

**MINUTES OF THE JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON AUGUST 20, 2007, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS**

**CALL TO ORDER**

The public hearing was called to order at 6:35 p.m. Mayor Tom Reid opened the hearing for the City Council and for the Planning and Zoning Commission, with the following present:

Mayor Tom Reid	P & Z Chairperson Ruby Sandars
Mayor Pro Tem Steve Saboe	P & Z Vice-Chairperson Henry Fuentes
Council Member Kevin Cole	P & Z Commissioner Susan Sherrouse
Council Member Felicia Kyle	P & Z Commissioner Neil West
Council Member Helen Beckman	P & Z Commissioner Sheryl Greiner
Council Member Woody Owens	P & Z Commissioner Darrell Diggs
	P & Z Commissioner Jerry Koza, Jr.

Also in attendance: City Attorney Darrin Coker; Deputy City Attorney Nghiem Doan; City Manager Bill Eisen; Assistant City Manager Nicholas Finan; Assistant City Manager Mike Hodge; City Engineer Narciso Lira; Planning Director Lata Krishnarao; Senior Planner Theresa Grahmann; Plan and Plat Administrator Richard Keller; Planner Tim Chi, and Planning Administrative Secretary Judy Krajca

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

The public hearing for Amendments To The Master Thoroughfare Plan opened at 6:40 p.m.

**CONSIDERATION & POSSIBLE ACTION—Amendments To The Master Thoroughfare Plan**

A request by the City of Pearland, for an amendment to the Master Thoroughfare Plan.

Mayor Reid read the purpose of the hearing.

Senior Planner Grahmann read the Staff report, as well as the Applicant Presentation. The amendment pertains to Hillhouse Road to make it a minor collector street with a 60-foot right-of-way. Staff recommends approval.

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

There was no discussion from Council/Commission/Staff.

The public hearing for Amendments To The Master Thoroughfare Plan adjourned at 6:45 p.m.

A public hearing for Zone Change No. 2007-09Z opened at 6:45 p.m.

### **CONSIDERATION & POSSIBLE ACTION—Zone Change No. 2007-09Z**

A request by Asuncion M. Esparza, 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 General Commercial District (GC) located on the East Side of Wagon Trail Road, and Approximately 900 Feet North of Fite Road.

Chairperson Sandars read the purpose of the hearing.

Senior Planner Grahmann read the Staff report stating that the applicant is seeking a General Commercial (GC) zone in order to utilize a portion of the property for truck storage. Staff recommends denial for reasons stated in the Staff report. Staff received one public comment form in favor of this zone change.

Mr. Charles Kinsey of 3105 Nantucket, Pearland, Texas 77584 spoke on behalf of the owner.

Mr. Erick Moreno of 5722 Ochoa, Pearland, Texas 77584 spoke against the zone change. Mr. Moreno resides behind and to the east of the subject property, and is against this due to the drivers inappropriate behavior on the property, the owner bringing in dirt and raising the elevation above his own property, and the inability to reach a compromise with the owner.

Commissioner Diggs asked staff if a different zoning would work better for their use. Senior Planner Grahmann commented no, and verified this with the UDC.

The public hearing for Zone Change No. 2007-09Z was adjourned at 6:55 p.m.

A public hearing for Zone Change No. 2007-10Z was called to order at 6:55 p.m.

### **CONSIDERATION & POSSIBLE ACTION—Zone Change No. 2007-10Z**

A request by Bonnie and Janice Howard, applicant for John Aaron and Kathryn Howell, owners, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Suburban Residential – 12 District (SR-12) to General Commercial District (GC) located on the East Side of Zapalac Road, and Approximately 1,000 Feet North of FM 518 (Broadway Street)

Chairperson Sandars read the purpose of the hearing.

Commissioner Greiner arrived at 6:56 p.m.

Senior Planner Grahmann read the Staff report stating that the applicant is proposing retail and commercial uses for the subject property. Staff recommends *denial for reasons* stated in the staff report.

Mr. Louis McKinney of 16310 Quail Park Drive, Missouri City, Texas 77489, spoke on behalf of the owner, Mr. Bonnie Howard, and stated that they want to use the property for a cemetery.

Mr. John Howell of 2519 Zapalac Road, Pearland, Texas 77581 spoke in favor of the zone change.

Mr. Charles Largent of 6210 Raintree Drive, Pearland, Texas 77584 spoke against the zone change stating he lives near the property, and currently there are drainage issues. Mr. Largent feels this proposed use would make the drainage worse.

Mr. Larry Marcott of 3606 Inverness Court, Pearland, Texas 77581 spoke against the zone change. Mr. Marcott stated that there were already traffic problems on Cullen Rd., and that a previous zoning issue was denied.

Council Member Cole asked for comments from Assistant City Manager in regards to drainage issues. Mr. Hodge stated the ditches were being cleaned out, and the City was working with the Drainage District.

Council Member Cole also asked that goals for the Comprehensive Plan be looked at for cemeteries in the future.

Commissioner West asked the applicant how old the cemetery was, and the number of acres. The owner, Mr. Howard, stated the first burial took place in 1954, and consisted of 105 acres. Mr. West also inquired as to how many of those buried were Pearland residents. Mr. Howard explained that those records are not kept; however, they are seeing more Pearland customers.

Council Member Kyle inquired as to who hires the motorcycle Police Officers. Mr. Howard explained that these were hired out of Houston, and the cemetery hires one at the gate. There was further discussion on this topic.

Commissioner Fuertes inquired about the residences there. Ms. Grahmann stated that Mr. John Howell and another resident reside there and use Zapalac Road. Commissioner Fuertes asked if taxes were collected on this property. Mr. Howell stated the 19 acres has an Agricultural exemption on the land. Mr. Larry Marcott stated that the only taxable item would be the building, as the land would become exempt. Ms. Grahmann stated that cemeteries are allowed in both the General Business and General Commercial Zones.

The public hearing for Zone Change No. 2007-10Z was adjourned at 7:29 p.m.

A public hearing for Zone Change No. 2007-12Z was opened at 7:34 p.m.

## **CONSIDERATION & POSSIBLE ACTION—Zone Change No. 2007-12Z**

A request by Northwinds Construction, applicant for Gartner Interests, 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 Light Industrial District (M-1) to Planned Development District (PD), located on the East Side of Max Road, and Approximately 1,700 Feet North of FM 518 (Broadway Street).

Chairperson Sandars read the purpose of the hearing.

Planning Director Lata Krishnarao read the Staff report stating the applicant is requesting a change in zoning to a Planned Development (PD). The subject property is currently zoned as Light Industrial, and is currently developed with light industrial uses within a 6,000 square foot office building, a 10,000 square foot warehouse building, and a 1,000 square foot shipping and receiving building. The applicant is proposing an expansion to the facility and is seeking the deviations from the requirement of the UDC in the PD. Staff recommends approval. Staff received three (3) public comment forms in favor of this zone change.

Mr. George Gartner, owner, of 2433 Max Road, Pearland, Texas 77581 spoke briefly.

Mr. Larry Marcott of 3606 Inverness Court, Pearland, Texas 77581 stated that he was on council when this business came to town; and since then, a lot of development has happened. Mr. Marcott spoke in favor, and stated he would like to see it restricted.

Chairperson Sandars thanked the applicant. Commissioner West thanked Staff for their work.

The public hearing for Zone Change No. 2007-12Z was adjourned at 7:41 p.m.

A public hearing for Zone Change No. 2007-11Z was opened at 7:41 p.m.

## **CONSIDERATION & POSSIBLE ACTION—Zone Change No. 2007-11Z**

A request by Kerry R. Gilbert and Associates, applicant for Shadow Creek Ranch Development Company, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification General Business Retail District (GB) and Business Park District – 288 (BP-288) to Planned Development District (PD), located on the West Side of State Highway 288, South of Medical Center Drive, and North of Broadway Street.

Chairperson Sandars read the purpose of the hearing.

Planning Director Krishnarao read the Staff report stating the applicant is requesting a change in zoning to a Planned Development (PD), in order to add two parcels to the Shadow Creek Ranch PD. The two parcels total approximately 32 acres of land. Staff recommends approval. Staff does recommend that screening be considered as a condition

of this approval. Staff received two letters from residents on the west side opposing this zone change.

Mr. Kerry Gilbert of 23501 Cinco Ranch Blvd., Katy, Texas made a Power Point presentation.

Mr. Gary Cooke of 2947 E. Broadway, Pearland, Texas 77581 spoke in favor of this zone change.

Mr. Mark Thrash, Jr. of 2603 Tidenhaven Drive, Pearland, Texas 77584 asked if there were any residency plans for the property located behind his homestead.

Mr. Donovan Stephens of 2615 Tidenhaven Drive, Pearland, Texas 77584 inquired about refuse containers.

Council Member Cole asked Mr. Kerry Gilbert to address these two questions. Mr. Gilbert stated that there were no plans to develop the property located behind Mr. Thrash. This property is zoned commercial. In regards to the refuse containers, there is currently a six-foot masonry wall, twenty-five feet from that and buffer with landscaping.

Discussion continued with several questions pertaining to the Design Guidelines.

The public hearing for Zone Change No. 2007-11Z adjourned at 8:05 p.m.

A public hearing for Amendments to the Unified Development Code (UDC) opened at 8:05 p.m.

### **CONSIDERATION & POSSIBLE ACTION—Amendments To The Unified Development Code (UDC)**

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

Chairperson Sandars read the purpose of the hearing.

Planning Director Lata Krishnarao and Deputy City Attorney Nghiem Doan presented the Staff Report, and Applicant presentation of the seven items outlined in the Staff report.

Mr. Will Deane of 2805 Business Center Drive, Pearland, Texas 77584 of Transwestern spoke in favor of the signage.

Mr. John Hay of 2805 Business Center Drive, Pearland, Texas 77584 of Academy spoke in favor of the signage.

Mr. Rodney Tippit of 2804 Business Center Drive, Pearland, Texas 77584 of Ashley Furniture Stores spoke in favor of the signage.

Council Member Cole stated he was in favor.

Council Member Kyle stated she was generally pleased with the signage, and asked Staff to act quickly on issuing permits.

Commissioner West stated he was opposed to the sign height.

Council Member Cole asked Deputy Attorney Doan about the Gaming Machines. Deputy Attorney Doan, Planning Director Krishnarao, and Assistant City Manager Finan all gave feedback to Mr. Cole's question.

Council Member Saboe inquired about the Conditional Use Permit process and options. There was much discussion.

The public hearing for Amendments to the Unified Development Code (UDC) was adjourned at 8:50 p.m.

## **VI. ADJOURNMENT**

Mayor Reid adjourned the joint public hearing at 8:50 p.m.

These minutes are respectfully submitted by:

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Judy Krajca  
Planning Administrative Secretary

Minutes approved as submitted and/or corrected on this 10th of September, A.D., 2007.

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Mayor Tom Reid

**AGENDA SUMMARY**  
**JOINT PUBLIC HEARING**  
**AUGUST 20, 2007**

1. Amendments To The Master Thoroughfare Plan
2. Zone Change No. 2007-09Z, a request by Asuncion M. Esparza, 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 General Commercial District (GC), Generally Located on the East Side of Wagon Trail Road, and Approximately 900 Feet North of Fite Road
3. Zone Change No. 2007-10Z, a request by Bonnie and Janice Howard, applicant for John Aaron and Kathryn Howell, owners, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Suburban Residential – 12 District (SR-12) to General Commercial District (GC), Generally Located on the East Side of Zapalac Road, and Approximately 1,000 Feet North of FM 518 (Broadway Street)
4. Zone Change No. 2007-12Z, a request by Northwinds Construction, applicant for Gartner Interests, 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 Light Industrial District (M-1) to Planned Development District (PD), Generally Located on the East Side of Max Road, and Approximately 1,700 Feet North of FM 518 (Broadway Street)
5. Zone Change No. 2007-11Z, a request by Kerry R. Gilbert and Associates, applicant for Shadow Creek Ranch Development Company, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification General Business Retail District (GB) and Business Park District – 288 (BP-288) to Planned Development District (PD), Generally Located on the West Side of State Highway 288, South of Medical Center Drive, and North of Broadway Street
6. Amendments To The Unified Development Code (UDC)

Present

Mayor John Reid  
Mayor Pro Tem Steve Scarp

Council Member Wendy Owens

" " " " " " " " " " " "

Kevin Cole

Chairperson Ruby Johnson  
Vice-Chairperson Henry Hunter

Commissioner Neil West

Garry Koga, Jr.

Warren Biggs

Brian Sherman

Bill Eason  
Daren Baker, Mick Strain, Mike Hodge, ~~Mike~~ Narciso  
Dina, Danny Cameron

Mayor Reid called to order 6:35 pm

**AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD AUGUST 20, 2007, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS**

Theresa <sup>explained</sup> ~~read~~ the JPH procedures

**I. CALL TO ORDER**

Mayor Reid opened @ 6:40 p.m.

**II. PURPOSE OF HEARING**

Mayor Reid read  
Amendments To The Master Thoroughfare Plan

A request by the City of Pearland, for an amendment to the Master Thoroughfare Plan.

**III. APPLICATION INFORMATION AND CASE SUMMARY**

**A. STAFF REPORT** JAG read staff rpt.

**B. APPLICANT PRESENTATION**

No comment.

Amendment pertains to Hillhouse Rd. amendment to make this a minor collectors st. w/ a 60' ROW. Staff recommends approval.

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

No one present to speak for or against.

**V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION**

No comment

**VI. ADJOURNMENT**

adj @ 7:45 p.m.

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

# JOINT PUBLIC HEARING AGENDA ITEM MEETING OF AUGUST 20, 2007

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## Master Thoroughfare Plan Amendment

A request of the City of Pearland, for an amendment to the Master Thoroughfare Plan.

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

Planning and Zoning Commission: August 20, 2007\*  
City Council for First Reading: September 10, 2007\*  
City Council for Second Reading: September 24, 2007\*

(\*dates subject to change if item is tabled)

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**SUMMARY:** The City of Pearland is proposing amendments to the Master Thoroughfare Plan. The Master Thoroughfare Plan was last updated on December 11, 2006.

The proposed amendment affects Hillhouse Road, between FM 518 (Broadway Street) and Fite Road. On the current thoroughfare plan, Hillhouse Road is not shown at all between FM 518 and Fite Road. North of FM 518, Hillhouse Road is shown as a local street with a right-of-way of 50 feet.

The reason for the amendment is due to limited access to tracts of land between FM 518 and Fite Road. The General Business Districts along FM 518 are beginning to develop with retail, office, and service uses. As subdivision plats are being submitted, Staff is looking at access and circulation in the area. There are several residential tracts of land south of the GB tracts that do not have access to a public street. When these residential tracts begin to develop, they will have issues with landlocked parcels and limited access.

The proposed amendment adds Hillhouse Road as a minor collector street with a projected right-of-way of 60 feet, which is to be dedicated by plats as they are submitted for development, and the road will be constructed concurrently with developments within the area.

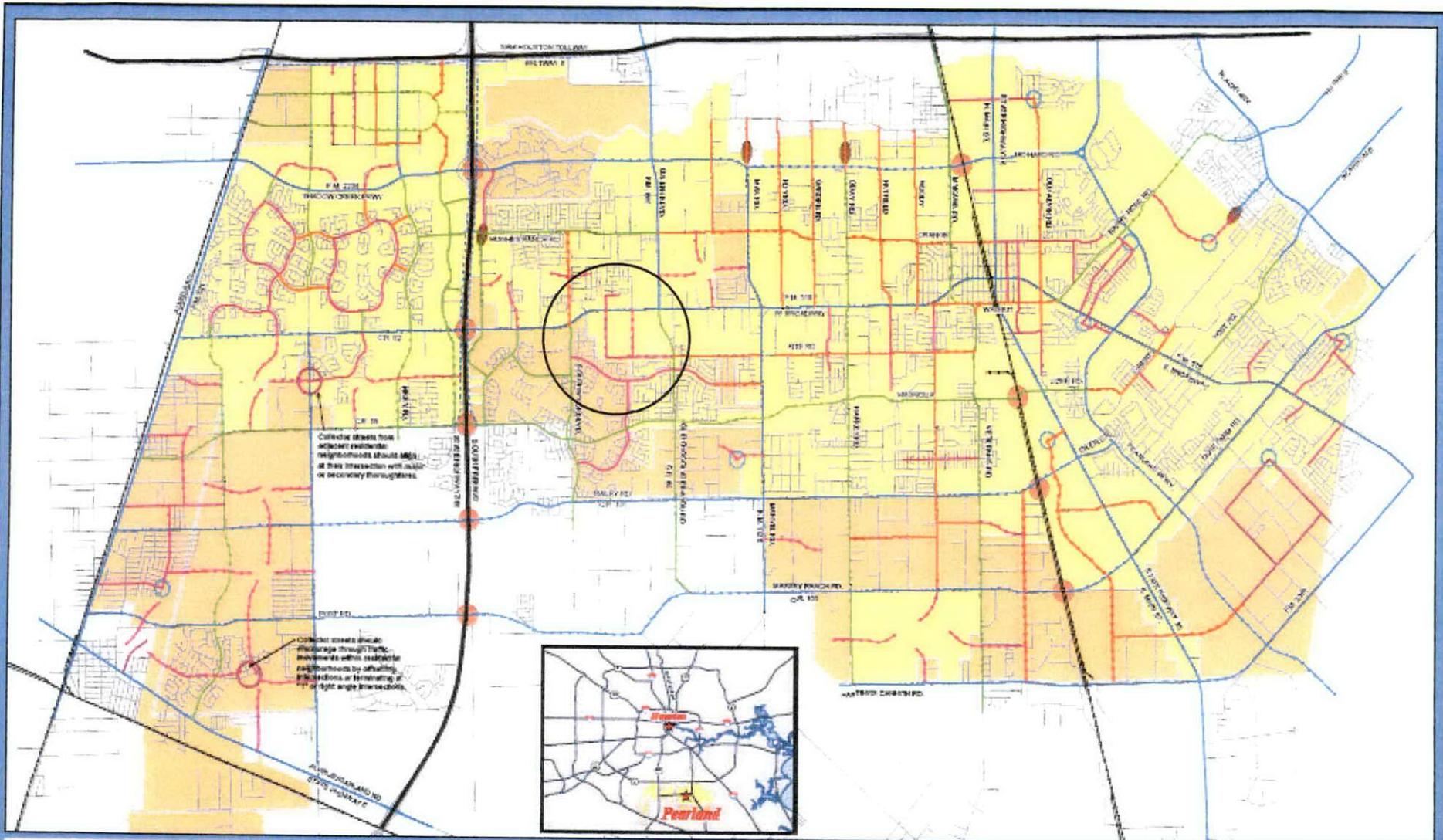
The proposed amendment will not affect Hillhouse Road north of FM 518.

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

1. The proposed amendment provides for access and circulation to parcels that are either landlocked or have limited access.
2. The proposed amendment will allow the City to receive the right-of-way dedication for Hillhouse Road by plat, and the road will be constructed as development occurs within the area.

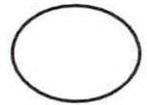
**SUPPORTING DOCUMENTS:**

- Proposed Thoroughfare Plan
- Zoning Map
- Aerial Photograph

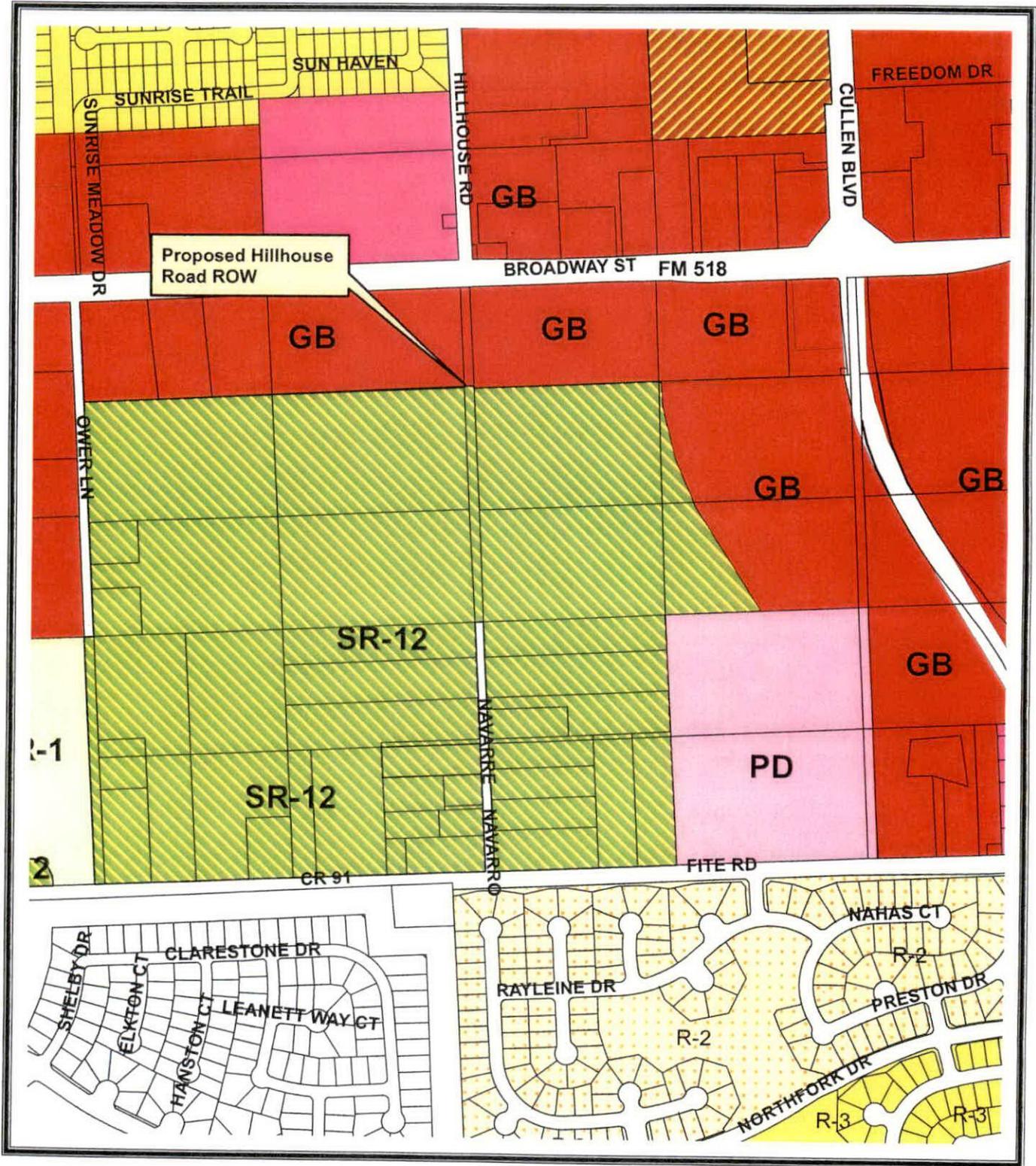


# City of Pearland Proposed Thoroughfare Plan

- 120' Minimum ROW**
  - Major Throughways - Sufficient Width
  - Major Throughways - To Be Widened
  - Minor Throughways - To Be Widened
  - Minor Throughways - Proposed Through Plan
- 100' Minimum ROW**
  - Secondary Throughways - Sufficient Width
  - Secondary Throughways - To Be Widened
  - Secondary Throughways - To Be Amended
- 50' Minimum ROW**
  - Major Collector Streets - Sufficient Width
  - Major Collector Streets - To Be Widened
  - Major Collector Streets - To Be Amended
- 30' Minimum ROW**
  - Minor Collector Streets - Sufficient Width
  - Minor Collector Streets - To Be Widened
  - Minor Collector Streets - To Be Amended



**Indicates area of amendment (Hillhouse Road)**



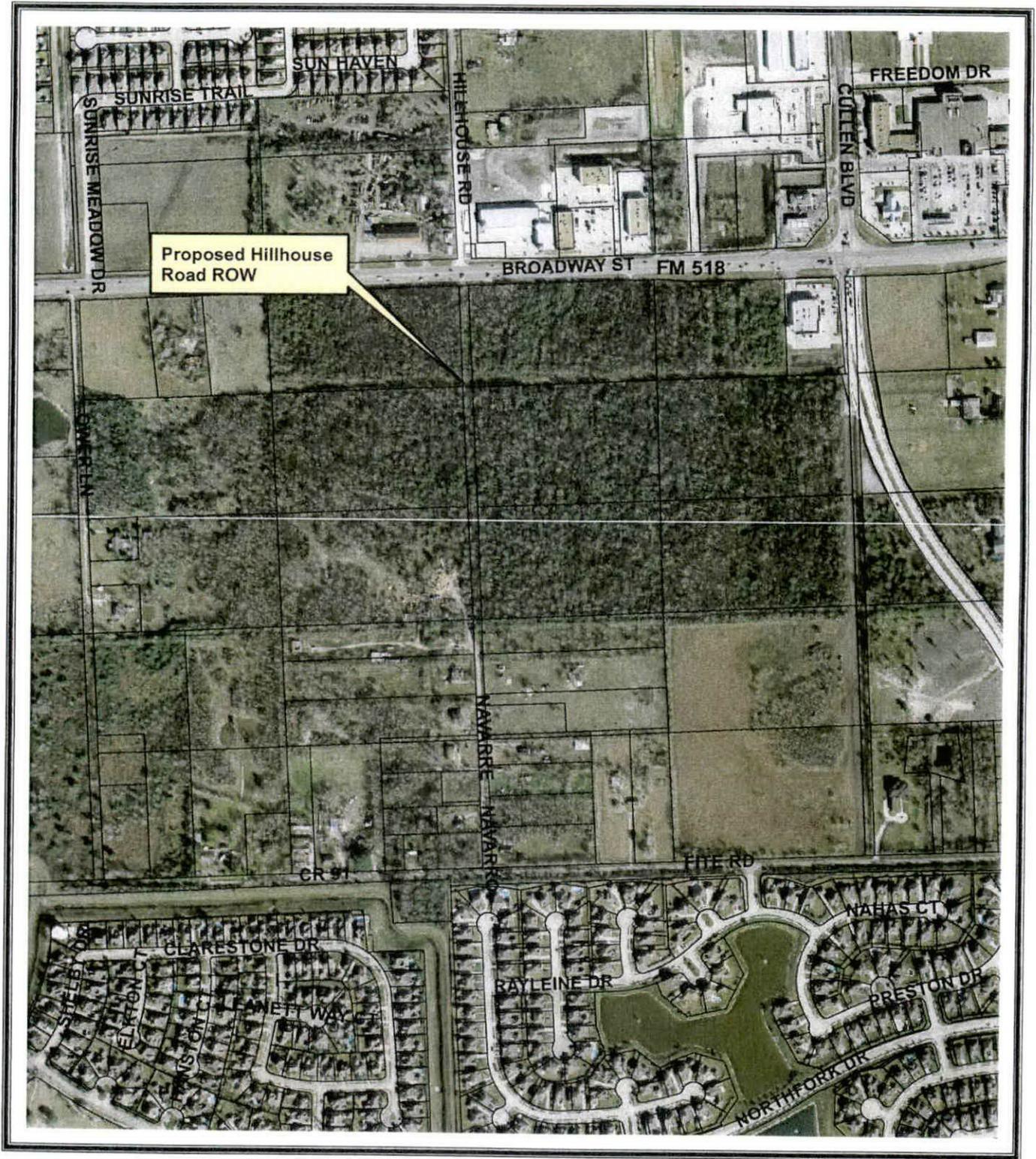
# ZONING MAP

## Master Thoroughfare Plan Amendment



0 200 400 Feet

Map Prepared on July 30, 2007



# AERIAL PHOTOGRAPH

Master Thoroughfare Plan  
Amendment



0 200 400 Feet



Map Prepared on July 30, 2007

**AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD AUGUST 20, 2007, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS**

**I. CALL TO ORDER** 6:45

**II. PURPOSE OF HEARING** Ruby read

Zone Change No. 2007-09Z

A request by Asuncion M. Esparza, 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 General Commercial District (GC), on the following described property, to wit:

Legal Description: 1.700 acres of land, being the residue of that certain tract described in Volume 716, Page 561, Deed Records, and being part of Block 17 of the Figland Orchard Subdivision No. 1, Abstract 240, H.T. & B.R.R. Company Survey, Brazoria County, Texas, according to the map or plat thereof recorded in Volume 3, Page 77, of the Plat Records of Brazoria County, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the East Side of Wagon Trail Road, and Approximately 900 Feet North of Fite Road

**III. APPLICATION INFORMATION AND CASE SUMMARY**

**A. STAFF REPORT** TAG read... the applicant is seeking a GB zone in order to utilize a portion of the property for truck storage  
**B. APPLICANT PRESENTATION** staff recommends denial for reasons stated in the staff rpt.

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

**V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION**

**VI. ADJOURNMENT** @ 6:55

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III B. Mr. Charles Kenney of 3105 Nantucket, Pearland 77584  
spoke on behalf of the owner, in favor.

IV Mr. Erick Moreno of 5722 Ochoa, Pearland  
resides behind and to the east, - Against.  
(due to drivers in appropriate behavior, & owner  
of subject property brought dirt in raising the  
elevation above Mr. Moreno's property.  
~~owner was not willing~~ owner & Mr. Moreno  
could not reach an ~~agree~~ ~~compro~~ ~~misably~~  
agreement. - Against

V. Harrell asked if a diff. zoning would work  
better. TAG verified in UDC - no.

# JOINT PUBLIC HEARING AGENDA ITEM MEETING OF AUGUST 20, 2007

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## Zone Change No. 2007-09Z

A request by Asuncion M. Esparza, 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 General Commercial District (GC)

**LEGAL DESCRIPTION:** 1.700 acres of land, being the residue of that certain tract described in Volume 716, Page 561, Deed Records, and being part of Block 17 of the Figland Orchard Subdivision No. 1, Abstract 240, H.T. & B.R.R. Company Survey, Brazoria County, Texas, according to the map or plat thereof recorded in Volume 3, Page 77, of the Plat Records of Brazoria County, City of Pearland, Brazoria County, Texas

**GENERAL LOCATION:** Generally Located on the East Side of Wagon Trail Road, and Approximately 900 Feet North of Fite Road

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

Planning and Zoning Commission: August 20, 2007\*

City Council for First Reading: September 10, 2007\*

City Council for Second Reading: September 24, 2007\*

(\*dates subject to change if item is tabled)

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**SUMMARY:** The applicant is requesting a change in zoning on the subject property for a General Commercial District (GC). The subject property is currently zoned as Single Family Residential – 2 District (R-2). The subject property is currently developed with a residence and accessory buildings. The applicant is requesting a zone change to the General Commercial District. The reason the applicant is requesting the zone change is to be able to utilize a portion of the subject property for truck storage.

**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 – 2 District (R-2)	Single family residence
South	Single Family Residential – 2 District (R-2)	Single family residence
East	Single Family Residential – 2 District (R-2)	Undeveloped property
West	Neighborhood Service District (NS) and General Business Retail District (GB)	Warehouse/commercial buildings

**CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC):** The applicant is requesting the GC district. The minimum lot size for the GC district is 22,500 square feet, the minimum lot width is 150 feet, and the minimum lot depth is 125 feet. The subject property exceeds these minimum requirements, as the subject property is 1.7 acres in size, is 216 feet wide along Wagon Trail Road, and is 338 feet in depth.

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

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "D – 10,000 Square Foot Lots – Suburban Residential" for the subject property, and for many of the surrounding properties on the east side of Wagon Trail Road. The Comprehensive Plan further indicates that the appropriate zoning districts for "D – 10,000 Square Foot Lots – Suburban Residential" is a

new residential zoning district with lots at least 10,000 square feet in size. Therefore, the proposed zone change to GC does not conform to the Comprehensive Plan.

**CONFORMANCE TO THE THOROUGHFARE PLAN:** The subject property has frontage on Wagon Trail Road, a local street with a projected right-of-way of 50 feet. The applicant will be responsible for platting the subject property, and if adequate right-of-way does not exist for Wagon Trail Road, the applicant would be required to dedicate any necessary right-of-way when the subject property is platted.

**AVAILABILITY OF UTILITIES:** There is an 8 inch water main on the west side of Wagon Trail Road. There is an 8 inch sanitary sewer line located along the east side of Wagon Trail Road. The applicant will be responsible for extending all utilities as necessary to serve the proposed development.

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

**IMPACT ON EXISTING AND FUTURE DEVELOPMENT:** The requested zone change to a General Commercial District has the potential to cause negative impacts on the surrounding properties and residential lots and zoning districts within the subject area. The properties to the north, south, and east are all currently zoned as R-2, and there are single family residences on the tracts to the north and south of the subject property. The properties on the east side of Wagon Trail Road are zoned as R-2 and are largely developed with single family residences.

Along the west side of Wagon Trail Road, there are many non-residential uses. The west side of Wagon Trail Road is largely zoned as Neighborhood Service District (NS), with a few tracts zoned as General Business District (GB).

Introducing a GC tract within this largely residential area on the east side of Wagon Trail Road could have a negative impact on the surrounding residential lots as well as the neighborhood as a whole. The proposed GC uses will bring in additional traffic, business, and noise that is associated with a commercial center. The GC district allows a wide variety of uses. The applicant has indicated that the reason for the zone change is to use the property for truck storage. It is unclear if the applicant has a business associated with the truck storage area. The GC district permits uses such as retail, office, business, restaurants, gasoline service station, many auto related uses, and a plethora of other uses. If GC is approved, any use listed in the Table of Uses in the ordinance that is permitted in the GC district could be built on the subject property. Although the applicant has plans for a truck storage area, the property could be sold and other commercial uses could be constructed there. The Commission and Council should decide if the subject property and its location is suitable for a change in zoning district from residential to a non-residential

district.

The application indicates that the applicant is wanting the GC district for truck storage. However, the Unified Development Code indicates that truck storage is allowed in the GC district by the approval of a Conditional Use Permit. If the zone change to GC is approved, the applicant would then have to apply for a Conditional Use Permit in order to develop the property as indicated on the application.

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. Currently, Wagon Trail is a narrow, two lane road and may not be up to City standards.

Also, if the zone change is approved, the GC district requires a 25 foot wide landscaped buffer along the property lines adjacent to single family residential districts (north, south, and east property lines). The landscaped buffer shall remain open and unobstructed and cannot contain driveways, parking areas, detention ponds, or dumpsters (but it can overlay with the setback lines).

In addition, the applicant would have to comply with all development standards of the UDC, such as landscaping, building façade, parking, paving, and screening of storage areas, and would have to comply with other ordinances such as the requirement for stormwater detention.

**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 GC, for the following reasons:

1. The proposed zone change to GC does not conform to the Comprehensive Plan designation of the subject property for "D – 10,000 Square Foot – Suburban Residential" uses.
2. The proposed zone change for GC is inconsistent and incompatible with existing residential districts and adjacent single family residential land uses within the subject area.
3. The proposed zone change for GC has the potential to cause negative impacts on the surrounding residential land uses by introducing an increase in traffic, service vehicles, noise, as well as other impacts brought about by non-residential land uses.

4. The GC district is the most intense zoning district of all the commercial districts, and allows an abundance of uses which are not appropriate in the subject area.
5. Currently, Wagon Trail Road is designated as a local street with a projected right-of-way of 50 feet, which may not be adequate to accommodate non-residential traffic from non-residential developments on both sides of the road.

**SUPPORTING DOCUMENTS:**

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



May 2005

# APPLICATION FOR A CHANGE IN ZONING

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

Please check one:

- Change in Zoning Classification from: R-2 (list current zoning) to: C (list proposed zoning)
- Specific Use Permit Request for : \_\_\_\_\_ (list proposed use)

### Property Information:

Address: 2853 WAGON TRAIL Tax Account No. \_\_\_\_\_  
 Subdivision: Figland Orchard Lot: 17-A Block: 17

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

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

Future/proposed use of property and reason for zone change: parking for owner's TRUCKS

### PROPERTY OWNER INFORMATION:

NAME ASUNCION M. ESPARZA  
 ADDRESS 2853 Wagon trail  
 CITY PEARLAND STATE TX ZIP 77581  
 PHONE( 281 ) 850-4428  
 FAX( ) \_\_\_\_\_  
 E-MAIL ADDRESS \_\_\_\_\_

### APPLICANT INFORMATION:

NAME SAME  
 ADDRESS \_\_\_\_\_  
 CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
 PHONE( ) \_\_\_\_\_  
 FAX( ) \_\_\_\_\_  
 E-MAIL ADDRESS \_\_\_\_\_

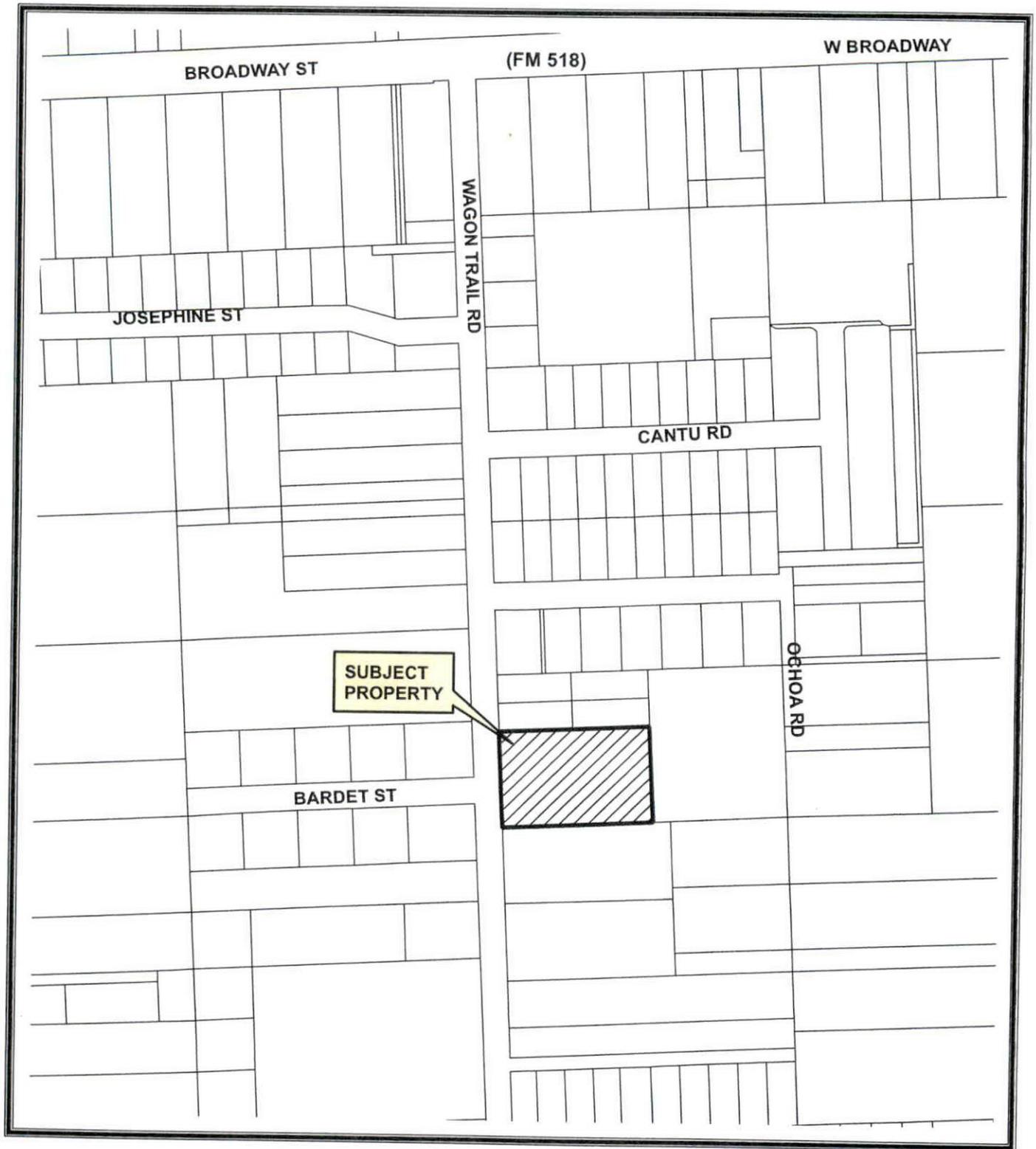
PETITION: As owner/agent, I hereby petition the City of Pearland for approval of the above described request as provided for by the laws of the State of Texas and ordinances of the City of Pearland. I certify to the best of my knowledge that this is a true description of the property upon which I have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

Owner's Signature: [Signature] Date: June 29, 2007  
 Agent's Signature: Charles Krinsky Date: June 29, 2007

### OFFICE USE ONLY:

FEE PAID: <u>\$275<sup>00</sup></u>	DATE PAID: <u>6/29/07</u>	RECEIVED BY: <u>tag</u>	APPLICATION NUMBER: <u>2007-097</u>
-------------------------------------	---------------------------	-------------------------	-------------------------------------

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



# LOCATION MAP

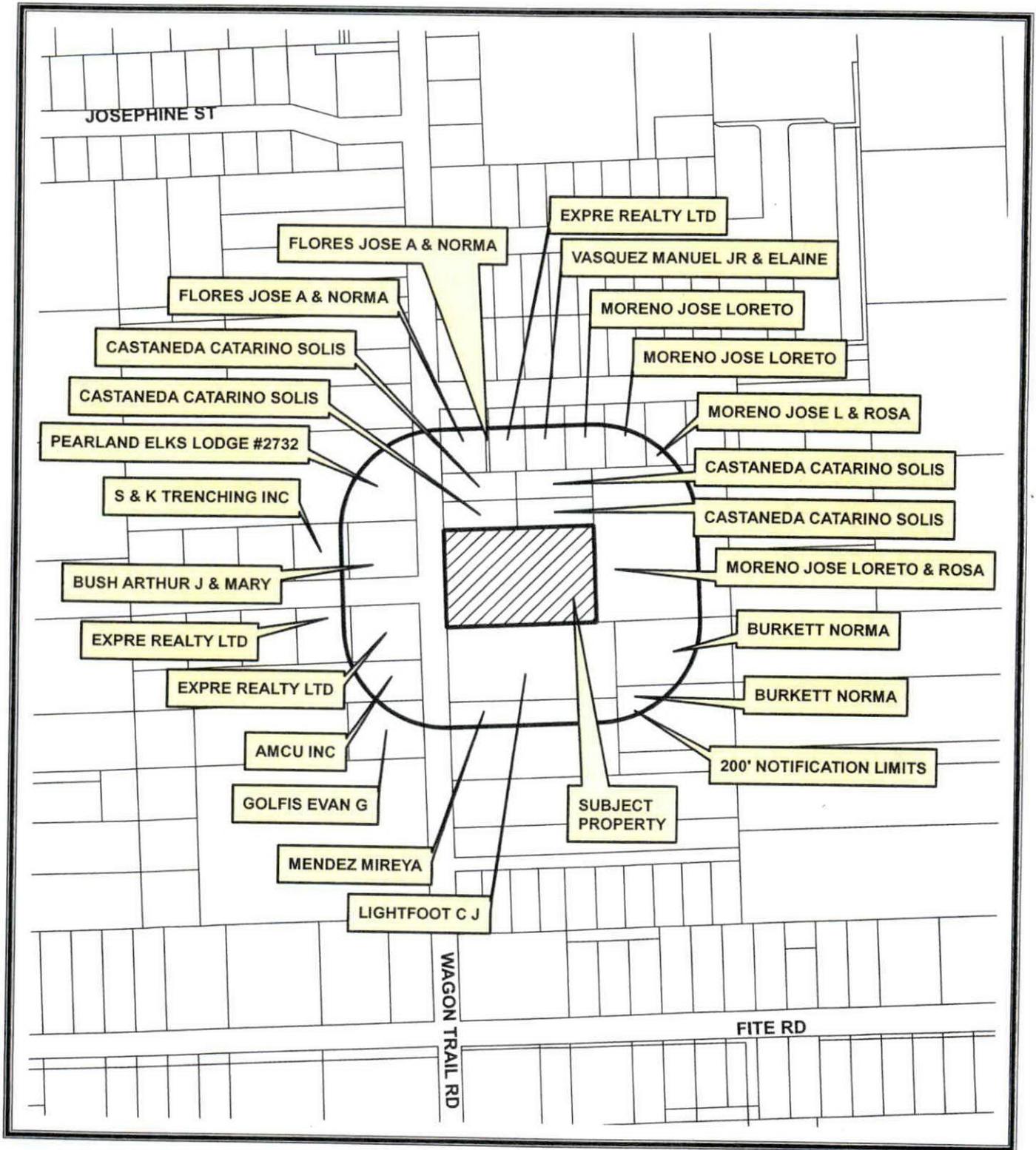
Zone Change  
No. 2007-09Z



0 200 400 Feet

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

Map Prepared on July 30, 2007



# OWNERSHIP MAP

Zone Change  
No. 2007-09Z

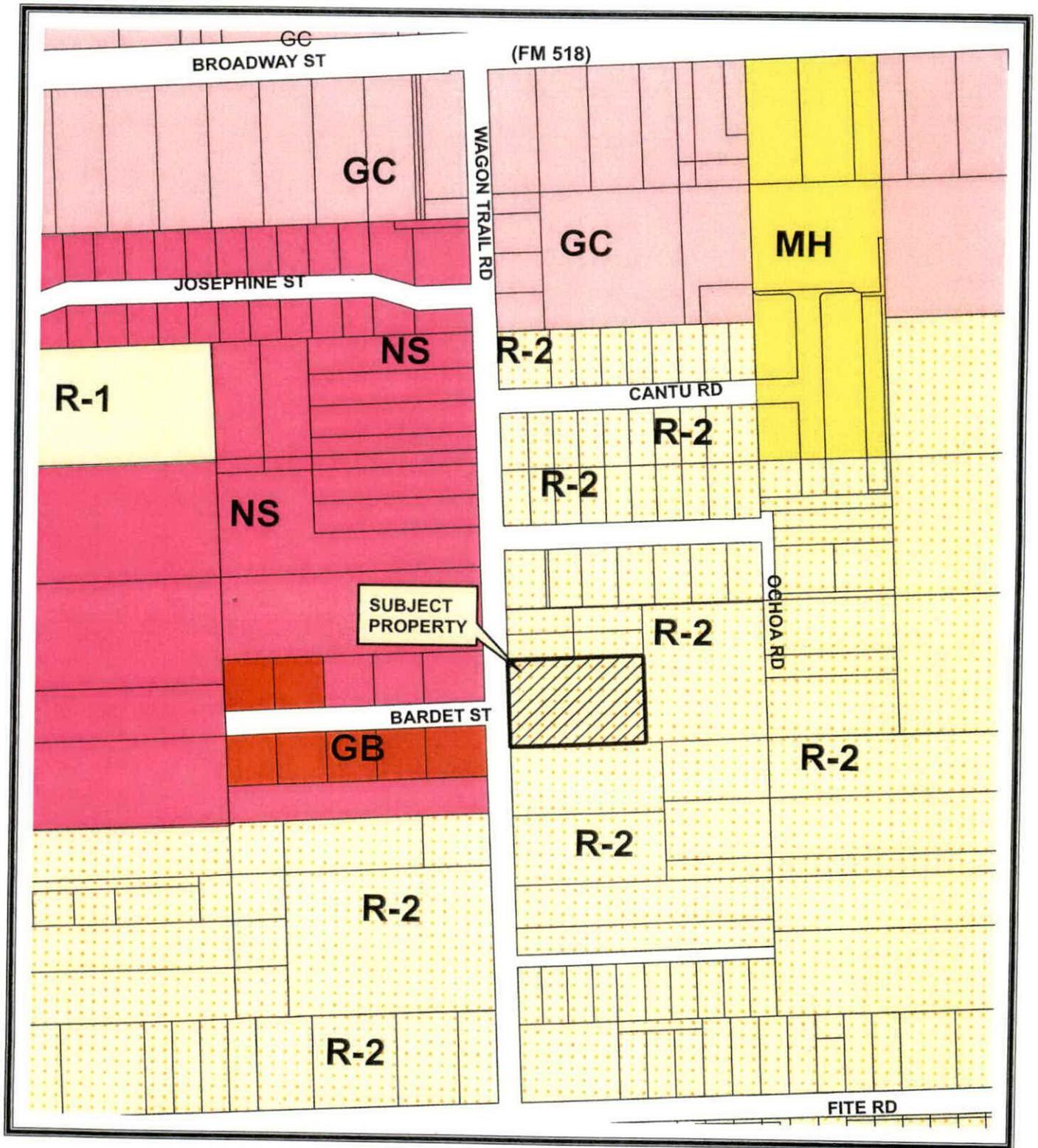


0 200 400 Feet

Map Prepared on July 30, 2007

**ZONE CHANGE NO. 2007-09Z**  
**Property Owner Notification List**

<u>TAX ACCT</u>	<u>OWNER</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>ST</u>	<u>ZIP CODE</u>
2340-0028-000	MORENO JOSE L & ROSA	5722 OCHOA RD	PEARLAND	TX	77584-9093
2340-0026-000	MORENO JOSE LORETO	5722 OCHOA RD	PEARLAND	TX	77584-9093
2340-0026-000	MORENO JOSE LORETO	5722 OCHOA RD	PEARLAND	TX	77584-9093
2340-0025-000	VASQUEZ MANUEL JR & ELAINE	2106 LAKE EDGE DR	PEARLAND	TX	77581-6004
2340-0024-000	EXPRE REALTY LTD	3219 OLD ALVIN RD3	PEARLAND	TX	77581-5211
2340-0023-000	FLORES JOSE A & NORMA	3617 AUBRELL RD	PEARLAND	TX	77584-8372
2340-0023-000	FLORES JOSE A & NORMA	3617 AUBRELL RD	PEARLAND	TX	77584-8372
4100-0135-000	PEARLAND ELKS LODGE #2732	PO BOX 2251	PEARLAND	TX	77588-2251
4100-0013-105	MORENO JOSE LORETO & ROSA	5722 OCHOA RD	PEARLAND	TX	77584-9093
4100-0012-000	CASTANEDA CATARINO SOLIS	2841 WAGON TRAIL RD	PEARLAND	TX	77584-9090
4100-0012-000	CASTANEDA CATARINO SOLIS	2841 WAGON TRAIL RD	PEARLAND	TX	77584-9090
4100-0012-000	CASTANEDA CATARINO SOLIS	2841 WAGON TRAIL RD	PEARLAND	TX	77584-9090
4100-0012-120	CASTANEDA CATARINO SOLIS	2841 WAGON TRAIL RD	PEARLAND	TX	77584-9090
3411-0001-000	BUSH ARTHUR J & MARY	8239 LANHAM LN	HOUSTON	TX	77075-2656
	ASUNCION M ESPARZA	2853 WAGON TRAIL RD	PEARLAND	TX	77581
	CHARLES M KINSEY	5208 W BROADWAY STE 200	PEARLAND	TX	77581
4100-0013-000	ESPARZA ASUNCION	2853 WAGON TRAIL RD	PEARLAND	TX	77584-9090
3411-0003-000	S & K TRENCHING INC	PO BOX 832	MANVEL	TX	77578
3411-0010-000	EXPRE REALTY LTD	3219 OLD ALVIN RD3	PEARLAND	TX	77581-5211
3411-0009-000	EXPRE REALTY LTD	3219 OLD ALVIN RD3	PEARLAND	TX	77581-5211
4100-0015-099	BURKETT NORMA	2922 HATFIELD RD	PEARLAND	TX	77584-8040
4100-0019-110	LIGHTFOOT C J	PO BOX 871	PEARLAND	TX	77588-0871
4100-0129-000	AMCU INC	2431 LAURA LANE	PEARLAND	TX	77581
4100-0016-000	BURKETT NORMA	2922 HATFIELD RD	PEARLAND	TX	77584-8040
4100-0018-000	MENDEZ MIREYA	715 BROOKS ST	HOUSTON	TX	77009-8504
4100-0128-001	GOLFIS EVAN G & MARIA DE VIVEIROS	2926 WAGON TRAIL RD	PEARLAND	TX	77584



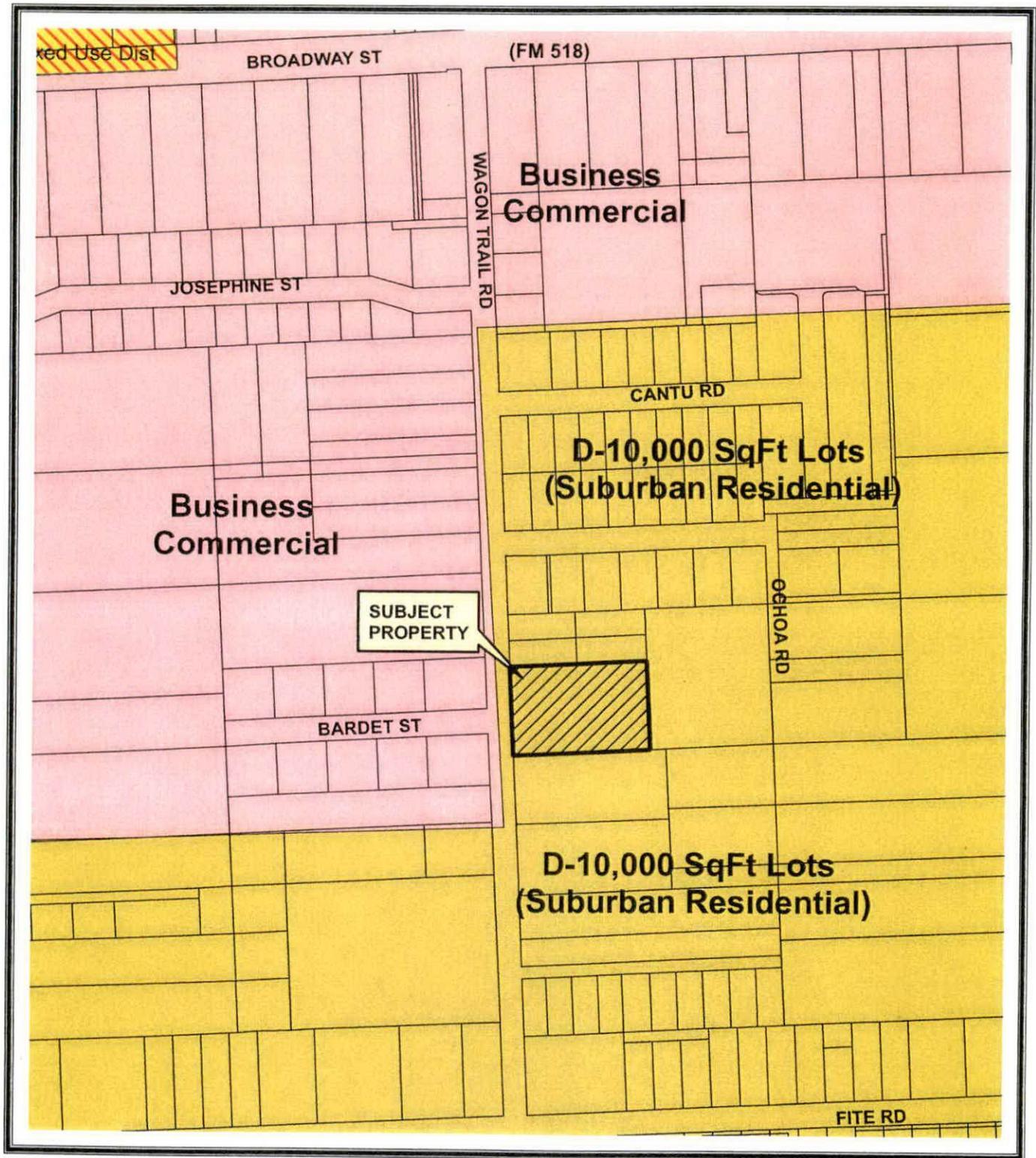
# ZONING MAP

Zone Change  
No. 2007-09Z



0 200 400 Feet

Map Prepared on July 30, 2007

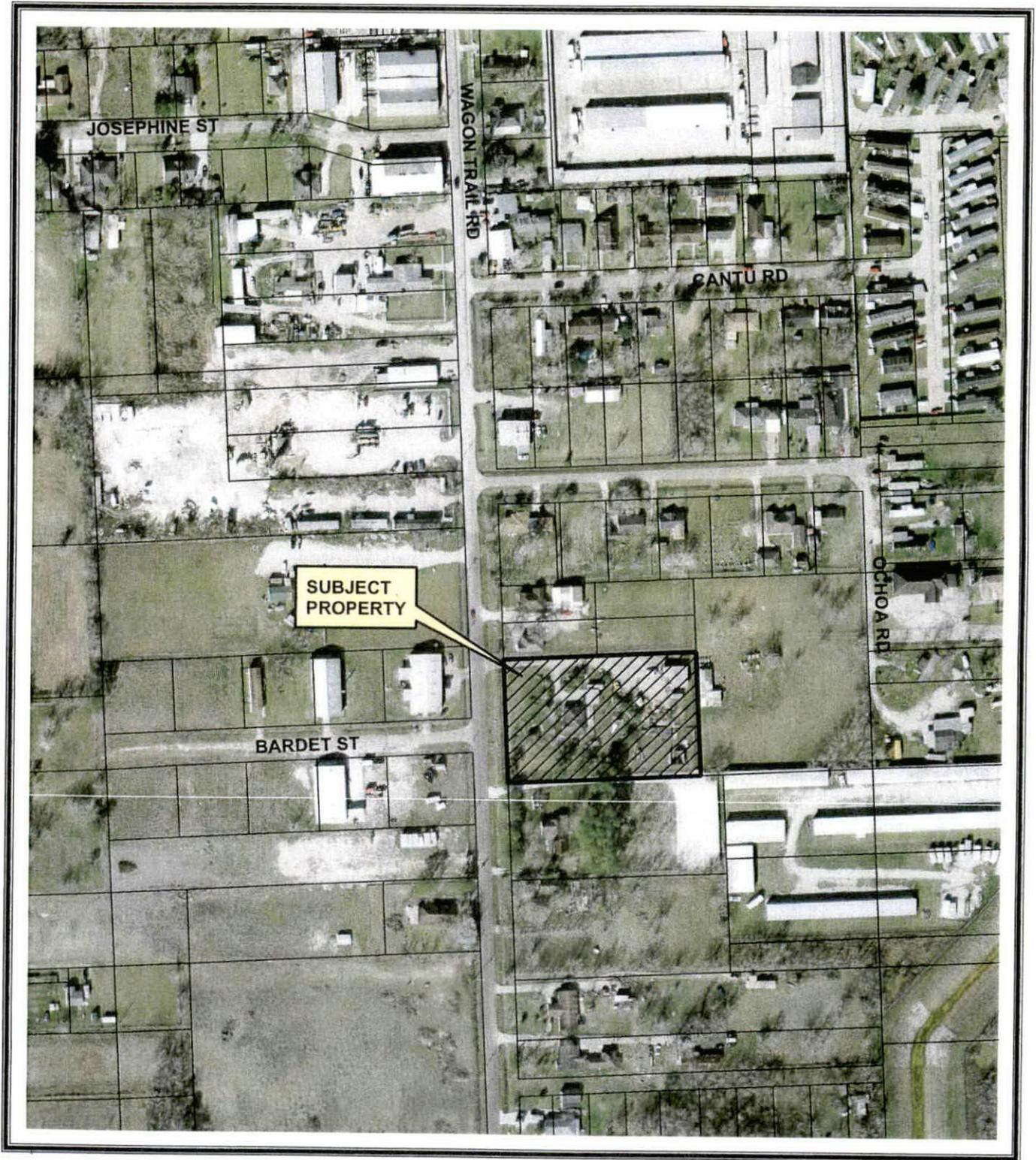


# FUTURE LAND USE PLAN

**Zone Change  
No. 2007-09Z**



Map Prepared on July 30, 2007



# AERIAL PHOTOGRAPH

**Zone Change  
No. 2007-09Z**



0      200      400 Feet

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

Map Prepared on July 30, 2007

# 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: Erick Moreno

Full Address: 5722 ocha

(include zip) Pearland Tx 77584

I wish to speak regarding Item No. 2007-092

# 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: Charles KINSEY

Full Address: 3105 NANTUCKET

(include zip) PEARLAND 77584

I wish to speak regarding Item No. 2007-097

**AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD AUGUST 20, 2007, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS**

**I. CALL TO ORDER**

**II. PURPOSE OF HEARING**

Zone Change No. 2007-10Z

A request by Bonnie and Janice Howard, applicant for John Aaron and Kathryn Howell, owners, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Suburban Residential – 12 District (SR-12) to General Commercial District (GC), on the following described property, to wit:

Legal Description: 20.00 acres of land, being Lot 45 and Lot 46, of the Allison Richey Gulf Coast Home Company Subdivision, Abstract 243, H.T. & B.R.R. Company Survey, as recorded in Volume 2, Page 23, of the Plat Records of Brazoria County, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the East Side of Zapalac Road, and Approximately 1,000 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.**

# JOINT PUBLIC HEARING AGENDA ITEM MEETING OF AUGUST 20, 2007

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## **Zone Change No. 2007-10Z**

A request by Bonnie and Janice Howard, applicant for John Aaron and Kathryn Howell, owners, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Suburban Residential – 12 District (SR-12) to General Commercial District (GC)

**LEGAL DESCRIPTION:** 20.00 acres of land, being Lot 45 and Lot 46, of the Allison Richey Gulf Coast Home Company Subdivision, Abstract 243, H.T. & B.R.R. Company Survey, as recorded in Volume 2, Page 23, of the Plat Records of Brazoria County, City of Pearland, Brazoria County, Texas

**GENERAL LOCATION:** Generally Located on the East Side of Zapalac Road, and Approximately 1,000 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: August 20, 2007\*  
City Council for First Reading: September 10, 2007\*  
City Council for Second Reading: September 24, 2007\*

(\*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 zoned as Suburban Residential – 12 District (SR-12). The subject property is currently undeveloped. The applicant is requesting a zone change in order to allow the property to be developed with retail and commercial uses.

**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	Suburban Residential – 12 District (SR-12)	Undeveloped tract
South	Single Family Residential – 1 District (R-1); General Commercial District (GC); and General Business District (GB)	Single family residence; various commercial businesses
East	Suburban Residential – 12 District (SR-12)	Undeveloped tract
West	General Business District (GB)	Cemetery; Undeveloped tract

**CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC):** The applicant is requesting the GC district. The minimum lot size for the GC district is 22,500 square feet, the minimum lot width is 150 feet, and the minimum lot depth is 125 feet. The subject property exceeds these minimum requirements, as the subject property is 20 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 City, and the plat will need to be filed for record with the County Clerk, prior to issuance of a building permit.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Low Density Residential" for the subject property, and for many of the surrounding properties to the north and east. The Comprehensive Plan further indicates that the appropriate zoning districts for "Low Density Residential" are the Single Family Estate District (RE), the Suburban Residential –15 District (SR-15), the Suburban Residential – 12 District (SR-12), and the Single Family Residential – 1 District (R-1). Therefore, the proposed zone change to GC does not conform to the Comprehensive Plan.

**CONFORMANCE TO THE THOROUGHFARE PLAN:** The subject property does not have frontage on any adjacent roadway. Both Zapalac Road and Westgate Street provide access up to the edge of the subject property. When the subject property is platted for development, the applicant will have to provide adequate street access, so that all lots have frontage on a public or private street.

**AVAILABILITY OF UTILITIES:** There is an 8 inch water main located within Westgate Street. There is a 10 inch sanitary sewer line located within Westgate Street. The applicant will be responsible for extending all utilities as necessary to serve the proposed development.

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

**IMPACT ON EXISTING AND FUTURE DEVELOPMENT:** The requested zone change to a General Commercial District has the potential to cause negative impacts on the surrounding properties and residential lots and zoning districts within the subject area. The properties to the north and east are all currently zoned as SR-12, and most of the land within the area that is zoned as SR-12 are large tracts.

The Future Land Use Plan designates the subject property for low density residential. It appears that the reason the land is designated for residential is because the land is setback quite a distance from FM 518 and all the non-residential districts along FM 518. The properties to the east and north do not have adequate access to any street.

The subject property does not appear to be appropriate for commercial uses. Many of the tracts to the west of the subject property that are designated for Business Commercial uses are developed with the cemetery. The non-residential tracts should stay closer to Broadway Street, and the interior lots behind that should stay as residential districts.

Introducing a GC tract within this area could have a negative impact on the surrounding properties. The proposed GC uses will bring in additional traffic, business, and noise that is associated with a commercial center. The GC district allows a wide variety of uses. The GC district permits uses such as retail, office, business, restaurants, gasoline service station, many auto related uses, and a plethora of other uses. If GC is approved, any use listed in the Table of Uses in the ordinance that is permitted in the GC district could be built on the subject property. The Commission and Council should decide if the subject property and its location is suitable for a change in zoning district from residential to a non-residential district.

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 GC district requires a 25 foot wide landscaped buffer along the property lines adjacent to single family residential districts (north and east property lines). The landscaped buffer shall remain open and unobstructed and cannot contain driveways, parking areas, detention ponds, or dumpsters (but it can overlay with the setback lines).

**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 GC, for the following reasons:

1. The proposed zone change to GC does not conform to the Comprehensive Plan designation of the subject property for "Low Density Residential" uses.
2. The proposed zone change for GC is inconsistent and incompatible with existing residential districts and adjacent single family residential land uses within the subject area.
3. The proposed zone change for GC has the potential to cause negative impacts on the surrounding residential land uses by introducing an increase in traffic, service vehicles, noise, as well as other impacts brought about by non-residential land uses.
4. The GC district is the most intense zoning district of all the commercial districts, and allows an abundance of uses which are not appropriate in the subject area.
5. Currently, Zapalac Road and Westgate Street are not adequate to accommodate non-residential traffic from non-residential developments within the area, and there are no other points of access currently connected to the subject property.

**SUPPORTING DOCUMENTS:**

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



July 20, 2007

City of Pearland  
Community Development  
Planning and Zoning Commission  
3523 Liberty Drive  
Pearland, TX 77581

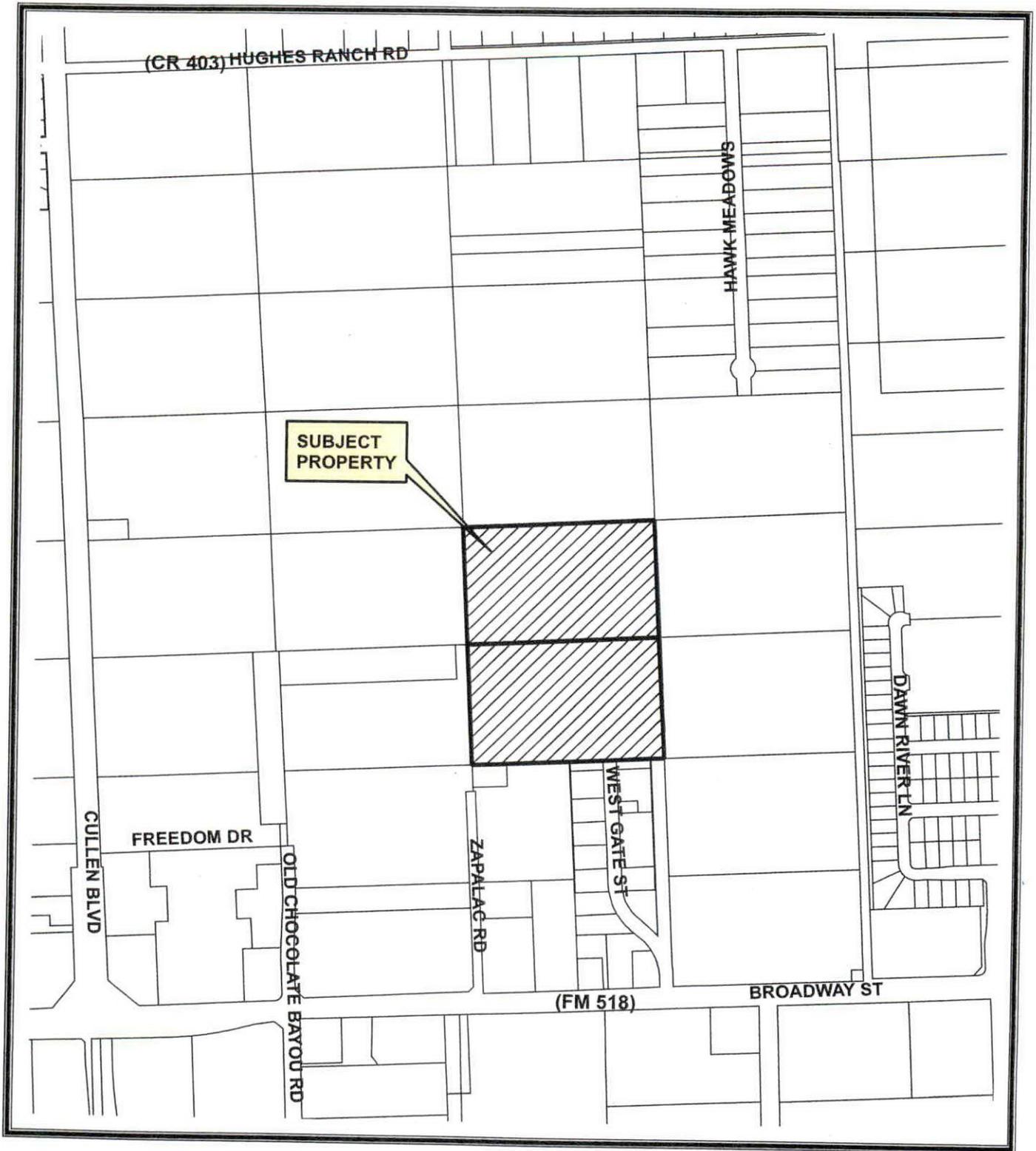
Dear Commissioners:

I am requesting that the properties A0243HT&BRR, Tract 46 (PT), acres 5.125 & A0243HT&BRR, Tract 45-46 (PT), acres 14.875 be re-zoned from Suburban Residential-12 to General Commercial.

The above-stated properties are currently being used as suburban residential - 12. The reason for requesting this zone change is so that the properties may be used for general commercial business.

Thank you for your attention to this request.

Sincerely,



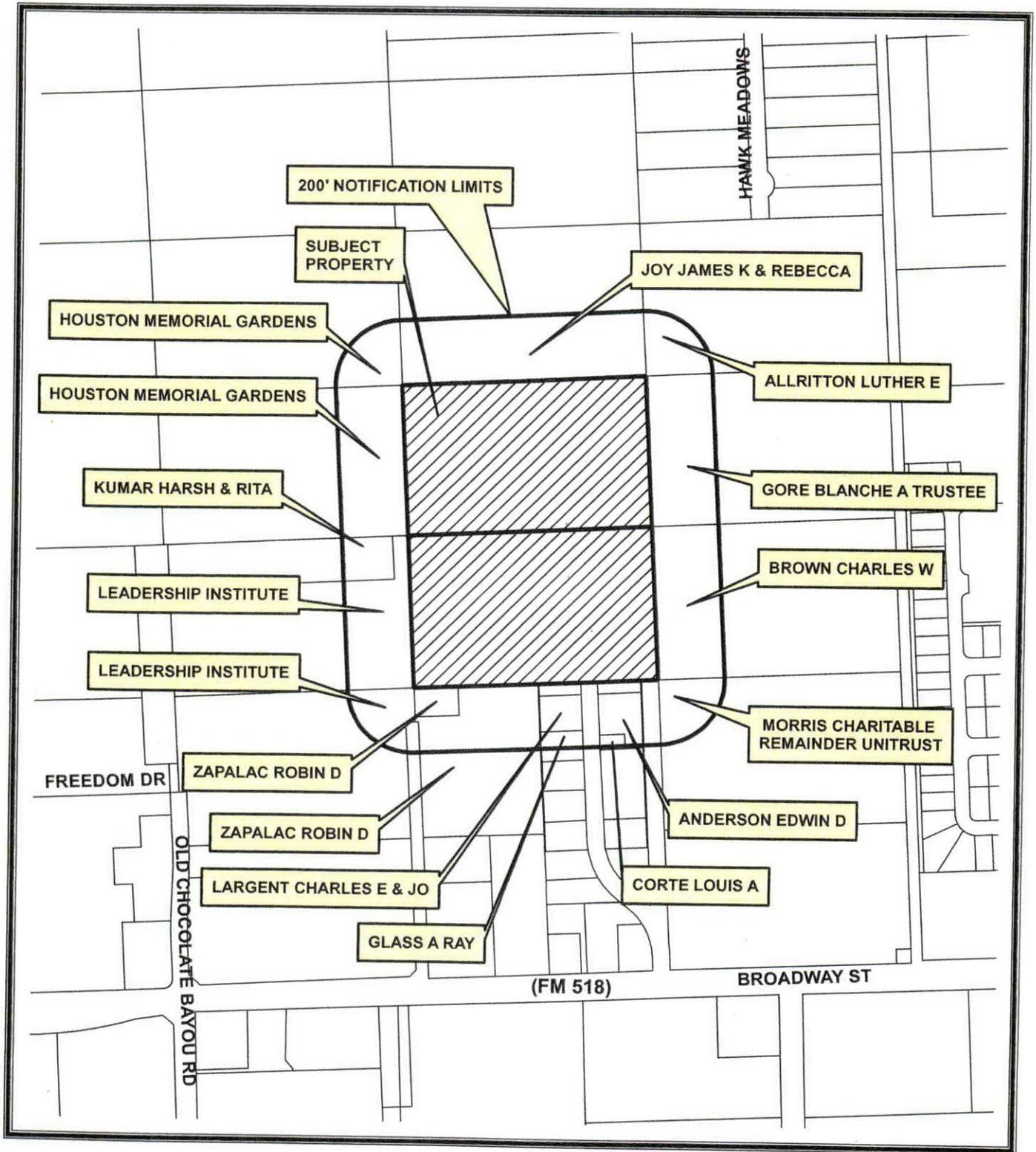
# LOCATION MAP

Zone Change  
No. 2007-10Z



0 200 400 Feet

Map Prepared on July 30, 2007



# OWNERSHIP MAP

Zone Change  
No. 2007-10Z

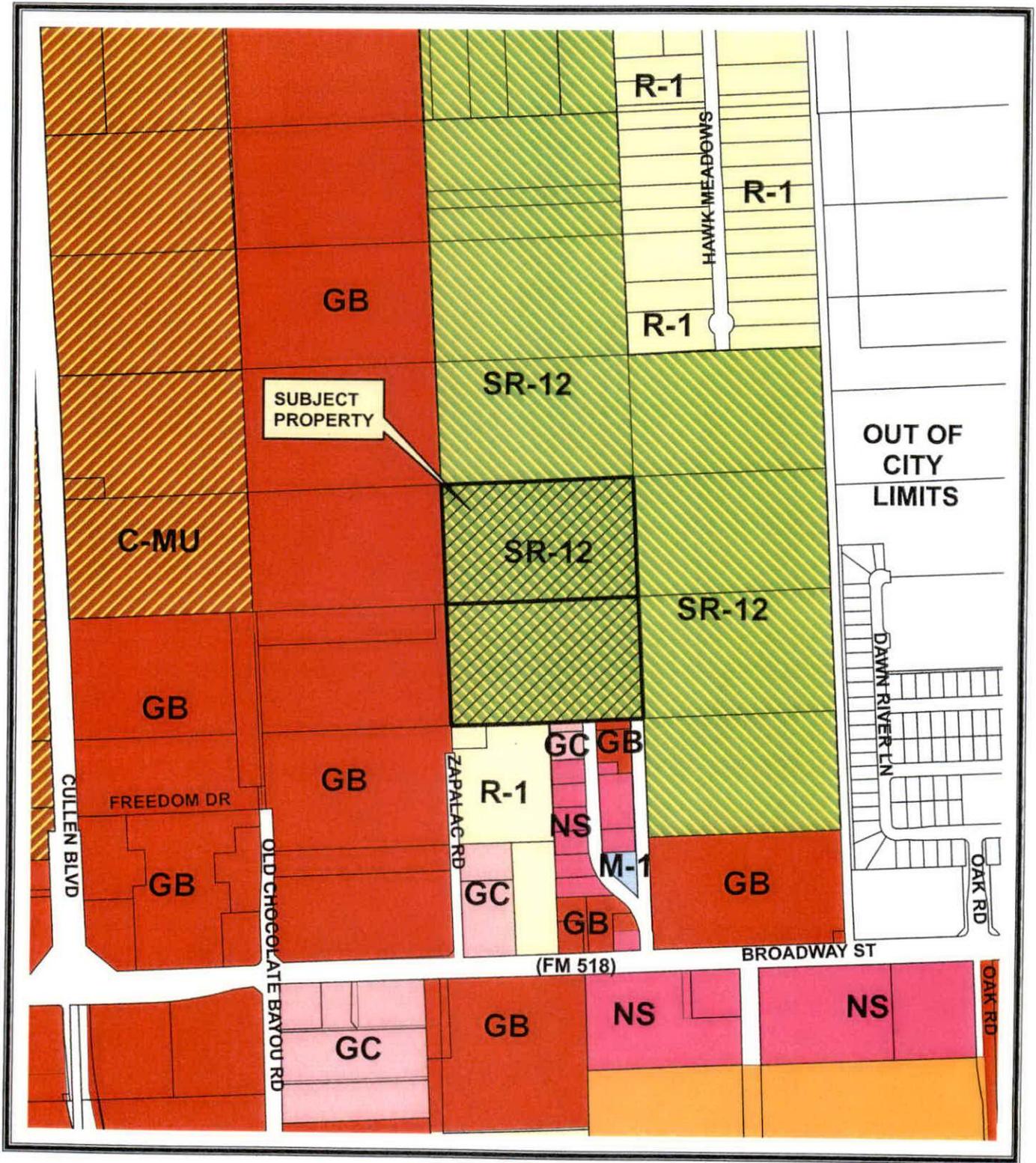


0 200 400 Feet

Map Prepared on July 30, 2007

**ZONE CHANGE NO. 2007-10Z**  
**Property Owner Notification List**

<u>TAX ACCT</u>	<u>OWNER</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>ST</u>	<u>ZIP CODE</u>
0243-0004-120	ALLRITTON LUTHER E	29 CHARLESTON ST N	SUGAR LAND	TX	77478-3655
0243-0059-110	JOY JAMES K & REBECCA	2802 NEWBURY CT	PEARLAND	TX	77584-7726
0243-0011-001	HOUSTON MEMORIAL GARDENS	PO BOX 330350	HOUSTON	TX	77233-0350
0243-0015-000	GORE BLANCHE A TRUSTEE GORE LIVING TR	827 KUHLMAN RD	HOUSTON	TX	77024-3105
0243-0047-001	HOWELL JOHN AARON & KATHRYN A	2519 ZAPALAC RD	PEARLAND	TX	77581-7776
0243-0034-000	HOUSTON MEMORIAL GARDENS	PO BOX 330350	HOUSTON	TX	77233-0350
0243-0009-000	BROWN CHARLES W	5403 CROIX RD	MANVEL	TX	77578-2722
	BONNIE AND JANICE HOWARD	PO BOX 330350	HOUSTON	TX	77233
0243-0047-000	HOWELL JOHN AARON & KATHRYN A	2519 ZAPALAC RD	PEARLAND	TX	77581-7776
0243-0060-000	LEADERSHIP INSTITUTE	1101 N HIGHLAND ST	ARLINGTON	VA	22201-2807
0243-0060-111	KUMAR HARSH & RITA	PO BOX 794	FRIENDSWOOD	TX	77549
0243-0028-000	MORRIS CHAR REM UNITR %WILLIAM C MORRIS III	2200 WILLOWICK RD UNIT 1B	HOUSTON	TX	77027-3951
0243-0067-110	ZAPALAC ROBIN D	2539 ZAPALAC RD	PEARLAND	TX	77581-7776
0243-0067-110	ZAPALAC ROBIN D	2539 ZAPALAC RD	PEARLAND	TX	77581-7776
0243-0060-000	LEADERSHIP INSTITUTE	1101 N HIGHLAND ST	ARLINGTON	VA	22201-2807
8228-0009-000	ANDERSON EDWIN D	4034 AVANTI DR	PEARLAND	TX	77584-4916
8228-0008-000	LARGENT CHARLES E & JO	6210 RAINTREE DR	PEARLAND	TX	77584-7097
8228-0007-000	GLASS A RAY	PO BOX 1293	PEARLAND	TX	77588-1293
8228-0001-140	CORTE LOUIS A	PO BOX 854	PEARLAND	TX	77588-0854

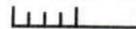


# ZONING MAP

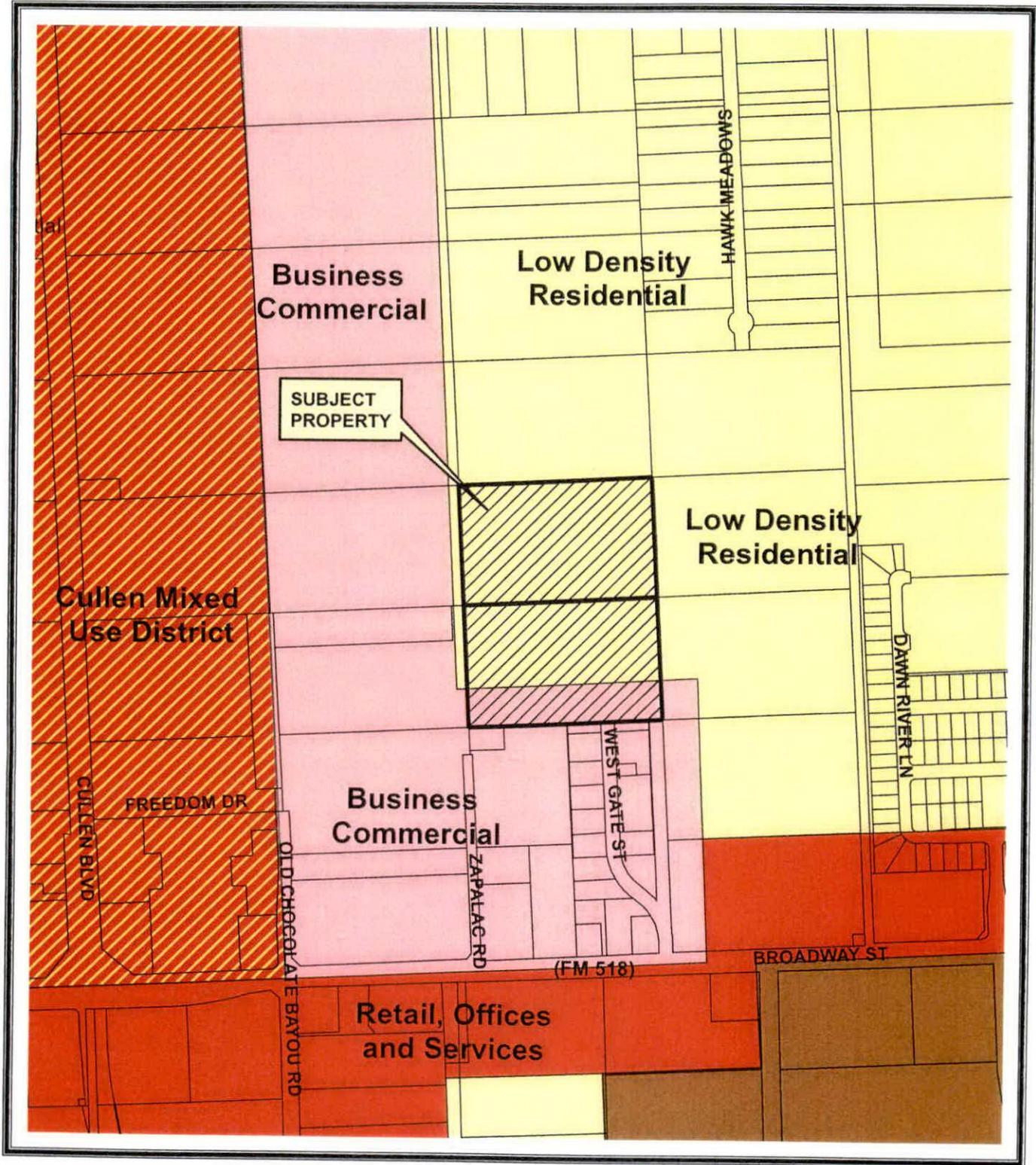
Zone Change  
No. 2007-10Z



0 200 400 Feet



Map Prepared on July 30, 2007



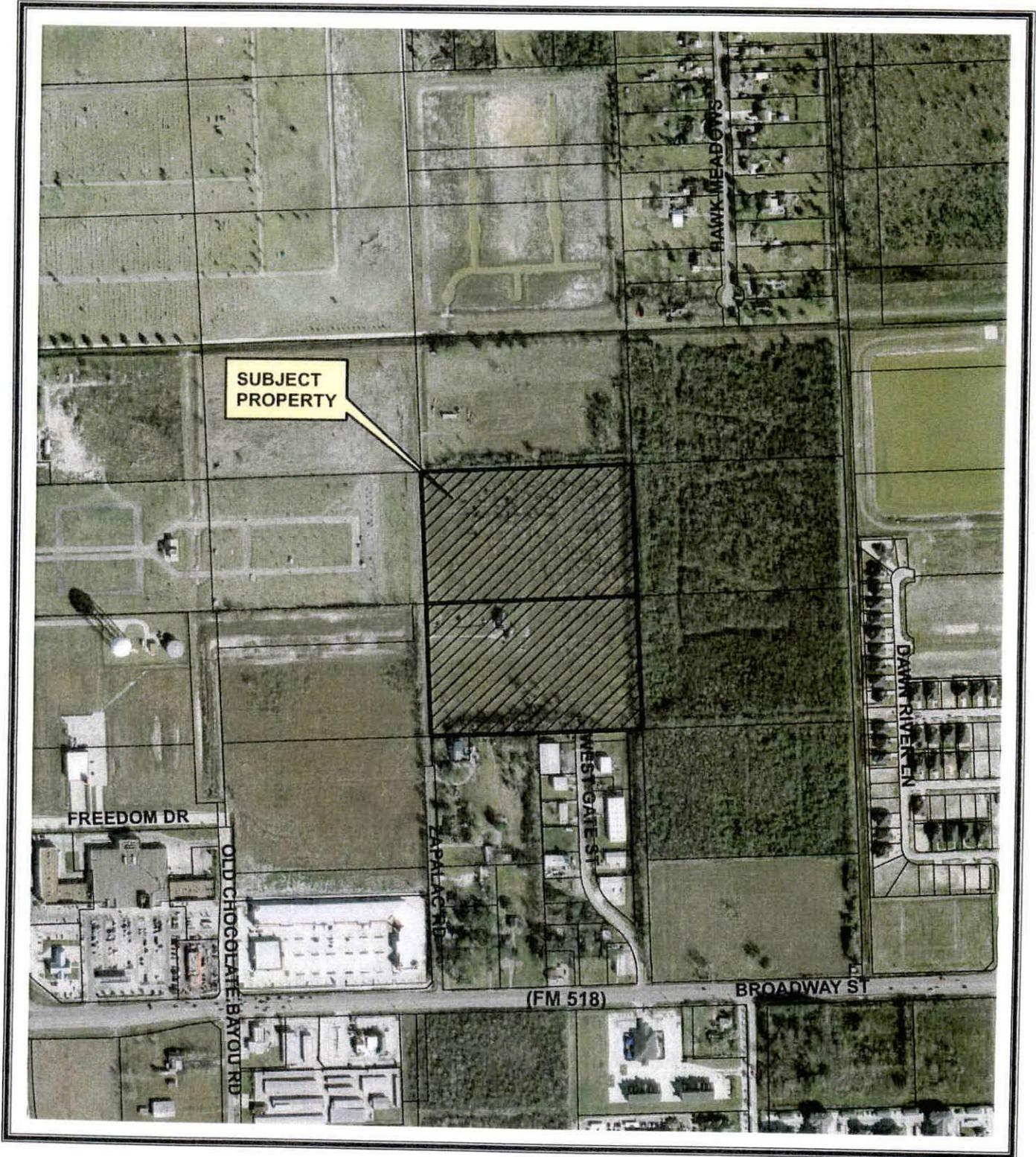
# FUTURE LAND USE PLAN

Zone Change  
No. 2007-10Z



0 200 400 Feet

Map Prepared on July 30, 2007



# AERIAL PHOTOGRAPH

**Zone Change  
No. 2007-10Z**



0 200 400 Feet  
[Scale bar with three segments]

Map Prepared on July 30, 2007

# 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. 2007-102  
2007-128

10555 Pearlman Ave

# 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:

Bonnie Howard & Louis C. McElwaine

Full Address:

16310 Quail Park Drive

(include zip)

77409

I wish to speak regarding Item No. \_\_\_\_\_

# 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: Charles Largent

Full Address: 6210 Rainforest DR.

(include zip) PEARLAND TX 77584

I wish to speak regarding Item No. 2007-10Z

# 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:

John A. Howell

Full Address:

2519 Zapala c Rd.

(include zip)

pearland TX 77581

I wish to speak regarding Item No.

2007-102

# 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: MR. BONNIE HOWARD SR.

Full Address: 8542 HIDDEN HOLLOW COURT

(include zip) 77459

I wish to speak regarding Item No. NO. 2007-10Z

**AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD AUGUST 20, 2007, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS**

**I. CALL TO ORDER**

6:55

these comments go to 102

**II. PURPOSE OF HEARING** Ruby read...

Zone Change No: 2007-12Z

A request by Northwinds Construction, applicant for Gartner Interests, 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 Light Industrial District (M-1) to Planned Development District (PD), on the following described property, to wit:

Legal Description: 9.618 acres of land, Lot 28, Section 9, of the Allison Richey Gulf Coast Home Company's Subdivision Part of Suburban Gardens, as recorded in Volume 2, Pages 23 and 24, of the Brazoria County Map Records, also being within the H.T. & B.R.R. Company Survey, Abstract 234, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the East Side of Max Road, and Approximately 1,700 Feet North of FM 518 (Broadway Street)

Sheryl Greiner arrived @ 6:56

**III. APPLICATION INFORMATION AND CASE SUMMARY**

**A. STAFF REPORT**

the applicant is proposing an expansion to the facility & is seeking the deviations from the requirements of the UDC in the PD, as explained in Staff Rpt. - Staff recommends denial as stated in Staff Rpt.

**B. APPLICANT PRESENTATION**

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

Rec'd 1 pub. Comm form in favor

**V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION**

**VI. ADJOURNMENT**

@ 1:29

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

III B. Lewis McKinney present, representing owner ~~asst~~ Mr. ~~Bonnie~~ Howard

IV. John Howell of 2519 Zapalac Rd Pearland 77581 spoke in favor.

Charles Largent 6210 Raintree Dr 77584 lives near & currently have drainage problems. feel ~~that~~ use of land will cause this to be worse. Against

Larry Marcott 3606 Inverness Ct. 77581 opposed - already have traffic problem on Cullen. & previous zoning issue denied.

V. Kevin Cole - would still like to comment on drainage Mike Hodge - ditches to be cleaned out, working w/ Drainage Dist.

K.C. - Goals for Comp. Plan - to look @ Cemeteries in the future

also - might have an impact on Pearland Public Safety Bldg. that is coming in on Cullen.

Neil - How old is elementary - ~~1954~~ 1954 - 1st burial

# of acres - 605 acres.

Mr. Howard answered

what % of those buried are Pearland residents?

Don't keep data - but are seeing more Pearland customers.

Jellica Kyle - who hires Pol. officer = motor bike hired out of Houston cemetery hires ones at gate.

who gives them direction on that? Could give name of contact for COP to get in touch with.

Woody commented that this issue came up 3 yrs. ago & Chief Doyle is aware. →

# JOINT PUBLIC HEARING AGENDA ITEM MEETING OF AUGUST 20, 2007

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## Zone Change No. 2007-12Z

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**GENERAL LOCATION:** Generally Located on the East Side of Max Road, and Approximately 1,700 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: August 20, 2007\*  
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City Council for Second Reading: September 24, 2007\*

(\*dates subject to change if item is tabled)

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**SUMMARY:** The applicant is requesting a change in zoning on the subject property for a Planned Development District (PD). The subject property is currently zoned as Light Industrial District (M-1). The subject property is currently developed with light industrial uses within a 6,000 square foot office building, a 10,000 square foot warehouse building, and a 1,000 square foot shipping and receiving building. The applicant is proposing an

*Henry - is there a residence? Yes, Mr. John Howell lives on Bayalaca  
Another residence is located out there as well.*

*Henry asked if taxes are collected on this. Mr. Howell stated  
19 of acres is Ag exempt. Mr. Marcott - only taxable*

*Comments allowed  
in 6-19 & 6-20  
JPH*

expansion to the facility and is seeking the deviations from the requirements of the Unified Development Code in the PD. These deviations are explained later in this report.

**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	Suburban Residential – 12 District (SR-12)	Single family residence
South	Office and Professional District (OP)	Existing commercial or industrial business
East	Office and Professional District (OP)	Undeveloped property
West	City of Pearland ETJ (not in Pearland City Limits)	Undeveloped property

**CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC):** The applicant is requesting the PD district with specific deviations. All requirements specified within the PD will have to be met by the applicant. 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 City, and the plat will need to be filed for record with the County Clerk, prior to issuance of a building permit.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Business Commercial" for the subject property, and for many of the properties located to the south and east. The Comprehensive Plan further indicates that the appropriate zoning districts for "Business Commercial" are the General Commercial District (GC) and the General Business District (GB). The existing zoning of M-1 currently conflicts with the Comprehensive Plan.

**CONFORMANCE TO THE THOROUGHFARE PLAN:** The subject property has frontage

on Max Road, a major thoroughfare with a projected right-of-way of 120 feet. The applicant will be responsible for platting the subject property, and if adequate right-of-way does not exist for Max Road, the applicant would be required to dedicate any necessary right-of-way when the subject property is platted.

**AVAILABILITY OF UTILITIES:** There is a 16 inch water main on the west side of Max Road. There is no sanitary sewer located near the subject property. The applicant will be responsible for extending all utilities as necessary to serve the proposed development.

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

**REVIEW COMMENTS:**

The applicant is proposing an expansion to the facility and is seeking the following deviations from the requirements of the Unified Development Code in the proposed PD:

1. Landscape Buffer: Reduce the required 25' landscape buffer along the north property line bordering a residential use to an existing 10' due to an existing building. All new construction will maintain the required 25' buffer. All existing landscaping is proposed to be maintained.
2. Facade: Reduce the façade requirement of 100% masonry requirement for the north wall (adjacent to residential zone) of the proposed 4,000 square foot free standing addition to 50% masonry. Reduce the 50% masonry requirement for the south wall of the 4000 square foot addition to 0%. Additional screening with planting is proposed to screen the south wall.
3. Sidewalks: Payment in lieu of constructing sidewalks along Max Road. Due to the proposed alignment of Max Road, most to the ROW will be located on the western side. Due to this alignment and existing ditches, construction of sidewalks are not feasible at this time.
4. Fencing: Waiver of 6' high masonry fence along the northern property line adjacent to a residential zone due to retention of existing vegetation, fence, and drainage swale.

The applicant proposes to continue the existing outdoor storage with the existing and additional landscape screen around the property. All outdoor storage is proposed to be located a minimum of 250' from Max Road property line and setback 25' from north, east and south property lines.

Staff has reviewed the plans and has the following preliminary comments:

1. Page 3 – III.b.i. – Remove the line – Due to the compliance of all facade requirements of the existing structures at \_\_\_\_\_ construction.
2. Page 5 –f.i. & iii – delete the word “wall” in “proposed screen wall”.
3. Page 7 – Delete “22 Oleanders at 40' OC” along Max Road.

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

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

1. The proposed PD will allow the existing facility to continue and expand in the future.
2. The proposed PD will ensure that there are no adverse impacts on the surrounding properties due to the requirements proposed in the PD.

**SUPPORTING DOCUMENTS:**

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



# APPLICATION FOR A CHANGE IN ZONING

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

Current Zoning District: M-1

Proposed Zoning District: PD - "Development on 2433 Max Rd."

### Property Information:

Address or General Location of Property: 2433 MAX ROAD  
PEARLAND, TX 77581

Tax Account No. (EIN) 75-2855415

Subdivision: ALLISON-RICHET GULF COAST HOME Lot: 28 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 GARTNER INTERSTS  
ADDRESS 2433  
CITY PEARLAND STATE TX ZIP 77581  
PHONE (281) 997-3500  
FAX (281) 997-3610  
E-MAIL ADDRESS ggartner

### APPLICANT INFORMATION:

NAME NORTHWINDS CONSTRUCTION  
ADDRESS 903 PORT HOUSTON ST.  
CITY HOUSTON STATE TX ZIP 77029  
PHONE (713) 671-5300  
FAX (713) 671-5340  
E-MAIL ADDRESS emoore@northwindsconst.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.

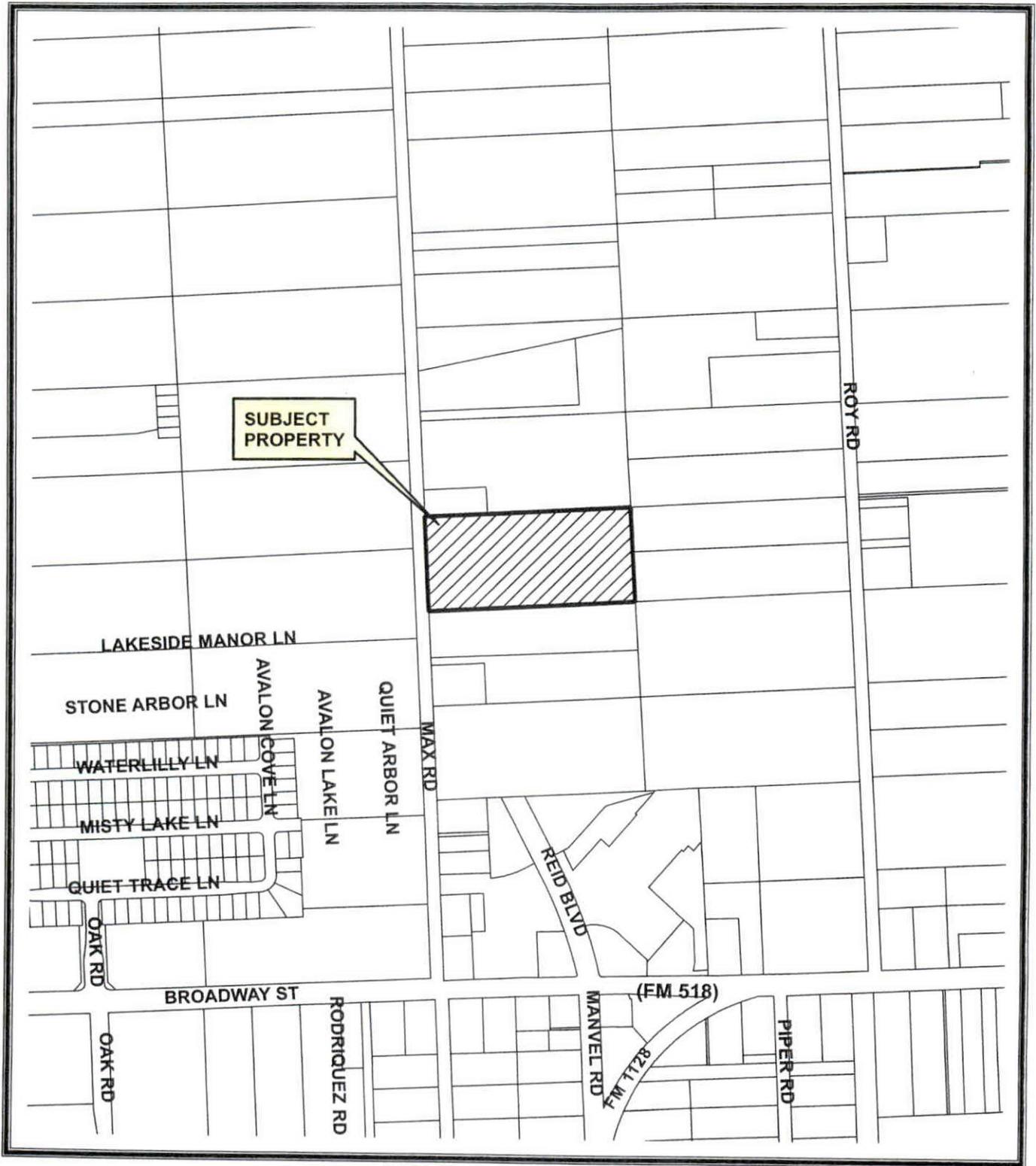
Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Agent's Signature: [Signature] Date: 7/16/07

### OFFICE USE ONLY:

FEES PAID: <u>\$400.00</u>	DATE PAID: <u>7/16/07</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>—</u>
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Application No. 2007-122

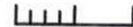


# LOCATION MAP

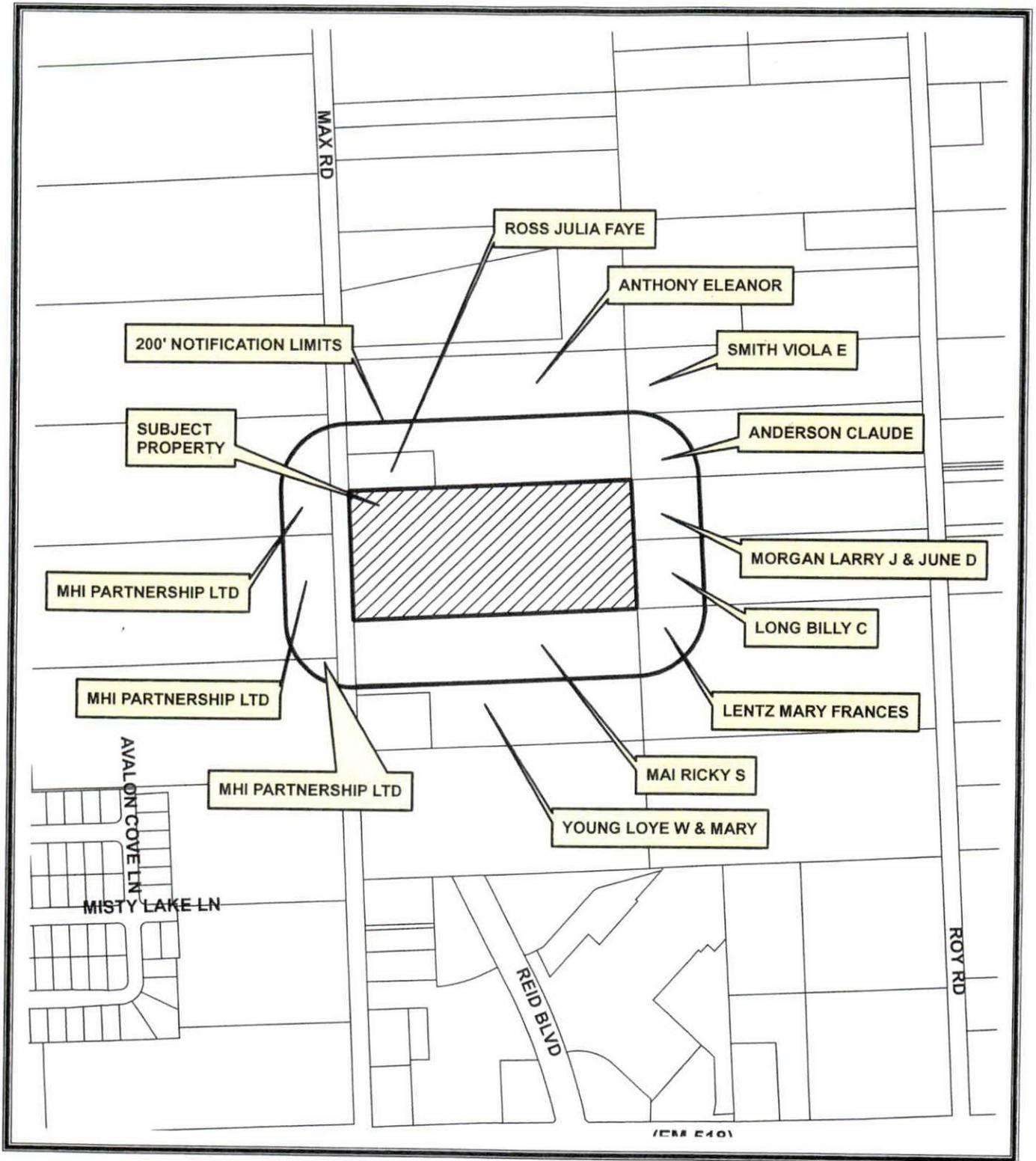
Zone Change  
No. 2007-12Z



0 200 400 Feet

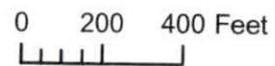


Map Prepared on July 30, 2007



# OWNERSHIP MAP

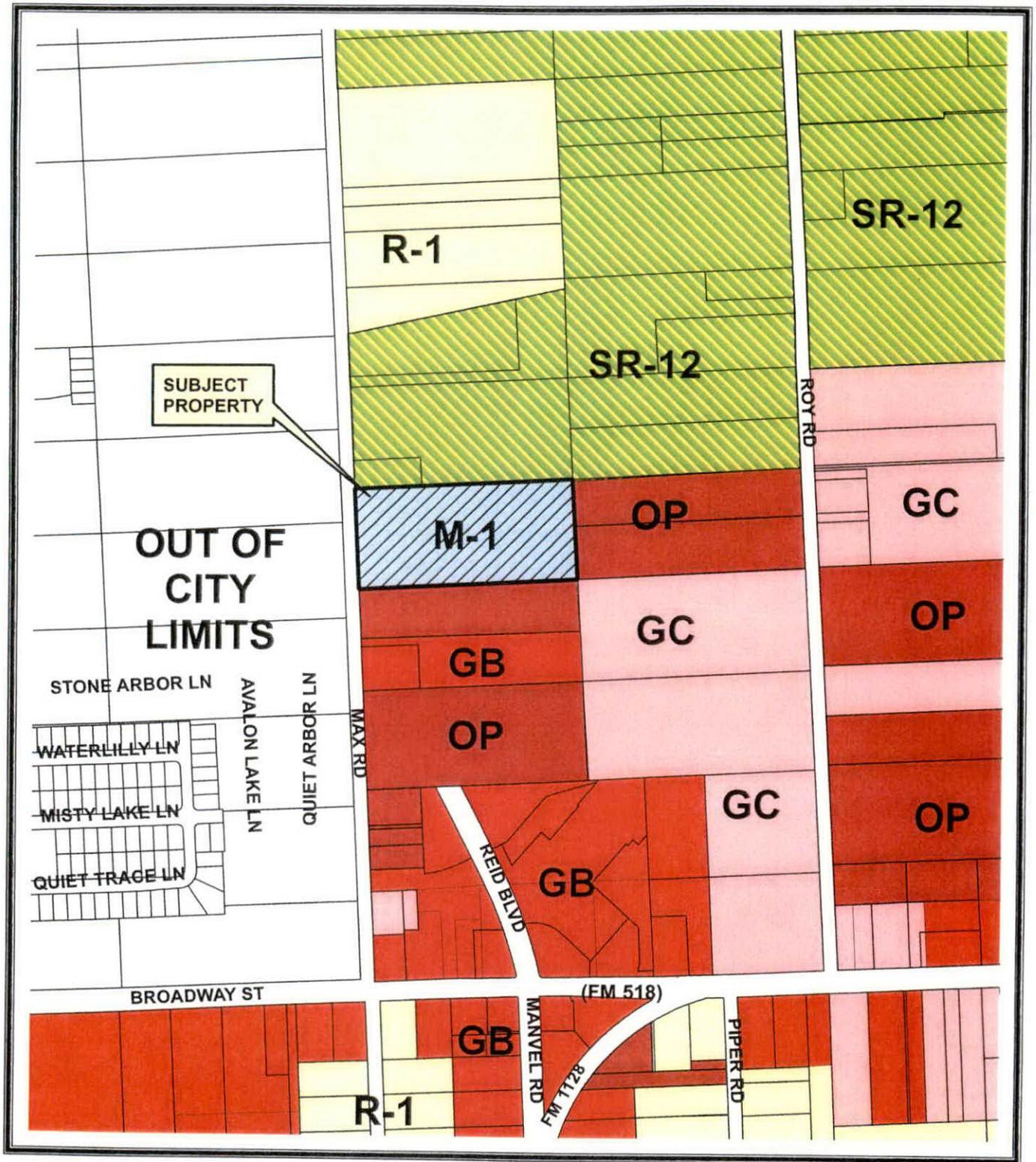
Zone Change  
No. 2007-12Z



Map Prepared on July 30, 2007

**ZONE CHANGE NO. 2007-12Z**  
**Property Owner Notification List**

<u>TAX ACCT</u>	<u>OWNER</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>ST</u>	<u>ZIP CODE</u>
0234-0090-000	SMITH VIOLA E	2346 ROY RD	PEARLAND	TX	77581-7698
0234-0006-000	ANTHONY ELEANOR	2409 MAX RD	PEARLAND	TX	77581-7677
0234-0005-000	ANDERSON CLAUDE	2414 ROY RD	PEARLAND	TX	77581-8600
0505-0010-000	MHI PARTNERSHIP LTD	7676 WOODWAY DR STE 104	HOUSTON	TX	77063-1521
0234-0078-000	ROSS JULIA FAYE	2421 MAX RD	PEARLAND	TX	77581-7677
0234-0063-000	MORGAN LARRY J & JUNE D	2430 ROY RD	PEARLAND	TX	77581-8600
	NORTHWINDS CONSTRUCTION	903 PORT HOUSTON ST	HOUSTON	TX	77029
0234-0060-000	GARTNER INTERESTS LTD	2433 MAX RD	PEARLAND	TX	77581-7677
0234-0048-000	LONG BILLY C	PO BOX 6307	PASADENA	TX	77506-0307
0505-0010-000	MHI PARTNERSHIP LTD	7676 WOODWAY DR STE 104	HOUSTON	TX	77063-1521
0234-0071-000	MAI RICKY S	6803 KEITHWOOD CIR S	PEARLAND	TX	77584-7153
0234-0047-000	LENTZ MARY FRANCES	5119 BRIARBEND DR	HOUSTON	TX	77035-3105
0505-0010-000	MHI PARTNERSHIP LTD	7676 WOODWAY DR STE 104	HOUSTON	TX	77063-1521
0234-0071-110	YOUNG LOYE W & MARY	PO BOX 2176	PEARLAND	TX	77588-2176



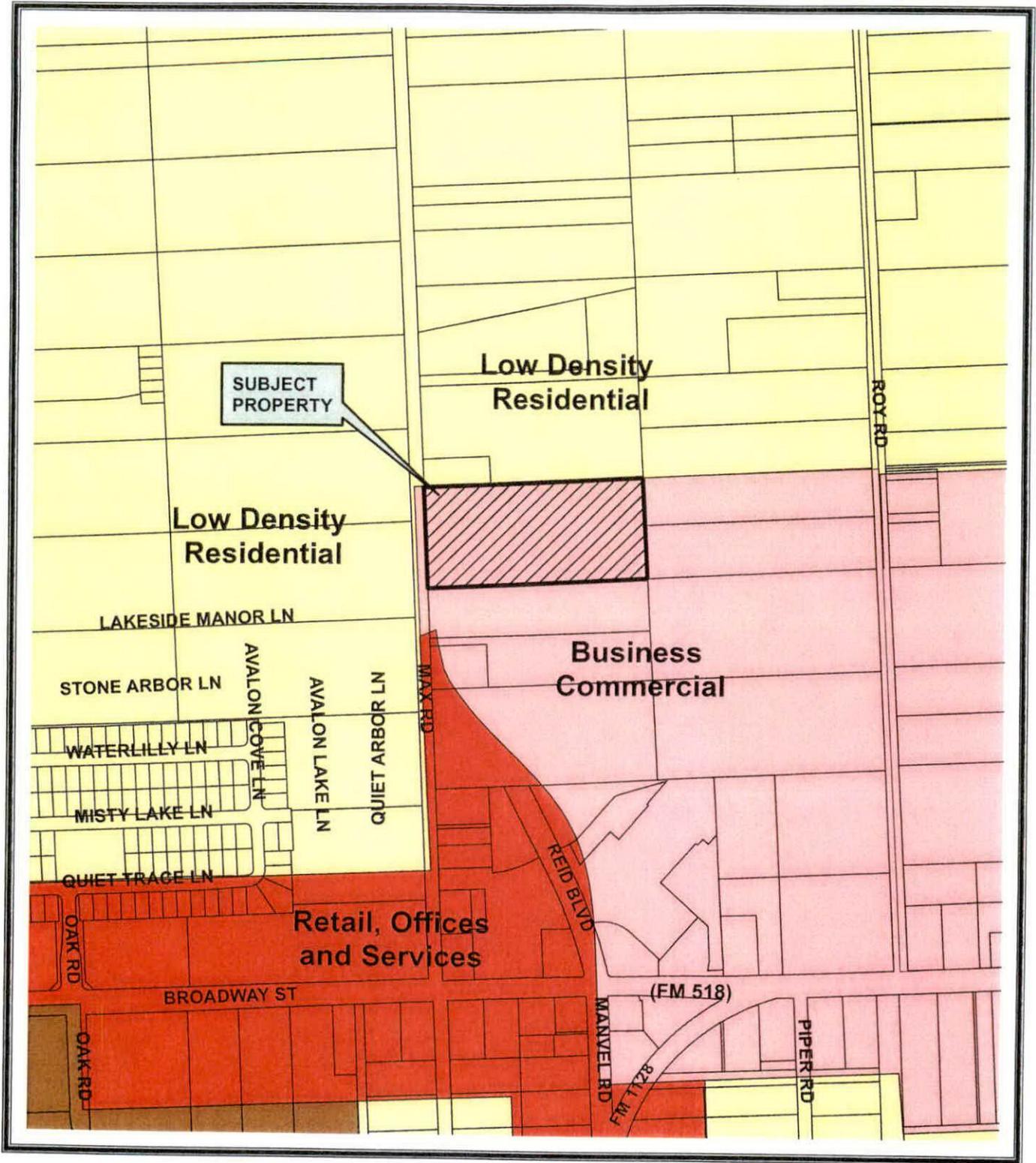
# ZONING MAP

Zone Change  
No. 2007-12Z



0 200 400 Feet

Map Prepared on July 30, 2007



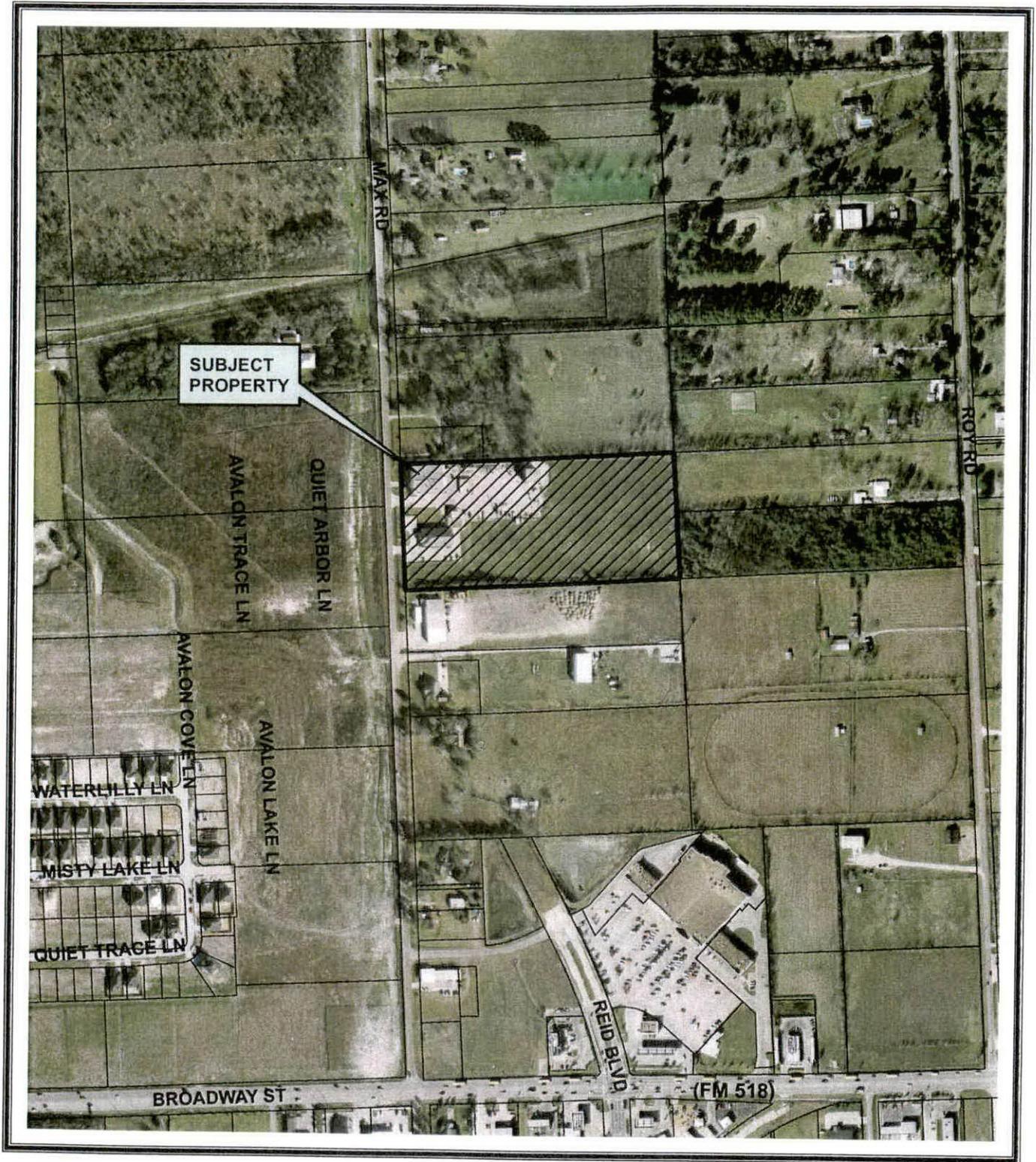
# FUTURE LAND USE PLAN

**Zone Change  
No. 2007-12Z**



0 200 400 Feet

Map Prepared on July 30, 2007



# AERIAL PHOTOGRAPH

Zone Change  
No. 2007-12Z



0 200 400 Feet  
[Scale bar with four segments]

Map Prepared on July 30, 2007

The Planned Development District Document (PD) for

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**Development on 2433 Max Road**  
**Pearland, TX 77581**

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*Submitted to:*

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

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*Submitted for:*

**Gartner Interest, LTD**  
2433 Max Road  
Pearland, TX 77581



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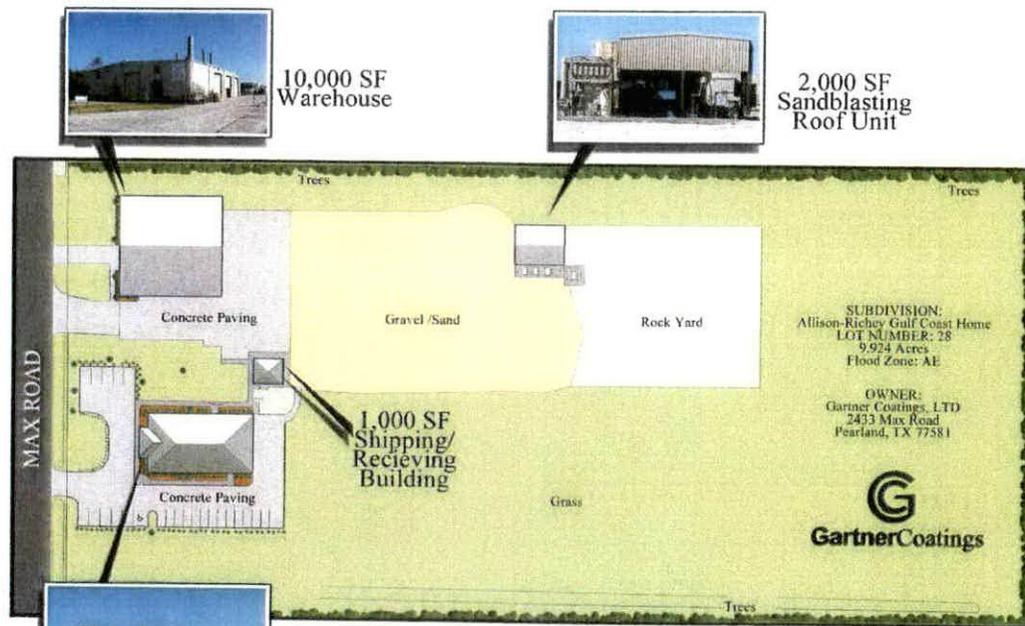
*Submitted by:*

**Northwinds Construction**  
903 Port Houston Street  
Houston, TX 77029



**I. OVERVIEW**

- a. **Property Information and Surrounding Properties:** The subject property is 9.9 acres located at 2433 Max Rd, approximately one quarter mile north of FM 518. The land is zoned as M-1 Light Industrial District. On the north, the property is bordered by a SR-12 Suburban Residential lot. On the south and the east, the land is zoned as OP Office & Professional District. The west border is Max Road, a road deemed as a "Major Thoroughfare." The land west of Max Road is outside of the Pearland City Limits.
  
- b. **Current Structures on the Property:** Currently, the property contains a 6,000 square foot (SF) office building constructed with 100% masonry façade. Additionally, the site has a pre-engineered 10,000 SF warehouse building and a 1,000 SF Shipping and Receiving Building, both with 24 guage metal panel facade, and a 4000 SF Roof Unit used as a shelter for an enclosed blasting booth. (See Pictures 1.1 and 1.2)



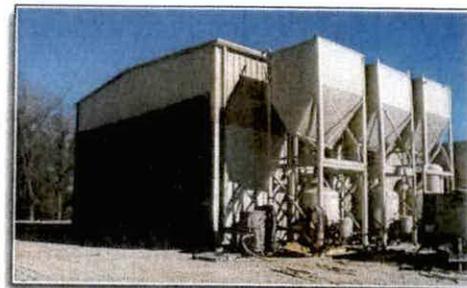
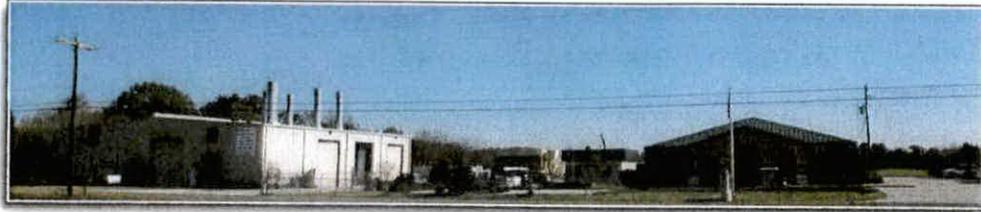
6,300 SF Office Building

# SITE OVERVIEW

- Existing Comditions -

Picture 1.1 – Site Overview

# EXISTING BUILDINGS



*Pictures 1.2 - Existing Buildings*

*TOP: View of Property from Max Road facing East*

*CLOCKWISE FROM TOP RIGHT: Office Conference Room, Office Entry, Office Hallway, Open Wall Roof Unit, Back Side of Warehouse, Executive Office*

- II. PURPOSE:** To define procedures in the modification of the existing property and structures in a cost-effective manner appropriate to its pre-existing nature, M-1 classification and environmental surroundings. These modifications are necessary in order to increase additional site utilities, landscaping, and structures to fulfill a two phase expansion as described below.

*NOTE: All construction and development, unless otherwise stated, will adhere to the UDC Second Edition – March 2007. (Referred to for the remainder of this document as "UDC")*

**III. PD GUIDELINES**

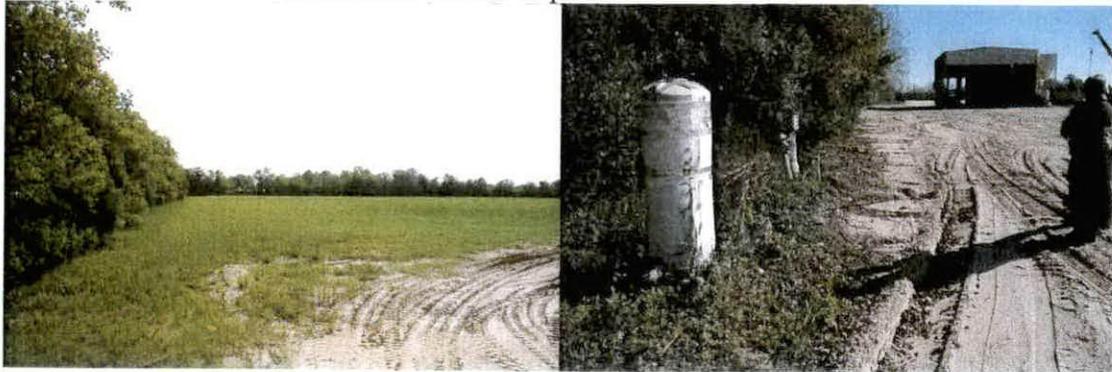
- a. **SETBACKS AND LANDSCAPE BUFFER :** Per the UDC, the 25' Set Back and 25' Landscape Buffer requirement for Non-Residential to Residential Land shall be established and maintained on the North Property Line with the following exceptions:
- i. For the area north of the existing 10,000 SF warehouse building, the established 25' Set Back/Landscape Buffer needs to be adjusted to 10' due to pre-existing conditions. The original building was constructed under previously approved code at 10' off the north property line.
- b. **FAÇADE:** In order to meet the standard of appearance set by the existing buildings onsite, the following guidelines will be maintained:
- i. **Existing Buildings:** Due to the compliance of all façade requirements of the existing structures at time of construction, no changes shall be made to the exterior facades of the buildings in place
  - ii. **Add-on/Extension for Existing Structures:** The requirements of the UDC are to be met. In order to promote visual continuity, materials shall be the same as the existing structures.
  - iii. **New Free Standing Structures:** The requirements of the UDC are to be met with the following exception:
    1. For the proposed new 4,000 SF warehouse building (**noted as PHASE I A**), the façade requirement of 100% masonry on the side visible from the thoroughfare and 50% on the sides shall be abandoned for the west and south sides due to the location of the structure in relation to the existing 10,000 SF warehouse. The view of the front (west) side of this structure will be completely obstructed from view from the thoroughfare. Additionally, with the installation of a vegetation screen wall parallel to Max Rd, the sides of this building will not be visible. For the North portion of the building, the 50% masonry requirement will be upheld due to the exposure to the Residential property to the north.

- c. **LANDSCAPE:** All of the requirements of the UDC will be met at time of permit application for new construction.

*NOTE: Landscape mentioned in this PD is to be installed before any other construction begins upon receiving approval for Phase I of construction.*

- i. In addition to what is required, in order to enhance the appearance of the property, and to add additional screening, the following landscaping shall be added:
1. **SCREENING:** A total of sixty-six Oleanders will be planted parallel to Max Rd. on the north side of the warehouse, and to the south and east of the office building along side the rear of the parking lot, as well as perpendicular to Max Road in between the office and warehouse.
    - a. Plants shall be planted at 4' on center in locations shown on **Picture 6.1** at the following quantities:
      - i. North of Warehouse: 4 Plants (15 LF)
      - ii. In Between Warehouse and Office: 25 Plants (100 LF)
      - iii. South and East of Office: 37 Plants (145 LF)
    - b. Plants shall be 4' tall at planting and 8' tall within the first 12 months of growth
  2. **ADDITIONAL STREET TREES:** Crape myrtles shall be planted at the frontage of Max Road at a rate of 1" Caliper per 10 linear feet of frontage (Max Road frontage 437 LF)
    - a. 15-gallon crape myrtle plants (4" Caliper Each) are to be planted at 40' on center: 11 Plants Total
    - b. Plants shall be 6' at planting and 8' tall within the first 12 months of growth
- d. **SIDEWALKS:** Payment shall be made to the City of Pearland in lieu of the 6' x 438' sidewalk along Max Road per Section 3.2.11.1(g)(1) of the 2007 UDC.
- e. **FENCING:**
- i. Regarding the 6' masonry fence required on the north border abutting the SR-12 property, an abandonment of this requirement is proposed for the following reasons:
    1. The existing border of the North side of land contains heavy vegetation that currently serves as an extremely effective barrier. The destruction of this vegetation for the desired result is unnecessary. (See **Pictures 3.1 and 3.2**)

2. The current drainage of the north side of the property relies on an established swale that is directly dependant on the existing conditions. A masonry wall would impede the established drainage of this land.
- ii. The vegetation along the north border shall be preserved and maintained. As previously stated, if removed, improvements will be made to comply with all applicable codes.
- iii. The existing wrought iron fence on the west border along Max Road shall remain in place



*Pictures 3.1 and 3.2 – Existing Vegetation Fence on North Border*

- f. **SCREENING:** As previously discussed in the landscaping section, the use of a landscape screening wall shall be installed and maintained in order to achieve the following
  - i. Per Section 4.2.4.1(d)(1)a. of the 2007 UDC, the proposed landscape screen wall shall serve the west property line to conceal the existing areas used as “Outside Storage”
  - ii. On the North, East and West property lines, the 25’ landscape buffer shall serve as alternative to a 6’ masonry wall and also serve as screen for storage areas
    1. A 10’ area of the 25’ landscape buffer shall be deemed “protected from removal” and shall be left undisturbed
  - iii. Additional storage areas shall be covered under this proposed screen wall and shall be at least 250’ off the Max Road property line and 25’ off of the north, east, and south property lines

**IV. SUMMARY OF PROPOSED EXPANSION (IN ORDER OF INSTALLATION) :**

**a. SITEWORK/LANDSCAPE:**

- i. SIDEWALK – Owner agrees to pay into sidewalk account
- ii. MASONRY FENCE – Existing Vegetation to act as screen wall in place of 6' masonry fence on North Border
- iii. LANDSCAPE – 66 oleanders planted per PD as screening, 11 Crape Myrtles to be planted as additional street trees

**b. CONSTRUCTION PHASE I:**

- i. PHASE I – A: 85' x 50' Free Standing Warehouse Building
  - 1. FAÇADE: To meet conditions of PD as discussed
  - 2. All other issues to comply with UDC requirements
- ii. PHASE I – B: 40' x 49' Extension of Roof Unit
  - 1. All construction to comply with UDC requirements

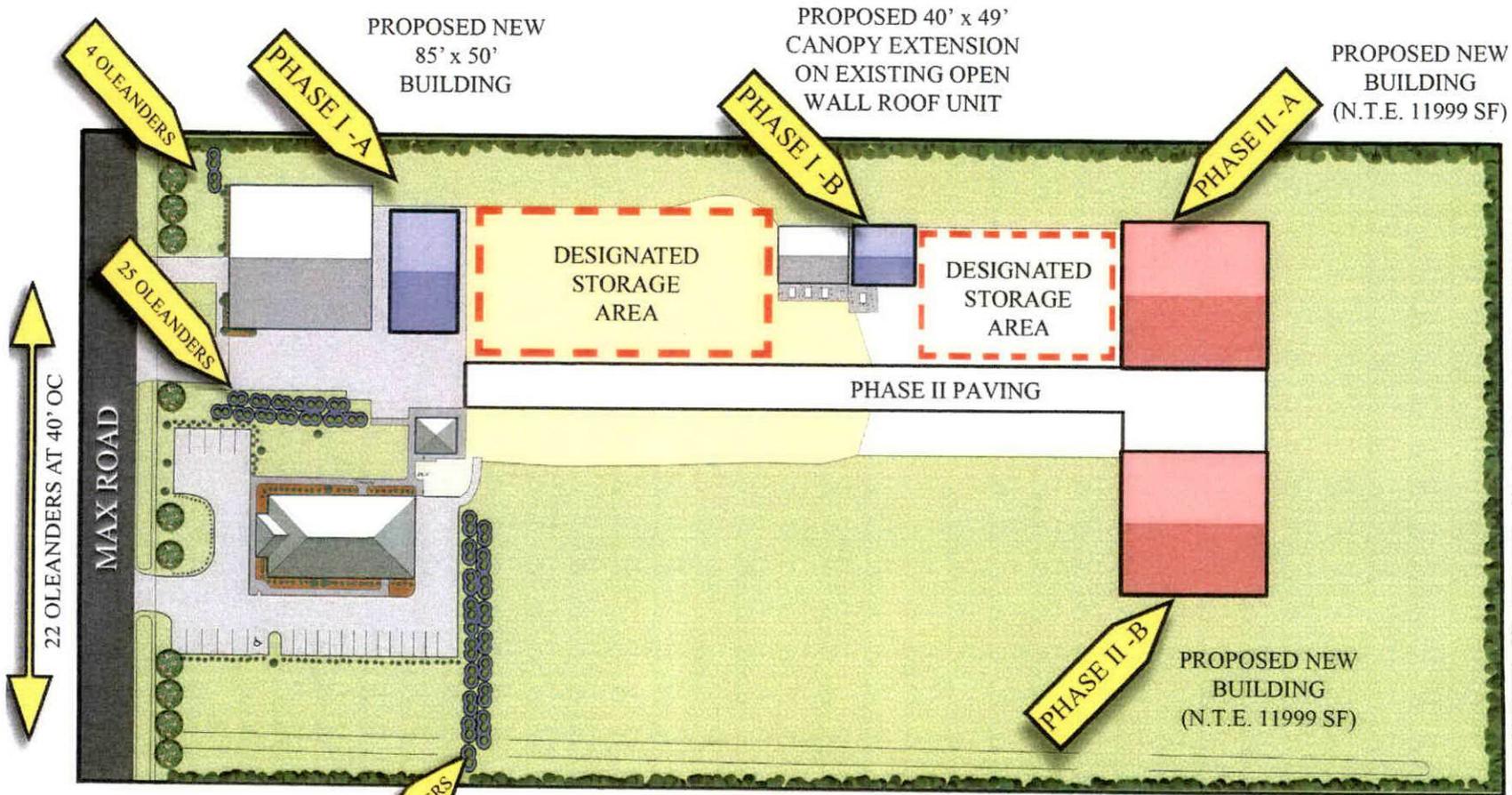
**c. SUMMARY OF PROPOSED EXPANSION (CONSTRUCTION PHASE II):**

- i. PHASE II-A: Building Square footage and details TBD but not to exceed 11,999 SF
  - 1. All construction to comply with UDC requirements
- ii. PHASE II-B: Building Square footage and details TBD but not to exceed 11,999 SF
  - 1. All construction to comply with UDC requirements

**See Picture 6.1 for Completed Expansion**

**NOTES:**

- 1. The locations of buildings in all drawings contained within this PD are conceptual, and dimensioned drawings will follow at time of permit application**
- 2. The Square Footages of all buildings listed within the PD may vary slightly, but shall not increase by more than 15% of the listed amount.**
- 3. All other requirements will adhere to the applicable ordinance established by the UDC and the underlying M-1 requirements.**



NOTE: A 10' area of the 25' landscape buffer shall be deemed "protected from removal" and shall be left undisturbed

# PROPOSED CHANGES

Picture 6.1

# 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 GARTNER

Full Address:

2827 ACORN WOOD WAY

(include zip)

HOUSTON TX 77059

I wish to speak regarding Item No. \_\_\_\_\_

**AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD AUGUST 20, 2007, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS**

**I. CALL TO ORDER** *Mayor 7:34*

**II. PURPOSE OF HEARING** *Ruby read*

*these comments to 122*

Zone Change No. 2007-11Z

A request by Kerry R. Gilbert and Associates, applicant for Shadow Creek Ranch Development Company, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification General Business Retail District (GB) and Business Park District – 288 (BP-288) to Planned Development District (PD), on the following described property, to wit:

**Legal Description:** 32.245 acres total; 12.080 acres of land, located in the J. Crawley Survey, Abstract 174, more particularly being a part of that certain called 18.854 acre tract conveyed to Shadow Creek Ranch Development Company Limited Partnership, by instrument of record under Document No. 2005068215 and 2005072254, and all of that certain called 6.2961 acre tract conveyed to Shadow Creek Ranch Development Company Limited Partnership, by instrument of record under File No. 02-065730, Official Records of Brazoria County; and 20.165 acres of land, located in the T.C.R.R. Company Survey, Section 4, Abstract 675, and the William Morris Survey, Abstract 344, being all of that called 20.0 acre tract described in deed to Shadow Creek Ranch Development Company, L.P., and recorded in File No. 03-007443, of the Official Records of Brazoria County; all in the City of Pearland, Brazoria County, Texas

**General Location:** Generally Located on the West Side of State Highway 288, South of Medical Center Drive, and North of Broadway Street

**III. APPLICATION INFORMATION AND CASE SUMMARY**

**A. STAFF REPORT** *Data read... appl. req. Chng in zoning to a PD in order to add two parcels to the SR PD. Two parcel*  
**B. APPLICANT PRESENTATION** *ttl. approx. 32 acres. Staff recommends approval. Staff does recommend that screening be considered*

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

*as a condition of this approval. We rec'd 3 pub. comm. inquiries*

**V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION**

**VI. ADJOURNMENT** *adj @ 7:41*

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

III B. George Hartner briefly spoke

IV Larry Marcott  
on Council when this Bus. Came to town.  
a lot of Development has happened.  
Would like to see it restricted. In favor

V Neil commented appl. is happy  
Ruby said thank you to appl.  
Neil - thank you to Staff

**JOINT PUBLIC HEARING AGENDA ITEM  
MEETING OF AUGUST 20, 2007**

---

**Zone Change No. 2007-11Z**

A request by Kerry R. Gilbert and Associates, applicant for Shadow Creek Ranch Development Company, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification General Business Retail District (GB) and Business Park District – 288 (BP-288) to Planned Development District (PD)

**LEGAL DESCRIPTION:** 32.245 acres total; 12.080 acres of land, located in the J. Crawley Survey, Abstract 174, more particularly being a part of that certain called 18.854 acre tract conveyed to Shadow Creek Ranch Development Company Limited Partnership, by instrument of record under Document No. 2005068215 and 2005072254, and all of that certain called 6.2961 acre tract conveyed to Shadow Creek Ranch Development Company Limited Partnership, by instrument of record under File No. 02-065730, Official Records of Brazoria County; and 20.165 acres of land, located in the T.C.R.R. Company Survey, Section 4, Abstract 675; and the William Morris Survey, Abstract 344, being all of that called 20.0 acre tract described in deed to Shadow Creek Ranch Development Company, L.P., and recorded in File No. 03-007443, of the Official Records of Brazoria County; all in the City of Pearland, Brazoria County, Texas

**GENERAL LOCATION:** Generally Located on the West Side of State Highway 288, South of Medical Center Drive, and North of Broadway Street

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

Planning and Zoning Commission: August 20, 2007\*  
City Council for First Reading: September 10, 2007\*  
City Council for Second Reading: September 24, 2007\*

(\*dates subject to change if item is tabled)

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Comments to

281 879.0340  
Kerry Gilbert

11-2

opened @ 7:41  
Ruby read  
Kata read... appl. → →

# A. Staff recommends approval. only concern  
2 letters opposed from residence on west side

# B. Kerry Gilbert of 23501 Cinco Ranch Blvd, Katy Tx  
did a presentation (ppt)

Mary Cooke 2947 E Broadway, Pearland TX 77581  
spoke in favor

IV

2003 Tide Haven Dr.

3/4 way  
thru  
tape 1 side B  
(about 3/4 way  
thru)

Proposed prop. behind his homestead. Any residential  
plans for that tract. No - commercial.

Do novan Stevens 2906 Tide Haven Dr  
refuse containers?

currently left masonry wall  
25' from that & butterfly  
landscaping.  
would all be screened f  
fence w/ masonry  
walls

V

K Cole asked Kerry Gilbert  
to answer 2 questions

several questions  
came up re:  
design guidelines

~~VI~~

adj. @ 8:05

# 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: MACIE THRASH, JR

Full Address: 2603 TIDENHAVEN DRIVE

(include zip) 77584

I wish to speak regarding Item No. 2007-112

# 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:

Donovan Stephens

Full Address:

2015 Tidenhaven Dr.

(include zip)

Portland TX 77584

I wish to speak regarding Item No.

5

# 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: GARY COOK (APPLICANT)

Full Address: 2947 E. Broadway Pearland TX  
(include zip) 77581

I wish to speak regarding Item No. Zone Change 2007-117

**SUMMARY:** The applicant is requesting a change in zoning on the subject property to a Planned Development District (PD), in order to add two parcels to the Shadow Creek Ranch Planned Development District. The two parcels total approximately 32 acres of land. The subject property consists of two tracts, the northern most tract being zoned as General Business District (GB), and the southern most tract being zoned as Business Park District – 288 (BP288). 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	Planned Development District (PD) and General Business District (GB)	Hospital/Medical Office Building; various tracts of undeveloped land
South	Planned Development District (PD) and General Commercial District (GC)	Commercial Shopping Center currently under construction; various tracts of undeveloped land
East	Business Park District 288 (BP-288); General Commercial District (GC); and Single Family Residential – 3 District (R-3)	Various commercial developments; undeveloped tracts of land; park
West	Planned Development District (PD)	Single family residential lots; various tracts of undeveloped land

**CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC):** The applicant is requesting the PD district. All requirements specified within the PD will have to be met by the applicant. 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 City, and the plat will need to be filed for record with the County Clerk, prior to issuance of a building permit.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Business Park" for the subject property, and for many of the properties located along State Highway 288. The Comprehensive Plan further indicates that the appropriate zoning districts for "Business Park" is a new business park zoning district, more specifically, the Business Park District – 288. A portion of the southernmost tract is currently designated as "Medium Density Residential," but the existing zoning of BP-288 is already in conflict with that residential designation.

**CONFORMANCE TO THE THOROUGHFARE PLAN:** The subject property has frontage on State Highway 288, a major thoroughfare with a right-of-way greater than 120 feet. The subject property also has frontage on Medical Center Drive, Discovery Bay Drive, and Business Center Drive, all secondary thoroughfares with projected rights-of-way of 100 feet. The applicant will be responsible for platting the subject property, and if adequate right-of-way does not exist for these roadways, the applicant would be required to dedicate any necessary right-of-way when the subject property is platted.

**AVAILABILITY OF UTILITIES:** There are various water and sanitary sewer lines located in the vicinity of the subject property, due to the construction of commercial uses and roadways within the area. The applicant will be responsible for extending all utilities as necessary to serve the proposed development.

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

**REVIEW COMMENTS:**

The Shadow Creek Ranch Planned Development (SCR-PD) is a mixed use development approved in 1999 with a maximum of 12,723 dwelling units for approximately 3,305 acres.

The development is generally located between FM 521 and SH 288, and Shadow Creek Parkway (FM 2234) and County Road 59.

The boundaries of the 3,305 acre SCR-PD were expanded to include an additional 453 acres south of Broadway and east of FM 521 in January of 2006. The total area of the amended PD amounted to 3,758 acres (roughly 14% increase). The PD amendment proposed to develop this additional acreage in a similar manner as the original SCR development. All existing elements of the SCR PD were incorporated in the addendum with the same guidelines. The expanded PD had the same cap of 12,723 units.

The proposed addendum would add two more tracts totaling 32.2 acres. A 20.2 acre tract is located along the west side of SH 288, north of the Transwestern development, and south of the current SCR PD boundary. The 12 acre tract is located west of SH 288, south of Medical Center Drive, and north of Discovery Bay Drive. Both these tracts are adjacent to the SCR PD. The parcels are currently vacant.

With the addendum the total area would amount to 3,790 acres. A Land Use table has been attached with the PD document. This addendum will result in an increase of commercial zoned area from 395 (10.5% of the entire PD) acres to 427 acres (11.3% of the entire PD). All other land use will remain unchanged.

The applicant is proposing a commercial zoning category which would be similar to the zoning of the adjoining parcels in that area.

The parcels to be added are currently zoned Business Park 288 (BP 288) with higher standards of development for buildings along the SH 288 corridor as compared to the General Commercial zone (GC) that the parcels would be rezoned to. However, most of the parcels along the west side of SH 288 are in the SCR PD and currently zoned GC. This addition would be consistent with the majority of the parcels in that area. The northernmost tract is currently zoned as GB.

The only concern staff has with this proposal is that outdoor display and storage is allowed in a GC zone under the old Land Use Ordinance that is applicable to the SCR PD. Further, the old ordinance did not require any screening for outdoor display and storage, loading/unloading areas etc. During the adoption of the UDC it was discussed that high quality development was appropriate in areas along SH 288 due to high visibility. The BP 288 district took this into consideration and contains high standards for screening of mechanical and utility equipment, vehicle loading and unloading areas, refuse containers, and prohibits outdoor display and storage. Therefore, Staff recommends that such screening requirements be considered as a condition of this approval.

**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 PD, for the following reasons:

1. The proposed PD incorporates the subject property into the Shadow Creek Ranch development.
2. The proposed PD will designate the subject property for commercial uses, which are appropriate in the subject area along State Highway 288.

**SUPPORTING DOCUMENTS:**

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



# APPLICATION FOR A CHANGE IN ZONING

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

Current Zoning District: General Business & BP-288

Proposed Zoning District: Shadow Creek Ranch PUD

### Property Information:

Address or General Location of Property: ± <sup>12</sup> Acres west of US 288;

north of Discovery Bay Drive; south of Shadow Creek Ranch Pkwy  
and 20.2 acres south of Discovery Bay Drive

Tax Account No. 0174-0001-150; 0344-0001-115

Subdivision: legal description attached 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 Shadow Creek Ranch Development Co.  
ADDRESS 2947 E. Broadway, Suite 303  
CITY Pearland STATE TX ZIP 77584  
PHONE (281) 412-3733  
FAX (281) 412-9098  
E-MAIL ADDRESS \_\_\_\_\_

### APPLICANT INFORMATION:

NAME Kerry R. Gilbert & Assoc.  
ADDRESS 15810 Park Ten Place Suite 160  
CITY Houston STATE TX ZIP 77084  
PHONE (281) 579-0340  
FAX (281) 579-0812 8212  
E-MAIL ADDRESS landplan@krga.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: 7/19/07

Agent's Signature: [Signature] Date: 7/23/07

### OFFICE USE ONLY:

FEES PAID: <u>\$ 450<sup>00</sup></u>	DATE PAID: <u>7/19/07</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>_____</u>
---------------------------------------	---------------------------	---------------------------------	------------------------------

Application  
No. 2007-11Z

15810 Park Ten Place  
Suite 160  
Houston, Texas 77084  
(281) 579-0340  
Fax (281) 579-8212

July 23, 2007

Ms. Lata Krishnarao, Director of Planning Department  
City of Pearland  
3523 Liberty Drive  
Pearland, TX 77581

RE: Zone Change to Shadow Creek Ranch PUD

Dear Lata,

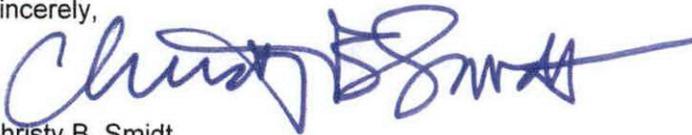
On behalf of our client, Shadow Creek Ranch Development Company, Kerry R. Gilbert & Associates, Inc. is hereby submitting a zone change request to include two noncontiguous parcels, 12.0 acres and 20.1 acres, into the existing Shadow Creek Ranch PUD. The subject 12 acre tract is located along the east side of US 288, south of Medical Center Drive and north of Discovery Bay Drive. The subject 20.1 acre tract is also located along the east side of US 288 and just south of the current southern boundary of the Shadow Creek Ranch PUD.

Both properties are adjacent to property classified as Commercial under the Shadow Creek Ranch PUD. Included in this packet is the following:

- Zone Change Application
- Fee of \$450.00
- PUD Amendment Request

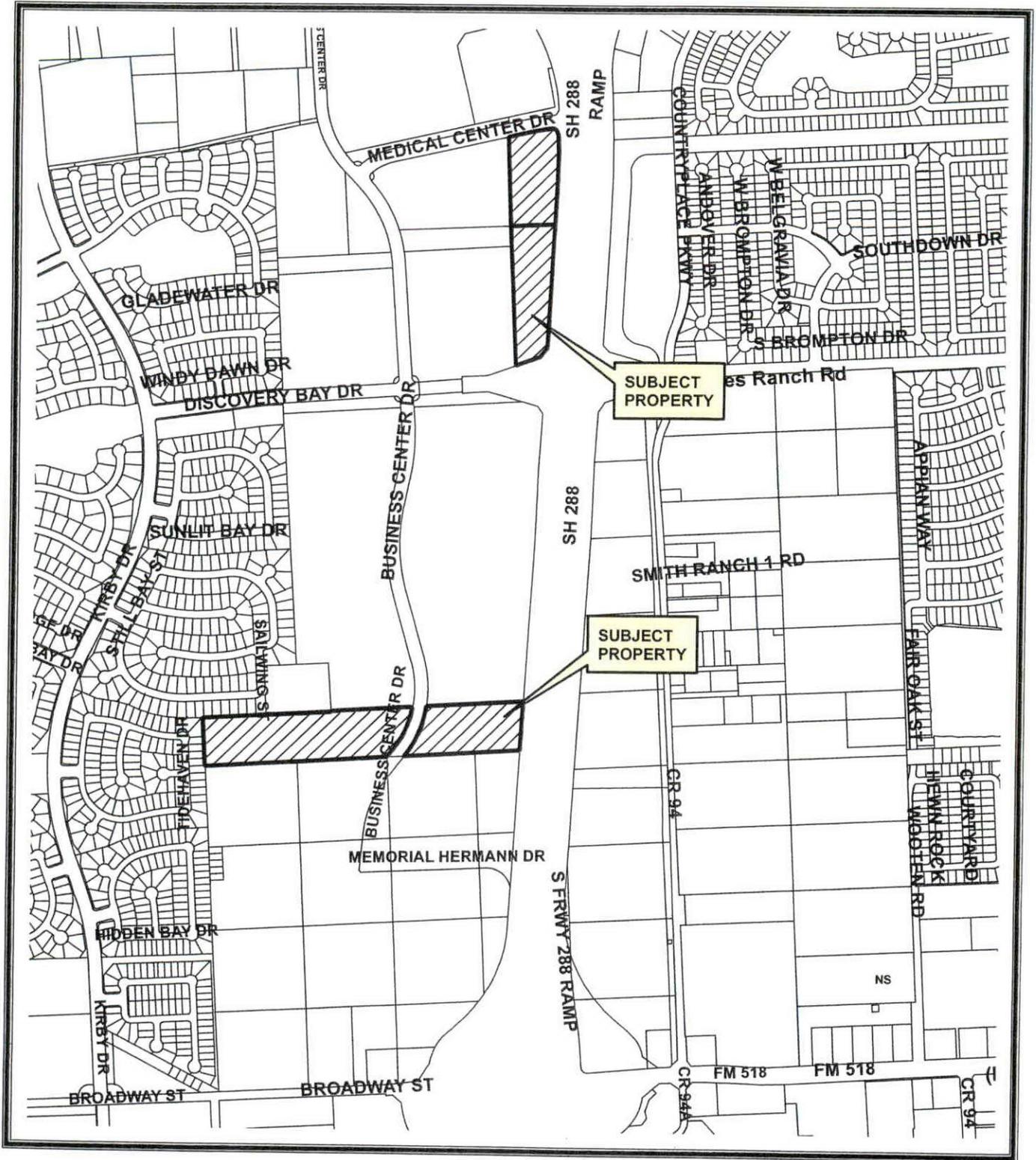
Please advise should you require additional information.

Sincerely,



Christy B. Smidt  
Associate

Enclosures



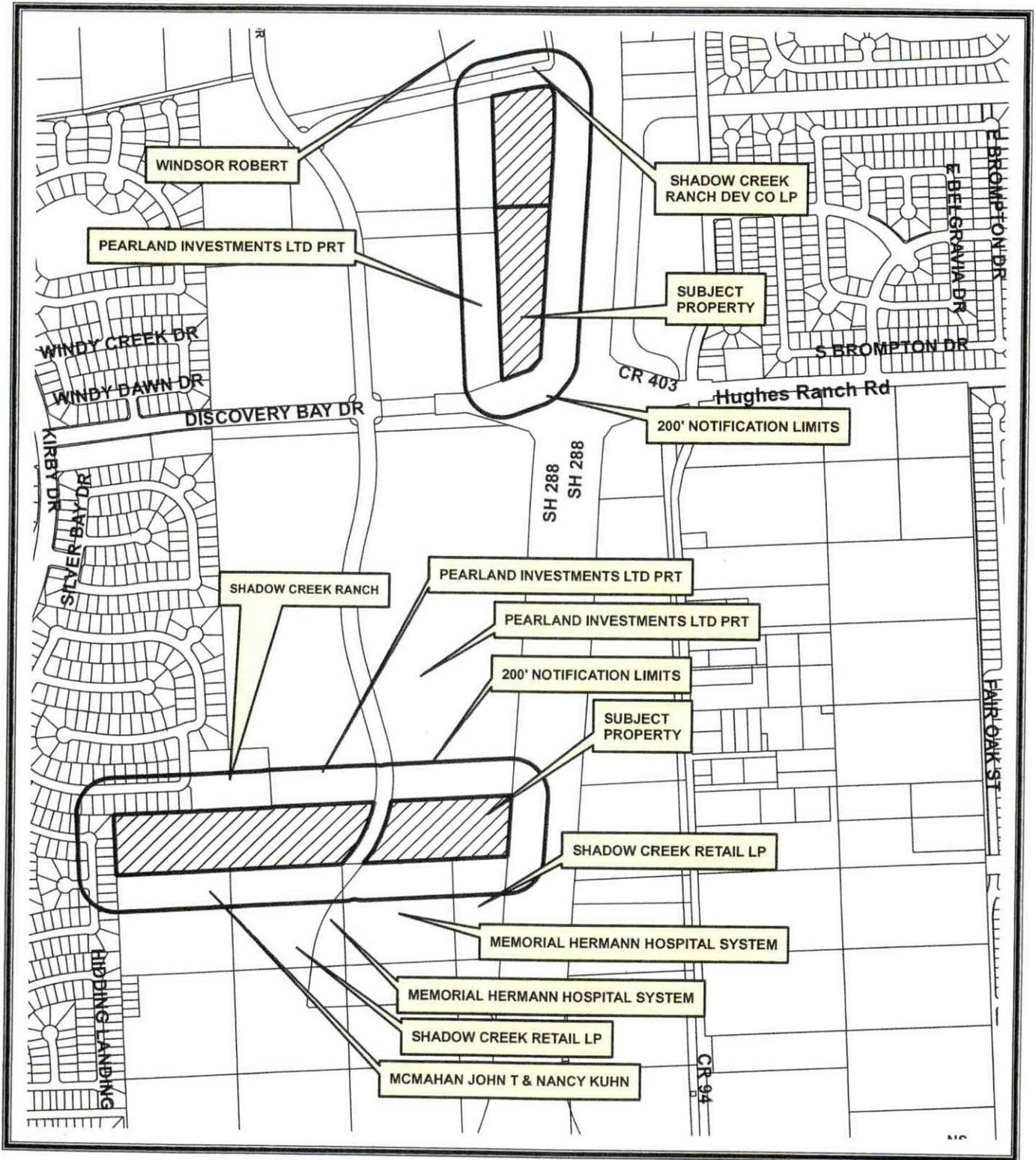
# LOCATION MAP

Zone Change  
No. 2007-11Z



0 400 800 Feet

Map Prepared on July 30, 2007



# OWNERSHIP MAP

0 400 800 Feet

**Zone Change  
No. 2007-11Z**



Map Prepared on July 30, 2007

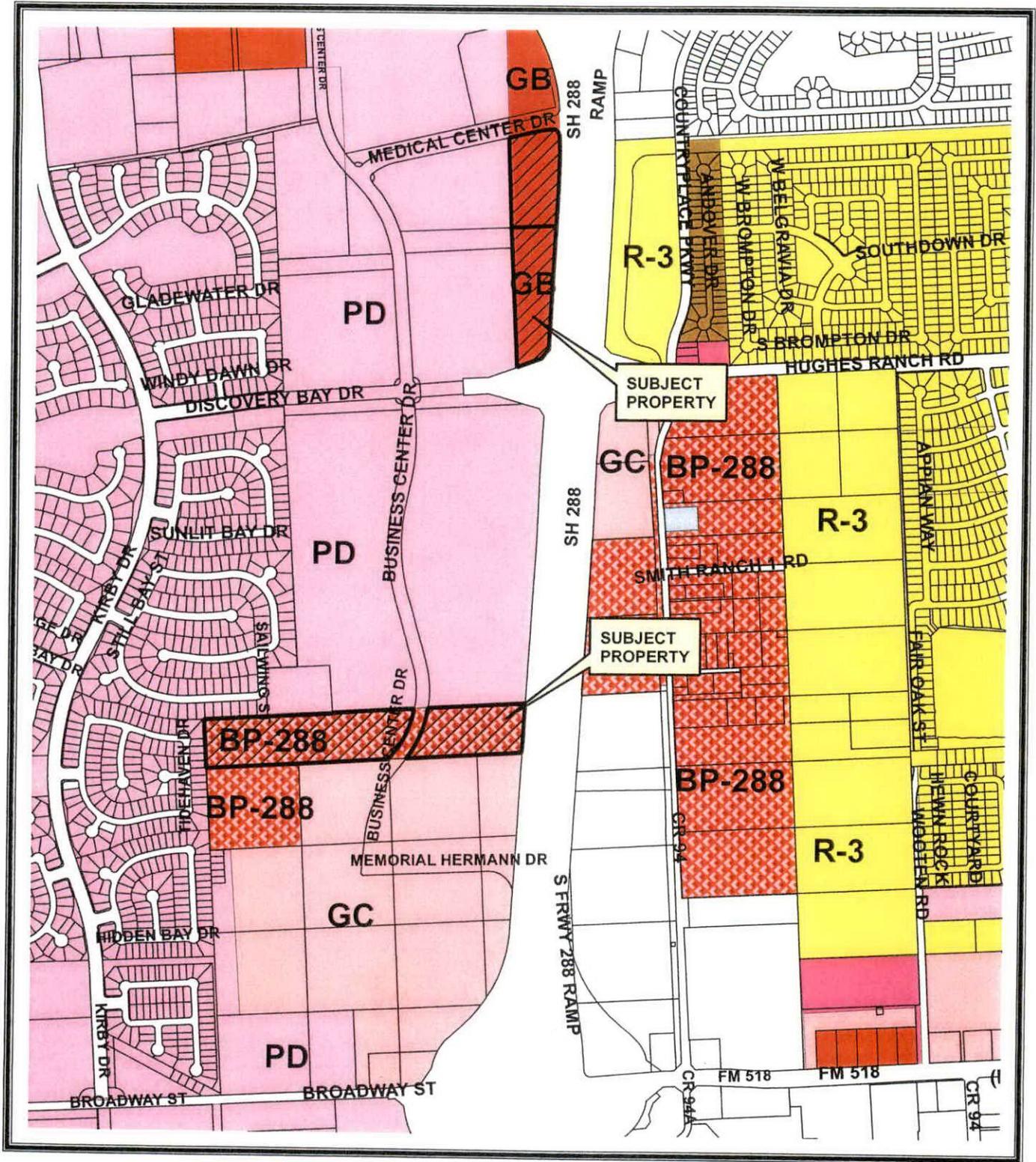
\*all property owners are not shown due to limited space on the map; refer to the Property Owner Notification List for a complete list of all property owners notified

**ZONE CHANGE NO. 2007-11Z**  
**Property Owner Notification List**

<u>TAX ACCT</u>	<u>OWNER</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>ST</u>	<u>ZIP CODE</u>
0066-0240-170	WINDSOR ROBERT BRUCE&RUTH&NICHOLAS	148 OLD PLANTATION	ANGLETON	TX	77515
0174-0001-133	SHADOW CREEK RANCH DEV CO LP	5195 LAS VEGAS BLVD S	LAS VEGAS	NV	89119-3209
0174-0001-131	SHADOW CREEK RANCH DEV CO LP	5195 LAS VEGAS BLVD S	LAS VEGAS	NV	89119-3209
0174-0001-150	SHADOW CREEK RANCH DEV CO KERRY R GILBERT AND ASSOCIATES	2947 BROADWAY ST STE 303 15810 PARK TEN PLACE STE 160	PEARLAND	TX	77581-9500 77084
0344-0001-110	PEARLAND INVESTMENTS LTD PRT	PO BOX 95398	LAS VEGAS	NV	89193-5398
0344-0001-110	PEARLAND INVESTMENTS LTD PRT	PO BOX 95398	LAS VEGAS	NV	89193-5398
0344-0001-110	PEARLAND INVESTMENTS LTD PRT	PO BOX 95398	LAS VEGAS	NV	89193-5398
7502-9200-001	SHADOW CREEK RANCH MAINT ASSOC	15995 N BARKERS LANDING STE 162	HOUSTON	TX	77079
7502-9202-041	GEHAN HOMES	14901 QUORUM DR	DALLAS	TX	75254-7521
7502-9202-042	RODNEY ALAN J & MELANIE J	11303 STARLIGHT BAY ST	PEARLAND	TX	77584-8283
7502-9202-041	GEHAN HOMES	14901 QUORUM DR	DALLAS	TX	75254-7521
7502-9202-044	YOUNG CYNTHIA L	11307 STARLIGHT BAY ST	PEARLAND	TX	77584-8283
7502-9202-045	HOLLINS MICHAEL D	11309 STARLIGHT BAY	PEARLAND	TX	77584
7502-9202-049	CHILDS GLEN W JR & MAUREEN B	11317 STARLIGHT BAY ST	PEARLAND	TX	77584-8283
7502-9202-046	CABALLA DEXTER & ZENNIA	11311 STARLIGHT BAY ST	PEARLAND	TX	77584
7502-9202-047	LEWIS CLEOPHUS	11313 STARLIGHT BAY ST	PEARLAND	TX	77584-8283
7502-9202-048	WEBBER TINA M	11315 STARLIGHT BAY ST	PEARLAND	TX	77584-8283
7502-9203-026	FIKE WILLIAM P & DORIS J	11302 STARLIGHT BAY ST	PEARLAND	TX	77584-8282
7502-9203-019	YALVAC SELIM	11316 STARLIGHT BAY ST	PEARLAND	TX	77584-8282
7502-9203-025	MAGNO CARLO & MAGINA	11304 STARLITE BAY STREET	PEARLAND	TX	77584
0344-0001-115	SHADOW CREEK RANCH DEV CO LP	5195 LAS VEGAS BLVD S	LAS VEGAS	NV	89119-3209
7502-9203-024	OSBORNE SCOTT A	11306 STARLIGHT BAY ST	PEARLAND	TX	77584-8282
7502-9203-023	FERNANDEZ GIANNI EMMETT	11308 STARLIGHT BAY ST	PEARLAND	TX	77584
7502-9203-022	DRAKE FELICIA C	11310 STARLIGHT BAY ST	PEARLAND	TX	77584
7502-9203-021	GEHAN HOMES	14901 QUORUM DR	DALLAS	TX	75254-7521
7502-9203-020	MEGWA ERONINI RAPHAEL & SUSAN	11314 STARLIGHT BAY ST	PEARLAND	TX	77584
7502-9203-016	ARMIJO BENJAMIN A & DARLENE L	11402 STARLIGHT BAY ST	PEARLAND	TX	77584
7502-9203-018	BOWLING DANIEL L & CORRIE	11318 STARLIGHT BAY ST	PEARLAND	TX	77584-8282
7502-9203-017	SPRINGER RAYMOND R & FRANCIS	11320 STARLIGHT BAY ST	PEARLAND	TX	77584-8282
0344-0001-115	SHADOW CREEK RANCH DEV CO LP	5195 LAS VEGAS BLVD S	LAS VEGAS	NV	89119-3209
7502-1411-020	JACKSON JOHN M	11401 EASTON SPRINGS DR	PEARLAND	TX	77584-2519
7502-1421-003	CULLINANE KATHLEEN S	2601 TIDEHAVEN DR	PEARLAND	TX	77584
7502-1421-002	HUYNH BRANDON TAN	11331 EASTON SPRINGS DR	PEARLAND	TX	77584-2527
7502-1421-001	GUZMAN NICOLAS A	11333 EASTON SPRINGS DR	PEARLAND	TX	77584-2527
7502-1421-004	THRASH MACK JR & MINH LE	2603 TIDEHAVEN DR	PEARLAND	TX	77584
7502-1422-001	BATICADOS HAZEL	11400 EASTON SPRINGS DR	PEARLAND	TX	77584-2518
7502-1421-005	WALKER WILBERT	2605 TIDEHAVEN DR	PEARLAND	TX	77584-2535
0675-0038-000	SHADOW CREEK RETAIL LP	1900 W LOOP SOUTH STE 1300	HOUSTON	TX	77027
0675-0038-007	MEMORIAL HERMANN HOSPITAL SYSTEM	7737 SOUTHWEST FWY STE 200	HOUSTON	TX	77074-1800
7502-1421-006	CARABES ARTURO	2607 TIDEHAVEN DR	PEARLAND	TX	77584
0675-0038-000	SHADOW CREEK RETAIL LP	1900 W LOOP SOUTH STE 1300	HOUSTON	TX	77027
7502-1422-002	KENNEDY JOE	11401 TIDENHAVEN CT	PEARLAND	TX	77584-2560
0675-0034-000	SHADOW CREEK RETAIL LP	1900 W LOOP SOUTH STE 1300	HOUSTON	TX	77027
7502-1421-007	BLAIN KATRINA S	2609 TIDEHAVEN DR	PEARLAND	TX	77584-2535
7502-0033-000	MCMAHAN JOHN T & NANCY KUHN	6 HUNTERS RIDGE	HOUSTON	TX	77024
7502-1421-008	TAYLOR ANDREW J & DIETRA E	2611 TIDEHAVEN DR	PEARLAND	TX	77584-2535

**ZONE CHANGE NO. 2007-11Z**  
**Property Owner Notification List**

7502-1421-009	MARION MICHAEL & BUFFY	2613 TIDEHAVEN DR	PEARLAND TX 77584
0675-0038-007	MEMORIAL HERMANN HOSPITAL SYSTEM	7737 SOUTHWEST FWY STE 200	HOUSTON TX 77074-1800
7502-1422-010	SAMUELS TOMMY D	PO BOX 24031	PHOENIX AZ 85074-4031
7502-1421-010	STEPHENS DONOVAN	2615 TIDEHAVEN DR	PEARLAND TX 77584-2535
7502-1421-011	MEDINA MARCO	2617 TIDEHAVEN DR	PEARLAND TX 77584-2535
7502-1421-012	HAGAD ALEJANDRO N III & CLAYDE	2619 TIDEHAVEN DR	PEARLAND TX 77584-2535



# ZONING MAP

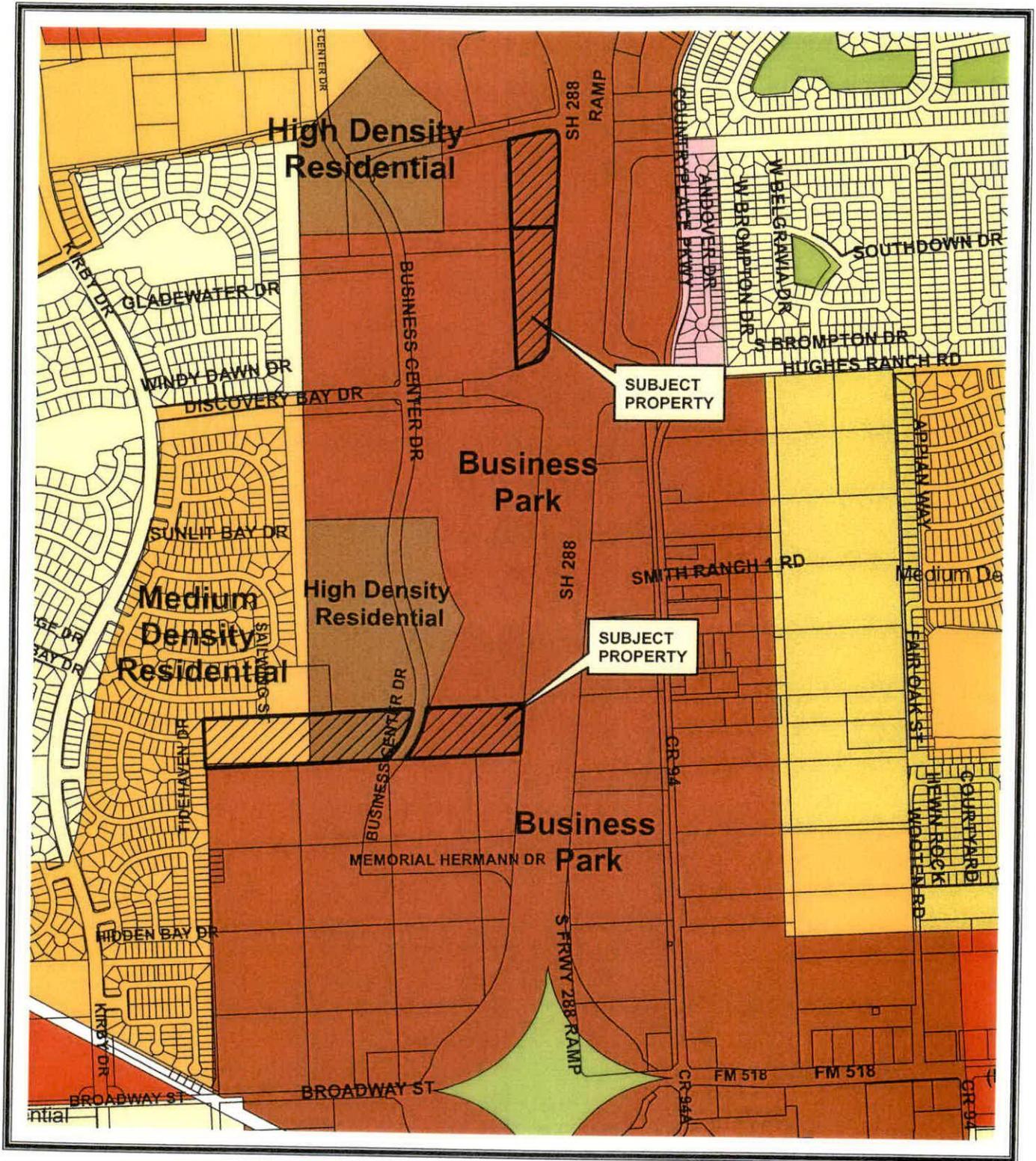
Zone Change  
No. 2007-11Z



0 400 800 Feet

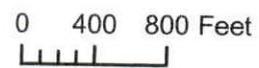


Map Prepared on July 30, 2007



# FUTURE LAND USE PLAN

**Zone Change  
No. 2007-11Z**

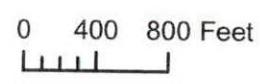


Map Prepared on July 30, 2007



# AERIAL PHOTOGRAPH

Zone Change  
No. 2007-11Z



Map Prepared on July 30, 2007

## PROPOSED ZONE CHANGE – 12 ACRES AND 20.2 ACRES SHADOW CREEK RANCH TRACTS

### I. Introduction.

#### A. Description of the Subject Property

*The 12 acres is located along US 288 and north of Discovery Bay Drive, and the 20.2 acres is located along US 288 and south of the current Shadow Creek Ranch boundary.*

#### B. Description of Proposed Development

*The 12 acres and the 20.2 acres would be included with the adjacent proposed commercial property.*

#### C. Describe the area of land in acreage.

*Currently each parcel is vacant acreage.*

#### D. In a statement as to the purpose and intent of the PUD district established therein.

*Each parcel was not owned by Shadow Creek Ranch Development Company at the time of the approval of the original Shadow Creek Ranch PUD.*

### II. Zoning and Land Use.

#### A. Describe the existing zoning districts and the boundary of said district.

*The existing zoning for the 12 acre tract is General Commercial (GC) and the for the 20.2 acre tract the zoning is BP-288. Refer to each of the attached metes and bounds descriptions.*

#### B. Describe the base zoning district to be overlaid, together with the boundaries of the district.

*The Shadow Creek PUD was established prior to the UDC in which areas in a PUD were classified. The 12 acres and 20.2 acres will follow the standards under the Shadow Creek Ranch PUD.*

#### C. The general standards applicable to development within the district, with or without reference to the base district. Provide a table outlining the percent of use in each zoning classification.

*The standards are the same standards under the Shadow Creek Ranch PUD. Refer to the Land Use Table.*

#### D. The permitted, conditional accessory use authorized in the district.

*The 12 acres and the 20.2 acres will conform to the uses allowed for commercial under the Shadow Creek Ranch PUD.*

### III. Design standards applicable to the development.

*The 12 acres and the 20.2 acres will conform to the design standards established for commercial under the Shadow Creek Ranch PUD.*

### IV. Required dedications of land or public improvements.

*The 12 acres and 20.2 acres of commercial use will not require additional parkland, however, the subject tract will adhere to the landscaping requirements established by the Shadow Creek Ranch PUD.*

### V. Phasing Schedule for the project.

*The infrastructure to serve each property has been completed, and the actual development of the property will occur based on market conditions.*

### VI. Exhibits

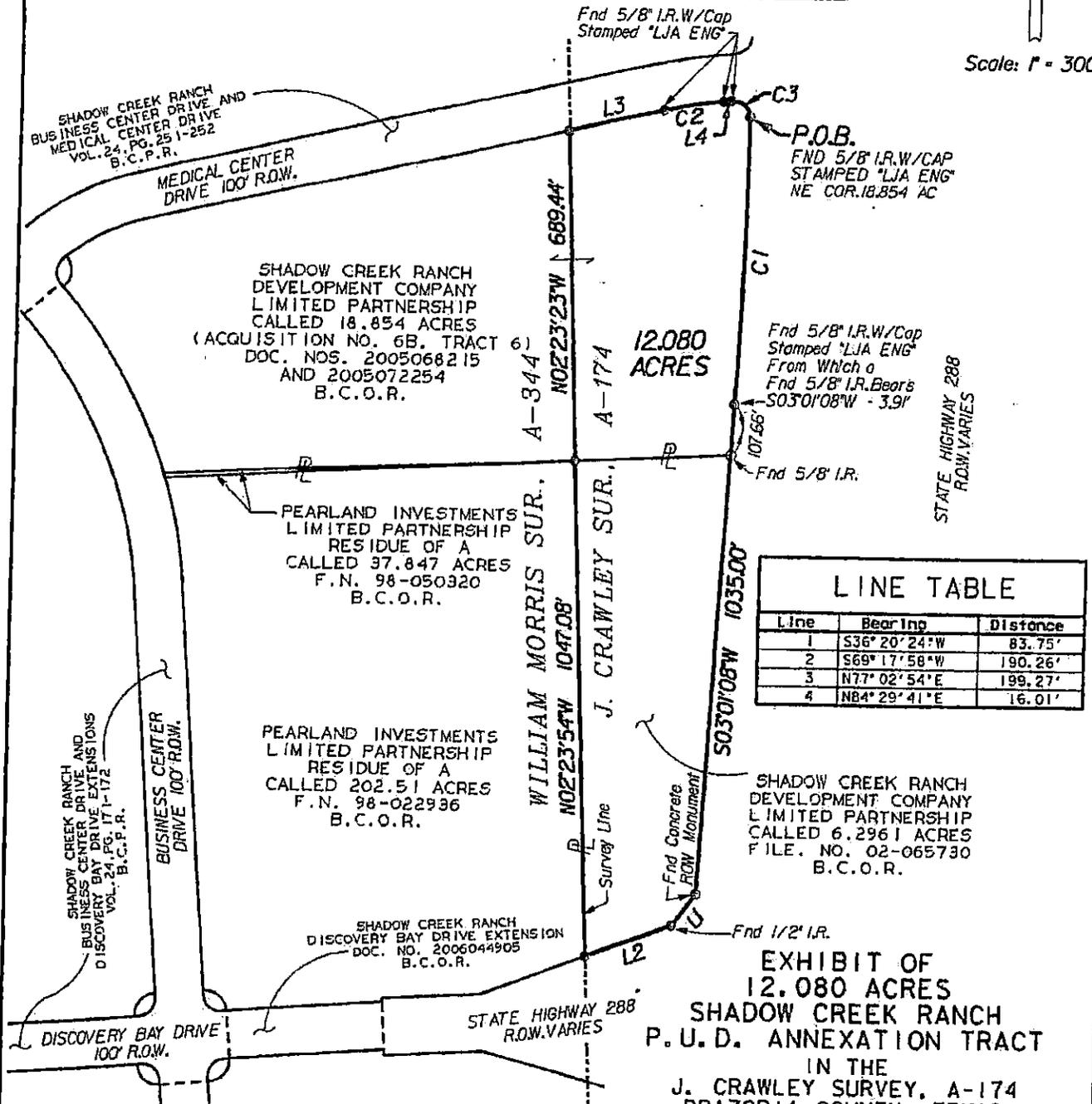
- a) Area Location Map*
- b) Project Aerial Map*
- c) 12.0 acre metes & bounds description and survey*
- d) 20.2 acre metes & bounds description and survey*
- d) Landuse Table*
- e) Landuse Map*

### CURVE TABLE

Curve	Radius	Tangent	Chord	Arc	Delta	Chord Bearing
1	11249.16'	299.15'	598.09'	598.16'	03° 02' 48"	S01° 29' 44" W
2	950.00'	61.82'	123.38'	123.47'	07° 26' 47"	N80° 46' 18" E
3	35.00'	38.52'	51.81'	58.32'	95° 28' 39"	S47° 46' 00" E



Scale: 1" = 300'



### LINE TABLE

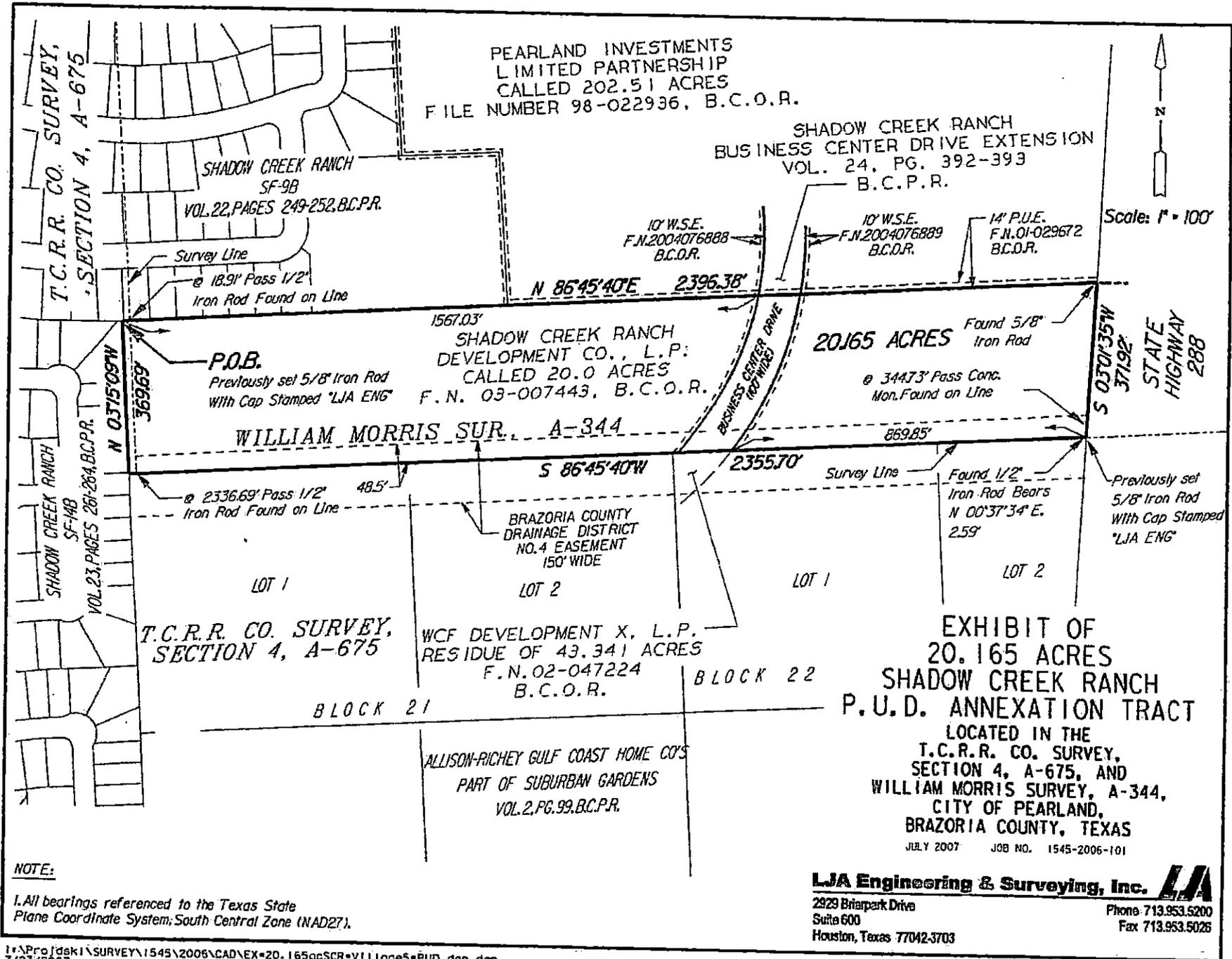
Line	Bearing	Distance
1	S36° 20' 24" W	83.75'
2	S69° 17' 58" W	190.26'
3	N77° 02' 54" E	199.27'
4	N84° 29' 41" E	16.01'

**EXHIBIT OF  
12.080 ACRES  
SHADOW CREEK RANCH  
P. U. D. ANNEXATION TRACT  
IN THE  
J. CRAWLEY SURVEY, A-174  
BRAZORIA COUNTY, TEXAS**

JULY 2007      JOB NO. 1545-2006-101

**NOTE:**  
1. All bearings referenced to the Texas State Plane Coordinate System, South Central Zone (NAD 27).

**LJA Engineering & Surveying, Inc.**  
2929 Briarpark Drive      Phone 713.953.5200  
Suite 600      Fax 713.953.5028  
Houston, Texas 77042-3703



**NOTE:**

1. All bearings referenced to the Texas State Plane Coordinate System, South Central Zone (NAD27).

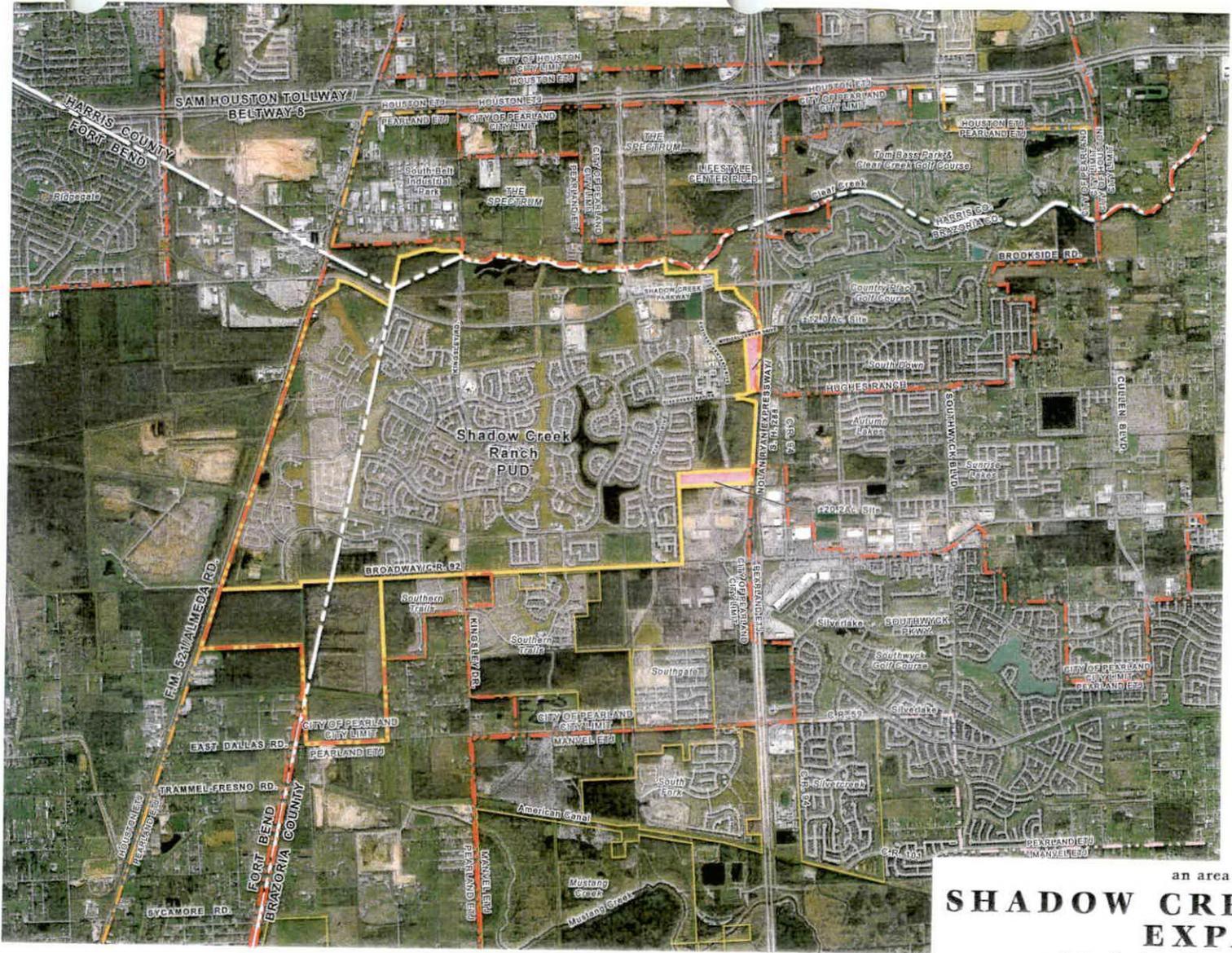
**LJA Engineering & Surveying, Inc.**  
2929 Briarpark Drive  
Suite 600  
Houston, Texas 77042-3703  
Phone: 713.953.5200  
Fax: 713.953.5026

Land Use Table

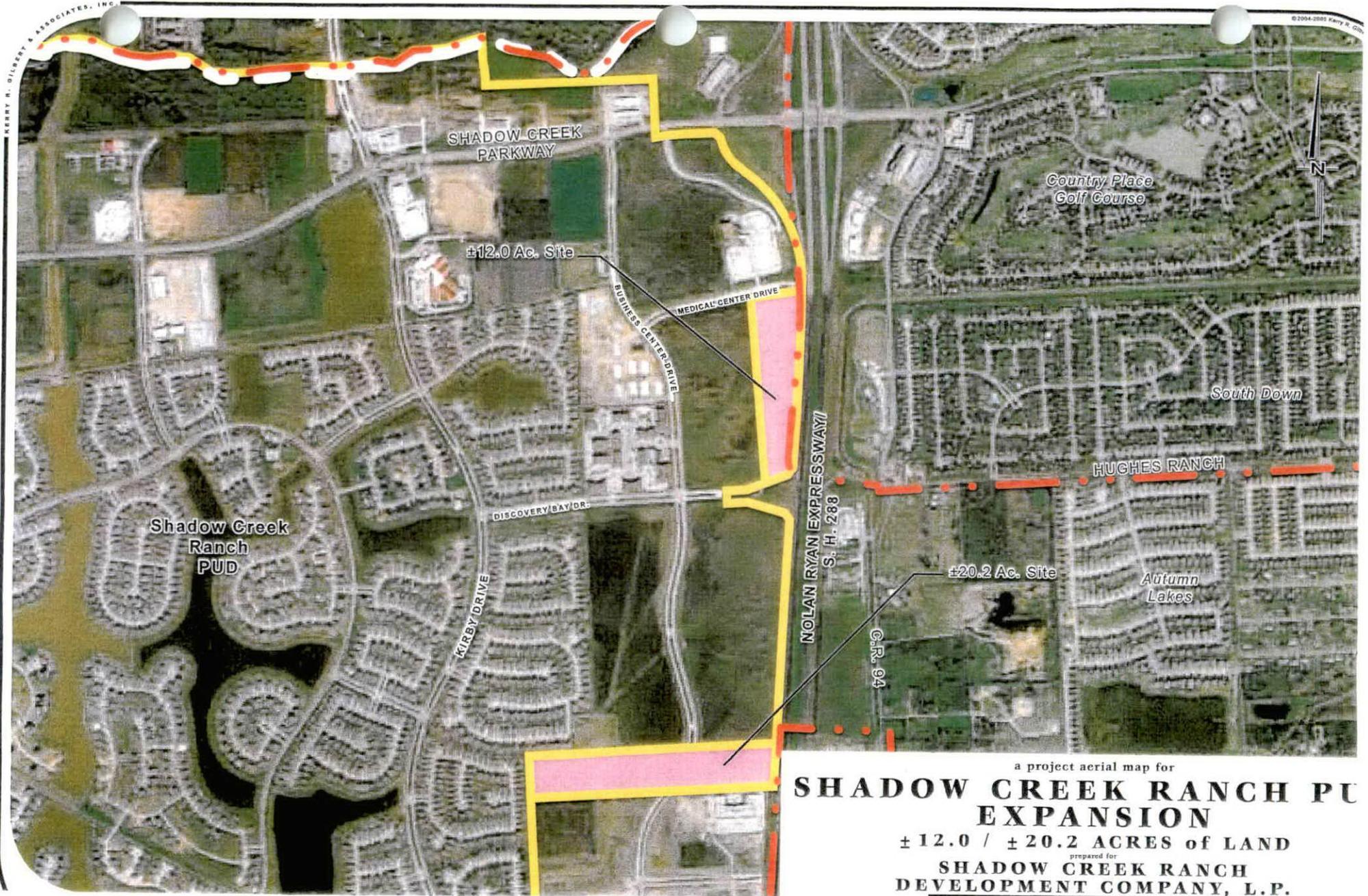
Land Use	Original P.U.D.	%	Current (Includes Original and 2006 Expansion)	%	2007 Expansion	%	Overall	%	Difference (%)
Single Family Residential (Includes Townhouse)	1,546.1	46.8%	1,613.7	48.3%	0.0	0.0%	1,613.7	47.9%	1.1%
Multi-Family Residential	192.8	5.8%	166.5	4.4%	0.0	0.0%	166.5	4.4%	-1.4%
Assisted Living Residential	46.6	1.4%	0.0	0.0%	0.0	0.0%	0.0	0.0%	-1.4%
Commercial (Includes Day Care)	285.4	8.6%	430.0	11.4%	32.2	100.0%	462.2	12.2%	3.6%
Institutional / Civic	262.4	7.9%	271.2	7.2%	0.0	0.0%	271.2	7.2%	-0.8%
Industrial	31.9	1.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	-1.0%
Parks / Recreation / Open Space	429.2	13.0%	418.9	11.1%	0.0	0.0%	418.9	11.1%	-1.9%
Right-of-Ways	230.8	7.0%	251.6	6.7%	0.0	0.0%	251.6	6.6%	-0.3%
Proposed Lakes (Includes Existing Ponds)	265.0	8.0%	390.7	10.4%	0.0	0.0%	390.7	10.3%	2.3%
Water Treatment Plant	2.0	0.1%	2.1	0.1%	0.0	0.0%	2.1	0.1%	0.0%
Sewage Treatment Plant	12.8	0.4%	13.3	0.4%	0.0	0.0%	13.3	0.4%	0.0%
<b>TOTAL</b>	<b>3,305.0</b>	<b>100.0%</b>	<b>3,758.0</b>	<b>100.0%</b>	<b>32.2</b>	<b>100.0%</b>	<b>3,790.2</b>	<b>100.0%</b>	<b>0.0%</b>

SHADOW CREEK RANCH  
P.U.D. vs. Current Plan  
Comparison

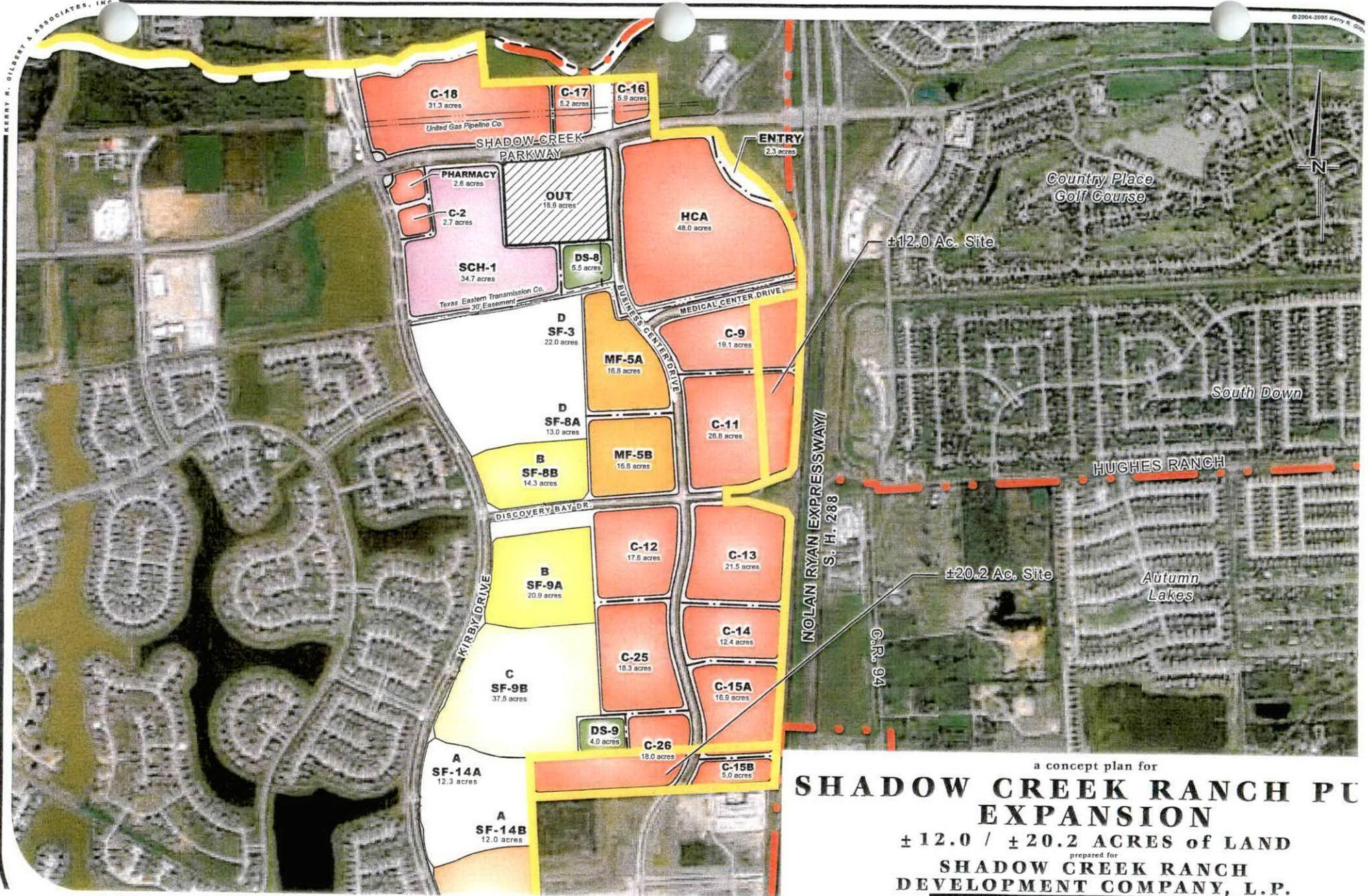
Land Use	Original P.U.D.	%	Overall	%
Single Family Residential (Includes Townhouse)	1,546.1	46.8%	1,813.7	48.3%
Multi-Family Residential	192.8	5.8%	166.5	4.4%
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Right-of-Ways	230.8	7.0%	251.6	6.7%
Proposed Lakes (Includes Existing Ponds)	265.0	8.0%	390.7	10.4%
Water Treatment Plant	2.0	0.1%	2.1	0.1%
Sewage Treatment Plant	12.8	0.4%	13.3	0.4%
<b>TOTAL</b>	<b>3,305.0</b>	<b>100.0%</b>	<b>3,758.0</b>	<b>100.0%</b>



an area location map for  
**SHADOW CREEK RANCH PUD**  
**EXPANSION**  
 ± 12.0 / ± 20.2 ACRES of LAND  
 prepared for  
**SHADOW CREEK RANCH**  
**DEVELOPMENT COMPANY, L.P.**



a project aerial map for  
**SHADOW CREEK RANCH PUD  
 EXPANSION**  
 ± 12.0 / ± 20.2 ACRES of LAND  
 prepared for  
**SHADOW CREEK RANCH  
 DEVELOPMENT COMPANY, L.P.**



a concept plan for  
**SHADOW CREEK RANCH PU  
 EXPANSION**  
 ± 12.0 / ± 20.2 ACRES of LAND  
 prepared for  
**SHADOW CREEK RANCH  
 DEVELOPMENT COMPANY, L.P.**

**LEGEND**

- COMMERCIAL - RETAIL  
OFFICE, RESTAURANT
- COMMERCIAL - CONVENIENCE STORE
- INDUSTRIAL
- SCHOOL
- CHURCH
- HOSPITAL/MEDICAL
- DAY CARE
- MUNICIPAL
- DRILL SITE / PARK
- UTILITY IMPROVEMENTS
- NEIGHBORHOOD  
RECREATION CENTER / PARK
- LAKE
- MULTI-FAMILY
- R-1 10' x 110'
- R-2 10' x 110'
- R-3 10' x 110'
- R-4 10' x 110'
- R-5 10' x 110'
- R-6 10' x 110'
- R-7 10' x 110'
- R-8 10' x 110'
- R-9 10' x 110'
- R-10 10' x 110'
- R-11 10' x 110'
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- R-173 10' x 110'
-

**AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD AUGUST 20, 2007, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS**

**I. CALL TO ORDER**

@ 8:05

**II. PURPOSE OF HEARING**

Amendments To The Unified Development Code (UDC)

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

**III. APPLICATION INFORMATION AND CASE SUMMARY**

**A. STAFF REPORT**

*Rate Krishnarao & Nghiem Doan*  
*7 items outlined in Staff rpt.*

**B. APPLICANT PRESENTATION**

*No comments*

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

*Will Deane of 2805 Business Ctr Dr 77584. W  
Transwestern. Spoke in favor of signage*

**V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION**

**VI. ADJOURNMENT**

*8:50 p.m.*

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

IV John Hay 2805 Bus. Ctr Dr 77584  
w/ Academics

spoke in favor of signage

Rodney Tippitt 2804 Bus. Ctr Dr 77584  
w/ Ashley Furniture Stores

K. Cole spoke in favor

V.

J. Keyle generally pleased w/ signage. asked staff  
to act quickly on issuing permits.

Nick -

Neil - opposed to signage

K. Cole - asked Nghiem re: Gaming machines.

J. Saboe - re: Cup process,  
and options.

hate & Nghiem explained  
Nick

Much  
discussion



## CITY OF PEARLAND PLANNING & ZONING

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### AGENDA ITEM

**DATE:** August 10, 2007  
**TO:** City Council & Planning & Zoning Commission  
**FROM:** Lata Krishnarao, AICP, Planning Director  
**SUBJECT:** Proposed Modification to the Unified Development Code

---

Several workshops were conducted in the past few weeks to discuss the proposed modifications. These set of modifications proposed to the Unified Development Code includes the following:

1. Require that Conditional Use Permit (CUP) be approved by the City Council with recommendation from the Planning and Zoning Commission (P & Z).

Currently, the CUP is approved by the P & Z after a joint public hearing and takes approximately four (4) weeks from the date of application submittal. The applicant or neighbors within 200' can appeal the P & Z's decision to the City Council.

With the proposed change recommended by the Council, CUPs will be presented to the Council for their approval after a joint public hearing and recommendation from the Planning and Zoning Commission. This process will add three (3) weeks to the approval process thereby requiring a total of seven (7) weeks for CUP approval.

If the Council wishes to shorten the approval process and still provide opportunities for public to appeal and voice their concerns, staff would recommend the appeals section be modified to provide an opportunity for any citizen to appeal the P & Z's decision, in addition to the applicant and neighbors within 200'. And currently, both the P&Z and City Council can deny with Prejudice and prevent an application from returning within a year.

2. Addition of Gaming Establishment to the Land Use Matrix.

This use was contained in the old Land Use and Urban Development Ordinance and had been inadvertently excluded from the UDC. The City

Council had required a Specific Use Permit (SUP) in the old Ordinance to allow this use in commercial and industrial zones. Since the SUP was replaced by a CUP, staff is recommending that this use be allowed with a CUP in commercial and industrial zones.

Additionally, a definition for Gaming Establishment has been added.

3. Trigger for façade compliance changed to 500 square feet.

As discussed, this change has been made to be consistent with triggers for other requirements such as landscaping and sidewalks.

4. Description of area exempt from façade requirements on Mykawa Road.

The UDC had exempted areas located along Mykawa Road between Orange Street and Scott Lane, zoned Light Industrial (M-1) and Heavy Industrial (M-2), from the façade requirements. The area had not been defined clearly where it appears Scott lane should have been Hatfield in the UDC and this modification proposes to define the area better.

5. Special Exceptions for Nonconformities.

This section has been modified to allow certain variations from the requirements regarding landscaping, screening, buffers, façade, and parking for expansions or construction of new structures on parcels that have existing buildings by a special exception from the Zoning Board of Adjustments.

6. Clarification that structures include parking.

7. Signage for SH 288 and Beltway 8.

Text has been added to include larger signs for properties along SH 288 and Beltway 8 as discussed. This modification will increase the signage from 200 sq. ft. to 300 sq. ft and the height (including base) from 17' to 24'. Additional height of up to 10' above the grade of the highway will be permitted for properties located below the grade of the highway by a CUP. NOTE: It needs to be clear, that this is for property that is a single lot adjacent to SH288. Developments such as Transwestern do not currently meet our definition of multi-tenant, so each property in that development stands on its own.

#### RECOMMENDED ACTION

Conduct the public hearing.

# 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 TIPPIT

Full Address: 2804 BUSINESS CTR DR.

(include zip) 77584

I wish to speak regarding Item No. 6

# 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:

John Hay

Full Address:

2805 Business Center Drive

(include zip)

Pearland, TX 77584

I wish to speak regarding Item No.

6

# 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: WILL Deane

Full Address: 2805 Business Center Dr

(include zip) Pearland, Tx 77584

I wish to speak regarding Item No. 6

### **Section 2.2.3.3 Processing of Application and Decision**

(a) **Hearing and Notification.** The Director shall schedule a public hearing before the Planning and Zoning Commission and the City Council on the application for a Conditional Use Permit, and shall cause personal notice to be given in accordance with Section 1.2.2.2.

(b) **Commission Decision.** The Planning and Zoning Commission and City Council shall jointly conduct a public hearing on the application in accordance with Article 2, Division 3 of Chapter 1. The Planning and Zoning Commission shall make a recommendation of approval or denial of the requested CUP to the City Council, who shall be the initial final decision maker, subject to appeal to the City Council, on regarding whether to approve, approve with conditions or modifications, or deny the permit. The Commission may also recommend whether any requested variations from the standards in the zoning district regulations should be granted for the use.

### Section 2.2.3.4 Criteria for Approval

(a) **Factors.** When considering an application for a Conditional Use Permit, the Planning and Zoning Commission and City Council shall evaluate the impact of the proposed conditional use on and its compatibility with surrounding properties and residential areas to ensure the appropriateness of the use at the particular location, and shall consider the extent to which:

- (1) The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan;
- (2) The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
- (3) The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;
- (4) The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;
- (5) The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;
- (6) The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and
- (7) The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.

(b) **Conditions.** The ~~Planning and Zoning Commission~~ City Council may require such modifications in the proposed use and attach such conditions to the Conditional Use Permit as the ~~Planning and Zoning Commission~~ City Council deems necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of this section. Conditions and modifications may include but are not limited to limitation of building size or height, increased open space, limitations on impervious surfaces, enhanced loading and parking requirements, additional landscaping, curbing, sidewalk, vehicular access and parking improvements, placement or orientation of buildings and entryways, buffer yards, landscaping and screening, signage restrictions and design, maintenance of buildings and outdoor areas, duration of the permit and hours of operation.

(c) **No Variances.** The conditions imposed on the application shall not be subject to variances that otherwise could be granted by the Zoning Board of Adjustment, nor may conditions imposed by the City Council subsequently be waived or varied by the Zoning Board of Adjustment.

### **Section 2.2.3.6 Appeals**

(a) The applicant or other interested person may appeal the decision of the Planning and Zoning Commission to grant or deny a Conditional Use Permit to the City Council in accordance with Chapter 1 of this UDC. The Council shall apply the criteria in Section 2.2.3.4 in deciding whether the Commission's action should be upheld, modified or reversed.

**Section 2.5.2.1 The Land Use Matrix**

(a) The Land Use Matrix begins on the following page.





Types of Land Uses	Residential Zoning Districts											Mixed Use Districts							Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT	OP	BP-288	NS	GB	GC	M-1	M-2		
												S1	S2	S3	S4	S5												
Onsite Detention Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Off-site Detention Facility	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
<b>Entertainment &amp; Recreational Uses</b>																												
Billiard/Pool Facility (Three or More Tables)												C					C	C	+	C	C	C	P	P				
Bingo Facility												C					C	C	+	C	C	C	P	P				
Bowling Alley (Air-Conditioned and Sound Proofed)												C					C	C	+	C	C	C	P	P				
Commercial Amusement, Indoor												P					C	C	+	C	C	C	P	P				
Commercial Amusement, Outdoor												C					C	C	+	C	C	C	P	P				
Country Club	C	C	C	C	C	C	C	C	C	C	P	P		P	P	P		P	P	+	P	P	P	P	P			
Dinner Theatre													C					C	C	+	C	C	C	P	P			
Driving Range (Golf)													C	C	C			C	C	+	C	C	C	P	P			
Drag Strip/Race Track																				+					C	C	C	
Fairgrounds																				+								
<b>Gaming Establishment</b>	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	C	C	C	C	C	C	C	C	C	C	C	
Golf Course (Miniature)												C	C	C	C	C	C	C	+	C	C	C	P					
Golf Course (Private)												C	C	C	C	C	C	C	+	C	C	C	P					
Golf Course (Public)												C	C	C	C	C	C	C	+	C	C	C	P					
Park and/or Playground (Private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	+	P	P	P	P					
Park and/or Playground (Public; Municipal)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	+	P	P	P	P	P				







Types of Land Uses	Residential Zoning Districts											Mixed Use Districts					Non-Residential Zoning Districts											
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT	OP	BP-288	NS	GB	GC	M-1	M-2		
												S1	S2	S3	S4	S5												
Emergency Care Clinic												P	C	C	C	C			+			P			C	P	C	
Financial Institution (No Motor Bank Services) ☐												P	P	P	P	P	P	P	+	P		P	P	P	P	P	C	
Financial Institution (With Motor Bank Services) ☐												P	C	C	P	P	P	P	+	P		P	P	P	P	P	C	
Financial Services (Advice/Invest)												P	P	P	P	P	P	P	+	P		P	P	P	P	P	C	
Insurance Agency Offices												P	P	P	P	P	P	P	+	P		P	P	P	P	P	C	
Office, Brokerage Service												P	P	P	P	P	P	P	+	P		P	P	P	P	P	C	
Office, Legal Service												P	P	P	P	P	P	P	+	P		P	P	P	P	P	C	
Office, Medical/Dental (Defined Under Medical Facilities)												P	P	P	P	P	P	P	+	P		P	P	P	P	P	C	
Office, Parole-Probation																			+							P	C	
Office, Professional and General Business (other than those listed)												C	C	C	C	C	C	C	+	P		P	P	P	P	P	C	
Office, Real Estate												P	P	P	P	P	P	P	+	P		P	P	P	P	P	C	
Office/Clinic, Veterinarian (No Animal Hospital or Outside Pens)												P	C	C	C	C	C	C	+	C		P	P	P	P	P	C	
Office/Clinic, Veterinarian (No Animal Hospital, With Outside Pens)																			+							P	C	
Security Monitoring Company (No Outside Storage)														P	P				+	P		P	P	P	P	P	C	
Telemarketing Agency																			+			C		C	P	C		





Types of Land Uses	Residential Zoning Districts											Mixed Use Districts					Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	GIO-MU	OT	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5										
Art Museum and/or Dealer												P	P	P			P	P	+	C	C	C	P	P	C	
Art Studio and/or Gallery ☐												C	C	C			P	P	+	C	C	P	P	P	C	
Art Supply Store												P	P	P			C	C	+	P	P	P	P	P	C	
Bakery or Confectionery Shop (Retail Sales, Inside Service Only) ☐												P	P	P			P	P	+	P	P	P	P	P	C	
Bakery or Confectionery Shop (Retail Sales, With Drive-Thru Service) ☐												C	C	C			C	C	+	C	C	C	P	P	C	
Bakery (Wholesale) ☐																			+					P	C	
Book/Stationery Shop (Retail Only)												P	P	P			P	P	+	P	P	P	P	P	C	
Business Service Retail (Provides wares and/or service in support of professional occupations)												C	C	C			C	C	+	C	C	C	P	P	C	
Café ☐												P	P	P			P	P	+	P	P	P	P	P	C	
Cafeteria ☐												C	C	C			C	C	+	P	P	P	P	P	C	
Camera Shop (Retail Only)												P	P	P			C	C	+	P	P	P	P	P	C	
Cigars, Tobacco Shop (Retail Only)												C							+	C	P	C	P	P	C	
Carpenter Shop												P	C	C			P	P	+	C	C	C	P	P	C	
Catering Service												P	C	C			P	P	+	C	C	C	P	P	C	
Coffee, Donut and Similar Food Sales Shop (For On- or Off-Site Consumption)												P	P	P			P	P	+	P	P	P	P	P	C	
Computer Sales												P	C	C			C	C	+	C	P	C	P	P	C	

Types of Land Uses	Residential Zoning Districts											Mixed Use Districts					Non-Residential Zoning Districts														
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT	OP	BP-288	NS	GB	GC	M-1	M-2					
												S1	S2	S3	S4	S5															
Consignment Shop												P	C	C			C	C	+	C	P	P	P	P	C						
Convenience Store (With Gasoline Sales) ☐												C					C	C	+	C	C	C	P	P	C						
Convenience Store (Without Gasoline Sales) ☐												C	C	C			C	C	+	C	C	P	P	P	C						
Copy/Printing Shop ☐												P	P	P			C	C	+	P	P	P	P	P	C						
Department Store (Retail Only, for Hardware, Sporting Goods, Toys, Paints, Wallpaper, and/or Clothing) ☐												P	P	P					+		P		P	P	C						
Drapery/Blind Shop												P	P	P			P	P	+	P	P	P	P	P	C						
Electronic Goods Store (Retail Only)												P	P	P			C	C	+	C	P	C	P	P	C						
Florist Shop (Retail Only)												P	P	P			P	P	+	P	P	P	P	P	C						
Food Store/Supermarket ☐												P	P	P					+			C	P	P	C						
Furniture and/or Appliance Store (Retail or Rental Only, Indoor Only)												P	P	P			C	C	+		P		P	P	C						
Furniture Repair and Upholstering (No Outside Storage)																			+					C	P	C					
Garage and/or Yard Sales	P	P	P	P	P	P	P	P	P	P	P						P	P	+	C	C	C	C	C	C						
Garden Shop & Outside Plant Sales (i.e., Plant Nursery)																			+	C	C	C	P	P	C						
Gift or Card Shop (Retail Only)												P	P	P			P	P	+	P	P	P	P	P	C						
Handicraft & Art Object Sales Shop												P	P	P			P	P	+	P	P	P	P	P	C						
Hardware Store ☐												C	C	C			C	C	+	C	C	C	P	P	C						



Types of Land Uses	Residential Zoning Districts											Mixed Use Districts					Non-Residential Zoning Districts														
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT	OP	BP-288	NS	GB	GC	M-1	M-2					
												S1	S2	S3	S4	S5															
Piano and Musical Instruments (Retail Only)												P	P	P						+						P	P	P	C		
Restaurant (With Drive-In and/or Drive-Thru Service)												C	C	C					C	+						C	P	P	C		
Restaurant (With No Drive-In or Drive-Thru Service)												P	P	P					C	C	+					C	P	P	C		
Retail Shops, Apparel, Accessories, Gifts & Similar Goods (Other than those listed; No Outside Storage)												P	P	P					C	C	+	P	P				P	P	P	C	
Shoe Store (Retail Only)												P	P	P					C	C	+						P	P	P	C	
Sign Shop (small scale, such as a storefront; includes sign and banner making for retail sale only)																			C	C	+						C	P	P	C	
Stone Monuments - Retail Sales Only																			C	C	+								C	C	
Studio, Decorator & Display of Art Objects												P	P	P					C	C	+						C	P	P	C	
Studio, Photographer, Artist, Music, Drama, Dance												P	P	P					C	C	+						C	P	P	C	
Studio, Health Reducing or Similar Service												P	P	P					C	C	+						C	P	P	C	



Types of Land Uses	Residential Zoning Districts											Mixed Use Districts					Non-Residential Zoning Districts											
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT	OP	BP-288	NS	GB	GC	M-1	M-2		
												S1	S2	S3	S4	S5												
Fraternal Organization ☐	C	C	C	C	C	C	C	C	C	C	C	C	C	C					+	P	P	P	P	P				
Fraternity or Sorority House ☐	C	C	C	C	C	C	C	C	C	C	C	C	C	C					+	P	P	P	P	P				
Governmental Building or Use (County, State or Federal)	C	C	C	C	C	C	C	C	C	C	C	C	P	P	C	C	C	C	+	P	P	P	P	P	P	P	P	P
Home for Alcoholic, Narcotic or Psychiatric Patients										C									+	C	C		C	C				
Hospice (Defined Under Household Care Facility)	P	P	P	P	P	P	P	P	P	P	P								+	P			P					
Hospital (Non-Profit) ☐										C		C			C	C			+	C	P	C	P	P	P	P	P	P
Hospital (For Profit) ☐										C		P			P	P			+	C	P	C	P	P	P	P	P	P
Institution of Religious, Educational or Philanthropic Nature	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	C	C	+	P	P	P	P	P				
Library, Public										C			P	P					+	P	P	P	P	P				
Mortuary/Cemetery (Including Masoleum/Crematorium)																	C		+					P	P			
Municipal Public Administration Offices	C	C			C	C	C	C		C	C		P						+	P			P	P	P	P	P	P
Museum (Indoors Only)													P	C					+	P	P	P	P	P				
Nursing/Convalescent Home (Defined Under Skilled Nursing Facility)										P					C				+	C	C	C	C	P				
Penal or Correctional Institutions																			+							P	P	
Public Assembly (Auditorium, Gymnasium, Stadiums etc.)													P						+		C		P	P	P	P	P	P
Rectory/Parsonage	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	C	C	+	P	P	P	P	P				
Retirement Housing for the	See "Assisted Living Facility"																											



Types of Land Uses	Residential Zoning Districts											Mixed Use Districts						Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT	OP	BP-288	NS	GB	GC	M-1	M-2	
												S1	S2	S3	S4	S5											
Radio or Television or Microwave Towers (Commercial) <i>{See Telecommunications Regulations, Chap.2, Art. 5, Div. 5 of the UDC}</i>		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	+	C	C	C	C	C	C	P	P	
Radio or Television Transmitting Station (Commercial) <i>{See Telecommunications Regulations, Chap. 2, Art. 5, Div. 5 of the UDC}</i>	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	+	C	C	C	C	C	C	P	P	
Sanitary Landfill (Private)																		+							C	C	
Sanitary Landfill (Public)																		+							C	C	
Railroad Team Track or Freight Depot																		+						P	P	P	
Satellite Dish (Private, less than 4' in diameter) <i>{See Telecommunications Regs. Chp. 2, Art. 5, Div. 5 of the UDC}</i>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	+	P	P	P	P	P	P	P	P	
Satellite Dish (greater than 4' in diameter) <i>{ See Telecommunications Regs. Chp. 2, Art. 5, Div. 5 of the UDC}</i>																		+	C	C	C	C	C	C	C	C	
Telephone Business Office														P				+	P	P	P	P	P	P	P	P	
Telephone Exchange Switching Relay & Transmitting Equipment	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	+	C	C	C	C	C	C	C	C	
Utility Shops or Storage, Yards and Building																		+						C	P	P	P



Types of Land Uses	Residential Zoning Districts											Mixed Use Districts						Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT	OP	BP-288	NS	GB	GC	M-1	M-2	
												S1	S2	S3	S4	S5											
Contractor's Office/Sales, No Outside Storage including Vehicles																				+	C	C	C	P	P	P	P
Contractor's Temporary On-Site Construction Office (only with permit from B.O.)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	+	P	P	P	P	P	P	P
Dance Hall or Night Club ☒												C		C						+				C	P		
Drive-In Theater																				+				C	P		
Electronic Assembly																		C		+				P	P	P	
Exterminator Service/Company (No outdoor sales or storage)																		C		+		C	C	P	P	P	P
Fur/Hide Tanning and Finishing																				+					P	P	
Furniture/Appliances - Open Storage & Retail Sale																				+				P	P	P	
Gravestone/Tombstone Sales																				+				P	P	P	
Heavy Machinery Sales, Storage & Repair ☒																				+				C	P	P	
Heating & Air-Conditioning Sales/Services																		C		+				C	P	P	P
Home Sales office-temp(for new subdivision)	P	P	P	P	P	P	P	P	P	P	P									+							
Laboratory, Scientific or Research {Defined Under Scientific and Industrial Research Laboratories}														P	P	C	C			+	C	P	C	C	P	P	P
Laboratory, Medical or Dental														P	P	C	C			+	C	P	C	P	P	P	P
Lawnmower Sales and/or Repair																				+				C	P	C	



Types of Land Uses	Residential Zoning Districts											Mixed Use Districts						Non-Residential Zoning Districts											
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT	OP	BP-288	NS	GB	GC	M-1	M-2			
												S1	S2	S3	S4	S5													
Printing Equipment, Supplies and Repairs																		C	+							C	P	P	P
Propane Sales (Retail)																			+							C	P	P	P
Quick Lube/Oil Change/Minor Inspection																			+							C	P	P	P
Railroad, Bus, Light Rail Passenger Station (Public)												C	C	C	C	C			+							P	P	P	P
Railroad Team Tracks, Freight, Depot or Docks																			+									P	P
Railroad Tracks & Right-of-Way	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	+	C	C	C	C	C	C	C	C	C	C
Reproduction of Blueprints															C	P			+	C	P					P	P	P	P
Sheet Metal Shop																		C	+								P	P	P
Storage of Used Lumber and Building Materials																		C	+								C	P	P
Taxidermist																			+								C	P	P
Tool and Machinery Rental (Indoor Storage only)																		C	+							C	P	P	P
Tool and Machinery Rental (with Outdoor Storage)																			+								C	P	P
Trailer Home Sales or Rental Only																			+								C	C	C
Transfer Storage & Baggage Terminal																			+								P	P	P
Upholstery Business																		C	+							C	P	P	P
Vacuum Cleaner Sales and Repair																			+							C	P	P	P







### Section 2.6.2.1 Applicability & Requirements

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

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

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

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

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

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

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

a. Existing buildings shall also conform to façade requirements upon a change of occupancy, occupant (if use has been abandoned per Section 2.7.3.6), or expansion exceeding **one thousand five hundred (1,0500)** square feet in area of exterior dimensions of a nonresidential or multi-family structure for which a permit is required.

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

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

1. Any building that contains a single business and that has a footprint of eighty thousand (80,000) square feet or more.

2. Any building that contains multiple businesses and that has a footprint of eighty thousand (80,000) square feet or more.

3. Multiple buildings and/or multiple businesses on a single site or parcel of land.

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

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

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

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

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

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

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

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

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

(c) **Materials Permitted.**

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

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

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

(d) **Exemptions.**

(1) New and existing structures within industrial zoning districts, M-1 Light Industrial district or the M-2 Heavy Industrial district, located along Mykawa Road between Orange Street and Beltway 8 Scott Lane, and between the railroad tracks and Scott Lane Hatfield

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

(2) Existing Structures:

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

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

### Section 2.7.3.7 Special Exceptions for Nonconformities

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

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

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

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

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

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

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

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

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

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

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

1. screening (of dumpsters, loading areas, equipment, etc.) – full compliance for entire property

2. fencing or screening of property/use – compliance for new construction and/or entire property as may be required by the ZBA as a condition of the special exception

3. buffers – same as landscaping buffers, above

c. façade (including building articulation, transparency of building materials, and building color palette) – compliance for new construction and/or entire property as may be required by the ZBA as a condition of the special exception

d. setback/lot dimensions – full compliance for new construction only

e. sidewalks – full compliance for entire property

f. parking – full compliance for new construction, additional compliance for entire property as may be required by the ZBA as a condition of the special exception

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

a. Landscaping - As required within the applicable zoning district (Chapter 2) and/or in Chapter 4, Article 2, Division 2;

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

c. Façade requirements - As required within the applicable zoning district (Chapter 2) and/or in Chapter 2, Article 6, Division 2.

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

### Section 4.1.3.2 Improvements & Related Triggers

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

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

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

- (1) Structure Square Footage: Any expansion of a structure shall trigger the improvements required under (a) (3) and (a) (5). An expansion of a structure that is equal to or more than one thousand exceeds five hundred (1,000) square feet (500 ft<sup>2</sup>) shall trigger the improvements required under (a) (1), (a) (2), and (a) (4).
- (2) Structure or Property Value: An expansion or improvement of a structure that improves the appraised value of the structure or property by more than fifty percent (50%).
- (3) Parking Spaces Increase: An increase in the number of parking spaces equal to or more than twenty percent (20%). In this case, facade material requirements shall not be required.

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

(a) Development within the Old Townsite (OT) district shall be required to comply with this Section of the UDC unless otherwise outlined in Section 2.4.3.4 OT, Old Townsite.

(b) In all zoning districts, off-street parking spaces shall be provided in accordance with the requirements of this division at the time any building or structure is erected or structurally altered, or whenever there is a change to a new use with respect to the standards of this division.

(c) It is the intent of these regulations to prevent the reduction of existing off-street parking and loading spaces to less than the minimum amounts that would be required if the existing use of the structure had been established or erected in full compliance with the provision herein.

(d) No Certificate of Occupancy shall be issued, no use shall be established or changed, and no structure—~~including parking facilities~~—shall be erected, enlarged, or reconstructed unless the off-street parking and loading spaces are provided in the minimum amount and maintained in the manner specified in these regulations, provided, however:

(1) For the enlargement of a structure or for the expansion for a use of a structure or land there shall be required only the number of off-street loading spaces as would be required if such enlargement or expansion were a separate new structure or use; and

(2) For a change in the use of a structure or land, the number of off-street parking and loading spaces required shall be equal to the number required for the new use.

(e) In all zoning districts, parking and loading areas shall not be used for refuse containers, for the repair, storage, dismantling, or servicing of vehicles or equipment, for the storage of materials or supplies, or for any other use in conflict with the designated parking and loading areas.

#### Section 4.2.5.4 Multi-Tenant Signs

(a) **Applicability.** A multi-tenant sign shall be required on lots with more than one (1) use or business in conformance with Section 4.2.5.4., except as follows:

- (1) A use or business shall be permitted to erect an on-premise ground sign when such use or business has at least one hundred and fifty feet (150') of frontage.
- (2) A use or business that erects an on-premise ground sign shall not be listed on any multi-tenant sign.

(b) **Standards.** Permanent multi-tenant signs are subject to the following standards:

- (1) **Type:** All multi-tenant signs shall be ground signs.
- (2) **Number Allowed:** The number of multi-tenant signs on one (1) site is limited to one (1) per six hundred (600) linear feet ~~(or less)~~ of street frontage unless said frontage is on State Highway 288 or Beltway 8, in which case the limit per property or development is one (1) multi-tenant sign per one thousand (1000) linear feet of street frontage. The cumulative street frontage shall be calculated for corner lots. The following are not counted in this limitation:
  - a. Additional directional signs up to two (2) square feet in area each, provided the number of these signs does not exceed the number of driveways; and,
  - b. Subdivision identification signs in accordance with Section 4.2.5.3.
- (3) **Maximum Height:** The maximum height of any on-premise sign shall not exceed fifteen feet (15'), unless the sign is located on a property or development with frontage on State Highway 288 or Beltway 8, in which case the maximum height shall not exceed twenty two (22') feet. The portion of the base of the sign within two feet (2') of the grade of the ground shall not be included in the height calculation (refer to *Figure 4-6*). For properties located below the grade of an adjacent highway an additional height of up to ten feet (10') above the grade of the highway at the sign location may be allowed by a Conditional Use Permit.
- (4) **Maximum Sign Area:** A multi-tenant sign shall have a maximum sign area according to the following:
  - a. One Three hundred (4300) square feet, plus twenty (20) square feet per tenant advertised on the sign, or two hundred (200) square feet, whichever is lesser, when erected on property located in on the State Highway 288 corridor or Beltway 8; or
  - b. One hundred (100) square feet, plus ten (10) square feet per tenant advertised on the sign, or one hundred and fifty (150) square feet, whichever is lesser, in all other locations.
  - c. Each tenant may have a different size sign; each sign does not have to be the same size.
  - d. The effective area shall be measured from the highest point on the sign to the elevation of the center of the base of the sign by the width at the highest point (refer to *Figure 4-7*). Changeable message signs or marquee signs may be part of a ground sign, but shall not cover more than seventy-five percent (75%) of the effective area.
- (5) **Location:** No multi-tenant sign shall be closer than ten feet (10') to any property line, or fifteen feet (15') from any property line for properties on State Highway 288 or Beltway 8.

### Section 5.1.1.1 General Definitions

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

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**GAMING ESTABLISHMENT:** A video arcade, game room, or other establishment that has more than four (4) coin-operated amusement machines or eight-liners for use by its patrons.

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