

# AGENDA

## CITY OF PEARLAND PLANNING & ZONING COMMISSION

July 18, 2016

6:30 p.m.

Daniel Tunstall  
P&Z CHAIRPERSON

Thomas Duncan  
P&Z VICE-CHAIRPERSON

### COMMISSIONERS

Troy Pradia



Derrell Isenberg

Mary Starr

Ginger McFadden

David Selsky

In accordance with the Texas Open Meeting Act the Agenda is posted for public information, at all times, for at least 72 hours preceding the scheduled time of the meeting on the bulletin board located at the front entrance of the City Hall, 3519 Liberty Drive.



**AGENDA - REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, MONDAY, JULY 18, 2016, AT 6:30 P.M., HELD IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS**

**I. CALL TO ORDER**

**II. CONSENT AGENDA**

All items listed under the “Consent Agenda” are considered to be routine and require little or no deliberation by the P&Z Commission. These items will be enacted / approved by one motion unless a commissioner requests separate action on an item, in which event the item will be removed from the Consent Agenda and considered by separate action (*ix. Matters removed from Consent Agenda*). Approval of the Consent Agenda enacts the items of legislation.

**A. CONSIDERATION & POSSIBLE ACTION – APPROVAL OF MINUTES AND EXCUSED ABSENCE**

1. Approve the Minutes of the June 20, 2016 Regular P&Z Meeting.
2. Excuse the absence of P&Z Commissioner David Selsky and Ginger McFadden from the June 20, 2016 P&Z Regular Meeting.

**B. CONSIDERATION AND POSSIBLE ACTION – PRELIMINARY PLAT OF SHADOW GROVE SECTION 4**

1. A request of Jennifer Curtis, BGE / Kerry R. Gilbert & Associates, the applicant; on behalf of Thomas Sikora, KB Home, owner; for approval of the Preliminary Plat of Shadow Grove Section Four, creating 52 single family lots and 1 reserve on 12.8 acres of land located at the end of Bailey Springs Lane west of Windward Bay Drive, described to wit:

Legal Description: being 12.8± acres of land containing 52 lots (50' × 120' Type) and one reserve in four blocks out of the A.B. Langerman Survey, A-555 City of Pearland, Fort Bend County, Texas.

General Location: the end of Bailey Springs Lane west of Windward Bay Drive.

**C. CONSIDERATION AND POSSIBLE ACTION – FINAL PLAT OF SHADOW CREEK RANCH SCHOOL SITE NO. 5**

1. A request of Jason Price, LJA Engineering, the applicant; on behalf of Alvin Independent School District, owner; for approval of the Final Plat of Shadow Creek Ranch School Site No. 5 creating 1 lot on 30.192 acres of land, described to wit:

Legal Description: A Subdivision of 30.192 acres of land situated in the H.T.&B.R.R. Company Survey, Section 83, Abstract 305, City of Pearland,



Brazoria County, Texas.

General Location: Northwest quadrant of Broadway Street and Kingsley Drive.

**III. MATTERS REMOVED FROM CONSENT AGENDA**

**IV. NEW BUSINESS**

**A. CONSIDERATION AND POSSIBLE ACTION – P&Z VARIANCE NO. VARP 16-00003**

A request by Celestine Rocha, applicant and owner; for approval of a Variance Permitted in Section 2.4.4.5 (c) (1) (a) (b) and (c), of the Unified Development Code, Ordinance No. 2000-T, to reduce the minimum lot width from 100 feet to 85.19 feet from the minimum lot frontage to allow the platting of a property in the Suburban Residential 12 (SR-12) zoning district on approximately 1.7160 acres of land, to wit:

**Legal Description:** A Subdivision of 1.7169 acres or 74,748 square feet out of Lot 16 of the Allison Richey Gulf Coast Home Company Subdivision of Section 21 conveyed to Celestino Rocha in instrument recorded in Clerk's file No. 09020770 in the H.T. &B.R.R. Survey, Abstract 309, City of Pearland, Brazoria County, Texas

**General Location:** located on the north side of Fite Road about 334 feet west of Navarre Road.

**B. CONSIDERATION AND POSSIBLE ACTION – ZONE CHANGE APPLICATION NO. ZONE 2016-00003**

A request of R. West Development Company, owner/applicant; for approval of a change in zoning from the General Business (GB) zoning district to a Single Family Residential-1 (R-1) zoning district; on approximately 5.0000 acres of land.

**Legal Description:** Being a 5.0000 acre (217,800 square foot) tract of land located in the H.T. & B. RR Co. Survey, Abstract 242, Brazoria County, Texas, said 5.0000 acre tract of land also being out of a called 10 acre tract conveyed to Robert L. Perkins as per an instrument recorded in Volume 1264, Page 135 of the Deed Records of Brazoria County, Texas.

**General Location:** Former right-of-way of Old Chocolate Bayou Road approximately 190 feet east of intersection of Old Chocolate Bayou Road and Cullen Boulevard, Pearland, TX.

**C. CONSIDERATION AND POSSIBLE ACTION – ZONE CHANGE APPLICATION NO. ZONE 2016-00009**



A request of Kris Szecsy applicant, on behalf of George Gartner, owner; for approval of a an amendment to the Baks Brewery PD to change the name to Bakfish Brewing Co. PD and to allow a maximum of three food trucks and/or on site food sales from outside vendors during operating hours of the brewery; on approximately 2.939 acres of land.

**Legal Description:** Being a tract of land containing 2.939 acres out of Lots 20, 21 and 22 of the George W. Jenkins Subdivision, in Brazoria County, Texas, according to the map or plat thereof recorded in Volume 2, Page 20, of the Brazoria County, Texas Plat Records.

**General Location:** Northeast corner of Broadway and Shauntel Streets, Pearland, TX.

#### D. DISCUSSION ITEMS

1. Commissioners Activity Report
2. Discussion of Scenic City Application
3. Zoning Update:
  - 1<sup>st</sup> Reading 7-11-16
  - ZONE 2016-00005: 5134 Bailey Rd. SD to OP.
  - CUP 2016-00004: 5134 Bailey Rd. CUP for Daycare in OP.
  - SH 35 Re-development Plan
  - 1<sup>st</sup> Reading 7-25-16
  - ZONE 2016-00004: 3546/3618 Harkey R-1 to R-3
4. Next P&Z Meeting, – August 1, 2016 – JPH and Regular P&Z meeting
5. Upcoming meeting change notice:
  - \*August 15, 2016 – P&Z Meeting (only Plats)
  - \*September 5, 2016 City Holiday – No P&Z Meeting
  - \*September 26, 2016 – JPH and Regular P&Z meeting

#### V. ADJOURNMENT

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

I, Alma Gonzales, Office Assistant of the City of Pearland, Texas, do hereby certify that the foregoing agenda was posted in a place convenient to the general public at City Hall on the 24th day of March 2016, A.D., at 5:30 p.m.

\_\_\_\_\_  
Alma Gonzales, Office Assistant

Agenda removed \_\_\_\_\_ day of July \_\_\_\_, 2016.

## **II. Consent Agenda Items**

All items listed under the “Consent Agenda” are considered to be routine and require little or no deliberation by the P&Z Commission.

These items will be enacted / approved by one motion unless a commissioner requests separate action on an item, in which event the item will be removed from the Consent Agenda and considered by separate action (ix. Matters removed from Consent Agenda). Approval of the Consent Agenda enacts the items of legislation.

**A. CONSIDERATION & POSSIBLE  
ACTION – APPROVAL OF MINUTES  
AND EXCUSE OF ABSENCE**

1. Approve the Minutes of the June 20, 2016 Regular P&Z Meeting.
2. Excuse the absence of P&Z Commissioner David Selsky and Ginger McFadden from the June 20, 2016 P&Z Regular Meeting.

**MINUTES OF THE REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, MONDAY, JUNE 20, 2016, AT 6:30 P.M., HELD IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS**

**CALL TO ORDER**

P&Z Chairperson Daniel Tunstall opened the meeting for the P&Z Regular Meeting at 8:27 p.m.

In attendance were:

P&Z Chairperson Daniel Tunstall  
P&Z Vice-Chairperson Thomas Duncan  
P&Z Commissioner Derrell Isenberg  
P&Z Commissioner Troy Pradia  
P&Z Commissioner Mary Starr

Also present were Deputy City Attorney Lawrence Provins, Community Development Director Lata Krishnarao, City Planner Frankie Legaux, Senior Planner Martin Griggs, Associate Planner Vince Husted, Assistant City Engineer Richard Mancilla and Office Supervisor Judy Brown

**CONSENT AGENDA**

P&Z Commissioner Troy Pradia made the motion to approve Items A-E, and G-H on the consent agenda, and Vice Chairperson Thomas Duncan seconded the motion.

The vote was 5-0. Consent Agenda items A-E, and G-H.

**A. CONSIDERATION & POSSIBLE ACTION – EXCUSED ABSENCE**

Excuse the absence of P&Z Commissioner David Selsky from the May 16, 2016 P&Z Regular Meeting.

**B. CONSIDERATION AND POSSIBLE ACTION – PRELIMINARY PLAT OF BAKER’S LANDING SECTION 2A**

A request of Jason Price, LJA Engineering, the applicant; on behalf of D.R. Horton, Texas, Ltd, owner; for approval of the Preliminary Plat of Bakers Landing Section 2A, creating 50 single family lots and 4 reserves on 10.800 acres of land.

General Location: East side of Galveston Avenue between Hampshire Street and future Kaman Lane.

**C. CONSIDERATION AND POSSIBLE ACTION – PRELIMINARY PLAT OF**

## **BAKER'S LANDING TOWNHOMES**

A request of Jason Price, LJA Engineering, the applicant; on behalf of D.R. Horton, Texas, Ltd, owner; for approval of the Preliminary Plat of Bakers Landing Townhomes, creating 48 townhome lots and 6 reserves on 7.576 acres of land.

General Location: West side of Galveston Avenue between Hampshire Street and future Kaman Lane.

### **D. CONSIDERATION AND POSSIBLE ACTION – PRELIMINARY PLAT OF RIVERSTONE RANCH SECTION 7**

A request of Jennifer Curtis of BGE / Kerry R. Gilbert & Associates, on behalf of Shannon Wiespape of Meritage Homes, owner: to approve the Preliminary of Riverstone Ranch Section 7 creating 48 single family lots and 5 reserves.

General Location: South of Hughes Ranch Road and north of Clear Creek.

### **E. CONSIDERATION AND POSSIBLE ACTION – PRELIMINARY PLAT OF SHADOW CREEK RANCH SCHOOL SITE NO. 5**

A request of Jason Price, LJA Engineering, the applicant; on behalf of Alvin Independent School District, owner; for approval of the Preliminary Plat of Shadow Creek Ranch School Site No. 5 creating 1 lot on 30.192 acres of land.

General Location: Northwest quadrant of Broadway Street and Kingsley Drive.

### **G. CONSIDERATION AND POSSIBLE ACTION – PRELIMINARY PLAT OF SHADOW GROVE SECTION 5**

A request of Jennifer Curtis, BGE / Kerry R. Gilbert & Associates, the applicant; on behalf of Thomas Sikora, KB Home, owner; for approval of the Preliminary Plat of Shadow Grove Section Five, creating 18 single family lots, on 4.4 acres of land.

General Location: the end of Vintage View Lane west of Shadow Oaks Lane.

### **H. CONSIDERATION AND POSSIBLE ACTION – FINAL PLAT OF STEWART HEIGHTS SECTION 2**

A request of Rene Rodriguez, LJA Engineering, the applicant; on behalf of Ethan Springer of Savannah Development Limited, owner; for approval of the Final Plat of Stewart Heights Section 2 creating 44 single family lots, and 1 reserve on 11.974 acres of land.

General Location: Southwest corner of future Savannah Parkway and Laurel Heights Drive.

### III. MATTERS REMOVED FROM CONSENT AGENDA

#### F. CONSIDERATION AND POSSIBLE ACTION – PRELIMINARY PLAT OF SHADOW GROVE SECTION 4

A request of Jennifer Curtis, BGE / Kerry R. Gilbert & Associates, the applicant; on behalf of Thomas Sikora, KB Home, owner; for approval of the Preliminary Plat of Shadow Grove Section Four, creating 55 single family lots and 1 reserve on 13.2 acres of land.

General Location: The end of Bailey Springs Lane west of Windward Bay Drive.

P&Z Chairperson Daniel Tunstall stated for the record that the applicant requested to withdraw the plat.

P&Z Commissioner Mary Starr made the motion to postpone the plat for a decision to the July 18, 2016 P&Z Regular Meeting, and P&Z Vice Chairperson Thomas Duncan seconded the motion.

The vote was 5-0. The Preliminary Plat of Shadow Grove Section 4 was postponed to July 18, 2016.

### IV. NEW BUSINESS

#### A. CONSIDERATION AND POSSIBLE ACTION – P&Z VARIANCE NO. VARP 16-00001

A request by Christopher Smith, applicant and owner; for approval of a Variance Permitted in Section 2.6.1.1 (b) (1), of the Unified Development Code, Ordinance No. 2000-T, to allow approval of the creation of a flag lot within the R-E Single Family Estate zoning district on approximately 4.9391 acres of land, to wit:

**Legal Description:** Lot 6, Final Plat of Hickory Place Subdivision, A Subdivision in Brazoria County, Texas according to the Map or plat thereof recorded in Volume 18, Page 333 of the plat records of Brazoria County, Texas.

**General Location:** 2313 Bryan Street.

P&Z Vice-Chairperson Thomas Duncan made the motion to approve, and P&Z Commissioner Mary Starr seconded.

Associate Planner Vince Husted read the staff report stating the applicant was seeking approval to create a flag lot within the R-E Single Family Estate zone. The applicant proposes to submit a Minor Plat application for development of a single

family residence that would create two lots fronting Bryan Street.

There was no discussion from the Commission.

The vote was 5-0. P&Z Variance No. VARP 16-00001 was approved.

**B. CONSIDERATION AND POSSIBLE ACTION – ZONE CHANGE APPLICATION NO. ZONE 16-00005**

A request of Beverly Childs, owner/applicant; for approval of a change in zoning from the Suburban Development (SD) zoning district to the Office & Professional zoning district; on approximately 4.1919 acres of land.

**Legal Description:** Being a tract of land containing 4.1919 acres of land out of Lot Forty-One (41), Section 25, H.T. & B. R.R .Company Survey, Abstract 245, Brazoria County, Texas, and being designated on the Block Books of Brazoria County, Texas of Section 25 and being a part of the same land described in Deed from C. W. Boots, et. ux. to Joe H. Reeder, by Deed dated June 22, 1959, recorded in Volume 744, Page 457, Deed Records, Brazoria County, Texas, Less, Save and Except a 20.00 foot strip along the North side reserved in Deed recorded in Volume 116, Page 581, Deed Records, Brazoria County, Texas, and lying in the road.

**General Location:** 5134 Bailey Road.

P&Z Commissioner Troy Pradia made the motion to approve, and P&Z Commissioner Mary Starr seconded.

There was no discussion from the Commission.

The vote was 5-0. Zone Change Application No. ZONE 16-00005 was approved.

**C. CONSIDERATION AND POSSIBLE ACTION – CONDITIONAL USE PERMIT APPLICATION NO. CUP 16-00004**

A request of Beverly Childs, owner/applicant; for approval of a Conditional Use Permit to allow for a Child Day Care Center (Business) in the Office & Professional zoning district; on approximately 4.1919 acres of land.

**Legal Description:** Being a tract of land containing 4.1919 acres of land out of Lot Forty-One (41), Section 25, H.T. & B. R.R .Company Survey, Abstract 245, Brazoria County, Texas, and being designated on the Block Books of Brazoria County, Texas of Section 25 and being a part of the same land described in Deed from C. W. Boots, et. ux. to Joe H. Reeder, by Deed dated June 22, 1959, recorded in Volume 744, Page 457, Deed Records, Brazoria County, Texas, Less,

Save and Except a 20.00 foot strip along the North side reserved in Deed recorded in Volume 116, Page 581, Deed Records, Brazoria County, Texas, and lying in the road.

**General Location:** 5134 Bailey Road.

P&Z Commissioner Troy Pradia made the motion to approve, and P&Z Commissioner Mary Starr seconded.

There was no discussion from the Commission.

The vote was 5-0. Zone Change Application No. ZONE 16-00005 was approved.

**D. CONSIDERATION AND POSSIBLE ACTION – ZONE CHANGE APPLICATION NO. ZONE 16-00004**

A request of Chad Thumann, R. West Development, applicant, on behalf of Patrick Tagtow, owner; for approval of a change in zoning from the Single Family Residential-1 (R-1) zoning district to a Single Family Residential–3 (R-3) zoning district; on approximately 16.305 acres of land.

**Legal Description:** Being a 16.305 acre tract in Section 16 of the H.T. & B. RR Co. Survey, Abstract 546, Brazoria County, Texas. Said tract is part of a 15 acre tract of land described in a deed to Marvin Wayne Smith as recorded under Brazoria County Clerk’s File No. 85197 113, and part of a 3.00 acre tract described in a deed to Marvin Wayne Smith as recorded under Brazoria County Clerk’s File No. 85197 105.

**General Location:** 3546 & 3618 Harkey Road, Pearland, TX.

P&Z Commissioner Derrell Isenberg made the motion to approve, and P&Z Commissioner Mary Starr seconded.

There was much discussion among the Commission, Staff and the applicant Chad Thumann.

P&Z Commissioner Derrell Isenberg inquired what happens to the existing warehouse business.

Mr. Chad Thumann replied that the developer would put in a 10 foot landscape strip on both M-1 sides of the residential area. If the Commercial site decided to redevelop in the future, then the business would have to add a 10’ foot landscape area.

Director of Community Development Lata Krishnarao stated that at this time, the UDC does not currently have any restriction and it can just be a grass landscaped

strip. Only way to add conditions would be to rezone to a Planned Development (PD).

Mr. Thumann stated the entire back side of the commercial site has open land and fence. Developer would probably landscape in order to sale the homes.

Deputy City Attorney stated the Commission can approve as a lesser zone as R-2 or R-3.

P&Z Chairperson Daniel Tunstall stated he did not like that the business who was there first would have to make changes and does not like the R-3 zone. He felt a zone change to a PD would be a better fit.

P&Z Vice Chairperson Thomas Duncan inquired if the subdivision would make the M-1 site undevelopable in the future.

P&Z Commissioner Troy Pradia asked how long the business had been there. No one seemed to know this answer.

Mr. Chad Thumann stated that R-1 homes would not work for this site; only R-3.

P&Z Commissioner Derrell Isenberg ask if the acreage was rezoned to R-2, would the streets still line up across the street as shown in the site plan. Mr. Chad Thumann stated possibly not. Director of Community Development Lata Krishnarao reminded the Commission that the site plan was not to be considered and they are to zone the dirt. Mr. Thumann stated their intent is to become a part of the HOA at Cypress Creek and match their by-laws.

P&Z Commissioner Derrell Isenberg stated he had a problem with Mr. Thumann speaking on behalf of the HOA. Mr. Thumann stated that he has spoken with the management company for the HOA and they are on their future agenda, but must first zone the property.

There was discussion with regards to securing utilities.

P&Z Commissioner Troy Pradia asked if zoned R-2, and not R-3, what is the difference in the number of homes. Mr. Thumann stated approximately 10 homes.

Director of Community Development Lata Krishnarao spoke as to why R-3 is not appropriate. Cypress Village was build 15 years ago, under the 1999 Comprehensive Plan. Now the 2015 Comprehensive Plan is in place and clearly states the city does not want any more R-3 zoning.

P&Z Chairperson Daniel Tunstall inquired about tree mitigation. Director Krishnarao stated this would be done during the platting process.

P&Z Chairperson Daniel Tunstall stated he was not in favor of R-3. Director Krishnarao stated another option is a Cluster Plan that offers flexibility for the applicant. Mr. Thumann stated it was not feasible in their eyes to do a Cluster Plan or a PD.

P&Z Commissioner Mary Starr stated the M-1 site throws the residential property off. R-3 matches what is there and felt it never should have been zone R-1.

P&Z Commissioner Troy Pradia inquired what the business on the M-1 site was. Mr. Thumann stated it was a small machine shop that is operational.

P&Z Commissioner Troy Pradia inquired if the item could be postponed until more information could be gathered about the business. Deputy City Attorney Lawrence Provins stated that to gather information would trigger another public hearing. Mr. Thumann added that the owner of the M-1 site did receive a public notice of the hearing and chose not to show up.

There was brief discussion with regards to lot 13, as depicted on the site plan and whether it could be built on. Mr. Thumann stated probably not and most likely would become an amenity.

Director of Community Development reiterated that the Commission is zoning and approving the land, not the site plan, and following the 2015 Comprehensive Plan. R-1, R-2 and R-3 are okay, but per the study done in the Comprehensive Plan, there is an abundance of R-3 homes. Vice-Chairperson Thomas Duncan stated you cannot count the areas already zoned for a school, detention pond or parks that are in the R-1 zoning areas.

P&Z Commissioner Derrell Isenberg called for the vote.

The vote was 2-3. The motion failed to rezone from R-1 to R-3. Commissioners Tunstall, Duncan and Starr voted in opposition.

Discussion ensued on how to vote on a lesser zone of R-2. Deputy City Attorney discussed the order and procedure to vote.

P&Z Commissioner Mary Starr made the motion to reconsider the zone change, and P&Z Commissioner Troy Pradia seconded the reconsideration.

The vote was 3-2. The reconsideration was approved. Commissioners Tunstall and Duncan voted in opposition.

P&Z Commissioner Troy Pradia made the motion to amend the zone from R-1 to R-2, and P&Z Commissioner Mary Starr seconded.

P&Z Vice Chairperson Thomas Duncan stated the applicant does not want R-2

zoning, so why give it to him. P&Z Commissioner Troy Pradia asked Mr. Chad Thumann his opinion.

Mr. Chad Thumann, after much decision, stated he would be okay with an R-2 zone.

The vote was 4-1 to amend the zone from R-1 to R-3. P&Z Vice Chairperson Thomas Duncan voted in opposition.

The vote was 3-2. Zone Change Application No. Zone 16-00004 was approved for R-2 zone. Commissioners Tunstall and Duncan voted in opposition.

**E. CONSIDERATION AND POSSIBLE ACTION – ZONE CHANGE APPLICATION NO. ZONE 16-00003**

A request of R. West Development Company, owner/applicant; for approval of a change in zoning from the General Business (GB) zoning district to a Single Family Residential–1 (R-1) zoning district; on approximately 5.0000 acres of land.

**Legal Description:** Being a 5.0000 acre (217,800 square foot) tract of land located in the H.T. & B. RR Co. Survey, Abstract 242, Brazoria County, Texas, said 5.0000 acre tract of land also being out of a called 10 acre tract conveyed to Robert L. Perkins as per an instrument recorded in Volume 1264, Page 135 of the Deed Records of Brazoria County, Texas.

**General Location:** Former right-of-way of Old Chocolate Bayou Road approximately 190 feet east of intersection of Old Chocolate Bayou Road and Cullen Boulevard, Pearland, TX.

City Planner Frankie Legaux stated for the record that this item was removed from the record, per the applicant, and postponed to July 18, 2016.

**F. CONSIDERATION AND POSSIBLE ACTION – 2015 COMPREHENSIVE PLAN AMENDMENT**

A request of the City of Pearland for proposed amendment to the 2015 Comprehensive Plan to include the SH 35 Redevelopment Plan.

P&Z Chairperson Daniel Tunstall stated that any improvement would be a positive move forward and was in favor.

P&Z Commissioner Mary Starr made the motion to approve, and P&Z Vice-Chairperson Thomas Duncan seconded the motion.

The vote was 5-0. The 2015 Comprehensive Plan Amendment was approved.

**G. DISCUSSION ITEMS**

1. Commissioners Activity Report
2. Articles:
  - a. *22 Benefits of Urban Street Trees* by Dan Burden, Senior Urban Designer, Gladding Jackson and Walkable Communities, Inc; May, 2006.
  - b. *Building a Better Foundation for Urban Retail's Future: Heeding Lessons of the Postwar Experience* by Robert Gibbs.
  - c. *Trees and Human Health May Be Linked.* Science News, January 16, 2013.
3. Next P&Z Meeting, – July 18, 2016 – JPH and Regular P&Z meeting
4. Upcoming meeting change notice:
  - \* July 4, 2016 City Holiday – No P&Z Meeting
  - \* August 1, 2016 – JPH and Regular P&Z meeting
  - \* August 15, 2016 – P&Z Meeting (only Plats)
  - \* September 5, 2016 City Holiday – No P&Z Meeting
  - \* September 26, 2016 – JPH and Regular P&Z meeting

**1. ADJOURNMENT**

P&Z Chairperson Daniel Tunstall adjourned the P&Z Regular meeting at 9:27 p.m.

These minutes were respectfully submitted by:

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Judy Brown, Office Supervisor

Minutes approved as submitted and/or corrected on this 18<sup>th</sup> day of July 2016, A.D.

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Daniel Tunstall, P & Z Chairperson

## **B. CONSIDERATION AND POSSIBLE ACTION – PRELIMINARY PLAT OF SHADOW GROVE SECTION 4**

1. A request of Jennifer Curtis, BGE / Kerry R. Gilbert & Associates, the applicant; on behalf of Thomas Sikora, KB Home, owner; for approval of the Preliminary Plat of Shadow Grove Section Four, creating 52 single family lots and 1 reserve on 12.8 acres of land located at the end of Bailey Springs Lane west of Windward Bay Drive, described to wit:



# Staff Report

To: Planning and Zoning Commission

From: Planning Department VH

Meeting Date: July 18, 2016

Re: A request of Jennifer Curtis, BGE / Kerry R. Gilbert & Associates, the applicant; on behalf of Thomas Sikora, KB Home, owner; for approval of the Preliminary Plat of Shadow Grove Section Four, creating 52 single family lots and 1 reserve on 12.8± acres of land located at the end of Bailey Springs Lane west of Windward Bay Drive, described to wit:

Legal Description: being 12.8± acres of land containing 52 lots (50' × 120' Type) and one reserve in four blocks out of the A.B. Langerman Survey, A-555 City of Pearland, Fort Bend County, Texas.

General Location: the end of Bailey Springs Lane west of Windward Bay Drive.

## **SUMMARY**

On behalf of Thomas Sikora, KB Home, owner, Jennifer Curtis, BGE / Kerry R. Gilbert & Associates, has submitted a request for approval of the Preliminary Plat of Shadow Grove Section Four, creating 52 single family lots and 1 reserve on 12.8± acres of land located at the end of Bailey Springs Lane west of Windward Bay Drive. The lots are designed as 50' wide and 120' foot lots per the design guidelines for the SF-2 lots outlined in the Shadow Creek Ranch Addendum.

## **SITE HISTORY**

The property is located in the Shadow Creek Ranch Addendum approved on February 27, 2006.

## **STAFF RECOMMENDATION**

Staff recommends approval of the Preliminary Plat of Shadow Grove Section Four as submitted by the applicant.

1. The Preliminary Plat of Shadow Grove Section Four conforms to the Shadow Creek Ranch Addendum.
2. The Preliminary Plat of Shadow Grove Section Four conforms to Section 2 of the Shadow Creek Ranch Master Plat.
3. The Preliminary Plat of Shadow Grove Section Four will provide access to future properties located to the west.

### **SURROUNDING ZONING AND LAND USES**

	<u>Zoning</u>	<u>Land Use</u>
North	PUD – Shadow Creek Ranch Addendum	Developing Single Family Residential (Shadow Grove Section 5)
South	ETJ	Undeveloped
East	PUD – Shadow Creek Ranch Addendum	Developing Single Family Residential (Shadow Grove Sections 2 & 3)
West	PUD – Shadow Creek Ranch Addendum	Undeveloped

### **CONFORMANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC)**

The Unified Development Code (UDC) does not apply to the subject development as the property is located within the Shadow Creek Ranch Planned Unit Development (PUD) Addendum, and was approved prior to the adoption of the UDC. Regulations of the previous Subdivision and Land Use and Urban Development Ordinance apply.

### **LAND USE & URBAN DEVELOPMENT ORDINANCE:**

The Shadow Creek Ranch PUD Addendum is subject to the land use regulations from the approved PUD, in addition to the Land Use and Urban Development Ordinance. The proposed plat conforms to the Land Use and Urban Development regulations as well as the requirements of the Shadow Creek Ranch PUD.

### **SHADOW CREEK RANCH ADDENDUM:**

The addendum to the Shadow Creek Ranch development allows for a combination of single family lots, parks, and wet and dry detention. There are no required amenities that are located within the boundaries of the proposed plat.

### **SHADOW CREEK RANCH ADDENDUM: SF-2:**

This Preliminary Plat depicts a variety of lot sizes, located in an area designated as SF-2 on the Shadow Creek Ranch Addendum map. The requirements of the SF-2 designation have been summarized in the table below. This Preliminary Plat has a minimum lot size of 6,000 square foot lots (50' x 120'). The required minimum lot width of 50 feet and lot depth of 115 feet would produce lots that are 5,750 square feet in size. The lots proposed are greater than the 5,750

square foot lot minimum by 250 square feet. However, the required minimum lot width and depth would produce lots with a similar lot area as proposed by this preliminary plat.

SF-3	SCR Addendum	Proposed
Minimum Lot Size	5,750 sq. ft.	6,000 sq. ft.
Minimum Lot Width	50'	50'
Minimum Lot Depth	115'	120'

### **CONFORMANCE WITH THE FUTURE LAND USE PLAN 2015**

Shadow Grove Section Four is located in an area shown as Medium Density Residential. The Land Use Plan defines Medium Density Residential as an area recommended for the development of single family lots that are between 5,000 and 7,000 square feet in size. At 6,000 square feet, the lots proposed are within the scope of the Medium Density Residential definition.

### **CONFORMANCE WITH THE THOROUGHFARE PLAN**

All of the proposed streets are shown with a 60' fight-of-way. Access to Shadow Grove Section Four will be from Shadow Grove Section Five on Vintage View Lane and from Shadow Grove Section Three on Bailey Springs Lane.

### **UTILITES AND INFRASTRUCTURE**

The property is located in the Brazoria-Fort Bend MUD. Water and Sewer will need to be extended to Shadow Grove Section 4.

### **DRAINAGE**

A drainage plan has been reviewed and approved by the Engineering Department.

### **PARKS, OPEN SPACE, AND TREES**

Park fees are not required within the Shadow Creek Ranch PUD.

### **ADDITONAL COMMENTS**

This request has been reviewed by the City's Development Review Committee and there were no additional comments.

### **SUPPORTING DOCUMENTS**

- Aerial Map
- Zoning Map
- Future Land Use Plan 2015
- Preliminary Plat of Shadow Grove Section 4
- Shadow Grove Master Plat



## Aerial Map

### Preliminary Plat of Shadow Grove Section Four

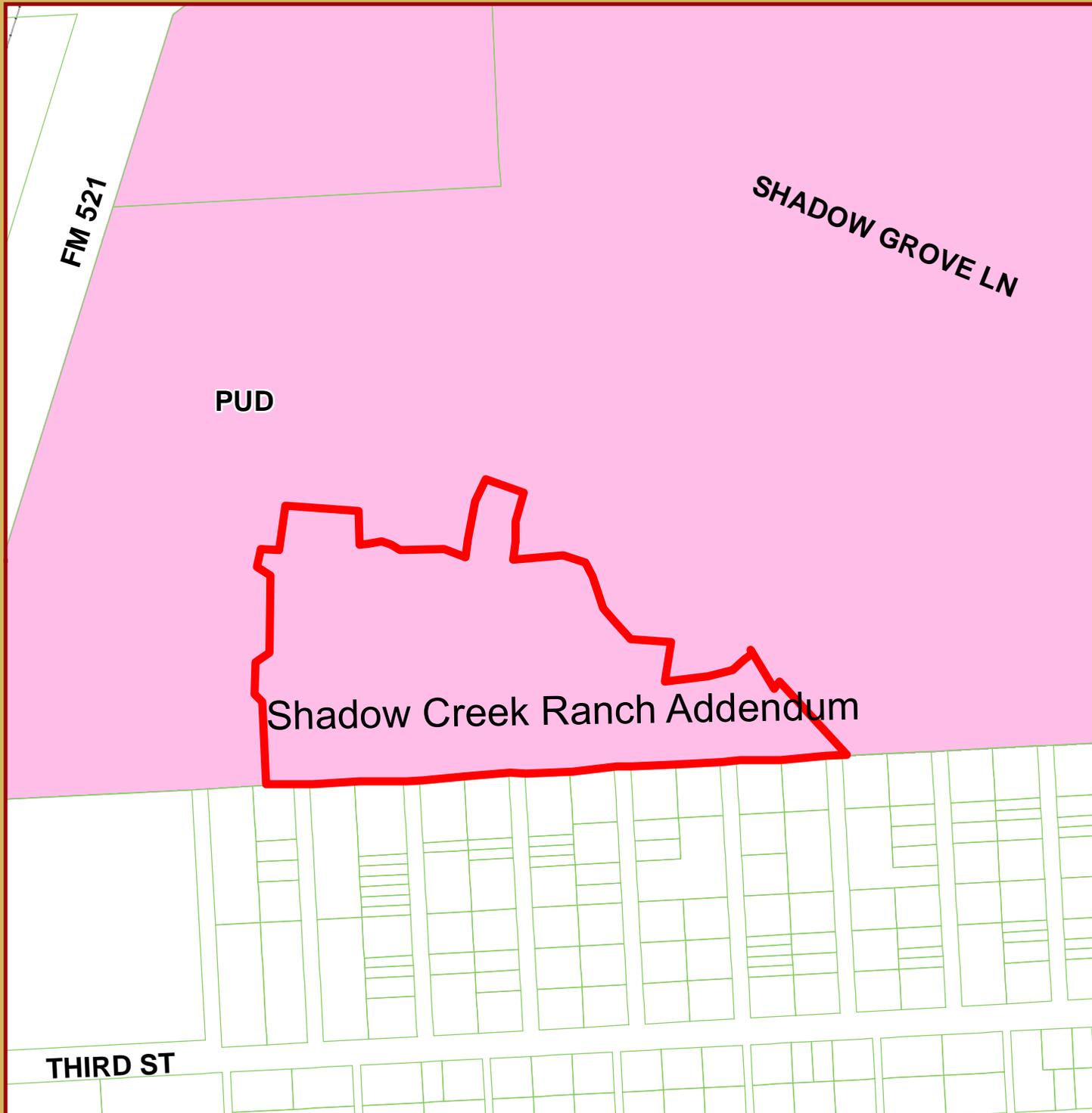


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 355 feet

OCTOBER 2014  
PLANNING DEPARTMENT





## Zoning Map

### Preliminary Plat of Shadow Grove Section Four



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OCTOBER 2014  
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**Future Land Use  
Plan 2015**

**Preliminary Plat of  
Shadow Grove  
Section Four**

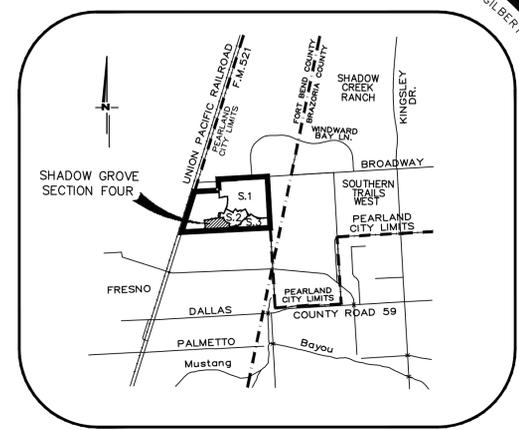
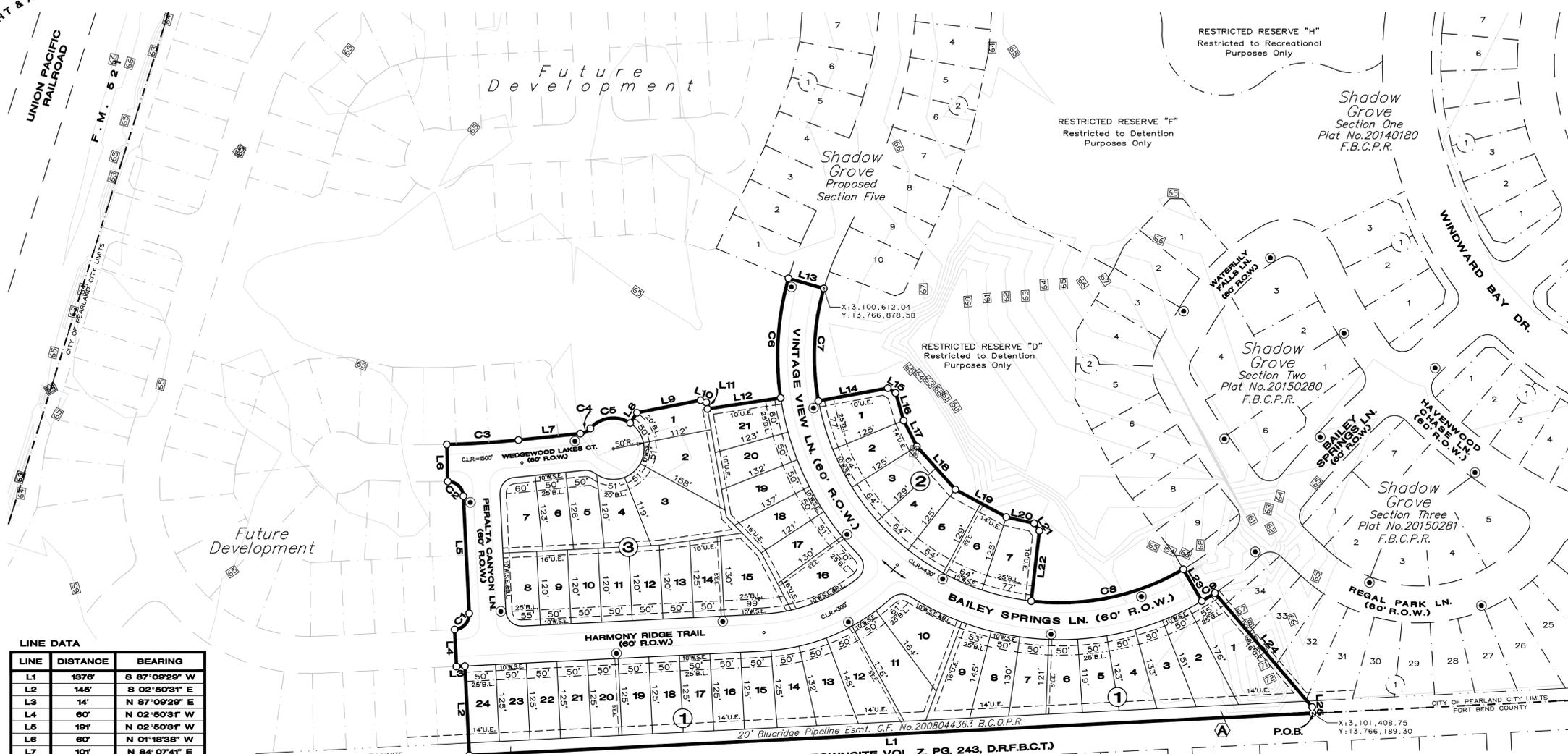


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1 inch = 355 feet

OCTOBER 2014  
PLANNING DEPARTMENT





Vicinity Map  
SCALE: 1"=6000'

**LINE DATA**

LINE	DISTANCE	BEARING
L1	1376'	S 87°09'29" W
L2	145'	S 02°50'31" E
L3	14'	N 87°09'29" E
L4	60'	N 02°50'31" W
L5	191'	N 02°50'31" W
L6	60'	N 01°18'38" W
L7	101'	N 84°07'41" E
L8	20'	N 33°20'41" E
L9	108'	S 78°55'48" W
L10	10'	N 69°31'47" W
L11	11'	S 09°59'36" E
L12	120'	N 81°32'55" E
L13	60'	S 74°01'27" E
L14	116'	S 79°34'25" W
L15	16'	N 58°22'30" W
L16	47'	S 16°19'28" E
L17	47'	S 27°10'18" E
L18	94'	S 41°57'12" E
L19	94'	S 61°39'47" E
L20	47'	N 77°24'57" W
L21	16'	N 36°22'32" W
L22	116'	S 06°39'53" W
L23	60'	N 30°14'45" W
L24	244'	S 40°37'19" E
L25	10'	S 02°50'31" E

**CURVE DATA**

CURVE	RADIUS	ARC	TANGENT	BEARING	CHORD
C1	25'	39'	25'	N 42°09'29" E	35'
C2	25'	39'	24'	S 47°04'34" E	35'
C3	1470'	117'	59'	S 86°24'32" W	117'
C4	25'	19'	10'	S 82°42'41" W	16'
C5	60'	72'	44'	N 82°19'11" E	66'
C6	480'	195'	100'	N 03°48'44" E	195'
C7	400'	184'	94'	N 02°48'29" E	183'
C8	400'	258'	133'	N 78°12'34" E	253'
C9	480'	25'	13'	N 58°11'46" E	25'

**LAND USE TABLE**

RESERVE	LAND USE	ACREAGE	SQ. FT.
A	OPEN SPACE	±0.63	27,486

**LEGEND**

- "C.L.R." INDICATES CENTERLINE RADIUS.
- "B.L." INDICATES BUILDING LINE.
- "U.E." INDICATES UTILITY EASEMENT.
- "W.L.E." INDICATES WATER LINE EASEMENT.
- "S.W.S.E.S.M.T." INDICATES STORM SEWER EASEMENT.
- "S.S.E." INDICATES SANITARY SEWER EASEMENT.
- "W.S.E." INDICATES WATER LINE / SANITARY SEWER EASEMENT.
- "D.E." INDICATES DRAINAGE EASEMENT.
- "S" = PROPOSED STREET LIGHT LOCATION.
- "E.E." INDICATES ELECTRICAL EASEMENT.
- "B.C.P.R." INDICATES BRAZORIA COUNTY PLAT RECORDS.
- "B.C.D.R." INDICATES BRAZORIA COUNTY DEED RECORDS.
- "B.C.C.F." INDICATES BRAZORIA COUNTY CLERK RECORDS.
- "B.C.R.P.R." INDICATES BRAZORIA COUNTY REAL PROPERTY RECORDS.

BLOCK OF WINDWARD BAY DR.  
A PRELIMINARY PLAT OF  
**SHADOW GROVE**  
SECTION FOUR

BEING 12.8± ACRES OF LAND  
CONTAINING 52 LOTS (60' X 120' TYP.) AND  
ONE RESERVE IN THREE BLOCKS.

OUT OF THE  
A.B. LANGERMAN SURVEY, A-555  
CITY OF PEARLAND, FORT BEND COUNTY, TEXAS

DEVELOPER:  
**KB HOME**  
11314 RICHMOND AVENUE  
HOUSTON, TEXAS 77082  
ATTN: THOMAS SIKORA, 281-668-3846

ENGINEER:  
**LJA ENGINEERING, INC.**  
2929 BRIARPARK DRIVE, #600  
HOUSTON, TEXAS 77042  
ATTN: TAYLOR BAUMGARTNER, 713-953-5200

PLANNER:  
**BGE | KERRY R. GILBERT & ASSOCIATES**

- Land Planning Consultants -  
23501 Cinco Ranch Blvd., Suite A-250  
Katy, Texas 77494  
Tel: 281-579-0340

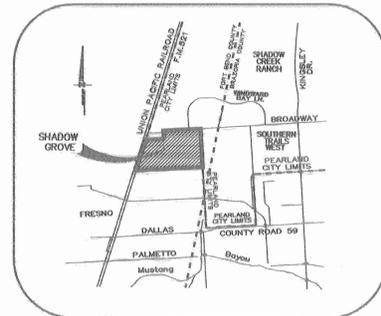
SCALE: 1" = 100'  
0 50 100 200

JULY 12, 2016  
KGA# 04603B

Golden Highway  
Properties Subdivision  
Vol. 232, Pg. 346, D.R.F.B.C.T.

- GENERAL NOTE:
- THERE ARE 12 STREETLIGHTS ON THIS PLAT.
  - THE FEDERAL EMERGENCY MANAGEMENT AGENCY HAS RELEASED PRELIMINARY FLOOD INSURANCE RATE MAPS SHOWN ON THE INTERNET AT [HTTP://FLOODMAP.COLOFORT-BEND.TEXAS.GOV/FLOODMAP/INDEX.HTML](http://floodmap.colofort-bend.texas.gov/floodmap/index.html). AS OF THE DATE OF THE SURVEY, ACCORDING TO MAP NO.'S 4815720318L AND 4815720320L, THE SUBJECT TRACT IS SITUATED WITHIN UNSHADED ZONE X DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN (500-YEAR FLOOD).
  - ELEVATIONS SHOWN HEREON ARE BASED ON HGSD 73, STAINLESS STEEL ROD IN A SLEEVE AND CAP STAMPED "HGSD 73 1987" NEAR THE INTERSECTION OF MICHELE ROAD AND MICHAEL ROAD LOCATED 47 FEET EAST OF THE CENTER OF WINDWARD BAY DRIVE, 44 FEET SOUTH OF MICHAEL ROAD, AND 35 FEET SOUTHEAST OF A CONCRETE CULVERT IN KEYMAP PAGE 6500 WITH A PUBLISHED ELEVATION OF 81.5 FEET, NAVD 1988 (GEOD 12A) ADJUSTMENT.
  - TEMPORARY BENCHMARK A BEING A "BOY" CUT IN CONCRETE AT BACK-OF-CURB OF A BULL NOSE IN THE MEDIAN OF W BROADWAY STREET LOCATED APPROXIMATELY 1,839 FEET EAST OF THE INTERSECTION OF FM 521 AND W BROADWAY. ELEVATION = 85.10 FEET, NAVD 1988 (GEOD 12A) ADJUSTMENT.
  - ALL LANDSCAPING AND STRUCTURES, INCLUDING FENCES AT INTERSECTIONS SHALL CONFORM TO THE CITY OF PEARLAND AND AASHTO SITE DISTANCE REQUIREMENTS FOR MOTORISTS.
  - ANY PROPOSED DRAINAGE SYSTEM FOR THIS SUBDIVISION SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE CITY OF PEARLAND AND FORT BEND COUNTY DRAINAGE DISTRICT.
  - THE MINIMUM SLAB ELEVATION FOR ALL BUILDINGS LOCATED WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE THE HIGHER OF (1) EITHER TWELVE (12) INCHES ABOVE THE TOP OF CURB ELEVATION FOR A CURB STREET OR TWELVE (12) INCHES ABOVE THE ELEVATION OF THE EDGE OF THE ROADWAY IF NO CURB EXISTS, OR (2) TWELVE (12) INCHES ABOVE THE 100 YEAR FLOODPLAIN WATER SURFACE ELEVATION FOR STRUCTURES TO BE LOCATED WITHIN THE 100 YEAR FLOODPLAIN.
  - DRIVEWAY REQUIREMENTS FOR THE LOCATION, WIDTH AND OFFSET FROM AN INTERSECTION AND ANY EXISTING DRIVEWAYS OR PROPOSED DRIVEWAYS, SHALL CONFORM TO THE REQUIREMENTS OF THE CITY OF PEARLAND ENGINEERING DESIGN CRITERIA MANUAL AND UNIFIED DEVELOPMENT CODE.
  - A 4 FOOT SIDEWALK REQUIRED ON ALL INTERNAL PUBLIC STREET RIGHTS-OF-WAY AND 6' SIDEWALKS ON RIGHTS-OF-WAY 80 FEET OR WIDER.
  - THIS SUBDIVISION IS CONSISTENT WITH THE SHADOW CREEK RANCH AMENDED PUD.
  - ALL SUBDIVISION COMMON AREAS INCLUDING BUT NOT LIMITED TO DETENTION FACILITIES, EASEMENTS AND OPEN SPACE WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE MAINTAINED BY A HOMEOWNERS ASSOCIATION OR OTHER ENTITY AND SHALL NOT BE THE RESPONSIBILITY OF THE CITY OF PEARLAND OR FORT BEND COUNTY.
  - THIS PLAT HAS BEEN PREPARED TO MEET THE REQUIREMENTS OF THE STATE OF TEXAS, FORT BEND COUNTY AND THE CITY OF PEARLAND.
  - ANY CONSTRUCTION PROPOSED TO BE INSTALLED WITHIN A DEDICATED EASEMENT WITH PRESCRIBED RIGHTS TO A PRIVATE ENTITY MAY REQUIRE THE PERMISSION OF THE PRIVATE ENTITY PRIOR TO THE START OF CONSTRUCTION. FAILURE TO SECURE SUCH PERMISSION SHALL RESULT IN THE RIGHT HOLDER(S) OF THE EASEMENT REMOVING ANY UNAPPROVED PAVEMENT, STRUCTURES, UTILITIES, OR OTHER FACILITIES LOCATED WITHIN THE EASEMENT. THE RESPONSIBILITY OF SECURING APPROVAL FROM THE PRIVATE ENTITIES TO BUILD WITHIN AN EASEMENT IS SOLELY THAT OF THE PROPERTY OWNER.
  - ALL BEARINGS REFERENCES ARE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD83), WITH COORDINATES GIVEN IN FEET. COORDINATES SHOWN ARE SURFACE FOR MAD 83, AND MAY BE CONVERTED TO GRID BY MULTIPLYING BY A FACTOR OF 0.99989913.
  - THIS PLAT IS LOCATED IN BRAZORIA-FORT BEND MUD NO. 1.
  - ALL CORNER LOTS ARE DONOR SIDE ACCESS.
  - ALL SIDE LOT LINES ARE THE CENTER OF A SIX FOOT (6') DRAINAGE EASEMENT TO EACH ADJACENT LOT.
  - THERE ARE NO PIPELINES OR PIPELINE EASEMENTS WITHIN THIS PLAT COMPANYARY.
  - THIS PLAT WAS PREPARED FROM INFORMATION PROVIDED BY STEWART TITLE COMPANY, G.F. No. 1215737408, EFFECTIVE DATE 11-07-12.
  - ACCESS RIGHTS TO DRIVEWAYS ARE HEREBY GRANTED TO ALL ADJOINING RESIDENTIAL PROPERTIES FOR DEVELOPMENT AND CONSTRUCTION PURPOSES ONLY.

DISCLAIMER AND LIMITED WARRANTY  
THIS PRELIMINARY SUBDIVISION PLAT HAS BEEN PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THE CITY OF PEARLAND UNIFIED DEVELOPMENT CODE IN EFFECT AT THE TIME THIS PLAT WAS PREPARED. ANY VARIANCE OR VARIANCES TO THE PROVISIONS OF THE FOREMENTIONED ORDINANCE WHICH ARE SUBSEQUENTLY GRANTED BY THE PEARLAND PLANNING & ZONING COMMISSION AND/OR CITY COUNCIL. THIS PRELIMINARY PLAT WAS PREPARED FOR THE LIMITED PURPOSE OF GUIDANCE IN THE PREPARATION OF ACTUAL ENGINEERING AND DEVELOPMENT PLANS. THIS LIMITED WARRANTY IS MADE IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, AND NEITHER BGE | KERRY R. GILBERT & ASSOCIATES, INC., NOR ANY OF ITS OFFICERS, OR DIRECTORS, OR EMPLOYEES MAKE ANY OTHER WARRANTIES OR REPRESENTATIONS, EXPRESS OR IMPLIED CONCERNING THE DESIGN, LOCATION, QUALITY CHARACTER OF ACTUAL UTILITIES OR OTHER FACILITIES IN, ON, OVER, OR UNDER THE PREMISES INDICATED IN THE PRELIMINARY SUBDIVISION PLAT.



**LOT SIZE TABLE**

(50' X 120)	=	303 LOTS
(60' X 120)	=	74 LOTS
<b>TOTAL LOTS = 377 LOTS</b>		

**SECTION TABLE**

<b>SECTION 1</b>		
(50' X 120)	=	91 LOTS
(60' X 120)	=	38 LOTS
<b>SEC.1 TOTAL LOTS = 129 LOTS</b>		

<b>SECTION 2</b>		
(60' X 120)	=	18 LOTS

<b>SECTION 3</b>		
(50' X 120)	=	41 LOTS

<b>(FUTURE)</b>		
(50' X 120)	=	171 LOTS
(60' X 120)	=	18 LOTS
<b>TOTAL LOTS = 189 LOTS</b>		

**A MASTER PLAT OF  
SHADOW GROVE**

**BEING 124.7± ACRES OF LAND**

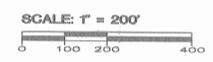
OUT OF THE  
**AB. LANGERMAN SURVEY, A-555**  
CITY OF PEARLAND, FORT BEND COUNTY, TEXAS

**DEVELOPER:**  
**KB HOMES**  
**11314 RICHMOND AVENUE**  
**HOUSTON, TEXAS 77082**  
**ATTN: ROBERT HULBERT, 281-668-3850**

**ENGINEER:**  
**JONES & CARTER, INC.**  
**6335 GULFTON, #100**  
**HOUSTON, TEXAS 77081**  
**ATTN: TERRY REEVES, 713-777-5337**

**DEVELOPER:**  
**KB HOMES**  
**PLANNER:**  
**BGE | KERRY R. GILBERT & ASSOCIATES, INC.**

Land Planning Consultants  
23501 Cinco Ranch Blvd.  
Suite A-250  
Katy, Texas 77494  
(281)579-0340



NOVEMBER 20, 2014  
KGA# 04603

**GENERAL NOTES:**

- ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP NO. 48157C0290J AND NO. 48157C0295A, EFFECTIVE DATE OF SEPTEMBER 1999. ALL FLOODPLAIN INFORMATION NOTED IN THE PLAT REFLECTS THE STATUS PER THE FEMA FIRM MAP THAT IS EFFECTIVE AT THE TIME THAT THE PLAT IS RECORDED. FLOODPLAIN STATUS IS SUBJECT TO CHANGE AS FEMA FIRM MAPS ARE UPDATED.
- ALL LANDSCAPING AND STRUCTURES, INCLUDING FENCES AT INTERSECTIONS SHALL CONFORM TO THE CITY OF PEARLAND AND AASHTO SITE DISTANCE REQUIREMENTS FOR MOTORISTS
- ANY PROPOSED DRAINAGE SYSTEM FOR THIS SUBDIVISION SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE CITY OF PEARLAND AND FORT BEND COUNTY DRAINAGE DISTRICT.
- THE MINIMUM SLAB ELEVATION FOR ALL BUILDINGS LOCATED WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE THE HIGHER OF 1) EITHER TWELVE (12) INCHES ABOVE THE TOP OF CURB ELEVATION FOR A CURB STREET OR TWELVE (12) INCHES ABOVE THE ELEVATION OF THE EDGE OF THE ROADWAY IF NO CURB EXISTS, OR 2) TWELVE (12) INCHES ABOVE THE 100 YEAR FLOODPLAIN WATER SURFACE ELEVATION FOR STRUCTURES TO BE LOCATED WITHIN THE 100 YEAR FLOODPLAIN.
- DRIVEWAY REQUIREMENTS FOR THE LOCATION, WIDTH AND OFFSET FROM AN INTERSECTION AND ANY EXISTING DRIVEWAY OR PROPOSED DRIVEWAYS, SHALL CONFORM TO THE REQUIREMENTS OF THE CITY PEARLAND ENGINEERING DESIGN CRITERIA MANUAL AND UNIFIED DEVELOPMENT CODE.
- 4 FOOT SIDEWALK REQUIRED ON ALL INTERNAL PUBLIC STREET RIGHTS-OF-WAY AND 6' SIDEWALKS ON RIGHTS-OF-WAY 80 FEET OR WIDER.
- THIS SUBDIVISION IS CONSISTENT WITH THE SHADOW CREEK RANCH AMENDED PUD.
- ALL SUBDIVISION COMMON AREAS INCLUDING BUT NOT LIMITED TO DETENTION FACILITIES, EASEMENTS, AND OPEN SPACE WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE MAINTAINED BY A HOMEOWNERS ASSOCIATION OR OTHER ENTITY AND SHALL NOT BE THE RESPONSIBILITY OF THE CITY OF PEARLAND OR FORT BEND COUNTY.
- THIS PLAT HAS BEEN PREPARED TO MEET THE REQUIREMENTS OF THE STATE OF TEXAS, FORT BEND COUNTY AND THE CITY OF PEARLAND.
- CORNER LOTS ARE RESTRICTED TO FRONT ACCESS ONLY.
- ANY CONSTRUCTION PROPOSED TO BE INSTALLED WITHIN A DEDICATED EASEMENT WITH PRESCRIBED RIGHTS TO A PRIVATE ENTITY MAY REQUIRE THE PERMISSION OF THE PRIVATE ENTITY PRIOR TO THE START OF CONSTRUCTION. FAILURE TO SECURE SUCH PERMISSION SHALL RESULT IN THE RIGHT HOLDER(S) OF THE EASEMENT REMOVING ANY UNAPPROVED PAVEMENT, STRUCTURES, UTILITIES, OR OTHER FACILITIES LOCATED WITHIN THE EASEMENT. THE RESPONSIBILITY OF SECURING APPROVAL FROM THE PRIVATE ENTITIES TO BUILD WITHIN AN EASEMENT IS SOLELY THAT OF THE PROPERTY OWNER.
- ALL BEARING REFERENCES ARE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD83), WITH COORDINATES GIVEN IN FEET. COORDINATES SHOWN ARE SURFACE FOR NAD 83, AND MAY BE CONVERTED TO GRID BY MULTIPLYING BY A FACTOR OF 0.999869913
- ALL CUL-DE-SAC RADII ARE FIFTY (50') FEET UNLESS OTHERWISE NOTED.
- THIS PLAT IS LOCATED IN BRAZORIA-FORT BEND MUD NO. 1.
- LOT LINES SHALL BE THE CENTER OF A 6-FOOT WIDE DRAINAGE EASEMENT.
- ALL RIGHTS-OF-WAY ARE SIXTY (60') IN WIDTH UNLESS OTHERWISE NOTED.

**C. CONSIDERATION AND POSSIBLE ACTION –  
FINAL PLAT OF SHADOW CREEK RANCH  
SCHOOL SITE NO. 5**

1. A request of Jason Price, LJA Engineering, the applicant; on behalf of Alvin Independent School District, owner; for approval of the Final Plat of Shadow Creek Ranch School Site No. 5 creating 1 lot on 30.192 acres of land, described to wit:



# Staff Report

To: Planning and Zoning Commission

From: Planning Department VH (Staff Planner)

Meeting Date: July 18, 2016

Re: A request of Jason Price, LJA Engineering, the applicant; on behalf of Alvin Independent School District, owner; for approval of the Final Plat of Shadow Creek Ranch School Site No. 5 creating 1 lot on 30.192 acres of land, described to wit:

Legal Description: A Subdivision of 30.192 acres of land situated in the H.T.&B.R.R. Company Survey, Section 83, Abstract 305, City of Pearland, Brazoria County, Texas.

General Location: Northwest quadrant of Broadway Street and Kingsley Drive.

## **SUMMARY**

On behalf of the Alvin Independent School District owner, Jason Price, LJA Engineering, has submitted a request for approval of the Final Plat of Shadow Creek Ranch School Site No. 5 creating 1 lot on 30.192 acres of land located in the Northwest quadrant of Broadway Street and Kingsley Drive. The lot will have 985.35 feet of frontage along Broadway Street and approximately 421.3 feet of frontage along Kingsley Drive. The west property line extending to the back of the property from Broadway is 1380.64 long. The intention of the final plat is to provide property for a Junior High School campus for the Alvin Independent School District.

## **SITE HISTORY**

The property under review is located in the area covered by the original Shadow Creek Ranch P.U.D. dated September 8, 1999. The map in the document designated the area under review as a school site. The Preliminary Plat of Shadow Creek Ranch School Site No. 5 was approved at the June 20, 2016 Planning and Zoning Commission meeting.

## **STAFF RECOMMENDATION**

Staff recommends approval of the Final Plat of Shadow Creek Ranch School Site No. 5 as proposed by the applicant for the following reasons.

1. The proposed final plat conforms to the Shadow Creek Ranch PUD, which designated the property for a school site.
2. The final plat conforms to the Preliminary Plat of Shadow Creek Ranch School Site No. 5.
3. The request is in conformance with the thoroughfare plan.

### **CONFORMANCE WITH THE COMPREHENSIVE PLAN**

The applicant's property is located in an area shown as Medium Density Residential. School sites are often placed in or near the residential areas they serve. The non-residential uses located on the corners of the Broadway and Kingsley intersection are shown as a Major Retail Node. The following land uses are shown on the Future Land Use Plan 2015:

	<u>Future Land Use</u>	<u>Land Use</u>
North	Low Density Residential / Public, Semi-public	Single Family Residential and Elementary School
South	Low Density Residential	Commercial Development
East	High Density Residential	Multifamily Residential and Commercial
West	Medium Density Residential	Single Family Residential

### **SURROUNDING ZONING AND LAND USES**

The plat under review and all of the neighboring property north of Broadway Street is located in the Shadow Creek Ranch P.U.D. Most of the land north of Broadway is developed with residential uses. The main exception is the park and elementary school to the north. The land to the south is located in the Shadow Creek Ranch Addendum adopted on February 27, 2006. The southeast corner of Broadway and Kingsley Drive is located in the Kingsley and Broadway Planned Development. All four corners of the Broadway and Kingsley intersection are developed with non-residential uses. A daycare center is located on the northwest corner of the Broadway and Kingsley while the three remaining corners are developed with retail uses.

	<u>Zoning</u>	<u>Land Use</u>
North	Shadow Creek Ranch P.U.D.	Single Family Residential and Elementary School
South	Shadow Creek Ranch Addendum / Kingsley & Broadway Planned Development	Commercial Development
East	Shadow Creek Ranch P.U.D.	Multifamily Residential and Commercial
West	Shadow Creek Ranch P.U.D.	Single Family Residential

### **CONFORMANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC)**

The Unified Development Code (UDC) does not apply to the subject development as the property is located within the Shadow Creek Ranch Planned Unit Development (PUD) and was approved prior to the adoption of the UDC. Regulations from the previous Land Use and Urban Development Ordinance apply.

### **CONFORMANCE WITH THE THOROUGHFARE PLAN**

Broadway Street is shown on the city GIS a Major Thoroughfare of Sufficient Width while Kingsley Boulevard is shown as a Secondary Thoroughfare of Sufficient Width. The plat submitted shows that both streets have the required right of way widths.

### **UTILITIES AND INFRASTRUCTURE**

Water and Sewer lines are located along both Broadway Street and Kingsley Boulevard.

### **PARKS, OPEN SPACE, AND TREES**

Park fees and parkland dedication are not required for non-residential subdivisions.

### **IMPACT ON EXISTING AND FUTURE DEVELOPMENT**

This plat would serve the needs of the neighboring residential areas by providing land for a public educational facility.

### **ADDITIONAL COMMENTS**

This request has been reviewed by the City's Development Review Committee and there were no additional comments.

### **SUPPORTING DOCUMENTS**

- Aerial Map
- Zoning Map
- Future Land Use Plan 2015
- Final Plat of Shadow Creek Ranch School Site No. 5



## Aerial Map

### Final Plat of Shadow Creek Ranch School Site No. 5



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 355 feet

OCTOBER 2014  
PLANNING DEPARTMENT





## Zoning Map

### Final Plat of Shadow Creek Ranch School Site No. 5

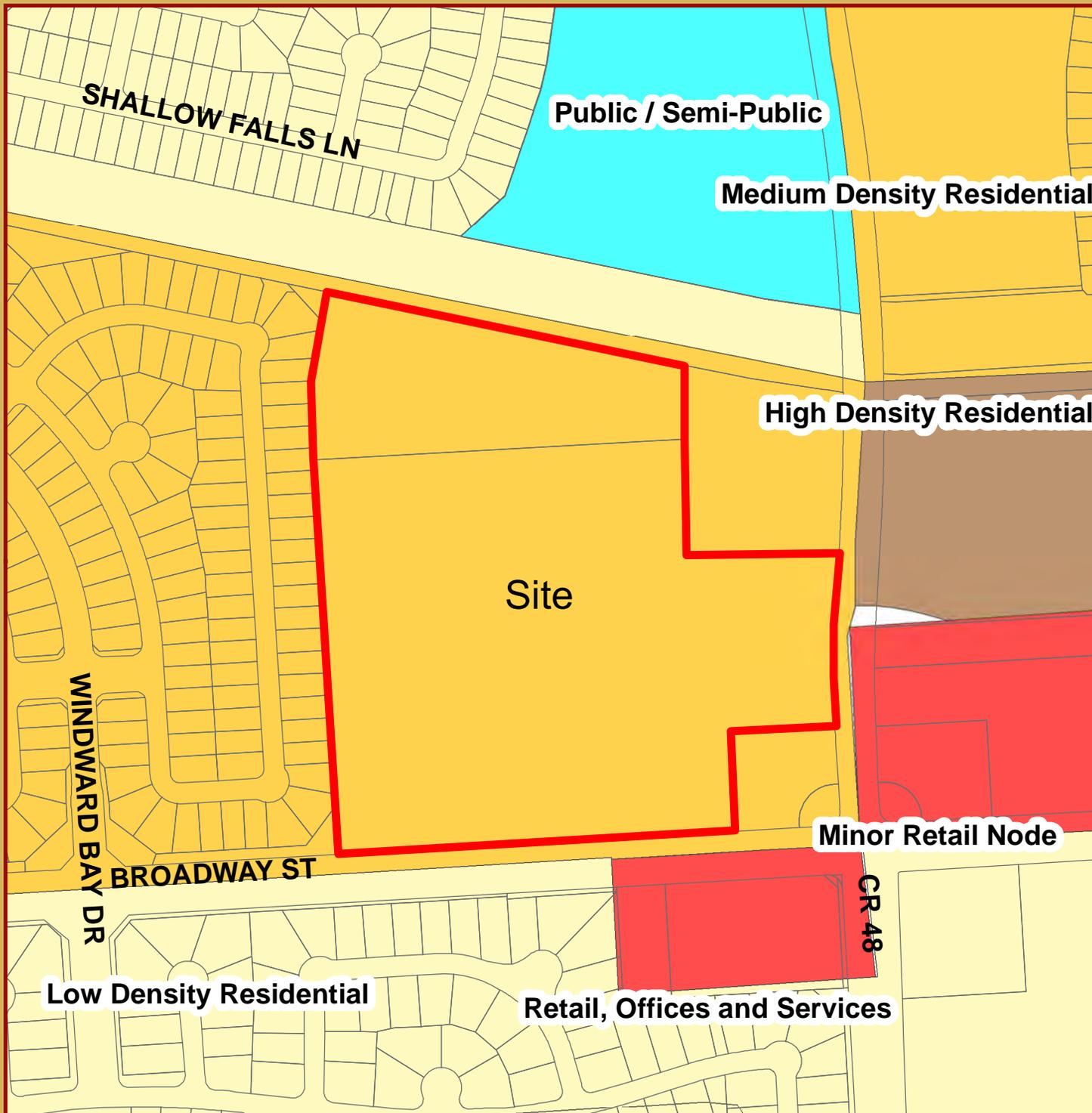


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OCTOBER 2014  
PLANNING DEPARTMENT





**Future Land Use  
Plan 2015**

**Final Plat of  
Shadow Creek Ranch  
School Site No. 5**



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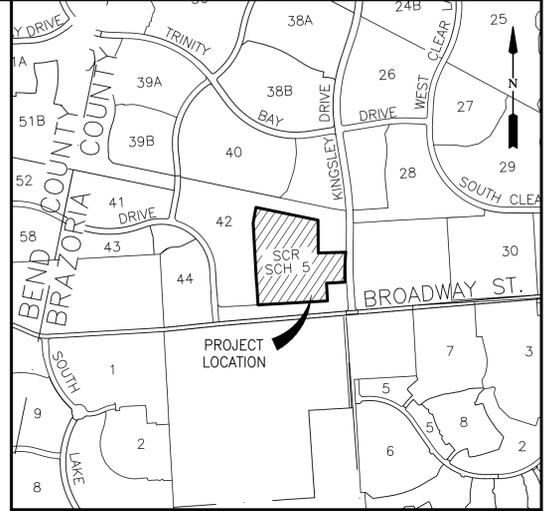
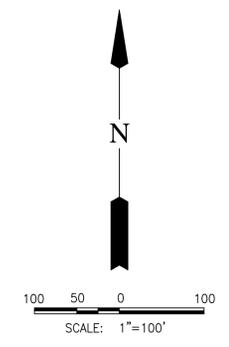
1 inch = 355 feet

OCTOBER 2014  
PLANNING DEPARTMENT

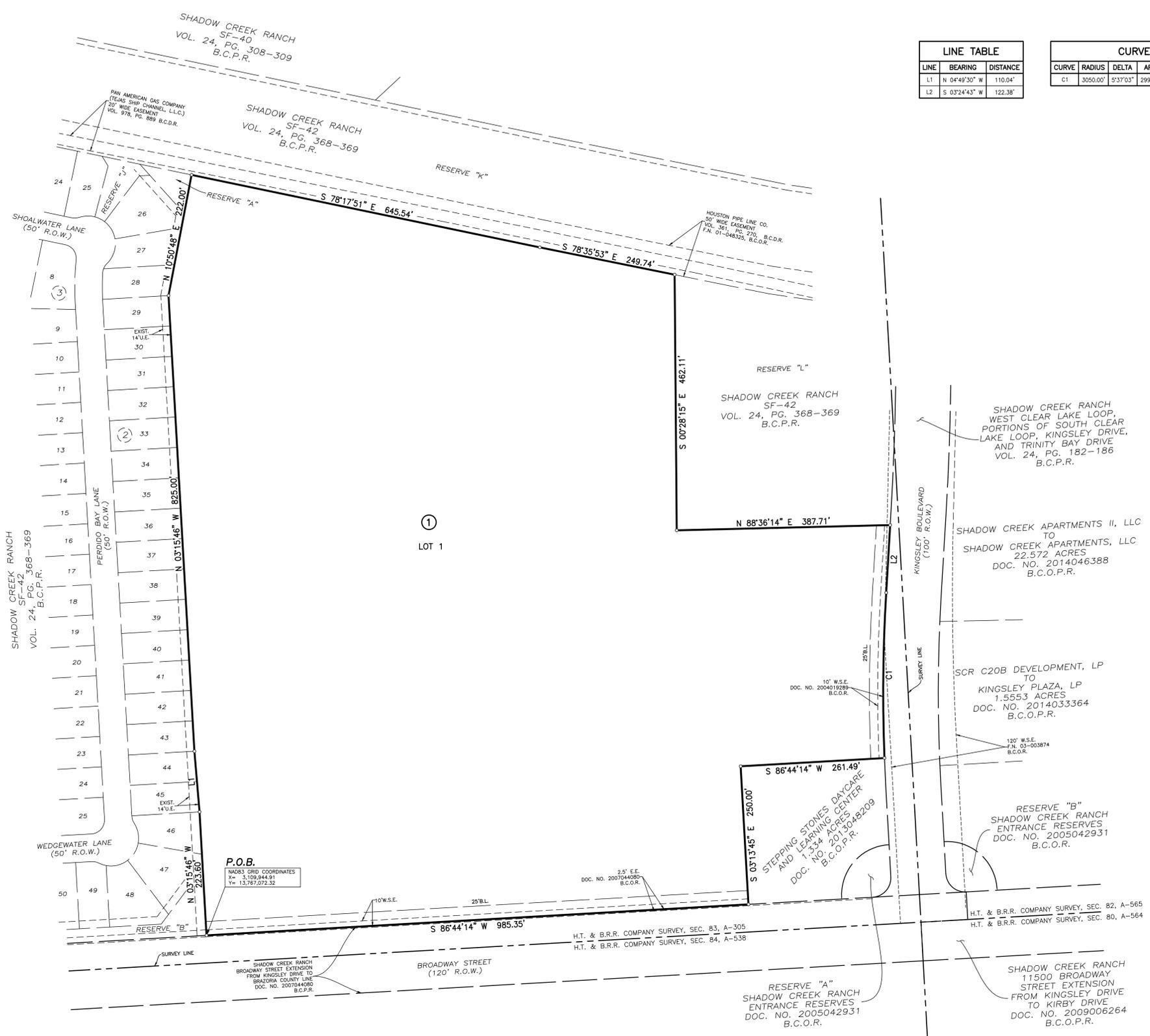


LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 04°49'30" W	110.04'
L2	S 03°24'43" W	122.38'

CURVE TABLE					
CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	3050.00'	5°37'03"	289.04'	298.92'	S 00°36'12" W



VICINITY MAP  
SCALE: 1"= 1,200'  
KEY MAP NO. 612P & Q



- NOTES:
- THIS PLAT HAS BEEN PREPARED TO MEET THE REQUIREMENTS OF THE STATE OF TEXAS, BRAZORIA COUNTY AND THE CITY OF PEARLAND.
  - THIS PLAT WAS PREPARED FROM INFORMATION PROVIDED BY STEWART TITLE COMPANY, FILE NO. 16501510PL, DATED MAY 9, 2016. THE SURVEYOR HAS NOT ABSTRACTED THE ABOVE PROPERTY.
  - ALL BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 27). COORDINATES SHOWN ARE GRID (NAD 83) AND MAY BE CONVERTED TO SURFACE BY DIVIDING BY 0.99987.
  - ALL SUBDIVISION COMMON AREAS INCLUDING BUT NOT LIMITED TO DETENTION FACILITIES, EASEMENTS, AND OPEN SPACE WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE MAINTAINED BY A HOMEOWNERS ASSOCIATION, COMMERCIAL PROPERTY ASSOCIATION OR OTHER ENTITY AND SHALL NOT BE THE RESPONSIBILITY OF THE CITY OF PEARLAND OR BRAZORIA COUNTY.
  - FIVE-EIGHTHS INCH (5/8") IRON RODS THREE FEET IN LENGTH ARE SET ON ALL PERIMETER BOUNDARY CORNERS, UNLESS OTHERWISE NOTED. BLOCK CORNERS OR STREET RIGHT-OF-WAYS HAVE NOT BEEN MONUMENTED.
  - BENCHMARK: MONUMENT GPS - 9 BRASS CAP SET FLUSH IN CONCRETE, STAMPED "CITY OF PEARLAND 9 GPS MONU. 1995". THE MONUMENT IS LOCATED IN THE NORTHWEST CORNER OF THE INTERSECTION OF THE WEST ACCESS ROAD TO HIGHWAY 288 AND COUNTY ROAD 92 AND F.M. 51B. THE MONUMENT IS APPROXIMATELY 500 FEET NORTH OF COUNTY ROAD 92 AND 32.5 FEET NORTHWEST OF THE SOUTHWEST CORNER OF A CONCRETE PAD FOR STORM SEWER DRAIN INLETS.  
ELEV. = 59.03, NAVD 29, 1987 ADJUSTMENT  
(ADD 0.19 FEET FOR NAVD 88, 1991 ADJUSTMENT)  
SITE TBM-A: CUT BOX IN CONCRETE TOP OF THE NORTHEAST CORNER ON A TYPE "E" INLET AT THE NORTH SIDE OF WEST BROADWAY STREET +/- 570 FEET WEST OF THE INTERSECTION OF THE SOUTHBOUND LANE OF KINGSLEY DRIVE AND WEST BROADWAY STREET.  
ELEV. = 62.52 FEET NAVD 88 1991 ADJ.
  - ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM), MAP NO. 48039C 0020 H, REVISED SEPTEMBER 22, 1999, SUBJECT TRACT LIES WHOLLY WITHIN ZONE X (UN-SHADED) DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN.  
ALL FLOOD PLAIN INFORMATION IN THE PLAT REFLECTS THE STATUS PER THE FEMA MAP THAT IS EFFECTIVE AT THE TIME THE PLAT IS RECORDED. FLOOD PLAIN STATUS IS SUBJECT TO CHANGE AS FEMA FIRM MAPS ARE UPDATED.
  - ANY CONSTRUCTION PROPOSED TO BE INSTALLED WITHIN A DEDICATED EASEMENT WITH PRESCRIBED RIGHTS TO A PRIVATE ENTITY MAY REQUIRE THE PERMISSION OF THE PRIVATE ENTITY PRIOR TO THE START OF CONSTRUCTION. FAILURE TO SECURE SUCH PERMISSION MAY RESULT IN THE RIGHT HOLDERS(S) OF THE EASEMENT REMOVING ANY UNAPPROVED PAVEMENT, STRUCTURES, UTILITIES, OR OTHER FACILITIES LOCATED WITHIN THE EASEMENT. THE RESPONSIBILITY OF SECURING APPROVAL FROM THE PRIVATE ENTITIES TO BUILD WITHIN AN EASEMENT IS SOLELY THAT OF THE PROPERTY OWNER.
  - ANY PROPOSED DRAINAGE SYSTEM FOR THIS SUBDIVISION SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE CITY OF PEARLAND AND BRAZORIA DRAINAGE DISTRICT NO. 4.
  - THIS PROPERTY IS WITHIN BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 26, AT THE TIME OF PLATTING.
  - ALL LANDSCAPING AND STRUCTURES, INCLUDING FENCES AT INTERSECTIONS SHALL CONFORM TO THE CITY OF PEARLAND AND AASHTO SITE DISTANCE REQUIREMENTS FOR MOTORISTS.
  - DRIVEWAY REQUIREMENTS FOR THE LOCATION, WIDTHS AND OFFSETS FROM AN INTERSECTION AND ANY EXISTING DRIVEWAY OR PROPOSED DRIVEWAYS, SHALL CONFORM TO THE REQUIREMENTS OF THE CITY OF PEARLAND ENGINEERING DESIGN CRITERIA MANUAL AND UNIFIED DEVELOPMENT CODE.
  - THE MINIMUM SLAB ELEVATION FOR ALL BUILDINGS LOCATED WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE THE HIGHER OF (1) WITHIN 12 INCHES ABOVE THE TOP OF CURB ELEVATION FOR A CURB STREET OR 12 INCHES ABOVE THE ELEVATION OF THE EDGE OF THE ROADWAY IF NO CURB EXISTS, OR (2) 12 INCHES ABOVE THE 100 YEAR FLOODPLAIN WATER SURFACE ELEVATION FOR STRUCTURES TO BE LOCATED WITHIN THE 1000 YEAR FLOODPLAIN.

LEGEND

EXIST.	INDICATES EXISTING
U.E.	INDICATES UTILITY EASEMENT
W.S.E.	INDICATES WATER AND SEWER EASEMENT
D.E.	INDICATES DRAINAGE EASEMENT
E.E.	INDICATES ELECTRICAL EASEMENT
B.C.O.R.	INDICATES BRAZORIA COUNTY OFFICIAL RECORDS
B.C.D.R.	INDICATES BRAZORIA COUNTY DEED RECORDS
B.C.C.F.	INDICATES BRAZORIA COUNTY CLERKS FILE
B.C.O.P.R.	INDICATES BRAZORIA COUNTY OFFICIAL PUBLIC RECORDS
B.C.M.U.D.	INDICATES BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT
B.C.P.R.	INDICATES BRAZORIA COUNTY PLAT RECORDS
⊗	INDICATES PROPOSED STREET LIGHT
⊙	INDICATES EXISTING STREET LIGHT
F.N.	INDICATES FILE NUMBER
DOC.	INDICATES DOCUMENT
NO.	INDICATES NUMBER
VOL.	INDICATES VOLUME
PG.	INDICATES PAGE
R.O.W.	INDICATE RIGHT-OF-WAY

DEVELOPMENT PLAT OF  
**SHADOW CREEK RANCH**  
**SCHOOL SITE NO. 5**  
A SUBDIVISION OF 30.192 ACRES OF LAND SITUATED IN THE  
H.T. & B.R.R. COMPANY SURVEY, SECTION 83, ABSTRACT 305,  
CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS.

0 LOTS    0 RESERVES    0 BLOCKS  
JUNE 21, 2016    JOB NO. 0040-1007-310

OWNERS:  
ALVIN INDEPENDENT SCHOOL DISTRICT  
JAMES GILCREASE, ED. D., SUPERINTENDENT  
301 EAST HOUSE STREET, ALVIN, TEXAS 77584  
PH. (281) 331-1130

ENGINEER:  
LJA Engineering, Inc.  
2929 Briarpark Drive    Phone 713.953.5200  
Suite 600    Fax 713.953.5026  
Houston, Texas 77042    FRN - F-1386  
T.B.P.L.S. Firm No. 10110501

STATE OF TEXAS  
COUNTY OF BRAZORIA

WE, ALVIN INDEPENDENT SCHOOL DISTRICT, ACTING BY AND THROUGH JAMES GILCREASE, ED. D., SUPERINTENDENT AND MARYANNE MCWHIRTER, SECRETARY, BEING OFFICERS OF ALVIN INDEPENDENT SCHOOL DISTRICT, OWNERS HEREINAFTER REFERRED TO AS OWNERS OF THE PROPERTY SUBDIVIDED IN THIS PLAT OF SHADOW CREEK RANCH SCHOOL SITE NO. 5, 30.192 ACRES OUT OF THE H.T. & B.R.R. COMPANY SURVEY SECTION 83, ABSTRACT 305, CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS, DO HEREBY MAKE SUBDIVISION OF SAID PROPERTY FOR AND ON BEHALF OF SAID ALVIN INDEPENDENT SCHOOL DISTRICT, ACCORDING TO THE LINES, LOTS, STREETS, ALLEYS, RESERVES, PARKS, AND EASEMENTS AS SHOWN HEREON AND DEDICATE FOR PUBLIC USE AS SUCH THE STREETS, ALLEYS, PARKS, AND EASEMENTS SHOWN HEREON FOREVER, AND DO HEREBY WAIVE ALL CLAIMS FOR DAMAGES OCCASIONED BY THE ESTABLISHMENT OF GRADES AS APPROVED FOR THE STREETS AND DRAINAGE EASEMENTS DEDICATED, OR OCCASIONED BY THE ALTERATION OF THE SURFACE, OR ANY PORTION OF THE STREETS OR DRAINAGE EASEMENTS TO CONFORM TO SUCH GRADES, AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND DEFEND THE TITLE TO THE LAND SO DEDICATED.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC, FOR PUBLIC UTILITY PURPOSES FOREVER, UNOBSTRUCTED AERIAL EASEMENTS. THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL ELEVEN FEET, SIX INCHES (11'6") FOR TEN FEET (10'0") PERIMETER GROUND EASEMENTS OR SEVEN FEET, SIX INCHES (7'6") FOR FOURTEEN FEET (14'0") PERIMETER GROUND EASEMENTS OR FIVE FOOT, SIX INCHES (5'6") FOR SIXTEEN FEET (16'0") PERIMETER GROUND EASEMENTS, FROM A PLANE SIXTEEN FEET (16'0") ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED HEREON WHEREBY EACH AERIAL EASEMENT TOTALS TWENTY-ONE FEET, SIX INCHES (21'6") IN WIDTH.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC, FOR PUBLIC UTILITY PURPOSES FOREVER, UNOBSTRUCTED AERIAL EASEMENTS. THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL TEN FEET (10'0") FOR TEN FEET (10'0") BACK-TO-BACK GROUND EASEMENTS, OR EIGHT FEET (8'0") FOR FOURTEEN FEET (14'0") BACK-TO-BACK GROUND EASEMENTS OR SEVEN FEET (7'0") FOR SIXTEEN FEET (16'0") BACK-TO-BACK GROUND EASEMENTS, FROM A PLANE SIXTEEN FEET (16'0") ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO BOTH SIDES AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY EACH AERIAL EASEMENT TOTALS THIRTY (30'0") IN WIDTH.

ALVIN INDEPENDENT SCHOOL DISTRICT, BY AND THROUGH ITS DULY UNDERSIGNED OFFICER, HEREBY STATES THAT HE FULLY REALIZES THAT HE IS APPLYING FOR A PERMIT FROM THE CITY OF PEARLAND TO BUILD WITHIN ONE HUNDRED FEET OF AN EXISTING OIL OR GAS PIPELINE EASEMENT AND THAT THE CITY OF PEARLAND CONSIDERS BUILDING NEAR SUCH A PIPELINE EASEMENT TO HAVE CERTAIN INHERENT DANGERS INCLUDING, BUT NOT LIMITED TO, EXPLOSION AND RELEASE OF NOXIOUS, TOXIC AND FLAMMABLE SUBSTANCES. FOR THE AFOREMENTIONED REASONS, ALVIN INDEPENDENT SCHOOL DISTRICT, DOES HEREBY RELEASE AND AGREES TO FOREVER HOLD HARMLESS THE CITY OF PEARLAND, TEXAS, ITS OFFICERS, SUCCESSORS, AND ASSIGNS FROM ALL LIABILITY IN ANY WAY ARISING FROM THE BUILDING, USE OR HABITATION OF THE STRUCTURE DESCRIBED IN THE SAID PERMIT.

IN TESTIMONY HERETO, ALVIN INDEPENDENT SCHOOL DISTRICT, HAS CAUSED THESE PRESENTS TO BE SIGNED BY JAMES GILCREASE, ED. D., SUPERINTENDENT, THEREUNTO AUTHORIZED, BY ITS SECRETARY, MARYANNE MCWHIRTER, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

ALVIN INDEPENDENT SCHOOL DISTRICT

By: \_\_\_\_\_  
JAMES GILCREASE, ED. D., SUPERINTENDENT

ATTEST: \_\_\_\_\_  
MARYANNE MCWHIRTER, SECRETARY

STATE OF TEXAS  
COUNTY OF BRAZORIA

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JAMES GILCREASE, ED. D., SUPERINTENDENT OF ALVIN INDEPENDENT SCHOOL DISTRICT, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

STATE OF TEXAS  
COUNTY OF BRAZORIA

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED MARYANNE MCWHIRTER, SECRETARY OF ALVIN INDEPENDENT SCHOOL DISTRICT, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

I, HEATHER L. SIDES, A REGISTERED PROFESSIONAL LAND SURVEYOR, AM REGISTERED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND CORRECT; WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND; THAT ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH IRON (OR OTHER SUITABLE PERMANENT METAL) PIPES OR RODS HAVE AN OUTSIDE DIAMETER OF NOT LESS THAN FIVE EIGHTHS (5/8) INCH AND A LENGTH OF NOT LESS THAN THREE (3) FEET WITH PLASTIC CAP MARKED "LJA ENG" UNLESS OTHERWISE NOTED (SEE NOTE 5).

HEATHER L. SIDES, R.P.L.S., P.L.S., CFedS  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 5997



THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS HAS APPROVED THIS PLAT AND SUBDIVISION OF SHADOW CREEK RANCH SCHOOL SITE NO. 5 AND IS IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF PEARLAND AS SHOWN HEREON AND AUTHORIZES THE RECORDING OF THIS PLAT THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

DANIEL TUNSTALL, CHAIRPERSON  
CITY PLANNING & ZONING COMMISSION  
CITY OF PEARLAND, TEXAS

APPROVED FOR THE CITY OF PEARLAND, TEXAS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

DARRIN COKER  
CITY OF PEARLAND, CITY ATTORNEY

SUSAN POLKA, P.E.  
CITY OF PEARLAND, CITY ENGINEER

A 30.192 ACRE TRACT OF LAND LOCATED IN THE H.T. & B. R.R. CO. SURVEY, SECTION 83, ABSTRACT 305, CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS, WHICH IS ALL OF THE 30.192 ACRE TRACT DESCRIBED IN THE DEED FROM SHADOW CREEK RANCH DEVELOPMENT COMPANY TO ALVIN INDEPENDENT SCHOOL DISTRICT UNDER DOCUMENT NUMBER 2010026512 OF THE OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS, SAID 30.192 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (ALL BEARINGS REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD27):

BEGINNING AT A FOUND 5/8-INCH IRON ROD WITH PLASTIC CAP STAMPED "LJA ENG" FOR THE SOUTHEAST CORNER OF RESTRICTED RESERVE "B" OF SHADOW CREEK RANCH SF-42, A SUBDIVISION OF RECORD IN VOLUME 24, PAGES 368-369, OF THE PLAT RECORD OF SAID BRAZORIA COUNTY, TEXAS (B.C.P.R.); SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF BROADWAY STREET (120 FEET WIDE) AS SHOWN ON THE FINAL RIGHT-OF-WAY PLAT OF SHADOW CREEK RANCH BROADWAY STREET EXTENSION FROM KINGSLEY DRIVE TO BRAZORIA COUNTY LINE, A SUBDIVISION OF RECORD UNDER DOCUMENT NUMBER 2007044080, B.C.P.R.;

THENCE, ALONG THE EASTERLY LINE OF SAID SHADOW CREEK RANCH SF-42 THE FOLLOWING FOUR (4) COURSES AND DISTANCES:

- 1. NORTH 03° 15' 46" WEST, 223.60 FEET TO A POINT FOR CORNER;
- 2. NORTH 04° 49' 30" WEST, 110.04 FEET TO A POINT FOR CORNER;
- 3. NORTH 03° 15' 46" WEST, 825.00 FEET TO A POINT FOR CORNER;
- 4. THENCE, NORTH 10° 50' 48" EAST, 222.00 FEET TO A 5/8-INCH IRON ROD WITH PLASTIC CAP STAMPED "LJA ENG" FOUND FOR THE NORTHEAST CORNER OF RESTRICTED RESERVE "A" OF SAID SHADOW CREEK RANCH SF-42, SAME BEING THE SOUTHERN LINE OF RESTRICTED RESERVE "K" OF SAID SHADOW CREEK RANCH SF-42;

THENCE, SOUTH 78° 17' 51" EAST, ALONG THE SOUTHERLY LINE OF SAID RESTRICTED RESERVE "K", 454.54 FEET TO A 5/8-INCH IRON ROD WITH PLASTIC CAP STAMPED "WEST BELT" FOUND FOR CORNER;

THENCE, SOUTH 78° 35' 53" EAST, CONTINUING ALONG THE SOUTHERLY LINE OF SAID RESTRICTED RESERVE "K", 249.74 FEET TO THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, COMMON TO THE NORTHWEST CORNER OF RESTRICTED RESERVE "L" OF SAID SHADOW CREEK RANCH SF-42 AND THE 3.832 ACRE TRACT DESCRIBED IN THE DEED FROM SHADOW CREEK RANCH DEVELOPMENT COMPANY LIMITED PARTNERSHIP TO SHADOW CREEK RANCH MAINTENANCE ASSOCIATION UNDER DOCUMENT NUMBER 2009056290 OF THE OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS;

THENCE, SOUTH 00° 28' 15" EAST, ALONG THE WESTERLY LINE OF SAID RESTRICTED RESERVE "L", 452.11 FEET TO A 5/8-INCH IRON ROD WITH PLASTIC CAP STAMPED "LJA ENG" FOUND FOR THE SOUTHWEST CORNER OF SAID RESTRICTED RESERVE "L" AND SAID 3.832 ACRE TRACT;

THENCE, NORTH 88° 36' 14" EAST, ALONG THE SOUTHERLY LINE OF SAID RESTRICTED RESERVE "L", 387.71 FEET TO THE SOUTHEAST CORNER OF SAID RESTRICTED RESERVE "L" AND SAID 3.832 ACRE TRACT, SAID POINT BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF KINGSLEY DRIVE (100 FEET WIDE), AS SHOWN ON SHADOW CREEK RANCH WEST CLEAR LAKE LOOP, PORTIONS OF SOUTH CLEAR LAKE LOOP, KINGSLEY DRIVE, AND TRINITY BAY DRIVE, A SUBDIVISION OF RECORD IN VOLUME 24, PAGES 182-186, B.C.P.R. FROM WHICH A CHISELED "X" SET IN CONCRETE BEARS SOUTH 61° 17' 54" WEST, 0.93 FEET;

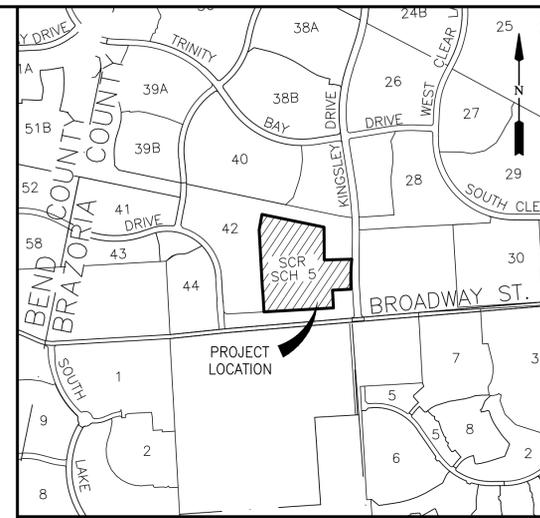
THENCE, SOUTH 03° 24' 43" WEST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF KINGSLEY DRIVE, 122.38 FEET TO A FOUND 5/8-INCH IRON ROD WITH PLASTIC CAP STAMPED "LJA ENG" FOR THE BEGINNING OF A CURVE;

THENCE, CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF KINGSLEY DRIVE, 299.04 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 3050.00 FEET, A CENTRAL ANGLE OF 05° 37' 03", AND A CHORD THAT BEARS SOUTH 00° 36' 12" WEST, 298.92 FEET TO A CHISELED "X" FOUND FOR THE NORTHEAST CORNER OF THE 1.334 ACRE TRACT DESCRIBED IN THE DEED FROM SHADOW CREEK RANCH DEVELOPMENT COMPANY TO STEPPING STONES DAYCARE AND LEARNING CENTER UNDER DOCUMENT NUMBER 2013048209 OF THE OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS;

THENCE, SOUTH 86° 44' 14" WEST, DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE OF KINGSLEY DRIVE, 261.49 FEET TO THE NORTHWEST CORNER OF SAID 1.334 ACRE TRACT;

THENCE, SOUTH 03° 13' 45" EAST, 250.00 FEET TO THE SOUTHWEST CORNER OF SAID 1.334 ACRE TRACT, IN THE AFORESAID NORTHERLY RIGHT-OF-WAY LINE OF BROADWAY STREET;

THENCE, SOUTH 86° 44' 14" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF BROADWAY STREET, 985.35 FEET TO THE POINT OF BEGINNING AND CONTAINING 30.192 ACRES OF LAND.



VICINITY MAP  
SCALE: 1"= 1,200'

KEY MAP NO. 612P & Q

# DEVELOPMENT PLAT OF SHADOW CREEK RANCH SCHOOL SITE NO. 5

A SUBDIVISION OF 30.192 ACRES OF LAND SITUATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 83, ABSTRACT 305, CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS.

0 LOTS 0 RESERVES 0 BLOCKS

JUNE 21, 2016 JOB NO. 0040-1007-310

OWNERS:  
ALVIN INDEPENDENT SCHOOL DISTRICT

JAMES GILCREASE, ED. D., SUPERINTENDENT  
301 EAST HOUSE STREET, ALVIN, TEXAS 77584  
PH. (281) 331-1130

ENGINEER:

LJA Engineering, Inc.  
2929 Briarpark Drive Phone 713.953.5200  
Suite 600 Fax 713.953.5026  
Houston, Texas 77042 FRN - F-1386  
T.B.P.L.S. Firm No. 10110501



DATE/TIME: 11:21:40 AM 2016  
JOB NUMBER: 0040-1007-310  
FILE NAME: C:\projdata\p\planning\0040-1007-310\001\DWG\PLAT\alvmsd\_scr\_school\_5.dwg

### **III. MATTERS REMOVED FROM CONSENT AGENDA**

# **IV. NEW BUSINESS**

**A. CONSIDERATION AND POSSIBLE  
ACTION – P&Z VARIANCE NO. VARP 16-  
00003**

A request by Celestine Rocha, applicant and owner; for approval of a Variance Permitted in Section 2.4.4.5 (c) (1) (a) (b) and (c), of the Unified Development Code, Ordinance No. 2000-T, to reduce the minimum lot width from 100 feet to 85.19 feet from the minimum lot frontage to allow the platting of a property in the Suburban Residential 12 (SR-12) zoning district on approximately 1.7160 acres of land, to wit:



# Staff Report

To: Planning and Zoning Commission

From: Planning Department

Meeting Date: July 18, 2016

Re: A request by Celestine Rocha, applicant and owner; for approval of a Variance Permitted in Section 2.4.4.5 (c) (1) (a) (b) and (c), of the Unified Development Code, Ordinance No. 2000-T, to reduce the minimum lot width from 100 feet to 85.19 feet from the minimum lot frontage to allow the platting of a property in the Suburban Residential 12 (SR-12) zoning district on approximately 1.7160 acres of land, to wit:

Legal Description: A Subdivision of 1.7169 acres or 74,748 square feet out of Lot 16 of the Allison Richey Gulf Coast Home Company Subdivision of Section 21 conveyed to Celestino Rocha in instrument recorded in Clerk's file No. 09020770 in the H.T. &B.R.R. Survey, Abstract 309, City of Pearland, Brazoria County, Texas

General Location: located on the north side of Fite Road about 334 feet west of Navarre Road.

## **SUMMARY**

The applicant is requesting a variance from the minimum lot width of 100 feet required in the Suburban Residential 12 (SR-12) zoning district to 85.19 feet to allow the property to be platted in order to allow the construction of a house. The property is 74,748 square feet in size. The lot depth is 400.80 feet. The rear property line is 259.56 feet wide. Section 2.4.2.4 (c) (1) b requires a minimum lot width of 100 feet in the Suburban Residential 12 (SR-12) zoning district. The property currently has 85.19 feet of street frontage along Navarre Road.

<b>Table 1</b>	<b>Required Dimensions</b>	<b>Proposed Dimensions</b>
Lot Area	12,000 square feet	74,748 square feet
Lot Width	100 feet	85.19 feet
Lot Depth	90 feet	400.80 feet

### **PLATTING STATUS**

The applicant proposes to submit an application for a Minor Plat to allow the development of a single family residence in conformance to Suburban Residential 12 (SR-12) zoning district standards.

### **STAFF RECOMMENDATION**

Staff recommends approval of the requested variance from Section 2.4.2.4 (c) (1) b of the Unified Development Code, Ordinance No. 2000-T, to reduce the minimum lot frontage from 100 feet to 85.19 feet, for the following reasons:

1. The Unified Development Code will assure the development of this property is in conformance with the goals of the city.
2. The proposed lot will exceed the minimum lot area and depth of the Suburban Residential 12 (SR-12) zoning district.
3. Most of the lot to be created will exceed the minimum lot width required in the Suburban Residential 12 (SR-12) zoning district.

### **SURROUNDING ZONING AND LAND USES**

	<u>Zoning</u>	<u>Land Use</u>
North	Suburban Residential 12 (SR-12)	Large Lot Single Family Homes
South	ETJ	Single Family Homes (Southwyk Section 9)
East	Suburban Residential 12 (SR-12)	Large Lot Single Family Homes
West	Suburban Residential 12 (SR-12)	Large Lot Single Family Homes

**CONFORMANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC)**

The proposed lot will meet all of the minimum lot area, width and depth requirements of the Suburban Residential 12 (SR-12) zoning district except for the 85.19 feet of street frontage.

**CONFORMANCE WITH THE COMPREHENSIVE PLAN**

The applicant's property and the surrounding properties are shown as Medium Density Residential except for the property outside the city limits to the south which is shown as Low Density Residential.

**CONFORMANCE WITH THE THOROUGHFARE PLAN**

Fite Road is shown as a Minor Collector to be Acquired requiring 60 feet of right of way. The dedication of right of way may be accomplished through the approval of a Minor Plat.

**IMPACT ON EXISTING AND FUTURE DEVELOPMENT**

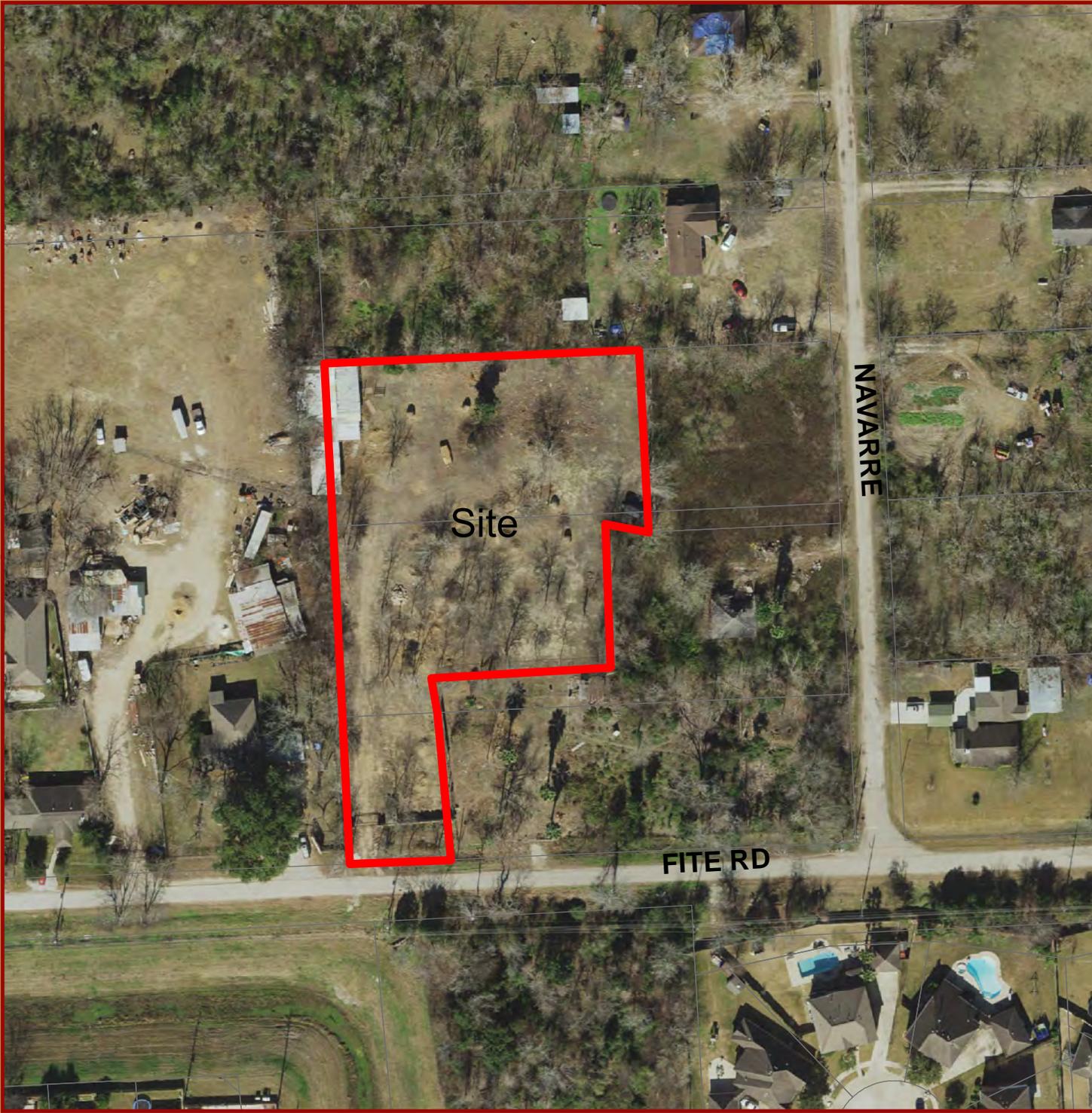
This request will not have an adverse effect on neighboring properties.

**SECTION PERMITTING THE REQUEST****Section 2.2.5.2 Variances****(a) Purpose, Applicability and Effect**

(4) Variances from the requirements of Chapters 2, 4, and 5 shall be decided by the Zoning Board of Adjustments, and variances from the requirements of Chapter 3 shall be decided by the Planning and Zoning Commission.

**SUPPORTING DOCUMENTS**

- Aerial Map
- Zoning Map
- Future Land Use Plan 2015
- Site Plan



## Zoning Map

**VARP 16-00003**



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 118 feet

OCTOBER 2014  
PLANNING DEPARTMENT





## Zoning Map

**VARP 16-00003**

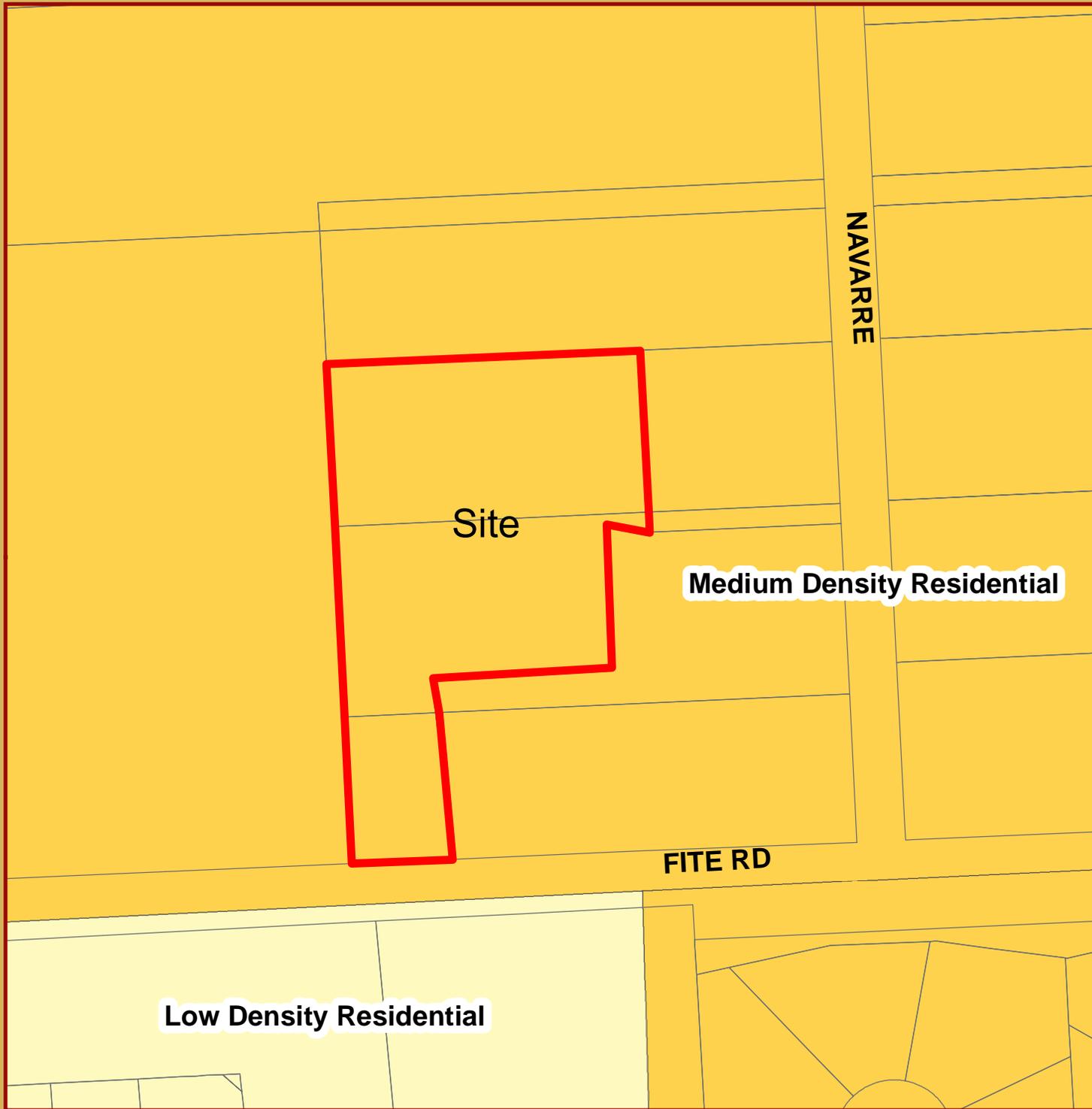


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1 inch = 118 feet

OCTOBER 2014  
PLANNING DEPARTMENT





## Future Land Use Plan 2015

**VARP 16-00003**

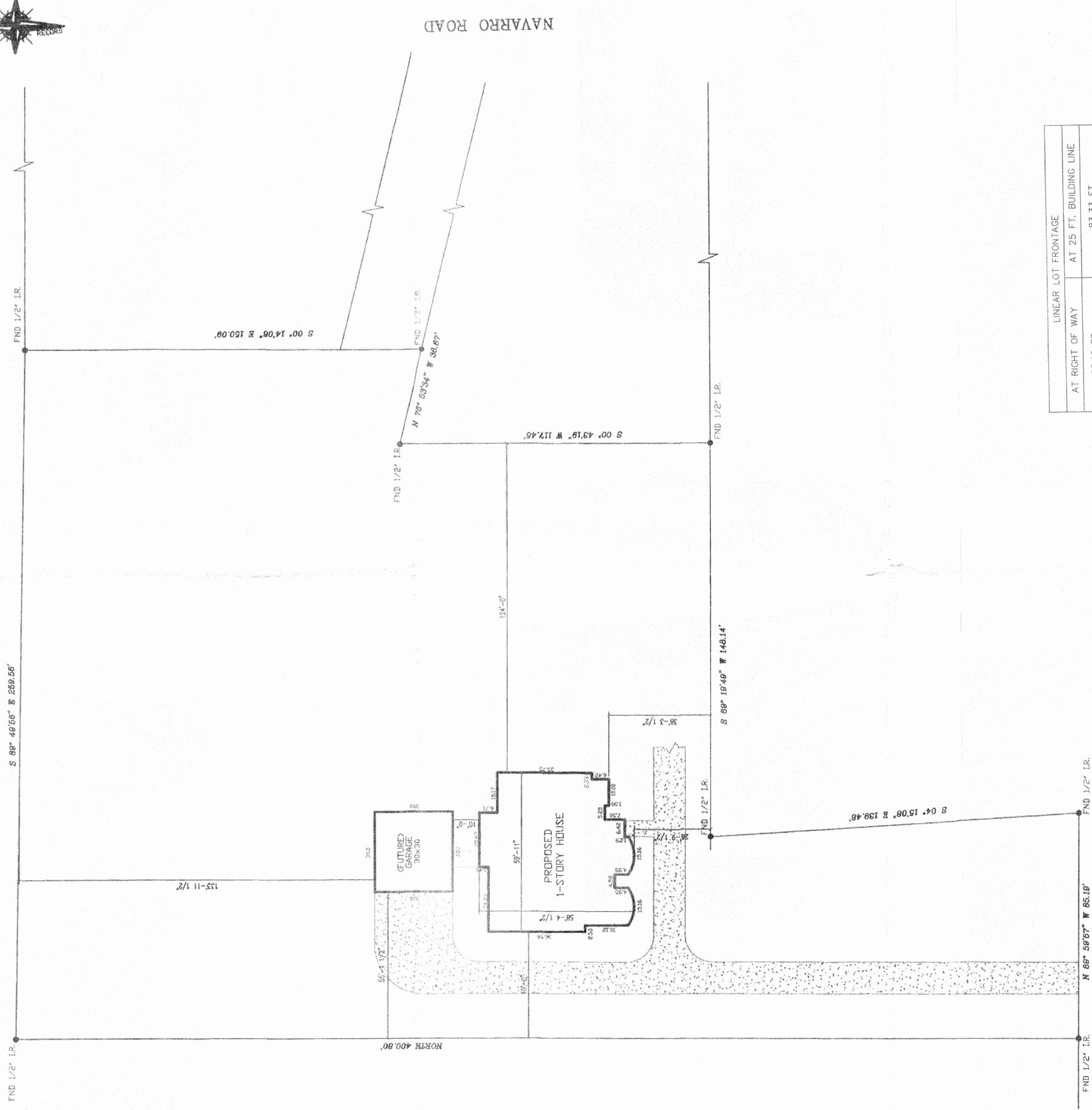


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 118 feet

OCTOBER 2014  
PLANNING DEPARTMENT





0 COUNTY ROAD 91

LINEAR LOT FRONTAGE	83.33 FT.
AT RIGHT OF WAY	85.19 FT.
AT 25 FT. BUILDING LINE	83.33 FT.

\*VARIANCE REQUEST FROM THE MINIMUM LOT WIDTH PER THE REQUIREMENTS OF SECTION 2.2.5.2 (4), OF THE UNIFIED DEVELOPMENT CODE, ORDINANCE NO. Nc. 2000-1

SHEET: **A-0**

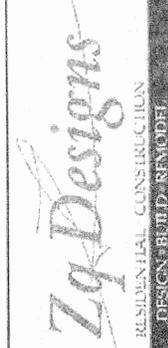
SHEET TITLE: **SITE PLAN**

SCALE: 1" = 40'-0"

SQ. FT. ESTIMATE	
FIRST FLOOR:	2,500 SQ.FT.
COVER PATIO:	365 SQ.FT.
ENTRY:	55 SQ.FT.
BRICKLEDGE:	130 SQ.FT.
<b>GRAND TOTAL:</b>	<b>3,000 SQ.FT.</b>

PROJECT NAME:  
 THE ROCHA  
 0 NAVARRO ROAD  
 PEARLAND, TX 77584

DATE: 04/24/2015  
 DRAWN BY: ZGS05A



Executive Soosa  
 2000-1  
 2012

ISSUE LOG	
DATE	DESCRIPTION FOR

**B. CONSIDERATION AND POSSIBLE  
ACTION – ZONE CHANGE APPLICATION  
NO. ZONE 2016-00003**

A request of R. West Development Company, owner/applicant; for approval of a change in zoning from the General Business (GB) zoning district to a Single Family Residential–1 (R-1) zoning district; on approximately 5.0000 acres of land.



**JOINT PUBLIC HEARING**  
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF  
THE CITY OF PEARLAND, TEXAS,  
**MONDAY, JULY 18, 2016, AT 6:30 P.M.**  
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

**I. CALL TO ORDER**

**II. PURPOSE OF HEARING**

**Zone Change Application No. ZONE 16-00003**

A request of R. West Development Company, owner/applicant; for approval of a change in zoning from the General Business (GB) zoning district to a Single Family Residential-1 (R-1) zoning district; on approximately 5.0000 acres of land.

**Legal Description:** Being a 5.0000 acre (217,800 square foot) tract of land located in the H.T. & B. RR Co. Survey, Abstract 242, Brazoria County, Texas, said 5.0000 acre tract of land also being out of a called 10 acre tract conveyed to Robert L. Perkins as per an instrument recorded in Volume 1264, Page 135 of the Deed Records of Brazoria County, Texas.

**General Location:** Former right-of-way of Old Chocolate Bayou Road approximately 190 feet east of intersection of Old Chocolate Bayou Road and Cullen Boulevard, Pearland, TX.

**III. APPLICATION INFORMATION AND CASE SUMMARY**

- A. STAFF REPORT
- B. APPLICANT PRESENTATION
- C. STAFF WRAP UP

**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.**



# Staff Report

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: July 18, 2016

Re: Zone Change Application No. ZONE 16-00003

A request of R. West Development Company, applicant and owner; for approval of a change in zoning from the General Business (GB) zoning district to a Single Family Residential (R-1) zoning district; on approximately 5 acres of land.

General Location: Old Chocolate Bayou approximately 190 feet east of the intersection with Cullen Boulevard, Pearland, TX.

## Summary of Request

The owner/applicant is requesting a zone change on approximately 5 acres of land from General Business (GB) to Single Family Residential (R-1) for development of a single family residential subdivision on 12.5 acres. The site is generally located on Old Chocolate Bayou approximately 190 feet east of the intersection with Cullen Boulevard. The tract's zoning is split in half with the west zoned GB and the east R-1. The subdivision will include this tract and an adjoining narrow 2.5 acre tract of land already zoned R-1. The proposed development will then be an L-shaped property fronting on both Old Chocolate Bayou and Fite Road, zoned for single-family residential development on a total of approximately 12.5 acres.

In September, 2015, a request was made to approve a zone change for the entire tract from the GB and R-1 zoning districts to the Single Family Residential (R-2) zoning district on approximately 12.5 acres (both tracts) for a single family residential subdivision consisting of individual lots with minimum widths of 70 feet. The P & Z Commission recommended against the zone change request by a vote of 0-6 due to concerns expressed by the neighboring business about the negative impact to their property. This request was denied by a vote of 0-4 by the City Council at the 1st reading on October, 2015.

## Recommendation

Staff cannot recommend approval of the request to change the zoning of the approximately 5 acre site from GB to R-1 for the following reasons:

1. The change in zoning is not in conformance with the Comprehensive Plan. The Future Land Use Map calls for this area of Pearland to be Retail, Office and Services. The existing GB zoning of this property is a zoning designation that is in compliance with the Comprehensive Plan recommendation.
2. The requested change in zoning will have a negative effect on abutting commercially zoned properties to the north and south. The Unified Development Code requires commercial

properties to provide a 25 foot landscape buffer with an opaque screening wall or a 30 foot vegetative screen when abutting residentially used or zoned properties. The undeveloped GB zoned properties have had a commercial designation since 2001. If the zone change is approved, not only will this affect GB properties to the north and south of the subject parcel but also the General Commercial (GC) zoned and developed properties abutting the R-1 zoning district. This will affect the ability of these property owners to expand in the future.

3. The City has only a finite amount of land left that is currently zoned for commercial development, and thus should preserve the remaining land for higher economic benefits.

### **Site History**

The subject property was annexed into the City in 1997 and is currently undeveloped. The property was zoned General Business in 2006. Prior to 2006, the property was zoned Suburban Development (SD). The SD district is a default district for newly annexed land that is not ready to be zoned for a particular intended use.

The site is surrounded by commercially zoned properties and uses, with the exception of the residentially zoned property to the east. The below table identifies surrounding uses and zoning districts:

	<b>Zoning</b>	<b>Land Use</b>
North	General Business (GB)	Undeveloped
South	General Business (GB)	Undeveloped
East	Single Family Residential (R-1)	Undeveloped
West	General Business (GB)	Undeveloped

### **Conformance with the Comprehensive Plan**

This request is not in conformance with the Future Land Use Plan (FLUP). FLUP designates this property as “Retail, Offices, and Services” which is described as including a variety of office and retail development.

### **Conformance with the Thoroughfare Plan**

The subject property has frontage along the unimproved right of way for Old Chocolate Bayou Road, which requires a minimum of 50 feet of right-of-way. The current road is platted with 25 feet of right-of-way. The proposed subdivision would have access through the adjoining R-1 zoned property to access Fite Road and would require the southerly extension of the existing right of way for Old Chocolate Bayou.

### **Conformance with the Unified Development Code**

All proposed development will be required to be in compliance with the Unified Development Code (UDC). The proposed development will need two access points in order to ensure compliance with the access management section of the UDC if this zone change is approved.

The below table shows the development requirements of the proposed R-1 zoning designation.

<b>Single Family Residential (R-1) Area Regulations</b>	
<b>Size of Lot</b>	<b>Required</b>
Minimum Lot Size	8,800 sq. ft.
Minimum Lot Width	80 ft.
Minimum Lot Depth	90 ft.

The lots size and dimensions can reduced if the applicant proposed a cluster development with approval of the Planning and Zoning Commission.

### **Platting Status**

The property is not platted.

### **Availability of Utilities**

The development has two access points to utilities along Old Chocolate Bayou Road and through the adjoining “L” shaped property. City data indicates that there is an existing force main and 12-inch waterline along Old Chocolate Bayou Road and an existing 24-inch sewer line and 12-inch waterline located along Fite Road.

### **Impact on Existing and Future Development**

The proposed change in zoning will negatively impact surrounding properties by allowing additional residential development to abut future commercial uses. Future commercial development to the north and south will be required to meet the residency adjacency requirement and provide a buffer between commercial and single family residential properties (25 foot landscape buffer with an opaque screening wall or a 30 foot vegetative screen when abutting residentially used or zoned properties). If the zone change is approved, a 10 foot landscape reserve will be required along the northern and southern boundaries where the residentially zoned properties will abut the non-residential uses or zoning districts.

### **Additional Comments**

The request has been reviewed by the City’s Development Review Committee (DRC), and there were no additional comments from other departments at the time of this report.

### **Public Notification**

Staff sent public notices, comment forms and a vicinity map to the applicant, the owner of the property and to property owners within 200 feet of the subject property under consideration for the zone change. Additionally, a legal notice of the public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant.

### **Opposition to or Support of Proposed Request**

Staff has received one returned notice in favor of the proposed change in zoning request from Gary W. Bucek.

### **Exhibits**

1. Aerial Map

2. Zoning Map
3. Future Land Use Map
4. Notification Map
5. Notification List
6. Applicant Packet



**Exhibit 1**

**AERIAL MAP**

**ZONE 16-00003**

**Near intersection of  
Old Chocolate  
Bayou Rd. and  
Cullen Blvd.**

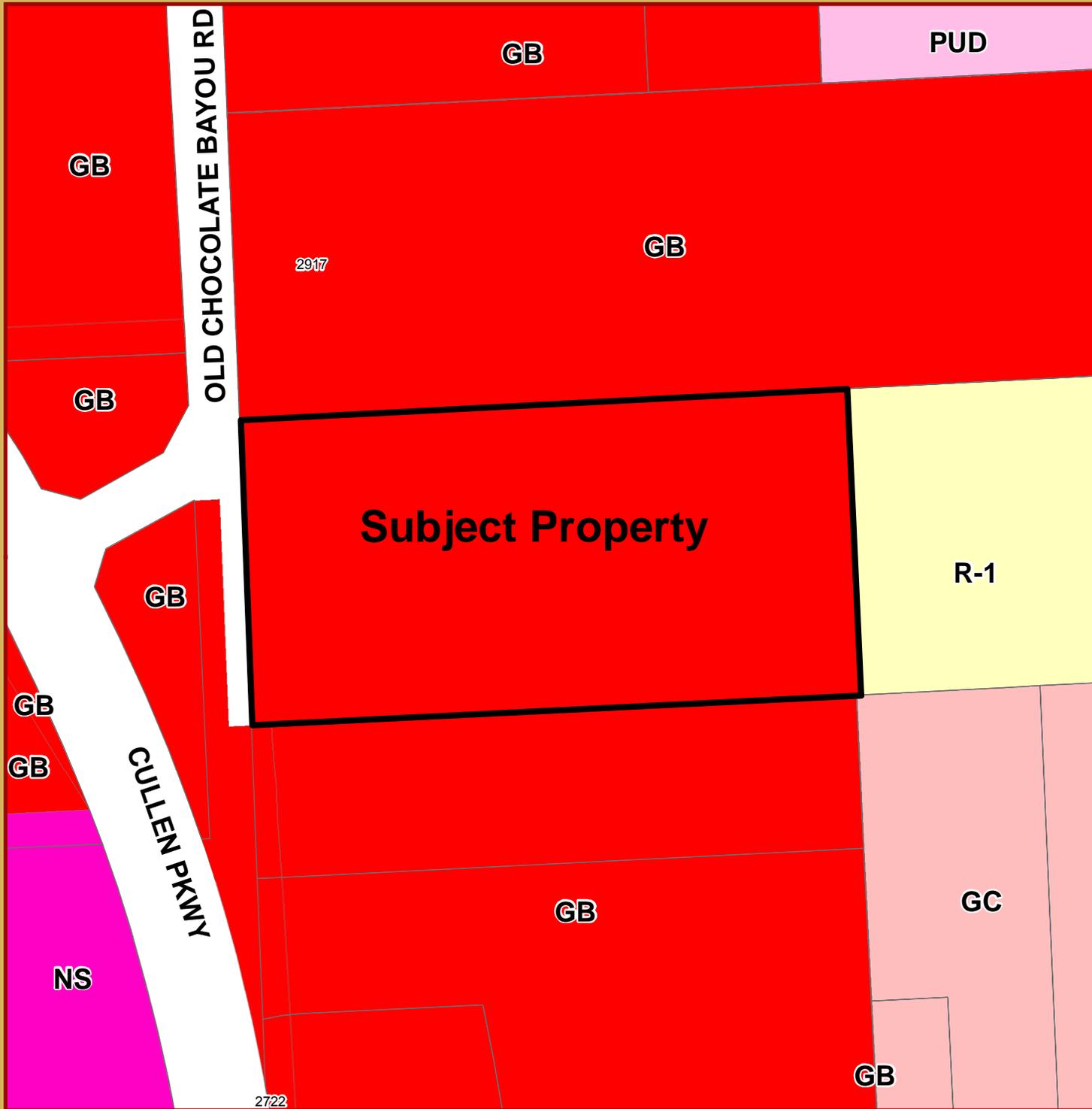


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 155 feet

APRIL 2016  
PLANNING DEPARTMENT





# Exhibit 2

## ZONING MAP

### ZONE 16-00003

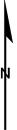
Near intersection of  
Old Chocolate  
Bayou Rd. and  
Cullen Blvd.

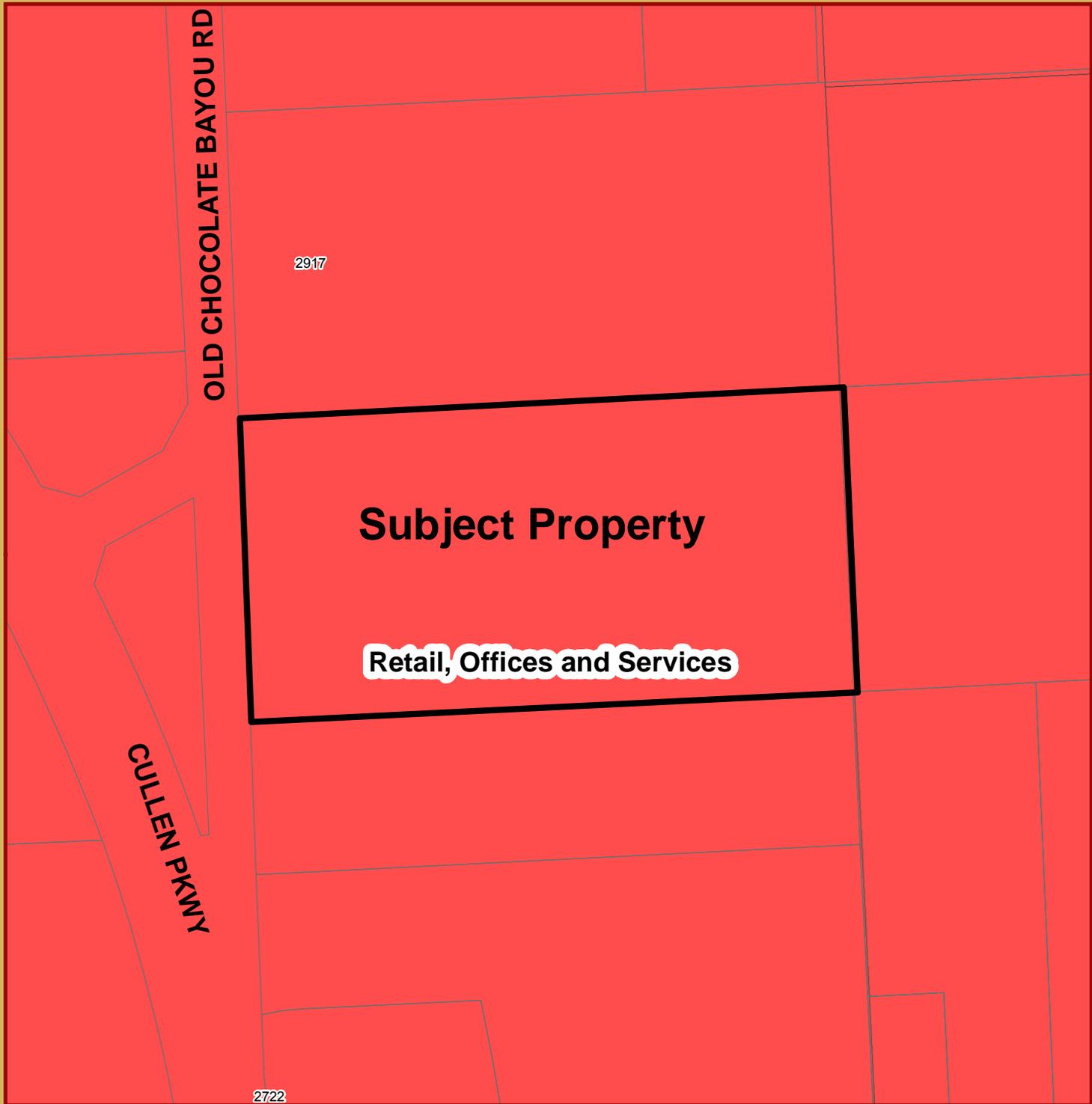


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1 inch = 155 feet

APRIL 2016  
PLANNING DEPARTMENT





# Exhibit 3

**FLUP MAP**

**ZONE 16-00003**

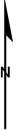
**Near intersection of  
Old Chocolate  
Bayou Rd. and  
Cullen Blvd.**

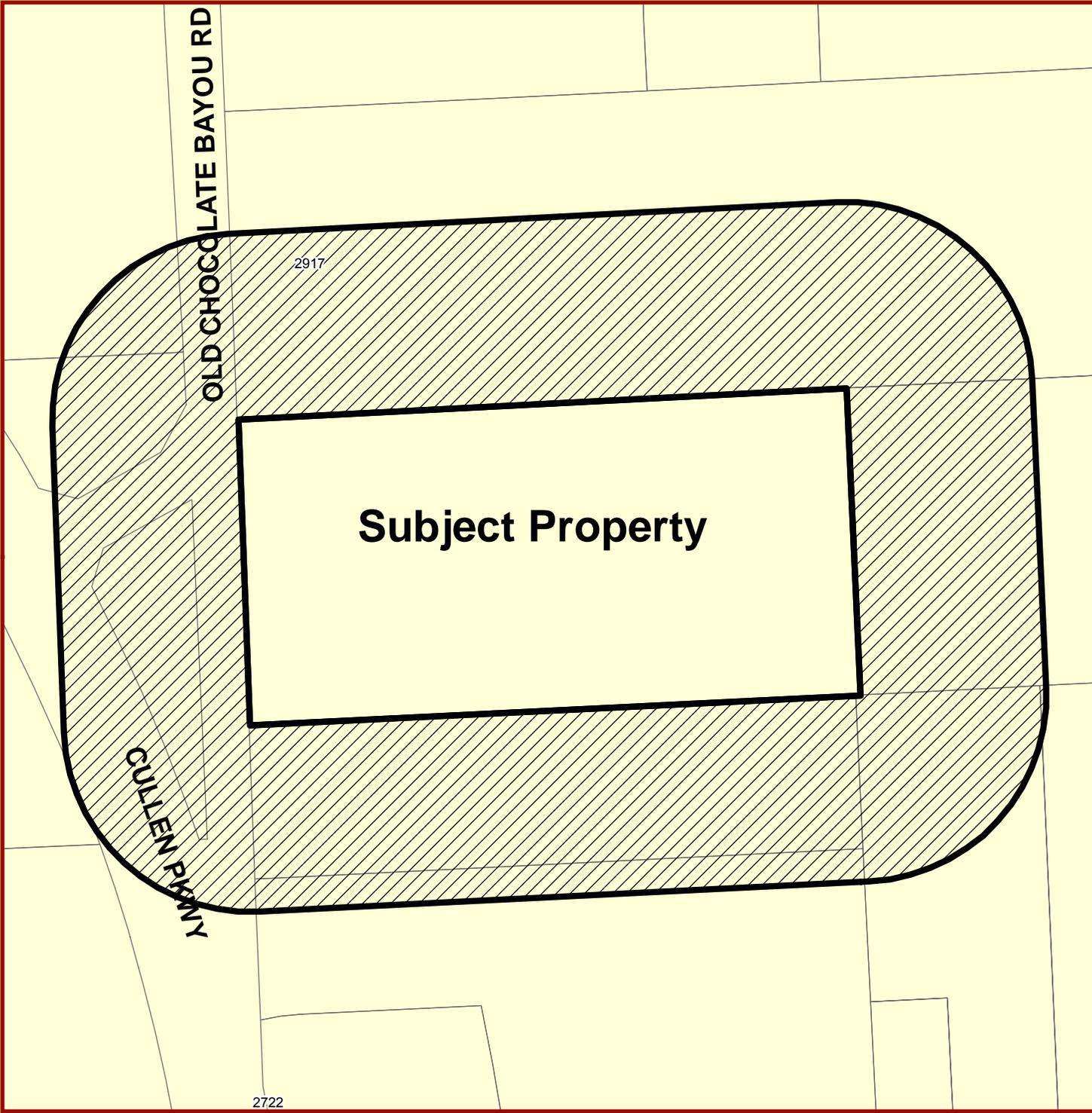


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1 inch = 155 feet

APRIL 2016  
PLANNING DEPARTMENT





**Exhibit 4**

**NOTIFICATION MAP**

**ZONE 16-00003**

**Near intersection of  
Old Chocolate  
Bayou Rd. and  
Cullen Blvd.**



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1 inch = 155 feet

APRIL 2016  
PLANNING DEPARTMENT



**Exhibit 5**  
ZONE 16-00003

<b>Property_Owner</b>	<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zip</b>
FITE INTEREST LTD % SIGNATURE COMPANIES	9337B KATY FWY	HOUSTON	TX	77024
FITE OFFICE PARK LTD % SIGNATURE COMPANIES	9337B KATY FWY	HOUSTON	TX	77024
G & B REAL ESTATE LTS	PO BOX 3334	PEARLAND	TX	77588
HTA - PEARLAND CULLEN LLC % HEALTHCARE TRUST OF AMERICA INC	16435 N SCOTTSDALE RD STE 320	SCOTTSDALE	AZ	85254
KUBERA INVESTMENTS	6910 DIAMONDLEAF CT	MISSOURI CITY	TX	77459
ONITSUKA EARL M	628 LORETTO DR	ROSEVILLE	CA	95661
<b>R WEST DEVLEOPMENT COMPANY</b>	<b>7918 BROADWAY ST, STE 106</b>	<b>PEARLAND</b>	<b>TX</b>	<b>77581</b>



# City of Pearland Planning Department Universal Application

City of Pearland  
Community Development  
3523 Liberty Drive  
(Community Center)  
Pearland, Texas 77581  
281.652.1765  
281.652.1702 (fax)  
pearlandtx.gov

Please complete each field - incomplete applications will not be accepted.  
Include the applicable checklist for each project type with this application.  
Refer to the schedule on the City's website and/or within the Planning Department  
for deadlines and anticipated meeting dates for each project type.

### TYPE OF APPLICATION:

- Zoning Change (from) GB (to) RI
- Cluster Development Plan
- Planned Development Workshop
- Plat (list type): \_\_\_\_\_

- ZBA Variance
- P&Z Variance
- Special Exception
- Conditional Use Permit

\*Plat Types include:  
Minor, Amending,  
Preliminary, Final,  
Master, Replat

### PROJECT INFORMATION:

Residential       Commercial       Property Platted       Property Not Platted

Project Name: Tranquillity Lake Estates      Tax ID: To be formed

Project Address/Location: Fitz Road + CR 91 + 89

Subdivision: \_\_\_\_\_ No. of Lots: \_\_\_\_\_ Total Acres: 5

Brief Description of Project: Residential Development

When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, therefore it may be necessary to postpone the proposed project and remove it from the scheduled agenda and place it on a future agenda according to Section 1.2.1.2 of the Unified Development Code.

### PROPERTY OWNER INFORMATION:

### APPLICANT/AGENT INFORMATION: (same as owner)

Name: R. West Development Company      Name: \_\_\_\_\_

Address: 7918 Broadway - Ste 106      Address: \_\_\_\_\_

City: Pearland      State: TX      Zip: 77581      City: \_\_\_\_\_      State: \_\_\_\_\_      Zip: \_\_\_\_\_

Phone: (281) 997-1500      Phone: \_\_\_\_\_

Fax: (281) 997-2886      Fax: \_\_\_\_\_

Email Address: Vickie@rwestdevelopment.com      Email Address: \_\_\_\_\_

\*\*Property owner must be the current owner of the property at the time of submittal of the application, and not the party that has the property under contract.  
As owner and applicant, I hereby request approval of the above described request as provided for by the Unified Development Code of the City of Pearland.

\*\*Owner's Signature: [Signature]      Date: 3/31/16

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

### OFFICE USE ONLY:

FEES PAID: <u>1,025.00</u>	DATE PAID: <u>4/1/16</u>	RECEIVED BY: _____	RECEIPT NUMBER: <u>194762</u>
			APPLICATION NUMBER: <u>2016-062</u>

## APPLICATION CHECKLIST FOR THE FOLLOWING: Zoning Change

- Application and checklist filled out completely and signed by the owner of the property.
- If the applicant is the designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on his behalf. **Section 1.2.1.1 (a) of the Unified Development Code (UDC).**
- Metes and Bounds Description (survey or plat of the property that provides or contains the metes and bounds description).
- Parcel map, printed from the City of Pearland website, indicating the location and boundaries of the subject property.
- Letter of Intent explaining the zone change request in detail, why the zoning is being requested to be changed, and the uses that are being proposed.
- Acknowledgement of the sign to be posted on the property ten (10) days prior to the public hearing.
- Provide evidence or proof that all taxes and obligations have been paid regarding the subject property.
- Application fee, as determined below, by cash, check made payable to the City of Pearland, or credit card (Visa and MasterCard only)
  - 0 to less than 25 acres
    - \$1000.00, plus \$25.00 per each type of zoning district requested
  - 25 to less than 50 acres
    - \$1025.00, plus \$25.00 per each type of zoning district requested
  - 50 to less than 75 acres
    - \$1050.00, plus \$25.00 per each type of zoning district requested
  - 75 to less than 100 acres
    - \$1075.00, plus \$25.00 per each type of zoning district requested
  - 100 acres and above
    - \$1100.00, plus \$25.00 per each type of zoning district requested

## Posting of Notification Signs on Property under Consideration for a Zone Change

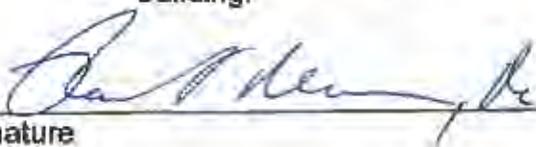
Any person, firm or corporation requesting a zoning change, a conditional use permit (CUP), or a variance shall be required to erect and maintain a sign(s), to be inspected by the City, upon the property for which a variance or zoning change has been requested.

Such sign(s) shall be located as follows:

- (1) One (1) sign per street frontage shall be located within thirty feet (30') of the abutting street, or as determined by the City.
- (2) So as to be clearly visible and readable from the public right-of-way and not obstructed in any manner.
- (3) So as not to create a hazard to traffic on the public rights-of-way abutting the property.
- (4) On the subject property at least ten (10) days prior to the hearing of such zoning change request by the Planning and Zoning Commission, and to remain continuously on said property until final action by the City Council or withdrawal of the case by the applicant. Removal of the sign by the applicant prior to a recommendation by the Planning and Zoning Commission and/or a final decision by the City Council shall constitute a withdrawal of the request.
- (5) The signs shall be as follows:
  - A minimum sign size of 2 feet by 3 feet, but no larger than 4 feet by 4 feet
  - At least 2 feet above the ground
  - Blue or black lettering that is a minimum of 3 inches by 1/2 inch, on a white background
  - Message content as follows:

**PROPOSED (SPECIFY REQUEST)**  
Contact City of Pearland  
281-652-1765

- ❖ Signs must be professionally made; handwritten signs are not allowed.
- ❖ Signs must be freestanding and cannot be attached to a tree, fence, or building.

  
Signature

3-31-2016  
Date



# **REKHA ENGINEERING, INC.**

**CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS**

## **LEGAL DESCRIPTION**

### **5.0000 ACRES OF LAND LOCATED IN THE H.T. & B. RR CO. SURVEY, ABSTRACT NO. 242 BRAZORIA COUNTY, TEXAS**

Being a 5.0000 acre (217,800 square foot) tract of land located in the H.T. & B. RR Co. Survey, Abstract No. 242, Brazoria County, Texas, said 5.0000 acre tract of land also being out of a called 10 acre tract conveyed to Robert L. Perkins as per an instrument recorded in Volume 1364, Page 135 of the Deed Records of Brazoria County, Texas and being more particularly described by metes and bounds as follows (bearings for this description are based on a previous survey issued by Pro-Surv, Job No. 1507035):

Beginning at a capped 1/2 inch iron rod set for the northwest corner of the herein described tract, same also being in the eastern portion of the right-of-way of County Road 89 and the called southwest corner of a 10 acre tract conveyed to Kubera Investments as per an instrument recorded in Brazoria County Clerk's File No 99-051259;

THENCE South 89°52'30" East, along the south line of the said Kubera Investments tract, same being the north line of the herein described tract; at 15.90 feet pass a 5/8 inch iron rod found for a point in the east right-of-way of County Road 89, a public right-of-way based on a variable width, in all a total distance of 660.00 feet to a capped 1/2 inch iron rod set for the northeast corner of the herein described tract;

THENCE South, across the said called 10 acre tract, a distance of 330.00 feet to a capped 1/2 inch iron rod set in the north line of a called 2.4069 acre tract conveyed to G&B Real Estate LTS as per an instrument recorded under Brazoria County Clerk's File No. 08-057328, for the southeast corner of the herein described tract;

THENCE North 89°52'30" West, along the north line of the said called 2.4069 acre tract and the north line of a called 1.7956 acre tract conveyed to Fite Interest LTD as per an instrument recorded under Brazoria County Clerk's File No. 01-011750, at 644.10 pass a 1 inch iron pipe found for a point in the said east right-of-way, in all a total distance of 660.00 feet to a capped 1/2 inch iron rod set for the southwest corner of the herein described tract;

THENCE North, along the west line of the herein described tract, a distance of 330.00 feet to the PLACE OF BEGINNING, containing 5.0000 acres (217,800 square feet) of land.

TBPE FIRM NO. F-3712    TBPLS FIRM NO. 10133806  
5301 HOLLISTER, SUITE 190 - HOUSTON, TEXAS 77040  
PHONE: (713) 895-8080/8081 - FAX: (713) 895-7686

Website: [www.rekhaengineering.com](http://www.rekhaengineering.com) - E-mail: [jenglish@rekhaengineering.com](mailto:jenglish@rekhaengineering.com)

**R. WEST DEVELOPMENT COMPANY, INC.**

7918 Broadway, Suite 106  
Pearland, Texas 77581

**LETTER OF INTENT**

March 30, 2016



Re: Re-Zoning Letter of Intent

This Letter of Intent is to serve as an indication of our interest in establishing an R-1 Single Family Development on the below referenced property. The general terms are as follow:

**PROPERTY:** A Vacant Tract of land consisting of 5.0492 acres located on old right of way that was re-routed and does not front on either Cullen or Old Chocolate Bayou. Access is limited. (See attached survey). It is behind a commercial tract on Cullen and in a location difficult to see; not suitable for commercial.

**PURPOSE:** Establish a R-1 single family residential development as outlined in the UDC to complete the 7.5 +/- acres fronting Fite Road and west of a 50 acre lake. The tract to the south is vacant as is the tract to the north and east.

**SCOPE:** The planned development is currently consistent with current zoning district regulations for this size and shape tract of land. It is one tract where 5 +/- acres is GB and the 7.5 +/- is R-1.

I have spoken with the owners of the warehouse adjacent to the R-1 but within 250 feet of the property and he has no objection; a letter will follow.

Sincerely,

A handwritten signature in black ink, appearing to read "Renee L. McGuire".

Renee L. McGuire



# Texas Real-Tax Services, Ltd.

707 Crystal Creek Drive, Austin, TX 78746

Phone 512-328-0428 Fax 512-328-1608

TITLE COMPANY **INDEPENDENCE TITLE**

GF# **1519705-LPHF**

Closer **AJP**

OWNER **CLARENCE S ONITSUKA**

Mailing Address **628 LORETTO DR ROSEVILLE CA 95661**

BUYER **R WEST DEVELOPMENT COMPANY INC**

Property Address **FITE RD CR 91 PEARLAND TX**

LEGAL DESCRIPTION **LOT 1A1 AND 1A3 HT & B R. R. CO**

TAXING JURISDICTION	TAX RATE				W/O EXEMPTION
<b>PEARLAND ISD (15)</b> 111 E. LOCUST ANGLETON TX 77515 979-864-1320	1.4156	Paid Through 2015	1) \$1,582.78 PAID 11/30/15	2) \$1,381.84 PAID 11/30/15	\$1,582.78
<b>PEARLAND CITY (15)</b> 111 E. LOCUST ANGLETON TX 77515 979-864-1320	0.7053	Paid Through 2015	1) \$788.60 PAID 11/30/15	2) \$987.42 PAID 11/30/15	\$788.60
<b>BRAZORIA COUNTY (15)</b> 111 E. LOCUST ANGLETON TX 77515 979-864-1320	0.426	Paid Through 2015	1) \$476.31 PAID 11/30/15	2) \$596.40 PAID 11/30/15	\$476.31
-	0		1) \$0.00	2) \$0.00	\$0.00
<b>BRAZORIA DRAINAGE #4 (15)</b> COLLECTED WITH COUNTY	0.1555	Paid Through 2015	1) \$173.86 PAID 11/30/15	2) \$217.70 PAID 11/30/15	\$173.86
-	0		1) \$0.00	2) \$0.00	\$0.00
<b>BRAZORIA ROAD &amp; BRIDGE (15)</b> COLLECTED WITH COUNTY	0.06	Paid Through 2015	1) \$67.09 PAID 11/30/15	2) \$84.00 PAID 11/30/15	\$67.09
-	0		1) \$0.00	2) \$0.00	\$0.00
<b>TOTALS</b>			1) <b>\$3,088.64</b>	2) <b>\$3,867.36</b>	<b>\$3,088.64</b>

## EXEMPTIONS

HOMESTEAD  OVER 65  VET  S.S.   
 HISTORICAL  AGRICULTURAL

## NOTES / COMMENTS / SPECIAL INSTRUCTIONS

Property is land only. If issuing on improvement/mobile home contact our office prior to closing. **NOTE OWNER: EARL M ONITSUKA**

County Acct #1	Billing Number	COUNTY	Acct #2	Billing Number
<b>0242-0007-110</b>	<b>166355</b>	<b>0242-0007-130</b>		<b>166357</b>
Market Land	Improvement	Market Land	Improvement	Mkt Assessed
<b>105750</b>	<b>6060</b>	<b>140000</b>		<b>140000</b>
AG Land	Improvement	AG Land	Improvement	AG Assessed
ACCT1 LEGAL <b>LOT 1A1 2.4033 ACRES</b>		ACCT2 LEGAL <b>LOT 1A3 10.00 ACRES</b>		

## DELINQUENT TAXES

TAX YEAR      JURISDICTION      BASE TAX AMOUNT      With P/I Through      With P/I Through

## HOMEOWNERS ASSOCIATION INFORMATION

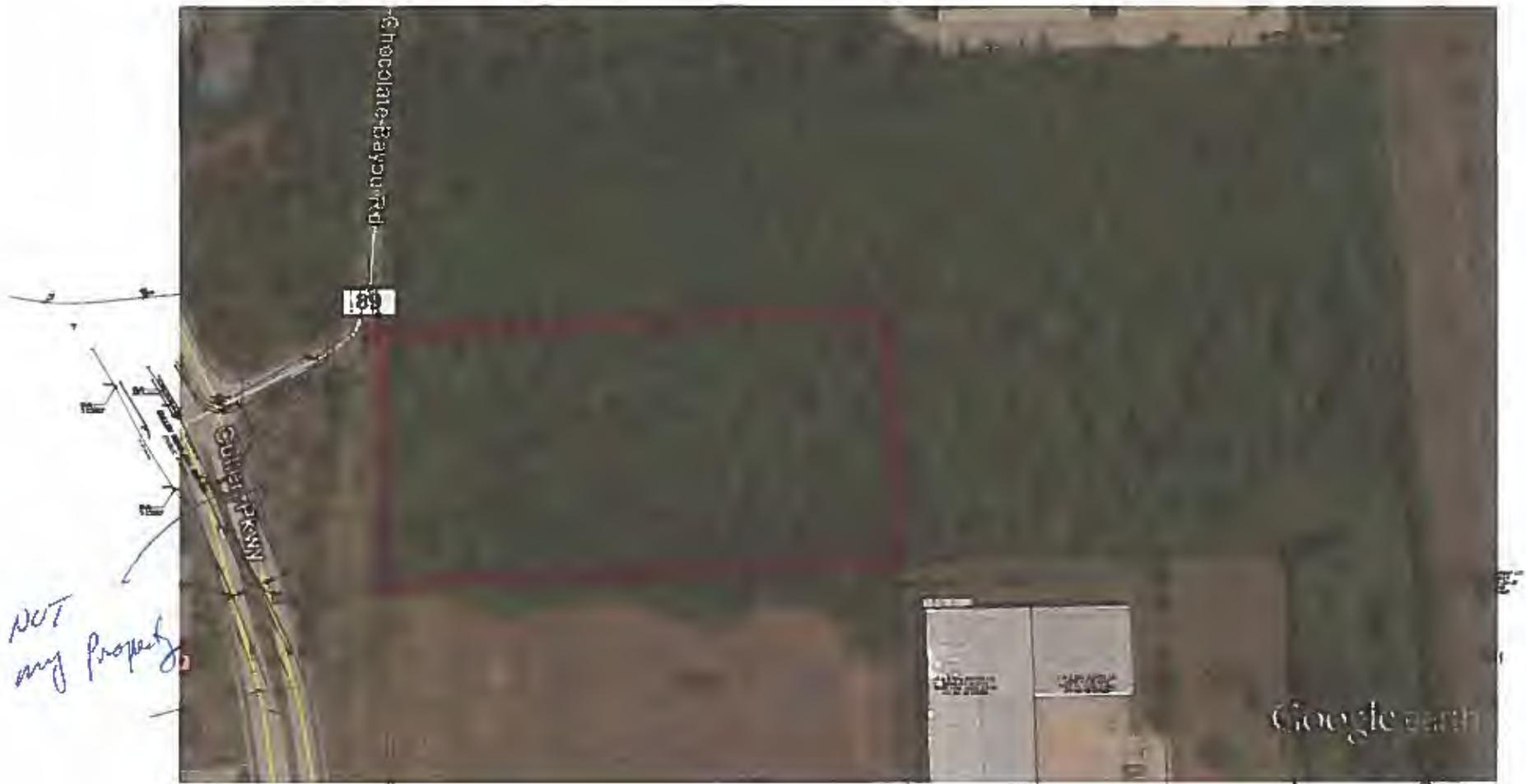
Association      Association  
 Address      Address  
 Phone #/Contact      Phone #/Contact

## NOTES / COMMENTS

**OUR RECORDS INDICATE NO MANDATORY HOA. PLEASE CHECK COMMITMENT PRIOR TO CLOSING AND CONFIRM.**

## OFFICE USE ONLY

BASE FEE      **\$65.00**  
 ADDN. FEE      **\$0.00**  
 UPDATE FEE      **\$0.00**  
 TAX      **\$4.39**  
**TOTAL FEE      \$69.39**  
 RECEIVED      **6/25/2015**  
 COMPLETED      **1/14/2016**



NOT  
my Property





This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Scale 1:4,825  
 1 in = 336 ft  
 June 16, 2015



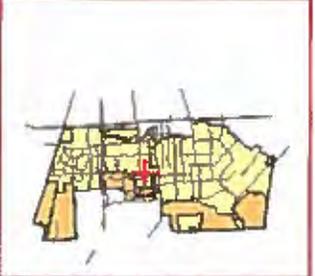
OLD CHOCOLATE BAYOU RD

5009

PEARLAND CITY LIMIT

R-1

GC



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Scale 1:1,200  
1 in = 100 ft  
March 15, 2018

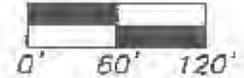


# BRAZORIA COUNTY, TEXAS

## H.T. & B.R.R. CO. SURVEY, A-242



SCALE: 1" = 60'



KUMERA INVESTMENTS  
 40242 H T & B R R  
 TRACTS 1A3, ACRES 10,000  
 C.F. #99 051258

S 89° 52' 30" E  
 680.00'

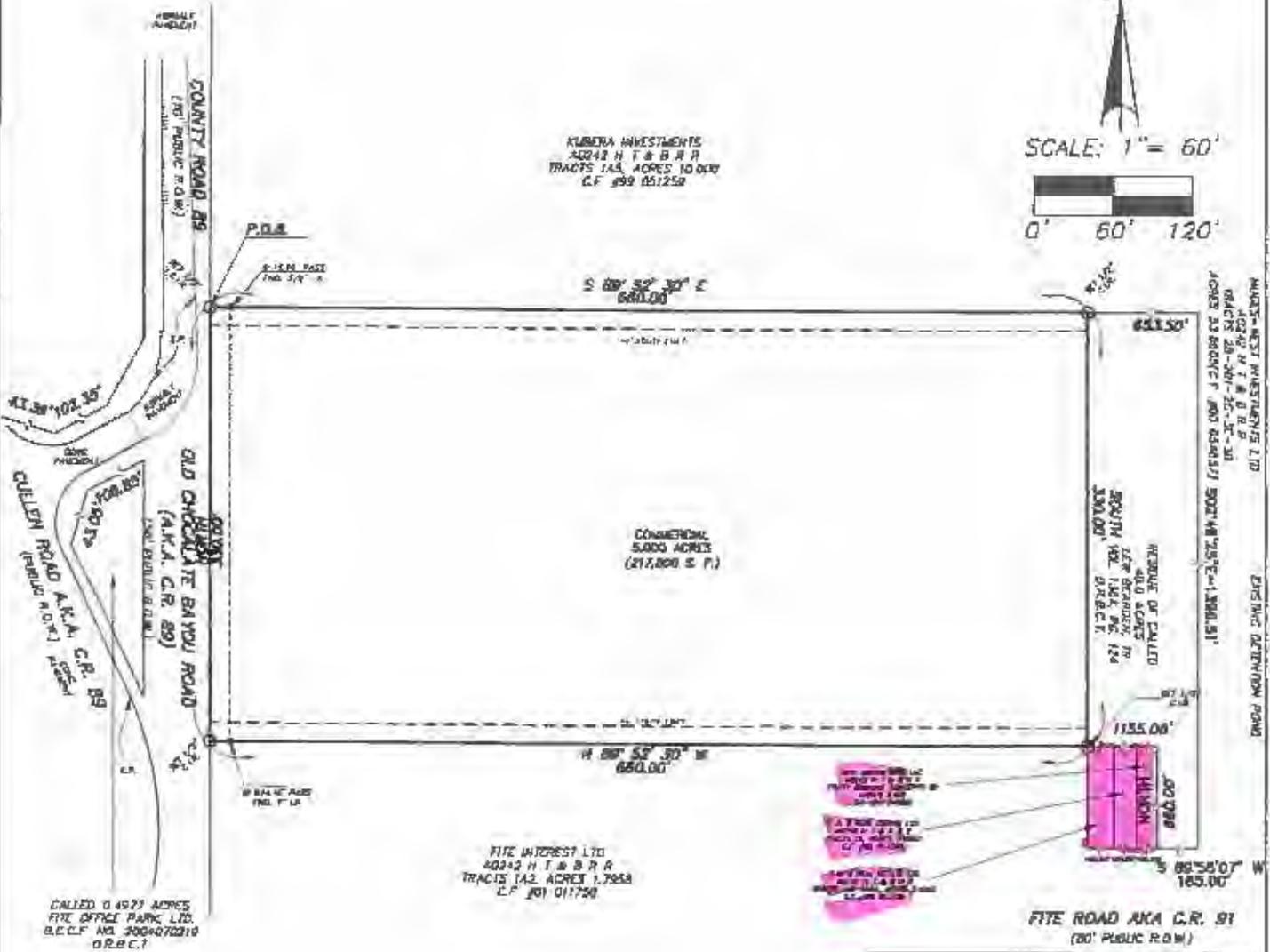
CONVEYANCE  
 5,000 ACRES  
 (217,000 S.F.)

N 89° 52' 30" W  
 680.00'

FITE INTEREST LTD  
 40242 H T & B R R  
 TRACTS 1A2, ACRES 1,958  
 C.F. #01 011758

REQUIRE OF CALLED  
 SOUTH 1/4 SECTION 124  
 230.00' D.R.C.T.

FITE ROAD AKA C.R. 91  
 (80' PUBLIC R.O.W.)



SCALE: 60'  
 DRAWN BY: JR  
 CHECKED BY: RAM  
 APPD BY: JHE  
 CLIENT: R. WEST DEV.

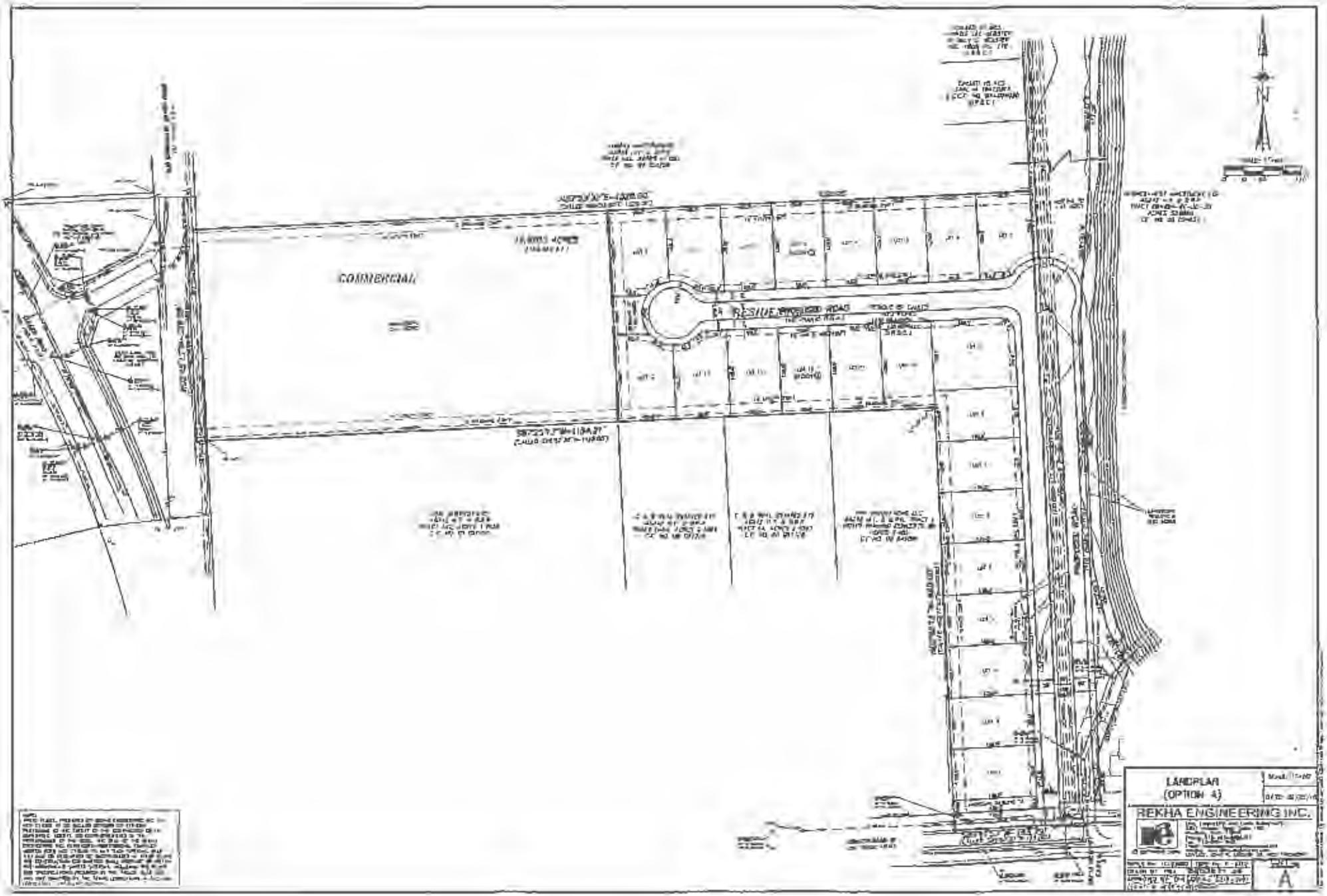
**REKHA ENGINEERING INC.**



5301 Hollister Road,  
 Suite 190  
 HOUSTON, TEXAS 77040  
 713-895-8080 TEL.  
 713-895-7686 FAX  
 Attn: John English

EXHIBIT SHOWING OF  
 5,000 ACRES OF LAND  
 LOCATED IN THE H.T. &  
 B.R.R. CO. SURVEY,  
 A-242 BRAZORIA,  
 COUNTY, TEXAS





THIS PLAN, SPECIFICATIONS AND CONDITIONS ARE THE PROPERTY OF REKHA ENGINEERING INC. AND SHALL BE KEPT IN CONFIDENCE BY THE CLIENT. NO PART OF THIS PLAN OR SPECIFICATIONS SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF REKHA ENGINEERING INC. THE CLIENT AGREES TO HOLD REKHA ENGINEERING INC. HARMLESS FROM AND AGAINST ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, THAT MAY BE ASSERTED AGAINST OR INCURRED BY REKHA ENGINEERING INC. OR ITS EMPLOYEES, AGENTS OR SUBCONTRACTORS, IN CONNECTION WITH THIS PLAN OR SPECIFICATIONS. THE CLIENT'S USE OF THIS PLAN OR SPECIFICATIONS IS LIMITED TO THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY OTHER USE OF THIS PLAN OR SPECIFICATIONS IS STRICTLY PROHIBITED. THE CLIENT'S USE OF THIS PLAN OR SPECIFICATIONS IS LIMITED TO THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY OTHER USE OF THIS PLAN OR SPECIFICATIONS IS STRICTLY PROHIBITED.

<b>LANDPLAN (OPTION 4)</b>		Scale: 1:1000
<b>REKHA ENGINEERING INC.</b>		Date: 02/02/14
		
18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.		

**C. CONSIDERATION AND POSSIBLE  
ACTION – ZONE CHANGE  
APPLICATION NO. ZONE 2016-  
00009**

A request of Kris Szecsy applicant, on behalf of George Gartner, owner; for approval of a an amendment to the Baks Brewery PD to change the name to Bakfish Brewing Co. PD and to allow a maximum of three food trucks and/or on site food sales from outside vendors during operating hours of the brewery; on approximately 2.939 acres of land.



**JOINT PUBLIC HEARING**  
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF  
THE CITY OF PEARLAND, TEXAS,  
**MONDAY, JULY 18, 2016, AT 6:30 P.M.**  
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

**I. CALL TO ORDER**

**II. PURPOSE OF HEARING**

**Zone Change Application No. ZONE 16-00009**

A request of Kris Szecsy applicant, on behalf of George Gartner, owner; for approval of a an amendment to the Baks Brewery PD to change the name to Bakfish Brewing Co. PD and to allow a maximum of three food trucks and/or on site food sales from outside vendors during operating hours of the brewery; on approximately 2.939 acres of land.

**Legal Description:** Being a tract of land containing 2.939 acres out of Lots 20, 21 and 22 of the George W. Jenkins Subdivision, in Brazoria County, Texas, according to the map or plat thereof recorded in Volume 2, Page 20, of the Brazoria County, Texas Plat Records.

**General Location:** Northeast corner of Broadway and Shauntel Streets, Pearland, TX.

**III. APPLICATION INFORMATION AND CASE SUMMARY**

- A. STAFF REPORT
- B. APPLICANT PRESENTATION
- C. STAFF WRAP UP

**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.**



# Staff Report

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: July 7, 2016

Re: Zone Change Application No. ZONE 16-00009

A request of Kris Szecsy applicant, on behalf of George Gartner, owner; for approval of an amendment to the Baks Brewery PD to change the name to Bakfish Brewing Co. PD and to allow a maximum of three food trucks and/or on-site food sales from outside vendors during operating hours of the brewery; on approximately 2.939 acres of land.

General Location: Northeast corner of Broadway and Shauntel Streets, Pearland, TX.

## **Summary of Request**

In 2014, the Baks Brewing PD was approved for the development of a micro-brewery at 1231 Broadway Street. The applicant is now requesting an amendment to the original PD ordinance to allow concessionaires to sell food inside and or outside in either trucks, trailers or under a tent. The brewery does not currently provide kitchen food to their customers. The applicant proposes that at any given time there will be a maximum of three concessionaires, open only during the operating hours of the brewery. No other changes to the PD are proposed.

The City of Pearland does not currently allow food trucks on a regular “permanent” basis but allows the activity through a temporary event permit process which is allowed up to four times per calendar year and all four permits in total are not allowed to exceed sixty days. The property currently has an approved temporary event permit that has allowed them to have concessionaires.

The key features of the applicant’s proposed PD amendment are as follow:

1. Limit the number of concessionaires (combination of trucks or tents) to a maximum of three.
2. Concessionaires will not use the site as a commissary.
3. Concessionaires will not be allowed to leave their equipment or stay overnight on the property.
4. The site plan (Exhibit A) indicates three locations for concessionaires which are outside the fire lane.
5. The site plan indicates that a sufficient amount of parking will be provided for the increased activity.
6. Food handlers follow current Pearland standard for obtaining a “Food Handlers Permit”.

## Recommendation

**Staff recommends approval of the PD amendment with conditions stated below**, for the following reasons:

1. A PD amendment to permit food trucks or trailers and inside food sales on this site will complement the brewery and make this site a destination for residents and tourists, a key objective of the 2015 Comprehensive Plan.
2. This PD amendment to permit food trucks on a single-use site located on a major thoroughfare with adequate buffers from adjoining residential uses, should not have any adverse impact on the surrounding properties.

This amendment is the result of a lengthy dialogue between the City and the business owner to find common ground to regulate and allow concessionaire activity in the form of food trucks and trailers. Staff recommends the following conditions:

1. Remove all references to canopy or tent and clarify the PD is for “food trucks or food trailers”
2. The site will limited to two concessionaires at any given time.
3. This approval may be reevaluated at any time to address any concerns as needed.

Staff finds that an overabundance of outside food concessionaires could detract from the high-quality environment which the City has worked to maintain along Major Corridors if not done on a very limited basis at specific sites in the community.

For instance, in the GB zoning classifications, outside activities are limited to merchandise where the transaction is located in an area adjacent to the structure, or by a special activity limited by time of year (i.e. Christmas tree sales, pumpkin patches, etc.). Food concessionaires in trucks differ in that the preparation of the food occurs completely inside the vehicle.

Staff wishes, and the Planning and Zoning Commission has supported in the past, to balance the interest of brick and mortar restaurants while expanding the ability for unique locations to serve as points of interest for the City. Staff supports this PD amendment to add an amenity to the brewery use which is a unique destination in our community especially for group events. We do not support generally a parking lot being used as a food court that would just be adding a use to an existing use just to increase traffic at a typical retail, trade, or business. The PD may be reevaluated at anytime to address any concerns as needed.

Staff proposes the following text as amendment:

This amendment adds the following definitions and regulations to the Zoning and Land Use section of the current PD.

A concessionaire is person or business who prepares food to sell on-site. A concessionaire may sell food from a truck, trailer, inside the main structure, or under the awning as shown in Exhibit A “the site plan”. No concessionaire will use the site as a commissary. A commissary will be defined as a location that the Pearland Health Officer has deemed to be acceptable to safely prepare food for the transportation to another location off the premises. This location will not act as a commercial kitchen except for the purposes required by the brewery process.

The site will be limited to two concessionaires at any given time regardless of method of delivery. All concessionaires will follow all appropriate Pearland Health regulations and obtain Food Handler’s Permits as required. No concessionaires will be allowed on site during non-business hours or for their vehicle or trailer to remain on the site over-night. Concessionaires will be allowed to serve customers only during normal brewery hours.

A food truck would be the largest concessionaire on site and would take up approximately 200 square feet. Assuming two food trucks would occupy 400 square feet and using the fast food restaurant parking ratio as a guide for calculating parking (1 space per 100 square feet) the addition of two food trucks would generate four additional required spaces. The brewery currently requires 40 spaces. The addition would bring the total to 44 required spaces. The site currently provides 49 spaces.

### **Site History**

The subject property is developed with an approximately 8,753 square foot building, and an approximately 400 square foot accessory building used for storage. The property was annexed into the City of Pearland in June, 1960, and the property was previously occupied by Sunbelt Rentals, a construction equipment and tool rental company. Bakfish Brewing, Co. has been the tenant of the building since the approval of the PD in 2014.

The site is surrounded by a mix of various uses, including Hazeldale Estates to the north, a single family subdivision; and various non-residential uses such as restaurants, a skate center and a strip retail center to the south; undeveloped land directly to the east and a daycare further east; and undeveloped land to the west, restaurants and various other non-residential uses further west. The below table identifies surrounding uses and zoning districts:

	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	Single Family Residential - 3 (R-3)	Hazeldale Estates Single Family Subdivision
<b>South</b>	General Commercial (GC)	Undeveloped Land, Restaurants, Skate Center
<b>East</b>	General Commercial (GC) Office Professional (OP)	Undeveloped, Daycare
<b>West</b>	General Business (GB)	Undeveloped Land

### **Proposal**

The applicant has proposed the following to be added to the Zoning and Land Use section of the original PD:

“In addition to having GB and GC uses, Food trucks and onsite food sales from concessionaires will be allowed. A food truck is defined as a large vehicle or trailer with the facilities for cooking and selling food. Food trucks will be parked on the property in one of three spots as shown in Exhibit A. The building does have a grease trap, but the food trucks/vendors will not use the building as a commissary. All food trucks/vendors will be required to leave the property at the end of the day.

Concessionaires will be either inside the building or under a 10' x 10' canopy in the designated area shown Exhibit A. A concessionaire for the purpose of this PD is a vendor that has a regular retail location that brings food onsite to prepare and sell. The concessionaire will not use the facility as a commissary.

Food will only be available during operating hours of the brewery (M-Th 3-9; F 3-10, Sa 12-10 and Su 12-9). Food will primarily be available on weekends, but we do wish to have the

flexibility to have events on any given day. For example, with the upcoming Super Bowl in Houston a group may wish to rent the facility on a Wednesday and have a food option for their guest. Another example is a Holiday may fall in the middle of the week where we may wish to have food onsite. Another example (which actually happened) is that a guest has a venue booked at another location that gets flooded out. They need to have the flexibility to get into our location and have a food option in under a week, which is quicker than the standard permitting process.

Any food truck or concessionaire will be required to be permitted to work in Pearland, and will show their Pearland Food Handler's Permit before they are allowed onsite. There will never be more than three food trucks and/or concessionaires onsite at any one time.

The largest Food trucks are around 8 feet by 24 feet long which is 192 square feet and a concessionaire would be half that size. Having three of the large food trucks onsite would equate to having 576 square feet of restaurant (fast food). The brewery is required to have 40 parking spaces (1 per 200 square feet) and having the maximum number of large food trucks (1 per 100 square feet) would add 5.76 parking spots which would bring the required parking to 46 required spaces with maximum food trucks. The brewery currently has 49 parking spaces.”

#### **Conformance with the Comprehensive Plan**

The subject property is located within the Retail, Offices and Services Future Land Use Designation, which incorporates neighborhood or convenience shopping centers, or developed or separate uses located on major street intersections, with limited outdoor retail activities, adequate buffers from adjacent single family subdivisions. Appropriate zoning districts include OP, NS, and selected GB uses. The proposed use will generally comply with the Comprehensive Plan, and is similar in nature and compatible to existing uses along Broadway Street. These uses include restaurants with bars, strip retail centers and various other non-residential uses.

#### **Conformance with the Thoroughfare Plan**

According to City records, Broadway Street is a Major Thoroughfare to be widened. Major Thoroughfares are defined as having a minimum right-of-way of 120 feet. Broadway Street is in the Corridor Overlay District which allows the City to exercise greater control over aesthetic, functional, and safety characteristics of development along Major Thoroughfares where higher development standards can enhance the City's image as a desirable place to live, work, and shop. Shauntel Street is a local street which requires an ultimate right-of-way of 50 feet. Additional right-of-way will be required along Broadway Street at the time of platting and possibly along Shauntel Street.

#### **Conformance with the Unified Development Code**

The property is currently developed as a micro-brewery. While the property is currently zoned as PD, the base zoning is General Commercial (GC) and the development is currently in compliance with the requirements of the PD and the GC zoning district. In addition, a variance was approved by the Zoning Board of Adjustment to allow a reduction of the land area for a non-residential PD.

Food trucks would not be allowed within the City except through a temporary event permit or a PD. The temporary event permit is available to property in the GB or GC zoning districts to enable greater flexibility in commercial activity. This permit is limited to four times a year and a maximum of 60 days. The use of food trucks would specifically be permitted on the subject property through this amendment to the PD. Any regulations approved by this amendment would have to be met.

The lot requirements exceed the lot and setback requirements of the proposed GC zoning district, as indicated in the in the following table.

<b>General Commercial (GC) Area Regulations</b>		
<b>Size of Lot</b>	<b>Required</b>	<b>Proposed</b>
Minimum Lot Size	22,500 sq. ft.	Approximately 128,066 sq. ft.
Minimum Lot Width	150 ft.	Approximately 230 ft.
Minimum Lot Depth	125 ft.	Approximately 500 ft.

### **Platting Status**

The subject property does not have a recognized plat. The property was platted in 1980 as lots 20, 21, and 22 of George W. Jenkins Subdivision. Platting will be required if there was an expansion of 500 square-feet or more in parking or building area. The proposed additional use of food trucks would not trigger the requirement for platting.

### **Availability of Utilities**

The subject property has access to City water and sanitary sewer infrastructure. A 12-inch water line exists along the north side of Broadway Street, and an 8-inch sanitary sewer line runs along the south side of the street.

### **Impact on Existing and Future Development**

The property is currently zoned Baks Brewing Planned Unit Development (PUD) and abuts GB, General Business district to the west across Shauntel Street, the R-3, Single-Family Residential district to the north across Mary's Creek, and the GC, General Commercial district to the east and south across Broadway Street. The Future Land Use Plan indicates the property to be Retail, Offices, and Services. Surrounding uses along Broadway Street include a mix of uses including restaurants, retail strip centers and various other non-residential uses. The site is currently developed and the applicant does not intend to add any new buildings at this time. With the PD restrictions and conditions recommended by staff, there should be no major impact on existing or future developments. Due to the amount of open space (49%) near the rear of the property along the north side, this area will provide a natural buffer between the brewery and the single family subdivision to the north.

### **Additional Comments**

The request has been reviewed by the City's Development Review Committee (DRC), and there were questions as to the expansion of fixed seating area under the awning generating additional impact fees, the permitting of food trucks in Pearland, and if additional fees would be assessed to the property owner or food truck operator.

### **Public Notification**

Staff sent public notices, comment forms and a vicinity map to the applicant, the owner of the property and to property owners within 200 feet of the subject property under consideration for the zone change. Additionally, a legal notice of the public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant.

**Opposition to or Support of Proposed Request**

Staff has not received any returned notices in opposition to or in support of the proposed change in zoning request.

**Exhibits**

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Notification Map
5. Notification List
6. Applicant Packet



# Exhibit 1

**AERIAL MAP**

**ZONE 16-00009**

**1231 E Broadway St**

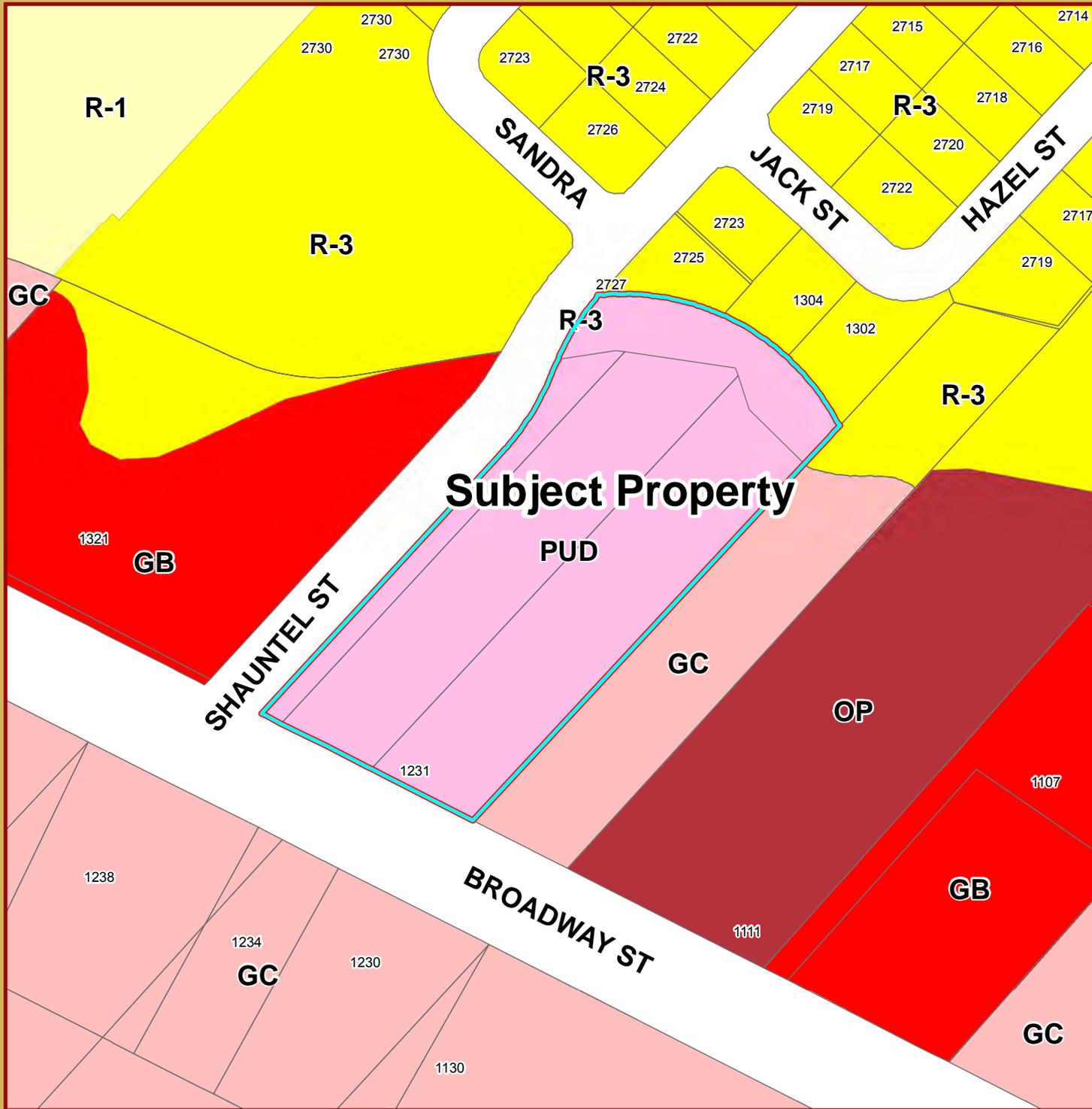


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 139 feet

JUNE 2016  
PLANNING DEPARTMENT





# Exhibit 2

## ZONING MAP

### ZONE 16-00009

1231 E Broadway St

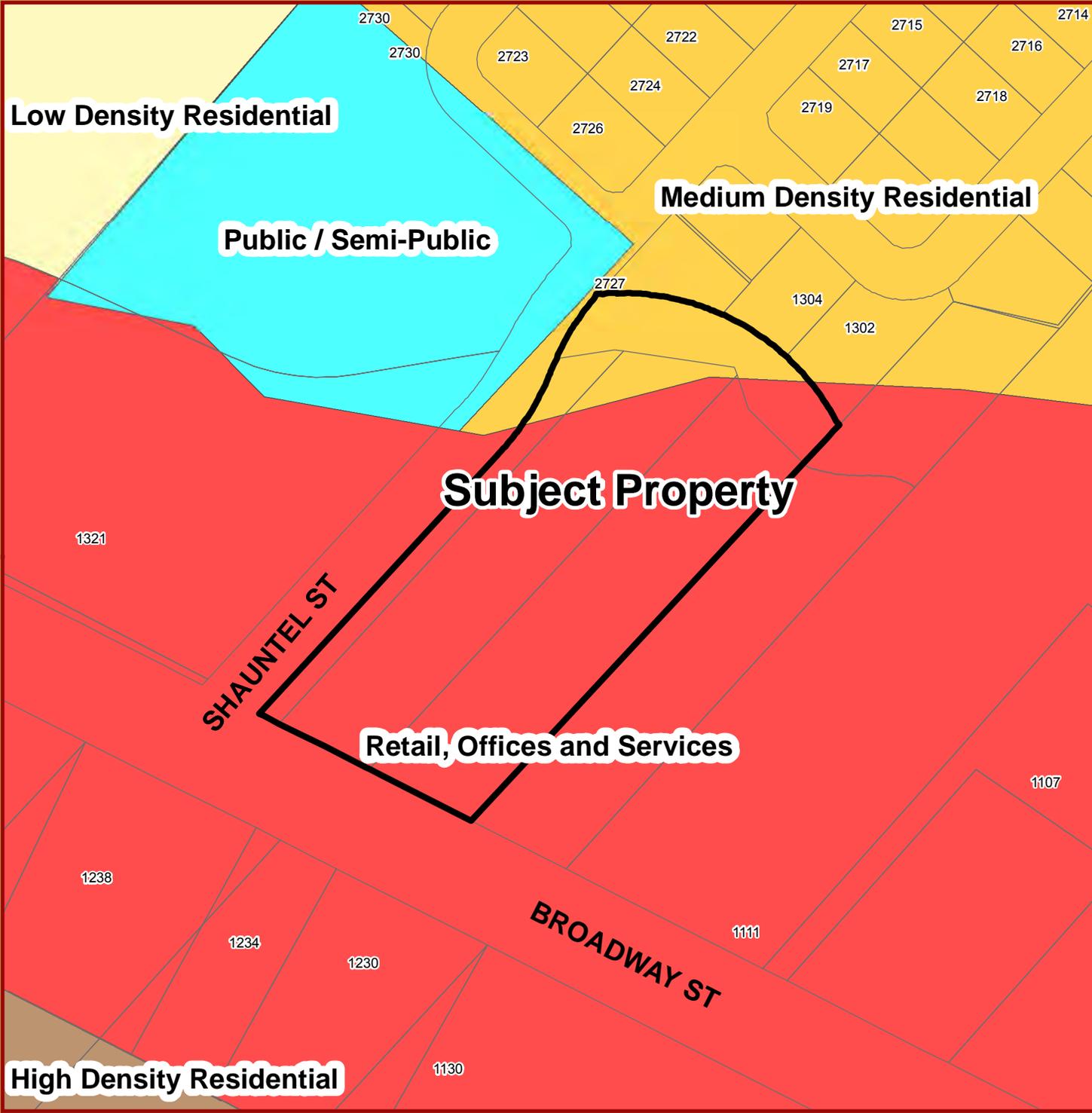


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1 inch = 139 feet

JUNE 2016  
PLANNING DEPARTMENT





# Exhibit 3

**FLUP MAP**

**ZONE 16-00009**

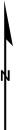
**1231 E Broadway St**

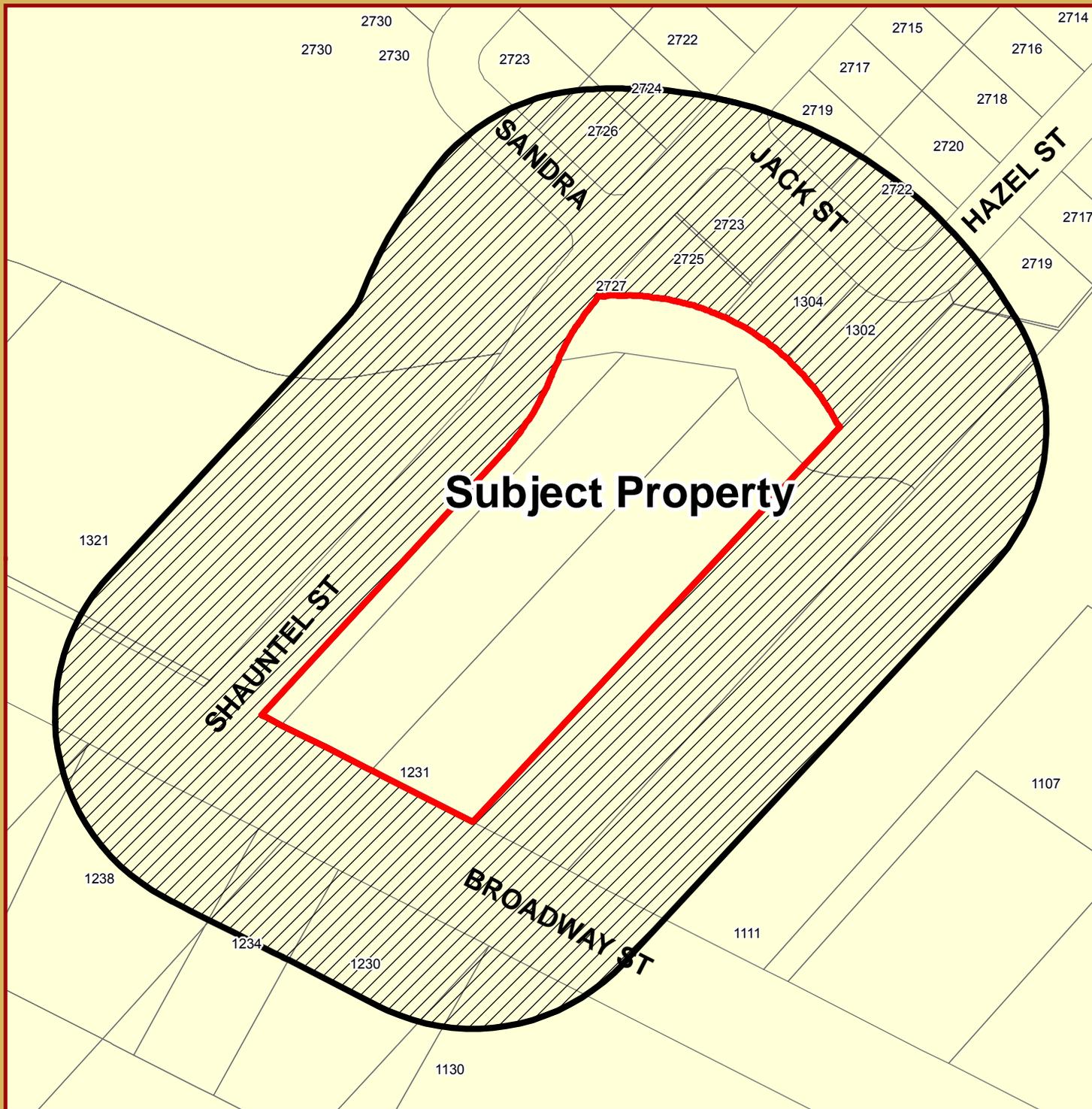


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1 inch = 139 feet

JUNE 2016  
PLANNING DEPARTMENT





# Exhibit 4

## NOTIFICATION MAP

### ZONE 16-00009

1231 E Broadway St



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1 inch = 139 feet

JUNE 2016  
PLANNING DEPARTMENT



**Exhibit 5**

ZONE 16-00009

<b>PROPERTY_OWNER</b>	<b>ADDRESS</b>	<b>CITY</b>	<b>STATE</b>	<b>ZIP_CODE</b>
ACHOUR BECHIR	2730 LEROY ST	PEARLAND	TX	77581
BEAN JENNIFER H & BRENT D	2722 HAZEL ST	PEARLAND	TX	77581
BELKANP PETER W & LINDA G	2723 SHAUNTEL ST	PEARLAND	TX	77581
BOYKIN DIXIE L	3703 W PINE ORCHARD DR	PEARLAND	TX	77581
BURGE-MAREZ NAOMI DELORA	2726 SHAUNTEL ST	PEARLAND	TX	77581
CLEMMONS LAURIE G	1111 BROADWAY ST	PEARLAND	TX	77581
DOCKSIDE THREADING INC				
EAVES JONATHAN	2719 HAZEL ST	PEARLAND	TX	77581
FLOYDS PEARLAND DEVELOPMENT INC	1300 BROADWAY ST	PEARLAND	TX	77581
<b>GARTNER INTEREST LTD</b>	<b>2433 MAX RD</b>	<b>PEARLAND</b>	<b>TX</b>	<b>77581</b>
HENDERSON CLARENCE J & VERONICA M	2725 SHAUNTEL ST	PEARLAND	TX	77581
HOBBS HELEN MERRITTIA	2722 SHAUNTEL ST	PEARLAND	TX	77581
JRC 1300 LLC	6307 WASHINGTON AVE	HOUSTON	TX	77007
MAULDIN TROY L & LOIS	1302 JACK ST	PEARLAND	TX	77581
MOORE MARTIN R	2404 LONGWOOD DR	PEARLAND	TX	77581
NGUYEN MY	8372 SANDALWOOD CIR	WESTMINSTER	CA	92683
OLALDE FRANCISCO & MELVINETTE	1304 JACK ST	PEARLAND	TX	77581
RIVERA PEREZ RAFAEL A & MARIA D CRISPIN	2723 LEROY ST	PEARLAND	TX	77581
RIVERWALK RETAIL	3100 S GESSNER, SUITE 115	HOUSTON	TX	77063
<b>SZECZY KRIS</b>	<b>1231 E BROADWAY ST</b>	<b>PEARLAND</b>	<b>TX</b>	<b>77581</b>



# City of Pearland Planning Department Universal Application

City of Pearland  
Community Development  
3523 Liberty Drive  
(Community Center)  
Pearland, Texas 77581  
281.652.1765  
281.652.1702 (fax)  
pearlandtx.gov

Please complete each field - incomplete applications will **not** be accepted. All applications, including the checklist, must be submitted in electronic format as a PDF and provided by email, USB / CD. Refer to the schedule on the City's website and/or within the Planning Department for deadlines and anticipated meeting dates for each project type.

### TYPE OF APPLICATION:

- Zoning Change (from) PD (to) PD
- Cluster Development Plan
- Planned Development Workshop
- Plat (list type): \_\_\_\_\_

- ZBA Variance
- P&Z Variance
- Special Exception
- Conditional Use Permit

\*Plat Types include:  
Minor, Amending,  
Preliminary, Final,  
Master, Replat

### PROJECT INFORMATION:

Residential       Commercial       Property Platted       Property Not Platted

Project Name: BAKFISH Brewing Co      Tax ID: 35-2489657

Project Address/Location: 1231 E Broadway

Subdivision: \_\_\_\_\_ No. of Lots: \_\_\_\_\_ Total Acres: 2.94

Brief Description of Project: Change in allowed uses - Addition of Food Truck as allowed use

When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, therefore it may be necessary to postpone the proposed project and remove it from the scheduled agenda and place it on a future agenda according to Section 1.2.1.2 of the Unified Development Code.

### PROPERTY OWNER INFORMATION:

Name: George Gartner

Address: 2433 Max Rd

City: Pearland State: TX Zip: 77581

Phone: 281-997-3500

Fax: 281-997-3610

Email Address: info@gartnercoatings.com

### APPLICANT/AGENT INFORMATION:

Name: Kris Szecsy

Address: 1231 E Broadway

City: Pearland State: TX Zip: 77581

Phone: 281-908-0853

Fax: N/A

Email Address: kris@bakfishbrewing.com

\*\*Property owner must be the current owner of the property at the time of submittal of the application, and not the party that has the property under contract.  
As owner and applicant, I hereby request approval of the above described request as provided for by the Unified Development Code of the City of Pearland.

\*\*Owner's Signature: \_\_\_\_\_ Date: 5/31/16

Agent's/  
Applicant's Signature: \_\_\_\_\_ Date: 5/27/16

### OFFICE USE ONLY:

FEES PAID:	DATE PAID:	RECEIVED BY:	RECEIPT NUMBER:
Fees will be accepted by phone or in person. Please contact 281.652.1765 for instructions.			APPLICATION NUMBER:



**BAKS Brewing Management, LP.  
(Dba BAKFISH Brewing Co)  
Planned Development (PD)  
for City of Pearland**

## Summary

The Following PD is an addendum to the original PD (Ordinance No. 2000M-118) that was Approved on the 29<sup>th</sup> of September 2014. The PD is identical in wording with the exception of the following passage which has been added to the Zoning and Land Use section under the subsection Base Zone Description.

“In addition to having GB and GC uses, Food trucks and onsite food sales from outside vendors will be allowed. Food trucks will be parked on the property in one of 3 spots as shown in exhibit A. Food vendors will be either inside the building or under a 10 x 10 canopy in the designated area shown exhibit A. Food will only be available during operating hours of the brewery (M-Th 3-9; F 3-10, Sa 12-10 and Su 12-9). Any outside food vendor will be required to be permitted to work in Pearland, and will show their credentials before they are allowed onsite. There will never be more than 3 food trucks and/or food vendors onsite at any one time.”

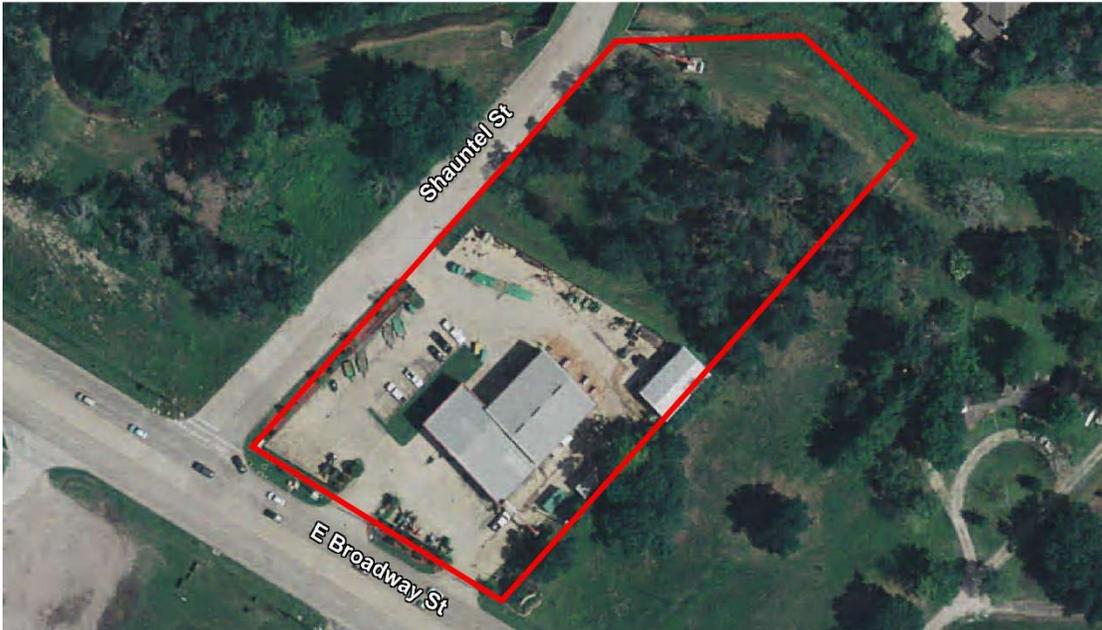
Exhibit A may be found at the end of this document.

The Industry Overview section and a few of the pictures were removed from this version as well.

The end goal is to get the city to allow food trucks on our property to help allow our customers to be responsible and have some food if they feel that they may have had too much to drink, or give another non-alcoholic beverage option.

## Description of the Subject Property

Subject property is located at 1231 Broadway Street, in Pearland, Texas. It sits on 2.94 acres of which approximately half is developed and fenced and contains the primary building which is  $\pm$  8,753 SF total. This building includes a 2,000 SF showroom, 849 SF Office/s and 5,144 SF warehouse. Within the developed fenced area is an additional 1500 SF wash bay and 400 SF storage building. Besides facing Broadway, Shauntel Street runs adjacent to the property. The back section of the property is undeveloped green area which borders along Mary's Creek.



## **PROPOSED DEVELOPMENT DESCRIPTION**

The proposed development will be to convert the use of the building to a working production craft brewery with a public taproom (Think: wine tasting room).

## **COMPANY DESCRIPTION**

BAKS Brewing Management Inc. is a privately held corporation owned and managed by its founders, Brian Allen and Kris Szecsy. The business of the company is the production of quality, fresh, flavorful beer for the local market. BAKS believes that when looking at local breweries around the Houston area there are very few options for the Southern Houston region. Pearland is not only the town where Brian grew up, but with its growth over the last 10 years, it provides a prime market that can and will support a local brewery.

BAKS Brewing will initially produce five different styles of beer and a non-alcoholic root beer. These styles include: a Belgian Texas Blonde, American Pale Ale, Session India Pale Ale (IPA), Porter and American IPA. These products will be distributed in kegs to licensed retail outlets. The beers of the BAKS Brewing Company will be sold to bars and restaurants in the greater Pearland area with our initial focus being on the communities south of downtown Houston, including Pearland, Friendswood, Clear Lake, League City, Alvin, Webster, Kemah, Dickinson & Galveston.

BAKS Brewing will produce beer with a 20 barrel, stainless steel brewing plant. Production capacity of our 20-barrel plant with five fermenters is approximately 5000 barrels a year (1 barrel equals 31 gallons, which equals two standard 15.5-gallon kegs).

BAKS Brewing will have a tap room where customers may come to view and tour the operation of the brewery. They will also be able to purchase our beers at retail prices for both on-site consumption and beer to go in the form of growler fills (and eventually 6-packs & 22oz. bottles). Promotional merchandise with our name/logo such as pint glasses, t-shirts and growlers will also be sold.

Additionally, BAKS will have a dedicated area within the actual brewery warehouse that will be available for rental and special events, such as corporate meetings, wedding receptions and fund raising events.

BAKS will also provide scheduled tours of the brewery that will give an intimate and hands on experience. These tours will be reserved in advance and will take place with one of the owners or brewers. The tours will allow patrons to see, experience and taste the complete brewing process. They will be able to sample the ingredients (ie. Malt, hops, etc.), that go into making the beer as well as sample the beer at different stages of fermentation. We will be able to help educate them on the actual process of making the beer.

# **POTENTIAL IMPROVEMENTS & BENEFITS**

## **PROPERTY IMPROVEMENTS AND BENEFITS**

- Improved landscaping - will not only improve and add additional landscaping where available (currently most green area in and directly surrounding the property is already landscaped) but will add a row of shrubs along back fence to add one more layer of concealment from residential neighborhood
- Improved building façade - will cover the metal exterior with stucco, masonry or stone
- Will include a small rental area inside of the brewery (but separated from any brewing equipment) for event rentals such as birthdays, wedding receptions, corporate functions, etc.)
- New sprinkler system for both warehouse and retail area (tap room)
- Minimal building changes and renovations required to support the brewery - some minimal cosmetic improvements made to the front retail area to convert it to the tap room, installing trench drains are all that is required
- Improved green (outdoor) area behind property by adding seating & picnic nodes
- Will add a trail connecting to the proposed hike & bike trail to the brewery and will provide an area to park bicycles
- Will add park benches to green area between brewery and hike & bike trail

## **NEARBY AREA BENEFITS**

- Green area behind property will be maintained as a buffer to residential community located on the opposite side of Mary's Creek
- Will add an additional line of shrub coverage (eg. Large wax myrtles) along the outside of the back property fence
- Will support local eating establishments as we do not serve food and patrons will want some place to eat before/after visiting the tap room.
- Will also work with local area Pearland dining establishments to create custom beers based on their style preference
- Heavy equipment and large truck traffic will decrease as we will only have 1 small refrigeration truck stop by for loading/unloading kegs 1-2 times a week

## **OVERALL CITY BENEFITS**

- Additional tourism and related financial benefit for Pearland (Saint Arnold Brewery is currently a top 10 tourist destination for Houston)
- Hike & Bike Trail destination
- Additional tax dollars
- A destination for local residents seeking entertainment other than just a restaurant
- Pearland will have its own brewery producing and selling craft beer to the greater Houston area

## **Land Acreage Description**

The attached site survey shows the total property acreage to be 2.9388

## **PD Purpose & Intent Statement**

The purpose and intent of the PD established is to allow a new use 'Manufacturing, Industrial Storage or Assembly Process Not Prohibited by Law' (which has been identified by the city as the most appropriate) on this property which is currently zoned as General Commercial (GC).

This new use is described as a facility that houses manufacturing, storage, and assembly operations including, but not limited to, beverage plant, fabrication, metal finishing, foundry, ice plant, machine shop, mill, printing plant, publishing and bindery plant, masonry products manufacturing, refinery for nonagricultural products, food products, processing and packaging plant, and precision instruments manufacturing.

This use is not permitted by right in the GC zoning district and thus would require a zone change to operate. Based on this information and guidance from the city's planning/zoning department, the applicant determined the best path forward would be to apply for a Planned Development to operate a small craft brewery.

## **POSSIBLE CITIZEN'S CONCERNS**

- Increased traffic into neighborhood located behind property.

There is only one access gate onto Shauntel that would allow patrons to drive into the neighborhood. BAKS will post signage on both sides of the gate upon exiting that states: "DO NOT TURN RIGHT NOT A THRU STREET". This should eliminate the majority, if not all traffic from accidentally turning into the neighborhood. We will also close this gate when not needed to limit any traffic from entering/leaving our property via the Shauntel street entrance.

- Patrons being able to see, watch or speak to people (employees or children) located at the business and home two lots over BAKS will install (2) gates approximately 6' high blocking all traffic from entering the property on the east side and north side of the building. (see attached site plan for proposed gate locations) This will prohibit any and all traffic from being able to see, watch or speak to anyone else outside the property.

Additionally, the outdoor seating area is located adjacent to the building on the opposite side of the business which prevents any chance of anyone seeing or speaking to anyone else outside the property.

- Smells

The only smell produced by brewing beer is the smell of boiling grain to produce wort. The smell is not unpleasant and is similar to cooked oatmeal. Additionally, the smell will be contained and dispersed within the warehouse.

### **Additional Community Involvement**

We will work with other local Pearland businesses to help promote both enterprises. For instance, we have spoken with the owners of Pearland Coffee Roasters about providing roasted coffee beans to be used in specialty beers such as a coffee porter.

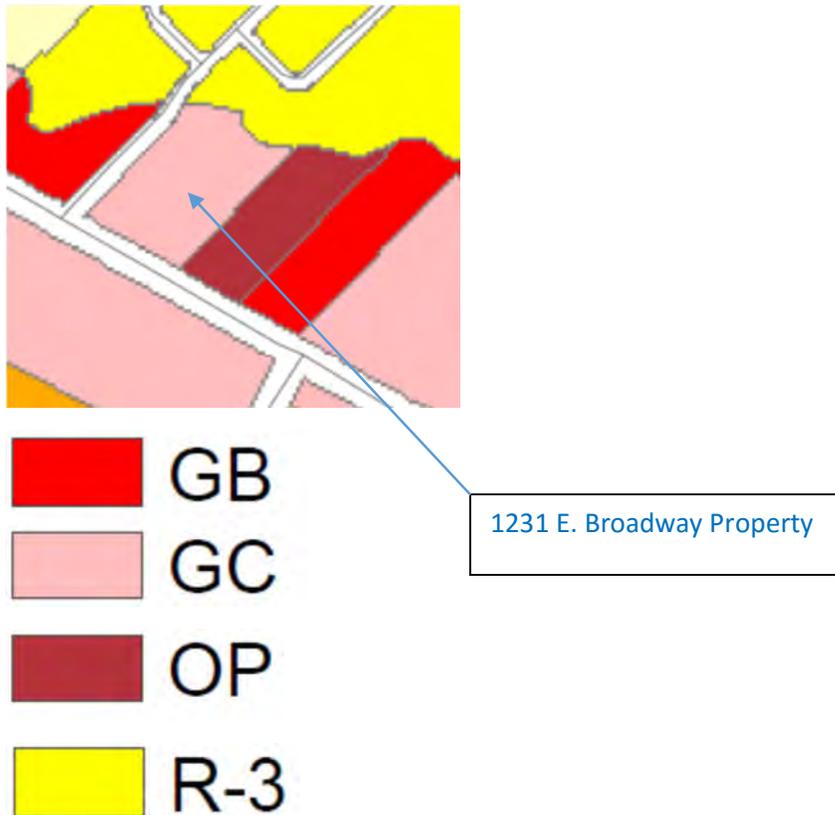
One of the only byproducts from brewing is spent grain (the grain that we have boiled to produce wort). This makes great livestock feed and generally, breweries work with local farmers to pick up and use the spent grain. We have spoken with the Agriculture Department of the Pearland Independent School District and will work with them (Hunter Morgan) to provide our spent grain at no cost to students to use for their livestock.

Lastly, we plan to hire locally and provide jobs for Pearland. Our first and currently only employee (part-time bookkeeper) is a Pearland resident.

# ZONING & LAND USE

## Existing zoning district and boundary description

The property is currently zoned as a General Commercial District (GC) which is intended to permit a wide variety of businesses characterized by those uses that may require an extensive amount of land for the conduct of business and/or that may require outside storage uses. The front South West property line runs along a major thoroughfare, West Broadway, on which the other side is also zoned 'GC' (and includes a restaurant). The North West property line runs along Shauntel Street, on which the opposite property is zoned as 'General Business Retail District (GB). The North East property line runs along Mary's Creek, for which the District on the other side is zoned as a Single-Family Residential-3 (R3). Lastly, the South East property line runs adjacent to a property which is zoned as Office & Professional District (OP).



## Base zone description

The base zone to be overlaid will be GC.

This zone will encompass the entire property which has the same district boundaries as mentioned above, "The front South West property line runs along a major thoroughfare, East Broadway, on which the opposite side property is also zoned 'GC'. The North West property line runs along Shauntel Street, on which the opposite property is zoned as 'General Business Retail District (GB). The North East property line runs along Mary's Creek, for which the District on the other side is zoned as a Single-Family Residential-3 (R3). Lastly, the South East property line runs adjacent to a property which is zoned as Office & Professional District (OP)."

In addition to having GB and GC uses, Food trucks and onsite food sales from outside vendors will be allowed. Food trucks will be parked on the property in one of 3 spots as shown in exhibit A. Food vendors will be either inside the building or under a 10 x 10 canopy in the designated area shown exhibit A. Food will only be available during operating hours of the brewery (M-Th 3-9; F 3-10, Sa 12-10 and Su 12-9). Any outside food vendor will be required to be permitted to work in Pearland, and will show their credentials before they are allowed onsite. There will never be more than 3 food trucks and/or food vendors onsite at any one time.

**Use Acres Percentage of Total Acres Zoning District**

Use	Acres	Percentage of Total Acres	Zoning District
Single Family	n/a	n/a	
Multiple Family	n/a	n/a	
General Business/Commercial	1.5	50	GC w/PD
Parkland to be dedicated to the city	n/a	n/a	
Common Open Spaces/Trails/Recreation	1.44	49	GC w/PD
Detention	n/a	n/a	
Thoroughfares/ROW	n/a	n/a	
Internal Streets/Vehicular Circulation	n/a	n/a	
Other	n/a	n/a	

## DESIGN STANDARDS

All zoning standards not expressly set forth for the district in the adopting ordinance shall be as provided in the base zoning district(s), and that any standard in this ordinance that has not been expressly varied in the adopting ordinance shall be applicable to subsequent development permits for land within the PD district. The following standards will be improved to meet both the ‘GC’ and ‘Corridor Overlay District’ UDC requirements:

- **Building Facade** - we will cover the existing metal facade with stucco in a neutral color (from the approved color palate) to match the existing brick. See attachment for rendering.
- **Signage** - Once the building facade has been covered will install sign with our company name that is not more than 15% of surface area. We will also update the existing monument sign which is also within the COD UDC requirement (ie. replace Sunbelt with BAKS)
- **Landscaping** - The current landscaping exceeds the UDC COD requirements, but we will replace all dead and diseased trees and shrubs, as well as lay all new mulch and ensure the installed irrigation system is working correctly.
- **Screening/Fencing** - The entire property (excluding open green area) is fenced with a 6’ black rod iron fence which is surrounded by additional landscaping. We will fix and replace any bent or damaged fencing as well as plant additional trees along the back of the property fence for additional screening.
- **Lighting** - All current (3) light poles on the property along with building lighting will be inspected and updated to meet current COD Standards

The following standards **exceed** both the ‘GC’ and ‘Corridor Overlay District’ UDC requirements:

- **Green Area** - BAKS Brewing currently provides approximately 49% of its property as green area and we plan for it to remain that way. Almost half of the property is an open green area (outside of the property fence) located at the rear of the property which end long Mary’s Creek. BAKS intends to promote the green area in support of the city’s proposed hike & bike trail by adding seating and picnic nodes, additional bench seating and a compacted gravel trail connecting the hike & bike trail to the rear of the brewery, where we will locate a (lockable) gate to provide access onto the brewery. We will also install a security camera to monitor traffic and provide an additional level of security
- **Bicycle Parking** - BAKS will have at least (2) separate bicycle parking facilities; one in front and one located at the back of the property where there will be a gate and pathway connecting the brewery to the city’s proposed hike & bike trail. BAKS will also support and promote local running and biking

PD Districts are “intended to encourage flexible and creative planning and property development” and this PD is for an existing property that already meets most of the standards. We understand that “the Corridors Overlay District (COD) is intended to help the City exercise greater control over the aesthetic, functional and safety characteristics of development along newly constructed major thoroughfares within the City where higher development standards can effectively enhance the City’s image as a desirable place to live, work, and shop.”

Due to the existing layout with existing parking lot, fence, irrigation system and landscaping that exceeds COD Standards, as well as several utility connections (including: AT&T box with 6 surrounding bollards, storm water access, fire hydrant, light pole, water line access and waste water lift station), we are proposing to build the sidewalk within the TxDOT ROW similar to what was done (2) lots down. We will work within the area to provide a 6' wide side walk and are currently working with Johnson Traffic Engineers for the TxDOT application. (See attachment for graphical presentation).

Additionally, where our sidewalk will end at the east end of property, there is only approximately 1100' to the end of the city limits.

Standard	GC/COD Requirement	PD Deviation
parking spaces	One space for each 1.5 employees = 4.5 spaces	We will exceed by providing 33 spaces that meet UDC standards
Sidewalk	6' wide, 6' separation from back of curb with 80% curved alignment	Due to existing conditions sidewalk will be 6' wide and constructed within TxDOT ROW but will not provide 6' separation from curb nor 80% curved alignment
Use	Does Not Allow for 'Manufacturing, Industrial Storage or Assembly Process Not Prohibited by Law'	Allows for 'Manufacturing, Industrial Storage or Assembly Process Not Prohibited by Law'
Landscaping	<ul style="list-style-type: none"> <li>- 15% of gross lot area shall consist of landscaped open areas</li> <li>- Large shade trees (2") caliper for each (10') of frontage = 78" for 386' frontage</li> <li>- Ornamental trees (1") caliper for each (15') of frontage = 26" for 386' frontage</li> </ul>	<p>We will exceed standard with ~50% of area for landscaped open areas</p> <p>We will exceed standard with 94" tree calipers on 386' of frontage</p> <p>We will exceed standard with 65" tree calipers on 386' of frontage</p> <p>Large undeveloped green area in back of property provides an additional 40+ shade trees 20' - 50' in height</p> <p>Will support future Hike &amp; Bike trail along Mary's Creek by connecting to it with a path and providing seating/picnic nodes</p>
Bicycle Parking	Amount equal to 5% of total parking spaces	We will exceed standard with an amount of 20% of total parking spaces provided for bicycle parking

# SCHEDULE

PD is approved  
Lease is signed

## Month 1

- Brewing equipment is ordered
- Apply for TABC & TTP Licenses

## Months 1-3

- 450 SF cold room assembled and attached to back of warehouse
- Trench floor drains are installed in the warehouse
- Sprinkler system installed in warehouse and public area (Tap room)
- Electrical and plumbing provisions are made to support forthcoming brew system
- Showroom is renovated to support the tap room
- Landscaping improvements are made
- Stucco is added to exterior of building
- Sidewalk is constructed in front of property

## Month 4

- Brew system arrives and is installed
- Building inspections approved
- New signage goes up

## Month 5

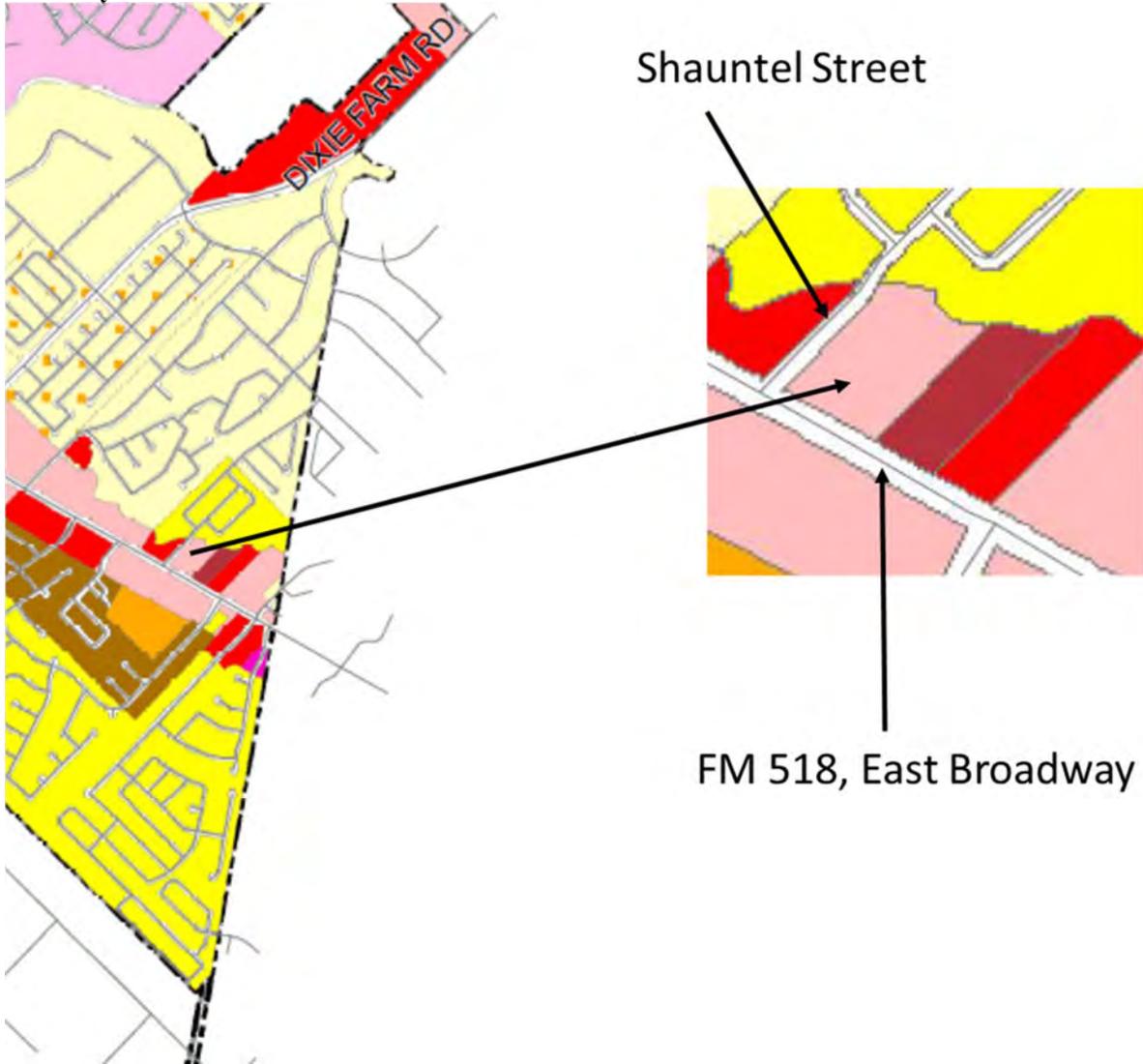
- Grand Opening.... Beer is made and happily served to excited customers!

## Month 6

- Picnic and seating nodes are added to undeveloped green area. A trail and bicycle parking will be added once the city has constructed the Hike & Bike trail along Mary's Creek in order to maximize the location and layout of the trail to best serve the public.

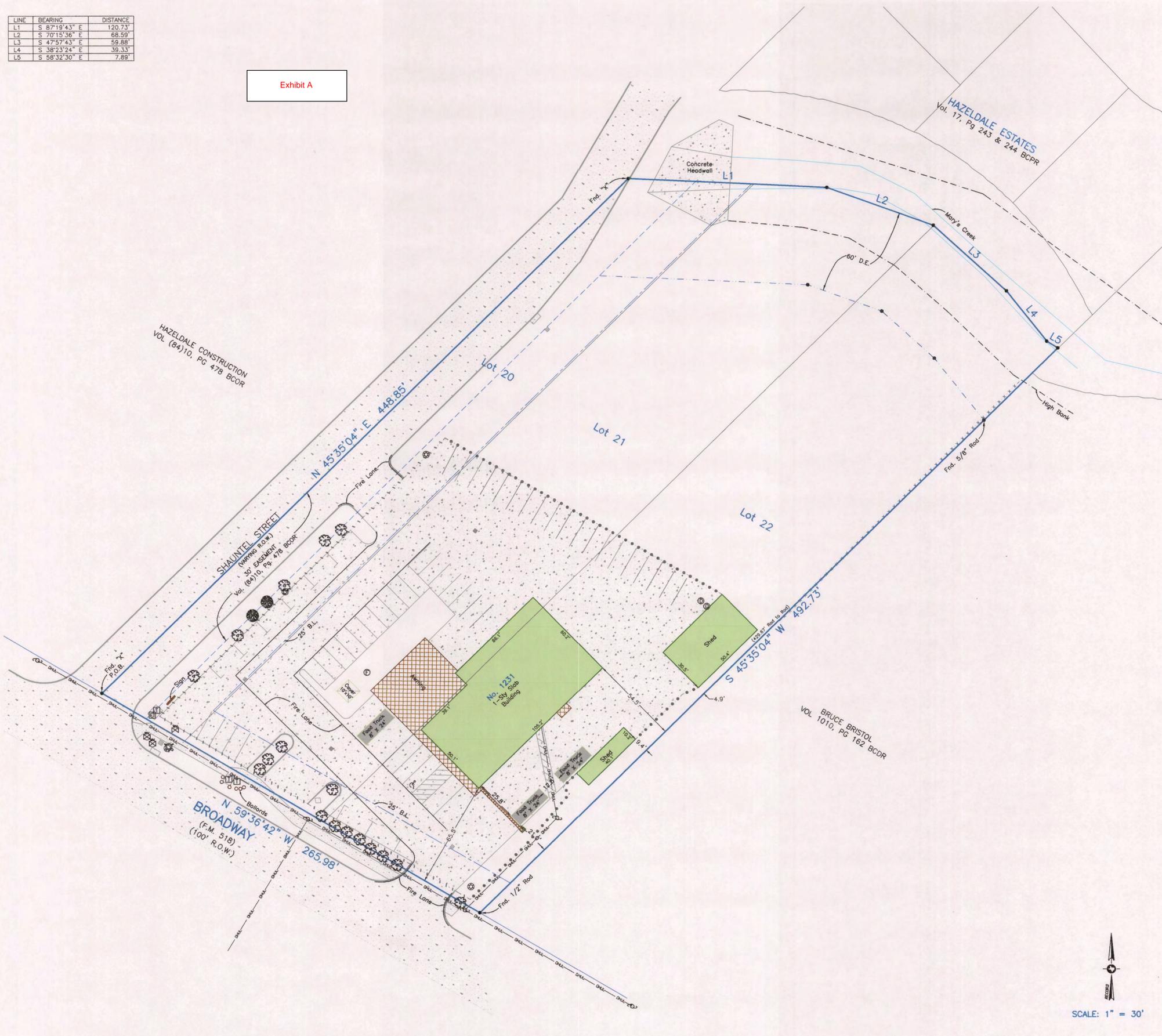
**PARCEL MAP**

1231 E Broadway



LINE	BEARING	DISTANCE
L1	S 87°19'43" E	120.73'
L2	S 70°15'36" E	68.59'
L3	S 47°57'43" E	59.88'
L4	S 38°23'24" E	39.33'
L5	S 58°32'30" E	7.89'

Exhibit A



BEING a 2.939 acre tract out of Part of Lot 20, Lot 21 and Lot 22, of Block 3 of the George W. Jenkins Subdivision, in Brazoria County, Texas, according to the map or plat thereof recorded in Volume 2, Page 20, of the Brazoria County Plat Records, and being more particularly described by metes and bounds as follows:

BEGINNING at the Southeast corner of a tract conveyed to Hazeldale Construction, in Volume (84)10, Page 459, Brazoria County Official Records, said point being on the North line of Broadway, a 100 foot right-of-way, also-known-as Farm to Market 518, said point being marked by a found "X";

THENCE North 45°35'04" East, a distance of 448.85 feet, to the centerline of Mary's Creek and a found "X";

THENCE with the center line of Mary's Creek as follows:

- South 87°19'43" East, a distance of 120.73 feet;
- South 70°15'36" East, a distance of 68.59 feet;
- South 47°57'43" East, a distance of 59.88 feet;
- South 38°23'24" East, a distance of 39.33 feet;

South 58°32'30" East, a distance of 7.89 feet to the West line of a tract conveyed to Bruce Bristol in Volume 1010, Page 162 of the Brazoria County Deed Records;

THENCE South 45°35'04" West, following the West line of said Bruce tract, a distance of 492.73 feet, to the North line of said Broadway, and a found 1/2 inch rod;

THENCE North 59°36'42" West, following the said North line of Broadway, a distance of 265.98 feet to the point of beginning, and containing 2.939 acres (128,016 square feet) more or less.

Survey of a 2.939 acre tract out of Lots 20, 21, and 22 of the George W. Jenkins Subdivision, in Brazoria County, Texas, according to the map or plat thereof recorded in Volume 2, Page 20, of the Brazoria County Plat Records, and being more particularly described by metes and bounds hereon.

I hereby certify that on the below date, the herein described property, together with improvements located thereon, was surveyed on the ground and under my direction, and that this map, together with dimensions as shown hereon, accurately represents the facts as found on the ground this date.

*Stephen C. Blaskey*  
 Stephen C. Blaskey  
 Registered Professional  
 Land Surveyor No. 5856



SURVEY DATE:	JULY 1, 2016
FILE No.:	BAKS
DRAFTING:	hsh
JOB No.:	16-BAKS



8017 HARBORSIDE DRIVE  
 P.O. BOX 16142 (mailing)  
 GALVESTON, TX 77552  
 ph (409) 740-1517  
 Registration Number: 10193855  
 www.hightidelandsurveying.com

49 Parking Stall	Light Pole	Grade Inlet
1 Handicapped Stall	Flag Pole	Fire Hydrant
	Drainage Manhole	Water Valve
	Telephone Box	Tree
	Electrical Box	Bush
	Power Pole	Handi Cap Stall
	--- Dashed --- Over Head Utility Lines	

NOTES:  
 1) This property does lie within the 100 Year Flood Plain as established by the Federal Emergency Management Agency.  
 2) This property is subject to any restrictions of record and may be subject to setbacks from power lines as established by OSHA (call your power company).  
 3) Bearings based on Monumentation of Center line of Shauntel Street, being a found "X" at the North Line of Broadway, and a found "X" at the center line of Mary's Creek.  
 4) Surveyed without benefit of a Title Report.

## D. DISCUSSION ITEMS

1. Commissioners Activity Report
2. Discussion of Scenic City Application
3. Zoning Update:
  - 1<sup>st</sup> Reading 7-11-16
  - ZONE 2016-00005: 5134 Bailey Rd. SD to OP.
  - CUP 2016-00004: 5134 Bailey Rd. CUP for Daycare in OP.
  - SH 35 Re-development Plan
  - 1<sup>st</sup> Reading 7-25-16
  - ZONE 2016-00004: 3546/3618 Harkey R-1 to R-3
4. Next P&Z Meeting, – August 1, 2016 – JPH and Regular P&Z meeting
5. Upcoming meeting change notice:
  - \* August 15, 2016 – P&Z Meeting (only Plats)
  - \* September 5, 2016 City Holiday – No P&Z Meeting
  - \* September 26, 2016 – JPH and Regular P&Z meeting



# Scenic City

## CERTIFICATION PROGRAM

### Pearland, TX Score Sheet

**Platinum Level Certification: 304+ Points (90+% of possible points)**  
**Gold Level Certification: 270-303 Points (80-89% of possible points)**  
**Silver Level Certification: 236-269 Points (70-79% of possible points)**  
**Bronze Level Certification: 202-235 Points (60-69% of possible points)**  
**Recognized: 169+ Points (50-59% of possible points)**

	<u>Possible Points</u>	<u>Points Awarded</u>	<u>Comments</u>
<b>GRAND TOTAL</b>	<b>338</b>	<b>255</b>	<b>Silver</b>
<b>1. Streetscape: protection of native and established trees, landscaping and sidewalks</b>	<b>30</b>	<b>29</b>	
1. Trees and/or landscaping along major roadways, city streets, street medians or in parking lots are required. <i>[Mandatory requirement]</i>	5	5	No specific Median Requirements - should be included as City Policy or Guidance
2. Require upkeep of landscaping to ensure viability of plants.	5	5	
3. Landscape requirements apply to all public, private and institutional developments and must be installed in a sound manner and in accordance with accepted good planting procedures.	5	5	
4. All construction (new as well as redevelopment) require landscaping and/or screening to be installed as a part of project construction. Existing landscaped areas to be retained shall be protected from vehicular encroachment and damage during and after the construction phase by appropriate barriers.	5	5	
5. Sidewalks required to be a minimum of 5 feet in width; 8 feet in transit corridors; 10 feet in downtown and high-density areas. Sidewalks must be maintained in good condition and have pedestrian buffers with a minimum width of 2 feet.	5	4	Does not meet standard for 8' in transit corridor or 10' in downtown or high density areas
6. Please provide evidence of your enforcement program: a) methods, b) budget, and c) staffing.	5	5	
<b>2. Parks, Trails and Public Spaces</b>	<b>41</b>	<b>26</b>	
1. Provide a comprehensive system of parks, greenbelts and open space that is compatible with the environment and conducive to residential neighborhoods (A map or diagram is acceptable.) Park system meets national standards of 10 acres per 1,000 population.	5	5	Parks Master Plan Supports
2. Parks contain a significant number of amenities including trees, benches, playgrounds, etc. which are maintained to good condition and have security features (anti-theft devices, safety for parking areas and trails, etc.).	5	5	
3. There exists a park set-aside ordinance for development.	5	5	
4. Provide for a comprehensive and connective multi-use trail system. Trails are clearly marked with appropriate signage, and there are established measures for upkeep and maintenance.	5	0	evidence not substantial
5. The boundaries of existing open space and recreational areas are clearly delineated as public spaces with future development prohibited or permanently designated for public use if on private property.	3	3	
6. Any new development site must permanently set aside open space for public or private use which will not be developed. Open space may be used as community open space or preserved as green space.	3	3	
7. Impervious cover is limited to 20% of the open space area unless the purpose of the additional impervious cover is documented.	5	0	Not responsive

	<u>Possible Points</u>	<u>Points Awarded</u>	<u>Comments</u>
8. The following areas are considered high priorities when designating open space: conservation buffers, high quality native trees, critical habitat areas, and high quality soil resources.	5	0	Not highlighted or preferred as open space
9. Please provide evidence of your enforcement program: a) methods, b) budget, and c) staffing.	5	5	
<b>3. On-premises sign ordinance (permanent only with size, placement, and quantity restrictions)</b>	<b>43</b>	<b>40</b>	
<b>1. Strict limits on size, placement, and quantity of signs per business. All permanent signs require permits separate from the building permit. [The more restrictive, the more points will be awarded] [Mandatory requirement]</b>	15	15	
1.a Minimum requirement: signs require permits separate from the building permit.	5	5	
1.b Strict limits on quantity of signs per business and quantity of signs per side/property frontage.	5	5	
1.c Strict limits on size (both square footage and height) and placement.	5	5	
2. Banned signage: All wind devices, roof signs and portable signs.	5	4	Wind devices not specifically prohibited
3. Restricted digital signage: All electronic changeable message (digital) signs should be banned outright or restricted to special districts within city limits. IF digital signs currently exist, clearly-stated regulations must strictly limit size, height, and brightness of such signs, and prohibit moving images and frequent rotation of fixed images on such signs. Regulations written so that signs are designed to be in context with the natural and built environment.	8	6	Does not restrict to specific area
4. A mechanism exists to bring existing (grandfathered) signs into conformity with the municipality's current sign code.	5	5	
5. A process exists to remove any sign that is significantly damaged, destroyed or abandoned.	5	5	
6. Please provide evidence of your enforcement program: a) methods, b) budget, and c) staffing.	5	5	
<b>4. Off-premises signage</b>	<b>45</b>	<b>23</b>	
<b>1. No permits are allowed to be issued for new outdoor general advertising off-premises signs or devices. [Mandatory requirement]</b>	0	0	Clarify meaning of 4.2.5.1 (c) (13)
2. Specific ordinance language states that existing, non-electronic billboards may NOT be modified, upgraded or in any way converted to an electronic, changeable message (digital) billboard format. IF digital billboards currently exist, clearly-stated regulations must strictly limit brightness of such signs, and prohibit moving images and frequent rotation of fixed images on such signs.	5	0	Not specific
3. Policy prohibiting the relocation of billboards, or allowing relocation only when required by the construction of a publicly funded project, provided that such relocation is restricted to a limited period of time.	5	5	
4. Parked motor vehicles and/or trailers may not be intentionally located so as to serve as an advertising device for a use, product or service.	5	5	
5. Moving motor vehicles and/or trailers may not be employed primarily for the purpose of displaying commercial advertising messages. Commercial advertising messages are prohibited on any vehicle if the messages are unrelated to the primary business or activity for which the vehicle is utilized; this includes but is not limited to transit vehicles and school buses.	5	0	Not prohibited
6. No advertising allowed on right-of-way amenities (bus shelters, park benches, transit stations, trash receptacles, directional kiosks, etc).	5	0	Not specifically prohibited
7. Ban on posting of advertising signs on public property. Any advertising signs found upon any public property may be removed by the city.	5	5	
8. Law prohibiting tree-cutting or similar clearing of vegetation on public rights-of-way to provide better view of off-premises signs.	5	0	Paragraph not responsive
9. A process exists to remove nonconforming outdoor general advertising devices (i.e. billboards) that are not on federally-funded roadways.	5	3	Only when damaged more than 60%
10. Please provide evidence of your enforcement program: a) methods, b) budget, and c) staffing.	5	5	
<b>5. Lighting standards for streetscapes and public spaces</b>	<b>25</b>	<b>13</b>	
1. Street lighting program that emphasizes the selection of lighting equipment and the location of street lighting, in order to provide visibility, safety, and security for pedestrians and vehicles.	5	3	Need City Right of Way Standard

	<u>Possible Points</u>	<u>Points Awarded</u>	<u>Comments</u>
2. Adequate illumination that meets the level-of-use standards set for the municipality is required.	5	0	Need Standard of Use Definition
3. Outdoor lighting program that emphasizes directional lighting, limits glare and misdirected or unnecessary outdoor lighting, and curtails and reverses any degradation of the night sky, in order to decrease light pollution effects and preserve the nighttime visual environment.	5	5	
4. Cost-sharing program exists between the city and power provider(s) to upgrade light fixtures.	5	0	Statement of Fact - City Policy/Comprehensive Plan/Master Plans/Budgets would provide support
5. Please provide evidence of your enforcement program: a) methods, b) budget, and c) staffing.	5	5	
<b>6. Landscaping in Parking lots</b>	<b>24</b>	<b>24</b>	
1. Incorporate appropriately-scaled, well-graded and planted earth berms, shrubs, or other landscaping on parking area perimeters to screen the parking area from streets and other facilities	3	3	
2. Require that planted islands have curbs.	3	3	
3. Integrate groundcovers and small shrubs at island ends to add interest while maintaining visibility of pedestrians and vehicles; minimize the use of medium to tall shrubs on internal islands.	5	5	
4. If paving around a tree is required, use porous pavements such as cast-in-place, monolithic turf and concrete combinations over specimen tree roots to allow water and air exchange.	3	3	
5. Require that plants are selected for climate such as regionally native, drought-tolerant and extreme temperature-tolerant species and are used whenever possible. Ensure that plants installed in or around parking areas receive proper irrigation to encourage deep root growth.	5	5	
6. Please provide evidence of your enforcement program: a) methods, b) budget, and c) staffing.	5	5	
<b>7. Protection of landscaping during construction activities</b>	<b>25</b>	<b>18</b>	
1. Require that protective barricades are installed around all protected trees and grand trees prior to any construction activities on a development site.	4	4	
2. Barricades are to be installed a minimum of 10 feet from a protected tree or at the designated protective root zone.	3	1	Requires but does not meet 10' standard
3. Materials used for protective barricades shall be made of wood, fencing or solid material.	3	2	Does not require wood, fencing or solid material (sturdy)
4. Barricades shall be no less than 3 feet in height with horizontal and vertical structural members designed to prevent damage to existing landscaping.	4	3	Does not meet width and spacing or material standard
5. Protective barricades removed only to prepare the development site for final landscaping activities.	3	0	Does not specify protection until landscaping started - requires during pre-development and development
6. Parking or storing of vehicles, equipment or materials is not allowed within the protective root zone.	3	3	
7. Please provide evidence of your enforcement program: a) methods, b) budget, and c) staffing.	5	5	
<b>8. Clearly-stated design standards to coordinate individual efforts and create unity-of-design, a positive city image, and a high quality public environment. Provide documentation that clearly defines if all of the city or specific areas fall within the guidelines. Must document that the percent of the city and the percent of commercial (all types) where the code applies.</b>	<b>10</b>	<b>10</b>	
<b>Provide copy of design standards and evidence of enforcement program: a) methods, b) budget, and c) staffing.</b>			
<b>Examples of standards that must be in place to qualify as a unified-design area include:</b>			

	<u>Possible Points</u>	<u>Points Awarded</u>	<u>Comments</u>
<ul style="list-style-type: none"> <li>• Storefront design standards in terms of shapes and materials for awnings, storefront lighting, entries, doors, windows, and building appurtenances</li> <li>• Signage limitations for permitted on-premises signs and specific guidelines for display window signage, window graphics, plaque signs, and entry paving</li> <li>• Exterior furnishings / landscape - requirements regarding allowed exterior furnishings, landscaping, sidewalk grade, and ADA compliance</li> </ul>	10	10	
<b>9. Litter and Graffiti</b>	<b>25</b>	<b>22</b>	
1. Littering is defined, expressly prohibited, and penalized by city ordinance, including pedestrian trash as well as that thrown from motor vehicles..	3	3	
2. Graffiti (writing or drawings scribbled, scratched, painted, or sprayed illicitly on a wall or other surface in public view) is expressly prohibited and penalized by city ordinance. A program exists to enforce effective removal.	5	5	
3. Publicly supported cleanup efforts and education program for trash and graffiti.	3	3	
4. Public trash receptacles have a protective covering to prevent trash from blowing out of can.	3	0	Statement of fact - non responsive
5. Trash can only be placed for collection on certain designated days, and not before or after within a period of 15 hours.	3	3	
6. Strict prohibition on dumping.	3	3	
7. Please provide evidence of your enforcement program: a) methods, b) budget, and c) staffing.	5	5	
<b>10. Utility and cable line program</b>	<b>40</b>	<b>16</b>	
10.1 a- Install utility lines (including individual service lines, transmission lines and distribution lines) underground, below the finished grade of the right of way. Remove (if appropriate) all related above ground utility structures.	10	5	Not uniformly applicable
10.1 b- If your city has a special circumstance, i.e., it is located in a flood prone area, please describe your methods to minimize the visual impact of required above ground utilities.			
2. For new construction that requires additional utility infrastructure, new utility infrastructure should be mounted on pads at ground level; if within the right of way, should not block sidewalks or visibility at intersections.	5	0	Reference not responsive
3. For a major roadway reconstruction or public improvement project, all utility services located within the boundaries of the project should be placed underground.	5	0	Reference not responsive
4. For future individual utility service, lines which originate in a public road right of way and extend to any building or structure constructed after a certain date (including residential, commercial, or industrial) are installed underground. All new construction must require utility services to be underground.	5	3	Not Required Uniformly only in overly districts
5. Once utility service lines have been installed underground, the installation of new above-ground lines in that location is prohibited by ordinance.	5	3	Not Required Uniformly only in overly districts
6. If above ground utilities are being replaced on side streets with above-ground utility services which intersect with a roadway with underground utility lines, the first pole supporting the above ground service is placed on such side street at least 100 feet from the center of the roadway with the underground utilities.	5	0	No response
7. Please provide evidence of your enforcement/improvement program: a) methods (e.g., contracts with power company, design guidelines, requirement of TIRZs, ordinance), b) budget, and c) staffing.	5	5	
<b>11. Dumpster Screening</b>	<b>30</b>	<b>25</b>	
1. The dumpster area is screened on three sides using material consisting of stone, brick, block, wood or a continuous planting of evergreens.	5	5	
2. The opening for removal of the dumpster for collection is a minimum of 12 feet to allow for proper access when it is serviced. For every additional dumpster in an enclosure, an additional 10 feet in width is required. Openings should be concealed by a non-transparent gate.	3	3	

	<u>Possible Points</u>	<u>Points Awarded</u>	<u>Comments</u>
3. All dumpster enclosures are approved by the city prior to construction.	4	4	
4. Require that the dumpster enclosure is constructed of durable materials that complement the primary building.	3	3	
5. Require that the owner incorporate landscaping to make the screen more effective.	5	5	
6. Require that location of the opening to the area be away from the sidewalk and street.	5	0	No requirement limits locations to rear or side yards - for corner lots - side yards may contain sidewalks
7. Please provide evidence of your enforcement program: a) methods, b) budget, and c) staffing.	5	5	
<p><b>Bonus: Your city may have features or programs that contribute to the scenic appeal of public roadways and public spaces that are not listed in these specifications. If you would like these to be considered with your application, please provide evidence for them. These features are not limited to, but might include:</b></p> <ul style="list-style-type: none"> <li>• historic districts</li> <li>• historic preservation programs</li> <li>• a scenic program related to a unique geographic feature</li> <li>• a natural environment enhancement program</li> <li>• storm runoff collectors</li> <li>• beach/lake/river cleanups</li> <li>• retention basins</li> <li>• plantings in detention areas</li> <li>• landscaping along a body of water</li> <li>• a vegetated area bordering a stream or established to protect a stream system</li> <li>• innovative programs above and beyond our criteria in any of the certification categories</li> <li>• participation in Keep Texas Beautiful or Main Street Program</li> </ul> <p>Please provide evidence of your enforcement program: a) methods, b) budget, and c) staffing.</p>	20	9	2 Pt. Historic District, 3 PT Detention/Wetlands, 2 Pt. Beautification, 2 PT Tree City USA





## Guide to Interpreting Your Score

*Our goal is to award your city as many points as possible. The following phrases are commonly used in the comments section when a response does not receive full points.*

**No support provided** – There was no response to the criterion on the application.

**Response provided does not support the criterion** – The ordinance language submitted either addressed the criterion but did not fulfill the requirements, or did not address the criterion and did not fulfill the requirements.

**Response provided does not specify/response provided does not specifically...** – The response addressed the criterion but either did not fulfill the requirements of a crucial point of the criterion, or the language is unclear. This is important for questions that contain more than one part – if we receive ordinance support for one aspect of the requirement but not the second or third, we cannot award full points.

**Response provided only applies to.../Response provided does not address...** – The response addressed the criterion but did not encompass all the conditions listed.

**Statement of fact not accepted** – Our evaluation team “fact-checks” all applications. We cannot score any responses except those which specifically provide us with ordinance language or city documentation. To complete each answer correctly, attach a link to the appropriate, responsive ordinance language. Where the application requests descriptions of enforcement programs, supply an official document which outlines the budget and full-time employee count for each category.

**Unable to locate support within response provided/Please provide more detailed location** – The response was too general or too broad and did not lead us to a specific location. We cannot score responses that are so broad we cannot find support for the criterion.

**No comment** – The response satisfied the criterion and we have no suggestions for improvement. Full points are awarded!



# **V. Adjournment**