

MINUTES OF THE JOINT PUBLIC HEARING OF THE CITY COUNCIL AND PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON SEPTEMBER 21, 2009 AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

CALL TO ORDER

Mayor Tom Reid and P&Z Chairperson Jerry Koza, Jr. called the public hearing to order at 6:47 p.m. with the following present:

Mayor Tom Reid	P&Z Chairperson Jerry Koza, Jr.
Mayor Pro-Tem Felicia Kyle	P&Z Vice Chairperson Charles Gooden, Jr.
Council Member Kevin Cole	P&Z Commissioner Neil West
Council Member Woody Owens	P&Z Commissioner Susan Sherrouse
Council Member Scott Sherman	P&Z Commissioner Darrell Diggs
Council Member Steve Saboe	P&Z Commissioner Henry Fuertes
	P&Z Commissioner Ron Capehart

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

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.

Mayor Tom Reid called to order the Public Hearing for Conditional Use Permit No. 2009-12 at 6:50 p.m.

CONDITIONAL USE PERMIT NO. CUP2009-12

A request by Paul LaChance, applicant for Pearland ISD, owner, for approval of a conditional use permit in the Light Industrial (M-1) zoning district, on the following described property, to wit:

Legal Description: A parcel of land containing 0.9960 acres (43,385 square feet) more or less being all of lot 2, Block 1 according to the plat of the Pearland ISD Administration Building as recorded in File No. 2008043425, Official Records, Brazoria County, Texas, said 0.9960 acre tract being out of that certain tract conveyed by Wal-Mart Realty Company to Pearland Independent School District as recorded in File No. 2005071503, Official record, Brazoria County, Texas, and being situated in the R.B. Lyle Survey, Abstract No. 542, Brazoria County, Texas

General Location: 1924 Main Street, Pearland, TX.

P&Z Chairperson Jerry Koza, Jr. read the purpose into the record.

Senior Planner Angela Gantuah presented the staff report, recommending approval, and noted that staff did not receive any Public Comment Forms.

Mr. Paul LaChance, applicant, 1205 Dub Lane, Danbury, Texas spoke.

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

Council Member Kevin Cole asked about the number of parking spaces at the Pearland ISD Administration Building and would any be taken out in order for the Sonic to go in. Mr. LaChance stated he did not have the numbers with him, but would see that staff had this information.

P&Z Chairperson Jerry Koza, Jr. inquired if this property was being leased or purchased. Mr. LaChance replied this was a lease. Mr. Koza, Jr. asked if the traffic would be a problem, and suggested they close the far north entrance.

Council Member Kevin Cole asked if a Traffic Impact Analysis would occur, and City Engineer Narciso Lira replied that a TIA was submitted, but not sure if it indicated the closing of the north entrance. The intention is for traffic to Sonic to enter at the traffic light.

P&Z Commissioner Henry Fuertes stated he would like to see a site plan to look at the depth of the building verses the width of the building, before approving.

Mayor Tom Reid adjourned the Public Hearing for Conditional Use Permit No. CUP2009-12 at 7:06 p.m.

Mayor Tom Reid opened the Public Hearing for Zone Change No. 2009-12Z and Conditional Use Permit No. CUP2009-13 at 7:06 p.m.

ZONE CHANGE NO. 2009-12Z

A request of Narmin Parpia and Raj Ramlal, applicant for Gerald Olson, owner, for a change in zoning classification from Single Family Residential-1 (R-1) to the General Commercial (GC) Zoning District, on the following described property, to wit:

Legal Description: Approximately 2.4051 acres of property out of a 40 acre tract of land out of the Southwest ¼ of Northwest ¼ of Section 17, H.T. & B RR Co. Survey, Abstract 242, Brazoria County, Texas.

General Location: 8017 Fite, Pearland, TX

CONDITIONAL USE PERMIT NO. CUP2009-13

A request of Narmin Parpia and Raj Ramlal, applicant for Gerald Olson, owner, for a

conditional use permit to allow a warehouse in the General Commercial (GC) Zoning District, on the following described property, to wit:

Legal Description: Approximately 2.4051 acres of property out of a 40 acre tract of land out of the Southwest ¼ of Northwest ¼ of Section 17, H.T. & B RR Co. Survey, Abstract 242, Brazoria County, Texas.

General Location: Located at 8017 Fite Rd., Pearland, TX.

P&Z Chairperson Jerry Koza, Jr. read the purpose into the record.

Senior Planner Angela Gantuah presented the staff report, recommending approval for both Zone Change No. 2009-12Z and Conditional Use Permit No. CUP2009-13. Ms. Gantuah added that additional requirements could be placed on CUP2009-13.

Mr. Mike Chance, 3117 Autumn Court, Pearland, TX spoke, representing the owner, Gerald Olson.

Mrs. Narmin Parpia, 2615 Winchester Court, Pearland, TX applicant spoke and showed a slide show.

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

P&Z Commissioner Neil West inquired about the warehouse operation and if the property would need to be platted. Senior Planner Angela Gantuah replied that it was necessary first for the applicant to get the zone change, and the Conditional Use Permit, Plat the property, and then apply for the permit. The applicant will comply with the UDC.

There was brief discussion with regards to the width of Fite Road, and trucks being able to turn around. City Engineer Narciso Lira responded that the width was 80 ft.

Mayor Tom Reid adjourned the Public Hearing for Zone Change No. 2009-12Z and Conditional Use Permit No. CUP2009-13 at 7:32 p.m.

ZONE CHANGE NO. 2009-11Z

A request of LJA Engineering & Surveying, Inc., applicant for TexProj 2008 LLC, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Planned Development District (PD) to Planned Development District (PD), an amendment to the existing PD for Province Village, on the following described property, to wit:

Legal Description: Approximately a 15 acre tract of land out of the Dissen called 136.995 acre tract, recorded in Volume 505, Page 86, of the Deed of Records of

Brazoria County, Texas, situated in the Thomas J. Green Survey, Abstract 198, Brazoria County, Texas, and a 26,9158 acre tract of land in the Thomas J. Green Survey, Abstract 165, Brazoria County, Texas and being a part of that certain 136.955 acre tract conveyed from Jennie J. Settlegast, et al, to W.J. Dissen by instrument recorded in Volume 505, Page 86, of the Deed of Records of Brazoria County, Texas, and 5.7375 acres of land being situated in the W.D.C. Hall Survey, Abstract No. 23, Harris county, Texas, and being out of 468.92 acre tract being more fully described in Volume 1676, Page 362 of the Deeds of Records of Harris county, Texas said 1.3366 acres in Harris County Texas.

General Location: Generally Located on the Northeast Corner of Pearland Parkway and Broadway.

P&Z Chairperson Jerry Koza, Jr. read the purpose into the record.

Senior Planner Angela Gantuah presented the staff report, stating that she had returned approximately 50 phone calls from homeowners, and that the Planning Secretary Judy Krajca received approximately 30 calls per day for the past three work days. Staff received 8 public comment forms in opposition, and 1 public comment form in favor of the zone change.

P&Z Commissioner Ron Capehart excused himself at 7:33 p.m., and returned at 7:39 p.m.

Council Member Steve Saboe arrived at 7:38 p.m.

Mr. Omar Esquibar of LJA Engineering & Surveying, Inc. spoke and stated the original owner of the property no longer owns the property, and is now owned by Dan Brown. Owner is seeking guidance from Council and the P&Z Commission on the property, specifically on Pearland Parkway.

Mr. Warren Escovy, 9726 Parson Field Lane, Katy, TX of LJA Engineering & Surveying, Inc. spoke.

Mr. Eric Hughes with National Realty Group, 2947 Highland Lake Drive, Missouri City, TX spoke on behalf of Dan Brown, stating Mr. Brown inherited the property and that the Maverick Group no longer has ties to the property. LJA Engineering & Surveying, Inc. is assisting Lentz Engineering on the drainage issues of the land.

Ms. Dee Ann Motley, 2606 Pebble Creek Drive, Pearland, TX spoke stating the original applicant came and spoke to the Clear Creek Estates HOA with a layout and answered concerns with the traffic flow. Ms. Motley still has these same concerns, along with the mowing and drainage issues.

Ms. Barbara Holt, 2717 Pebble Creek Drive, Pearland, TX asked how will this affect the property values, and why do they think the OP zone will do well when the retail strip beside Chili's Restaurant only has two occupants.

Council Member Kevin Cole addressed several issues:

1. What is proposed traffic flow for the bank
2. Storm water detention for all new development in Province village needs to be addressed, and include any negative impacts that need to be mitigated near Clear Creek Estates Subdivision
3. Wants PD to address height of new development adjacent to the single family homes
4. Keep drive thru away from residences

Council Member Steve Saboe added that the right in/right turns needed to be addressed and a buffer to the homes be reviewed.

Discussion ensued concerning traffic.

P&Z Commissioner Neil West excused himself at 8:13 p.m. and returned at 8:16 p.m.

Mayor Tom Reid stated that if approved tonight, the traffic issue would need to be resolved. Council Member Kevin Cole asked the P&Z Commission to consider all uses allowed by right under the OP zone.

Mr. Eric Hughes, representing owner Dan Brown, asked if there are changes that need to be made, please feel free to ask Mr. Brown to consider.

Mayor Tom Reid adjourned the Public Hearing for Zone Change No. 2009-11Z at 8:18 p.m.

ADJOURNMENT

Mayor Tom Reid adjourned the series of Public Hearings at 8:18 p.m.

These minutes are respectfully submitted by:

Judy Krajca
Planning Office Coordinator

Minutes approved as submitted and/or corrected on this 12th day of October 2009, A.D.

Mayor Tom Reid

MINUTES OF THE JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON SEPTEMBER 21, 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 6:47 p.m. with the following present:

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

Also in attendance: City Manager Bill Eisen ✓; City Attorney Darrin Coker ✓; Deputy City Attorney Nghiem Doan ✓; Assistant City Manager Mike ^{-arrived@} 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 ✓, Planner I Tim Chi ✓, and Planning Administrative Secretary Judy Krajca ✓.

- ✓ 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.

PURPOSE OF HEARING

CUP 2009-12

The Public Hearing for CUP/~~ZONE CHANGE~~ NO. _____ was called to order at 6:50 p.m. by Mayor Tom Reid, and by Planning and Zoning Chairperson Henry Fuenes. *Jerry Kozak Jr.*

CUP/~~ZONE CHANGE~~ NO. *Cup 2009-12*

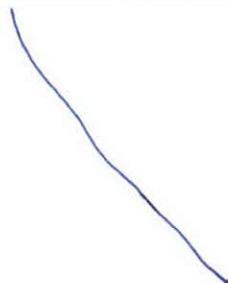
Chairperson *Jerry Kozak Jr.* Henry Fuenes read the purpose into the record. ✓

Angela Mantua Sr. Plnr. presented the Staff Report. *Recommends approval*

Staff received 0 Public Comment Forms. *or phone calls.*

Applicant - Paul LaChance spoke 1205 Dub Lane, Danbury CT
There was no one or no one in the audience to speak for or against this Zone Change. *Cup*

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 - How many parking spaces of PSD will they be taking out. Mr. LaChance did not have the ff w/him - but stated he would get back w/that.*
 - Jerry Are you leasing or buying. Paul - lease. Traffic could be a problem - suggested they close far north entrance.*
 - Kevin Will a TIA occur. Narciso - not sure the TIA detected the closing of N entrance would be traffic lt. entrance.*
- The Public Hearing for CUP/~~ZONE CHANGE~~ NO. _____ was adjourned at ___:___ p.m. *would like a site plan to look @ depth verses width before approving*

ADJOURNMENT

The Joint Public Hearing adjourned at 7:00 p.m.

PURPOSE OF HEARING

2009-12 Z & CUP 2009-13

The Public Hearing for **CUP/ZONE CHANGE NO.** _____ was called to order at _____: _____ p.m. by Mayor Tom Reid, and by Planning and Zoning Chairperson Henry Fuertes. *Jerry Koga Jr.*

CUP/ZONE CHANGE NO. 12 Z

Chairperson *Jerry Koga Jr.* Henry Fuertes read the purpose into the record.

Angela Santanak - Sr. Plnr presented the Staff Report. *2009/12-Z - for approval*
Cup 2009-13 - for approval
add'l Requirements can be placed on the CUP.

Staff received _____ Public Comment Forms.

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

Speakers/address/comments:

Mike Chance 3117 Autumn Ct, Pearland Tx - represents owner
Gerald Olson

Narmin Parpia 2015 Winchester Ct - Pearland Tx applicant spoke & showed slide show.

no one present to speak for or against

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

There was brief discussion.

There was much discussion. Topics discussed were:

Mayor Reid -

Neil - warehouse operation - Platting: ^{Angele} must get zoning, to get a CUP, to plat, to get permit. Applicant will comply w/

uDC
Lata - currently occupied & can continue as is. Surrounding areas are mixed uses
staff felt GC was best use, then M-1, M-2

Kevin - Fite is narrow. Business next door has had trouble getting trucks in. what is width of Fite - 40 ft. (Narciso said)

Angele - there have been some improvements made @ Cullen & Fite.

The Public Hearing for **CUP/ZONE CHANGE NO.** _____ was adjourned at 1:32 p.m.

Darrell asked about Rd width & traffic flow of 18 wheelers / school buses

ADJOURNMENT

The Joint Public Hearing adjourned at _____: _____ p.m.

PURPOSE OF HEARING

CUP 2009-13

The Public Hearing for ~~CUP/ZONE CHANGE NO.~~ _____ was called to order at ____:____ p.m. by Mayor Tom Reid, and by Planning and Zoning Chairperson Henry Fuyertes.

CUP/ZONE CHANGE NO. _____

Chairperson Henry Fuyertes read the purpose into the record.

_____ presented the Staff Report .

Staff received _____ Public Comment Forms.

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

Speakers/address/comments:

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

There was brief discussion.

There was much discussion. Topics discussed were:

The Public Hearing for ~~CUP/ZONE CHANGE NO.~~ _____ was adjourned at ____:____ p.m.

ADJOURNMENT

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

PURPOSE OF HEARING

The Public Hearing for ~~CUP~~ ZONE CHANGE NO. 2009-11 Z was called to order at ___:___ p.m. by Mayor Tom Reid, and by Planning and Zoning Chairperson Henry Fuertes. Gerry Koza

~~CUP~~ ZONE CHANGE NO. 11-Z

Chairperson Gerry Koza read the purpose into the record.

Ron reused himself @ 7:33. Returned @ 7:39

Angela Santosh Sr. Plnr presented the Staff Report.

noted orig sign was only 1 posted. Angela rec'd 10 emails/day. 50 calls returned.

Staff received 8 Public Comment Forms.

1 Favor

Plng Sec. rec'd 30 calls per day - last 3 days.

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

Steve Sabre arrived @ 7:38 pm

Speakers/address/comments:

applicant - Omar Esqibar - LSA Eng. orig. owner does not own now. Dan Brown owns. Came before CC and P&Z for guidance on this property. only wish to change area on Pearland Pkwy.

warren Escovf w/LSA Eric Hughes on behalf of Dan Brown.

9726 Parson Field Ln, Katy Tx w/ National Realty Group.

Take 39 Garden Homes to OP

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

There was brief discussion.

There was much discussion. Topics discussed were:

Dan Brown did inherit the property. Maverick Group no longer has ties to property.

LSA is assisting Lentz Eng on Drainage of land

The Public Hearing for ~~CUP~~ ZONE CHANGE NO. _____ was adjourned at ___:___ p.m.

ADJOURNMENT

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

DeeAnn Motley 2606 Pebble Creek Dr
Orig. came to HOA mtg w/ layout
concern of traffic flow
mowing & drainage
w/ there still be SF homes

Barbara Holt 2717 Pebble Creek Dr
How will it effect prop. values?
why do they think this OP will do well when
detail strip beside chili on has for 2 tenants?

Kevin Cole - ① what is proposed traffic flow for bank
Narciso - access off Province Vllg. w/ Rt out only on
Pearland Pkwy.

② Drainage along homes -
Master Plan has Regional detention
some to drain to ditch

③ New development to drain to detention pond.

④ Bank will utilize detention pond & rear area
to N will drain in this area

⑤ wants PD to address height of SF homes
re: one story & two story.

⑥ Keep drive thru away from residences.

Steve Saboe
Look @ right out
Buffer to residence and not just rd.

Traffic discussion w/ Narciso re rt in / rt out

Neil
Henry
Woody

Rt in Rt out
Narciso mentioned that of & when Pearland Commons begins
to develop - this same cross over @ Prith Pkwy & Prov. Vllg
would have a light. would be there main entrance.

Neil excused himself @ 8:15 pm
much discussion re: traffic

Woody, Narciso, Steve, WA Eng.

Mayor - if we approve tonight, traffic issue needs to be resolved.

Kevin - ask P&Z to consider all uses allowed by right in OP Zone.

Neil returned @ 8:16

Eric Hughes stated that if changes need to be made, please feel to ask Dan Brown to consider.

adj. @ 8:18 pm

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: Paul LaChance

Full Address: PO Box 877 Clute, Tx (1205 Dub Ln. Danbury, Tx)

(include zip) 77531

I wish to speak regarding Item No. CUP2009-12

Comments: _____

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: Mike Chance

Full Address: 3117 Autumn Ct

(include zip) Pearland TX 77584

I wish to speak regarding Item No. 2009-122

Comments: _____

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: Debra Motley

Full Address: 2606 Pebble Creek Dr.

(include zip) Pearland, TX 77581

I wish to speak regarding Item No. 4

Comments: _____

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: Barbara Holt

Full Address: 2717 Pebble Creek Dr.

(include zip) Pearland, TX 77581

I wish to speak regarding Item No. C - Zone Change No. 2009-112

Comments: How will this affect our property values?

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: Omar Escobar

Full Address: 5419 Quail Tree

(include zip) Humble TX 77344

I wish to speak regarding Item No. 117

Comments: In favor

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: Eric Hughes

Full Address: 2947 Highland Lakes Dr.

(include zip) Missouri City TX 77457

I wish to speak regarding Item No. 2009-112

Comments: _____

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: NARMIN PARPIA

Full Address: 2615 Winston Ct

(include zip) Pearland, Tx 77584

I wish to speak regarding Item No. 2009-122, 2009-13

Comments: _____

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD SEPTEMBER 21, 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

Conditional Use Permit No. CUP2009-12

A request by Paul LaChance, applicant for Pearland ISD, owner, for approval of a conditional use permit in the Light Industrial (M-1) zoning district, on the following described property, to wit:

Legal Description: A parcel of land containing 0.9960 acres (43,385 square feet) more or less being all of lot 2, Block 1 according to the plat of the Pearland ISD Administration Building as recorded in File No. 2008043425, Official Records, Brazoria County, Texas, said 0.9960 acre tract being out of that certain tract conveyed by Wal-Mart Realty Company to Pearland Independent School District as recorded in File No. 2005071503, Official record, Brazoria County, Texas, and being situated in the R.B. Lyle Survey, Abstract No. 542, Brazoria County, Texas

General Location: 1924 Main Street, Pearland, TX.

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 SEPTEMBER 21, 2009

Conditional Use Permit No. CUP 2009-12

A request by Paul LaChance, applicant for Pearland ISD, owner, for approval of a conditional use permit to permit a restaurant with a drive-in window in the Light Industrial (M-1) zoning district, on the following described property, to wit:

Legal Description: A parcel of land containing 0.9960 acres (43,385 square feet) more or less being all of lot 2, Block 1 according to the plat of the Pearland ISD Administration Building as recorded in File No. 2008043425, Official Records, Brazoria County, Texas, said 0.9960 acre tract being out of that certain tract conveyed by Wal-Mart Realty Company to Pearland Independent School District as recorded in File No. 2005071503, Official record, Brazoria County, Texas, and being situated in the R.B. Lyle Survey, Abstract No. 542, Brazoria County, Texas.

General Location: Located at 1924 Main Street, Pearland, TX

APPROVAL PROCESS: After this Joint Public Hearing, the requested conditional use permit application will be considered as follows:

Planning and Zoning Commission: September 21, 2009*

City Council for First and Only Reading: September 28, 2009*

(*dates subject to change if item is tabled)

SUMMARY: The applicant is requesting approval of Conditional Use Permit No. 2009-12 to operate a Sonic Drive-In in the Light Industrial (M-1) District. The proposed Sonic Drive-In building is approximately 3,264 square feet with a drive thru window and parking stalls for placing orders from the parking lot that will be delivered by car hops.

A site plan was submitted to the building department with an application for a building permit and is currently being reviewed. The CUP application submittal did not include a site plan and is not being considered as part of the approval for this Conditional Use Permit.

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	Light Industrial (M-1)	Undeveloped Tract
South	Light Industrial (M-1)	Commercial Strip Center
East	General Commercial (GC)	Walmart
West	Light Industrial (M-1)	PISD

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The subject property is currently zoned as M-1. The minimum lot size for the M-1 district is 40, 000 square feet; the minimum lot width is 150 feet, and the minimum lot depth is 150 feet. The subject property exceeds these minimum requirements, as the property is approximately 42,784 square feet in size, and has the lot width of approximately 150 feet, and the lot depth of approximately 285 feet. The subject property is also located within the Corridor Overlay District. The applicant has submitted a site plan and is in the process of submitting a landscaping plan

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

PLATTING STATUS: The property has been platted.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Business Commercial" for the subject property and the surrounding properties. The Comprehensive Plan further indicates that the appropriate zoning districts for "Business Commercial" are General Business and General Commercial (GB and GC). The current Light Industrial (M-1) Zoning District does not conform to the Comprehensive Plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on SH 35, a major thoroughfare with an ultimate right-of-way greater than 120 feet. The applicant has had the property platted and all necessary dedications have been made.

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

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The proposed conditional use permit for a Sonic Drive-In should not have a negative impact on the surrounding properties.

The subject property is located on a lot just east of the PISD Administration Building and is located in the corridor overlay district and zoned M-1. The property to the north is undeveloped. Wal-Mart and other commercial uses including a gas station are located to the east. To the south of the subject property, is a small commercial strip center with the Dollar General Store, Big Lots, and Office Depot.

Although the proposed use and CUP are not in conformance with the comprehensive plan, this is in conformance with the existing uses and general character of this area. The proposed use and CUP are in conformance with the M-1 zoning district.

Traffic generated by this proposed use would be minimal and does not create any safety hazards. Parking for this use and location has been calculated at 12 spaces. The applicant proposes 28 spaces which exceeds the required amount of parking needed.

SITE PLAN CONSIDERATIONS: A site plan was submitted and is concurrently being reviewed by Building, Engineering, Public Works, etc.

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.

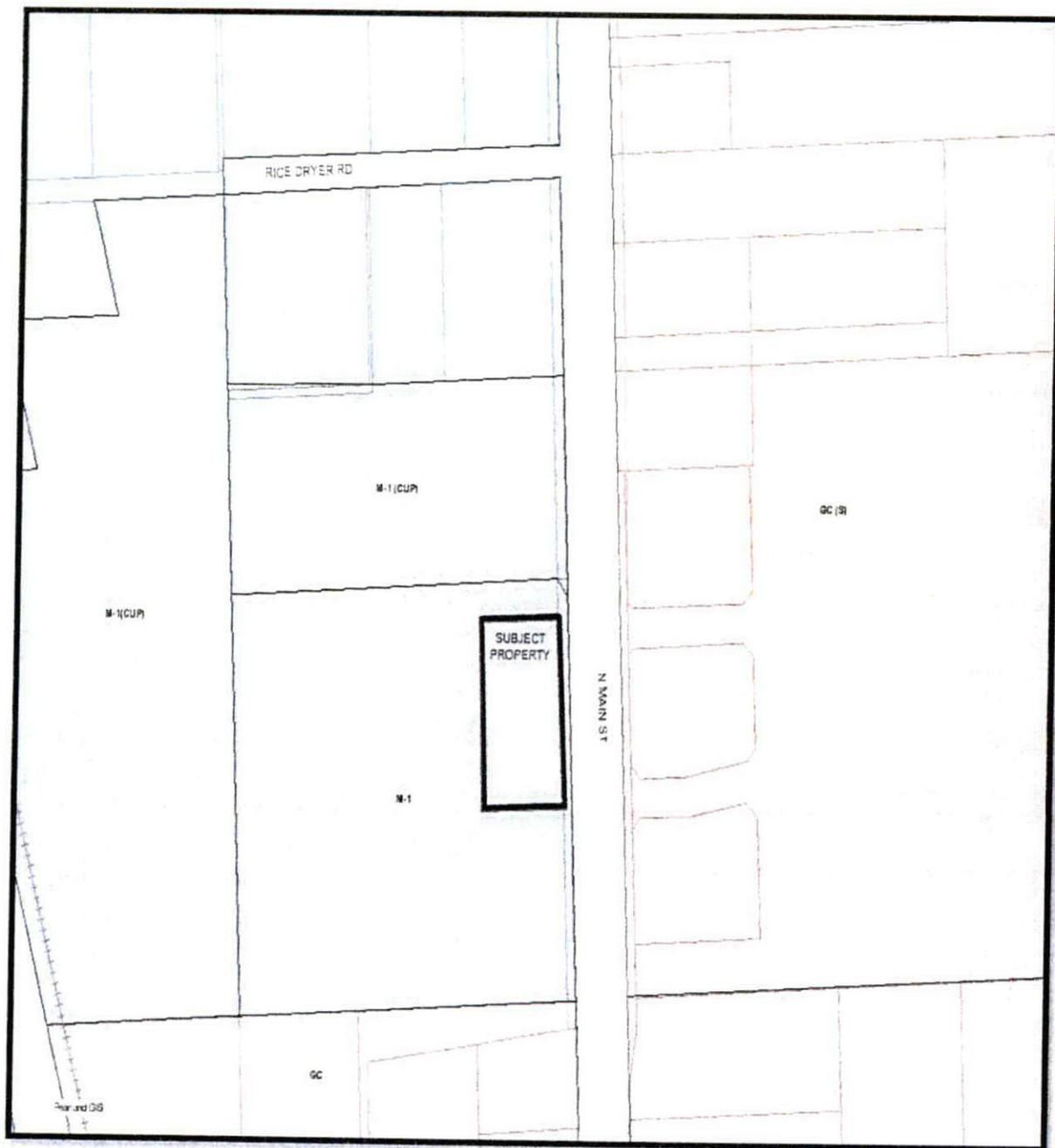
OPPOSITION TO OR SUPPORT OF PROPOSED REQUEST: Staff has not received any comments either in opposition to or in support of the proposed zone change request.

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit No. 2009-12 as proposed by the applicant, for the following reasons:

1. The proposed Sonic Drive-In fast food facility with a drive in window is a permitted use in the M-1 zoning district with an approved Conditional Use Permit.
2. Impact on surrounding uses- The proposed facility should not have any impact on the surrounding properties and developments.
3. It is in conformance with the current zoning map.
4. It is in conformance with the comprehensive plan and existing uses.

SUPPORTING DOCUMENTS:

- Zone Change Application
- Location Map
- Property Ownership Map
- Property Owner Notification List
- Zoning Map
- Future Land Use Plan
- Aerial Photograph
- Other Maps and Related Documents

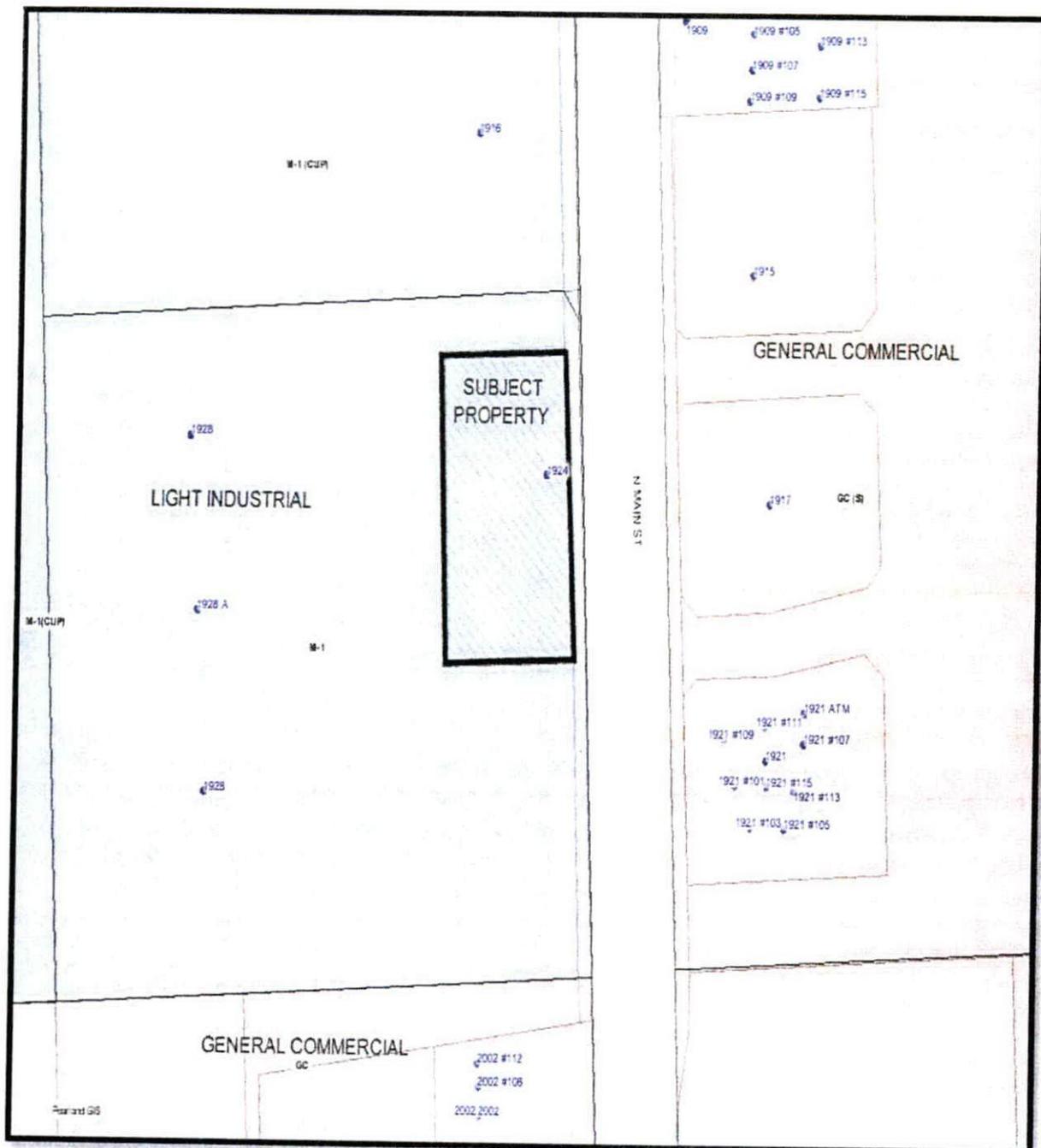


LOCATION MAP

CONDITIONAL USE PERMIT NO. 2009-12

LOCATED AT 1924 MAIN STREET, PEARLAND, TX

↑
NORTH

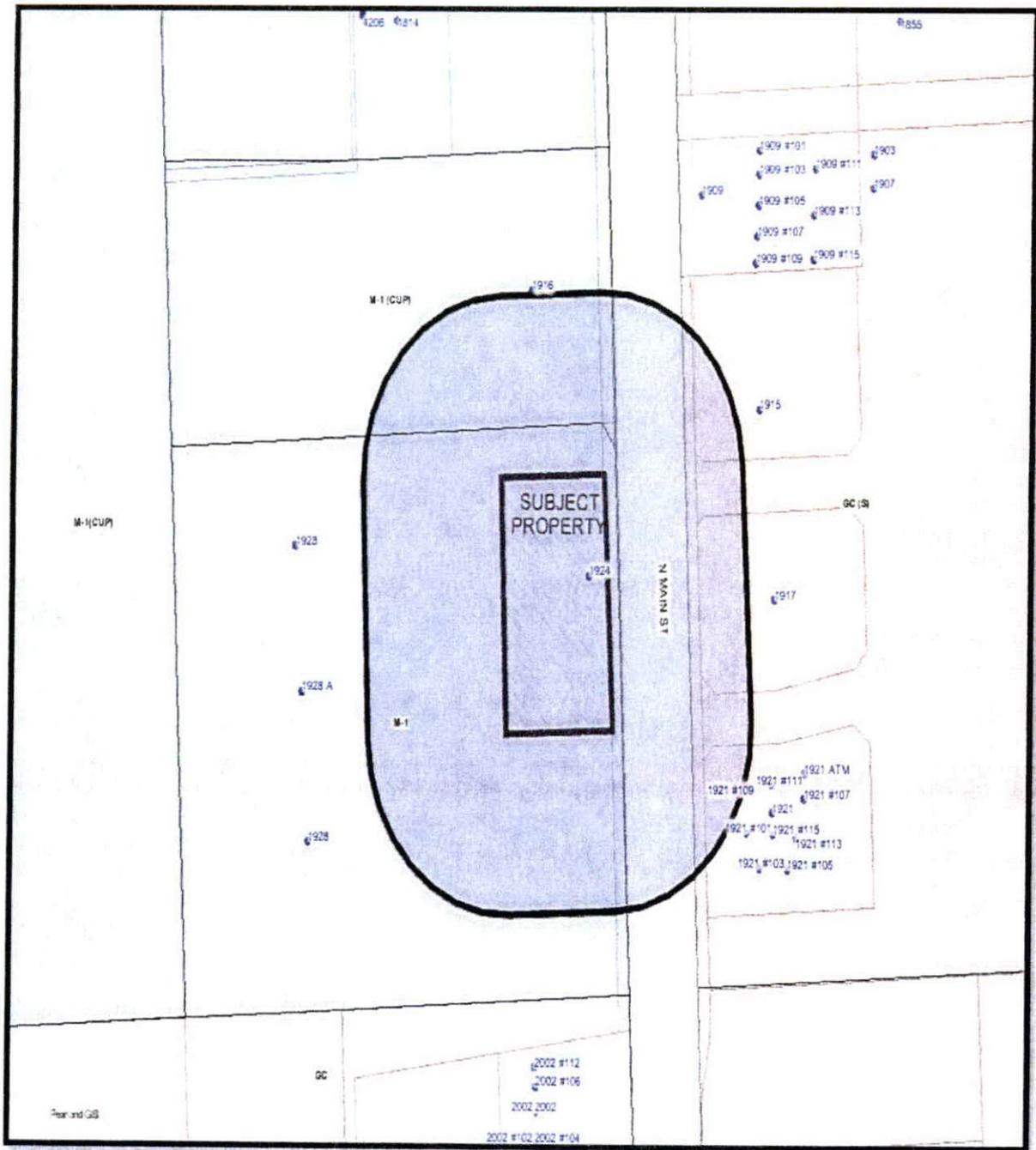


ZONING MAP

CONDITIONAL USE PERMIT NO. 2009-12

LOCATED AT 1924 MAIN STREET, PEARLAND, TX





ABUTTER MAP

CONDITIONAL USE PERMIT NO. 2009-12

LOCATED AT 1924 MAIN STREET, PEARLAND, TX



Conditional Use Permit No. 2009-12

Sonic Drive-In/1924 Main Street

Property Owners List

CCND LP	10203 RIPPLE LAKE DR	HOUSTON	TX	77065
MURPHY OIL USA INC	200 PEACH ST 2337 NORTH	EL DORADO	AR	71730
PEARLAND ISD	GALVESTON.	PEARLAND	TX	77581
PEARLAND- 35/PREAMCO LTD	5005 RIVERWAY STE 250	HOUSTON	TX	77056
PRP PEARLAND PLAZA LLC	110 PINE TERRACE	HOT SPRINGS	AR	71901
WAL-MART REALESTATE BUS TR	PO BOX 8050 MS 0555	BENTONVILLE	AR	72712

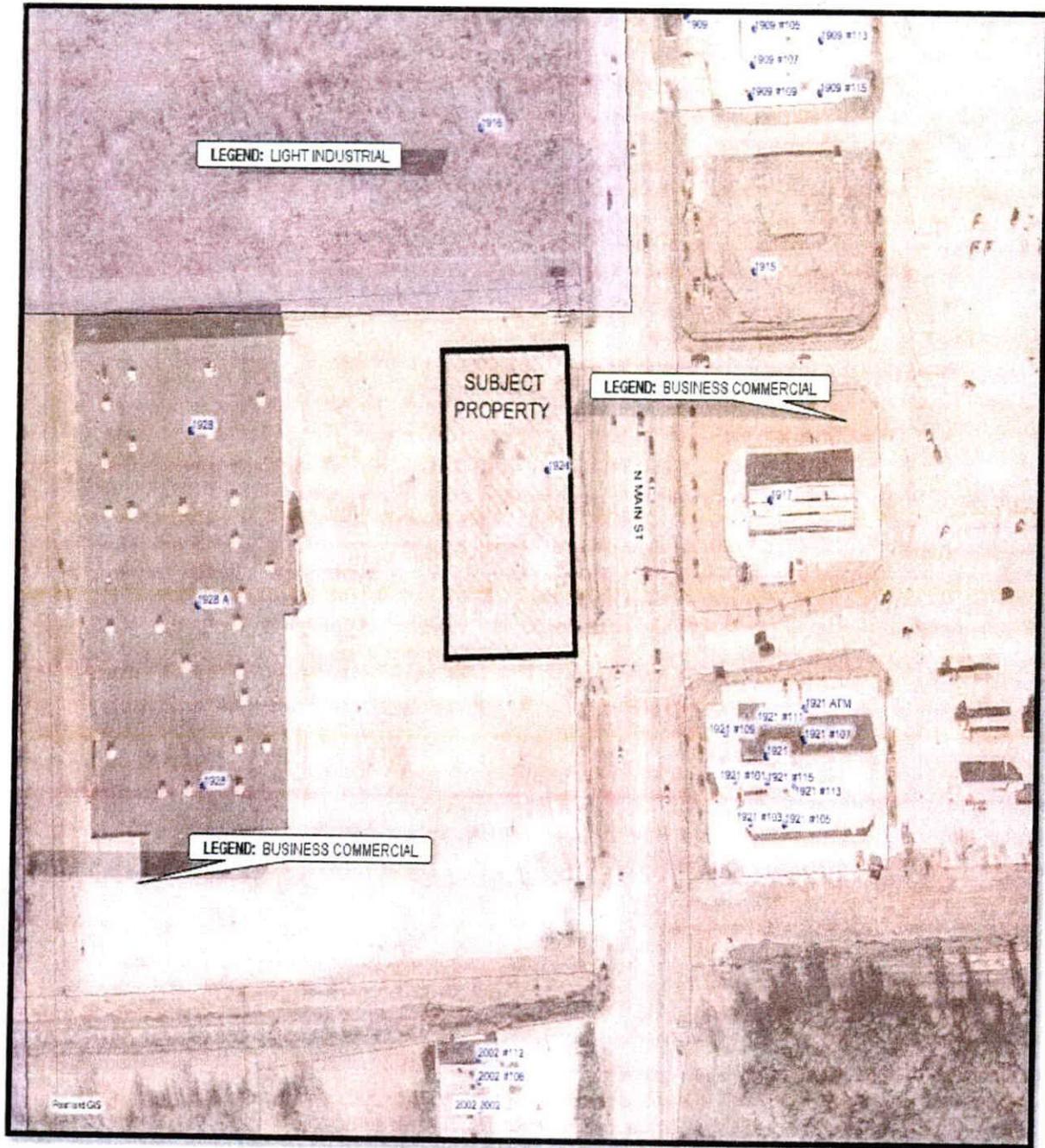


FUTURE LAND USE MAP

CONDITIONAL USE PERMIT NO. 2009-12

LOCATED AT 1924 MAIN STREET, PEARLAND, TX





AERIAL MAP

CONDITIONAL USE PERMIT NO. 2009-12

LOCATED AT 1924 MAIN STREET, PEARLAND, TX





CUP APPLICATION Page 1 of 4 (Updated May 2008)
 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: Restaurant with Drive-in and or Drive-thru service
(list proposed use from the Table of Uses of the UDC)

Current Zoning District: M-1

Property Information:

Address or General Location of Property: 1924 Main St.

Tax Account No. 76-0559261

Subdivision: Pearland ISD Administration Bldg. Lot: 2 Block: 1

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

PROPERTY OWNER INFORMATION:

NAME Pearland ISD Donald Marshall, CEO
 ADDRESS 1928 N. Main
 CITY Pearland STATE TX ZIP 77581
 PHONE(281) 485-3203
 FAX()
 E-MAIL ADDRESS

APPLICANT INFORMATION:

NAME Paul LaChance
 ADDRESS PO Box 877
 CITY Clute STATE TX ZIP 77531
 PHONE(979) 265-8569
 FAX(979) 265-8570
 E-MAIL ADDRESS spaul@ksrestaurants.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: Donald Marshall, CEO, Pearland ISD Date: 7-7-09

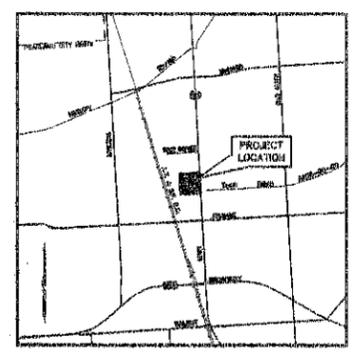
Agent's Signature: [Signature] Date: 7-7-09

OFFICE USE ONLY:

FEES PAID: <u>\$250.00</u>	DATE PAID: <u>7/7/09</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>250136</u>
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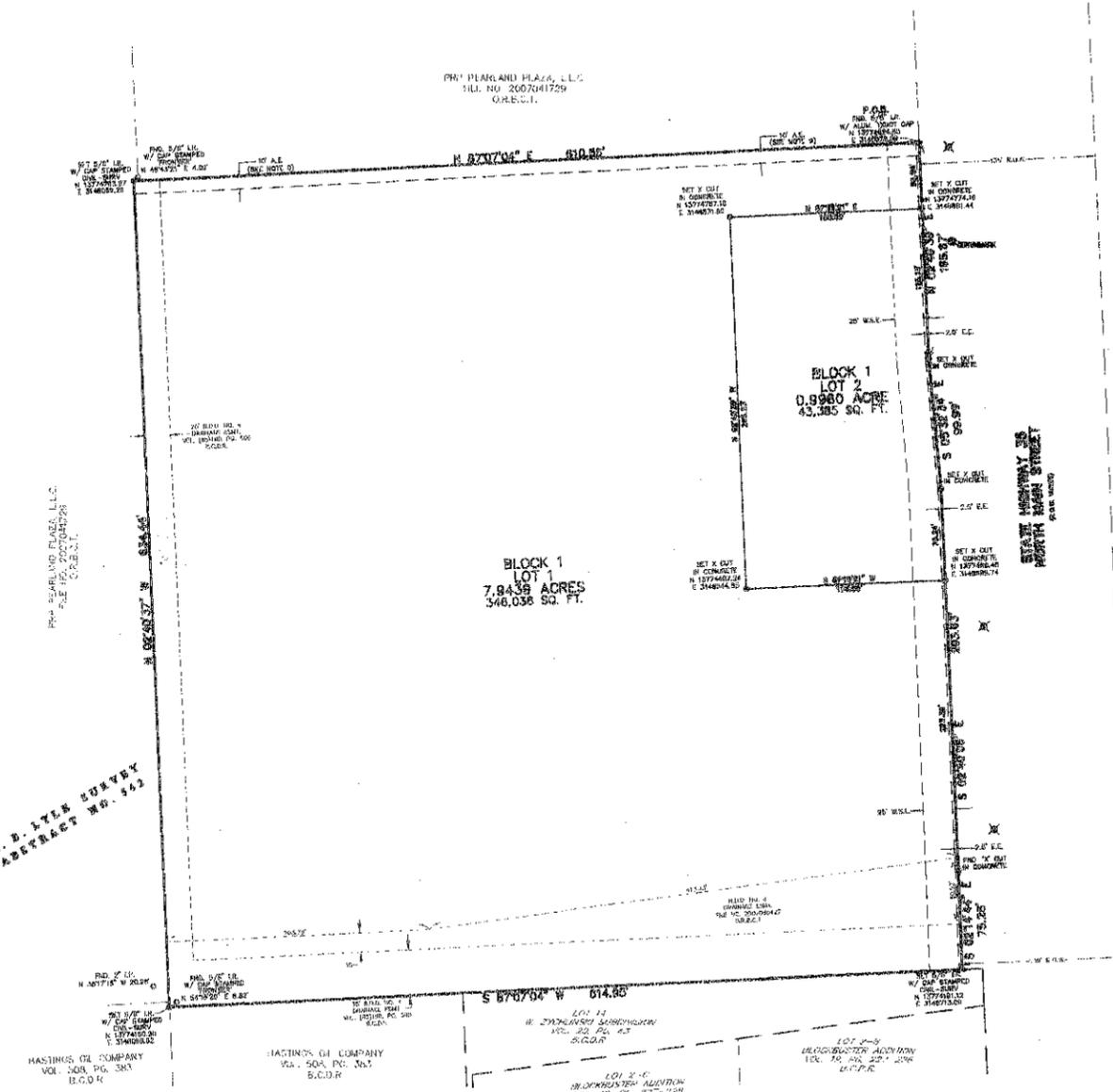
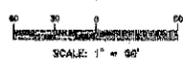
Cup 2009-12

A parcel of land containing 0.9960 acres (43,385 square feet) more or less being all of lot 2, Block 1 according to the plat of the Pearland ISD Administration Building as recorded in File No. 2008043425, Official Records, Brazoria County, Texas, said 0.9960 acre tract being out of that certain tract conveyed by Wal-Mart Realty Company to Pearland Independent School District as recorded in File No. 2005071503, Official Records, Brazoria County, Texas, and being situated in the R.B. Lyle Survey, Abstract No. 542, Brazoria County, Texas.



MUNICIPALITY MAP
SCALE: 1" = 1/2 MI.

LOT TABLE		
LOT NO.	ACRES	SQ. FT.
1	7.9439	346,038
2	0.9960	43,385



PEARLAND INDEPENDENT SCHOOL DISTRICT
FILE NO. 2008043425

R.B. LYLE SURVEY
ABSTRACT NO. 542

CIVIL-SURV
LAND SURVEYING, L.C.
4210 BELLAIR BOULEVARD, SUITE 200
HOUSTON, TEXAS 77036
PHONE: (713) 285-0800 FAX: (713) 285-0200
CONTACT: CLIFTON SEWARD

Leitz
CONTRACT: AARON ROBERTSON

METES AND BOUNDS DESCRIPTION
OF
0.9960 ACRES
R.B. LYLE SURVEY
ABSTRACT NO. 542
BRAZORIA COUNTY, TEXAS

A PARCEL OF LAND CONTAINING 0.9960 ACRES, 43,385 SQUARE FEET, MORE OR LESS THAN THAT CERTAIN 0.940 ACRES TRACT, CONVEYED FROM HILL-MART REALTY COMPANY TO PEARLAND INDEPENDENT SCHOOL DISTRICT, AS RECORDED IN FILE NO. 2007041729, OFFICIAL RECORDS, BRAZORIA COUNTY, TEXAS, Q.R.S.C.T., SAID 0.940 ACRES TRACT BEING SHOWN IN THE R.B. LYLE SURVEY, ABSTRACT NO. 542, IN BRAZORIA COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A CORNER 5/8 INCH IRON ROD WITH AN ALUMINUM TEXAS DEPARTMENT OF TRANSPORTATION CAP (TDCAP) IN THE WEST LINE OF STATE HIGHWAY 36 (DUSTY-GRAY WAYS), FOR THE SOUTHWEST CORNER OF THAT CERTAIN 0.1960 ACRES PARCEL NO. 47, CONVEYED FROM PEP FAMILY LIMITED PARTNERSHIP TO THE STATE OF TEXAS, AS RECORDED IN FILE NO. 2004072806, Q.R.S.C.T., SAID BEING THE NORTHWEST CORNER OF THAT CERTAIN 0.2440 ACRES PARCEL NO. 48, CONVEYED FROM PEP/TEX, INC. TO THE STATE OF TEXAS, AS RECORDED IN FILE NO. 2005010407, Q.R.S.C.T., ALSO BEING THE SOUTHWEST CORNER OF THAT CERTAIN 15.88 ACRES TRACT, CONVEYED FROM PEP FAMILY PARTNERSHIP TO PEP PEARLAND PLAZA, L.L.C. AS RECORDED IN FILE NO. 2007041729, Q.R.S.C.T., AND ALSO BEING THE NORTHEAST CORNER OF THE SAID 0.940 ACRES TRACT;

THENCE, WITH THE SAID WEST LINE OF STATE HIGHWAY 36, AND THE WEST LINE OF THE SAID 0.2440 ACRES PARCEL NO. 48, SAID BEING THE EAST LINE OF THE SAID 0.940 ACRES TRACT, THE FOLLOWING: (4) FOUR COURSES AND DISTANCES:

1. S 02° 00' 30" E, A DISTANCE OF 180.97 FEET TO A SET "I" CUT IN CONCRETE;
2. S 02° 32' 34" E, A DISTANCE OF 98.89 FEET TO A SET "X" CUT IN CONCRETE;
3. S 82° 40' 00" E, A DISTANCE OF 293.83 FEET TO A FOUND "I" CUT IN CONCRETE, AND
4. S 02° 14' 40" E, A DISTANCE OF 75.22 FEET TO A SET 5/8 INCH IRON ROD WITH CAP STAMPED CIVIL-SURV, FOR THE NORTHEAST CORNER OF THAT CERTAIN 0.940 ACRES PARCEL NO. 48, RECORDED AS A NOTICE OF LIS PENDENS, THE STATE OF TEXAS V. LINDA ALONSO GONZALEZ INDIVIDUALLY AND AS TRUSTEE ET AL AS RECORDED IN FILE NO. 2007041729, Q.R.S.C.T., SAID BEING THE SOUTHWEST CORNER OF THE SAID 0.940 ACRES PARCEL NO. 48, AND ALSO BEING THE SOUTHWEST CORNER OF THE SAID 0.940 ACRES TRACT;

THENCE, S 87° 07' 04" W, WITH THE SOUTH LINE OF THE SAID 0.940 ACRES TRACT, A DISTANCE OF 614.44 FEET TO A SET 5/8 INCH IRON ROD WITH CAP STAMPED CIVIL-SURV, FOR THE SOUTHWEST CORNER OF THE SAID 0.940 ACRES TRACT, FROM WHICH, A FOUND 5/8 INCH IRON ROD WITH CAP STAMPED FRONTIER, BEARS, N 04° 15' 20" E, 6.82 FEET, AND A FOUND 2 INCH IRON PIPE, BEARS, N 38° 17' 10" W, 30.24 FEET;

THENCE, N 02° 49' 37" W, WITH THE WEST LINE OF SAID 0.940 ACRES TRACT, A DISTANCE OF 624.44 FEET TO A SET 5/8 INCH IRON ROD WITH CAP STAMPED CIVIL-SURV, FROM WHICH, A FOUND 5/8 INCH IRON ROD WITH CAP STAMPED FRONTIER, BEARS, N 48° 43' 21" E, 4.08 FEET;

THENCE, N 87° 07' 04" E, WITH THE NORTH LINE OF THE SAID 0.940 ACRES TRACT, A DISTANCE OF 616.98 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.9960 ACRES, 43,385 SQUARE FEET OF LAND MORE OR LESS.

I, CLIFTON SEWARD, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE UNDER MY SUPERVISION ON THE GROUND IN ACCORDANCE WITH THE INFORMATION PROVIDED ME, AND CORRECTLY REPRESENTS THE FACTS AS FOUND AT THE TIME OF SURVEY AND IS TRUE AND CORRECT, AND THAT ALL MONUMENTS HAVE BEEN PROPERLY MARKED WITH 5/8" IRON RODS OR AS NOTED AND ALL BLOCK CORNERS AND ANGLE POINTS, AND POINTS OF CURVATURE WILL BE PROPERLY MARKED WITH 5/8" IRON RODS OR AS NOTED.



Clifton Seward
CLIFTON SEWARD
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 4397

STATE OF TEXAS
COUNTY OF BRAZORIA

WE, PEARLAND INDEPENDENT SCHOOL DISTRICT, ACTING BY AND THROUGH DONALD W. MARSHALL, C.P.A., CHIEF FINANCIAL OFFICER, OWNER OF THE PROPERTY AS SHOWN ON THE FOREGOING MAP OF PEARLAND ISD ADMINISTRATION BUILDING IN PEARLAND, TEXAS, DO HEREBY MAKE SUBDIVISION OF SAID PROPERTY ACCORDING TO THE LINES, STREETS, ALLEYS, PARKS, AND EASEMENTS THEREON SHOWN AND DESCRIBE SAID SUBDIVISION AS PEARLAND ISD ADMINISTRATION BUILDING, SAME BEING OUT OF THE R.B. LYLE SURVEY, ABSTRACT NO. 542, LOCATED IN THE CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS, AND DO HEREBY dedicate TO THE PUBLIC USE, AS SOON, ALL OF THE STREETS, ALLEYS, PARKS, AND EASEMENTS SHOWN THEREON FOREVER AND DO HEREBY WAIVE ANY CLAIM FOR DAMAGES OCCASIONED BY THE ESTABLISHING OF GRADES AS APPROVED FOR THE STREETS AND ALLEYS DESCRIBED OR OCCASIONED BY THE ALTERATION OF GRADES, AND DO HEREBY BIND OURSELVES AND SUCCESSORS AND AGENTS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

THIS IS TO CERTIFY THAT THE OWNERS OF THE PROPERTY SUBDIVIDED AS SHOWN UPON THE FOREGOING MAP OF PEARLAND ISD ADMINISTRATION BUILDING HAVE COMPLIED OR WILL COMPLY WITH ALL RULES AND REGULATIONS OF THE CITY OF PEARLAND.

IN TESTIMONY WHEREOF, PEARLAND INDEPENDENT SCHOOL DISTRICT, HAS CAUSED THESE PRESENTS TO BE SIGNED BY DONALD W. MARSHALL, C.P.A., ITS CHIEF FINANCIAL OFFICER, THIS 22nd DAY OF JULY, 2008.

PEARLAND INDEPENDENT SCHOOL DISTRICT
BY: *Donald W. Marshall*
DONALD W. MARSHALL, C.P.A.
CHIEF FINANCIAL OFFICER

STATE OF TEXAS
COUNTY OF BRAZORIA

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY, PERSONALLY APPEARED DONALD W. MARSHALL, C.P.A., KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 22nd DAY OF JULY, 2008.



Virginia Braddock
VIRGINIA BRADDOCK
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES 04/24/2010

THIS IS TO CERTIFY THAT THE DIRECTOR OF PLANNING OF THE CITY OF PEARLAND, TEXAS, HAS APPROVED THE PLAT OF PEARLAND ISD ADMINISTRATION BUILDING, IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND ORDINANCES OF THE CITY OF PEARLAND AS ENOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS 22nd DAY OF July, 2008.

Lata Hernandez
LATA HERNANDEZ, AICP
DIRECTOR OF PLANNING

APPROVED FOR THE CITY OF PEARLAND, TEXAS, THIS 12th DAY OF August, 2008.

David G. Grier
DAVID GRIER
CITY ATTORNEY

Warren D. H. P.E.
WARREN D. H. P.E.
CITY ENGINEER

NOTES:

1. THERE IS NO VISIBLE EVIDENCE OF PIPELINES ON THE TRACT UNLESS OTHERWISE NOTED.
2. DRAINAGE EASEMENTS MAY BE USED BY ANY GOVERNMENTAL BODY FOR PURPOSES OF DRAINAGE WORK, PROVIDED THE DISTRICT IS PROPERLY NOTICED.
3. THE SUBJECT PROPERTY IS LOCATED ON MAP 8120 OF THE CITY MAP FOR GALVESTON AND BRAZORIA COUNTY, TEXAS.
4. THE BEARINGS ON THIS SURVEY ARE BASED ON CONVENTIONAL MEASUREMENT SOLIDITY CORRS STATION (CST) WHICH IS REFERENCED TO TEXAS STATE PLANE COORDINATES, SOUTH CENTRAL ZONE (48N), HAD 83 HORIZONTAL DATUM.
5. PERMANENT STRUCTURES, INCLUDING FENCES, SHALL NOT BE LOCATED IN OR ACROSS DRAINAGE EASEMENTS WHICH WILL INTERFERE WITH THE FLOW OF WATER OR ACCESS TO THE EASEMENT BY DRAINAGE EQUIPMENT OR EQUIPMENT PIPING ON ON SIDE LOT LINES ARE EXCEPTED.
6. MUTUAL ACCESS IS HEREBY GRANTED TO AND FROM ADJOINING PROPERTIES.
7. A 50'-FOOT (5') WITH AT LEAST ONE CURVED ALIGNMENT SIDEWALK IS TO BE CONSTRUCTED ALONG NORTH MAIN STREET ALONG THE ENTIRE EXTENT OF LOTS 1 AND 2 OF THIS PLAT AT THE TIME OF DEVELOPMENT.
8. THE COORDINATES SHOWN HEREON ARE TEXAS SOUTH CENTRAL ZONE, NAD 83 STATE PLANE SURFACE COORDINATES (NAD 83) BASED ON CITY OF PEARLAND GPS MONUMENTS 9 AND 6 AND MAY BE REDUCED TO GRID BY APPLYING THE FOLLOWING SCALE FACTOR: 0.999979.
9. ANNUAL EASEMENT EXTENDING FROM A PLANE SIXTY FEET (6'-0") ABOVE GROUND LEVEL UPWARD.

LEGEND

- W.S.E. INDICATES "WATER & SEWER EASEMENT."
- E.S.E. INDICATES "BRAZORIA COUNTY DIED RECORDS."
- E.C.P. INDICATES "BRAZORIA COUNTY PLAT RECORDS."
- E.E. INDICATES "ELECTRIC EASEMENT."
- P.O.B. INDICATES "POINT OF BEGINNING."
- A.E. INDICATES "AERIAL EASEMENT."
- ☒ INDICATES EXISTING STREET LIGHT
- ☒ INDICATES BENCHMARK

FLOOD STATEMENT

THE SURVEYOR HAS EXAMINED THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP FOR THE CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS AND UNDEVELOPED AREAS, COMMUNITY NO. 806027, DATED SEPTEMBER 22, 1993, AND THAT MAP INDICATES THAT THIS TRACT IS WITHIN ZONE "X", AREA# DETERMINED TO BE OUTSIDE THE 100-YEAR FLOODPLAIN AS SHOWN ON MAP AND PARCEL NO. 480360038.

BENCHMARK ELEV. 47.43'

MARKER CAP SET FLUSH IN CONCRETE, STAMPED "CITY OF PEARLAND 1988". THE MONUMENT IS LOCATED IN THE WALKWAY PARKING LOT ALONG STATE HIGHWAY 36. THE MONUMENT IS 7.0 FEET SOUTH OF THE SOUTH CURB OF THE NORTH ENTRANCE TO THE WALKWAY ALONG STATE HIGHWAY 36 AND 10.5 FEET FROM THE BACK OF CURB OF THE PARKING LOT OF WALKWAY. (REVISED 1986, 1987 ADJUSTMENT)

1900 BLOCK OF NORTH MAIN STREET
MINOR SUBDIVISION PLAT
**PEARLAND ISD
ADMINISTRATION
BUILDING**

BEING A SUBDIVISION OF
8.9399 ACRES
IN THE
R.B. LYLE SURVEY
ABSTRACT NO. 542
CITY OF PEARLAND
BRAZORIA COUNTY, TEXAS

1 BLOCK 2 LOTS
JULY 2, 2008

OWNER:
PEARLAND INDEPENDENT SCHOOL DISTRICT
P.O. BOX 7
PEARLAND, TEXAS 77668-0007
(281) 485-3803
CONTACT: DONALD W. MARSHALL, C.P.A.

2008043425
18179
18179
18179
18179

LE 07086 CS 07207

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD SEPTEMBER 21, 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. 2009-12Z

A request request of Narmin Parpia and Raj Ramlal, applicant for Gerald Olson, owner, for a change in zoning classification from Single Family Residential-1 (R-1) to the General Commercial (GC) Zoning District, on the following described property, to wit:

Legal Description: Approximately 2.4051 acres of property out of a 40 acre tract of land out of the Southwest ¼ of Northwest ¼ of Section 17, H.T. & B RR Co. Survey, Abstract 242, Brazoria County, Texas.

General Location: 8017 Fite, Pearland, TX

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 SEPTEMBER 21, 2009

Zone Change No. 2009-12Z

A request Narmin Parpia and Raj Ramlal, applicant for Gerald Olson, owner, for a change in zoning classification from Single Family Residential-1 (R-1) to the General Commercial (GC) Zoning District, on the following described property, to wit:

Legal Description: Approximately 2.4051 acres of property out of a 40 acre tract of land out of the Southwest $\frac{1}{4}$ of Northwest $\frac{1}{4}$ of Section 17, H.T. & B RR Co. Survey, Abstract 242, Brazoria County, Texas.

General Location: 8017 Fite Road, Pearland, TX

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

Planning and Zoning Commission: September 21, 2009*
City Council for First Reading: October 12, 2009*
City Council for Second Reading: October 26, 2009*

(*dates subject to change if item is tabled)

SUMMARY: The applicant is requesting approval of Zone Change. 2009-12Z from the Single Family Residential-1 (R-1) Zoning District to the General Commercial (GC) Zoning District. The applicant proposes using the existing 7,800 square foot warehouse on the subject property for a commercial business.

The applicant has also applied for approval of a Conditional Use Permit No. CUP 2009-13 for the purposes of operating a commercial business to store, distribute, and for the sale of children's products.

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	Single Family Residential-1 (R-1)	Vacant and further north is the newly Approved Pearland Senior Village PD
South	Single Family Residential-2 (R-2)	Single Family Residential
East	Single Family Residential-1 (R-1) and Multi-Family (MF)	Tranquility Lakes
West	General Commercial (GC)	Industrial/Commercial formerly Teleflow

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The subject property is currently zoned as Single Family Residential-1 (R-1). The minimum lot size for the General Commercial (GC) Zoning District is 22,500 square feet, the minimum lot width is 150 feet, and the minimum lot depth is 125 feet. The subject property exceeds these minimum requirements, as the property is approximately 2.47 acres in size, and has the lot width of approximately 167 feet, and the lot depth of approximately 644 feet. The proposed use is in conformance with the current UDC with an approved conditional use permit.

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

PLATTING STATUS: The property has not been platted.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Low Density Residential Use" for the subject property and the surrounding properties. The Comprehensive Plan further indicates that the appropriate zoning district for "Low Density Residential Use" is the Residential Estate (RE) and the Single Family Residential-1(R-1) Zoning districts.

The Comprehensive Plan states the only zoning districts appropriate for this area are RE and R-1. Changing the zoning district would not be in conformance with the current Comprehensive Plan. However this one of the areas that will be discussed during the Future Land Use Plan Workshop to ascertain the best uses in light of a mix of current and recent development.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Fite Rd., a major collector street with an ultimate right-of-way of 80 feet. The applicant has not had the property platted and all necessary dedications will be required at the time

of platting.

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

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The proposed zone change from R-1 to GC should not have a negative impact on the surrounding properties.

The subject property is located within an area that is currently zoned as R-1. Changing the zoning district to GC will not impede access or circulation of the existing property and not generate a significant increase in the traffic flow. In addition, changing the zoning to GC would not create any new uses that would be incompatible with the existing surrounding uses. The property directly to the west is zoned GC with a commercial use currently in operation.

Previously the property was used as a warehouse/ industrial facility, and the proposed use is less intense. Staff realizes that the GC Zoning District will open the property for other uses permitted in the GC Zone such as gas stations, convenience stores, and retail. Since there are a mix of uses already ranging from Multi-family to Light Industrial, this use would not have a significant negative impact. The area already has truck traffic but due to improvements on Cullen and a better turning radii, the traffic circulation has improved. In addition, design standards for the GC are higher for landscaping, façade, transparency, etc., than what is currently required for the M-1 and M-2 Districts due to the recently passed 2000M T-11.

Parking for a warehouse is calculated at 1, 9' X 18', space per 2,000 square feet of warehouse. There are approximately 10 existing parking spaces behind the warehouse at the rear of the property.

The zone change will facilitate use of an existing building, that is not conducive for any residential use.

SITE PLAN CONSIDERATIONS: A site plan was not submitted.

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 Zone Change No. 2009-12Z as proposed by the applicant, for the following reasons:

1. Impact on surrounding uses- The proposed zone change should not have any

impact on the surrounding properties and developments due to the current commercial/industrial uses in the area.

2. The proposed zone change will permit the applicant to utilize this property as a warehouse with a conditional use permit.
3. This zone change is not in conformance with the comprehensive plan; however it is conformance with the surrounding existing uses in this neighborhood.

SUPPORTING DOCUMENTS:

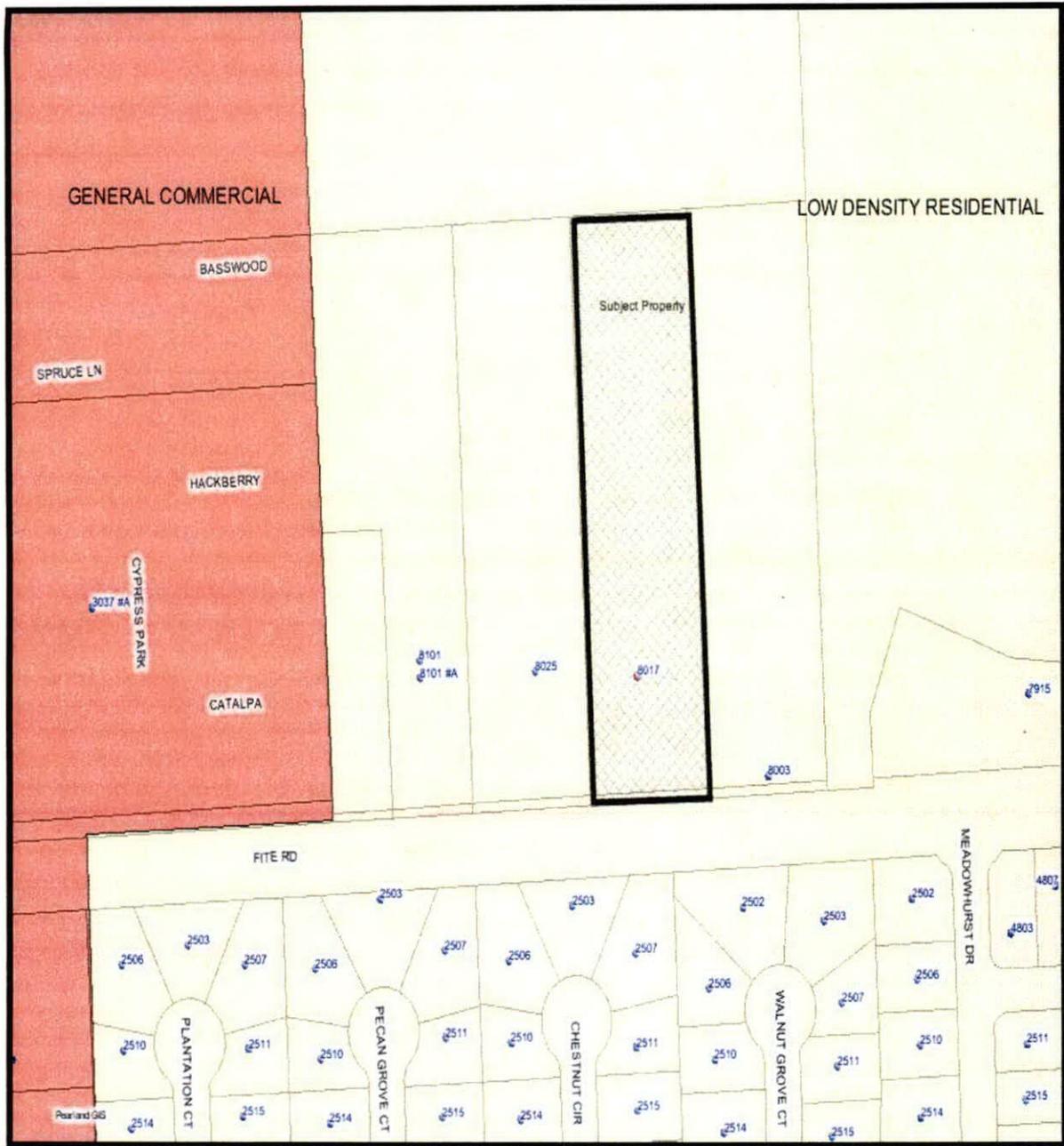
- Zone Change Application
- Location Map
- Property Ownership Map
- Property Owner Notification List
- Zoning Map
- Future Land Use Plan
- Aerial Photograph
- Other Maps and Related Documents

Zone Change Application No. 2009-12Z

Zone Change from R-1to GC/8017 Fite Rd.

Property Owner List

CHRISTENSEN PATRICK G &	2506 CHESTNUT CIR	PEARLAND	TX	77584
CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
DONNELLY MICHAEL P &	2503 CHESTNUT CIR	PEARLAND	TX	77584
G & B REAL ESTATE LTD	3907 ABBEYWOOD DR	PEARLAND	TX	77584
G & B REAL ESTATE LTD	3703 DRUMMOND ST	HOUSTON	TX	77025
HOKE JEFFREY G & LISA	2507 PECAN GROVE CT	PEARLAND	TX	77584
HUGHES-WEST INVESTMENTS LTD	7918 BROADWAY ST	PEARLAND	TX	77581
JAMISON JERRY A & TERRY	2503 WALNUT GROVE CT	PEARLAND	TX	77584
LINER JASON J & MARGARET	2502 WALNUT GROVE CT	PEARLAND	TX	77584
MYERS THELTON ARTHUR &	2507 CHESTNUT CIR	PEARLAND	TX	77584
OLSON GERALD	PO BOX 1087	MANVEL	TX	77578
ONITSUKA EARL M	PO BOX 1461	PEARLAND	TX	77588
ONITSUKA EARL M	PO BOX 1461	PEARLAND	TX	77588
WIENER DAVID & KIMBERLEY	3705 PINE GLEN CT	PEARLAND	TX	77581



FUTURE LAND USE MAP

ZONE CHANGE NO. 2009-12Z

LOCATED AT 8017 FITE RD., PEARLAND, TX





AERIAL MAP

ZONE CHANGE NO. 2009-12Z

LOCATED AT 8017 FITE RD., PEARLAND, TX





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: R1

Proposed Zoning District: GC

Property Information:

Address or General Location of Property: 8017 FITE ROAD
PEARLAND 77581

Tax Account No. 166358

Subdivision: A0242 HT+BRR Lot: 1A4 Block: ACR15 24051

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

PROPERTY OWNER INFORMATION:

NAME GERALD OLSON
ADDRESS P.O. Box 1087
CITY MANVEL STATE TX ZIP 77578
PHONE (281) 485 0504
FAX (281) 485 7880
E-MAIL ADDRESS gerald@olsonmedicine.com

APPLICANT INFORMATION:

NAME NARMIN PARGIA + RAJ RAMLAL
ADDRESS 6905 BROADWAY, ST 201
CITY PEARLAND STATE TX ZIP 77584
PHONE (281) 881-2962
FAX (281) 485 3361
E-MAIL ADDRESS NARMINPARGIA@yahoo.com
RAJRAMLAL@yahoo.com

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

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

Owner's Signature: [Signature] Date: 08/21/09

Agent's Signature: [Signature] Date: 08/21/09

OFFICE USE ONLY:

FEES PAID: <u>\$ 275.00</u>	DATE PAID: <u>8/25/09</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>282114</u>
Application No. <u>2009-127</u>			

LETTER OF INTENT FOR ZONING CHANGE

August 24, 2009

This letter is intended to serve as an indication of our interest in Rezoning a +/-104766.15 Sq. Ft. (2.4051 acres) of property, generally located in Brazoria County, Texas, and more particularly described as A0242 H T & B R R, TRACT 1A4, and know as 8017 FITE ROAD, PEARLAND, TX 77581.

We are currently under a contingent contract to purchase this property. Our primary contingency is upon getting zoning adequate to operate our current business which is the warehousing, distribution and sale of children products. Our secondary goal is to get this property rezoned into the General Commercial District so that we would be able to have options for warehouse expansion in the future.

APPLICANTS: Narmin Parpia-Ramlal and Raj Ramlal
CURRENT ADDRESS: 6905 Broadway, St 201, Pearland, TX 77584

CURRENT OWNER: Gerald Olson
CURRENT ADDRESS: P.O. Box 1087, Manvel, TX 77578

PROPERTY ADDRESS: 8017 FITE ROAD, PEARLAND, TX 77581

CURRENT ZONING DISTRICT: R-1

PROPOSED ZONING DISTRICT: GC

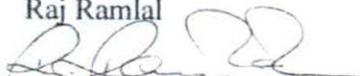
REASON FOR REZONING:

Our primary goal to get zoning adequate to operate our current business. We understand that we may be able to move and operate our current Warehousing business under the current R-1 Zoning District.

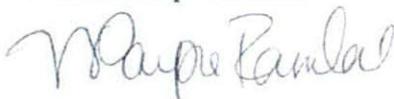
Our secondary goal is to get this property rezoned into the General Commercial District so that we would be able to have the options applicable for future warehouse expansion.

Yours Truly:

Raj Ramlal



Narmin Parpia-Ramlal





Letter of Acknowledgement

August 24, 2009

RE: Posting of Zoning Notification Sign

We acknowledge that are:

- 1) We are aware of the fact that a sign has to be posted on the property at 8017 Fite Rd, as per the zone change application
- 2) We will indeed post such a sign 10 days prior to the public hearing for this property.

Yours truly,

Raj Ramlal



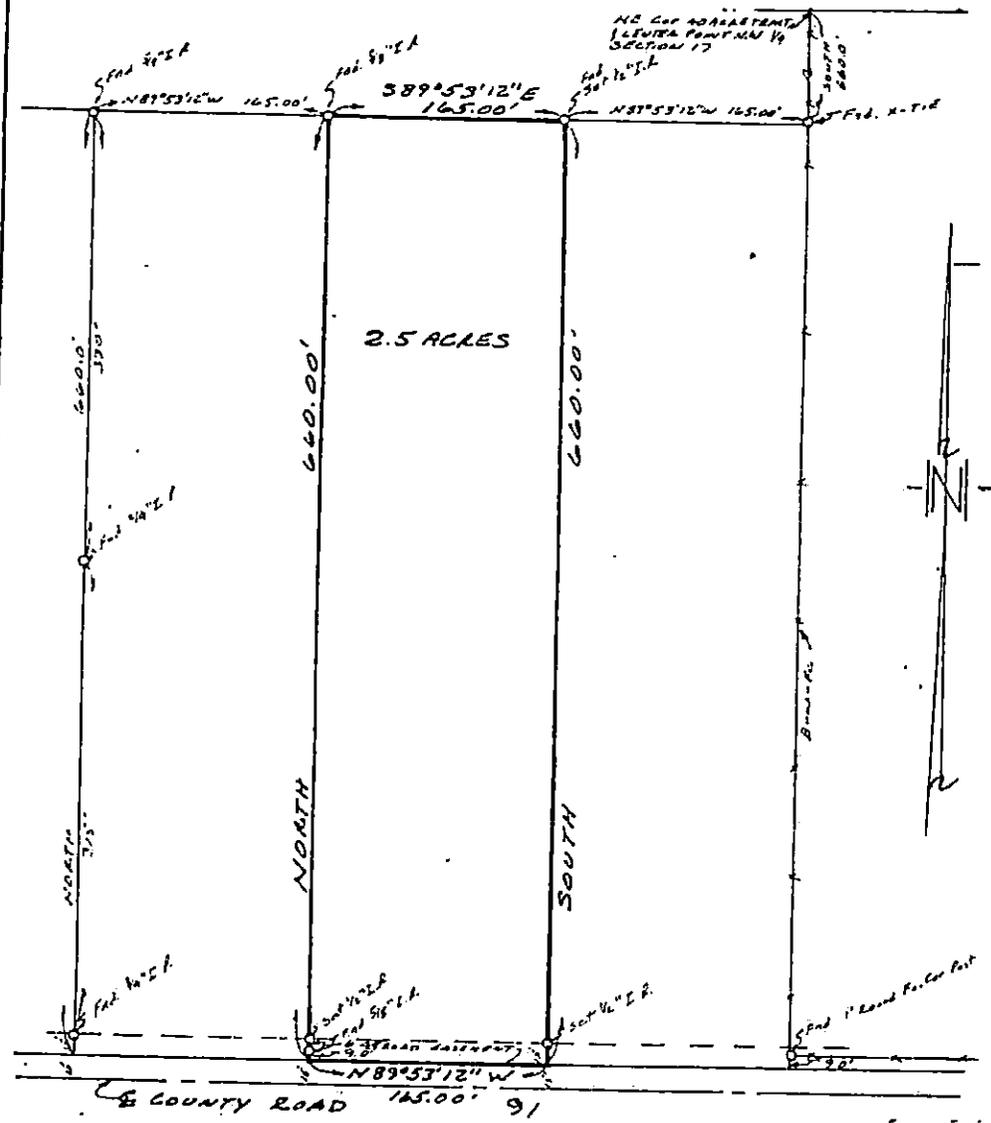
Narmin Parpia-Ramlal



ANNON SURVEYING

SUBDIVISION
BOUNDARY
ACREAGE
CONSTRUCTION

RT 1 BOX 47 6750 E.M. 1129 MANVEL, TEXAS 77578 PHONE: 713 - 489-1059



SURVEY

ADDRESS • COUNTY ROAD 71

PURCHASERS GERALD W. & SHEILA M. OLSON

GP # 62553
STATEWIDE TITLE CO. - PEARLAND



2.5 ACRES OF LAND OUT OF
A. TO BERE TRACT OF LAND
PRT. OF THE SOUTHWEST 1/4
OF THE NORTHEAST 1/4 OF
SECTION 17, H.T.I.B. R.R.
CO. SURVEY, A-242, BRAZORIA
COUNTY, TEXAS.

SCALE: 1" = 100'

THE STATE OF TEXAS:
COUNTY OF BRAZORIA: This is to certify that I, W. Sid Cannon, Jr., did cause to be surveyed on the ground the above described property and the above sketch reflects the findings on the ground, and that the improvements are wholly within the bounds of said property and there are no encroachments on said property by improvements on adjoining properties, except as shown. This certifies only to easements which are shown on Recorded Plat of said Addition.

Given under my hand and Seal this 15th day of DECEMBER, 19 83

W. Sid Cannon, Jr.
W. SID CANNON JR., Registered Surveyor No. 1114

Note: This property does not lie within a Flood Hazard Area as indicated by H.U.D.

2.5 acres out of a 40 acre tract of land out of the Southwest 1/4 of the Northwest 1/4 of Section 17, H.T. & B. RR Co. Survey, Abstract 242, Brazoria County, Texas, described by metes and bounds as follows:

Starting at the center point of said Northwest 1/4 of said Section No. 17, same being the Northeast corner of said 40 acre tract;

THENCE South a distance of 660' to a point for corner;

THENCE North 89 deg. 53 min. 12 sec. West a distance of 165' to a point for corner, same being the place of beginning;

THENCE South a distance of 660' to a point for corner;

THENCE North 89 deg. 53 min. 12 sec. West along County Road No. 91 a distance of 165' to a point for corner;

THENCE North a distance of 660' to a point for corner;

THENCE South 89 deg. 53 min. 12 sec. East a distance of 165' to a point for corner, same being the PLACE OF BEGINNING, and containing 2.5 acres of land, more or less.

CITY OF PEARLAND SEWER PROJECT FITE-HARKEY ROAD

H.T. & B. R.R. CO.
Survey Section 17
A-242

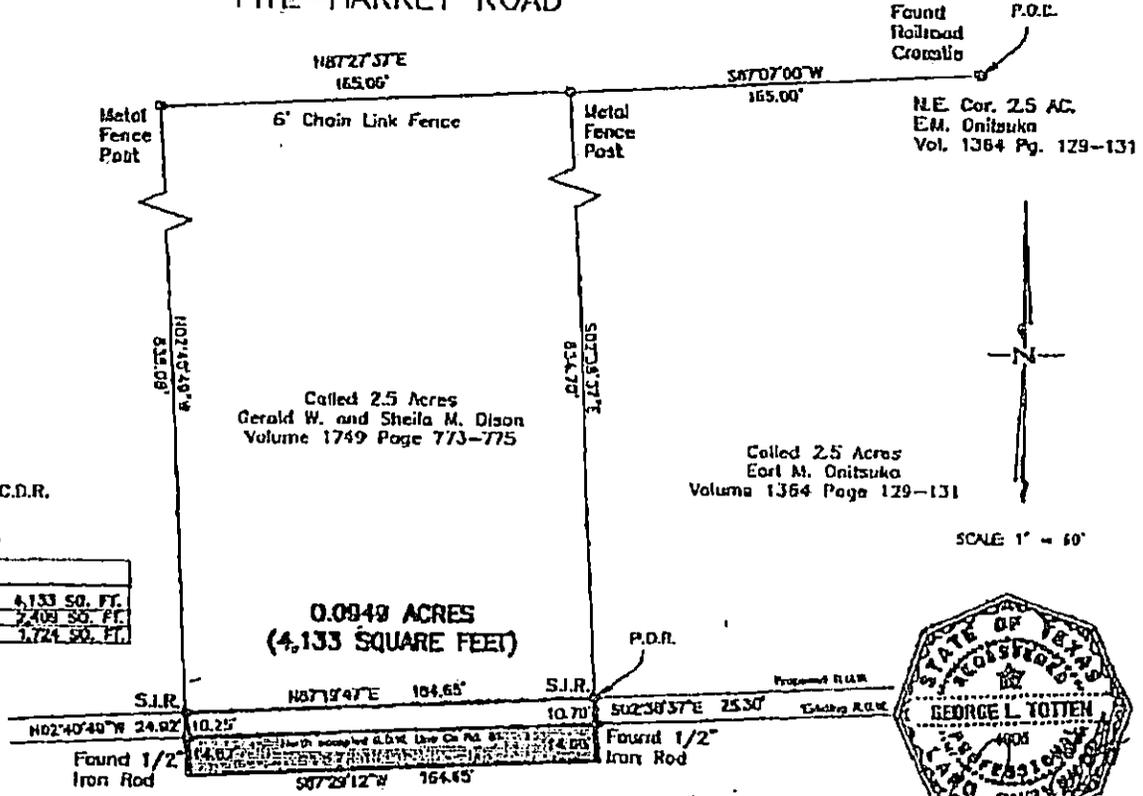
Called 2.5 Acres
Blaine F. Barker, II
Vol. 87390, Pg. 713, B.C.D.R.

Called 2.5 Acres
Gerald W. and Sheila M. Olson
Volume 1749 Page 773-775

Called 2.5 Acres
Earl M. Onitsuka
Volume 1364 Page 129-131

ROW TAKING		
TOTAL	0.0949 AC.	4,133 SQ. FT.
SW1/4 E251. ROAD	0.1963 AC.	7,409 SQ. FT.
REL AREA	0.0366 AC.	1,724 SQ. FT.

**0.0949 ACRES
(4,133 SQUARE FEET)**



FITE ROAD (CR 91, 60 FOOT R.O.W.)

- NOTES:**
1. BEARINGS AND DISTANCES BASED ON THE CITY OF PEARLAND INSTRUMENTATION MAP D11.
 2. A LEGAL DESCRIPTION ACCOMPANIES THIS PLAN.
 3. THIS MAP IS NOT A DEED AND IS NOT TO BE USED AS SUCH. IT IS A PROFESSIONAL SURVEY AND WAS PREPARED FOR LEGAL PURPOSES ONLY.

EXHIBIT MAP PARCEL 47
A PORTION OF 2.5 ACRES OUT OF A 40 ACRE TRACT OUT OF THE SW 1/4 OF THE NW 1/4 OF SECTION 17, H.T. & B. R.R. CO. SURVEY A-242 BRAZORIA COUNTY, TEXAS

Carter-Burgess
Consultants in Planning, Engineering, Architecture, Construction Management and Related Services
CARTER & BURGESS, INC.
325 Waight Drive
Houston, Texas 77007
(713) 660-7000
REVISION DATE: 03/20/00

Subject Property

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD SEPTEMBER 21, 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

Conditional Use Permit No. CUP2009-12

A request by Paul LaChance, applicant for Pearland ISD, owner, for approval of a conditional use permit in the Light Industrial (M-1) zoning district, on the following described property, to wit:

Legal Description: A parcel of land containing 0.9960 acres (43,385 square feet) more or less being all of lot 2, Block 1 according to the plat of the Pearland ISD Administration Building as recorded in File No. 2008043425, Official Records, Brazoria County, Texas, said 0.9960 acre tract being out of that certain tract conveyed by Wal-Mart Realty Company to Pearland Independent School District as recorded in File No. 2005071503, Official record, Brazoria County, Texas, and being situated in the R.B. Lyle Survey, Abstract No. 542, Brazoria County, Texas

General Location: 1924 Main Street, Pearland, TX.

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 SEPTEMBER 21, 2009

Conditional Use Permit No. CUP 2009-12

A request by Paul LaChance, applicant for Pearland ISD, owner, for approval of a conditional use permit to permit a restaurant with a drive-in window in the Light Industrial (M-1) zoning district, on the following described property, to wit:

Legal Description: A parcel of land containing 0.9960 acres (43,385 square feet) more or less being all of lot 2, Block 1 according to the plat of the Pearland ISD Administration Building as recorded in File No. 2008043425, Official Records, Brazoria County, Texas, said 0.9960 acre tract being out of that certain tract conveyed by Wal-Mart Realty Company to Pearland Independent School District as recorded in File No. 2005071503, Official record, Brazoria County, Texas, and being situated in the R.B. Lyle Survey, Abstract No. 542, Brazoria County, Texas.

General Location: Located at 1924 Main Street, Pearland, TX

APPROVAL PROCESS: After this Joint Public Hearing, the requested conditional use permit application will be considered as follows:

Planning and Zoning Commission: September 21, 2009*

City Council for First and Only Reading: September 28, 2009*

(*dates subject to change if item is tabled)

SUMMARY: The applicant is requesting approval of Conditional Use Permit No. 2009-12 to operate a Sonic Drive-In in the Light Industrial (M-1) District. The proposed Sonic Drive-In building is approximately 3,264 square feet with a drive thru window and parking stalls for placing orders from the parking lot that will be delivered by car hops.

A site plan was submitted to the building department with an application for a building permit and is currently being reviewed. The CUP application submittal did not include a site plan and is not being considered as part of the approval for this Conditional Use Permit.

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	Light Industrial (M-1)	Undeveloped Tract
South	Light Industrial (M-1)	Commercial Strip Center
East	General Commercial (GC)	Walmart
West	Light Industrial (M-1)	PISD

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The subject property is currently zoned as M-1. The minimum lot size for the M-1 district is 40, 000 square feet; the minimum lot width is 150 feet, and the minimum lot depth is 150 feet. The subject property exceeds these minimum requirements, as the property is approximately 42,784 square feet in size, and has the lot width of approximately 150 feet, and the lot depth of approximately 285 feet. The subject property is also located within the Corridor Overlay District. The applicant has submitted a site plan and is in the process of submitting a landscaping plan

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

PLATTING STATUS: The property has been platted.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Business Commercial" for the subject property and the surrounding properties. The Comprehensive Plan further indicates that the appropriate zoning districts for "Business Commercial" are General Business and General Commercial (GB and GC). The current Light Industrial (M-1) Zoning District does not conform to the Comprehensive Plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on SH 35, a major thoroughfare with an ultimate right-of-way greater than 120 feet. The applicant has had the property platted and all necessary dedications have been made.

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

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The proposed conditional use permit for a Sonic Drive-In should not have a negative impact on the surrounding properties.

The subject property is located on a lot just east of the PISD Administration Building and is located in the corridor overlay district and zoned M-1. The property to the north is undeveloped. Wal-Mart and other commercial uses including a gas station are located to the east. To the south of the subject property, is a small commercial strip center with the Dollar General Store, Big Lots, and Office Depot.

Although the proposed use and CUP are not in conformance with the comprehensive plan, this is in conformance with the existing uses and general character of this area. The proposed use and CUP are in conformance with the M-1 zoning district.

Traffic generated by this proposed use would be minimal and does not create any safety hazards. Parking for this use and location has been calculated at 12 spaces. The applicant proposes 28 spaces which exceeds the required amount of parking needed.

SITE PLAN CONSIDERATIONS: A site plan was submitted and is concurrently being reviewed by Building, Engineering, Public Works, etc.

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.

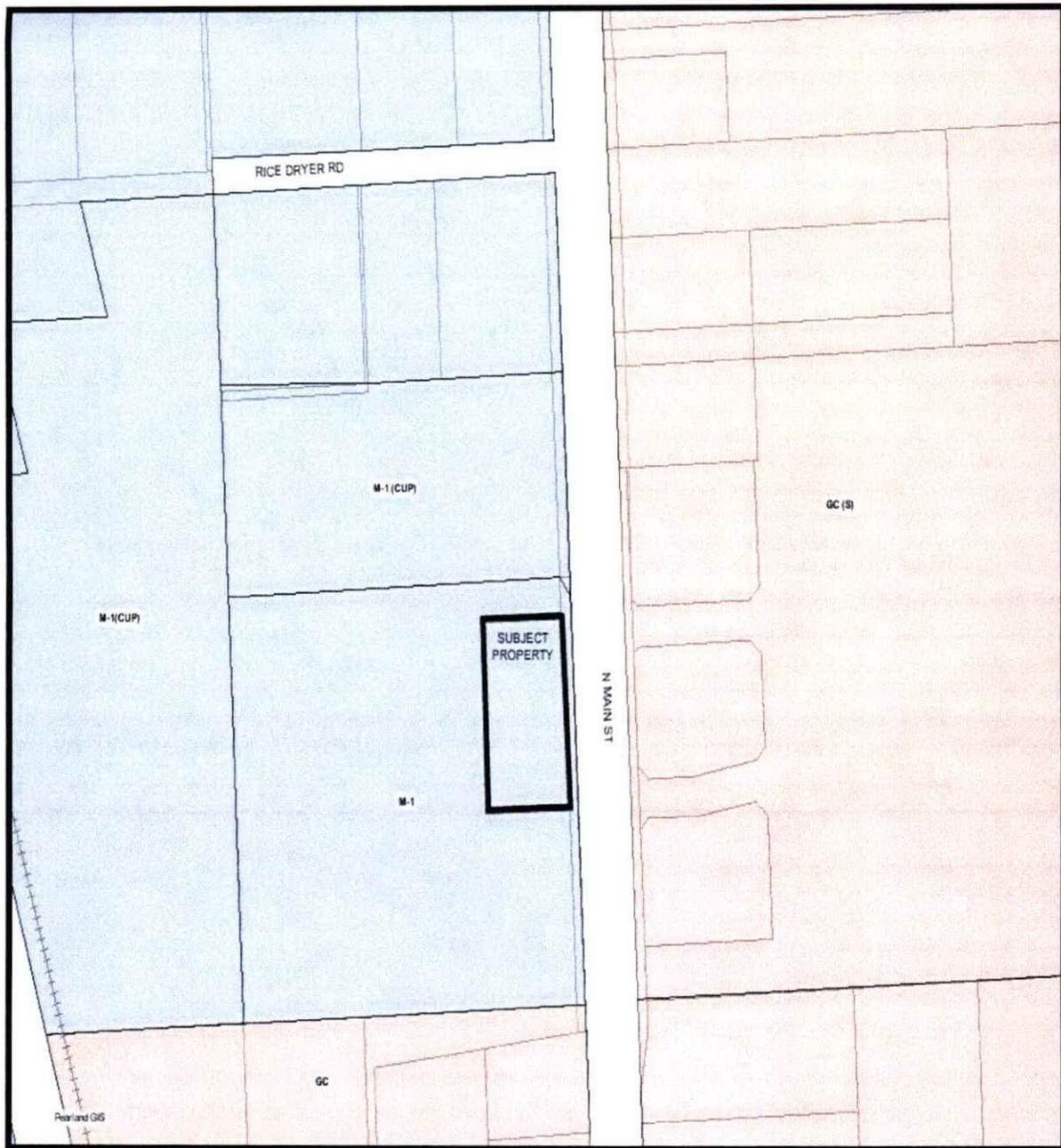
OPPOSITION TO OR SUPPORT OF PROPOSED REQUEST: Staff has not received any comments either in opposition to or in support of the proposed zone change request.

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit No. 2009-12 as proposed by the applicant, for the following reasons:

1. The proposed Sonic Drive-In fast food facility with a drive in window is a permitted use in the M-1 zoning district with an approved Conditional Use Permit.
2. Impact on surrounding uses- The proposed facility should not have any impact on the surrounding properties and developments.
3. It is in conformance with the current zoning map.
4. It is in conformance with the comprehensive plan and existing uses.

SUPPORTING DOCUMENTS:

- Zone Change Application
- Location Map
- Property Ownership Map
- Property Owner Notification List
- Zoning Map
- Future Land Use Plan
- Aerial Photograph
- Other Maps and Related Documents

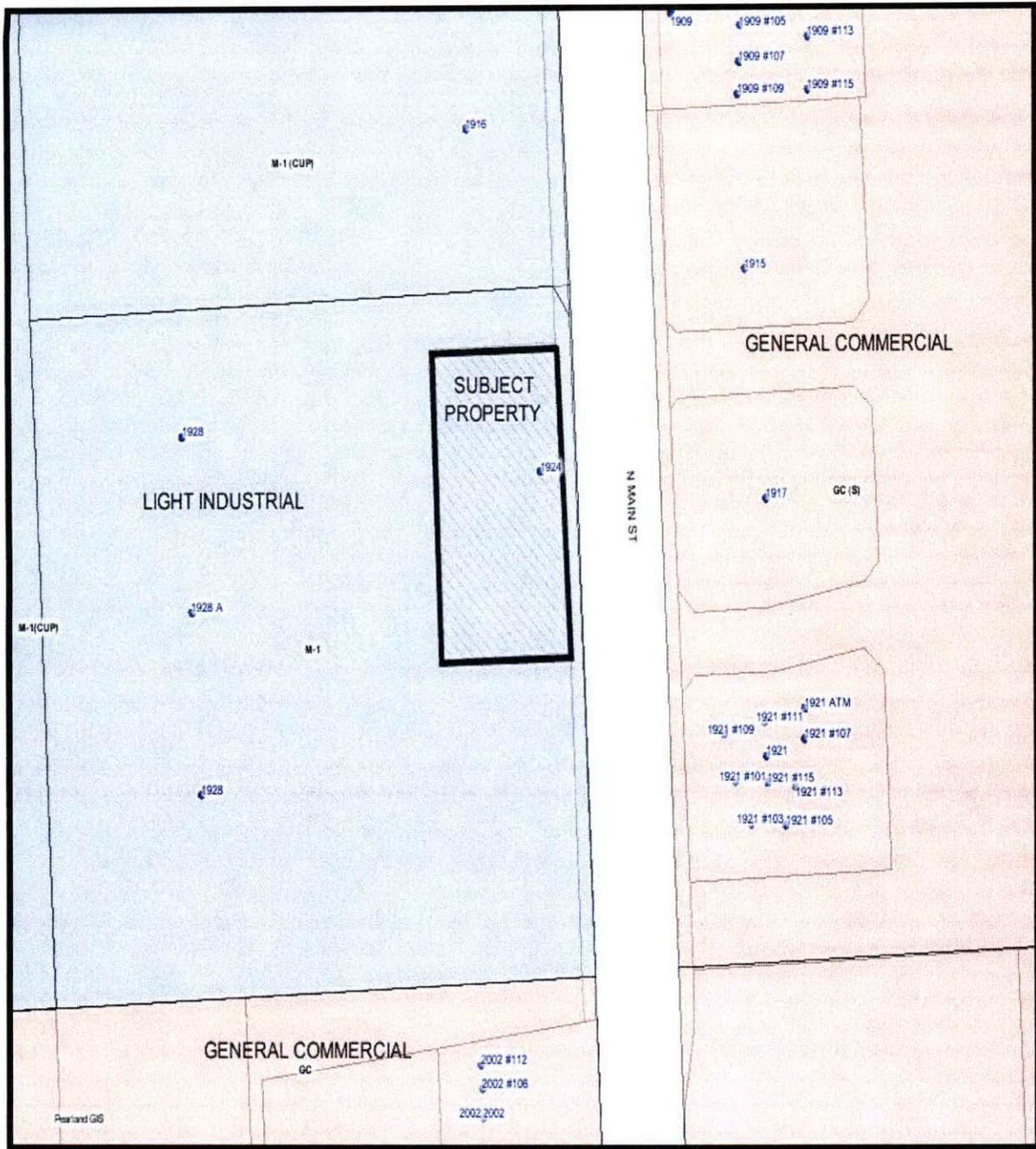


LOCATION MAP

CONDITIONAL USE PERMIT NO. 2009-12

LOCATED AT 1924 MAIN STREET, PEARLAND, TX

↑
NORTH

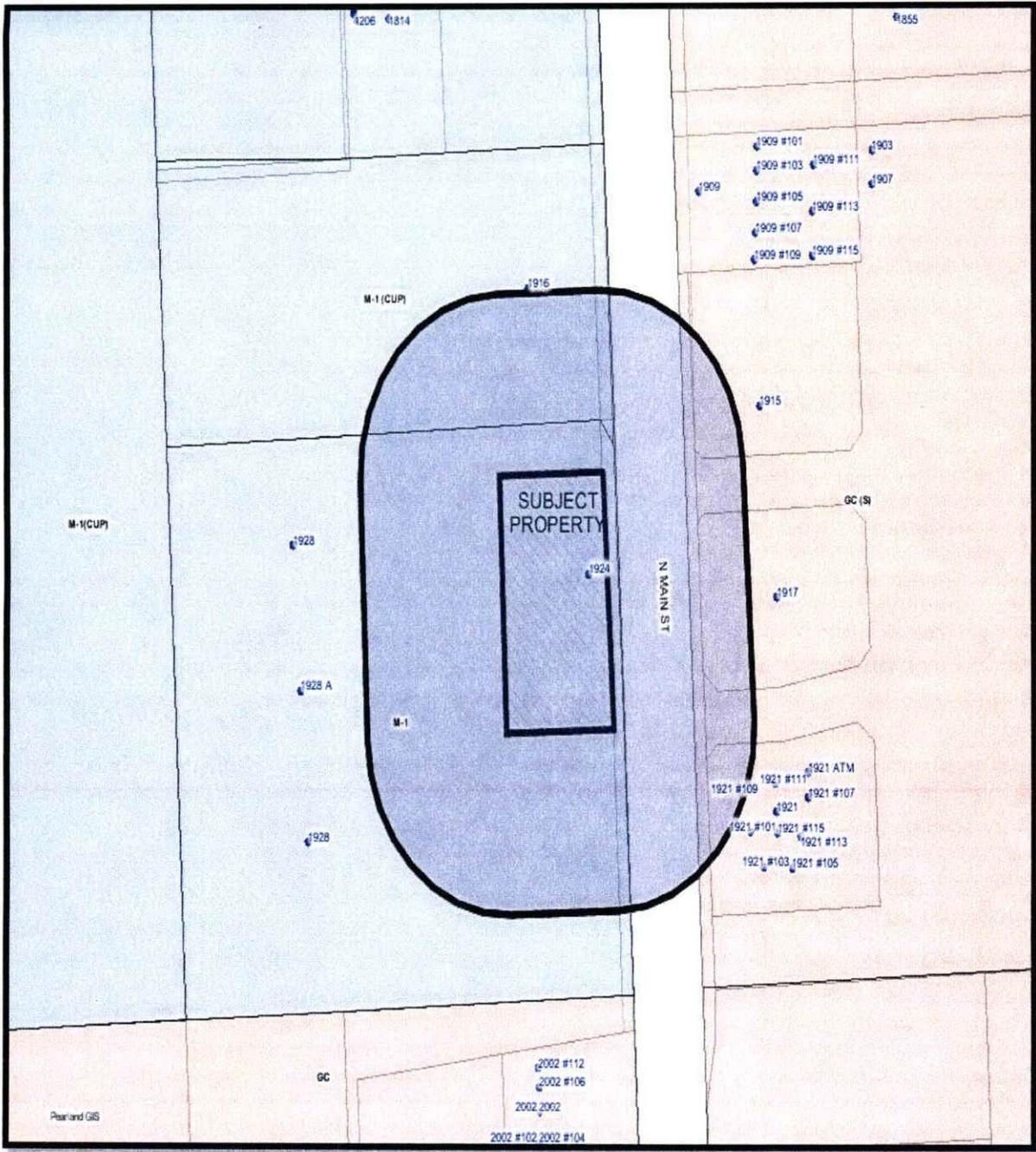


ZONING MAP

CONDITIONAL USE PERMIT NO. 2009-12

LOCATED AT 1924 MAIN STREET, PEARLAND, TX





ABUTTER MAP

CONDITIONAL USE PERMIT NO. 2009-12

LOCATED AT 1924 MAIN STREET, PEARLAND, TX

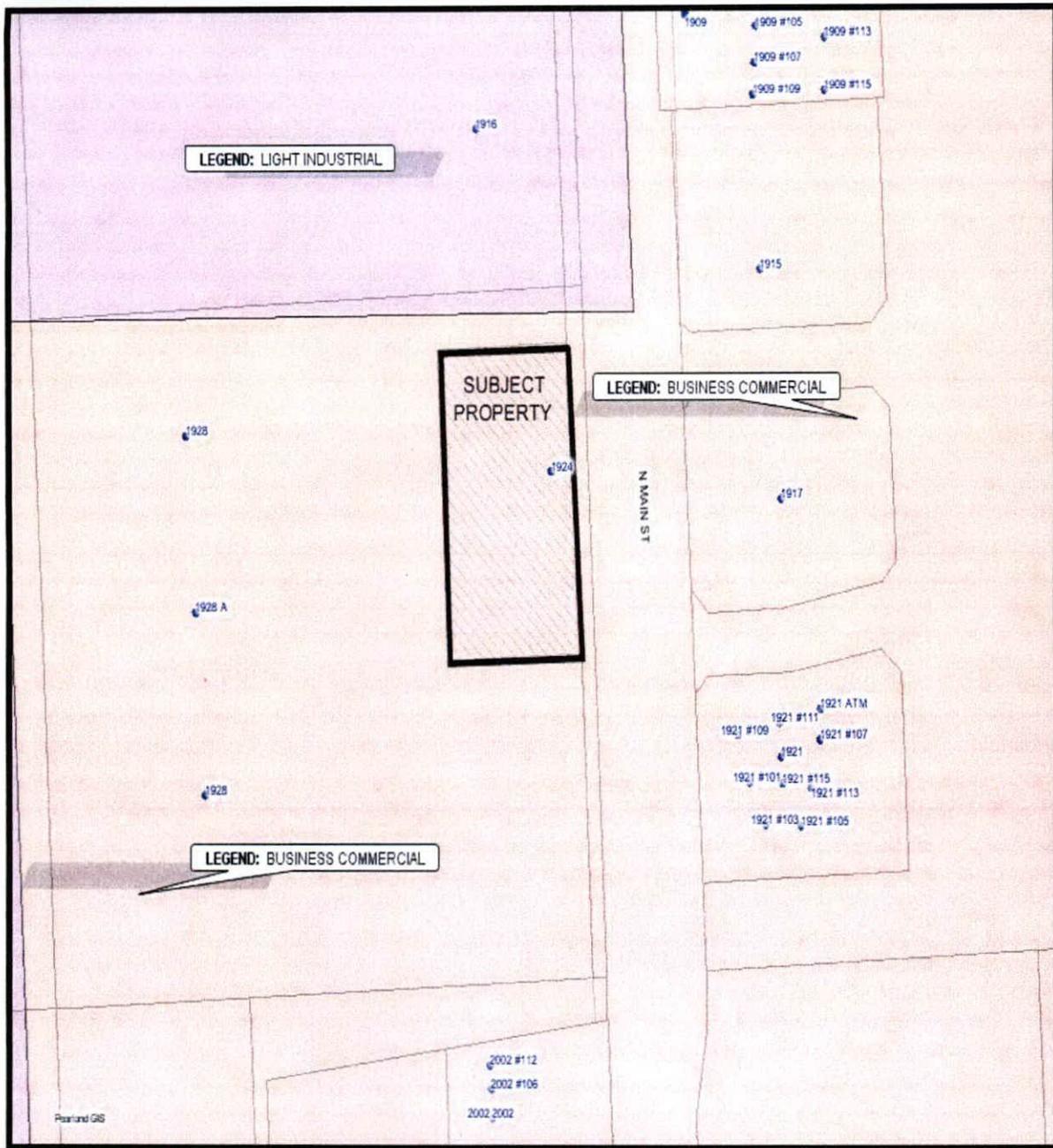


Conditional Use Permit No. 2009-12

Sonic Drive-In/1924 Main Street

Property Owners List

CCND LP	10203 RIPPLE LAKE DR	HOUSTON	TX	77065
MURPHY OIL USA INC	200 PEACH ST	EL DORADO	AR	71730
PEARLAND ISD	2337 NORTH GALVESTON	PEARLAND	TX	77581
PEARLAND- 35/PREAMCO LTD	5005 RIVERWAY STE 250	HOUSTON	TX	77056
PRP PEARLAND PLAZA LLC	110 PINE TERRACE	HOT SPRINGS	AR	71901
WAL-MART REALESTATE BUS TR	PO BOX 8050 MS 0555	BENTONVILLE	AR	72712



FUTURE LAND USE MAP

CONDITIONAL USE PERMIT NO. 2009-12

LOCATED AT 1924 MAIN STREET, PEARLAND, TX





AERIAL MAP

CONDITIONAL USE PERMIT NO. 2009-12

LOCATED AT 1924 MAIN STREET, PEARLAND, TX





APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

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: Restaurant with Drive-in and or Drive-thru service
(list proposed use from the Table of Uses of the UDC)

Current Zoning District: M-1

Property Information:

Address or General Location of Property: 1924 Main St.

Tax Account No. 76-0559261

Subdivision: Pearland ISD Administration Bldg. Lot: 2 Block: 1

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

PROPERTY OWNER INFORMATION:

APPLICANT INFORMATION:

NAME Pearland ISD Donald Marshall, CFO
ADDRESS 1928 N. Main
CITY Pearland STATE TX ZIP 77581
PHONE(281) 485-3203
FAX()
E-MAIL ADDRESS

NAME Paul LaChance
ADDRESS PO Box 877
CITY Clute STATE TX ZIP 77531
PHONE(979) 265-8569
FAX(979) 265-8570
E-MAIL ADDRESS paul@ksrestaurants.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: Donald Marshall, CFO, Pearland ISD Date: 7-7-09

Agent's Signature: [Signature] Date: 7-7-09

OFFICE USE ONLY:

FEES PAID: <u>\$250.00</u>	DATE PAID: <u>7/17/09</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>250136</u>
----------------------------	---------------------------	---------------------------------	-------------------------------

Cup 2009-12

A parcel of land containing 0.9960 acres (43,385 square feet) more or less being all of lot 2, Block 1 according to the plat of the Pearland ISD Administration Building as recorded in File No. 2008043425, Official Records, Brazoria County, Texas, said 0.9960 acre tract being out of that certain tract conveyed by Wal-Mart Realty Company to Pearland Independent School District as recorded in File No. 2005071503, Official Records, Brazoria County, Texas, and being situated in the R.B. Lyle Survey, Abstract No. 542, Brazoria County, Texas.

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD SEPTEMBER 21, 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

Conditional Use Permit No. CUP2009-13

A request of Narmin Parpia and Raj Ramlal, applicant for Gerald Olson, owner, for a conditional use permit to allow a warehouse in the General Commercial (GC) Zoning District, on the following described property, to wit:

Legal Description: Approximately 2.4051 acres of property out of a 40 acre tract of land out of the Southwest $\frac{1}{4}$ of Northwest $\frac{1}{4}$ of Section 17, H.T. & B RR Co. Survey, Abstract 242, Brazoria County, Texas.

General Location: Located at 8017 Fite Rd., Pearland, TX.

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 SEPTEMBER 21, 2009

Conditional Use Permit No. 2009-13

A request of Narmin Parpia and Raj Ramlal, applicant for Gerald Olson, owner, for a conditional use permit to allow a warehouse in the General Commercial (GC) Zoning District, on the following described property, to wit:

Legal Description: Approximately 2.4051 acres of property out of a 40 acre tract of land out of the Southwest $\frac{1}{4}$ of Northwest $\frac{1}{4}$ of Section 17, H.T. & B RR Co. Survey, Abstract 242, Brazoria County, Texas.

General Location: 8017 Fite Road, Pearland, TX

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

Planning and Zoning Commission: September 21, 2009*
City Council for First and only Reading: September 28, 2009*

(*dates subject to change if item is tabled)

SUMMARY: The applicant is requesting approval of Conditional Use Permit No. CUP 2009-13 to allow a warehouse in the General Commercial (GC) Zoning District. The applicant proposes using the existing 7,800 square foot warehouse on the subject property for a commercial business.

The applicant has also applied for approval of a Zone Change No. 2009-12Z requesting a change from the Single Family Residential-1 (R-1) Zoning district to the General Commercial (GC) Zoning district for the purposes of operating a commercial business to store, distribute, and for the sale of children's products.

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	Single Family Residential-1 (R-1)	Vacant and further north is the newly Approved Pearland Senior Village PD
South	Single Family Residential-2 (R-2)	Single Family Residential
East	Single Family Residential-1 (R-1) and Multi-Family (MF)	Tranquility Lakes
West	General Commercial (GC)	Industrial/Commercial formerly Teleflow

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The subject property is currently zoned as Single Family Residential-1 (R-1). The minimum lot size for the General Commercial (GC) Zoning District is 22,500 square feet, the minimum lot width is 150 feet, and the minimum lot depth is 125 feet. The subject property exceeds these minimum requirements, as the property is approximately 2.47 acres in size, and has the lot width of approximately 167 feet, and the lot depth of approximately 644 feet. The proposed use is in conformance with the current UDC with an approved conditional use permit.

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

PLATTING STATUS: The property has not been platted.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Low Density Residential Use" for the subject property and the surrounding properties. The Comprehensive Plan further indicates that the appropriate zoning district for "Low Density Residential Use" is the Residential Estate (RE) and the Single Family Residential-1(R-1) Zoning districts. Changing the zoning district would not be in conformance with the current Comprehensive Plan. However this one of the areas that will be discussed during the Future Land Use Plan Workshop to ascertain the best uses in light of a mix of current and recent development. The Comprehensive Plan states the only zoning districts appropriate for this area are RE and R-1. If the Zoning District was changed from R-1 to GC this would not be in conformance with the Comprehensive Plan, however; the R-1 Zoning District does not permit the warehouse use, distribution, and sale of children's products and the GC Zoning District would permit the proposed use through an approved Conditional Use Permit.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Fite Rd., a major collector street with an ultimate right-of-way of 80 feet. The applicant

has not had the property platted and all necessary dedications will be required at the time of platting.

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

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The proposed Conditional Use Permit in the GC Zoning District should not have a negative impact on the surrounding properties.

The subject property is located within an area that is currently zoned as R-1. Changing the zoning district to GC will not impede access or circulation of the existing property and not generate a significant increase in the traffic flow. In addition, changing the zoning to GC would not create any new uses that would be incompatible with the existing surrounding uses. The property directly to the west is zoned GC with a commercial use currently in operation. With a zone change from R-1 to GC and an approved Conditional Use Permit the applicant would be able to operate the warehouse for storage, distribution, and sale of their children's products.

Parking for a warehouse is calculated at 1-9' X 18' space per 2,000 square feet of warehouse. The warehouse has approximately 7,800 square feet and there are approximately 10 existing parking spaces behind the warehouse at the rear of the property.

SITE PLAN CONSIDERATIONS: A site plan was not submitted.

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.

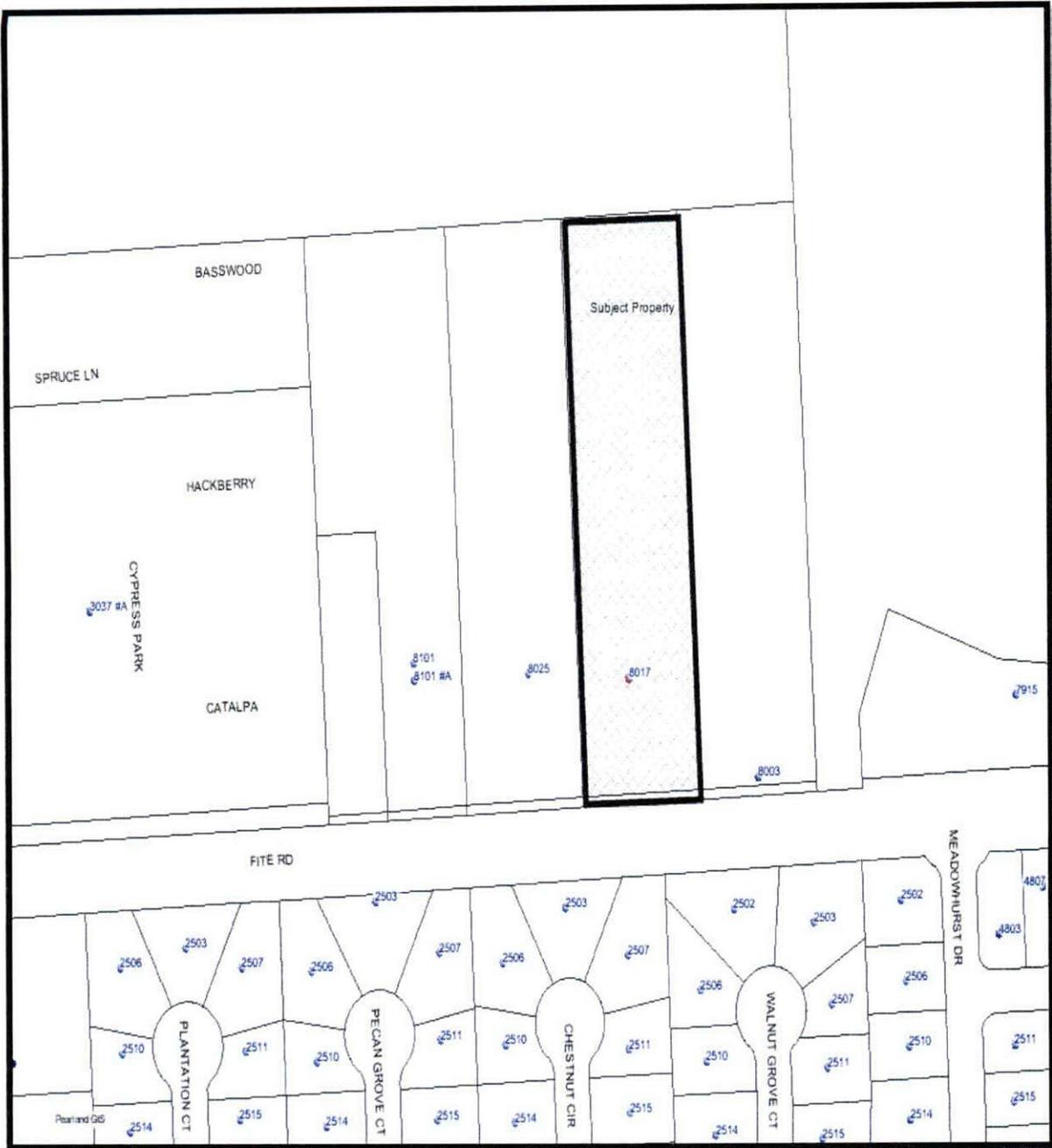
OPPOSITION TO OR SUPPORT OF PROPOSED REQUEST: Staff has not received any comments either in opposition to or in support of the proposed zone change request.

STAFF RECOMMENDATION: Staff recommends approval of Conditional Use Permit No. CUP 2009-13 as proposed by the applicant, for the following reasons:

1. Impact on surrounding uses- The proposed zone change should not have any impact on the surrounding properties and developments. This property has been used as a warehouse in the past.
2. The proposed conditional use permit will allow the applicant to utilize this property as a warehouse, and for distribution and sales of their children's products.
3. This zone change is not in conformance with the comprehensive plan; however it is conformance with the surrounding existing uses in this neighborhood.
4. If council desires, additional requirements may be placed in this CUP.

SUPPORTING DOCUMENTS:

- Zone Change Application
- Location Map
- Property Ownership Map
- Property Owner Notification List
- Zoning Map
- Future Land Use Plan
- Aerial Photograph
- Other Maps and Related Documents

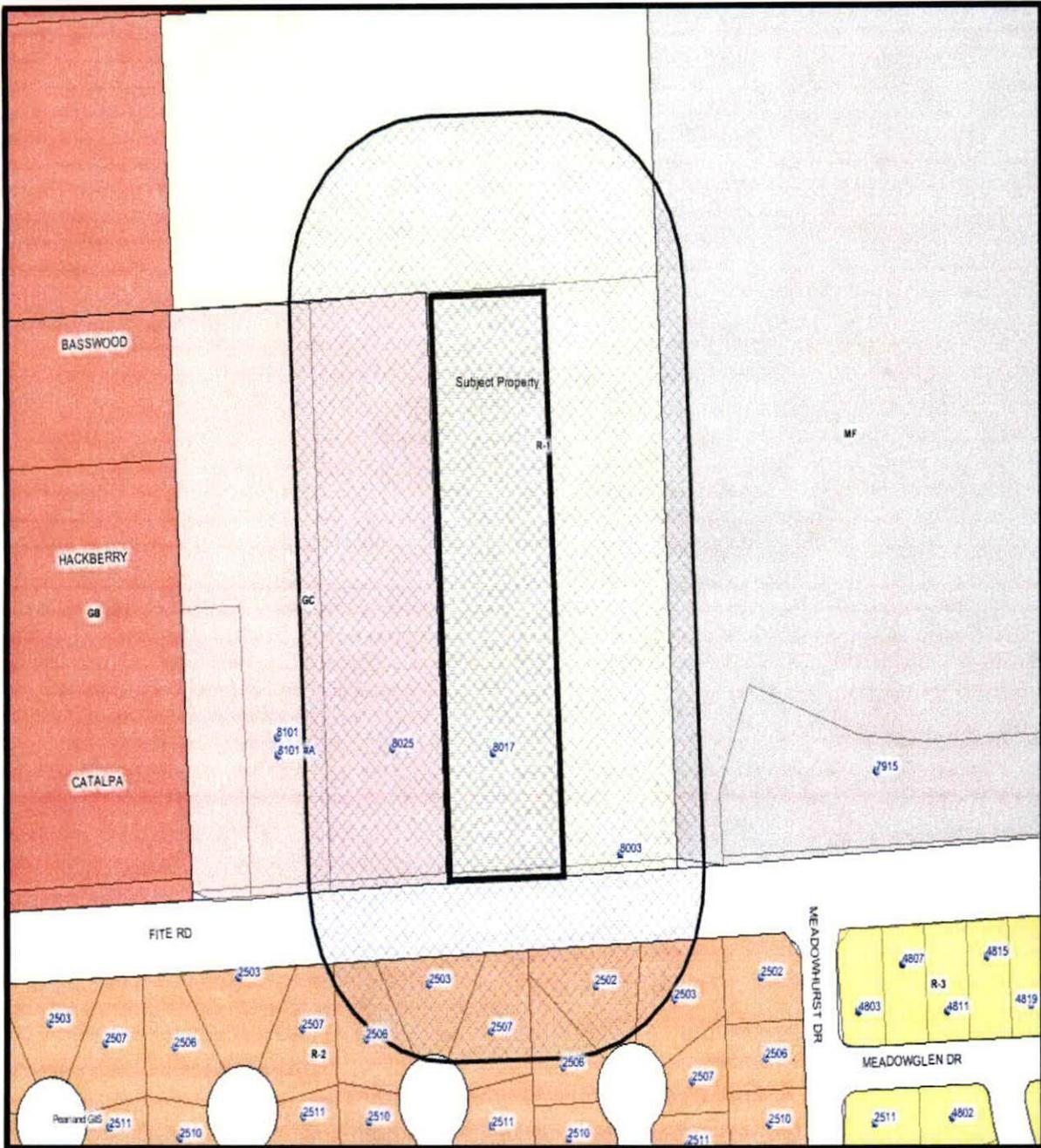


LOCATION MAP

CONDITIONAL USE PERMIT NO. 2009-13

LOCATED AT 8017 FITE RD., PEARLAND, TX





ABUTTER MAP

CONDITIONAL USE PERMIT NO. 2009-13

LOCATED AT 8017 FITE RD., PEARLAND, TX

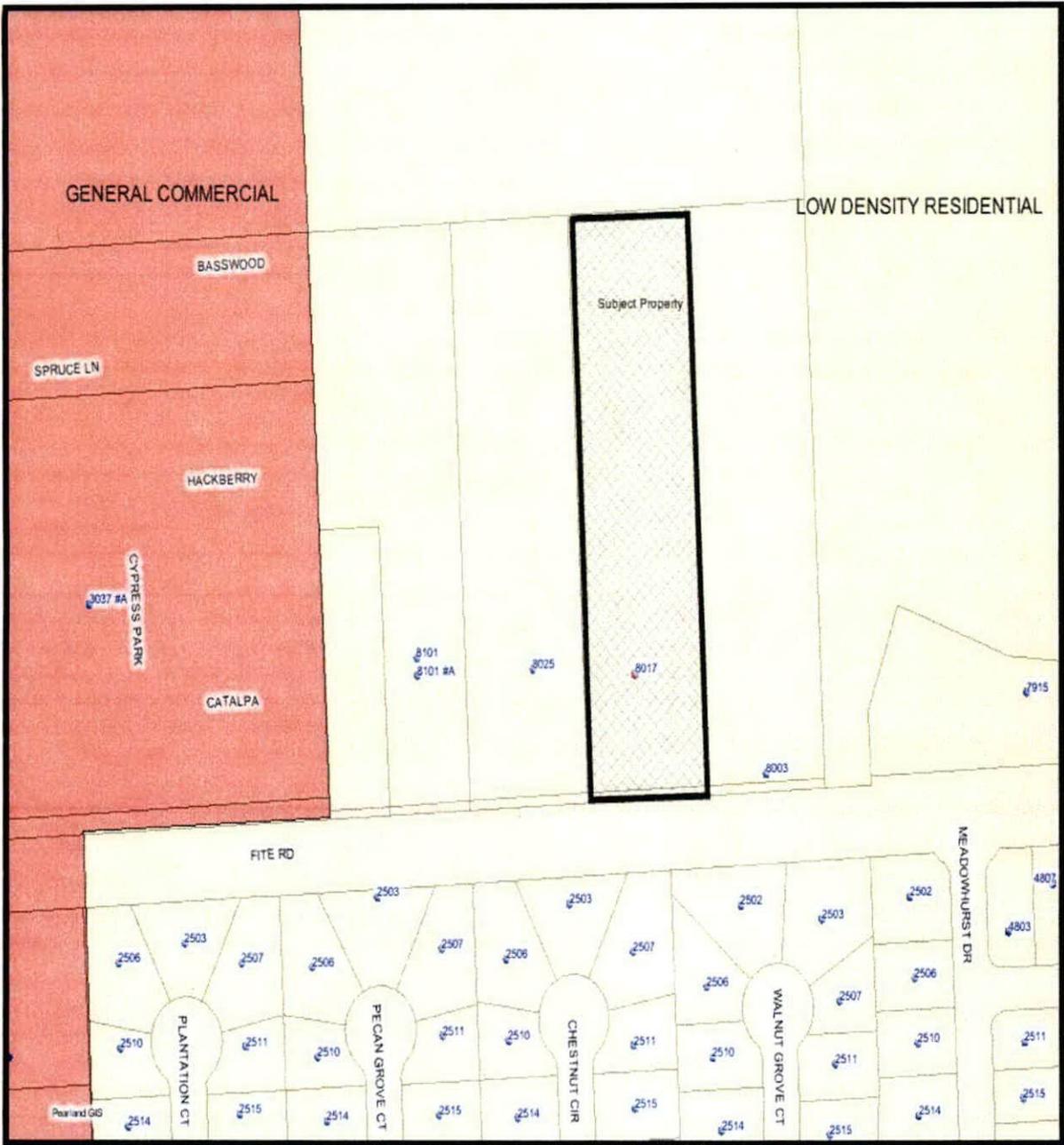


Conditional Use Permit No. CUP 2009-13

A Conditional Use Permit to Allow a Warehouse/8017 Fite Rd.

Property Owner List

CHRISTENSEN PATRICK G &	2506 CHESTNUT CIR	PEARLAND	TX	77584
CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
DONNELLY MICHAEL P &	2503 CHESTNUT CIR	PEARLAND	TX	77584
G & B REAL ESTATE LTD	3907 ABBEYWOOD DR	PEARLAND	TX	77584
G & B REAL ESTATE LTD	3703 DRUMMOND ST	HOUSTON	TX	77025
HOKE JEFFREY G & LISA	2507 PECAN GROVE CT	PEARLAND	TX	77584
HUGHES-WEST INVESTMENTS LTD	7918 BROADWAY ST	PEARLAND	TX	77581
JAMISON JERRY A & TERRY	2503 WALNUT GROVE CT	PEARLAND	TX	77584
LINER JASON J & MARGARET	2502 WALNUT GROVE CT	PEARLAND	TX	77584
MYERS THELTON ARTHUR &	2507 CHESTNUT CIR	PEARLAND	TX	77584
OLSON GERALD	PO BOX 1087	MANVEL	TX	77578
ONITSUKA EARL M	PO BOX 1461	PEARLAND	TX	77588
ONITSUKA EARL M	PO BOX 1461	PEARLAND	TX	77588
WIENER DAVID & KIMBERLEY	3705 PINE GLEN CT	PEARLAND	TX	77581



FUTURE LAND USE MAP

CONDITIONAL USE PERMIT NO. 2009-13

LOCATED AT 8017 FITE RD., PEARLAND, TX





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: WARE-Housing, Distribution
(list proposed use from the Table of Uses of the UDC)

Current Zoning District: R1

Property Information:

Address or General Location of Property: 8017 FIVE ROAD
PEARLAND, TX 77581

Tax Account No. 166358

Subdivision: A0342 HTVBR Lot: 1A4 Block: ACRES 2.4051

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

PROPERTY OWNER INFORMATION:

NAME GERALD OLSON
ADDRESS P.O. Box 1087
CITY MANUEL STATE TX ZIP 77578
PHONE (281) 485-0504
FAX (281) 485-7880
E-MAIL ADDRESS GERALD@OLSONMANUFACTURING.COM

APPLICANT INFORMATION:

NAME NARMIN PAPPIA + RAJ RAMLAL
ADDRESS 6905 BROADWAY, ST. 201
CITY PEARLAND STATE TX ZIP 77584
PHONE (281) 381-2962
FAX (281) 485-3361
E-MAIL ADDRESS NARMIN.PAPPIA@YAHOO.COM
RAJRAMLAL@YAHOO.COM

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

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

Owner's Signature: Gerald Olson Date: 8/24/09

Agent's Signature: Raj Ramlal Pappia Ramlal Date: 8/24/09

OFFICE USE ONLY:

FEES PAID: <u>250.00</u>	DATE PAID: <u>8/26/09</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>284 018</u>
--------------------------	---------------------------	---------------------------------	--------------------------------

Application No. CUP 2009-13

2.5 acres out of a 40 acre tract of land out of the Southwest 1/4 of the Northwest 1/4 of Section 17, R.T. & B. FR Co. Survey, Abstract 142, Brazoria County, Texas, described by metes and bounds as follows:

Starting at the center point of said Northwest 1/4 of said Section No. 17, same being the Northeast corner of said 40 acre tract:

THENCE South a distance of 660' to a point for corner;

THENCE North 89 deg. 53 min. 12 sec. West a distance of 165' to a point for corner, same being the place of beginning;

THENCE South a distance of 660' to a point for corner;

THENCE North 89 deg. 53 min. 12 sec. West along County Road No. 91 a distance of 165' to a point for corner;

THENCE North a distance of 660' to a point for corner;

THENCE South 89 deg. 53 min. 12 sec. East a distance of 165' to a point for corner, same being the PLACE OF BEGINNING, and containing 2.5 acres of land, more or less.

LETTER OF INTENT FOR ZONING CHANGE

August 24, 2009

This letter is intended to serve as an indication of our interest in Rezoning a +/-104766.15 Sq. Ft. (2.4051 acres) of property, generally located in Brazoria County, Texas, and more particularly described as A0242 H T & B R R, TRACT 1A4, and know as 8017 FITE ROAD, PEARLAND, TX 77581.

We are currently under a contingent contract to purchase this property. Our primary contingency is upon getting zoning adequate to operate our current business which is the warehousing, distribution and sale of children products. Our secondary goal is to get this property rezoned into the General Commercial District so that we would be able to have options for warehouse expansion in the future.

APPLICANTS: Narmin Parpia-Ramlal and Raj Ramlal
CURRENT ADDRESS: 6905 Broadway, St 201, Pearland, TX 77584

CURRENT OWNER: Gerald Olson
CURRENT ADDRESS: P.O. Box 1087, Manvel, TX 77578

PROPERTY ADDRESS: 8017 FITE ROAD, PEARLAND, TX 77581

CURRENT ZONING DISTRICT: R-1

PROPOSED ZONING DISTRICT: GC

REASON FOR REZONING: Our primary goal to get zoning adequate to operate our current business. We understand that we may be able to move and operate our current Warehousing business under the current R-1 Zoning District.

Our secondary goal is to get this property rezoned into the General Commercial District so that we would be able to have the options applicable for future warehouse expansion.

Yours Truly:
Raj Ramlal


Narmin Parpia-Ramlal



Letter of Acknowledgement

August 24, 2009

RE: Posting of Zoning Notification Sign

We acknowledge that are:

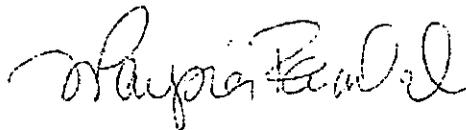
- 1) We are aware of the fact that a sign has to be posted on the property at 8017 Fite Rd, as per the zone change application
- 2) We will indeed post such a sign 10 days prior to the public hearing for this property.

Yours truly,

Raj Ramlal



Narmin Parpia-Ramlal





ANNON SURVEYING

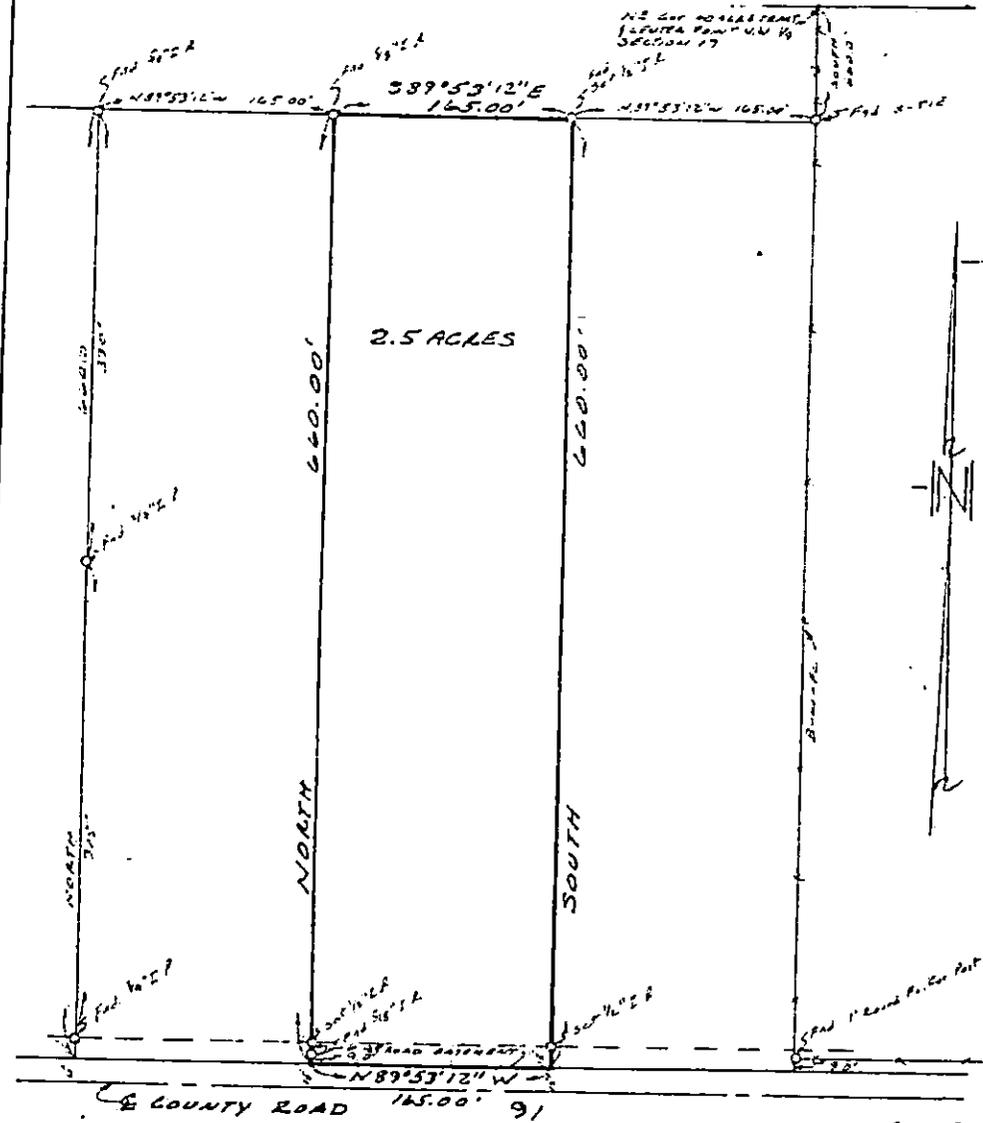
SUBDIVISION
BOUNDARY
ACREAGE
CONSTRUCTION

RTI BOX 47

5750 F.M. 1129

MANVEL, TEXAS 77578

PHONE: 713 - 489-1059



SURVEY

ADDRESS # Country Road 91

PURCHASERS GERALD W. & SHEILA M. OLSON

OF # 02589
STATEWIDE TITLE CO. - HOUSTON



2.5 ACRES OF LAND OUT OF
A 4.0 ACRE TRACT OF LAND
OUT OF THE SOUTHWEST 1/4
OF THE NORTHEAST 1/4 OF
SECTION 17, N. 7. S. B. R. 1.
CO. SURVEY A-242, BRAZORIA
COUNTY, TEXAS.

SCALE: 1" = 100'

THE STATE OF TEXAS:
COUNTY OF BRAZORIA

This is to certify that I, W. Sid Cannon, Jr., did cause to be surveyed on the ground the above described property and the above sketch reflects the findings on the ground, and that the improvements are wholly within the bounds of said property and there are no encroachments on said property by improvements on adjoining properties, except as shown. This certifies only to easements which are shown on Recorded Plat of said Addition.

Given under my hand and Seal this 15th day of DECEMBER, 19 83.

Note: This property does not contain a
Flammable Hazard Area as indicated by H.U.D.

W. Sid Cannon, Jr.
W. SID CANNON JR., Registered Surveyor No. 1114

CITY OF PEARLAND SEWER PROJECT
FITE-HARKEY ROAD

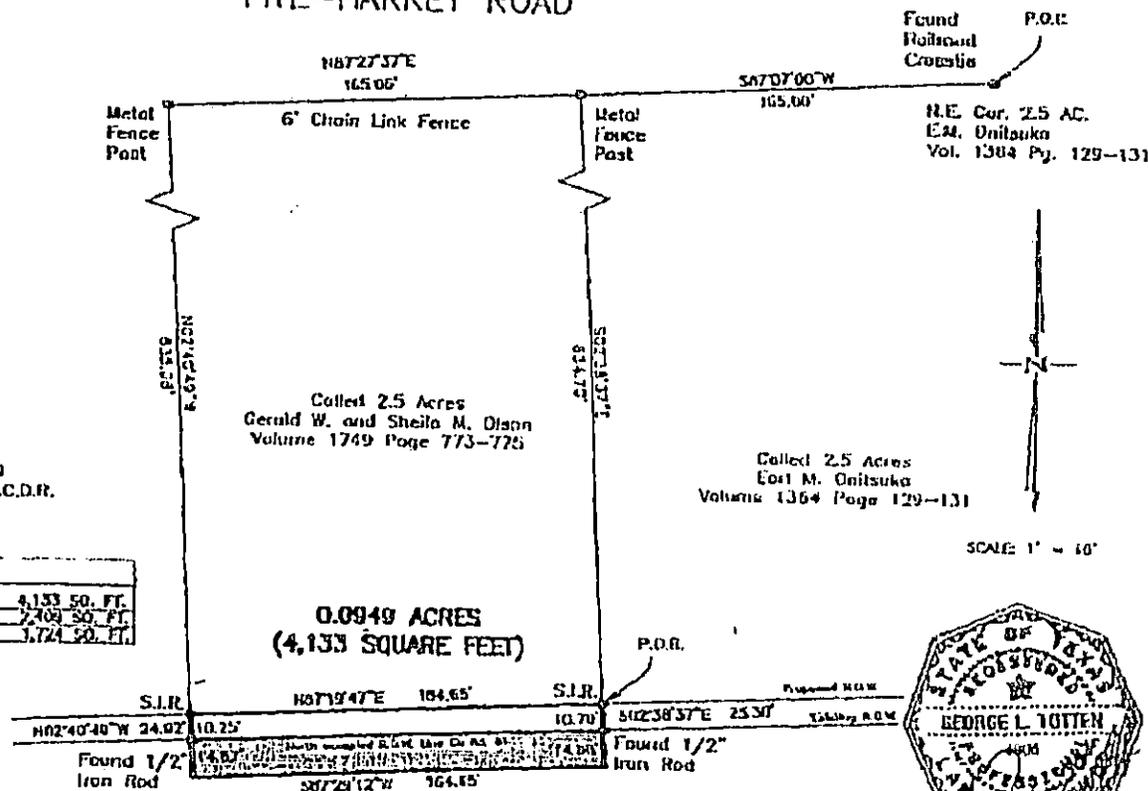
H.T. & B. R.R. CO.
Survey Section 17
A-242

Called 2.5 Acres
Blaine F. Barker, D
Vol. 87390, Pg. 713, B.C.D.R.

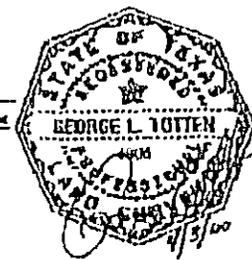
IRON TAKING		
TOTAL	0.0949 AC.	4,133 SQ. FT.
WITHIN CASEY TOWN	0.0851 AC.	3,708 SQ. FT.
NET AREA	0.0098 AC.	425 SQ. FT.

Called 2.5 Acres
Gerald W. and Sheila M. Olson
Volume 1749 Page 773-775

Called 2.5 Acres
East M. Onitsuka
Volume 1364 Page 129-131



SCALE 1" = 40'



0.0949 ACRES
(4,133 SQUARE FEET)

FITE ROAD (CR 91, 60 FOOT R.O.W.)

- NOTES:
1. DIMENSIONS ARE BASED ON THE CITY OF PEARLAND MEASUREMENTS MAP 01.
 2. A LEGAL DESCRIPTION ACCOMPANIES THIS PLAN.
 3. THIS MAP IS NOT A WARRANTY CLAIM AS ISSUED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING AND WAS PREPARED FOR CLIENT PURPOSES ONLY.

EXHIBIT MAP PARCEL 41
A PORTION OF 2.5 ACRES OUT OF A 40 ACRE
TRACT OUT OF THE SW 1/4 OF THE NW 1/4 OF
SECTION 17, H.T. & B. R.R. CO. SURVEY A-242
BRAZORIA COUNTY, TEXAS

Casey Carter-Morgan
Consultants in Planning, Engineering, Architecture,
Construction Management and Related Services
CARTER & BURGESS, INC.
300 South Loop
Houston, Texas 77002
(713) 680-7000
REVISION DATE: 03/20/00

Subject Property

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD SEPTEMBER 21, 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. 2009-11Z

A request of LJA Engineering & Surveying, Inc., applicant for TexProj 2008 LLC, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Planned Development District (PD) to Planned Development District (PD), an amendment to the existing PD for Province Village, on the following described property, to wit:

Legal Description: Approximately a 15 acre tract of land out of the Dissen called 136.995 acre tract, recorded in Volume 505, Page 86, of the Deed of Records of Brazoria County, Texas, situated in the Thomas J. Green Survey, Abstract 198, Brazoria County, Texas, and a 26,9158 acre tract of land in the Thomas J. Green Survey, Abstract 165, Brazoria County, Texas and being a part of that certain 136.955 acre tract conveyed from Jennie J. Settlegast, et al, to W.J. Dissen by instrument recorded in Volume 505, Page 86, of the Deed of Records of Brazoria County, Texas, and 5.7375 acres of land being situated in the W.D.C. Hall Survey, Abstract No. 23, Harris county, Texas, and being out of 468.92 acre tract being more fully described in Volume 1676, Page 362 of the Deeds of Records of Harris county, Texas said 1.3366 acres in Harris County Texas.

General Location: Generally Located on the Northeast Corner of Pearland Parkway and Broadway

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 SEPTEMBER 21, 2009

Zone Change No. 2009-11Z

A request of LJA Engineering & Surveying, Inc., applicant for TexProj 2008 LLC, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Planned Development District (PD) to Planned Development District (PD), an amendment to the existing PD for Province Village, on the following described property, to wit:

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General Location: Generally Located on the Northeast Corner of Pearland Parkway and Broadway

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

Planning and Zoning Commission: September 21, 2009*

City Council for First Reading: October 10, 2009*

City Council for Second Reading: October 19, 2009*

(*dates subject to change if item is tabled)

SUMMARY: The applicant is requesting approval of Zone Change. 2009-011Z to amend Tract One of the Province Village PD from Single Family Residential-4 (R-4) to the Office Professional (OP) Zoning District.

Currently Tract One is approximately 14.91 acres and is undeveloped as stated on the site plan submitted with the revised PD Document. The new owner of the subject

property would like to be able to permit the development of a bank on the northern portion of Tract One and changing only Tract One from Single Family Residential-4 (R-4) to Office Professional (OP). The proposed amendment will change the density of from approximately 66 garden homes to 28 single family homes within one gated neighborhood (Tract Three), 84 townhome units in Tract Two and the residential yield will not exceed 112 single family units. The application PD application/document does not reflect these numbers as shown above and were obtained via telephone conversation with the applicant and need to be updated.

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	Single Family Residential-2 (R-2)	Clear Creek Park Subdivision
South	General Commercial (GC)	Lowe's
East	Province Village PD (PUD)	Province Village
West	Pearland Commons PD (PUD)	Undeveloped/Vacant

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The subject property is currently zoned as Province Village Planned Development. The Province Village PD was originally developed having three tracts. The underlying zoning district for tracts one and three are Single Family Residential-4 PUD (R-4 PUD). Tract two has an underlying zoning district of Single Family Residential-4 PUD (R-4 PUD) and General Business (GB). Lowe's and IHOP are located in the GB portion of Province Village.

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

PLATTING STATUS: The property has an approved preliminary plat. A preliminary plat was submitted in 2006 and received an extension. The extension expires on November 6, 2009 and the applicant will then need to submit an amended preliminary plat.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends a "Single Family Residential Use" for the subject property known as tract one and the surrounding properties. The Comprehensive Plan further indicates that the appropriate zoning district for "Single Family Residential Use" is the Suburban Residential D-10,000. Although the comprehensive plan states the only zoning district appropriate for this area is Suburban Residential D-10,000, the proposed use is permitted through and approved Planned Development.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Pearland Parkway, a major thoroughfare with an ultimate right-of-way greater than 120 feet. The applicant has presented a preliminary plat that will need to be amended. Any necessary right-of-way will be dedicated at the time of platting. Province Village Drive, a minor collector street was approved as part of the preliminary plat and has been constructed.

AVAILABILITY OF UTILITIES: The subject parcel is in the process of establishing public water and sewer.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The proposed change in the underlying zoning from Suburban Residential R-4 (R-4) to the Office Professional (OP) Zoning District should not have a negative impact on the surrounding properties.

Tract one of the Province Village PD is located to the northeast portion of the PD near Pearland Parkway and Broadway. Tract four near the south of the PD has frontage along Broadway and currently, Lowe's is located there.

Changing the zoning of tract one will not impede access or circulation of the existing property and will not generate a significant increase in the traffic flow. Province Village Drive, off of Pearland Parkway, has been constructed. In addition, changing the zoning district of Tract One from Single Family Residential-4 PUD (R-4 PUD) to Office Professional (OP) would not create any uses that would be incompatible with the existing surrounding uses. The OP Zoning District will permit the applicant to develop the property with proposed uses that are less intense than the General Commercial or General Business Zoning Districts. This can help create a buffer that contains appropriate uses near residential zoned properties and uses located to the north.

SITE PLAN CONSIDERATIONS: A site plan for a bank will be submitted to the Building Department. Tract one of the Province Village PD Map as submitted is shown as the Office Professional Zoning District and no other changes have been proposed to the Province Village PD Map.

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.

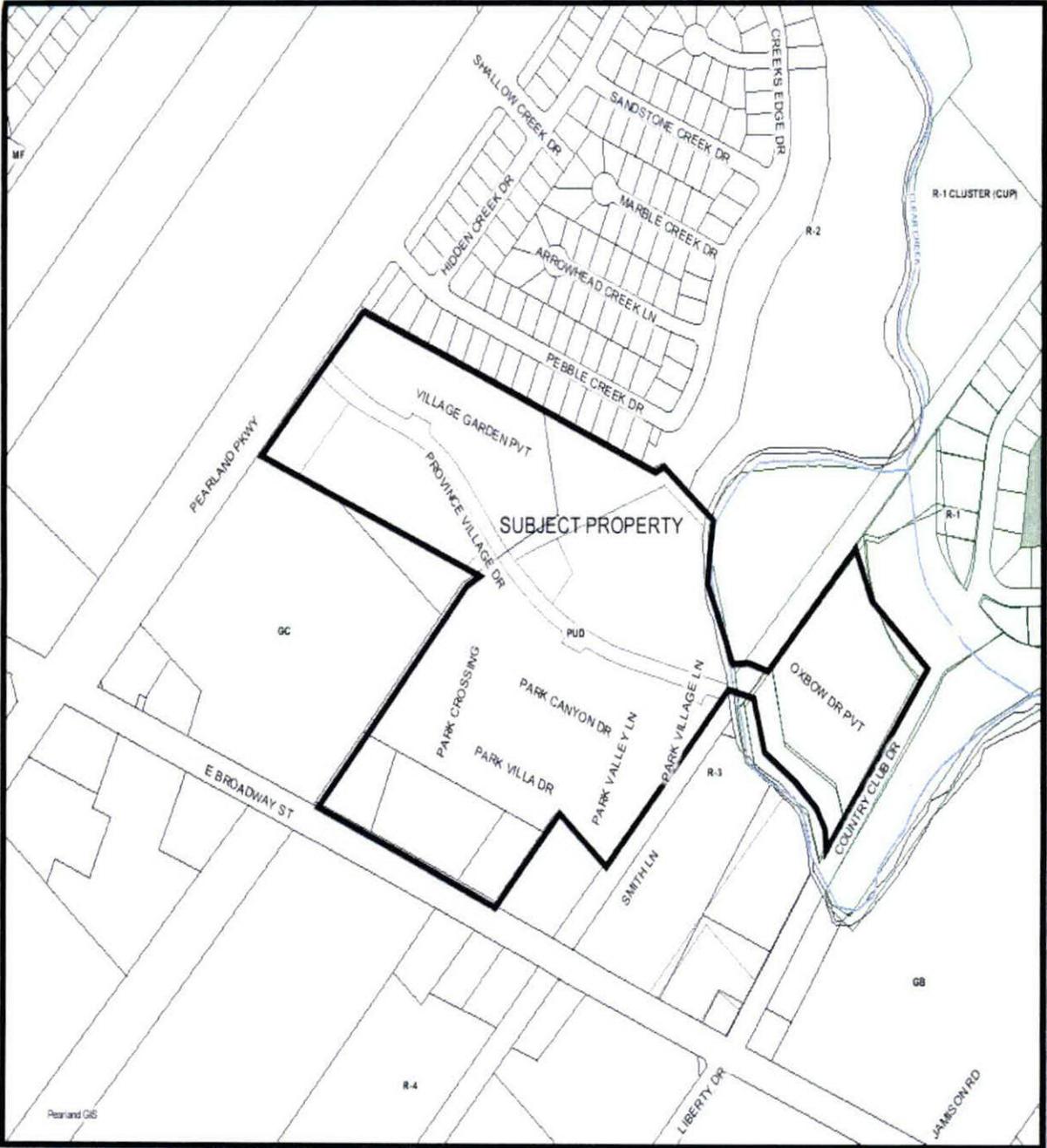
OPPOSITION TO OR SUPPORT OF PROPOSED REQUEST: Staff has not received any comments either in opposition to or in support of the proposed zone change request.

STAFF RECOMMENDATION: Staff recommends approval of Zone Change No. 2009-11Z as proposed by the applicant, for the following reasons:

1. Impact on surrounding uses- The proposed PD amendment should not have any negative impact on the surrounding properties and developments since OP Zones are compatible to adjacent residential uses.
2. The proposed PD Amendment will permit the applicant to develop Tract One of the Province Village PD with Office Professional Uses.
3. Could be used as an appropriate buffer to residential properties to the north.

SUPPORTING DOCUMENTS:

- Zone Change Application
- Location Map
- Property Ownership Map
- Property Owner Notification List
- Zoning Map
- Future Land Use Plan
- Aerial Photograph
- Other Maps and Related Documents

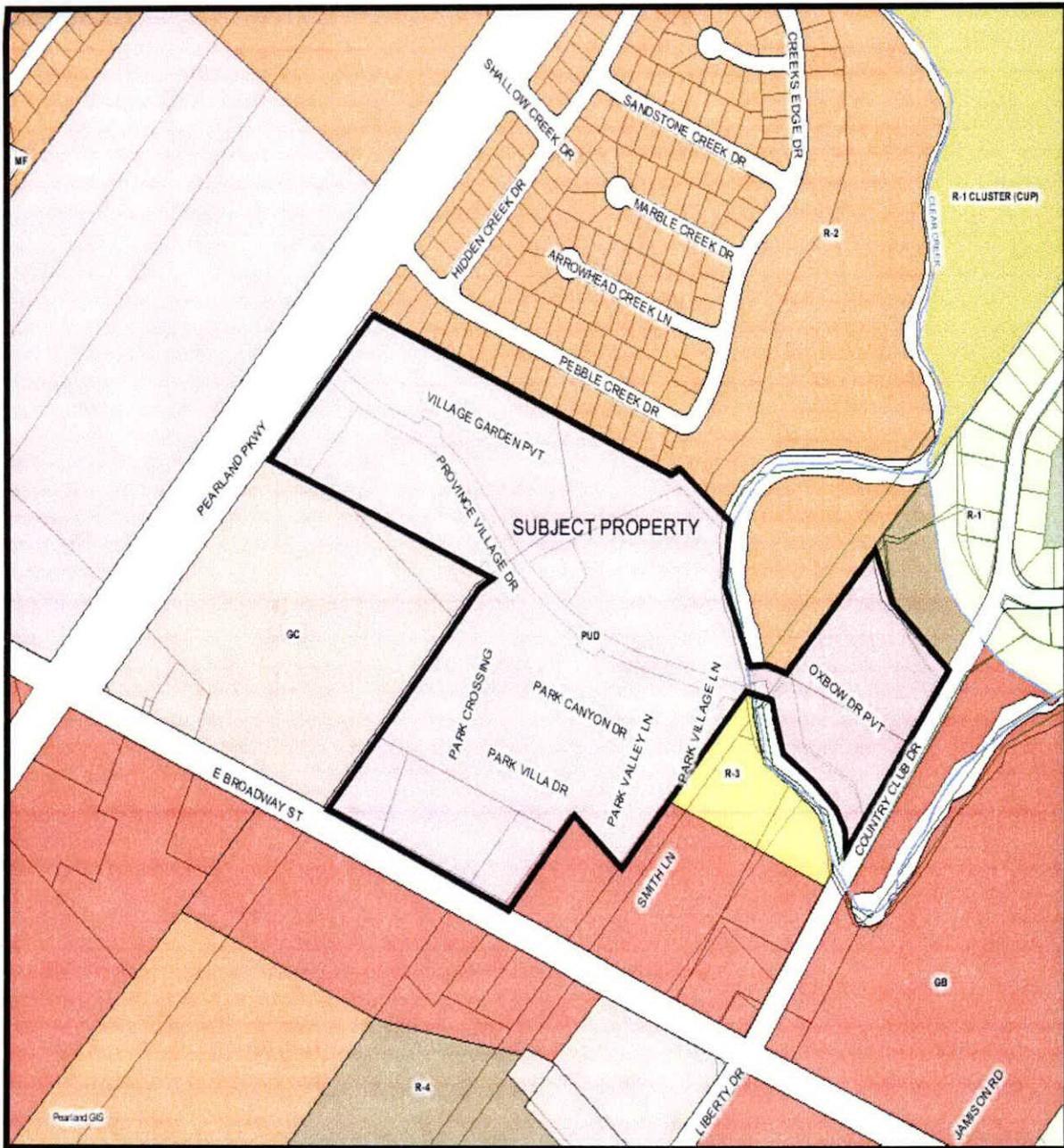


LOCATION MAP

ZONE CHANGE NO. 2009-11Z



Generally Located on the Northeast Corner of Pearl and Parkway and Broadway

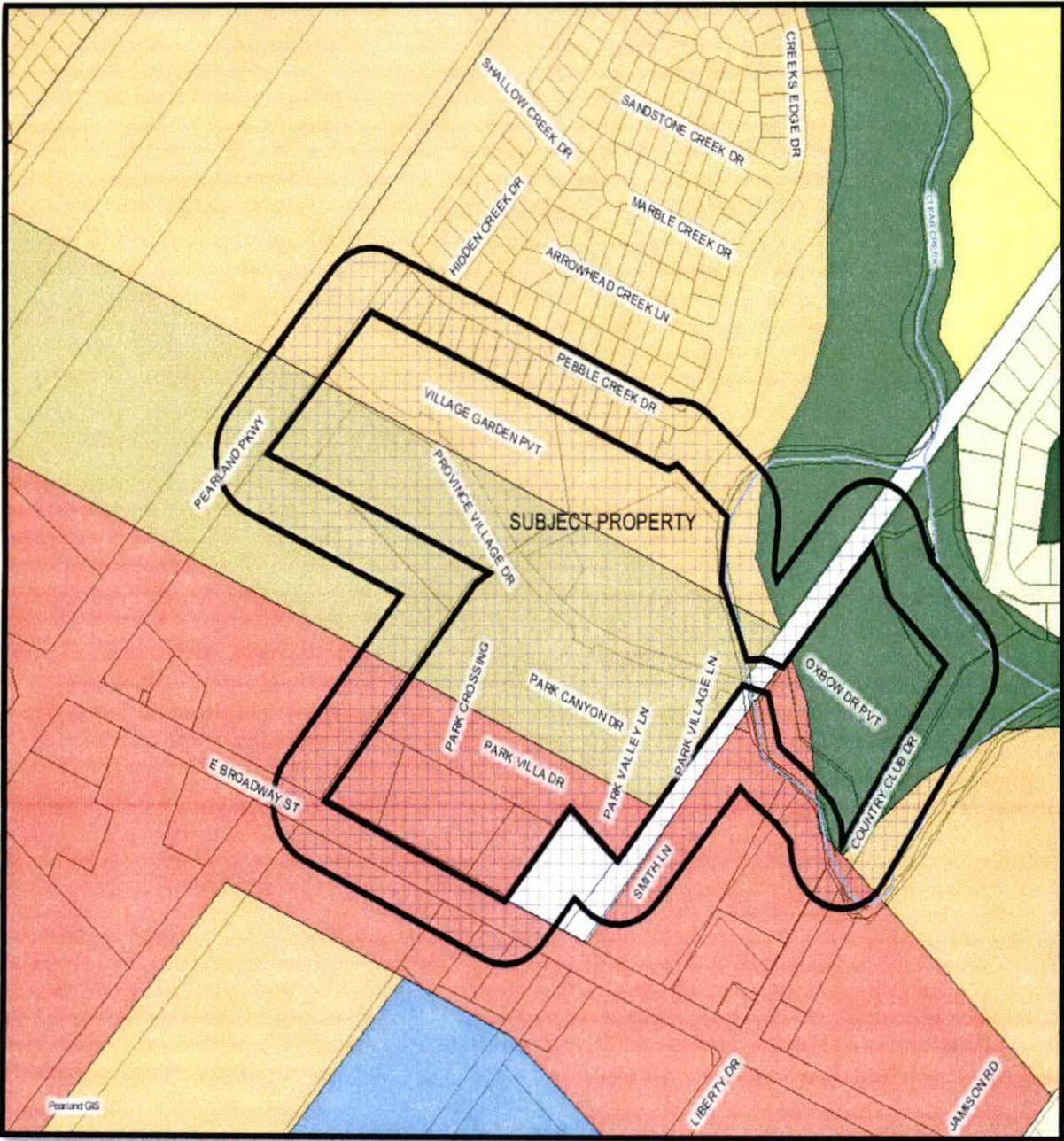


ZONING MAP

ZONE CHANGE NO. 2009-11Z



Generally Located on the Northeast Corner of
Pearland Parkway and Broadway



ABUTTER MAP

ZONE CHANGE NO. 2009-11Z



Generally Located on the Northeast Corner of
Pearland Parkway and Broadway

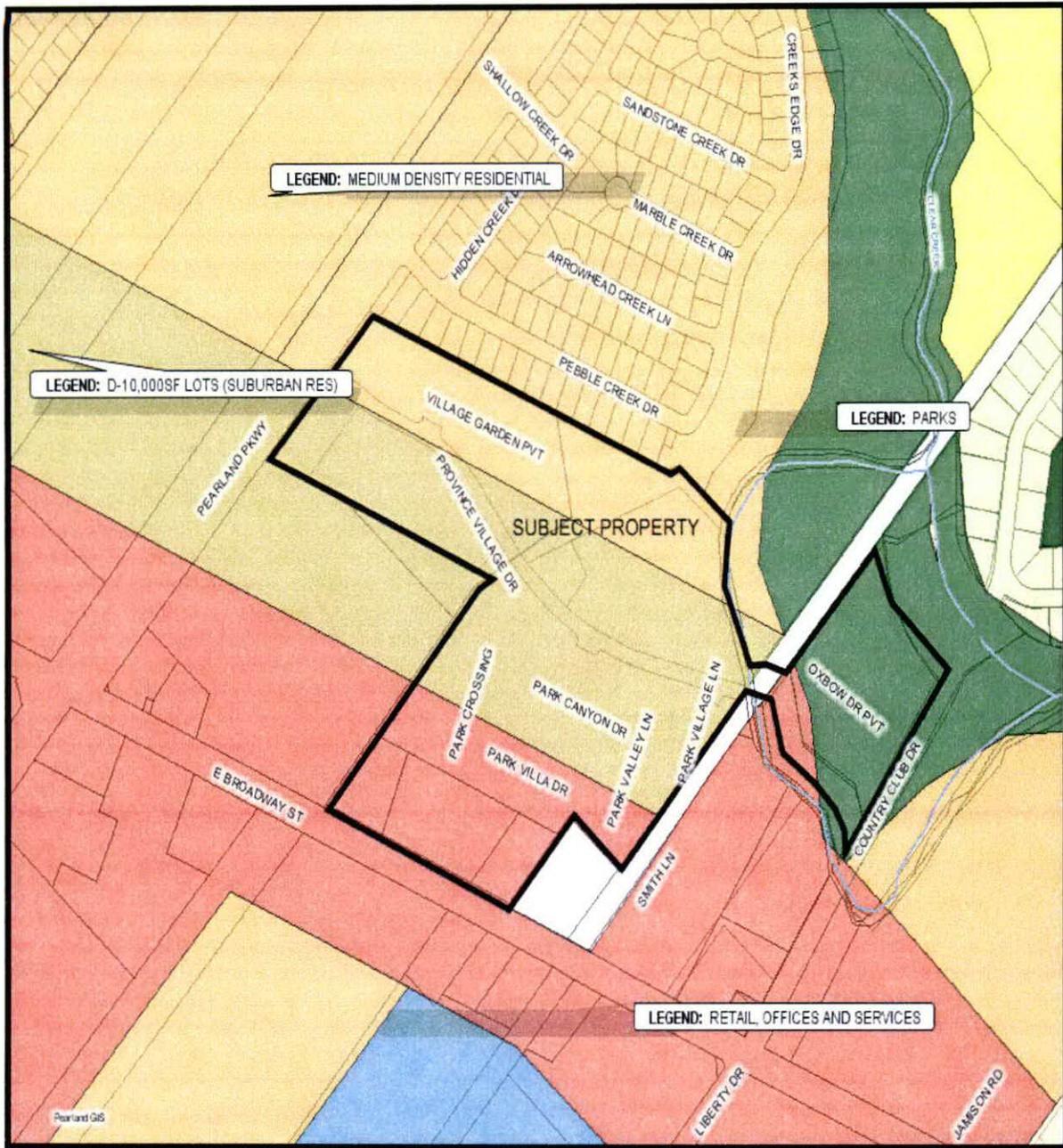
Zone Change No. 2009-11Z

Province Village PD Amendment Tract One

Property Owner List

ADAMS MICHAEL W & ANGELA D	2720 PEBBLE CREEK DR	PEARLAND	TX	77581
ALCANCIA OSCAR E & BONITA K	2714 PEBBLE CREEK DR	PEARLAND	TX	77581
ALEXANDER T & B FAMILY LTD PRTNSHP	2411 PARK AVE	PEARLAND	TX	77581
ALEXANDER T & B FAMILY LTD PRTNSHP	2411 PARK AVE	PEARLAND	TX	77581
CENTERPOINT ENERGY INC	PO BOX 1475	HOUSTON	TX	77251
CENTERPOINT ENERGY INC	PO BOX 1475	HOUSTON	TX	77251
CHAMBLIN MITCHELL & SHERI	2708 ARROWHEAD CREEK LN	PEARLAND	TX	77581
CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
CLEAR CREEK PARK	2615 BAY AREA BLVD	HOUSTON	TX	77058
COFFEE SUSAN SMITH	2712 PEBBLE CREEK DR	PEARLAND	TX	77581
DIESE RICHARD W & LISA K	2715 PEBBLE CREEK DR	PEARLAND	TX	77581
E BROADWAY PLAZA LP	2640 E. BROADWAY, SUITE 109	PEARLAND	TX	77581
GERSTENBERGER MICHAEL W,	2601 PEBBLE CREEK DR	PEARLAND	TX	77581
GREEN ANDRE B & ALLISON	2802 PEBBLE CREEK DR	PEARLAND	TX	77581
GREEN STEPHEN L & TANYA H	2707 PEBBLE CREEK DR	PEARLAND	TX	77581
HARTSOOK DAVID L	PO BOX 1890	PEARLAND	TX	77588
HERNANDEZ ADAM D & ZOILA A	2604 PEBBLE CREEK DR	PEARLAND	TX	77581
HOLT RONALD G & BARBARA	2717 PEBBLE CREEK DR	PEARLAND	TX	77581
JONES CORY A	2718 PEBBLE CREEK DR	PEARLAND	TX	77581
JWP INC	2610 BROADWAY ST	PEARLAND	TX	77581
KIM JEAN	2602 PEBBLE CREEK DR	PEARLAND	TX	77581
KUHNS PERRY S & ESERALDA	2713 PEBBLE CREEK DR	PEARLAND	TX	77581
LEDBETTER RANDY W & BOBBIE A	PO BOX 788	PEARLAND	TX	77588
LIBERATORE JAMES V &	2706 PEBBLE CREEK DR	PEARLAND	TX	77581
LOWE S HOME CENTERS INC	PO BOX 1000	MOORESVILLE	NC	28115
LOWE S HOME CENTERS INC	PO BOX 1000	MOORESVILLE	NC	28115
MALLAS ARTEMIS LIVING TRUST UTD	%MARVIN F POER COMP	DALLAS	TX	75380
MAVERICK GROUP LLP	4921 PINEY POINT AVE	BATON ROUGE	LA	70817
MAVERICK GROUP LLP	4921 PINEY POINT AVE	BATON ROUGE	LA	70817
MAVERICK GROUP LLP	4921 PINEY POINT AVE	BATON ROUGE	LA	70817
MAVERICK GROUP LLP	4921 PINEY POINT AVE	BATON ROUGE	LA	70817
MAVERICK GROUP LLP	4921 PINEY POINT AVE	BATON ROUGE	LA	70817
MCKINNEY MARK & JANIS	2612 CREEKS EDGE DR	PEARLAND	TX	77581
MOTLEY MELVIN & DE ANN	2606 PEBBLE CREEK DR	PEARLAND	TX	77581
MUNGUIA RIGOBERTO & MIRIAM	2716 PEBBLE CREEK DR	PEARLAND	TX	77581
NIXON DEVON M	2804 PEBBLE CREEK DR	PEARLAND	TX	77581

PEARLAND ISD	PO BOX 7	PEARLAND	TX	77588
PROTESTANT EPISCOPAL CHUR	8200 BROOKRIVER DR	DALLAS	TX	75247
RUBIO KATHLEEN Y & DESIDERIO	2722 PEBBLE CREEK	PEARLAND	TX	77581
SCHWERDTFEGER TRACY K &	2708 PEBBLE CREEK DR	PEARLAND	TX	77581
SMITH TIMOTHY C & STEPHANIE T	2701 PEBBLE CREEK DR	PEARLAND	TX	77581
SOLIS LAURA & AARON RIVERA	2603 PEBBLE CREEK DR	PEARLAND	TX	77581
SPIRES RALPH E	2704 PEBBLE CREEK DR	PEARLAND	TX	77581
SWOR JACK R & KAY L	2711 PEBBLE CREEK DR	PEARLAND	TX	77581
THE GRILL AT TIMEOUT LLC	1113 OAK PARK LANE	FRIENDSWOOD	TX	77546
THOMPSON JEFFERY	2702 PEBBLE CREEK DR	PEARLAND	TX	77581
VU LOI T	2709 PEBBLE CREEK DR	PEARLAND	TX	77581
WILKERSON RYAN & VALARIE	2605 PEBBLE CREEK DRIVE	PEARLAND	TX	77581
WILLHOITE ROBERT R & LUCRETIA H	2710 PEBBLE CREEK DR	PEARLAND	TX	77581



FUTURE LAND USE MAP

ZONE CHANGE NO. 2009-11Z



Generally Located on the Northeast Corner of
Pearland Parkway and Broadway



AERIAL MAP

ZONE CHANGE NO. 2009-11Z



Generally Located on the Northeast Corner of
Pearland Parkway and Broadway



APPLICATION FOR A CHANGE IN ZONING

City of Pearland
Community Development
1580 Uptown Drive
(Community Center)
Pearland, Texas 77581
281-832-1788
281-832-1702 fax
www.cityofpearland.com

Please check one:

- Change in Zoning Classification from: Provisional PUD to: Amended PUD
(Not current zoning) (Not proposed zoning)
- Specific Use Permit Request for: _____
(Not proposed use)

Property Information:

Address: 2600 block of East Broadway (see attached) Tax Account No. 0193-0003-000 R184184
 Subdivision: N/A Lot: N/A Block: N/A

" Attach a copy of the metes and bounds description, survey, or legal description "

Current use of property (type of structures on property): Undeveloped pastureland, one single-family residence. Detention is built

Future/proposed use of property and reason for zone change: Tract II and Tract III will remain unchanged. Tract I will be completely office/professional.

PROPERTY OWNER INFORMATION:

NAME TaxProj 2008 LLC
 ADDRESS 3049 Sherwood Forest, Ste. 300
 CITY Baton Rouge STATE LA ZIP 70816
 PHONE(225) 252 - 3027
 FAX(225) 927-8385
 E-MAIL ADDRESS dbrown1957@yahoo.com

APPLICANT INFORMATION:

NAME LJA Engineering & Surveying, Inc.
 ADDRESS 2929 Briarpark Cr., Ste. 800
 CITY Houston STATE TX ZIP 77042-3703
 PHONE(713) 953 - 5212
 FAX(713) 953-5028
 E-MAIL ADDRESS weskovy@ljaengineering.com

PETITION As owner/agent, I hereby petition the City of Pearland for approval of the above described request as provided for by the laws of the State of Texas and ordinances of the City of Pearland. I certify to the best of my knowledge that this is a true description of the property upon which I have requested the above checked action. I understand that I am fully responsible for the correctness of the legal description given.

Owner's Signature: [Signature] Date: 08/20/2009
 Agent's Signature: [Signature] Date: 1/11

OFFICE USE ONLY:

FEE PAID:	DATE PAID:	RECEIVED BY:	APPLICATION NUMBER:
------------------	-------------------	---------------------	----------------------------

*****APPLICATION IS CONSIDERED INCOMPLETE WITHOUT A METES AND BOUNDS DESCRIPTION OR SURVEY AND THE APPLICATION FEE****



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

Please check one:

- Change in Zoning Classification from: Province PUD to: Amended PUD
(list current zoning) (list proposed zoning)
- Specific Use Permit Request for : _____
(list proposed use)

Property Information:

Address: 2600 block of East Broadway (*see attached) Tax Account No. 0198-0003-000 R164164
 Subdivision: N/A Lot: N/A Block: N/A

**** Attach a copy of the metes and bounds description, survey, or legal description****

Current use of property (type of structures on property): Undeveloped pastureland, one single-family residence. Detention is built.

Future/proposed use of property and reason for zone change: Tract II and Tract III will remain unchanged. Tract I will be completely office/professional.

PROPERTY OWNER INFORMATION:

NAME TexProj 2008 LLC
 ADDRESS 3049 Sherwood Forest, Ste. 300
 CITY Baton Rouge STATE LA ZIP 70816
 PHONE(225) 252 - 3027
 FAX(225) 927-5385
 E-MAIL ADDRESS dbrown1957@yahoo.com

APPLICANT INFORMATION:

NAME LJA Engineering & Surveying, Inc.
 ADDRESS 2929 Briarpark Dr., Ste. 600
 CITY Houston STATE TX ZIP 77042-3703
 PHONE(713) 953 - 5212
 FAX(713) 953-5026
 E-MAIL ADDRESS wescovy@ljaengineering.com

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Owner's Signature: _____ Date: _____

Agent's Signature: *Wan J. Song* Date: 8/20/09

OFFICE USE ONLY:

FEES PAID:	DATE PAID:	RECEIVED BY:	APPLICATION NUMBER:
------------	------------	--------------	---------------------

*****APPLICATION IS CONSIDERED INCOMPLETE WITHOUT A METES AND BOUNDS DESCRIPTION OR SURVEY AND THE APPLICATION FEE*****

LJA Engineering & Surveying, Inc.



2929 Briarpark Drive Phone 713.953.5200
Suite 600 Fax 713.953.5026
Houston, Texas 77042-3703 www.ljaengineering.com

August 20, 2009

Ms. Lata Krishnarao, AICP
Planning Director
3523 Liberty Drive
Pearland, Texas 77581

Re: Province Village
Planned Unit Development Amendment
LJA Job No. 1938-0002 and 1387-9001(2.0)

Dear Ms. Krishnarao:

LJA Engineering & Surveying, Inc. acknowledges that a sign (Minimum two (2) feet by three (3) feet) must be posted on the Province Property ten (10) days prior to the public hearing for the PUD change. This sign must be of appropriate size and distance from a public street.

Please advise me if there are any concerns regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Warren Escovy'. The signature is fluid and cursive, with a long horizontal stroke at the end.

Warren Escovy
Platting Group Manager

WE/lb

Copy: Dan Brown, Texproj 2008, L.L.C.
Omar Escobar, LJA Engineering & Surveying, Inc.



LJA Engineering & Surveying, Inc.



2929 Briarpark Drive, Suite 600
 Houston, Texas 77042-3703
 www.ljaengineering.com
 Phone: (713) 953-5200
 Fax: (713) 953-5026

LETTER OF TRANSMITTAL

To: Ms. Angela Gantua
City of Pearland – Planning Dept
3519 Liberty Drive
Pearland, Texas 77581

Date: August 20, 2009
LJA Job No. 1387-9001
Attention: Ms. Angela Gantua
Re: Province Village PUD Amendment No. 1
VIA: Courier

WE ARE SENDING YOU the following items:

- Shop Drawings
 Prints
 Plans
 Samples
 Specifications
 Copy of Letter
 Change Order

Copies	Date	No.	Description
5			PUD Amendment
1			Application and supporting documents
1			CD with all info burned

THESE ARE TRANSMITTED as checked below:

- For approval
 Approved as submitted
 Resubmit ____ copies for approval
 For your use
 Approved as noted
 Submit ____ copies for distribution
 As requested
 Returned for corrections
 Return ____ corrected prints
 For review & comment
 For signatures

 FOR BIDS DUE _____
 Prints returned after loan to us

REMARKS: Please note that this is for the August 24th submittal. If there area any missing items or concerns pleas
let me know. Thanks Warren

c: 1387-9001

SIGNED: _____

Warren Escovy
 Warren Escovy

P rovince Village

Planned Unit Development Amendment no. 1

City of Pearland

City Council
&
Planning & Zoning Commission

~~May 16, 2005~~

August 24, 2009

Submitted on behalf of

~~The Maverick Group, L.L.C.
7755 Commerce Avenue
Baton Rouge, LA 70815~~

Tex roj 2008 LLC, Dan Brown
3049 Sherwood Forest
Baton Rouge, LA 70816

prepared by

LJA Engineering & Surveying, Inc.
2929 Briarpark Drive, Suite 600
Houston, Texas 77042-3703

Province Village Planned Unit Development

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EXHIBITS

- Exhibit 1 - AREA LOCATION
- Exhibit 2 - EXISTING CONDITIONS
- Exhibit 3 - TOPOGRAPHY
- Exhibit 4 - EXISTING ZONING
- Exhibit 5 - PROPOSED LAND USE
- ~~Exhibit 6 - PROPOSED LAND USE ILLUSTRATING PEDESTRIAN WALKWAY, STREET TREES & SCREENING SCHEMATIC~~
- Exhibit ~~7~~ 6 - PROPOSED ZONING CATEGORIES BY LAND USE
- Exhibit ~~8~~ 7 - BOUNDARY SURVEY

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Executive Summary

The purpose of this planned unit development (UD) amendment application is to request change the current designation of tract one rezoning of a 47.65-acre site in the City of Earland for the purpose of developing a mixed-use project consistent with the City's land development regulations. The site currently has four zoning designations: GB (General Business), R-2 (Medium Density Single Family), R-3 (High Density Single Family), and R-4 (Maximum Density Single Family) is currently under the Province UD which we propose to change Tract One from R-4 Single Family to O Office Professional. As contemplated in the City's zoning ordinance, the UD designation will allow the development of a project which is planned comprehensively and in a unitary fashion, and that will provide flexibility of development within a site that, because of several physical constraints would challenge the ability to develop under the current zoning designations.

The existing zoning resembles abstract bands running parallel to East Broadway (F.M. 518) that do not relate to any of the physical boundaries of the three tracts that make up the proposed Province Village PUD (refer to Exhibit 4 Existing Zoning). Prior to the approved UD, Tract One, a 15-acre tract that fronts Earland Parkway, had a 200' width of R-3 across the southern 1/3 of the site with the balance being zoned R-2. Tract Two, is a 26.92-acre tract that fronts East Broadway and had three bands of zoning, primarily GB and R-3. Tract Three, fronting Country Club Drive, is the smallest of the tracts with 5.74 acres which roughly measures 400' by 500', and had a 150' width of R-3 running across the southern portion of the property with the balance being R-4. It would be very difficult to develop Tracts One and Three within the existing zoning.

Conventional Zoning districts are typically bounded by a physical feature, existing land use or political boundary that offers a logical break from one zoning classification to another. Also, conventional zoning typically provides a hierarchy of residential densities when adjacent to commercial uses normally with the highest density residential being placed next to the commercial with a transition to lower densities away from commercial.

The proposed Amended Province Village PUD will consist of approximately 66-garden 28 single family homes within two one gated neighborhoods, an 84-unit townhome neighborhood, a 5 12.4-acre O – Office Professional district yielding approximately 36,000 107,160 square feet and a 5 12.4-acre GB – General Business district. The residential yield will not exceed 150 112 single-family units. By comparison, if developed by using the existing zoning yield is projected at 142 single-family units. This comparison assumes similar detention requirements. This comparison modeled DU/AC (number of units per acre) after similar average densities per lot size found in the Shadow Creek Ranch community. Following more conventional zoning patterns, the plan proposes the higher density townhome neighborhood adjacent to the GB district and the existing Lowe's Center while placing the Garden Home sections in the rear portions of the property and adjacent to other existing single family neighborhoods. The O district separates one of the Garden Home sections from the existing Lowe's Center.

The proposed UD provides 7.59 5.88 acres of Common Open Space while only 3.1 acres is required. The center of the project offers a 1/2-acre park, approximately 2.8 acres in Common Open Space supplemented with a trail system that provides connection to the Clear Creek Trail System as well as additional green space within each residential cell providing numerous recreational and social opportunities. The project will benefit the City by providing quality housing, commercial, and office/professional space with strong architectural schemes and tax revenues will be greater than those accrued from the existing zoning. In addition an important segment of the collector street system will be provided with this proposed development. The proposed UD shall comply with all ordinances of the City of Earland, unless specifically mentioned in the UD as being revised, including the Earland Parkway Overlay District.

I. Existing Conditions

SITE DESCRIPTION

The site of the proposed mixed-use development is composed of three tracts - Tract One being a 15.00 acre tract situated on the west side of the overall site, Tract Two being a 26.92 acre tract situated in the center of the overall site, and Tract Three being a 5.74 acre tract situated on the east side of the overall site. A 90' City of earland drainage easement physically separates Tracts One and Two while Clear Creek and an 80' HL& (Center oint Energy) easement physically separates Tracts Two and Three.

Tract One is bounded on the west by earland arkway, on the north by Clear Creek ark residential subdivision, and situated just north of the Lowe's Home Center site located at the corner of earland arkway and East Broadway.

Tract Two is bounded on the south by F.M. 518 (East Broadway), and on the east by a Center oint Energy substation (located to the southeast of Tract Two along East Broadway) and by an 80' HL& (Center oint Energy) easement along the east, and on the north by Clear Creek. The Lowe's Home Center site is situated west and southwest of Tract Two.

Tract Three is bounded on the east by Country Club Drive, on the west by the 80' HL& (Center oint Energy) easement and on the south by Clear Creek and on the north by a Clear Creek diversion channel easement. Currently the land is rural agriculture in nature.

lease refer to Exhibit 1 – Area Location that illustrates the sites location within the City of earland and Exhibit 2 – Existing Conditions that illustrates the three tracts comprising the site and its relationship to surrounding land uses.

The proposed site is entirely within the City of earland corporate limits located near the intersection of earland arkway and F.M. 518 (East Broadway). Refer to Exhibit 1 – Area Location and Exhibit 2 – Existing Conditions. Tracts One and Two are relatively flat, consistent with property of the region, with the exception of the northeast corner of Tract Two that is adjacent to Clear Creek. Tract Three has a more pronounced relief in topography. No wetland areas have been determined within the property.

Tract One generally slopes to the east/northeast from elevation 43 to generally around elevation 40. Near the northeast corner the slope is more pronounced descending to elevation 36. With the exception of a few trees around an old barn, Tract One is void of vegetative cover.

Tract Two gradually slopes from elevation 42 along the East Broadway frontage to elevation 40 within approximately 300' of the northern boundary along Clear Creek. Within approximately 150' of the northern boundary the site slopes downward 12 to 14 feet with an elevation of 22 at Clear Creek along the northern boundary of the tract. ~~There is 2.7 acres of Flood-lain within this area.~~ While the majority of Tract Two is open pasture and cultivated field, there are trees and vegetative cover near the northern boundary where the property begins to slope toward Clear Creek as well as along some of the land adjacent to the HL& (Center oint Energy) easement. Most of this cover is within the proposed detention area and it cannot be determined at this time if any of this material can be preserved.

A small ridge makes a protrusion near the center of Tract Three nearing elevation 43 descending to elevation 32 along Country Club Drive to the east and elevation 37 along the west, adjacent the 80' HL& (Center Joint Energy) easement. The slope descends to elevation 34 along the south boundary. Tract Three has some limited tree and vegetative cover along the perimeter of Country Club Drive and the HL& (Center Joint Energy) easement.

SURROUNDING LAND USE

Land Uses surrounding Province Village UD include Clear Creek Park Single-Family Residential to the north of Tract One, Green Tee Terrace Single-Family Residential and the Golfcrest Country Club to the north of Tract Three (both in Harris County), low-density residential to the east, an HL& (Center Joint Energy) substation to the east/southeast of Tract Two, a General Business District (Victory Plaza) to the southeast of Tract Two fronting opposite side of East Broadway (FM 518), a non-developed tract to the south of Tract Two fronting opposite side of East Broadway that is rural in nature, a General Business District (Rehoboth Acres) to the southwest of Tract Two fronting opposite side of East Broadway, a Commercial District (Lowe's Home Improvement Center) to the west of Tract Two and south of Tract One, and a non-developed tract to the west of Tract One fronting the opposite side of Earland Parkway that is rural in nature. In general, the East Broadway corridor ~~is~~ **was** zoned primarily GB - General Business District while the Earland Parkway corridor is zoned R-2 and R-3 Residential. Refer to Exhibit – 2 Existing Conditions and Exhibit 4 – Existing Zoning. **This area is now zoned under the current UD designation.**

II. Project Objectives

PROJECT OVERVIEW

The proposed *Province Village PUD Amendment* consists of a 47.65 Acre mixed-use project located within the City of Earland, Texas. This application was prepared on behalf of ~~The Maverick Group, L.L.C.~~ **Tex roj 2008 LLC, Dan Brown** pursuant to the City of Earland ordinances relating to Planned Unit Development (UD). The purpose of the UD is to encourage flexibility in the use and development of the land that has frontage both on Earland Parkway as well as F.M. 518 (East Broadway). This proposal recognizes and will conform to regulations regarding the Earland Parkway Overlay District, and all ordinances of the City of Earland, unless specified in this application.

The three parcels which comprise the 47.65 acres are currently separated by a 90' City of Earland drainage easement, Clear Creek and an 80' HL& (Center Joint Energy) easement which traverses the site generally in a north/south direction. Clear Creek also flows through the northeast part of the tract, separating Tract Two and Three. Accommodating these easements, Clear Creek and detention requirements into a workable land plan and valid project presents a unique challenge, even within a UD designation. A goal of the UD designation is to promote a more economical and efficient use of the land.

The UD as proposed will consist of GB – General Business, O – Office Professional and R4 – High Density Single-Family Residential. Approximately ~~16%~~ **12%** of the overall land will be dedicated to parks, recreation, trails, open and green space. Approximately 12% of the overall site will be utilized for detention.

GOALS & OBJECTIVES

The goals of the *Province Village PUD* are to provide guidelines for the creation of a planned development that provides community cohesiveness, flexibility of development, uniformity in building construction, long-term sustainability, orderly growth and desired visual results. Further, the goals reflect the flexibility to achieve a quality mixed-use development in a coordinated urban setting while promoting a more economical and efficient use of the land.

The goals and objectives will be achieved through the implementation of a planning strategy designed to maintain flexibility in the market place. The goal is to provide retail and office opportunities within the East Broadway and earland arkway corridors while providing single-family residential within the interior of the site enhanced by aesthetically pleasing open space, a trail system within recreational opportunities for the residents paired with a half acre park site and other neighborhood amenities.

The project's character will be ensured through guidelines and controls for architectural and design aesthetics, open space and landscaping, perimeter treatments and neighborhood amenities, such as sidewalks and neighborhood recreation spaces.

Orderly growth will be achieved through this plan to ensure a completed project that is consistent in character and content, providing residents, businesses, and visitors with a clear sense of community. The goals and objectives outlined in the following matrix are intended to facilitate a successful long-term development offering variety.

Goal	Objective
▪ Flexible Growth	rovide the ability for flexibility in the development program to respond to market demands.
▪Orderly Growth	rovide orderly and controlled growth via mechanisms that ensure thoughtful application of flexible regulations.
▪Balanced Community	rovide compatible and functional land uses for employment, shopping, living and recreational activities.
▪Long-term Sustainability	rovide the certainty produced through land use controls, utilizing the flexibility needed to respond to changes in the market while creating a quality neighborhood with associated amenities.
▪Quality and Character of Community	rovide consistent design standards.

III. Project Description

AUTOMOBILE CIRCULATION

Province Village PUD will have superior traffic mobility with frontage along earland arkway to the west and Country Club Drive on the east. A proposed local collector will connect these two streets along an east/west alignment parallel to East Broadway. This alignment of this collector is centrally positioned to allow for excellent ingress/egress to each development cell. Collector width and design shall be approved by the City. ~~At time of this application Collector street parking was not anticipated or provided for. Collector street construction shall be within phase One if the City elects to participate in the bridge improvements at this time. Otherwise, the developer may proceed with collector street construction in phases.~~The proposed 5 ~~12.4~~ acre GB - General Business site adjacent to East Broadway, separated from the balance of the site by proposed residential uses, has excellent frontage across its entire width. The East Broadway at earland arkway intersection provides excellent access to any location within the City as well as the region. Northbound earland arkway provides easy access to Harris County and Beltway 8 (Sam Houston Tollway). Westbound Broadway (F.M. 518) provides access to the older business area, the Village District, and connects to Texas 288, the most prominent centrally located north/south arterial thoroughfare within Brazoria County. Eastbound Broadway connects the site to the Galveston Bay area including Friendswood, Baybrook, Clear Lake and I-45. A TIA ~~will be~~ has been provided for approval and approved by the City. ~~Certificate of Occupancy for the last phase will not be issued until the collector street is completed from earland arkway to Country Club Road with the bridge connection.~~

PEDESTRIAN CIRCULATION

The pedestrian circulation layout is designed to integrate the individual residential neighborhoods while providing easy access to the park and the centrally located Common Open Space outside of the individual residential cells. The main public walkway is 6' wide, located along the both sides of the collector street. This walk runs completely through the site, along an east/west axis and will connect with public sidewalks along earland arkway. Walks along earland arkway will be constructed as part of this proposed development and will tie into the existing walk along earland arkway. A 6' conventional sidewalk will be constructed within the projects frontage on Country Club Drive. There currently is no existing sidewalk on Country Club Drive. These walks provide easy access to the Office professional site within the project and to designations outside of the project site.

In addition to a 4' walk, the trail will offer a link from the public walk to an 8' walk section for the proposed Clear Creek trail system. Compliance with the City of earland's typical sidewalk requirements will be maintained throughout the balance of the project, completing the overall pedestrian network. Trail width and location of the Clear Creek Trail and connector trails will be approved by City of earland arks Superintendent prior to construction.

AMENITIES / OPEN SPACE

Open space accounts for approximately 16% (~~±7.09 acres~~) (5.38 acres) of the gross acreage within the UD. Also, the provision of open space and common areas within the individual residential cells (landscape reserves, recreational opportunities, etc.) will further increase and enhance the property. Open space and park fees / dentition shall meet other city ordinances and city parks' approval.

GENERAL LANDSCAPE AND PERIMETER TREATMENT

The *Province Village PUD* will be thoroughly landscaped along the streets and common areas. Street trees will be planted along the collector street and along the frontage of Earland Parkway and Country Club Drive according to City regulations. The project will have entry statements both at the Collector Street and Earland Parkway intersection and also at the Country Club Lane intersection. Entry statements and signage shall meet the City’s requirements. The individual residential cells will each have a boulevard entry and entry statement fully landscaped utilizing minimum of 2” caliper trees, shrubs, seasonal plantings and ground covers. These areas will be irrigated.

The perimeter treatment of the residential cells includes evergreen screening of areas outside of the individual lots and removed from the public street right-of-ways. In addition a 6’ height masonry screen wall will be constructed along the south property line of the Office Professional site adjacent to the Lowe’s Center and along the western, southern, and eastern property line of the Tract Two Townhome section.

Two trees shall be planted along interior streets per lot. Maintenance of all open spaces, parks, trails, and open areas will be the responsibility of HOA or private entity and not the City’s responsibility.

PROJECT ARCHITECTURE

The project architecture regarding the public portions of the development will have a common architecture theme. This would include the entry statements and the Office Professional architectural facades and elements. Efforts will be made to insure harmony in the design. While actual design has not been initiated at this time, several photographic examples of what the developer has constructed similar in nature to the proposed product are included to provide a sense of architectural direction for the project. Actual design for the *Province Village PUD* may vary. In general, the architecture will consist of mostly masonry and glass facades of buildings as required by zoning regulations.

IV. Quantitative Data

The property is proposed to be comprised of Office Professional, General Business and High-Density Single-Family Residential uses enhanced with open space and a pedestrian walk and trail system. Net and gross densities are as follows: Tract-One – Gross Density = 4.83 DU/AC, Net Density = 5.36 DU/AC; Tract-Two – Gross Densities = 5.58 DU/AC, Net Densities = 8.1 DU/AC; Tract-Three – Gross Densities = 4.31 DU/AC, Net Density = 4.83 DU/AC. The uses are illustrated in Exhibit 5 – Proposed Land Use Plan. The following table lists land uses illustrated on the Proposed Land Use Plan, along with their respective acreages and percentage of the gross land area.

Table 1 illustrates the composition of land uses proposed by the Developer/Applicant. Table 2 provides a breakdown of Land Use by Tract.

Table 1 - Composition of Land Uses

Deleted: .

Overall Site – Land Use	Acres
General Business - GB District	5.0
Office Professional – OP District	5.13 12.4
Gated Garden Home Residential – R4	7.34 * ² 3.5
Townhomes Residential - R4 District.	11.85* ²
Detention Basin Reserves (built).....	5.28
Park, Recreation, Open & Green Space	7.09 5.38
East/West Local Collector Right-of-Way (built).....	2.63* ¹
Interior Street (Residential) Right-of-Way	3.33 1.65
Total Acreage	47.65

- *¹ **Other (Off-site Collector Right-of-Way).....0.53**
(Includes crossing of 90' City of earland Drainage Easement & 80' HL& Easement)
- *² **Excludes interior street Right-of-Way. With Right-of-Way of residential acreage included total would be 22.52 acres.**

Table 2 – Acreage per Land Use Summary

Land Use Category	Acreage	% Of Gross Acreage
CONSTRAINTS	7.91 Ac	16%
Collector Street* (built)	2.63 Ac	
Proposed Drainage / Detention Facility ** (built)	5.28 Ac	
COMMUNITY ELEMENTS	7.59 Ac	16%
Park Reserve	0.5 Ac	
Recreation, Green & Open Space	7.09 Ac 5.38	
SINGLE-FAMILY RESIDENTIAL – R4 PUD	22.52 18.68	48% 39%
OFFICE PROFESSIONAL – OP	5.13 12.4	10% 26%
GENERAL BUSINESS – GB	5.0	10%
TOTALS	47.65 Ac	100.0%

V. Proposed Land Use Revisions and Regulatory Compliance

In order to implement the proposed land use plan as currently proposed, each of the proposed land uses have been assigned zoning categories consistent with the current City of earland zoning regulations. The proposed zoning differs somewhat from the zoning designations currently in place for the parcels that comprise the proposed development. Please refer to Exhibit 4 – Existing Zoning and Exhibit 7

Exhibit 6 – Proposed Zoning Categories by Land Use.

Land use shall be regulated on a total acreage basis with a maximum density of ~~150~~ 112 lots. Lot sizes to conform to UD. The percentage land use area change is required to ensure the success of the development by maintaining the flexibility to modify land use sizes in response to changes in economic and market conditions. This will allow the project to remain competitive in the real estate market over the life of the development phases and the ability to make adjustments as necessary to accommodate specific end users in a timely manner.

Flexibility of land uses may be granted within the boundaries of the UD, provided they are in compliance with the acreage restrictions referred to above and otherwise conform to the City of Pearland regulations for such uses.

The assigned zoning designations and the total acreage for each are as follows:

Table 3 – Assigned Zoning Designations

Land Use	Acreage	Zoning Designation
Office Professional General Business	5.13 Ac. 12.4 5.0 Ac.	O – Office Professional GB – General Business
Parks, Recreation, Green or Common Open Space	7.09 Ac. 5.38	R-4 Maximum Density Single-Family
Collector Streets	2.63Ac.	
Addition Collector Right-of-Way Dedication	0.53 Ac.*	
Proposed Detention Facilities	5.28 Ac.	
R-4 UD Single-Family Residential	22.52 Ac. 18.68	
Total	47.65 Ac	

* Represents off-site Right-of-Way needed for Collector, excluded from Total Acreage. Includes crossing of 90' City of Pearland Drainage Easement and 80' HL& (Center Joint Energy) Easement.

VI. Phasing and Development Schedule

It was anticipated that Province Village UD ~~will~~ would be developed in phases ~~over a 3-year period~~ with Residential Tract One anticipated within the initial phasing and a portion of the General Business parcel fronting East Broadway. However, the location and timing of phases will be dependent upon market driven forces. At the time of this submittal it is the intent of the applicant to develop the Office Professional parcel as well as retaining some out parcels for the real estate market. Also, at this time the applicant intends on providing street and infrastructure construction within the residential tracts marketing the lots to home building entities. The applicant does reserve the right to market entire non-improved residential tracts to home building entities.

Maximum coverage of the buildable area, either within the Office Professional, General Business, or Residential designated areas, for primary or accessory buildings, structures, or dwelling units shall comply with the City of Pearland regulations governing the base district.

VII. Legal Description and Boundary Survey

LEGAL DESCRIPTION

Province Village P.U.D. consists of three parcels. As of the date of this application Tracts One and Two are owned by ~~The Maverick Group, L.L.C., 7755 South Commerce Avenue, Texas 2008 LLC, Dan Brown, 3049 Sherwood Forest~~, Baton Rouge, Louisiana 70815. Tract Three is owned by T. & B. Alexander Family, L.L.C., General Partner: T. & B. Alexander Limited, Inc. ~~The Maverick Group, L.L.C. is engaged in active negotiations with T. & B. Alexander Limited, Inc. with the intent of purchasing Tract Three and has been authorized in writing as the agent representing T. & B. Alexander Limited, Inc. for the inclusion of Tract Three in this PUD application. (Note: Applicant acknowledges that as part of the City's formal approval of this PUD The Maverick Group, L.L.C. must secure title to all parcels comprising this PUD).~~

Legal Description, City of Pearland, Province Village P.U.D.

The following descriptions comprise 47.65 Acres, divided into three parcels. Tract One contains 15.00 acres, Tract Two contains 26.9158 acres with Tract Three containing 5.7375 acres.

Tract One

DESCRIPTION OF 15.000 ACRES

TRACT ONE

Of a 15.000 acre tract of land out of the Dissen called 136.955 acre tract, recorded in Volume 505, page 86, of the Deed Records of Brazoria County, Texas, situated in the Thomas J. Green Survey, Abstract 198, Brazoria County, Texas, more particularly described by metes and bounds as follows:

BEGINNING at a 5/8-inch iron rod set in the southeasterly line of Pearland Parkway (130' R.O.W.) marking the westerly corner of herein described tract and the northerly corner of a 18.000 acre tract that bears South 62° 50' 53" East, 68.63' and North 45° 52' 02" East, 931.96' from a 1/2-inch iron rod found marking the west corner of aforesaid 136.955 acre Dissen tract. Also being in the northerly line of F.M. 518 (100' R.O.W.) and the centerline of said Pearland Parkway;

THENCE North 45° 52' 02" East with the southeasterly line of Pearland Parkway a distance of 649.29' to a 5/8-inch iron rod set marking the northerly corner of herein described tract;

THENCE South 62° 50' 53" East a distance of 1275.40' to a 5/8-inch iron rod set in the northerly line of a 90' wide drainage easement to the City of Pearland, recorded in the Volume 87, page 765, Official Records, marking the easterly corner of the herein described tract;

THENCE South 73° 46' 37" West with the northerly line of said 90' drainage easement a distance of 608.52' to a 5/8-inch iron rod set at an angle point in said easement for corner;

THENCE South 67° 12' 31" West continuing along said easement a distance of 163.33' to a 5/8-inch iron rod set at an angle point in said easement for corner;

THENCE South 52° 53' 48" West continuing along said easement a distance of 79.97' to a 5/8-inch iron rod set, marking the southerly corner of herein described tract. Also being the east corner of aforesaid 18.000 acre tract;

THENCE North 62° 50' 53" West with the common line of said 18.000 acre tract and herein described tract containing 15.000 acres or 653,400 square feet of land.

Tract Two

DESCRIPTION OF
26.9158 ACRES

TRACT TWO

Of a 26.9158 acre tract of land in the Thomas J. Green Survey, Abstract 165, Brazoria County, Texas and being a part of that certain 136.955 acre tract conveyed from Jennie J. Settegast, et al, to W.J. Dissen by instrument recorded in Volume 505, page 86 of the Deed Records of Brazoria County, Texas, more particularly described as follows:

BEGINNING at a point in the northerly line of F.M. 518 (Broadway) marking the most southerly and beginning corner of herein described tract that bears North 62° 50' 53" West, 347.72' from a 5/8-inch steel rod found marking the southerly corner of aforesaid 136.955 acre dissent tract from said point beginning a found 3/4-inch steel rod bears North 45° 05' 47" East, 0.58' also being the westerly corner of a 1.955 acre tract conveyed to H. L. & . Company by instrument recorded in Volume 1147, page 19 of the Deed Records of Brazoria County;

THENCE North 62° 50' 53" West with the northerly line of F.M. 518 and southerly line of said 136.955 acre tract a distance of 765.52' to 5/8-inch steel rod set marking the westerly corner of herein described tract being the southerly corner of a 90' wide drainage easement recorded in Volume (87) page 765 of the Official Records of Brazoria County, Texas;

THENCE North 45° 23' 48" East with the southeasterly line of said 90' easement a distance of 765.40' (called 765.02') to a 5/8-inch steel rod set an angle point in said drainage easement;

THENCE North 52° 53' 48" East with the southeasterly line of said drainage easement a distance of 198.18' to a 5/8-inch steel rod set at an angle point in said 90' drainage easement;

THENCE North 67° 12' 31" East with the southeasterly line of said drainage easement a distance of 146.87' to a 5/8-inch steel rod set at an angle point in said easement;

THENCE North 73° 46' 37" East, with the southerly line of said drainage easement a distance of 589.10' to a 5/8-inch steel rod set at an angle point in said easement, being the most northerly corner of herein described tract;

THENCE South 46° 43' 39" East with the southerly line of said drainage easement at 225.83' set at a 5/8-inch steel rod for reference corner continuing for a total distance of 283.02' to a point on the centerline of Clear Creek for corner being on the Harris County and Brazoria County Line;

THENCE along the centerline of Clear Creek and county line of the following courses and distances:

South 08° 58' 14" West, 52.01' feet to an angle point for corner;

South 01° 58' 30" West, 34.90' feet to an angle point for corner;

South 15° 20' 57" East, 39.69' feet to an angle point for corner;

South 19° 42' 33" East, 57.52' feet to an angle point for corner;

South 14° 09' 52" East, 79.51' feet to an angle point for corner;

South 14° 33' 54" East, 57.77' feet to an angle point for corner;

South 17° 08' 04" East, 75.39' feet to an angle point for corner being in the northwesterly line of a 80' wide H. L. & . Company transmission easement conveyed as Tract 2 by instrument recorded in Volume 1147, page 19 of the Deed Records of Brazoria County, Texas;

THENCE South 45° 07' 16" West departing the centerline of Clear Creek a distance of 64.30' to a 5/8-inch rod set at an angle point for corner;

THENCE South 45° 06' 05" West continuing along the northwesterly line of said 80' easement a distance of 724.73' to a 3/4-inch steel rod found for corner being the easterly corner of aforesaid H.L. & . Company 1.955 acre tract;

THENCE North 44° 56' 04" West with the northeasterly line of said 1.955 acre tract a distance of 260.00' to a 3/4-inch steel rod found for corner being the northerly corner of said 1.955 acre tract;

THENCE South 45° 05' 47" West with the northwesterly line of said 1.955 acre tract at 380.91' (called 381.19') pass a 3/4-inch steel rod found continuing for a total distance of 381.49' to a point of beginning of herein described tract containing 26.9158 acres of land. Subject to 2.7 acres more or less within the flood plain.

Tract Three

DESCRIPTION OF 5.7375 ACRES

TRACT THREE

Of 5.7375 acres of land being situated in the W.D.C. Hall Survey, Abstract No. 23, Harris County, Texas, and being out a 468.92 acre tract being more fully described in Volume 1676, page 362 of the Deed Records of Harris County, Texas, said 1.3366 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8-inch iron rod set for corner in the northwesterly right-of-way line of Country Club Drive, said iron rod bears North 37° 14' 08" East, a distance of 166.33 feet from the intersection of the northwesterly right-of-way line of said Country Club Drive and the described centerline of Clear Creek;

THENCE North 14° 10' 00" West along the easterly line of a residue of a 240 foot drainage easement, as recorded in Volume 2582, page 164 of the Deed Records of Harris County, Texas, a distance of 101.60 feet to a 5/8-inch iron rod set for corner;

THENCE North 54° 56' 00" West continuing along the easterly line of said residue, a distance of 241.07 feet to a 5/8-inch iron rod set for corner;

THENCE North 09° 49' 00" West continuing along the easterly line of said residue, a distance of 243.61 feet to a 5/8-inch iron rod set for corner in the northwesterly line of said 568.92 acre tract, same being the southerly line of an 80 foot wide Houston Lighting & Power Company easement recorded in Harris County Clerk's File No. D739468;

THENCE North 45° 00' 30" East along the northwesterly line of said 468.92 acre tract and the southerly line of said 80 foot wide Houston Lighting & Power Company easement, a distance of 543.53 feet to a 5/8-inch iron rod set in the westerly line of a Harris County Flood Control easement;

THENCE South 02° 00' 00" East along the westerly line of said Harris County Flood Control easement, a distance of 27.78 feet to a 5/8-inch iron rod set for the beginning of a curve to the left;

THENCE with said curve to the left, having a radius of 595.00 feet, a central angle of 42° 59' 31", an arc length of 446.46 feet, a chord bearing of South 23° 29' 43" East and a chord distance of 436.06 feet to a 5/8-inch iron rod set for a point of tangency;

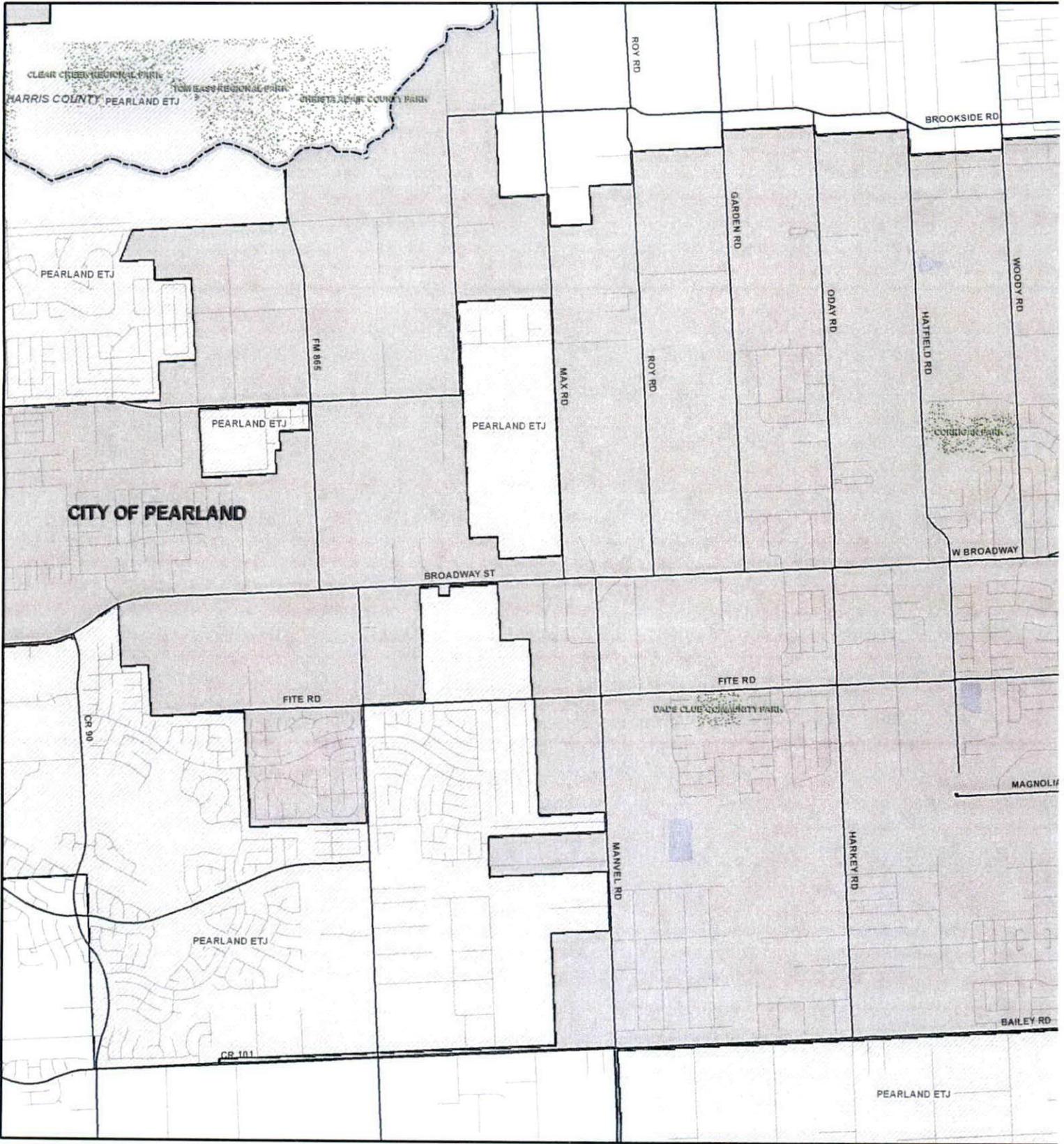
THENCE South 44° 59' 30" East, a distance of 27.41 feet to a 5/8-inch iron rod set for corner on the northerly right-of-way line of County Club Drive (based on a 80.00 foot wide right-of-way);

THENCE South 37° 14' 08" West along the northwest right-of-way line of said Country Club Drive, a distance of 520.36 feet to a 5/8-inch iron rod set for the PLACE OF BEGINNING of the herein described tract and containing within these calls 249,925 square feet or 5.7375 acres of land.

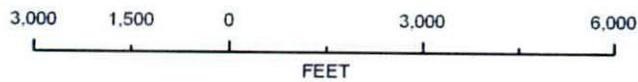
Note: This document was prepared under 22 TAC § 663.21, does not necessarily reflect the results of an on-the-ground survey and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary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

BOUNDARY SURVEY

lease refer to ~~Exhibit 8~~ Exhibit 7 Boundary Survey.

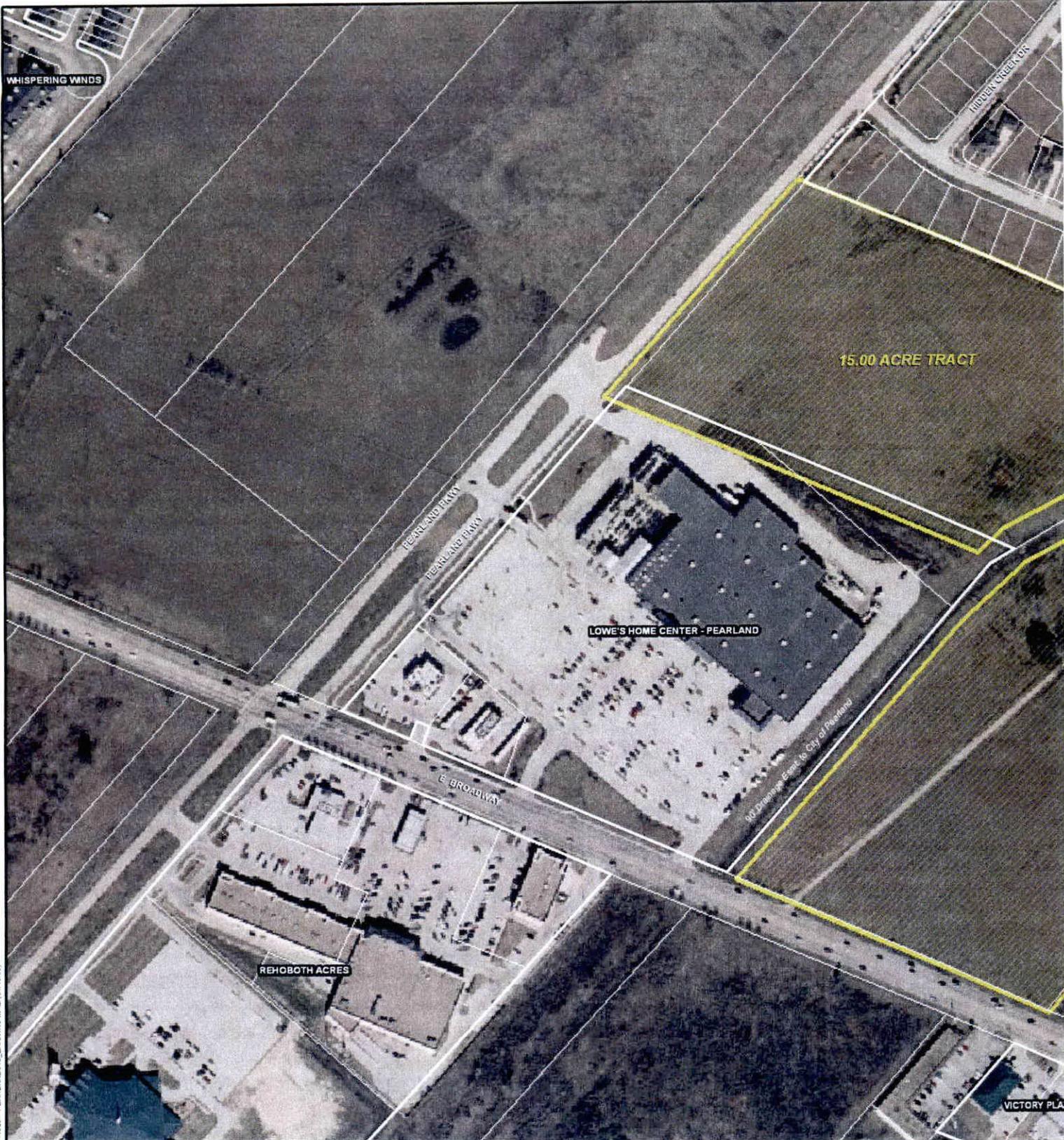


T:\1938 PEARLANDS18_VICINITY.MXD (01/10/05)

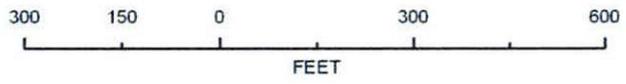


SCALE: 1" = 3,000 FEET





11/15/06 - PEARLAND SITE, EXISTING AND PROPOSED

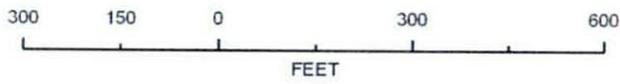


SCALE: 1" = 300 FEET

AERIAL PHOTOGRAPH DATE: JANUARY 2002

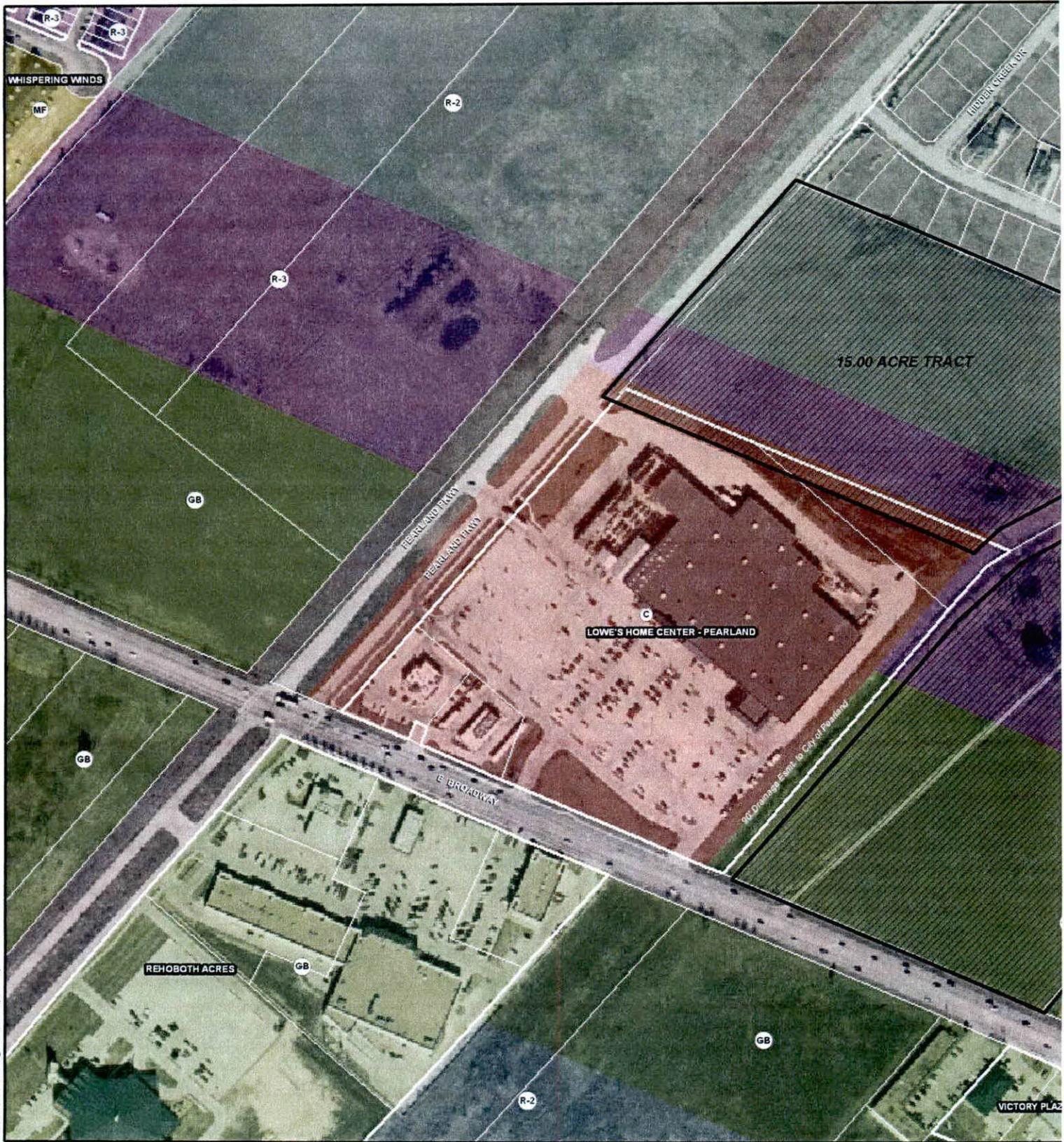


11/28/08 PEARL AND PARKWAY TOPO.MXD (01/11/08)

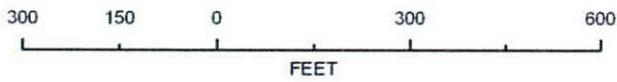


SCALE: 1" = 300 FEET

AERIAL PHOTOGRAPH DATE: JANUARY 2002
 TOPOGRAPHIC DATA SOURCE: HARRIS COUNTY 2' LIDAR (TSARP - TROPICAL STORM ALLISON RECOVERY PROJECT)
 NAVD88, 2001 ADJUSTMENT



T11838 - PEARLAND'S ZONING MCD (01/10/05)



SCALE: 1" = 300 FEET



AERIAL PHOTOGRAPH DATE: JANUARY 2002

Pearland Parkway

9.78 Ac.
426,200

5.13 Ac.
223,790

Wrought Iron Ornamental Fence on 30' setback of R.O.W.
as per Pearland Parkway Overlay District's requirement.

(6') Wide sidewalk within (10') wide public use easement,
as per Pearland Parkway Overlay District's requirement.

Proposed 6' sidewalk,
as per City's requirement:
Proposed 4' width concrete walk

Wrought Iron Ornamental Fence
along public areas facing street

6' Height Masonry Screening Wall

13.44 Acres
Tract Two R-4 PUD Single-Family Residential
Townhouse / Condominiums
84 - 30'x105' (typ.) Townhouse

75,600 S.F. Common Open Space Required
192,049 S.F. Common Open Space Provided

EASEMENT

17,937

69,720

12,600

17,060

1,889

5 Ac.
219,952

F.M. 518 (Broadway)

CLEAR CREEK PARK
VOL. 21, PG. 67-68,
B.C.P.R.

END WOOD FENCE

S62°50'53"E 1275.40ft

WOOD F

OP - Office / Professional

N45°52'02"E 849.29ft
N45°52'02"E 801.00ft

FOUND 5/8" IRON ROD

Pearland Parkway

OP - Office / Professional

2.095 ACRE SOUTHWESTERN BELL
TELEPHONE COMPANY EASEMENT,
B.C.C.F. No. 00-042119.

S62°50'53"E 90.00ft

S42°50'02"W 43.73ft

162°50'53"W 841.58ft

162°50'53"W 901.58ft

P.O.B. SET 5/8" IRON ROD W/CAP

FOUND IRON ROD W/CAP STAMPED "VESSER HOUSTON"

FOUND 5/8" IRON ROD

S87°12'31"W 164.15ft

S87°12'31"W 79.97ft

S87°12'31"W 40.87ft

18.00 ACRE TRACT
C.C.F. No. 98-000515,
B.C.O.R.

N45°52'02"E 2,025.58ft

FOUND 5/8" IRON ROD

CENTERLINE OF 30' ADJACENT EASEMENT
C.C.F. FILE No. 98-056672,
B.C.O.R.

VOL. (87) 90' WIDE DRAINAGE EASEMENT TO CITY OF PEARLAND
496, PG. 76D, OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS
N44°23'48"E
765.40ft (CALL 765.03ft)

GB - General

N62°50'53"W 765.52ft

FM. 518



CLEAR CREEK PARK
VOL. 21, PG. 67-68,
B.C.P.R.

END WOOD FENCE

$367^{\circ}50'53''E$ 1275.40ft

WOOD FENCE

15.0000 ACRE TRACT
PART OF THE DISSEN 136.955 ACRE TRACT

Pearland Parkway

$74^{\circ}52'23.77''$ 849.32ft
 $145^{\circ}52'23.77''$ 807.00ft

0.055 ACRE SOUTHWESTERN BELL
TELEPHONE COMPANY EASEMENT
B.C.P.R. No. 30-043115

$367^{\circ}50'53''E$
80.00ft

$54^{\circ}35'02.79''$
63.33ft

P.O.B.
SET 3/8"
IRON ROD
W/ CAP

FOUND IRON ROD W/ CAP
STAMPED "WILSON HOUSTON"

$167^{\circ}50'53''W$ 841.58ft

$167^{\circ}50'53''W$ 901.58ft

FOUND 5/8"
IRON ROD

$80^{\circ}17'27.11''$
143.30ft

FOUND 5/8"
IRON ROD

$33^{\circ}02'14.87''$
79.97ft

FOUND 5/8"
IRON ROD

$107^{\circ}14'27.11''$
146.87ft

FOUND 5/8"
IRON ROD

$146.87ft$

ACROSSWAY
1982.86'

18.00 ACRE TRACT
C.C.F. No. 98-002915,
B.C.P.R.

$145^{\circ}52'23.77''$ 807.00ft

VOL. (87) 90' WIDE DRAINAGE EASEMENT TO CITY OF PEARLAND
C.C.F. No. 765, OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS
INST. 24867
765.00ft (CALL 765.024)

CENTERLINE OF 30' AERIAL EASEMENT
C.C.F. No. 99-048572
B.C.P.R.

FOUND 5/8"
IRON ROD

FOUND 5/8"
IRON ROD

$167^{\circ}50'53''W$

755.50ft

FM. 518

