MINUTES OF THE JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON JANUARY 21, 2008, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

CALL TO ORDER

The public hearing was called to order at 7:00 p.m. Mayor Tom Reid opened the hearing for the City Council and for the Planning and Zoning Commission, with the following present:

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

Also in attendance: City Manager Bill Eisen, Assistant City Manager Nick Finan; Deputy City Attorney Nghiem Doan; City Engineer Narciso Lira; Public Works Director Danny Cameron; Planning Director Lata Krishnarao; Senior Planner Theresa Grahmann; Plan and Plat Administrator Richard Keller; Planner Tim Chi, and Planning Administrative Secretary Judy Krajca. *Council Member Kyle arrived at approximately 7:30 p.m.

Senior Planner Theresa Grahmann explained the Joint Public Hearing process for the attending public, and explained that the Planning & Zoning Commission Meeting would be following the Joint Public Hearing.

The Public hearing for Conditional Use Permit No. CUP2008-02 opened at 7:06 p.m.

CONDITIONAL USE PERMIT NO. CUP2008-02

A request by Pearland Hughes West Investments, Ltd., owner, for approval of a Conditional Use Permit for a "church" facility in the Neighborhood Service District (NS), on the following described property, to wit:

Legal Description: 5.5394 acres, being Restricted Reserve "A", Block 1, of the Final Plat of Stepping Stone No. 3, a subdivision of land located in the H.T. & B.R.R. Company Survey, Abstract 242, according to the map or plat thereof recorded in Volume 24, Page 45, of the Plat Records of Brazoria County, Texas, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the South Side of FM 518 (Broadway

Street), and on the West Side of Tranquility Lakes Boulevard.

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

Senior Planner Grahmann read the Staff report, with Staff recommending approval as described in the staff report. Staff did receive 4 public comment forms with 1 in support, and 3 in opposition.

Mr. Aaron McGuire of 7918 Broadway, #106, Pearland, TX spoke on behalf of the owner.

There was brief discussion from Council/Commission/Staff in regards to the church capacity and parking. Mr. McGuire stated the church was allowed to occupy 120 people. Mr. McGuire also responded that the businesses in the retail center operated on Monday – Friday, while the church will be operated on the weekend. Ms. Grahmann stated that Staff does review the parking requirements.

Mayor Pro Tem Steve Saboe asked if the other church that exist in the building was in compliance. Senior Planner Grahmann stated they were not, due to the annexation and rezoning took place after the church began occupying the space. Ms. Grahmann also stated the daycare was also non-conforming. Mayor Pro Tem Saboe stated that the two opposition comments were not clear. Deputy City Attorney Nghiem Doan stated he had spoken with a concerned neighbor in regards to the 300 feet measured near a business for the purpose of selling alcohol.

The Public Hearing for Conditional Use Permit No. CUP2008-02 adjourned at 7:16 p.m.

The Public hearing for Conditional Use Permit No. CUP2008-03 opened at 7:17 p.m.

CONDITIONAL USE PERMIT NO. CUP2008-03

A request by Betty Jones, applicant for S. Kevin Price, owner, for approval of a Conditional Use Permit for a "gaming establishment" facility in the General Commercial District (GC), on the following described property, to wit:

Legal Description: 0.86 acres of land, out of a 9.6809 acre tract, being all the land remaining unsold out of that certain 13.892 acre tract of land described in Volume 636, Page 695, of the Deed Records of Brazoria County, Texas, situated in the A.C.H. & B. Survey, Abstract 416, and the H.T. & B.R.R. Company Survey, Abstract 292, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the East Side of SH 35 (Main Street), and on the North Side of Hastings Cannon Road (CR 128)

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

Senior Planner Theresa Grahmann read the Staff report, stating Staff recommends approval based on staff's comments. Staff received two public comment forms in opposition.

Mr. Kevin Price, owner and landlord, 311 N. Shadow Bend Ave., Friendswood, TX spoke in detail of the history of the establishment, and why there are tinted windows and locks on the doors.

Mr. Larry Marcott of 3606 Inverness Ct., Pearland, TX spoke and strongly opposed this permit due to crime occurring in the City of Houston at similar places.

Mayor Pro-Tem Steve Saboe thanked Mr. Price for his presentation and asked him to comply with the ordinance and regulations.

Council Member Helen Beckman spoke on behalf of a resident that has frequented the gaming establishments in the Pearland area. The resident has a mentally challenged adult son that enjoyed the gaming environment and how the establishments and patrons had a positive effect on her son.

P&Z Commissioner Darrell Diggs asked who would police the area, and Senior Planner Grahmann stated the property was in the Pearland city limits; therefore the City of Pearland police would cover the area.

The Public Hearing for Conditional Use Permit No. CUP2008-03 adjourned at 7:32 p.m.

The Public hearing for Conditional Use Permit No. CUP2008-04 opened at 7:33 p.m.

CONDITIONAL USE PERMIT NO. CUP2008-04

A request by Thomas L. Toney, applicant for Celalettin Demir, owner, for approval of a Conditional Use Permit for a "gaming establishment" facility in the General Commercial District (GC), on the following described property, to wit:

Legal Description: Lot 6 of Johnston Subdivision, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the South Side of FM 518 (Broadway Street), and Approximately 600 Feet East of Harkey Road.

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

Senior Planner Theresa Grahmann read the staff report staff recommends denial for reasons given in the staff report. Staff received several public comment forms in opposition.

Jennifer Toney of 2314 Lynn Dr. Pearland, TX spoke on behalf of her father, Thomas Toney. Ms. Toney stated that there currently are two existing gaming establishments near Jamison Middle School, and four neighborhoods.

Mr. Larry Marcott of 3606 Inverness Ct., Pearland, TX spoke in opposition.

Mr. Garrett Lewis of 6005 Josephine, Pearland, TX spoke in opposition. Mr. Lewis lives behind the proposed location.

Mr. Luis Serrano of 5934 Josephine spoke in opposition, and asks what the hours of the establishment would be.

Council Member Kevin Cole asked Ms. Toney what the hours would be, and Ms. Toney replied that they would operate between the hours of 10:00 a.m. until midnight. Council Member Cole also inquired about the back street/alley and if this has ingress/egress to the property.

Mayor Pro-Tem Saboe inquired about the owner and previous businesses. Ms. Toney replied that the business has been a restaurant and a hand carwash/detail.

The Public Hearing for Conditional Use Permit No. CUP2008-04 adjourned at 7:46 p.m.

The Public hearing for Zone Change No. 2008-02Z opened at 7:46 p.m.

ZONE CHANGE NO. 2008-02Z

A request by Sonya Ann Dare, 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 Single Family Residential – 2 District (R-2) to Neighborhood Service District (NS), on the following described property, to wit:

Legal Description: 0.550 acres of land, Lot 1L, out of the Northwest one-fourth of the H.T. & B.R.R. Company Survey, Section 11, Abstract 239, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the South Side of Walnut Street, and Approximately 100 Feet East of McLean Road.

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

Senior Planner Theresa Grahmann read the staff report stating that staff recommends denial for Neighborhood Services (NS); however, the applicant has given their okay to change the zoning to Office Professional (OP), per staff's recommendation. Staff received two public comment forms in favor, and two in opposition.

Ms. Sonya Ann Dare of 4904 W. Walnut, Pearland, TX spoke. The owner, Ms. Dare stated she has had ten interested buyers for the property; however, no one wants to buy it zoned Single Family.

There was no one present to speak for or against.

Mayor Reid inquired if this request can be changed to OP. Senior Planner Grahmann stated that she had spoken with the realtor, and OP would mean a lot less traffic. P&Z can consider either NS or OP, since OP is a lesser use.

Mayor Pro-Tem Steve Saboe asked Ms. Dare about the potential buyers and their use. Ms. Dare stated she did not know what use might come in.

Mayor Pro-Tem Saboe expressed concern of whether the Dares have spoken with their neighbors, and how they feel about the rezoning of the property.

Much discussion ensued with Council Members Kyle, Saboe and Beckman stating that this was a positive transition.

The Public Hearing for Zone Change No. 2008-02Z adjourned at 8:01 p.m.

The Public hearing for Zone Change No. 2008-03Z opened at 8:01 p.m.

ZONE CHANGE NO. 2008-03Z

A request by Thu Trinh, applicant for Dung Hung Ta, 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 Office and Professional District (OP) to Light Industrial District (M-1), on the following described property, to wit:

Legal Description: 9.7036 acres of land, Lot 22, H.T. & B.R.R. Company Survey, Section 8, Abstract 504, as recorded in Book 2, Pages 23 and 24 of the Plat Records of Brazoria County, Texas, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the East Side of Roy Road, and Approximately 500 Feet North of FM 518 (Broadway Street).

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

Senior Planner Theresa Grahmann read the staffs report recommending denial. Staff received one public comment form from the applicant in support.

Mr. Jimmy Trenh of 10122 Brighton Ln., Houston, TX spoke on behalf of his father. Mr. Trinh stated that a General Commercial (GC) zoning would be a better use for a mini-warehouse.

Mr. Mark Parker of 2549 Roy Rd, Pearland, TX spoke stating he owns the property adjacent and is opposed, as there are too many uses under Light Industrial (M-1). Mr. Parker also expressed concerns with the roads, drainage and overall uses.

Mr. Pat Munoz of 2533 Roy Rd., Pearland, TX spoke stating he owns property to the north and expressed the same issues as Mr. Parker, and stated he agrees with staff that there are too many uses under a M-1 zoning.

Council Member Cole stated that he agreed with some of the concerns under a M-1 zone.

Planning Director Krishnarao stated that when the zoning classification is lowered, the requirements and standards (i.e.... parking, landscaping) are lowered too. There was much discussion in regards to the zoning classification

The Public Hearing for Zone Change No. 2008-03Z adjourned at 8:21 p.m.

The Public hearing for Zone Change No. 2008-01Z opened at 8:21 p.m.

ZONE CHANGE NO. 2008-01Z

A request by David Pearlman, applicant for Classic Self Storage 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 Single Family Estate District (RE) to General Business Retail District (GB), on the following described property, to wit:

Legal Description: 5.00 acres, Abstract 506, H.T. & B.R.R. Company Survey, Tract 6-7A-7E, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the North Side of Hughes Ranch Road (County Road 403), and Approximately 600 Feet West of Linda Lane.

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

Senior Planner Theresa Grahmann read the staff report stating that the zoning will be concurrent with the Conditional Use Permit on the next hearing. Staff recommends denial and would be willing to work with the applicant on a Planned

Development. Staff received several calls with most stating they were okay with this zone change, but only received two public comment forms in opposition.

Mr. Bill Schmidt of 3210 Southmere Ln., Pearland, TX spoke on behalf of the applicant.

Petronia Phelps of 2507 Linda Lane, Pearland, TX spoke that she owns property on Linda Lane and would like to limit its uses.

Larry Marcott of 3606 Inverness Ct., Pearland, TX stated that if it is approved, he would like there to be no electronic signs.

Mayor Pro-Tem Steve Saboe stated he realizes the neighbors patronize these units; however, he feels a PD is the best way to go. Council Member Cole stated he agreed with Mayor Pro-Tem Saboe.

Planning Director Krishnarao recommended a PD and that this hearing could be constituted as a workshop, therefore when the applicant came back next month, there would just be a hearing on the PD.

The Public Hearing for Zone Change No. 2008-01Z adjourned at 8:38 p.m.

The Public hearing for Conditional Use Permit No. CUP2008-01 opened at 8:38 p.m.

CONDITIONAL USE PERMIT NO. CUP2008-01

A request by David Pearlman, applicant for Classic Self Storage LLC, owner, for approval of a Conditional Use Permit for a "mini-warehouse and self storage" facility in the General Business Retail District (GB), on the following described property, to wit:

Legal Description: 5.00 acres, Abstract 506, H.T. & B.R.R. Company Survey, Tract 6-7A-7E, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the North Side of Hughes Ranch Road (County Road 403), and Approximately 600 Feet West of Linda Lane.

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

Senior Planner Theresa Grahmann read the Staff report stating that in order for the CUP to be approved, then action of the zone change to GB must be made first, as stated in the previous hearing. Staff received five public comment forms in opposition. Ms. Grahmann also added that staff is willing to work with the applicant on a PD.

There was no one present to speak for or against the permit.

Only comment from City Council was if they approve the CUP, then consider the signage.

The Public Hearing for Conditional Use Permit No. CUP2008-01 adjourned at 8:44 p.m.

The Public hearing for Zone Change No. 2008-04Z opened at 8:44 p.m.

ZONE CHANGE NO. 2008-04Z

A request by GC Engineering, Inc., applicant for Historic Real Estate, Inc., 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 Spectrum District (SPD) to Planned Development District (PD), on the following described property, to wit:

Legal Description: 48.4712 acres out Lot 5 of the James Hamilton Survey, Abstract 881, according to the map or plat thereof recorded in Volume 83, Page 342, of the Deed Records of Harris County, Texas, City of Pearland, Harris County, Texas,

General Location: Generally Located on the West Side of State Highway 288, and on the North Side of Shadow Creek Parkway

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

Planning Director Lata Krishnarao read the staff report stating there were ten items that the applicant is seeking a variation from, as outlined in the staff report. Staff is in favor of this zone change if comments can be addressed.

Mr. David Goswick of Historic Real Estate, Inc. spoke on behalf of the applicant, as well as Mr. Richard Brown of Historic Real Estate, Inc.

Mr. Mike Engelhart, attorney for the owners at 1626 Fruge, and 1730 Fruge was present and spoke.

There was much discussion as Planning Director Krishnarao addressed the ten items.

Comments from the Council/Commission were:
Mayor Pro-Tem Saboe stated this was unique, but needs more specifics in regards to amenities, open space, and a better understanding of the 4 acres of parkland for the residents.
Parks Director John Branson spoke in regards to the park area.

Mr. David Goswick spoke in regards to the connectivity to a linear park, and stated that the buildings would have a green roof.
Mayor Pro-Tem Saboe stated he would like to see more than just paths for the residents.

The public hearing for Zone Change No. 2008-04Z was adjourned at 10:15 p.m.

ADJOURNMENT

Mayor Reid adjourned the joint public hearing for Zone Change No. 2008-04Z at 10:15 p.m.

These minutes are respectfully submitted by:

_____

Judy Krajca
Planning Administrative Secretary

Minutes approved as submitted and/or corrected on this _____ day of February 2007, A.D.

_____

Mayor Tom Reid

Mayor opened @ 7:00 p.m.
TAG read Purpose of Hearing

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JANUARY 21, 2008, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER Mayor opened 7:06 for Council & Commission

II. PURPOSE OF HEARING Chrpsn - Fuertes read

Conditional Use Permit No. CUP2008-02

A request by Pearland Hughes West Investments, Ltd., owner, for approval of a Conditional Use Permit for a "church" facility in the Neighborhood Service District (NS), on the following described property, to wit:

Legal Description: 5.5394 acres, being Restricted Reserve "A", Block 1, of the Final Plat of Stepping Stone No. 3, a subdivision of land located in the H.T. & B.R.R. Company Survey, Abstract 242, according to the map or plat thereof recorded in Volume 24, Page 45, of the Plat Records of Brazoria County, Texas, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the South Side of FM 518 (Broadway Street), and on the West Side of Tranquility Lakes Boulevard

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT TAG read - Staff recommends approval as described in Staff Rpt.
Public Comm. Form rcd - 1 support / 3 opposed
B. APPLICANT PRESENTATION Aaron McGuire spoke
1014 Broadway, Pearland TX

IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST No one present to speak for/against

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION
How big is church/parking? - Neil asked
Seating capacity? Darrell
> Aaron said 120 (allowed)
Bus. operate during wk. Church will operate on weekend.

VI. ADJOURNMENT
@ 7:16 pm

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.

St. Sabor - is other church in compliance? TAG - No. Annexation & rezoning took place after. Daycare also non-conforming.
TAG - Staff does review parking.
St. Sabor - the 2 opposition comments were not clear. Nghiem - he spoke w/ person. Concern was how is the 300 ft. measured near a

JOINT PUBLIC HEARING AGENDA ITEM
MEETING OF JANUARY 21, 2008

Conditional Use Permit No. CUP2008-02

A request by Pearland Hughes West Investments, Ltd., owner, for approval of a Conditional Use Permit for a "church" facility in the Neighborhood Service District (NS)

LEGAL DESCRIPTION: 5.5394 acres, being Restricted Reserve "A", Block 1, of the Final Plat of Stepping Stone No. 3, a subdivision of land located in the H.T. & B.R.R. Company Survey, Abstract 242, according to the map or plat thereof recorded in Volume 24, Page 45, of the Plat Records of Brazoria County, Texas, City of Pearland, Brazoria County, Texas

GENERAL LOCATION: Generally Located on the South Side of FM 518 (Broadway Street), and on the West Side of Tranquility Lakes Boulevard

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

Planning and Zoning Commission: January 21, 2008*
City Council for First Reading: February 11, 2008*

(*dates subject to change if item is tabled)

SUMMARY: The applicant is requesting approval of a Conditional Use Permit (CUP) for a "church" facility in the Neighborhood Service District (NS). The subject property is currently developed with retail and office buildings.

The subject property was annexed into the City in January 2007 and subsequently zoned as Neighborhood Service District (NS). The office complex was under development when the subject property was annexed into the City. There are several office tenants in the buildings on the subject property. The applicant has indicated that a church is interested in leasing a tenant space in one of the buildings. A church is permitted in the NS district by

the approval of a Conditional Use Permit. This particular church would occupy approximately 3,900 square feet for their sanctuary and administrative offices.

The applicant has also indicated that another church is located in another building on the site. Due to these two churches located on this property, the applicant is requesting that the Conditional Use Permit for a church be allowed on the entire property.

A site plan has been submitted with the CUP application. However, the site is fully developed with a day care facility and three office buildings. The proposed church would require a building permit for interior modifications to the tenant space as well as a certificate of occupancy.

SURROUNDING ZONING AND LAND USES:
*** surrounding zoning districts based on the new map adopted February 27, 2006**

	Zoning	Land Use
North	Neighborhood Service District (NS) and General Business District (GB)	Retail uses; undeveloped tracts
South	Multi-Family District (MF)	Apartment Complex
East	Neighborhood Service District (NS)	Undeveloped tracts
West	General Business Retail District (GB)	Undeveloped tracts

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The subject property is currently zoned as the NS district. The minimum lot size for the NS district is 12,500 square feet, the minimum lot width is 100 feet, and the minimum lot depth is 100 feet. The subject property exceeds these minimum requirements, as the subject property is over 5 acres in size.

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

PLATTING STATUS: The subject property has been platted as the Restricted Reserve "A", Block 1, of the Final Plat of Stepping Stone No. 3. No further platting is required at this

time.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Retail, Office, and Service" uses for the subject property, and for many of the surrounding properties on Broadway Street. The Comprehensive Plan further indicates that the appropriate zoning districts for "Retail, Office, and Services" is the General Business Retail District (GB), the Neighborhood Service District (NS), and the Office and Professional District (OP). The proposed church is allowed in NS by approval of a Conditional Use Permit. Therefore, the existing zoning of NS conforms to the Comprehensive Plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Broadway Street (FM 518), a major thoroughfare with an ultimate right-of-way of 120 feet.

The subject property also has frontage on Tranquility Lakes Boulevard, a local street with a minimum right-of-way of 50 feet.

No other roadways affect the subject property.

AVAILABILITY OF UTILITIES: There are water mains and sanitary sewer lines located on Broadway Street, Tranquility Lakes Boulevard, and throughout the site. The applicant will be responsible for extending all utilities as necessary to serve the proposed development.

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

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The proposed conditional use permit for a church should not have a significant impact on the surrounding properties. The subject property is currently developed with a day care facility and three office buildings. One church already exists within the office complex.

The proposed church would occupy approximately 3,900 square feet of space in the existing building. Due to the small size of the church, Staff does not have a concern with traffic and does not anticipate any negative impacts on the subject property or surrounding developments.

SITE PLAN CONSIDERATIONS:
The applicant has submitted a site plan that shows the development of the site. The following is a list of requirements that pertain to the site under the NS district.

Building Setbacks:
Minimum front yard: 25 feet
Minimum side yard: 10 feet
Minimum rear yard: 15 feet
Maximum height: 35 feet

It appears from the site plan that all buildings meet these setbacks outlined in the NS district.

Corridor Overlay District:
Broadway Street is designated as a "corridor overlay" in the Unified Development Code. The applicant will be responsible for complying with all applicable requirements of the corridor overlay district as it pertains to the subject property. The corridor overlay district contains increased standards on building façade, building articulation, landscaping, and lighting, as well as others. However, since the site is already developed, if the applicant makes any modifications or additions, then the applicant would have to comply with the ordinance.

Building Façade:
The Unified Development Code requires that the building be 100 percent masonry or glass for the walls or portions of walls visible from the adjacent roadway or adjacent residential property.

The corridor overlay district contains standards that pertain to building articulation and building materials. Building articulation, which is the expression or outlining of parts of the building by its architectural design, shall be provided in accordance with the regulations listed in the ordinance. Regarding building materials, at least 25 percent of the exterior walls facing Broadway Street would need to be transparent. The applicant will have to provide compliance with the building articulation and building materials on the building permit plans. Also, the corridor overlay district requires that building colors meet the colors on the City's approved color palette.

Again, since the site is already developed, if the applicant makes any modifications or additions, then the applicant would have to comply with the ordinance.

Parking:
The applicant will be required to provide parking spaces in accordance with the

Unified Development Code.

Screening:
Screening between uses is not required along any property line because the subject property does not share property lines with single family residential uses or zoning districts.

Traffic:
A traffic impact analysis (TIA) may be required when the subject property is issued permits.

PUBLIC COMMENTS: 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 conditional use permit request.

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit, as proposed by the applicant, for the following reasons:

1. The proposed conditional use permit provides for a church in an area that is currently zoned NS, and a church is permitted by the approval of a Conditional Use Permit in the NS district.

2. The proposed facility should not have a significant impact on the surrounding properties and developments.

3. Any expansion, modification, or change in activity on the site would trigger compliance with all requirements of the Unified Development Code.

SUPPORTING DOCUMENTS:

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

APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

Page 1 of Application

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: Mt. Corinth Church
(list proposed use)

Current Zoning District: Neighborhood Service

Property Information:

Address or General Location: 7930 Broadway #118

Tax Account No.: 0242-0015-001

Subdivision: A0242 HT+BRR 5.4358 Acres.

Lot: Reserve A Block: 1

PROPERTY OWNER INFORMATION*: If there are multiple property owners, please list on a separate sheet of paper and attach to this application.

NAME Pearland Hughes West Investments LTD
ADDRESS 7918 Broadway #106
CITY Pearland STATE Tx ZIP 77581
PHONE(281) 997-1500
FAX(281) 997-2886
E-MAIL ADDRESS aaron@rwestdevelopment.com

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

APPLICANT INFORMATION:

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

CUP2008-02

PEARLAND HUGHES WEST INVESTMENTS, LTD
7918 BROADWAY, SUITE 106
PEARLAND, TEXAS 77581
(281) 997-1500 (281) 997-2886 FAX

December 6, 2007

City of Pearland Community Development
3523 Liberty Drive
Pearland, Texas 77581
Attn: Planning Department

Re: Application for a Conditional Use Permit For the Tranquility Center Business Park

Dear Sirs:

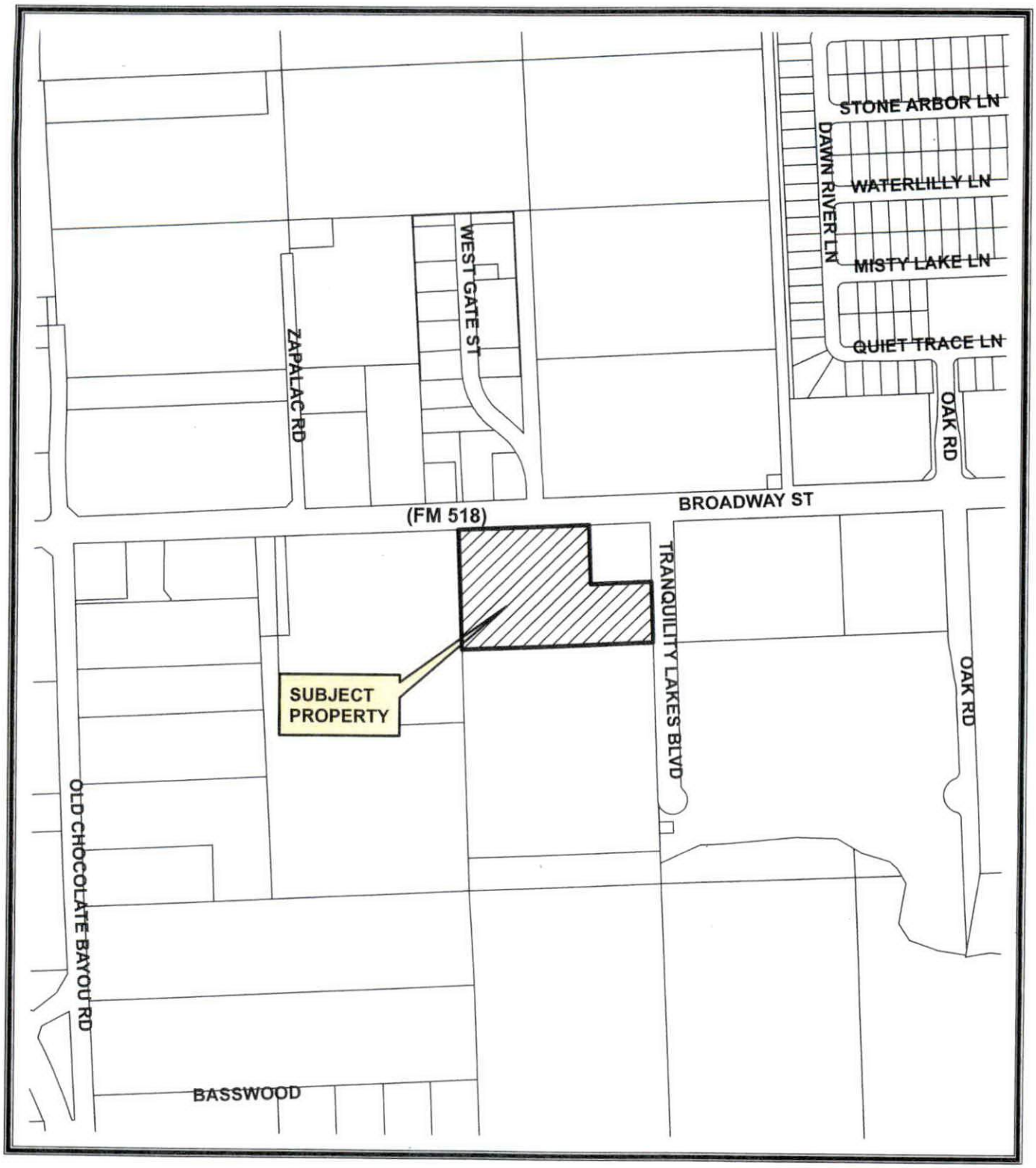
Please accept this letter as a formal request to obtain a Conditional Use Permit for a commercial lease space build out. We have a prospective tenant that would like to bring an existing church in to our office complex, but the church is prohibited to hold worship services due to the current zoning placed on our property. Mt. Corinth would like to occupy 3,900 sq.ft. where 1,865 sq.ft. will be for their sanctuary and the remaining 2,035 sq. ft. will be used to hold their administrative offices.

Currently, we have an existing church located in another building located in the same business center. They moved in before the City of Pearland annexed our property in January 2007. They are great tenants and put no burden on any of the surrounding areas since their main operating times are Wednesday nights and Sundays.

Thank you for taking the time to review this request and if you need any further information, please do not hesitate to call.

Sincerely,

Aaron McGuire
Project Manager



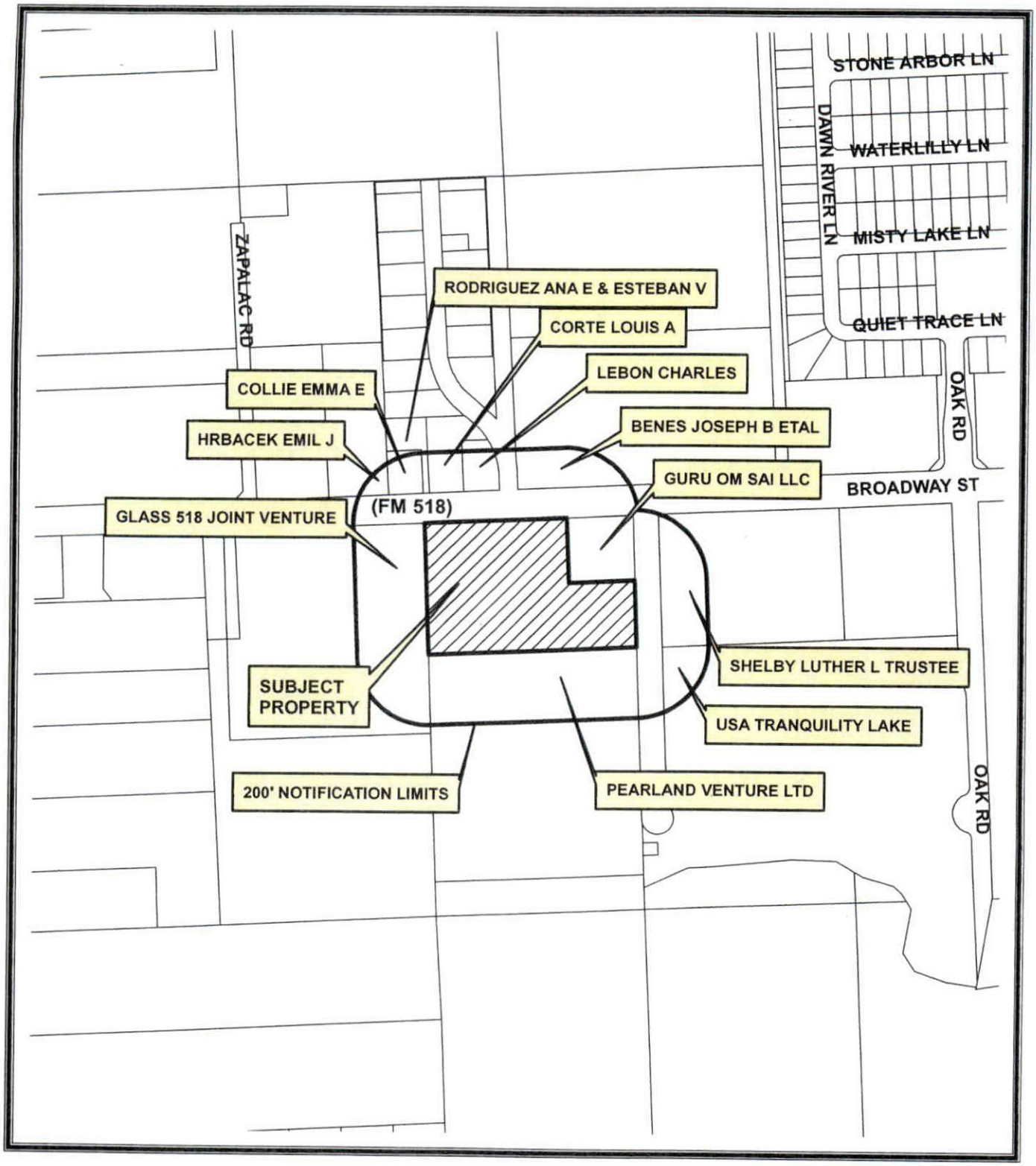
LOCATION MAP

Conditional Use Permit No. CUP2008-02

N W E S

0 200 400 Feet

Map Prepared on January 2, 2008



OWNERSHIP MAP

Conditional Use Permit No. CUP2008-02

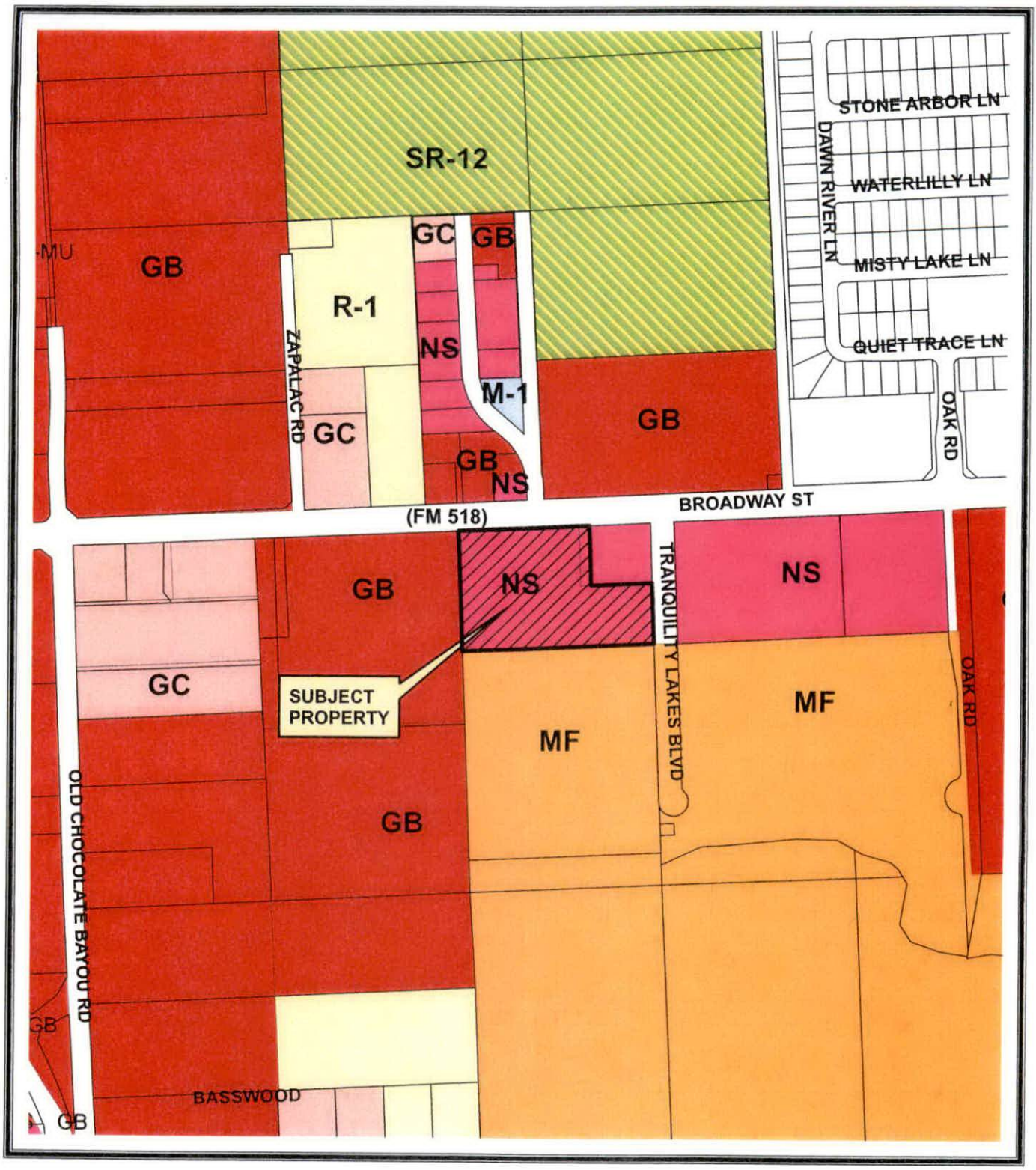
N W E S

0 200 400 Feet

Map Prepared on January 2, 2008

CONDITIONAL USE PERMIT NO. CUP2008-02
Property Owner Notification List

TAX ACCT	OWNER	ADDRESS	CITY	STATE	ZIP CODE
0242-0015-145	USA TRANQUILITY LAKE	4545 POST OAK PLACE STE 100	HOUSTON	TX	77027
0243-0061-000	HRBACEK EMIL J	8013 BROADWAY ST	PEARLAND	TX	77581-7760
0243-0007-110	BENES JOSEPH B ETAL	19855 SW FRWY # 130	SUGAR LAND	TX	77479
8228-0001-130	CORTE LOUIS A	PO BOX 854	PEARLAND	TX	77588-0854
8228-0001-120	RODRIGUEZ ANA E & ESTEBAN V	3010 RIVER BIRCH DR	PEARLAND	TX	77584-7766
8228-0001-110	LEBON CHARLES	3681 LYON SPRINGS RD	SEVIERVILLE	TN	37862-8257
8228-0001-000	COLLIE EMMA E	7937 BROADWAY ST	PEARLAND	TX	77581-7784
0242-0015-110	SHELBY LUTHER L TRUSTEE	1636 N WELLS ST APT 3402	CHICAGO	IL	60614-6025
0242-0001-000	GURU OM SAI LLC	1214 IVORY MEADOW LN	SUGAR LAND	TX	77479
0242-0015-001	HUGHES-WEST INVESTMENTS LTD	7918 BROADWAY ST STE 106	PEARLAND	TX	77581-7758
0242-0002-005	GLASS 518 JOINT VENTURE	3232 HUNTINGDON PL	HOUSTON	TX	77019-5926
0242-0015-140	PEARLAND VENTURE LTD	11123 KATY FWY	HOUSTON	TX	77079-2102



ZONING MAP

Conditional Use Permit No. CUP2008-02

N
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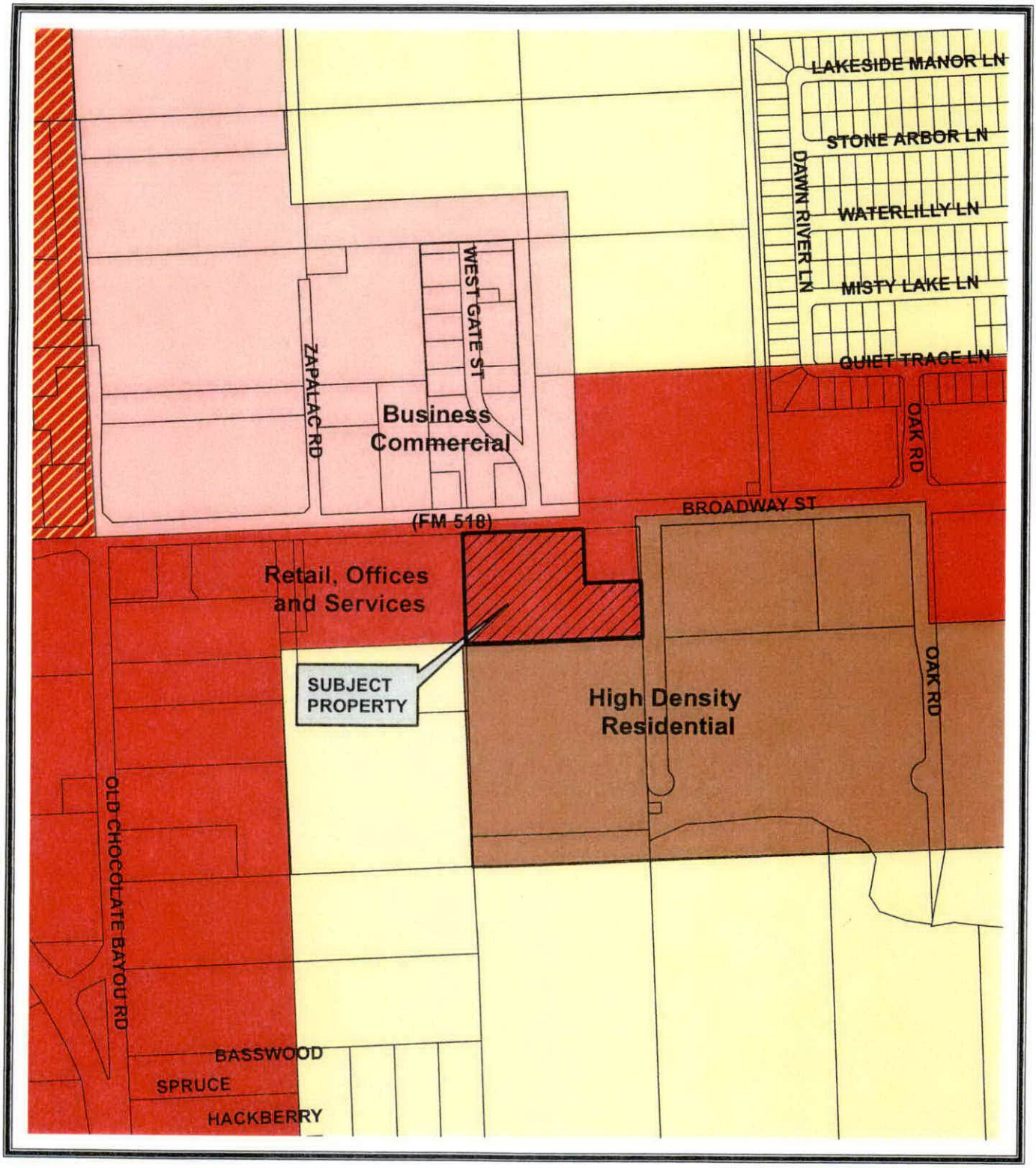
0 200 400 Feet

Map Prepared on January 2, 2008



FUTURE LAND USE PLAN

0 200 400 Feet

Conditional Use Permit
No. CUP2008-02

N
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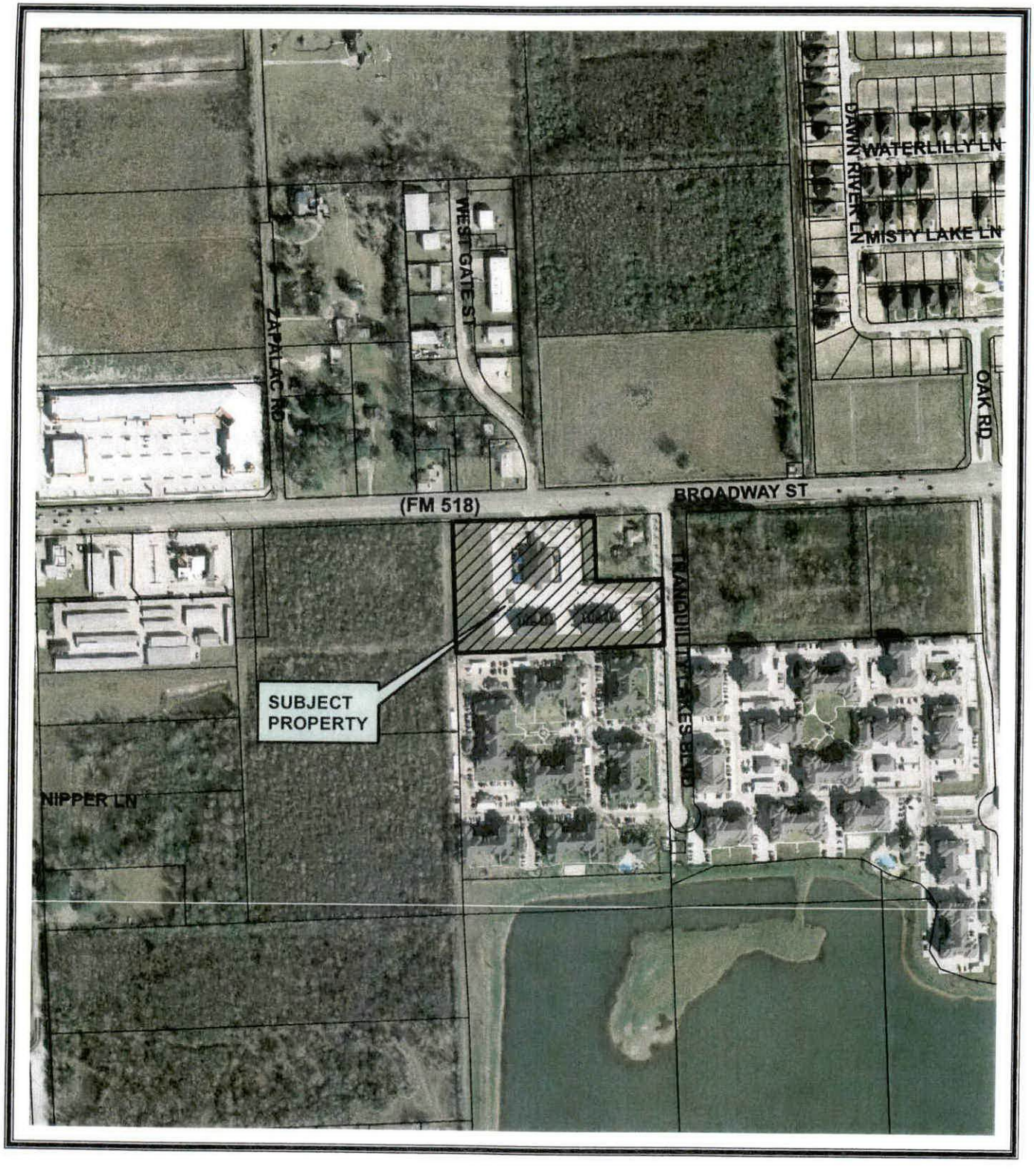
Map Prepared on January 2, 2008



AERIAL PHOTOGRAPH

Conditional Use Permit
No. CUP2008-02

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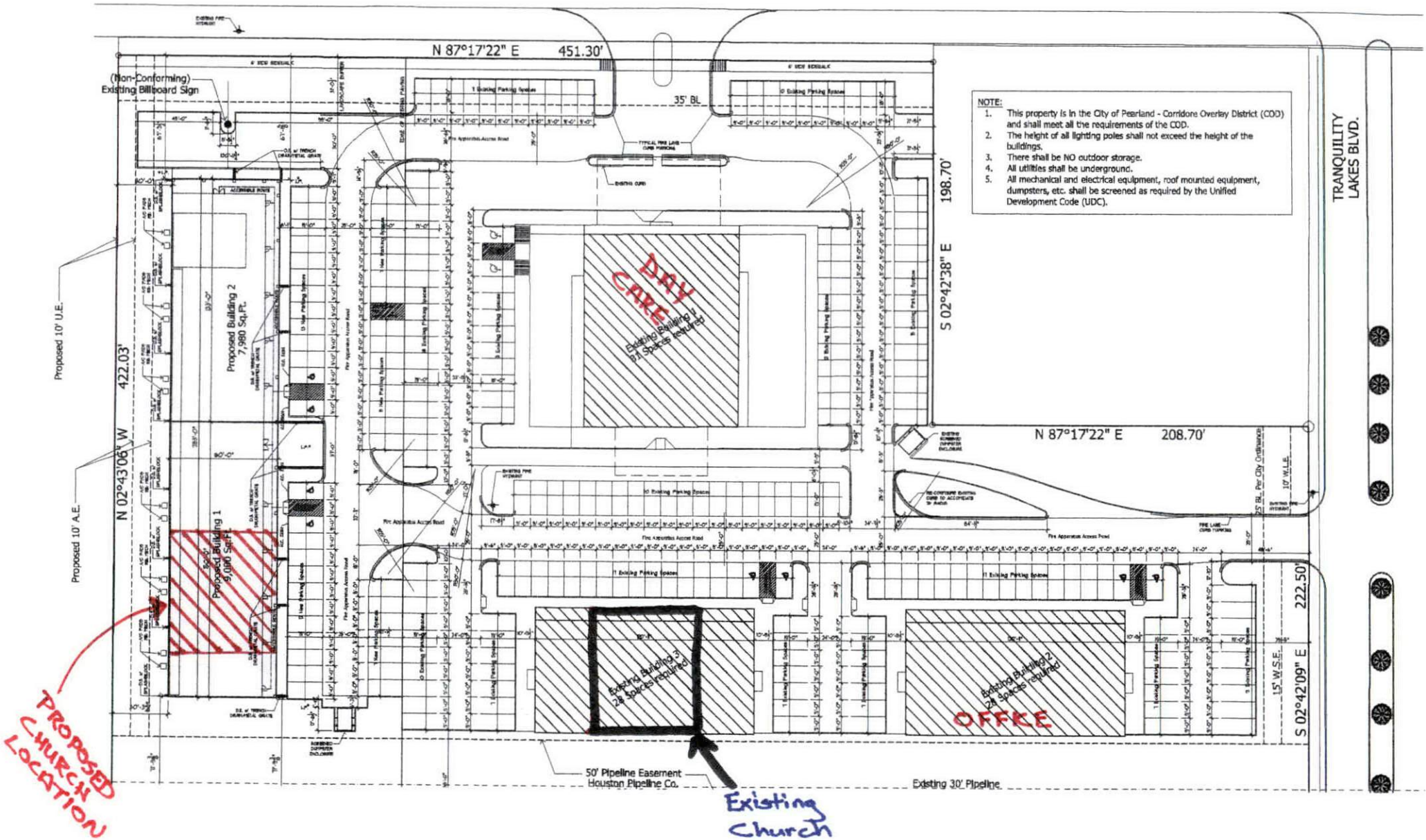
0 200 400 Feet

Map Prepared on January 2, 2008



NOTE:

1. This property is in the City of Pearland - Corridore Overlay District (COD) and shall meet all the requirements of the COD.
2. The height of all lighting poles shall not exceed the height of the buildings.
3. There shall be NO outdoor storage.
4. All utilities shall be underground.
5. All mechanical and electrical equipment, roof mounted equipment, dumpsters, etc. shall be screened as required by the Unified Development Code (UDC).


LEASE
SPACE
FOR CHURCH
SANCTUARY
(1,835 #)

EXISTING SHELL BUILDING 14,300# OF LEASE SPACE

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JANUARY 21, 2008, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER opened @ 7.17

II. PURPOSE OF HEARING Henry read

Conditional Use Permit No. CUP2008-03

A request by Betty Jones, applicant for S. Kevin Price, owner, for approval of a Conditional Use Permit for a "gaming establishment" facility in the General Commercial District (GC), on the following described property, to wit:

Legal Description: 0.86 acres of land, out of a 9.6809 acre tract, being all the land remaining unsold out of that certain 13.892 acre tract of land described in Volume 636, Page 695, of the Deed Records of Brazoria County, Texas, situated in the A.C.H. & B. Survey, Abstract 416, and the H.T. & B.R.R. Company Survey, Abstract 292, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the East Side of SH 35 (Main Street), and on the North Side of Hastings Cannon Road (CR 128)

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT TAG read ... 2 comments opposed. Staff recommend approval based on comm

B. APPLICANT PRESENTATION Kevin Price 311 N. Shadow Bend Ave. Friendswood, Tx
spoke in detail of film on windows & locks on door.

IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST Larry Marcott 3604 Inverness St Pearland → strongly opposed due to crime occurring in City of Houston

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION
St. Salve - thanked Mr Price for his presentation. But he'll have to comply w/ ordinance/regulations.
Helen Beckman - spoke of a friend that frequented several gamerooms. Doors locked for patrons sake. She also brought her mentally challenged son & it was a positive environment.

VI. ADJOURNMENT 7:32

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.

Darrell asked who would police the area? - Pearland/City Police
Jerry - prop. to East is in ETJ. TAG - will be annexed in future - no set time.

JOINT PUBLIC HEARING AGENDA ITEM
MEETING OF JANUARY 21, 2008

Conditional Use Permit No. CUP2008-03

A request by Betty Jones, applicant for S. Kevin Price, owner, for approval of a Conditional Use Permit for a "gaming establishment" facility in the General Commercial District (GC)

LEGAL DESCRIPTION: 0.86 acres of land, out of a 9.6809 acre tract, being all the land remaining unsold out of that certain 13.892 acre tract of land described in Volume 636, Page 695, of the Deed Records of Brazoria County, Texas, situated in the A.C.H. & B. Survey, Abstract 416, and the H.T. & B.R.R. Company Survey, Abstract 292, City of Pearland, Brazoria County, Texas

GENERAL LOCATION: Generally Located on the East Side of SH 35 (Main Street), and on the North Side of Hastings Cannon Road (CR 128)

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

Planning and Zoning Commission: January 21, 2008*
City Council for First Reading: February 11, 2008*

(*dates subject to change if item is tabled)

SUMMARY: The applicant is requesting approval of a Conditional Use Permit (CUP) for a "gaming establishment" facility in the General Commercial District (GC). The subject property is located on the far southern end of the City limits on the east side of State Highway 35. A small building currently exists on the subject property.

A site plan has been submitted with the CUP application. If the CUP is approved, the applicant will be required to submit a building permit application, in which the site plan, landscape plan, and all other building plans and site development will be reviewed for conformance with all codes and ordinances applicable. The attached site plan is not approved as part of the approval of this Conditional Use Permit.

SURROUNDING ZONING AND LAND USES:
*** surrounding zoning districts based on the new map adopted February 27, 2006**

	Zoning	Land Use
North	Light Industrial District (M-1)	Undeveloped tract
South	General Commercial District (GC)	Undeveloped tract
East	Out of the City Limits	Undeveloped tract
West	Light Industrial District (M-1)	Undeveloped tract

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The subject property is currently zoned as the GC district. The minimum lot size for the GC 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 subject property is over 200 feet in width along SH 35 and more than a half acre in size.

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

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

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Industrial" uses for the subject property, and for many of the surrounding properties on State Highway 35. The Comprehensive Plan further indicates that the appropriate zoning districts for "Industrial" are the Light Industrial District (M-1) and the Heavy Industrial District (M-2). The existing zoning of GC currently conflicts with the Comprehensive Plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on State Highway 35 (Main Street), a major thoroughfare with an ultimate right-of-way of 120 feet. Additional right-of-way for SH 35 may be necessary and will be reviewed when the subject property is platted.

No other roadways affect the subject property.

If the conditional use permit is approved, the applicant may be responsible for the submittal of a traffic impact analysis (TIA) in order to determine the impact of the proposed development on adjacent roadways and adjacent properties, as well as the locations of driveways.

AVAILABILITY OF UTILITIES: There are no water mains or sanitary sewer lines located within close proximity to the subject property. The applicant will be responsible for extending all utilities as necessary to serve the proposed development.

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

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The proposed conditional use permit for a gaming establishment should not have a significant impact on the surrounding properties. The subject property is isolated from development and is not located within close proximity to any residential tracts.

SITE PLAN CONSIDERATIONS:
The applicant has submitted a preliminary site plan for review. The following is a list of requirements that pertain to the site under the GC district.

Building Setbacks:
Minimum front yard: 25 feet
Minimum side yard: 10 feet
Minimum rear yard: 25 feet
Maximum height: 45 feet

It is unclear from the site plan if all buildings meet these setbacks outlined in the GC district.

Corridor Overlay District:
State Highway 35 is designated as a "corridor overlay" in the Unified Development Code. The applicant will be responsible for complying with all applicable requirements of the corridor overlay district as it pertains to the subject property. The corridor overlay district contains increased standards on building façade, building articulation, landscaping, and lighting, as well as others.

Building Façade:
The Unified Development Code requires that the building be 100 percent masonry or glass for the walls or portions of walls visible from the adjacent roadway or adjacent residential property.

The corridor overlay district contains standards that pertain to building articulation and building materials. Building articulation, which is the expression or outlining of parts of the building by its architectural design, shall be provided in accordance with the regulations listed in the ordinance. Regarding building materials, at least 25 percent of the exterior walls facing State Highway 35 would need to be transparent. The applicant will have to provide compliance with the building articulation and building materials on the building permit plans. Also, the corridor overlay district requires that building colors meet the colors on the City's approved color palette.

Parking:
The applicant will be required to provide parking spaces in accordance with the Unified Development Code.

Screening:
Screening between uses is not required along any property line because the subject property does not share property lines with residential uses or zoning districts.

Traffic:
A traffic impact analysis (TIA) may be required when the subject property is platted for development. The TIA would determine the impact of the development on the surrounding properties and adjacent roadways, and would also determine the location of driveways.

It is unclear to Staff if the existing building is currently occupied or not. If it is not occupied and hasn't been occupied for more than 6 months, or if the previous use of the building is different from the proposed use as a game room, then the applicant will have to comply with all codes and ordinances. The entire building and site would have to be brought into compliance with the Unified Development Code, Building Codes, Fire Code, and any others, unless a special exception is sought and approved by the Zoning Board of

Adjustment.

PUBLIC COMMENTS: 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 conditional use permit request.

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit, as proposed by the applicant, for the following reasons:

1. The proposed conditional use permit provides for a gaming establishment facility in an area that is currently zoned GC, and a gaming establishment is permitted in the GC district by the approval of a Conditional Use Permit.

2. The proposed facility should not have a significant impact on the surrounding properties and developments.

3. The subject property is not located in close proximity to residential uses, schools, parks, or other similar uses.

SUPPORTING DOCUMENTS:

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

APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

Page 1 of Application

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: Gameroom
(list proposed use)
Amusement Machines

Current Zoning District: Industrial

Property Information:

Address or General Location: 19025 Hwy. 35 - Alvin Tx - 77511-9622

Tax Account No.: 0292007 6110 - 0292007 6120

Subdivision: N/A

Lot: N/A Block: N/A

PROPERTY OWNER INFORMATION*: If there are multiple property owners, please list on a separate sheet of paper and attach to this application.

NAME S. Kevin Price
ADDRESS 311 N. Shadowbend Ave.
CITY Friendswood STATE Tx ZIP 77546
PHONE (281) 993-1408
FAX (281) 993-1498
E-MAIL ADDRESS S.Kevinprice@gmail.com

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

APPLICANT INFORMATION:

NAME Betty Jones
ADDRESS 81B Antelope Dr
CITY Crosby STATE Tx ZIP 77532
PHONE (281) 324-9643
FAX (281) 324-9643
E-MAIL ADDRESS BettyJones55Tx@verizon.net

CUP2008-03

To: City of Pearland 12-1-07

Re: C.U.P. - Request

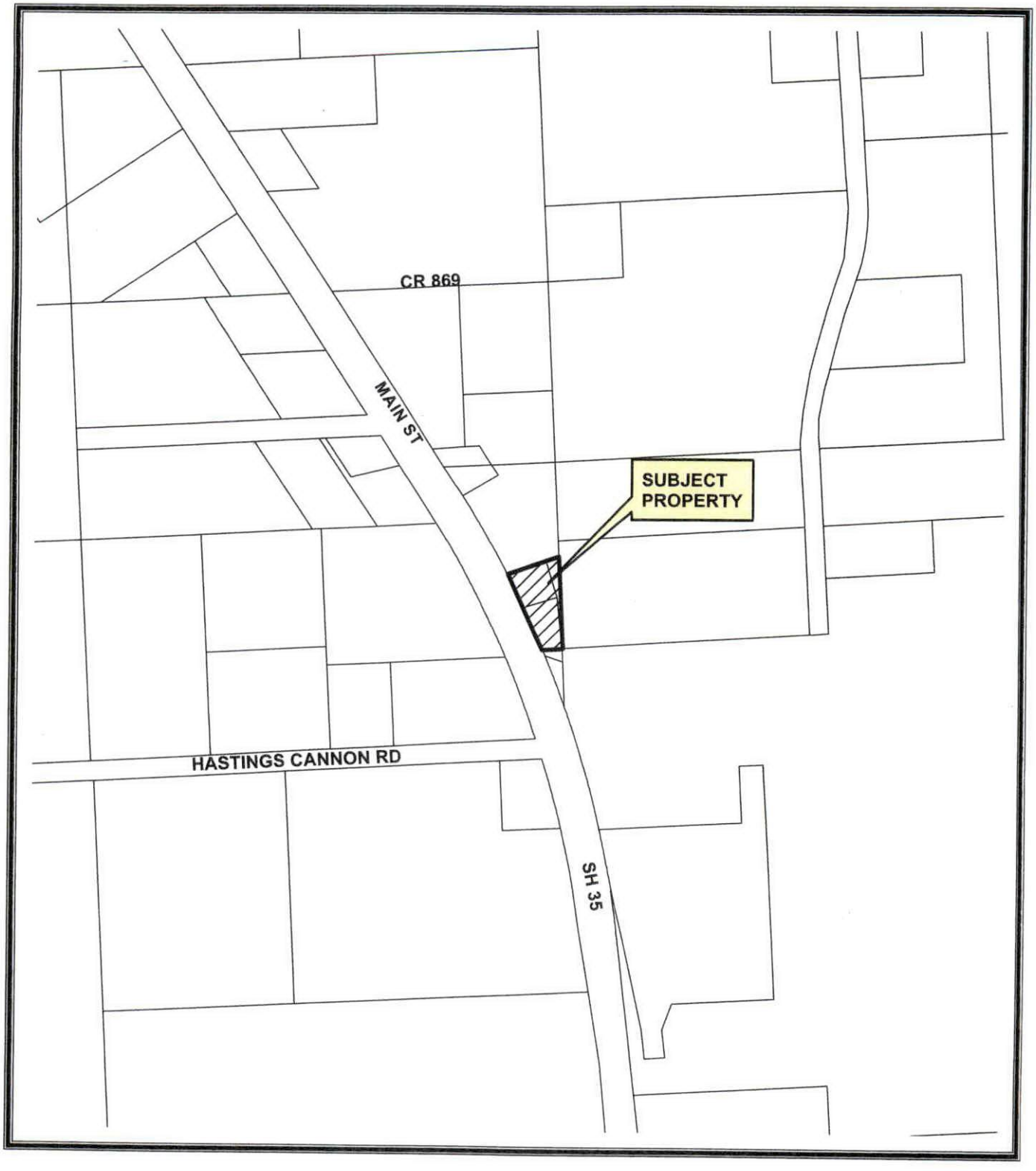
Dear City of Pearland,

This C.U.P. request is for approval of a legal Gameroom on these premises.

Square footage is Approx. 3800° for the buildings

There are really no unique characteristics regarding this property other than it is closer to Alvin than Perland.

Respectfully Submitted
Betty Jones



LOCATION MAP

Conditional Use Permit No. CUP2008-03

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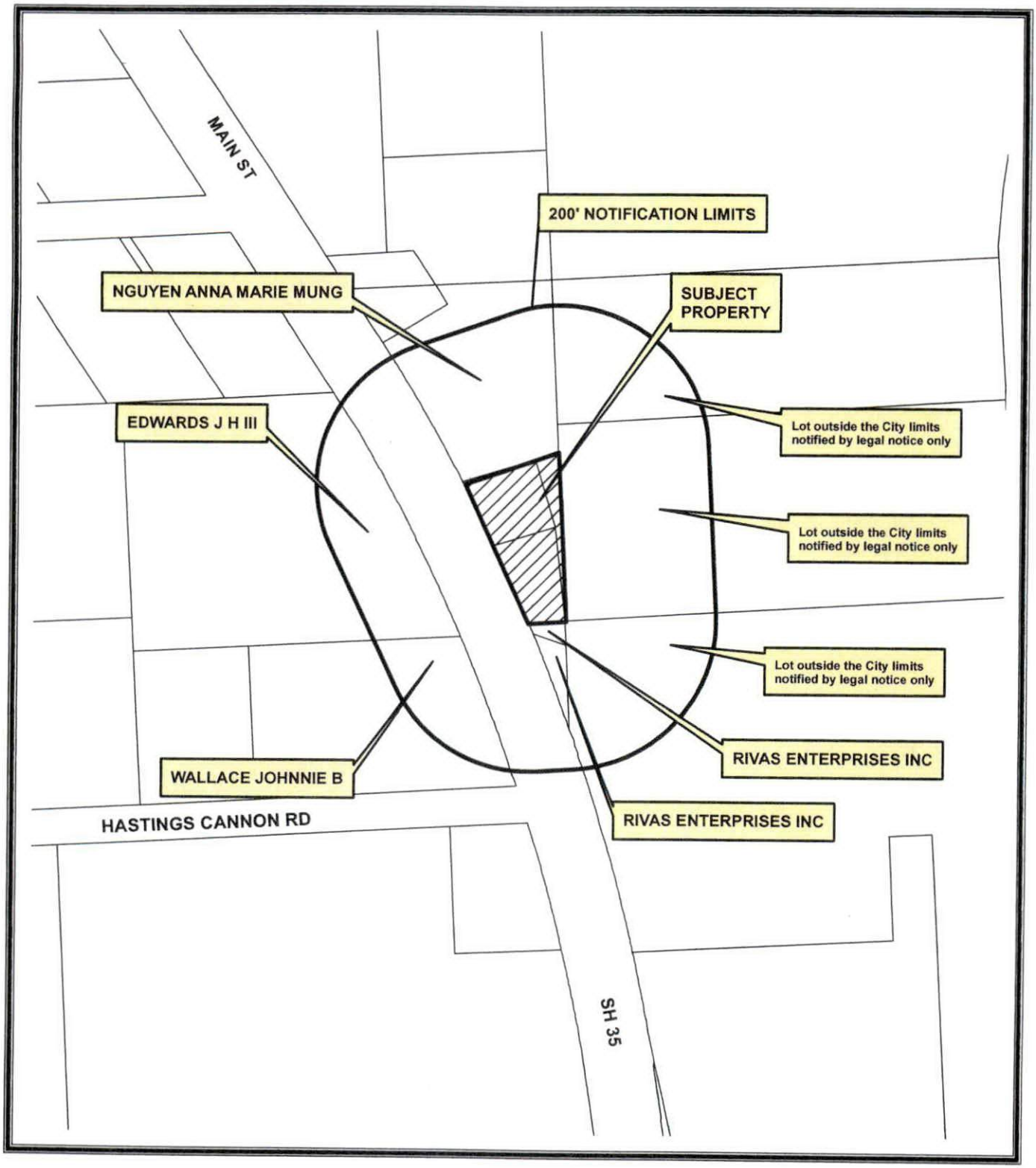
0 200 400 Feet

Map Prepared on January 2, 2008



OWNERSHIP MAP

Conditional Use Permit No. CUP2008-03

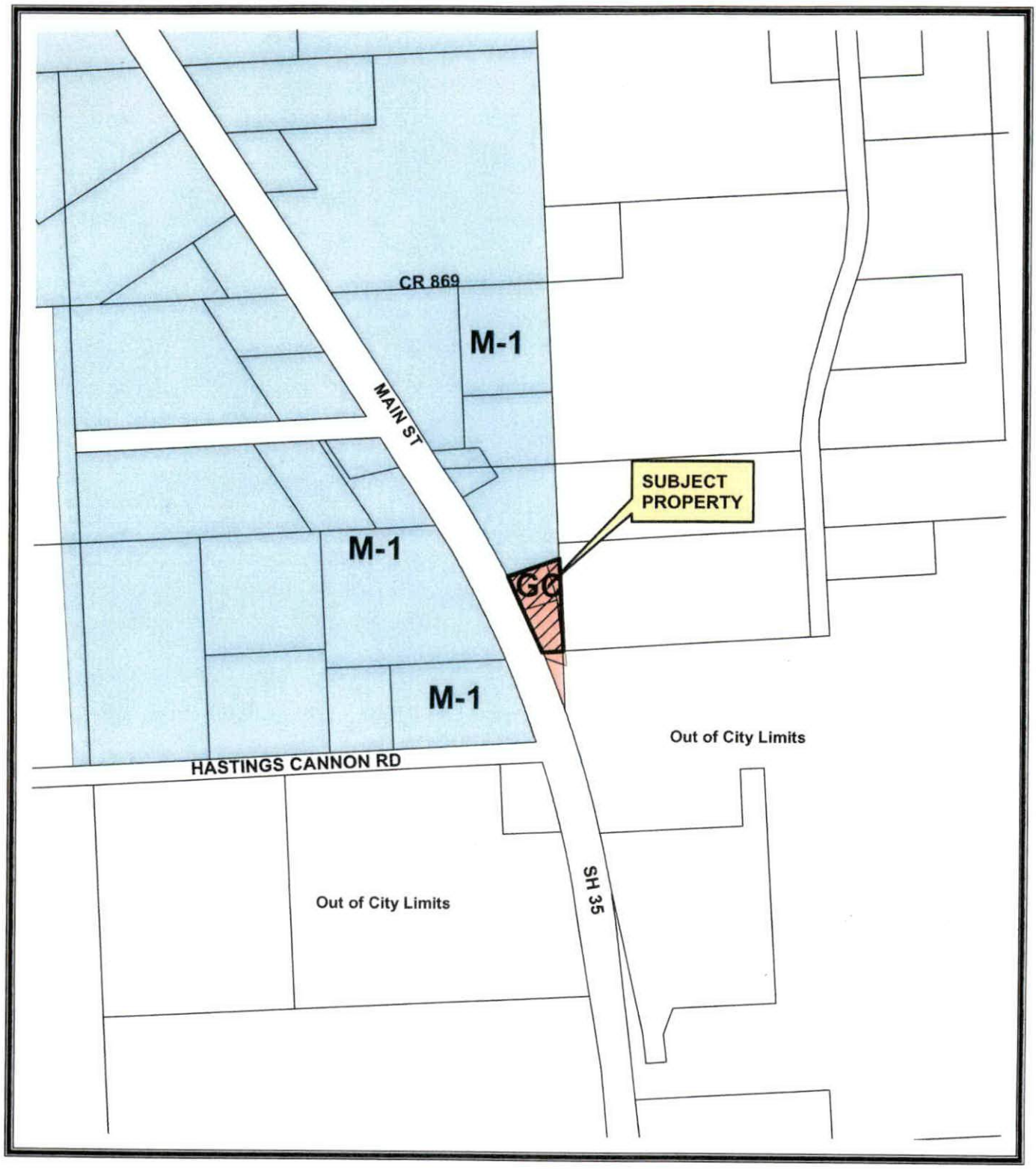
N W E S

0 200 400 Feet

Map Prepared on January 2, 2008

CONDITIONAL USE PERMIT NO. CUP2008-03
Property Owner Notification List

TAX ACCT	OWNER	ADDRESS	CITY	STATE	ZIP CODE
0292-0076-000	NGUYEN ANNA MARIE MUNG	7903 HASTINGS CANNON RD	PEARLAND	TX	77584-2925
PROP OWNER	S KEVIN PRICE	311 N SHADOWBEND AVE	FRIENDSWOOD	TX	77546
APPLICANT	BETTY JONES	818 ANTELOPE DRIVE	CROSBY	TX	77532
0292-0071-000	EDWARDS J H III	916 S GORDON APT 326	ALVIN	TX	77511
0292-0076-110	RIVAS ENTERPRISES INC	PO BOX 2402	PEARLAND	TX	77581
0292-0076-120	RIVAS ENTERPRISES INC	PO BOX 2402	PEARLAND	TX	77581
0292-0076-130	RIVAS ENTERPRISES INC	PO BOX 2402	PEARLAND	TX	77581
0292-0072-110	WALLACE JOHNNIE B	2512 PARKVIEW DR	PEARLAND	TX	77581-5312



ZONING MAP

Conditional Use Permit No. CUP2008-03

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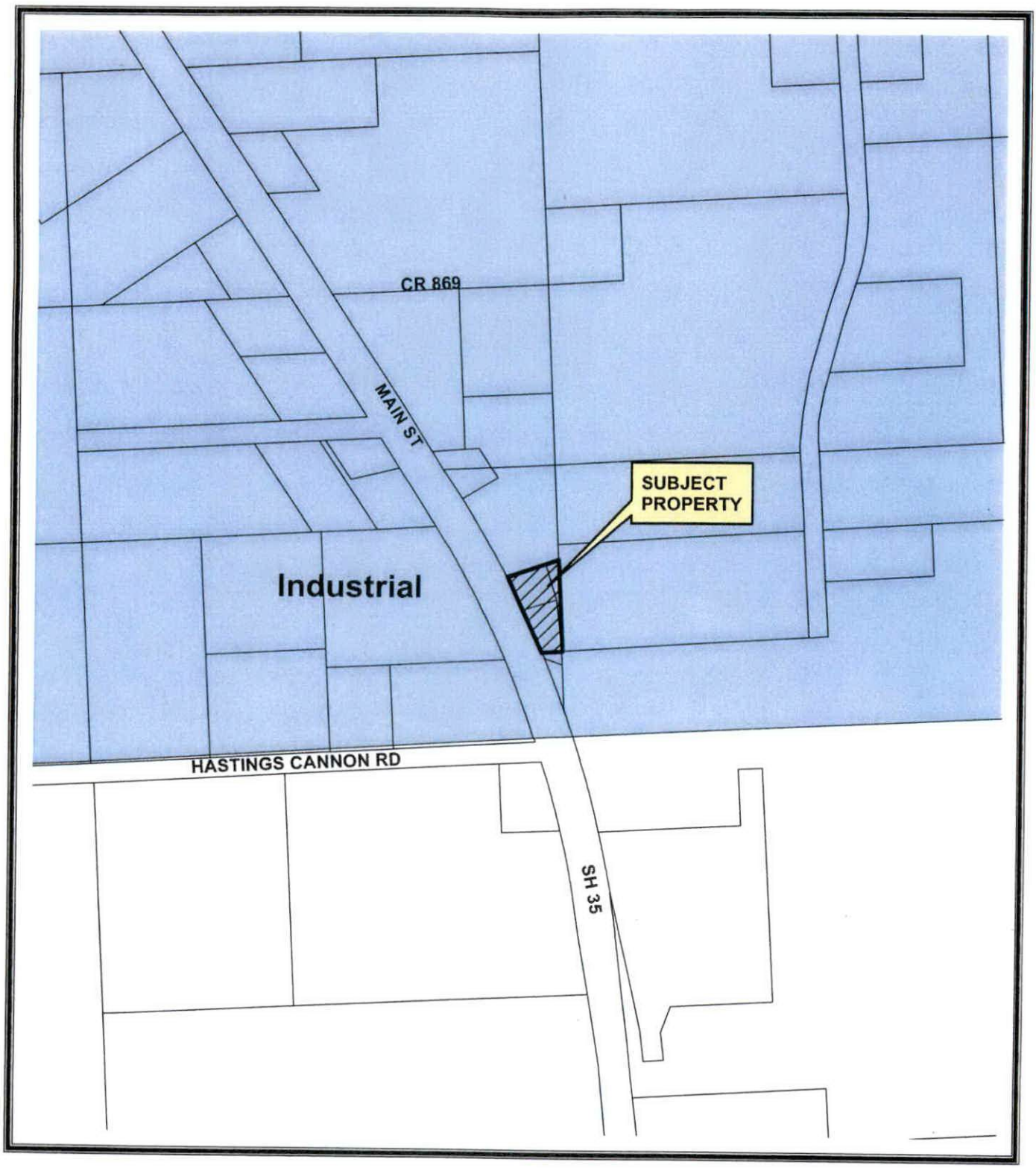
0 200 400 Feet

Map Prepared on January 2, 2008



FUTURE LAND USE PLAN

0 200 400 Feet

Conditional Use Permit
No. CUP2008-03

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W E
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Map Prepared on January 2, 2008

AERIAL PHOTOGRAPH

Conditional Use Permit
No. CUP2008-03

N
W E
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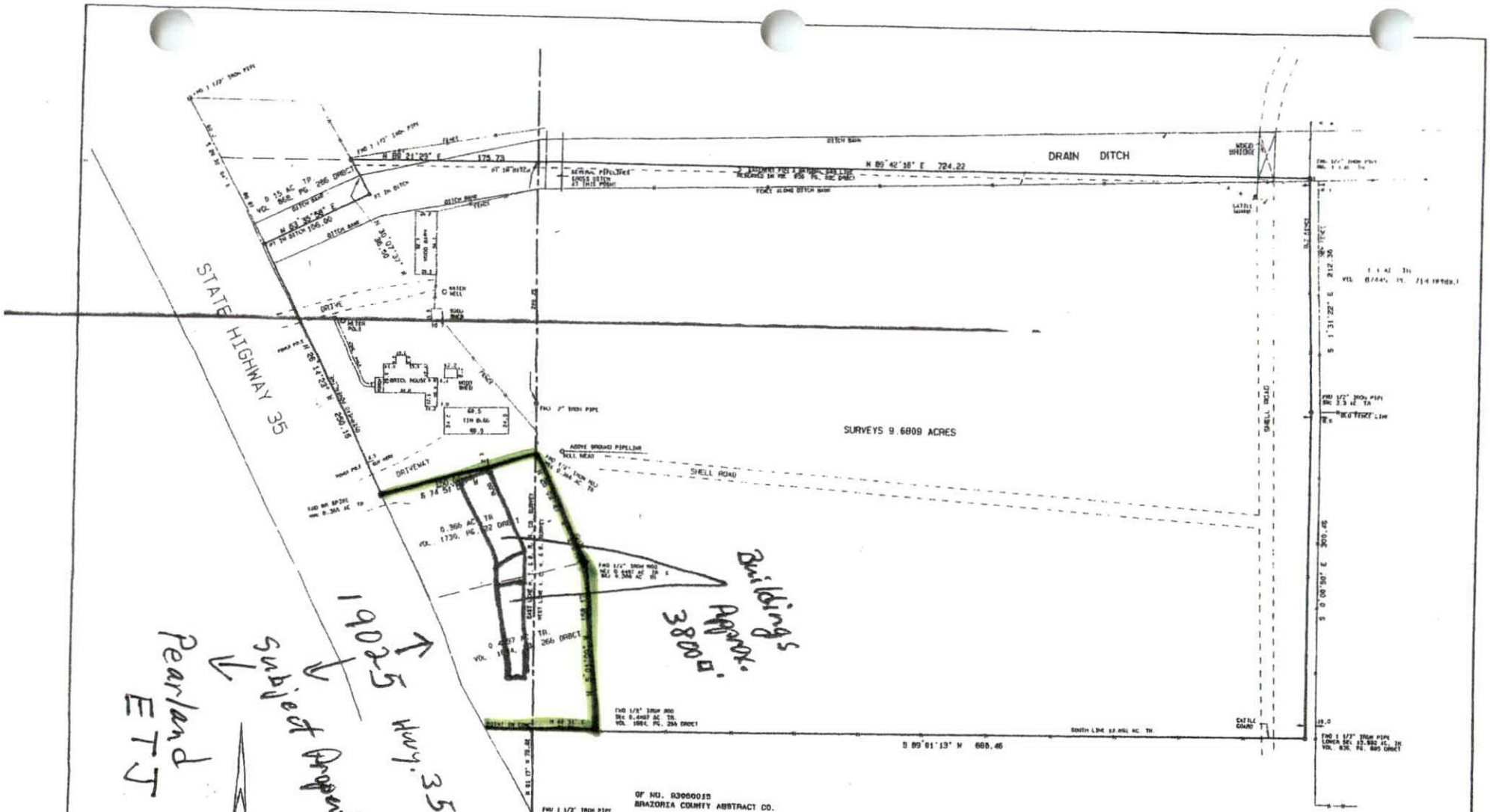
0 200 400 Feet

Map Prepared on January 2, 2008



GF NO. 93060015
BRAZORIA COUNTY ABSTRACT CO.

PURCHASER: KEO THANH NGUYEN ANNA MARIE MONG NGUYEN

SURVEY PLAT SHOWING BOUNDARIES AND IMPROVEMENTS ON 9.6809 ACRES OF LAND, BEING ALL THE LAND REMAINING UNSOLD OUT OF THAT CERTAIN 13.892 ACRE TRACT OF LAND DESCRIBED IN VOLUME 836, PAGE 690, DEED RECORDS, BRAZORIA COUNTY, TEXAS, SITUATED IN THE A. C. M. & B. SURVEY, ABSTRACT 416 AND THE H. T. & B. R. R. CO. SURVEY, ABSTRACT 292, BRAZORIA COUNTY, TEXAS.

I, Freddy A. Gormly, Registered Professional Land Surveyor No. 1918, do hereby certify that the plat shown hereon accurately represents the results of an on the ground survey made by me on January 13, 1993, and all improvements, size, location and type of buildings are as shown. There are no encroachments, conflicts, or protrusions apparent on the ground except as shown.

This survey was performed in connection with the transaction described in GF No. 93060015 of Brazoria County Abstract Company.

USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY OTHER PARTIES SHALL BE AT THEIR OWN RISK AND THE UNDERSIGNED SURVEYOR IS NOT RESPONSIBLE FOR ANY LOSS RESULTING THEREFROM.

Freddy A. Gormly

Freddy A. Gormly, Registered Professional Land Surveyor No. 1918
P. O. Box 802, Alvin, Texas, 77512 Phone (713) 331-0883

Various pipelines cross this tract, the pipeline easements shown on title commitment are undefined.

NOTE: Said tract of land is located in Zone "X" according to FIRM Flood Insurance Rate Map for Brazoria County, Texas and Incorporated Areas, Community Map Number 480328C0065 H, Effective Date: June 5, 1989.

STATE OF TEXAS REGISTERED FREDDY A. GORMLY 1918 PROFESSIONAL LAND SURVEYOR

Dr. 92-5 PG 15 - 20

J93-106

Joint Public Hearing

SPEAKER'S CARD

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

Name: Larry Marcott

Full Address: 3606 Inverness ct

(include zip) Pearland 77581

I wish to speak regarding Item No. 2 + 3

03/2005

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: Kevin Price

Full Address: 311 N. Shadowbend Ave.

(include zip) Friendswood, TX 77546

I wish to speak regarding Item No. B (C.U.P. 2008-03)

Agenda Item

03/2005

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: GARRETT LEWIS

Full Address: 6005 JOSEPHINE

(include zip) PEARLAND TX 77584

I wish to speak regarding Item No. CUP 2008-04

03/2005

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: LUIS SERRANO

Full Address: 5934 JOSEPHINE

(include zip) PEARLAND ~~77581~~ 77584

I wish to speak regarding Item No. _____

03/2005

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: Jennifer Torey

Full Address: 2314 Lynn Dr.

(include zip) Pearland, TX. 77581

I wish to speak regarding Item No. C.U.P. 2008-04

03/2005

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JANUARY 21, 2008, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

Mayor read 1:33

II. PURPOSE OF HEARING

Henry read...

Conditional Use Permit No. CUP2008-04

A request by Thomas L. Toney, applicant for Celalettin Demir, owner, for approval of a Conditional Use Permit for a "gaming establishment" facility in the General Commercial District (GC), on the following described property, to wit:

Legal Description: Lot 6 of Johnston Subdivision, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the South Side of FM 518 (Broadway Street), and Approximately 600 Feet East of Harkey Road

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT TAG read... rec'd several Pub. Comm. forms - opposed. Staff recommends denial for reasons given in Staff rpt.

B. APPLICANT PRESENTATION Jennifer Toney 231 Lynn Dr, Pearland & speaking on behalf of her father Thomas Toney →

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

Larry Marcott - 3606 Inverness Ct, Pearland - opposed →

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

K. Cole asked Ms. Toney hours of operation: 10:00 am - midnight

Kev. Cole also inquired about back st. & does this have ingress/egress to this prop.

St. Sabol inquired about owner. Previous bus. have been Restaurant & hand car wash/detail. No current use.

VI. ADJOURNMENT

1:46 p.m

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.

II B Ms. Toney stated there currently are 2 existing Dancrooms near Jamison M.S. & neighborhoods

Garrett
6005 Josephine
opposed. lives across
Luis Serrano
what time will establishment operate?
opposed

JOINT PUBLIC HEARING AGENDA ITEM
MEETING OF JANUARY 21, 2008

Conditional Use Permit No. CUP2008-04

A request by Thomas L. Toney, applicant for Celalettin Demir, owner, for approval of a Conditional Use Permit for a "gaming establishment" facility in the General Commercial District (GC)

LEGAL DESCRIPTION: Lot 6 of Johnston Subdivision, City of Pearland, Brazoria County, Texas

GENERAL LOCATION: Generally Located on the South Side of FM 518 (Broadway Street), and Approximately 600 Feet East of Harkey Road

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

Planning and Zoning Commission: January 21, 2008*
City Council for First Reading: February 11, 2008*

(*dates subject to change if item is tabled)

SUMMARY: The applicant is requesting approval of a Conditional Use Permit (CUP) for a "gaming establishment" facility in the General Commercial District (GC). The subject property is located on the south side of FM 518, between Harkey Road and Wagon Trail Road. A building currently exists on the subject property.

If the CUP is approved, the applicant will be required to submit a building permit application, in which the site plan, landscape plan, and all other building plans and site development will be reviewed for conformance with all codes and ordinances applicable.

SURROUNDING ZONING AND LAND USES:
*** surrounding zoning districts based on the new map adopted February 27, 2006**

	Zoning	Land Use
North	General Commercial District (GC)	Commercial businesses
South	Neighborhood Service District (NS)	Single family residences; undeveloped tracts
East	General Commercial District (GC)	Commercial businesses
West	General Commercial District (GC)	Commercial businesses

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The subject property is currently zoned as the GC district. The minimum lot size for the GC 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 for lot area and lot depth, but the width of the lot is not 150 feet. However, since the subject property is already zoned, the lot width is not an issue with this Conditional Use Permit. If the subject property is required to be platted, then the applicant will need to seek a variance to the minimum lot width.

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

PLATTING STATUS: Based on the legal description submitted with the conditional use permit application, it appears that the subject property has been platted, but it is unclear if the subdivision is recorded. The subject property may need to be platted in accordance with the Unified Development Code, Chapter 3, Subdivision Regulations, prior to issuance of a building permit. The plat would need to address all requirements listed in Chapter 3, and be approved by the City, and the plat will need to be filed for record with the County Clerk, prior to issuance of a building permit.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Business Commercial" uses for the subject property, and for many of the surrounding properties on FM 518. The Comprehensive Plan further indicates that the appropriate zoning districts for "Business

Commercial" are the General Business Retail District (GB) and the General Commercial District (GC). The existing zoning of GC currently conforms with the Comprehensive Plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on FM 518 (Broadway Street), a major thoroughfare with an ultimate right-of-way of 120 feet. Additional right-of-way for FM 518 may be necessary and will be reviewed when the subject property is platted.

No other roadways affect the subject property.

If the conditional use permit is approved, the applicant may be responsible for the submittal of a traffic impact analysis (TIA) in order to determine the impact of the proposed development on adjacent roadways and adjacent properties, as well as the locations of driveways.

AVAILABILITY OF UTILITIES: There are water mains and sanitary sewer lines located within Broadway Street, Harkey Road, and Wagon Trail Road. The applicant will be responsible for extending all utilities as necessary to serve the proposed development.

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

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The proposed conditional use permit for a gaming establishment may have a significant impact on the surrounding properties. The subject property is adjacent to a single family residential area to the south on Josephine Street, and only blocks away from an elementary school at the corner of Harkey Road and Fite Road.

SITE PLAN CONSIDERATIONS:
The applicant has not submitted a site plan for review. The following is a list of requirements that pertain to the site under the GC district.

Building Setbacks:
Minimum front yard: 25 feet
Minimum side yard: 10 feet
Minimum rear yard: 25 feet

Maximum height: 45 feet

It is unclear if the building meets these setbacks outlined in the GC district.

Corridor Overlay District:
Broadway Street is designated as a "corridor overlay" in the Unified Development Code. The applicant will be responsible for complying with all applicable requirements of the corridor overlay district as it pertains to the subject property. The corridor overlay district contains increased standards on building façade, building articulation, landscaping, and lighting, as well as others.

Building Façade:
The Unified Development Code requires that the building be 100 percent masonry or glass for the walls or portions of walls visible from the adjacent roadway or adjacent residential property.

The corridor overlay district contains standards that pertain to building articulation and building materials. Building articulation, which is the expression or outlining of parts of the building by its architectural design, shall be provided in accordance with the regulations listed in the ordinance. Regarding building materials, at least 25 percent of the exterior walls facing Broadway Street would need to be transparent. The applicant will have to provide compliance with the building articulation and building materials on the building permit plans. Also, the corridor overlay district requires that building colors meet the colors on the City's approved color palette.

Parking:
The applicant will be required to provide parking spaces in accordance with the Unified Development Code.

Screening:
Screening between uses may be required along the south property line. Even though the property to the south is zoned as Neighborhood Service District, it may be developed with a single family residential use. The adjacent uses will be reviewed during the time of building permit application. If the use to the south is a single family residential use, the applicant would be required to provide a 25 foot landscape buffer and a 6 foot high masonry fence, or they could increase the buffer to 30 feet without a fence.

Traffic:
A traffic impact analysis (TIA) may be required when the subject property is platted for development. The TIA would determine the impact of the development on the

surrounding properties and adjacent roadways, and would also determine the location of driveways.

It is unclear to Staff is the existing building is currently occupied or not. If it is not occupied and hasn't been occupied for more than 6 months, or if the previous use of the building is different from the proposed use as a game room, then the applicant will have to comply with all codes and ordinances. The entire building and site would have to be brought into compliance with the Unified Development Code, Building Codes, Fire Code, and any others, unless a special exception is sought and approved by the Zoning Board of Adjustment.

PUBLIC COMMENTS: 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 conditional use permit request.

STAFF RECOMMENDATION: Staff recommends denial of the Conditional Use Permit, as proposed by the applicant, for the following reasons:

1. The proposed conditional use permit provides for a gaming establishment facility that is adjacent to single family residential lots on Josephine Street.

2. The proposed facility may have a significant impact on the surrounding properties and developments, including adjacent residential uses and a nearby elementary school.

SUPPORTING DOCUMENTS:

- Zone Change Application
- Location Map
- Property Ownership Map
- Property Owner Notification List
- Zoning Map
- Future Land Use Plan
- Aerial Photograph
- Photos from the Applicant

APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

Page 1 of Application

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: A Game Room facility in Compliance with laws as defined for "Game Rooms"
(list proposed use)

Current Zoning District: _____

Property Information:

Address or General Location: 5922 W. Broadway

Tax Account No.: _____

Subdivision: Johnson Subdivison

Lot: 6 Block: _____

PROPERTY OWNER INFORMATION*: If there are multiple property owners, please list on a separate sheet of paper and attach to this application.

NAME Celalettin DEMIR
ADDRESS 13172 Memorial DR.
CITY Houston STATE TX ZIP 77079
PHONE (713) 827-7776
FAX (713) 827-7776
E-MAIL ADDRESS _____

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

APPLICANT INFORMATION:

NAME Thomas L. Toney
ADDRESS 2314 Lynn Dr.
CITY Pearland STATE TX. ZIP 77581
PHONE (713) 805-8224
FAX ( ) _____
E-MAIL ADDRESS _____

CUP 2008-04

December 13, 2007

City of Pearland
Community Development
3523 Liberty Drive
Pearland Tx 77581

Subject: Letter of Explanation for Conditional Use Permit

We submit the following detail to specify proposed uses with specific operations defined as follows:

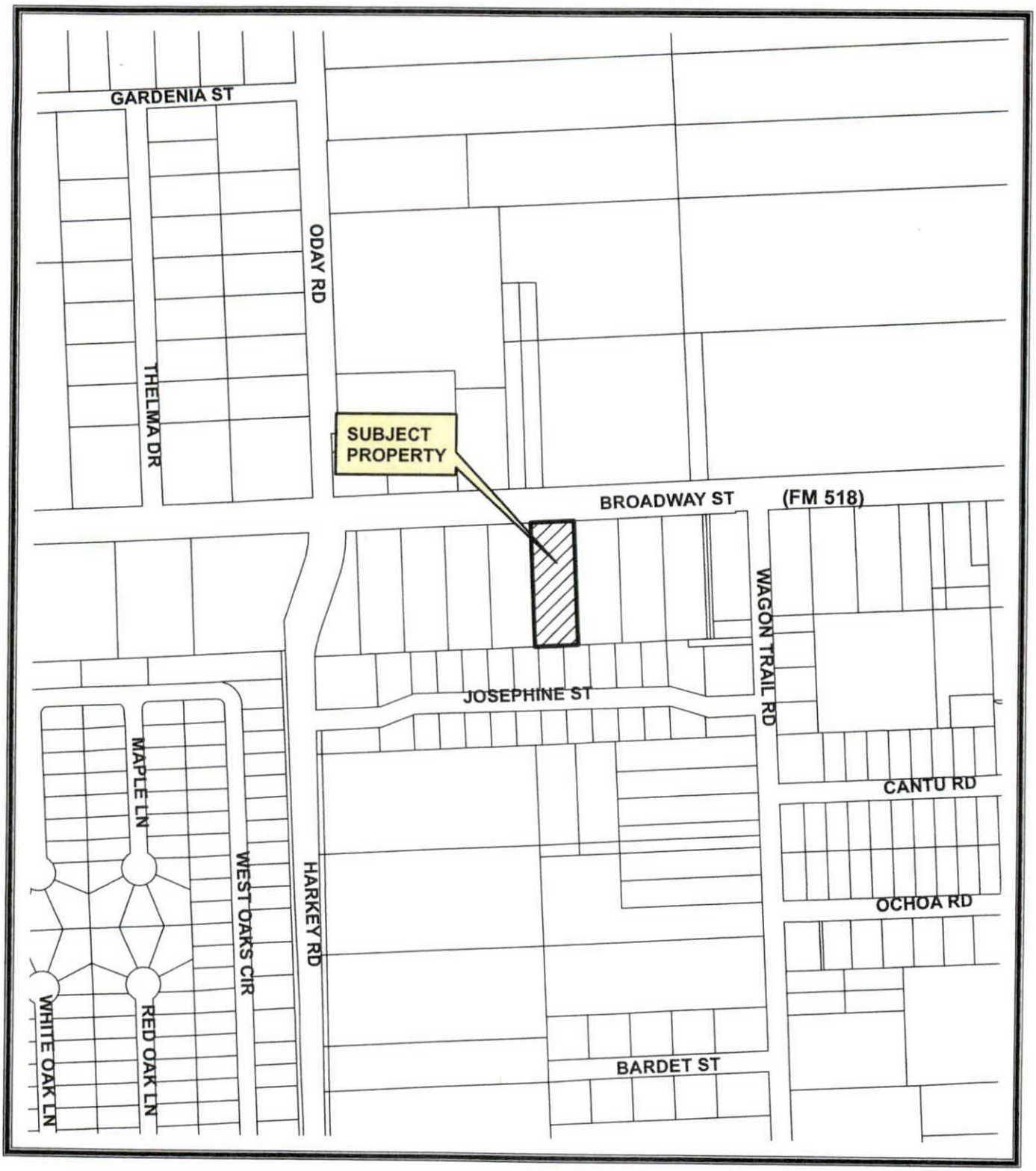
DBA: Keno Castle
Address: 5922 Broadway, Pearland, Tx 77581

- No one under age 21 years of age.
-
- Hours of operation (7 days per week, Mon – Sat. 10:00AM – 12:00AM, Sun. Noon – 12:00AM)
-
- Square footage of proposed building (4000 sq. ft)
-
- Special considerations and/or unique characteristics of subject property are as follows: Building previously permitted for commercial use. (Permitted sign and handicap accessible as well as defined handicap parking provided).
-
- Proposed use of building to provide Pearland with a Game Room facility in Compliance with laws as defined for "Game Rooms".

Applicant

Thomas L. Toney
2314 Lynn Dr.
Pearland, Tx 77581

Phone: 713/805-8224



LOCATION MAP

Conditional Use Permit No. CUP2008-04

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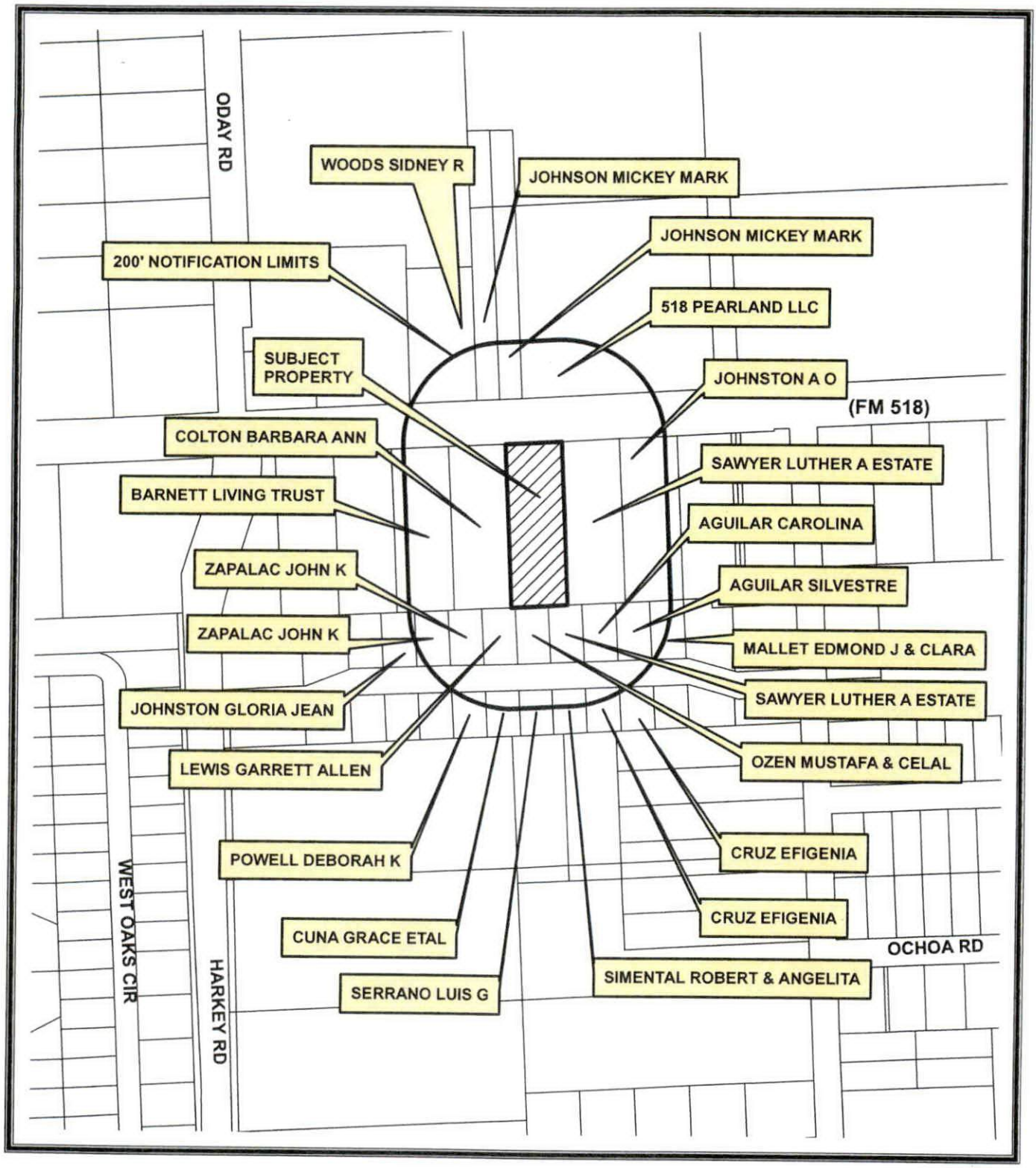
0 200 400 Feet

Map Prepared on January 2, 2008



OWNERSHIP MAP

Conditional Use Permit No. CUP2008-04

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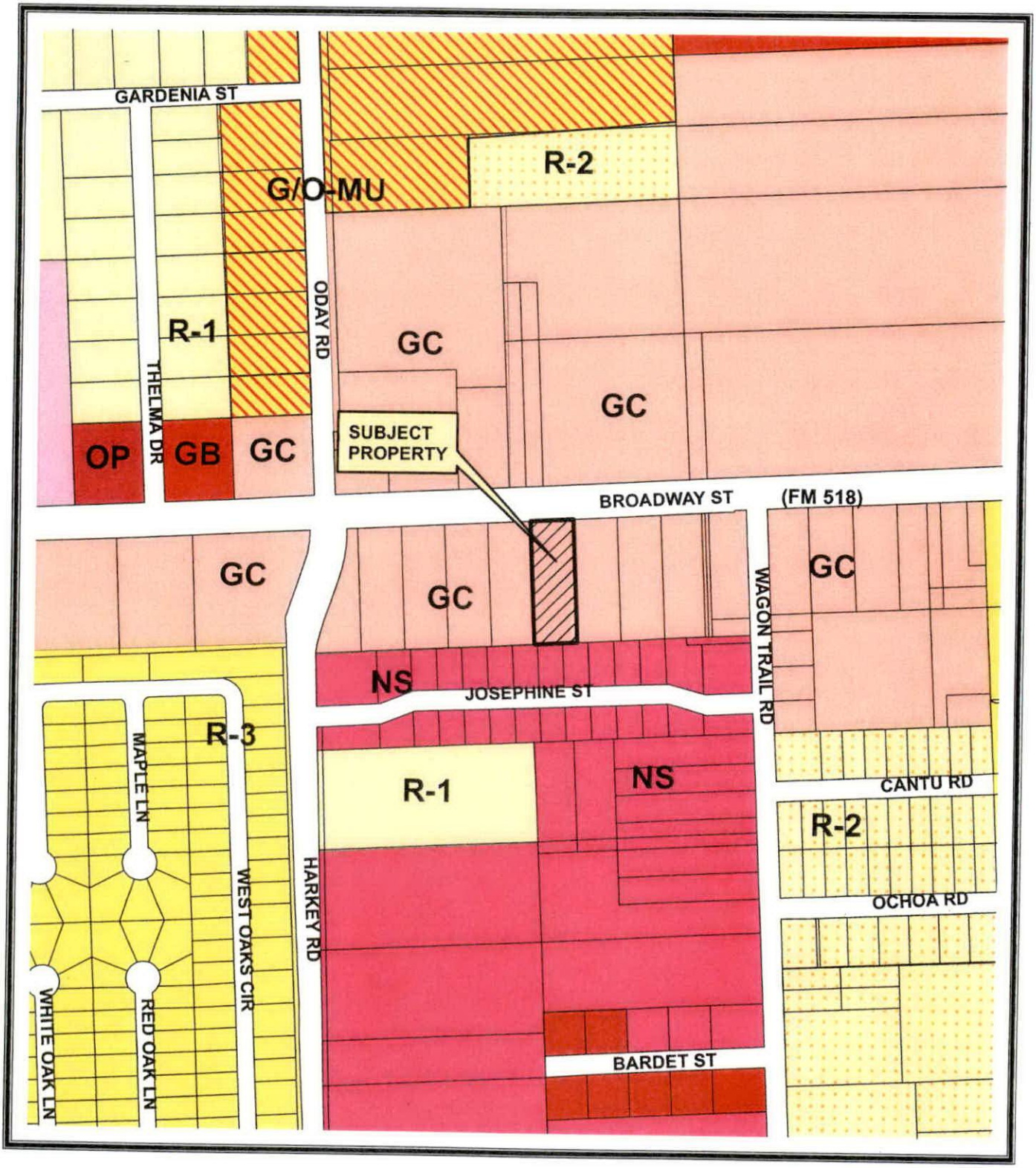
Map Prepared on January 2, 2008

CONDITIONAL USE PERMIT NO. CUP2008-04
Property Owner Notification List

TAX ACCT	OWNER	ADDRESS	CITY	STATE	ZIP CODE
0544-0048-000	518 PEARLAND LLC	3629 N MCGREGOR	HOUSTON	TX	77004
0544-0022-000	JOHNSON MICKEY MARK	5925 WEST BROADWAY	PEARLAND	TX	77581
0544-0039-110	WOODS SIDNEY R	PO BOX 2341	PEARLAND	TX	77588-2341
5440-0001-000	OZEN MUSTAFA & CELAL	7707 INTREPID ST	HOUSTON	TX	77072
5440-0004-000	COLTON BARBARA ANN	6002 BROADWAY ST	PEARLAND	TX	77581-7806
5440-0003-000	BARNETT LIVING TRUST	5402 RYAN ACRES DR	PEARLAND	TX	77584-9017
0544-0023-000	JOHNSON MICKEY MARK	5925 WEST BROADWAY	PEARLAND	TX	77581
5440-0006-000	JOHNSTON A O	PO BOX 476	PEARLAND	TX	77588-0476
5440-0005-000	SAWYER LUTHER A ESTATE	PO BOX 935	PEARLAND	TX	77588-0935
7368-0025-000	CRUZ EFIGENIA	PO BOX 1837	PEARLAND	TX	77588-1837
PROP OWNER	CELALETTIN DEMIR	13172 MEMORIAL DR	HOUSTON	TX	77079
APPLICANT	THOMAS L TONEY	2314 LYNN DR	PEARLAND	TX	77581
7368-0012-000	MALLET EDMOND J & CLARA	2605 GUN POWDER LN	PEARLAND	TX	77581-5507
7368-0011-000	AGUILAR SILVESTRE &	5921 JOSEPHINE ST	PEARLAND	TX	77584-8355
7368-0010-000	AGUILAR CAROLINA	5921 JOSEPHINE ST	PEARLAND	TX	77584-8355
7368-0009-000	SAWYER LUTHER A ESTATE	PO BOX 935	PEARLAND	TX	77588-0935
7368-0008-000	OZEN MUSTAFA & CELAL	7707 INTREPID ST	HOUSTON	TX	77072
7368-0007-000	LEWIS GARRETT ALLEN	6005 JOSEPHINE ST	PEARLAND	TX	77584-8357
7368-0006-000	ZAPALAC JOHN K	6009 JOSEPHINE ST	PEARLAND	TX	77584-8357
7368-0005-000	ZAPALAC JOHN K	6009 JOSEPHINE ST	PEARLAND	TX	77584-8357
7368-0004-000	JOHNSTON GLORIA JEAN	6017 JOSEPHINE ST	PEARLAND	TX	77584-8357
7368-0024-000	CRUZ EFIGENIA	PO BOX 1837	PEARLAND	TX	77588-1837
7368-0023-000	SIMENTAL ROBERT & ANGELITA	2127 SAN ANTONIO ST	PEARLAND	TX	77581-3338
7368-0022-000	SERRANO LUIS G	5934 JOSEPHINE ST	PEARLAND	TX	77584-8354
7368-0021-000	CUNA GRACE ETAL	2304 COUNTRY CLUB DR	PEARLAND	TX	77581-5112
7368-0020-000	POWELL DEBORAH K	6010 JOSEPHINE ST	PEARLAND	TX	77584-8356



ZONING MAP

Conditional Use Permit
No. CUP2008-04

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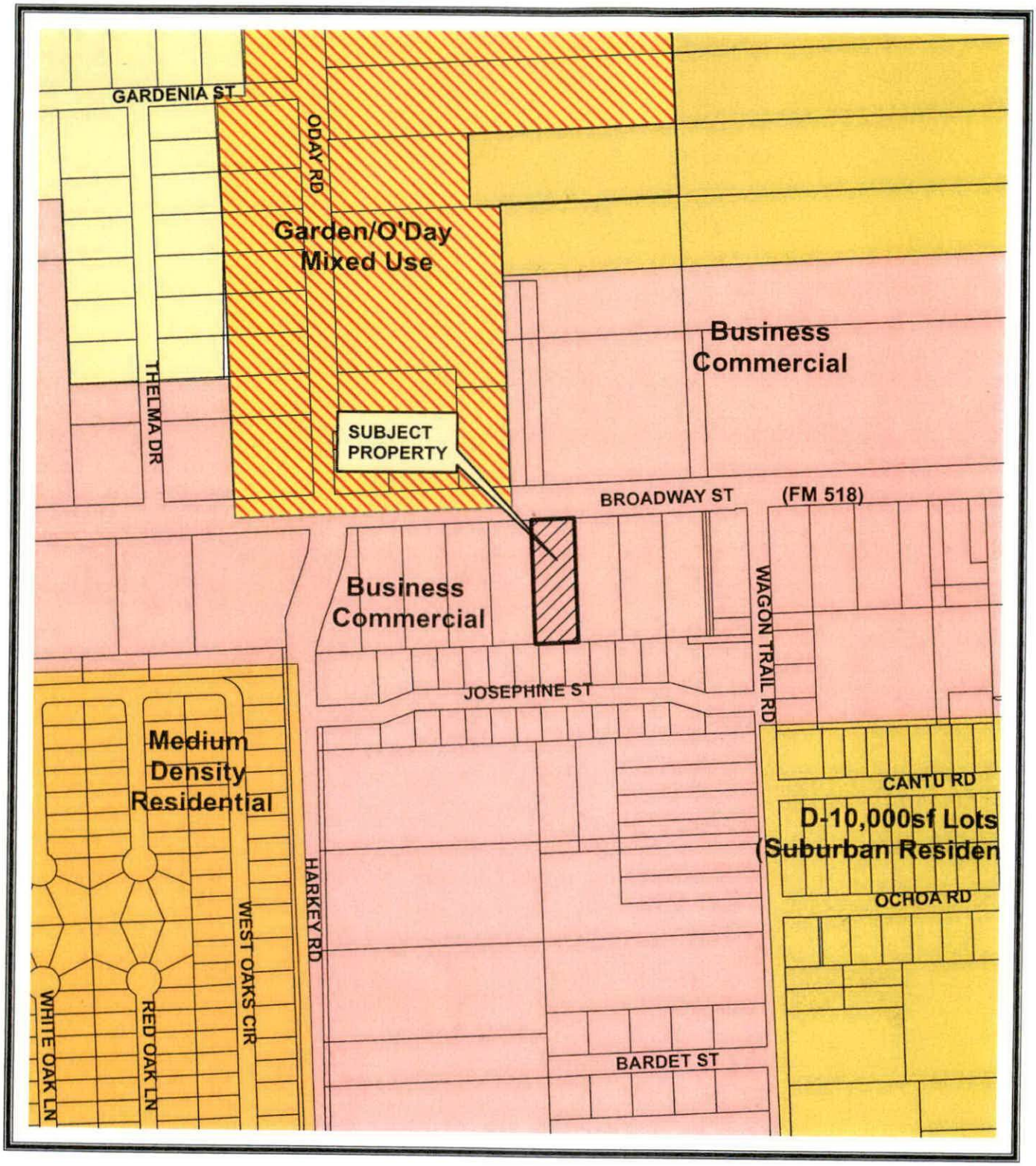
Map Prepared on January 2, 2008



FUTURE LAND USE PLAN

0 200 400 Feet

Conditional Use Permit
No. CUP2008-04

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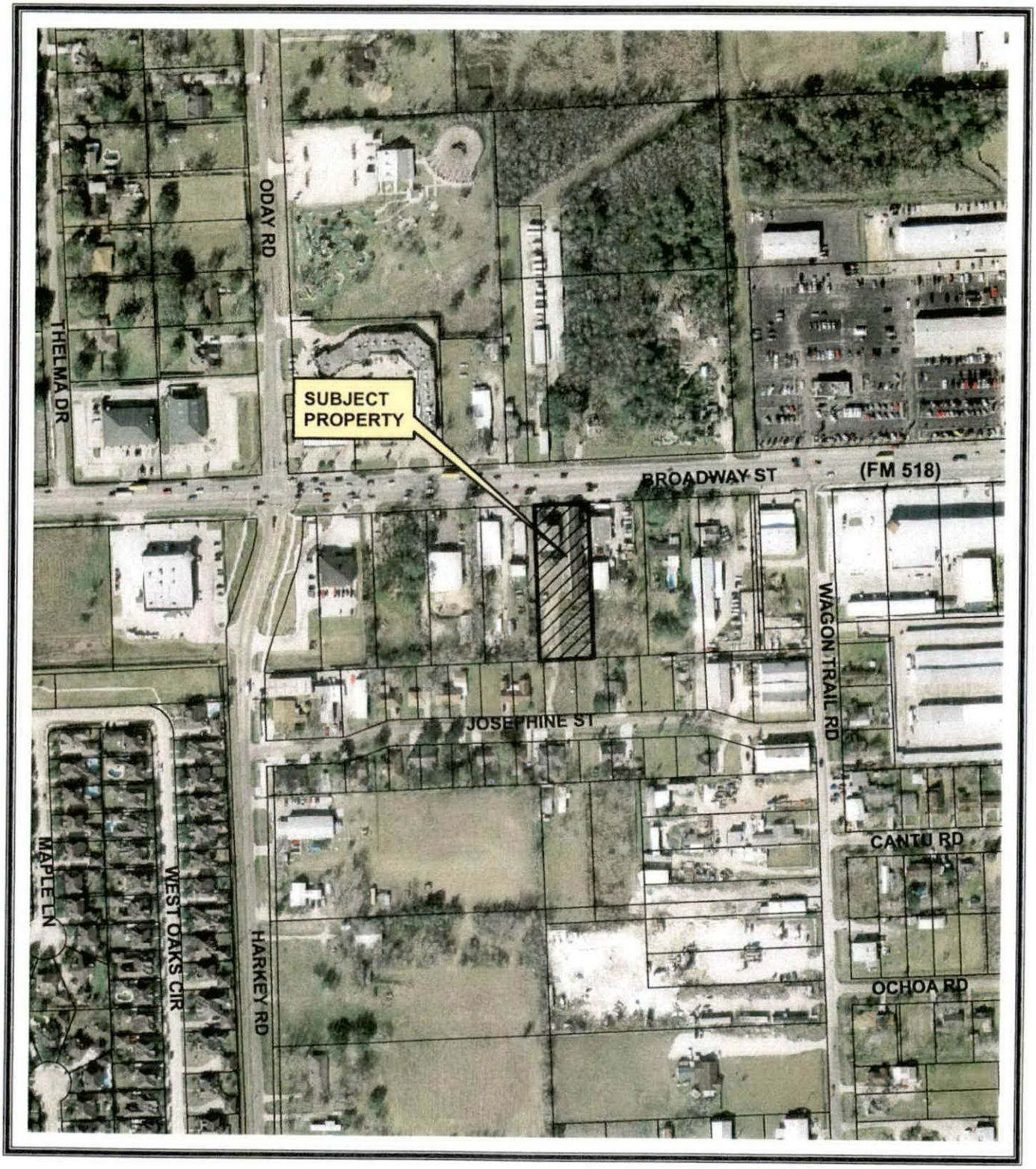
Map Prepared on January 2, 2008



AERIAL PHOTOGRAPH

0 200 400 Feet

Conditional Use Permit
No. CUP2008-04

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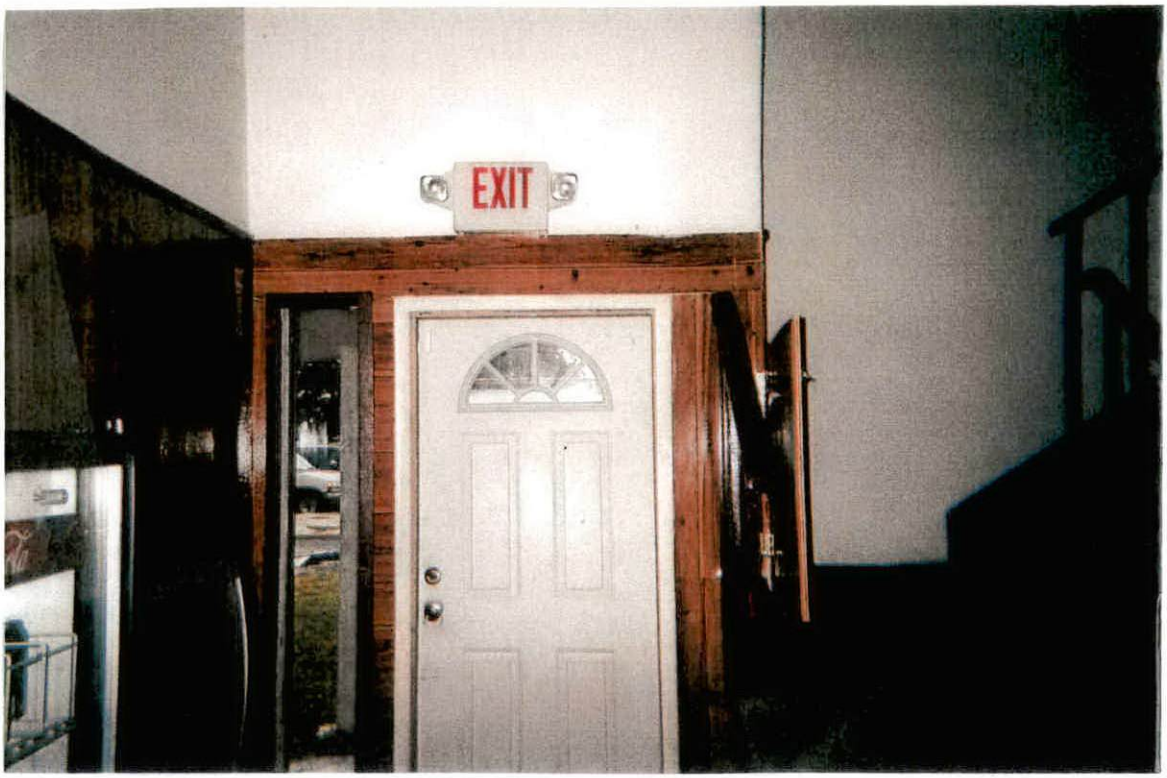
Map Prepared on January 2, 2008


EXIT


EXIT
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Began side B of Tape 1

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JANUARY 21, 2008, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER Opened @ 7:46

II. PURPOSE OF HEARING Henry read . . .

Zone Change No. 2008-02Z

A request by Sonya Ann Dare, 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 Single Family Residential – 2 District (R-2) to Neighborhood Service District (NS), on the following described property, to wit:

Legal Description: 0.550 acres of land, Lot 1L, out of the Northwest one-fourth of the H.T. & B.R.R. Company Survey, Section 11, Abstract 239, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the South Side of Walnut Street, and Approximately 100 Feet East of McLean Road

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT TAG read... appl. is okay to change zoning to OP - office professional - per staff's recommendation →

B. APPLICANT PRESENTATION Sonya Ann Dare 4904 W Walnut Pearland 77581 Have had 10 interested buyers - but don't want it zoned St.

IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST No one present

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

Mayor - can they make this OP? TAG - she's spoken w/ realtor. OP is a lot less traffic. P&Z can consider either NS or OP - since OP is a less ? use.

VI. ADJOURNMENT 8:01

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.

St. Sabre - asked Mrs. Dare about potential buyers use. Mrs Dare did not know.

St Sabre - concerned if the Dares have talked w/ neighbors? ie neighbors seem ok.

Neil - Buffering / transition to GB

Much discussion ensued w/ Delicia Kyle, St. Sabre, Helen - w/ this being a positive transition

Staff recommends denial
of NS - per Staff comments
But would support OP.

Rec'd: 2 support
2 opposed

JOINT PUBLIC HEARING AGENDA ITEM
MEETING OF JANUARY 21, 2008

Zone Change No. 2008-02Z

A request by Sonya Ann Dare, 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 Single Family Residential – 2 District (R-2) to Neighborhood Service District (NS)

LEGAL DESCRIPTION: 0.550 acres of land, Lot 1L, out of the Northwest one-fourth of the H.T. & B.R.R. Company Survey, Section 11, Abstract 239, City of Pearland, Brazoria County, Texas

GENERAL LOCATION: Generally Located on the South Side of Walnut Street, and Approximately 100 Feet East of McLean Road

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

Planning and Zoning Commission: January 21, 2008*
City Council for First Reading: February 11, 2008*
City Council for Second Reading: February 25, 2008*

(*dates subject to change if item is tabled)

SUMMARY: The applicant is requesting a change in zoning on the subject property for a Neighborhood Service District (NS). The subject property is currently zoned as Single Family Residential – 2 District (R-2). The subject property is currently developed with a single family residence. The applicant is requesting the zone change in order to sell the property. They have indicated that the retail, office, and business uses in the area make the property difficult to sell for residential purposes.

SURROUNDING ZONING AND LAND USES:
*** surrounding zoning districts based on the new map adopted February 27, 2006**

	Zoning	Land Use
North	General Business Retail District (GB)	Commercial and retail businesses
South	Single Family Residential – 2 District (R-2)	Single family residences
East	Single Family Residential – 2 District (R-2)	Single family residences
West	General Business Retail District (GB); Single Family Residential – 2 District (R-2)	Commercial/retail business; single family residential

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The applicant is requesting the NS district. The minimum lot size for the NS district is 12,500 square feet, the minimum lot width is 100 feet, and the minimum lot depth is 100 feet. The subject property exceeds these minimum requirements, as the subject property is approximately 120 feet in width along Walnut Street and approximately one-half acre in size.

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

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

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Medium Density Residential" for the subject property, and for many of the surrounding properties. The Comprehensive Plan further indicates that the appropriate zoning districts for "Medium Density Residential" are the Single Family Residential – 2 District (R-2), the Single Family Residential – 3 District (R-3), and the Single Family Residential – 4 District (R-4). Therefore, the proposed zone

change to NS does not conform to the Comprehensive Plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Walnut Street, a major collector street with a projected right-of way of 100 feet. Additional right-of-way for Walnut Street may be necessary and will be reviewed when the subject property is platted.

No other roadways affect the subject property.

AVAILABILITY OF UTILITIES: There are water lines and sanitary sewer lines located within Walnut Street and McLean Road. The applicant will be responsible for extending all utilities as necessary to serve the proposed development.

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

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The subject property is currently zoned as R-2. The applicant has indicated that would like to sell the subject property as a non-residential property, due to the surrounding non-residential developments and its location on Walnut Street.

The subject property shares property lines to the south, east, and west with tracts that are zoned as R-2. Due to the adjacency with the residential lots, Staff believes that an Office and Professional District (OP) may be more appropriate adjacent to the residential districts and uses. The subject property meets the size requirements of the OP district as well. The OP district is the least intensive of all the non-residential districts and may be more appropriate in the area.

The Comprehensive Plan designates the subject property for Medium Density Residential, and Staff believes that the area may not be suitable for a single family residential district. The subject property fronts on Walnut Street, which is designated as a major collector street within this area, also carrying a lot of traffic. The property directly to the west is currently zoned as GB and is occupied by a bail bonds office. There are areas along the north side of Walnut Street that are zoned as GB. Further to the east on Walnut Street is an Office and Professional District (OP) and several lots that are zoned as Townhome District (TH). Due to the mix of uses along Walnut Street and its impending construction as a major collector street, the lots fronting onto Walnut Street are transitioning from single family residential to office, retail, and service uses.

If the zone change to NS (or OP) is approved, the applicant would be required to comply with the screening/landscape buffer requirement listed in the UDC under that zoning district. In the NS (and OP) district, a 25 foot wide landscape buffer is required along the south, east, and west property lines that are shared with the R-2 district. The landscape buffer shall remain open and unobstructed, and cannot contain parking, driveways, dumpsters, or detention ponds. In addition to the 25 foot wide buffer, a masonry fence is also required. However, the buffer could be increased to 30 feet and then the masonry fence would not be required.

If the zone change is approved, the applicant may be responsible for the submittal of a traffic impact analysis (TIA) in order to determine the impact of the proposed development on adjacent roadways and adjacent properties, as well as the locations of driveways, and any roadway improvements and other similar traffic related issues.

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 denial of the zone change to NS, for the following reasons:

1. The proposed zone change to NS allows for a wider range of uses that may not be appropriate in the subject area.

2. The subject property is directly adjacent to R-2 zoning districts on the south side, east side, and west side, and the NS district could have a negative impact on the surrounding residential properties.

Staff would recommend approval of an OP district, for the following reasons:

1. Although contrary to the Future Land Use Plan, a zone change to OP may be appropriate for the subject tract due to its location on Walnut Street, a major collector street that carries heavy traffic.

2. A zone change to OP would be consistent and compatible with the adjacent and surrounding zoning districts of GB and OP, and is compatible with the land uses along Walnut Street.

3. A zone change to OP would provide for a lower intensity of uses that would be compatible with the adjacent residential tracts to the south, east, and west, and the applicant would be required to provide a masonry fence and/or landscape buffer along the property lines that are shared with the R-2 districts.

SUPPORTING DOCUMENTS:

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

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: Residential R-2

Proposed Zoning District: ~~OP~~ / NS per applicant 12-10-07

Property Information:

Address or General Location of Property: 4904 W. Walnut Pearland, TX 77581

Tax Account No. 0239-0026-000

Subdivision: _____ Lot: _____ Block: _____
LT 1L 239 HT & B Pearland

A Complete Application must include all of this information:

- ☑ Fee (see Zoning Change Fee Schedule)
- ☑ Legal Description and/or Survey of the Property
- ☑ Letter Explaining the Zoning Change Request in detail (specify the existing zoning and why the zone change is being requested, current use of the property, and the proposed use of the property; if a PD is requested, see PD Format and Guidelines)

PROPERTY OWNER INFORMATION:

NAME Sonya Ann Dare
ADDRESS 4904 W. Walnut
CITY Pearland STATE TX ZIP 77581
PHONE(~~1-432-770-9985~~ 832-788 9157 (Agent)
FAX(281) 741-3806
E-MAIL ADDRESS cheryl77584@aol.com

APPLICANT INFORMATION: (Same)

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

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: X Sonya Ann Dare Date: 11/11/07

Agent's Signature: Cheryl [illegible] (Remax) Date: 11/12/07

OFFICE USE ONLY:

FEES PAID:	DATE PAID:	RECEIVED BY:	RECEIPT NUMBER:
$275.00	12/20/07	tcg	—

Application No. 2008-027

To whom it may concern:

Property is currently zoned Residential. We would like to sell as Office Professional or Neighborhood Services. AAA Bail Bonds is directly next door to property and a Phillips 66 Convienent Store across the street. With all this it makes the property hard to sell. due to all the business around the property.

Sincerely

Ann Dare

Ann Dare

Address

4904 Walnut St.
Porland, Tx 77581

LOCATION MAP

Zone Change
No. 2008-02Z

N
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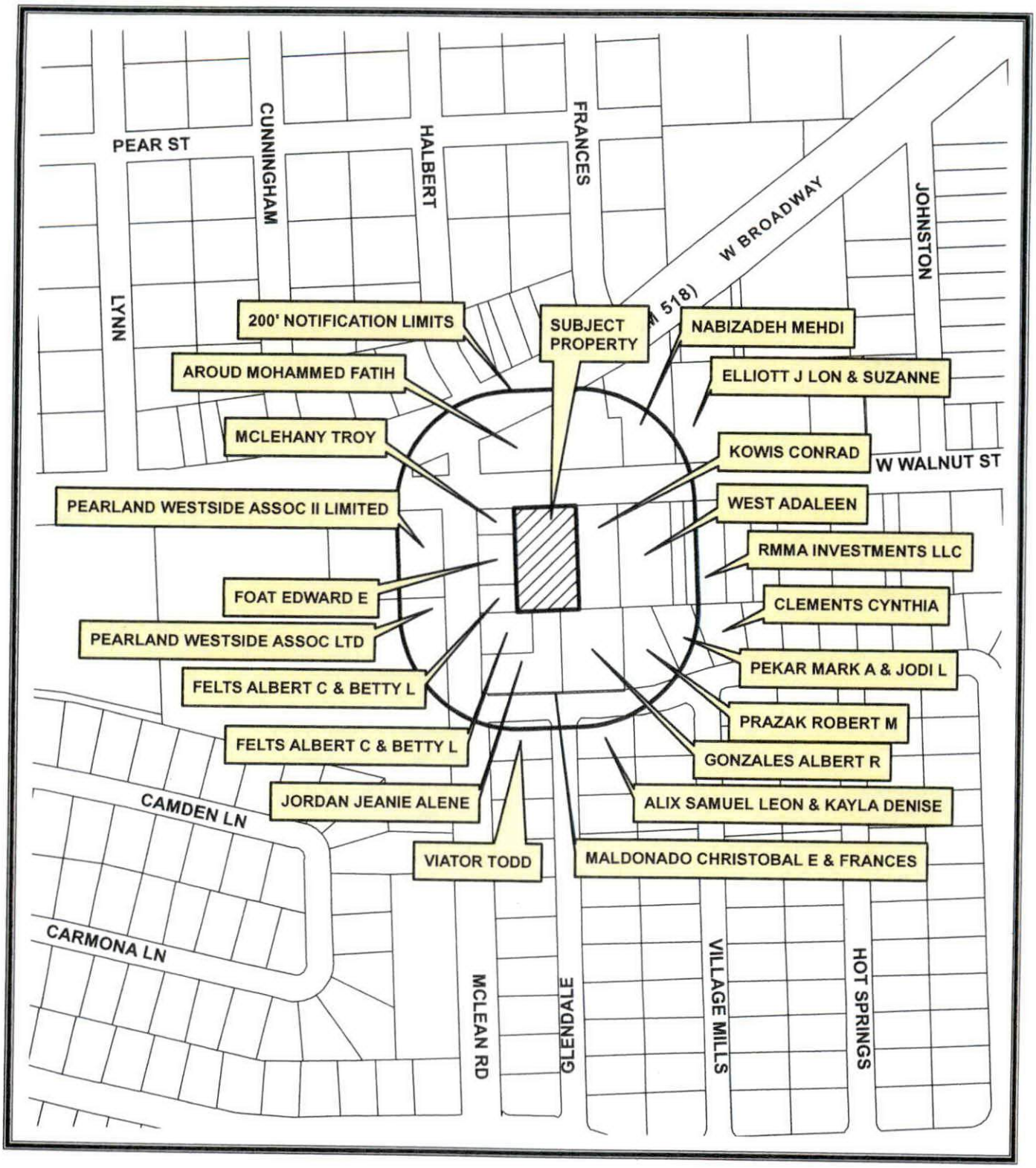
0 200 400 Feet

Map Prepared on January 2, 2008



OWNERSHIP MAP

Zone Change
No. 2008-02Z

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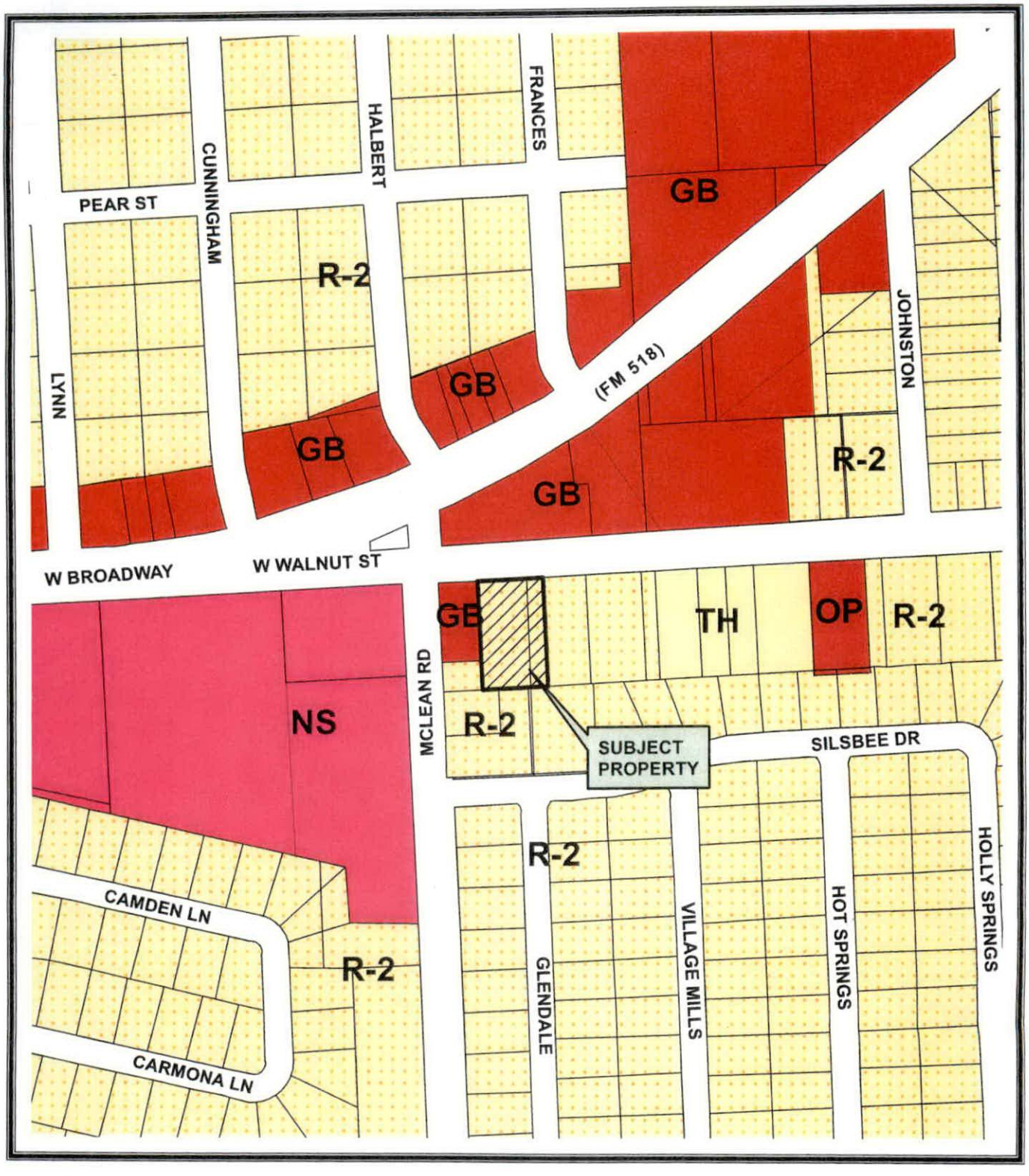
0 200 400 Feet

Map Prepared on January 2, 2008

ZONE CHANGE NO. 2008-02Z
Property Owner Notification List

TAX ACCT	OWNER	ADDRESS	CITY	STATE	ZIP CODE
0543-0037-110	NABIZADEH MEHDI	4824A BROADWAY ST	PEARLAND	TX	77581-3935
0543-0042-000	ELLIOTT J LON & SUZANNE	PO BOX 1302	PEARLAND	TX	77588-1302
0543-0037-000	AROUD MOHAMMED FATIH	4824 BROADWAY ST	PEARLAND	TX	77581-3935
0543-0075-000	CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581-5416
0239-0047-000	WEST ADALEEN	4804 W WALNUT ST	PEARLAND	TX	77581-3923
0239-0020-000	KOWIS CONRAD	4806 W WALNUT ST	PEARLAND	TX	77581-3923
0239-0039-001	MCLEHANY TROY	1140-D STEELE RD	ALVIN	TX	77511
8248-0000-000	PEARLAND WESTSIDE ASSOC LTD	7373 E DOUBLETREE RANCH RD STE 225	SCOTTSDALE	AZ	85258-2145
0239-0039-000	FOAT EDWARD E	2601 MCLEAN ROAD	PEARLAND	TX	77584
8390-0402-000	PEKAR MARK A & JODI L	4710 WESTCHESTER ST	PASADENA	TX	77505-4340
0239-0021-000	GONZALES ALBERT R &	4911 SILSBEE DR	PEARLAND	TX	77584-1327
0239-0036-000	JORDAN JEANIE ALENE	2609 MCLEAN RD	PEARLAND	TX	77584-1309
0239-0038-000	RMMA INVESTMENTS LLC	2407 KAY AVE	PEARLAND	TX	77581
0239-0026-000	DARE SONYA ANN & DENNIS DARE	4904 W WALNUT ST	PEARLAND	TX	77581-3925
8248-2001-001	PEARLAND WESTSIDE ASSOC II LIMITED	7373 E DOUBLETREE RANCH RD STE 225	SCOTTSDALE	AZ	85258-2145
0239-0039-110	FELTS ALBERT C & BETTY L	2927 VEVA DR	PEARLAND	TX	77584-1303
8390-0403-000	CLEMENTS CYNTHIA	4905 SILSBEE	PEARLAND	TX	77584
8390-0401-000	PRAZAK ROBERT M	4909 SILSBEE DR	PEARLAND	TX	77584-1327
0239-0025-000	FELTS ALBERT C & BETTY L	2927 VEVA DR	PEARLAND	TX	77584-1303
8390-0400-000	MALDONADO CHRISTOBAL E & FRANCES	4911 SILSBEE DR	PEARLAND	TX	77584-1327
390-0101-000	ALIX SAMUEL LEON & KAYLA DENISE	2701 GLENDALE DR	PEARLAND	TX	77584-1323
390-0001-000	VIATOR TODD	2702 GLENDALE DR	PEARLAND	TX	77584-1322



ZONING MAP

Zone Change
No. 2008-02Z

N
W E
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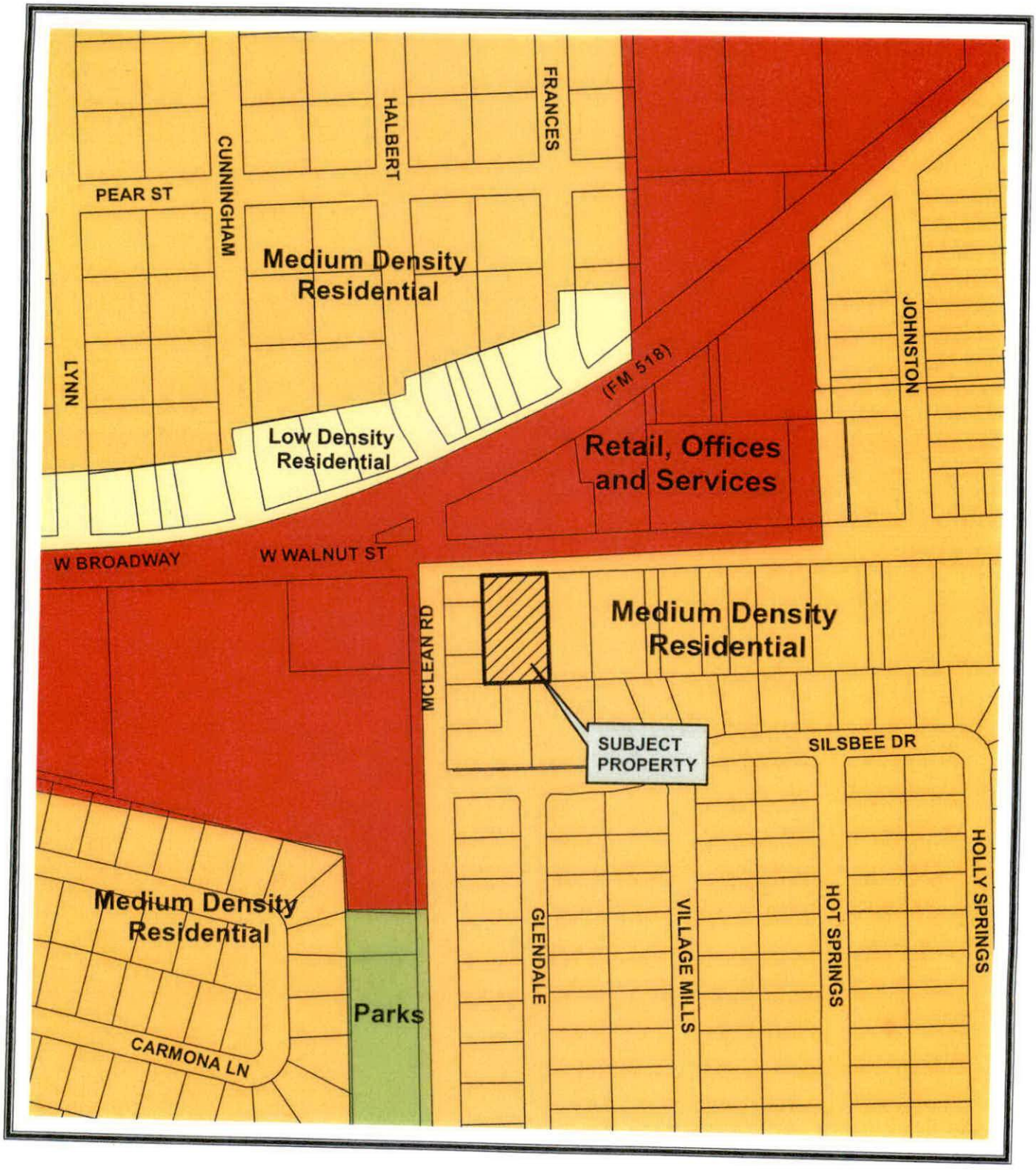
0 200 400 Feet

Map Prepared on January 2, 2008



FUTURE LAND USE PLAN

Zone Change No. 2008-02Z

N W E S

0 200 400 Feet

Map Prepared on January 2, 2008

AERIAL PHOTOGRAPH

Zone Change
No. 2008-02Z

N
W E
S

0 200 400 Feet

Map Prepared on January 2, 2008

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: Sonya Ann Dare

Full Address: 4904 W Walnut

(include zip) Pearland TX 77581

I wish to speak regarding Item No. 2008-022

03/2005

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JANUARY 21, 2008, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER opened @ 6:01

II. PURPOSE OF HEARING Henry read...

Zone Change No. 2008-03Z

A request by Thu Trinh, applicant for Dung Hung Ta, 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 Office and Professional District (OP) to Light Industrial District (M-1), on the following described property, to wit:

Legal Description: 9.7036 acres of land, Lot 22, H.T. & B.R.R. Company Survey, Section 8, Abstract 504, as recorded in Book 2, Pages 23 and 24 of the Plat Records of Brazoria County, Texas, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the East Side of Roy Road, and Approximately 500 Feet North of FM 518 (Broadway Street)

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT TAG read... Staff recommends denial. Rec'd 1 comment from appl. - in support

B. APPLICANT PRESENTATION Jimmy Trenh 10122 Brighton Ln, Houston 77031 - feels a GC zoning would be better use for a mini-warehouse

IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST Mark Parker 2549 Roy Rd - owns prop. adjacent opposed to too many uses under M-1. (1) Road (2) Drainage (3) Overall uses

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

K. Cole agrees w/ some of the concerns of a M-1 zone.

LK - when zoning lowers - the requirements/standards are lowered too. (ie parking, landscaping)

much disc. regarding zoning classification

VI. ADJOURNMENT 6:21

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.

III B
Pat Munoz
2533 Roy Rd.
owns prop. N.
Has same concerns
as Mr. Parker
@ drainage
agrees w/ staff recommendation
of no many use could come
in as M-1

JOINT PUBLIC HEARING AGENDA ITEM
MEETING OF JANUARY 21, 2008

Zone Change No. 2008-03Z

A request by Thu Trinh, applicant for Dung Hung Ta, 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 Office and Professional District (OP) to Light Industrial District (M-1)

LEGAL DESCRIPTION: 9.7036 acres of land, Lot 22, H.T. & B.R.R. Company Survey, Section 8, Abstract 504, as recorded in Book 2, Pages 23 and 24 of the Plat Records of Brazoria County, Texas, City of Pearland, Brazoria County, Texas

GENERAL LOCATION: Generally Located on the East Side of Roy Road, and Approximately 500 Feet North of FM 518 (Broadway Street)

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

Planning and Zoning Commission: January 21, 2008*
City Council for First Reading: February 11, 2008*
City Council for Second Reading: February 25, 2008*

(*dates subject to change if item is tabled)

SUMMARY: The applicant is requesting a change in zoning on the subject property for a Light Industrial District (M-1). The subject property is currently zoned as Office and Professional District (OP). The subject property is currently undeveloped. The applicant is requesting a zone change in order to allow the property to be used for office, warehouse, and storage facilities.

SURROUNDING ZONING AND LAND USES:
*** surrounding zoning districts based on the new map adopted February 27, 2006**

	Zoning	Land Use
North	Office and Professional District (OP)	Undeveloped tract
South	Office and Professional District (OP)	Commercial business/buildings
East	Office and Professional District (OP)	Undeveloped tracts
West	General Commercial District (GC)	Undeveloped tracts

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The applicant is requesting the M-1 district. 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 subject property is over 400 feet in width along Roy Road and approximately 10 acre in size.

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

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

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

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Roy Road, a major collector street with a projected right-of way of 80 feet. Additional right-of-way for Roy Road may be necessary and will be reviewed when the subject property is platted.

No other roadways affect the subject property.

AVAILABILITY OF UTILITIES: There are water lines located within Roy Road. The nearest sanitary sewer line is located in Broadway Street. The applicant will be responsible for extending all utilities as necessary to serve the proposed development.

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

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The subject property is currently zoned as Office and Professional District. The applicant has indicated that would like to zone the property to Light Manufacturing District (M-1) in order to use the property for office and warehouse facilities.

It is unclear exactly what the applicant intends to do with the property. Office and warehouse facilities are permitted in the M-1 district. They are also permitted in the General Commercial District (GC) by the approval of a conditional use permit. Light industrial processing is permitted in M-1, but not in GC. If the applicant intends to use the property for storage and mini-warehouse, or boat and RV storage, then a conditional use permit will also need to be obtained.

The subject property is currently zoned OP, and several other tracts within the area are zoned OP as well. A few parcels are zoned as GC. The area does not appear to be suitable for a Light Industrial zoning district. If the adjacent tracts develop as offices or office parks, the light industrial district would be a negative impact on these surrounding properties. The light industrial district and associated office, warehouse, and distribution facilities, and outside storage, and many other allowable uses, is not appropriate in the subject area. Also, Roy Road, being a major collector street, may not be able to accommodate heavy truck traffic associated with warehouse or industrial facilities.

If the zone change is approved, the applicant may be responsible for the submittal of a traffic impact analysis (TIA) in order to determine the impact of the proposed development on adjacent roadways and adjacent properties, as well as the locations of driveways, and any roadway improvements and other similar traffic related issues.

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 denial of the zone change to M-1, for the following reasons:

1. The Comprehensive Plan designates the subject property for "Business Commercial" uses, and the proposed zone change to Light Industrial District does not conform to this land use designation.

2. The proposed zone change to Light Industrial District allows for a wider range of uses that may not be appropriate in the subject area.

3. The proposed M-1 district is not consistent and compatible with the surrounding OP and GC zoning districts.

4. Roy Road is not suited for heavy truck/trailer traffic related to industrial uses.

SUPPORTING DOCUMENTS:

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

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: OP

Proposed Zoning District: M1

Property Information:

Address or General Location of Property: Roy Rd. CR 105

Tax Account No. 0504-0007-000

Subdivision: H.T & BRR - SURVEY 8 Lot: 22 Block:

A Complete Application must include all of this information:

- ☐ Fee (see Zoning Change Fee Schedule)
- ☐ Legal Description and/or Survey of the Property
- ☐ Letter Explaining the Zoning Change Request in detail (specify the existing zoning and why the zone change is being requested, current use of the property, and the proposed use of the property; if a PD is requested, see PD Format and Guidelines)

PROPERTY OWNER INFORMATION:
NAME DUNG HUNG TA
ADDRESS 11022 Garden ARBOR
CITY HOUSTON STATE TX ZIP 77089
PHONE (713) 944-1594
FAX ( )
E-MAIL ADDRESS

APPLICANT INFORMATION:
NAME THU TRINH
ADDRESS 10122 BRIGHTON LN
CITY HOUSTON STATE TX ZIP 77031
PHONE ( )
FAX (281) 568-3962
E-MAIL ADDRESS

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

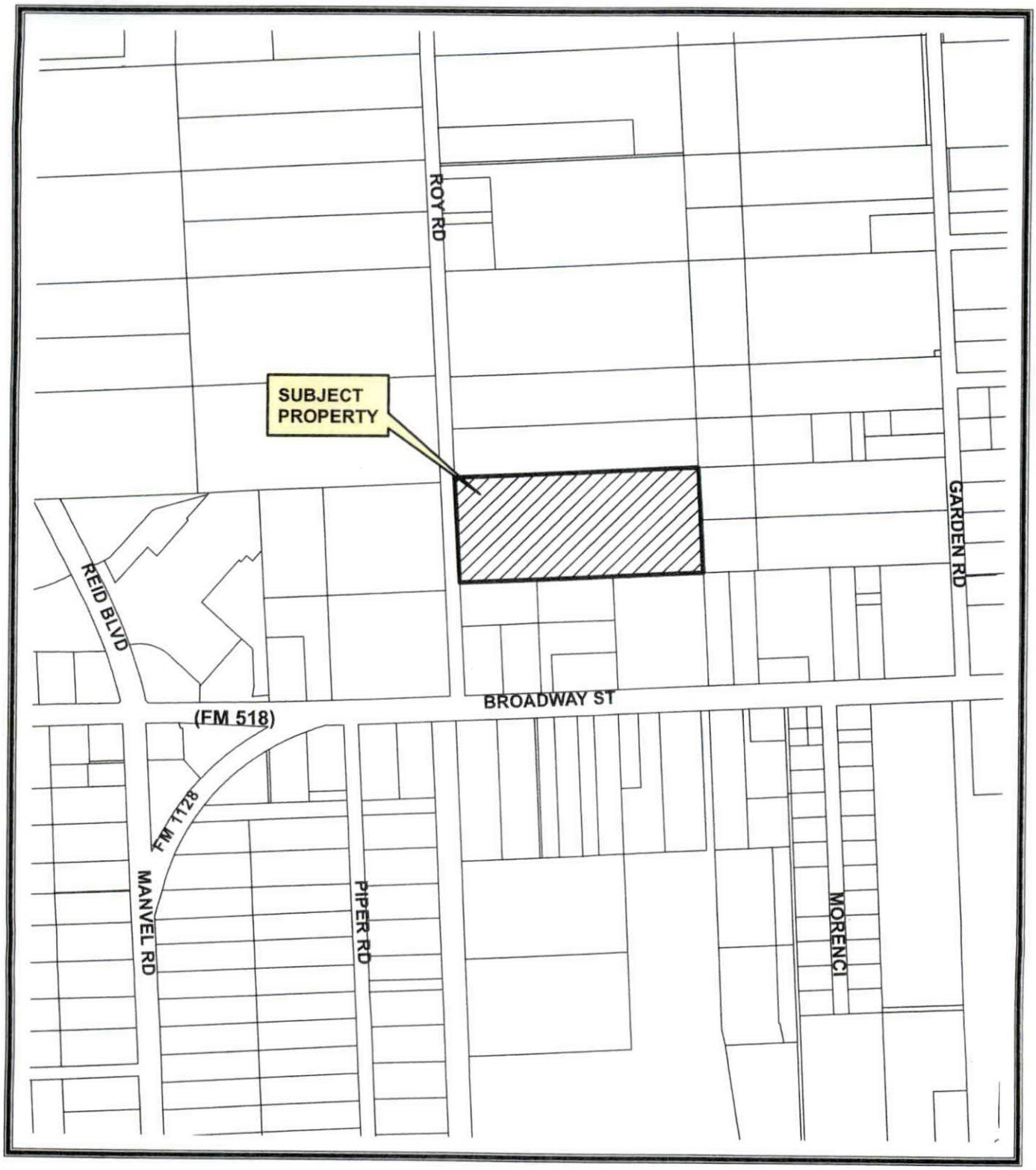
Owner's Signature: [signature] Date: 12/12/07

Agent's Signature: [signature] Date: 12/12/07

OFFICE USE ONLY:

FEES PAID: $275.00	DATE PAID: 12/20/07	RECEIVED BY: [signature]	RECEIPT NUMBER: —

Application No. 2008-037



LOCATION MAP

Zone Change
No. 2008-03Z

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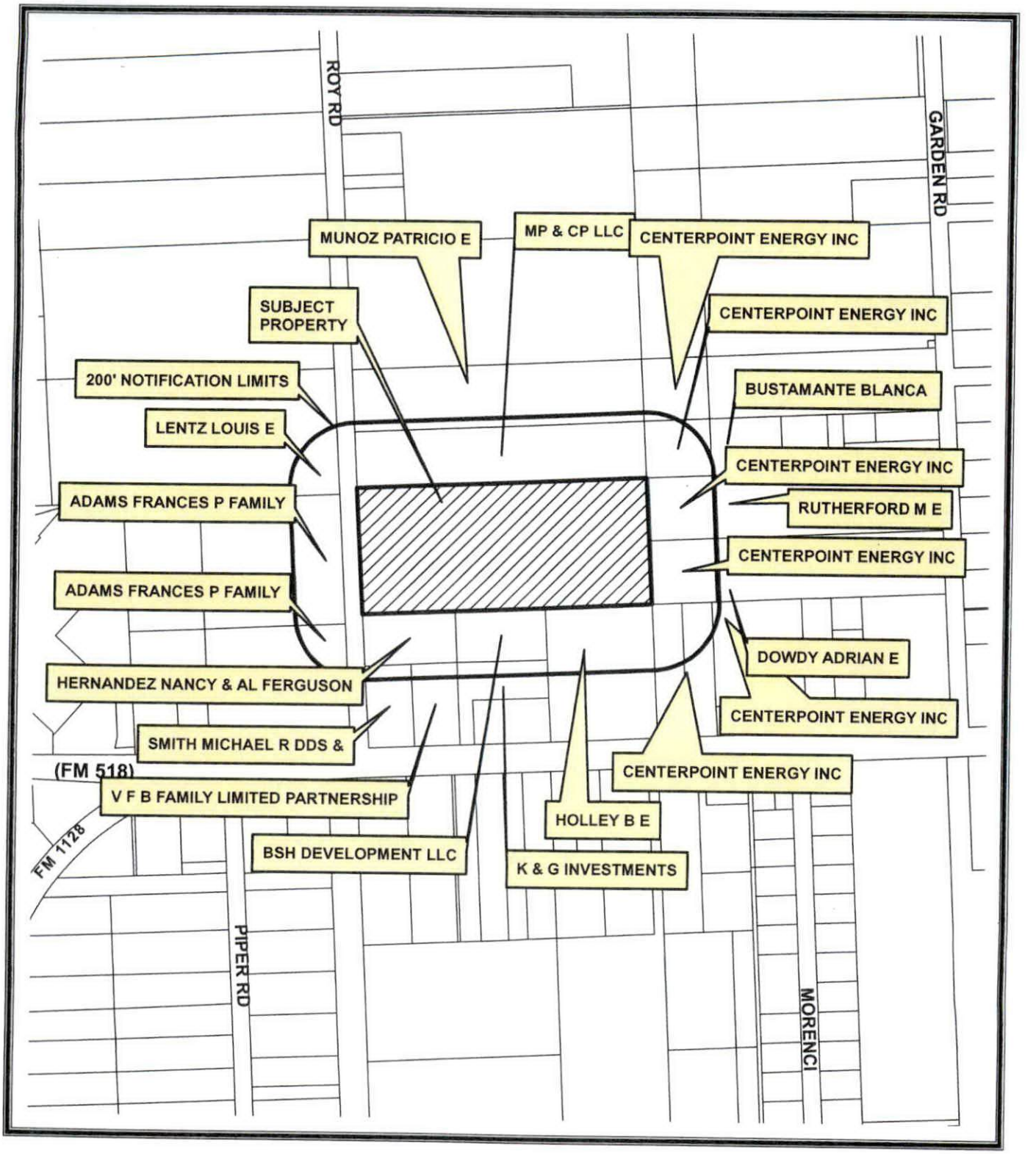
0 200 400 Feet

Map Prepared on January 2, 2008



OWNERSHIP MAP

Zone Change
No. 2008-03Z

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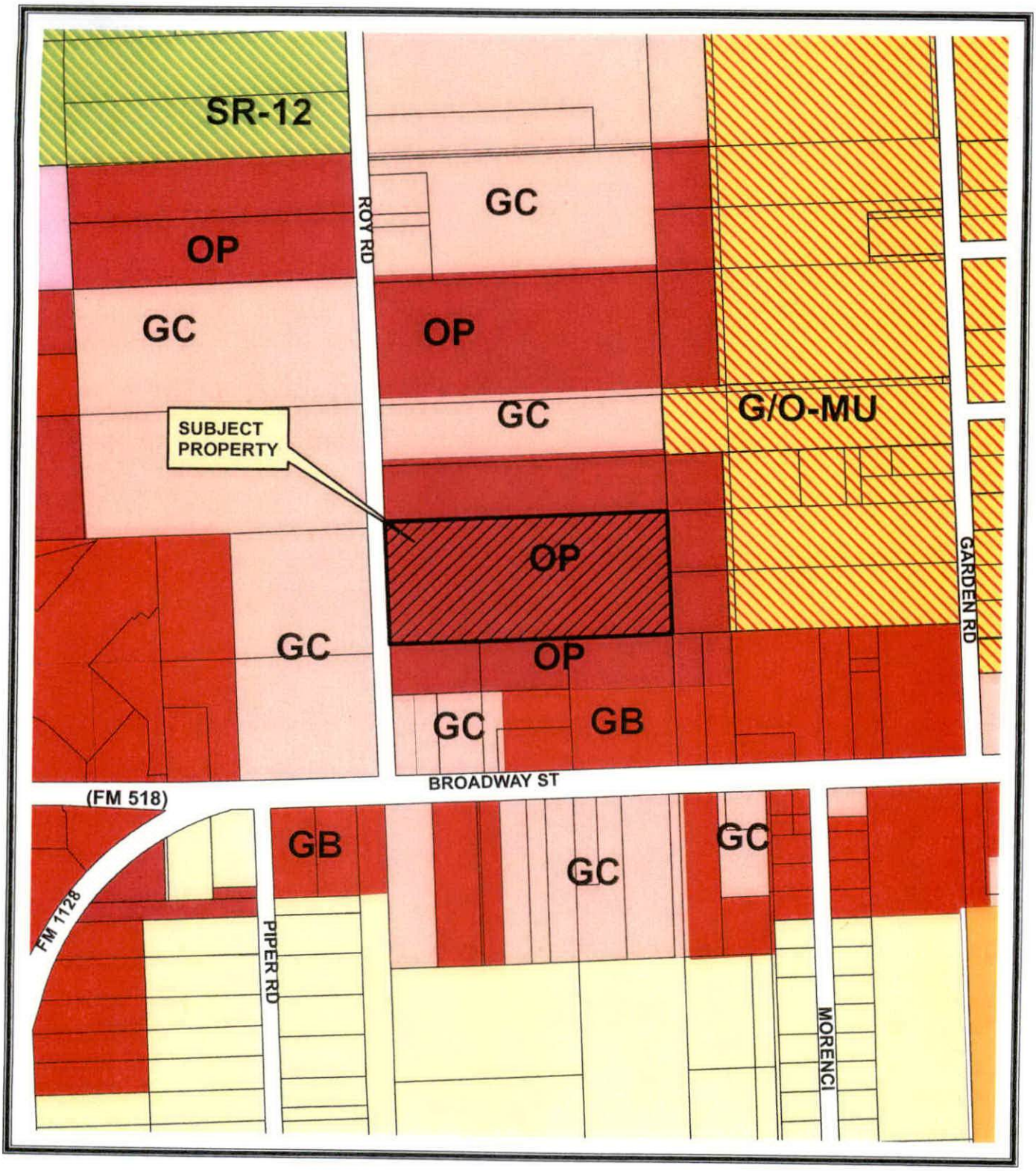
0 200 400 Feet

Map Prepared on January 2, 2008

ZONE CHANGE NO. 2008-03Z
Property Owner Notification List

TAX ACCT	OWNER	ADDRESS	CITY	STATE	ZIP CODE
0234-0004-000	LENTZ LOUIS E	5119 BRIARBEND DR	HOUSTON	TX	77035-3105
0504-0049-000	BUSTAMANTE BLANCA R & FRANCISCO J	2534 GARDEN RD	PEARLAND	TX	77581
0504-0047-000	RUTHERFORD M E & LYDIA	HC 32 BOX 136U	UVALDE	TX	78801-9707
0504-0037-000	DOWDY ADRIAN E	2610 GARDEN RD	PEARLAND	TX	77581-7782
0504-0037-110	CENTERPOINT ENERGY INC	PO BOX 1475	HOUSTON	TX	77251-1475
0504-0070-150	CENTERPOINT ENERGY INC	PO BOX 1475	HOUSTON	TX	77251-1475
0504-0062-099	HOLLEY B E	PO BOX 920	PEARLAND	TX	77588-0920
0234-0072-110	ADAMS FRANCES P FAMILY INT	2213 ROY RD	PEARLAND	TX	77581-7697
PROP OWNER	DUNG HUNG TA	11022 GREEN ARBOR	HOUSTON	TX	77089
APPLICANT	TRU TRINH	10122 BRIGHTON LN	HOUSTON	TX	77031
0504-0062-110	K & G INVESTMENTS	7600 JOPLIN ST	HOUSTON	TX	77087-3816
0504-0036-000	MP & CP LLC	4423 SHADOWDALE	HOUSTON	TX	77041
0504-0053-010	MUNOZ PATRICIO E	801 MORNING DOVE LN	FRIENDSWOOD	TX	77546
0504-0015-110	CENTERPOINT ENERGY INC	PO BOX 1475	HOUSTON	TX	77251-1475
0504-0049-110	CENTERPOINT ENERGY INC	PO BOX 1475	HOUSTON	TX	77251-1475
0504-0049-110	CENTERPOINT ENERGY INC	PO BOX 1475	HOUSTON	TX	77251-1475
0504-0007-000	TRAN THOMAS &	11022 GREEN ARBOR DR	HOUSTON	TX	77089-1606
0234-0072-000	ADAMS FRANCES P FAMILY INT	2213 ROY RD	PEARLAND	TX	77581-7697
0504-0070-160	CENTERPOINT ENERGY INC	PO BOX 1475	HOUSTON	TX	77251-1475
0504-0062-150	BSH DEVELOPMENT LLC	6627 SCOTT LN	PEARLAND	TX	77581
0504-0062-140	HERNANDEZ NANCY & AL FERGUSON	2641 ROY RD	PEARLAND	TX	77581-7641
0504-0062-120	V F B FAMILY LIMITED PARTNERSHIP	3500 DALROCK RD	ROWLETT	TX	75088-5539
0504-0062-130	SMITH MICHAEL R DDS &	304 TALL TIMBERS CT	FRIENDSWOOD	TX	77546-7854



ZONING MAP

Zone Change
No. 2008-03Z

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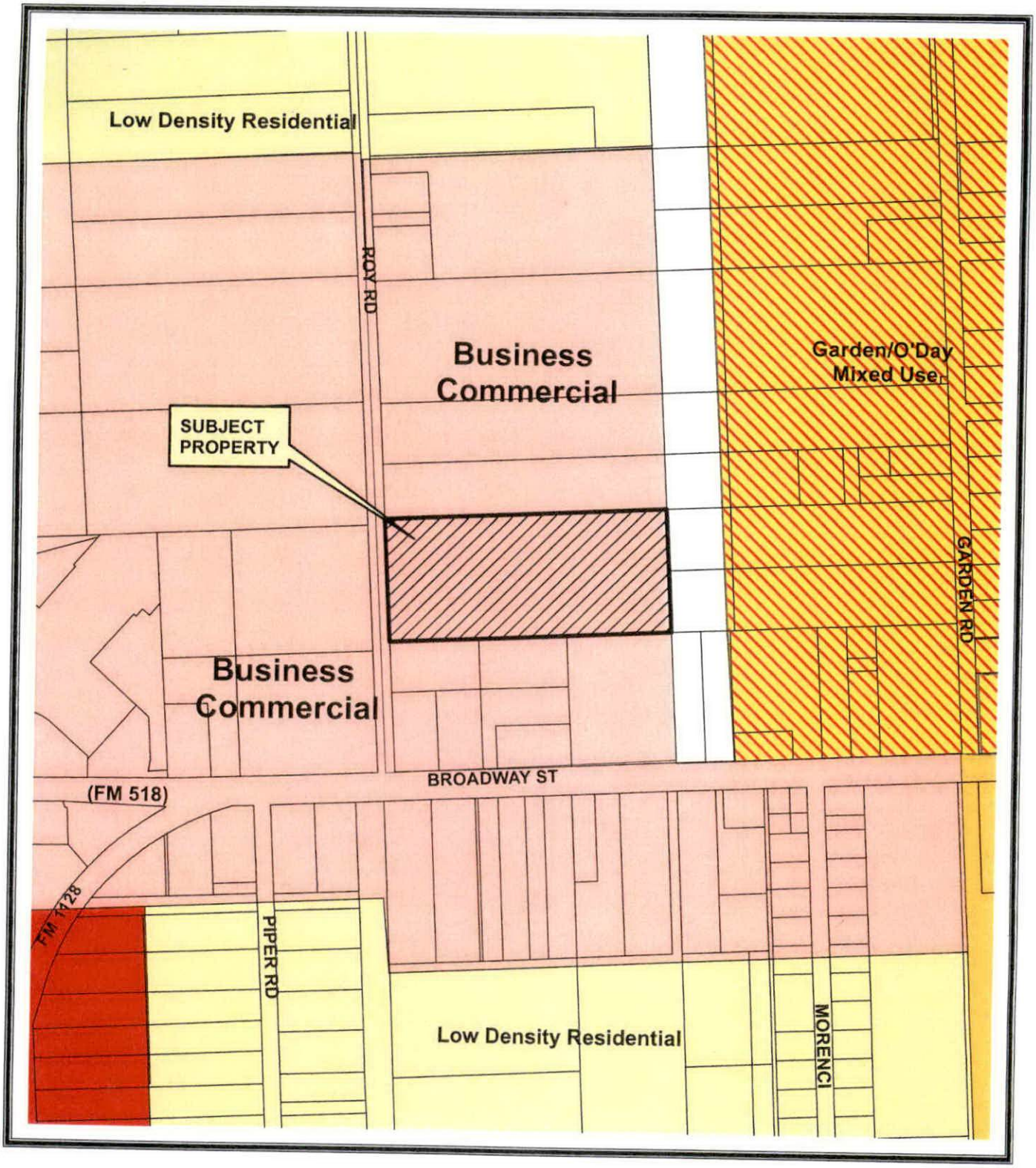
Map Prepared on January 2, 2008



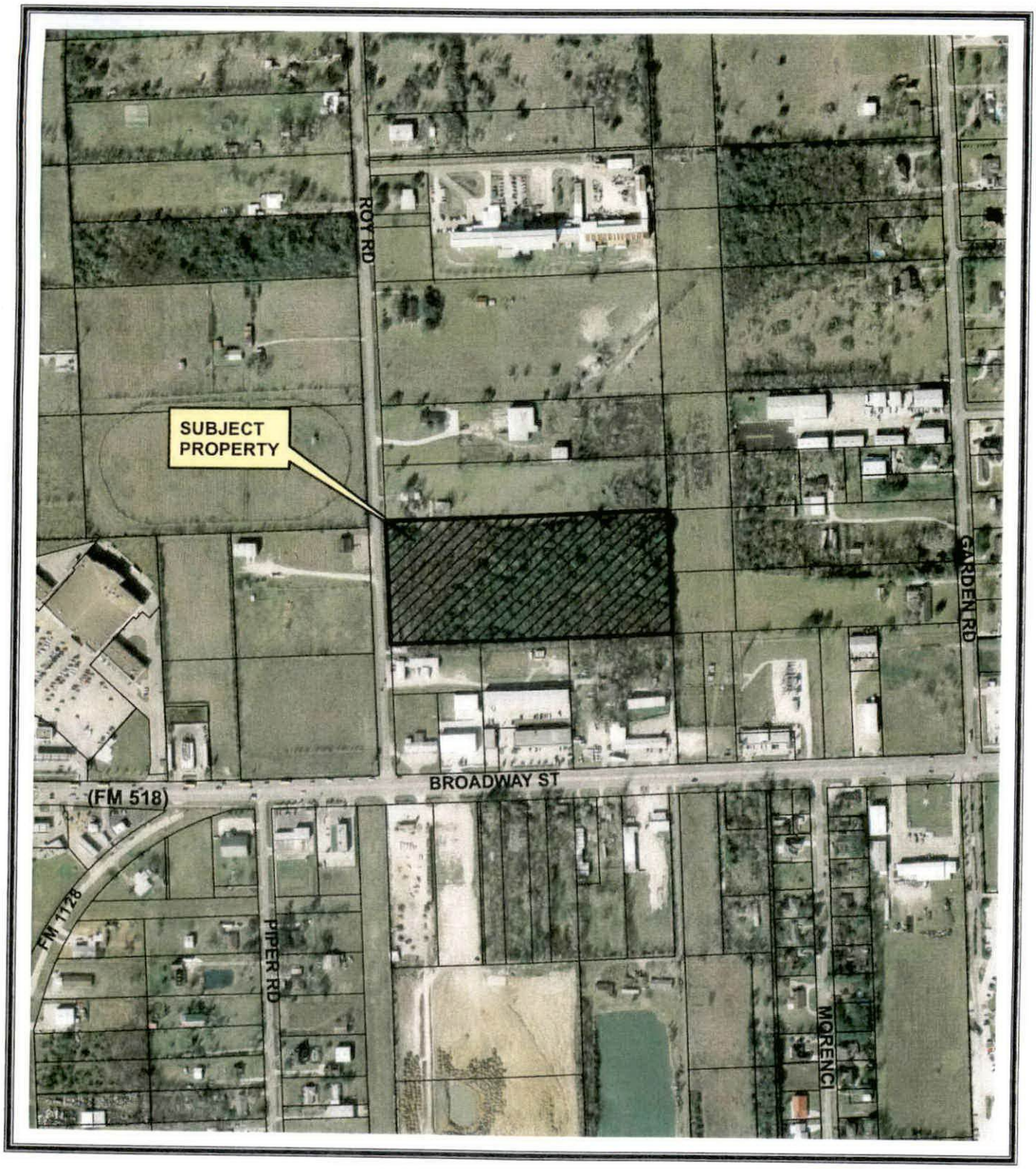
FUTURE LAND USE PLAN

0 200 400 Feet

Zone Change No. 2008-03Z

N W E S

Map Prepared on January 2, 2008



AERIAL PHOTOGRAPH

0 200 400 Feet

Zone Change
No. 2008-03Z

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Map Prepared on January 2, 2008

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: PAT MUNOZ

Full Address: 2533 Roy RD

(include zip) Pearland, Tx 77581

I wish to speak regarding Item No. 2008-032

03/2005

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: JIMMY TRINH

Full Address: 10122 BRIGHTON LN.

(include zip) HOUSTON, TX 77031

I wish to speak regarding Item No. 2008-032

03/2005

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: MARK PARKER

Full Address: 2549 Roy Rd

(include zip) PEARLAND 77581

I wish to speak regarding Item No. E

03/2005

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JANUARY 21, 2008, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER 8:21

II. PURPOSE OF HEARING Henry read

Zone Change No. 2008-01Z

A request by David Pearlman, applicant for Classic Self Storage 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 Single Family Estate District (RE) to General Business Retail District (GB), on the following described property, to wit:

Legal Description: 5.00 acres, Abstract 506, H.T. & B.R.R. Company Survey, Tract 6-7A-7E, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the North Side of Hughes Ranch Road (County Road 403), and Approximately 600 Feet West of Linda Lane

* All staff write-up & highlighted notes

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT TAB read... Zoning will be concurrent w/ CUP - next case

B. APPLICANT PRESENTATION Staff recommends denial. Could work w/ applicant on a PD. Need several calls. Only 2 forms - opposed

IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST Bill Schmidt 3210 Southmere Ln. Pearland 77584 Most people ok w/ this.

~~As one present to speak~~

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION →

Sabo - realizes neighbors patronize these units. Feels a PD is the best way to go. K. Cole - agrees w/ S. Sabo

Lara - recommends PD. This hearing could constitute ~~this~~ as a workshop & would just need to come back next mo. w/ a PD

VI. ADJOURNMENT 8:38

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.

IV

~~Patricia Phelps~~ Patricia Phelps
has prop. on Linda Ln.
would like to limit it to

Larry Marcott
3606 Inverness, Pearland
if approved - no electronic
signs.

JOINT PUBLIC HEARING AGENDA ITEM
MEETING OF JANUARY 21, 2008

Zone Change No. 2008-01Z

A request by David Pearlman, applicant for Classic Self Storage 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 Single Family Estate District (RE) to General Business Retail District (GB)

LEGAL DESCRIPTION: 5.00 acres, Abstract 506, H.T. & B.R.R. Company Survey, Tract 6-7A-7E, City of Pearland, Brazoria County, Texas

GENERAL LOCATION: Generally Located on the North Side of Hughes Ranch Road (County Road 403), and Approximately 600 Feet West of Linda Lane

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

Planning and Zoning Commission: January 21, 2008*
City Council for First Reading: February 11, 2008*
City Council for Second Reading: February 25, 2008*

(*dates subject to change if item is tabled)

SUMMARY: The applicant is requesting a change in zoning on the subject property for a General Business District (GB). The subject property is currently zoned as Single Family Estate District (RE). The subject property is currently developed with a self-storage and mini-warehouse facility. Due to the RE zoning, the business is a non-conforming use.

In addition, the applicant is requesting approval of a Conditional Use Permit (CUP) for a "Mini-Warehouse and Self Storage" facility in the General Business District (GB). The conditional use permit is being considered concurrently with this zone change request.

In order for the conditional use permit to the approved, the zone change to GB also has to be approved.

SURROUNDING ZONING AND LAND USES:
*** surrounding zoning districts based on the new map adopted February 27, 2006**

	Zoning	Land Use
North	Single Family Residential District – 3 (R-3)	Single family residential lots
South	Single Family Estate District (RE)	Single family residential lots on large tracts
East	Single Family Estate District (RE)	Undeveloped tract (was recently granted a CUP for a church)
West	Single Family Residential District – 3 (R-3)	Single family residential lots

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The applicant is requesting the GB district. The minimum lot size for the GB district is 22,500 square feet, the minimum lot width is 150 feet, and the minimum lot depth is 125 feet. The subject property exceeds these minimum requirements, as the subject property is over 200 feet in width along Hughes Ranch Road and approximately 5 acres in size.

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

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

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004

update adopted on July 26, 2004) recommends "Low Density Residential" for the subject property, and for many of the surrounding properties. The Comprehensive Plan further indicates that the appropriate zoning districts for "Low Density Residential" are the Single Family Estate District (RE), the Suburban Residential –15 District (SR-15), the Suburban Residential – 12 District (SR-12), and the Single Family Residential – 1 District (R-1). Therefore, the proposed conditional use permit for a non-residential use and the associated zone change to GB does not conform to the Comprehensive Plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Hughes Ranch Road (County Road 403), a secondary thoroughfare with an ultimate right-of-way of 100 feet. Additional right-of-way for Hughes Ranch Road may be necessary and will be reviewed when and if the subject property is platted.

No other roadways affect the subject property.

AVAILABILITY OF UTILITIES: There are no water mains or sanitary sewer lines located within close proximity to the subject property. The applicant will be responsible for extending all utilities as necessary to serve the proposed development.

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

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The proposed zone change to GB would only apply to the subject property, which is already developed with a storage and mini-warehouse facility. The associated conditional use permit is for a mini-warehouse and self storage facility. Since the subject property is zoned as RE, which does not allow a mini-storage facility, the existing business is non-conforming. In addition to changing the zoning, a conditional use permit is also required for a mini-storage facility. The applicant chose the GB district, which is the least intensive of all the districts that allow mini-storage facilities. The zone change and conditional use permit were submitted by the applicant in order to make the existing business a conforming use. The applicant has indicated that they do not have any plans to expand the facility or make any changes to the use.

The mini-storage facility was built several years ago, even before the subject property was annexed into the City, and has been operating as a non-conforming use since. The subject property was zoned as Suburban Development (SD) prior to the adoption of the Unified Development Code (UDC) and the Revised Zoning Map, and the business was also a non-conforming use under that SD zoning. The RE zoning was given to the property with the adoption of the Revised Zoning Map in February 2006. An RE district was chosen

for the overall area due to the existing large lots and single family residential uses on many of those lots.

All surrounding properties are currently zoned as residential districts. The proposed General Business District does not seem to fit into the area, because it is the only non-residential district that would be in the area. Introducing a non-residential district into a largely residential area can bring about many significant impacts to the residential properties, including noise, traffic, service vehicles, and other impacts. The proposed zoning could also be considered as spot zoning, as the proposed zoning district does not conform to the Comprehensive Plan and could negatively impact the area.

The GB district allows many uses, any of which could develop on this property is the zoning is changed. The mini-storage business could be removed from the site and any number of uses could be developed on this tract. However, due to the location of the subject property and due to the configuration of the subject property, it does not appear that the tract would be suitable for many types of non-residential uses. Also, the applicant has submitted a Conditional Use Permit for the existing business, which leads one to believe that they intend for this business to exist on the subject property for many years into the future.

With the existing zoning of RE, it does not appear that the subject property would be developable for residential uses. The properties to the west and north are already developed with single family residential uses, with no street connections to the subject property. The entire tract to the west is owned by a church, which received approval of a conditional use permit for a church last year. Due to the lengthy depth of the subject property and it only being 5 acres in size, it does not seem likely that the tract would develop for residential uses if the mini-storage facility left the site.

Staff does not have concerns with the property continuing as a self storage facility. Staff is in support of allowing this use to continue on the property and to have an appropriate zoning district. However, there will always be a concern with introducing a GB district into an area that is completely surrounded by residential zoning districts and developed with residential subdivisions. If the mini-storage facility shuts down or is removed from the site for any reason, any use allowed in GB could be built on this property, of which some uses may not be appropriate on the subject property.

In order to allow the current use and have the appropriate safeguards to prevent adverse effects on the surrounding properties, Staff recommends that the applicant prepare a PD – Planned Development District, and request the zoning of a PD instead of GB. The PD could address specific issues, such as limiting the use of the property only to mini-storage facilities, screening and fencing to the adjacent properties, facades, and landscaping. Staff has typically recommended a PD to businesses that are in a similar situation, either non-conforming to a current zoning district, or the inability to meet ordinances as buildings are expanded or modifications made to the site.

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 denial of the zone change for GB, for the following reasons:

1. The proposed zone change is contrary to the Future Land Use Plan, which designates the subject property for low density residential uses.

2. The proposed GB district allow a wide variety of uses that could be developed on this tract, many of which could have a negative impact on the surrounding residential properties.

Staff would recommend approval of a PD, because a PD could address specific issues, such as limiting the use of the property only to mini-storage facilities, screening and fencing to the adjacent properties, facades, and landscaping.

SUPPORTING DOCUMENTS:

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

$275.00

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: RE

Proposed Zoning District: C, B

Property Information:

Address or General Location of Property: 8909 Hughes Ranch Rd.

Tax Account No. 0506 - 0047 - 170

Subdivision: Tract 6-7A-7E A 0506 Lot: Block:

A Complete Application must include all of this information:

- [x] Fee (see Zoning Change Fee Schedule)
- [x] Legal Description and/or Survey of the Property
- [x] Letter Explaining the Zoning Change Request in detail (specify the existing zoning and why the zone change is being requested, current use of the property, and the proposed use of the property; if a PD is requested, see PD Format and Guidelines)

PROPERTY OWNER INFORMATION:

NAME Classic Self Storage LLC
ADDRESS 502 Hickory Field Ln
CITY Pearland STATE TX ZIP 77584
PHONE (713) 413-3252
FAX (281) 412-9060
E-MAIL ADDRESS

APPLICANT INFORMATION:

NAME David Pearlman
ADDRESS 502 Chickory Field Ln.
CITY Pearland STATE TX ZIP 77584
PHONE (713) 413 3252
FAX (281) 412-9060
E-MAIL ADDRESS

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: David Pearlman Date: 12/11/07

Agent's Signature: [signature] Date: 12/11/07

OFFICE USE ONLY:

FEES PAID:	DATE PAID:	RECEIVED BY:	RECEIPT NUMBER:
$ 275.00	12/20/07	tag	—

Application No. 2008-017

Gromax

Development

December 10, 2007

Lata Krisnarao
Planning Director
City of Pearland
3519 Liberty Dr.
Pearland, Texas 77581

Re: 8909 Hughes Ranch Rd.

Dear Ms. Krisnarao:

Our client, the owner of 8909 Hughes Ranch Rd., Pearland is making this application for a change in zoning from RE to GB. This site is an existing mini-storage business. Simultaneous with the zoning change request the owner is making application for a Conditional Use Permit as required for mini-storage sites.

This mini-storage business was already in existence when the property was annexed into the city. It was later included in a blanket zoning of the area. The zoning may have been based on planned future use of the general area but this site was already being used as a mini-storage site and was apparently overlooked. The location should have been zoned properly at that time.

The current zoning prevents the owner from significant repair or improvements to the existing structures. It is trapped as a non-conforming use even though it was there before the blanket zoning was imposed. Because the present and any future lenders require full collateralization, the imposed RE zoning ruins the value of the property. If the site were even partially destroyed it would be prohibited by ordinance from being rebuilt. Thus, the lender's collateral could not be guaranteed.

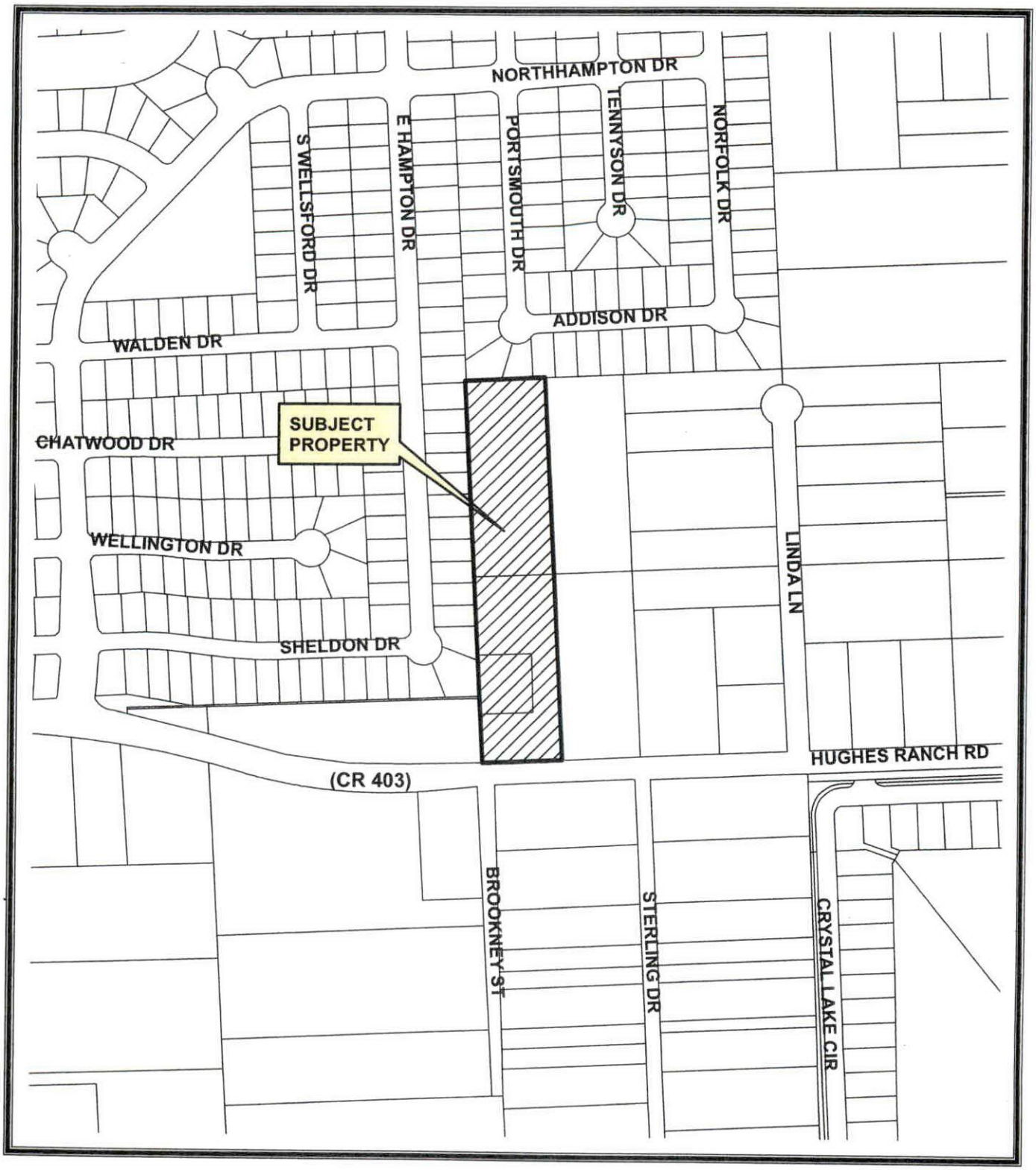
It is appropriate to correct the zoning for this tract. It is an attractive and well-kept business. The usage will not change in the foreseeable future.

If you have any questions please call me at (281) 412-9210. Thank you for your assistance with this matter.

Sincerely,

Bob McConnell

4201 W. Broadway, Pearland, Texas 77581
*281-412-9210 * Fax: 281-412-9060*
Gromax@pdq.net



LOCATION MAP

Zone Change
No. 2008-01Z

N
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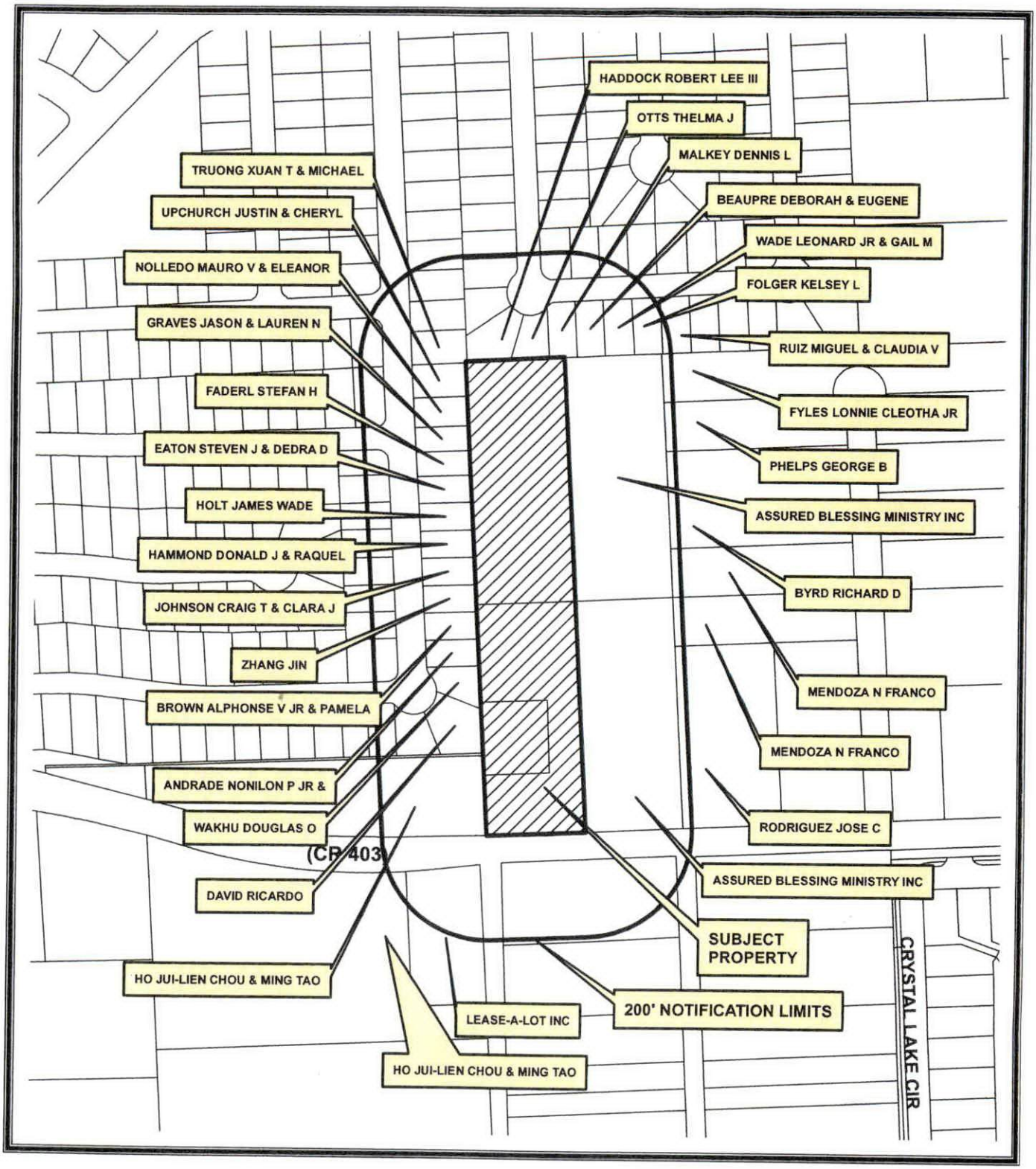
0 200 400 Feet

Map Prepared on January 2, 2008



OWNERSHIP MAP

Zone Change No. 2008-01Z

0 200 400 Feet

N W E S

Map Prepared on January 2, 2008

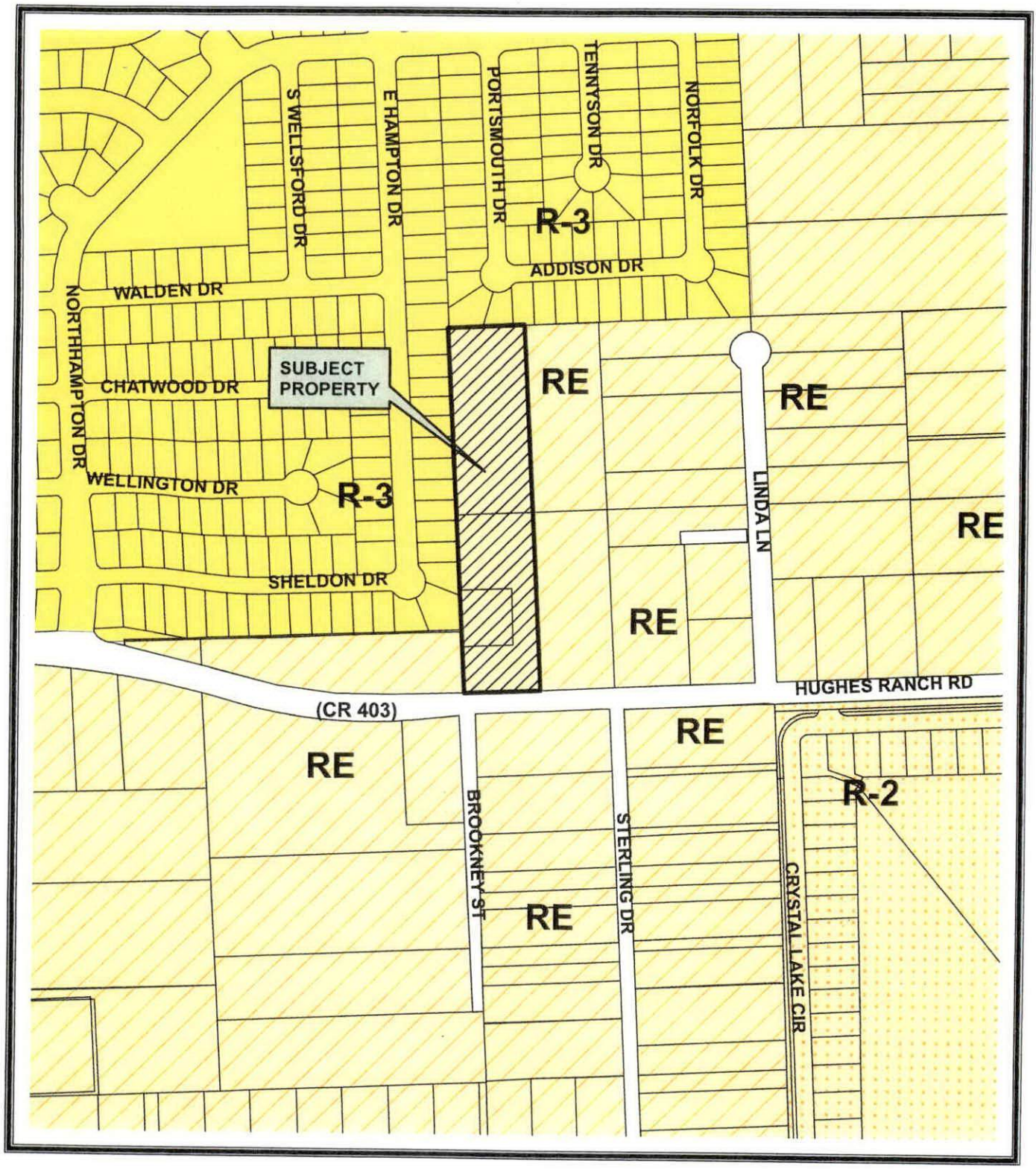
*Due to limited space on the map, all property owners are not shown. Refer to the Property Owner Notification List for a complete list of all property owners notified.

ZONE CHANGE NO. 2008-01Z
Property Owner Notification List

TAX ACCT	OWNER	ADDRESS	CITY	STATE	ZIP CODE
7689-8002-017	TUMBUSCH DANIEL E	1134 E HAMPTON DR	PEARLAND	TX	77584-5600
7689-8003-019	ZHANG JIN	1135 E HAMPTON DR	PEARLAND	TX	77584-5601
7689-8001-013	CONFIDENTIAL	3723 CHATWOOD DR	PEARLAND	TX	77584-8376
0506-0047-190	PHELPS GEORGE B	4630 BROWNSTONE LN	HOUSTON	TX	77053-1202
7689-8003-026	NOLLEDO MAURO V & ELEANOR	1107 E HAMPTON DR	PEARLAND	TX	77584-7620
7689-8003-025	GRAVES JASON & LAUREN N	1111 EAST HAMPTON DR	PEARLAND	TX	77584
0506-0047-130	BYRD RICHARD D	1112 1/2 LINDA LN	PEARLAND	TX	77584-2702
7689-8002-012	MIZZEN JERRY F & KATHY S	1114 E HAMPTON DR	PEARLAND	TX	77584-7619
7689-8003-024	FADERL STEFAN H	1115 E HAMPTON DR	PEARLAND	TX	77584-7620
7689-8002-013	LISTER CEDRIC C & ALICIA	1118 E HAMPTON DR	PEARLAND	TX	77584-7619
7689-8003-023	EATON STEVEN J & DEDRA D	1119 E HAMPTON DR	PEARLAND	TX	77584-7620
7689-8003-022	HOLT JAMES WADE	1123 E HAMPTON DR	PEARLAND	TX	77584-7620
7689-8002-014	TONES LARRY D & CARLON L	1122 E HAMPTON DR	PEARLAND	TX	77584-7619
7689-8002-015	DINU BOGDAN R & MARLEN	1126 E HAMPTON DR	PEARLAND	TX	77584-7619
7689-8003-021	HAMMOND DONALD J & RAQUEL	1127 E HAMPTON DR	PEARLAND	TX	77584-7620
0506-0047-150	MENDOZA N FRANCO	1110 LINDA LN	PEARLAND	TX	77584-2702
7689-8003-020	JOHNSON CRAIG T & CLARA J	1131 E HAMPTON DR	PEARLAND	TX	77584-5601
7689-8002-016	JONES ALICE F	1130 E HAMPTON DR	PEARLAND	TX	77584-5600
0506-0047-150	MENDOZA N FRANCO	1110 LINDA LN	PEARLAND	TX	77584-2702
0506-0047-200	ASSURED BLESSING MINISTRY INC	2726 LAKECREST DR	PEARLAND	TX	77584-4851
0506-0047-170	CLASSIC SELF STORAGE LLC	502 CHICKORY FIELD LN	PEARLAND	TX	77584-8130
7689-8003-018	BROWN ALPHONSE V JR & PAMELA	1139 E HAMPTON DR	PEARLAND	TX	77584-5601
7689-8002-018	FRIDAY NANCY V	1138 E HAMPTON DR	PEARLAND	TX	77584-5600
7689-8002-019	JOHNSON WILLIAM G & NANCY DENISE	1142 E HAMPTON DR	PEARLAND	TX	77584-5600
7689-8003-017	ANDRADE NONILON P JR	1143 E HAMPTON DR	PEARLAND	TX	77584-5601
0506-0047-210	RODRIGUEZ JOSE C	25337 PENNSYLVANIA AVE	SAN BENITO	TX	78586-6623
7689-8003-016	WAKHU DOUGLAS O	PO BOX 107	PEARLAND	TX	77584
7689-8003-015	DAVID RICARDO	3726 SHELDON DR	PEARLAND	TX	77584-8378
APPLICANT	DAVID PEARLMAN	502 CHICKORY FIELD LN	PEARLAND	TX	77584
0506-0047-170	CLASSIC SELF STORAGE LLC	502 CHICKORY FIELD LN	PEARLAND	TX	77584-8130
7689-8003-013	TRAN STEVEN KHANH	3718 SHELDON DRIVE	PEARLAND	TX	77584
7689-8003-014	SCHALL KENNETH D	3722 SHELDON DR	PEARLAND	TX	77584-8378
0310-0003-130	HO JUI-LIEN CHOU & MING TAO	3601 34TH ST	LUBBOCK	TX	79410-2833
0310-0003-130	HO JUI-LIEN CHOU & MING TAO	3601 34TH ST	LUBBOCK	TX	79410-2833
0310-0003-120	LEASE-A-LOT INC	2141 W GOVERNORS CIR	HOUSTON	TX	77092-8715
7689-7002-011	JEFF LOUIS MURRAY & SANDRA	3823 ADDISON DR	PEARLAND	TX	77584
7689-7002-010	ROSOKHA SERGIY & TETYANA	3819 ADDISON DR	PEARLAND	TX	77584-3023
7689-7002-009	BOWLES CASEY F & TAMARA N	3815 ADDISON DR	PEARLAND	TX	77584-3023
7689-7002-008	MARTINEZ-VALDEZ HECTOR & PATRICIA	3811 ADDISON DR	PEARLAND	TX	77584-3023
7689-7001-008	KAHARA STEVEN W	1034 PORTSMOUTH DR	PEARLAND	TX	77584-3006
7689-5006-009	BLACKMAN JEFF & EMILY ANN	1035 E HAMPTON DR	PEARLAND	TX	77584-7645
7689-7001-009	PAHWA NEETA	1038 PORTSMOUTH DR	PEARLAND	TX	77584-3006
7689-5006-010	GALDOS ALVARO	2037 PUEBLO NUEVO CIR	EL PASO	TX	79936-3717
7689-7001-010	SANDU CONSTANTIN	1042 PORTSMOUTH DR	PEARLAND	TX	77584-3006
7689-7001-017	RUIZ MIGUEL & CLAUDIA V	3826 ADDISON DR	PEARLAND	TX	77584-3022
7689-7001-016	FOLGER KELSEY L	3822 ADDISON DR	PEARLAND	TX	77584-3022
7689-7001-015	WADE LEONARD JR & GAIL M	3818 ADDISON DR	PEARLAND	TX	77584-3022

ZONE CHANGE NO. 2008-01Z
Property Owner Notification List

7689-5006-011	YAJIMA YASUHIRO & SETSUKO	1043 E HAMPTON DR	PEARLAND	TX	77584-7645
7689-7001-014	BEAUPRE DEBORAH & EUGENE	3814 ADDISON DR	PEARLAND	TX	77584-3022
7689-7001-013	MALKEY DENNIS L	3810 ADDISON DR	PEARLAND	TX	77584-3022
7689-7001-011	HADDOCK ROBERT LEE III	1046 PORTSMOUTH DR	PEARLAND	TX	77584-3006
7689-7001-012	OTTS THELMA J	3806 ADDISON DR	PEARLAND	TX	77584-3022
7689-5007-012	CERWIN JOHN JAMES & THELMA J	3722 WALDEN DR	PEARLAND	TX	77584-2250
7689-5006-012	TRUONG XUAN T & MICHAEL	1047 E HAMPTON DR	PEARLAND	TX	77584
0506-0047-140	FYLES LONNIE CLEOTHA JR	2054 LINDA LN	PEARLAND	TX	77584-2757
0506-0047-200	ASSURED BLESSING MINISTRY INC	2726 LAKECREST DR	PEARLAND	TX	77584-4851
0506-0047-170	CLASSIC SELF STORAGE LLC	502 CHICKORY FIELD LN	PEARLAND	TX	77584-8130
7689-8000-001	BRAZORIA COUNTY MUD #5	PO BOX 1368	FRIENDSWOOD	TX	77549-1368
7689-8003-027	UPCHURCH JUSTIN & CHERYL	1103 E HAMPTON DR	PEARLAND	TX	77584-7620



ZONING MAP

Zone Change
No. 2008-01Z

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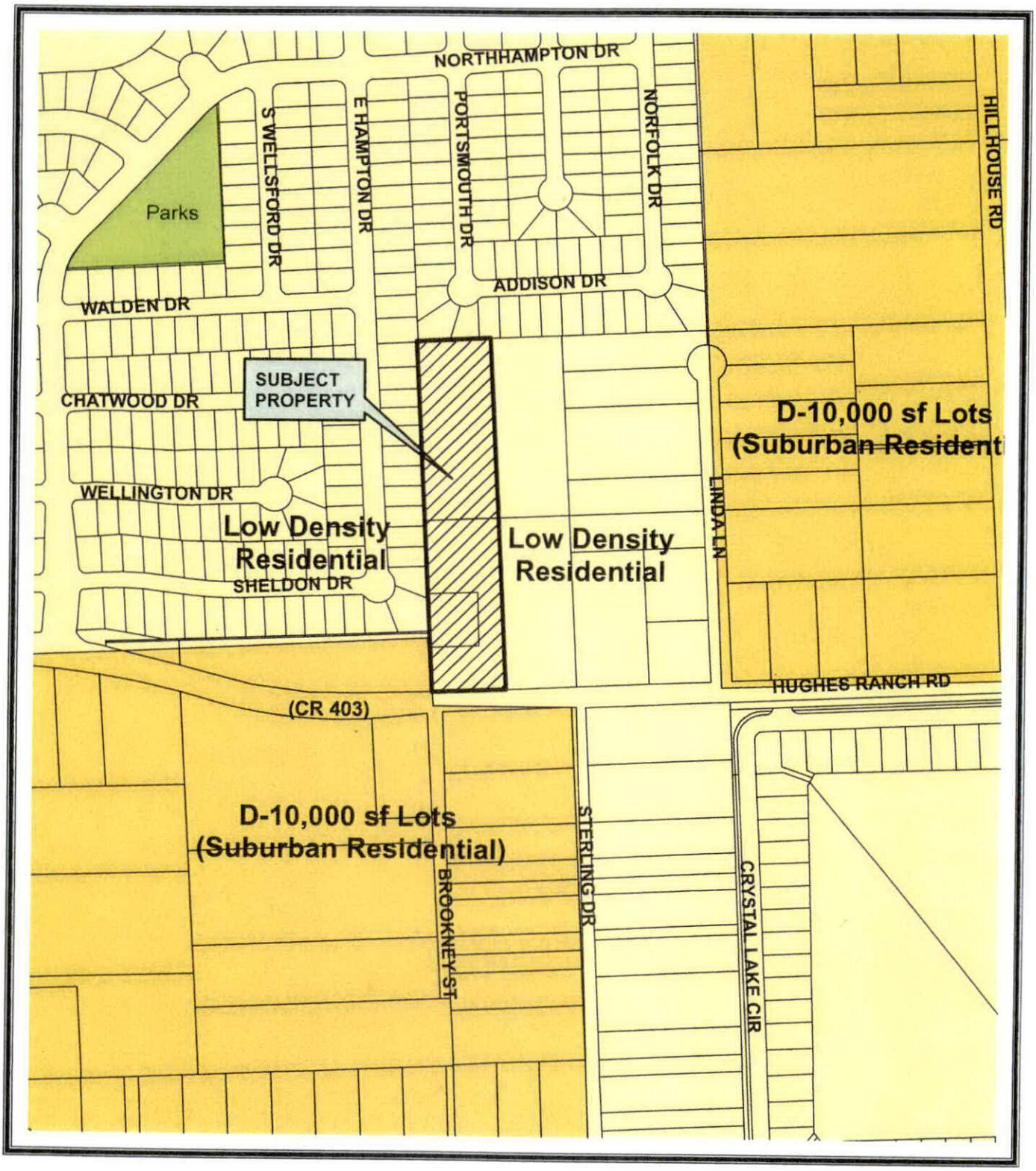
Map Prepared on January 2, 2008



FUTURE LAND USE PLAN

0 200 400 Feet

Zone Change No. 2008-01Z

N W E S

Map Prepared on January 2, 2008

AERIAL PHOTOGRAPH

0 200 400 Feet

Zone Change
No. 2008-01Z

N
W E
S

Map Prepared on January 2, 2008

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: George Phelps

Full Address: 2507 Linda Ln

(include zip)

I wish to speak regarding Item No. 4

03/2005

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: BILL SCHMIDT

Full Address: 3210 SOUTHMORE LN

(include zip) PEARLAND, TX 77584

I wish to speak regarding Item No. 2008-012

03/2005

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: BILL SCHMIDT

Full Address: 3210 SOUTHMERE LN

(include zip) PEARLAND, TX 77581

I wish to speak regarding Item No. # CUP 2008-01

03/2005

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JANUARY 21, 2008, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER Mayor opened @ 8:38

II. PURPOSE OF HEARING Henry read...

Conditional Use Permit No. CUP2008-01

A request by David Pearlman, applicant for Classic Self Storage LLC, owner, for approval of a Conditional Use Permit for a "mini-warehouse and self storage" facility in the General Business Retail District (GB), on the following described property, to wit:

Legal Description: 5.00 acres, Abstract 506, H.T. & B.R.R. Company Survey, Tract 6-7A-7E, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the North Side of Hughes Ranch Road (County Road 403), and Approximately 600 Feet West of Linda Lane

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT TAB read... in order for CUP to be approved, then action of change to GB must be made 1st.

B. APPLICANT PRESENTATION 5 oppositions

Willing to work w/ staff & create a PD.

IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST No one present

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

If CUP - consider signage

VI. ADJOURNMENT

8:44

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

JOINT PUBLIC HEARING AGENDA ITEM
MEETING OF JANUARY 21, 2008

Conditional Use Permit No. CUP2008-01

A request by David Pearlman, applicant for Classic Self Storage LLC, owner, for approval of a Conditional Use Permit for a "mini-warehouse and self storage" facility in the General Business Retail District (GB)

LEGAL DESCRIPTION: 5.00 acres, Abstract 506, H.T. & B.R.R. Company Survey, Tract 6-7A-7E, City of Pearland, Brazoria County, Texas

GENERAL LOCATION: Generally Located on the North Side of Hughes Ranch Road (County Road 403), and Approximately 600 Feet West of Linda Lane

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

Planning and Zoning Commission: January 21, 2008*
City Council for First Reading: February 11, 2008*

(*dates subject to change if item is tabled)

SUMMARY: The applicant is requesting approval of a Conditional Use Permit (CUP) for a "Mini-Warehouse and Self Storage" facility in the General Business District (GB).

At present, the subject property is zoned as Single Family Estate District (RE). The applicant has submitted for a zone change to General Business Retail District (GB), and that zone change request is being considered concurrently with this conditional use permit request.

The subject property is currently developed with a self storage and mini-warehouse facility. Due to the RE zoning, the business is a non-conforming use. In order for the conditional use permit to the approved, the zone change to GB also has to be approved.

There are multiple storage buildings located on the subject property. The applicant has not submitted a site plan because the site is already developed with the self storage and mini warehouse facility.

SURROUNDING ZONING AND LAND USES:
*** surrounding zoning districts based on the new map adopted February 27, 2006**

	Zoning	Land Use
North	Single Family Residential District – 3 (R-3)	Single family residential lots
South	Single Family Estate District (RE)	Single family residential lots on large tracts
East	Single Family Estate District (RE)	Undeveloped tract (was recently granted a CUP for a church)
West	Single Family Residential District – 3 (R-3)	Single family residential lots

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The subject property is currently proposed to be zoned as the GB district. The minimum lot size for the GB district is 22,500 square feet, the minimum lot width is 150 feet, and the minimum lot depth is 125 feet. The subject property exceeds these minimum requirements, as the subject property is over 200 feet in width along Hughes Ranch Road and approximately 5 acres in size.

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

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

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Low Density Residential" for the subject property, and for many of the surrounding properties. The Comprehensive Plan further indicates that the appropriate zoning districts for "Low Density Residential" are the Single Family Estate District (RE), the Suburban Residential –15 District (SR-15), the Suburban Residential – 12 District (SR-12), and the Single Family Residential – 1 District (R-1). Therefore, the proposed conditional use permit for a non-residential use and the associated zone change to GB does not conform to the Comprehensive Plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Hughes Ranch Road (County Road 403), a secondary thoroughfare with an ultimate right-of-way of 100 feet. Additional right-of-way for Hughes Ranch Road may be necessary and will be reviewed when and if the subject property is platted.

No other roadways affect the subject property.

AVAILABILITY OF UTILITIES: There are no water mains or sanitary sewer lines located within close proximity to the subject property. The applicant will be responsible for extending all utilities as necessary to serve the proposed development.

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

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The proposed conditional use permit for mini-warehouse and self storage is for the existing facility. The applicant has indicated that they do not have any plans to expand the facility or make any changes to the use.

If the associated zoning for General Business is approved, Staff does not have concerns with the proposed conditional use permit for the existing use, if appropriate safeguards are put into place. The mini-storage facility was built several years ago, even before the subject property was annexed into the City, and has been operating as a non-conforming use since. The subject property was zoned as Suburban Development (SD) prior to the adoption of the Unified Development Code (UDC) and the Revised Zoning Map, and the business was also a non-conforming use under that SD zoning. The RE zoning was given to the property with the adoption of the Revised Zoning Map in February 2006. An RE district was chosen for the overall area due to the existing large lots and single family residential uses on many of those lots.

SITE PLAN CONSIDERATIONS:
The applicant has not submitted a site plan for review, since the subject property is already developed on the site and the site development is not being changed at this time.

Even though the site is already developed, the following items would affect the subject property if the use is changed or if any expansion to the facilities is planned.

The following is a list of requirements that pertain to the site under the GB district.

Building Setbacks:
Minimum front yard: 25 feet
Minimum side yard: 10 feet
Minimum rear yard: 25 feet
Maximum height: 45 feet

Building Façade:
The Unified Development Code requires that the building be 100 percent masonry or glass for the walls or portions of walls visible from the adjacent roadway or adjacent residential property.

Parking:
The applicant will be required to provide parking spaces in accordance with the Unified Development Code.

Screening:
Screening between uses would be required along the north, west, and east property line because the subject property is adjacent to residential districts. In addition to screening, such as a masonry wall, a landscape buffer would be required as well.

Since the subject property is already developed, compliance with the above items will not be required at this time. However, if the applicant expands the facility, significantly modifies the facility, or changes the use, compliance with the Unified Development Code will be required at that time.

Staff has concerns with changing the zoning of this property to a General Business District, as outlined in the zoning staff report (previous item, No. 2008-01Z). In order to allow the current use and have the appropriate safeguards to prevent adverse effects on the surrounding properties, Staff recommends that the applicant prepare a PD – Planned Development District, and request the zoning of a PD instead of GB. The PD could address specific issues, such as limiting the use of the property only to mini-storage facilities, screening and fencing to the adjacent properties, facades, and landscaping. Staff

has typically recommended a PD to businesses that are in a similar situation, either non-conforming to a current zoning district, or the inability to meet ordinances as buildings are expanded or modifications made to the site. If a PD is approved, the allowable uses could be stated in the PD, and then the conditional use permit would not be required.

The proposed Conditional Use Permit is dependent upon the approval of the associated zoning for General Business District. If the Commission and Council believe that the conditional use permit should be approved, then the Commission and Council may want to consider adding conditions to the approval to address specific issues, such as screening and fencing to the adjacent properties, facades, and landscaping.

PUBLIC COMMENTS: 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 conditional use permit request.

STAFF RECOMMENDATION: Staff recommends denial of the Conditional Use Permit, as proposed by the applicant, for the following reasons:

1. Staff is also recommending denial of the associated zone change for GB, because the GB district does not conform to the Future Land Use Plan designation of low density residential uses for the property, and the GB district may have a negative impact on the area.

SUPPORTING DOCUMENTS:

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

250.00

APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

Page 1 of Application

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: Mini Storage
(list proposed use)

Current Zoning District: RE

Property Information:

Address or General Location: 8909 Hughes Ranch Rd

Tax Account No.: 0506 - 0047 - 170

Subdivision: Tract 6-7A-7E A0506

Lot: _____ Block: _____

PROPERTY OWNER INFORMATION*: If there are multiple property owners, please list on a separate sheet of paper and attach to this application.

NAME Classic Self Storage LLC
ADDRESS 502 Chickory Field Ln
CITY Pearland STATE TX ZIP 77584
PHONE(~~281~~ 713) 413 3252
FAX(281) 412 9060
E-MAIL ADDRESS _____

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

APPLICANT INFORMATION:

NAME David Pearlman
ADDRESS 502 Chickory Field Ln.
CITY Pearland STATE TX ZIP 77584
PHONE(713) 413 3252
FAX(281) 412 9060
E-MAIL ADDRESS _____

CUP 2008-01

Gromax

Development

December 10, 2007

Lata Krisnarao
Planning Director
City of Pearland
3519 Liberty Dr.
Pearland, Texas 77581

Re: 8909 Hughes Ranch Rd.

Dear Ms. Krisnarao:

Our client, the owner of 8909 Hughes Ranch Rd., Pearland is making this application for a change in zoning from RE to GB. This site is an existing mini-storage business. Simultaneous with the zoning change request the owner is making application for a Conditional Use Permit as required for mini-storage sites.

This mini-storage business was already in existence when the property was annexed into the city. It was later included in a blanket zoning of the area. The zoning may have been based on planned future use of the general area but this site was already being used as a mini-storage site and was apparently overlooked. The location should have been zoned properly at that time.

The current zoning prevents the owner from significant repair or improvements to the existing structures. It is trapped as a non-conforming use even though it was there before the blanket zoning was imposed. Because the present and any future lenders require full collateralization, the imposed RE zoning ruins the value of the property. If the site were even partially destroyed it would be prohibited by ordinance from being rebuilt. Thus, the lender's collateral could not be guaranteed.

It is appropriate to correct the zoning for this tract. It is an attractive and well-kept business. The usage will not change in the foreseeable future.

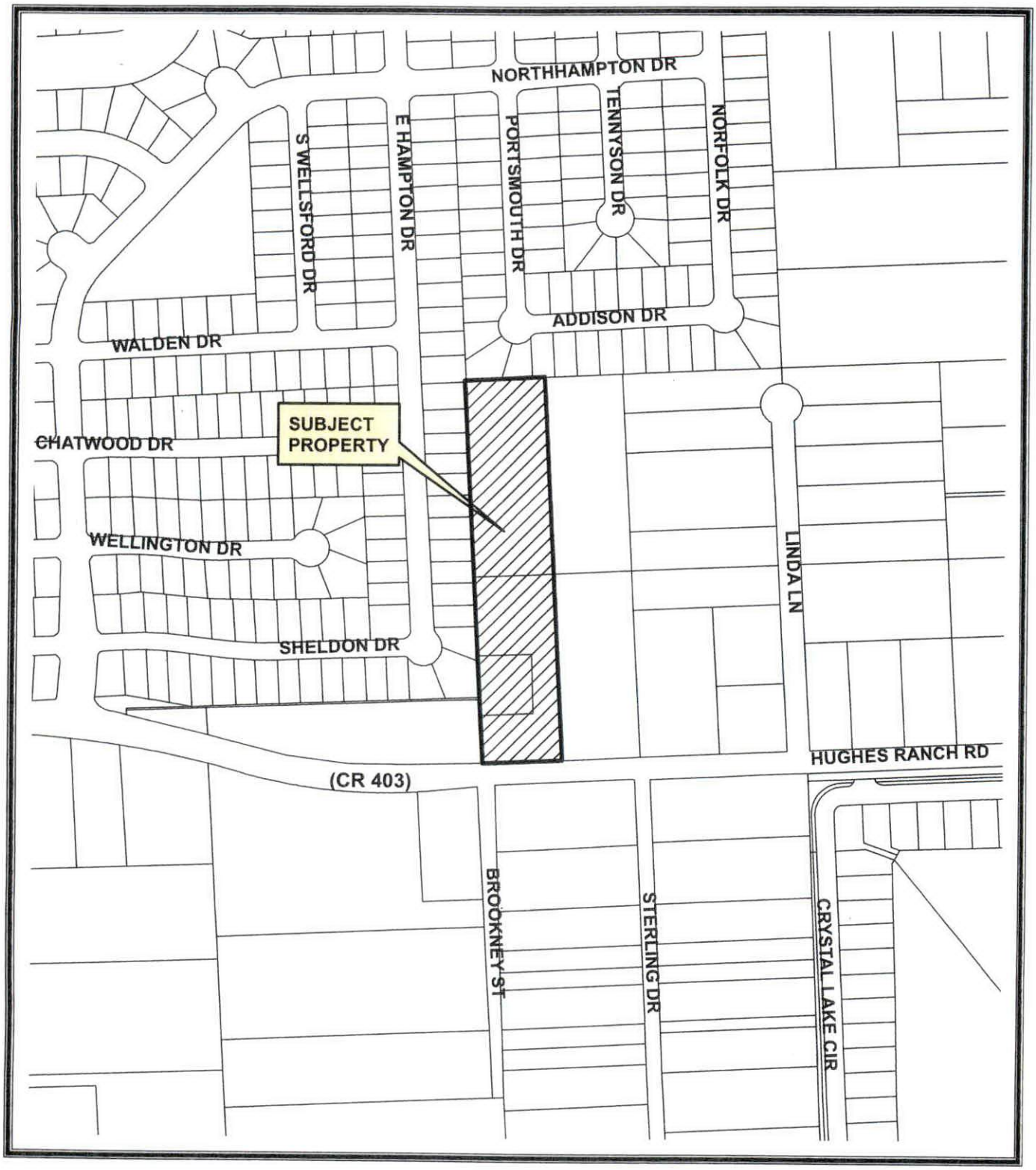
If you have any questions please call me at (281) 412-9210. Thank you for your assistance with this matter.

Sincerely,

Bob McConnell

4201 W. Broadway, Pearland, Texas 77581
*281-412-9210 * Fax: 281-412-9060*
Gromax@pdq.net

CUP 2008-01



LOCATION MAP

Conditional Use Permit No. CUP2008-01

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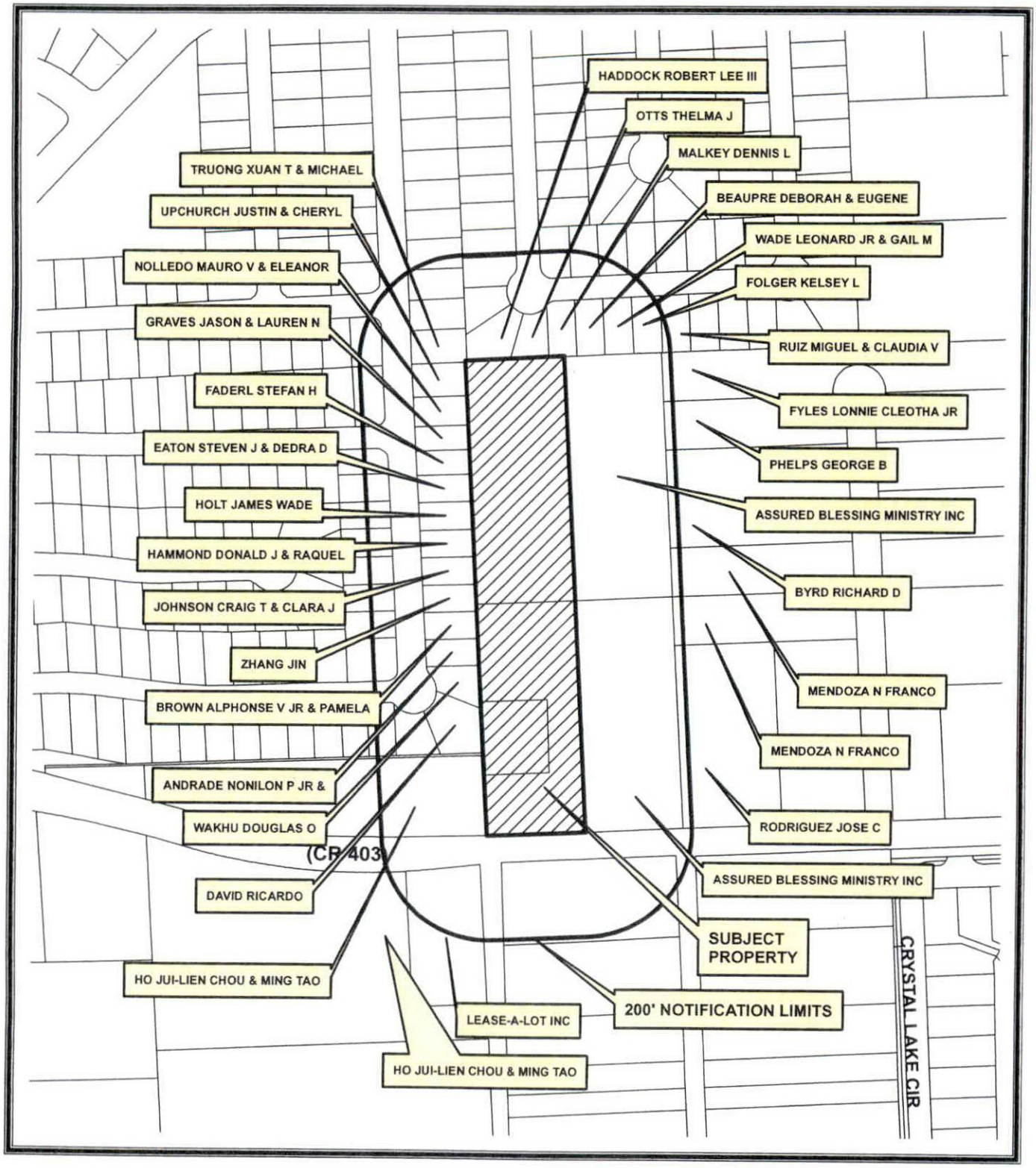
0 200 400 Feet

Map Prepared on January 2, 2008



OWNERSHIP MAP

Conditional Use Permit No. CUP2008-01

0 200 400 Feet

N W E S

Map Prepared on January 2, 2008

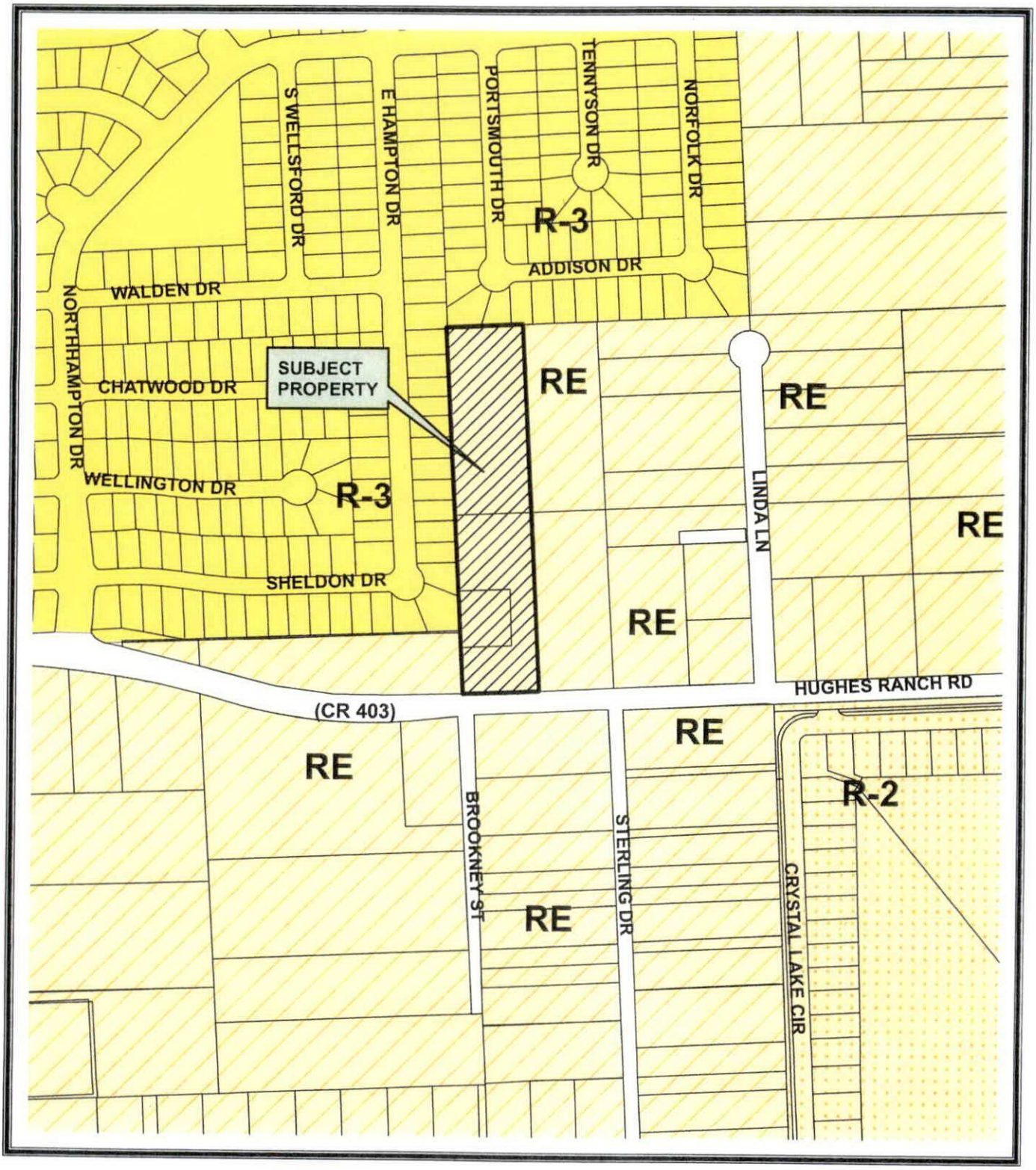
*Due to limited space on the map, all property owners are not shown. Refer to the Property Owner Notification List for a complete list of all property owners notified.

CONDITIONAL USE PERMIT NO. CUP2008-01
Property Owner Notification List

TAX ACCT	OWNER	ADDRESS	CITY	STATE	ZIP CODE
7689-8002-017	TUMBUSCH DANIEL E	1134 E HAMPTON DR.	PEARLAND	TX	77584-5600
7689-8003-019	ZHANG JIN	1135 E HAMPTON DR	PEARLAND	TX	77584-5601
7689-8001-013	CONFIDENTIAL	3723 CHATWOOD DR	PEARLAND	TX	77584-8376
0506-0047-190	PHELPS GEORGE B	4630 BROWNSTONE LN	HOUSTON	TX	77053-1202
7689-8003-026	NOLLEDO MAURO V & ELEANOR	1107 E HAMPTON DR	PEARLAND	TX	77584-7620
7689-8003-025	GRAVES JASON & LAUREN N	1111 EAST HAMPTON DR	PEARLAND	TX	77584
0506-0047-130	BYRD RICHARD D	1112 1/2 LINDA LN	PEARLAND	TX	77584-2702
7689-8002-012	MIZZEN JERRY F & KATHY S	1114 E HAMPTON DR	PEARLAND	TX	77584-7619
7689-8003-024	FADERL STEFAN H	1115 E HAMPTON DR	PEARLAND	TX	77584-7620
7689-8002-013	LISTER CEDRIC C & ALICIA	1118 E HAMPTON DR	PEARLAND	TX	77584-7619
7689-8003-023	EATON STEVEN J & DEDRA D	1119 E HAMPTON DR	PEARLAND	TX	77584-7620
7689-8003-022	HOLT JAMES WADE	1123 E HAMPTON DR	PEARLAND	TX	77584-7620
7689-8002-014	TONES LARRY D & CARLON L	1122 E HAMPTON DR	PEARLAND	TX	77584-7619
7689-8002-015	DINU BOGDAN R & MARLEN	1126 E HAMPTON DR	PEARLAND	TX	77584-7619
7689-8003-021	HAMMOND DONALD J & RAQUEL	1127 E HAMPTON DR	PEARLAND	TX	77584-7620
0506-0047-150	MENDOZA N FRANCO	1110 LINDA LN	PEARLAND	TX	77584-2702
7689-8003-020	JOHNSON CRAIG T & CLARA J	1131 E HAMPTON DR	PEARLAND	TX	77584-5601
7689-8002-016	JONES ALICE F	1130 E HAMPTON DR	PEARLAND	TX	77584-5600
0506-0047-150	MENDOZA N FRANCO	1110 LINDA LN	PEARLAND	TX	77584-2702
0506-0047-200	ASSURED BLESSING MINISTRY INC	2726 LAKECREST DR	PEARLAND	TX	77584-4851
0506-0047-170	CLASSIC SELF STORAGE LLC	502 CHICKORY FIELD LN	PEARLAND	TX	77584-8130
7689-8003-018	BROWN ALPHONSE V JR & PAMELA	1139 E HAMPTON DR	PEARLAND	TX	77584-5601
7689-8002-018	FRIDAY NANCY V	1138 E HAMPTON DR	PEARLAND	TX	77584-5600
7689-8002-019	JOHNSON WILLIAM G & NANCY DENISE	1142 E HAMPTON DR	PEARLAND	TX	77584-5600
7689-8003-017	ANDRADE NONILON P JR	1143 E HAMPTON DR	PEARLAND	TX	77584-5601
0506-0047-210	RODRIGUEZ JOSE C	25337 PENNSYLVANIA AVE	SAN BENITO	TX	78586-6623
7689-8003-016	WAKHU DOUGLAS O	PO BOX 107	PEARLAND	TX	77584
7689-8003-015	DAVID RICARDO	3726 SHELDON DR	PEARLAND	TX	77584-8378
APPLICANT	DAVID PEARLMAN	502 CHICKORY FIELD LN	PEARLAND	TX	77584
0506-0047-170	CLASSIC SELF STORAGE LLC	502 CHICKORY FIELD LN	PEARLAND	TX	77584-8130
7689-8003-013	TRAN STEVEN KHANH	3718 SHELDON DRIVE	PEARLAND	TX	77584
7689-8003-014	SCHALL KENNETH D	3722 SHELDON DR	PEARLAND	TX	77584-8378
0310-0003-130	HO JUI-LIEN CHOU & MING TAO	3601 34TH ST	LUBBOCK	TX	79410-2833
0310-0003-130	HO JUI-LIEN CHOU & MING TAO	3601 34TH ST	LUBBOCK	TX	79410-2833
0310-0003-120	LEASE-A-LOT INC	2141 W GOVERNORS CIR	HOUSTON	TX	77092-8715
7689-7002-011	JEFF LOUIS MURRAY & SANDRA	3823 ADDISON DR	PEARLAND	TX	77584
7689-7002-010	ROSOKHA SERGIY & TETYANA	3819 ADDISON DR	PEARLAND	TX	77584-3023
7689-7002-009	BOWLES CASEY F & TAMARA N	3815 ADDISON DR	PEARLAND	TX	77584-3023
7689-7002-008	MARTINEZ-VALDEZ HECTOR & PATRICIA	3811 ADDISON DR	PEARLAND	TX	77584-3023
7689-7001-008	KAHARA STEVEN W	1034 PORTSMOUTH DR	PEARLAND	TX	77584-3006
7689-5006-009	BLACKMAN JEFF & EMILY ANN	1035 E HAMPTON DR	PEARLAND	TX	77584-7645
7689-7001-009	PAHWA NEETA	1038 PORTSMOUTH DR	PEARLAND	TX	77584-3006
7689-5006-010	GALDOS ALVARO	2037 PUEBLO NUEVO CIR	EL PASO	TX	79936-3717
7689-7001-010	SANDU CONSTANTIN	1042 PORTSMOUTH DR	PEARLAND	TX	77584-3006
7689-7001-017	RUIZ MIGUEL & CLAUDIA V	3826 ADDISON DR	PEARLAND	TX	77584-3022
7689-7001-016	FOLGER KELSEY L	3822 ADDISON DR	PEARLAND	TX	77584-3022
7689-7001-015	WADE LEONARD JR & GAIL M	3818 ADDISON DR	PEARLAND	TX	77584-3022

CONDITIONAL USE PERMIT NO. CUP2008-01
Property Owner Notification List

7689-5006-011	YAJIMA YASUHIRO & SETSUKO	1043 E HAMPTON DR	PEARLAND	TX	77584-7645
7689-7001-014	BEAUPRE DEBORAH & EUGENE	3814 ADDISON DR	PEARLAND	TX	77584-3022
7689-7001-013	MALKEY DENNIS L	3810 ADDISON DR	PEARLAND	TX	77584-3022
7689-7001-011	HADDOCK ROBERT LEE III	1046 PORTSMOUTH DR	PEARLAND	TX	77584-3006
7689-7001-012	OTTS THELMA J	3806 ADDISON DR	PEARLAND	TX	77584-3022
7689-5007-012	CERWIN JOHN JAMES & THELMA J	3722 WALDEN DR	PEARLAND	TX	77584-2250
7689-5006-012	TRUONG XUAN T & MICHAEL	1047 E HAMPTON DR	PEARLAND	TX	77584
0506-0047-140	FYLES LONNIE CLEOTHA JR	2054 LINDA LN	PEARLAND	TX	77584-2757
0506-0047-200	ASSURED BLESSING MINISTRY INC	2726 LAKECREST DR	PEARLAND	TX	77584-4851
0506-0047-170	CLASSIC SELF STORAGE LLC	502 CHICKORY FIELD LN	PEARLAND	TX	77584-8130
7689-8000-001	BRAZORIA COUNTY MUD #5	PO BOX 1368	FRIENDSWOOD	TX	77549-1368
7689-8003-027	UPCHURCH JUSTIN & CHERYL	1103 E HAMPTON DR	PEARLAND	TX	77584-7620



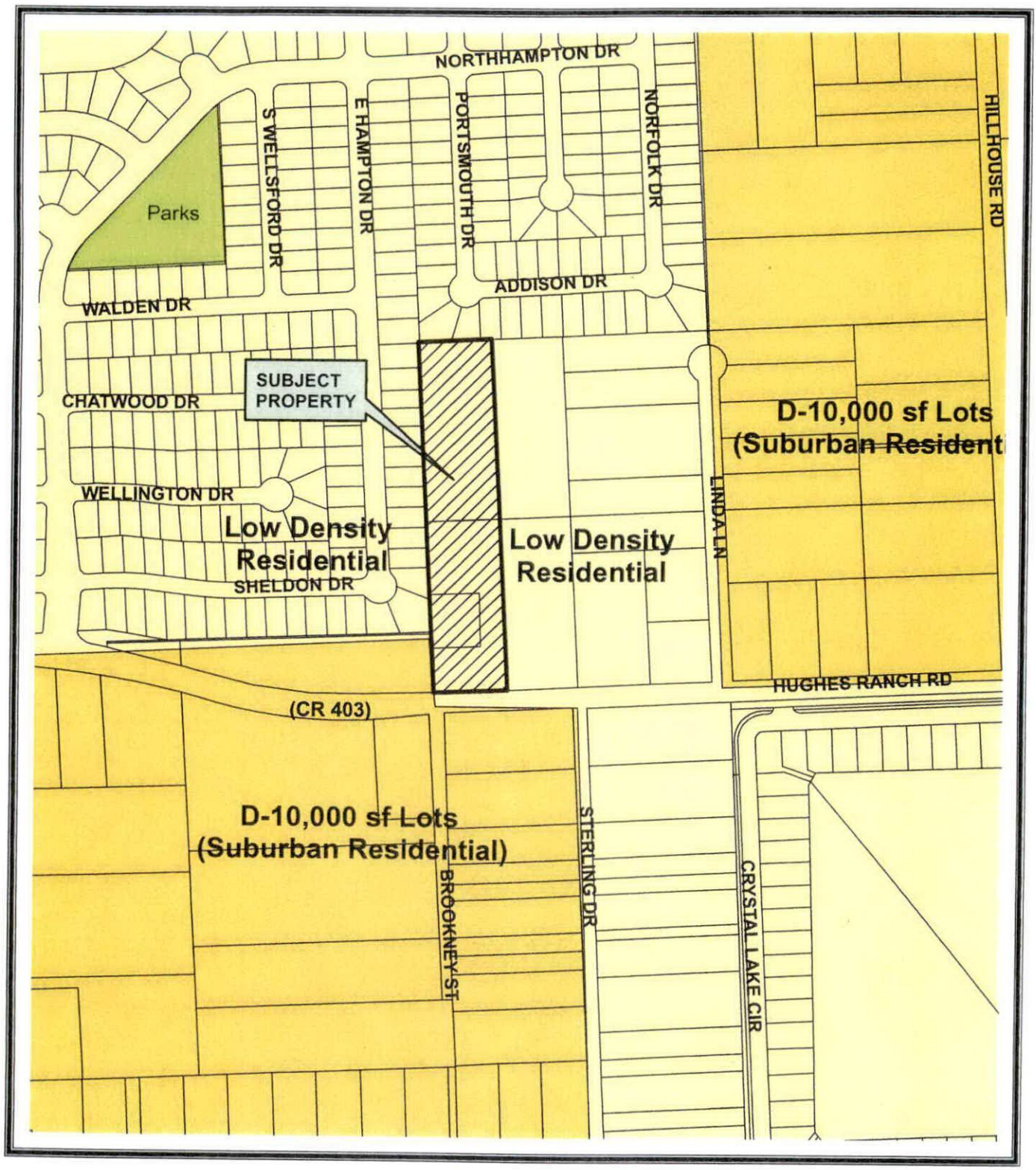
ZONING MAP

Conditional Use Permit
No. CUP2008-01

N
W E
S

0 200 400 Feet

Map Prepared on January 2, 2008



FUTURE LAND USE PLAN

0 200 400 Feet

Conditional Use Permit
No. CUP2008-01

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Map Prepared on January 2, 2008

AERIAL PHOTOGRAPH

0 200 400 Feet

Conditional Use Permit
No. CUP2008-01

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Map Prepared on January 2, 2008

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JANUARY 21, 2008, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER opened 8:44

II. PURPOSE OF HEARING Henry read

Zone Change No. 2008-04Z

A request by GC Engineering, Inc., applicant for Historic Real Estate, Inc., 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 Spectrum District (SPD) to Planned Development District (PD), on the following described property, to wit:

Legal Description: 48.4712 acres out Lot 5 of the James Hamilton Survey, Abstract 881, according to the map or plat thereof recorded in Volume 83, Page 342, of the Deed Records of Harris County, Texas, City of Pearland, Harris County, Texas,

General Location: Generally Located on the West Side of State Highway 288, and on the North Side of Shadow Creek Parkway

III. APPLICATION INFORMATION AND CASE SUMMARY

David Goswick spoke

A. STAFF REPORT Lata read... 10 items that appl. is seeking variation from, as described in staff comments. Staff is in favor if comments are addressed.

B. APPLICANT PRESENTATION

~~Mike Engelhart GCE Eng~~

IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST Richard Brown w/ Historic Real Est. Inc.

recess this portion of agenda @ 9:02

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT 10:15 pm

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.

adj @ 10:15 pm

IV Mike Engelhart
atty for
owners @
1626 Zunge
1730 Zunge

V S. Sabor
asked Lake to go over
10 points

Jon Branson, Parks Director
spoke in regards to the Park area
Mr Branson recommends
approval based on what is
presented tonight.

S Sabor
"It is unique - but needs
more specifics in regards to
amenities, more open
space, better understanding
of the 4 acres of parkland
David Sawicki
Mr. "?" spoke in response to Mr. Sabor's
concerns - suggesting connectivity
to a linear park. and will have green roof.
S Sabor wants more than just paths
for residents - not just visitors
of Presidential Heads.
David market driven, they are
Side B
Tape 2

for the residents

Much discussion ensued

Lata asked for council input & clarifications on:
1) open space & parkland dedication
2) landscaping
3) Amenities
4) uses
5) circulation
6) parking
7) area bulk Requirements / setbacks
8) Improvements & Phasing
9) Specificity of the Plan
10) General

PLANNING & ZONING

JOINT PUBLIC HEARING ITEM

Modifications to Thoroughfare Plan

DATE: January 11, 2008

TO: City Council and Planning and Zoning Commission

FROM: Lata Krishnarao, AICP, Planning Director

SUBJECT: Joint Public Hearing Regarding Proposed Waterlights Planned Development (PD) Generally Located at the Southwest Intersection of SH 288 and Broadway, South of Bass Pro Shops.

The above referenced Planned Development (PD) was discussed at a joint workshop on December 10, 2007.

This item is scheduled to be heard at a joint public hearing on January 21, 2008.

SUMMARY:

This development is proposed on 57.7 acres of land generally located south of Beltway 8 and west of SH 288 in the Spectrum area. This development is proposed to be a mixed-use development with office, retail, restaurants, hotel and 1340 multi-family residential units. According to the PD, 12 acres of park and garden areas (including offsite areas and detention) are proposed. A grand canal and waterway is proposed as part of this development. The attached PD document has a Conceptual Master Plan that shows the proposed layout. The land is currently zoned SP1, SP3 and SH 288. The applicant is proposing a PD with underlying zones of SP 1 and BP 288.

The PD will provide an opportunity to develop the land in a comprehensive manner and in compliance with the City's comprehensive plan that designates this area for multi – use developments with a mix of retail, offices, hotels and multiple- family residential. PD states that gross residential density of 35 to 40 units per acre is being proposed. It is not clear how this density was calculated. With 1340 units on 57.7 acres, the overall residential density amounts to 23 units/acre.

The PD proposes to follow all requirements of the UDC for the underlying zones except for:

1. Inclusion of additional uses as listed on page 4 of the PD – multi- family, commercial swimming pool, tennis court, dance/drama/music school, parking lot or garage, ATMs, child care nursery, places of public assembly, antique shop and art studio and/or gallery.
2. Reduce the minimum lot area to 0.4 acres from the required 1 acre in SP1 and BP 288.
3. Exempt lots from any minimum width requirement. Required minimum lot width is 100'.
4. Exempt lots from any minimum lot depth requirement. Required minimum lot depth is 200'.
5. Setbacks:
   a. Exempt lots not located along public street from any yard setback requirements.
   b. Reduce setback along Spectrum Boulevard from 50' to 20'.
   c. Reduce setback along internal roads from 20' to 0'.
6. Reduce minimum distance requirement between buildings from 50' (side setback) to 0'.
7. Allow on street parking on private streets.
8. Allow a maximum of 25 stories for residential buildings, 10 stories for hotel, and 10 stories for others. S1 zone allows maximum of 10 stories.
9. Variations to City's landscaping requirements.
10. Reduction in parking spaces from required 6195 spaces to 5100-5900.

SURROUNDING ZONING AND LAND USES AROUND PD:

	Zoning	Land Use
North	Promenade PD and Spectrum (SP2)	Bass Pro Shops, predominantly vacant land
South	PD and Spectrum (SP3)	Predominantly vacant land, proposed Kroger Development on Strouhal site
East	Business Park 288 District (BP 288) and Commercial District (C)	SH 288, mix of uses on east side of SH 288 including church, day care, commercial, retail and vacant land
West	Spectrum (SP1, SP2, & SP3)	Predominantly vacant land

CONFORMANCE TO THE COMPREHENSIVE PLAN:

The Comprehensive Plan has designated this area as "Spectrum District" and recommends that this area "should be differentiated from the more general *Business Park* designation in order to identify it as a more unique area of the City." The development envisioned in the Comprehensive Plan would be comparable to The Legacy in Plano, The Arboretum in Austin, and The Woodland Town Center in the Woodlands. The Comprehensive Plan recommends a mix of uses including a regional mall, hotel and conference facilities, restaurants, theaters, research labs and high tech manufacturing, etc. The Comprehensive Plan also recommends that this area be developed as a distinct gateway announcing the City of Pearland and include a comprehensive streetscape program with medians, street trees, cohesive lighting, pedestrian walkways, etc., with water features and view corridors. Therefore, the proposed Planned Unit Development generally conforms to the Comprehensive Plan.

CONFORMANCE TO ZONING:

In 2006, the subject parcel was zoned SP1, SP3 and BP-288 in conformance with the Comprehensive Plan. The PD proposes conformance to the underlying zoning districts of SP1 and BP-288, except for the variations explained above.

CONFORMANCE TO THE THOROUGHFARE PLAN:

The PD proposes that Promenade Shops Drive and South Spectrum Boulevard would provide access to the site. The PD also anticipates extension of South Spectrum Boulevard to Kirby Road and extension of Promenade Shops Drive to Fruge Road and eventually to Kirby Road. None of these roads exists at this time. The PD proposes that roadway development needs to be subject of an agreement between the City, Developer, and Special Management District.

Further, the PD proposes that South Spectrum Boulevard be extended east with an overpass over SH 288 and direct connection to the north bound frontage road along SH 288.

The timing of these improvements is not mentioned in the PD.

The extension of South Spectrum to Kirby Road generally follows the recommendation of the Thoroughfare Plan. However, continuation of Promenade Shops Drive and connection to Fruge and Kirby Road is a deviation from the Thoroughfare Plan that shows Promenade Shops Drive extending southerly to meet with Business Center Drive.

At the time of platting and construction, these deviations need to be addressed. The streets providing access to the site need to be in place before a building permit is issued, unless a waiver is approved by the City Council. If the street pattern shown in the PD is approved, the Thoroughfare Plan would need to be amended.

STAFF RECOMMENDATION:

The proposed development generally conforms to the recommendations of the Comprehensive Plan. Staff is in favor of this PD if the following comments are addressed.

STAFF REVIEW COMMENTS:

The following issues were identified in the workshop and as part of the preliminary review by city staff. Additional comments may be added after further discussion, review, and the Joint Public Hearing.

Open Space /Parks

1. For 1340 units, approximately **27 acres** of parkland and **28 acres** of common open space (900 s.f. per dwelling unit) are required by the Unified Development Code. The Council had agreed that plazas, amenity lakes, and other open spaces could be considered as open space. The PD proposes a total of **11.3 acres**, including 4 acres of parkland to be dedicated to the City, 2.5 acres of open space and trails to be maintained by HOA, 4.8 acres of detention. The PD does not indicate the amount of land that would be developed as pedestrian plazas. It is not clear if the parkland dedication would be met through payment to the park fund ($750 per unit).

   so the off-site okay.

   Applicant's Response:
   The PD has been modified to indicate, on page 2, that 11 acres on site and 40 acres off site shall be developed as "Presidential Park & Gardens and Grand Canal & Waterway". The applicant has agreed to distinguish between parkland and open space areas in Exhibit E.

   Council Input Required:
   Further input from the Council is required to confirm that the proposed plan meets their vision.
   Staff recommends that, if the Council agrees with the proposed open space and parks plan, a note be added on page 2 clarifying that 40 acres of parkland/open space shall be developed offsite as per the development agreement with the City.

2. It is not clear how much of open space improvements will be done by the developer. Are improvements limited to the area within their ownership? This needs to be clarified in the PD and indicated on the Conceptual Master Plan and Conceptual Design Plan.
   Further, the PD needs to be specific as to the improvements that will be provided with the trails and parks: lights, benches, material of trails (concrete/ asphalt/ crushed granite/ etc.), widths of trails, playground equipment, fields or courts developed, etc.

   Applicant's Response:
   The applicant has indicated that all improvements within their development shall be completed by the applicant. The development agreement with the City will discuss the off-site improvements.
   The applicant has indicated that the PD will be revised to ensure that all trails are a minimum of 8' wide and all sidewalks abutting parking garages shall be a minimum of 6' wide. Page 6 and Exhibit H will be modified.

Specificities regarding lights, benches, playground, streetscape, comprehensive signage and other amenities have not been provided.

Council Input Required:
Need direction from the council.
Staff recommends that, at a minimum, a note be added that the entire development will have a comprehensive and unified streetscape and signage plan that would be approved by the City at a later date. This would be in conformance with the Comprehensive Plan that recommends that this area be developed as a "distinct gateway announcing the City of Pearland and include a comprehensive streetscape program with medians, street trees, cohesive lighting, pedestrian walkways, etc., with water features and view corridors".

3. It is not clear which proposed park and water features would be dedicated to the City. This should be shown clearly in the Design Plan. Additionally on Page 2, acres of on-site "park and garden" needs to be clarified.

   Applicant's Response:
   Applicant has agreed to show the outlines in the Design Plan.

Landscaping

4. Landscaping –
   a. PD states that 20' landscaped buffer shall be provided along street ROW for SH-288. It does not specify landscaping requirements for other streets. Staff recommends that if the building is not built right up to the sidewalk/front property line, then landscaping be required along front yards, especially to screen parking areas.
      Similar standards should be considered for parking garages. If landscaping is not provided around parking garages, then there needs to be language to ensure that the exterior will be aesthetically and architecturally pleasing and complement the rest of the development.

      Applicant's Response:
      Landscaping around parking garages has been addressed.
      Landscaping, other than street trees, is being reviewed by the applicant.
      Note regarding aesthetics and architectural conformity has not been added.

   b. Requirements for landscaping along Fruge/Promenade Shops Drive need to be included.

      Applicant's response:
      Only street tree requirements have been added. Other landscaping not addressed.

   c. Street tree requirements (1" for every 25') are less than the City's standards. (1" for every 15').

      Applicant's response:
      Standards changed to meet City's requirements.

Council Input Required:
Landscaping standards in the PD address street trees only. Are these sufficient? Does the Council desire to see some general standards for other landscaping that would typically include – shrubs, screening of parking lots, landscaping and trees within parking lots, ground cover, percentage of green areas etc. Is the aesthetics and architectural character of the garages and the entire development a concern? Staff would recommend addition of a general statement that all requirements of the UDC regarding landscaping would be met, with minor deviations regarding location of landscaping to be approved by staff. Additionally, language to ensure that the exterior of the garages will be aesthetically and architecturally pleasing and complement the rest of the development is recommended.

Amenities

5. Page 8 – The applicant may want to clarify that multi-family referred to in the PD is not the traditional apartment complex development and list the amenities associated with multi-family as shown in the Conceptual Master Plan (water park, pools etc.).

   Applicant's response:
   A statement has been added on page 9. However, the applicant has indicated that the health club mentioned in the amenities may be part of the entire development. The applicant has agreed to modify the sentence to indicate that.

   Council Input Required:
   Is this statement sufficient since ratios or numbers have not been specified? Is the statement regarding "traditional apartment complex" adequate?

6. Exhibit D – Conceptual Master Plan is not legible. A clearer copy needs to be provided.

   Applicant's Response:
   The applicant has agreed to provide clearer copies.

7. Trails - The PD on page 6 mentions trails. The PD does not specify the material, width or location of these trails.

   Applicant's Response:
   Page 6 – The text will be modified to state that the minimum standards for sidewalks/ walkways and trails shall be concrete and block pavers.
   Exhibit H has been added to clarify the location of the trails and sidewalks.

Uses

8. Pages 6 & 8– The uses need to be defined better. Type of office, retail, restaurant (fast food, drive through, dine-in etc.) needs to be indicated. Refer to the list of permitted uses in SP-1 and BP-288 zones. Does General

Business/Commercial include all non-residential uses permitted in the underlying zone?

Applicant's Response:
The text has been modified to refer to the underlying zoning. Additional uses to be permitted in SP1 have been listed also. Applicant has agreed to add another statement on page 5, to clarify that areas zoned BP 288 will follow the land use table in the UDC.

9. Page 8 – reference to the Conceptual Design Plan needs to be added to clarify where retail will be located within residential structures.

Applicant's Response:
Will add reference to "Exhibit D" in the text on page 10.

Circulation

10. The PD needs to include a pedestrian circulation plan showing clearly, where the walkways and sidewalks are proposed to be located. In addition, the PD needs to indicate that sidewalks shall be provided on both sides of all public and private streets. Staff recommends that wider sidewalks be provided than proposed as follows:

    a. South Spectrum and Fruge Road – 10' wide recommended. (6' wide proposed)
    b. North South roadway between South Spectrum Boulevard and Reflecting Pool – Minimum 10' – 12' wide recommended. (6-10' proposed)
    c. Other roadways – Minimum 6'-8' recommend. (4' proposed)

    It is staff's opinion that for a life style center of this scale, where high levels of pedestrian activity are anticipated, wider sidewalks would be beneficial, especially due to reduction of front setbacks, on-street parking, and outdoor activities such as dining etc. proposed on the sidewalks. Due to high density of residential units, 4' sidewalks may not be appropriate even in residential areas of the PD. Additionally, in such developments, the street trees are located within the sidewalk area and additional land would not be required to accommodate the trees.

    Applicant's Response:
    Applicant has agreed to modify as follows:
    a. South Spectrum and Fruge Road – Minimum **6'** proposed, no changes.
    b. North South roadway between South Spectrum Boulevard and Reflecting Pool – Change from 6-10' to **10'** minimum.
    c. Other roadways – Change from 4' to **6'** minimum.

Council Input Required:
Are 6' wide sidewalks along South Spectrum and Fruge Road sufficient?

11. Material of sidewalks needs to be specified for all streets. This will assist staff during implementation.

Applicant's Response;
Will clarify on page 6 - use concrete or pavers as a minimum standard.

12. As indicated earlier, the proposed street layout does not conform to the Thoroughfare Plan with regards to Business Center Drive. This needs to be discussed and the Thoroughfare Plan may need to be amended.

Council Input Required:
Need direction from Council to change the Thoroughfare Plan.

13. Public and private streets need to be specifically mentioned in the document and shown on Exhibit E –Conceptual Design Plan.

Applicant's Response:
Will add this information on Exhibit E.

14. Exhibit F - Cross sections need to indicate the street names. Does the South Spectrum cross-section apply to Fruge Road? Which of the other streets in the PD would follow the typical cross section of 60'?

Applicant's Response:
Cross sections (Exhibits G & F) have been added for clarification.

15. Exhibit G – Which areas in the PD would this cross section be applicable to. The ROW appears to be over 80'. ROWs for each street in the PD needs to be specified with typical cross-sections.

Applicant's Response:
Cross sections (Exhibits G & F) have been added for clarification. Will modify Exhibit G to indicate that sidewalks width will vary.

16. It might be beneficial to include some options for typical cross sections of the streetscapes and canal frontages and one of the various options would be chosen. Any substantial deviation from any of the typical cross sections would require city council approval.

Applicant's Response:
Will add a cross-section along canal frontage.

Parking

17. Parking-
It is not clear what minimum standards will be applicable to on street parking. The standards need to be clarified on page 7.

Applicant's Response:
Will add a note on page 7 that parking standards of the City or those approved by the City will be followed.

18. Based on the information in the PD, 6195 parking spaces would be required for the entire development. The PD proposes 5100-5900 spaces. It is not clear how these spaces would be distributed. The PD does not propose any additional parking for the Presidential Park and Gardens. It is not clear if on-street parking spaces have been added in this calculation. Staff recommends that the applicant provide a market study to ensure that the reduced parking will meet the requirements of this development and designate parking area for the public park.

Applicant's Response:
Will add a statement that a traffic study will be provided to support the parking ratios provided on page 2. Will address parking for public parks.

Area & Bulk Requirements / Setbacks

19. Area Requirements – Staff recommends that the applicant specify which lots would have no lot width and depth requirements. Is there a need for some minimum standards? During platting the applicant would need to make sure that all lots have frontage on a private or public street. The applicant needs to make sure that parcels are configured accordingly and meet all the subdivision regulations.

Applicant's Response:
Will add a statement that all lots will conform to the City's subdivision regulations and will have frontage on private or public streets..

Council Input Required:
Is there a need for minimum standards for lot depth and width?

20. For a development this scale, with building heights varying from 10-25 stories, staff feels that 20' setback along SH 288 might not be appropriate.

Applicant's Response:
The applicant has modified the setback along SH 288. For building up to 10 stories the building setback is proposed to be 20'. For buildings over 10 stories, the setback is 30 feet. (Page 7)

Council Input Required:
Is this acceptable?

21. Building Height for mixed-use building needs to be specified.

Applicant's Response:
Clarified on page 8 that mixed-use buildings will have a maximum of 7 stories.

22. Yard Setback Requirement –
a. Page 6 – define "external public streets".

Applicant's Response:
Addressed.

b. Page 7 – define "central plaza".

Applicant's Response:
Addressed.

c. It is not clear if the setbacks proposed are minimum setbacks or maximum setbacks.

Applicant's Response:
Clarified that the setbacks are minimum.

The council had directed the applicant to ensure that restrictions were placed to prevent "big box" development. As requested by the council, the applicant was given a copy of the original form based codes for the Old Townsite. These guidelines have not been included.

Applicant's Response:
Page 2 states that " Big Box" type department stores and facilities shall not be permitted. However, there is no definition of "Big Boxes" and the codes as written in the PD so not prohibit them.

Council Input Required:
Need direction from the Council.
Staff would recommend that some form-based codes such as maximum setbacks, etc. be added, if the Council desires.

Improvements and Phasing

23. It is not clear which improvements will be done by the developer and which ones will be undertaken by the City. May want to better define what Waterlights District's contribution is and refer to the Development Agreement for others.

Applicant's Response:
Not addressed.

Council Input Required:
Need direction from the Council.

24. Phasing Plan –
All PDs are required to have a phasing plan, since they are larger projects and completed over a long period of time. A phasing plan is required to identify the timing of the improvements – including streets, trails, sidewalks, amenities, lakes etc. and relate these improvements to building construction, a specific date, completion before CO, or similar. The phasing plan needs to be approved by the City Council.
Staff recommends that:
a. a phasing plan be provided at this time with the PD, and any further changes be approved by city council, without a public hearing, to expedited the process, OR
b. a phasing plan be approved by the council later, before a permit is issued.

Applicant's Response:
Not addressed.

Council Input Required:
Need direction from the Council.
Staff recommends the two options as listed above.

Specificity of the Plan

25. During the workshop staff had expressed concern about the statement in the PD - "adjustments to the master plan that do not alter the development mix presented herein shall not require a separate or additional approval process from the City Council or the Planning and Zoning Commission."

This was discussed at the workshop and council had directed the applicant to add more specificities. The only change made to the PD document is that master plan has been replaced by Design Plan in the text, and 20% has been added to the statement - "adjustments to the ~~master~~ **Design Plan** that do not alter the development mix by **more than 20%** presented herein shall not require a separate or additional approval process from the City Council or the Planning and Zoning Commission."

It is the staff's opinion that this language does not ensure that the development will conform to the concept plan. Staff would like to re-iterate that while staff understands the need for flexibility, it seems that the concept plan that shows desirable features such as buildings along the street, parking lots located behind the building, a boulevard entry way from South Spectrum Drive, Water Town Commercial district, landscaping scheme, layout of streets and walkways etc. is subject to change as long as the percentages of land uses do not change. The UDC requires that the Design Plan show uses, access, streets, alleys, location of public facilities, amenities, location of building, landscaping, proposed phasing and scheduling. The concept plan should, at the minimum, indicate what elements will be implemented. If the applicant is not sure how the development will proceed than a detailed Conceptual Master Plan has no purpose. Without further guidelines in the PD, each parcel in this development could potentially develop as a typical big box retail with parking in the front yard. Lack of some guidelines might pose problems when staff reviews the permit applications.

Additionally 20% flexibility seems to be too high for a development this size. Other larger developments (Shadow Creek Ranch, Pearland Town Center etc.) had proposed 15%.

Staff also recommends that, to allow amendments in a timely manner, a note be added to the PD that any changes to the PD require council approval only and not have to follow the public hearing process.

Applicant's Response:
The flexibility has been modified to 15%. (Page 10)
A note has been added that adjustments to the Conceptual Design Plan that alter the mix by more that 15% shall require approval by the City Council without a public hearing.
The applicant has agreed to add a similar note for the Conceptual Master Plan stating that any major deviations to the Conceptual Master Plan would need to be approved by the City Council without a public hearing.
The applicant has also agreed to include "amenities" to the first sentence under Design Plan Changes.

Council Input Required:
Is this acceptable?

26. It not clear what the purpose of the Conceptual Master Plan is. (Exhibit D). The PD does not refer to this exhibit.

    Applicant's Response:
    Clarified on page 10.

27. It is not clear which development mix (page 2 or page 8) is referred to in page 9, under Design Plan Changes. It would be helpful to have references to page numbers or table numbers.

    Applicant's Response:
    Clarified on page 10.

General

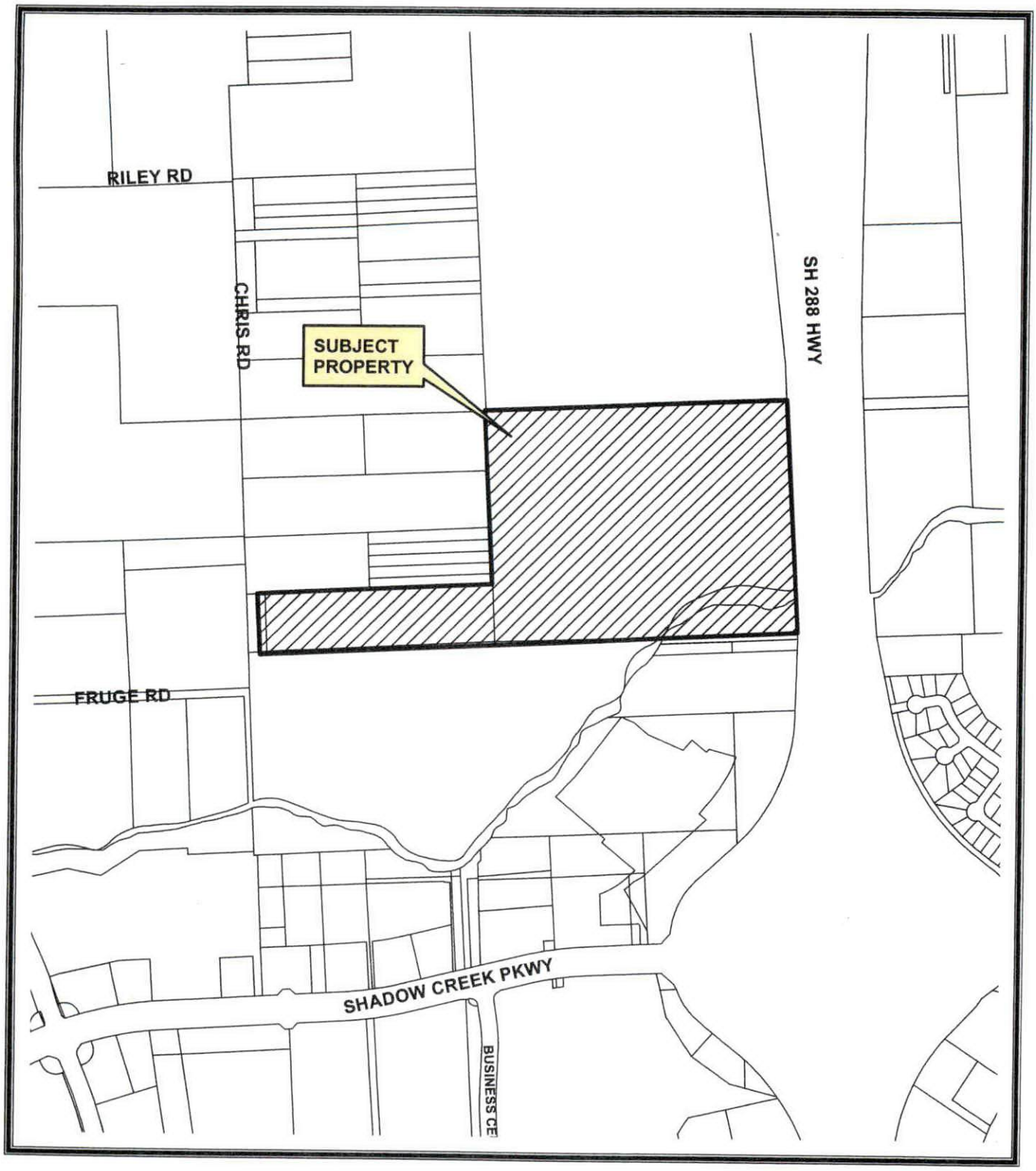
28. The PD refers to "Uniform Development Code" instead of "Unified Development Code". Please modify accordingly.

    Applicant's Response:
    Modified.

SUPPORTING DOCUMENTS:

- Notice of Public Hearing
- Zone Change Application
- Location Map
- Property Ownership Map
- Property Owner Notification List

- Zoning Map
- Future Land Use Plan
- Proposed Planned Development



LOCATION MAP

Zone Change
No. 2008-04Z

N
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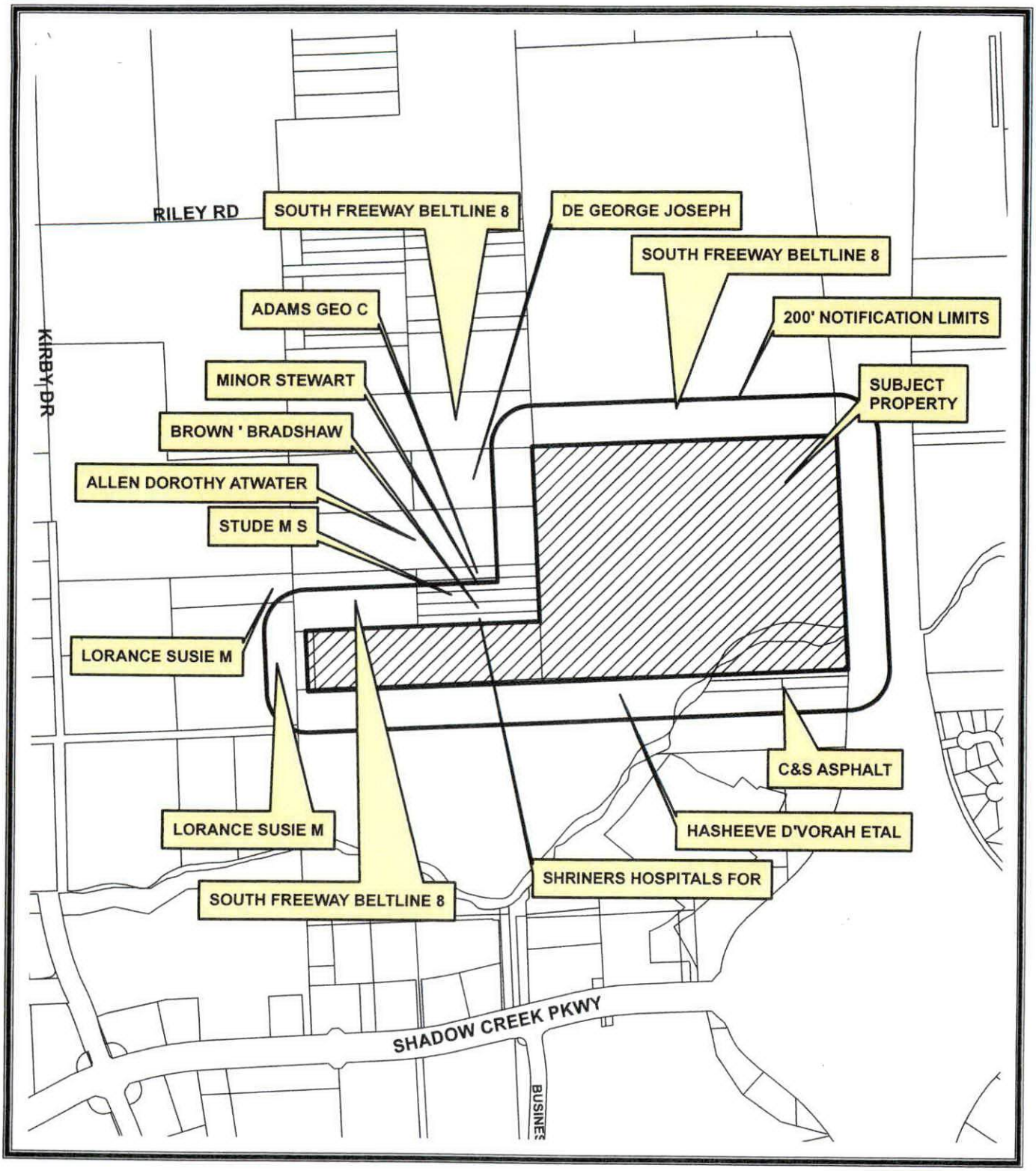
0 300 600 Feet

Map Prepared on January 2, 2008



OWNERSHIP MAP

Zone Change
No. 2008-04Z

N
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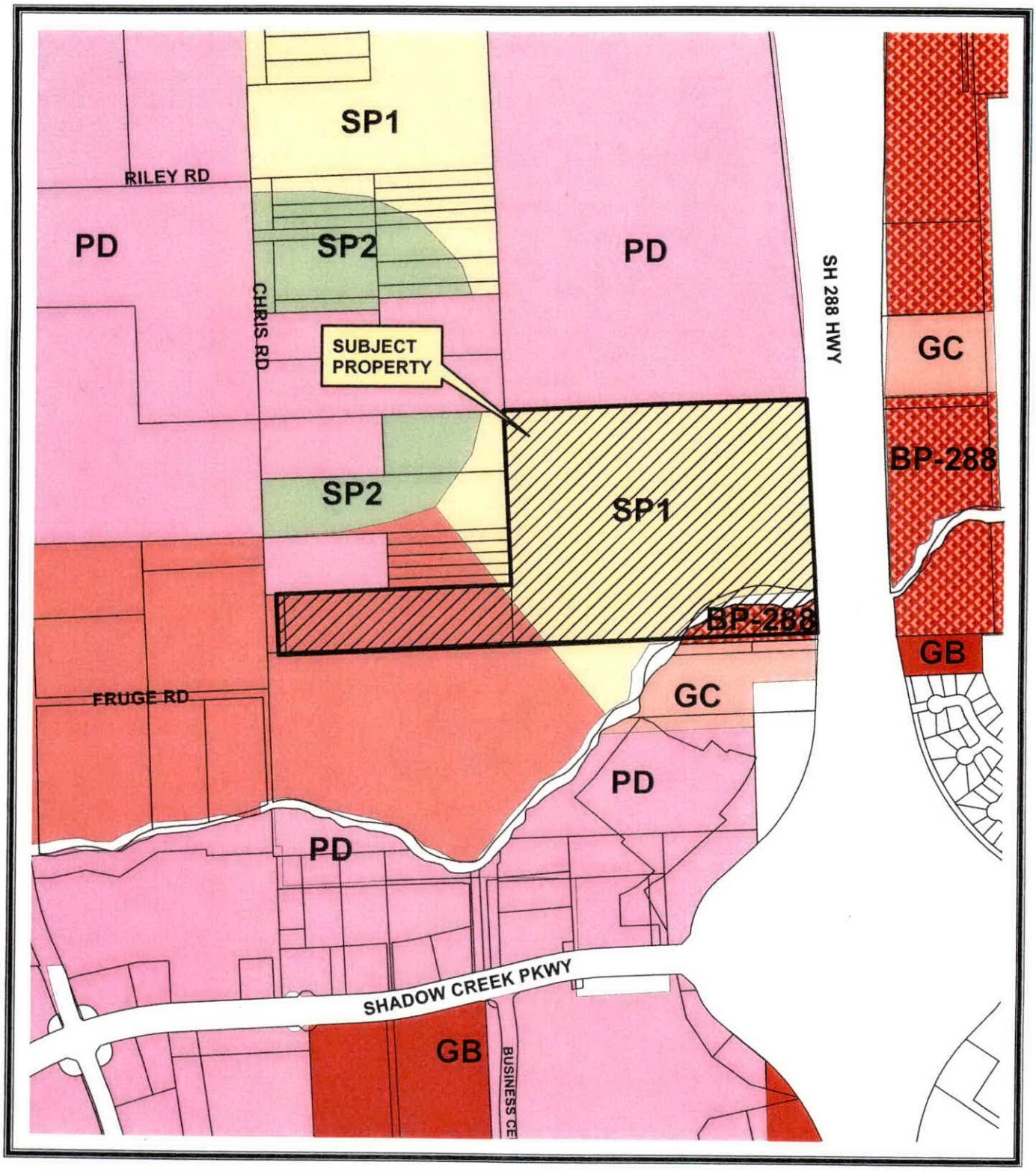
0 300 600 Feet

Map Prepared on January 2, 2008

ZONE CHANGE NO. 2008-04Z
Property Owner Notification List

TAX ACCT	OWNER	ADDRESS	CITY	STATE	ZIP CODE
0451850000112	ADAMS GEO C	11243 SHARPCREST ST	HOUSTON	TX	77072-3518
0451850000114	MINOR STEWART		HOUSTON	TX	77047
0451850000116	STUDE M S	4409 MONTROSE BLVD	HOUSTON	TX	77006-5825
0451850000108	MAYOR THOMAS H	5555 DEL MONTE DR UNIT 1306	HOUSTON	TX	77056-4184
0451850000265	MAYOR RICHARD B	6 W OAK DR	HOUSTON	TX	77056-2147
0451850000266	MAYOR JAMES M	2006 ELM CRST	SAN ANTONIO	TX	78230-2714
0451850000105	SOUTH FREEWAY BELTLINE 8	3509 NW 69TH ST	OKLAHOMA CITY	OK	73116-2126
0451850000072	SOUTH FREEWAY BELTLINE 8	3509 NW 69TH ST	OKLAHOMA CITY	OK	73116-2126
0451850000100	ALLEN DOROTHY ATWATER	10 FALLING LEAF LN	HOUSTON	TX	77024-4513
0451850000107	DE GEORGE JOSEPH	6307 WALTWAY DR	HOUSTON	TX	77008-6263
451800000220	LORANCE SUSIE M	2618 S PEACH HOLLOW CIR	PEARLAND	TX	77584-2091
0451800000230	LORANCE SUSIE M	5714 SARAGOSA DR	RICHMOND	TX	77469-6166
0726-0001-110	C & S ASPHALT SEALING CO	PO BOX 2117	PEARLAND	TX	77588-2117
PROP OWNER	HISTORIC REAL ESTATE INC	14326 HIGHWAY 288 SOUTH	HOUSTON	TX	77047
APPLICANT	GC ENGINEERING INC	2505 PARK AVENUE	PEARLAND	TX	77581
0451850000118	BROWN BRADSHAW	851 MAIN ST	HOUSTON	TX	77002-6101
0451850000120	SHRINERS HOSP CLAYTON&CD PENNINGTON	PO BOX 31356	TAMPA	FL	33631-3356
0451850000009	SOUTH FREEWAY BELTLINE 8	3509 NW 69TH ST	OKLAHOMA CITY	OK	73116-2126
0451850000006	FRUGE RUTH R	PO BOX 557	HOUSTON	TX	77001-0557
0482350000001	HASHEEVE D'VORAH ETAL	4538 BELLAIRE BLVD	BELLAIRE	TX	77401-4228
451800000225	LORANCE SUSIE M	5714 SARAGOSA DR	RICHMOND	TX	77469-6166



ZONING MAP

Zone Change
No. 2008-04Z

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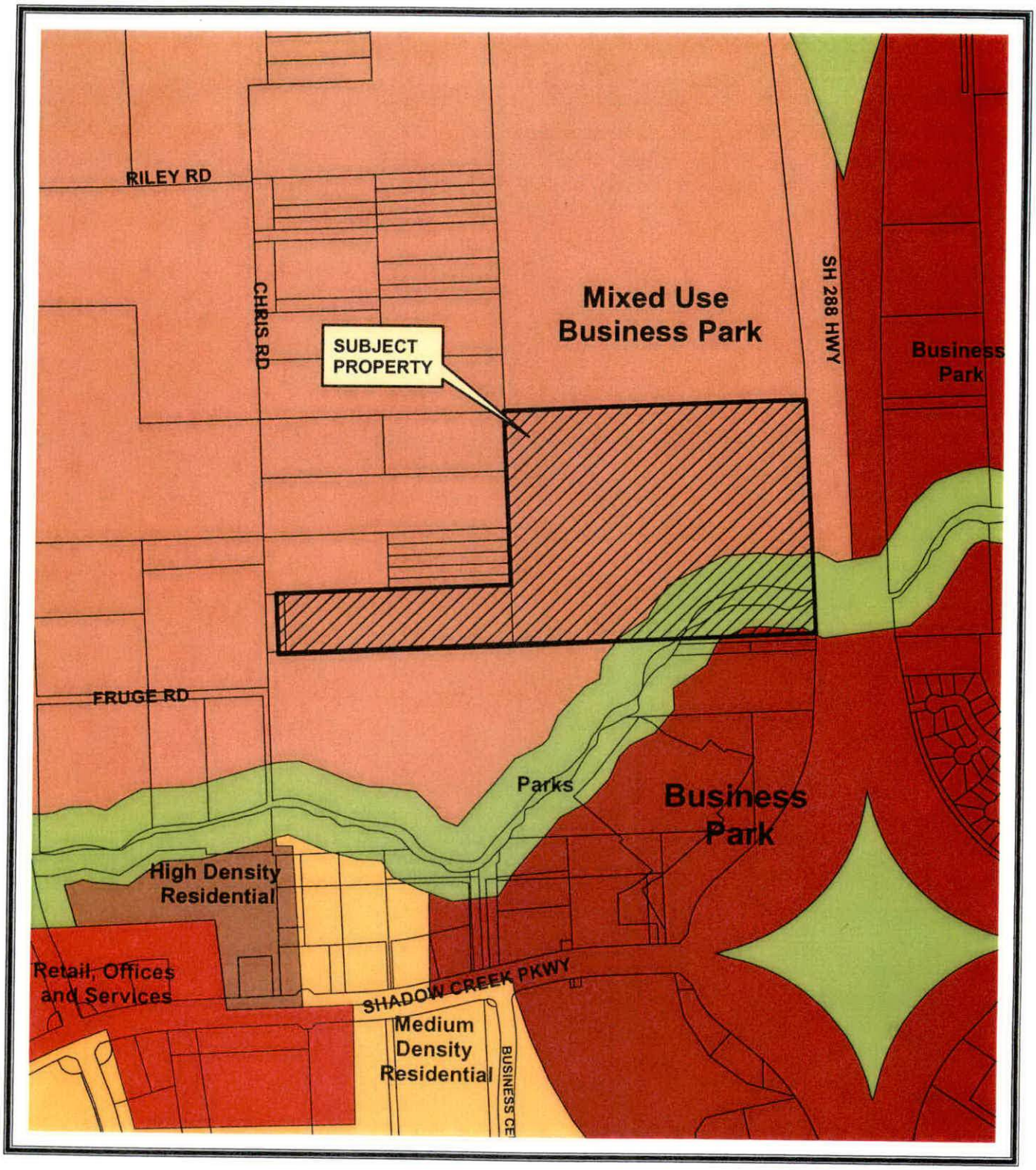
Map Prepared on January 2, 2008



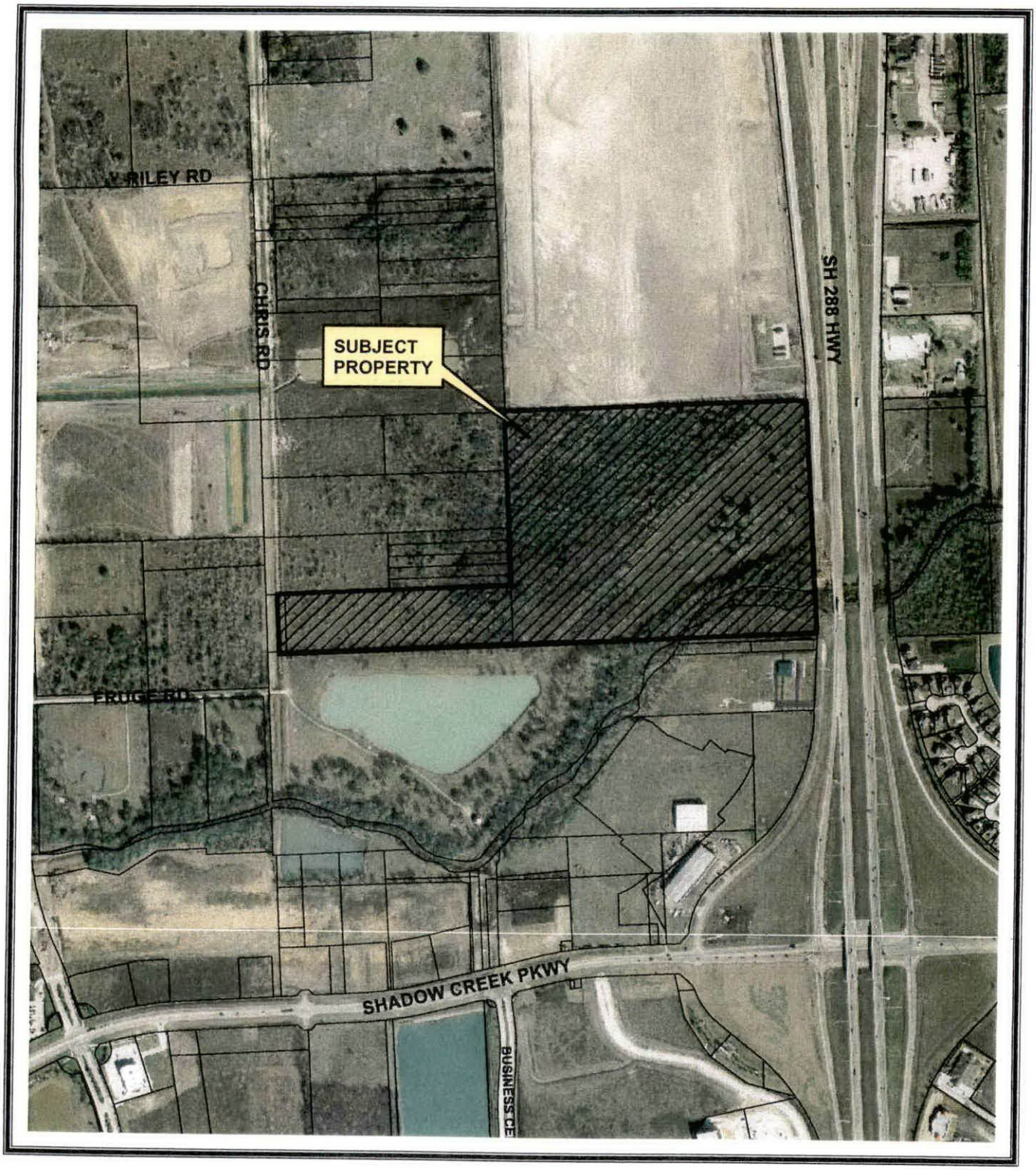
FUTURE LAND USE PLAN

0 300 600 Feet

Zone Change No. 2008-04Z

N W E S

Map Prepared on January 2, 2008



AERIAL PHOTOGRAPH

0 300 600 Feet

Zone Change
No. 2008-04Z

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Map Prepared on January 2, 2008

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 Engelhart

Full Address: attorney for owners of

(include zip) 1626 Fruge & 1730 Fruge

I wish to speak regarding Item No. 2008-047

03/2005