

MINUTES OF THE JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON NOVEMBER 19, 2007, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

CALL TO ORDER

The public hearing was called to order at 7:04 p.m. Mayor Tom Reid opened the hearing for the City Council and for the Planning and Zoning Commission, with the following present:

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

Also in attendance: City Attorney Darrin Coker; Deputy City Attorney Nghiem Doan; Assistant City Engineer Lawrence Provins; City Manager Bill Eisen; City Engineer Narciso Lira; Public Works Director Danny Cameron; Planning Director Lata Krishnarao; Senior Planner Theresa Grahmann; Plan and Plat Administrator Richard Keller; Planner Tim Chi, and Planning Administrative Secretary Judy Krajca. P & Z Commissioner Jerry Koza, Jr. arrived at 7:19 p.m.

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

The public hearing for Conditional Use Permit No. CUP2007-19 opened at 7:04 p.m.

CONDITIONAL USE PERMIT NO. CUP2007-19

A request by Will Benson and TNRG Acquisitions, applicant for Eisie M. Pitsenbarger Living Trust, owner, for approval of a Conditional Use Permit for the following uses: construction contractor with storage yard; machinery sales, storage, and repair; moving and storage company; printing; office warehouse storage or sales; outside storage; storage of used lumber and building products; tool and machinery rental; welding shop; and warehouse and distribution facility; in the General Commercial District (GC).

Senior Planner Grahmann read the Staff report stating that Staff recommends

approval. No public comment forms were received for this permit.

Mr. Will Benson of 15120 N.W. Freeway, Houston, Texas spoke on behalf of the applicant.

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

There was some discussion among the Council/Commission/Staff, with Planning Director Krishnarao stating that the standards are higher under a General Commercial (GC) zone with City Benefits.

The Public Hearing for Conditional Use Permit No. CUP2007-19 adjourned at 7:19 p.m.

Commissioner Jerry Koza, Jr. arrived at 7:19 p.m.

The Public Hearing for Conditional Use Permit No. 2007-21 opened at 7:19 p.m.

CONDITIONAL USE PERMIT NO. 2007-21

A request by Barbara Lee, applicant for Lynn Nichols, owner, for approval of a Conditional Use Permit for a "gaming establishment" facility in the Old Townsite General Business District (OT-GB).

Senior Planner Grahmann read the Staff report stating that Staff recommended approval of the permit.

Ms. Barbara Lee of 3409 Huisache Blvd, Pearland, Texas spoke and explained her plans for the game room. In addition, Ms. Lee apologized to the City Council, Planning and Zoning Commission, and Staff for comments made at a previous meeting. She stated that her words might have offended some, and she extended her apology, while also thanking them for their time.

Ms. Beth Orovetz of 3801 E. Plum, Pearland, Texas spoke against the permit. Ms. Orovetz stated her business is across the street and she does not want the game room located near her business.

There was much discussion among the Council and Legal in regards to the doors being locked, the windows being tinted, hours of operation, gambling, and Ms. Lee's familiarity with State Laws and City Laws in regards to her business.

The public hearing for Conditional Use Permit No. 2007-21 adjourned at 7:34 p.m.

The public hearing for Amendments to the Master Thoroughfare Plan opened at 7:34 p.m.

AMENDMENTS TO THE MASTER THOROUGHFARE PLAN

A request of the City of Pearland, for an amendment to the Master Thoroughfare Plan, generally affecting the following roadways:

The northern end of Alexander Lane, the northern end of Manchester Lane, and the connection of a collector street to Barry Rose Road

Senior Planner Grahmann read the Staff report stating Staff did not received any public comment forms, and that Staff recommends approval.

Mr. David Miller of 3603 W. Pine Orchard, Pearland, Texas spoke on behalf of the applicant. *Church.*

~~There was no one present to speak for or against the zone change.~~

There was some discussion between the Council/Commission/Staff in regards to a traffic study, median cut at London Court and Barry Rose Road, and size of road.

The Public Hearing for Amendments to the Master Thoroughfare Plan adjourned at 7:50 p.m.

The Public Hearing for Zone Change No 2007-19Z opened at 7:51 p.m.

ZONE CHANGE NO. 2007-19Z

A request by New Life Lutheran Church, applicant for Robert Alexander and Tom Alexander, owners, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 2 District (R-2) and General Business Retail District (GB) to Planned Development District (PD).

Planning Director Krishnarao presented the Planned Development. Staff received three public comment forms, with only one being opposed. Staff recommends approval.

Dr. Milton Thomas of 3610 Parkside Dr., Pearland, Texas spoke on behalf of the applicant and addressed some concerns in the PD.

Mr. Steve Kinney of 2116 Tower Bridge Rd., Pearland, Texas spoke in opposition with numerous questions and concerns that he feels needs to be addressed further.

Mr. Dave Miller of 3603 W. Pine Orchard, Pearland, Texas spoke and thanked Staff for their assistance. Mr. Miller addressed several of the issues that Mr. Kinney brought up, as well as the sewer line and the ingress/egress issue.

Mr. Tom Ingrebrettsen of 2123 Tower Bridge, Pearland, Texas spoke in favor of the PD.

Mr. Tom Melenric of 3007 London Ct., Pearland, Texas spoke with concern to the traffic on London Court, and why homes could not be put in.

Mr. Johnie Holland of 2110 Eton, Pearland, Texas spoke and stated that the church did initially look for a developer to put homes in on the other side of the church, but could not find anyone wanting to build.

Council Member Kevin Cole inquired about the landscaping buffer, and asked Legal to explain the exchange of land with the church. City Attorney Darrin Coker explained the exchange is the Right-of-Way for valuation.

Council Member Steve Saboe inquired about the ingress and egress, the shared mutual access, and location of driveway and roads.

Commissioner Neil West commended City Engineer Narciso Lira and Public Works Director Danny Cameron for their work on the Master Thoroughfare Plan.

The Public Hearing for Zone Change No. 2007-19Z adjourned at 8:22 p.m.

The Public Hearing for Amendments to the Unified Development Code opened at 8:23 p.m.

AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE

A request by the City of Pearland, for an amendment to the Unified Development Code (UDC), Ordinance No. 2000T.

Planning Director Krishnarao read the staff report and applicant presentation. She stated that the only feedback she received from the Council/Commission was from Commissioner Charles Gooden, Jr. Mr. Gooden, Jr. inquired about the City being responsible for sidewalks.

There was no one in the audience to speak for or against the amendment.

Council Member Saboe stated that the sidewalks in the Capital Improvement Plan (CIP) would require significant change, and would be costly to the city. He otherwise agreed that this was a good idea. Council Member Cole agreed.

Commissioner Sherrouse inquired about the masonry fence.

Mayor Tom Reid thanked Staff for addressing issues in the UDC.

The Public Hearing for Amendments to the Unified Development Code adjourned at 8:36 p.m.

ADJOURNMENT

Mayor Reid adjourned the joint public hearing at 8:36 p.m.

These minutes are respectfully submitted by:

Judy Krajca
Planning Administrative Secretary

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

Mayor Tom Reid

Present

Mayor Reid
Steve Jaboe
Helen Beckman
Woody Owens

Jelicia Kufe
Kevin Cole

Henry Fuentes
Neil West
Susan Sherrous
Darrell Diggs
Charles Hoken Jr.
Ron Capehart
Jerry Koza Jr.
arrived@

SUMMARY OF AGENDA ITEMS
JOINT PUBLIC HEARING
NOVEMBER 19, 2007



1. Conditional Use Permit No. CUP2007-19, a request by Will Benson and TNRG Acquisitions, applicant for Eisie M. Pitsenbarger Living Trust, owner, for approval of a Conditional Use Permit for the following uses: construction contractor with storage yard; machinery sales, storage, and repair; moving and storage company; printing; office warehouse storage or sales; outside storage; storage of used lumber and building products; tool and machinery rental; welding shop; and warehouse and distribution facility; in the General Commercial District (GC), Generally Located on the East Side of SH 35 (Main Street), and on the South Side of Knapp Road 7:19 pm
2. Conditional Use Permit No. CUP2007-21, a request by Barbara Lee, applicant for Lynn Nichols, owner, for approval of a Conditional Use Permit for a "gaming establishment" facility in the Old Townsite General Business District (OT-GB), Generally Located on the East Side of SH 35 (Main Street), and on the South Side of Plum Street
3. Amendments to the Master Thoroughfare Plan, generally affecting the following roadways: The northern end of Alexander Lane, the northern end of Manchester Lane, and the connection of a collector street to Barry Rose Road
4. Zone Change No. 2007-19Z, a request by New Life Lutheran Church, applicant for Robert Alexander and Tom Alexander, owners, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential - 2 District (R-2) and General Business Retail District (GB) to Planned Development District (PD), Generally Located on the West Side of Pearland Parkway, and on the South Side of Barry Rose Road
5. Amendments to the Unified Development Code
Bill Eisen, Nghien, Lawrence
Darrien, Lata, Theresa, Lin, Richard, Narciso
Dannif Lamorn, Juey

Mayor opened @ 7:04 p.m.

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD NOVEMBER 19, 2007, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

*Chairperson
Henry read*

Conditional Use Permit No. CUP2007-19

A request by Will Benson and TNRG Acquisitions, applicant for Eisie M. Pitsenbarger Living Trust, owner, for approval of a Conditional Use Permit for the following uses: construction contractor with storage yard; machinery sales, storage, and repair; moving and storage company; printing; office warehouse storage or sales; outside storage; storage of used lumber and building products; tool and machinery rental; welding shop; and warehouse and distribution facility; in the General Commercial District (GC), on the following described property, to wit:

Legal Description: 10.6963 acres of land, out of Abstract 542, H.T. & B.R.R. Company Survey, Tract A, Ray Bellows and Sons Subdivision, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the East Side of SH 35 (Main Street), and on the South Side of Knapp Road

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT

B. APPLICANT PRESENTATION

*Business Parks in two phases
JAG read... Staff recommends approval.
Rec'd no public comments*

Will Benson of 15120 NW Ironway, Houston

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

No one present to speak

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

→

VI. ADJOURNMENT

7:19 p.m.

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

IV. no one present to speak

V. K. Cole - if some allowed under GC, how does UDC address screening on ^{HWY.} 35

TAG - ~~It's~~ under Corridor Overlay Dist. - ^{she} explained screening under this section

Neil - Is this a street down the center & is it a cul-de-sac.

Lata - explained

Darrell - does not conform w/ Lt. Ind. use, ~~in comp.~~

TAG - ~~to~~ uses proposed do conform.

Henry - will it be public st.

Will Benson - 150' frontage

Darrell - why Cup verses Zone change

Will - based on uses, felt Cup best

* Lata - Standards are higher under GC zone and City benefits.

Henry - question about w/ of rd.

JOINT PUBLIC HEARING AGENDA ITEM MEETING OF NOVEMBER 19, 2007

Conditional Use Permit No. CUP2007-19

A request by Will Benson and TNRG Acquisitions, applicant for Eisie M. Pitsenbarger Living Trust, owner, for approval of a Conditional Use Permit for the following uses: construction contractor with storage yard; machinery sales, storage, and repair; moving and storage company; printing; office warehouse storage or sales; outside storage; storage of used lumber and building products; tool and machinery rental; welding shop; and warehouse and distribution facility; in the General Commercial District (GC)

LEGAL DESCRIPTION: 10.6963 acres of land, out of Abstract 542, H.T. & B.R.R. Company Survey, Tract A, Ray Bellows and Sons Subdivision, City of Pearland, Brazoria County, Texas

GENERAL LOCATION: Generally Located on the East Side of SH 35 (Main Street), and on the South Side of Knapp Road

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

Planning and Zoning Commission: November 19, 2007*

City Council for First Reading: December 10, 2007*

(*dates subject to change if item is tabled)

SUMMARY: The applicant is requesting approval of a Conditional Use Permit (CUP) for several uses. The subject property is currently zoned as General Commercial District (GC). The subject property is currently undeveloped.

The applicant is requesting a conditional use permit for the following uses, all of which are allowed in the GC district by the approval of a conditional use permit:

- construction contractor with storage yard

- machinery sales, storage, and repair
- moving and storage company
- printing
- office warehouse storage or sales
- outside storage
- storage of used lumber and building products
- tool and machinery rental
- welding shop
- warehouse and distribution facility

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

The applicant was originally interested in doing a Planned Development District (PD) for this property. A joint workshop was held back in June, and the applicant did not submit an application for a PD and did not pursue the PD any further.

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 Commercial District (GC) | Various commercial and industrial activities |
| South | Light Industrial District (M-1) and General Commercial District (GC) | Commercial/industrial facility |
| East | General Commercial District (GC) | Undeveloped tract |
| West | Light Industrial District (M-1) | Cemetery |

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The subject property is currently zoned as the GC district. The minimum lot size for the GC district is 22,500 square feet, the minimum lot width is 150 feet, and the minimum lot depth is 125 feet. The subject property exceeds these minimum requirements, as the subject property is over 10 acres in size.

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

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

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Light Industrial" uses for the subject property, and for many of the surrounding properties on State Highway 35. The Comprehensive Plan further indicates that the appropriate zoning districts for "Light Industrial" is the Light Industrial District (M-1). The subject property is currently zoned as GC, which is in conflict with the designation shown on the Comprehensive Plan. The proposed uses are allowed in the GC district by the approval of a Conditional Use Permit.

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

No other roadways affect the subject property.

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

AVAILABILITY OF UTILITIES: There is an 8 inch water main located on the east side of Main Street. There are no sanitary sewer lines located within the vicinity of the subject property. The applicant will be responsible for extending all utilities as necessary to serve the proposed development.

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

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The applicant is requesting a conditional use permit for the following uses, all of which are allowed in the GC district by the approval of a conditional use permit:

- construction contractor with storage yard
- machinery sales, storage, and repair
- moving and storage company
- printing
- office warehouse storage or sales
- outside storage
- storage of used lumber and building products
- tool and machinery rental
- welding shop
- warehouse and distribution facility

The proposed conditional use permit for these uses should not have an impact on the surrounding properties.

SITE PLAN CONSIDERATIONS:

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

Building Setbacks:

Minimum front yard: 25 feet

Minimum side yard: 10 feet

Minimum rear yard: 25 feet

Maximum height: 45 feet

It is unclear from the scale of the site plan if all buildings meet these setbacks outlined in the GC district. It appears that the applicant is proposing to construct a street through the center of the property, with multiple lots on each side. All proposed lots would have to meet the minimum lot requirements, plus the setbacks listed above.

Corridor Overlay District:

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

Building Façade:

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

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

Parking:

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

Screening:

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

However, the Corridor Overlay District requires that any outside storage areas be screened from view. Any goods stored outside would need to be screened with complete opacity by either a screening fence or live vegetation.

A 30 foot wide landscape buffer would also be required along Main Street due to the Corridor Overlay District.

Traffic:

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

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

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

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

1. The proposed conditional use permit provides for many uses that may be appropriate in the subject area, and all of these uses are permitted by the approval of a Conditional Use Permit.
2. The proposed uses appear to be compatible with the existing zoning of GC and the light industrial character of the surrounding properties.
3. The proposed development is adjacent to other GC zoning districts, and there are no nearby residential tracts that this development would have a negative impact on.

SUPPORTING DOCUMENTS:

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



APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

Page 1 of Application

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

Conditional Use Permit Request for: Commerce Park
(list proposed use)

Current Zoning District: GC (May also include GC-5)

Property Information:

Address or General Location: Main Street (1200 Block)
Tax Account No.: BCAD # 0542-0015-130
Subdivision: A0542 HT & BRR, TRACT 738-7882
Lot: A Ray Bellows & Sons SD - Block: Acres = 10.6963

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

NAME EISIE M. PITSENBARGER LIVING TRUST
ADDRESS 1444 45th Street Southwest
CITY FARGO STATE ND ZIP 58103-8102
PHONE (701) 492-2632
FAX (701) 492-2652
E-MAIL ADDRESS ptsather@bremer.com

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

APPLICANT INFORMATION:

NAME Will Benson, TNRG Acquisitions
ADDRESS 15120 Northwest Freeway #190
CITY Houston STATE TX ZIP 77040
PHONE (713) 744-7426
FAX (713) 856-5100
E-MAIL ADDRESS will@tnrg.net

CUP 2007-19

To: Members of the Pearland City Council
Members of the Pearland Planning and Zoning Commission
City Staff

10/12/07

RE: Conditional Use Permit for 10.6964 Acre Tract on Main Street

The purpose of this application is to seek approval for a conditional user permit for a commercial business park. Several options have been explored with staff. This conditional use permit application is the result of those discussions.

Several key points that support this application include:

- The proposed use is complimentary to all adjacent uses.
- The design and concept utilizes good planning practices by sharing truck entrances, thus reducing the amount of paved concrete.
- The property immediately to the south received an Industrial zoning classification after the UDC adoption. The applicant and staff considered seeking an industrial zoning classification, and together, staff and the applicant have chosen to seek a more restrictive GC zoning classification, with the conditions, that have already been established through the UDC.

In addition to those uses permitted outright in the GC zoning classification, this application seeks specific uses outlined below:

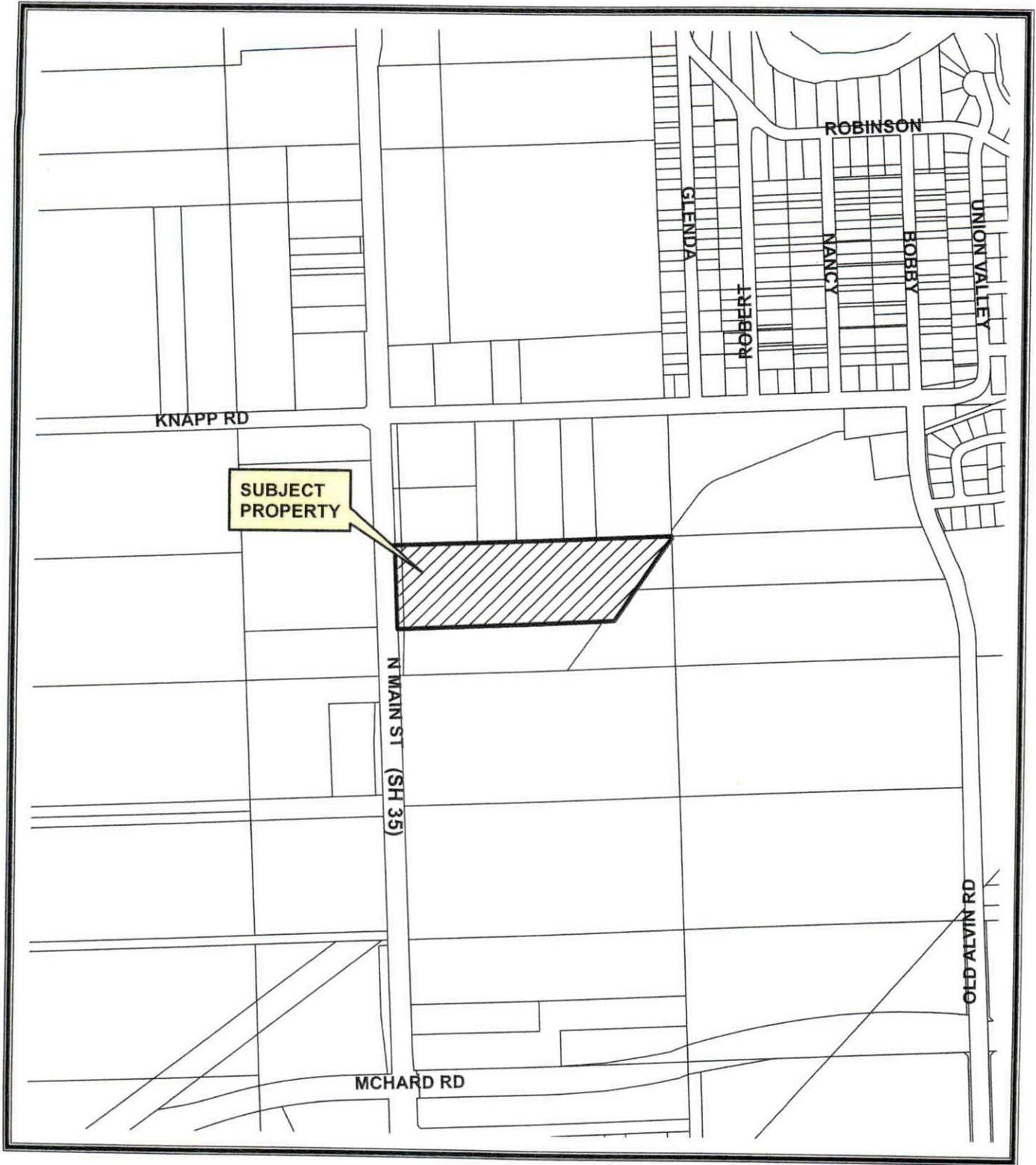
- Construction Contractor with Storage Yard
- Machinery Sales, Storage, & Repair
- Moving and Storage Company
- Printing
- Office Warehouse Storage or Sales
- Outside Storage
- Storage of Used Lumber and Building Products
- Tool and Machinery Rental
- Welding Shop (Where indoor welding is the primary use)
- Warehouse and Distribution Facility

We appreciate the support of the City Staff in working through this project, and appreciate the favorable consideration by the officials serving in both governing bodies.

Sincerely,

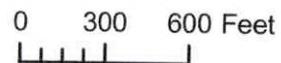


Will Benson
Developer
The National Realty Group
15120 Northwest Freeway
Houston, TX 77040
(713) 744-7426 Direct
(281) 932-7836 Cell
will@tnrg.net

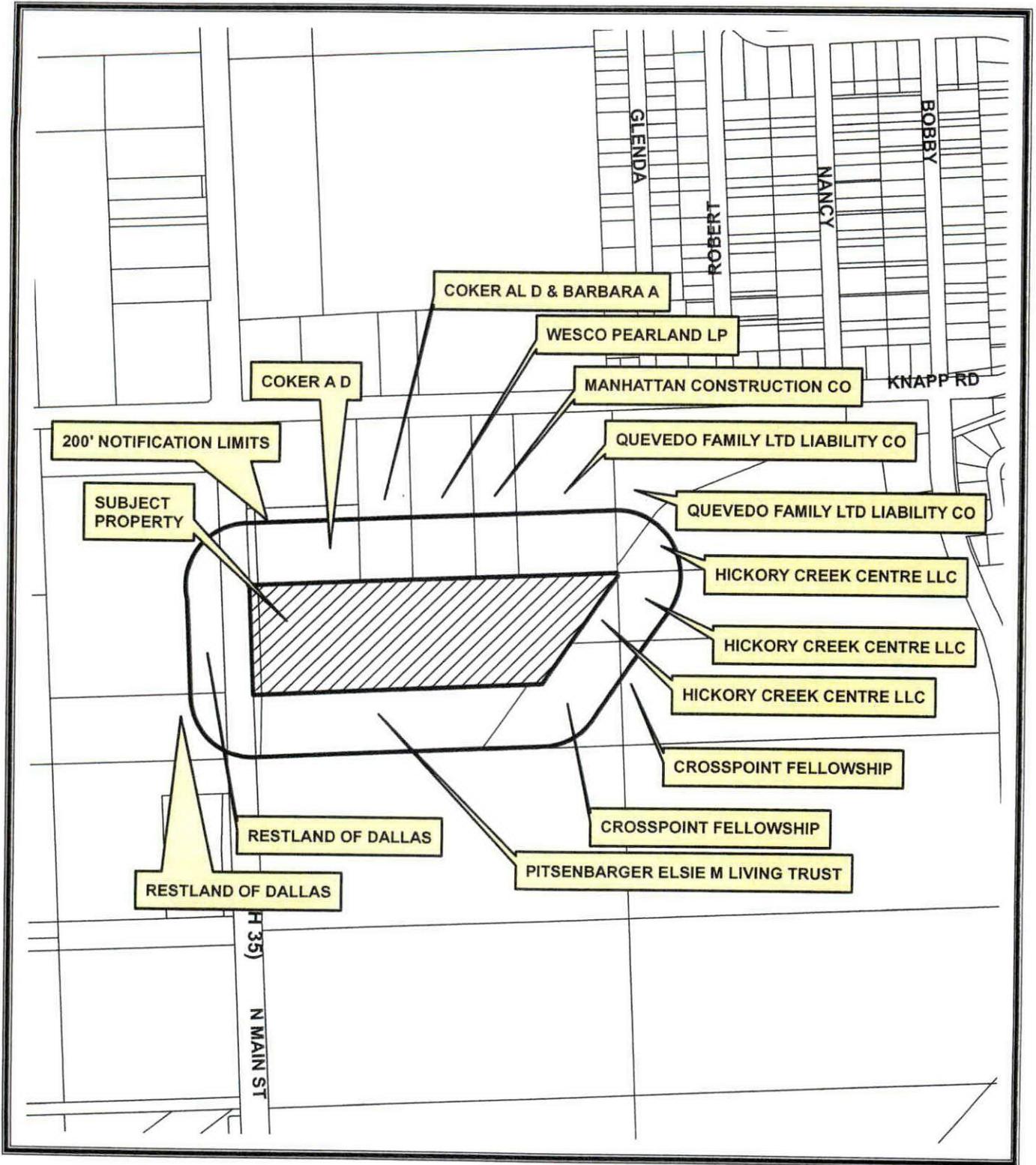


LOCATION MAP

Conditional Use Permit
No. CUP2007-19

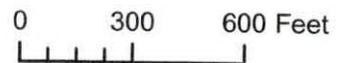


Map Prepared on November 5, 2007



OWNERSHIP MAP

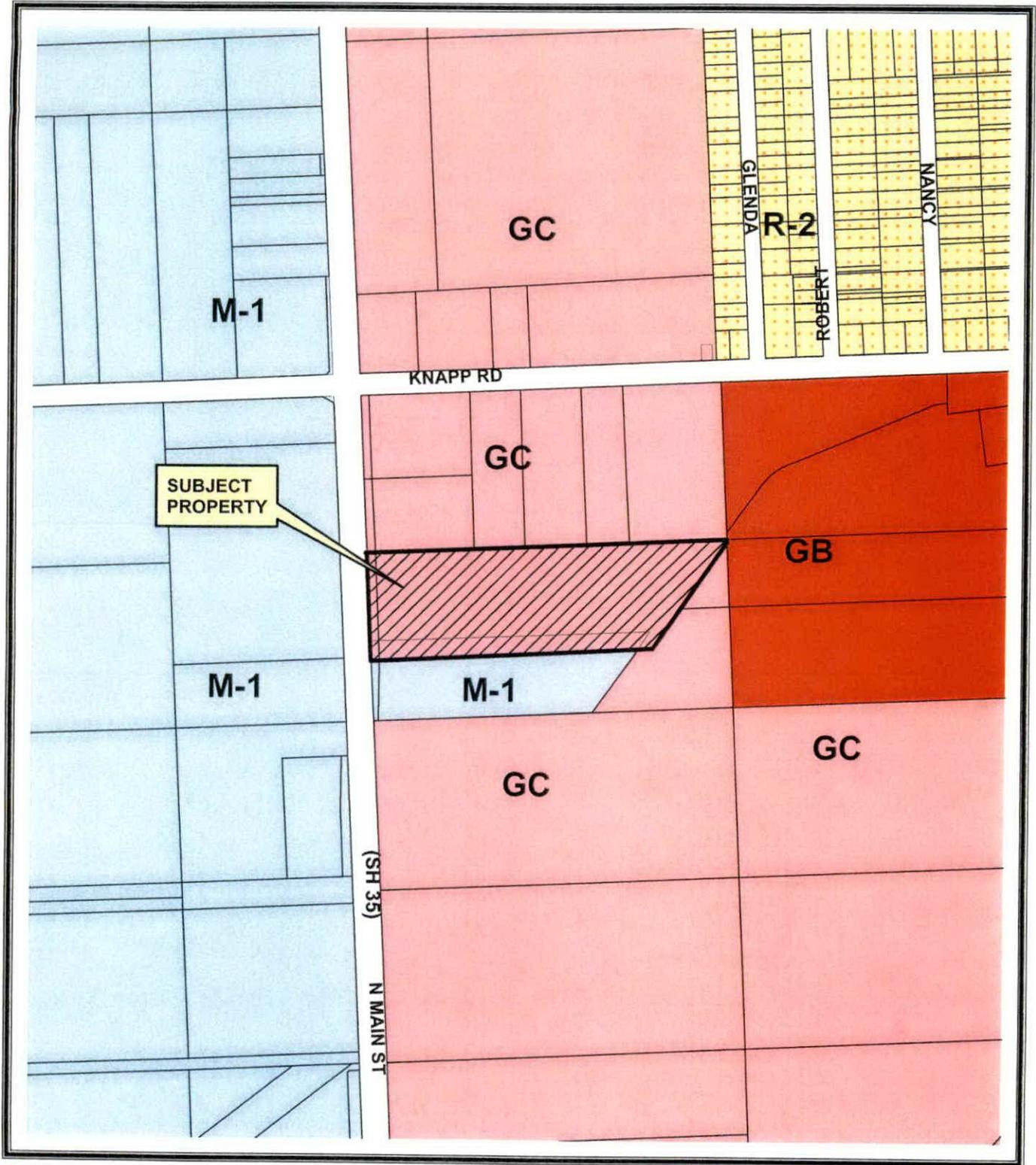
Conditional Use Permit
No. CUP2007-19



Map Prepared on November 5, 2007

CONDITIONAL USE PERMIT NO. CUP2007-19
Property Owner Notification List

| <u>TAX ACCT</u> | <u>OWNER</u> | <u>ADDRESS</u> | <u>CITY</u> | <u>ST</u> | <u>ZIP CODE</u> |
|-----------------|-------------------------------------|-----------------------------|-------------|-----------|-----------------|
| 0233-0011-130 | QUEVEDO FAMILY LTD LIABILITY CO | 705 REED ST | SANTA CLARA | CA | 95050-3942 |
| 0542-0018-110 | QUEVEDO FAMILY LTD LIABILITY CO | 705 REED ST | SANTA CLARA | CA | 95050-3942 |
| 0233-0011-000 | HICKORY CREEK CENTRE LLC | 2734 SUNRISE BLVD STE 402 | PEARLAND | TX | 77584 |
| 3082-0001-001 | CROSSPOINT FELLOWSHIP | 2404 GRAND BLVD | PEARLAND | TX | 77581-4299 |
| 0233-0011-000 | HICKORY CREEK CENTRE LLC | 2734 SUNRISE BLVD STE 402 | PEARLAND | TX | 77584 |
| APPLICANT | WILL BENSON TNRG ACQUISITIONS | 15120 NORTHWEST FWY STE 190 | HOUSTON | TX | 77040 |
| 0542-0015-100 | PITSENBARGER ELSIE M LIVING TRUST | 1444 45TH ST SOUTHWEST | FARGO | ND | 58103 |
| 0542-0015-120 | MANHATTAN CONSTRUCTION CO | 5601 S 122ND EAST AVE | TULSA | OK | 74146-6912 |
| 0542-0076-111 | RESTLAND OF DALLAS CHRIS THREADGILL | PO BOX 2367 | HENDERSON | TX | 75653-2367 |
| 0542-0015-131 | COKER A D | PO BOX 481 | PEARLAND | TX | 77588-0481 |
| 0542-0015-150 | WESCO PEARLAND LP | 20100 S WESTERN AVE | TORRANCE | CA | 90501 |
| 0542-0015-140 | COKER AL D & BARBARA A | PO BOX 481 | PEARLAND | TX | 77588-0481 |
| 0542-0015-100 | AS ACQUISITION CORP | 4400 POST OAK PRKWY | HOUSTON | TX | 77027 |
| 0542-0015-000 | HICKORY CREEK CENTRE LLC | 2734 SUNRISE BLVD STE 402 | PEARLAND | TX | 77584 |
| 3082-0000-000 | CROSSPOINT FELLOWSHIP | 2404 GRAND BLVD | PEARLAND | TX | 77581-4299 |



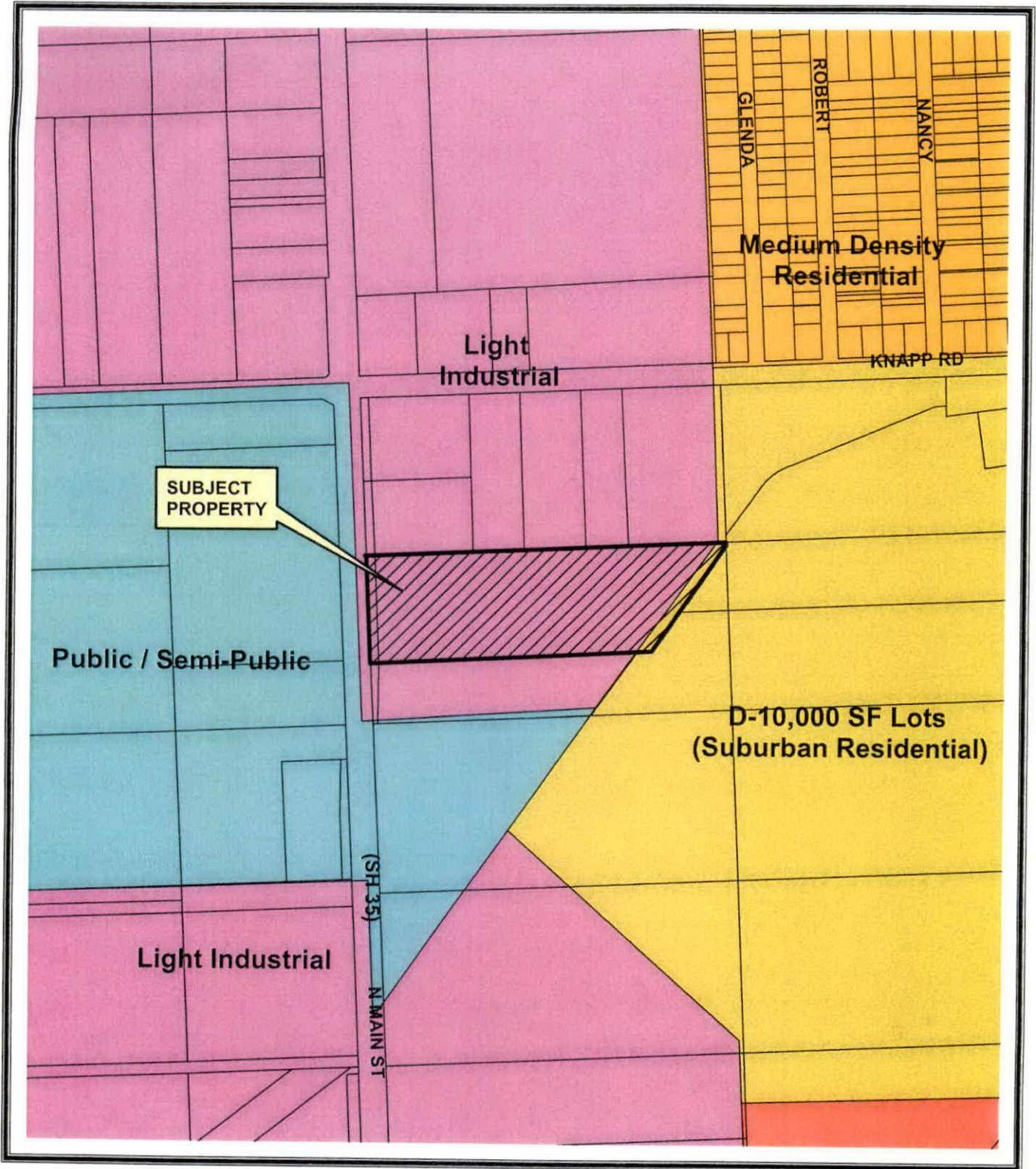
ZONING MAP

Conditional Use Permit
No. CUP2007-19



0 300 600 Feet

Map Prepared on November 5, 2007

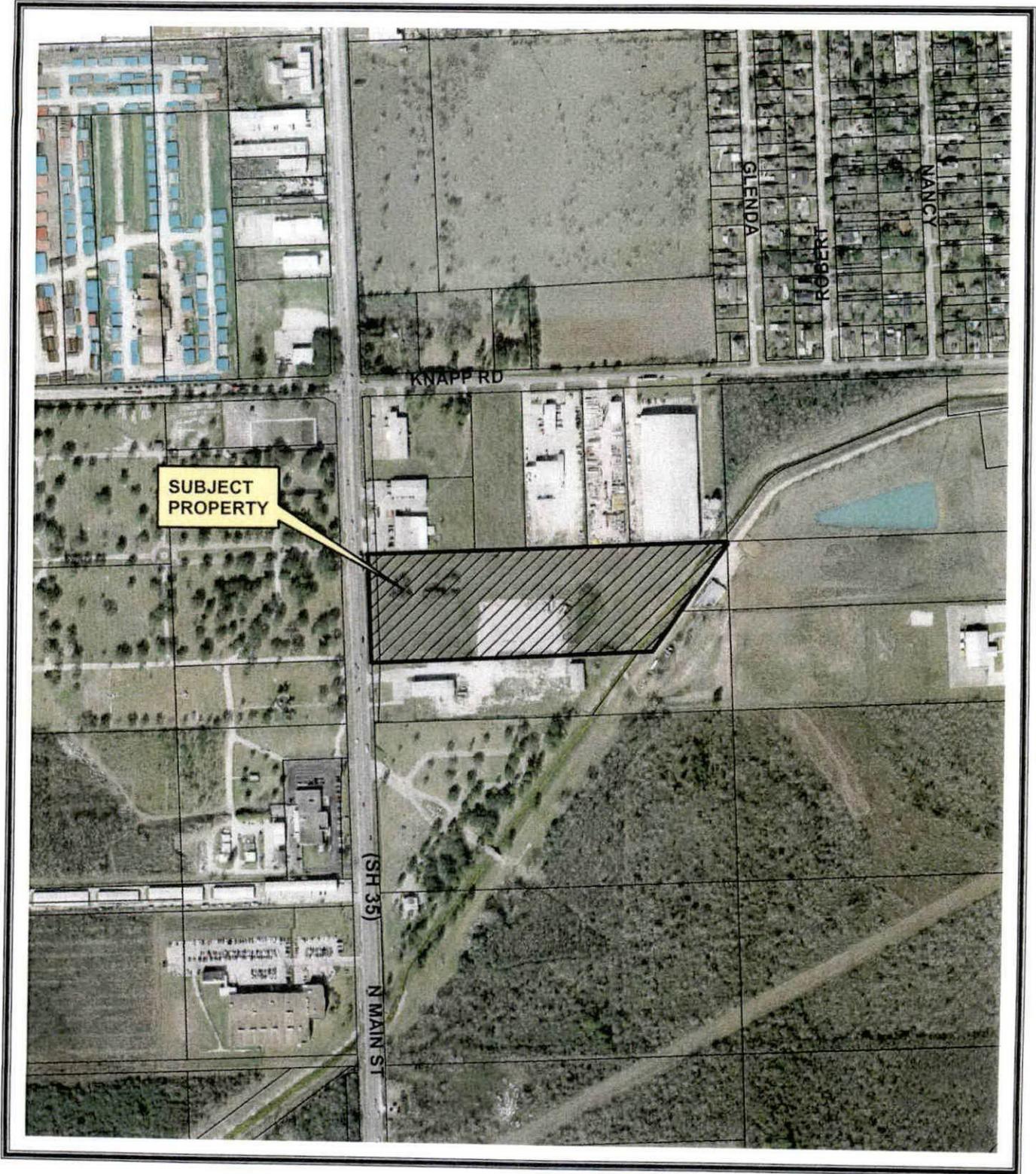


FUTURE LAND USE PLAN

Conditional Use Permit
No. CUP2007-19



Map Prepared on November 5, 2007



AERIAL PHOTOGRAPH

Conditional Use Permit
No. CUP2007-19

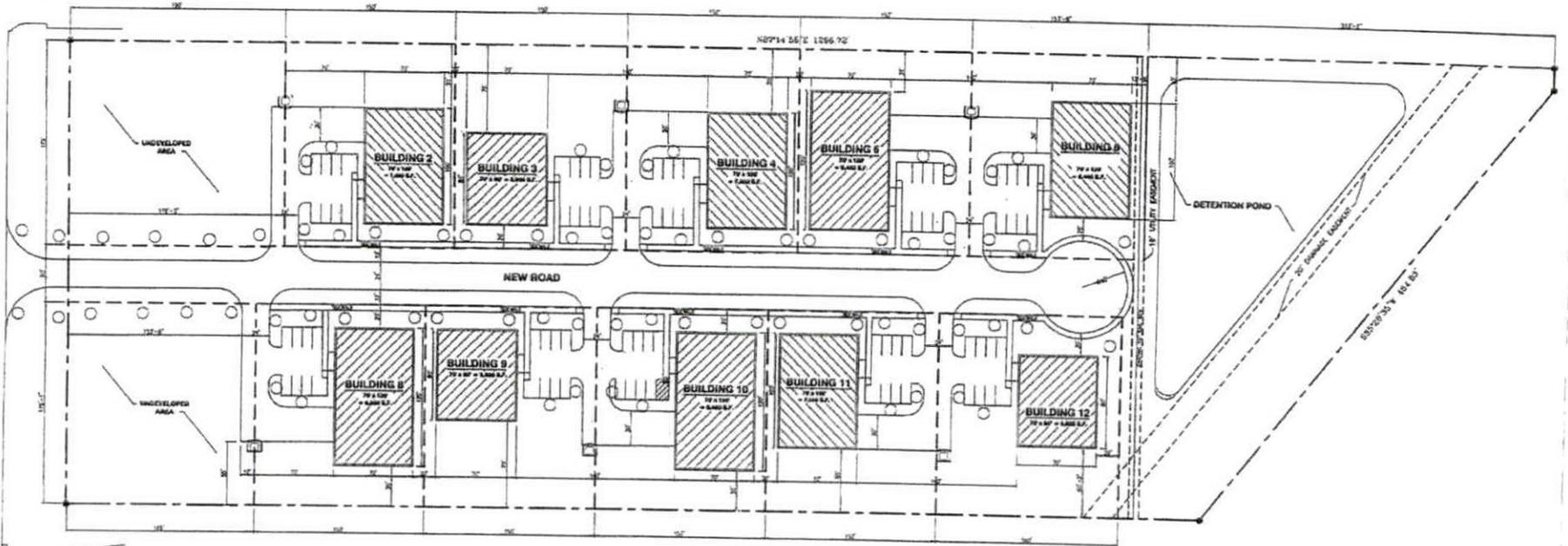


0 300 600 Feet

A horizontal scale bar with three segments. The first segment is labeled "0", the second "300", and the third "600 Feet".

Map Prepared on November 5, 2007

NORTH MAIN (HWY 35)



SITE PLAN # 2
HTS



TOTAL PAVING AREA
= 85,600 S.F.



AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD NOVEMBER 19, 2007, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER 7:19 p.m.

II. PURPOSE OF HEARING Henry read...

Conditional Use Permit No. CUP2007-21

A request by Barbara Lee, applicant for Lynn Nichols, owner, for approval of a Conditional Use Permit for a "gaming establishment" facility in the Old Townsite General Business District (OT-GB), on the following described property, to wit:

Legal Description: Lots 3, 4, 5, and 6, Block 5, Pearland, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the East Side of SH 35 (Main Street), and on the South Side of Plum Street

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT TAG read... Staff recommends approval.
Staff rec'd. 1 public comment form opposed

B. APPLICANT PRESENTATION

Barbara Lee 3409 Huisache Blvd, Pearland →

IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST Beth Oravetz 420 3801 E Plum, Pearland

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION spoke against. ~~this~~ business is across the street & does not want this there.

VI. ADJOURNMENT 7:34

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

III. B. Barbara Lee
Apologized for comment at previous mtg.
that might have offended the City Council/Staff
explained her gameroom.
thanked all for time.

II p. Saboe - will building be locked
B Lee - no
p. Saboe - window tinted
B Lee - was going to be dk blue - but will
have it removed tomorrow a.m.
p. Saboe - what does it evoke for you
B Lee - Gambling
City closed one down st. & city ~~closed~~
closed it. opposed & concerned
w/ environment it attracts during
the late hours.
H. Beckman - wants to make sure Ms. Lee is
familiar w/ state laws & city's laws
B. Lee - is familiar.
W. Owens - is this being looked at because of
it eight lines
Darwin - are looking at it because of 4 or more
is required for a cert
- In Dec. ordinance will be
reviewed for Gaming Establishments
Darrell - is this a 24/7 establishment
B Lee - no 10 am - 3 am →

JOINT PUBLIC HEARING AGENDA ITEM MEETING OF NOVEMBER 19, 2007

Conditional Use Permit No. CUP2007-21

A request by Barbara Lee, applicant for Lynn Nichols, owner, for approval of a Conditional Use Permit for a "gaming establishment" facility in the Old Townsite General Business District (OT-GB)

LEGAL DESCRIPTION: Lots 3, 4, 5, and 6, Block 5, Pearland, City of Pearland, Brazoria County, Texas

GENERAL LOCATION: Generally Located on the East Side of SH 35 (Main Street), and on the South Side of Plum Street

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

Planning and Zoning Commission: November 19, 2007*

City Council for First Reading: November 19, 2007*

(*dates subject to change if item is tabled)

SUMMARY: The applicant is requesting approval of a Conditional Use Permit (CUP) for a gaming establishment in the Old Townsite General Business District. The Unified Development Code (UDC) defines a gaming establishment as "a video arcade, game room, or other establishment that has more than four coin-operated amusement machines or eight-liners for use by its patrons. The proposed game room would be located within a tenant lease space in an existing building.

D. Wigg - # of legal occupancy

B. Lee - approx 6-12 people attend per day
Is a fire code issue.

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 | Old Townsite General Business District (OT-GB) | Commercial businesses |
| South | Old Townsite General Business District (OT-GB) | Commercial businesses |
| East | Old Townsite Mixed Use District (OT-MU) | Undeveloped lots; single family residential lots |
| West | Old Townsite General Business District (OT-GB) | Commercial businesses |

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The subject property is currently zoned as the OT-GB district. The minimum lot size for the OT-GB district is 3,000 square feet, and the minimum lot width is 50 feet. The subject property exceeds these minimum requirements.

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

PLATTING STATUS: The subject property consists of an existing building on multiple lots. Since a building permit is not being applied for, no further platting is required at this time.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Village District" uses for the subject property, and for many of the surrounding properties on State Highway 35. The Comprehensive Plan further indicates that the appropriate zoning districts for "Village District" is a district specific to the Old Townsite area, which is the current Old Townsite General Business District (OT-GB). The proposed use is allowed in the OT-GB district by the approval of a Conditional Use Permit.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage

on State Highway 35 (Main Street), a major thoroughfare with an ultimate right-of-way of 120 feet. Since the applicant is not platting the subject property, there will not be a required right-of-way dedication.

AVAILABILITY OF UTILITIES: There are existing utilities within the adjacent rights-of-way to serve the proposed development. 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 applicant is requesting a conditional use permit for a game room on the subject property. The game room is proposed to have various arcades, games, and eight-liner machines.

The proposed conditional use permit for these uses should not have an impact on the surrounding properties.

SITE PLAN CONSIDERATIONS:

The applicant has not submitted a site plan for review, because the proposed game room will be located in a tenant space in an existing building. No addition to the building square footage is being proposed. Building setbacks, corridor overlay district, building façade, parking, screening and other site development issues are not affected with the leasing of this space for the game room.

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

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

rec'd 1 - opposed

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

1. The proposed conditional use permit provides for a gaming establishment, which is permitted by the approval of a Conditional Use Permit in this zoning district.
2. The proposed use appears to be compatible with the existing zoning and the commercial character of the surrounding properties.
3. The proposed development is adjacent to other OT-GB zoning districts, and there are no nearby residential tracts that this development would have a negative impact on.

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 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: Game Room
(list proposed use)

Current Zoning District: _____

Property Information:

Address or General Location: 2205 N. Main, Suite C

Tax Account No.: ~~455-96-6197~~

Subdivision: _____

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 Ms Lynn Nichols

ADDRESS 10624 PERRIN ST.

CITY SAN DIEGO STATE CA ZIP 92126

PHONE (619) 420 7335

FAX () _____

E-MAIL ADDRESS _____

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

APPLICANT INFORMATION:

NAME BARBARA LEE

ADDRESS 3409 HUISACHE BLVD

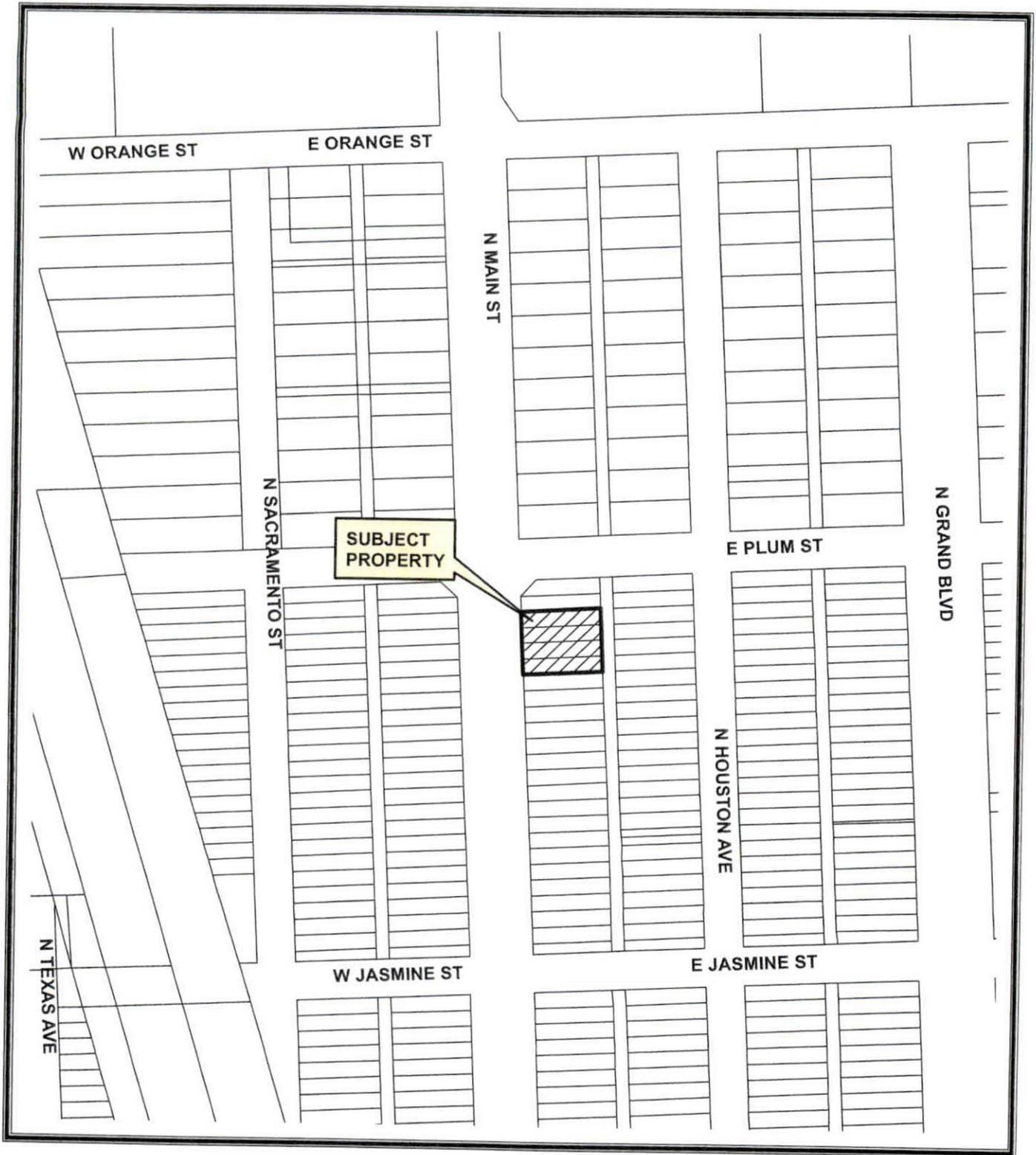
CITY PEARLAND STATE TX ZIP 77581

PHONE (713) 480-4923

FAX () _____

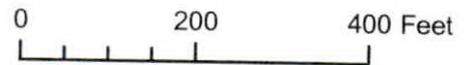
E-MAIL ADDRESS barbie1953@comcast.net

CUP 2007-21

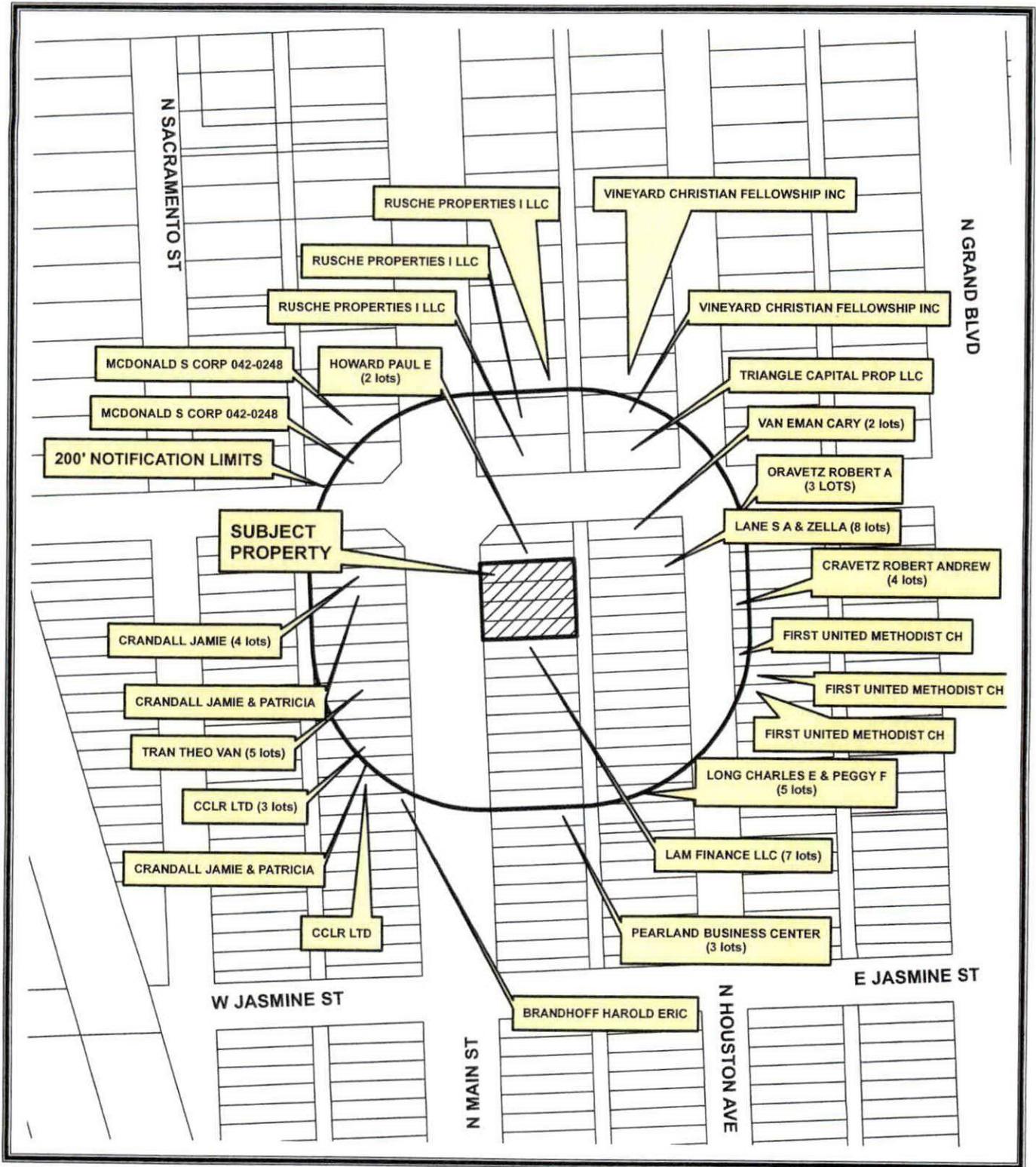


LOCATION MAP

Conditional Use Permit
No. CUP2007-21



Map Prepared on November 5, 2007



OWNERSHIP MAP

Conditional Use Permit
No. CUP2007-21



0 200 400 Feet

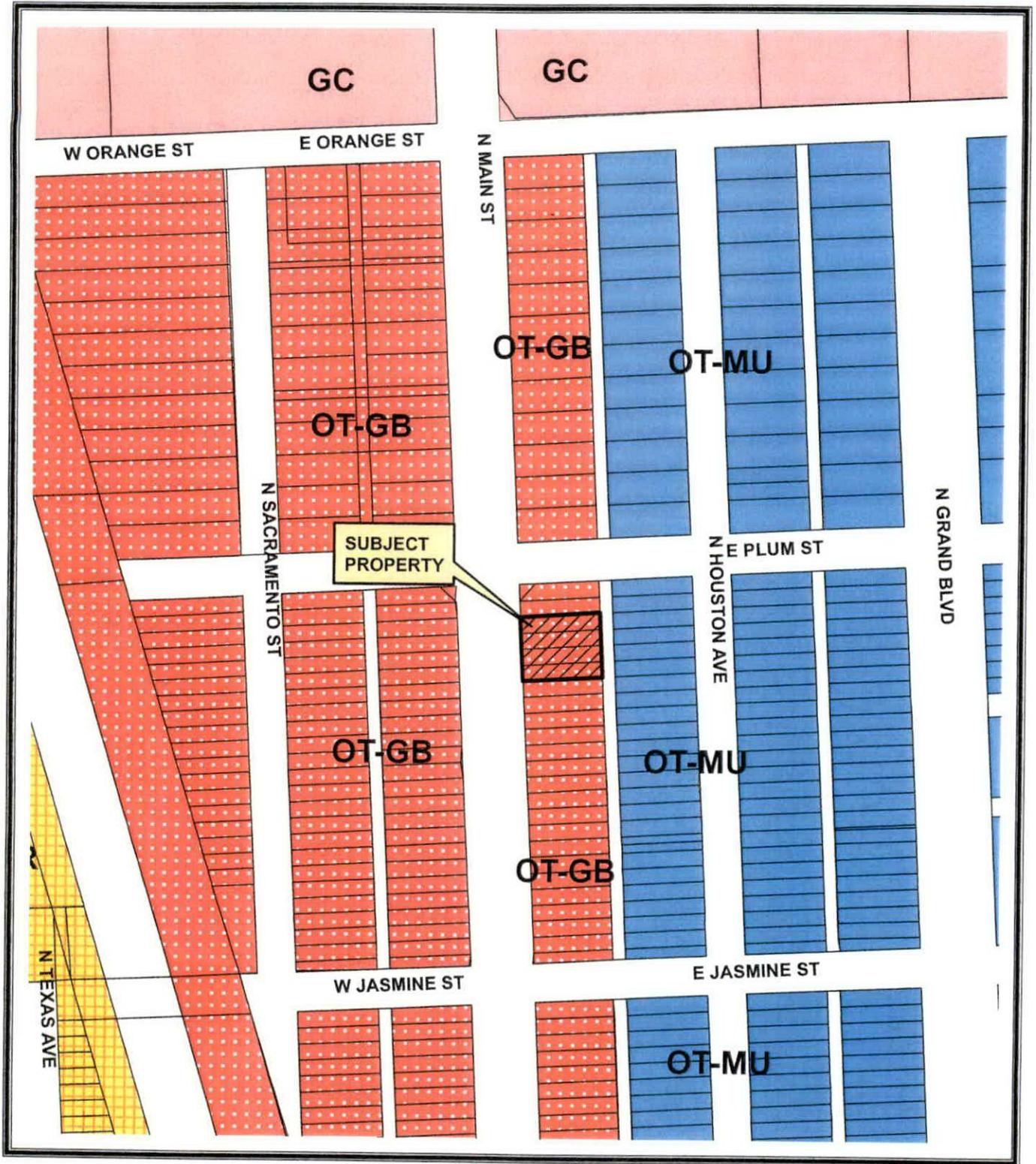
Map Prepared on November 5, 2007

CONDITIONAL USE PERMIT NO. CUP2007 -21
Property Owner Notification List

| <u>TAX ACCT</u> | <u>OWNER</u> | <u>ADDRESS</u> | <u>CITY</u> | <u>STATE</u> | <u>ZIP CODE</u> |
|-----------------|-----------------------------------|-------------------------|-------------|--------------|-----------------|
| 7025-0577-000 | RUSCHE PROPERTIES I LLC | 555 E AIRTEX DR | HOUSTON | TX | 77073-6099 |
| 7025-0577-111 | VINEYARD CHRISTIAN FELLOWSHIP INC | PO BOX 1577 | PEARLAND | TX | 77588-1577 |
| 7025-0062-000 | ORAVETZ ROBERT A | 2201 HOUSTON AVE | PEARLAND | TX | 77581-4211 |
| 7025-0061-000 | VAN EMAN CARY | 17920 MACEY RD | HEARNE | TX | 77859-9370 |
| 7025-0047-000 | HOWARD PAUL E | PO BOX 216 | ROSHARON | TX | 77583-0216 |
| 7025-0062-000 | ORAVETZ ROBERT A | 2201 HOUSTON AVE | PEARLAND | TX | 77581-4211 |
| 7025-0061-000 | VAN EMAN CARY | 17920 MACEY RD | HEARNE | TX | 77859-9370 |
| 7025-0047-000 | HOWARD PAUL E | PO BOX 216 | ROSHARON | TX | 77583-0216 |
| 7025-0062-000 | ORAVETZ ROBERT A | 2201 HOUSTON AVE | PEARLAND | TX | 77581-4211 |
| 7025-0046-000 | CRANDALL JAMIE & PATRICIA | 27546 WALLER GLADISH RD | WALLER | TX | 77484 |
| 7025-0058-000 | LANE S A & ZELLA | PO BOX 513 | PEARLAND | TX | 77588-0513 |
| 7025-0048-000 | NICKELS DILINH & THINH D HOANG | 10624 PENARA ST | SAN DIEGO | CA | 92126-5944 |
| 7025-0064-000 | CRAVETZ ROBERT ANDREW & BETH ANN | 2201 HOUSTON AVE | PEARLAND | TX | 77581 |
| 7025-0046-000 | CRANDALL JAMIE & PATRICIA | 27546 WALLER GLADISH RD | WALLER | TX | 77484 |
| 7025-0058-000 | LANE S A & ZELLA | PO BOX 513 | PEARLAND | TX | 77588-0513 |
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| 7025-0046-000 | CRANDALL JAMIE & PATRICIA | 27546 WALLER GLADISH RD | WALLER | TX | 77484 |
| 7025-0058-000 | LANE S A & ZELLA | PO BOX 513 | PEARLAND | TX | 77588-0513 |
| APPLICANT | BARBARA LEE | 3409 HUISACHE BLVD | PEARLAND | TX | 77581 |
| 7025-0048-000 | NICKELS DILINH & THINH D HOANG | 10624 PENARA ST | SAN DIEGO | CA | 92126-5944 |
| 7025-0064-000 | CRAVETZ ROBERT ANDREW & BETH ANN | 2201 HOUSTON AVE | PEARLAND | TX | 77581 |
| 7025-0045-000 | TRAN THEO VAN & CHRISTY MAI | 491 BRISTOL WAY | CORONA | CA | 92879 |
| 7025-0058-000 | LANE S A & ZELLA | PO BOX 513 | PEARLAND | TX | 77588-0513 |
| 7025-0048-000 | NICKELS DILINH & THINH D HOANG | 10624 PENARA ST | SAN DIEGO | CA | 92126-5944 |
| 7025-0064-000 | CRAVETZ ROBERT ANDREW & BETH ANN | 2201 HOUSTON AVE | PEARLAND | TX | 77581 |
| 7025-0045-000 | TRAN THEO VAN & CHRISTY MAI | 491 BRISTOL WAY | CORONA | CA | 92879 |
| 7025-0058-000 | LANE S A & ZELLA | PO BOX 513 | PEARLAND | TX | 77588-0513 |
| 7025-0049-000 | LAM FINANCE LLC | 9426 BAYOU BLUFF DR | SPRING | TX | 77379 |
| 7025-0066-000 | FIRST UNITED METHODIST CH | 2314 GRAND BLVD | PEARLAND | TX | 77581-4210 |
| 7025-0045-000 | TRAN THEO VAN & CHRISTY MAI | 491 BRISTOL WAY | CORONA | CA | 92879 |
| 7025-0058-000 | LANE S A & ZELLA | PO BOX 513 | PEARLAND | TX | 77588-0513 |
| 7025-0049-000 | LAM FINANCE LLC | 9426 BAYOU BLUFF DR | SPRING | TX | 77379 |
| 7025-0066-000 | FIRST UNITED METHODIST CH | 2314 GRAND BLVD | PEARLAND | TX | 77581-4210 |
| 7025-0045-000 | TRAN THEO VAN & CHRISTY MAI | 491 BRISTOL WAY | CORONA | CA | 92879 |
| 7025-0058-000 | LANE S A & ZELLA | PO BOX 513 | PEARLAND | TX | 77588-0513 |
| 7025-0049-000 | LAM FINANCE LLC | 9426 BAYOU BLUFF DR | SPRING | TX | 77379 |
| 7025-0066-000 | FIRST UNITED METHODIST CH | 2314 GRAND BLVD | PEARLAND | TX | 77581-4210 |
| 7025-0045-000 | TRAN THEO VAN & CHRISTY MAI | 491 BRISTOL WAY | CORONA | CA | 92879 |
| 7025-0058-000 | LANE S A & ZELLA | PO BOX 513 | PEARLAND | TX | 77588-0513 |
| 7025-0051-000 | LAM FINANCE LLC | 9426 BAYOU BLUFF DR | SPRING | TX | 77379 |
| 7025-0045-105 | CCLR LTD. | 5601 BROADWAY ST | GALVESTON | TX | 77551-4440 |
| 7025-0056-110 | LONG CHARLES E & PEGGY F | 2230 HOUSTON AVE | PEARLAND | TX | 77581-4212 |
| 7025-0051-000 | LAM FINANCE LLC | 9426 BAYOU BLUFF DR | SPRING | TX | 77379 |
| 7025-0045-105 | CCLR LTD | 5601 BROADWAY ST | GALVESTON | TX | 77551-4440 |
| 7025-0056-110 | LONG CHARLES E & PEGGY F | 2230 HOUSTON AVE | PEARLAND | TX | 77581-4212 |
| 7025-0051-000 | LAM FINANCE LLC | 9426 BAYOU BLUFF DR | SPRING | TX | 77379 |

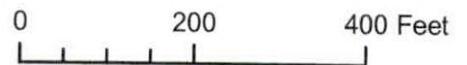
CONDITIONAL USE PERMIT NO. CUP2007 -21
Property Owner Notification List

| | | | | |
|---------------|-----------------------------------|---------------------------------|--------------|------------|
| 7025-0045-105 | CCLR LTD | 5601 BROADWAY ST | GALVESTON TX | 77551-4440 |
| 7025-0056-110 | LONG CHARLES E & PEGGY F | 2230 HOUSTON AVE | PEARLAND TX | 77581-4212 |
| 7025-0051-000 | LAM FINANCE LLC | 9426 BAYOU BLUFF DR | SPRING TX | 77379 |
| 7025-0046-000 | CRANDALL JAMIE & PATRICIA | 27546 WALLER GLADISH RD | WALLER TX | 77484 |
| 7025-0056-110 | LONG CHARLES E & PEGGY F | 2230 HOUSTON AVE | PEARLAND TX | 77581-4212 |
| 7025-0052-000 | PEARLAND BUSINESS CENTER | 9310 STROUD DR | HOUSTON TX | 77036-5228 |
| 7025-0045-105 | CCLR LTD | 5601 BROADWAY ST | GALVESTON TX | 77551-4440 |
| 7025-0056-110 | LONG CHARLES E & PEGGY F | 2230 HOUSTON AVE | PEARLAND TX | 77581-4212 |
| 7025-0052-000 | PEARLAND BUSINESS CENTER | 9310 STROUD DR | HOUSTON TX | 77036-5228 |
| 7025-0042-000 | BRANDHOFF HAROLD ERIC | 2101 N MAIN ST | PEARLAND TX | 77581-3309 |
| 7025-0577-000 | RUSCHE PROPERTIES I LLC | 555 E AIRTEX DR | HOUSTON TX | 77073-6099 |
| 7025-0571-100 | MCDONALD S CORP 042-0248 | 5855 SOVEREIGN DR STE 100 | HOUSTON TX | 77036-2318 |
| 8110-2984-000 | TRIANGLE CAPITAL PROP LLC | 255 E PACES FERRY RD NE STE 300 | ATLANTA GA | 30305-2244 |
| 7025-0577-000 | RUSCHE PROPERTIES I LLC | 555 E AIRTEX DR | HOUSTON TX | 77073-6099 |
| 7025-0052-000 | PEARLAND BUSINESS CENTER | 9310 STROUD DR | HOUSTON TX | 77036-5228 |
| 7025-0577-111 | VINEYARD CHRISTIAN FELLOWSHIP INC | PO BOX 1577 | PEARLAND TX | 77588-1577 |
| 7025-0571-100 | MCDONALD S CORP 042-0248 | 5855 SOVEREIGN DR STE 100 | HOUSTON TX | 77036-2318 |

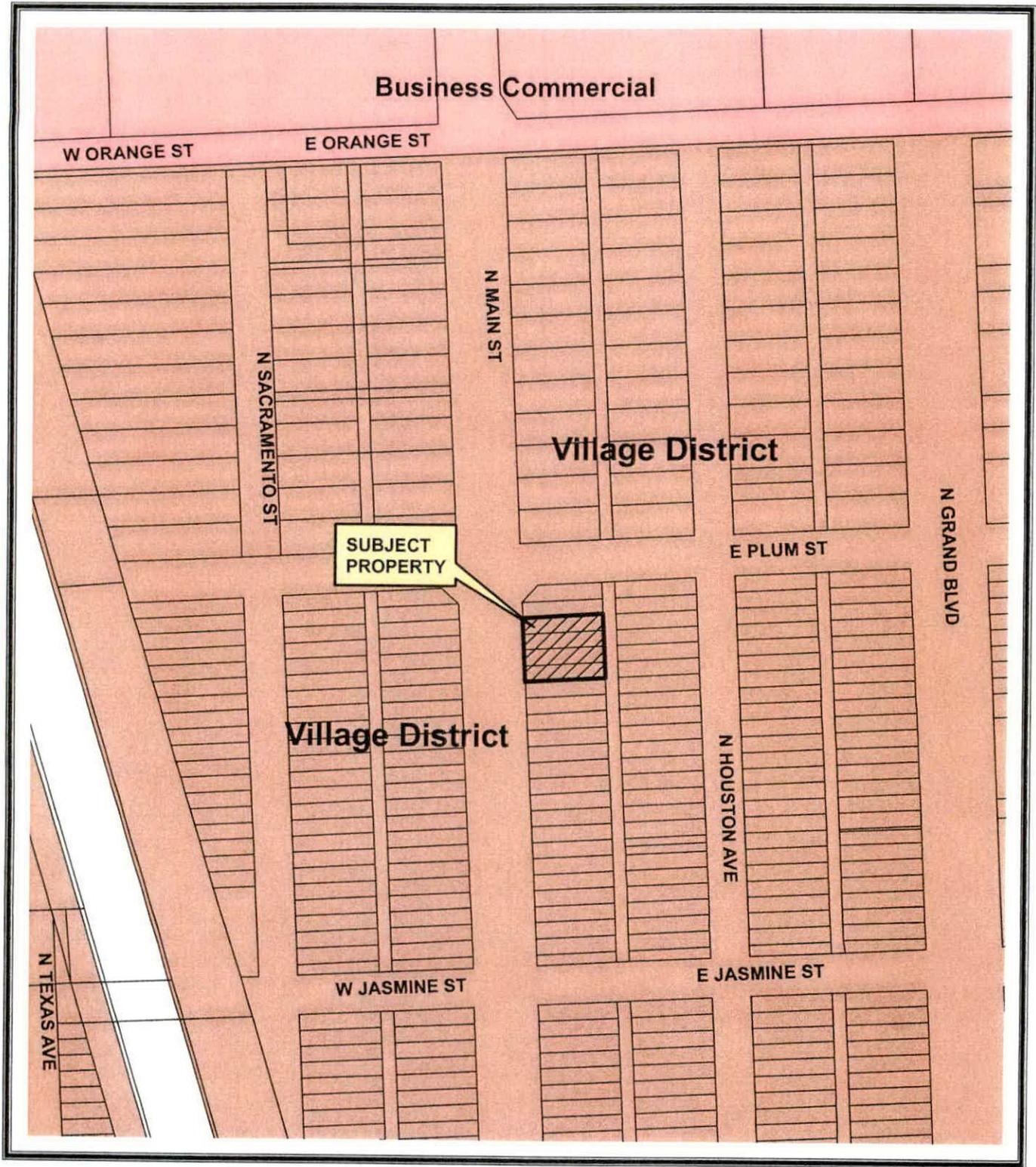


ZONING MAP

Conditional Use Permit
No. CUP2007-21



Map Prepared on November 5, 2007

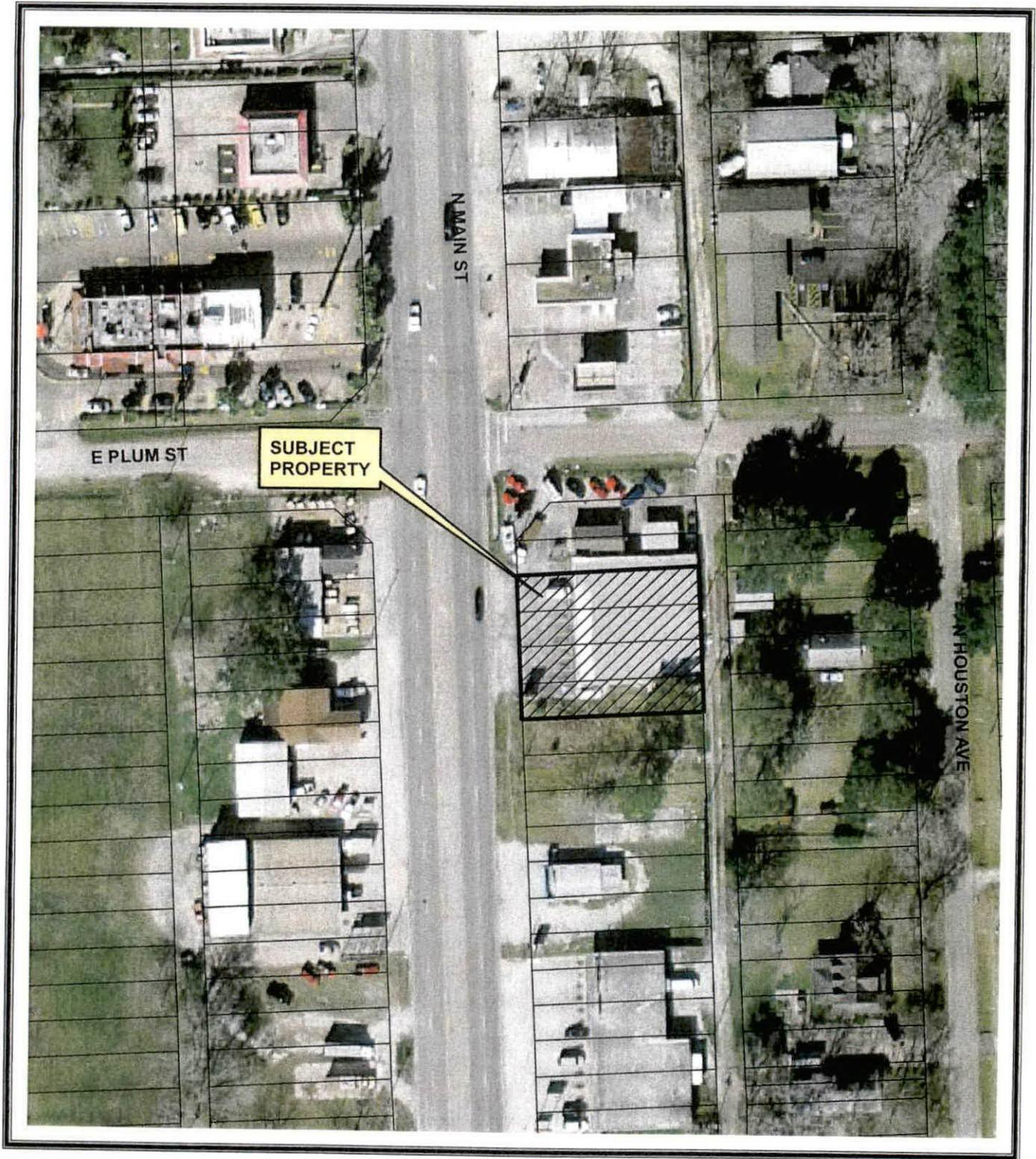


FUTURE LAND USE PLAN

Conditional Use Permit
No. CUP2007-21



Map Prepared on November 5, 2007



AERIAL PHOTOGRAPH

Conditional Use Permit
No. CUP2007-21



0 100 200 Feet

Map Prepared on November 5, 2007

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD NOVEMBER 19, 2007, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

- I. CALL TO ORDER** 7:34
- II. PURPOSE OF HEARING** Henry read

Amendments to the Master Thoroughfare Plan

A request of the City of Pearland, for an amendment to the Master Thoroughfare Plan, generally affecting the following roadways:

The northern end of Alexander Lane, the northern end of Manchester Lane, and the connection of a collector street to Barry Rose Road

III. APPLICATION INFORMATION AND CASE SUMMARY

- A. STAFF REPORT** TAG read. . . no public comment forms
- B. APPLICANT PRESENTATION** spoke staff recommendations approval

- IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST** David Miller - 3403 W. Pine Orchard, Pearland spoke in favor

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION →

- VI. ADJOURNMENT** 7:50 p.m.

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

K Cole - has any analysis been done.

Narciso - based on previous info. they feel this is the best.

K Cole - would a 4 way be put in

Narciso - at this time, do a traffic study.

Tape 1
Side B

S. Saboe - If change in thoroughfare - would you use this opportunity

Danny - ~~to~~ ^{take out} ~~median~~ median cut @ London Ct & Barry Rose.

Having trouble blocking London Ct. all together due to ambulance & fire trucks getting into the subd.

S. Saboe - had numerous traffic questions

K Cole - What sz. roadway

Danny Cameron - 30 foot concrete, 60 ft ~~road~~ ^{easement}

JOINT PUBLIC HEARING AGENDA ITEM MEETING OF NOVEMBER 19, 2007

Master Thoroughfare Plan Amendment

A request of the City of Pearland, for an amendment to the Master Thoroughfare Plan, generally affecting the following roadways:

The northern end of Alexander Lane, the northern end of Manchester Lane, and the connection of a collector street to Barry Rose Road

APPROVAL PROCESS: After this Joint Public Hearing, the thoroughfare plan amendment will be considered as follows:

Planning and Zoning Commission: November 19, 2007*

City Council for First Reading: December 10, 2007*

City Council for Second Reading: December 10, 2007*

(*dates subject to change if item is tabled)

SUMMARY: The City of Pearland is proposing amendments to the Master Thoroughfare Plan. The Master Thoroughfare Plan was last updated in August of this year.

The proposed amendment affects the northern end of Alexander Lane, the northern end of Manchester Lane, and the connection of a collector street to Barry Rose Road.

The proposed amendment has arisen because of interest in the vacant tract of land at the southwest corner of Pearland Parkway and Barry Rose Road. The New Life Lutheran Church is proposing to develop a 20 acre tract of land for their church and various office uses (the New Life Lutheran PD is being considered concurrently with this request).

During a joint public hearing held in September, when the applicant was proposing a different zoning district, the thoroughfares within the area were discussed.

Existing Thoroughfare Plan

The Thoroughfare Plan currently indicates that Alexander Lane, a minor collector street with a right-of-way of 60 feet, is proposed to extend from the residential subdivision to the south, and continue on through the church tract and ties into a collector street that will tie to Westminster Road. Alexander Lane would cut through the church property and the subject property, dividing them into a north tract and a south tract.

Proposed Thoroughfare Plan

Staff has met with the applicant to discuss the roads within the area. Since the subject property is not proposed to be developed for residential purposes, the need for Alexander Lane to extend northward may no longer be needed. Instead, the amendment proposes that Manchester Lane and Alexander Lane be extended just a brief distance, and tie into a collector street that would intersect Barry Rose road at Pilgrims Point (street on the other side of Barry Rose Road).

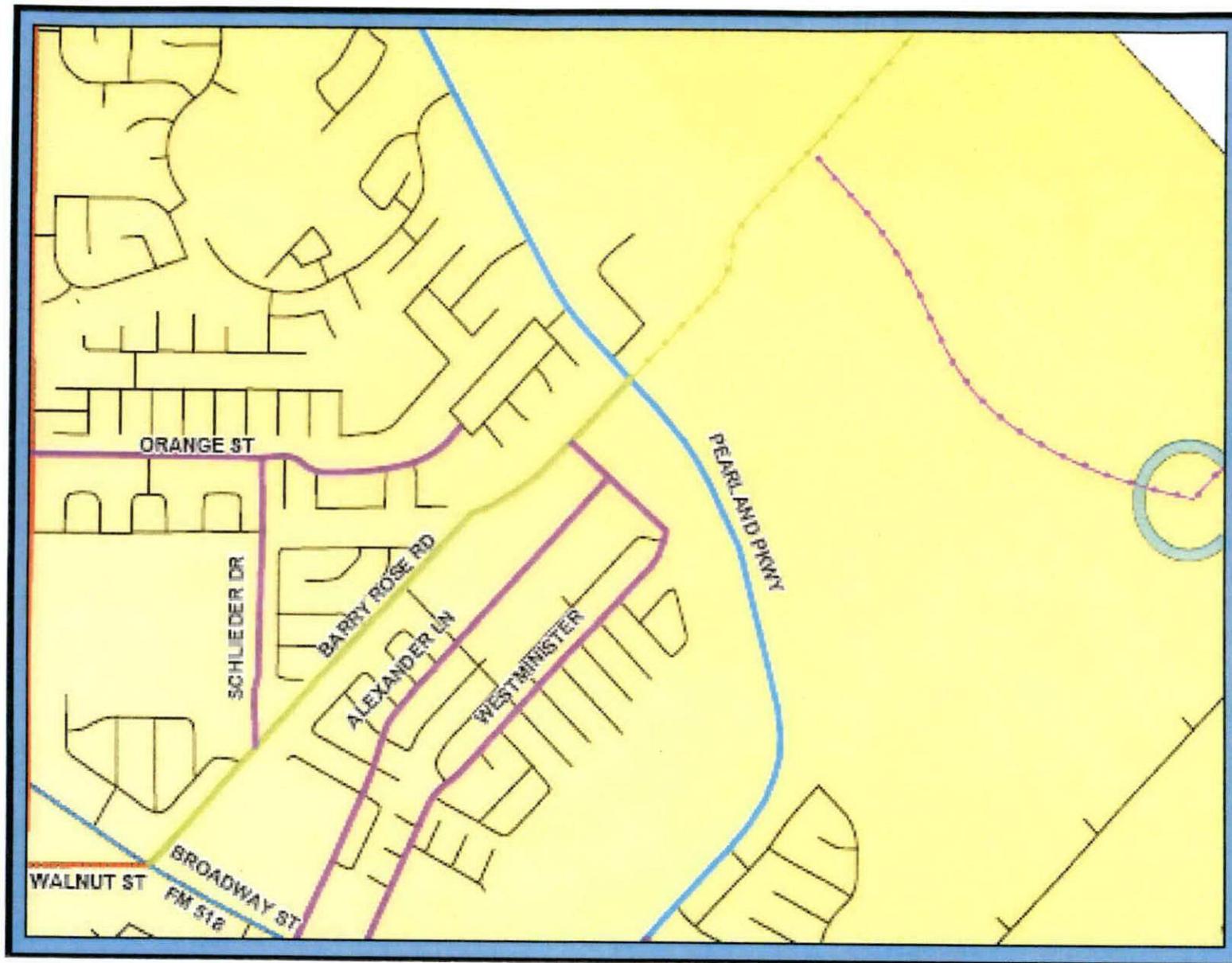
The extension of Manchester Lane, Alexander Lane, and the other collector street would be built by the applicant at the time of the development of the subject property.

STAFF RECOMMENDATION: Staff recommends approval of the amendments to the Master Thoroughfare Plan, for the following reasons:

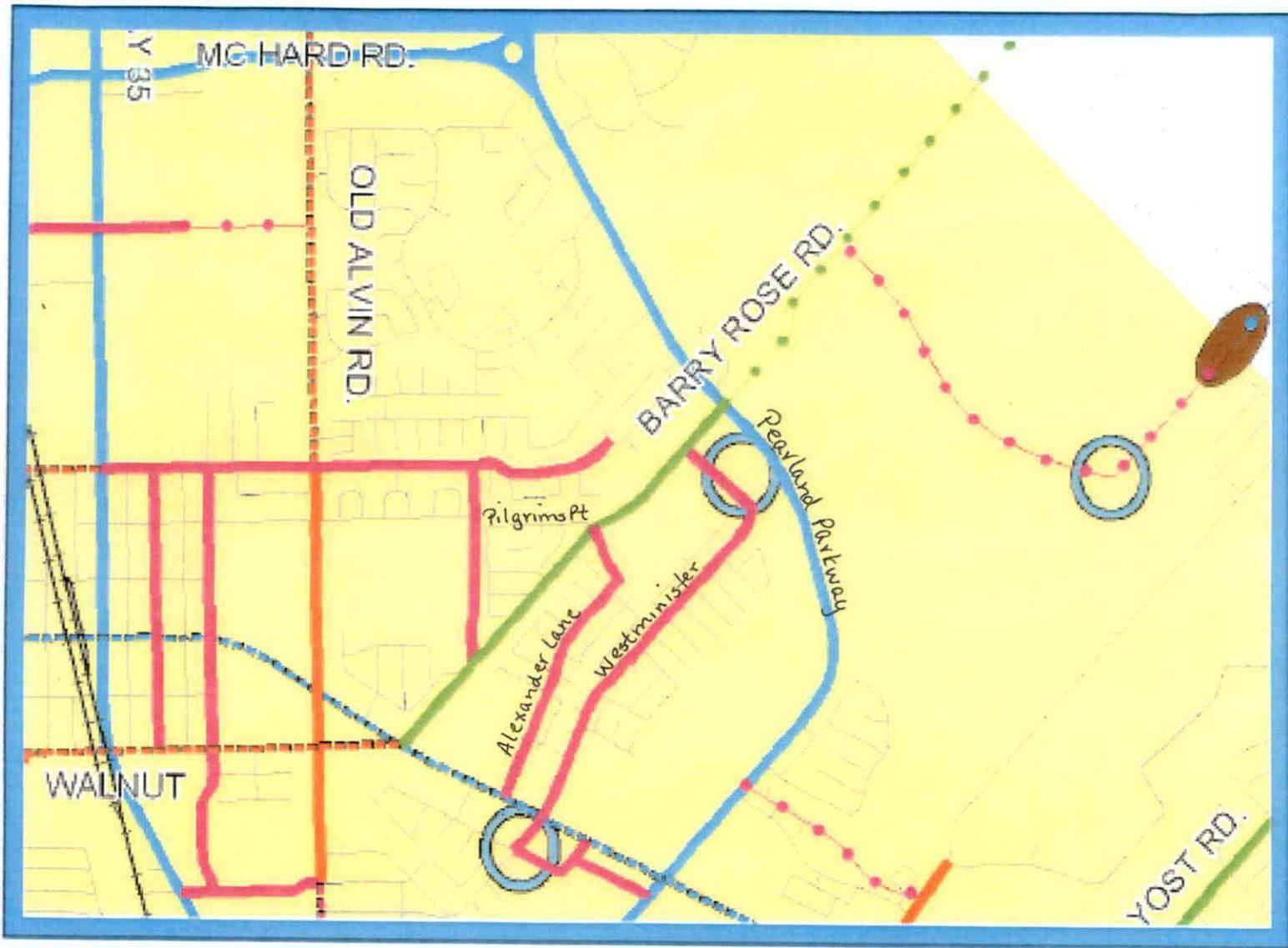
1. The proposed amendment provides for access and circulation to Barry Rose Road from the residential subdivisions within the area.
2. The proposed development of the church and office project changes the traffic needs of the area as originally shown on the Thoroughfare Plan.

SUPPORTING DOCUMENTS:

- Existing Thoroughfare Plan
- Proposed Thoroughfare Plan
- Aerial Photograph



Existing Master Thoroughfare Plan

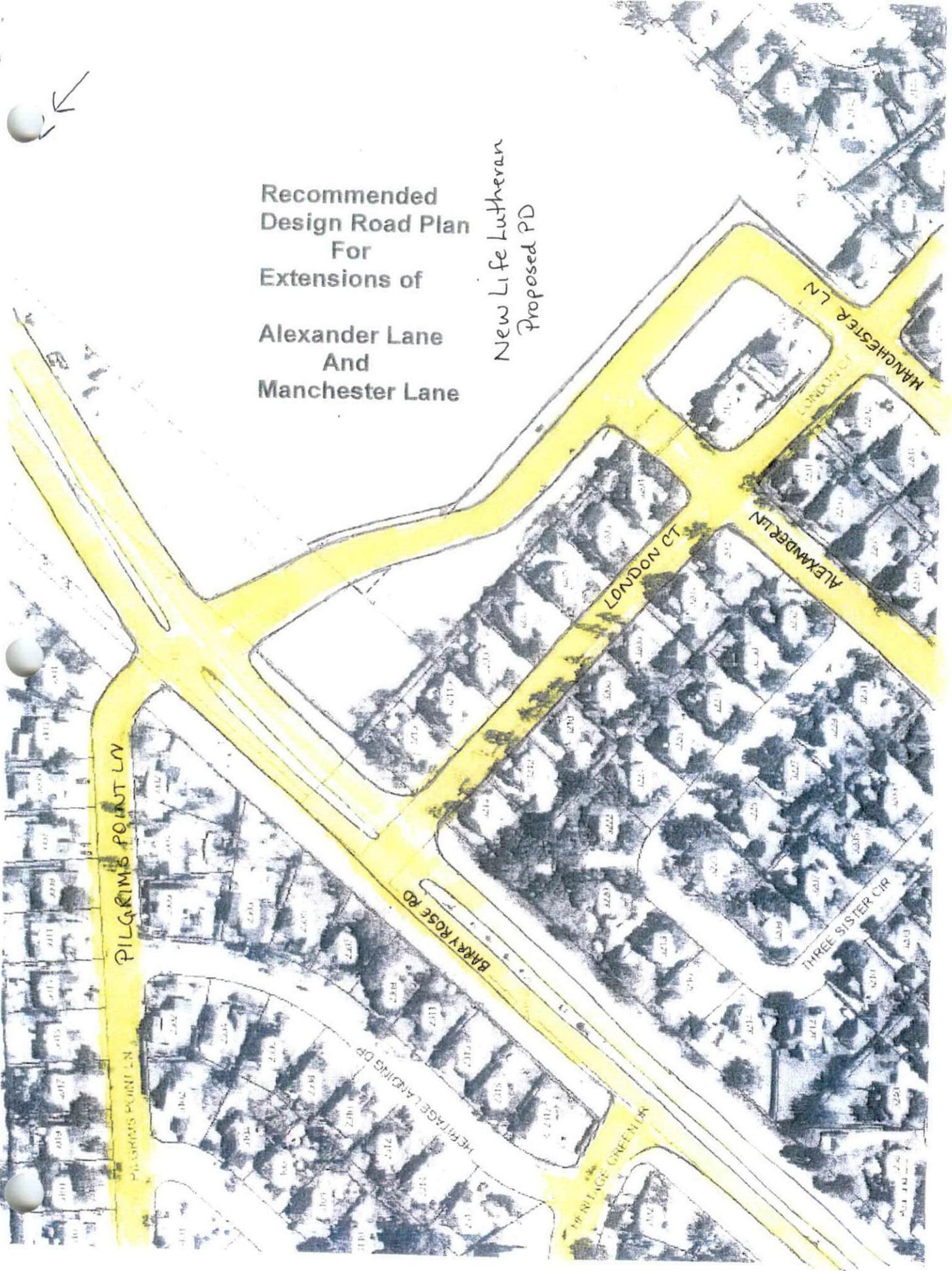


Proposed Master Thoroughfare Plan



**Recommended
Design Road Plan
For
Extensions of
Alexander Lane
And
Manchester Lane**

*New Life Lutheran
Proposed PD*



AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD NOVEMBER 19, 2007, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER 7:51

II. PURPOSE OF HEARING Newry read...

Zone Change No. 2007-19Z

A request by New Life Lutheran Church, applicant for Robert Alexander and Tom Alexander, owners, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 2 District (R-2) and General Business Retail District (GB) to Planned Development District (PD), on the following described property, to wit:

Legal Description: 20.00 acres of land, out of the Robert L. Alexander 172.0566 acre tract, recorded in Volume 1725, Page 120, of the Brazoria County Deed Records, out of the Thomas J. Green Survey, Abstract 198, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the West Side of Pearland Parkway, and on the South Side of Barry Rose Road

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT

B. APPLICANT PRESENTATION →

*Kala read presented the PD. Rec'd 3 pub. comm. forms
2 opposed / 1 opposed
Staff recommends approval*

Milton Thomas

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

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION → →

VI. ADJOURNMENT 8:22 p.m.

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

III. B. Milton Thomas - 3610 Parkside Dr., Pearland
spoke on behalf of the appl.
addressed concerns in ~~the~~ PD

IV. Steve Kenney 2116 Tower Bridge Rd, Pearland
spoke w/ numerous questions & concerns
in opposition. Aids needs to
be further addressed.

Dave Miller 3003 W Pine Orchard, Pearland
Thanked everyone on staff for assistance.
also mentioned ~~training~~ sewer line.
addressed several issues that Mr. Kenney
raised. also addressed ingress/egress issue

Tom Ingrebrett ³⁰⁰⁷ 2123 Tower Bridge

Tom Melenic 3007
London Ct.

concerned w/ traffic on London Ct.
why not homes

Johnie Holland 2110 Eton, Pearland Tx
answered Mr. Melenic stating can't
find a developer to bid.

listen to
tape to
hear name

JOINT PUBLIC HEARING AGENDA ITEM MEETING OF NOVEMBER 19, 2007

Zone Change No. 2007-19Z

A request by New Life Lutheran Church, applicant for Robert Alexander and Tom Alexander, owners, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 2 District (R-2) and General Business Retail District (GB) to Planned Development District (PD)

LEGAL DESCRIPTION: 20.00 acres of land, out of the Robert L. Alexander 172.0566 acre tract, recorded in Volume 1725, Page 120, of the Brazoria County Deed Records, out of the Thomas J. Green Survey, Abstract 198, City of Pearland, Brazoria County, Texas

GENERAL LOCATION: Generally Located on the West Side of Pearland Parkway, and on the South Side of Barry Rose Road

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

Planning and Zoning Commission: November 19, 2007*

City Council for First Reading: December 10, 2007*

City Council for Second Reading: December 10, 2007*

(*dates subject to change if item is tabled)

SUMMARY: The applicant is requesting a change in zoning on the subject property for a Planned Development District (PD). The subject property is currently zoned as Single Family Residential – 2 District (R-2), and a small corner of the subject property is currently zoned as General Business Retail District (GB). The subject property is currently undeveloped. The applicant is requesting a zone change in order to allow the property to be developed with a church and other office professional uses.

V. K Cole - ^{re:} Landscape buffer -
1st 25' will be landscaped

Late - D. Miller brought in a revised PD
tonight but has not been reviewed

K Cole - asked legal to explain exchange of land

Darrin - exchange of Row for valuation

B Saboe - asked Mr. Miller re: ingress/egress
& shared mutual access & location
of driveway/road

Neil - commended Narciso & Danny on work

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 District (GB); Single Family Residential District –3 (R-3) | Undeveloped land; single family residential lots |
| South | Single Family Residential –2 District (R-2) | Single family residential lots |
| East | Single Family Residential – 2 District (R-2); General Business District (GB) | Undeveloped land; single family residential lots |
| West | Single Family Residential – 2 District (R-2) | Undeveloped land; single family residential lots |

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The applicant is requesting the PD district.

The applicant will be required to comply with all other requirements of the Unified Development Code and as specified in the PD.

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

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends “Medium Density Residential” for the subject property, and for many of the surrounding properties to the south and west. The Comprehensive Plan further indicates that the appropriate zoning districts for “Medium Density Residential” are the Single Family Residential – 2 District (R-2), the Single Family Residential – 3 District (R-3), and the Single Family Residential – 4 District (R-4). Therefore, the proposed zone change to PD for non-residential uses does not conform to the Comprehensive Plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Barry Rose Road, a secondary thoroughfare with a right-of-way of 100 feet. The Thoroughfare Plan also indicates that Alexander Lane, a minor collector street with a right-of-way of 60 feet, is proposed to extend from the residential subdivision to the south, and continue on through the subject property and tie into a collector street that will tie to Westminster Road. Alexander Lane would cut through the church property and the subject property, dividing them into a north tract and a south tract.

The thoroughfares within the area have been under review due to the proposed church and office development. An amendment to the Master Thoroughfare Plan is being considered concurrently with this zone change application. Since the subject property is not proposed to be developed for residential purposes, the need for Alexander Lane to extend northward may no longer be needed. Instead, the thoroughfare plan amendment proposes that Manchester Lane and Alexander Lane be extended just a brief distance, and tie into a collector street that would intersect Barry Rose road at Pilgrims Point (street on the other side of Barry Rose Road).

The extension of Manchester Lane, Alexander Lane, and the other collector street would be built by the applicant at the time of the development of the subject property.

AVAILABILITY OF UTILITIES: 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 applicant is proposing this 22 acre PD located on the east side of Barry Road and south of Pearland Parkway. The underlying zone is proposed to be Office Professional (OP). All uses permitted in an OP zone would be permitted except hotel/motel, bed & breakfast, and convenience store. Additionally, the PD proposes inclusion of religious facility and day care, allowed by a CUP in OP zone, as permitted uses.

The property is currently zoned R-2 (Single Family Residential) and GB (General Business). The applicant is proposing to use approximately 7 acres for a church and approximately 8 acres for offices.

The applicant is proposing a 100 foot buffer along the south and east boundaries abutting residential uses. As part of the development, the applicant will be required to extend Alexander and Manchester streets to Barry Rose Road along the southern property line, as shown in the attached drawing. This is contrary to the Thoroughfare Plan that shows extension of Alexander Lane in a north-south direction, bisecting the site into two parts.

However, it is anticipated that the proposed extension would deter additional traffic in the surrounding residential neighborhoods as well as allow unified development of the parcel. Therefore staff is proposing amendments to the Thoroughfare Plan in this regard.

A sliver of land along Barry Rose Road is currently under city ownership. This sliver of land is left over land from the Barry Rose project and not needed by the City. It is recommended that this sliver along Barry Rose be exchanged for land along the southern portion of the property that would be used for extension of Alexander and Manchester lanes. Such an exchange would allow the applicant's parcel to have continuous frontage along Barry Rose Road.

Staff Comments:

1. Page 1, Section A mentions the area to be 20 acres, while other parts of the document state the area to be 22 acres. Please clarify.
2. Page 1, Section A – clarify that the proposed use would include church and all related accessory uses, if those are contemplated.
3. Page 3 – The text indicates that Alexander and Manchester streets will be stubbed. The attached Recommended Design Road Plan shows these streets to be extended to Old Alvin. Staff has recommended that these streets be extended as shown on the Recommended Design Road Plan. Please clarify.
4. Page 3 – staff recommends that within the 100' proposed buffer, a setback be specified for all play equipment, benches, dumpsters etc. from the eastern property line abutting residential. Typically 25' wide buffer is required between residential and non-residential uses.
5. Page 5 – size and spacing of Oleanders needs to be specified. Staff recommends 3' tall shrubs, 4' on planting to ensure a continuous buffer. This buffer would be a substitute for the 6' masonry fence that would be required along the property line abutting residential, for which the applicant is seeking a variance in the PD.
6. It is not clear what the Design Plan, referred to in the text, is.
7. Page 5 - The location of roadways is not shown on the Design Plan as stated in the PD.
8. Page 5 – Clarify that the proposed landscape easement/buffer will include amenities such as benches, play area etc. as mentioned earlier in the PD.
9. Page 6, Section IV – Include street extensions as improvements to be done by the developer.

10. Page 6 - All proposed city streets shall require sidewalks. It is not clear what Section III. C. on page 6 refers to.
11. Page 6 – Since the applicant is proposing a 100' wide landscape buffer, it is not clear why a variance from the 25' buffer is being requested.
12. Attached plan – New Life PD Office Professional – Defined Lines and Net Acreage Plat.
 - a. Show Barry Rose Road.
 - b. Show lot lines with a line type different from setbacks, and include a legend.
 - c. The 50' buffer shown along the north property line is not mentioned in the text.
 - d. Show proposed road extensions.
 - e. Is the 100' buffer shown along the west property line measured from the existing property line or from the ROW of proposed streets?
 - f. Show the area of land to be exchanged with the city.
13. Attached plan – New Life PD Office Professional – Landscape Plan.
 - a. Same comments as 11. Also the number of trees shown on the plan is different from the number specified in the text.
 - b. The landscaping between the two parcels need not be shown. Both parcels would need to meet the landscaping requirements of the UDC.

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

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

However, with the previous request for an OP district, several property owners within the residential neighborhoods to the south and east expressed opposition and concerns to the office development.

STAFF RECOMMENDATION: Staff recommends approval of the zone change for PD, for the following reasons:

1. Although contrary to the Future Land Use Plan, the proposed zone change to PD for non-residential uses may be appropriate in the area due to the adjacent zoning of GB at the intersection of Pearland Parkway and Barry Rose Road.
2. The proposed PD incorporates additional landscaping and buffering and other items that should not negatively impact the surrounding residential properties.

SUPPORTING DOCUMENTS:

- Zone Change Application
- Location Map
- Property Ownership Map
- Property Owner Notification List
- Zoning Map
- Future Land Use Plan
- Aerial Photograph
- Proposed Planned Development District (PD)



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: R2 + GB

Proposed Zoning District: Planned Development / OP

Property Information:

Address or General Location of Property: Alexander Property on Barry Rose Rd. (20 Acres, South end)

Tax Account No. _____

Subdivision: _____ Lot: _____ Block: _____

A Complete Application must include all of this information:

- Fee (see Zoning Change Fee Schedule) **NO FEES REQUIRED**
- 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 + Alexander / Tom Alexander
 ADDRESS 2411 Park Avenue Agent
 CITY Pearland STATE TX ZIP 77581
 PHONE (281) 485-2455
 FAX (281) 485-2456
 E-MAIL ADDRESS _____

APPLICANT INFORMATION:

NAME NEW LIFE LUTHERAN CHURCH
 ADDRESS 3521 E. ORANGE ST.
 CITY PEARLAND STATE TX ZIP 77581
 PHONE (281) 485-1812
 FAX (281) 488-2535
 E-MAIL ADDRESS _____

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

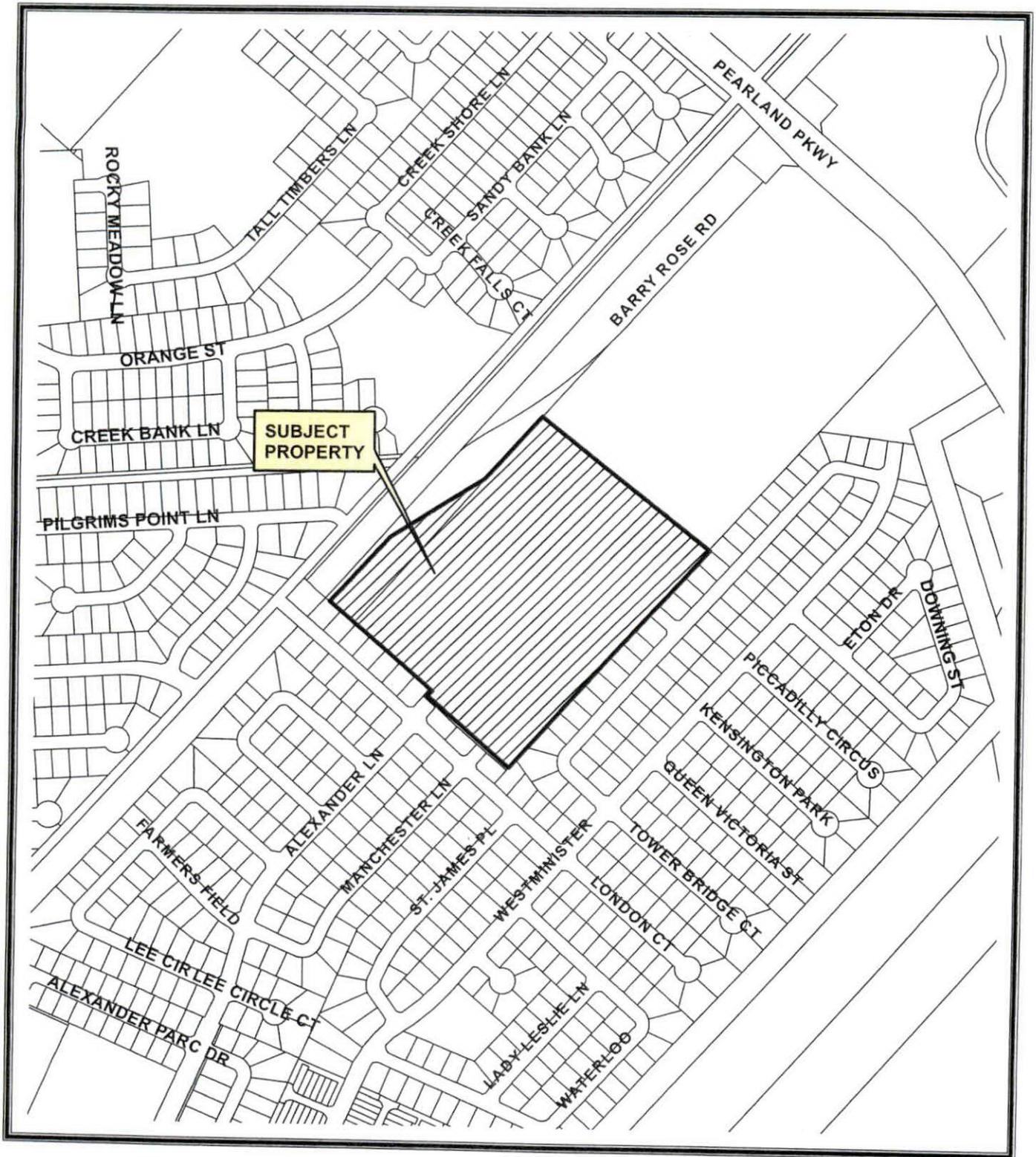
Owner's Signature: _____ Date: _____

Agent's Signature: Tom Engelbrechten David S. Miller Date: 10/22/07

OFFICE USE ONLY:

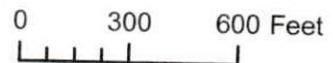
| | | | |
|---|----------------------------|-------------------------|--------------------------|
| FEES PAID: <u>credit from previous case</u> | DATE PAID: <u>10/22/07</u> | RECEIVED BY: <u>toj</u> | RECEIPT NUMBER: <u>-</u> |
|---|----------------------------|-------------------------|--------------------------|

Application # _____

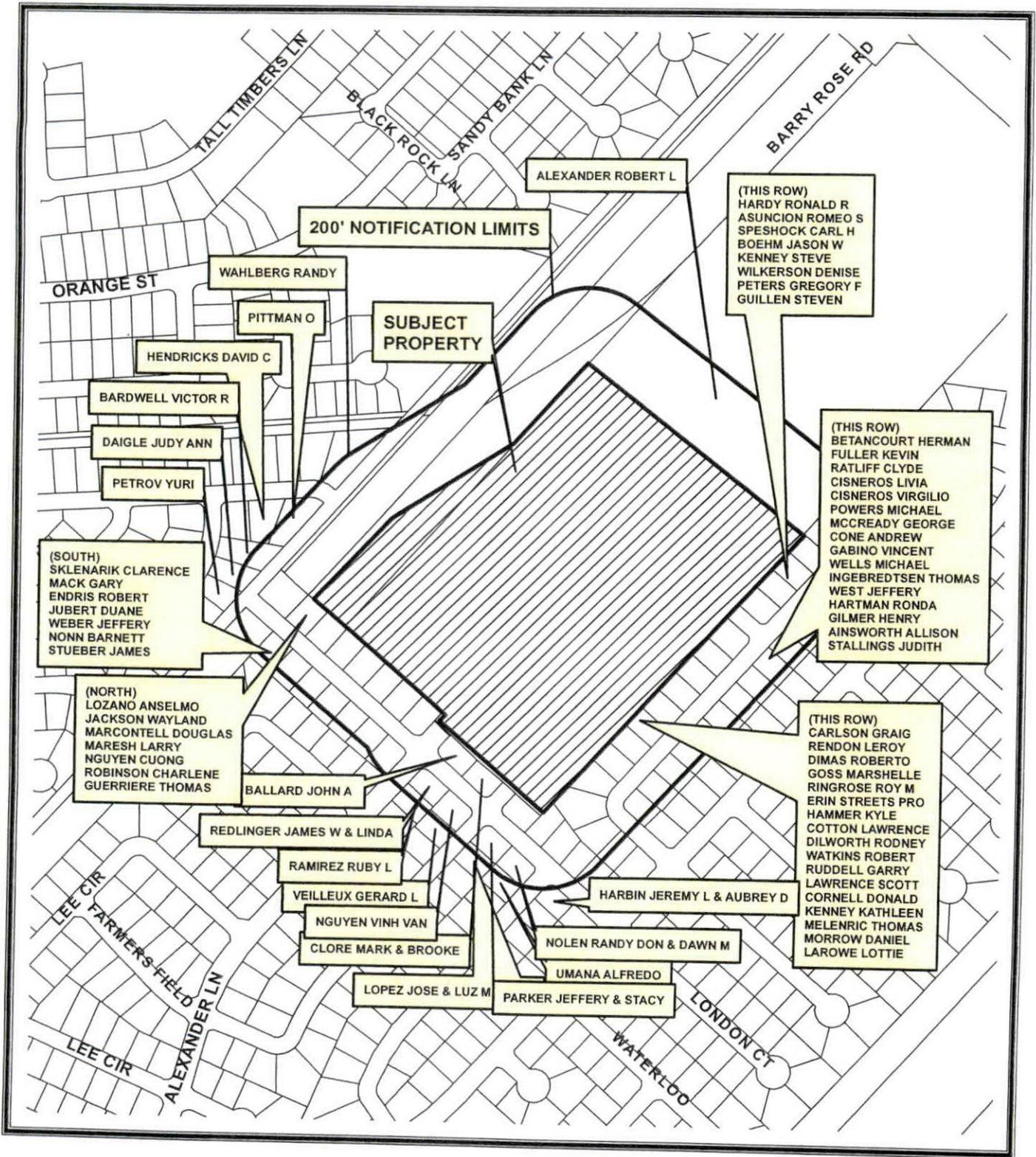


LOCATION MAP

Zone Change
No. 2007-19Z

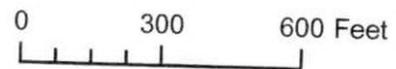


Map Prepared on November 5, 2007



OWNERSHIP MAP

**Zone Change
No. 2007-19Z**



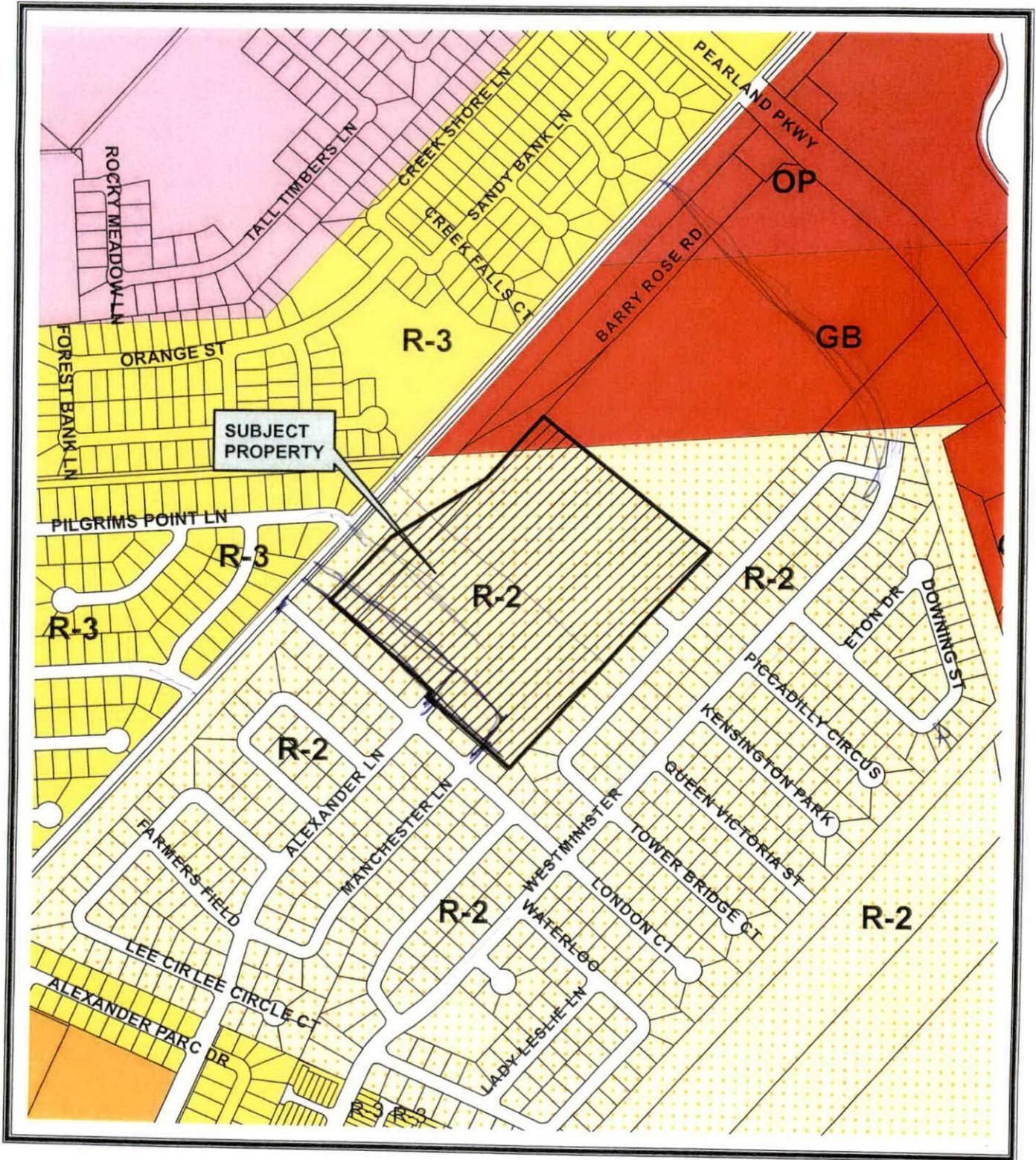
Map Prepared on November 5, 2007

ZONE CHANGE NO. 2007-19Z
Property Owner Notification List

| <u>TAX ACCT</u> | <u>OWNER</u> | <u>ADDRESS</u> | <u>CITY</u> | <u>ST</u> | <u>ZIP CODE</u> |
|-----------------|---------------------------------|-------------------------|-------------|-----------|-----------------|
| 0198-0001-001 | CITY OF PEARLAND | 3519 LIBERTY DR | PEARLAND | TX | 77581-5416 |
| 1194-0512-000 | RAMIREZ RUBY L | 2203 ALEXANDER LN | PEARLAND | TX | 77581-4582 |
| 1529-0253-000 | WATKINS ROBERT E & PHYLLIS | 2142 TOWER BRIDGE RD | PEARLAND | TX | 77581-4600 |
| 1529-0255-000 | STALLINGS JUDITH ANN | 2133 TOWER BRIDGE CT | PEARLAND | TX | 77581 |
| 1194-5002-012 | NGUYEN VINH VAN | 2202 MANCHESTER LN | PEARLAND | TX | 77581-4638 |
| 1529-0252-000 | RUDELL GARRY D & DONNA J | 2144 TOWER BRIDGE RD | PEARLAND | TX | 77581-4600 |
| 1529-0246-000 | MELENRIC THOMAS L & CYNTHIA E | 3007 LONDON CT | PEARLAND | TX | 77581-4527 |
| 1194-5001-015 | PARKER JEFFERY & STACY | 2201 MANCHESTER LN | PEARLAND | TX | 77581-4639 |
| 1529-0251-000 | LAWRENCE SCOTT D | 2416 TOWER BRIDGE RD | PEARLAND | TX | 77581 |
| 1529-0247-000 | KENNEY KATHLEEN | 3005 LONDON CT | PEARLAND | TX | 77581-4527 |
| PROP OWNER | ROBERT ALEXANDER TOM ALEXANDER | 2411 PARK AVENUE | PEARLAND | TX | 77581 |
| APPLICANT | NEW LIFE LUTHERAN CHURCH | 3521 E ORANGE STREET | PEARLAND | TX | 77581 |
| 1194-5001-014 | LOPEZ JOSE & LUZ M LOPEZ | 2203 MANCHESTER LN | PEARLAND | TX | 77581-4639 |
| 1529-0117-000 | NOLEN RANDY DON & DAWN M | 2202 SAINT JAMES PL | PEARLAND | TX | 77581-4500 |
| 1529-0248-000 | CORNELL DONALD A & CHRISTY A | 3003 LONDON CT | PEARLAND | TX | 77581-4527 |
| 1194-5004-001 | LAROWE LOTTIE NELL REV TRST | 4325 LAUREN LN | TITUSVILLE | FL | 32780 |
| 1529-0245-000 | MORROW DANIEL W & REBECCA | 3009 LONDON CT | PEARLAND | TX | 77581-4527 |
| 1529-0128-000 | HARBIN JEREMY L & AUBREY D | 2201 SAINT JAMES PL | PEARLAND | TX | 77581-4588 |
| 1194-5002-011 | VEILLEUX GERARD L | 2706 N BROMPTON DR | PEARLAND | TX | 77584 |
| 1529-2006-015 | GOSS MARSHELLE D | 2130 TOWER BRIDGE RD | PEARLAND | TX | 77581-4600 |
| 1529-2007-007 | WELLS MICHAEL & STEPHANIE PAIGE | 2121 TOWER BRIDGE RD | PEARLAND | TX | 77581-4605 |
| 1194-0702-000 | ROBINSON CHARLENE B | 3203 LONDON CT | PEARLAND | TX | 77581-8501 |
| 1194-0145-000 | JUBERT DUANE C & AMANDA M | 3208 LONDON CT | PEARLAND | TX | 77581-4584 |
| 1529-2006-014 | RINGROSE ROY M & LYNETTE | 2132 TOWER BRIDGE RD | PEARLAND | TX | 77581-4600 |
| 1529-2006-011 | COTTON LAWRENCE LYNN | 2138 TOWER BRIDGE RD | PEARLAND | TX | 77581-4600 |
| 1529-2006-013 | ERIN STREETS PRO LLC | 2302 ERIN DR | PEARLAND | TX | 77581-5116 |
| 1529-2007-005 | WEST JEFFERY R & PAMELA | 2125 TOWER BRIDGE RD | PEARLAND | TX | 77581-4605 |
| 1194-0143-000 | NUNN BARNETT G | 3204 LONDON CT | PEARLAND | TX | 77581-4584 |
| 1529-2006-012 | HAMMER KYLE | 2800 BROADWAY ST # C345 | PEARLAND | TX | 77581-9502 |
| 4775-0003-013 | HARTMAN RONDA LOUISE | 2708 SHAUNTEL ST | PEARLAND | TX | 77581-6362 |
| 1194-0801-000 | BALLARD JOHN A & CONNIE SUE | 2125 ALEXANDER LN | PEARLAND | TX | 77581-4534 |
| 1194-0142-000 | STUEBER JAMES H & CLAIRE | 3202 LONDON CT | PEARLAND | TX | 77581-4584 |
| 1529-2007-003 | GILMER HENRY G III & MONICA | 2129 TOWER BRIDGE RD | PEARLAND | TX | 77581-4605 |
| 4820-0077-000 | PETROV YURI | 10802 SAGEGULF LN | HOUSTON | TX | 77089-3802 |
| 1529-4011-001 | GUILLEN STEVEN | 2122 TOWER BRIDGE RD | PEARLAND | TX | 77581-4631 |
| 1529-4010-003 | CISNEROS VIRGILIO & IRMA | 2111 TOWER BRIDGE RD | PEARLAND | TX | 77581-4632 |
| 1194-0707-000 | LOZANO ANSELMO JR & SANDRA | 3213 LONDON CT | PEARLAND | TX | 77581-8501 |
| 1529-4010-002 | POWERS MICHAEL | 2113 TOWER BRIDGE RD | PEARLAND | TX | 77581-4632 |
| 1529-2006-018 | CARLSON CRAIG & DE ANNA | 2124 TOWER BRIDGE RD | PEARLAND | TX | 77581-4600 |
| 1194-0706-000 | JACKSON WAYLAND E & LOIS H | 3211 LONDON CT | PEARLAND | TX | 77581-8501 |
| 4820-0071-000 | WAHLBERG RANDY | 3001 PILGRIMS POINT LN | PEARLAND | TX | 77581-4431 |
| 1529-4011-008 | HARDY RONALD R & SHELLEY | 2108 TOWER BRIDGE RD | PEARLAND | TX | 77581-4631 |
| 1529-4011-007 | ASUNCION ROMEO S & ELSIE N | 2110 TOWER BRIDGE RD | PEARLAND | TX | 77581-4631 |
| 1529-4011-006 | SPESHOCK CARL H & ANGELES C | 2112 TOWER BRIDGE RD | PEARLAND | TX | 77581-4631 |
| 4820-0072-000 | PITTMAN O | 3002 PILGRIMS POINT LN | PEARLAND | TX | 77581-4432 |
| 1529-4011-005 | BOEHM JASON W & DORIS F | 2114 TOWER BRIDGE RD | PEARLAND | TX | 77581-4631 |
| 1529-4011-004 | KENNEY STEVE & DAÑA | 2116 TOWER BRIDGE RD | PEARLAND | TX | 77581-4631 |
| 1529-2007-006 | INGEBREDTSEN THOMAS & TONI | 2123 TOWER BRIDGE RD | PEARLAND | TX | 77581-4605 |
| 194-0701-000 | GUERRIERE THOMAS A | 3201 LONDON CT | PEARLAND | TX | 77581-8501 |
| 198-0001-000 | ALEXANDER ROBERT L | 314 S BEAUREGARD ST | ALVIN | TX | 77511-2141 |

ZONE CHANGE NO. 2007-19Z
Property Owner Notification List

| | | | |
|---------------|--------------------------------|--------------------------|------------------------|
| 1194-0144-000 | WEBER JEFFERY A | 3206 LONDON CT | PEARLAND TX 77581-4584 |
| 1820-0073-000 | HENDRICKS DAVID C | 3004 PILGRIMS POINT LN | PEARLAND TX 77581-4432 |
| 1529-4010-007 | BETANCOURT HERMAN | 2103 TOWER BRIDGE RD | PEARLAND TX 77581 |
| 4820-0075-000 | BARDWELL VICTOR R | 2303 HERITAGE LANDING ST | PEARLAND TX 77581-4409 |
| 1529-4010-006 | FULLER KEVIN | 2105 TOWER BRIDGE RD | PEARLAND TX 77581-4632 |
| 1529-4011-003 | WILKERSON DENISE LYNN | 2118 TOWER BRIDGE RD | PEARLAND TX 77581-4631 |
| 1529-4010-005 | RATLIFF CLYDE ANTHONY | 2107 TOWER BRIDGE RD | PEARLAND TX 77581 |
| 4820-0076-000 | DAIGLE JUDY ANN | 2305 HERITAGE LANDING ST | PEARLAND TX 77581-4409 |
| 1529-4011-002 | PETERS GREGORY F & MELISSA | 2120 TOWER BRIDGE RD | PEARLAND TX 77581-4631 |
| 1529-4010-004 | CISNEROS LIVIA | 2109 TOWER BRIDGE RD | PEARLAND TX 77581 |
| 1529-4010-001 | MCCREADY GEORGE S & MAGINA | 2115 TOWER BRIDGE RD | PEARLAND TX 77581-4632 |
| 1194-0705-000 | MARCONTELL DOUGLAS E & SUSAN C | 3209 LONDON CT | PEARLAND TX 77581-8501 |
| 1529-0116-000 | UMANA ALFREDO | 2204 ST JAMES PLACE | PEARLAND TX 77581 |
| 1194-0148-000 | SKLENARIK CLARENCE F & PAULA | 3214 LONDON CT | PEARLAND TX 77581-4584 |
| 1529-2006-017 | RENDON LEROY & KATY E | 2126 TOWER BRIDGE RD | PEARLAND TX 77581-4600 |
| 1529-2007-009 | CONE ANDREW & GABRIELLA | 2117 TOWER BRIDGE RD | PEARLAND TX 77581 |
| 1194-0704-000 | MARESH LARRY G & EVELYN | 3207 LONDON CT | PEARLAND TX 77581-8501 |
| 1194-0147-000 | MACK GARY A | 3212 LONDON CT | PEARLAND TX 77581-4584 |
| 1529-2006-016 | DIMAS ROBERTO & BECKY | 2128 TOWER BRIDGE RD | PEARLAND TX 77581-4600 |
| 1529-2007-008 | GABINO VINCENT R & JENNIFER | 2119 TOWER BRIDGE RD | PEARLAND TX 77581-4605 |
| 1194-0703-000 | NGUYEN CUONG QUOC | 3205 LONDON CT | PEARLAND TX 77581-8501 |
| 1194-0146-000 | ENDRIS ROBERT T JR | 3210 LONDON CT | PEARLAND TX 77581-4584 |
| 1194-5003-001 | CLORE MARK & BROOKE | 2124 MANCHESTER LN | PEARLAND TX 77581-4636 |
| 1529-0254-000 | DILWORTH RODNEY RICK | 2140 TOWER BRIDGE RD | PEARLAND TX 77581-4600 |
| 1529-2007-002 | AINSWORTH ALLISON L | 2131 TOWER BRIDGE RD | PEARLAND TX 77581 |
| 194-0513-000 | REDLINGER JAMES W & LINDA | 2201 ALEXANDER LN | PEARLAND TX 77581-4582 |



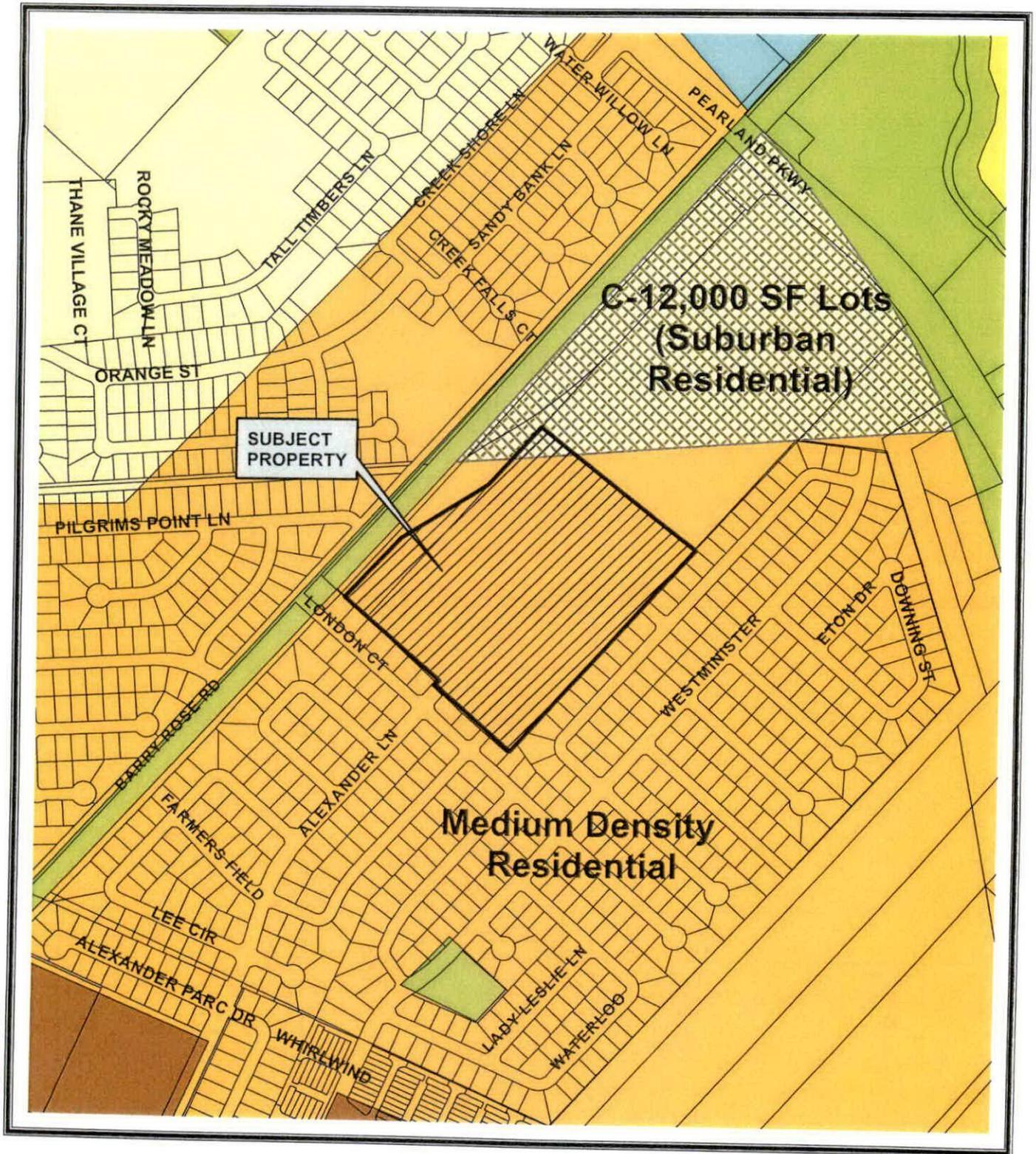
ZONING MAP

Zone Change
No. 2007-19Z



0 300 600 Feet

Map Prepared on November 5, 2007



FUTURE LAND USE PLAN

**Zone Change
No. 2007-19Z**



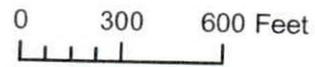
0 300 600 Feet

Map Prepared on November 5, 2007



AERIAL PHOTOGRAPH

Zone Change
No. 2007-19Z



Map Prepared on November 5, 2007

**The Planned Development Zoning District (PD) Document
for the Proposed Development on Barry Rose Road**

**Office-Professional Planned
Development on Barry Rose Road**

Submitted to:

**City of Pearland
3519 Liberty Drive
Pearland, TX 77581**

Submitted by:

**New Life Lutheran Church
3521 East Orange St.
Pearland, TX 77581**

October 22, 2007

The Planned Development Zoning District (PD) Document for the Proposed Development on Barry Rose Road

Introduction

A. Description of the Subject Property.

1. The subject property, approximately twenty (20) acres in area (vacant land), is located on the east side of Barry Rose Road and approximately 1,200 feet south of the intersection of Barry Rose and Pearland Parkway. The property is located north of Alexander Landing Subdivision and west of Banbury Cross Subdivision. It is also south of a tract of approximately 23 acres located on the south corner of Barry Rose Road and Pearland Parkway. The project site is primarily an open field with little to no trees or other vegetation.

2. Adjoining the subject property is a city-owned tract of 3.644 acres, which fronts Barry Rose Road and lies between the roadway and the subject property. The city has suggested that this property be exchanged with the owner of the subject property for extension of a road and other easements in the subject property. (See section III-B "Design Plan"). The city has proposed to add the property net of Barry Rose Road and its easements to this PD document.

B. Description of Proposed Development

The subject property is proposed to be used consistent with the zoning category OP, Office and Professional District with PD, with the following exclusions:

1. Hotel/Motel.
2. Bed & Breakfast Inn
3. Convenience store

It is also proposed to include a Religious Facility (church) and a Child Day Care center as permitted uses for the subject property.

All other land use types identified as requiring conditional use permit will follow applicable approval processes.

C. Describe the area of land in acreage.

The subject property comprises of approximately a 22 acre area.

- D. A statement as to the purpose and intent of the PD district established therein.

The proposed development will be consistent with the uses described in Section I.B above. The purpose of the proposed PD is to facilitate development of the subject site complimentary to the character and developments in the project area while eliminating the potential for adverse uses not favorable to the neighborhood developments. In addition, PD will provide for adequate separation and screening in excess of that required by the Pearland Uniform Development Code (UDC) between the subject site and the single family residential development located to the east and south of the property. The proposed development area may be subdivided into smaller lots as per the UDC requirements.

II. Zoning and Land Use

- A. Describe the existing zoning districts and the boundaries of said districts.

The current zoning of the subject property is R-2, Single Family Residential - 2 District, with some GB, General Business. The property to the north has primarily GB zoning, with some small R-2 Residential and OP Office Professional. The property to the east of the subject property (Banbury Cross Subdivision) is zoned R-2, Single Family Residential - 2 District, and the property to the south (Alexander Landing) is zoned R-3 Single Family Residential - 3 District.

- B. Describe the base zoning district(s) to be overlaid, together with the boundaries of the district(s), and describe the areas in acreage of each different district.

The entire 20-acre area of the property is proposed for Zone OP with PD, with the exclusions and inclusions described in Section I.B above.

- C. The general standards applicable to development within the district, with or without reference to the base district, including but not limited to: density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, accessory buildings, signs, lighting, project phasing or scheduling, management associations, and such other requirements as the City Council may deem necessary in order to implement the Comprehensive Plan, and the purposes of the PD district.

All applicable requirements of the city of Pearland including the specific requirements for Zoning category OP including but not limited to: density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area

ratio, parking, access, accessory buildings, signs, lighting, project phasing or scheduling, management associations, and such other requirements will be met for the proposed development.

A variance is requested for the 25-foot landscaping buffer and 6-foot high masonry fence requirement along the south and east boundaries of the property. A 100-foot wide buffer is proposed along the entire southern boundary and the entire eastern boundary of the subject site, thus no buildings/structures will be built within 100 feet of the boundary. The proposed uses of this buffer are: drainage and detention, open space/green area and landscaping, play area for children, park and picnic area, and walking trail. The buffer is designed to effectively isolate the existing single family subdivisions, "Alexander Landing Subdivision" located south of the subject site, and "Banbury Cross Subdivision" located east of the subject site.

In addition, a variance is requested for the 6-foot high masonry fence requirement along the east boundary and the south boundary of the property, allowing the existing wood fences to remain in place and not disrupt the continuity of such fencing in the remainder of the subdivisions. No structures including paving will be located within the 100-foot wide buffer. The stub street, Dawn, which will not be extended into the site, will be fenced with wood to match the existing wood fencing. This together with the detention pond located within the buffer in the northeast corner of the site adjacent to the eastern boundary of the subject property would provide for adequate separation along the eastern boundary.

1. Provide a table outlining the percent of use in each zoning classification. Include detention and major thoroughfares as separate items. Discuss possible variations from percentages in table and amount of variance requesting, if any.

| Land Use Summary | | | |
|--|-------|---------------------------|-----------------|
| Use | Acres | Percentage of Total Acres | Zoning District |
| Single Family | 0 | 0 | |
| Multiple Family | 0 | 0 | |
| General Business/Commercial | 0 | 0 | |
| Parkland to be dedicated to the City | 0 | 0 | |
| Common Open Spaces / Trails / Recreation to be maintained by HOA | 2.0 | 10% | OP |
| Detention | 3.0 | 15% | OP |
| Thoroughfares / ROW | 2.0 | 10% | OP |
| Internal Streets / Vehicular Circulation | 1.0 | 5% | OP |
| Others - Uses described in Section IB above | 14.0 | 60% | OP |

2. For residential uses, provide lot width categories and corresponding zoning in a table. Describe the percent change the number of lot sizes may vary by category, if any variation. **Not Applicable**

| Residential | | |
|-------------|----------|----------------|
| Zone | Lot Area | Number of Lots |
| | | |
| | | |
| | | |

3. For residential (single or multi-family) uses, provide density by classification of zoning districts included in PD and overall for residential section, and the PD as a whole. Discuss any possible variation as development may occur. **Not Applicable**

- D. The permitted, conditional and accessory uses authorized in the district, the location of such uses, the residential densities or other measurements of development intensity associated with base districts or phases of the development in conformance with the approved Design Plan.

Not Applicable

III. Design Standards Applicable to the Development

- A. Signage, Landscaping, Fencing, Parking, Screening, Trees, etc.

Signage will be consistent with City of Pearland requirements.

A 100-foot wide buffer will be provided along the southern and eastern boundaries of the site to screen the subject property from the adjacent residential development. The proposed landscaping will include planting of Oak trees, 2-inch caliper, at approximately 20-foot intervals and Oleander shrubs will be planted to provide for screening of the proposed development from the adjacent single family residential subdivision, it is estimated that approximately 80 Oak trees and 400 Oleander shrubs will be planted within the buffer.

Fencing is to remain as is along the property lines contiguous to the subdivisions bordering the property, with the exception that the stub streets will be fenced with wood to match the wood fences of the subdivisions.

The proposed landscape easement/buffer will remain open and unobstructed, except for drainage and detention requirements, and will meet requirements of Section 2.4.4.1 (k) of the UDC.

- B. Refer to Design Plan and describe which aspects of plan are precise and which are general.

The enclosed Design Plan depicts the property boundary, proposed buffer/ drainage-detention/ landscape easements, as well as the location of the proposed access roads. The location of the roadways shown in the Design Plan is approximate; such determination will be by the City, since access from the property to Barry Rose Road is through City-owned property; however, the city has recommended the concept for the road extensions as shown in the Design Plan "Road Exhibit". Also, the exact geometry and location will be determined based on City of Pearland requirements for curb cuts and/or median cuts, the size and location of storm water detention pond and drainage requirements, and individual lot geometry.

A Traffic Impact Analysis (TIA) will be performed.

Additionally, the city has recommended that a sewer line be run from the existing lift station at Dawn Street to the main sewer line at Barry Rose Road. Said sewer line would be installed by owner of subject property and "over sizing" for future development would be financed by the city as part of the developer agreement with the city. This would allow the city to abandon the lift station and use the gravity line for sewage from Banbury Cross subdivision.

- C. A specific list of deviations from standards in the base zoning district(s), together with any standards in the ordinance which are to be varied for development within the PD district.

As the proposed internal road within the subject property will be located within the parking areas of the property, sidewalks are already in place along Barry Rose Road.

A variance is requested for the 25-foot landscaping buffer and 6-foot high masonry fence requirement along the south boundary and the east boundary of the property as indicated in Section IIC above.

- D. Add a note that all requirements of the Unified Development Code will be met, unless specifically mentioned in this Planned Development.

The proposed development will meet all requirements of the City of Pearland Unified Development Code.

- IV. Required Dedications of Land or Public Improvements None.

- V. A phasing schedule for the project, where applicable, setting forth the dates for submittal of site development plans and the timing of performance by the developer for dedications of land or public improvements and satisfaction of any conditions in relation to the phasing of development, where applicable.

Phasing schedule for the project is not available at this time.

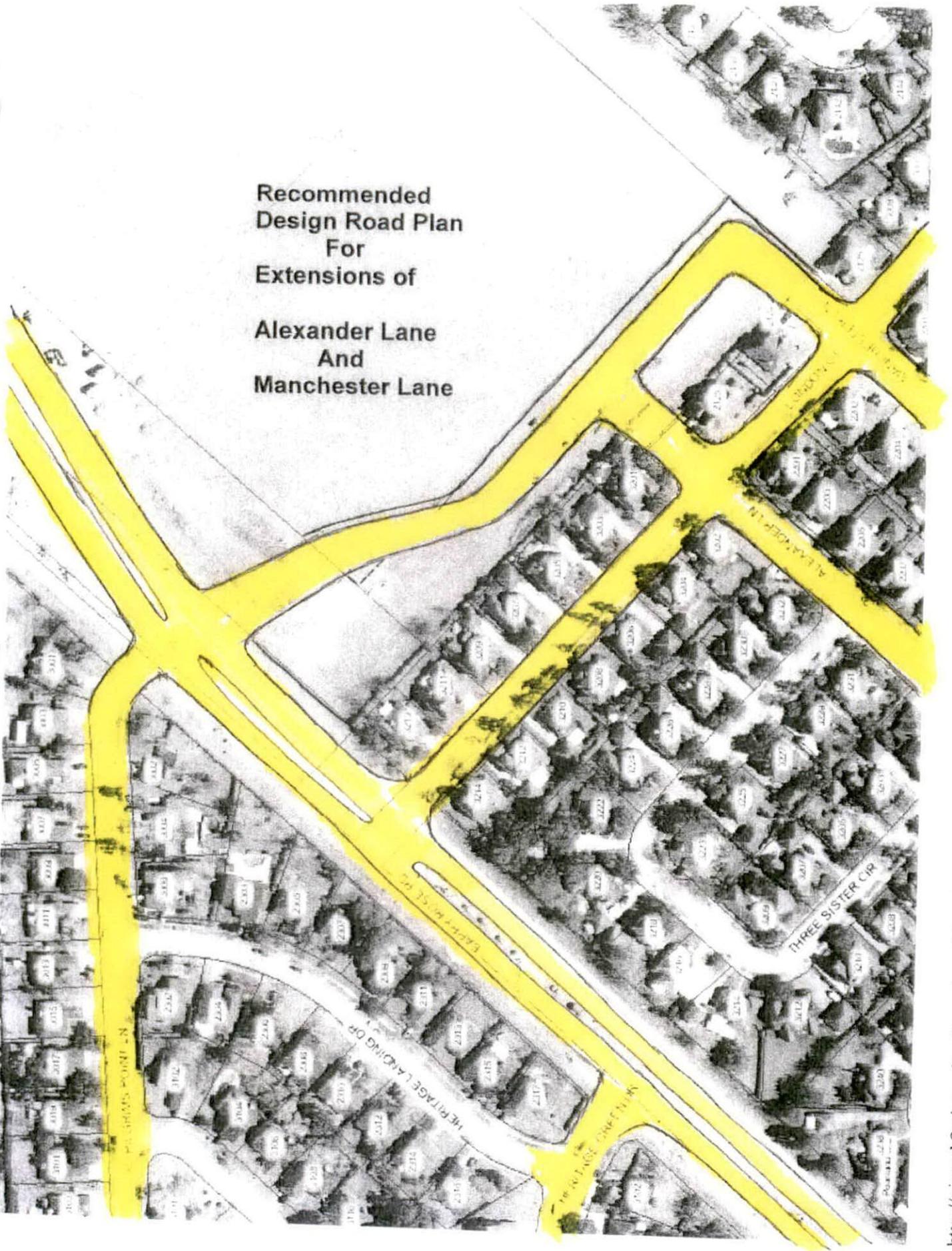
- VI. Exhibits

Exhibit A Design Plan



**Thoroughfare Plan
For
Alexander Lane**

**Recommended
Design Road Plan
For
Extensions of
Alexander Lane
And
Manchester Lane**





Recommended 12" Sewer (Gravity Line)

Sewer line to connect the existing lift station at Dawn Street to the main sewer line on Barry Rose Road. The proposal is for the property owner to install the sewer line and for the City to fund the oversizing of the line. The City would then be able to abandon the lift station and use the gravity line for the use of Banbury Cross subdivision.

Planned Development: New Life Lutheran Church, 20 Acres

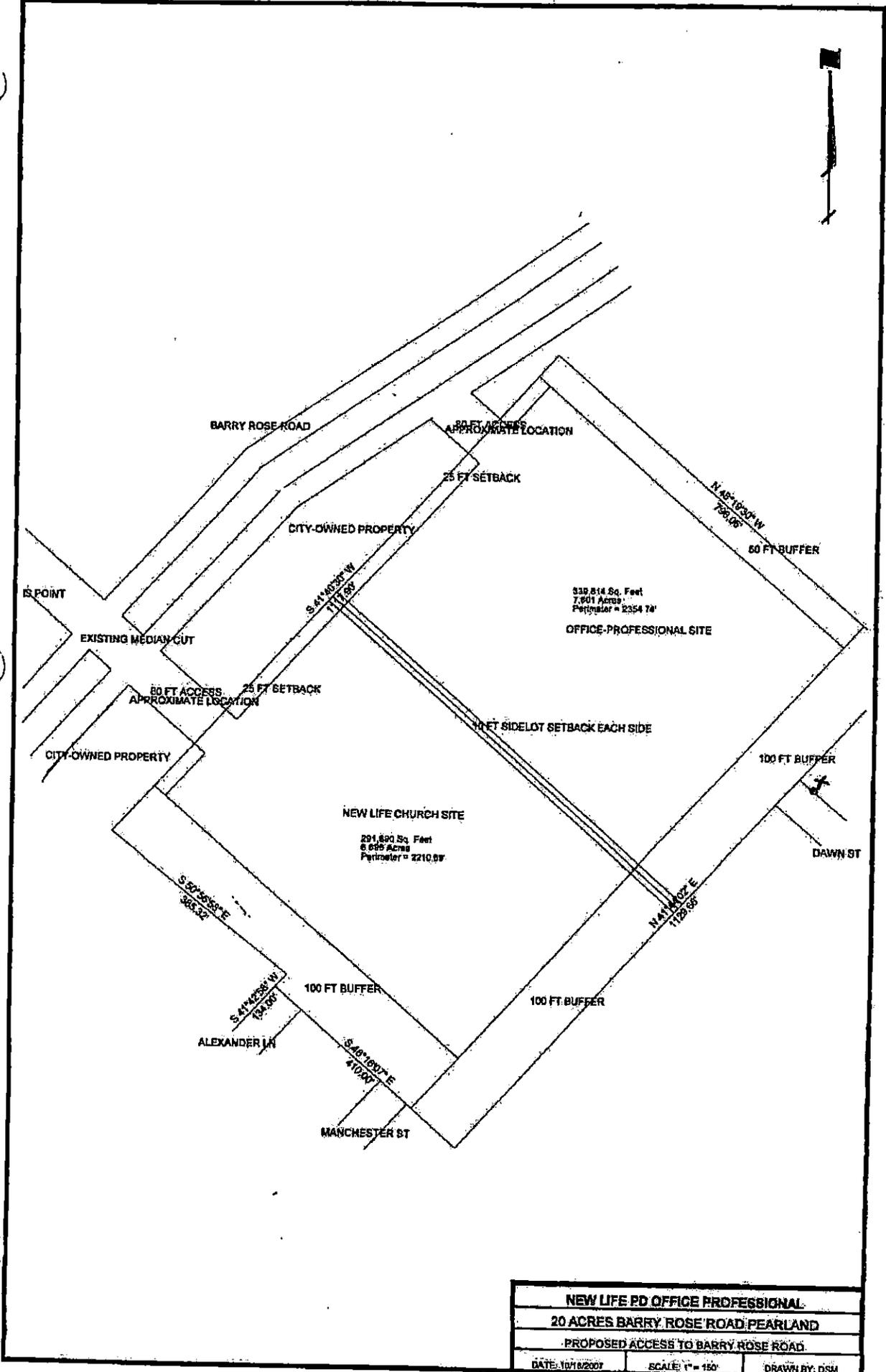


Exhibit: Water and Sewer Utilities, Barry Rose Road

Planned Development: New Life Lutheran Church, 20 Acres



Exhibit: Storm Sewers, Barry Rose Road



| | | |
|---|------------------|---------------|
| NEW LIFE PD OFFICE PROFESSIONAL | | |
| 20 ACRES BARRY ROSE ROAD PEARLAND | | |
| PROPOSED ACCESS TO BARRY ROSE ROAD | | |
| DATE: 10/18/2007 | SCALE: 1" = 150' | DRAWN BY: DSM |

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD NOVEMBER 19, 2007, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER *opened @ 8:23 p.m*

II. PURPOSE OF HEARING

Amendments to the Unified Development Code

A request by the City of Pearland, for an amendment to the Unified Development Code (UDC), Ordinance No. 2000T.

III. APPLICATION INFORMATION AND CASE SUMMARY

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

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

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

no comments from Cmt/Comm/Staff

VI. ADJOURNMENT *S. Saboe re: sidewalks in CIP would require significant change & would be costly to the city. But a good idea. K. Cole agreed!*

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.

Tape 2 Side A

S. Sherouse - re: ^{inquired} masonry fence

Lata - ~~in lieu of~~ explained buffer & fence

Mayor - thanked staff for addressing issues in UDC.

Adj. @ 8:36

**AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS**

| | |
|--|--|
| AGENDA OF: November 19, 2007 | ITEM NO.: |
| DATE SUBMITTED: November 13, 2007 | DEPARTMENT OF ORIGIN: Planning |
| PREPARED BY: Nghiem Doan, Lata Krishnarao PRESENTORS: Lata Krishnarao, Nghiem Doan | |
| REVIEWED BY: Nick Finan | REVIEW DATE: Nov. 13, 2007 |
| SUBJECT: Joint Public Hearing to discuss UDC amendments regarding manufacturing zones. | |
| EXHIBITS: Draft copy of proposed amendments. | |
| EXPENDITURE REQUIRED: N/A AMOUNT AVAILABLE: N/A ACCOUNT NO.: N/A | AMOUNT BUDGETED: N/A PROJECT NO.: N/A |
| ADDITIONAL APPROPRIATION REQUIRED: N/A ACCOUNT NO.: N/A PROJECT NO.: N/A | |
| To be completed by Department: <input checked="" type="checkbox"/> Finance <input type="checkbox"/> Legal <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution | |

EXECUTIVE SUMMARY

After working with Chamber of Commerce, a committee consisting of business owners, and staff, city staff is proposing modifications to the Unified Development Code (UDC) to address some of the concerns that have been raised.

The table below summarizes the concerns and how they have been addressed. Also attached is the draft of proposed text changes to the UDC. This item is scheduled for a joint public hearing on November 19, 2007. These modifications were discussed at a joint workshop on Monday, November 12, 2007.

Changes pertaining to Manufacturing Zones:

| | Issue | Addressed | Section Modified | Explanation |
|---|--|-----------|--|--|
| 1 | Landscaping requirements for existing developments upon expansion in M-1 and M-2 zones, specifically location of buffers (street trees, parking lot trees, etc.) | Yes | Special Exception by ZBA (Section 2.7.3.7 (b) (7) (a)). Page 2 of the attached amendments. | Compliance is required for new construction. For attached and detached expansions, ZBA can approve flexibility in location of landscaping and buffers. Total quantity needs to be complied with. |
| 2 | Setback requirements. | Yes | Special Exception by ZBA (Section 2.7.3.7 (b)(7)(d)). Page 3 of the attached amendments. | Allow reduction in setbacks to match existing setbacks, to a minimum of 10 feet. |
| 3 | Complete screening of outdoor storage areas in M-1 and M-2 zones when abutting manufacturing zoned or used property, and railroad tracks. | Yes | M-1 and M-2 zones (Sections 2.4.4.6 (h) (2) (a) and 2.4.4.7(h) (2) (a)). Pages 5 and 7 of the attached amendments. | Screening required only from public rights of way and adjoining non-industrial zoning districts. |
| 4 | Alternate paving materials for storage areas in M-1 and M-2 zones in lieu of asphalt or concrete paving. | Yes | Minimum Requirements and Standards (Section 2.4.4.6 (h)(2)(a) and 2.4.4.7(h)(2)(a)) Pages 5 and 7 of the attached amendments. | Allow storage on non-paved stabilized areas in M-1 and M-2 zones as approved by the City Engineer. |
| 5 | Parking space to be 100 feet in all zones and 50 feet in Corridor Overlay Districts from a tree. | Yes | Corridor Overlay District (Section 2.4.5.1(g)(4)(b)) Page 11 of the | Clarified that only parking for employees, customers, and patrons is required to comply with this regulation. |

| | | | | |
|----|--|-----|--|--|
| | | | attached amendments. | |
| 6 | Concealed fasteners and no exposed seams. | Yes | Exterior Building Design Requirements (Section 2.6.2.1(b)(3). Page 17 of the attached amendments. | Remove this requirement from façade requirements. |
| 7 | All site improvements triggered by covering of existing loading docks. | Yes | Improvements and Related Triggers (Section 4.1.3.2 (b)(1)). Page 19 of the attached amendments. | Enclosure of existing loading docks, unless completely enclosed, shall not be considered as expansion. |
| 8 | Requirement of masonry fence between residential and non-residential zones and uses. | Yes | Screening and Fencing (Section 4.2.4.1(a)(2)). Page 20 of the attached amendments. | Allow screening wall to be substituted by a dense vegetative fence and 30' wide landscaped buffer (additional 5'). |
| 9 | Screening of roof mounted structures in M-1 and M-2 zones | Yes | General Screening (Section 4.2.4.1 (d) (1) (d)). Page 22 of the attached amendments. | Roof mounted equipment on buildings, located 250' or more from the roadway, exempt from screening, but required to match the building in color. |
| 10 | Fencing – Restriction on height. | Yes | Fences in Non-Residential Areas/Districts (Section 4.2.4.3 (b) (6)). Page 25 of the attached amendments. | Allow 8' tall, non-decorative fencing in all yards in M-1 and M-2 zones. Corridor Overlay requirements still applies. Also clarified requirements for residential fences in side and rear yards. |
| 11 | Clarification of Gaming Establishment | Yes | Section 5.1.1.1. Page 25 of the attached amendments. | Definition included eight liners. |

RECOMMENDED ACTION

Consider and discuss the proposed UDC amendments.

Section 2.7.3.7 Special Exceptions for Nonconformities

(a) **Exceptions Criteria.** Upon written request of the property owner, the Zoning Board of Adjustment (ZBA) may grant special exceptions to the provisions of this code, limited to and in accordance with the following:

(1) Expansion of a nonconforming use within an existing structure provided that, in the case of a nonconforming residential use, such expansion does not increase the number of dwelling units to more than the number existing when the use first became nonconforming.

(2) Expansion of the gross floor area of a nonconforming structure or a conforming structure on property that is nonconforming, provided that such expansion does not decrease any existing setback.

(3) Change from one nonconforming use to another, re-construction of a nonconforming structure that has been totally destroyed, or resumption of a nonconforming use previously abandoned, only upon finding that the failure to grant the special exception deprives the property owner of substantially all use or economic value of the land.

(4) Construction of a new structure on the same property where a nonconformity already exists, whether it is a nonconformity in an existing structure or of the property itself, provided the new structure assumes the existing nonconforming status and no nonconforming use is expanded into the structure.

(5) In granting special exceptions under this Section 2.7.3.7, the ZBA shall avoid doing so merely to allow a convenience or convey an advantage to the applicant but instead shall endeavor to reduce the nonconforming nature of the nonconforming use whenever possible and so may impose such criteria as are necessary to bring the property into further compliance with this code, protect adjacent property owners, and to ensure the public health, safety and general welfare, including specifying the period during which the nonconforming use may continue to operate or exist before having to conform to the standards of this Code.

(b) The ZBA may grant special exceptions for the following:

(1) To interpret the provisions of this chapter in a way so as to carry out the intent and purpose of this chapter, adjust districts where the street layout actually on the ground varies from the street layout as shown on the maps.

(2) To reduce the parking and loading requirements in an amount not exceeding thirty-three percent (33%) of the normal requirement in any of the districts whenever the character or use of the building makes unnecessary the full provision of parking or loading facilities, as contrasted with merely granting an advantage or a convenience, as in the following situations:

a. Housing specifically designed and intended for use by the elderly, disabled, or other occupants typically having a lower expectation of automobile ownership;

b. Adaptive reuse or restoration of a historically or architecturally significant structure;

c. Expansion of a nonprofit, public or social service use on an existing site; and

- d. Conversion of a nonconforming use to what would otherwise be a conforming use, except for the parking and loading requirements.
- (3) To allow off-site parking where all or part of the minimum number of parking spaces required in Chapter 4, Article 2, Division 1 (Parking) of this UDC are located within three hundred feet (300') on a lot or tract of land that is legally separate from the property containing the principal use served by the parking area, provided that:
- a. Both lots or tracts are under the same ownership; or
 - b. It can be established that two or more uses, applying jointly and concurrently for the special exception, will be sharing a parking area that may be on property that is not under the same ownership as one or more of the uses to be served by the parking, where the shared parking area has a capacity of at least the minimum number of spaces for the use having the greatest minimum requirement, where all uses have their primary need for parking during offsetting periods so that the parking area will be utilized by only one principal use at a time, and where the arrangement is documented through a longterm lease or other written agreement.
- (4) To allow the reconstruction of a nonconforming building which has been damaged to the extent of more than fifty percent (50%) of its replacement cost.
- (5) To allow a change to another nonconforming use. If no structural alterations are made, any nonconforming use of a structure or structure and premises in combination may, as a special exception, be changed to another nonconforming use, provided the Zoning Board of Adjustment finds that the proposed nonconforming use is not more nonconforming in the district than the previously existing nonconforming use.
- (6) To allow the City to issue a building permit for expansion of a preexisting nonconforming use that is not in compliance with the Future Land Use Plan Map and/or zoning district when the Zoning Board of Adjustment determines that this special exception will not adversely impact water, wastewater, drainage, and street transportation systems, and is in accord with all City codes and applicable Comprehensive Plan policies, including those pertaining specifically to land use compatibility.
- (7) To allow construction of a new structure or expansion of the floor area of an existing structure upon property on which a nonconformity—other than an established nonconforming use inconsistent with the zoning district for the property—exists without bringing the entire property and all structures thereon into full compliance with this code, with the following conditions, which list is not intended to deprive the ZBA of its right to impose further conditions as it deems necessary and reasonable:
- a. landscaping
 1. quantity or type – full compliance for entire property
 2. location or buffers – full compliance for new construction and/or, additional compliance for entire property as may be required by the ZBA as a condition of the special exception
 3. lot percentage – compliance for new lot construction and/or entire property as may be required by the ZBA as a condition of the special exception
 - b. screening/fencing

1. screening (of dumpsters, loading areas, equipment, etc.) – full compliance for entire property
 2. fencing or screening of property/use – compliance for new construction and/or entire property as may be required by the ZBA as a condition of the special exception
 3. buffers – same as landscaping buffers, above
- c. façade (including building articulation, transparency of building materials, and building color palette) – compliance for new construction and/or entire property as may be required by the ZBA as a condition of the special exception
 - d. setback/lot dimensions coverage – full compliance for new construction only, except that the ZBA may allow as a condition of the special exception for expansion of an existing building where said expansion would encroach into a required setback (other than the front setback) in which the existing building already encroaches, so long as the resulting setback is not less than the existing building's setback or ten feet (10'), whichever is greater
 - e. sidewalks – full compliance for entire property
 - f. parking – full compliance for new construction, additional compliance for entire property as may be required by the ZBA as a condition of the special exception

(8) To allow for the reasonable reduction, to the minimal amount possible, of requirements related to the following improvements to allow for compliance with the City's adopted requirements for development (and their spirit and intent), but also to allow for the use and enjoyment of property within Pearland (also see Article 1, Division 3 of Chapter 4 for triggers related to these improvements):

- a. Landscaping - As required within the applicable zoning district (Chapter 2) and/or in Chapter 4, Article 2, Division 2;
- b. Screening/fencing - As required within the applicable zoning district (Chapter 2) and/or in Chapter 4, Article 3, Division 4;
- c. Façade requirements - As required within the applicable zoning district (Chapter 2) and/or in Chapter 2, Article 6, Division 2.

(9) To allow for a reasonable amount of time for a nonconforming use to be brought to a lesser-nonconforming status or to a conforming status by allowing an applicant to make improvements to an existing, developed property or building over a period of time, instead of requiring such improvements to be made immediately, or prior to a Certificate of Occupancy.

Section 2.4.4.6 M-1, Light Industrial District

- (a) **Purpose.** The Light Industrial District (M-1) is intended to permit a wide variety of light industrial, manufacturing, wholesale and service type uses.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
 - (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
 - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
 - (1) Size of Lots:
 - a. Minimum Lot Size - Forty thousand (40,000) square feet in area.
 - b. Minimum Lot Width - One hundred and fifty feet (150').
 - c. Minimum Lot Depth - One hundred and fifty feet (150').
 - (2) Size of Yards:
 - a. Minimum Front Yard - Thirty-five feet (35')
 - b. Minimum Side Yard - Twenty-five feet (25')
 - c. Minimum Rear Yard - Twenty-five feet (25')
- (d) **Height Restrictions.** No building shall exceed forty-five feet (45') in height.
- (e) **Fences & Screening.** Fences and screening shall be provided and maintained as set forth in Chapter 4, Article 2, Division 4 of this UDC.
- (f) **Parking.** Parking and loading shall be provided in conformance with Chapter 4, Article 2, Division 1 of this UDC.
- (g) **Access.** Access shall be provided in accordance with the City's Engineering Design Criteria Manual (EDCM).
- (h) **Special Conditions.**
 - (1) Landscaped Open Area:
 - a. At least ten percent (10%) of the gross lot area shall be maintained as permanent landscaped open area. All landscaping shall be properly maintained throughout the life of any use on the lot.
 - b. Adjacent to a Single-Family Use or Zoning District - When a nonresidential development is established on a tract of land that is adjacent to a single-family development or to property zoned for single-family use, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located with the required yard/setback area.
 - (2) Materials Storage:

- a. No materials storage, including but not limited to waste materials, raw materials, construction materials, and salvaged materials or finished product storage, shall be permitted unless:
 - 1. completely screened from streets or public rights-of-way and any adjacent non-industrial zoning districts by:
 - 1- [a] a solid wall or fence not less than eight feet (8') in height, or
 - 2- [b] a vegetative screen dense enough to be completely opaque year-round, which is at least four feet (4') tall at planting and at least eight feet (8') tall within twelve (12) months; and
 - 2. located upon a surface that is acceptable to the City Engineer.
- b. City Council approval of a Conditional Use Permit (in accordance with Article 2, Division 3 of this chapter) authorizing said materials storage or finished product storage and uses is required for industrial zoning districts adjacent to residentially zoned property.
- c. Materials shall not be stored or stacked higher than the height of the screening wall. Refer to screening wall requirements within Chapter 4, Article 2, Division 4 of this UDC.

(i) **Performance Standards.** No land or building shall be used or occupied within this district which does not comply with the following standards relating to radioactivity and electromagnetic disturbances, noise, vibrators, odors and glare.

- (1) Radioactivity or Electromagnetic Disturbance: No activity shall be permitted which emits dangerous radioactivity at any point, or electromagnetic disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
- (2) Direct or Sky-Reflected Glare: No glare shall be permitted whether from floodlights or from high temperature processes such as combustion or welding or otherwise.
- (3) Compliance With Other Regulations. All industries will comply with any appropriate federal and/or state standard as well as any others specified by this UDC or any other City Codes, such as adopted noise or hours of operation regulations.

Section 2.4.4.7 M-2, Heavy Industrial District

- (a) **Purpose.** The Heavy Industrial District (M-2) is intended to permit any manufacturing, assembly, processing, storage and/or distribution, sale and repair incidental to industrial use allowed by law.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
 - (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
 - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
 - (1) Size of Lots:
 - a. Minimum Lot Size - Forty thousand (40,000) square feet in area.
 - b. Minimum Lot Width - One hundred and fifty feet (150').
 - c. Minimum Lot Depth - One hundred and fifty feet (150').
 - (2) Size of Yards:
 - a. Minimum Front Yard - Thirty-five feet (35')
 - b. Minimum Side Yard - Twenty-five feet (25')
 - c. Minimum Rear Yard - Twenty-five feet (25')
- (d) **Height Restrictions.** No building shall exceed sixty feet (60') in height.
- (e) **Fences & Screening.** Fences and screening shall be provided and maintained as set forth in Chapter 4, Article 2, Division 4 of this UDC.
- (f) **Parking.** Parking and loading shall be provided in conformance with Chapter 4, Article 2, Division 1 of this UDC.
- (g) **Access.** Access shall be provided in accordance with the City's Engineering Design Criteria Manual (EDCM).
- (h) **Special Conditions.**
 - (1) Landscaped Open Area:
 - a. At least ten percent (10%) of the gross lot area shall be maintained as permanent landscaped open area. All landscaping shall be properly maintained throughout the life of any use on the lot.
 - b. Adjacent to a Single-Family Use or Zoning District - When a nonresidential development is established on a tract of land that is adjacent to a single-family development or to property zoned for single-family use, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located with the required yard/setback area. The exception to this requirement shall be when an M-2 industrial development is established adjacent to an M-1 industrial development.

(2) Materials Storage:

- a. No materials storage, including but not limited to waste materials, raw materials, construction materials, and salvaged materials or finished product storage, shall be permitted unless:
 1. completely screened from streets or public rights-of-way and any adjacent non-industrial zoning districts by:
 - 1- [a] a solid wall or fence not less than eight feet (8') in height, or
 - 2- [b] a vegetative screen dense enough to be completely opaque year-round, which is at least four feet (4') tall at planting and at least eight feet (8') tall within twelve (12) months; and
 2. located upon a surface that is acceptable to the City Engineer:
 - b. City Council approval of a Conditional Use Permit (in accordance with Article 2, Division 3 of this chapter) authorizing said materials storage or finished product storage and uses is required for industrial zoning districts adjacent to residential zoned property.
- (i) **Performance Standards.** No land or building shall be used or occupied within this district which does not comply with the following standards relating to radioactivity and electromagnetic disturbances, noise, vibrators, odors and glare.
- (1) Radioactivity or Electromagnetic Disturbance: No activity shall be permitted which emits dangerous radioactivity at any point, or electromagnetic disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
 - (2) Direct or Sky-Reflected Glare: No glare shall be permitted whether from floodlights or from high temperature processes such as combustion or welding or otherwise.
 - (3) Compliance With Other Regulations. All industries will comply with any appropriate federal and/or state standard as well as any others specified by this UDC or any other City Codes, such as adopted noise or hours of operation regulations.

Section 2.4.5.1 COD, Corridors Overlay District

(a) Purpose.

(1) The Corridors Overlay District (COD) is intended to help the City exercise greater control over the aesthetic, functional and safety characteristics of development along newly constructed major thoroughfares within the City where higher development standards can effectively enhance the City's image as a desirable place to live, work, and shop.

(2) The Corridors Overlay District (COD) is limited to specified areas encompassing land that has already been assigned conventional zoning district classifications. It supplements the standards of the underlying conventional districts with new or different standards which are more restrictive. In the event of a conflict between the standards of the COD and the regulations of the underlying zoning district, the standards described herein will prevail. Regulations of the underlying zoning district not augmented or otherwise supplemented by the COD will continue to prevail.

(b) District Boundaries. The COD standards apply to the future development and use of all land with lot frontage on either side of the street right-of-way along the following specified major thoroughfares:

- (1) Pearland Parkway: For the full length of the roadway within the City limits
- (2) Oiler Drive: For the full length of the roadway within the City limits
- (3) McHard Road: For the full length of the roadway within the City limits
- (4) SH 35: For the full length of the roadway within the City limits, except within the Old Townsite District
- (5) Broadway Road: For the full length of the roadway within the City limits, except within the Old Townsite District
- (6) Magnolia Road: For the full length within the City limits of the contiguous roadway known as Magnolia Road, County Road 59, Southfork Drive, and John Lizer Road, except within the Old Townsite District
- (7) Kirby Drive: For the full length of the roadway within the City limits
- (8) Dixie Farm Road: For the full length of the roadway within the City limits
- (9) Beltway 8: For the full length of the roadway within the City limits
- (10) Bailey Avenue: For the full length of the roadway within the City limits
- (11) Massey Ranch Road: For the full length of the roadway within the City limits
- (12) Cullen Boulevard: For the full length of the roadway within the City limits

(c) Lot and Setback Standards.

- (1) The minimum front yard building setback adjacent to a specified major thoroughfare shall be twenty-five feet (25').

- (2) The minimum setback for all off-street parking, maneuvering and loading areas from the right-of-way line of a specified major thoroughfare shall be thirty feet (30').
 - (3) The minimum setback for all screening walls and fences, including residential subdivision fences, from the right-of-way line of a specified major thoroughfare shall be thirty feet (30').
 - (4) The minimum setback for any outside storage area (where permitted by the underlying zoning district) from the right-of-way line of a specified major thoroughfare shall be one hundred and fifty feet (150'), unless such area is screened to one hundred percent (100%) opacity with a screening wall that matches the primary on-site building or with live vegetation.
 - (5) No buildings, parking areas, or other impervious structures (except as noted herein), are permitted within the recognized floodway, as identified by the City Engineer, or within fifty feet (50') of the high bank, whichever is greater, of a creek or other drainage way proposed as a linear park in the City's Park and Recreation Master Plan.
 - a. Permitted exceptions include drainage-related structures and pavement, paved pedestrian or bike trails, picnic tables, and paved surfaces beneath picnic tables.
 - b. The Parks Director may reduce the restriction herein upon a finding that the proposed construction is consistent with the Park and Recreation Master Plan or the Hike and Bike Master Plan.
 - (6) Buildings, parking areas, or other visual obstructions shall not be located in any required visibility triangle.
 - (7) The required setback area as described above shall be landscaped, and shall meet the requirements of Subsection (g) of this Section 2.4.5.1.
- (d) **Building Facade Standards.** Requirements are applicable to any side of a structure that faces a thoroughfare listed in subsection (b), except for single-family detached dwellings. A Facade Design Plan of the entire proposed project shall be submitted with Site Plan review documents.
- (1) Building Articulation:
 - a. Building articulation, which is the expression or outlining of parts of the building by its architectural design, shall be provided in order to achieve the following:
 1. Create a complementary pattern or rhythm, dividing large buildings into smaller, identifiable portions.
 2. Break up the building mass through offsets and other methods that articulate the horizontal and vertical building planes.
 3. Incorporate details that create shade and cast shadows to provide visual relief.
 - b. Building articulation shall be provided as specified in the following:
 1. All nonresidential structures fifty thousand (50,000) square feet in size or greater, except Public Educational Facilities, shall

incorporate architectural variation of at least three feet (3') in depth for every twenty-five feet (25') in vertical or horizontal length.

2. All nonresidential structures less than fifty thousand (50,000) square feet shall incorporate architectural variation of at least one foot (1') in depth for every ten feet (10') in vertical or horizontal length.

(2) **Building Materials:**

- a. All structures shall conform to the requirements in Article 6, Division 2 of this chapter.
- b. Corrugated metal and exposed fasteners are prohibited. Architectural metals are prohibited except for miscellaneous trimwork.
- c. A minimum twenty-five percent (25%) of an exterior wall facing the specified major thoroughfare shall be transparent, except for Public Educational Facilities, which are exempt from this requirement.
- d. All facades of an individual building, multiple buildings in a shopping center, or integrated business development, and all roofing in a shopping center or integrated business development shall have architectural design, color, and materials that are compatible or consistent with an overall theme, as determined by the Planning Director.

- (3) Building and roof colors shall be provided in accordance with an approved color palette, available in the City's Planning Office. Window/door trim, fascia, soffit, or similar elements of the building façade are exempt from the color palette as long as the total area of those elements do not exceed twenty percent (20%) of the building façade for any side of the building.

- (e) **Access and Off-Street Parking Standards.** Access and off-street parking shall be provided in conformance with the City's Engineering Design Criteria Manual (EDCM).

(f) **Bicycle Parking.**

- a. Bicycle parking spaces shall be provided at an amount equal to a minimum of five percent (5%) of the required vehicular parking spaces.
- b. Bicycle parking shall be conveniently provided for all uses allowed in the following zoning districts: Office and Professional, Neighborhood Service, Business Park-288, General Business, and General Commercial.
- c. Each required bicycle parking space shall include a means to secure individual bicycles.

(g) **Landscaping Standards.**

- (1) **Minimum Percentage of Landscaping in the Required Setback Area:** A minimum of fifteen percent (15%) of the required setback area shall consist of landscaped open areas with a permeable surface.
- (2) **Minimum Percentage of Landscaping Generally:** A minimum of fifteen percent (15%) of the gross lot area shall consist of landscaped open areas.
 - a. Landscaping elements shall be established along the outside (i.e., the side nearest the right-of-way) of all required screening elements (refer to Subsection (h) below).

(3) Tree Requirements: Trees are required along all specified major thoroughfares as follows, and at least fifty percent (50%) of the required trees shall be located along the frontage of the lot adjacent to the specified roadways:

- a. Large shade trees with a minimum two-inch (2") caliper measured at twelve inches (12") above the root ball shall be provided, with the total caliper inches equal to at least one inch (1") for each ten feet (10') of frontage.
- b. Ornamental trees with a minimum two-inch (2") caliper measured at twelve inches (12") above the root ball shall be provided, with the total caliper inches equal to one inch (1") for each fifteen feet (15') of frontage, except for Public Educational Facilities, which are exempt from this requirement.
- c. A minimum of sixty percent (60%) of required street trees shall be evergreen with year-round foliage.
- d. At the time of planting, a minimum of three feet (3') shall be provided between a tree trunk and the back of any curb and eight feet (8') between a tree trunk and any planned or existing underground public utility lines.
- e. At the time of planting, a minimum of six feet (6') shall be provided between individual trees.

(4) Required Interior Site Landscaping:

- a. Space for vehicle overhangs shall be provided in order to avoid damaging planted trees and shrubs.
- b. No parking space designed and intended for the parking of passenger vehicles driven by customers, patrons, or employees shall be greater than fifty feet (50') from a tree. Each island shall contain at least one (1) tree. Public Educational Facilities shall be exempt from this requirement.

(5) Irrigation System: A mechanical irrigation system is required to be installed and maintained.

(6) Adjacent to a Single-Family Use or Zoning District: When a nonresidential development is established on a tract of land that is adjacent to a single-family development or to property zoned for single-family use, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located with the required yard/setback area and may count toward (g)(1) above.

(h) **Lighting Standards.**

(1) Vehicular Circulation & Parking Areas:

- a. High pressure sodium or metal halide fixtures shall be used with no direct glare onto adjacent properties or public streets. The glare from such fixtures shall be shielded from adjacent properties and/or public streets.
- b. Minimum light level within the parking area shall be 0.5 foot candles when the attendant facility is in use.

- c. Standards, poles, and fixtures shall be a single color, uniform in design throughout the site and no taller than the height of the building being served.
 - d. Creosote treated wooden poles are prohibited.
 - e. Street lights along the specified corridor shall conform to the standard fixture adopted by the City. Installation of such fixture or payment in lieu of installation shall be required prior to acceptance of subdivision improvements by the City or issuance of a certificate of occupancy, as applicable
- (2) Walkway Lighting: Walkway lighting comprised of standard, pole, bollard and wall-mounted fixtures shall be no greater than twelve feet (12') above grade.
- (3) Accent Lighting:
- a. Uplighting shall be concealed or positioned to screen the light source from adjacent property.
 - b. Floodlighting or spotlighting of architecture, graphics, or natural features shall not create spillage of light onto adjacent property or public streets.

(i) **Screening Standards.**

- (1) Site Elements Required to Be Screened: The following site elements shall be screened from the public view from all specified major thoroughfares:
- a. Mechanical and Utility Equipment
 - 1. Screening shall consist of a decorative wall or architectural element of the building that is one hundred percent (100%) opaque.
 - 2. Roof-mounted equipment shall be screened with materials that are one hundred percent (100%) opaque. Appropriate screening includes an extension of the wall, such as a parapet wall, on which the equipment is mounted.
 - b. Vehicle Loading and Unloading Areas
 - 1. Screens shall incorporate shrubbery having year-round foliage and/or a wall or architectural element of the building that is a minimum of six feet (6') in height and is a maximum of seventy-five percent (75%) opaque.
 - c. Refuse, Refuse Containers, and Recycling Containers
 - 1. Screens shall consist of a solid wall or architectural element of the building that is a minimum six feet (6') in height.
- (2) Screening Elements Required: All screening walls visible from a public street shall be:
- a. Constructed of masonry materials that are consistent with the color and design of the primary on-site structure.
 - b. Consistent in color and design with the building architecture.
 - c. Uniform in style and materials along the entire length of the screen within a single development.

(3) Screening Elements Prohibited: No fence or wall visible from a public street shall be:

- a. Greater than eight feet (8') in height.
- b. Located within any required visibility triangle.
- c. Constructed with any of the following materials: surface painted or coated concrete, chain link, concertina wire, barbed wire, corrugated metal, or fiberglass panels. Exceptions:

1. Barbed wire may be used solely to control livestock.
2. Public Educational Facilities shall be permitted to use chain link fence along the perimeter of sports fields and detention basins. Any chain link fence located one hundred feet (100') or less from a thoroughfare listed in subsection (b) shall be constructed of chain link material that is entirely coated by black or dark green vinyl, and shall also include one of the following features:

A. an evergreen vegetative screen outside the fence consisting of a combination of shrubs and trees that meet the following requirements:

- (i) shrubs shall be planted every three feet (3') or less on center and shall be at least four feet (4') tall at planting;
- (ii) trees shall be planted every thirty feet (30') or less and shall be at least two inches (2") in diameter measured by caliper; or

B. masonry columns that are:

- (i) no less than twenty inches (20") in width and depth;
- (ii) at least twelve inches (12") taller than the adjacent chain link sections;
- (iii) spaced no further than twenty feet (20') apart;
- (iv) topped with decorative masonry caps at least six inches (6") tall that project at least two inches (2") from the front facades of the columns; and
- (v) constructed of materials similar in color, design, and architecture to that of the primary structure.

(4) All other fences within Public Educational Facilities shall be constructed of materials consistent in color, design, and architecture to the primary on-site structure.

(5) Residential Subdivision Fences:

- a. Residential subdivision fences shall be uniform in style, color, and material along the length of the subdivision.
- b. If visible from a street right-of-way, fences shall be constructed of masonry materials. However, large-lot subdivisions, which are defined as subdivisions with average lot sizes of one-half acre or more, shall be permitted to be screened with wood rail fencing.

(j) **Buffering Standards.**

- (1) **Site Elements Required to Be Buffered:** The following site elements shall be visually buffered from the public view from all specified major thoroughfares:
 - a. Parking Areas - Outdoor parking areas that are visible from any street right-of-way.
 - b. Fuel Pumps - Fuel pumps located between the street and the building.
 - c. Drive-Up Windows - Vehicle drive-up windows facing the street.
- (2) **Buffering Elements Required:** Required buffering shall be a maximum of three feet (3') in height shall be provided by way of one or more of the following:
 - a. Freestanding masonry wall.
 - b. Landscaped earth berm with a maximum four-to-one (4:1) slope. Retaining walls may be used to facilitate berming if unseen from the street.
 - c. Shrubbery having year-round foliage.

(k) **Outdoor Activities or Uses.** The following shall apply when the incidental display of merchandise out of doors is permitted within the base zoning district.

- (1) Except as provided below, all display areas out of doors shall be confined to a pedestrian walkway immediately adjacent to the building housing the primary use, shall not extend from such building a distance of more than ten feet (10'), and shall be located wholly under a permanent part of a main business building such as a marquee, provided that adequate pedestrian access is maintained. Adequate pedestrian access shall be an unobstructed thirty-six inch (36") walkway.
- (2) The temporary sale of Christmas trees and products associated with celebration of holidays or national events On any property in the general business district, the temporary sale of goods in relation to special events (e.g., Hanukkah, Presidents' Day, Easter, etc.) shall be permitted for a period of forty-five (45) days prior to the day of religious the holiday celebration. The sale of goods in relation to special, local, or store events (e.g., spring sale, Party on the Grand, civic club event, etc.) shall also be permitted, but shall be limited to one (1) event per calendar year, not to exceed a sale period of more than sixty (60) days. The Building Official shall issue a permit for such sale when he finds:
 - a. That there is an adequate off-street parking area, approved by the City; and
 - b. That the location and layout of drives and parking areas, of lighting, and of temporary sales signs will not constitute a hazard to public traveling to the abutting public streets and will not obstruct the visibility along such streets.
- (3) No other type of outdoor activity or use shall be permitted in the COD District without a temporary permit issued by the City's Building Official pursuant to the City Building Code, unless expressly authorized herein.

- (4) Outdoor storage, as defined by Section 5.1.1.1, is allowed only upon obtaining a CUP and providing screening pursuant to Section 4.2.4.1 (d). In no case shall outdoor storage be permitted along any yard that abuts any street or public right-of-way.

(l) **Sidewalk Standards.**

- (1) Location: The required sidewalk along all specified major thoroughfares may be located within the front yard building and parking setbacks as well as the parkway area from the back of curb to the right-of-way line. Sidewalks shall not be required for development along Beltway 8 frontage roads.
- (2) Easement Required: A ten foot (10') wide public use easement shall be provided for the required sidewalk when placed outside of street right-of-way.
- (3) Curved Alignment Required: The required sidewalk shall have a curved alignment for at least eighty percent (80%) of the major thoroughfare street frontage. Sidewalks on intersecting streets shall not have a curved alignment unless approved by the City Engineer.
- (4) Construction Criteria: Construction criteria for the required sidewalk:
 - a. Minimum six feet (6') wide.
 - b. Minimum eight-foot (80') centerline radius, maximum intersection angle of twenty (20) degrees, and maximum twenty-foot (20') foot tangent between sidewalk curves.
 - c. Minimum six-foot (6') separation between back of street curb and edge of sidewalk, except at street intersections and bridge approaches.
 - d. Sidewalk approaches, including the wheelchair ramp, to street and driveway intersections shall be straight and parallel to the adjacent street for a minimum of ten feet (10').
 - e. Detailed construction plans shall be submitted to the City Engineer for approval prior to construction of the sidewalk.
 - f. Deviations from these criteria may be approved by the City Engineer for good cause such as cases of unusual or unique topography or to preserve desirable natural features.
- (5) A minimum six-foot (6') wide pedestrian sidewalk shall connect the perimeter sidewalk to the building entry. This connecting sidewalk shall be accessible, readily visible, and paved.

- (m) **Utilities.** All utility service lines shall be located underground. Above-ground lines may be located in the rear or other areas of the property as necessary, however such lines must not prominent from the front view of the property or from the view of roadways (the visibility of the poles must be partially or wholly obscured). Any determination on whether utilities are prominent shall be made by the Planning Director.

Section 2.6.2.1 Applicability & Requirements

(a) **Applicability.** The standards and criteria contained within this division are deemed to be minimum standards and shall apply to all new, altered or repaired construction of residential and nonresidential buildings within the City that are visible from the applicable thoroughfare, as referenced in *Table 2-2*, on which the building has frontage.

(b) **Requirements.** The materials used on the exterior facades of all buildings within the City

*Table 2-2
Building Façade References By Roadway Classification
& Zoning District*

| ROADWAY CLASSIFICATION | ZONING DISTRICTS | |
|------------------------|---------------------------------|----------|
| | MF, C-MU, G/O-MU, OP, NS, GB, C | M-1, M-2 |
| Thoroughfare | (1) | (4) |
| Collector | (1) | (2) (4) |
| Other | (1) (2) (3) | (2) (3) |

* Refer to individual zoning district regulations for façade material requirements for the Spectrum district, BP-288 district, OT District, and COD district.

shall conform to the requirements referenced, and in accordance to the appropriate zoning district and roadway classification, in *Table 2-2*. "Roadway classification" refers to the way in which the applicable roadway is classified on the City's adopted Thoroughfare Plan.

(1) Minimum exterior wall standards (façade) shall be one hundred percent (100%) masonry or glass. These standards shall apply to any wall or portion of a wall visible from the roadway (private or public) or abutting residential zoning districts.

a. Existing buildings shall also conform to façade requirements upon a change of occupancy, occupant (if use has been abandoned per Section 2.7.3.6), or expansion exceeding five hundred (500) square feet in area of exterior dimensions of a nonresidential or multi-family structure for which a permit is required.

b. New and existing structures, including expansions, that are at least two hundred and fifty feet (250') from the specified roadways shall only be required to meet these requirements within Subsection (3) below. The two hundred and fifty foot measurement shall be taken from the curb or the edge of the roadway pavement.

c. Subsection (b)(1)b. above shall not apply to the following:

1. Any building that contains a single business and that has a footprint of eighty thousand (80,000) square feet or more.
2. Any building that contains multiple businesses and that has a footprint of eighty-thousand (80,000) square feet or more.
3. Multiple buildings and/or multiple businesses on a single site or parcel of land.

4. Any collection of buildings that is classified by the City as a shopping center, business park, or integrated business development and that is not otherwise specified in Subsection 1, 2, or 3 above.

d. The Planning and Zoning Commission may make an exception to the requirements of Subsection (b)(1) above for franchise businesses that have an established theme. In order to make such exception, the franchise business cannot have varied from the established theme in any other instance or other city. Such information shall be provided by the City Planning Director and/or the franchise business representative.

e. Other exemptions from (b)(1) for existing structures are provided within Subsection (d)(2) below.

(2) Buildings built prior to January 1, 2001 are exempt from the (facade) requirements of this section unless required by the adopted Building Code.

(3) Minimum exterior wall standards (facade) shall be a minimum of 24-gauge or heavier architectural panels (wall systems) ~~with concealed fasteners and no exposed seams~~. Corrugated metal is prohibited.

a. Within a GC (General Commercial) zoning district and where more than sixty percent (60%) of the existing nonresidential structures along both sides of the same street and lying between the two nearest intersecting streets do not comply with the minimum facade standards, architectural panels (wall systems) shall be insulated panels with a rock or rock-like coating or comply.

(4) Unless one of the following exceptions applies, masonry, stucco or EIFS materials shall be required on one hundred percent (100%) of the front façade of any building that faces onto a thoroughfare or collector. Side facades of such buildings shall be a minimum fifty percent (50%) masonry, stucco, or EIFS.

a. The building is exempt under (2) above.

b. New and existing structures, including expansions, that are at least two hundred and fifty feet (250') from the specified roadways shall only be required to meet these requirements within (3) above. The two hundred and fifty foot measurement shall be taken from the curb or the edge of the roadway pavement.

(c) **Materials Permitted.**

(1) Allowed by Right: For the purpose of this section masonry materials allowed by right are brick, stone brick veneer, custom treated tilt wall, decorative or textured concrete block, and split face block, stucco and EIFS (exterior insulation and finish systems).

(2) May Be Allowed by CUP: New technologies not addressed or contemplated by these regulations may also be allowed by CUP, if such materials are consistent with the visual nature and quality of the masonry materials permitted herein.

(3) Trim Materials: Architectural metal may be utilized for window and door trim, fascia, or soffit.

(d) **Exemptions.**

(1) New and existing structures within industrial zoning districts, M-1 Light Industrial district or the M-2 Heavy Industrial district, located along Mykawa Road between Orange Street and Scott Lane, and between the railroad tracks and Hatfield Road, including the

triangular piece bounded by the railroad tracks, McHard Road and Mykawa Road, shall be exempt from any of the façade material requirements herein.

(2) Existing Structures:

a. Existing structures that would otherwise be required to be brought into compliance with this division of the UDC may be exempt from such compliance upon issuance of a CUP.

b. The applicant/developer may submit a bond (in an amount agreed upon by the City) or enter into a written agreement (contract) with the City to give the applicant/developer a specific time period of time within which to bring an existing structure into compliance with this division of the UDC. The City Manager or his/her designee shall be the responsible official for approval of such bond or agreement. In no case shall the agreed-upon period of time exceed five (5) years.

Section 4.1.3.2 Improvements & Related Triggers

(a) **Required Improvements.** The following improvements required by this UDC shall be adhered to when an expansion triggers such improvements:

- (1) Facade Materials: As required within the applicable zoning district (Chapter 2) and/or in Chapter 2, Article 6, Division 2.
- (2) Sidewalks: As required within the applicable zoning district (Chapter 2) and/or in Chapter 3, Article 2, Division 11.
- (3) Parking: As required within the applicable zoning district (Chapter 2) and/or in Chapter 4, Article 2, Division 1.
- (4) Landscaping: As required within the applicable zoning district (Chapter 2) and/or in Chapter 4, Article 2, Division 2.
- (5) Screening/Fencing: As required within the applicable zoning district (Chapter 2) and/or in Chapter 4, Article 3, Division 4.

(b) **Triggers.** Expansions to an existing property that meet the following shall trigger all of the improvements outlined in (a) above, unless otherwise specified:

- (1) Structure Square Footage: Any expansion of a structure shall trigger the improvements required under (a) (3) and (a) (5). An expansion of a structure that exceeds five hundred square feet (500 ft²) shall trigger the improvements required under (a) (1), (a) (2), and (a) (4). Partial enclosure of existing loading docks shall not trigger these improvements.
- (2) Structure or Property Value: An expansion or improvement of a structure that improves the appraised value of the structure or property by more than fifty percent (50%).
- (3) Parking Spaces Increase: An increase in the number of parking spaces equal to or more than twenty percent (20%). In this case, facade material requirements shall not be required.

Section 4.2.4.1 Screening

(a) Nonresidential and Multiple-Family Screening Required (New Construction).

(1) Requirement Criteria. This section shall apply to the following:

- a. Any nonresidential use that is separated by only a street or has a side or rear contiguous to any residential use or residential zoning district other than multiple-family.
- b. Any multiple-family use that is separated by only a street or has a side or rear contiguous to any residential use or residential zoning district other than multiple-family.

(2) The following shall apply in either case outlined above:

a. The nonresidential or multiple-family use shall provide one of the following:

1. construct an opaque screening wall a minimum of six feet (6') in height, but not to exceed eight feet (8') in height. The screen shall be located no closer to the street than the property line. Such screening fence shall be maintained in good condition. Any sections of this Code concerning sight obstructions of intersections shall be applicable to the screen where it is intersected by a street or throughway; or

2. a vegetative screen dense enough to be completely opaque year-round, which is at least four feet (4') tall at planting and at least eight feet (8') tall within twelve (12) months.

b. There shall be a minimum 25-foot wide landscape buffer between nonresidential or multiple-family and all single-family uses, except this buffer shall be at least thirty (30) feet wide if screening is achieved above by a vegetative screen and not an opaque screening wall.

c. Prior to construction of buffers, complete plans showing type of material, depth of beam and structural support shall be submitted to the Building Inspection Division for analysis to determine whether or not:

1. The screen will withstand the pressures of time and nature; and
2. The screen adequately accomplishes the purpose for which it was intended.

d. The Building Official shall determine if the buffer meets the requirements of this section.

(3) Any required landscaping (refer to Division 2) shall be placed on the residential side of any required screening wall. If the screening wall exists previous to the development of the nonresidential or multiple-family use (as applicable), required landscaping may be placed on the nonresidential or multiple-family (as applicable) side of such wall.

(b) Parking Area Screening Along Major and Secondary Thoroughfares.

Landscaping shall be required for the screening of parking areas along major thoroughfares or secondary thoroughfares when nonresidential parking areas are located on the nonresidential lot such that they are adjacent to such roadways (i.e., there is no building between the parking area and the lot line adjacent to the

roadway). In such case, parking areas shall be screened by a continuous hedge of shrubs that are maintained at a height of no more than thirty-six inches (36") nor less than eighteen inches (18") as measured from the surrounding soil line.

(c) Residential Screening Along Major and Secondary Thoroughfares (Applies to the City & ETJ).

- (1) Requirement Criteria: Where residential subdivisions are platted so that the rear or side yards of single-family or two-family residential lots are adjacent to a major or secondary thoroughfare roadway as described in Chapter 3, or are separated from such thoroughfare by an alley, or back up to such thoroughfare, the developer shall provide, at its sole expense, a minimum six-foot tall masonry screening wall (also see Subsection (2) below); or some other alternative form of screening, if approved by the Planning Director, according to the following alternatives and standards. All screening shall be adjacent to the right-of-way or property line and fully located on the private lot(s), including columns and decorative features. All forms of screening shall conform to the requirements of City ordinances and policies that govern sight distance for traffic safety.
- (2) Screening Alternatives: Screening shall be provided in accordance with, and shall be constructed to, standards and criteria as set forth in the City's EDCM. An alternative form of screening, in lieu of the masonry wall, may be approved by Planning Director and the City Engineer with the Preliminary Subdivision Plat or Preliminary Development Plat application. Alternatives that may be considered include:
 - a. A living/landscaped screen in conjunction with decorative metal (e.g., wrought iron) fence sections with masonry columns;
 - b. A combination of berms and living/landscaped screening;
 - c. A combination of berms, decorative masonry walls and living/landscaped screening, either with or without a decorative metal or "WoodCrete" type of fence with masonry columns; or
 - d. Some other creative screening alternative may be approved if it meets the spirit and intent of this Section, if it is demonstrated to be long-lasting and generally maintenance-free, and if the Planning Director and City Engineer find it to be in the public interest to approve the alternative screening device.
- (3) Time Required for Opacity: Any required screening device shall be, or shall achieve, at least six feet in height and at least ninety percent opacity within three years of initial installation/planting. Any landscaping used to achieve the purpose of required screening shall be in conformance with Division 2 and/or Division 3 of this article.
- (4) Maintenance Easement: A wall/screening maintenance easement at least five feet in width shall be dedicated to the City or to a property owners association on the private lot side and adjacent to the entire length of the screening wall or device.

- (5) Installation: The screening/wall/device shall be installed prior to final acceptance of the subdivision public improvements. All landscape materials, if utilized, shall be installed in accordance with Division 2 and/or Division 3 of this article. Failure to properly install all components of a required screening wall or device within the prescribed time frame, shall constitute a violation of this Unified Development Code, and shall authorize the City Engineer to refuse acceptance of the subdivision public improvements.
- (6) Design of Walls: All masonry, wrought iron, steel or aluminum screening wall plans and details must be designed and sealed by a licensed professional engineer, and must be approved by the City Engineer. Use of chain-link, chicken-wire, hog-wire fencing, and any other material similar in appearance and quality is expressly prohibited. The use of wood is prohibited.
- (7) Height of Screening: The height of required screening devices, including spans between columns, shall be a minimum of six feet and shall be no more than eight feet. Decorative columns, pilasters, stone caps, sculptural elements, and other similar features may exceed the maximum eight-foot height by up to two feet for a total maximum height of 10 feet for these features, provided that such taller elements comprise no more than 10% of the total wall length in elevation view.
- (8) Other Easements: Screening fences, walls and devices shall not be constructed within any portion of a utility or drainage easement unless specifically authorized by the City and by any other applicable utility provider(s).

(d) General Screening.

- (1) The following requirements shall be in addition to the foregoing landscaping and planting requirements:
 - a. All loading spaces and docks, outside storage areas including open storage, storage in containers and boxes not designed to be permanently affixed to real property, refuse containers/areas, mechanical and electrical equipment, and the rear of nonresidential uses/structures on double frontage lots, must be screened from view from the street or public rights-of-way and adjoining properties.
 - b. Approved screening techniques include masonry, evergreen vegetative screens, landscape berms, existing vegetation or any combination thereof. In any case in which a fence/wall is constructed to provide screening, landscaping elements shall be incorporated along a majority of the fence/wall. Also, in the case of roof-mounted mechanical equipment, parapet roof structures are approved for screening such equipment.
 - c. If a nonresidential use is adjacent to a residential use other than multiple-family, such nonresidential use shall be screened in accordance with Section 4.2.4.1(a) and shall include a vegetative buffer.
 - d. Roof mounted equipment in M1 and M2 districts are exempt from screening requirements if the equipment is painted to match the roof color and the equipment is not closer than two hundred fifty (250) feet to a roadway listed in Section 2.4.5.1.

(2) If screening is required, it shall be of sufficient height and opacity to completely obscure the activity, structure, or use.

Section 4.2.4.3 Fencing

(a) Fences in Residential Areas/Districts, Except Multiple-Family.

(1) Height of Fences in the Front Yard: Any fence or wall located to the rear of the minimum required front yard line shall not exceed six feet in height.

- a. Materials Permitted - Fences may be constructed of wood, decorative metal, chain link or woven wire mesh, and other materials traditionally used in private fence construction. New and innovative materials such as plastics, PVCs, metal panel or metal slat, "honeycomb", cementitious fiber board (e.g., "WoodCrete"), and other similar materials may be approved for use by the City's Building Official if the material is proven to be sturdy, durable and relatively maintenance-free.
- b. Fences Permitted in Front Yard(s) Adjacent to a Public Street - Except as provided by Subsection c (Decorative Fences) below, no fence or wall shall be permitted within the required front yard of any single-family or duplex residential lot which is adjacent to a public street. No residential fence shall be closer than 15 feet to a public street; however, in cases where the side or rear building line of the yards on continuous corner lots adjoin (i.e., the side yard lot is not a key corner lot), the fence may be constructed out to the property line of the side yard, such that the street side yard may be included as part of the lot's rear yard area. (See Figure 4-5.)

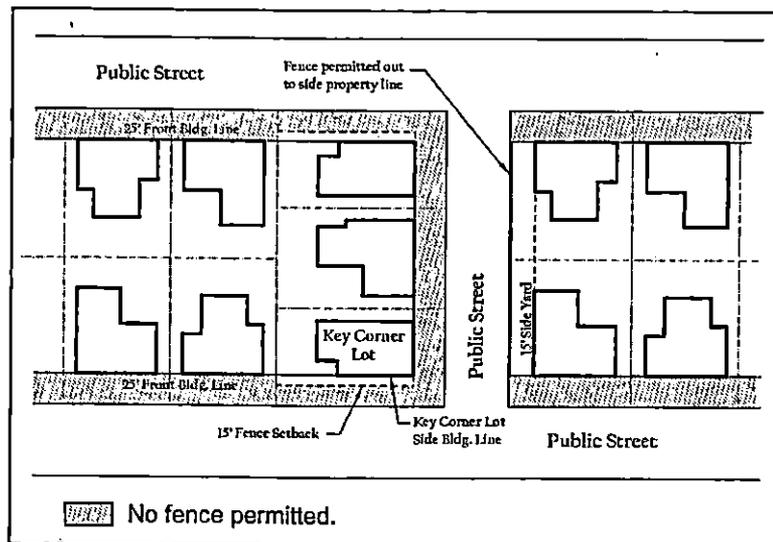


Figure 4-5: Fences in Front Yards

- c. Decorative Fences - Decorative fences with openings not less than 50% of the fence area and not exceeding four feet in height are permitted in front yards. Chain link, woven wire mesh metal panel, or similar materials are not considered decorative fencing, and are therefore not allowed in front yards.

- (2) Perimeter Fencing: Above-ground electrical fencing (does not include underground "virtual fencing", which is allowed), wire mesh (such as hog wire, chicken wire) and barbed wire are prohibited as perimeter fencing except on parcels or lots of two acres or greater in size in the Suburban Development (SD) zoning district and Residential Estate (RE) zoning district.
- (3) Fences within Public Easements: Fences within a public easement shall have a gate or removable panel to allow for maintenance access to such easement.
- (4) Fences within Drainage Easements: Fences within a drainage easement should be constructed in a manner to not restrict the flow of drainage water.
- (5) Fences in Side/Rear Yards: Fences located in side or rear yards shall not exceed eight (8) feet in height.

(b) Fences in Non-Residential Areas/Districts.

- (1) Barbed Wire Fencing: Permanent barbed wire or similar fences shall be prohibited in districts where used for purposes other than for the control of livestock. Barbed wire shall be permitted as an accessory material to another type of fence in industrial zoning districts (M-1 and M-2), and for City facilities upon approval by City Council, when the barbed wire material is located along the top of a fence, beginning at a height of at least six feet (6') from ground level.
- (2) Gates for Vehicular Access: Gates designed for vehicular access shall be set back from the property line a minimum of twenty-four feet (24').
- (3) Permit Required: All new, reconstructed, or replaced fences require permits.
- (4) Fences within Public Easements: Fences within a public easement shall have a gate or removable panel to allow for maintenance access to such easement.
- (5) Fences within Drainage Easements: Fences within a drainage easement should be constructed in a manner to not restrict the flow of drainage water.
- (6) Height and Material of Fencing: In all yards, fences shall not exceed eight (8) feet in height. Fences in the front yard, except for properties in the M1 or M2 districts, shall be decorative with openings not less than 50% of the fence area. Chain link, woven wire mesh metal panel, or similar materials are not considered decorative fencing.

Section 5.1.1.1 General Definitions

(a) **General Definitions.** The following definitions are intended to provide descriptions for words and terms used within this UDC. Absent any conflict, words and terms used in this UDC shall have the meanings ascribed thereto in this Chapter 5. When words and terms are defined herein, and are also defined in other ordinance(s) of the City, shall be read in harmony unless there exists an irreconcilable conflict, in which case the definition contained in this Chapter 5 shall control. For any definition not listed in this Chapter 5 of this UDC, the definition found within the latest edition of Webster's Dictionary shall be used.

...
GAMING ESTABLISHMENT: A video arcade, game room, or other establishment that has more than four (4) coin-operated eight-liners or other amusement machines on which are played games of chance or eight-liners for use by its patrons the general public for a fee or charge.

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