



## **JOINT PUBLIC HEARING**

THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF  
THE CITY OF PEARLAND, TEXAS,

**MONDAY, FEBRUARY 16, 2015, AT 6:30 P.M.**

COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

### **I. CALL TO ORDER**

### **II. PURPOSE OF HEARING**

#### **Zone Change Application No. 2015-01Z**

A request of Thomas Offenberger, applicant; on behalf of JK Joseph & Matthew John, owners; for approval of a change in zoning from the Light Industrial (M-1) zoning district to the General Business (GB) zoning district; on approximately 0.9678 acres of land, to wit:

**Legal Description:** Being all that certain 0.9678 acres of land being the northerly part of that 1.727 acre tract known as JKJ Development, a minor plat recorded as document 2008015246 in the official public records of Brazoria County, Texas.

**General Location:** 200 feet north of the northwest corner of Mykawa Road and W. Orange 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.**



## Staff Report

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: February 16, 2015

Re: Zone Change Application Number 2015-01Z

A request of Thomas Offenberger, applicant; on behalf of JK Joseph & Matthew John, owners; for approval of a change in zoning from the Light Industrial (M-1) zoning district to the General Business (GB) zoning district; on approximately 0.9678 acres of land, Pearland, TX

### **Summary of Request**

The applicant is requesting approval of a change in zoning from the Light Industrial (M-1) zoning district to the General Business (GB) zoning district on approximately 0.9678 acres of land located 200 feet north of the northwest corner of Orange Street and Mykawa Road. The applicant also owns the adjacent parcel to the south that is zoned GB that when combined with the M-1 parcel will make a property, consisting of 2.15 acres.

According to the applicant's letter of intent, the purpose of the requested change is to allow the owner to develop a fuel station and convenience store on the entire 2.15 acres.

The fuel station use is permitted in both the GB and M-1 zones while a convenience store is only permitted in the GB zone. The applicant is requesting the zone change to allow for more flexibility on the property as it relates to the location of the convenience store use.

Additional uses, such as auto repair, auto parts sales, daycare, restaurants, and retail could also be permitted within the GB zoning designation.

### **Recommendation**

Staff is unable to recommend approval of the request to change the zoning of the approximately 0.9678 acre site from M-1 to GB for the following reasons:

1. The change in zoning is in conflict with the Comprehensive Plan, as the proposed zoning of GB does not conform to the future land use designation of Industrial.
2. The city has a finite amount of land that is currently undeveloped and zoned for industrial use. The Comprehensive Plan states that preservation of this land should be a priority.
3. The applicants proposed use of a fuel station with an attached convenience store is permitted within the existing GB zoned portion of the property located at the hard corner. The GB zone runs along the frontage of Orange Street providing a buffer between the residential neighborhood to the south and the industrial area to the north. Denial of the requested zone change would not prevent the applicant from constructing said use on the property.
4. While it is the stated current plan of the applicant to see a convenience store developed at the site, multiple other uses are allowed within the GB zone, such as auto repair, auto parts sales, daycare, restaurants, and other retail uses, would not be appropriate for the property due to the adjacent industrial uses that currently include chemical batching, storage, and packaging.

### **Site History**

The subject property is currently undeveloped. The property was annexed into the City of Pearland in 1960. The property has had the exiting GB/M-1 zoning designation since adoption of the first zoning map in March of 1986.

The site is surrounded by non-residential uses, excluding the single family home to the southwest of the site. The below table identifies surrounding uses and zoning districts:

	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	Light Industrial (M-1)	Chemical Batching
<b>South</b>	General Business (GB)	Undeveloped Commercial
<b>East</b>	General Commercial (GC)	Hickory Slough Detention
<b>West</b>	General Business (GB)	Undeveloped Commercial/Single Family

### **Conformance with the Thoroughfare Plan**

The subject property has approximately 150 feet of frontage along Mykawa Road; a secondary thoroughfare, which requires 100 feet of right-of-way. According to the survey submitted with the application, the existing right-of-way along Mykawa Road

varies. Prior to development of the site, the property owner will be required to plat the property. At that time, any required ROW will be acquired. The amount to acquire will be determined by a licensed surveyor.

### **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 GB zoning district as it relates to lot area, width and depth. Upon development, all requirements of the UDC must be met.

<b>General Business (GB) Area Regulations</b>		
<b>Size of Lots</b>	<b>Required</b>	<b>Existing Lot Dimensions (Including the GB portion to the south)</b>
Minimum Lot Size	22,500 sf.	2.156 acres
Minimum Lot Width	150 ft.	281.05 ft.
Minimum Lot Depth	125 ft.	337.64 ft.

### **Conformance with the Comprehensive Plan**

The proposed change in zoning from M-1 to GB is not in compliance with the future land use designation of the Comprehensive Plan, which is Industrial. According to the Comprehensive Plan, properties located within the aforementioned future land use designation should be of an industrial or manufacturing nature. Appropriate zoning districts include the current zone of the property, Light Industrial (M-1).

### **Platting Status**

The subject property is not platted. Prior to development of the site, a plat will need to be submitted by the developer and approved by the city.

### **Availability of Utilities**

The subject property has access to utilities. GIS data indicates that water is available to the site via an existing 12-inch waterline along Orange Street and an existing 10-inch waterline along Mykawa Road. Additionally, there is an existing 8-inch sewer line along

Mykawa Road. 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**

The property is currently surrounded by parcels zoned for either commercial or industrial uses. The proposed zone change, if denied, would not prevent the applicant from developing the desired use of a fuel station with convenience store, but rather would limit the location on the site of the convenience store use to the portion of the property zoned GB. The proposed zone change, if approved, could set a trend of continued commercial creeping along Mykawa which could have a negative impact on existing industrial uses to the north which currently operate as chemical blending, storing, and packaging facilities.

### **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.

### **Exhibits**

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

# Exhibit 1

## AERIAL MAP

### Zone Change 2015-01Z

W. Orange St. @  
Mykawa Rd.



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 = 155 feet

OCTOBER 2014  
PLANNING DEPARTMENT

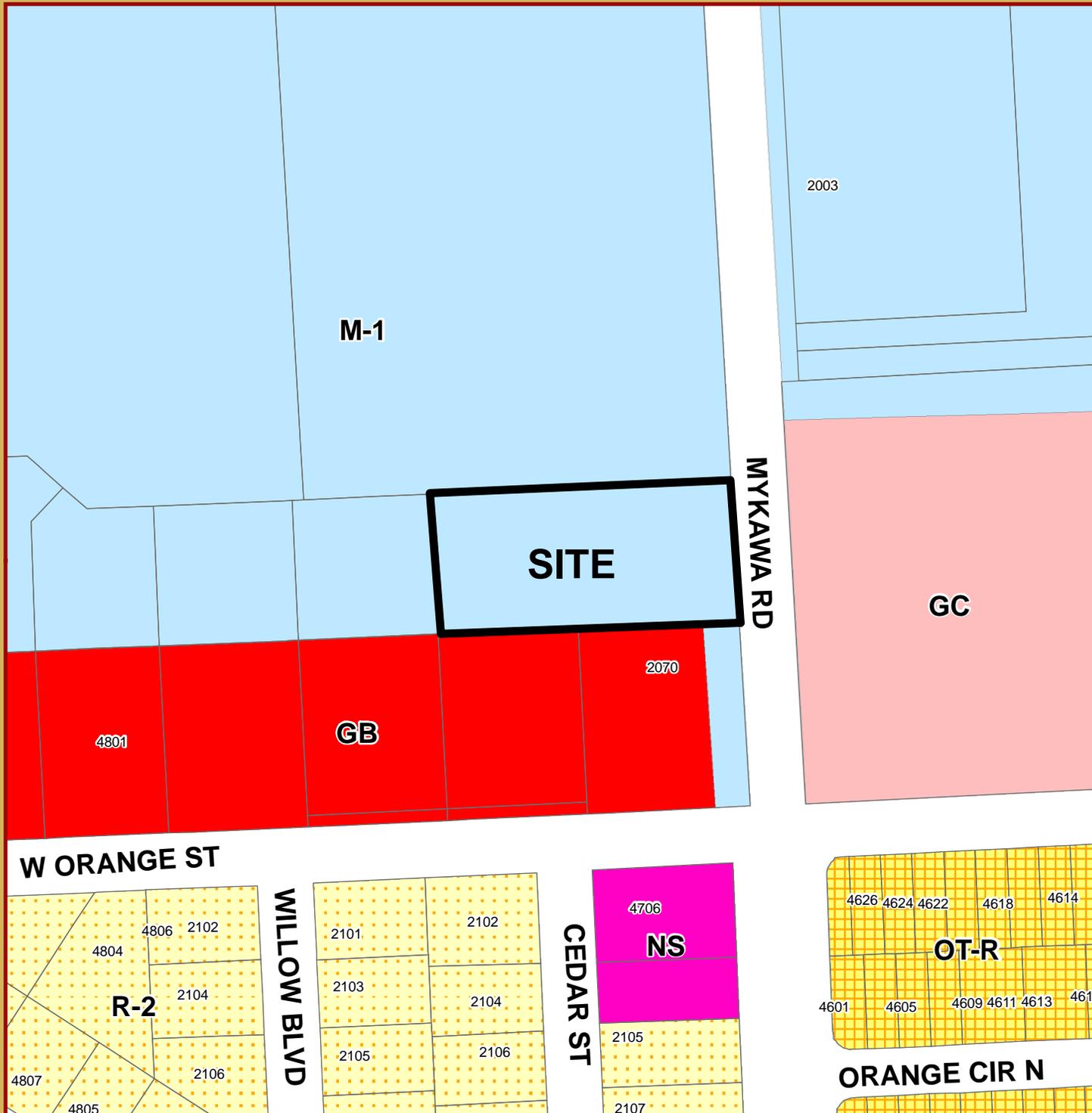


# Exhibit 2

## ZONING MAP

### Zone Change 2015-01Z

W. Orange St. @  
Mykawa Rd.



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1 inch = 155 feet

OCTOBER 2014  
PLANNING DEPARTMENT

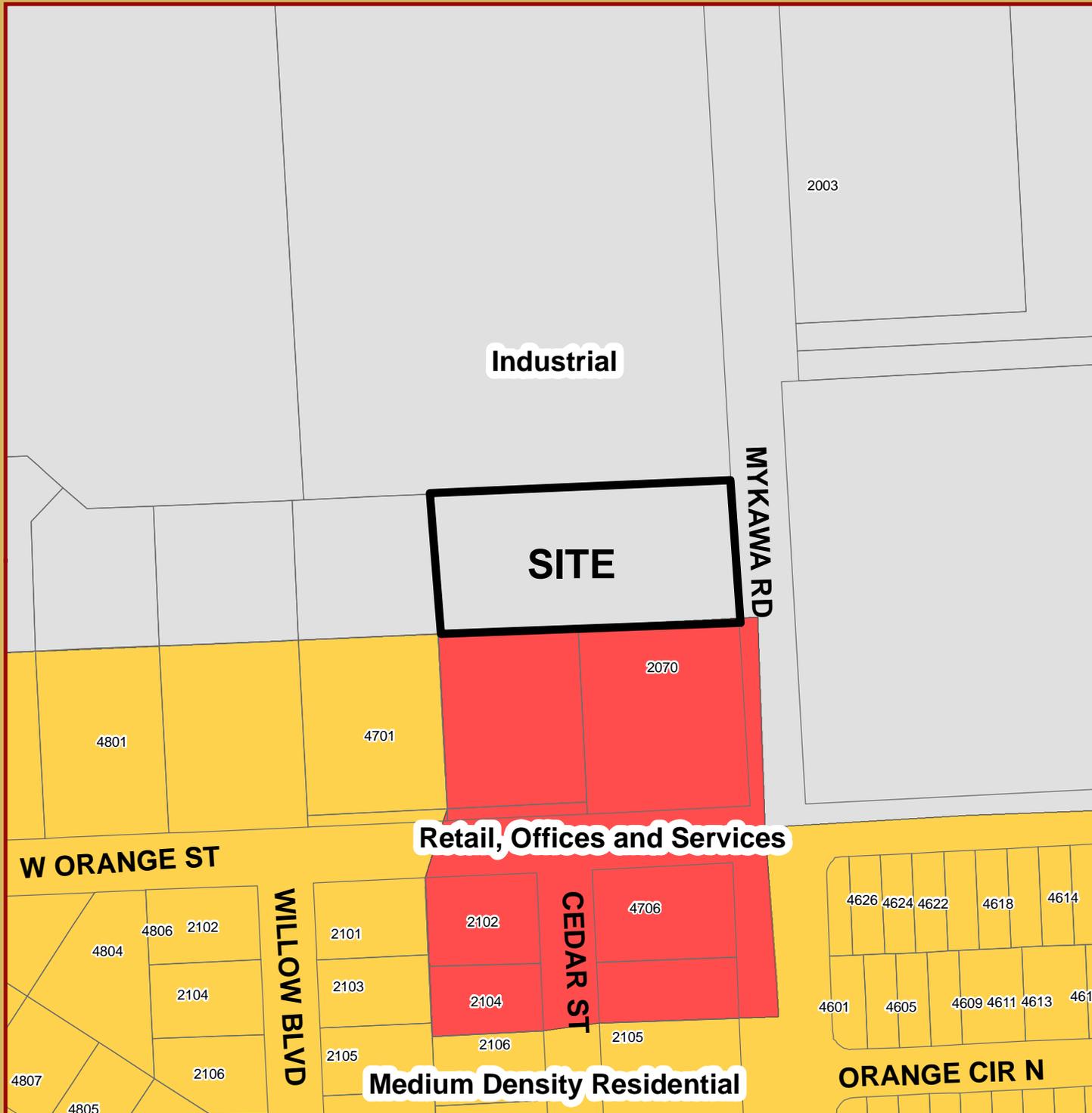


# Exhibit 3

**FLUP MAP**

**Zone Change 2015-01Z**

**W. Orange St. @  
Mykawa Rd.**



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1 inch = 155 feet

OCTOBER 2014  
PLANNING DEPARTMENT



# Exhibit 4

## NOTIFICATION MAP

### Zone Change 2015-01Z

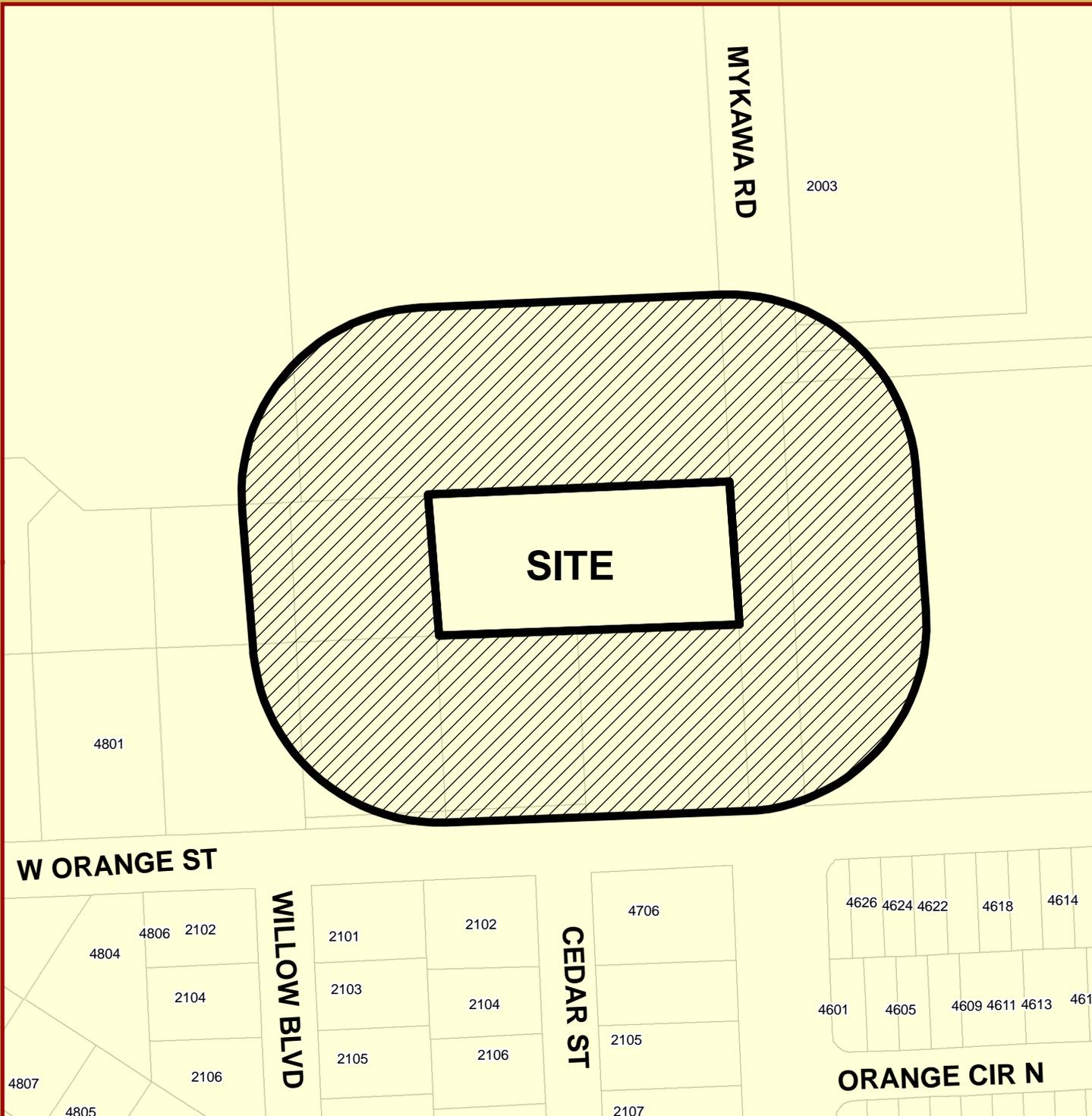
W. Orange St. @  
Mykawa Rd.



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 = 155 feet

OCTOBER 2014  
PLANNING DEPARTMENT



# Exhibit 5

## 2015-01Z

Orange St. @ Mykawa Rd. - M1-GB

<b>Owner</b>	<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zip</b>
STEVENS CHARLES BUCK	4701 W ORANGE ST	PEARLAND	TX	77581
LAWRENCE GARY N	3313 WINDFERN DR	PEARLAND	TX	77581
PACKAGING SERVICE CO INC	1904 MYKAWA RD	PEARLAND	TX	77581
SEMPRE AVANT LLC	1904 MYKAWA RD	PEARLAND	TX	77581
JH & SP REALTY LLC	PO BOX 2842	PEARLAND	TX	77588
JOSEPH JOSEPH K & MATHEW JOHN	4914 LAUREL HILL CT	SUGAR LAND	TX	77478
CRAMER LOIS	6983 OAKWOOD PLACE CT	HOUSTON	TX	77040
THOMPSON JORGE M & CHARLENE L	12408 PAGE CREST LN	PEARLAND	TX	77584
OFFENBERGER THOMAS	150 W SHADOWBEND	FRIENDSWOOD	TX	77546

# Exhibit 6



## 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: M-1 (NORTH 1/2 PROPERTY)

Proposed Zoning District: GB (SOUTH 1/2 PROPERTY CURRENT ZONE)

### Property Information:

Address or General Location of Property: NW CORNER MYKAWA @ ORANGE

Tax Account No. 615966 & PART 218364 (.80 ACRE)

Subdivision: JKJ DEVELOPMENT Lot: 1 Block: 1  
+ PART 218364 (.80 ACRE)

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

### PROPERTY OWNER INFORMATION:

NAME JK Joseph & Matthew JOAN  
ADDRESS 4914 LAUREL Hill ct.  
CITY SUGARLAND STATE Tx ZIP 77478  
PHONE (832) 731-5162  
FAX ( )  
E-MAIL ADDRESS joejoe0596@yahoo.com

### APPLICANT/AGENT INFORMATION:

NAME THOMAS OFFENBURGER  
ADDRESS 150 W SHADOW BEND, S300  
CITY FRIENDSWOOD STATE Tx ZIP 77546  
PHONE (281) 648-3131  
FAX (281) 648-3137  
E-MAIL ADDRESS thomas@boundaryone.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: \_\_\_\_\_ Date: \_\_\_\_\_

Agent's/Applicant's Signature: Thomas Offenburger Date: 11/17/14

### OFFICE USE ONLY:

FEES PAID:	DATE PAID: <u>1/12/15</u>	RECEIVED BY: <u>JE</u>	RECEIPT NUMBER: <u>102323</u>
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Application No. 2015-012



ZONE CHANGE APPLICATION Page 1 of 4 Updated March 2014)

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

APPLICATION FOR
A CHANGE IN ZONING

Current Zoning District: M-1 (NORTH 1/2 PROPERTY)

Proposed Zoning District: GB (SOUTH 1/2 PROPERTY CURRENT ZONE)

Property Information:

Address or General Location of Property: NW CORNER MYKAWA @ ORANGE

Tax Account No. 615966 & PART 218364 (.80 ACRE)

Subdivision: JKI DEVELOPMENT Lot: 1 Block: 1
+ PART 218364 (.80 ACRE)

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

PROPERTY OWNER INFORMATION:

NAME JK Joseph & Matthew JOAN
ADDRESS 4914 LAUREL Hill Ct.
CITY SUGARLAND STATE TX ZIP 77478
PHONE (832) 731-5162
FAX ( )
E-MAIL ADDRESS joejoe0596@yahoo.com

APPLICANT/AGENT INFORMATION:

NAME THOMAS OFFENBURGER
ADDRESS 150 W SHADOW BEND, S300
CITY FRIENOS WOOD STATE TX ZIP 77546
PHONE (281) 648-3131
FAX (281) 648-3137
E-MAIL ADDRESS thomas@boundaryone.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: 12/8/14

Agent's/Applicant's Signature: [Signature] Date: 11/17/14

OFFICE USE ONLY:

Table with 3 columns: FEES PAID, DATE PAID (1/12/15), RECEIVED BY (Jel), RECEIPT NUMBER (102323)

Application No.

**ZONE CHANGE/ VARIANCE/ PLAT RECORDATION**

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

Description: Input who the check is from

**COMMENTS/DESCRIPTION (F10):**

Location or Address NW corner Mykawa + Orange

Applicant ~~JK Joseph~~  
Thomas Offenburger

Owner JK Joseph

CITY OF PEARLAND  
\*\*\* CUSTOMER RECEIPT \*\*\*  
Oper: JCOTTER Type: OC Drawer: 1  
Date: 1/13/15 01 Receipt no: 102323

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	\$775.00
Trans number:		4717285

THOMAS OFFENBRGER  
JK JOSEPH  
BOUNDARY ONE LLC  
PROFESSIONAL SURVEYORS  
150 W SHADOWBEND AVE SUITE 303  
FRIENDSWOOD

Tender detail		
CK CHECK	4692	\$775.00
Total tendered		\$775.00
Total payment		\$775.00

Trans date: 1/12/15 Time: 15:55:56

## LETTER OF AUTHORIZATION

November 17, 2014

City of Pearland  
Planning & Zoning Department

Re: Proposed Zone Change

Dear Staff:

Please accept this letter to authorize, Boundary One, LLC represented by Thomas Offenburger, as our agent to file a "Zone Change Application" in our behalf for the 2.5 acre property we own at the northwest corner of Mykawa and Orange St.

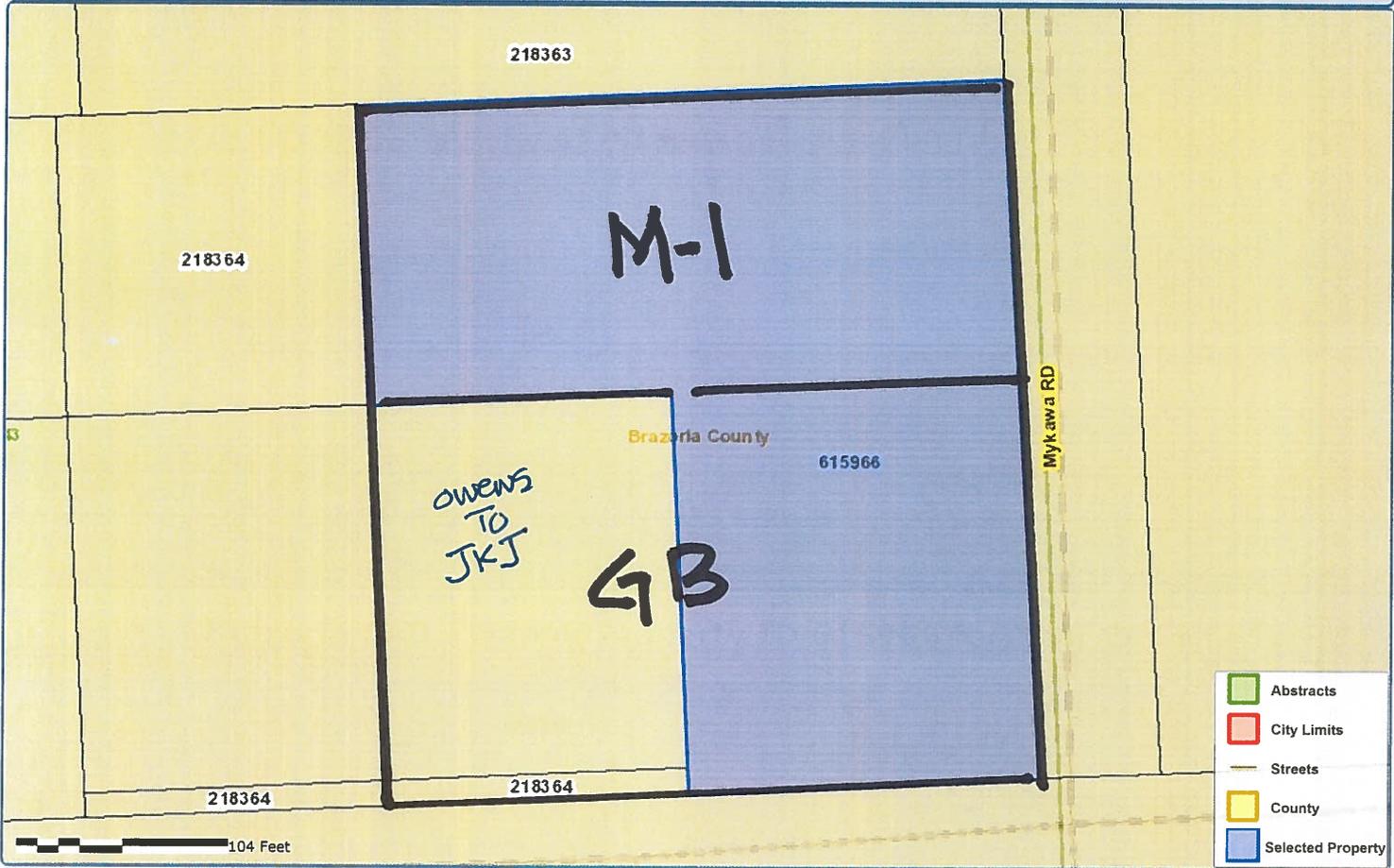
Sincerely,



Joseph K. Joseph  
JKJ Development

JKJ

## Brazoria CAD - Map of Property ID 615966 for Year 2014



### Property Details

#### Account

Property ID: 615966  
Geo ID: 5317-0001-001  
Type: Real

Legal Description: JKJ DEVELOPMENT BLK 1 LOT 1 ACRES 1.727

#### Location

Situs Address: MYKAWA & ORANGE PEARLAND,  
Neighborhood:  
Mapsc0:  
Jurisdictions: CAD, CPL, DR4, GBC, RDB, SPL

#### Owner

Owner Name: JOSEPH JOSEPH K & MATHEW JOHN  
Mailing Address: , 4914 LAUREL HILL CT, , SUGAR LAND, TX 77478-5424

#### Property

Appraised Value: \$75,230.00

Request Zone Change  
M-1 Portion To GB

<https://propaccess.trueautomation.com/Map/View/Map/51/615966/2014>

powered by:  
**PropertyACCESS**  
www.trueautomation.com

Map Disclaimer: This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The Brazoria County Appraisal District expressly disclaims any and all liability in connection herewith.



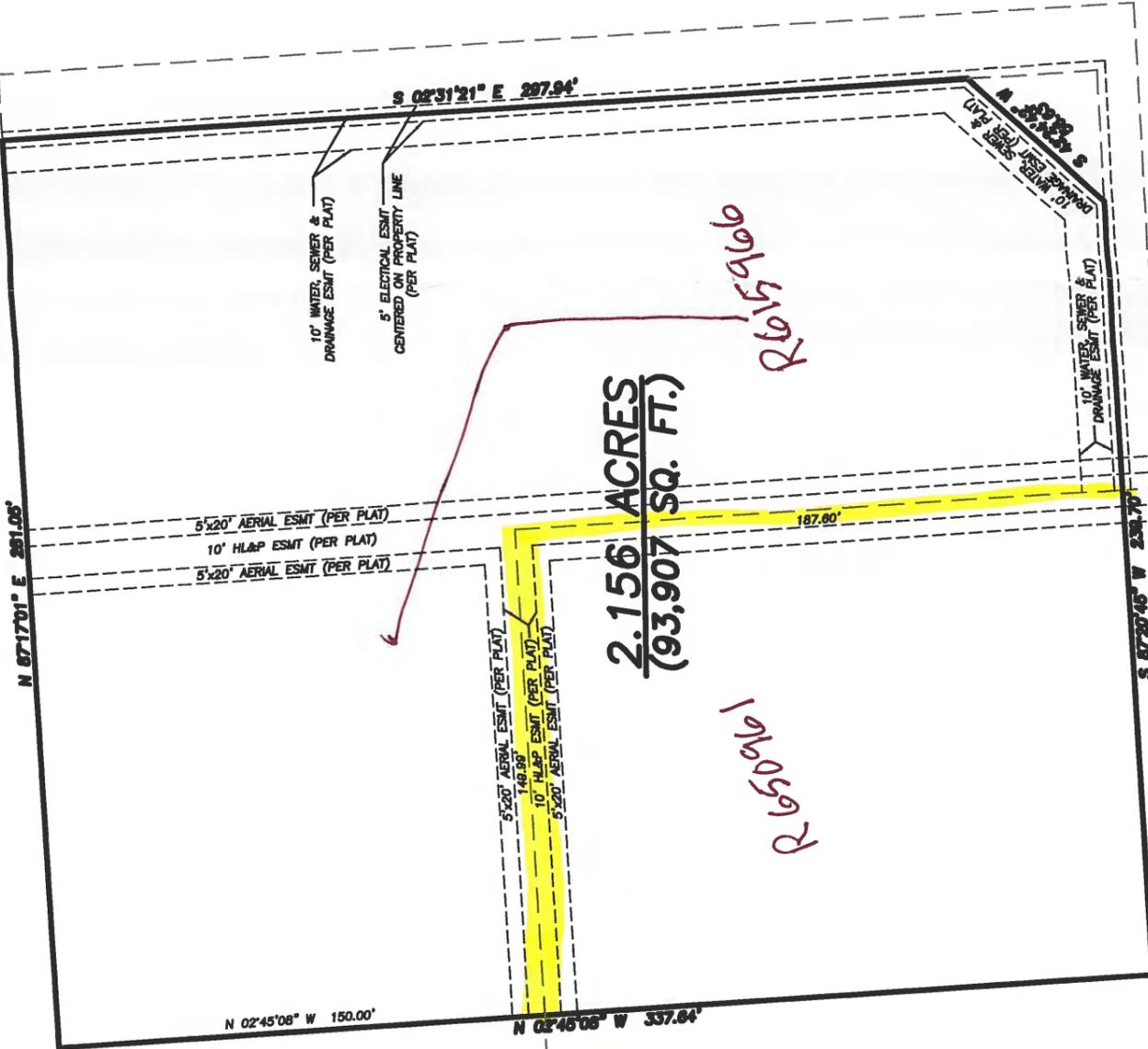
**BOUNDARY ONE, LLC**  
 150 W. SHADOWBEND, SUITE 303  
 FRIENDSWOOD, TEXAS 77546

**MYKAWA ROAD**  
 (R.O.W. VARIES)

**METES AND BOUNDS DESCRIPTION**  
**2.156 ACRES (93,907 SQUARE FEET)**  
**E.B. LYLE SURVEY, ABSTRACT 543**  
**CITY OF PEARLAND**  
**BRAZORIA COUNTY, TEXAS**

Being all of JKJ DEVELOPMENT, a called 1.727 acre subdivision plat recorded under Brazoria County Clerk's File (B.C.C.F.) No. 2008015246, and being the easterly 150-foot by 200-foot portion of that certain tract of land conveyed to Charles Buck Stevens, et al, as described by deed recorded under B.C.C.F. No. 97-031114; **SAVE AND EXCEPT** the easterly 150-foot of that certain tract of land conveyed to the City of Pearland, Texas, as described by deed recorded under B.C.C.F. No. 2008046820.

CALLED 11.1121 ACRES  
 FRANK R. KENDRICK  
 PACKAGING SERVICES CO. INC.  
 B.C.C.F. NO. 1888030737



**2.156 ACRES**  
**(93,907 SQ. FT.)**

*Handwritten notes in red ink:*  
 2659616  
 270159696

OWNER: CHARLES BUCK STEVENS, ET AL  
 B.C.C.F. NO. 97-031114

OWNER: CHARLES BUCK STEVENS, ET AL  
 B.C.C.F. NO. 97-031114

**WEST ORANGE STREET**  
**(A.K.A. WHITE GARNER ROAD)**  
**(A.K.A. COUNTY ROAD 114)**  
**(R.O.W. VARIES)**

OWNER: CITY OF PEARLAND  
 B.C.C.F. NO. 2008046820



## LETTER OF INTENT

December 22, 2014

Dear City of Pearland Planning Staff;

Boundary One, LLC (Thomas Offenburger, Member), as the agent for, Joseph K. Joseph and Matthew John, Owners intends to seek Pearland City Council and Planning Commission approval under the requirements of the Unified Development Code for a zone change on the north portion of their property at the northwest corner of Mykawa and West Orange Street, Pearland.

Owners are planning a convenience store and gas station and desire the north portion of their property currently zoned M-1 to be changed to match the southern portion which is GB.

Please contact me for any additional information.

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

Boundary One, LLC  
Thomas Offenburger  
Survey/Plat Coordinator

150 West Shadowbend, Suite 300  
Friendswood, TX 77546  
Office: (281) 648-3131  
Mobile: (281) 686-8227  
Email: [thomas@boundaryone.com](mailto:thomas@boundaryone.com)

**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

12/22/14  
Date

**2014 TAX STATEMENT**



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

**Certified Owner:**  
JOSEPH JOSEPH K & MATHEW JOHN  
4914 LAUREL HILL CT  
SUGAR LAND, TX 77478-5424

**Legal Description:**  
HORSESHOE BEND (A0543 H T & B R  
R)(PEARLAND) LOT 1 ACRES 0.650

**Account No: 5200-0010-004**

**Appr. Dist. No.: 650961**

**Legal Acres: .6500**

**Parcel Address: ORANGE ST**

**As of Date: 12/22/2014**

**Print Date: 12/22/2014**

Market Value		Appraised Value	Assessed Value	Capped Value	Homesite Value	Agricultural Market Value	Non-Qualifying Value
Land	Improvement						
\$39,640	\$0	\$39,640	\$39,640	\$0	\$0	\$0	\$39,640

Taxing Unit	Assessed Value (100%)	Exemptions		Taxable Value	Tax Rate	Tax
		Code	Amount			
BRAZORIA COUNTY <i>Amount saved by additional sales tax revenue \$40.30</i>	\$39,640		\$0.00	\$39,640	0.4385000	\$173.82
SPECIAL ROAD & BRIDGE	\$39,640		\$0.00	\$39,640	0.0600000	\$23.78
PEARLAND ISD	\$39,640		\$0.00	\$39,640	1.4157000	\$561.18
BRAZORIA DRAINAGE DIST 4	\$39,640		\$0.00	\$39,640	0.1560000	\$61.84
CITY OF PEARLAND	\$39,640		\$0.00	\$39,640	0.7121000	\$282.28

**Total Tax:** \$1,102.90  
**Total Tax Paid to date:** \$0.00  
**Total Tax Remaining:** \$1,102.90

**Exemptions:**

**AMOUNT DUE IF PAID BY THE END OF:**

DEC 2014 0%	JAN 2015 0%	FEB 2015 7%	MAR 2015 9%	APR 2015 11%	MAY 2015 13%
\$1,102.90	\$1,102.90	\$1,180.10	\$1,202.17	\$1,224.22	\$1,246.28
JUN 2015 15%	JUL 2015 18 + up to 20%	AUG 2015 19 + up to 20%	SEP 2015 20 + up to 20%	OCT 2015 21 + up to 20%	NOV 2015 22 + up to 20%
\$1,268.34	\$1,528.59	\$1,541.55	\$1,554.52	\$1,567.45	\$1,580.41

**School Information:**

PEARLAND ISD 2014 M&O 1.0400000 I&S .37570000 Total 1.4157000 2013 M&O 1.0400000 I&S .37570000 Total 1.4157000

PLEASE CUT AT THE DOTTED LINE AND RETURN THIS PORTION WITH YOUR PAYMENT.

4.1.53 ✂

**Print Date:** 12/22/2014

**PLEASE NOTE YOUR ACCOUNT NUMBER ON YOUR CHECK AND MAKE CHECKS PAYABLE TO:**

RO'VIN GARRETT, PCC  
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR  
111 E. LOCUST  
ANGLETON, TEXAS 77515  
(979) 864-1320, (979) 388-1320, (281) 756-1320



5200-0010-004  
JOSEPH JOSEPH K & MATHEW JOHN  
4914 LAUREL HILL CT  
SUGAR LAND, TX 77478-5424

**AMOUNT PAID:**  
\$ \_\_\_\_\_

52000010004 2014 122014 00000110290 00000110290 00000118010 1

**2014 TAX STATEMENT**



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

**Certified Owner:**  
 JOSEPH JOSEPH K & MATHEW JOHN  
 4914 LAUREL HILL CT  
 SUGAR LAND, TX 77478-5424

**Legal Description:**  
 JKJ DEVELOPMENT BLK 1 LOT 1 ACRES 1.727

**Account No: 5317-0001-001**

**Appr. Dist. No.: 615966**

**Legal Acres: 1.7270**

**Parcel Address: MYKAWA & ORANGE**

**As of Date: 12/22/2014**

**Print Date: 12/22/2014**

Market Value		Appraised Value	Assessed Value	Capped Value	Homesite Value	Agricultural Market Value	Non-Qualifying Value
Land	Improvement						
\$75,230	\$0	\$75,230	\$75,230	\$0	\$0	\$0	\$75,230

Taxing Unit	Assessed Value (100%)	Exemptions		Taxable Value	Tax Rate	Tax
		Code	Amount			
BRAZORIA COUNTY <i>Amount saved by additional sales tax revenue \$76.48</i>	\$75,230		\$0.00	\$75,230	0.4385000	\$329.88
SPECIAL ROAD & BRIDGE	\$75,230		\$0.00	\$75,230	0.0600000	\$45.14
PEARLAND ISD	\$75,230		\$0.00	\$75,230	1.4157000	\$1,065.03
BRAZORIA DRAINAGE DIST 4	\$75,230		\$0.00	\$75,230	0.1560000	\$117.36
CITY OF PEARLAND	\$75,230		\$0.00	\$75,230	0.7121000	\$535.71

**Total Tax: \$2,093.12**  
**Total Tax Paid to date: \$0.00**  
**Total Tax Remaining: \$2,093.12**

**Exemptions:**

**AMOUNT DUE IF PAID BY THE END OF:**

DEC 2014 0%	JAN 2015 0%	FEB 2015 7%	MAR 2015 9%	APR 2015 11%	MAY 2015 13%
\$2,093.12	\$2,093.12	\$2,239.64	\$2,281.49	\$2,323.37	\$2,365.22
JUN 2015 15%	JUL 2015 18 + up to 20%	AUG 2015 19 + up to 20%	SEP 2015 20 + up to 20%	OCT 2015 21 + up to 20%	NOV 2015 22 + up to 20%
\$2,407.08	\$2,901.03	\$2,925.61	\$2,950.20	\$2,974.77	\$2,999.36

**School Information:**

PEARLAND ISD 2014 M&O 1.0400000 I&S .37570000 Total 1.4157000 2013 M&O 1.0400000 I&S .37570000 Total 1.4157000

PLEASE CUT AT THE DOTTED LINE AND RETURN THIS PORTION WITH YOUR PAYMENT.

4.1.53

**Print Date: 12/22/2014**

**PLEASE NOTE YOUR ACCOUNT NUMBER ON YOUR CHECK AND MAKE CHECKS PAYABLE TO:**

RO'VIN GARRETT, PCC  
 BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR  
 111 E. LOCUST  
 ANGLETON, TEXAS 77515  
 (979) 864-1320, (979) 388-1320, (281) 756-1320



\* 5 3 1 7 0 0 0 1 0 0 1 \*

5317-0001-001  
 JOSEPH JOSEPH K & MATHEW JOHN  
 4914 LAUREL HILL CT  
 SUGAR LAND, TX 77478-5424

**AMOUNT PAID:**  
 \$ \_\_\_\_\_

53170001001 2014 122014 00000209312 00000209312 00000223964 7



**JOINT PUBLIC HEARING**  
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF  
THE CITY OF PEARLAND, TEXAS,  
**MONDAY, FEBRUARY 16, 2015, AT 6:30 P.M.**  
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

**I. CALL TO ORDER**

**II. PURPOSE OF HEARING**

**Zone Change Application No. 2015-02Z**

A request of Gerald L. Koza Jr., applicant; on behalf of Associated Properties, owner; for approval of a change in zoning from the General Commercial (GC) zoning district to the Light Industrial (M-1) zoning district; on approximately 4.020 acres of land, to wit:

**Legal Description:** Being a 4.020 acre tract in the H.T. & B.R.R. Company Survey, Abstract No. 542 in Brazoria County, Texas. Said 4.020 acre tract is part of Lot 52 of Zychlinsky Subdivision according to the plat recorded in Volume 29, Page 43 of the Deed Records of Brazoria County, Texas and is further described as being all of a one (1) acre tract, a 2.179 acre tract and part of a 2.000 acre tract as described in a deed to Associated Properties as recorded in Clerk's File No. 2011034738 in the Brazoria County Clerk's Office.

**General Location:** 3706-3902 Alice 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.**



## Staff Report

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: February 16, 2015

Re: Zone Change Application Number 2015-02Z

A request of Gerald L. Koza Jr., applicant; on behalf of Associated Properties, owner; for approval of a change in zoning from the General Commercial (GC) zoning district to the Light Industrial (M-1) zoning district; on approximately 4.020 acres of land, Pearland, TX

### **Summary of Request**

The applicant is requesting approval of a change in zoning from the General Commercial (GC) zoning district to the Light Industrial (M-1) zoning district on approximately 4.020 acres located along Alice Street. The property is currently zoned GC which is intended to allow for commercial, retail, and a select amount of light industrial uses. The property is currently built out with eight (8) metal buildings and has been utilized as light industrial since the early 1970's. The applicant is requesting the zone change in order to bring the existing uses on site into compliance with the zoning designation.

### **Recommendation**

Staff recommends approval of the request to change the zoning of the approximately 4.020 acre site from GC to M-1 for the following reasons:

1. The change in zoning will result in conformance with the Comprehensive Plan, as the current zoning of GC does not conform to the future land use designation of Industrial.
2. The requested change in zoning from GC to M-1 will result in bringing nonconforming uses into conformance with the Unified Development Code (UDC).
3. All requirements of the UDC will be met for any future redevelopment on the site.

### **Site History**

The subject property is currently developed with eight (8) separate industrial buildings. The property was annexed into the City of Pearland in 1960. The property has had the exiting GC (labeled as C prior to the adoption of the 2006 UDC) zoning designation since the adoption of the first zoning map in March of 1986.

The site is surrounded by non-residential uses. The below table identifies surrounding uses and zoning districts:

	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	General Commercial (GC)	Undeveloped Commercial
<b>South</b>	Light Industrial (M-1)	Profax
<b>East</b>	General Commercial (GC)	Undeveloped Commercial
<b>West</b>	General Commercial (GC)	Pearland Animal Hospital

### **Conformance with the Thoroughfare Plan**

The subject property has approximately 972 feet of frontage along Alice Street; a local street, which requires a minimum of 50 feet of right-of-way. The current road is platted with 60 feet of right-of-way.

### **Conformance with the Unified Development Code**

The approval of the requested zone change to M-1 will bring the existing light industrial uses currently operating on site, into conformance with the UDC. The subject property meets the requirements of the proposed M-1 zoning district as it relates to lot area, width, and depth.

<b>Light Industrial (M-1) Area Regulations</b>		
<b>Size of Lots</b>	<b>Required</b>	<b>Existing Lot Dimensions</b>
Minimum Lot Size	40,000 sf.	4.020 acres
Minimum Lot Width	150 ft.	972.28 ft.
Minimum Lot Depth	150 ft.	180.69 ft.

### **Conformance with the Comprehensive Plan**

The proposed change in zoning from GC to M-1 is in compliance with the future land use designation of the Comprehensive Plan, which is Industrial. According to the Comprehensive Plan, properties located within the aforementioned future land use designation should be of an industrial or manufacturing nature. Appropriate zoning districts include the proposed zone of Light Industrial (M-1).

### **Platting Status**

The subject property has a recorded plat recorded on January 6, 2015.

### **Availability of Utilities**

The subject property has access to utilities. GIS data indicates that water is available to the site via an existing 10-inch waterline along Alice Street and sewer is available via an existing 8-inch sewer line extended to the property from McHard Road to the north.

### **Impact on Existing and Future Development**

The proposed change in zoning will not significantly impact surrounding properties or developments, as the property is currently developed with industrial uses and does not have frontage on Main Street, part of the Corridor Overlay District. The proposed zone change will bring the existing uses into compliance with the UDC as well as the future land use designation of the property. All surrounding properties are zoned for non-residential uses and zoning districts. The property is currently built out to capacity and no changes have been proposed at this time.

### **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.

**Exhibits**

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



# Exhibit 1

## AERIAL MAP

### Zone Change 2015-02Z

3706-3902 Alice St.

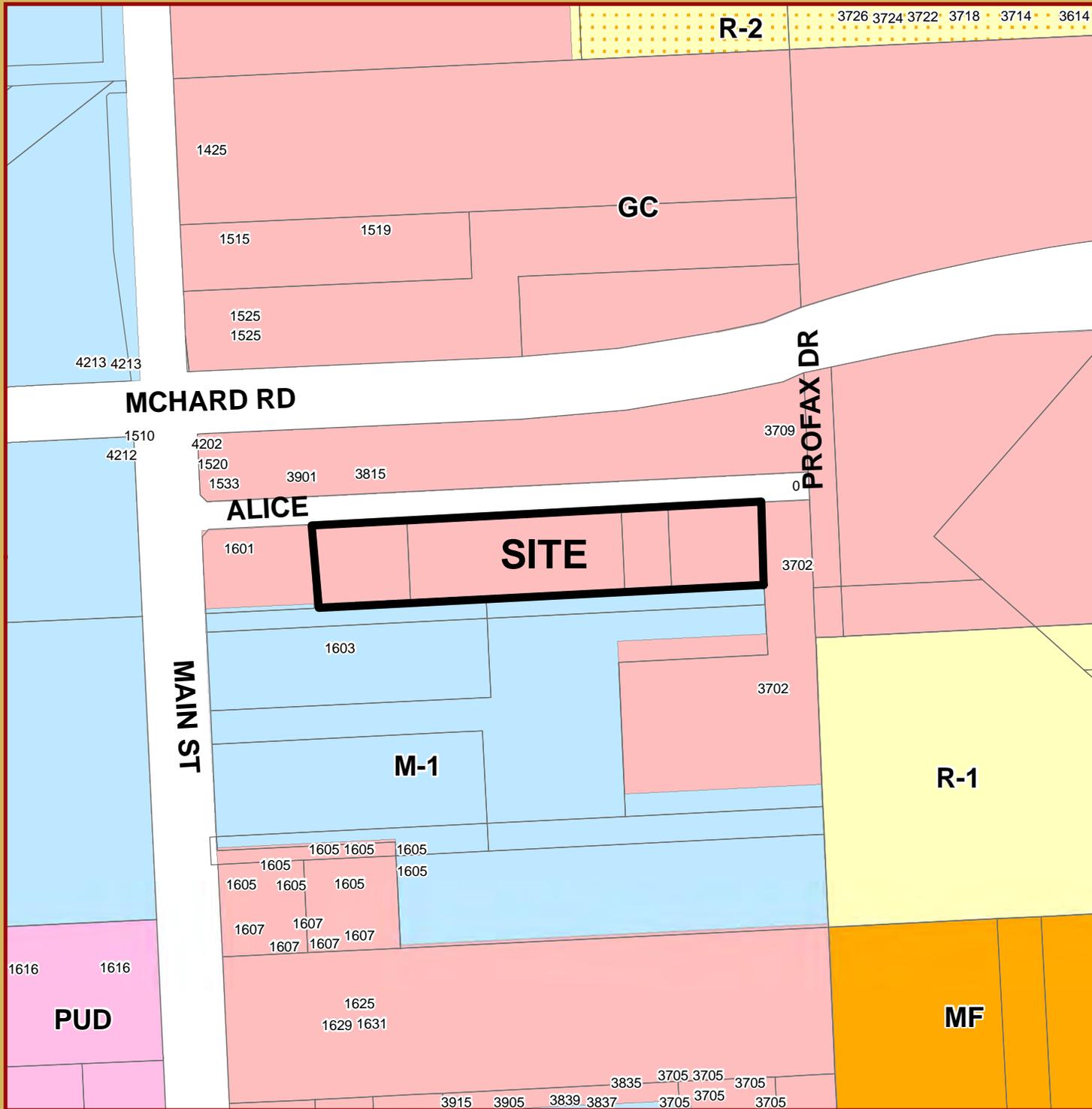


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 310 feet

OCTOBER 2014  
PLANNING DEPARTMENT





# Exhibit 2

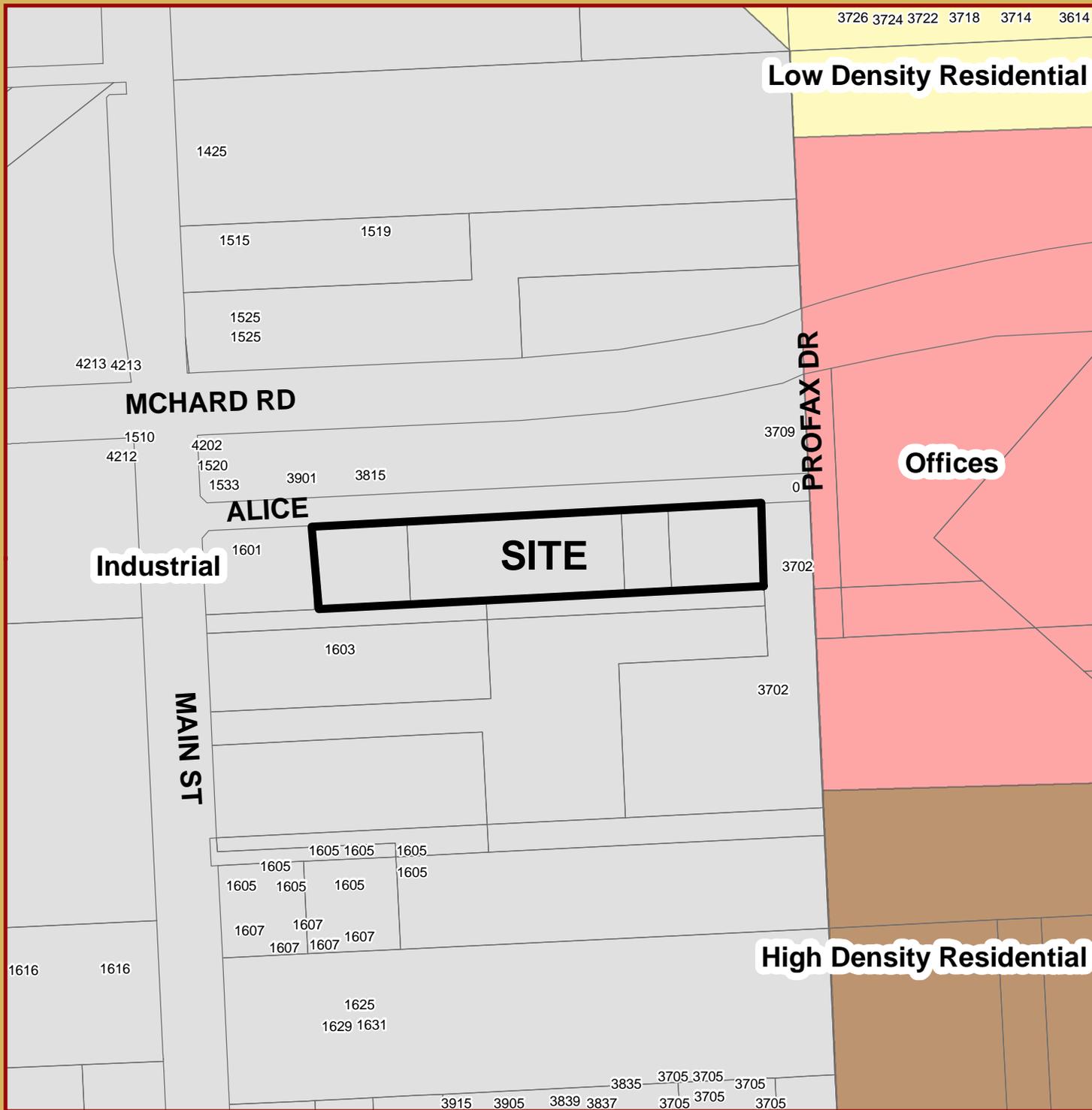
**ZONING MAP**  
**Zone Change 2015-02Z**  
**3706-3902 Alice St.**



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 = 310 feet  
 OCTOBER 2014  
 PLANNING DEPARTMENT





# Exhibit 3

**FLUP MAP**

**Zone Change 2015-02Z**

**3706-3902 Alice St.**

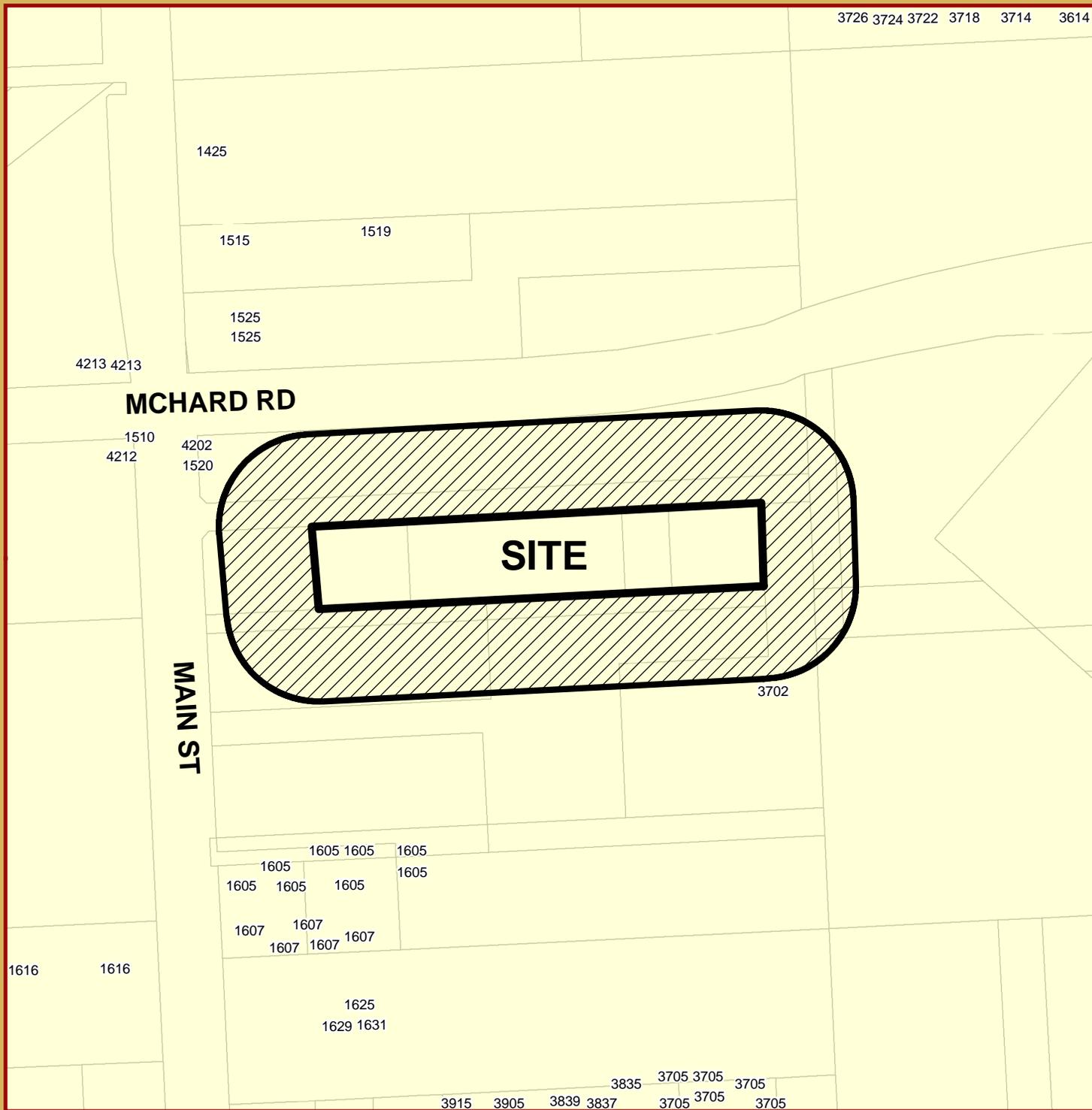


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 310 feet

OCTOBER 2014  
PLANNING DEPARTMENT





# Exhibit 4

## NOTIFICATION MAP

### Zone Change 2015-02Z

3706-3902 Alice St.



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1 inch = 310 feet

OCTOBER 2014  
PLANNING DEPARTMENT



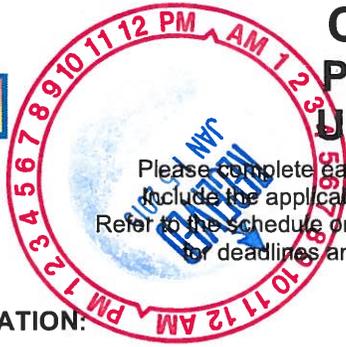
# Exhibit 5

## 2015-02Z

GC-M1 - 3706 Alice Street

<b>Owners</b>	<b>Street</b>	<b>City</b>	<b>State</b>	<b>Zip</b>
ASSOCIATED PROPERTIES INC KOZA INTERESTS LTD & ALVAREZ	1603 N MAIN ST	PEARLAND	TX	77581
INTERESTS LTD & RICHARD ASHLEY	1603 N MAIN ST	PEARLAND	TX	77581
HALIK CARL VERNON ETAL	2526 WESTMINISTER ST	PEARLAND	TX	77581
BEAZER HOMES TEXAS LP	10235 W LITTLE YORK RD STE 200	HOUSTON	TX	77040
VETERINARY PROPERTIES OF TEXAS	5205 MAGNOLIA ST	PEARLAND	TX	77584

# Exhibit 6



## City of Pearland Planning Department Universal Application

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

Please complete each field - incomplete applications will **not** be accepted.  
Include the applicable checklist for each project type with this application.  
Refer to the schedule on the City's website and/or within the Planning Department  
for deadlines and anticipated meeting dates for each project type.

### TYPE OF APPLICATION:

- Zoning Change
- Cluster Development Plan
- Planned Development Workshop
- Plat (list type): \_\_\_\_\_
- ZBA Variance
- P&Z Variance
- Special Exception
- Conditional Use Permit

### PROJECT INFORMATION:

Residential  Commercial  Property Platted  Property Not Platted

Project Name: Associated Properties Tax ID: 0542-0073-120  
0542-0073-000

Project Address/Location: 3706 → 3902 Alice St

Subdivision: Associated Ind Park II No. of Lots: \_\_\_\_\_ Total Acres: 4.020

Brief Description of Project: Change From GC TO m1

\*\*When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, therefore it may be necessary to postpone the proposed project and remove it from the scheduled agenda and place it on a future agenda according to Section 1.2.1.2 of the Unified Development Code.\*\*

### PROPERTY OWNER INFORMATION:

### APPLICANT/AGENT INFORMATION:

Name: Associated Properties Name: Gerald L Koza Jr.

Address: 1603 N. Main St Address: 1603 N. Main St

City: Pearland State: TX Zip: 77581 City: Pearland State: TX Zip: 77581

Phone: 281-485-6258 Phone: 281-485-6258

Fax: 281-485-8030 Fax: 281-485-8030

Email Address: Koza Jr@Profax-Lenco.com Email Address: Koza Jr@Profax-Lenco.com  
\*(281)-507-4503 cell

\*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: 1/15/15

Agent's/  
Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### OFFICE USE ONLY:

FEES PAID:	DATE PAID: <u>1/15/15</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>109194</u>
			APPLICATION NUMBER: <u>2015-027</u>

**ZONE CHANGE/ VARIANCE/ PLAT/ RECORDATION**

\$775

(circle one)  
**BA** or **PF** or **FE**

Description: Input who the check is from

**COMMENTS/DESCRIPTION (F10):**

Location or  
Address Zone Change Alice St. GC to M1

Applicant Gerald Koza

CITY OF PEARLAND  
R E P R I N T  
\*\*\* CUSTOMER RECEIPT \*\*\*  
Oper: JCOTTER Type: OC Drawer: 1  
Date: 1/15/15 01 Receipt no: 105194

Description	Quantity	Amount
BA	BOARD OF ADJUSTMENTS	
	1.00	\$775.00
Trans number:		4720272

ASSOCIATED PROPERTIES  
PO BOX 898  
PEARLAND

Tender detail		
CK CHECK	1513	\$775.00
Total tendered		\$775.00
Total payment		\$775.00

Trans date: 1/15/15 Time: 8:12:12

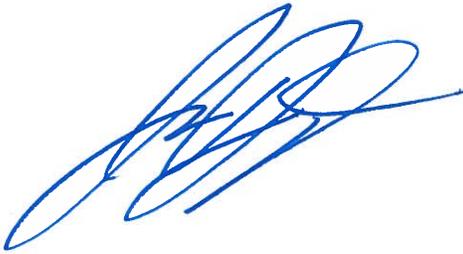
City Of Pearland

01/12/15

Community Development

Associated Properties is requesting a Zone Change from General Commercial to Light Industrial for our property located on the South side of Alice St. The addresses run from 3706 to 3902 Alice St. This property has been used for Light Industrial use since the early 1970's and we would like the zoning to match its use. If you have any questions please feel free to contact me.

Regards,

A handwritten signature in blue ink, appearing to read 'Jerry Koza, Jr.', with a large, stylized flourish at the end.

Jerry Koza, Jr.

President

Associated Properties, Inc.

STATE OF TEXAS  
 COUNTY OF BRAZORIA  
 WE, ASSOCIATED PROPERTIES OWNERS OF THE PROPERTY SUBMITTED IN THE MAP ABOVE, DO HEREBY MAKE SUBSTANTIAL AND VOLUNTARY CONSENT TO THE CITY OF PEARLAND, TEXAS, TO ACCEPT THE SUBMISSION OF THIS MAP AND TO ACCEPT THE CITY'S JURISDICTION OVER THE PROPERTY DESCRIBED THEREIN. WE HEREBY AGREE TO ACCEPT THE CITY'S JURISDICTION OVER THE PROPERTY DESCRIBED THEREIN AND TO ACCEPT THE CITY'S JURISDICTION OVER THE PROPERTY DESCRIBED THEREIN. WE HEREBY AGREE TO ACCEPT THE CITY'S JURISDICTION OVER THE PROPERTY DESCRIBED THEREIN AND TO ACCEPT THE CITY'S JURISDICTION OVER THE PROPERTY DESCRIBED THEREIN.

WITNESSES MY HAND AND SEAL OF OFFICE, THIS 14th DAY OF December, 2014.  
 BY: *[Signature]*  
 CITY CLERK  
 STATE OF TEXAS  
 COUNTY OF BRAZORIA  
 WE, ASSOCIATED PROPERTIES OWNERS OF THE PROPERTY SUBMITTED IN THE MAP ABOVE, DO HEREBY MAKE SUBSTANTIAL AND VOLUNTARY CONSENT TO THE CITY OF PEARLAND, TEXAS, TO ACCEPT THE SUBMISSION OF THIS MAP AND TO ACCEPT THE CITY'S JURISDICTION OVER THE PROPERTY DESCRIBED THEREIN. WE HEREBY AGREE TO ACCEPT THE CITY'S JURISDICTION OVER THE PROPERTY DESCRIBED THEREIN AND TO ACCEPT THE CITY'S JURISDICTION OVER THE PROPERTY DESCRIBED THEREIN.



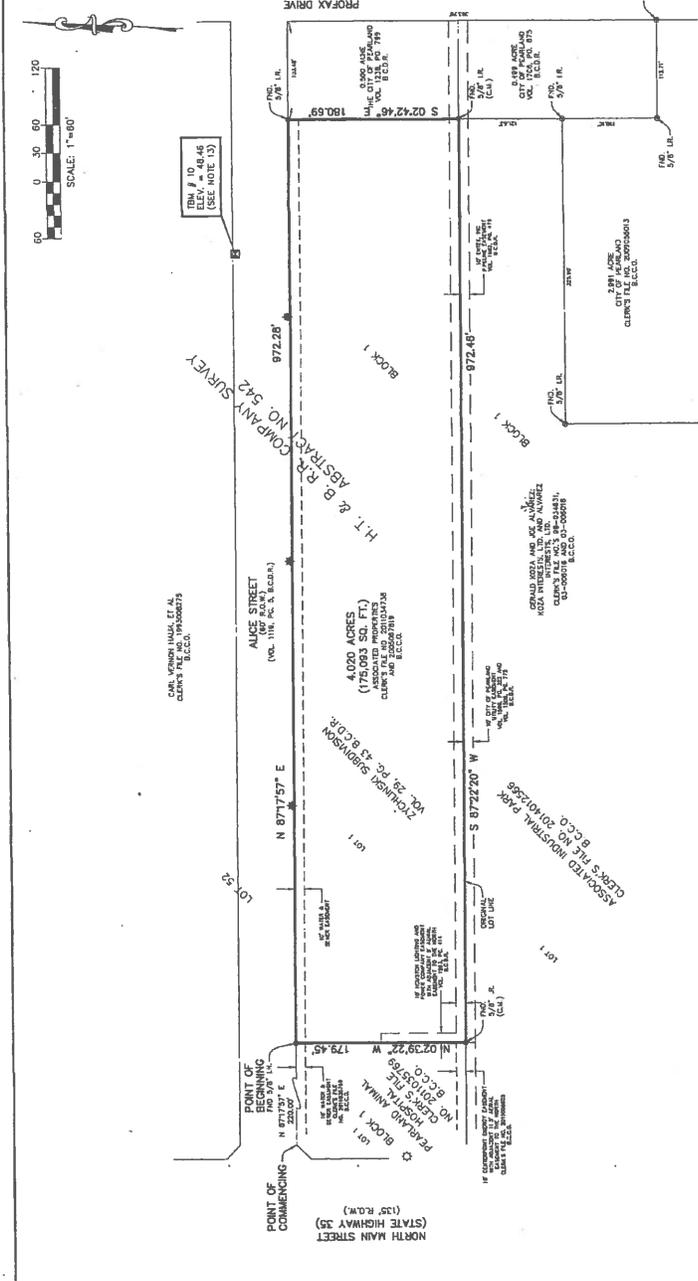
STATE OF TEXAS  
 COUNTY OF BRAZORIA  
 I, *[Signature]*, Notary Public in and for the County of Brazoria, State of Texas, do hereby certify that the foregoing is a true and correct copy of the original as the same appears to me, and that the same has been duly filed for record in the Public Records of the County of Brazoria, State of Texas, on this 14th day of December, 2014.  
 BY: *[Signature]*  
 NOTARY PUBLIC  
 STATE OF TEXAS

STATE OF TEXAS  
 COUNTY OF BRAZORIA  
 I, *[Signature]*, City Attorney, do hereby certify that the foregoing is a true and correct copy of the original as the same appears to me, and that the same has been duly filed for record in the Public Records of the County of Brazoria, State of Texas, on this 14th day of December, 2014.  
 BY: *[Signature]*  
 CITY ATTORNEY

STATE OF TEXAS  
 COUNTY OF BRAZORIA  
 I, *[Signature]*, City Engineer, do hereby certify that the foregoing is a true and correct copy of the original as the same appears to me, and that the same has been duly filed for record in the Public Records of the County of Brazoria, State of Texas, on this 14th day of December, 2014.  
 BY: *[Signature]*  
 CITY ENGINEER

STATE OF TEXAS  
 COUNTY OF BRAZORIA  
 I, *[Signature]*, City Planner, do hereby certify that the foregoing is a true and correct copy of the original as the same appears to me, and that the same has been duly filed for record in the Public Records of the County of Brazoria, State of Texas, on this 14th day of December, 2014.  
 BY: *[Signature]*  
 CITY PLANNER

STATE OF TEXAS  
 COUNTY OF BRAZORIA  
 I, *[Signature]*, City Clerk, do hereby certify that the foregoing is a true and correct copy of the original as the same appears to me, and that the same has been duly filed for record in the Public Records of the County of Brazoria, State of Texas, on this 14th day of December, 2014.  
 BY: *[Signature]*  
 CITY CLERK



MINOR PLAT  
 OF  
**ASSOCIATED**  
**INDUSTRIAL PARK II**

A SUBDIVISION OF 4,020 ACRES LOCATED IN THE H.T. & B.I.R.R. CO. SURVEY, ABSTRACT 542, IN THE CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS  
 1 BLOCK 1 LOT  
 NOVEMBER 2014

3902 ALICE STREET  
 OWNERS:  
 ASSOCIATED PROPERTIES  
 1603 NORTH MAIN STREET  
 PEARLAND, TEXAS 77581  
 PHONE: (409) 485-4298  
 ATTN: GERALD KOZA, JR.

PREPARED BY:  
 THE WILSON SURVEY GROUP  
 PROFESSIONAL LAND SURVEYORS  
 2006 E. BROADWAY PEARLAND, TEXAS  
 (281) 485-3981 FAX (281) 485-3989

CONTACT: DREW LEBLANC  
 SHEET 1 OF 1 CITY OF PEARLAND PLAT NO. P-615E-2014-124

SCALE: 1" = 80'  
 60 0 30 60 120

POINT OF BEGINNING  
 COMMENCING  
 NORTH MAIN STREET  
 (STATE HIGHWAY 35)  
 (135' R.O.W.)

POINT OF BEGINNING  
 (107' R.O.W.)  
 ALICE STREET  
 (VOL. 1118, P. 5, B.C.R.A.)

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 ALICE STREET  
 (VOL. 1118, P. 5, B.C.R.A.)

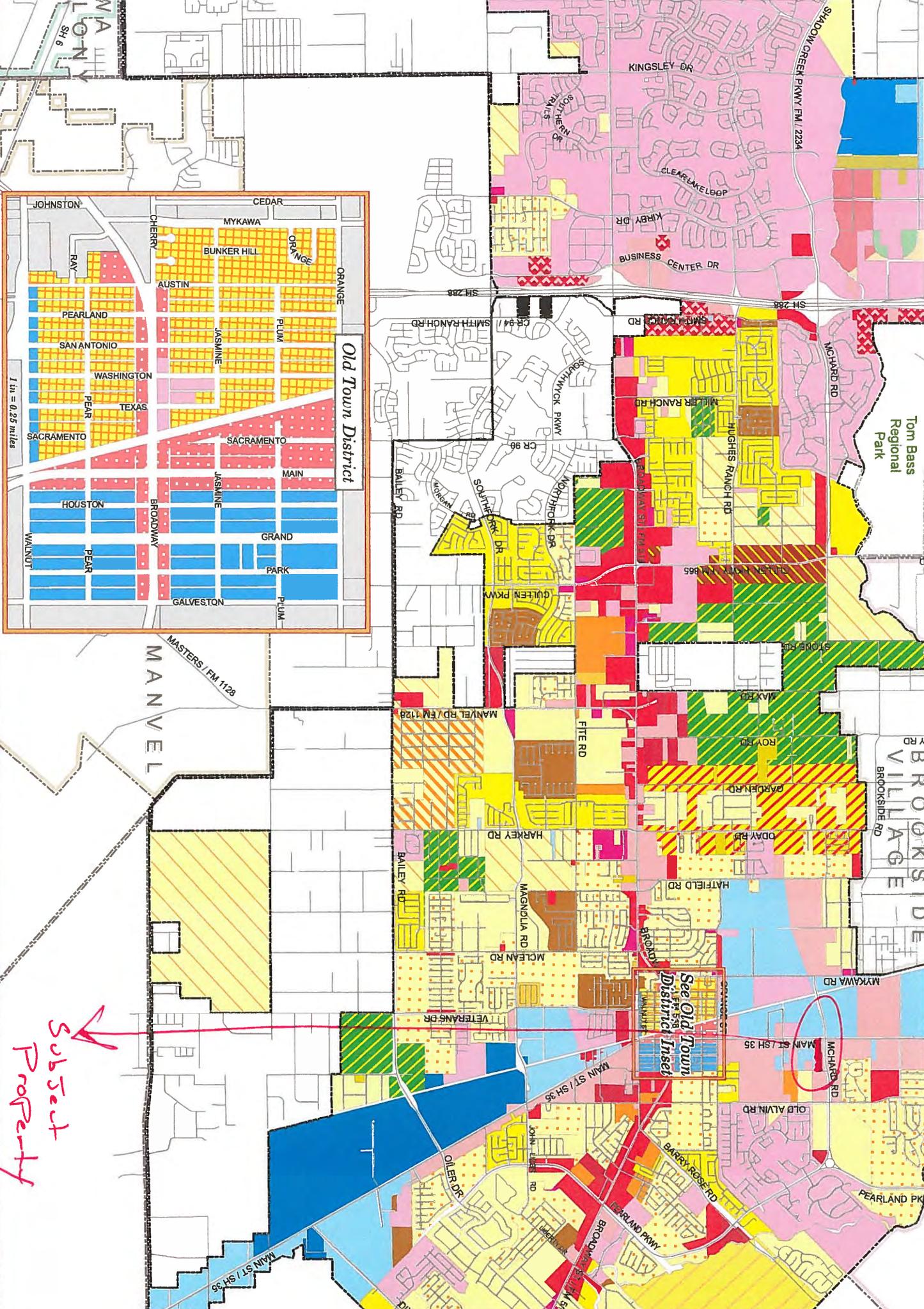
POINT OF BEGINNING  
 (107' R.O.W.)  
 ALICE STREET  
 (VOL. 1118, P. 5, B.C.R.A.)

# PEARLAND

-  BP-288
-  C-MU
-  M-1
-  M-2
-  OP
-  OT-GB
-  R-1
-  R-2
-  SR-15
-  SR-12
-  SP3
-  SP4



1:63,360



Subsect Property

See Old Town District Inset

Old Town District

Tom Bass Regional Park

BROOKSIDE VILLAGE

PEARLAND PK

**OFFICIAL TAX RECEIPT**

RO'VIN GARRETT, PCC  
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR  
111 E. LOCUST  
ANGLETON, TEXAS 77515  
Account No: 0542-0073-120  
Certified Owner: ASSOCIATED PROPERTIES INC  
2014 VALUE: 401,290

FIRST CLASS  
U.S POSTAGE PAID  
PERMIT NO. 4  
ANGLETON TX

A0542 H T & B R R, TRACT 52H, ACRES  
0.828

Jr	Year	Levy Paid	P&I	Parcel Address: 3706 ALICE ST
1	2014	1,759.66	0.00	Legal Acres: 0.8280
9	2014	240.77	0.00	Appr No: 177141
28	2014	5 681.06	0.00	Deposit No: 4B261124085
54	2014	626.01	0.00	Paid Date: 11/26/2014
96	2014	2,857.59	0.00	Total Paid: \$11,165.09

Check No: 00126428  
Balance Due: \$0.00

Exemption(s): NONE

ASSOCIATED PROPERTIES INC  
1603 N MAIN ST  
PEARLAND, TX 77581-2803



**OFFICIAL TAX RECEIPT**

RO'VIN GARRETT, PCC  
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR  
111 E. LOCUST  
ANGLETON, TEXAS 77515  
Account No: 0542-0073-000  
Certified Owner: ASSOCIATED PROPERTIES INC  
2014 VALUE: 961,370

FIRST CLASS  
U.S POSTAGE PAID  
PERMIT NO. 4  
ANGLETON TX

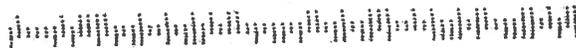
A0542 H T & B R R, TRACT 52-52C-52F,  
ACRES 3.842

Jr	Year	Levy Paid	P&I	Parcel Address: 3902 ALICE ST
1	2014	4,215.61	0.00	Legal Acres: 3.8420
9	2014	576.82	0.00	Appr No: 177139
28	2014	13,610.12	0.00	Deposit No: 4B261124085
54	2014	1,499.74	0.00	Paid Date: 11/26/2014
96	2014	6,845.92	0.00	Total Paid: \$26,748.21

Check No: 00126428  
Balance Due: \$0.00

Exemption(s): NONE

ASSOCIATED PROPERTIES INC  
1603 N MAIN ST  
PEARLAND, TX 77581-2803



## Posting of Notification Signs on Property under Consideration for a Zone Change

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.

Signature

Date



1/15/15



**JOINT PUBLIC HEARING**  
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF  
THE CITY OF PEARLAND, TEXAS,  
**MONDAY, FEBRUARY 16, 2015, AT 6:30 P.M.**  
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

**I. CALL TO ORDER**

**II. PURPOSE OF HEARING**

**Zone Change Application No. 2015-03Z**

A request of BGE Kerry R. Gilbert and Associates, applicant; on behalf of Beltway 23, LTD., owner; for approval of a change in zoning to amend the Kinglsey and Broadway Planned Development (PD), to allow Mini-Warehouse/Self Storage; Auto Accessories and/or Parts Retail Sales; to prohibit Hotels/Motels; and to revise landscape requirements and various exhibits; on approximately 18.1 acres of land, to wit:

**Legal Description:** The herein described 20.3 acres (prior to right-of-way dedication), more or less, being generally located in Section 80, J. S. Talmage Survey Abstract 564, Brazoria County, Texas; the south line being along the south line of Lot 2, Section 80, J. S. Talmage Survey, Abstract 564 according to the plat thereof as filed in Volume 2, Page 98 Brazoria County Plat Records; the west line being the east line of City of Pearland Ordinance No. 1035; the north line being the south right-of-way line of County Road 92 and the extension of City of Pearland Ordinance 924 and the east line being the west line of City of Pearland Ordinance No 924; All that certain 20.3 acres, more or less, annexed into the City of Pearland by Pearland Ordinance 1465 and being all of Lots 1 & 2, Section 80, J. S. Talmage Survey, Abstract 564

**General Location:** Southeast corner of Broadway Street and Kinglsey Drive, 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.**



## Staff Report

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: February 16, 2015

Re: Zone Change Application Number 2015-3Z

A request of BGE Kerry R. Gilbert and Associates, applicant; on behalf of Beltway 23, LTD., owner; for approval of a change in zoning to amend the Kingsley and Broadway Planned Development (PD), to allow Mini-Warehouse/Self Storage; Auto Accessories and/or Parts Retail Sales; and to prohibit Hotels/Motels; on approximately 20 acres of land (prior to right-of-way dedication); located on the east side of Kingsley Drive and south of Broadway Street.

### **Background:**

The subject parcel was annexed into the city at the request of the property owner on July 23, 2012. After annexation, the applicant submitted an application for a zone change from the Suburban Development District (SD) to the General Business (GB) zoning district. During the public hearing, a number of concerns were raised by nearby residents, City Council, the Planning and Zoning Commission, and staff regarding the impact that certain uses which were permitted by right in the GB zoning district, would have on surrounding single family subdivisions. The parcel is surrounded by the Southern Trails and Shadow Creek Ranch Planned Developments (PDs). The applicant ultimately withdrew the zone change request and applied for a PD. The Kingsley and Broadway PD was approved on November 26, 2012 as a non-residential PD with an overlay zoning district of GB, with a list of prohibited GB uses identified on page 2 of the PD.

### **Major Components of the Approved PD:**

1. **Uses:** After much discussion a list of prohibited uses was included within the PD, which were deemed incompatible with surrounding single family subdivisions.

2. **Unified Shopping Center:** The Kingsley-Broadway PD was approved as a unified shopping center with a total of 3 pad sites along Broadway Street, including the existing gas station and car wash at the southeast corner of Broadway Street and Kingsley Drive; and a large retail space along the southern property line, just north of the detention area. The development included tree-lined boulevard entrances at the Broadway Street and Kingsley Drive entrances, with a row of trees extending to the eastern most property line and 3 rows of trees extending southwest into the property with a centralized circular landscape island.
3. **Quality of Development:** Site features such as enhanced landscaping including tree lined, boulevard entries with a centralized circular landscape island set the development apart from a generic strip center permitted by conventional zoning and added value, as per the criteria of approval and intent of a PD.
4. **Response to surrounding residential subdivisions and resident concerns:** Measures were included in the PD, which would offer additional land use controls to ensure that development of the site is compatible with the high standards of the surrounding single family subdivisions.

### **Current Amendment Proposal Under Consideration**

The applicant proposes a number of enhancements via this amendment, including pedestrian circulation throughout the development with 5-foot sidewalks; a 35-foot landscaped buffer along Broadway Street, Kingsley Drive and the eastern property line, adjacent to an existing single family subdivision; details regarding the screening of the detention area; lighting standards and various restrictions including height limitations.

However, the proposed amendment is a major departure from the originally approved PD. The applicant is proposing through the PD amendment process to increase the number of pad sites from 4 to 9, as illustrated on Exhibit C and permit *Mini Warehouse/Self Storage*, by right. It is important to note that *Mini Warehouse/Self Storage* is not permitted within any zoning district, within the city, by right. The applicant also proposes to add *Accessories and/or Parts (Only Retail Sales in building, no outside storage or display, no repair)* as a permitted use, which was specifically listed as a prohibited use when the PD was approved in 2012.

For a comparison of the originally approved PD and the proposed amendment, see the table on page 6 of this report. A list of proposed changes are identified below:

1. Add Mini Warehouse/Self Storage, (with 24 hour on-site residence for the facility) as a permitted use with hours of operation being 6:30 am to 8:00 pm, Monday-Saturday, for the main office; 8:00am to 8:00pm, Monday-Sunday, for renters to access storage units;
2. Add Auto Accessories and/or Parts (Only Retail Sales in building, no outside storage or display, no repair), as permitted uses, with signage prohibiting any on-site work or repair of vehicles;
3. Add Hotels/Motels, to the list of prohibited uses;
4. Restrict Gas Station/Convenience Store/Auto-Wash (Self-Serve) to Parcel D (currently developed with above uses)
5. The site currently illustrates 3 pad sites along Broadway Street, including the existing Gas Station/Convenience Store/Auto-Wash; and a retail shopping center. An additional pad site can be added along Broadway Street, if the site is not developed with a *Mini Warehouse/ Self-Storage facility*, and the maximum number of pad sites allowed is 9 pad sites;
6. Increase landscape buffer width on the eastern most property line from 25 feet to 35 feet, with specific landscaping requirements;
7. Increase the landscape buffer width along the full length of Kingsley Drive from varying widths ranging from 20-40 feet to 35-feet, with specific landscape requirements, with specific landscaping requirements;
8. Increase the landscape buffer width along Broadway Street from 30 feet to 35 feet, with specific landscaping requirements;
9. Add 5-foot sidewalks throughout the development
10. Restrict building height to 1 story with a maximum height of 30 feet
11. Add details regarding screening of the detention area
12. Add details regarding masonry screening wall along the eastern property line
13. Add façade requirements to include 100% masonry or glass, which excludes trim, accent materials, etc.;
14. Include lighting standards;
15. Include signage restrictions

### **Staff Recommendation**

Due to the major departure in proposed land uses including a dominant land use of *Mini Warehouse/Self Storage and the addition of Accessories and/or Parts (Only Retail Sales in building, no outside storage or display, no repair)*, which was specifically prohibited when the PD was approved; and the removal of the boulevard entrances at the Broadway Street and Kingsley Drive entrances, staff recommends that the PD amendment is denied, for the following reasons:

1. **Incompatible and inappropriate uses:** With the Shadow Creek Ranch and Southern Trails PDs, this area of the city has set very high standards for development with an established character and high value. The proposal will include a storage facility, which is currently not permitted by right in any zoning district within the city and will abut an existing single family subdivision. The use is only permitted with approval of a Conditional Use Permit (CUP) within the Old Town General Business (OT-GB), General Business (GB), General Commercial (GC), Light Industrial (M-1) and Heavy Industrial (M-2) zoning districts. The facility is proposed directly adjacent to an existing single family subdivision; Southern Trails Phase 1, Section 1; and may be viewed as incompatible and a nuisance, despite the buffer proposed. The approval of the proposed amendment to allow a storage facility, by right; where no other zoning district allows the proposed use without approval of a CUP will adversely impact the area in general.
2. **Lack of a detailed site plan/landscape plan to in order to mitigate negative impact:** In 2012, a zone change application to change the zoning of the property from Suburban Development District (SD) to GB was withdrawn by the applicant due to concerns raised by nearby residents, City Council, the Planning and Zoning Commission and staff, regarding the potential incompatible uses that would be allowed by right. Zone changes do not require site plans/landscape plans. The PD was later approved which prohibited, or required further scrutiny through the CUP process, the uses in which the applicant intends to permit by right through the proposed amendment. A CUP allows for review of detailed site plans and landscape plans by nearby residents, City Council, Planning and Zoning Commission and staff; to analyze the impact that the development would have on existing residential subdivisions, and offers an opportunity to mitigate any negative impact.
3. **Quality of development:** The approved PD ensured a higher quality of development with a unified development plan for the entire site with enhanced boulevard entrances vs. fragmented pad sites. The boulevard entrances along Broadway Street and Kingsley Drive and the circular landscape island acted as an entry marker, giving the development an identity. The overall quality and

value of development and the area will deteriorate with approval of the proposed amendment.

4. **Intent of PD:** As proposed the property could be developed with the use of conventional zoning. A PD is intended to result in a higher/superior quality development for the community than would result from the use of conventional zoning, and is not to be used as a land use variance. As proposed the intent of the PD is not being met with the removal of enhanced landscaping and the addition of incompatible uses.

### **Recommended Conditions of Approval**

If the Planning and Zoning Commission recommends approval of the amendment, as proposed, staff recommends the following conditions:

1. *Mini Warehouse/Self-Storage* shall be permitted with approval of a Conditional Use Permit (CUP). The use is not permitted, by right in any zoning district within the city, and requires approval of a Conditional Use Permit (CUP). A CUP will allow nearby residents, City Council and the Planning and Zoning Commission to review detailed site plans, landscape plans and elevations in order to mitigate any negative impact that the use may have on single family subdivisions.
2. *Mini Warehouse/Self Storage* shall not be located adjacent to the existing single family subdivision, but shall be located along Kinglsey Drive, and there shall be no windows or storage doors facing the existing single family subdivision along the eastern property line.
3. Increasing the number of pad sites from 4 to 9 is a major departure from the originally approved PD. The number of pad sites shall be reduced to 5 to ensure that the character of the neighborhood is not diminished, and that non-residential uses are within close proximity to serve the neighborhoods.

The below table illustrates the originally approved requirements compared to the proposed amendment:

Original/Approved Requirement	Proposed Amendment
<u>Mini Warehouse/Self Storage</u> is permitted with approval of a <u>CUP</u> .	<u>Add Mini Warehouse/Self Storage</u> as a <u>permitted use</u> .
<u>Auto Accessories and/or Parts</u> (Only Retail Sales in building, no outside storage or display, no repair) was specifically listed as a <u>prohibited use through the PD process</u> .	<u>Add Auto Accessories and/or Parts</u> (Only Retail Sales in building, no outside storage or display, no repair), as <u>permitted uses</u> .
<u>Hotel/Motel</u> is permitted with approval of a <u>CUP</u> ; similar uses such as Bed & Breakfast and Extended Stay Hotel/Motel were specifically prohibited through the PD process.	<u>Add Hotel/Motel</u> as a <u>prohibited use</u> .
3 pad sites with frontage on Broadway Street, (including the existing gas station and car wash) and <u>1 large tract with a retail strip center</u> .	6 total pad sites; 3 pad sites with frontage on Broadway Street, (including the existing gas station and car wash) and <u>an additional 3 pad sites with frontage on Kingsley Drive</u> .
<u>25-foot buffer</u> along eastern property line, adjacent to existing single family subdivision. Buffer shall include: <ul style="list-style-type: none"> <li>• ground cover, shrubs and trees</li> <li>• shrubbery having year round foliage that is at least 75% opaque and a minimum of 6 feet in height at planting</li> <li>• 25 foot buffer requires a masonry fence between residential and commercial uses</li> </ul>	<u>Add 35-foot buffer</u> along the eastern <u>property line</u> , adjacent to existing single family subdivision. Buffer shall include: <ul style="list-style-type: none"> <li>• ground cover, shrubs and trees</li> <li>• 1 canopy tree/every 30 feet, spaced in a uniform linear fashion; canopy trees shall mean evergreen trees capable of growing at least 35 feet in height and not less than 10 feet high and 3 inch caliper at time of planting, and shall be at least 8 feet from masonry fence</li> <li>• 1 ornamental tree/every 15 feet</li> </ul>

	<p>and spaced in a uniform linear fashion, offset from the canopy trees; ornamental trees shall mean small evergreen trees capable of growing at least 10 to 15 feet in height and no less than 7 feet high and 2 inch caliper at time of planting; trees shall be placed at least 8 feet from the masonry fence</p> <ul style="list-style-type: none"> <li>• solid 8 foot masonry screening fence is required within the landscape buffer and must match the design and materials of the masonry fence used throughout Southern Trails</li> <li>• when a mini-warehouse/self-storage facility is built adjacent to single family, the above landscaping shall also be required around the southern boundary of the facility</li> </ul>
<p>Along Kingsley Drive, the Design Plan illustrated a <u>landscape buffer with varying widths ranging from 20 to 50 feet wide with approximately 20 street trees.</u> A <u>continuous hedge of shrubs</u> to screen the parking area along Kingsley Drive was also required.</p>	<p><u>Add 35-foot buffer along Kinglsey Drive, and south of the existing gas station</u> at the southwest corner of Broadway Street and Kinglsey Drive. Buffer shall include:</p> <ul style="list-style-type: none"> <li>• ground cover, shrubs and trees</li> <li>• 1 canopy tree/every 30 feet of linear street frontage, planted in clusters or spaced linearly; canopy trees shall mean deciduous or evergreen trees capable of growing at least 35 feet in height and no less than 10 feet high and 4 inch caliper at time of planting</li> <li>• 1 ornamental tree/every 15 feet of linear street frontage, planted in clusters and spaced linearly; ornamental trees shall mean deciduous or evergreen trees</li> </ul>

	<p>capable of growing at least 10 to 15 feet in height and not less than 7 feet high and 2.5 inch caliper at time of planting</p> <ul style="list-style-type: none"> <li>• continuous hedge of shrubs, not less than 3 feet or more than 4 feet in height when mature and no less than 24 inches in height at the time of installation; and shall be planted no more than 36 inches on center; the hedge shall be set back a minimum of 3 feet, maximum 6 feet from the perimeter of any parking space, driveway or any access aisle; and must provide continuous screening of the parking area when view perpendicular to the public street</li> <li>• shrubs shall be planted no more than 36 inches on center</li> </ul>
<p><u>30-foot buffer is required</u> along roadways within the Corridor Overlay District. Landscaping <u>along Broadway Street</u> (COD) and within the 30-foot buffer shall include:</p> <ul style="list-style-type: none"> <li>• 15% landscaping with a permeable surface</li> <li>• Large shade trees at 1 inch/10 feet of frontage</li> <li>• Ornamental trees at 1 inch/15 feet of frontage</li> <li>• 60% of required street trees shall be evergreen with year-round foliage</li> <li>• At time of planting, a minimum of 3 feet shall be provided between a trunk and back of any curb and 8 feet between a trunk and any planned/existing utilities</li> </ul>	<p><u>Add 35-foot buffer along Broadway Street.</u> <u>Buffer shall include all of the above</u> as indicated for the landscaped buffer along Kinglsey Drive.</p>

<ul style="list-style-type: none"> <li>At time of planting a minimum of 6 feet shall be provided between individual trees</li> </ul>	
<p><u>Landscape screening between parcels is not required.</u></p>	<p><u>Landscape screening between parcels shall include the following:</u></p> <ul style="list-style-type: none"> <li>minimum 10-foot wide landscaped area shall be located between parcels</li> <li>1 canopy tree/every 30 feet planted in clusters or spaced linearly; canopy trees shall mean deciduous or evergreen trees capable of growing at least 35 feet in height and not less than 10 feet high and 3 inch caliper at time of planting</li> <li>1 ornamental tree/every 15 feet planted in clusters or spaced linearly; ornamental trees shall mean deciduous or evergreen trees capable of growing at least 10 to 15 feet in height and not less than 7 feet high and 2 inch caliper at time of planting</li> </ul>
<p>The Design Plan (Exhibit C) illustrates an <u>approximately 25-foot landscaped area</u> along the northern boundary of the detention pond with a continuous row of shrubs.</p>	<p><u>Detention Screening:</u></p> <ul style="list-style-type: none"> <li>1 canopy tree/30, planted in clusters or spaced linearly; canopy trees shall mean deciduous or evergreen trees capable of growing at least 25 feet in height and not less than 10 feet high and 3 inch caliper at time of planting</li> </ul>
<ul style="list-style-type: none"> <li><u>maximum building height 45 feet</u></li> <li><u>height further restricted</u> the closer to the single family subdivision along the eastern property line</li> </ul>	<ul style="list-style-type: none"> <li><u>maximum building height 30 feet</u></li> <li><u>no building shall exceed 1 story in height</u></li> </ul>

<p>N/A</p>	<p><u>Internal pedestrian circulation throughout the site with contrasting decorative pavers or stamped concrete where sidewalks cross driveways</u></p>
<ul style="list-style-type: none"> <li>• All buildings must be <u>100% masonry or glass where visible from the Broadway Street/Kingsley Drive or abutting residential zoning districts.</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>All buildings must be 100% masonry or glass, excluding doors trim or accent materials; brick or stone is encouraged</u></li> <li>• <u>All buildings must incorporate colors and materials compatible with those found in Southern Trails and must reflect colors permitted as part of the COD.</u></li> </ul>
<ul style="list-style-type: none"> <li>• High pressure sodium or metal halide fixtures shall be used with no direct glare onto adjacent properties or public streets; the glare from such fixtures shall be shielded from adjacent properties and/or public streets</li> <li>• Minimum light level within the parking area shall be 0.5 foot candles when the attendant facility is in use</li> <li>• Standards, poles and fixtures shall be a single color, uniform in design throughout the site and no taller than the height of the building being served</li> <li>• Creosote treated wooden poles are prohibited</li> <li>• Street lights shall conform to the standard fixture adopted by the city</li> <li>• Walkway lighting comprised of standard, pole, bollard and wall-mounted fixtures shall be no greater than 12 feet above grade.</li> <li>• Floodlighting or spotlighting of architecture, graphics or natural</li> </ul>	<ul style="list-style-type: none"> <li>• All exterior floodlights, pole lights and carriage lights should be designed such that the luminous flux falls upon the surface of the structure to be illuminated or on the ground</li> <li>• All lighting installations shall include timers, dimmers and/or sensors to reduce energy consumption and eliminate unneeded lighting</li> <li>• All lighting installations shall be pointed downward</li> <li>• The amount of stray light from fixtures shall be limited to a maximum of 0.2 HFC at a distance of 25 feet inside the property line of the adjacent property</li> <li>• No internal site lighting may exceed 12 feet in height</li> </ul>

features shall not create spillage of light onto adjacent property or public streets	
<ul style="list-style-type: none"> <li>There is <u>no restriction on color for electronic message signs</u>, with the exception that <u>scrolling signs shall be limited to 2 colors</u>; one color for the background and 1 color for the message.</li> </ul>	<ul style="list-style-type: none"> <li><u>Neon and electronic signs are prohibited</u></li> <li><u>monument signs must incorporate a masonry base of 18 inches in height measured from grade to the bottom of the sign face</u></li> </ul>

### **Surrounding Zoning Districts**

The property is surrounded by the Shadow Creek Ranch PD to the north and the Southern Trails PD to the west, east and south. The below Table identifies existing zoning districts and uses:

	<b>Zoning</b>	<b>Existing Use</b>
North	Shadow Creek Ranch PD	Exxon Gas Station Wal-Mart Neighborhood Store Restaurant
South	Southern Trails PD	Undeveloped
East	Southern Trails PD	Southern Trails Single Family Subdivision
West	Southern Trails PD	CVS Pharmacy

### **Conformance with the Comprehensive Plan**

The current Comprehensive Plan (latest update in 2009) indicates Low Density Residential and Minor Retail Node (25 acres) for the subject property. The Comprehensive Plan characterizes low density as conventional single-family detached developments with 0-4 dwelling units per acre with average lot sizes of 7,500 square feet. Smaller lots may be acceptable if common open space is provided and overall density is not increased. The Plan recommends R-1 and R-2 Single Family residential zoning districts. There are no residential developments proposed. The development does not meet the recommendations of the Low Density Residential future land use designation. However, residential uses were not proposed when the PD was originally approved in 2012.

The Comprehensive Plan defines a minor retail node as having less than 25 acres of retail, office and service uses to be distributed in any number of ways at an intersection's 4 corners. However, retail, office and service uses need not occupy every corner. Also appropriate at or near corners are medium and high density residential. When taking into account the 4 corners of Broadway Street and Kingsley Drive, the southwest corner is developed with a CVS and the PD was recently amended to allow for a strip center adjacent to CVS; the northeast corner is developed with an Exxon Gas Station and Einstein Bros. Bagels, with a Wal-Mart Neighborhood Market to the east; the southeast corner is developed with a gas station and auto wash; and the northwest corner is developed with a daycare facility; Stepping Stones Daycare and Learning Center. Based on data from recorded plats, the 4 corners do not exceed 25 acres of retail, office and service uses.

### **Platting Status**

The property is platted in the Broadway Kingsley Addition as Lot 2. The existing gas station is platted as Lot 1. If further subdivision of Lot 2 is proposed, a replat will be required in the future.

### **Availability of Utilities**

The property has access to public water and sewer.

### **Impact on Existing and Future Development**

It is anticipated that the proposed uses will negatively impact surrounding single family subdivisions, as they are incompatible uses. *Mini Warehouse/Self-Storage* requires approval of a CUP, which will require further scrutiny of detailed landscape plans and site plans to mitigate potential negative impacts through conditions. After much discussion regarding a list of prohibited uses through the PD process due to concerns raised by nearby residents, a list of prohibited uses was approved, including Auto Accessories and/or Parts Retail Sales, as the use was deemed an incompatible use and was prohibited through the PD process.

### **Additional Comments**

Staff received an email from a nearby resident who attended a neighborhood meeting held by the applicant. The resident communicated in his email that he is opposed to the amendment. This request has been reviewed by the City's Development Review Committee and there are no additional comments from other departments at the time of this report.

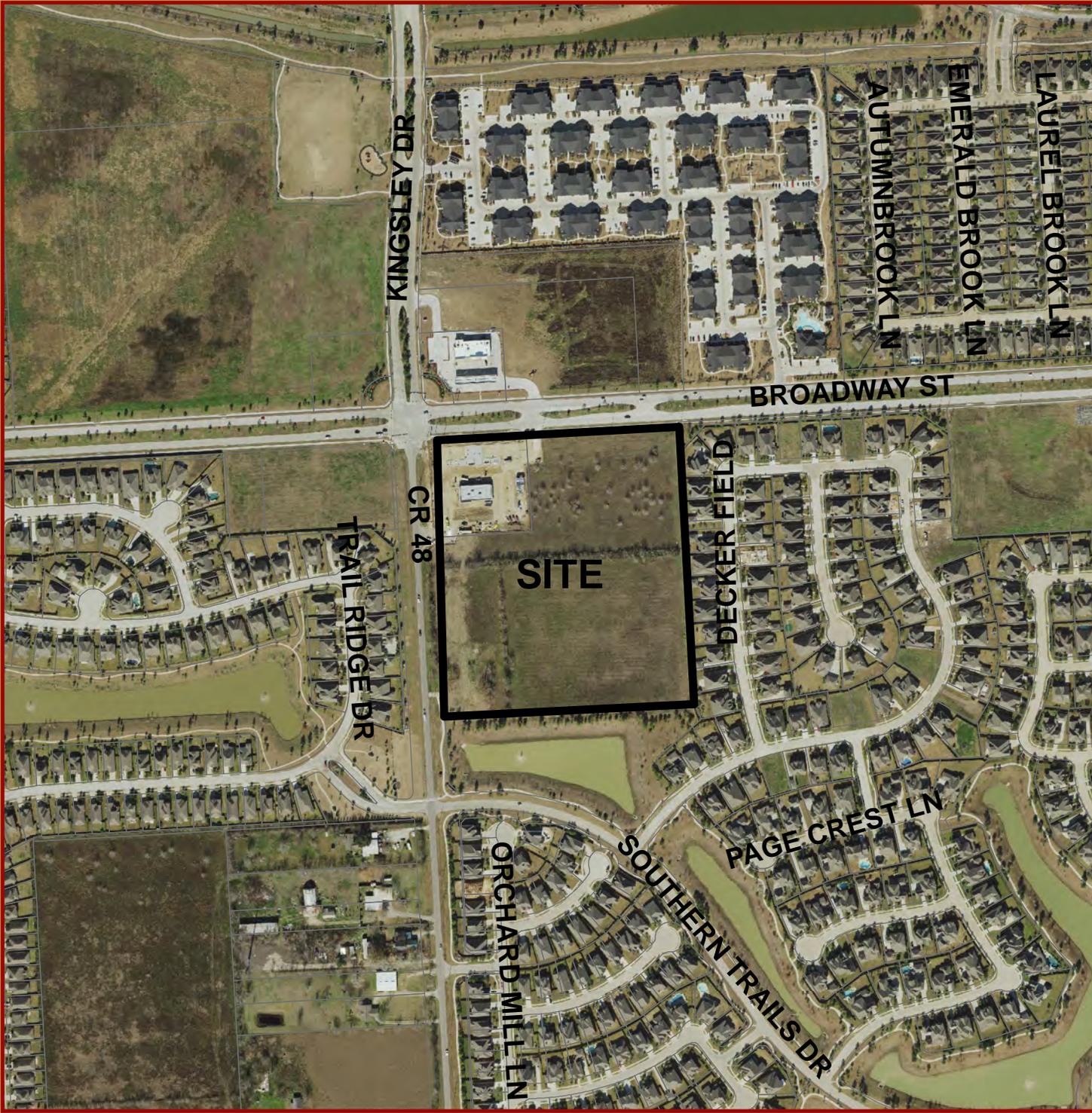
### **Public Notification/Comment**

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 amendment to the Kingsley and Broadway PD. 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.

### **Exhibits**

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Notification Map
5. Notification List
6. Neighborhood Meeting Summary
7. Previously Approved Design Plan
8. PD Document
9. Applicant Packet



# Exhibit 1

**AERIAL MAP**

**Zone Change 2015-03Z**

**Broadway/Kingsley  
Planned Development**

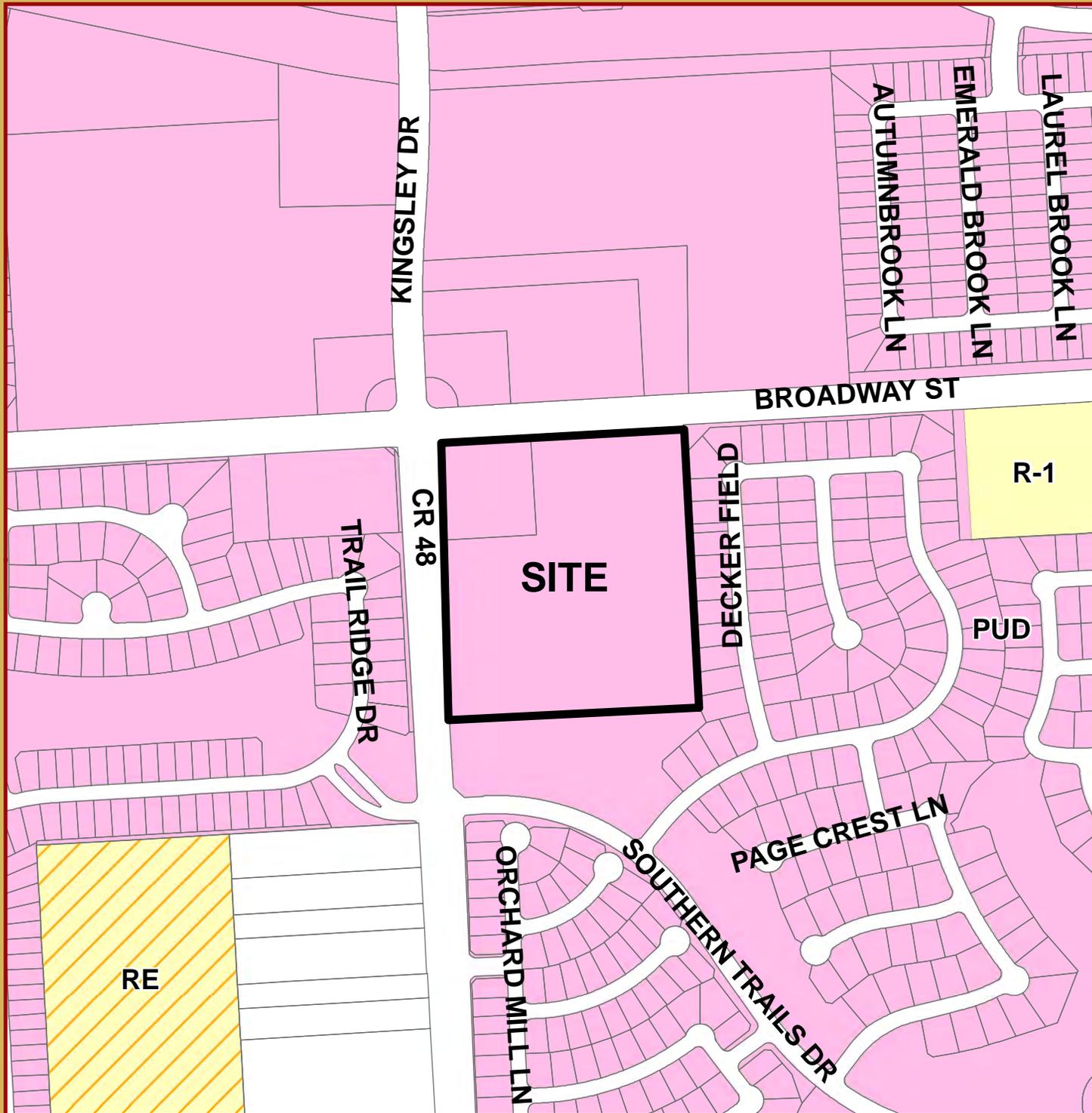


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 472 feet

OCTOBER 2014  
PLANNING DEPARTMENT





# Exhibit 2

ZONING MAP

Zone Change 2015-03Z

Broadway/Kingsley  
Planned Development



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 = 472 feet

OCTOBER 2014  
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# Exhibit 3

FLUP MAP

Zone Change 2015-03Z

Broadway/Kingsley  
Planned Development



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1 inch = 472 feet

OCTOBER 2014  
PLANNING DEPARTMENT



# Exhibit 4

## NOTIFICATION MAP

Zone Change 2015-03Z

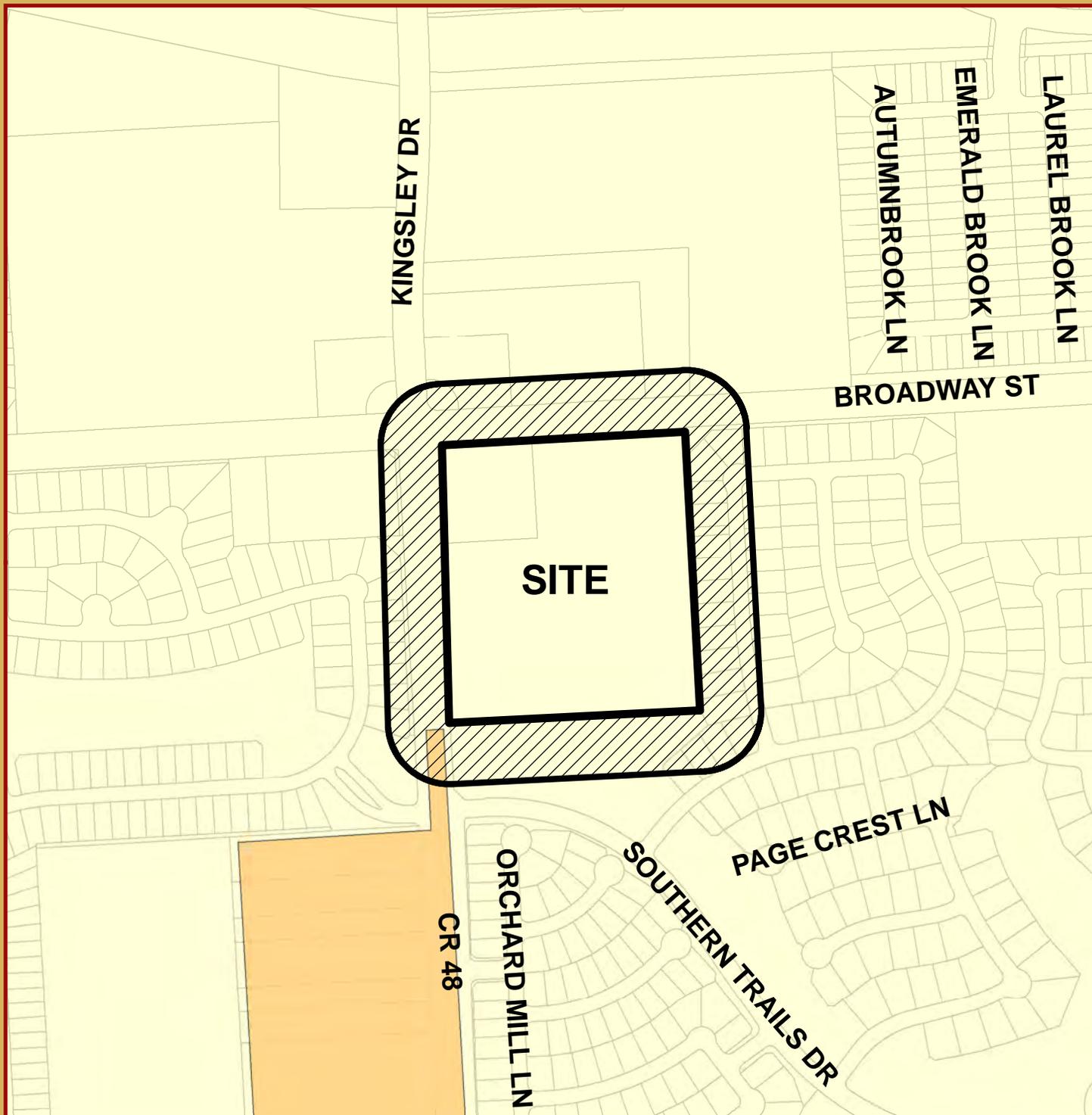
Broadway/Kingsley  
Planned Development



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 = 472 feet

OCTOBER 2014  
PLANNING DEPARTMENT



# Exhibit 5

## 2015-03Z Broadway/Kingsley PD Amendment

Owner	City	Address
GEORGE BENETTA	PEARLAND	3111 TRAIL RIDGE DR
NGUYEN STEVEN PHI & HOA LE TANG	PEARLAND	3109 TRAIL RIDGE DR
PAUL PRINCY & SHAJAN U POULOSE	PEARLAND	3107 TRAIL RIDGE DR
HARPER ERIC L & TERI L	PEARLAND	3105 TRAIL RIDGE DR
BRAZORIA COUNTY MUD #34	HOUSTON	3200 SOUTHWEST FWY STE 2600
MCDONALD JOHN & TERRI	PEARLAND	3101 DECKER FIELD LN
DIUNO WINIFRED	PEARLAND	3007 DECKER FIELD LN
GRILLO RAFAEL A	PEARLAND	3005 DECKER FIELD LN
SAMUEL JOBY V	PEARLAND	3102 DECKER FIELD LN
LIPSCOMB KENYA	PEARLAND	3010 DECKER FIELD LN
GREEN MARCUS NEAL	PEARLAND	3008 DECKER FIELD LN
ALI MOHAMMAD SADATH	PEARLAND	3003 DECKER FIELD LN
SOUTHERN TRAILS RES ASSOC INC	FRISCO	2500 LEGACY DR STE 220
PAN YANG & CHIHCHIANG FU	PEARLAND	3006 DECKER FIELD LN
SHADOW CREEK RANCH MAINTASSOC	PEARLAND	12234 SHADOW CREEK PKWY
RODRIGUEZ J RAUL & LYDIA G	PEARLAND	3115 TRAIL RIDGE DR
LEE MICHAEL PAUL & GLENDA K	PEARLAND	3113 TRAIL RIDGE DR
HAASE JAMES K & BRENDA R	PEARLAND	3103 TRAIL RIDGE DR
WILLIAMS JARED & SHACARLA	PEARLAND	3101 TRAIL RIDGE DR
LOLLEY ANGELA C & JOHN R	PEARLAND	12505 PEPPER CREEK LN
LE TRAM	PEARLAND	12503 PEPPER CREEK LN
NGO TIMOTHY H & TRAN T LE	PEARLAND	12501 PEPPER CREEK LN
NGUYEN DAT V & CYNDI M	PEARLAND	3112 DECKER FIELD LN
LEWIS STANLEY T & RONDA R	PEARLAND	3407 E CEDAR HOLLOW DR
BELLOW LESTER JR & SHEILA H	PEARLAND	3110 DECKER FIELD LN
GODINEZ REYNALDO D	PEARLAND	3109 DECKER FIELD LN
NG JAYSON	PEARLAND	3108 DECKER FIELD LN
UGHUTEVBE PETER O	PEARLAND	3107 DECKER FIELD LN
BARR ALEXEI & ABBE	PEARLAND	3106 DECKER FIELD LN
NGO THONG	PEARLAND	3105 DECKER FIELD LN
THOMAS ARUN	PEARLAND	3104 DECKER FIELD LN
ZHENG ZHONG	PEARLAND	3103 DECKER FIELD LN
CANNON DEAN	PEARLAND	3004 DECKER FIELD LN
LE TAM & KIM ANH HOANG	PEARLAND	3002 DECKER FIELD LN
PALACIOS JEROME P	PEARLAND	12417 CLOVER CREEK LN
THEKKEKAROTTU-KURUVILA ANOOP	PEARLAND	3001 DECKER FIELD LN
BELTWAY 23 LTD	HOUSTON	5855 SOVEREIGN DR STE B
MCCOY DERRICK LIND	PEARLAND	12415 CLOVER CREEK LN

SHADOW CREEK APARTMENTS LLC  
GALVE IVAN MONZON  
BIG DIAMOND INC

LEAWOOD  
PEARLAND  
SAN ANTONIO

2020 W 89TH ST STE 320  
12507 PEPPER CREEK LN  
1 VALERO WAY



KS	66206
TX	77584
TX	78249

# EXHIBIT 6

## Kingsley/Broadway PD Neighborhood Meeting

Topic: Kingsley/Broadway PD Amendment  
Date: February 3, 2015  
Time: 7:00 PM  
Location: Southern Trails Recreation Center  
3300 Southern Trails Drive  
Pearland, TX

### Summary of Discussion:

Kathryn Edwards and Matt Stoops with BGE | Kerry R. Gilbert and Associates (applicant) presented an overview of the proposed Planned Development amendment for the Kingsley Broadway PD. The subject property is located at the southeast corner of the intersection of Broadway St (FM518) and Kingsley Road and is adjacent to Southern Trails.

The applicant presented the original concept plan from the approved Planned Development and gave an overview of what was included as a part of the original PD. The revised concept plan was then presented and a detailed explanation of the proposed changes was provided. In addition to discussion of the Concept Plan, an overview was given of the specific changes being proposed within the Planned Development document. These changes include:

- Allow additional pad sites (for restaurants, stand-alone retail, bank, etc.) along Kingsley and Broadway
- Create 2 large parcels in the rear (currently one is proposed for retail and one proposed for a mini-storage facility)
- Increase the landscape buffer along the east side of the property (adjacent to residential) from 25 feet to 35 feet.
- Require a 6-8' solid masonry wall along eastern property line
- Increase landscape requirements throughout the site
- Implement lighting overspill regulations/restrictions
- Implement hours of operation for mini storage facility
- Mini-storage would be required to be entirely gated and have 24 hour security
- 100% Masonry requirement
- Modifications to list of allowed/prohibited uses
- Mini-warehouse/ self-storage fencing and screening requirements

Discussion ensued. Below are a list of the primary concerns from residents:

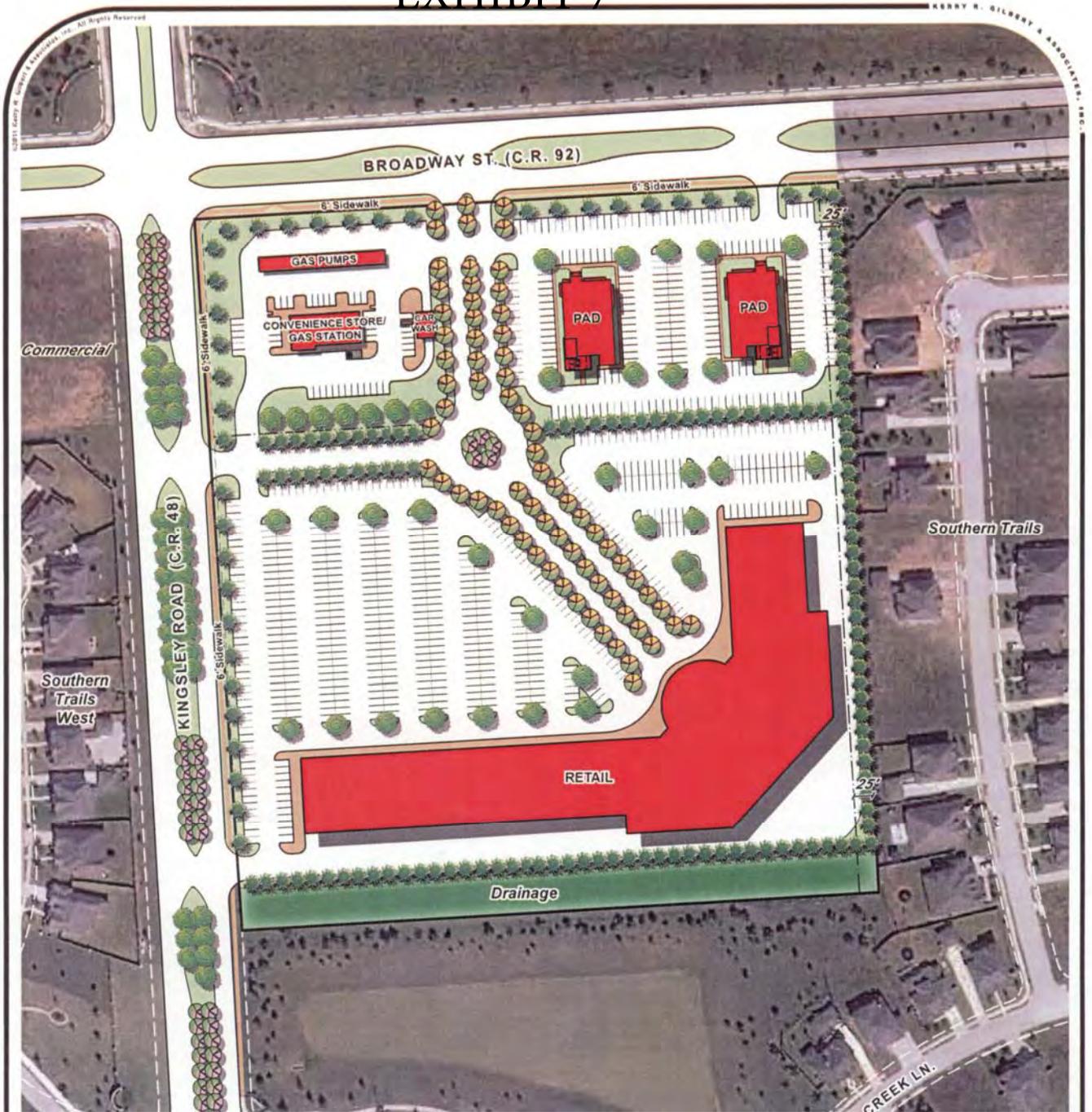
- Allowing Storage facility use
- Limit height of Storage Facility to one-story
- Height limitations for all development within the PD
- Height of landscaping within Residential Landscape Buffer.
- Screening along eastern property line
- Limiting the allowed color palette
- Lighting
- Height of landscaping in landscape buffer adjacent to residential
- Prohibiting neon and electronic signs

- Long access drive for Public Storage adjacent to residential
- Security for the self-storage facility
- Appropriate screening along southern end of proposed self-storage facility
- Limit on hours of operation for Self-Storage
- Require an 8' masonry fence adjacent to the neighborhood.

Following discussion and resident feedback, the applicant stated all comments and concerns would be discussed with the client. The applicant agreed to incorporate revisions to the document that would address as many of their concerns as possible. It was also clarified that all regulations put in place in the document would become a part of the approved ordinance and the new regulations will be applicable to any development on the property. Residents were informed of the February 16 Joint Public Hearing and were encourage to review the Agenda packet for this item when it becomes available on the City's website. This would allow them an opportunity to review the revised submittal and see how their comments were addressed.

Meeting ended at 8:30 pm.

# EXHIBIT 7



# EXHIBIT 8

## 18.1 Acre Kingsley and Broadway PD

Prepared for:

Beltway 23, Ltd.

Prepared by:

BGE| Kerry R. Gilbert & Associates

February 2015

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## I. Introduction

### A. Description of Property

The subject site is located at the southeast corner of Broadway (CR 92) and Kingsley (CR 48) and encompasses 18.1 acres of land. ~~Currently, the site is vacant. With the exception of a gas station and car wash located at the northwest corner of the site, the property is currently vacant.~~ The site was originally 20 acres however; dedication of land for Broadway (CR 92) and Kingsley (CR 48) have reduced the size of the site. Refer to Exhibit A – Location Map.

### B. Description of Proposed Development

The location of this project at the intersection of two major thoroughfares and lends itself for commercial, retail, and office development. There are a variety of possible uses for each tract, including small pad sites (banks, restaurants, gas station/convenience store, etc.), an office building or small retail center. The detention for the site will be provided by the detention facility along the southern boundary. Approximately 1.5 acres of land will be combined with the adjacent existing detention to the south in the Southern Trails Development making a larger detention facility. The existing amenities associated with the current detention facility in Southern Trails will remain. The subject tract is located within the Brazoria County MUD #34 which will provide utilities to the site. Refer to Exhibit B – Site Location and Surrounding Uses.

### C. Describe the area of land in acreage and legal description

Refer to Exhibit D – Survey and metes & bounds description.

~~Refer to Exhibit E-Survey and metes & bounds description –Amendment, for the area subject to the 2014 Amendment to the original PD.~~

### D. Statement as to the purpose and intent of the PD

The intent of this PD is to allow flexibility of uses with the commercial, retail, and office land uses within the project.

## II. Zoning and Land Uses

### A. Describe existing zoning district surrounding the site

The site is zoned SD. The surrounding uses are as follows:

- North: Shadow Creek Ranch PUD (commercial and multi-family uses)
- West: Southern Trails PUD (commercial and single-family uses)
- South: Southern Trails PUD (single-family residential use),
- East: Southern Trails PUD (single-family residential use)

### B. Describe the acreage difference between the Base Zoning and proposed district

The base zoning and proposed district is GB (General Business).

### C. General standards applicable to project

The standards applicable to the project are the GB (General Business) standards plus additional landscape buffer, ~~site enhancements~~ and building height standards stated in this document.

### D. Land uses Allowed and Prohibited

The intent of the PD is to allow for a variety of land uses, including a mix of commercial, office, retail and restaurants that are compatible to residential use. ~~All permitted and conditional uses listed for GB in the UDC Land Use Matrix are allowed in addition to a gas station/convenience store/auto wash (self-serve), except the prohibited uses listed below.~~ Unless specifically permitted or prohibited within this document, all permitted and conditional uses listed for GB in the UDC Land Use Matrix are allowed. ~~in addition to a gas station/convenience store/auto wash (self-serve), except the prohibited uses listed below.~~

Permitted

Gas station/convenience store/ auto wash (self-serve) – Permitted on Parcel D only  
Auto Accessories and/or Parts Sales (indoor sales only, no outside storage or display, no repair)  
Mini Warehouse/ Self-Storage  
Office with on-site Residence

Prohibited

Boarding or rooming House  
Commercial Amusement, (outdoor)  
Country Club, Private Golf Course  
Dinner Theater  
Fairgrounds/rodeo grounds  
Gaming Establishment  
Auto Glass/Repair/Tinting  
Auto Interior Shop/Upholstery  
Auto Rental  
Auto Repair (major or minor)  
Auto Sales (new or used car lot)  
Auto Wash (Full Service)  
Commercial Transit Terminal  
Office – Parole-Probation, Bail Bonds  
Animal Clinic, Veterinarian (with outside pens)  
Bed & Breakfast Inn  
Extended Stay Hotel/Motel  
Rehabilitation Care Facility (Halfway House)  
Rehabilitation Care Institution (Commercial)  
Antique Shop (with outside storage)  
Bakery, (wholesale)  
Market – Open Air (Flea Market)  
Stone Monuments (Retail only)  
Sign Shop  
Auction House  
Fraternal Organization  
Fraternity or Sorority  
Home for Alcoholic, Narcotic or Psychiatric Patients  
Hospital (non-profit or for profit)  
**Hotel**  
Mortuary/Cemetery  
Sheltered Care Facility  
Electrical Substation  
Gas Transmission and metering station  
Telephone exchange switching relay and transmitting equipment  
Utility Shops or storage, Yards, and Building  
Cannery, wholesale  
Dance hall or night club  
Railroad, bus, light rail passenger station  
Upholstery Business with outside storage  
Airport & Heliport/Helipad &/or landing field  
Animal processing  
Asphalt or Asphalt/concrete batching plant

### III. Design Standards

#### A. Design Standards

##### 1. Landscape Buffer:

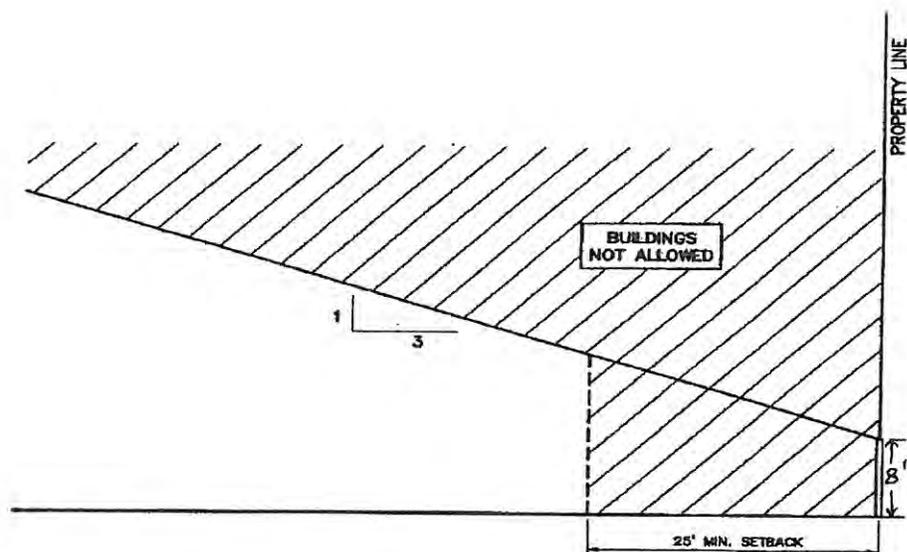
###### a. Residential Landscape Buffer (See exhibit F)-

- i. There shall be a ~~25'~~ 35' wide landscape buffer along the eastern boundary of the subject site, adjacent to the single-family residential neighborhood. The buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use) and shall be planted with ground cover, shrubs and trees. The landscape buffer may be located within the required yard/setback area.
- ii. The minimum required landscape elements consist of:
  - a. One canopy tree shall be planted every thirty feet (30') and spaced in a uniform linear fashion. Canopy trees shall mean evergreen trees capable of growing at least thirty-five feet (35') in height and not less than ten feet (10') high and 3 inch caliper at time of planting. The trees shall be placed at least eight feet (8') from the masonry fence.
  - b. One ornamental tree shall be planted every fifteen feet (15') and spaced in a uniform linear fashion, offset from the canopy trees. Ornamental trees shall mean small evergreen trees capable of growing at least ten to fifteen feet (10'-15') in height and not less than seven feet (7') high and 2 inch caliper at time of planting. The trees shall be placed at least eight feet (8') from the masonry fence.
- iii. A solid eight (8) foot masonry screening fence is required within the Landscape buffer, along the eastern property line. See "Fencing/Screening" on page 5 of this document. When a mini warehouse/self-storage facility is built adjacent to the single family neighborhood, the landscape requirements listed above shall also be required around the southern boundary of the facility.

###### b. Kingsley/Broadway Landscape Buffer (See exhibit G)-

- i. A landscape buffer a minimum of 35' feet in width is required along Kingsley Drive (C.R. 48) and Broadway Street (C.R.92). With the exception of curb cuts, the buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use) and shall be planted with ground cover, shrubs and trees. Within this setback, the following must be provided:
  - a. One canopy tree shall be planted for every thirty feet (30') of linear street frontage, excluding driveways. Trees shall be planted in clusters or spaced linearly. Canopy trees shall mean deciduous or evergreen trees capable of growing at least thirty-five feet (35') in height and not less than ten feet (10') high and 4 inch caliper at time of planting.
  - b. One ornamental tree shall be planted every fifteen feet (15') of linear street frontage, excluding driveways. Trees shall be planted in clusters or spaced linearly. Ornamental trees shall mean deciduous or evergreen trees capable of growing at least ten to fifteen feet (10'-15') in height and not less than seven feet (7') high and 2.5 inch caliper at time of planting.

- c. A continuous hedge consisting of shrubs that are not less than three feet or more than four feet in height when mature and no less than 24 inches in height at the time of installation. Shrubs shall be planted no more than 36 inches on center. The landscape hedge shall be set back a minimum of three feet and a maximum of six feet from the perimeter of any parking space, driveway, or any access aisle. The hedge must provide continuous screening of the parking area when viewed perpendicular to the public street.
2. Landscape Screening Between Parcels: A minimum 10-foot-wide landscaped area shall be located between Parcels. The following describes the minimum requirements for the plantings in the landscape area:
    - a. One canopy tree shall be planted every thirty feet (30') and planted in clusters or spaced linearly. Canopy trees shall mean deciduous or evergreen trees capable of growing at least thirty-five feet (35') in height and not less than ten feet (10') high and 3 inch caliper at time of planting.
    - b. One ornamental tree shall be planted every fifteen feet (15') and planted in clusters or spaced linearly. Ornamental trees shall mean deciduous or evergreen trees capable of growing at least ten to fifteen feet (10'-15') in height and not less than seven feet (7') high and 2 inch caliper at time of planting.
  3. Detention Screening: Enhanced landscaping is required along the northern boundary of the detention facility located at the southern end of the property (See Exhibit C-Concept Plan). The screening must be composed of the following:
    - a. One canopy tree shall be planted every thirty feet (30') and planted in clusters or spaced linearly. Canopy trees shall mean deciduous or evergreen trees capable of growing at least twenty-five feet (25') in height and not less than ten feet (10') high and 3 inch caliper at time of planting. (See Exhibit H)
  3. Building Height: Per the exhibit below, the height of any building adjacent to the eastern boundary of the subject tract will be restricted.



No buildings within the development may exceed one (1) story in height for a maximum height of thirty (30) feet.

4. Sidewalks: Six (6) foot sidewalks are required along Kingsley Road and along Broadway.

Internal pedestrian circulation will be provided throughout the development (see Exhibit C). Where sidewalks cross driveways, use of contrasting decorative pavers or stamped concrete is required. This will provide a visual warning for vehicular drivers that they are approaching a pedestrian crossing. Internal sidewalks must be a minimum of five (5) feet in width.

5. Gas Station site: A gas station/convenience store/self-serve auto wash is planned for  $\pm 2$  acres at the corner. Exhibit C – Concept Plan, depicts the design of the facility.

6. Fencing/Screening:

A solid masonry screening fence a minimum of eight (8) feet in height is required along the eastern property boundary, adjacent to residential uses (See Exhibit C). The screening fence must match the design and materials of the masonry fence used throughout Southern Trails.

If Parcel A is developed as a Mini-Warehouse/Self-Storage facility, the facility must be screened per the following regulations:

- a. All RV storage must be enclosed on three sides and shall not be visible from a public street.
- b. A solid fence a minimum of six (6) feet in height must be provided around the storage buildings (See Exhibit C)
- c. A secured gate must be located at the entrance to the storage buildings.

7. Architectural Standards:

- a. Masonry Requirements- All buildings must be 100% masonry excluding windows, doors, trim and accent materials. Masonry materials includes brick, stone, stucco and concrete. Use of brick and/or stone is encouraged. Use of efface is prohibited
- b. Color Palette- All buildings must incorporate colors and materials compatible with those found in Southern Trails and must reflect the colors permitted as a part of the Corridor Overland District. Paints or stains should be limited to a maximum of three (3) complimentary colors per building.

8. Hours of Operation: The hours of operation for the mini-warehouse/self-storage use within the PD is as follows:

- a. Main office - 6:30am to 8:00pm, Monday through Saturday.
- b. Storage facility - 8:00am to 8:00pm, Monday through Sunday for renters to gain access to their storage unit.
- c. On-site security personnel for the mini-warehouse/self-storage use shall be 24 hours a day, Monday through Sunday.

9. Lighting: In an effort to improve the installation and use of outdoor lighting fixtures within the development and to restrict nighttime emission of light rays which are sources of light trespass and unnecessary glare, the following standards shall apply to the PD:
  - a. All exterior floodlights, pole lights, and carriage lights should be designed with shielding in a manner such that all of the luminous flux falls upon either the surface of the structure to be illuminated or on the ground wholly within the property on which it is installed.
  - b. All lighting installations shall include timers, dimmers, and/or sensors to reduce overall energy consumption, and eliminate unneeded lighting.
  - c. All lighting installations shall be pointed downward.
  - d. Shielding requirements: Full cut-off shielding is required on all light sources of 1800 lumens or greater, and for directed or focused light sources with spot output of 900 lumens or greater.
  - e. Light trespass: Light trespass occurs when illumination from one area unintentionally spills into another. Therefore, the amount of stray light from fixtures within the project shall be limited to a maximum of 0.2 horizontal foot candles (HFC) at a distance of 25 feet inside the property line of the adjacent property.
  - f. No internal site lighting may exceed twelve (12) feet in height.
10. Corridor Overlay District: Except for detention requirements, the standards as set forth in the Corridor Overlay district are applicable to any parcel within the Planned Development unless enhanced or more restrictive regulations are listed within this document.
11. Pad Sites/ Individual Parcels: Final width of pad sites may change, but will meet the minimum width requirement of 150'. The total number of pad sites may change based on market conditions. With the exception of the below condition, at no point will the number of Pad sites exceed what is proposed on the Concept Plan (Exhibit C).

If the proposed mini-storage/self-storage use is not developed, then, one additional pad site along Broadway is allowed and any of the allowed uses may be developed so long as all other applicable standards listed in the document are met.

12. Signage: In addition to all signage criteria as listed in Section 4.2.5.1 of the City of Pearland Unified Development Code, the following standards apply:
  - a. No neon or electronic signs are permitted
  - b. All monument signs must incorporate a masonry base a minimum of eighteen (18) inches in height when measured from grade to the bottom of the sign face.
13. Auto Accessories and/or Parts Sales: If an auto accessories and/or parts sales use is developed on the site, signs prohibiting any on-site work or repair on vehicles must be posted in clear view for all patrons.

#### **B. Specific list of deviations.**

Prohibiting certain land uses that otherwise are allowed in GB. The list of prohibited land uses is shown above.

Mini Warehouse/ Self-Storage is a permitted use and thus a separate Conditional Use Permit is not required.

No building may exceed one (1) story in height or thirty (30) feet

No electronic or neon signs are permitted

**C. All requirements of the Unified Development Code will be met, unless specifically mentioned in this document**

**IV. Required dedications of land or public improvements**

This development is primarily commercial, retail and office and therefore no dedication to parkland required.

**V. Exhibits**

**A –Location Map**

**B – Site Location and Surrounding Uses**

**C – Concept Plan -Revised**

**D – Survey, metes & bounds description**

**E – Survey, metes & bounds description-Amendment**

**F – Typical Landscape Design (Residential Landscape Buffer)**

**G – Typical Landscape Design (Kingsley/Broadway Landscape Buffer)**

**H – Typical Landscape Design (Detention Screening)**



**A**  
EXHIBIT

location map



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a location map for  
**KINGSLEY & BROADWAY PD**  
 ± 18.1 ACRES OF LAND  
 prepared for  
**BELTWAY 23, LTD.**

KERRY R. GILBERT & ASSOCIATES, INC.

Land Planning Consultants

23501 Cinco Ranch Blvd.  
 Suite A-250  
 Katy, Texas 77494  
 (281) 579-0340  
 Fax (281) 579-8212

NOT TO SCALE

SEPTEMBER 28, 2012  
 KGA #I-256



# EXHIBIT B

site location and surrounding uses for  
**KINGSLEY &  
 BROADWAY PD**  
 prepared for  
**BELTWAY 23, LTD.**

THIS DRAWING IS A PICTORIAL REPRESENTATION FOR PRESENTATION PURPOSES ONLY AND IS SUBJECT TO CHANGE. FURTHER, SAID DRAWING IS A SCANNED IMAGE ONLY AND IS NOT FOR COMPUTATION OR CONSTRUCTION PURPOSES. THIS DRAWING MAY OR MAY NOT INCORPORATE INFORMATION AND/OR DATA PROVIDED TO KERRY R. GILBERT & ASSOCIATES, INC. BY OTHER CONSULTANTS RELATIVE TO ENGINEERING AND DRAINAGE, FLOOD PLAINS AND ENVIRONMENTAL ISSUES AND SHOULD NOT BE RELIED UPON FOR ANY PURPOSE. NO WARRANTIES, EXPRESS OR IMPLIED, CONCERNING THE ACTUAL DESIGN, LOCATION, AND CHARACTER OF THE FACILITIES SHOWN ON THIS MAP ARE INTENDED. ADDITIONALLY, NO WARRANTY IS MADE TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

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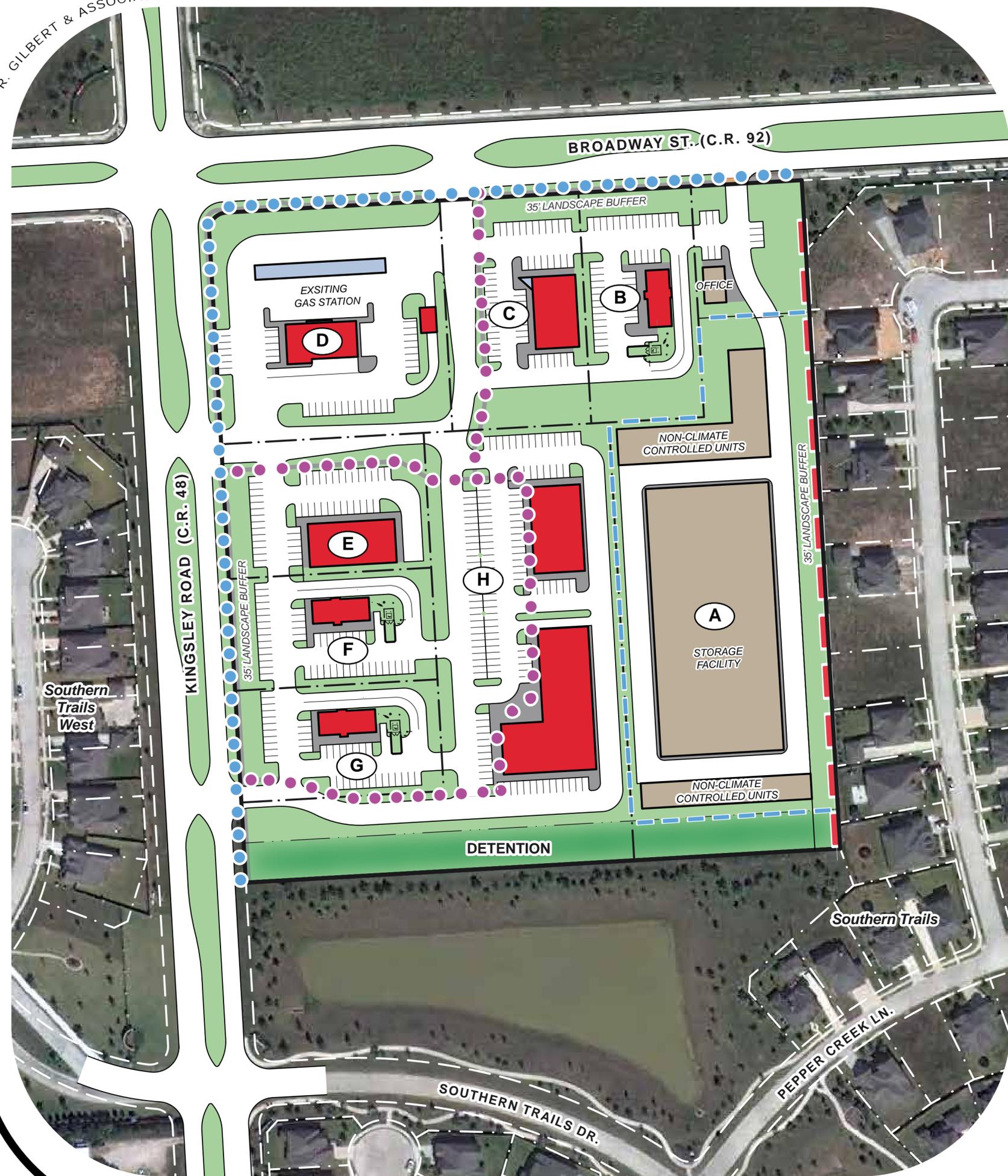
KERRY R. GILBERT & ASSOCIATES, INC.

Land Planning Consultants

SCALE  
 0 100 200 400

SEPTEMBER 28, 2012  
 KGA #I-256

23501 Cinco Ranch Blvd.  
 Suite A-250  
 Katy, Texas 77494  
 (281) 579-0340  
 Fax (281) 579-8212



LAND USE		ACRES
<b>COMMERCIAL TRACTS</b>		
A	Storage Facility or Commercial**	±5.1
B	Pad Site	±1.1
C	Pad Site	±1.4
D	Gas Station/Convenience Store	±2.3
E	Pad Site	±1.2
F	Pad Site	±1.0
G	Pad Site	±1.0
H	Retail/Office**	±4.3
<b>SUBTOTAL</b>		<b>±17.4</b>
**Contains Detention		
<b>MISC</b>		
DETENTION	Detention	1.0
<b>SUBTOTAL</b>		<b>1.0</b>
<b>TOTAL</b>		<b>17.4</b>

\*All land uses, buildings, driveways, sidewalks, landscape and open space areas are conceptual and subject to change as detailed in the Planned Development document.

**LEGEND**

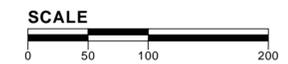
- PROPOSED FENCE
- REQUIRED FENCE
- SIDEWALK REQUIRED
- PROPOSED SIDEWALK/ PEDESTRIAN CIRCULATION



a conceptual development plan for  
**KINGSLEY & BROADWAY**  
 ± 17.4 ACRES OF LAND  
 prepared for  
**BELTWAY 23, LTD.**



– Land Planning Consultants –  
 23501 Cinco Ranch Blvd., Suite A-250  
 Katy, Texas 77494  
 Tel: 281-579-0340



FEBRUARY 5, 2015  
 KGA #I-256

THIS DRAWING IS A PICTORIAL REPRESENTATION FOR PRESENTATION PURPOSES ONLY AND IS SUBJECT TO CHANGE. FURTHER, SAID DRAWING IS A SCANNED IMAGE ONLY AND IS NOT FOR COMPUTATION OR CONSTRUCTION PURPOSES. THIS DRAWING MAY OR MAY NOT INCORPORATE INFORMATION AND/OR DATA PROVIDED TO BGE | KERRY R. GILBERT & ASSOCIATES BY OTHER CONSULTANTS RELATIVE TO ENGINEERING AND DRAINAGE, FLOOD PLAINS AND ENVIRONMENTAL ISSUES AND SHOULD NOT BE RELIED UPON FOR ANY PURPOSE. NO WARRANTIES, EXPRESS OR IMPLIED, CONCERNING THE ACTUAL DESIGN, LOCATION, AND CHARACTER OF THE FACILITIES SHOWN ON THIS MAP ARE INTENDED. ADDITIONALLY, NO WARRANTY IS MADE TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

EXHIBIT "D"  
METES AND BOUNDS DESCRIPTION  
20.3 ACRES MORE OR LESS OUT OF  
J.S. TALMAGE SURVEY, ABSTRACT 564  
BRAZORIA COUNTY, TEXAS

The herein described 20.3 acres, more or less, being generally located in Section 80, J. S. Talmage Survey, Abstract 564, Brazoria County, Texas; the south line being along the south line of Lot 2, Section 80, J. S. Talmage Survey, Abstract 564 according to the plat thereof as filed in Volume 2, Page 98 Brazoria County Plat Records; the west line being the east line of City of Pearland Ordinance No. 1035; the north line being the south right-of-way line of County Road 92 and the extension of City of Pearland Ordinance No. 924 and the east line being the west line of City of Pearland Ordinance No 924;

All that certain 20.3 acres, more or less, to be annexed into the City of Pearland and being all of Lots 1 & 2, Section 80, J. S. Talmage Survey, Abstract 564 and being more particularly described by metes and bounds as follows;

Commencing at a point marking the common corner of Abstracts 305, 565, 564 and 538 and being the intersection of County Road 92 (Broadway) and County Road 48 (Kingsley Drive); Thence Southerly – 20' with the common line of said Abstract 538 and Abstract 564 to a point marking the POINT OF BEGINNING of herein described tract;

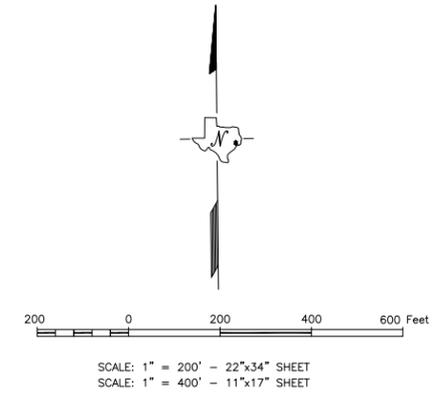
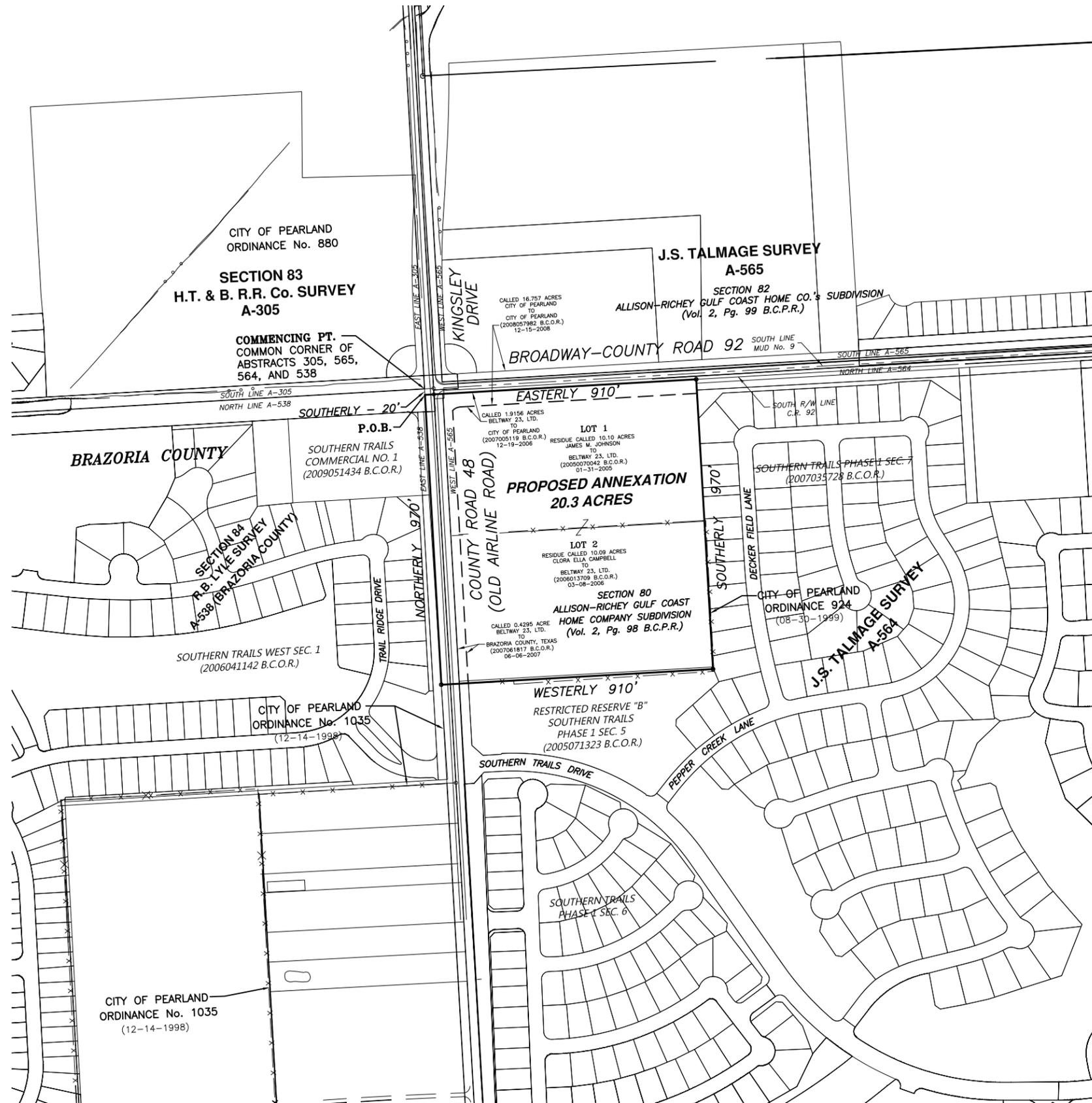
1. Thence Easterly – 910', more or less, with the south of City of Pearland Ordinance No. 880 to a point for corner marking the most northerly northwest corner of City of Pearland Ordinance No. 924;
2. Thence Southerly – 970', more or less, with the east line of said Lots 1 and 2, Section 80, J. S. Talmage Survey, Abstract 564 and the west line of City of Pearland Ordinance No. 924 to a point for corner;
3. Thence Westerly – 910', more or less, with the south line of said Lot 2, Section 80 and continuing with the most westerly north line of said City of Pearland Ordinance No. 924 to a point for corner;
4. Thence Northerly – 970', more or less, with the east line of said City of Pearland Ordinance No. 1035 to the POINT OF BEGINNING and containing 20.3 acres of land more or less

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

This metes and bounds description is accompanied by a separate plat, drawing or exhibit per Texas Board of Professional Land Surveyor's "General Rules of Procedures and Practices" Section 663.19(9).

Compiled by:  
C.L. Davis & Company  
Job Number: 11-421-141 Annexation-Beltway-23 M&B.doc  
02-09-2012





NOTE:  
THIS EXHIBIT WAS PREPARED USING RECORDED SUBDIVISION MAPS, RECORDED DEEDS, AND CITY ORDINANCES, AND DOES NOT REPRESENT AN ON THE GROUND SURVEY.

NOTE:  
THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, 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.

NOTE:  
ALL IMPROVEMENTS (ROADS, FENCES, ETC.) DEPICTED HEREON ARE DERIVED FROM A DIGITAL ORTHOPHOTOGRAPH, AND ARE NOT THE RESULT OF AN ON THE GROUND SURVEY.

**C.D.** C.L. DAVIS & CO. 1500 WINDING WAY  
LAND SURVEYING FRIENDSWOOD, TEXAS 77546  
281-482-9490  
FAX 281-482-1294

**EXHIBIT**  
CITY OF PEARLAND, TEXAS

**PROPOSED ANNEXATION OF 20.3 ACRES  
WITHIN BRAZORIA COUNTY**

**GENERAL LOCATION**  
NORTH OF COUNTY ROAD 59  
EAST OF COUNTY ROAD 48  
SOUTH OF COUNTY ROAD 92  
WEST OF CITY OF PEARLAND  
ORDINANCE No. 924  
BRAZORIA COUNTY, TEXAS

DATE: 02-08-2012 SCALE: 1" = 200' JOB NO.: 11-1005  
DWG FILE: 11-1005-ANNEXATION

EXHIBIT E

2012057357 PLAT PC
Total Pages: 1

State of Texas
County of Brazoria

That, Beltway 23, Ltd., by its General Partner Beltway 23-2, L.L.C. acting by and through Pei Nan Tsou, President of Beltway 23-2, L.L.C., the owner of the property subdivided in this Minor Plat of Broadway Kingsley 2, a subdivision of 17.4938 acres out of Lots 1 & 2, Section 80, Allison Richey Gulf Coast Home Company's Subdivision according to the plat thereof as filed in Volume 2, Page 98 Brazoria County Plat Records, H.T.&B. R.R. Co. Survey, Abstract 564, City of Pearland, Brazoria County, Texas do hereby make subdivision of said property for and on behalf of said Beltway 23, Ltd., according to the lines, lots, streets, alleys, reserves, parks, and easements as shown hereon and dedicate for public use as such the streets, alleys, parks, and easements shown hereon forever, and does hereby waive all claims for damages occasioned by the establishment of grades as approved for the streets and drainage easements dedicated, or occasioned by the alteration of the surface, or any portion of the streets or drainage easements to conform to such grades, and does hereby bind ourselves, our heirs, successors and assigns to warrant and defend the title to the land so dedicated.

FURTHER, Owner has dedicated and by these presents does dedicate to the use of the public for public utility purposes forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional eleven feet, six inches (11'6") for ten feet (10'0") perimeter ground easement or seven feet, six inches (7'6") for fourteen feet (14'0") perimeter ground easements or five feet, six inches (5'6") for sixteen feet (16'0") perimeter ground easements, from a plane sixteen feet (16'0") above ground level upward, located adjacent to and adjoining said public utility easements that are designed with aerial easements (U.E. and A.E.) as indicated and depicted hereon, whereby the aerial easement totals twenty one feet, six inches (21'6") in width.

FURTHER, Owner has dedicated and by these presents does dedicate to the use of the public for public utility purposes forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional ten feet (10'0") for ten feet (10'0") back-to-back ground easements, or eight feet (8'0") for fourteen feet (14'0") back-to-back ground easements or seven feet (7'0") for sixteen feet (16'0") back-to-back ground easements, from a plane sixteen feet (16'0") above ground level upward, located adjacent to both sides and adjoining said public utility easements that are designed with aerial easements (U.E. and A.E.) as indicated and depicted hereon, whereby the aerial easement totals thirty (30'0") in width.

In testimony hereof, Beltway 23, Ltd. has caused these presents to be signed by its General Partner Beltway 23-2, L.L.C., by Pei Nan Tsou, President of Beltway 23-2, L.L.C., this 6th day of December, 2012.

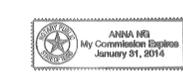
Beltway 23, Ltd.
By: Beltway 23-2, L.L.C.
Its: General Partner
Pei Nan Tsou, President of Beltway 23-2, L.L.C.

State of Texas
County of Brazoria

Before me, the undersigned authority, on this day personally appeared Pei Nan Tsou, as President of Beltway 23-2, L.L.C., the General Partner of Beltway 23, Ltd., 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 considerations therein expressed and in the capacity therein and herein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 6th DAY OF December, 2012.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



CERTIFICATE OF CITY PLANNING DIRECTOR

This is to certify that the City Planner of the City of Pearland, Texas has approved this plat and subdivision of the Minor Plat of Broadway Kingsley 2 in conformance with the laws of the State of Texas and the ordinances of the City of Pearland, as shown hereon and authorizes the recording of this plat this 18th day of December, 2012.

Harold Ellis
City Planner
City of Pearland, Texas

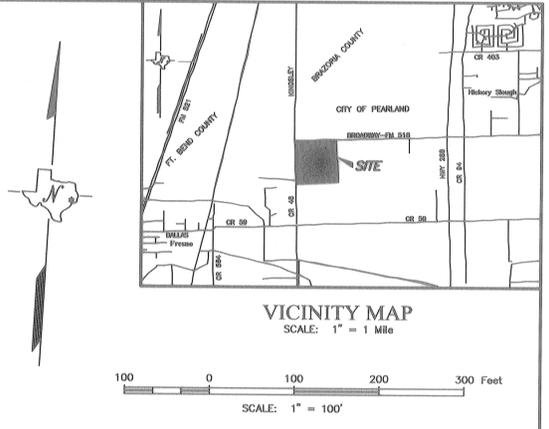
APPROVED for the City of Pearland, Texas this 18th day of December, 2012.

Darrin Colker
City Attorney
Andrea Broughton, P.E.
City Engineer

CERTIFICATE OF SURVEYOR

I, C.L. Davis, Registered Professional Land Surveyor No. 4464, do hereby certify that this plat correctly represents a survey made under my supervision on the ground in accordance with the information provided me and correctly represents the facts as found at the time of survey and is true and correct and that all boundary corners, lot corners, angle points, and points of curvature are properly marked with 5/8 inch diameter iron rods three feet long or as shown on the plat.

C.L. Davis
Registered Professional Land Surveyor No. 4464



GENERAL NOTES

- 1. This Plat has been prepared to meet the requirements of the State of Texas, Brazoria County and the City of Pearland.
2. This plat was prepared from information provided by Abstract Services of Houston City Planning Letter No. 2012-10-0015, effective date November 13, 2012.
3. Coordinates and bearings shown are based on the Texas Coordinate System of 1983, South Central Zone. Distances shown are surface and can be converted to grid by multiplying by a combined scale factor of 0.9998707. Coordinates shown are Grid.
4. All Subdivision common areas including but not limited to detention facilities, easements and open space within the boundaries of this plat shall be maintained by a homeowners association, commercial property association or other entity and shall not be the responsibility of the City of Pearland or Brazoria County.
5. Bench Mark - City of Pearland GPS Monument No. 9 being a brass cap in concrete located at the northwest corner of the intersection of S.H. 288 southbound frontage road and West Broadway.
Elevation 60.94 (H.G.C.S.D. 1987 Adj.)
6. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Map No. 48039C00204, with effective date of June 6, 1989, the property is located in Zone "X-Unshaded" (Areas determined to be outside of the 100 year floodplain.) All floodplain information noted in the plat reflects the status per FEMA FIRM map that is effective at the time that the plat is recorded. Floodplain status is subject to change as FEMA FIRM maps are updated.
7. Any construction proposed to be installed within a dedicated easement with prescribed rights to a private entity shall require the permission of the private entity prior to the start of construction. Failure to secure such permission may result in the right holder(s) 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.
8. Access rights to parking areas and driveways are hereby granted to all adjoining commercial properties.
9. 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 curb elevation for a curb street or 12 inches above the elevation of the edge of the roadway if no curb exists, or (2) 12 inches above the 100 year floodplain water surface elevation for structures to be located within the 100 year floodplain.
10. Any proposed drainage system for this subdivision shall be designed to meet the requirements of the City of Pearland and Drainage District No. 4.
11. All landscaping and structures, including fences at intersections shall conform to the City of Pearland and MASHTO site design requirements for motorists.
12. Driveway requirements for the location, width and offsets from an intersection and any existing driveway or proposed driveway, shall conform to the requirements of the City of Pearland Engineering Design Criteria Manual and Unified Development Code.
13. All drainage easements shall be kept clear of fences, buildings, foundations, plantings and other obstructions to the operation and maintenance of the drainage facility, side lot fences are an exception.
14. Drainage easements may be used by any government body for purposes of drainage work.
15. 6' Sidewalk with at least 80% curved alignment to be Provided at Time of Development along Kingsley Drive and Broadway Street.
16. All Detention Facilities shall be maintained by the Owner.
17. All Utility Easements are for electrical, gas, telephone, cable, and similar dry utilities.
18. There are 5 existing and 5 proposed street lights in this subdivision.
19. This property is located wholly within Municipal Utility District No. 34.

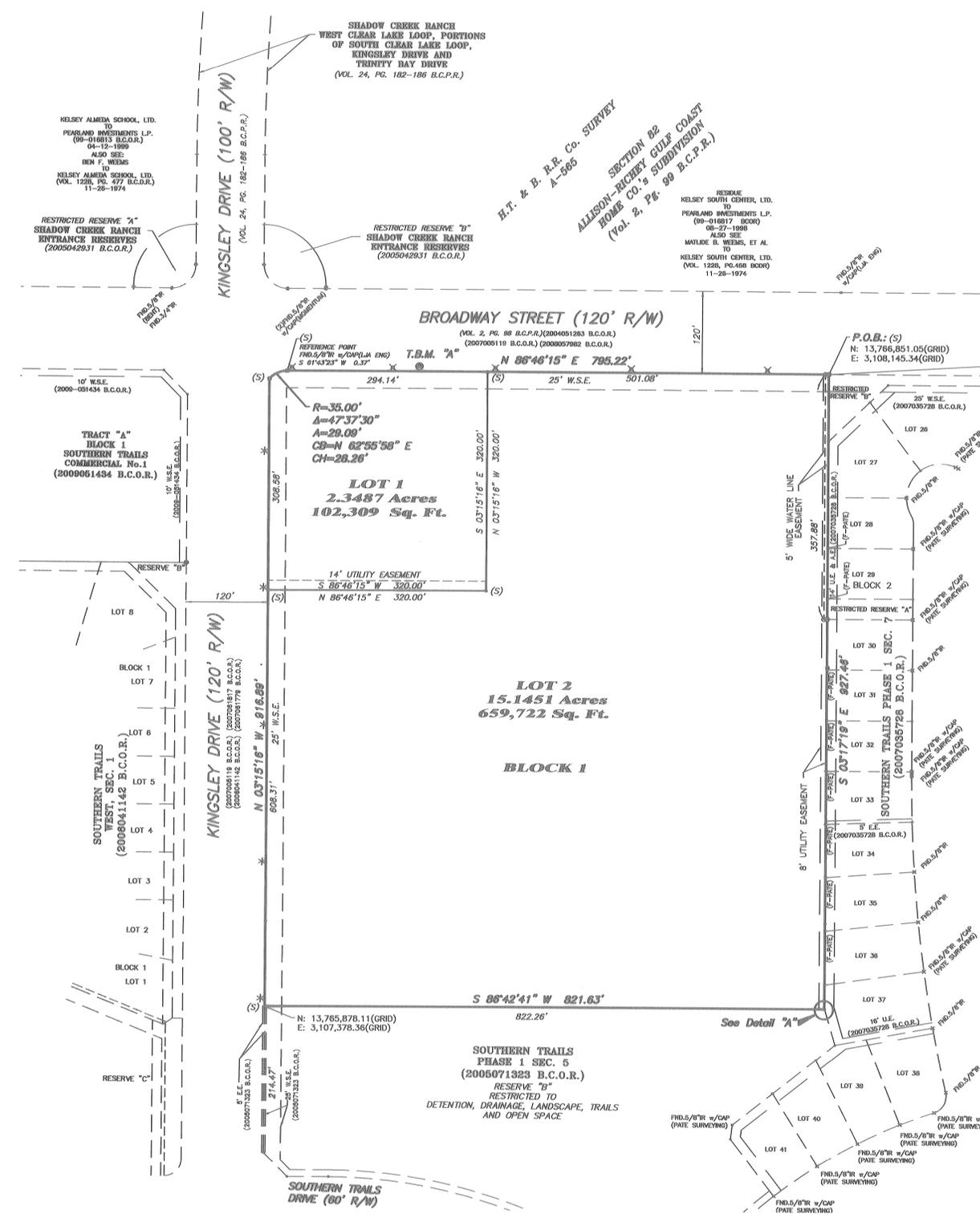
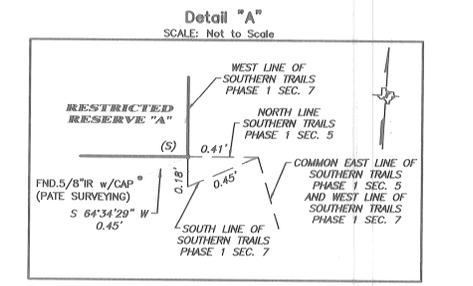
LEGEND
U.E. Utility Easement (Restricted to electric, telephone, cable & gas facilities)
D.E. Drainage Easement
B.L. Building Line
ESMT Easement
B.C.D.R. Brazoria County Dead Records
B.C.P.R. Brazoria County Plat Records
B.C.O.R. Brazoria County Official Records
B.C.C.F. No. Brazoria County Clerk's File Number
T.B.M. Temporary Benchmark
E.E. Electric Easement
W.S.E. Water and Sewer Easement
(S) Set 5/8" iron rod with cap stamped "C.L. DAVIS RPLS 4464"
\* Proposed Street Light
X Existing Street Light
(F-PATE) Found 5/8" iron rod with cap stamped "PATE SURVEYING"

METES AND BOUNDS DESCRIPTION

All that certain 17.4938 acres out of Lots 1 and 2, Section 80, Allison-Richey Gulf Coast Home Company's Subdivision according to the plat thereof as filed in Volume 2, Page 98 Brazoria County Plat Records, H.T. & B. R.R. Company Survey, Abstract 564, City of Pearland, Brazoria County, Texas and out of that certain tract described in a deed dated 01-31-2005 from James M. Johnson to Beltway 23, Ltd. as filed in Official Records of Real Property of Brazoria County at Clerk's File Number 2005-007042 and out of that certain tract described in a deed dated 03-08-2008 from Clara Elia Campbell to Beltway 23, Ltd. as filed in Official Records of Real Property of Brazoria County at Clerk's File Number 2006013709 and being more particularly described by metes and bounds as follows (bearings based on Texas Coordinate System of 1983, South Central Zone);

Commencing at a found disc in concrete stamped City of Pearland GPS Monument No. 9 from which City of Pearland GPS Monument No. 10 bears S 08° 12' 14" E - 2,401.89' from said point; Thence S 83° 19' 35" W - 8,270.50' to a set 5/8" iron rod with cap (stamped C.L. DAVIS-RPLS 4464) marking the northwest corner of Restricted Reserve "B"; Southern Trails Phase 1 Sec. 7 according to the plat thereof as filed in Official Records of Real Property of Brazoria County at Clerk's Document Number 2005071323 bears N 86° 42' 41" E - 0.41' for reference and from which a found 5/8" iron rod with cap (stamped PATE SURVEYING) bears S 64° 34' 29" W - 0.45' for reference;

- 1. Thence S 03° 17' 19" E - 927.46' with the west line of said Block 2, Southern Trails Phase 1 Sec. 7 to a set 5/8" iron rod with cap (stamped C.L. DAVIS-RPLS 4464) for corner, from which the northeast corner of Restricted Reserve "B"; Southern Trails Phase 1 Sec. 5, according to the plat thereof as filed in Official Records of Real Property of Brazoria County at Clerk's Document Number 2005071323 bears N 86° 42' 41" E - 0.41' for reference and from which a found 5/8" iron rod with cap (stamped PATE SURVEYING) bears S 64° 34' 29" W - 0.45' for reference;
2. Thence S 88° 42' 41" W - 821.83' with the north line of said Restricted Reserve "B"; Southern Trails Phase 1 Sec. 5 to a set 5/8" iron rod with cap (stamped C.L. DAVIS-RPLS 4464) for corner;
3. Thence N 03° 15' 16" W - 916.89' with the east right-of-way line of Kingsley Drive (120' wide) to a set 5/8" iron rod with cap (stamped C.L. DAVIS-RPLS 4464) marking a point on a curve to the right having a radius of 35.00' and a central angle of 47° 37' 30";
4. Thence with said curve an arc distance of 29.09' and a chord bearing and distance of N 62° 55' 58" E - 28.26' to a set 5/8" iron rod with cap (stamped C.L. DAVIS-RPLS 4464) for corner, from which a found 5/8" iron rod with cap (stamped L&A ENG) bears S 61° 43' 23" W - 0.37' for reference;
5. Thence N 86° 46' 15" E - 795.22' with the south right-of-way line of Broadway Street (120' wide) to the POINT OF BEGINNING and containing 17.4938 acres (762,031 square feet) of land more or less.



KELSEY ALMIDA SCHOOL, LTD.
PEARLAND INVESTMENTS L.P.
RESTRICTED RESERVE "A" SHADOW CREEK RANCH ENTRANCE RESERVES

SHADOW CREEK RANCH WEST CLEAR LAKE LOOP, KINGSLEY DRIVE AND TRINITY BAY DRIVE

RESTRICTED RESERVE "B" SHADOW CREEK RANCH ENTRANCE RESERVES

BROADWAY STREET (120' R/W)

LOT 1 2.3487 Acres 102,309 Sq. Ft.

LOT 2 15.1451 Acres 659,722 Sq. Ft.

BLOCK 1

SOUTHERN TRAILS PHASE 1 SEC. 5 (2006071323 B.C.O.R.)

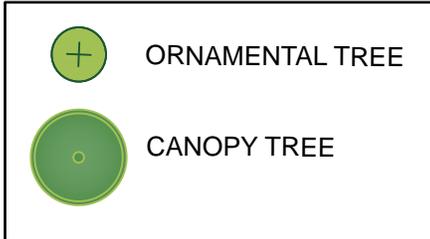
SOUTHERN TRAILS DRIVE (80' R/W)

2012057357
Brazoria County - Joyce Hudman, County Clerk
12/19/2012 11:17 AM
Total Pages: 1
Fee: 63.00

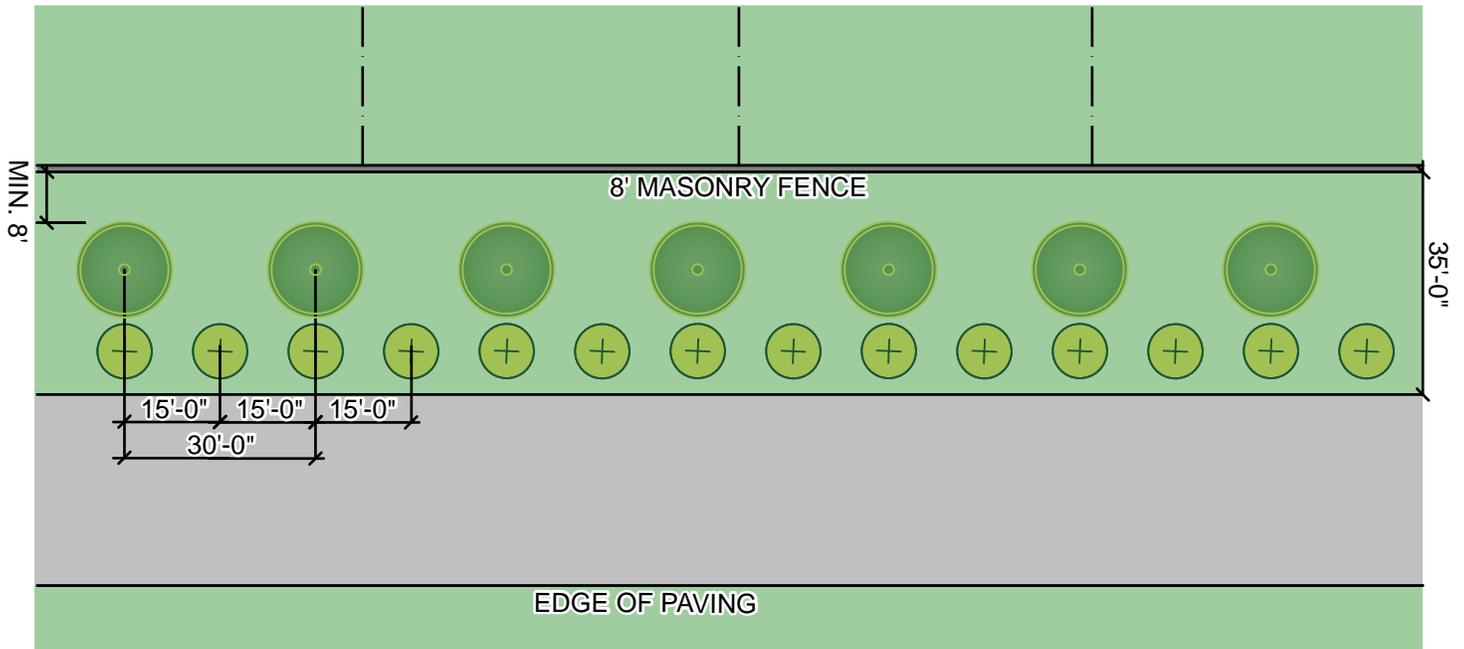
### PLANT LIST

REQUIRED TREE	TREE TYPE	MINIMUM CALIPER	HEIGHT AT INSTALLATION	REMARKS
Canopy Tree	Evergreen	3 inches	10 feet	Capable of growing to at least 35'
Ornamental Tree	Evergreen	2 inches	7 feet	Capable of growing to 10'-15' feet

### LEGEND



TREES SHALL BE PLACED A MINIMUM OF EIGHT (8) FEET FROM THE MASONRY FENCE



EXHIBIT

## KINGSLEY/BROADWAY PD



TYPICAL RESIDENTIAL  
LANDSCAPE BUFFER AND SCREENING



PLANT LIST

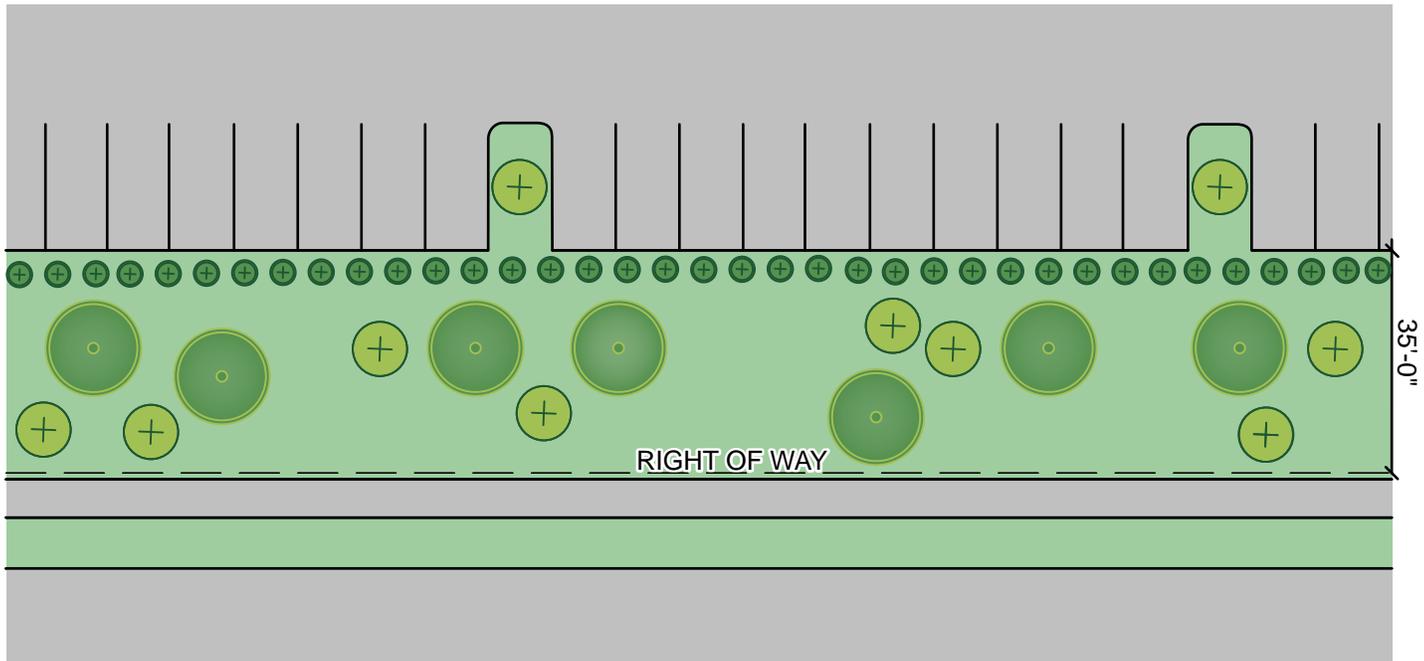
REQUIRED TREE	TREE TYPE	MINIMUM CALIPER	HEIGHT AT INSTALLATION	REMARKS
Canopy Tree	Evergreen	4 inches	10 feet	Capable of growing to at least 35'
Ornamental Tree	Evergreen	2.5 inches	7 feet	Capable of growing to 10'-15' feet

LEGEND

	ORNAMENTAL TREE
	CANOPY TREE
	SHRUB

ALL LANDSCAPE SHOWN ON EXHIBIT IS A MINIMUM. ADDITIONAL TREES, SHRUBS, AND ANNUALS ARE ENCOURAGED.

TREES MAY BE PLANTED IN CLUSTERS OR SPACED LINEARLY



KINGSLEY/BROADWAY PD



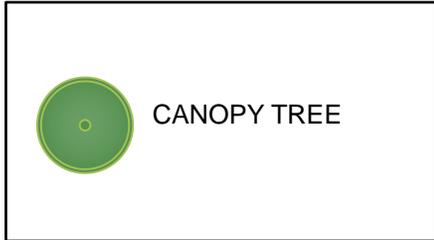
TYPICAL LANDSCAPE BUFFER  
LANDSCAPE BUFFER AND SCREENING



PLANT LIST

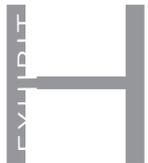
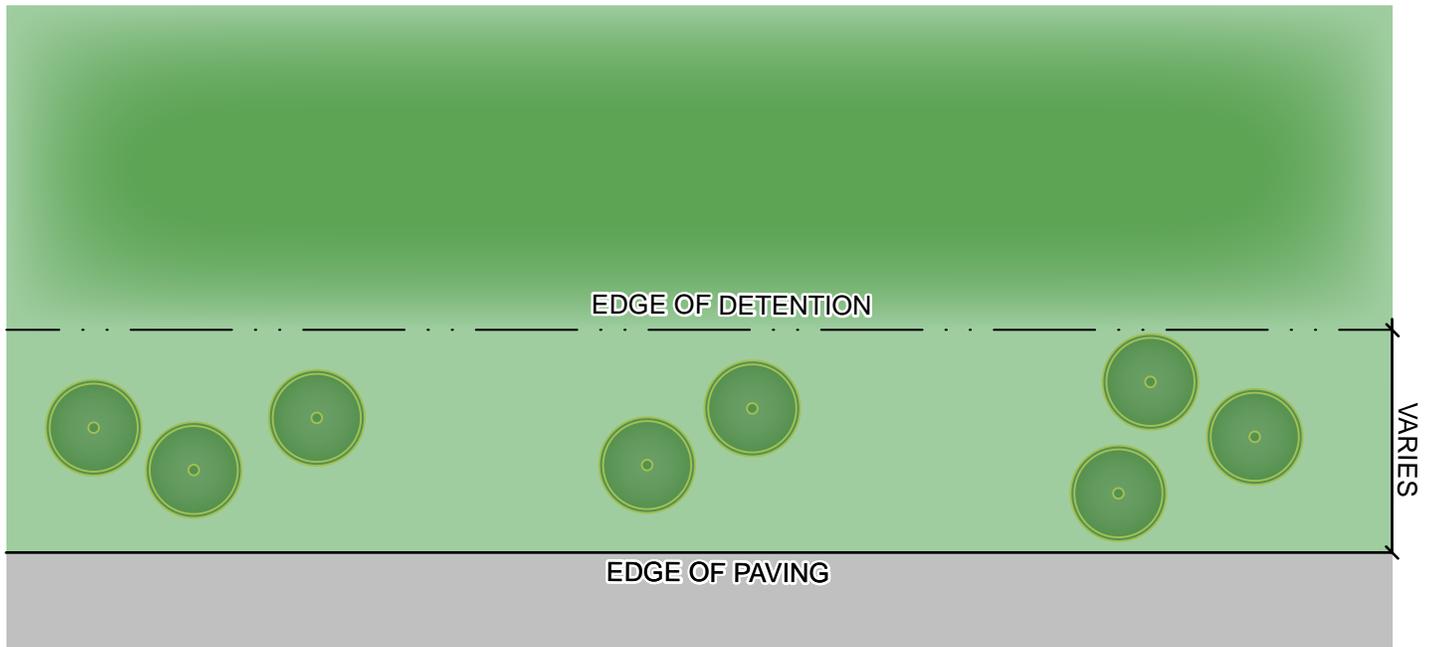
REQUIRED TREE	TREE TYPE	MINIMUM CALIPER	HEIGHT AT INSTALLATION	REMARKS
Canopy Tree	Evergreen	3 inches	10 feet	Capable of growing to at least 25'

LEGEND



ALL LANDSCAPE SHOWN ON EXHIBIT IS A MINIMUM. ADDITIONAL TREES, SHRUBS, AND ANNUALS ARE ENCOURAGED.

TREES MAY BE PLANTED IN CLUSTERS OR SPACED LINEARLY



KINGSLEY/BROADWAY PD



TYPICAL DETENTION SCREENING



# EXHIBIT 9



## City of Pearland Planning Department Universal Application

City of Pearland  
Community Development  
3523 Liberty Drive  
(Community Center)  
Pearland, Texas 77581  
281 652 1768  
281 652 1702 (fax)  
pearlandtx.gov

Please complete each field - incomplete applications will not be accepted.  
Include the applicable checklist for each project type with this application.  
Refer to the schedule on the City's website and/or within the Planning Department  
for deadlines and anticipated meeting dates for each project type.

### TYPE OF APPLICATION:

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Zoning Change     | <input type="checkbox"/> ZBA Variance           |
| <input type="checkbox"/> Cluster Development Plan     | <input type="checkbox"/> P&Z Variance           |
| <input type="checkbox"/> Planned Development Workshop | <input type="checkbox"/> Special Exception      |
| <input type="checkbox"/> Plat (list type): _____      | <input type="checkbox"/> Conditional Use Permit |

### PROJECT INFORMATION:

Residential       Commercial       Property Platted       Property Not Platted

Project Name: Kingsley/Broadway Planned Development Tax ID: 2201-0001-002

Project Address/Location: SE corner of Kingsley and Broadway

Subdivision: \_\_\_\_\_ No. of Lots: \_\_\_\_\_ Total Acres: \_\_\_\_\_

Brief Description of Project: Amendment to the Planned Development

\*\*When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, therefore it may be necessary to postpone the proposed project and remove it from the scheduled agenda and place it on a future agenda according to Section 1.2.1.2 of the Unified Development Code.\*\*

### PROPERTY OWNER INFORMATION:

Name: Beltway 23, LTD

Address: 5855 Sovereign Dr. Ste B

City: Houston State: TX Zip: 77036

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

### 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) 579-9212

Email Address: Kedwards@krgca.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: Beltway 23 LTD By [Signature] Date: 1/15/2015

Agent's/  
Applicant's Signature: Kathryn Edmunds Date: 1/15/15

### OFFICE USE ONLY:

FEES PAID: <u>800.00</u>	DATE PAID: <u>1.16.15</u>	RECEIVED BY: <u>LE</u>	RECEIPT NUMBER: <u>105956</u>
			APPLICATION NUMBER: <u>2015-3E</u>



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

# APPLICATION FOR A CHANGE IN ZONING

Current Zoning District: Kinglsey/Broadway PD

Proposed Zoning District: Kinglsey/Broadway PD Amendment

**Property Information:**

Address or General Location of Property: Southeast corner of the intersection of Kingsley and Broadway.

Tax Account No. 2201-0001-002

Subdivision: \_\_\_\_\_ Lot: \_\_\_\_\_ Block: \_\_\_\_\_

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

**PROPERTY OWNER INFORMATION:**

NAME Beltway 23, LTD.  
ADDRESS 5855 Sovereign Dr. Ste B  
CITY Houston STATE TX ZIP 77036  
PHONE(\_\_\_\_\_) \_\_\_\_\_  
FAX(\_\_\_\_\_) \_\_\_\_\_  
E-MAIL ADDRESS \_\_\_\_\_

**APPLICANT/AGENT INFORMATION:**

NAME BGE| Kerry R. Gilbert and 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 kvedwards@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: [Signature] Date: 12-22-14

Applicant/Agent's Signature: [Signature] Date: 1/7/15

**OFFICE USE ONLY:**

FEES PAID: <u>800</u>	DATE PAID: <u>1.16.15</u>	RECEIVED BY: <u>LE</u>	RECEIPT NUMBER: <u>105956</u>
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Application No. 2015-32

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**BGE | KERRY R. GILBERT & ASSOCIATES**

---

January 14, 2015

Johnna Matthews  
Community Development Department  
3523 Liberty Drive  
Pearland, Texas 77581

RE: Kingsley Broadway PD Amendment-Zoning Application

Dear Johnna,

On behalf of our client Beltway 23, LTD. we, BGE| Kerry R. Gilbert & Associates, are submitting an application for a Planned Development Amendment for the above referenced property located at the southeast corner of the intersection of Broadway Street (FM 518) and Kingsley Drive. Below is a summary of modifications within the amended Planned Development.

- 1) Revisions to document
  - Revised Permitted/Prohibited Land Uses
    - Added Mini-Warehouse/Self Storage to permitted uses
    - Added Auto Accessories and/or Parts Sales to permitted uses
    - Added Hotel to prohibited Uses
  - Increased Landscape Buffer from 25' to 35' along eastern boundary
  - Provided specific landscape requirements for detention screening, landscape buffers and landscaping between parcels.
  - Included requirement for internal pedestrian circulation
- 2) Revised Exhibit C (Concept Plan)
  - Included additional Pad sites along Broadway and Kingsley
  - Included two large commercial tracts
  - Revised landscape buffers per modified regulations (see above).
- 3) Included Exhibit E (Survey, Metes & Bounds description-Amendment Area)
  - Show the property boundary with the omission of the already developed Gas Station site.
- 4) Minor revisions to PD document
  - Minor revisions are made throughout the PD document where necessary to reflect the above listed changes.

Feel free to contact me if you have any question, or need any further information.

Sincerely,

  
Kathryn Edwards



February 6, 2015

Johnna Matthews  
Community Development Department  
3523 Liberty Drive  
Pearland, Texas 77581

RE: Kingsley Broadway PD Amendment-Zoning Application

Dear Johnna,

We have reviewed the comments provided by City staff. In response to those comments we, BGE | Kerry R. Gilbert & Associate, Inc., are resubmitting the following items for the Planned Development Amendment on behalf of our client:

- One (1) copy of the revised PD document-redline
- One (1) copy of the revised PD document-final
- One (1) copy of the exhibits including revised and additional exhibits (see below)
- Copy of the notification sent to residents for the Neighborhood Meeting
- Sign-In sheet from Neighborhood Meeting
- Summary of Neighborhood Meeting

The items provided address the following comments:

- 1) Mini-Warehouse/Self-Storage
  - a. In order to provide a level of comfort with the proposed mini warehouse/self-storage use, we have included specific requirements and regulations that must be met if this use is developed.
- 2) RV storage
  - a. RV storage has been removed from the proposed uses
- 3) Requirement for 24 hour on-site security for a mini-warehouse/self-storage use.
  - a. Under Hours of Operation, on-site security personal for a mini-warehouse/self-storage use has been specified. Additionally, "Office with on-site Residential" has been added to the list of allowed uses in order to allow a residence within the mini-warehouse/self-storage use for 24 hour on site monitoring.
- 4) Gas Station/Convenience Store and Auto Wash Uses
  - a. The above mentioned uses will be limited to the parcel at the northwest corner of the site only (Parcel D on the Concept Plan).
- 5) Auto Accessories and/or Parts Sales
  - a. This use has been added to the list of permitted uses. However, it is clarified in the document that if this use is developed, signs prohibiting any on-site work or repair on vehicles must be posted. All other auto related uses remain on the list or prohibited uses.
- 6) Two-Story Uses
  - a. Language has been included in the document to require that any use, including a mini warehouse/self-storage facility, developed on the site may not exceed one (1) story in height.



- 7) Compliance with the Corridor Overlay District
  - a. Language requiring any development within the PD to be in compliance with the COD has been incorporated.
- 8) Boulevard Entrances
  - a. The entrances along Kingsley and Broadway have already been constructed without boulevards and therefore boulevard entries cannot be included. As an alternative, additional enhancements and amenities are specified throughout the document. (See item 9 below)
- 9) Include additional amenities and enhancements to ensure a high-quality development
  - a. The following regulations have been incorporated within the PD document
    - i. Architectural Standards requiring 100% masonry for all buildings
    - ii. A solid 6 foot fence is required around the mini-warehouse/self-storage facility (see Exhibit C-Concept Plan for proposed location)
    - iii. Compliance with Corridor Overlay District for all development within PD
    - iv. Enhance landscape requirements for property adjacent to Broadway and/or Kingsley
    - v. Increase Landscape buffer from 25' to 35' for all development adjacent to Broadway, Kingsley and/or residential neighborhood on the east side of the property.
    - vi. Internal pedestrian circulation must be provided throughout the development. Internal sidewalks must be a minimum of 5' in width
    - vii. Decorative Pavers or stamped concrete must be provided where internal walkways cross driveways
    - viii. Landscaping required between individual parcels
- 10) Provide Landscape Detail
  - a. Exhibit F, G and H have been included to show typical Landscaping within the various Landscape buffers and screening areas.

In addition to the items listed above, we have incorporated the following regulations in response to comments we received from residents at the neighborhood meeting held in Southern Trails.

- 1) Provide lighting overspill and light fixture height regulations
- 2) Specify allowed Hours of Operation for mini warehouse/self-storage use
- 3) Limit allowed buildings height to a single story
- 4) Require 8 foot masonry fence along eastern property line (see Exhibit C-Concept Plan for location)
- 5) Include height requirement for landscaping within 35' landscape buffer
- 6) Extend residential landscape buffer requirements around southern boundary if proposed mini-warehouse/self-storage is developed
- 7) Signage restrictions
- 8) Regulations specifying allowed color palette

We are requesting this application to be reviewed at the February 16, 2014 Planning and Zoning Commission meeting. Please contact me if any further information is necessary.

Sincerely,

Kathryn Edwards

**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.**

X Kathryn Edwards

**ZONE CHANGE / VARIANCE / PLAT / RECORDATION**

(circle one)  
\$ 800 **BA** or **PF** or **FE**

Description: Input who the check is from

**COMMENTS/DESCRIPTION (F10):**

Location or Address SE corner of Kingsley + Broadway

Applicant Kerry R. Gilbert + Associates

Owner Beltway 23, LTD

CITY OF PEARLAND  
\*\*\* CUSTOMER RECEIPT \*\*\*  
Oper: AGONZALES Type: DC Drawer: 1  
Date: 1/16/15 01 Receipt no: 105956

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	\$800.00
Trans number:		4721120

ZONE CHANGE  
SE CORNER OF KINGSLEY &  
BROADWAY  
KERRY GILBERT & ASSOC.  
BELTWAY 23, LTD

Tender detail		
CK CHECK	21568	\$800.00
total tendered		\$800.00
Total payment		\$800.00

Trans date: 1/15/15 Time: 16:51:13

TAX CERTIFICATE



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

Issued To:
BGE/KERRY R. GILBERT AND ASSOCIATES
23501 CINCO RANCH BLVD. SUITE A-250
KATY, TX 77494

Legal Description
BROADWAY KINGSLEY 2 (A0564 HT&BRR) BLK
1 LOT 2

Fiduciary Number: 23539906

Parcel Address: KINGSLEY DR
Legal Acres: 15.1451

Account Number: 2201-0001-002

Print Date: 01/12/2015

Certificate No: 223502543

Paid Date:

Certificate Fee: \$10.00

Issue Date: 01/12/2015

Operator ID: AMBER

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2014. ALL TAXES ARE PAID IN FULL

Exemptions:

Certified Owner:

BELTWAY 23 LTD
5855 SOVEREIGN DR STE B
HOUSTON, TX 77036-2337

Table with 2 columns: Description, Amount. Rows include 2014 Value (2,144,100), 2014 Levy (\$64,057.34), 2014 Levy Balance (\$0.00), Prior Year Levy Balance (\$0.00), Total Levy Due (\$0.00), P&I + Attorney Fee (\$0.00), Total Amount Due (\$0.00).

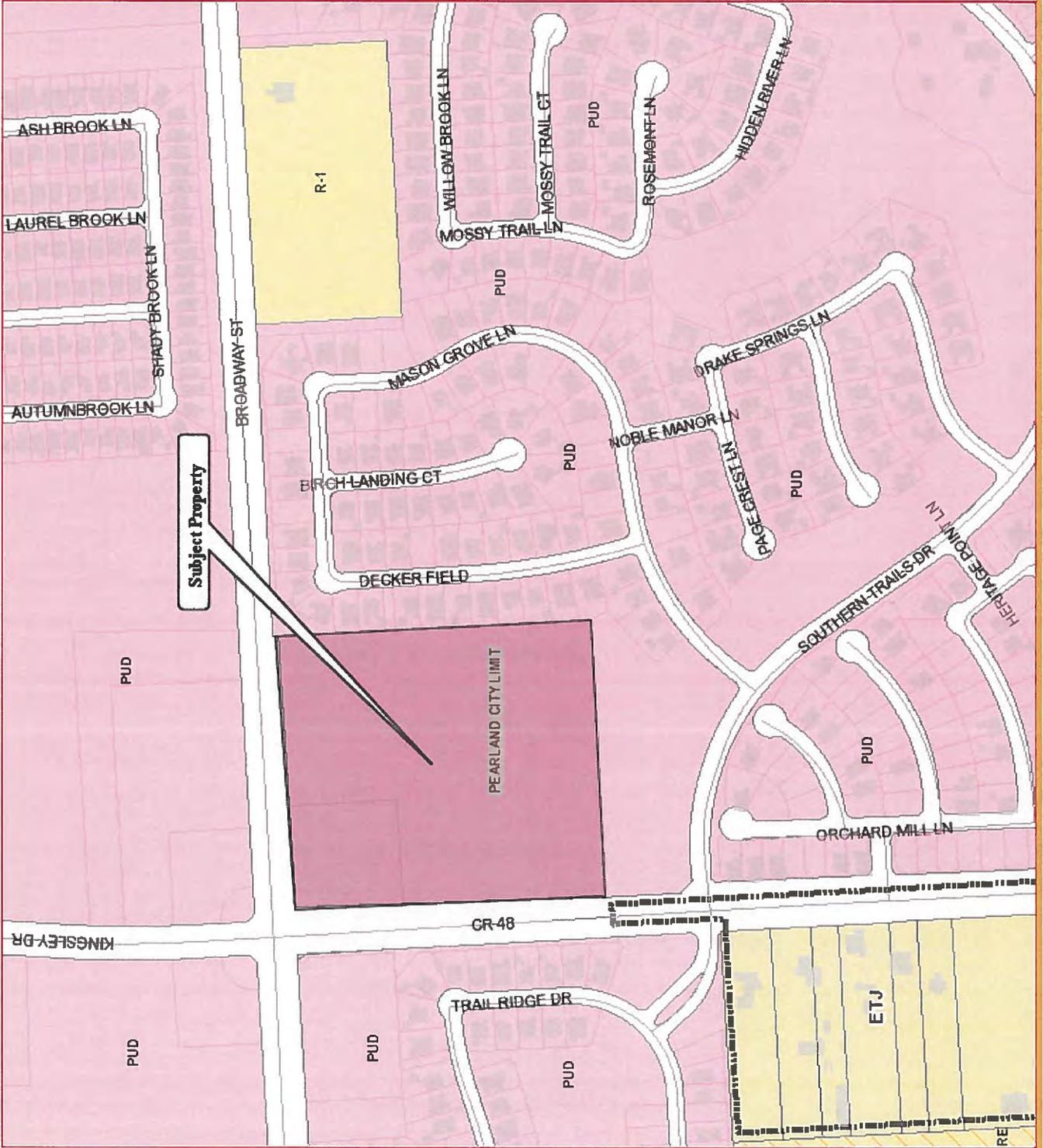
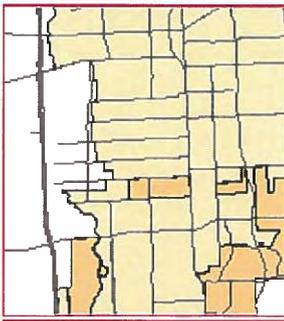
Certified Tax Unit(s):

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

# Kingsley/Broadway PD Amendment



This product is for informational purposes and is not intended for use in any legal proceeding. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



Scale 1:4,743  
1 in = 395 ft  
January 12, 2015