

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD AUGUST 20, 2012, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

- I. CALL TO ORDER
- II. PURPOSE OF HEARING

ZONE CHANGE APPLICATION NO. 2012-05Z

A request of Daniel Frayne, applicant, on behalf of JDI Ventures, Inc., owner, for approval of a zone change from the Spectrum District (District S5) (SP5) zone to the Light Industrial (M-1) zone for 17.7063 acres on the following described property, to wit:

Legal Description: Being a 17.7063 acre (771,287 square feet) tract of land out of the R. T. Blackburn Survey, Abstract 160, Harris County, Texas; and being out of and a portion of Lot 22 and Lot 30 of the Orchard Ridge Addition to Almeda as recorded by plat filed in Volume 64, page 7 of the Deed Records of Harris County, Texas; and being all of and the same as the certain called 7.410 acre tract of land and all of and the same as the certain called 0.400 acre tract of land, both as conveyed to CSBWMD All Terrain Vehicles, Inc., in Warranty Deed dated September 18, 1989, as recorded in File Number M-327774 of the Clerk's Files of Harris County, Texas; and being all of the same as that certain called 9.896 acre tract of land as conveyed to CSBWMD All Terrain Vehicles, Inc., in Warranty Deed dated September 18, 1989, as recorded in File Number M-327773 of the Clerk's Files of Harris County, Texas

General Location: 322 Riley Road, Pearland, TX

- III. APPLICATION INFORMATION AND CASE SUMMARY
 - A. STAFF REPORT
 - B. APPLICANT PRESENTATION
- IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST
- V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION
- VI. ADJOURNMENT

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



JOINT PUBLIC HEARING AGENDA ITEM MEETING OF AUGUST 20, 2012

Zone Change No. 2012-05Z

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General Location: 322 Riley Rd, Pearland, TX

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

Planning and Zoning Commission: August 20, 2012*

City Council for First Reading: September 10, 2012*

City Council for Second Reading: September 24, 2012*

(*dates subject to change)

SUMMARY: Daniel Frayne, applicant, for JDI Ventures, Inc., owner, is requesting approval of a zone change from the Spectrum District (District S5) (SP5) zoning district to the Light Industrial (M-1) zoning district for 17.7063 acres for the above referenced location. The applicant has indicated they would like to re-use the property in accordance with the Light Industrial (M-1) land use regulations. At this time, the City is

not aware of a specific use or tenant, or any specific redevelopment plans.

The property in question was annexed into the City of Pearland's corporate limits in April 2005 as part of the Spectrum District, and Zoned District S5 (SP5) in 2006.

Site photos of the property and its current condition are provided below:



As illustrated, the property is currently not being used and is considered *abandoned* by the City' Unified Development Code. As the property is considered abandoned, reuse or redevelopment of the property is required to meet the City's current land use and development regulations, based on the property's current zoning.

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	Light Industrial (M-1)	Undeveloped
South	Spectrum District (District S5)	Undeveloped
East	Spectrum District (District S5)	Residential
West	Spectrum District (District S5)	Undeveloped

CONFORMANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC): As previously mentioned, the property is currently zoned Spectrum District (District S5) (SP5). As the property is currently being requested to be rezoned to Light Industrial (M-1), a breakdown between those requirements and the site current configuration is provided below:

	<u>Light Industrial (M-1)</u>	<u>Existing Site</u>
Lot Size:	40,000 sq ft	17.7063 acres
Lot Width:	150'	~915'
Lot Depth:	150'	~1,010'
Front Setback:	35'	~30'
Rear Setback:	25'	~350'
Side Setback:	25'	~0',80'

As previously mentioned the property is currently vacant and considered to be abandoned. The existing site does not meet the front or left setback requirements, and is considered to be non-conforming. Any future expansion or re-use of the property would require the property meet all requirements of the Unified Development Code. Depending on the scope of re-use or expansion, these requirements may include façade improvements, parking, landscaping, screening, and sidewalks.

PLATTING STATUS: The property is not currently platted. Any future expansion of the property (square footage or paving) would require the property to be platted at that time.

CONFORMANCE WITH THE COMPREHENSIVE PLAN: The current Comprehensive Plan (latest update in 2009) indicates *Mixed Use Business Park/Spectrum District* for the subject property. The 2004 Comprehensive Plan update adopted by City Council further supports the previous plan and designates the general area as the *Spectrum District*, and states that the area should be classified a special zoning district which contains (but are not limited to) the following characteristics:

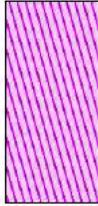
- Mix of land uses
- A distinctive gateway announcing the City of Pearland from State Highway 288 and Beltway 8
- A comprehensive streetscape program, with medians, street trees, cohesive lighting, and pedestrian walkways
- Front building facades with a mixture of architectural and design characteristics that are aesthetically pleasing
- Buildings set in a campus like environment where appropriate, such as a large office, manufacturing, or research and development centers

Below is a map of the Spectrum District, as adopted in the 2004 Comprehensive Plan update:



The 2004 Future Land Use Plan separates the area into five (5) different subcategories, S1-S5 (as illustrated above). As previously mentioned, the subject property is currently zoned S5, summarized in the Comprehensive Plan as:

District S5: The Light & Heavy Industrial District



These areas are intended for light or heavy industrial development that may have outside business activity and outside storage. Much of the development to the south and west of the Spectrum District area is currently characterized by heavy commercial and industrial businesses, and the identified areas should provide transition between these existing uses and the new uses envisioned for development within the S4 District. Regardless of the type of uses, however, design guidelines should be established to ensure that future development provides an aesthetically pleasing view from the planned roadways.



Therefore, based on the City's Future Land Use Plan in the Comprehensive Plan, and Council's consistent direction that new and redevelopment in the subject area should be in compliance with the City's *Spectrum District* plan, the proposed zone change to Light Industrial (M-1) would not be in compliance with the current Comprehensive Plan.

The City has also been working with a consultant on a development plan for the *Lower Kirby District*, which is an area that encompasses a large portion of the Spectrum District. To summarize, the plan is to create a form based code to achieve a vision for the district, which is a unified, mixed use, high density, pedestrian friendly environment. Details of the development plan were presented to Council in June of this year, and Council gave direction to staff to begin implementing the plan into the City's Comprehensive Plan. While the *Lower Kirby District* plan does not specifically include this area (its boundary stops at Hooper, rather than extending to this property along Riley), discussion ensued at Council where it was indicated the remainder of the Spectrum area, specifically the SP5 area, should remain what it is in an effort to not lower development standards (which would result if the property was zoned to Light Industrial (M-1)).

CONFORMANCE WITH THE THOROUGHFARE PLAN: The subject property has frontage on Riley Road, a secondary thoroughfare, with a minimum of 100' right-of-way.

AVAILABILITY OF UTILITIES: The subject parcel does not have access to public water and sewer at this time.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: This development is currently negatively impacting the surrounding area. This is an on-going code enforcement case regarding site debris (abandoned boat in front yard), as well as the site not meeting the current development requirements of the Spectrum District S5 (SP5) zoning requirements. If the property is re-used or redeveloped with the current regulations, which would also require Special Exceptions to certain developmental requirements (ex. Side setback) from the ZBA, it will result in a higher quality development than if it were re-used or redeveloped under the Light Manufacturing (M-1) regulations. The Spectrum District regulations include enhanced building material requirements, fencing and screening materials, landscaping, parking, lighting, and building design and layout requirements which are not required with the Light Industrial (M-1) development requirements. Therefore, if the zone change is approved, there will be a negative impact on existing and future development in the area.

ADDITIONAL COMMENTS: This request has been reviewed by the City's Development Review Committee. The City's Fire Marshall's Office and Building Official are unclear at this time how Life/Safety codes, most specifically, fire protection, will be able to be met at this site. At this time, the City's public water system does not extend down Riley Road to this site, resulting in a lack of water for fire protection.

SITE PLAN CONSIDERATIONS: A site plan is not required for a zone change.

PUBLIC NOTIFICATION: 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 notification sign was placed on the subject property.

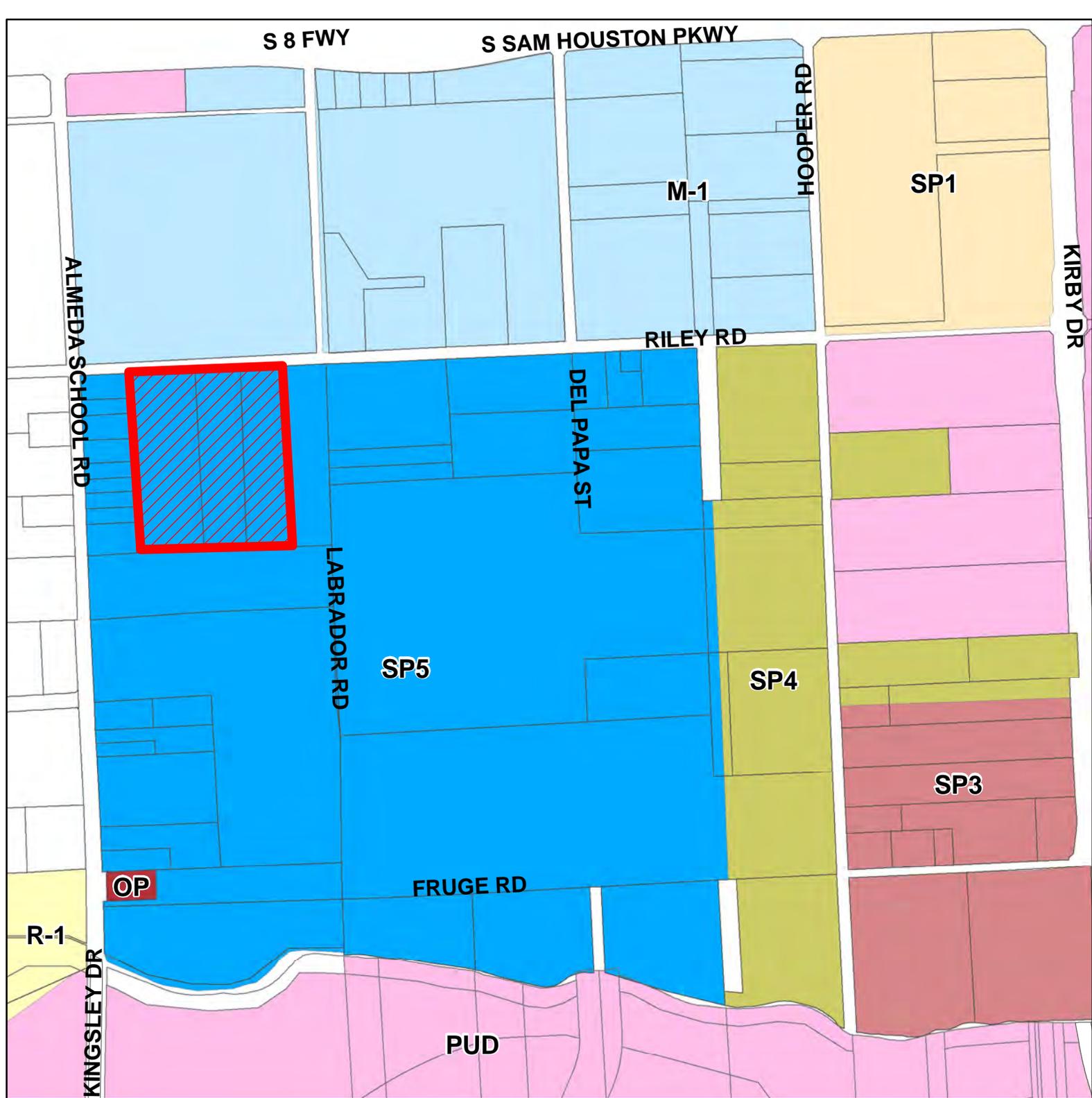
OPPOSITION TO OR SUPPORT OF PROPOSED REQUEST: Staff has not received any comments either in opposition to or in support of the proposed zone change request.

STAFF RECOMMENDATION: Staff is not able to recommend approval of the Zone Change 2012-05Z as proposed by the applicant for the following reasons:

1. The proposed zone change will not bring existing non-conforming property into compliance with the City's current Unified Development Code.
2. The proposed zone change will not bring existing non-conforming property into compliance with the City's Comprehensive Plan.
3. The proposed zone change would result in redevelopment of abandoned property in a manner which would be in opposition to the City's Comprehensive Plan.

SUPPORTING DOCUMENTS:

- Vicinity and Zoning Map
- Property Ownership Map
- Property Owner Notification List
- Future Land Use Plan
- Aerial Photograph
- Zone Change Application and Applicant Documents
- Related Documents

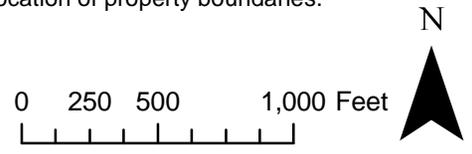


Vicinity and Zoning Map

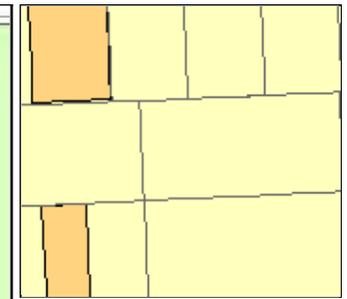
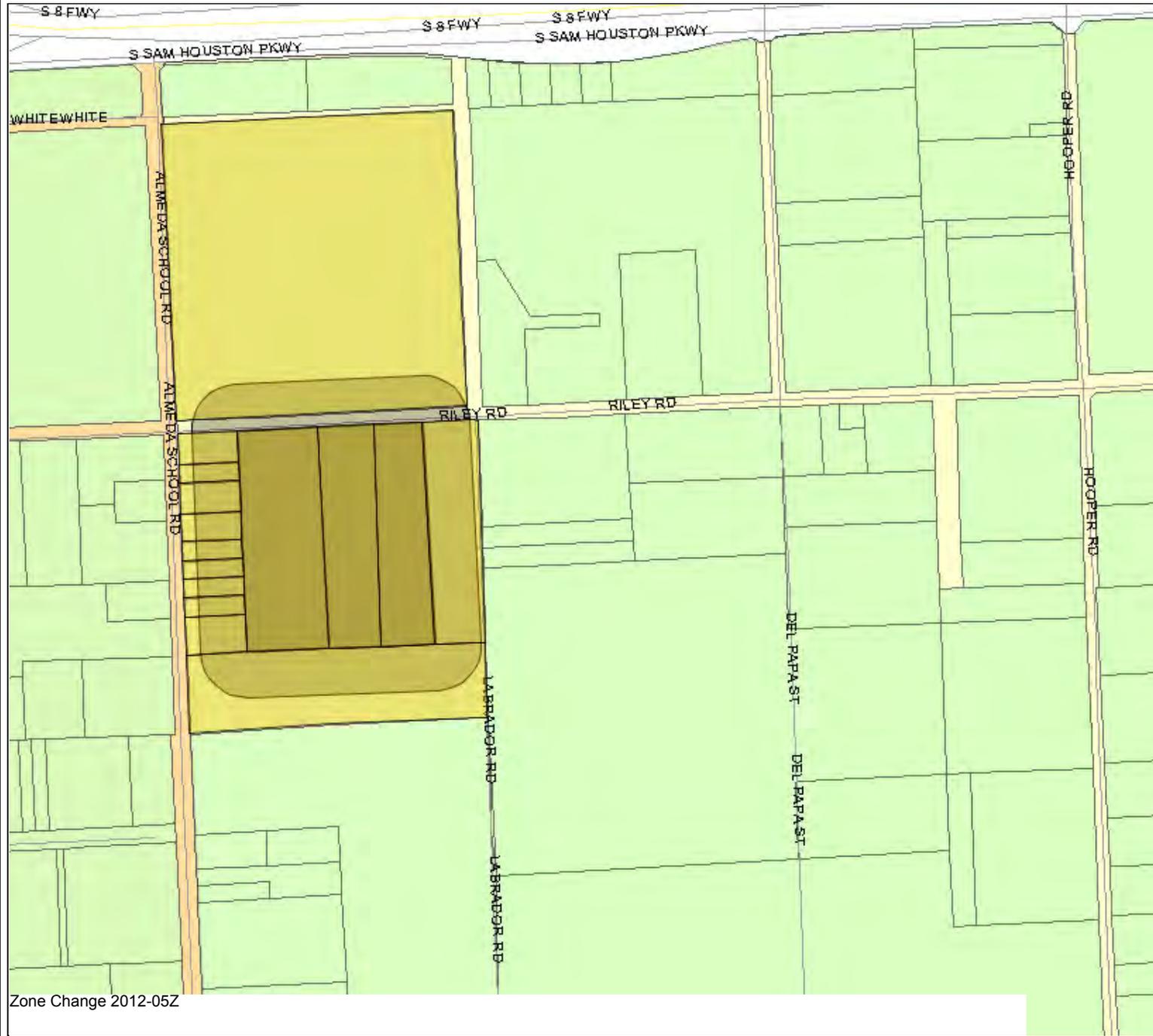
Zone Change 2012-05Z

322 Riley Rd

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



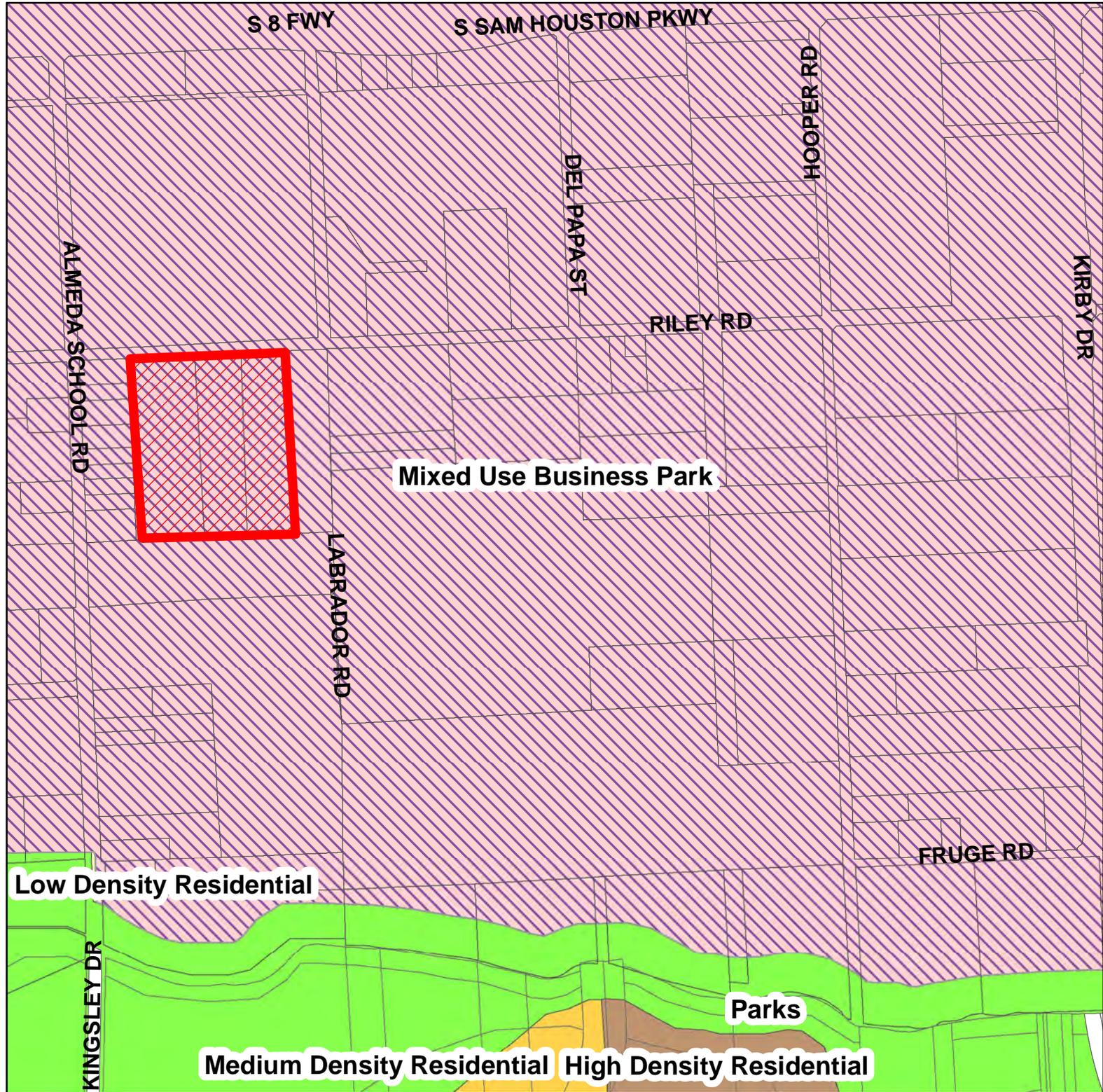
Abutter Map



Zone Change 2012-05Z

Scale 1:7,027
1 in = 586 ft

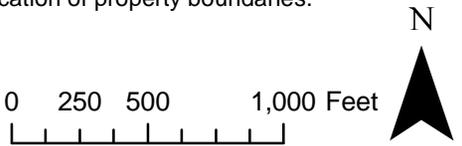
Owner Name	Address	City	State	Zip
GREADY THOMAS G	167 PLANTATION RD	HOUSTON	TX	77024
JOHNSON DON T & VIVIAN E	14709 ALMEDA SCHOOL RD	HOUSTON	TX	77047
JDI VENTURES INC	322 RILEY RD	HOUSTON	TX	77047
CISNEROS OVIDIO & ELVIA	14731 ALMEDA SCHOOL RD	HOUSTON	TX	77047
MARTINEZ JOSE G	14735 ALMEDA SCHOOL RD	HOUSTON	TX	77047
LOPEZ JOHNNY J	14729 ALMEDA SCHOOL RD	HOUSTON	TX	77047
DOCKERY LAURA C	14725 ALMEDA SCHOOL RD	HOUSTON	TX	77047
PULLIN FAY M	14705 ALMEDA SCHOOL RD	HOUSTON	TX	77047
GUZMAN EVERT & TOMASA C	14739 ALMEDA SCHOOL RD	HOUSTON	TX	77047
SAND LAND INC	2700 POST OAK BLVD STE 1770	HOUSTON	TX	77056
HARRISON MARTIN L	324 RILEY RD	HOUSTON	TX	77047
JOHNSON DON T	14709 ALMEDA SCHOOL RD	HOUSTON	TX	77047
JDI VENTURES INC	7203 MILLER ROAD SUITE 2	HOUSTON	TX	77049
DANIEL FRAYNE	17171 PARK ROW STE 160	HOUSTON	TX	77084



**Future Land Use Map
Zone Change 2012-05Z**

322 Riley Rd

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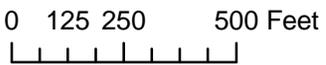


Aerial Map

Zone Change 2012-05Z

322 Riley Rd

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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: SP-5 Spectrum District

Proposed Zoning District: M-1 Light Industrial District

Property Information:

Address or General Location of Property: 322 Riley Road, Houston, Texas, 77047

or as more particularly described by the metes and bounds attached hereto

Tax Account No. 0280660220012, 0280660220015, 0280660220020

Subdivision: Orchard Ridge

Lot: 22A,C,D,F, & 30B,C,E

Block: _____

A complete application must include all information shown on the Application Checklist attached to this application.

PROPERTY OWNER INFORMATION:

NAME JDI Ventures, Inc

ADDRESS 7203 Miller Road, Suite 2

CITY Houston STATE TX ZIP 77049

PHONE (281) 452-2260

FAX (281) 462-2270

E-MAIL ADDRESS _____

APPLICANT/AGENT INFORMATION:

NAME Daniel Frayne

ADDRESS 17171 Park row, Suite 160

CITY Houston STATE TX ZIP 77084

PHONE (281) 829-1555

FAX (281) 200-0751

E-MAIL ADDRESS dfrayne@doremahoney.com

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

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

Owner's Signature: _____

Date: 7/18/2012

Agent's/Applicant's
Signature: _____

Date: 7/19/12

OFFICE USE ONLY:

FEES PAID:	DATE PAID:	RECEIVED BY:	RECEIPT NUMBER:
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Application No. _____

JDI Ventures, Inc.
7203 Miller Road, Suite 2
Houston, Texas 77049

July 18, 2012

Mr. Harold Ellis
City of Pearland
3519 Liberty Dr.
Pearland, Texas 77581

RE: Authorization of Daniel Frayne to file application for a change in zoning

Dear Mr. Ellis,

JDI Ventures, Inc. has hired Daniel Frayne and the Doré Mahoney Law Group, P.C. to apply for an application for a change in zoning on behalf of JDI Ventures, Inc.

If you have any questions, please contact us.

Sincerely,



Warren Hoover, President

EXHIBIT A

METES AND BOUNDS DESCRIPTION
OF A 17.7063 ACRE TRACT OF LAND
OUT OF THE R.T. BLACKBURN SURVEY, ABSTRACT 160
HARRIS COUNTY, TEXAS

Being a 17.7063 acre (771,287 square feet) tract of land out of the R.T. Blackburn Survey, Abstract 160, Harris County, Texas; and being out of and a portion of Lot 22 and Lot 30 of the Orchard Ridge Addition to Almeda as recorded by Plat filed in Volume 64, Page 7 of the Deed Records of Harris County, Texas; and being all of and the same as that certain called 7.410 acre tract of land and all of and the same as that certain called 0.400 acre tract of land, both as conveyed to CSBWM All Terrain Vehicles, Inc., in Warranty Deed dated September 18, 1989, as recorded in File Number M-327774 of the Clerk's Files of Harris County, Texas; and being all of and the same as that certain called 9.896 acre tract of land as conveyed to CSBWM All Terrain Vehicles, Inc., in Warranty Deed dated September 18, 1989, as recorded in File Number M-327773 of the Clerk's Files of Harris County, Texas; said 17.7063 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a found 3/4-inch iron pipe for corner in the South right-of-way line of Riley Road (60-foot right-of-way), 40-foot right-of-way as recorded in Volume 64, Page 7 of the Deed Records of Harris County, Texas, with two 10-foot right-of-way acquisitions as recorded in Volume 3331, Page 360 and Volume 3331, Page 362 of the Deed Records of Harris County, Texas, and being in the East right-of-way line of Almeda School Road (60-foot right-of-way) as recorded in Volume 64, Page 7 of the Deed Records of Harris County, Texas;

THENCE East with the South right-of-way line of Riley Road, 263.95 feet to a found 3/4-inch iron pipe for corner at the Northwest corner of said 0.400 acre tract of land and being the Northeast corner of that certain called 0.800 acre tract of land as conveyed to Willie E. Pullin and Geraldine Pullin in Deed recorded in File Number B-899432 of the Clerk's Files of Harris County, Texas, and being the Northwest corner of and PLACE OF BEGINNING for the tract of land herein described;

THENCE East with the South right-of-way line of Riley Road, at 132.00 feet passing a set 5/8-inch iron rod for corner at the Northeast corner of said 0.400 acre tract of land and the North-Northwest corner of said 7.410 acre tract of land, and continuing a total distance of 354.43 feet to a found 3/4-inch iron pipe for corner at the Northeast corner of said 7.410 acre tract of land and being the Northwest corner of said 9.896 acre tract of land;

THENCE North 89° 55' 35" East with the South right-of-way line of Riley Road, 449.30 feet to a found 3/4-inch iron pipe for corner at the Northeast corner of said 9.896 acre tract of land and being the Northwest corner of that certain East 224.54 feet of said Lot 22 and the adjoining 224.54 feet of the North 330 feet of Lot 30 as conveyed to Martin L. Harrison and Carolyn L. Harrison in Warranty Deed recorded File Number E-424345 of the Clerk's Files of Harris County, Texas, and being the Northeast corner of the tract of land herein described;

THENCE South 00° 04' 38" East with the East line of said 9.896 acre tract of land and the West line of said Harrison tract, 960.02 feet to a found 1-inch iron pipe for corner in the North line of that certain South one-half of Lot 30 as conveyed to Thomas G. Gready, III, in Deed of Gift recorded in File Number S-233730 of the Clerk's Files of Harris County, Texas, and being the Southeast corner of the tract of land herein described;

THENCE North 89° 59' 23" West with the South line of said 9.896 acre tract of land and the North line of said Gready tract, 449.09 feet to a found 3/4-inch iron rod for corner at the Southwest corner of said 9.896 acre tract of land and being the Southeast corner of said 7.410 acre tract of land;

THENCE South 89° 57' 36" West with the South line of said 7.410 acre tract of land and the North line of said Gready tract, 354.77 feet to a found 3/4-inch iron pipe of corner at the Southwest corner of said 7.410 acre tract of land and the Southeast corner of that certain called 1.00 acre tract of land as conveyed to Amelia Wahl in Special Warranty Deed recorded in File Number S-099359 of the Clerk's Files of Harris County, Texas, and being the Southwest corner of the tract of land herein described;

THENCE North 00° 03' 55" West with the West line of said 7.410 acre tract of land and the East line of said 1.00 acre tract of land, at a called 165.00 feet passing the Northeast corner of said 1.00 acre tract of land and the Southeast corner of that certain called 0.500 acre tract of land as conveyed to Roger D. Bucklin in Deed recorded in File Number G-193811 of the Clerk's Files of Harris County, Texas, at a called 247.50 feet passing the Northeast corner of said 0.500 acre tract of land and the Southeast corner of that certain called 0.500 acre tract of land as conveyed to Roger D. Bucklin in Deed recorded in File Number P-857459 of the Clerk's Files of Harris County, Texas, at a called 330.00 feet passing the Northeast corner of said 0.500 acre tract of land and the Southeast corner of that certain called 0.5 acre tract of land as conveyed to Ovidio

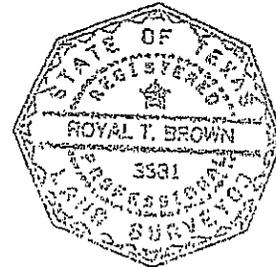
Cisneros and Elvia Cisneros in Warranty Deed recorded in File Number R-298394 of the Clerk's Files of Harris County, Texas, at a called 412.50 feet passing the Northeast corner of said 0.5 acre tract of land and being the Southeast corner of that certain called 0.50 acre tract of land as conveyed to Reba Hooker in Warranty Deed recorded in File Number M-164351 of the Clerk's Files of Harris County, Texas, at a called 495.00 feet passing the Northeast corner of said 0.50 acre tract of land and the Southeast corner of that certain called 0.746 acre tract of land as conveyed to John T. Davis in General Warranty Deed recorded in File Number S-200407 of the Clerk's Files of Harris County, Texas, at a called 618.09 feet passing the Northeast corner of said 0.746 acre tract of land and the Southeast corner of that certain called 0.772 acre tract of land as conveyed to Source One Mortgage Services Corporation in Substitute Trustee's Deed recorded in File Number P-177110 of the Clerk's Files of Harris County, Texas, at a called 745.52 feet passing the Northeast corner of said 0.772 acre tract of land and the Southeast corner of that certain called 264 feet by 82.5 feet tract of land as conveyed to Source One Mortgage Services Corporation in Substitute Trustee's Deed recorded in File Number P-177110 of the Clerk's Files of Harris County, Texas, and continuing a total distance of 827.64 to a found 3/4-inch iron pipe for corner at the West-Northwest corner of said 7.410 acre tract of land, the Southwest corner of said 0.400 acre tract of land, the Northeast corner of said 264 feet by 82.5 feet tract of land and the Southeast corner of the previously cited 0.800 acre Pullin tract;

THENCE North 00° 05' 51" West with the West line of said 0.400 acre tract of land and the East line of said 0.800 acre tract of land, 131.97 feet to the PLACE OF BEGINNING; containing 17.7063 acres of land, more or less. (771,287 square feet)

DANNENBAUM ENGINEERING CORPORATION
Consulting Engineers

3202-01/R:526
September 15, 1997
Updated: April 21, 1998

Royal T. Brown 04/21/98

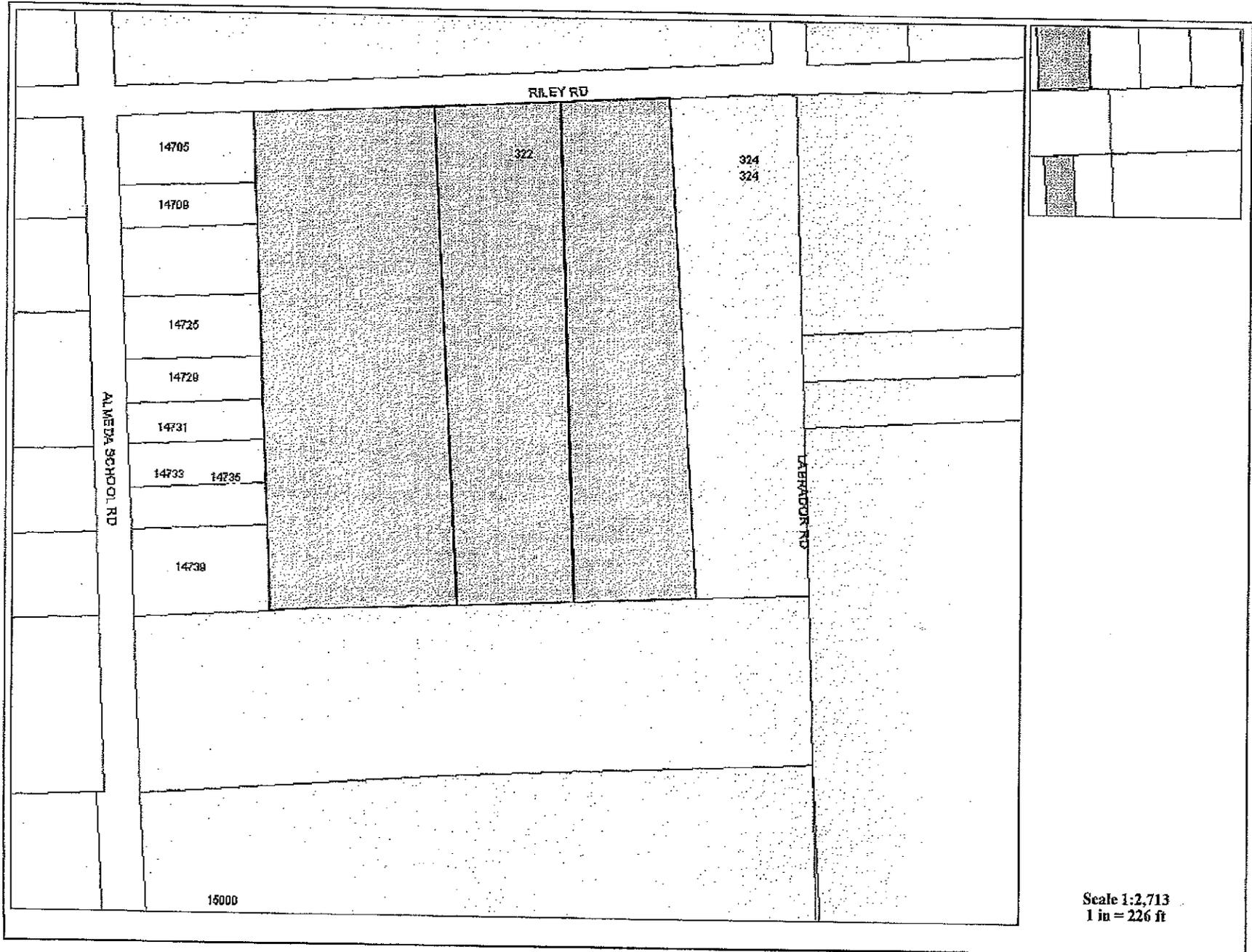


ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW, THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in File Number 3202-01 on the date and at the time stamped herein by me and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas on

FEB 13 2004



Dorothy B. Kayman
COUNTY CLERK
HARRIS COUNTY, TEXAS



DORÉ MAHONEY LAW GROUP, P.C.

17171 Park Row, Suite 160, Houston, Texas 77084
Telephone: (281) 829-1555 | Fax: (281) 200-0751
www.doremahoney.com

Carl Doré, Jr. **
Patrick D. Mahoney **
Meg Banahan
Daniel T. Frayne
Lori V. Graham
William B. Harris ^{AR}
Kevin M. Koel ^{CO}
Kristin S. Wallis ⁺

* Board Certified-Commercial Real Estate Law
^{AR} * Board Certified-Residential Real Estate Law
Texas Board of Legal Specialization

⁺ Credentialed Mediator
^{AR} also Licensed in Arkansas
^{CO} also Licensed in Colorado

July 18, 2012

Mr. Harold Ellis
City of Pearland
3519 Liberty Dr.
Pearland, Texas 77581

RE: Letter of intent for requested zoning map change

Dear Mr. Ellis,

JDI Ventures, Inc. requests this zoning map change for its property located at 322 Riley Road, Houston, Texas 77047 to change the zoning classification from SP-5 (Spectrum District 5 - The Light & Heavy Industrial District) to M-1 (Light Industrial). JDI Ventures, Inc. intends to lease the property for light industrial use. JDI requests this zoning map change to reverse the severe economic impact from the current zoning classification. The SP-5 classification substantially restricts the uses of the property and interferes with JDI's expectations for the property.

JDI's property was annexed into the City of Pearland on April 25, 2005 pursuant to ordinance no. 1214. On February 27, 2002, the City of Pearland passed ordinance no. 2000-M providing the initial zoning of JDI's property to the SP-5 zoning classification. The property is approximately 771,285 square feet of land with three buildings totaling 67,740 square feet. The buildings contain several overhead cranes to move heavy equipment for manufacturing or warehouse operations. The previous tenant used the space for the manufacture of wooden trusses, and efforts to re-lease the building have been unsuccessful. The property has remained empty for approximately 18 months, resulting in the loss of the grandfathered nonconforming use under Pearland's Uniform Development Code.

The difficulty in leasing the property relates to the restrictive zoning classification for the property. The SP-5 classification has 30 permitted uses and 20 conditional uses in the land use matrix from the Uniform Development Code; whereas the M-1 classification has 105 permitted uses and 72 conditional uses. The SP-5 classification does not permit or conditionally permit property to be used for metal, machine or wood shop (the previous use), warehouse & distribution facility, or light manufacturing process. An M-1 classification would allow for these uses which match the character and design of the property and other properties in the area.

JDI's proposed zoning map change complies with the Comprehensive Plan, as amended

in June 2010. Under the Comprehensive Plan (page 5.24), the Northwest District for light industrial development is the area along McHard Road, Beltway 8 and F.M. 521/Alameda Road, which is where this property is located. The Comprehensive Plan recognizes “[m]ost of this area ... is already populated by a variety of industrial uses.” JDI’s property is a manufacturing\warehouse facility comparable to the other buildings used for industrial purposes in the area. Changing the zoning classification of JDI’s property to M-1 would bring the allowable use of the property into alignment with the Comprehensive Plan. Further, JDI’s proposed zoning map change conforms to the Lower Kirby Urban Center Master Plan and Implementation Strategy, dated November 17, 2011. The Lower Kirby Plan provides a development framework for the land east of Hooper Road. The land west of Hooper Road, where JDI’s property is located, is to continue in its current use because the City recognizes the lack of needed infrastructure makes the area a longer term development.

Additionally, JDI’s proposed zoning map change presents no risk of a substantial adverse impact upon the surrounding land. JDI seeks to use its property for the purposes that the buildings were built. The proposed uses are the same uses for the property prior to the annexation by the City. Prior to the annexation, the uses had no substantial adverse impact on the surrounding land. In fact, the property across from JDI is zoned M-1, which supports JDI’s position that a change in zoning presents no risk to the surrounding area. A change in the zoning classification for JDI’s property would allow JDI to use the property for its intended purpose without changing the character of the surrounding land.

If you have any questions, please contact us.

Cordially,

A handwritten signature in black ink, appearing to read 'DF', with a long horizontal line extending to the right.

Daniel Frayne

CITY OF PEARLAND
*** CUSTOMER RECEIPT ***
Oper: JCOTTER Type: GC Drawer: 1
Date: 7/20/12 01 Receipt no: 276915

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	\$275.00
Trans number:		3775931

ZONE CHANGE 322 RILEY ROAD
DANIEL FRAYNE
JDI VENTURES INC
DORE' MAHONEY LAW GROUP PC
17171 PARK ROW SUITE 160
HOUSTON

Tender detail		
CK CHECK	9285	\$275.00
Total tendered		\$275.00
Total payment		\$275.00

Trans date: 7/20/12 Time: 8:08:30

DORÉ MAHONEY LAW GROUP, P.C.

17171 Park Row, Suite 160, Houston, Texas 77084
Telephone: (281) 829-1555 | Fax: (281) 200-0751
www.doremahoney.com

Carl Doré, Jr. **
Patrick D. Mahoney **
Meg Banahan
Daniel T. Frayne
Lori V. Graham
William B. Harris ^{AR}
Kevin M. Koel ^{CO}
Kristin S. Wallis †

* Board Certified-Commercial Real Estate Law
* Board Certified-Residential Real Estate Law
Texas Board of Legal Specialization

† Credentialed Mediator
^{AR} also Licensed in Arkansas
^{CO} also Licensed in Colorado

July 18, 2012

Mr. Harold Ellis
City of Pearland
3519 Liberty Dr.
Pearland, Texas 77581

RE: Acknowledgement of sign requirement

Dear Mr. Ellis,

JDI Ventures, Inc. will place the appropriate sign on the property at 322 Riley Road 10 days prior to the public hearing on JDI's application for a zone change.

Cordially,


Daniel Frayne

TAX RECEIPT

2011



DON SUMNERS, CPA, RTA
HARRIS COUNTY TAX ASSESSOR-COLLECTOR
 1001 PRESTON AVE., SUITE 100
 HOUSTON, TEXAS 77002

Certified Owner:

JDI VENTURES INC
 7203 MILLER ROAD 2
 HOUSTON TX 77049-4821

Legal Description:

TRS 22A 22F & 30B
 ORCHARD RIDGE

Parcel Address: 322 RILEY RD 77047
 Legal Acres: 7.8100 AC

Deposit No: 201201274005
 Validation No: 11769

Account No: 028-066-022-0020

Operator Code: DMG

Remit Seq No: 59118152
 Receipt Date: 1/27/2012
 Deposit Date: 1/27/2012
 Print Date: 7/18/2012

Year	Tax Unit Name	Tax Value	Tax Rate	Levy	P & I	Coll Fee Paid	Total
2011	Houston ISD	122,262	1.15670	\$1,414.20	\$0.00	\$0.00	\$1,414.20
2011	Harris County	122,262	0.39117	\$478.25	\$0.00	\$0.00	\$478.25
2011	Harris County Flood Control Dist	122,262	0.02809	\$34.34	\$0.00	\$0.00	\$34.34
2011	Port of Houston Authority	122,262	0.01856	\$22.69	\$0.00	\$0.00	\$22.69
2011	Harris County Hospital District	122,262	0.19216	\$234.94	\$0.00	\$0.00	\$234.94
2011	Harris County Dept. of Education	122,262	0.00658	\$8.05	\$0.00	\$0.00	\$8.05
2011	Houston Community College System	122,262	0.09722	\$118.87	\$0.00	\$0.00	\$118.87
Total				\$2,311.34	0.00	\$0.00	\$2,311.34

PAYMENT TYPE:

Checks: \$2,311.34

Total Applied: \$2,311.34

Change Paid:

0.00

TAX RECEIPT

2011



DON SUMNERS, CPA, RTA
HARRIS COUNTY TAX ASSESSOR-COLLECTOR
 1001 PRESTON AVE., SUITE 100
 HOUSTON, TEXAS 77002

Certified Owner:

JDI VENTURES INC
 7203 MILLER ROAD 2
 HOUSTON TX 77049-4821

Legal Description:

TRS 22D & 30C
 ORCHARD RIDGE

Parcel Address: 322 RILEY RD 77047

Legal Acres: 4.9500 AC

Deposit No: 201201274005

Validation No: 11770

Account No: 028-066-022-0015

Operator Code: DMG

Remit Seq No: 59118153

Receipt Date: 1/27/2012

Deposit Date: 1/27/2012

Print Date: 7/18/2012

Year	Tax Unit Name	Tax Value	Tax Rate	Levy	P & I	Coll Fee Paid	Total
2011	Houston ISD	136,681	1.15670	\$1,580.99	\$0.00	\$0.00	\$1,580.99
2011	Harris County	136,681	0.39117	\$534.66	\$0.00	\$0.00	\$534.66
2011	Harris County Flood Control Dist	136,681	0.02809	\$38.39	\$0.00	\$0.00	\$38.39
2011	Port of Houston Authority	136,681	0.01856	\$25.37	\$0.00	\$0.00	\$25.37
2011	Harris County Hospital District	136,681	0.19216	\$262.65	\$0.00	\$0.00	\$262.65
2011	Harris County Dept. of Education	136,681	0.00658	\$8.99	\$0.00	\$0.00	\$8.99
2011	Houston Community College System	136,681	0.09722	\$132.88	\$0.00	\$0.00	\$132.88
Total				\$2,583.93	0.00	\$0.00	\$2,583.93

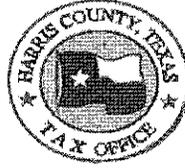
PAYMENT TYPE:

Checks: \$2,583.93

Total Applied: \$2,583.93

Change Paid:

0.00

TAX RECEIPT**2011**

DON SUMNERS, CPA, RTA
HARRIS COUNTY TAX ASSESSOR-COLLECTOR
 1001 PRESTON AVE., SUITE 100
 HOUSTON, TEXAS 77002

Certified Owner:

JDI VENTURES INC
 7203 MILLER RD STE 2
 HOUSTON TX 77049

Legal Description:

TRS 22C & 30E
 ORCHARD RIDGE

Parcel Address: 322 RILEY RD 77047

Legal Acres: 4.9500 AC

Deposit No: 201201274005

Validation No: 11771

Account No: 028-066-022-0012

Operator Code: DMG

Remit Seq No: 59118154

Receipt Date: 1/27/2012

Deposit Date: 1/27/2012

Print Date: 7/18/2012

Year	Tax Unit Name	Tax Value	Tax Rate	Levy	P & I	Coll Fee Paid	Total
2011	Houston ISD	1,161,760	1.15670	\$13,438.08	\$0.00	\$0.00	\$13,438.08
2011	Harris County	1,161,760	0.39117	\$4,544.46	\$0.00	\$0.00	\$4,544.46
2011	Harris County Flood Control Dist	1,161,760	0.02809	\$326.34	\$0.00	\$0.00	\$326.34
2011	Port of Houston Authority	1,161,760	0.01856	\$215.62	\$0.00	\$0.00	\$215.62
2011	Harris County Hospital District	1,161,760	0.19216	\$2,232.44	\$0.00	\$0.00	\$2,232.44
2011	Harris County Dept. of Education	1,161,760	0.00658	\$76.46	\$0.00	\$0.00	\$76.46
2011	Houston Community College System	1,161,760	0.09722	\$1,129.49	\$0.00	\$0.00	\$1,129.49
Total				\$21,962.89	0.00	\$0.00	\$21,962.89

PAYMENT TYPE:

Checks: \$21,962.89

Total Applied: \$21,962.89

Change Paid:

0.00

Wednesday, July 18, 2012

Payment Information

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Account No.: 08002006290

Receipt Date	Amount	Tax Year	Description	Payer
2012-01-26	\$936.40	2011	Payment	JDI VENTURES INC
2011-03-25	\$64.35	2010	Payment	JDI VENTURES INC
2011-02-11	\$886.21	2010	Payment	JDI VENTURES INC
2009-11-12	\$898.12	2009	Payment	JDI VENTURES INC
2009-01-31	\$949.87	2008	Overpayment	JDI VENTURES INC
2008-12-31	\$949.87	2008		JDI VENTURES INC
2008-10-23	\$2,888.55	2006, 2007	Payment	JDI VENTURES INC
2008-10-23	(\$2,888.55)	2006, 2007	Reversal	JDI VENTURES INC
2008-10-23	\$2,888.55	2006, 2007	Payment	JDI VENTURES INC

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E-mail: roying@brazoria-county.com
111 E. Locust Suite
Angleton, TX 77515
(979) 864-1320

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Wednesday, July 18, 2012

Payment Information[Begin a New Search](#) [Go to Your Portfolio](#)[Return to the Previous Page](#)**Account No.:** 08002006280

Receipt Date	Amount	Tax Year	Description	Payer
2012-01-26	\$7,959.22	2011	Payment	JDI VENTURES INC
2011-03-25	\$10.06	2010	Overpayment	JDI VENTURES INC
2011-03-25	\$548.36	2010	Payment	JDI VENTURES INC
2011-02-11	\$7,689.81	2010	Payment	JDI VENTURES INC
2009-11-12	\$7,315.54	2009	Payment	JDI VENTURES INC
2008-12-31	\$6,852.30	2008		JDI VENTURES INC
2008-10-23	\$21,836.41	2006, 2007	Payment	JDI VENTURES INC
2008-10-23	(\$21,836.44)	2006, 2007, 2008	Reversal	JDI VENTURES INC
2008-10-23	\$21,836.44	2006, 2007, 2008	Payment	JDI VENTURES INC

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Wednesday, July 18, 2012

Payment Information[Begin a New Search](#) [Go to Your Portfolio](#)[Return to the Previous Page](#)**Account No.:** 08002006270

Receipt Date	Amount	Tax Year	Description	Payer
2012-01-26	\$837.62	2011	Payment	JDI VENTURES INC
2011-03-25	\$59.23	2010	Payment	JDI VENTURES INC
2011-02-11	\$815.59	2010	Payment	JDI VENTURES INC
2009-11-12	\$666.56	2009	Payment	JDI VENTURES INC
2008-12-31	\$894.32	2008		JDI VENTURES INC
2008-10-23	\$2,726.02	2006, 2007	Payment	JDI VENTURES INC

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AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD AUGUST 20, 2012, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

- I. CALL TO ORDER
- II. PURPOSE OF HEARING

ZONE CHANGE APPLICATION NO. 2012-06Z

A request of South Park Funeral Home, owner and applicant, for approval of a zone change from the Light Industrial (M-1) zone to the General Commercial (GC) zone for 103.6405 acres on the following described property, to wit:

Legal Description: A survey of two tracts of land being a 101.1405 acre tract out of lots 64 & 74 of the W. Zychlinski Subdivision located in Section 2 of the H. T. & B. R. R. Co. Survey, A-542 and out of lots 70, 75, & 79 of the W. Zychlinski Subdivision located in Section 3 of the H. T. & B. R. R. Co. Survey, A-232 and a tract of land being a 2.500 acre tract out of lot 64 of the W. Zychlinski Subdivision located in Section 2 of the H. T. & B. R. R. Co. Survey, A-542, Brazoria County, Texas

General Location: 1310 N. Main, Pearland, TX

- III. APPLICATION INFORMATION AND CASE SUMMARY
 - A. STAFF REPORT
 - B. APPLICANT PRESENTATION
- IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST
- V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION
- VI. ADJOURNMENT

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



JOINT PUBLIC HEARING AGENDA ITEM MEETING OF AUGUST 20, 2012

Zone Change No. 2012-06Z

A request of South Park Funeral Home, owner and applicant, for approval of a zone change from the Light Industrial (M-1) zone to the General Commercial (GC) zone for 103.6405 acres on the following described property, to wit:

Legal Description: A survey of two tracts of land being a 101.1405 acre tract out of lots 64 & 74 of the W. Zychlinski Subdivision located in Section 2 of the H. T. & B. R. R. Co. Survey, A-542 and out of lots 70, 75, & 79 of the W. Zychlinski Subdivision located in Section 3 of the H. T. & B. R. R. Co. Survey, A-232 and a tract of land being a 2.500 acre tract out of lot 64 of the W. Zychlinski Subdivision located in Section 2 of the H. T. & B. R. R. Co. Survey, A-542, Brazoria County, TX

General Location: 1310 N. Main St, Pearland, TX

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

Planning and Zoning Commission: August 20, 2012*
City Council for First Reading: September 10, 2012*
City Council for Second Reading: September 24, 2012*

(*dates subject to change)

SUMMARY: South Park Funeral Home, owner and applicant, is requesting approval of a zone change from the Light Industrial (M-1) zoning district, to the General Commercial (GC) zoning district for 101.1405 acres for the above referenced location. The property is generally located at the southwest corner of Main Street and Knapp Road. It is currently developed and being used as a South Park Funeral Home, classified as *Mortuary/Cemetery (including Mausoleum/Crematorium) and Funeral Home*, according to the City's Land Use Matrix. South Park also owns and operates approximately 18 acres of land on the east side of Main Street for the same type of use.

The City of Pearland's Land Use Matrix in the Unified Development Code (UDC) indicates that a *Mortuary/Cemetery* is not permitted in the Light Industrial (M-1) zoning district, and a *Funeral Home* is only permitted in the Light Industrial (M-1) zoning district with the approval of a Conditional Use Permit (CUP). Therefore, the applicant is

requesting that the property's zoning be changed to General Commercial (GC) which permits both land use designations by right, thus reflecting the property's actual use. This will also allow the applicant to expand site operations in the future without triggering any zoning requirements, such as a zone change or Conditional Use Permit (CUP).

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	Light Industrial (M-1)	Commercial
South	Light Industrial (M-1)	Commercial
East	General Commercial (GC) and Light Industrial (M-1)	Commercial, Vacant, Cemetery
West	Light Industrial (M-1) and City of Brookside Village	Vacant, Residential

CONFORMANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC): As previously mentioned, the property is currently zoned Light Industrial (M-1). As the property is currently being requested to be rezoned to General Commercial (GC), a breakdown between those requirements and the site current configuration is provided below:

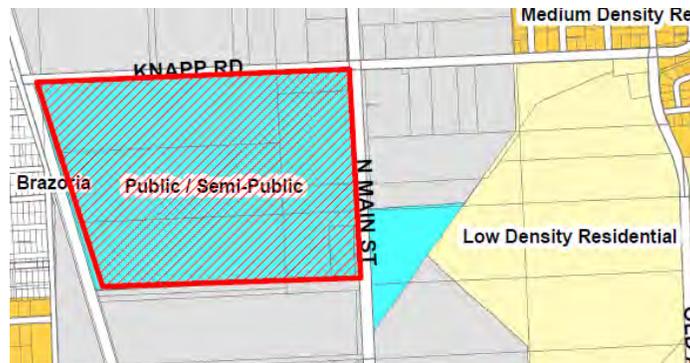
	<u>General Commercial</u>	<u>Existing Site</u>
Lot Size:	22,500 sq ft	101.1405 acres
Lot Width:	150'	2,050'
Lot Depth:	125'	2,750'
Front Setback:	25'	~50' (site operations)
Rear Setback:	25'	~75' (site operations)
Side Setback:	10'	~15' (site operations)

As discussed, the property is currently being used as a *Mortuary/Cemetery (including Mausoleum/Crematorium) and Funeral Home*. As a *Mortuary/Cemetery* is not permitted in the Light Industrial (M-1) zoning district, and a *Funeral Home* is only permitted in the Light Industrial (M-1) zoning district with the approval of a Conditional Use Permit (CUP), the existing site is considered to be non-conforming. Approval of the requested zone change will bring the entire site into compliance with the Unified Development Code's Land Use regulations. Any future expansion of the use for will be required to meet all requirements of the Unified Development Code.

PLATTING STATUS: The property is not currently platted. Any future expansion of the property (square footage or paving) will require the property to be platted at that time.

CONFORMANCE WITH THE COMPREHENSIVE PLAN: The current Comprehensive Plan (latest update in 2009) indicates *Public/Semi Public* for the subject property. The

Comprehensive Plan further indicates that any zoning district could be considered a corresponding zone. As the property is currently developed and used as a *Mortuary/Cemetery (including Mausoleum/Crematorium) and Funeral Home*, if the zone changed is approved staff has determined it would be in compliance with the current Comprehensive Plan. Further, as indicated in the excerpt below from the current Comprehensive Plan, the City did take into account the current use for this property at the time of the last Comprehensive Plan update, and designated the area what was deemed to be the closest fit to the actual land use operation at the time:



CONFORMANCE WITH THE THOROUGHFARE PLAN: The subject property has frontage on Main Street, a major thoroughfare, with a minimum of 120' right-of-way; and Knapp Rd, a minor collector, with a minimum of 60' right-of-way.

AVAILABILITY OF UTILITIES: The subject parcel does have access to public water and sewer.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: As this development already exists with no known negative impacts, the proposed zone change and any potential expansion is not anticipated to have any negative impacts on existing surrounding or future developments.

ADDITIONAL COMMENTS: This request has been reviewed by the City's Development Review Committee and there are no additional comments from other departments at the time of this report.

SITE PLAN CONSIDERATIONS: A site plan is not required for a zone change.

PUBLIC NOTIFICATION: 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 notification sign was placed on the subject property.

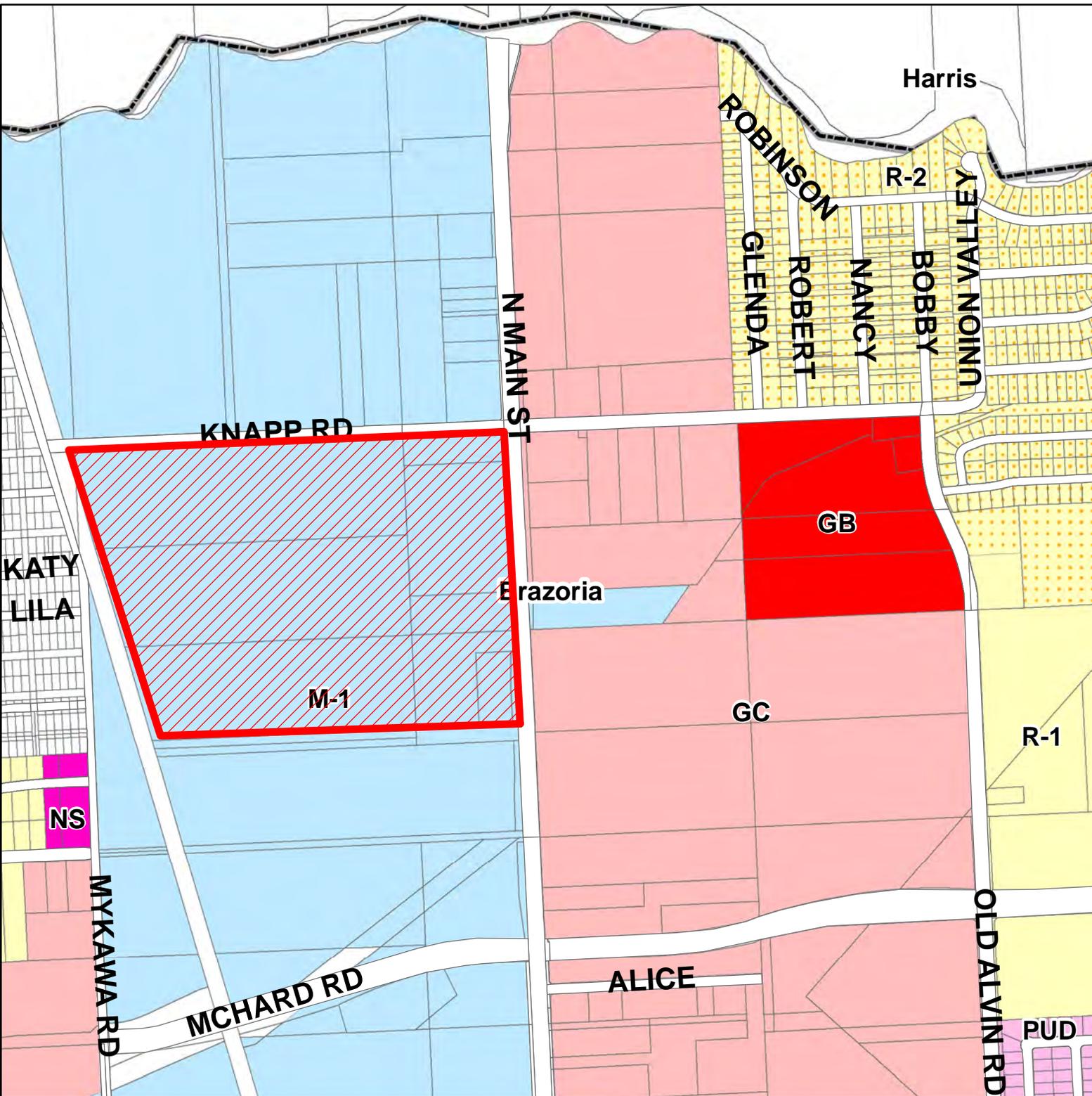
OPPOSITION TO OR SUPPORT OF PROPOSED REQUEST: Staff has not received any comments either in opposition to or in support of the proposed zone change request.

STAFF RECOMMENDATION: Staff recommends approval of the Zone Change 2012-06Z as proposed by the applicant for the following reasons:

1. The proposed zone change will bring an existing non-conforming use into compliance with the City's current Unified Development Code.
2. The proposed zone change will bring existing non-conforming property into compliance with the City's Future Land Use Plan.
3. The current use exists with no known negative impacts to the City or surrounding properties.
4. Any future expansion is not anticipated to have any negative impacts to the City or surrounding properties.

SUPPORTING DOCUMENTS:

- Vicinity and Zoning Map
- Property Ownership Map
- Property Owner Notification List
- Future Land Use Plan
- Aerial Photograph
- Zone Change Application and Applicant Documents
- Related Documents



Vicinity and Zoning Map

Zone Change 2012-06Z

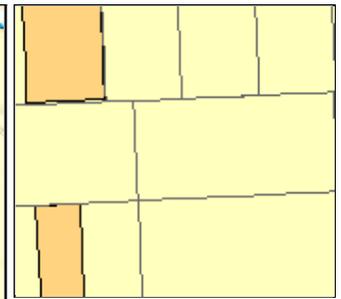
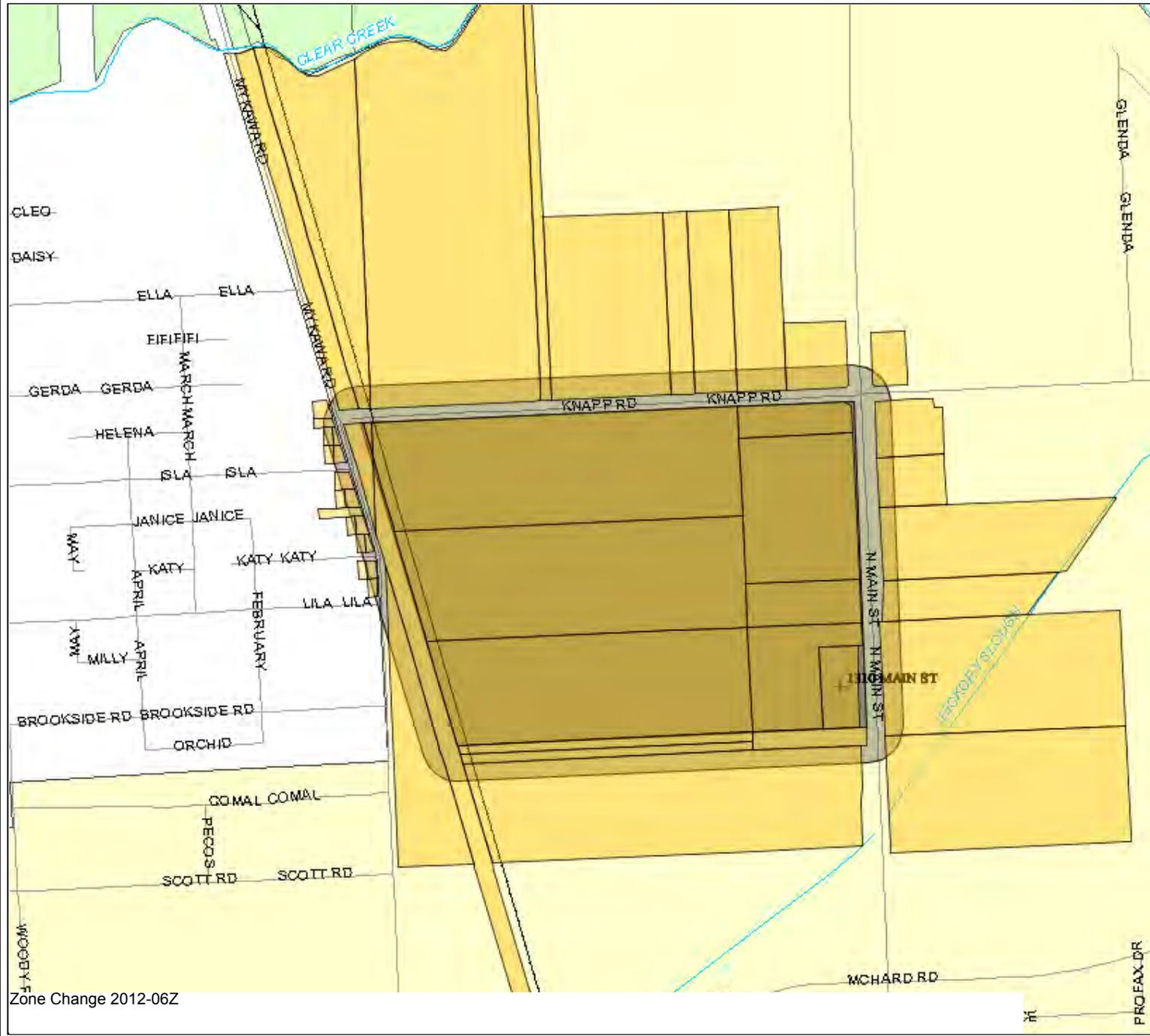
1310 N. Main

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

0 245 490 980 Feet



Abutter Map



Zone Change 2012-06Z

Scale 1:8,979
1 in = 748 ft

Owner	Address	City	State	Zip
A L NILO LTD PARTNERSHIP	340 MCEACHIN LANDING RD	HAZLEHURST	GA	31539-5740
GARCIA UVALDO TORRES	12519 MAX RD	PEARLAND	TX	77581-7901
ELFREY MARTIN REVOCABLE LIVING TRUST	5807 GROVESNOR ST	PEARLAND	TX	77581
BUYING SOURCE LLC	1074 S BATESVILLE RD	GREER	SC	29650
JASSO TINA FLORES	6907 ISLA ST	PEARLAND	TX	77581-2100
PEARMAIN ENTERPRISES LLC	1416 N MAIN ST	PEARLAND	TX	77581-2227
RETLAND OF DALLAS C/O CHRIS THREADGILL	13005 GREENVILLE AVE	DALLAS	TX	75243-1916
AS ACQUISITION CORP C/O RICK JACOBSON	1323 N MAIN ST	PEARLAND	TX	77581-2224
GLOBAL NEW MILLENIUM PARTNERS LTD	6671 SOUTHWEST FWY STE 440	HOUSTON	TX	77074-2220
PEARLAND PRAISE CENTER ASSEMBLY OF GOD	PO BOX 2362	PEARLAND	TX	77588-2362
PEARMAIN ENTERPRISES LLC	1416 N MAIN ST	PEARLAND	TX	77581-2227
A L NILO LTD PARTNERSHIP	340 MCEACHIN LANDING RD	HAZLEHURST	GA	31539-5740
VALDETERO GARY W	1134 N MAIN ST	PEARLAND	TX	77581-2210
VILLAREAL ROGELIO & SANDRA L	7015 ISLA ST	BROOKSIDE VL	TX	77581-2153
GONZALES BERTHA C	7035 ISLA ST	PEARLAND	TX	77581-2153
COKER A D	PO BOX 481	PEARLAND	TX	77588-0481
KWAK JUNG HWAN	2621 SUNFISH DR	PEARLAND	TX	77584-3041
ESPITIA EFRIN	7139 KATY ST	PEARLAND	TX	77581
TREVINO JESUS & SILVIA	3107 LONGWOOD DR	PASADENA	TX	77503-2125
RENE SALINAS	1310 N. MAIN	PEARLAND	TX	77581
ROBERT C MURRAY III	523 S MAIN ST	GRAPEVINE	TX	76051

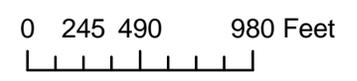


FLUP Map

Zone Change 2012-06Z

1310 N. Main

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



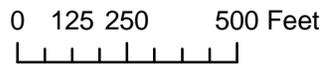


Aerial Map

Zone Change 2012-06Z

1310 N. Main

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





APPLICATION FOR A CHANGE IN ZONING

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

Current Zoning District: M-1

Proposed Zoning District: GC

Property Information:

Address or General Location of Property: 1310 North Main St. Pearland, Tx 77581

Tax Account No's 0233-0034-140 0233-0036-110 0542-0076-099
0233-0036-000 0233-0036-130 0542-0076-116 0542-0056-000

Subdivision: Abstract 232 HT4 BRR SVY Lot: Tret 75 (PT) Lot 75-79 Block: Tret 79 (PT) Lot 70
10.790 ac 39.530 ac 5.890 ac 22.050 ac
A complete application must include all information shown on the Application Checklist attached to this application.

PROPERTY OWNER INFORMATION:

NAME Robert C. Murray III
ADDRESS 523 S. Main St.
CITY Grapevine STATE Tx ZIP 76051
PHONE (817) 481-1031
FAX (817) 481-1093
E-MAIL ADDRESS rmurray@stei.com

APPLICANT/AGENT INFORMATION:

NAME Rene Salinas
ADDRESS 1310 North Main St.
CITY Pearland STATE Tx ZIP 77581
PHONE (281) 485-2711
FAX (281) 412-8461
E-MAIL ADDRESS rsalinas@stei.com

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

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

Owner's Signature: [Signature] Date: 7/19/12

Agent's/Applicant's Signature: [Signature] Date: 7-19-2012

OFFICE USE ONLY:

FEES PAID: <u>\$475.00</u>	DATE PAID: <u>7-19-2012</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>270230</u> <u>276227</u>
----------------------------	-----------------------------	---------------------------------	--

Application No. _____

Stewart Enterprises, Inc.

caring for people • making a difference™

523 South Main Street • Grapevine, Texas 76041

817-481-1031 • Fax: 817-481-1093

email: rcmurray@stei.com

Robert C. Murray
Regional Vice President
Southwestern Region

NASDAQ: NMS
Symbol: STEI

July 9, 2012

To Whom It May Concern:

Subject: Property Owner Statement and Owner Authorization Letter

I am Regional Vice President of Stewart Enterprises and also President of two of our wholly-owned subsidiaries S.E. Cemeteries of Texas, Inc. and S.E. Funeral Homes of Texas, Inc.

S.E. Cemeteries of Texas, Inc. owns all of the cemetery property at the South Park Cemetery in Pearland, Texas.

S.E. Funeral Homes of Texas, Inc. owns the funeral home at South Park.

Agent Authorization

I hereby authorize each of the following individuals as agents for S. E. Cemeteries of Texas, Inc. and S.E. Funeral Homes of Texas, Inc. for the purpose of filing zoning change or variance applications or permit applications for those companies:

Robert C. Murray III

Ronald Klein

Rene Salinas

Gary Crespo

George White

This authorization expires on June 1, 2013.

Property Owner Statement

Note that the owner of these properties as shown on the Brazoria County Tax Records is either Restland of Dallas, Inc. or South Memorial Park, Inc.

Stewart Enterprises undertook a reorganization of all of our Texas properties in 2005. The filings with the Texas Secretary of State for that reorganization are attached.

To summarize the reorganization as it relates to the properties at South Park, Restland Funeral Home, Inc. owned 100% of Southpark Funeral Home, Inc. which owned 100% of South Memorial Park, Inc. which is located in Pearland, Texas.

In addition, Restland Funeral Home, Inc. owned 100% of Restland of Dallas, Inc. which is a cemetery.

When we consolidated the Texas facilities, we put all the funeral homes with Restland Funeral Home, Inc. and changed its name to S.E. Funeral Homes of Texas, Inc. We also merged all the cemeteries into Restland of Dallas and changed its name to S.E. Cemeteries of Texas, Inc. South Memorial Park, Inc. was merged into S.E. Cemeteries of Texas, Inc. We will be happy to have our attorney answer any question you may have on this matter.

Letter of Intent for Zoning Change Application

Currently, we are informed by the City of Pearland Planning staff that the property we own west of Main Street is zoned M-1 Light Industrial District. We are informed the property we own east of Main Street is zoned GC General Commercial District. We are informed that our current usage of Mortuary/Cemetery (including mausoleum/crematorium) are permitted in GC but not in M-1. We currently have all of those uses on our property and expect to continue them. We believe these uses are grandfathered as we were conducting these uses before the City of Pearland was incorporated.

In fact, under Texas law, we have dedicated much of the land zoned M-1 to cemetery usage and have made thousands of interments and, under state law, we are required to maintain that property as cemetery use in perpetuity or until relieved from this dedication by a Court of proper jurisdiction.

We intend to continue the current uses and request that our zoning be changed to conform with the current uses i.e. GC.

Sincerely,



Robert C. Murray III

Attachment A – Filing with Texas Secretary of State on Formation of S.E. Funeral Homes of Texas, Inc.

Attachment B – Filing with Texas Secretary of State on Formation of S.E. Cemeteries of Texas, Inc.

EXHIBIT B

TRACT I

Of 101.1405 acres of land out of the W. Zychlinski Subdivision out of Lots 64 and 74 in Section 2 of the H.T. & B.R.R. Company Survey, Abstract No. 542, Brazoria County, Texas, and of the W. Zychlinski Subdivision out of Lots 70, 75 and 79 in Section 3 of the H.T. & B.R.R. Company Survey, Abstract No. 232, Brazoria County, Texas, Said 101.1405 acres of land being more particularly described by metes and bounds as follows:

Beginning at ½ inch iron rod found in the west Right-Of-Way line of State Highway 35 (based on a 100.00 foot wide Right-Of-Way), with the south line of Knapp Road (based on a 50.00 foot wide Right-Of-Way);

THENCE South 00° 04' 22 " West along the West Right-Of-Way line of said State Highway 35, passing at a distance of 1,238.88 feet a 5/8 inch iron rod found in the north line of said Lot 64, same being the south line of said Lot 74, and continuing for a total distance of 1,358.45 feet to a ½ inch iron rod found for corner, said corner also being the northeast corner of a called 2.5 acre tract conveyed from South Memorial Park, Inc. to Niday Funeral Home, Inc., as recorded in Volume 994, Page 559 of the Deed Records of Brazoria County, Texas;

THENCE West along the north line of said 2.50 acre tract, a distance of 242.00 feet to an "X" found in concrete for corner;

THENCE South 00° 04' 22" West along the West line of said 2.50 acre tract, a distance of 450.00 feet to a ½ inch iron rod found for corner;

THENCE West a distance of 2,028.69 feet to a point for corner in the east line of the G.C. & S.F. Railroad Right-Of-Way, from said point a ½ inch iron rod was found bearing West, 1.15 feet;

THENCE North 13° 44' 01" West along said railroad Right-Of-Way, passing at a distance of 586.53 feet a 3" x 3" found concrete monument for the northwest corner of said Lot 70, same being the southwest corner of said Lot 75, and continuing for a total distance of 1,866.54 feet to a ½ inch iron rod found for corner in the south Right-Of-Way line of said Knapp Road, from said point a 3' x 3" concrete monument was found bearing North 89°54'00" West, 9.61 feet;

THENCE South 89° 54' 01" East along the south Right-Of-Way line of said Knapp Road, a distance of 2,716.13 feet to the PLACE OF BEGINNING of the herein described tract and containing within these calls 4,405,678 square feet or 101.1405 acres of land.

TRACT II

Of 78.2063 acres of land being the residue of Lots 62, 63, 68 and 69 of the W. Zychlinski Subdivision of Section 1 and 2, H.T. & B.R.R. Company Survey, Abstract No. 233 and 542, Brazoria County, Texas, said 78.2063 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found in the north line of Lot 68, same being the south line of Lot 72, with the west Right-Of-Way line of Old Alvin Road (based on an 80.00 foot wide Right-Of-Way);

THENCE South 00° 03' 42" West along said west Right-Of-Way line of Old Alvin Road, a distance of 1,179.06 feet to a ½ inch iron rod found for corner;

THENCE South 44° 14' 02" West a distance of 130.71 feet to a 1 inch iron rod found in the south line of said Lot 62, same being the north line of Lot 57;

THENCE North 89° 54' 01" West along the common line of Lots 62, 57, 63, and 58, a distance of 2,593.74 feet to a 1 inch iron rod found in the east Right-Of-Way line of State Highway No. 35 (based on a 100.00 foot wide Right-Of-Way);

THENCE North 00° 04' 39" East along said east Right-Of-Way line of State Highway 35, a distance of 1,268.20 feet to a ¾ inch iron rod found for corner in the north line of said Lot 69, same being the south line of Lot 73;

THENCE East along the common line of Lots 69, 73, 68, and 72, a distance of 2,684.47 feet to the PLACE OF BEGINNING of the herein described tract and containing within these calls, 3,406,688 square feet or 78.2063 acres of land.

TRACT III

BEGINNING at a 1 inch iron rod found for the northeast corner of said Lot 93;

THENCE South 00° 46' 16" East along the east line of said Lot 93, a distance of 375.87 feet to a 1 inch iron rod found for corner;

THENCE South 44° 14' 02" West along the southeast line of said Lot 93 and 94, a distance of 1,887.55 feet to a ½ inch iron rod found for corner in the east Right-Of-Way line of Old Alvin Road (based on an 80.00 foot wide Right-Of-Way);

THENCE North 00° 03' 42" East along said east Right-Of-Way line of Old Alvin Road, a distance of 1,096.80 feet to a 5/8 inch iron rod found in the north line of said Lot 94, same being the south line of said Lot 93;

THENCE East along the common line of said Lots 93 and 94, a distance of 286.20 feet to a 1 inch iron rod found for corner;

THENCE North 00° 01' 16" East a distance of 631.37 feet to a 1 inch iron rod found for corner in the north line of said Lot 93, same being the south line of Lot 92;

THENCE North 89° 59' 41" East along the common line of said Lots 92 and 93, a distance of 1,024.06 feet to the PLACE OF BEGINNING of the herein described tract and containing within these calls 1,202,077 square feet or 27.5959 acres of land.

TRACT IV

Of 2.5000 acres of land out of the W. Zychlinski Subdivision out of Lot 64 in Section 2 of the H.T. & B.R.R. Company Survey, Abstract No. 542, Brazoria County, Texas, and being that same tract conveyed

from South Memorial Park, Inc. to Niday Funeral Home, Inc., as recorded in Volume 994, Page 559 of the Deed Records of Brazoria County, Texas, said 2.5000 acres of land being more particularly described by metes and bounds as follows:

COMMENCING at a ½ inch iron rod found in the west Right-Of-Way line of State Highway 35 (based on a 100.00 foot wide Right-Of-Way), with the South Right-Of-Way line of Knapp Road (based on a 50.00 feet wide Right-Of-Way);

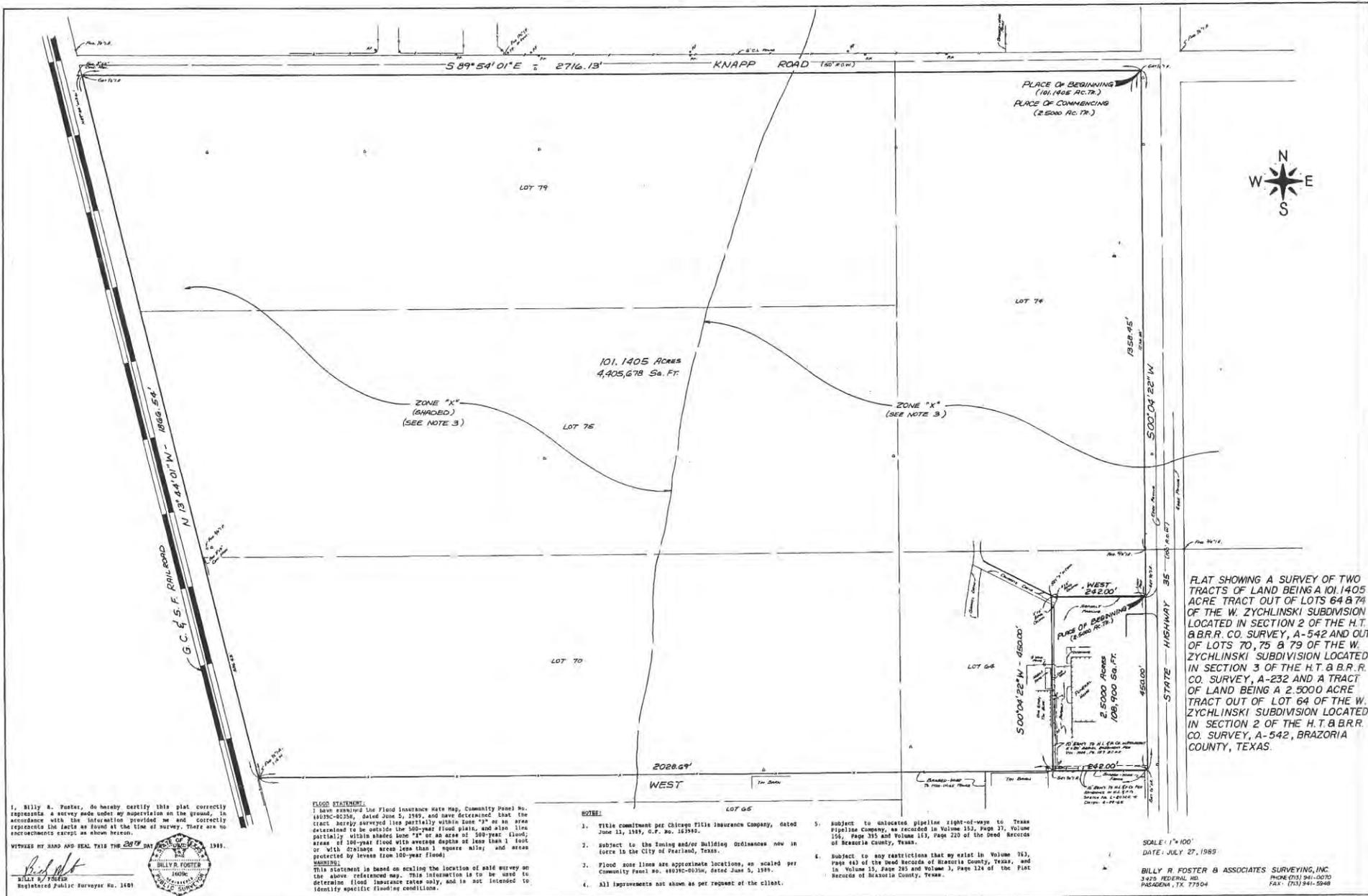
THENCE South 00° 04' 22" West passing at 1,238.88 feet a 5/8 inch iron rod found in the south line of Lot 74, same being the north line of said Lot 64, and continuing for a total distance of 11,358.45 feet to a ½ inch iron rod found for the PLACE OF BEGINNING of the herein described tract;

THENCE South 00° 04' 22" West continuing along the west Right-Of-Way line of said State Highway 35, a distance of 450.00 feet to a ½ inch iron rod found for corner;

THENCE West a distance of 242.00 feet to a ½ inch iron rod found for corner;

THENCE North 00° 04' 22" East a distance of 450.00 feet to an "X" found in concrete for corner;

THENCE East a distance of 242.00 feet to the PLACE OF BEGINNING of the herein described tract and containing within these calls 108,900 square feet or 2.5000 acres of land.



PLAT SHOWING A SURVEY OF TWO TRACTS OF LAND BEING A 101.1405 ACRE TRACT OUT OF LOTS 64 & 74 OF THE W. ZYCHLINSKI SUBDIVISION LOCATED IN SECTION 2 OF THE H.T. & B.R.R. CO. SURVEY, A-542 AND OUT OF LOTS 70, 75 & 79 OF THE W. ZYCHLINSKI SUBDIVISION LOCATED IN SECTION 3 OF THE H.T. & B.R.R. CO. SURVEY, A-232 AND A TRACT OF LAND BEING A 2.5000 ACRE TRACT OUT OF LOT 64 OF THE W. ZYCHLINSKI SUBDIVISION LOCATED IN SECTION 2 OF THE H.T. & B.R.R. CO. SURVEY, A-542, BRAZORIA COUNTY, TEXAS.

I, Billy R. Foster, do hereby certify this plat correctly represents a survey made under my supervision on the ground, in accordance with the information provided me and correctly represents the facts as found at the time of survey. There are no encroachments except as shown hereon.

WITNESSES MY HAND AND SEAL THIS 27th DAY OF JULY 1985.

Billy R. Foster
 BILLY R. FOSTER
 Registered Public Surveyor No. 1101

FLOOD STATEMENT:
 I have examined the Flood Insurance Rate Map, Community Panel No. 4403C-0230, dated June 5, 1985, and have determined that the tract hereby surveyed lies partially within Zone "X" as an area determined to be outside the 100-year flood plain, and also lies partially within shaded zone "X" of an area of 100-year flood; areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100-year flood.

NOTES:

- Title commitment per Chicago Title Insurance Company, dated June 11, 1985, C.F. No. 161980.
- subject to the zoning and/or Building Ordinances now in force in the City of Pearland, Texas.
- Flood zone lines are approximate locations, as scaled per Community Panel No. 4403C-0230, dated June 5, 1985.
- All improvements not shown as per request of the client.

NOTES:

- Subject to unallocated pipeline right-of-ways to Texas Pipeline Company, as recorded in Volume 153, Page 13, Volume 156, Page 315 and Volume 151, Page 210 of the Deed Records of Brazoria County, Texas.
- Subject to any restrictions that may exist in Volume 763, Page 143 of the Deed Records of Brazoria County, Texas, and in Volume 15, Page 285 and Volume 1, Page 124 of the Plat Records of Brazoria County, Texas.

SCALE: 1"=100'
 DATE: JULY 27, 1985

BILLY R. FOSTER & ASSOCIATES SURVEYING, INC.
 3425 FEDERAL RD.
 PHOENIX, TX. 77504



Vicinity Map - Pearland, TX



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

CITY OF PEARLAND
R E P R I N T

*** CUSTOMER RECEIPT ***

Oper: JCOTTER Type: OC Drawer: 1
Date: 7/18/12 01 Receipt no: 276230

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	\$25.00

Trans number: 3775287

ZONE CHANGE 1310 N MAIN
RENE SALINAS
ROBERT C MURRAY III
VISA
STEWART ENTERPRISES

Tender detail	
BR CREDIT CARD	\$25.00
Total tendered	\$25.00
Total payment	\$25.00

Trans date: 7/19/12 Time: 10:03:33

CITY OF PEARLAND
R E P R I N T

*** CUSTOMER RECEIPT ***

Oper: JCOTTER Type: OC Drawer: 1
Date: 7/18/12 01 Receipt no: 276227

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	\$450.00

Trans number: 3775285

ZONE CHANGE FOR 1310 N MAIN
RENE SALINAS
ROBERT C MURRAY III

Tender detail		
CK CHECK	229821	\$450.00
Total tendered		\$450.00
Total payment		\$450.00

Trans date: 7/19/12 Time: 10:01:43

**POSTING OF ZONING NOTIFICATION SIGNS
ON PROPERTY UNDER CONSIDERATION
FOR A ZONE CHANGE (OR CONDITIONAL USE PERMIT)**

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

Such sign(s) shall be located as follows:

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

ZONE CHANGE
PROPOSED (SPECIFY REQUEST)
Contact City of Pearland
281-652-1768

*Signs must be professionally made; handwritten signs are not allowed.

*Signs must be freestanding and cannot be attached to a tree, fence, or building.

* 

7/19/2012

TAX CERTIFICATE



RO'VIN GARRETT, RTA
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
111 E. LOCUST
ANGLETON, TEXAS 77515

Issued To: SOUTH PARK FUNERAL HOME
1310 N MAIN
PEARLAND, TX 77581

Legal Description: DBA NIDAY FUNERAL HOME LT 64B 542 H T &
B PEARLAND, ACRES 2.500

Fiduciary Number: 21963360

Parcel Address: 1310 N MAIN ST HWY 35

Legal Acres: 2.5000

> --
Account Number: 0542-0056-000
Certificate No: 185167369
Certificate Fee: \$10.00

Print Date: 07/20/2012
Paid Date: 07/20/2012
Issue Date: 07/20/2012
Operator ID: STAC

< --

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2011. ALL TAXES ARE PAID IN FULL

Exemptions:

Certified Owner: RESTLAND OF DALLAS
%CHRIS W THREADGILL
13005 GREENVILLE AVE
DALLAS, TX 75243-1916

Table with 2 columns: Description and Amount. Rows include 2011 Value (\$503,810), 2011 Levy (\$13,772.15), 2011 Levy Balance (\$0.00), Prior Year Levy Balance (\$0.00), Total Levy Due (\$0.00), P&I + Attorney Fee (\$0.00), and Total Amount Due (\$0.00).

Certified Tax Unit(s): 1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
28 PEARLAND ISD
54 BRAZORIA DRAINAGE DIST 4
96 CITY OF PEARLAND

Reference (GF) No: N/A

Issued By: [Signature]
RO'VIN GARRETT, RTA

BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(979) 864-1320, (979) 388-1320, (281) 756-1320

TAX CERTIFICATE



RO'VIN GARRETT, RTA
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
111 E. LOCUST
ANGLETON, TEXAS 77515

Issued To: SOUTH PARK FUNERAL HOME
1310 N MAIN
PEARLAND, TX 77581

Legal Description: DBA SOUTH MEMORIAL PARK PT LTS 63-69
542 H T & B PEARLAND, ACRES 26.000

Fiduciary Number: 21963360

Parcel Address:
Legal Acres: 26.0000

>--
Account Number: 0542-0076-116
Certificate No: 185167368
Certificate Fee: \$10.00

Print Date: 07/20/2012
Paid Date: 07/20/2012
Issue Date: 07/20/2012
Operator ID: STAC

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Exemptions:

Certified Owner: RESTLAND OF DALLAS
%CHRIS W THREADGILL
13005 GREENVILLE AVE
DALLAS, TX 75243-1916

Table with 2 columns: Description, Amount. Rows include 2011 Value (260,000), 2011 Levy (\$7,107.36), 2011 Levy Balance (\$0.00), Prior Year Levy Balance (\$0.00), Total Levy Due (\$0.00), P&I + Attorney Fee (\$0.00), Total Amount Due (\$0.00).

Certified Tax Unit(s): 1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
28 PEARLAND ISD
54 BRAZORIA DRAINAGE DIST 4
96 CITY OF PEARLAND

Reference (GF) No: N/A

Issued By: [Signature]
RO'VIN GARRETT, RTA
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(979) 864-1320, (979) 388-1320, (281) 756-1320

TAX CERTIFICATE



RO'VIN GARRETT, RTA
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
111 E. LOCUST
ANGLETON, TEXAS 77515

Issued To:
SOUTH PARK FUNERAL HOME
1310 N MAIN
PEARLAND, TX 77581

Legal Description:
DBA SOUTH MEMORIAL PARK BLDGS ONLY ON
PT LT 64 542 H T & B PEARLAND

Fiduciary Number: 21963360

Parcel Address: N MAIN ST HWY 35

Legal Acres: .0000

> - -
Account Number: 0542-0076-099
Certificate No: 185167367
Certificate Fee: \$10.00

Print Date: 07/20/2012
Paid Date: 07/20/2012
Issue Date: 07/20/2012
Operator ID: STAC

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Exemptions:

Certified Owner:

RESTLAND OF DALLAS
%CHRIS W THREADGILL
13005 GREENVILLE AVE
DALLAS, TX 75243-1916

2011 Value: 54,680
2011 Levy: \$1,494.73
2011 Levy Balance: \$0.00
Prior Year Levy Balance: \$0.00
Total Levy Due: \$0.00
P&I + Attorney Fee: \$0.00
Total Amount Due: \$0.00

Certified Tax Unit(s):

1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
28 PEARLAND ISD
54 BRAZORIA DRAINAGE DIST 4
96 CITY OF PEARLAND

Reference (GF) No: N/A

Issued By: Staci Wade
RO'VIN GARRETT, RTA
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(979) 864-1320, (979) 388-1320, (281) 756-1320

TAX CERTIFICATE



RO'VIN GARRETT, RTA
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
111 E. LOCUST
ANGLETON, TEXAS 77515

Issued To: SOUTH PARK FUNERAL HOME
1310 N MAIN
PEARLAND, TX 77581

Legal Description: A0233 H T & B R R (PEARLAND), TRACT 94,
ACRES 14.800

Fiduciary Number: 21963360

Parcel Address: OLD ALVIN RD

Legal Acres: 14.8000

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Account Number: 0233-0036-130
Certificate No: 185167366
Certificate Fee: \$10.00

Print Date: 07/20/2012
Paid Date: 07/20/2012
Issue Date: 07/20/2012
Operator ID: STAC

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Exemptions:

Certified Owner:

RESTLAND OF DALLAS
%CHRIS W THREADGILL
13005 GREENVILLE AVE
DALLAS, TX 75243-1916

Certified Tax Unit(s):

1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
28 PEARLAND ISD
54 BRAZORIA DRAINAGE DIST 4
96 CITY OF PEARLAND

2011 Value: 148,000
2011 Levy: \$4,045.73
2011 Levy Balance: \$0.00
Prior Year Levy Balance: \$0.00
Total Levy Due: \$0.00
P&I + Attorney Fee: \$0.00
Total Amount Due: \$0.00

Reference (GF) No: N/A

Issued By: [Signature]
RO'VIN GARRETT, RTA
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(979) 864-1320, (979) 388-1320, (281) 756-1320

TAX CERTIFICATE



RO'VIN GARRETT, RTA
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
111 E. LOCUST
ANGLETON, TEXAS 77515

Issued To: SOUTH PARK FUNERAL HOME
1310 N MAIN
PEARLAND, TX 77581

Legal Description: A0233 H T & B R R (PEARLAND), TRACT 68,
ACRES 20.000

Fiduciary Number: 21963360

Parcel Address: OLD ALVIN RD

Legal Acres: 20.0000

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Account Number: 0233-0036-110
Certificate No: 185167365
Certificate Fee: \$10.00

Print Date: 07/20/2012
Paid Date: 07/20/2012
Issue Date: 07/20/2012
Operator ID: STAC

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TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2011. ALL TAXES ARE PAID IN FULL

Exemptions:

Certified Owner: RESTLAND OF DALLAS
%CHRIS W THREADGILL
13005 GREENVILLE AVE
DALLAS , TX 75243-1916

Table with 2 columns: Description, Amount. Rows include 2011 Value (200,000), 2011 Levy (\$5,467.20), 2011 Levy Balance (\$0.00), Prior Year Levy Balance (\$0.00), Total Levy Due (\$0.00), P&I + Attorney Fee (\$0.00), Total Amount Due (\$0.00).

Certified Tax Unit(s): 1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
28 PEARLAND ISD
54 BRAZORIA DRAINAGE DIST 4
96 CITY OF PEARLAND

Reference (GF) No: N/A

Issued By: [Signature]
RO'VIN GARRETT, RTA
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(979) 864-1320, (979) 388-1320, (281) 756-1320

TAX CERTIFICATE



RO'VIN GARRETT, RTA
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
111 E. LOCUST
ANGLETON, TEXAS 77515

Issued To: SOUTH PARK FUNERAL HOME
1310 N MAIN
PEARLAND, TX 77581

Legal Description: A0233 H T & B R R (PEARLAND), TRACT 62,
ACRES 19.850

Fiduciary Number: 21963360

Parcel Address: OLD ALVIN RD

Legal Acres: 19.8500

> --
Account Number: 0233-0036-000
Certificate No: 185167363
Certificate Fee: \$10.00

Print Date: 07/20/2012
Paid Date: 07/20/2012
Issue Date: 07/20/2012
Operator ID: STAC

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TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2011. ALL TAXES ARE PAID IN FULL

Exemptions:

Certified Owner:

RESTLAND OF DALLAS
%CHRIS W THREADGILL
13005 GREENVILLE AVE
DALLAS, TX 75243-1916

Certified Tax Unit(s):

1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
28 PEARLAND ISD
54 BRAZORIA DRAINAGE DIST 4
96 CITY OF PEARLAND

2011 Value: 198,500
2011 Levy: \$5,426.20
2011 Levy Balance: \$0.00
Prior Year Levy Balance: \$0.00
Total Levy Due: \$0.00
P&I + Attorney Fee: \$0.00
Total Amount Due: \$0.00

Reference (GF) No: N/A

Issued By: Staci Wade
RO'VIN GARRETT, RTA
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(979) 864-1320, (979) 388-1320, (281) 756-1320

TAX CERTIFICATE



RO'VIN GARRETT, RTA
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
111 E. LOCUST
ANGLETON, TEXAS 77515

Issued To: SOUTH PARK FUNERAL HOME
1310 N MAIN
PEARLAND, TX 77581

Legal Description: A0233 H T & B R R (PEARLAND), TRACT 93,
ACRES 14.250

Fiduciary Number: 21963360

Parcel Address: OLD ALVIN RD OFF

Legal Acres: 14.2500

> - -
Account Number: 0233-0034-140
Certificate No: 185167362
Certificate Fee: \$10.00

Print Date: 07/20/2012
Paid Date: 07/20/2012
Issue Date: 07/20/2012
Operator ID: STAC

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TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2011. ALL TAXES ARE PAID IN FULL

Exemptions:

Certified Owner:

RESTLAND OF DALLAS
%CHRIS W THREADGILL
13005 GREENVILLE AVE
DALLAS, TX 75243-1916

Certified Tax Unit(s):

1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
28 PEARLAND ISD
54 BRAZORIA DRAINAGE DIST 4
96 CITY OF PEARLAND

2011 Value: 142,500
2011 Levy: \$3,895.39
2011 Levy Balance: \$0.00
Prior Year Levy Balance: \$0.00
Total Levy Due: \$0.00
P&I + Attorney Fee: \$0.00
Total Amount Due: \$0.00

Reference (GF) No: N/A

Issued By: [Signature]
RO'VIN GARRETT, RTA
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(979) 864-1320, (979) 388-1320, (281) 756-1320

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD AUGUST 20, 2012, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

- I. CALL TO ORDER
- II. PURPOSE OF HEARING

ZONE CHANGE APPLICATION NO. 2012-07Z

A request of Kerry Gilbert & Associates, applicant, on behalf of Beltway 23, Ltd., owner, for approval of a zone change from the Suburban Development (SD) zone to the General Business (GB) zone for 20.3 acres on the following described property, to wit:

Legal Description: The herein described 20.3 acres, more or less, being generally located in Section 80, J. S. Talmage Survey Abstract 564, Brazoria County, Texas; the south line being along the south line of Lot 2, Section 80, J. S. Talmage Survey, Abstract 564 according to the plat thereof as filed in Volume 2, Page 98 Brazoria County Plat Records; the west line being the east line of City of Pearland Ordinance No. 1035; the north line being the south right-of-way line of County Road 92 and the extension of City of Pearland Ordinance 924 and the east line being the west line of City of Pearland Ordinance No 924; All that certain 20.3 acres, more or less, annexed into the City of Pearland by Pearland Ordinance 1465 and being all of Lots 1 & 2, Section 80, J. S. Talmage Survey, Abstract 564.

General Location: Southeast corner Broadway/Kingsley

- III. APPLICATION INFORMATION AND CASE SUMMARY
 - A. STAFF REPORT
 - B. APPLICANT PRESENTATION
- IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST
- V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION
- VI. ADJOURNMENT

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



JOINT PUBLIC HEARING AGENDA ITEM MEETING OF AUGUST 20, 2012

Zone Change No. 2012-07Z

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Legal Description: The herein described 20.3 acres, more or less, being generally located in Section 80, J. S. Talmage Survey Abstract 564, Brazoria County, Texas; the south line being along the south line of Lot 2, Section 80, J. S. Talmage Survey, Abstract 564 according to the plat thereof as filed in Volume 2, Page 98 Brazoria County Plat Records; the west line being the east line of City of Pearland Ordinance No. 1035; the north line being the south right-of-way line of County Road 92 and the extension of City of Pearland Ordinance 924 and the east line being the west line of City of Pearland Ordinance No 924; All that certain 20.3 acres, more or less, annexed into the City of Pearland by Pearland Ordinance 1465 and being all of Lots 1 & 2, Section 80, J. S. Talmage Survey, Abstract 564.

General Location: Southeast corner Broadway/Kingsley, Pearland, TX

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

Planning and Zoning Commission: August 20, 2012*

City Council for First Reading: September 10, 2012*

City Council for Second Reading: September 24 2012*

(*dates subject to change)

SUMMARY: Kerry Gilbert & Associates, applicant, Beltway 23 Ltd, owner, is requesting approval of a zone change from Suburban Development (SD) zone, to General Business (GB) zone for 20.3 acres for the above referenced location. The property in question was formally annexed into the City of Pearland corporate limits by City Council on July 23, 2012. At that time, the Suburban Development (SD) zoning was applied to the property.

As a General Business (GB) zone change would not require a site plan, as later discussed in this report, this zone change will allow the property to be developed in accordance with the land use and development regulations of that zone with no further City zoning approvals.

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	Planned Unit Development	Vacant
South	Planned Unit Development	Single-Family Residential
East	Planned Unit Development	Single-Family Residential
West	Planned Unit Development	Single-Family Residential

CONFORMANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC): As previously mentioned, the property is currently zoned Suburban Development (SD). As the property is currently being requested to be rezoned to General Business (GB), a breakdown between those requirements and the site current configuration is provided below:

	<u>General Business</u>	<u>Existing Site</u>
Lot Size:	22,500 sq ft	20.3 Acres
Lot Width:	150'	910'
Lot Depth:	125'	970'
Front Setback:	25'	n/a
Rear Setback:	25'	n/a
Side Setback:	10' if abuts res.	n/a

As the site is currently undeveloped, new development will be required to meet all requirements of the Unified Development Code.

PLATTING STATUS: The property is not currently platted. Platting will be required at the time of development.

CONFORMANCE WITH THE COMPREHENSIVE PLAN: The current Comprehensive Plan (latest update in 2009) indicates *Low Density Residential* and *Minor Retail Node (25 acres)* for the subject property. As the Comprehensive Plan does define a minor retail node to be approximately 25 acres, if this zone change is approved it would result in a larger commercial development at the intersection of Kingsley and Broadway than 25 acres. This is a result of the following factors:

- a) The Shadow Creek Ranch PUD currently allows for approximately 9 acres of commercial development directly to the north of this property (Northeast corner of Broadway/Kingsley), which is also included in the Minor Retail Node acreage calculation
- b) The Shadow Creek Ranch PUD currently indicates a school site at the

northwest corner of Broadway/Kingsley which consists of approximately 36.5 acres. The PD document allows for the flexibility to transition some of this acreage into commercial development at the intersection.

- c) The proposed zone change request at the southeast corner of Broadway/Kingsley is approximately 20.3 acres of General Business (GB)



Therefore, as the Future Land Use plan indicates that only approximately 25% of the subject property should be zoned commercial, if the entire property is zoned General Business, the zone change request would not be in conformance with the approved Future land Use Plan/Comprehensive Plan.

CONFORMANCE WITH THE THOROUGHFARE PLAN: The subject property has frontage on Broadway and Kingsley/CR48, both major thoroughfares, with a minimum of 120' right-of-way.

AVAILABILITY OF UTILITIES: The subject parcel does have access to public water and sewer.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: As a site plan is not required for a zone change, exact impact on existing and future development is unknown at this time. If the zone change is approved as submitted, there will likely be a negative impact

on existing single-family developments located to the south and east of the site. The General Business (GB) zone will allow for a number of potentially incompatible uses with no additional zoning approval required, including but not limited to:

- Automotive related uses
 - Sales
 - Full service carwash
 - Gasoline station
- Indoor and outdoor commercial amusement
- Financial institution with drive-thru
- Office, Parole-Probation, Bail Bonds
- Check Cashing
- Extended stay hotel/motel
- Consignment Shop
- Convenience store (with no gasoline sales)
- Grocery store
- Hardware store
- General Store

Due to these types of allowable uses and potential adverse impacts, staff believes that additional zoning options which may offer additional buffering and/or land use controls which will help to ensure a development in this location which is most compatible with existing single-family residential areas immediately abutting the property. Staff has identified the following options:

1. Planned Development: A Planned Development for this area will give the City assurances that only development that is most compatible with existing single-family residential areas are permitted at this site, with appropriate buffers, via the required site plan and land use restrictions available with a Planned Development document.
2. Transition Zone Option 1: The City's Land Use Plan for this area indicates a *Minor Retail Node*. As discussed earlier in this report, due to the acreage limitations of a *Minor Retail Node*, it was not envisioned at the time of the last Future Land Use Plan update that this entire parcel would be zoned General Business (GB). Therefore, in order to ensure compatible land uses, one option would be to zone the hard corner of Broadway and Kingsley (approximately 5 acres) General Business (GB) and zone the remaining Office Professional (OP), which is the commercial zone which is most compatible with the nearby residential uses.

A Traffic Impact Analysis (TIA) may be required at the time of site plan review by the City's Engineering department to determine if there are any potentially negative traffic impacts anticipated as a result of the proposed development at that time. If a TIA is

required, and mitigation measures are deemed necessary as a result, the applicant would be responsible for implementing those measures.

ADDITIONAL COMMENTS: This request has been reviewed by the City's Development Review Committee and there are no additional comments from other departments at the time of this report.

SITE PLAN CONSIDERATIONS: A site plan is not required for a zone change.

PUBLIC NOTIFICATION: 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 notification sign was placed on the subject property.

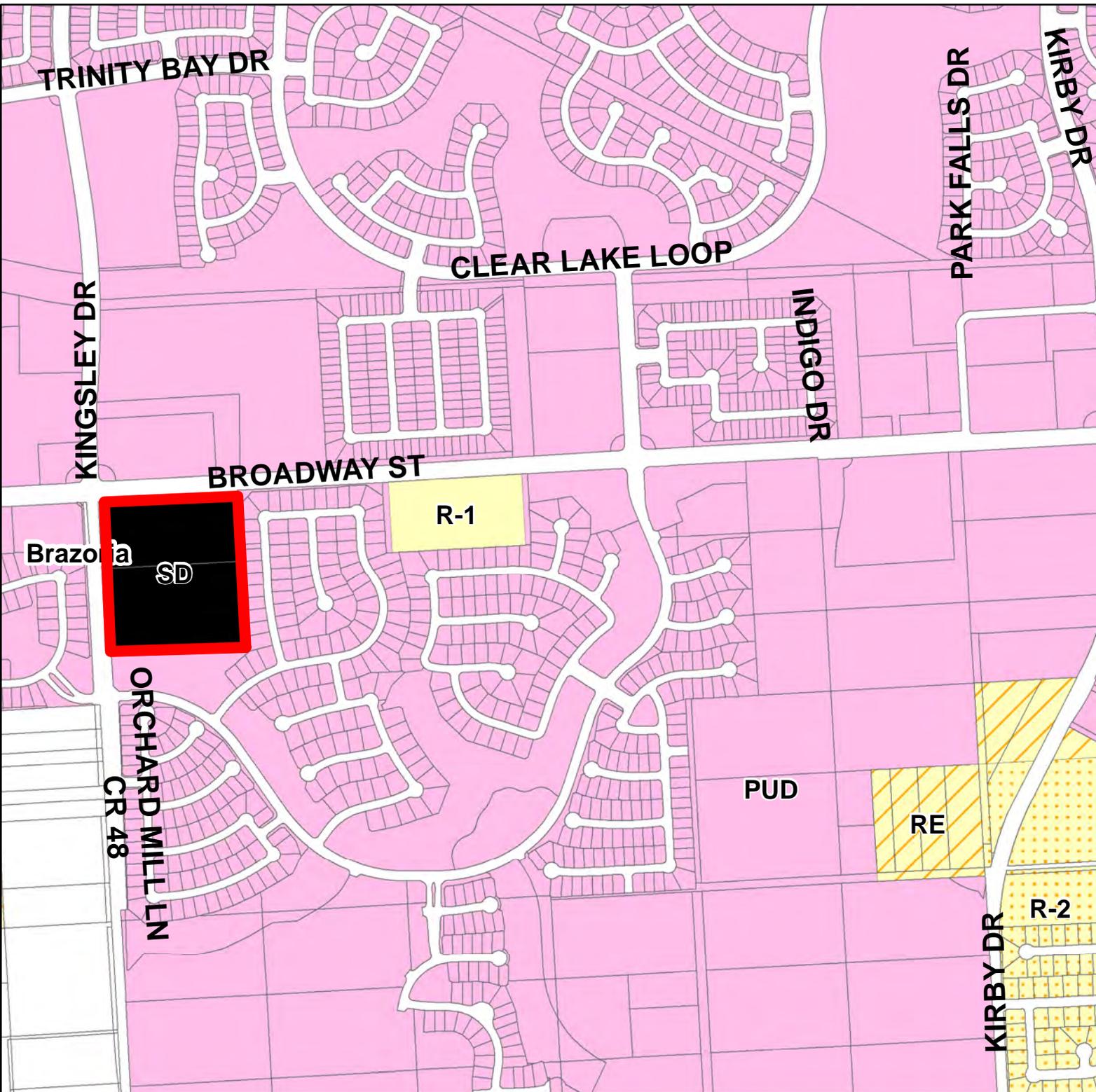
OPPOSITION TO OR SUPPORT OF PROPOSED REQUEST: At the time of this report, staff has received three (3) calls in regards to this request. Two (2) were informational in nature, and one (1) was in opposition. Additional comments, if received, will be relayed at the public hearing.

STAFF RECOMMENDATION: Staff is not able to recommend approval of the Zone Change 2012-07Z as proposed by the applicant for the following reasons:

1. The proposed zone change, at the proposed acreage, would not be in compliance with the City's approved Land Use Plan section of the Comprehensive Plan.
2. The proposed zone change may not be compatible with and result in adverse impacts with existing nearby single-family residential developments.
3. A Planned Development or lesser zone such as Office Professional (OP), or Residential Retail Node (RRN), may offer the best protection for the City to ensure that future development for this parcel is compatible with surrounding existing single-family residential land uses.

SUPPORTING DOCUMENTS:

- Vicinity and Zoning Map
- Property Ownership Map
- Property Owner Notification List
- Future Land Use Plan
- Aerial Photograph
- Zone Change Application and Applicant Documents
- Related Documents

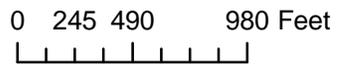


Vicinity and Zoning Map

Zone Change 2012-07Z

**Southeast Corner
Broadway/Kingsley**

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



Owner	Address	City	State	Zip
GREEN MARCUS NEAL & CHANDRA M	3008 DECKER FIELD LN	PEARLAND	TX	77584-3767
PAN YANG & CHIHCHIANG FU	3006 DECKER FIELD LN	PEARLAND	TX	77584-3767
SOUTHERN TRAILS RESIDENTIAL ASSOC INC	PO BOX 219223	HOUSTON	TX	77218
BELTWAY 23 LTD	5855 SOVEREIGN DR STE B	STE B	TX	77036-2318
SHADOW CREEK RANCH MAINTENANCE ASSOCIATION	12234 SHADOW CREEK PKWY BLDG 3 STE 114	SUITE #114	TX	77584-7330
RODRIGUEZ J RAUL & LYDIA G	3115 TRAIL RIDGE DR	PEARLAND	TX	77581
LEE MICHAEL PAUL & GLENDA K	3113 TRAIL RIDGE DR	PEARLAND	TX	77584
WILLIAMS JARED & SHACARLA	3101 TRAIL RIDGE DR	PEARLAND	TX	77584-3685
LOLLEY ANGELA C & JOHN R	12502 PEPPER CREEK LN	PEARLAND	TX	77584
LE TRAM	12503 PEPPER CREEK LN	PEARLAND	TX	77584-3766
NGO TIMOTHY H & TRAN T LE	12501 PEPPER CREEK LN	PEARLAND	TX	77584-3766
NGUYEN DAT V & CYNDI M	3112 DECKER FIELD LN	PEARLAND	TX	77584-3769
LEWIS STANLEY T & RONDA R	3111 DECKER FIELD LN	PEARLAND	TX	77584-3770
BELLOW LESTER JR & SHEILA H	3110 DECKER FIELD LN	PEARLAND	TX	77584-3769
GODINEZ REYNALDO D & SUSAN M	3109 DECKER FIELD LN	PEARLAND	TX	77584-3770
NG JAYSON & MYLAN NGO & KIEM NGO	3108 DECKER FIELD LN	PEARLAND	TX	77584-3769
LEE JENNIFER C	3107 DECKER FIELD LN	PEARLAND	TX	77584-3770
NGO THONG	3105 DECKER FIELD LN	PEARLAND	TX	77584-3770
ASHTON HOUSTON RESIDENTIAL LLC	11375 S SAM HOUSTON PKWY W STE 100	HOUSTON	TX	77031-2349
ZHENG ZHONG & SWEE TENG CHIN	3103 DECKER FIELD LN	PEARLAND	TX	77584-3770
CANNON DEAN	3004 DECKER FIELD LN	PEARLAND	TX	77581
PALACIOS JEROME P & JENELLIE BALINGIT	12417 CLOVER CREEK LN	PEARLAND	TX	77581
BURT CHRISTOPHER C	3001 DECKER FIELD LN	PEARLAND	TX	77584-3768
CL ASHTON WOODS LP C/O DENISE ORSBORN	6300 BEE CAVE RD BLDG 2 STE 500	AUSTIN	TX	78746-5149
LEONARD SCOTT P	12507 PEPPER CREEK LN	PEARLAND	TX	77584-3766
SCR C20B DEVELOPMENT LP	4201 BROADWAY ST	PEARLAND	TX	77581-4188
GEORGE BENETTA & FLEMING G PANJIKKARAN	3111 TRAIL RIDGE DR	PEARLAND	TX	77584-3685
NGUYEN STEVEN PHI & HOA LE TANG	3109 TRAIL RIDGE DR	PEARLAND	TX	77584-3685
PAUL PRINCY & SHAJAN U POULOSE	3107 TRAIL RIDGE DR	PEARLAND	TX	77584-3685

HARPER ERIC L & TERI L	3105 TRAIL RIDGE DR	PEARLAND	TX	77584-3685
BRAZORIA COUNTY MUNICIPAL UTILITY DIST #34	3200 SOUTHWEST FWY STE 2600	HOUSTON	TX	77027-7537
MCDONALD JOHN & TERRI	3101 DECKER FIELD LN	PEARLAND	TX	77584-3770
GRILLO RAFAEL A	3005 DECKER FIELD LN	PEARLAND	TX	77584
SAMUEL JOBY V & PRIYANKA S KOTIAN	3102 DECKER FIELD LN	PEARLAND	TX	77581
KERRY GILBERT & ASSOCIATES C/O CHRISTY SMIDT	23501 CINCO RANCH BLVD STE A-250	KATY	TX	77494

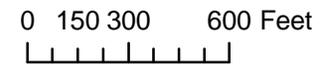


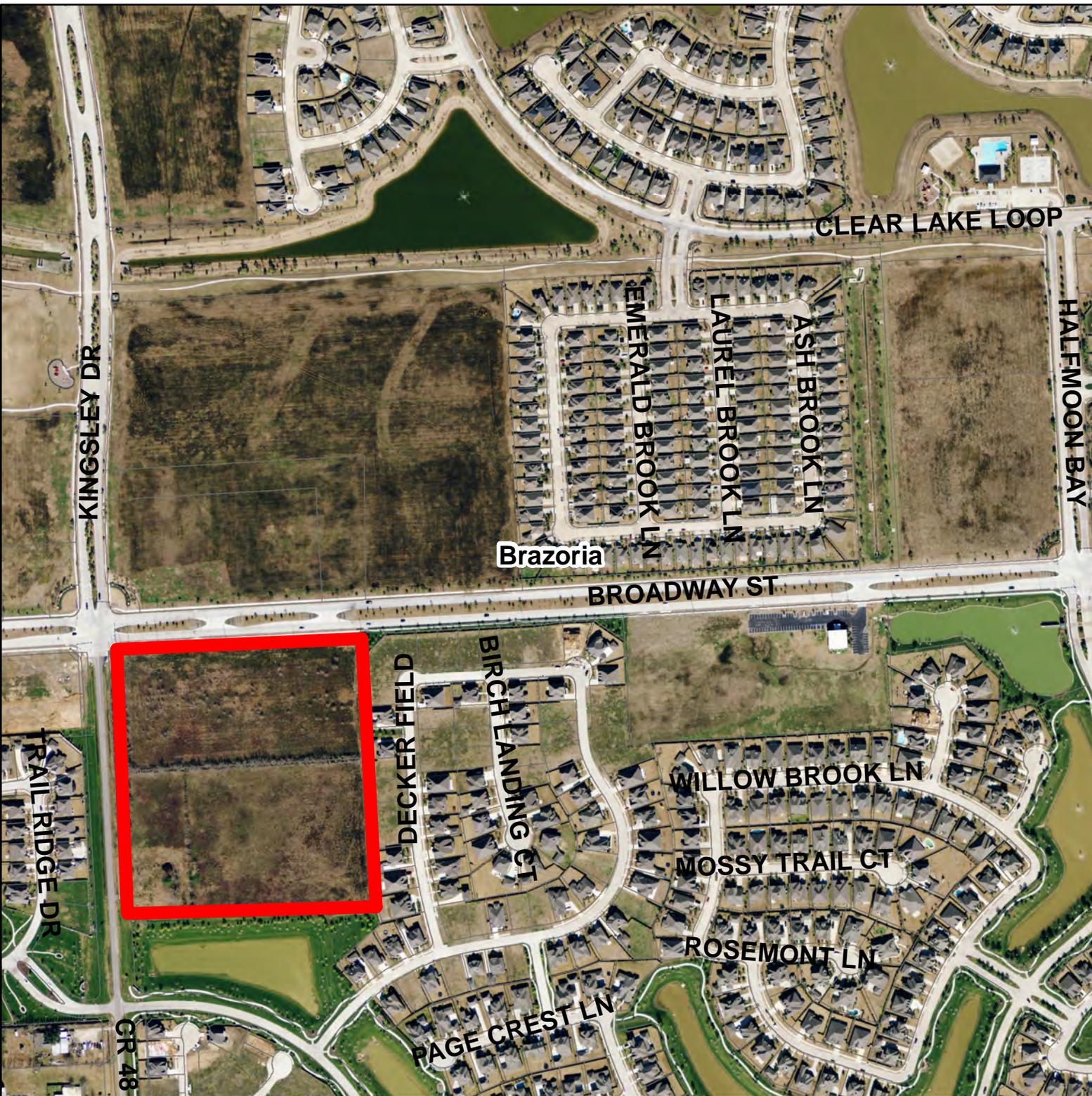
FLUP Map

Zone Change 2012-07Z

Southeast Corner Broadway/Kingsley

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Aerial Map

Zone Change 2012-07Z

**Southeast Corner
Broadway/Kingsley**

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0 125 250 500 Feet



N





APPLICATION FOR A CHANGE IN ZONING

ZONE CHANGE APPLICATION Page 1 of 5 Updated June 2010)

City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281-852-1768
281-852-1702 fax
www.cityofpearland.com

Current Zoning District: NONE
Proposed Zoning District: General Business (GB)

Property Information:

Address or General Location of Property: southeast corner of CP48 (Kingsley Rd) and Broadway
Tax Account No. 05640036000 and 05640004000
Subdivision: _____ Lot: _____ Block: _____

A complete application must include all information shown on the Application Checklist attached to this application.

PROPERTY OWNER INFORMATION:

NAME Beltway 23, Ltd.
ADDRESS 5855 Sovereign Dr. STE B
CITY Houston STATE TX ZIP 77036
PHONE (713) 266-4288
FAX (713) 977-1311
E-MAIL ADDRESS _____

APPLICANT/AGENT INFORMATION:

NAME Christy Smidt, Kerry R. Gilbert & ASSOC.
ADDRESS 23701 Cinco Ranch Blvd. #250
CITY Katy STATE TX ZIP 77494
PHONE (281) 579-0340
FAX (281) 579-8212
E-MAIL ADDRESS CSmidt@krya.com

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

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

Owner's Signature: [Signature] Date: 7/14/11

Agent's/Applicant's Signature: [Signature] Date: 6/28/11

OFFICE USE ONLY:

FEE PAID: <u>275-</u>	DATE PAID: <u>8/24/11</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>304341</u>
-----------------------	---------------------------	---------------------------------	-------------------------------

Application No. 2012-072

Beltway23, Ltd.
5855 Sovereign Dr. Suite B Houston, Texas
Tel: (713) 266-4288 Fax (713) 977-1311

August 17, 2011

Lata Krishnarao, Director
Planning Department
3523 Liberty Drive
Pearland, Texas 77581

RE: Rezone application request -- owner authorization

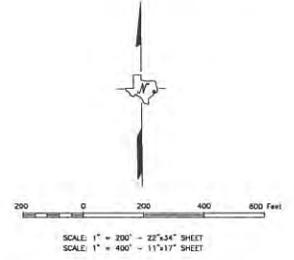
Dear Lata,

I, Peter Tsou, Beltway 23, Ltd., owner of the 18.1 acres of property located at the southeast corner of Kingsley Road and Broadway do authorize Kerry R. Gilbert & Assoc., Inc. to be our agent in our application for request to be annexed into the City of Pearland and request to zone/rezone the subject tract.

Sincerely,



Peter Tsou, President



NOTE:
THIS EXHIBIT WAS PREPARED USING RECORDED SUBDIVISION MAPS, RECORDED DEEDS, AND CITY ORDINANCES, AND DOES NOT REPRESENT AN ON THE GROUND SURVEY.

NOTE:
THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, DDES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

NOTE:
ALL IMPROVEMENTS (ROADS, FENCES, ETC.) DEPICTED HEREON ARE DERIVED FROM A DIGITAL ORTHOPHOTOGRAPH, AND ARE NOT THE RESULT OF AN ON THE GROUND SURVEY.

C	C.L. DAVIS & CO. 1500 BRINDLEY WAY FRIENDSWOOD, TEXAS 77546 281-462-0490 FAX 281-462-1294		
	EXHIBIT CITY OF PEARLAND, TEXAS		
PROPOSED ANNEXATION OF 20.3 ACRES WITHIN BRAZORIA COUNTY			
GENERAL LOCATION NORTH OF COUNTY ROAD 59 EAST OF COUNTY ROAD 48 SOUTH OF COUNTY ROAD 92 WEST OF CITY OF PEARLAND ORDINANCE No. 924 BRAZORIA COUNTY, TEXAS			
DATE: 02-08-2012	SCALE: 1" = 200'	JOB NO.: 11-1035	
DWG. FILE: 11-1035-ANNEXATION			

EXHIBIT "A"
METES AND BOUNDS DESCRIPTION
20.3 ACRES MORE OR LESS OUT OF
J.S. TALMAGE SURVEY, ABSTRACT 564
BRAZORIA COUNTY, TEXAS

The herein described 20.3 acres, more or less, being generally located in Section 80, J. S. Talmage Survey, Abstract 564, Brazoria County, Texas; the south line being along the south line of Lot 2, Section 80, J. S. Talmage Survey, Abstract 564 according to the plat thereof as filed in Volume 2, Page 98 Brazoria County Plat Records; the west line being the east line of City of Pearland Ordinance No. 1035; the north line being the south right-of-way line of County Road 92 and the extension of City of Pearland Ordinance No. 924 and the east line being the west line of City of Pearland Ordinance No 924;

All that certain 20.3 acres, more or less, to be annexed into the City of Pearland and being all of Lots 1 & 2, Section 80, J. S. Talmage Survey, Abstract 564 and being more particularly described by metes and bounds as follows;

Commencing at a point marking the common corner of Abstracts 305, 565, 564 and 538 and being the intersection of County Road 92 (Broadway) and County Road 48 (Kingsley Drive); Thence Southerly – 20' with the common line of said Abstract 538 and Abstract 564 to a point marking the POINT OF BEGINNING of herein described tract;

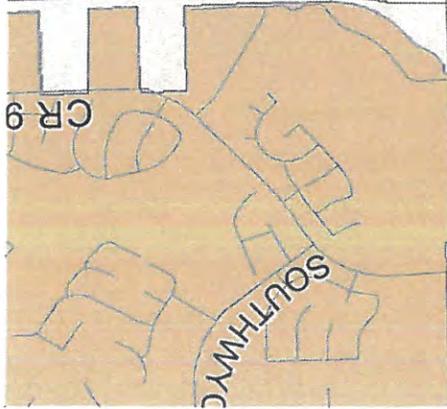
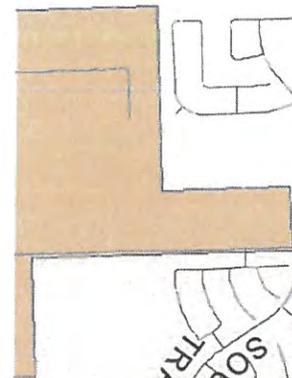
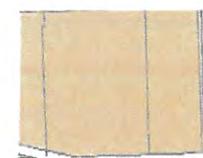
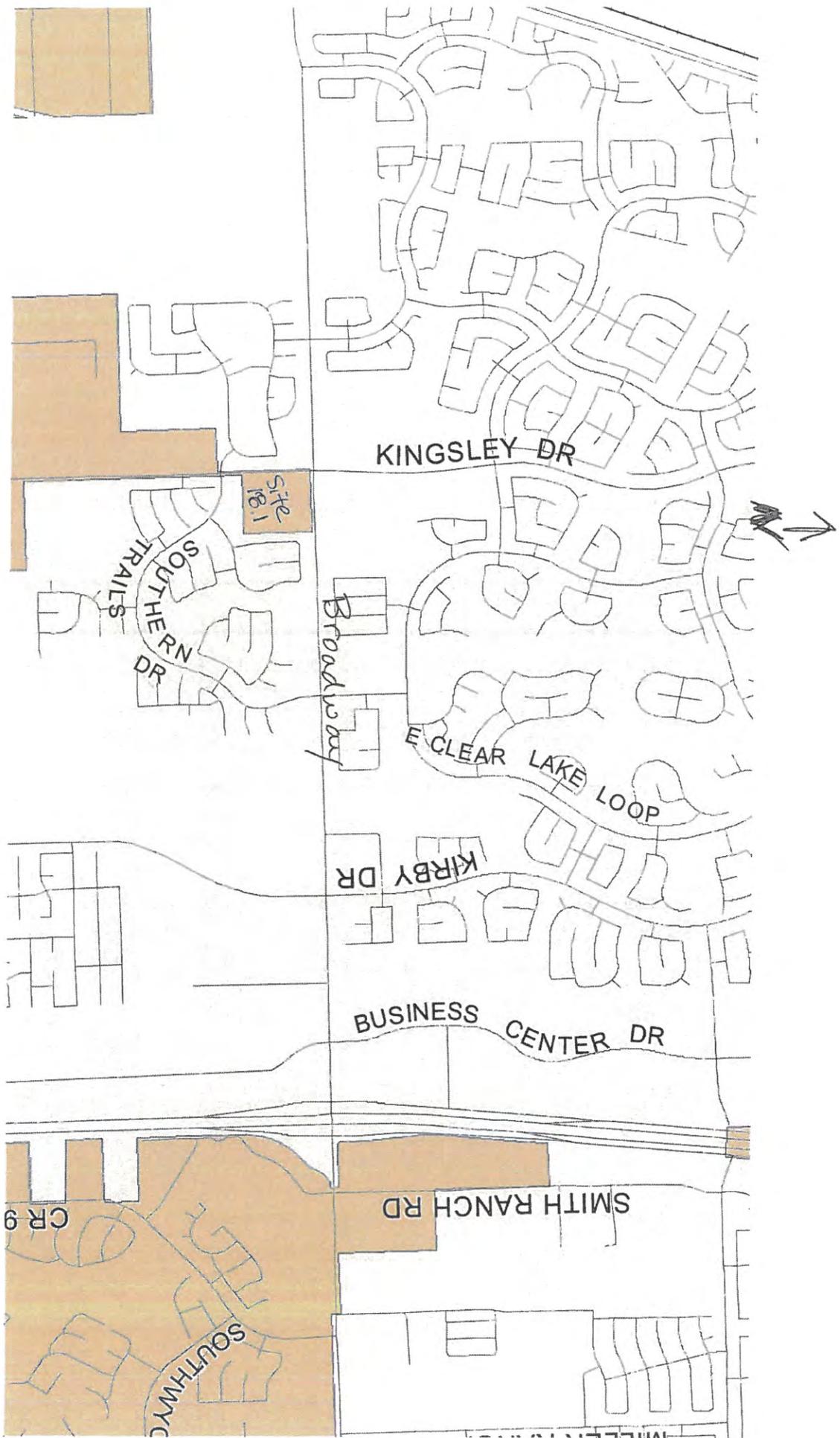
1. Thence Easterly – 910', more or less, with the south of City of Pearland Ordinance No. 880 to a point for corner marking the most northerly northwest corner of City of Pearland Ordinance No. 924;
2. Thence Southerly – 970', more or less, with the east line of said Lots 1 and 2, Section 80, J. S. Talmage Survey, Abstract 564 and the west line of City of Pearland Ordinance No. 924 to a point for corner;
3. Thence Westerly – 910', more or less, with the south line of said Lot 2, Section 80 and continuing with the most westerly north line of said City of Pearland Ordinance No. 924 to a point for corner;
4. Thence Northerly – 970', more or less, with the east line of said City of Pearland Ordinance No. 1035 to the POINT OF BEGINNING and containing 20.3 acres of land more or less

"This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not be used to convey or establish interest in real property except those right and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

This metes and bounds description is accompanied by a separate plat, drawing or exhibit per Texas Board of Professional Land Surveyor's "General Rules of Procedures and Practices" Section 663.19(9).

Compiled by:
C.L. Davis & Company
Job Number: 11-421-141 Annexation-Beltway-23 M&B.doc
02-09-2012





August 18, 2011

Lata Krishnarao, Director
Planning Department, City of Pearland
3523 Liberty Drive
Pearland, Texas 77581

23501 Cinco Ranch Blvd.
Suite A-250
Katy, Texas 77494
(281) 579-0340
Fax (281) 579-8212
landplan@krga.com

RE: Annexation and Zoning Request for 18.1 acres at the southeast corner of Broadway & Kingsley

Dear Lata,

On behalf of Beltway 23, Ltd. Kerry R. Gilbert & Assoc., Inc. submits to the City a request to annex the subject tract into the City of Pearland city limits and to establish the tract as a General Business (GB) Zone. The subject parcel lies at the southeast corner of Broadway (FM 518) and Kingsley (CR 48) and is currently vacant. The subject tract has been annexed into the adjacent municipal utility district, MUD 34, which includes Southern Trails and Southern Trials West. However, one of the requirements of annexation into MUD No. 34 is to also be annexed into the city limits of Pearland. There have been several attempts in the past to have the property annexed: 1) a petition was submitted by the owner to the City of Pearland in May 2007 and, then 2) the City of Pearland initiated the annexation process in June 2010, but neither request was completed.

The surrounding land uses include: commercial, multi-family, proposed middle school, proposed day care site, single-family residential (Southern Trails PUD) and future municipal site. There are a variety of uses proposed to be located at this intersection that would benefit from a commercial development. The City of Pearland's comprehensive plan proposes this intersection as a Residential Retail Node (RRN). The combined acreage of the commercial tracts, including the subject tract, is ± 30 acres, which is close to the recommended 25 acres for an RRN. The land uses at this intersection provides for a range of residential, institutional and commercial uses.

Due to the range of surrounding land uses and the size of the property, the highest and best uses for this site include church, restaurant, gas station, retail sales, tutoring and instructional schools, etc. However, these uses are not permitted under the RRN zone. Several of these retail and restaurant uses are allowed with a conditional use permit, but would require prospective tenants to apply for a Conditional Use Permit severely limiting the marketability of the development. There are other retail developments that tenants will go to that are not as cumbersome. Uses, such as gas station and a church are completely prohibited in the RRN zone. These are uses that are compatible with the surrounding range of land uses.

Attached are two exhibits illustrate the potential land use and layout for the subject tract. Exhibit A depicts retail buildings with several restaurant sites and gas station located adjacent to Broadway and a retail building oriented at an angle towards the intersection. Exhibit B depicts use by a church, which parking and green space encompasses the majority of the site along with the gas station use close to the street.

Enclosed are the application material required for the annexation and the zoning request. Please call me if you have any questions or need any further information.

Sincerely,


Christy B. Smidt
Planner

Enclosure

cc: Peter Tsou, Beltway 23, Ltd.

7

CITY OF PEARLAND
R E P R I N T
*** CUSTOMER RECEIPT ***
Oper: RMCDEVITT Type: OC Drawer: 1
Date: 8/24/11 02 Receipt no: 304341

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	\$275.00
Trans number:		3454382

SE CORNER BROADWAY/KINGSLEY
CHRISTY SMIDT
BELTWAY 23 LTD
ZONE CHANGE
BELTWAY 23 LTD
5855 SOVEREIGN DR STE B
77036-2318

Tender detail		
CK CHECK	1167	\$275.00
Total tendered		\$275.00
Total payment		\$275.00

Trans date: 8/24/11 Time: 9:11:12

**POSTING OF ZONING NOTIFICATION SIGNS
ON PROPERTY UNDER CONSIDERATION
FOR A ZONE CHANGE (OR CONDITIONAL USE PERMIT)**

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

Signs(s) shall be located as follows:

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

PROPOSED (SPECIFY REQUEST)
Contact City of Pearland
281-652-1768

***Signs must be professionally made; handwritten signs are not allowed.**

***Signs must be freestanding and cannot be attached to a tree, fence, or building.**

A white rectangular sign with black text is positioned in the center of a grassy field. The background consists of a dense line of green trees. The sign contains the following text:

**PROPOSED
ZONE CHANGE**
Contact City of Pearland
281-652-1768



PROPOSED
ZONE CHANGE
Contact City of Pearland
281-652-1768

Tuesday, June 28 111

Property Tax Status

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[Request a Tax Statement](#)

Make your check or money order payable to:

Ro'Vin Garrett, RTA
111 E Locust
Angleton, Texas 77515



A **Convenience Fee** of up to 2.65% will be charged for all credit card payments by the vendor providing this service. For eChecks, a convenience fee of \$1.50 will be charged for each transaction. The fee covers the cost of making payments by credit card possible. The fee will appear as a charge to 'Certified Payments'. No part of this fee is retained by Brazoria County.

Unless otherwise noted, all data refers to tax information for 2010. All amounts due include penalty, interest, and attorney fees when applicable. Due to the large volume of work during heavy payment periods amounts due may not reflect payments that have been received but not yet processed.

Account Number: 05640036000

Address:

BELTWAY 23 LTD
5855 SOVEREIGN DR
STE B
HOUSTON, TX 77036-2318

Property Site Address:

COUNTY ROAD 48-92

Legal Description:

A0564 H T & B R R TRACT 1 ACRES 8.7044

Current Tax Levy: \$20,124.42

Current Amount Due: \$0.00

Prior Year Amount Due: \$0.00

Total Amount Due: \$0.00

Last Payment Amount for Current Year Taxes: \$18,000.00

Pending Credit Card or E-Check Payments:

No Payment Pending

Jurisdictions:

ALVIN COMMUNITY COLLEGE
ALVIN ISD
BRAZORIA COUNTY
BRAZORIA DRAINAGE DIST 4
SPECIAL ROAD & BRIDGE

Market Value: \$947,910

Land Value: \$947,910

Improvement Value: \$0

Capped Value: \$0

Agricultural Value: \$0

Exemptions: None

Last Certified Date: 08/30/2010

[Taxes Due Detail by Year and Jurisdiction](#)

[Payment Information](#)

[Click Here](#) to see your estimated amount due for a different date. You can see this information by year and by both year and jurisdiction.

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E-mail: roving@brazoria-county.com
111 E. Locust Suite
Angleton, TX 77515
(979) 864-1320

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Tuesday, June 28 111

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Unless otherwise noted, all data refers to tax information for 2010. All amounts due include penalty, interest, and attorney fees when applicable. Due to the large volume of work during heavy payment periods amounts due may not reflect payments that have been received but not yet processed.

Account Number: 05640004000

Address:
 BELTWAY 23 LTD
 5855 SOVEREIGN DR
 STE B
 HOUSTON, TX 77036-2318

Property Site Address:
 2335 COUNTY ROAD 48

Legal Description:
 A0564 H T & B R R TRACT 2 ACRES 9.6705

Current Tax Levy: \$22,358.07
Current Amount Due: \$0.00
Prior Year Amount Due: \$0.00
Total Amount Due: \$0.00

Last Payment Amount for Current Year Taxes: \$22,358.07

Pending Credit Card or E-Check Payments:
 No Payment Pending

Jurisdictions:
 ALVIN COMMUNITY COLLEGE
 ALVIN ISD
 BRAZORIA COUNTY
 BRAZORIA DRAINAGE DIST 4
 SPECIAL ROAD & BRIDGE

Market Value: \$1,053,120
Land Value: \$1,053,120
Improvement Value: \$0
Capped Value: \$0
Agricultural Value: \$0
Exemptions: None
Last Certified Date: 08/30/2010

[Taxes Due Detail by Year and Jurisdiction](#)

[Payment Information](#)

[Click Here](#) to see your estimated amount due for a different date. You can see this information by year and by both year and jurisdiction.

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