

AGENDA

SPECIAL MEETING PLANNING AND ZONING COMMISSION CITY OF PEARLAND, TEXAS

MONDAY, JUNE 27, 2005 AT 6:30 P.M.,

IN THE 2nd FLOOR CONFERENCE ROOM OF CITY HALL
3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. NEW BUSINESS

A. CONSIDERATION AND POSSIBLE ACTION – Zone Change Application No. 1234

A REQUEST BY Kerry R. Gilbert and Associates, Inc., applicant for WCF Development, LLC, owner, for an amendment to the Land Use and Urban Development Ordinance of said City -

1. From classification Suburban Development District (SD) to Commercial District (C), on the following described property, to wit:

Legal Description: 9.6167 acres of land being all of Lot 2 in Block 21

2. From classification Suburban Development District (SD) and Office and Professional District (OP) to Planned Unit Development (PUD), on the following described property, to wit:

Legal Description: 14.3755 acres of land being all of Lot 3 and a portion of Lot 4 in Block 20, and 4.6323 acres being out of and a portion of Lot 1 in Block 20 and Lot 3 in Block 21, all situated in the T.C.R.R. Company Survey, Section 4, Abstract 675, of the Allison Richey Gulf Coast Home Company's Part of Suburban Gardens Subdivision, according to the plat thereof recorded in Volume 2, Page 99, of the Brazoria County Map Records, City of Pearland, Brazoria County, Texas

General Location: At the Northwest Corner of SH 288 and FM 518 (Broadway Street)

B. DISCUSSION ITEM – Unified Development Code – Chapters 3, 4 and 5

III. NEXT MEETING DATES: July 18, 2005 – JPH and Regular Meeting

IV. ADJOURNMENT



CITY OF PEARLAND PLANNING & ZONING

AGENDA ITEM CONSIDERATION AND POSSIBLE ACTION

DATE: June 23, 2005

TO: Planning and Zoning Commission

FROM: Planning Staff

SUBJECT: Proposed Planned Unit Development (PUD), Generally Located on the West Side of SH 288, North of Broadway Street.

The above referenced Planned Unit Development (PUD) was scheduled for a Joint Public Hearing on June 20, 2005 and discussed by Planning and Zoning Commission (P&Z) the same night. The applicant had requested a Commercial (C) Zone for the two tracts included in the zone change application. However the request was recommended as a PUD for the L-shaped southerly tract along Broadway and 'C' for the northerly one. This item was tabled at last P & Z meeting to provide the applicant an opportunity to address the P & Z's comments.

A revised PUD submitted on June 22, 2005 has addressed some of the concerns of the P & Z and council and is included with this memo. Staff comments have been discussed below. Also attached is the staff report presented by staff at the Joint Public Hearing.

STAFF COMMENTS:

(The L-shaped tract fronting on Broadway)

1. The 25-foot wide landscaped buffer and the 75-foot no-building area should be shown from the eastern edge of the platted roadway and not from the centerline. Platting of the property will require the western

property line of the subject parcel to move easterly to coincide with the edge of roadway.

2. The 75-foot No-building area does not prohibit dumpsters and loading/un-loading areas as discussed by some members of the P & Z.
3. Staff recommends that the landscaped buffer prohibit any site lighting over 4 feet, to prevent glare on adjoining residential properties.
4. Outdoor Storage: Staff recommends that the last sentence under "Outdoor Storage" be replaced by "At this time outdoor storage is not permitted. If outdoor storage is proposed at a later date, a Specific Use Permit needs to be granted by the City Council as per the Land Use and Urban Development Ordinance.

STAFF RECOMMENDATION:

Staff is favor of the proposed PUD with the above-mentioned recommendations for the L-Shaped that fronting Broadway. Staff is in favor of 'C' zone for the northerly tract.

Introduction

The 19 acre site planned unit development application was prepared on behalf of WCF Development in accordance with the City of Pearland Zoning Ordinance related to Planned Unit Development (PUD). The development plan for the 19 acre site will follow the City of Pearland Land Use and Urban Development Ordinance pertaining regulations and requirements of a Zone "C" Commercial zoning classification, except for a designated seventy-five (75) feet No-building Area along the western boundary and a twenty-five (25) feet landscape buffer (see attached exhibit).

It is the intent of the developer, WCF Development, to utilize a planned unit development to establish criteria for the seventy-five (75) feet No-building Area and twenty-five (25) feet landscape buffer that will provide a separation between the proposed commercial development and the existing single-family residences of Shadow Creek Ranch to the west. Unless specified in this document, all current city ordinance requirements and regulations apply to the subject property.

The 19 acre site is part of a larger 110 acre tract located at the northwest intersection of US 288 and Broadway. The majority of the property is zoned Commercial, except for the 19 acres referenced in the attached metes and bounds description. The proposed development is a mixed-use of campus/retail/office complexes, health facility, and commercial. All of the property is located within the City of Pearland City Limits.

Existing Conditions

The 19 acre site is comprised of two smaller tracts: Tract 1 is 14.73 acres and presently zoned SD (Suburban District) and Tract 2 is 4.6 acres and presently zoned OP (Office Professional); both tracts are currently vacant. The surrounding uses to the north, east, and south are vacant with single-family residential to the west.

Development Plan

The development plan for the 19 acre site will follow the City of Pearland regulations and requirements of Zone "C" Commercial, except for seventy-five (75) feet No-building Area along the western boundary and twenty-five (25) feet landscape buffer. No building can be constructed within seventy-five (75) feet of the property line. The Twenty-five (25) feet landscape buffer is included within the No-building Area. Refer to Twenty-five (25) feet Landscape Buffer section for specific criteria.

Seventy-five (75) feet No-building Area

No structure or buildings will be allowed in the seventy-five (75) feet No-building Area. Uses include the 25' landscape buffer, driveways and limited parking.

Twenty-five (25) feet Landscape Buffer

In addition to any City of Pearland Landscape Regulations, no structures, at or above ground level, including buildings, parking garages/areas may encroach into the 25' landscape buffer area. The buffer will be planted with a plant mix of 50% pines and 50% hardwood trees. Selections are to Loblolly Pines, Live Oaks, Laurel Oaks, and Water

Oaks spaced fifteen (15) feet on center. Yaupons and Tree Form Wax myrtle should be interspersed between trees to create a solid landscape screen. Minimum size for single trunk trees must be four (4) inch caliper.

Fencing

There is an existing 6' masonry fence along the western edge of the subject site. Said fence was constructed and is currently maintained by Shadow Creek Ranch. This is sufficient to meet the City of Pearland fence requirements. If at any time in the future, the fence is removed or destroyed, then the obligation of constructing a new fence will be that of the non-residential owner of the property.

Lighting

No significant overspill of light is permitted onto adjacent parcels.

Outside Storage

The City of Pearland Land Use and Urban Development Ordinance requires that City Council approve a Specific Use Permit for outdoor activities, such as outside storage, in commercial districts adjacent to residential zoned property. The subject property is adjacent to residential zoned property and, therefore, a Specific Use Permit is required for outdoor activities, such as outdoor storage. Outdoor storage shall be allowed and a specific use permit shall be granted by the City Council to allow such outdoor storage, if and only if, the storage is screened from view from the adjacent residentially zoned property by an increased landscaping area of sufficient height and density designed to screen such storage area from view from the adjacent residentially zoned property.



APPLICATION FOR A CHANGE IN ZONING

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

Please check one:

Change in Zoning Classification from: SD to: Commercial
(list current zoning) (list proposed zoning)

Specific Use Permit Request for : _____
(list proposed use)

Property Information:

Address: Broadway and SH 288 (see attached exhibit) Tax Account No. 0675-0034-000

Subdivision: Suburban Gardens Subdivision Lot: 2 Block: 21

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

Current use of property (type of structures on property): Agricultural - Cattle

Future/proposed use of property and reason for zone change: _____
Business Park, Commercial Retail Park

PROPERTY OWNER INFORMATION:

NAME WCF Development, L.L.C.
ADDRESS 1177 West Loop South, Suite 1670
CITY Houston STATE TX ZIP 77027
PHONE (713) 993-0123
FAX (713) 993-0103
E-MAIL ADDRESS wayne@WCFDevelopment.com

APPLICANT INFORMATION:

NAME Kerry R. Gilbert & Associates, Inc. *Christy Smith*
ADDRESS 15810 Park Ten Place, Suite 160
CITY Houston STATE TX ZIP 77084
PHONE (281) 579-0340
FAX (281) 579-8212
E-MAIL ADDRESS landplan@krga.com

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

Owner's Signature: _____ Date: 5/23/05

Agent's Signature: _____ Date: 5/23/05

OFFICE USE ONLY:

FEES PAID: <u>\$275.00</u>	DATE PAID: <u>5/23/05</u>	RECEIVED BY: <u>[Signature]</u>	APPLICATION NUMBER: <u>1234</u>
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*****APPLICATION IS CONSIDERED INCOMPLETE WITHOUT A METES AND BOUNDS DESCRIPTION OR SURVEY AND THE APPLICATION FEE*****



APPLICATION FOR A CHANGE IN ZONING

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

Please check one:

Change in Zoning Classification from: SD and OP to: Commercial
(list current zoning) (list proposed zoning)

Specific Use Permit Request for : _____
(list proposed use)

Property Information:

Address: Broadway and SH 288 (see attached exhibit) Tax Account No. _____
 Subdivision: Suburban Gardens Subdivision Lot: 34-12 of 4 Block: 20
12 of 1 20
12 of 3 21

0675-0030-000; -675-0032-000
0675-0029-000
0675-0038-000

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

Current use of property (type of structures on property): Agricultural - Cattle

Future/proposed use of property and reason for zone change: Business Park, Commercial Retail Park

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 ADDRESS 15810 Park Ten Place, Suite 160
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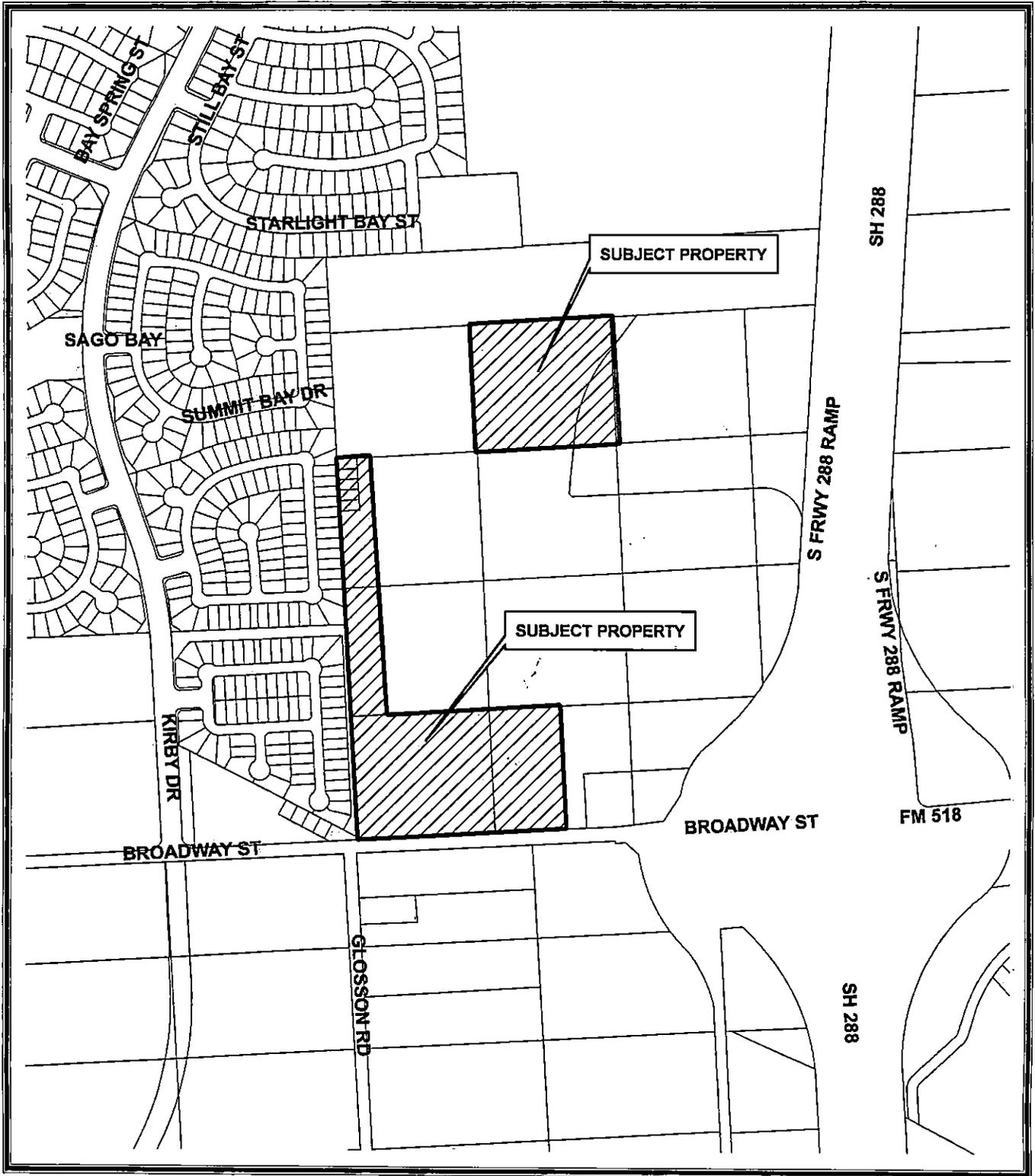
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Owner's Signature: [Signature] Date: 5/23/05
 Agent's Signature: [Signature] Date: 5/23/05

OFFICE USE ONLY:

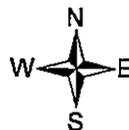
FEES PAID: <u>\$275.00</u>	DATE PAID: <u>5/23/05</u>	RECEIVED BY: <u>toq</u>	APPLICATION NUMBER: <u>1234</u>
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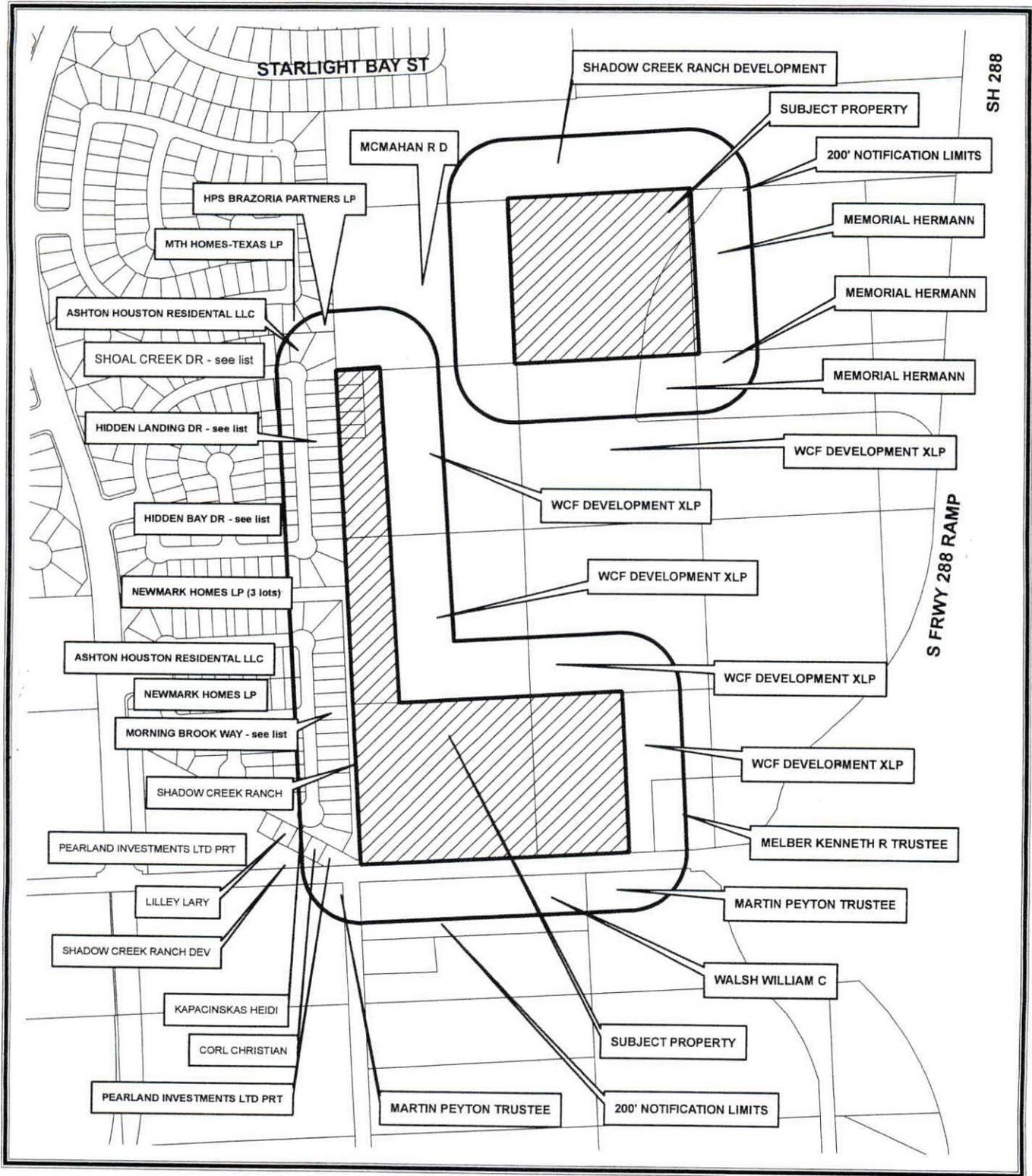
LOCATION MAP

Zone Change Application
No. 1234



0 200 400 Feet

Map Prepared on June 1, 2005



OWNERSHIP MAP

Zone Change Application
No. 1234



0 200 400 Feet
[Scale bar with four segments]

Map Prepared on June 1, 2005

*all property owners may not be shown due to limited space on the map-see Listing for a complete list of all property owners notified.

**JOINT PUBLIC HEARING AGENDA ITEM
MEETING OF JUNE 20, 2005**

Zone Change Application No. 1234

TO: City Council
Planning and Zoning Commission

SUBJECT: A request by Kerry R. Gilbert and Associates, Inc., applicant for WCF Development, LLC, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) and Office and Professional District (OP) to Commercial District (C)

LEGAL DESCRIPTION: 9.6167 acres of land being all of Lot 2 in Block 21, and 14.3755 acres of land being all of Lot 3 and a portion of Lot 4 in Block 20, and 4.6323 acres being out of and a portion of Lot 1 in Block 20 and Lot 3 in Block 21, all situated in the T.C.R.R. Company Survey, Section 4, Abstract 675, of the Allison Richey Gulf Coast Home Company's Part of Suburban Gardens Subdivision, according to the plat thereof recorded in Volume 2, Page 99, of the Brazoria County Map Records, City of Pearland, Brazoria County, Texas

GENERAL LOCATION: Generally Located at the Northwest Corner of SH 288 and 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: June 20, 2005

City Council for First Reading: July 11, 2005

City Council for Second Reading: July 25, 2005

SUMMARY: The applicant is requesting a change in zoning on the subject property for a Commercial District (C). The subject property will be included into a larger commercial

development located at this intersection and platted as one development as indicated by the applicant. The subject property is currently undeveloped.

The applicant has indicated that the purpose of the zone change is to allow for the development of a business park and commercial retail businesses.

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	Suburban Development District (SD) and Commercial District (C)	Undeveloped tracts
South	Commercial District (C) and General Business District (GB)	Undeveloped tracts
East	Commercial District (C)	Undeveloped tracts
West	Planned Unit Development District (PUD) for residential uses as part of Shadow Creek Ranch	Single family residences

CONFORMANCE TO THE LAND USE AND URBAN DEVELOPMENT ORDINANCE: The applicant is requesting a C zoning district. The minimum lot size for the C district is 22,500 square feet and the minimum lot width is 150 feet. The subject property, when combined with the overall development, will meet these minimum requirements, as the subject property will have adequate frontage on SH 288 and Broadway Street.

PLATTING STATUS: The subject property has not been platted. The subject property will need to be platted and combined with adjoining parcels in accordance with the Subdivision Ordinance, prior to issuance of a building permit. The plat will need to address all requirements listed in the Subdivision Ordinance, and be approved by the Planning and Zoning Commission. 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 Park" for the subject property and for many of the surrounding properties along SH 288. The Comprehensive Plan further indicates that the appropriate zoning districts for "Business Park" is a new non-residential

district described as nonresidential, large office complexes/campuses, and retail development. Since the proposed zone change to Commercial District provides for these uses, the proposed zone change conforms to the Comprehensive Plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on SH 288, a major thoroughfare under the jurisdiction of the State of Texas and of varying right-of-way width. The subject property also has frontage on Broadway Street, a major thoroughfare with an ultimate right-of-way of 120 feet that is to be widened in the future. During the platting process, additional right-of-way for SH 288 and FM 518 may be necessary and would need to be dedicated to the City on the subdivision plat.

Business Center Drive is scheduled to affect this property in a north/south alignment. Business Center Drive is designated as a secondary thoroughfare with a right-of-way of 100 feet, and the applicant would be required to dedicate the necessary right-of-way for this roadway as the subject property is platted.

Due to the size of the overall development at this intersection, it is anticipated that the developer will construct a system of internal roadway and collector streets.

No other roadways affect the subject property.

AVAILABILITY OF UTILITIES: There is currently a 16 inch water line within Broadway Street. Sanitary sewer service is not available for the subject property. The applicant would be required to provide adequate water and sewer service to the subject property during the platting process and development of the subject property.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The adjacent commercial district tracts were zoned in July of 2001. The northern subject tract and the square subject tract as the south were not under the same ownership as the rest of the commercial tract and therefore were left out of the commercial zoning in 2001.

The portion of the subject property that is currently zoned as Office and Professional District (OP) was requested for Commercial zoning in 2001. However, during the public hearing in 2001, it was discussed that a buffer should be created between the commercial district and the residences within Shadow Creek Ranch. The developer at that time changed the area to OP along the western 150 feet, in order to provide a lesser intensity of uses and provide a buffer of office uses along these residential areas in Shadow Creek Ranch.

Although the applicant has not specifically stated the exact uses for the subject property, it does have the potential to be any type of commercial, retail, or business park. Therefore, Staff agrees that a buffer is necessary between the commercial uses and the residential properties within Shadow Creek Ranch. According to the Land Use Ordinance, the only

buffer required between residential and non-residential uses is the 6 foot high masonry fence along the property line. Staff would also recommend that the OP district not be changed to Commercial District, and that the OP district continue southward to Broadway Street, so that the entire residential area is buffered. An OP district can serve as a buffer between commercial and residential uses as the OP district is very limited in the uses that it allows, which are less intense than commercial uses.

The overall development is located at the intersection of two major thoroughfares, and it is anticipated that this will be a high traffic intersection. Therefore, the applicant will be required to submit a traffic impact analysis (TIA) for the subject property as it is submitted for platting, in order to determine the impact of the proposed development on the traffic in the area, as well as the location and number of driveways onto Broadway Street and SH 288, as well as the need for any internal collector streets.

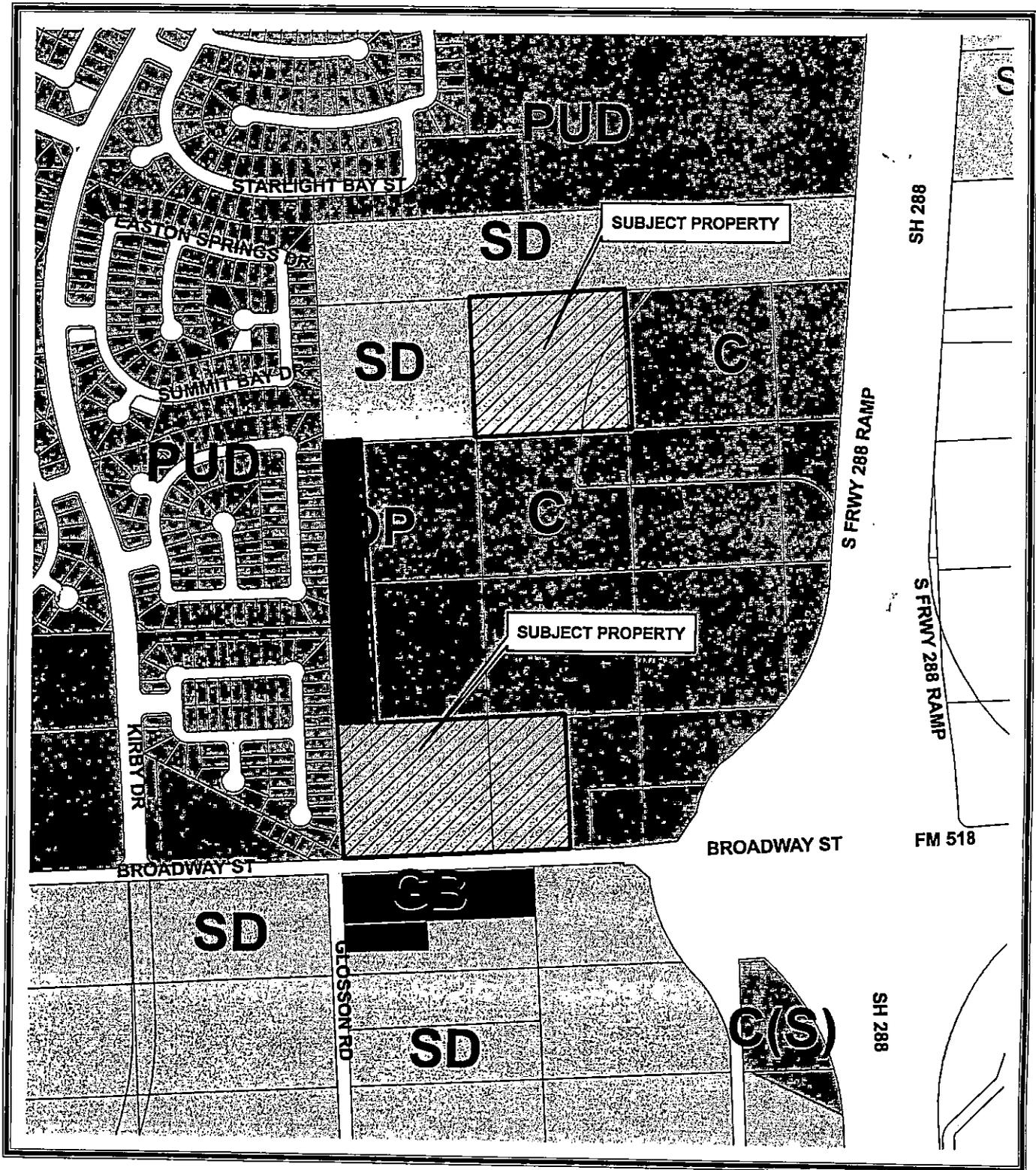
PUBLIC COMMENTS: Public notice/comment forms were mailed to property owners within 200 feet of the subject property under consideration. A legal notice of public hearing was published in the local newspaper, and a Zoning Sign was placed on the subject property.

STAFF RECOMMENDATION: Staff recommends approval of the zone change for C, but recommends the OP area remain and be continued south, for the following reasons:

1. The OP zoned area along the western property line remain as OP, and the OP district be continued southward to Broadway Street, in order to provide a buffer to the single family residential lots existing within Shadow Creek Ranch. The existing OP buffer is 150 feet wide, and the continuation southward should also be 150 feet wide.
2. The proposed zone change provides for Business Park uses, consistent with Business Park and campus/retail/office complexes as recommended by the Comprehensive Plan, thereby being in conformance with the Comprehensive Plan.
3. The subject property is located at a major intersection in the City and is appropriate for a commercial district.

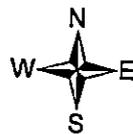
SUPPORTING DOCUMENTS:

- Notice of Public Hearing
- Zone Change Application
- Location Map
- Property Ownership Map
- Property Owner Notification List
- Zoning Map
- Future Land Use Plan



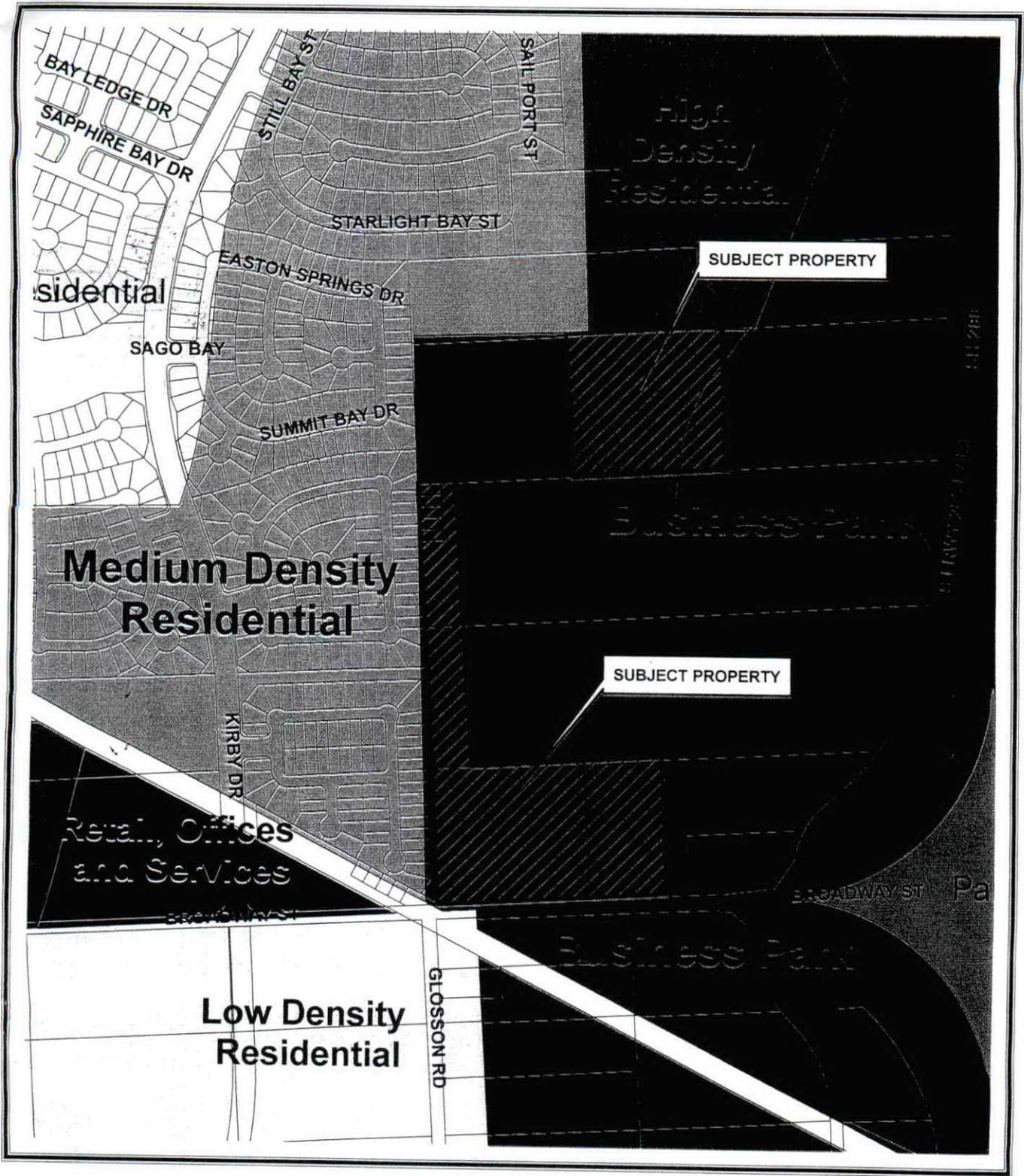
ZONING MAP

Zone Change Application
No. 1234



0 200 400 Feet

Map Prepared on June 1, 2005



FUTURE LAND USE PLAN

Zone Change Application
No. 1234



0 200 400 Feet

Map Prepared on June 1, 2005

PLANNING & ZONING COMMISSION MEETING

DATE: 6/27/05

NAME	COMPANY	ITEM OF INTEREST	COMMENTS
Vernon Henry	VGA/A, INC.	Developmental zoning meetings	
Christy Smidt	Kerry R. Gilbert +	Zoning change for WCF	
Kerry Gilbert		"	