



## **JOINT PUBLIC HEARING**

THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF THE CITY  
OF PEARLAND, TEXAS,  
**MONDAY, FEBRUARY 15, 2016, AT 6:30 P.M.**  
COUNCIL CHAMBERS - CITY HALL - 3519 LIBERTY DRIVE

### **I. CALL TO ORDER**

### **II. PURPOSE OF HEARING**

#### **Zone Change Application No. 2016-02Z**

A request of Bryan Smith, applicant; on behalf of Castlerock Communities LP., owner; for approval of a change in zoning designation from Suburban Development District (SD) to Suburban Residential - 15 (SR-15); on approximately 29 acres of land; located at the intersection of County Road 89 (CR 89) and County Road 101 (Bailey Road), to wit:

**Legal Description:** The herein described 29.32 acres of land situated in the H.T. & B.R.R. Company Survey Abstract 547, Brazoria County, Texas; said 29.32 acre tract of land being the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 18 (also referred to as Lot 26) of said H.T. & B.R.R. Company Survey. Save and except Block 1 Lot and Block 2, Lots 9, 11, 12, 14, 15, 16, and 18, as shown on the Final Plat of Cullen Park Estates dated April 13, 2009.

**General Location:** The intersection of County Road 89 (CR 89) and County Road 101 (Bailey Road), 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: February 15, 2016

Re: **Zone Change Application Number 2016-02Z**

A request of Bryan Smith, applicant; on behalf of Castlerock Communities LP., owner; for approval of a change in zoning from Suburban Development District (SD) to Suburban Residential-15 (SR-15); on approximately 29.32 acres of land.

**General Location:** The intersection of Cullen Parkway/County Road 89 (CR 89) and Bailey Road, Pearland, TX.

### Summary of Request:

Cullen Park Estates is large lot residential subdivision that consists of 29.32 acres with 32 residential lots with a minimum lot area of half-acre and four (4) reserves. A final plat of the subdivision was approved on April 13, 2009 and after infrastructure was completed, the subdivision sat vacant until approximately 2015.

The area was annexed into the city in December 2015 and, at the time of annexation, twenty-four lots remained in the unsold and eight lots had been sold with several lots having houses under construction.

After annexation, staff met with representatives of Castlerock Communities to discuss zoning and how to proceed with inspections in compliance with the City of Pearland ordinances. As an outcome from this meeting, an application for a zone change from the Suburban Development District (SD) to the Suburban Residential - 15 (SR-15) zoning district was submitted for the 24 parcels (approximately 25.24 acres) remaining under the ownership of Castlerock Communities LP. A map has been attached that shows in orange highlights all the parcels that are not part of this zone change since Castlerock Communities LP no longer retains ownership. These remaining eight (8) lots will be zoned with remaining parcels in the City initialed zoning of the annexed area.

All parcels in Cullen Park Estates subdivision have water provided by the City of Pearland that was extended to the site by the developer and individual septic systems. The applicant noted SR-12 as the requested zone, however, after discussion with staff,

the applicant indicated no objection to the SR-15 zoning classification as all lots in the subdivision exceed the minimum lot size of 15,000 square feet. A copy of this email is provided in the Applicant Packet.

### **Recommendation**

Staff recommends approval of the requested zone change to Suburban Residential – 15 (SR-15) for the following reasons:

1. The change in zoning is in conformance with the Comprehensive Plan. The Comprehensive Plan calls for this area to be “low density residential.” The Comprehensive Plan characterizes low density as conventional single-family detached developments.
2. The request is in conformance with the Future Land Use Plan that indicates the land use should be low density residential. The SR-15 zoning district requires a minimum lot size of 15,000 square feet and is intended for low-density, detached single family dwellings with appropriate open space. The parcels would be in compliance with the requirements of the SR-15 zoning designation as the smallest lot size in Cullen Park Estates is half acre (21,780 square feet).
3. The zone change is consistent with the character of the area. The current uses in the annexed area are predominately large lot residential. The proposed zone change will not have an adverse impact of surrounding properties.

### **Site History**

The final plat of Cullen Parks Estates was approved on April 13, 2009, by the City as per the interlocal agreement between the City and Brazoria County. At the time of platting, this property was outside of the city limits of Pearland, therefore this property had no zoning. According to notes on the plat:

1. City water was extended by the developer to the site.
2. There was an agreement between the Developer, H.O.A and the City that spelled out the maintenance responsibilities for a joint 10” W.S.E. and Landscape reserve.
3. Provided for a woodrail fence along the rear edge of the landscape reserve.
4. All electrical lines to be buried.
5. No obstructions shall be placed within seven (7) feet of the edge of the road pavement.

Cullen Park Estates was annexed into the City of Pearland on December 3, 2015. The subdivision remains under development at this time. Eight out of 32 lots have been sold. The eight lots are not included as part of this zone change.

### **Conformance with the Comprehensive Plan**

The Comprehensive Plan indicated the use of the area to be low density residential consisting of single family detached dwelling units. Cullen Park Estates subdivision consists solely of single family detached dwellings.

	<b>Zoning</b>	<b>Existing Use</b>
North	SD	Existing Residential
South	SD and Minor Retail Node across Bailey Road	Undeveloped
East	SD	Existing Residential
West	SD	Existing Residential

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

Roads within the subdivision serve local traffic only. According to GIS, the subdivision has access from Cullen Parkway/County Road 89, a secondary thoroughfare, which needs to be widened, and Bailey Road, a major thoroughfare of sufficient width. A Minor Retail Node is located near the southwest corner of the subdivision at the intersection of Cullen Parkway and Bailey Road.

### **Conformance with the Unified Development Ordinance**

The property is surrounded by SD zoning, with most of these properties being existing large-lot residential homes. The proposed SR-15 would be in conformance with the Unified Development Ordinance as the SR-15 zoning district allows large lot single family dwelling units. The SR-15 zoning district requires lot sizes to be a minimum of 15,000 square feet. The minimum lot size in this subdivision is 21,780 square feet.

The below Table identifies existing zoning districts and land uses:

Suburban Residential-15 (SR-15) Area Regulations		
Size of Lots	Required	Existing Lot Dimensions
Minimum Lot Size	15,000 sf.	21,780 sf. minimum lot size
Minimum Lot Width	100 ft.	120 ft. except cul-de-sac lots
Minimum Lot Depth	90 ft.	170 ft.

### **Platting Status**

The property was platted as Cullen Park Estates and approved by the City on June 30, 2009.

### **Availability of Utilities**

All parcels in Cullen Park Estates subdivision have water provided by the City of Pearland and individual septic systems.

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

The proposed zoning is compatible with adjacent existing large lot residential properties and will not have any negative impact on the existing and future development of adjacent areas. It is anticipated that surrounding land will be zoned low-density residential as this is the recommended land use in this area as per the Comprehensive Plan. Generally, there are no compatibility issues with residential development adjacent to residential development, and no other high-intensity uses are proposed or permitted for the area in the future.

### **Additional Comments**

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

### **Public Notification/Comment**

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 zone change. Additionally, a legal notice of the public hearing was

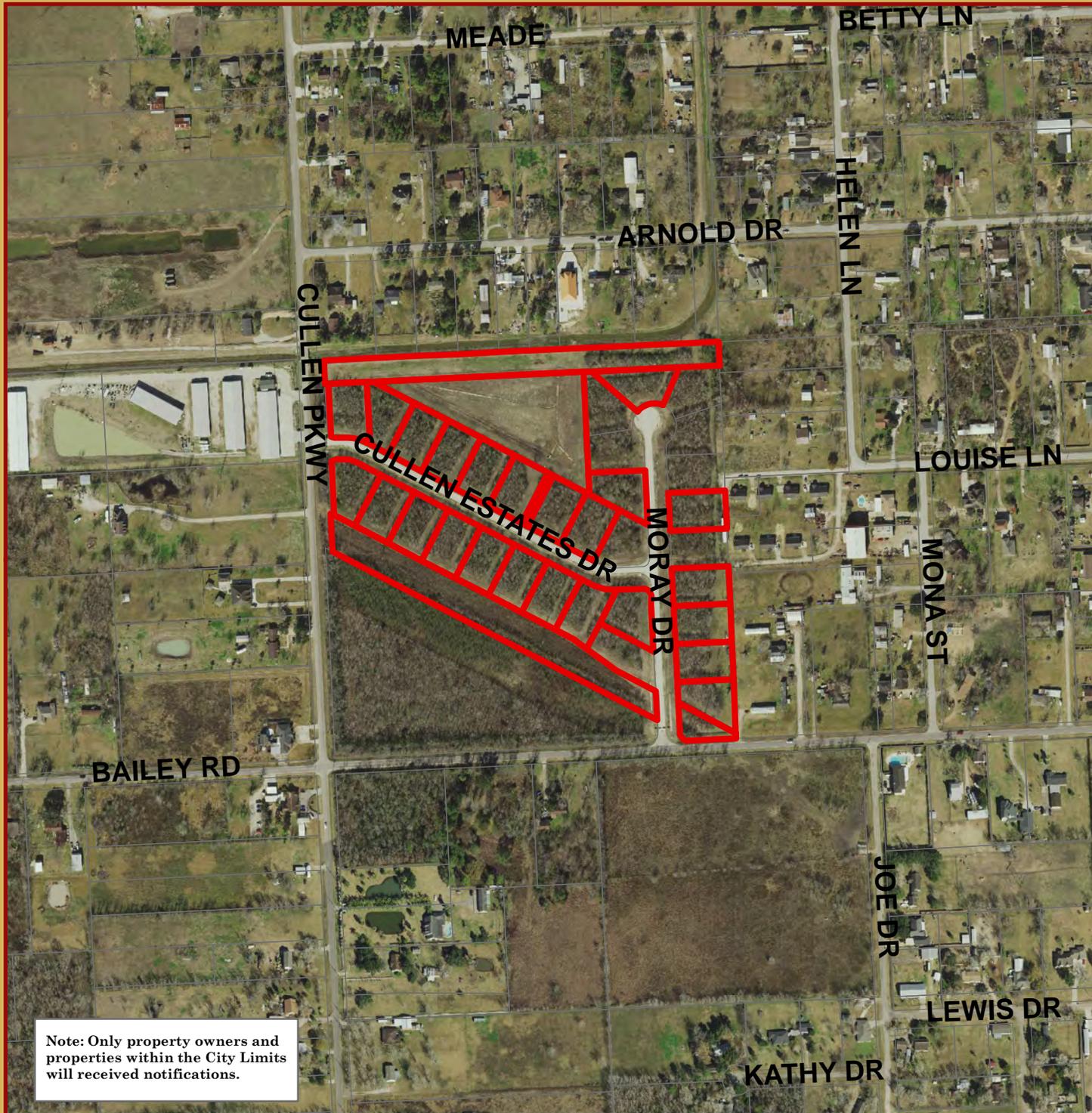
published in the local newspaper, and a notification sign was placed on the property by the applicant.

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

As of the date of this memo, Staff has not received any returned notices in opposition to or in support of the proposed change in zoning request.

### **Exhibits**

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



Note: Only property owners and properties within the City Limits will receive notifications.

# Exhibit 1

## Aerial Map

2016-02Z

### Cullen Park Estates

 Site Area(s)



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 = 466 feet

JANUARY 2016  
PLANNING DEPARTMENT



# Exhibit 2

## Proposed Zoning Map

2016-02Z

### Cullen Park Estates

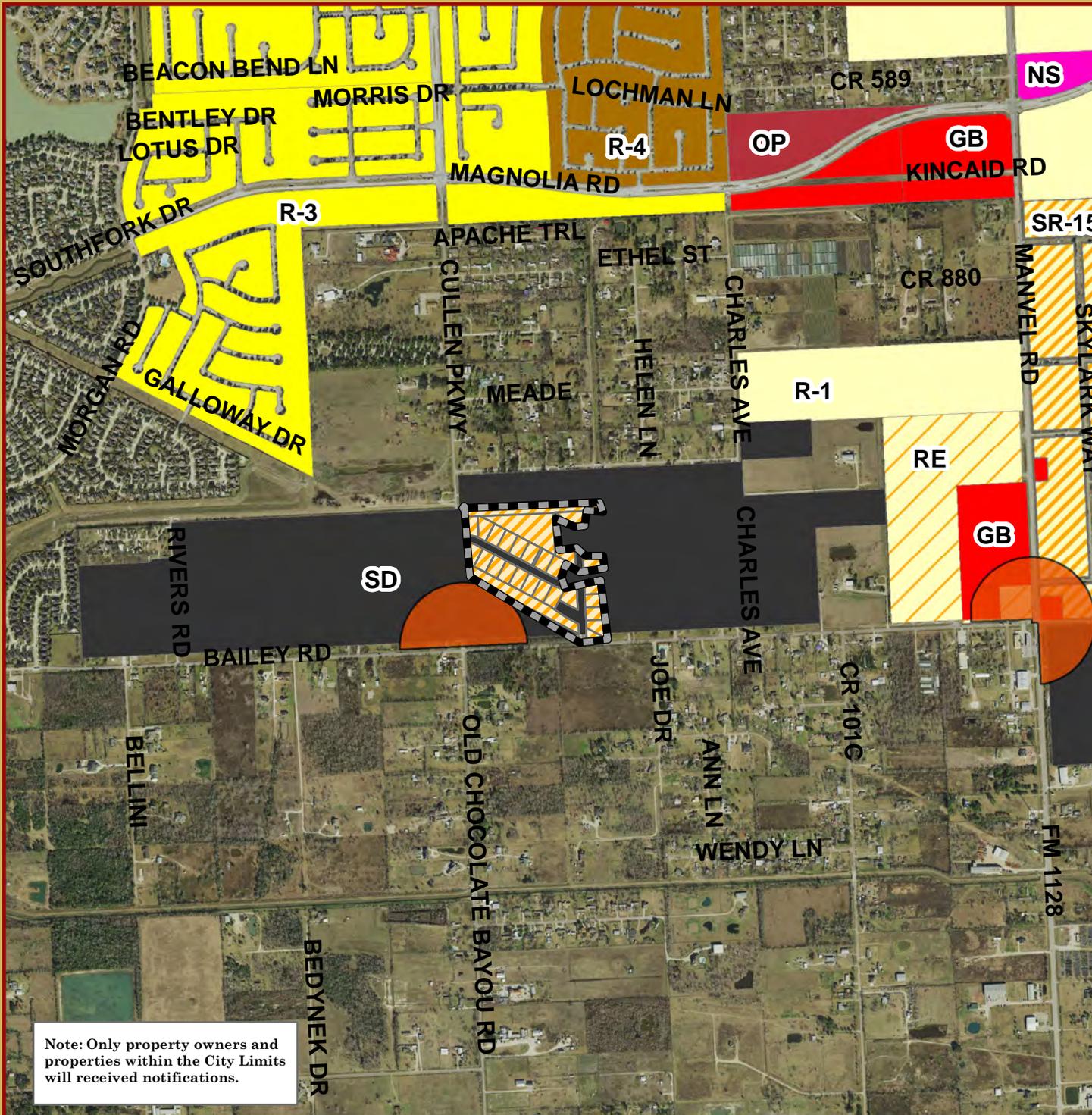
-  Subject Parcel(s)
-  Proposed SR-15 Zoning
-  Existing SD Zoning
-  Minor Retail Node



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 = 1,341 feet

JANUARY 2016  
PLANNING DEPARTMENT



Note: Only property owners and properties within the City Limits will received notifications.

Exhibit 3  
 FLUP Map  
 2016-02Z

Cullen Park Estates

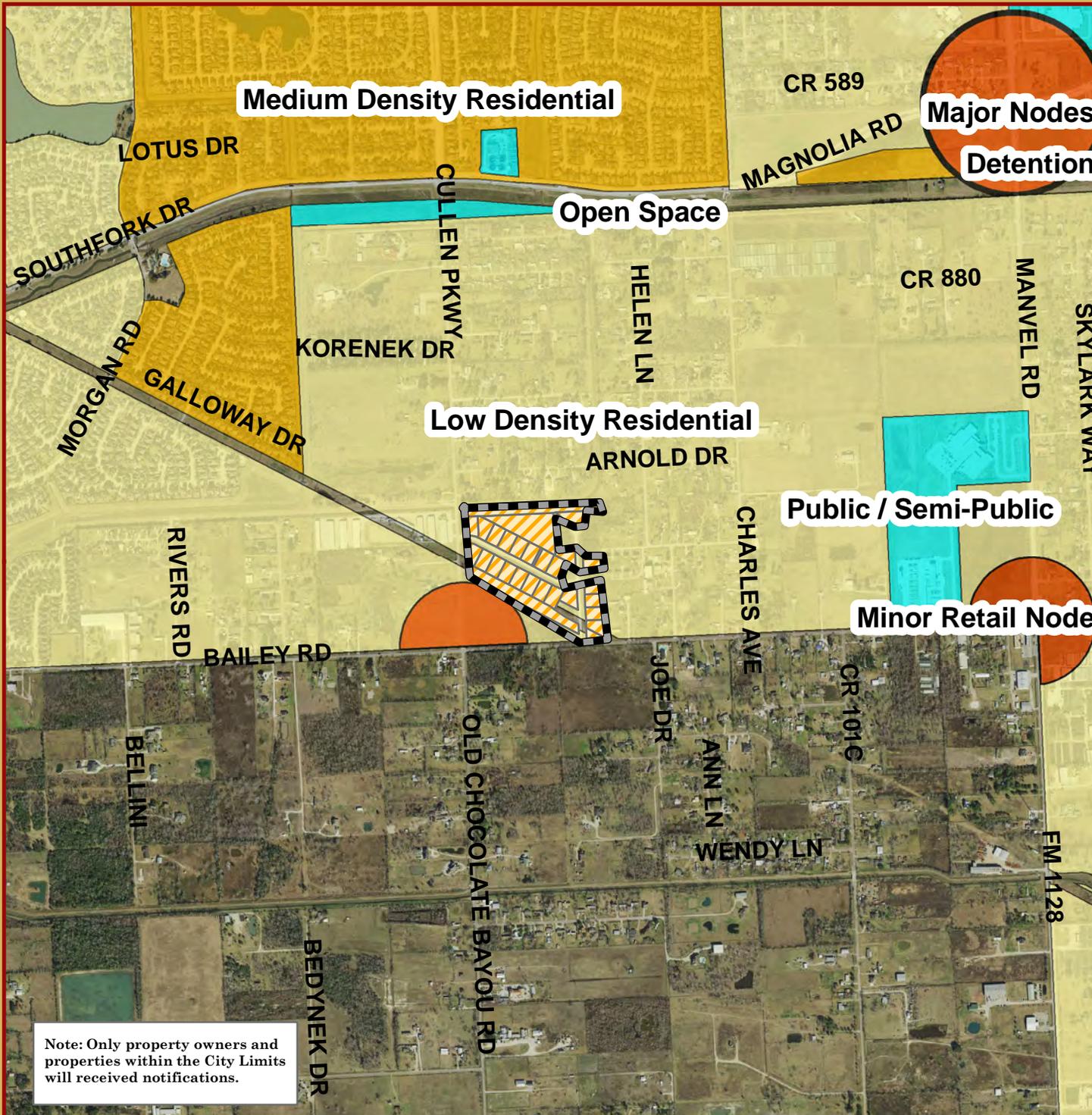
-  Subject Parcel(s)
-  Proposed SR-15 Zoning
-  Minor Retail Node



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1 inch = 1,341 feet

JANUARY 2016  
 PLANNING DEPARTMENT



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# Exhibit 4

## Notification Map

2016-02Z

### Cullen Park Estates

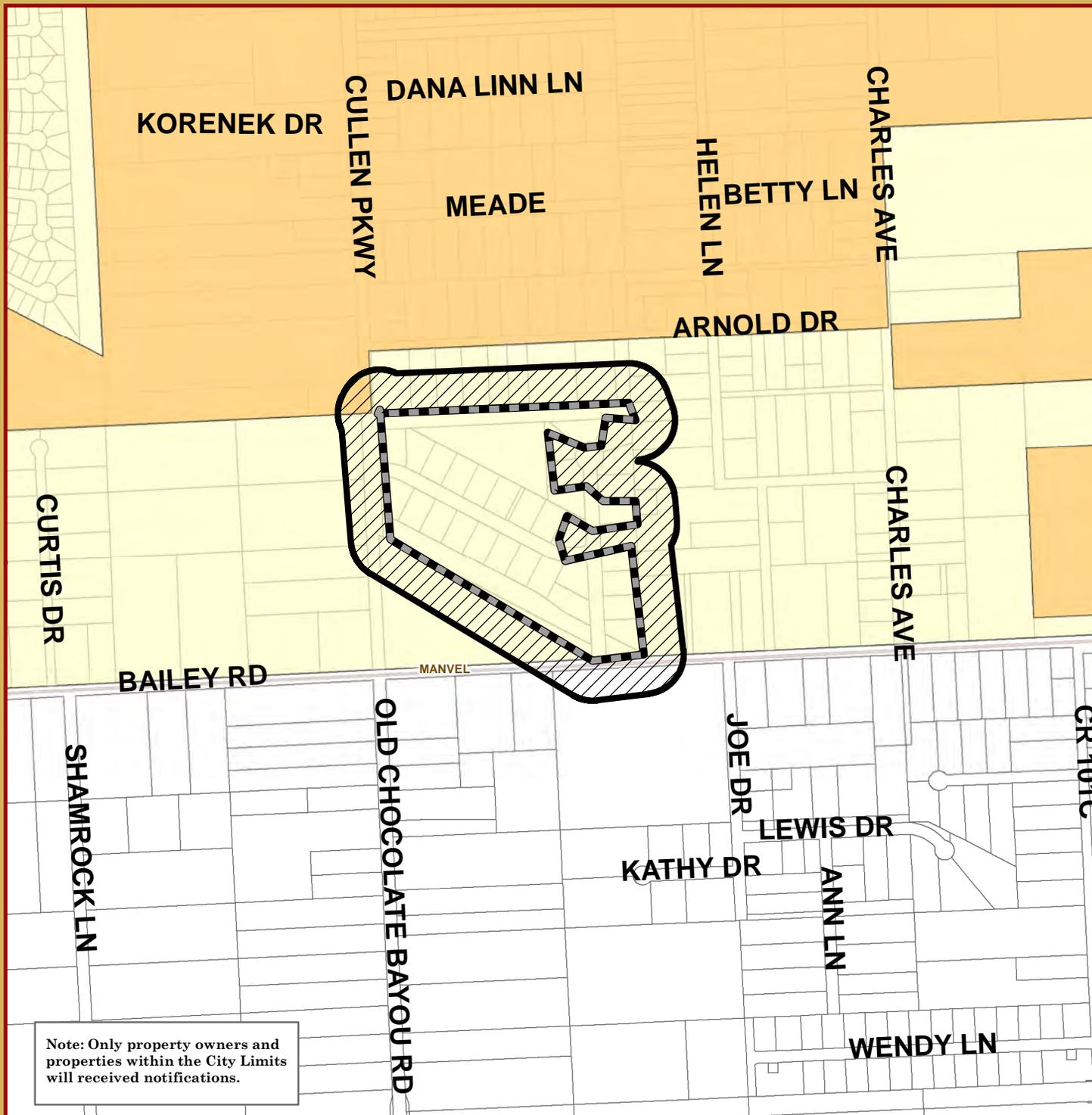
-  Subject Parcel(s)
-  200 ft notification buffer



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1 inch = 729 feet

JANUARY 2016  
PLANNING DEPARTMENT



Zone Change 2016-02Z

<b>Propert Owner Name</b>	<b>City</b>	<b>Address</b>	<b>State</b>	<b>Zip</b>
SILVA JOHN	HOUSTON	7125 KOPMAN DR	TX	77061
KELLEY RONALD EDWARD	PEARLAND	4510 ARNOLD DR	TX	77584
BEJARANO ROLANDO	PEARLAND	4528 ARNOLD DR	TX	77584
CASTLEROCK COMMUNITIES	HOUSTON	7670 WOODWAY DR STE 300	TX	77063
FORTENBERRY BENNY A & BERNICE	PEARLAND	3508 OLD CHOCOLATE BAYOU	TX	77584
GARZA ORLANDO JR	PEARLAND	4634 ARNOLD DR	TX	77584
GONZALEZ BENITO & MARIA ANGELES	PEARLAND	4536 ARNOLD DR	TX	77584
HALL ERNEST M JR	HOUSTON	777 N POST OAK RD #1111	TX	77024
HELLMAN ROGER V & ELIZABETH	PEARLAND	3917 SKYLARK WAY	TX	77584
VENABLE JERRY S	PEARLAND	8022 BAILEY RD	TX	77584
SILVA MARK	PEARLAND	4714 ARNOLD DR	TX	77584
LEAGUE LOTS LLC	HOUSTON	1215 GESSNER RD	TX	77055
BUSTAMANTE MARIE I	HOUSTON	7526 RED ROBIN LN	TX	77075
GARCIA MARY C	PEARLAND	3602 MONA ST	TX	77584
JKWS INVESTMENTS LLC	MANVEL	3702 OLD CHOCOLATE BAYOU	TX	77578
JONES G R	PEARLAND	3530 HELEN DR	TX	77584
DONALDSON RODGER	SUGAR LAND	14311 W BELLFORT	TX	77498
MAY ROGER H ETUX	CIRCLEVILLE	612 TARLTON RD	OH	43113
MEDINA ERASMO	PEARLAND	4614 ARNOLD DR	TX	77584
MOODY DENNIS M	PEARLAND	7837 BAILEY RD	TX	77584
NGUYEN HUNG THANH & ANN HUYNH TRAN	PEARLAND	3520 COUNTY ROAD 107B	TX	77584
RAMIREZ ROBERT LEE	PEARLAND	3620 OLD CHOCOLATE BAYOU	TX	77584
REAGAN JAMES HENRY	PEARLAND	4506 ARNOLD DR	TX	77584
WALLACE ALLEN & DEBORAH J	PEARLAND	3606 OLD CHOCOLATE BAYOU	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:

- Zoning Change SD - SR-12
- 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: Cullen Park Estates Tax ID: \_\_\_\_\_

Project Address/Location: INTERSECTION OF CR89 (CULLEN-OLD CHOCOLATE BAYOU) & CR 101 (Bailey RD)

Subdivision: Cullen Park Estates No. of Lots: 32 Total Acres: 29.14

Brief Description of Project: 32 residential lots

\*\*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:

Name: Castlerock Communities LP

Address: 7670 Woodway, Suite 300

City: Houston State: Tx Zip: 77063

Phone: 713-600-7061

Fax: 713-400-9134

Email Address: bsmith@c-rock.com

### APPLICANT/AGENT INFORMATION:

Name: Bryan Smith

Address: 7670 Woodway, Suite 300

City: Houston State: Tx Zip: 77063

Phone: 713-600-7061

Fax: 713-400-9134

Email Address: bsmith@c-rock.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: Bryan Smith Date: 1-5-16

### OFFICE USE ONLY:

FEES PAID: <u>—</u>	DATE PAID: <u>—</u>	RECEIVED BY: <u>FL</u>	RECEIPT NUMBER: <u>—</u>
			APPLICATION NUMBER: <u>2016-022</u>

## Frankie Legaux

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**From:** Bryan Smith <BSmith@c-rock.com>  
**Sent:** Monday, January 25, 2016 2:46 PM  
**To:** Frankie Legaux  
**Cc:** Omar Guzman  
**Subject:** FW: Cullen Park Estates  
**Attachments:** Planning Department Application.pdf; Ownership 010816.pdf

Frankie,  
I appreciate your call today. Castlerock Communities has no objection to having the zoning classification for Cullen Park Estates to be SR-15. My understanding is that we will be on the Planning & Zoning agenda for February 15, 2016 @ 6:30. Thank you

### **Bryan S. Smith**

Vice President Land Acquisition and Development  
**CastleRock Communities**  
7670 Woodway, Suite 300  
Houston, TX 77063  
Office: 713-600-7061  
Mobile: 713-875-4518

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**From:** David Mullins [mailto:dmullins@c-rock.com]  
**Sent:** Friday, January 08, 2016 1:46 PM  
**To:** flegaux@pearlandtx.gov  
**Cc:** Bryan Smith  
**Subject:** Cullen Park Estates

Frankie,  
Attached is a plat showing which lots are owned by Castlerock and which have closed to homeowners. Also attached is the Planning Department application. Please call me if you need anything else.

Regards,

### **David Mullins**

Land Acquisition and Development  
CastleRock Communities  
7670 Woodway, Suite 300  
Houston, TX 77063  
Office: (713) 600-7062  
Mobile: (713) 240-1780  
[CastleRock](#) | [Mercury Homes](#)





**JOINT PUBLIC HEARING**  
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF  
THE CITY OF PEARLAND, TEXAS,  
**MONDAY, FEBRUARY 15, 2016, AT 6:30 P.M.**  
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

**I. CALL TO ORDER**

**II. PURPOSE OF HEARING**

**Conditional Use Application No. 2016-02**

A request of James Elmore, applicant; on behalf of Joseph and Mathew John, owners; for approval of a Conditional Use Permit (CUP) to allow for fuel station and convenience store in the General Business (GB) zoning district; on approximately 2.157 acres of land, to wit:

**Legal Description:** A tract or parcel containing 2.157 acres of land, being all of Lot 1, Block 1, JKJ Development recorded under Brazoria County Clerks File (B.C.C.F.) No. 2008015246, and all of a called 0.65 acre tract as described by deed recorded under B.C.C.F. No. 2013054148, situated in the R.B. Lyle Survey, Sec. 4, A-543, City of Pearland, Brazoria County, Texas.

**General Location:** NW corner of Orange 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: February 15, 2016

Re: **Conditional Use Permit Application No. 2016-02**

A request of James Elmore, applicant; on behalf of Joseph and Mathew John, owners; for approval of a Conditional Use Permit (CUP) to allow for fuel station and convenience store in the General Business (GB) zoning district; on approximately 2.157 acres of land, Pearland, TX

**General Location:** NW corner of Orange Street and Mykawa, Pearland, TX

### Summary of Request

The applicant is requesting approval of a Conditional Use Permit (CUP) to allow for a gasoline station and convenience store to be located within the General Business (GB) and Light Industrial (M-1) zoning district. The subject property is currently undeveloped. The subject parcel has two zones; the northern portion and a strip approximately 38 feet adjacent to Mykawa Road are zoned M-1 and the southwest portion of the lot is zoned GB.

Gasoline stations are a permitted use in M-1 zoning districts but convenience stores are not permitted. In February 2015, a request to zone the entire parcel GB was not approved by Planning and Zoning Commission or City Council.

The applicant has now moved the convenience store to be completely located on the GB tract where it is a permitted use. Gasoline stations and other automobile related uses, require approval of a CUP in a GB zone. The applicant has requested approval of a CUP because a portion of the gasoline pumps are located in the GB area.

### Recommendation

Staff is not able to recommend approval of the requested CUP on the approximately 2.157 acre site to allow a fuel station use for the following reasons:

1. The Comprehensive Plan indicates that existing industrial land should be preserved. The use of an M-1 zoning district for a gas station causes erosion of valuable manufacturing land.
2. The Future Land Use Plan shows the uses to be “Retail, Offices and Services” in the GB portion and the M-1 portion to be “Industrial.”
3. The use is not in conformance with the Unified Development Code as “Convenience Stores (Without Gasoline Sales)” are a permitted in the GB zoning district. Auto-related uses are allowed in a GB zoning district with approval of a CUP.
4. The use has the potential to have substantial impact such as noise, dust, excessive light and traffic including truck traffic, on neighboring residential properties to the north, west and south. The site plan shows area for semi-truck fueling stations which would not be appropriate for the residential area to the south.

If the following factors are considered, the use may be deemed appropriate:

1. Mitigation of potential negative impact on adjacent residential properties (west and south) by a more effective buffer – masonry fencing, larger landscape buffer, added vegetation consisting of trees and shrubs (not required by the UDC).
2. Mitigation of potential for negative land use effects from a gasoline station and convenience store, such as noise, dust, excessive light and traffic that should be considered in development review and approval and mitigated through the approval process or the request should be denied.
3. Application of Higher standards, similar to Corridor Overlay District Standards, for landscaping along Mykawa and Orange Road, building facades, articulation, transparency, parking lot landscaping, etc.

### **Site History**

This area was annexed into Pearland City limits in 1960. An application was submitted in 2009 for a zone change from GB and M-1 to General Commercial (GC). This application was withdrawn by the applicant prior to the Joint Public Hearing. In 2015, an application was submitted to change the zone of the M-1 portion to GB to allow a fuel station and convenience store. This application was denied on March 9, 2015. A number of adjacent property owners were opposed to the zone change.

### **Conformance with the Comprehensive Plan**

The current zoning of GB and M-1 on the subject property is in conformance with the future land use designation of the Comprehensive Plan. Future Land Use Plan (FLUP)

indicates the portion zoned “General Business” to be “Retail, Offices and Services.” The FLUP indicates portion zoned “Light Industrial” to be “Industrial.” Therefore the proposed zone change is not in conformance with the Comprehensive Plan recommendations.

The Comprehensive Plan recommends that;

- a. potential negative land use effects such as noise, dust, excessive light and traffic should be considered in development review and approval and mitigated;
- b. Neighborhood retail and service should be located at intersection or at the edge of logical neighborhood areas;
- c. Residential areas should be separated by buffers; and
- d. Existing industrial land should be preserved.

With appropriate and sufficient buffers and screening to mitigate the negative effects the gasoline station may otherwise produce, and complying with other recommendations listed above, this use may be appropriate in this area.

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

According to GIS, Mykawa Road is a secondary throughfare that needs to be widened. Secondary throughfares should have a minimum right-of way (ROW) of 100 feet. It appears the ROW on Mykawa Road is approximately 66 feet in this area. Orange Street is Major Collector of sufficient width in this area with a minimum ROW of 80 feet. The property was platted in October 2015, and additional ROW was obtained on the west side of Mykawa and north side of Orange.

<b>General Business (GB) Area Regulations</b>		
<b>Size of Lot</b>	<b>Required</b>	<b>Proposed</b>
Minimum Lot Size	22,000 sf.	93,958 sf
Minimum Lot Width	150 ft.	337.64 ft.
Minimum Lot Depth	125 ft.	281.05 ft.
<b>Light Industrial (M-1) Area Regulations</b>		
<b>Size of Lot</b>	<b>Required</b>	
Minimum Lot Size	40,000 sf.	93,958 sf.

Minimum Width	Lot	150 ft.	337.64 ft.
Minimum Depth	Lot	150 ft.	281.05 ft.

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

The property is currently undeveloped. The applicant has plans to develop the property as a gas station with convenience store. The GB and M-1 requirements can be found in the tables provided above.

The screening and fencing requirements for nonresidential uses that have a side or rear contiguous to any residential use or zoning district must be adhered to in this case to mitigate the adverse effect of a gasoline stations. This would require an opaque screen wall a minimum of six feet height but not to exceed eight feet in height and a minimum 25 foot landscape buffer between the nonresidential and commercial use. Screening is also required along secondary thoroughfares (Mykawa Road).

Staff recommends that the buffer area to the west have more landscaping in addition to fencing as required by the UDC. The north side of the property indicated a row of shrubs will be placed approximately  $\frac{1}{2}$  of the distance of the north property line from the street to just short of the northern-most fuel tanks and in conformance with the UDC requirements. This buffer and landscaping should extend the full width of the lot and connect to the buffer on the west property line on the northwest corner of the property.

Additionally, as mentioned above, if the development complies with COD standards for both Mykawa Road and Orange Street, the adverse impacts of this development would be greatly mitigated.

### **Platting Status**

A replat/minor plat was approved for this property in October 2015, which includes dedication of rights-of-way along the west side of Mykawa and north side of Orange. This plat also shows a .65 acre portion of the tract to the west has been added to the parcel making the total lot size approximately 2.127 acres.

### **Availability of Utilities**

The subject property has access to both City water and sewer. GIS data indicates that water is available to the site via a 10-inch waterline along the west side of Mykawa Road and a 12-inch water line along the north side of Orange Street. There is an existing 8-inch sewer line along the east side of Mykawa Road.

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

As proposed a CUP will adversely impact surrounding properties and developments. However, staff recommendations will assist in mitigating the negative effects the gasoline station and add value to the development.

### **Additional Comments**

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

### **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 zone change. Additionally, a legal notice of the public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant.

### **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.

### **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 2016-02

**Mykawa Rd. @  
Orange St.**



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1 inch = 193 feet

JANUARY 2016  
PLANNING DEPARTMENT



# Exhibit 2

## ZONING MAP

CUP 2016-02

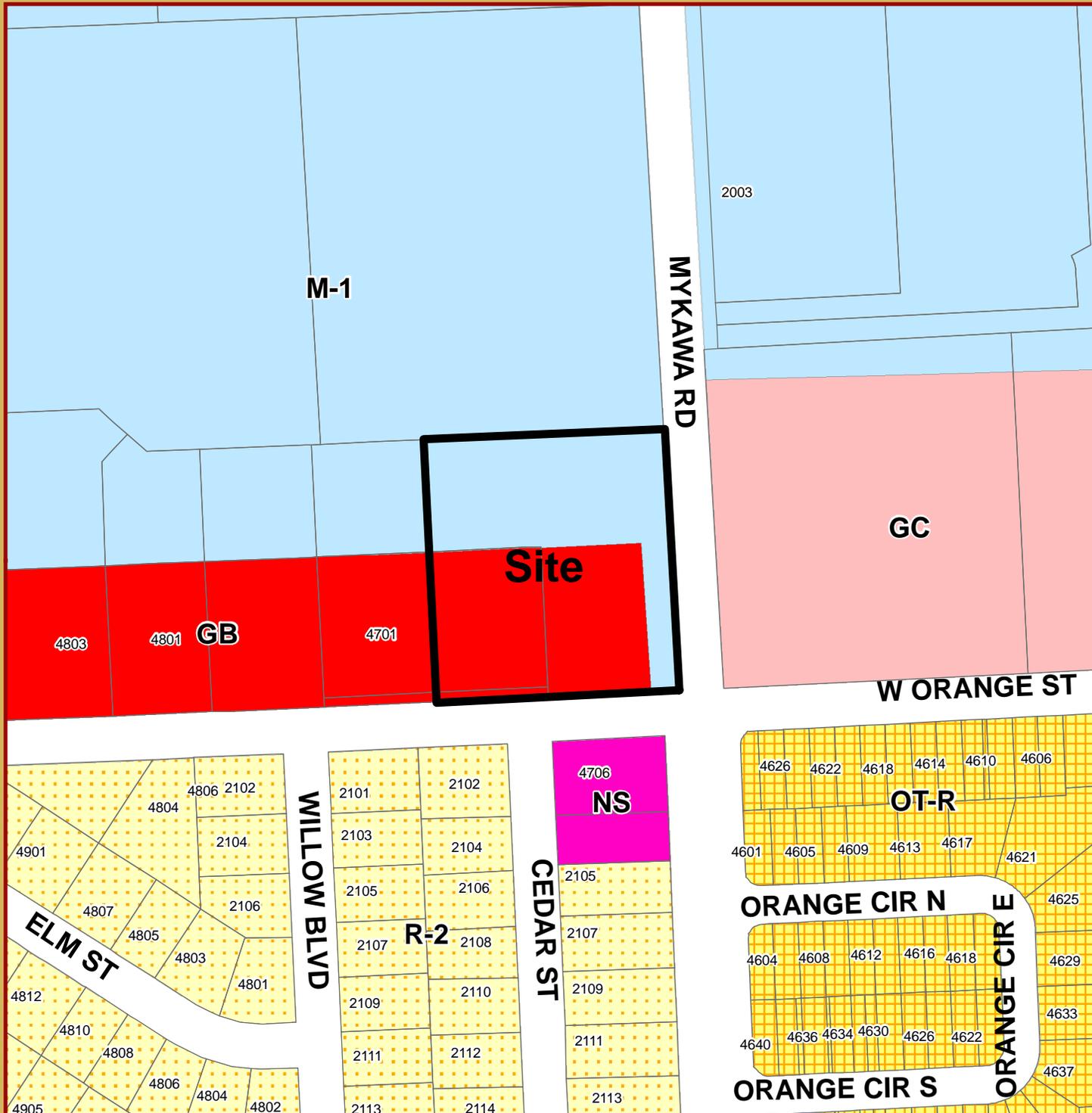
Mykawa Rd. @  
Orange St.



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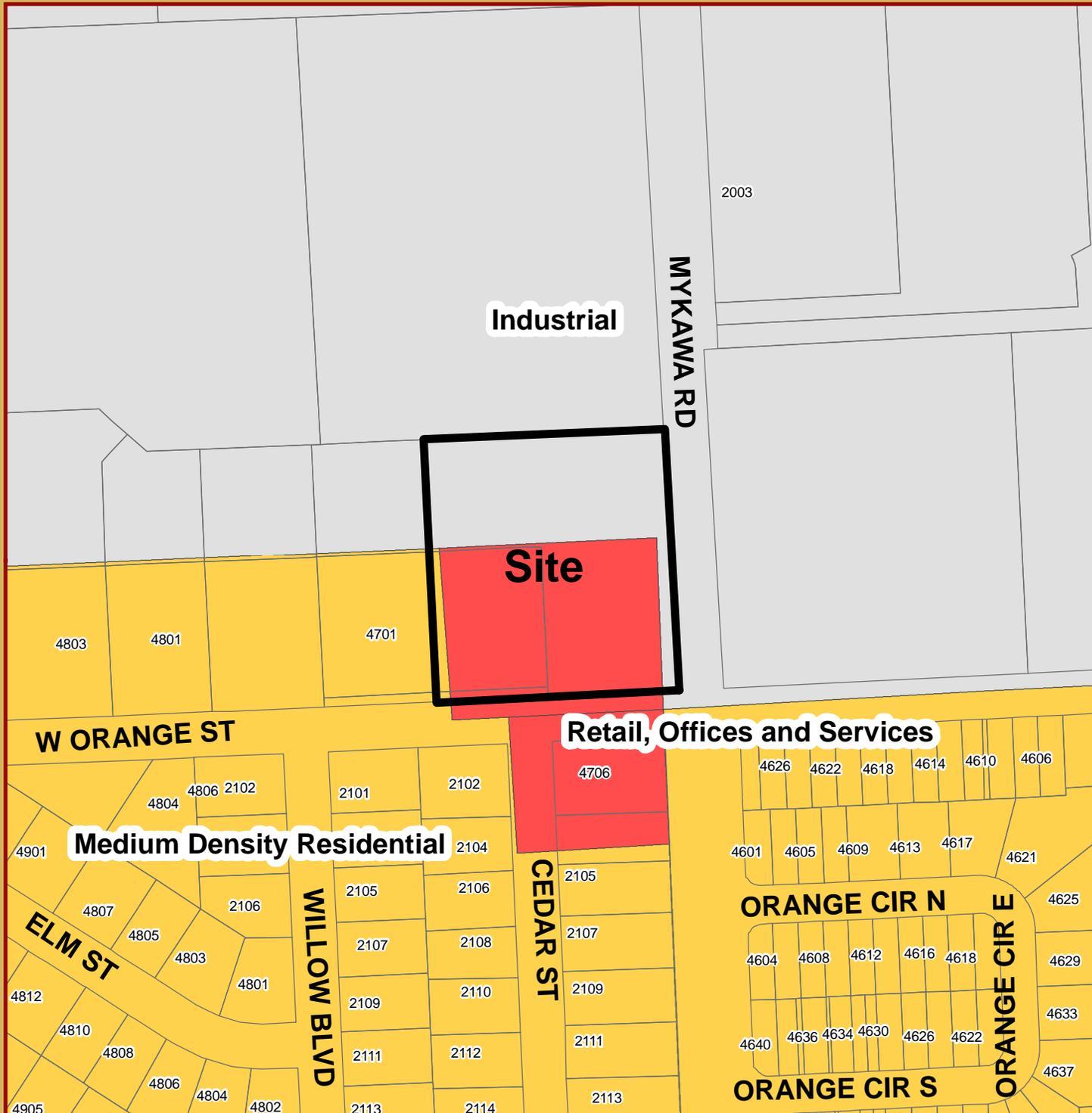


# Exhibit 3

**FLUP MAP**

**CUP 2016-02**

**Mykawa Rd. @  
Orange St.**



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# Exhibit 4

## NOTIFICATION MAP

CUP 2016-02

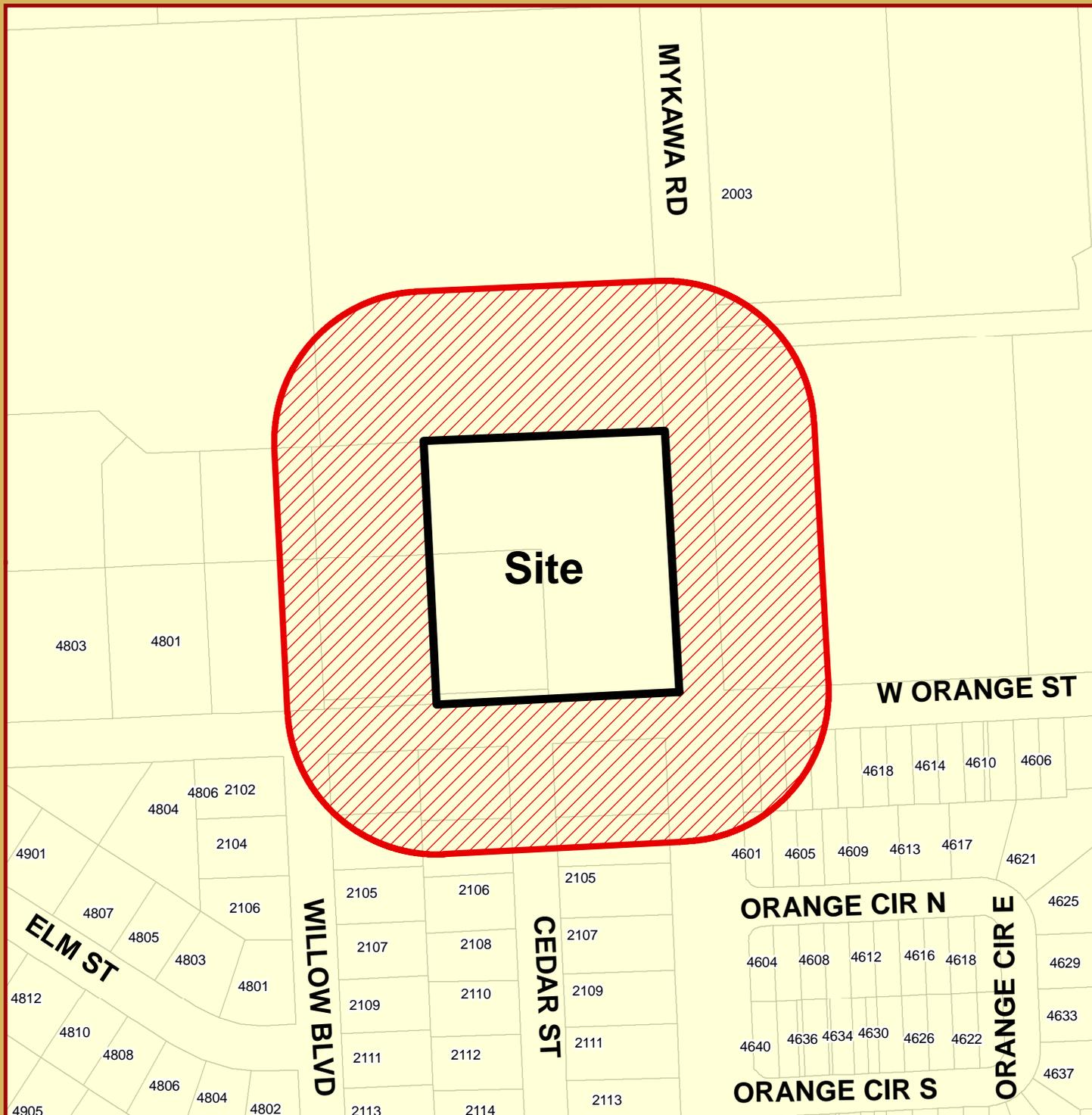
Mykawa Rd. @  
Orange St.



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 = 193 feet

JANUARY 2016  
PLANNING DEPARTMENT



2016-02, 2070 Mykawa Road

<b>Property Owner</b>	<b>City</b>	<b>Address</b>	<b>State</b>	<b>Zip Code</b>
PACKAGING SERVICE CO INC	PEARLAND	1904 MYKAWA RD	TX	77581
SEMPRE AVANT LLC	PEARLAND	1904 MYKAWA RD	TX	77581
STEVENS CHARLES BUCK	PEARLAND	4701 W ORANGE ST	TX	77581
TEIK SAY & DIANE J CHEE	SUGAR LAND	1839 CAMBRIA LN	TX	77479
THOMPSON JORGE M & CHARLENE L	PEARLAND	12408 PAGE CREST LN	TX	77584
VARGAS MARY HELEN	PEARLAND	PO BOX 773	TX	77588
VIRANI MEHBOOB ALI	PEARLAND	4706 W ORANGE ST	TX	77581
BARNEY GWEN	PEARLAND	2104 CEDAR ST	TX	77581
CRAMER LOIS	HOUSTON	6983 OAKWOOD PLACE CT	TX	77040
DOMINO ADDIE M & JOHN A	PEARLAND	2101 WILLOW BLVD	TX	77581
JH & SP REALTY LLC	PEARLAND	PO BOX 2842	TX	77588
JOSEPH JOSEPH K & MATHEW JOHN	SUGAR LAND	4914 LAUREL HILL CT	TX	77478
LATROBE PROPERTIES LLC	EL LAGO	1607 LAKE ARBOR DR	TX	77586
LAWRENCE GARY N	PEARLAND	3313 WINDFERN DR	TX	77581
MACK GERALD E	PEARLAND	2103 WILLOW BLVD	TX	77581
MENDOZA MARY HELEN	PEARLAND	PO BOX 773	TX	77588
MORTON RACHEL L	PEARLAND	2310 WASHINGTON ST	TX	77581



# APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

Conditional Use Permit Request for: RETAIL FUEL SALES IN GB  
(list proposed use from the Table of Uses of the UDC)  
LOCATED WITHIN JUST 35 FEET OUTSIDE OF ABUTTING M1

Current Zoning District: GB / M1

**Property Information:**

Address or General Location of Property: 2070 MIKAWA ON NW  
CORNER OF ORANGE ST.

Tax Account No. 5317-0001-001, 5200-0010-004

Subdivision: JKS DEVELOPMENT Lot: 1 Block: ONE

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

**PROPERTY OWNER INFORMATION:**

**APPLICANT/AGENT INFORMATION:**

NAME JOSEPH JOSEPH / MATTHEW JOHN  
 ADDRESS 4914 LAUREL HILL CT  
 CITY SUGARLAND STATE Tx ZIP 77478  
 PHONE( 832 ) 282-2505  
 FAX( )  
 E-MAIL ADDRESS MATJOHN1611@YAHOO.COM

NAME CISNOWS DESIGN, JAMES E  
 ADDRESS 2501 W 11th  
 CITY HOU STATE Tx ZIP 77008  
 PHONE( 713 ) 524-2880  
 FAX( 713 ) 524-9803  
 E-MAIL ADDRESS JAMES@CIS-AXIS.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: 1/11/16

Agent's/  
 Applicant's Signature: [Signature] Date: 11 JAN 2016

**OFFICE USE ONLY:**

FEES PAID: <u>\$1025.00</u>	DATE PAID: <u>1/11/16</u>	RECEIVED BY: <u>TC</u>	RECEIPT NUMBER: <u>108237</u>
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Application No. CUP 2016-02

## CISNEROS DESIGN GROUP



2501 W 11th  
Houston, TX 77008  
Phone 713-524-2880 Fax 713-524-9803  
Email: cisneros @cis-axis.com

**RE: CUP  
NW Corner  
Mykawa @ Orange**

### Letter of Intent

#### *City of Pearland Planning Department*

Dear Sirs: Please accept this as a formal request for a conditional use permit (CUP) to allow retail fuel sales at the proposed C-Store to be located on the NW corner of Mykawa and Orange. CUP will allow retail fuel sales in GB in an area within 35 of M1 zoning. Proposed 4,000 square foot convenience store would include a deli section and six retail fueling dispensers.

Please accept this as an acknowledgment of the requirement to place a "Public Hearing" notice signs on the property 10 days prior to scheduled hearing.

Sincerely,

A handwritten signature in blue ink, appearing to read "James I. Elmore".

James I. Elmore  
Cisneros Design Group

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

2015 TAX STATEMENT



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

**Certified Owner:**  
 JOSEPH JOSEPH K & MATHEW JOHN  
 4914 LAUREL HILL CT  
 SUGAR LAND, TX 77478-5424

**Legal Description:**  
 HORSESHOE BEND (A0543 H T & B R  
 R)(PEARLAND) LOT 1 ACRES 0.650

Account No: 5200-0010-004

Appr. Dist. No.: 650961

Legal Acres: .6500

Parcel Address: ORANGE ST

As of Date: 01/07/2016

Print Date: 01/07/2016

Market Value		Appraised Value	Assessed Value	Capped Value	Homesite Value	Agricultural Market Value	Non-Qualifying Value
Land	Improvement						
\$39,640	\$0	\$39,640	\$39,640	\$0	\$0	\$0	\$39,640
Taxing Unit	Assessed Value (100%)	Exemptions		Taxable Value	Tax Rate	Tax	
		Code	Amount				
BRAZORIA COUNTY	\$39,640		\$0.00	\$39,640	0.4260000	\$168.87	
<i>Amount saved by additional sales tax revenue \$40.30</i>							
SPECIAL ROAD & BRIDGE	\$39,640		\$0.00	\$39,640	0.0600000	\$23.78	
PEARLAND ISD	\$39,640		\$0.00	\$39,640	1.4156000	\$561.14	
BRAZORIA DRAINAGE DIST 4	\$39,640		\$0.00	\$39,640	0.1555000	\$61.64	
CITY OF PEARLAND	\$39,640		\$0.00	\$39,640	0.7053000	\$279.58	
<b>Total Tax:</b>						\$1,095.01	
<b>Total Tax Paid to date:</b>						\$0.00	
<b>Total Tax Remaining:</b>						\$1,095.01	

**Exemptions:**

**AMOUNT DUE IF PAID BY:**

01/31/2016 0%	02/29/2016 7%	03/31/2016 9%	04/30/2016 11%	05/31/2016 13%	06/30/2016 15%
\$1,095.01	\$1,171.65	\$1,193.56	\$1,215.47	\$1,237.36	\$1,259.27
07/31/2016 18 + up to 20%	08/31/2016 19 + up to 20%	09/30/2016 20 + up to 20%	10/31/2016 21 + up to 20%	11/30/2016 22 + up to 20%	12/31/2016 23 + up to 20%
\$1,517.43	\$1,530.29	\$1,543.16	\$1,556.00	\$1,568.86	\$1,581.72

**School Information:**

PEARLAND ISD 2015 M&O 1.0400000 I&S .37560000 Total 1.4156000 2014 M&O 1.0400000 I&S .37570000 Total 1.4157000

PLEASE CUT AT THE DOTTED LINE AND RETURN THIS PORTION WITH YOUR PAYMENT.

4.1.62



**Print Date:** 01/07/2016

**PLEASE NOTE YOUR ACCOUNT NUMBER ON YOUR CHECK AND MAKE CHECKS PAYABLE TO:**

RO'VIN GARRETT, PCC  
 BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR  
 111 E. LOCUST  
 ANGLETON, TEXAS 77515  
 (979) 864-1320, (979) 388-1320, (281) 756-1320



\* 5 2 0 0 0 0 1 0 0 0 4 \*

5200-0010-004  
 JOSEPH JOSEPH K & MATHEW JOHN  
 4914 LAUREL HILL CT  
 SUGAR LAND, TX 77478-5424

**AMOUNT PAID:**  
 \$ \_\_\_\_\_

52000010004 2015 012016 00000109501 00000117165 00000119356 3

**2015 TAX STATEMENT**



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

**Certified Owner:**

JOSEPH JOSEPH K & MATHEW JOHN  
4914 LAUREL HILL CT  
SUGAR LAND, TX 77478-5424

**Legal Description:**

JKJ DEVELOPMENT BLK 1 LOT 1 ACRES 1.727

**Account No: 5317-0001-001**

**Appr. Dist. No.: 615966**

**Legal Acres: 1.7270**

**Parcel Address: MYKAWA & ORANGE**

**As of Date: 01/07/2016**

**Print Date: 01/07/2016**

Market Value		Appraised Value	Assessed Value	Capped Value	Homesite Value	Agricultural Market Value	Non-Qualifying Value
Land	Improvement						
\$75,230	\$0	\$75,230	\$75,230	\$0	\$0	\$0	\$75,230

Taxing Unit	Assessed Value (100%)	Exemptions		Taxable Value	Tax Rate	Tax
		Code	Amount			
BRAZORIA COUNTY	\$75,230		\$0.00	\$75,230	0.4260000	\$320.48
<i>Amount saved by additional sales tax revenue \$76.48</i>						
SPECIAL ROAD & BRIDGE	\$75,230		\$0.00	\$75,230	0.0600000	\$45.14
PEARLAND ISD	\$75,230		\$0.00	\$75,230	1.4156000	\$1,064.96
BRAZORIA DRAINAGE DIST 4	\$75,230		\$0.00	\$75,230	0.1555000	\$116.98
CITY OF PEARLAND	\$75,230		\$0.00	\$75,230	0.7053000	\$530.60

**Total Tax: \$2,078.16**  
**Total Tax Paid to date: \$0.00**  
**Total Tax Remaining: \$2,078.16**

**Exemptions:**

**AMOUNT DUE IF PAID BY:**

01/31/2016 0%	02/29/2016 7%	03/31/2016 9%	04/30/2016 11%	05/31/2016 13%	06/30/2016 15%
\$2,078.16	\$2,223.63	\$2,265.19	\$2,306.77	\$2,348.32	\$2,389.88
07/31/2016 18 + up to 20%	08/31/2016 19 + up to 20%	09/30/2016 20 + up to 20%	10/31/2016 21 + up to 20%	11/30/2016 22 + up to 20%	12/31/2016 23 + up to 20%
\$2,879.85	\$2,904.24	\$2,928.66	\$2,953.07	\$2,977.47	\$3,001.88

**School Information:**

PEARLAND ISD 2015 M&O 1.0400000 I&S .37560000 Total 1.4156000 2014 M&O 1.0400000 I&S .37570000 Total 1.4157000

PLEASE CUT AT THE DOTTED LINE AND RETURN THIS PORTION WITH YOUR PAYMENT.

4.1.62



**Print Date: 01/07/2016**

**PLEASE NOTE YOUR ACCOUNT NUMBER ON YOUR CHECK AND MAKE CHECKS PAYABLE TO:**

**RO'VIN GARRETT, PCC  
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR  
111 E. LOCUST  
ANGLETON, TEXAS 77515  
(979) 864-1320, (979) 388-1320, (281) 756-1320**



\* 5 3 1 7 0 0 0 1 0 0 1 \*

5317-0001-001  
JOSEPH JOSEPH K & MATHEW JOHN  
4914 LAUREL HILL CT  
SUGAR LAND, TX 77478-5424

**AMOUNT PAID:**  
\$ \_\_\_\_\_

53170001001 2015 012016 00000207816 00000222363 00000226519 4

Date: January 11, 2016



Location: pick up  
4 - 24"x36" MDO \$85.00 ea / \$340.00

Total:  
**\$340.00**

Plus Tax

*Art Approval*

Signature

Date

*Art Office Signs*

HOUSTON OFFICE:  
9406 Montridge Houston, TX 77080  
Phone: 713-862-2994 Fax: 713-862-2997

AUSTIN OFFICE:  
201 W. 2nd St. Taylor, TX 76574  
Phone: 512-365-2010 Fax: 512-365-7210

SAN ANTONIO OFFICE:  
5620 Randolph Blvd  
San Antonio, Texas 78233  
Phone: 210-731-0878

[www.artofficesigns.com](http://www.artofficesigns.com)

Graphic Designer: Paul Calpito

**PROPOSED  
CONDITIONAL USE PERMIT**

**Contact City of Pearland**

**281-652-1765**

24"x36"

3"

3"

3"

3"

NOTE: Images may not appear in full resolution. Colors may not appear accurate on your screen or office printer. Image edits vary depending on real world condition. Terms and Conditions are C.O.D (cash on delivery) unless otherwise noted.

**JOSEPH JOSEPH K & MATHEW JOHN  
4914 LAUREL HILL CT  
SUGAR LAND, TX 77478-5424**

**RE: CUP  
2070 Mykawa**

**NW Corner Mykawa @ Orange**

*City of Pearland Planning*

Dear Sirs:

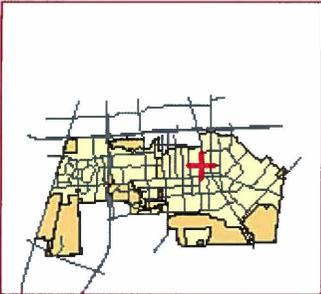
Please accept this as a formal notice that Cisneros Design Group/ James Elmore, will be acting on my behalf as owner of the above referenced property solely for activities required to acquire a conditional use permit from the City of Pearland.

Sincerely,

x

*Mathew John*

*1/11/16*



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.

Scale 1:800  
1 in = 67 ft  
January 11, 2016









**JOINT PUBLIC HEARING**  
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF  
THE CITY OF PEARLAND, TEXAS,  
**MONDAY, FEBRUARY 15, 2016 AT 6:30 P.M.**  
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

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

**Amendments to the Unified Development Code (UDC)**

Notice is hereby given that on February 15, 2015 at 6:30 p.m., the City Council and Planning and Zoning Commission of the City of Pearland, in Brazoria, Harris and Fort Bend Counties, Texas, will conduct a joint public hearing in the Council Chambers of City Hall, located at 3519 Liberty Drive, Pearland, Texas, at the request of the City of Pearland, for proposed amendments to the Unified Development Code, Ordinance No. 2000T regarding changes to the Land Use Matrix.

**Legal Description:** N/A

**General Location:** N/A

- 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: February 1, 2016

Re: Request of the City of Pearland, for proposed amendments to the Unified Development Code, Ordinance No. 2000T regarding changes to the Land Use Matrix.

## Summary of Request

Staff is proposing eleven changes to the Land Use Matrix in the Unified Development Code.

The purpose of the first six proposed changes will allow the City Council and the Planning and Zoning Commission the opportunity to review the suitability of the use in the zoning district through a Conditional Use Permit as opposed to being Permitted by right. Conditional uses are those uses which are generally compatible with the permitted land uses in a given zoning district, which require individual review of their proposed location, design and configuration, and imposition of the conditions to ensure appropriateness of the use at a particular location within a given district. Most of the changes recognize the changing land use patterns in our community that have resulted in single family residential neighborhoods and commercial and industrial areas being in close proximity to each other. The uses may or may not be appropriate as proposed at any given location in the zoning district. For example, an asphalt plant with its odor or a halfway house for felons would not be appropriate in all M-1 zones.

There are also five changes to other uses to be consistent with other zoning districts, correct typographical errors, and to clarify/expand definitions. A summary of the changes:

	<u>Use</u>	<u>Change</u>
1.	Penal or Correctional Institutions	Require CUP in all zones permitted
2.	Rehab Facilities/Halfway House	Require CUP in all zones permitted
3.	Asphalt/Concrete Plant	Reduce permitted districts and require CUP
4.	Animal Process	Require CUP in all zones permitted
5.	Auto Salvage Yards	Require CUP in all zones permitted
6.	Veterinarian/Pet Care with outside pens	Require CUP in some zones permitted
7.	Satellite Dishes	Large Dishes require CUP in all permitted zones
8.	Cigar and Tobacco Shops	Add e-cigarettes and vapor lounges to definition
9.	Exterminator Company	Permit use by right in M-1 and M-2
10.	Dumps and Landfills/Sanitary Landfill	Combine use descriptions
11.	Accessory Structure/Off Street Parking	Correct typo











Use	Residential Zoning Districts										Mixed Use Districts					Old Town			Non-Residential Zoning Districts												
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-	MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
Dumps and Landfills											S1	S2	S3	S4	S5																
	Description: A lot or premises used for the disposal of garbage, trash, refuse or waste material (other than sewage), which is officially sanctioned by proper authorities of the jurisdiction in which it is located. Parking: One space for each 1.5 employees in the maximum work shift.																														

11. **Accessory Structure/Off-Street Parking:**

The definitions of “Accessory Structure (Residential)” and “Off-Street Parking Incidental to Residential Main Use” make reference to non-residential use in the description. This typographical error will be corrected by deleting “Non-” from the description. Additionally, Off Street-Parking Incidental to the Main Use will be deleted from the Suburban District as this district does not allow residential uses.

Use	Residential Zoning Districts										Mixed Use Districts					Old Town			Non-Residential Zoning Districts												
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-	MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
Accessory Structure (Residential)	P	P	P	P	P	P	P	P	P	P						P	P		P			C									
	Description: A subordinate building to a building used for residential purposes that does not exceed the height of the main building and does not exceed thirty percent (30%) of the floor area of the main building, and that is used for purposes accessory and incidental to the main nonresidential use (also see Accessory Use). Parking: No additional parking required.																														

Use	Residential Zoning Districts										Mixed Use Districts					Old Town			Non-Residential Zoning Districts												
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-	MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
Off-Street Parking Incidental to Residential Main Use	C	P	P	P	P	P	P	P	P	P						P	P		P	P	P	P	P	P	P	P	P	P	P	P	P
	Description: Off-street parking spaces provided in accordance with the requirements of this Ordinance, located on the lot or tract occupied by the main nonresidential use or in the vicinity of such lot or tract, and located within the same zoning district as the main residential use or in an adjacent parking district. Parking: Varies depending on the type of residential use.																														