

**MINUTES OF THE JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON JUNE 16, 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 6:59 p.m. Mayor Pro-Tem Helen Beckman opened the hearing for the City Council and P&Z Chairperson Henry Fuertes opened the hearing for the Planning and Zoning Commission, with the following present:

Mayor Tom Reid	P & Z Chairperson Henry Fuertes
Pro-Tem Helen Beckman	P & Z Commissioner Neil West
Council Member Kevin Cole	P & Z Commissioner Susan Sherrouse
Council Member Steve Saboe	P & Z Commissioner Darrell Diggs
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; Assistant City Manager Mike Hodge; City Attorney Darrin Coker; Deputy City Attorney Nghiem Doan; Planning Director Lata Krishnarao; Senior Planner Theresa Grahmann; and Planning Administrative Secretary Judy Krajca. (Commissioner Capehart arrived at 6:45 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 Zone Change No. 2008-13Z was opened at 7:02 p.m.

**CONSIDERATION & POSSIBLE ACTION – Zone Change No. 2008-13Z**

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

A request by Johnny Sims, applicant for Ted Slafka, 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 – 1 District (R-1) to Neighborhood Service District (NS), on the following described property, to wit:

Legal Description: 2.00 acres, being Lots 15 and 16, Block 3, of Skyway Manor, Abstract 241, H.T. & B.R.R. Company Survey, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the East Side of Manvel Road (FM 1128), and Approximately 700 Feet North of Fite Road

Senior Planner Theresa Grahmann read the staff report stating staff was recommending approval. Staff did not receive any public comment forms.

The applicant was present but chose not to speak.

Mr. Daniel Cardena of 2943 Piper Rd, Pearland TX spoke with concerns for his neighbors and himself with regards to what commercial use might come with a NS zone.

Senior Planner Theresa Grahmann explained that under Neighborhood Service (NS), office, limited retail, restaurants, and gas stations but would need a CUP. No industrial uses would be allowed.

Mayor Reid adjourned the Public Hearing for Zone Change No. 2008-13Z at 7:12.

Mayor Reid opened the Public Hearing for Zone Change No. 2008-14Z at 7:13 p.m.

#### **CONSIDERATION & POSSIBLE ACTION – Zone Change No. 2008-14Z**

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

A request by Boundary One, LLC, applicant for Robert L. Thompson, 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 – 1 District (R-1) to Office and Professional District (OP), on the following described property, to wit:

Legal Description: 5.84 acres, being out of a 19.5704 acre tract of land, being the residue of Lots 81 and 82 of the George W. Jenkins Subdivision, W.D.C. Hall Survey, Abstract 70, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the East Side of Dixie Farm Road, and Approximately 800 Feet North of Westfield Lane

Mr. Thomas Offenburger with Boundary One spoke on behalf of the owners. The owners live at the rear of property and wish to change front area to Office Professional (OP). Mr. Offenburger gave examples of businesses in front of Pine Hollow and Sunset Meadows.

The following spoke in opposition:

Diane Leaverton of 2310 Buckholt, Pearland, Texas  
Marion D. Crisp of 3520 Dixie Farm Rd., Pearland, Texas  
Mike Leaverton of 2310 Buckholt, Pearland, Texas  
Neil Barnhill of 1813 Oaklodge, Pearland, Texas  
Mark Sanchez of 1505 Inverness Ct., Pearland, Texas  
Daniel Srubar of 2226 Buckholt, Pearland, Texas  
Katherine Jones of 2223 Buckholt, Pearland, Texas  
Anthony Tellez of 2012 Fairwood St., Pearland, Texas  
Larry Marcott of 3606 Inverness Ct., Pearland, Texas  
Anne Markwart of 1921 Willow Lake Dr., Pearland, Texas  
Greg Nelson of 1617 Pine Crest Dr., Pearland, Texas

Karen Plotts of 3540 Dixie Farm Rd., Pearland, Texas spoke neither for nor against. Ms. Plotts concerns were with traffic, and stated she had horses and wants to make sure she can get the trailer in and out.

The following spoke in favor:

Theresa Thompson of 3508 Buckholt, Pearland, Texas  
Robert Thompson of 3508 Buckholt, Pearland, Texas  
Kurt Wipolt of 3601 Buckholt, Pearland, Texas

Mayor Pro-Tem Helen Beckman stated she was opposed and felt this was spot zoning. Council Member Kevin Cole agreed this was spot zoning, and stated he understands what the Thompson's are trying to do. Mr. Cole added that he foresees above average housing, and custom built, estate lot homes in this area.

Commissioner Darrell Diggs inquired about a specific area on the map. Senior Planner Theresa Grahmann stated it was an elementary school. Mr. Diggs stated he was concerned as he heard this type of zoning had come up before in previous years. Mr. Diggs also asked if the pictorials could be updated.

Senior Planner Theresa Grahmann responded to Commissioner Diggs comments by stating that the aerial photos are flown every two years and should be done again soon. Ms. Grahmann also stated that the previous

case regarding a zone change pertained to a house seeking a change for an office. Ms. Grahmann also added that Dixie Farm Road has always been a major thoroughfare, and recently was made into a main corridor. Driveways, and streets would be considered for future enlargements of road. Ms. Grahmann stated that a major thoroughfare does not have to have businesses on it, and it can be residential. If approved, next step would be to plat, install drainage, and complete a Traffic Impact Analysis (TIA).

Commissioner Ron Capehart stated when changing a zone, we are changing only the zoning of the dirt. Once we change zone, it is zoned from now on.

Mayor Tom Reid adjourned the Public Hearing for Zone Change No. 2008-14Z at 8:05 p.m.

Mayor Tom Reid opened the Public Hearing for Conditional Use Permit No. CUP2008-18 at 8:06 p.m.

**CONSIDERATION & POSSIBLE ACTION – Conditional Use Permit No. CUP2008-18**

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

A request by New Hope Church, applicant for YMCA Greater Houston Area, owner, for approval of a Conditional Use Permit for a "church/place of worship" in the Office and Professional District (OP), on the following described property, to wit:

Legal Description: 17.8810 acres, being the Minor Plat of Coppinger YMCA, a subdivision of land out of the Thomas J. Green Survey, Abstract 198, and the T.D. Yocum Survey, Abstract 399, as recorded in Document No. 2008001978 of the Official Records of Brazoria County, Texas, and being out of a called 16.5802 acre tract recorded in Brazoria County Clerk's File No. 99007098 and a called 1.5030 acre tract recorded in Brazoria County Clerk's File No. 01046582, City of Pearland, Brazoria County, Texas.

General Location: Generally Located on the South Side of Stratford Street/YMCA Drive, at 2820 Stratford Street.

Senior Planner Theresa Grahmann read the staff report stating staff recommends approval. There were a few public comment forms received with concern to the parking and use. Ms. Grahmann stated this concern was probably due to a recent Variance Request for an expansion at the YMCA, and was denied.

Mr. John Davis of 6520 Broadway #631, Pearland, Texas spoke on behalf of the applicant.

Mr. R. E. Napoleon of 2903 Yorkshire, Pearland, Texas spoke stating has no objection to a church using any facility, but is opposed to spot zoning. Mr. Napoleon asked how long the church would be there?

Council Member Kevin Cole asked Ms. Grahmann to answer Mr. Napoleons' question.

Senior Planner Theresa Grahmann explained the purpose of a Conditional Use Permit (CUP) and stated she was unsure of a timeframe for the church to remain at the YMCA, but a limit can be set and put in as a condition to the CUP.

Council Member Kevin Cole asked asked the applicant and owner how long the lease was for? The owner, Ms. Strickland, stated the lease is subject for annual review.

Council Member Kevin Cole asked how much of YMCA will be used? Ms. Strickland replied that only a portion.

Council Mr. Cole asked how many would be attending church? Ms. Strickland replied that the maximum is 242 in the gymnasium, and that they have spoken to the Fire Marshal.

Mr. John Davis stated this is temporary and they will be looking for a permanent place.

Commissioner Susan Sherrouse excused herself at 8:19 p.m. due to a family emergency.

Council Member Kevin Cole asked the P&Z Commission if they could put a limit on the CUP noting that if the church moves out, another church would need a new CUP.

Council Member Felicia Kyle echoed his thoughts and added the example of adding stipulations similar to the CUP's on the gameroom facilities.

Mayor Tom Reid felt this was a good use for a Christian church to use a Young Men's Christian Activity (YMCA) center.

Mayor tom Reid adjourned the Public Hearing for Condition Use Permit No. CUP2008-18 at 8:23 p.m.

**ADJOURNMENT**

Mayor Tom Reid adjourned the series of hearings at 8:23 p.m.

These minutes are respectfully submitted by:

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Judy Krajca  
Planning Administrative Secretary

Minutes approved as submitted and/or corrected on this \_\_\_\_\_ day of  
\_\_\_\_\_, 2008, A.D.

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Mayor Tom Reid

Mayor Reid opened  
6:59

Henry Huertas opened  
6:59

Helen Felicia  
Kevin Mayor

Henry Neil  
Susan Charles  
Darrel Ron

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

**I. CALL TO ORDER** TAG Read Hearing Process

Mayor @ 7:02

**II. PURPOSE OF HEARING** Henry read purpose

Zone Change No. 2008-13Z

A request by Johnny Sims, applicant for Ted Slafka, 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 - 1 District (R-1) to Neighborhood Service District (NS), on the following described property, to wit:

Daniel Cardena  
4926 Piper Rd

Legal Description: 2.00 acres, being Lots 15 and 16, Block 3, of Skyway Manor, Abstract 241, H.T. & B.R.R. Company Survey, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the East Side of Manvel Road (FM 1128), and Approximately 700 Feet North of Fite Road

Piper Rd

**III. APPLICATION INFORMATION AND CASE SUMMARY**

- A. STAFF REPORT** TAG need Staff in Favor no public com
- B. APPLICANT PRESENTATION** Present - but no presentation

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

wants other neighbors to come forward & what are

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

the considerations that might come up in a NS zone

**VI. ADJOURNMENT**

7:12

TAG - office, limited Retail, Restaurants & Gas stations

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.

no industrial uses  
need CUP

**JOINT PUBLIC HEARING AGENDA ITEM  
MEETING OF JUNE 16, 2008**

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**Zone Change No. 2008-13Z**

A request by Johnny Sims, applicant for Ted Slafka, 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 – 1 District (R-1) to Neighborhood Service District (NS)

**LEGAL DESCRIPTION:** 2.00 acres, being Lots 15 and 16, Block 3, of Skyway Manor, Abstract 241, H.T. & B.R.R. Company Survey, City of Pearland, Brazoria County, Texas

**GENERAL LOCATION:** Generally Located on the East Side of Manvel Road (FM 1128), and Approximately 700 Feet North of Fite Road

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

Planning and Zoning Commission: June 16, 2008\*  
City Council for First Reading: July 14, 2008\*  
City Council for Second Reading: July 28, 2008\*

(\*dates subject to change if item is tabled)

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**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 –1 District (R-1). The applicant is requesting a change in zoning on the subject property for NS, in order to sell the subject property for non-residential uses, due to its location on Manvel Road. The applicant does not have any plans to develop the subject property at this time. The subject property is currently undeveloped.

**SURROUNDING ZONING AND LAND USES:**

\* surrounding zoning districts based on the new map adopted February 27, 2006

	<u>Zoning</u>	<u>Land Use</u>
North	Single Family Residential – 1 District (R-1)	Undeveloped lot
South	Single Family Residential – 1 District (R-1)	Single family residence
East	Single Family Residential - 1 District (R-1)	Undeveloped lots
West	General Business Retail District (GB)	Commercial business

**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 consists of two lots, and each lot is 1 acre in size, is 110 to 115 feet in width along Manvel Road, and is over 300 feet deep.

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 is unclear if the subject property is part of an approved subdivision plat. If not, then 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 "Retail, Office, and Services" for the subject property and for many of the surrounding properties along Manvel Road. The Comprehensive Plan further indicates that the appropriate zoning districts for "Retail, Office, and Services" are the Office and Professional District (OP), the Neighborhood Service District ( NS), and the General Business District (GB). Therefore, the proposed

zoning district of NS conforms to the Comprehensive Plan.

**CONFORMANCE TO THE THOROUGHFARE PLAN:** The subject property has frontage on Manvel Road (FM 1128), a major thoroughfare with a projected right-of-way of 120 feet. When the subject property is platted, the applicant may be required to dedicate any necessary right-of-way for Manvel Road.

No other roadways affect the subject property.

**AVAILABILITY OF UTILITIES:** There is a 12 inch water line located on the east side of Manvel Road, along the frontage of the subject property. There is an 18 inch sanitary sewer line located along the west side of Manvel 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 Single Family Residential – 1 District (R-1). Many of the properties along the east side of Manvel Road, between FM 518 and Fite Road, are currently zoned as R-1 as well. A few tracts closer to FM 518 are zoned as General Business District, and one tract is zoned as Neighborhood Service District (NS). All tracts along the west side of Manvel Road, between FM 518 and Fite Road, are zoned General Business District (GB), with a few sparse tracts being zoned as General Commercial District (GC), Office Professional District (OP), and Neighborhood Service District (NS).

The applicant is wanting to rezone the property in order to sell the property to a non-residential user. The applicant is not proposing to develop the property at this time. They have indicated that it is difficult to sell the subject property for residential uses, due to its location on Manvel Road, a major thoroughfare that carries a significant amount of traffic. Also, many properties along Manvel Road, even though zoned as R-1, are developed with non-residential uses and are currently non-conforming uses.

With the property fronting on Manvel Road, the subject property does not seem suitable for the development of single family residences. With the amount of traffic on Manvel Road, and with the other non-residential zoning districts and non-residential uses within the subject area, any single family residential development on the subject property would not be appropriate and any residential units on these lots could suffer from negative impacts. It is anticipated that the remaining R-1 lots on the east side of Manvel Road, between FM

518 and Fite Road, will eventually transition to non-residential zoning districts. Also, the Comprehensive Plan designates the subject property for Retail, Office, and Service Uses, and Staff believes that with the mix of uses along Manvel Road and its designation as a major thoroughfare, the lots fronting onto Manvel Road are transitioning from single family residential to office, retail, and service uses.

The applicant originally indicated that they wanted to zone the property to a General Business District (GB). The applicant was not able to request a GB district because each lot is 110 to 120 feet in width along Manvel Road, and the GB district requires a minimum lot width of 150 feet. The applicant did not want to go through the expense of having the property replatted as one lot to meet the GB standards, because there was no guarantee that they would receive a zone change to a GB district. Therefore, the applicant requested the NS district. The NS district allows a variety of neighborhood uses, office uses, and light commercial uses, and allows many other uses by the approval of a Conditional Use Permit.

The subject property shares property lines to the south, east, and north with tracts that are zoned as R-1. Due to the adjacency with the residential lots, Staff believes that a Neighborhood Service District (NS) is appropriate adjacent to the residential districts and uses. The NS district is a less intensive non-residential district and is appropriate in the area. If the zone change to NS 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 district, a 25 foot wide landscape buffer is required along the south, east, and north property lines that are shared with the R-1 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 could be replaced with a row of evergreen shrubbery.

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

1. The proposed NS district conforms to the Comprehensive Plan designation of Retail, Office, and Service use for the subject property.
2. A zone change to NS is appropriate for the subject tract due to its location on Manvel Road, a major thoroughfare that carries heavy traffic.
3. A zone change to NS would be consistent and compatible with the adjacent and surrounding zoning districts of NS, OP, and GB along Manvel Road, and is compatible with the non-residential land uses along Manvel Road.
4. A zone change to NS would provide for a lower intensity of uses that would be compatible with the adjacent residential tracts to the south, east, and north, 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-1 district.

**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: R 1

Proposed Zoning District: NS

### Property Information:

Address or General Location of Property: Manvel Road

Tax Account No. \_\_\_\_\_

Subdivision: \_\_\_\_\_ Lot: 15316 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 TED SLAFKA  
 ADDRESS 709 Piney Ridge Dr  
 CITY Friendswood STATE Tx ZIP 77546  
 PHONE (281) 996 8106  
 FAX \_\_\_\_\_  
 E-MAIL ADDRESS TM SLAFKA @ ATT NET

### APPLICANT INFORMATION:

NAME Johnny Sims  
 ADDRESS 7918 W BROADWAY  
 CITY PEARLAND STATE Tx ZIP 77581  
 PHONE 281, 485-6000  
 FAX 281, 485-0389  
 E-MAIL ADDRESS JohnnySims@SBCGLOBAL.NET

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.

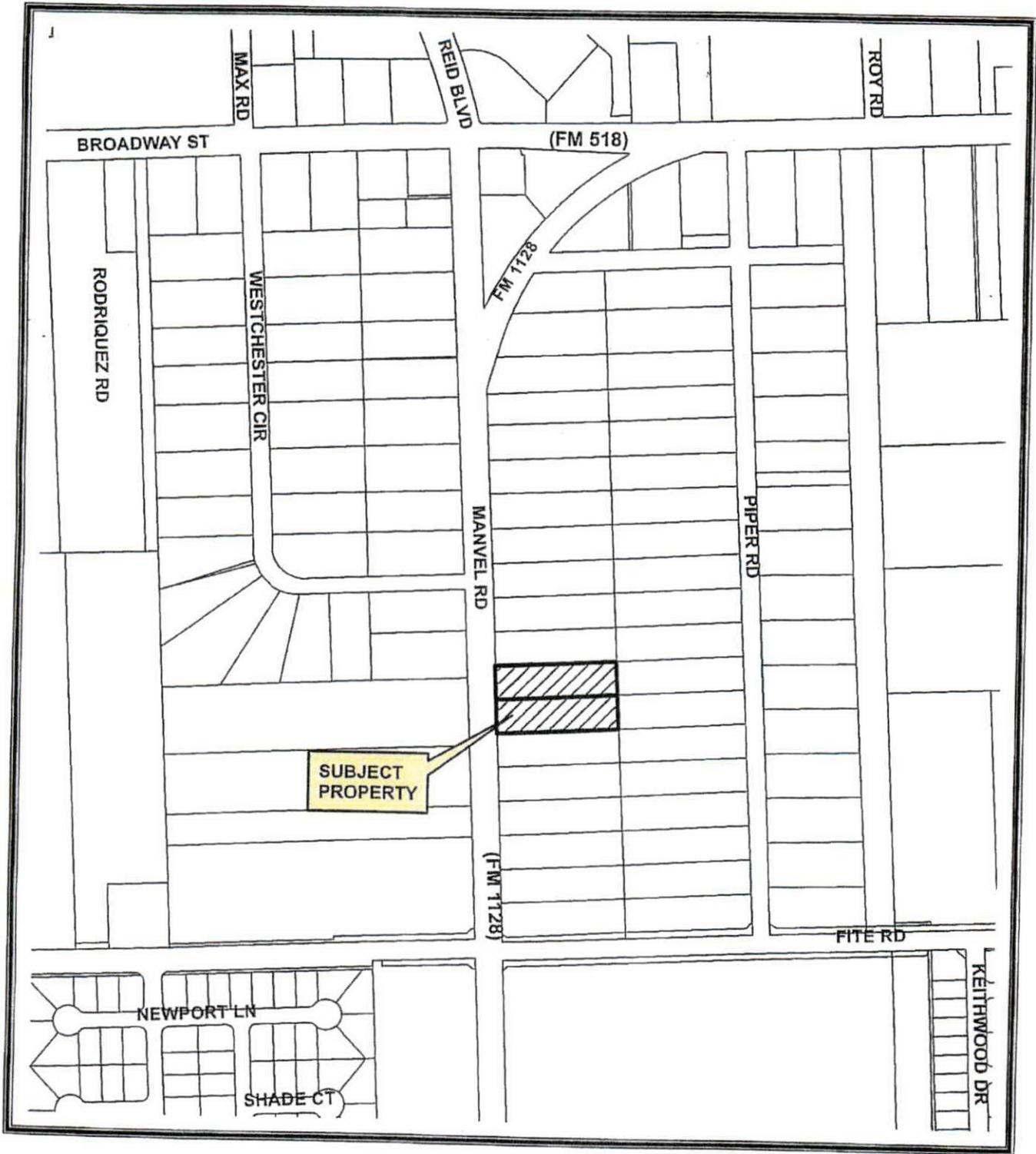
Owner's Signature: [Signature] Date: 4/30/2008

Agent's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### OFFICE USE ONLY:

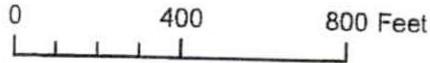
FEES PAID: <u>\$ 275.00</u>	DATE PAID: <u>5/22/08</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>-</u>
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Application No. 2008-137

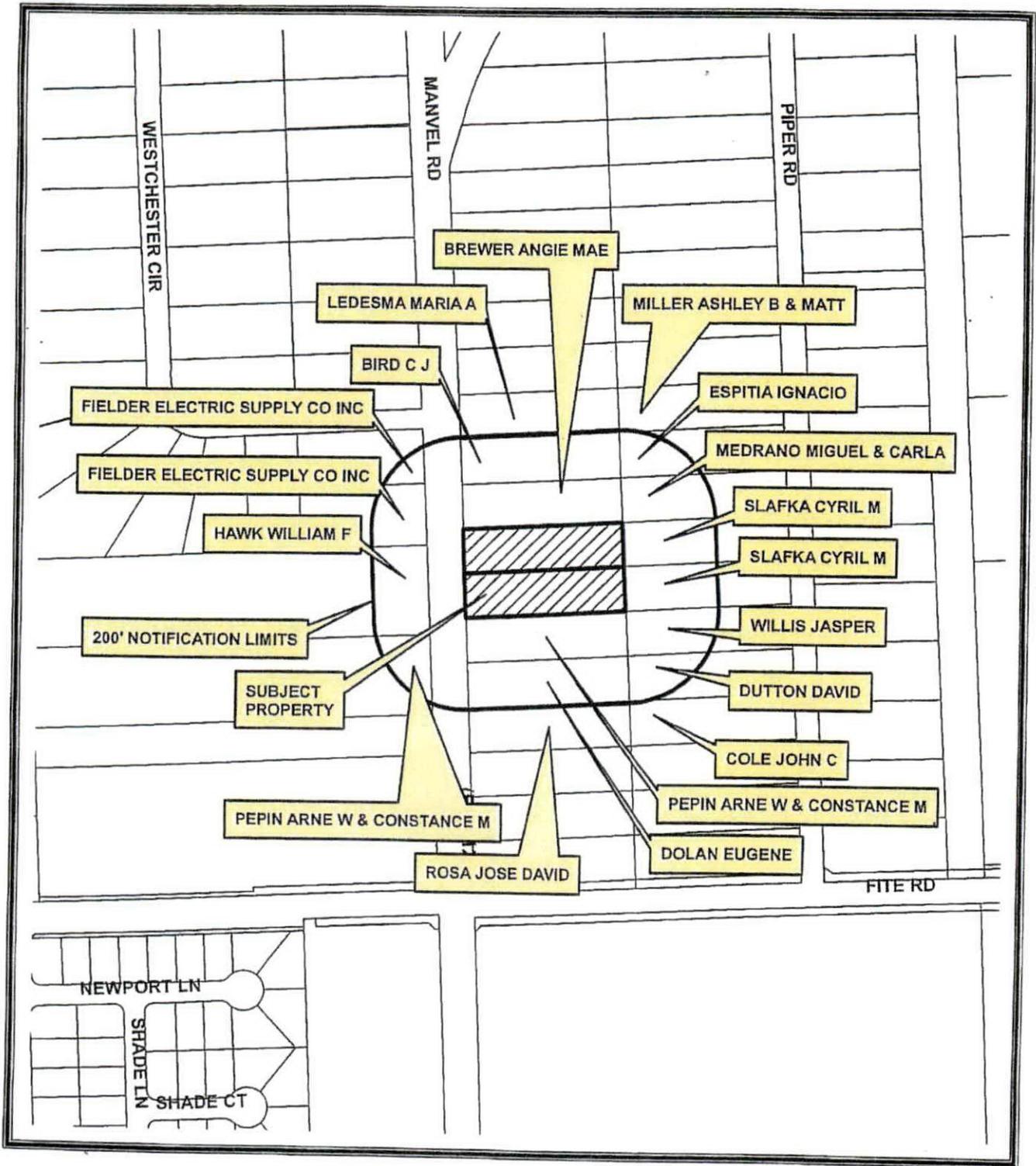


# LOCATION MAP

Zone Change  
No. 2008-13Z

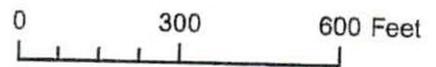


Map Prepared on May 27, 2008



# OWNERSHIP MAP

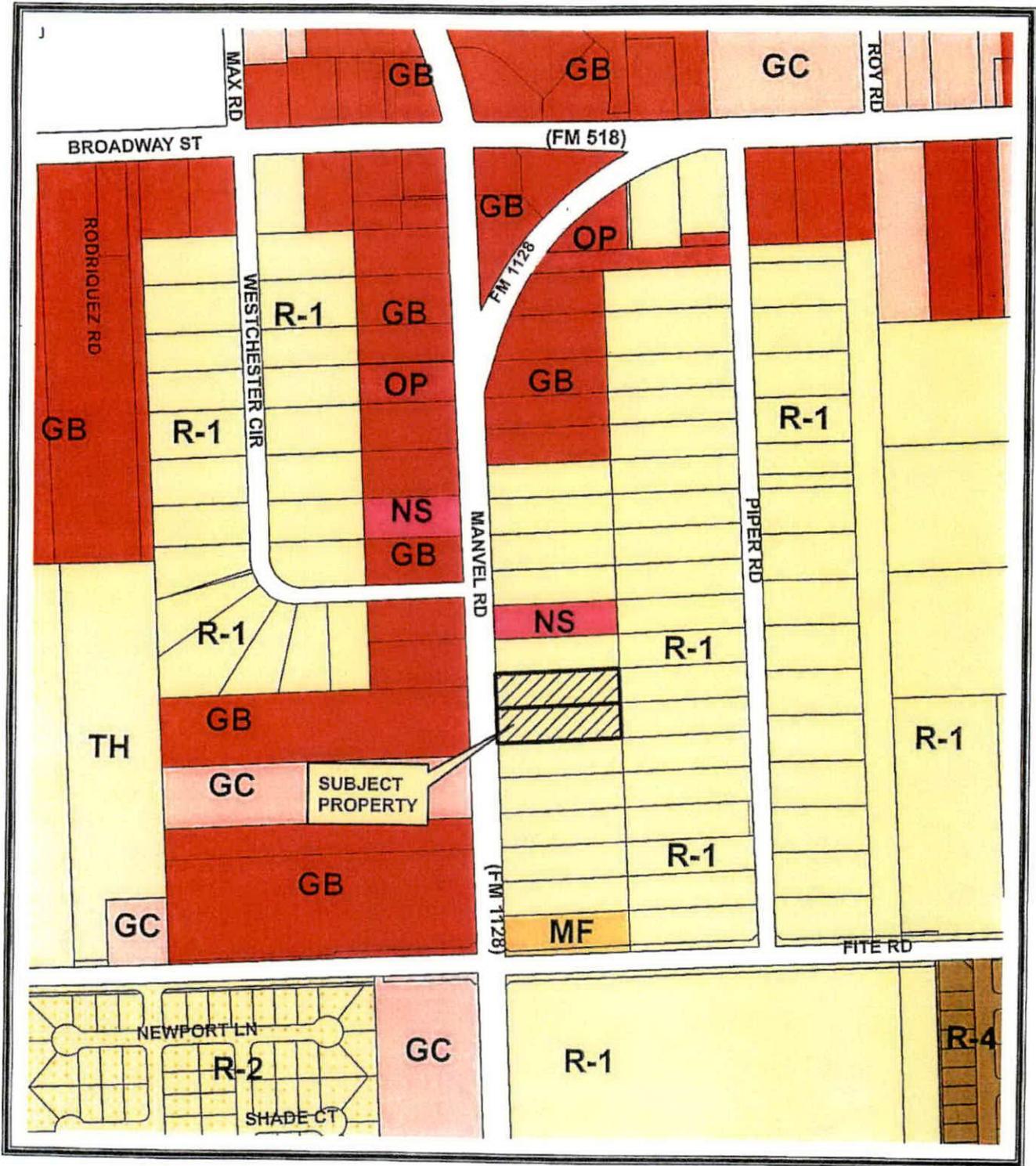
Zone Change  
No. 2008-13Z



Map Prepared on May 27, 2008

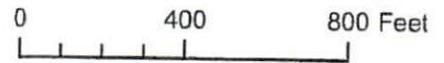
**ZONE CHANGE NO. 2008-13Z**  
**Property Owner Notification List**

<u>TAX ACCT</u>	<u>OWNER</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>ST</u>	<u>ZIP CODE</u>
7595-0023-000	MILLER ASHLEY B & MATT	2902 PIPER RD	PEARLAND	TX	77584
7595-0042-099	LEDESMA MARIA A	2853 MANVEL RD	PEARLAND	TX	77584
7595-0024-000	ESPITIA IGNACIO & DELAROSA PATRICIA	2906 PIPER RD	PEARLAND	TX	77584
8215-0001-000	FIELDER ELECTRIC SUPPLY%WILLIAM J FIELDER III	2900 MANVEL RD	PEARLAND	TX	77584
7595-0043-000	BIRD C J	2901 MANVEL RD	PEARLAND	TX	77584
7595-0025-000	MEDRANO MIGUEL & CARLA	2105 FIRESTONE DR	LEAGUE CITY	TX	77573
7595-0044-000	BREWER ANGIE MAE	2120 GALVESTON AVE	PEARLAND	TX	77581
8215-0002-000	FIELDER ELECTRIC SUPPLY%WILLIAM J FIELDER III	2900 MANVEL RD	PEARLAND	TX	77584
PROP OWNER	TED SLAFKA	709 PINEY RIDGE DR	FRIENDSWOOD	TX	77546
APPLICANT	JOHNNY SIMS	7918 W BROADWAY	PEARLAND	TX	77581
7595-0026-000	SLAFKA CYRIL M	709 PINEY RIDGE DR	FRIENDSWOOD	TX	77546
7595-0026-000	SLAFKA CYRIL M	709 PINEY RIDGE DR	FRIENDSWOOD	TX	77546
0242-0018-110	HAWK WILLIAM F	PO BOX 941	PEARLAND	TX	77588
7595-0026-000	SLAFKA CYRIL M	709 PINEY RIDGE DR	FRIENDSWOOD	TX	77546
7595-0026-000	SLAFKA CYRIL M	709 PINEY RIDGE DR	FRIENDSWOOD	TX	77546
7595-0027-000	WILLIS JASPER	2934 PIPER RD	PEARLAND	TX	77584
7595-0046-000	PEPIN ARNE W & CONSTANCE M	2933 MANVEL RD	PEARLAND	TX	77584
0242-0018-000	PEPIN ARNE W & CONSTANCE M	2933 MANVEL RD	PEARLAND	TX	77584
7595-0028-000	DUTTON DAVID	2940 PIPER RD	PEARLAND	TX	77584
7595-0047-000	DOLAN EUGENE	3833 AUBRELL RD	PEARLAND	TX	77584
7595-0028-110	COLE JOHN C	2960 PIPER RD	PEARLAND	TX	77584
7595-0048-000	ROSA JOSE DAVID	11410 SHARVIEW DR	HOUSTON	TX	77072

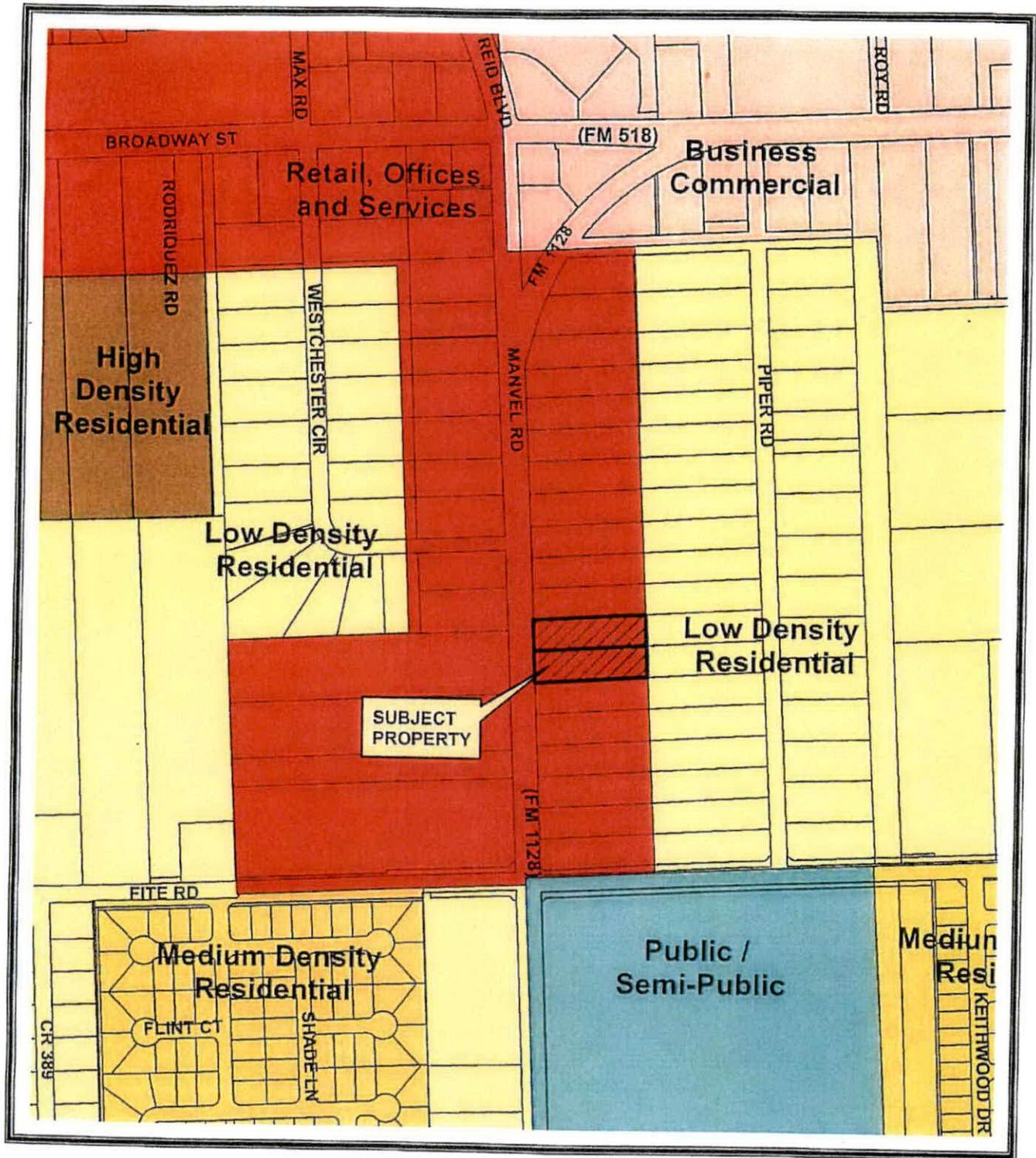


# ZONING MAP

Zone Change  
No. 2008-13Z

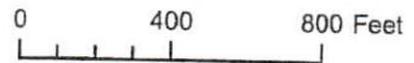


Map Prepared on May 27, 2008

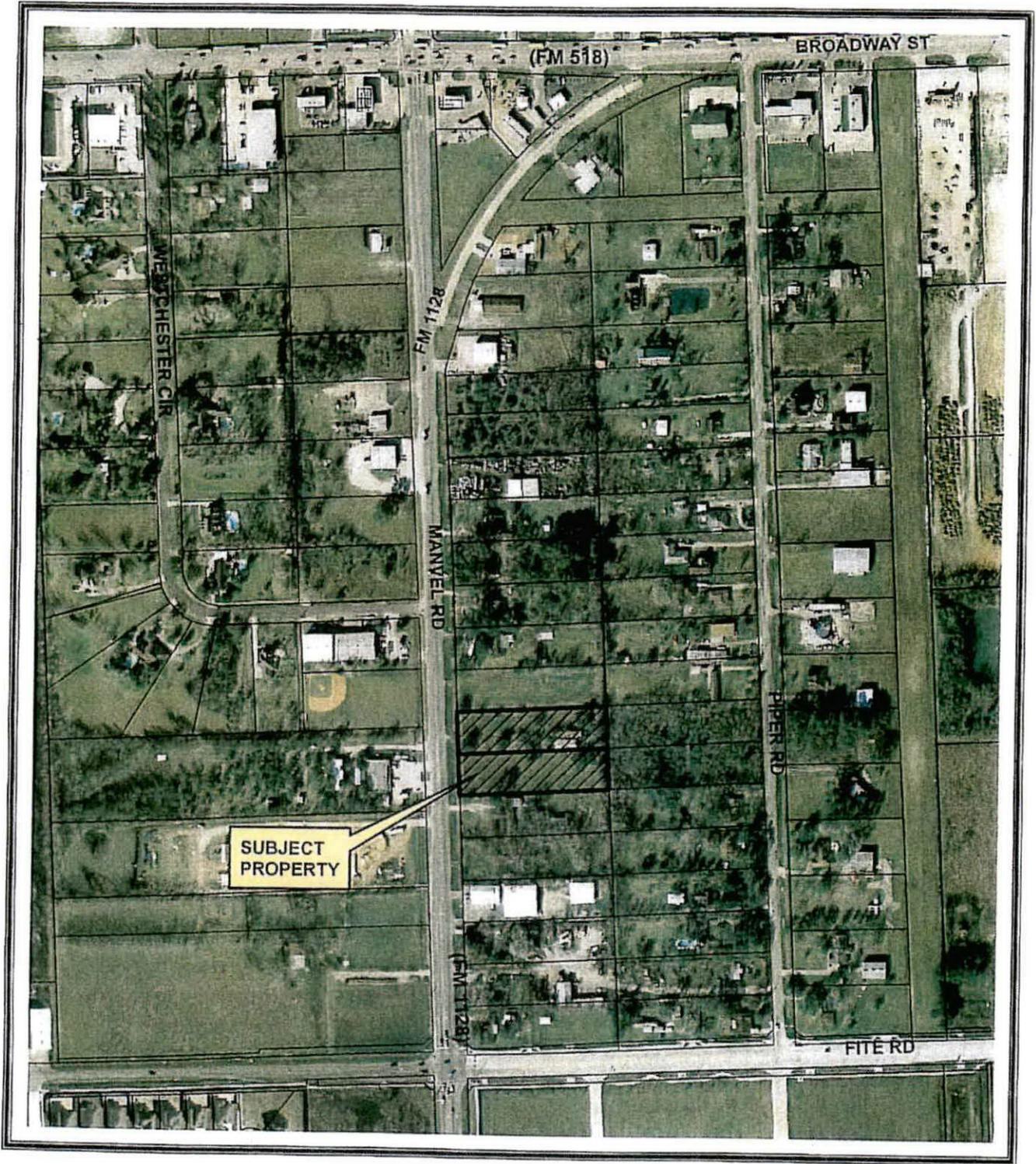


# FUTURE LAND USE PLAN

Zone Change  
No. 2008-13Z

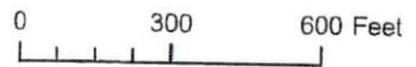


Map Prepared on May 27, 2008



# AERIAL PHOTOGRAPH

Zone Change  
No. 2008-13Z



Map Prepared on May 27, 2008

He's a pro  
at air guitar  
and Hato

Theresa Thompson  
3508 Buckshot  
owner - of property

AERIAL PHOTOGRAPH

East - Charge  
No. 2008-132

# 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:

Daniel CADENA

Full Address:

2943  
~~4928~~

Piper Rd

(include zip)

I wish to speak regarding Item No.

2008-132

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

**I. CALL TO ORDER** *Mayor @ 1:13 pm*

**II. PURPOSE OF HEARING** *Henry Read*

Zone Change No. 2008-14Z

A request by Boundary One, LLC, applicant for Robert L. Thompson, 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 - 1 District (R-1) to Office and Professional District (OP), on the following described property, to wit:

Legal Description: 5.84 acres, being out of a 19.5704 acre tract of land, being the residue of Lots 81 and 82 of the George W. Jenkins Subdivision, W.D.C. Hall Survey, Abstract 70, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the East Side of Dixie Farm Road, and Approximately 800 Feet North of Westfield Lane

**III. APPLICATION INFORMATION AND CASE SUMMARY**

- A. STAFF REPORT** *TAG read*
- B. APPLICANT PRESENTATION**

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

*Thomas Offenburger w/ Boundary One*

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

**VI. ADJOURNMENT**

*8:05*

*recessed 7:16  
reopened @ 7:20pm*

*Comp. Plan / other items in area*

*Staff recommends denial. Required numerous safety concerns. School in area, noise, prop. value*

*Owners live @ rear of property wishing to change front area to OP zoning*

*spoke of other subd. such as hollow pine & sunset meadows have offices outside*

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

Diane Leaverton

2310 Buckhol +  
opposed

Mar. 2005 similar  
request was denied  
based on Comp. Plan  
concern of add more bus. space  
when other retail strips are vacant.

Traffic

Numerous

Marion R

Dixie Farm Rd - Crest

against - traffic - busy road.  
like neighborhood characteristic  
most concerned w/ B

Mike Leaverton  
2310 Buckhol +  
opposed

1  
2  
3  
4  
opposed to zoning (op) - ~~Leaverton~~  
hand use Marion

**JOINT PUBLIC HEARING AGENDA ITEM  
MEETING OF JUNE 16, 2008**

---

**Zone Change No. 2008-14Z**

A request by Boundary One, LLC, applicant for Robert L. Thompson, 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 – 1 District (R-1) to Office and Professional District (OP)

**LEGAL DESCRIPTION:** 5.84 acres, being out of a 19.5704 acre tract of land, being the residue of Lots 81 and 82 of the George W. Jenkins Subdivision, W.D.C. Hall Survey, Abstract 70, City of Pearland, Brazoria County, Texas

**GENERAL LOCATION:** Generally Located on the East Side of Dixie Farm Road, and Approximately 800 Feet North of Westfield Lane

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

Planning and Zoning Commission: June 16, 2008\*

City Council for First Reading: July 14, 2008\*

City Council for Second Reading: July 28, 2008\*

(\*dates subject to change if item is tabled)

---

**SUMMARY:** The applicant is requesting a change in zoning on the subject property for an Office and Professional District (OP). The subject property is currently zoned as Single Family Residential – 1 District (R-1). The applicant is requesting a change in zoning on the subject property for OP, due to its location on Dixie Farm Road. The subject property is currently undeveloped.

Neil Barnhill  
1813 Oaklodge Dr.

opposed  
lives in Oakbrook East for  
approx 11 yrs and bought  
because no commercial prop.  
in area

Theresa Thompson - owner  
3508 Buckholt  
does not feel families in area  
moving in w/ children will not look @  
anything comin

in favor

Mark Sanchez  
1505 Inverness Ln  
was opposed  
other property in  
opposed in 2005 to  
to any change on Dixie Fm Rd.

Daniel Strubar 2226 Buckholt  
spoke of Mr. Openburgs attempt  
of buy. in front of Pine Hollow  
& Sunset Meadows - but  
those are located on 518  
& not Dixie Fm Rd

**SURROUNDING ZONING AND LAND USES:**

\* surrounding zoning districts based on the new map adopted February 27, 2006

	<u>Zoning</u>	<u>Land Use</u>
North	Single Family Residential – 1 District (R-1)	Undeveloped tract
South	Single Family Residential – 1 District (R-1)	Undeveloped tract
East	Single Family Residential - 1 District (R-1)	Single family residence; undeveloped tract
West	Single Family Residential – 1 District (R-1)	Single family residence

**CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC):** The applicant is requesting the OP district. The minimum lot size for the OP district is 12,500 square feet, the minimum lot width is 100 feet, and the minimum lot depth is 100 feet. The subject property meets and exceeds these requirements, as the subject property is 5.84 acres in size, is over 400 feet in width along Dixie Farm Road, and is over 600 feet deep.

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 "Low Density Residential" for the subject property and for many of the surrounding properties along Dixie Farm Road. 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). The Comprehensive Plan also designates an area for

In favor  
Robert Thompson - owner  
3508 Buckho H  
Dixie Ln Rd.  
spoke about major thoroughfare  
change happen / time change.

Karen Plotts  
3540 Dixie Ln Rd.  
concern as she has horses &  
trailer will be

Not for  
or  
against

Katherine Jones - 2223 Buckholt  
buying home on & like because of rural area.  
opposed to change.

Keert (Wipfel) ? (Wipolt)  
3601 Buckholt

not  
opposed

concern w/ prop value  
what happens w/ neighbors  
feels is a resid. put up  
metal barn would hurt  
area more than a business  
Traffic is bad  
Does not feel it would be  
detrimental.

"Parks" uses along the north side of the subject property, along the creek. Therefore, the proposed zone change to OP does not conform to the Comprehensive Plan.

**CONFORMANCE TO THE THOROUGHFARE PLAN:** The subject property has frontage on Dixie Farm Road, a major thoroughfare with a projected right-of way of 120 feet. When the subject property is platted, the applicant may be required to dedicate any necessary right-of-way for Dixie Farm Road.

No other roadways affect the subject property.

**AVAILABILITY OF UTILITIES:** There is a 16 inch water line located on the east side of Dixie Farm Road, along the frontage of the subject property. There is a 30 inch sanitary sewer line located along the west side of Dixie Farm 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 Single Family Residential – 1 District (R-1). Many of the properties along both sides of Dixie Farm Road within the subject area are currently zoned as R-1 as well. Along the east side of Dixie Farm Road, there are a few tracts that are developed with single family residential uses on large lots, and several lots consisting of several acres are undeveloped. Along the west side of Dixie Farm Road, however, the developments are largely residential, with a few tracts remaining undeveloped. Along Dixie Farm Road, most of the land between FM 518 and the future extension of Pearland Parkway (south of the Oakbrook subdivision) is zoned as residential. The only non-residential tracts on Dixie Farm Road are at the intersection with FM 518, and south of Pearland Parkway and extending to SH 35 (Main Street).

The applicant is wanting to rezone the property in order to develop the property for office uses. The applicant has indicated that they believe that an OP district is appropriate for the subject area, due to its location on Dixie Farm Road, a major thoroughfare that carries a significant amount of traffic. However, Dixie Farm Road is largely zoned residential and developed with residential uses, and does not have a mix of uses, such as along Manvel Road.

The Future Land Use Plan designates the subject property for Low Density Residential Uses. Dixie Farm Road is largely developed with single family residential uses and is

Helen - opposed  
Spot zoning

Kevin Cole - agrees "spot" zoning  
understands Thompsons  
foresees above avg housing -  
custom built, home-  
estate lot homes

zoned as such. For many years, Dixie Farm Road has been a narrow roadway with significant traffic. Recently, construction began on Dixie Farm Road to upgrade the roadway with additional lanes of traffic.

In order for Dixie Farm Road to start developing with non-residential uses, the Comprehensive Plan would need to be amended. Any zoning changes that would be considered for non-residential uses would be contrary to the Comprehensive Plan/Future Land Use Plan and could be considered as spot zoning. With the property fronting on Dixie Farm Road, the subject property may be suitable for the development of office, professional, and service uses. However, the tracts of land fronting on Dixie Farm Road do appear to be large enough that they could be combined and developed for single family residential uses.

Although the OP district is one of the lesser intensive non-residential districts and would be appropriate adjacent to single family residential districts, rezoning one tract of land within a residential area could cause many other properties within the area to attempt to transition to non-residential uses.

The subject property shares property lines to the south, east, and north with tracts that are zoned as R-1. If the zone change to 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 OP district, a 25 foot wide landscape buffer is required along the south, east, and north property lines that are shared with the R-1 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 could be replaced with a row of evergreen shrubbery.

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.

It is Staff's opinion that before this zone change is approved, if approval is being considered by the Commission and Council, the area needs to be examined and then the Comprehensive Plan needs to be amended, if appropriate, to allow zoning districts other than residential.

**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.

However, one property owner within Pine Hollow sent an e-mail message to Staff indicating that they heard through their homeowner's association newsletter that professional office buildings would be constructed in the area, and this property owner expressed opposition to that, stating concerns mainly regarding traffic on Dixie Farm Road and within their subdivision, and safety concerns for families living in Pine Hollow.

**STAFF RECOMMENDATION:** Staff recommends denial of the zone change to OP, for the following reasons:

1. The proposed OP district does not conform to the Comprehensive Plan designation of Low Density Residential uses for the subject property.
2. A zone change to OP is not appropriate for the subject tract due to it being surrounded on all sides by properties zoned as R-1, and rezoning this tract to a non-residential district could be considered spot zoning.
3. A zone change to OP would be inconsistent and incompatible with the adjacent and surrounding zoning districts of R-1 along Dixie Farm Road.
4. A zone change to OP on this tract could cause many other properties within the area to attempt to transition to non-residential uses, which would have the potential to turn Dixie Farm Road into a commercial roadway.

**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: SFR R-1

Proposed Zoning District: OP

### Property Information:

Address or General Location of Property: Dixie Farm Rd, SE of Mary's Creek By Pass

Tax Account No. 218988 5410-0039-000

Subdivision: JENKINS Lot: 82 Block: 1

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 ROBERT L THOMPSON ET UX  
ADDRESS 3508 Bucholt  
CITY PEARLAND STATE TX ZIP 77581  
PHONE (713) 724-0190  
FAX ( )  
E-MAIL ADDRESS houstondesigner4@aol.com

### APPLICANT INFORMATION:

NAME BOUNDARY ONE, LLC (T. OFFENBURGER)  
ADDRESS 150W Shadowbend, 5300  
CITY Friendswood STATE TX ZIP 77546  
PHONE (281) 648-5050  
FAX (281) 648-3737  
E-MAIL ADDRESS thomas@boundaryone.com

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: May 16 2008

Agent's Signature: [Signature] Date: 5-16-08

### OFFICE USE ONLY:

FEES PAID: <u>\$ 275.00</u>	DATE PAID: <u>5/22/08</u>	RECEIVED BY: <u>tag</u>	RECEIPT NUMBER: <u>-</u>
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Application No. 2008-142



May 16, 2008

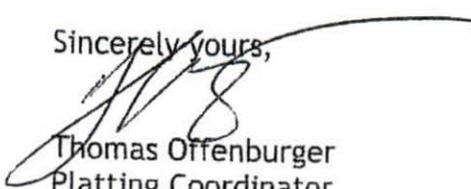
City of Pearland  
Planning & Community Development  
3523 Liberty Drive  
Pearland, Texas 77581  
281.652.1768  
281.652.1702 facsimile

Re: Zone Change Application

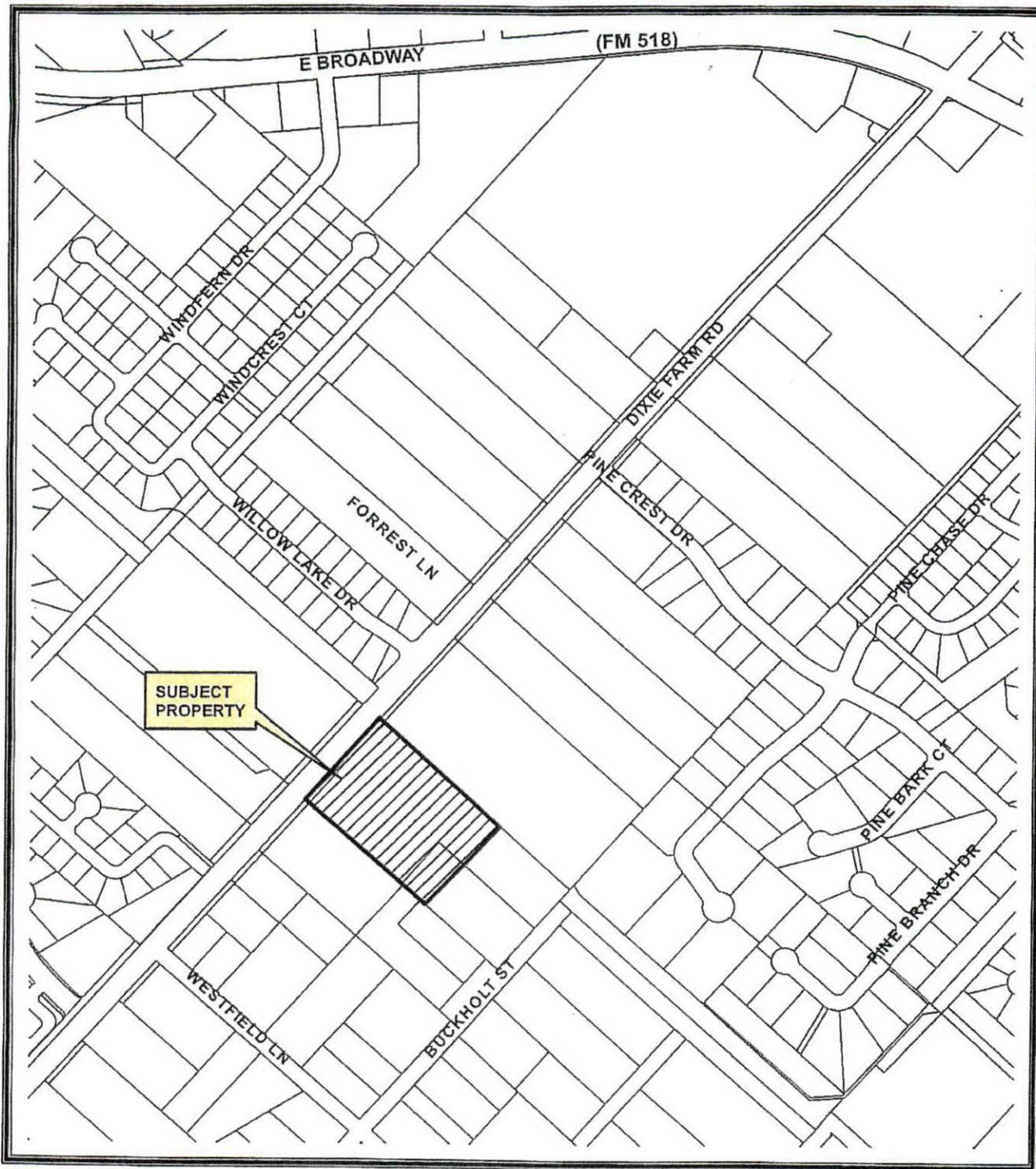
Dear Staff,

We have been retained by Mr. Robert Thompson, Owner of the property described in the attached survey. He desires to rezone the Dixie Farm frontage back approximately 600 ft. to Office/Professional. The Dixie Farm Rd. corridor is being widened and extended as you know. Increased traffic flows and attendant noise would seem to make this zone change a better option than SFR for this tract. Please call us if you need further information.

Sincerely yours,

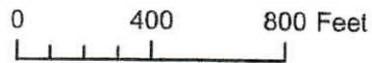


Thomas Offenburger  
Platting Coordinator

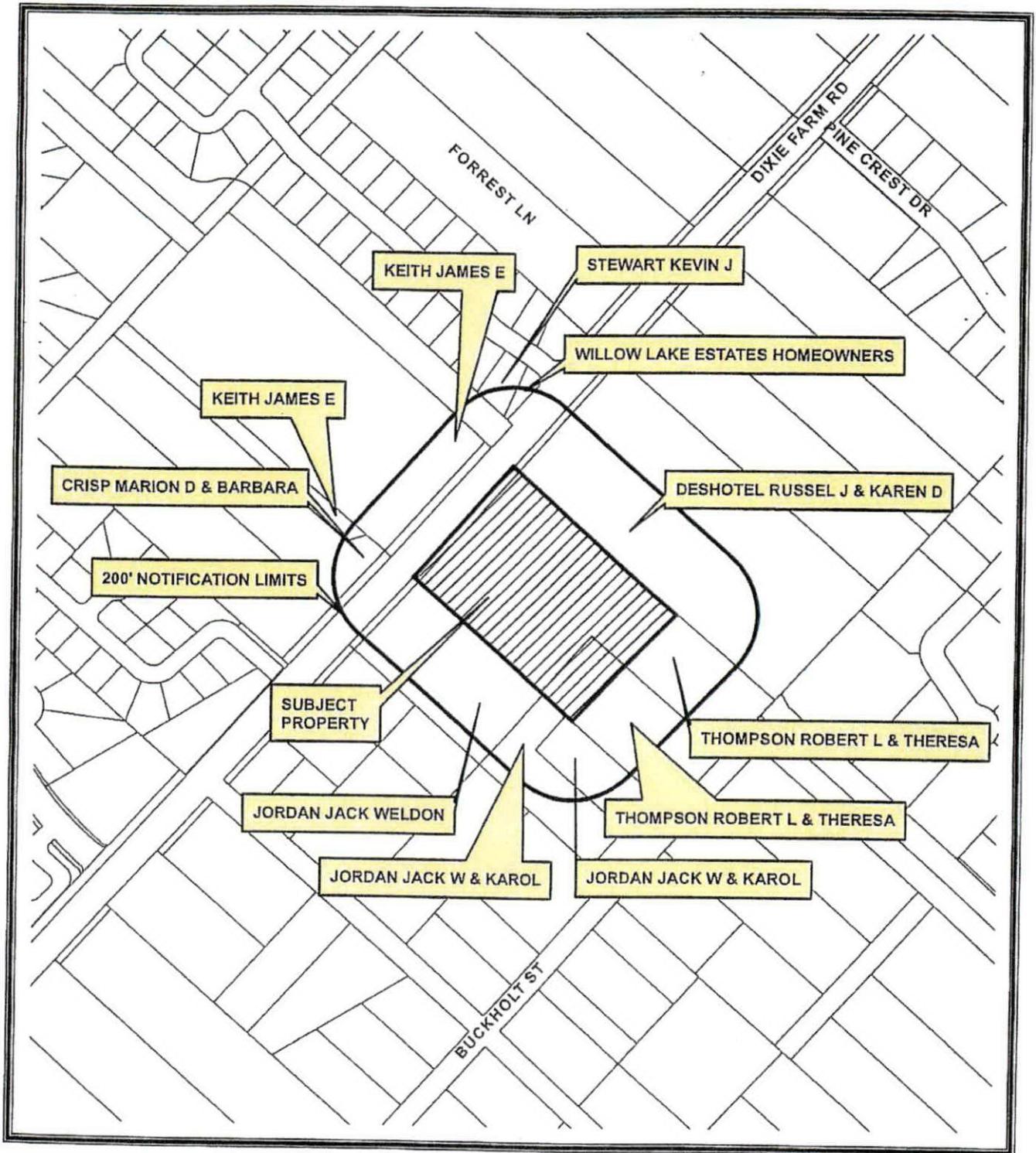


# LOCATION MAP

Zone Change  
No. 2008-14Z

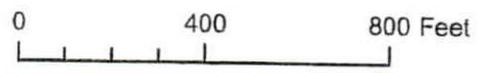


Map Prepared on May 27, 2008



# OWNERSHIP MAP

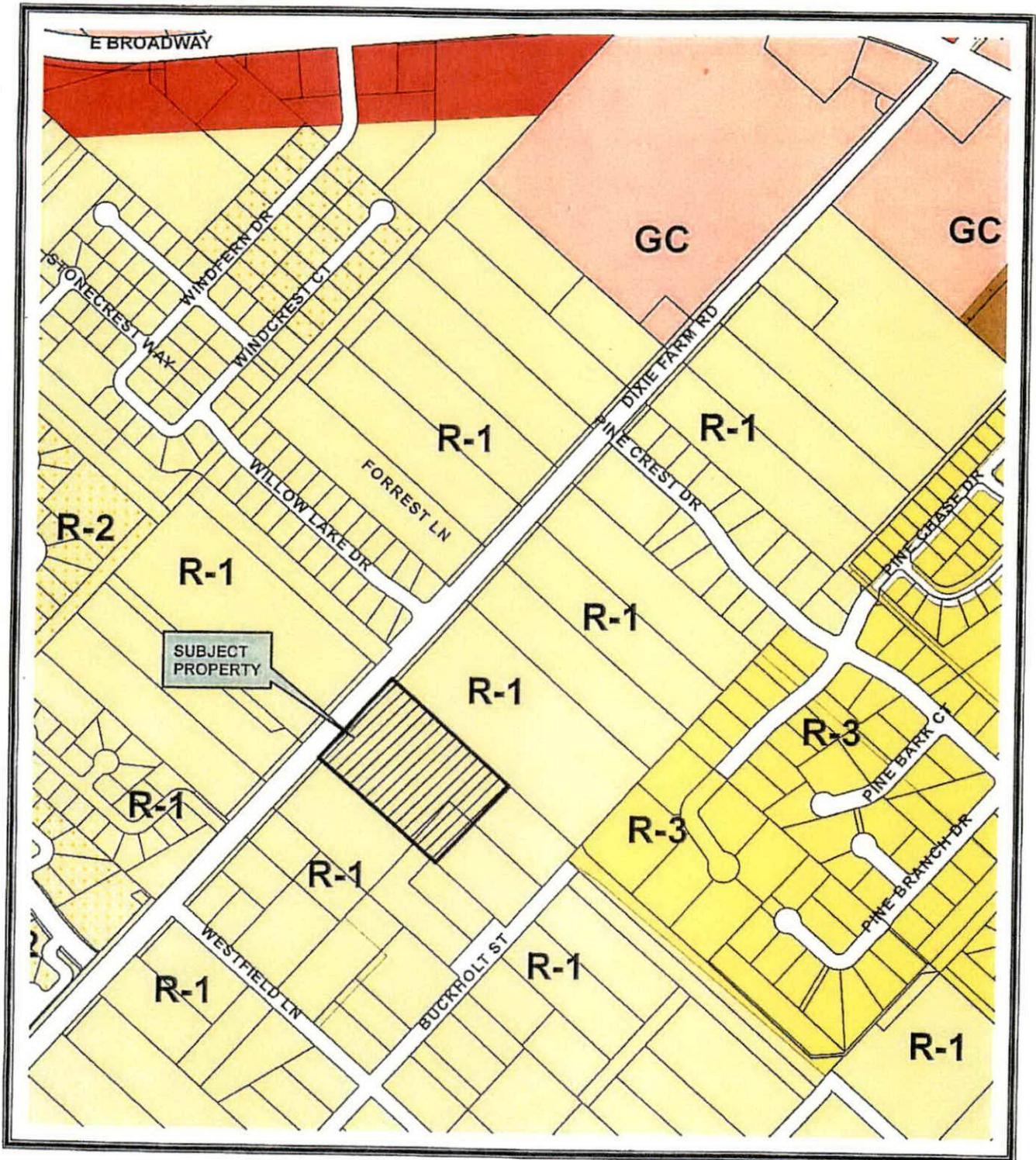
Zone Change  
No. 2008-14Z



Map Prepared on May 27, 2008

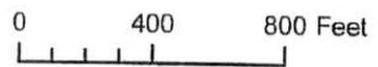
**ZONE CHANGE NO. 2008-14Z**  
**Property Owner Notification List**

<u>TAX ACCT</u>	<u>OWNER</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>ST</u>	<u>ZIP CODE</u>
5410-0012-110	KEITH JAMES E	PO BOX 262941	HOUSTON	TX	77207
5410-0012-110	KEITH JAMES E	PO BOX 262941	HOUSTON	TX	77207
5410-0012-000	CRISP MARION D & BARBARA	3520 DIXIE FARM RD	PEARLAND	TX	77581
8387-1001-001	STEWART KEVIN J	1904 WILLOW LAKE DR	PEARLAND	TX	77581
5410-0039-131	CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
5410-0039-130	DESHOTEL RUSSEL J & KAREN D	410 FALLING LEAF DR	FRIENDSWOOD	TX	77546
8387-1000-000	WILLOW LAKE ESTATES HOMEOWNERS	18333 EGRET BAY BLVD STE 450	HOUSTON	TX	77058
5410-0012-111	CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
5410-0039-001	CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
APPLICANT	BOUNDARY ONE LLC T OFFENBURGER	150 W SHADOWBEND SUITE 300	FRIENDSWOOD	TX	77546
5410-0039-000	THOMPSON ROBERT L & THERESA	3508 BUCKHOLT ST	PEARLAND	TX	77581
5410-0012-001	CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
5410-0040-018	CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
5410-0040-008	JORDAN JACK WELDON	1724 CEMETERY RD	SANTA FE	TX	77517
5410-0039-000	THOMPSON ROBERT L & THERESA	3508 BUCKHOLT ST	PEARLAND	TX	77581
5410-0040-007	JORDAN JACK W & KAROL	1724 CEMETARY RD	SANTA FE	TX	77517
5410-0040-007	JORDAN JACK W & KAROL	1724 CEMETARY RD	SANTA FE	TX	77517

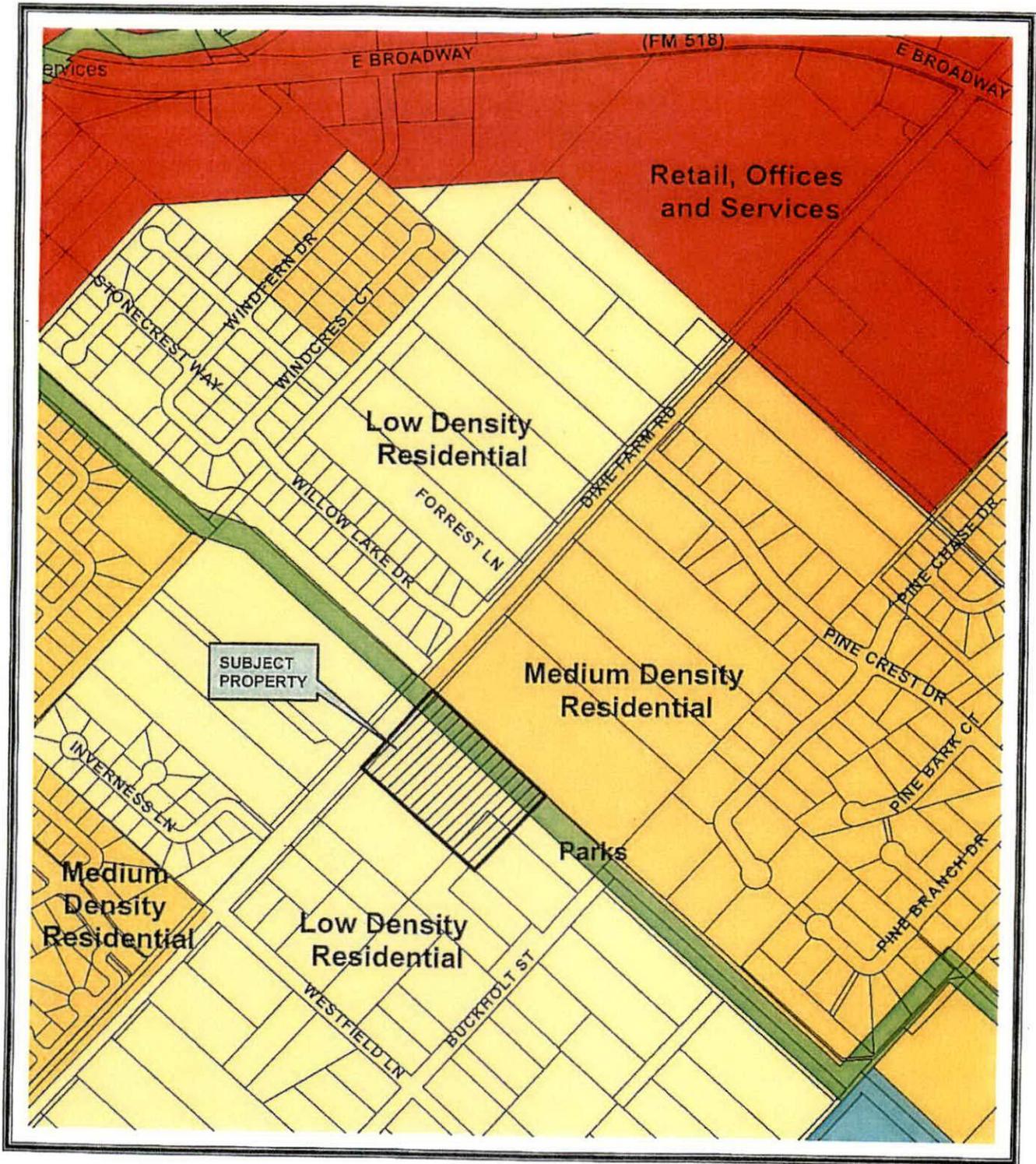


# ZONING MAP

Zone Change  
No. 2008-14Z

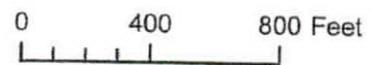


Map Prepared on May 27, 2008

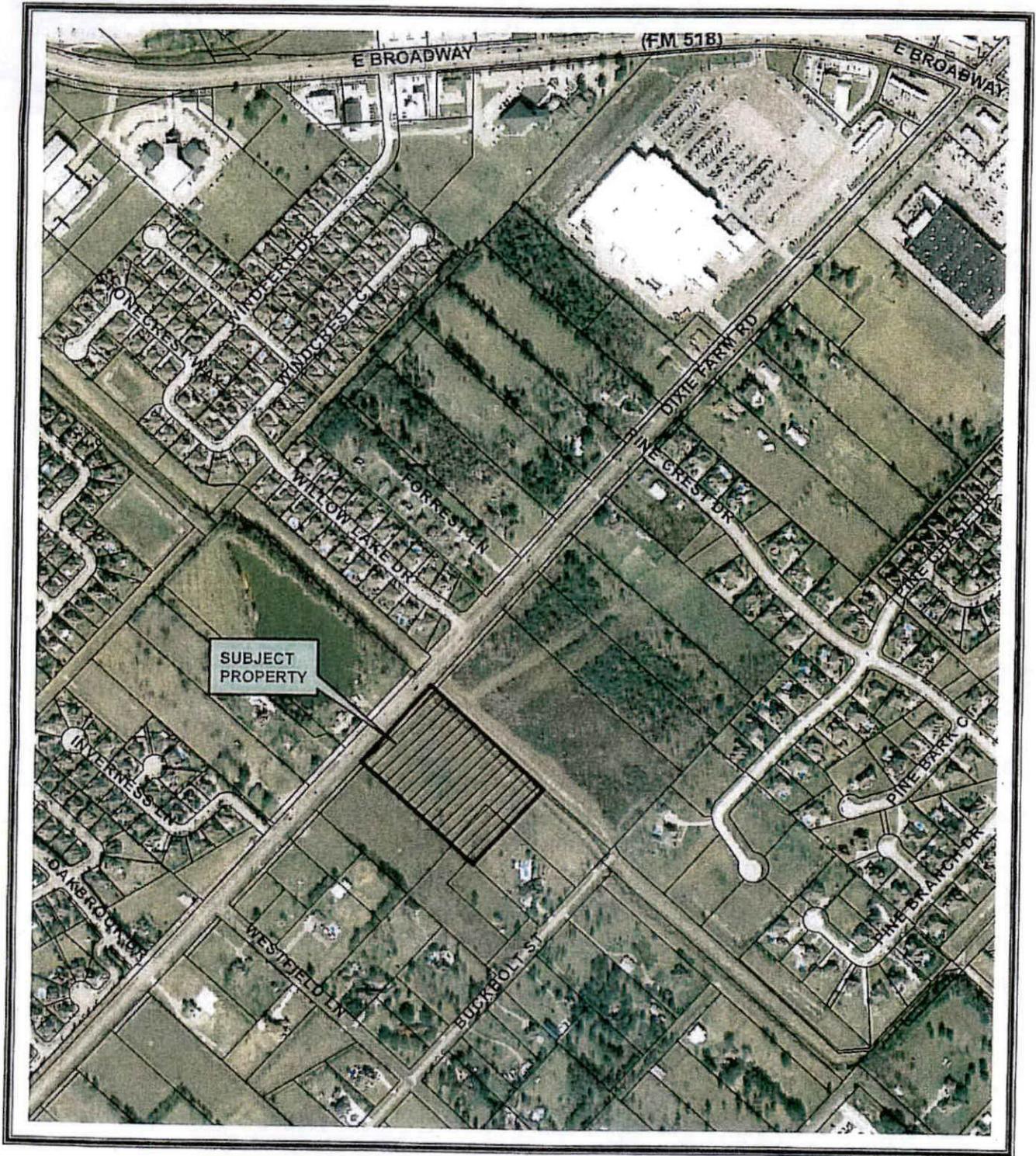


# FUTURE LAND USE PLAN

Zone Change  
No. 2008-14Z



Map Prepared on May 27, 2008



# AERIAL PHOTOGRAPH

Zone Change  
No. 2008-14Z



0 400 800 Feet  
[Scale bar with tick marks]

Map Prepared on May 27, 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:

THOMAS OFFENBURGER

Full Address:

150 W Shadowbent, Friendswood, TX

(include zip)

77546

I wish to speak regarding Item No. \_\_\_\_\_

# 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: M. D. CRISP

Full Address: 3520 Dixie Farm Rd

(include zip) Pearland, Tx 77581

I wish to speak regarding Item No. 2008-14Z

# 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: KIRK WEICHEL

Full Address: 3601 BUCKHOLT

(include zip) PEARLAND TX 77581

I wish to speak regarding Item No. DIXIE FARM REZONE

# 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 Pearland 77581

(include zip)

I wish to speak regarding Item No. 2008-142

*opposed*

# 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: Anne Markwart

Full Address: 1921 Willow Lake Dr

(include zip) Peasland, TX 77581

I wish to speak regarding Item No. zone change 2008-14Z

entrance  
100 Ft from subject prop.  
Subdivision  
already suffers cut through traffic.  
what will it be like if <sup>OP</sup> bus comes thru

opposed

other prop. avail.

# 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:

Anthony Tellez

Full Address:

2012 FAIRWOOD ST

(include zip)

77581

I wish to speak regarding Item No. ZONE Change 2008-14Z

opposed

traffic

# 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:

GREG NELSON

Full Address:

1617 PINE CREST DR

(include zip)

PEARLAND, TX 77581

I wish to speak regarding Item No.

2008-14Z

*Wants it to remain  
residential*

# 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:

Karin Plotts

Full Address:

3530 Dixie Farm

(include zip)

Pearland 77581

I wish to speak regarding Item No.

132

# 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: Katherine Jones

Full Address: 2223 Buckholt

(include zip) P.L. 77581

I wish to speak regarding Item No. 2008 142

# 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: Robert & Teresa Thompson

Full Address: 3508 Buckholt

(include zip) Pearland TX 77581

I wish to speak regarding Item No. A #2 Dixie Farm Road

# 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:

DANIEL SRUBAR

Full Address:

2226 Buckhoff

(include zip)

Pearland, Tx 77581

I wish to speak regarding Item No.

2008 . 142

# 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 SANCHEZ

Full Address: 1505 INVERNESS LN.

(include zip) PEARLAND, TX 77581

I wish to speak regarding Item No. 2008-14Z

# 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:

NEIL BARNHILL

Full Address:

1813 OAK LODGE DR

(include zip)

PEARLAND, TX 77581

I wish to speak regarding Item No.

ZONE CHANGE  
No. 2008-14Z

# 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 LEAVERTON

Full Address:

2310 BUCKHOLT ST.

(include zip)

PEARLAND, TX. 77581

I wish to speak regarding Item No.

2008-14Z

# 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:

Diane Leaverton

Full Address:

2310 Buckholt St

(include zip)

Pearland, TX 77581

Zone Change  
I wish to speak regarding Item No. 2008-142

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

**I. CALL TO ORDER** Mayor opened @ 8:00

**II. PURPOSE OF HEARING** Henry read

Conditional Use Permit No. CUP2008-18

A request by New Hope Church, applicant for YMCA Greater Houston Area, owner, for approval of a Conditional Use Permit for a "church/place of worship" in the Office and Professional District (OP), on the following described property, to wit:

Legal Description: 17.8810 acres, being the Minor Plat of Coppinger YMCA, a subdivision of land out of the Thomas J. Green Survey, Abstract 198, and the T.D. Yocum Survey, Abstract 399, as recorded in Document No. 2008001978 of the Official Records of Brazoria County, Texas, and being out of a called 16.5802 acre tract recorded in Brazoria County Clerk's File No. 99007098 and a called 1.5030 acre tract recorded in Brazoria County Clerk's File No. 01046582, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the South Side of Stratford Street/YMCA Drive, at 2820 Stratford Street

**III. APPLICATION INFORMATION AND CASE SUMMARY**

- A. STAFF REPORT** TAB read...
- B. APPLICANT PRESENTATION**

**IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST** R E Napoleon - no objection to church using any

2900 Yorkshire Facility. opposed to spot zoning. How long will they be there.

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

W. Cole asked TAB to answer Mr. Napoleon's question. She explained CUP purpose unsure of timeframe. can limit and put in CUP

**VI. ADJOURNMENT** 9:20

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.

K Cole  
How long is leave?  
Subject for review ~~in~~ <sup>up</sup>

K Cole - how much of YMCA will  
be used.  
a portion

How many? 242 in gymnasiums  
Have spoken to Fire Marshal.

Mr. Davis stated this is temporary  
and will be looking for permanent place.

K. Cole can we put limit on it  
Church would need a new cup.  
F. Kyle advised the same.  
Used example of  
stipulations placed  
on them.

Mayor - good use for  
Church to use  
@ a YMCA

# 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:

RE NAPOLitano

Full Address:

2903 Yorkshire

(include zip)

72581

I wish to speak regarding Item No. CUP2008-18

# 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:

John Davis

Full Address:

6520 Broadway #631

(include zip)

Pearland TX 77581

I wish to speak regarding Item No.

Cup

**JOINT PUBLIC HEARING AGENDA ITEM  
MEETING OF JUNE 16, 2008**

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**Conditional Use Permit No. CUP2008-18**

A request by New Hope Church, applicant for YMCA Greater Houston Area, owner, for approval of a Conditional Use Permit for a "church/place of worship" in the Office and Professional District (OP), on the following described property, to wit:

**LEGAL DESCRIPTION:** 17.8810 acres, being the Minor Plat of Coppinger YMCA, a subdivision of land out of the Thomas J. Green Survey, Abstract 198, and the T.D. Yocum Survey, Abstract 399, as recorded in Document No. 2008001978 of the Official Records of Brazoria County, Texas, and being out of a called 16.5802 acre tract recorded in Brazoria County Clerk's File No. 99007098 and a called 1.5030 acre tract recorded in Brazoria County Clerk's File No. 01046582, City of Pearland, Brazoria County, Texas

**GENERAL LOCATION:** Generally Located on the South Side of Stratford Street/YMCA Drive, at 2820 Stratford Street

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

Planning and Zoning Commission: June 16, 2008\*  
City Council for First Reading: July 14, 2008\*

(\*dates subject to change if item is tabled)

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**SUMMARY:** The applicant is requesting approval of a conditional use permit for a church in the Office and Professional District (OP). The subject property is currently the site of the YMCA. The New Hope Church is wanting to rent the YMCA facilities on Sunday mornings for church services. A church is not allowed by right in the Office and Professional District;

a church requires a Conditional Use Permit to operate in the Office and Professional District (OP).

**SURROUNDING ZONING AND LAND USES:**

\* surrounding zoning districts based on the new map adopted February 27, 2006

	<u>Zoning</u>	<u>Land Use</u>
North	General Business Retail District (GB)	Undeveloped tract; retail businesses
South	Single Family Residential – 1 District (R-1) and Single Family Residential – 2 District (R-2)	Undeveloped tracts
East	General Business Retail District (GB); Multi-Family Residential District (MF)	Undeveloped tract; apartment complex
West	Single Family Residential – 2 District (R-2)	Single family residences

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

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

**PLATTING STATUS:** The subject property is currently platted as the Minor Plat of Coppinger YMCA, a subdivision as recorded in Document No. 2008001978 of the Official Records of Brazoria County, Texas. No further platting is required at this time.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Public/Semi-Public" uses for the subject property. The Comprehensive Plan further indicates that the appropriate zoning districts for "Public/Semi-Public" uses is any zoning district that allows for public and semi-public uses. A church is permitted in the Office and Professional District by the approval of a conditional use permit. Therefore, the proposed conditional use permit does not conflict with the Comprehensive Plan.

**CONFORMANCE TO THE THOROUGHFARE PLAN:** The subject property has frontage on YMCA Drive and Stratford Drive, both minor collector streets with rights-of-way of 60 feet. Any right-of-way dedications that were required were dedicated with the plat that was recently approved for the subject property.

No other roadways affect the subject property.

**AVAILABILITY OF UTILITIES:** There is a 8 inch water line located on the south side of Stratford Street, along the frontage of the subject property. There is a 6 inch sanitary sewer line located along the north side of Stratford 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 developed with the YMCA facility. The New Hope Church is proposing to use the YMCA facility for church services on Sundays from 6:30am until 1:00pm. The YMCA facility is not open during this time. The church is requesting to use 7,000 square feet, requiring 35 parking spaces that are available on site. The church services include children's activities, teen activities, worship, and lessons. The church is proposing to utilize approximately 7,000 square feet in one of the existing buildings in the YMCA complex. The New Hope Church is not proposing to make any modifications to the outside appearance of the YMCA facility.

**SITE PLAN CONSIDERATIONS:**

The applicant has submitted a site plan of the existing YMCA facility for review. The following is a list of requirements that pertain to the site under the OP district:

**Building Setbacks:**

The applicant is not proposing any additional buildings.

**Building Façade:**

The applicant is not proposing any additional buildings that would trigger the façade requirements of the UDC.

**Landscaping:**

The applicant is not proposing any additional buildings that would trigger the landscaping requirements of the UDC.

Screening:

The applicant is not proposing any additional buildings that would trigger the screening requirements of the UDC.

Parking:

The church is proposing to use the existing parking lot at the YMCA for parking by church members. The YMCA currently has 244 parking spaces on the site. The Church has indicated that based on their attendance at services, they anticipate no more than 95 vehicles in the parking lot during service. The Church has indicated that they use the YMCA facility between the hours of 6:30am and 1pm, time in which the YMCA is not open. Staff has contacted the YMCA, and the YMCA indicated that they open at 1pm on Sunday, and they do not have any other activities occurring on the site during the morning hours on Sunday.

Parking is a concern, because residents of the adjacent subdivision have indicated such concerns several months ago, when the YMCA submitted variances to the Zoning Board of Adjustment on their expansion plans. The Church has indicated that they will advise their members to parking only in the parking lot, and not on the streets, curbs, or grass.

The YMCA is required to have 162 parking spaces, based on the square footage of their facility. This leave 82 spaces that are extra parking spaces on the site for the church use.

Also, the applicant's letter regarding parking indicates that there will be two 24 foot long trailers parked in the parking lot. It is unclear what the trailers will be used for, and the applicant has not gotten back with Staff on the use of the trailers as of this writing. Staff does not want to see the trailers remain on the site permanently, and they should only be on the site when the church is using the facility. Staff recommends that the Commission and Council add a condition to the approval of the Conditional Use Permit that any trailers or vehicles used by the church be removed from the property after the church services on Sunday and not remain on the site on other days of the week.

Traffic:

The City Engineer has indicated that a traffic impact analysis (TIA) will not be required for the subject property. The church facility is not proposing any improvements that would trigger the requirement for a TIA.

**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 conditional use permit request.

**STAFF RECOMMENDATION:** Staff recommends approval of the Conditional Use Permit for the church, for the following reasons:

1. A church is permitted in the OP district by the approval of a Conditional Use Permit.
2. The church is not proposing to modify the site, add square footage to the building, or make any other change to the outside appearance of the site.
3. The church is proposing to use the subject property during hours in which the YMCA facility is closed to the public, which should not cause any parking problems on the site.

Staff recommends that the following conditions be added to the approval of the Conditional Use Permit:

1. Any trailers or vehicles used by the church be removed from the property after the church services on Sunday and not remain on the site on other days of the week.
2. If the YMCA changes hours of operation and is in use during the proposed church time, then the CUP needs to be reviewed again and reissued at that time.

**SUPPORTING DOCUMENTS:**

- Zone Change Application
- Location Map
- Property Ownership Map
- Property Owner Notification List
- Zoning Map
- Future Land Use Plan
- Aerial Photograph
- 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: Church Service  
(list proposed use)

Current Zoning District: Office Professional

### Property Information:

Address or General Location: 2820 Stratford, Pearland 77581

Tax Account No.: 01980013000

Subdivision: A0198 T J Green

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 YMCA Greater Houston Area  
ADDRESS 1600 Louisiana St.  
CITY Houston STATE TX ZIP 77002-7309  
PHONE (281) 485-7422  
FAX (281) 485-7810  
E-MAIL ADDRESS jennifer.a@ymcahouston.org

\* 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 New Hope Church  
ADDRESS 3640 County Road 58  
CITY Manvel STATE TX ZIP 77578  
PHONE (281) 604-4000  
FAX (281) 489-6581  
E-MAIL ADDRESS WCOOK@newhopechurch.tv



May 19, 2008

City of Pearland  
3523 Liberty Drive  
Pearland, TX 77581

To Whom It May Concern:

This is a letter accompanying our application for a Conditional Use Permit. New Hope Church will use a portion of the Coppinger YMCA, 2820 Stratford, Pearland, TX 77581 for church services on Sunday from 6:30a.m.-1:00p.m. The church services include children's activities, teen activities, worship, and the lesson. The YMCA building is approximately 32,450 square feet. The portion we will use is 7,000 square feet. We are aware the maximum occupancy limit is 777. The area we will use is used by the YMCA on a daily basis.

Sincerely,

Wendi Cook

Wendi Cook

June 4, 2008

City of Pearland

The purpose of this letter is to address parking concerns at the YMCA for New Hope Church during Sunday morning service times (7:00 am -1:00 pm). The first part of this letter will detail current parking conditions, and the second part of the letter is our action plan for parking.

#### Current parking conditions

The YMCA has an existing parking lot on site which New Hope Church will use during service times. Each week there are two uniformed police officers responsible to help with traffic. The lot at the YMCA has 244 parking spaces. Based on the number in attendance we estimate there are no more than 95 vehicles in the parking during each service. In addition to automobiles we have two 24' trailers which are also parked in the lot.

#### Plan of action

Objective: Ensure that each and every vehicle / trailer will be parked in the existing parking lot of the YMCA.

1. Memo will be sent to all New Hope Church staff notifying them about parking in the YMCA lot only. Staff will inform their volunteers to follow parking guidelines.
2. Starting June 8<sup>th</sup> an announcement will be made during services (both verbally and written) for one month detailing parking guidelines. We have not nor will we park on existing streets, curbs, or grass.
3. We will have at least one uniformed officer monitor parking before and during service times. Anyone not parking in the YMCA lot will be asked to move their vehicle. Officers will exhaust all efforts to move vehicles parked in undesignated areas.
4. As ongoing education New Hope Church will include parking guidelines in the weekly Listening Guide (church bulletin) as well as the New Member's Classes.

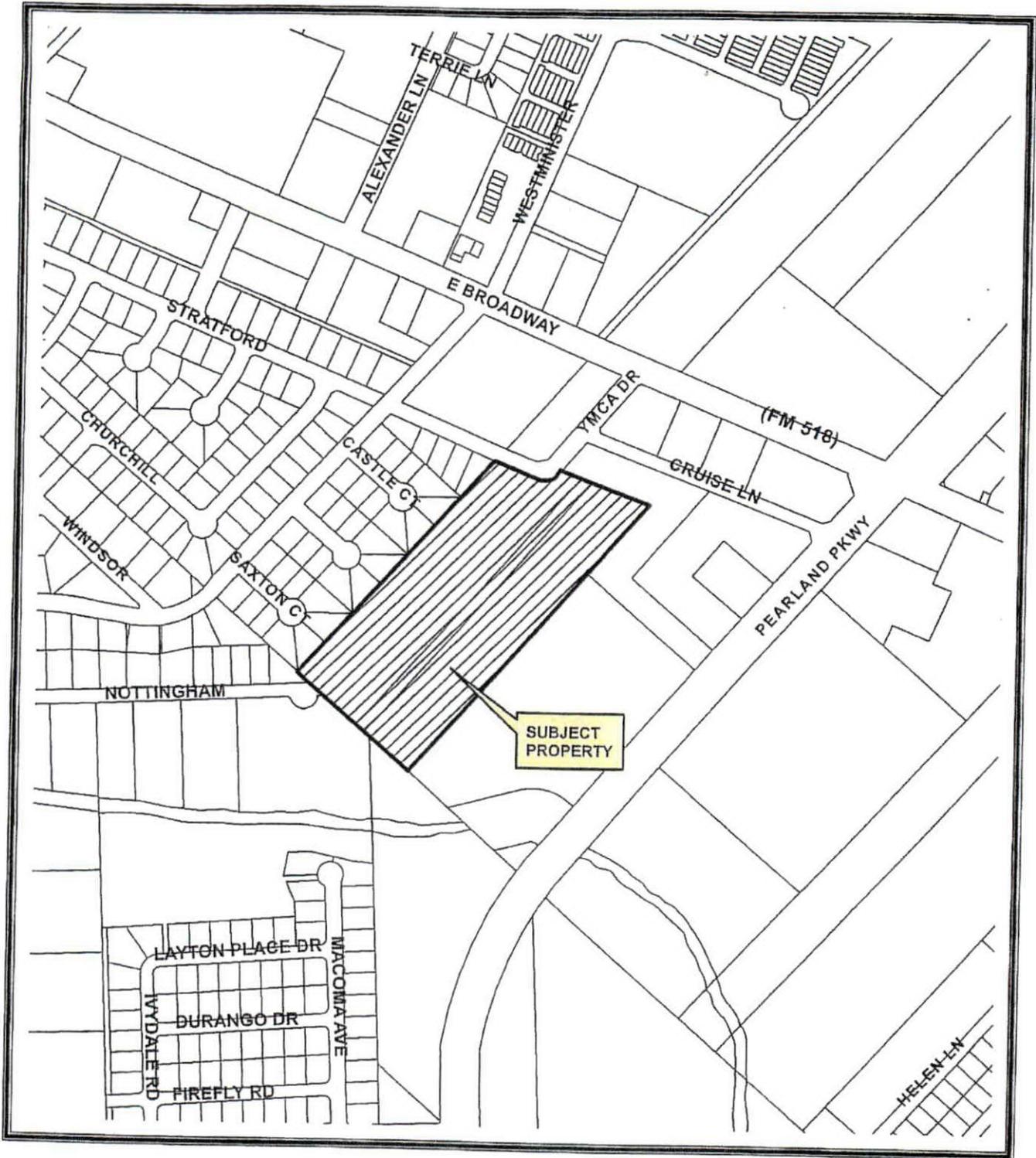
We want to make this work and will do whatever it takes to alleviate neighborhood concerns.

John Davis



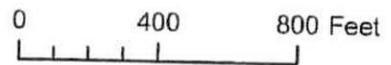
Pastor

New Hope Church  
East Pearland Campus  
jdavis@newhopechurch.tv



# LOCATION MAP

Conditional Use Permit  
No. CUP2008-18

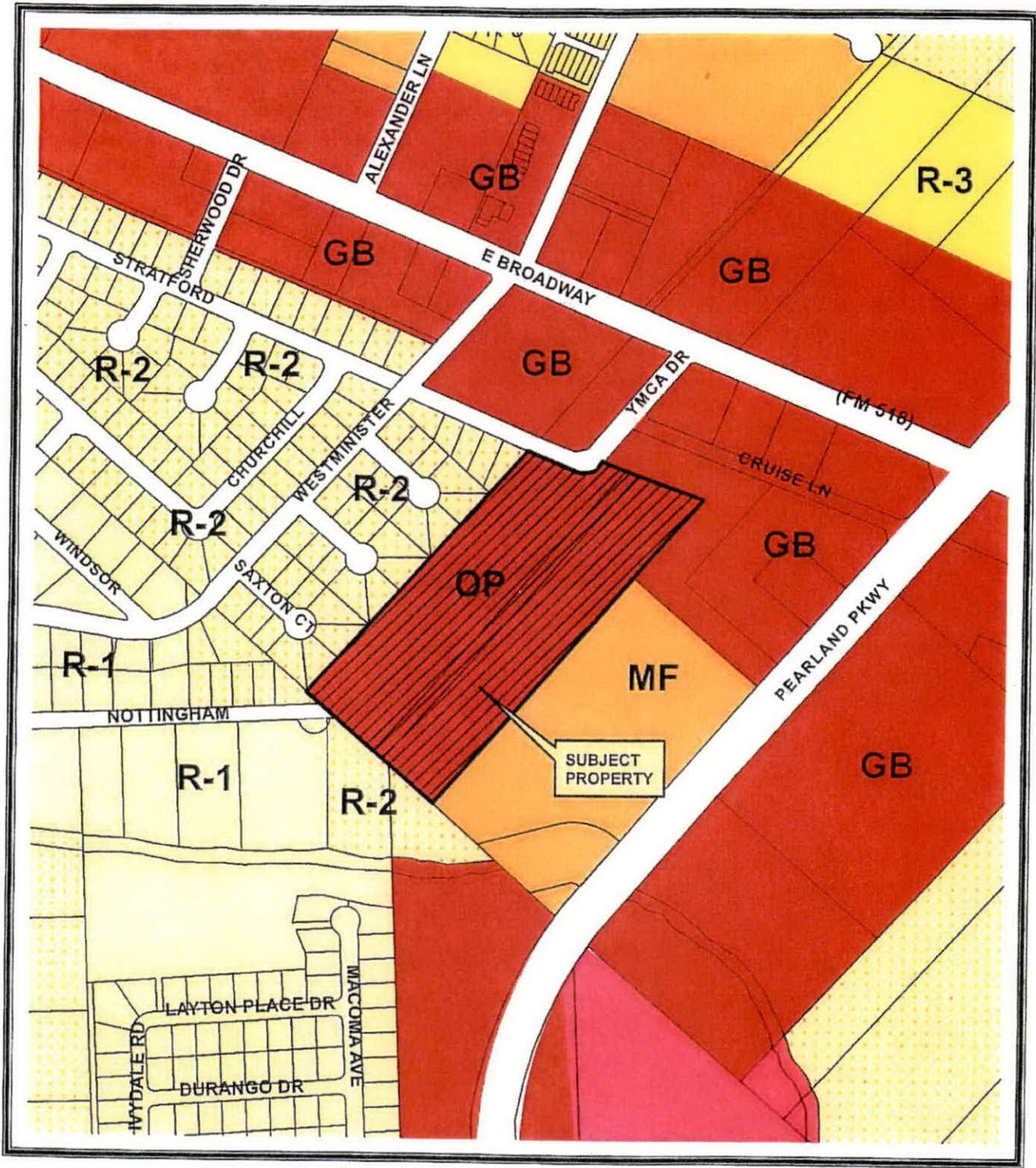


Map Prepared on May 27, 2008



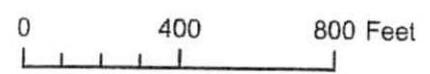
**CONDITIONAL USE PERMIT NO. CUP2008-18**  
**Property Owner Notification List**

<u>TAX ACCT</u>	<u>OWNER</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>ST</u>	<u>ZIP CODE</u>
0198-0000-120	FIRST PRESBYTERIAN CHURCH	2930 BROADWAY ST	PEARLAND	TX	77581
0198-0012-000	HALLE ENTERPRISES LLC%DEPT 1100-TXH53	20225 N SCOTTSDALE RD	SCOTTSDALE	AZ	85255
7564-0102-000	WEBER RANDALL K & BRENDA G	2810 WESTMINISTER ST	PEARLAND	TX	77581
7566-0150-000	NIELSEN GARY EDGAR	2906 SAXTON CT	PEARLAND	TX	77581
7566-0142-000	MILLER MICHAEL W & DARLENE	2901 SAXTON CT	PEARLAND	TX	77581
7566-0147-000	GATHRIGHT TRENT & ROBIN G	2904 SAXTON CT	PEARLAND	TX	77581
7566-0145-000	ANDERSON MARJORIE M	2802 SAXTON CT	PEARLAND	TX	77581
7564-0106-000	LEJSAL JOHN JR	3103 NOTTINGHAM ST	PEARLAND	TX	77581
7564-0107-000	SCRANTON MICHAEL W & BETH M	2303 SAN AUGUSTINE LN	FRIENDSWOOD	TX	77546
7564-0105-000	CLEBOSKI FRANK J	3105 NOTTINGHAM ST	PEARLAND	TX	77581
6564-0001-004	SCRANTON MICHAEL & ELIZABETH	2303 SAN AUGUSTINE LN	FRIENDSWOOD	TX	77546
0399-0005-111	YMCA GREATER HOUSTON AREA	1600 LOUISIANA ST	HOUSTON	TX	77002
0198-0009-111	SMC ENCLAVE APTS LTD PTRN	100 GALEN ST STE 301	WATERTOWN	MA	2742
7566-0013-000	KEMPH SIBLE	2908 STRATFORD ST	PEARLAND	TX	77581
7566-0017-000	CLEBOSKI JON T	2850 OAK RD APT 5208	PEARLAND	TX	77581
0198-0009-004	CVS PEARLAND PARKWAY LP	ONE CVS DRIVE	WOONSOCKET	RI	2895
7566-0021-000	KENISTON R L	2904 STRATFORD ST	PEARLAND	TX	77581
7566-0023-000	EVANS OLETA DRUNELL	2902 STRATFORD ST	PEARLAND	TX	77581
7566-0029-000	OSWALD WILLIAM B & DELIA M	2905 CASTLE CT	PEARLAND	TX	77581
APPLICANT	NEW HOPE CHURCH	3640 COUNTY ROAD 58	MANVEL	TX	77578
0198-0013-000	YMCA GREATER HOUSTON AREA	1600 LOUISIANA ST	HOUSTON	TX	77002
7566-0027-000	DAVIS R W	2903 CASTLE CT	PEARLAND	TX	77581
0198-0013-000	YMCA GREATER HOUSTON AREA	1600 LOUISIANA ST	HOUSTON	TX	77002
0198-0013-000	YMCA GREATER HOUSTON AREA	1600 LOUISIANA ST	HOUSTON	TX	77002
7566-0044-000	MCNULTY JOHN	2906 CASTLE CT	PEARLAND	TX	77581
0198-0009-003	GREENWOOD & MCKENZIE%LA FITNESS INTL	2800 MICHELSON DR STE 300	IRVINE	CA	92612
7566-0051-000	BURK MARGARET J	4814 MORNINGMOUNT LN	KATY	TX	77449
7566-0047-000	GEORGE BONNIE	2401 AVENUE L	SANTA FE	TX	77510
7566-0048-000	WHITENER DONALD F	2902 CASTLE COURT	PEARLAND	TX	77581
7566-0099-000	ZVANUT J M	2905 YORKSHIRE CT	PEARLAND	TX	77581
7566-0102-000	NAPOLEON R E	2903 YORKSHIRE CT	PEARLAND	TX	77581
7566-0118-000	KELLY W G	2906 YORKSHIRE CT	PEARLAND	TX	77581
7566-0106-000	PITTS CHARLOTTE	2901 YORKSHIRE CT	PEARLAND	TX	77581
7566-0116-000	STRINGER ROSALIE WEBBER	2904 YORKSHIRE CT	PEARLAND	TX	77581
7566-0110-000	CARLSON DOROTHY KATHLYNE	PO BOX 719	PEARLAND	TX	77588
7566-0137-000	GABRIEL R E	2905 SAXTON CT	PEARLAND	TX	77581
0198-0009-110	SMC ENCLAVE APTS LTD PTRN	100 GALEN ST STE 301	WATERTOWN	MA	2742
7566-0140-000	BESSER JAMES M	2903 SAXTON CT	PEARLAND	TX	77581

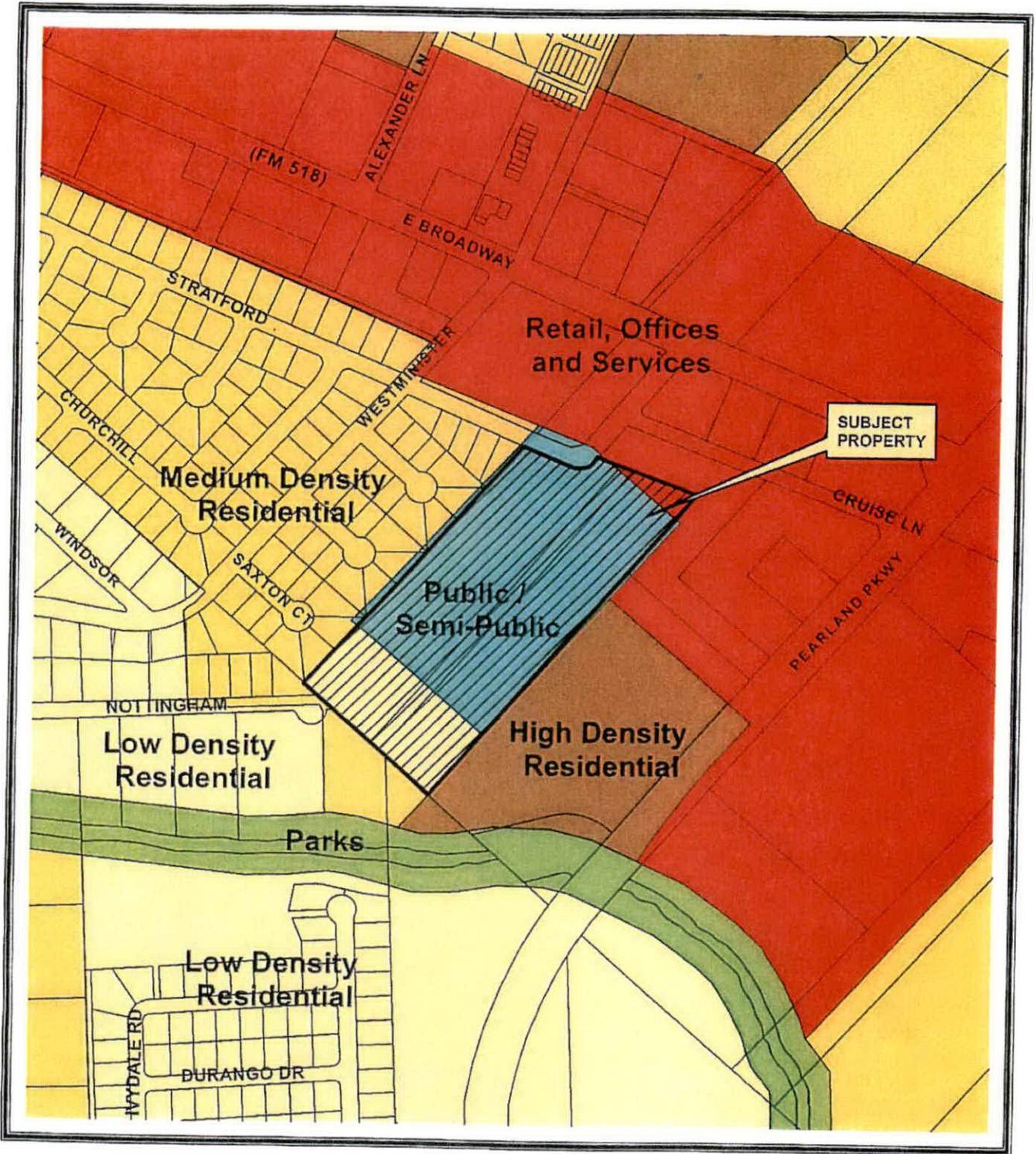


# ZONING MAP

Conditional Use Permit  
No. CUP2008-18

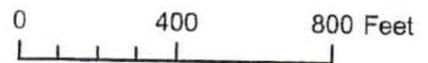


Map Prepared on May 27, 2008

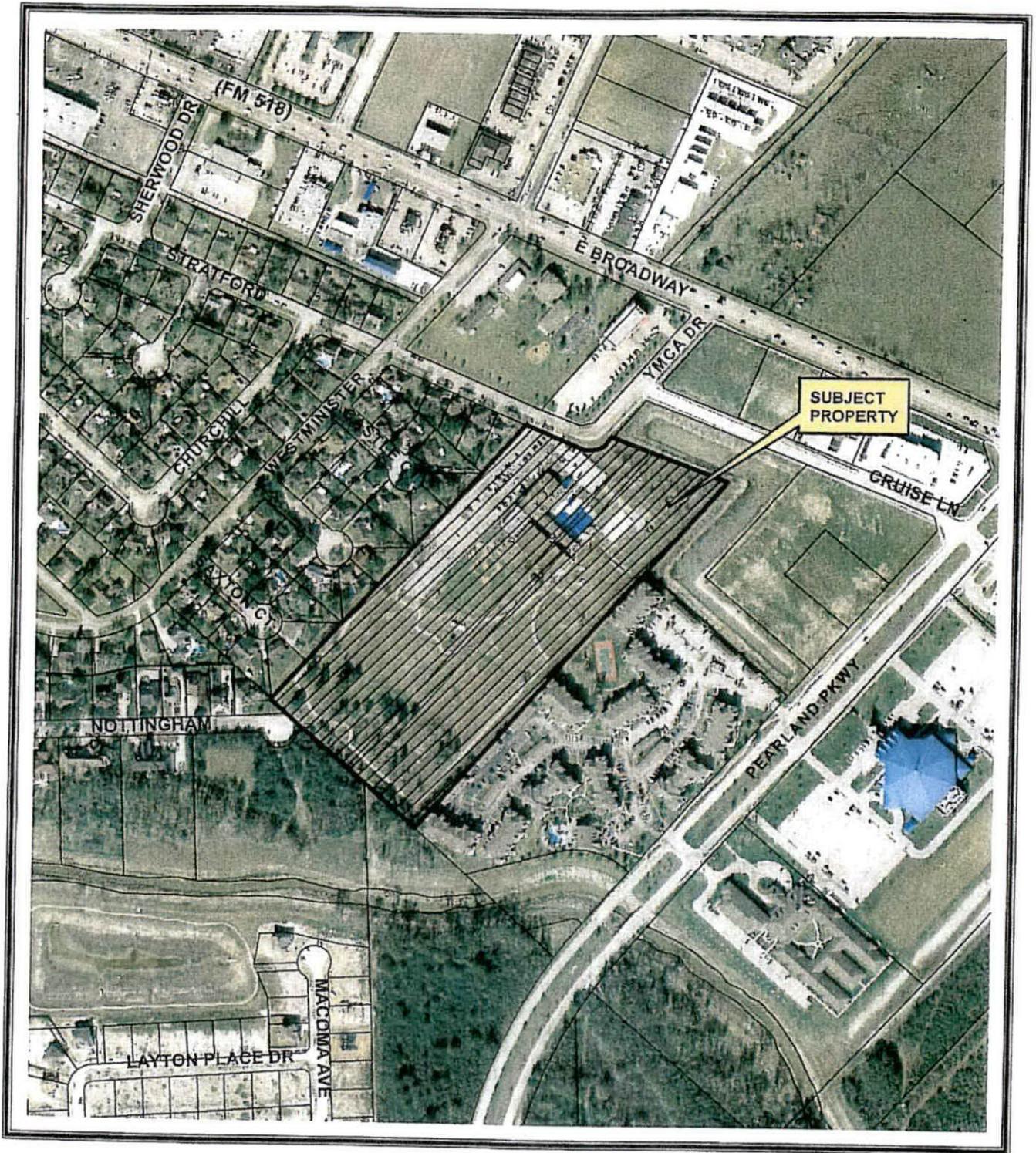


# FUTURE LAND USE PLAN

Conditional Use Permit  
No. CUP2008-18



Map Prepared on May 27, 2008



# AERIAL PHOTOGRAPH

Conditional Use Permit  
No. CUP2008-18

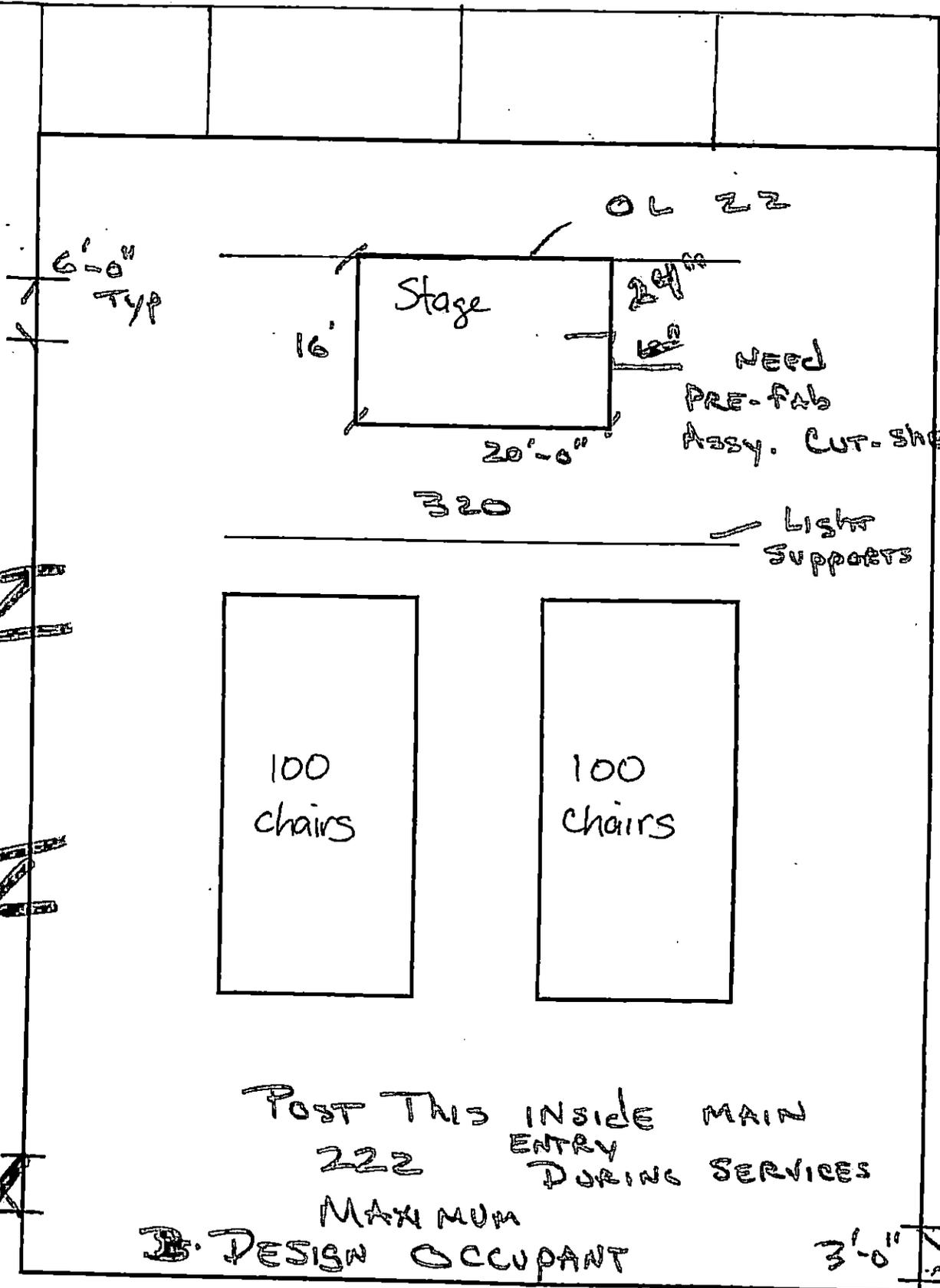


0 400 800 Feet

Map Prepared on May 27, 2008



exit  
to  
exterior



6'-0"  
TYP

OL 22

Stage

16'

20'-0"

24"

NEED  
PRE-FAB  
ASSY. CUT-SHEETS

320

Light  
Supports

↑  
100'  
↓

100  
chairs

100  
chairs

POST THIS INSIDE MAIN  
222 ENTRY  
DURING SERVICES

MAXIMUM  
DESIGN OCCUPANT

3'-0" EMERG.  
EXIT

7000 # TOTAL ← 70' →

902 #/102 exterior  
to exterior



✓

AGENDA – WORKSHOP OF THE PLANNING & ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON JUNE 16, 2008, AT 6:00 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

II. PURPOSE OF THE WORKSHOP:

A. COMMISSION INPUT AND DISCUSSION: REGARDING PROPOSED MULTI FAMILY (55+) PLANNED DEVELOPMENT (TOWNEPLACE RESERVE) LOCATED GENERALLY ON THE WEST SIDE OF CULLEN BOULEVARD AND SOUTH OF BROADWAY.

III. ADJOURNMENT

C

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

I, Judy Krajca, Planning Secretary of the City of Pearland, Texas, do hereby certify that the foregoing agenda was posted in a place convenient to the general public at City Hall on the 13<sup>th</sup> day of June 2008, A.D., at 5:30 p.m.

\_\_\_\_\_  
Judy Krajca, Planning Secretary

C

Agenda removed \_\_\_\_\_ day of June 2008.