

MINUTES OF THE JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON 7-17-06, 2006, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

CALL TO ORDER

The Mayor called the public hearing to order at 6:58 p.m. with the following present:

*arrived
7:45 pm*

- | | |
|--|--|
| Mayor Tom Reid | P & Z Chairperson Ruby Sandars <i>A</i> |
| Mayor Pro-Tem Richard Tetens <i>A</i> | P & Z Vice Commissioner Sheryl Greiner |
| Council Member Kevin Cole | P & Z Commissioner Jerry Koza, Jr. |
| Council Member Felicia Kyle | P & Z Commissioner Neil West |
| Council Member Helen Beckman | P & Z Commissioner Henry Fuentes |
| Council Member Steve Saboe | P & Z Commissioner Susan Sherrouse |

Also in attendance: ~~City Manager Bill Eisen~~ *arrived @ 7:00 pm*; City Attorney Darrin Coker; Deputy City Attorney ~~Nghiem Doan~~; Assistant City Manager Nick Finan; Assistant City Manager Mike Hodge, ~~City Engineer Doug Kneupper~~, Planning Director Lata Krishnarao; Senior Planner Theresa Grahmann; Plan and Plat Administrator Richard Keller; Planner 1 Diana DuCroz, and Planning Administrative Secretary Judy Krajca. *Danny Cameron Public Works Director*

Planning
~~Senior Planner~~ *Dir. Lata Krishnarao*

~~Senior Planner Theresa Grahmann~~ explained the Joint Public Hearing process for the attending public, and explained that the Planning & Zoning Commission Meeting will immediately follow the Joint Public Hearing.

PURPOSE OF HEARING

The Public Hearing for Zone Change Application No. 2006-6 was called to order at 1:03 p.m. by Mayor Tom Reid, and by Planning and Zoning Chairperson Ruby Sandars.

A. Zone Change Application No. 2006-6

Sheryl Dreiner
Vice Chairperson ~~Ruby Sandars~~ read the purpose into the record.

Pln. Dir. Lata Krishnarao presented the Staff Report. *Staff is in favor. Buffering can be a condition of approval.*
Staff received _____ Public Comment Forms.

There was _____ or no one in the audience to speak for or against this Zone Change.

Speakers/address/comments:

There were no comments from the Council/Commission/Staff.
There was brief discussion.
There was much discussion. Topics discussed were:

There is a site plan attached to this zone chng but staff is asking you not apprv. as part of this zone chng.

The Public Hearing for Zone Change Application No. 2006-6 was adjourned at 1:14 p.m.

The Public Hearing for Zone Change Application No. 2006-282 was called

Joint Public Hearing

SPEAKER'S CARD

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

Name: Rodney Slaton

Full Address: 14710 Cobble Valley Drive

(include zip) Houston, Tx. 77062

I wish to speak regarding Item No. CUP for Westminister

2006-6

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JULY 17, 2006, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

Conditional Use Permit No. 2006-6

A request by Rodney Slaton, applicant for Mahmud Hedayati, owner, for approval of a Conditional Use Permit for a "Mini-Warehouse/Self Storage" facility in the General Business Retail District (GB), on the following described property, to wit:

Legal Description: 2.10 acres of land, being a portion of Tract C of the Whispering Winds General Business Reserve, as recorded in Volume 17, Page 93-94, of the Brazoria County Plat Records, Section 2, Lot A and Lot B, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the East Side of Westminster Street, and Approximately 300 Feet North of FM 518 (Broadway Street)

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT

B. APPLICANT PRESENTATION *Mr. Rodney Slaton spoke briefly on behalf of the owner*

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

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

Steve Sabro commented briefly. No other comments

VI. ADJOURNMENT

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

JOINT PUBLIC HEARING AGENDA ITEM
MEETING OF JULY 17, 2006

Conditional Use Permit No. CUP2006-06

TO: City Council
Planning and Zoning Commission

SUBJECT: A request by Rodney Slaton, applicant for Mahmud Hedayati, owner, for approval of a Conditional Use Permit for a "Mini-Warehouse/Self Storage" facility in the General Business Retail District (GB)

LEGAL DESCRIPTION: 2.10 acres of land, being a portion of Tract C of the Whispering Winds General Business Reserve, as recorded in Volume 17, Page 93-94, of the Brazoria County Plat Records, Section 2, Lot A and Lot B, City of Pearland, Brazoria County, Texas

GENERAL LOCATION: Generally Located on the East Side of Westminister Street, and Approximately 300 Feet North of FM 518 (Broadway Street)

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

Planning and Zoning Commission: July 17, 2006

A Conditional Use Permit (CUP) is a new application process in the Unified Development Code (UDC) and replaces the previous Specific Use Permit (SUP) described in the Land Use and Urban Development Ordinance. According to the Unified Development Code, a CUP will be scheduled for a Joint Public Hearing with both the Planning and Zoning Commission and the City Council, but will be scheduled for approval by the Planning and Zoning Commission only. The City Council will only hear the CUP if the applicant appeals the Commission's decision to the City Council.

SUMMARY: The applicant is requesting approval of a Conditional Use Permit for a "Mini-Warehouse/Self Storage" facility in the General Business Retail District (GB).

The subject property is currently undeveloped.

SURROUNDING ZONING AND LAND USES:

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

	<u>Zoning</u>	<u>Land Use</u>
North	Multi-Family District (MF)	Apartment Complex
South	General Business Retail District (GB)	Retail and office development
East	General Business Retail District (GB)	Undeveloped tract
West	General Business Retail District (GB); Single Family Residential – 3 District (R-3)	Apartment Complex

CONFORMANCE TO UNIFIED DEVELOPMENT CODE (UDC): The subject property is currently zoned as a GB district. The minimum lot size for the GB district is 22,500 square feet and the minimum lot width is 150 feet. The subject property in its present configuration currently meets these requirements. The subject property consists of two lots, each which are approximately 152 feet in width along Westminister Road. The subject property is over 2 acres in size.

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

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

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends “Retail, Offices, and Services” for the subject property and for many of the surrounding properties along FM 518 (Broadway Street). The Comprehensive Plan further indicates that the appropriate zoning districts for “Retail, Offices, and Services” are the Office and Professional District (OP), the

Neighborhood Service District (NS), and the General Business District (GB). The proposed conditional use permit does not conflict with the Comprehensive Plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Westminister Road, a minor collector street with an ultimate right-of-way of 60 feet. When the subject property is platted, the applicant may need to dedicate right-of-way for Westminister Road, if additional right-of-way is needed.

No other roadways affect the subject property.

AVAILABILITY OF UTILITIES: There is currently a 10-inch water line located within Westminister Road, and a 6 inch water line located on the south side of the subject property.

There is a 6 inch gravity main sanitary sewer line located on the south side of the subject property.

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

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The proposed conditional use permit for storage and mini-warehouse should not have an impact on surrounding properties. The subject property is currently undeveloped, and is located between an existing retail development on Broadway Street, and an apartment complex to the north. A mini-warehouse and self storage development is a relatively quiet use, and should not be disruptive to the adjacent developed tracts.

Site Plan

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

Setbacks:

Minimum front yard: 25 feet

Minimum side yard: 10 feet on the south side; 25 feet on the north side, which abuts a residential zoning district (MF)

Minimum rear yard: 25 feet

Maximum height: 45 feet

The proposed site plan does not show specific dimensions or yard setback requirements. The applicant would be required to comply with all yard setback lines during the review of

the building permit application and plans.

Exterior Building Façade

The Unified Development Code requires 100% masonry or glass for any wall or portion of a wall visible from the roadway or adjacent residential zoning districts. The subject property fronts onto Westminister Road, and is adjacent to a residential zoning district to the north (multi-family is considered a residential district).

Outside display:

The applicant has not indicated whether or not they will have any outside storage or display.

Screening:

Screening between uses is not required because the subject property is not adjacent to a single family residential zoning district.

Parking:

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

Landscaping:

The applicant will be required to comply with the specific requirements for landscaping within the Unified Development Code.

Traffic:

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

The above items are a list of requirements that the applicant will have to comply with from the Unified Development Code (UDC). However, all requirements are not listed in this report. If the conditional use permit is approved, the applicant will have to meet all requirements in the UDC, including the requirements for Landscaping, Signage, Tree Preservation, as well as others.

Other Considerations:

The proposed site plan, which is attached to this report, is not approved as part of this

Conditional Use Permit. Also, Staff does not recommend any deviation from the requirements of the UDC. In order for the proposed business to be compatible and harmonious with the adjacent land uses, Staff believes that all requirements of the ordinance should be applied to this property.

If the Commission and the Council feel that additional requirements should apply to the subject property, they need to be specified within the motion to approve the Conditional Use Permit. For example, if the Commission and Council feels that there should be a masonry fence constructed around the subject property, or a landscape buffer, it should be specified.

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

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit for the mini-warehouse and self storage, as proposed by the applicant, for the following reasons:

1. The proposed conditional use permit provides for a mini-warehouse and self storage facility in an area that is currently zoned GB. The GB district allows the mini-warehouse and self storage by approval of a Conditional Use Permit.
2. The proposed facility should not have any impact on the surrounding developments, as the proposed use is relatively a quiet use.
3. The applicant will be required to comply with all requirements in the Unified Development Code pertaining to the development of the site.
4. The site plan, landscape plan, and building elevations will be reviewed again as part of a Building Permit Application, for compliance with all codes and ordinances applicable to the site.

Staff recommends that the Planning and Zoning Commission add this specific condition to the approval of the Conditional Use Permit:

1. The applicant comply with all applicable requirements in the Unified Development Code.

SUPPORTING DOCUMENTS:

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

CONDITIONAL USE PERMIT NO. 2006-06

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

A request by Rodney Slaton, applicant for Mahmud Hedayati, owner, for approval of a Conditional Use Permit for a "Mini-Warehouse/Self Storage" facility in the General Business Retail District (GB), on the following described property, to wit:

2.10 acres of land, being a portion of Tract C of the Whispering Winds General Business Reserve, as recorded in Volume 17, Page 93-94, of the Brazoria County Plat Records, Section 2, Lot A and Lot B, City of Pearland, Brazoria County, Texas (Generally Located on the East Side of Westminister Street, and Approximately 300 Feet North of FM 518 (Broadway Street))

**PUBLIC HEARINGS WILL BE HELD IN THE
COUNCIL CHAMBER OF CITY HALL
LOCATED AT
3519 Liberty Drive, Pearland, Texas
on
MONDAY, JULY 17, 2006, AT 6:30 P.M.**

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

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

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

PROPERTY OWNER NOTICE



APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

Page 1 of Application

JUN 15 2006

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

Conditional Use Permit Request for: Storage units (rental for individual use)
(list proposed use)

Current Zoning District: General Business (GB)

Property Information:

Address or General Location Subject property is two tracts fronting Westminster

Tax Account No. Road approximately 293.91' from FM 518 having 304.68' fronts

Subdivision: Whispering Winds GB Reserve

Lot: A & B

Block: _____

PROPERTY OWNER INFORMATION:

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

NAME Mahmud Hedayati

ADDRESS 2107 Linwood Oaks

CITY Pearland STATE Texas ZIP 77581

PHONE (281) 799-1186

FAX () _____

E-MAIL ADDRESS _____

APPLICANT INFORMATION:

NAME Rodney Slaton

ADDRESS P.O. Box 591969

CITY Houston STATE Texas ZIP 77259-1969

PHONE (281) 827-3929

FAX (281) 218-6093

E-MAIL ADDRESS rslaton@slatonandson.com

CUP 2006-06

Slaton & Son Engineering

P.O. Box 591969

Houston, Texas 77259-1969

(281) 827-3929 (office)

(281) 218-6093 (fax)

rslaton@slatonandson.com

JUN 15 2006

June 9, 2006

Lata Krishnarao
Planning Director
City of Pearland, Texas
3519 Liberty Drive
Pearland, Texas 77581

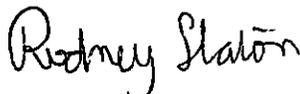
**Re: Conditional Use Permit Request for Whispering Winds
General Business Reserve Lots A & B along
Westminister Road in Pearland, Texas**

Dear Ms. Krishnarao:

On behalf of my client enclosed please find an application for a Conditional Use Permit (CUP), survey and a site plan for the property. We have previously submitted a check in the amount of \$275 made payable to the City of Pearland for a previous request and it is our understanding the fee for the processing of a CUP is \$250. The tracts are located along the west side of Westminister Road and is currently zoned General Business (GB). My client wished to place storage units on this site and it is our understanding this is a permitted use under the current zoning designation under certain conditions. We feel it would be a benefit to the area.

Should you have any questions please do not hesitate to contact me at (281) 827-3929.
Thank you.

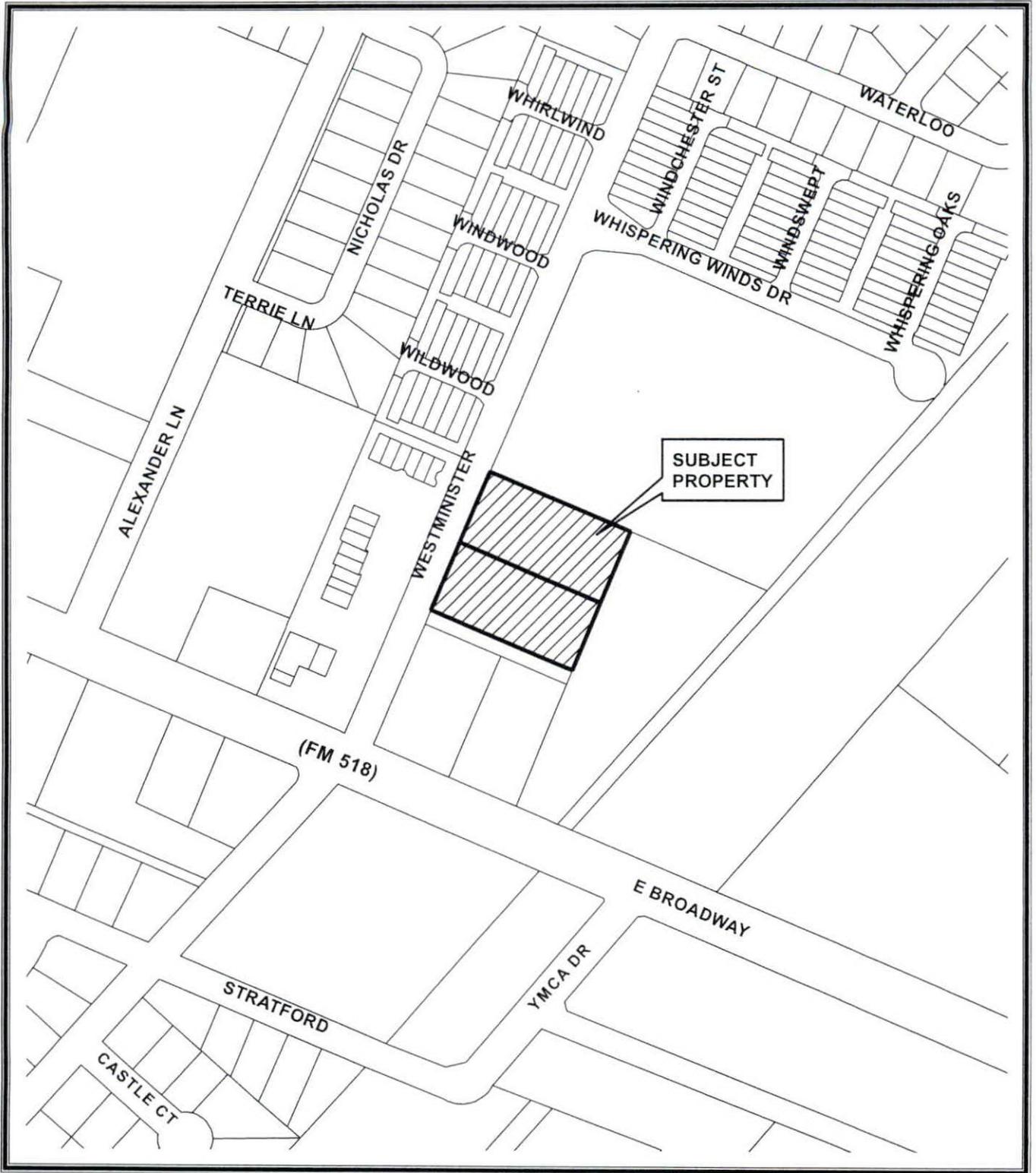
Respectfully,



Rodney Slaton, P.E.
President/Chief Engineer

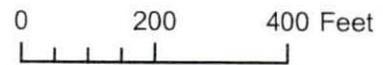
Enclosure

Cc: Mike Hedayati

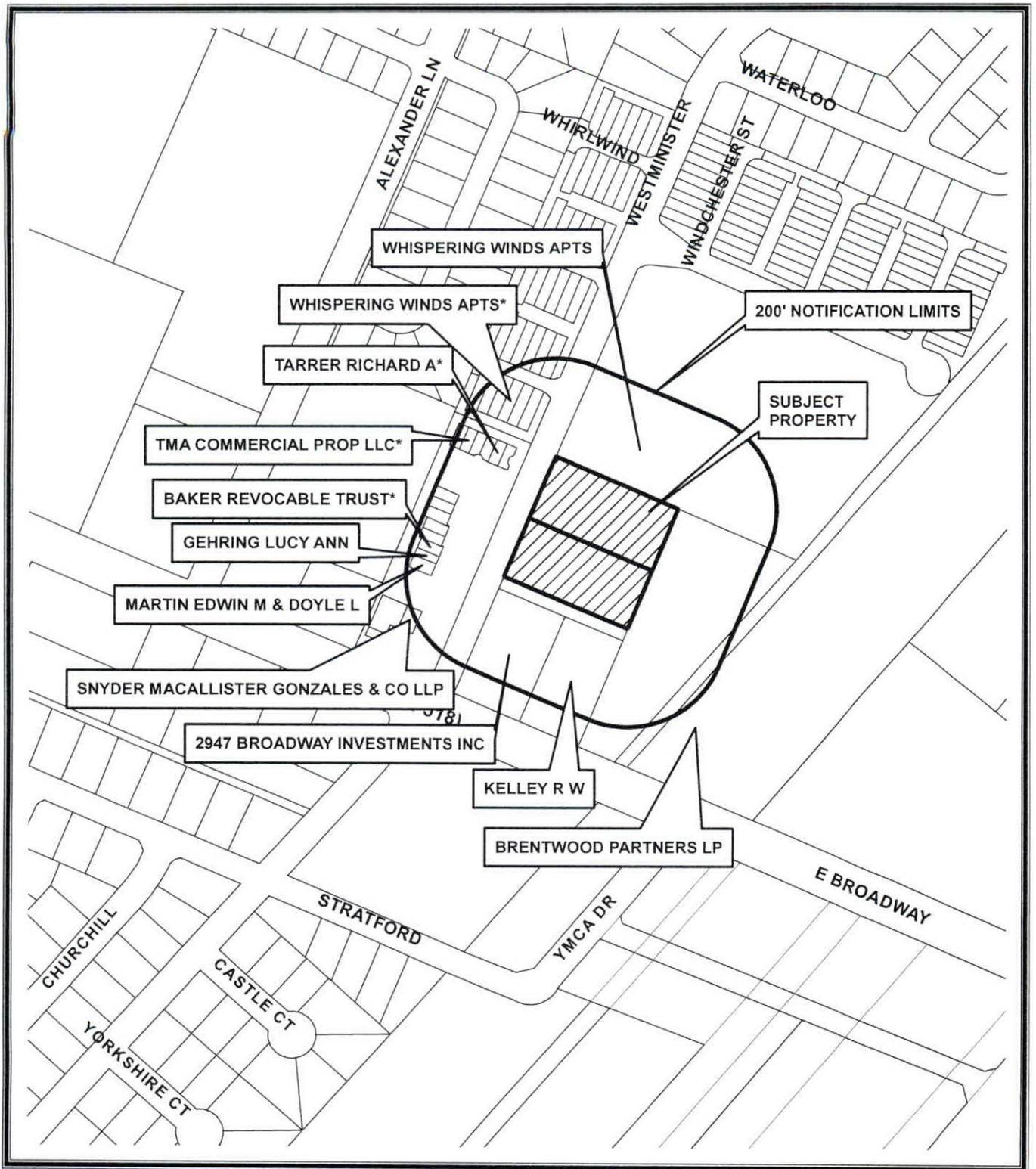


LOCATION MAP

Conditional Use Permit
No. CUP2006-06

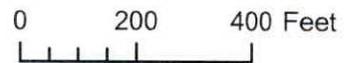


Map Prepared on June 26, 2006



OWNERSHIP MAP

Conditional Use Permit
No. CUP2006-06



Map Prepared on June 26, 2006

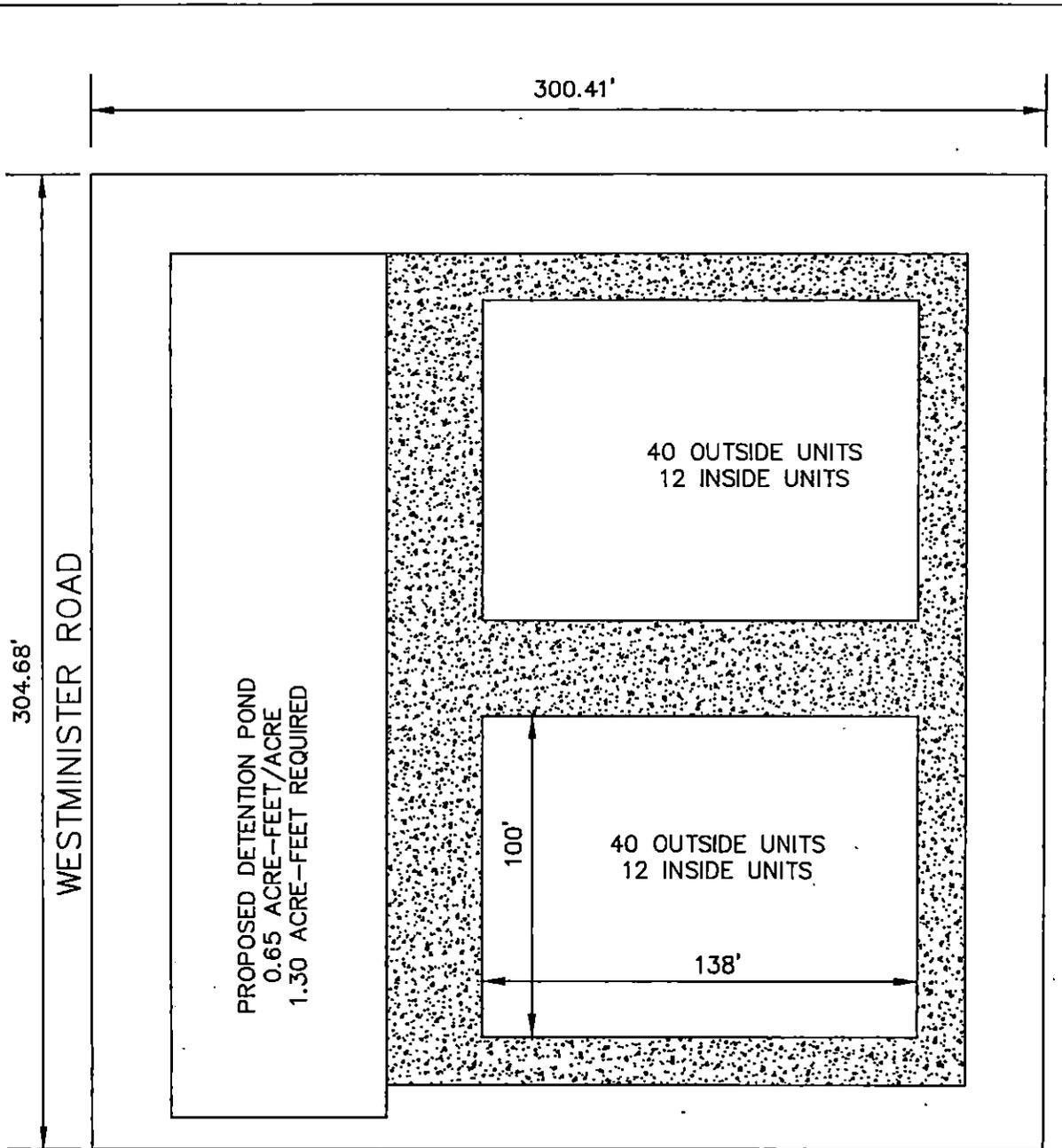
*owns multiple lots

CONDITIONAL USE PERMIT NO. CUP2006-06

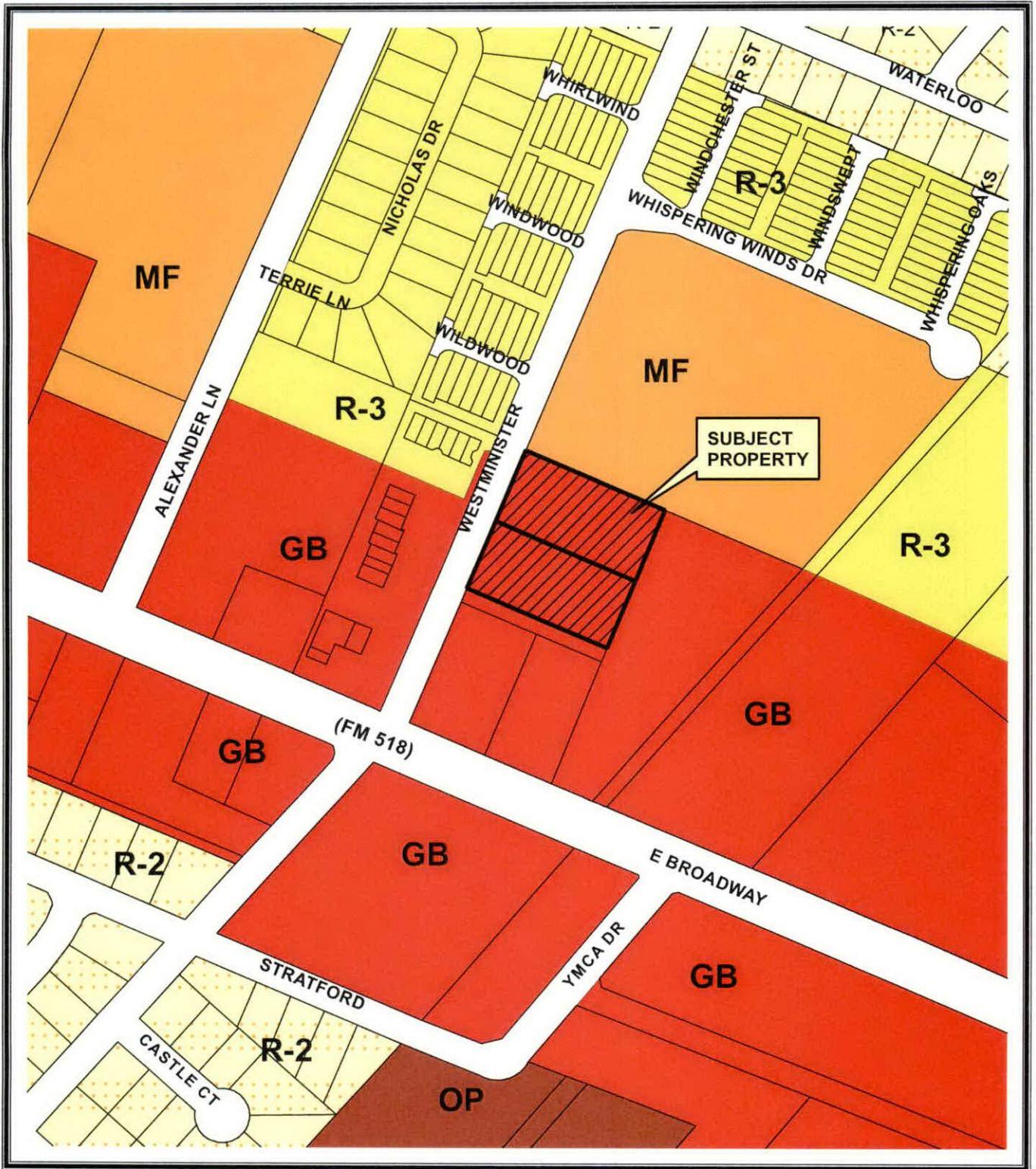
Property Owner Notification List

<u>TAX ACCT.</u>	<u>OWNER</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>ST</u>	<u>ZIP CODE</u>	<u>LEGAL DESCRIPTION</u>
0198-0014-000	BRENTWOOD PARTNERS LP	PO BOX 131018	HOUSTON	TX	77219-1018	A0198 T J GREEN, TR 1E-2-2B-3-3A-4-4A-5-6A1, ACRES 7.417
8277-0701-000	WHISPERING WINDS APTS	PO BOX 1536	EAST LANSING	MI	48826-1536	WHISPERING WINDS, BLOCK 7, ACRES 8.910
8277-0101-000	WHISPERING WINDS APTS	PO BOX 1536	EAST LANSING	MI	48826-1536	WHISPERING WINDS, BLOCK 1-6, ACRES 8.450
	MAHMUD.HEDAYATI	2107 LINWOOD OAKS	PEARLAND	TX	77581	PROPERTY OWNER
	RODNEY SLATON	PO BOX 591969	HOUSTON	TX	77259-1969	APPLICANT
8277-2001-000	FIRST NATL BANK-PEARLAND	2107 E LINWOOD OAKS ST	PEARLAND	TX	77581-3507	WHISPERING WINDS (PEARLAND), LOT A, SEC 2
7034-0000-206	TMA COMMERCIAL PROP LLC	8110 GLEN DELL CT	HOUSTON	TX	77061	PEARLAND SQUARE (A0198 TJ GREEN), BLOCK C, LOT 1-3
7034-0000-207	TARRER RICHARD A	2920 GREEN TEE DR	PEARLAND	TX	77581-5025	PEARLAND SQUARE (A0198 TJ GREEN), BLOCK C, LOT 4-6
8277-2002-000	FIRST NATL BANK-PEARLAND	2107 E LINWOOD OAKD ST	PEARLAND	TX	77581-3507	WHISPERING WINDS (PEARLAND), LOT B, SEC 2, ACRES 1.051
7034-0000-203	BAKER REVOCABLE TRUST	PO BOX 830	PEARLAND	TX	77588-0830	PEARLAND SQUARE (A0198 TJ GREEN), BLOCK B, LOT 3-8
7034-0000-201	MARTIN EDWIN M & DOYLE L	2528 WESTMINSTER	PEARLAND	TX	77581	PEARLAND SQUARE (A0198 TJ GREEN) BLOCK B, LOT 1
6420-0001-000	2947 BROADWAY INV INC	2947 BROADWAY ST STE 100	PEARLAND	TX	77581-9500	M ALEX CROUCH (A198 TJ GREEN), BL 1G5, LT A, ACRES 0.997
7034-0000-120	SNYDER MACALLISTER GONZALES	3001 BROADWAY ST	PEARLAND	TX	77581-4510	PEARLAND SQUARE (A0198 TJ GREEN) BL A, LOT 3
6420-0002-000	KELLEY R W FAMILY LP	2933 BROADWAY ST	PEARLAND	TX	77581-4508	M ALEX CROUCH (A198 TJ GREEN), BL 1G5, LT B, ACRES 0.810
7034-0000-202	GEHRING LUCY ANN	2526 WESTMINISTER ST	PEARLAND	TX	77581-4518	PEARLAND SQUARE (A0198 TH GREEN), BLOCK B LOT 2

JUN 15 2006

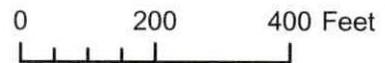


ACCESS DRIVE SHALL ALIGN WITH DRIVEWAY ACROSS THE STREET.

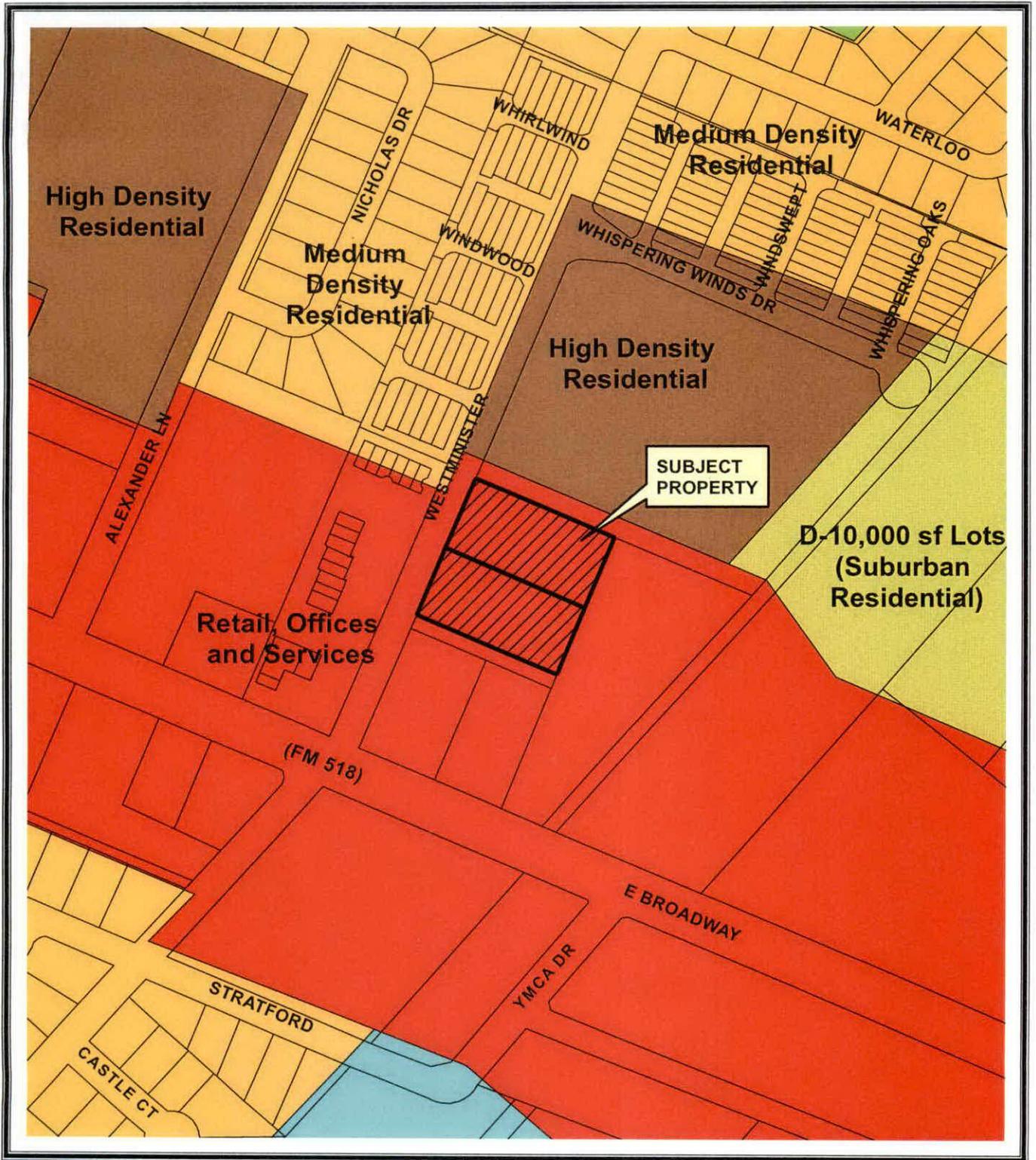


ZONING MAP

Conditional Use Permit
No. CUP2006-06



Map Prepared on June 26, 2006



FUTURE LAND USE PLAN

Conditional Use Permit
No. CUP2006-06



0 200 400 Feet

Map Prepared on June 26, 2006

PURPOSE OF HEARING

The Public Hearing for Zone Change Application No. 2006-252 was called to order at 7:14 p.m. by Mayor Tom Reid, and by Planning and Zoning Chairperson Ruby Sandars.

A. Zone Change Application No. 2006-252

vice chair person Sheryl Greiner

~~Chairperson Ruby Sandars~~ read the purpose into the record.

Staff is in favor

Lata Krishnarao presented the Staff Report .

Staff received 1 Public Comment Forms. *in opposition*
applicant Richard Gonzalez was present to speak
There was _____ or no one in the audience to speak for or against this Zone Change.

Speakers/address/comments:

There were no comments from the Council/Commission/Staff.
There was brief discussion.

There was much discussion. Topics discussed were:
Steve Saboe spoke. Questioning if the person opposed was directly bordering this property.
Lata passed around a aerial photo.
Felicia Kyle expressed concerns of TH among SF residence, along w/ GB across the street & CP beside. "Hodge Podge" of zoning.
Nelen feels TH to might be good ~~for~~ transition for area.
Neil - not Hodge Podge but mixed area w/ OTS nearby. →

The Public Hearing for Zone Change Application No. _____ was adjourned at __:__ p.m.

The Public Hearing for Zone Change Application No. _____ was called

PURPOSE OF HEARING

The Public Hearing for Zone Change Application No. 2006-252 was called to order at 7:14 p.m. by Mayor Tom Reid, and by Planning and Zoning Chairperson Ruby Sandars.

A. Zone Change Application No. 2006-252

vice chair person Sheryl Greiner

~~Chairperson Ruby Sandars~~ read the purpose into the record.

Nata Krishnarao presented the Staff Report .

Staff is in favor

Staff received 1 Public Comment Forms. *in opposition*
applicant Richard Gonzalez was present to speak
There was _____ or no one in the audience to speak for or against this Zone Change.

Speakers/address/comments:

There were no comments from the Council/Commission/Staff.
There was brief discussion.

There was much discussion. Topics discussed were:

Steve Saboe spoke. Questioning of the person opposed was directly addressing this property.
Nata passed around a aerial photo.

Felicia Kyle expressed concerns of TH among S.F. restee, along w/ GB across the street & CP beside. "Hodge Podge" of zoning.

Nelen feels TH ~~to~~ might be good ~~area~~ transition for area.

Neil - not Hodge Podge but mixed area w/ OTS nearby. →

The Public Hearing for Zone Change Application No. _____ was adjourned at ___:___ p.m.

The Public Hearing for Zone Change Application No. _____ was called

Sheryl brought up that corner lot @ Johnston & Walnut
came before 5 pt for zone change to Residential. She brought
up ~~the~~ to show trend this area is trying to go to.
Data also stated that lots on McKeon Rd have been rezoned
to Residential & will be rezoned next precinct of zoning
Nick brought up that on the Thoroughfare Plan that TRDOT would be
looking at. Much disc. between Nick & Data re: Row of
McKeon
1/11/11 - Corner lot will be 200 ft & covered ~~at~~ 20-40 ft setback

Mr. Deane asked for clarification of the
small strip west of this prop.

Alicia Kyle questioned Mr. Grogan about

Sheryl asked about

9.4 units per acre

allj. © - 7.38.

Joint Public Hearing

SPEAKER'S CARD

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

Name: Richard Gonzalez

Full Address: 2407 Kay Ave, Pearland, TX 77581

(include zip)

I wish to speak regarding Item No. 2006-282

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JULY 17, 2006, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

7:14 p.m.

Zone Change No. 2006-28Z

A request by Richard Gonzalez, applicant for RMMA Investments, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 2 District (R-2) to Townhouse Residential District (TH), on the following described property, to wit:

Legal Description: 1.26 acres of land, being lots 1A, 1E, 1D, and 1E1, Abstract 239, H. T. & B.R.R. Company Survey, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the South Side of Walnut Street, and Approximately 400 Feet East of McLean Road

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT

Lots read

B. APPLICANT PRESENTATION

*Staff in favor
1 p.c. F-agg
Richard Gonzalez present*

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

no one

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

1:38

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

JOINT PUBLIC HEARING AGENDA ITEM
MEETING OF JULY 17, 2006

Zone Change No. 2006-28Z

TO: City Council
Planning and Zoning Commission

SUBJECT: A request by Richard Gonzalez, applicant for RMMA Investments, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 2 District (R-2) to Townhouse Residential District (TH)

LEGAL DESCRIPTION: 1.26 acres of land, being lots 1A, 1E, 1D, and 1E1, Abstract 239, H. T. & B.R.R. Company Survey, City of Pearland, Brazoria County, Texas

GENERAL LOCATION: Generally Located on the South Side of Walnut Street, and Approximately 400 Feet East of McLean Road

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

Planning and Zoning Commission: July 17, 2006*
City Council for First Reading: August 14, 2006*
City Council for Second Reading: August 28, 2006*

(*dates subject to change if item is tabled)

SUMMARY: The applicant is requesting a change in zoning on the subject property for a Townhouse Residential District (TH). The subject property consists of 4 lots. There are existing buildings located upon the subject property.

The applicant applied in June 2006 for a zone change to a General Commercial District for the subject property, but withdrew the application just prior to the Joint Public Hearing.

SURROUNDING ZONING AND LAND USES:

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

	<u>Zoning</u>		<u>Land Use</u>
North	General Business District (GB)	Retail	Undeveloped tract
South	Single Family Residential-2 District (R-2)		Single family residences
East	Office and Professional District (OP)		Retail/office development
West	Single Family Residential-2 District (R-2)		Single family residences

CONFORMANCE TO UNIFIED DEVELOPMENT CODE (UDC): The applicant is requesting a TH zoning district. The minimum lot size for the TH district is 3,000 square feet, and the minimum lot width and depth is 30 feet by 90 feet.

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

PLATTING STATUS: The applicant will be required to submit a plat prior to development of the property, and the plat would have to be approved and filed for record, prior to issuance of a building permit.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Medium Density Residential" for the subject property and for many of the surrounding properties, especially properties located to the south of Walnut Street. The Comprehensive Plan further indicates that the appropriate zoning districts for "Medium Density Residential" are the Single Family Districts (R-2), (R-3), and (R-4), and the Townhouse Residential District (TH). Therefore, the proposed Townhouse Residential District conforms to the Comprehensive Plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Walnut Street, a local/residential street. The Master Thoroughfare Plan does not indicate any improvements to Walnut Street. Further to the east, Walnut Street is proposed to be a secondary thoroughfare with an ultimate right-of-way of 100 feet.

No other roadways affect the subject property.

AVAILABILITY OF UTILITIES: There is currently a 10 inch water line within Walnut Street.

There is an 8 inch and a 15 inch gravity main sanitary sewer line within Walnut Street.

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

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The subject property consists of four lots that are all currently zoned as R-2. The applicant has indicated that he intends to develop a townhouse development on the subject property if the zone change is approved.

The Comprehensive Plan designates the subject property for Medium Density Residential, and Staff believes that the area is suitable for a residential district. The properties to the south and west are zoned R-2 and are developed as single family residences. The proposed townhome development should be compatible with the surrounding residential uses, as well as the OP district directly to the east of the subject tract. The overall area seems to have more of a residential characteristic rather than non-residential, even though there are GB districts within the area.

The subject property fronts on Walnut Street, which is designated as a local street within this area. There are areas along the north side of Walnut Street that are zoned as GB. Also, the property directly to the east of the subject property is zoned for OP and is developed with an office related use. Staff believes that a TH district is suitable along this section of Walnut Street. Due to the adjacent residential uses and Walnut Street being designated as a local street, Staff believes that the area is suitable for residential development and should be zoned as TH.

If the zone change to TH is approved, the TH district would share property lines to the south and west with tracts that are zoned as R-2. Even though the TH district is more dense than the R-2 district and allows for a smaller lot size, the TH district is considered as single family residential, and screening between the R-2 and TH districts is not required.

If the zone change is approved, the applicant may be responsible for the submittal of a traffic impact analysis (TIA) in order to determine the impact of the proposed development on adjacent roadways and adjacent properties, as well as the locations of driveways, and any roadway improvements and other similar traffic related issues.

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

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

1. The proposed TH district conforms to the Comprehensive Plan designation of Medium Density Residential uses by providing for a townhome development.
2. The proposed zone change to TH is compatible and consistent with other similar land uses within the subject area.

SUPPORTING DOCUMENTS:

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

ZONE CHANGE NO. 2006-028Z

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

A request by Richard Gonzalez, applicant for RMMA Investments, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 2 District (R-2) to Townhouse Residential District (TH), on the following described property, to wit:

1.26 acres of land, being lots 1A, 1E, 1D, and 1E1, Abstract 239, H. T. & B.R.R. Company Survey, City of Pearland, Brazoria County, Texas (Generally Located on the South Side of Walnut Street, and Approximately 400 Feet East of McLean Road)

**PUBLIC HEARINGS WILL BE HELD IN THE
COUNCIL CHAMBER OF CITY HALL
LOCATED AT
3519 Liberty Drive, Pearland, Texas
on
MONDAY, JULY 17, 2006, AT 6:30 P.M.**

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

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

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

PROPERTY OWNER NOTICE



APPLICATION FOR A CHANGE IN ZONING

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

Current Zoning District: Residential - R-2

Proposed Zoning District: "TH" Townhomes

Property Information:

Address or General Location of Property: 4704, 4706, 4708
Walnut, Pearland, TX 77581

Tax Account No. _____

Subdivision: _____ Lot: _____ Block: _____

**A Complete
Application
must include
all of this
information:**

- Fee (see Zoning Change Fee Schedule)
- Legal Description and/or Survey of the Property
- Letter Explaining the Zoning Change Request in detail (specify the existing zoning and why the zone change is being requested, current use of the property, and the proposed use of the property; if a PD is requested, see PD Format and Guidelines)

PROPERTY OWNER INFORMATION:

NAME KMMA Investments
ADDRESS 2407 Kay Ave.
CITY Pearland STATE TX ZIP 77581
PHONE (281) 997-5752
FAX (281) 997-5767
E-MAIL ADDRESS Richardg@walker.com

APPLICANT INFORMATION:

NAME Richard Gonzalez
ADDRESS 2407 Kay Ave.
CITY Pearland STATE TX ZIP 77581
PHONE (281) 997-5752
FAX (281) 997-5767
E-MAIL ADDRESS Richardg@walker.com

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

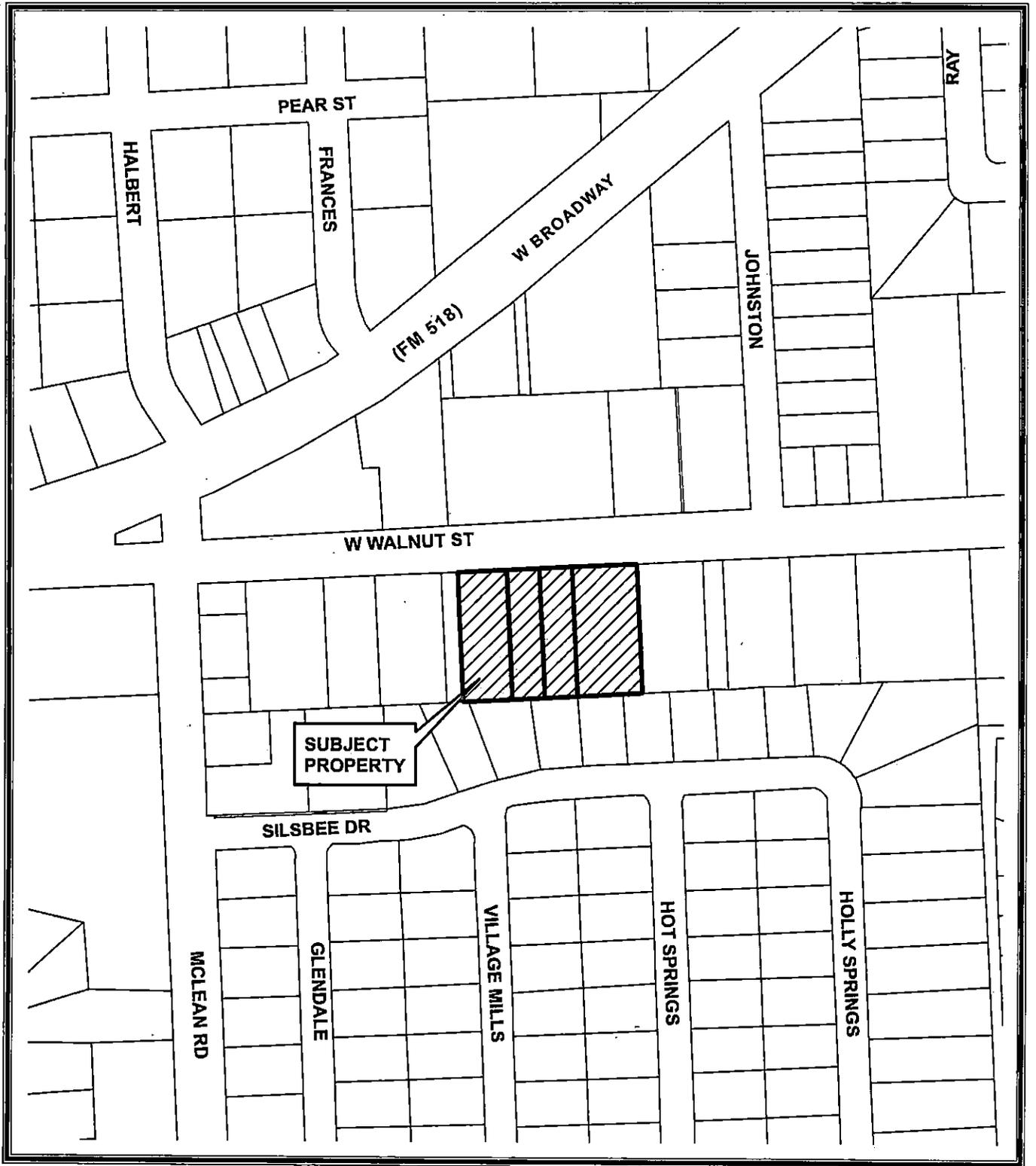
Owner's Signature: Richard Gonzalez Date: 6-21-06

Agent's Signature: _____ Date: _____

OFFICE USE ONLY:

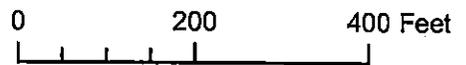
FEES PAID: <u>\$275.00</u>	DATE PAID: <u>6/19/06</u>	RECEIVED BY: <u>tag</u>	RECEIPT NUMBER: <u>unknown</u>
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Application
No. 2006-287

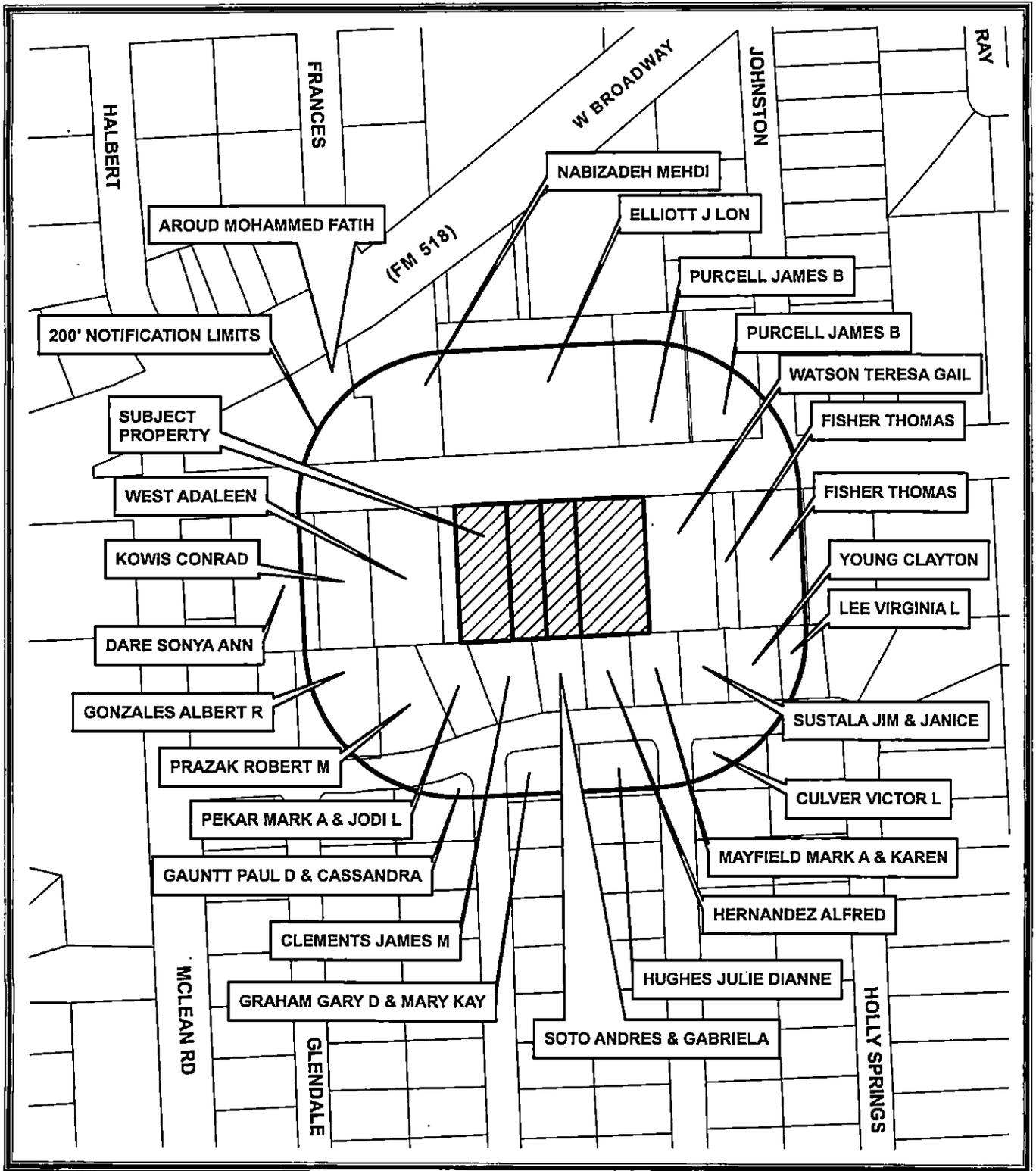


LOCATION MAP

**Zone Change
No. 2006-28Z**

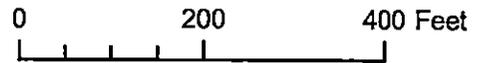


Map Prepared on June 26, 2006



OWNERSHIP MAP

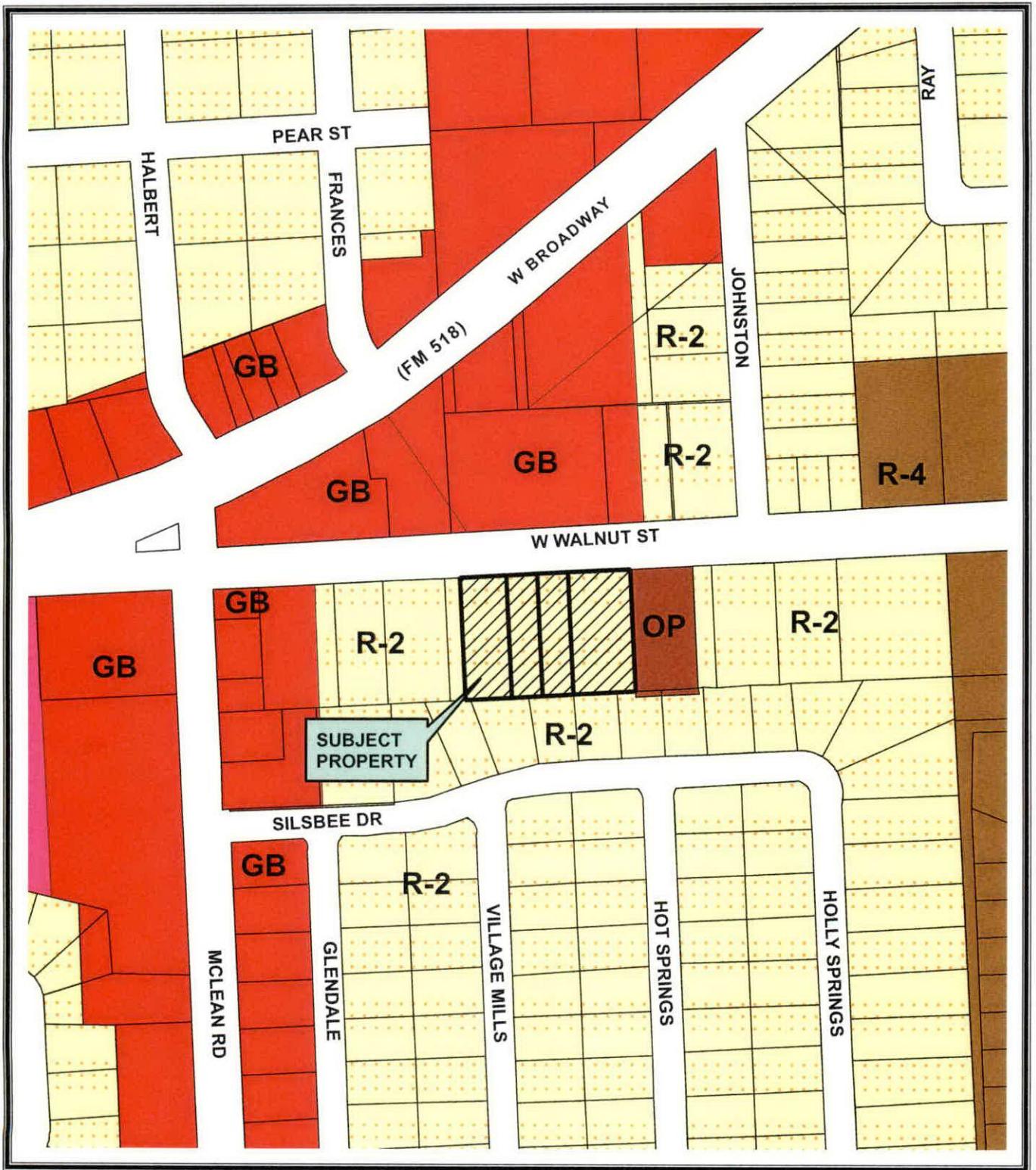
**Zone Change
No. 2006-28Z**



Map Prepared on June 26, 2006

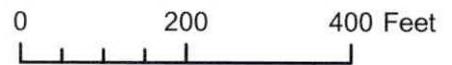
ZONE CHANGE NO. 2006-28Z
Property Owner Notification List

<u>TAX ACCT</u>	<u>OWNER</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>ST</u>	<u>ZIP CODE</u>	<u>LEGAL DESCRIPTION</u>
0239-0038-000	RMMA INVESTMENTS LLC	2407 KAY AVE	PEARLAND	TX	77581-6313	A0239 H T & B R R, TRACT 1D-1E1, ACRES 0.5739
0239-0038-000	RMMA INVESTMENTS LLC	2407 KAY AVE	PEARLAND	TX	77581-6313	A0239 H T & B R R, TRACT 1D-1E1, ACRES 0.5739
0239-0011-000	RMMA INVESTMENTS LLC	2407 KAY AVE	PEARLAND	TX	77581-6313	A0239 H T & B R R, TRACT 1A, ACRES 0.460
0239-0001-000	RMMA INVESTMENTS LLC	2407 KAY AVE	PEARLAND	TX	77581-6313	A0239 H T & B R R, TRACT 1E, ACRES 0.230
	RICHARD GONZALEZ	2407 KAY AVE	PEARLAND	TX	77581	APPLICANT
0239-0004-000	WATSON TERESA GAIL	2412 SHELIA ST	PEARLAND	TX	77581-4444	A0239 H T & B R R, TRACT 1B, ACRES 0.460
8390-0409-000	LEE VIRGINIA L	4805 SILSBEE DR	PEARLAND	TX	77584-1313	WILLOWICK (PEARLAND), BLOCK 5, LOT 9
8390-0408-000	YOUNG CLAYTON	4807 SILSBEE DR	PEARLAND	TX	77584-1313	WILLOWICK (PEARLAND), BLOCK 5, LOT 8
8390-0407-000	SUSTALA JIM & JANICE	4809 SILSBEE DR	PEARLAND	TX	77584-1313	WILLOWICK (PEARLAND), BLOCK 5, LOT 7
8390-0406-000	MAYFIELD MARK A & KAREN	4811 SILSBEE DR	PEARLAND	TX	77584-1313	WILLOWICK (PEARLAND), BLOCK 5, LOT 6
8390-0405-000	HERNANDEZ ALFRED	7408 BROADWAY ST	PEARLAND	TX	77581-7748	WILLOWICK (PEARLAND), BLOCK 5, LOT 5
8390-0404-000	SOTO ANDRES & GABRIELA	4903 SILSBEE DR	PEARLAND	TX	77584-1327	WILLOWICK (PEARLAND), BLOCK 5, LOT 4
8390-0403-000	CLEMENTS JAMES M	4905 SILSBEE DR	PEARLAND	TX	77584-1327	WILLOWICK (PEARLAND), BLOCK 5, LOT 3
8390-0402-000	PEKAR MARK A & JODI L	4710 WESTCHESTER ST	PASADENA	TX	77505-4340	WILLOWICK (PEARLAND), BLOCK 5, LOT 2
8390-0401-000	PRAZAK ROBERT M	4909 SILSBEE DR	PEARLAND	TX	77584-1327	WILLOWICK (PEARLAND), BLOCK 5, LOT 1
0239-0021-000	GONZALES ALBERT R	4911 SILSBEE DR	PEARLAND	TX	77584-1327	A0239 H T & B R R, TRACT 111A, ACRES 0.410, PEARLAND
8390-0301-000	CULVER VICTOR L	2701 HOT SPRINGS DR	PEARLAND	TX	77584-1318	WILLOWICK (PEARLAND), BLOCK 4, LOT 1
8390-0224-000	HUGHES JULIE DIANNE	2702 HOT SPRINGS DR	PEARLAND	TX	77584-1314	WILLOWICK (PEARLAND), BLOCK 3, LOT 24
8390-0201-000	GRAHAM GARY D & MARY KAY	2701 VILLAGE MILLS DR	PEARLAND	TX	77584-1319	WILLOWICK (PEARLAND), BLOCK 3, LOT 1
8390-0400-000	MALDONADO CHRISTOBAL E	4911 SILSBEE DR	PEARLAND	TX	77584-1327	WILLOWICK (PEARLAND), LOT RESERVE 1'X258'
8390-0122-000	GAUNTT PAUL D & CASSANDRA	2702 VILLAGE MILLS DR	PEARLAND	TX	77584-1325	WILLOWICK (PEARLAND), BLOCK 2, LOT 22
0239-0047-000	WEST ADALEEN	4804 W WALNUT ST	PEARLAND	TX	77581-3923	A0239 H T & B R R, TRACT 1C-1D, ACRES 0.580
0239-0020-000	KOWIS CONRAD	4806 W WALNUT ST	PEARLAND	TX	77581-3923	LT 1G 239 H T & B PEARLAND, ACRES 0.350
0239-0026-000	DARE SONYA ANN & DENNIS DARE	4904 W WALNUT ST	PEARLAND	TX	77581-3925	LT 1L 239 H T & B PEARLAND, ACRES 0.550
0543-0037-110	NABIZADEH MEHDI	4824A BROADWAY ST	PEARLAND	TX	77581-3935	A0543 H T & B R R, TRACT 2, ACRES 0.524
0543-0060-000	PURCELL JAMES B	962 PEACH BLOSSOM DR	PEARLAND	TX	77584-4037	A0543 H T & B R R (PEARLAND), TRACT M2B
0543-0042-001	PURCELL JAMES B	962 PEACH BLOSSOM DR	PEARLAND	TX	77584-4037	A0543 H T & B R R, TRACT M2J-M2K JOHNSTON, ACRES 0.472
0543-0042-001	PURCELL JAMES B	962 PEACH BLOSSOM DR	PEARLAND	TX	77584-4037	A0543 H T & B R R, TRACT M2J-M2K JOHNSTON, ACRES 0.472
0543-0042-000	ELLIOTT J LON & SUZANNE	PO BOX 1302	PEARLAND	TX	77588-1302	A0543 H T & B R R, TRACT M2 JOHNSTON, ACRES 1.190
0543-0037-000	AROUD MOHAMMED FATIH	4824 BROADWAY ST	PEARLAND	TX	77581-3935	A0543 H T & B R R, TRACT 1, ACRES 0.653
0239-0043-000	FISHER THOMAS	PO BOX 58206	WEBSTER	TX	77598-8206	A0239 H T & B R R, TRACT 1F, ACRES 0.460
0239-0042-000	FISHER THOMAS	PO BOX 58206	WEBSTER	TX	77598-8206	LT 1K PEARLAND 239 H T & B, ACRES 0.140

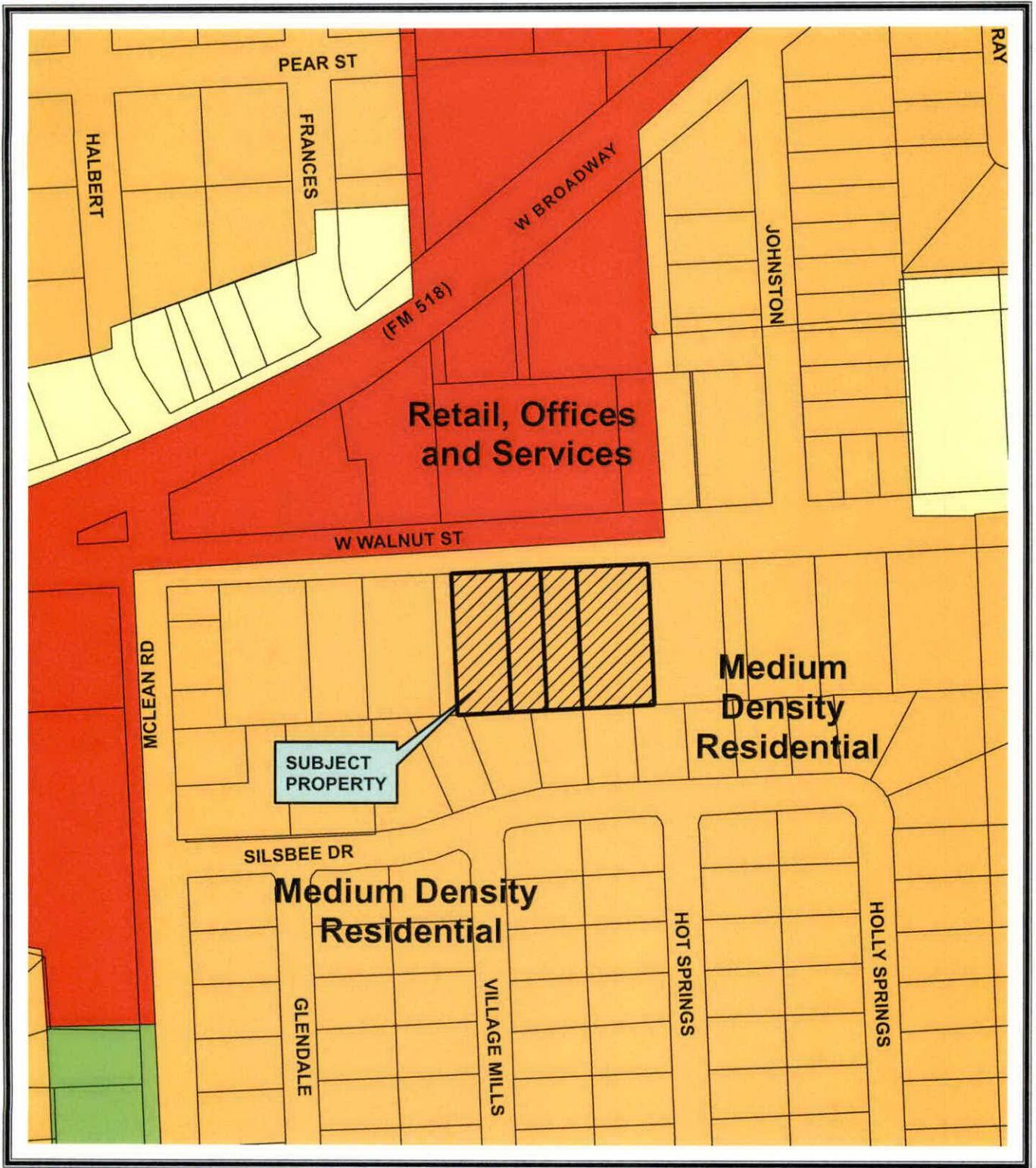


ZONING MAP

Zone Change
No. 2006-28Z

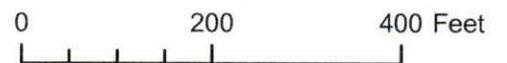


Map Prepared on June 26, 2006



FUTURE LAND USE PLAN

**Zone Change
No. 2006-28Z**



Map Prepared on June 26, 2006

PURPOSE OF HEARING

The Public Hearing for Zone Change Application No. 2006-292 was called to order at 7:45 p.m. by Mayor Tom Reid, and by Planning and Zoning Chairperson Ruby Sandars.

A. Zone Change Application No. 2006-292

V.C. Sheryl Greiner
~~Chairperson Ruby Sandars~~ read the purpose into the record.

Dr. Ann Therese Grahamann presented the Staff Report. *Staff recommends approval*
Monty Hueson - representing the owner spoke of the Hotel.
Staff received _____ Public Comment Forms.

There was _____ or no one in the audience to speak for or against this Zone Change.

Speakers/address/comments:

There were no comments from the Council/Commission/Staff.

There was brief discussion.

There was much discussion. Topics discussed were:

Steve Sabo questioned the area to SW of subj. prop.
Henry F explained it is the Fitness center

The Public Hearing for Zone Change Application No. 2006-292 was adjourned at 7:51 p.m.

The Public Hearing for Zone Change Application No. 2006-272 was called

Joint Public Hearing

SPEAKER'S CARD

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

Name:

MONTY HUDSON

Full Address:

3402 FOUNDERS TRAIL

(include zip)

ARLINGTON, TX 76015

I wish to speak regarding Item No.

2006-292

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JULY 17, 2006, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

Zone Change No. 2006-29Z

A request by Monty Hudson, applicant for Jasvant C. Patel, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 1 District (R-1) to Office and Professional District (OP), on the following described property, to wit:

Legal Description: 1.995 acres of land situated in the H.T. & B.R.R. Company Survey, Abstract 304, being a portion of Lot 39 of the Allison Richey Gulf Coast Home Company Suburban Gardens Subdivision, Section 85, as shown on map or plat as recorded under Volume 2, Page 107, of the Plat Records of Brazoria County, also being all of that certain called 2.00 acre tract of land as described in deed and recorded under File No. 921017114 of the Official Public Records of Real Property of Brazoria County, Texas, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the West Side of Miller Ranch Road (County Road 93), and Approximately 800 Feet North of FM 518 (Broadway Street)

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT

B. APPLICANT PRESENTATION

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

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

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

n.45

Kevin Cole arrived 7:45

in favor

Monty Hudson spoke

no one present to speak

7:51

JOINT PUBLIC HEARING AGENDA ITEM
MEETING OF JULY 17, 2006

Zone Change No. 2006-29Z

TO: City Council
Planning and Zoning Commission

SUBJECT: A request by Monty Hudson, applicant for Jasvant C. Patel, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 1 District (R-1) to Office and Professional District (OP)

LEGAL DESCRIPTION: 1.995 acres of land situated in the H.T. & B.R.R. Company Survey, Abstract 304, being a portion of Lot 39 of the Allison Richey Gulf Coast Home Company Suburban Gardens Subdivision, Section 85, as shown on map or plat as recorded under Volume 2, Page 107, of the Plat Records of Brazoria County, also being all of that certain called 2.00 acre tract of land as described in deed and recorded under File No. 921017114 of the Official Public Records of Real Property of Brazoria County, Texas, City of Pearland, Brazoria County, Texas

GENERAL LOCATION: Generally Located on the West Side of Miller Ranch Road (County Road 93), and Approximately 800 Feet North of FM 518 (Broadway Street)

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

Planning and Zoning Commission: July 17, 2006*
City Council for First Reading: August 14, 2006*
City Council for Second Reading: August 28, 2006*

(*dates subject to change if item is tabled)

SUMMARY: The applicant is requesting a change in zoning on the subject property for an Office and Professional District (OP). The subject property is currently undeveloped. The

applicant has indicated that they plan to construct a hotel on the subject property if the zone change is approved.

SURROUNDING ZONING AND LAND USES:

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

	<u>Zoning</u>	<u>Land Use</u>
North	Single Family Residential – 1 District (R-1)	Currently undeveloped, but proposed to be zoned as a PD for an assisted living and skilled nursing facility
South	General Business Retail District (GB)	Currently undeveloped, but future retail and commercial developments
East	General Business Retail District (GB)	Retail and office development
West	Neighborhood Service District (NS)	Currently undeveloped, but proposed to be zoned as GB and developed as part of the retail development at the intersection

CONFORMANCE TO UNIFIED DEVELOPMENT CODE (UDC): The applicant is requesting an OP zoning district. The minimum lot size for the OP district is 12,500 square feet and the minimum lot width is 100 feet. The subject property in its present configuration currently meets these requirements, as the subject property is 149 feet wide along Miller Ranch Road (County Road 93), and Wooten Road, and is approximately 2 acres in size.

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

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

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Retail, Offices, and Services" for the subject property and for many of the surrounding properties along Miller Ranch Road and Broadway Street. The Comprehensive Plan further indicates that the appropriate zoning districts for "Retail, Offices, and Services" are the Office and Professional District (OP), the Neighborhood Service District (NS), and the General Business District (GB). Therefore, the proposed zone change for OP conforms to the Comprehensive Plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Miller Ranch Road (County Road 93), a local street with an ultimate right-of-way of 50 feet. The Thoroughfare Plan does not specify any improvements to Miller Ranch Road. When the subject property is platted, the applicant may need to dedicate right-of-way for Miller Ranch Road, if additional right-of-way is needed.

No other roadways affect the subject property.

AVAILABILITY OF UTILITIES: There is currently a 12-inch water line located within Miller Ranch Road.

There are sanitary sewer lines located at further to the south of the subject property along Miller Ranch Road.

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

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The requested zone change to Office and Professional District (OP) conforms to the Comprehensive Plan designation for Retail, Office, and Services. The applicant originally requested the General Business Retail District (GB), but the subject property did not meet the minimum lot width of 150 feet, and therefore was not able to request the GB district. The applicant chose instead the OP district, which has a minimum lot width of 100 feet.

The applicant has indicated that they intend to construct a hotel on the subject property if the zone change is approved. A hotel is a permitted use within the OP district. The maximum height in the OP district is 35 feet. The OP district also has a provision that additional height may be approved through a Conditional Use Permit. If the zone change to OP is approved, the applicant could then apply for the Conditional Use Permit for an increased height.

The subject property is appropriate for an OP zoning district. The properties to the south and west are zoned as GB and are being developed with a retail and shopping center development. The property directly to the north is being proposed for a zone change to a

Planned Development District (PD) for an assisted living facility and skilled nursing facility. The subject property is one of the last remaining lots zoned R-1 within the area that has not been proposed for a zone change as of yet. One of the tracts further to the west is also being proposed for a zone change to OP for the development of a day care facility.

Due to the surrounding tracts being zoned and already planned for specific developments and others being proposed for zone changes, the rezoning of the subject property to OP is appropriate. The proposed OP district will provide for the appropriate zoning district for the applicant to construct a hotel. The OP district is consistent and will be compatible with surrounding developments, both existing and future.

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

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

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

1. The proposed zone change for OP conforms to the "Retail, Office, and Services" land use designation as recommended by the Comprehensive Plan.
2. The proposed zone change for OP is consistent and compatible with existing GB districts and retail and shopping center land uses within the subject area.
3. The existing zoning district of R-1 is located between an existing GB zoning district to the south, and a proposed zone change to PD to the north, making it appropriate for a non-residential zoning district.

SUPPORTING DOCUMENTS:

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

CITY OF PEARLAND

3523 Liberty Drive (Community Center), Pearland, Texas 77581
281-652-1742 FAX 281-652-1702 www.cityofpearland.com

ZONE CHANGE NO. 2006-029Z

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

A request by Monty Hudson, applicant for Jasvant C. Patel, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 1 District (R-1) to Office and Professional District (OP), on the following described property, to wit:

1.995 acres of land situated in the H.T. & B.R.R. Company Survey, Abstract 304, being a portion of Lot 39 of the Allison Richey Gulf Coast Home Company Suburban Gardens Subdivision, Section 85, as shown on map or plat as recorded under Volume 2, Page 107, of the Plat Records of Brazoria County, also being all of that certain called 2.00 acre tract of land as described in deed and recorded under File No. 921017114 of the Official Public Records of Real Property of Brazoria County, Texas, City of Pearland, Brazoria County, Texas (Generally Located on the West Side of Miller Ranch Road (County Road 93), and Approximately 800 Feet North of FM 518 (Broadway Street))

**PUBLIC HEARINGS WILL BE HELD IN THE
COUNCIL CHAMBER OF CITY HALL
LOCATED AT
3519 Liberty Drive, Pearland, Texas
on
MONDAY, JULY 17, 2006, AT 6:30 P.M.**

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

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

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

Property Owner Notice



APPLICATION FOR A CHANGE IN ZONING

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

Current Zoning District: RESIDENTIAL (R) R-1

Proposed Zoning District: GENERAL BUSINESS (GB) OP

(per e-mail from Mr. Hudson on 6-22-06)

Property Information:

Address or General Location of Property: ONE BLOCK NORTH OF FM 518
ON MILLER PARK ROAD

Tax Account No. _____

Subdivision: ALLISON PARK -- GARDENS Lot: _____ Block: TRACT 11

A Complete Application must include all of this information:

- Fee (see Zoning Change Fee Schedule)
- Legal Description and/or Survey of the Property
- Letter Explaining the Zoning Change Request in detail (specify the existing zoning and why the zone change is being requested, current use of the property, and the proposed use of the property; if a PD is requested, see PD Form and Guidelines)

PROPERTY OWNER INFORMATION:

NAME JASVANT C. PATEL
ADDRESS 1525 EAST D 20
CITY ABILENE STATE TX ZIP 79601
PHONE (254) 673 5351 - CELL-827 3579
FAX (254) 673 5314
E-MAIL ADDRESS JASUPATEL51@hotmail.com

APPLICANT INFORMATION:

NAME MONTY HUDSON
ADDRESS 217 W. MAIN ST SUITE 102
CITY GRAND PRAIRIE STATE TX ZIP 76050
PHONE (469) 761-3570
FAX (972) 264-1768
E-MAIL ADDRESS montyHUDSON@gmail.com

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

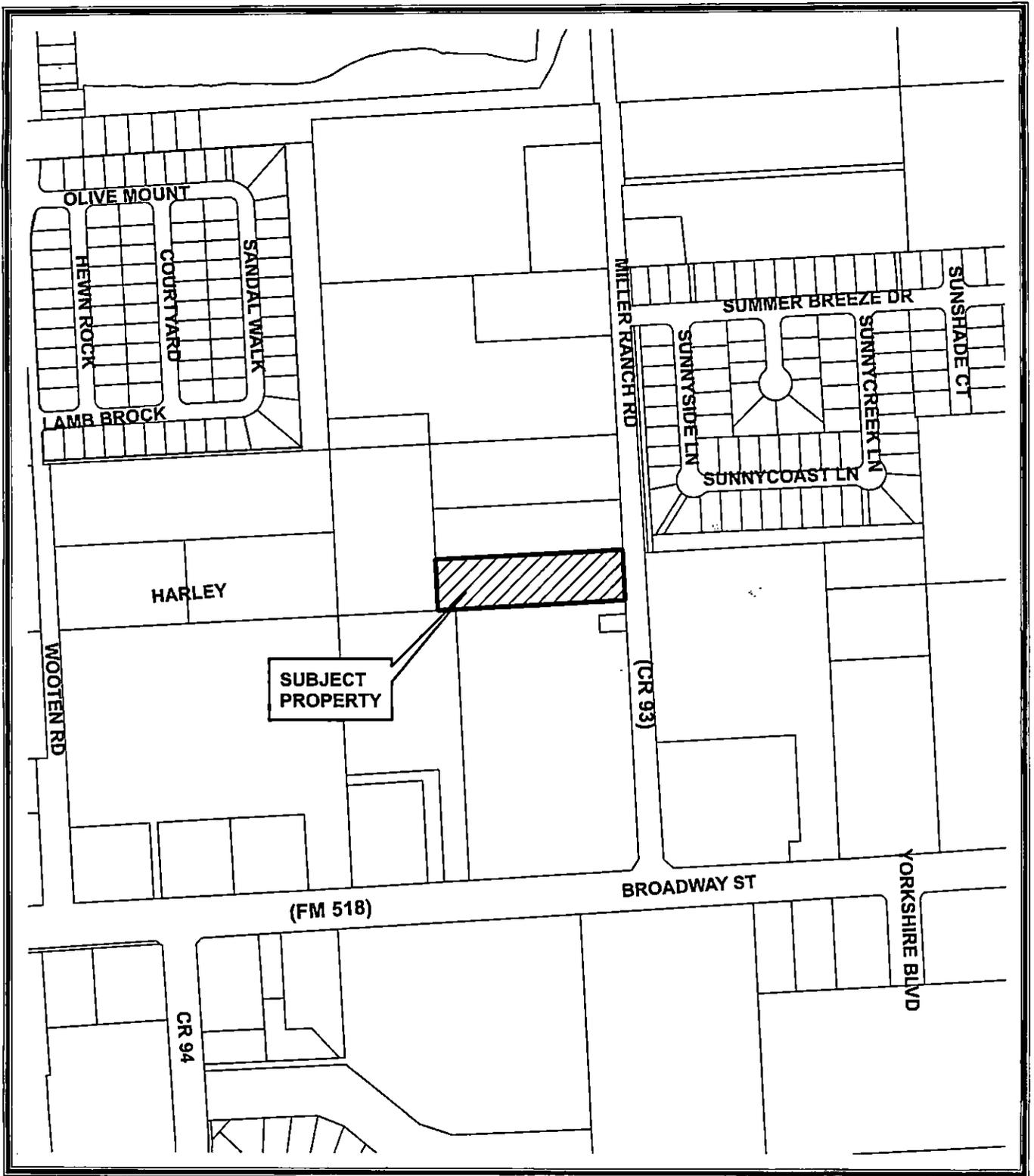
Owner's Signature: X [Signature] Date: 05/19/06

Agent's Signature: [Signature] Date: 5/18/06

OFFICE USE ONLY:

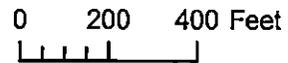
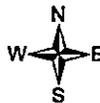
FEES PAID: <u>\$275.00</u>	DATE PAID: <u>6/23/06</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>169349</u>
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Application No. 2006-292

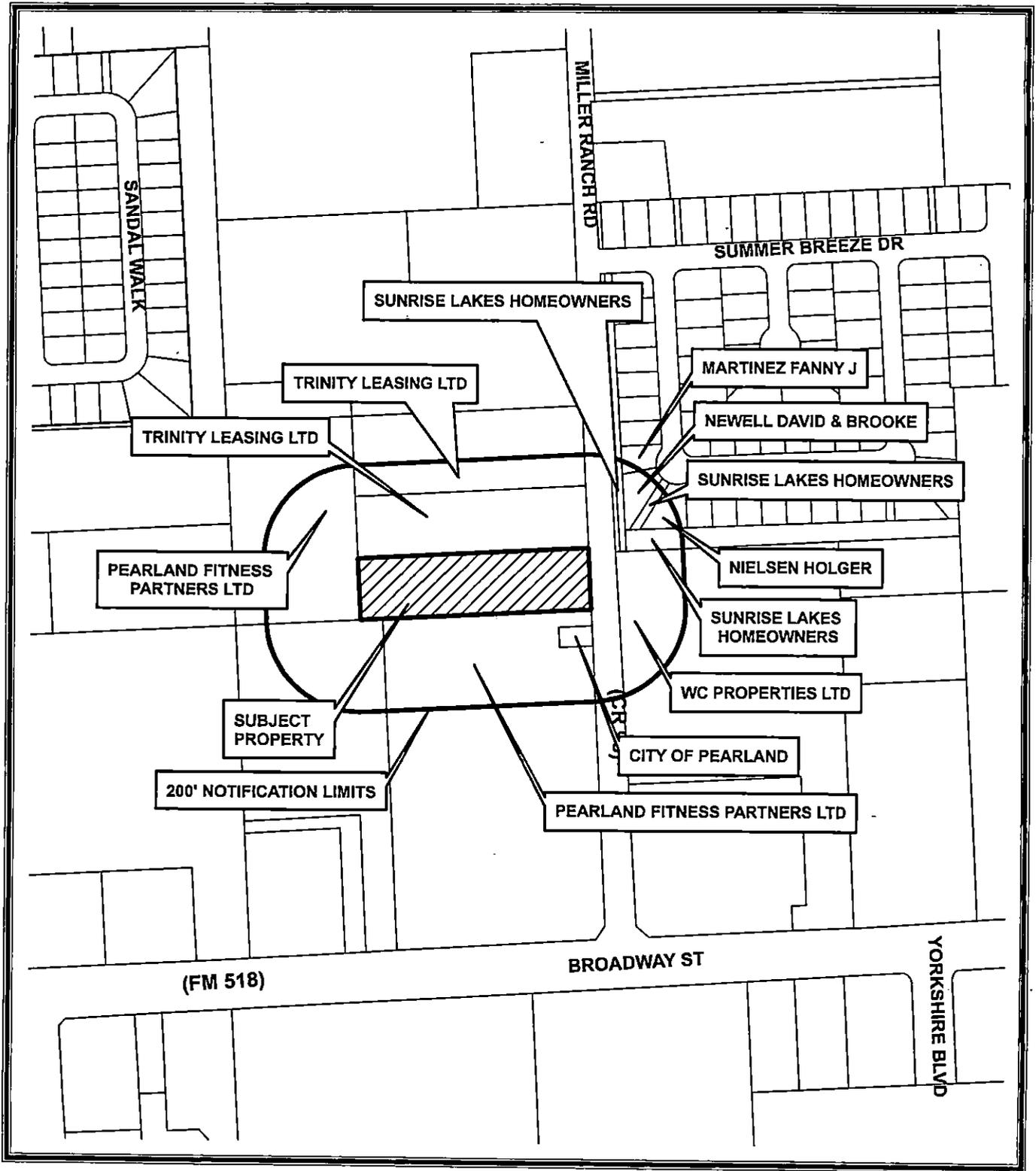


LOCATION MAP

Zone Change
No. 2006-29Z



Map Prepared on June 26, 2006



OWNERSHIP MAP

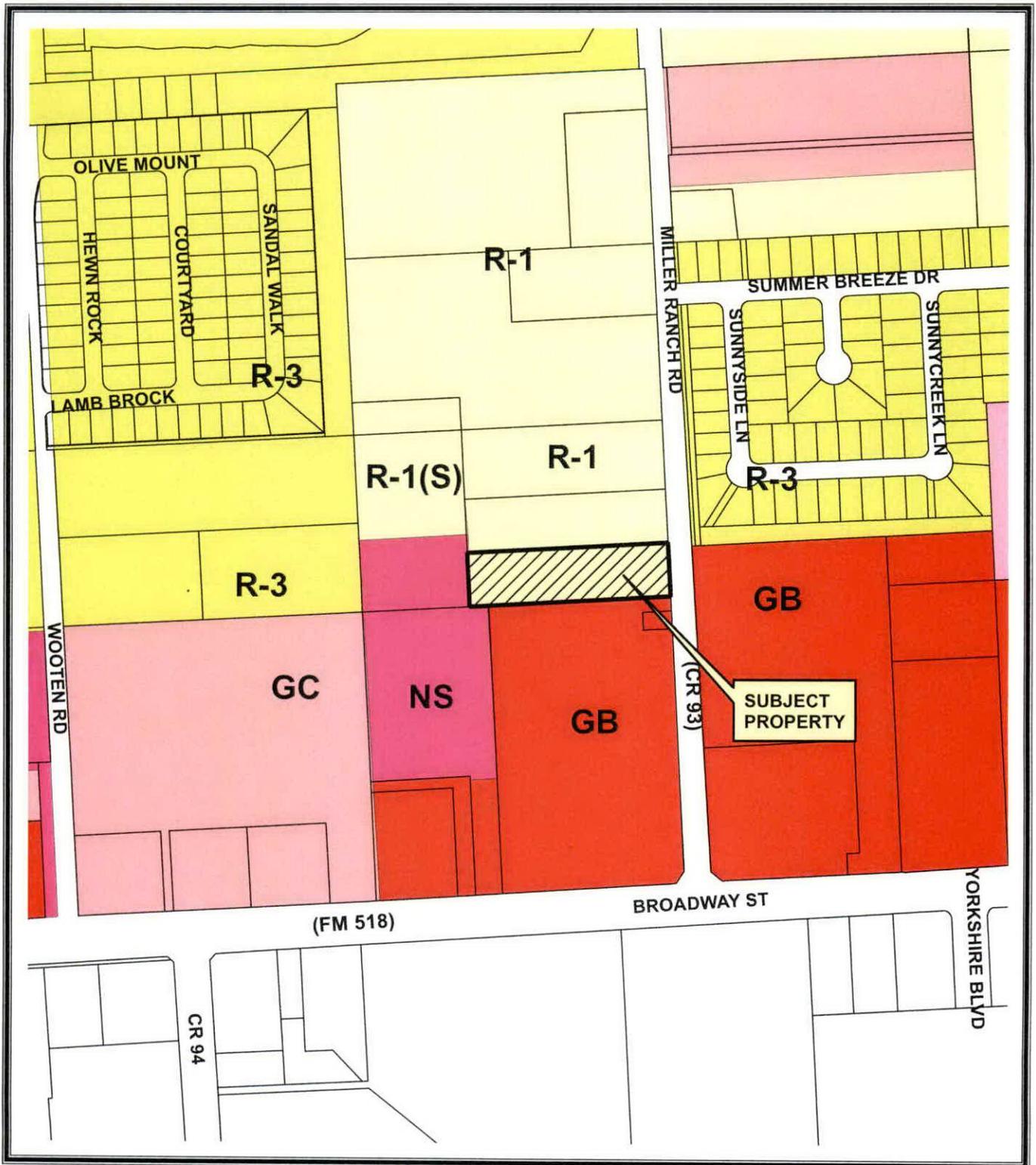
Zone Change
No. 2006-29Z



Map Prepared on June 26, 2006

ZONE CHANGE NO. 2006-29Z
Property Owner Notification List

<u>TAX ACCT</u>	<u>OWNER</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>ST</u>	<u>ZIP CODE</u>	<u>LEGAL DESCRIPTION</u>
7864-2000-001	SUNRISE LAKES HOA	18333 EGRET BAY BLVD STE 445	HOUSTON	TX	77058-6402	SUNRISE LAKES 2 (A0721 J W MAXEY), RES B-E-F-I-J, ACRES 1.624
0304-0032-150	TRINITY LEASING LTD	PO BOX 3037	PEARLAND	TX	77588-3037	A0304 H T & B R R, TRACT 39B, ACRES 2.4277
0304-0054-000	PEARLAND FITNESS PTN	3100 EDLOE STE 270	HOUSTON	TX	77027	A0304 H T & B R R, TRACT 38B-39-40A, ACRES 8.570
	JASVANT C PATEL	1525 EAST I-20	ABILENE	TX	79601	PROPERTY OWNER
	MONTY HUDSON	217 W MAIN ST STE 100	GRAND PRAIRIE	TX	75050	APPLICANT
7864-2003-008	MARTINEZ FANNY J	2716 SUNNYSIDE LN	PEARLAND	TX	77584-2799	SUNRISE LAKES SEC 2 (A0721 J W MAXEY), BLOCK 3, LOT 8
7864-2003-009	NEWELL DAVID & BROOKE	2718 SUNNYSIDE LN	PEARLAND	TX	77584-2799	SUNRISE LAKES SEC 2 (A0721 J W MAXEY) , BLOCK 3, LOT 9
7864-2000-002	SUNRISE LAKES HOA	18333 EGRET BAY BLVD STE 445	HOUSTON	TX	77058-6402	SUNRISE LAKES 2 (A0721 J W MAXEY), RES C-,G-H, ACRES 0.1576
7864-2003-010	NIELSEN HOLGER	9812 SUNNYCOAST LN	PEARLAND	TX	77584-2797	SUNRISE LAKES SEC 2 (A0721 J W MAXEY), BLOCK 3, LOT 10
0304-0032-140	TRINITY LEASING LTD	PO BOX 3037	PEARLAND	TX	77588-3037	A0304 H T & B R R, TRACT 39A, ACRES 1.867
7864-2000-001	SUNRISE LAKES HOA	18333 EGRET BAY BLVD STE 445	HOUSTON	TX	77058-6402	SUNRISE LAKES 2 (A0721 J W MAXEY), RES B-E-F-I-J, ACRES 1.624
0304-0025-001	WC PROPERTIES LTD	PO BOX 580426	HOUSTON	TX	77258-0426	A0304 H T & B R R, TRACT RES A-B, ACRES 2.9089
0304-0013-000	PEARLAND FITNESS PTN	3100 EDLOE STE 270	HOUSTON	TX	77027	A0304 H T & B R R, TRACT 40, ACRES 9.77
0304-0013-001	CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581-5416	A0304 H T & B R R, TRACT 40B, ACRES 0.0918

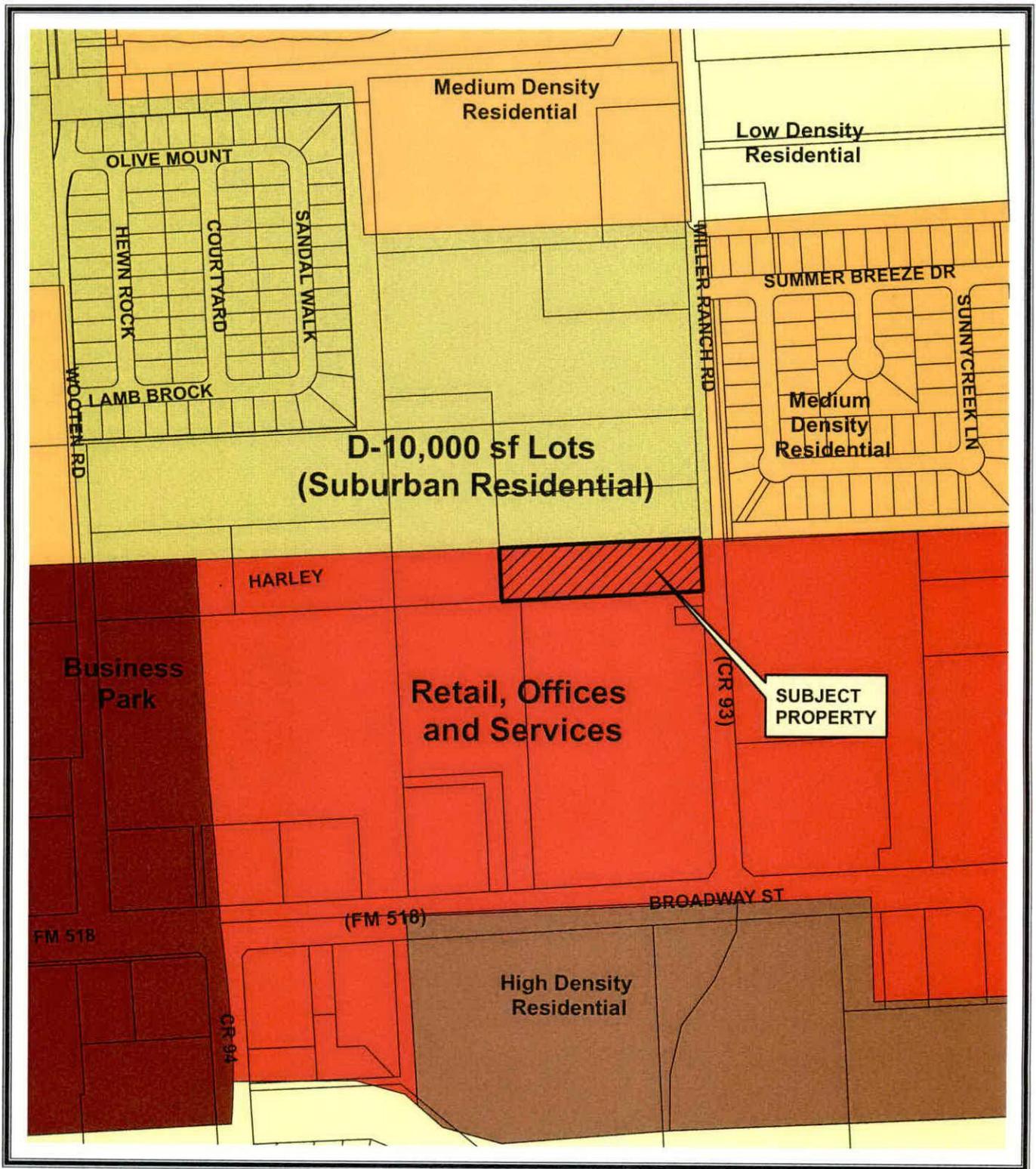


ZONING MAP

Zone Change
No. 2006-29Z

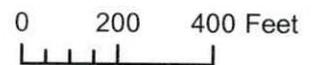


Map Prepared on June 26, 2006



FUTURE LAND USE PLAN

Zone Change
No. 2006-29Z



Map Prepared on June 26, 2006

Joint Public Hearing

SPEAKER'S CARD

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

Name: GEORGE MUTHALALY

Full Address: 3215 BRAESVIEW DR

(include zip) PEARLAND, TX. 77584

I wish to speak regarding Item No. 2006-272

PURPOSE OF HEARING

The Public Hearing for Zone Change Application No. 2006-272 was called to order at 1:51 p.m. by Mayor Tom Reid, and by Planning and Zoning Chairperson Ruby Sandars.

A. Zone Change Application No. 2006-272

Vice Chairperson Sheryl Greiner ~~Ruby Sandars~~ read the purpose into the record.

Br. Plan. Theresa Graham presented the Staff Report.

Staff recommends disapproval (denial)

Applicant present to speak Staff received 2 Public Comment Forms. 1 opposed 1 favor (owner)

There was 1 person or no one in the audience to speak for or against this Zone Change.

Speakers/address/comments:

Catherine Henning - resident of Autumn Lake
10110 Lamb Brook Ln.
Pearland 77584
opposed affect value of land
asked for a correction to be made as Lamb Brook Ln. (not Lamb Brock)

There were no comments from the Council/Commission/Staff.

There was brief discussion.

There was much discussion. Topics discussed were:

Mr. Sabor asked what type of fence is on back yard.
Mr. Cole asked what is plan for Wooten Rd (Future Plan).
Did Hm Depot have plans to improve Wooten Rd.
TAG said Rd. won't continue N. Hm. Depot did not have to plat nor dedicate ROW.
TAG stated she would have to review ROW on Wooten
Kevin Cole discussed . . . Who is responsible for Rd. upgrade.

The Public Hearing for Zone Change Application No. 2006-272 was adjourned at 8:16 p.m.

The Public Hearing for Zone Change Application No. 2006-262 was called

Reed stated still a problem w/ floating transition zone.

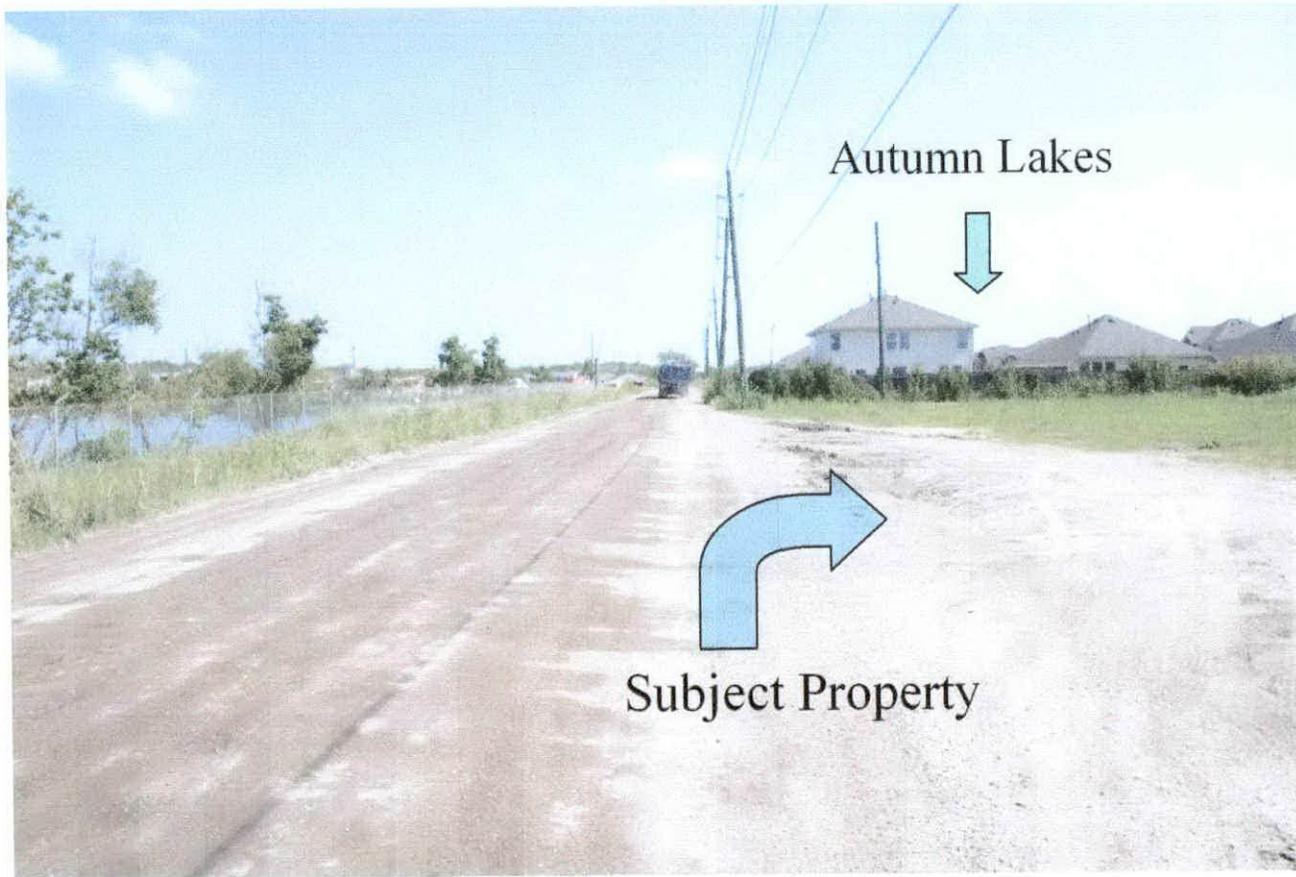
TAG spoke about the Site Plan that was included in the packet.

Discussion ensued re: Property behind home depot & subj prop.

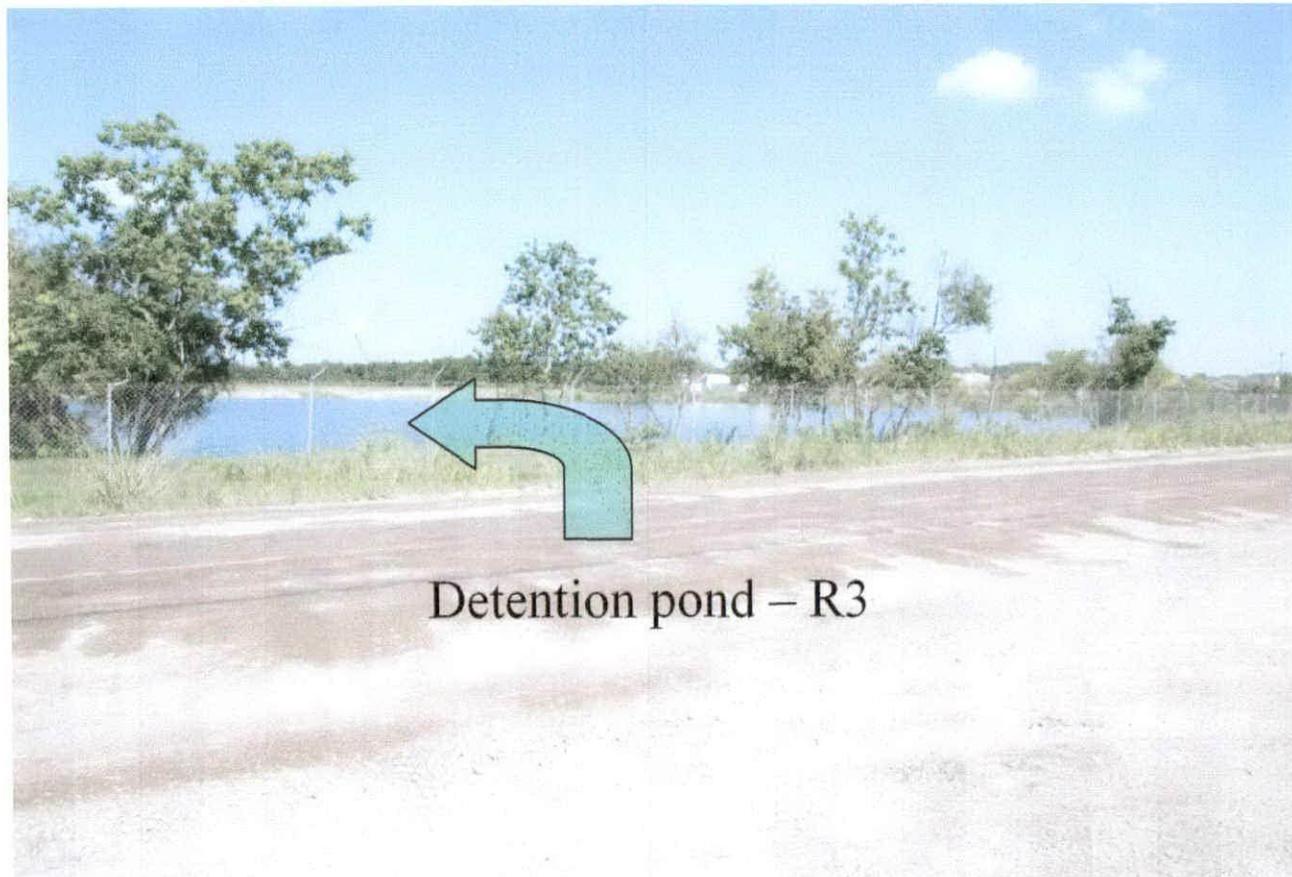
Zone Change No. 2006-27Z

Applicants Presentation

Wooten Rd - North

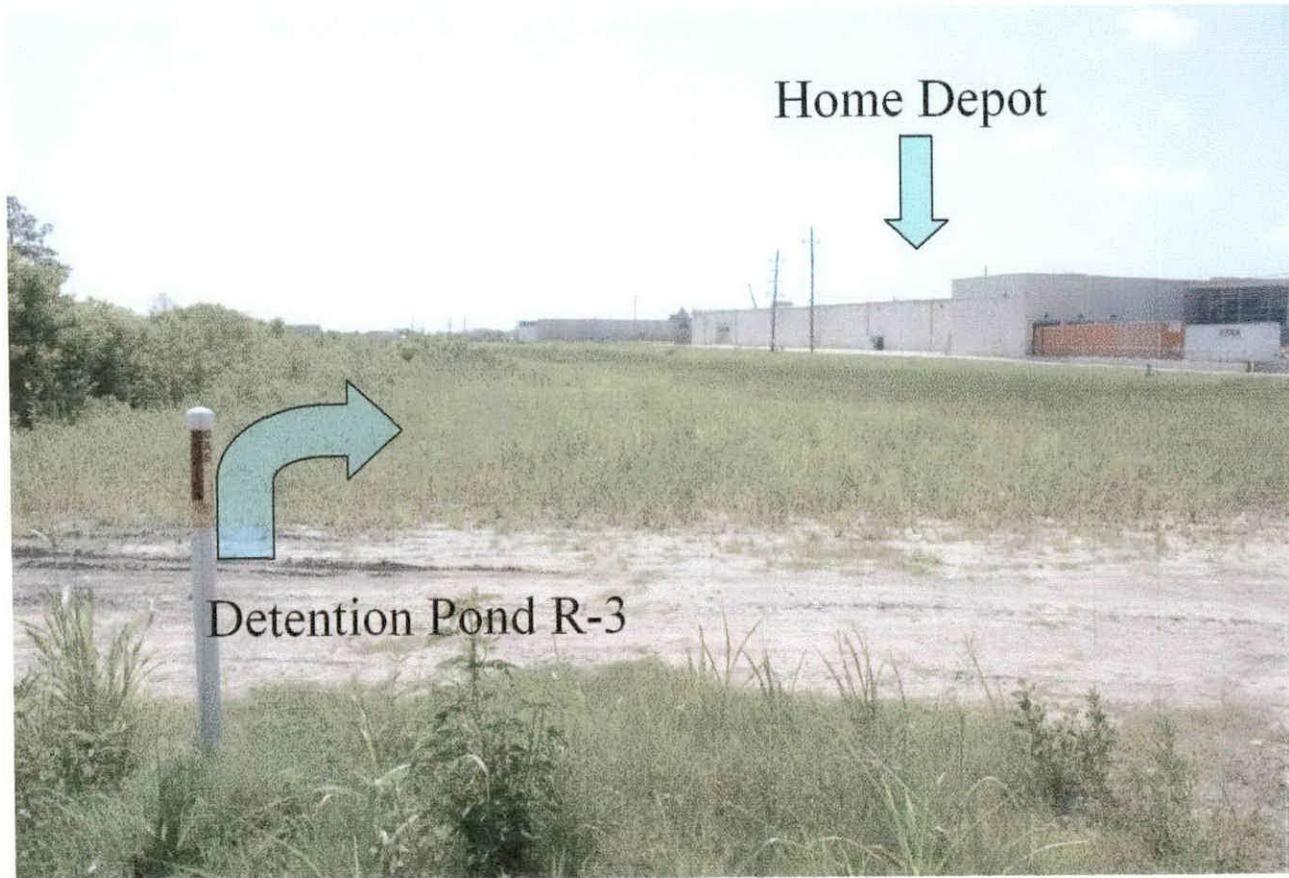


Wooten Rd - West



Detention pond - R3

Wooten Rd - South



Wooten Rd - Traffic



Wooten Rd - Traffic



Wooten Rd - Ending



Request to grant Zone Change to OP
with following Considerations:

- Recent proposed zoning changes to surrounding properties
 - Property to the south: under consideration for zone change to Office & Professional
 - Property to the East: proposed to be zoned to PD (GC with PD overlay?)

1.0 (30/11/19 11:00 AM)

- Proposed to the Board proposed to be changed to

some changes to Office of Professional

- Proposed to the Board under consideration for

amending proposed

proposed to be changed to

proposed to be changed to

proposed to be changed to

Request to grant Zone Change to OP with following Considerations: (contd..)

- Even though surrounding zoning districts are zoned Residential R-3 or R-1; on three sides, except on the north, they are designated specifically for “detention ponds” and undeveloped Land – which are adjacent to NS or GB districts
- Only the property to the north is an existing development zoned R-3 (Autumn Lakes) and we would diligently provide adequate landscape buffer and masonry wall along that property line to alleviate any such negative impacts of zoning subject property to OP district.
- Usage of Wooten Road to access subject property, apparently doesn't seem intrusive to Autumn lakes sub-division which has its main entrance from Hughes Ranch Road, as at present Wooten Road is not paved and seemed to be sparingly used – which of course needs to be verified by TIA (Traffic Impact Analysis).
- Rather than negatively impact the Residential sub division to the north of the subject property, we intend to bring valuable services to the neighborhood through proposed development.

Joint Public Hearing

SPEAKER'S CARD

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

Name:

Catherine Henning

Full Address:

10110 Lamb Brook Lane

(include zip)

Pearland, TX
77584

I wish to speak regarding Item No.

D - Zone Change
No. 2006-272

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JULY 17, 2006, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

1.51

Zone Change No. 2006-27Z

A request by George Muthalaly, applicant for Moritz V. Craven, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 3 District (R-3) to Office and Professional District (OP), on the following described property, to wit:

Legal Description: 4.540 acres, being out of Tract 29, H.T. & B.R.R. Company Survey, Abstract 304, as recorded in Volume 976, Page 486, of the Deed Records of Brazoria County, Texas, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the East Side of Wooten Road, and Approximately 1,100 Feet North of FM 518 (Broadway Street)

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT *TAG*

B. APPLICANT PRESENTATION *George Muthalaly, applicant for Mr. Craven*

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

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

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

**JOINT PUBLIC HEARING AGENDA ITEM
MEETING OF JULY 17, 2006**

Zone Change No. 2006-27Z

TO: City Council
Planning and Zoning Commission

SUBJECT: A request by George Muthalaly, applicant for Moritz V. Craven, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 3 District (R-3) to Office and Professional District (OP)

LEGAL DESCRIPTION: 4.540 acres, being out of Tract 29, H.T. & B.R.R. Company Survey, Abstract 304, as recorded in Volume 976, Page 486, of the Deed Records of Brazoria County, Texas, City of Pearland, Brazoria County, Texas

GENERAL LOCATION: Generally Located on the East Side of Wooten Road, and Approximately 1,100 Feet North of FM 518 (Broadway Street)

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

Planning and Zoning Commission: July 17, 2006*
City Council for First Reading: August 14, 2006*
City Council for Second Reading: August 28, 2006*

(*dates subject to change if item is tabled)

SUMMARY: The applicant is requesting a change in zoning on the subject property for an Office and Professional District (OP). The subject property is currently undeveloped. The applicant has indicated that they plan to use the subject tract for a day care facility or private school, as well as possibly a mixed use office and retail development.

The subject property was previously zoned as Suburban Development District (SD) for several years. During the review of the Updated Zoning Map, which was approved by the

City Council on February 27, 2006, the subject property was changed from SD to Single Family Dwelling District (R-3), due to the existing and surrounding uses.

The applicant previously submitted the subject property for a Neighborhood Service District (NS), which was considered during the Joint Public Hearings in May. The applicant withdrew the zone change to NS after the May JPH, and has now resubmitted the zone change for OP.

SURROUNDING ZONING AND LAND USES:

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

	<u>Zoning</u>	<u>Land Use</u>
North	Single Family Residential – 3 District (R-3)	Single family residential lots within the Autumn Lake residential subdivision
South	Single Family Residential – 3 District (R-3)	Detention pond; undeveloped land
East	Single Family Residential – 1 District (R-1), with a Specific Use Permit for a detention pond	Undeveloped land; future detention pond to serve the GB tract at the corner
West	Single Family Residential – 3 District (R-3)	Detention pond; Undeveloped land; Single family residence

CONFORMANCE TO UNIFIED DEVELOPMENT CODE (UDC): The applicant is requesting an OP zoning district. The minimum lot size for the OP district is 12,500 square feet and the minimum lot width is 100 feet. The subject property in its present configuration currently meets these requirements, as the subject property is 248 feet wide along Wooten Road, and is approximately 4.54 acres in size.

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

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

Commission. The plat will need to be filed for record with the County Clerk, prior to issuance of a building permit.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "10,000 Square Foot Suburban Residential" for the subject property and for many of the surrounding properties, especially to the north and east sides of the subject property. The Comprehensive Plan further indicates that the appropriate zoning districts for "10,000 Square Foot Suburban Residential" is a new residential zoning district. At the time that the Comprehensive Plan was updated in 2004, it was intended that the City would create a SR-10 residential zoning district with a minimum lot size of 10,000 square feet. However, the SR-10 district was not created due to the existing R-1 district (8,800 square foot lot) and the proposed SR-12 zoning district (12,000 square foot lot) being too close in lot size. Nevertheless, the appropriate zoning district for the subject property would be SR-12 or R-1, or even the RE district (half-acre lot). Therefore, the proposed zone change for OP does not conform to the Comprehensive Plan designation of residential uses.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Wooten Road, a minor collector street with an ultimate right-of-way of 60 feet. Wooten Road extends from FM 518 northward, provides access to the Autumn Lakes subdivision, and creates a dead-end within the Autumn Lake subdivision. The Master Thoroughfare Plan does not indicate that Wooten Road would extend northward to Hughes Ranch Road. Therefore, during the review of a plat for the subject property, the extent of right-of-way dedication would be examined at that time.

No other roadways affect the subject property.

AVAILABILITY OF UTILITIES: There is currently a 12 inch water line within Wooten Road.

There is a 12 inch gravity main sanitary sewer line within Wooten Road.

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

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The requested zone change to Office and Professional District District (OP) has the potential to cause negative impacts on the surrounding properties and residential lots within the subject area. The property directly to the north of the subject property is zoned as R-3 and is currently developed with

single family residential lots within the Autumn Lake residential subdivision. The property to the south is zoned R-3 but is developed with a detention pond. The tracts directly to the east and west are also zoned for residential uses.

The detention pond to the south serves as a buffer between the Home Depot store to the south, which is currently zoned General Commercial District. The property to the east that is labeled on the zoning map as R-1 (S) is proposed to be a detention pond for the commercial development at the intersection of Broadway Street and Miller Ranch Road. During the review of the zone change for that R-1(S) detention pond site, which occurred in 2004, there was significant discussion between the City Council and the Planning and Zoning Commission regarding the boundary between residential and non-residential uses within this overall area. The Future Land Use Plan is a good indicator of the boundaries between residential and non-residential uses. If the subject property is rezoned to non-residential, then the function of the detention pond as a buffer between the commercial and residential uses will no longer exist.

Due to the surrounding R-3 and R-1 tracts that are currently undeveloped, it is anticipated that the subject property could develop for residential uses in accordance with its current zoning. Autumn Lakes has already developed several phases within the overall area. The subject property does appear to be large enough to develop to its current zoning of R-3. The minimum lot size for R-3 is 6,000 square feet, with minimum dimensions of 60 feet wide by 90 feet deep. The minimum size of a residential street is a 50 foot right-of-way.

Introducing an OP tract within this largely residential area could have a negative impact on the surrounding residential lots as well as the neighborhood as a whole. The proposed OP uses will bring in additional traffic, business, and noise that is associated with a non-residential district. The OP district, although a lesser intensive district as compared to General Business or Commercial, does permit a wide range of non-residential uses, such as light retail, office, and business uses, as well as many other more uses by approval of a conditional use permit. The applicant did indicate on the Zone Change Application that they may be interested in developing a day care or private school on the subject property. A private school is a permitted use in the OP district. However, a day care center would require the approval of a Conditional Use Permit.

The UDC requires a 25 foot wide landscape buffer to be placed between an office professional development and single family residential uses, and the landscape buffer is strictly reserved for landscaping only, and cannot contain parking or driveways.

The subject property is located within an area that has been the subject of many proposed zoning changes in the recent past. The property to the east, fronting on Miller Ranch Road, is proposed to be zoned to a Planned Development District (PD) for an assisted living facility and skilled nursing facility. The property to the south of that tract is zoned R-1, but is also under consideration for a zone change to OP, and the applicant for that tract intends to construct a hotel. Last year, the property directly to the east was zoned as R-1, with a specific use permit for stormwater detention facilities associated with a retail development.

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

Also, if the zone change is approved, the applicant or developer would be responsible for providing a landscape buffer and masonry wall along the property lines that are shared with residentially zoned properties, which would be on three sides, the north side, the south side, and the east side.

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

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

1. The proposed zone change for OP does not conform to the "Suburban Residential" land use designation as recommended by the Comprehensive Plan.
2. The proposed zone change for OP is inconsistent and incompatible with existing R-3 and R-1 residential districts and single family residential land uses within the subject area.
3. The proposed zone change for OP has the potential to be intrusive and cause negative effects on the established residential neighborhood that currently exists along Wooten Road by introducing an increase in traffic, service vehicles, noise, as well as other impacts brought about by non-residential land uses.

However, the office district does allow for a lesser intensity of uses than the other non-residential districts, and does require a 25 foot landscape buffer along property lines that are shared with single family residential uses.

SUPPORTING DOCUMENTS:

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

CITY OF PEARLAND

3523 Liberty Drive (Community Center), Pearland, Texas 77581
281-652-1742 FAX 281-652-1702 www.cityofpearland.com

ZONE CHANGE NO. 2006-027Z

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

A request by George Muthalaly, applicant for Moritz V. Craven, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 3 District (R-3) to Office and Professional District (OP), on the following described property, to wit:

4.540 acres, being out of Tract 29, H.T. & B.R.R. Company Survey, Abstract 304, as recorded in Volume 976, Page 486, of the Deed Records of Brazoria County, Texas, City of Pearland, Brazoria County, Texas (Generally Located on the East Side of Wooten Road, and Approximately 1,100 Feet North of FM 518 (Broadway Street))

**PUBLIC HEARINGS WILL BE HELD IN THE
COUNCIL CHAMBER OF CITY HALL
LOCATED AT
3519 Liberty Drive, Pearland, Texas
on
MONDAY, JULY 17, 2006, AT 6:30 P.M.**

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

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

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

Property Owner Notice



APPLICATION FOR A CHANGE IN ZONING

City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281-852-1788
281-852-1702 fax
www.cityofpearland.com

Current Zoning District: R-3
Proposed Zoning District: OP. Office and Professional

Property Information:

Address or General Location of Property: 0 WOOTEN CO 4.54 Acs

Tax Account No. 0324-0007-000

Subdivision: HT & BER Lot: _____ Block: _____

A Complete Application must include all of this information:

- Fee (see Zoning Change Fee Schedule)
- Legal Description and/or Survey of the Property
- Letter Explaining the Zoning Change Request in detail (specify the existing zoning and why the zone change is being requested, current use of the property, and the proposed use of the property; if a PD is requested, see PD Format and Guidelines)

PROPERTY OWNER INFORMATION:

NAME MORTY V CRAVEN
ADDRESS 3901 CHARLESTON ST
CITY HOUSTON STATE TX ZIP 77021
PHONE (713) 748 8654
FAX (713) 748 8649
EMAIL ADDRESS _____

APPLICANT INFORMATION:

NAME GEORGE MUTHALALY
ADDRESS 3215 BRAESVIEW DR
CITY PEARLAND STATE TX ZIP 77584
PHONE (281) 330 5646
FAX (281) 682 4367
EMAIL ADDRESS gmuthalaly@msn.com

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

Owner's Signature: Morty V. Craven Date: _____

Agent's Signature: George K. Muthalaly Date: June 12, 2006

OFFICE USE ONLY:

FEES PAID: <u>\$275.00</u>	DATE PAID: <u>6/19/06</u>	RECEIVED BY: <u>tag</u>	RECEIPT NUMBER: <u>167364</u>
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Application No. 2006-272

TO: City Council
Planning and Zoning Commission

SUBJECT: A request by George Muthalaly, applicant for Moritz V. Craven, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 3 District (R-3) to Office & Professional District - OP

LEGAL DESCRIPTION: 4.540 acres, being out of Tract 29, H.T. & B.R.R. Company Survey, Abstract 304, as recorded in Volume 976, Page 486, of the Deed Records of Brazoria County, Texas, City of Pearland, Brazoria County, Texas

GENERAL LOCATION: Generally Located on the East Side of Wooten Road, and Approximately 1,100 Feet North of FM 518 (Broadway Street)

Dear Sir / Madam,

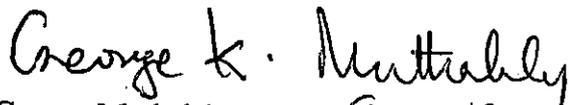
The subject property is currently undeveloped, zoned R3- Residential. Zone change request for the subject property to Office & Professional is made with intentions of starting a small school (Kindergarten / Elementary) and After school program. The proposed development of the subject property addresses the immediate need to re-locate existing Afterschool program, (Operating from 3 pm to 7 pm) from existing lease space at Silverlake Business park (2817 Miller Ranch Rd. Ste 333) to a purpose built facility in the subject property. We also intend to offer 'two hour' day program for Pre- K children (3 to 5 year olds) between to hours of 9am and 2 pm to serve the 'Early learning' needs of neighboring communities like Autumn Lakes, Silver Lake, Silver Crest and Sunrise.

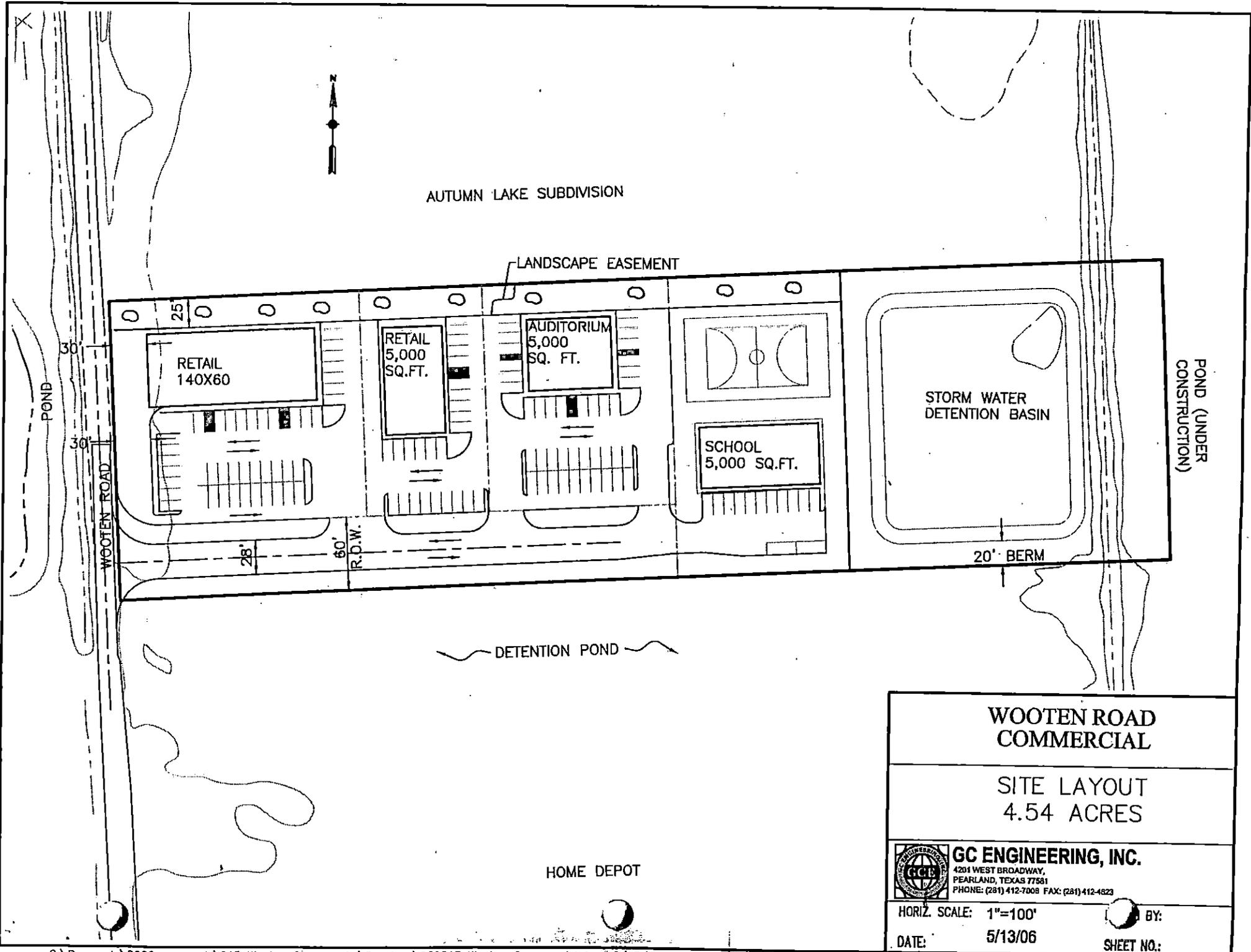
As a second stage we intend to develop some retail / office space for small businesses that could bring in valuable services to residents in neighboring subdivisions.

A preliminary draft site layout is attached here with, which was made to visualize usable space after complying with required zoning regulations for the site layout.

Reference is made to our previous Zone Change application (2006-017Z) and pursuant discussions with City Staff and discussions in the Planning and Zoning Commission. We clearly understand the concerns raised by P&Z commission and Staff from City Planning and Zoning Department and hence we had recalled that application for a Zone change to NS District and has decided to request a more restricted zoning district, ie OP, which would then address the concerns that the proposed the zone change would bring about nuisance and disturbance to the neighboring communities instead of value added services and better quality of life and a safe and engaging neighborhood – which is our genuine intent and purpose.

Sincerely,


George Muthalaly, June 19, 2006
applicant for Moritz V. Craven



AUTUMN LAKE SUBDIVISION

LANDSCAPE EASEMENT

RETAIL
140X60

RETAIL
5,000
SQ. FT.

AUDITORIUM
5,000
SQ. FT.

SCHOOL
5,000 SQ. FT.

STORM WATER
DETENTION BASIN

20' BERM

POND (UNDER
CONSTRUCTION)

60'
R.O.W.

28'

30'

30'

POND

WOOTEN ROAD

DETENTION POND

HOME DEPOT

**WOOTEN ROAD
COMMERCIAL**

**SITE LAYOUT
4.54 ACRES**



GC ENGINEERING, INC.

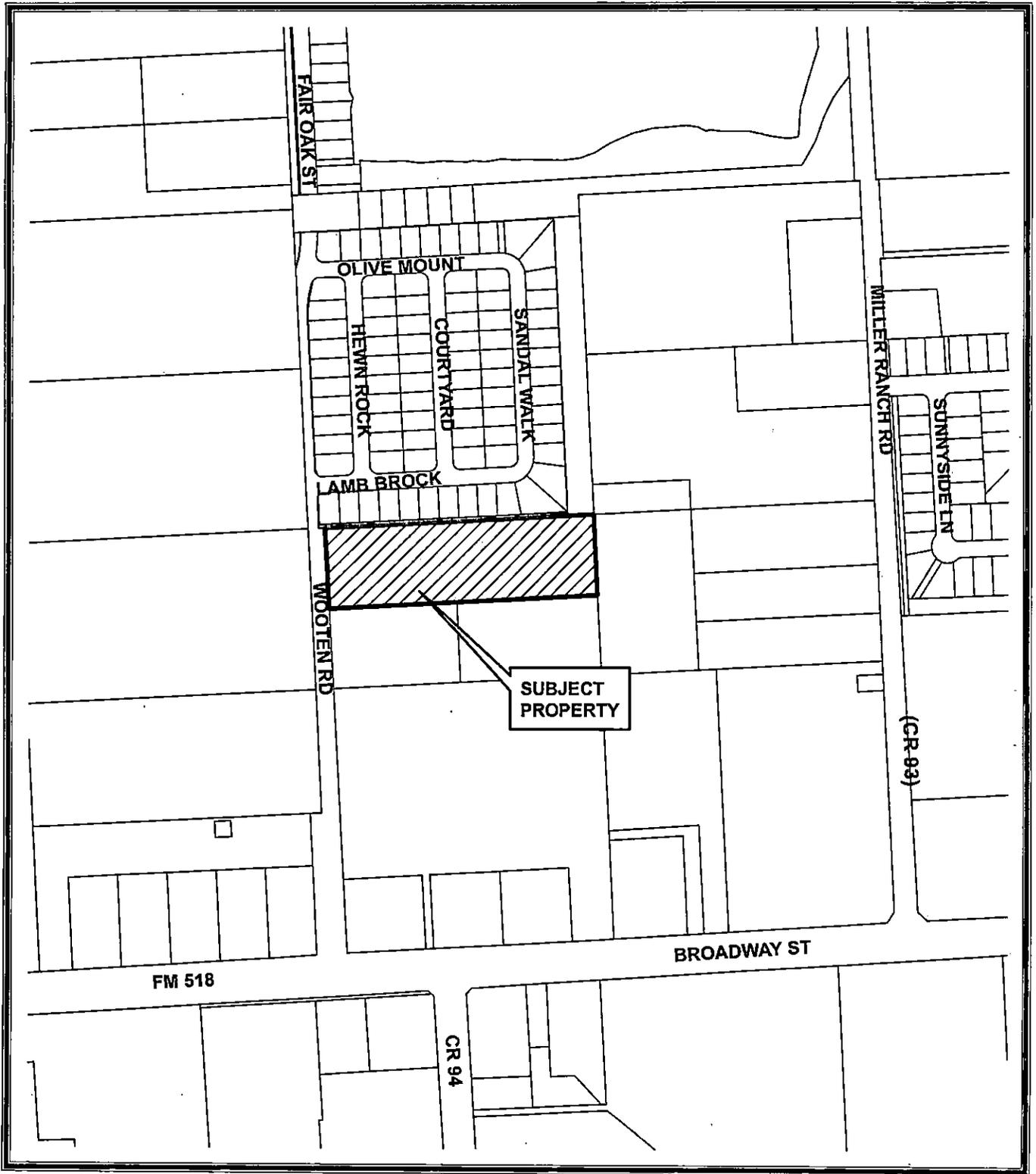
4201 WEST BROADWAY,
PEARLAND, TEXAS 77581
PHONE: (281) 412-7008 FAX: (281) 412-4823

HORIZ. SCALE: 1"=100'

DATE: 5/13/06

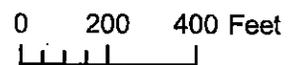
BY:

SHEET NO.:

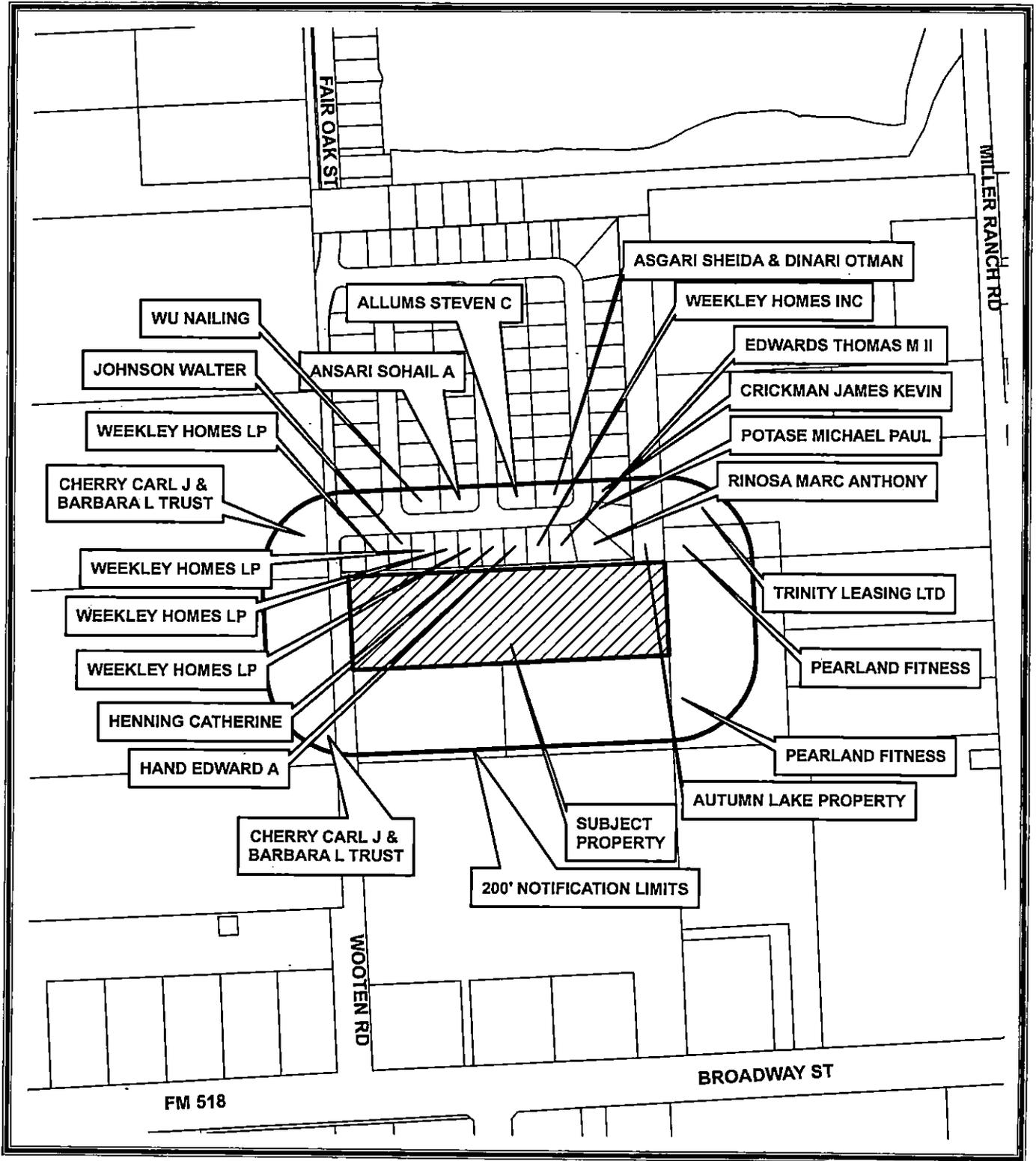


LOCATION MAP

**Zone Change
No. 2006-27Z**



Map Prepared on June 26, 2006



OWNERSHIP MAP

Zone Change
No. 2006-27Z

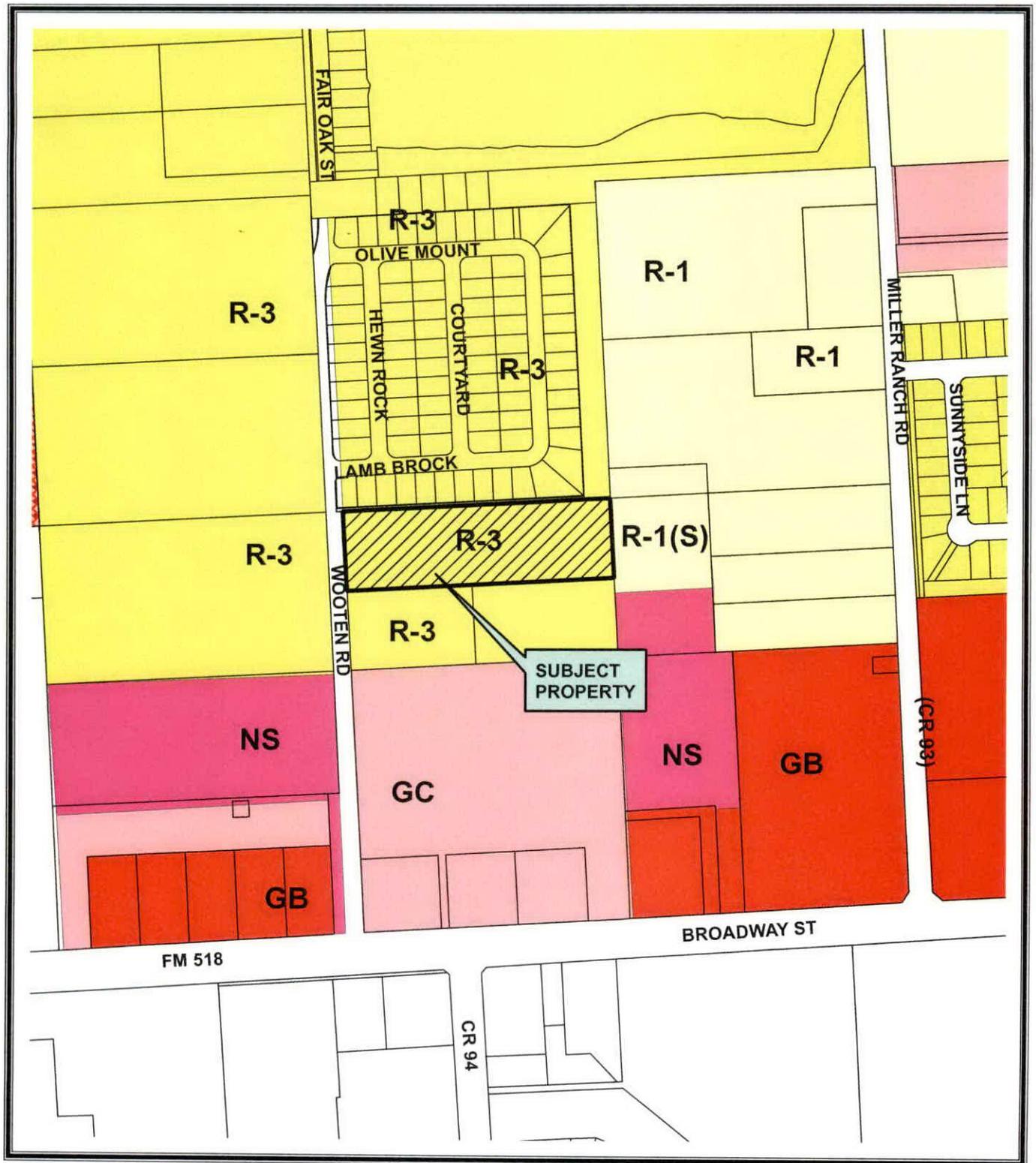


0 200 400 Feet

Map Prepared on June 26, 2006

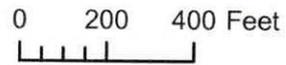
ZONE CHANGE NO. 2006-27Z
Property Owner Notification List

<u>TAX ACCT</u>	<u>OWNER</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>ST</u>	<u>ZIP CODE</u>	<u>LEGAL DESCRIPTION</u>
1427-3001-025	WEEKLEY HOMES INC	1111 N POST OAK RD	HOUSTON	TX	77055-7211	AUTUMN LAKE SEC 3 (A0304 HT&BRR),BLOCK 1, LOT 25
1427-3001-026	HAND EDWARD A	10108 LAMB BROOK LN	PEARLAND	TX	77584	AUTUMN LAKE SEC 3 (A0304 HT&BRR), BLOCK 1, LOT 26
0304-0054-000	PEARLAND FITNESS PARTNERS LTD	3100 EDLOE STE 270	HOUSTON	TX	77027	A0304 H T & B R R, TRACT 38B-39-40A, ACRES 8.570
1427-3001-024	EDWARDS THOMAS M II & MARGURITE K	10104 LAMB BROOK LN	PEARLAND	TX	77584-2257	AUTUMN LAKE SEC 3 (A0304 HT&BRR), BLOCK 1, LOT 24
1427-3001-028	WEEKLEY HOMES LP	1111 N POST OAK RD	HOUSTON	TX	77055-7211	AUTUMN LAKE SEC 3 (A0304 HT&BRR), BLOCK 1, LOT 28
1427-3001-029	WEEKLEY HOMES LP	1111 N POST OAK RD	HOUSTON	TX	77055-7211	AUTUMN LAKE SEC 3 (A0304 HT&BRR), BLOCK 1, LOT 29
1427-3001-030	WEEKLEY HOMES LP	1111 N POST OAK RD	HOUSTON	TX	77055-7211	AUTUMN LAKE SEC 3 (A0304 HT&BRR), BLOCK 1, LOT 30
1427-3001-031	JOHNSON WALTER & SHELIA	10204 LAMB BROOK LN	PEARLAND	TX	77584-2267	AUTUMN LAKE SEC 3 (A0304 HT&BRR), BLOCK 1, LOT 31
1427-3001-032	WEEKLEY HOMES LP	1111 N POST OAK RD	HOUSTON	TX	77055-7211	AUTUMN LAKE SEC 3 (A0304 HT&BRR), BLOCK 1, LOT 32
1427-3000-000	AUTUMN LAKE PROPERTY HOA	10223 BROADWAY ST STE P384	PEARLAND	TX	77584-7880	AUTUMN LAKE SEC 3 (A0304 HT&BRR),ACRES 0.0918
0304-0054-000	PEARLAND FITNESS PARTNERS LTD	3100 EDLOE STE 270	HOUSTON	TX	77027	A0304 H T & B R R, TRACT 38B-39-40A, ACRES 8.570
1427-3000-001	AUTUMN LAKE PROPERTY HOA	10223 BROADWAY ST STE P384	PEARLAND	TX	77584-7880	AUTUMN LAKE SEC 3 (A0304 HT&BRR),ACRES 0.2575
	MORITZ V CRAVEN	3901 CHARLESTON ST	HOUSTON	TX	77021	PROPERTY OWNER
	GEORGE MUTHALALY	3215 BRAESVIEW DR	PEARLAND	TX	77584	APPLICANT
0304-0007-000	CRAVEN MORTIZ V	3212 EWING ST	HOUSTON	TX	77004-7826	A0304 H T & B R R, TRACT 29, ACRES 4.540
0304-0010-125	CHERRY CARL J & BARBARA L TRUST	13449 FM 77510	SANTA FE	TX	77517	A0304 H T & B R R, TRACT 8-18-19-20A, ACRES 37.429
1427-3001-027	HENNING CATHERINE	10110 LAMB BROOK LN	PEARLAND	TX	77584	AUTUMN LAKE SEC 3 (A0304 HT&BRR), BLOCK 1, LOT 27
1427-3001-022	POTASE MICHAEL PAUL	2711 SANDAL WALK	PEARLAND	TX	77584-3365	AUTUMN LAKE SEC 3 (A0304 HT&BRR), BLOCK 1, LOT 22
1427-3000-000	AUTUMN LAKE PROPERTY HOA	10223 BROADWAY ST STE P384	PEARLAND	TX	77584-7880	AUTUMN LAKE SEC 3 (A0304 HT&BRR), ACRES 0.0918
1427-3000-000	AUTUMN LAKE PROPERTY HOA	10223 BROADWAY ST STE P384	PEARLAND	TX	77584-7880	AUTUMN LAKE SEC 3 (A0304 HT&BRR), ACRES 0.0918
0304-0032-110	TRINITY LEASING LTD	PO BOX 3037	PEARLAND	TX	77588-3037	A0304 H T & B R R, TRACT 38, ACRES 7.360
0304-0010-125	CHERRY CARL J & BARBARA L TRUST	13449 FM 77510	SANTA FE	TX	77517	A0304 H T & B R R, TRACT 8-18-19-20A, ACRES 37.429
1427-3001-021	CRICKMAN JAMES KEVIN & KIMBERLY J	2709 SANDAL WALK	PEARLAND	TX	77584-3365	AUTUMN LAKE SEC 3 (A0304 HT&BRR), BLOCK 1, LOT 21
1427-3002-010	ASGARI SHEIDA & DINARI OTMAN	2710 SANDAL WALK	PEARLAND	TX	77584-3361	AUTUMN LAKE SEC 3 (A0304 HT&BRR), BLOCK 2, LOT 10
1427-3001-011	ALLUMS STEVEN C	2601 SANDAL WALK	PEARLAND	TX	77584-3358	AUTUMN LAKE SEC 3 (A0304 HT&BRR), BLOCK 1, LOT 11
1427-3003-010	ANSARI SOHAIL A	2510 MARILEE LN #1	HOUSTON	TX	77057	AUTUMN LAKE SEC 3 (A0304 HT&BRR), BLOCK 3, LOT 10
1427-3003-011	WU NAILING	2709 HEWN ROCK WAY	PEARLAND	TX	77584	AUTUMN LAKE SEC 3 (A0304 HT&BRR), BLOCK 3, LOT 11
1427-3001-023	RINOSA MARC ANTHONY	10102 LAMB BROOK LN	PEARLAND	TX	77584-2257	AUTUMN LAKE SEC 3 (A0304 HT&BRR), BLOCK 1, LOT 23

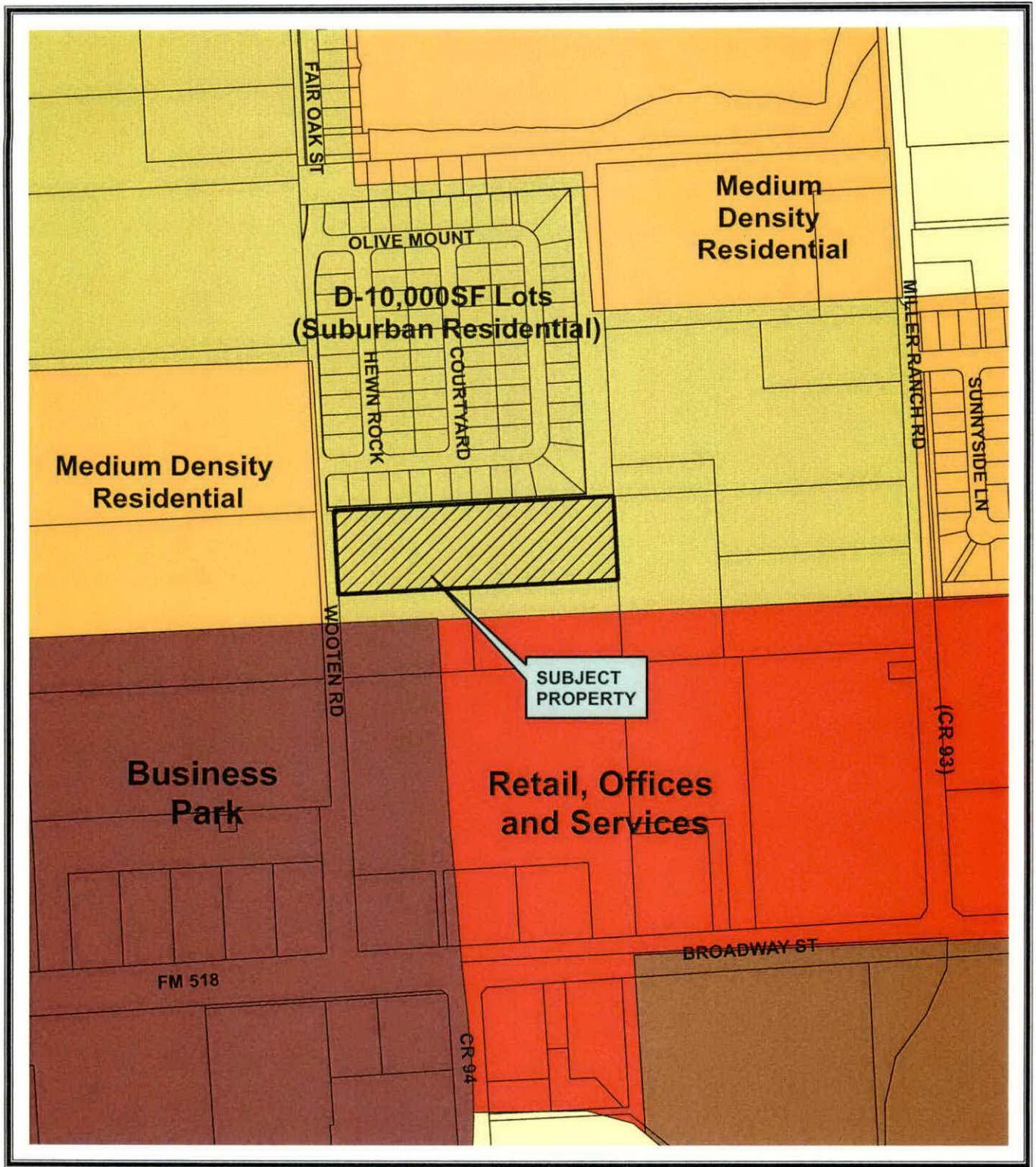


ZONING MAP

Zone Change
No. 2006-27Z

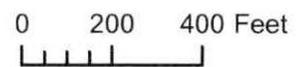


Map Prepared on June 26, 2006



FUTURE LAND USE PLAN

**Zone Change
No. 2006-27Z**



Map Prepared on June 26, 2006

PURPOSE OF HEARING

The Public Hearing for Zone Change Application No. 2006-262 was called to order at 8:10 p.m. by Mayor Tom Reid, and by Planning and Zoning Chairperson Ruby Sandars.

A. Zone Change Application No. 2006-262

Vice Chairperson Cheryl Greiner
Chairperson ~~Ruby Sandars~~ read the purpose into the record.

TAG presented the Staff Report .

Staff received _____ Public Comment Forms.

Applicant Al Osborn present

There was _____ or *no one* in the audience to speak for or against this Zone Change.

Speakers/address/comments:

*Harry Marcott spoke
3000 Inverness Ct., Pearland, TX 77581
opposed - needs to connect to the Library pkg as
originally proposed.*

*Jay Javadi - 9815 Sagedale Dr, Houston, TX 77089
owner. Spoke in favor. Plan. staff is in favor.
Spoke about Mr. Marcott, his opposition,
and spoke of his role on
City Council.*

There were no comments from the Council/Commission/Staff.

There was brief discussion.

There was much discussion. Topics discussed were:

*He says it was never
said that this was
to be used as detention*

Mr. Cole asked Darrin to talk about land swap

And do we know if the used offsite detention

- City approached by Mr. Javadi to sale property where parking lot is located. Mr. Javadi bought and had to put in pkg lot -*
- city & Mr. Javadi agreed to swap property @ corner for his piece of property (Subj prop.)*

The Public Hearing for Zone Change Application No. _____ was adjourned at ___:___ p.m.

The Public Hearing for Zone Change Application No. _____ was called

He did indicate that it would be used for detention.
He was also asked to use offsite detention.

It was not a restriction in the deed to make
subj. prop. as detention. He did obtain
detention off site.

He then plat the prop. It was discovered that
add'l easement was needed. He donated it
as part of the platting process.

He applied for zoning. It was denied.
He has applied for zoning again.

There is supposed to be an inter-connect to Library,
Mr. Javati has been meeting w/ Doug Knepper.
This is a restriction required in Deed.
Delay has been on city & Libraries part (not Mr. Javati)
This only issue outstanding

Felicia Kyle stated we need to get change of walkway or driveway
in writing.

Shirley asked why was it denied twice before

- 1) Needed Platting
- 2)

Darrell -
R J

Joint Public Hearing

SPEAKER'S CARD

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

Name: Larry marcott

Full Address: 3606 Inverness ct

(include zip) Pearland TX 77581

I wish to speak regarding Item No. ~~2~~ E

2006 - 262

Joint Public Hearing

SPEAKER'S CARD

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

Name:

JAY JAVADI

Full Address:

9815 SAGEDALE DR.

(include zip)

HOUSTON, TX 77089

I wish to speak regarding Item No.

2006-262

Joint Public Hearing

SPEAKER'S CARD

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

Name:

AL OSBORN

OSBORN & VANE ARCHITECTS

Full Address:

2000 BERING, SUITE 410

(include zip)

HOUSTON TX 77057

I wish to speak regarding Item No.

2006-262

to order at 8:45 p.m. by Mayor Tom Reid.

ADJOURNMENT

The Joint Public Hearing adjourned at 8:45 p.m.

These minutes are respectfully submitted by:

Judy D. Krajca
Planning Administrative Secretary

Minutes approved as submitted and/or corrected on this _____ day of _____, 2005.

Tom Reid
Mayor

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JULY 17, 2006, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

Zone Change No. 2006-26Z *file*

A request by Al Osborn (Osborn and Vane Architects), applicant for Donya, LLC, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 4 District (R-4) to General Commercial District (GC), on the following described property, to wit:

Legal Description: 0.34 acre tract of land located in the W.D.C Hall Survey, Abstract 70, with said tract being part of that 13.838 acre tract described in the final judgement of Cause No. 23,835G, City of Pearland vs 313 Acres Pearland Joint Venture, et al, as recorded under Brazoria County Clerk's File No. 98040264, City of Pearland, Brazoria County, Texas

General Location: Generally Located Approximately 500 Feet West of Liberty Drive, and Approximately 300 Feet South of FM 518 (Broadway Street)

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT *1/16*

B. APPLICANT PRESENTATION *Al Osborn - Architects*

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

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT *8:44*

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

JOINT PUBLIC HEARING AGENDA ITEM
MEETING OF JULY 17, 2006

Zone Change No. 2006-26Z

TO: City Council
Planning and Zoning Commission

SUBJECT: A request by Al Osborn (Osborn and Vane Architects), applicant for Donya, LLC, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 4 District (R-4) to General Commercial District (GC)

LEGAL DESCRIPTION: 0.34 acre tract of land located in the W.D.C Hall Survey, Abstract 70, with said tract being part of that 13.838 acre tract described in the final judgement of Cause No. 23,835G, City of Pearland vs 313 Acres Pearland Joint Venture, et al, as recorded under Brazoria County Clerk's File No. 98040264, City of Pearland, Brazoria County, Texas

GENERAL LOCATION: Generally Located Approximately 500 Feet West of Liberty Drive, and Approximately 300 Feet South of FM 518 (Broadway Street)

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

Planning and Zoning Commission: July 17, 2006*
City Council for First Reading: August 14, 2006*
City Council for Second Reading: August 28, 2006*

(*dates subject to change if item is tabled)

SUMMARY: The applicant is requesting a change in zoning on the subject property for a General Commercial District (GC). The subject property is currently undeveloped. The

applicant has indicated that they plan to use the subject tract as part of the commercial development occurring at the adjacent shopping center.

The applicant previously applied for a change in zoning on the same subject property in October 2004, for a Commercial District (C), which was not approved. The applicant again applied for a zone change to Commercial District (C) in January 2006, which was also not approved by the City Council.

SURROUNDING ZONING AND LAND USES:

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

	<u>Zoning</u>	<u>Land Use</u>
North	General Business Retail District (GB)	Claws and Paws Animal Hospital
South	Single Family Dwelling District (R-4)	City of Pearland Public Library
East	General Commercial District (GC)	Shopping Center and Parking Lot
West	Single Family Dwelling District (R-4) and General Business Retail District (GB)	Undeveloped tract

CONFORMANCE TO UNIFIED DEVELOPMENT CODE (UDC): The applicant is requesting a GC zoning district. The minimum lot size for the GC district is 22,500 square feet and the minimum lot width is 150 feet. The subject property is platted as part of the shopping center to the east, and therefore, in its present configuration meets these minimum requirements.

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

PLATTING STATUS: The subject area has been platted as part of the Country Club Plaza, approved by the Planning and Zoning Commission on September 19, 2005. Therefore, no further platting is required at this time.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Retail, Office, and Services" and "Public/Semi-Public" uses for the subject property. The Comprehensive Plan further indicates that the appropriate zoning districts for Retail, Office, and Services are the General Business Retail District (GB), the Office and Professional District (OP), and the Neighborhood Service District (NS), and the appropriate zoning districts for Public/Semi-Public uses are "any other district."

The Comprehensive Plan indicates both uses mentioned above for the subject property. The lines shown on the Comprehensive Plan for two separate recommended zoning districts are not definite lines. It could be interpreted that the Public/Semi-Public uses should only include the library, chamber building, and City Hall, and should not include the existing commercial district which is developing as a parking lot. The City has sold the subject property and the adjacent commercial tract to the applicant.

The proposed Commercial District does not conform to the recommended Retail, Office, and Service uses shown on the Comprehensive Plan. However, the subject area is located adjacent to a Commercial tract with the same owner as the subject property, and is now platted as the same lot as the tract to the east. It is unlikely that the subject property could be developed to its current residential zoning district due to its size and location.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject area itself has no frontage on a street. However, the subject property is part of a larger lot that has frontage on Liberty Drive and Broadway Street. Access to the subject property can be provided from internal driveways within the shopping center, from Liberty Drive and Broadway Street.

When the subject property was recently platted, the applicant dedicated additional right-of-way for Liberty Drive, an 80 foot wide major collector street, and Broadway Street, a 120 foot wide major thoroughfare.

No other roadways affect the subject property.

AVAILABILITY OF UTILITIES: There is a 10 inch water line on the south side of Broadway Street (FM 518), and a 10 inch water line on the east side of Liberty Drive, and an 8 inch water line extending through the parking lot on the east side of the subject property.

There is a 4 inch gravity main sanitary sewer line on the west side of Liberty Drive. There is also an 8 inch gravity main sanitary sewer line on the north side of the subject tract.

Availability and adequacy of utilities will be reviewed during the review of any building permit applications.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The portion of the lot directly to the east and the tract extending to the corner of Liberty Drive and Broadway Street are currently zoned for Commercial uses. The subject property has been platted with and is under the same ownership as the property to the east. The applicant plans to incorporate the subject tract into the development of the existing shopping center.

If the subject property is rezoned to a Commercial District, it would share the southern and western property lines with properties zoned as R-4. Therefore, the applicant would be adjacent to residentially zoned properties and therefore, screening between uses would be required if all adjacent properties remain zoned as they currently are, when the subject property is developed.

When the zoning change was applied for back in October 2004, the subject property was a separate tract and did not meet the size requirements of the Commercial District. The Commission originally denied the zone change due to the size requirements, and suggested that the property be platted to combine it with the other commercial property directly adjacent to the subject property. There was concern that the plat should be submitted first to address the size issues, and then submitted for a zone change. Since then, the property has been platted as part of County Club Plaza, in September 2005.

Subsequently, the applicant again applied for a C zoning district in January 2006 and was again denied by the City Council in February 2006. This is the third time the applicant has requested a change from R-4 to the General Commercial District (GC).

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

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

1. Although contrary to the Comprehensive Plan recommendation of Public/Semi-Public uses, the subject property is no longer owned by the City, but is under the same ownership as the adjacent commercial development at the intersection.
2. The proposed zone change is consistent with existing commercial uses and zoning districts at this corner of the intersection, and is owned by the same party that owns the shopping center and parking lot, and is currently platted as part of the same lot with the adjacent shopping center and parking lot.

3. The subject property is unlikely to be developed to its current zoning district of R-4, due to its size, configuration, the surrounding developed uses, and the limited access that it has.

SUPPORTING DOCUMENTS:

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

ZONE CHANGE NO. 2006-026Z

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

A request by Al Osborn (Osborn and Vane Architects), applicant for Donya, LLC, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 4 District (R-4) to General Commercial District (GC), on the following described property, to wit:

0.34 acre tract of land located in the W.D.C Hall Survey, Abstract 70, with said tract being part of that 13.838 acre tract described in the final judgement of Cause No. 23,835G, City of Pearland vs 313 Acres Pearland Joint Venture, et al, as recorded under Brazoria County Clerk's File No. 98040264, City of Pearland, Brazoria County, Texas (Generally Located Approximately 500 Feet West of Liberty Drive, and Approximately 300 Feet South of FM 518 (Broadway Street))

PUBLIC HEARINGS WILL BE HELD IN THE
COUNCIL CHAMBER OF CITY HALL
LOCATED AT
3519 Liberty Drive, Pearland, Texas
on
MONDAY, JULY 17, 2006, AT 6:30 P.M.

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

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

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

Property Owner Notice



APPLICATION FOR A CHANGE IN ZONING

City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281-652-1766
281-652-1702 fax
www.cityofpearland.com

Current Zoning District: R-4 Residential

Proposed Zoning District: C - Commercial

Property Information:

Address or General Location of Property: 0.34 AC (14,822 S.F.) Tract of land located in the W.D.C. Hall Survey Abstract 70, City of Pearland, Brazoria Co. Texas

Tax Account No. _____

Subdivision: _____ Lot: _____ Block: _____

A Complete Application must include all of this information:

- Fee (see Zoning Change Fee Schedule)
- Legal Description and/or Survey of the Property
- Letter Explaining the Zoning Change Request in detail (specify the existing zoning and why the zone change is being requested, current use of the property, and the proposed use of the property; if a PD is requested, see PD Format and Guidelines)

PROPERTY OWNER INFORMATION:

NAME Donya L.L.C
ADDRESS 13630 Beamer # 107
CITY HOUSTON STATE TX ZIP 77089
PHONE (281) 484-1111
FAX (281) 484-8800
E-MAIL ADDRESS JAY JAVADI@EARTH LINK.NET

APPLICANT INFORMATION:

NAME AL Osborn (Osborn & Vane Architects)
ADDRESS 2000 Bering Drive, Ste. 410
CITY HOUSTON STATE Tx ZIP 77057
PHONE (713) 781-5262
FAX (713) 781-5347
E-MAIL ADDRESS aosborn@ovarc.com

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

Owner's Signature: [Signature] Date: 6-7-06

Agent's Signature: [Signature] Date: 6/6/06

OFFICE USE ONLY:

FEE PAID: <u>\$ 275.00</u>	DATE PAID: <u>6/23/06</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>169234</u>
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Application No. 2006-267

OSBORN & VANE ARCHITECTS INC

June 6, 2006

City of Pearland
Community Development
3519 Liberty Drive
Pearland, Texas 77581

Re: Application for a change in zoning for
A 0.34 acre (14,822 sq. ft.) tract of land
located in the W.D.C. Hall Survey Abstract 70,
City of Pearland, Brazoria County, Texas

Dear Sir/Madam:

We are the agent for the Owner, Donya LLC, and respectfully request that with the zoning designation for the above described ("subject") property be changed from a residential zoning district to a commercial district. The following are our reasons for:

1. The property is completely "land-locked" and surrounded by non-residential development.
 - a. On its east side, which it would gain access, it is contiguous with a new parking lot under construction that will serve our existing commercial property at FM 518 and Liberty Road. The zoning for this adjacent tract was changed December 2, 2002 (Re: Ordinance No. 509-626 from Single Family Dwelling District (R-4) to Commercial District (C).
 - b. On its north side, it fronts the property of a veterinary clinic a storm drain detention pond and an electrical easement.
 - c. On its west side, it fronts a City of Pearland Fee Strip and a Center Point Energy electrical easement.
 - d. On its south side, it fronts a City of Pearland public library facility.
2. Because of the subject tract's location, means of access and size, we feel that it would not be reasonable or practical as residential development.
3. The Owner acquired this tract in a transaction with The City of Pearland, whereby they conveyed a portion of commercially zoned, corner tract that they own, at the southwest corner of FM 518 and Liberty Road for the purpose of constructing a right turn lane at that corner by the City. The acquisition of the subject tract was part of this transaction. Since they've given up certain area that could be developed commercially, they would like the same opportunity to develop the subject tract commercially as well. It is the only development that we think is viable.

2000 Bering Drive
Suite 410
Houston, Texas
77057

713 781 5262
713 781 5347 Fax

OSBORN & VANE ARCHITECTS inc

4. In a variance hearing (Application No. V04-05) May 6, 2004, City of Pearland's Planning and Zoning Commission voted that the Owner re-plat all of its five parcels of land into one in order to qualify for commercial development. This was done and in the process, they gave away 10' wide easements along the sides of FM 518 and Liberty Road, a total of about 11,000 sq. ft. of land for the benefit of City of Pearland and community development.

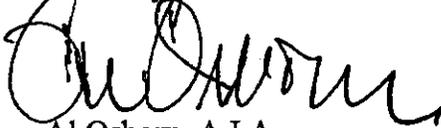
not
entirely
accurate

Attached please find the following related documents:

1. A legal description and a survey of the subject property.
2. A warranty deed and survey of the corner tract conveyed to The City of Pearland.
3. Notice of approval Ordinance No. 509-626, Re: Zoning change to adjacent property December 9, 2002.

If there are any questions or you need additional information, please contact us.

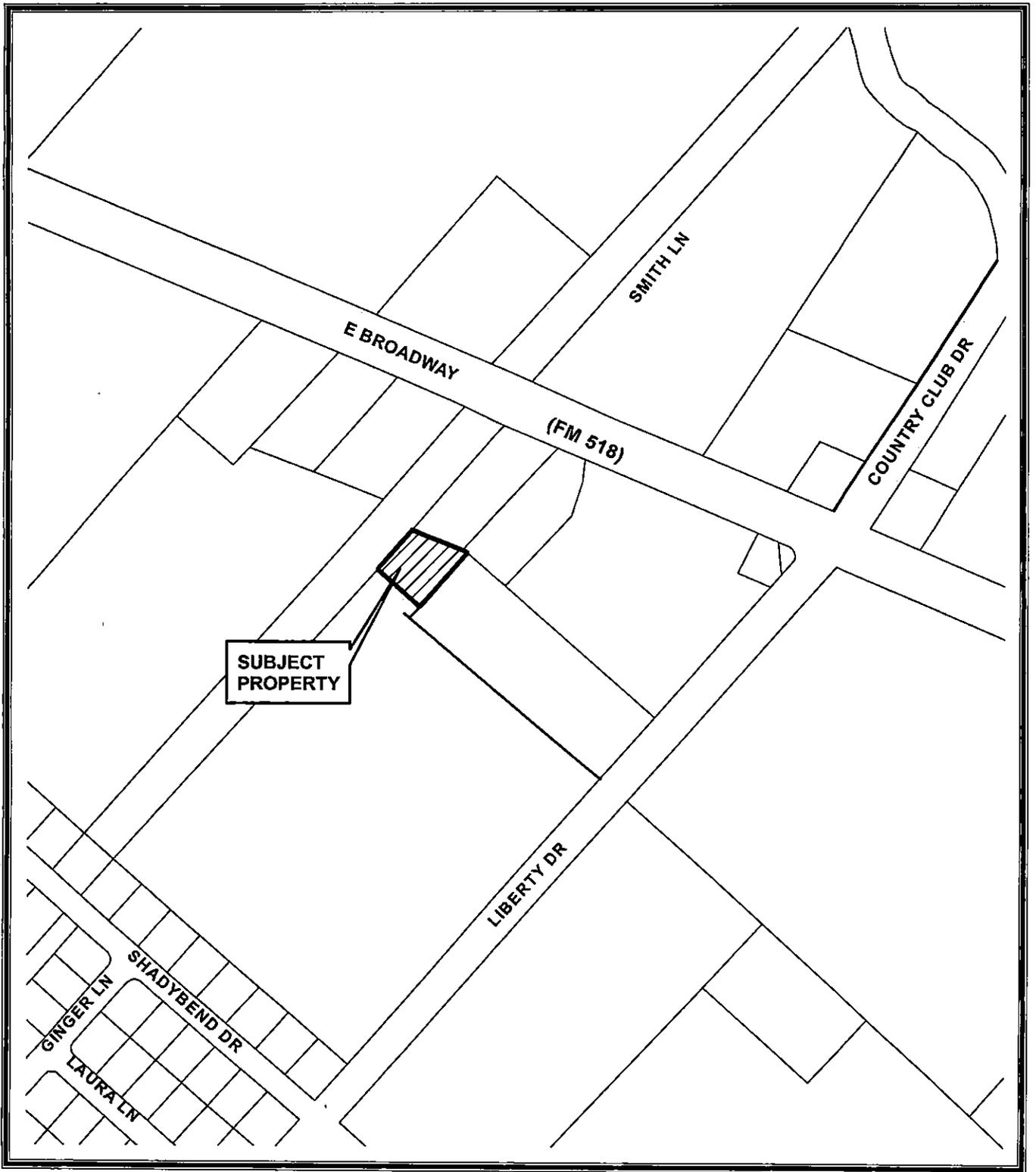
Sincerely,



Al Osborn, A.I.A.
Osborn & Vane Architects

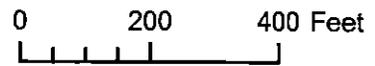
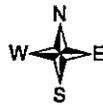
AO:db

Cc: Jay Javadi, Donya LLC

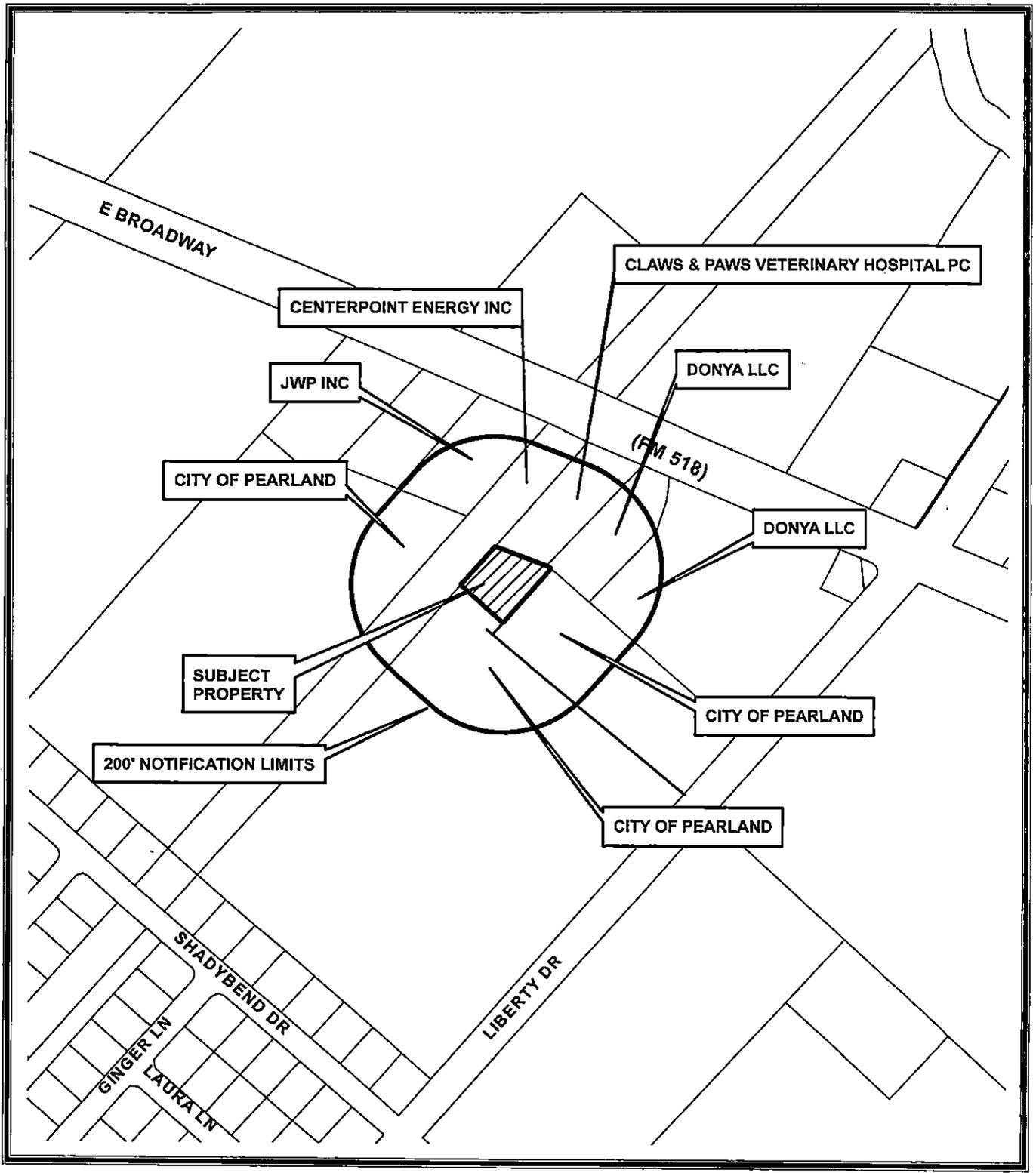


LOCATION MAP

**Zone Change
No. 2006-26Z**

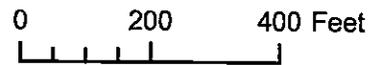


Map Prepared on June 26, 2006



OWNERSHIP MAP

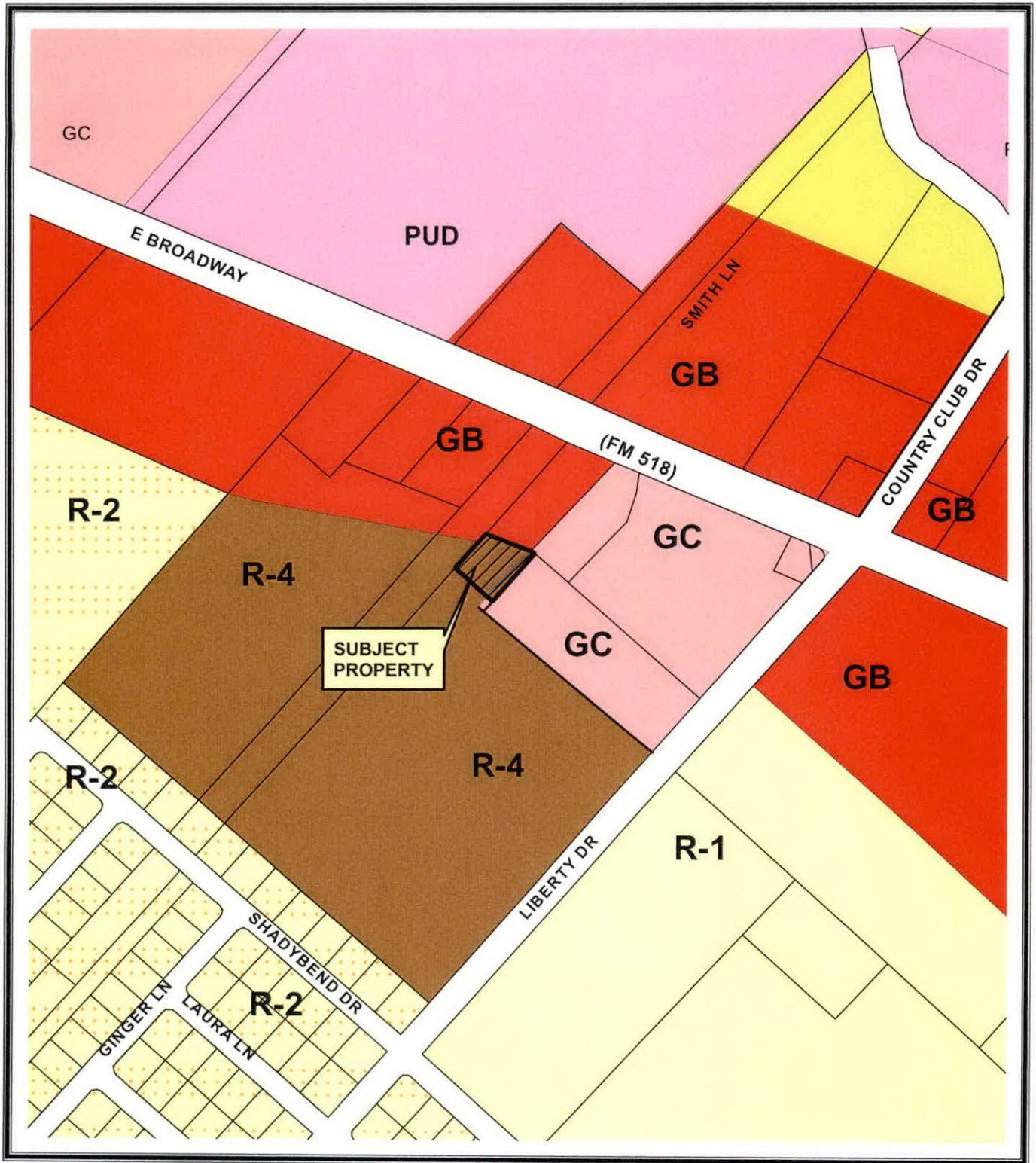
**Zone Change
No. 2006-26Z**



Map Prepared on June 26, 2006

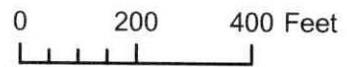
ZONE CHANGE NO. 2006-26Z
Property Owner Notification List

<u>TAX ACCT</u>	<u>OWNER</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>ST</u>	<u>ZIP CODE</u>	<u>LEGAL DESCRIPTION</u>
0070-0047-150	DONYA LLC	13630 BEAMER RD STE 107	HOUSTON	TX	77089-6037	A0070 W D C HALL (PEARLAND), TRACT 6G, ACRES 0.730
	AL OSBORN OSBORN & VANE	2000 BERING DR STE 410	HOUSTON	TX	77057	APPLICANT
0198-0010-130	JWP INC	2610 BROADWAY ST	PEARLAND	TX	77581-4903	VICTORY PLAZA, A0198 T J GREEN, BLOCK 1, TRACT 2, ACRES 0.87
0198-0015-110	CENTERPOINT ENERGY ELE OPS	PO BOX 1475	HOUSTON	TX	77251-1475	A0198 T J GREEN (PEARLAND), TRACT 6F1-7B-8B-9B, ACRES 5.038
0198-0010-000	CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581-5416	A0198 T J GREEN (PEARLAND), TRACT 6F, ACRES 8.130
0070-0047-118	DONYA LLC	13630 BEAMER RD STE 107	HOUSTON	TX	77089-6037	A0070 W D C HALL (PEARLAND), TRACT 6M1, ACRES 0.34
0070-0047-180	CLAWS & PAWS VET HOSPITAL	2556 BROADWAY ST	PEARLAND	TX	77581-4904	A0070 W D C HALL (PEARLAND), TRACT 6J, ACRES 0.731
0070-0047-160	DONYA LLC	13630 BEAMER RD STE 107	HOUSTON	TX	77089-6037	A0070 W D C HALL (PEARLAND), TRACT 6H, ACRES 3.430
0070-0047-114	CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581-5416	A0070 W D C HALL (PEARLAND), TRACT 6M-6N, ACRES 14.337

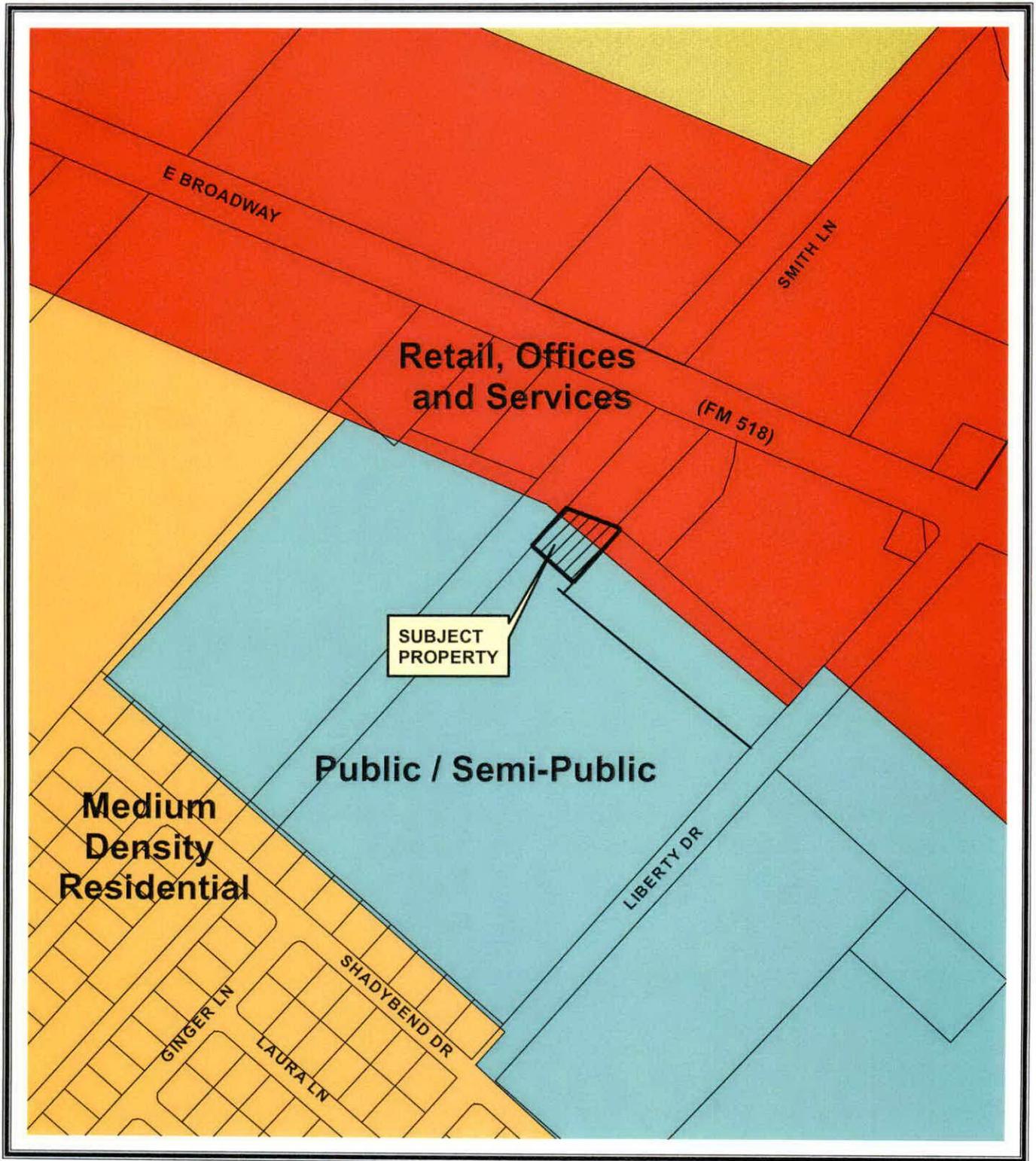


ZONING MAP

Zone Change
No. 2006-26Z

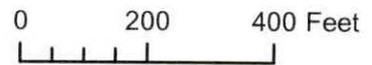


Map Prepared on June 26, 2006



FUTURE LAND USE PLAN

**Zone Change
No. 2006-26Z**



Map Prepared on June 26, 2006

AGENDA SUMMARY
JOINT PUBLIC HEARING
CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION
JULY 17, 2006, 6:30 P.M.
IN THE COUNCIL CHAMBERS, CITY HALL
3519 LIBERTY DRIVE, PEARLAND, TEXAS

1. Conditional Use Permit No. 2006-6

A request by Rodney Slaton, applicant for Mahmud Hedayati, owner, for approval of a Conditional Use Permit for a "Mini-Warehouse/Self Storage" facility in the General Business Retail District (GB), on the following described property: Generally Located on the East Side of Westminister Street, and Approximately 300 Feet North of FM 518 (Broadway Street)

2. Zone Change No. 2006-28Z

A request by Richard Gonzalez, applicant for RMMA Investments, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 2 District (R-2) to Townhouse Residential District (TH), on the following described property: Generally Located on the South Side of Walnut Street, and Approximately 400 Feet East of McLean Road

3. Zone Change No. 2006-29Z

A request by Monty Hudson, applicant for Jasvant C. Patel, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 1 District (R-1) to Office and Professional District (OP), on the following described property: Generally Located on the West Side of Miller Ranch Road (County Road 93), and Approximately 800 Feet North of FM 518 (Broadway Street)

4. Zone Change No. 2006-27Z

A request by George Muthalaly, applicant for Moritz V. Craven, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 3 District (R-3) to Office and Professional District (OP), on the following described property: Generally Located on the East Side of Wooten Road, and Approximately 1,100 Feet North of FM 518 (Broadway Street)

5. Zone Change No. 2006-26Z

A request by Al Osborn (Osborn and Vane Architects), applicant for Donya, LLC, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 4 District (R-4) to General Commercial District (GC), on the following described property: Generally Located Approximately 500 Feet West of Liberty Drive, and Approximately 300 Feet South of FM 518 (Broadway Street)

SUMMARY OF AGENDA ITEMS
July 17, 2006

City Council
Only

6:00 p.m. WORKSHOP OF THE CITY COUNCIL, Council Chambers

Council
And
P&Z

6:30 p.m. JOINT PUBLIC HEARING, Council Chambers

P&Z only

7:00 p.m. PLANNING AND ZONING MEETING, 2nd Floor Conference Room

City Council
Only

7:30 p.m. SPECIAL MEETING OF THE CITY COUNCIL, Council Chambers

Council Agenda's are attached for you to view

**AGENDA – WORKSHOP OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS,
TO BE HELD ON JULY 17, 2006, AT 6:00 P.M., IN THE COUNCIL CHAMBERS, CITY
HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

I. CALL TO ORDER

II. PURPOSE OF THE WORKSHOP:

- 1. COUNCIL INPUT AND DISCUSSION:** REGARDING UNPLATTED PROPERTIES / SUBDIVISIONS. *Mr. Nick Finan, Assistant City Manager.*

III. 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.

AGENDA – SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON JULY 17, 2006, AT 7:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

II. PURPOSE OF THE MEETING:

NEW BUSINESS:

- 1. CONSIDERATION AND POSSIBLE ACTION – REGARDING APPOINTMENTS TO THE PARKS, RECREATION AND BEAUTIFICATION BOARD. *Ms. Rhonda Cyrus, Parks and Recreation Director.***

OTHER BUSINESS:

EXECUTIVE SESSION UNDER TEXAS GOVERNMENT CODE

- 1. SECTION 551.074 – PERSONNEL MATTERS – REGARDING APPOINTMENTS TO THE PEARLAND ECONOMIC DEVELOPMENT CORPORATION BOARD. *Mr. Bill Eisen, City Manager.***
- 2. SECTION 551.071 – CONSULTATION WITH CITY ATTORNEY – REGARDING POTENTIAL LITIGATION ASSOCIATED WITH CITY INFRASTRUCTURE. *Mr. Darrin Coker, City Attorney.***

NEW BUSINESS CONTINUED:

- 2. CONSIDERATION AND POSSIBLE ACTION – REGARDING APPOINTMENTS TO THE PEARLAND ECONOMIC DEVELOPMENT CORPORATION BOARD. *City Council.***
- 3. CONSIDERATION AND POSSIBLE ACTION – REGARDING POTENTIAL LITIGATION ASSOCIATED WITH CITY INFRASTRUCTURE. *City Council***

III. 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.

AGENDA SUMMARY
JOINT PUBLIC HEARING
CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION
JULY 17, 2006, 6:30 P.M.
IN THE COUNCIL CHAMBERS, CITY HALL
3519 LIBERTY DRIVE, PEARLAND, TEXAS

1. Conditional Use Permit No. 2006-6

A request by Rodney Slaton, applicant for Mahmud Hedayati, owner, for approval of a Conditional Use Permit for a "Mini-Warehouse/Self Storage" facility in the General Business Retail District (GB), on the following described property: Generally Located on the East Side of Westminister Street, and Approximately 300 Feet North of FM 518 (Broadway Street)

2. Zone Change No. 2006-28Z

A request by Richard Gonzalez, applicant for RMMA Investments, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 2 District (R-2) to Townhouse Residential District (TH), on the following described property: Generally Located on the South Side of Walnut Street, and Approximately 400 Feet East of McLean Road

3. Zone Change No. 2006-29Z

A request by Monty Hudson, applicant for Jasvant C. Patel, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 1 District (R-1) to Office and Professional District (OP), on the following described property: Generally Located on the West Side of Miller Ranch Road (County Road 93), and Approximately 800 Feet North of FM 518 (Broadway Street)

4. Zone Change No. 2006-27Z

A request by George Muthalaly, applicant for Moritz V. Craven, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 3 District (R-3) to Office and Professional District (OP), on the following described property: Generally Located on the East Side of Wooten Road, and Approximately 1,100 Feet North of FM 518 (Broadway Street)

5. Zone Change No. 2006-26Z

A request by Al Osborn (Osborn and Vane Architects), applicant for Donya, LLC, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 4 District (R-4) to General Commercial District (GC), on the following described property: Generally Located Approximately 500 Feet West of Liberty Drive, and Approximately 300 Feet South of FM 518 (Broadway Street)

Jag
7-27-06

MINUTES OF THE JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON JULY 17, 2006, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

CALL TO ORDER

The public hearing was called to order at 6:58 p.m. Mayor Tom Reid opened the hearing for both the City Council and the Planning and Zoning Commission, with the following present:

Mayor Tom Reid	P & Z Vice Chairperson Sheryl Greiner
Councilmember Kevin Cole	P & Z Commissioner Neil West
Councilmember Felicia Kyle	P & Z Commissioner Henry Fuertes
Councilmember Helen Beckman	P & Z Commissioner Susan Sherrouse
Councilmember Steve Saboe	P & Z Commissioner Darrell Diggs
	P & Z Commissioner Jerry Koza, Jr.

Also in attendance: City Attorney Darrin Coker; City Manager Bill Eisen; Assistant City Manager Nicholas Finan; Assistant City Manager Mike Hodge; Public Works Director Danny Cameron; Planning Director Lata Krishnarao; Senior Planner Theresa Grahmann; Planner 1 Diana DuCroz; Plan and Plat Administrator Richard Keller; and Planning Administrative Secretary Judy Krajca

Councilmember Kevin Cole arrived at 7:45 p.m.

Planning Director Lata Krishnarao explained the Joint Public Hearing process for the attending public, and explained that the Planning & Zoning Commission Meeting will immediately follow the Joint Public Hearing in the 2nd floor conference room.

Mayor Reid opened the hearing for CUP 2006-3 at 7:03 p.m.

PURPOSE OF HEARING

A. CONDITIONAL USE PERMIT NO. 2006-6

A request by Rodney Slaton, applicant for Mahmud Hedayati, owner, for approval of a Conditional Use Permit for a "Mini-Warehouse/Self Storage" facility in the General Business Retail District (GB), on the property located on the East Side of Westminister Street, and Approximately 300 feet North of FM 518 (Broadway Street)

Vice Chairperson Sheryl Greiner read the purpose into the record.

Planning Director Lata Krishnarao presented the Staff Report. Staff recommends approval of this Conditional Use Permit, stating that buffering could be a condition of approval, since the recently adopted Unified Development Code does not require buffering. *adjacent to residential*

The applicant, Mr. Rodney Slaton briefly spoke on behalf of the owner stating that he would answer any questions from the Council/Commission/Staff.

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

Ms. Krishnarao stated that a site plan was attached to this Conditional Use Permit, but Staff is asking that this site plan not be approved as a part of the CUP. Councilmember Saboe stated that he would like to echo Ms. Krishnarao comment on the buffering being a condition of approval. Councilmember Kyle stated for the record that when the P&Z considered this CUP, that if buffering is a condition of approval, they specifically state that all requirements of the Unified Development Code be satisfied, ~~as a part of this condition.~~

The Public Hearing for Conditional Use Permit No. CUP 2006-6 was adjourned at 7:14 p.m.

The Public Hearing for Zone Change Application No. 2006-28Z at 7:14 p.m.

B. ZONE CHANGE NO. 2006-28Z

A request by Richard Gonzalez, applicant for RMMA Investments, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 2 District (R-2) to Townhouse Residential District (TH), on the property located on the South Side of Walnut Street, and Approximately 400 Feet East of McLean Road

P&Z Vice Chairperson Sheryl Greiner read the purpose into the record.

Planning Director Lata Krishnarao presented the Staff Report. Staff recommends approval. There was one public comment form received in opposition.

Applicant Richard Gonzalez was present to speak. He spoke of his plan to remove the older homes, and put in Townhomes, similar to those in The Heights of Houston.

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

in writing
Councilmember Saboe questioned if the person opposing this zone change directly bordered this property, and a description of the small strip of property noted on the map. Ms. Krishnarao stated that the public comment received in opposition was a neighbor, but would check into this further to see if they adjoined this property.

Councilmember Kyle expressed concerns of townhouses among single family residences, along with General Business across the street and Office Professional next to this. She called this a “hodge podge” of zoning.

Councilmember Beckman stated that townhouses might be a good transition for the area.

Commissioner West stated that he did not see this as a “hodge podge” of zoning, but a mixed area with the Old Townsite nearby.

Vice-Chairperson Greiner brought up the fact that the corner lot at Johnston & Walnut had previously come before a Joint Public Hearing for a zone change to residential. She wished to bring this fact up to show a trend in what this area is trying to do.

Ms. Krishnarao also stated that lots on McLean Road have been rezoned to residential and will be reflected on the next printout of the zoning map.

Assistant City Manager Finan brought up the Thoroughfare Plan and that TxDOT would be looking at this area. There was much discussion between Mr. Finan and Ms. Krishnarao regarding the Right-of-Way of ~~McLean~~. *Walnut street.*

Mr. Gonzalez stated that he could do a 20 to 40 foot setback, as his lots were 200 feet deep.

Councilmember Saboe asked for clarification of the small strip west of the applicants property.

Discussion continued among the Council/Commission/Staff regarding ~~The Heights area, and~~ how many townhouses ^{were} ~~was~~ being looked at. Mr. Gonzalez stated he had not put a plan together yet, but was looking at about 8 and 10 units.

The Public Hearing for Zone Change No. 2006-28Z was adjourned at 7:38 p.m.

A short break was taken to adjust the sound system in the Council

Chambers.

The Public Hearing for Zone Change No. 2006-29Z opened at 7:45 p.m.

C. ZONE CHANGE NO. 2006-29Z

A request by Monty Hudson, applicant for Jasvant C. Patel, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 1 District (R-1) to Office and Professional District (OP), on the property located on the West Side of Miller Ranch Road (County Road 93), and Approximately 800 Feet North of FM 518 (Broadway Street)

P&Z Vice Chairperson Sheryl Greiner read the purpose into the record.

Senior Planner Theresa Grahmann presented the Staff Report. Staff recommends approval.

Mr. Monty Hudson of 3402 Fonders Trail, Arlington, TX 76015 was present and represented the owner. He spoke of the hotel they wish to put in.

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

~~There was brief discussion among the Council/Commission/Staff.~~

The Public Hearing for Zone Change No. 2006-29Z was adjourned at 7:51 p.m.

The Public Hearing for Zone Change No. 2006-27Z opened at 7:51 p.m.

D. ZONE CHANGE NO. 2006-27Z

A request by George Muthalaly, applicant for Moritz V. Craven, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 3 District (R-3) to Office and Professional District (OP), on the property located on the East Side of Wooten Road, and Approximately 1,100 Feet North of FM 518 (Broadway Street)

P&Z Vice-Chairperson Sheryl Greiner read the purpose into the record.

Senior Planner Theresa Grahmann presented the Staff Report. Staff recommends disapproval/denial of this zone change. Staff received two public comment forms, one opposed and one in favor (from the owner).

The applicant Mr. George Muthalaly was present to speak on behalf of the owner. He passed out printouts of the slides he showed on Wooten Road.

Ms. Catherine Henning of 10110 Lamb Brook Lane, Pearland, TX spoke in opposition of the zone change. She felt that this would affect the value of the land as she lives in the Autumn Lakes Subdivision, adjoining this property. She also asked that the City look into correcting her street name on maps. It is Lamb Brook Lane, and is showing up on maps as Lamb Brock. She stated it was very hard for emergency vehicles to find their street, due to this typographical error.

Councilmember Saboe asked what type of fence was on the backyard of the subdivision homes. It was stated that it is a 6 ft. high wooden fence. Councilmember Cole asked what the future plans were for Wooten Road. And did Home Depot have plans to improve Wooten Road. Senior Planner Grahmann stated that Home Depot did not have to plat nor dedicate Right-of-Way. She stated she would have to review the Right-of-Way on Wooten Road.

Discussion continued among the Council/Commission/Staff.

Commissioner West stated that it was still a problem with ^afloating transition zone.

Ms. Grahmann stated that a site plan was included in the packet for the Council/Commission to review. It showed landscaping, fencing, driveway and parking. Staff could have recommended Office Professional, but chose to stick with the ^{comprehensive} plan, and recommend denial of this zone change.

Discussion ensued regarding the property between the Home Depot and the subject property.

The Public Hearing for Zone Change No. 2006-27Z adjourned at 8:16 p.m.

The Public Hearing for Zone Change No. 2006-26Z opened at 8:16 p.m.

E. ZONE CHANGE NO. 2006-26Z

A request by Al Osborn (Osborn and Vane Architects), applicant for Donya, LLC, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 4 District (R-4) to General Commercial District (GC), on the property located approximately

500 Feet West of Liberty Drive, and Approximately 300 Feet South of FM 518 (Broadway Street)

P&Z Vice-Chairperson Sheryl Greiner read the purpose into the record.

Senior Planner Theresa Grahmann presented the Staff Report. Staff recommends approval.

The applicant, Al Osborn was present to speak on behalf of the owner.

Mr. Larry Marcott, of 3606 Inverness Court, Pearland, TX 77581 spoke in opposition of the zone change. He stated that the owner needed to connect to the library as was originally proposed.

Mr. Jay Javadi, of 9815 Sagedale Dr., Houston, TX 77089, the owner, spoke in favor of the zone change. He disagreed with what Mr. Marcott said.

Councilmember Cole asked City Attorney Darrin Coker to talk about the history of this land swap between Mr. Javadi and the City of Pearland.

Mr. Coker outlined the land swap, starting with how the City approached Mr. Javadi to ~~sell~~ ^{sell} the property where the current parking lot is located. Mr. Javadi purchased this property and put in a ~~rear~~ parking lot. The City and Mr. Javadi agreed to swap the property at the corner for the piece of ~~property, currently identified as the subject property.~~ ^{subject} In doing so, Mr. Javadi indicated that it would be used for detention. He was also asked to use offsite detention. It was not a restriction in the deed to make the subject property a detention area. He did obtain detention offsite. Mr. Javadi then platted the property. It was discovered that additional ~~easement~~ ^{right-of-way} was needed. He donated it as part of the platting process. He applied for a zone change, and it was denied. He has applied for a zone change again.
Final turn lane into Liberty Drive
on Broadway Street + Liberty Drive

Mr. Coker stated that there is supposed to be an inter-connect to the Library. Mr. Javadi has been meeting with the City Engineer, Mr. Doug Kneupper. This is a restriction required in the Deed. The delay has been on the City and Library's part, and not the fault of Mr. Javadi. This is the only issue outstanding.

Councilmember Kyle stated that the City needed to modify the deed regarding walkway verses driveway.

Vice-Chairperson Greiner asked Staff why it was denied before. Mr. Coker stated that the 1st time was because it had not been platted. He was unsure why it was denied the 2nd time. There was a litigation suit

going on at this time, due to the sewage being backed up during Tropical Storm Allison, and that this litigation should have no bearing on this zone change. The litigation suit has been resolved.

The Public Hearing for Zone Change No. 2006-26Z was adjourned at 8:44 p.m.

ADJOURNMENT

The hearing was adjourned by Mayor Reid at 8:45 p.m.

These minutes are respectfully submitted by:

Judy Krajca
Planning Administrative Secretary

Minutes approved as submitted and/or corrected on this _____ day of _____, A.D., 2006.

Tom Reid
Mayor