

**MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD JULY 16, 2007 AT 6:30 P.M., IN THE 2<sup>nd</sup> FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS**

**I. CALL TO ORDER**

Temporary Chairperson Neil West called the meeting to order at 9:18 p.m. with the following present:

P & Z Commissioner Neil West  
P & Z Commissioner Henry Fuertes  
P & Z Commissioner Susan Sherrouse  
P & Z Commissioner Darrell Diggs

Also in attendance were: Assistant City Manager Nick Finan, Planning Director Lata Krishnarao, Senior Planner Theresa Grahmann, Plans and Plat Administrator Richard Keller, Planner Tim Chi, Deputy City Attorney Nghiem Doan, and Planning Administrative Secretary Judy Krajca.

**II. APPROVAL OF MINUTES**

Commissioner Sherrouse made the motion to approve, and Commissioner Diggs seconded. The vote was 4-0 for approval of the minutes.

**III. NEW BUSINESS**

**A. CONSIDERATION & POSSIBLE ACTION—ZONE CHANGE NO. 2007-08Z**

A request by Domodar Battu, applicant for Kubera Investments Partnership, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification General Business Retail District (GB) and Single Family Residential – 1 District (R-1) to General Commercial District (GC).

Commissioner Diggs made a motion to approve, and Commissioner Fuertes seconded.

Deputy City Attorney Doan asked Staff if the applicant wants General Business (GB) zone. Senior Planner Grahmann responded that the applicant had expressed they did not.

Commissioner Diggs stated that he was not in favor of changing the zoning to GB without the applicant being present. Commissioner Sherrouse agreed with Commissioner Diggs.

Commissioner Fuertes made a motion to amend the Zone Change to General Business (GB). Commissioner West seconded.

The vote was 3-1 for the amendment. Commissioner Diggs opposed.

The vote was 4-0. The zone change was approved.

**B. CONSIDERATION & POSSIBLE ACTION—CONDITIONAL USE PERMIT NO. CUP2007-13**

A request by Tal-Con and Chris Talbert, applicant for Town Lake, L.P. and Renee McGuire, owner, for approval of a Conditional Use Permit for a "Mini-Warehouse and Self Storage" facility in the General Commercial District (GC).

Commissioner Sherrouse made the motion to approve, and Commissioner Diggs seconded.

Commissioner Fuertes stated that what he heard during the joint public hearing was this property would be better served as a Planned Development (PD).

Commissioner Sherrouse commended the applicant on the quality of work done by West Development, and stated she felt most comfortable with this being a PD.

Commissioner West asked Renee McGuire what her thought was of a PD. Ms. McGuire stated that it sounds good, but was concerned with the market, and when this development would actually take place.

Commissioner Diggs stated that his concern was the neighborhood.

Renee West stated that she spoke to the Homeowners Association after the Joint Public Hearing and was able to settle a lot of their fears in regards to the fence.

Commissioner Diggs made a motion to table, but the motion died due to lack of discussion.

Commissioner Diggs stated that the public was opposed.

Discussion ensued about voting procedures.

The vote was 0-4. The CUP was denied for reasons given by Staff, the Commission recommending a PD, and the comments heard at the hearing.

**C. CONSIDERATION & POSSIBLE ACTION— CONDITIONAL USE PERMIT NO. CUP2007-11**

A request by Karen Whitaker, applicant for Massoud Motamedi, owner, for approval of a Conditional Use Permit for a "child day care center" in the Garden O'Day Mixed Use District (GO-MU).

Commissioner Diggs made the motion to approve, and Commissioner Sherrouse seconded.

Discussion ensued on all aspect of granting the CUP, including discussion of a variance, platting, and tabling the item.

The vote was 0-4. The CUP was denied for reasons given by Staff.

**D. CONSIDERATION & POSSIBLE ACTION—FINAL PLAT OF SILVER LAND CENTER**

A request by Chris L. Hendrick, Wilson Survey Group, for Fortress Pearland Investments, LLC., owner, for approval of a final plat of 8.2904 acres zoned GB for commercial purposes. The property is located at the South side of F.M. 518 across from Hillhouse Road and is described as follow:

In The H.T. & B.R.R. Company Survey, Abstract 309, City of Pearland, Brazoria County, Texas.

Plan and Plat Administrator Keller read the Staff report. There were no outstanding items.

Commissioner Diggs made the motion to approve, and Commissioner Sherrouse seconded.

The vote was 4-0. The plat was approved.

**E. DISCUSSION ITEMS**

Upcoming Dates & Meetings were discussed, specifically the Texas APA Conference in Addison, Texas in October 2007.

**IV. ADJOURNMENT**

Temporary/Acting Chairperson Neil West adjourned the meeting at 10:29 p.m.

These minutes are respectfully submitted by:

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Judy Krajca, Administrative Planning Secretary

Minutes approved as submitted and/or corrected on this 6th day of August, A.D., 2007.

# PLANNING & ZONING COMMISSION MEETING

DATE: 7-16-07

*M*

NAME	COMPANY	ITEM OF INTEREST	COMMENTS
Charlie Talbert	Tal-Con	CUP	
Chris Talbert	Tal-Con	CUP	
AARON MCGUIRE	R. WEST DEV. CO	4 AC. CUP	
Renee McGuire	R. West. Dev. Co.	4 AC. CUP	
Massoud Motamedi	OWNER		

**EVENTS FOR MONDAY, JULY 16, 2007**

**City Council  
and  
Planning and  
Zoning  
Commission**

**6:00 PM, Council Chambers  
WORKSHOP**

**Topics:**

**INPUT AND DISCUSSION:** UDC amendments regarding administrative variance/special exception and size of multi-tenant signs.

**6:30 PM, Council Chambers  
JOINT PUBLIC HEARING**

**Topics:**

1. Zone Change No. 2007-08Z, a request by Domodar Battu, applicant for Kubera Investments Partnership, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification General Business Retail District (GB) and Single Family Residential – 1 District (R-1) to General Commercial District (GC), Generally Located on the East Side of Old Chocolate Bayou Road, and Approximately 1,300 Feet South of FM 518 (Broadway Street)
2. Conditional Use Permit No. CUP2007-13, a request by Tal-Con and Chris Talbert, applicant for Town Lake, L.P. and Renee McGuire, owner, for approval of a Conditional Use Permit for a "Mini-Warehouse and Self Storage" facility in the General Commercial District (GC), Generally Located on the East Side of SH 35 (Main Street), on the South Side of Oiler Drive, and on the North Side of English Lake Drive
3. Conditional Use Permit No. CUP2007-11, a request by Karen Whitaker, applicant for Massoud Motamedi, owner, for approval of a Conditional Use Permit for a "child day care center" in the Garden O'Day Mixed Use District (GO-MU), Generally Located on the West Side of O'Day Road, and Approximately 850 Feet North of FM 518 (Broadway Street)

**City Council  
and  
Planning and  
Zoning  
Commission**

**Planning and  
Zoning  
Commission  
Only**

**6:30 PM (after the Joint Public Hearings)  
PLANNING AND ZONING COMMISSION MEETING**

**Topics: See Planning and Zoning Commission Agenda. Includes 3 Public Hearing Items Above,  
plus subdivision plats, other items**

**AGENDA – WORKSHOP OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON JULY 16, 2007, AT 6:00 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

**I. PURPOSE OF THE WORKSHOP:**

**A. PLANNING AND ZONING INPUT AND DISCUSSION:** UDC amendments regarding administrative variance/special exception and size of multi-tenant signs. *Presented by Nghiem Doan and Lata Krishnarao.*

**II. ADJOURNMENT**

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

I, **Judy Krajca, Administrative Planning Secretary** of the City of Pearland, Texas, do hereby certify that the foregoing agenda was posted in a place convenient to the general public at City Hall on the **6th day of July, 2007, A.D., at 5:30 p.m.**

\_\_\_\_\_  
Judy Krajca  
Administrative Planning Secretary

Agenda removed \_\_\_\_\_ day of July, 2007.

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

**AGENDA OF:** July 16, 2007

**ITEM NO.:** Workshop No. 4

**DATE SUBMITTED:** July 3, 2007

**DEPARTMENT OF ORIGIN:** Legal, Planning

**PREPARED BY:** Nghiem Doan,  
Lata Krishnarao

**PRESENTOR:** Nghiem Doan, Lata Krishnarao

**REVIEWED BY:** Nicholas Finan

**REVIEW DATE:** July 6, 2007

**SUBJECT:** UDC amendments regarding administrative variance/special exception and size of multi-tenant signs.

**EXHIBITS:** 1. UDC Amendments for Special Exemptions,  
2. Memo on Highway Signage,  
3. Comparison of Highway Signage

**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:**

Finance

Legal

Ordinance

Resolution

**EXECUTIVE SUMMARY**

At the UDC workshop held on April 30, 2007, City Council and staff discussed Councilman Cole's suggestion of adding a procedure under the UDC to allow flexibility for existing buildings to be reoccupied without coming into full compliance with our codes. After much discussion, Council seemed satisfied with the suggestion that the flexibility be drafted into a special exception that the Zoning Board of Adjustments would be empowered to grant, relieving staff of the burden of making such a decision.

In addition, staff is proposing that the square footage thresholds that trigger conformance with our codes be made uniform at 500 ft<sup>2</sup>. They currently vary from 500 to 1000 ft<sup>2</sup>.

The second discussion item tabled for more information at this workshop was the proposed increased in square footage, height, etc. allowances for signage along highways. At the last workshop, staff had discussed regulations from various other

cities. In the attached memo the recommendations and request on marketing versus wayfinding from the last workshop have been summarized.

The attached proposed UDC amendments implement the changes as outlined as well as staff's findings there are no real standards for wayfinding versus marketing.

**RECOMMENDED ACTION**

Consider and discuss the proposed UDC amendments.

### 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 **one thousand five hundred (1,0500)** 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 facade 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 Beltway 8, and between the railroad tracks and Scott Lane, 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 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 article 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 waive or reduce the parking and loading requirements in an amount not exceeding thirty-three percent (33%) of the normal requirement in any of the districts for one or more of the following situations, whenever the character or use of the building makes unnecessary the full provision of parking or loading facilities or where the regulations would impose an unreasonable hardship upon the use of the property, 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 an 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, additional compliance for 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 - 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 – full compliance for new construction only

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.

**(79)** 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 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) Façade 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 is equal to or more than one thousand exceeds five hundred (1,000) square feet (500 ft<sup>2</sup>) shall trigger the improvements required under (a) (1), (a) (2), and (a) (4).
- (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, façade material requirements shall not be required.

### **Section 4.2.1.1 Off-Street Parking Spaces Required**

- (a) Development within the Old Townsite (OT) district shall be required to comply with this Section of the UDC unless otherwise outlined in Section 2.4.3.4 OT, Old Townsite.
- (b) In all zoning districts, off-street parking spaces shall be provided in accordance with the requirements of this division at the time any building or structure is erected or structurally altered, or whenever there is a change to a new use with respect to the standards of this division.
- (c) It is the intent of these regulations to prevent the reduction of existing off-street parking and loading spaces to less than the minimum amounts that would be required if the existing use of the structure had been established or erected in full compliance with the provision herein.
- (d) No Certificate of Occupancy shall be issued, no use shall be established or changed, and no structure ~~including parking facilities~~ shall be erected, enlarged, or reconstructed unless the off-street parking and loading spaces are provided in the minimum amount and maintained in the manner specified in these regulations, provided, however:
  - (1) For the enlargement of a structure or for the expansion for a use of a structure or land there shall be required only the number of off-street loading spaces as would be required if such enlargement or expansion were a separate new structure or use; and
  - (2) For a change in the use of a structure or land, the number of off-street parking and loading spaces required shall be equal to the number required for the new use.
- (e) In all zoning districts, parking and loading areas shall not be used for refuse containers, for the repair, storage, dismantling, or servicing of vehicles or equipment, for the storage of materials or supplies, or for any other use in conflict with the designated parking and loading areas.



## CITY OF PEARLAND PLANNING & ZONING

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### MEMO

**DATE:** July 5, 2007

**TO:** City Council and Planning and Zoning Commission

**FROM:** Lata Krishnarao, AICP, Planning Director

**SUBJECT:** Highway Signage

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Discussion on the above mentioned subject is scheduled on July 16, 2007. This subject was discussed in earlier workshops with the City Council and Planning and Zoning Commission. Based on their input, staff has compiled the standards mentioned below for signage along State Highway 288 and Beltway 8.

Below is a brief summary of wayfinding signs and on-premise signs as requested by the council.

#### **Wayfinding Signs**

Wayfinding denotes a signage system that welcomes, orients and guides visitors in and around a community. While wayfinding systems include customized highway signs, entrance signs and street directional signage – they are more than signs. The wayfinding signs are designed by examining an area from a visitor's perspective, understanding why visitors are there and using this information to design information and clues to help guide the visitors to their destinations.

Some wayfinding sign systems include the following categories:

1. Interstate Gateway sign – an initial gateway sign at the entranceway of a destination on the Interstate system that welcomes visitors to the area
2. Gateway sign – a gateway sign at major corridors
3. Smaller street signs – signs that direct visitors to specific key destinations along a pre-determined route or routes.

The basic aim is to ensure that visitors are given clear and precise information leading them to their desired location. Historic districts, large establishments such as airports, downtowns, amusement parks etc. are some of the examples where wayfinding signage systems are utilized. The standards for the wayfinding systems vary and are determined by each entity.

## **On-Premise Sign**

An on-premise sign typically advertises the identity and location of a business, organization, product, service or use on site and includes words, letters, numbers, symbols, figures or illumination. An important purpose of these signs, as opposed to way-finding signs which guide visitors to a specific destination, is to attract customers and clients who may not be intending to visit their location.

Standards for on-premise signs vary, as presented at the last workshop and attached with this memo. Each community decides on the character that they want to promote and formulate standards accordingly. While some cities have larger signs for highways that traverse through them, others have not made any effort to have larger signs along highways.

## **Recommendations for Pearland**

Currently, Pearland does not allow larger signs along the highways that traverse through the city, namely SH 288 and Beltway-8. Signage along Beltway 8 is controlled by the Harris County Toll Road Authority (HCTRA) also. The recommendations listed below, that would allow larger signs than currently allowed, follow certain Scenic Highway guidelines adopted by the City of Houston. The proposed guidelines are less stringent than those of the HCTRA as evident from the attached table – Comparison of Signage Along Highways.

Type:	Monument Sign
Spacing:	One per 1000' of frontage along the specified highway. For businesses with more than 1000' of frontage, one additional sign per 1000' shall be allowed, provided the separation distance is a minimum of 600'.
Setback:	15' from right of way/property line.
Maximum area:	300 s.f.
Maximum Height:	24'.
	Not part of Scenic Highway signage and to be discussed - For properties below the grade of the highway allow additional height of up to 10' above the grade of the highway at the sign location.

**COMPARISION  
OF SIGNAGE  
ALONG  
HIGHWAYS**

Jurisdiction	Maximum Area	Maximum Height	Minimum Setback*	Type of Sign	Type of Business Sign & Location	Number Allowed	Comments
Pearland	200 s.f. max.	17'	10' from ROW	Monument	Applies to Multi Tenant Sign – more than one business/use.	One per 600 feet of street frontage. Additional sign for every additional 600' of frontage.	
Houston	100 s.f.	14'	No Info.	Ground Sign	SH 288 South & Beltway 8 – Single business	One per 350' of frontage. Additional sign for additional 350'. Minimum spacing distance = 350'.	SH 288 is designated as scenic ROW and Beltway 8 is designated as a Scenic District
	200 s.f.	19'	No Info.	Ground Sign	SH 288 South & Beltway 8 – Multi tenant – 2 or 3 businesses		
	300 s.f.	24'	No Info.	Ground Sign	SH 288 South & Beltway 8 – Multi tenant – 4 or more businesses		
Beltway 8 Harris County Toll Road Authority	75 s.f.	12'	If 0-250' from ROW	Berm /Monument Sign	Applies to single business	For businesses with more than 1000' frontage one additional sign per 1000' frontage shall be allowed, provided the separation	These regulations apply to any sign visible from the toll way. Signs within 660' are presumed to
	100 s.f.	12'	If 250' +	Berm	Applies to single		

	200 s.f.	12'	Infinite	/Monument Sign	business	distance is 500' and not more than 5 signs are allowed per businesses.	be visible; however there is no presumption that signs beyond 660' are not visible.
	300 s.f.	12'	Infinite	Berm /Monument Sign	Multi Tenant, applies to 2-3 businesses		
				Berm /Monument Sign	Multi Tennant, applies to more than 2-3 businesses		
Sugarland	100 s.f.	10'	10' from curb	Monument	Non-residential, Frontage on U.S. Highway 59	One for first 125'. One for each additional 125'.	
Cleburne US 67 bypass and others	250 s.f.	50'	No Info.	Pole	Adjacent Freeway	No Info.	
	160 s.f. for up to 75,000 s.f. of building area	25'	No Info.	Pole	Primary Highways		
		20'	No Info.	Pole	Others	No Info.	
	200 s.f. for over 75,000 s.f. of building area	25'	No Info.	Pole	Primary Highways	No Info.	
		20'	No Info.	Pole	Others	No Info.	
Georgetown, TX	225 s.f.	28'	No Info.	Pole	I-35	No Info.	For properties below the grade of the highway, additional allowance is permitted. This additional allowance will be determined by measuring the difference between

							the elevation of the property at the proposed location of the sign and the elevation of IH 35
Austin	No Info.	35'	No Info.	No Info.	Highways	No Info.	
Forney	150 s.f.	35'	10'-20'. See comments.	No Info.	US Hwy 80	One per property. Graduated Scale - Signs no taller than 6' in height may be located 1' behind the street ROW or property line.	Signs 6' to 10' in height shall be located no closer than 10' to the street ROW or property line. Signs 11' to 16' in height shall be located no closer than 15' to the street ROW or property line. 16' to 35' in height shall be located no closer than 20' to the street ROW or property line.
City of Southlake	160 s.f. (total) and 80 s.f. per sign face	12 feet	15'	Monument	Freeways (S.H. 114)	1 per every 500 feet of highway frontage with a maximum of 2.	
	120 s.f. (total) and 60 s.f. per sign face	8 feet	12'	Monument	Regional Boulevards (F.M. 1709 and F.M. 1938)	1 per every 500 feet of regional boulevard frontage with a maximum of 2.	
Denton	250 s.f.	40'	20'	Ground Sign / Monument Sign	IH 35N, 35E, 35W	1 per frontage. For premises over 500' feet of frontage, additional signage is provided for	

	150 s.f.	30'	20'	Ground Sign / Monument Sign	Loop 288	every additional 500' or fraction thereof.	
Galveston	200 s.f.	50'	No Info.	No Info.	Freeway	One per property.	ZBA has granted variances up to 400 s.f. if businesses have signs and have multi-tenant signs
Hurst	200 s.f.	20' above the grade of highway	No Info.	Pole signs	Freeway	No Info.	
Richardson	80 s.f.	20'	No Info.	Free standing signs	US 75	Number of signs depends on acreage – one per 10 acres, two for sites in between 10-15 acres, and 3 for sites over 15 acres.	
Shenandoah	144 s.f.	40'	10'	Pole signs	I-45	Number of signs depends on the size of the center. No other info.	
	144 s.f.	20'	10'	Monument Sign	Other Highways		
San Marcos	260 s.f.	42.5'	No Info.	Pole	I-35	No Info.	
	160 s.f.	30'	No Info.	Pole	SH 123, SH 21, SH 80		
Missouri City	No Info.	25'	No. Info	No Info.	Highways	No Info.	Council recently denied 40' height requested by the applicant and approved 25' after researching other overpass intersections and getting input from other developers

							agreed on 25' height.
Bellaire	None.	None	None	None	I-610	None	No signage allowed, except for small wall signs on buildings

\* When a setback is not mentioned in the regulations, it could also imply that there is a zero setback for signs.

**AGENDA SUMMARY**  
**JOINT PUBLIC HEARING**  
**JULY 16, 2007, AT 6:30 P.M.**

1. Zone Change No. 2007-08Z

A request by Domodar Battu, applicant for Kubera Investments Partnership, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification General Business Retail District (GB) and Single Family Residential – 1 District (R-1) to General Commercial District (GC), on the following described property, to wit:

General Location: Generally Located on the East Side of Old Chocolate Bayou Road, and Approximately 1,300 Feet South of FM 518 (Broadway Street)

2. Conditional Use Permit No. CUP2007-13

A request by Tal-Con and Chris Talbert, applicant for Town Lake, L.P. and Renee McGuire, owner, for approval of a Conditional Use Permit for a "Mini-Warehouse and Self Storage" facility in the General Commercial District (GC), on the following described property, to wit:

General Location: Generally Located on the East Side of SH 35 (Main Street), on the South Side of Oiler Drive, and on the North Side of English Lake Drive

3. Conditional Use Permit No. CUP2007-11

A request by Karen Whitaker, applicant for Massoud Motamedi, owner, for approval of a Conditional Use Permit for a "child day care center" in the Garden O'Day Mixed Use District (GO-MU), on the following described property, to wit:

General Location: Generally Located on the West Side of O'Day Road, and Approximately 850 Feet North of FM 518 (Broadway Street)

**AGENDA – REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JULY 16, 2007 AT 6:30 P.M., IN THE 2<sup>ND</sup> FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS**

- I. CALL TO ORDER**
- II. APPROVAL OF MINUTES**      July 2, 2007 – Regular Meeting
- III. NEW BUSINESS**

**A. CONSIDERATION & POSSIBLE ACTION—ZONE CHANGE NO. 2007-08Z**

A request by Domodar Battu, applicant for Kubera Investments Partnership, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification General Business Retail District (GB) and Single Family Residential – 1 District (R-1) to General Commercial District (GC).

**B. CONSIDERATION & POSSIBLE ACTION—CONDITIONAL USE PERMIT NO. CUP2007-13**

A request by Tal-Con and Chris Talbert, applicant for Town Lake, L.P. and Renee McGuire, owner, for approval of a Conditional Use Permit for a “Mini-Warehouse and Self Storage” facility in the General Commercial District (GC).

**C. CONSIDERATION & POSSIBLE ACTION— CONDITIONAL USE PERMIT NO. CUP2007-11**

A request by Karen Whitaker, applicant for Massoud Motamedi, owner, for approval of a Conditional Use Permit for a “child day care center” in the Garden O’Day Mixed Use District (GO-MU),

**D. CONSIDERATION & POSSIBLE ACTION—FINAL PLAT OF SILVER LAND CENTER**

Action Date 7/16/07
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A request by Chris L. Hendrick, Wilson Survey Group, for Fortress Pearland Investments, LLC., owner, for approval of a final plat of 8.2904 acres zoned GB for commercial purposes. The property is located at the South side of F.M. 518 across from Hillhouse Road and is described as follow:

In The H.T. & B.R.R. Company Survey, Abstract 309, City of Pearland,  
Brazoria County, Texas.

**E. DISCUSSION ITEMS**

Upcoming Dates & Meetings

**IV. ADJOURNMENT**

**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.**

I, Judy Krajca, Planning Secretary of the City of Pearland, Texas, do hereby certify that the foregoing agenda was posted in a place convenient to the general public at City Hall on the 6th day of July 2007, A.D., at 5:30 p.m.

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Judy Krajca, Planning Secretary

Agenda removed \_\_\_\_\_ day of July 2007.

**MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD JULY 2, 2007 AT 6:30 P.M., IN THE 2<sup>nd</sup> FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS**

**I. CALL TO ORDER**

Chairperson Ruby Sandars called the meeting to order at 6:30 p.m. with the following present:

P & Z Chairperson Ruby Sandars  
P & Z Commissioner Neil West  
P & Z Commissioner Jerry Koza, Jr.  
P & Z Commissioner Henry Fuyertes  
P & Z Commissioner Susan Sherrouse

Also in attendance were: Senior Planner Theresa Grahmann, Plans and Plat Administrator Richard Keller, Planner Tim Chi, Deputy City Attorney Nghiem Doan, and Planning Administrative Secretary Judy Krajca.

**II. APPROVAL OF MINUTES**

Commissioner Fuyertes made the motion to approve, and Commissioner Koza, Jr. seconded. The vote was 5-0 for approval of the minutes.

**III. NEW BUSINESS**

**A. PUBLIC HEARING— Partial Replat of Shadow Creek Ranch Commercial Site No. 18A**

A request by Tina Kast LJA Engineering & Surveying, Inc., for CG-Shadow Creek Ranch Village, L.P., owner, for approval of a partial replat of 19.704 acres zoned PUD into 3 lots for commercial purposes. The property is located North of FM 2234 and East of Kirby

Chairperson Sandars opened the hearing at 6:32 p.m.

Chairperson Sandars read the purpose of the hearing. Plans and Plat Administrator Richard Keller read the Staff report.

Warren Escovy with LJA Engineering was present and spoke briefly.

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

There was brief discussion by the Commission/Staff.

The hearing was adjourned at 6:34 p.m.

**B. CONSIDERATION & POSSIBLE ACTION – Partial replat of Shadow Creek Ranch Commercial Site No. 18A**

A request by Tina Kast LJA Engineering & Surveying, Inc., for CG-Shadow Creek Ranch Village, L.P., owner, for approval of a partial replat of 19.704 acres zoned PUD into 3 lots for commercial purposes. The property is located North of FM 2234 and East of Kirby

Plans and Plat Administrator Richard Keller read the Staff report. There were two outstanding items. Staff recommended approval.

Commissioner Sherrouse made the motion to approve with Staff's comments, and Commissioner Koza, Jr. seconded.

The vote was 5-0. The plat was approved with Staff's comments.

**C. PUBLIC HEARING—Final plat of Shadow Creek Marketplace (previously C&S Asphalt Sealing Co)**

A request by Jason Banda, LJA Engineering & Surveying, Inc., for Gulf Coast Commercial, owner, for approval of a final plat of 49.405 acres zoned PUD (Strouhal property) into 3 lots for commercial purposes. The property is located at the Northwest corner of State Highway 288 and Shadow Creek Parkway

Chairperson Sandars opened the hearing at 6:35 p.m.

Chairperson Sandars read the purpose of the hearing. Plans and Plat Administrator Richard Keller read the Staff report.

Warren Escovy of LJA Engineering was present and spoke briefly.

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

There was brief discussion among the Commission/Staff.

The hearing was adjourned at 6:39 p.m.

**D. CONSIDERATION & POSSIBLE ACTION—Final plat of Shadow Creek Marketplace (previously C&S Asphalt Sealing Co)**

A request by Jason Banda, LJA Engineering & Surveying, Inc., for Gulf Coast Commercial, owner, for approval of a final plat of 49.405 acres zoned PUD (Strouhal property) into 3 lots for commercial purposes.

The property is located at the Northwest corner of State Highway 288 and Shadow Creek Parkway

Plans and Plat Administrator Richard Keller read the Staff report. There were four outstanding items.

Commissioner Fuentes made the motion to approve with Staff comments, and Commissioner Koza, Jr. seconded.

The vote was 5-0. The plat was approved with Staff comments.

**E. CONSIDERATION & POSSIBLE ACTION-PRELIMINARY PLAT OF PLYLOX COMMERCIAL ADDITION**

A request by Cheri Skelton, for Rob Fee, Plylox Inc., owner, for approval of a preliminary plat of 4.7789 acres in an Extra-Territorial Jurisdiction (E.T.J.) of the City of Pearland. The site is located to the Southwest of CR125 near FM 2351.

Plans and Plat Administrator Richard Keller read the Staff report. There was one outstanding item.

Commissioner Fuentes made the motion to approve with Staff comments, and Commissioner West seconded.

Mr. Rob Fee of P.O. Box 1749 Friendswood, TX 77549 spoke.

The vote was 5-0. The plat was approved with Staff comments.

**F. CONSIDERATION & POSSIBLE ACTION-FINAL Right Of Way plat of Shadow Creek Ranch Broadway Street Extension from Kingsley Drive to Brazoria County Line**

A request by Rene Rodriguez, LJA Engineering & Surveying, Inc., for Pearland Investment Limited Partnership., owner, for approval of a final plat of 12.2413 acres zoned PUD for Right of Way. The site is located to the Northwest portion of the intersection of Broadway Street and Kingsley Drive

Plans and Plat Administrator Richard Keller read the Staff report. Mr. Keller stated he needed to add one more outstanding item, being the City of Pearland owns some of the property and would need to sign as partial owner.

Commissioner Koza, Jr. made the motion to approve with Staff comments, and Commissioner Fuentes seconded.

The vote was 5-0. The plat was approved with Staff comments.

**G. CONSIDERATION & POSSIBLE ACTION – PRELIMINARY PLAT OF PEARLAND FARMS SECTION TWO**

A request by Aaron Bourgeois, Lentz Engineering, L.C., for Dwain Evans, MDE Properties, owner, for approval of a preliminary plat of 23.5245 acres zoned R-2 into 77 lots as residential areas. The site is located to the Southeast of Veterans at Magnolia.

Plans and Plat Administrator Keller stated the Plat had been withdrawn.

No action was necessary.

**H. CONSIDERATION & POSSIBLE ACTION – PRELIMINARY PLAT OF SHADOWCREEK SELF STORAGE**

A request by Freddy Gormley, for Larry Campbell, owner, for approval of a preliminary plat of 5 acres in an Extra-Territorial Jurisdiction (E.T.J.) of the City of Pearland. The site is located at the Northeast corner of County Road 48 and County Road 59.

Plans and Plat Administrator Richard Keller read the Staff report. There were five outstanding items.

Chairperson Sherrouse made the motion to approve with Staff comments, and Commissioner Koza, Jr. seconded.

The vote was 5-0. The plat was approved with Staff comments.

**I. CONSIDERATION & POSSIBLE ACTION – CLEAR CREEK ESTATES SECTION 2 REPLAT NO. 1**

A request by Belinda King, for Jody Herrera, owner, for approval of a replat of 0.2478 acres zoned R-2 into 2 lots as residential areas. The site is located at 1164 Glenda Pearland Texas.

Plans and Plat Administrator Richard Keller stated the plat had been withdrawn.

No action was necessary.

**J. DISCUSSION ITEMS**

Upcoming meetings and dates were discussed, particularly the Joint Public Hearing on July 16, 2007. Chairperson Sandars and Commissioner Koza, Jr. will not be present.

Deputy City Attorney Doan brought up the discussion of having a written procedure in the P&Z Rules and Procedures for a discussion item being added to future agenda's.

It was recommended by the Commission that a discussion item could be added if either the Chairperson recommended it; or, if recommended by two Commissioners.

Deputy City Attorney Doan stated he would prepare the language for the Rules and Procedures of the P&Z.

Commissioner Koza, Jr. spoke about the masonry fence along the Walgreen's that backs to West Oaks Subdivision. He addressed the problems caused by having two fences, with trees and grass growing in between, and causing damage to the subdivision fence.

Senior Planner Grahmann stated that this was required under the old ordinance, known as The Land Use and Urban Development.

#### **IV. ADJOURNMENT**

Chairperson Ruby Sandars adjourned the meeting at 7:03 p.m.

These minutes are respectfully submitted by:

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Judy Krajca, Administrative Planning Secretary

Minutes approved as submitted and/or corrected on this 16th day of July, A.D., 2007.

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Ruby  
Sandars  
P&Z Chairperson