

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JUNE 20, 2005, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

Zone Change Application No. 1232

A request by Mayra Palacios, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) to Estate Lot Single Family Dwelling District (R-E), on the following described property, to wit:

Legal Description: 1.00 acres of land out of and a part of Lot 168 of the Zychlinski Subdivision in Section 27 of the H.T. & B.R.R. Company Survey, Abstract 308, according to the map or plat thereof recorded in Volume 29, Page 9, of the Deed Records of Brazoria County, Texas, City of Pearland, Brazoria County, Texas

General Location: Located on the South Side of Keis Road, and East of Wells Drive

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT

B. APPLICANT PRESENTATION

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

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. 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.

JOINT PUBLIC HEARING AGENDA ITEM
MEETING OF JUNE 20, 2005

Zone Change Application No. 1232

TO: City Council
Planning and Zoning Commission

SUBJECT: A request by Mayra Palacios, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) to Estate Lot Single Family Dwelling District (R-E)

LEGAL DESCRIPTION: 1.00 acres of land out of and a part of Lot 168 of the Zychlinski Subdivision in Section 27 of the H.T. & B.R.R. Company Survey, Abstract 308, according to the map or plat thereof recorded in Volume 29, Page 9, of the Deed Records of Brazoria County, Texas, City of Pearland, Brazoria County, Texas

GENERAL LOCATION: Located on the South Side of Keis Road, and East of Wells Drive

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

Planning and Zoning Commission: June 20, 2005
City Council for First Reading: July 11, 2005
City Council for Second Reading: July 25, 2005

SUMMARY: The applicant is requesting a change in zoning on the subject property for single family residential uses. The subject property was annexed into the City in 1997 and was subsequently zoned SD. The subject property is currently undeveloped.

The applicant has indicated that the purpose of the zone change is to allow for the construction of a single family residence.

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	Suburban Development District (SD)	Single family residences
South	Suburban Development District (SD)	Single family residences
East	Suburban Development District (SD)	Single family residences
West	Suburban Development District (SD)	Single family residences

CONFORMANCE TO THE LAND USE AND URBAN DEVELOPMENT ORDINANCE: The applicant is requesting an R-E zoning district. The minimum lot size for the R-E district is 21,780 square feet and the minimum lot width is 120 feet. The subject property in its present configuration meets these minimum requirements, as the subject property is 132 feet wide and is 1.00 acres in size.

PLATTING STATUS: Based on the legal description and survey 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 Subdivision Ordinance, prior to issuance of a building permit. The plat will need to address all requirements listed in the Subdivision Ordinance, and be approved by the Planning and Zoning Commission. The plat will need to be filed for record with the County Clerk, prior to issuance of a building permit.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Low Density Residential" for the subject property and for many of the surrounding properties on Keis Road and Warren Road. The Comprehensive Plan further indicates that the appropriate zoning districts for "Low Density Residential" are the Estate Lot Single Family Dwelling District (R-E) and the Single Family Dwelling District R-1. Therefore, the proposed zone change conforms to the Comprehensive Plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Keis Road, a local/residential street. The Thoroughfare Plan does not specify any improvements to Keis Road.

No other roadways affect the subject property.

AVAILABILITY OF UTILITIES: There is currently not any City water and sewer service available for the subject property. During the review of the building permit application, water well and septic system service will be reviewed.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: Many of the lots in the vicinity of the subject tract are still zoned as SD and are developed with single family residences. A few lots within the subdivision, on Warren Road and Herbert Drive, are zoned as R-1. Therefore, the proposed zoning for R-E is consistent with existing development and zoning districts within the area.

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

STAFF RECOMMENDATION: Staff recommends approval of the zone change for R-E, as proposed by the applicant, for the following reasons:

1. The proposed zone change provides for an R-E lot, consistent with Low Density Residential as recommended by the Comprehensive Plan, thereby being in conformance with the Comprehensive Plan.
2. The proposed zone change is consistent with existing R-1 zoning districts within the subject areas, as well as being consistent with existing single family residential uses within the subject area.

SUPPORTING DOCUMENTS:

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

ZONE CHANGE APPLICATION NO. 1232

**NOTICE OF A JOINT PUBLIC HEARING OF THE CITY COUNCIL AND
THE PLANNING AND ZONING COMMISSION OF THE CITY OF
PEARLAND, TEXAS, REGARDING:**

A request by Mayra Palacios, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) to Estate Lot Single Family Dwelling District (R-E), on the following described property, to wit:

1.00 acres of land out of and a part of Lot 168 of the Zychlinski Subdivision in Section 27 of the H.T. & B.R.R. Company Survey, Abstract 308, according to the map or plat thereof recorded in Volume 29, Page 9, of the Deed Records of Brazoria County, Texas, City of Pearland, Brazoria County, Texas (Located on the South Side of Keis Road, and East of Wells Drive)

**PUBLIC HEARINGS WILL BE HELD IN THE
COUNCIL CHAMBER OF CITY HALL
LOCATED AT
3519 Liberty Drive, Pearland, Texas
on
MONDAY, JUNE 20, 2005, AT 6:30 P.M.**

An application and map are enclosed for your information. This notice has been sent to all owners of real property within 200 feet of the request, as such ownership appears on the last approved city tax roll, in accordance with notification guidelines established by City Ordinance and State law.

At said hearing, all interested parties shall have the right and opportunity to appear and be heard on the subject. If you are unable to attend, but wish to have your opinions made a part of the public record, please complete the enclosed form and return it prior to the public hearing.

If you have any questions or need additional information please contact the City of Pearland Planning Department at (281) 652-1742 or tgrahmann@ci.pearland.tx.us.

Property Owner Notice



APPLICATION FOR A CHANGE IN ZONING

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

Please check one:

- Change in Zoning Classification from: "5D" Suburban to: R-E
(list current zoning) (list proposed zoning)
- Specific Use Permit Request for : _____
(list proposed use)

Property Information:

Address: 3422 Keis Tax Account No. R168484
 Subdivision: Zychlinski Lot: 168 Block: _____

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

Current use of property (type of structures on property): vacant

Future/proposed use of property and reason for zone change: residential

PROPERTY OWNER INFORMATION:

NAME Mayra Palacios
 ADDRESS 150 CR 870E
 CITY Alvin STATE TX ZIP 77511
 PHONE (281) 388 1564
 FAX() _____
 E-MAIL ADDRESS _____

APPLICANT INFORMATION:

NAME Mayra Palacios
 ADDRESS 150 CR 870E
 CITY Alvin STATE TX ZIP 77511
 PHONE (281) 250 1244
 FAX() _____
 E-MAIL ADDRESS _____

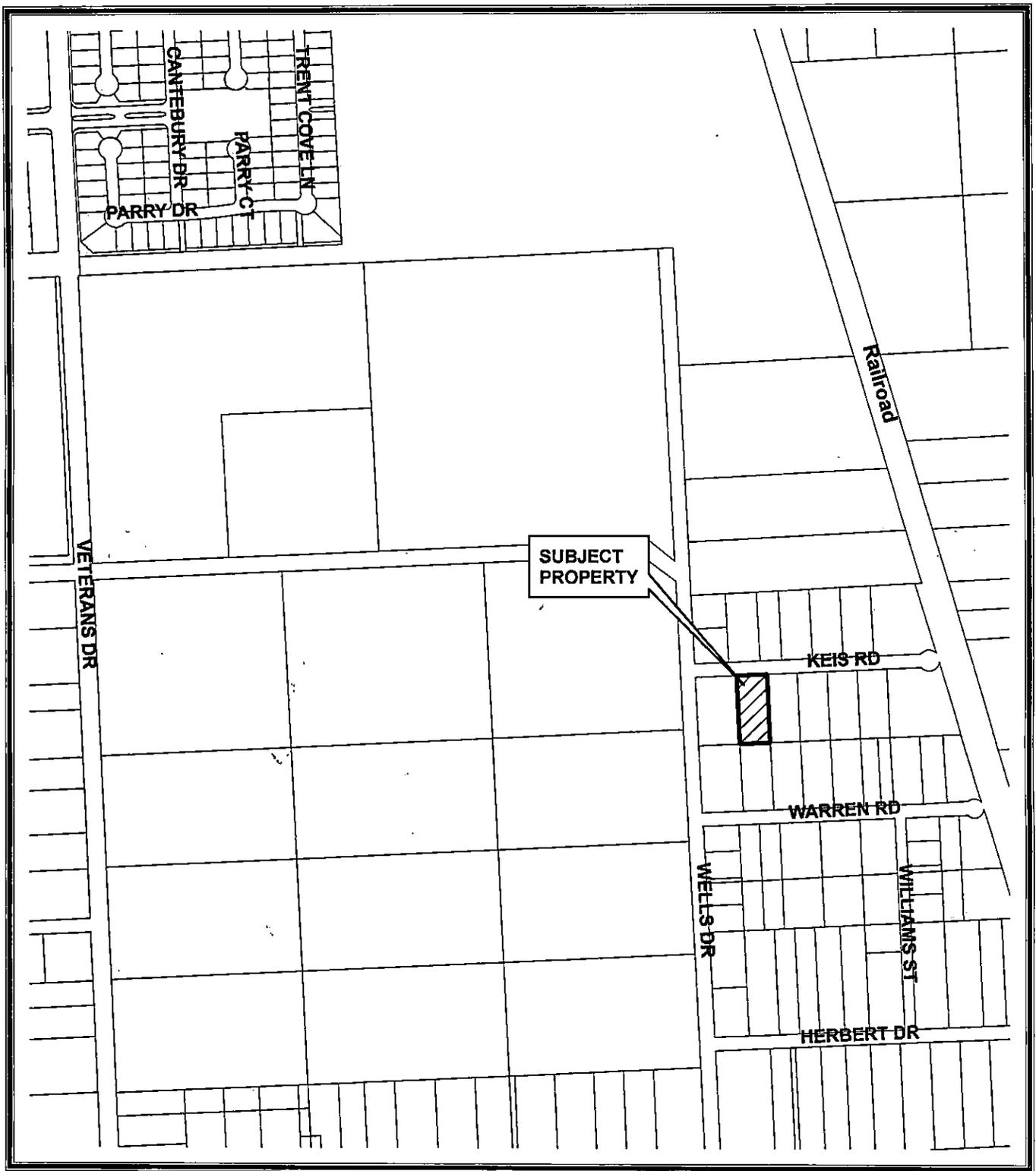
PETITION: As owner/agent, I hereby petition the City of Pearland for approval of the above described request as provided for by the laws of the State of Texas and ordinances of the City of Pearland. I certify to the best of my knowledge that this is a true description of the property upon which I have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

Owner's Signature: Mayra Palacios Date: 5/17/05
 Agent's Signature: _____ Date: _____

OFFICE USE ONLY:

FEES PAID: <u>\$275.00</u>	DATE PAID: <u>5/17/05</u>	RECEIVED BY: <u>[Signature]</u>	APPLICATION NUMBER: <u>1232</u>
----------------------------	---------------------------	---------------------------------	---------------------------------

*****APPLICATION IS CONSIDERED INCOMPLETE WITHOUT A METES AND BOUNDS DESCRIPTION OR SURVEY AND THE APPLICATION FEE*****



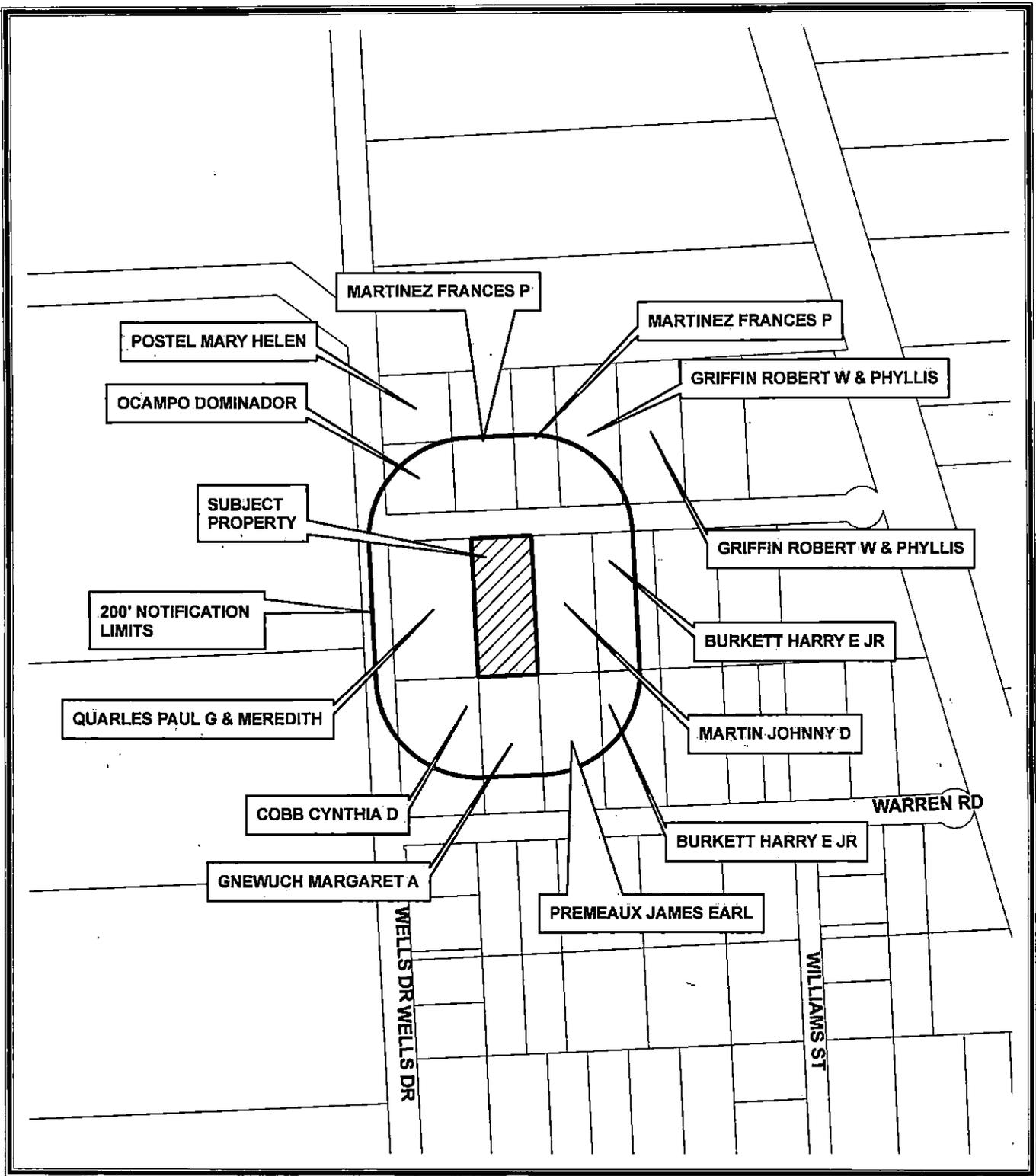
LOCATION MAP

Zone Change Application
No. 1232



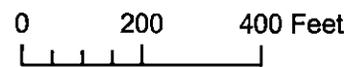
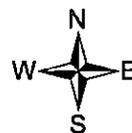
0 200 400 Feet
[Scale bar with three segments]

Map Prepared on June 1, 2005



OWNERSHIP MAP

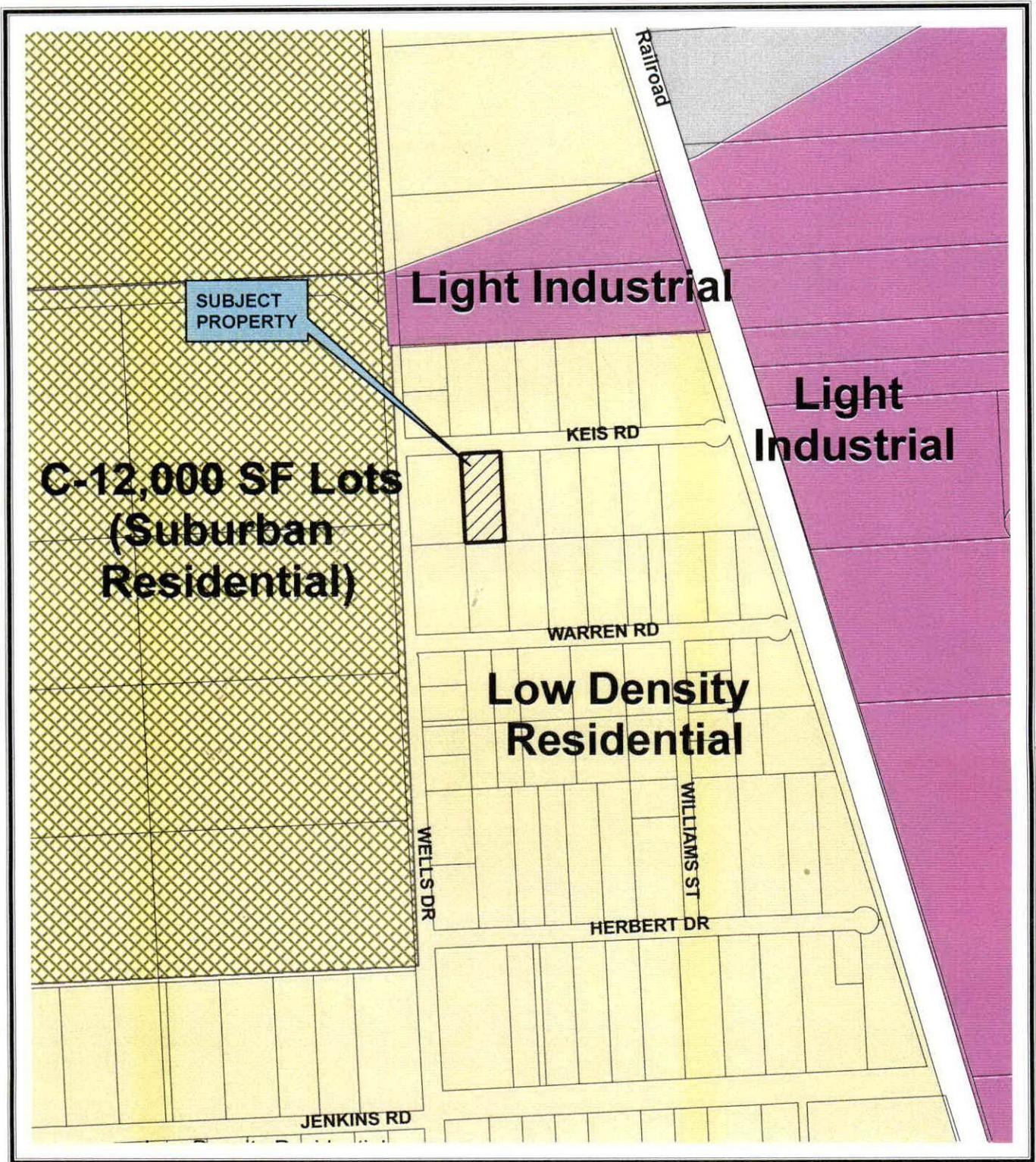
Zone Change Application
No. 1232



Map Prepared on June 1, 2005

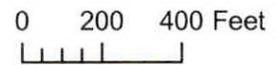
ZONE CHANGE APPLICATION NO. 1232
Property Owner Notification List

<u>PROP ID</u>	<u>OWNER</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>ST</u>	<u>ZIP CODE</u>	<u>LEGAL DESCRIPTION</u>
R168492	GRIFFIN ROBERT W & PHYLLIS	17825 CR 113 #2	PEARLAND	TX	77584	LT 168EE 308 H T & B R R, ACRES 1.000
R168497	MARTINEZ FRANCES P	3425 KEIS RD	PEARLAND	TX	77584-8501	A0308 H T & B R R, TRACT 168V, ACRES 0.715
R168495	MARTINEZ FRANCES P	3425 KEIS RD	PEARLAND	TX	77584-8501	LT 168S 308 H T & B R R, ACRES 1.000
R168494	OCAMPO DOMINADOR	3505 KEIS RD	PEARLAND	TX	77584-8505	LT 168Q 308 H T & B R R, ACRES 0.620
R513829	QUARLES PAUL G & MEREDITH	2711 SABINE CT	PEARLAND	TX	77584-9131	WATERBURY 1 (A539), BL 1, LOT 8, ACRES 0.3041
R168440	GNEWUCH MARGARET A	3421 WARREN RD	PEARLAND	TX	77584-3611	A0308 H T & B R R, TRACT 168L, ACRES 1.000
R168437	GRIFFIN ROBERT W & PHYLLIS	17825 CR 113 #2	PEARLAND	TX	77584	A0308 H T & B R R, TRACT 168AA, ACRES 1.000
R168496	POSTEL MARY HELEN	3209 STRATFORD ST	PEARLAND	TX	77581-4820	LT 168T 308 H T & B R R, ACRES 0.620
R168453	BURKETT HARRY E JR	3409 WARREN RD	PEARLAND	TX	77584-3611	A0308 H T & B R R, TRACT 168X-168M, ACRES 2.00
	MAYRA PALACIOS	150 CR 870E	ALVIN	TX	77511	PROPERTY OWNER
R168456	MARTIN JOHNNY D	3422 KEIS RD	PEARLAND	TX	77584-8500	LT 168BB 308 H T & B, ACRES 1.000
R168484	AVITIA MAIRA & LUCIANO PALACIOS	6121 TERRELL DR	PEARLAND	TX	77584-6645	LT 168CC 308 H T & B, ACRES 1.000
R168453	BURKETT HARRY E JR	3409 WARREN RD	PEARLAND	TX	77584-3611	A0308 H T & B R R, TRACT 168X-168M, ACRES 2.00
R168451	PREMEAUX JAMES EARL	3413 WARREN RD	PEARLAND	TX	77584-3611	LT 168B 308 H T & B, ACRES 1.000
R168452	COBB CYNTHIA D	3505 WARREN RD	PEARLAND	TX	77584-3613	A0308 H T & B R R, TRACT 168N, ACRES 1.500

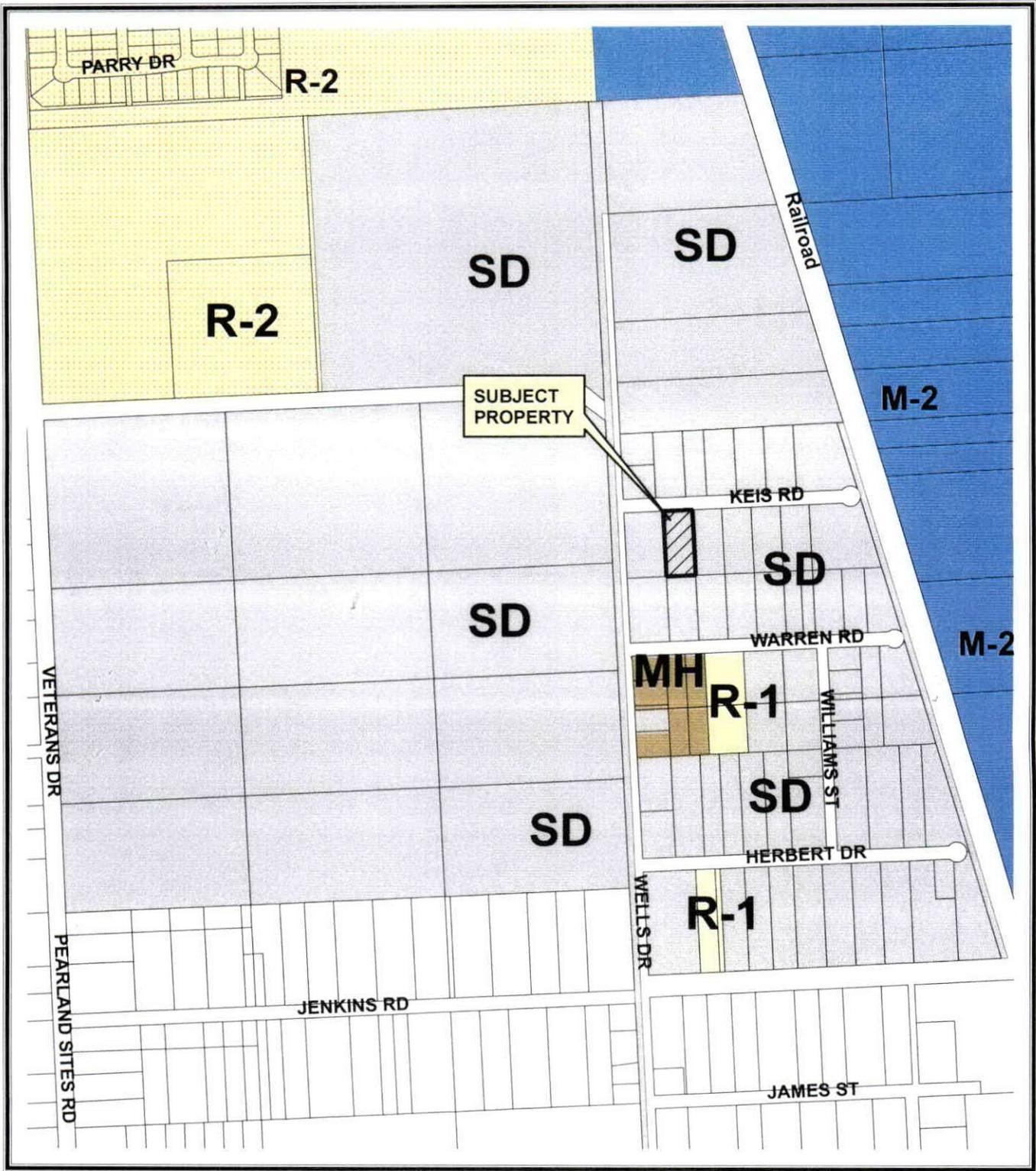


FUTURE LAND USE PLAN

Zone Change Application
No. 1232



Map Prepared on June 1, 2005



ZONING MAP

Zone Change Application
No. 1232



0 200 400 Feet

Map Prepared on June 1, 2005

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JUNE 20, 2005, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

Zone Change Application No. 1233

A request by Byron Stephen Sutherland, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) to General Business District (GB), on the following described property, to wit:

Legal Description: 0.5238 acres of land out of Lot 1 of the Allison Richey Gulf Coast Home Company Subdivision of Section 10, Tract 1E, H.T. & B.R.R. Company Survey, Abstract 505, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the East Side of Stone Road, and South of Brookside Road

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT

B. APPLICANT PRESENTATION

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

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. 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.

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

Zone Change Application No. 1233

TO: City Council
Planning and Zoning Commission

SUBJECT: A request by Byron Stephen Sutherland, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) to General Business District (GB)

LEGAL DESCRIPTION: 0.5238 acres of land out of Lot 1 of the Allison Richey Gulf Coast Home Company Subdivision of Section 10, Tract 1E, H.T. & B.R.R. Company Survey, Abstract 505, City of Pearland, Brazoria County, Texas

GENERAL LOCATION: Generally Located on the East Side of Stone Road, and South of Brookside Road

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

Planning and Zoning Commission: June 20, 2005
City Council for First Reading: July 11, 2005
City Council for Second Reading: July 25, 2005

SUMMARY: The applicant has applied for a general business zoning district for the subject property. The subject property was annexed into the City in 1998 and was subsequently zoned SD. The subject property is currently developed with a small metal building used for heavy truck and auto repair.

As Staff was reviewing the application for a change to General Business District, it was determined that the subject property did not meet the lot width of 150 feet required for the

general business district. The subject lot is approximately 110 feet wide. After informing the applicant of the lot width issue, the applicant requested that the zone change be revised to allow him to ask for a Neighborhood Service District (NS).

The applicant has indicated that the purpose of the zone change is to allow for various uses, including office and classroom space for counseling, therapy, arts, industrial arts, yoga, and other similar uses. The ordinance states that the following uses are permitted within the NS district: arts supply store, medical clinic, professional office, personal custom services, health studio, and photographer or music studio.

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	Single Family Dwelling District (R-1)	Single family residence
South	Suburban Development District (SD)	Mobile home; various buildings
East	Single Family Dwelling District (R-1)	Undeveloped, but lot is part of the R-1 tract to the north
West	Suburban Development District (SD)	Undeveloped tract, but recently rezoned to Estate Lot Single Family Dwelling District (R-E)

CONFORMANCE TO THE LAND USE AND URBAN DEVELOPMENT ORDINANCE: The applicant is requesting a NS zoning district. The minimum lot size for the NS district is 12,500 square feet and the minimum lot width is 100 feet. The subject property in its present configuration meets these minimum requirements, as the subject property is 110 feet wide and is approximately 0.50 acres in size.

PLATTING STATUS: Based on the legal description and survey 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 Subdivision Ordinance, prior to issuance of a building permit. The plat will need to address all requirements listed in the Subdivision Ordinance, and be approved by the Planning and Zoning Commission. The plat will need to be filed for record with the County Clerk, prior to issuance of a building permit.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Low Density Residential" for the subject property and for many of the surrounding properties on Stone Road and Brookside Road. The Comprehensive Plan further indicates that the appropriate zoning districts for "Low Density Residential" are the Estate Lot Single Family Dwelling District (R-E) and the Single Family Dwelling District R-1. Therefore, the proposed zone change does not conform to the Comprehensive Plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Stone Road, a major collector street with an ultimate right-of-way of 80 feet that is to be widened in the future as necessary. Future McHard Road will be located south of the subject property.

No other roadways affect the subject property.

AVAILABILITY OF UTILITIES: There is currently not any City water and sewer service available for the subject property, nor within close proximity to the subject property. During the review of the building permit application, utility service will be reviewed.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The requested zone change to Neighborhood Service District has the potential to cause negative impacts on the surrounding properties and residential lots within the subject area. There is an existing R-1 tract to the north of the subject property, which is developed with a single family residence. The R-1 tract on the west side of Stone Road is also developed with a single family residence. Also, the tract directly to the west was recently approved for a zone change to R-E (not yet shown on the map) for the construction of a residential subdivision.

The Comprehensive Plan designates the properties on both sides of Stone Road for residential uses. It is anticipated that these tracts will develop for residential uses in the future.

During the evaluation of the Comprehensive Plan last year, Stone Road was one of the roads that was evaluated and discussed by the Steering Committee and Planning and Zoning Commission due to some non-residential uses within the area. However, there were not many non-residential uses along Stone Road, so it was determined that Stone Road should remain for residential uses. The Committee and the Commission wanted to keep Stone Road as residential, and limit the non-residential uses other major roadways within this overall area, such as Cullen Boulevard and future McHard Road.

Introducing a NS tract within this largely residential area could have a negative impact on the surrounding residential lots as well as the neighborhood as a whole. The proposed NS uses will bring in additional traffic, business, and noise that is associated with a non-residential uses. In addition to the uses proposed by the applicant, the NS district permits uses such as an automobile car wash, gasoline service station, new auto related use, and a range of retail, office, and business uses.

It is anticipated that, due to the largely residential area surrounding the subject property on all sides, that the existing buildings will eventually be removed and the subject property will transition to single family residential lots for the construction of individual single family residences.

If the zone change for NS 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.

The existing uses and buildings on the subject property are currently classified as non-conforming uses, but they can continue to operate and exist as long as the use is not changed, enlarged, discontinued, or removed.

In January-February 2000, the applicant applied for a Commercial District for the same subject property, which was ultimately denied by the City Council due to many of the concerns discussed within this report.

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

STAFF RECOMMENDATION: Staff recommends denial of the zone change for NS, as proposed by the applicant, for the following reasons:

1. The proposed zone change for NS does not conform to the "Low Density Residential" land use designation as recommended by the Comprehensive Plan.
2. The proposed zone change for NS is inconsistent and incompatible with existing R-1 residential districts and single family residential land uses within the subject area.
3. The proposed zone change for NS has the potential to cause negative impact on the surrounding residential land uses by introducing an increase in traffic, service

vehicles, noise, as well as other impacts brought about by non-residential land uses.

SUPPORTING DOCUMENTS:

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

ZONE CHANGE APPLICATION NO. 1233

**NOTICE OF A JOINT PUBLIC HEARING OF THE CITY COUNCIL AND
THE PLANNING AND ZONING COMMISSION OF THE CITY OF
PEARLAND, TEXAS, REGARDING:**

A request by Byron Stephen Sutherland, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) to General Business District (GB), on the following described property, to wit:

0.5238 acres of land out of Lot 1 of the Allison Richey Gulf Coast Home Company Subdivision of Section 10, Tract 1E, H.T. & B.R.R. Company Survey, Abstract 505, City of Pearland, Brazoria County, Texas (Generally Located on the East Side of Stone Road, on South of Brookside Road)

**PUBLIC HEARINGS WILL BE HELD IN THE
COUNCIL CHAMBER OF CITY HALL
LOCATED AT
3519 Liberty Drive, Pearland, Texas
on
MONDAY, JUNE 20, 2005, AT 6:30 P.M.**

An application and map are enclosed for your information. This notice has been sent to all owners of real property within 200 feet of the request, as such ownership appears on the last approved city tax roll, in accordance with notification guidelines established by City Ordinance and State law.

At said hearing, all interested parties shall have the right and opportunity to appear and be heard on the subject. If you are unable to attend, but wish to have your opinions made a part of the public record, please complete the enclosed form and return it prior to the public hearing.

If you have any questions or need additional information please contact the City of Pearland Planning Department at (281) 652-1742 or tgrahmann@ci.pearland.tx.us.

Property Owner Notice



APPLICATION FOR A CHANGE IN ZONING

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

Please check one:

Change in Zoning Classification from: Suburban Development to: General Business
(list current zoning) (list proposed zoning)

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

Property Information:

Address: 1421 Stone Road Tax Account No. 0505 0026 110

Subdivision: Allison Rickey Gulf Coast Home Co Lot: 1 Block: _____

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

Current use of property
(type of structures on property): 40'x60' Metal Building, Heavy Trucks, Auto Repair

Future/proposed use of property and reason for zone change: Office & classroom space for counseling/therapy + expressive therapies: Arts, Industrial Arts, yoga, etc.

PROPERTY OWNER INFORMATION:

NAME Byron Stephen Sutherland
ADDRESS 514 Saug Harbor Drive
CITY Liverpool STATE TX ZIP 77577
PHONE (281) 581-2606
FAX (281) 581-2606
E-MAIL ADDRESS sutherland@evz.net

APPLICANT INFORMATION:

NAME _____
ADDRESS _____
CITY _____ STATE _____ ZIP _____
PHONE (_____) _____
FAX (_____) _____
E-MAIL ADDRESS _____

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

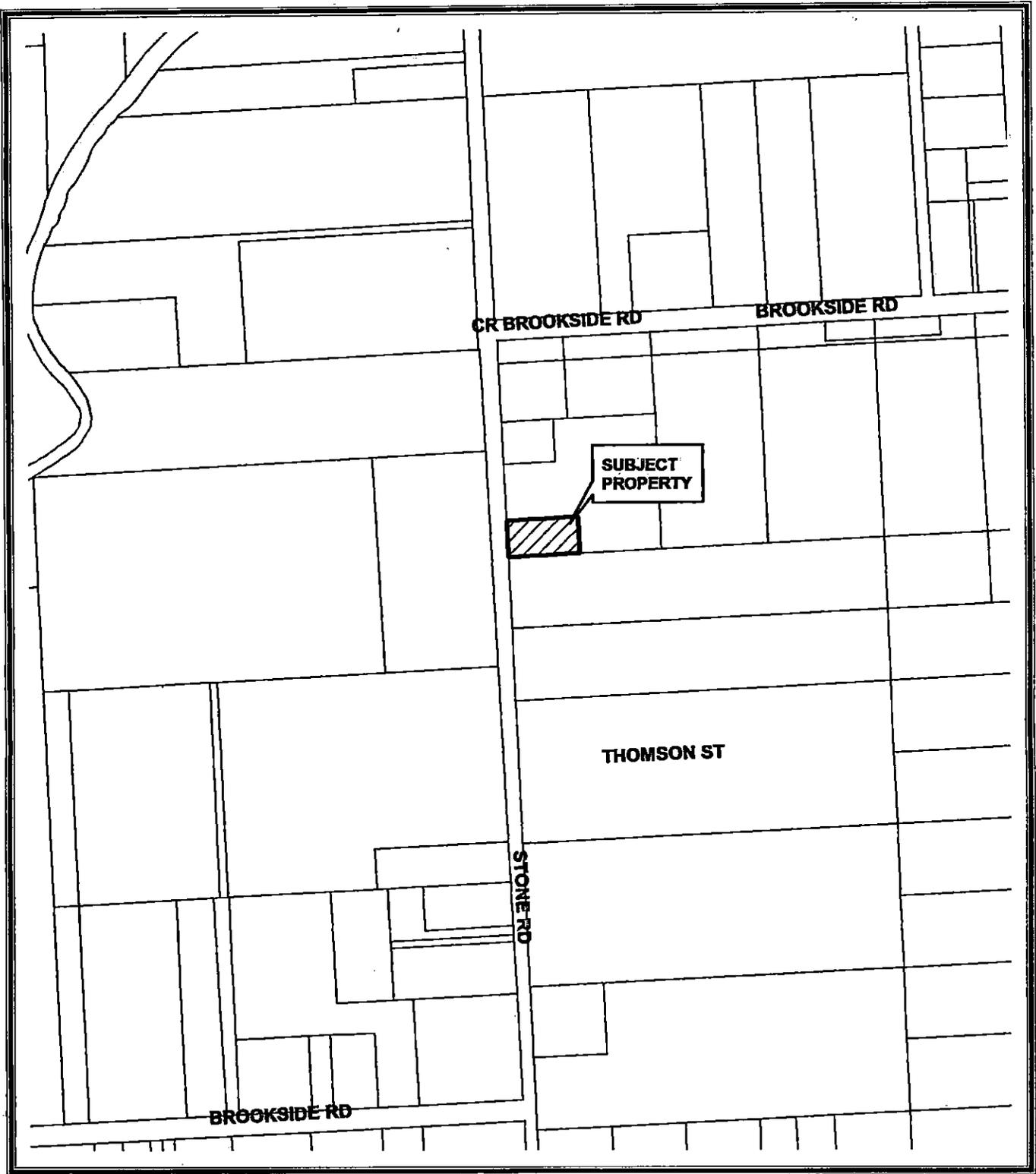
Owner's Signature: Steve Sutherland Date: 5-12-05

Agent's Signature: _____ Date: _____

OFFICE USE ONLY:

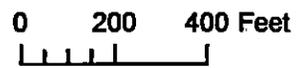
FEES PAID: <u>\$275.00</u>	DATE PAID: <u>5/31/05</u>	RECEIVED BY: <u>teq</u>	APPLICATION NUMBER: <u>1233</u>
----------------------------	---------------------------	-------------------------	---------------------------------

*****APPLICATION IS CONSIDERED INCOMPLETE WITHOUT A METES AND BOUNDS DESCRIPTION OR SURVEY AND THE APPLICATION FEE*****

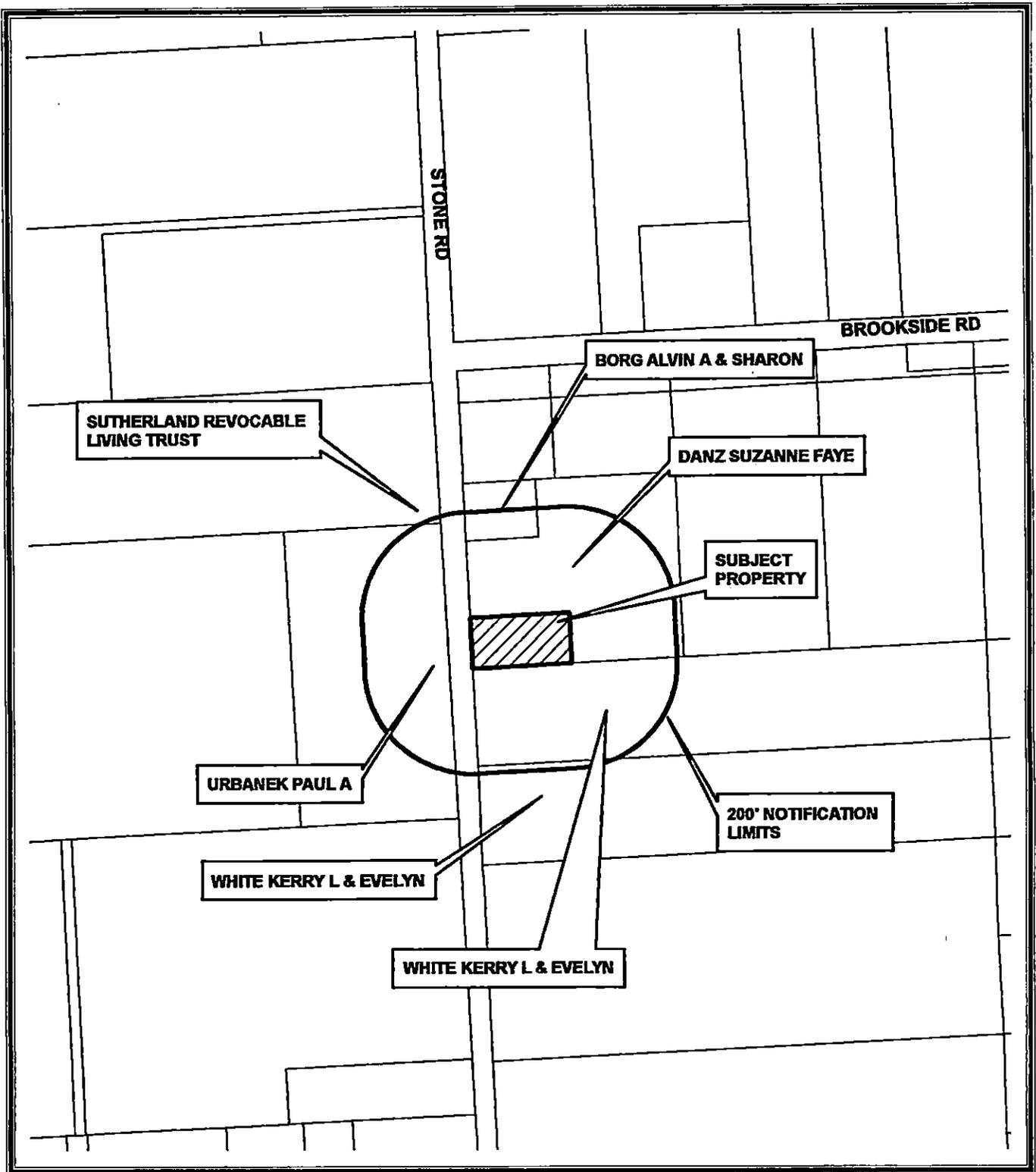


LOCATION MAP

Zone Change Application
No. 1233



Map Prepared on June 1, 2005



OWNERSHIP MAP

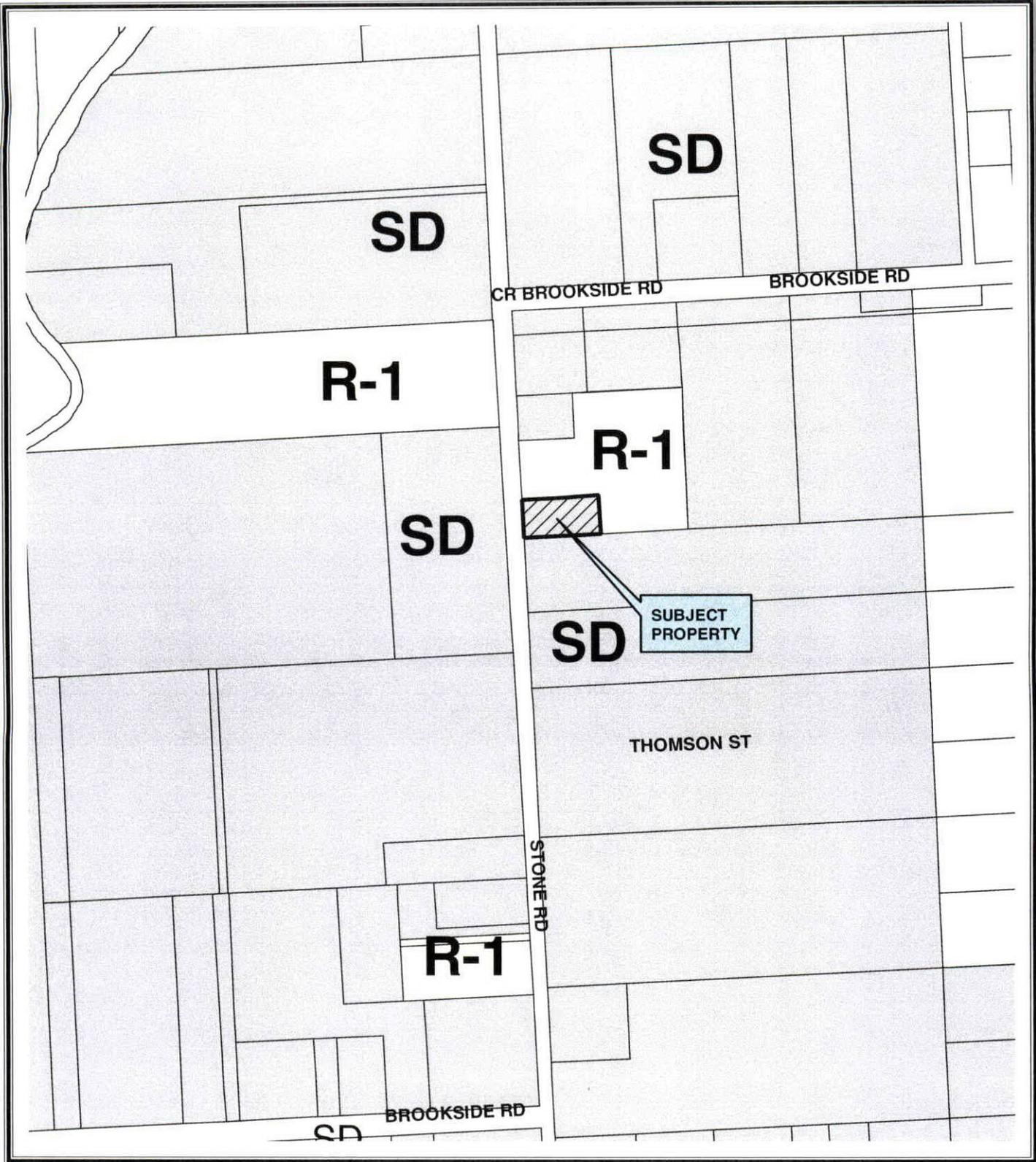
Zone Change Application
No. 1233



Map Prepared on June 1, 2005

ZONE CHANGE APPLICATION NO. 1233
Property Owner Notification List

<u>PROP ID</u>	<u>OWNER</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>ST</u>	<u>ZIP CODE</u>	<u>LEGAL DESCRIPTION</u>
R175826	DANZ SUZANNE FAYE	1357 STONE RD	PEARLAND	TX	77581-8071	A0505 H T & B R R, TRACT 1, ACRES 3.000
R163684	URBANEK PAUL A	5417 BROOKSIDE RD	BROOKSIDE VL	TX	77581-7973	A0187 W T DODSON, BL 1, TR B1-E-E1, ACRES 19.880
R175805	WHITE KERRY L & EVELYN	2423 GREEN TEE DR	PEARLAND	TX	77581-5014	A0505 H T & B R R, TRACT 2-2A, ACRES 10.000
R175805	WHITE KERRY L & EVELYN	2423 GREEN TEE DR	PEARLAND	TX	77581-5014	A0505 H T & B R R, TRACT 2-2A, ACRES 10.000
R163690	SUTHERLAND REV LIV TR%BYRON C SUTHERLAND	2458 COUNTRY CLUB DR	PEARLAND	TX	77581-5002	A0187 W T DODSON, BLOCK 1, TRACT F, ACRES 8.880
R175829	BORG ALVIN A & SHARON	1405 STONE RD	PEARLAND	TX	77581-8073	A0505 H T & B R R, TRACT 1B
R175827	SUTHERLAND BYRON STEPHEN	514 SNUG HARBOR DR	LIVERPOOL	TX	77577-9762	A0505 H T & B R R, TRACT 1E, ACRES 0.500



ZONING MAP

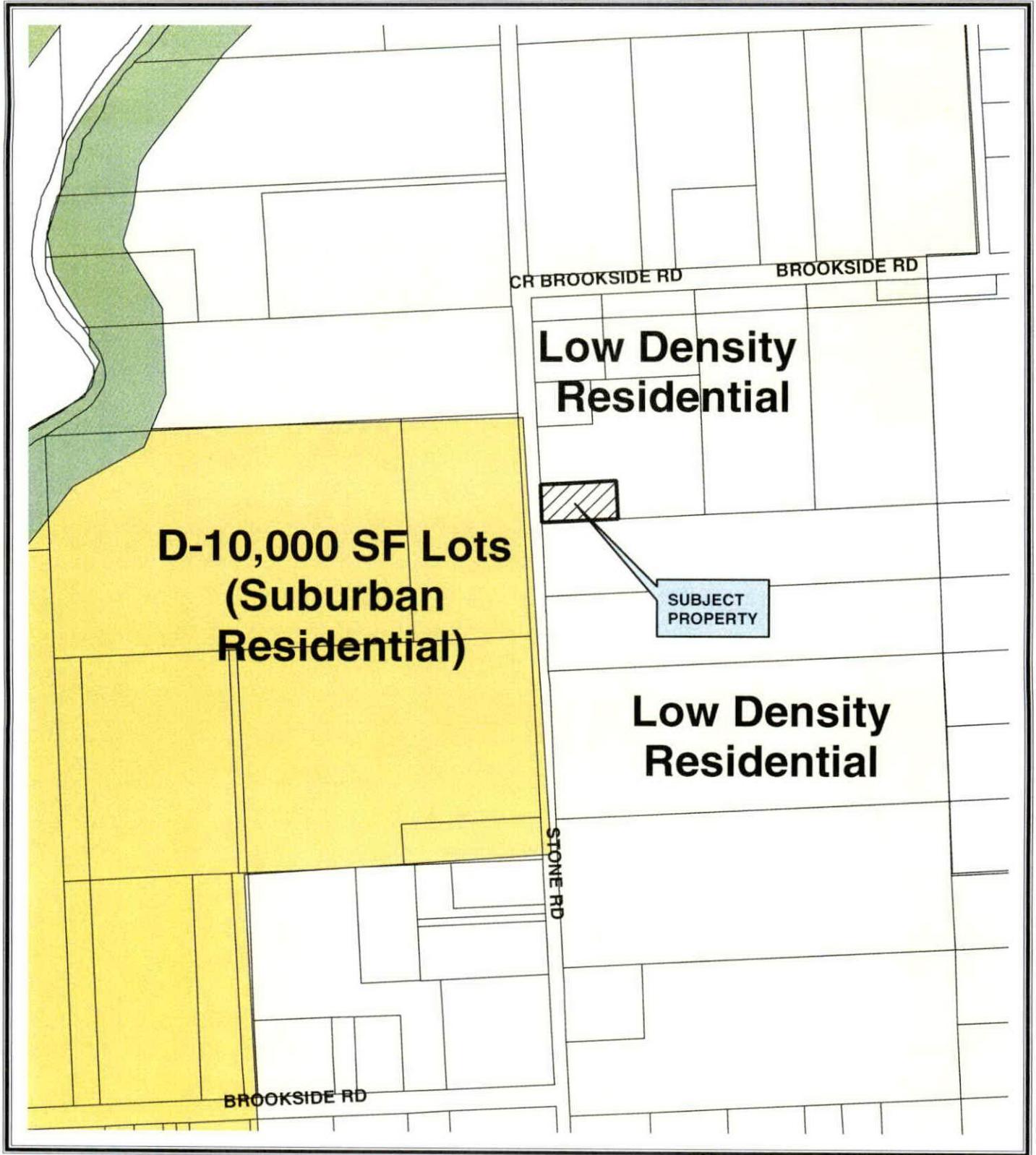
Zone Change Application
No. 1233



0 200 400 Feet

A horizontal scale bar with tick marks at 0, 200, and 400 feet.

Map Prepared on June 1, 2005



FUTURE LAND USE PLAN

Zone Change Application
No. 1233



0 200 400 Feet
|-----|-----|

Map Prepared on June 1, 2005

Joint Public Hearing

SPEAKER'S CARD

If you wish to speak during the Public Hearing, please complete the following information and give this card to the Recording Secretary either before or after your comments. Thank you.

Name: Marybeth Porter

Full Address: 815 Wood Bridge Circle

(include zip) Sugar Land, Tx 77478

I wish to speak regarding Item No. 1231

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JUNE 20, 2005, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

Zone Change Application No. 1231

A request by Mary Frances Lentz, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) to Commercial District (C), on the following described property, to wit:

Legal Description: 20 acres, being Tract 61 and 62, Abstract 234, H.T. & B.R.R. Company Survey, City of Pearland, Brazoria County, Texas

General Location: Located on the West Side of Roy Road, and North of FM 518 (Broadway Street)

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT

B. APPLICANT PRESENTATION

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

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. 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.

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

Zone Change Application No. 1231

TO: City Council
Planning and Zoning Commission

SUBJECT: A request by Mary Frances Lentz, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) to Commercial District (C)

LEGAL DESCRIPTION: 20 acres, being Tract 61 and 62, Abstract 234, H.T. & B.R.R. Company Survey, City of Pearland, Brazoria County, Texas

GENERAL LOCATION: Located on the West Side of Roy Road, and North of FM 518 (Broadway Street)

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

Planning and Zoning Commission: June 20, 2005
City Council for First Reading: July 11, 2005
City Council for Second Reading: July 25, 2005

SUMMARY: The applicant is requesting a change in zoning on the subject property for a Commercial District (C). The subject property was annexed into the City in 1997 and was subsequently zoned SD. The subject property consists of two lots. The northern lot contains a house and barn, and the southern lot contains a horse training tract and various small buildings.

The applicant has indicated that the purpose of the zone change is to allow for possible commercial development.

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	Suburban Development District (SD)	Undeveloped tract
South	Commercial District (C) and General Business District (GB)	Food Town Shopping Center; Existing business
East	Suburban Development District (SD) and Commercial District (C)	Commercial business; Undeveloped tract
West	Suburban Development District (SD) and General Business District (GB), with a Specific Use Permit for a telecommunications tower	Single family residence on a large tract; Undeveloped tract; telecommunications tower and accessory buildings

CONFORMANCE TO THE LAND USE AND URBAN DEVELOPMENT ORDINANCE: The applicant is requesting a C zoning district. The minimum lot size for the C district is 22,500 square feet and the minimum lot width is 150 feet. The subject property in its present configuration meets these minimum requirements, as the subject property has more than 800 feet of frontage along Roy Road, and is approximately 20 acres in size.

PLATTING STATUS: The subject property has not been platted. The subject property will need to be platted in accordance with the Subdivision Ordinance, prior to issuance of a building permit. The plat will need to address all requirements listed in the Subdivision Ordinance, and be approved by the Planning and Zoning Commission. The plat will need to be filed for record with the County Clerk, prior to issuance of a building permit.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Business Commercial" for the subject property and for many of the surrounding properties on Roy Road, Max Road, and FM 518. The Comprehensive Plan further indicates that the appropriate zoning districts for "Business Commercial" are the Commercial District (C) and the General Business District (GB). Therefore, the proposed zone change conforms to the Comprehensive Plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Roy Road, a major collector street with an ultimate right-of-way of 80 feet that is to be

widened in the future as necessary. During the platting process, additional right-of-way for Roy Road may be necessary and would need to be dedicated to the City on the subdivision plat.

No other roadways affect the subject property.

AVAILABILITY OF UTILITIES: There is currently not any City water and sewer service available for the subject property. There are water and sewer lines located within close proximity to the subject property, at FM 518 and Reid Boulevard. The applicant would be required to provide adequate water and sewer service to the subject property during the platting process and development of the subject property.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The adjacent zoning districts are a mixture of General Business District (GB), Commercial District (C), and Suburban Development District (SD). A Light Industrial District is located at the northwest corner of the tract and was approved in February of 1999.

Staff asked the applicant why they applied for a Commercial District and what their intended use would be. The applicant stated that the Commercial District was requested by the owner of the tract, in order to allow a wide variety of uses for the subject property. The main difference between the GB district and the C district is that the GB district is more limited on the location of outside storage and display. Also, the Commercial District allows all uses permitted in the general business district, plus additional commercial uses.

The proposed Commercial District should not negatively impact the surrounding properties. Several of the properties to the west of the subject property are developed with general business district uses and an M-1 use, and many of the properties on the east side of Roy Road are zoned as Commercial District and developed with commercial uses.

Since the Comprehensive Plan designates the subject area as Business Commercial uses, Staff does not see this area as a transition area between intensity of uses. The two tracts to the north of the subject property are also designated as Business Commercial, and it is anticipated that they will develop as such in the future. At such time when the tracts to the north of the subject property are zoned, those properties may be viewed as a transition to the low density residential tracts to the north.

The subject property is not adjacent to any residentially zoned properties and therefore, screening between uses would not be required if all adjacent properties remain zoned as they currently are.

The applicant will be required to submit a traffic impact analysis (TIA) for the subject property as it is submitted for platting, in order to determine the impact of the proposed development on the traffic in the area, as well as the location and number of driveways onto Roy Road.

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

STAFF RECOMMENDATION: Staff recommends approval of the zone change for C, as proposed by the applicant, for the following reasons:

1. The proposed zone change provides for Commercial District uses, consistent with Business Commercial as recommended by the Comprehensive Plan, thereby being in conformance with the Comprehensive Plan.
2. The proposed zone change is consistent with existing C zoning districts within the subject area, as well as being consistent with existing commercial uses within the subject area.
3. The subject property is not adjacent to any residential zoning districts and does not appear to be in a transition area between residential and commercial districts.

SUPPORTING DOCUMENTS:

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

ZONE CHANGE APPLICATION NO. 1231

**NOTICE OF A JOINT PUBLIC HEARING OF THE CITY COUNCIL AND
THE PLANNING AND ZONING COMMISSION OF THE CITY OF
PEARLAND, TEXAS, REGARDING:**

A request by Mary Frances Lentz, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) to Commercial District (C), on the following described property, to wit:

20 acres, being Tract 61 and 62, Abstract 234, H.T. & B.R.R. Company Survey, City of Pearland, Brazoria County, Texas (Located on the West Side of Roy Road, and North of FM 518 (Broadway Street))

**PUBLIC HEARINGS WILL BE HELD IN THE
COUNCIL CHAMBER OF CITY HALL
LOCATED AT
3519 Liberty Drive, Pearland, Texas
on
MONDAY, JUNE 20, 2005, AT 6:30 P.M.**

An application and map are enclosed for your information. This notice has been sent to all owners of real property within 200 feet of the request, as such ownership appears on the last approved city tax roll, in accordance with notification guidelines established by City Ordinance and State law.

At said hearing, all interested parties shall have the right and opportunity to appear and be heard on the subject. If you are unable to attend, but wish to have your opinions made a part of the public record, please complete the enclosed form and return it prior to the public hearing.

If you have any questions or need additional information please contact the City of Pearland Planning Department at (281) 652-1742 or tgrahmann@ci.pearland.tx.us.

PROPERTY OWNER NOTICE



APPLICATION FOR A CHANGE IN ZONING

City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281-652-1639
281-652-1702 fax
www.ci.pearland.tx.us

Please check one:

- Change in Zoning Classification from: SD (list current zoning) to: Commercial ^{"C"} (list proposed zoning)
- Specific Use Permit Request for: N/A (list proposed use)

Property Information:

Address: 2510 Roy Rd.
 Subdivision: A0234 HT+BRR Tract 61 R165891 10 acres
A0234 HT+BRR Lot: Tract 62 Block: 10 acres
0234-0047-000 R165798
 Tax I.D. Number: 0234-0004-000

** For unplatted property, attach a copy of the metes and bounds description**

Current use of property (type of structures on property): House, Barns
Horse training track

Future/proposed use of property and reason for zone change: possible commercial development

PROPERTY OWNER INFORMATION:

NAME Mary Frances Lentz
 ADDRESS 5119 Briarhead
 CITY Houston STATE Tx ZIP 77035
 PHONE (713) 723-0569
 FAX ()
 E-MAIL ADDRESS louis.Lentz@DVN.com -son

APPLICANT INFORMATION:

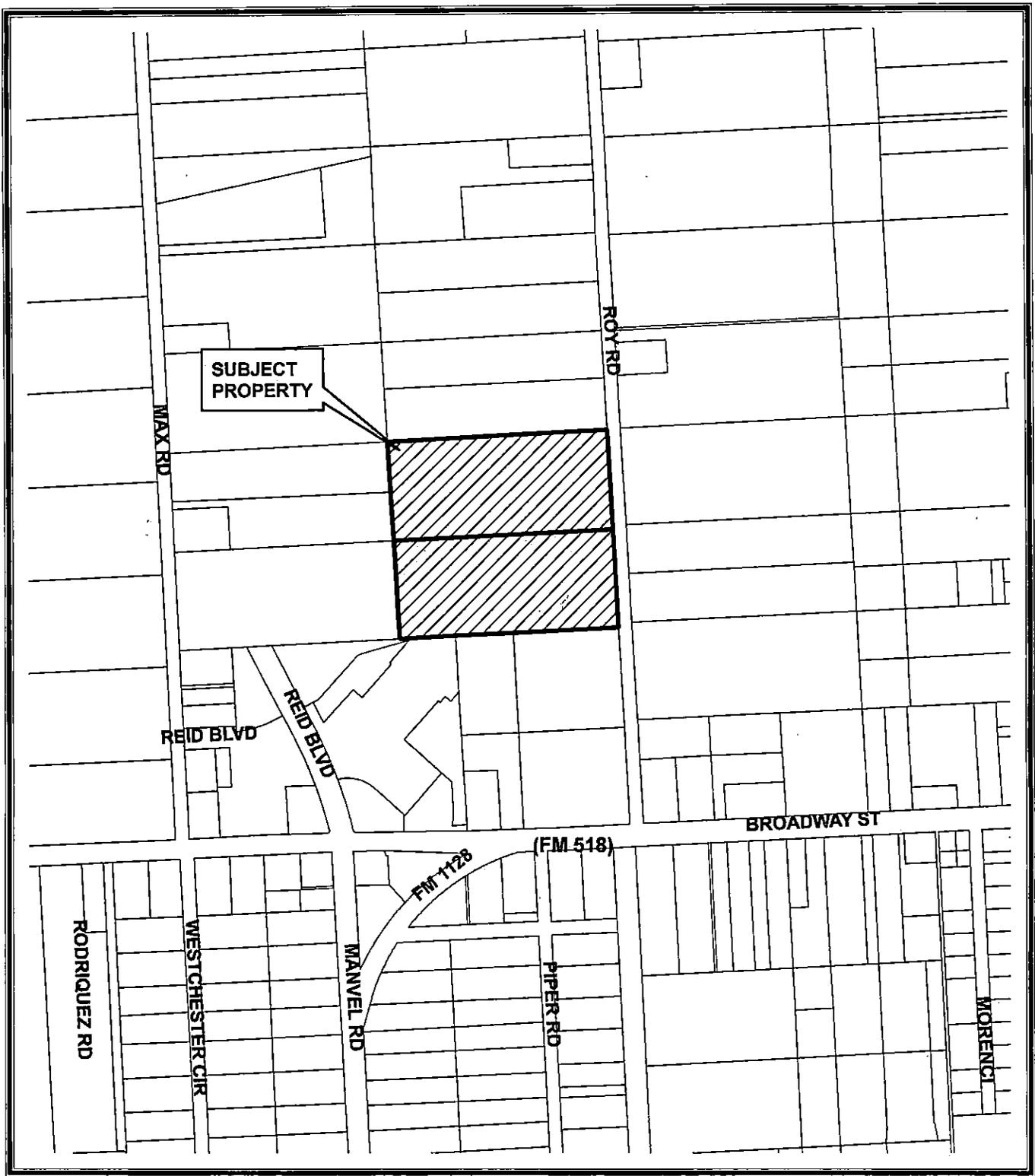
NAME Mary Frances Lentz
 ADDRESS 5119 Briarhead
 CITY Houston STATE Tx ZIP 77035
 PHONE (713) 723-0569
 FAX ()
 E-MAIL ADDRESS marybethporter@alltel.net -daughter ←

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

Owner's Signature: Mary Frances Lentz Date: 4/16/05

Agent's Signature: [Signature] Date: 4-13-05

OFFICE USE ONLY: FEES PAID: \$ 275.00 DATE PAID: 5-9-05
 RECEIVED BY: [Signature] APPLICATION NO. 1231



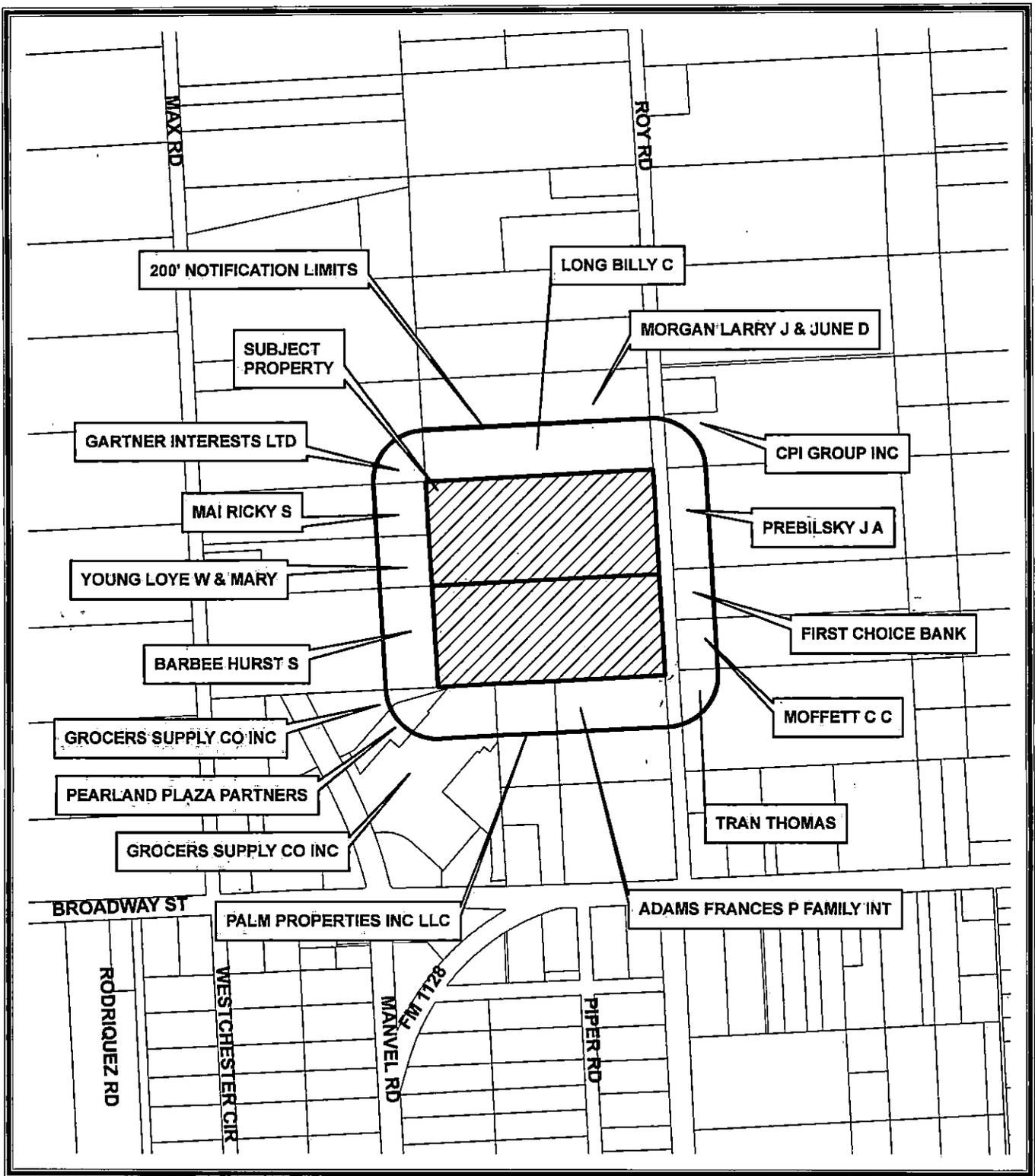
LOCATION MAP

Zone Change Application
No. 1231



0 200 400 Feet
[Scale bar with three segments]

Map Prepared on June 1, 2005



OWNERSHIP MAP

Zone Change Application
No. 1231

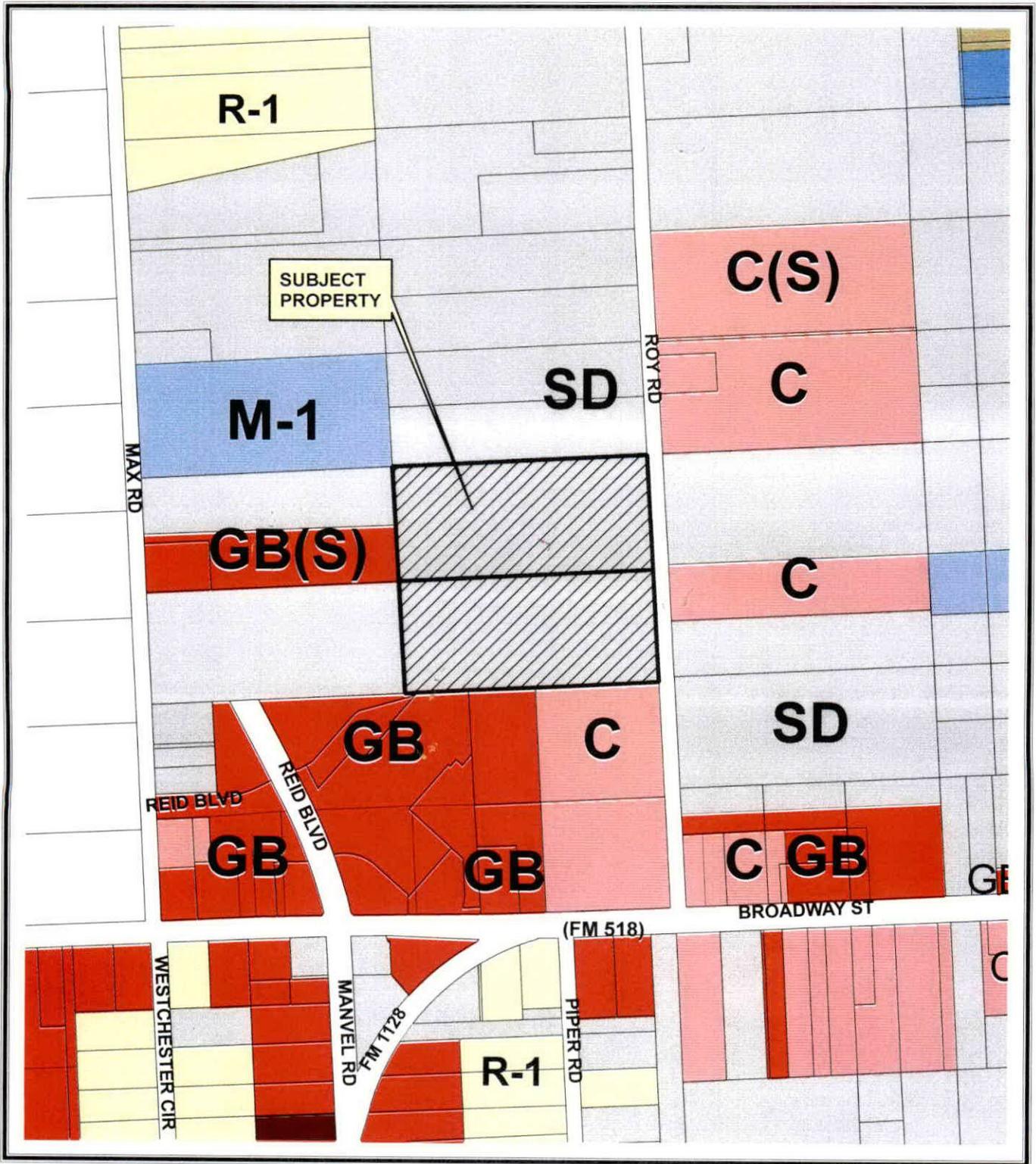


0 200 400 Feet

Map Prepared on June 1, 2005

ZONE CHANGE APPLICATION NO. 1231
Property Owner Notification List

<u>PROP ID</u>	<u>OWNER</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>ST</u>	<u>ZIP CODE</u>	<u>LEGAL DESCRIPTION</u>
R175693	PREBILSKY J A	2453 ROY RD	PEARLAND	TX	77581-8601	A0504 H T & B R R, TRACT 20, ACRES 10.000
R165891	LENTZ MARY FRANCES MAURIS HARDCASTLE	5119 BRIARBEND DR 7918 BROADWAY STE 106	HOUSTON PEARLAND	TX	77035-3105 77581	A0234 H T & B R R, TRACT 61, ACRES 10.000 APPLICANT
R165914	MORGAN LARRY J & JUNE D	2430 ROY RD	PEARLAND	TX	77581-8600	A0234 H T & B R R, TRACT 60 N/2 (LT 60A), ACRES 5.000
R165922	MAI RICKY S	6803 KEITHWOOD CIR S	PEARLAND	TX	77584-7153	A0234 H T & B R R, TRACT 29A, ACRES 4.964
R175608	CPI GROUP INC% LORI JOHNSON	PO BOX 1710	PEARLAND	TX	77588-1710	A0504 H T & B R R, TRACT 18-19-19A, ACRES 10.255
R165907	GARTNER INTERESTS LTD	2433 MAX RD	PEARLAND	TX	77581-7677	A0234 H T & B R R, TRACT 28, ACRES 9.900
R165892	LONG BILLY C	PO BOX 6307	PASADENA	TX	77506-0307	S 1/2 LT 60 234 H T & B, ACRES 5.000
R175710	FIRST CHOICE BANK	3100 S SHAVER ST	SOUTH HOUSTON	TX	77587-4425	A0504 H T & B R R, TRACT 21 (N/2 PT), ACRES 1.000
R165806	BARBEE HURST S	2537 MAX RD	PEARLAND	TX	77581-7679	PT LT 30 234 H T & B, ACRES 9.000
R175621	TRAN THOMAS & DUNG HUNG TA	11022 GREEN ARBOR	HOUSTON	TX	77089	A0504 H T & B R R, TRACT 22, ACRES 10.000
R165924	ADAMS FRANCES P FAMILY INT	2213 ROY RD	PEARLAND	TX	77581-7697	A0234 H T & B R R, TRACT 63A, ACRES 5.00
R165839	PALM PROPERTIES INC LLC	PO BOX 15221	HOUSTON	TX	77220-5221	A0234 H T & B R R, TRACT 63B, ACRES 2.42
R506360	GROCERS SUPPLY CO INC	3131 HOLCOMBE BLVD	HOUSTON	TX	77021-2199	ALBERTSON'S (A0234 H T & B), BL 2, RES E, ACRES 5.935
R506358	GROCERS SUPPLY CO INC	3131 HOLCOMBE BLVD	HOUSTON	TX	77021-2199	ALBERTSON'S (A0234 H T & B), BL 2, RES C, ACRES 1.604
R165923	YOUNG LOYE W & MARY	PO BOX 2176	PEARLAND	TX	77588-2176	A0234 H T & B R R, TRACT 29-29B, ACRES 4.967
R165798	LENTZ LOUIS E%MARY FRANCE LENTZ TR	5119 BRIARBEND DR	HOUSTON	TX	77035-3105	A0234 H T & B R R, TRACT 62, ACRES 10.000
R175675	MOFFETT C C	2549-2 ROY RD	PEARLAND	TX	77581-8603	A0504 H T & B R R, TRACT 21 S/2, ACRES 5.000
R506359	PEARLAND PLAZA PARTNERS	1875 CENTURY PARK E STE 1840	LOS ANGELES	CA	90067-2519	ALBERTSON'S (A0234 H T & B), BL 2, RES D, ACRES 1.032



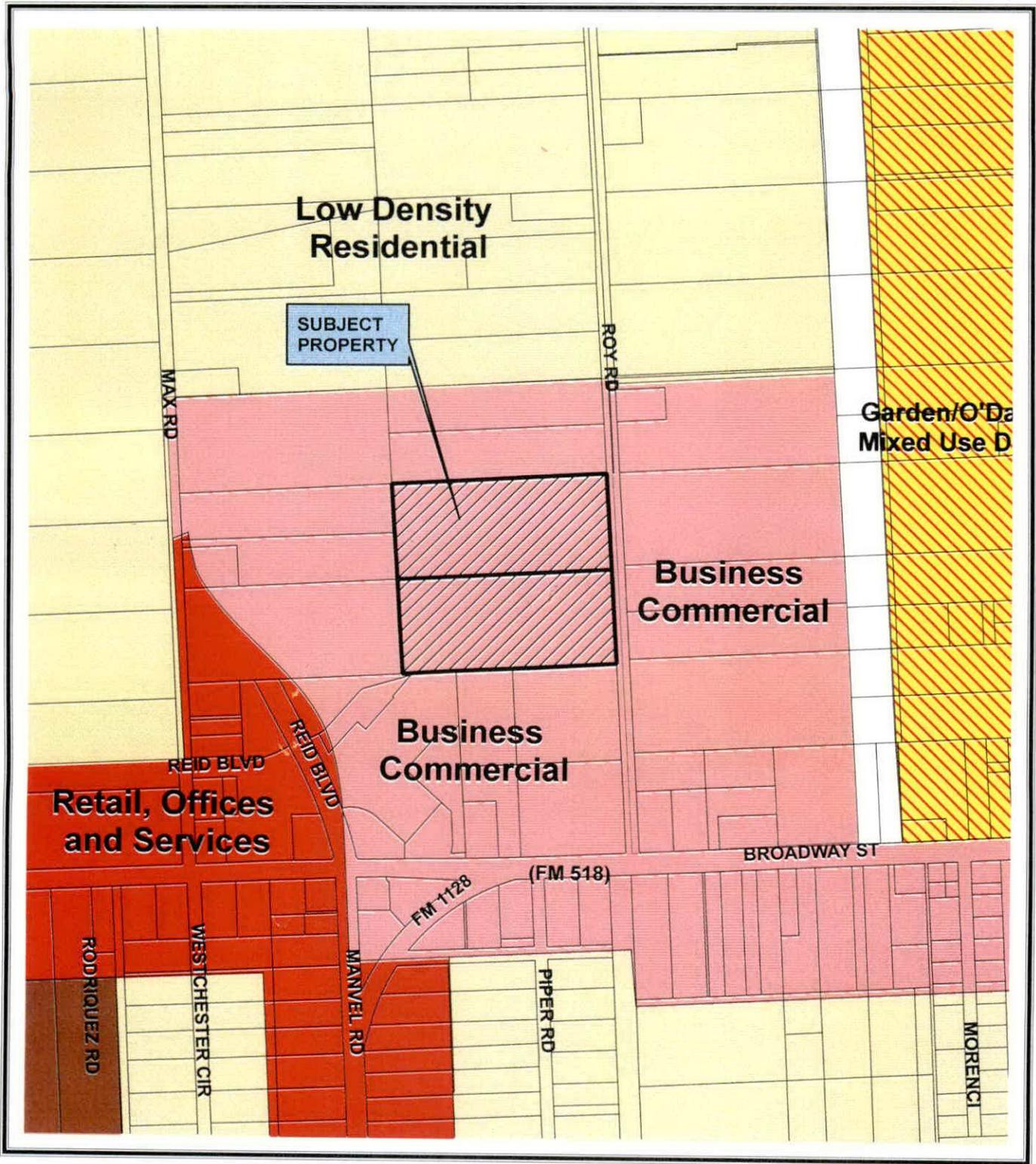
ZONING MAP

Zone Change Application
No. 1231



0 200 400 Feet

Map Prepared on June 1, 2005



FUTURE LAND USE PLAN

Zone Change Application
No. 1231



0 200 400 Feet

Map Prepared on June 1, 2005

Joint Public Hearing

SPEAKER'S CARD

If you wish to speak during the Public Hearing, please complete the following information and give this card to the Recording Secretary either before or after your comments. Thank you.

Name: Christy Smidt

Full Address: 1207 Bay Oaks

(include zip) Houston, TX 77008

I wish to speak regarding Item No. Zoning Ap. No 1234

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JUNE 20, 2005, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

Zone Change Application No. 1234

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

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

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

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT

B. APPLICANT PRESENTATION

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

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. 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.

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

Zone Change Application No. 1234

TO: City Council
Planning and Zoning Commission

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

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

GENERAL LOCATION: Generally Located at the Northwest Corner of SH 288 and FM 518 (Broadway Street)

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

Planning and Zoning Commission: June 20, 2005
City Council for First Reading: July 11, 2005
City Council for Second Reading: July 25, 2005

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

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

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

SURROUNDING ZONING AND LAND USES:

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

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

PLATTING STATUS: The subject property has not been platted. The subject property will need to be platted and combined with adjoining parcels in accordance with the Subdivision Ordinance, prior to issuance of a building permit. The plat will need to address all requirements listed in the Subdivision Ordinance, and be approved by the Planning and Zoning Commission. The plat will need to be filed for record with the County Clerk, prior to issuance of a building permit.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Business Park" for the subject property and for many of the surrounding properties long SH 288. The Comprehensive Plan further indicates that the appropriate zoning districts for "Business Park" is a new non-residential

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

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

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

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

No other roadways affect the subject property.

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

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

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

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

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

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

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

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

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

SUPPORTING DOCUMENTS:

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

ZONE CHANGE APPLICATION NO. 1234

**NOTICE OF A JOINT PUBLIC HEARING OF THE CITY COUNCIL AND
THE PLANNING AND ZONING COMMISSION OF THE CITY OF
PEARLAND, TEXAS, REGARDING:**

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

9.6167 acres of land being all of Lot 2 in Block 21, and 14.3755 acres of land being all of Lot 3 and a portion of Lot 4 in Block 20, and 4.6323 acres being out of and a portion of Lot 1 in Block 20 and Lot 3 in Block 21, all situated in the T.C.R.R. Company Survey, Section 4, Abstract 675, of the Allison Richey Gulf Coast Home Company's Part of Suburban Gardens Subdivision, according to the plat thereof recorded in Volume 2, Page 99, of the Brazoria County Map Records, City of Pearland, Brazoria County, Texas (Generally Located at the Northwest Corner of SH 288 and FM 518 (Broadway Street))

**PUBLIC HEARINGS WILL BE HELD IN THE
COUNCIL CHAMBER OF CITY HALL
LOCATED AT
3519 Liberty Drive, Pearland, Texas
on
MONDAY, JUNE 20, 2005, AT 6:30 P.M.**

An application and map are enclosed for your information. This notice has been sent to all owners of real property within 200 feet of the request, as such ownership appears on the last approved city tax roll, in accordance with notification guidelines established by City Ordinance and State law.

At said hearing, all interested parties shall have the right and opportunity to appear and be heard on the subject. If you are unable to attend, but wish to have your opinions made a part of the public record, please complete the enclosed form and return it prior to the public hearing.

If you have any questions or need additional information please contact the City of Pearland Planning Department at (281) 652-1742 or tgrahmann@ci.pearland.tx.us.

PROPERTY OWNER NOTICE



APPLICATION FOR A CHANGE IN ZONING

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

Please check one:

- Change in Zoning Classification from: SD to: Commercial
(list current zoning) (list proposed zoning)
- Specific Use Permit Request for : _____
(list proposed use)

Property Information:

Address: Broadway and SH 288 (see attached exhibit) Tax Account No. 0675-0034-000
 Subdivision: Suburban Gardens Subdivision Lot: 2 Block: 21

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

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

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

PROPERTY OWNER INFORMATION:

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

APPLICANT INFORMATION:

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

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

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

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

OFFICE USE ONLY:

FEES PAID: <u>\$275.00</u>	DATE PAID: <u>5/23/05</u>	RECEIVED BY: <u>[Signature]</u>	APPLICATION NUMBER: <u>1234</u>
----------------------------	---------------------------	---------------------------------	---------------------------------

*****APPLICATION IS CONSIDERED INCOMPLETE WITHOUT A METES AND BOUNDS DESCRIPTION OR SURVEY AND THE APPLICATION FEE*****



APPLICATION FOR A CHANGE IN ZONING

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

Please check one:

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

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

Property Information:

Address: Broadway and SH 288 (see attached exhibit) Tax Account No. _____
Subdivision: Suburban Gardens Subdivision Lot: 3 1/2 of 4 Block: 20
1/2 of 1 21
1/2 of 3

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

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

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

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

PROPERTY OWNER INFORMATION:

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

APPLICANT INFORMATION:

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

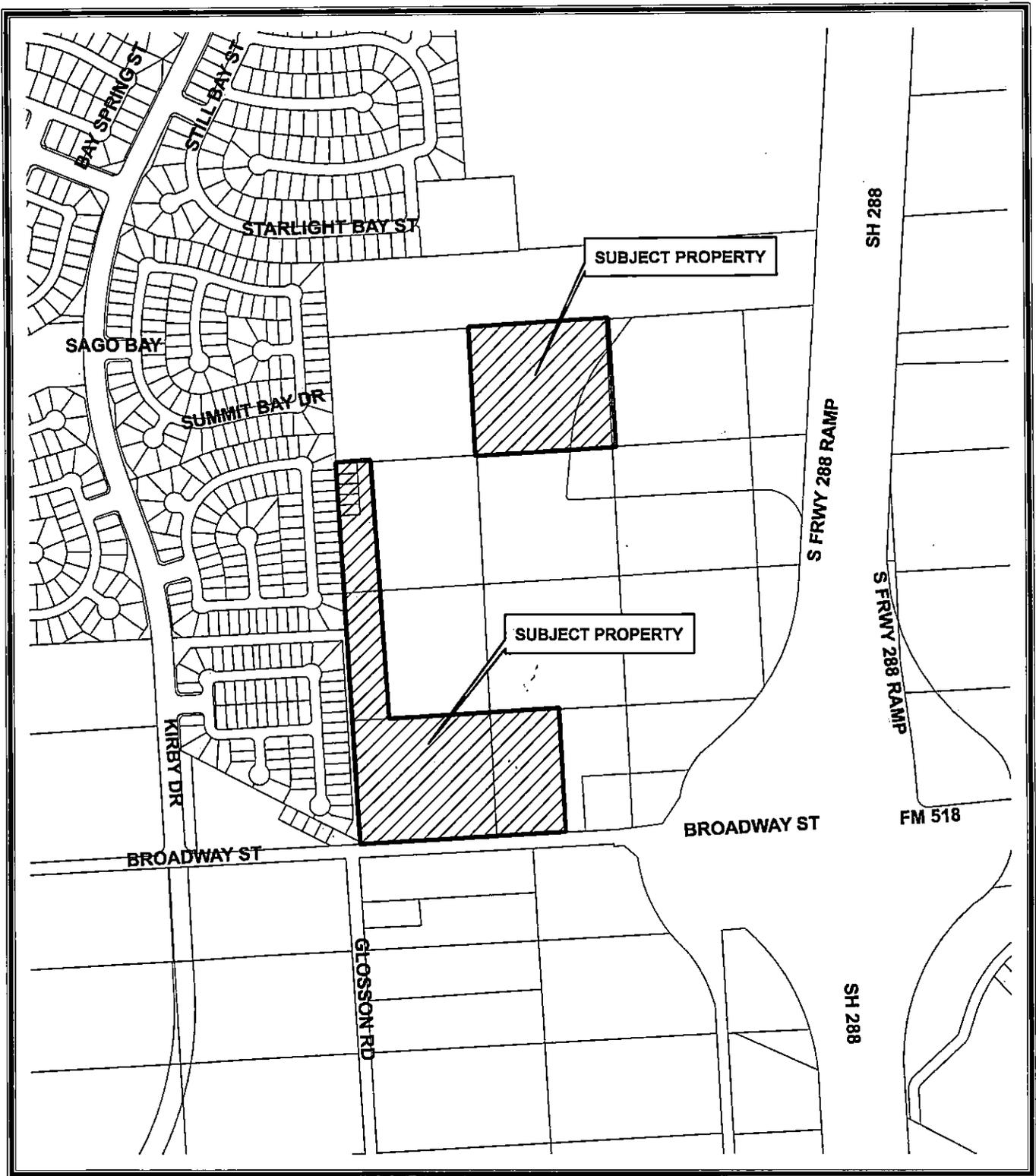
PETITION: As owner/agent, I hereby petition the City of Pearland for approval of the above described request as provided for by the laws of the State of Texas and ordinances of the City of Pearland. I certify to the best of my knowledge that this is a true description of the property upon which I have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

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

OFFICE USE ONLY:

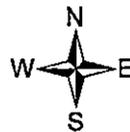
FEE PAID: <u>\$275⁰⁰</u>	DATE PAID: <u>5/23/05</u>	RECEIVED BY: <u>tax</u>	APPLICATION NUMBER: <u>1234</u>
-------------------------------------	---------------------------	-------------------------	---------------------------------

*****APPLICATION IS CONSIDERED INCOMPLETE WITHOUT A METES AND BOUNDS DESCRIPTION OR SURVEY AND THE APPLICATION FEE*****



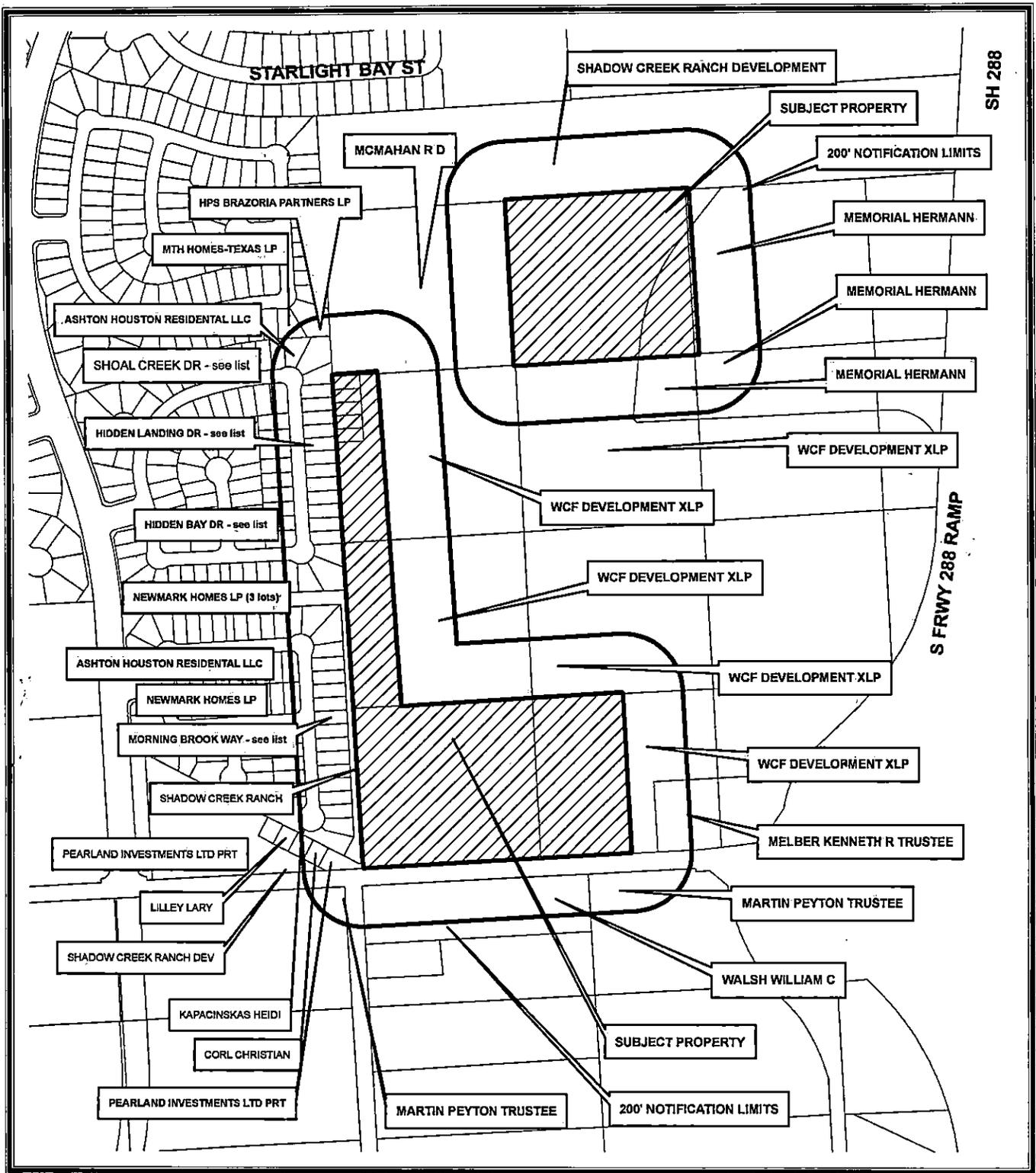
LOCATION MAP

Zone Change Application
No. 1234



0 200 400 Feet

Map Prepared on June 1, 2005



OWNERSHIP MAP

Zone Change Application
No. 1234



0 200 400 Feet

Map Prepared on June 1, 2005

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

ZONE CHANGE APPLICATION NO. 1234

Property Owner Notification List

<u>PROP ID</u>	<u>OWNER</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>ST</u>	<u>ZIP CODE</u>	<u>LEGAL DESCRIPTION</u>
R180194	WCF DEVELOPMENT XLP	1177 WEST LOOP S STE 1670	HOUSTON	TX	77027-9027	A0675 J W MAXEY, ACRES 39.0271
	KERRY R GILBERT & ASSOC CHRISTY SMIDT	15810 PARK TEN PLACE STE 160	HOUSTON	TX	77084	APPLICANT
R180192	MCMAHAN R D	5950 STONES THROW RD	HOUSTON	TX	77057-1444	A0675 J W MAXEY, BLOCK 21, TRACT 1, ACRES 9.600
R169823	SHADOW CREEK RANCH DEVELOPMENT	5195 LAS VEGAS BLVD S	LAS VEGAS	NV	89119-3209	A0344 WM MORRIS, TRACT 1, ACRES 20.000
R550249	HPS BRAZORIA PARTNERS LP	12222 MERIT DR STE 1710	DALLAS	TX	75251-2217	SHADOW CREEK RANCH SF-14B (PEARLAND), BLOCK 1, LOT 14
R550250	MTH HOMES-TEXAS LP	2901 W SAM HOUSTON PKWY N STE B	HOUSTON	TX	77043-1630	SHADOW CREEK RANCH SF-14B (PEARLAND), BLOCK 1, LOT 15
R553839	MEMORIAL HERMANN HOSPITAL SYSTEM	7737 SOUTHWEST FWY STE 200	HOUSTON	TX	77074-1800	A0675 J W MAXEY, ACRES 21.919
R550399	AVILLANOZA ANTHONY V	11301 SHOAL CREEK DR	PEARLAND	TX	77584	SHADOW CREEK RANCH SF-16A (PEARLAND), BLOCK 1, LOT 21
R550397	ASHTON HOUSTON RESIDENTAL LLC	11375 W SAM HOUSTON PKWY S STE 100	HOUSTON	TX	77031	SHADOW CREEK RANCH SF-16A (PEARLAND), BLOCK 1, LOT 19
R553839	MEMORIAL HERMANN HOSPITAL SYSTEM	7737 SOUTHWEST FWY STE 200	HOUSTON	TX	77074-1800	A0675 J W MAXEY, ACRES 21.919
R180194	WCF DEVELOPMENT XLP	1177 WEST LOOP S STE 1670	HOUSTON	TX	77027-9027	A0675 J W MAXEY, ACRES 39.0271
R180194	WCF DEVELOPMENT XLP	1177 WEST LOOP S STE 1670	HOUSTON	TX	77027-9027	A0675 J W MAXEY, ACRES 39.0271
R553640	HAAN GREGG B	1811 GARDEN TERRACE DR	KATY	TX	77494-7545	A0675 J W MAXEY, BLOCK 21, TRACT 3 DIRECTOR LOT 1, ACRES 0.1143
R180194	WCF DEVELOPMENT XLP	1177 WEST LOOP S STE 1670	HOUSTON	TX	77027-9027	A0675 J W MAXEY, BLOCK 21, ACRES 39.0271
R553636	PUCKETT KENT S	10788 KEMPWOOD DR	HOUSTON	TX	77043-1409	A0675 J W MAXEY, BLOCK 21, TRACT 3 DIRECTOR LOT 5, ACRES 0.1148
R550448	SARASAK GRACIOUS M	2706 HIDDEN LANDING DR	PEARLAND	TX	77584	SHADOW CREEK RANCH SF-16A (PEARLAND), BLOCK 2, LOT 19
R550406	DUONG DUC N	2713 HIDDEN LANDING DR	PEARLAND	TX	77581	SHADOW CREEK RANCH SF-16A (PEARLAND), BLOCK 1, LOT 28
R550449	CASTILLO MICHAEL & HAN KYUNG	2708 HIDDEN LANDING DR	PEARLAND	TX	77584	SHADOW CREEK RANCH SF-16A (PEARLAND), BLOCK 2, LOT 20
R550407	ELLIS RENITA P	2715 HIDDEN LANDING DR	PEARLAND	TX	77584	SHADOW CREEK RANCH SF-16A (PEARLAND), BLOCK 1, LOT 29
R550450	VELEK AARON M & COURTNEY HARRIS	2710 HIDDEN LANDING DR	PEARLAND	TX	77584	SHADOW CREEK RANCH SF-16A (PEARLAND), BLOCK 2, LOT 21
R550409	ASHTON HOUSTON RESIDENTAL LLC	11375 W SAM HOUSTON PKWY S STE 100	HOUSTON	TX	77031	SHADOW CREEK RANCH SF-16A (PEARLAND), BLOCK 1, LOT 31
R550453	CALDWELL BEVERLY	2716 HIDDEN LANDING DR	PEARLAND	TX	77584	SHADOW CREEK RANCH SF-16A (PEARLAND), BLOCK 2, LOT 24
R550411	SANDS OWEN L & KAYLENE M	2723 HIDDEN LANDING DR	PEARLAND	TX	77584	SHADOW CREEK RANCH SF-16A (PEARLAND), BLOCK 1, LOT 33
R180180	WCF DEVELOPMENT XLP	1177 WEST LOOP S STE 1670	HOUSTON	TX	77027-9027	A0675 J W MAXEY, BLOCK 20, TRACT 1-2, ACRES 19.232
R550415	ZHAO YALI & JING MING LI	11304 HIDDEN BAY DR	PEARLAND	TX	77584	SHADOW CREEK RANCH SF-16A (PEARLAND), BLOCK 1, LOT 37
R550398	ASHTON HOUSTON RESIDENTAL LLC	11375 W SAM HOUSTON PKWY S STE 100	HOUSTON	TX	77031	SHADOW CREEK RANCH SF-16A (PEARLAND), BLOCK 1, LOT 20
R553839	MEMORIAL HERMANN HOSPITAL SYSTEM	7737 SOUTHWEST FWY STE 200	HOUSTON	TX	77074-1800	A0675 J W MAXEY, ACRES 21.919
R550400	BALDAUF DUKE & TRACEY	2701 HIDDEN LANDING DR	PEARLAND	TX	77584	SHADOW CREEK RANCH SF-16A (PEARLAND), BLOCK 1, LOT 22
R550487	ASHTON HOUSTON RESIDENTAL LLC	11375 W SAM HOUSTON PKWY S STE 100	HOUSTON	TX	77031	SHADOW CREEK RANCH SF-16B (PEARLAND), BLOCK 1, LOT 15
R550486	NEWMARK HOMES LP	6500 RIVER PLACE BLVD BLDG II	AUSTIN	TX	78730-1119	SHADOW CREEK RANCH SF-16B (PEARLAND), BLOCK 1, LOT 14
R550445	ASHTON HOUSTON RESIDENTAL LLC	11375 W SAM HOUSTON PKWY S STE 100	HOUSTON	TX	77031	SHADOW CREEK RANCH SF-16A (PEARLAND), BLOCK 2, LOT 16
R550401	ELAM PAULIA D	2703 HIDDEN LANDING DR	PEARLAND	TX	77584	SHADOW CREEK RANCH SF-16A (PEARLAND), BLOCK 1, LOT 23

ZONE CHANGE APPLICATION NO. 1234

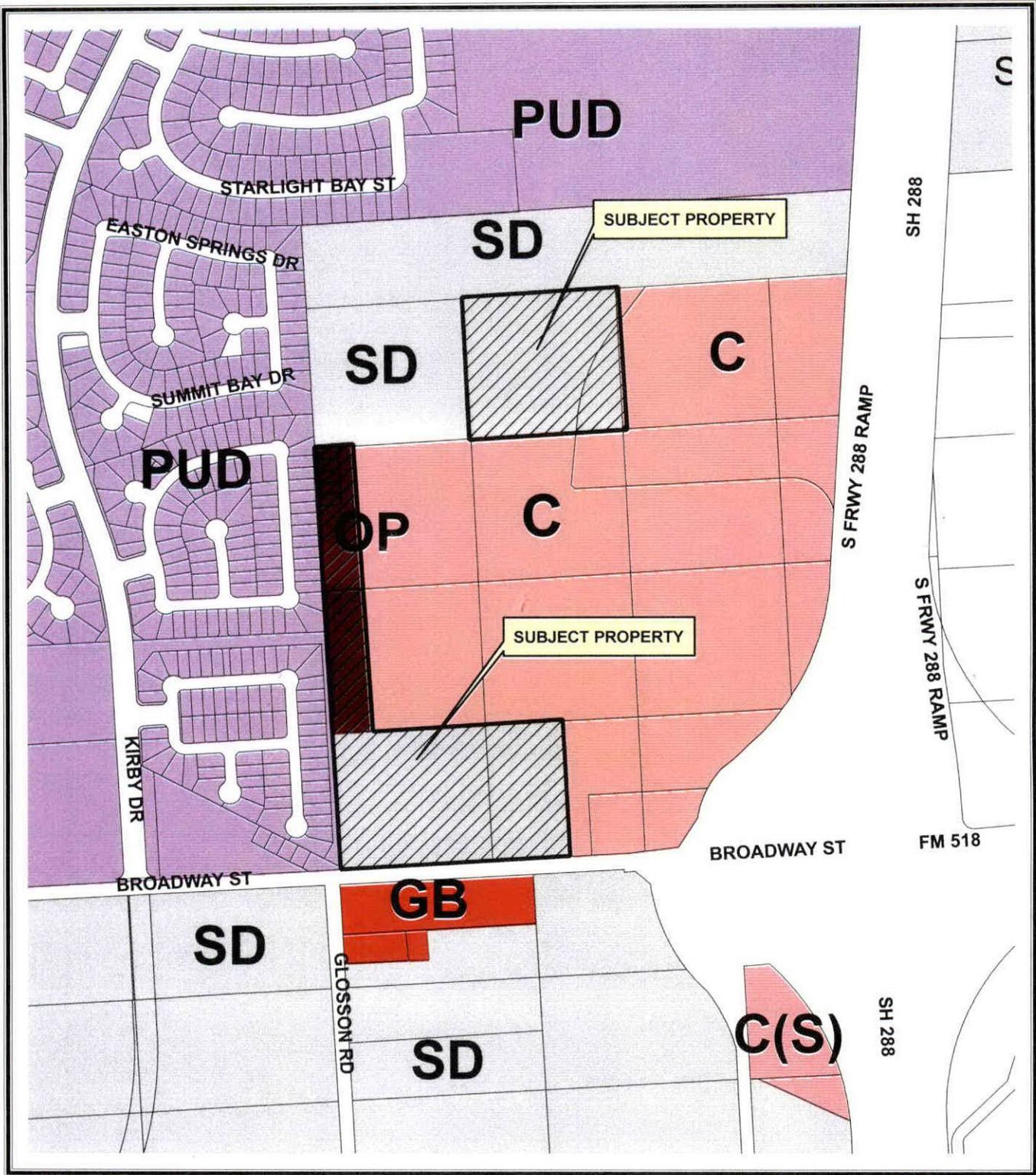
Property Owner Notification List

R553639	JACOBSON SHARON	1226 AUSTIN COLONY DR	RICHMOND TX	77469-1206	A0675 J W MAXEY, BLOCK 21, TRACT 3 DIRECTOR LOT 2, ACRES 0.1148
R550402	ALEXANDER SHARRON	2814 S BARTEL #524	HOUSTON TX	77054	SHADOW CREEK RANCH SF-16A (PEARLAND), BLOCK 1, LOT 24
R553638	SAOUR SAIB Y	5469 HOLLY SPRINGS DR	HOUSTON TX	77056-2021	A0675 J W MAXEY, BLOCK 21, TRACT 3 DIRECTOR LOT 3, ACRES 0.1148
R550403	SUESS LEONARD & JESSICA	2707 HIDDEN LANDING DR	PEARLAND TX	77584	SHADOW CREEK RANCH SF-16A (PEARLAND), BLOCK 1, LOT 25
R550446	GONZALEZ RICARDO J & ELIZABETH M	2702 HIDDEN LANDING DR	PEARLAND TX	77584	SHADOW CREEK RANCH SF-16A (PEARLAND), BLOCK 2, LOT 17
R550404	GARDENHI MICHELLE	2709 HIDDEN LANDING DR	PEARLAND TX	77584	SHADOW CREEK RANCH SF-16A (PEARLAND), BLOCK 1, LOT 26
R550447	TROUTNER ERIC A & STEPHANIE J	2704 HIDDEN LANDING DR	PEARLAND TX	77584	SHADOW CREEK RANCH SF-16A (PEARLAND), BLOCK 2, LOT 18
R550405	ASHTON HOUSTON RESIDENTAL LLC	11375 W SAM HOUSTON PKWY S STE. 100	HOUSTON TX	77031	SHADOW CREEK RANCH SF-16A (PEARLAND), BLOCK 1, LOT 27
R550408	JACKSON RODNEY & TINA CHENG	2717 HIDDEN LANDING DR	PEARLAND TX	77584	SHADOW CREEK RANCH SF-16A (PEARLAND), BLOCK 1, LOT 30
R550451	LEWIS KIMBERLY	2712 HIDDEN LANDING DR	PEARLAND TX	77584	SHADOW CREEK RANCH SF-16A (PEARLAND), BLOCK 2, LOT 22
R550531	ASHTON HOUSTON RESIDENTAL LLC	11375 W SAM HOUSTON PKWY S STE 100	HOUSTON TX	77031	SHADOW CREEK RANCH SF-16B (PEARLAND), BLOCK 2, LOT 10
R550489	ASHTON HOUSTON RESIDENTAL LLC	11375 W SAM HOUSTON PKWY S STE 100	HOUSTON TX	77031	SHADOW CREEK RANCH SF-16B (PEARLAND), BLOCK 1, LOT 17
R550491	THOMPSON ANTHONY V & KIMBERLY M	2809 MORNING BROOK WAY	PEARLAND TX	77584	SHADOW CREEK RANCH SF-16B (PEARLAND), BLOCK 1, LOT 19
R550492	NEWMARK HOMES LP	6500 RIVER PLACE BLVD BLDG II	AUSTIN TX	78730-1119	SHADOW CREEK RANCH SF-16B (PEARLAND), BLOCK 1, LOT 20
R550452	FLOREZ MANUEL F	2714 HIDDEN LANDING DR	PEARLAND TX	77584	SHADOW CREEK RANCH SF-16A (PEARLAND), BLOCK 2, LOT 23
R550410	ASHTON HOUSTON RESIDENTAL LLC	11375 W SAM HOUSTON PKWY S STE 100	HOUSTON TX	77031	SHADOW CREEK RANCH SF-16A (PEARLAND), BLOCK 1, LOT 32
R550496	LOWMAN MARC & TIFFANY MOORE	2907 MORNING BROOK WAY	PEARLAND TX	77584	SHADOW CREEK RANCH SF-16B (PEARLAND), BLOCK 1, LOT 24
R180173	SHADOW CREEK RANCH DEVELOPMENT	5195 LAS VEGAS BLVD S	LAS VEGAS NV	89119-3209	A0675 J W MAXEY, BLOCK 19, TRACT 4, ACRES 5.521
R550505	NEWMARK HOMES LP	6500 RIVER PLACE BLVD BLDG II	AUSTIN TX	78730-1119	SHADOW CREEK RANCH SF-16B (PEARLAND), BLOCK 1, LOT 33
R550498	ASHTON HOUSTON RESIDENTAL LLC	11375 W SAM HOUSTON PKWY S STE 100	HOUSTON TX	77031	SHADOW CREEK RANCH SF-16B (PEARLAND), BLOCK 1, LOT 26
R550503	NEWMARK HOMES LP	6500 RIVER PLACE BLVD BLDG II	AUSTIN TX	78730-1119	SHADOW CREEK RANCH SF-16B (PEARLAND), BLOCK 1, LOT 31
R550501	ASHTON HOUSTON RESIDENTAL LLC	11375 W SAM HOUSTON PKWY S STE 100	HOUSTON TX	77031	SHADOW CREEK RANCH SF-16B (PEARLAND), BLOCK 1, LOT 29
R550502	ASHTON HOUSTON RESIDENTAL LLC	11375 W SAM HOUSTON PKWY S STE 100	HOUSTON TX	77031	SHADOW CREEK RANCH SF-16B (PEARLAND), BLOCK 1, LOT 30
R539095	KAPACINSKAS HEIDI	2606 SALADO DR	PEARLAND TX	77584-9110	A0675 J W MAXEY, BLOCK 19, TRACT 4D, ACRES 0.115
R550454	NEWMARK HOMES LP	6500 RIVER PLACE BLVD ST E 2-300	AUSTIN TX	78730-1124	SHADOW CREEK RANCH SF-16A (PEARLAND), BLOCK 2, LOT 25
R550412	BRACEY KISA J	2725 HIDDEN LANDING DR	PEARLAND TX	77584	SHADOW CREEK RANCH SF-16A (PEARLAND), BLOCK 1, LOT 34
R180180	WCF DEVELOPMENT XLP	1177 WEST LOOP S STE 1670	HOUSTON TX	77027-9027	A0675 J W MAXEY, BLOCK 20, TRACT 1-2, ACRES 19.232
R550413	ASHTON HOUSTON RESIDENTAL LLC	11375 W SAM HOUSTON PKWY S STE 100	HOUSTON TX	77031	SHADOW CREEK RANCH SF-16A (PEARLAND), BLOCK 1, LOT 35
R550414	ASHTON HOUSTON RESIDENTAL LLC	11375 W SAM HOUSTON PKWY S STE 100	HOUSTON TX	77031	SHADOW CREEK RANCH SF-16A (PEARLAND), BLOCK 1, LOT 36
R550416	AIZPURUA CARLOS M	11306 HIDDEN BAY DR	PEARLAND TX	77584	SHADOW CREEK RANCH SF-16A (PEARLAND), BLOCK 1, LOT 38
R168108	MARTIN PEYTON TRUSTEE	310 MORTON ST # 280	RICHMOND TX	77469-3119	A0300 H T & B R R, TRACT 2-3-11TO15-23TO25-31TO35, ACRES 149.35
R550471	SHADOW CREEK RANCH DEV CO	2947 BROADWAY ST STE 303	PEARLAND TX	77581-9500	SHADOW CREEK RANCH SF-16B, ACRES 1.676
R550485	NEWMARK HOMES LP	6500 RIVER PLACE BLVD BLDG II	AUSTIN TX	78730-1119	SHADOW CREEK RANCH SF-16B (PEARLAND), BLOCK 1, LOT 13
R550488	ASHTON HOUSTON RESIDENTAL LLC	11375 W SAM HOUSTON PKWY S STE 100	HOUSTON TX	77031	SHADOW CREEK RANCH SF-16B (PEARLAND), BLOCK 1, LOT 16
R550490	WHITE MICHAEL A	2807 MORNING BROOK WAY	PEARLAND TX	77584	SHADOW CREEK RANCH SF-16B (PEARLAND), BLOCK 1, LOT 18
R550530	NEWMARK HOMES LP	6500 RIVER PLACE BLVD BLDG II	AUSTIN TX	78730-1119	SHADOW CREEK RANCH SF-16B (PEARLAND), BLOCK 2, LOT 9
R180189	WCF DEVELOPMENT XLP	1177 WEST LOOP S STE 1670	HOUSTON TX	77027-9027	A0675 J W MAXEY, BLOCK 20, TRACT 4, ACRES 3.035

ZONE CHANGE APPLICATION NO. 1234

Property Owner Notification List

R180191	WCF DEVELOPMENT XLP	1177 WEST LOOP S STE 1670	HOUSTON	TX	77027-9027	A0675 J W MAXEY, BLOCK 20, TRACT 4A, ACRES 4.800
R180182	WCF DEVELOPMENT XLP	1177 WEST LOOP S STE 1670	HOUSTON	TX	77027-9027	A0675 J W MAXEY, BLOCK 20, TRACT 3, ACRES 9.60
R550493	ASHTON HOUSTON RESIDENTAL LLC	11375 W SAM HOUSTON PKWY S STE 100	HOUSTON	TX	77031	SHADOW CREEK RANCH SF-16B (PEARLAND), BLOCK 1, LOT 21
R550494	ASHTON HOUSTON RESIDENTAL LLC	11375 W SAM HOUSTON PKWY S STE 100	HOUSTON	TX	77031	SHADOW CREEK RANCH SF-16B (PEARLAND), BLOCK 1, LOT 22
R550508	ASHTON HOUSTON RESIDENTAL LLC	11375 W SAM HOUSTON PKWY S STE 100	HOUSTON	TX	77031	SHADOW CREEK RANCH SF-16B (PEARLAND), BLOCK 1, LOT 36
R550495	NEWMARK HOMES LP	6500 RIVER PLACE BLVD BLDG II	AUSTIN	TX	78730-1119	SHADOW CREEK RANCH SF-16B (PEARLAND), BLOCK 1, LOT 23
R550507	ASHTON HOUSTON RESIDENTAL LLC	11375 W SAM HOUSTON PKWY S STE 100	HOUSTON	TX	77031	SHADOW CREEK RANCH SF-16B (PEARLAND), BLOCK 1, LOT 35
R550506	ASHTON HOUSTON RESIDENTAL LLC	11375 W SAM HOUSTON PKWY S STE 100	HOUSTON	TX	77031	SHADOW CREEK RANCH SF-16B (PEARLAND), BLOCK 1, LOT 34
R550497	ASHTON HOUSTON RESIDENTAL LLC	11375 W SAM HOUSTON PKWY S STE 100	HOUSTON	TX	77031	SHADOW CREEK RANCH SF-16B (PEARLAND), BLOCK 1, LOT 25
R543648	MELBER KENNETH R TRUSTEE	1177 WEST LOOP S STE 1670	HOUSTON	TX	77027-9027	A0675 J W MAXEY, BLOCK 20, TRACT 4B, LOT 3A BLOCK 23, ACRES 2.65
R550504	NEWMARK HOMES LP	6500 RIVER PLACE BLVD BLDG II	AUSTIN	TX	78730-1119	SHADOW CREEK RANCH SF-16B (PEARLAND), BLOCK 1, LOT 32
R550499	NEWMARK HOMES LP	6500 RIVER PLACE BLVD BLDG II	AUSTIN	TX	78730-1119	SHADOW CREEK RANCH SF-16B (PEARLAND), BLOCK 1, LOT 27
R550500	NEWMARK HOMES LP	6500 RIVER PLACE BLVD BLDG II	AUSTIN	TX	78730-1119	SHADOW CREEK RANCH SF-16B (PEARLAND), BLOCK 1, LOT 28
R539093	CORL CHRISTIAN	2422 BROADWAY ST	PEARLAND	TX	77581-6408	A0675 J W MAXEY, BLOCK 19, TRACT 4B, ACRES 0.115
R539094	PEARLAND INVESTMENTS LTD PRT	PO BOX 95398	LAS VEGAS	NV	89193-5398	A0675 J W MAXEY, BLOCK 19, TRACT 4C, ACRES 0.115
R168110	WALSH WILLIAM C	PO BOX 760	PEARLAND	TX	77588-0760	A0300 H T & B R R, TRACT 21, ACRES 5.000
R168108	MARTIN PEYTON TRUSTEE	310 MORTON ST # 280	RICHMOND	TX	77469-3119	A0300 H T & B R R, TRACT 2-3-11TO15-23TO25-31TO35, ACRES 149.35



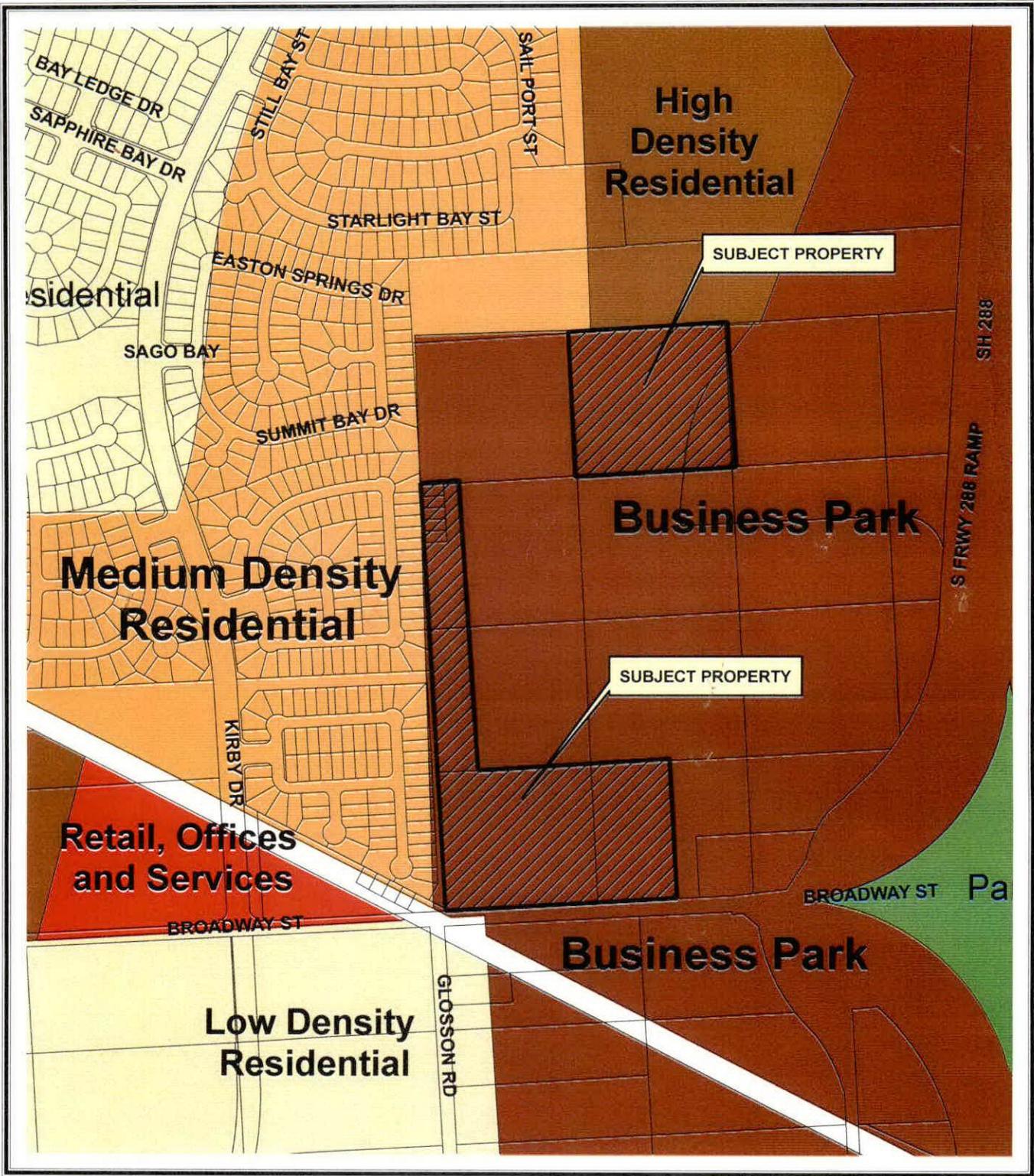
ZONING MAP

Zone Change Application
No. 1234



0 200 400 Feet

Map Prepared on June 1, 2005



FUTURE LAND USE PLAN

Zone Change Application
No. 1234



0 200 400 Feet

Map Prepared on June 1, 2005

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JUNE 20, 2005, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

Specific Use Permit Application No. 145

A request by Paul Marcaccio, applicant for West Oaks Homeowners Association, owner, for an amendment to the Land Use and Urban Development Ordinance of said City, for a Specific Use Permit for an Unscheduled/New Recreational Use, and more specifically, a subdivision homeowners association recreation center, in the Suburban Development District (SD(S)), on the following described property, to wit:

Legal Description: 0.855 acres of land, Block 1, of the West Oaks Recreation Center Phase A, Abstract 241, H.T. & B.R.R. Company Survey, City of Pearland, Brazoria County, Texas

General Location: Located at 6601 Old Oaks Boulevard

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT

B. APPLICANT PRESENTATION

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

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. 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.

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

Specific Use Permit Application No. 145

TO: City Council
Planning and Zoning Commission

SUBJECT: A request by Paul Marcaccio, applicant for West Oaks Homeowners Association, owner, for an amendment to the Land Use and Urban Development Ordinance of said City, for a Specific Use Permit for an Unscheduled/New Recreational Use, and more specifically, a subdivision homeowners association recreation center, in the Suburban Development District (SD(S))

LEGAL DESCRIPTION: 0.855 acres of land, Block 1, of the West Oaks Recreation Center Phase A, Abstract 241, H.T. & B.R.R. Company Survey, City of Pearland, Brazoria County, Texas

GENERAL LOCATION: Located at 6601 Old Oaks Boulevard

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

Planning and Zoning Commission: June 20, 2005
City Council for First Reading: July 11, 2005
City Council for Second Reading: July 25, 2005

SUMMARY: The applicant is requesting approval of a Specific Use Permit for an "Unscheduled/New Recreational Use" to be located in the Suburban Development District. The proposed use is a homeowners association recreational center. A homeowners association recreational center would require a Specific Use Permit under the current Land Use and Urban Development Ordinance. The subject property is currently zoned "SD" – Suburban Development District. The subject property is currently developed with a homeowners association recreational center for the West Oaks Village residential

subdivision. The subject property was not zoned when West Oaks Village was zoned and developed. The applicant is proposing to add additional features to the subject property.

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	Suburban Development District (SD), with a specific use permit	Pearland Dad's Club
South	Single Family Dwelling District (R-4)	Single family residences
East	Single Family Dwelling District (R-4)	Single family residences
West	Suburban Development District (SD)	Undeveloped tract

CONFORMANCE TO THE LAND USE AND URBAN DEVELOPMENT ORDINANCE: The subject property is currently zoned SD, which does not have any minimum lot size or width requirements. The subject property is 0.855 acres in size and has a lot width of more than 244 feet.

The SD district does not list any requirements for yard setbacks, heights, etc. Since the surrounding neighborhood is zoned as R-4, Staff recommends that the development comply with all requirements of the R-4 zoning district.

PLATTING STATUS: The subject property was platted as part of West Oaks Village. No further platting is required at this time.

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 within this subdivision and general area. The Comprehensive Plan further indicates that the appropriate zoning districts for "Medium Density Residential" are the Single Family Dwelling Districts R-2, R-3, and R-4. Since the proposed specific use permit provides for a recreational center for the homeowners association and for the residents of this subdivision, the proposed specific use permit conforms to the Comprehensive Plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Old Oaks Boulevard, a local/residential street.

No other roadways affect the subject property.

AVAILABILITY OF UTILITIES: There is City water and sewer service available for the subject property. Utility service will be reviewed as part of the application for a building permit.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The subject property is already developed with the recreational center, which serves the adjacent neighborhood. The addition of more buildings to the subject property should not have a negative impact on the adjacent neighborhoods.

Since the surrounding residential subdivision is zoned as R-4, Staff is recommending that, as part of the specific use permit, the applicant comply with the requirements of the R-4 zoning district. This will provide for consistency between the residential subdivision and the subject property.

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

STAFF RECOMMENDATION: Staff recommends approval of specific use permit, as proposed by the applicant, for the following reasons:

1. The proposed specific use permit does not conflict with the "Medium Density Residential" as recommended by the Comprehensive Plan, thereby being in conformance with the Comprehensive Plan.
2. The proposed specific use permit provides for a recreation center to serve the adjacent residential neighborhood.
3. The applicant is proposing to add additional features to the existing recreational center, which would not cause a negative impact on the surrounding residential neighborhood.

In addition:

Staff also recommends that the development of the subject property comply with all requirements of the R-4 zoning district.

SUPPORTING DOCUMENTS:

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

SPECIFIC USE PERMIT APPLICATION NO. 145

**NOTICE OF A JOINT PUBLIC HEARING OF THE CITY COUNCIL AND
THE PLANNING AND ZONING COMMISSION OF THE CITY OF
PEARLAND, TEXAS, REGARDING:**

A request by Paul Marcaccio, applicant for West Oaks Homeowners Association, owner, for an amendment to the Land Use and Urban Development Ordinance of said City, for a Specific Use Permit for an Unscheduled/New Recreational Use, and more specifically, a subdivision homeowners association recreation center, in the Suburban Development District (SD(S)), on the following described property, to wit:

0.855 acres of land, Block 1, of the West Oaks Recreation Center Phase A, Abstract 241, H.T. & B.R.R. Company Survey, City of Pearland, Brazoria County, Texas (Located at 6601 Old Oaks Boulevard)

**PUBLIC HEARINGS WILL BE HELD IN THE
COUNCIL CHAMBER OF CITY HALL
LOCATED AT
3519 Liberty Drive, Pearland, Texas
on
MONDAY, JUNE 20, 2005, AT 6:30 P.M.**

An application and map are enclosed for your information. This notice has been sent to all owners of real property within 200 feet of the request, as such ownership appears on the last approved city tax roll, in accordance with notification guidelines established by City Ordinance and State law.

At said hearing, all interested parties shall have the right and opportunity to appear and be heard on the subject. If you are unable to attend, but wish to have your opinions made a part of the public record, please complete the enclosed form and return it prior to the public hearing.

If you have any questions or need additional information please contact the City of Pearland Planning Department at (281) 652-1742 or tgrahmann@ci.pearland.tx.us.

PROPERTY OWNER NOTICE



APPLICATION FOR A CHANGE IN ZONING

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

Please check one:

- Change in Zoning Classification from: SD (list current zoning) to: NS (list proposed zoning) per conversation w/ applicant on 5-26-05
- Specific Use Permit Request for: (S) Unscheduled/New Recreational Use (list proposed use)

Property Information:

Address: 6601 Old Oaks Blvd. Tax Account No. 8243-2000-000
 Subdivision: West Oaks Village Lot: _____ Block: 1

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

Current use of property (type of structures on property): HOA Recreation Center

Future/proposed use of property and reason for zone change: HOA Recreation Center - to meet zoning requirements - Adding another building (Pavillion)

PROPERTY OWNER INFORMATION:

NAME West Oaks HOA % AMI'
 ADDRESS 9575 Katy Frwy Suite 130
 CITY Houston STATE TX ZIP 77024
 PHONE (713) 932-1122
 FAX (713) 932-6059
 E-MAIL ADDRESS KClark@amitx.com

APPLICANT INFORMATION:

NAME PAUL MARCACCIO - President WOHOA
 ADDRESS 6304 Palm Ct.
 CITY PEARLAND STATE TX ZIP 77584
 PHONE (281) 788 4041
 FAX (281) 997 0477
 E-MAIL ADDRESS CAPTPAUL@MARCACCIO.NET

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

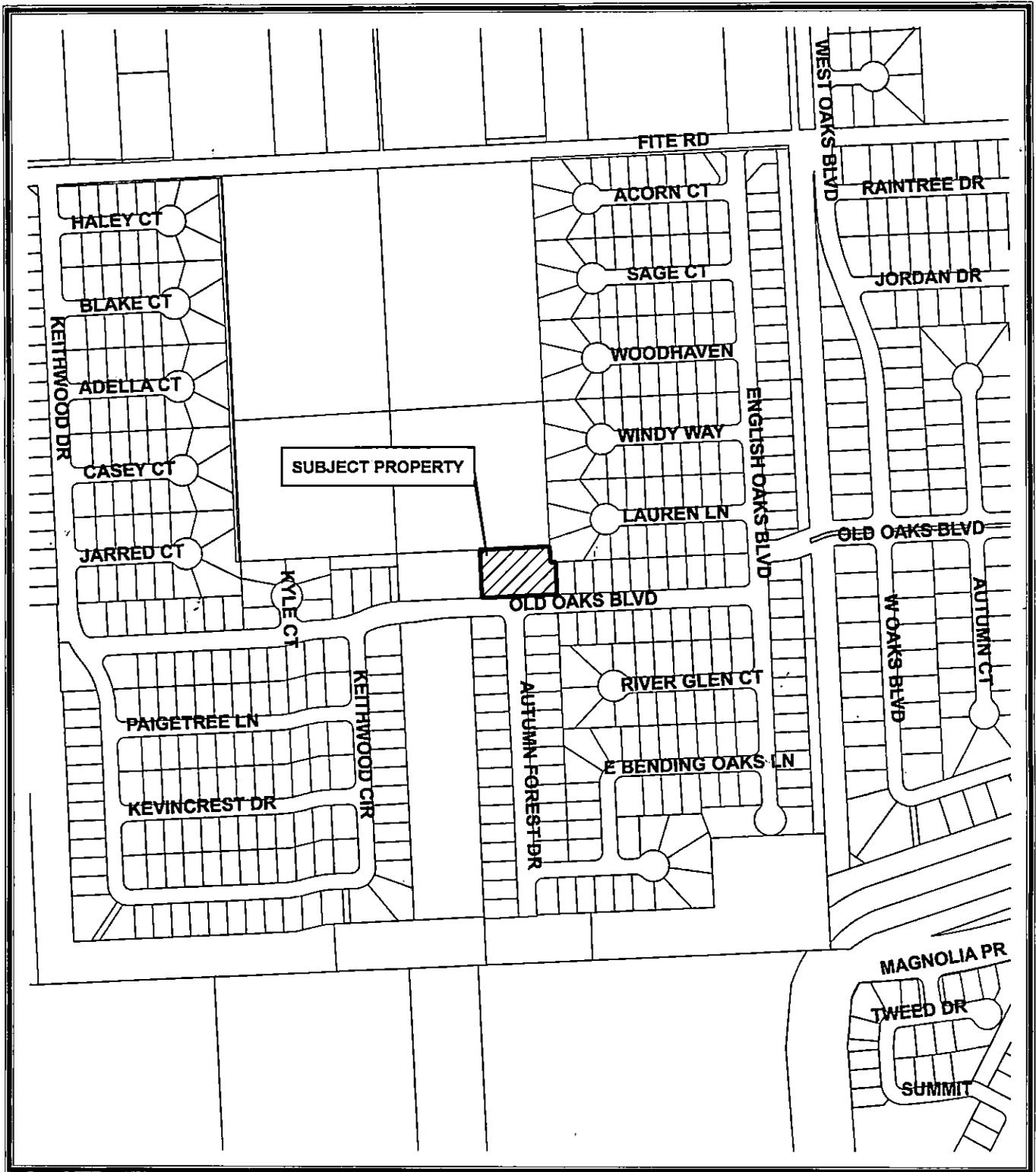
Owner's Signature: [Signature] Date: 5-18-05

Agent's Signature: _____ Date: _____

OFFICE USE ONLY:

FEE PAID: <u>\$275.00</u>	DATE PAID: <u>5/19/05</u>	RECEIVED BY: <u>[Signature]</u>	APPLICATION NUMBER: <u>SUP 145</u>
---------------------------	---------------------------	---------------------------------	------------------------------------

*****APPLICATION IS CONSIDERED INCOMPLETE WITHOUT A METES AND BOUNDS DESCRIPTION OR SURVEY AND THE APPLICATION FEE*****



LOCATION MAP

Specific Use Permit
Application
No. 145



0 200 400 Feet

Map Prepared on June 1, 2005

SPECIFIC USE PERMIT APPLICATION NO. 145
Property Owner Notification List

<u>PROP ID</u>	<u>OWNER</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>ST</u>	<u>ZIP CODE</u>	<u>LEGAL DESCRIPTION</u>
R500849	BINGHAM BRIAN PATRICK	6509 LAUREN LN	PEARLAND	TX	77584-7024	WEST OAKS VILLAGE 1 (A0241 H T & B), BL 2, LOT 84
R500850	HENNIG BOBBIE J	6511 LAUREN LN	PEARLAND	TX	77584-7024	WEST OAKS VILLAGE 1 (A0241 H T & B), BL 2, LOT 85
R510617	OGUNDE OLASIMBO A	6509 RIVER GLEN CT	PEARLAND	TX	77584	WEST OAKS VILLAGE SEC 2 (PEARLAND), BLOCK 2, LOT 37
R510583	CUCCO JANICE K	3241 AUTUMN FOREST DR	PEARLAND	TX	77584-7107	WEST OAKS VILLAGE SEC 2 (PEARLAND), BLOCK 2, LOT 3
R510567	KIBODEAUX TERRY L & MELYNDA	3240 AUTUMN FORET DR	PEARLAND	TX	77581	WEST OAKS VILLAGE SEC 2 (PEARLAND), BLOCK 1, LOT 3
R500851	BROWN DENNIS M & SHARON A	6510 LAUREN LN	PEARLAND	TX	77584-7023	WEST OAKS VILLAGE 1 (A0241 H T & B), BL 2, LOT 86
R166304	PEARLAND AREA DAD'S CLUB	PO BOX 552	PEARLAND	TX	77588-0552	A0241 H T & B R R, TRACT 4A1-4A1A-5B1-5B1A, ACRES 30.000
	PAUL MARCACCIO - PRES WHOA	6304 PALM COURT	PEARLAND	TX	77584	APPLICANT
R507705	WEST OAKS HOMEOWNERS ASSOC	9575 KATY FWY STE 130	HOUSTON	TX	77024-1408	A0241 H T & B R R, TRACT 5, ACRES 0.9384
R500867	AXLINE HARRY L & CAROLYN	6507 OLD OAKS BLVD	PEARLAND	TX	77584-7028	WEST OAKS VILLAGE 1 (A0241 H T & B), BL 2, LOT 102
R500832	SHEPARD MILO K & TOYA O	6510 WINDY WAY LN	PEARLAND	TX	77584-7019	WEST OAKS VILLAGE 1 (A0241 H T & B), BL 2, LOT 67
R500848	SHERIDAN DENNIS M & TRACY	6507 LAUREN LN	PEARLAND	TX	77584-7024	WEST OAKS VILLAGE 1 (A0241 H T & B), BL 2, LOT 83
R500853	ELLERBROCK THOMAS M & PATRICIA	6506 LAUREN LN	PEARLAND	TX	77584-7023	WEST OAKS VILLAGE 1 (A0241 H T & B), BL 2, LOT 88
R500852	CUMPAIN JOSE G & ELENA	6508 LAUREN LN	PEARLAND	TX	77584-7023	WEST OAKS VILLAGE 1 (A0241 H T & B), BL 2, LOT 87
R500881	JESSIE STANLEY & NETTIE R	6508 OLD OAKS BLVD	PEARLAND	TX	77584-7027	WEST OAKS VILLAGE 1 (A0241 H T & B), BL 4, LOT 8
R500882	VUONG NGA H & PHUOC D NGUYEN	6510 OLD OAKS BLVD	PEARLAND	TX	77584-7027	WEST OAKS VILLAGE 1 (A0241 H T & B), BL 4, LOT 9
R510581	RAHMAN SHOAB L & HUMAIRA A	3237 AUTUMN FOREST DR	PEARLAND	TX	77584-7107	WEST OAKS VILLAGE SEC 2 (PEARLAND), BLOCK 2, LOT 1
R507022	WEST OAKS HOMEOWNERS ASSOC	9575 KATY FWY STE 130	HOUSTON	TX	77024-1408	A0241 H T & B R R, TRACT 5 (PT), ACRES 0.855
R510582	ELLISON BRENT RYAN	3239 AUTUMN FOREST DR	PEARLAND	TX	77584-7107	WEST OAKS VILLAGE SEC 2 (PEARLAND), BLOCK 2, LOT 2
R510565	BRYANT HOWARD & MARY	3236 AUTUMN FOREST DR	PEARLAND	TX	77584-7106	WEST OAKS VILLAGE SEC 2 (PEARLAND), BLOCK 1, LOT 1
R500866	RATH GARY L & KATHERINE D	6505 OLD OAKS BLVD	PEARLAND	TX	77584-7028	WEST OAKS VILLAGE 1 (A0241 H T & B), BL 2, LOT 101
R500868	CROSS STEPHEN & ELIZABETH	6509 OLD OAKS BLVD	PEARLAND	TX	77584-7028	WEST OAKS VILLAGE 1 (A0241 H T & B), BL 2, LOT 103
R500869	HUNTER PHILLIP R & HILLARY	6511 OLD OAKS BLVD	PEARLAND	TX	77584-7028	WEST OAKS VILLAGE 1 (A0241 H T & B), BL 2, LOT 104
R500880	WIDENER BRAD T & CAROL J	6506 OLD OAKS BLVD	PEARLAND	TX	77584-7027	WEST OAKS VILLAGE 1 (A0241 H T & B), BL 4, LOT 7
R500883	LICARIONE WILLIAM K & TERRI M	6512 OLD OAKS BLVD	PEARLAND	TX	77584-7027	WEST OAKS VILLAGE 1 (A0241 H T & B), BL 4, LOT 10
R510565	BRYANT HOWARD & MARY	3236 AUTUMN FOREST DR	PEARLAND	TX	77584-7106	WEST OAKS VILLAGE SEC 2 (PEARLAND), BLOCK 1, LOT 1
R510562	WEST OAKS HOMEOWNERS ASSOC	9575 KATY FWY STE 130	HOUSTON	TX	77024-1408	WEST OAKS VILLAGE SEC 2 , RESERVE A-C, ACRES 1.90
R510618	HENNESSY RALPH & SONIA	6507 RIVER GLEN CT	PEARLAND	TX	77584-7118	WEST OAKS VILLAGE SEC 2 (PEARLAND), BLOCK 2, LOT 38

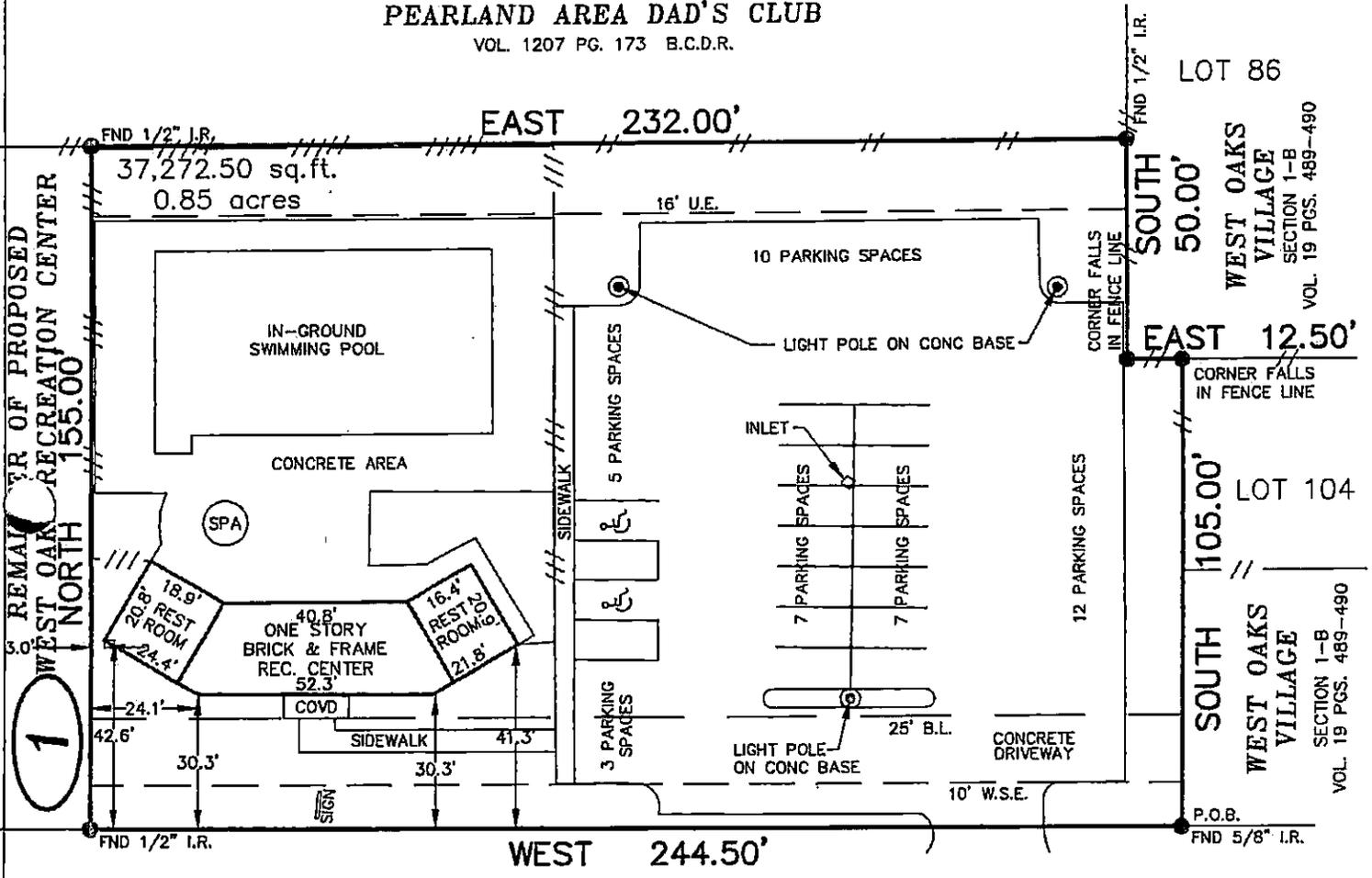
This property IS NOT located in the 100 year flood plain & is in insurance rate map zone X, as per map 48039C/00401 dated 09-22-99

SCALE: 1" = 40'

LEGEND

- U.E.—UTILITY EASEMENT
- W.L.E.—WATER LINE EASEMENT
- B.L.—BUILDING LINE
- ///—WOOD FENCE
- CHAIN LINK FENCE
- ×—BARBED WIRE FENCE
- ◇—IRON FENCE

PEARLAND AREA DAD'S CLUB
VOL. 1207 PG. 173 B.C.D.R.



OLD OAKS BOULEVARD
(60' R.O.W.)

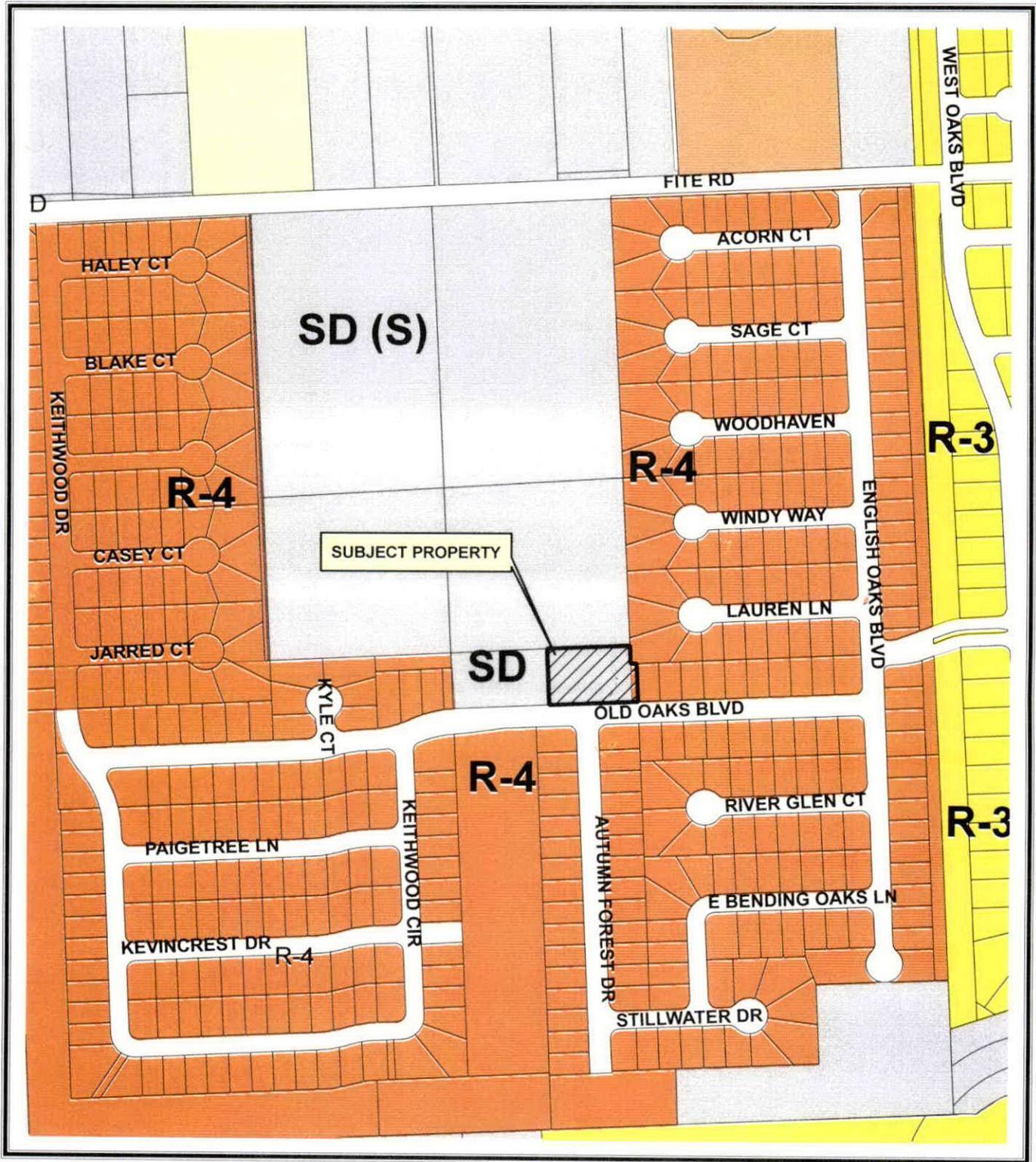


I, MICHAEL D. MORTON, REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE PLAT HEREON CORRECTLY REPRESENTS THE RESULTS OF AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND THAT THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN.

NOTES:

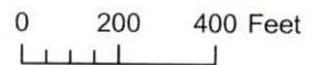
1. BASIS FOR BEARINGS: ASSUMED AS PLATTED
2. DISTANCES SHOWN ARE GROUND DISTANCES
3. ALL ABSTRACTING DONE BY TITLE COMPANY
4. SURVEY BASED ON BEST OF EVIDENCE FOUND

DATED THIS THE 2 DAY OF August 2004

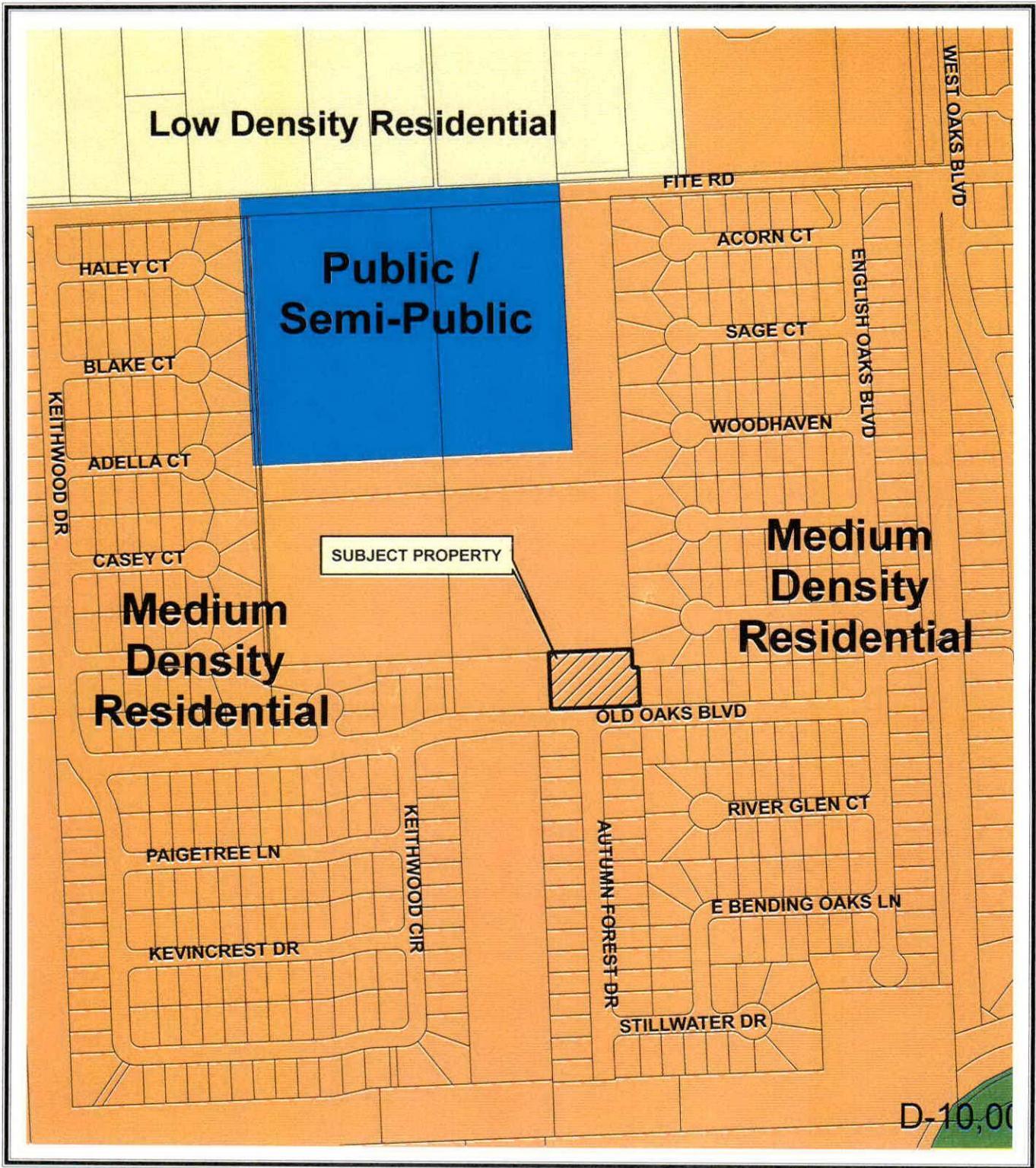


ZONING MAP

Specific Use Permit
Application
No. 145



Map Prepared on June 1, 2005



FUTURE LAND USE PLAN

Specific Use Permit
Application
No. 145



0 200 400 Feet
 A scale bar with markings at 0, 200, and 400 feet.

Map Prepared on June 1, 2005

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JUNE 20, 2005, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

Specific Use Permit Application No. 146

A request by Edwards and Kelcey, applicant for Southwestern Bell Communications, owner, for an amendment to the Land Use and Urban Development Ordinance of said City, for a Specific Use Permit for Telephone Exchange Switching Relay and Transmitting Equipment, in the Suburban Development District (SD(S)), on the following described property, to wit:

Legal Description: 0.0413 acres of land out of Lot 22, Section 8, Abstract 504, Allison Richey Gulf Coast Home Company Subdivision, City of Pearland, Brazoria County, Texas

General Location: Located at 2633 Roy Road

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT

B. APPLICANT PRESENTATION

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

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. 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.

JOINT PUBLIC HEARING AGENDA ITEM
MEETING OF JUNE 20, 2005

Specific Use Permit Application No. 146

TO: City Council
Planning and Zoning Commission

SUBJECT: A request by Edwards and Kelcey, applicant for Southwestern Bell Communications, owner, for an amendment to the Land Use and Urban Development Ordinance of said City, for a Specific Use Permit for Telephone Exchange Switching Relay and Transmitting Equipment, in the Suburban Development District (SD(S))

LEGAL DESCRIPTION: 0.0413 acres of land out of Lot 22, Section 8, Abstract 504, Allison Richey Gulf Coast Home Company Subdivision, City of Pearland, Brazoria County, Texas

GENERAL LOCATION: Located at 2633 Roy Road

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

Planning and Zoning Commission: June 20, 2005
City Council for First Reading: July 11, 2005
City Council for Second Reading: July 25, 2005

SUMMARY: The applicant is requesting approval of a Specific Use Permit for a "Telephone Exchange Switching Relay and Transmitting Equipment" for Southwestern Bell Telephone facilities to be located in the Suburban Development District. The subject property is currently developed with an existing telephone switching building, but the existing use is non-conforming, and the purpose of this request is to bring the subject property into compliance with the Land Use Ordinance, as well as having all the future development at the subject property comply with the Land Use Ordinance. The applicant is

also proposing to add an additional telecommunications equipment structure to the subject property.

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	Suburban Development District (SD)	Undeveloped tract
South	Suburban Development District (SD)	Commercial business
East	Suburban Development District (SD)	Undeveloped tract
West	Commercial District (C)	Undeveloped tract

CONFORMANCE TO THE LAND USE AND URBAN DEVELOPMENT ORDINANCE: The subject property is currently zoned SD, which does not have any minimum lot size or width requirements. The subject property is 30 feet wide and 60 feet deep, for a total square footage of 1,800 square feet.

PLATTING STATUS: The subject property is owned by Southwestern Bell and is a dedicated easement that is filed for record. No further platting is required at this time.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Business Commercial" for the subject property and for all of the surrounding properties within this general area. The Comprehensive Plan further indicates that the appropriate zoning districts for "Business Commercial" are the General Business District (GB) and the Commercial District (C). Since the proposed specific use permit provides for a facility for a utility company and is allowed within this zoning district by approval of a specific use permit, the proposed specific use permit conforms to the Comprehensive Plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Roy Road, a major collector street with an ultimate right-of-way of 80 feet that is to be

widened in the future as necessary.

No other roadways affect the subject property.

AVAILABILITY OF UTILITIES: There is no City water and sewer service available for the subject property. Utility service will be reviewed as part of the application for a building permit.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The subject property is already developed with the telephone switching station. The addition of an additional building or switching cabinets to the subject property should not have a negative impact on the adjacent neighborhoods.

SPECIFIC USE PERMIT CONSIDERATIONS: The following is a list of items that should be considered as a part of the Specific Use Permit:



1. **Fence.** The subject property is currently enclosed with a chain link fence with screening slats. The Council and Commission may want to include a specific type of fencing or upgrade to the existing fence as an enclosure around the facility.

2. **Landscaping.** The Council and Commission may want to include specific types of landscaping around the subject property to enhance the appearance of the subject property.

3. **Building Façade.** The Council and Commission may want to include specific types of building façade materials for the construction of the new structures on the subject property.

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

STAFF RECOMMENDATION: Staff recommends approval of specific use permit, as proposed by the applicant, for the following reasons:

1. The proposed specific use permit does not conflict with the "Business Commercial" as recommended by the Comprehensive Plan, thereby being in conformance with the Comprehensive Plan.
2. The proposed specific use permit provides for a telephone switching station to serve the nearby residential neighborhoods.
3. The applicant is proposing to add additional features to the existing SBC site, which would not cause a negative impact on the surrounding neighborhood.

SUPPORTING DOCUMENTS:

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

SPECIFIC USE PERMIT APPLICATION NO. 146

**NOTICE OF A JOINT PUBLIC HEARING OF THE CITY COUNCIL AND
THE PLANNING AND ZONING COMMISSION OF THE CITY OF
PEARLAND, TEXAS, REGARDING:**

A request by Edwards and Kelcey, applicant for Southwestern Bell Communications, owner, for an amendment to the Land Use and Urban Development Ordinance of said City, for a Specific Use Permit for Telephone Exchange Switching Relay and Transmitting Equipment, in the Suburban Development District (SD(S)), on the following described property, to wit:

0.0413 acres of land out of Lot 22, Section 8, Abstract 504, Allison Richey Gulf Coast Home Company Subdivision, City of Pearland, Brazoria County, Texas (Located at 2633 Roy Road)

**PUBLIC HEARINGS WILL BE HELD IN THE
COUNCIL CHAMBER OF CITY HALL
LOCATED AT
3519 Liberty Drive, Pearland, Texas
on
MONDAY, JUNE 20, 2005, AT 6:30 P.M.**

An application and map are enclosed for your information. This notice has been sent to all owners of real property within 200 feet of the request, as such ownership appears on the last approved city tax roll, in accordance with notification guidelines established by City Ordinance and State law.

At said hearing, all interested parties shall have the right and opportunity to appear and be heard on the subject. If you are unable to attend, but wish to have your opinions made a part of the public record, please complete the enclosed form and return it prior to the public hearing.

If you have any questions or need additional information please contact the City of Pearland Planning Department at (281) 652-1742 or tgrahmann@ci.pearland.tx.us.

Property Owner Notice



APPLICATION FOR A CHANGE IN ZONING

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

Please check one:

- Change in Zoning Classification from: "SD" to: _____
(list current zoning) (list proposed zoning)
- Specific Use Permit Request for: TELECOMMUNICATIONS EQUIPMENT
(list proposed use)

In order as: Telephone Exchange Switching Relay +
Transmitting Equipment

Property Information:

Address: 2633 ROY ROAD Tax Account No. _____
 Subdivision: ALLISION-RICHEY GULF COAST HOME COMPANY SEC 8 Lot: 22 Block: N/A

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

Current use of property
(type of structures on property): TELECOMMUNICATIONS EQUIPMENT/FACILITY

Future/proposed use of property and reason for zone change: TELECOMMUNICATIONS FACILITY w/ EQUIPMENT SERVING NEIGHBORHOOD

PROPERTY OWNER INFORMATION: (SBC)
 NAME SOUTHWESTERN BELL COMMUNICATIONS
 ADDRESS 412 MANGUM
 CITY HOUSTON STATE TX ZIP 77042
 PHONE (713) 956 3522
 FAX (713) 956 3602
 E-MAIL ADDRESS jb8065@sbc.com

APPLICANT INFORMATION:
 NAME SBC c/o EDWARDS & KELCEY
 ADDRESS 3010 BRIAR PARK #200
 CITY HOUSTON STATE TX ZIP 77042
 PHONE (713) 474 4000 x151
 FAX (713) 474 8686
 E-MAIL ADDRESS CVILLARREAL@EKMAIL.COM

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

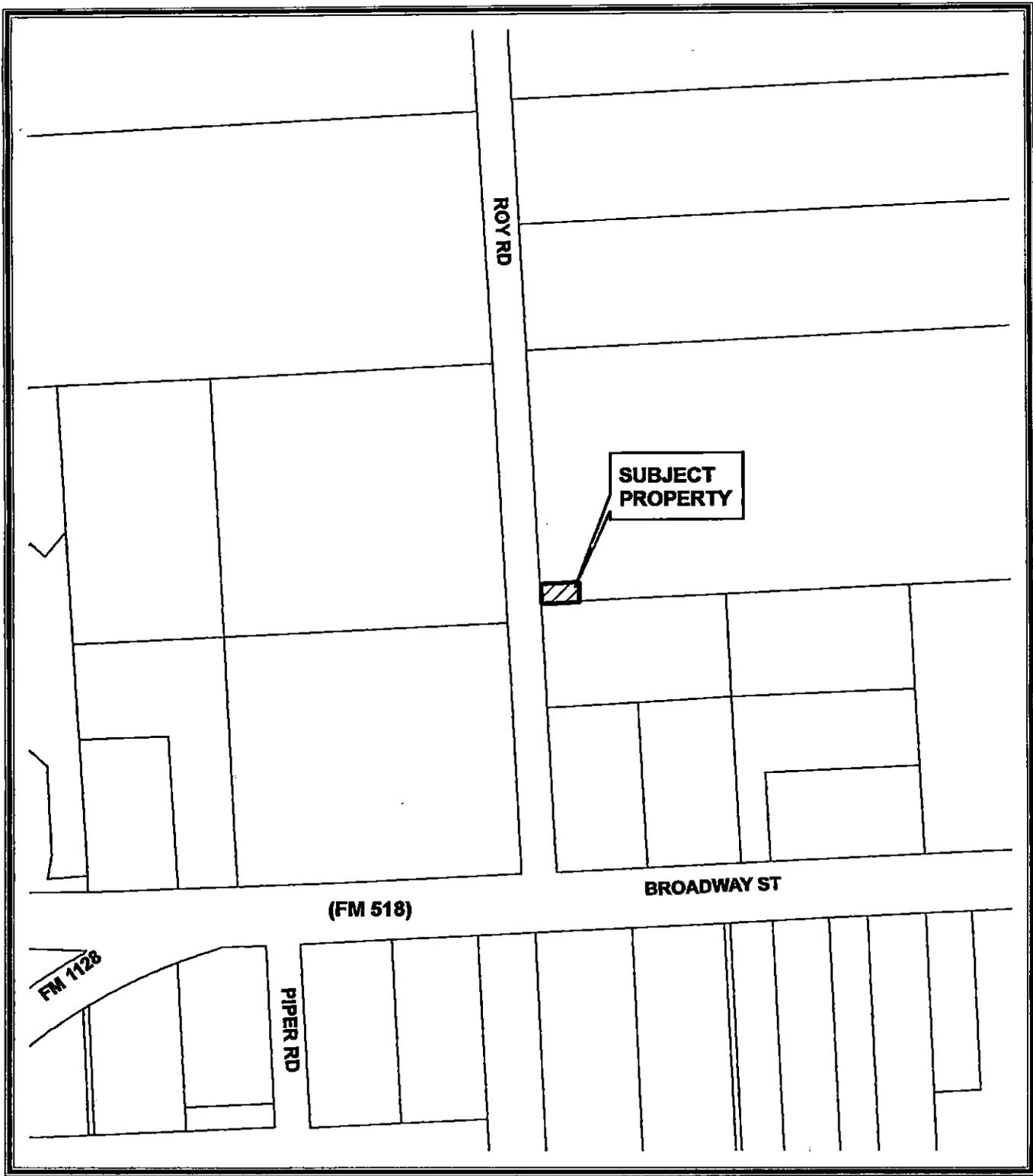
Owner's Signature: _____ Date: _____

Agent's Signature: [Signature] Date: 05/19/05

OFFICE USE ONLY:

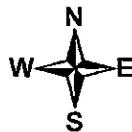
FEE PAID: <u>\$ 250.00</u>	DATE PAID: <u>5/19/05</u>	RECEIVED BY: <u>[Signature]</u>	APPLICATION NUMBER: <u>SUP 146</u>
----------------------------	---------------------------	---------------------------------	------------------------------------

APPLICATION IS CONSIDERED INCOMPLETE WITHOUT A METES AND BOUNDS DESCRIPTION OR SURVEY AND THE APPLICATION FEE



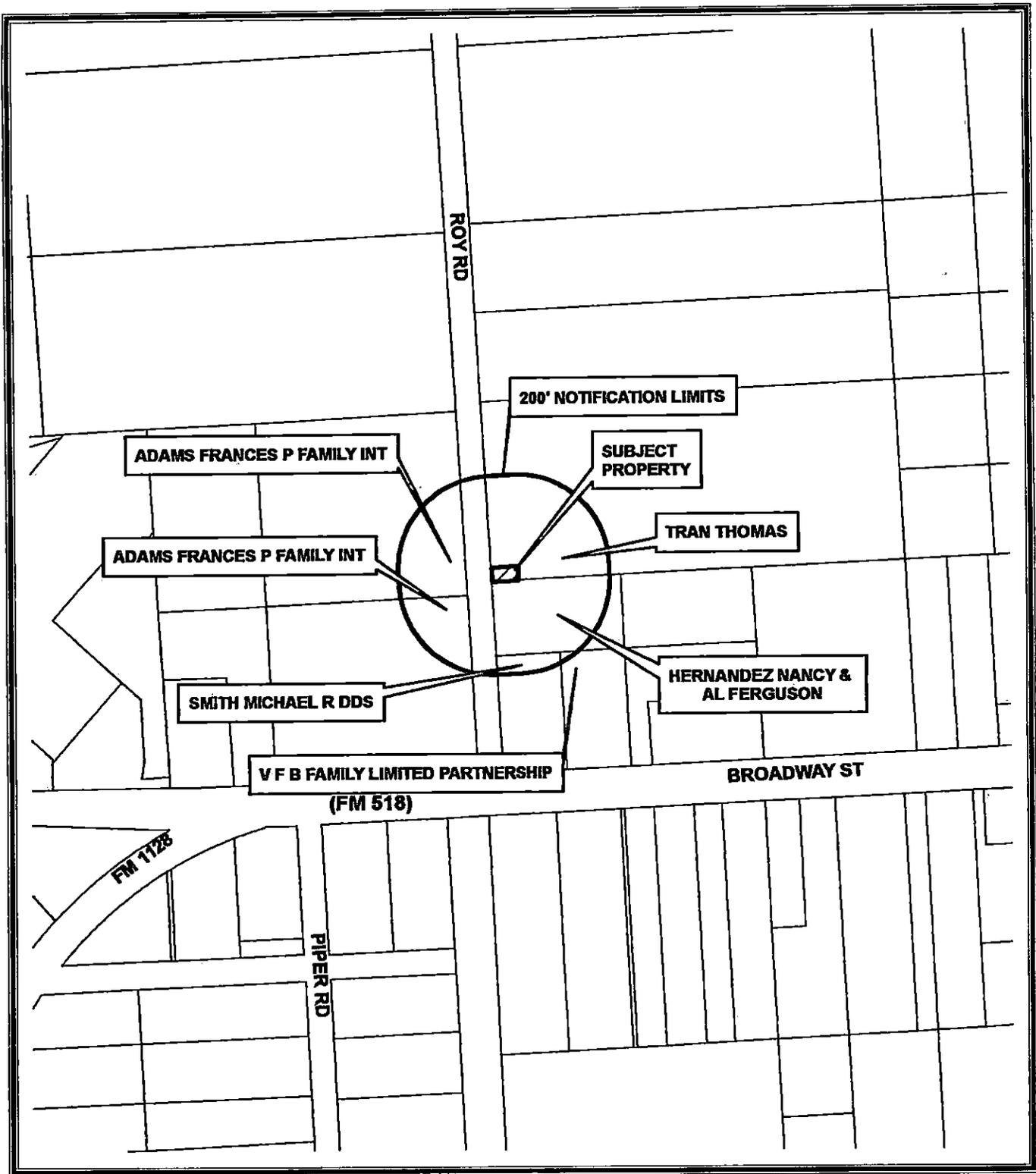
LOCATION MAP

Specific Use Permit
Application
No. 146



0 100 200 Feet
|-----|-----|

Map Prepared on June 1, 2005



OWNERSHIP MAP

Specific Use Permit
Application
No. 146

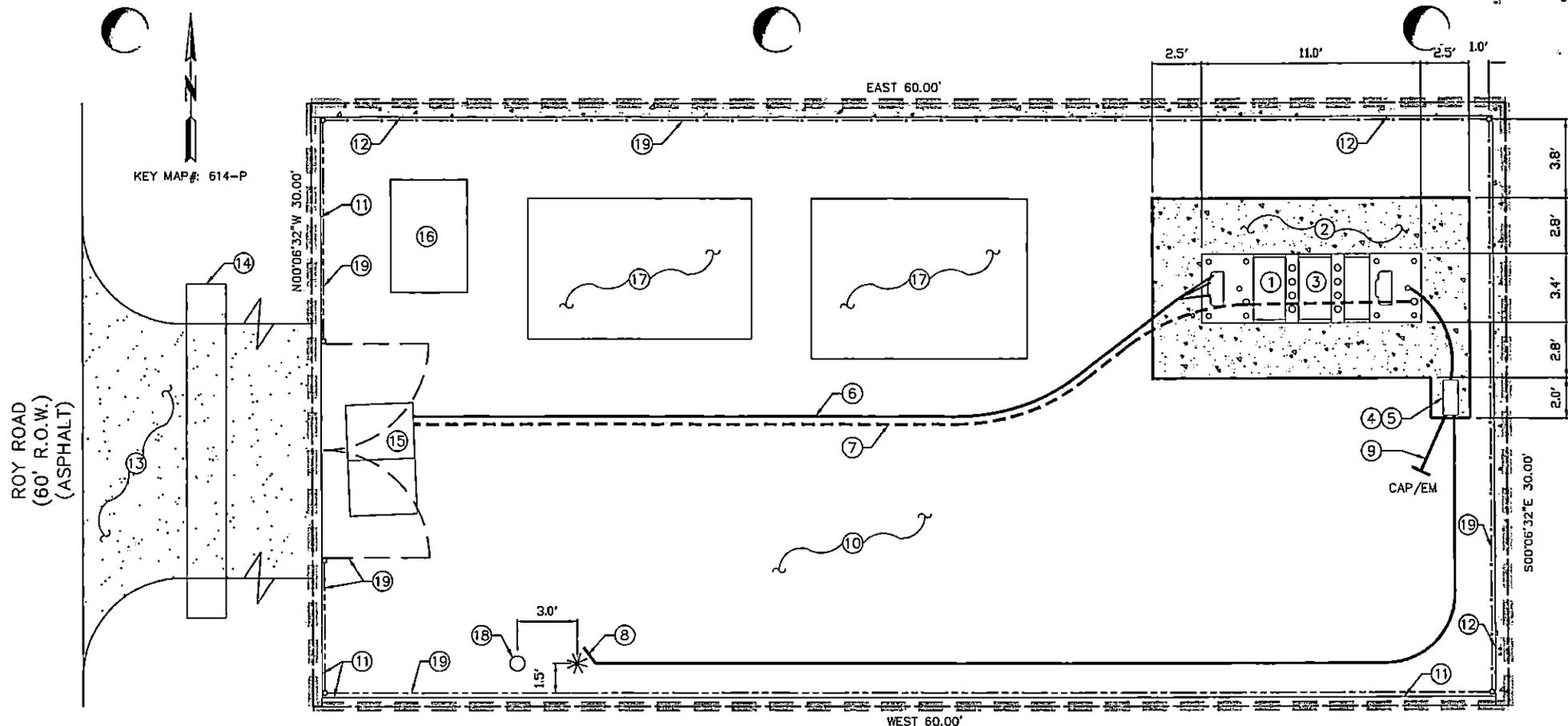


0 100 200 Feet

Map Prepared on June 1, 2005

SPECIFIC USE PERMIT APPLICATION NO. 146
Property Owner Notification List

<u>PROP ID</u>	<u>OWNER</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>ST</u>	<u>ZIP CODE</u>	<u>LEGAL DESCRIPTION</u>
R175621	TRAN THOMAS & DUNG HUNG TA	11022 GREEN ARBOR	HOUSTON	TX	77089	A0504 H T & B R R, TRACT 22, ACRES 10.000
R165924	ADAMS FRANCES P FAMILY INT	2213 ROY ROAD	PEARLAND	TX	77581-7697	A0234 H T & B R R, TRACT 63A, ACRES 5.00
	SBC COMMUNICATIONS	4112 MANGUM	HOUSTON	TX	77092	PROPERTY OWNER
	SBC %EDWARDS & KELCEY	3010 BRIAR PARK STE 200	HOUSTON	TX	77042	APPLICANT
R517502	HERNANDEZ NANCY & AL FERGUSON	2641 ROY RD	PEARLAND	TX	77581-7641	A0504 H T & B R R, TRACT 23D, ACRES 0.975
R175738	V F B FAMILY LIMITED PARTNERSHIP	3500 DALROCK RD	ROWLETT	TX	75088-5539	A0504 H T & B R R, TRACT 23B, ACRES 1.000
R165925	ADAMS FRANCES P FAMILY INT	2213 ROY ROAD	PEARLAND	TX	77581-7697	A0234 H T & B R R, TRACT 64A, ACRES 5.00
R175739	SMITH MICHAEL R DDS & KIMBERLEE	304 TALL TIMBERS CT	FRIENDSWOOD	TX	77546-7854	A0504 H T & B R R, TRACT 23C, ACRES 1.000



LEGEND & SITE NOTES

PROPOSED CONCRETE

EXISTING ASPHALT

WORK LIMITS

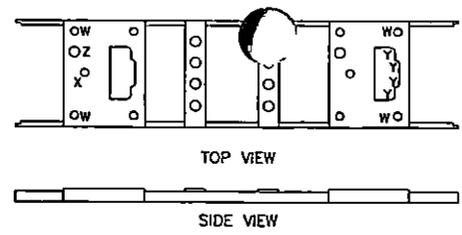
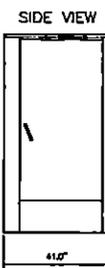
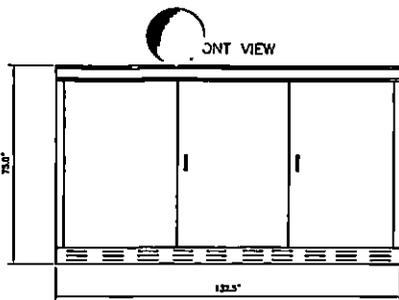
CONTRACTOR SHALL VERIFY ALL UTILITIES PRIOR TO BEGINNING CONSTRUCTION.

CONTRACTOR SHALL CAP AND MARK ALL BURIED CONDUIT WITH ELECTRONIC MARKER.

- ① PROPOSED 82G CABINET, SEE SHEET C2.0, DETAIL 1, 3, & 4.
- ② PROPOSED CONCRETE SLAB, 3000 PSI, SEE SHEET S1.0 FOR DETAILS. CONTRACTOR SHALL MATCH GRADE OF SLAB TO EXISTING CABINET SLABS.
- ③ CABINET MOUNTING BRACKET, SEE DETAIL 2/C2.0.
- ④ POWER TRANSFER SWITCH (PTS), SEE SHEET C3.0, DETAILS 1, 3, & 4.
- ⑤ PTS MOUNTING BRACKET, SEE DETAIL 2/C3.0.
- ⑥ 4 - PVC-C-4", 24" MIN. DEPTH, APPROX. 43 LF.
- ⑦ 1 - PVC-C-4", 24" MIN. DEPTH, APPROX. 53 LF.
- ⑧ 1-PVC-2 1/2", SCH 80, WITH WEATHER HEAD FROM PTS TO PROPOSED 20' POWER POLE, APPROX. 55 LF PER CENTERPOINT ENERGY SPECIFICATIONS.
- ⑨ 1-PVC-2 1/2", SCH 80, APPROX. 3 LF FOR FUTURE USE.
- ⑩ CONTRACTOR SHALL REMOVE EXISTING GRAVEL, ROCK, AND VEGETATION TO INSTALL 7% STABILIZED LIMESTONE OVER VEGETATION BARRIER.
- ⑪ EXISTING 5.5" WIDE TIMBER AROUND PERIMETER OF EASEMENT SHALL REMAIN.
- ⑫ EXISTING CONCRETE CURB AROUND PERIMETER OF EASEMENT SHALL REMAIN.
- ⑬ ASPHALT DRIVEWAY SHALL REMAIN.
- ⑭ EXISTING RCP SHALL REMAIN.
- ⑮ EXISTING HANDHOLE SHALL REMAIN.
- ⑯ EXISTING SAC PAD SHALL REMAIN.
- ⑰ EXISTING CABINETS SHALL REMAIN.
- ⑱ EXISTING METER LOOP POLE SHALL REMAIN.
- ⑲ EXISTING FENCE AND GATES SHALL REMAIN.

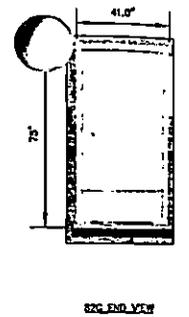
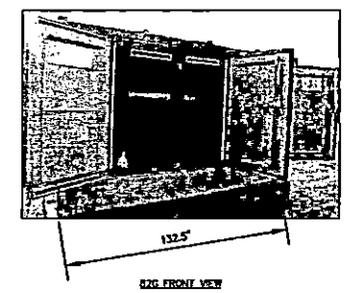
SWBT Proj. No. 5488414
SWBT Work Req. BAU-05-03

Edwards AND Kelcey		Drawing By: CM
3020 Briarpark Drive, Suite 200 Houston, Texas 77042-3706		Checked By: CV
Office: 713-474-6000 Fax: 713-474-6636		Scale: 1:5
Project: 050026.062		Date: 04/04/05
Drawing: C1.0		P.L.T.: RT 3132



TOP VIEW
SIDE VIEW

OPENING W IS FOR THE (4) CONCRETE ANCHORS USING (4) 0.500-13 X 1.5" S.S. BOLTS AND FLATWASHERS. THIS IS DESIGNED FOR THE 110 MPH WIND LOAD AS REQ. BY 2000 IBC.
OPENING X IS FOR THE AC POWER AND GROUND WIRING CONDUIT.
OPENING Y IS FOR THE COPPER TRANSMISSION CABLE CONDUITS (4).
OPENING Z IS FOR THE FIBER OPTIC TRANSMISSION CABLE CONDUIT.



① LCS 82G

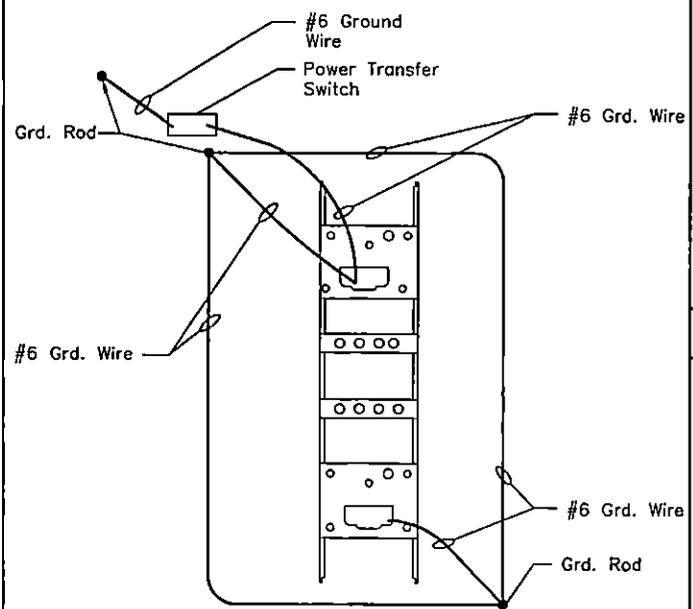
1/4" = 1'-0"

② MOUNTING BRACKET

1/4" = 1'-0"

③ CABINET PHOTOS

N.T.S.

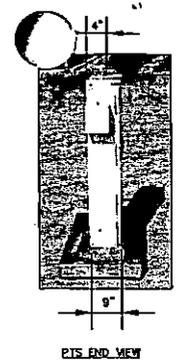
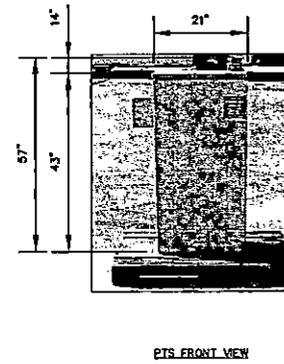
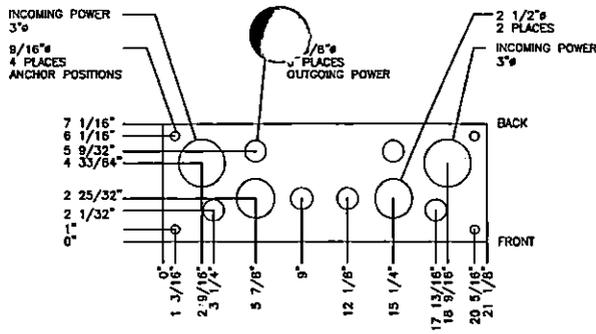
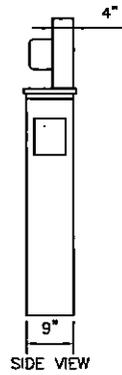
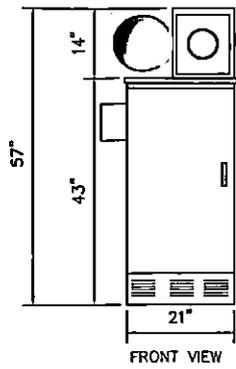


④ GROUND TREE DETAIL

N.T.S.

SWBT Proj. No. 5488414
SWBT Work Req. BAU-05-03

Edwards AND Kelcey		Drawing By CM Checked By CV Scale AS NOTED Date 04/04/05 P.L. RT 3132
3010 Briarpark Drive, Suite 200 Houston, Texas 77042-3706	Office: 713-474-4000 Fax: 713-474-8685	Project: 050026.062 Drawings: C2.0



PTS FRONT VIEW

PTS END VIEW

① POWER TRANSFER SWITCH (PTS) 1/2" = 1'-0"

② MOUNTING BRACKET N.T.S.

③ PTS PHOTOS N.T.S.

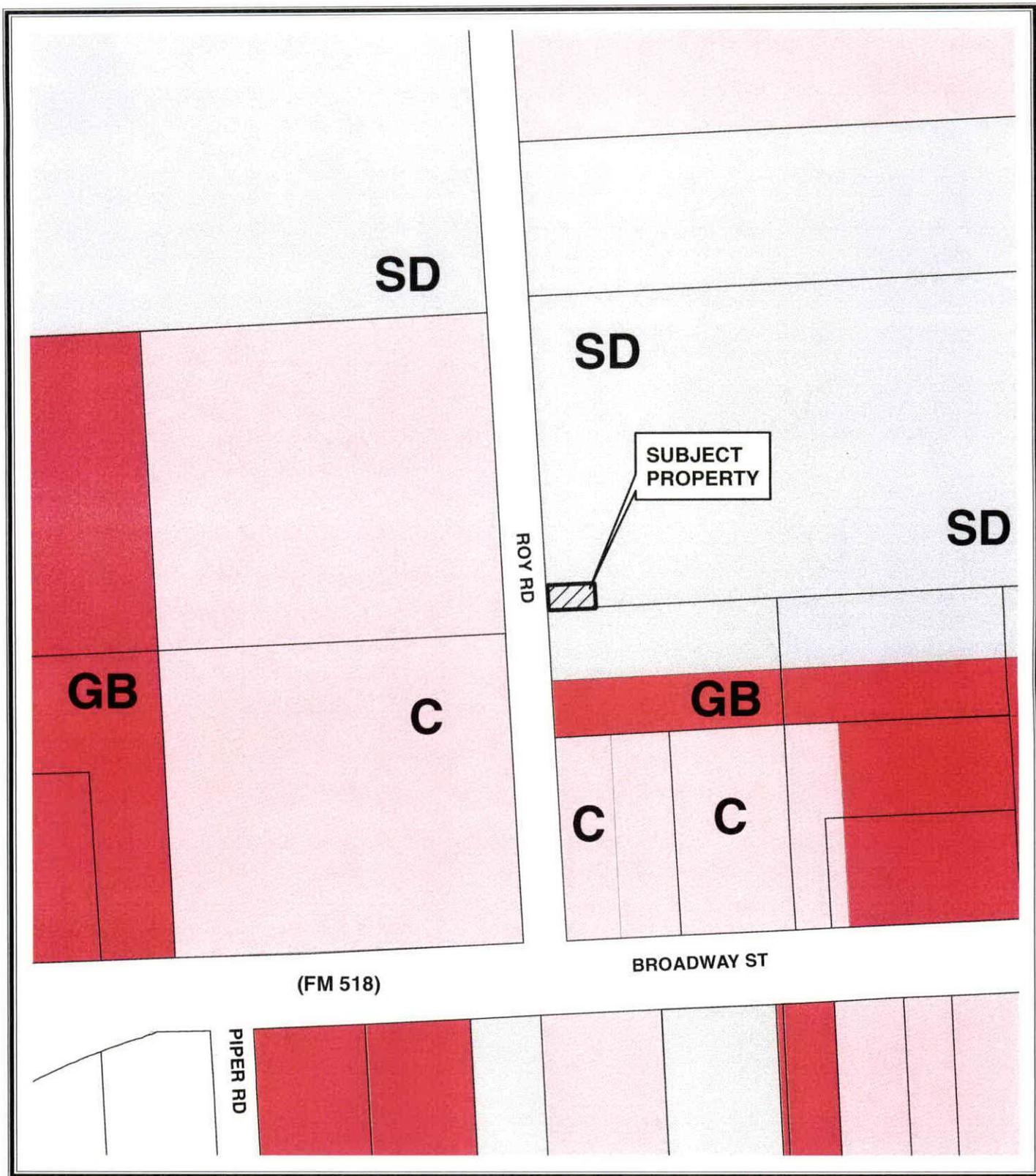
S.W.B.T. PART NUMBER	DESCRIPTION	COLOR
PEIL-ABCLFTIRHAT	200-100	IVORY

- A. PRIMARY USE: To Provide a safe and reliable transfer of commercial and generator power for remote equipment cabinets, huts and buildings.
- B. MATERIAL: .125 Aluminum
- C. DIMENSIONS: 21 W x 43" H (57" to top of meter support plate) x 9"D
- D. WEIGHT: 120 LBS.
- E. CABINET RATING: 200 amps
- F. TRANSFER SWITCH: 200 Amp Commercial/200 Amp Generator Square D walking beam assembly
- G. GENERATOR POWER RATING: 100 Amp
- H. GENERATOR POWER CONNECTOR: Hubbell # 4100B12W, 125 Volt.
- I. LOAD CENTER: 12 Position...1-15 amp single pole breaker for GFI
- J. MOUNTING: Pad (For Proper conduit location order PRIL/RPEIL- Template)
- K. COMMERCIAL POWER ENTRANCE: Bottom of cabinet: Knockouts provided
- L. LOAD POWER EXITS: Bottom (Knockouts provided)
- M. SURGE ARRESTER: Joslyn 1265-88
- N. PRIMARY POWER INDICATOR LIGHTS: Yes
- O. UTILITY RECEPTACLE: 15 Amp GFI prewired to 15 Amp single pole breaker
- P. POWER METER MOUNT: Meter mounts to back side of pedestal. (To raise height of pedestal when meter is too low order PEIL-IE-6)
- Q. See sheet C2.0, Ground Tree Detail for ground rod wiring.
- L. See sheet C2.0 for cabinet details.

④ GENERAL NOTES N.T.S.

SWBT Proj. No. 5488414
SWBT Work Req. BAU-05-03

Edwards AND Kelcey		Drawing By: CM
		Checked By: CV
		Scale: AS NOTED
		Date: 10/04/05
		P.L.T. RT 3132
3010 Briarpark Drive, Suite 200 Houston, Texas 77042-3706	Office: 713-474-4000 Fax: 713-474-8886	Project: 050026.052
		Drawing: C3.0



ZONING MAP

Specific Use Permit
Application
No. 146



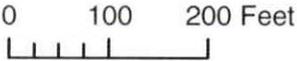
0 100 200 Feet

Map Prepared on June 1, 2005



FUTURE LAND USE PLAN

Specific Use Permit
Application
No. 146



Map Prepared on June 1, 2005

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JUNE 20, 2005, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

Specific Use Permit Application No. 147

A request by Edwards and Kelcey, applicant for Southwestern Bell Communications, owner, for an amendment to the Land Use and Urban Development Ordinance of said City, for a Specific Use Permit for Telephone Exchange Switching Relay and Transmitting Equipment, in the Neighborhood Service District (NS(S)), on the following described property, to wit:

Legal Description: 0.057 acres out of the south one-half of Lot 30 of the Allison Richey Gulf Coast Home Company Subdivision, Section 21, H.T. & B.R.R. Company Survey, Abstract 309, City of Pearland, Brazoria County, Texas

General Location: Located at 8301-A Fite Road

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT

B. APPLICANT PRESENTATION

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

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. 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.

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

Specific Use Permit Application No. 147

TO: City Council
Planning and Zoning Commission

SUBJECT: A request by Edwards and Kelcey, applicant for Southwestern Bell Communications, owner, for an amendment to the Land Use and Urban Development Ordinance of said City, for a Specific Use Permit for Telephone Exchange Switching Relay and Transmitting Equipment, in the Neighborhood Service District (NS(S))

LEGAL DESCRIPTION: 0.057 acres out of the south one-half of Lot 30 of the Allison Richey Gulf Coast Home Company Subdivision, Section 21, H.T. & B.R.R. Company Survey, Abstract 309, City of Pearland, Brazoria County, Texas

GENERAL LOCATION: Located at 8301-A Fite Road

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

Planning and Zoning Commission: June 20, 2005
City Council for First Reading: July 11, 2005
City Council for Second Reading: July 25, 2005

SUMMARY: The applicant is requesting approval of a Specific Use Permit for a "Telephone Exchange Switching Relay and Transmitting Equipment" for Southwestern Bell Telephone facilities to be located in the Neighborhood Service District. The subject property is currently developed with an existing telephone switching building, and the existing use is non-conforming. The purpose of this request is to bring the subject property into compliance with the Land Use Ordinance, as well as having all the future development at the subject property comply with the Land Use Ordinance. The applicant is also

proposing to add an additional telecommunications equipment structure to the subject property.

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	Neighborhood Service District (NS)	Undeveloped tract
South	Single Family Dwelling District (R-2)	Single family residences
East	Neighborhood Service District (NS)	Single family residence
West	Single Family Dwelling District (R-1)	Single family residence

CONFORMANCE TO THE LAND USE AND URBAN DEVELOPMENT ORDINANCE: The subject property is currently zoned NS. The subject property is approximately 50 feet wide and 50 feet deep, and is part of a larger property.

PLATTING STATUS: The subject property is owned by Southwestern Bell and is a dedicated easement that is filed for record. No further platting is required at this time.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Retail, Office, and Services" for the subject property and for all of the surrounding properties within this general area. The Comprehensive Plan further indicates that the appropriate zoning districts for "Retail, Office, and Business Commercial" are the Neighborhood Service District (NS), the Office and Professional District (OP) and the General Business District (GB). Since the proposed specific use permit provides for a facility for a utility company and is allowed within this zoning district by approval of a specific use permit, the proposed specific use permit conforms to the Comprehensive Plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage

on Fite Road, a major collector street with an ultimate right-of-way of 80 feet that is to be widened in the future as necessary.

The extension of Cullen Boulevard/Old Chocolate Bayou Road should not affect this property.

No other roadways affect the subject property.

AVAILABILITY OF UTILITIES: There is no City water and sewer service available for the subject property. The nearest utility lines are located at the intersection of Fite Road and Old Chocolate Bayou Road. Utility service will be reviewed as part of the application for a building permit.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The subject property is already developed with the telephone switching station. The addition of an additional building or switching cabinets to the subject property should not have a negative impact on the adjacent neighborhoods.

SPECIFIC USE PERMIT CONSIDERATIONS: The following is a list of items that should be considered as a part of the Specific Use Permit:

1. Fence. The subject property is currently not enclosed with any type of fencing. The Council and Commission may want to include a specific type of fencing as an enclosure around the facility.
2. Landscaping. The Council and Commission may want to include specific types of landscaping around the subject property to enhance the appearance of the subject property.
3. Building Façade. The Council and Commission may want to include specific types of building façade materials for the construction of the new structures on the subject property.

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

STAFF RECOMMENDATION: Staff recommends approval of specific use permit, as proposed by the applicant, for the following reasons:

1. The proposed specific use permit does not conflict with the "Retail, Office, and Services" as recommended by the Comprehensive Plan, thereby being in conformance with the Comprehensive Plan.
2. The proposed specific use permit provides for a telephone switching station to serve the nearby residential neighborhoods.
3. The applicant is proposing to add additional features to the existing SBC site, which would not cause a negative impact on the surrounding neighborhood.

SUPPORTING DOCUMENTS:

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

SPECIFIC USE PERMIT APPLICATION NO. 147

**NOTICE OF A JOINT PUBLIC HEARING OF THE CITY COUNCIL AND
THE PLANNING AND ZONING COMMISSION OF THE CITY OF
PEARLAND, TEXAS, REGARDING:**

A request by Edwards and Kelcey, applicant for Southwestern Bell Communications, owner, for an amendment to the Land Use and Urban Development Ordinance of said City, for a Specific Use Permit for Telephone Exchange Switching Relay and Transmitting Equipment, in the Neighborhood Service District (NS(S)), on the following described property, to wit:

0.057 acres out of the south one-half of Lot 30 of the Allison Richey Gulf Coast Home Company Subdivision, Section 21, H.T. & B.R.R. Company Survey, Abstract 309, City of Pearland, Brazoria County, Texas (Located at 8301-A Fite Road)

**PUBLIC HEARINGS WILL BE HELD IN THE
COUNCIL CHAMBER OF CITY HALL
LOCATED AT
3519 Liberty Drive, Pearland, Texas
on
MONDAY, JUNE 20, 2005, AT 6:30 P.M.**

An application and map are enclosed for your information. This notice has been sent to all owners of real property within 200 feet of the request, as such ownership appears on the last approved city tax roll, in accordance with notification guidelines established by City Ordinance and State law.

At said hearing, all interested parties shall have the right and opportunity to appear and be heard on the subject. If you are unable to attend, but wish to have your opinions made a part of the public record, please complete the enclosed form and return it prior to the public hearing.

If you have any questions or need additional information please contact the City of Pearland Planning Department at (281) 652-1742 or tgrahmann@ci.pearland.tx.us.

Property Owner Notice

C



APPLICATION FOR A CHANGE IN ZONING

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

Please check one:

Change in Zoning Classification from: "NS" to: _____
(list current zoning) (list proposed zoning)

Specific Use Permit Request for : TELECOMMUNICATIONS EQUIPMENT
(list proposed use)

Property Information:

as ordered as: Telephone Exchange Switching Relay and Transmitting Equipment

Address: 9301-A FITE ROAD Tax Account No. _____

Subdivision: ALLISION RICHEY GULF COAST HOME COMPANY SEC 21 Lot: SOUTH 1/2 OF LOT 30 Block: N/A

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

Current use of property (type of structures on property): TELECOMMUNICATIONS EQUIPMENT / FACILITY

Future/proposed use of property and reason for zone change: TELECOMMUNICATIONS FACILITY W/ EQUIPMENT SERVING NEIGHBORHOOD

PROPERTY OWNER INFORMATION: (SBC)

NAME SOUTHWESTERN BELL COMMUNICATIONS
ADDRESS 412 MANGUM
CITY HOUSTON STATE TX ZIP 77092
PHONE (713) 956 3522
FAX (713) 956 3102
E-MAIL ADDRESS jb8065@sbc.com

APPLICANT INFORMATION:

NAME SBC C/O EDWARDS & KELCEY
ADDRESS 3010 BRIAR PARK #200
CITY HOUSTON STATE TX ZIP 77042
PHONE (713) 474 4000 x151
FAX (713) 474 8686
E-MAIL ADDRESS CVILLARREAL@EKMAIL.COM

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

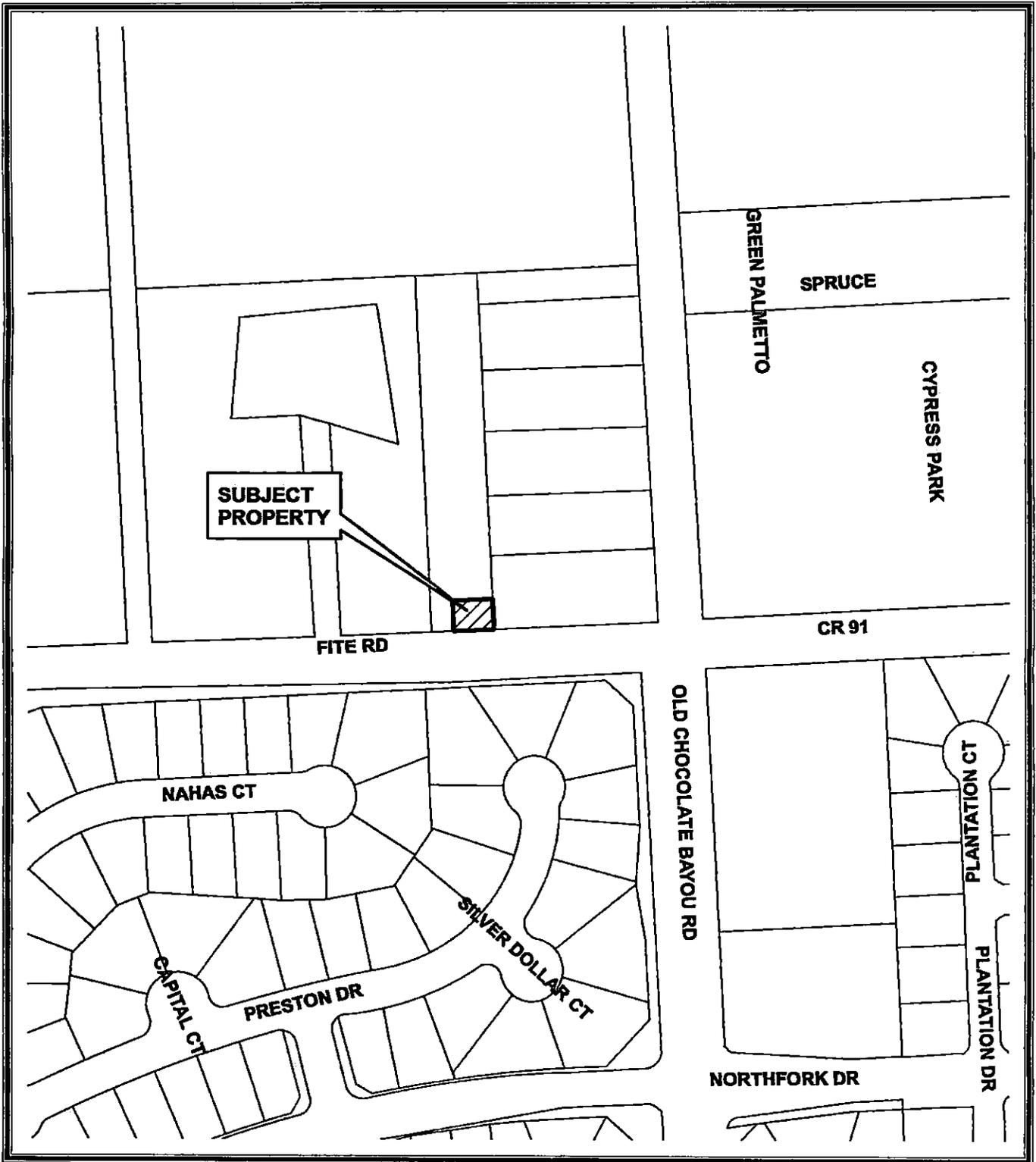
Owner's Signature: _____ Date: _____

Agent's Signature: [Signature] Date: 5/19/05

OFFICE USE ONLY:

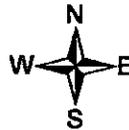
FEES PAID: <u>\$250.00</u>	DATE PAID: <u>5/19/05</u>	RECEIVED BY: <u>tax</u>	APPLICATION NUMBER: <u>SUP 147</u>
----------------------------	---------------------------	-------------------------	------------------------------------

*****APPLICATION IS CONSIDERED INCOMPLETE WITHOUT A METES AND BOUNDS DESCRIPTION OR SURVEY AND THE APPLICATION FEE*****



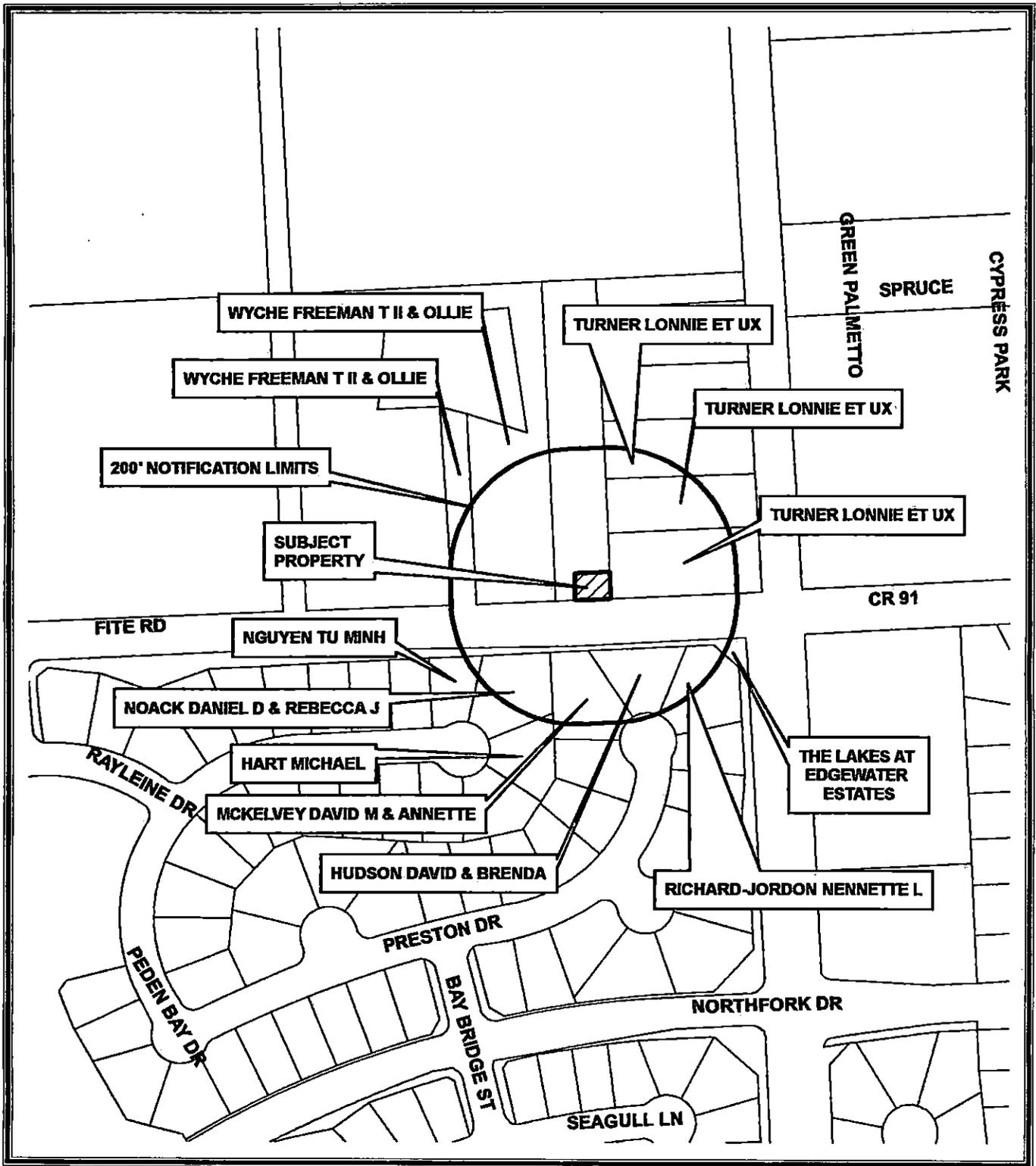
LOCATION MAP

Specific Use Permit
Application
No. 147



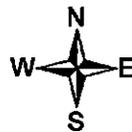
0 100 200 Feet

Map Prepared on June 1, 2005



OWNERSHIP MAP

Specific Use Permit
Application
No. 147

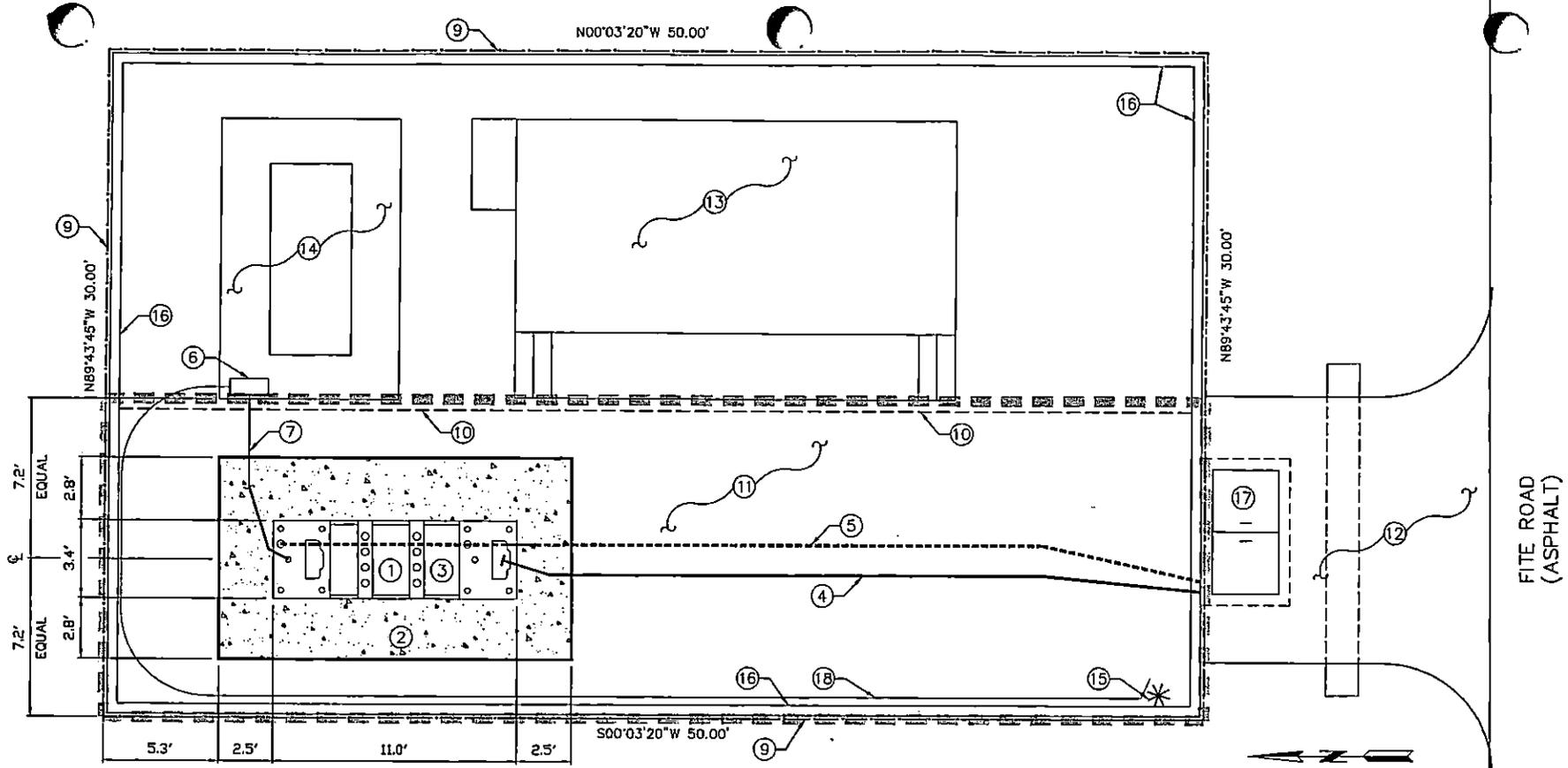


0 100 200 Feet

Map Prepared on June 1, 2005

SPECIFIC USE PERMIT APPLICATION NO. 147
Property Owner Notification List

<u>PROP ID</u>	<u>OWNER</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>ST</u>	<u>ZIP CODE</u>	<u>LEGAL DESCRIPTION</u>
R168646	WYCHE FREEMAN T II & OLLIE	8335 FITE RD	PEARLAND	TX	77584-9283	A0309 H T & B R R, TRACT 30A4-30A8, ACRES 5.9136
R168646	WYCHE FREEMAN T II & OLLIE	8335 FITE RD	PEARLAND	TX	77584-9283	A0309 H T & B R R, TRACT 30A4-30A8, ACRES 5.9136
R168643	TURNER LONNIE ET UX	3054 OLD CHOCOLATE BAYOU RD	PEARLAND	TX	77584-8981	A0309 H T & B R R, TRACT 30A1, ACRES 0.460
R168643	TURNER LONNIE ET UX	3054 OLD CHOCOLATE BAYOU RD	PEARLAND	TX	77584-8981	A0309 H T & B R R, TRACT 30A1, ACRES 0.460
R168643	TURNER LONNIE ET UX	3054 OLD CHOCOLATE BAYOU RD	PEARLAND	TX	77584-8981	A0309 H T & B R R, TRACT 30A1, ACRES 0.460
R168645	SOUTHWESTERN BELL CO TAX ADMIN	1 BELL CTR #36-M-01	SAINT LOUIS	MO	63101-3004	A0309 H T & B R R, TRACT 30A3, ACRES 0.057
	SOUTHWESTERN BELL COMMUNICATIONS	4112 MANGUM	HOUSTON	TX	77092	PROPERTY OWNER
	SBC %EDWARDS AND KELCEY	3010 BRIAR PARK #200	HOUSTON	TX	77042	APPLICANT
R517521	EDGEWATER EST HOA %VANMOR PROP	1505 HIGHWAY 6 S STE 110	HOUSTON	TX	77077-1725	EDGEWATER EST 5 (A0309 HT&B) PH 1, ACRES 1.1992
R517534	MCKELVEY DAVID M & ANNETTE	8303 PRESTON DR	PEARLAND	TX	77584-9702	EDGEWATER EST 5 (A0309 HT&B), BL 1, LOT 12, PH 1
R517557	NOACK DANIEL D & REBECCA J	8301 NAHAS CT	PEARLAND	TX	77584-7994	EDGEWATER EST 5 (A0309 HT&B), BL 1, LOT 35, PH 1
R517532	RICHARD-JORDON NENNETTE L	8302 PRESTON DR	PEARLAND	TX	77584-9701	EDGEWATER EST 5 (A0309 HT&B), BL 1, LOT 10, PH 1
R517533	HUDSON DAVID & BRENDA	8301 PRESTON DR	PEARLAND	TX	77584-9702	EDGEWATER EST 5 (A0309 HT&B), BL 1, LOT 11, PH 1
R517558	NGUYEN TU MINH & CYNTHIA HONG NGUYEN	8303 NAHAS CT	PEARLAND	TX	77584-7994	EDGEWATER EST 5 (A0309 HT&B), BL 1, LOT 36, PH 1
R517556	HART MICHAEL	8302 NAHAS CT	PEARLAND	TX	77584-7993	EDGEWATER EST 5 (A0309 HT&B), BL 1, LOT 34, PH 1



LEGEND & SITE NOTES

PROPOSED CONCRETE

WORK LIMITS

- ① PROPOSED 82G CABINET, SEE SHEET C2.0, DETAIL 1, 3, & 4.
- ② PROPOSED CONCRETE SLAB, 3000 PSI, SEE SHEET S1.0 FOR DETAILS. SET FINISH FLOOR TO MATCH EXISTING ELEVATION OF MAXI-HUT SLAB.
- ③ CABINET MOUNTING BRACKET, SEE DETAIL 2/C2.0.
- ④ 4 - PVC-C-4", 24" MIN. DEPTH, APPROX. 32 LF.

- ⑤ 1-PVC-C-4", 24" MIN DEPTH, APPROX. 42 LF.
- ⑥ EXISTING POWER TRANSFER SWITCH (PTS).
- ⑦ EXISTING ELECTRICAL CONDUIT FROM PTS. ADJUST CONDUIT AS NEEDED.
- ⑧ NOT USED.
- ⑨ EXISTING CHAIN LINK FENCE SHALL REMAIN.
- ⑩ SAW CUT LINE: AS CLOSE TO EXISTING MAXI HUT AS POSSIBLE WITHOUT DISTURBING EXISTING MAXI HUT.

- ⑪ REMOVE ALL EXISTING CONCRETE FROM SAW CUT TO WESTERLY PROPERTY LINE. SEE SHEET C3.0. RESTORE AREA WITH MIN. 3" THICK ASPHALT UPON COMPLETION. SEE SHEET C4.0.
- ⑫ EXISTING DRIVEWAY AND CULVERT SHALL REMAIN.
- ⑬ EXISTING MAXI-HUT SHALL REMAIN.
- ⑭ EXISTING CABINET SHALL REMAIN.
- ⑮ EXISTING METER POLE SHALL REMAIN.

- ⑯ EXISTING 6x6 TIMBERS SHALL REMAIN.
- ⑰ EXISTING HAND HOLE SHALL REMAIN.
- ⑱ EXISTING ELECTRICAL CONDUIT SHALL REMAIN.

CONTRACTOR SHALL VERIFY ALL UTILITIES PRIOR TO BEGINNING CONSTRUCTION.

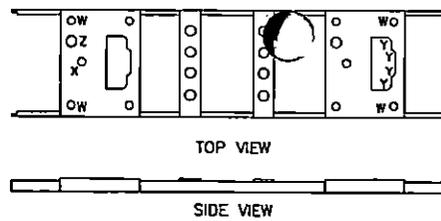
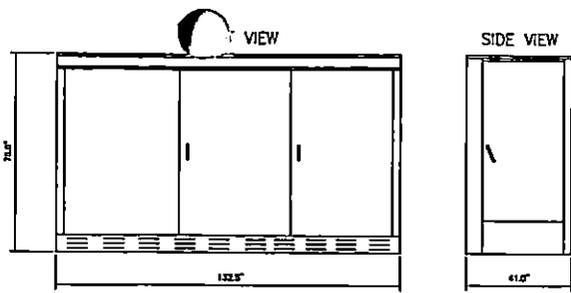
CONTRACTOR SHALL CAP AND MARK ALL BURIED CONDUIT WITH ELECTRONIC MARKER.

Edwards AND Kelcey

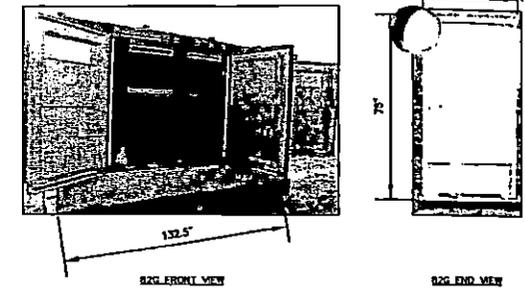
3010 Briarpark Drive, Suite 200 Houston, Texas 77042-3705
 Office: 713-474-4000 Fax: 713-474-8886
 Project: 050026.076 Drawing: C1.0

SWBT Proj. No. 5475349
 SWBT Work Req. BAU-05-06

Drawing By: CM
 Checked By: CV
 Scale: 1:5
 Date: 04/21/05
 P.L.T.
 RT3502



OPENING W IS FOR THE (4) CONCRETE ANCHORS USING (4) 0.500-13 X 1.5" S.S. BOLTS AND FLATWASHERS. THIS IS DESIGNED FOR THE 110 MPH WIND LOAD AS REQ. BY 2000 IBC.
 OPENING X IS FOR THE AC POWER AND GROUND WIRING CONDUIT.
 OPENING Y IS FOR THE COPPER TRANSMISSION CABLE CONDUITS (4).
 OPENING Z IS FOR THE FIBER OPTIC TRANSMISSION CABLE CONDUIT.



① LCS 82G

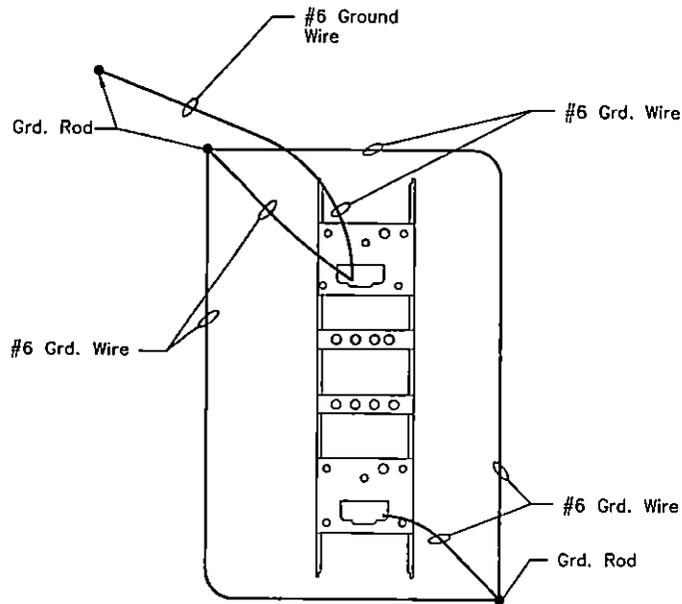
1/4" = 1'-0"

② MOUNTING BRACKET

1/4" = 1'-0"

③ CABINET PHOTOS

N.T.S.

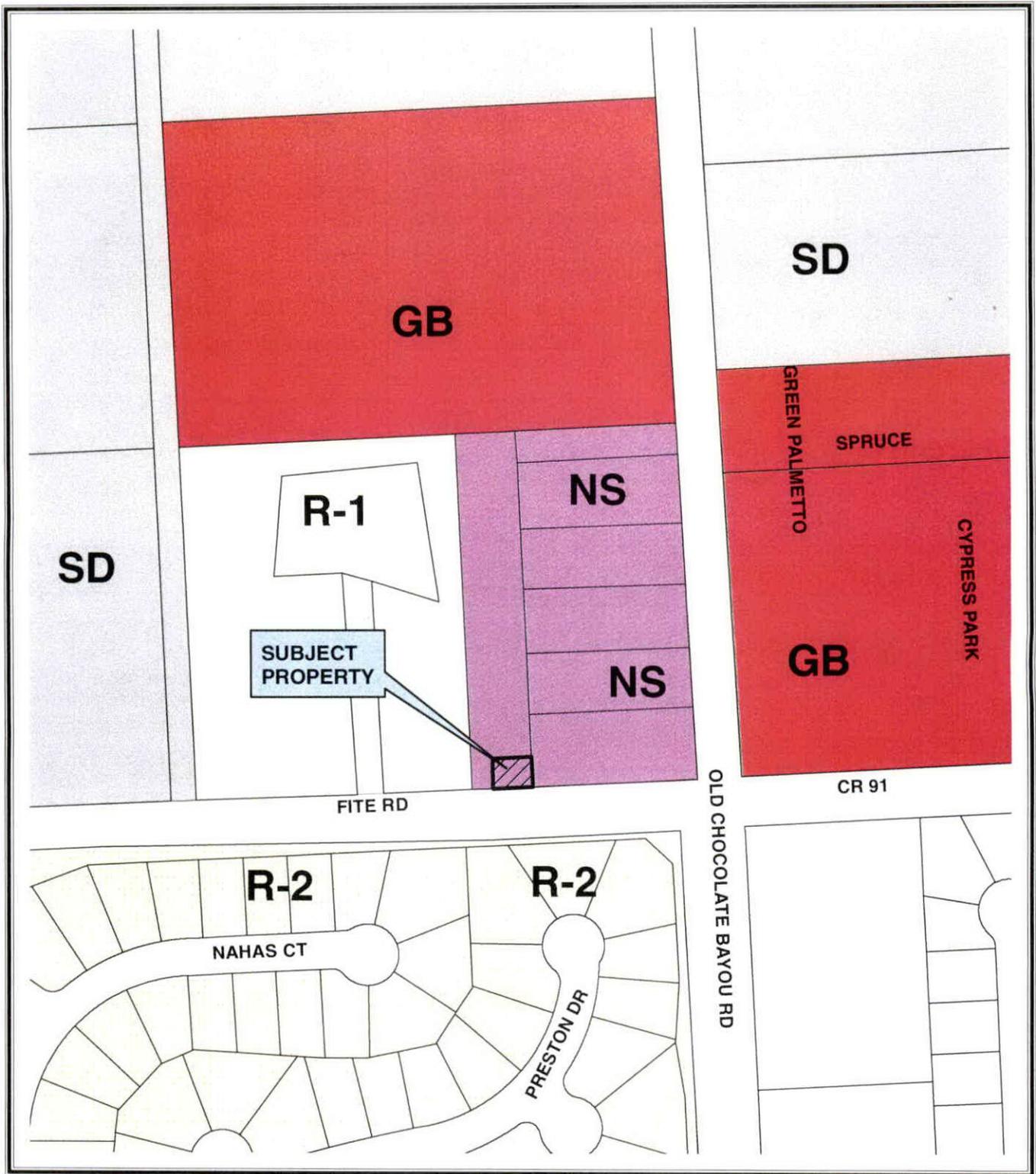


④ GROUND TREE DETAIL

N.T.S.

SWBT Proj. No. 5475349
 SWBT Work Req. BAU-05-06

		Drawing By:	CM
		Checked By:	CV
2010 Mirapark Drive, Suite 200 Houston, Texas 77042-3706		Office:	713-474-0201
		Fax:	713-474-9666
Project: 050028.076		Drawing:	C2.0
		Date:	04/21/05
		P.L.T.:	RT3502
		Scale:	AS NOTED



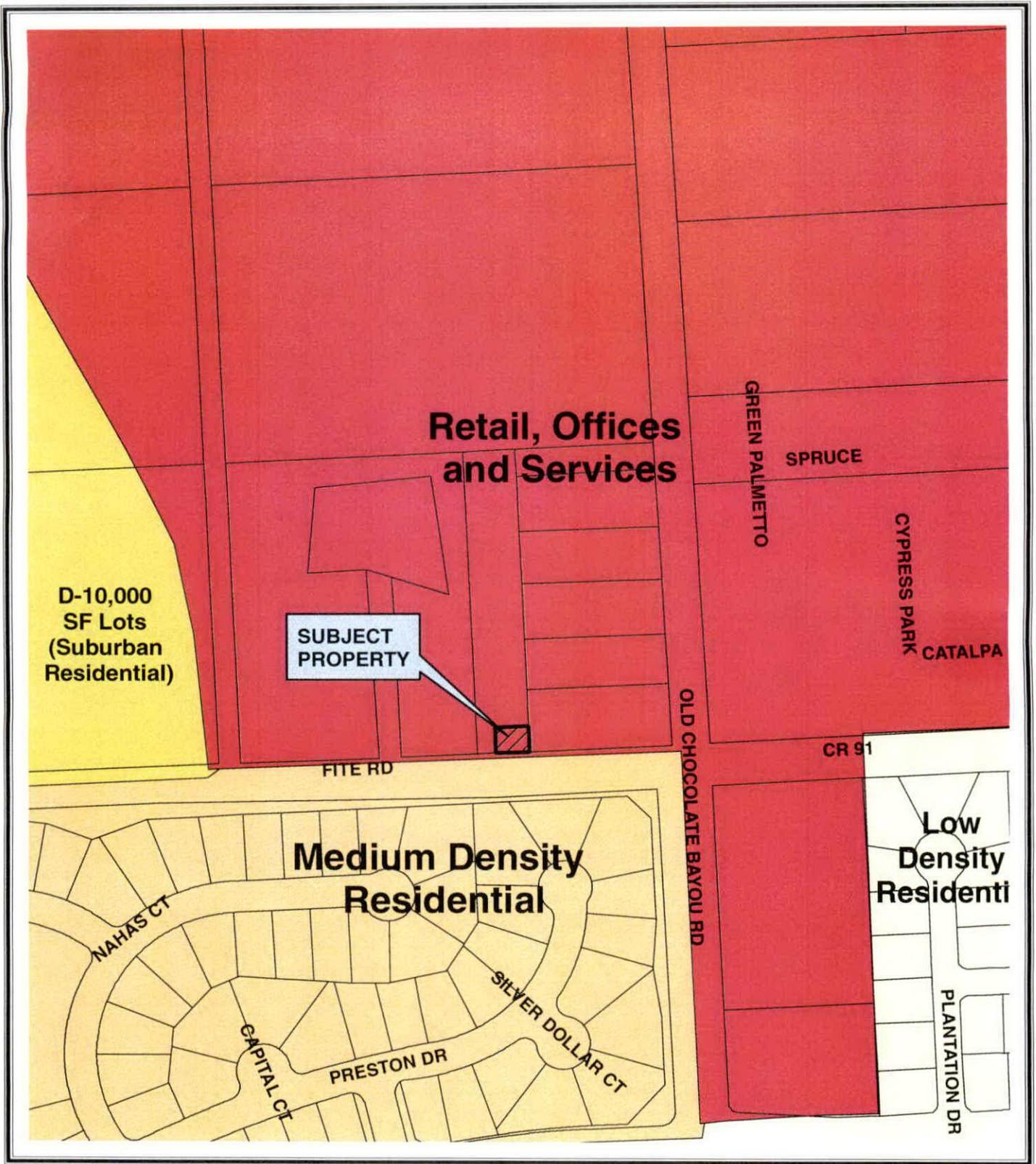
ZONING MAP

Specific Use Permit
Application
No. 147



0 100 200 Feet

Map Prepared on June 1, 2005



FUTURE LAND USE PLAN

Specific Use Permit
 Application
 No. 147



0 100 200 Feet
 [Scale bar]

Map Prepared on June 1, 2005