



**JOINT PUBLIC HEARING**  
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF  
THE CITY OF PEARLAND, TEXAS,  
**MONDAY, MAY 18, 2015 AT 6:30 P.M.**  
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

**I. CALL TO ORDER**

**II. PURPOSE OF HEARING**

**Conditional Use Permit Application No. 2015-05**

A request of Robert M. Atkinson, applicant; on behalf of MVN Investment LLC, owner; for approval of a Conditional Use Permit (CUP) to allow for an Auto Parts Sales (Indoors Only; With Repair Bays) facility located within the General Commercial (GC) zoning district on approximately .41 acres of land, to wit:

**Legal Description:** Being Lots 7 and 8, Thomas and Gilbert Industrial Tracts, a Subdivision of part of Lot 113, A.C.H. & B. Survey, Section 1, Abstract No. 147, Brazoria County, Texas.

**General Location:** North of Swensen Drive, east of Main Street, Pearland, TX

**III. APPLICATION INFORMATION AND CASE SUMMARY**

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

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

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

**VI. ADJOURNMENT**

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



## Staff Report

To: City Council and Planning and Zoning Commission

From: Planning Department (KW)

Date: April 27, 2015

Re: Conditional Use Permit Application Number 2015-05

A request of Robert M. Atkinson, applicant; on behalf of MVN Investment LLC, owner; for approval of a Conditional Use Permit (CUP) to allow for a Auto Parts Sales (Indoors Only; With Repair Bays) facility located within the General Commercial (GC) zoning district on approximately .41 acres of land, located north of Swensen Drive, east of South Main/State Highway 35, Pearland, TX.

### **Summary of Request**

The applicant is requesting approval of a Conditional Use Permit (CUP) to allow for an Auto Parts Sales (Indoor Only; With Repair Bays) facility located in the General Commercial (GC) district on approximately .41 acres located north of Swensen Drive and east of South Main/State Highway 35. The property is currently undeveloped. The proposed development will consist of a 5,615 square foot building with two 12' x 14' overhead doors at the front of the building and two 10' x 12' overhead doors on the opposite wall at the rear of the building. No outdoor storage or display of any kind is proposed. As per the UDC, the Auto Parts Sales use is described as an establishment that sells auto parts and accessories and offers installation services. This use would not permit general auto repair of any type.

### **Recommendation**

Staff recommends approval of the request to allow for an Auto Parts Sales (Indoor Only; With Repair Bays) facility on the approximately .41 acre site in the GC zoning district for the following reasons:

1. The proposed CUP request is in conformance with the Comprehensive Plan as the request is compatible with surrounding properties.
2. The property is located within the General Commercial (GC) zoning district. An "Auto Parts Sales (Indoor Only; With Repair Bays)" facility is permitted, with approval of a Conditional Use Permit.

3. The proposed CUP is compatible with the surrounding area, which is a mix of auto related and light industrial commercial uses, and thus, meets the requirement of the UDC.
4. The proposed use will not significantly impact surrounding properties, as this site is located near other similar commercial uses.

### **Staff Recommended Conditions**

No conditions above and beyond the requirements of the UDC are recommended.

### **Public Notification**

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

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

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

### **Site History**

The subject property is currently undeveloped and consists of Lots 7 and 8 of the Thomas and Gilbert Industrial Tracts. The property was annexed into the City of Pearland in 1960. The site is surrounded by non-residential uses. Mary Creek is located just north of the property, and the creek serves as a boundary that separates undeveloped land on Hampshire Street being used for sports fields. The table below identifies surrounding uses and zoning districts.

	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	General Commercial (GC)	Mary Creek, Undeveloped
<b>South</b>	General Commercial (GC)	Auto Window Tinting and Undercoating
<b>East</b>	General Commercial (GC)	Contractor or Machine Shop
<b>West</b>	General Commercial (GC)	Martial Arts and Fitness Center

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

The subject property has approximately 100 feet of frontage along Swensen Road, which is classified as a local street.

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

This property was platted prior to the adoption of the UDC, and it does not meet the minimum lot size or minimum lot width required by the GC zoning district. However, the Planning and Zoning Commission granted a variance to the minimum lot size and minimum lot width on April 20, 2015. At the time of development, all other requirements of the Unified Development Code will be met.

General Commercial (GC) Area Regulations		
Size of Lots	Required	Existing Lot Dimensions
Minimum Lot Size	22,500 sf.	13,285.8 sf.*
Minimum Lot Width	150 ft.	100 ft.*
Minimum Lot Depth	125 ft.	178ft.

\*Variance granted by P & Z on April 20, 2015.

### **Platting Status**

The applicant is in the process of platting the property, combining two existing lots which will meet the requirements of the UDC with the approved Planning and Zoning Variance.

### **Availability of Utilities**

The subject property has an available 10-inch sewer line running along the south side of Swensen Road, and a 6-inch water line runs along the north side of Swensen Road.

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

The proposed CUP will not significantly impact surrounding properties or developments. The property is surrounded mostly by commercial uses including other auto accessory businesses and commercial shops. The proposed building design and preliminary site plan submitted with the CUP application is compatible with the surrounding properties.

**Additional Comments**

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

**Exhibits**

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



# Exhibit 1

**AERIAL MAP**

**CUP 2015-05**

**Swensen Rd.  
East of Main St.**



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

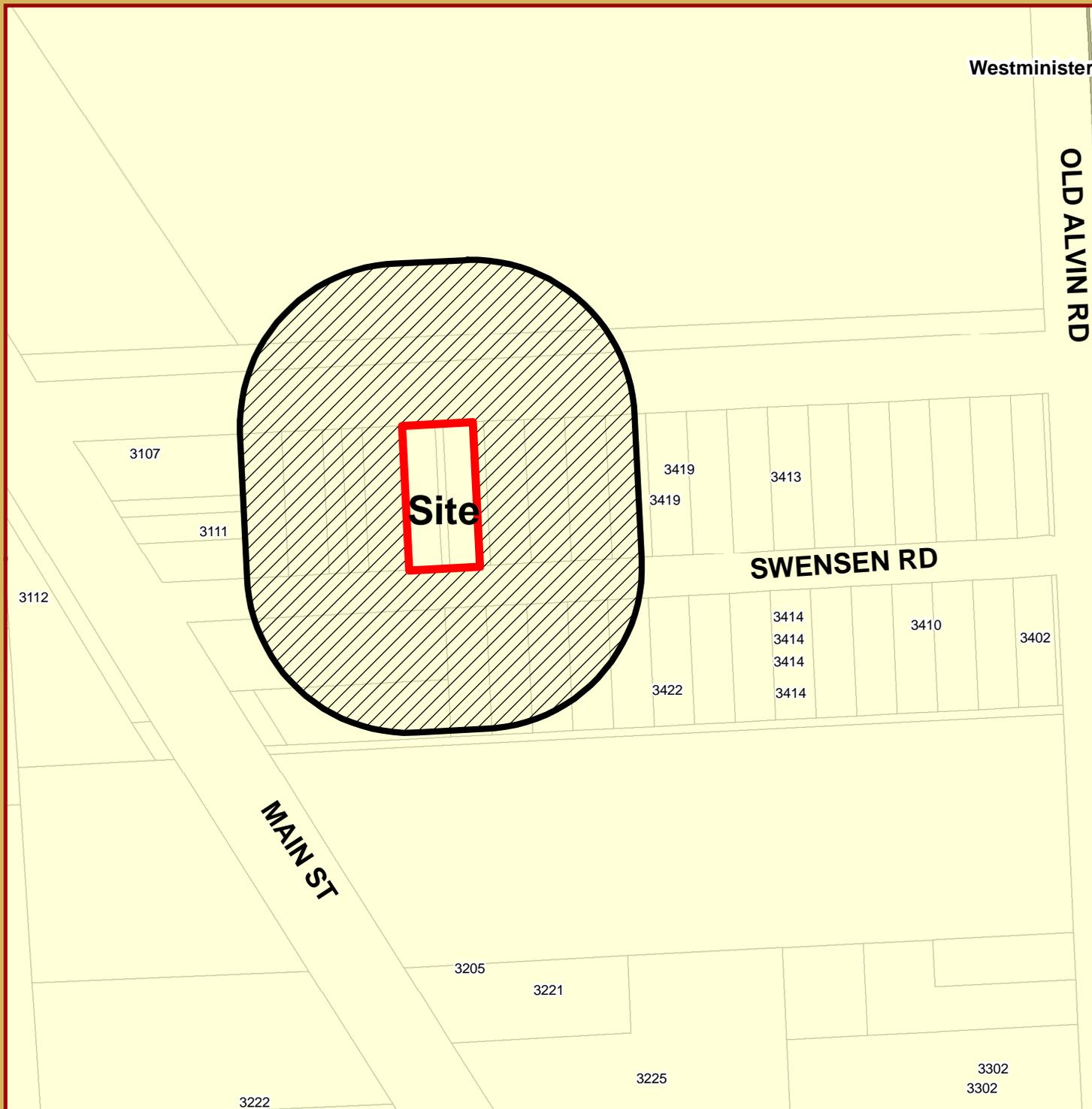
1 inch = 177 feet

May 2015  
PLANNING DEPARTMENT









# Exhibit 4

## NOTIFICATION MAP

CUP 2015-05

Swensen Rd.  
East of Main St.



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

1 inch = 177 feet

May 2015  
PLANNING DEPARTMENT



**Exhibit 5**

CUP 2015-05, Swensen Rd. East of Main St.

<b>Owner</b>	<b>Street</b>	<b>City</b>	<b>State</b>	<b>Zip</b>
HAWLEY FRANK & CRYSTAL	21142 BLUE TEAL	CLEVELAND	TX	77328
HAWLEY FRANK & CRYSTAL	21142 BLUE TEAL	CLEVELAND	TX	77328
BCG INC	3117 S MAIN ST	PEARLAND	TX	77581
BAKER FELTON M & MARY C REVOCABLE TRUST	3506 LOCKHEED ST	PEARLAND	TX	77581
HAWLEY FRANK & CRYSTAL	21142 BLUE TEAL	CLEVELAND	TX	77328
J & H ENTERPRISES	6002 OSBORN ST	HOUSTON	TX	77033
LHD INVESTMENTS LLC	3606 PARKSIDE DR	PEARLAND	TX	77584
MVN INVESTMENTS LLC	9503 SAGE DECK LN	HOUSTON	TX	77089
PASKET JAMES R & JANICE	PO BOX 3291	PEARLAND	TX	77588
PEARLAND FAMILY TAE KWON DO LLC	3111 S MAIN ST	PEARLAND	TX	77581
TEMPO TRANSPORT BROKER CO	PO BOX 219	PEARLAND	TX	77588
WALLACE JAMES N & ROBSON	6002 OSBORN ST	HOUSTON	TX	77033
ATKINSON ROBERT	11905 ALGONQUIN	HOUSTON	TX	77089



# City of Pearland Planning Department Universal Application

City of Pearland  
Community Development  
3523 Liberty Drive  
(Community Center)  
Pearland, Texas 77581  
281.652.1768  
281.652.1702 (fax)  
pearlandtx.gov

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

### TYPE OF APPLICATION:

- Zoning Change
- Cluster Development Plan
- Planned Development Workshop
- Plat (list type): \_\_\_\_\_
- ZBA Variance
- P&Z Variance
- Special Exception
- Conditional Use Permit

### PROJECT INFORMATION:

- Residential
- Commercial
- Property Platted
- Property Not Platted

Project Name: \_\_\_\_\_ Tax ID: \_\_\_\_\_

Project Address/Location: Lot 7+8 Swanson Rd. Pearland TX

Subdivision: one lot off 35 Hx No. of Lots: 2 Total Acres: less than 1

Brief Description of Project: Small, Auto parts Sales - Speed Shop, No out side Sales of Parts, Individually owned one owner private Company

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

### PROPERTY OWNER INFORMATION:

### APPLICANT/AGENT INFORMATION:

Name: M.V.N. Investment L.L.C. Name: Robert M Atkinson  
 Address: 9503 Sage Deck Lane Address: 11805 Algonquin Dr #1  
 City: Houston State: TX Zip: 77089 City: Houston State: TX Zip: 77089  
 Phone: \_\_\_\_\_ Phone: 281 922 6200  
 Fax: \_\_\_\_\_ Fax: 281 922 6201  
 Email Address: \_\_\_\_\_ Email Address: atkinsonconst @ Ad.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: \_\_\_\_\_

Agent's/  
Applicant's Signature: \_\_\_\_\_ Date: 3/23/15

### OFFICE USE ONLY:

FEES PAID: <u>\$1025</u>	DATE PAID: <u>3/23/15</u>	RECEIVED BY: <u>ja</u>	RECEIPT NUMBER: <u>179249</u>
			APPLICATION NUMBER: <u>2015-05</u>

**ZONE CHANGE/ VARIANCE/ PLAT/ RECORDATION**

(circle one)  
\$ 1025 **BA** or **PF** or **FE**

Description: Input who the check is from

**COMMENTS/DESCRIPTION (F10):**

Location or  
Address Swenson Rd

Applicant Robert Atkinson

Owner MVN Investment

CITY OF PEARLAND  
\*\*\* CUSTOMER RECEIPT \*\*\*  
Oper: JMATA Type: DC Drawer: 1  
Date: 3/26/15 01 Receipt no: 179245

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	\$1025.00
		4797240

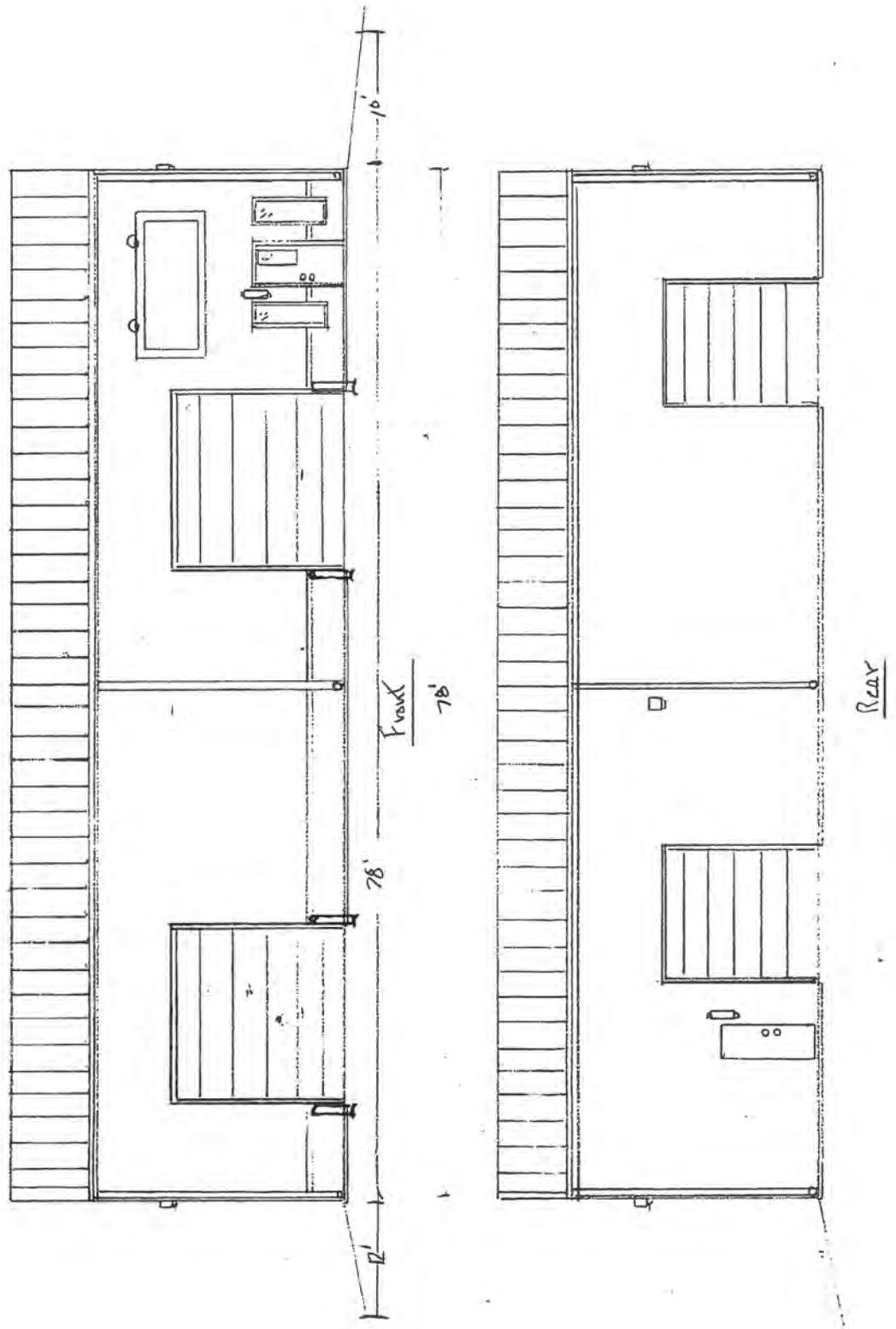
Trans number:

THANH THUY NGUYEN  
9503 SAGE DECK  
MVN INVESTMENT

Tender detail  
CK CHECK 1549 \$1025.00  
Total tendered \$1025.00  
Total payment \$1025.00

Trans date: 3/26/15 Time: 8:35:58

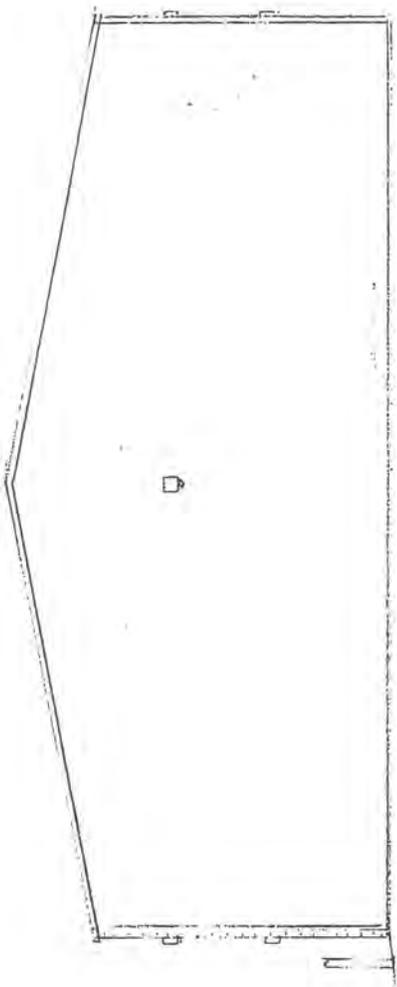
Atkinson Const. Inc.  
281-460-5604



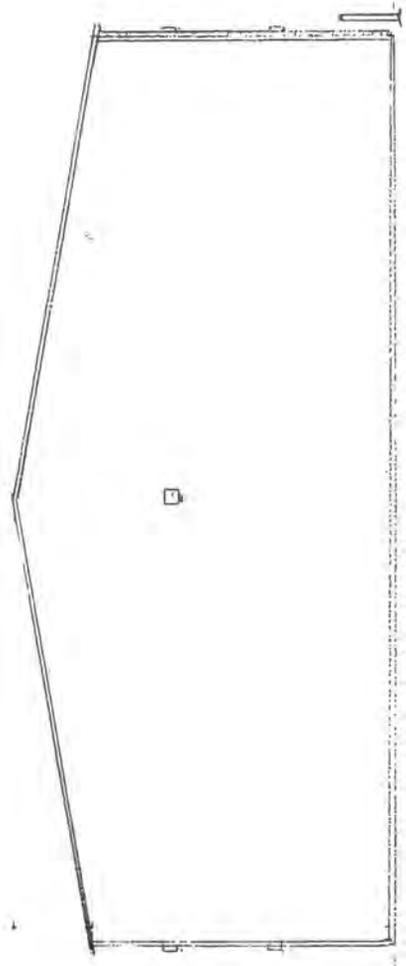


Atkinson Courts, Inc.  
281 - 4/60 - 5/60 NY

Left



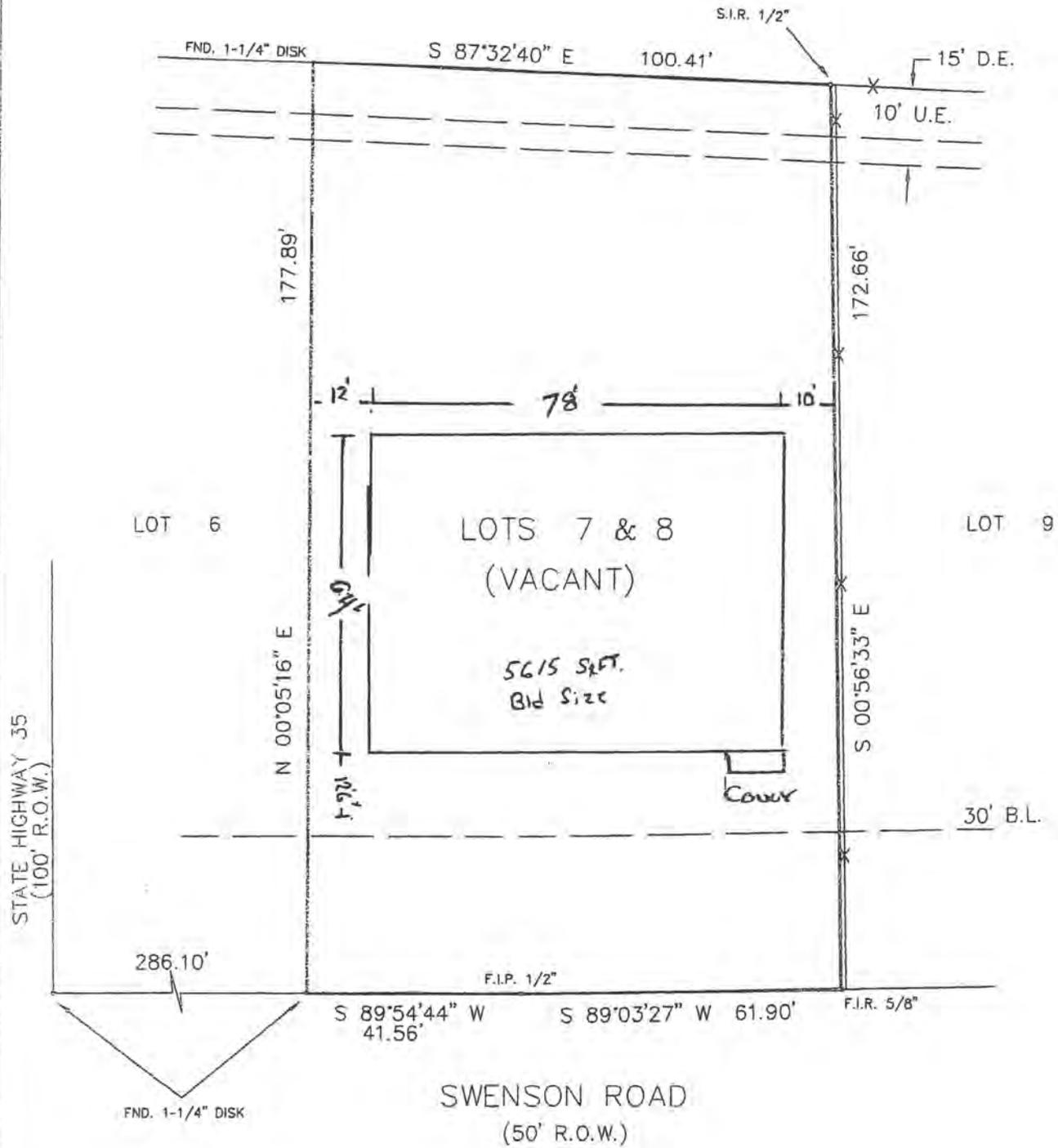
Right



Atkinson Construction, Inc.  
 11905 Algonquin Dr. #1  
 Houston, TX 77089

MARY'S CREEK

SCALE  
 1" = 30'



Reviewed & Accepted by: \_\_\_\_\_ Date \_\_\_\_\_ / \_\_\_\_\_ Date \_\_\_\_\_

BUYER  
 ANH-DUNG VU NGUYEN

PROPERTY ADDRESS  
 SWENSON ROAD  
 PEARLAND, TEXAS 77568

LEGAL DESCRIBED PROPERTY

LOTS 7 & 8, THOMAS AND GILBERT INDUSTRIAL TRACTS, A SUBDIVISION OF PART OF LOT 113, A D & B. SURVEY, SECTION 1, ABSTRACT NO. 147, BRAZORIA COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 15, PAGES 317-318, OF THE PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS.

MARY'S CREEK



SCALE  
1" = 30'



LOT 6

LOTS 7 & 8  
(VACANT)

LOT 9

STATE HIGHWAY 35  
(100' R.O.W.)

286.10'

FND. 1-1/4" DISK

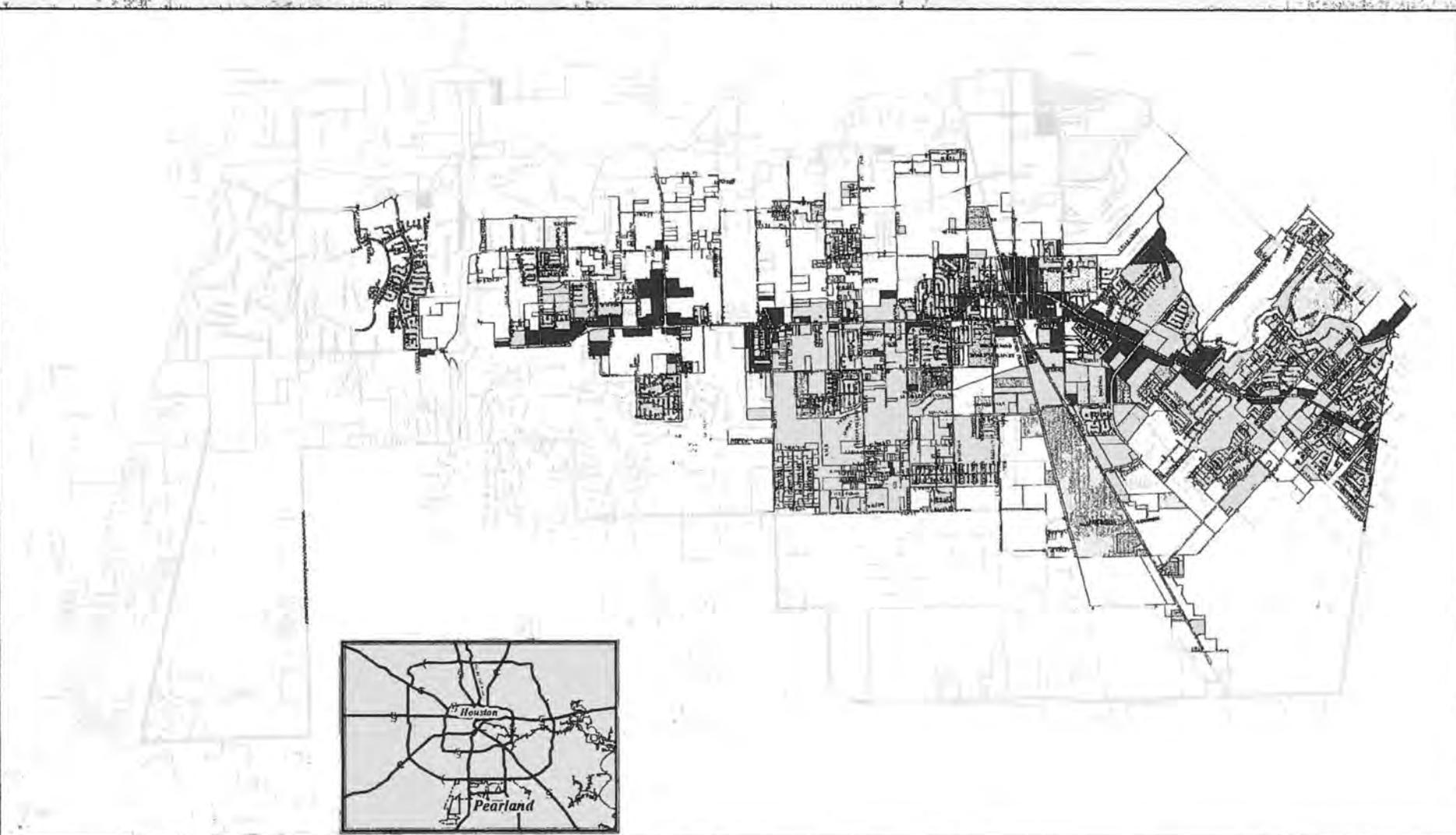
SWENSON ROAD  
(50' R.O.W.)

Reviewed & Accepted by: \_\_\_\_\_ Date \_\_\_\_\_ / \_\_\_\_\_ Date \_\_\_\_\_

BUYER  
ANH-DUNG VU NGUYEN

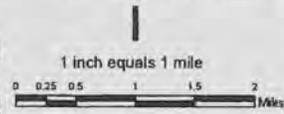
PROPERTY ADDRESS  
SWENSON ROAD  
PEARLAND, TEXAS 77584

LEGAL DESCRIBED PROPERTY  
LOTS 7 & 8, THOMAS AND GILBERT INDUSTRIAL TRACTS, A SUBDIVISION OF PART OF LOT 113, A.C. & B. SURVEY, SECTION 1, ABSTRACT NO. 147, BRAZORIA COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 15, PAGES 317-318, OF THE PLAT RECORDS OF BRAZORIA



# City of Pearland Zoning Districts

Commercial District	Heavy Industrial District	Office Professional District	Medium Density Single Family	School
City Priority	Multi-Family Dwelling District	Parks	High Density Single Family	Suburban Development District
General Business District	Mobile Home Park District	Planned Unit Development	Maximum Density Single Family	Suburban Development Business District
Light Industrial District	Neighborhood Service District	Low Density Single Family	Estate Lot Single Family, 1/2 AC	Suburban Development Residential District

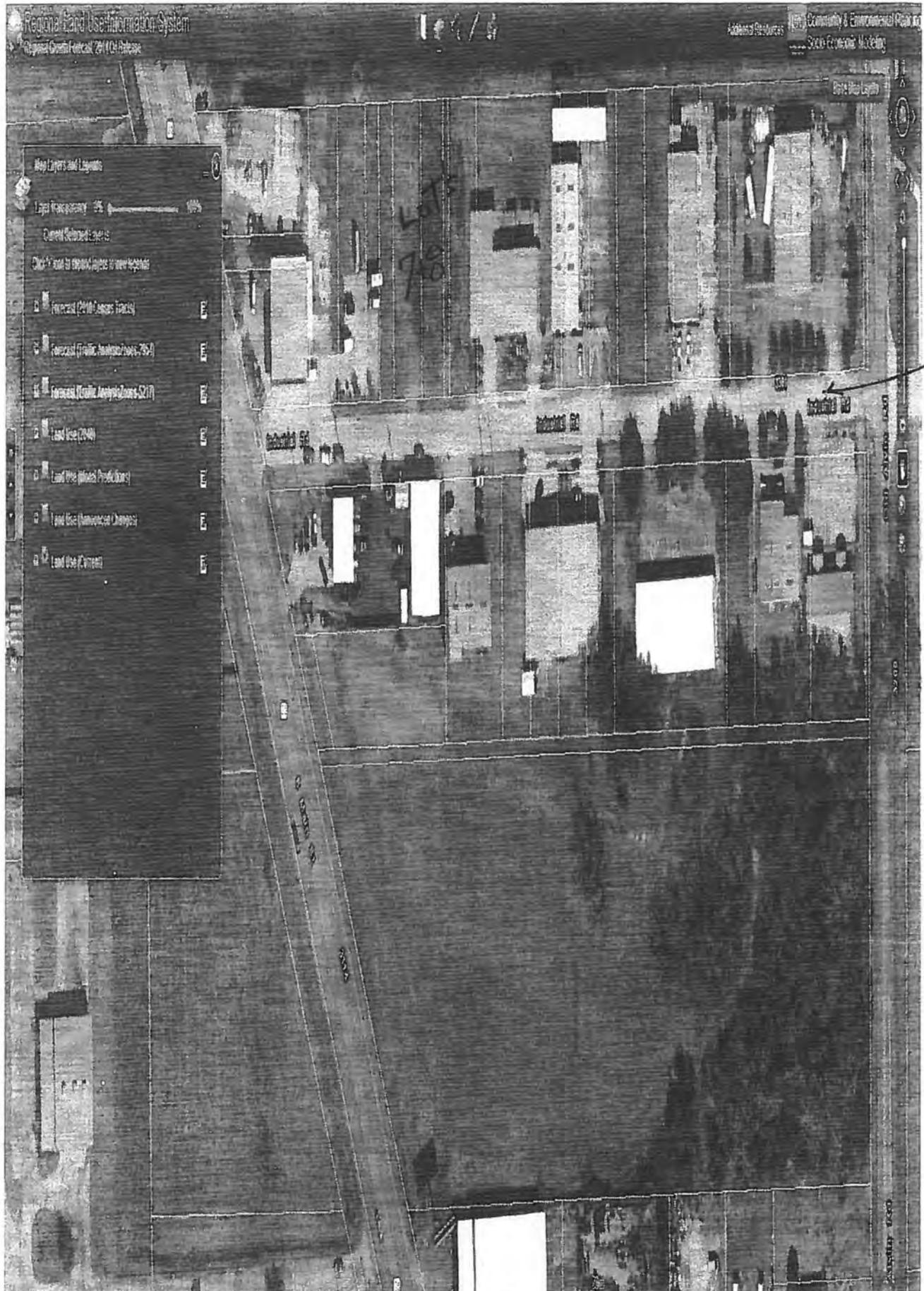


THE ZONING DISTRICT DESIGNATIONS AND BOUNDARIES SHOWN ON THIS MAP ARE REPRESENTATIVE OF THE OFFICIAL, LEGALLY DEEMED DISTRICT BOUNDARIES UNDER EXISTING CITY ORDINANCES. THE CITY OF PEARLAND ASSUMES NO LIABILITY OR GUARANTEE AS TO THE ACCURACY OF THE INFORMATION PROVIDED BY THE CITY OF PEARLAND DEVELOPMENT CODE.

THIS MAP HAS BEEN PREPARED FROM VARIOUS SOURCES OF DATA AND THE CITY OF PEARLAND ASSUMES NO LIABILITY OR GUARANTEE AS TO THE ACCURACY OF THE INFORMATION PROVIDED BY THE CITY OF PEARLAND DEVELOPMENT CODE.

MAP PREPARED BY FEBRUARY 2006

www.pearlandcity.com



#### Section 2.4.4.6 GC, General Commercial District

- (a) **Purpose.** The General Commercial District (GC) is intended to permit a wide variety of businesses characterized by those uses that may require an extensive amount of land for the conduct of business and/or that may require outside storage areas.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
  - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
- (1) Size of Lots:
    - a. Minimum Lot Size – Twenty-two thousand and five hundred (22,500) square feet in area.
    - b. Minimum Lot Width - One hundred and fifty feet (150').
    - c. Minimum Lot Depth - One hundred and twenty-five feet (125').
  - (2) Size of Yards:
    - a. Minimum Front Yard - Twenty-five feet (25')
    - b. Minimum Side Yard
      1. Ten feet (10'), except as provided below.
      2. Twenty-five feet (25') if side yard abuts a residential zoning district or a public right-of-way.
    - c. Minimum Rear Yard - Twenty-five feet (25')
- (d) **Height Restrictions.** No building shall exceed forty-five feet (45') in height. Additional height may be approved through a Conditional Use Permit (CUP).
- (e) **Outdoor Activities or Uses.** In connection with any permitted use, there shall be allowed outdoor activities or uses subject to the following limitations:
- (1) Except as provided below, out of doors display, storage and sale of merchandise, equipment and vehicles shall be permitted.
  - (2) Out of doors display, storage and sale of merchandise, equipment and vehicles shall not be permitted on property adjacent to a residential zoning district.
    - a. Such activities/uses shall be permitted on such property upon City Council approval of a Conditional Use Permit (in accordance with Article 2, Division 3 of this chapter) authorizing said activities/uses.
    - b. Outdoor storage, as defined by Section 5.1.1.1, is allowed only upon obtaining a CUP and providing screening pursuant to Section 4.2.4.1 (d). In no case shall outdoor storage be permitted along any yard that abuts any street or public right-of-way.
- (f) **Fences & Screening.** Fences and screening shall be provided and maintained as set forth in Chapter 4, Article 2, Division 4 of this UDC.
- (g) **Parking.** Parking and loading shall be provided in conformance with Chapter 2, Article 5, Division 2 and Chapter 4, Article 2, Division 1 of this UDC.

Letter for CUP

1) See Side Drawing  
Building 78' x 24'

Purposed Building approx 3000 sq. ft.

Parking approx 20 spaces in Front Area

2 Lot's in subdivision Backs up to  
Creek

want to Build a 5000 sq ft  
auto Speed Part's small individual  
Business (Not ORITs) no oil changes  
or mechanics shop.



## **APPLICATION CHECKLIST FOR THE FOLLOWING: Conditional Use Permit (CUP)**

- Application and checklist, filled out completely and signed by the owner of the property.
- If the applicant is the designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on his behalf. Section 1.2.1.1 (a) of the Unified Development Code (UDC).
- Metes and Bounds Description (survey or plat of the property that provides or contains the metes and bounds description).
- Parcel map, printer from the City of Pearland website, indicating the location and boundaries of the subject property.
- Letter of Intent, explaining the conditional use permit request in detail, specifying:
  - o Proposed Uses: \_\_\_\_\_
  - o Specific Operations of the use: \_\_\_\_\_
  - o Square footage of buildings/lot sizes: \_\_\_\_\_
  - o Unique characteristics of the property: \_\_\_\_\_
  - o Other necessary information (list here): \_\_\_\_\_
- Site plan that shows the following:
  - o Proposed layout of the subject property
  - o Proposed buildings
  - o Parking
  - o Landscape plan
  - o Detention ponds
  - o Fences
  - o Other relevant information (list here): \_\_\_\_\_
- Acknowledgement of the sign to be posted on the property ten (10) days prior to the public hearing.
- Provide evidence or proof that all taxes and obligations have been paid regarding the subject property.

## Posting of Notification Signs on Property under Consideration for a Variance or Special Exception

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

Such sign(s) shall be located as follows:

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

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

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

Signature

Date

3/23/15

# DUPLICATE TAX RECEIPT



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

**Certified Owner:**

MVN INVESTMENTS LLC  
9503 SAGE DECK LN  
HOUSTON, TX 77089-5899

**Legal Description:**

THOMAS & GILBERT INDUSTRIAL (A0147 A C  
H & B R R)(PEARLAND), LOT 7A

Parcel Address: SWENSON DR  
Legal Acres: 0.1053

Remit Seq No: 27790342  
Receipt Date: 01/07/2015  
Deposit Date: 01/08/2015  
Print Date: 03/23/2015 02:21 PM  
Printed By: JACKIEG

Deposit No: 410711173132  
Validation No: 627  
Account No: **7958-0007-110**  
Operator Code: LATOYA

Year	Tax Unit Name	Rec Type	Tax Value	Tax Rate	Levy Paid	P&I	Coll Fee Paid	Total
2014	Brazoria County	TL	8,610	0.438500	37.75	0.00	0.00	37.75
2014	Special Road & Bridge	TL	8,610	0.060000	5.17	0.00	0.00	5.17
2014	Pearland Isd	TL	8,610	1.415700	121.89	0.00	0.00	121.89
2014	Brazoria Drainage Dist 4	TL	8,610	0.156000	13.43	0.00	0.00	13.43
2014	City Of Pearland	TL	8,610	0.712100	61.31	0.00	0.00	61.31
					<b>\$239.55</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$239.55</b>

> --  
Check Number(s):  
00001536

PAYMENT TYPE:

Checks: \$239.55

Exemptions on this property:

Total Applied: \$239.55

Change Paid: \$0.00

**PAYER:**  
MVN INVESTMENTS LLC  
9503 SAGE DECK LN  
HOUSTON, TX 77089-5899

**ACCOUNT PAID IN FULL**

(979) 864-1320, (979) 388-1320, (281) 756-1320

# DUPLICATE TAX RECEIPT



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

**Certified Owner:**

**MVN INVESTMENTS LLC**  
 9503 SAGE DECK LN  
 HOUSTON, TX 77089-5899

**Legal Description:**

THOMAS & GILBERT INDUSTRIAL (A0147 A C  
 (I & B R R)(PEARLAND), LOT 8

**Parcel Address:** SWENSON DR  
**Legal Acres:** 0.1997

**Remit Seq No:** 27790342  
**Receipt Date:** 01/07/2015  
**Deposit Date:** 01/08/2015  
**Print Date:** 03/23/2015 01:50 PM  
**Printed By:** JACKIEG

**Deposit No:** 410711173132  
**Validation No:** 627  
**Account No:** **7958-0008-000**  
**Operator Code:** LATOYA

Year	Tax Unit Name	Rec Type	Tax Value	Tax Rate	Levy Paid	P&I	Coll Fee Paid	Total
2014	Brazoria County	TL	16,310	0.438500	71.52	0.00	0.00	71.52
2014	Special Road & Bridge	TL	16,310	0.060000	9.79	0.00	0.00	9.79
2014	Pearland Isd	TL	16,310	1.415700	230.90	0.00	0.00	230.90
2014	Brazoria Drainage Dist 4	TL	16,310	0.156000	25.44	0.00	0.00	25.44
2014	City Of Pearland	TL	16,310	0.712100	116.14	0.00	0.00	116.14
					<b>\$453.79</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$453.79</b>

> --  
**Check Number(s):**  
 00001536

**PAYMENT TYPE:**

**Checks:** \$453.79

**Exemptions on this property:**

**Total Applied:** \$453.79

**Change Paid:** \$0.00

**PAYER:**  
**MVN INVESTMENTS LLC**  
 9503 SAGE DECK LN  
 HOUSTON, TX 77089-5899

**ACCOUNT PAID IN FULL**

(979) 864-1320, (979) 388-1320, (281) 756-1320



**JOINT PUBLIC HEARING**  
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF  
THE CITY OF PEARLAND, TEXAS,  
**MONDAY, MAY 18, 2015 AT 6:30 P.M.**  
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

**I. CALL TO ORDER**

**II. PURPOSE OF HEARING**

**Conditional Use Permit Application No. 2015-06**

A request of Ronny Hecht, applicant; on behalf of Westside SC Pearland, Ltd., owner; for approval of a Conditional Use Permit (CUP) to allow for an e-cigarette tenant classified as Cigars, Tabacco Shop (Retail Only) to occupy in the Neighborhood Service (NS) zoning district on approximately 5.044 acres of land, to wit:

**Legal Description:** Being a certain Tract out of Tract "A", on the Final Plat of West Side Plaza, A Subdivision of Brazoria County, Texas, According to the Map or Plat thereof recorded in Volume 17, Pages 279-280, Plat Records, Brazoria County, Texas.

**General Location:** 5074 Broadway Street, Pearland, TX

**III. APPLICATION INFORMATION AND CASE SUMMARY**

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

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

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

**VI. ADJOURNMENT**

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



## Staff Report

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: April 27, 2015

Re: Conditional Use Permit Application Number 2015-06

A request of Ronny Hecht, applicant; on behalf of Westside SC Pearland, Ltd., owner; for approval of a Conditional Use Permit (CUP) to allow for an e-cigarette tenant classified as Cigars, Tobacco Shop (Retail Only) to occupy in the Neighborhood Service (NS) zoning district on approximately 5.044 acres of land, located at 5010 – 5096 Broadway Street, at the southwest corner of Broadway Street/F.M. 518 and McLean Road/County Road 104, Pearland, TX.

### Summary of Request

The applicant is requesting approval of a Conditional Use Permit (CUP) to allow for an e-cigarette shop to operate within a 1,125 square foot retail lease space. Although e-cigarettes contain no tobacco, the UDC classifies the use as Cigars, Tobacco Shop (Retail Only). Within the Neighborhood Service (NS) district, the use is only permitted with approval of a CUP. The property is developed with a one-story building totaling 55,000 square feet. Currently, other tenants operating within the shopping center include restaurants, a movie theater, and other retail and personal service uses. As per the UDC, the Cigars, Tobacco Shop (Retail Only) is described as a shop that specializes in the sale of cigars or other tobacco products.

### Recommendation

Staff recommends approval of the request to allow for a Cigar, Tobacco Shop (Retail Only) facility to operate within the 1,125 square foot retail space within the existing shopping center. The proposed use is appropriate at this location for the following reasons:

1. The proposed CUP is compatible with the NS zone with an approved CUP, and will meet all requirements of the UDC.
2. The proposed use will not significantly impact surrounding properties or tenants, as this site is located near other retail uses.

3. The proposed CUP request is in conformance with the Comprehensive Plan as the request is compatible with surrounding properties.

### **Staff Recommended Conditions**

No conditions above and beyond the requirements of the UDC are recommended.

### **Public Notification**

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

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

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

### **Site History**

The subject property contains a 55,000 square foot shopping center built in 1985. The property was annexed into the City of Pearland in 1963. Across Broadway Street to the north are additional retail uses and small offices. Single-family residential uses are located adjacent to the property to the south. A bank is located to the west of the site, and across McLean Road to the east is a bail bond facility at the corner surrounded by single-family residential uses. The table below summarizes the surrounding uses and zoning districts.

	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	General Business Retail (GB)	Retail Center, Insurance Office
<b>South</b>	Single-Family Residential-2 (R-2)	Single- Family Residential
<b>East</b>	General Business Retail (GB) and Single-Family Residential-2 (R-2)	Bail Bond and Single-Family Residential
<b>West</b>	Neighborhood Services (NS)	Bank

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

The property has approximately 324 linear feet of frontage on Broadway Street, which is indicated on the Thoroughfare Plan as Major Thoroughfare – To Be Widened. However, since the property is already platted and developed, additional right-of-way dedication is not required. The property also has 438 linear feet of frontage along McLean Road, which is classified as a Minor Collector Street – Sufficient Width. The property has an approved plat in place which does not require additional right-of-way.

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

At the time of certificate of occupancy, all applicable requirements of the Unified Development Code will have been met per the requirements of this CUP.

<b>Neighborhood Services (NS) Regulations</b>		
<b>Size of Lots</b>	<b>Required</b>	<b>Existing Lot Dimensions</b>
Minimum Lot Size	12,500 sf.	219,716.64 sf.
Minimum Lot Width	100 ft.	539 ft.
Minimum Lot Depth	100 ft.	379 ft.

### **Platting Status**

The subject property is platted as Tract I of the West Side Plaza subdivision recorded with Brazoria County on November 13, 1984.

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

The proposed CUP will not significantly impact surrounding properties or developments, as the property is surrounded mostly by other neighborhood services and retail uses except for the homes that back up to the existing shopping center. The addition of this proposed use will not have a significant adverse impact on the adjoining properties as no outside activities are proposed or permitted.

### **Additional Comments**

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

**Exhibits**

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



# Exhibit 1

**AERIAL MAP**

**CUP 2015-06**

**5074 Broadway St.**



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

1 inch = 295 feet

MAY 2015  
PLANNING DEPARTMENT

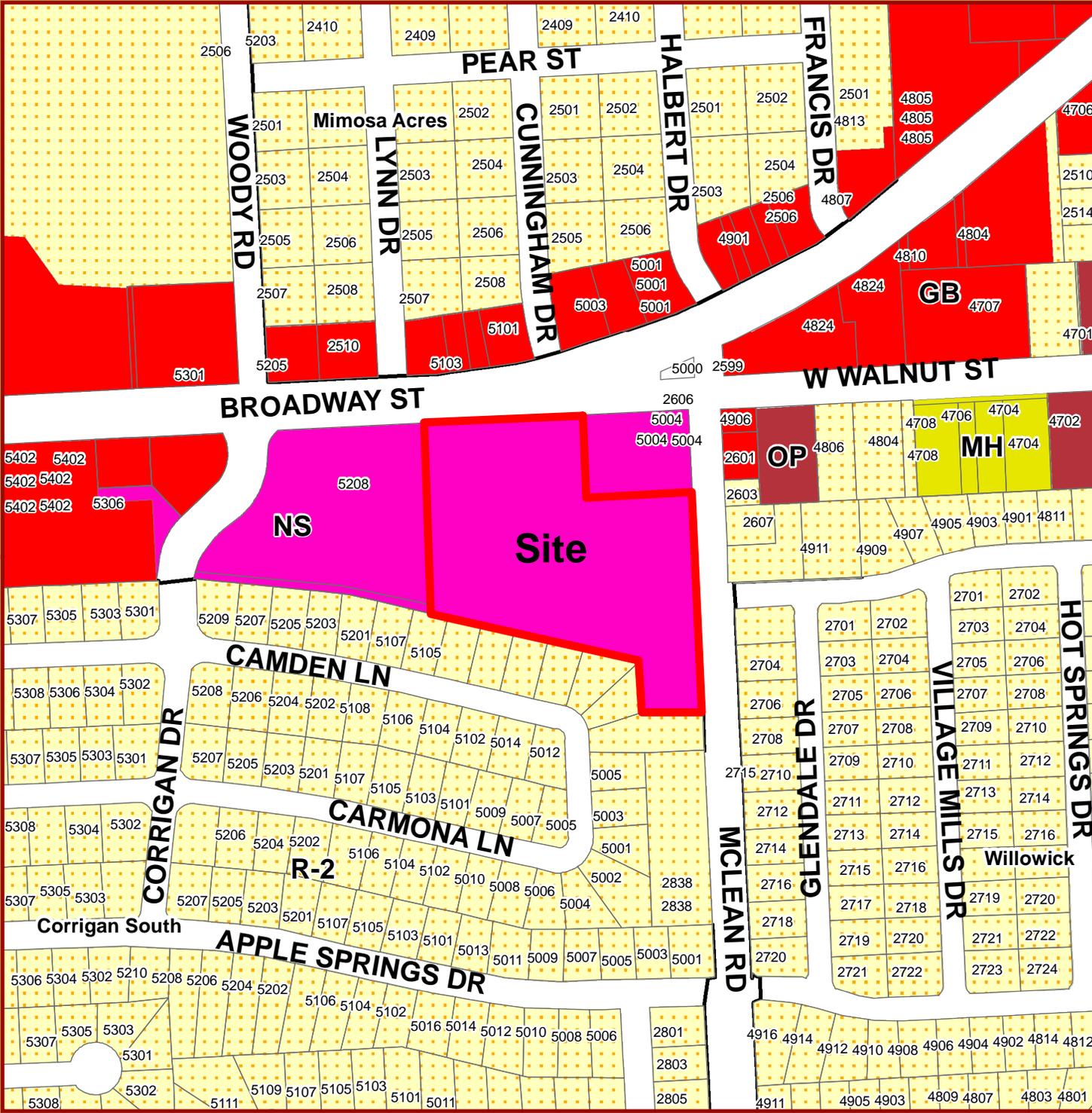


# Exhibit 2

## ZONING MAP

CUP 2015-06

5074 Broadway St.



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1 inch = 295 feet

MAY 2015  
PLANNING DEPARTMENT



# Exhibit 3

FLUP MAP

CUP 2015-06

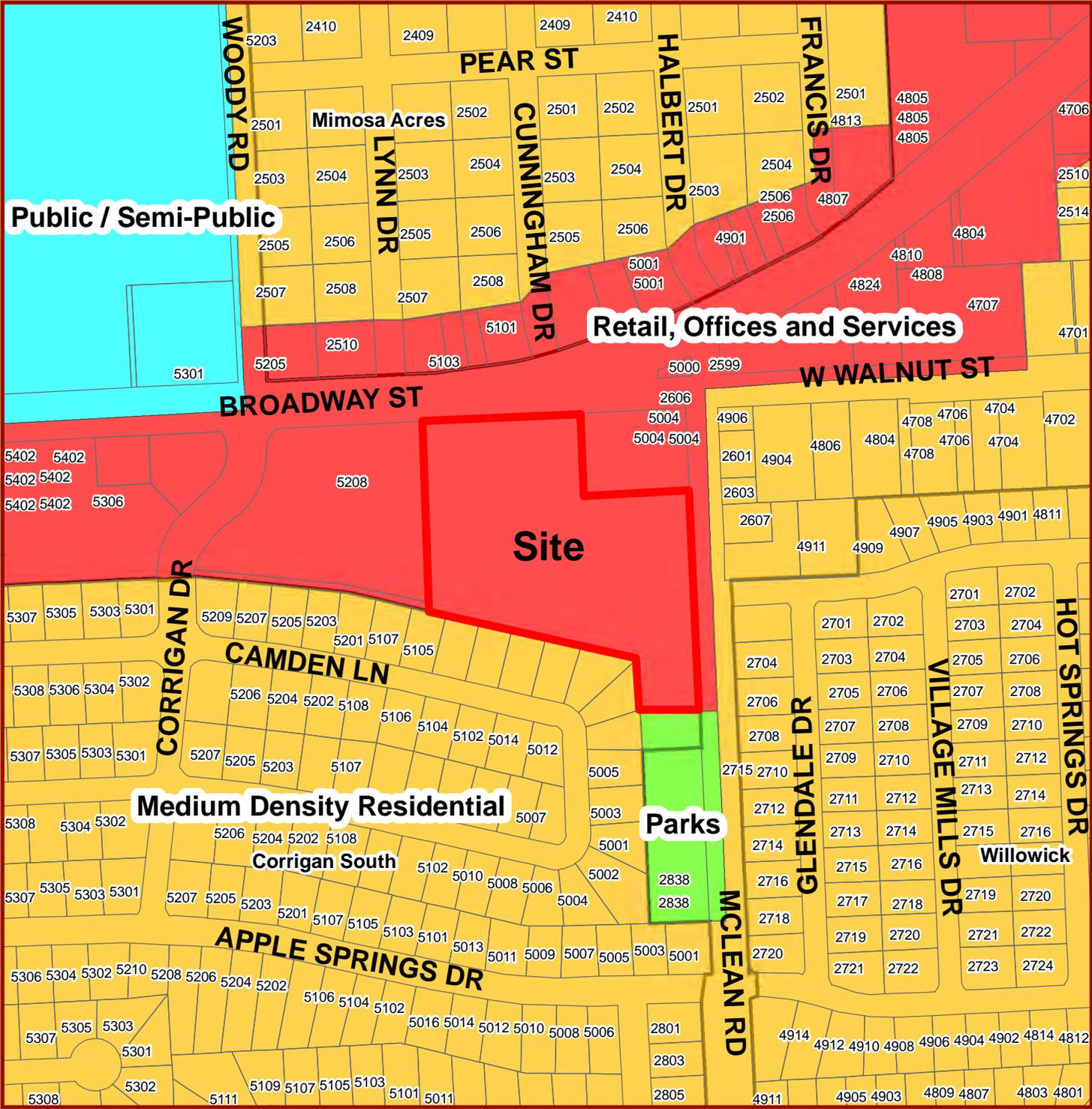
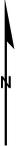
5074 Broadway St.

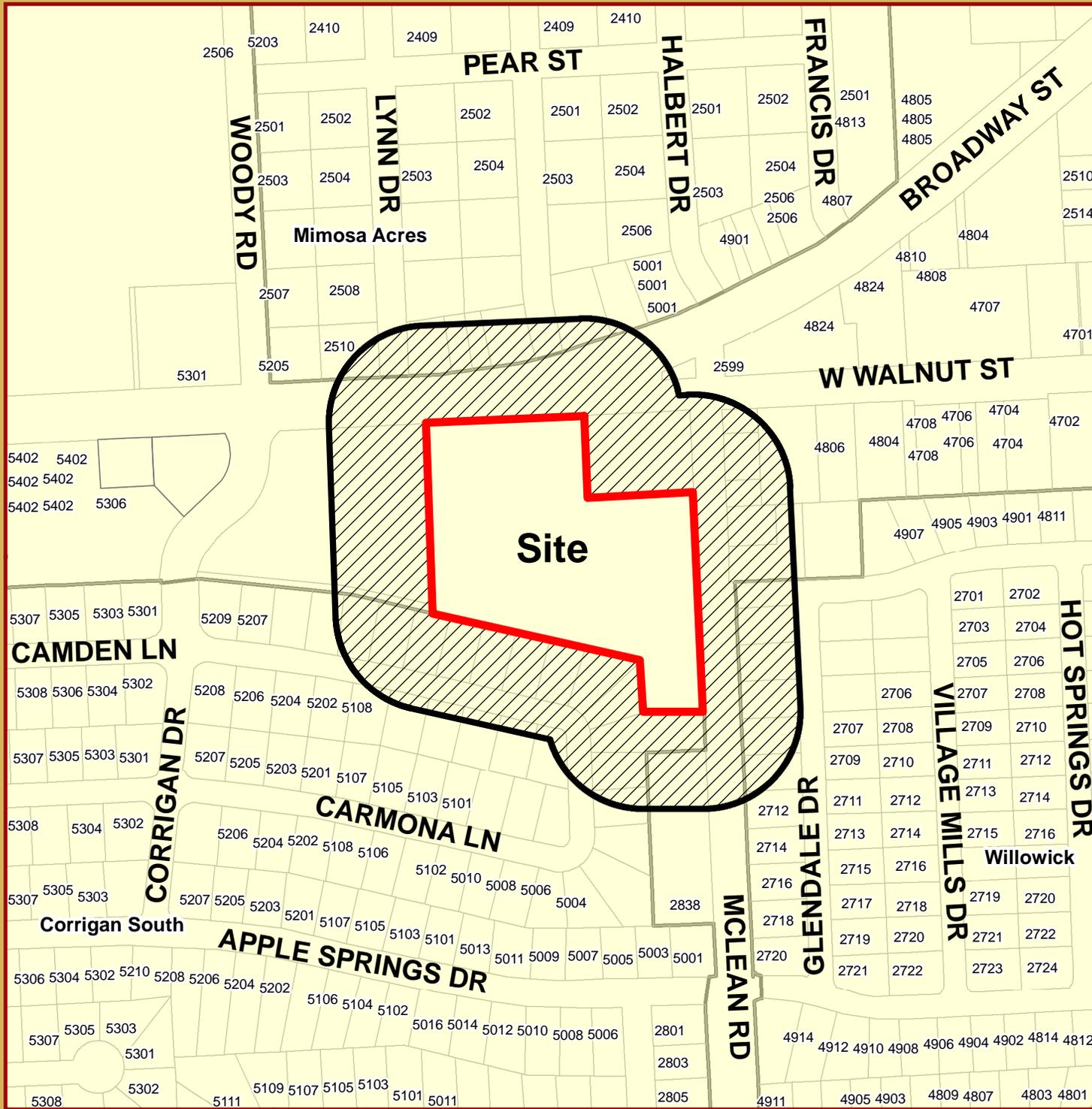


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1 inch = 295 feet

MAY 2015  
PLANNING DEPARTMENT





# Exhibit 4

## NOTIFICATION MAP

CUP 2015-06

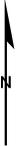
5074 Broadway St.



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

1 inch = 295 feet

MAY 2015  
PLANNING DEPARTMENT



**EXHIBIT 5**

CUP 2015-06, 5074 Broadway Street.

<b>Owner</b>	<b>Street</b>	<b>City</b>	<b>State</b>	<b>Zip</b>
ALMAGUER RICHARD	5201 CAMDEN LN	PEARLAND	TX	77584
ARMSTRONG DAVID E	2702 GLENDALE DR	PEARLAND	TX	77584
2 BARNETTS LTD	5402 RYAN ACRES DR	PEARLAND	TX	77584
FELTS ALBERT C	2927 VEVA DR	PEARLAND	TX	77584
BARNES CLEDITH	5015 CAMDEN LN	PEARLAND	TX	77584
BLOCK ANNE T	5012 CAMDEN LN	PEARLAND	TX	77584
BUCKLEY KELLY	2710 GLENDALE DR	PEARLAND	TX	77584
FELTS ALBERT	2927 VEVA DR	PEARLAND	TX	77584
FROST NATIONAL BANK	100 W HOUSTON ST STE 100	SAN ANTONIO	TX	78205
GUERRERO EDGAR	2706 GLENDALE DR	PEARLAND	TX	77584
GUTHRIE GARY	5102 CAMDEN LN	PEARLAND	TX	77584
HERNANDEZ JOSEPH	2704 GLENDALE DR	PEARLAND	TX	77584
HOLLEY BILL	5105 CAMDEN LN	PEARLAND	TX	77584
JONES CHERLYN	5107 CAMDEN LN	PEARLAND	TX	77584
JORDAN JEANIE	2609 MCLEAN RD	PEARLAND	TX	77584
KHAN AFSAR	3801 CANYON LAKE DR	PEARLAND	TX	77581
LANDA MONICA	5009 CAMDEN LN	PEARLAND	TX	77584
MALDONADO CHRISTOBAL	4911 SILSBEE DR	PEARLAND	TX	77584
MCDONALD JOHN D ESTATE	4704 9TH ST	BACLIFF	TX	77518
MCLEHANY TROY	15702 SEASIDE LN	HOUSTON	TX	77062
MORALES GRACE	2708 GLENDALE DR	PEARLAND	TX	77584
PARRA GREGORY R & VANESSA M	5108 CAMDEN LN	PEARLAND	TX	77584
PHAM HIEP	PO BOX 84117	PEARLAND	TX	77584
PHAM MIKE	918 SHAWNEE ST	HOUSTON	TX	77034
PRENDERGAST MICHAEL	5011 CAMDEN LN	PEARLAND	TX	77584
SCARDINO JOHN	5014 CAMDEN LN	PEARLAND	TX	77584
SCHOCK RICHARD W SR	5005 CAMDEN LN	PEARLAND	TX	77584
SHELLENBERG WAYNE	PO BOX 12862	HOUSTON	TX	77217
SPARKS JONATHAN	5103 CAMDEN LN	PEARLAND	TX	77584
TRAN MAI	2405 SUNSET BLVD	HOUSTON	TX	77005
TRIPLETT MELVIN L	5003 CAMDEN LN	PEARLAND	TX	77584
TRUFANT LIONEL & NAJI & BILAL	5203 CAMDEN LN	PEARLAND	TX	77584
WESTSIDE SC PEARLAND LTD	4808 GIBSON ST	HOUSTON	TX	77007
WILLIAMS MARILEE	5013 CAMDEN LN	PEARLAND	TX	77584
WILLIS PEGGY L	5104 CAMDEN LN	PEARLAND	TX	77584



# City of Pearland Planning Department Universal Application

City of Pearland  
Community Development  
3523 Liberty Drive  
(Community Center)  
Pearland, Texas 77581  
281.652.1768  
281.652.1702 (fax)  
pearlandtx.gov

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

**TYPE OF APPLICATION:**

- |   |  |
|---|--|
| <input type="checkbox"/> Zoning Change                | <input type="checkbox"/> ZBA Variance                      |
| <input type="checkbox"/> Cluster Development Plan     | <input type="checkbox"/> P&Z Variance                      |
| <input type="checkbox"/> Planned Development Workshop | <input type="checkbox"/> Special Exception                 |
| <input type="checkbox"/> Plat (list type): _____      | <input checked="" type="checkbox"/> Conditional Use Permit |

**PROJECT INFORMATION:**

Residential       Commercial       Property Platted       Property Not Platted  
 Project Name: Westside Shopping Center      Tax ID: 264571  
 Project Address/Location: 5074 Broadway  
 Subdivision: N/A      No. of Lots: N/A      Total Acres: N/A  
 Brief Description of Project: 55,000 square foot retail shopping center seeking an e-cigarette tenant in a 1,125 sq. ft. space

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

**PROPERTY OWNER INFORMATION:**

**APPLICANT/AGENT INFORMATION:**

Name: Westside SC Pearland, Ltd.  
 Address: 4808 Gibson, 3rd Fl.  
 City: Houston State: TX Zip: 77007  
 Phone: 713-457-1923 (Ronny Hecht)  
 Fax: \_\_\_\_\_  
 Email Address: ronny@urbanmeridian.com

Name: Westside SC Pearland, Ltd.  
 Address: 4808 Gibson, 3rd Fl.  
 City: Houston State: TX Zip: 77007  
 Phone: 713-457-1923 (Ronny Hecht)  
 Fax: \_\_\_\_\_  
 Email Address: ronny@urbanmeridian.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: *Ronny Hecht*      Date: 3/23/15  
 Agent's/ Applicant's Signature: *Ronny Hecht*      Date: 3/23/15

**OFFICE USE ONLY:**

FEES PAID: <u>\$1025</u>	DATE PAID: <u>3/31</u>	RECEIVED BY: <u>je</u>	RECEIPT NUMBER: <u>183270</u>
			APPLICATION NUMBER: <u>2015-00</u>

**WESTSIDE SC PEARLAND, LTD.**

**4808 Gibson, 3<sup>rd</sup> fl.**

**Houston, TX 77007**

**Ph: 713-457-1923 Fax: 713-457-1929**

March 24, 2015

Ms. Laura Evans  
City of Pearland  
3523 Liberty  
Pearland, TX 77581

Re: Conditional Use Permit  
5010 – 5096 Broadway St., Pearland, TX

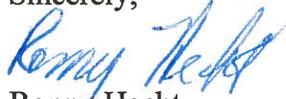
Dear Ms. Evans:

Attached please find the following:

1. Application Checklist;
2. Planning Department Universal Application;
3. Site map and legal description of the affected property;
4. Parcel map showing the current zoning;
5. Letter of Intent with explanation for conditional use permit;
6. Acknowledgement of posting of sign;
7. Paid tax receipt, and
8. Check for \$1,025.

If you need anything else from me, please let me know. Also, since I have not done this process before, please keep me in the loop for attendance at hearings and when I need to post the applicable notices.

Sincerely,



Ronny Hecht

# APPLICATION CHECKLIST FOR THE FOLLOWING: Conditional Use Permit (CUP)

Application and checklist, filled out completely and signed by the owner of the property.

N/A

If the applicant is the designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on his behalf. Section 1.2.1.1 (a) of the Unified Development Code (UDC).

Metes and Bounds Description (survey or plat of the property that provides or contains the metes and bounds description).

Parcel map, printer from the City of Pearland website, indicating the location and boundaries of the subject property.

Letter of Intent, explaining the conditional use permit request in detail, specifying:

- Proposed Uses: \_\_\_\_\_
- Specific Operations of the use: \_\_\_\_\_
- Square footage of buildings/lot sizes: \_\_\_\_\_
- Unique characteristics of the property: \_\_\_\_\_
- Other necessary information (list here): \_\_\_\_\_

N/A

Site plan that shows the following:

- Proposed layout of the subject property
- Proposed buildings
- Parking
- Landscape plan
- Detention ponds
- Fences
- Other relevant information (list here): \_\_\_\_\_

Acknowledgement of the sign to be posted on the property ten (10) days prior to the public hearing.

Provide evidence or proof that all taxes and obligations have been paid regarding the subject property.

Application fee by cash, check made payable to the City of Pearland, or credit card (Visa and MasterCard only)

- 0 to less than 25 acres
  - \$1000.00, plus \$25.00 per each type of CUP requested *\$1,025*
- 25 to less than 50 acres
  - \$1025.00, plus \$25.00 per each type of CUP requested
- 50 to less than 75 acres
  - \$1050.00, plus \$25.00 per each type of CUP requested
- 75 to less than 100 acres
  - \$1075.00, plus \$25.00 per each type of CUP requested
- 100 acres and above
  - \$1100.00, plus \$25.00 per each type of CUP requested

CITY OF PEARLAND  
\*\*\* CUSTOMER RECEIPT \*\*\*  
Oper: JCOTTER Type: OC Drawer: 1  
Date: 3/31/15 01 Receipt no: 183276

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	\$1025.00
Trans number:		4801489

WESTSIDE SC PEARLAND LTD  
4800 GIBSON ST  
HOUSTON  
5074 BROADWAY - RONNY HECHT

Tender detail		
CK CHECK	1441	\$1025.00
Total tendered		\$1025.00
Total payment		\$1025.00

Trans date: 3/31/15 Time: 7:55:51

**ZONE CHANGE/ VARIANCE/ PLAT/ RECORDATION**

\$ 1025 (circle one) **BA** or **PF** or **FE**

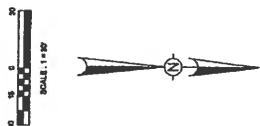
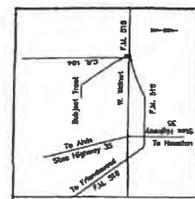
Description: Input who the check is from

**COMMENTS/DESCRIPTION (F10):**

Location or  
Address 5074 Broadway

Applicant Ronny Hecht

Owner \_\_\_\_\_



The proposed project is to be constructed on the site shown on the attached plat. The project is to be constructed in accordance with the provisions of the City of Phoenix Comprehensive Zoning Ordinance, and the provisions of the City of Phoenix Subdivision Map Act. The project is to be constructed in accordance with the provisions of the City of Phoenix Comprehensive Zoning Ordinance, and the provisions of the City of Phoenix Subdivision Map Act.

- NOTES:**
- 1. The proposed project is to be constructed on the site shown on the attached plat.
  - 2. The project is to be constructed in accordance with the provisions of the City of Phoenix Comprehensive Zoning Ordinance, and the provisions of the City of Phoenix Subdivision Map Act.
  - 3. The project is to be constructed in accordance with the provisions of the City of Phoenix Comprehensive Zoning Ordinance, and the provisions of the City of Phoenix Subdivision Map Act.
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  - 10. The project is to be constructed in accordance with the provisions of the City of Phoenix Comprehensive Zoning Ordinance, and the provisions of the City of Phoenix Subdivision Map Act.

**LEGEND:**

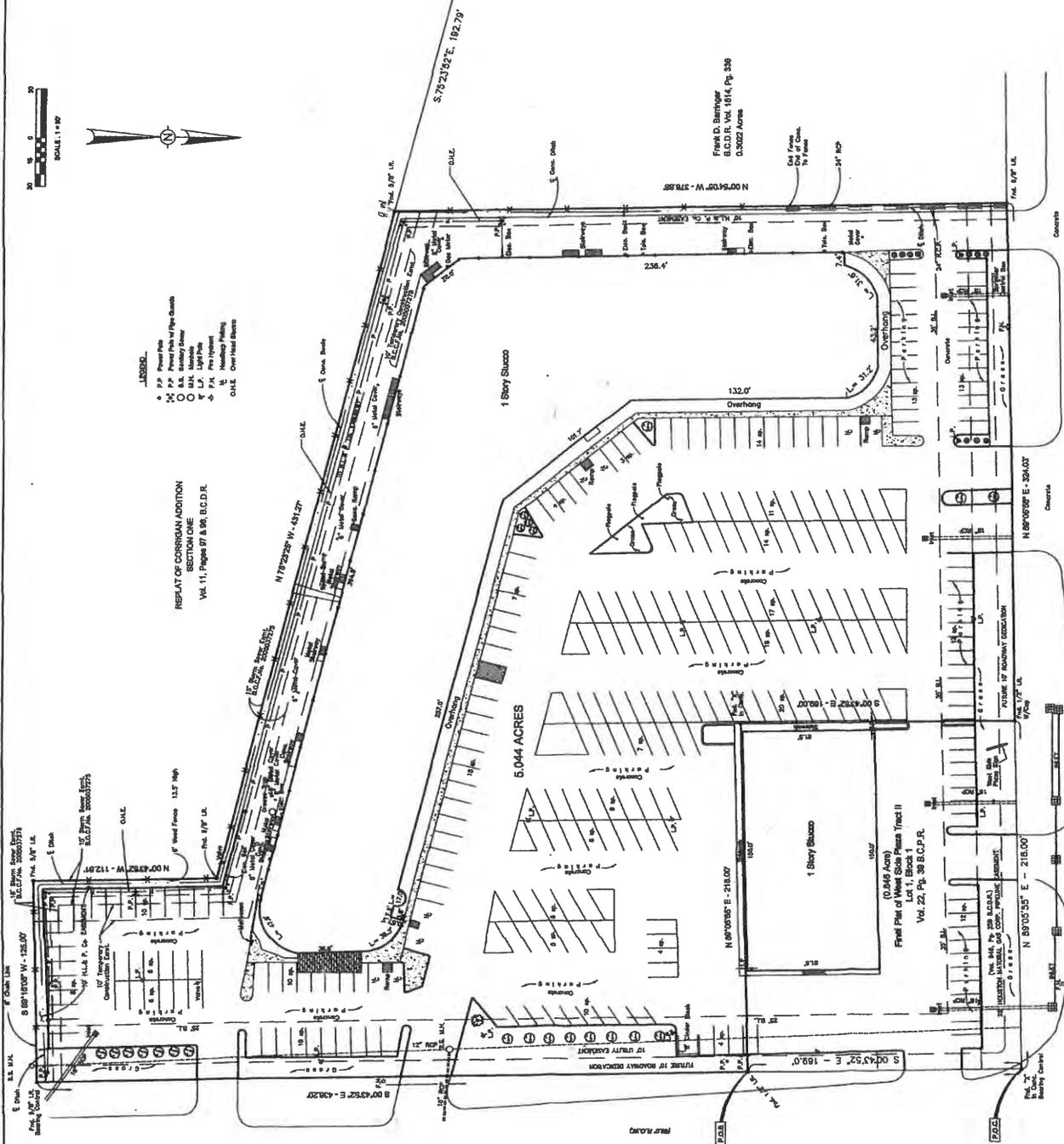
- 1" P.P. Power Pole or Pole Guard
- 2" S.A. Secondary Street
- 3" M.A. Main Arterial
- 4" H.P. Highway Right-of-Way
- 5" O.H.S. Overhead Street

(COUNTRY ROAD 104)

McLEAN ROAD

WALNUT STREET (R.O.W. Varies)

F.M. 516 (R.O.W. Varies)



**REFERENCE MATERIALS:**

- The map of the lot and the survey on which it is based were made in accordance with the provisions of the City of Phoenix Comprehensive Zoning Ordinance, and the provisions of the City of Phoenix Subdivision Map Act.
- The survey was made on the ground by the City of Phoenix and is shown on the attached plat.
- The project is to be constructed in accordance with the provisions of the City of Phoenix Comprehensive Zoning Ordinance, and the provisions of the City of Phoenix Subdivision Map Act.
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*Signature of Surveyor*  
 LUCAS C. SCHMIDT, J.R. P.L.C. No. 4003 Date

* SAN-CATHER OF BARTLETT PLAIN SUBDIVISION BEING PARTICULARLY ACCURATE BY METERS AND DECIMALS ATTACHED.	
PLAT NO.	WEST SIDE PLAZA
VOL. 11, PG. 283 OF PLAT RECORDS	PHOENIX, ARIZONA
CITY AND COUNTY RECORDS	PHOENIX, ARIZONA
DATE OF RECORDING	APRIL 11, 2005
BY	PHOTOGRAPHIC SURVEYING, INC.
DATE OF SURVEY	APRIL 11, 2005
BY	PHOTOGRAPHIC SURVEYING, INC.
DATE OF SURVEY	APRIL 11, 2005

**Exhibit A -- Legal Description****TRACT I:**

A CERTAIN TRACT OUT OF TRACT "A", OF THE FINAL PLAT OF WEST SIDE PLAZA, A SUBDIVISION OF, BRAZORIA COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 17, PAGES 279-280, PLAT RECORDS, BRAZORIA COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

A TRACT OF LAND OUT OF RESERVE "A" IN THE REPLAT OF CORRIGAN ADDITION, SECTION 1, ACCORDING TO THE MAP OR PLAT RECORDED IN VOLUME 11, PAGE 97-98 OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT AN IRON ROD FOUND FOR THE SOUTHWEST CORNER OF RESERVE "A" AND THE NORTHWEST CORNER OF LOT 1, BLOCK 1 OF SAID REPLAT OF CORRIGAN ADDITION;

THENCE SOUTH 87°54'05" EAST ALONG THE COMMON LINE OF SAID RESERVE "A" AND SAID BLOCK 1, A DISTANCE OF 298.95 FEET TO AN IRON ROD FOUND FOR AN ANGLE POINT OF SAID COMMON LINE;

THENCE SOUTH 75°23'52" EAST A DISTANCE OF 192.79 FEET TO A 5/8 INCH IRON ROD SET FOR THE PLACE OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 00°54'04" WEST A DISTANCE OF 376.88 FEET TO A 5/8 INCH IRON ROD SET FOR CORNER IN THE SOUTH LINE OF WALNUT STREET (F.M. 518);

THENCE NORTH 89°05'55" EAST ALONG THE SOUTH LINE OF SAID WALNUT STREET A DISTANCE OF 542.00 FEET TO A CUT "X" IN CONCRETE FOR CORNER AT THE POINT OF INTERSECTION OF THE SOUTH ROW LINE OF SAID WALNUT STREET AND THE WEST LINE OF MCLEAN ROAD (C.R. 104);

THENCE SOUTH 00°43'52" EAST ALONG THE WEST LINE OF SAID MCLEAN ROAD, A DISTANCE OF 605.20 FEET TO A 5/8 INCH IRON ROD SET FOR CORNER;

THENCE SOUTH 89°14'40" WEST A DISTANCE OF 125.00 FEET TO A 5/8 INCH IRON ROD FOUND FOR CORNER;

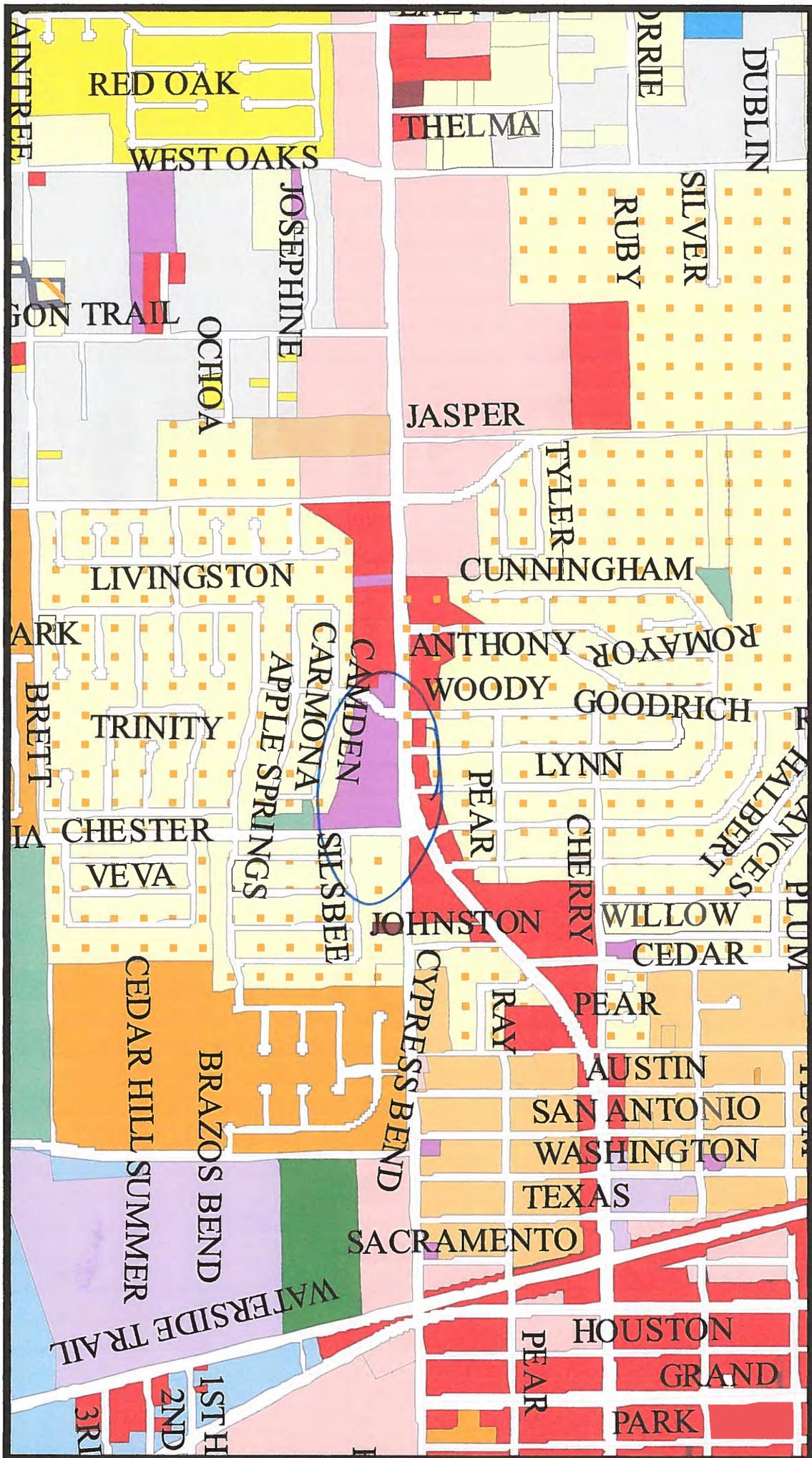
THENCE NORTH 00°43'52" WEST PARALLEL TO THE WEST LINE OF SAID MCLEAN ROAD A DISTANCE OF 112.67 FEET TO A 5/8 INCH IRON ROD FOR CORNER;

THENCE NORTH 75°23'25" WEST, A DISTANCE OF 431.26 FEET TO THE PLACE OF BEGINNING;

SAVE AND EXCEPT, HOWEVER, ALL OF LOT ONE (1), BLOCK ONE (1), BEING A 0.846 ACRE TRACT OF LAND OF THE FINAL PLAT OF WEST SIDE PLAZA II, A SUBDIVISION OF BRAZORIA COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 22, PAGE 39 OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS, AS CONVEYED TO PEARLAND WESTSIDE II ASSOCIATES LIMITED BY CORRECTION DEED RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE NO. 2012001988, AND, BEING A CORRECTION OF DEED RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE NO. 03 056766 OF THE OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS.

**TRACT II:**

EASEMENT ESTATE FOR AN APPURTENANT, NON-EXCLUSIVE RECIPROCAL EASEMENT AND RIGHT-OF-WAY, AS CREATED BY THAT CERTAIN RECIPROCAL EASEMENT AGREEMENT EXECUTED BY PEARLAND WESTSIDE ASSOCIATES LIMITED, A TEXAS LIMITED PARTNERSHIP, AND, MILLENNIUM DEVELOPMENT II, INC., A TEXAS CORPORATION, AS RECORDED ON AUGUST 15, 2003 UNDER BRAZORIA COUNTY CLERK'S FILE NO. 03 051050 OF THE OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS.



## **Letter of Intent**

Westside SC Pearland, Ltd. (the "Owner") owns the 55,000 square foot retail shopping center located at 5010 – 5096 Broadway St (the "Property"). The Property is zoned "NS". The Owner is seeking to lease an 1,125 square foot retail space to an e-cigarette tenant (the "Tenant"). The Tenant will sell e-cigarettes and other related items, none of which contain tobacco. The current Pearland zoning ordinances allows "cigars, tobacco shop (retail only)" in other non-residential zoning districts but a Conditional Use Permit is necessary for NS district. The current Pearland zoning ordinance permits "convenience stores (without gasoline sales)" and "general retail store, other than listed", in NS districts both of which could sell e-cigarettes. The Owner is therefore requesting a conditional use permit for an e-cigarette store at the Property. The Property presently contains multiple restaurants, a movie theater and other retailers so this use will not be incompatible with the current tenants, neighborhood or general location. The Tenant will not overly burden the parking or be a nuisance to the neighborhood.

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

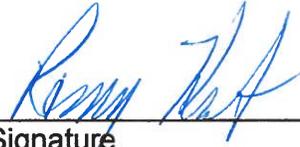
Any person, firm or corporation requesting a zoning change, a conditional use permit (CUP), or a variance shall be required to erect and maintain a sign(s), to be inspected by the City, upon the property for which a variance or zoning change has been requested.

Such sign(s) shall be located as follows:

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

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

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

  
 \_\_\_\_\_  
 Signature

  
 \_\_\_\_\_  
 Date

# TAX RECEIP



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

**Certified Owner:**

WESTSIDE SC PEARLAND LTD  
4808 GIBSON ST  
3RD FL  
HOUSTON, TX 77007-5480

**Legal Description:**

WEST SIDE PLAZA (A0240 HT &  
B)(PEARLAND), LOT 7C-7C2 TRACT A, ACRES  
5.043

Parcel Address: 5040 BROADWAY FM 518  
Legal Acres: 5.0430

Remit Seq No: 27696910  
Receipt Date: 12/31/2014  
Deposit Date: 01/06/2015  
Print Date: 01/06/2015 11:35 AM  
Printed By: LATOYA

Deposit No: 1500616C  
Validation No: 900000034679972  
Account No: **8248-0000-000**  
Operator Code: LATOYA

Year	Tax Unit Name	Tax Value	Tax Rate	Levy Paid	P&I	Coll Fee Paid	Total
2014	Brazoria County	2,354,040	0.438500	10,322.47	0.00	0.00	10,322.47
2014	Special Road & Bridge	2,354,040	0.060000	1,412.42	0.00	0.00	1,412.42
2014	Pearland Isd	2,354,040	1.415700	33,326.14	0.00	0.00	33,326.14
2014	Brazoria Drainage Dist 4	2,354,040	0.156000	3,672.30	0.00	0.00	3,672.30
2014	City Of Pearland	2,354,040	0.712100	16,763.12	0.00	0.00	16,763.12
				<b>\$65,496.45</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$65,496.45</b>

Check Number(s):  
1394

**PAYMENT TYPE:**

Checks: \$65,496.45

Exemptions on this property:

Total Applied: \$65,496.45  
Total Tendered: \$65,496.45  
(for accounts paid on 12/31/2014)  
Change Paid: \$0.00

**PAYER:**  
WESTSIDE SC PEARLAND LTD  
4808 GIBSON ST  
3RD FL  
HOUSTON, TX US 77007-5480

**ACCOUNT PAID IN FULL**

(979) 864-1320, (979) 388-1320, (281) 756-1320