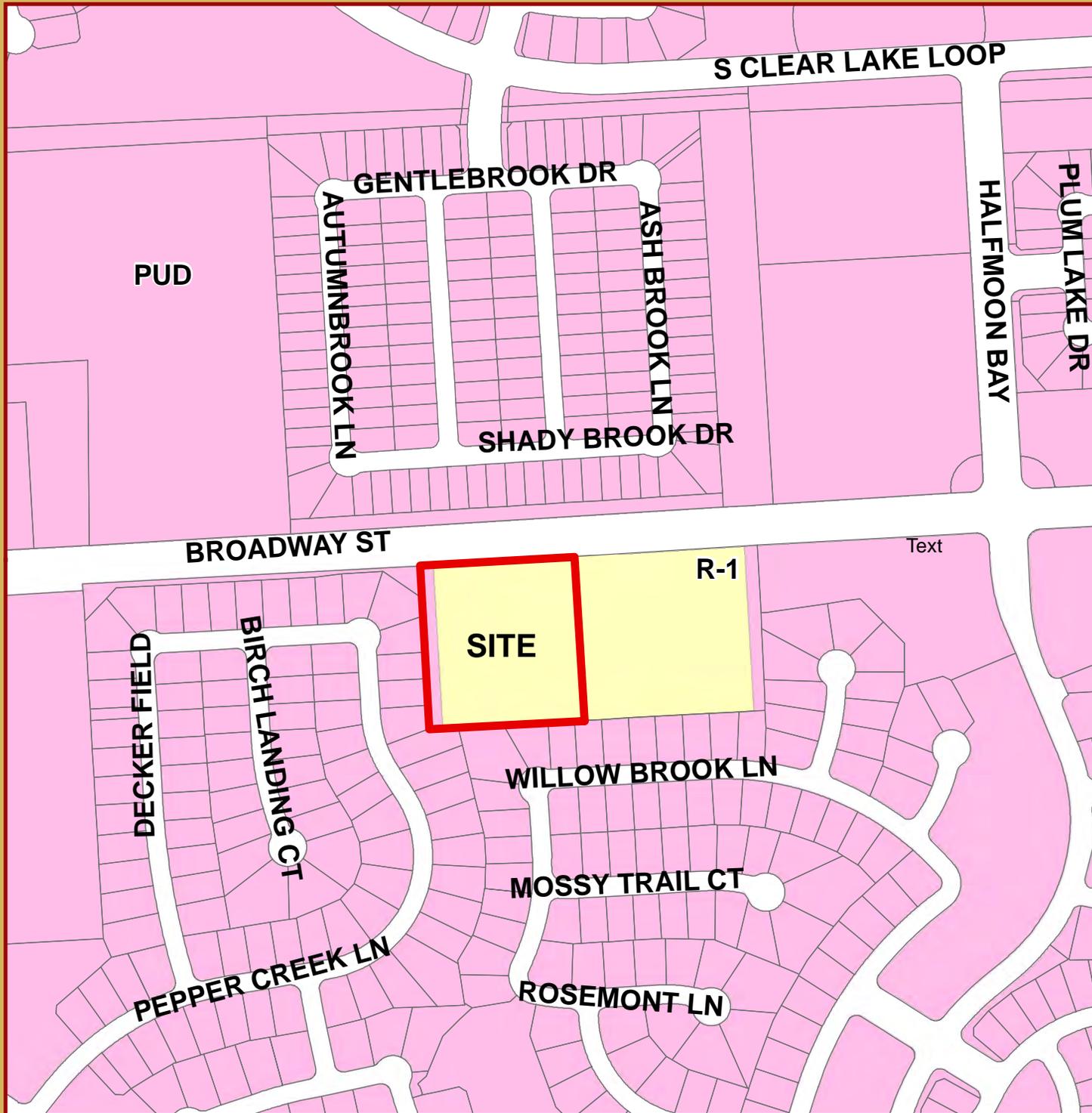


Exhibit 3

ZONING MAP

Zone Change 2014-18Z

12216 Broadway St.



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1 inch = 377 feet

OCTOBER 2014
PLANNING DEPARTMENT





Exhibit 4

FLUP MAP

Zone Change 2014-18Z

12216 Broadway St.



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1 inch = 377 feet

OCTOBER 2014
PLANNING DEPARTMENT



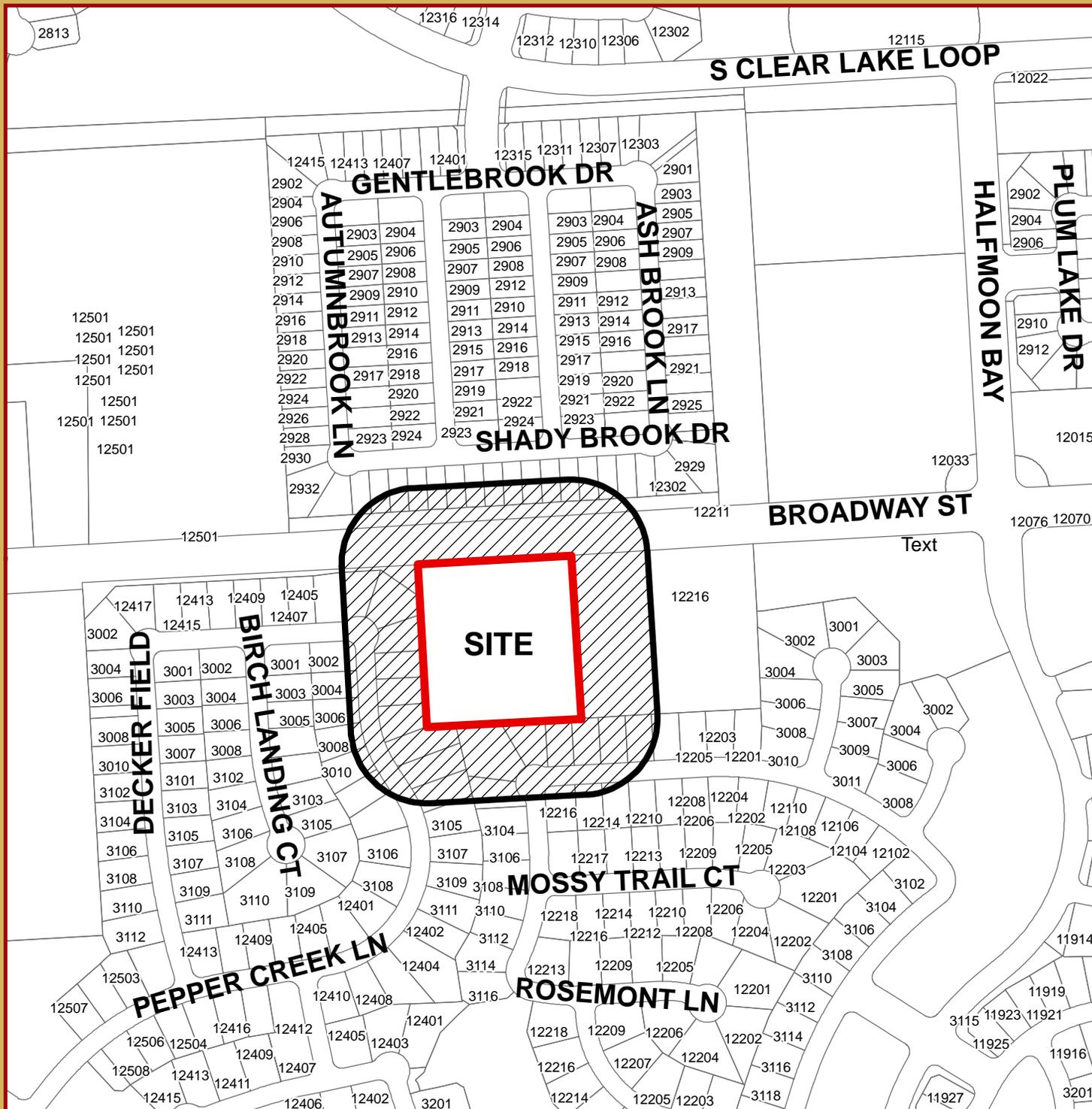


Exhibit 5

NOTIFICATION MAP

Zone Change 2014-18Z

12216 Broadway St.



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1 inch = 377 feet

OCTOBER 2014
PLANNING DEPARTMENT



Exhibit 6

ZONE CHANGE 2014-14Z NOTIFICATION LIST

Owner	Address	City
SCHNITZER ALAN	12217 WILLOW BROOK LN	PEARLAND
CHEMUDUPATY SIVARAMA M	12212 WILLOW BROOK LN	PEARLAND
NIEVE FERNANDO A & LETICIA	12216 WILLOW BROOK LN	PEARLAND
BURTON MILLICENT	12306 SHADY BROOK DR	PEARLAND
DINH TUAN	12314 SHADY BROOK DR	PEARLAND
RAVIKOYY LLC	15414 PALM GRASS CT	HOUSTON
GAUVAIN TAGGART T & ERIN B	12406 SHADY BROOK DR	PEARLAND
THOMPSON FREDRICK & LOCKETT-		
THOMPSON KATRINA	12408 SHADY BROOK DR	PEARLAND
RIGGINS CHELSIE	12410 SHADY BROOK DR	PEARLAND
POPP CHARLES M & AMY J	12412 SHADY BROOK DR	PEARLAND
UNGER WILLIAM L & YOLAND	12414 SHADY BROOK DR	PEARLAND
HEAD ANGELA	12416 SHADY BROOK DR	PEARLAND
SHADOW CREEK RANCH MAINTENANCE ASSOCIATION	12234 SHADOW CREEK PKWY BLFDG 3	PEARLAND
ORTEGA JESUS	12219 WILLOW BROOK LN	PEARLAND
AYYAGARI SRINIVAS & SUNEETHA	3102 MOSSY TRAIL LN 11375 S SAM HOUSTON PKWY W	PEARLAND
ASHTON HOUSTON RESIDENTIAL LLC	STE 100	HOUSTON
PERRY HOMES	PO BOX 34306	HOUSTON
WARREN RONALD P JR	3005 MASON GROVE LN	PEARLAND
GREEN BRIAN H & LISA M	3105 MASON GROVE LN	PEARLAND
ANDERSON ROBERT K & MARTHA N	3104 MASON GROVE LN	PEARLAND
POLAR MARTIN K & TIFFANY J	3103 MASON GROVE LN	PEARLAND
LLAMAS RENATO L & IMELDA	3102 MASON GROVE LN	PEARLAND
JOSEPH JOSH Y	3010 MASON GROVE LN	PEARLAND
NGUYEN CLIFF & TRACY T	3101 MASON GROVE LN	PEARLAND
IMPERIAL HOMES TEXAS LTD		
BIGI MARINUS A & AMANDA L	3008 MASON GROVE LN	PEARLAND
PERRY HOMES	PO BOX 34306	HOUSTON
THOMAS BINOY C & BINDHU M CHERIAN	3006 MASON GROVE LN	PEARLAND
CHUNDRU GHOWTHAM & APARNA KAJA	3002 MASON GROVE LN	PEARLAND
LINVILLE CAIN & ERIKA SATO	3003 MASON GROVE LN	PEARLAND
TILLMAN JASON A & WYKENA M LIPSCOMB	12401 CLOVER CREEK LN	PEARLAND
RAEZER SHERYL	3001 MASON GROVE LN	PEARLAND
SOUTHERN TRAILS RESIDENTIAL ASSOC INC	2500 LEGACY DR STE 220	FRISCO

PEARLAND NEW HARVEST SULOCHANA PRIYA & RUPESH	PO BOX 1966	PEARLAND
ARAVINDAKSHAN	12214 WILLOW BROOK LN	PEARLAND
LAO JOSEPH M & FAYE V	12308 SHADY BROOK DR	PEARLAND
ROSALIND ROSE	12304 SHADY BROOK DR	PEARLAND
KONGO DANIEL H	12312 SHADY BROOK DR	PEARLAND
SPARKS KEITH	12318 SHADY BROOK DR	PEARLAND
MANARANG LUZVIMINDA T & YOLANDO B		
WEYRICH STEVEN A JR	12404 SHADY BROOK DR	PEARLAND
HUNG OSWALDO & FANNY T	12207 WILLOW BROOK LN	PEARLAND
MOHAN PATRICK & MARY	12209 WILLOW BROOK LN	PEARLAND
HARRIS SHEILA H & STACY L	12211 WILLOW BROOK LN	PEARLAND
DONNELLY PAUL & DAWN	12213 WILLOW BROOK LN	PEARLAND
DAVIS DARREL & DONNA MURRAY	12215 WILLOW BROOK LN	PEARLAND

TX 77588

TX 77584

TX 77584

TX 77584

TX 77584

TX 77584

TX

TX 77584

TX 77584

TX 77584

TX 77584

TX 77584

TX 77584



APPLICATION FOR A CHANGE IN ZONING

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

Current Zoning District: R-1

Proposed Zoning District: GB - GENERAL BUSINESS

Property Information:

Address or General Location of Property: 12216 W. BROADWAY
PEARLAND, TX. 77584

Tax Account No. CHURCH

Subdivision: ALLISON-RICHEY GULF COAST Lot: 1 Block: 1
HOME CO. SUBURBAN GARDENS

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

PROPERTY OWNER INFORMATION:

APPLICANT/AGENT INFORMATION:

NAME PEARLAND NEW HARVEST CHRISTIAN FELLOWSHIP, INC.
ADDRESS 12216 W. BROADWAY
CITY PEARLAND STATE TX ZIP 77584
PHONE (713) 436-2400
FAX ()
E-MAIL ADDRESS

NAME ARNOLD B. PATTERSON
ADDRESS 17103 LOBLOLLY BAY CT.
CITY HOUSTON STATE TX ZIP 77059
PHONE (832) 284-4482
FAX ()
E-MAIL ADDRESS ARBATT9460@GMAIL.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: Keith Anderson Date: 9-11-2014

Agent's/Applicant's Signature: Arnold B. Patterson Date: 9-11-2014

OFFICE USE ONLY:

FEES PAID: <u>\$ 775.00</u>	DATE PAID: <u>19 Sep. 14</u>	RECEIVED BY: <u>IC</u>	RECEIPT NUMBER: <u>356800</u>
-----------------------------	------------------------------	------------------------	-------------------------------

Application No. 2014-187

**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

9-11-2014
Date

Aug. 26, 2014

City of Pearland
Pearland, TX.

This letter is Pearland New Harvest Christian Fellowship's formal request to the City of Pearland to rezone part of our church property from its current zoning of R-1 to GB-General Business. As described in the meets and bounds description, this parcel of land contains approximately 3.85 acres. With the tremendous residential growth in our area, the frontage along Broadway is perfect for many small businesses. We feel that the best use of the 3.85 acres is for the development of businesses to serve the local community.

Our goal is to sell the 3.85 acres and use the proceeds to build a new 500 seat sanctuary on our existing property. We also plan to build a new meeting/conference hall that will seat 200-250. Our current church is too small to meet the needs of the rapidly growing community around us. We are holding multiple services and a larger church would better match the need of the community. It is our intent to make the meeting/conference hall available to the public which will also help meet the shortage of meeting space in the local area.

If you have any questions please let me know, I would be happy to meet and discuss this with you.

Sincerely,



Keith Anderson, Senior Pastor
Pearland New Harvest Christian Fellowship

pearland

new harvest
christian fellowship

Keith Anderson, *Senior Pastor*

12216 W. Broadway
Pearland, Texas 77584
713-436-2444
Fax: 713-436-2500

Aug. 26, 2014

To whom it may concern:

Pearland New Harvest Christian Fellowship Church, Inc. authorizes Pastor Keith Anderson and Arnold Patterson, Church Administrator, to handle any and all matters concerning the rezoning of the church's property at 12216 W. Broadway, Pearland, Texas.

Thank you,



Keith Anderson, Senior Pastor
Pearland New Harvest Christian Fellowship Church, Inc.

ZONE CHANGE/ VARIANCE/ PLAT/ RECORDATION

(circle one)
\$ 775⁰⁰ **BA** or **PE** or **FE**

Description: Input who the check is from

COMMENTS/DESCRIPTION (F10):

Location or Address Pearland Harvest Christian Fellowship

Applicant Arnold Patterson

Owner 12216 W Broadway

CITY OF PEARLAND
*** CUSTOMER RECEIPT ***
Oper: AGONZALES Type: OC Drawer: 1
Date: 9/22/14 01 Receipt no: 356800

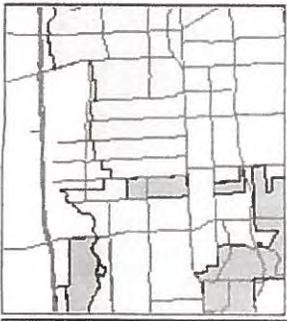
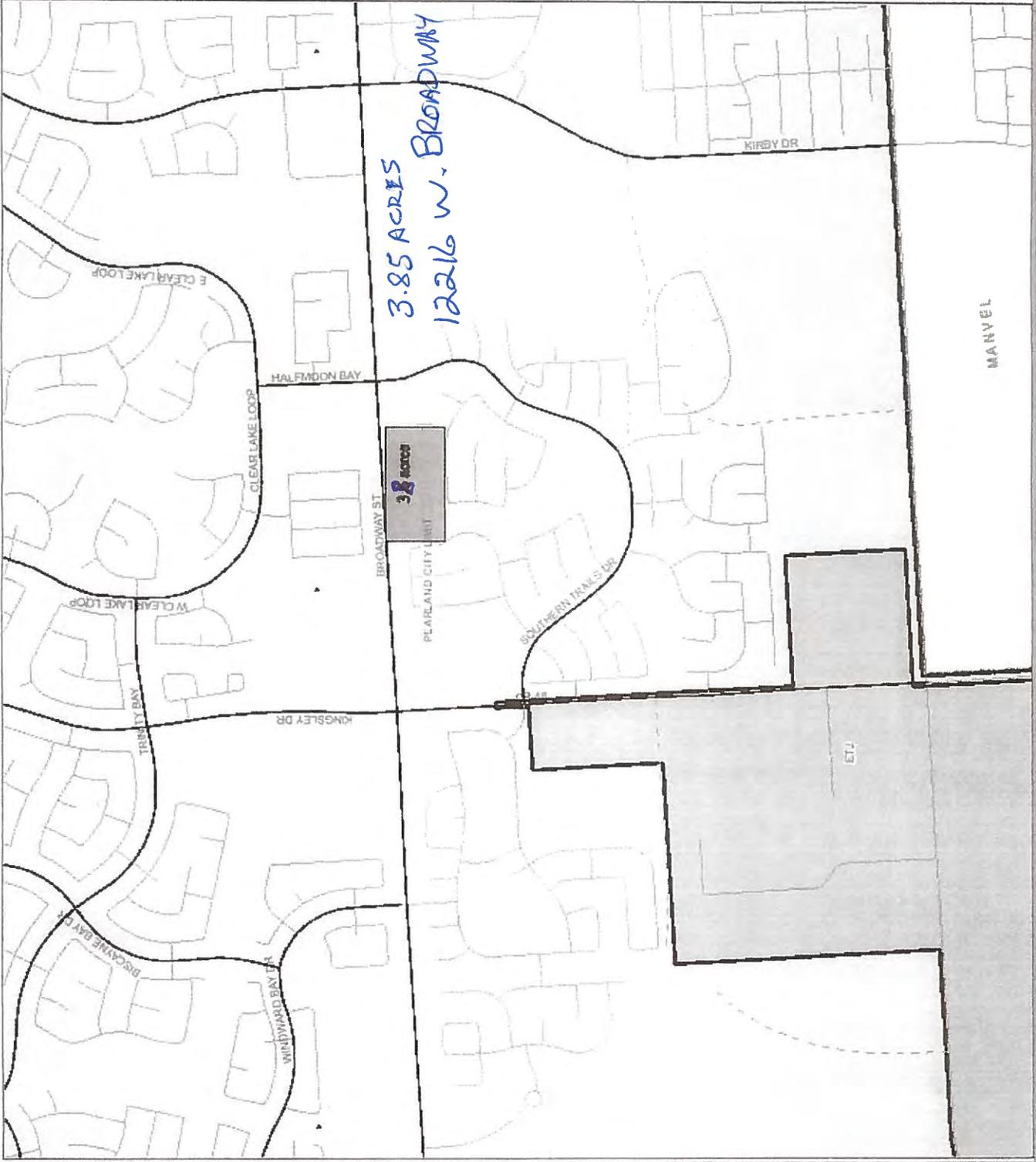
Description	Quantity	Amount
3A BOARD OF ADJUSTMENTS	1.00	\$775.00
Trans number:		4599054

BOARD OF ADJ. FOR:
PEARLAND HARVEST CHRISTIAN
FELLOWSHIP 713.436.2444
ARNOLD PATTERSON
12216 W. BROADWAY

Tender Detail		
CK CHECK	85602	\$775.00
Total tendered		\$775.00
Total payment		\$775.00

Trans date: 9/19/14 Time: 16:45:45

Broadway



This product is for informational purposes and may not have been prepared for use as a legal document. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



Scale 1:16,114
1 in = 1,343 ft
August 13, 2014

TAX CERTIFICATE



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

Issued To:
PEARLAND NEW HARVEST CHRISTIAN FELLOWSHI
12216 W. BROADWAY
PEARLAND, TX 77584

Legal Description
A0564 H T & B R R BLOCK 1 TRACT 1, NEW
HARVEST CHRISTIAN FELLOWSHIP ACRES
8.635

Fiduciary Number: 23318119

Parcel Address: 12216 BROADWAY

Legal Acres: 8.6350

Account Number: 0564-0034-005

Print Date: 09/11/2014

Certificate No: 223390808

Paid Date: 09/11/2014

Certificate Fee: \$10.00

Issue Date: 09/11/2014

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. TAXES THRU 2013 ARE PAID IN FULL. TAXES HAVE NOT BEEN CREATED FOR YEAR(S): 2014.

Exemptions:

PRORATED-EXXV

Certified Owner:

PEARLAND NEW HARVEST
CHRISTIAN FELLOWSHIP INC
PO BOX 1966
PEARLAND, TX 77588-1966

Table with 2 columns: Description and Amount. Rows include 2013 Value (938,950), 2013 Levy (\$0.00), 2013 Levy Balance (\$0.00), Prior Year Levy Balance (\$0.00), Total Levy Due (\$0.00), P&I + Attorney Fee (\$0.00), and Total Amount Due (\$0.00).

Certified Tax Unit(s):

- 1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
27 ALVIN ISD
46 ALVIN COMMUNITY COLLEGE
54 BRAZORIA DRAINAGE DIST 4
96 CITY OF PEARLAND

Reference (GF) No: N/A

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

**Pearland New Harvest Christian Fellowship, Inc.
3.850 Acres
Zone Change Application**

**H.T. & B.R.R. Company Survey
Abstract No. 564**

STATE OF TEXAS §

COUNTY OF BRAZORIA §

METES AND BOUNDS DESCRIPTION of a 3.850-acre tract in the H.T. & B.R.R. Company Survey, Abstract No. 564, Brazoria County, Texas. Said 3.850-acre tract is in Lot 1, Block 1 of the New Harvest Christian Fellowship Subdivision as recorded in Clerk's File No. 2010052506 in the Brazoria County Official Public Records and is more particularly described by metes and bounds as follows:

COMMENCING at the northeast corner of said New Harvest Christian Fellowship Subdivision, said point is in the south line of Broadway Street (based on a width of 120-feet);

THENCE, South 86°46'15" West, along the south line of said Broadway Street for a distance of 488.00 feet to the **POINT OF BEGINNING** and northeast corner of the herein described tract;

THENCE, South 03°09'17" East, 488-feet west of and parallel to the east line of the aforementioned New Harvest Christian Fellowship Subdivision for a distance of 427.49 feet to the southeast corner of the herein described tract, said point being in the north line of Block 3 of Southern Trails, Phase 1, Section 3 as recorded in Clerk's File No. 2005042725 in the Brazoria County Clerk's Office;

THENCE, South 86°40'32" West, along said north line, same being the south line of said New Harvest Christian Fellowship Subdivision, for a distance of 392.00 feet to the southwest corner of the herein described tract, same being the southwest corner of said New Harvest Christian Fellowship Subdivision;

THENCE, North 03°09'17" West, along the west line of said New Harvest Christian Fellowship Subdivision, same being the east line of Block 2 of Southern Trails, Phase 1, Section 7 as recorded in Clerk's File No. 2007035728 in the Brazoria County Clerk's Office, for a distance of 428.14 feet to the northwest corner of the herein described tract, same being the northwest corner of said New Harvest Christian Fellowship Subdivision, said point is in the aforementioned south line of Broadway Street;

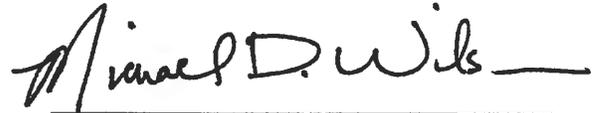
THENCE, North 86°46'15" East, along the south line of said Broadway Street, for a distance of 392.00 feet to the **POINT OF BEGINNING**, containing a computed area of 3.850-acres (167,705 square feet).

Note:

1. The bearings shown hereon are based on the Texas Coordinate System of 1983, South Central Zone.

2. This document was prepared under 22 TAC §663.21 and does not reflect the results of an on the ground survey and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

The Wilson Survey Group, Inc.
2006 East Broadway, Suite 103
Pearland, Texas 77581
(281) 485-3991
WSG Job No. 10-149



Michael D. Wilson, R.P.L.S.
Registration No. 4821



09/10/14

**P&Z AGENDA
ITEM**

C



JOINT PUBLIC HEARING
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF
THE CITY OF PEARLAND, TEXAS,
MONDAY, OCTOBER 20, 2014, AT 6:30 P.M.
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

I. CALL TO ORDER

II. PURPOSE OF HEARING

Conditional Use Permit (CUP) Application No. CUP 2014-09

A request of BGE Kerry R. Gilbert & Associates, applicant; on behalf of George Fishman, owner; for approval of a Conditional Use Permit to allow for a Nursing/Convalescent Home within the Business Park – 288 (BP-288) zoning district, on approximately 9.4 acres of land, to wit:

Legal Description: Being a 9.4083 tract of land located in the H.T. & B.R.R. Company Survey, Abstract 300, Brazoria County Texas; said 9.4083 acre tract being all of a called 3.39 acre tract of land recorded in the name of George D. and Mary Fishman in Clerk's File Number 2005061002 of the Official Records of Brazoria County (O.R.B.C.) Texas, the remainder of a called 3.3 acre tract of land (North 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-015077 of the O.R.B.C. and the remainder of a called 3.3 acre tract of land (South 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-010496 of the O.R.B.C.

General Location: West side of Business Center Drive, south of Pearland Town Center, 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: October 20, 2014

Re: Conditional Use Permit Application Number 2014-09

A request of BGE Kerry R. Gilbert & Associates, applicant; on behalf of George Fishman, owner; for approval of a Conditional Use Permit to allow for a Nursing/Convalescent Home within the Business Park – 288 (BP-288) zoning district, on approximately 9.4 acres of land located on West side of Business Center Drive, and south of Pearland Town Center.,

Proposal

The parent tract includes a total of 9.4 acres of land, of which the applicant is proposing to construct a Nursing/Convalescent Home on approximately 4.3 acres. The facility; the Medical Resort will include 54,000 square feet and a host of amenities for patients, including restaurant services, private and dual rooms, a gym and an outdoor therapy area.

Public Notification/Comment

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

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 recommends approval of the CUP 2014-09 to allow for a Nursing/Convalescent Home on the approximately 4.3 acre site, following reasons:

1. The proposed use will be in conformance with the Comprehensive Plan, with approval of the CUP, and meets the intent of the Business Park Future Land Use designation. The location of the property lends itself for a mix of non-residential

uses, as indicated by the Comprehensive Plan, and will continue to provide for a mix of uses that are planned or developed for the area.

2. There should be no major impacts to the single family residential subdivision to the west, as it will be separated from the proposed development via a 176-foot wide detention pond and a 60-foot drainage easement, for a total of 236-foot separation, which will provide a sufficient buffer between the non-residential use and the existing single family subdivision.
3. Approval of the CUP will not have a negative impact on the existing character of the neighborhood. The subject property is surrounded by commercial uses and/or zoning districts on three sides with a single family subdivision to the west, with an over 200 foot buffer.
4. The undeveloped site will conform to all requirements and policies of the UDC, with the exception of the amenitized detention facility located along the western-most boundary. However, a screening wall is proposed and staff recommends a tree-line with shrubs along the screening wall. All other requirements of the UDC will ensure an aesthetically appealing development, including compliance with screening/fencing, lighting, height, buffering, landscaping and parking requirements.

Conditions of Approval

1. In addition to the proposed screening wall, staff recommends a vegetative screen, on the east side of the proposed screening wall (within the proposed 30-foot buffer) to provide a visual screen from the proposed wall. The vegetative screen shall incorporate plantings and shrubs. Shrubs shall be placed a minimum of 3 feet on center.
2. The applicant has also applied for a variance to create a flag lot. All conditions approved with the variance must also be adhered to. Staff's recommended conditions for the reference include the following:
 - a. The access easement located within the pole portion of the subject parcel shall be treated as City Street, requiring 1 caliper inch of tree for every 15 feet of frontage on either side of the easement, with each tree having a minimum of 2 caliper inches.
 - b. Sidewalks shall be required along both sides of the access easement located within the pole portion of the subject parcel and connect to both Business Center Drive, and to planned walkways within the development.

Exhibits

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



Exhibit 1 Staff Report

Summary of Request

The parent tract includes approximately 9.4 acres, of which the applicant is requesting approval of a Conditional Use Permit (CUP) to allow for a Nursing/Convalescent Home on approximately 4.3 acres. According to the applicant's letter of intent, the facility; The Medical Resort, will include approximately 54,000 square feet, which will incorporate a Colonial Spanish design with tile rooftops and exterior stucco. The Medical Resort will provide personalized care to meet individual needs of patients in a hotel environment, with restaurant services in addition to medical and therapy services. A patient's stay at the facility will range from 21 to 30 days depending upon individual needs. The facility will include a total of 101 rooms, of which 73 will be private and 28 dual rooms; with private bathrooms, medical equipment, and a 2,000 square foot gym with an outdoor therapy area. The applicant also proposes 3 sites for future development of separate, non-residential uses.

Site History

The subject property is currently undeveloped. The property was annexed into the City of Pearland in 1996. Prior to the adoption of the Unified Development Code in 2006, the property was dually zoned Suburban Development Residential District (SD) and Low Density Single Family (R-1). In 2006 the Business Park-288 zoning district was created and applied to the subject property.

With the exception of the single family subdivision to the west; Southgate Estates, the site is surrounded by undeveloped properties located within non-residential zoning districts and/or non-residential/ mixed use Planned Developments (PDs). Directly north of the site is an undeveloped tract located within the Business Park 288 (BP-288) zoning district. Further north is the Pearland Town Center PD; a mixed use PD. The property to the south is located within the Business Center Drive PD; a non-residential

PD. The property on the east side of Business Center Drive is undeveloped and zoned BP-288.

The below table identifies surrounding uses and zoning districts:

	Zoning	Land Use
North	Business Park 288 (BP-288)	Undeveloped Commercial
South	Business Center Planned Development	Undeveloped Commercial
East	Business Park 288 (BP-288)	Undeveloped Commercial
West	Single Family Residential-2 (R-2)	Southgate Estates

Conformance with the Unified Development Code

The property is located within the Business Park-288 (BP-288) zoning district, which is intended to permit large office complexes/campuses and retail development in locations with good visibility and roadway access. The BP-288 zoning district also permits uses (such as the proposed Nursing/Convalescent Home) with approval of a CUP, which may be suitable in certain locations and/or with certain conditions. A plat including 4 lots and approximately 2 acres for detention is proposed. The applicant is seeking a variance to reduce the lot width of the proposed Lot 4. The Nursing/Convalescent Home will be located on a 4.3 acre lot, identified as Lot 1, and will meet the requirements of the BP-288 zoning district as it relates to the area regulations. The lot area regulations are listed below. It is important to note that the plat nor the variance have been approved.

	BP-288 Requirement	Subject Property
Minimum Lot Size	43,560 sf (1 acre)	4.3338 Acres
Minimum Lot Width	150 ft.	445.48 ft.
Minimum Lot Depth	200 ft.	351.03 ft.

The applicant proposes 2.20023 acres for detention located on the western boundary of the site, which will be approximately 176 feet deep and nearly 500 feet wide. The BP-288 zoning district requires detention facilities to be incorporated as an amenity, such as a lake or pond. Other amenities for detention facilities include aesthetic or other characteristics that increase its visual desirability, including recreational facilities, landscaping or large trees.

The detention facility will be an expansion of the existing Channel A-124-05-00, and will be dedicated to Brazoria County Drainage District Number 4. Brazoria County Drainage District prohibits wet and amenitized detention facilities. Although the proposed detention will not be incorporated into the development as a lake or pond, the applicant proposes a screening wall which will meet the requirements of the UDC. Staff also recommends an opaque tree line along the proposed screening wall for visual appeal.

Conformance with the Comprehensive Plan

The subject property is located within the Business Park Future Land Use designation. According to the Comprehensive Plan, the area is generally encompassing of the SH 288 corridor and portions of Beltway 8 nearest SH 288. The Comprehensive Plan indicates a mixed use area developed in coordinated, master-planned campus-like settings with interdependent and complimentary uses. Preferred uses include office buildings of various heights, regional shopping centers and malls, research and development facilities and light manufacturing. The proposed development will be in compliance with, and meets the intent of the Business Park Future Land Use designation; and will continue to provide for a mix of uses that are planned or developed for the area. The location of the property lends itself for a mix of non-residential uses, as indicated by the Comprehensive Plan.

Conformance with the Thoroughfare Plan

The property has frontage on Business Center Drive; a secondary thoroughfare of sufficient width, which requires 100 feet of right-of-way.

Platting Status

A plat is currently under review for the subject 9.4 acre site. Four (4) lots and an approximately 2 acre site located along the western property line, adjacent to the existing single family subdivision, will be used for detention. Three (3) of the proposed lots; Lots 2-4 will have frontage on Business Center Drive. The applicant has requested a variance from the Planning and Zoning Commission to reduce the lot width of the proposed Lot 4 from 150 feet, as required within the BP-288 zoning district, to 145.42 feet. The proposed Nursing/Convalescent Home will be constructed on 4.3 acres, identified as Lot 1; a flag lot.

Availability of Utilities

The subject property has access to public infrastructure. According to GIS records, there is an existing 12 inch water line along the west side of Business Center Drive. Additionally, there is an existing 10 inch sewer line along the west side of Business Center Drive. The developer will be responsible to extend services to the site.

Impact on Existing and Future Development

The subject property is surrounded by commercial uses and/or zoning districts on three sides, most of which has yet to be developed; however, some developments are planned within the area, including various non-residential uses located within the Business Park PD, just south of the subject property. There is a single family subdivision just west of the site, which will be separated from the subject property via a 176-foot wide detention pond and a 60-foot drainage easement, for a total of 236-foot separation, which will provide a sufficient buffer between the non-residential use and the existing single family subdivision. Therefore, there should be no adverse impacts.

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 CUP. 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 CUP to allow a Nursing/Convalescent Home.

Recommendation

Staff recommends approval of the CUP 2014-09 to allow for a Nursing/Convalescent Home on the approximately 4.3 acre site, following reasons:

1. The proposed use will be in conformance with the Comprehensive Plan, with approval of the CUP, and meets the intent of the Business Park Future Land Use designation. The location of the property lends itself for a mix of non-residential uses, as indicated by the Comprehensive Plan, and will continue to provide for a mix of uses that are planned or developed for the area.
2. There should be no major impacts to the single family residential subdivision to the west, as it will be separated from the proposed development via a 176-foot wide detention pond and a 60-foot drainage easement, for a total of 236-foot separation, which will provide a sufficient buffer between the non-residential use and the existing single family subdivision.

3. Approval of the CUP will not have a negative impact on the existing character of the neighborhood. The subject property is surrounded by commercial uses and/or zoning districts on three sides with a single family subdivision to the west, with an over 200 foot buffer.
4. The undeveloped site will conform to all requirements and policies of the UDC, with the exception of the amenitized detention facility located along the western-most boundary. However, a screening wall is proposed and staff recommends a tree-line with shrubs along the screening wall. All other requirements of the UDC will ensure an aesthetically appealing development, including compliance with screening/fencing, lighting, height, buffering, landscaping and parking requirements.

Conditions of Approval

1. In addition to the proposed screening wall, staff recommends a vegetative screen, on the east side of the proposed screening wall (within the proposed 30-foot buffer) to provide a visual screen from the proposed wall. The vegetative screen shall incorporate plantings and shrubs. Shrubs shall be placed a minimum of 3 feet on center.
2. The applicant has also applied for a variance to create a flag lot. All conditions approved with the variance must also be adhered to. Staff's recommended conditions for the reference include the following:
 - a. The access easement located within the pole portion of the subject parcel shall be treated as City Street, requiring 1 caliper inch of tree for every 15 feet of frontage on either side of the easement, with each tree having a minimum of 2 caliper inches.
 - b. Sidewalks shall be required along both sides of the access easement located within the pole portion of the subject parcel and connect to both Business Center Drive, and to planned walkways within the development.



AERIAL MAP

CUP 2014-09

WEST OF BUSINESS CENTER DR, NORTH OF CR 59, & SOUTH OF PEARLAND TOWN CENTER



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 = 562 feet

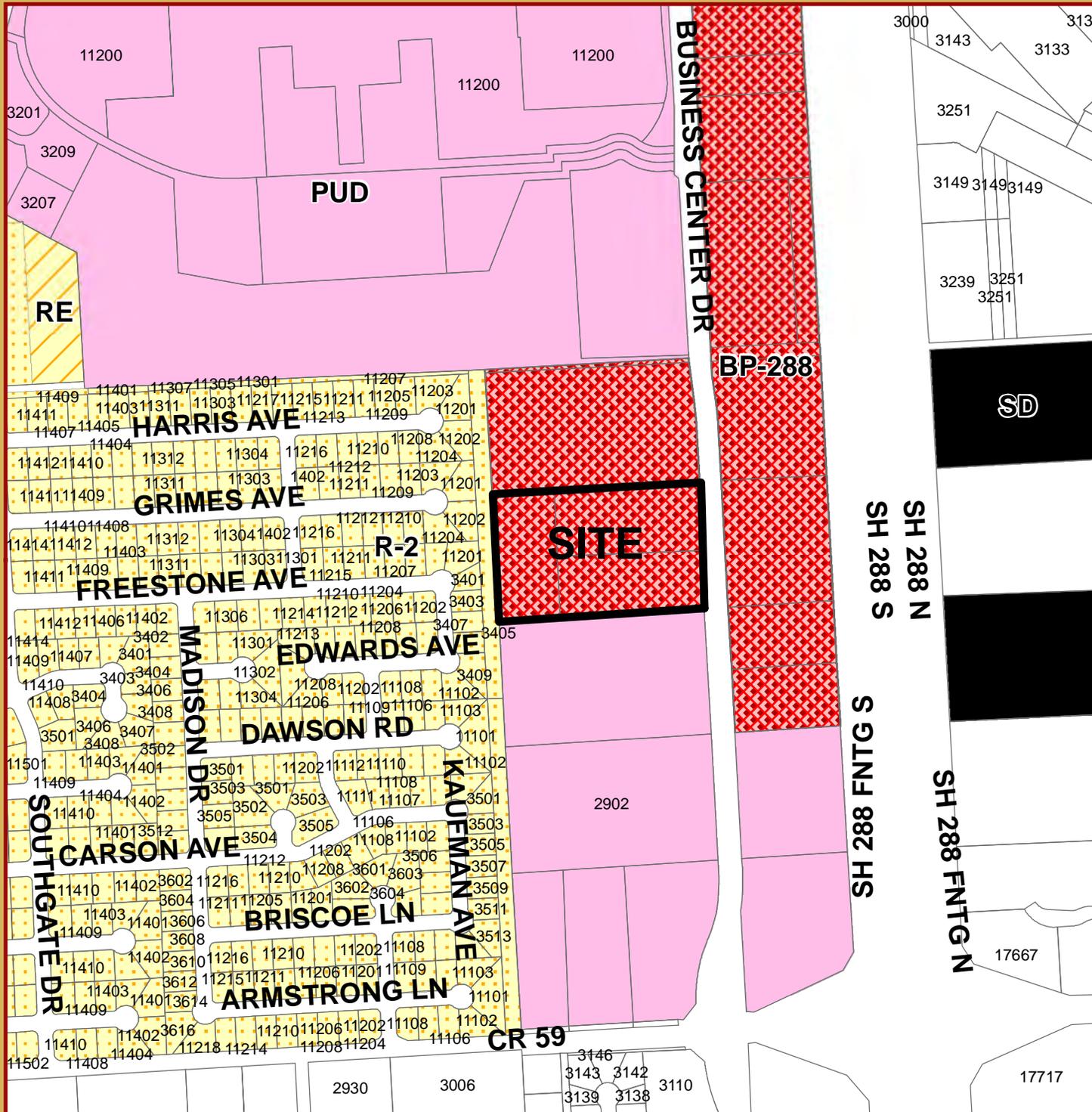
22 MAY 2014
PLANNING DEPARTMENT



ZONING MAP

CUP 2014-09

WEST OF BUSINESS CENTER DR, NORTH OF CR 59, & SOUTH OF PEARLAND TOWN CENTER

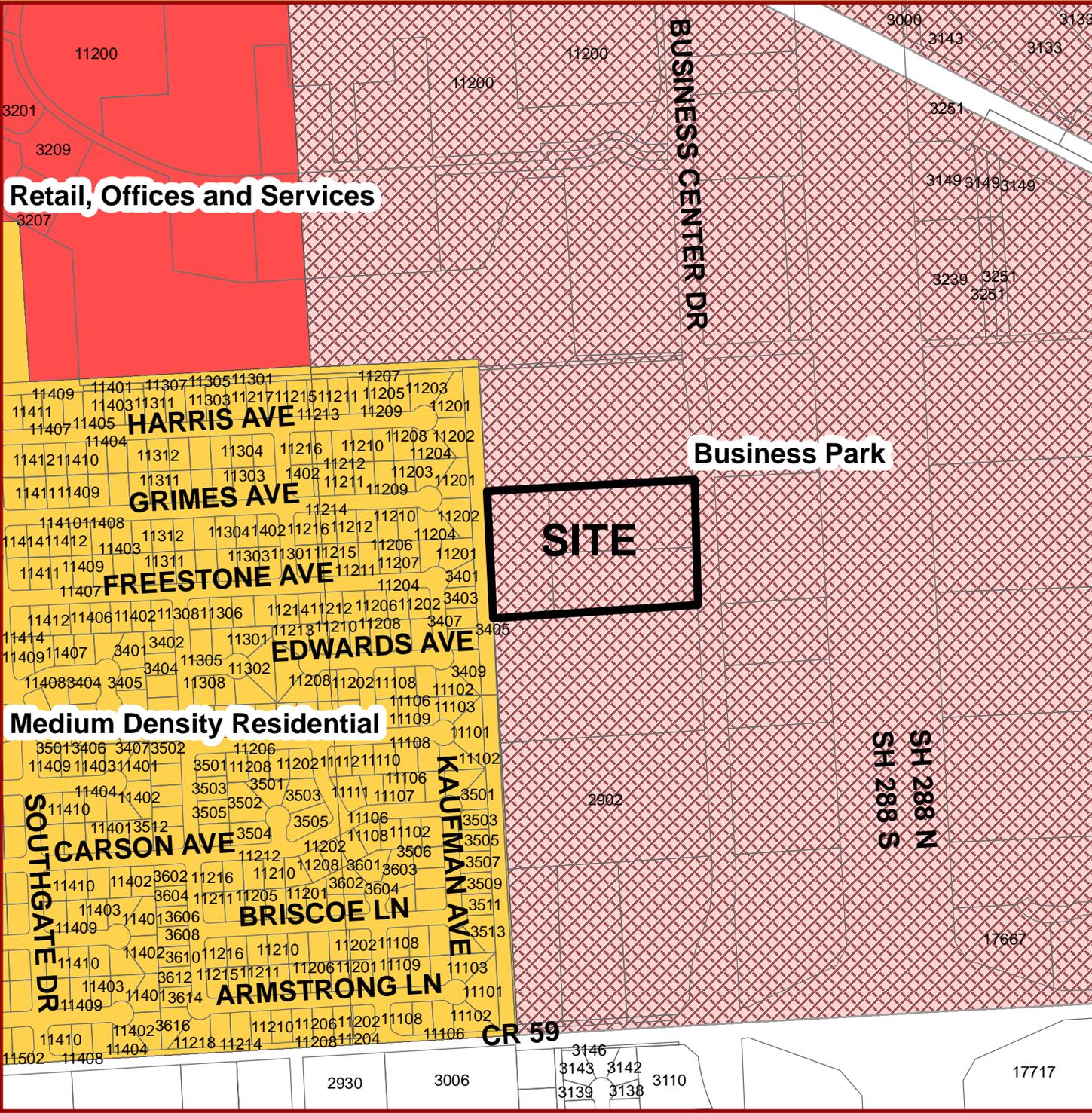


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1 inch = 562 feet

22 MAY 2014
PLANNING DEPARTMENT





FLUP MAP

CUP 2014-09

WEST OF BUSINESS CENTER DR, NORTH OF CR 59, & SOUTH OF PEARLAND TOWN CENTER

Retail, Offices and Services

Business Park

SITE

Medium Density Residential

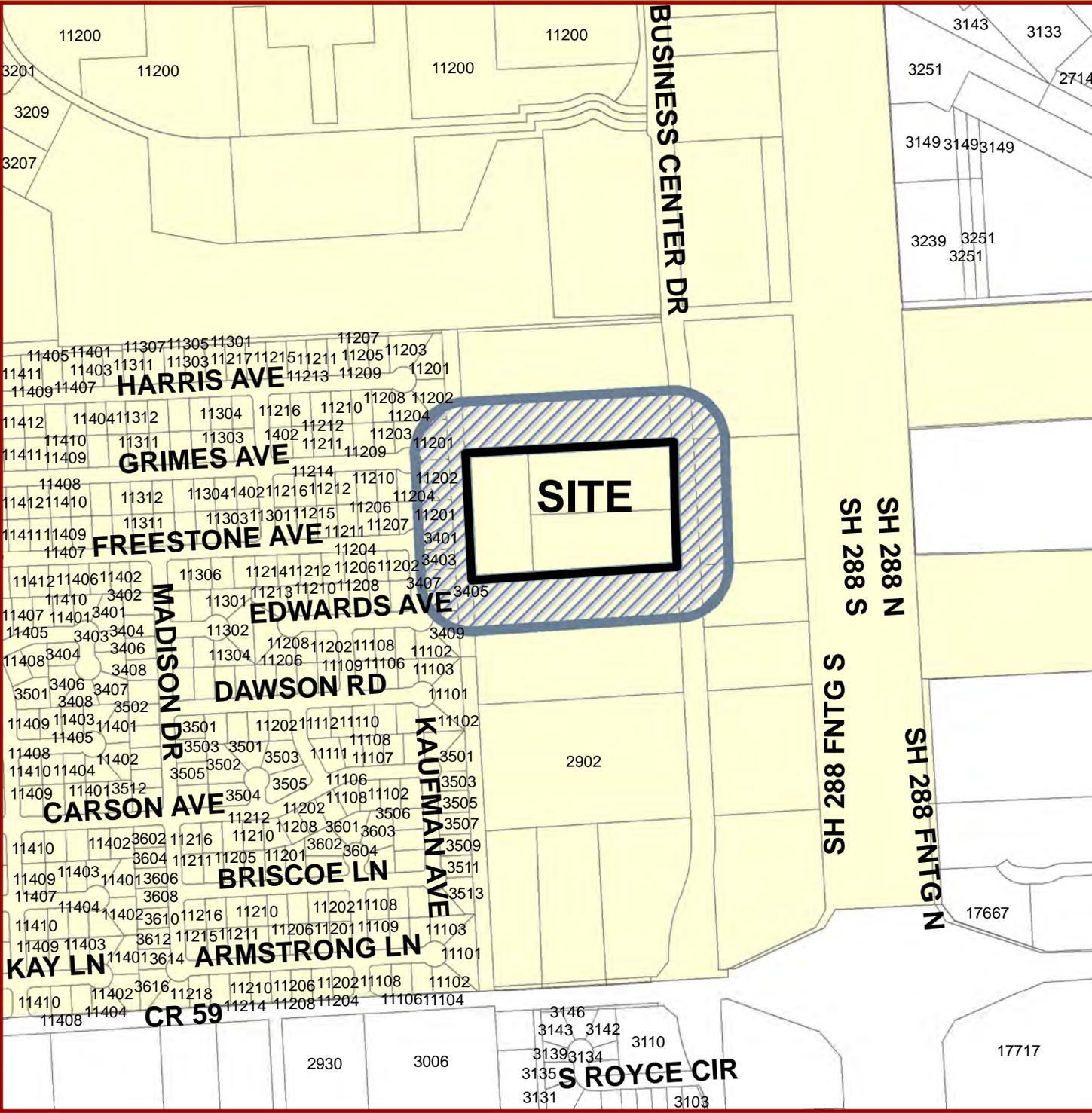


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1 inch = 562 feet

22 MAY 2014
PLANNING DEPARTMENT





NOTIFICATION MAP
CUP 2014-09
WEST OF BUSINESS CENTER DR, NORTH OF CR 59, & SOUTH OF PEARLAND TOWN CENTER



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 = 562 feet
 22 MAY 2014
 PLANNING DEPARTMENT



PROPERTY OWNER	ADDRESS	SUITE	CITY
FEDERAL NATIONAL MORTGAGE ASSOC	14221 DALLAS PKWY	STE 200	DALLAS
FISHMAN GEORGE & MARY	3406 HAMPSHIRE ST		PEARLAND
GRIMM BILL & TIFFANY	11201 FREESTONE AVE		PEARLAND
HARVISON MELINDA	3407 KERR LN		PEARLAND
JONES LEWIS & LEWIS-JONES SHANTEL	11201 GRIMES AVE		PEARLAND
LINDQUIST PAMELA M	11204 HARRIS AVE		PEARLAND
LOTT REUBEN D & MERCHANT ERMA	11204 GRIMES AVE		PEARLAND
PARKSIDE 59/288 LTD	3003 W ALABAMA ST		HOUSTON
PLANT DALE W & JAN W	11202 HARRIS AVE		PEARLAND
RIDDLE SIMONE	3401 KERR LN		PEARLAND
SOMERVILLE ERNEST	3405 KERR LN		PEARLAND
SOUTHGATE COMMUNITY ASSOC	PO BOX 3217		PEARLAND
STRIPAY MARK	3409 KERR LN		PEARLAND
SUFFEL DAVID & TERESA MOREY	11203 FREESTONE AVE		PEARLAND
TRAN DANNY T & CELINE P	3403 KERR LN		PEARLAND
VIRANI AHMADALI	2814 ACORN WOOD WAY		HOUSTON
WEEMS F CARRINGTON	1603 W CLAY ST		HOUSTON
WILLIAMS HEZRON V & BERNADETTE	11203 GRIMES AVE		PEARLAND
YLT 288 PARTNERS	5855 SOVEREIGN DR	STE B	HOUSTON
BGE KERRY R. GILBERT & ASSOCIATES	23501 CINCO RANCH BLVD.	STE A-250	KATY

STATE ZIP

TX	75254
TX	77581
TX	77584
TX	77098
TX	77584
TX	77584
TX	77584
TX	77588
TX	77584
TX	77584
TX	77584
TX	77059
TX	77019
TX	77584
TX	77036
TX	77494



pi architects

3500 Jefferson St, Suite 303
Austin, TX 78731

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09/19/2014



PEARLAND MEDICAL CAMPUS

PEARLAND, TEXAS

PRELIMINARY DRAWINGS

NOT FOR BIDDING, PERMIT, OR CONSTRUCTION PURPOSES

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REVISIONS:

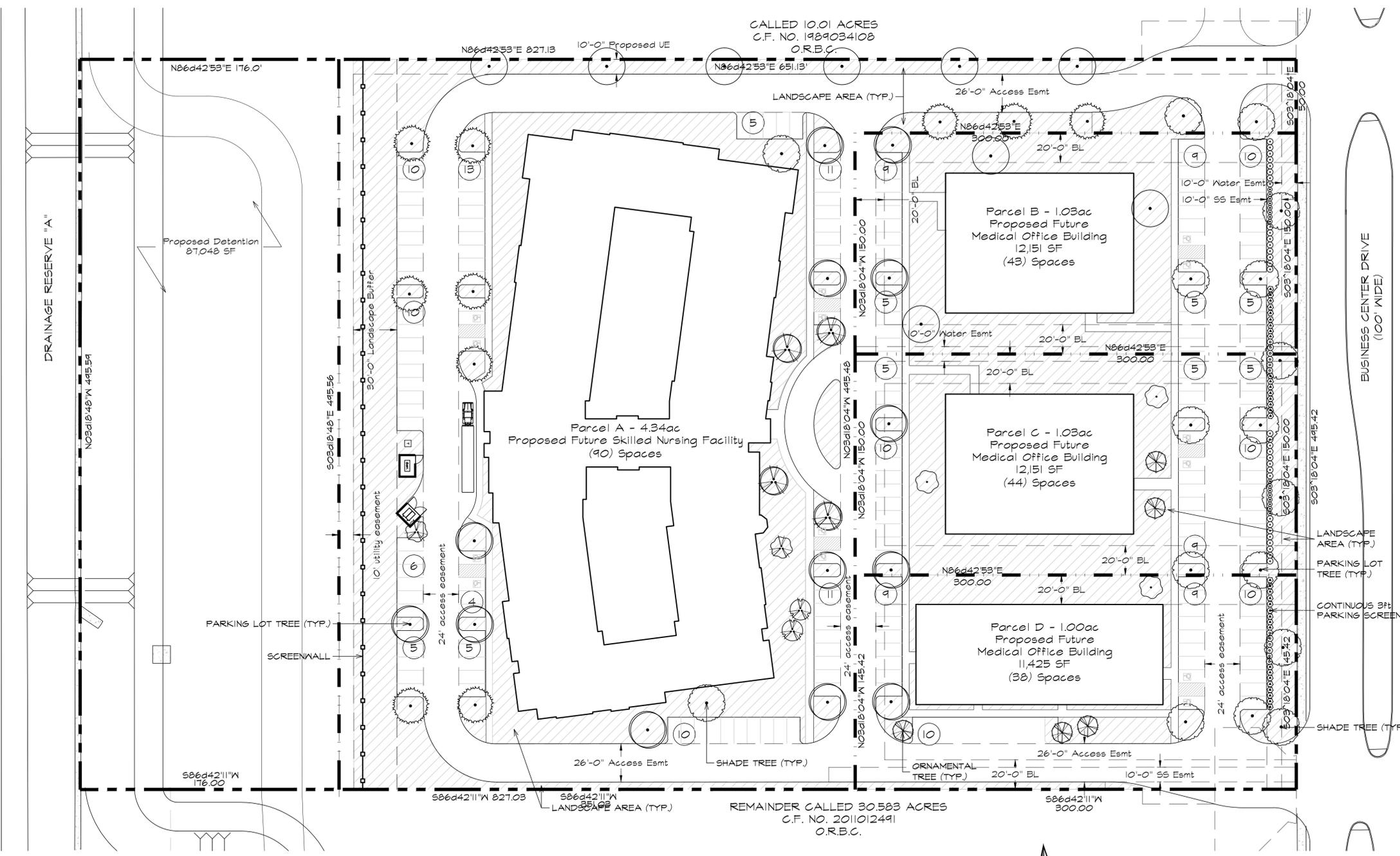
DATE: 10/02/14
PROJECT NUMBER: 14010
SHEET TITLE:

CONDITIONAL USE SITEPLAN

SHEET:

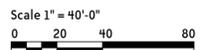
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OF: 1



CALLED 10.01 ACRES
C.F. NO. 1989034108
O.R.B.C.

REMAINDER CALLED 30.583 ACRES
C.F. NO. 2011012491
O.R.B.C.



1 DEVELOPMENT SITE PLAN

- Notes:
- 1) Detention for the site will be dedicated to the Brazoria County Drainage District #4 and will meet all applicable requirements of the Drainage District.
 - 2) With the exception of detention requirements (see above note), all requirements of the Unified Development Code will be met.

THIS DRAWING, AS AN INSTRUMENT OF SERVICE, IS AND SHALL REMAIN THE PROPERTY OF PI ARCHITECTS AND SHALL NOT BE REPRODUCED, PUBLISHED OR USED IN ANY WAY WITHOUT THE PERMISSION OF PI ARCHITECTS

NOTE: BEWARE: UNDERGROUND UTILITIES IN PLACE, INCLUDING ELECTRICAL, GAS, WATER, SEWER, TELEPHONE, AND OTHERS. CONSULT PROJECT ENGINEER PRIOR TO CONSTRUCTION. ALL UTILITIES TO BE FLAGGED AND IDENTIFIED. LANDSCAPE CONTRACTOR RESPONSIBILITY.

Landscape Requirements				
Zoning BP 288 + Business Center PD				
	Parcel A - (495)lf	Parcel B - (150)lf	Parcel C - (150)lf	Parcel D (146)lf
Street Trees	Req Prov (17) 2" (17) 2"	Req Prov (5) 2" (5) 2"	Req Prov (5) 2" (5) 2"	Req Prov (5) 2" (5) 2"
1" per (15)lf				
Parking Lot Trees	Parcel A - (90)sp Req Prov (9) 2" (9) 2"	Parcel B - (43)sp Req Prov (5) 2" (5) 2"	Parcel C - (44)sp Req Prov (5) 2" (5) 2"	Parcel D - (38)sp Req Prov (4) 2" (4) 2"
1" per (5)spaces				
Landscape Area	Parcel A - (276,178)sf Req Prov (41,426)sf (54,509)sf	Parcel B Req Prov (6,750)sf (17,810)sf	Parcel C Req Prov (6,750)sf (12,495)sf	Parcel D Req Prov (6,547)sf (10,756)sf
15% of site area				

Site Data					
Zoning BP 288 + Business Center PD					
Proposed Use	Parcel A	Parcel B	Parcel C	Parcel D	
Skilled Nursing		Medical Office	Medical Office	Medical Office	
Min Lot Dimensions	Parcel A	Parcel B	Parcel C	Parcel D	
Front Setback	Req Prov 25ft 38ft	Req Prov 25ft 25ft	Req Prov 25ft 25ft	Req Prov 25ft 25ft	
Rear Setback	20ft 99ft	20ft 20ft	20ft 20ft	20ft 20ft	
Side Setback	20ft 47ft	20ft 20ft	20ft 20ft	20ft 20ft	
Width	Flag Pole 150ft 495ft 50ft 50ft	150ft 150ft	150ft 150ft	150ft 145.42ft	
Depth	Flag Pole 200ft 351ft 200ft 300ft	200ft 300ft	200ft 300ft	200ft 300ft	
Area	1ac 4.34ac	1ac 1.03ac	1ac 1.03ac	1ac 1.00ac	
Parking	Parcel A Req Prov 52 90	Parcel B Req Prov 41 43	Parcel C Req Prov 41 44	Parcel D Req Prov 38 38	
(1) space per (2) beds					
(1) space per (300)sf					

I:\00-Projects\2014\14010 SCE Pearland\00 Project Drawings\L1 Conditional Use.dwg Thu, Oct 02, 2014, 10:56am



CUP APPLICATION Page 1 of 6 (Updated June 2010)
 City of Pearland
 Community Development
 3523 Liberty Drive
 (Community Center)
 Pearland, Texas 77581
 281-652-1768
 281-652-1702 fax
 www.cityofpearland.com

APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

Conditional Use Permit Request for: Nursing/Convalescent Home
 (list proposed use from the Table of Uses of the UDC)

Current Zoning District: BP-288

Property Information:

Address or General Location of Property: West of Business Center Drive, just south of Pearland
Town Center

Tax Account No. 0300-0011-000, 0300-0011-100, 0300-0025-000

Subdivision: A0300 HT&BRR, Tract 37, 37A and 37B Lot: _____ Block: _____

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

PROPERTY OWNER INFORMATION:

NAME George Fishman
 ADDRESS 3406 Hampshire St
 CITY Pearland STATE TX ZIP 77581
 PHONE(832) 577-1158
 FAX(713) 606-3108
 E-MAIL ADDRESS George.Fishman77581@yahoo.com

APPLICANT/AGENT INFORMATION:

NAME BGE| Kerry R. Gilbert & Associates
 ADDRESS 23501 Cinco Ranch Blvd. Suite A-250
 CITY Katy STATE TX ZIP 77494
 PHONE(281) 579-0340
 FAX(281) 579-8212
 E-MAIL ADDRESS kedwards@krga.com

*Property owner must be the current owner of the property at the time of submittal of the application, and not the party that has the property under contract.

As owner and applicant, I hereby request approval of the above described request as provided for by the Unified Development Code of the City of Pearland.

Owner's Signature: [Signature] Date: 9/11/14

Agent's/
 Applicant's Signature: Kathryn Edwards Date: 9/11/14

OFFICE USE ONLY:

FEES PAID: <u>250.00</u>	DATE PAID: <u>9-11-14</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>349110</u>
--------------------------	---------------------------	---------------------------------	-------------------------------

Application No. CUP 2014-09

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
281-652-1768**

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

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

Kathryn Edwards

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.

September 1, 2014

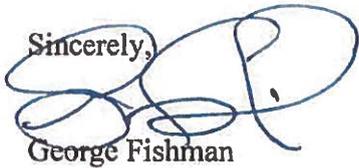
Lata Krishnarao, Director
Community Development Department
3523 Liberty Drive
Pearland, Texas 77581

RE: Conditional Use Permit-Owner Authroization

Dear Lata,

I, George Fishman, am the owner of the \pm 9.4 acres of property, located west of Business Center Drive, just south of Pearland Town Center. I authorize Global XYZ Development LLC and BGE| Kerry R. Gilbert & Associates to be the applicant and agent for the requested Conditional Use Permit for a Nursing/Convalescent Home for the subject tract.

Sincerely,

A handwritten signature in blue ink, appearing to be 'G. Fishman', written over the word 'Sincerely,'.

George Fishman

BGE | KERRY R. GILBERT & ASSOCIATES



September 11, 2014

Lata Krishnarao, Director
Community Development Department
3523 Liberty Drive
Pearland, Texas 77581

RE: ± 9.4 Acre Fishman Tract-Nursing/Convalescent Home CUP

Dear Lata,

On behalf of our client Global XYZ Development LLC, we, BGE|Kerry R. Gilbert & Associate, Inc., are submitting an application for a Conditional Use Permit for the above referenced property located on Business Center Drive. Enclosed you will find:

- City of Pearland CUP Application
- Owner Authorization letter
- Metes and Bounds Description
- City of Pearland Zoning Map with Property Boundary
- Letter of Intent
- Application Fee (Check #1088)
- One (1) copy of site plan
- Acknowledgement of Sign to be posted 10 day prior to Public Hearing
- Tax Certificate
- One (1) CD with PDF site plan and application documents

We are requesting this application to be reviewed at the October 20, 2014 Joint Public Hearing. Please contact me if any further information is necessary.

Sincerely,

A handwritten signature in black ink that reads "Kathryn Edwards". The signature is written in a cursive, flowing style.

Kathryn Edwards

BGE | KERRY R. GILBERT & ASSOCIATES

September 11, 2014

Lata Krishnarao, Director
Community Development Department
3523 Liberty Drive
Pearland, Texas 77581

RE: Nursing/Convalescent Home CUP-Business Center Drive

Dear Lata,

On behalf of our client Global XYZ Development LLC, we, BGE|Kerry R. Gilbert & Associate, Inc., are submitting an application for a Conditional Use Permit for the above referenced property located on Business Center Drive. The intent of the Conditional Use Permit is to allow development of a Skilled Nursing Facility that will offer personalized medical and therapy services to patients.

The facility will be developed and managed by Senior Care Excellence, a company with 15 years of experience in construction and development of Skilled Nursing Facilities. The proposed facility, The Medical Resort at Pearland, will offer a unique environment that is personalized for individual needs to ensure a high level of care for all patients. The medical resort concept offers a hotel quality environment and restaurant services in addition to the superior medical and therapy services. On average, a patient's stay at the facility ranges from 21 to 30 days depending on their rehabilitation needs.

The 54,000 square foot facility incorporates a Colonial Spanish design with tile rooftops and exterior stucco. The facility will include a total of 101 rooms (73 private rooms, 28 dual occupancy rooms) all with private baths and the necessary medical equipment. A 2000 square foot therapy gym with an outdoor therapy area offers state of the art equipment for orthopedic, cardiac and neurological related therapies.

The development will be located at the rear of a 9.4 acre site on the western side of Business Center Drive. Along the rear of the property is a \pm 2 acre dry detention facility that will provide the necessary detention for the site. In front of the skilled nursing the facility are three sites for future development of separate uses. In addition to the elements listed above, the site will provide landscaping and parking that meet the City of Pearland regulations.

We are requesting this application to be reviewed at the October 20, 2014 Joint Public Hearing. Please contact me if any further information is necessary.

Sincerely,


Kathryn Edwards

ZONE CHANGE/ VARIANCE/ PLAT/ RECORDATION

\$250.⁰⁰ (circle one)
BA or **PF** or **FE**

Description: Input who the check is from
BROWN & GAY ENGINEERS, Inc.

COMMENTS/DESCRIPTION (F10):

Location or Address Business Center Dr.

Applicant Kerry Gilbert & Assoc.

Owner George Fishman

BROWN & GAY ENGINEERS, INC.

Invoice Number	Date	Voucher	Amount	Discounts	Previous Pay	Net Amount
091114 - KGA0507-00	9/11/2014	000000079727	\$250.00			\$250.00
CITY OF PEARLAND			\$250.00			\$250.00
Operating Account	1	CITY21				
		TOTAL				

Check Date: 9/11/2014

60233

CITY OF PEARLAND
 R E P R I N T
 *** CUSTOMER RECEIPT ***
 Oper: BDERDSA Type: OC Drawer: 1
 Date: 9/12/14 01 Receipt no: 349110

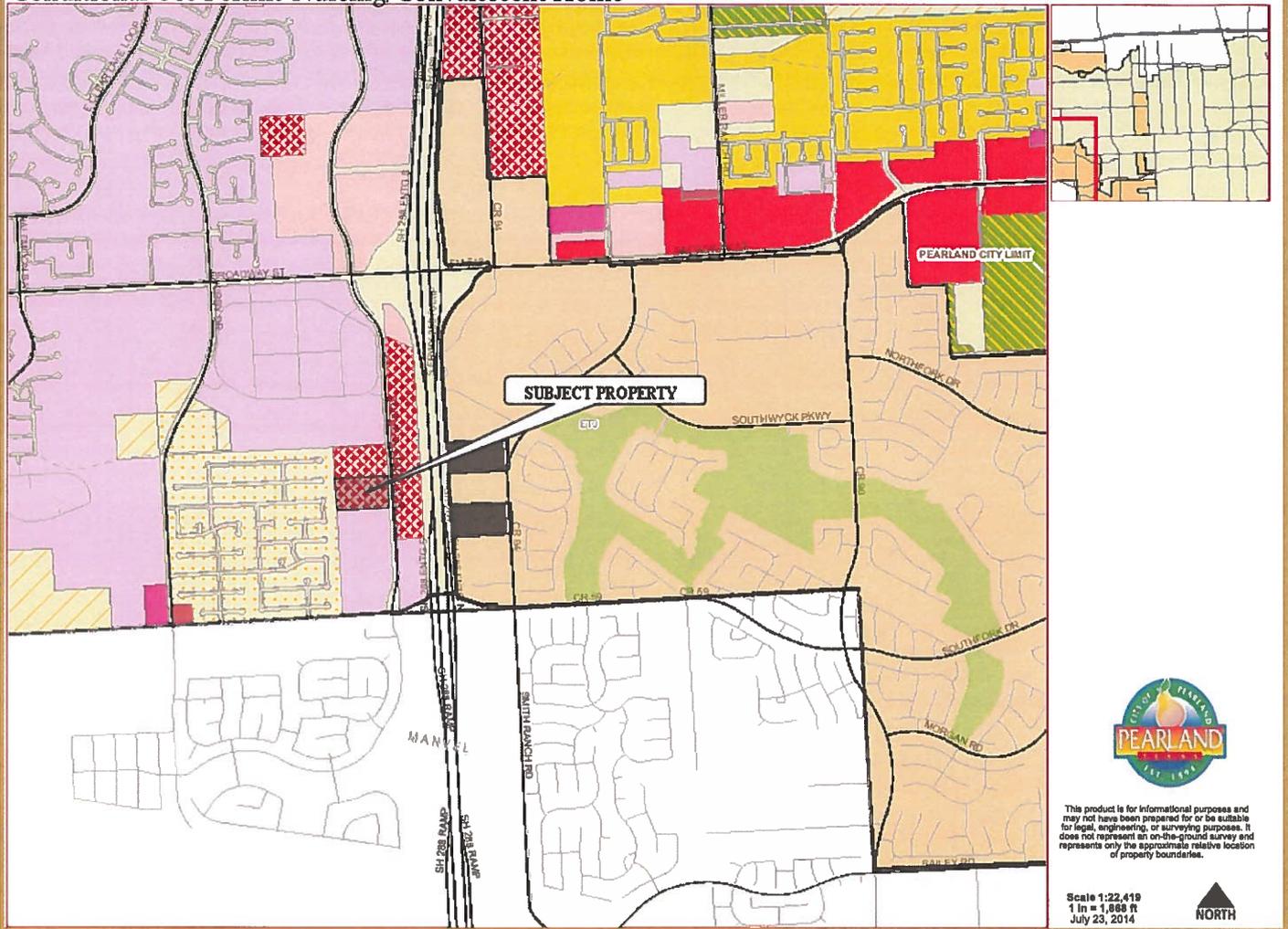
Description	Quantity	Amount
PF	1.00	\$250.00
Trans number:		4591000

BUSINESS CENTER DR

Tender detail		
CK CHECK	60233	\$250.00
Total tendered		\$250.00
Total payment		\$250.00

Trans date: 9/11/14 Time: 16:49:39

Conditional Use Permit-Nursing/Convalescent Home



TAX CERTIFICATE



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

Issued To:

BROWN AND GAY ENGINEERING, INC
10777 WESTHEIMER
HOUSTON, TX 77042

Legal Description:

A0300 H T & B R R, TRACT 37A, ACRES
3.330

Fiduciary Number: 23278668

Parcel Address: BUSINESS CENTER DR

Legal Acres: 3.3299

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Account Number: 0300-0025-000

Print Date: 07/28/2014

Certificate No: 221145494

Paid Date: 07/28/2014

Certificate Fee: \$10.00

Issue Date: 07/28/2014

Operator ID: AMBER

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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:

Certified Owner:

FISHMAN GEORGE & MARY
3406 HAMPSHIRE ST
PEARLAND, TX 77581-4829

Table with 2 columns: Description and Amount. Rows include 2013 Value (58,270), 2013 Levy (\$1,737.60), 2013 Levy Balance (\$0.00), Prior Year Levy Balance (\$0.00), Total Levy Due (\$0.00), P&I + Attorney Fee (\$0.00), and Total Amount Due (\$0.00).

Certified Tax Unit(s):

- 1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
27 ALVIN ISD
46 ALVIN COMMUNITY COLLEGE
54 BRAZORIA DRAINAGE DIST 4
65 PEARLAND MUNICIPAL MANAGEME
96 CITY OF PEARLAND

Reference (GF) No: N/A

Issued By:

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

TAX CERTIFICATE



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

Issued To:

BROWN AND GAY ENGINEERING, INC
10777 WESTHEIMER
HOUSTON, TX 77042

Legal Description:

A0300 H T & B R R, TRACT 37, ACRES
3.0474

Fiduciary Number: 23278668

Parcel Address: BUSINESS CENTER DR

Legal Acres: 3.0474

>--

Account Number: 0300-0011-000

Print Date: 07/28/2014

Certificate No: 221148231

Paid Date: 07/28/2014

Certificate Fee: \$10.00

Issue Date: 07/28/2014

Operator ID: AMBER

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Exemptions:

Certified Owner:

FISHMAN GEORGE & MARY
3406 HAMPSHIRE ST
PEARLAND, TX 77581-4829

Certified Tax Unit(s):

- 1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
27 ALVIN ISD
46 ALVIN COMMUNITY COLLEGE
54 BRAZORIA DRAINAGE DIST 4
65 PEARLAND MUNICIPAL MANAGEMEM
96 CITY OF PEARLAND

Table with 2 columns: Description and Amount. Rows include 2013 Value (\$53,100), 2013 Levy (\$1,583.43), 2013 Levy Balance (\$0.00), Prior Year Levy Balance (\$0.00), Total Levy Due (\$0.00), P&I + Attorney Fee (\$0.00), and Total Amount Due (\$0.00).

Reference (GF) No: NA

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

Handwritten signature of Amber Cook

TAX CERTIFICATE



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

Issued To:
BROWN AND GAY ENGINEERING, INC
10777 WESTHEIMER
HOUSTON, TX 77042

Legal Description:
A0300 H T & B R R, TRACT 37B, ACRES
3.0474

Fiduciary Number: 23278668

Parcel Address: BUSINESS CENTER DR

Legal Acres: 3.0474

> - -
Account Number: 0300-0011-100
Certificate No: 221150875
Certificate Fee: \$10.00

Print Date: 07/28/2014
Paid Date: 07/28/2014
Issue Date: 07/28/2014
Operator ID: AMBER

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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:

Certified Owner:

FISHMAN GEORGE & MARY
3406 HAMPSHIRE ST
PEARLAND, TX 77581-4829

Table with 2 columns: Description and Amount. Rows include 2013 Value (\$3,100), 2013 Levy (\$1,583.43), 2013 Levy Balance (\$0.00), Prior Year Levy Balance (\$0.00), Total Levy Due (\$0.00), P&I + Attorney Fee (\$0.00), and Total Amount Due (\$0.00).

Certified Tax Unit(s):

- 1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
27 ALVIN ISD
46 ALVIN COMMUNITY COLLEGE
54 BRAZORIA DRAINAGE DIST 4
65 PEARLAND MUNICIPAL MANAGEME
96 CITY OF PEARLAND

Reference (GF) No: N/A

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

County: Brazoria
Project: Medical Resort at Pearland
C.I. No.: 1402-14
Job Number: 2014-231-001

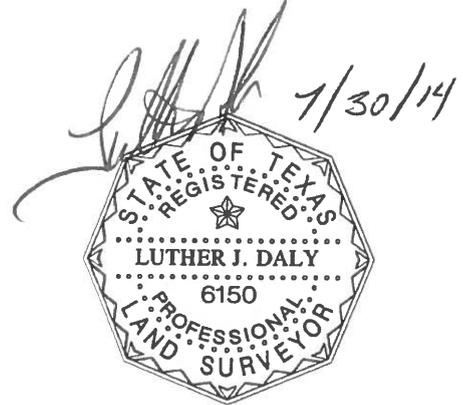
**METES AND BOUNDS DESCRIPTION FOR
9.4083 ACRES**

Being a 9.4083 acre tract of land located in the H.T. & B.R.R. Company Survey, Abstract 300, Brazoria County, Texas; said 9.4083 acre tract being all of a called 3.39 acre tract of land recorded in the name of George D. and Mary Fishman in Clerk's File Number 2005061002 of the Official Records of Brazoria County (O.R.B.C.) Texas, the remainder of a called 3.3 acre tract of land (North 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-015077 of the O.R.B.C. and the remainder of a called 3.3 acre tract of land (South 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-010496 of the O.R.B.C.; said 9.4083 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System, South Central Zone):

Beginning at an "X" scribed in concrete found for the northwest corner of a called 30.583 acre tract of land recorded in Clerk's File Number 2011012491 of the O.R.B.C. and the southwest corner of said called 3.39 acre tract, same being on the east line of Southgate Section Two, a subdivision recorded in Volume 24, Page 278-279 of the Brazoria County Plat Records, said "X" also being the northwest corner of a called 6.326 acre tract of land recorded in Clerk's File Number 2014026462 of the O.R.B.C.

1. Thence, with the west line of said called 3.39 acre tract and the east line of said Southgate Section Two, North 03 degrees 18 minutes 48 seconds West, a distance of 495.59 feet to an "X" scribed in concrete set for the northwest corner of said called 3.39 acre tract and the southwest corner of a called 10.01 acre tract of land recorded in Clerk's File Number 1989034108 of the O.R.B.C.;
2. Thence, with the north line of said called 3.39 acre tract, the north line of aforesaid North 3.3 acre tract and the south line of said 10.01 acre tract, North 86 degrees 42 minutes 53 seconds East, at 296.85 feet pass a to a 5/8-inch iron rod found, continuing in all a total distance of 827.13 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set on the northwest corner of a called 0.5652 recorded in Clerk's File Number 20120070402 of the O.R.B.C., same being the west right-of-way (R.O.W.) line of Business Center Drive (100-feet wide);
3. Thence, with the west line of said called 0.5652 acre tract, same being the west R.O.W. line of said Business center Drive, South 03 degrees 18 minutes 04 seconds East, a distance of 495.42 feet to a 5/8-inch iron rod with cap stamped "IDS" found for the southwest corner of said called 0.5652 acre tract and the northwest corner of a called 0.8328 acre tract of land recorded in Clerk's File Number 20120087390 of the O.R.B.C., same being on the north line of aforesaid called 30.583 acre tract and the south line of aforesaid South 3.3 acre tract;

4. Thence, with the south line of said South 3.33 acre tract, the south line of aforesaid called 3.39 acre tract and the north line of said called 30.583 acre tract, South 86 degrees 42 minutes 11 seconds West, a distance of 827.03 feet to the **Point of Beginning** and containing 9.4083 acres of land.





October 2, 2014

Ms. Johnna Matthews
City Planner
Community Development Department
3523 Liberty Drive
Pearland, Texas 77581

Re: Application for Conditional Use Permit for
+/- 9.4 Acre Fishman Tract-Nursing/Convalescent Home CUP Goodwill Store
CI Job No. 2014-231-008

Dear Ms. Matthews:

Please kindly be advised that Costello, Inc. is the design engineer for drainage, utilities, & paving improvements for the proposed site located in the H.T. & B.R.R. Company Section 81, A-300, in City of Pearland, Brazoria County, Texas 77581.

As you are aware, Ms. Kathryn Edwards of BGE | Kerry Gilbert and Associates, Inc. is currently working on obtaining a Conditional Use Permit for the referenced project and we have been informed that before the application is approved for review at the October 20, 2014 Joint Public Hearing, a note indicating that; all requirements of the Unified Development Code will be met needs to be included on the Site Plan. However, the question was how this would relate to the detention pond.

As we also discussed during the pre-development meeting on August 13, 2014, we are informed that all detention facilities within the City of Pearland must be amenitized. However, our proposed detention facility is an expansion to the existing Channel A-124-05-00, which belongs to Brazoria Drainage District No. 4 (BDD #4). Our proposed detention facility and its' property will be dedicated to BDD #4 and based on Part A.5 of Section 11 in BDD #4's Rules, Regulations & Guidelines, dated May 2013, the detention facility shall be dry and may not be amenitized. *Attached please find a copy for your reference.*

Attached please also find a copy of our email correspondence with BDD #4's engineer, indicating their no-objection to our detention concept. We are currently at final stages and should have their final no-objection letter within the next couple of weeks.

Therefore, as this also came up during the pre-development meeting and since the facility can't be amenitized, we will include screen walls in our construction plans.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alex", written over a blue circular stamp.

A. "Alex" Khoshakhlagh, P.E.
Project Manager

W:\2014\2014231\Detention Pond Letter regarding Conditional Use Permit.docx

Alex Khoshakhlagh

From: J. Stephen Wilcox, P.E., CFM
Sent: Thursday, October 02, 2014 10:51 AM
To: Kathryn Edwards; Alex Khoshakhlagh
Subject: FW: DD4 A-124 Channel Expansion

Kathryn,

Below is the email for the District Engineer stating that the pond expansion will need to be dedicated to DD4. Will this work to answer that question.

Respectfully,

Stephen

From: Jarrod Aden [<mailto:jarrod@lentzengineering.net>]
Sent: Thursday, August 21, 2014 7:46 AM
To: Stephen Wilcox
Cc: Mike Yost (my.bdd4@swbell.net); John Genaro
Subject: RE: DD4 A-124 Channel Expansion

Stephen – I have discussed your proposal with the District.

We have no objection to your detention concept subject to the following:

- 1) Property (for pond, channel, and maintenance berm) must be dedicated in fee to the District.
- 2) Owner must pay the required detention maintenance fee.
- 3) After the construction is complete, the District staff and Engineer must verify District standards have been met (construction final inspection).
- 4) The Board must accept the detention pond for maintenance at their regularly scheduled meeting after all other items have been completed.

Ultimately, it is the Board's decision as to whether or not the pond will be accepted for maintenance.

Feel free to call me with any questions.

Jarrold D. Aden, P.E., C.F.M.
President
Lentz Engineering, LLC
5909 West Loop South, Suite 200
Bellaire, Texas 77401
Office – 713-839-8900
Direct phone – 713-255-6160
Fax - 713-839-9020
Cell – 832-715-8424
jarrod@lentzengineering.net
www.lentzengineering.net



From: Stephen Wilcox [<mailto:swilcox@coseng.com>]

Sent: Tuesday, August 19, 2014 11:36 AM

To: Jarrod Aden

Subject: DD4 A-124 Channel Expansion

Jarrold,

Here is an aerial showing the site boundaries and location that we talked about on the phone. The aerial does not show the recent channel expansion done on the Moody Tract. Feel free to call me with any questions.

Respectfully,

J. Stephen Wilcox, P.E., CFM

Project Engineer

Hydrology & Hydraulics Department

[Costello, Inc](#) | Office: (713) 783-7788 | Mobile: (832) 443-9977

SECTION 11

MAINTENANCE OF DETENTION FACILITIES

All detention facilities constructed by a property owner or developer shall be maintained by the property owner or developer, their legal heir(s), grantee(s), successor(s) or assignee(s). The DISTRICT shall not be responsible for any such facility maintenance. Ownership of detention facilities constructed adjacent to a DISTRICT drainage facility may be transferred to the DISTRICT with the DISTRICT'S approval. Maintenance of these facilities and other facilities owned by the DISTRICT shall be by the DISTRICT.

A. NEWLY CONSTRUCTED DETENTION FACILITIES

The DISTRICT, at its option, may accept for maintenance all newly constructed detention facilities provided:

1. The developer/owner conveys the land area of the detention facility to the DISTRICT by General Warranty Deed, in a format acceptable to the DISTRICT. This conveyance shall include a minimum 20-foot wide unobstructed access way to the nearest public street.
2. The detention facility is constructed in accordance with Final Drainage Plans approved by the DISTRICT.
3. The DISTRICT is furnished a set of "As-Built" drawings, sealed by a surveyor registered in the State of Texas.
4. The detention facility has a concrete pilot channel.
5. The detention facility is designed to be a "dry" facility and not an amenity or private recreational facility. Amenity ponds shall be defined as any pond in which land area has been deeded to the Homeowners/Landowners. These ponds shall include "wet ponds" and ponds used for recreational purposes.
6. The developer/owner has paid to the DISTRICT the appropriate maintenance fee as reflected in the DISTRICT'S Fee Schedule.
7. The developer/owner provides to the DISTRICT 1) an owners title policy for the property conveyed based upon the fair market value as determined by an appraisal, including a tax search, 2) a Warranty, regarding the quality and performance of the facility, including but not limited to engineering, design, construction and operation, and, 3) an Indemnification and Hold Harmless

Agreement for any and all claims, actions and demands, including costs and attorneys' fees, the cause of which originated prior to conveyance. Each of these documents must be acceptable to the DISTRICT in form and content.

8. The pond shall have been constructed with adequate backslope drains and swales that were constructed to DISTRICT standards.
9. The detention facility, maintenance berms and access ways are not obstructed by any other easements or right-of-ways.

B. PREVIOUSLY CONSTRUCTED DETENTION FACILITIES

The DISTRICT, at its option, may accept for maintenance previously constructed detention facilities provided that:

1. The facilities are returned to the standards of the DISTRICT that were in force at the time the DISTRICT approved the final drainage plan.
2. The DISTRICT is provided access to inspect the facility and provide the developer/owner/homeowners association with a list of items that must be corrected. The DISTRICT is allowed to inspect the facility after corrective measures are completed to ensure compliance.
3. A concrete pilot channel is constructed.
4. A minimum twenty (20) foot wide unobstructed access way to the nearest public street is provided.
5. Upon request, the DISTRICT will provide the developer/owner/homeowners association an estimated cost to correct the deficiencies and add the concrete pilot channel. Upon agreement by the parties, the DISTRICT will provide the necessary construction in exchange for a fee based upon the estimated cost of repairs or upgrades as determined by the DISTRICT.
6. The developer/owner conveys the land area of the detention facility to the DISTRICT by General Warranty Deed, in a format acceptable to the DISTRICT.
7. The developer has paid to the DISTRICT the appropriate maintenance fee as reflected in the DISTRICT'S Fee Schedule.

8. The developer/owner provides to the DISTRICT 1) an owners title policy for the property conveyed based upon the fair market value as determined by an appraisal, including a tax search, 2) a Warranty, regarding the quality and performance of the facility, including but not limited to engineering, design, construction, and operation, and, 3) an Indemnification and Hold Harmless Agreement for any and all claims, actions and demands, including costs and attorneys' fees, the cause of which originated prior to conveyance. Each of these documents must be acceptable to the DISTRICT in form and content.
9. The detention facility, maintenance berms and access ways are not obstructed by any other easements or rights-of-way.
10. The detention facility is designed to be a "dry" facility and not an amenity or private recreational facility. Amenity ponds shall be defined as any pond in which land area has been deeded to the Homeowners/Landowners. These ponds shall include "wet ponds" and ponds used for recreational purposes.

For newly constructed and previously constructed detention ponds, the following additional restrictions apply:

1. No detention pond under two (2) acres will be accepted.
2. Detention facilities must be located adjacent to an existing DISTRICT facility.
3. Side slopes must be greater than 3:1 or greater.
4. A note in the acceptance agreement will state that mowing will be only performed on the normal DISTRICT mowing schedule.
5. Hand maintenance must be minimal, and the extent should be identified in the agreement.
6. The acceptance fee may be waived only if accepting the maintenance responsibilities is of substantial benefit to the DISTRICT.
7. Any variance granted to the facility must be considered as part of the acceptance criteria.
8. The DISTRICT will not accept pumped detention systems.

**P&Z AGENDA
ITEM**

D



P&Z AGENDA REQUEST

TO: Planning & Zoning Commission
REQUESTOR: Luther Daly of Costello, Inc.
DATE: 10/14/2014
AGENDA ITEM SUBJECT: Planning and Zoning Variance 2014-04

Old Business **New Business** Discussion Item Workshop

Summary: A request by Luther Daly of Costello, Inc., applicant; on behalf of George and Mary Fishman, owner; for approval of a Planning and Zoning Variance to allow a minimum of 145.42 -foot lot width where 150 feet is required within the existing Business Park 288 (BP-288) zoning district on 9.4083 acres of land.

Staff Recommendation: Approval



PLANNING AND ZONING COMMISSION MEETING OF OCTOBER 20, 2014

PLANNING AND ZONING VARIANCE NO. 2014-04

A request by Luther Daly of Costello, Inc., applicant; on behalf of George and Mary Fishman, owner; for approval of a Planning and Zoning Variance to allow a minimum of 145.42 -foot lot width where 150 feet is required within the existing Business Park 288 (BP-288) zoning district on 9.4083 acres of land, on the following described property, to wit:

Legal Description: Being a subdivision of 9.4083 acres of land located in the H.T.& B.R.R. Company Survey, Abstract 300, Brazoria County, Texas.

General Location: Located on the west side of Business Center Drive, south of Pearland Town Center.

SUMMARY: The applicant is proposing to subdivide the 9.4083 acre tract into 4 lots and 1 detention reserve, to be developed as a Medical and Continuing Care campus. The current proposal calls for the 4 lots all to have direct access to Business Center Drive. As proposed, the lot width of Lot 4 has been reduced from the required 150 feet to 145.42 feet wide, with a depth of 300 feet. The overall lot area of 1.0017 acres, which exceeds the minimum area requirement of 1 acre in the Business Park-288 (BP-288) zoning district.

UNIFIED DEVELOPMENT CODE: GENERAL COMMERCIAL (GC): The below table illustrates the lot dimension requirements of the BP-288 zone versus the proposed lot dimensions. As indicated, the proposed lot width of Lot 4 does not currently meet the minimum requirements of the BP-288 zone.

Area Regulations: R-E (Single-Family Estate District)		
Size of Lots	Required	Proposed
a) Minimum Lot Area	1 Acre	1.0017 Acres
b) Minimum Lot Width	150 Feet	145.42 Feet
c) Minimum Lot Depth	200 Feet	300 Feet

PLATTING STATUS: The property is in the process of platting. The proposed variance is required prior to staff approval of the plat.

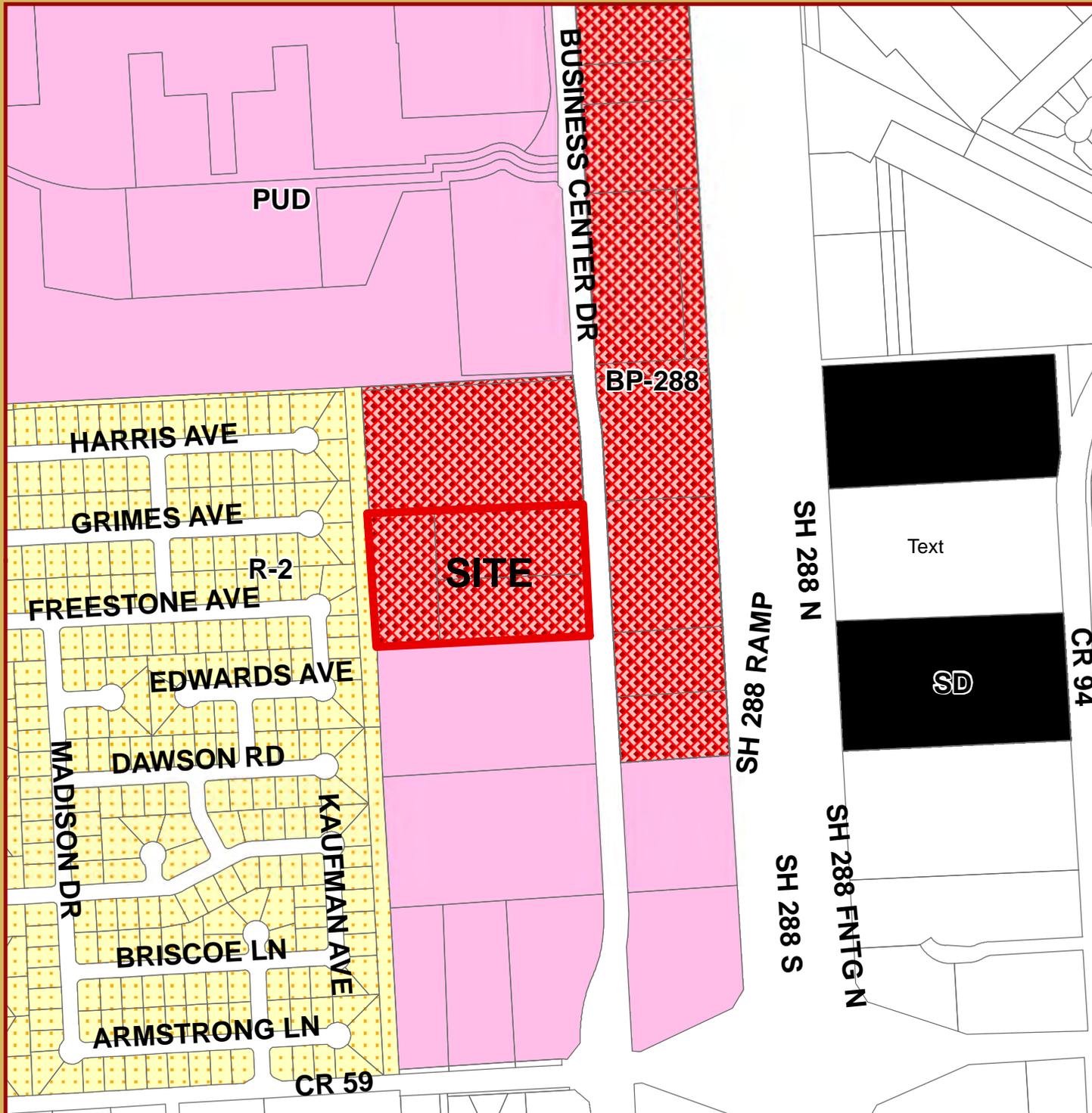
CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan recommends “Business Park” for the subject and surrounding properties. The current zoning of BP-288 is in conformance with the future land use designation.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Business Center Drive which is a secondary thoroughfare with sufficient right-of-way width of 100 feet.

STAFF ANALYSIS: The proposed variance does not meet the criteria for approval. The stated hardship of a lack of frontage along Business Center Drive does not prevent the applicant from platting the property, but merely prevents the applicant from platting the lots into 4 lots, as desired. The subject property is currently undeveloped and is adjacent to undeveloped property to the north and south. Further property could be acquired which would allow the applicant to achieve their goal without requiring a variance.

SUPPORTING DOCUMENTS:

- Zoning Map
- Future Land Use Plan
- Aerial Map
- Application Package



ZONING MAP

P&Z Variance 2014-04

**Business Center Dr.
South of Pearland
Town Center**

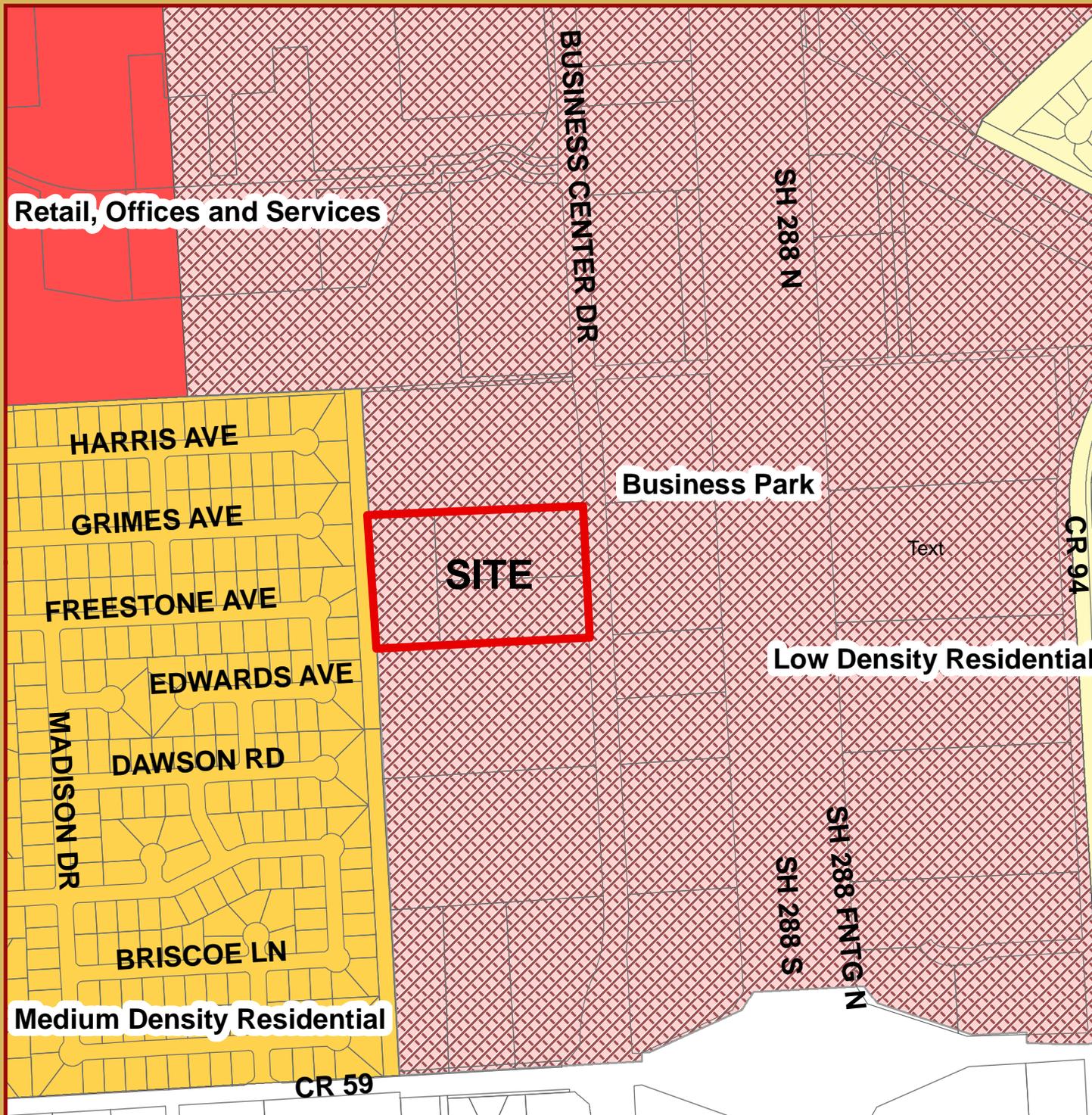


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 544 feet

OCTOBER 2014
PLANNING DEPARTMENT





FLUP MAP

P&Z Variance 2014-04

**Business Center Dr.
South of Pearland
Town Center**



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1 inch = 544 feet

OCTOBER 2014
PLANNING DEPARTMENT





AERIAL MAP

P&Z Variance 2014-04

**Business Center Dr.
South of Pearland
Town Center**



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1 inch = 544 feet

OCTOBER 2014
PLANNING DEPARTMENT



PLANNING & ZONING VARIANCE APPLICATION



City of Pearland
 Community Development
 5523 Liberty Drive (Community Center)
 Pearland, Texas 77581
 281-652-1765
 281-652-1702 fax
 www.cityofpearland.com

Variance from Section No. : Sec. 2.4.4.3, BP - 288, Sec. 2.4.4.4
(list section number from the Unified Development Code that pertains to requested variance)

General Description: Submitting a variance for a Flag Lot and a variance for the Reduction of the minimum lot width.

Property Information:

Address or General Location of Property: Business Center Drive Approx. 1600-Foot North of County Rd 59

In order for a variance to be considered, the property must be platted.
 Has the property ever been platted: Yes No

Subdivision: _____

Lot: Tract 37 Block: _____

PROPERTY OWNER INFORMATION (required):
 NAME George Fishman and Mary Fishman
 ADDRESS 3406 Hampshire ST.
 CITY Pearland STATE TX ZIP 77581
 PHONE(832) 571-1158
 FAX(_____) _____
 MAIL ADDRESS Georgefishman775981@yahoo.com

APPLICANT INFORMATION:
 NAME Costello, Inc.: Luther Daly
 ADDRESS 9990 Richmond Ave., Suite 450 N
 CITY Houston STATE TX ZIP 77042
 PHONE(713) 783-7788
 FAX(713) E- 783-3580
 E-MAIL ADDRESS ldaly@costelloinc.com

A Complete Application must include all of this information:

- Fee of \$250.00
- Legal Description and/or Survey of the Property
- Site Plan, Plot Plan, or Drawing showing the requested variance
- Letter Explaining the variance in detail, including Description of Hardship
- Other necessary information (maps, drawings, pictures, etc.) to explain the variance

As owner and applicant, I hereby request approval of the above described request as provided for by the Unified Development Code of the City of Pearland.

Owner's Signature: [Signature] Date: 9/17/2014
 Agent's Signature: [Signature] Date: 9/24/2014

OFFICE USE ONLY:			
FEES PAID: <u>\$250⁰⁰</u>	DATE PAID: <u>9/24/14</u>	RECEIVED BY: <u>JC</u>	RECEIPT NUMBER: <u>360181</u>

Application No. 2014-04/05

September 9, 2014

City of Pearland
Community Development
Planning & Zoning Board
3523 Liberty Drive (Community Center)
Pearland, TX 77581

RE: Variance & Approval Request for Minor Plat of Medical Resort at Pearland

Property ID – 0300-0011-000; Legal Description - A0300 HT & BRR, Tract 37A, Acres 3.330
Property ID - 0300-0025-000; Legal Description - A0300 HT & BRR, Tract 37B, Acres 3.0474
Property ID - 0300-0011-100; Legal Description - A0300 HT & BRR, Tract 37, Acres 3.0474

Dear Board Members;

Pearland Development Code: Sec 2.4.4.3 BP-288 & Sec 2.4.4.4

Specific Variance is being sought for: (Sec 2.4.4.3.c.1.b)
To allow the minimum lot width to be less than 150'.

The applicant proposes to plat a 9.4083 acre tract of land into four (4) Lots as shown on the attached proposed plat of Medical Resort of Pearland. Three proposed lots will front Business Center Drive with the largest main anchor lot to the west configured as a "Flag Lot". The southerly front lot on Business Center Drive will be short 4.5' from meeting the minimum lot width required for front lots.

The Houston/Galveston Area Council is expecting job growth in the Health care industry and with board approving this variance, the development can proceed with a much needed medical facility for the elderly in this heavily populated residential portion of Pearland.

Economic hardship is not the sole justification of the variance:
The conditions supporting this variance is the limited frontage width to Business Center Drive as compared to the depth of the lot.

Secondly, approval is being sought for - Sec 2.4.4.4.b.2
To allow a flag lot in a nonresidential and mixed-use zoning district with the approval by the Planning & Zoning Commission. The flag lot meets the minimum required 50' frontage per section listed above.
(Please see attached plat)

Respectfully,



George Fishman and Mary Fishman
3406 Hampshire St.
Pearland, TX 77581

ZONE CHANGE/ VARIANCE/ PLAT/ RECORDATION

(circle one)
\$ 250 **BA** or **PF** or **FE**

Description: Input who the check is from *Luther Daly*
~~Global X/z Development~~

COMMENTS/DESCRIPTION (F10):

Location or Address Business Ctr Dr & CR 59

Applicant Luther Daly

Owner George & Mary Fishman

CITY OF PEARLAND
*** CUSTOMER RECEIPT ***
Oper: JCOTTER Type: OC Drawer: 1
Date: 9/24/14 01 Receipt no: 360101

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	\$250.00
Trans number:		4602553

LUTHER DALY
BUSINESS CENTER DR & CR 59
LUTHER DALY
GEORGE & MARY FISHMAN

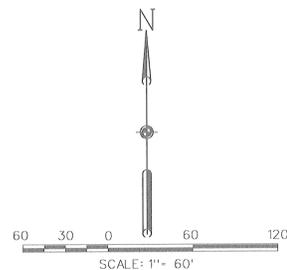
Tender detail	
BR CREDIT CARD	\$250.00
Total tendered	\$250.00
Total payment	\$250.00

Trans date: 9/23/14 Time: 17:09:09

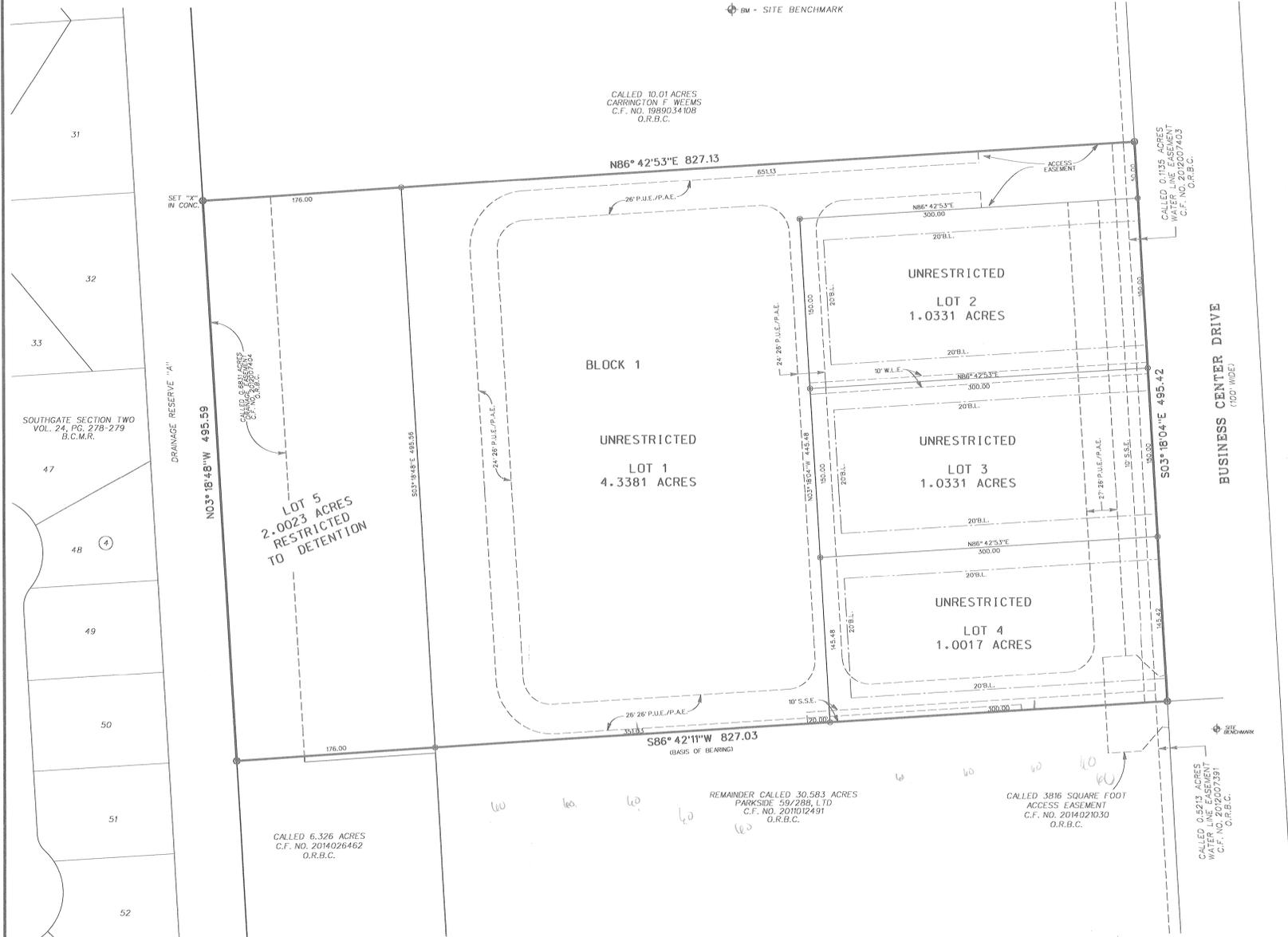
LEGEND

- CL --- CLERKS FILE
- U.E. --- UTILITY EASEMENT
- B.L. --- BUILDING LINE
- A.E. --- AERIAL EASEMENT
- R --- IRON ROD
- VOL. --- VOLUME
- P.C. --- PAGE
- B.C.M.R. --- BRAZORIA COUNTY MAP RECORDS
- O.R.B.C. --- OFFICIAL RECORDS OF BRAZORIA COUNTY
- C.M. --- CONTROLLING MONUMENT
- W.S.E. --- WATER AND SEWER EASEMENT
- W.L.E. --- WATER LINE EASEMENT
- F.H.E. --- FIRE HYDRANT EASEMENT
- S.S.E. --- SANITARY SEWER EASEMENT
- W.L.E. --- WATER LINE EASEMENT
- P.U.E./P.A.E. --- PUBLIC UTILITY EASEMENT
- P.A.E. --- PRIVATE ACCESS EASEMENT
- ◆ --- STREET LIGHT

NUMBER	SQ. FT.	ACRES
LOT 1	188,967	4.3381
LOT 2	45,001	1.0331
LOT 3	45,001	1.0331
LOT 4	43,6234	1.0017
LOT 5	87,220	2.0023



- SET 5/8-INCH IRON ROD W/CAP STAMPED "COSTELLO INC" UNLESS OTHERWISE NOTED
- FOUND 5/8-INCH IRON ROD UNLESS OTHERWISE NOTED
- ◆ BM - SITE BENCHMARK



GENERAL NOTES

- THIS PLAT HAS BEEN PREPARED TO MEET THE REQUIREMENTS OF THE STATE OF TEXAS, BRAZORIA COUNTY AND THE CITY OF PEARLAND. THIS PLAT WAS PREPARED FROM INFORMATION PROVIDED BY CHICAGO TITLE INSURANCE COMPANY C.F. NUMBER CTH-COM-CIT14608261K, EFFECTIVE DATE SEPTEMBER 14, 2014. ALL BEARINGS REFERENCED ARE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE AND THE NORTH LINE OF A CALLED 30.583 ACRE TRACT OF LAND RECORDED IN CLERK'S FILE NUMBER 2011012491 OF THE OFFICIAL RECORDS OF BRAZORIA COUNTY.
 - ALL SUBDIVISION COMMON AREAS INCLUDING BUT NOT LIMITED TO DEFENTION FACILITIES, EASEMENTS, AND OPEN SPACE WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE MAINTAINED BY A HOMEOWNERS ASSOCIATION, COMMERCIAL PROPERTY ASSOCIATIONS OR OTHER ENTITY AND SHALL NOT BE THE RESPONSIBILITY OF THE CITY OF PEARLAND OR BRAZORIA COUNTY.
 - CITY OF PEARLAND REFERENCE BENCHMARK: BRASS CAP SET FLUSH IN CONCRETE STAMPED "CITY OF PEARLAND" MONU 1995 LOCATED NORTHERLY ALONG SOUTH BOUND HWY 288 APPROXIMATELY 2400 FEET FROM ITS INTERSECTION OF FM 518 AND HIGHWAY 288. THE MONUMENT IS WESTERLY 21 FEET FROM LARGE HIGHWAY LIGHT POLE #2388. ELEVATION = 59.29 NGVD 1929 (1987 ADJ.)
- PROJECT BENCHMARK: BRASS DISK STAMPED "BCPD" SET ON TOP OF A CURB INLET ALONG THE NORTH SIDE OF COUNTY RD 59, APPROXIMATELY 233 FEET EAST OF THE CENTERLINE EXTENSION OF BUSINESS CENTER DRIVE. ELEVATION = 61.78 NGVD 1929 (1987 ADJ.)

- PLAT BENCHMARK: SCRIBED "X" WITHIN BOX AT THE SOUTHERLY BULLNOSE OF A MEDIAN CROSSING OF BUSINESS CENTER DRIVE AT THE SOUTHEAST CORNER OF MEDICAL RESORT AT PEARLAND PROPERTY.
- CURB EXIST, OR (2) 12 INCHES ABOVE THE 100 YEAR FLOODPLAIN WATER SURFACE ELEVATION FOR STRUCTURES TO BE LOCATED WITHIN THE 100 YEAR FLOODPLAIN.
- ANY CONSTRUCTION PROPOSED TO BE INSTALLED WITHIN A PROPERTY EASEMENT WITH PRESCRIBED RIGHTS TO A PRIVATE ENTITY MAY REQUIRE THE PERMISSION OF THE PRIVATE ENTITY PRIOR TO THE START IF CONSTRUCTION. FAILURE TO SECURE SUCH PERMISSION MAY RESULT IN THE RIGHT HOLDERS OF THE EASEMENT REMOVING ANY UNAPPROVED PAVEMENT, STRUCTURES, UTILITIES, OR OTHER FACILITIES LOCATED WITHIN THE EASEMENT. THE RESPONSIBILITY OF SECURING APPROVAL FROM THE PRIVATE ENTITIES TO BUILD WITHIN AN EASEMENT IS SOLELY THAT OF THE PROPERTY OWNER.
 - ACCESS RIGHTS TO PARKING AREAS AND DRIVEWAYS ARE HEREBY GRANTED TO ALL ADJOINING COMMERCIAL PROPERTIES.

- THE MINIMUM SLAB ELEVATION FOR ALL BUILDINGS LOCATED WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE THE HIGHER OF (1) EITHER 12 INCHES ABOVE THE TOP OF THE CURB ELEVATION FOR A CURB STREET OF 12 INCHES ABOVE THE ELEVATION OF THE EDGE OF THE ROADWAY IF NO CURB EXIST, OR (2) 12 INCHES ABOVE THE 100 YEAR FLOODPLAIN WATER SURFACE ELEVATION FOR STRUCTURES TO BE LOCATED WITHIN THE 100 YEAR FLOODPLAIN.
- ANY PROPOSED DRAINAGE SYSTEM FOR THIS SUBDIVISION SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE CITY OF PEARLAND AND/OR BRAZORIA DRAINAGE DISTRICT #4.
- ANY LANDSCAPING AND STRUCTURES, INCLUDING FENCES AT INTERSECTIONS SHALL CONFORM TO THE CITY OF PEARLAND AND AASHTO SITE DISTANCE REQUIREMENTS FOR MOTORISTS.
- DRIVEWAY REQUIREMENTS FOR THE LOCATION, WIDTHS, AND OFFSETS FROM AN INTERSECTION AND ANY EXISTING DRIVEWAY OR PROPOSED DRIVEWAY, SHALL CONFORM TO THE REQUIREMENTS OF CHAPTER 7 OF THE CITY OF PEARLAND ENGINEERING DESIGN CRITERIA MANUAL.

COUNTY OF BRAZORIA

THAT WE, GLOBAL XYZ DEVELOPMENT, ACTING BY AND THROUGH JOHN GRIFFIN, OWNERS AND OR ASSIGNS OF THE PROPERTY SUBDIVIDED AND PLATTED IN THE FOREGOING PLAT OF MEDICAL RESORT AT PEARLAND, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION OF SAID PROPERTY ACCORDING TO ALL LINES, LOTS, STREETS, EASEMENTS, RESERVES, RESTRICTIONS AND NOTATIONS ON SAID PLAT AND DESIGNATE SAID SUBDIVISION AS FINAL DEVELOPMENT PLAT OF MEDICAL RESORT AT PEARLAND, BEING A SUBDIVISION OF 4 LOTS, IN THE CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS, AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER THE STREETS AND EASEMENTS, AS SHOWN HEREON, FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, DO HEREBY WAIVE ANY CLAIMS FOR DAMAGES OCCASIONED BY THE GRADES APPROVED FOR THE STREETS, OR OCCASIONED BY THE ALTERATION OF THE SURFACE OF ANY PORTION OF THE STREETS TO CONFORM TO SUCH GRADES AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER UNOBSTRUCTED AERIAL EASEMENTS AS INDICATED AND DEPICTED HEREON (IF ANY). THE AERIAL EASEMENTS (IF ANY) SHALL EXTEND HORIZONTALLY AN ADDITIONAL ELEVEN FEET, SIX INCHES (11'6") FOR TEN FEET (10') PERIMETER GROUND EASEMENTS (IF ANY) OR SEVEN FEET, SIX INCHES (7'6") FOR FOURTEEN FEET (14') PERIMETER GROUND EASEMENTS (IF ANY) OR FIVE FEET, SIX INCHES (5'6") FOR SIXTEEN FEET (16') PERIMETER GROUND EASEMENTS (IF ANY), FROM A PLANE SIXTEEN (16') ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY THE AERIAL EASEMENT (IF ANY) TOTALS TWENTY-ONE FEET, SIX INCHES (21'6") IN WIDTH.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC, FOR PUBLIC UTILITY PURPOSES FOREVER, UNOBSTRUCTED AERIAL EASEMENTS AS INDICATED AND DEPICTED HEREON (IF ANY). THE AERIAL EASEMENTS (IF ANY) SHALL EXTEND HORIZONTALLY AN ADDITIONAL TEN FEET (10') FOR TEN FEET (10') BACK-TO-BACK GROUND EASEMENTS (IF ANY), OR EIGHT FEET (8') FOR FOURTEEN FEET (14') BACK TO BACK GROUND EASEMENTS (IF ANY) OR SEVEN FEET (7') FOR SIXTEEN FEET (16') BACK TO BACK GROUND EASEMENTS (IF ANY) FROM A PLANE SIXTEEN FEET (16') ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO BOTH SIDES AND ADJOINING ALL PUBLIC UTILITY EASEMENTS (IF ANY) THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY THE AERIAL EASEMENT (IF ANY) TOTALS THIRTY FEET (30') IN WIDTH.

IN TESTIMONY HERETO, GLOBAL XYZ DEVELOPMENT, AS OWNER OF MEDICAL RESORT AT PEARLAND, HAS CAUSED THESE PRESENTS TO BE SIGNED BY JOHN GRIFFIN, OWNER.

THIS ____ DAY OF SEPTEMBER, 2014.

BY: GLOBAL XYZ DEVELOPMENT

BY: JOHN GRIFFIN, OWNER

STATE OF TEXAS
COUNTY OF COLLIN

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JOHN GRIFFIN, OWNER, GLOBAL XYZ DEVELOPMENT, ON BEHALF OF THE COMPANY, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS ____ DAY OF SEPTEMBER, 2014.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES: _____

THIS IS TO CERTIFY THAT THE CITY PLANNING DIRECTOR OF THE CITY OF PEARLAND, TEXAS HAS APPROVED THIS FINAL DEVELOPMENT PLAT OF KELSEY - SEYBOLD, IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCE OF THE CITY OF PEARLAND AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF

THIS PLAT THIS ____ DAY OF SEPTEMBER, 2014.

JOHNNA MATTHEWS
CITY PLANNER
CITY OF PEARLAND, TX

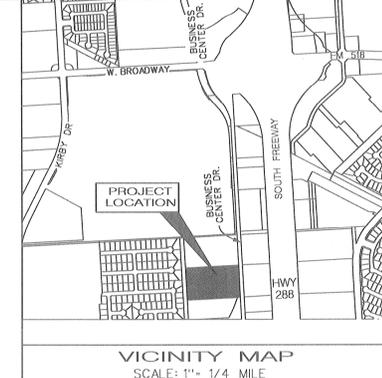
APPROVED FOR THE CITY OF PEARLAND, TEXAS THIS ____ DAY OF SEPTEMBER, 2014

RICHARD MANCILLA, P.E.
CITY ENGINEER
CITY OF PEARLAND, TX

DARRIN COCKER,
CITY ATTORNEY
CITY OF PEARLAND,

I, LUTHER J. DALY, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING, AND HEREBY CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND CORRECT, WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, THAT ALL BOUNDARY CORNERS, ANGLE POINTS AND POINTS OF CURVATURE HAVE BEEN MARKED WITH IRON (OR OTHER SUITABLE PERMANENT METAL) PIPES OR RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN FIVE EIGHTHS INCH (5/8") AND A LENGTH OF NOT LESS THAN THREE (3) FEET.

REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6150



METES AND BOUNDS

Being a 9.4083 acre tract of land located in the H.T. & B.R.R. Company Survey, Abstract 300, Brazoria County, Texas; said 9.4083 acre tract being all of a called 3.39 acre tract of land recorded in the name of George D. and Mary Fishman in Clerk's File Number 2005061002 of the Official Records of Brazoria County (O.R.B.C.) Texas, the remainder of a called 3.3 acre tract of land (North 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-01907 of the O.R.B.C. and the remainder of a called 3.3 acre tract of land (South 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-010496 of the O.R.B.C.; said 9.4083 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System, South Central Zone):

Beginning at an "X" scribed in concrete found for the northwest corner of a called 30.583 acre tract of land recorded in Clerk's File Number 2011012491 of the O.R.B.C. and the southwest corner of said called 3.39 acre tract, same being on the east line of Southgate Section Two, a subdivision recorded in Volume 24, Page 278-279 of the Brazoria County Plat Records, said "X" also being the northwest corner of a called 6.326 acre tract of land recorded in Clerk's File Number 2014026462 of the O.R.B.C.

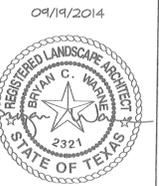
- Thence, with the west line of said called 3.39 acre tract and the east line of said Southgate Section Two, North 03 degrees 18 minutes 48 seconds West, a distance of 495.59 feet to an "X" scribed in concrete set for the northwest corner of said called 3.39 acre tract and the southwest corner of a called 10.01 acre tract of land recorded in Clerk's File Number 1989034108 of the O.R.B.C.;
- Thence, with the north line of said called 3.39 acre tract, the north line of aforesaid North 3.3 acre tract and the south line of said 10.01 acre tract, North 86 degrees 42 minutes 53 seconds East, at 296.85 feet pass a to a 5/8-inch iron rod found, continuing in a all total distance of 827.13 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set on the northwest corner of a called 0.5652 recorded in Clerk's File Number 2012007402 of the O.R.B.C., same being on the north line of aforesaid called 30.583 acre tract and the south line of aforesaid South 3.3 acre tract;
- Thence, with the west line of said called 0.5652 acre tract, same being the west R.O.W. line of said Business center Drive, South 03 degrees 18 minutes 04 seconds East, a distance of 495.42 feet to a 5/8-inch iron rod with cap stamped "IDS" found for the southwest corner of said called 0.5652 acre tract and the northwest corner of a called 0.8328 acre tract of land recorded in Clerk's File Number 20120087390 of the O.R.B.C., same being on the north line of aforesaid called 30.583 acre tract and the south line of aforesaid South 3.3 acre tract;
- Thence, with the south line of said South 3.33 acre tract, the south line of aforesaid called 3.39 acre tract and the north line of said called 30.583 acre tract, South 86 degrees 42 minutes 11 seconds West, a distance of 827.03 feet to the Point of Beginning and containing 9.4083 acres of land.

**MINOR PLAT OF
MEDICAL RESORT
AT PEARLAND**
A SUBDIVISION OF 9.4083 ACRES
1 BLOCK & 5 LOTS
CITY OF PEARLAND
LOCATED IN THE
H.T. & B.R.R. COMPANY
SECTION 81, A-300
BRAZORIA COUNTY, TEXAS

OWNERS:
GLOBAL XYZ DEVELOPMENT, LLC
721 S. HIGHWAY 78
WYLLIE, TEXAS 7609843615
TELEPHONE (972) 303-8100

Costello ENGINEERING AND SURVEYING
8990 RICHMOND AVENUE SUITE 460
NORTH BUILDING
HOUSTON, TEXAS 77042
(713) 793-7788 FAX: 793-3550
TIPPE FIRM REGISTRATION NO. 280
TIPPE FIRM REGISTRATION NO. 100466

FILE COPY - PLANNING
SUBMITTAL DATE: 9/24/14
DRC DATE: 9/30/14
PLEASE REVIEW PLAT AND RETURN TO
PLANNING DEPT BY: 10/2/14



**PEARLAND
 MEDICAL CAMPUS**
 PEARLAND, TEXAS

PRELIMINARY
 DRAWINGS
 NOT FOR BIDDING, PERMIT,
 OR CONSTRUCTION
 PURPOSES

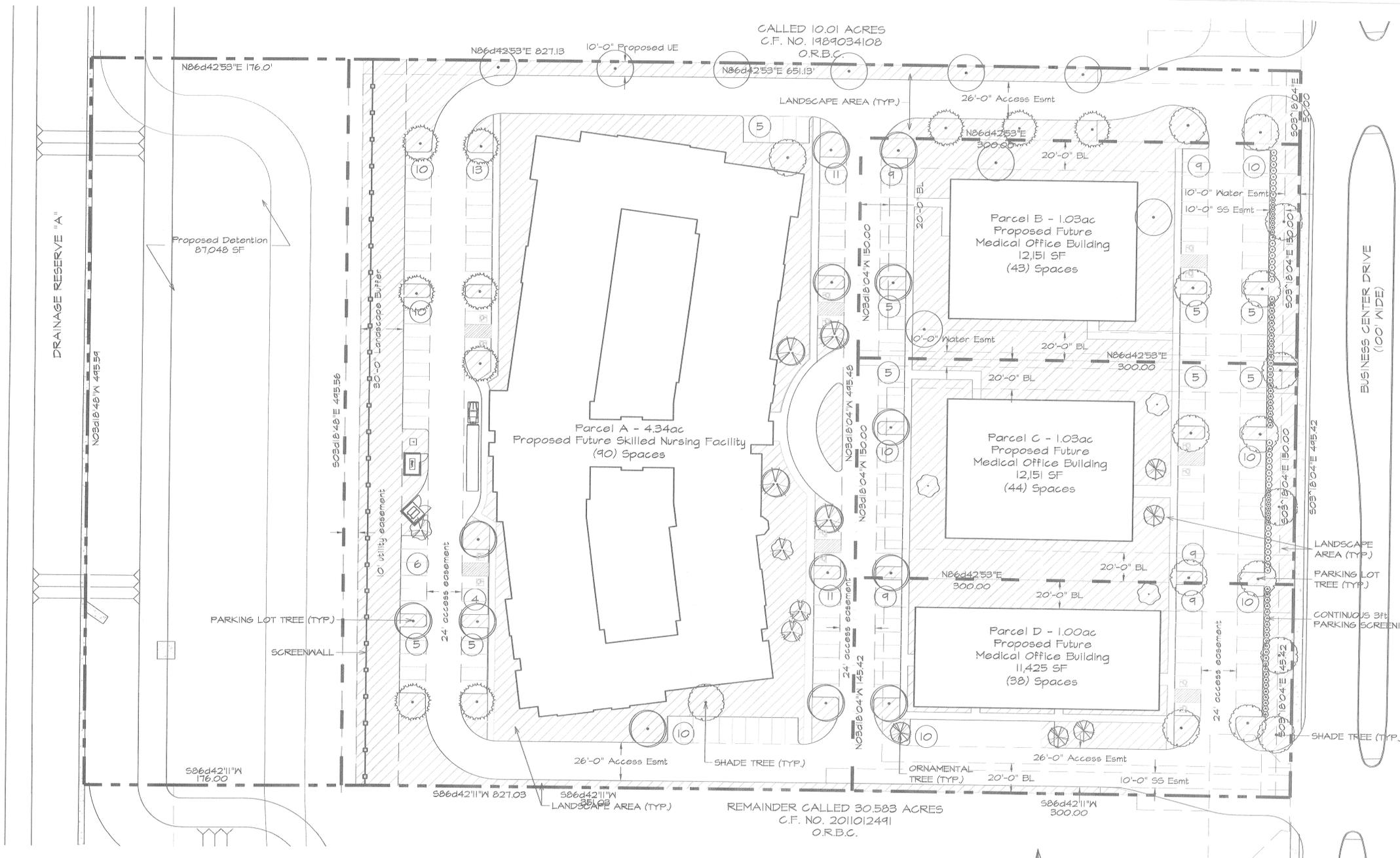
© 2014 PI ARCHITECTS, INC.

REVISIONS:

DATE:
 09/19/14
 PROJECT NUMBER:
 14010
 SHEET TITLE:

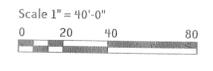
**CONDITIONAL
 USE
 SITEPLAN**

SHEET:
L1
 OF: 1



CALLED 10.01 ACRES
 C.F. NO. 1989034108
 O.R.B.C.

REMAINDER CALLED 30.583 ACRES
 C.F. NO. 2011012491
 O.R.B.C.



1 DEVELOPMENT SITE PLAN

THIS DRAWING, AS AN INSTRUMENT OF SERVICE, IS AND SHALL REMAIN THE PROPERTY OF PI ARCHITECTS AND SHALL NOT BE REPRODUCED, PUBLISHED OR USED IN ANY WAY WITHOUT THE PERMISSION OF PI ARCHITECTS

NOTE: BEWARE: UNDERGROUND UTILITIES IN PLACE, INCLUDING ELECTRICAL, GAS, WATER, SEWER, TELEPHONE, AND OTHERS. CONSULT PROJECT ENGINEER PRIOR TO CONSTRUCTION. ALL UTILITIES TO BE FLAGGED AND IDENTIFIED. LANDSCAPE CONTRACTOR RESPONSIBILITY.

Landscape Requirements					
Zoning BP 288 + Business Center PD					
Street Trees	Parcel A - (495)lf	Parcel B - (150)lf	Parcel C - (150)lf	Parcel D (146)lf	
1" per (15)lf	Req (17) 2" Prov (17) 2"	Req (5) 2" Prov (5) 2"	Req (5) 2" Prov (5) 2"	Req (5) 2" Prov (5) 2"	
Parking Lot Trees	Parcel A - (90)sp	Parcel B - (43)sp	Parcel C - (44)sp	Parcel D - (38)sp	
1" per (5)spaces	Req (9) 2" Prov (9) 2"	Req (5) 2" Prov (5) 2"	Req (5) 2" Prov (5) 2"	Req (4) 2" Prov (4) 2"	
Landscape Area	Parcel A - (216,178)sf	Parcel B	Parcel C	Parcel D	
15% of site area	Req (41,426)sf Prov (54,509)sf	Req (6,750)sf Prov (17,810)sf	Req (6,750)sf Prov (12,495)sf	Req (6,547)sf Prov (10,756)sf	

Site Data								
Zoning BP 288 + Business Center PD								
Proposed Use	Parcel A Skilled Nursing		Parcel B Medical Office		Parcel C Medical Office		Parcel D Medical Office	
Min Lot Dimensions	Parcel A		Parcel B		Parcel C		Parcel D	
Front Setback	Req 25ft	Prov 38ft	Req 25ft	Prov 25ft	Req 25ft	Prov 25ft	Req 25ft	Prov 25ft
Rear Setback	20ft	99ft	20ft	20ft	20ft	20ft	20ft	20ft
Side Setback	20ft	47ft	20ft	20ft	20ft	20ft	20ft	20ft
Width	150ft	495ft	150ft	150ft	150ft	150ft	150ft	145.42ft
Depth	Flag 200ft	Pole 351ft	200ft	300ft	200ft	300ft	200ft	300ft
Area	1ac	4.34ac	1ac	1.03ac	1ac	1.03ac	1ac	1.00ac
Parking	Parcel A		Parcel B		Parcel C		Parcel D	
(1) space per (2) beds	Req 52	Prov 90	Req 41	Prov 43	Req 41	Prov 44	Req 38	Prov 38
(1) space per (300)sf								

I:\00-Projects\2014\14010_SCE_Pearland\00 Project Drawings\1 Conditional Site.dwg Flt, Sep 19, 2014, 1:48pm

**P&Z AGENDA
ITEM**

E



P&Z AGENDA REQUEST

TO: Planning & Zoning Commission
REQUESTOR: Luther Daly of Costello, Inc.
DATE: 10/14/2014
AGENDA ITEM SUBJECT: Planning and Zoning Variance 2014-05

Old Business **New Business** Discussion Item Workshop

Summary: A request by Luther Daly of Costello, Inc., applicant; on behalf of George and Mary Fishman, owner; for approval of a Planning and Zoning Variance to allow for a flag lot within the existing Business Park 288 (BP-288) zoning district on 9.4083 acres of land.

Staff Recommendation: Approval



PLANNING AND ZONING COMMISSION MEETING OF OCTOBER 20, 2014

PLANNING AND ZONING VARIANCE NO. 2014-05

A request by Luther Daly of Costello, Inc., applicant; on behalf of George and Mary Fishman, owner; for approval of a Planning and Zoning Variance to allow for a flag lot within the existing Business Park 288 (BP-288) zoning district on 9.4083 acres of land, on the following described property, to wit:

Legal Description: Being a subdivision of 9.4083 acres of land located in the H.T.& B.R.R. Company Survey, Abstract 300, Brazoria County, Texas.

General Location: Located on the west side of Business Center Drive, south of Pearland Town Center.

SUMMARY: The applicant is proposing to subdivide the 9.4083 acre tract into 4 lots and 1 detention reserve, to be developed as a Medical and Continuing Care campus. The current proposal calls for 4 lots all to have direct access to Business Center Drive. To do so, Lot 1, located at the rear is proposed to be a flag lot with a minimum frontage on Business Center Drive of 50 feet and a pole depth of 300 feet. The flag portion of the lot will have a width of 445.48, a depth of 371.03, and overall area of 4.3381 acres.

UNIFIED DEVELOPMENT CODE: GENERAL COMMERCIAL (GC): The below table illustrates the lot dimension requirements of the BP-288 zone versus the proposed lot dimensions. As indicated, the proposed lot width of Lot 4 does not currently meet the minimum requirements of the BP-288 zone. The applicant is also seeking a lot width variance (P&Z Variance Application Number 2014-04).

Area Regulations: R-E (Single-Family Estate District)		
Size of Lots	Required	Proposed
a) Minimum Lot Area	1 Acre	1.0017 Acres
b) Minimum Lot Width	150 Feet	50 Feet (Pole) 445.48 Feet (Flag)
c) Minimum Lot Depth	200 Feet	300 Feet (Pole) 371.03 Feet (Flag)

The Unified Development Code (UDC) defines a flag lot as a lot which has frontage and width at the building line that is less than the minimum required width. Flag lots in non-

residential and mixed-use zoning districts shall be permitted upon approval by the Planning and Zoning Commission, provided that such lots shall have a minimum frontage of 50 feet. The proposed flag lot meets the definition of a flag lot as stated in UDC, and is therefore eligible for a Planning and Zoning Variance.

PLATTING STATUS: The property is in the process of platting. The proposed variance is required prior to staff approval of the plat.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan recommends "Business Park" for the subject and surrounding properties. The current zoning of BP-288 is in conformance with the future land use designation. .

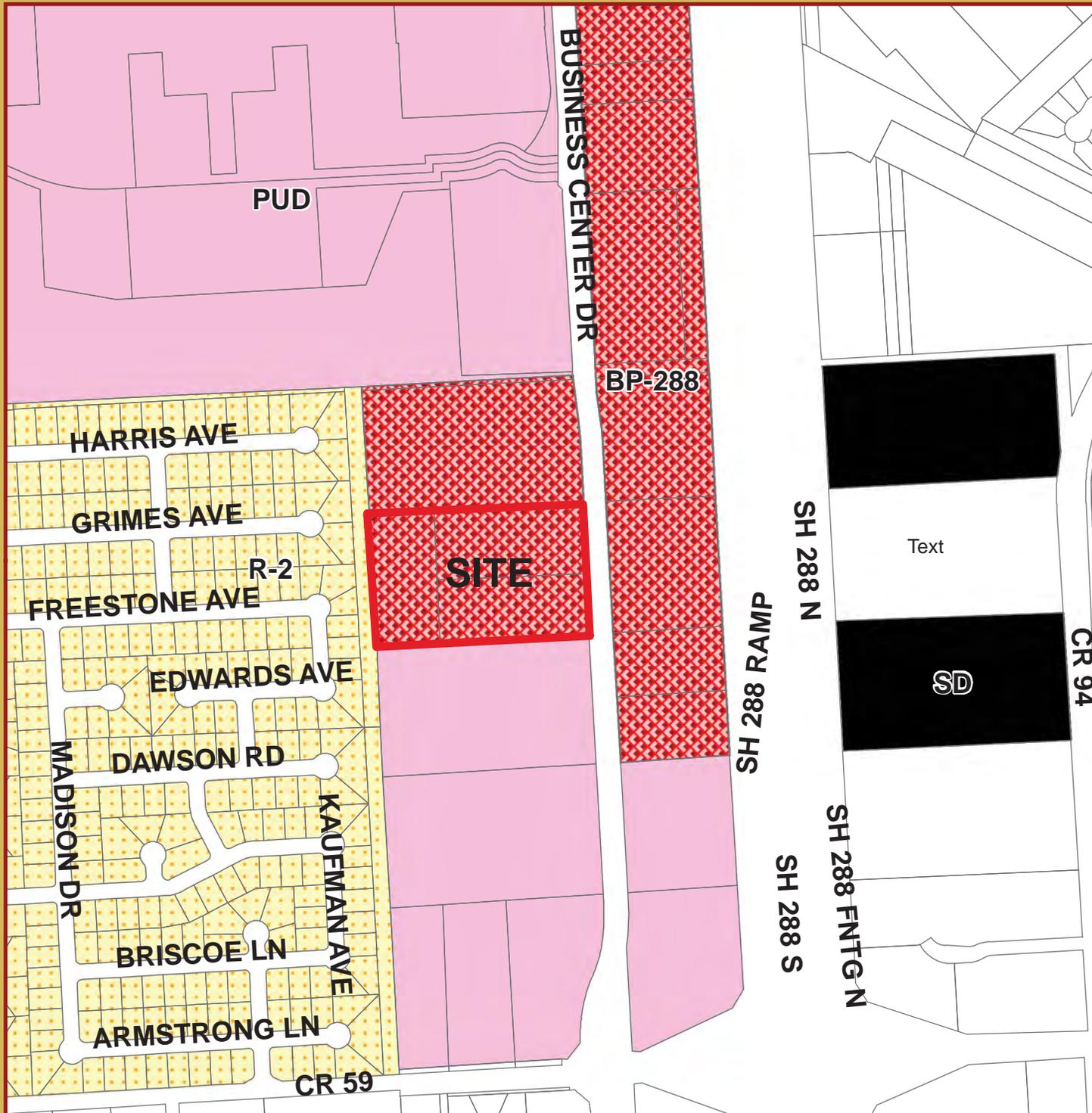
CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Business Center Drive which is a secondary thoroughfare with sufficient right-of-way width of 100 feet.

STAFF ANALYSIS: The proposed flag lot meets the definition of a flag lot as stated in the UDC and is therefore eligible for a Planning and Zoning Variance. Staff recommends the following condition if the proposed flag variance is approved:

1. The access easement located within the pole portion of the subject parcel shall be treated as a City Street, requiring 1 caliper inch per each 15 feet of frontage on either side of the easement, with each tree having a minimum of 2 caliper inches.
2. Sidewalks shall be required along both sides of the access easement located within the pole portion of the subject parcel and connect to both Business Center Drive, and to planned walkways within the development.

SUPPORTING DOCUMENTS:

- Zoning Map
- Future Land Use Plan
- Aerial Map
- Application Package



ZONING MAP

P&Z Variance 2014-05

**Business Center Dr.
South of Pearland
Town Center**

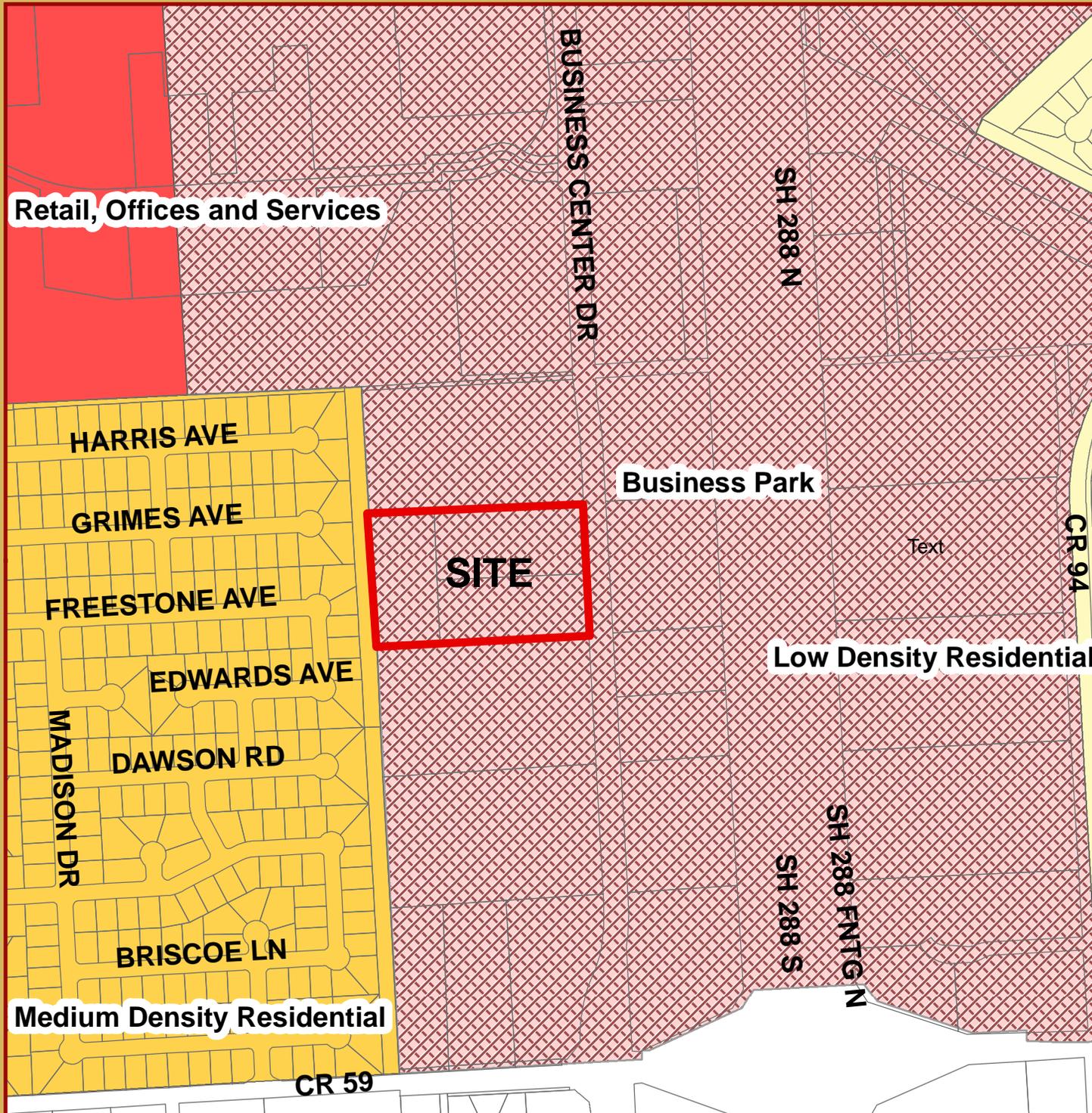


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 544 feet

OCTOBER 2014
PLANNING DEPARTMENT





FLUP MAP

P&Z Variance 2014-05

**Business Center Dr.
South of Pearland
Town Center**



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 = 544 feet

OCTOBER 2014
PLANNING DEPARTMENT





AERIAL MAP

P&Z Variance 2014-05

**Business Center Dr.
South of Pearland
Town Center**



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 = 544 feet

OCTOBER 2014
PLANNING DEPARTMENT



PLANNING & ZONING VARIANCE APPLICATION



City of Pearland
 Community Development
 5523 Liberty Drive (Community Center)
 Pearland, Texas 77581
 281-652-1765
 281-652-1702 fax
 www.cityofpearland.com

Variance from Section No. : Sec. 2.4.4.3, BP - 288, Sec. 2.4.4.4
(list section number from the Unified Development Code that pertains to requested variance)

General Description: Submitting a variance for a Flag Lot and a variance for the Reduction of the minimum lot width.

Property Information:

Address or General Location of Property: Business Center Drive Approx. 1600-Foot North of County Rd 59

In order for a variance to be considered, the property must be platted.
 Has the property ever been platted: Yes No

Subdivision: _____

Lot: Tract 37 Block: _____

PROPERTY OWNER INFORMATION (required):
 NAME George Fishman and Mary Fishman
 ADDRESS 3406 Hampshire ST.
 CITY Pearland STATE TX ZIP 77581
 PHONE(832) 571-1158
 FAX(_____) _____
 MAIL ADDRESS Georgefishman775981@yahoo.com

APPLICANT INFORMATION:
 NAME Costello, Inc.: Luther Daly
 ADDRESS 9990 Richmond Ave., Suite 450 N
 CITY Houston STATE TX ZIP 77042
 PHONE(713) 783-7788
 FAX(713) E- 783-3580
 E-MAIL ADDRESS ldaly@costelloinc.com

A Complete Application must include all of this information:

- Fee of \$250.00
- Legal Description and/or Survey of the Property
- Site Plan, Plot Plan, or Drawing showing the requested variance
- Letter Explaining the variance in detail, including Description of Hardship
- Other necessary information (maps, drawings, pictures, etc.) to explain the variance

As owner and applicant, I hereby request approval of the above described request as provided for by the Unified Development Code of the City of Pearland.

Owner's Signature: [Signature] Date: 9/17/2014
 Agent's Signature: [Signature] Date: 9/24/2014

OFFICE USE ONLY:			
FEES PAID: <u>\$250⁰⁰</u>	DATE PAID: <u>9/24/14</u>	RECEIVED BY: <u>JC</u>	RECEIPT NUMBER: <u>360181</u>

Application No. 2014-04/05

September 9, 2014

City of Pearland
Community Development
Planning & Zoning Board
3523 Liberty Drive (Community Center)
Pearland, TX 77581

RE: Variance & Approval Request for Minor Plat of Medical Resort at Pearland

Property ID – 0300-0011-000; Legal Description - A0300 HT & BRR, Tract 37A, Acres 3.330
Property ID - 0300-0025-000; Legal Description - A0300 HT & BRR, Tract 37B, Acres 3.0474
Property ID - 0300-0011-100; Legal Description - A0300 HT & BRR, Tract 37, Acres 3.0474

Dear Board Members;

Pearland Development Code: Sec 2.4.4.3 BP-288 & Sec 2.4.4.4

Specific Variance is being sought for: (Sec 2.4.4.3.c.1.b)
To allow the minimum lot width to be less than 150'.

The applicant proposes to plat a 9.4083 acre tract of land into four (4) Lots as shown on the attached proposed plat of Medical Resort of Pearland. Three proposed lots will front Business Center Drive with the largest main anchor lot to the west configured as a "Flag Lot". The southerly front lot on Business Center Drive will be short 4.5' from meeting the minimum lot width required for front lots.

The Houston/Galveston Area Council is expecting job growth in the Health care industry and with board approving this variance, the development can proceed with a much needed medical facility for the elderly in this heavily populated residential portion of Pearland.

Economic hardship is not the sole justification of the variance:
The conditions supporting this variance is the limited frontage width to Business Center Drive as compared to the depth of the lot.

Secondly, approval is being sought for - Sec 2.4.4.4.b.2
To allow a flag lot in a nonresidential and mixed-use zoning district with the approval by the Planning & Zoning Commission. The flag lot meets the minimum required 50' frontage per section listed above.
(Please see attached plat)

Respectfully,



George Fishman and Mary Fishman
3406 Hampshire St.
Pearland, TX 77581

ZONE CHANGE/ VARIANCE/ PLAT/ RECORDATION

(circle one)
\$ 250 **BA** or **PF** or **FE**

Description: Input who the check is from *Luther Daly*
~~Global X/z Development~~

COMMENTS/DESCRIPTION (F10):

Location or Address Business Ctr Dr & CR 59

Applicant Luther Daly

Owner George & Mary Fishman

CITY OF PEARLAND
*** CUSTOMER RECEIPT ***
Oper: JCOTTER Type: OC Drawer: 1
Date: 9/24/14 01 Receipt no: 360101

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	\$250.00
Trans number:		4602553

LUTHER DALY
BUSINESS CENTER DR & CR 59
LUTHER DALY
GEORGE & MARY FISHMAN

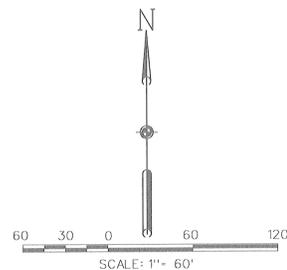
Tender detail	
BR CREDIT CARD	\$250.00
Total tendered	\$250.00
Total payment	\$250.00

Trans date: 9/23/14 Time: 17:09:09

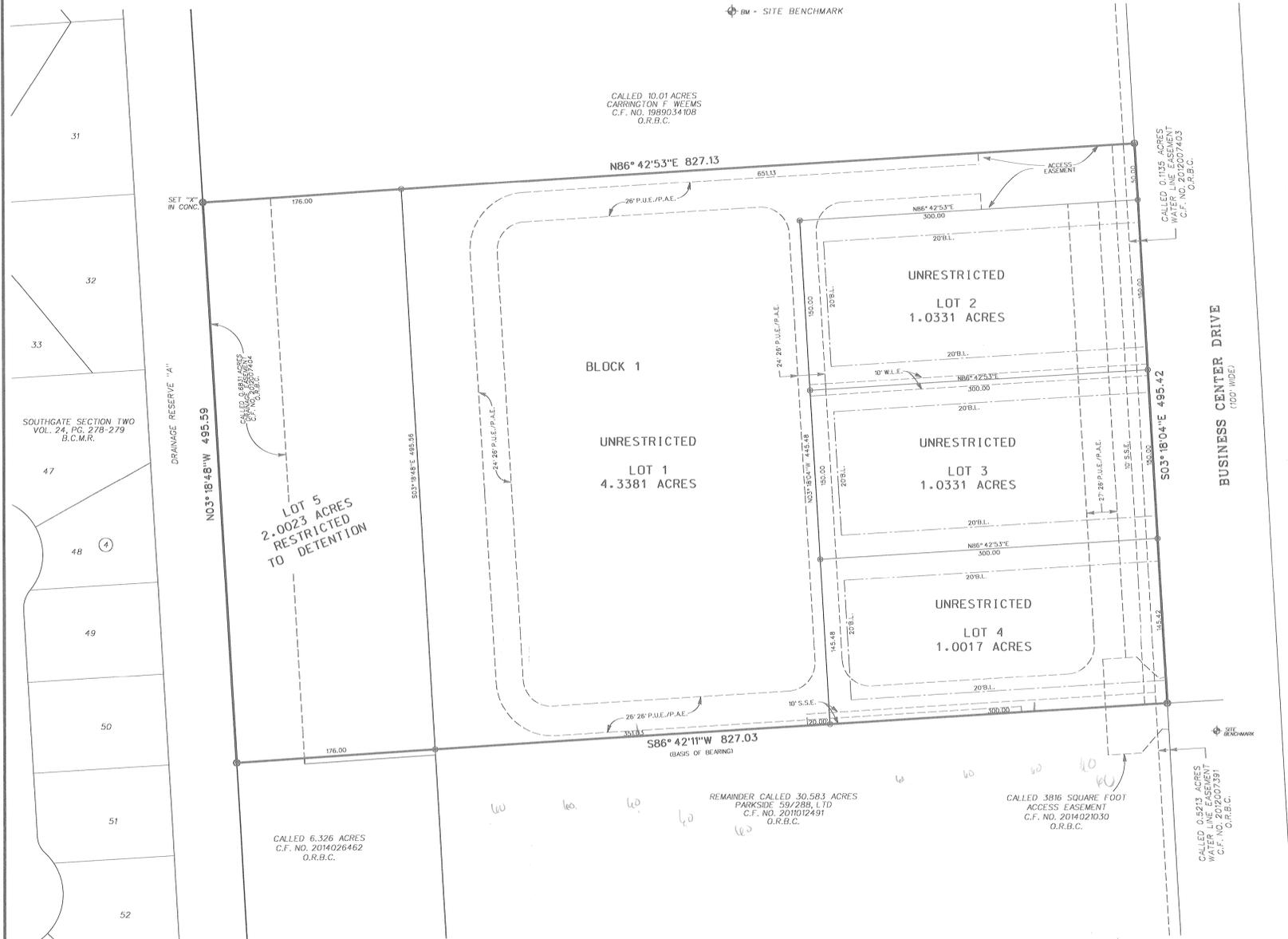
LEGEND

- CL --- CLERKS FILE
- U.E. --- UTILITY EASEMENT
- B.L. --- BUILDING LINE
- A.E. --- AERIAL EASEMENT
- R --- IRON ROD
- VOL. --- VOLUME
- P.C. --- PAGE
- B.C.M.R. --- BRAZORIA COUNTY MAP RECORDS
- O.R.B.C. --- OFFICIAL RECORDS OF BRAZORIA COUNTY
- C.M. --- CONTROLLING MONUMENT
- W.S.E. --- WATER AND SEWER EASEMENT
- W.L.E. --- WATER LINE EASEMENT
- F.H.E. --- FIRE HYDRANT EASEMENT
- S.S.E. --- SANITARY SEWER EASEMENT
- W.L.E. --- WATER LINE EASEMENT
- P.U.E./P.A.E. --- PUBLIC UTILITY EASEMENT
- P.A.E. --- PRIVATE ACCESS EASEMENT
- ◆ --- STREET LIGHT

NUMBER	SQ. FT.	ACRES
LOT 1	188,967	4.3381
LOT 2	45,001	1.0331
LOT 3	45,001	1.0331
LOT 4	43,6234	1.0017
LOT 5	87,220	2.0023



- SET 5/8-INCH IRON ROD W/CAP STAMPED "COSTELLO INC" UNLESS OTHERWISE NOTED
- FOUND 5/8-INCH IRON ROD UNLESS OTHERWISE NOTED
- ◆ BM - SITE BENCHMARK



GENERAL NOTES

- THIS PLAT HAS BEEN PREPARED TO MEET THE REQUIREMENTS OF THE STATE OF TEXAS, BRAZORIA COUNTY AND THE CITY OF PEARLAND. THIS PLAT WAS PREPARED FROM INFORMATION PROVIDED BY CHICAGO TITLE INSURANCE COMPANY C.F. NUMBER CTH-COM-CIT14608261K, EFFECTIVE DATE SEPTEMBER 14, 2014. ALL BEARINGS REFERENCED ARE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE AND THE NORTH LINE OF A CALLED 30.583 ACRE TRACT OF LAND RECORDED IN CLERK'S FILE NUMBER 2011012491 OF THE OFFICIAL RECORDS OF BRAZORIA COUNTY.
 - ALL SUBDIVISION COMMON AREAS INCLUDING BUT NOT LIMITED TO DEFENTION FACILITIES, EASEMENTS, AND OPEN SPACE WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE MAINTAINED BY A HOMEOWNERS ASSOCIATION, COMMERCIAL PROPERTY ASSOCIATIONS OR OTHER ENTITY AND SHALL NOT BE THE RESPONSIBILITY OF THE CITY OF PEARLAND OR BRAZORIA COUNTY.
 - CITY OF PEARLAND REFERENCE BENCHMARK: BRASS CAP SET FLUSH IN CONCRETE STAMPED "CITY OF PEARLAND" MONU 1995 LOCATED NORTHERLY ALONG SOUTH BOUND HWY 288 APPROXIMATELY 2400 FEET FROM ITS INTERSECTION OF FM 518 AND HIGHWAY 288. THE MONUMENT IS WESTERLY 21 FEET FROM LARGE HIGHWAY LIGHT POLE #2388. ELEVATION = 59.29 NGVD 1929 (1987 ADJ.)
- PROJECT BENCHMARK: BRASS DISK STAMPED "BCPD" SET ON TOP OF A CURB INLET ALONG THE NORTH SIDE OF COUNTY RD 59, APPROXIMATELY 233 FEET EAST OF THE CENTERLINE EXTENSION OF BUSINESS CENTER DRIVE. ELEVATION = 61.78 NGVD 1929 (1987 ADJ.)

- PLAT BENCHMARK: SCRIBED "X" WITHIN BOX AT THE SOUTHERLY BULLNOSE OF A MEDIAN CROSSING OF BUSINESS CENTER DRIVE AT THE SOUTHEAST CORNER OF MEDICAL RESORT AT PEARLAND PROPERTY.
- CURB EXIST, OR (2) 12 INCHES ABOVE THE 100 YEAR FLOODPLAIN WATER SURFACE ELEVATION FOR STRUCTURES TO BE LOCATED WITHIN THE 100 YEAR FLOODPLAIN.
- ANY CONSTRUCTION PROPOSED TO BE INSTALLED WITHIN A PROPERTY EASEMENT WITH PRESCRIBED RIGHTS TO A PRIVATE ENTITY MAY REQUIRE THE PERMISSION OF THE PRIVATE ENTITY PRIOR TO THE START IF CONSTRUCTION. FAILURE TO SECURE SUCH PERMISSION MAY RESULT IN THE RIGHT HOLDERS OF THE EASEMENT REMOVING ANY UNAPPROVED PAVEMENT, STRUCTURES, UTILITIES, OR OTHER FACILITIES LOCATED WITHIN THE EASEMENT. THE RESPONSIBILITY OF SECURING APPROVAL FROM THE PRIVATE ENTITIES TO BUILD WITHIN AN EASEMENT IS SOLELY THAT OF THE PROPERTY OWNER.
 - ACCESS RIGHTS TO PARKING AREAS AND DRIVEWAYS ARE HEREBY GRANTED TO ALL ADJOINING COMMERCIAL PROPERTIES.

- THE MINIMUM SLAB ELEVATION FOR ALL BUILDINGS LOCATED WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE THE HIGHER OF (1) EITHER 12 INCHES ABOVE THE TOP OF THE CURB ELEVATION FOR A CURB STREET OF 12 INCHES ABOVE THE ELEVATION OF THE EDGE OF THE ROADWAY IF NO CURB EXIST, OR (2) 12 INCHES ABOVE THE 100 YEAR FLOODPLAIN WATER SURFACE ELEVATION FOR STRUCTURES TO BE LOCATED WITHIN THE 100 YEAR FLOODPLAIN.
- ANY PROPOSED DRAINAGE SYSTEM FOR THIS SUBDIVISION SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE CITY OF PEARLAND AND/OR BRAZORIA DRAINAGE DISTRICT #4.
- ANY LANDSCAPING AND STRUCTURES, INCLUDING FENCES AT INTERSECTIONS SHALL CONFORM TO THE CITY OF PEARLAND AND AASHTO SITE DISTANCE REQUIREMENTS FOR MOTORISTS.
- DRIVEWAY REQUIREMENTS FOR THE LOCATION, WIDTHS, AND OFFSETS FROM AN INTERSECTION AND ANY EXISTING DRIVEWAY OR PROPOSED DRIVEWAY, SHALL CONFORM TO THE REQUIREMENTS OF CHAPTER 7 OF THE CITY OF PEARLAND ENGINEERING DESIGN CRITERIA MANUAL.

COUNTY OF BRAZORIA

THAT WE, GLOBAL XYZ DEVELOPMENT, ACTING BY AND THROUGH JOHN GRIFFIN, OWNERS AND OR ASSIGNS OF THE PROPERTY SUBDIVIDED AND PLATTED IN THE FOREGOING PLAT OF MEDICAL RESORT AT PEARLAND, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION OF SAID PROPERTY ACCORDING TO ALL LINES, LOTS, STREETS, EASEMENTS, RESERVES, RESTRICTIONS AND NOTATIONS ON SAID PLAT AND DESIGNATE SAID SUBDIVISION AS FINAL DEVELOPMENT PLAT OF MEDICAL RESORT AT PEARLAND, BEING A SUBDIVISION OF 4 LOTS, IN THE CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS, AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER THE STREETS AND EASEMENTS, AS SHOWN HEREON, FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, DO HEREBY WAIVE ANY CLAIMS FOR DAMAGES OCCASIONED BY THE GRADES APPROVED FOR THE STREETS, OR OCCASIONED BY THE ALTERATION OF THE SURFACE OF ANY PORTION OF THE STREETS TO CONFORM TO SUCH GRADES AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER UNOBSTRUCTED AERIAL EASEMENTS AS INDICATED AND DEPICTED HEREON (IF ANY). THE AERIAL EASEMENTS (IF ANY) SHALL EXTEND HORIZONTALLY AN ADDITIONAL ELEVEN FEET, SIX INCHES (11'6") FOR TEN FEET (10') PERIMETER GROUND EASEMENTS (IF ANY) OR SEVEN FEET, SIX INCHES (7'6") FOR FOURTEEN FEET (14') PERIMETER GROUND EASEMENTS (IF ANY) OR FIVE FEET, SIX INCHES (5'6") FOR SIXTEEN FEET (16') PERIMETER GROUND EASEMENTS (IF ANY), FROM A PLANE SIXTEEN (16') ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY THE AERIAL EASEMENT (IF ANY) TOTALS TWENTY-ONE FEET, SIX INCHES (21'6") IN WIDTH.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC, FOR PUBLIC UTILITY PURPOSES FOREVER, UNOBSTRUCTED AERIAL EASEMENTS AS INDICATED AND DEPICTED HEREON (IF ANY). THE AERIAL EASEMENTS (IF ANY) SHALL EXTEND HORIZONTALLY AN ADDITIONAL TEN FEET (10') FOR TEN FEET (10') BACK-TO-BACK GROUND EASEMENTS (IF ANY), OR EIGHT FEET (8') FOR FOURTEEN FEET (14') BACK TO BACK GROUND EASEMENTS (IF ANY) OR SEVEN FEET (7') FOR SIXTEEN FEET (16') BACK TO BACK GROUND EASEMENTS (IF ANY) FROM A PLANE SIXTEEN FEET (16') ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO BOTH SIDES AND ADJOINING ALL PUBLIC UTILITY EASEMENTS (IF ANY) THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY THE AERIAL EASEMENT (IF ANY) TOTALS THIRTY FEET (30') IN WIDTH.

IN TESTIMONY HERETO, GLOBAL XYZ DEVELOPMENT, AS OWNER OF MEDICAL RESORT AT PEARLAND, HAS CAUSED THESE PRESENTS TO BE SIGNED BY JOHN GRIFFIN, OWNER.

THIS ____ DAY OF SEPTEMBER, 2014.

BY: GLOBAL XYZ DEVELOPMENT

BY: JOHN GRIFFIN, OWNER

STATE OF TEXAS
COUNTY OF COLLIN

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JOHN GRIFFIN, OWNER, GLOBAL XYZ DEVELOPMENT, ON BEHALF OF THE COMPANY, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS ____ DAY OF SEPTEMBER, 2014.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES: _____

THIS IS TO CERTIFY THAT THE CITY PLANNING DIRECTOR OF THE CITY OF PEARLAND, TEXAS HAS APPROVED THIS FINAL DEVELOPMENT PLAT OF KELSEY - SEYBOLD, IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCE OF THE CITY OF PEARLAND AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF

THIS PLAT THIS ____ DAY OF SEPTEMBER, 2014.

JOHNNA MATTHEWS
CITY PLANNER
CITY OF PEARLAND, TX

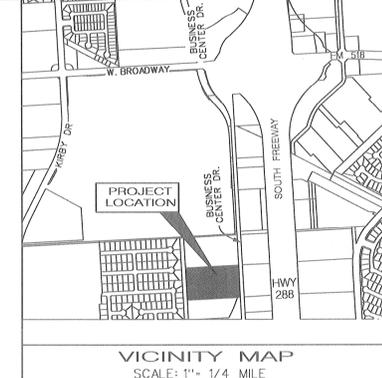
APPROVED FOR THE CITY OF PEARLAND, TEXAS THIS ____ DAY OF SEPTEMBER, 2014

RICHARD MANCILLA, P.E.
CITY ENGINEER
CITY OF PEARLAND, TX

DARRIN COCKER,
CITY ATTORNEY
CITY OF PEARLAND,

I, LUTHER J. DALY, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING, AND HEREBY CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND CORRECT, WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, THAT ALL BOUNDARY CORNERS, ANGLE POINTS AND POINTS OF CURVATURE HAVE BEEN MARKED WITH IRON (OR OTHER SUITABLE PERMANENT METAL) PIPES OR RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN FIVE EIGHTHS INCH (5/8") AND A LENGTH OF NOT LESS THAN THREE (3) FEET.

REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6150



METES AND BOUNDS

Being a 9.4083 acre tract of land located in the H.T. & B.R.R. Company Survey, Abstract 300, Brazoria County, Texas; said 9.4083 acre tract being all of a called 3.39 acre tract of land recorded in the name of George D. and Mary Fishman in Clerk's File Number 2005061002 of the Official Records of Brazoria County (O.R.B.C.) Texas, the remainder of a called 3.3 acre tract of land (North 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-01907 of the O.R.B.C. and the remainder of a called 3.3 acre tract of land (South 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-010496 of the O.R.B.C.; said 9.4083 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System, South Central Zone):

Beginning at an "X" scribed in concrete found for the northwest corner of a called 30.583 acre tract of land recorded in Clerk's File Number 2011012491 of the O.R.B.C. and the southwest corner of said called 3.39 acre tract, same being on the east line of Southgate Section Two, a subdivision recorded in Volume 24, Page 278-279 of the Brazoria County Plat Records, said "X" also being the northwest corner of a called 6.326 acre tract of land recorded in Clerk's File Number 2014026462 of the O.R.B.C.

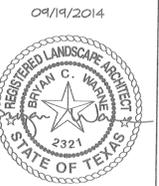
- Thence, with the west line of said called 3.39 acre tract and the east line of said Southgate Section Two, North 03 degrees 18 minutes 48 seconds West, a distance of 495.59 feet to an "X" scribed in concrete set for the northwest corner of said called 3.39 acre tract and the southwest corner of a called 10.01 acre tract of land recorded in Clerk's File Number 1989034108 of the O.R.B.C.;
- Thence, with the north line of said called 3.39 acre tract, the north line of aforesaid North 3.3 acre tract and the south line of said 10.01 acre tract, North 86 degrees 42 minutes 53 seconds East, at 296.85 feet pass a to a 5/8-inch iron rod found, continuing in a all total distance of 827.13 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set on the northwest corner of a called 0.5652 recorded in Clerk's File Number 2012007402 of the O.R.B.C., same being on the north line of aforesaid called 30.583 acre tract and the south line of aforesaid South 3.3 acre tract;
- Thence, with the west line of said called 0.5652 acre tract, same being the west R.O.W. line of said Business center Drive, South 03 degrees 18 minutes 04 seconds East, a distance of 495.42 feet to a 5/8-inch iron rod with cap stamped "IDS" found for the southwest corner of said called 0.5652 acre tract and the northwest corner of a called 0.8328 acre tract of land recorded in Clerk's File Number 20120087390 of the O.R.B.C., same being on the north line of aforesaid called 30.583 acre tract and the south line of aforesaid South 3.3 acre tract;
- Thence, with the south line of said South 3.33 acre tract, the south line of aforesaid called 3.39 acre tract and the north line of said called 30.583 acre tract, South 86 degrees 42 minutes 11 seconds West, a distance of 827.03 feet to the Point of Beginning and containing 9.4083 acres of land.

**MINOR PLAT OF
MEDICAL RESORT
AT PEARLAND**
A SUBDIVISION OF 9.4083 ACRES
1 BLOCK & 5 LOTS
CITY OF PEARLAND
LOCATED IN THE
H.T. & B.R.R. COMPANY
SECTION 81, A-300

BRAZORIA COUNTY, TEXAS
OWNERS:
GLOBAL XYZ DEVELOPMENT, LLC
721 S. HIGHWAY 78
WYLLIE, TEXAS 7609843615
TELEPHONE (972) 303-8100

Costello ENGINEERING AND SURVEYING
8990 RICHMOND AVENUE SUITE 460
NORTH BUILDING
HOUSTON, TEXAS 77042
(713) 793-7788 FAX: 793-3550
TIPPE FIRM REGISTRATION NO. 280
TIPPE FIRM REGISTRATION NO. 100466

FILE COPY - PLANNING
SUBMITTAL DATE: 9/24/14
DRC DATE: 9/30/14
PLEASE REVIEW PLAT AND RETURN TO
PLANNING DEPT BY: 10/2/14



**PEARLAND
 MEDICAL CAMPUS**
 PEARLAND, TEXAS

PRELIMINARY
 DRAWINGS
 NOT FOR BIDDING, PERMIT,
 OR CONSTRUCTION
 PURPOSES

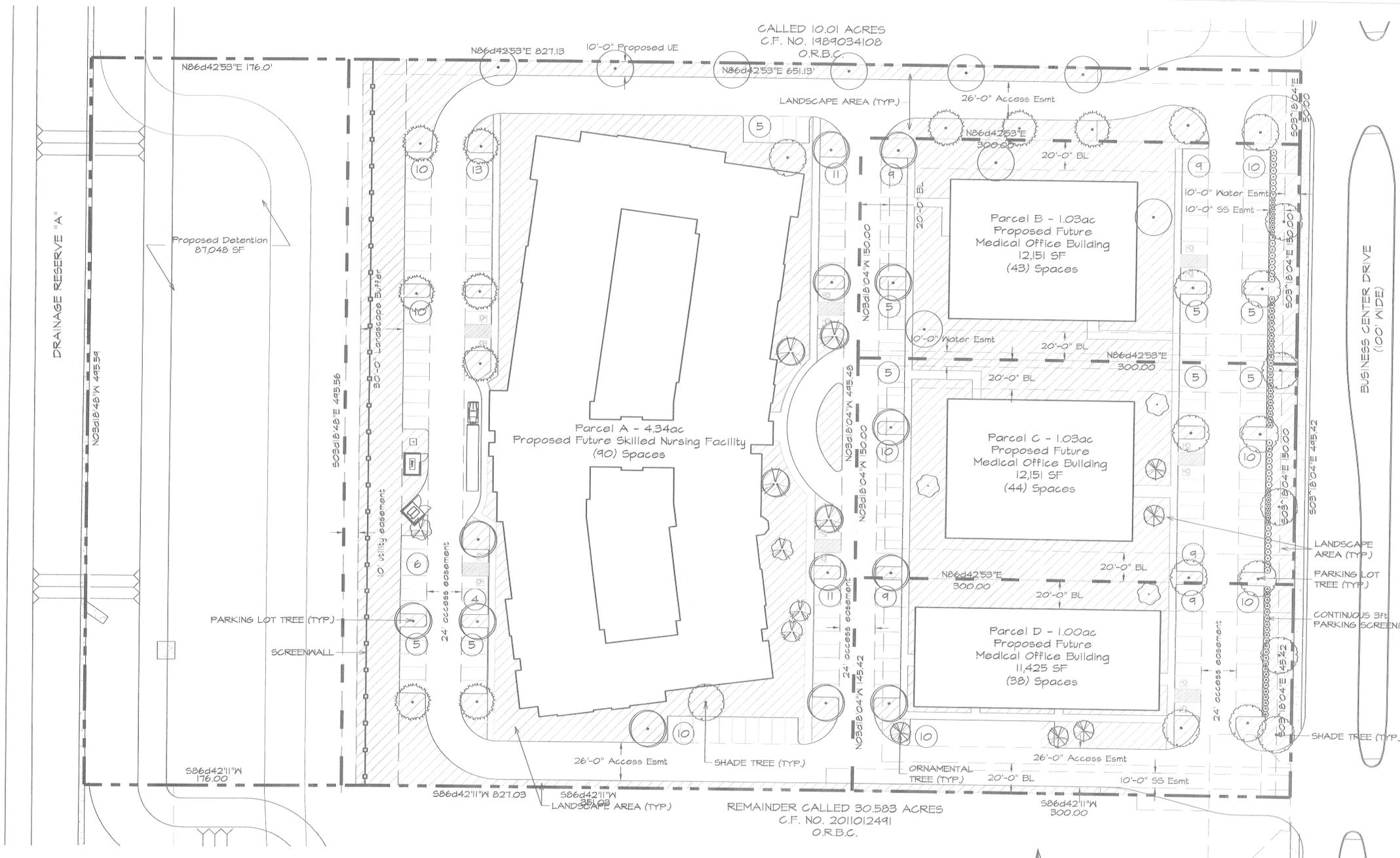
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REVISIONS:

DATE:
 09/19/14
 PROJECT NUMBER:
 14010
 SHEET TITLE:

**CONDITIONAL
 USE
 SITEPLAN**

SHEET:
L1
 OF: 1



1 DEVELOPMENT SITE PLAN



THIS DRAWING, AS AN INSTRUMENT OF SERVICE, IS AND SHALL REMAIN THE PROPERTY OF PI ARCHITECTS AND SHALL NOT BE REPRODUCED, PUBLISHED OR USED IN ANY WAY WITHOUT THE PERMISSION OF PI ARCHITECTS

NOTE: BEWARE: UNDERGROUND UTILITIES IN PLACE, INCLUDING ELECTRICAL, GAS, WATER, SEWER, TELEPHONE, AND OTHERS. CONSULT PROJECT ENGINEER PRIOR TO CONSTRUCTION. ALL UTILITIES TO BE FLAGGED AND IDENTIFIED. LANDSCAPE CONTRACTOR RESPONSIBILITY.

Landscape Requirements					
Zoning BP 288 + Business Center PD					
Street Trees	Parcel A - (495)lf	Parcel B - (150)lf	Parcel C - (150)lf	Parcel D (146)lf	
1" per (15)lf	Req (17) 2" Prov (17) 2"	Req (5) 2" Prov (5) 2"	Req (5) 2" Prov (5) 2"	Req (5) 2" Prov (5) 2"	
Parking Lot Trees	Parcel A - (90)sp	Parcel B - (43)sp	Parcel C - (44)sp	Parcel D - (38)sp	
1" per (5)spaces	Req (9) 2" Prov (9) 2"	Req (5) 2" Prov (5) 2"	Req (5) 2" Prov (5) 2"	Req (4) 2" Prov (4) 2"	
Landscape Area	Parcel A - (216,178)sf	Parcel B	Parcel C	Parcel D	
15% of site area	Req (41,426)sf Prov (54,509)sf	Req (6,750)sf Prov (17,810)sf	Req (6,750)sf Prov (12,495)sf	Req (6,547)sf Prov (10,756)sf	

Site Data									
Zoning BP 288 + Business Center PD									
Proposed Use	Parcel A Skilled Nursing		Parcel B Medical Office		Parcel C Medical Office		Parcel D Medical Office		
Min Lot Dimensions	Parcel A		Parcel B		Parcel C		Parcel D		
Front Setback	Req 25ft	Prov 38ft	Req 25ft	Prov 25ft	Req 25ft	Prov 25ft	Req 25ft	Prov 25ft	
Rear Setback	20ft	99ft	20ft	20ft	20ft	20ft	20ft	20ft	
Side Setback	20ft	47ft	20ft	20ft	20ft	20ft	20ft	20ft	
Width	150ft	495ft	150ft	150ft	150ft	150ft	150ft	145.42ft	
Depth	Flag 200ft	Pole 351ft	200ft	300ft	200ft	300ft	200ft	300ft	
Area	1ac	4.34ac	1ac	1.03ac	1ac	1.03ac	1ac	1.00ac	
Parking	Parcel A		Parcel B		Parcel C		Parcel D		
(1) space per (2) beds	Req 52	Prov 90	Req 41	Prov 43	Req 41	Prov 44	Req 38	Prov 38	
(1) space per (300)sf									

I:\00-Projects\2014\14010_SCE_Pearland\00 Project Drawings\1 Conditional Site.dwg Flt, Sep 19, 2014, 1:45pm

**P&Z AGENDA
ITEM**

F



P&Z AGENDA REQUEST

TO: Planning & Zoning Commission
REQUESTOR: Karie Johnston of DR Horton Homes
DATE: 10/14/2014
AGENDA ITEM SUBJECT: Cluster Plan Amendment – Dixie Farm at Tall Oak

Old Business **New Business** Discussion Item Workshop

Summary: A request by Korie Johnston of DR Horton, applicant; on behalf of Kathy Jan Freeman and Kim Freeman, owners; for approval of an amendment to a previously approved Cluster Development Plan, on a 14.3 acre tract of land, for a single-family residential subdivision, generally located at the northeast corner of Dixie Farm Road and Tall Oak Drive.

Staff Recommendation: Approval



PLANNING AND ZONING COMMISSION MEETING OF OCTOBER 20, 2014

Dixie Farm at Tall Oak Cluster Development Plan

A request by Korie Johnston of DR Horton, applicant; on behalf of Kathy Jan Freeman and Kim Freeman, owners; for approval of an amendment to a Cluster Development Plan, on a 14.3 acre tract of land, for a single-family residential subdivision, to wit:

Legal Description: Being 11.933 acres of land located in the W.D.C. Hall League, Abstract 70, Brazoria County, Texas, more particularly being a portion of Lot 3 and Lot 4 of the George W. Jenkins Subdivision, a subdivision of record in Volume 79, Page 616 of the Brazoria County Deed Records (B.C.D.R.), also being the residue of a 7.5 acre tract (described as the Southwest $\frac{3}{4}$ of Lot 3) of which an undivided one-half interest was conveyed to Kim Freeman by instrument of record in File Number 99-010744 of the Brazoria County Official Records (B.C.O.R.) and an un-divided $\frac{1}{4}$ interest, each, was to Kim Freeman and Kathy Jan Freeman, by instrument of record in File number 96-044065 of said B.C.O.R., and the residue of a 5 acre tract (described as southwest $\frac{1}{2}$ of Lot 4) of which an undivided one-half interest was conveyed to Kathy Freeman, by instrument of record in File number 99-0010744, of said B.C.O.R. and an undivided one fourth interest, each, was conveyed to Kim Freeman and Kathy Jan Freeman by instrument of record in File Number 96-044065, of said B.C.O.R., and;

Being 2.387 acres of land located in the W.D.C. Hall League, Abstract 70, Brazoria County, Texas, more particularly being a portion of Lot 3 of the George W. Jenkins Subdivision, a subdivision of record in Volume 79, Page 616 of the Brazoria County Deed Records (B.C.P.R.), and being the residue of a 2.5 acre tract (described as the Northeast $\frac{1}{4}$ of Lot 3) conveyed to Kathy Freeman by instrument of record in Volume 1009, Page 57 of said B.C.D.R.

General Location: Northeast corner of Dixie Farm Road and Tall Oak Drive

SUMMARY: The request is for approval of an amendment to an existing Cluster Development Plan (CDP) located on Dixie Farm Road. The approved CDP received an extension on September 15, 2014. The developer is now requesting an amendment to the approved cluster plan. Below is a chart which illustrates the approved cluster plan versus the proposed amendments.

AMENITIES	Approved Cluster	Proposed Amendment
Open Space:	2.8 acres	1.4 acres
Trail:	8' Trail within park and open space	6' Trail within the park and around detention pond
Exercise Stations:	3 Stations located along the trail	Removed from plan,
Park Benches:	Total of 7 throughout cluster	Total of 4 throughout cluster
Park:	Playground, 8' trail, 4 benches	Playground, 6' trail, 2 benches, 2 grills, 2 picnic tables
Open Space Amenity:	8' Trail, 2 picnic tables, 2 grills, 4 benches, 1 exercise station	Removed from plan
Detention:	1 Acre of non amenitized detention	2.5 Acre with a trail and 2 benches.

Additionally, the main access drive will be relocated from Tall Oak Drive to Dixie Farm Road. The emergency access easement, required by the International Fire Code (IFC) will be relocated from the northern portion of the development, to Tall Oak Drive. The proposed new location of the emergency access drive does not conform with the IFC. The IFC states that the second point of access must be located a distance of half the diagonal of the property. The proposed location is too close to the first access point and does not meet this requirement.

A CDP is intended to allow flexibility in lot sizes for the developer and in return the applicant shall provide open space and amenities which are *not achieved through the application of minimum lot standards*. These open spaces and amenities are specifically listed as criteria of approval for a CDP, among other criteria listed in the Unified Development Code (Section 2.2.4.4, UDC, Criteria of Approval for Cluster Development Plans).

The property is currently zoned Low Density Residential R-1. The typical proposed lot size for the CDP is a minimum of 55' X 12', and a minimum lot area of 6,600 square feet. The minimum required lot size in the R-1 zone is 8,800 square feet, with minimum dimensions of 80' x 90'; and a residential density 3.2 for a CDP. The density being proposed is 2.9 dwelling units per acre. This information is further illustrated in the table below:

	<u>Proposed Cluster</u>	<u>R-1</u>
Minimum lot area:	6,600 sq ft	8,800 sq ft
Minimum lot width:	55'*	80'
Minimum lot depth:	120'*	90'
Density (units/acre)	2.46	3.2

*typical lot width and depth for the proposed Cluster Development Plan.

Total lots achievable with R-1: 46

Total lots proposed with Cluster: 40

The existing CDP was approved in September of 2013. The applicant received an extension of the originally approved CDP on September 15, 2014.

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	R-2	Single Family Residential
South	R-1	Undeveloped
East	R-1	One Single Family Home/Vacant
West	PD	Single Family Residential

UNIFIED DEVELOPMENT CODE: The subject property is currently zoned Low Density Residential (R-1). If approved, the CDP would allow the developer to vary the size of lots as long as the overall density of the development does not exceed 3.2 dwelling units per acre, as specified in Section 2.2.4.3 of the Unified Development Code. All other development requirements in the Unified Development Code will be required to be met.

PLATTING STATUS: This property is not platted. Formal subdivision platting will be required prior to development.

CONFORMANCE WITH THE COMPREHENSIVE PLAN: The Future Land Use designation for the subject land is Suburban Residential Development. The approved Comprehensive Plan further indicates that corresponding lot sizes for Suburban Residential would be 10,000, 12,000, or 15,000 square foot lots. Therefore, the proposed development is not in conformance with the Comprehensive Plan.

CONFORMANCE WITH THE THOROUGHFARE PLAN: The subject property contains frontage on Dixie Farm Road; a major thoroughfare with a minimum right-of-way width of 120 feet. Dixie Farm Road is currently constructed as a four lane, divided roadway with a width of approximately 120 feet.

AVAILABILITY OF UTILITIES: Public water and sewer are available for the site, but would be required to be extended to the site by the applicant.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: It is not anticipated that the proposed CDP will have a significant negative impact on existing surrounding developments or future developments. Additionally, as the approved CDP meets the criteria of approval in the Unified Development Code, there are additional assurances

that the development should not have a negative impact on existing and future development in the area.

STAFF RECOMMENDATION: Staff recommends approval of the amendment to the Cluster Development Plan, for the following reasons, and with the following conditions:

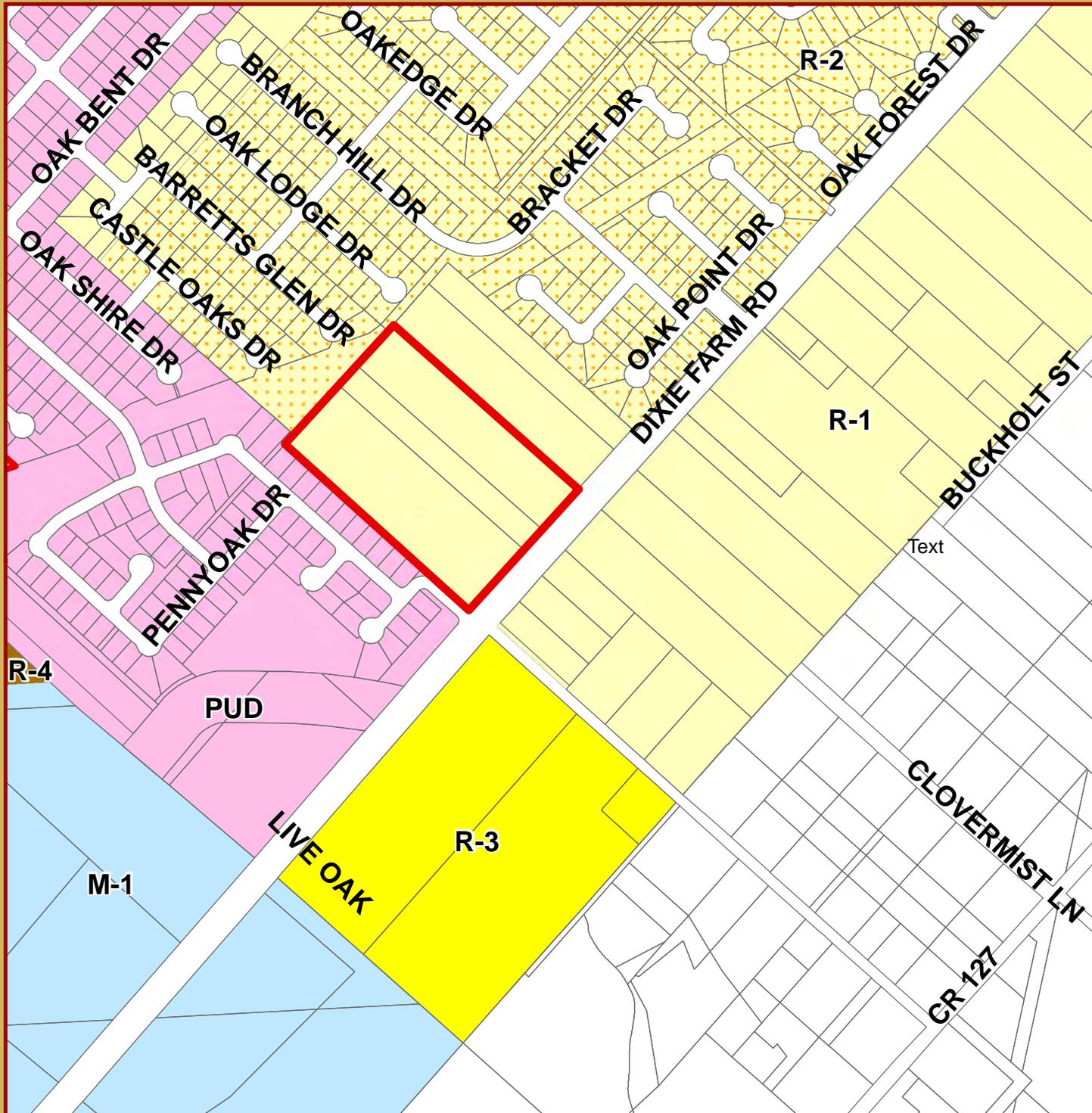
1. The proposed Cluster Development Plan appears to meet the criteria of approval as identified in the Unified Development Plan.
2. The proposed Cluster Development Plan appears to be compatible with surrounding zoning and uses.
3. The proposed Cluster Development Plan does not appear to have any adverse impact on surrounding zoning and land uses.

Conditions:

1. Label the overall layout exhibit.
2. Provide a legend for symbols on overall layout exhibit.
3. Masonry fences along the rear portions of the lots adjacent to Dixie Farm Road are required to be installed per 4.2.4.1 (c) (1) of the UDC.
4. Provide originally approved exercise stations as an amenity around the proposed amenitized detention area.
5. Emergency Access Easement must be relocated in order to meet the requirements of the International Fire Code.

SUPPORTING DOCUMENTS:

- Zoning Map
- Future Land Use Plan
- Aerial Map
- Cluster Plan Exhibit



ZONING MAP

Cluster Development Plan

Dixie Farm and Tall Oak Drive

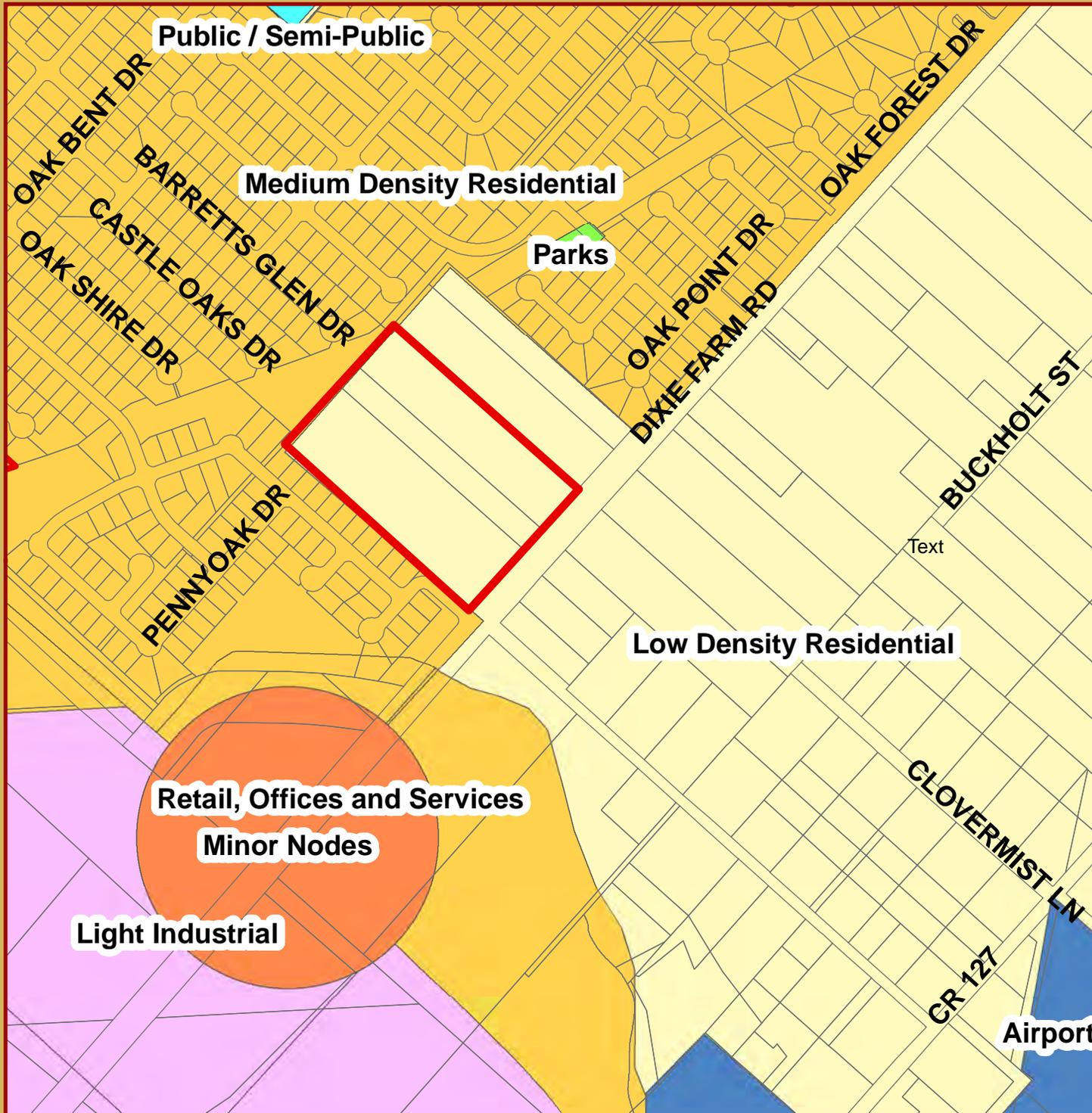


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1 inch = 565 feet

MAY 2014
PLANNING DEPARTMENT





FLUP MAP

Cluster Development Plan

Dixie Farm and Tall Oak Drive



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1 inch = 565 feet

MAY 2014
PLANNING DEPARTMENT





AERIAL MAP

Cluster Development Plan

Dixie Farm and Tall Oak Drive



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 = 565 feet

MAY 2014
PLANNING DEPARTMENT





APPLICATION FOR A CLUSTER DEVELOPMENT PLAN

City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281.652.1768
281.652.1702 fax
cityofpearland.com

A Cluster Development Plan for: Single Family Residential
(list proposed use from the Table of Uses of the UDC)

Current Zoning District: R-1 with a Cluster Plan

Property Information:

Address or General Location of Property: 14.32 Acres

Northeast corner Dixie Farm Road / Tollock Dr.

Tax Account No. Property ID 218941

Subdivision: George W Jenkins/Widcote Survey Lot: _____ Block: _____

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

PROPERTY OWNER INFORMATION:

NAME Kathy Jan Freeman & Kim Freeman
40 James Nanken
ADDRESS 1800 Bering St Ste 500
CITY Houston STATE TX ZIP 77057
PHONE (713) 808-9461
FAX () _____
E-MAIL ADDRESS j.nanken@weitzmanq.com

APPLICANT/AGENT INFORMATION:

NAME Karie Johnston / DR Harton
ADDRESS 1400 S.W Freeway Suite 500
CITY Sugar Land STATE TX ZIP 77478
PHONE (281) 269-6857
FAX () _____
E-MAIL ADDRESS Kjohnston@drharton.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: Kathy Jan Freeman Date: Sept 22 2014

Applicant/Agent's Signature: [Signature] Date: 9/22/14

OFFICE USE ONLY:

FEE PAID: <u>\$400.00</u>	DATE PAID: <u>9/24/14</u>	RECEIVED BY: <u>IC</u>	RECEIPT NUMBER: <u>—</u>
---------------------------	---------------------------	------------------------	--------------------------

Application No. _____

APPLICATION CHECKLIST FOR THE FOLLOWING Cluster Development

- Application, filled out completely, and signed by the owner of the property to be considered for the conditional use permit
- 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 cluster development request in detail, specifying:
 - Proposed uses,
 - Specific operations of the use,
 - Square footage of buildings,
 - Unique characteristics of the property,
 - How the criteria of the Cluster Plan is met:
 - The Cluster Development Plan meets the standards for residential density as outlined in the Unified Development Code (UDC):
 - The Cluster Development Plan is consistent with other zoning district regulations, except minimum lot size, width and depth. Indicate deviation.
 - Provide details for the following:
 - Total site area
 - Total area of all easements
 - Total of all open space minus the easements
 - Total area of all amenitized detention
 - Total area of all non-amenitized detention
 - The Cluster Development Plan contains sufficient buffering to assure compatibility with adjacent uses and the character of the neighborhood.
 - The Cluster Development Plan provides open space and amenities to the development that could not be achieved through application of minimum lot size standards. As referred to herein, open space and amenities do not include any land dedicated to the City under the parkland dedication requirement in Chapter 3, Article 2, Division 10.
 - Amenities should be prominent and easily accessible to the entire development. Examples include trails, pocket parks, water features, enhanced entry way, upgraded fencing, decorative street signs and lights, playground, club house, pools, gazebos, outdoor picnic and cooking facilities, access to surrounding natural features and facilities etc.
 - **Definition of Amenity:** Aesthetic or other characteristics of a development that increase its desirability visually, desirability to the City of Pearland, and/or its marketability to the public. Amenities may vary according to the type and nature of development, but examples include a naturalized retention/detention pond (refer to definition herein), a recreational facility, landscaping, or large trees.

- **Definition of Amenitized Detention Pond:** An area that is designed to capture, store and release stormwater and that is designed as a site amenity by being aesthetically pleasing, by meeting the definition of "open space" herein, and be being constructed to seem natural (i.e., without visible concrete). Such areas have a natural edge and are constructed to resemble a naturally created lake or pond. Also refer to the definition of "amenity" below.

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

- **0 to <25 acres:** \$400.00
- **25 to <50 acres:** \$450.00
- **50 to <75 acres:** \$500.00
- **75 to <100 acres:** \$550.00
- **100 acres and above:** \$600.00

Site Development Plan showing the proposed layout of the subject property, including any proposed buildings, parking, landscaped areas, detention ponds, fences, amenities, and any other relevant information

Cluster Plan Letter of Intent
Approximately 14.3 Acres
Dixie Farm Road at Tall Oak Drive

Proposed Uses:

The proposed use of the property is single family residential conforming to the requirements of an R-1 cluster plan with a minimum nominal lot size of 55' x 120' and a minimum nominal lot area of 6,600 square feet. The cluster plan enables the preservation of a large grove of mature oak trees in the southwest corner of the property. The primary neighborhood entry will be from Dixie Farm Road with an emergency access connection to Tall Oak Drive. An amenitized detention pond and open space surrounding several mature oaks trees will serve the community with an eight-foot concrete trail providing internal connectivity.

Specific Operations of the Use:

At 3.2 units/acre, a maximum of 44 lots are allowed. The expected price range of homes is \$209,000 - \$265,000. The property is expected to be developed in one phase.

Square Footage of Buildings:

The homes are expected to range between 1,549 – 2,711 square feet.

Unique Characteristics of the Property:

There are two primary constraints affecting this property. First, there is a significant grove of mature oak trees surrounding a former homestead in the southwest corner of the property. The cluster plan conserves these trees as an open space which doubles as the community entry feature.

Second, Dixie Farm Road has no median access point for this property. The primary entry point will be from Dixie Farm Road with an emergency access point to meet fire code requirements connecting to Tall Oak Drive. The entry drive will pass through the preserved tree/park area on the left with the amenitized detention area on the right before entering the residentially-developed portion of the property.

Conformance to Cluster Plan Criteria:

1. **Density:** The plan depicts 40 lots, resulting in a density of 2.9 units/acre, which is less than the allowable 3.2 units/acre for R-1 zoning.
2. **Compliance with Other Zoning Regulations:** Development of the property will conform to the other requirements of R-1 zoning with the exception of lot width and area. The minimum nominal lot width is 55 feet and minimum nominal lot area is 6,600 square feet. All lots will have a minimum nominal lot depth of 120 feet, which exceeds the minimum R-1 lot depth of 90 feet.

Proposed Land Uses

Component	Area (acres)
Total Site Area	14.3
Easements	0.9
Open Space Minus Easements (minimum)	1.4
Amenitized Detention	2.5
Non-Amenitized Detention	0

3. **Buffering:** The property is surrounded on all sides by residentially zoned and utilized properties. Additionally, the rear of the parcel abuts a wide pipeline easement. Therefore, no special buffering treatments are planned for the east, west, or north boundaries of the tract.

The south line of the tract abuts Dixie Farm Road. The required 30-foot setback along Dixie Farm Road will be provided. Buffering on the south side of the tract will conform to the requirements of UDC Section 4.2.4.1(c).

4. **Amenities:** The total open space will be equal to no less than 2,200 square feet per lot. Amenities shown on the Lotting and Amenity Plan will include the following improvements:
- a. Preservation of a grove of mature oak trees integrated into the neighborhood open space
 - b. An amenitized detention pond consisting of landscaping, berms, a perimeter trail and benches.
 - c. A six-foot concrete trail within the park and around the amenitized detention pond
 - d. Benches at various locations
 - e. Charcoal barbeque grills with picnic tables
 - f. A play structure
 - g. Irrigated landscaping throughout the open spaces

All amenity items will be completed prior to the issuance of the first single family home certificate of occupancy (excluding models). The applicant acknowledges that financial surety in a form acceptable to the City may be required for amenity items not completed prior to recordation of the final plat.

Exhibit: Lotting and Amenity Plan



Entry Monument



Playground



6' Trail



Bench



Table

Grill

Detailed Area Calculation

Total Site Area=14.3 Acres
 Total Area of Easement = .93 Acres
 Total Open Space minus Easements = 1.44 Acres
 Total Area of Amenitized Detention= 2.5 Acres

**Lotting and Amenity Plan
 14.3 Ac Dixie Farm Road Tract
 Pearland, Texas**



Estimated Yield
 40-55 x 120' Lots

DESCRIPTION OF
11.933 ACRES

Being 11.933 acres of land located in the W.D.C. Hall League, Abstract 70, Brazoria County, Texas, more particularly being a portion of Lot 3 and Lot 4 of the George W. Jenkins Subdivision, a subdivision of record in Volume 79, Page 616 of the Brazoria County Deed Records (B.C.D.R), also being the residue of a 7.5 acre tract (described as the Southwest 3/4 of Lot 3) of which an undivided one-half interest was conveyed to Kim Freeman by instrument of record in File Number 99-010744 of the Brazoria County Official Records (B.C.O.R.), and an undivided one-fourth interest, each, was conveyed to Kim Freeman and Kathy Jan Freeman, by instrument of record in File number 96-044065 of said B.C.O.R., and the residue of a 5 acre tract (described as the Southwest 1/2 of Lot 4) of which an undivided one-half interest was conveyed to Kathy Freeman, by instrument of record in File Number 99-010744, of said B.C.O.R. and an undivided one-fourth interest, each, was conveyed to Kim Freeman and Kathy Jan Freeman, by instrument of record in File Number 96-044065, of said B.C.O.R., said 11.933 acres being more particularly described in two parts as follows (all bearings referenced to the Texas Coordinate System, South Central Zone, NAD 83, 2001 adjustment);

Part 1 (Residue of SW 3/4 of Lot 3)

BEGINNING at a 5/8-inch iron rod with cap stamped "LJA ENG set at the most westerly corner of a called 0.1461 acre tract conveyed to the City of Pearland, by an instrument of record in File Number 2004023434, B.C.O.R., same being on the northwesterly right-of-way line of Dixie Farm road (120 feet wide), being a point on the northeasterly line of Oakbrook Estates, Section Six, a subdivision of record in Volume 24, Page 346 of the Brazoria County Plat Records, B.C.P.R, and a point on the southwesterly line of aforementioned Lot 3.;

Thence, North 48° 21' 04" West, along the northwest line of said Oakbrook Estates, Section Six and the southwest line of said Lot 3, pass at 383.67 feet an iron rod with cap stamped "SURVCON" found for the most easterly common corner of Lot 2 and Lot 3, Block 1 of said Oakbrook Estates, Section Six, pass at 513.69 feet an iron rod with cap stamped "SURVCON" found for the most easterly common corner of Lot 4 and Lot 5, Block 1 of said Oakbrook Estates, Section Six, pass at 773.53 feet an iron rod with cap stamped "SURVCON" found for the most easterly common corner of Lot 8 and Lot 9, Block 1 of said Oakbrook Estates, Section Six, and continuing in all a distance of 981.68 feet to a 5/8-inch iron rod with cap stamped "LJA ENG", same being a reentrant corner on the northeasterly line of said Oakbrook Estates, Section Six and the most westerly corner of aforementioned Lot 3;

Thence, North 41° 40' 41" East, along a southeasterly line of said Oakbrook Estates Section Six and the northwesterly line of said Lot 3, pass at 53.74 feet, a found 5/8-inch iron rod with cap stamped "SURVCON" found marking an angle point on the northeasterly line of said Oakbrook Estates, Section Six and the south corner of Oakbrook Estates, Section Two, a subdivision of record in Volume 19, Page 553-554 of said B.C.P.R., and continuing along the southeasterly line of Oakbrook Estates, Section Two, and along the northwesterly line of aforementioned Lot 3, continuing in all a distance of 317.24 feet to a 5/8-inch iron rod stamped "LJA ENG" set for corner, same being the most westerly corner a 2.5 acre tract (described as the Northeast 1/4 of Lot 3) conveyed to Kathy Freeman by instrument of record in Volume 1009, Page 57 of said B.C.D.R., and the most northerly corner of aforementioned 7.5 acres (described as the Southwest 3/4 of Lot 3) ;

Thence, South 48° 24' 19" East, departing the southeasterly line of said Oakbrook Estates, Section Two, along the common line of said 2.5 acres and said 7.5 acres, 981.68 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner on the northwesterly right-of-way line Dixie Farm Road (120 feet wide), same being the north corner of that certain called 0.1416 acre tract conveyed to the City of Pearland, by an instrument of record in File Number 2004023434, B.C.O.R.;

Thence, South 41° 40' 42" West, along said northwesterly right-of-way line of Dixie Farm Road, 318.17 feet to the POINT OF BEGINNING and containing 7.160 acres of land.

Part 2 (Residue of the Southwest 1/2 of Lot 4)

BEGINNING at a 5/8-inch iron rod with cap stamped "LJA ENG" set for the most southerly corner of the herein described tract of land, same being the north corner of that certain called 0.0487 acre tract conveyed to the City of Pearland, by an instrument of record in File Number 2004023435, B.C.O.R., same being a point on the common line of aforementioned 2.5 acres and aforementioned 5 acres and a point on aforementioned northwesterly right-of-way line of Dixie Farm Road;

Thence, North 48° 25' 22" West, departing said northwesterly right-of-way line of Dixie Farm Road, along the common line of said 2.5 acres and said 5 acres, 981.68 feet to a 5/8-inch iron rod with cap stamped "LJA-ENG" set for corner, same being the most westerly corner of said 5 acres and the most northerly corner of said 2.5 acres, a point on the southeasterly line of aforementioned Oakbrook Estates, Section Two, the most northerly corner of aforementioned Lot 3 and the most westerly corner of aforementioned Lot 4;

Thence, North 41° 40' 41" East, along the northwesterly line of said Lot 4, the southeasterly line of aforementioned Oakbrook Estates, Section Two and Oakbrook Estates Section One of record in Volume 19, Page 343-344, B.C.P.R., 211.50 feet, to a 5/8-inch iron rod with cap stamped "LJA ENG", set for corner, same being the north corner of aforementioned 5 acre tract, from which a 1/2-inch iron rod, found marking a reentrant corner on the south line of said Oakbrook Estates Section One, bears North 41° 40' 41" East, 317.24 feet;

11.933 acres

July 22, 2013
Job No. 1002-1402

Thence, South 48° 27' 30" East, along the northeasterly line of said 5 acre tract, 981.69 feet to a point for corner on the northwesterly right-of-way line of Dixie Farm Road (120 feet wide), same being the north corner of that certain called 0.0974 acre tract conveyed to the City of Pearland, by an instrument of record in File Number 2004023433, B.C.O.R.;

Thence, South 41° 40' 42" West, along said northwesterly right-of-way line of Dixie Farm Road, 212.11 feet to the POINT OF BEGINNING and containing 4.773 acres of land;

Said Part 1 and Part 2 containing a total of 11.933 acres of land.

This description prepared in conjunction with Land Title Survey prepared by the undersigned dated July 22, 2013.



Keith W. Monroe
Registered Professional Land Surveyor
Texas Registration No. 4797



LJA Engineering, Inc.

DESCRIPTION OF
2.387 ACRES

Being 2.387 acres of land located in the W.D.C. Hall League, Abstract 70, Brazoria County, Texas, more particularly being a portion of Lot 3 of the George W. Jenkins Subdivision, a subdivision of record in Volume 79, Page 616 of the Brazoria County Deed Records (B.C.P.R), also being the residue of a 2.5 acre tract (described as the Northeast 1/4 of Lot 3) conveyed to Kathy Freeman by instrument of record in Volume 1009, Page 57 of said B.C.D.R., said 2.387 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" at the north corner of a called 0.1416 acre tract conveyed to the City of Pearland, by an instrument of record in File Number 2004023434, B.C.O.R. same being a point on the common line of aforementioned 2.5 acres and a 7.5 acre tract (described as the Southwest 3/4 of Lot 3) of which an undivided one-half interest was conveyed to Kathy Freeman by instrument of record in File Number 99-010744 of the Brazoria County Official Records (B.C.O.R.), and an undivided one-fourth interest, each, was conveyed to Kim Freeman and Kathy Jan Freeman, by instrument of record in File number 96-044065 of said B.C.O.R. and a point on the northwesterly right-of-way line of Dixie Farm Road (120 feet wide);

Thence, North 48° 24' 19" West, departing said northwesterly right-of-way line of Dixie Farm Road, along the common line of said 2.5 acres and said 7.5 acres, 981.68 feet to a 5/8-inch iron rod with cap stamped "LJA-ENG" set for corner, same being the most westerly corner of said 2.5 acres and the most northerly corner of said 7.5 acres, a point on the southeasterly line of Oakbrook Estates, Section Two, a subdivision of record in Volume 19, Page 553-554 of the Brazoria County Plat Records, B.C.P.R. and a point on the northwesterly line of aforementioned Lot 3;

2.387 acres

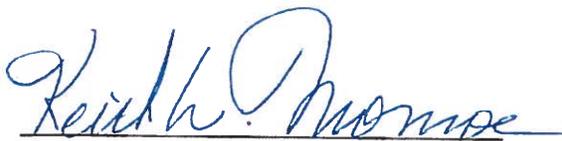
July 22, 2013
Job No. 1002-1402

Thence, North 41° 40' 41" East, along the northwesterly line of said Lot 3, and the southeasterly line of said Oakbrook Estates, Section Two, 105.75 feet to a 5/8-inch iron rod with cap stamped "LJA-ENG" set for corner, same being the most westerly corner of a residue of a 5 acre tract (described as the Southwest 1/2 of Lot 4) of which an undivided one-half interest was conveyed to Kathy Freeman, by instrument of record in File Number 99-010744, of said B.C.O.R. and an undivided one-fourth interest, each, was conveyed to Kim Freeman and Kathy Jan Freeman, by instrument of record in File Number 96-044065, of said B.C.O.R., the most northerly corner of said 2.5 acres and the most northerly corner of said Lot 3;

Thence, South 48° 25' 22" East, departing the southeasterly line of said Oakbrook Estates, Section Two, along the common line of said 2.5 acres and said 5 acres, 981.68 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner on aforementioned northwesterly right-of-way line of Dixie Farm Road (120 feet wide), same being the north corner of that certain called 0.0487 acre tract conveyed to the City of Pearland, by an instrument of record in File Number 2004023435, B.C.O.R.;

Thence, South 41° 40' 42" West, along said northwesterly right-of-way line of Dixie Farm Road, 106.05 feet to the POINT OF BEGINNING and containing 2.387 acres of land;

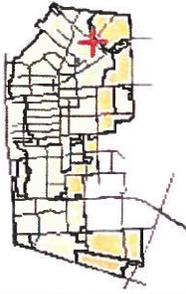
This description prepared in conjunction with Land Title Survey prepared by the undersigned dated July 22, 2013.



Keith W. Monroe
Registered Professional Land Surveyor
Texas Registration No. 4797



LJA Engineering, Inc.



Scale 1:4,221
1 in = 352 ft



P&Z AGENDA ITEM

G

DISCUSSION ITEMS

1. Commissioners Activity Report
2. Comprehensive Plan Update
3. Commissioner Expiration of Term

**ADJOURN
MEETING**