JOINT PUBLIC HEARING

MAY 18, 2009

6:30 PM

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 MAY 18, 2009, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

Zone Change No. 2009-04Z

A request by Brazoria County Drainage District No. 4, applicant and owner, for approval of a change in zoning district from classification of Single Family Residential-2 (R-2) to General Business (GB), on the following described property, to wit:

Legal Description: A parcel of land containing 0.5716 acres (24,900 square feet), more or less, being a portion of Lot 1 and all of Lot 2, Block 15, Mimosa Acres, conveyed from Kenneth W. Quinn and wife, Barbara Quinn, to Brazoria Drainage District No. 4 as recorded in File No. 2007050415 official records, Brazoria County , Texas (O.R.B.C.T.) and also recorded in Volume 7, Pages 15-16, Brazoria County Plat Records (B.C.P.R.) and a portion of Pear Street (60' R.O.W.), as recorded in volume 7, Pages 15-16, (B.C.P.R.), said 0.4683 acre tract situated in the R.B. Lyle Survey, Abstract No. 543 in Brazoria County, Texas.

General Location: Located at 2501 Francis Drive and 4807 Broadway St.

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT
B. 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 MAY 18, 2009

Zone Change No. 2009-04Z

Request of Brazoria County Drainage District No. 4, applicant and owner, for approval of a change in zoning district from classification of Single Family Residential-2 (R-2) to General Business (GB), on the following described property:

LEGAL DESCRIPTION: A parcel of land containing 0.5716 acres (24,900 square feet), more or less, being a portion of Lot 1 and all of Lot 2, Block 15, Mimosa Acres, conveyed from Kenneth W. Quinn and wife, Barbara Quinn, to Brazoria Drainage District No. 4 as recorded in File No. 2007050415 official records, Brazoria County , Texas (O.R.B.C.T.) and also recorded in Volume 7, Pages 15-16, Brazoria County Plat Records (B.C.P.R.) and a portion of Pear Street (60' R.O.W.), as recorded in volume 7, Pages 15-16, (B.C.P.R.), said 0.4683 acre tract situated in the R.B. Lyle Survey, Abstract No. 543 in Brazoria County, Texas.

GENERAL LOCATION: Located at 2501 Francis Drive and 4807 Broadway

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

Planning and Zoning Commission: May 18, 2009*
City Council for First Reading: June 8, 2009*
City Council for Second Reading: June 22, 2009*

(*dates subject to change if item is tabled)

SUMMARY: The applicant is requesting a change in zoning on the subject property from Single-Family Residential-2 (R-2) to General Business District (GB) to permit the expansion of the Brazoria Drainage District #4 (BDD#4) facilities. The BDD#4 facilities are considered a governmental building or use at this location.

Currently the subject parcel is located within the Single Family Residential-2 (R-2). The applicant would like to bring this subject property further into compliance with the current Unified Development Code. The applicant proposes the construction of a new office building as stated in the letter of intent. Changing the zoning of the subject parcels would allow Brazoria Drainage District #4 to make improvements to the site without having to meet a 25 foot setback and landscape buffer on their adjoining parcel. The zone change

includes approximately 30 feet of right-of-way on Pear Street that the City will be abandoning back to BDD#4 when they plat the subject property.

SURROUNDING ZONING AND LAND USES:

	Zoning	Land Use
North	Single Family Residential-2 (R-2)	Single Family Homes
South	General Business (GB)	Commercial
East	General Business (GB)	Brazoria Drainage District Facilities
West	Single Family Residential-2 (R-2)	Single Family Homes

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The minimum lot size for the GB district is 22,500 square feet, the minimum lot width is 150 feet, and the minimum lot depth is 125 feet. The subject property within the proposed zone change area meets these requirements. All other requirements of the Unified Development Code would need to be met at the time of development.

PLATTING STATUS: The subject property needs to be platted in conformance with Chapter 3 of the Unified Development Code. The applicant is proposing to combine the parcels.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Medium Density Residential" for the subject parcel. The Comprehensive Plan further indicates that the appropriate zoning district for "Medium Density Residential-2" is R-2, R-3, and R-4.

The proposed zone change would not be in conformance with the Comprehensive Plan. However, the property is currently used as "General Business" (GB) and the southern portion of the subject property is zoned GB.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Frances Drive and Pear Street, both local streets, and Broadway Street, a major thoroughfare, as per the Thoroughfare Plan. Land dedication required for any widening will be addressed during platting and based upon the future thoroughfare plan.

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

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The subject property is developed as the Brazoria Drainage District #4 Facilities with offices and storage of vehicles as current uses with proposed expansion of the office use as stated in the letter of intent

Francis Street will serve as a buffer to the single family homes that are adjacent to the subject property.

Staff believes that the expansion of the current use and the proposed zone change will not have any negative impact on the surroundings. It will facilitate future expansions.

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 zone change from Single Family Residential-2 (R-2) to General Business (GB) for the following reasons:

1. This will help the applicant bring the subject property into compliance with the Unified Development Code.

2. It will help facilitate the expansion of the subject property and the adjacent property.

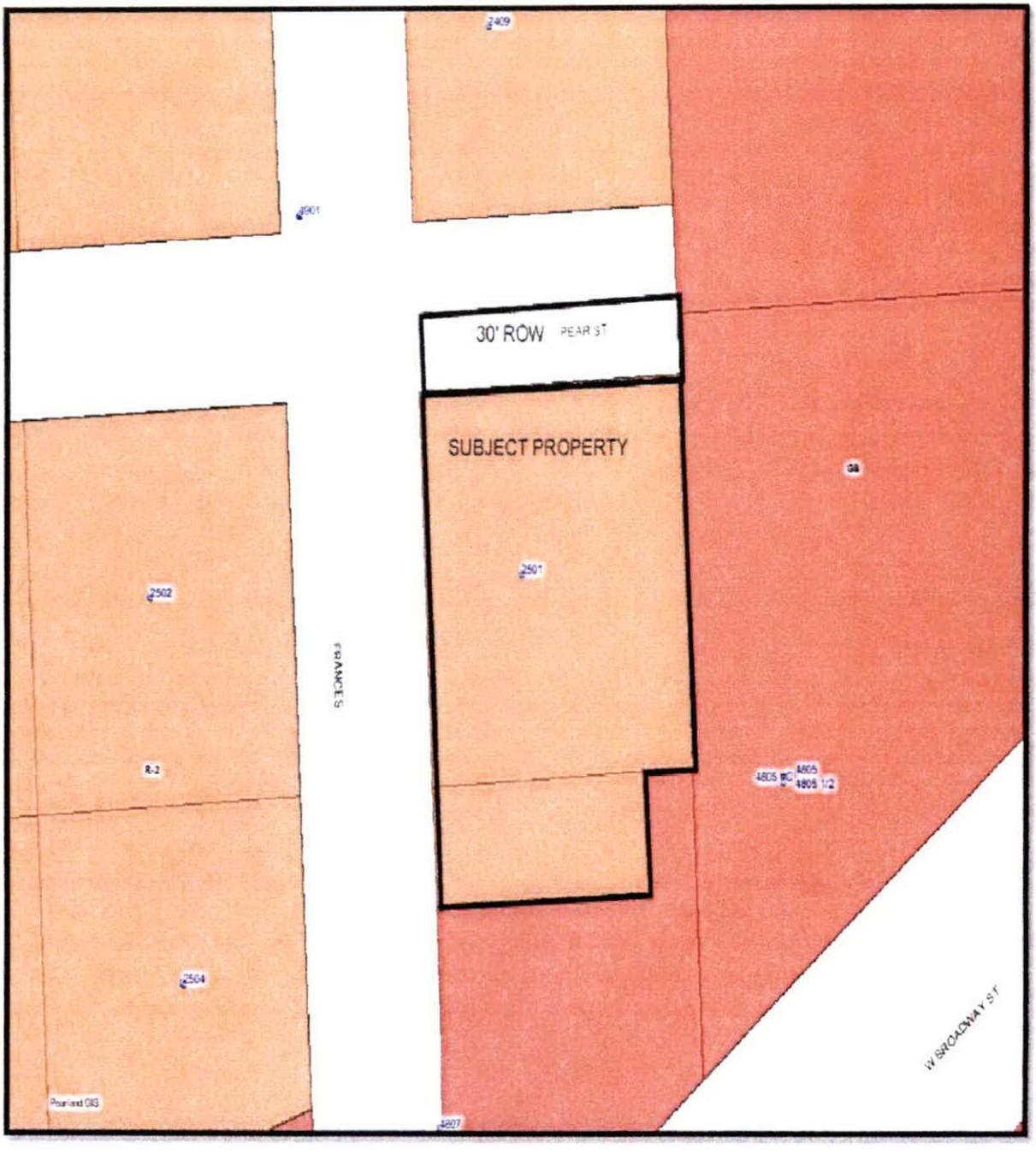
3. The expansion of the current use and the proposed zone change will not have any negative impact on the surroundings or the character of the current neighborhood.

4. The current use and proposed expansion will not have any negative impacts or increase the traffic circulation.

SUPPORTING DOCUMENTS:

- Location Map

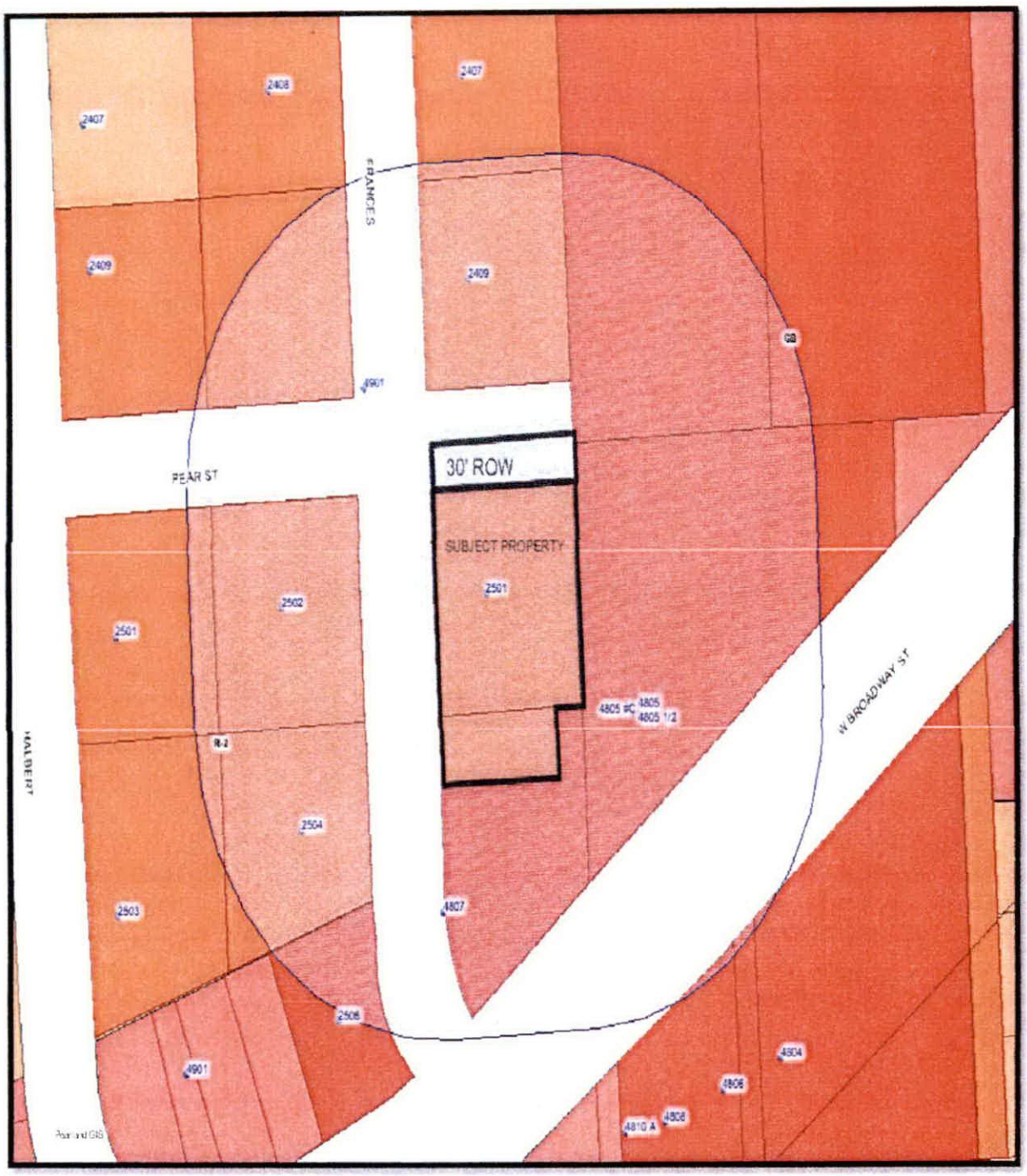
- Abutters Map
- Property Owner Notification List
- Zoning Map
- Future Land Use Plan
- Aerial Map
- Zone Change Application
- Site Plan



LOCATION MAP
ZONE CHANGE NO. 2009-04Z

↑
NORTH

LOCATED AT 2501 FRANCES DRIVE AND 4807 BROADWAY STREET, PEARLAND, TX



ABUTTERS MAP
ZONE CHANGE NO. 2009-04Z

↑
NORTH

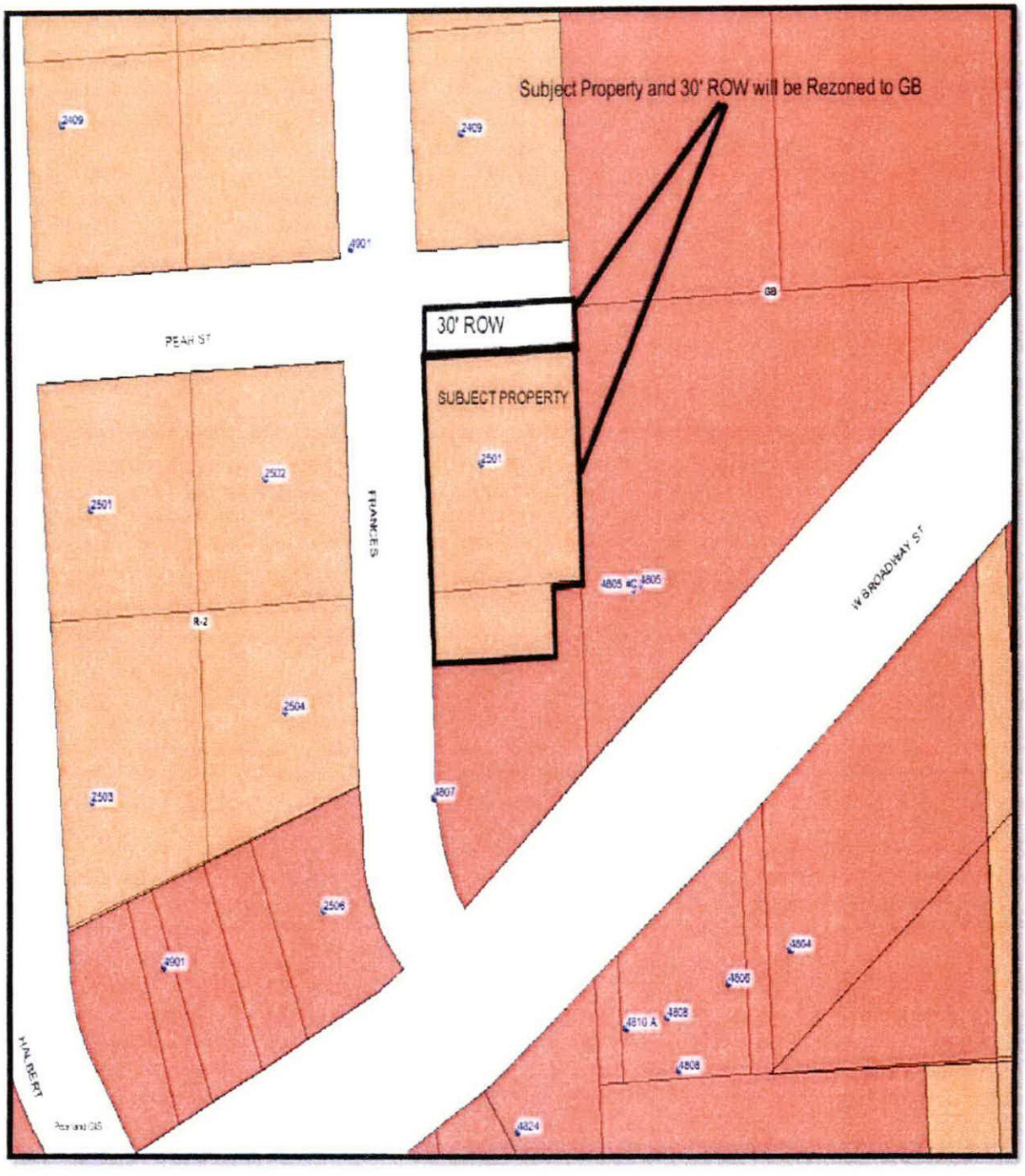
LOCATED AT 2501 FRANCES DRIVE AND 4807 BROADWAY STREET, PEARLAND, TX

ZONE CHANGE NO. 2009-04Z

2501 FRANCES DRIVE AND 4807 BROADWAY STREET

PROPERTY OWNERS NOTIFICATION LIST

Owners Name	Street Number	Street Name	Mail City	Mail State	Mail Zip
BRAZORIA CO DRAINAGE #4	4805	BROADWAY	PEARLAND	TX	77581
BRISTOW ROBERT K	2407	FRANCES	PEARLAND	TX	77581
CARSON BENJAMIN	2504	FRANCES	PEARLAND	TX	77581
CLOSE WARREN	2410	FRANCES	PEARLAND	TX	77581
CUNNINGHAM LUTHER WAYNE	4627	BROADWAY	PEARLAND	TX	77581
FEREDAY S I	2501	HALBERT	PEARLAND	TX	77581
FILLINGIM RENEE E	2502	FRANCES	PEARLAND	TX	77581
GODINEZ MONICO	2408	FRANCES	PEARLAND	TX	77581

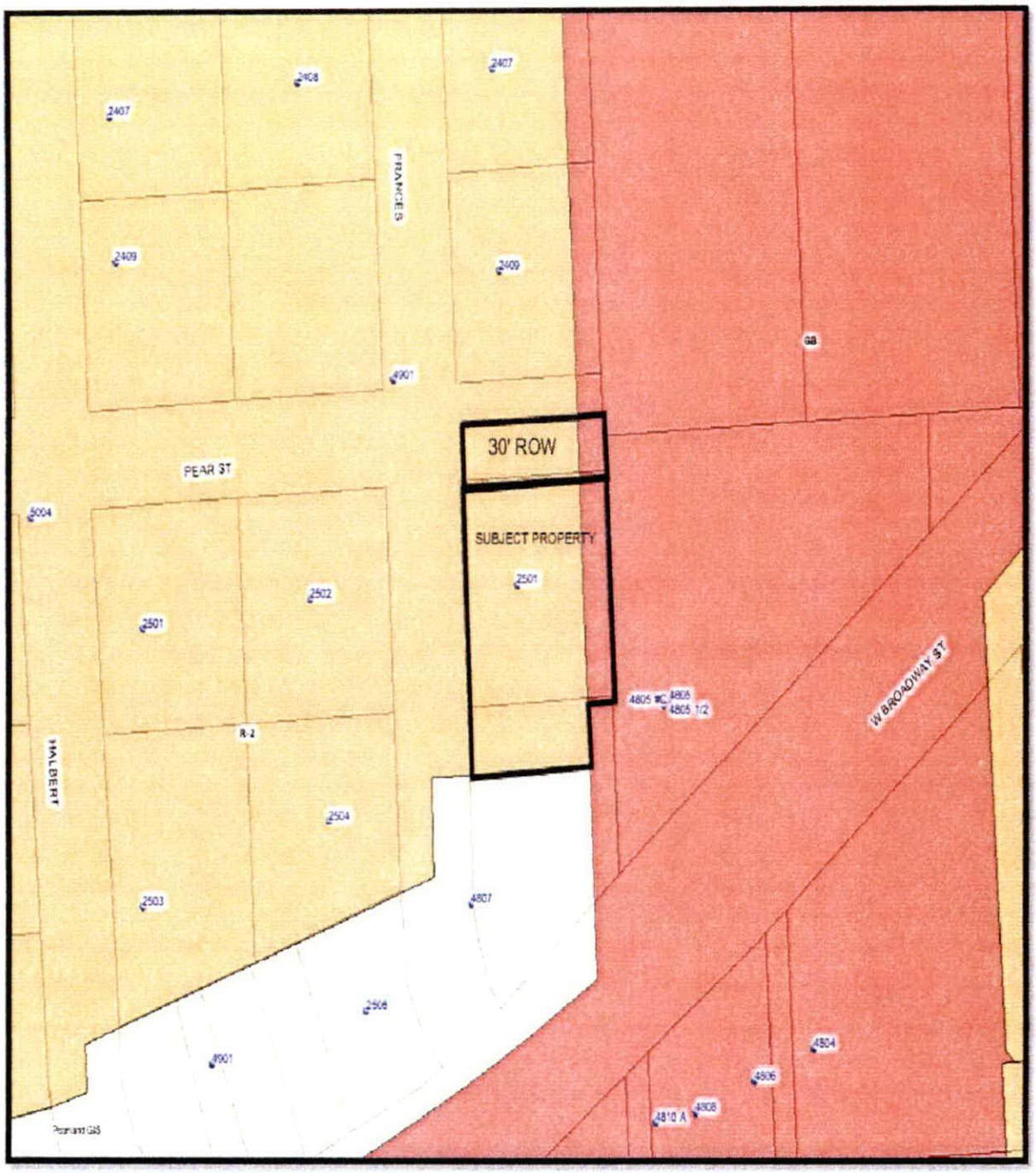


ZONING MAP
ZONE CHANGE NO. 2009-04

↑ NORTH

REZONE FROM R-2 TO GB

LOCATED AT 2501 FRANCES DRIVE AND 4807 BROADWAY STREET, PEARLAND, TX



FUTURE LAND USE PLAN MAP

ZONE CHANGE NO. 2009-04Z

↑
NORTH

LOCATED AT 2501 FRANCES DRIVE AND 4807 BROADWAY STREET, PEARLAND, TX

AERIAL MAP
ZONE CHANGE NO. 2009-04Z

↑
NORTH

LOCATED AT 2501 FRANCES DRIVE AND 4807 BROADWAY STREET, PEARLAND, TX

APR 0 1 2009

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: R-2 (Single Family Residential-2)

Proposed Zoning District: GB (General Business Retail)

Property Information:

Address or General Location of Property: 2501 Frances Drive, 4807 Broadway

Tax Account No. 9751 2312 0100, 6600 0105.000, 6600 0105 000

Subdivision: Mimosa Acres Lot: All of 2, Part of 1 Block: 15

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

PROPERTY OWNER INFORMATION:

NAME Brazoria County Drainage District No. 4
ADDRESS 4805 Broadway
CITY Pearland STATE TX ZIP 77581
PHONE(281) 485-1434
FAX(281) 485-0065
E-MAIL ADDRESS my.bdd4@swbell.net

APPLICANT INFORMATION:

NAME Brazoria Co. Drainage District No. 4 (Mike Yost)
ADDRESS 4805 Broadway
CITY Pearland STATE TX ZIP 77581
PHONE(281) 485-1434
FAX(281) 485-0065
E-MAIL ADDRESS my.bdd4@swbell.net

*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: M Yost Date: 3-26-09

Agent's Signature: [signature] Date: 26 March 2009

OFFICE USE ONLY:

FEES PAID: 250.00	DATE PAID:	RECEIVED BY: JK	RECEIPT NUMBER: 162013

Application No. 2009-042

4805 W. Broadway
Pearland, Texas 77581
Ph. (281) 485-1434

Fax (281) 485-0065
bdd4@swbell.net

Brazoria Drainage District No. 4

APR 0 1 2009

A Political Subdivision of the State of Texas

March 23, 2009

Planning and Zoning Commission
City of Pearland
3519 Liberty Drive
Pearland, Texas 77581

Dear Commissioners:

This letter is to inform you of our intent to rezone 0.5716 acre in the City of Pearland from Single-Family Residential-2 (R-2) to General Business Retail (GB).

The subject property is located at the southeast corner of Pear Street and Frances Drive, adjacent to our existing facilities. We are planning to expand our operations by constructing a new office building on the site. In order for us to do so, the zoning must be compatible with a government office building use.

Our request for rezoning includes the southerly 30 feet of Pear Street east of Frances Drive. We are anticipating abandonment of this street when we plat our site and wanted to be certain that this future portion of our facilities was also zoned appropriately.

Currently, our existing facilities are zoned GB, and this rezoning will bring the remainder of the land that we intend to develop into conformance with the zoning of our existing buildings.

We appreciate your consideration of this request for rezoning. Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,
Brazoria County Drainage District No. 4

M Yost

Mike Yost
Superintendent

Dan Keller
Commissioner

Jeffrey Brennan
Commissioner

Robert Meineke
Commissioner

Lentz
ENGINEERING, L.C.

APR 01 2009

March 25, 2009

Mr. Mike Yost
Brazoria Drainage District No. 4
4805 W. Broadway
Pearland, Texas 77581

Re: BDD #4 Office Building
LE 09014

Dear Mr. Yost:

Please find attached an Application for Zone Change for a portion of Lots 1 and 2, Mimosa Acres and Pear Street. This is the new building site.

Please sign and date the application, place the letter on District letterhead as noted, attach a $250.00 check and send the entire package to the Planning Department. The sign requirements may be kept so that at the appropriate time, the sign can be installed.

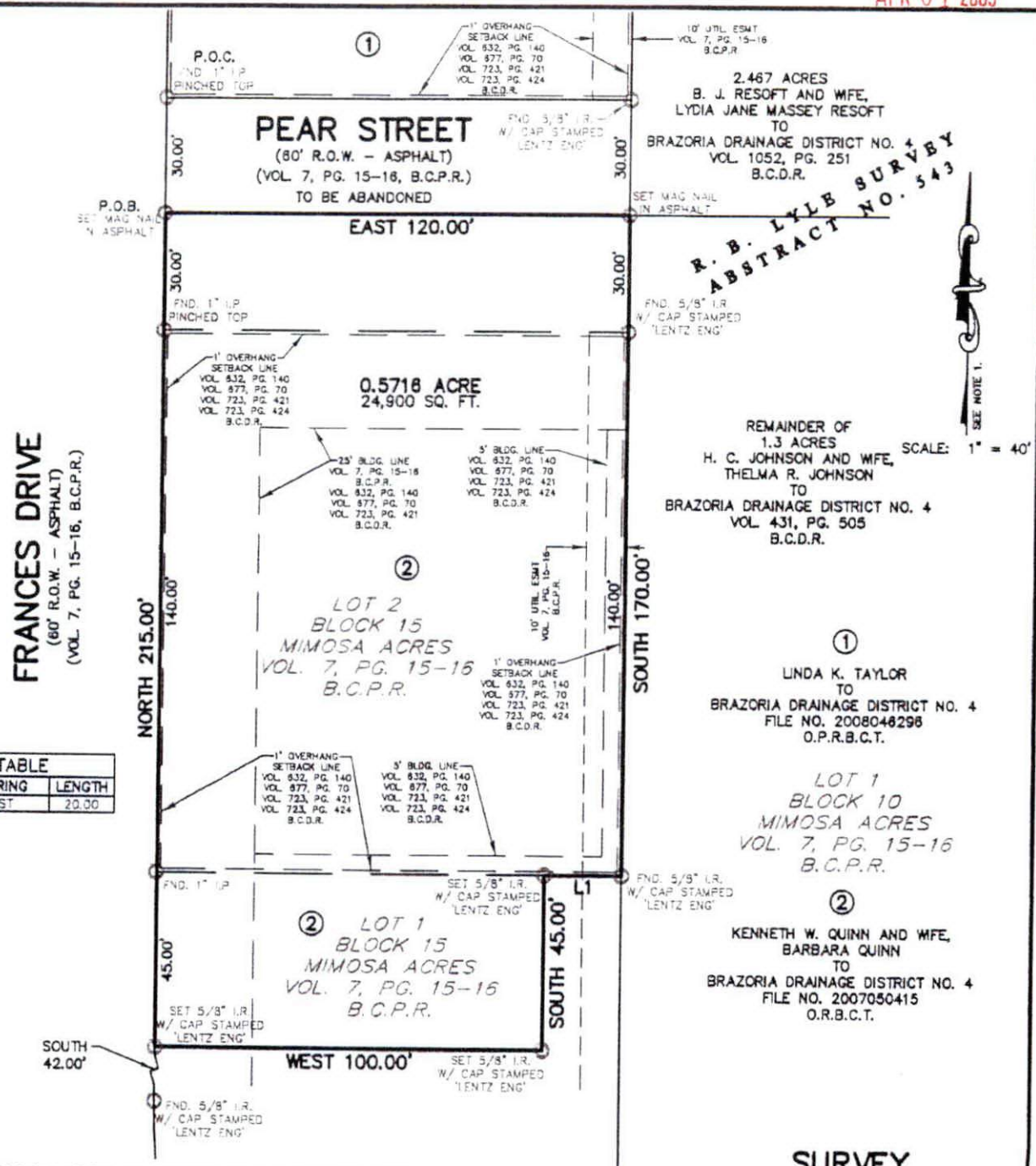
If you have any questions or require any further information, please do not hesitate to call.

Sincerely,
Lentz Engineering, L.C.

Alfred E. Lentz, P.E., R.P.L.S.
President

Cc: Mr. Aaron Bourgeois

APR 0 1 2009



LINE TABLE		
LINE	BEARING	LENGTH
L1	WEST	20.00

NOTES:

1. THE BEARINGS SHOWN HEREON ARE BASED ON THE PLAT OF MIMOSA ACRES, AS RECORDED IN VOLUME 7, PAGES 15-16, BRAZORIA COUNTY PLAT RECORDS.
2. FOR THE PURPOSE OF THIS SURVEY, NO IMPROVEMENTS ARE SHOWN HEREON.
3. THE SURVEYOR HAS NOT ABSTRACTED THE SITE, AND NO TITLE REPORT HAS BEEN FURNISHED. THEREFORE, ALL ENCUMBRANCES ON THE SUBJECT PROPERTY MAY NOT BE SHOWN HEREON.
4. THE SUBJECT PROPERTY IS LOCATED ON MAP 614 R OF THE KEY MAP FOR BRAZORIA AND GLAVESTON COUNTIES, TEXAS.
5. ADJOINER DEED INFORMATION MAY NOT REPRESENT CURRENT OWNERS.

I HEREBY CERTIFY THAT THIS IS A TRUE REPRESENTATION OF A SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND REFLECTS THE ACTUAL CONDITIONS FOUND AT THE TIME OF THE SURVEY.

STATE OF TEXAS
REGISTERED
ALFRED E. LENTZ
2413
PROFESSIONAL LAND SURVEYOR

03-16-09

ALFRED E. LENTZ, R.P.L.S. #2413

03-16-09

SURVEY
OF
0.5716 ACRE
IN THE
R. B. LYLE SURVEY
ABSTRACT NO. 543
BRAZORIA COUNTY, TEXAS
MARCH 10, 2009

Lentz
ENGINEERING, L.C.
4710 BELLAIRE BLVD., SUITE 250
BELLAIRE, TEXAS 77401
PHONE 713-839-8900
FAX 713-839-9020

S:\CIVIL-SU\2008\08019\MIMOSA TOPO\dwg\CS 08019 LT2 BLK 15 REZONE REV 03-16-09.dwg 3/16/2009 8:07:04 AM CDT

MINUTES OF THE JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON MAY 18, 2009, AT 6:30 P.M., IN THE TEMPORARY MUNICIPAL COURT ROOM, COMMUNITY CENTER, 3523 LIBERTY DRIVE, PEARLAND, TEXAS

CALL TO ORDER

The series of public hearings was called to order at 6:35 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 Woody Owens	P & Z Commissioner Neil West
Council Member Felicia Kyle	P & Z Commissioner Charles Gooden, Jr.
Council Member Kevin Cole	P & Z Commissioner Ron Capehart
	P & Z Commissioner Susan Sherrouse

Also in attendance: City Manager Bill Eisen, Assistant City Manager Mike Hodge, Assistant City Manager Jon Branson, City Attorney Darrin Coker, Planning Director Lata Krishnarao, Senior Planner Angela Gantuah, and Planning Administrative Secretary Judy Krajca.

Council Member Steve Saboe was not present.

Senior Planner Angela Gantuah explained the Joint Public Hearing process for the public, and explained that the Planning & Zoning Commission Meeting would follow the Joint Public Hearing.

Mayor Tom Reid opened the public hearing for Zone Change No. 2009-04Z at 6:37p.m.

CONSIDERATION & POSSIBLE ACTION - Zone Change No. 2009-04Z

A request by Brazoria County Drainage District No. 4, applicant and owner, for approval of a change in zoning district from classification of Single Family Residential-2 (R-2) to General Business (GB), on the following described property, to wit:

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General Location: Located at 2501 Francis Drive and 4807 Broadway St.

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

Senior Planner Angela Gantuah presented the staff report. Staff received several calls of concern, but did not receive any public comment forms.

Mr. Jeff Brennan, BDD#4 Commissioner, 4805 W. Broadway, Pearland, Texas spoke briefly.

Mrs. Ruby Sandars, 2402 Francis Drive, Pearland, Texas spoke of concern over the house the BDD#4 purchased and how it compromises the entire subdivision, drainage issue since several homes have flooded in the past, and concern with a six feet masonry fence between the residence and the business.

Ms. Claire Carter of 2502 Francis, Pearland, Texas spoke of concern with flooding, how the Town Ditch will impact Mimosa Acres, and submitted a list with several questions.

Council Member Kevin Cole asked how the Town Ditch would impact Mimosa Acres. Assistant City Manager Mike Hodge stated the city is working on several areas nearby. Senior Planner Angela Gantuah commented that storm water issues will be addressed at the time of platting.

Council Member Felicia Kyle read over Ms. Carters questions, summarizing concerns with detention pond, fencing, plants-shrubs-trees, impact on value of homes, and if BDD#4's intention to purchase additional homes.

Council Member Kevin Cole stated the UDC will address issues on screening and fencing.

Mr. Jeff Brennan commented that the building would be oriented to FM 518/Broadway.

Mayor Tom Reid commented that the biggest concern appears to be drainage and flooding.

The question was asked as to the overall master plan. Senior Planner Angela Gantuah replied that the use is permitted in either zone, but the advantage of rezoning to GB keeps them from placing a buffer between their own two properties.

Mayor Tom Reid adjourned the public hearing for Zone Change No. 2009-04Z at 7:01 p.m.

ADJOURNMENT

Mayor Tom Reid adjourned the series of hearings at 7:01 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

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 MAY 18, 2009, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

CALL TO ORDER

The Mayor called the public hearing to order at 6:35 p.m. with the following present:

Mayor Tom Reid
Mayor Pro-Tem Helen Beckman
Council Member Kevin Cole
Council Member Felicia Kyle
Council Member Woody Owens
Absent — Council Member Steve Saboe

P & Z Chairperson Henry Fuentes
P & Z Vice Commissioner Jerry Koza, Jr.
P & Z Commissioner Neil West
P & Z Commissioner Susan Sherrouse
P & Z Commissioner Darrell Diggs
P & Z Commissioner Ron Capehart
P & Z Commissioner Charles Gooden, Jr.

Also in attendance: City Manager Bill Eisen ; City Attorney Darrin Coker; Deputy City Attorney Nghiem Doan; Assistant City Manager Mike Hodge, Assistant City Manager Jon Branson, City Engineer Narciso Lira, Planning Director Lata Krishnarao; Senior Planner Angela Gantuah, Plans and Plat Administrator Richard Keller, Planning Technician Ian Clowes, and Planning Administrative Secretary Judy Krajca. Trent Epperson, Projects Director

Senior Planner Angela Gantuah 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.

P 2

What is overall Master Plan

Angela - use is permitted in either zone.
but advantage of re-zoning to GB
keeps them from placing buffer between
their own 2 properties.

PURPOSE OF HEARING Mayor Reid opened

The Public Hearing for Zone Change No. _2009-04-Z_ was called to order at 6:37 p.m. by Mayor Tom Reid, and by Planning and Zoning Chairperson Henry Fuertes.

A. Zone Change No. 2009-04-Z

Chairperson Henry Fuertes read the purpose into the record.

Angela Hantrah - St. Planner presented the Staff Report .

Staff received several calls neither for or against Public Comment Forms.

Jeff Brennan BDD # 4 4805 w Broadway

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

Speakers/address/comments:

Ruby Sanders
2402 Frances Dr
bought a house
① Compromises entire subdivision.

Have
② Drainage (several people have flooded w/in last 2 rains
2401 2402 have not flooded last 2 times
what happens w/det

③ Concern w/ 6' masonry fence between resid & business

There were no comments from the Council/Commission/Staff.
There was brief discussion.
There was much discussion. Topics discussed were:

The Public Hearing for Zone Change No. 2009-04Z was adjourned at 7:01 __:__ p.m.

ADJOURNMENT

The Joint Public Hearing adjourned at ___:____ p.m.

p1

2502 Francis Dr.

Claire Carter lives across ~~street~~

1) concern w/ flooding (main concern)
2) how will ~~flood dist~~ Town Ditch impact Mimosa acres
3) has several questions she wishes to submit for ~~consideration~~

K. Cole how will Town Ditch impact Mimosa across

M. Hodge working on several areas near

Angela - Storm water will be addressed @ time of platting

Felice Kyle - read over Ms. Carters q

Detention pond
Fencing
Plants Shrubs Trees
Will BDD#4 intend to purchase 2 homes
Impact on Value of Homes

R&Z will address further

K Cole - UDC address screening, fencing
J Brennan Bldg oriented to 518

Mayor - biggest question/concern drainage/Flooding

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: CLAIRE CARTER

Full Address: 2502 BRANCIS DR

(include zip) PEARLAND, TX 77581

I wish to speak regarding Item No. 2009-042