

MINUTES OF THE JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON JANUARY 19, 2009, AT 6:30 P.M., IN THE TEMPORARY COUNCIL CHAMBERS, COMMUNITY CENTER, 3523 LIBERTY DRIVE, PEARLAND, TEXAS

CALL TO ORDER

The series of public hearings was called to order at 6:40 p.m. Mayor Tom Reid opened the hearing for the City Council, and P&Z Chairperson Henry Fuertes opened the hearing for the Planning and Zoning Commission, with the following present:

| | |
|-----------------------------|--|
| Mayor Tom Reid | P & Z Chairperson Henry Fuertes |
| Mayor Pro-Tem Helen Beckman | P & Z Vice-Chairperson Jerry Koza, Jr. |
| Council Member Kevin Cole | P & Z Commissioner Neil West |
| Council Member Felicia Kyle | P & Z Commissioner Darrell Diggs |
| Council Member Woody Owens | P & Z Commissioner Ron Capehart |
| | P & Z Commissioner Susan Sherrouse |

Also in attendance: City Manager Bill Eisen; City Attorney Darrin Coker; Assistant City Manager Mike Hodge (arrived at 6:48 p.m.); Planning Director Lata Krishnarao; and Planning Administrative Secretary Judy Krajca.

Planning Director Lata Krishnarao explained the Joint Public Hearing process for the attending public, and explained that the Planning & Zoning Commission Meeting would follow the Joint Public Hearing.

Mayor Tom Reid opened the public hearing for Conditional Use Permit No. CUP 2009-01 at 6:45 p.m.

Conditional Use Permit No. CUP 2009-01

Request of William and Marjorie Baldy, applicants and owners, for approval of a Conditional Use Permit to permit a garage in Old Townsite Mixed Use (OT-MU) District, on the following described property:

LEGAL DESCRIPTION: Lot 9, Block "F", of the Town of Pearland, Brazoria County, Texas, according to the map or plat thereof recorded in Volume 29, Page 41 of the deed record of Brazoria County, Texas.

GENERAL LOCATION: Located at 2117 North Houston Avenue.

P&Z Chairperson Henry Fuertes read the purpose of the hearing.

Planning Director Lata Krishnarao presented the staff report, stating that staff received one public comment form with concern of the use. Staff recommended that parking be limited to one car and one truck inside the existing building, that no outdoor parking, activity, or storage be allowed, and that no auto repair, shop or uses be allowed, that are not already allowed in the OT-MU district.

Owner and applicant William Baldy of 3714 Wingtail, Pearland, Texas stated he wishes to use the garage for storing his vehicles and has no intention of running a garage/auto repair.

There was no one present to speak for or against the Conditional Use Permit.

Council Member Kevin Cole commented on staff's third recommendation that if a use is permitted, they can still occupy the space, and followed up by asking if this third comment was even necessary. Mr. Cole recommended it be removed, and City Attorney Darrin Coker concurred.

P&Z Commissioner Darrell Diggs asked what prior use of this garage existed in the past. Mr. Baldy gave a brief history of the garage.

Mayor Tom Reid adjourned the public hearing for Conditional Use Permit No. CUP 2009-01 at 6:58 p.m.

Mayor Tom Reid opened the public hearing for Conditional Use Permit No. CUP 2009-02 at 6:58 p.m.

Conditional Use Permit No. CUP 2009-02

Request of Kimley Horn, applicant, and CVS Pharmacy Inc., owner, for approval of a Conditional Use Permit to permit Autowash Self Service, in General Business (GB) District, on the following described property:

LEGAL DESCRIPTION: Lot 1 consisting of 1.0808 acres as shown in Replat CVS Sherwood, a subdivision of 4.8672 acres of land, being a partial replat of CVS Sherwood, Vol. 24, Pg. 170, B.C.P.R out of the Thomas J. Green Survey, A-198, City of Pearland, Brazoria County, Texas.

GENERAL LOCATION: Located at the southeast corner of Broadway Street (FM 518) and YMCA Drive.

P&Z Chairperson Henry Fuertes read the purpose of the hearing.

Planning Director Lata Krishnarao presented the staff report, stating that staff recommends approval with the following conditions:

1. Re-orientation (rotating the site plan by 90 degrees in a clockwise direction) of the building such that the current west façade faces Broadway with vacuum stations, lift gates and other accessory structures behind the building.
2. Additional landscaping (in addition to that required by the UDC) along Broadway (with possibly berms) to screen the vacuum stations, vacuum enclosures, auto sentry, lift gates, parking and other accessory structures

from Broadway.

Applicant Jason Rausch of 4911 Fox Hollow, Spring, Texas spoke about being unable to rotate the building.

Crystal Pye of Kimly Horn, 12012 Wickchester Ln., Suite 500, Houston, Texas was also present but did not speak.

Council Member Felicia Kyle referred to the Trammel Crowe development that sought a zone change, directly across the street from this location, and added how council had asked them to meet the conditions of the city, to result in a higher quality development.

Council Member Kevin Cole asked if this was the best orientation of the building, and Mr. Rausch replied yes. Mr. Cole inquired about flipping the layout. Mr. Rausch added they have built 60, and designed about 30 carwashes.

Council Member Felicia Kyle inquired about the carwash illustrated in the photo, and what surrounded it. Crystal Pye responded that the carwash was in Katy, Texas and that Multi-family was across from the site, with retail on the sides.

P&Z Chairperson Henry Fuertes inquired about the order of the setup, such as the building, vacuums, and the importance of orienting the building. Mr. Rausch replied that they have looked at it, and it is difficult to rearrange.

Council Member Woody Owens stated he was not fond of the idea, and that he feels it is not the highest and best use of the land. Mr. Owens also commented that YMCA drive is not very wide, and that Friday and Saturday are their busiest times, as would be a car wash. Mr. Owens also expressed concern of a traffic study, and would like to see a Traffic Impact Analysis. City Engineer Narciso Lira commented that since the TIA was done at the time of platting, Engineering would go back and look at the study during the permit process.

Council Member Helen Beckman asked the applicant if they did a market study, as there is another similar car wash one block away. Mr. Rausch replied they had done a survey.

Council Member Kevin Cole inquired why the re-orientation of the building would cause the applicant to cut off 10 feet of the building. Mr. Rausch responded with the effect it would have on the turning radius and curb cuts on Cruise Lane. Mr. Rausch asked if there was anything that could be done to meet the city's request for orientation.

Mayor Tom Reid commented that the Firestone next door was a similar situation, and asked if there was any kind of screening in order to allow the orientation as proposed. There was discussion about berms, additional landscaping, and even the façade of the building.

Mayor Tom Reid adjourned the public hearing for Conditional Use Permit No. CUP 2009-02 at 7:22 p.m.

Mayor Tom Reid opened the public hearing for Conditional Use Permit No. CUP 2009-03

at 7:22 p.m.

Conditional Use Permit No. CUP 2009-03

Request of Verizon Wireless, applicant, and Dennis & Vicki Walters, owners, for approval of a Conditional Use Permit to permit Cellular Communications Tower, in Suburban Residential – 12 (SR-12) District, on the following described property:

LEGAL DESCRIPTION: 6.1198 acre tract of land as conveyed to Dennis J. Walters and wife Vicki Z. Walters by Warranty Deed with Vendor's Lien dated May 20, 1986 and filed for record under Volume 86-280, Page 474 of the Brazoria County Deed Records, and also being a portion of Lot 7 of the Allison Richey Gulf Coast Home Company Subdivision as shown on plat filed for record under Volume 2, Page 23 of the Brazoria County Plat records..

GENERAL LOCATION: Located at 1709 Stone Road.

P&Z Chairperson Henry Fuertes read the purpose of the hearing.

Planning Director Lata Krishnarao presented the staff report, stating that staff recommends approval with the following conditions:

- 1) The facility is fully enclosed in a masonry building or masonry walls, tall enough to obscure the equipment, transformer, and bridge, with landscaping around, to be compatible with the character of the general area. Barbed wire is not permitted by UDC.
- 2) A paved road is provided to access the facility.
- 3) Stealth techniques, such as a flag pole or monopole with enclosed antennae, are considered, to ensure that the facility is compatible to the area.
- 4) The total height (including antennae, equipment, and rods) of the monopole tower be lowered to 100 feet.
- 5) A detailed site plan showing the type and amount of landscaping, type and height of fencing, setbacks of the proposed tower and leased area from the property boundaries, and paving of the access road be provided.

Mr. Jose Perez of General Dynamics, speaking on behalf of the applicant, 4010 Tulip Glen Court, Katy, Texas gave a brief presentation stating that stealth techniques can be considered, but it does minimize the transmission.

Mr. Larry Marcott of 3606 Inverness Court, Pearland, Texas spoke up about his concern for the neighbors in the back.

Mr. Steve Alsup of 7713 Longleaf Drive spoke stating he lives behind the subject property, and is concerned with the look, adding that he is not in favor.

Mr. Antonio Rojas of 7810 Longleaf, Pearland, Texas spoke in opposition of the tower, and ask if there was any harm or effects from cell towers, and expressed concern with devaluing the property. Mr. Rojas inquired if they could have the opportunity to dialogue at the next meeting, and with the neighbor.

Council Member Kevin Cole stated that the next meeting would be on January 26, 2009, and that they could come and sign up to speak. Mr. Cole commented that the market value is self driven, and that the Council/Commission/Staff are not qualified to determine a value.

Council Member Kevin Cole commented that the City has asked to sit with all the cell companies, asking to hear more on height of towers and how many can be on a tower in order to co-locate them. Mr. Cole expressed concern of allowing a non-conforming use to go on a site that is non-conforming, and stated he was not in favor of this CUP.

Council Member Felicia Kyle asked if Verizon was currently leasing on other cell towers. Mr. Perez replied no, that this would be the first location. Ms. Kyle asked if they were co-located on any towers, and again Mr. Perez replied no. Ms. Kyle asked if Verizon could co-locate on another tower. Mr. Perez replied that yes they could, but T-Mobile does not cover the same area that Verizon needs.

Council Member Felicia Kyle stated that her number one concern was the same of Mr. Marcotts', being the property value and future development concerns. Ms. Kyle stated this was one tall tower, and recommended they find a way to co-locate onto another tower, or existing building.

Gloria Demwick, General Dynamics spoke briefly of the studies that have been performed, and the problems with co-location.

Council Member Woody Owens expressed his concern with the height, fence, and stated that the applicant needed to listen to staff's comments.

Mayor Tom Reid adjourned the public hearing for Conditional Use Permit No. CUP 2009-03 at 8:05 p.m.

Mayor Tom Reid opened the public hearing for Zone Change No. 2009-01Z at 8:05 p.m.

Zone Change No. 2009-01Z

Request of Stephen Engbrock, applicant for Third Coast Packaging, owner, for approval of a change in zoning district from classification Heavy Industrial (M-2) to Planned Development (PD), on the following described property:

LEGAL DESCRIPTION: 6.5953 acres located in the H.T & B.R.R. Co. Survey., Abstract 232, in the city of Pearland, Brazoria County, Texas as shown on the Amending Plat of Mykawa Investments Clerk's File No. 97-016096 B.C.C.O; remainder of a 12.00 acres Third Coast Packaging Inc. Clerk's File No. 97-016096 B.C.C.O.; and 2.9125 acres Third Coast Packaging, Inc. Clerk's File No. 00 022591 B.C.C.O.

GENERAL LOCATION: Located on 1871 Mykawa Road
P&Z Chairperson Henry Fuertes read the purpose of the hearing.

Planning Director Lata Krishnarao presented the staff report stating that staff recommended approval, and asked that the number of parking spaces meet the UDC requirements and amount not be mentioned on page 4 of their PD. In addition, staff discovered that the property has not been platted and would be required. Staff received no public comment forms on this zone change.

Grif Carnes, General Manager of Third Coast Packaging, Inc., 1871 Mykawa Rd., Pearland, Texas spoke.

There were no comments between Council/Commission/Staff. Legal recommended grievance for parking.

Mayor Tom Reid adjourned the public hearing for Zone Change No. 2009-01Z at 8:16 p.m.

Mayor Tom Reid opened the public hearing for Zone Change No. 2009-02Z at 8:16 p.m.

Zone Change No. 2009-02Z

Request of Jung Kwak, applicant for Montalbano Lumber Co. Inc., owner, for approval of a change in zoning district from classification Light Industrial (M-1) to Planned Development (PD), on the following described property:

LEGAL DESCRIPTION: 26.34 acres of land, being parts of and the North half of Lot 44 and all of Lot 49 of Zychlinski's Subdivision in the HT&B RR Co. Survey, Section 3, Abstract 232, and R.B Lyle Survey, Abstract 542, in the Brazoria County, Texas.

GENERAL LOCATION: Located on the West Side of SH 35 (North Main Street), and on the South Side of McHard Road

P&Z Chairperson Henry Fuertes read the purpose of the hearing.

Planning Director Lata Krishnarao presented the staff report adding that this PD was discussed at a joint workshop on November 17, 2008. Staff recommends approval but has the following concerns:

- 1) The PD states that the road connecting Main Street to Halik Road would be part of phase II, when the remainder 9 acre parcel is developed as M-1. The economic feasibility of developing 9 acres in conjunction with 1,100 feet (approx.) of roadway may hinder the development of rear parcels as industrial.
- 2) The size of the proposed detention greatly reduces the area of M-1 zoned developable land. Sharing the city's detention would be beneficial.
- 3) Agreements regarding future road connection to Halik Road over the Dolan tract have not been provided. If, due to unforeseen reasons, this easement/agreement is not obtained, then the status of the PD would be questionable. This needs to be addressed in the PD.
- 4) PD document include exhibits C, D, and E, as stated.

David Miller, 3603 W Pine Orchard, Pearland, Texas introduced himself on behalf of the applicant adding that he was available to answer any questions.

Mary Starr of 2706 Shady Creek, Pearland, Texas stated an agreement is in place by the seller, but cannot be signed until the zoning is in place.

William Baldy of 3714 Wingtail Way, Pearland, Texas commented that a traffic survey needed to be done for the area.

P&Z Vice-Chairperson Jerry Koza, Jr. expressed concern that all the property owners were not notified.

P&Z Chairperson Henry Fuertes expressed concern with the M-1 use and the potential availability. Mr. Fuertes stated he felt a PD should show the entire infrastructure, and feared the M-1 would never be developed.

Council Member Woody Owens recommended that the city notify all the property owners. Planning Director Lata Krishnarao explained how the ownership information is obtained through the city's mapping system.

Planning Director Lata Krishnarao distributed a revised version of the PD, stating that it was brought to staff earlier in the day, and staff has not had time to review it.

Mayor Tom Reid adjourned the public hearing for Zone Change No. 2009-02Z at 8:38 p.m.

Mayor Tom Reid opened the public hearing for the Amendment to the Unified Development Code (T-10) at 8:38 p.m.

AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE (T-10)

A request by the City of Pearland, for an amendment to the Unified Development Code, Ordinance No. 2000T, regarding platting of single family residential lots with existing structures.

Mayor Tom Reid read the purpose of the hearing.

Planning Director Lata Krishnarao presented both the applicant and staff report.

There was no public comment forms received on the Amendment.

Council Member Kevin Cole inquired if when the City met with the Surveyors, were they able to submit this in Auto-cad form. Planning Director Lata Krishnarao stated yes, and that this was a part of our checklist for platting.

Council Member Woody Owens inquired about the lots in the OT zoning district.

Mayor Tom Reid adjourned the public hearing for the Amendment to the Unified

Development Code (T-10) at 8:47 p.m.

ADJOURNMENT

Mayor Tom Reid adjourned the series of hearings at 8:47 p.m.

These minutes are respectfully submitted by:

Judy Krajca
Planning Administrative Secretary

Minutes approved as submitted and/or corrected on this _____ day of _____
2009, A.D.

Mayor Tom Reid

PLANNING & ZONING COMMISSION MEETING

DATE: 1-19-09

| NAME | COMPANY | ITEM OF INTEREST | COMMENTS |
|-----------------------------|-------------------|------------------|----------|
| William & MARJORIE BALDY | | cup 01 | |
| Josean Perel. | General Dynamics. | cup | |
| Jorge L. | Skymark | plot | |
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MEMO

TO: PLANNING & ZONING COMMISSION
FROM: JUDY KRAJCA, PLANNING ADMINISTRATIVE SECRETARY
DATE: January 14, 2009
RE: Outline of January 19, 2009 Meeting

The evening will begin with dinner arriving at 5:15 p.m. The menu is:

Shrimp Alfredo
Chicken Alfredo
Mixed Vegetables
New Potatoes
Caesar Salad
Bread Sticks

Italian Creme Cake

P&Z Agenda's Posted:

| | |
|--------------------------------|----------------------------|
| 6:30 p.m. Joint Public Hearing | Temporary Council Chambers |
| 6:30 p.m. P&Z Meeting | Engineering Conf. Rm. |

City Council's agenda consist of:

| | |
|--------------------------------|----------------------------|
| 6:30 p.m. Joint Public Hearing | Temporary Council Chambers |
|--------------------------------|----------------------------|

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JANUARY 19, 2009, AT 6:30 P.M., IN THE COMMUNITY CENTER, CITY HALL, 3523 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

Conditional Use Permit No. CUP 2009-01

Request of William and Marjorie Baldy, applicants and owners, for approval of a Conditional Use Permit to permit a garage in Old Townsite Mixed Use (OT-MU) District, on the following described property:

LEGAL DESCRIPTION: Lot 9, Block "F", of the Town of Pearland, Brazoria County, Texas, according to the map or plat thereof recorded in Volume 29, Page 41 of the deed record of Brazoria County, Texas.

GENERAL LOCATION: Located at 2117 North Houston Avenue.

III. APPLICATION INFORMATION AND CASE SUMMARY

**STAFF REPORT
APPLICANT PRESENTATION**

IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

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

JOINT PUBLIC HEARING AGENDA ITEM MEETING OF JANUARY 19, 2009

Conditional Use Permit No. CUP 2009-01

Request of William and Marjorie Baldy, applicants and owners, for approval of a Conditional Use Permit to permit a garage in Old Townsite Mixed Use (OT-MU) District, on the following described property:

LEGAL DESCRIPTION: Lot 9, Block "F", of the Town of Pearland, Brazoria County, Texas, according to the map or plat thereof recorded in Volume 29, Page 41 of the deed record of Brazoria County, Texas.

GENERAL LOCATION: Located at 2117 North Houston Avenue.

APPROVAL PROCESS: After this Joint Public Hearing, the requested zone change application will be considered as follows:

Planning and Zoning Commission: January 19, 2009*

City Council for First and Only Reading: January 26, 2009*

(*dates subject to change if item is tabled)

SUMMARY: The applicants are requesting a Conditional Use Permit to use the existing garage structure to park their classic automobile and truck. The property is located in the Old Townsite. The property is 50' X 125' with an alley on the south side. The existing metal building is 30' X 60' (1,800 sq. ft.) and will be used to park the vehicles inside. No outdoor parking is proposed on site.

The Unified Development Code (UDC) permits a garage for passenger cars and trucks of less than one ton capacity in an OT-MU zone with a CUP.

SURROUNDING ZONING AND LAND USES:

| | <u>Zoning</u> | <u>Land Use</u> |
|-------|--|--|
| North | Old Townsite Mixed Use (OT-MU) District | Single Family Residential, Commercial and warehouse along Orange Street. |
| South | Old Townsite Mixed Use (OT-MU) District | Single Family Residential |
| East | Old Townsite Mixed Use (OT-MU) District | Single Family Residential |
| West | Old Townsite General Business (OT-GB) District | Commercial (Advanced Appliance, Frontier Satellite) along Main Street, Vineyard Church |

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The OT-MU district requires a minimum lot width of 50' and minimum lot depth of 125'. Minimum lot area required is 3000 sq. ft. The subject property meets and exceeds the minimum requirements, as the subject property is 6,250 sq. ft. in area, 50' wide and 125' deep. The building conforms to the setbacks requirements of 0' front yard, 7.5' rear yard, and 5' side yard.

PLATTING STATUS: Upon the approval of the proposed amendment (T-10) to the UDC, being considered on January 19, 2009, platting is not required for this property, unless additions are proposed. A survey, addressing all the requirements of the UDC, would need to be provided to the city if a permit is required.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Village District" for the subject property and the surrounding properties. The Comprehensive Plan further indicates that the appropriate zoning districts for "Village District" are OT-MU (Old Townsite Mixed Use), OT-GB (Old Townsite General Business), and OT-R that were created in 2006, with the adoption of the UDC. Therefore, the current OT-MU conforms to the Comprehensive Plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on North Houston Avenue, a local street required a 50' right-of-way (ROW), as per the Thoroughfare Plan. North Houston Avenue has a 60' ROW.

AVAILABILITY OF UTILITIES: The subject parcel is served by public water and sewer lines.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The purpose of a CUP is to allow uses that may be suitable in certain locations within the district. CUP uses are generally compatible with the permitted uses in that zone, but require individual review of their proposed location, design, and configuration, and the imposition of conditions to ensure their appropriateness at a given location and compatibility with surrounding uses .

The subject property is currently zoned as OT-MU district that requires a CUP for the proposed garage. It seems like the structure was designed and used for a garage previously. Since the garage will be used for parking of personal vehicles and not for commercial uses, it should not have any negative impact on the surroundings or adversely affect the neighborhood character. It also appears, based on the surrounding land uses, that this area serves as a transition between the commercial uses along Main Street and Orange Street and the residential within Old Townsite.

PUBLIC NOTIFICATION: Public notice/comment forms were mailed to property owners within 200 feet of the subject property under consideration. A legal notice of public hearing was published in the local newspaper, and a Zoning Sign was placed on the subject property.

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

STAFF RECOMMENDATION: Staff recommends approval of the CUP to permit parking one passenger car and one truck of less than one ton capacity for the following reasons:

1. The proposed use, located within an existing structure, will not have any adverse or negative impact on the surrounding uses and neighborhood character.
2. The OT-MU zone allows for the proposed use with a CUP.
3. The existing structure is compatible to the surrounding structures and preserves the scale and character of the neighborhood.
4. The proposed use will not generate traffic which will be hazardous or conflict with existing traffic.

SUPPORTING DOCUMENTS:

- Zone Change Application
- Location Map
- Property Owner Notification List
- Zoning Map

- Future Land Use Plan
- Aerial Photograph

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



APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

Conditional Use Permit Request for: PARKING LOT OR GARAGE FOR
(list proposed use from the Table of Uses of the UDC)
PASSENGER CARS + TRUCKS OF LESS THAN ONE (1) TON CAPACITY.

Current Zoning District: OT MU.

Property Information:

Address or General Location of Property: 2117 N. HOUSTON
PEARLAND TX 77581
 Tax Account No. 237323
 Subdivision: Pearland Lot: 9 Block: F

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

PROPERTY OWNER INFORMATION:

NAME William + Marjorie Baldy.
 ADDRESS 3714 WINGTAIL WAY.
 CITY Pearland STATE TX ZIP 77584
 PHONE (281) 489-9124
 FAX (713) 946-5095
 E-MAIL ADDRESS FireWagon52@aol.com

APPLICANT INFORMATION:

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

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

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

Owner's Signature: [Signature] Date: 12-12-08.

Agent's Signature: _____ Date: _____

OFFICE USE ONLY:

| | | | |
|--------------------------|----------------------------|---------------------------------|------------------------------|
| FEES PAID: <u>250.00</u> | DATE PAID: <u>12-12-08</u> | RECEIVED BY: <u>[Signature]</u> | RECEIPT NUMBER: <u>64681</u> |
|--------------------------|----------------------------|---------------------------------|------------------------------|

Application No. CUP 2009-01

**William & Marjorie Baldy
3714 Wingtail Way
Pearland , Texas 77584
Ph. # 281-489-9124 Fax (713) 946-7827**

**To: City Of Pearland Zoning Commission & City Council
Attn: Application for conditional use Permit
Subject : 2117 N. Houston Pearland Tx**

William & Marjorie Baldy here by serve the City of Pearland with a letter of intent to apply for an application for a conditional use permit for 2117 N. Houston Pearland Texas 77581.

This Use is in accordance with your UDC chart provided to us by your zoning and permit dept. The requested use is , (Parking lot or Garage for passenger cars and trucks of less than one(1) ton capacity) as found in chapter 2: zoning Regulations Page 2-110.

The proposed use is for parking our classic automobile and pickup truck in it .

The Bldg. is 30' X 60' and is 1,800 sq. feet.

Bldg is of metal red iron design and has a concrete floor with 2 large over head metal doors.

It has water , sewer and electric.

Impact on the surrounding area is minimal. The vehicles will be parked behind closed and locked doors.

Thank You





Geographic Information System

City of Pearland Texas X = NaN Y = NaN Lon:NaN Lat:NaN

Tools

Navigation

Query/Info

Selection

System

Layers

- Show All
- Addresses
- Aerial Photos
- Appraisal Dist
- Boundary Layer
- City Boundaries
- Planning Layers
- Foreign Trade
- Land Use
- Retail and Office
- Platted Subdiv
- Platted Lots

Query

Buffer

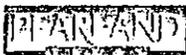
My Map

Lat/Long

Labeling

Help

Scale: 1 130 716



Geographic Information System

PEARLAND
Geographic Information System

Tools
X = 3149122 Y = 13772988 Lon: -95.2853 Lat: 29.5685

Navigation

Query/Info

Selection

System

PEARLAND PROPERTY

Layers

Query

Find Address

Direction:

Street Number
2117

Street Name
HOUSTON

Street Suffix

Select

New

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My Map

Lat/Long

Labeling

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Scale: 1,000
5 of 1

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| <p>A. Settlement Statement</p> <p style="text-align: center;">First American Title Insurance Company Settlement Statement</p> | <p>B. Type of Loan</p> <p>1-5. Loan Type Conv. Unins.</p> <p>6. File Number 1251292-H109</p> <p>7. Loan Number</p> <p>8. Mortgage Insurance Case Number</p> |
|---|--|

C. Note: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "POC" were paid outside this closing. They are shown here for informational purposes and are not included in the totals.

D. Name of Borrower: William E. Baldy, Marjorie A. Baldy
3714 Wingtail, Pearland, TX 77584

E. Name of Seller: Estate of Glenda L. Dawson, Deceased
2610 Dawson Drive Pearland, TX 77581

F. Name of Lender:

G. Property Location: 2117 N. Houston Ave., Pearland, TX 77581

| | |
|--|--|
| <p>H. Settlement Agent: First American Title Insurance Company Address: 2734 Sunrise Blvd, Suite 103, Pearland, TX 77584</p> <p>I. Place of Settlement Address: 2734 Sunrise Blvd, Suite 103, Pearland, TX 77584</p> | <p>L. Settlement Date: 11/17/2008</p> <p>Print Date: 11/14/2008, 10:20 AM</p> <p>Disbursement Date: 11/17/2008</p> |
|--|--|

| J. Summary of Borrower's Transaction | | K. Summary of Seller's Transactions | |
|---|-----------|--|-----------|
| 198. Gross Amount Due From Borrower | | 400. Gross Amount Due To Seller | |
| 101. Contract Sales Price | 80,000.00 | 401. Contract Sales Price | 80,000.00 |
| 102. Personal Property | | 402. Personal Property | |
| 103. Settlement charges to borrower (line 1100) | 1,096.33 | 403. Total Deposits | |
| 104. | | 404. | |
| 105. | | 405. | |
| Adjustments for items paid by seller in advance | | Adjustments for items paid by seller in advance | |
| 106. City/town taxes | | 406. City/town taxes | |
| 107. County taxes | | 407. County taxes | |
| 108. Assessments | | 408. Assessments | |
| 109. | | 409. | |
| 110. | | 410. | |
| 111. | | 411. | |
| 112. | | 412. | |
| 113. | | 413. | |
| 114. | | 414. | |
| 115. | | 415. | |
| 120. Gross Amount Due From Borrower | 81,096.33 | 420. Gross Amount Due To Seller | 80,000.00 |
| 200. Amounts Paid By Or In Behalf of Borrower | | 500. Reductions in Amount Due to Seller | |
| 201. Deposit or earnest money | 500.00 | 501. Excess deposit (see instructions) | |
| 202. Principal amount of new loan(s) | | 502. Settlement charges (line 1400) | 2,408.88 |
| 203. Existing loan(s) taken subject | | 503. Existing loan(s) taken subject | |
| 204. | | 504. Payoff of first mortgage loan | |
| 205. | | 505. Payoff of second mortgage loan | |
| 206. | | 506. | |
| 207. | | 507. | |
| 208. | | 508. | |
| 209. | | 509. | |
| Adjustments for items unpaid by seller | | Adjustments for items unpaid by seller | |
| 210. City/town taxes | | 510. City/town taxes | |
| 211. County taxes | | 511. County taxes | |
| 212. Assessments | | 512. Assessments | |
| 213. | | 513. | |
| 214. | | 514. | |
| 215. | | 515. | |
| 216. | | 516. | |
| 217. | | 517. | |
| 218. | | 518. | |
| 219. | | 519. | |
| 220. Total Paid By/For Borrower | 500.00 | 520. Total Reduction Amount Due Seller | 2,408.88 |
| 300. Cash At Settlement From/To Borrower | | 600. Cash At Settlement To/From Seller | |
| 301. Gross amount due from borrower (line 120) | 81,096.33 | 601. Gross amount due to seller (line 420) | 80,000.00 |
| 302. Less amounts paid by/for borrower (line 220) | 500.00 | 602. Less reductions in amounts due to seller (line 520) | 2,408.88 |
| 303. Cash (X From) (To) Borrower | 80,596.33 | 603. Cash (X To) (From) Seller | 57,591.12 |

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

Settlement Agent: _____ Date: _____

* See Supplemental Page for details.

| L. Settlement Charges | | |
|--|--|--|
| | Paid From Borrower's Funds at Settlement | Paid From Seller's Funds at Settlement |
| 700. Total Sales/Broker's Commission based on price \$60,000.00 @ 1.0000% = \$600.00 | | |
| Division of Commission (line 700) as follows | | |
| 701. | | |
| 702. \$600.00 to RE/MAX Top Realty | | |
| 703. Commission paid at Settlement | 600.00 | |
| 704. | | |
| 800. Items Payable in Connection with Loan | | |
| 801. Loan Origination Fee | | |
| 802. Loan Discount | | |
| 803. Appraisal Fee | | |
| 804. Credit Report | | |
| 805. Lender's Inspection Fee | | |
| 806. Mortgage Insurance Application Premium | | |
| 807. Assurpoun Fee | | |
| 808. | | |
| 809. | | |
| 810. | | |
| 811. | | |
| 812. | | |
| 813. | | |
| 814. | | |
| Supplemental Summary | | |
| 900. Items Required by Lender to be Paid in Advance | | |
| 901. Interest | | |
| 902. | | |
| 903. Hazard Insurance Premium for | | |
| 904. | | |
| 905. | | |
| Supplemental Summary | | |
| 1000. Reserves Deposited with Lender | | |
| 1001. Hazard Insurance | | |
| 1002. Mortgage Insurance | | |
| 1003. City Property Taxes | | |
| 1004. County Property Taxes | | |
| 1005. Annual assessments | | |
| 1006. | | |
| 1007. | | |
| 1008. Aggregate Accounting Adjustment | | |
| 1100. Title Charges | | |
| 1101. Settlement or closing fee | | |
| 1102. Abstract or title search | | |
| 1103. Title examination | | |
| 1104. Title Insurance Binder | | |
| 1105. Document Fee | | |
| 1106. Notary Fee | | |
| 1107. Attorney Fee | | |
| (includes above item numbers.) | | |
| 1108. Title Insurance - See supplemental page for breakdown of individual fees and payees (includes above item numbers: 50%/JBL each & Asso., PLLC) | | 571.00 |
| 1109. Lender's coverage \$0.00 | | |
| 1110. Owner's coverage \$50,000.00 Premium: \$571.00 | | |
| 1111. Closing fee to J. B. Leach & Associates, PLLC | 325.00 | 325.00 |
| 1112. Doc Prep to J. B. Leach & Associates, PLLC | | 125.00 |
| 1113. Tax Certificate - First American Title Insurance Company | | 89.03 |
| 1114. Guaranty Fee - First American Title Insurance Company | | 5.00 |
| 1115. TX-T-3 Survey Area & Boundary Amendment(R-15)-0500 - First American Title Insurance Company | | 85.85 |
| 1116. | | |
| 1117. | | |
| 1200. Government Recording and Transfer Charges | | |
| 1201. Recording fees: Deed \$20.00 Mortgage \$0.00 Release \$0.00 | | 20.00 |
| 1202. City/county taxstamps | | |
| 1203. State taxstamps | | |
| 1204. | | |
| 1205. | | |
| 1206. | | |
| 1300. Additional Settlement Charges | | |
| 1301. Survey to | | |
| 1302. Post Inspection to | | |
| 1303. 2008 Taxes to Brazoria County Tax Collector | 171.33 | 1,208.20 |
| 1304. | | |
| 1305. | | |
| 1306. | | |
| 1307. | | |
| 1308. | | |
| 1309. | | |
| 1310. | | |
| 1311. | | |
| 1312. | | |
| 1313. | | |
| 1314. | | |
| Supplemental Summary | | |
| 1400. Total Settlement Charges (enter on lines 103, Section J and 502, Section K) | 1,096.33 | 2,408.88 |

* See Supplemental Page for details.

| | |
|---|--------------------------------|
| Supplemental Page HUD-1 Settlement Statement | File No. 1251292-H109 |
| First American Title Insurance Company Settlement Statement | Loan No. |
| | Settlement Date: 11/17/2008 |
| Borrower Name & Address: William E. Baldy, Marjorie A. Baldy 3714 Wingtail, Pearland, TX 77584 | |
| Seller Name & Address: Estate of Glenda L. Dawson, Deceased 2610 Dawson Drive Pearland, TX 77581 | |

| Section L. Settlement Charges continued | Paid From Borrower's Funds at Settlement | Paid From Seller's Funds at Settlement |
|--|---|---|
| 1164. Supplemental Summary | 571.00 | |
| a) TX-T-1 ODP Simul (R-5a)-1200 - First American Title Insurance Company | | 571.00 |
| 1201. Supplemental Summary | 20.00 | |
| a) Record Dood - First American Title Insurance Company | | 20.00 |

| Section J. Summary of Borrower's Transaction continue | Borrower Charges | Borrower Credits |
|---|------------------|------------------|
| 188. Gross Amount Due From Borrower | | |
| 200. Amounts Paid By Or In Behalf of Borrower | | |
| 201. Supplemental Summary | 500.00 | |
| a) pcr7862/em | | 500.00 |

| The following Section is restated from the Settlement Statement Page 1 | | | |
|--|-----------|--|-----------|
| 300. Cash At Settlement From/To Borrower | | 600. Cash At Settlement To/From Seller | |
| 301. Gross amount due from Borrower (line 120) | 61,096.33 | 601. Gross Amount due to Seller (line 420) | 60,000.00 |
| 302. Less amounts paid by/for Borrower (line 220) | 500.00 | 601. Less reductions in amounts due to Seller (line 520) | 2,408.88 |
| 303. Cash (X From) (To) Borrower | 60,596.33 | 603. Cash (X To) (From) Seller | 57,591.12 |

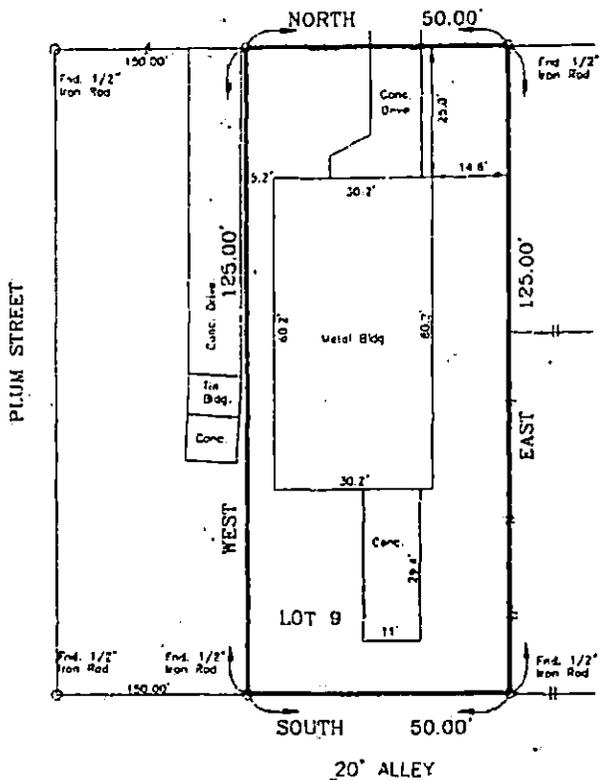
I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and distributions made on my account or by me in this transaction. I further certify that I have received a copy of the HUD-1 Settlement Statement.

WALKER L. TREESH

Registered Professional Land Surveyor
P.O. Box 2113 Pearland, Texas 77588 (281) 485-5191

Scale: 1"=20' Date: November 6, 2008 Job No. 08-3748
Purchaser: William F. Baldy and Marjorie A. Baldy
Property Address: 3117 North Houston Avenue, Pearland, Texas 77581

NORTH HOUSTON AVENUE (60' R.O.W.)



GENERAL NOTES:

1. This tract lies in Flood Zone "X" (unshaded) according to the F.E.M.A. Flood Insurance Rate Map for the City of Pearland, Texas, Community-Panel No. 480073, Dated Sept. 22, 1999.
2. The Surveyor has relied on a commitment for title insurance issued by First American Title Co., C.F. No. 1251292-H109, effective date, Oct. 3, 2008, with regard to any recorded easements, rights of way or set backs affecting the subject property.
3. Bearings are based on the recorded plat.
4. The certification shown hereon is revoked and this survey is null and void if this document is altered in any manner, used or relied upon by any person other than those addressed hereon, or does not bear an original seal and signature of the Surveyor on a blue-ink copy.

PLAT SHOWING A SURVEY OF LOT 9, BLOCK "F", OF THE TOWN OF PEARLAND, BRAZORIA COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 29, PAGE 41 OF THE DEED RECORDS OF BRAZORIA COUNTY, TEXAS

TO First American Title Co. and Purchaser exclusively.

I, Walker L. Treesh, Registered Professional Land Surveyor in the State of Texas, hereby certify that this plat represents a survey made on the ground under my direction and supervision on November 3, 2008. At the time of this survey there were no encroachments, conflicts or partitions apparent on the ground, EXCEPT AS SHOWN. This survey was performed in connection with the transaction described in C.F. No. 1251292-3109 of First American Title Co. THIS SURVEY IS CERTIFIED FOR THIS TRANSACTION ONLY. USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY OTHER PARTIES SHALL BE AT THEIR OWN RISK AND THE UNDERSIGNED SURVEYOR IS NOT RESPONSIBLE FOR ANY LOSS RESULTING THEREFROM.

Walker L. Treesh
WALKER L. TREESH, R.P.L.S. NO. 1663



Walker L. Treesh, R.P.L.S. No. 1663, has created and is providing certain electronic data in accordance with the provisions of the Texas Electronic Records Act (Act 111) and Act 112, all additions will be transmitted to the public. The surveyor is not responsible for the accuracy of the data provided to the public. The surveyor is not responsible for the accuracy of the data provided to the public. The surveyor is not responsible for the accuracy of the data provided to the public.

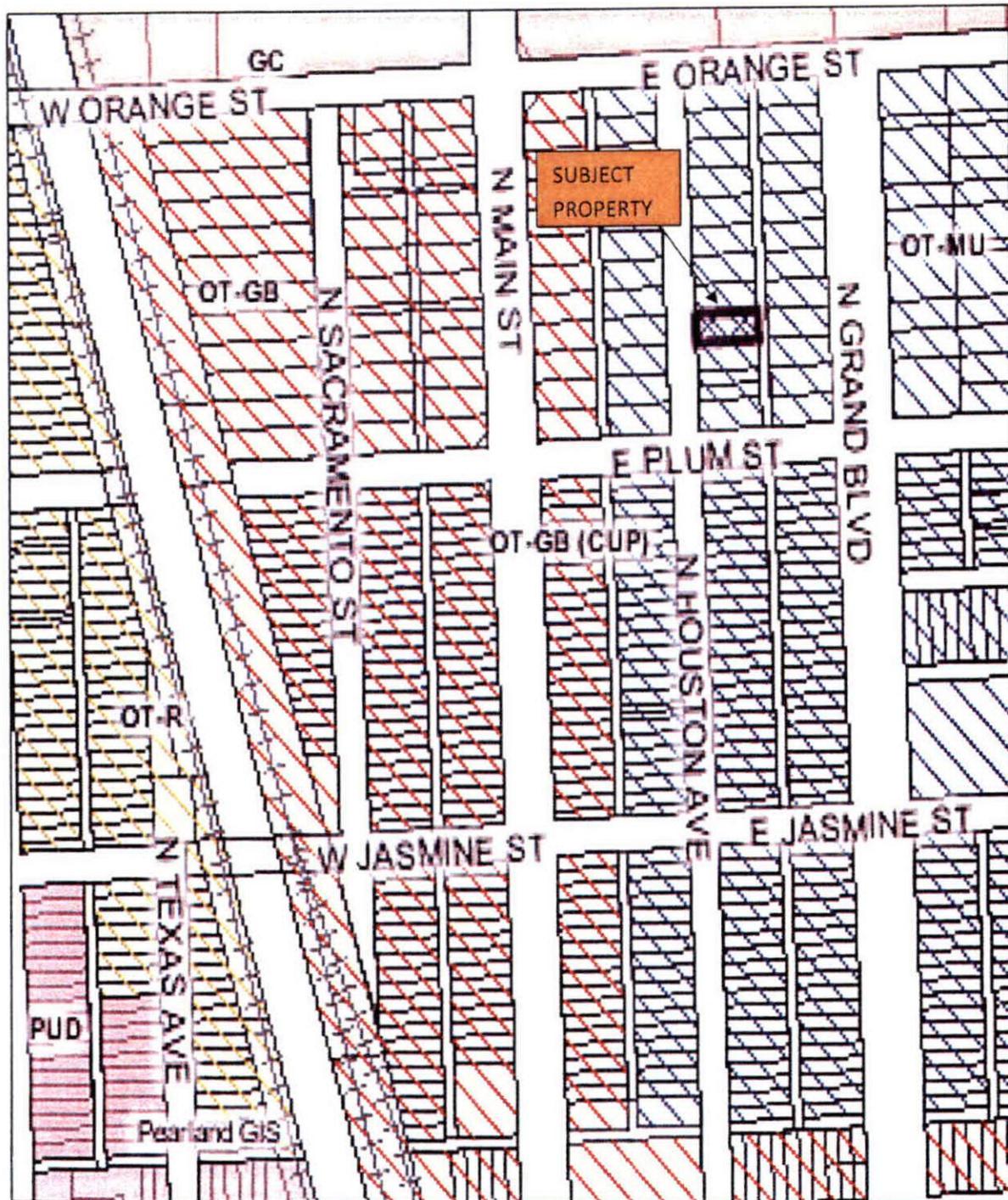


LOCATION MAP
CONDITIONAL USE PERMIT 2009-01
2117 N. HOUSTON



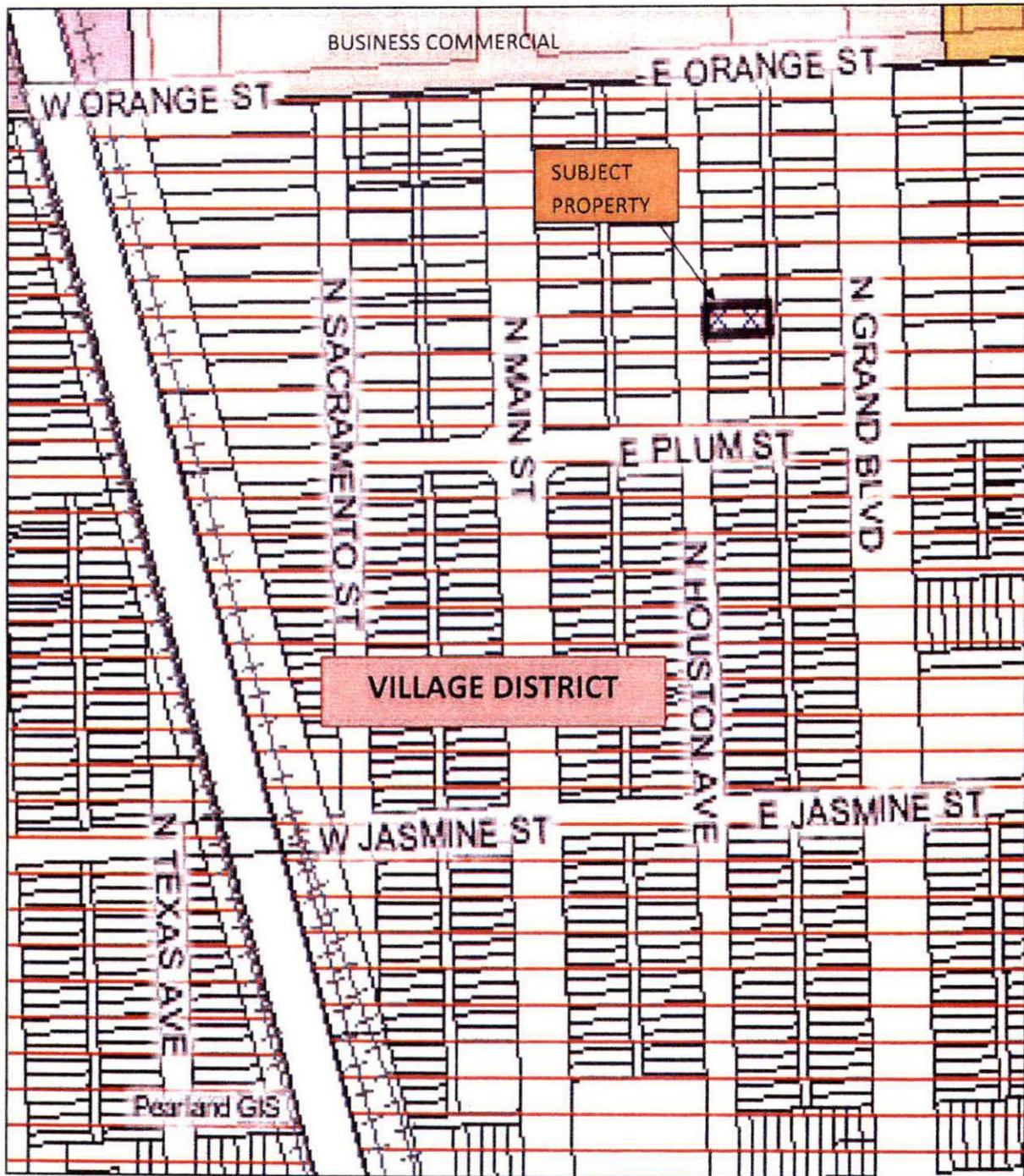
CUP APPLICATION NO. 2009-01
 2117 N.HOUSTON
 PROPERTY OWNERS NOTIFICATION LIST

| Tax Account | Owners Name | Mail Address | Mail City | Mail State | Mail Zip |
|---------------|-----------------------------------|---------------------------------|-------------|------------|----------|
| 7025-0577-110 | GOOSTREE RICHARD B | 212 WESTWOOD DR | FRIENDSWOOD | TX | 77546 |
| 7025-0577-111 | VINEYARD CHRISTIAN FELLOWSHIP INC | PO BOX 1577 | PEARLAND | TX | 77588 |
| 7025-0577-120 | CURRY RAY | 2017 GALVESTON AVE | PEARLAND | TX | 77581 |
| 7025-0577-121 | SOUTHWESTERN BELL TELE CO | 1 BELL CTR # 36-M-01 | SAINT LOUIS | MO | 63101 |
| 7025-0577-130 | PEARLAND LUMBER CO | PO BOX 1700 | PEARLAND | TX | 77588 |
| 7025-0577-140 | KIVEL HARRY R & JEANI | 2113 HOUSTON AVE | PEARLAND | TX | 77581 |
| 7025-0577-145 | COOK CAROLYN | 2115 HOUSTON AVE | PEARLAND | TX | 77581 |
| 7025-0577-150 | DAWSON GLENDA LOUISE | 2102 SLEEPY HOLLOW DR | PEARLAND | TX | 77581 |
| 7025-0577-160 | DAUGHERTY KEVIN & KIMBERLY | 2119 HOUSTON AVE | PEARLAND | TX | 77581 |
| 7025-0577-170 | ORAVETZ ROBERT A & BETH A | 2201 HOUSTON AVE | PEARLAND | TX | 77581 |
| 7025-0577-180 | ABSHIRE JANET BARBARA TRUST | 18 MILLVIEW COURT | SACRAMENTO | CA | 95833 |
| 7025-0577-190 | KEPT MEN PROPERTIES LLC | 2118 GRAND BLVD | PEARLAND | TX | 77581 |
| 7025-0577-210 | BOYNTON ESTELLE | PO BOX 36 | PEARLAND | TX | 77588 |
| 7025-0577-220 | SCHMALTZ PAUL T & BEVERLY | 2114 GRAND BLVD | PEARLAND | TX | 77581 |
| 7025-0577-230 | HAWKINS OLETA C | PO BOX 1753 | PEARLAND | TX | 77588 |
| 8110-2984-000 | TRIANGLE CAPITAL PROP LLC | 255 E PACES FERRY RD NE STE 300 | ATLANTA | GA | 30305 |
| OWNER | WILLIAM AND MARJORIE BALDY | 3714 WINGTAIL WAY | PEARLAND | TX | 77584 |



ZONING MAP
CONDITIONAL USE PERMIT 2009-01
 2117 N. HOUSTON

↑
 NORTH



FUTURE LAND USE MAP
CONDITIONAL USE PERMIT 2009-01
2117 N. HOUSTON

↑
NORTH



AERIAL MAP
CONDITIONAL USE PERMIT 2009-01
2117 N. HOUSTON

↑
NORTH

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JANUARY 19, 2009, AT 6:30 P.M., IN THE COMMUNITY CENTER, CITY HALL, 3523 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

Conditional Use Permit No. CUP 2009-02

Request of Kimley Horn, applicant, and CVS Pharmacy Inc., owner, for approval of a Conditional Use Permit to permit Autowash Self Service, in General Business (GB) District, on the following described property:

LEGAL DESCRIPTION: Lot 1 consisting of 1.0808 acres as shown in Replat CVS Sherwood, a subdivision of 4.8672 acres of land, being a partial replat of CVS Sherwood, Vol. 24, Pg. 170, B.C.P.R out of the Thomas J. Green Survey, A-198, City of Pearland, Brazoria County, Texas.

GENERAL LOCATION: Located at the southeast corner of Broadway Street (FM 518) and YMCA Drive.

III. APPLICATION INFORMATION AND CASE SUMMARY

STAFF REPORT

APPLICANT PRESENTATION

IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

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

JOINT PUBLIC HEARING AGENDA ITEM MEETING OF JANUARY 19, 2009

Conditional Use Permit No. CUP 2009-02

Request of Kimley Horn, applicant, and CVS Pharmacy Inc., owner, for approval of a Conditional Use Permit to permit Autowash Self Service, in General Business (GB) District, on the following described property:

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GENERAL LOCATION: Located at the southeast corner of Broadway Street (FM 518) and YMCA Drive.

APPROVAL PROCESS: After this Joint Public Hearing, the requested zone change application will be considered as follows:

Planning and Zoning Commission: January 19, 2009*

City Council for First and Only Reading: January 26, 2009*

(*dates subject to change if item is tabled)

SUMMARY: The applicant is requesting a Conditional Use Permit to build an Auto Wash (Self-Service) on the subject parcel. The parcel is located on the south east corner of Broadway Street (FM 518) and YMCA Drive. The parcel is currently vacant. The parcel is zoned General Business (GB) and a CUP is required for the proposed use.

Auto Wash (Self-Service) is defined as follows in the Unified Development Code (UDC):

Washing, waxing or cleaning of automobiles or light duty trucks where the owner of the vehicle causes the vehicle to become washed. One type of unattended car wash facility utilizes automated self-service (drive-through/rollover) wash bays and apparatus in which the vehicle owner inserts money or tokens into a machine, drives the vehicle into the car wash bay, and waits in the vehicle while it is being washed. The other type of unattended facility is comprised of a wand-type self-service(open) wash bays in which the vehicle owner drives the vehicle into the wash bay, gets out of the vehicle, and hand

washes the vehicle with a wand-type apparatus by depositing coins or tokens into a machine.

In addition to a tunnel / drive through wash, the applicant is proposing 20 vacuum bays on this one acre site. The access to the facility is proposed from Cruise lane, with no curb cuts on Broadway. The tunnel openings face Broadway and Cruise Lane while the more articulated primary façade faces YMCA Drive. The attached elevations are conceptual and will be modified to conform to the Corridor Overlay District requirements.

SURROUNDING ZONING AND LAND USES:

| | <u>Zoning</u> | <u>Land Use</u> |
|-------|--|--|
| North | Planned Development (PD) for a shopping center | Vacant Land |
| South | General Business (GB) District , Office Professional (OP) District | Detention basin, YMCA |
| East | General Business (GB) District | Commercial / retail / service (Firestone, CVS, Wachovia) |
| West | General Business (GB) District | Retail/service(Discount tire) |

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The GB district requires a minimum lot width of 150' and minimum lot depth of 125'. Minimum lot area required is 22,500 sq. ft. The subject one-acre property meets and exceeds the minimum requirements. Development on site would need to conform to all other requirements of the UDC.

PLATTING STATUS: The property has been platted.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Retail, Offices and Services" for the subject property and the surrounding properties. The Comprehensive Plan further indicates that the appropriate zoning districts are Neighborhood Services (NS), Office Professional (OP), and General Business (GB). Therefore, the current GB zone conforms to the Comprehensive Plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Broadway, a major thoroughfare requiring a 120' right of way (ROW); YMCA Drive and Cruise Lane, minor collectors requiring 60' ROW. Rights of way were acquired during platting.

AVAILABILITY OF UTILITIES: The subject parcel is served by public water and sewer lines.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: As per the UDC, the purpose of a CUP is to allow uses that may be suitable in certain locations within the district. CUP uses are generally compatible with the permitted uses in that zone, but require individual review of their proposed location, design, and configuration, and the imposition of conditions to ensure their appropriateness at a given location and compatibility with surrounding uses .

UDC states that the City Council may require such modifications in the proposed use and attach such conditions to the CUP as the Council deems necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of the CUP section. Conditions and modifications may include limitation on building size or height, increased open space, limitations on impervious surfaces, enhanced loading and parking requirements, additional landscaping, curbing, sidewalk, vehicular access and parking improvements, placement or orientation of buildings and entryways, buffer yards, landscaping and screening, signage restrictions and design, maintenance of buildings and outdoor areas, duration of the permit and hours of operation.

The UDC also states that the conditions imposed on the application shall not be subject to variances that otherwise could be granted by the ZBA, nor may conditions imposed by the City Council subsequently be waived or varied by the ZBA.

This building is located on a corner site and in the Corridor Overlay District (Broadway) and therefore its orientation and treatment of facades is important to the City's image. It appears that in its current orientation, the carwash opening will face Broadway and the more articulated facade with the glass windows and decorative awning will face YMCE drive.

Staff is concerned about the facade and structures visible from Broadway. Even if the applicant meets the articulation and transparency requirements for the facade along Broadway, it is staff's opinion that the location of the entrance to the car wash, proposed treatment of this façade wall, and location of other services such as vacuum stations and lift gates do not address the frontage on a major thoroughfare and a corridor. Staff would recommend reorienting the building so that the current west façade faces Broadway and placing vacuum stations behind the building. This would conform to the purpose of the Corridor Overlay District as stated in the UDC:

"The Corridor Overlay District (COD) is intended to help the city exercise greater control over the aesthetic, functional and safety characteristics of the development along newly constructed major thoroughfares within the City where higher development standards can effectively enhance the City's image as a desirable place to live, work, and shop."

In the recent past, the Planning and Zoning Commission and Council have required similar auto related uses to reorient their building to ensure that the garage doors and access to work areas do not face Broadway.

PUBLIC NOTIFICATION: Public notice/comment forms were mailed to property owners within 200 feet of the subject property under consideration. A legal notice of public hearing was published in the local newspaper, and a Zoning Sign was placed on the subject property.

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

STAFF RECOMMENDATION: Staff recommends approval of the CUP to permit Auto Wash (Self-Service) for the following reasons and with conditions listed below:

1. The proposed use will not have any adverse or negative impact on the surrounding uses and neighborhood character.
2. The GB zone allows for the proposed use with a CUP.

Staff recommends that the following conditions be considered:

1. Re-orientation (rotating the site plan by 90 degrees in a clockwise direction) of the building such that the current west façade faces Broadway with vacuum stations, lift gates and other accessory structures behind the building.
2. Additional landscaping (in addition to that required by the UDC) along Broadway (with possibly berms) to screen the vacuum stations, vacuum enclosures, auto sentry, lift gates, parking and other accessory structures from Broadway.

SUPPORTING DOCUMENTS:

- Zone Change Application
- Location Map
- Property Owner Notification List
- Zoning Map
- Future Land Use Plan
- Aerial Photograph



APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
231-652-1768
231-652-1702 fax
www.cityofpearland.com

Conditional Use Permit Request for: CRYSTAL PYE KIMLEY-HORN
(list proposed use from the Table of Uses of the UDC)

Current Zoning District: GENERAL BUSINESS (GB) & COMMERCIAL OVERLAY DISTRICT

Property Information:

Address or General Location of Property: SOUTHWEST CORNER OF BLANCHARD ST. (FRENCH) & SHERWOOD

Tax Account No. 2309-001-001

Subdivision: ONE SHERWOOD Lot: 1 Block: 1

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

PROPERTY OWNER INFORMATION:

NAME CVS PHARMACY, INC #5817-02
ADDRESS 1 CVS DRIVE
CITY WOOBURN CT STATE RI ZIP 02895
PHONE (401) 770-2533
FAX (401) 765-7881
E-MAIL ADDRESS MBNOLWINTN@CVS.COM

APPLICANT INFORMATION:

NAME CRYSTAL PYE KIMLEY-HORN
ADDRESS 1202 WEXCHESTER LN, SUITE 500
CITY HUNTINGTON STATE TX ZIP 77071
PHONE (281) 926-6308
FAX (281) 507-9032
E-MAIL ADDRESS CRYSTAL.PYE@KIMLEY-HORN.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: 11/12/08

Agent's Signature: [Signature] Michael B. Nulman Assistant Secretary Date: 11/14/08

OFFICE USE ONLY:

| | | | |
|--------------------------|----------------------------|---------------------------------|-----------------|
| FEES PAID: <u>250.00</u> | DATE PAID: <u>11-17-08</u> | RECEIVED BY: <u>[Signature]</u> | RECEIPT NUMBER: |
|--------------------------|----------------------------|---------------------------------|-----------------|

Application No. CUP 2008-26

CUP 2009-02

APPLICATION CHECKLIST FOR THE FOLLOWING

- Conditional Use Permits (CUP)

- Application, filled out completely, and signed by the owner of the property to be considered for the conditional use permit
- Metes and Bounds Description, Survey, or a Plat of the property.
- Parcel map, printed from the City of Pearland website, indicating the location and boundaries of the subject property.
- Letter of Intent, explaining the conditional use permit request in detail, specifying proposed uses, specific operations of the use, square footage of buildings, unique characteristics of the property, and any other necessary information
- Application fee of \$250.00, by cash, check made payable to the City of Pearland, or credit card (Visa and MasterCard only)
- Site Plan or Plot Plan showing the proposed layout of the subject property, including any proposed buildings, parking, landscaped areas, detention ponds, fences, and any other relevant information
- Acknowledgement of the sign to be posted on the property 10 days prior to the public hearing *(The signs are on order & will be posted on the property 10 days prior to the public hearing.)*

**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:

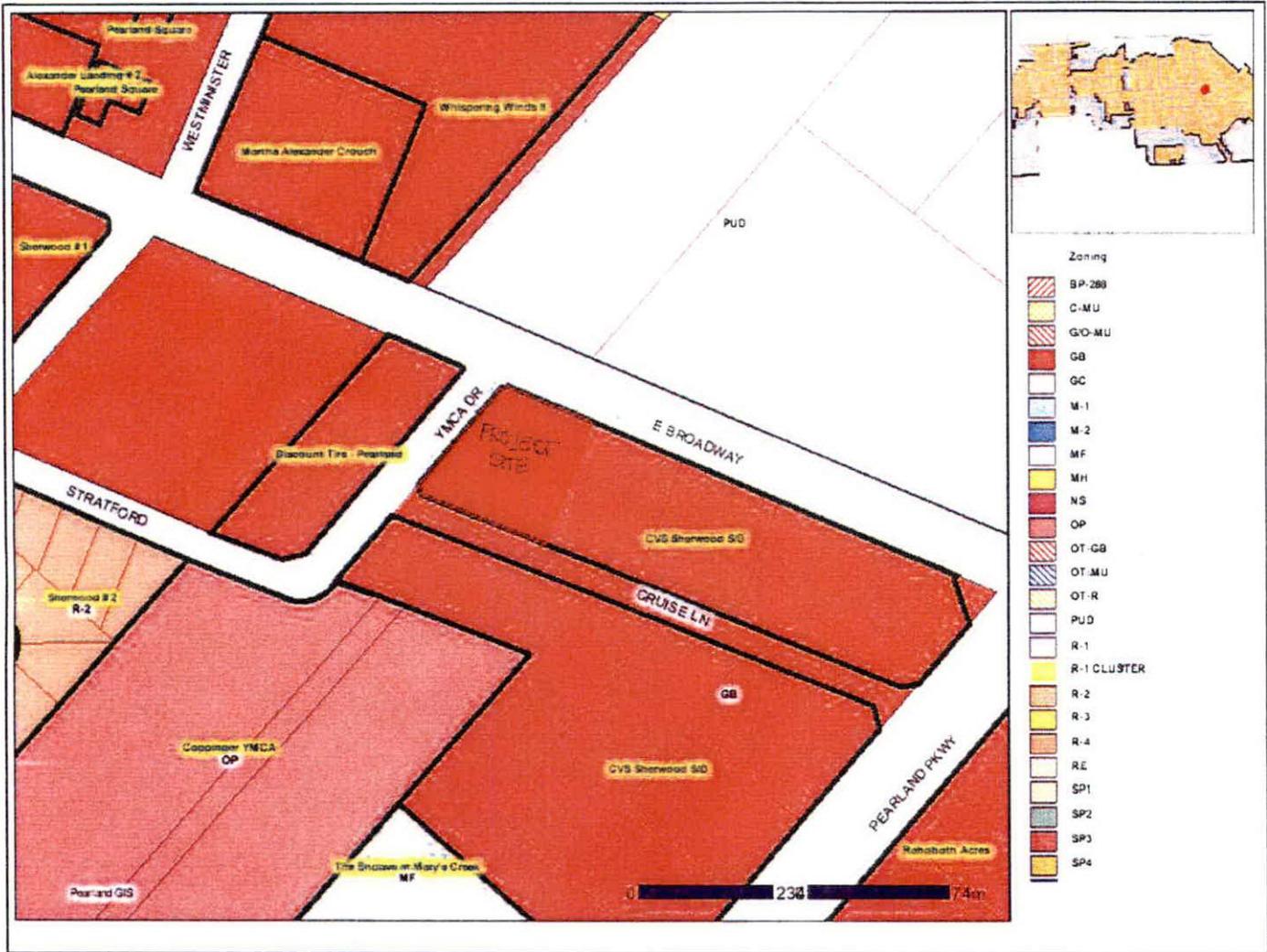
**PROPOSED ZONE CHANGE
Contact City of Pearland
281-652-1768**

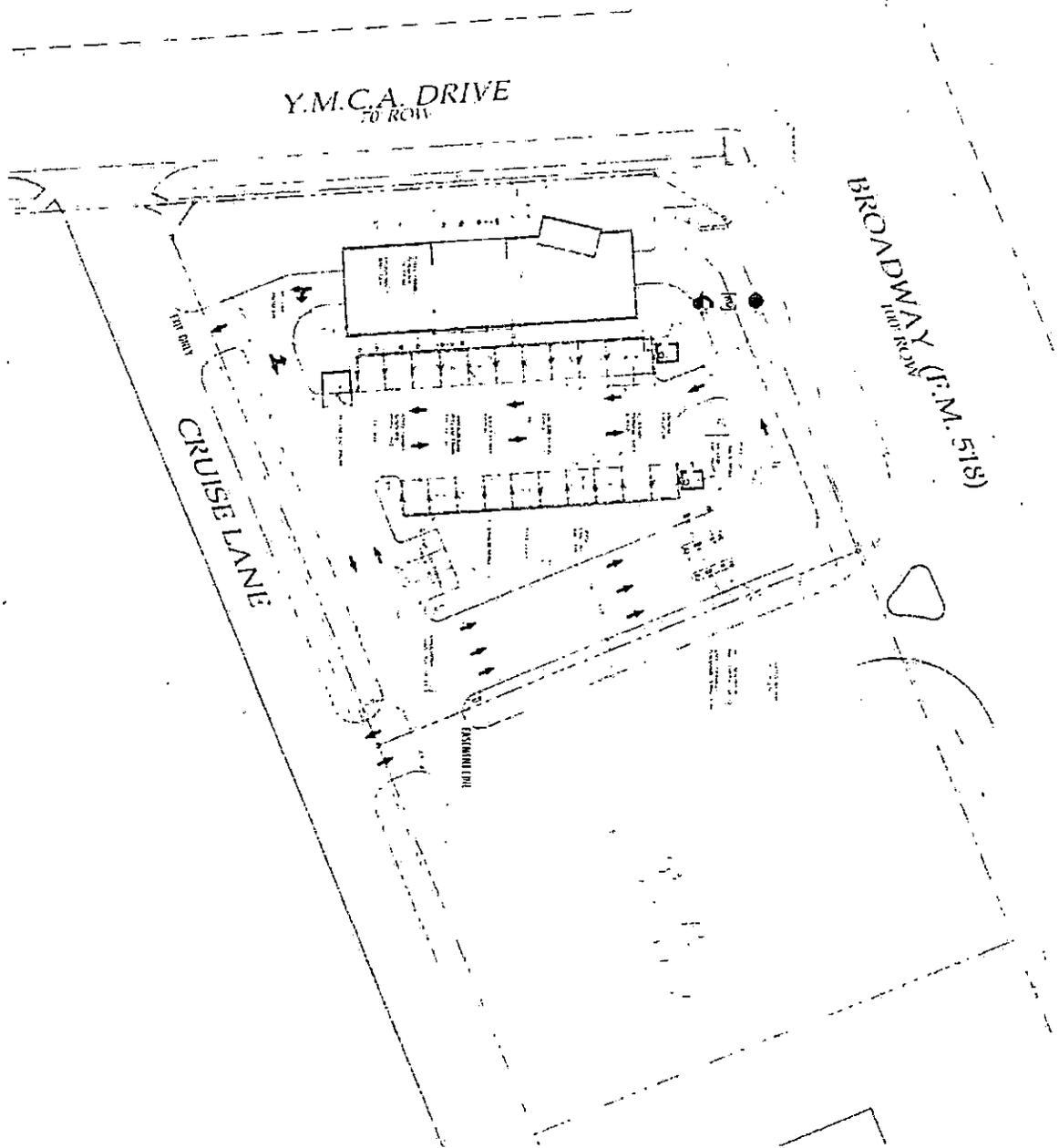
*Signs must be professionally made; handwritten signs are not allowed.

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

Additional Information:

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





| | | |
|----------------------------------|---|--|
| <p>A101 SITE PLAN</p> | <p>BlueWave CAR WASH</p> <p>518 & PEARLAND (TXHO-012) BW 3ED93</p> <p>BAISINGER PARTNERS ARCHITECTURE PC <small>2000 West Loop South, Suite 1000, Fort Worth, TX 76102 Phone: 817-339-1100 Fax: 817-339-1101 Website: www.baisingerp.com</small></p> | |
|----------------------------------|---|--|



November 5, 2008

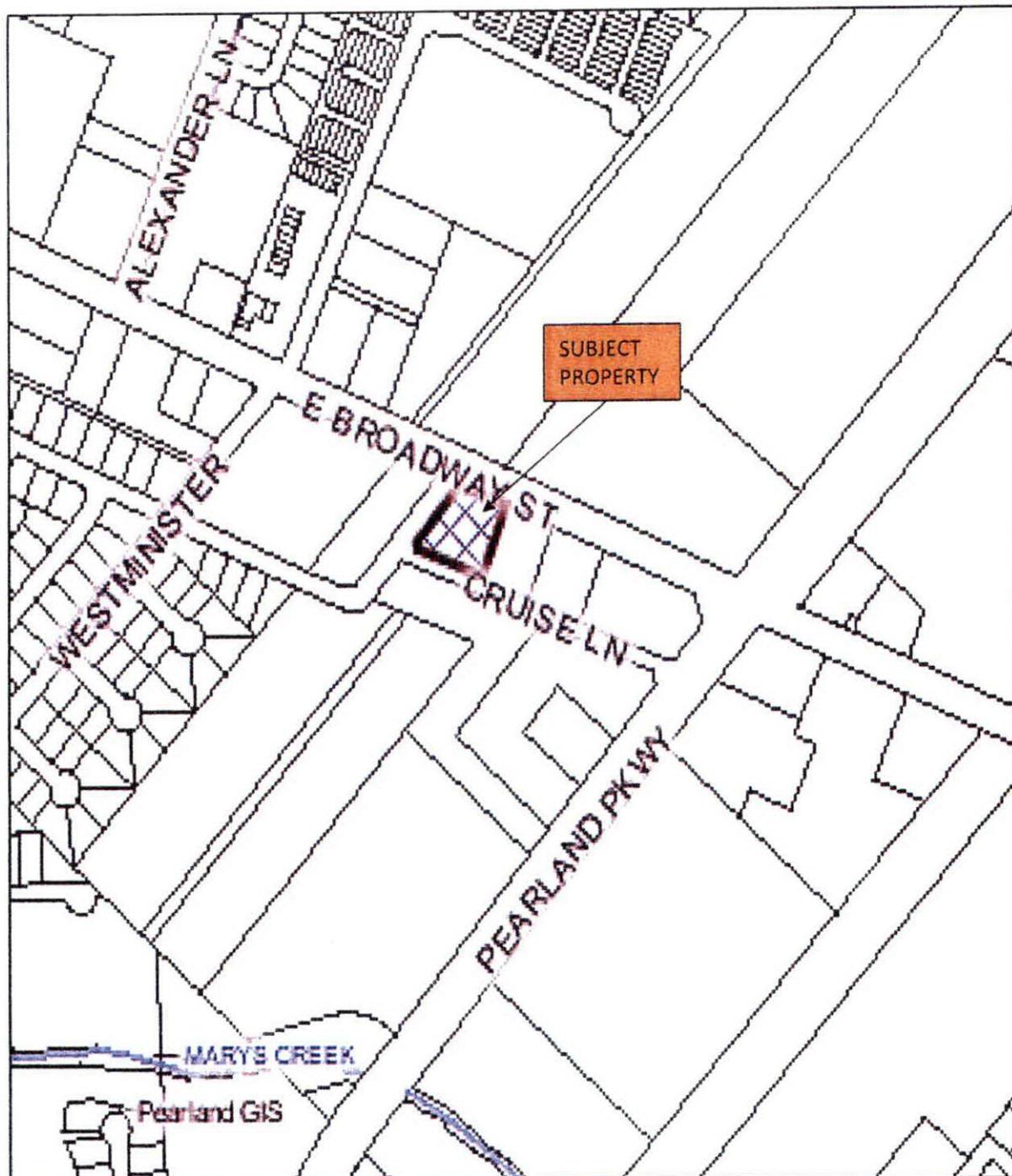
BlueWave Express:

- Operates a long conveyor express car wash. A long conveyor express car wash provides a superior service by washing & drying a vehicle in 3 minutes or less, with prices ranging from \$4.99 to 9.99.
- Provides vacuums to our customers free of charge.
- Stores are designed to be iconic, a brand symbol, including a large blue box & "BlueWave" awning as part of the building. Each store is 4,500 square feet.
- Locations are open from 7am to 7pm in the winter and from 7am to 8pm in the summer.
- Each location employs 6 to 7 individuals, though usually only two or three are on duty during our operating hours.
- Conservation – BlueWave reclaims up to 80% of the water used on each car, and is on its way to our reachable goal of using only 24 gallons of fresh water per car and 100 gallons of reclaimed per car.
- Contaminants – BlueWave's reclamation system captures virtually all of the contaminants that run off each vehicle and disposes of them outside of the watershed, unlike washing cars in the driveway at home where it all goes in to the watershed.
- Fuel Economy – Because the BlueWave Express wash process takes 3 minutes or less, vehicles idle in the queue lanes less, burning less fuel, and creating fewer carbon emissions.
- Bio-degradable Detergents – Phosphates from other detergents degrade water quality and can create excess algae growth. BlueWave Express only uses non-toxic, non-acid based, and fully bio-degradable chemicals in its wash process.
- Energy Efficient Building – Each BlueWave car wash is constructed with additional insulation to shed heat. The glass is tinted to reduce heat gain and the "bluewave" awning shields a fifth of the building as well as much of the vacuum area.

5335 SW Meadows Rd., Suite 400, Lake Oswego, OR 97035
office: 877-503-0008 / fax: 877-214-6686
www.bluewaveexpress.com



- Landscaping – we use native plants and ground cover which is drought resistant.

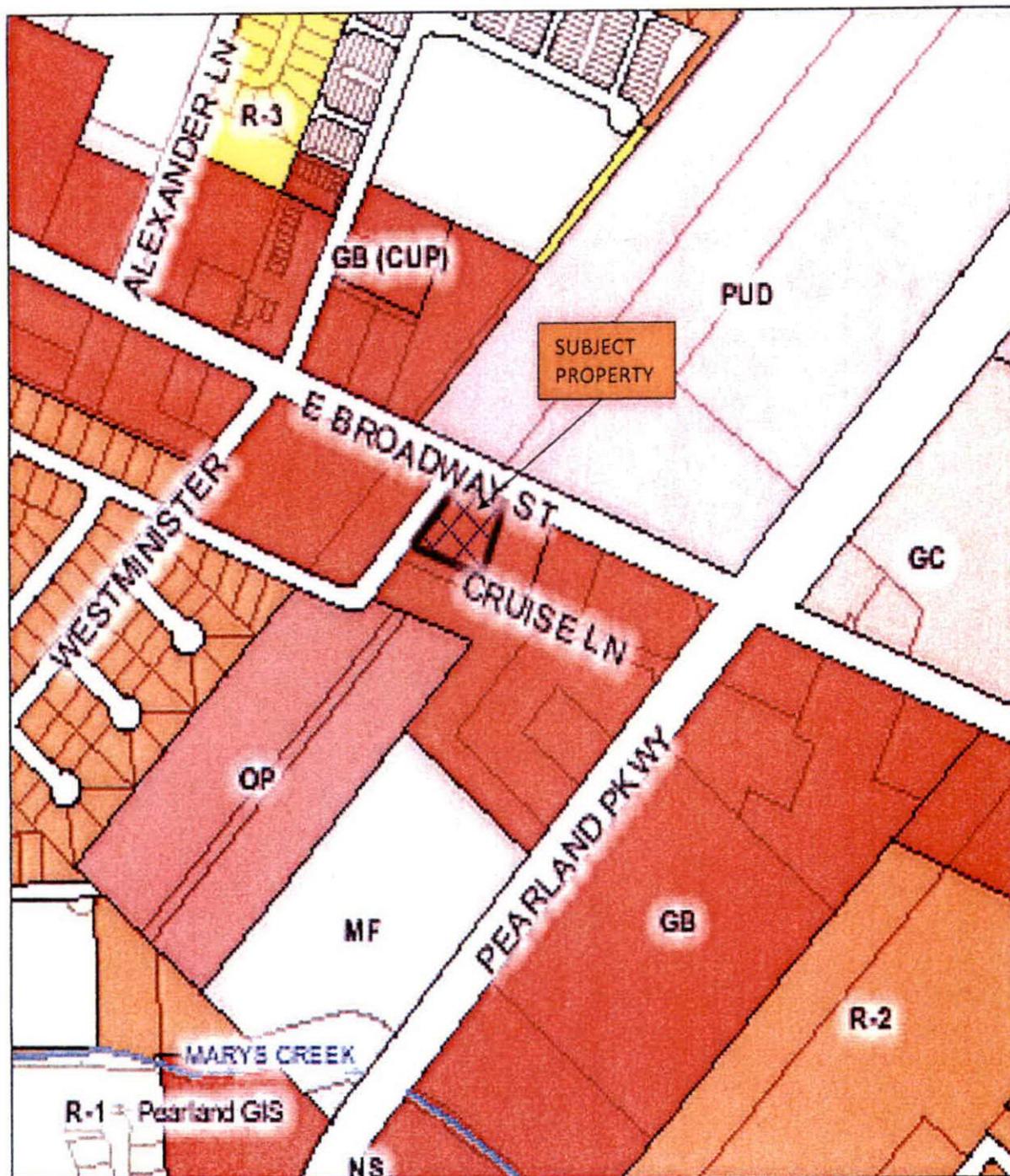


LOCATION MAP
CONDITIONAL USE PERMIT 2009-02
S.E. CORNER BROADWAY AND YMCA DR.

↑
NORTH

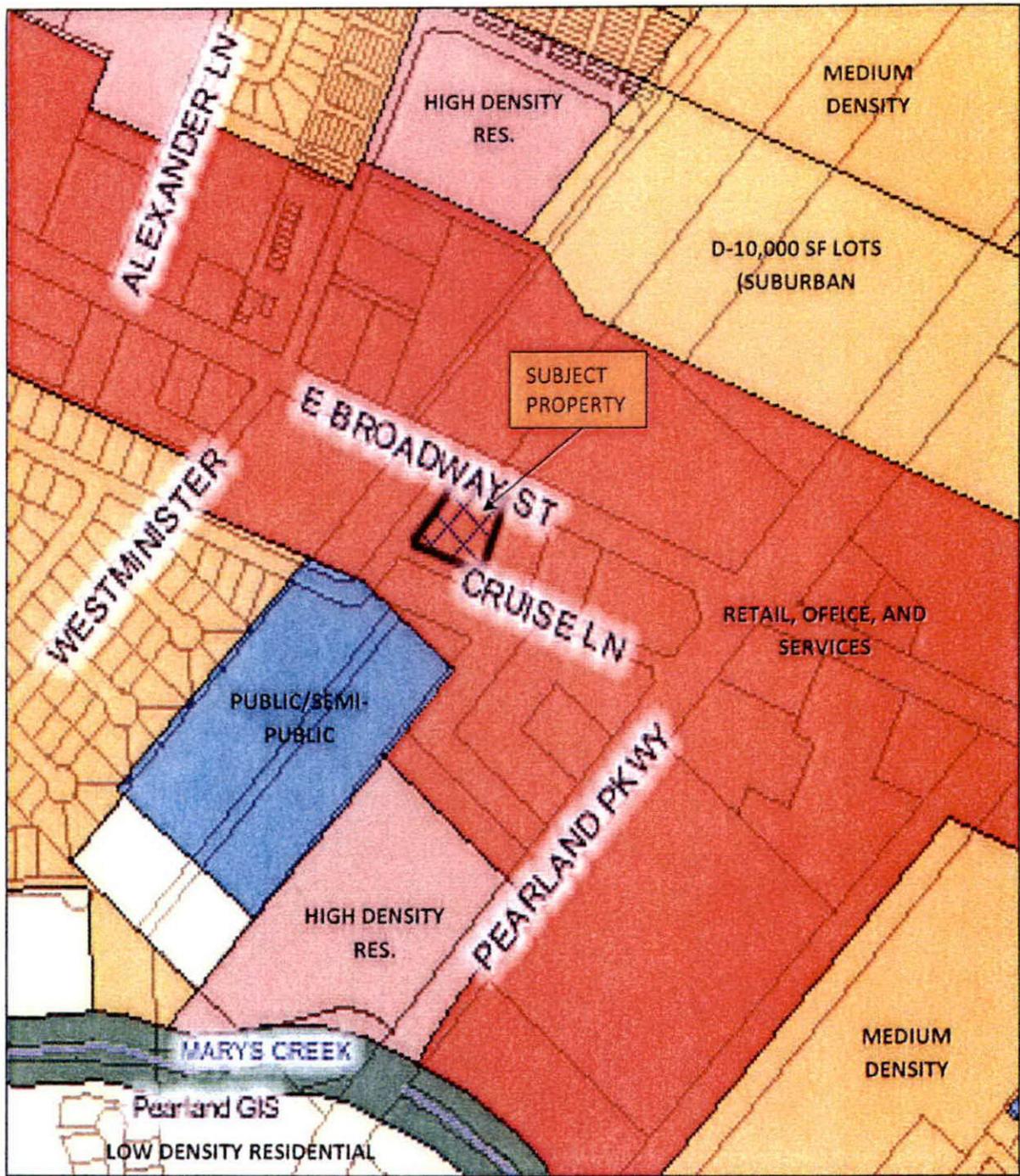
CUP APPLICATION NO. 2009-02
S.E. CORNER OF BROADWAY AND YMCA DR.
PROPERTY OWNERS NOTIFICATION LIST

| Tax Account | Owners Name | Mail Address | Mail City | Mail State | Mail Zip |
|---------------|-------------------------|-----------------------|------------|------------|----------|
| 0198-0009-004 | CVS PEARLAND PARKWAY,LP | ONE CVS DRIVE | WOONSOCKET | RI | 2895 |
| 0198-0012-000 | HALLE ENTERPRISES LLC | 20225 N SCOTTSDALE RD | SCOTTSDALE | AZ | 85255 |
| 0198-0013-000 | YMCA | 1600 LOUISIANA ST | HOUSTON | TX | 77002 |
| 0198-0013-000 | YMCA | 1600 LOUISIANA ST | HOUSTON | TX | 77002 |
| 0198-0013-000 | YMCA | 1600 LOUISIANA ST | HOUSTON | TX | 77002 |
| 0198-0014-145 | SEALY CARLITA SETTEGAST | 6123 MEADOW LAKE LN | HOUSTON | TX | 77057 |
| 0198-0014-145 | SEALY CARLITA SETTEGAST | 6123 MEADOW LAKE LN | HOUSTON | TX | 77057 |
| APPLICANT | KIMLEY-HORN | 12012 WICKCHESTER | HOUSTON | TX | 77079 |
| OWNER | CVS PHARMACY INC. | 1 CVS DRIVE | WOONSOCKET | RI | 2895 |



ZONING MAP
CONDITIONAL USE PERMIT 2009-02
S.E. CORNER BROADWAY AND YMCA DR.

↑
NORTH



FUTURE LAND USE MAP
CONDITIONAL USE PERMIT 2009-02
 S.E. CORNER BROADWAY AND YMCA DR.

↑
 NORTH



AERIAL MAP
CONDITIONAL USE PERMIT 2009-02
S.E. CORNER BROADWAY AND YMCA DR.

↑
NORTH



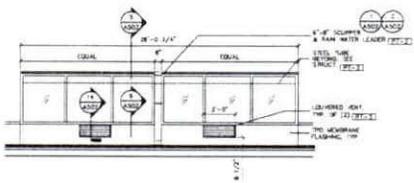




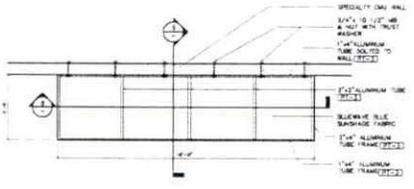




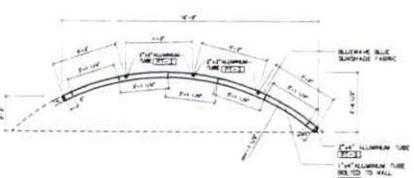




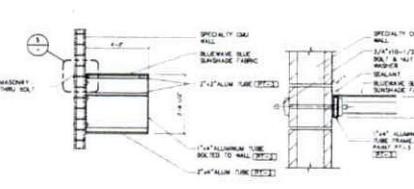
1 GLASS BOX REAR ELEVATION AT ROOF
SCALE 1/4" = 1'-0"



2 PLAN DETAIL AT ENTRANCE CANOPY
SCALE 1/4" = 1'-0"



3 SECTION DETAIL AT ENTRANCE CANOPY
SCALE 1/4" = 1'-0"

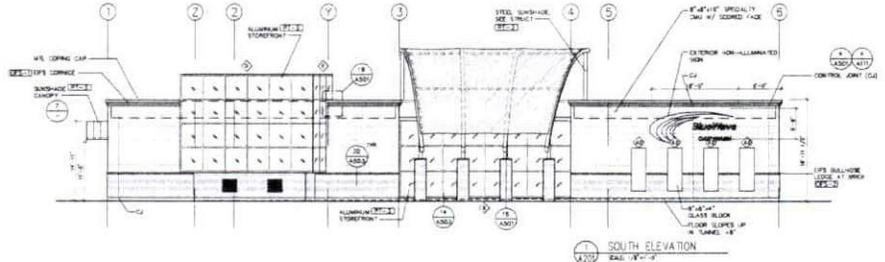


4 SECTION DETAIL AT ENTRANCE CANOPY
SCALE 1/4" = 1'-0"

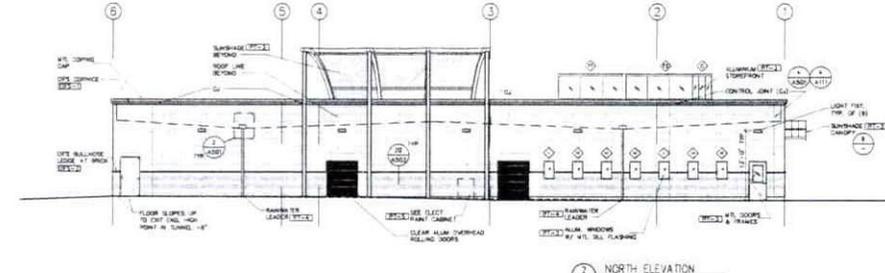


5 CANOPY CONNECTION DETAIL
SCALE 1/4" = 1'-0"

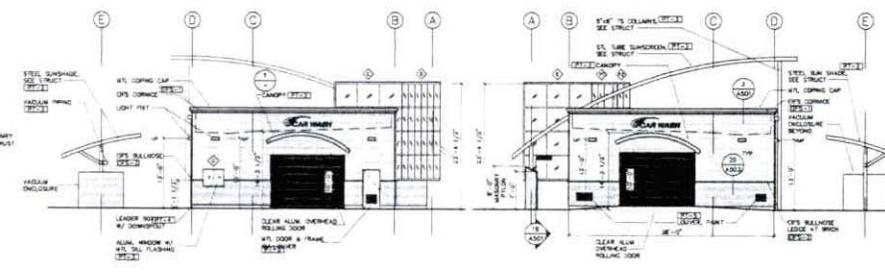
NOTES:
1) W/1 CORING CAP & SERVICE AREA (SEE PLAN)
2) BRICK VENEER & W/10-1/2\"/>



6 SOUTH ELEVATION
SCALE 1/4" = 1'-0"



7 NORTH ELEVATION
SCALE 1/4" = 1'-0"



8 WEST ELEVATION
SCALE 1/4" = 1'-0"

9 EAST ELEVATION
SCALE 1/4" = 1'-0"

BlueWave
CANT WASH

145 & FM 446 LEAGUE CITY (TXHO-011) BW 07/150
BAYSINGER PARTNERS ARCHITECTURE PC
10615 Leander Rd., Suite 200, Austin, TX 78754
Phone: 512.453.2232 Fax: 512.453.2232

ISSUED / REVISION / DATE

ORIGINAL ISSUE DATE: 10/11/08
DRAWN BY: SMM / PCD/EDB

EXTERIOR ELEVATIONS

A201
RD SET

PRELIMINARY
NOT FOR CONSTRUCTION

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JANUARY 19, 2009, AT 6:30 P.M., IN THE COMMUNITY CENTER, CITY HALL, 3523 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

Conditional Use Permit No. CUP-2009-03

Request of Verizon Wireless, applicant, and Dennis & Vicki Walters, owners, for approval of a Conditional Use Permit to permit Cellular Communications Tower, in Suburban Residential – 12 (SR-12) District, on the following described property:

LEGAL DESCRIPTION: 6.1198 acre tract of land as conveyed to Dennis J. Walters and wife Vicki Z. Walters by Warranty Deed with Vendor's Lien dated May 20, 1986 and filed for record under Volume 86-280, Page 474 of the Brazoria County Deed Records, and also being a portion of Lot 7 of the Allison Richey Gulf Coast Home Company Subdivision as shown on plat filed for record under Volume 2, Page 23 of the Brazoria County Plat records..

GENERAL LOCATION: Located at 1709 Stone Road.

III. APPLICATION INFORMATION AND CASE SUMMARY

STAFF REPORT

APPLICANT PRESENTATION

IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

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

JOINT PUBLIC HEARING AGENDA ITEM MEETING OF JANUARY 19, 2009

Conditional Use Permit No. CUP 2009-03

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GENERAL LOCATION: Located at 1709 Stone Road.

APPROVAL PROCESS: After this Joint Public Hearing, the requested zone change application will be considered as follows:

Planning and Zoning Commission: January 19, 2009*
City Council for First and Only Reading: January 26, 2009*

(*dates subject to change if item is tabled)

SUMMARY: The applicant is requesting a Conditional Use Permit to construct a new 140' cell tower with the supporting equipment on this site located on the east side of Stone Road, south of Longleaf Road. The parcel is currently being used as a family-owned storage facility with indoor and outdoor storage to store autos, boats, campers and other storage. It appears that the site also contains two residences, and an office. The parcel is zoned Suburban Residential – 12 (SR-12) District and a CUP is required for the proposed use. The current use of the subject parcel as storage is non-conforming. The storage buildings are metal building and the drives and aisles are a combination of grass and gravel.

The cell tower will be located towards the rear of the site, approximately 900 feet from the street. It is not clear what the setbacks would be from the rear and side property lines.

The applicant has indicated that the leased area for the proposed facility would be 50'X50' and the tower would be designed to accommodate three carriers including Verizon. The tower and ground equipment is proposed to be enclosed by an 8' tall chain link fence with barbed wire strands at the top. The leased area would be paved with crushed lime stone. This would be the first Verizon tower in the city of Pearland.

The height of the tower will be 140' to the top of the pole. Antennae and lighting rod will project beyond that height. The total height is not specified. The antennae would project out from the tower.

According to the UDC, regulations regarding telecommunication towers and antennae are intended to "maximize the use of new and existing towers to prevent the proliferation of unnecessary towers and to minimize the adverse visual impacts of towers and antennas through design, location, landscaping and screening requirements." It is not certain if any existing facilities in the vicinity can be used.

SURROUNDING ZONING AND LAND USES:

| | <u>Zoning</u> | <u>Land Use</u> |
|-------|--|---------------------------------|
| North | Single Family Residential 1 (R-1) District | Single Family Residential homes |
| South | Single Family Residential 1 (R-1) District | Single Family Residential homes |
| East | Single Family Residential 1 (R) | Single Family Residential homes |
| West | Single Family Residential 1 (R) | Single Family Residential homes |

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The R-1 district requires a minimum lot width of 80' and minimum lot depth of 90'. Minimum lot area required is 8,800 sq. ft. The subject property with 6.1 acres meets and exceeds the minimum requirements. Development on site would need to conform to all other requirements of the UDC.

PLATTING STATUS: The property would need to be platted.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Low Density Residential" for the subject property and the surrounding properties. The Comprehensive Plan further indicates that the appropriate zoning districts are Single Family Estate District (R-E) and Single-Family Residential 1 (R-1). Therefore, the current SR-12 zone conforms to the Comprehensive

Plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Stone Road, a major collector requiring an 80' right of way (ROW). Additional ROW dedication would be required during platting.

AVAILABILITY OF UTILITIES: The subject parcel is not served by public water and sewer lines.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: As per the UDC, the purpose of a CUP is to allow uses that may be suitable in certain locations within the district. CUP uses are generally compatible with the permitted uses in that zone, but require individual review of their proposed location, design, and configuration, and the imposition of conditions to ensure their appropriateness at a given location and compatibility with surrounding uses .

UDC states that the City Council may require such modifications in the proposed use and attach such conditions to the CUP as the Council deems necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of the CUP section. Conditions and modifications may include limitation on building size or height, increased open space, limitations on impervious surfaces, enhanced loading and parking requirements, additional landscaping, curbing, sidewalk, vehicular access and parking improvements, placement or orientation of buildings and entryways, buffer yards, landscaping and screening, signage restrictions and design, maintenance of buildings and outdoor areas, duration of the permit and hours of operation.

The UDC also states that the conditions imposed on the application shall not be subject to variances that otherwise could not be granted by the ZBA, nor may conditions imposed by the City Council subsequently be waived or varied by the ZBA.

The area is characterized by single family homes on large residential lots. The proposed tower will be visible from the surrounding residential communities on Long Leaf Drive, Grovewood Court, Seddon Road etc. There has been some concern in the past regarding the negative aesthetic and economic impact of such a tower on adjoining residential properties. A telecommunications tower has not been considered a desirable use in a residential district, especially in an area with suburban character as this site.

To mitigate the aesthetic impact, the applicant can consider stealth techniques like flag poles or similar. Attached report shows examples of techniques that have been used in other places.

The plans indicate that a chain link fence with three strands of barbed wire is being

proposed around the monopole and the equipment. Barbed wire fencing is not permitted in the ordinance. Section 4.2.4.2 of the UDC provides screening requirements for utility equipment, including switching equipment, boxes, cabinets, cable equipment, wiring, and the like. If this is approved, as in the past, staff recommends that the facility be fully enclosed in a masonry building or walls, tall enough to obscure the equipment, transformer, and bridge, with landscaping around, to be compatible with the character of the general area.

As in the past, staff would recommend that the area around the facility be landscaped with shrubs and trees. A detailed site plan showing the type and amount of landscaping, type and height of fencing, setbacks of the proposed tower and leased area from the property boundaries, and paving of the access road needs to be provided, if the CUP is approved.

Height of the tower is another concern. The last tower permitted on Hatfield Road was proposed at 90' with outside antennae. The council directed the applicant to enclose the antennae within the monopole and allowed a 100' tall tower. The subject tower is proposed at a height of 140' with outside antennae. Staff would recommend that the height of the tower be reduced.

Co-location

The UDC specifies that the applicant must provide an inventory of the existing towers with the City. This has been provided.

The proposed tower will be available to accommodate future wireless facilities. It is not sure if another existing structure, located within a reasonable distance, would allow for co-location. The applicant has not addressed this issue.

The ordinance also states that the effects of radio frequency emissions on persons or the environment must not be considered in a proceeding involving an application for a Conditional Use Permit.

Improvements Required

This expansion will trigger other requirements in the UDC including façade material, sidewalks, parking, landscaping, and screening/fencing.

Façade material- Since the property is zoned residential, there are no masonry requirements. However, the CUP can require additional requirements.

Sidewalks – Six foot wide sidewalks would be required along Stone Road. A payment may be made to the sidewalk fund in lieu of constructing sidewalks, if approved in this CUP by the City Council.

Parking – Parking requirements of the UDC need to be met. All off street parking and aisles would need to be paved with an all-weather surface. Currently, the aisles and drives are either gravel or grass.

Landscaping – The site would need to conform to the landscaping requirements in the UDC that would include street trees, parking lot trees, and shrubs to screen parking from street.

Screening/fencing – Since this non-residential use abuts residentially used and zoned parcels, screening requirements would include a 6' masonry fence along the side abutting residential with a 25' landscaped buffer or a 30' buffer without masonry fence. If the residential users approve, the applicant may retain existing fences with a 25' wide buffer. The existing fences are a combination of wooden and chain link.

The development would need to conform to all other requirements of the UDC pertaining to non-residential use.

The applicant may apply for special exceptions or variances from these requirements. As stated earlier - "...the conditions imposed on the application shall not be subject to variances that otherwise could be granted by the ZBA, nor may conditions imposed by the City Council subsequently be waived or varied by the ZBA."

PUBLIC NOTIFICATION: Public notice/comment forms were mailed to property owners within 200 feet of the subject property under consideration. A legal notice of public hearing was published in the local newspaper, and a Zoning Sign was placed on the subject property.

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

STAFF RECOMMENDATION: Staff recommends approval of a Conditional Use Permit (CUP) to allow Cellular Communications Tower on the subject parcel for the following reasons, with the conditions listed below.

1. The GB zone allows for the proposed use with a CUP.
2. The proposed use will not have any adverse or negative impact on the surrounding uses and neighborhood character, if the following conditions and other concerns, if any, are addressed.

Staff recommends that the following conditions be considered:

1. The facility be fully enclosed in a masonry building or masonry walls, tall enough to obscure the equipment, transformer, and bridge, with landscaping around, to be compatible with the character of the general area. Barbed wire is not permitted by UDC.
2. A paved road be provided to access the facility.

3. Stealth techniques, such as flag pole or monopole with enclosed antennae, be considered, to ensure that the facility is compatible to the area.
4. The total height (including antennae, equipment, and rods) of the monopole tower be lowered to 100'
5. A detailed site plan showing the type and amount of landscaping, type and height of fencing, setbacks of the proposed tower and leased area from the property boundaries, and paving of the access road be provided.

SUPPORTING DOCUMENTS:

- Zone Change Application
- Location Map
- Property Owner Notification List
- Zoning Map
- Future Land Use Plan
- Aerial Photograph



APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

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

Conditional Use Permit Request for: Cellular Communications Tower
(list proposed use from the Table of Uses of the UDC)

Current Zoning District: Residential zoning District SR-12

Property Information:

Address or General Location of Property: 1709 Stone Rd
Pearland, TX 77581

Tax Account No. 0505-0017-000

Subdivision: Allison Richey Gulf Coast Co. Lot: 7 Block: _____

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

PROPERTY OWNER INFORMATION:

NAME Dennis & Vicki Waters
ADDRESS 1721 Stone Rd
CITY Pearland STATE TX ZIP 77581
PHONE (832) 276-1503
FAX (_____) N/A
E-MAIL ADDRESS N/A

APPLICANT INFORMATION:

NAME Verizon Wireless / Atty. Josean Perez
ADDRESS 4010 Tulip Glen Ct
CITY Katy STATE TX ZIP 77449
PHONE (713) 829-3099
FAX (281) 599-0899
E-MAIL ADDRESS josean.perez@GDET.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: 11/12/08

Agent's Signature: [Signature] Date: 11/11/08

OFFICE USE ONLY:

| | | | |
|--------------------------|----------------------------|---------------------------------|-----------------------|
| FEES PAID: <u>250.00</u> | DATE PAID: <u>11-17-08</u> | RECEIVED BY: <u>[Signature]</u> | RECEIPT NUMBER: _____ |
|--------------------------|----------------------------|---------------------------------|-----------------------|

Application No. ~~CUP 2008-45~~

CUP 2009-03

APPLICATION CHECKLIST FOR THE FOLLOWING
• Conditional Use Permits (CUP)

- Application, filled out completely, and signed by the owner of the property to be considered for the conditional use permit
- Metes and Bounds Description, Survey, or a Plat of the property.
- Parcel map, printed from the City of Pearland website, indicating the location and boundaries of the subject property.
- Letter of Intent, explaining the conditional use permit request in detail, specifying proposed uses, specific operations of the use, square footage of buildings, unique characteristics of the property, and any other necessary information
- Application fee of \$250.00, by cash, check made payable to the City of Pearland, or credit card (Visa and MasterCard only)
- Site Plan or Plot Plan showing the proposed layout of the subject property, including any proposed buildings, parking, landscaped areas, detention ponds, fences, and any other relevant information
- Acknowledgement of the sign to be posted on the property 10 days prior to the public hearing

**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 ZONE CHANGE
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.

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Metes & Bounds

LESSEE'S LEASE SITE
Verizon Wireless
0.0574 Acre Tract

H.T. & B. RR Co. Survey, Sect. 10
Abstract No. 505

STATE OF TEXAS §
COUNTY OF BRAZORIA §

A **METES AND BOUNDS** description of a 0.0574 acre tract of land situated in the H.T. & B. RR Co. Survey, Section 10, Abstract No. 505, Brazoria County, Texas being a portion a called 6.1198 acre tract of land as conveyed to Dennis J. Walters and wife Vicki Z. Walters by Warranty Deed with Vendor's Lien dated May 20, 1986 and filed for record under Volume 86-280, Page 474 of the Brazoria County Deed Records, and also being a portion of Lot 7 of the Allison Richey Gulf Coast Home Company Subdivision as shown on a plat filed for record under Volume 2, Page 23 of the Brazoria County Plat records said 0.0574 acre tract being more particularly described as follows with all bearings being based on the Texas Coordinate System, South Central Zone 4204, NAD 83.

COMMENCING at a 1/2-inch iron rod found in the west line of a called 2.3687 acre tract as conveyed to Michael Paul De Guilio, and Ruth A. Guilio, his wife by General Warranty Deed dated June 18, 1992 and filed for record under Volume 92-10471, Page 23 of the Brazoria County Deed Records for the southeast corner of a called 0.849 acre tract as conveyed to Lorenzo Cano and wife, Gricelle Cano by Warranty Deed with Vendor's Lien dated December 13, 1991 and filed for record under Volume 91-981, Page 791 of said Brazoria County Deed Records, same being the northeast corner of said 6.1198 acre tract, from which a 1/2-inch iron pipe found bears South 87°08'54" West, 1037.46 feet and a 1-inch iron pipe found bears South 66°51'50" East, 1.56 feet;

THENCE, South 02°56'29" East, 32.65 feet, along the east line of said 6.1198 acre tract and the west line of said 2.3687 acre tract to a point;

THENCE, South 87°03'31" West, 10.00 feet, to a 5/8-inch iron rod set (with cap stamped "Cotton Surveying") for the **POINT OF BEGINNING** and northeast corner of the herein described tract;

THENCE, South 02°56'29" East, 50.00 feet, to a 5/8-inch iron rod set (with cap stamped "Cotton Surveying") for the southeast corner of the herein described tract;

THENCE, South 87°03'31" West, 50.00 feet, to a 5/8-inch iron rod set (with cap stamped "Cotton Surveying") for the southwest corner of the herein described tract;

THENCE, North 02°56'29" West, 50.00 feet, to a 5/8-inch iron rod set (with cap stamped "Cotton Surveying") for the northwest corner of the herein described tract;

THENCE, North 87°03'31" East, 50.00 feet, to the **POINT OF BEGINNING**, **CONTAINING** 0.0574 acre of land in Brazoria County, Texas, as shown on drawing no. 599 in the office of Cotton Surveying Company, The Woodlands, Texas.



*Rm EN-
11/13/08*

LESSEE'S 10' UTILITY EASEMENT
Verizon Wireless
0.0636 Acre Tract

H T. & B. RR Co. Survey, Sect 10
Abstract No. 505

STATE OF TEXAS §

COUNTY OF BRAZORIA §

A METES AND BOUNDS description of a 0.0636 acre tract of land situated in the H.T. & B. RR Co. Survey, Section 10, Abstract No 505, Brazoria County, Texas being a portion a called 6.1198 acre tract of land as conveyed to Dennis J. Walters and wife, Vicki Z. Walters by Warranty Deed with Vendor's Lien dated May 20, 1986 and filed for record under Volume 86-280, Page 474 of the Brazoria County Deed Records, and also being a portion of Lot 7 of the Allison Richey Gulf Coast Home Company Subdivision as shown on a plat filed for record under Volume 2. Page 23 of the Brazoria County Plat records said 0.0636 acre tract being more particularly described as follows with all bearings being based on the Texas Coordinate System, South Central Zone 4204, NAD 83.

BEGINNING at a 1/2-inch iron rod found in the west line of a called 2.3687 acre tract as conveyed to Michael Paul De Guilio, and Ruth A. Guilio, his wife by General Warranty Deed dated June 18, 1992 and filed for record under Volume 92-10471, Page 23 of the Brazoria County Deed Records for the southeast corner of a called 0.849 acre tract as conveyed to Lorenzo Cano and wife, Gricelle Cano by Warranty Deed with Vendor's Lien dated December 13, 1991 and filed for record under Volume 91-981, Page 791 of said Brazoria County Deed Records, same being the northeast corner of said 6.1198 acre tract and the herein described tract, from which a 1/2-inch iron pipe found bears South 87°08'54" West, 1037.46 feet and a 1-inch iron pipe found bears South 66°51'50" East, 1.56 feet;

THENCE, South 02°56'29" East, 70.65 feet, along the east line of said 6.1198 acre tract and the west line of said 2.3687 acre tract, to a point for the southeast corner of the herein described tract;

THENCE, South 87°03'31" West, 10.00 feet, to a point for the most southerly southwest corner of the herein described tract;

THENCE, North 02°56'29" West, 60.66 feet, to a point for an interior angle corner of the herein described tract;

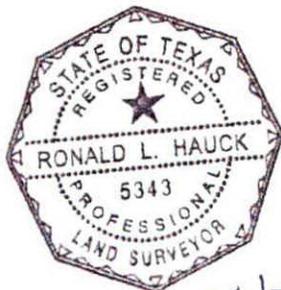
THENCE, South 87°08'54" West, 206.39 feet, to a point for the most westerly southwest corner of the herein described tract;

THENCE, North 02°51'06" West, 10.00 feet, to a point in the north line of said 6.1198 acre tract and the south line of a called 0.832 acre tract as conveyed to Adriel Sotelo by Warranty Deed with Vendor's Lien dated December 15, 2000 and filed for record under Clerk's File No. 01-01008 of the Brazoria County Official Public Records of Real Property;

LESSEE'S 10' UTILITY EASEMENT
Verizon Wireless
0.0636 Acre Tract

H.T. & B RR Co Survey, Sect. 10
Abstract No. 505

THENCE, North 87°08'54" East, 216.37 feet, along the north line of said 6.1198 acre tract and the south line of said 0.832 acre tract, to the **POINT OF BEGINNING**, **CONTAINING** 0.0636 acre of land in Brazoria County, Texas, as shown on drawing no. 599 in the office of Cotton Surveying Company The Woodlands, Texas.



Ron L. Hauck
11/13/08

LESSEE'S ACCESS EASEMENT
Verizon Wireless
0.3785 Acre Tract

H. T. & B. RR Co. Survey, Sect. 10
Abstract No. 505

STATE OF TEXAS §

COUNTY OF BRAZORIA §

A METES AND BOUNDS description of a 0.3785 acre tract of land situated in the H.T. & B. RR Co. Survey, Section 10, Abstract No. 505, Brazoria County, Texas being a portion of a called 6.1198 acre tract of land as conveyed to Dennis J. Walters and wife Vicki Z. Walters by Warranty Deed with Vendor's Lien dated May 20, 1986 and filed for record under Volume 86-280, Page 474 of the Brazoria County Deed Records, and also being a portion of Lot 7 of the Allison Richey Gulf Coast Home Company Subdivision as shown on a plat filed for record under Volume 2, Page 23 of the Brazoria County Plat records said 0.3785 acre tract being more particularly described as follows with all bearings being based on the Texas Coordinate System, South Central Zone 4204, NAD 83.

COMMENCING at a 1/2-inch iron rod found in the west line of a called 2.3687 acre tract as conveyed to Michael Paul De Guilio, and Ruth A. Guilio, his wife by General Warranty Deed dated June 18, 1992 and filed for record under Volume 92-10471, Page 23 of the Brazoria County Deed Records for the southeast corner of a called 0.849 acre tract as conveyed to Lorenzo Cano and wife, Gricelle Cano by Warranty Deed with Vendor's Lien dated December 13, 1991 and filed for record under Volume 91-981, Page 791 of said Brazoria County Deed Records, same being the northeast corner of said 6.1198 acre tract, from which a 1/2-inch iron pipe found bears South 87°08'54" West, 1037.46 feet and a 1-inch iron pipe found bears South 66°51'50" East, 1.56 feet;

THENCE, South 02°56'29" East, 82.65 feet, along the east line of said 6.1198 acre tract and the west line of said 2.3687 acre tract to a point;

THENCE, South 87°03'31" West, 40.00 feet, to the POINT OF BEGINNING of the herein described tract;

THENCE, South 02°56'29" East, 46.10 feet, to a point;

THENCE, North 81°20'51" West, 8.47 feet, to a point;

THENCE, South 86°22'15" West, 164.97 feet, to a point;

THENCE, South 87°06'19" West, 125.41 feet, to a point;

THENCE, North 89°32'57" West, 93.89 feet, to a point;

THENCE, South 74°44'30" West, 17.05 feet, to a point;

THENCE, South 45°25'58" West, 13.14 feet, to a point;

THENCE, South 31°11'11" West, 11.73 feet, to a point;

THENCE, South 22°49'09" West, 9.46 feet, to a point;

THENCE, South 14°00'09" West, 21.86 feet, to a point;

LESSEE'S ACCESS EASEMENT
Verizon Wireless
0.3785 Acre Tract

H T & B RR Co. Survey, Sect. 10
Abstract No. 505

THENCE, South 12°22'12" West, 18.62 feet, to a point;
THENCE, South 23°20'24" West, 15.14 feet, to a point;
THENCE, South 39°27'49" West, 21.84 feet, to a point;
THENCE, South 56°10'38" West, 15.87 feet, to a point;
THENCE, South 78°33'37" West, 28.14 feet, to a point;
THENCE, South 87°30'41" West, 250.36 feet, to a point;
THENCE, South 87°46'37" West, 243.66 feet, to a point;
THENCE, North 03°03'18" West, 15.00 feet, to a point;
THENCE, North 87°46'37" East, 243.85 feet, to a point;
THENCE, North 87°30'41" East, 249.15 feet, to a point;
THENCE, North 78°33'37" East, 24.00 feet, to a point;
THENCE, North 56°10'38" East, 10.69 feet, to a point;
THENCE, North 39°27'49" East, 17.51 feet, to a point;
THENCE, North 23°20'24" East, 11.57 feet, to a point;
THENCE, North 12°22'12" East, 17.39 feet, to a point;
THENCE, North 14°00'09" East, 23.23 feet, to a point;
THENCE, North 22°49'09" East, 11.72 feet, to a point;
THENCE, North 31°11'11" East, 14.70 feet, to a point;
THENCE, North 45°25'58" East, 18.94 feet, to a point;
THENCE, North 74°44'30" East, 23.04 feet, to a point;
THENCE, South 89°32'57" East, 95.52 feet, to a point;
THENCE, North 87°06'19" East, 124.87 feet, to a point;
THENCE, North 86°22'15" East, 153.36 feet, to a point;
THENCE, North 02°56'29" West, 29.53 feet, to a point;

LESSEE'S ACCESS EASEMENT
Verizon Wireless
0.3785 Acre Tract

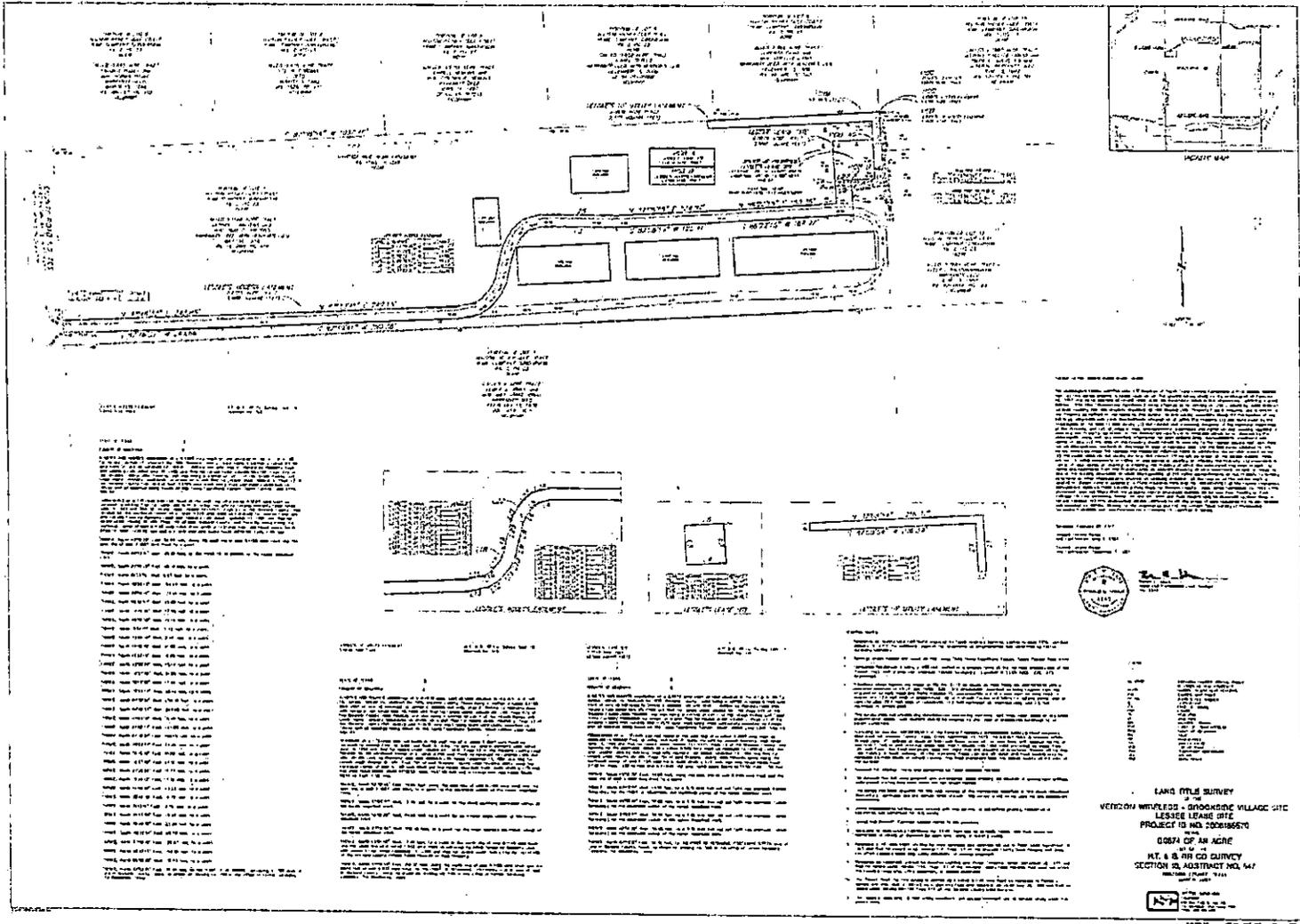
H.T. & B. RR Co. Survey, Sect. 10
Abstract No. 505

THENCE, North $87^{\circ}03'31''$ East, 20.00 feet, to the **POINT OF BEGINNING**, containing 0.3785 acre of land in Brazoria County, Texas, as shown on drawing no. 599 in the office of Cotton Surveying, The Woodlands, Texas.



REN—
11/13/08

Survey



SECTION 1 OF 4
 1.0000' x 1.0000' x 1.0000' x 1.0000'

SECTION 2 OF 4
 1.0000' x 1.0000' x 1.0000' x 1.0000'

SECTION 3 OF 4
 1.0000' x 1.0000' x 1.0000' x 1.0000'

SECTION 4 OF 4
 1.0000' x 1.0000' x 1.0000' x 1.0000'

SECTION 5 OF 4
 1.0000' x 1.0000' x 1.0000' x 1.0000'

SECTION 6 OF 4
 1.0000' x 1.0000' x 1.0000' x 1.0000'

SECTION 7 OF 4
 1.0000' x 1.0000' x 1.0000' x 1.0000'

SECTION 1 OF 4
 1.0000' x 1.0000' x 1.0000' x 1.0000'

SECTION 2 OF 4
 1.0000' x 1.0000' x 1.0000' x 1.0000'

SECTION 3 OF 4
 1.0000' x 1.0000' x 1.0000' x 1.0000'

SECTION 4 OF 4
 1.0000' x 1.0000' x 1.0000' x 1.0000'

SECTION 5 OF 4
 1.0000' x 1.0000' x 1.0000' x 1.0000'

SECTION 6 OF 4
 1.0000' x 1.0000' x 1.0000' x 1.0000'

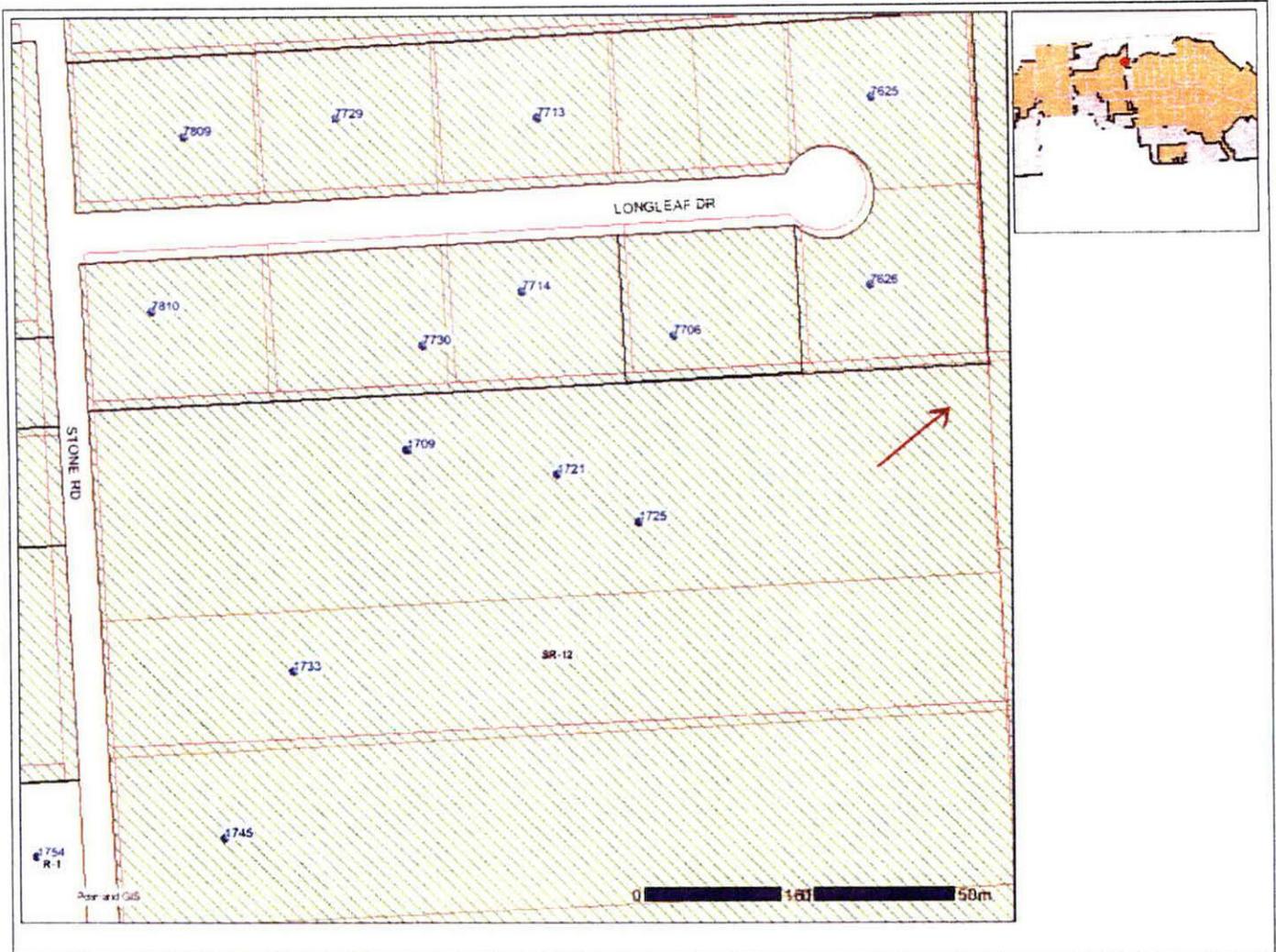
SECTION 7 OF 4
 1.0000' x 1.0000' x 1.0000' x 1.0000'



LAND TITLE SURVEY
 VENDOR W/PLESS - BROOKHURST VILLAGE SITE
 LESSEE LEASE SITE
 PROJECT ID NO. 2008186570
 0.0874 OF AN ACRE
 M.T. & B. CO. SURVEY
 SECTION 30, ABSTRACT NO. 447
 TOWNSHIP 17N, RANGE 10E



City of Pearland Parcel Map



Letter of Intent

Letter of Intent

Verizon Wireless is proposing the construction of a new 140' Cell Tower to be located inside the Brookside Storage Facility located at 1709 Stone Rd, Pearland, TX.

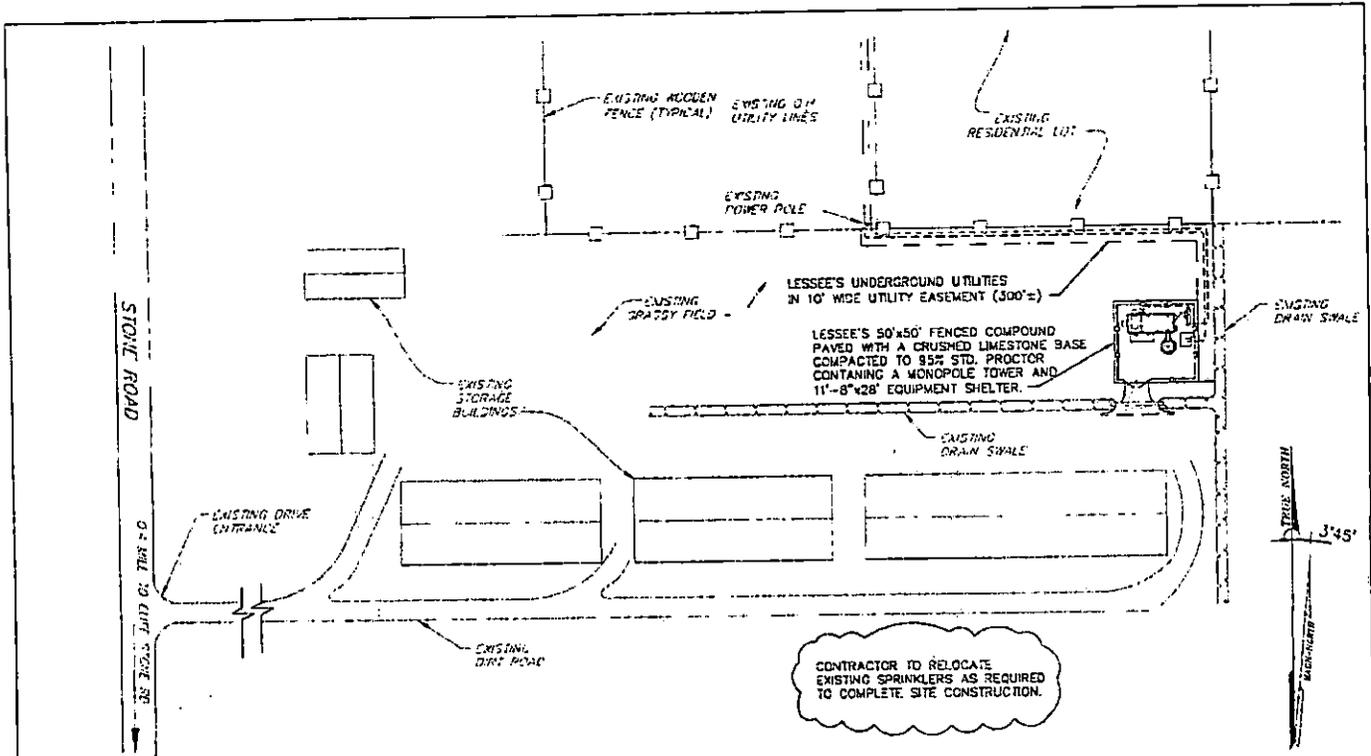
The proposed facility will have a lease area compound of 50' x 50' and the tower is design to accommodate (3) future carriers to include Verizon Wireless.

The ground lease area is large enough to be able to accommodate the ground equipment for at least (3) carriers to include Verizon Wireless.

This will be the 1st Verizon Wireless Cellular Tower located inside the Pearland, TX City Limits.

This tower is design to provide enhanced in-building coverage in the growing residential area of the North-West Pearland.

Site Plan



LESSEE SITE - BROOKSIDE VILLAGE
OVERALL SITE PLAN
11-28-06

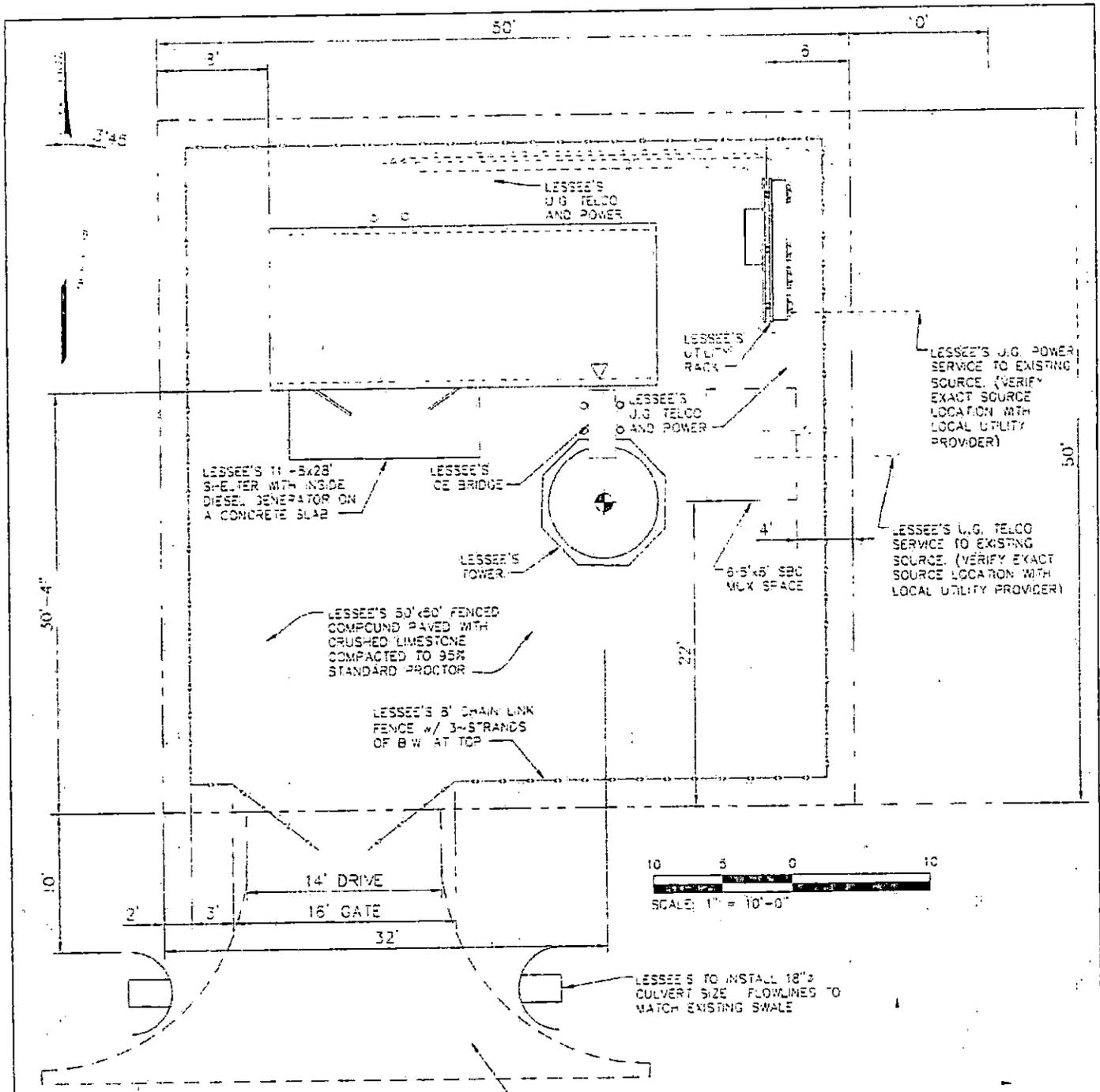
NOTES:

- 1.) CONTRACTOR IS TO REPAIR ALL DAMAGE RESULTING FROM CONSTRUCTION BACK TO PRE CONSTRUCTION CONDITION AT COMPLETION OF WORK.
- 2.) CONTRACTOR SHALL COORDINATE SITE ACCESS TIMES AND EQUIPMENT STAGING LOCATIONS WITH LAND LORD.
- 3.) TOWER IS TO SET ON THE IDENTIFIED CENTER POINT.
- 4.) ICE BRIDGE LENGTH SHOWN IS RELATIVE. LENGTH AND EXACT ALIGNMENT WITH SHELTER MAY VARY FROM DRAWING DIMENSIONS. ICE BRIDGE WILL APPROACH TOWER AS SHOWN.

| LEGEND | |
|-----------|---------------------|
| —<—>— | LESSEE FENCE |
| - - - - - | LESSEE EASEMENT |
| 227.10 | LESSEE ELEVATION |
| ▭ | LESSEE PAVING |
| ⊙ | LESSEE UTILITY POLE |
| — | EX. O.H. UTILITY |
| — | EX. HIGH BANK |
| - - - - - | LESSEE LEASE LINE |
| - - - - - | LESSEE PAVEMENT |
| - - - - - | LESSEE U.G. TELCO |
| - - - - - | LESSEE U.G. POWER |
| - - - - - | LESSEE O.H. UTILITY |
| - - - - - | EXISTING EASEMENT |
| - - - - - | EX. PROPERTY LINE |
| - - - - - | EX. C.I. FENCE |
| - - - - - | EX. B.W. FENCE |
| 227.10 | EX. ELEVATION |

Approvals:

| | | | |
|---------------|-------|-------|-------|
| Lessee: | _____ | Date: | _____ |
| Site Acq.: | _____ | Date: | _____ |
| Equip. Engr.: | _____ | Date: | _____ |
| Contractor: | _____ | Date: | _____ |
| Landlord: | _____ | Date: | _____ |



**LESSEE SITE - BROOKSIDE VILLAGE
ENLARGED SITE PLAN
11-28-06**

CONTRACTOR TO RELOCATE EXISTING SPRINKLERS AS REQUIRED TO COMPLETE SITE CONSTRUCTION

NOTES:

1. CONTRACTOR IS TO REPAIR ALL DAMAGE RESULTING FROM CONSTRUCTION BACK TO PRE CONSTRUCTION CONDITION AT COMPLETION OF WORK.
2. CONTRACTOR SHALL COORDINATE SITE ACCESS TIMES AND EQUIPMENT STAGING LOCATIONS WITH LAND LORD
3. TOWER IS TO SET ON THE IDENTIFIED CENTER POINT
4. CE BRIDGE LENGTH SHOWN IS RELATIVE. LENGTH AND EXACT ALIGNMENT WITH SHELTER MAY VARY FROM DRAWING DIMENSIONS. CE BRIDGE WILL APPROACH TOWER AS SHOWN

Approvals:

| | |
|---------------|-------|
| Lessee: | Date: |
| Site Acq.: | Date: |
| Equip. Engr.: | Date: |
| Constr.: | Date: |
| Landlord: | Date: |



LESSEE'S DIRECTIONAL ANTENNAS
THE SIZE, HEIGHT, AND DIRECTION
OF THE ANTENNAS SHALL BE
ADJUSTED TO MEET SYSTEM
REQUIREMENTS

CONTRACTOR IS TO VERIFY ANTENNA
CENTERLINE ELEVATION WITH LESSEE
PRIOR TO INSTALLATION

LESSEE'S MONOPOLE
(INSTALL PER ERECTION
MANUAL PROVIDED BY
MANUFACTURER)

AXIS ENGINEERING IS NOT
RESPONSIBLE FOR THE
STRUCTURAL ADEQUACY OF
THE TOWER WITH LESSEE'S
EQUIPMENT. REFER TO STRUC-
TURAL ANALYSIS (BY OTHERS)

LESSEE'S DPS ANTENNA
LESSEE'S CB BRIDGE
LESSEE'S
EQUIPMENT SHELTER

LESSEE'S UTILITY RACK
LESSEE'S CHAIN
LINK FENCE

Approvals:

Lessee: _____ Date: _____

Site Acq.: _____ Date: _____

Equip. Engr.: _____ Date: _____

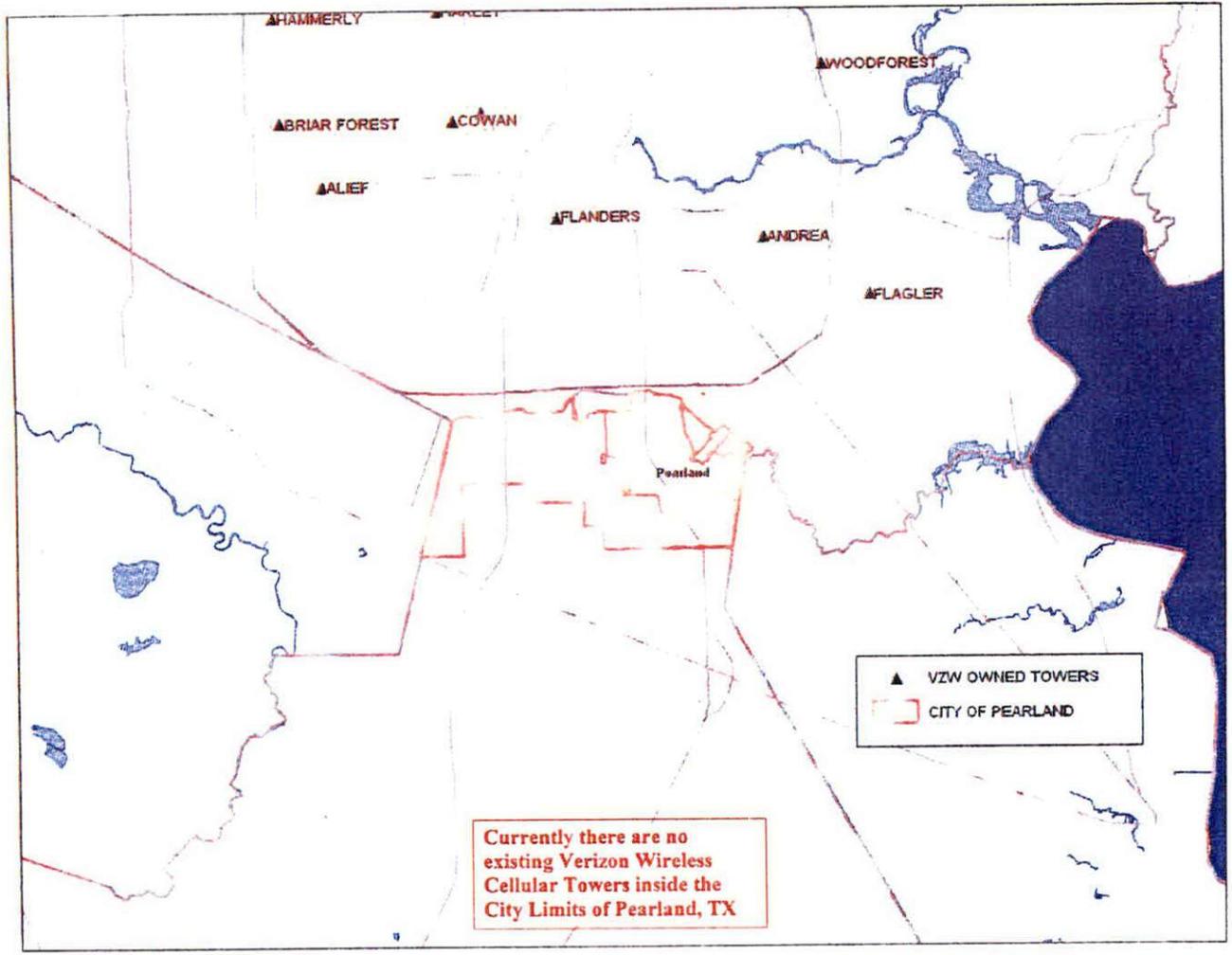
Constr.: _____ Date: _____

Landlord: _____ Date: _____

LESSEE SITE - BROOKSIDE VILLAGE
SITE ELEVATION
11-33-06

Structural Analysis Report

Verizon Wireless Tower Inventory



Currently there are no existing Verizon Wireless Cellular Towers inside the City Limits of Pearland, TX

Sign
Acknowledgement

Sign Acknowledgement

This letter is to acknowledge that Verizon Wireless and his vendors will have a Conditional Use Permit

Sign place at the designated area posted on the property 10 days prior to the public hearing.

Other Carriers
Existing Towers

Other Carriers Existing Towers:

1) ATC Site (American Tower)

Site Name: Brookside TX 2

Site Number: 309973

Address: 13115 Stone Rd, Pearland, TX 77581

Tower Height: 145'

Existing Carriers (3) 145', 140', 120'

Note: The required minimum elevation for Verizon's design is 140' and currently there are (2) existing carriers at the 145' and 140'.

2) Crown Castle Tower

Site Name: Max Rd

Address: Max Rd

Tower Height: 98'

Existing Carriers: (1) 98'

Note: The required minimum elevation for Verizon's design is 140' and this tower is only 98' in height.

3) T-Mobile Tower

Site Number: A3C0172A

Address: 8303 Brookside Rd, Pearland, TX

Tower height: 150'

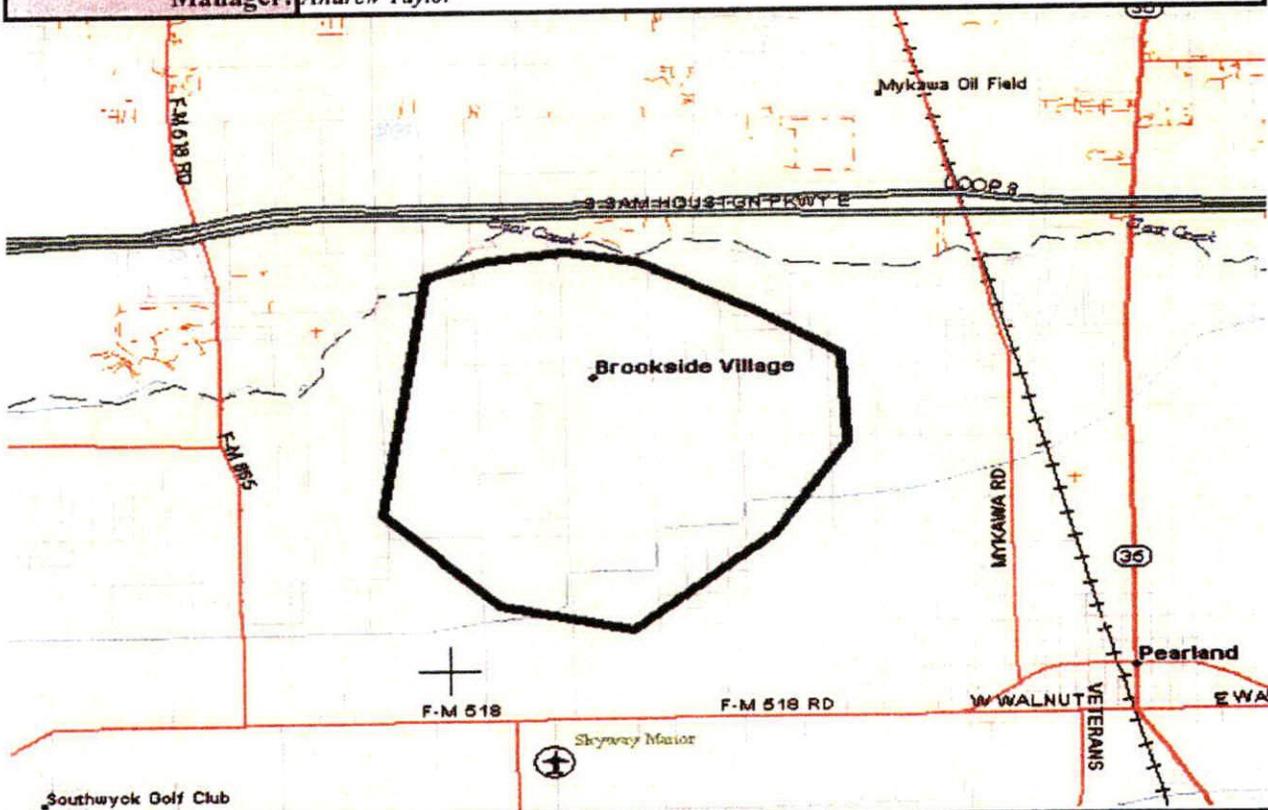
Existing Carriers: (1) 150'

Note: This site is located approx. ½ mile from the outer west edge of the Verizon Wireless coverage area design. (see attached area design)

Search Ring Parameters



| | | | | | |
|----------------|--------------------------------------|--------------|-----------------|-----------|-------|
| Ring Name: | Brookside Village | City(ies): | Pearland | Zip Code: | 77581 |
| Release Date: | 07/07/06 | County(ies): | Brazoria County | | |
| RF Engineer: | Rizwan Amanullah | State(s): | Texas | | |
| Email Address: | rizwan.amanullah@verizonwireless.com | | | | |
| Manager: | Andrew Taylor | | | | |



| | |
|-----------------------------------|--|
| Coverage Area Description: | The primary objective is to provide enhanced in-building coverage in the growing residential area of Brookside Village to the Northwest of Pearland, TX. |
|-----------------------------------|--|

| | | | | | | |
|----------------------------|----|----|-------|-------|-----------------------------|---------|
| NAD 83 Coordinates: | 29 | 35 | 38.15 | North | Design Heights (ft): | 140-160 |
| | 95 | 20 | 7.33 | West | Ground Elevation: | |

| | | |
|-------------------------|---------|-------------------------|
| Frequency Bands: | 850MHz | 384, 425, 466, 507, 548 |
| | 1900MHz | 475 |

| | |
|------------------------|-----|
| Equipment Type: | BTS |
|------------------------|-----|

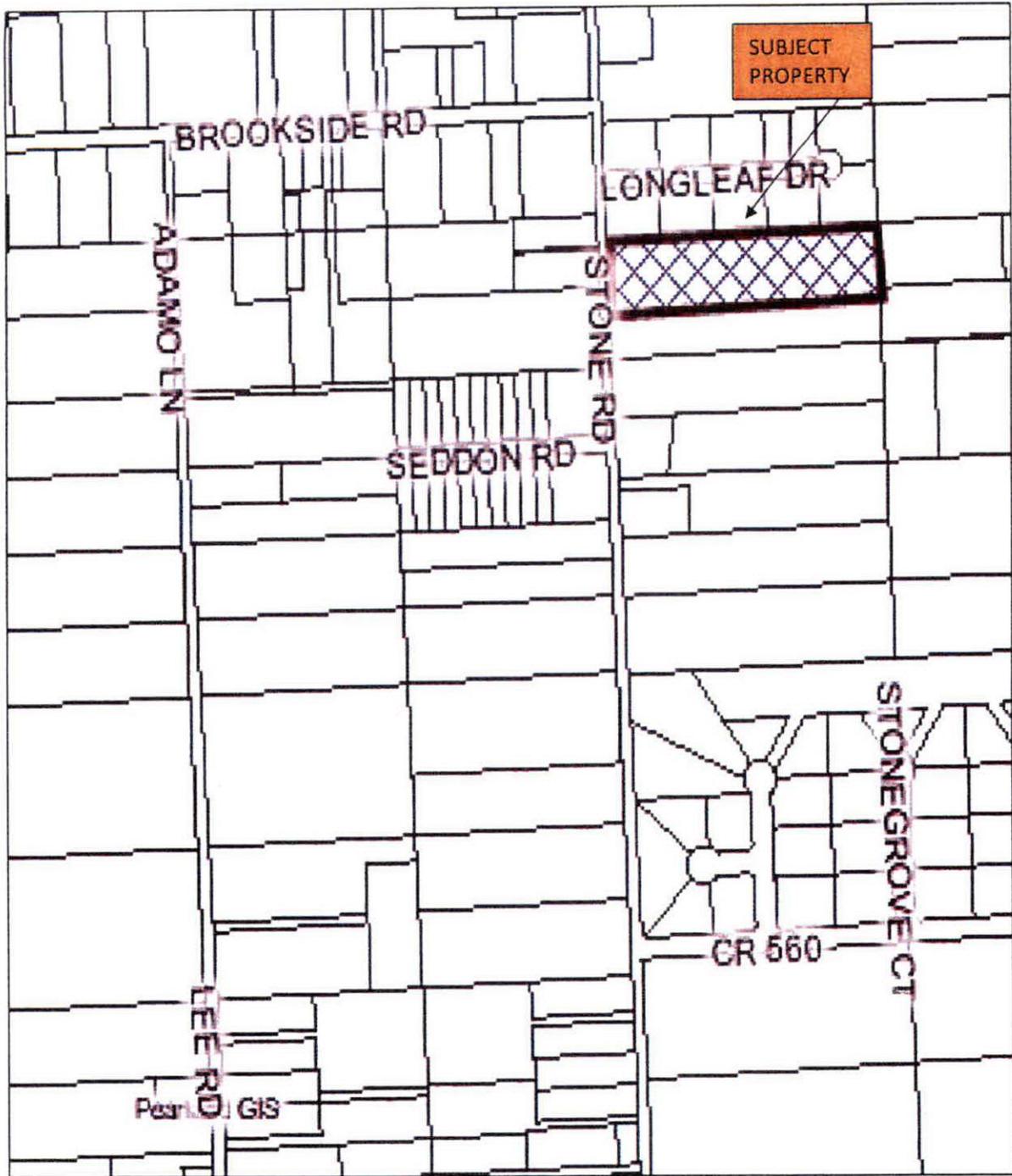
Existing Structures (marked on map)

| Type: | Height(ft): | Notes: |
|--------------|-------------|--------|
| Monopole | | |
| Self Support | | |

Letter of Intent to Lease Excess Space

Letter of Intent to Lease Excess Space

This letter is to acknowledge that Verizon Wireless will lease excess space on the tower and to lease additional excess land on the tower site when the share use potential of the tower is absorbed, if structully and technically possible.

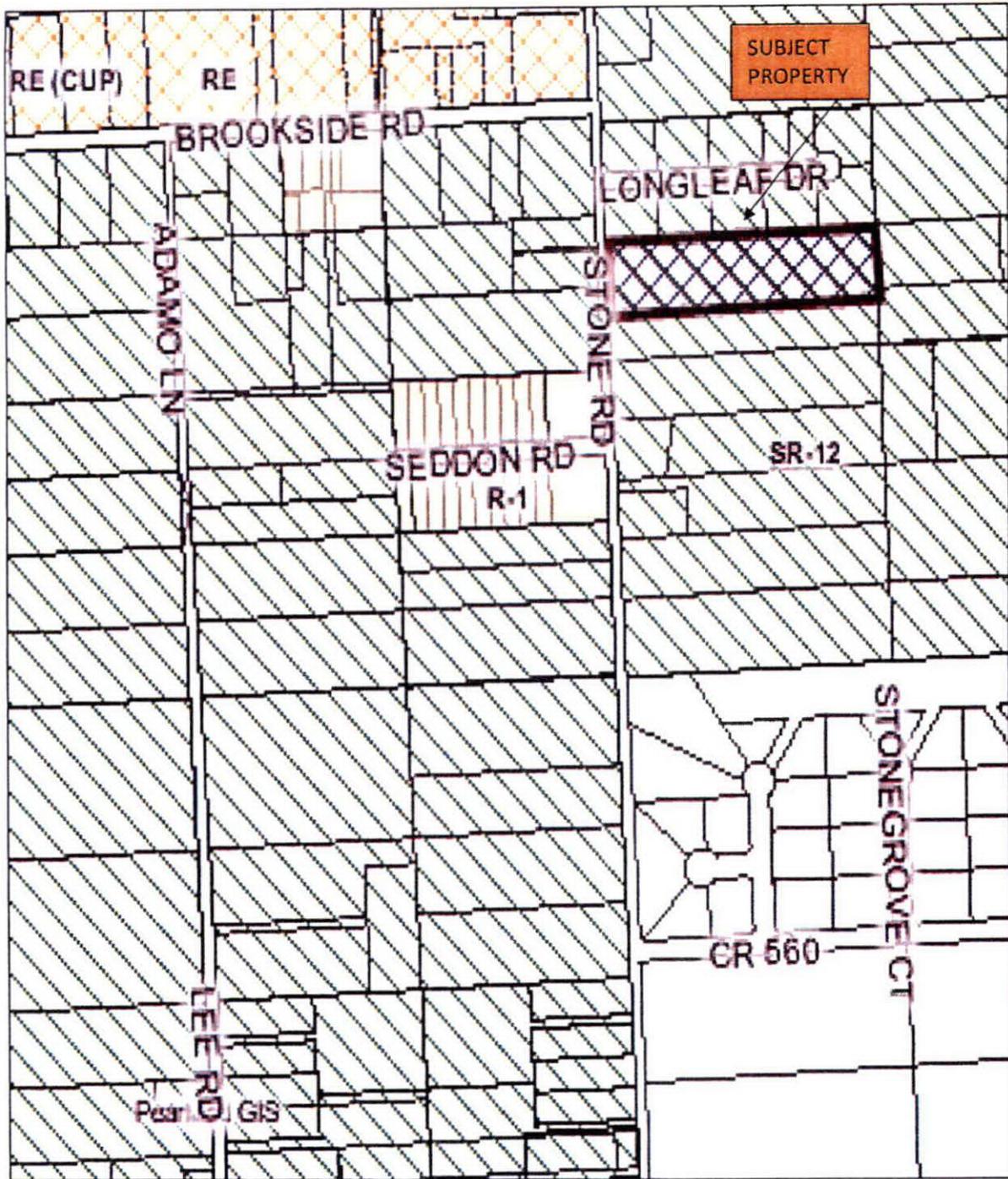


LOCATION MAP
CONDITIONAL USE PERMIT 2009-03
1709 STONE RD.

↑
NORTH

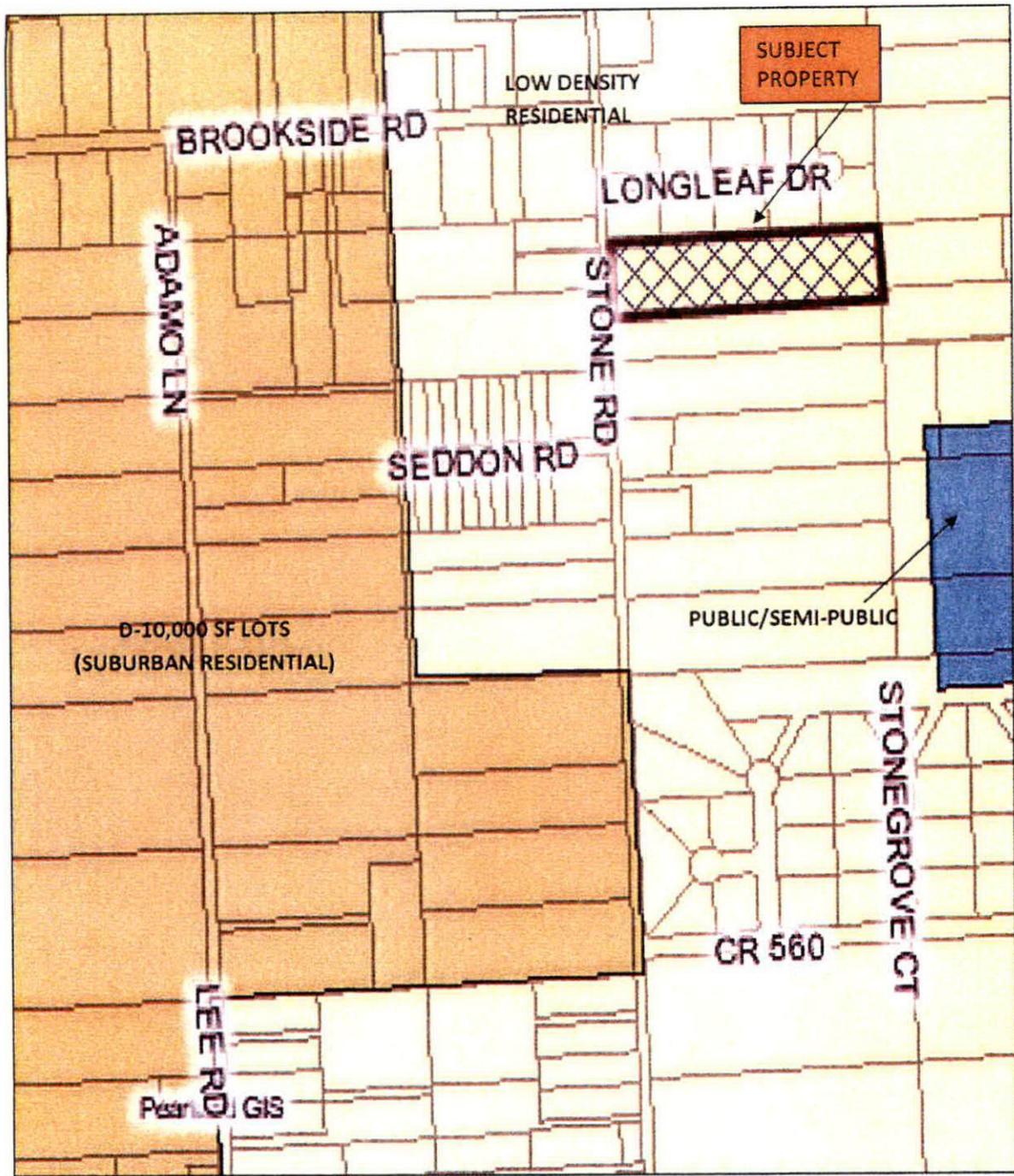
CUP APPLICATION NO. 2009-03
 1709 STONE RD.
 PROPERTY OWNERS NOTIFICATION LIST

| Tax Account | Owners Name | Mail Address | Mail City | Mail State | Mail Zip |
|---------------|-------------------------------|---------------------|-----------|------------|----------|
| 0243-0018-110 | FRISBY NOIL Q | 1634 STONE RD | PEARLAND | TX | 77581 |
| 0243-0035-000 | JUGUILON MARIO V U & LIZA A | 1738 STONE RD | PEARLAND | TX | 77581 |
| 0243-0045-105 | WILLIAMS JOHN W | 1702 STONE RD | PEARLAND | TX | 77581 |
| 0243-0045-110 | WILKS WILLIAMS E & NANCY ANN | 2426 WEATHERFORD DR | PEARLAND | TX | 77584 |
| 0243-0053-000 | WEST MICHAEL S | 1754 STONE RD | PEARLAND | TX | 77581 |
| 0505-0004-000 | BRULL ELMER J ETUX | 1733 STONE RD | PEARLAND | TX | 77581 |
| 0505-0007-000 | WEST HOUSTON COMMUNITY CHURCH | PO BOX 1053 | PEARLAND | TX | 77588 |
| 0505-0014-125 | ROJAS ANTONIO | 7810 LONGLEAF DR | PEARLAND | TX | 77581 |
| 0505-0014-160 | CANO LORENZO & GRISEL | 7626 LONGLEAF DR | PEARLAND | TX | 77581 |
| 0505-0014-170 | COGGINS LEE | 7730 LONGLEAF DR | PEARLAND | TX | 77581 |
| 0505-0014-180 | NEMONS JOHNNELL & CYNTHIA R | 7714 LONGLEAF DR | PEARLAND | TX | 77581 |
| 0505-0017-110 | WALTERS DENNIS J & VICKI Z | 1721 STONE RD | PEARLAND | TX | 77581 |
| 0505-0019-000 | GANDY CARY L & SUSAN | 1745 STONE RD | PEARLAND | TX | 77581 |
| 0505-0022-000 | SPENCER M ANN MRS | 1636 MAX RD | PEARLAND | TX | 77581 |
| 0505-0025-000 | SATTERWHITE CHRISTOPHER | 1718 MAX RD | PEARLAND | TX | 77581 |
| 0505-0025-120 | DEGUILIO MICHAEL P & RUTH | 1722 MAX RD | PEARLAND | TX | 77581 |
| 1235-0177-075 | MCDOWELL JOHN E JR & | 211 S DURANT ST | ALVIN | TX | 77511 |
| APPLICANT | VERIZON WIRELESS | 4010 TULIP GLEN | KATY | TX | 77449 |
| OWNER | DENNIS AND VICKI WALTERS | 1721 STONE RD | PEARLAND | TX | 77581 |



ZONING MAP
CONDITIONAL USE PERMIT 2009-03
 1709 STONE RD.

↑
 NORTH



FUTURE LAND USE MAP
CONDITIONAL USE PERMIT 2009-03
 1709 STONE RD.

↑
 NORTH



AERIAL MAP
CONDITIONAL USE PERMIT 2009-03
1709 STONE RD.

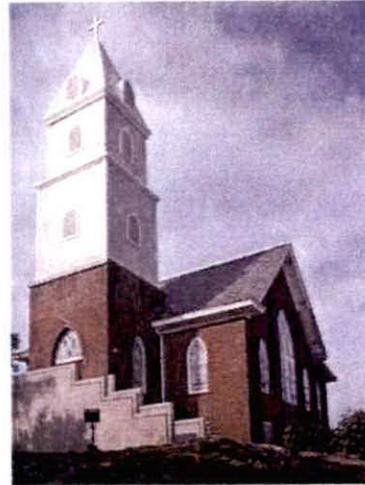
↑
NORTH

Stealth Antennas Try to Blend In

MICHELLE DELIO / Wired News 14jan03



Larson's palm tree antennae, like these in Southern California, are made of urethane, polyethylene and polyester. According to Larson's wind tunnel testing, the plastic palms can withstand gusts exceeding 140 mph.



The white steeple of this 160-year-old church now conceals a wireless communications antenna.

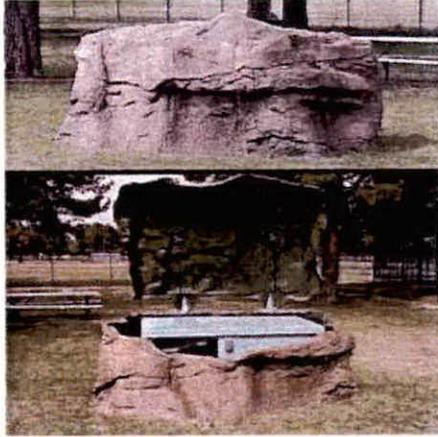


The peaked roof toward the back of this Southern California building isn't an architectural feature. It was added after the building was constructed and conceals an



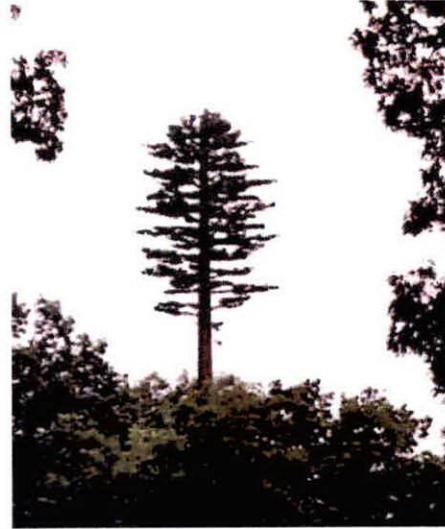
Wireless communications antennae disguised as cactuses in Phoenix, Arizona (left). During installation (right), the antennae are placed in the hollow shell of the upper main trunk as well

antenna system.

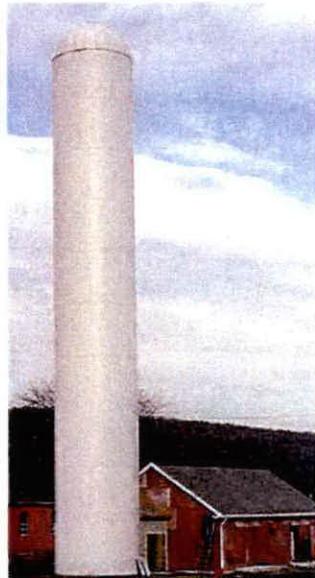


This hollow rock provides a happy home for communications hardware.

as in the cactus' arms.



A pine tree antenna in Asheville, North Carolina. The curved branch shape conceals the panel antennae and all the necessary wiring and communications (COAX) hardware.



A stealth silo antenna on a Midwestern horse farm.

Photos: Larson Camouflage Company

In the world of wireless, figuring where to put those hulking cell towers creates a catch-22.

Cell-phone users want to be able to roam far and wide while getting crystal-clear reception. But extending and improving the quality of wireless transmissions requires new and taller antennas, and communities often balk at plans to erect more of those ugly metal towers.

It's forcing the wireless communications industry into stealth mode.

There are about 130,000 communications antennas in place across the United States, according to industry officials. Roughly 75 percent are standard antennas. The rest have been surreptitiously stashed in scenic simulations.

The next time you see a picturesque shot of rocks, a flagpole, a church steeple, cacti or trees, consider that there might be more there than meets the eye.

Many cities are now insisting that new wireless antennas be disguised as part of the natural or urban landscape.

Of course, not everyone loves the camouflaged contraptions. The antennas that are increasingly being tucked into church steeples have provoked particularly strong reactions.

But for others, almost anything is better than those old-fashioned metal monstrosities.

In Staten Island, New York, residents of the plush Todt Hill community were happy to see an 87-foot telecommunications tower replaced with a \$1 million stealth lighthouse that encases a new 130-foot antenna.

"I've even seen people taking pictures of the lighthouse," said Anthony Pelligrano, a Staten Island resident. "It's kind of weird to have a lighthouse up here on the hill away from the water, but it's easier on the eyes than the old antenna was."

"We hide antennas everywhere: inside road signs, flagpoles, church crosses and windmills, just to name a few," said Sean McLernon, CEO of Stealth Network Technologies. "We can match almost any texture or structure, which means we can hide them anywhere and make them look just like what is there already."

Some installations do look uncannily real. A Yuma, Arizona, resident was stumped when asked by a local newspaper reporter if he knew what that "100-foot-tall thing behind your house is."

"That palm tree up there is a phony? For crying out loud. I can see it now. I can see the antennas. Well, I could see it before, but I didn't know what it was," Jerry Charlebois told the Yuma Sun.

Stealth antennas aren't always so well-disguised.

Take, for example, the 80-foot artificial pine tree planned for the grounds of Oahu's Kalihi Elementary School. If tropical Oahu harbored groves of tall pines, the structure might look as natural as any 80-foot metal and nylon tree could, say community members.

True stealth should mean people can't readily spot an antenna installation, said Steve Meyer, business development manager for the Larson Company's Camouflage division.

"The main idea is to blend the technology into whatever the surrounding environment has to offer," Meyer explained.

Larson Camouflage's Tucson, Arizona, parent company has spent decades building replica environments for clients such as Disney World and the Bronx Zoo. Larson developed the first stealth "tree" tower in 1992.

In Oahu, VoiceStream will pay the Kalihi school about \$1,200 a month in rent if the planned pine tree is erected on school grounds. The financial benefits have obvious appeal for struggling schools and churches.

Industry experts figure about 500 U.S. churches currently provide sanctuary for antennas, which are usually encased in or tucked behind crosses on steeples.

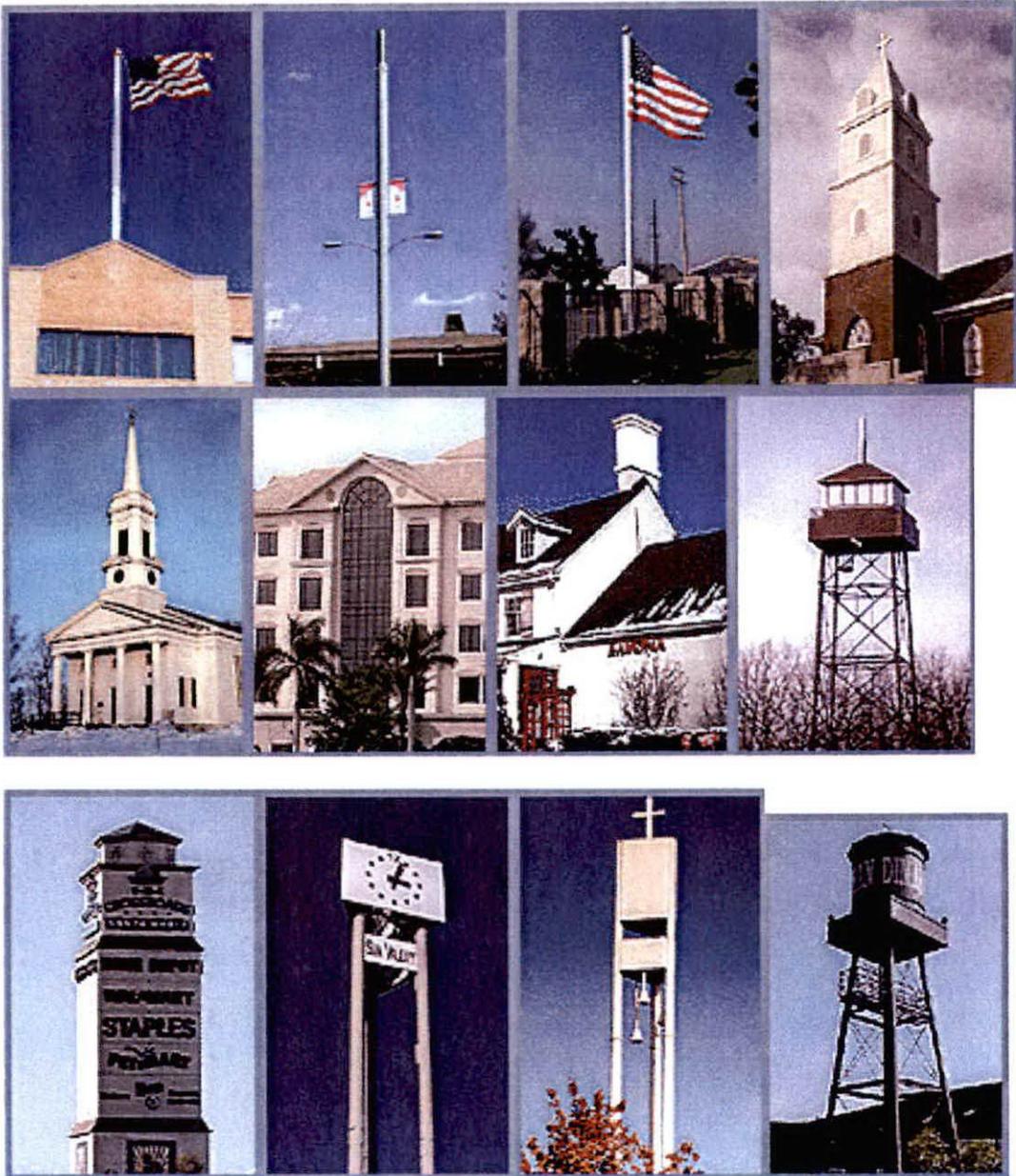
Last summer the Archbishop's Council of the Church of England signed a contract to allow all of England's 16,000 churches to have mobile-phone antennas installed within their spires.

Concealing an antenna is expensive. The cheapest way to go is the basic flagpole, which adds \$10,000 to \$20,000 to the price of a tower. Trees cost double that amount. The more customized the installation, the higher the price.

But those in the industry say a stealth tower is often cheaper in the long run than battling communities mobilized against standard towers.

source: <http://www.wired.com/news/wireless/0,1382,57199,00.html> 29jan2005

More photos from Stealth Concealment, Inc. 29jan2005



source: <http://www.stealthsite.com/products/gallery.html> 29jan2005

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JANUARY 19, 2009, AT 6:30 P.M., IN THE COMMUNITY CENTER, CITY HALL, 3523 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

Zone Change No. 2009-01Z

Request of Stephen Engbrock, applicant for Third Coast Packaging, owner, for approval of a change in zoning district from classification Heavy Industrial (M-2) to Planned Development (PD), on the following described property:

LEGAL DESCRIPTION: 6.5953 acres located in the H.T & B.R.R. Co. Survey., Abstract 232, in the city of Pearland, Brazoria County, Texas as shown on the Amending Plat of Mykawa Investments Clerk's File No. 97-016096 B.C.C.O; remainder of a 12.00 acres Third Coast Packaging Inc. Clerk's File No. 97-016096 B.C.C.O.; and 2.9125 acres Third Coast Packaging, Inc. Clerk's File No. 00 022591 B.C.C.O.

GENERAL LOCATION: Located on 1871 Mykawa Road

III. APPLICATION INFORMATION AND CASE SUMMARY

STAFF REPORT

APPLICANT PRESENTATION

IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

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

JOINT PUBLIC HEARING AGENDA ITEM MEETING OF JANUARY 19, 2009

Zone Change No. 2009-01Z

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GENERAL LOCATION: Located on 1871 Mykawa Road

APPROVAL PROCESS: After this Joint Public Hearing, the requested zone change application will be considered as follows:

Planning and Zoning Commission: January 19, 2009*

City Council for First Reading: February 9, 2009*

City Council for Second Reading: February 23, 2009*

(*dates subject to change if item is tabled)

SUMMARY: This PD application was discussed at a joint workshop on November 17, 2008. The applicant is proposing a PD on approximately twenty one (21) acres of land located on the east side of Mykawa Road, at the intersection of Shank Road and Mykawa Road. The land is currently zoned Heavy Industrial (M-2). Third Coast, located on site, provides bulk liquid handling solutions to the petrochemical, fine chemical, food and pharmaceutical industries. The site is developed with an industrial manufacturing, blending, packaging, storage and distribution facility. Railroad spurs serve the parcel.

The subject property consists of three parcels. Parcel A, adjacent to the rail road, currently houses warehouses and tank farms; parcel B houses two office buildings; and parcel C, fronting Mykawa, is vacant. The 2.9 acre detention facility is located under the tanks on parcel A.

Applicant is proposing to 49,000 sq. ft. of warehouse and office use on parcel A, and additional tanks in the tank farm area on parcel A. The applicant has submitted an overall site development plan showing all existing and future development.

The base zoning is proposed to remain M-2. The PD seeks the following variances:

1. **Uses:** Allow the following uses, currently classified under "Chemical Packaging and Blending" and requiring a Conditional Use Permit, as permitted uses on the property – contract manufacturing, toll processing, bulk product storage, rail and transportation logistics, warehousing and distribution, industrial packaging, FDA and Kosher packaging, laboratory services and blending.
2. **Landscaping:** Provide the required landscaping for parcel A on parcel B, in addition to that required on parcel B. Parcel C will meet all landscaping requirements.
3. **Parking:** Provide parking required for uses on parcel A on parcel B, in addition to the parking required for uses on parcel B.

The PD states that all other requirements of the Unified Development Code will be met.

The property has frontage on Mykawa Road, a secondary thoroughfare.

SURROUNDING ZONING AND LAND USES:

| | <u>Zoning</u> | <u>Land Use</u> |
|-------|------------------------|-----------------|
| North | Heavy Industrial (M-2) | Industrial |
| South | Light Industrial (M-1) | Industrial |
| East | Light Industrial (M-1) | Industrial |
| West | Light Industrial (M-1) | Industrial |

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The minimum lot size for the M-2 district is 40,000 square feet, the minimum lot width is 150 feet, and the minimum lot depth is 150 feet. The parcels within the proposed PD meet these requirements.

The applicant will be required to comply with all other requirements of the Unified Development Code.

PLATTING STATUS: The property is platted.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Light Industrial" for the subject parcel. The Comprehensive Plan further indicates that the appropriate zoning district for "Light Industrial" is M-1.

The proposed zone change would not be in conformance with the Comprehensive Plan. However, the property is currently zoned and used as "Heavy Industrial" (M-2).

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Mykawa Road, a secondary thoroughfare, as per the Thoroughfare Plan. Land required for widening was acquired from the property during platting.

AVAILABILITY OF UTILITIES: City water or sanitary sewer service is available for the subject property.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The subject property is developed as heavy industrial with the proposed uses.

Staff believes that the expansion of the current uses and the proposed zone change will not have any negative impact on the surroundings. It will facilitate future expansions without requiring a CUP at each stage.

PUBLIC NOTIFICATION: Public notice/comment forms were mailed to property owners within 200 feet of the subject property under consideration. A legal notice of public hearing was published in the local newspaper, and a Zoning Sign was placed on the subject property.

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

STAFF RECOMMENDATION: Staff recommends approval of the PD for the following reasons:

1. Though a zone change to PD, with underlying M-2 zone, will be not be conformance with the Comprehensive Plan, that designates the subject parcel and adjoining uses for Light-Industrial, the property is zoned M-2 and is used for heavy industrial uses.
2. The zone change will facilitate future expansion of the facility, especially with the existing railroad spur.

3. The zone change will not have any adverse effect on surrounding uses, since the parcel is developed with proposed uses, and surrounding parcels are zoned and used as industrial.

Staff recommends that the number of parking spaces meet the UDC requirements and the amount not be mentioned on page 4.

SUPPORTING DOCUMENTS:

- Zone Change Application
- Location Map
- Property Owner Notification List
- Zoning Map
- Future Land Use Plan
- Aerial Photograph

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: MI

Proposed Zoning District: PD

Property Information:

Address or General Location of Property: 1871 Mykawa Rd

ADD 32 HT & BRK, Tract 344, ACRES 12.0

Tax Account No. 0232-0037-015

Subdivision: _____ Lot: _____ Block: _____

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

PROPERTY OWNER INFORMATION:

APPLICANT INFORMATION:

NAME Third Coast Packaging

NAME Stephen A Engbeck

ADDRESS 1871 Mykawa

ADDRESS 1871 Mykawa

CITY Pearland STATE TX ZIP 77581

CITY Pearland STATE TX ZIP 77581

PHONE (281) 412-0375

PHONE (281) 415-0971

FAX (281) 412-4159

FAX (281) 412-4159

E-MAIL ADDRESS SAENGbeck@3Cterminals.com

E-MAIL ADDRESS SAENGbeck@3Cterminals.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: 12-15-08

Agent's Signature: [Signature] Date: 12-15-08

OFFICE USE ONLY:

| | | | |
|--------------------------|----------------------------|---------------------------------|---------------------------------|
| FEES PAID: <u>400.00</u> | DATE PAID: <u>12-15-08</u> | RECEIVED BY: <u>[Signature]</u> | RECEIPT NUMBER: <u>00000000</u> |
|--------------------------|----------------------------|---------------------------------|---------------------------------|

Application No. 2009-01Z

MCGUFF ARCHITECTS

5208 BROADWAY #208
PEARLAND, TEXAS

**THIRD COAST TERMINALS
PLANNED DEVELOPMENT (PD) FORMAT**

11/19/08

1. Introduction:
 - A. Description of the Subject Property:

The subject property consists of three (3) parcels - "A", "B" and "C".

Parcel "A" is developed with warehouses and tank farms, including Main Warehouse No. 1 (49,468 sq.ft.), Warehouse No.1 Office (1,468 sq.ft.); Warehouse No. 2 (4,544 sq.ft.); Warehouse No.3 under construction (14,925 sq.ft.), future Warehouse No.4 (49,000 sq.ft.) and Two (2) existing Tank Farm areas (81 tanks), Future Tank Farm (+- 90 tanks) in existing Detention area and Railroad Spurs.

Parcel "B" is developed with two (2) Office Buildings and Parking, including Office Building (4,760 sq.ft.); Office Building (2,460 sq.ft.); Office Parking Area (39 spaces) and future Parking Area for Warehouses located in Parcel "A" (80 spaces).

Parcel "C" is undeveloped.
 - B. Description of Proposed Development:

The property is used as a "Chemical Packaging and Blending Facility" with this use being permitted by an existing Conditional Use Permit. The development will be the expansion of the current industrial complex consisting of Warehouse No.4 (49,000 sq.ft.) including additional office space (3,500 sq.ft) and additional Tank Farm Area in the current Detention Area.

Third Coast Terminals is a provider of Bulk Liquid Handling solutions to the Petrochemical, Fine Chemical, Food and Pharmaceutical Industries.
 - C. Describe the area of land in acreage:

The total industrial complex consists of +- 21 acres, Parcel "A" = 15 acres (Third Coast Packaging, Inc.), including Detention / Tank Farm of 3 acres.

Parcel "B" = 3 acres (Mykawa Investments).

Parcel "C" = 3 acres (Mykawa Investments).

THIRD COAST TERMINALS
PD FORMAT

11/19/08

- D. A statement as to the purpose and intent of the PD district established therein:

The purpose and intent of the PD district is to provide continuing industrial services including Contract Manufacturing, Toll Processing, Bulk Product Storage, Rail and Transportation Logistics, Warehousing and Distribution, Industrial Packaging, FDA and Kosher Packaging, Laboratory Services and Blending.

II. Zoning and Land Use:

- A. Describe the existing zoning districts and the boundaries of said districts. Generally describe the location of the various districts. Use zoning districts from the UDC, and refer to locations on the Design Plan.

Third Coast Terminals industrial complex is zoned as per the current UDC as Heavy Industrial (M2); Property to the North is zoned M2; Property to the East, West and South is zoned Light Industrial (M1).

- B. Describe the base zoning district(s) to be overlaid, together with the boundaries of the district(s), and describe the areas in acreage of each different district.

The base zoning district to be overlaid is M2; The property to the North is zoned M2 consisting of approximately 20 acres; Property to the South is zoned M1 with the boundary from the South property line of Third Coast Terminals to Orange Street; Property to the East is zoned M1 with boundary from the BNSF railroad to State Highway 35; Property to the West is zoned M1 with boundary unknown.

THIRD COAST TERMINALS

PD FORMAT

11/19/08

- C The general standards applicable to development within the district, with or without reference to the base district, including but not limited to: density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking access, accessory buildings, signs, lighting, project phasing or scheduling, management associations and such other requirements as the City Council may deem necessary in order to implement the Comprehensive Plan and the purpose of the PD District.
- Property Area - 21 acres (914,760 sq.ft.)**
Property Width - 634.44 ' at Mykawa Road.
Property Depth - 1,370.00'
Main WH Building Height - 22' eave height; 28' overall
Parking Access - private access roads on North and South
Sign - existing sign at Mykawa on South access road to remain
- D. 1. Provide a table outlining the percent of use in each zoning classification. Include detention and major thoroughfares as separate items. Discuss possible variations from percentages in table and amount of variance requesting, if any:
- Land Use Summary:
Use - Industrial Complex
Acres - 18.453 acres
Zoning District - Heavy Industrial (M2)
Detention Area - 2.9125 acres
- E. The permitted, conditional and accessory uses authorized in the district, the location of such uses, the residential densities or other measurements of development intensity associated with base districts or phases of the development in conformance with the approved Design Plan.
- No accessory uses required**
No residential densities

THIRD COAST TERMINALS
PD FORMAT
11/19/08

III. Design standards applicable to the development:

- A. Signage, Landscaping, Fencing, Parking, Screening, Trees, etc. Be sure to carefully consider all relevant regulations pertaining to the various land use requirement, and if necessary address them in PD. These may be addressed with specific separate plans or as part of the Design Plan. State that these items are as per the UDC, or list variations.
SIGNAGE - existing company sign is located at Mykawa Road to remain in place.
LANDSCAPING - existing and new landscaping as shown on landscape plans, sheets ML1 and ML1.1; Parcel "A" is exempt from all landscaping - the required landscaping will be located on Parcel "B" and will meet all requirements including requirements for Parcel "A"; Parcel "C" will meet all landscaping requirements when developed.
PARKING - required parking for Parcel "A" (warehouses and offices) in the amount of 74 spaces and Parcel "B" (offices) in the amount of 17 spaces for a total required spaces of 91 spaces is located all on Parcel "B". Total on-site parking provided is 122 spaces, including 7 handicap accessible spaces.
- B. Refer to Design plan and describe which aspects of plan are precise and which are general (generally, unless requested, do not show items on the Design Plan unless you are willing to accept them as concrete or fairly specific. Unless clearly marked as general and described as such, anything in the Design Plan will be considered to be part of the plan as shown):
Warehouse No.1, No2 and No.3, Warehouse Office, Front Offices, Parking, Fire Lanes and Landscaping are specific; All remaining items shown on the Master Site Development Plan (Design Plan), sheet MSP1.1 are general.
- C. A specific list of deviations from standards in the base zoning district(s) together with any standards in the ordinance which are to be varied for development within the PD district
Refer to III A - deviations proposed for landscaping and parking.

THIRD COAST TERMINALS

PD FORMAT

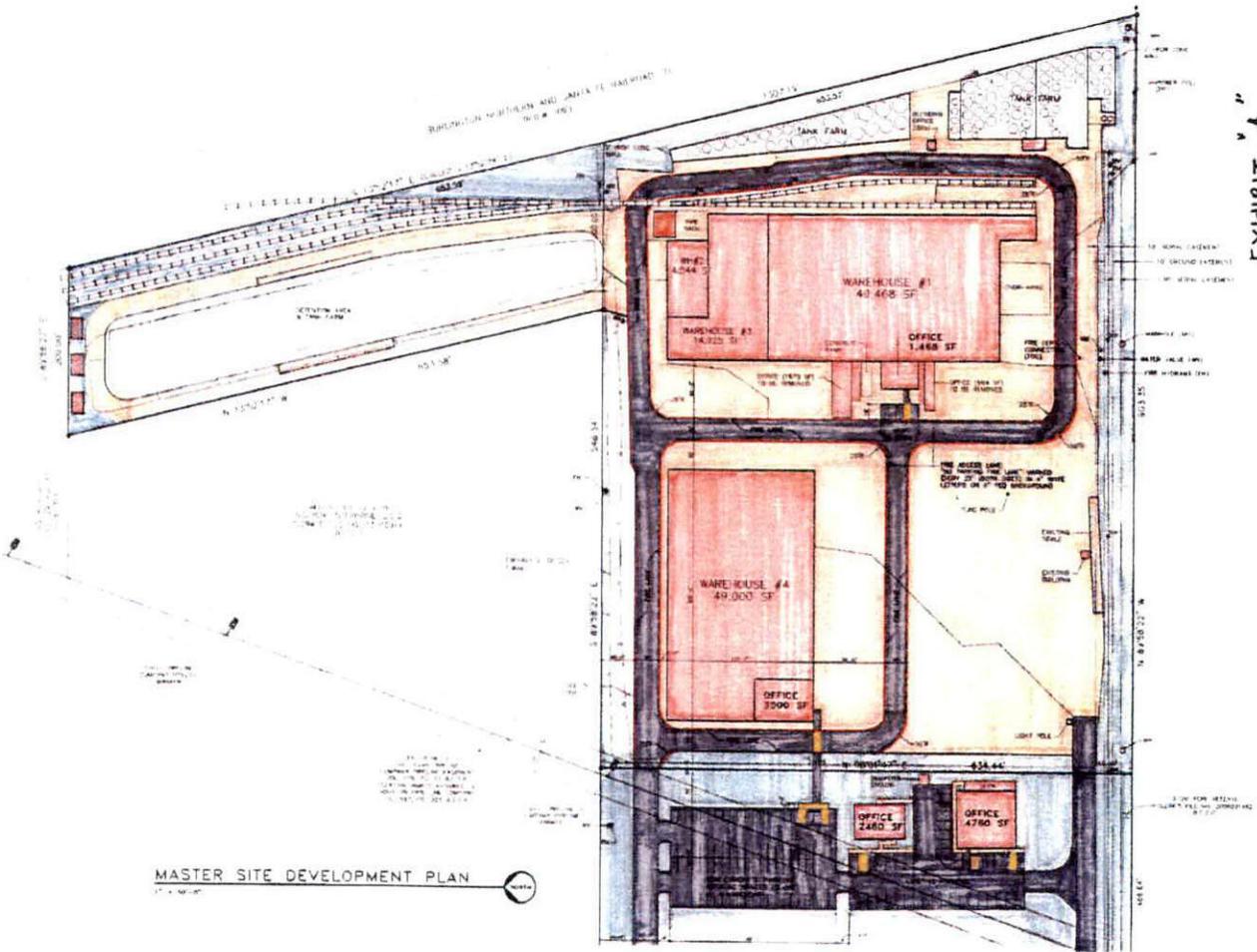
11/19/08

- III D. Add a note that all requirements of the Unified Development Code will be met, unless specifically mentioned in this Planned Development:
All requirements of the Unified Development Code will be met except those mentioned in III A (landscaping & parking).

- IV. Required dedications of land or public improvements:
All dedications of land or public improvements have been previously completed.

- V. A phasing schedule for the project, where applicable, setting forth the dates for submittal of site development plans and the timing of performance by the developer for dedications of land or public improvements and satisfaction of any conditions in relation to the phasing of development, where applicable.
Phasing Schedule:
New Tank Farm over Detention Area to begin November 2008.
New North Private Access Road - March 2009.
New Warehouse No.4 and Office - June 2009.

- VI. Exhibits:
 - A. **Design Plan (Master Site Development Plan) - Exhibit "A"**
 - B. **Master Site Landscaping Plan, sheet ML1 - Exhibit "B"**
 - C. **Enlarged Landscape Plan, sheet ML1.1 - Exhibit "C"**



MASTER SITE DEVELOPMENT PLAN

EXHIBIT "A"

MASTER SITE DEVELOPMENT PLAN
 PO BOX 1
THIRD COAST TERMINALS
 PEARLAND, TEXAS

M. G. G. ARCHITECTS
 ARCHITECTS, ENGINEERS, PLANNERS & INTERIORS, L.P.
 10000 WEST 10TH STREET, SUITE 1000, HOUSTON, TEXAS 77042

PROJECT NO. 10000
 DATE: 10/11/11
 SHEET NO. 10000-1
 OF 10000

DRAWN BY: MGG
 CHECKED BY: MGG
 APPROVED BY: MGG

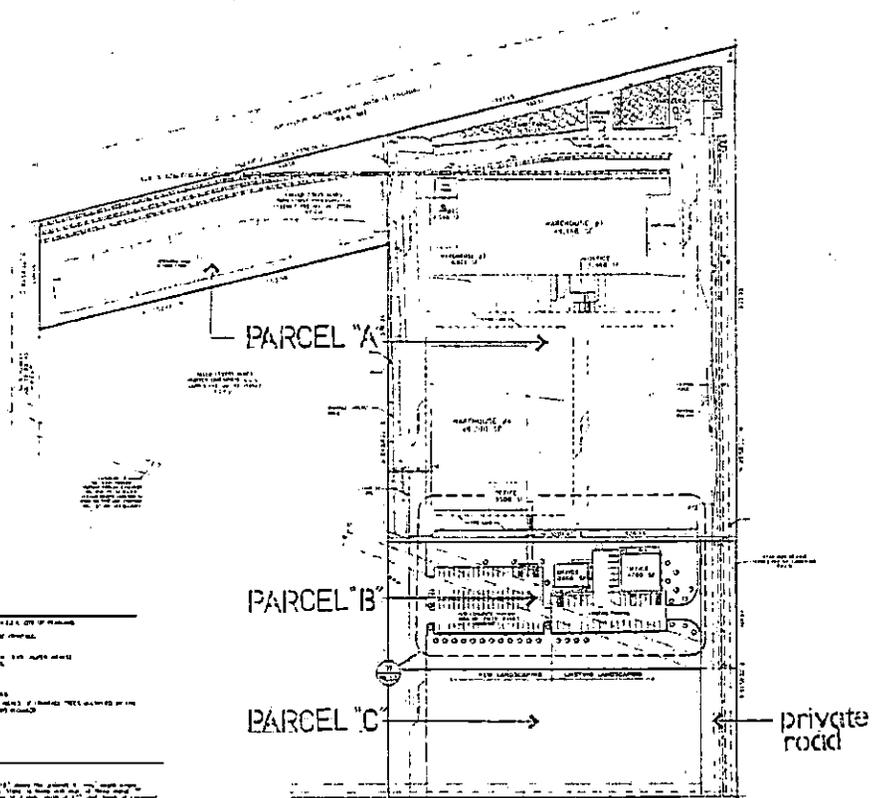
TITLE: **MSP1.1**

EXHIBIT B
MASTER SITE DEVELOPMENT PLAN
PD NO. 1
THIRD COAST TERMINALS
PEARLAND, TEXAS



MCGUFF ARCHITECTS

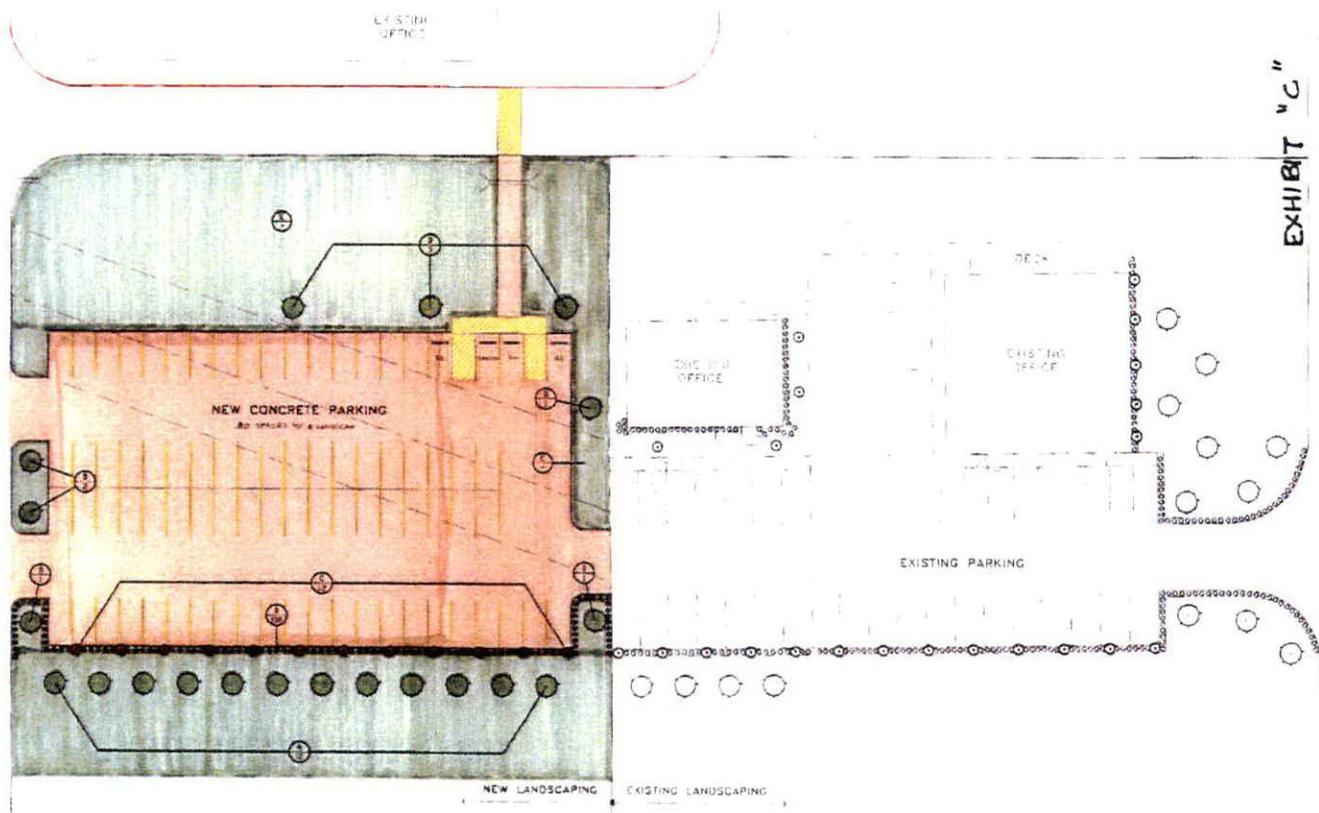
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| DATE | DATE |
| REVISION | REVISION |
| DESCRIPTION | DESCRIPTION |
| DATE BY | DATE BY |
| LANDSCAPE | LANDSCAPE |
| PROJECT | PROJECT |



- LANDSCAPE LEGEND**
- PLANTINGS IN THE COURTS** (SEE EXHIBIT A) (SEE EXHIBIT B) (SEE EXHIBIT C)
- 1 - 12 PLANTING NOTES
 - 2 - 12 PLANTING NOTES
 - 3 - 12 PLANTING NOTES
 - 4 - 12 PLANTING NOTES
 - 5 - 12 PLANTING NOTES
 - 6 - 12 PLANTING NOTES
 - 7 - 12 PLANTING NOTES
 - 8 - 12 PLANTING NOTES
 - 9 - 12 PLANTING NOTES
 - 10 - 12 PLANTING NOTES
 - 11 - 12 PLANTING NOTES
 - 12 - 12 PLANTING NOTES

MASTER SITE LANDSCAPE PLAN





ENLARGED LANDSCAPE PLAN
SCALE: 1" = 10'-0"

NOTE: REFER TO SHEET ML1 FOR LANDSCAPE LEGEND

EXHIBIT "C"

| | |
|---|--|
| MASTER SITE DEVELOPMENT PLAN PD NO. 1 THIRD COAST TERMINALS PEARLAND, TEXAS | |
| | |
| MCCUFFKARHILCTS <small>INCORPORATED 1987</small> | |
| | |
| ML1.1 | |

RECIPROCAL SHARED PARKING AGREEMENT

THE STATE OF TEXAS §
COUNTY OF BRAZORIA §

Mykawa Investments (hereinafter "Mykawa"), the owner and holder of the Real Property described as Parcels "B" and "C" including:

two parcels of land approximately 3 acres ± each located at 1871 Mykawa Road, Pearland, Texas 77581 on the east side of the road with Parcel C being undeveloped, and Parcel B consisting of two (2) office buildings (1 bldg. with 4,760 Sq. Ft.; 1 bldg. with 2,460 Sq. Ft.) and 39 parking spaces with future parking spaces for warehouses located in Parcel A of approximately 80 spaces (known as the "Mykawa Property"); and,

shown on *Exhibit "A"* attached hereto and incorporated herein for all purposes (the "Property"), does hereby GRANT AND CONVEY to, **Third Coast Packaging, Inc.** (hereinafter "Third Coast") the owner and holder of the Real Property described as Parcel "A" including:

one parcel of land approximately 15 acres ± located at 1871 Mykawa Road, Pearland, Texas 77581 on the east side of Parcels B and C above with developed warehouses and tank farms, including warehouse no. 1 (49,468 Sq. Ft.), warehouse no. 1 office (1,468 Sq. Ft.); warehouse no. 2 (4,544 Sq. Ft.); warehouse no. 3 under construction (14,925 Sq. Ft.); future warehouse no. 4 (49,000 Sq. Ft.) and Two (2) existing tank farm areas (81 tanks), future tank farm (90± tanks); detention area and rail spur (known as the "Third Coast Property"); and,

as shown on *Exhibit "A"* as Parcel C; the JOINT RIGHT TO USE PORTIONS OF THE PROPERTY FOR PARKING associated with the joint use of the Third Coast Terminals Planned Development all collectively shown on *Exhibit "A"* as Parcels A, B, and C, attached hereto and incorporated herein for all purposes.

Any use of the Property by and between Mykawa and Third Coast (collectively the "Parties") in connection with this agreement shall be for the sole purpose of parking for employees, visitors, customers, and contractors to the packaging and blending facilities including its offices and for the sole benefit Mykawa and Third Coast and its business ventures together or separately. Mykawa and Third Coast shall, at all times during the term of this Agreement, allow the mutual and reciprocal use of the Parcels, and in the use of said rights and privileges herein granted, neither party shall create a nuisance or do any act that will be detrimental to said Property or the business of each Party.

The term of this Agreement shall be for a period of Fifteen (15) years commencing upon execution of this Agreement, and shall expire earlier only at such time as the principal use upon the Property of blending and packaging chemicals ceases.

Each Party, at its own cost, shall maintain at all times during the term of this Agreement,

Commercial General Liability insurance, protecting the Parties to this agreement from liability and/or damages.

This agreement may only be amended, modified, or supplemented by written agreement and signed by representatives of both Parties. No assignment by a Party hereto of any rights under or interests in this agreement shall be binding on another Party hereto without the written consent of the Party sought to be bound.

Whenever possible, each provision of this agreement shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this agreement is prohibitive or invalid under applicable law, such provision shall be ineffective to the extent of such provision or invalidity, without invalidating the remainder of such provision or the remaining provisions of this agreement.

This Agreement shall be construed and enforced in accordance with and governed by the laws of the State of Texas. This Agreement and all obligations created hereunder shall be performable in Brazoria County, Texas.

EXECUTED and EFFECTIVE this the 7 day of January, 2009.

MYKAWA INVESTMENTS

THIRD COAST PACKAGING, INC.

[Signature]
Authorized Agent
Jim Clawson President
Printed Name and Title

[Signature]
Authorized Agent
ERIC CANDLER VICE PRESIDENT
Printed Name and Title

STATE OF TEXAS §
COUNTY OF BRAZORIA §

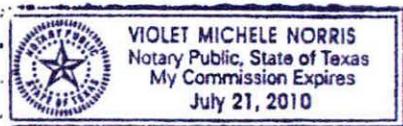
This instrument was acknowledged before me on this 7 day of January, 2009 by Violet Norris

[Signature]
Notary Public in and for the State of Texas

STATE OF TEXAS §
COUNTY OF BRAZORIA §

This instrument was acknowledged before me on this 7 day of January, 2009 by Violet Norris

[Signature]
Notary Public in and for the State of Texas



RECIPROCAL SHARED LANDSCAPING AGREEMENT

THE STATE OF TEXAS §
COUNTY OF BRAZORIA §

Mykawa Investments (hereinafter "Mykawa"), the owner and holder of the Real Property described as Parcels "B" and "C" including:

two parcels of land approximately 3 acres ± each located at 1871 Mykawa Road, Pearland, Texas 77581 on the east side of the road with Parcel C being undeveloped, and Parcel B consisting of two (2) office buildings (1 bldg. with 4,760 Sq. Ft.; 1 bldg. with 2,460 Sq. Ft.) and 39 parking spaces with future parking spaces for warehouses located in Parcel A of approximately 80 spaces (known as the "Mykawa Property"); and,

shown on *Exhibit "A"* attached hereto and incorporated herein for all purposes (the "Property"), does hereby GRANT AND CONVEY to, **Third Coast Packaging, Inc.** (hereinafter "Third Coast") the owner and holder of the Real Property described as Parcel "A" including:

one parcel of land approximately 15 acres ± located at 1871 Mykawa Road, Pearland, Texas 77581 on the east side of Parcels B and C above with developed warehouses and tank farms, including warehouse no. 1 (49,468 Sq. Ft.), warehouse no. 1 office (1,468 Sq. Ft.); warehouse no. 2 (4,544 Sq. Ft.); warehouse no. 3 under construction (14,925 Sq. Ft.); future warehouse no. 4 (49,000 Sq. Ft.) and Two (2) existing tank farm areas (81 tanks), future tank farm (90± tanks); detention area and rail spur (known as the "Third Coast Property"); and,

as shown on *Exhibit "A"* as Parcel C; the JOINT RIGHT TO USE PORTIONS OF THE PROPERTY FOR LANDSCAPING associated with the joint use of the Third Coast Terminals Planned Development all collectively shown on *Exhibit "A"* as Parcels A, B, and C, attached hereto and incorporated herein for all purposes.

Any use of the Property by and between Mykawa and Third Coast (collectively the "Parties") in connection with this agreement shall be for the sole purpose of landscaping to comply with the Master Site Development Plan between the Parcels and the Parties and for the sole benefit Mykawa and Third Coast and its business ventures together or separately. Mykawa and Third Coast shall, at all times during the term of this Agreement, allow the mutual and reciprocal use of the Parcels, and in the use of said rights and privileges herein granted, neither party shall create a nuisance or do any act that will be detrimental to said Property or the business of each Party.

The term of this Agreement shall be for a period of Fifteen (15) years commencing upon execution of this Agreement, and shall expire earlier only at such time as the principal use upon the Property of blending and packaging chemicals ceases.

Each Party, at its own cost, shall maintain at all times during the term of this Agreement,

Commercial General Liability insurance, protecting the Parties to this agreement from liability and/or damages.

This agreement may only be amended, modified, or supplemented by written agreement and signed by representatives of both Parties. No assignment by a Party hereto of any rights under or interests in this agreement shall be binding on another Party hereto without the written consent of the Party sought to be bound.

Whenever possible, each provision of this agreement shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this agreement is prohibitive or invalid under applicable law, such provision shall be ineffective to the extent of such provision or invalidity, without invalidating the remainder of such provision or the remaining provisions of this agreement.

This Agreement shall be construed and enforced in accordance with and governed by the laws of the State of Texas. This Agreement and all obligations created hereunder shall be performable in Brazoria County, Texas.

EXECUTED and EFFECTIVE this the 7 day of January, 2009.

MYKAWA INVESTMENTS

THIRD COAST PACKAGING, INC.

[Signature]
Authorized Agent
Jim Clawson Pres
Printed Name and Title

[Signature]
Authorized Agent
CHRIS CARROLL VICE PRESIDENT
Printed Name and Title

STATE OF TEXAS §
COUNTY OF BRAZORIA §

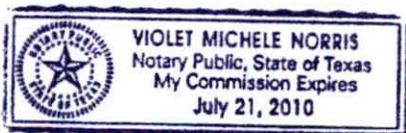
This instrument was acknowledged before me on this 7 day of January, 2009 by Violet Norris

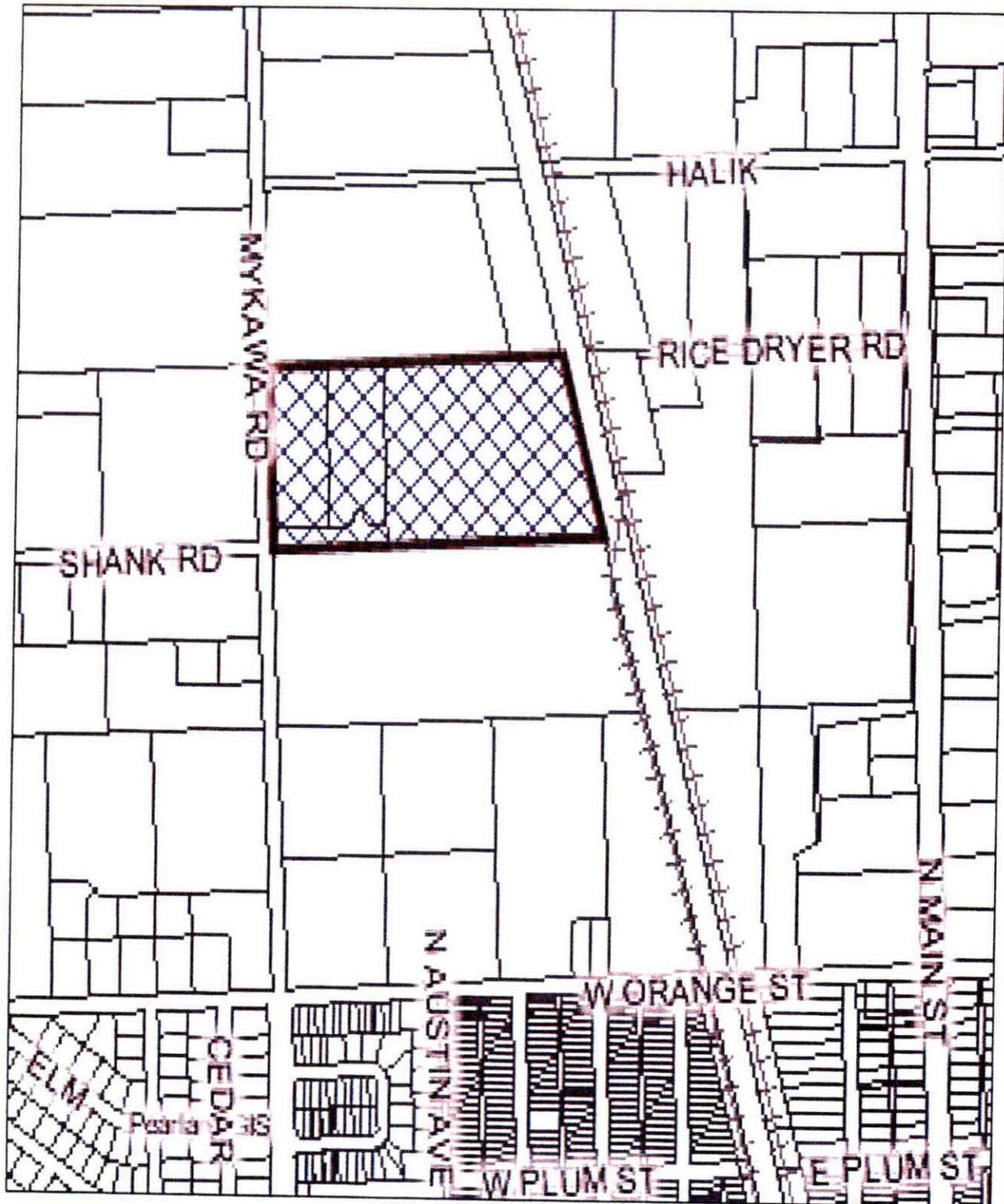
Violet Michele Norris
Notary Public in and for the State of Texas

STATE OF TEXAS §
COUNTY OF BRAZORIA §

This instrument was acknowledged before me on this 7 day of January, 2009 by Violet Norris

Violet Michele Norris
Notary Public in and for the State of Texas



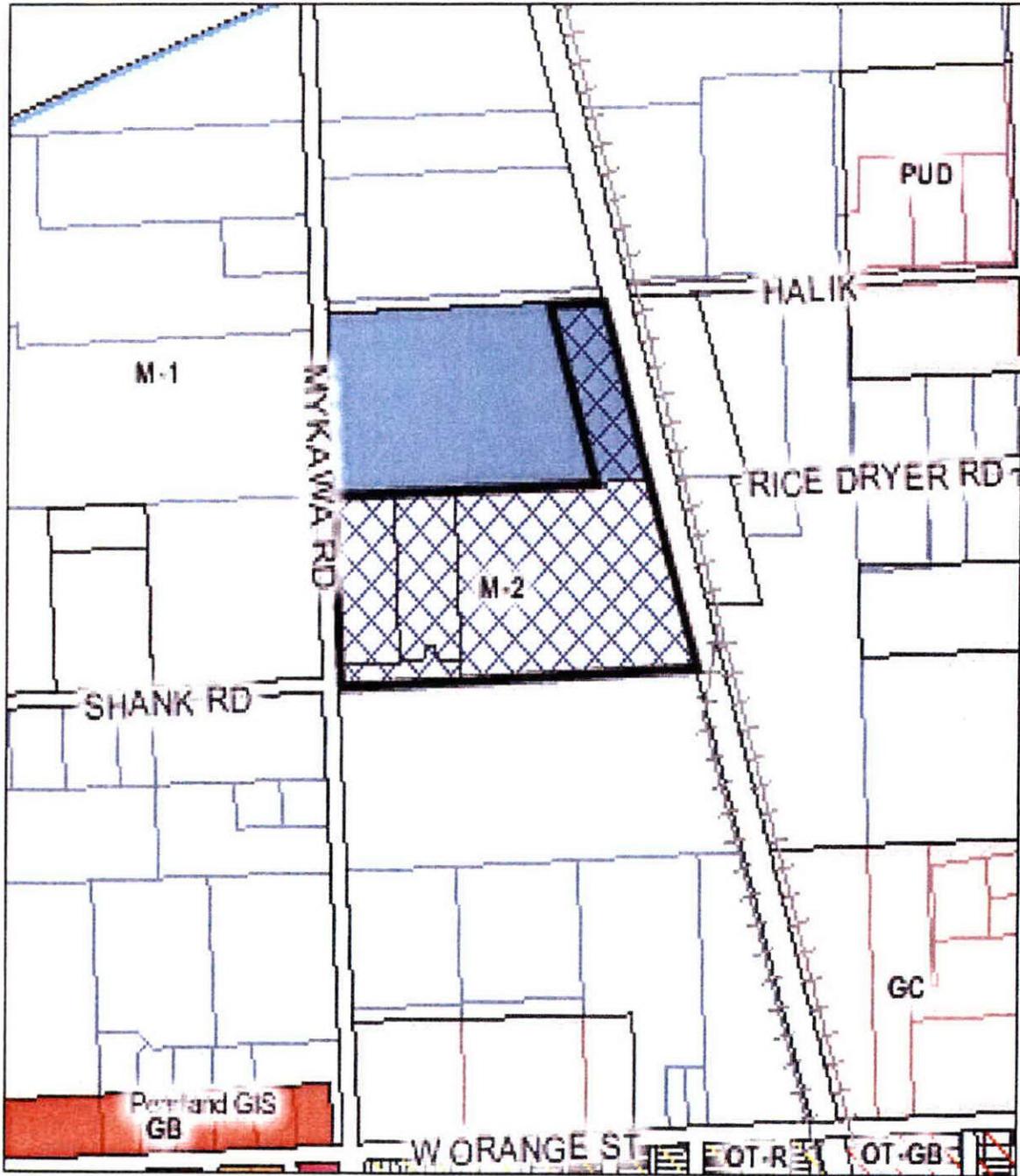


LOCATION MAP
ZONE CHANGE NO. 2009-01Z
1871 MYKAWA ROAD

↑
NORTH

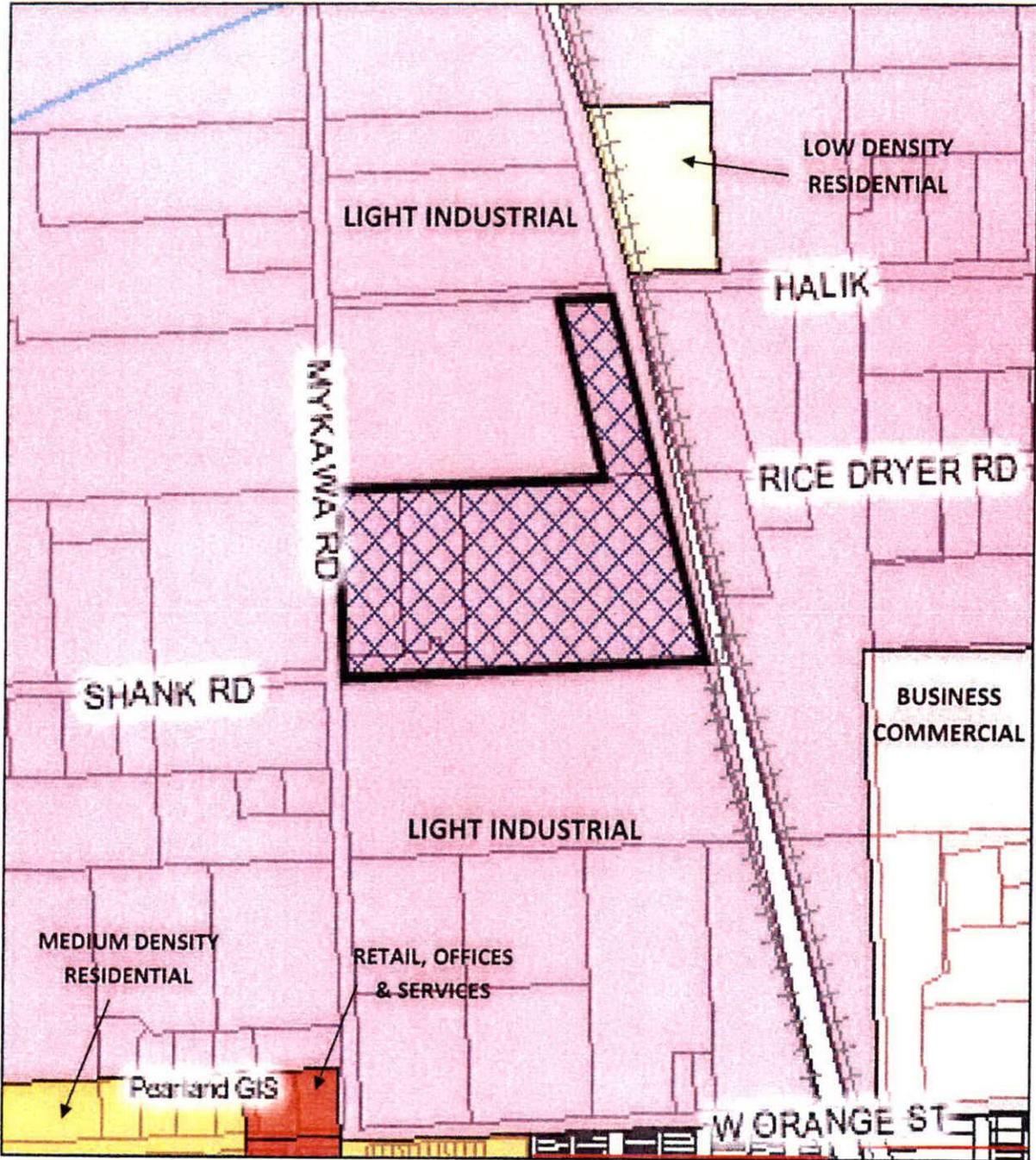
ZONE CHANGE NO. 2009-01Z
 1871 MYKAWA ROAD
 PROPERTY OWNER NOTIFICATION LIST

| Tax Account | Owners Name | Mail Address | Mail City | Mail State | Mail Zip |
|---------------|--------------------------------|---------------------|--------------|------------|----------|
| 0232-0001-000 | AMERICAN RICE GROWERS COOP | 4401 RICE DRIER RD | PEARLAND | TX | 77581 |
| 0232-0001-000 | AMERICAN RICE GROWERS COOP | 4401 RICE DRIER RD | PEARLAND | TX | 77581 |
| 0232-0009-000 | NGUYEN ENTERPRISE LLC | PO BOX 920586 | DUTCH HARBOR | AK | 99692 |
| 0232-0009-110 | THIRD COAST PACKAGING | 1871 MYKAWA RD | PEARLAND | TX | 77581 |
| 0232-0028-000 | FEF FAMILY LIMITED PARTNERSHIP | PO BOX 1148 | CROCKETT | TX | 75835 |
| 0232-0037-011 | PIPE & TUBE SUPPLIES INC | PO BOX 2677 | PEARLAND | TX | 77588 |
| 0232-0037-016 | THIRD COAST PACKAGING | 1871 MYKAWA RD | PEARLAND | TX | 77581 |
| 0543-0001-000 | PACKAGING SERVICE CO INC | 1904 MYKAWA RD | PEARLAND | TX | 77581 |
| 0543-0044-000 | BELLE EXPLORATION INC | PO BOX 952 | NATCHEZ | MS | 39121 |
| 0543-0078-111 | HOUSTON PIPELINE CO LP | 800 E SONTERRA BLVD | SAN ANTONIO | TX | 78258 |
| APPLICANT | STEPHEN A. ENGBROOK | 1871 MYKAWA RD | PEARLAND | TX | 77581 |
| OWNER | THIRD COAST PACKAGING | 1871 MYKAWA RD | PEARLAND | TX | 77581 |



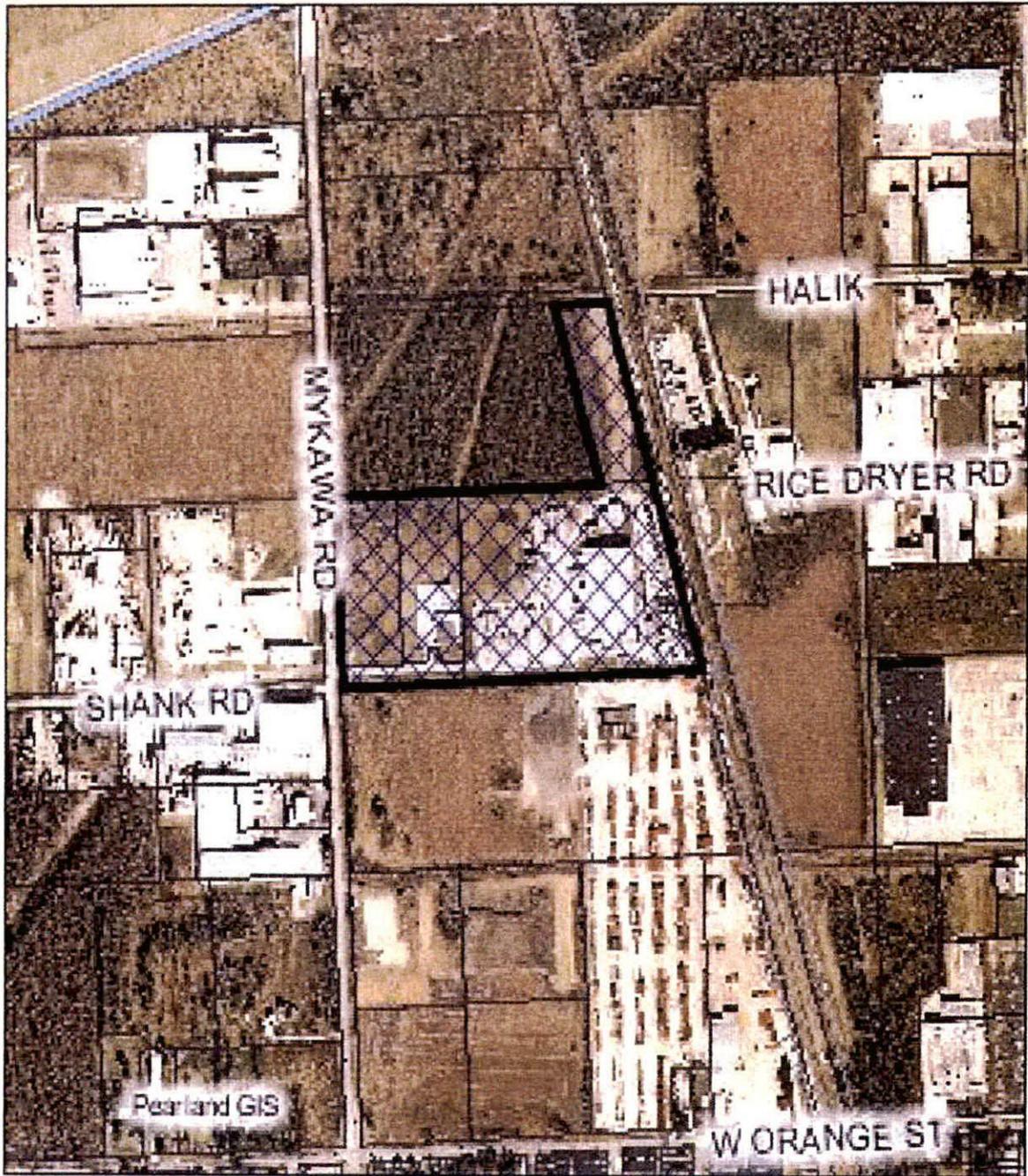
ZONING MAP
ZONE CHANGE
1871 MYKAWA RD.

↑
NORTH



FUTURE LAND USE MAP
ZONE CHANGE
 1871 MYKAWA RD.

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 NORTH



AERIAL MAP
ZONE CHANGE
1871 MYKAWA RD.

↑
NORTH

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JANUARY 19, 2009, AT 6:30 P.M., IN THE COMMUNITY CENTER, CITY HALL, 3523 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

Zone Change No. 2009-02Z

Request of Jung Kwak, applicant for Montalbano Lumber Co. Inc., owner, for approval of a change in zoning district from classification Light Industrial (M-1) to Planned Development (PD), on the following described property:

LEGAL DESCRIPTION: 26.34 acres of land, being parts of and the North half of Lot 44 and all of Lot 49 of Zychlinski's Subdivision in the HT&B RR Co. Survey, Section 3, Abstract 232, and R.B Lyle Survey, Abstract 542, in the Brazoria County, Texas.

GENERAL LOCATION: Located on the West Side of SH 35 (North Main Street), and on the South Side of McHard Road

III. APPLICATION INFORMATION AND CASE SUMMARY

**STAFF REPORT
APPLICANT PRESENTATION**

IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

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

JOINT PUBLIC HEARING AGENDA ITEM MEETING OF JANUARY 19, 2009

Zone Change No. 2009-02Z

Request of Jung Kwak, applicant for Montalbano Lumber Co. Inc., owner, for approval of a change in zoning district from classification Light Industrial (M-1) to Planned Development (PD), on the following described property:

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GENERAL LOCATION: Located on the West Side of SH 35 (North Main Street), and on the South Side of McHard Road

APPROVAL PROCESS: After this Joint Public Hearing, the requested zone change application will be considered as follows:

Planning and Zoning Commission: January 19, 2009*

City Council for First Reading: February 9, 2009*

City Council for Second Reading: February 23, 2009*

(*dates subject to change if item is tabled)

SUMMARY: This PD application was discussed at a joint workshop on November 17, 2008. The applicant is proposing a PD on approximately twenty six (26) acres of vacant land located on the west side of Main Street, South of McHard Road and North of Halik Road.

The land is currently zoned Light Industrial (M-1). The applicant is proposing General Commercial District (GC) for the 10.07 acres along Main Street. The remaining 15.9 acres is proposed to remain as M-1. A three-acre detention pond and a three-acre pipeline easement are located on the 15.9 acres being retained as M-1. The remaining buildable M-1 land would amount to 9.9 acres, including the proposed road.

The PD proposes a road to access the rear part of the property from Main Street. This road would connect to Halik Road. The phasing proposed in the PD indicates that Phase I will include platting of the cul-de-sac and proposed cul-de-sac connection to

Halik Road. The building permits on the GC tract would be contingent on completion of the cul-de-sac road and cross access easements in place with the property owner of the remaining M-1 tract.

Phase II will include construction of the connector to Halik Road before any permits are issued for the M-1 tract.

The applicant proposes to follow all applicable requirements of the City.

In September, the applicant had requested a change in zoning on the subject property to GC from M-1. The applicant had stated that the subject property may be subdivided into smaller lots as per the requirements of the Unified Development Code (UDC). The applicant had stated that he was seeking this zone change to allow commercial and retail uses (especially hotel use) on this property that are not allowed by an M-1 zoning classification.

The applicant was directed to consider a PD and the zone change was denied. The council and commission had directed the applicant to specify the commercial uses proposed, limit opportunities for commercial and increase opportunities for manufacturing uses.

The applicant has not listed any specific uses and is seeking permission for all uses allowed in a GC zone. The proposed PD does not appear to be any different from the zone change that was proposed, except for the road that is included in the PD.

Staff was opposed to the zone change at that time due to the following reasons:

1. The proposed GC district does not conform to the Comprehensive Plan designation of Light Industrial uses for the subject property.
2. A zone change to GC is not appropriate for the subject tract due to it being adjacent to properties zoned as M-1.
3. A zone change to GC would be inconsistent and incompatible with the surrounding industrial uses.
4. A zone change to GC on this tract could cause many other properties within the area to attempt convert to commercial and retail uses, restrict future industrial growth, and erode industrially zoned land.
5. Due to proximity to railroad tracks, convenient access along Main Street from Beltway 8, and surrounding industrial uses, this area is better suited for industrial uses.

Pearland Economic Development and Planning and Zoning Commission had recommended against the previous zone change.

Additionally, it was staff's opinion that GC would not be appropriate in a Corridor Overlay District, due to lesser standards of development and the nature of uses permitted, as compared to a GB (General Business) zone.

SURROUNDING ZONING AND LAND USES:

| | <u>Zoning</u> | <u>Land Use</u> |
|-------|--|---|
| North | Light Industrial (M-1) | Undeveloped, detention area. |
| South | Light Industrial (M-1), industrial PD | Industrial uses, vacant land |
| East | General Commercial (GC) | Mix of retail, commercial and industrial uses, some undeveloped land. |
| West | Railroad Tracks, Light Industrial (M-1) | Undeveloped. |

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The subject property meets and exceeds the minimum requirements, as the subject property is 27 acres in size, is over 600 feet in width along Main Street, and is over 1600 feet deep.

The applicant will be required to comply with all other requirements of the Unified Development Code.

PLATTING STATUS: PLATTING STATUS: Based on the legal description submitted with the zone change application, it appears that the subject property has not been platted. The subject property will need to be platted in accordance with the Unified Development Code, Chapter 3, Subdivision Regulations, prior to issuance of a building permit. The plat will need to address all requirements listed in Chapter 3, and be approved by the City, and the plat will need to be filed for record with the County Clerk, prior to issuance of a building permit. All future division of land would need to conform to the UDC.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Light Industrial" for the subject property and for many of the surrounding properties. The Comprehensive Plan further indicates that the appropriate zoning district for "Light Industrial" is Light Industrial (M-1), the current zone

of the property. Therefore, the proposed zone change to GC does not conform to the Comprehensive Plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Main Street, a major thoroughfare, as per the Thoroughfare Plan. Land required for widening of Main Street has been acquired by TXDOT. If needed, additional land dedication may be required during platting. The proposed cul-de-sac and road connecting Main Street to Halik Road would need to conform to city standards.

AVAILABILITY OF UTILITIES: There is an 8 inch water line located on the east side of Main Street, along the frontage of the subject property. The sanitary sewer may need to be extended from the southern boundary of the property. The applicant will be responsible for extending all utilities as necessary to serve the proposed development.

Availability and adequacy of utilities will be reviewed during the review of any subdivision plat or building permit applications submitted for the subject property.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The subject property is currently zoned as Light Industrial (M-1). Many of the properties along the west side of Main Street within the subject area are currently zoned as M-1 or Industrial PD as well. The exception along the west side of Main Street is the Holiday Inn property that is zoned GC. Along the east side of Main Street, the zoning is GC; however industrial uses exist there, including Profax – an industrial establishment.

The applicant is wanting to rezone the property in order to develop the property for retail and commercial uses.

The Future Land Use Plan and current zoning designates the subject property for industrial uses. Majority of the current uses around the property are industrial also. Retention and expansion of industrial zoned land, and erosion of manufacturing uses and land zoned for manufacturing has been a concern for the city. This area is generally considered appropriate for manufacturing due to proximity to rail road tracks, convenient access from Beltway 8, and most importantly lack of any residential uses in the vicinity that would be adversely affected by industrial uses.

If the zone change is approved, the development on this property with uses that are incompatible with surrounding manufacturing, may impede expansion of existing manufacturing and development of future manufacturing uses in this area.

However, at the workshop, some members of the council and commission had indicated that the PD would be desirable if:

- a. The proposed retail and commercial uses were specifically listed in the PD, and more intense and undesirable uses that were not appropriate in a corridor overlay district were eliminated from that list;
- b. The road connecting Main Street to Halik Road was constructed, thereby providing access to the parcels in the rear for future industrial development;
- c. The developer could share city's detention, located on the north side of the parcel, and create larger tracts of developable land;
- d. Ownership and agreement regarding future connection to Halik Road over the Dolan tract was finalized.
- e. Cross-access easement was provided over the north tract to share driveways on Main Street.

The PD proposes all uses permitted in a GC zone and does not eliminate any uses. Further the PD states that the connecting road would be part of phase II, when the remainder 9 acre parcel is developed as M-1. The economic feasibility of developing 9 acres in conjunction with 1,100 feet (approx) of roadway may hinder the development of rear parcels as industrial. Sharing of detention with the city has not been addressed in the PD. The applicant has not provided the agreement regarding future road through the adjoining Dolan tract. The PD states that the property owners have expressed their willingness to enter into an agreement to allow the connection to Halik Road. The PD states that permits for the GC tract would be contingent upon cross access easement being provided over the north tract.

PUBLIC NOTIFICATION: Public notice/comment forms were mailed to property owners within 200 feet of the subject property under consideration. A legal notice of public hearing was published in the local newspaper, and a Zoning Sign was placed on the subject property.

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

STAFF RECOMMENDATION: Staff recommends approval of the PD for the following reasons:

1. Retaining M-1 zone for the western portion of the site will allow for industrial development in conformance with the Comprehensive Plan, current zoning and current surrounding uses.
2. Rezoning of land along Main Street to allow retail and commercial uses will be

in conformance with the uses along areas of Main Street, where parcels with frontage on Main Street have retail and commercial uses.

3. Construction of a road connecting Main Street and Halik Road will facilitate development of parcels at the rear and provide for better circulation and access.

Staff has the following concerns:

1. The PD states that the road connecting Main Street to Halik Road would be part of phase II, when the remainder 9 acre parcel is developed as M-1. The economic feasibility of developing 9 acres in conjunction with 1,100 feet (approx) of roadway may hinder the development of rear parcels as industrial.
2. The size of the proposed detention greatly reduces the area of M-1 zoned developable land. Sharing the city's detention would be beneficial.
3. Agreements regarding future road connection to Halik Road over the Dolan tract have not been provided. If, due to unforeseen reasons, this easement/agreement is not obtained, then the status of the PD would be questionable. This needs to be addressed in the PD.
4. PD document include exhibits C, D, and E, as stated.

SUPPORTING DOCUMENTS:

- Zone Change Application
- Location Map
- Property Owner Notification List
- Zoning Map
- Future Land Use Plan
- Aerial Photograph

PD application
~~WORKSHOP~~

11/17/08



APPLICATION FOR A CHANGE IN ZONING

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

Current Zoning District: M-1 LIGHT INDUSTRIAL

Proposed Zoning District: PUD M-1 AND GC

Property Information:

Address or General Location of Property: 1600 BLOCK OF NORTH MAIN STREET WEST SIDE OF N. MAIN BETWEEN HALIK ROAD AND McHARD ROAD

Tax Account No. 0232-0032-000 (15.953 ACS) 0542-0053-000 (10.376 ACS)

Subdivision: HT+B RR A 0232 A 0542 Lot: 44A/49 Block: N/A

A Complete Application must include all of this information:

- Fee (see Zoning Change Fee Schedule) PREVIOUSLY PAID ✓
- Legal Description and/or Survey of the Property Need new fee if previous zone change application is denied or heard by Council.
- Letter Explaining the Zoning Change Request in detail (specify the existing zoning and why the zone change is being requested, current use of the property, and the proposed use of the property; if a PD is requested, see PD Format and Guidelines)

PROPERTY OWNER INFORMATION:

NAME MONTALBANO LUMBER CO. INC.
ADDRESS 1309 HOUSTON AVE
CITY HOUSTON STATE TX ZIP 77007
PHONE (713) 228-9011
FAX (713) 228-3417
E-MAIL ADDRESS mike@montalbano.com

APPLICANT INFORMATION:

NAME JUNG H. KWAK
ADDRESS 2621 SUNFISH DRIVE
CITY PEARLAND STATE TX ZIP 77584
PHONE (281) 997-1626
FAX (281) 997-1626
E-MAIL ADDRESS jungkwak@gmail.com

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.

APPLICANTS
Owner's Signature: [Signature] Date: 10/20/08
Agent's Signature: [Signature] Date: 20 OCT 2008

| OFFICE USE ONLY: | | | |
|------------------|------------|--------------|-----------------|
| FEES PAID: | DATE PAID: | RECEIVED BY: | RECEIPT NUMBER: |
| <u>n/a</u> | | | |

Application No. 2009-022

**The Planned Development Zoning District (PD) Document
for the Proposed Development on North Main Street**

**Commercial / Industrial
Mixed-Use
Planned Development
on North Main Street**

Submitted to:

City of Pearland
3519 Liberty Drive
Pearland, TX 77581

Submitted by:

Jung Kwak
2621 Sunfish Drive
Pearland, TX 77584

December 15, 2008

The Planned Development Zoning District (PD) Document for the Proposed Development on North Main Street

Introduction

A. Description of the Subject Property.

The subject property, approximately twenty-six (26) acres in area (vacant land), is located on the west side of North Main Street (Texas Highway 35) and approximately 500 feet south of the intersection of North Main St. and McHard Road, and 400 feet north of the intersection of North Main St. and Halik Road. The project site is primarily level land with trees and other vegetation. It has three (3) major pipelines (oil and gas) crossing it in a southwest to northeast direction.

B. Description of Proposed Development.

Proposed development will be mixed, with the frontage along Hwy 35/N. Main Street being commercial/retail and other uses permitted in General Commercial, and a commercial business park consisting of office-warehouse buildings. The M-1 Industrial and behind the commercial frontage will be developed as an industrial business park with office-warehouse and manufacturing buildings.

The intent is to develop the property by platting into reserves or lots for both commercial and industrial uses, as dictated by the PD, in order to provide smaller tracts of land for immediate use by businesses wanting to purchase the land and get a building permit from the City in a reasonable time without having to develop what they purchase. See Exhibit A Design Plan.

C. Describe the area of land in acreage.

The subject property comprises an area of approximately 26.273 acres. The original tract contained 26.58 acres. The State of Texas has purchased additional right-of-way along Highway 35, reducing the acreage by approximately .3072 acre. Drainage and pipeline easements currently on the property approximate 3 acres of surface which are unable for use in development or building. See Exhibit B, 2 pages.

- D. A statement as to the purpose and intent of the PD district established therein.

The proposed development will be consistent with the uses described in Section I.B above. The purpose of the proposed PD is to facilitate development of the subject site complimentary to the character and developments in the project area while eliminating the potential for adverse uses not favorable to the neighborhood developments. In addition, PD will provide for adequate separation and screening as required by the Pearland Uniform Development Code (UDC) between the subject site and industrial development located to the south of the property. The proposed development area may be subdivided into smaller lots as per the UDC requirements.

II. Zoning and Land Use

- A. Describe the existing zoning districts and the boundaries of said districts.

The current zoning of the subject property is M-1 Light Industrial. Properties to the north and south are zoned as M-1 Light Industrial. The properties to the east of the subject property (east side of North Main St.) are zoned GC General Commercial District. See Exhibit C.

- B. Describe the base zoning district(s) to be overlaid, together with the boundaries of the district(s), and describe the areas in acreage of each different district.

The subject property is proposed to be used consistent with the following zoning categories:

The frontage along North Main (Hwy 35), legally described as Lot or Tract 44-A, Abstract 542, HT&B RR Survey, consisting of 10.0685 acres, net of certain tracts of land acquired by the State of Texas for Hwy 35, as GC/ General Commercial District with PD.

The remaining land, Tract 49 Part, Abstract 232, HT&B RR Survey, consisting of 15.953 acres, would retain its M-1/ Light Industrial zoning with PD.

All other land use types identified as requiring conditional use permit (CUP) will follow applicable approval processes.

See Exhibit C.

- C. The general standards applicable to development within the district, with or without reference to the base district, including but not limited to: density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, accessory buildings, signs, lighting, project phasing or scheduling, management associations, and such other requirements as the City Council may deem necessary in order to implement the Comprehensive Plan, and the purposes of the PD district.

All applicable requirements of the city of Pearland including the specific requirements for Zoning category GC including but not limited to: density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, accessory buildings, signs, lighting, project phasing or scheduling, management associations, and such other requirements will be met for the proposed development.

Access will be provided by the road proposed as shown in the Design Plan (Exhibit A). Adjacent property owners have been contacted and have expressed their willingness to enter into an agreement for cross-access and road connections to allow better traffic flow for the Subject Property and the Halik Road property and less curb cuts for the corner property at McHard Road and Hwy 35.

Agreements with adjacent land owners are Exhibits E and F.

1. Provide a table outlining the percent of use in each zoning classification. Include detention and major thoroughfares as separate items. Discuss possible variations from percentages in table and amount of variance requesting, if any

| Land Use Summary | | | |
|---|-------|---------------------------|-----------------|
| Use | Acres | Percentage of Total Acres | Zoning District |
| Single Family | 0 | 0 | |
| Multiple Family | 0 | 0 | |
| General Business/Commercial | 8.0 | 31% | GC |
| Parkland to be dedicated to the City | 0 | 0 | |
| Pipelines (3) separate easements | 3.0 | 11% | M-1 |
| Detention | 4.0 | 15% | M-1 |
| Thoroughfares / ROW | 2.0 | 8% | GC/ M-1 |
| Internal Streets / Vehicular Circulation | 0 | 0 | |
| Others - Uses described In Section IB above | 9.0 | 35% | M-1 |

2. For residential uses, provide lot width categories and corresponding zoning in a table. Describe the percent change the number of lot sizes may vary by category, if any variation.
Not Applicable

| Residential | | |
|-------------|----------|----------------|
| Zone | Lot Area | Number of Lots |
| | | |
| | | |
| | | |

- D. The permitted, conditional and accessory uses authorized in the district, the location of such uses, the residential densities or other measurements of development intensity associated with base districts or phases of the development in conformance with the approved Design Plan.

Not Applicable

III. Design Standards Applicable to the Development

- A. Signage, Landscaping, Fencing, Parking, Screening, Trees, etc.

Signage will be consistent with City of Pearland requirements.

Landscaping will be in accordance with City of Pearland minimum requirements, with additional landscaping as desired by the developer/ user of the property.

Fencing and screening will be in accordance with City of Pearland UDC requirements.

Parking will be in accordance with City of Pearland UDC requirements.

The property has a large stand of native volunteer trees which have grown over the years of non-use of the land. Landscaping will include the replacement of any desired or protected tree species in accordance with Pearland's tree ordinance and the provisions of the UDC.

- B. Refer to Design Plan and describe which aspects of plan are precise and which are general.

The enclosed Design Plan depicts the property boundaries, proposed drainage/ detention easements, as well as the location of the proposed access road. The location of the roadway shown in the Design Plan is approximate. The exact geometry and location will be determined based on Texas Department of Transportation (TxDOT) and City of Pearland requirements for curb cuts and/or median cuts, the size and location of storm water detention pond and drainage requirements, and individual lot geometry.

A Traffic Impact Analysis (TIA) will be performed.

- C. A specific list of deviations from standards in the base zoning district(s), together with any standards in the ordinance which are to be varied for development within the PD district.

None.

- D. Add a note that all requirements of the Unified Development Code will be met, unless specifically mentioned in this Planned Development.

The proposed development will meet all requirements of the City of Pearland Unified Development Code (UDC). Outdoor storage and activities will be permitted by Conditional Use Permit (CUP).

- IV. Required Dedications of Land or Public Improvements

None known, unless City of Pearland requires dedication(s)..

- V. A phasing schedule for the project, where applicable, setting forth the dates for submittal of site development plans and the timing of performance by the developer for dedications of land or public improvements and satisfaction of any conditions in relation to the phasing of development, where applicable.

Phasing schedule for the project is as follows:

Phase I -- plat the 26 acres with a cul-de-sac road measured not more than 600 feet into the property from Hwy 35, with the cul-de-sac being in the portion zoned as M-1. The plat will show the proposed road with future connection to Halik Road. Phase I building permits on the GC tract would be contingent upon completion and city acceptance of the cul-de-sac road and cross access agreements in place with the property owner to the North of the GC tract.

Phase II – Construct the remainder of the planned road to connect with Halik Road. Phase II building permits for the M-1 tract would be contingent upon completion and city acceptance of the proposed connecting road as shown on the Phase I plat.

All access easements and rights of way will be shown on the plat.

VI. Exhibits

- Exhibit A** **Design Plan**
- Exhibit B** **Description**
- Exhibit C** **Zoning**
- Exhibit D** **Access/Road**
- Exhibit E** **Agreement 1**
- Exhibit F** **Agreement 2**

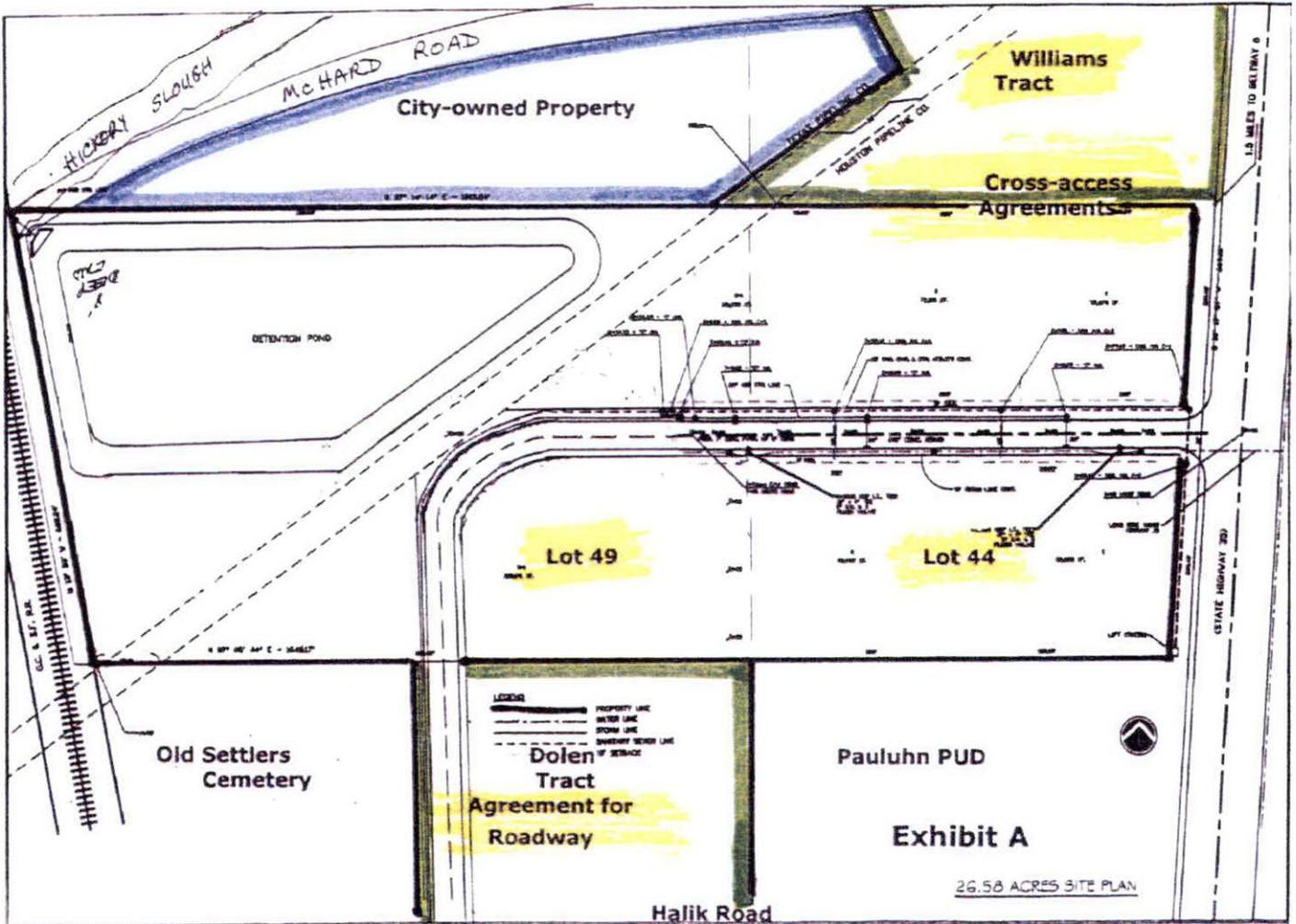
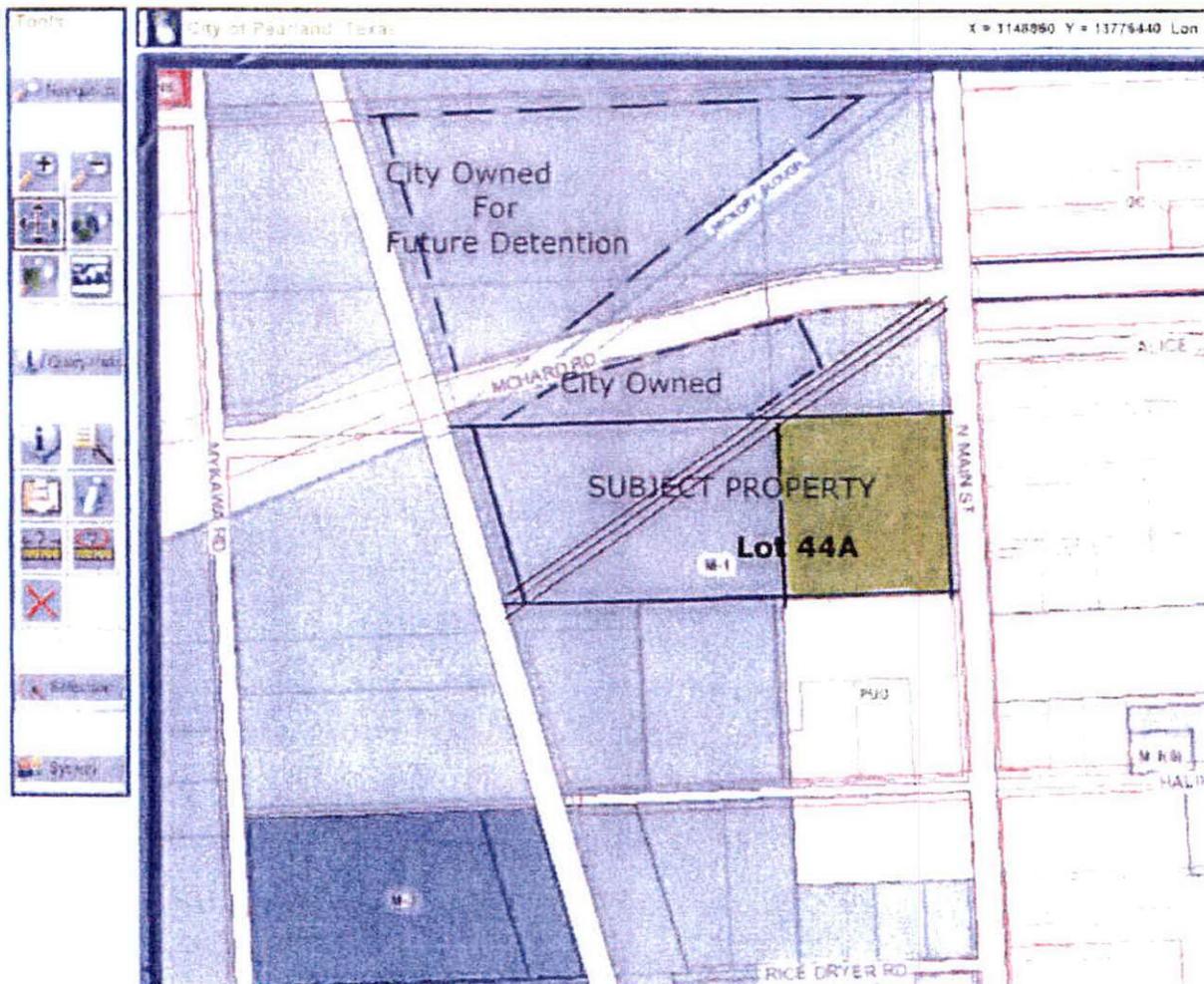


Exhibit B: Page 1



Geographic Information S



The Subject Property consists of 26.58 acres, less the Right-of-Way (ROW) purchased by the State of Texas for expansion of Texas Highway 35. The remaining acres are estimated at 26, more or less. The property is currently zoned as "M-1 Light Industrial" by the City of Pearland. Highway 35/ North Main frontage (east boundary) is 669 feet, the south boundary is 1648 feet, the west boundary (along the railroad) is 688 feet and the north boundary is 1813 feet; these dimensions include the land purchased by the State of Texas. Three pipelines cross the property on a diagonal from the southwest corner of Lot 49 through the northwest corner of Lot 44-A; these pipeline easements cover approximately 3.5 acres though the center of the property.

Exhibit B: Page 2

Metes and Bounds Description

28.58 acres of land, being parts of and the North half of Lot 44 and all of Lot 49 of Zychenak's Subdivision in the HT&B RR Co. Survey, Section 3, Abstract 232, and R.B. Lyle Survey, Abstract 542, in Brazoria County, Texas, and described by Metes and Bounds as follows:

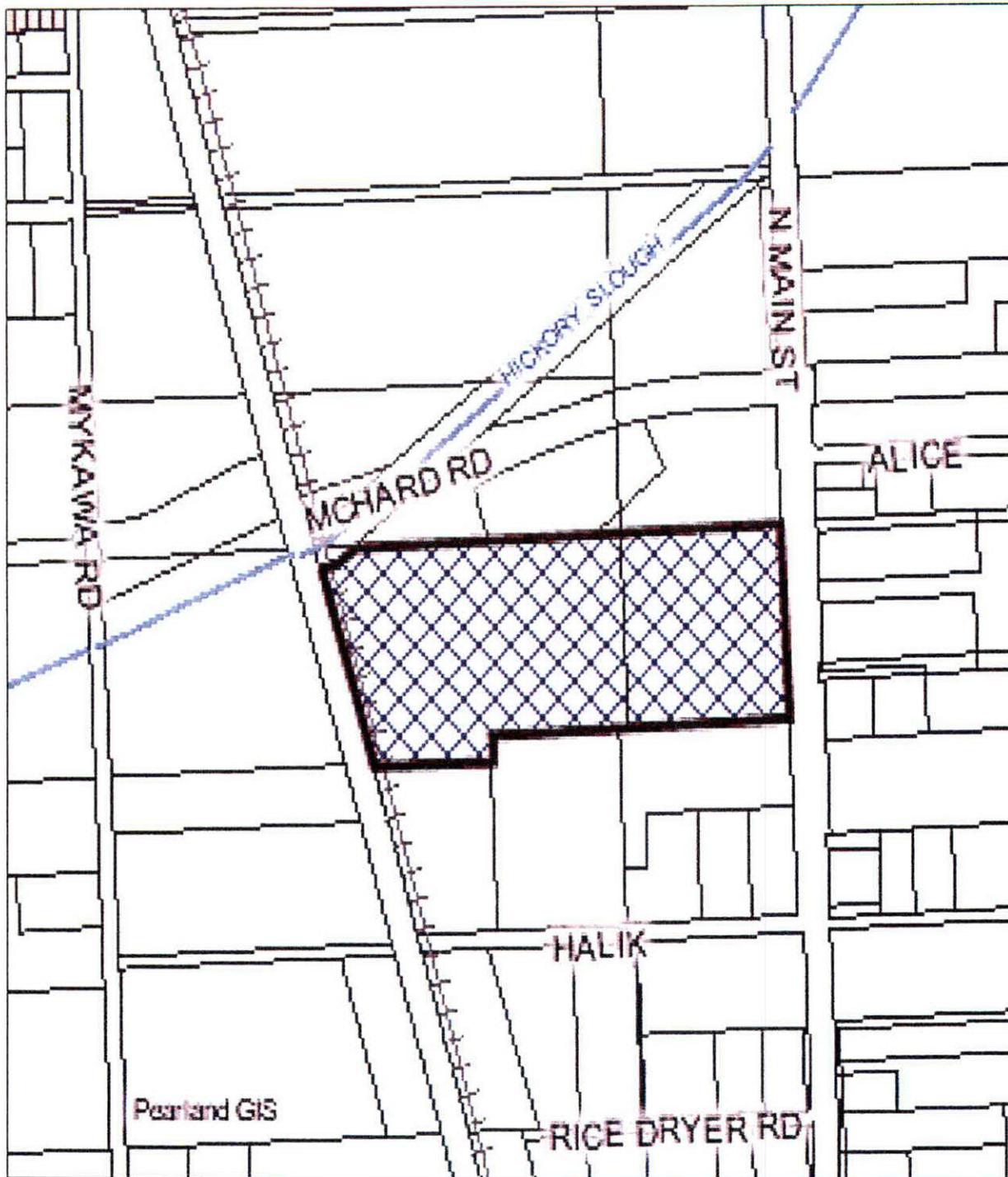
BEGINNING at a concrete monument marking the northeast corner of the herein described tract on the westerly right-of-way line of State Highway 35, said iron rod being located South $0^{\circ}17'37''$ West 1161.31 feet from the intersection of the north line of Lot 53 and the westerly right-of-way line of State Highway 35;

THENCE South $0^{\circ}17'37''$ West along the westerly right-of-way line of State Highway 35 a distance of 669 feet to an iron rod marking the southeast corner of the tract herein described;

THENCE west a distance of 1648.17 feet to an iron rod set for the southwest corner of the herein described tract, on the easterly right-of-way line of the GC&SF Railway Co. right-of-way;

THENCE North $13^{\circ}35'$ West along said right-of-way line a distance of 688.24 feet to an iron rod set for the northwest corner of the herein described tract;

THENCE East along the common line between Lots 49 and 54 and Lots 44 and 53 a total distance of 1813.24 feet to the Place of Beginning; and being the same tract surveyed by D. H. Adams, Registered Public Surveyor No. 530 during the month of June, 1979, and shown on Plat prepared by such Surveyor.



LOCATION MAP

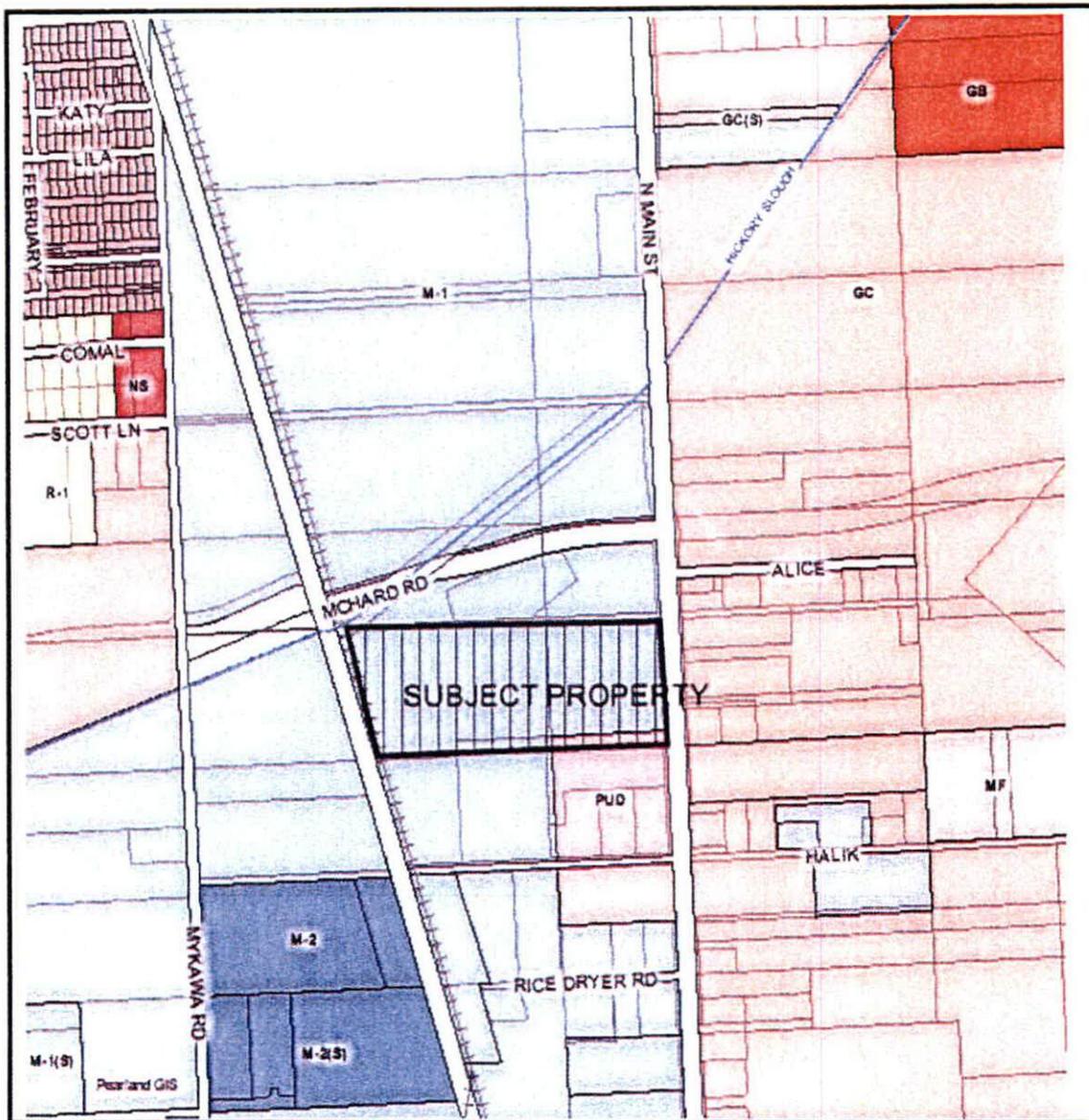
ZONE CHANGE NO. 2009-02Z

1600 BLOCK OF NORTH MAIN BETWEEN HALIK AND MCHARD

↑
NORTH

ZONE CHANGE NO. 2009-02Z
1600 BLOCK OF NORTH MAIN BETWEEN HALIK AND MCHARD
PROPERTY OWNER NOTIFICATION LIST

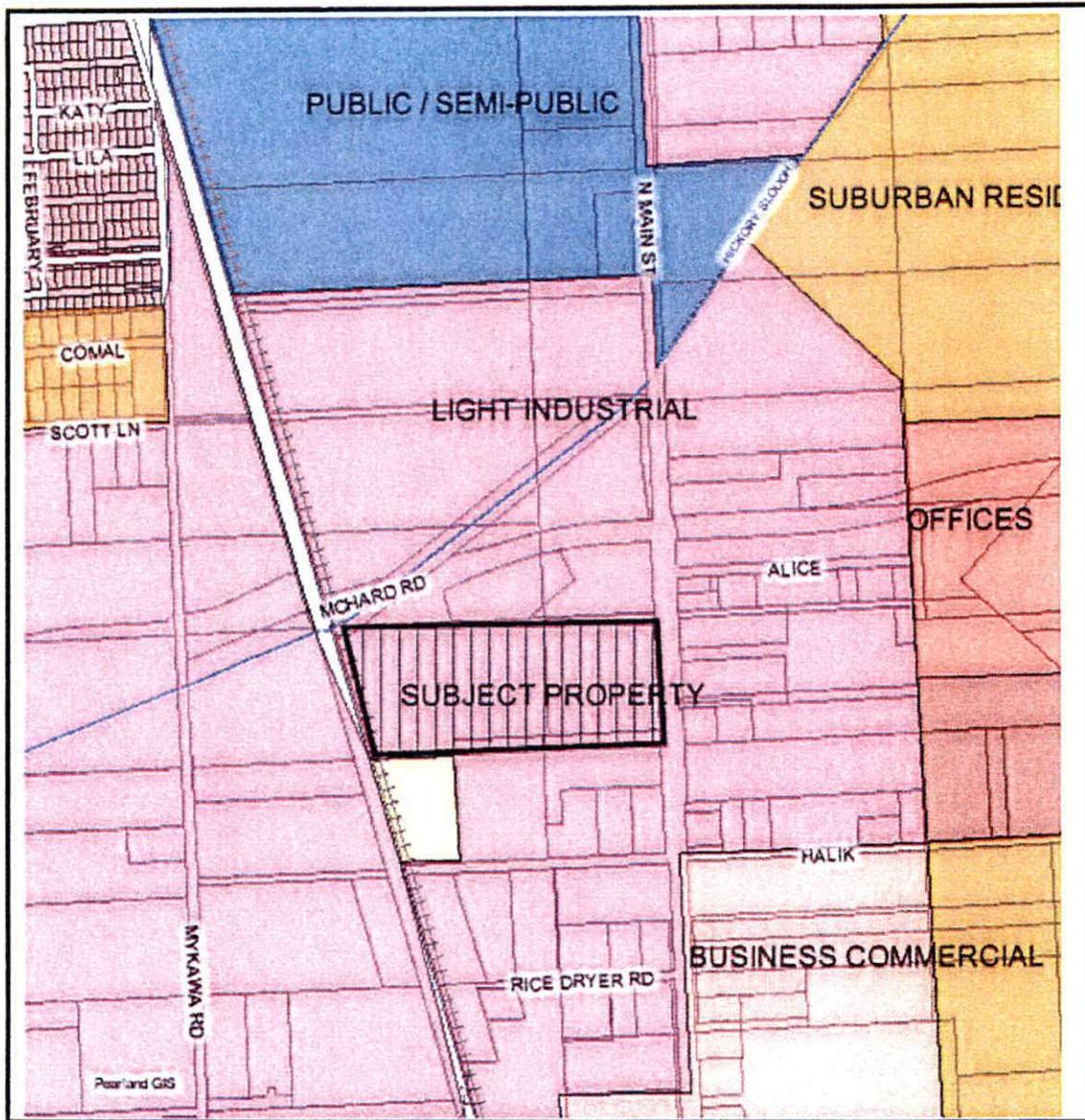
| Tax Account | Owners Name | Mail Address | Mail City | Mail State | Mail Zip |
|---------------|--------------------------------|-------------------|-----------|------------|----------|
| 0232-0014-000 | FEF FAMILY LIMITED PARTNERSHIP | PO BOX 1148 | CROCKETT | TX | 75835 |
| 0232-0015-000 | FEF FAMILY LIMITED PARTNERSHIP | PO BOX 1148 | CROCKETT | TX | 75835 |
| 0232-0032-110 | BRAZORIA CO DRAINAGE #4 | 4805 BROADWAY ST | PEARLAND | TX | 77581 |
| 0232-0032-110 | BRAZORIA CO DRAINAGE #4 | 4805 BROADWAY ST | PEARLAND | TX | 77581 |
| 0232-0038-000 | DOLEN JEFFREY P & SANDRA C | 9321 MELDRUM LN | HOUSTON | TX | 77075 |
| 0232-0038-110 | PEARLAND CEMETARY | HALIK ST | PEARLAND | TX | 77581 |
| 0232-0044-120 | CITY OF PEARLAND | 3519 LIBERTY DR | PEARLAND | TX | 77581 |
| 0232-0044-120 | CITY OF PEARLAND | 3519 LIBERTY DR | PEARLAND | TX | 77581 |
| 0232-0044-120 | CITY OF PEARLAND | 3519 LIBERTY DR | PEARLAND | TX | 77581 |
| 7001-0001-001 | PAULUHN ELECTRIC MFG CO INC | 1616 N MAIN ST | PEARLAND | TX | 77581 |
| APPLICANT | JUNG H. KWAK | 2621 SUNFISH DR. | PEARLAND | TX | 77584 |
| OWNER | MONTALBANO LUMBER CO. INC. | 1309 HOUSTON AVE. | HOUSTON | TX | 77007 |



ZONING MAP

ZONE CHANGE NO. 2009-02Z
 Map Prepared on January 9, 2009

↑
 NORTH



FUTURE LAND USE MAP

ZONE CHANGE NO. 2009-02Z

Map Prepared on January 1, 2009

↑
NORTH



AERIAL MAP

ZONE CHANGE NO. 2009-02Z
Map Prepared on January 9, 2009

↑
NORTH

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JANUARY 19, 2009, AT 6:30 P.M., IN THE COMMUNITY CENTER, CITY HALL, 3523 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE (T-10)

A request by the City of Pearland, for an amendment to the Unified Development Code, Ordinance No. 2000T, regarding platting of single family residential lots with existing structures.

III. APPLICATION INFORMATION AND CASE SUMMARY

STAFF REPORT

APPLICANT PRESENTATION

IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

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

JOINT PUBLIC HEARING AGENDA ITEM MEETING OF JANUARY 19, 2009

AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE (T-10)

A request by the City of Pearland, for an amendment to the Unified Development Code, Ordinance No. 2000T, regarding platting of single family residential lots with existing structures.

APPROVAL PROCESS: After this Joint Public Hearing, the requested zone change application will be considered as follows:

Planning and Zoning Commission: January 19, 2009*
City Council for First Reading: February 9, 2009*
City Council for Second Reading: February 23, 2009*

(*dates subject to change if item is tabled)

SUMMARY: This amendment was considered at a joint workshop on November 17, 2008.

There was a concern that platting requirements for existing single family home additions may cost as much or more than the improvement. Several options were discussed to ease this burden on homeowners proposing expansion of existing residential structure or construction and expansion of accessory structure in unplatted lots, zoned residential.

The proposed change, as indicated in the attached text, was discussed and approved at the workshop. The attached agenda request prepared for the workshop has additional information.

STAFF RECOMMENDATION: Staff recommends approval of the amendments to the Unified Development Code.

SUPPORTING DOCUMENTS:

- Proposed UDC Text , Agenda Request of November 17, 2008.

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

| | |
|---|-------------------------------------|
| AGENDA OF: Nov. 17, 2008 | ITEM NO.: Workshop No 4 |
| DATE SUBMITTED: Nov. 7, 2008 | DEPARTMENT OF ORIGIN: Admin. |
| PREPARED BY: Nick Finan, ACM | PRESENTOR: Nick Finan, ACM |
| REVIEWED BY: | REVIEW DATE: |
| SUBJECT: Platting for Residential Additions | |
| EXHIBITS: Proposed Amendments | |
| EXPENDITURE REQUIRED: N/A | AMOUNT BUDGETED: N/A |
| AMOUNT AVAILABLE: N/A | PROJECT NO.: N/A |
| ACCOUNT NO.: N/A | |
| ADDITIONAL APPROPRIATION REQUIRED: N/A | |
| ACCOUNT NO.: N/A | |
| PROJECT NO.: N/A | |
| To be completed by Department: | |
| <input type="checkbox"/> Finance | <input type="checkbox"/> Legal |
| <input type="checkbox"/> Ordinance | <input type="checkbox"/> Resolution |

EXECUTIVE SUMMARY

City Council requested that City Staff review the platting requirements to determine the need and or platting requirements with respect to residential additions. There was a concern that the smaller additions to a residential property may require a plat that cost as much or more than the improvement. Several ideas from waiving the requirement to altering the requirements for a plat were discussed. A moratorium was put in placed until staff could present a possible solution. Staff met with a group of surveyors to gain their input into the cost of the plats, and their thoughts on platting in these types of situations. For the most part, surveyors understood the need for platting and did not recommend changing the requirements for platting. It seems, for some surveyors, the county's requirement for the title certificates, the lien holder certification, and the tax certificates were often a major contributor to the cost of platting.

As you will see within the ordinance, it was felt for these small additions that a survey would help with the city's need for tying together corners and properties. It was felt that a separate instrument could obtained for easements and ROW for now. It does not bring everything together under one instrument for simplicity for public searches and staff review, but it was

agreed it was small item compared to the cost for a complete plat. Benchmarking may or not be included depending on the need for floodplain delineation. As you will see, the applicant would still need to have the surveyor provide a flood hazard comment just like a plat. Some staff felt, as well as surveyors, that to provide another type of plat for these situations would be too confusing and in some way may lessen some of the items typically required in a plat such as always having a benchmark tie in, all easements and ROWs acquired, etc shown and dedicated through a plat. In addition, the way it is proposed the County's requirements do not need to be met, because the survey would not be filed, but City would need to require the recordation of plats.

Staff met with a couple of the surveyors after the draft was proposed and they were happy with the changes and felt it would still be beneficial.

Staff is only aware of the two items that were submitted under the moratorium.

What this ordinance does not do is reinstate a time frame as the old UDC did that stated that any property in the same configuration since 1989 did not have to plat (or supply a survey), nor does it allow for a property utilizing two lots to circumvent the requirement for replatting (such as the case often in the old town section where many properties combined two 25 foot lots to build a house), nor does it accept plats that may be filed but have not been approved by the City or the County.

RECOMMENDED ACTION

Hold a workshop and provide comments.

Section 3.1.1.1 Authority, Purpose & Applicability

(a) **Authority.** The procedures of this Article 1 are authorized under the authority of Texas Local Government Code, Chapter 212 (including Subchapter B) and the City's charter. The provisions of this Article expressly extend to all areas inside the City limits and throughout the City's extraterritorial jurisdiction.

(b) **Purpose.**

- (1) The provisions of this Chapter are intended to implement standards and requirements provided for herein, and shall be minimum requirements for the platting and developing of subdivisions within the City of Pearland and its extraterritorial jurisdiction, as authorized by State statute.
- (2) The subdivision of land, as it affects a community's quality of life, is an activity where regulation is a valid function of municipal government. Through the application of these regulations, the interests of public and private parties are protected by the granting of certain rights and privileges. By establishing a fair and rational procedure for developing land, the requirements in this chapter further the possibility that land will be developed in accordance with existing physical, social, economic and environmental conditions.
- (3) The provisions of this Chapter are intended to implement the following objectives:
 - a. Promote the development and the utilization of land in a manner that assures an attractive and high quality community environment in accordance with the Comprehensive Plan and the Zoning Ordinance of the City of Pearland;
 - b. Guide and assist property owners and applicants in the correct procedures to be followed, and to inform them of the standards which shall be required;
 - c. Protect the public interest by imposing standards for the location, design, class and type of streets, walkways (sidewalks), alleys, utilities and essential public services;
 - d. Assist orderly, efficient and coordinated development within the City's limits and its extraterritorial jurisdiction;
 - e. Integrate the development of various tracts of land into the existing community, and coordinate the future development of adjoining tracts;
 - f. Ensure the most efficient and beneficial provision of public facilities and services for each tract being subdivided;
 - g. Provide for compatible relationships between land uses and buildings;
 - h. Provide for the circulation of traffic throughout the municipality;
 - i. Provide for pedestrian circulation that is appropriate for the various uses of land and buildings;

- j. Prevent pollution of the air, streams, bodies of water, and aquifers; assure the adequacy of drainage facilities; safeguard both surface and groundwater supplies, as well as natural resources and endangered or threatened plant and animal life; and encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability and beauty of the community and the value of the land;
- k. Preserve the natural beauty and topography of the municipality, and ensure development that is appropriate with regard to these natural features;
- l. Establish adequate and accurate records of land subdivision;
- m. Ensure that public or private facilities are available and will have sufficient capacity to serve proposed and future developments and citizens within the City and its extraterritorial jurisdiction;
- n. Provide for adequate light, air and privacy; secure safety from fire, flood and other danger; and prevent overcrowding of the land and undue congestion of population;
- o. Encourage the development of residential areas that meet a wide range of income levels.

(c) Applicability.

- (1) The provisions of this Chapter 3 apply to any non-exempt (see Section 3.1.1.3) division of land, combination of separate land parcels, and/or development of land within the corporate boundaries of the City and within its extraterritorial jurisdiction.
- (2) No permit shall be issued for any building or structure on a property until a subdivision or a development plat has been approved and filed for record with the following exceptions:
 - a. Permits for repair or remodeling of an existing structure or for site improvements (parking areas, driveways, etc.) which involves no increase in square footage; or
 - b. Demolition permits, or permits for removal of a structure from a parcel or tract.
 - c. A building permit may be issued for a Public Educational Facility prior to platting, but no certificate of occupancy shall be issued until after approval and recordation of the final plat.
- (3) Notwithstanding any UDC provision to the contrary, a permit, variance, or special exception may be granted for an unplatted lot zoned residential and on which exists a structure used for residential purposes, to allow the expansion of said structure or the construction or expansion of an accessory structure located on the same lot, provided the following conditions are met:
 - a. The lot's configuration has remained unchanged since February 27, 2006;
 - b. The lot has frontage on a public road or a private road built to the City's standards;

- c. The total value of the work being permitted does not exceed fifty thousand dollars (\$50,000.00), as determined by the Building Official;
- d. A survey of the lot prepared by a licensed surveyor for the State of Texas is filed with the City of Pearland in hard copy and electronic form with the following information:
 - 1. the corners and boundaries of the lot;
 - 2. the location of all existing structures and easements;
 - 3. the location and width of all abutting rights-of ways; and
 - 4. a floodplain statement for the lot;
- e. Any public dedication required by the City is achieved by separate conveyance to the City prior to the issuance of the permit; and
- f. No such permit was issued for the subject lot in the three (3) years prior to the issuance of the permit being sought.

(d) **Subdivision Rules.** The provisions of this Chapter 3, the standards governing water and wastewater facilities applicable to plats in Chapter 30 of the City Code of Ordinances, and the technical standards contained in the Engineering Design Criteria Manual (EDCM), as adopted by the City Council and as may be amended from time to time, constitute the subdivision rules of the City of Pearland, which apply to applications for plat approval inside City limits and within the City's extraterritorial jurisdiction.

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 - c. A building permit may be issued for a Public Educational Facility prior to platting, but no certificate of occupancy shall be issued until after approval and recordation of the final plat.

(3) Notwithstanding any UDC provision to the contrary, a permit, variance, or special exception may be granted for an unplatted lot zoned residential and on which exists a structure used for residential purposes, to allow the expansion of said structure or the construction or expansion of an accessory structure located on the same lot, upon the determination by the Planning Director that the following conditions are met:

- a. The lot's configuration has remained unchanged since February 27, 2006;

- b. The lot has frontage on a public road or a private road built to the City's standards;
- c. The total value of the work being permitted does not exceed fifty thousand dollars (\$50,000.00), as determined by the Building Official;
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Template for JPH Minutes

MINUTES OF THE JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON **JANUARY 19**, 2009, AT **6:30** P.M., IN THE TEMPORARY COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

Series of P.H. opened @ 6:40 p.m.

CALL TO ORDER

Lata K explained JPH Process

The Mayor called the public hearing to order at ___:___ p.m. with the following present:

- | | |
|-------------------------------|--|
| ✓ Mayor Tom Reid | ✓ P & Z Chairperson Henry Fuentes |
| ✓ Mayor Pro-Tem Helen Beckman | ✓ P & Z Vice Commissioner Jerry Koza, Jr. |
| ✓ Council Member Kevin Cole | ✓ P & Z Commissioner Neil West |
| ✓ Council Member Felicia Kyle | ✓ P & Z Commissioner Susan Sherrouse |
| ✓ Council Member Woody Owens | ✓ P & Z Commissioner Darrell Diggs |
| ✓ Council Member Steve Saboe | ✓ P & Z Commissioner Ron Capehart |
| | P & Z Commissioner Charles Gooden, Jr. <i>absent</i> |

2:00pm - Mike Hodge arrived @ 6:48 pm

Also in attendance: City Manager Bill Eisen ; City Attorney Darrin Coker; Deputy City Attorney Nghiem Doan; Assistant City Manager Mike Hodge, City Engineer Narciso Lira, Planning Director Lata Krishnarao; Plans and Plat Administrator Richard Keller; and Planning Administrative Secretary Judy Krajca.

Ian Clowes Plng Tech, & Angela Gaquah, DR. Plnr.

Richard keller, Plng & Plat admin, Narciso Lira City Eng

Planning Director Lata Krishnarao explained the Joint Public Hearing process for the attending public, and explained that the Planning & Zoning Commission Meeting will immediately follow the Joint Public Hearing.

PURPOSE OF HEARING

The Public Hearing for **Conditional Use Permit/Zone Change** No. _____ was called to order at 6:45 p.m. by Mayor Tom Reid, and by Planning and Zoning Chairperson Henry Fuertes.

CUP 2009-01

A. Condition Use Permit/Zone Change No. 2009-01

CUP

Chairperson Henry Fuertes read the purpose into the record.

Sata Krishnarao, Plng Dir. presented the Staff Report. *Request to use existing garage structure to park their classic automobile & truck.*
Staff received 1 Public Comment Forms. *w/concern of use.*

There was no one or no one in the audience to speak for or against this Zone Change.

William Baldey, owner 2117 K Houston Ave. stated he wishes to use it for storing his 2 vehicles.
Speakers/address/comments:

There were no comments from the Council/Commission/Staff.

There was brief discussion.

There was much discussion. Topics discussed were:

Kevin Cole re: Staff recommendation # 3 of a use is permitted, they can still occupy the space, ~~4~~ Sata and is comment # 3 necessary. Recommends we remove. Darrell concurred.

Darrell asked what prior use of garage was Mr. Baldey explained brief history.

The Public Hearing for **Conditional Use Permit/Zone Change** No. _____ was adjourned at 6:58 p.m.

CUP 2009-02 The Public Hearing for **Conditional Use Permit/Zone Change** No. _____ was called to order at 6:58 p.m. by Mayor Tom Reid.

*Staff Recommendation:
1) Parking bp limited to one car & on truck next existing bldg
2) outdoor parking, utility or storage
3) auto repair shop or uses not permitted
OT-MU on site*

Joint Public Hearing

SPEAKER'S CARD

If you wish to speak during the Public Hearing, please complete the following information and give this card to the Recording Secretary either before or after your comments. Thank you.

Name: William BALDY

Full Address: 3714 WINGTAIL PEARLAND TX 77584

(include zip)

I wish to speak regarding Item No. CUP 2009-01

PURPOSE OF HEARING

The Public Hearing for **Conditional Use Permit/Zone Change** No. CUP 2009-02 was called to order at 6:58 p.m. by Mayor Tom Reid, and by Planning and Zoning Chairperson Henry Fuertes.

A. Condition Use Permit/Zone Change No. CUP 2009-02

Chairperson Henry Fuertes read the purpose into the record.

Raja Krishnarao - Plng Dir. presented the Staff Report. *appl. requesting a CUP to build an Auto Wash (Self-Service) on subject property. Staff recommends approval w/conditions*
Staff received _____ Public Comment Forms. *applicant - Jason Rausch 4911 Fox Hollow Spring Tx 77389 & Crystal Pyle 12012 Widchester Ln Ste 500 Houston Tx 77079*
There was no one or no one in the audience to speak for or against this Zone Change.

Speakers/address/comments:

spoke about being unable to rotate bldg.

There were no comments from the Council/Commission/Staff.

There was brief discussion.

There was much discussion. Topics discussed were:

Helen - did you do a market study & there is another one a block away - Mr. Rausch - yes.

Kevin - re re-orientating the bldg would cause you to cut off 10' on the bldg. Kevin - why?

Mr Rausch - Turning radius & curb cuts on Cruise Ln. Kevin - anything else causing this not to be re-oriented & there anything that can be done to meet the cities request for orientation.

Mayor - Arivstone was similar situation. Is there any kind of screening to allow oriente

The Public Hearing for **Conditional Use Permit/Zone Change** No. CUP 2009-02 was adjourned at 7:22 p.m.

The Public Hearing for **Conditional Use Permit/Zone Change** No. CUP 2009-03 was called to order at 7:22 p.m. by Mayor Tom Reid.

Berms & Landscape
also add more to the facade.

Crannell Crowe } Delicia - likes product, but not position of bldg,
asked Developer across the st. to meet conditions of
city & they did, and they did.

Kevin - Is this the best orientation for the bldg

Mr. Rausch - yes

Kevin - what if flipped

built 60, designed about 30

Delicia - where is the one like that in photo

Crystal - Katy, Tx

Delicia - what was around it.

Crystal - MF across, retail on sides

Henry - Do the bldg, auto sentry & we have to
be set up in that order.

Importance of orienting the bldg.

Mr. Rausch - have looked @ it. and it's difficult to rearrange.

Woody - * not fond of idea. Not highest & best use.
* Ymca drive is not wide, and Fri Sat the ymca
is busy.

* concern - did not see anything re: traffic study in this pkt
would like to see ~~traff~~ TIA.

Rata - there is a cross-access easement on Broadway no
TIA will determine.

Narciso - since TIA was done at Platting, Engineering was
no back and look @ study during permit process

Joint Public Hearing

SPEAKER'S CARD

If you wish to speak during the Public Hearing, please complete the following information and give this card to the Recording Secretary either before or after your comments. Thank you.

Name: JASON RAUSCH

Full Address: 4911 Fox Hollow

(include zip) SPRING, TX 77389

I wish to speak regarding Item No. CVP 2009-02

Joint Public Hearing

SPEAKER'S CARD

If you wish to speak during the Public Hearing, please complete the following information and give this card to the Recording Secretary either before or after your comments. Thank you.

Name: Crystal Pye

Full Address: 12012 Wickchester Ln, Suite 500

(include zip) Houston, TX 77079

I wish to speak regarding Item No. CUP 2009-02

PURPOSE OF HEARING

The Public Hearing for **Conditional Use Permit/Zone Change** No. CUP 2009-03 was called to order at 7:22 p.m. by Mayor Tom Reid, and by Planning and Zoning Chairperson Henry Fuertes.

A. Condition Use Permit/Zone Change No. CUP 2009-03

Chairperson Henry Fuertes read the purpose into the record.

Rata Prishnarao - /ing Dir. contract 140' cell tower w/ supporting equipment on this site located on E side of Stone Rd, South of Longleaf Rd. Staff recommends of conditions.
Staff received _____ Public Comment Forms.
appl. owner

There was _____ or no one in the audience to speak for or against this Zone Change.

Speakers/address/comments: *Jose Perez representing Verizon Wireless, gave presentation. 4010 Tulip & Lea Ct. Katy TX 77449 w/ General Dynamics*
Health can be concidered -but it does minimize the transmission.

Larry Marcott 3606 Inverness Ct. Pearland Tx concerned w/ neighbors in back

Steve Alsop 1713 Longleaf Dr. - has one behind house, now this will be in front, and one on Brooks Dr. Not in Favor
There were no comments from the Council/Commission/Staff.
There was brief discussion.

There was much discussion. Topics discussed were:

Antonio Rojas

*Rojara Gonzalez 1810 Longleaf not in Favor
Is there any harm, and devaluation of property? and can they have dialogue @ next mtg w/ the neighbor?*

*Kevin - @ next mtg (1/26/09 can come & speak)
Market value is self driven. We are not qualified to determine value.*

The Public Hearing for **Conditional Use Permit/Zone Change** No. CUP 2009-03 was adjourned at 8:05 p.m.

The Public Hearing for **Conditional Use Permit/Zone Change** No. CU Change 2009-01 was called to order at 8:05 p.m. by Mayor Tom Reid.

*Tape Side B
7:30 pm
during Lata's presentation*

Kevin - we've asked to sit w/ all cell co's
would like to hear more on height of
towers & how many can be on a tower
in order to co-locate them.

Concern - a non conforming use going on
to a non conforming use.
Not sure if he's in favor.

Felicia - is Verizon leasing or other cell co's towers
are you on towers - No (

Felicia - can you get on it?
appl. - yes but the T-Mobile in area does
not cover the area they need.

Felicia - #1 concern is Mr Marcott's concern
Development concern. This is one
tall bldg.
Recommend - they have options of tagging
onto other towers.

Gloria Demwick - also w/ General Dynamic.
explained

Much discussion between Felicia, Gloria on co-location
and studies.

Woody - concern w/ height, fence - need to listen to staff's comment

Joint Public Hearing

SPEAKER'S CARD

If you wish to speak during the Public Hearing, please complete the following information and give this card to the Recording Secretary either before or after your comments. Thank you.

Name:

Larry Marcott

Full Address:

3606 Inverness Ct

(include zip)

77581

I wish to speak regarding Item No.

067 2009-3

Joint Public Hearing

SPEAKER'S CARD

If you wish to speak during the Public Hearing, please complete the following information and give this card to the Recording Secretary either before or after your comments. Thank you.

Name:

STEVE ALSOP

Full Address:

7713 LONG LEAF

(include zip)

PEARLAND, TX 77581

I wish to speak regarding Item No.

COP 2009-03

CEP
2009-03

Continued

Rata - give us something better than just
your basic "option one plan".

Darrell - why erect this when maybe could modify
other existing tower.

Mr. Perez - spoke about signal failures. Not

How tall w/ lightning Rod - 148'

Neil - what about satellites.

Perez -

Newry - spoke of other locations - suggesting

Flag poles @ new Public Safety Bldg
or New H.S. - both on Callan

Helen - think @apl. has gotten msg.

Gloria - w/G.D.

Joint Public Hearing

SPEAKER'S CARD

If you wish to speak during the Public Hearing, please complete the following information and give this card to the Recording Secretary either before or after your comments. Thank you.

Name: _____

Full Address: _____

(include zip)

I wish to speak regarding Item No. _____

PURPOSE OF HEARING

The Public Hearing for ~~Conditional Use Permit/Zone Change~~ No. 2009-01Z was called to order at 8:05 p.m. by Mayor Tom Reid, and by Planning and Zoning Chairperson Henry Fuertes.

A. ~~Condition Use Permit/Zone Change~~ No. 2009-01Z

Chairperson Henry Fuertes read the purpose into the record.

Applicant Report

Gata Krishnarao presented the Staff Report. Discussed @ jnt w/rtsh on 11-17-08. Seeking a PD. Proposing - see staff RPT. Staff received 0 Public Comment Forms. Staff discovered that property has not been platted & no one or no one in the audience to speak for or would be against this Zone Change. *Staff discovered that property has not been platted & no one or no one in the audience to speak for or would be against this Zone Change. Recommends approval. see Staff RPT.*

There was no one or no one in the audience to speak for or would be against this Zone Change.

Speakers/address/comments:

Drif Carnes - 187 Mykawa, Pearland 77581
General mgr

There were no comments from the Council/Commission/Staff.

There was brief discussion.

There was much discussion. Topics discussed were:

Legal recommend ~~per~~ Grievance for Parking.

The Public Hearing for ~~Conditional Use Permit/Zone Change~~ No. 2009-01Z was adjourned at 8:16 p.m.

The Public Hearing for ~~Conditional Use Permit/Zone Change~~ No. 2009-02Z was called to order at 8:16 p.m. by Mayor Tom Reid.

PURPOSE OF HEARING

The Public Hearing for **Conditional Use Permit/Zone Change** No. 2009-02 Z was called to order at 8:16 p.m. by Mayor Tom Reid, and by Planning and Zoning Chairperson Henry Fuertes.

A. ~~Condition Use Permit/Zone Change~~ No. 2009-02 Z

Chairperson Henry Fuertes read the purpose into the record.

Tape 2 - Side A
Lata Krishnarao presented the Staff Report. *was discussed @ Int. Workshop on 11-17-08, Staff recommends approval - w/concerns*
Staff received _____ Public Comment Forms.

There was 1 - or no one in the audience to speak for or against this Zone Change.

Applicant
David Miller
3603 W. Pine Orchard
Pearland TX 77581

Speakers/address/comments:

Mary Starr 2706 Shady Creek Pearland TX 77581
is an agreement in place by seller, buyer.
but cannot be signed until zoning is in place.

Wm. Baldy ~~3714~~ ~~Wingtail~~ *3714 Wingtail Way, Pearland TX 77584*
need Traffic Study.

There were no comments from the Council/Commission/Staff.

There was brief discussion.

There was much discussion. Topics discussed were:

Jerry - concerned w/ property ownership notification

Henry - concern - w/ M-1 use and potential availability. Feels PD's should have entire infrastructure shown. Fear the M-1 will die and never.

Woody - recommends city notify Jerry's property owners

Jerry - limited amt of m-1.

The Public Hearing for **Conditional Use Permit/Zone Change** No. 2009-2Z was adjourned at 8:38 p.m.

The Public Hearing for **Conditional Use Permit/Zone Change** No. _____ was called to order at 8:38 p.m. by Mayor Tom Reid. *Amendment to UCC*

The Public Hearing for the... was called to order at 5:15 p.m. by Mayor Tom Barr...

Kata -
passed out
revised PD that
was submitted
the a.m.

Chairman Henry... and the purpose of the hearing...

that receives

There was...

There were no...

There was one...

There was much...

The Public Hearing for... was called to order at...

The Public Hearing for... was called to order at...

Joint Public Hearing

SPEAKER'S CARD

If you wish to speak during the Public Hearing, please complete the following information and give this card to the Recording Secretary either before or after your comments. Thank you.

Name: DAVID S. MILLER

Full Address: 3603 W. PINE ORCHARD, PEARLAND 77581-8809

(include zip)

I wish to speak regarding Item No. 2009-02Z

Joint Public Hearing

SPEAKER'S CARD

If you wish to speak during the Public Hearing, please complete the following information and give this card to the Recording Secretary either before or after your comments. Thank you.

Name:

Mary Starr

Full Address:

2706 Shady Creek

(include zip)

Pearland, TX 77581

I wish to speak regarding Item No.

2009-022

Joint Public Hearing

SPEAKER'S CARD

If you wish to speak during the Public Hearing, please complete the following information and give this card to the Recording Secretary either before or after your comments. Thank you.

Name: GRIF CANNES

Full Address: 1871 MYKAWA

(include zip) PEARLWAD, TX 77581

I wish to speak regarding Item No. ZONA CHANGE # 2009-012

PURPOSE OF HEARING

Amendment to UDC (7-10)

The Public Hearing for **Conditional Use Permit/Zone Change** No. _____ was called to order at ____:____ p.m. by Mayor Tom Reid, and by Planning and Zoning Chairperson Henry Fuyertes.

A. Condition Use Permit/Zone Change No. _____

Mayor read Purpose of Hearing

Chairperson Henry Fuyertes read the purpose into the record.

Rata R. presented the Staff Report / *appl. rpt.*

Staff received 0 Public Comment Forms.

There was 0 or no one in the audience to speak for or against this Zone Change.

Speakers/address/comments:

*Kevin Cole - when met w/ Surveyors - could they do this in AutoCad form - \$
Rata - yes Is in our checklist for Platting*

There were no comments from the Council/Commission/Staff.

There was brief discussion.

There was much discussion. Topics discussed were:

Woody question about lots in OT area.

UDC amendment

The Public Hearing for **Conditional Use Permit/Zone Change** No. _____ was adjourned at 8:47 p.m.

~~The Public Hearing for **Conditional Use Permit/Zone Change** No. _____ was called to order at ____:____ p.m. by Mayor Tom Reid.~~

ADJOURNMENT

The Joint Public Hearing adjourned at 8:47 p.m.

These minutes are respectfully submitted by:

Judy D. Krajca
Planning Administrative Secretary

Minutes approved as submitted and/or corrected on this _____ day of _____, 2005.

Tom Reid
Mayor