

**AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD FEBRUARY 16, 2008, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS**

**I. CALL TO ORDER**

**II. PURPOSE OF HEARING**

Conditional Use Permit No. CUP 2009-04

Request of Eddie Gladney, applicant for Pearland Westside Associates, LTD, owner, for approval of a Conditional Use Permit (CUP) to permit a Church in the Neighborhood Services (NS) Zoning district, on the following described property:

**LEGAL DESCRIPTION:** Tract 1 with 2.0 acres and Tract 2 with 3.8897 acres out of Reserve "A" in the Replat of Corrigan Addition Section 1 (Volume 2, pgs 97-98 B.C.P.R) West Side Plaza Subdivision, City of Pearland, Brazoria County, Texas (located at 5074 W Broadway Street, Pearland TX.)

**GENERAL LOCATION:** 5074 W. BROADWAY ST.

**III. APPLICATION INFORMATION AND CASE SUMMARY**

**STAFF REPORT**

**APPLICANT PRESENTATION**

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

**V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION**

**VI. ADJOURNMENT**

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**JOINT PUBLIC HEARING AGENDA ITEM**  
**CONDITIONAL USE PERMIT NO. CUP2009-04**  
**MEETING OF FEBRUARY 16, 2009**

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**Conditional Use Permit No. CUP 2008-04**

A request of Eddie L. Gladney, applicant, and Pearland Westside Associates, Ltd. owner, for approval of a Conditional Use Permit to allow a Church in the Neighborhood Services District (NS) and Corridor Overlay District (COD), on the following described property, to wit:

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**GENERAL LOCATION:** 5074 W. Broadway Street

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

Planning and Zoning Commission: February, 16, 2009\*  
City Council for First Reading: March 9, 2009\*

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**SUMMARY:** The applicant is requesting a Conditional Use Permit (CUP) to locate a church on the subject property. The subject property is currently zoned Neighborhood Services District (NS). The West Side Plaza is a small strip mall with a theater in the center of the 50, 200 square foot L-shaped building and 2 proposed restaurants on the end caps of the building, on approximately 3.10 acre property.

The applicant is proposing a four member church in a 1,130 square foot suite located at the West Side Plaza. The hours of services will be Sundays from 9:45 a.m. to 12:30 p.m. and Wednesdays from 7:30 p.m. to 9:00 p.m. There isn't any future projection for

JPH 02-16-09  
CUP 2009-04

anticipated membership at this time, however; there are 55 chairs available for seating. The church activities will be held within suite 5074.

According to the UDC Corridor Overlay District (COD), any expansion exceeding 500 square feet to the structure, or expansion or improvement that improves the appraised value or structure by 50%, or an increase in parking needed which is equal to more than 20% of the current parking to an existing property, would trigger compliance to the UDC Corridor Overlay District.

Currently, there are approximately 195 parking spaces at this location. Multi-use parking is calculated at 1 space for every 165 feet of gross floor area. The gross floor area of the West Side Plaza is 50,200 square feet and requires an additional 109 parking spaces, which is more than 20% of the current parking.

**SURROUNDING ZONING AND LAND USES:**

	<u>Zoning</u>	<u>Land Use</u>
North	General Business District (GB)	Low Density Residential
South	Single Family Residential 2 District (R-2)	Medium Density Residential
East	Single Family Residential 2 District (R-2) and General Business District (GB)	Medium Density Residential
West	Neighborhood Services District (NS)	Retail, Offices, and Services

**CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC):** The applicant is requesting a CUP in an existing NS district. The minimum lot size for the NS district is 12, 500 sq. ft., the minimum lot width is 100 feet, and the minimum lot depth is 100 feet. The subject property is also in the Corridor Overlay District. The subject property does not meet the requirements of the Corridor Overlay District.

**PLATTING STATUS:** Property has been platted.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The current NS zoning of the property is in conformance with the Comprehensive Plan.

**CONFORMANCE TO THE THOROUGHFARE PLAN:** The subject property has frontage on Broadway Street, a major thoroughfare, with a projected right-of-way of 120 feet. Additional right-of-way may be required when the road is widened in the future. McClean Rd. is a minor collector street and has sufficient right-of-way at 60 feet.

No other roadways affect the subject property.

**AVAILABILITY OF UTILITIES:** The subject parcel is serviced by city water and sewer.

**IMPACT ON EXISTING AND FUTURE DEVELOPMENT:**

The area to the south and southeast are characterized by single family homes on residential lots. To the west of the West Side Plaza is Frost Bank and to the north the ACME building in the General Commercial District. The proposed church would be located approximately 300 feet from the nearest single family residential structure and will not be visible from the nearby residential subdivision. There has not been any opposition in the past to having a church, or church related activities at the subject property.

Recent damage to the roof and store fronts from Hurricane Ike has been repaired. Although there are 109 additional required parking spaces, staff does not believe that this would cause a negative impact due to the times that the services are held. The times the church services are held do not coincide with the times that the other tenants operate their businesses.

It is Staff's opinion that the location chosen for the development of a church facility is appropriate use in this zoning district. There should not be any negative impacts caused by the proposed use at this facility.

**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 does not have any concerns regarding this CUP, and therefore recommends approval of a Conditional Use Permit (CUP) without conditions, to allow a church on the subject parcel.

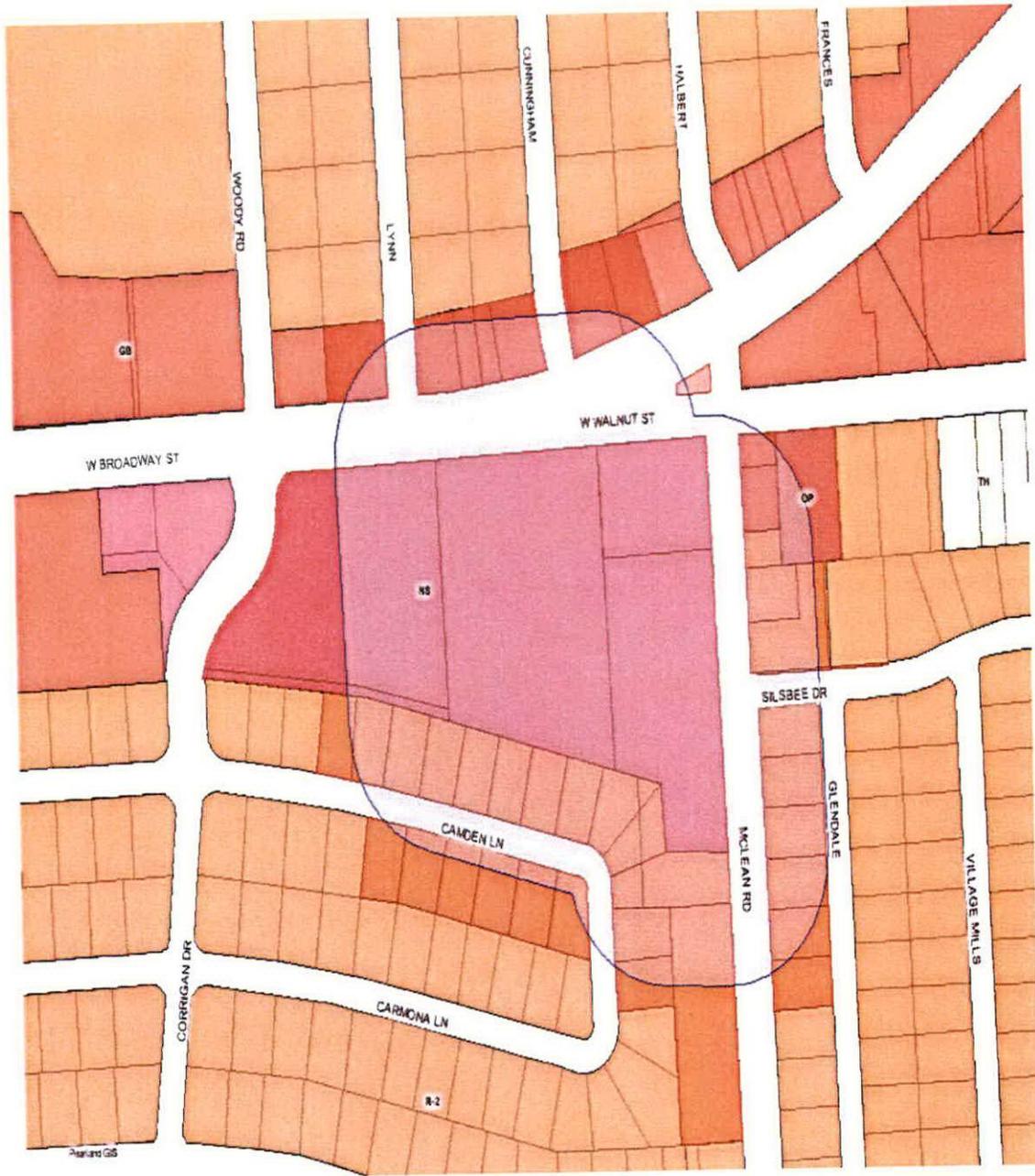
**SUPPORTING DOCUMENTS:**

- Conditional Use Application
- Location Map
- Property Owner Notification List
- Zoning Map
- Future Land Use Plan



**LOCATION MAP**  
**CONDITIONAL USE PERMIT 2009-04**  
**5074 W. BROADWAY ST.**





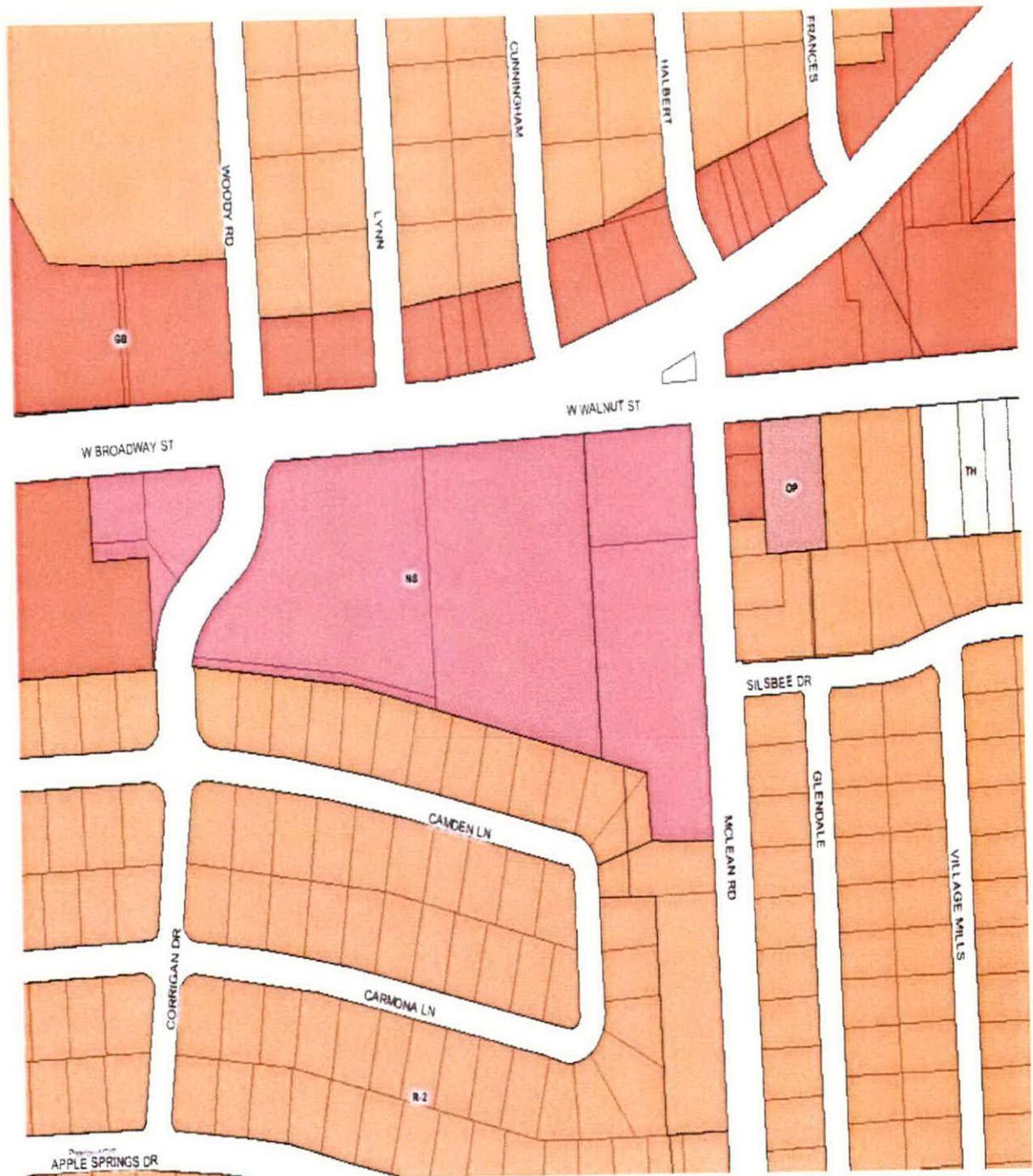
**ABUTTER MAP**  
**CONDITIONAL USE PERMIT 2009-04**  
5074 W. BROADWAY ST.

↑  
NORTH

CUP APPLICATION NO. 2009-04  
 5074 W. BROADWAY STREET  
 PROPERTY OWNERS NOTIFICATION LIST

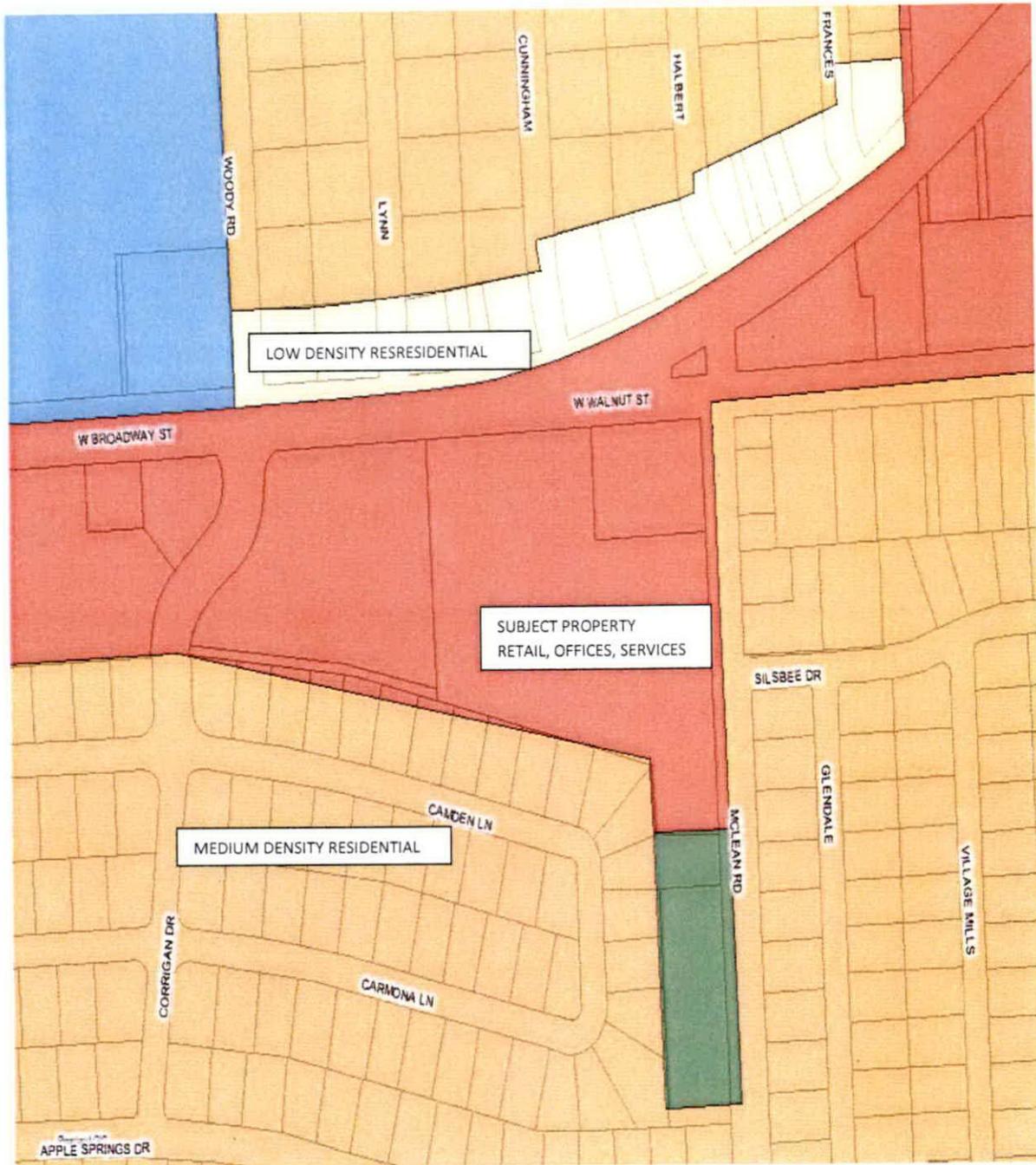
Tax Account	Owners Name	Mail Address 1	Mail City	Mail State	Mail Zip
0239-0025-000	FELTS ALBERT C & BETTY L	2927 VEVA DR	PEARLAND	TX	77584
0239-0026-000	DARE SONYA ANN & DENNIS DARE	4904 W WALNUT ST	PEARLAND	TX	77581
0239-0036-000	JORDAN JEANIE ALENE	2609 MCLEAN RD	PEARLAND	TX	77584
0239-0039-000	FOAT EDWARD E	2601 MCLEAN ROAD	PEARLAND	TX	77584
0239-0039-001	MCLEHANY TROY	1140-D STEELE RD	ALVIN	TX	77511
0239-0039-110	FELTS ALBERT C & BETTY L	2927 VEVA DR	PEARLAND	TX	77584
0240-0001-131	CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
0240-0015-000	CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
0543-0075-000	CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
2970-0000-000	CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
2970-0004-000	TRUFANT LIONEL & NAJI & BILAL	5203 CAMDEN LN	CORRIGAN	TX	77584
2970-0005-000	KUBALA H M	5201 CAMDEN LN	PEARLAND	TX	77584
2970-0006-000	JONES CHERLYN	5107 CAMDEN LN	PEARLAND	TX	77584
2970-0007-000	TWISS DONALD R & VIRGINIA M	5105 CAMDEN LN	PEARLAND	TX	77584
2970-0008-000	PITTS KELLY B JR &	5430 GULF FWY	HOUSTON	TX	77023
2970-0009-000	KHAN AFSAR	3801 CANYON LAKE DR	PEARLAND	TX	77581
2970-0010-000	BARNES KATIE L TRUSTEE	5015 CAMDEN LN	PEARLAND	TX	77584
2970-0011-000	WILLIAMS MARILEE	5013 CAMDEN LN	PEARLAND	TX	77584
2970-0012-000	PRENDERGAST MICHAEL TIMOTHY &	5011 CAMDEN LN	PEARLAND	TX	77584
2970-0013-000	SOULE ROBERT LEE & DEBRA L	5009 CAMDEN LN	PEARLAND	TX	77584
2970-0014-000	SCHOCK RICHARD W SR	5005 CAMDEN LN	PEARLAND	TX	77584
2970-0015-000	TRIPLETT MELVIN L	5003 CAMDEN LN	PEARLAND	TX	77584
2970-0305-000	PARRA GREGORY R & VANESSA M	5108 CAMDEN LN	PEARLAND	TX	77584
2970-0306-000	MCDONALD JOHN D ESTATE	5106 CAMDEN LN	PEARLAND	TX	77584
2970-0307-000	WILLIS PEGGY L	5104 CAMDEN LN	PEARLAND	TX	77584
2970-0308-000	GUTHRIE GARY & JEANINE	5102 CAMDEN LN	PEARLAND	TX	77584
2970-0309-000	SCARDINO JOHN W & PAULA M	5014 CAMDEN LN	PEARLAND	TX	77584
2970-0310-000	BLOCK ANNE T	5012 CAMDEN LANE	PEARLAND	TX	77584
6600-0083-000	TRAN MAI & ANH LYN	3509 BRADFORD ST # 1	HOUSTON	TX	77025

6600-0083-110	PHAM HIEP	PO BOX 84117	PEARLAND	TX	77584
6600-0091-000	PHAM HIEP DU Y	PO BOX 117	PEARLAND	TX	77584
6600-0091-000	PHAM HIEP DU Y	PO BOX 117	PEARLAND	TX	77584
6600-0091-110	PHAM HIEP & THANH	4318 W FUQUA ST	HOUSTON	TX	77045
6600-0091-110	PHAM HIEP & THANH	4318 W FUQUA ST	HOUSTON	TX	77045
8248-0000-000	PEARLAND WESTSIDE ASSOC LTD	7373 E DOUBLETREE RANCH RD STE	SCOTTSDALE	AZ	85258
8248-2001-001	PEARLAND WESTSIDE ASSOC II LIMITED	7373 E DOUBLETREE RANCH RD STE	SCOTTSDALE	AZ	85258
8390-0001-000	ETTEHADIEH SEID RAMIN & COMBIZ	1334 CHELSHURST WAY	SPRING	TX	77379
8390-0002-000	HERNANDEZ JOSEPH	2704 GLENDALE DR	PEARLAND	TX	77584
8390-0003-000	GUERRERO EDGAR	2706 GLENDALE DR	PEARLAND	TX	77584
8390-0004-000	PARKS CHRISTOPHER H & CHRISTY L	2708 GLENDALE DR	PEARLAND	TX	77584
8390-0005-000	PERALTA REMIGIO	1410 HATFIELD RD	PEARLAND	TX	77581
8390-0006-000	MCKEAN GORDON & BRENDA	20 LONGWOOD RD	AUSTIN	TX	78737
8390-0400-000	MALDONADO CHRISTOBAL E & FRANCES	4911 SILSBEE DR	PEARLAND	TX	77584



**ZONING MAP**  
**CONDITIONAL USE PERMIT 2009-04**  
**5074 W. BROADWAY ST.**

↑  
NORTH



**FUTURE LAND USE MAP**  
**CONDITIONAL USE PERMIT 2009-04**  
**5074 W. BROADWAY ST.**

↑  
NORTH

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



# APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

Conditional Use Permit Request for: LOCATION WITHIN A NS ZONED DISTRICT  
(list proposed use from the Table of Uses of the UDC)

Current Zoning District: NS

**Property Information:**

Address or General Location of Property: 5074 W. BROADWAY STREET  
PEARLAND, TEXAS 77581

Tax Account No. 74-2973200

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

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

**PROPERTY OWNER INFORMATION:**

NAME PEARLAND WESTSIDE ASSOCIATES, LTD.  
 ADDRESS 7373 E. DOUBLETREE RANCH ROAD #225  
 CITY SCOTTSDALE STATE AZ ZIP 85258  
 PHONE (480) 607-0735  
 FAX (480) 607-0835  
 E-MAIL ADDRESS rt@millenniumdevcorp.com

**APPLICANT INFORMATION:**

NAME Eddie L. Gladney  
 ADDRESS 4110 PARRY DRIVE  
 CITY PEARLAND STATE TX ZIP 77584  
 PHONE (281) 997-7283  
 FAX (281) 997-7283  
 E-MAIL ADDRESS juliagladney@yahoo.com

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

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

Owner's Signature: [Signature] Date: 1/22/09

Agent's Signature: [Signature] AUTHORIZED REPRESENTATIVE on behalf of PEARLAND WESTSIDE ASSOCIATES, LTD. Date: 12/30/2008

**OFFICE USE ONLY:**

FEES PAID: <u>250.00</u>	DATE PAID: <u>12-31-08</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>77922</u>
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Application No. CUP 2009-04



Commercial,  
Residential,  
Property Management



Jan Briggs

2734 Sunrise Blvd. Ste 208  
Pearland, TX 77584

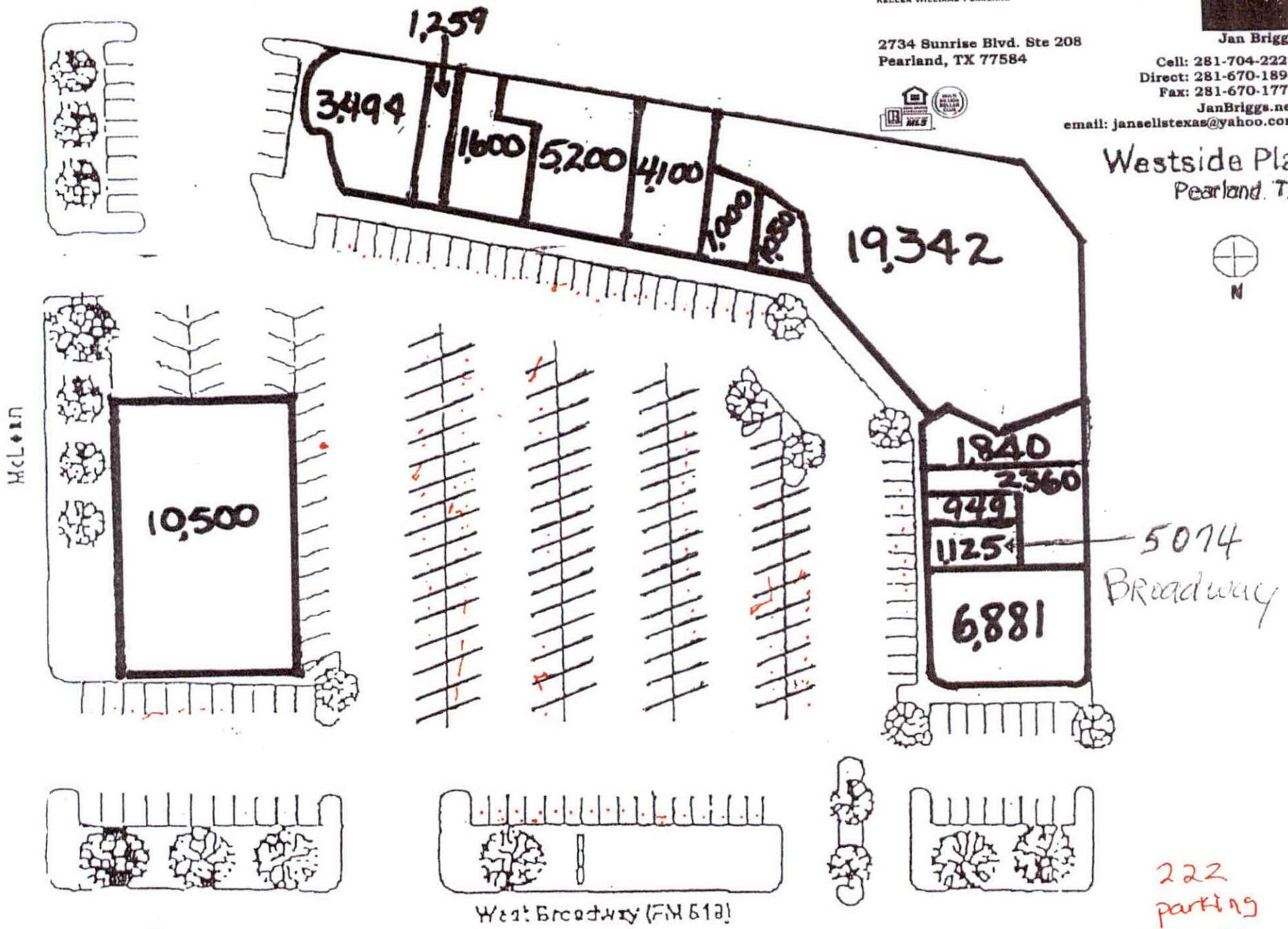
Cell: 281-704-2227  
Direct: 281-670-1897  
Fax: 281-670-1777

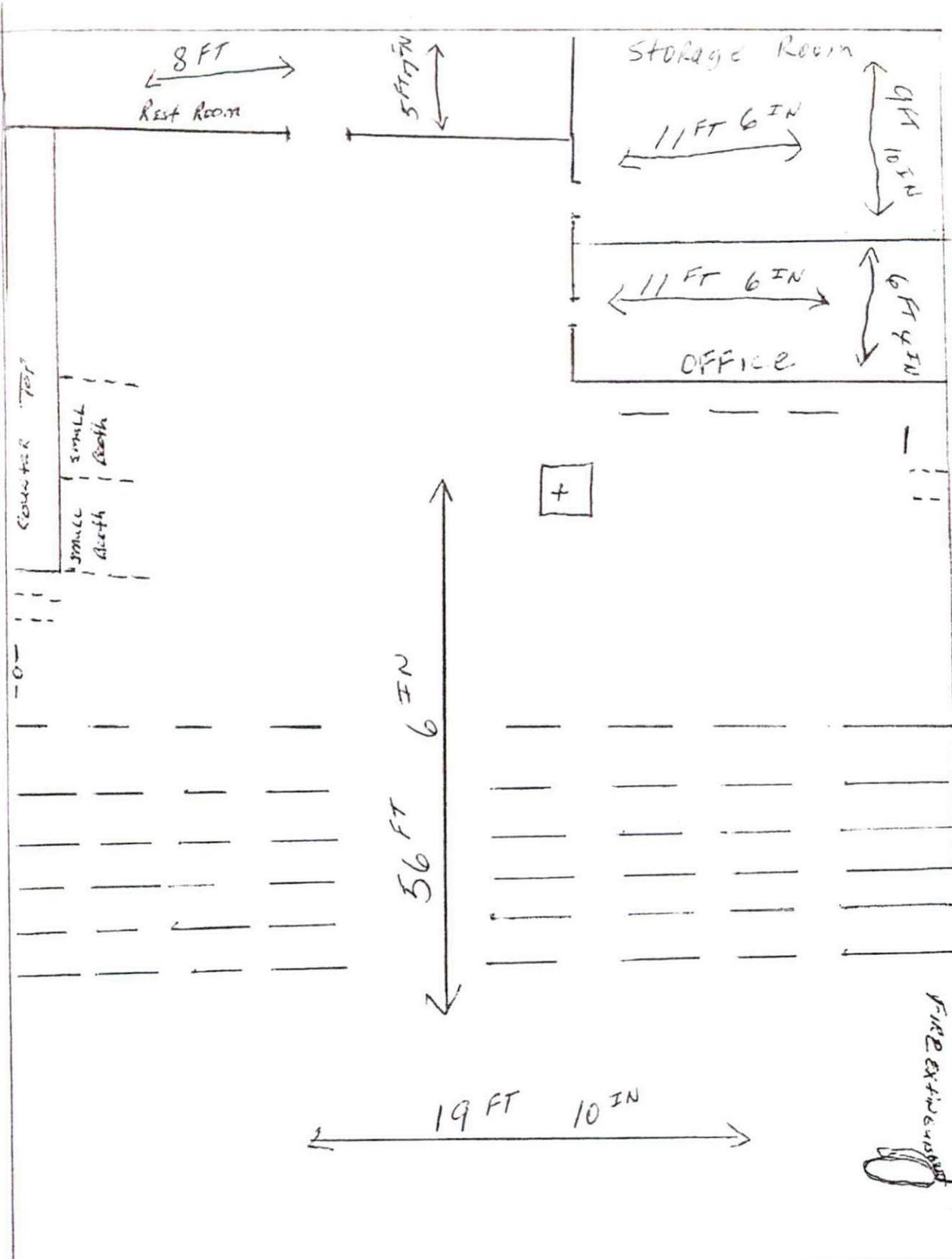
JanBriggs.net

email: jansellstexas@yahoo.com



Westside Pla  
Pearland, Tx





5074 Broadway  
 Pearland TX 77581

Floor Plan

REV'D  
 11/22/09  
 BY

- CHAIRS #54
- ⊕ Reception
- ⊥ doors
- small table
- - - COLUMN

# AGENDA

## CITY OF PEARLAND PLANNING & ZONING COMMISSION

FEBRUARY 16, 2009

6:30 p.m.

Henry Fuertes  
P&Z CHAIRPERSON

Jerry Koza, Jr.  
P&Z VICE-CHAIRPERSON

### COMMISSIONERS

Neil West

Susan Sherrouse



Darrell Diggs

Ron Capehart

Charles Gooden, Jr.

In accordance with the Texas Open Meeting Act the Agenda is posted for public information, at all times, for at least 72 hours preceding the scheduled time of the meeting on the bulletin board located at the front entrance of the City Hall, 3519 Liberty Drive.

Mayor Reid opened @ 6:32 pm

Angela Santua, Sr. Planner explained hearing process

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- I. **CALL TO ORDER** @ 6:35 . Mayor Reid
- II. **PURPOSE OF HEARING** P&Z Chair - Henry Suertes

Conditional Use Permit No. CUP 2009-04

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**GENERAL LOCATION:** 5074 W. BROADWAY ST.

**III. APPLICATION INFORMATION AND CASE SUMMARY**

**STAFF REPORT** - Angela read to locate a church on the subject property. Applicant is proposing

**APPLICANT PRESENTATION**  
✓ Mr. Eddie Gladney of 4110 Parry Dr., Pearland TX 77584

**IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST** No one present to speak *Staff recommend approval...*

**V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION** →

**VI. ADJOURNMENT** @ 6:50 pm

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Steve Saboe asked  
question re:

109 add'l required prky space

Angela stated this is in regards to Corridor overlay.

Cup speaks to the specific Suite #

Parking in the aggregate.

Jelcia  
arrive @  
6:45 pm

Neil - ~~where~~ is the church currently.

Mr. ~~Glenn~~ - New Church - not relocate

Jerry Kozz, Jr - who puts out notice sign  
Angela - appl.

Ferry - saw it on McLean

Angela - was on both McLean & Broadway

Darrell - inquired about corridor overlay  
and compliance

Angela explained

Darrell inquired about Damage

roof & front facade

Lata - was built prior to corridor overlay  
so monitor the structure that exist.

Neil - why cut. Lata spend US that  
does not allow a church - unless a cup.

Mayor - asked if Angela has <sup>the</sup> explained to that changes  
(increase in tenants) will result in spring issues

**JOINT PUBLIC HEARING AGENDA ITEM  
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MEETING OF FEBRUARY 16, 2009**

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