

MINUTES OF THE JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON JULY 16, 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 7:32 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 Vice-Chairperson Sheryl Greiner
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 Henry Fuertes
Council Member Woody Owens	P & Z Commissioner Darrell Diggs
Council Member Steve Saboe	

Also in attendance: City Attorney Darrin Coker; Deputy City Attorney Nghiem Doan; City Manager Bill Eisen; Assistant City Manager Nicholas Finan; Assistant 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.

Mayor Reid opened the hearing for Zone Change No. 2007-08Z at 7:35 p.m.

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

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

Vice-Chairperson Greiner read the purpose of the hearing.

Senior Planner Grahmann read the Staff report stating that the applicant has plans to construct retail, office, and service related uses on the subject property. The property is currently undeveloped, and will need to be platted, prior to the issuance of a building permit. Staff recommends denial of the zone change for General

Commercial (GC), but would support a zone change for General Business (GB) for the reasons stated in the Staff report.

The applicant was not present to speak for or against the Zone Change.

There was no one present to speak for or against the Zone Change.

Council member Kyle stated she agreed with Staff's recommendation.

The public hearing for Zone Change No. 2007-08Z was adjourned at 7:43 p.m.

The public hearing for Conditional Use Permit No. 2007-13 was opened at 7:43 p.m.

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

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

Vice-Chairperson Greiner read the purpose of the hearing.

Senior Planner Grahmann read the Staff report stating new Public Comment Forms were received. Staff recommended denial for the reasons stated in the Staff report.

The owner, Renee McGuire of 7918 W. Broadway #106, Pearland, TX 77581 spoke in favor and showed the Site Plan and future plans of the area, both north and south.

President of Tal-Con, Charlie Talbert of 7501 Westview Dr., Houston, TX 77055 showed site plans and spoke in favor.

Chris Talbert of Tal-Con, 7501 Westview Dr. Houston, TX 77055 spoke in favor while giving a more descriptive overview.

The following spoke in favor or against the conditional use permit.

Mr. Greg McAuley of 3909 Travis Lake Ct., Pearland, TX 77581, spoke on behalf of the homeowners association of Towne Lake Estates, expressing concerns with the effect on the neighborhood, and the aesthetics as you approach the area.

Mr. Ronald Reed Leistad of 4147 S. Main St., Pearland, TX 77581, spoke as owner of the storage facility further south on Main St. Mr. Leistad feels the CUP for this facility is not in the best interest of other storage facilities and asked the Planning and Zoning Commission to deny the CUP.

Mr. Larry Marcott of 3606 Inverness Ct., Pearland, TX 77581, spoke that this was not the highest and best of use of the property. Mr. Marcott asked that the comments from tonight and from the June 4, 2007 meeting be considered.

Dr. Britta Thompson of 3904 Canyon Lake Drive, Pearland, TX 77581 spoke in opposition for the following reasons: her children's safety due to concern of what is stored in the facilities, drainage and flooding, and asked that zoning of Neighborhood Services be looked at for this area on Main St.

Council Member Cole inquired about the future plans for drainage of this area. Mr. John English of Rekha Engineering, 5101 Hollister, Houston, TX spoke of their plans.

Council Member Saboe stated he agreed with Mr. Marcott, that this was not the highest and best use of the land.

Commissioner Diggs inquired about a Planned Unit Development.

Council Member Owens stated it may not be the highest and best use of the land, but could be worse. Mr. Owens stated he felt this was an acceptable use.

Council Member Cole talked about the monitoring of the facility. Mr. Chris Talbert stated that the applicants would be screened before leasing to them. Mr. Cole asked about doing a market study of storage facilities, their needs, and occupancy. Mr. Cole also added he was in favor of a PD, as Commissioner Diggs had commented on. Commissioner Sherrouse also stated she was in agreement with a PD.

The public hearing for Conditional Use Permit No. 2007-13 was adjourned at 7:43 p.m.

The public hearing for Conditional Use Permit No. 2007-11 was opened at 7:43 p.m.

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

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

Commissioner Sherrouse read the purpose of the hearing.

Senior Planner Grahmann read the Staff report stating the applicant already provides a child care in her home on the subject property, but the facility is limited to 8 children or less. The applicant wants to expand the facility and move the day care to another structure located on the subject property, thus providing more room to

allow more children. Staff recommends denial of the CUP, for reasons stated in the Staff report.

Mr. Derron Whitaker of 2538 O'Day Rd., Pearland, TX 77581 spoke on behalf of the applicant emphasizing the need for infant daycare.

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

Council Member Cole stated that in general, he likes what the applicant has proposed.

Commissioner West asked what they are lacking, meeting the setbacks. Planning Director Krishnarao stated that Staff would not know until they submitted a site plan.

There was much discussion among the Council/Commission/Staff.

Council Member Sabao asked if the CUP treated which building they operated out of. Senior Planner Grahmann explained that this could be added as a condition to the CUP.

Mr. Massoud Motamedi, owner, of 14311 Harvest Oaks Ct., Houston, TX 77062 spoke about the challenges the owners have in the mixed-use district.

Discussion ensued over Mixed-Use Districts, and buffering and parking.

The public hearing for Conditional Use Permit No. 2007-11 was adjourned at 9:09 p.m.

ADJOURNMENT

Mayor Reid adjourned the hearing at 9:09 p.m.

These minutes are respectfully submitted by:

Judy Krajca
Planning Administrative Secretary

Minutes approved as submitted and/or corrected on this 13th of August, A.D., 2007.

Mayor Tom Reid

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JULY 16, 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. 2007-08Z

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

Legal Description: 10.00 acres of land, Abstract 242, H.T. & B.R.R. Company Survey, Tract 1A5, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the East Side of Old Chocolate Bayou Road, and Approximately 1,300 Feet South 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 JULY 16, 2007

Zone Change No. 2007-08Z

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

LEGAL DESCRIPTION: 10.00 acres of land, Abstract 242, H.T. & B.R.R. Company Survey, Tract 1A5, City of Pearland, Brazoria County, Texas

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

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

Planning and Zoning Commission: July 16, 2007*

City Council for First Reading: August 13, 2007*

City Council for Second Reading: August 27, 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 both General Business-Retail District (GB) and Single Family Residential – 1 District (R-1). The applicant has plans to construct retail, office, and service related uses on the subject property. 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	General Business Retail District (GB) and Single Family Residential – 1 District (R-1)	Undeveloped tract
South	General Business Retail District (GB) and Single Family Residential – 1 District (R-1)	Undeveloped tract
East	Multi-Family District (MF)	Apartment Complex
West	General Business Retail District (GB)	Office and retail development

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.

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 both "Retail, Offices, and Services" and "Low Density Residential" for the subject property, and for many of the surrounding properties. The Comprehensive Plan further indicates that the appropriate zoning districts for "Retail, Offices, and Services" are the General Business Retail District (GB), the

Neighborhood Service District (NS), and the Office and Professional District (OP), and 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 has frontage on Old Chocolate Bayou 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 Old Chocolate Bayou 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 Cullen Boulevard. There is no sanitary sewer line located adjacent to 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.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The subject property is currently under two different zoning districts. The western half of the subject property is zoned as GB, and the eastern half is zoned as R-1. A zone change to a non-residential district such as GB may be appropriate in this area. The intersection of FM 518 and Cullen Boulevard/Old Chocolate Bayou Road is largely zoned General Business District, and many properties are currently developing with retail, office, and service type uses. During the joint public hearing held in June, the property directly to the north of the R-1 tract was considered for a zone change to GB and was recommended for approval by the Planning and Zoning Commission.

It is unlikely that the subject property would be developed for residential uses as a portion of it is currently zoned. There are other R-1 tracts located directly to the south, but it appears that they are landlocked and would have difficulties with access and circulation if developed with residential uses. In fact, the existing R-1 fronting on Fite Road, between the GC and MF tracts, is developed with a commercial/industrial business and access may not be available to Fite Road for a residential development. Also, with the multi-family zoning and apartment complex located to the east of the subject property, the subject area may not be appropriate for a residential development.

It is unclear why the applicant is requesting a GC district rather than a GB only for the portion that is currently zoned as R-1. The applicant has indicated that they are interested in building retail, office, and medical uses on the subject property, all of which are currently permitted in the GB district. Due to the surrounding zoning districts primarily being zoned as GB and due to the location of the multi-family residential, Staff believes that the subject property could be zoned GB and could accommodate the applicant's development. Staff does not recommend approval of a GC district, but we would recommend approval of a GB district.

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, but Staff supports a zone change for GB, for the following reasons:

1. The proposed zone change for GC does not conform to the Future Land Use Plan designation of retail, office, and service uses. Although the Future Land Use Plan also designates the subject property for low density residential uses, it is unlikely that a residential subdivision would develop in this area.
2. Half of the subject property is currently zoned as GB, and the subject property could be developed with GB uses, which would be compatible with the surrounding zoning districts and developments.
3. It is unlikely that the eastern half of the subject property would be developed for R-1 uses, due to it being landlocked, and due to it being surrounded on GB districts and on the east side by a MF district.

SUPPORTING DOCUMENTS:

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



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

Proposed Zoning District: COMMERCIAL ZONING

Property Information:

Address or General Location of Property: A0242 H T & B R R, TRACT 1a5
10 ACRES

Tax Account No. 0242-0007-150

Subdivision: CR 89 VACANT LAND 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 KUBERA INVESTMENTS PARTNERSHIP
ADDRESS 54 Stalybridge St
CITY Sugar Land STATE TX ZIP 77479
PHONE(713) 785-4567
FAX(713) 785-0011
E-MAIL ADDRESS _____

APPLICANT INFORMATION:

NAME Mr. DOMODAR BATTU - GENL PARTNER
ADDRESS 54 Stalybridge Street
CITY Sugar Land STATE TX ZIP 77479
PHONE(713) 785-4567
FAX(713) 785-0011
E-MAIL ADDRESS _____

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: *Domodar Battu* Date: May 31, 2007

Agent's Signature: _____ Date: _____

OFFICE USE ONLY:

FEES PAID: <u>\$275⁰⁰</u>	DATE PAID: <u>6/26/07</u>	RECEIVED BY: <u><i>toy</i></u>	RECEIPT NUMBER: _____
--------------------------------------	---------------------------	--------------------------------	-----------------------

Application No. 2007-08Z

Kubera Investments
C/O Mr. Domodar Battu – Genl Partner
54 Stalybridge Street
Sugar Land, TX. 77479
713-785-4567 Tel
713-785-0011 Fax

May 31, 2007

City of Pearland
Community Development
3523 Liberty Drive
Pearland, TX. 77581

RE: A0242 H T & B R R, Tract 1A5
10 Acre Tract on CR 89

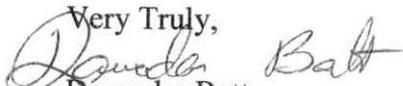
Dear Sir,

Please find enclosed the application for A Change in Zoning for the property whose Survey is attached.

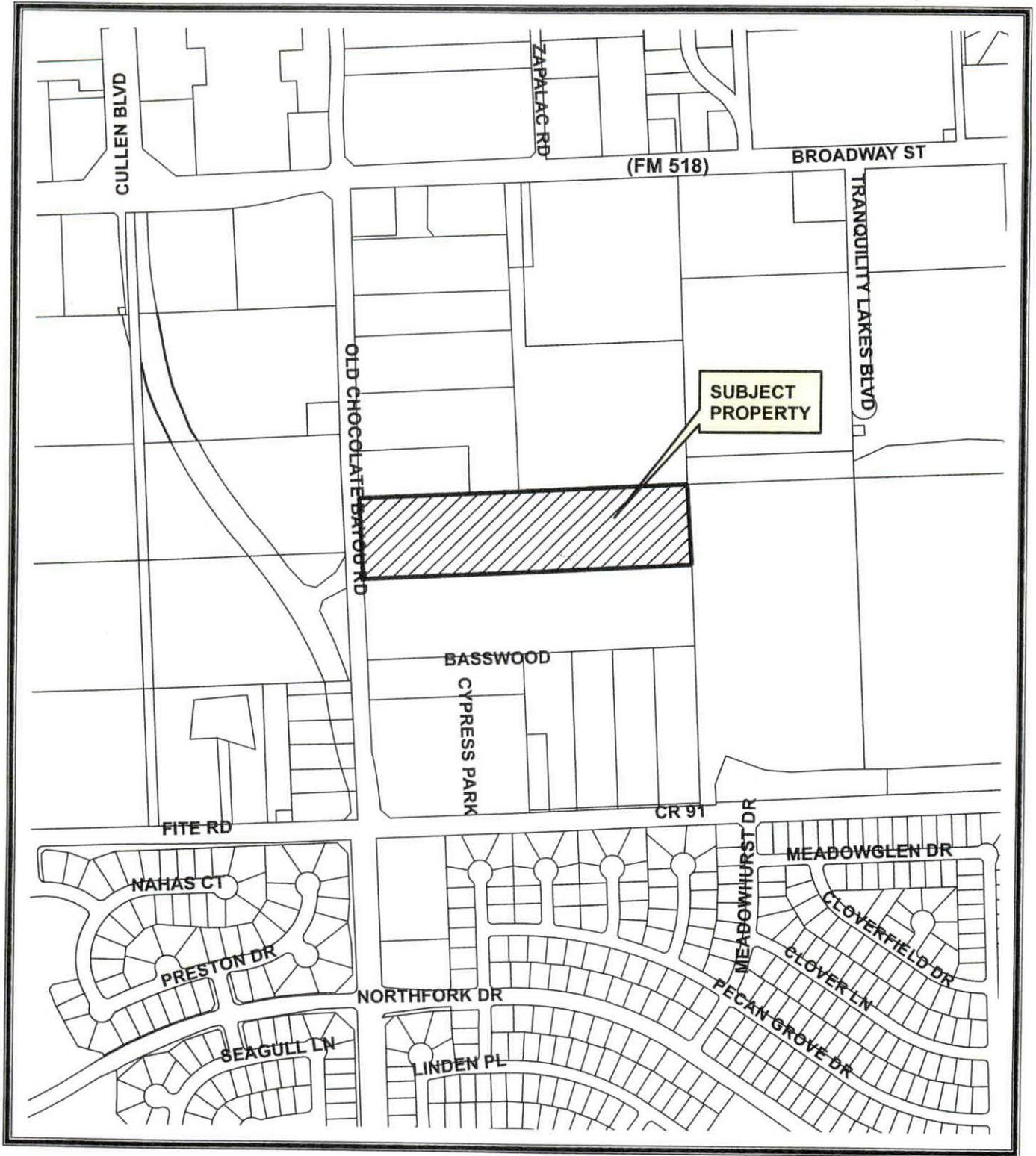
We are planning to build Office, Medical and Retail Center in the above referenced land. Hence, we are requesting to change the zoning suitable for this purpose. Our homework, traffic count, neighborhood statistics clearly shows that there is a justifiable need for a Center catering Commercial needs.

A check for \$ 275.00 is enclosed toward the fees.

Your approval of our request and blessing our plans of construction is gratefully appreciated.

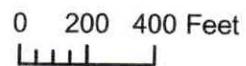
Very Truly,

Domodar Battu
General Partner

Encl: Check # 1225 for \$ 275.00
Survey Map of Property
Copy of 2005 Tax Statement
Application for Change in Zoning dated 5/31/07

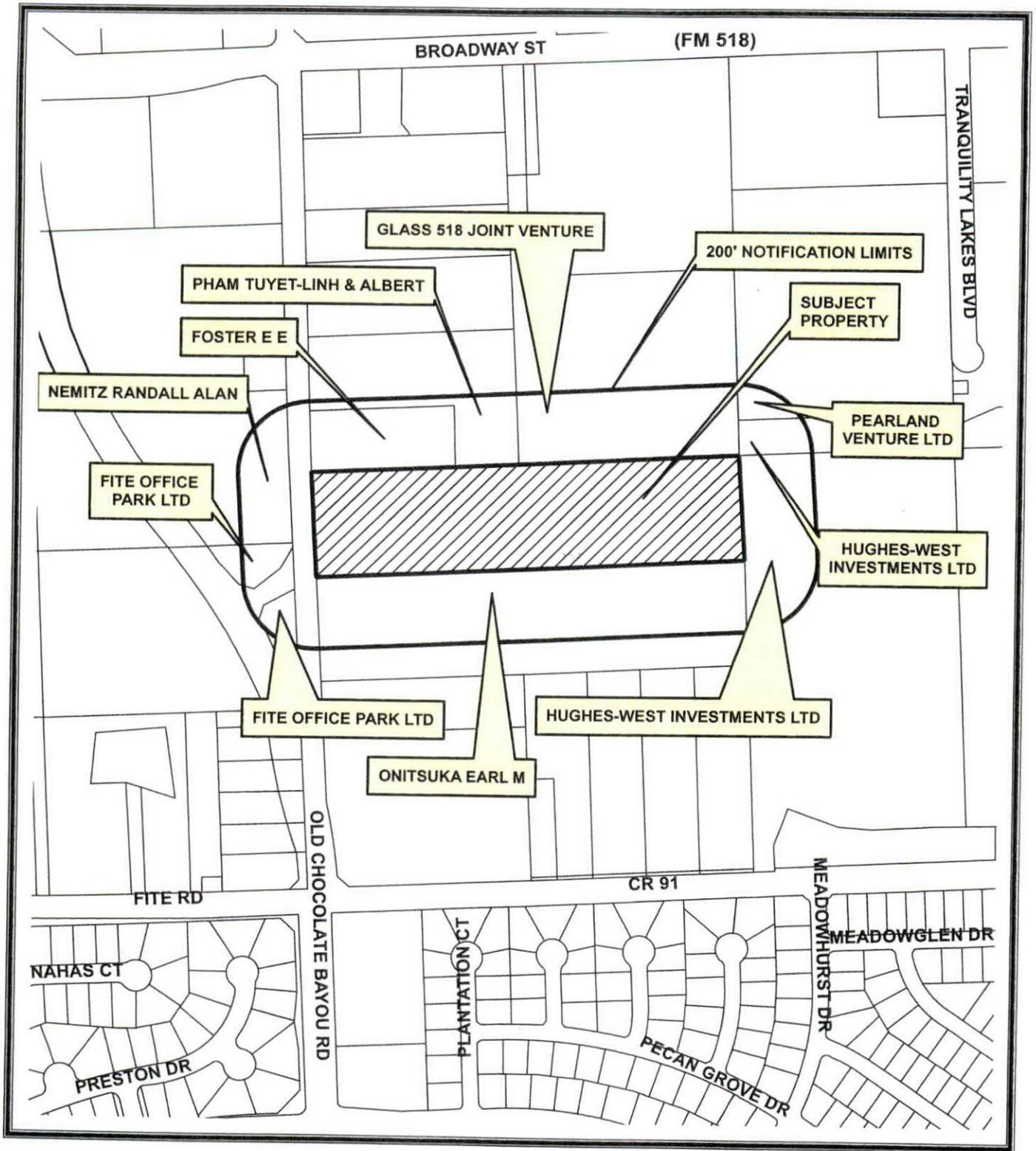


LOCATION MAP

**Zone Change
No. 2007-08Z**



Map Prepared on July 2, 2007



OWNERSHIP MAP

Zone Change
No. 2007-08Z

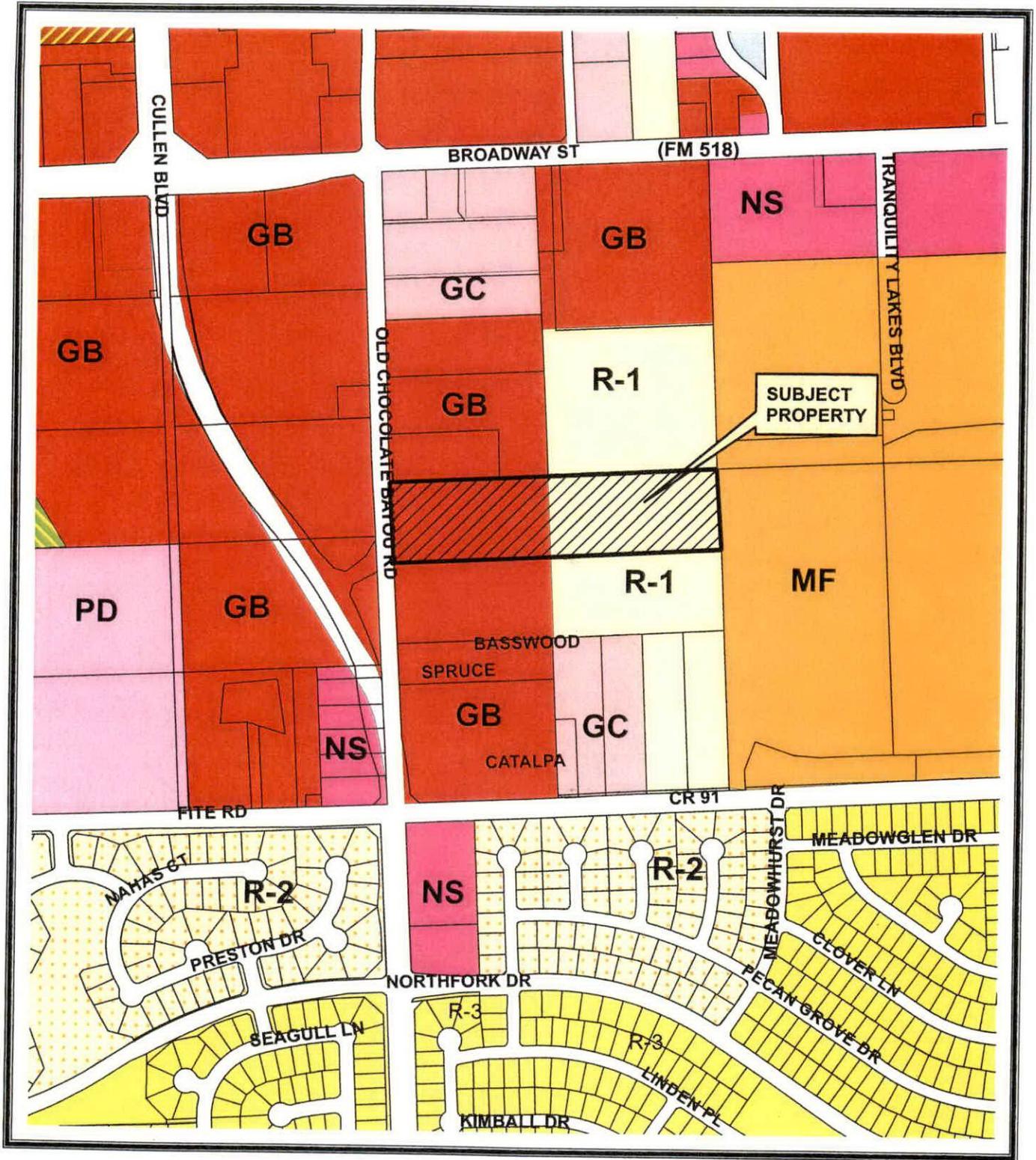


0 200 400 Feet

Map Prepared on July 2, 2007

ZONE CHANGE NO. 2007-08Z
Property Owner Notification List

<u>TAX ACCT</u>	<u>OWNER</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>ST</u>	<u>ZIP CODE</u>
0242-0015-140	PEARLAND VENTURE LTD	11123 KATY FWY	HOUSTON	TX	77079-2102
0242-0002-005	GLASS 518 JOINT VENTURE	3232 HUNTINGDON PL	HOUSTON	TX	77019-5926
0242-0011-110	PHAM TUYET-LINH & ALBERT	1315 CASTLE GLEN DR	HOUSTON	TX	77015-1905
0309-0018-000	NEMITZ RANDALL ALAN	2906 OLD CHOCOLATE BAYOU RD	PEARLAND	TX	77584-8995
0242-0008-000	FOSTER E E	12 SHADY OAKS DR	HUNTSVILLE	TX	77320-0278
0242-0015-000	HUGHES-WEST INVESTMENTS LTD	7918 BROADWAY ST STE 106	PEARLAND	TX	77581-7758
0242-0015-000	HUGHES-WEST INVESTMENTS LTD	7918 BROADWAY ST STE 106	PEARLAND	TX	77581-7758
	DOMODAR BATTU	54 STALYBRIDGE ST	SUGAR LAND	TX	77479
0242-0007-150	KUBERA INVESTMENTS	54 STALYBRIDGE ST	SUGAR LAND	TX	77479-2958
0309-0034-000	FITE OFFICE PARK LTD	7757 SAN FELIPE ST STE 204	HOUSTON	TX	77063-1606
0309-0034-001	CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581-5416
0242-0007-130	ONITSUKA EARL M	PO BOX 1461	PEARLAND	TX	77588-1461
0309-0034-000	FITE OFFICE PARK LTD	7757 SAN FELIPE ST STE 204	HOUSTON	TX	77063-1606



ZONING MAP

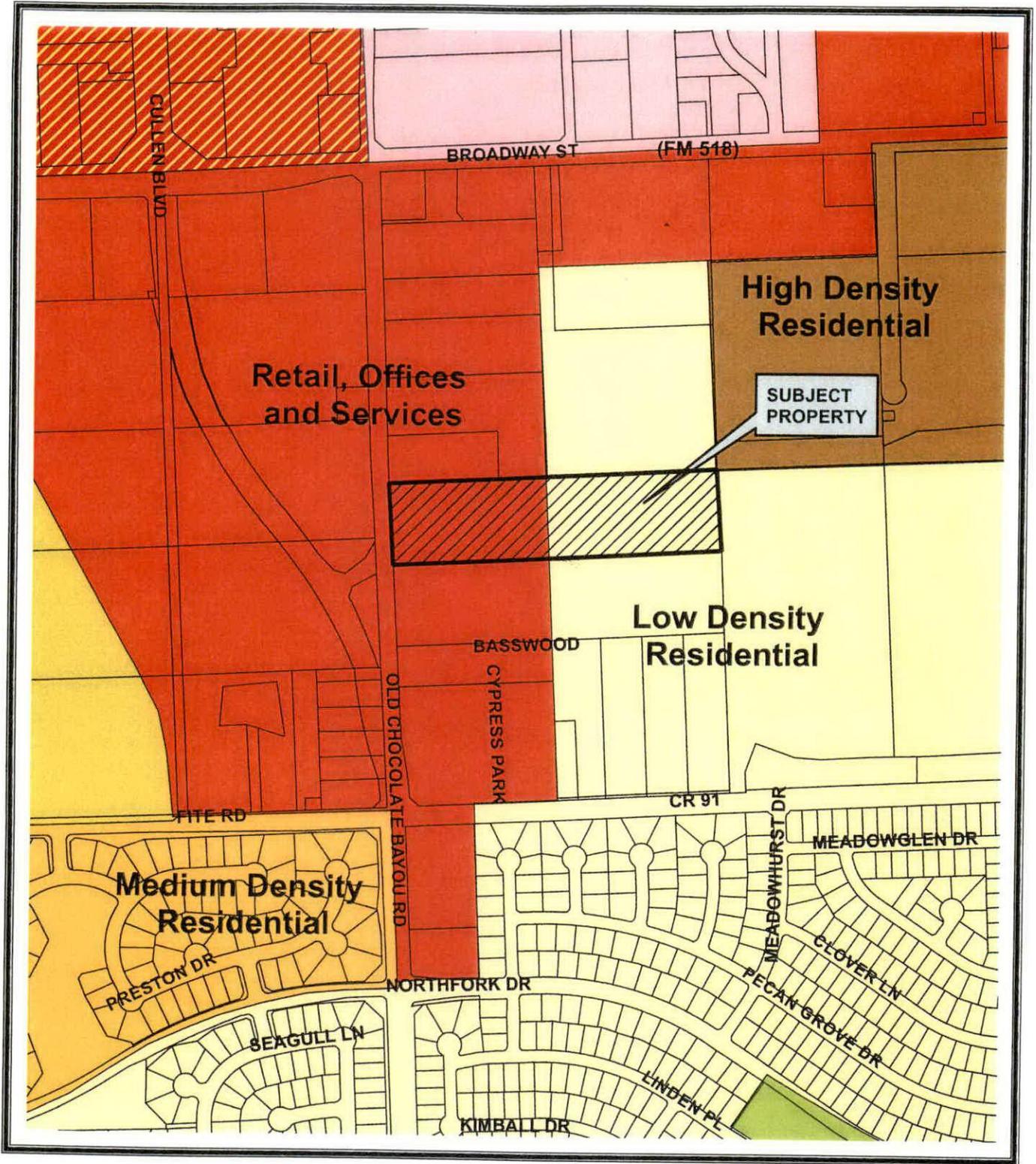
Zone Change
No. 2007-08Z



0 200 400 Feet



Map Prepared on July 2, 2007



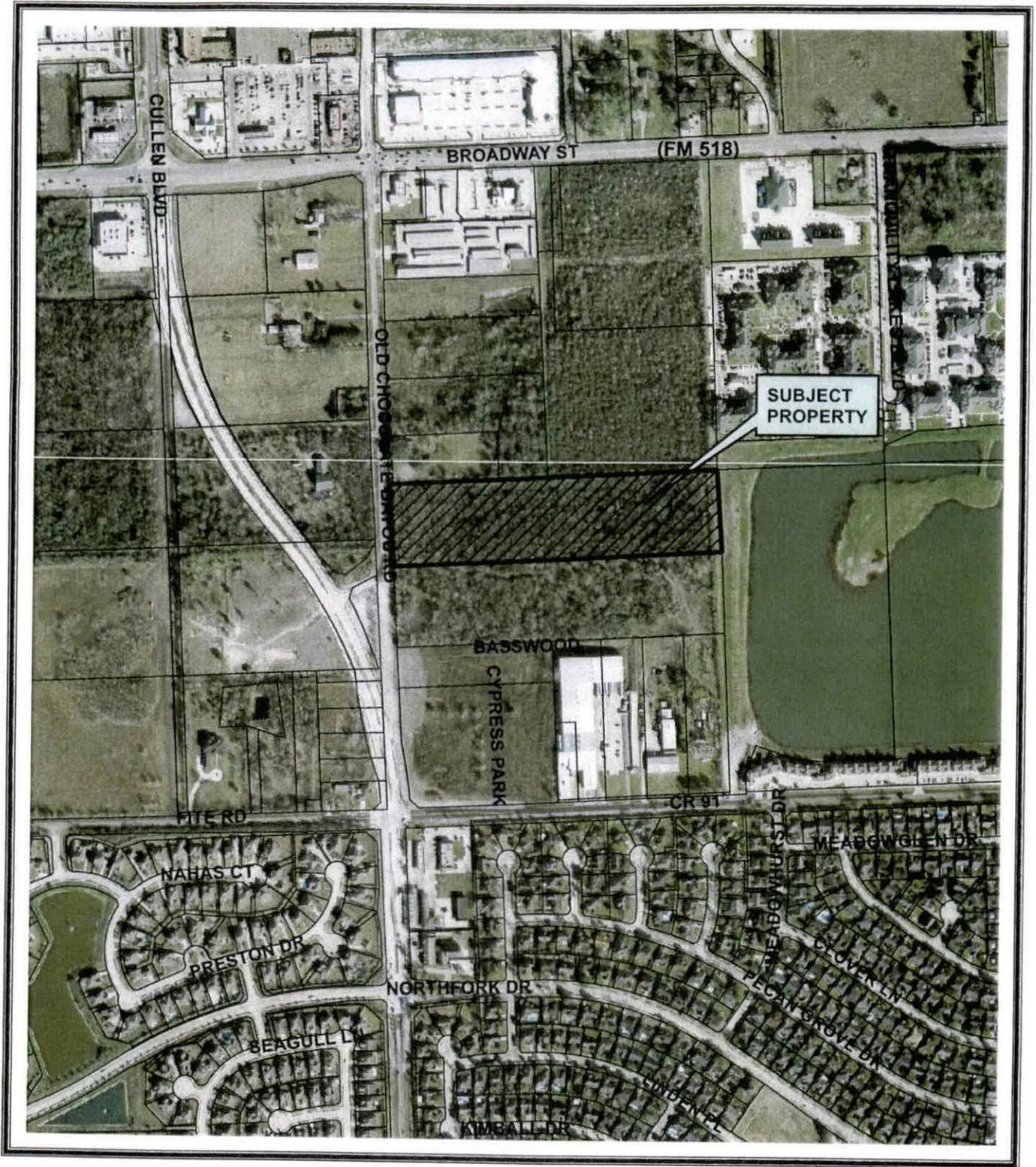
FUTURE LAND USE PLAN

**Zone Change
No. 2007-08Z**



0 200 400 Feet

Map Prepared on July 2, 2007



AERIAL PHOTOGRAPH

Zone Change
No. 2007-08Z



0 200 400 Feet
[Scale bar with three segments]

Map Prepared on July 2, 2007

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JULY 16, 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

Conditional Use Permit No. CUP2007-11

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

Legal Description: Lot 13 of Garden Acres Subdivision, Section 3, Abstract 219, H.T. & B.R.R. Company Survey, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the West Side of O'Day Road, and Approximately 850 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 JULY 16, 2007

Conditional Use Permit No. CUP 2007-11

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

LEGAL DESCRIPTION: Lot 13 of Garden Acres Subdivision, Section 3, Abstract 219, H.T. & B.R.R. Company Survey, City of Pearland, Brazoria County, Texas

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

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

Planning and Zoning Commission Meeting: July 16, 2007

SUMMARY: The applicant is requesting approval of a Conditional Use Permit (CUP) for a day care for children in the Garden O'Day Mixed Use District (GO-MU). The applicant already provides child care in her home on the subject property, but the facility is limited to 8 children or less. The applicant would like to expand the facility and move the day care to another structure located on the subject property, which would allow the applicant more room to allow more children. The applicant has indicated that she would increase the number of children to 20. A day care for children is permitted in the GO-MU district by approval of a Conditional Use Permit.

A preliminary site plan has been submitted with the CUP application. If the CUP is approved, the applicant will be required to submit a building permit application, in which the site plan, landscape plan, and all other building plans and site development will be reviewed for conformance with all codes and ordinances applicable. The attached site plan is not approved as part of the approval of this Conditional Use Permit.

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	Garden O'Day Mixed Use District (GO-MU)	Single family residence
South	Garden O'Day Mixed Use District (GO-MU)	Single family residence
East	Garden O'Day Mixed Use District (GO-MU)	Single family residence
West	Single Family Residential – 1 District (R-1)	Single family residence

CONFORMANCE TO UNIFIED DEVELOPMENT CODE (UDC): The subject property is currently zoned as GO-MU. The minimum lot size for the GO-MU district is 22,500 square feet, the minimum lot width is 150 feet, and the minimum lot depth is 125 feet. The subject property currently does not meet the minimum lot width of 150 feet, but exceeds the minimum lot depth and lot 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 conditional use permit application, it appears that the subject property has been platted as Lot 13 of the Garden Acres Subdivision. No further platting is required at this time.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Garden O'Day Mixed Use District" for the subject property, and for many of the surrounding properties fronting onto O'Day Road. The Comprehensive Plan further indicates that the appropriate zoning districts for "Garden O'Day Mixed Use District" is the Garden O'Day Mixed Use District. A day care center for children is permitted in the GO-MU district by the approval of a Conditional Use Permit. Therefore, the proposed conditional use permit does not conflict with the Comprehensive Plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on O'Day Road, a secondary thoroughfare with an ultimate right-of-way of 100 feet.

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

AVAILABILITY OF UTILITIES: There is a water line located on the west side of O'Day Road, and a sewer line located on the east side of O'Day 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 proposed conditional use permit for a day care may have an impact on the surrounding properties. A day care is typically a compatible use adjacent to residential due to the nature of the business.

The subject property is currently being utilized as a single family residence, with an in-home child care facility with a limited number of children. The subject property is less than an acre in size, and is already developed with a residence, a detached residential unit, and another building in the back that the applicant has indicated is not being used. It appears that the site is already built up with many structures and adding child care as a business to the site may be crowding too many uses on the site.

SITE PLAN CONSIDERATIONS:

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

Building Setbacks:

Minimum front yard: 25 feet

Minimum side yard: 10 feet

Minimum rear yard: 25 feet

Maximum height: 35 feet

It is not clear if the proposed site plan meets these setback requirements. From the site plan, it appears that the existing structures encroach into the rear and side yard

setbacks.

Corridor Overlay District:

O'Day Road is not designated as a corridor overlay district.

Building Façade:

Since O'Day Road is designated as a thoroughfare, the Unified Development Code requires that the building be 100 percent masonry or glass for the walls or portions of walls visible from the adjacent roadway or adjacent residential property. It is not clear if the existing structures meet this requirement. The applicant would be required to bring the structure up to code due to this change of use.

Parking:

The applicant will be required to provide parking spaces in accordance with the Unified Development Code. The applicant would have to provide adequate parking spaces, with sufficient backing and maneuvering space. The parking requirement for a day care is 1 space per 300 square feet of gross floor area.

Screening:

The applicant would be required to provide screening between the residential tracts to the north and west. The UDC requires a 25 foot wide landscape buffer, with a 6 foot high masonry fence. It appears that the play areas and existing structures and driveway currently encroach into these buffer areas.

Landscaping:

The applicant would have to submit a landscape plan with the building permit application, and would have to meet all the landscaping requirements stated in the UDC.

Traffic:

A traffic impact analysis (TIA) may be required when the subject property is platted for development. The TIA would determine the impact of the development on the surrounding properties and adjacent roadways, and would also determine the location of driveways.

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

STAFF RECOMMENDATION: Staff recommends denial of the Conditional Use Permit, as proposed by the applicant, for the following reasons:

1. The proposed conditional use permit provides for a day care on a lot that was originally used for a single family residence, and already does not meet the minimum lot size for a non-residential use, the 25 foot landscape buffer requirement, and the building setback requirements. It appears that the site, being quite small in size, may not be able to accommodate the required building setbacks and landscape buffers.
2. The proposed day care may impact the surrounding single family residential lots by creating an increase in traffic.
3. The site was originally constructed as a single family residence, and was not designed for a business, and the addition of the day care business would add more uses to a site that appears to be crowded.

SUPPORTING DOCUMENTS:

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



APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

Page 1 of Application

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

Conditional Use Permit Request for: Moving 8 capacity Residential
home daycare to licensed - 20 capacity,
(list proposed use)

Current Zoning District: _____

Property Information:

Address or General Location: 2538 A Oday

Tax Account No.: 13-4271-0041-000

Subdivision: Garden Acres

Lot: _____ Block: _____

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

NAME Massoud Motamed

ADDRESS 14311 Harvest Glns Ct

CITY Houston STATE Tx ZIP 77062

PHONE (281) 787-5137

FAX (281) 282-9081

E-MAIL ADDRESS _____

* Must be the current property owner at the time of the submittal of the application, not the party that has the property under contract.

APPLICANT INFORMATION:

NAME Karen Whitaker

ADDRESS 2538 B Oday Rd

CITY Pearland TX STATE Tx ZIP 77581

PHONE (281) 485 3464

FAX() _____

E-MAIL ADDRESS annascults@hotmail.com

CUP 2007-11

Request for Conditional Use Permit

Property location: 2538 O'day Road. Pearland, TX 77581

Currently there are two residential units built within the lot on 2538 O'Day Road. One of the units is a 2400 Sq ft house and the other is a 1100 sq ft residential unit which has two bedrooms and its own backyard and utilities. There is 22 ft. wide driveway that is shared by both units. The Leaser of the larger unit that resides at 2538B O'Day is asking for permission from the City of Pearland to use the other building to expand her existing day care operation with the aim to increase the number of children that will be enrolled in her day care from 8 to 20. Presently the larger unit is the location for the residential registered daycare with an approved capacity of 12 children. This daycare has been in operation since April, 2006. Because of limited space that has been available to us within our home, we have kept our enrollment to 8 children. There has been a rather growing interest in the community for the service that we are providing. We have had many parents who have contacted us and are interested in enrolling their children in our daycare program. However, we have found it extremely difficult to expand our operation and share the home and our living area with a larger Daycare; and would like to move the operation out of the residence. If we have approval from the city for conditional use permit and pass inspections for establishing Daycare facility in the building next to our home, our goal is to operate a small day care center in the other building where we will be able to have access to larger space and can enroll up to 20 children in our program.

Property Description

Parking:

The current driveway has a width that can easily allow 2 cars to park parallel on the driveway(22 ft. wide). The depth of the drive is about 7 car lengths. Thus, 14 cars will fit parallel in two rows over the entire length of the driveway. The driveway can be easily widened to expand its width by at least 50%. This will enable us to have sufficient space for parking as well as space for cars to enter the lot, drop children and then turn around and exit the lot through the same driveway. The area that will be designated for parking will be some 20 feet away from the fence that separate this subject from the neighboring lot.

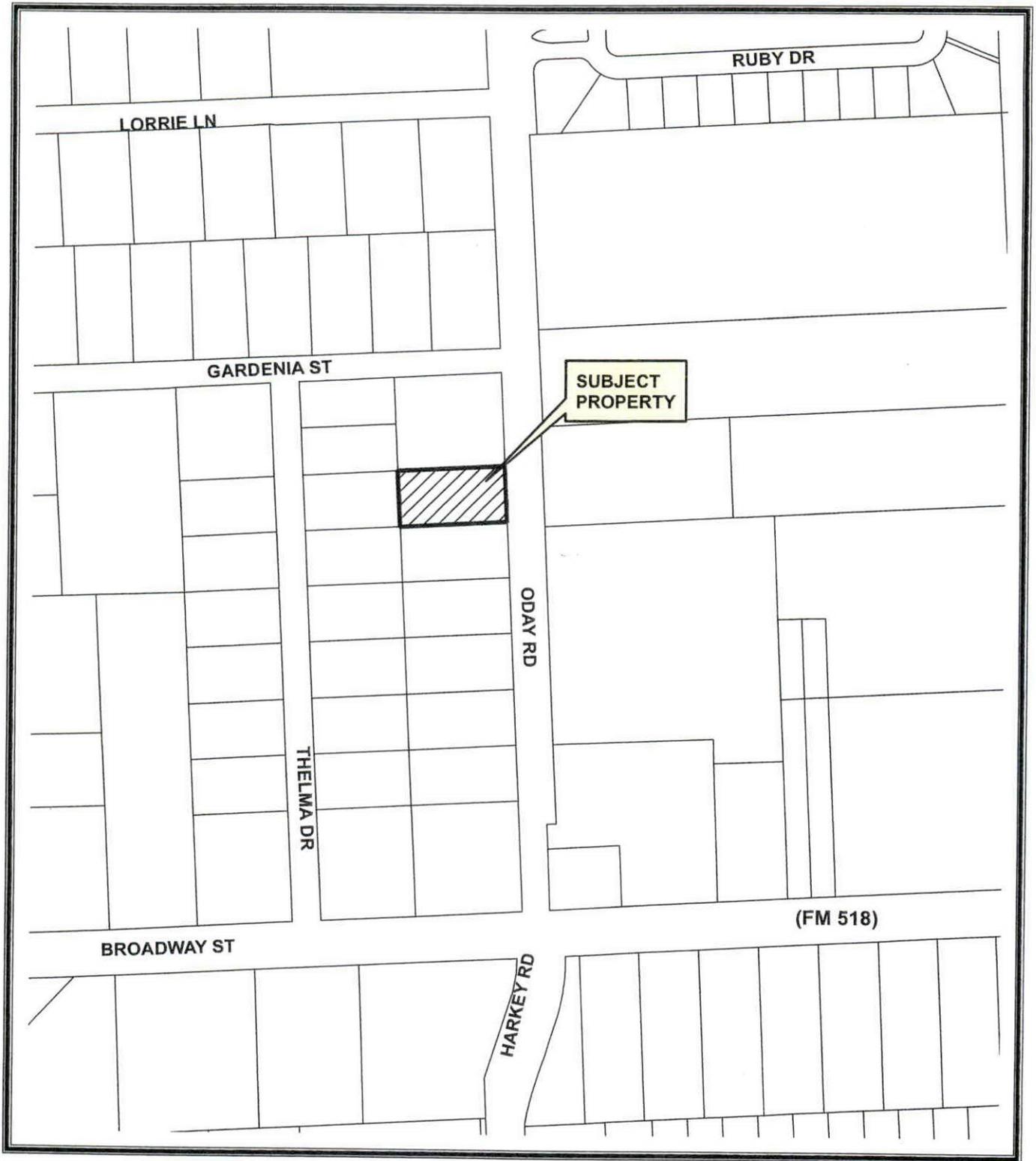
The Front of the property is situated off and is facing O'Day road. The entire perimeter of the property except the front fence along the road; is surrounded by an 8 foot privacy fence. The play area is designated to the back of the property and is also surrounded by its own fence.

Surrounding property

The subject property is surrounded by residential and commercial properties.

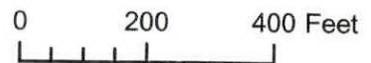
Daycare Schedule

The daycare operation will be between 6:30am and 6:30pm. Presently we have 8 families and they all arrive between 7:30 and 8:30 am at various days during the week. We are planning to add about 10 more families. The busiest time for dropping the children off will be between 7:00am and 8:30am. Our Out door play is in the rear of the property, and the time is designated to be between 10:30 and 11:30 am daily. Afternoon outdoor play is 3:00pm to 4:30pm.

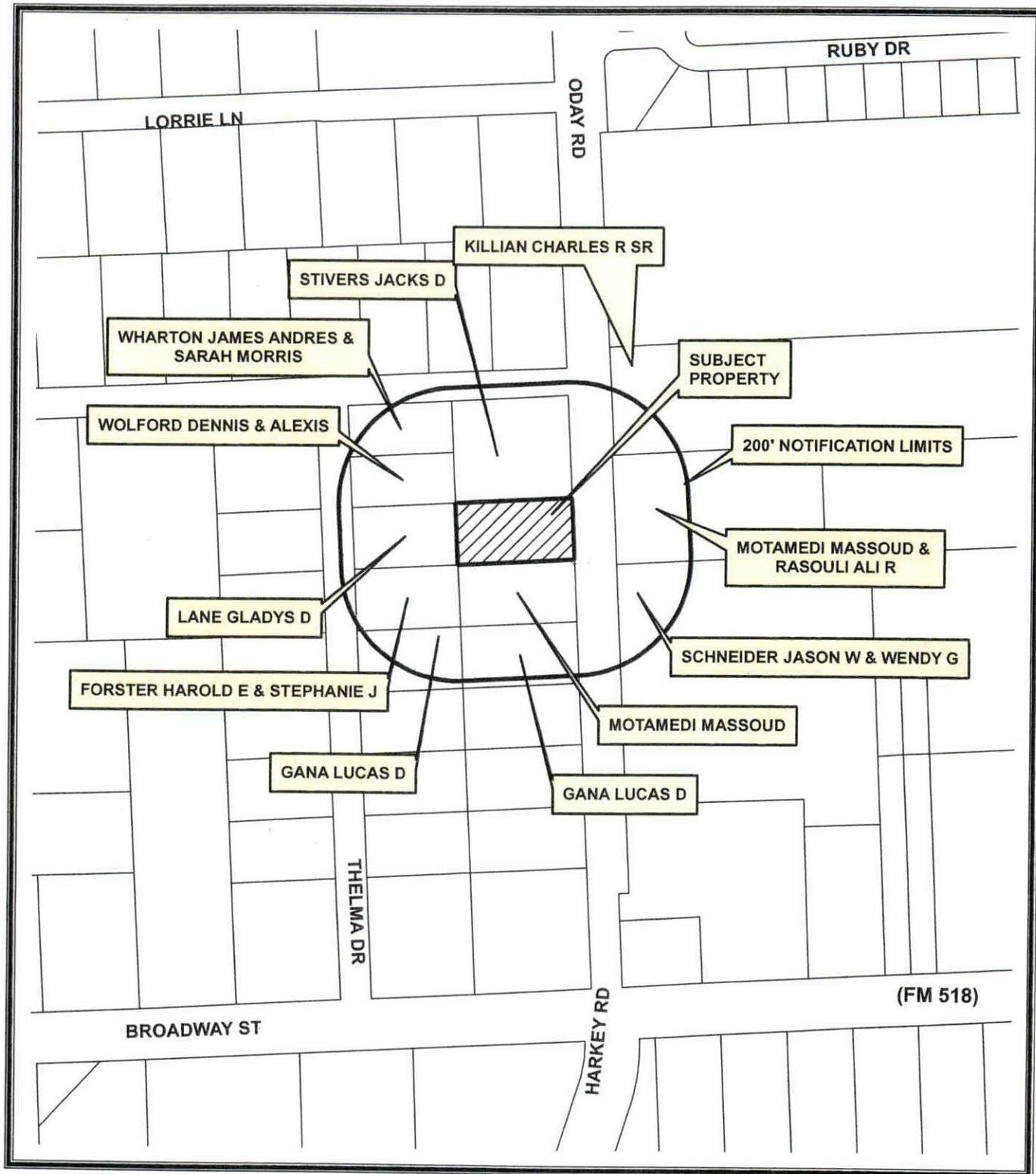


LOCATION MAP

Conditional Use Permit
No. CUP2007-11



Map Prepared on May 29, 2007



OWNERSHIP MAP

Conditional Use Permit
No. CUP2007-11

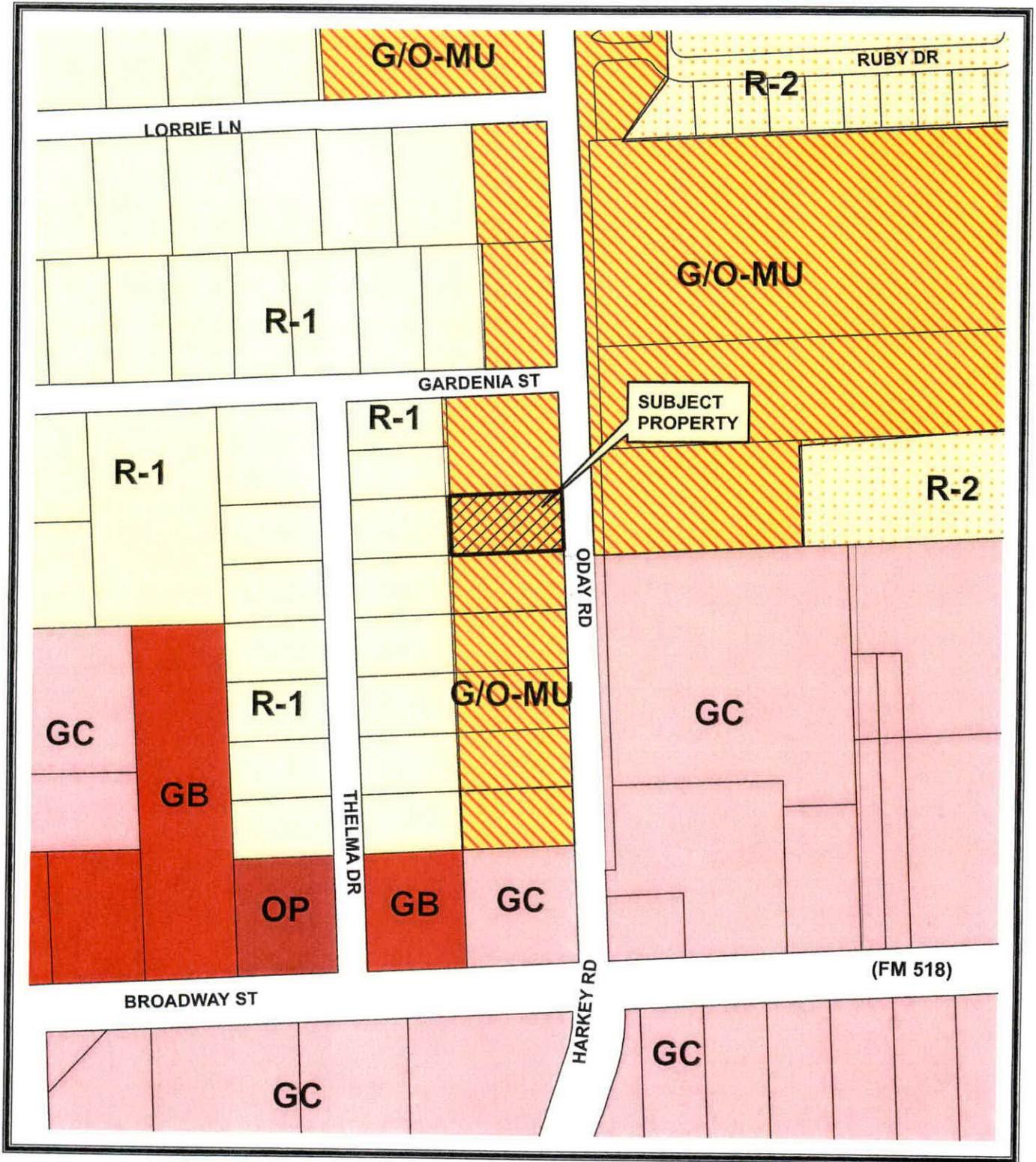


0 200 400 Feet

Map Prepared on May 29, 2007

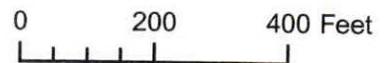
CONDITIONAL USE PERMIT NO. CUP2007-11
Property Owner Notification List

<u>TAX ACCT</u>	<u>OWNER</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>ST</u>	<u>ZIP CODE</u>
4271-0021-000	STIVERS JACKS D	2530 ODAY RD	PEARLAND	TX	77581-3109
4271-0016-000	WHARTON JAMES ANDRES & SARAH MORRIS	2531 THELMA ST	PEARLAND	TX	77581-7082
0544-0045-120	MOTAMEDI MASSOUD & RASOULI ALI R	14311 HARVEST GLEN CT	HOUSTON	TX	77062
4271-0038-000	LANE GLADYS D	2539 THELMA ST	PEARLAND	TX	77581-7082
4271-0016-111	WOLFORD DENNIS & ALEXIS	2535 THELMA ST	PEARLAND	TX	77581
0544-0045-130	KILLIAN CHARLES R SR & ADELENE B KAREN WHITAKER	14525 O'DAY RD 2538 B O'DAY RD	PEARLAND	TX	77581-3123 77581
4271-0041-000	MOTAMEDI MASSAUD & FIROOZEH SAHEBKAR	14311 HARVEST GLEN	HOUSTON	TX	77062
6847-0000-200	SCHNEIDER JASON W & WENDY G	2810 WESTCHESTER CIR	PEARLAND	TX	77584-5827
4271-0041-001	MOTAMEDI MASSOUD	14311 HARVEST GLEN	HOUSTON	TX	77062
4271-0037-000	FÖRSTER HAROLD E & STEPHANIE J	2551 THELMA ST	PEARLAND	TX	77581-7082
4271-0033-000	GANALUCAS D	2603 THELMA ST	PEARLAND	TX	77581-7774
4271-0033-000	GANALUCAS D	2603 THELMA ST	PEARLAND	TX	77581-7774

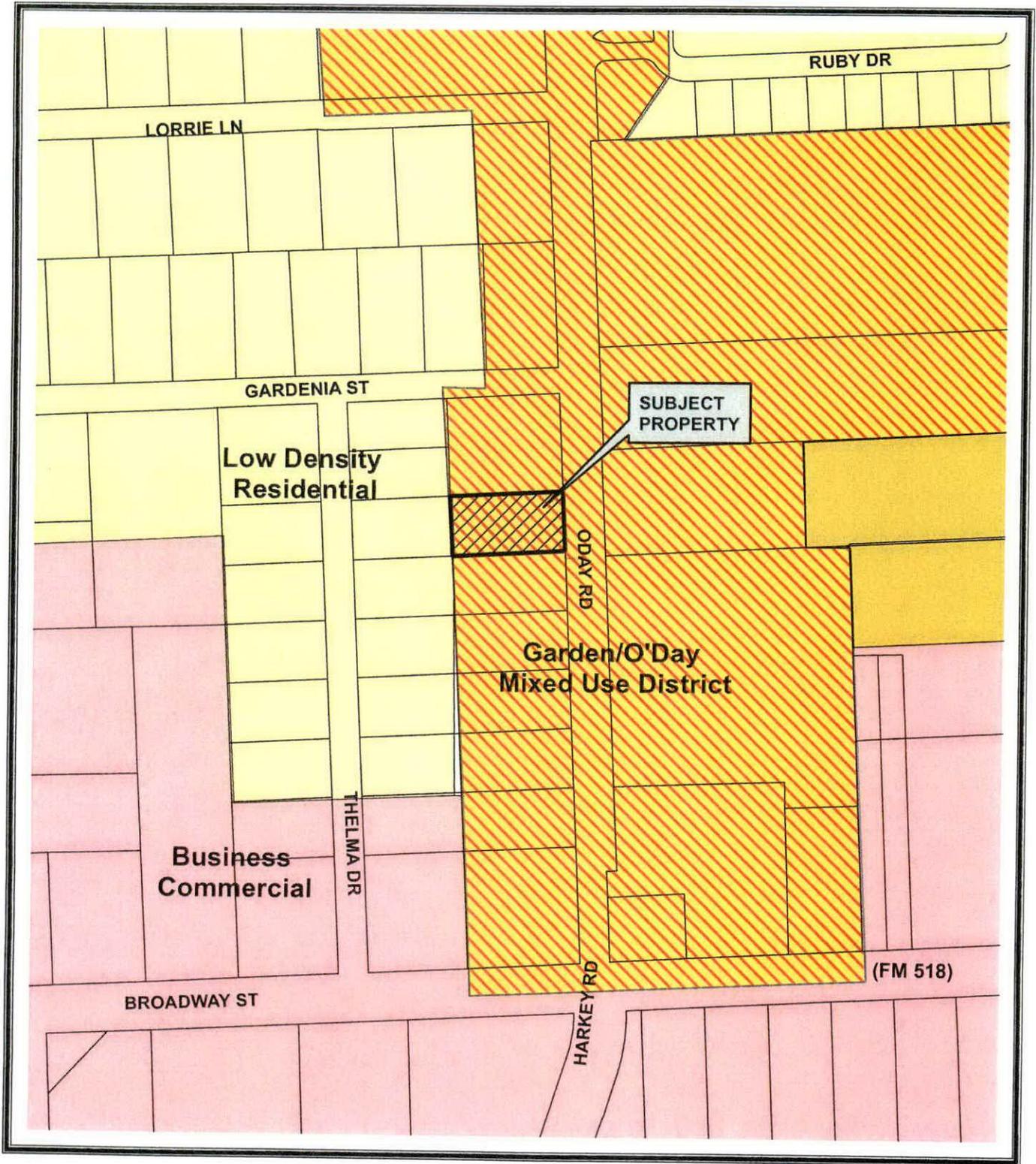


ZONING MAP

Conditional Use Permit
No. CUP2007-11

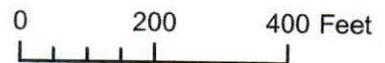


Map Prepared on May 29, 2007

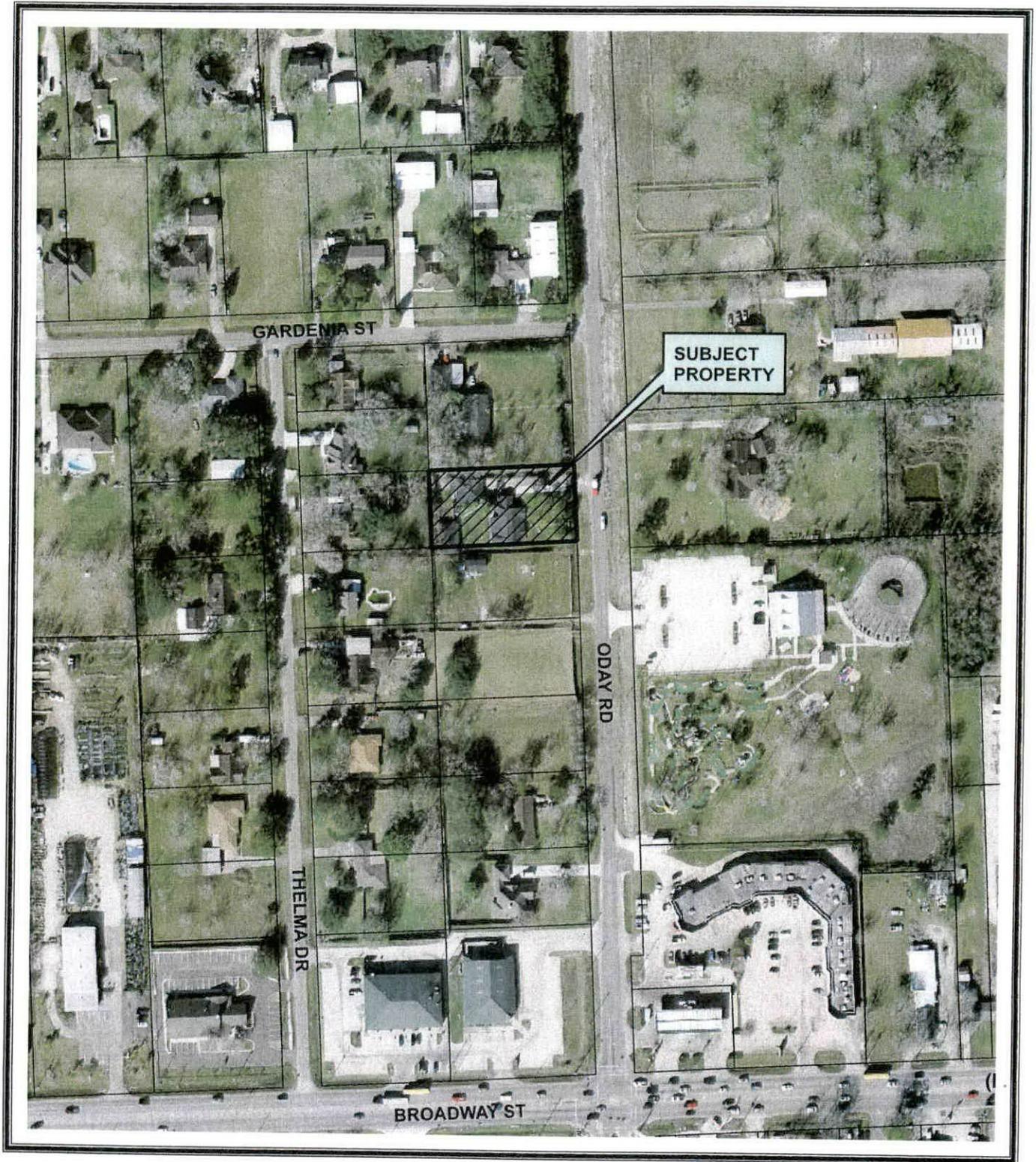


FUTURE LAND USE PLAN

Conditional Use Permit
No. CUP2007-11



Map Prepared on May 29, 2007

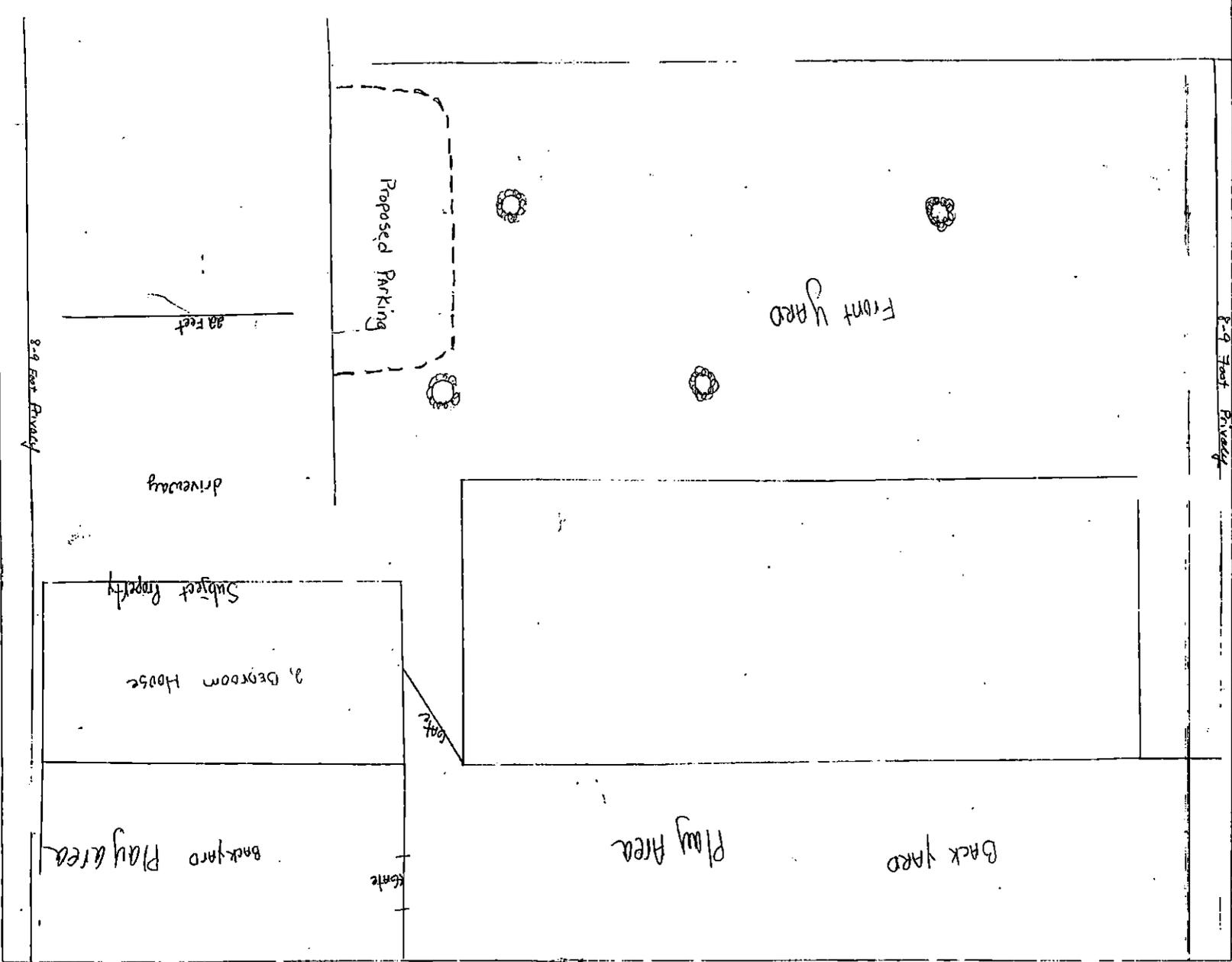


AERIAL PHOTOGRAPH

Conditional Use Permit
No. CUP2007-11



Map Prepared on May 29, 2007



8-9 Foot Privacy

8-9 Foot Privacy

Front Yard

Proposed Parking

driveway

Subject Property

3 Bedroom House

gate

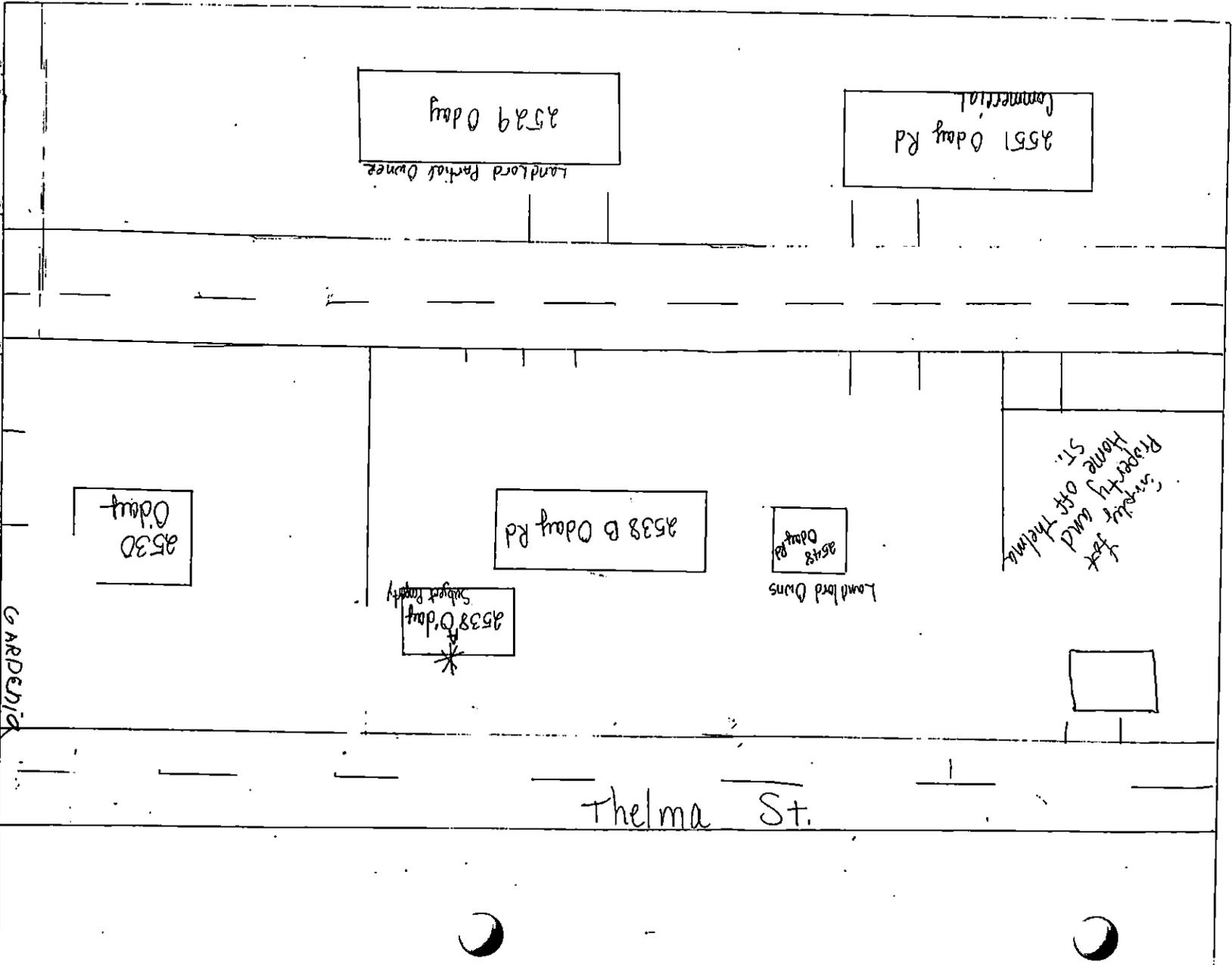
Play Area

Back Yard

back yard Play area

gate

8-9 Foot Privacy



AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JULY 16, 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

Conditional Use Permit No. CUP2007-13

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

Legal Description: 4.00 acres out of a 16.9958 acre tract of land, located in the A.C.H. & B Survey, Abstract 507, City of Pearland, Brazoria County, Texas

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

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 JULY 16, 2007

Conditional Use Permit No. CUP 2007-13

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

LEGAL DESCRIPTION: 4.00 acres out of a 16.9958 acre tract of land, located in the A.C.H. & B Survey, Abstract 507, City of Pearland, Brazoria County, Texas

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

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

Planning and Zoning Commission Meeting: July 16, 2007

SUMMARY: The applicant is requesting approval of a Conditional Use Permit (CUP) for a "Mini-Warehouse and Self Storage" facility in the General Commercial District (GC). The subject property is currently undeveloped.

The applicant has indicated that there will be multiple storage building totaling approximately 75,000 square feet of storage space, with an office. A preliminary site plan has been submitted with the CUP application. If the CUP is approved, the applicant will be required to submit a building permit application, in which the site plan, landscape plan, and all other building plans and site development will be reviewed for conformance with all codes and ordinances applicable. The attached site plan is not approved as part of the approval of this Conditional Use Permit.

On June 4, a joint public hearing was held on this same property for the same request – a conditional use permit for self storage and mini-warehouse. The conditional use permit was denied by the Planning and Zoning Commission. The applicant has indicated to Staff that he wanted to resubmit a new application for a conditional use permit in order to have the request considered again and perhaps submit new information about the proposed development.

SURROUNDING ZONING AND LAND USES:

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

	<u>Zoning</u>	<u>Land Use</u>
North	General Commercial District (GC)	Undeveloped tract
South	General Commercial District (GC)	Undeveloped tract
East	Single Family Residential – 2 District (R-2)	Single family residences within the Town Lake Estates residential subdivision
West	Heavy Industrial District (M-2)	Undeveloped land

CONFORMANCE TO UNIFIED DEVELOPMENT CODE (UDC): The subject property is currently zoned as GC. 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 property is approximately 4 acres in size, and has a lot width of approximately 290 feet, and a lot depth of approximately 600 feet.

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 conditional use permit 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 "Light Industrial" uses for the subject property, and for many of the adjacent properties along the east and west sides of State Highway 35. The Comprehensive Plan further indicates that the appropriate zoning districts for "Light Industrial" is the Light Industrial District (M-1). The existing zoning for the property conflicts with the comprehensive plan designation. The proposed mini-warehouse and self storage facility is allowed in GC by approval of a Conditional Use Permit.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on State Highway 35 (Main Street), a major thoroughfare with an ultimate right-of-way of 120 feet. Additional right-of-way for SH 35 may be necessary and will be reviewed when the subject property is platted.

No other roadways affect the subject property.

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.

AVAILABILITY OF UTILITIES: There is a 16 inch water line located on the west side of State Highway 35. There are no sanitary sewer facilities adjacent to 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.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The proposed conditional use permit for mini-warehouse and self storage has the potential to have an impact on the surrounding properties.

During the joint public hearing on June 4, several concerns arose regarding the location of the proposed development. Several Commission and Council members stated that they have a concern with storage facilities located adjacent to residential uses, especially with unknown contents in the storage facilities. It was also stated that the City should evaluate the future land use plan and consider changing areas where light industrial designations are shown adjacent to residential uses. Also, the subject property is located within the corridor overlay district, and it was stated that storage is not the best use of the property.

SITE PLAN CONSIDERATIONS:

The applicant has submitted a preliminary site plan for review. The following is a list of

requirements that pertain to the site under the GC district:

Building Setbacks:

Minimum front yard: 25 feet

Minimum side yard: 10 feet

Minimum rear yard: 25 feet

Maximum height: 45 feet

It appears that the proposed site plan meets these setbacks outlined in the GC district.

Corridor Overlay District:

Main Street is designated as a "corridor overlay" in the Unified Development Code. The applicant will be responsible for complying with all applicable requirements of the corridor overlay district as it pertains to the subject property. The corridor overlay district contains increased standards on building façade, building articulation, landscaping, and lighting, as well as others.

Building Façade:

The Unified Development Code requires that the building be 100 percent masonry or glass for the walls or portions of walls visible from the adjacent roadway or adjacent residential property.

The corridor overlay district contains standards that pertain to building articulation and building materials. Building articulation, which is the expression or outlining of parts of the building by its architectural design, shall be provided in accordance with the regulations listed in the ordinance. Regarding building materials, at least 25 percent of the exterior walls facing Main Street would need to be transparent. The applicant will have to provide compliance with the building articulation and building materials on the building permit plans. Also, the corridor overlay district requires that building colors meet the colors on the City's approved color palette.

Parking:

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

Screening:

Screening is required along the east property line where the subject property shares a property line with a residential subdivision that is currently zoned as R-2. The applicant will be required to provide a 25 foot wide landscape buffer along the east side of the property. The applicant is also required to construct a 6 foot high

masonry fence along the inside edge of the 25 foot landscape buffer.

The Corridor Overlay District also contains specific regulations on screening of storage areas, but it appears from the site plan that the applicant will not have any open storage or outside display areas.

Traffic:

A traffic impact analysis (TIA) may be required when the subject property is platted for development. The TIA would determine the impact of the development on the surrounding properties and adjacent roadways, and would also determine the location of driveways.

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

STAFF RECOMMENDATION: Staff recommends denial of the Conditional Use Permit, as proposed by the applicant, for the following reasons:

1. The proposed conditional use permit provides for a mini-warehouse and self storage facility in an area that is currently zoned GC, but is adjacent to a single family residential development.
2. The proposed facility has the potential to create an impact on the surrounding properties and developments.
3. A conditional use permit for storage and mini-warehouse facilities for the same subject property was denied by the Planning and Zoning Commission on June 4, 2007.

SUPPORTING DOCUMENTS:

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



**APPLICATION FOR A
CONDITIONAL USE PERMIT
(CUP)
Page 1 of Application**

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

Conditional Use Permit Request for: Self Storage
(list proposed use)

Current Zoning District: GC-General Commercial

Property Information:

Address or General Location: Four Acres, out of a 17.0470 @ Highway 35 and Oiler

Tax Account No.: _____

Subdivision: ACH&B Survey, Abstract 507, City of Pearland, Brazoria County, TX, North Commercial

Tract, Towne Lake Estates. : To be further described by the metes and bounds.

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

NAME Towne Lake LP – Renee L. McGuire
ADDRESS 7918 Broadway, Suite 106
CITY Pearland STATE TX ZIP 77581
PHONE (281) 9971500
FAX (281) 997-2886
E-MAIL ADDRESS _____

* Must be the current property owner at the time of the submittal of the application, not the party that has the property under contract.

APPLICANT INFORMATION:

NAME Tal-Con -- Chris Talbert
ADDRESS 7501 Westview
CITY Houston STATE TX ZIP 77055
PHONE (713) 984-0710
FAX (603) 215-7609
E-MAIL ADDRESS cct@tal-con.com

CUP2007-13

Talbert Properties

7501 Westview Drive
Houston, Texas 77055
(713) 984-0710 (Phone)
(603) 215-7609 (Fax)
ctalbert@datamate.com

April 10, 2007

City of Pearland
3523 Liberty Drive
Pearland, Texas 77581

Subject: Highway 35 and Oiler Drive
4 Acres out of 17.040
Conditional Use Permit

Gentlemen:

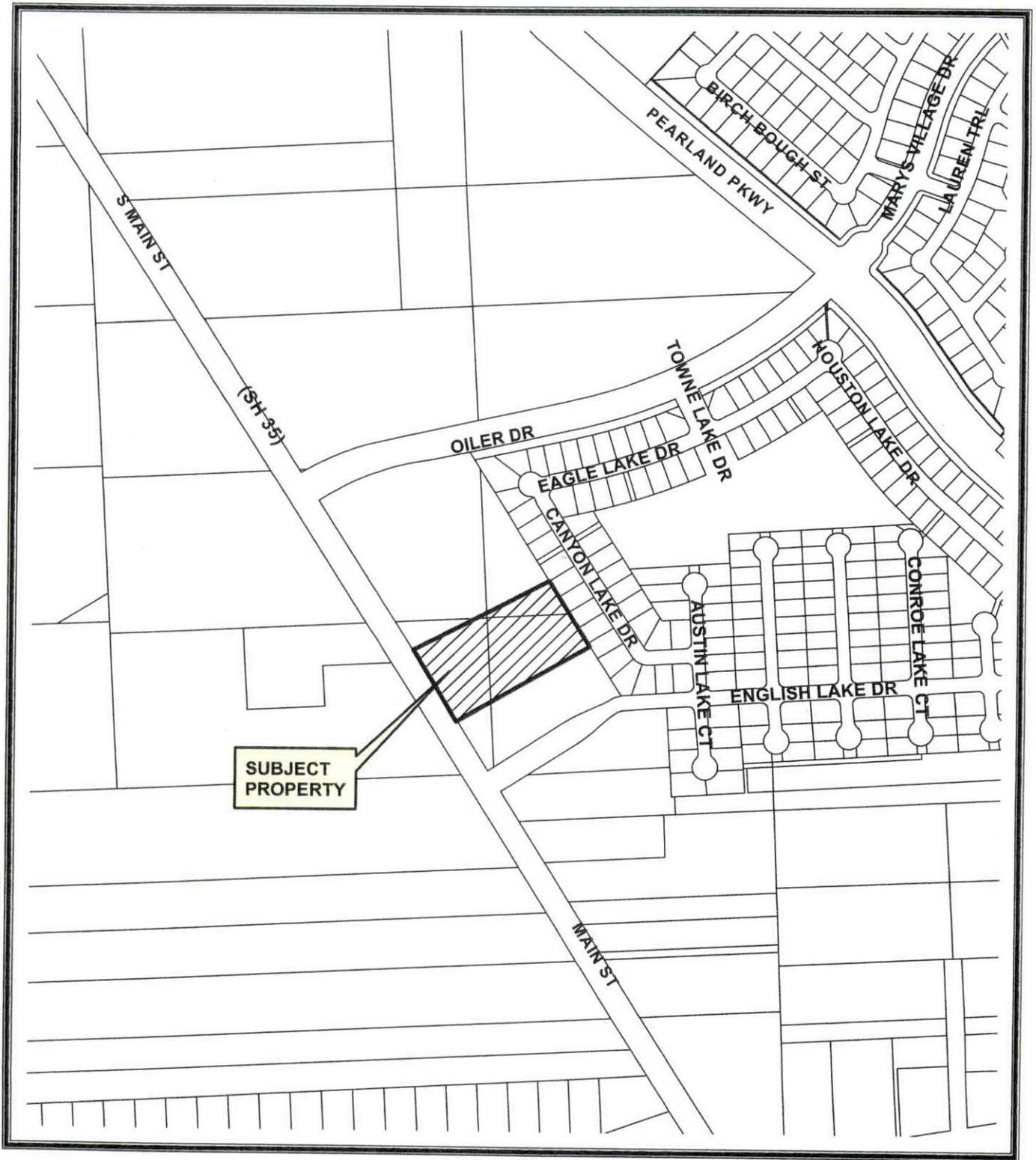
We are requesting a conditional use permit with regard to the above subject property. A plat of the property is attached hereto as further identification. We are seeking approval to build a self storage facility on the 4 acre tract. The completed Application for Special Use Permit is enclosed herein. The details of our proposal are as follows:

- 1 Proposed Usage--Self storage facility.
- 2 Square Footage of Proposed Building(s)--Multiple buildings totaling approximately 75,000 square feet of self storage space.
- 3 Size Tract--The self storage facility will be constructed on approximately 4 acres of the tract.
- 4 There are no special considerations or unique characteristics of the subject property.

Respectfully submitted,

Chris Talbert

Enclosure: Application for Special Use Permit



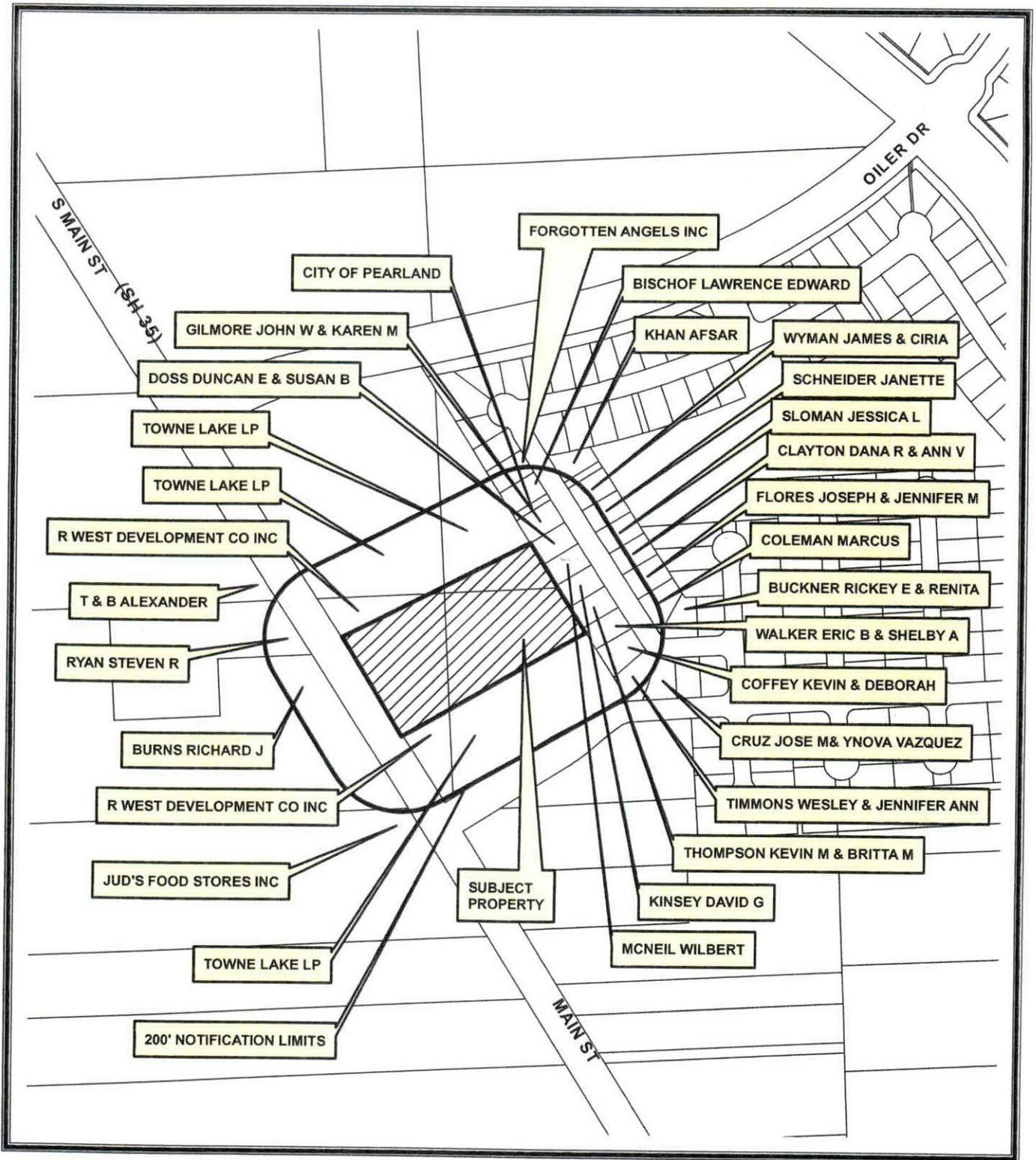
LOCATION MAP

Conditional Use Permit
No. CUP2007-13



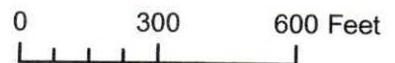
0 300 600 Feet
A scale bar with markings at 0, 300, and 600 feet.

Map Prepared on July 1, 2007



OWNERSHIP MAP

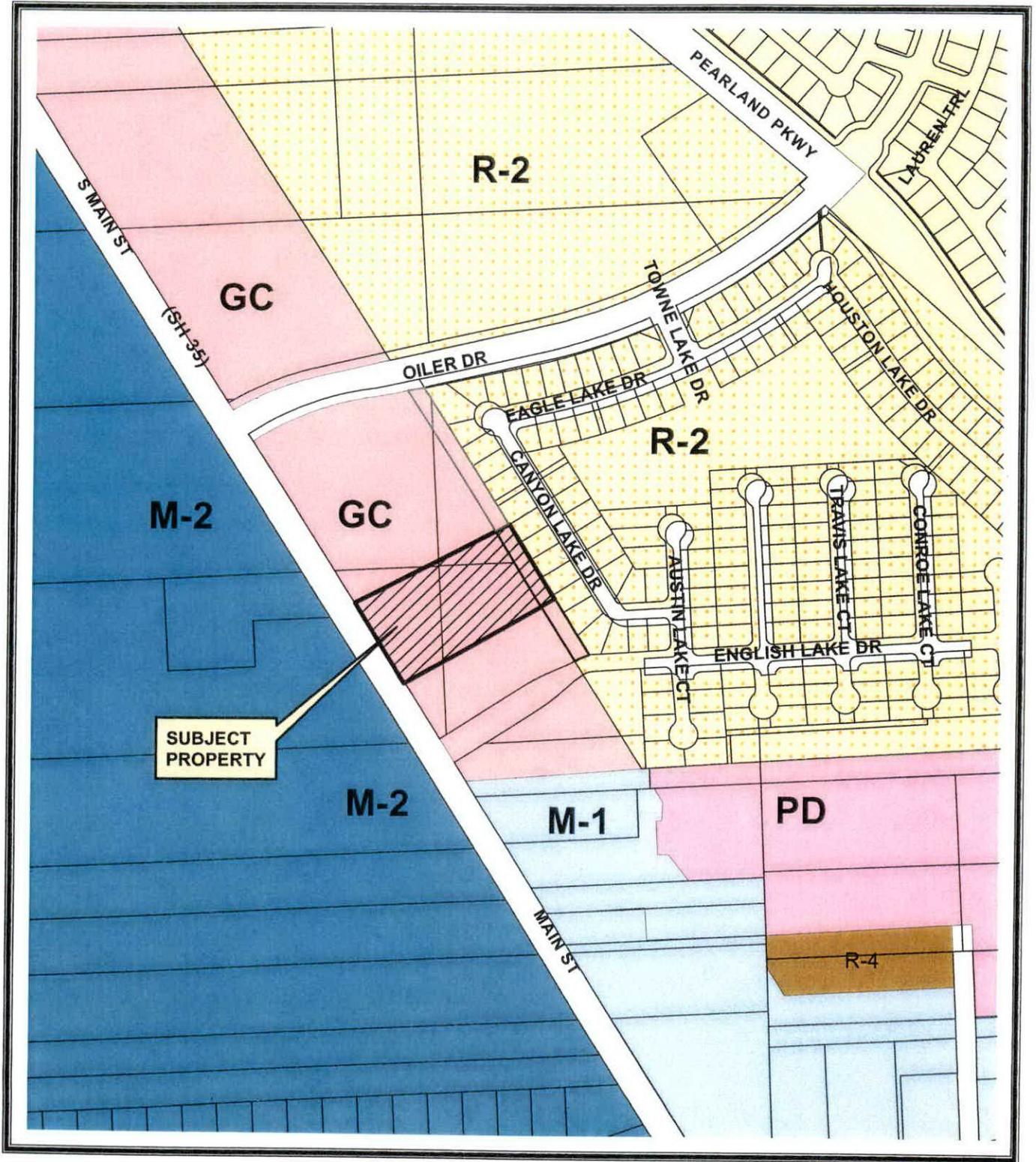
Conditional Use Permit
No. CUP2007-13



Map Prepared on July 1, 2007

CONDITIONAL USE PERMIT NO. CUP2007-13
Property Owner Notification List

<u>TAX ACCT</u>	<u>OWNER</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>ST</u>	<u>ZIP CODE</u>
0507-0003-005	TOWNE LAKE LP	7918 BROADWAY ST STE 106	PEARLAND	TX	77581-7758
0507-0003-005	TOWNE LAKE LP	7918 BROADWAY ST STE 106	PEARLAND	TX	77581-7758
0507-0019-000	T & B ALEXANDER FMLY LTD PRTNSP	2411 PARK AVE	PEARLAND	TX	77581-4233
8039-1003-071	KHAN AFSAR	3801 CANYON LAKE DR	PEARLAND	TX	77581
8039-1004-016	GILMORE JOHN W & KAREN M	3812 CANYON LAKE DR	PEARLAND	TX	77581-4776
8039-1004-014	FORGOTTEN ANGELS INC	7918 BROADWAY ST STE 104	PEARLAND	TX	77581-7758
0594-0002-000	JUD'S FOOD STORES INC	PO BOX 769	BRENSHAM	TX	77834-0769
	TAL CON CHRIS TALBERT	7501 WESTVIEW	HOUSTON	TX	77055
8039-1003-070	WYMAN JAMES & CIRIA	3803 CANYON LAKE DR	PEARLAND	TX	77581-4777
8039-1004-015	BISCHOF LAWRENCE EDWARD	3810 CANYON LAKE DR	PEARLAND	TX	77581-4776
8039-1003-069	SCHNEIDER JANETTE	1813 EAGLES CV	FRIENDSWOOD	TX	77546-5134
8039-1000-006	CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581-5416
8039-1003-068	SLOMAN JESSICA L	3807 CANYON LAKE DR	PEARLAND	TX	77581-4777
8039-1004-017	DOSS DUNCAN E & SUSAN B	3814 CANYON LAKE DR	PEARLAND	TX	77581-4776
8039-1003-067	CLAYTON DANA R & ANN V	3809 CANYON LAKE DR	PEARLAND	TX	77581-4777
8039-1004-018	MCNEIL WILBERT	3816 CANYON LAKE DR	PEARLAND	TX	77581-4776
8039-1003-066	FLORES JOSEPH & JENNIFER M	3901 CANYON LAKE DR	PEARLAND	TX	77581-4788
8039-1004-019	KINSEY DAVID G	3902 CANYON LAKE DR	PEARLAND	TX	77581-4787
8039-1004-020	THOMPSON KEVIN M & BRITTA M	3904 CANYON LAKE DR	PEARLAND	TX	77581-4787
8039-1003-065	COLEMAN MARCUS	6435 IVY FALLS	MISSOURI CITY	TX	77459
0507-0028-000	BURNS RICHARD J	719 LAUREL GROVE LN	PEARLAND	TX	77584
0507-0003-005	TOWNE LAKE LP	7918 BROADWAY ST STE 106	PEARLAND	TX	77581-7758
8039-1003-064	BUCKNER RICKEY E & RENITA	3905 CANYON LAKE DR	PEARLAND	TX	77581-4788
0507-0003-000	R WEST DEVELOPMENT CO INC	PO BOX 1376	MANVEL	TX	77578
0507-0028-130	RYAN STEVEN R & CHARLOTTE L	3714 OAK DALE DR	PEARLAND	TX	77581-6168
8039-1004-021	WALKER ERIC B & SHELBY A	3906 CANYON LAKE DR	PEARLAND	TX	77581-4787
8039-1004-022	COFFEY KEVIN & DEBORAH	3908 CANYON LAKE DR	PEARLAND	TX	77581-4787
8039-1004-023	TIMMONS WESLEY & JENNIFER ANN	3910 CANYON LAKE DR	PEARLAND	TX	77581-4787
8039-1004-024	CRUZ JOSE M & YNOVA VAZQUEZ	3912 CANYON LAKE DR	PEARLAND	TX	77581-4787



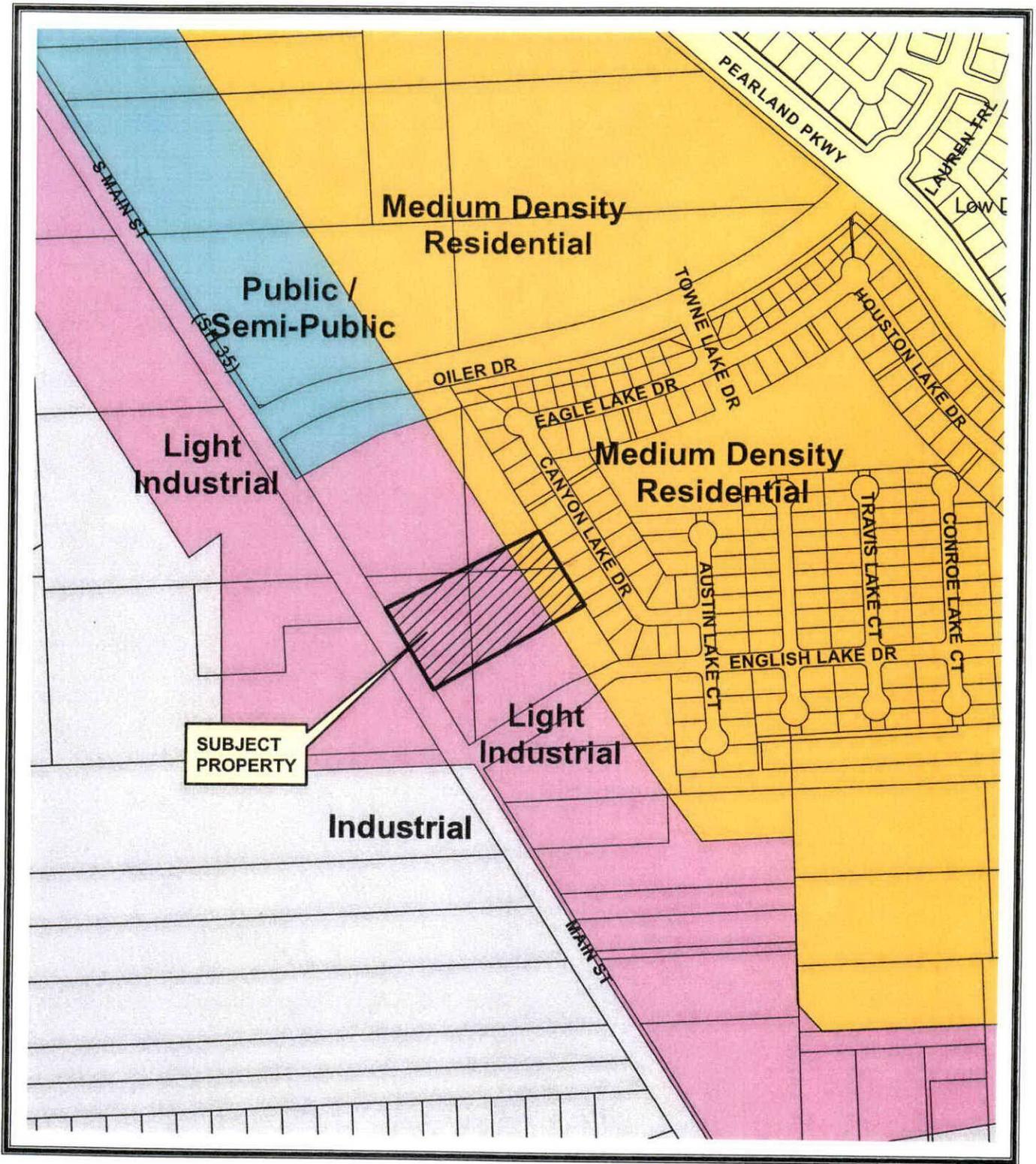
ZONING MAP

Conditional Use Permit
No. CUP2007-13



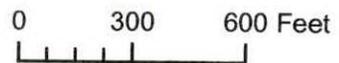
0 300 600 Feet

Map Prepared on July 1, 2007

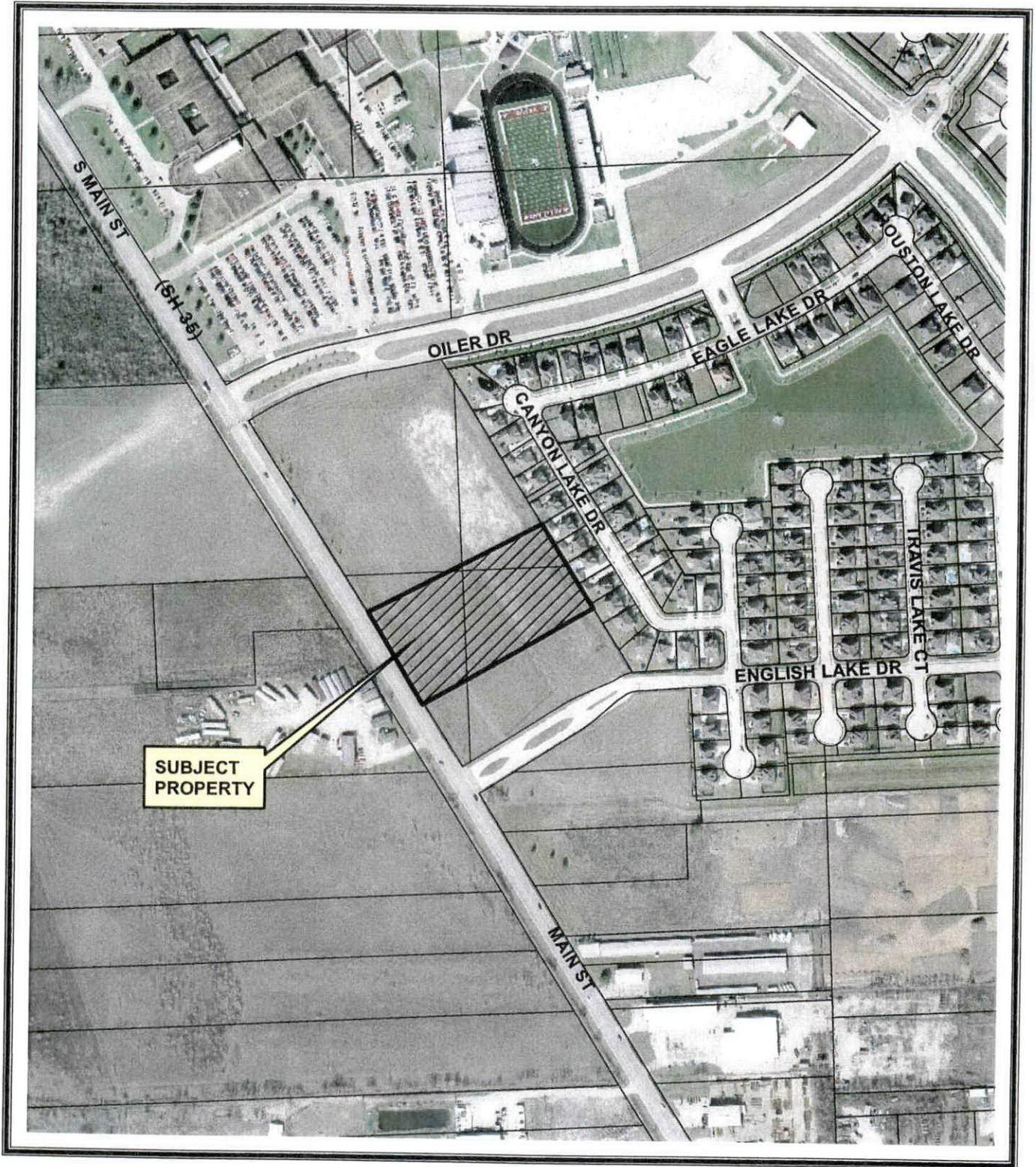


FUTURE LAND USE PLAN

Conditional Use Permit
No. CUP2007-13



Map Prepared on July 1, 2007



AERIAL PHOTOGRAPH

Conditional Use Permit
No. CUP2007-13



0 300 600 Feet

Map Prepared on July 1, 2007

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JULY 16, 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. 2007-08Z

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

Legal Description: 10.00 acres of land, Abstract 242, H.T. & B.R.R. Company Survey, Tract 1A5, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the East Side of Old Chocolate Bayou Road, and Approximately 1,300 Feet South 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.

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JULY 16, 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

Conditional Use Permit No. CUP2007-13

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

Legal Description: 4.00 acres out of a 16.9958 acre tract of land, located in the A.C.H. & B Survey, Abstract 507, City of Pearland, Brazoria County, Texas

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

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.

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JULY 16, 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

Conditional Use Permit No. CUP2007-11

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

Legal Description: Lot 13 of Garden Acres Subdivision, Section 3, Abstract 219, H.T. & B.R.R. Company Survey, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the West Side of O'Day Road, and Approximately 850 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.

Silver Land Center

Final Plat—Staff Report

P& Z Meeting Date: July 16, 2007

APPLICANT:

Michael D Wilson, The Wilson Survey Group, for Hiep Pham, Fortress Pearland Investments, LLC, owner.

REQUEST:

Final plat of 8.2904 acres for Silver Land Center located at the Southwest corner of the intersection of Hillhouse Road and Broadway Street.

ZONING:

General Business (GB).

TRAFFIC AND TRANSPORTATION:

Traffic Impact Analysis submitted to the City of Pearland.

UTILITIES:

Water and sewer are available.

STORMWATER MANAGEMENT:

Water detention facility provided on site

PARKS AND OPEN SPACE:

Not applicable to this commercial plat.

OUTSTANDING ITEM:

None.

ATTACHMENTS:

1. Map
2. Plat Application

JAN 2007

PLAT APPLICATION

Page 1 of 2

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 Type of Plat Requested:

- Preliminary Subdivision Plat
- Final Subdivision Plat
- Minor (Subdivision) Plat
- Amending Plat
- Master Plat
- Preliminary Development Plat
- Final Development Plat
- Replat

*Please send any and all correspondence to:

jkrajca@ci.pearland.tx.us

JUL 09 2007

SUBDIVISION NAME: SILVER LAND CENTER

NUMBER OF LOTS: 1

GENERAL LOCATION: SOUTHWEST CORNER OF THE INTERSECTION OF KULHOUSE RD & BROADWAY, CITY OF PEARLAND

PRIMARY CONTACT: MICHAEL D. WILSON
 MAILING ADDRESS: 2006 E BROADWAY, SUITE 105
 CITY, STATE, ZIP: PEARLAND, TEXAS, 77581
 PHONE: 281-485-3991 FAX: 281-485-3998
 E-MAIL ADDRESS: mdwilson@houston.tt.com

OWNER NAME: HIEP PHAM
 MAILING ADDRESS: 4318 W. FUQUA
 CITY, STATE, ZIP: HOUSTON, TX 77045
 PHONE: 713-433-7500 FAX: 713-433-6245
 E-MAIL ADDRESS: hieptexas@yahoo.com

A complete application must include all items shown on the corresponding submittal checklist for each different type of plat. See Page 2.

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

Owner's Signature: [Signature] Date: 7/6/07

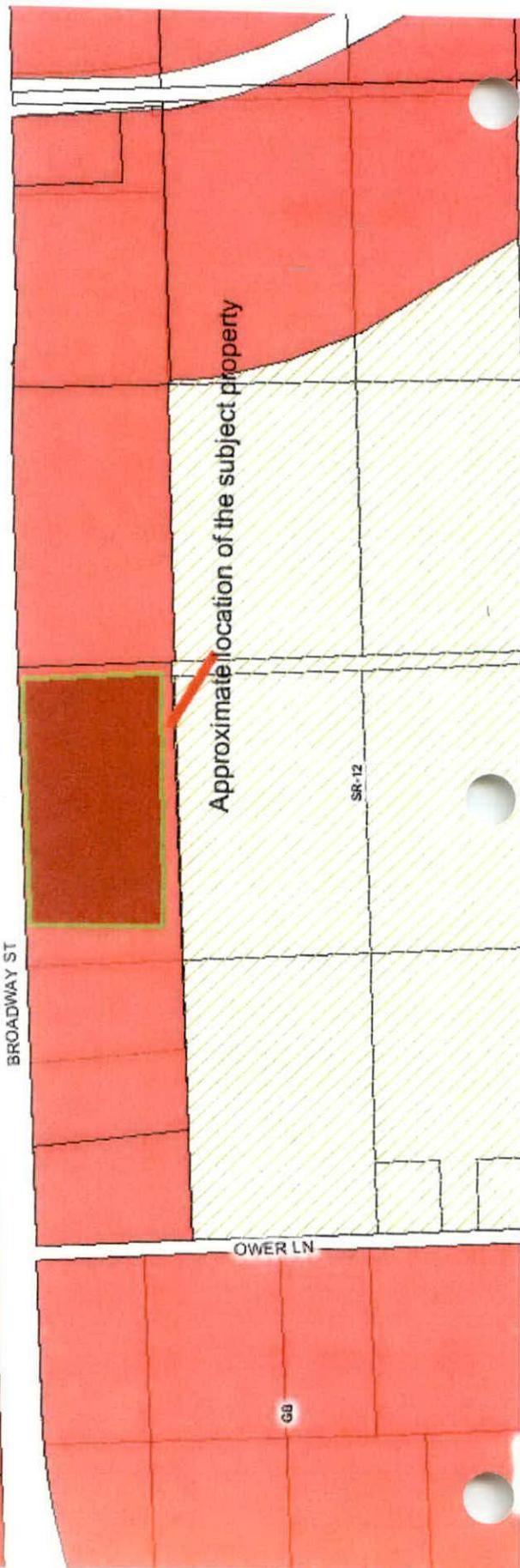
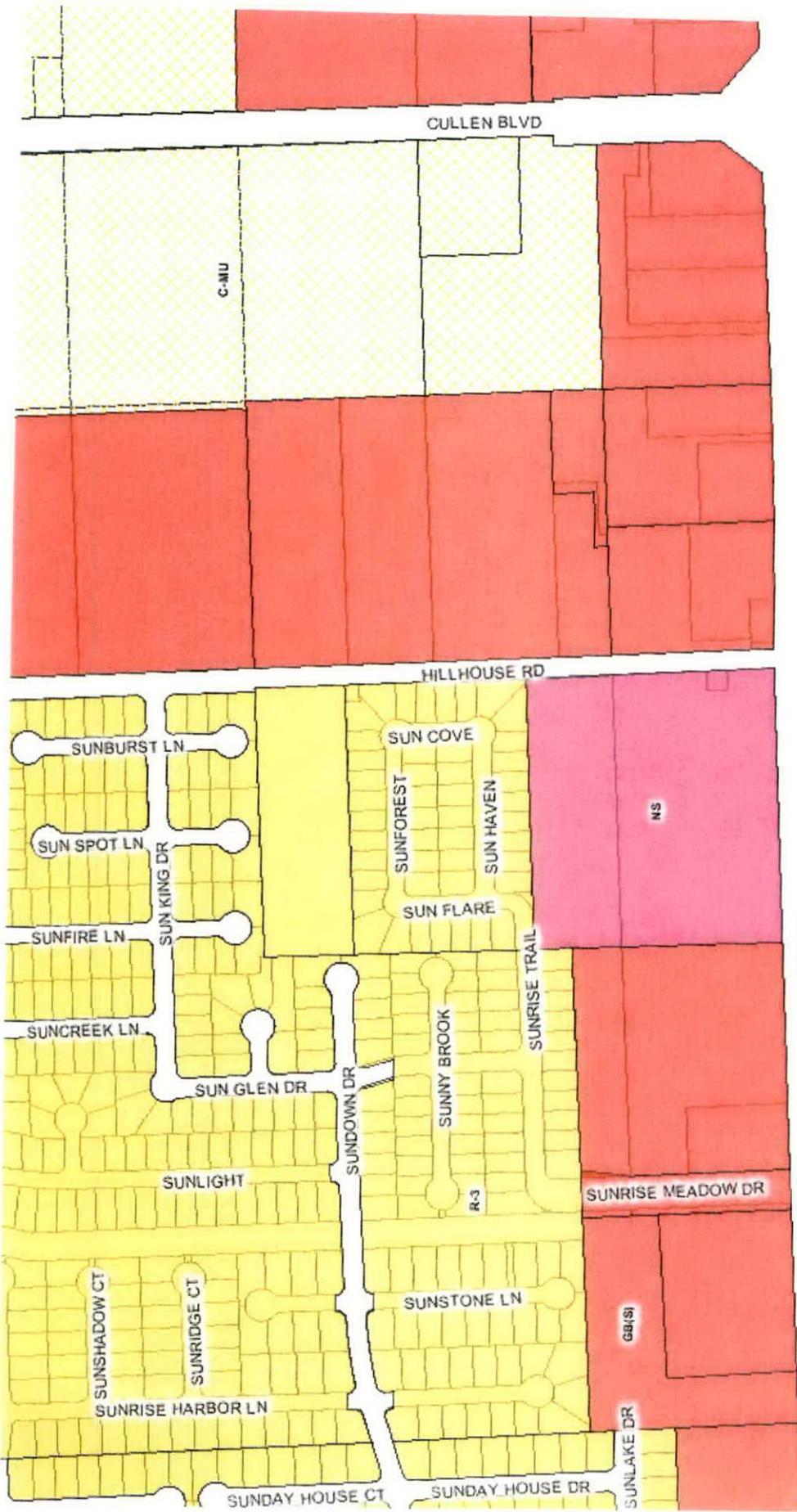
Applicant's Signature: [Signature] Date: 7/6/07

I acknowledge that this plat has been submitted on this day, _____, and the Plat filing date is _____, which will be the first day it will be reviewed by the Planning Staff. I hereby sign and date this acknowledgement.

Signature: _____ Date: _____

All waiver requests must be received by the resubmittal time and date that corresponds to the Plat Resubmittal Deadline, per the attached schedule.

FEES PAID: _____
DATE PAID: _____
RECEIVED BY: _____
RECEIPT NO.: _____



FOR THIS SUBDIVISION PLAN
APPROVAL OF THE CITY OF
LOTS.

SHALL BE PLACED ALONG THE
DEVELOPMENT.

THE SOUTH PROPERTY LINE
DEVELOPMENT.

FINAL PLAT OF SILVER LAND CENTER

1 BLOCK, 1 LOT
8.2904 ACRES

IN THE H.T.& B.R.R. COMPANY
SURVEY, ABSTRACT 309
AT THE SOUTHWEST CORNER OF THE
INTERSECTION OF HILLHOUSE ROAD AND
BROADWAY STREET, CITY OF PEARLAND
BRAZORIA COUNTY, TEXAS

JULY, 2007

OWNER: FORTRESS PEARLAND INVESTMENTS, LLC
4318 W. FUQUA
HOUSTON, TEXAS 77053
(713) 433-7500

CONTACT: HIEP PHAM

PREPARED BY:



THE WILSON SURVEY GROUP
PROFESSIONAL LAND SURVEYORS
2006 E. BROADWAY PEARLAND, TEXAS
(281) 485-3991 FAX (281) 485-3998

CONTACT PERSON: MICHAEL D. WILSON

B.R.R. Company
0.24 acre tract is
portion of Section
10 and is also
known as
the "Parmesan"
tract. Said 8.2904
acres:

the south
corner of (120-feet)
of the herein

a distance of
the distance of 831.36
feet to the
corner of the
said Lot 12

Lot 2 and Lot 17
at the north
corner of
described tract;

Lot 2 and Lot 13,
at the
Northwest
Corner of
Headway
County Clerk's
iron rod set for
corner of the

Lot 12, same being
the same as
shown on
the plat
above, for a
certain area of

Hillhouse Road

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

1. Zone Change No. 2007-08Z

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

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

2. Conditional Use Permit No. CUP2007-13

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

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

3. Conditional Use Permit No. CUP2007-11

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

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

Present for JPH

Mayor Reid
Steve Saboe
Helen Beckman
Woody Owens
Jelicia Kyle
Kevin Cole

Sheryl Greenie
Neil
Susan
Darrell
Henry

Darrin, Bill Esser, Mick
Narciso
Lata, TAB, RK, Tim, Judy

Mayor opened @ 7:32 for Council & Commission

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JULY 16, 2007, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER *JAG read JPH procedures opened @ 7:35*

II. PURPOSE OF HEARING *Sheryl Greiner read...*
Zone Change No. 2007-08Z

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

Legal Description: 10.00 acres of land, Abstract 242, H.T. & B.R.R. Company Survey, Tract 1A5, City of Pearland, Brazoria County, Texas

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

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT *JAG read... Staff rec'd. 1 Public Comment*
B. APPLICANT PRESENTATION *Not present*

Staff recommends demand of GC, but would support GB.

IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST *No one present.*

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION *Delicia Kyle agrees w/ Staffs recommendation. minimal discussion.*

VI. ADJOURNMENT @ 7:43 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 JULY 16, 2007

Zone Change No. 2007-08Z

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

LEGAL DESCRIPTION: 10.00 acres of land, Abstract 242, H.T. & B.R.R. Company Survey, Tract 1A5, City of Pearland, Brazoria County, Texas

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

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

Planning and Zoning Commission: July 16, 2007*

City Council for First Reading: August 13, 2007*

City Council for Second Reading: August 27, 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 both General Business Retail District (GB) and Single Family Residential – 1 District (R-1). The applicant has plans to construct retail, office, and service related uses on the subject property. 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	General Business Retail District (GB) and Single Family Residential – 1 District (R-1)	Undeveloped tract
South	General Business Retail District (GB) and Single Family Residential – 1 District (R-1)	Undeveloped tract
East	Multi-Family District (MF)	Apartment Complex
West	General Business Retail District (GB)	Office and retail development

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.

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 both "Retail, Offices, and Services" and "Low Density Residential" for the subject property, and for many of the surrounding properties. The Comprehensive Plan further indicates that the appropriate zoning districts for "Retail, Offices, and Services" are the General Business Retail District (GB), the

Neighborhood Service District (NS), and the Office and Professional District (OP), and 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 has frontage on Old Chocolate Bayou 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 Old Chocolate Bayou 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 Cullen Boulevard. There is no sanitary sewer line located adjacent to 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.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The subject property is currently under two different zoning districts. The western half of the subject property is zoned as GB, and the eastern half is zoned as R-1. A zone change to a non-residential district such as GB may be appropriate in this area. The intersection of FM 518 and Cullen Boulevard/Old Chocolate Bayou Road is largely zoned General Business District, and many properties are currently developing with retail, office, and service type uses. During the joint public hearing held in June, the property directly to the north of the R-1 tract was considered for a zone change to GB and was recommended for approval by the Planning and Zoning Commission.

It is unlikely that the subject property would be developed for residential uses as a portion of it is currently zoned. There are other R-1 tracts located directly to the south, but it appears that they are landlocked and would have difficulties with access and circulation if developed with residential uses. In fact, the existing R-1 fronting on Fite Road, between the GC and MF tracts, is developed with a commercial/industrial business and access may not be available to Fite Road for a residential development. Also, with the multi-family zoning and apartment complex located to the east of the subject property, the subject area may not be appropriate for a residential development.

It is unclear why the applicant is requesting a GC district rather than a GB only for the portion that is currently zoned as R-1. The applicant has indicated that they are interested in building retail, office, and medical uses on the subject property, all of which are currently permitted in the GB district. Due to the surrounding zoning districts primarily being zoned as GB and due to the location of the multi-family residential, Staff believes that the subject property could be zoned GB and could accommodate the applicant's development. Staff does not recommend approval of a GC district, but we would recommend approval of a GB district.

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, but Staff supports a zone change for GB, for the following reasons:

1. The proposed zone change for GC does not conform to the Future Land Use Plan designation of retail, office, and service uses. Although the Future Land Use Plan also designates the subject property for low density residential uses, it is unlikely that a residential subdivision would develop in this area.
2. Half of the subject property is currently zoned as GB, and the subject property could be developed with GB uses, which would be compatible with the surrounding zoning districts and developments.
3. It is unlikely that the eastern half of the subject property would be developed for R-1 uses, due to it being landlocked, and due to it being surrounded on GB districts and on the east side by a MF district.

SUPPORTING DOCUMENTS:

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



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

Proposed Zoning District: COMMERCIAL ZONING

Property Information:

Address or General Location of Property: A0242 H T & B R R, TRACT 1a5
10 ACRES

Tax Account No. 0242-0007-150

Subdivision: CR 89 VACANT LAND 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 KUBERA INVESTMENTS PARTNERSHIP
 ADDRESS 54 Stalybridge St
 CITY Sugar Land STATE TX ZIP 77479
 PHONE(713) 785-4567
 FAX(713) 785-0011
 E-MAIL ADDRESS _____

APPLICANT INFORMATION:

NAME Mr. DOMODAR BATTU - GENL PARTNER
 ADDRESS 54 Stalybridge Street
 CITY Sugar Land STATE TX ZIP 77479
 PHONE(713) 785-4567
 FAX(713) 785-0011
 E-MAIL ADDRESS _____

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: *Domodar Battu* Date: May 31, 2007

Agent's Signature: _____ Date: _____

OFFICE USE ONLY:			
FEES PAID: <u>\$275⁰⁰</u>	DATE PAID: <u>6/26/07</u>	RECEIVED BY: <u><i>tcg</i></u>	RECEIPT NUMBER:

Application No. 2007-08Z

Kubera Investments
C/O Mr. Domodar Battu – Genl Partner
54 Stalybridge Street
Sugar Land, TX. 77479
713-785-4567 Tel
713-785-0011 Fax

May 31, 2007

City of Pearland
Community Development
3523 Liberty Drive
Pearland, TX. 77581

RE: A0242 H T & B R R, Tract 1A5
10 Acre Tract on CR 89

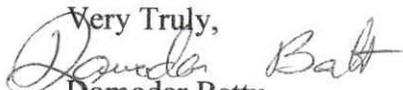
Dear Sir,

Please find enclosed the application for A Change in Zoning for the property whose Survey is attached.

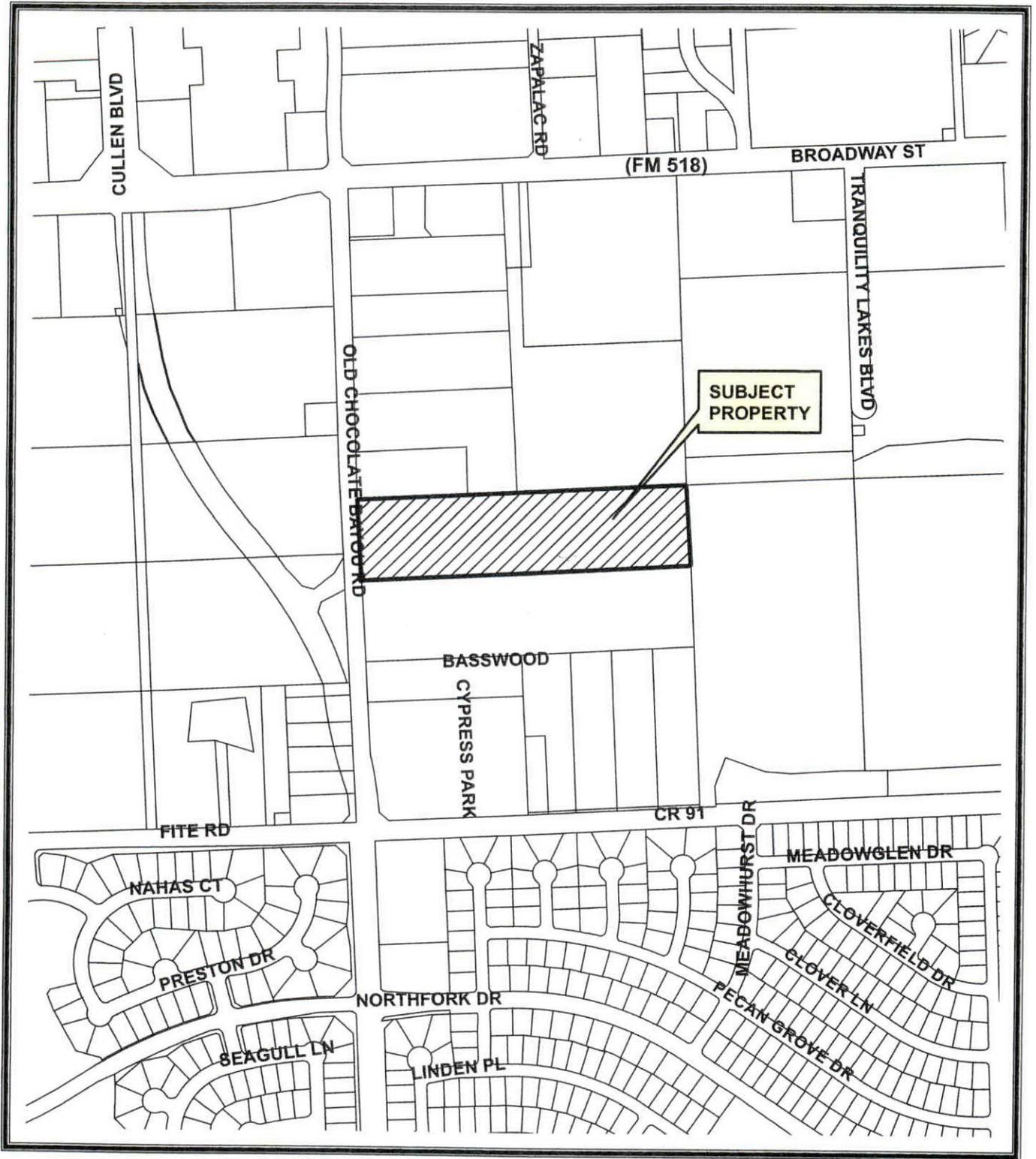
We are planning to build Office, Medical and Retail Center in the above referenced land. Hence, we are requesting to change the zoning suitable for this purpose. Our homework, traffic count, neighborhood statistics clearly shows that there is a justifiable need for a Center catering Commercial needs.

A check for \$ 275.00 is enclosed toward the fees.

Your approval of our request and blessing our plans of construction is gratefully appreciated.

Very Truly,

Domodar Battu
General Partner

Encl: Check # 1225 for \$ 275.00
Survey Map of Property
Copy of 2005 Tax Statement
Application for Change in Zoning dated 5/31/07



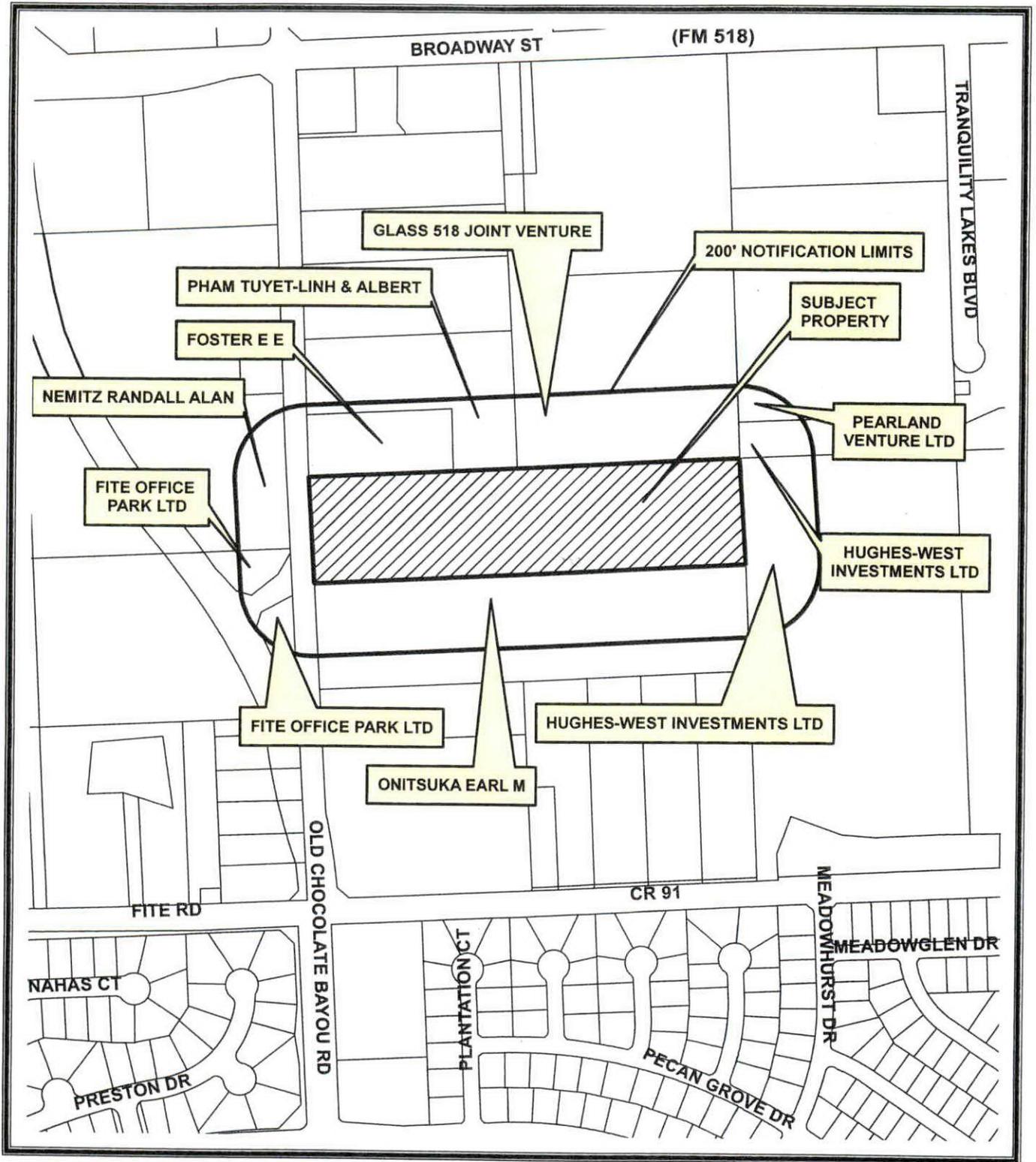
LOCATION MAP

**Zone Change
No. 2007-08Z**



0 200 400 Feet

Map Prepared on July 2, 2007



OWNERSHIP MAP

Zone Change
No. 2007-08Z

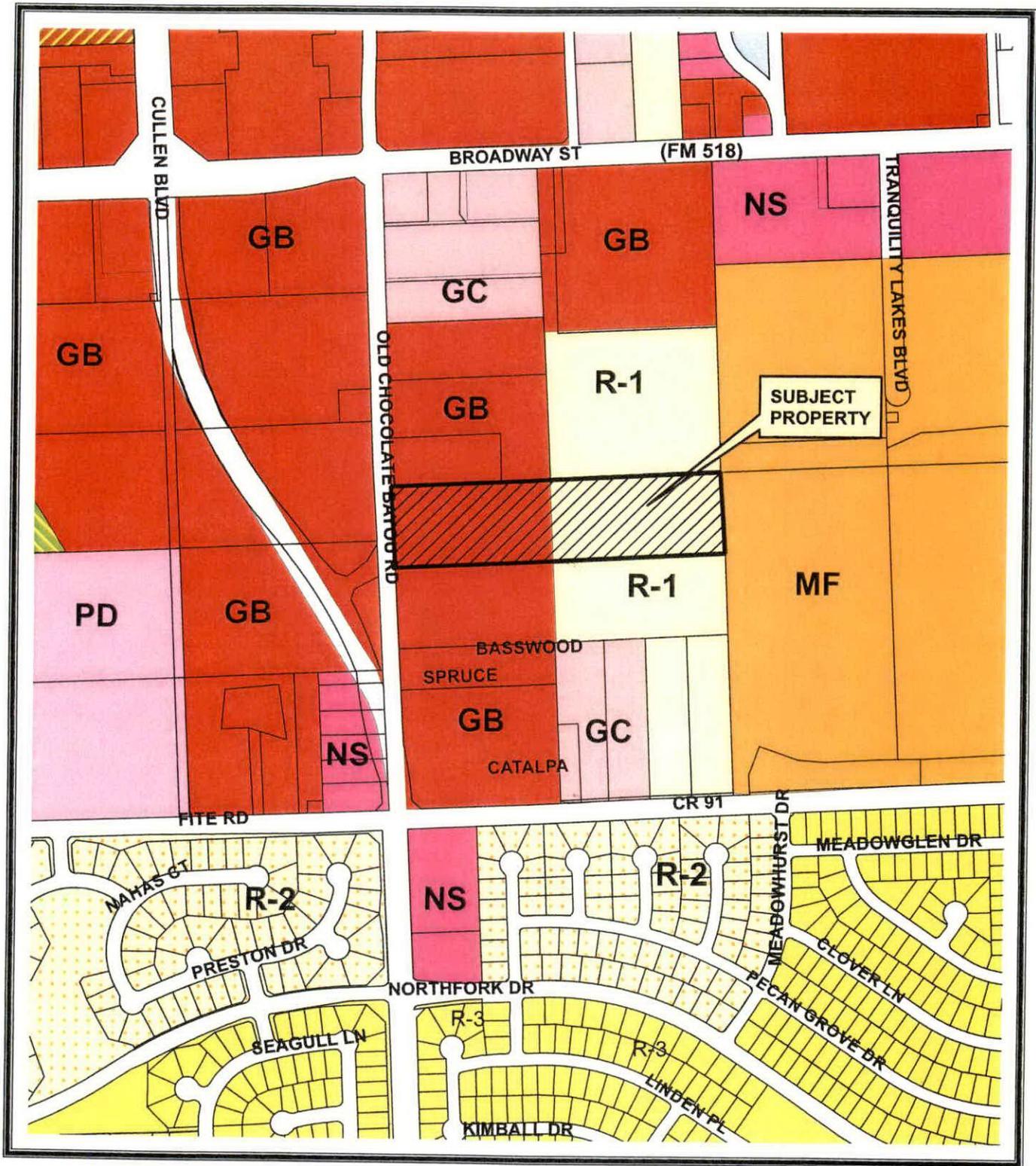


0 200 400 Feet

Map Prepared on July 2, 2007

ZONE CHANGE NO. 2007-08Z
Property Owner Notification List

<u>TAX ACCT</u>	<u>OWNER</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>ST</u>	<u>ZIP CODE</u>
0242-0015-140	PEARLAND VENTURE LTD	11123 KATY FWY	HOUSTON	TX	77079-2102
0242-0002-005	GLASS 518 JOINT VENTURE	3232 HUNTINGDON PL	HOUSTON	TX	77019-5926
0242-0011-110	PHAM TUYET-LINH & ALBERT	1315 CASTLE GLEN DR	HOUSTON	TX	77015-1905
0309-0018-000	NEMITZ RANDALL ALAN	2906 OLD CHOCOLATE BAYOU RD	PEARLAND	TX	77584-8995
0242-0008-000	FOSTER E E	12 SHADY OAKS DR	HUNTSVILLE	TX	77320-0278
0242-0015-000	HUGHES-WEST INVESTMENTS LTD	7918 BROADWAY ST STE 106	PEARLAND	TX	77581-7758
0242-0015-000	HUGHES-WEST INVESTMENTS LTD	7918 BROADWAY ST STE 106	PEARLAND	TX	77581-7758
	DOMODAR BATTU	54 STALYBRIDGE ST	SUGAR LAND	TX	77479
0242-0007-150	KUBERA INVESTMENTS	54 STALYBRIDGE ST	SUGAR LAND	TX	77479-2958
0309-0034-000	FITE OFFICE PARK LTD	7757 SAN FELIPE ST STE 204	HOUSTON	TX	77063-1606
0309-0034-001	CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581-5416
0242-0007-130	ONITSUKA EARL M	PO BOX 1461	PEARLAND	TX	77588-1461
0309-0034-000	FITE OFFICE PARK LTD	7757 SAN FELIPE ST STE 204	HOUSTON	TX	77063-1606



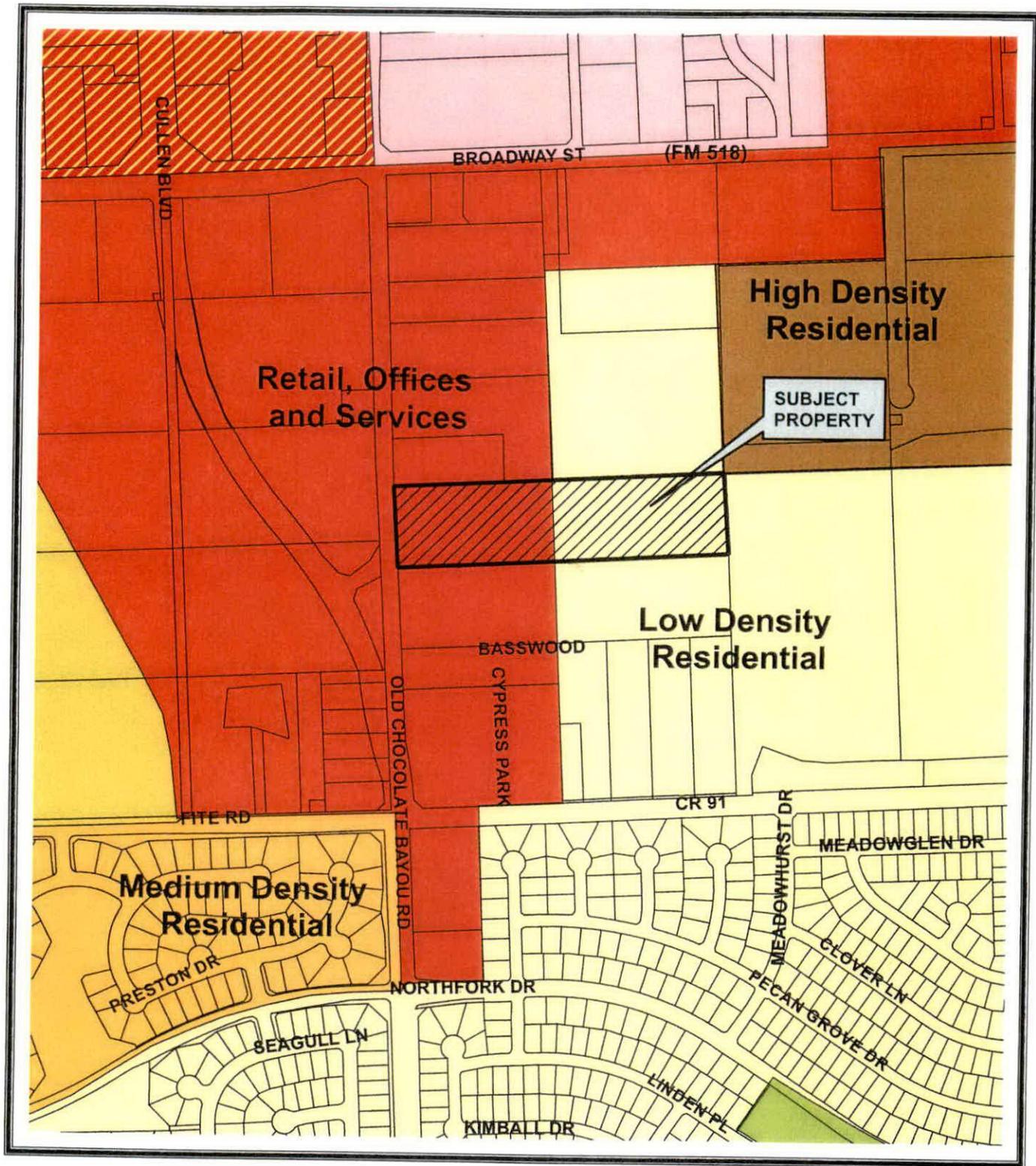
ZONING MAP

Zone Change
No. 2007-08Z



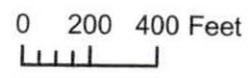
0 200 400 Feet

Map Prepared on July 2, 2007

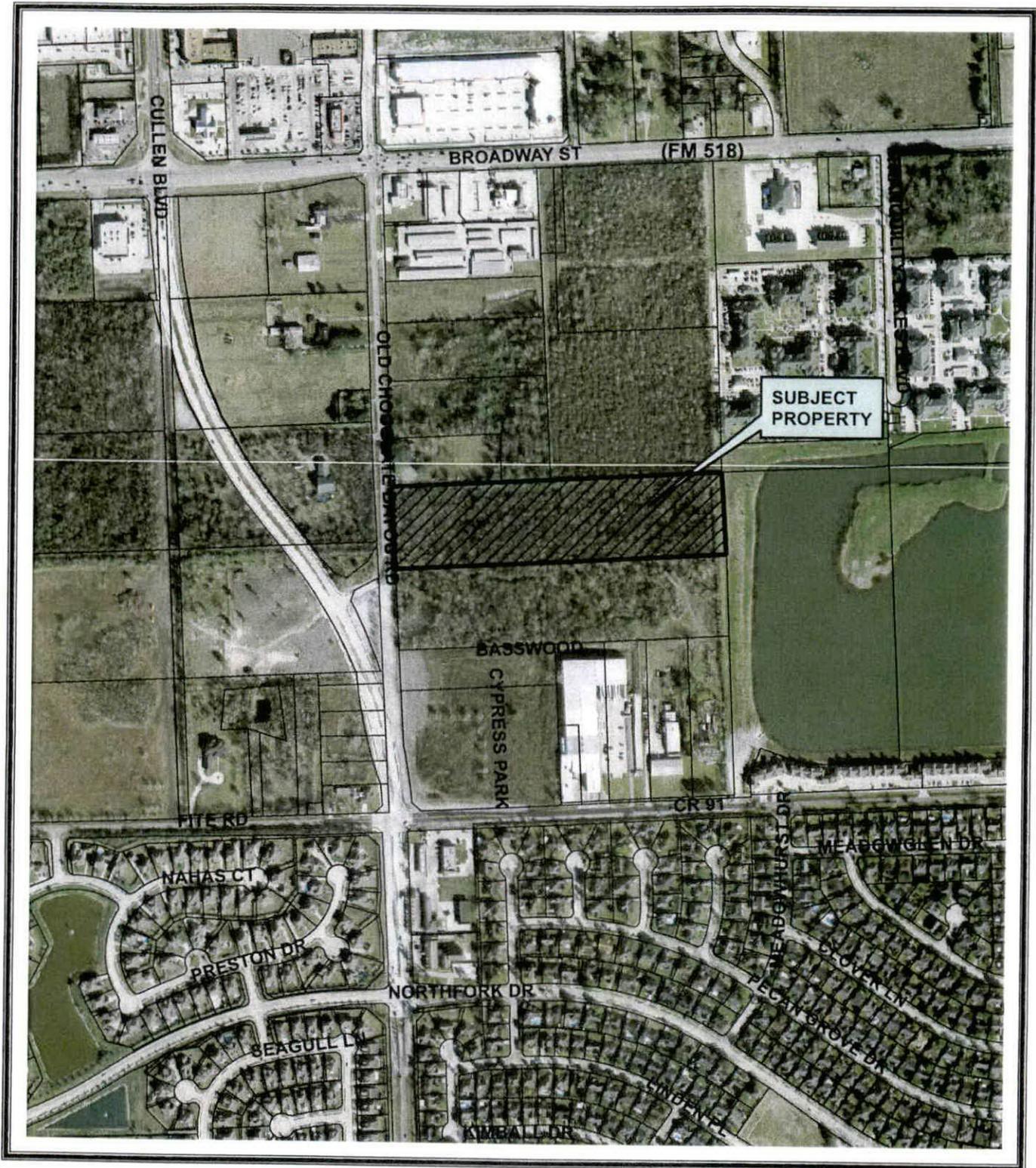


FUTURE LAND USE PLAN

Zone Change
No. 2007-08Z



Map Prepared on July 2, 2007



AERIAL PHOTOGRAPH

Zone Change
No. 2007-08Z



0 200 400 Feet
| | | |

Map Prepared on July 2, 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: Renee McQuinn

Full Address: 7918 W. BROADWAY, #106

(include zip) PEARLAND, TX. 77581

I wish to speak regarding Item No. III .B.

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: CHARLIE TALBERT

Full Address: 7501 WESTVIEW DRIVE

(include zip) HOUSTON, TX 77055

I wish to speak regarding Item No. 3B

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:

Greg McAuley

Full Address:

3909 Travis Lake Ct

(include zip)

Pearland, TX 77581

I wish to speak regarding Item No.

CUP 2007-13

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: Ronald Reed Leistad

Full Address: 4147 S. Main St.

(include zip) Pearland, TX 77581
Permit #

I wish to speak regarding Item No. CUP 2007-13

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 Marzott

Full Address: 3606 Inverness Ct

(include zip) Pearland 77581

I wish to speak regarding Item No. CUP 2007-13

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: Dr. Britta Thompson

Full Address: 3904 Canyon Lake Dr.

(include zip) Pearland, TX 77581

I wish to speak regarding Item No. Conditional Use Permit No. 2007-13

My husband and I are opposed to the Conditional Use Permit for a "mini-Warehouse and Self Storage." I am concerned about the potential problems that could occur (ie: ~~##~~ what might be stored, etc.) I am also concerned about the potential for illegal activities. ~~##~~

I would like to propose that the Council consider re-zoning this tract of land to neighborhood services (preferred) ^{or} office professional, ~~or, if need be,~~ ~~general business~~.

I also have concerns about drainage of this area. The area behind our residence is holding water right now. In addition, what are the plans for a retention pond for this endeavor?

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JULY 16, 2007, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER *Mayor opened @ 7:43 p.m.*

II. PURPOSE OF HEARING *Sheryl read...*

Conditional Use Permit No. CUP2007-13

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

Legal Description: 4.00 acres out of a 16.9958 acre tract of land, located in the A.C.H. & B Survey, Abstract 507, City of Pearland, Brazoria County, Texas

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

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT *Staff recommends Denial. Staff read 0 Pub. Comm. Items. all in one letter.*

B. APPLICANT PRESENTATION *Renee McGuire 7918 W Broadway # 106 Pearland 77581 →*

IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST *Renee McGuire 7918 W Broadway. Spoke in favor. Spoke of her plans near & why this will be good. →*

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

Kevin Cole - comment on drainage - asked applicant to speak. John English of 5101 Hollister Houston w/ Rekha Engineering spoke on drainage.

VI. ADJOURNMENT

adj. @ 8:37

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.

Steve Saboe - agrees w/ Mr. Marcott - not highest & best use.

Neil asked how much Renee is bldg. She said \$21 million but not anytime soon.

Henry - asked for clarification is on what voting on.

Darrell - asked about a PD. also asked what would be stored - Chris Talbert stated in house storage only

Woody - stated it may not be highest & best use, but could be worse. feels this is acceptable. →

III. B. Renee showed site plan & spoke of future plans of the area to the N & S of area.

Charlie Talbert of 7501 Westview Dr. Houston, 77055
President of Talcon showed site plans & spoke in favor

Chris Talbert of 7501 Westview Dr. Houston 77055
spoke in favor while giving a more descriptive overview.

IV. Greg McInley 3909 Travis Lake Ct Pearland
President of Town Lk. Ests.
Expressed concerns w/ effect of neighborhood & the aesthetics as you
approach the area & neighborhood.

Ronald Reed Keistad 4147 S. Main St. 77581
owns storage facility
feels CUP for this facility is not in best int. of other facilities.
He read a letter. Asked P&Z to grant denial.

Harry Marcott 3606 Inverness Ct. 77581
not highest & best use of prop.
would like to see that comments from tonight & hearing in June
be considered tonight.

Mr. Britta Thompson 3904 Canyon Lk Dr.

opposed.
1) two children & concerned w/ storage & activities on facilities
2) Drainage & flooding
3) asked that zoning be looked @ for NS on Hwy 35

Kevin talked about monitoring. Chris Talbert talked about screening applicants before
they come in. Kevin asked about doing a ^{market} study of storage facility, needs,
insurance. Kevin said he was in favor of a PUD, as Warrell had commented

Continued

JOINT PUBLIC HEARING AGENDA ITEM MEETING OF JULY 16, 2007

Conditional Use Permit No. CUP 2007-13

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

LEGAL DESCRIPTION: 4.00 acres out of a 16.9958 acre tract of land, located in the A.C.H. & B Survey, Abstract 507, City of Pearland, Brazoria County, Texas

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

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

Planning and Zoning Commission Meeting: July 16, 2007

SUMMARY: The applicant is requesting approval of a Conditional Use Permit (CUP) for a "Mini-Warehouse and Self Storage" facility in the General Commercial District (GC). The subject property is currently undeveloped.

The applicant has indicated that there will be multiple storage building totaling approximately 75,000 square feet of storage space, with an office. A preliminary site plan has been submitted with the CUP application. If the CUP is approved, the applicant will be required to submit a building permit application, in which the site plan, landscape plan, and all other building plans and site development will be reviewed for conformance with all codes and ordinances applicable. The attached site plan is not approved as part of the approval of this Conditional Use Permit.

Susom agreed w/idea of AUD.

Mayor - feels outline would be an attractive development.

On June 4, a joint public hearing was held on this same property for the same request – a conditional use permit for self storage and mini-warehouse. The conditional use permit was denied by the Planning and Zoning Commission. The applicant has indicated to Staff that he wanted to resubmit a new application for a conditional use permit in order to have the request considered again and perhaps submit new information about the proposed development.

SURROUNDING ZONING AND LAND USES:

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

	<u>Zoning</u>	<u>Land Use</u>
North	General Commercial District (GC)	Undeveloped tract
South	General Commercial District (GC)	Undeveloped tract
East	Single Family Residential – 2 District (R-2)	Single family residences within the Town Lake Estates residential subdivision
West	Heavy Industrial District (M-2)	Undeveloped land

CONFORMANCE TO UNIFIED DEVELOPMENT CODE (UDC): The subject property is currently zoned as GC. 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 property is approximately 4 acres in size, and has a lot width of approximately 290 feet, and a lot depth of approximately 600 feet.

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 conditional use permit 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 "Light Industrial" uses for the subject property, and for many of the adjacent properties along the east and west sides of State Highway 35. The Comprehensive Plan further indicates that the appropriate zoning districts for "Light Industrial" is the Light Industrial District (M-1). The existing zoning for the property conflicts with the comprehensive plan designation. The proposed mini-warehouse and self storage facility is allowed in GC by approval of a Conditional Use Permit.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on State Highway 35 (Main Street), a major thoroughfare with an ultimate right-of-way of 120 feet. Additional right-of-way for SH 35 may be necessary and will be reviewed when the subject property is platted.

No other roadways affect the subject property.

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.

AVAILABILITY OF UTILITIES: There is a 16 inch water line located on the west side of State Highway 35. There are no sanitary sewer facilities adjacent to 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.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The proposed conditional use permit for mini-warehouse and self storage has the potential to have an impact on the surrounding properties.

During the joint public hearing on June 4, several concerns arose regarding the location of the proposed development. Several Commission and Council members stated that they have a concern with storage facilities located adjacent to residential uses, especially with unknown contents in the storage facilities. It was also stated that the City should evaluate the future land use plan and consider changing areas where light industrial designations are shown adjacent to residential uses. Also, the subject property is located within the corridor overlay district, and it was stated that storage is not the best use of the property.

SITE PLAN CONSIDERATIONS:

The applicant has submitted a preliminary site plan for review. The following is a list of

requirements that pertain to the site under the GC district:

Building Setbacks:

Minimum front yard: 25 feet

Minimum side yard: 10 feet

Minimum rear yard: 25 feet

Maximum height: 45 feet

It appears that the proposed site plan meets these setbacks outlined in the GC district.

Corridor Overlay District:

Main Street is designated as a "corridor overlay" in the Unified Development Code. The applicant will be responsible for complying with all applicable requirements of the corridor overlay district as it pertains to the subject property. The corridor overlay district contains increased standards on building façade, building articulation, landscaping, and lighting, as well as others.

Building Façade:

The Unified Development Code requires that the building be 100 percent masonry or glass for the walls or portions of walls visible from the adjacent roadway or adjacent residential property.

The corridor overlay district contains standards that pertain to building articulation and building materials. Building articulation, which is the expression or outlining of parts of the building by its architectural design, shall be provided in accordance with the regulations listed in the ordinance. Regarding building materials, at least 25 percent of the exterior walls facing Main Street would need to be transparent. The applicant will have to provide compliance with the building articulation and building materials on the building permit plans. Also, the corridor overlay district requires that building colors meet the colors on the City's approved color palette.

Parking:

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

Screening:

Screening is required along the east property line where the subject property shares a property line with a residential subdivision that is currently zoned as R-2. The applicant will be required to provide a 25 foot wide landscape buffer along the east side of the property. The applicant is also required to construct a 6 foot high

masonry fence along the inside edge of the 25 foot landscape buffer.

The Corridor Overlay District also contains specific regulations on screening of storage areas, but it appears from the site plan that the applicant will not have any open storage or outside display areas.

Traffic:

A traffic impact analysis (TIA) may be required when the subject property is platted for development. The TIA would determine the impact of the development on the surrounding properties and adjacent roadways, and would also determine the location of driveways.

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

STAFF RECOMMENDATION: Staff recommends denial of the Conditional Use Permit, as proposed by the applicant, for the following reasons:

1. The proposed conditional use permit provides for a mini-warehouse and self storage facility in an area that is currently zoned GC, but is adjacent to a single family residential development.
2. The proposed facility has the potential to create an impact on the surrounding properties and developments.
3. A conditional use permit for storage and mini-warehouse facilities for the same subject property was denied by the Planning and Zoning Commission on June 4, 2007.

SUPPORTING DOCUMENTS:

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



APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

Page 1 of Application

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

Conditional Use Permit Request for: Self Storage
(list proposed use)

Current Zoning District: GC-General Commercial

Property Information:

Address or General Location: Four Acres, out of a 17.0470 @ Highway 35 and Oiler

Tax Account No.: _____

Subdivision: ACH&B Survey, Abstract 507, City of Pearland, Brazoria County, TX, North Commercial

Tract, Towne Lake Estates. : To be further described by the metes and bounds.

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

NAME Town Lake LP -- Renee L. McGuire

ADDRESS 7918 Broadway, Suite 106

CITY Pearland STATE TX ZIP 77581

PHONE (281) 997-1500

FAX (281) 997-2886

E-MAIL ADDRESS _____

* Must be the current property owner at the time of the submittal of the application, not the party that has the property under contract.

APPLICANT INFORMATION:

NAME Tal-Con -- Chris Talbert

ADDRESS 7501 Westview

CITY Houston STATE TX ZIP 77055

PHONE (713) 984-0710

FAX (603) 215-7609

E-MAIL ADDRESS cct@tal-con.com

CUP2007-13

Talbert Properties

7501 Westview Drive
Houston, Texas 77055
(713) 984-0710 (Phone)
(603) 215-7609 (Fax)
ctalbert@datamate.com

April 10, 2007

City of Pearland
3523 Liberty Drive
Pearland, Texas 77581

Subject: Highway 35 and Oiler Drive
4 Acres out of 17.040
Conditional Use Permit

Gentlemen:

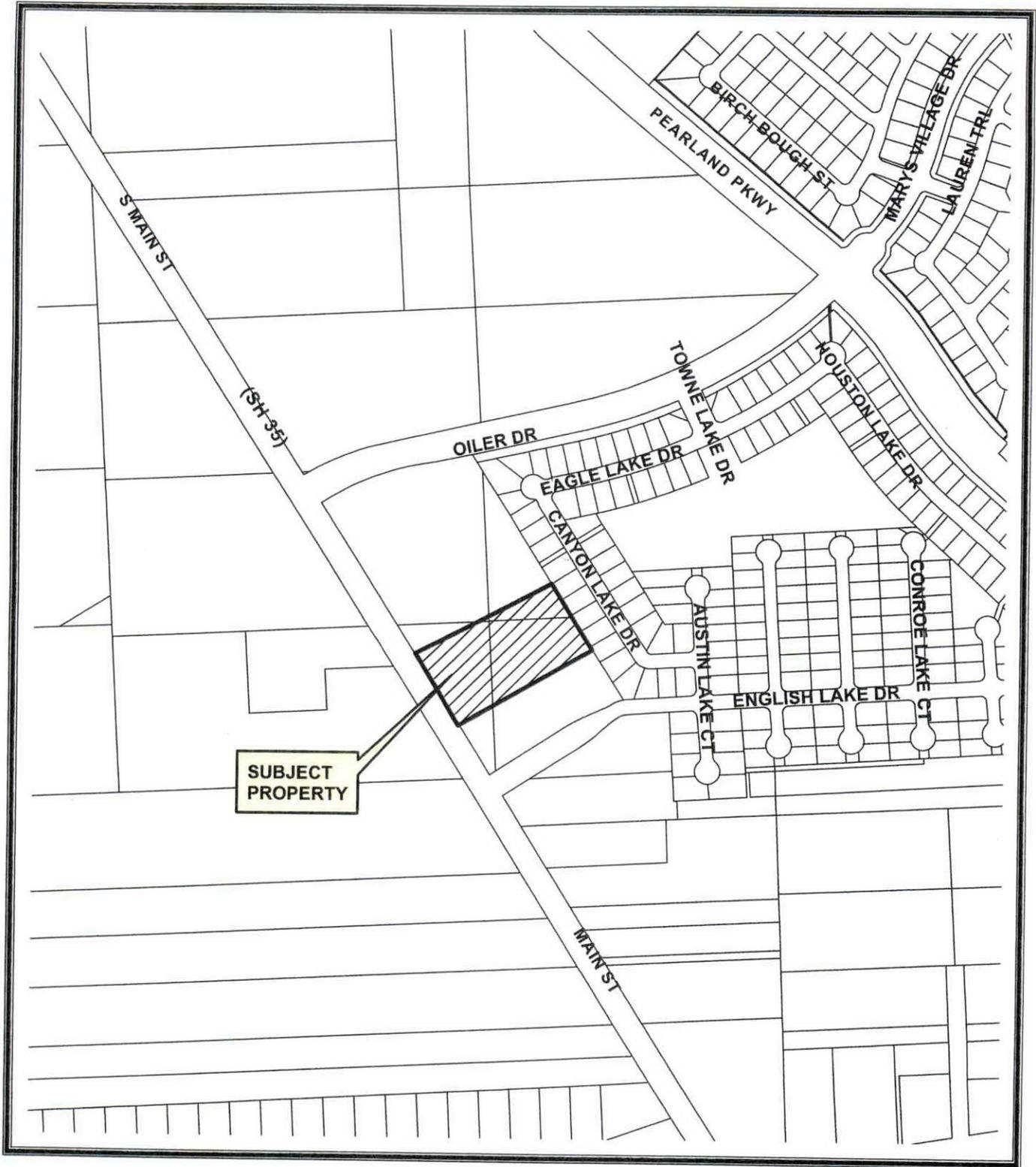
We are requesting a conditional use permit with regard to the above subject property. A plat of the property is attached hereto as further identification. We are seeking approval to build a self storage facility on the 4 acre tract. The completed Application for Special Use Permit is enclosed herein. The details of our proposal are as follows:

- 1 Proposed Usage--Self storage facility.
- 2 Square Footage of Proposed Building(s)--Multiple buildings totaling approximately 75,000 square feet of self storage space.
- 3 Size Tract--The self storage facility will be constructed on approximately 4 acres of the tract.
- 4 There are no special considerations or unique characteristics of the subject property.

Respectfully submitted,

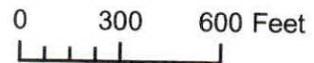
Chris Talbert

Enclosure: Application for Special Use Permit

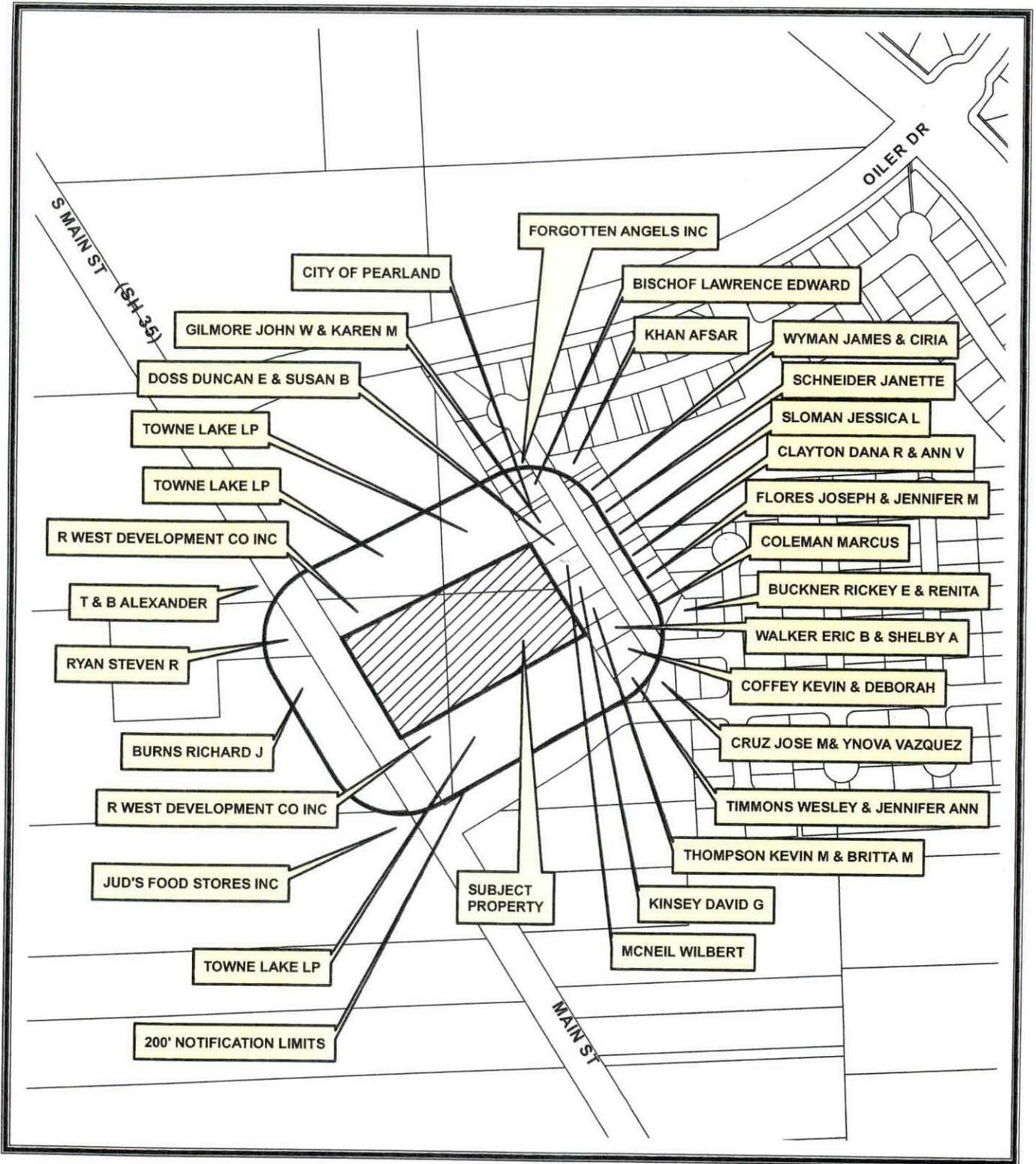


LOCATION MAP

Conditional Use Permit
No. CUP2007-13

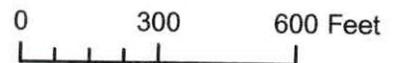


Map Prepared on July 1, 2007



OWNERSHIP MAP

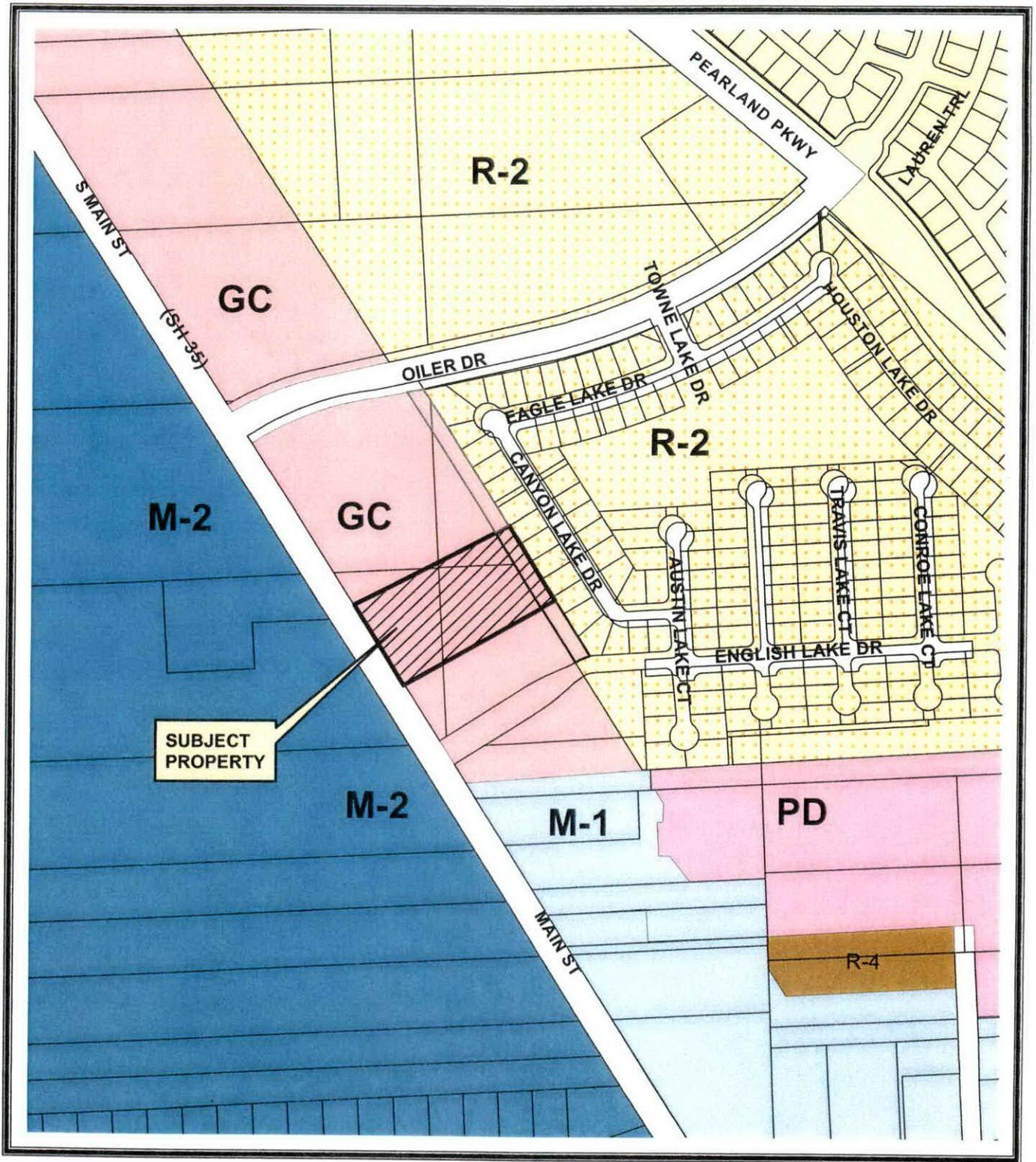
Conditional Use Permit
No. CUP2007-13



Map Prepared on July 1, 2007

CONDITIONAL USE PERMIT NO. CUP2007-13
Property Owner Notification List

<u>TAX ACCT</u>	<u>OWNER</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>ST</u>	<u>ZIP CODE</u>
0507-0003-005	TOWNE LAKE LP	7918 BROADWAY ST STE 106	PEARLAND	TX	77581-7758
0507-0003-005	TOWNE LAKE LP	7918 BROADWAY ST STE 106	PEARLAND	TX	77581-7758
0507-0019-000	T & B ALEXANDER FMLY LTD PRTNSP	2411 PARK AVE	PEARLAND	TX	77581-4233
8039-1003-071	KHAN AFSAR	3801 CANYON LAKE DR	PEARLAND	TX	77581
8039-1004-016	GILMORE JOHN W & KAREN M	3812 CANYON LAKE DR	PEARLAND	TX	77581-4776
8039-1004-014	FORGOTTEN ANGELS INC	7918 BROADWAY ST STE 104	PEARLAND	TX	77581-7758
0594-0002-000	JUD'S FOOD STORES INC	PO BOX 769	BRENHAM	TX	77834-0769
	TAL CON CHRIS TALBERT	7501 WESTVIEW	HOUSTON	TX	77055
8039-1003-070	WYMAN JAMES & CIRIA	3803 CANYON LAKE DR	PEARLAND	TX	77581-4777
8039-1004-015	BISCHOF LAWRENCE EDWARD	3810 CANYON LAKE DR	PEARLAND	TX	77581-4776
8039-1003-069	SCHNEIDER JANETTE	1813 EAGLES CV	FRIENDSWOOD	TX	77546-5134
8039-1000-006	CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581-5416
8039-1003-068	SLOMAN JESSICA L	3807 CANYON LAKE DR	PEARLAND	TX	77581-4777
8039-1004-017	DOSS DUNCAN E & SUSAN B	3814 CANYON LAKE DR	PEARLAND	TX	77581-4776
8039-1003-067	CLAYTON DANA R & ANN V	3809 CANYON LAKE DR	PEARLAND	TX	77581-4777
8039-1004-018	MCNEIL WILBERT	3816 CANYON LAKE DR	PEARLAND	TX	77581-4776
8039-1003-066	FLORES JOSEPH & JENNIFER M	3901 CANYON LAKE DR	PEARLAND	TX	77581-4788
8039-1004-019	KINSEY DAVID G	3902 CANYON LAKE DR	PEARLAND	TX	77581-4787
8039-1004-020	THOMPSON KEVIN M & BRITTA M	3904 CANYON LAKE DR	PEARLAND	TX	77581-4787
8039-1003-065	COLEMAN MARCUS	6435 IVY FALLS	MISSOURI CITY	TX	77459
0507-0028-000	BURNS RICHARD J	719 LAUREL GROVE LN	PEARLAND	TX	77584
0507-0003-005	TOWNE LAKE LP	7918 BROADWAY ST STE 106	PEARLAND	TX	77581-7758
8039-1003-064	BUCKNER RICKEY E & RENITA	3905 CANYON LAKE DR	PEARLAND	TX	77581-4788
0507-0003-000	R WEST DEVELOPMENT CO INC	PO BOX 1376	MANVEL	TX	77578
0507-0028-130	RYAN STEVEN R & CHARLOTTE L	3714 OAK DALE DR	PEARLAND	TX	77581-6168
8039-1004-021	WALKER ERIC B & SHELBY A	3906 CANYON LAKE DR	PEARLAND	TX	77581-4787
8039-1004-022	COFFEY KEVIN & DEBORAH	3908 CANYON LAKE DR	PEARLAND	TX	77581-4787
8039-1004-023	TIMMONS WESLEY & JENNIFER ANN	3910 CANYON LAKE DR	PEARLAND	TX	77581-4787
8039-1004-024	CRUZ JOSE M& YNOVA VAZQUEZ	3912 CANYON LAKE DR	PEARLAND	TX	77581-4787

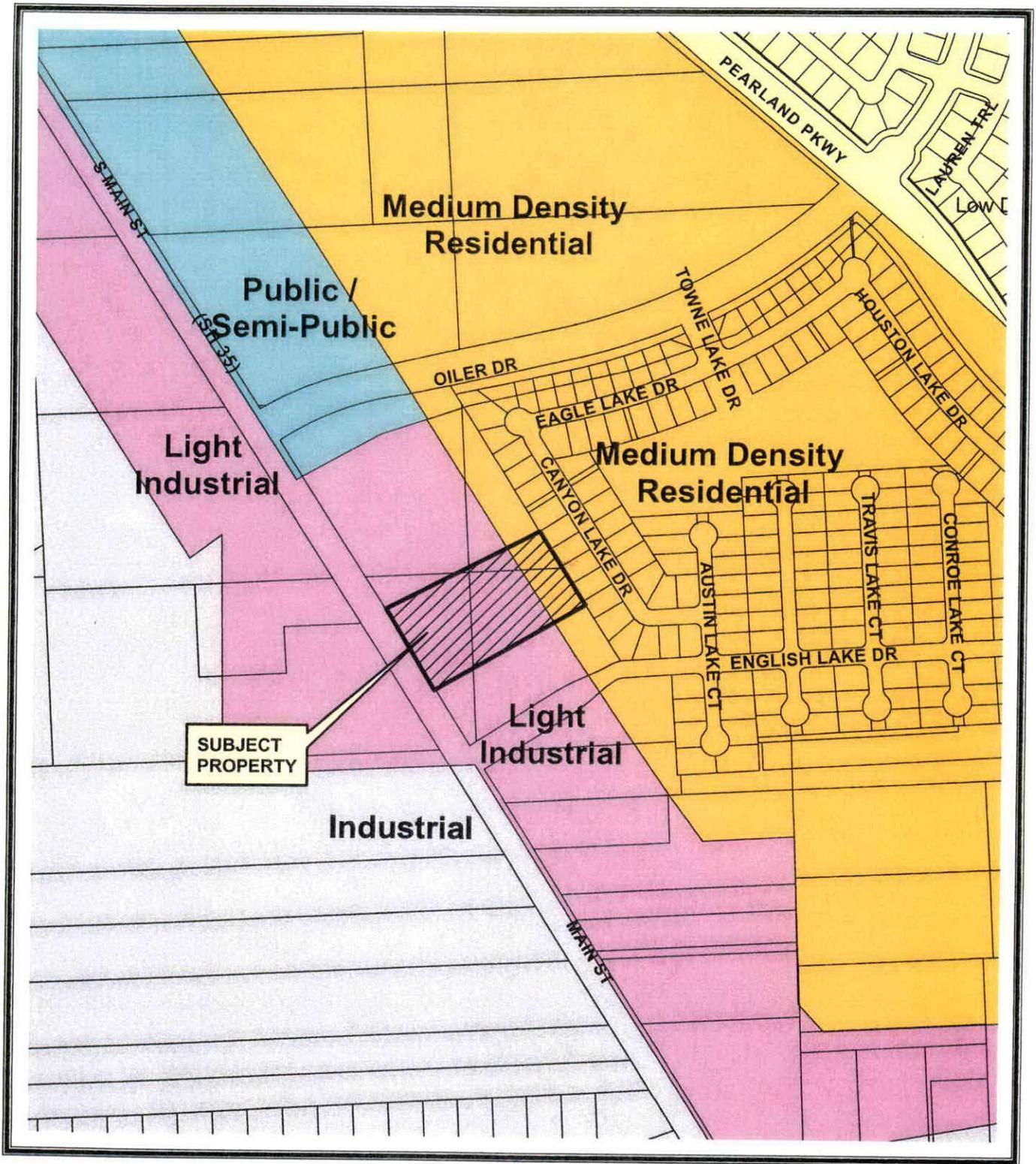


ZONING MAP

Conditional Use Permit
No. CUP2007-13

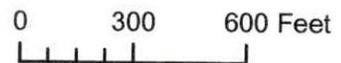


Map Prepared on July 1, 2007

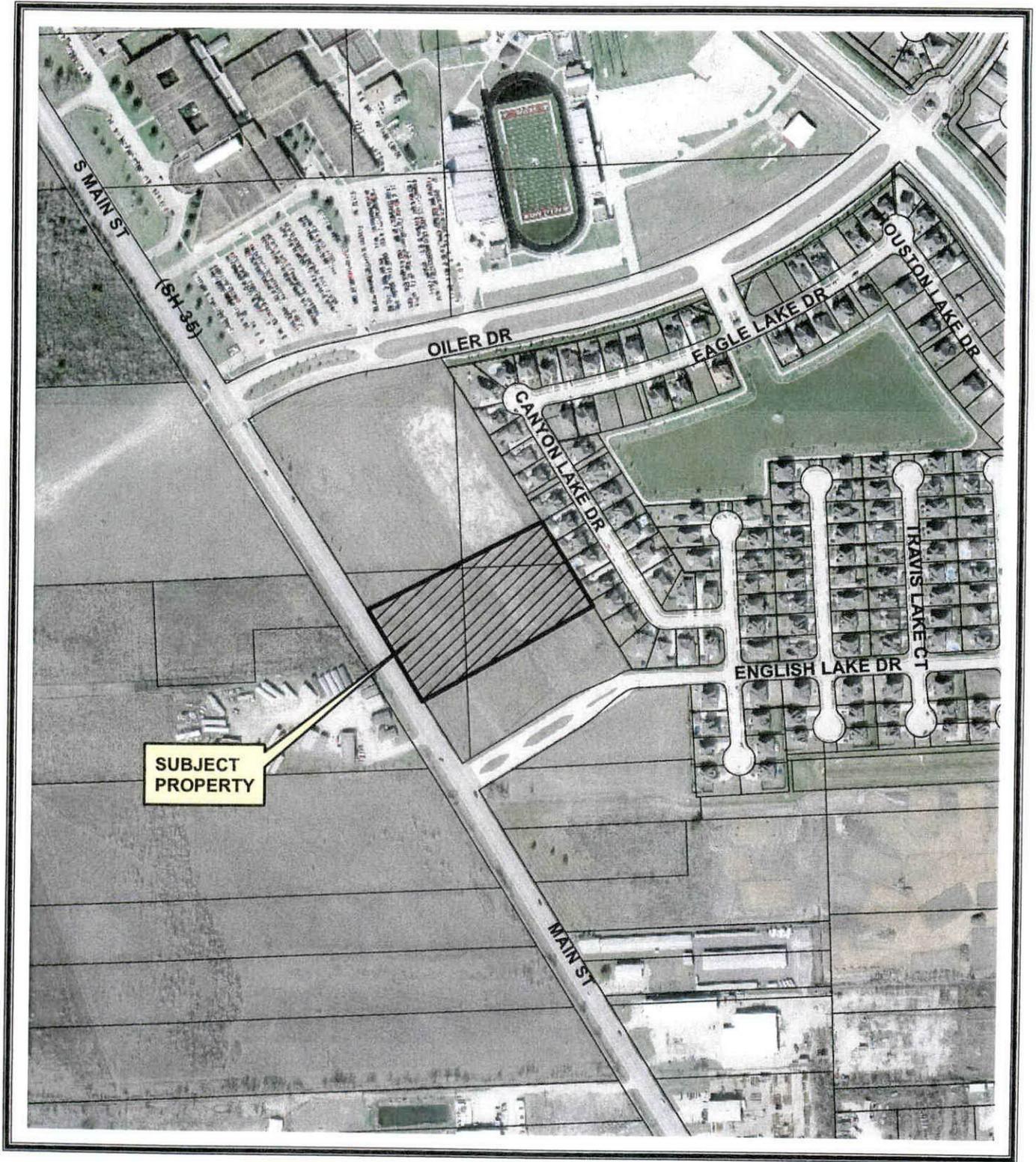


FUTURE LAND USE PLAN

Conditional Use Permit
No. CUP2007-13



Map Prepared on July 1, 2007



AERIAL PHOTOGRAPH

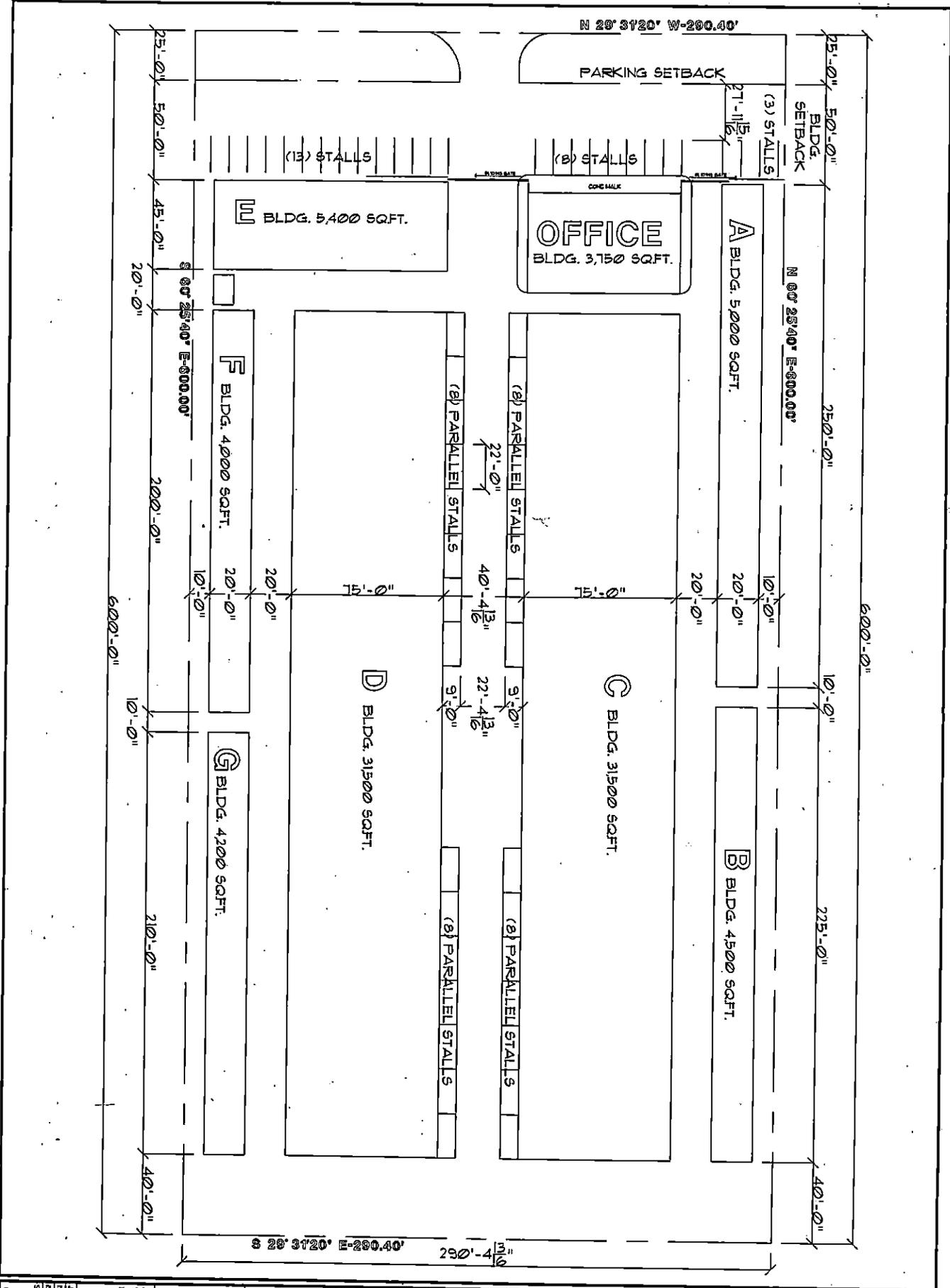
Conditional Use Permit
No. CUP2007-13



0 300 600 Feet



Map Prepared on July 1, 2007



SHEETS 1	JOB # DATE SCALE FOR APPROVAL SIGNED:	THE DEVELOPER'S USE OF THIS PLAN IS LIMITED TO THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. NO OTHER USE OR REPRODUCTION IS PERMITTED WITHOUT THE WRITTEN PERMISSION OF THE DESIGNER.	5000 Guadalupe Suite 100 Dallas, TX 75242 (214) 265-8972 (214) 265-8973 info@rivercitydesign.com	<p style="text-align: center;">PROPOSED NEW SELF STORAGE</p> <p style="text-align: center;">HWY 35 • ENGLISH LAKE DR. BRAZORIA COUNTY, TEXAS</p>	REVISION BY
-------------	--	---	---	---	----------------

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:

DERRON WHITAKER

Full Address:

2538 OBY RD.

(include zip)

77581

I wish to speak regarding Item No.

"C" 11

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: Massoud Motamedi

Full Address: 14311 Harvest Glen Ct.

(include zip) Houston, TX 77062

I wish to speak regarding Item No. _____

III. B. Mr. Whitaker spoke of need for infant daycare.

IV. No one present to speak

V. Kevin - in general, likes what the applicant has proposed.

Neil - asked what is their shortage.

Rata - until have site plan, won't know.

Darrell -

Discussion ensued

Steve - does the cup treat what bldg. they operate in.

TAG - need to add as a condition. to the cup.

Discussion continued

Messoud Motamedi - ^{owner} spoke about challenges the owners have in a mixed-use district.

Mike - Discussion ensued over mixed use district and buffering & parking

JOINT PUBLIC HEARING AGENDA ITEM MEETING OF JULY 16, 2007

Conditional Use Permit No. CUP 2007-11

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

LEGAL DESCRIPTION: Lot 13 of Garden Acres Subdivision, Section 3, Abstract 219, H.T. & B.R.R. Company Survey, City of Pearland, Brazoria County, Texas

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

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

Planning and Zoning Commission Meeting: July 16, 2007

SUMMARY: The applicant is requesting approval of a Conditional Use Permit (CUP) for a day care for children in the Garden O'Day Mixed Use District (GO-MU). The applicant already provides child care in her home on the subject property, but the facility is limited to 8 children or less. The applicant would like to expand the facility and move the day care to another structure located on the subject property, which would allow the applicant more room to allow more children. The applicant has indicated that she would increase the number of children to 20. A day care for children is permitted in the GO-MU district by approval of a Conditional Use Permit.

A preliminary site plan has been submitted with the CUP application. If the CUP is approved, the applicant will be required to submit a building permit application, in which the site plan, landscape plan, and all other building plans and site development will be reviewed for conformance with all codes and ordinances applicable. The attached site plan is not approved as part of the approval of this Conditional Use Permit.

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	Garden O'Day Mixed Use District (GO-MU)	Single family residence
South	Garden O'Day Mixed Use District (GO-MU)	Single family residence
East	Garden O'Day Mixed Use District (GO-MU)	Single family residence
West	Single Family Residential – 1 District (R-1)	Single family residence

CONFORMANCE TO UNIFIED DEVELOPMENT CODE (UDC): The subject property is currently zoned as GO-MU. The minimum lot size for the GO-MU district is 22,500 square feet, the minimum lot width is 150 feet, and the minimum lot depth is 125 feet. The subject property currently does not meet the minimum lot width of 150 feet, but exceeds the minimum lot depth and lot 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 conditional use permit application, it appears that the subject property has been platted as Lot 13 of the Garden Acres Subdivision. No further platting is required at this time.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends "Garden O'Day Mixed Use District" for the subject property, and for many of the surrounding properties fronting onto O'Day Road. The Comprehensive Plan further indicates that the appropriate zoning districts for "Garden O'Day Mixed Use District" is the Garden O'Day Mixed Use District. A day care center for children is permitted in the GO-MU district by the approval of a Conditional Use Permit. Therefore, the proposed conditional use permit does not conflict with the Comprehensive Plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on O'Day Road, a secondary thoroughfare with an ultimate right-of-way of 100 feet.

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

AVAILABILITY OF UTILITIES: There is a water line located on the west side of O'Day Road, and a sewer line located on the east side of O'Day 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 proposed conditional use permit for a day care may have an impact on the surrounding properties. A day care is typically a compatible use adjacent to residential due to the nature of the business.

The subject property is currently being utilized as a single family residence, with an in-home child care facility with a limited number of children. The subject property is less than an acre in size, and is already developed with a residence, a detached residential unit, and another building in the back that the applicant has indicated is not being used. It appears that the site is already built up with many structures and adding child care as a business to the site may be crowding too many uses on the site.

SITE PLAN CONSIDERATIONS:

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

Building Setbacks:

Minimum front yard: 25 feet

Minimum side yard: 10 feet

Minimum rear yard: 25 feet

Maximum height: 35 feet

It is not clear if the proposed site plan meets these setback requirements. From the site plan, it appears that the existing structures encroach into the rear and side yard

setbacks.

Corridor Overlay District:

O'Day Road is not designated as a corridor overlay district.

Building Façade:

Since O'Day Road is designated as a thoroughfare, the Unified Development Code requires that the building be 100 percent masonry or glass for the walls or portions of walls visible from the adjacent roadway or adjacent residential property. It is not clear if the existing structures meet this requirement. The applicant would be required to bring the structure up to code due to this change of use.

Parking:

The applicant will be required to provide parking spaces in accordance with the Unified Development Code. The applicant would have to provide adequate parking spaces, with sufficient backing and maneuvering space. The parking requirement for a day care is 1 space per 300 square feet of gross floor area.

Screening:

The applicant would be required to provide screening between the residential tracts to the north and west. The UDC requires a 25 foot wide landscape buffer, with a 6 foot high masonry fence. It appears that the play areas and existing structures and driveway currently encroach into these buffer areas.

Landscaping:

The applicant would have to submit a landscape plan with the building permit application, and would have to meet all the landscaping requirements stated in the UDC.

Traffic:

A traffic impact analysis (TIA) may be required when the subject property is platted for development. The TIA would determine the impact of the development on the surrounding properties and adjacent roadways, and would also determine the location of driveways.

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

STAFF RECOMMENDATION: Staff recommends denial of the Conditional Use Permit, as proposed by the applicant, for the following reasons:

1. The proposed conditional use permit provides for a day care on a lot that was originally used for a single family residence, and already does not meet the minimum lot size for a non-residential use, the 25 foot landscape buffer requirement, and the building setback requirements. It appears that the site, being quite small in size, may not be able to accommodate the required building setbacks and landscape buffers.
2. The proposed day care may impact the surrounding single family residential lots by creating an increase in traffic.
3. The site was originally constructed as a single family residence, and was not designed for a business, and the addition of the day care business would add more uses to a site that appears to be crowded.

SUPPORTING DOCUMENTS:

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



APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

Page 1 of Application

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

Conditional Use Permit Request for: Moving 8 capacity Residential
home daycare to Licensed - 20 Capacity,
(list proposed use)

Current Zoning District: _____

Property Information:

Address or General Location: 2538 A Cday

Tax Account No.: 13-4271-0041-000

Subdivision: Garden Acres

Lot: _____ Block: _____

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

NAME Massoud Motamed

ADDRESS 14311 Harvest Glns Ct

CITY Houston STATE Tx ZIP 77062

PHONE (281) 787-5137

FAX (281) 282-9081

E-MAIL ADDRESS _____

* Must be the current property owner at the time of the submittal of the application, not the party that has the property under contract.

APPLICANT INFORMATION:

NAME Karen Whitaker

ADDRESS 2538 B Cday Rd

CITY Pearland TX STATE Tx ZIP 77581

PHONE (281) 485 3404

FAX() _____

E-MAIL ADDRESS annasoults@hotmail.com

CUP 2007-11

Request for Conditional Use Permit

Property location: 2538 O'day Road. Pearland, TX 77581

Currently there are two residential units built within the lot on 2538 O'Day Road. One of the units is a 2400 Sq ft house and the other is a 1100 sq ft residential unit which has two bedrooms and its own backyard and utilities. There is 22 ft. wide driveway that is shared by both units. The Leaser of the larger unit that resides at 2538B O'Day is asking for permission from the City of Pearland to use the other building to expand her existing day care operation with the aim to increase the number of children that will be enrolled in her day care from 8 to 20. Presently the larger unit is the location for the residential registered daycare with an approved capacity of 12 children. This daycare has been in operation since April, 2006. Because of limited space that has been available to us within our home, we have kept our enrollment to 8 children. There has been a rather growing interest in the community for the service that we are providing. We have had many parents who have contacted us and are interested in enrolling their children in our daycare program. However, we have found it extremely difficult to expand our operation and share the home and our living area with a larger Daycare; and would like to move the operation out of the residence. If we have approval from the city for conditional use permit and pass inspections for establishing Daycare facility in the building next to our home, our goal is to operate a small day care center in the other building where we will be able to have access to larger space and can enroll up to 20 children in our program.

Property Description

Parking:

The current driveway has a width that can easily allow 2 cars to park parallel on the driveway(22 ft. wide). The depth of the drive is about 7 car lengths. Thus, 14 cars will fit parallel in two rows over the entire length of the driveway. The driveway can be easily widened to expand its width by at least 50%. This will enable us to have sufficient space for parking as well as space for cars to enter the lot, drop children and then turn around and exit the lot through the same driveway. The area that will be designated for parking will be some 20 feet away from the fence that separate this subject from the neighboring lot.

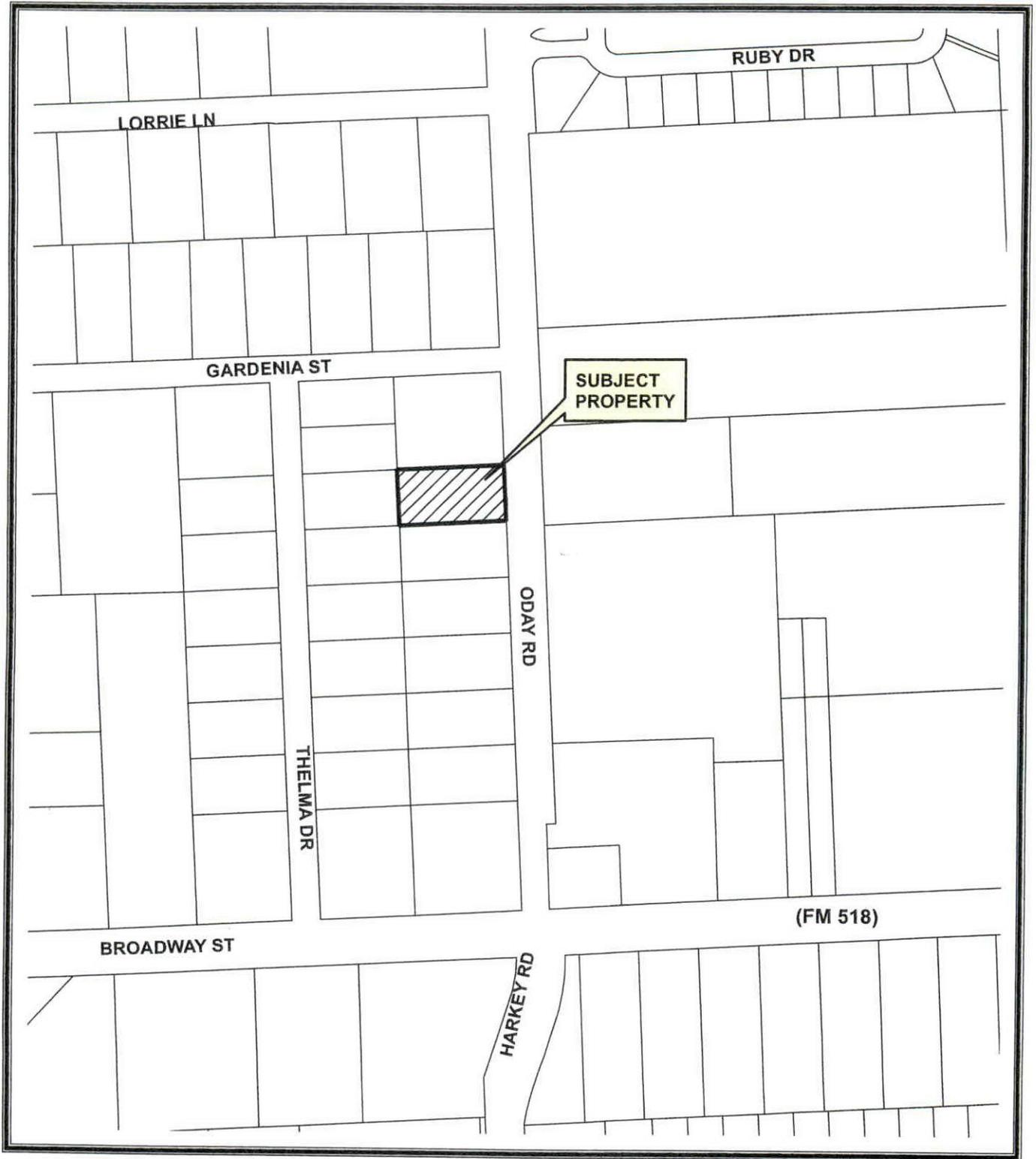
The Front of the property is situated off and is facing O'Day road. The entire perimeter of the property except the front fence along the road; is surrounded by an 8 foot privacy fence. The play area is designated to the back of the property and is also surrounded by its own fence.

Surrounding property

The subject property is surrounded by residential and commercial properties.

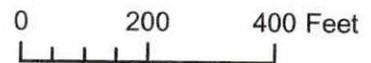
Daycare Schedule

The daycare operation will be between 6:30am and 6:30pm. Presently we have 8 families and they all arrive between 7:30 and 8:30 am at various days during the week. We are planning to add about 10 more families. The busiest time for dropping the children off will be between 7:00am and 8:30am. Our Out door play is in the rear of the property, and the time is designated to be between 10:30 and 11:30 am daily. Afternoon outdoor play is 3:00pm to 4:30pm.

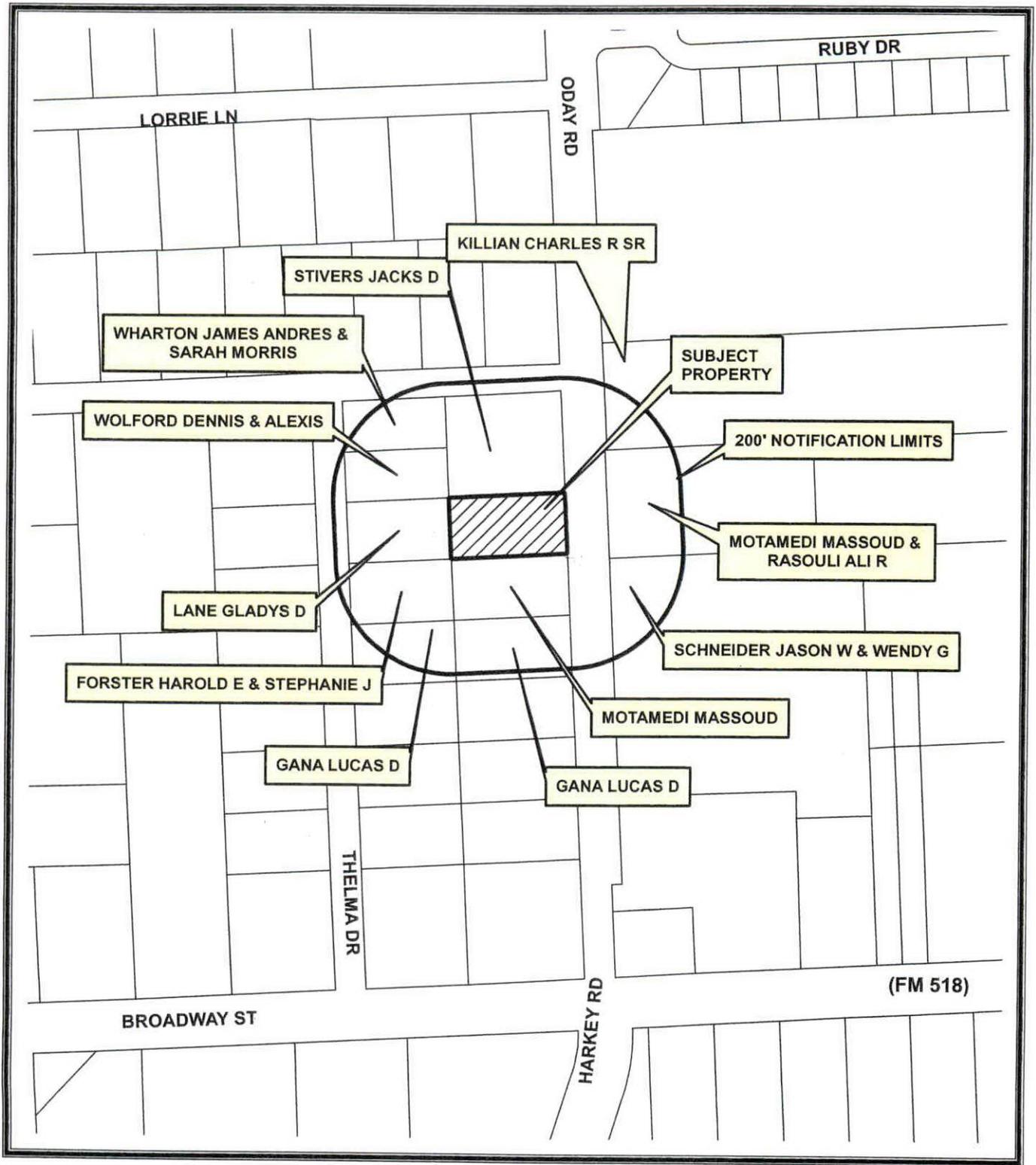


LOCATION MAP

Conditional Use Permit
No. CUP2007-11



Map Prepared on May 29, 2007



OWNERSHIP MAP

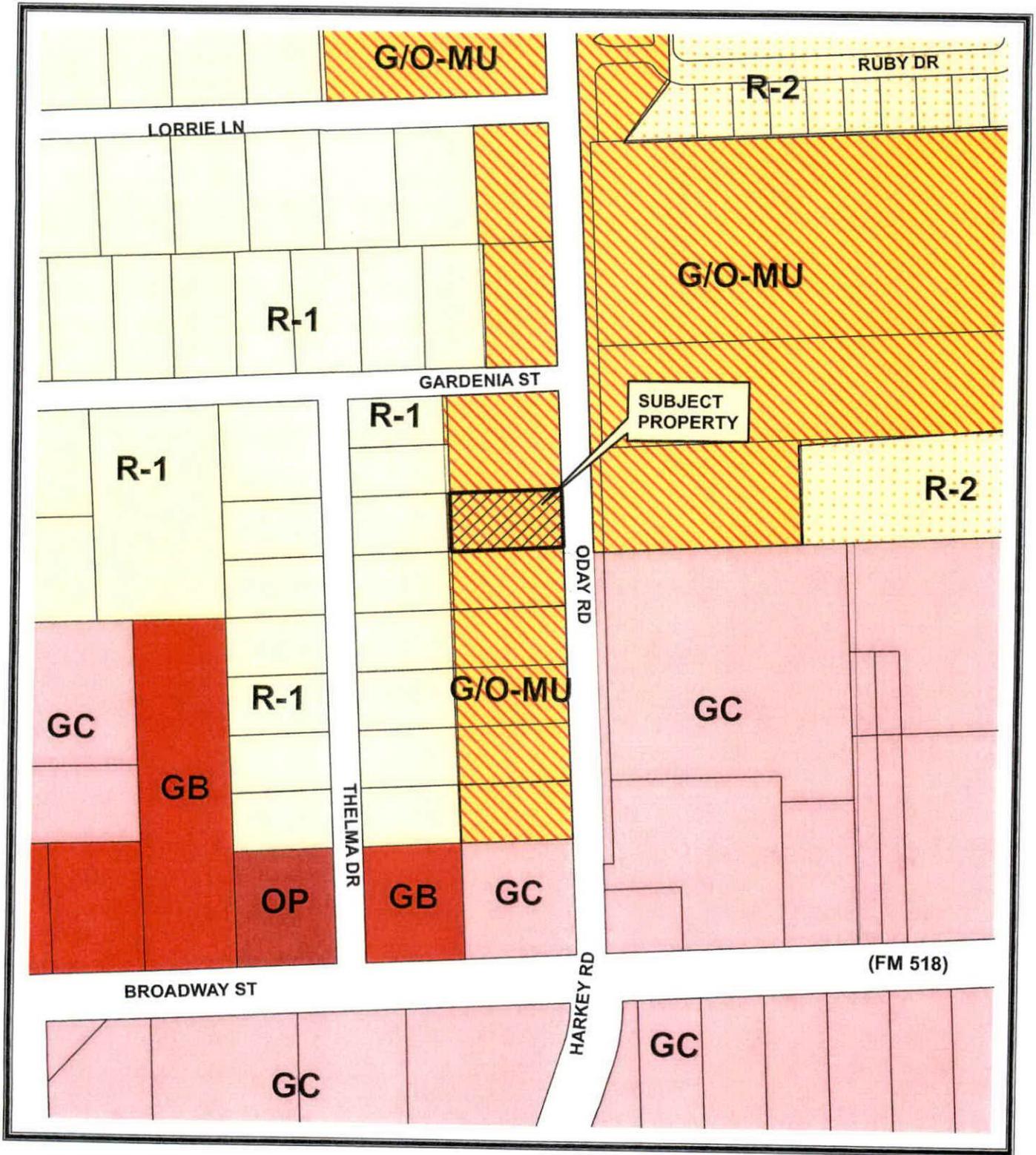
Conditional Use Permit
No. CUP2007-11



Map Prepared on May 29, 2007

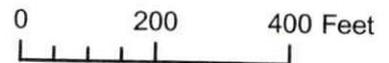
CONDITIONAL USE PERMIT NO. CUP2007-11
Property Owner Notification List

<u>TAX ACCT</u>	<u>OWNER</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>ST</u>	<u>ZIP CODE</u>
4271-0021-000	STIVERS JACKS D	2530 ODAY RD	PEARLAND	TX	77581-3109
4271-0016-000	WHARTON JAMES ANDRES & SARAH MORRIS	2531 THELMA ST	PEARLAND	TX	77581-7082
0544-0045-120	MOTAMEDI MASSOUD & RASOULI ALI R	14311 HARVEST GLEN CT	HOUSTON	TX	77062
4271-0038-000	LANE GLADYS D	2539 THELMA ST	PEARLAND	TX	77581-7082
4271-0016-111	WOLFORD DENNIS & ALEXIS	2535 THELMA ST	PEARLAND	TX	77581
0544-0045-130	KILLIAN CHARLES R SR & ADELENE B KAREN WHITAKER	14525 O'DAY RD 2538 B O'DAY RD	PEARLAND	TX	77581-3123 77581
4271-0041-000	MOTAMEDI MASSAUD & FIROOZEH SAHEBKAR	14311 HARVEST GLEN	HOUSTON	TX	77062
6847-0000-200	SCHNEIDER JASON W & WENDY G	2810 WESTCHESTER CIR	PEARLAND	TX	77584-5827
4271-0041-001	MOTAMEDI MASSOUD	14311 HARVEST GLEN	HOUSTON	TX	77062
4271-0037-000	FORSTER HAROLD E & STEPHANIE J	2551 THELMA ST	PEARLAND	TX	77581-7082
4271-0033-000	GANALUCAS D	2603 THELMA ST	PEARLAND	TX	77581-7774
4271-0033-000	GANALUCAS D	2603 THELMA ST	PEARLAND	TX	77581-7774

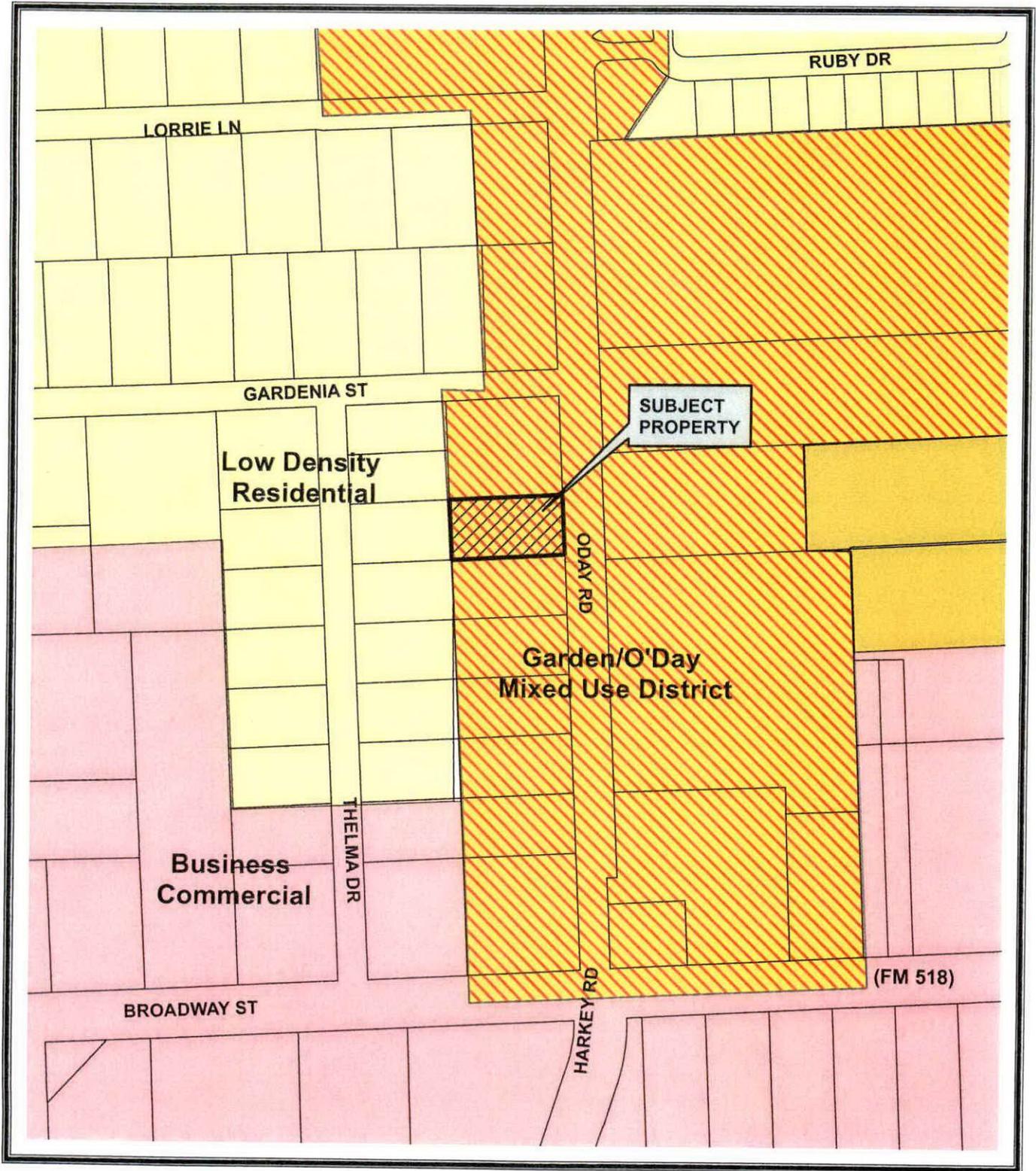


ZONING MAP

Conditional Use Permit
No. CUP2007-11



Map Prepared on May 29, 2007



FUTURE LAND USE PLAN

Conditional Use Permit
No. CUP2007-11



0 200 400 Feet

Map Prepared on May 29, 2007

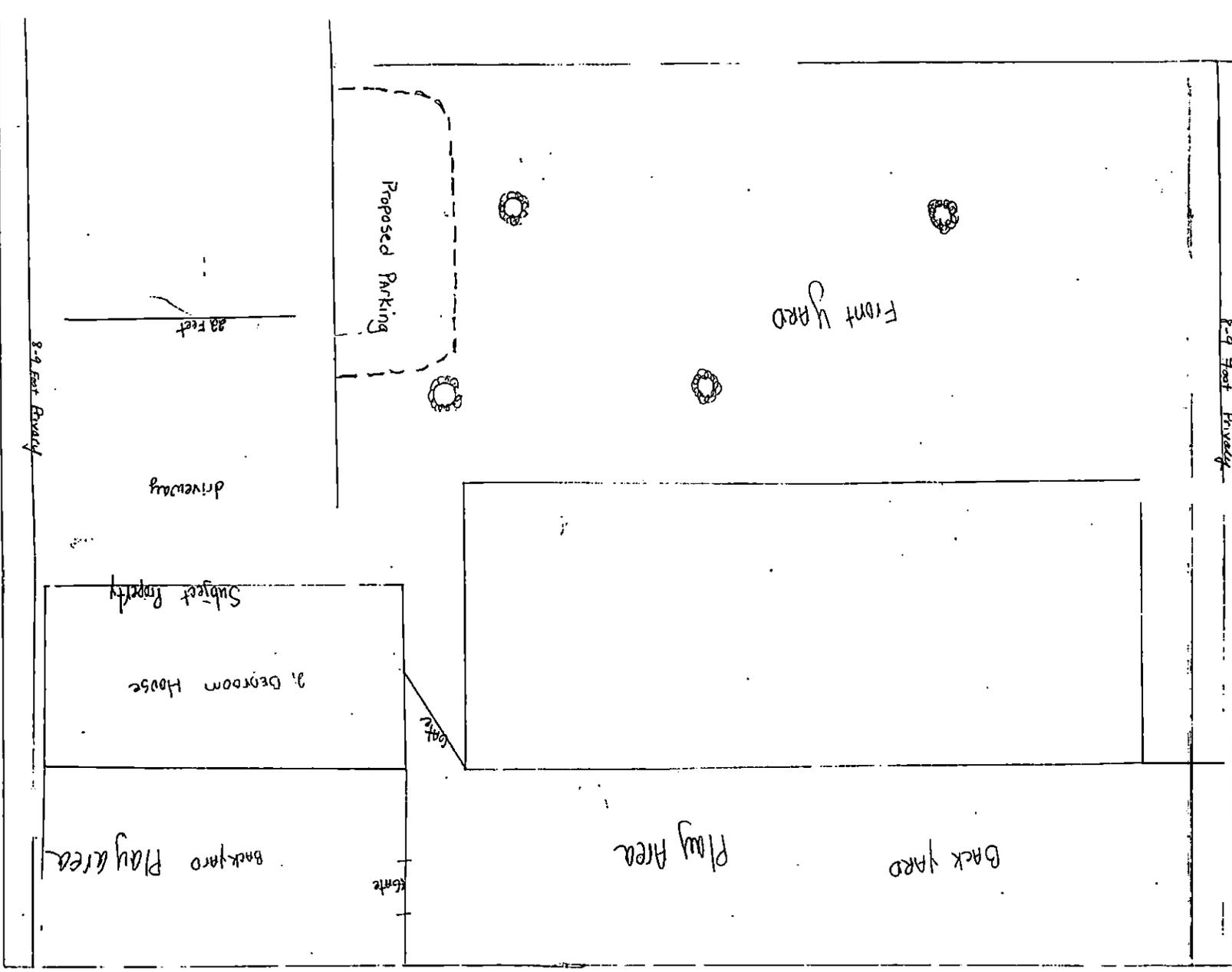


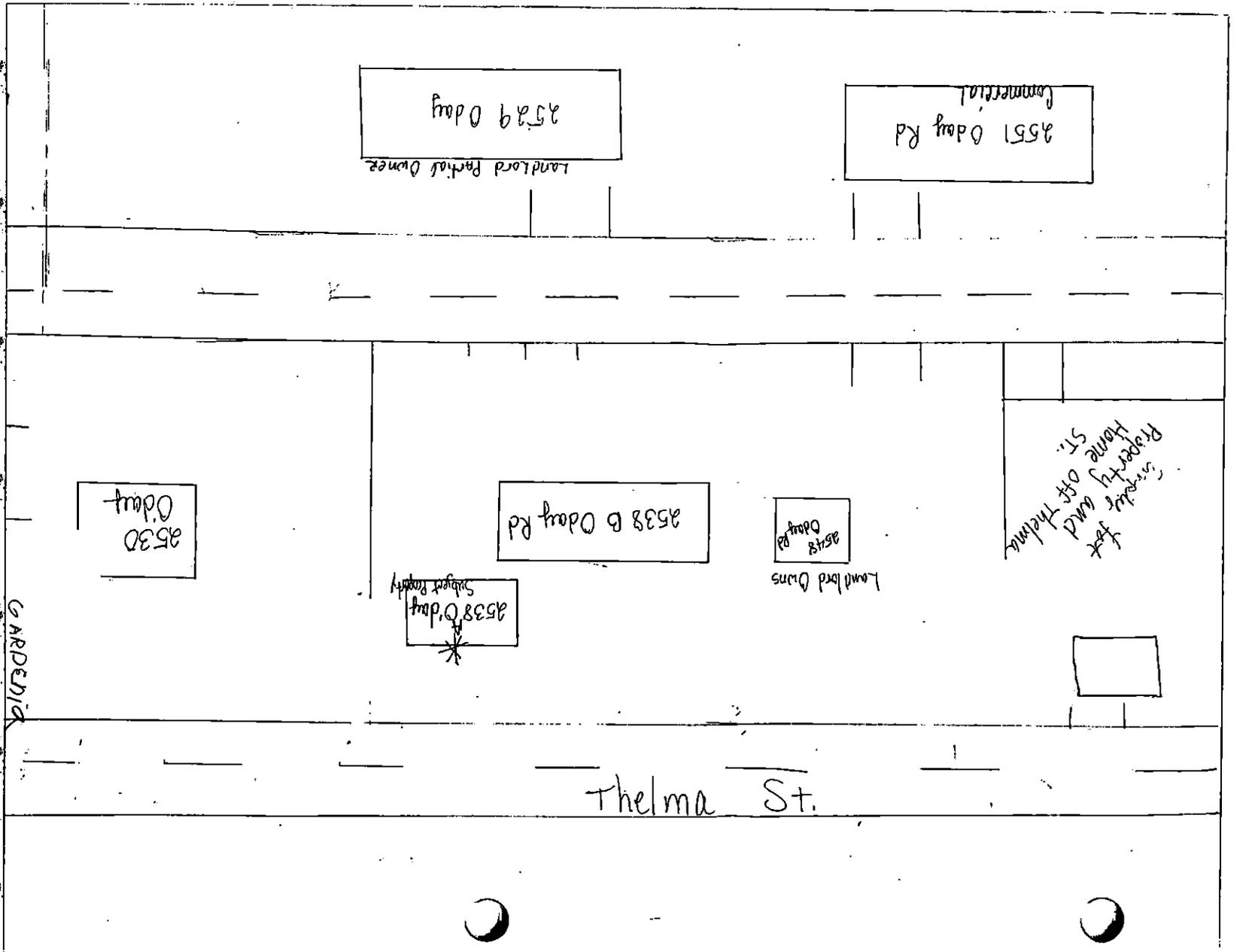
AERIAL PHOTOGRAPH

Conditional Use Permit
No. CUP2007-11



Map Prepared on May 29, 2007





Henry made a motion to elect
Neil, Darrell seconded. 4-0

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

Neil called to order @
9:18 p.m.

I. CALL TO ORDER

II. APPROVAL OF MINUTES

July 2, 2007 - Regular Meeting

Susan/Darrell

4-0 approved.

III. NEW BUSINESS

A. CONSIDERATION & POSSIBLE ACTION—ZONE CHANGE NO.

2007-08Z Darrell motion / Henry second.

amended
to GB
3-1
4-0 approved

Nghiem asked if applicant wants GB. TAG responded not really.
A request by Domodar Battu, applicant for Kubera Investments
Partnership, owner, for an amendment to Ordinance No. 2000M, the
Zoning Map of the City of Pearland, for approval of a change in zoning
district from classification General Business Retail District (GB) and
Single Family Residential - 1 District (R-1) to General Commercial
District (GC). Darrell - not in favor of changing to GB w/o applicant's presence.
Henry ~~called to order~~ Susan agrees w/ Darrell. →

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

Susan motion / Darrell for discussion →

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

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

Darrell / Susan motion to discuss

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

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

ALL real -- no outstanding items.

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

Action Date 7/16/07

(A.)

Henry made motion to amend to change to GB.

Neil ~~seconded~~ 3-1

4-0 approved

in favor of amendment (Darrell opposed)

(B.)

Henry - heard this would be better served in a PD.
Susan - commended quality work by west Development.
Feels most comfortable w/ a PD.

Ngheim - heard discussion. How it will happen under PD is not in City's control.
but when is not under City's control.

Darrell - Phase Development zone the dirt.
Neil - asked fence what she thinks of PD?
Renee - sounds good. Just concerned w/ Market.

Ngheim - keep concern of the neighborhood.
Darrell - spoke how she talked w/ HOA after hearing fence and voiced out their fears of a fence.
Darrell - recommends tabling tonight until market study can be done.

Lata spoke about difference w/ what is in packet & what was presented. And spoke of feasibility study.
Nick recommended it tabled, need to hear from residents again, need to hear lack of discussion.
Darrell - public opposed.



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

E. DISCUSSION ITEMS

Upcoming Dates & Meetings

IV. ADJOURNMENT

TX APA
Oct-17-20

Ruby
Susan
Neil Richard
Lata
Theresa
Tim

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

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

Judy Krajca, Planning Secretary

Agenda removed _____ day of July 2007.

Susan asked about denying w/ prejudice. Other discussion ensued about voting procedure. 0-4 denied.

Reasons: Staff's comments
Commission PD recommends PD if this development were to happen
Comments @ hearing

①

Discussion ensued ~~regarding requirements under CUP~~ on all aspects of granting the CUP.

Susan ^{suggested} ~~made~~ motion to table.

Discussion ensued regarding a variance, platting, CUP.

0-4 denied.

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JULY 16, 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. 2007-08Z

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

Legal Description: 10.00 acres of land, Abstract 242, H.T. & B.R.R. Company Survey, Tract 1A5, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the East Side of Old Chocolate Bayou Road, and Approximately 1,300 Feet South 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.

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JULY 16, 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

Conditional Use Permit No. CUP2007-13

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

Legal Description: 4.00 acres out of a 16.9958 acre tract of land, located in the A.C.H. & B Survey, Abstract 507, City of Pearland, Brazoria County, Texas

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

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.

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JULY 16, 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

Conditional Use Permit No. CUP2007-11

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

Legal Description: Lot 13 of Garden Acres Subdivision, Section 3, Abstract 219, H.T. & B.R.R. Company Survey, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the West Side of O'Day Road, and Approximately 850 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.

Silver Land Center

Final Plat—Staff Report

P& Z Meeting Date: July 16, 2007

APPLICANT:

Michael D Wilson, The Wilson Survey Group, for Hiep Pham, Fortress Pearland Investments, LLC, owner.

REQUEST:

Final plat of 8.2904 acres for Silver Land Center located at the Southwest corner of the intersection of Hillhouse Road and Broadway Street.

ZONING:

General Business (GB).

TRAFFIC AND TRANSPORTATION:

Traffic Impact Analysis submitted to the City of Pearland.

UTILITIES:

Water and sewer are available.

STORMWATER MANAGEMENT:

Water detention facility provided on site

PARKS AND OPEN SPACE:

Not applicable to this commercial plat.

OUTSTANDING ITEM:

None.

ATTACHMENTS:

1. Map
2. Plat Application

JAN 2007

PLAT APPLICATION

Page 1 of 2

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 Type of Plat Requested:

- Preliminary Subdivision Plat
- Final Subdivision Plat
- Minor (Subdivision) Plat
- Amending Plat
- Master Plat
- Preliminary Development Plat
- Final Development Plat
- Replat

*Please send any and all correspondence to:

jkrajca@ci.pearland.tx.us

SUBDIVISION
NAME:

SILVER LAND CENTER

JUL 09 2007

NUMBER OF LOTS: 1

GENERAL

LOCATION: SOUTHWEST CORNER OF THE INTERSECTION OF KULHOUSE RD & BROADWAY, CITY OF PEARLAND

PRIMARY CONTACT: MICHAEL D. WILSON

MAILING ADDRESS: 2006 E BROADWAY, SUITE 105

CITY, STATE, ZIP: PEARLAND, TEXAS, 77581

PHONE: 281-485-3991 FAX: 281-485-3998

E-MAIL ADDRESS: mdwilson@houston.tt.com

OWNER NAME: HIEP PHAM

MAILING ADDRESS: 4318 W. FWQUA

CITY, STATE, ZIP: HOUSTON, TX 77045

PHONE: 713-433-7500 FAX: 713-433-6295

E-MAIL ADDRESS: hieptexas@yahoo.com

A complete application must include all items shown on the corresponding submittal checklist for each different type of plat. See Page 2.

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

Owner's Signature: [Signature] Date: 7/6/07

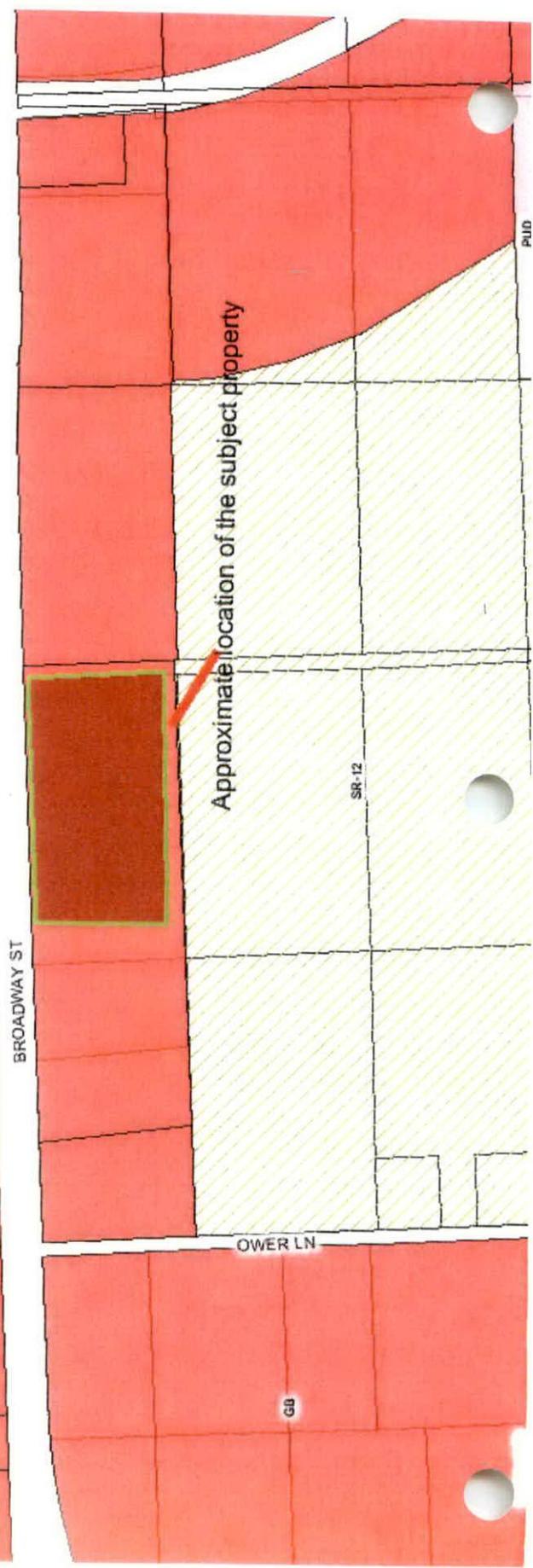
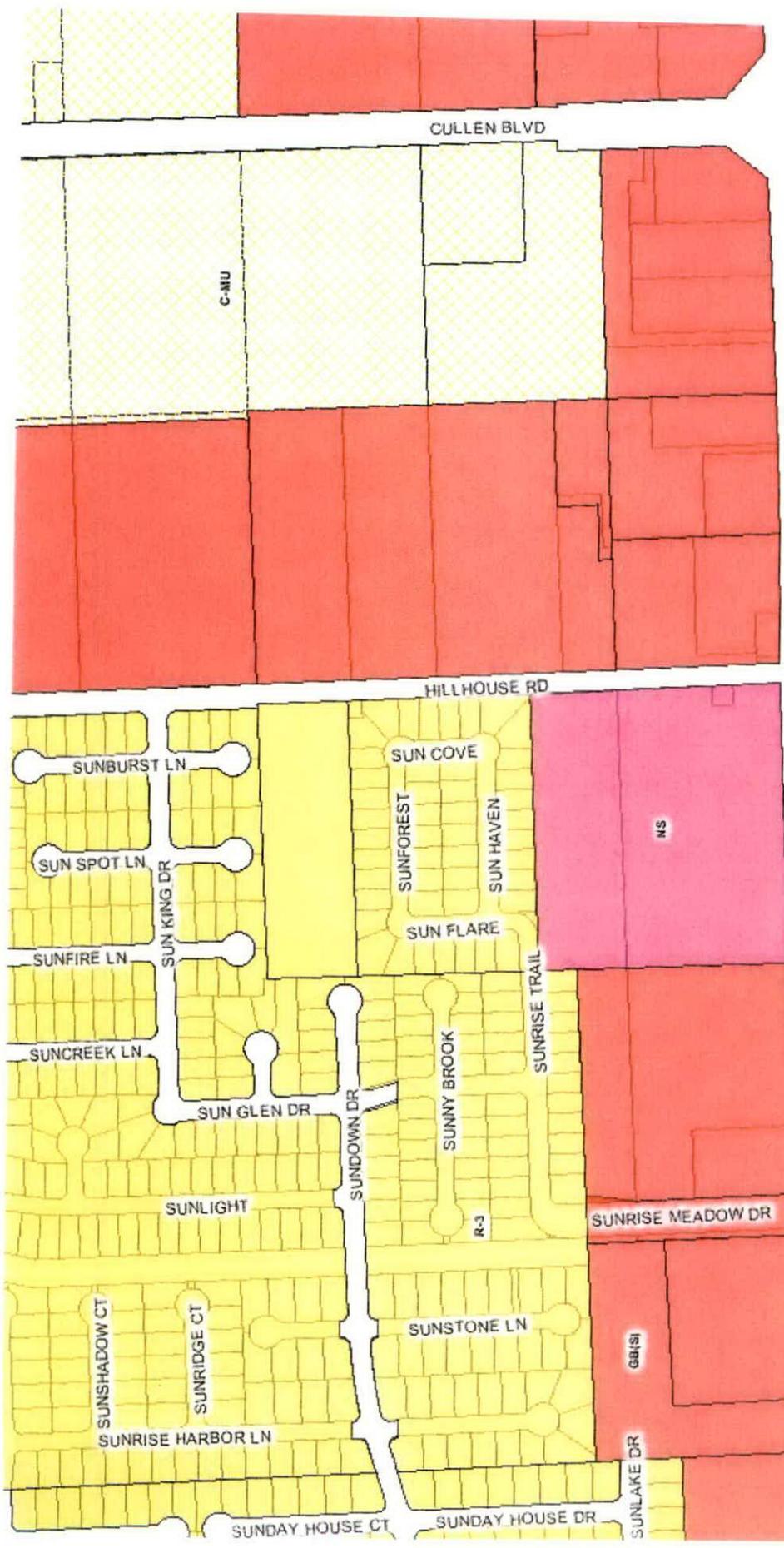
Applicant's Signature: [Signature] Date: 7/6/07

I acknowledge that this plat has been submitted on this day, _____, and the Plat filing date is _____, which will be the first day it will be reviewed by the Planning Staff. I hereby sign and date this acknowledgement.

Signature: _____ Date: _____

All waiver requests must be received by the resubmittal time and date that corresponds to the Plat Resubmittal Deadline, per the attached schedule.

FEES PAID: _____
DATE PAID: _____
RECEIVED BY: _____
RECEIPT NO.: _____



APPROVAL OF THE CITY OF
OTS.

SHALL BE PLACED ALONG THE
LAYOUT.

THE SOUTH PROPERTY LINE
LAYOUT.

FINAL PLAT OF SILVER LAND CENTER

1 BLOCK, 1 LOT
8.2904 ACRES

IN THE H.T.& B.R.R. COMPANY
SURVEY, ABSTRACT 309
AT THE SOUTHWEST CORNER OF THE
INTERSECTION OF HILLHOUSE ROAD AND
BROADWAY STREET, CITY OF PEARLAND
BRAZORIA COUNTY, TEXAS

JULY, 2007

OWNER: FORTRESS PEARLAND INVESTMENTS, LLC
4318 W. FUQUA
HOUSTON, TEXAS 77053
(713) 433-7500

CONTACT: HIEP PHAM

PREPARED BY:



THE WILSON SURVEY GROUP
PROFESSIONAL LAND SURVEYORS
2006 E. BROADWAY PEARLAND, TEXAS
(281) 485-3991 FAX (281) 485-3998

CONTACT PERSON: MICHAEL D. WILSON

I.R.R. Company
4 acre tract is
n of Section
Is and is also
Parmesan as
Said 8.2904

e south
f 120-feet)
of the herein

a distance of
ce of 831.36
corner of the
said Lot 12

and Lot 17
non corner of
described tract;

2 and Lot 13,
> Headway
County Clerk's
ron rod set for
corner of the

12, some being
, LP as
fice, for a
ted area of

Hillhouse Road