



**JOINT PUBLIC HEARING**  
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF  
THE CITY OF PEARLAND, TEXAS,  
**MONDAY, JULY 18, 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. ZONE 16-00003**

A request of R. West Development Company, owner/applicant; for approval of a change in zoning from the General Business (GB) zoning district to a Single Family Residential-1 (R-1) zoning district; on approximately 5.0000 acres of land.

**Legal Description:** Being a 5.0000 acre (217,800 square foot) tract of land located in the H.T. & B. RR Co. Survey, Abstract 242, Brazoria County, Texas, said 5.0000 acre tract of land also being out of a called 10 acre tract conveyed to Robert L. Perkins as per an instrument recorded in Volume 1264, Page 135 of the Deed Records of Brazoria County, Texas.

**General Location:** Former right-of-way of Old Chocolate Bayou Road approximately 190 feet east of intersection of Old Chocolate Bayou Road and Cullen Boulevard, 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: July 18, 2016

Re: Zone Change Application No. ZONE 16-00003

A request of R. West Development Company, applicant and owner; for approval of a change in zoning from the General Business (GB) zoning district to a Single Family Residential (R-1) zoning district; on approximately 5 acres of land.

General Location: Old Chocolate Bayou approximately 190 feet east of the intersection with Cullen Boulevard, Pearland, TX.

### Summary of Request

The owner/applicant is requesting a zone change on approximately 5 acres of land from General Business (GB) to Single Family Residential (R-1) for development of a single family residential subdivision on 12.5 acres. The site is generally located on Old Chocolate Bayou approximately 190 feet east of the intersection with Cullen Boulevard. The tract's zoning is split in half with the west zoned GB and the east R-1. The subdivision will include this tract and an adjoining narrow 2.5 acre tract of land already zoned R-1. The proposed development will then be an L-shaped property fronting on both Old Chocolate Bayou and Fite Road, zoned for single-family residential development on a total of approximately 12.5 acres.

In September, 2015, a request was made to approve a zone change for the entire tract from the GB and R-1 zoning districts to the Single Family Residential (R-2) zoning district on approximately 12.5 acres (both tracts) for a single family residential subdivision consisting of individual lots with minimum widths of 70 feet. The P & Z Commission recommended against the zone change request by a vote of 0-6 due to concerns expressed by the neighboring business about the negative impact to their property. This request was denied by a vote of 0-4 by the City Council at the 1st reading on October, 2015.

### Recommendation

Staff cannot recommend approval of the request to change the zoning of the approximately 5 acre site from GB to R-1 for the following reasons:

1. The change in zoning is not in conformance with the Comprehensive Plan. The Future Land Use Map calls for this area of Pearland to be Retail, Office and Services. The existing GB zoning of this property is a zoning designation that is in compliance with the Comprehensive Plan recommendation.
2. The requested change in zoning will have a negative effect on abutting commercially zoned properties to the north and south. The Unified Development Code requires commercial

properties to provide a 25 foot landscape buffer with an opaque screening wall or a 30 foot vegetative screen when abutting residentially used or zoned properties. The undeveloped GB zoned properties have had a commercial designation since 2001. If the zone change is approved, not only will this affect GB properties to the north and south of the subject parcel but also the General Commercial (GC) zoned and developed properties abutting the R-1 zoning district. This will affect the ability of these property owners to expand in the future.

3. The City has only a finite amount of land left that is currently zoned for commercial development, and thus should preserve the remaining land for higher economic benefits.

### **Site History**

The subject property was annexed into the City in 1997 and is currently undeveloped. The property was zoned General Business in 2006. Prior to 2006, the property was zoned Suburban Development (SD). The SD district is a default district for newly annexed land that is not ready to be zoned for a particular intended use.

The site is surrounded by commercially zoned properties and uses, with the exception of the residentially zoned property to the east. The below table identifies surrounding uses and zoning districts:

	<b>Zoning</b>	<b>Land Use</b>
North	General Business (GB)	Undeveloped
South	General Business (GB)	Undeveloped
East	Single Family Residential (R-1)	Undeveloped
West	General Business (GB)	Undeveloped

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

This request is not in conformance with the Future Land Use Plan (FLUP). FLUP designates this property as “Retail, Offices, and Services” which is described as including a variety of office and retail development.

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

The subject property has frontage along the unimproved right of way for Old Chocolate Bayou Road, which requires a minimum of 50 feet of right-of-way. The current road is platted with 25 feet of right-of-way. The proposed subdivision would have access through the adjoining R-1 zoned property to access Fite Road and would require the southerly extension of the existing right of way for Old Chocolate Bayou.

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

All proposed development will be required to be in compliance with the Unified Development Code (UDC). The proposed development will need two access points in order to ensure compliance with the access management section of the UDC if this zone change is approved.

The below table shows the development requirements of the proposed R-1 zoning designation.

<b>Single Family Residential (R-1) Area Regulations</b>	
<b>Size of Lot</b>	<b>Required</b>
Minimum Lot Size	8,800 sq. ft.
Minimum Lot Width	80 ft.
Minimum Lot Depth	90 ft.

The lots size and dimensions can reduced if the applicant proposed a cluster development with approval of the Planning and Zoning Commission.

### **Platting Status**

The property is not platted.

### **Availability of Utilities**

The development has two access points to utilities along Old Chocolate Bayou Road and through the adjoining "L" shaped property. City data indicates that there is an existing force main and 12-inch waterline along Old Chocolate Bayou Road and an existing 24-inch sewer line and 12-inch waterline located along Fite Road.

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

The proposed change in zoning will negatively impact surrounding properties by allowing additional residential development to abut future commercial uses. Future commercial development to the north and south will be required to meet the residency adjacency requirement and provide a buffer between commercial and single family residential properties (25 foot landscape buffer with an opaque screening wall or a 30 foot vegetative screen when abutting residentially used or zoned properties). If the zone change is approved, a 10 foot landscape reserve will be required along the northern and southern boundaries where the residentially zoned properties will abut the non-residential uses or zoning districts.

### **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 received one returned notice in favor of the proposed change in zoning request from Gary W. Bucek.

### **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**

**ZONE 16-00003**

**Near intersection of  
Old Chocolate  
Bayou Rd. and  
Cullen Blvd.**

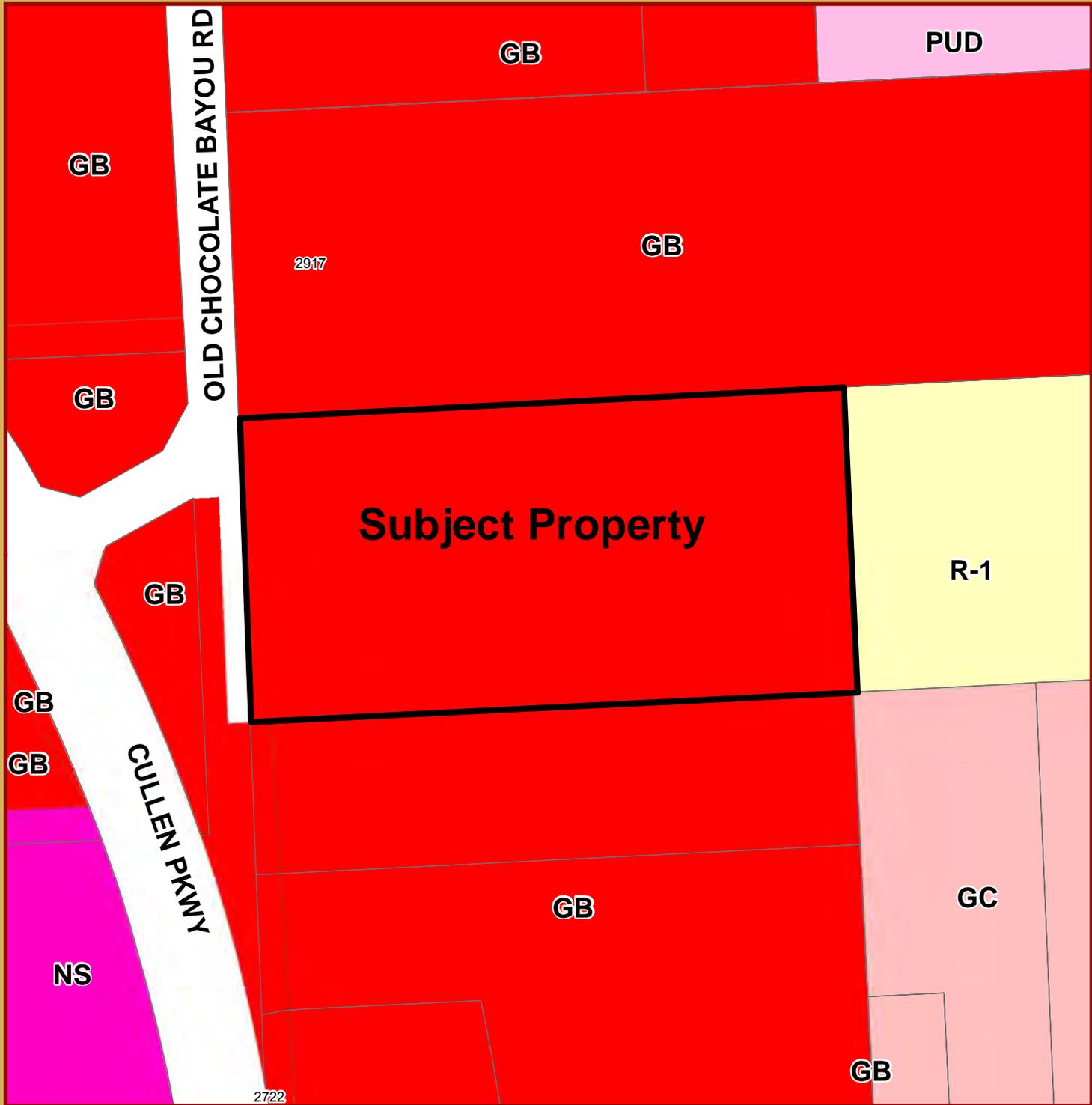


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 155 feet

APRIL 2016  
PLANNING DEPARTMENT





# Exhibit 2

## ZONING MAP

### ZONE 16-00003

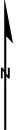
Near intersection of  
Old Chocolate  
Bayou Rd. and  
Cullen Blvd.

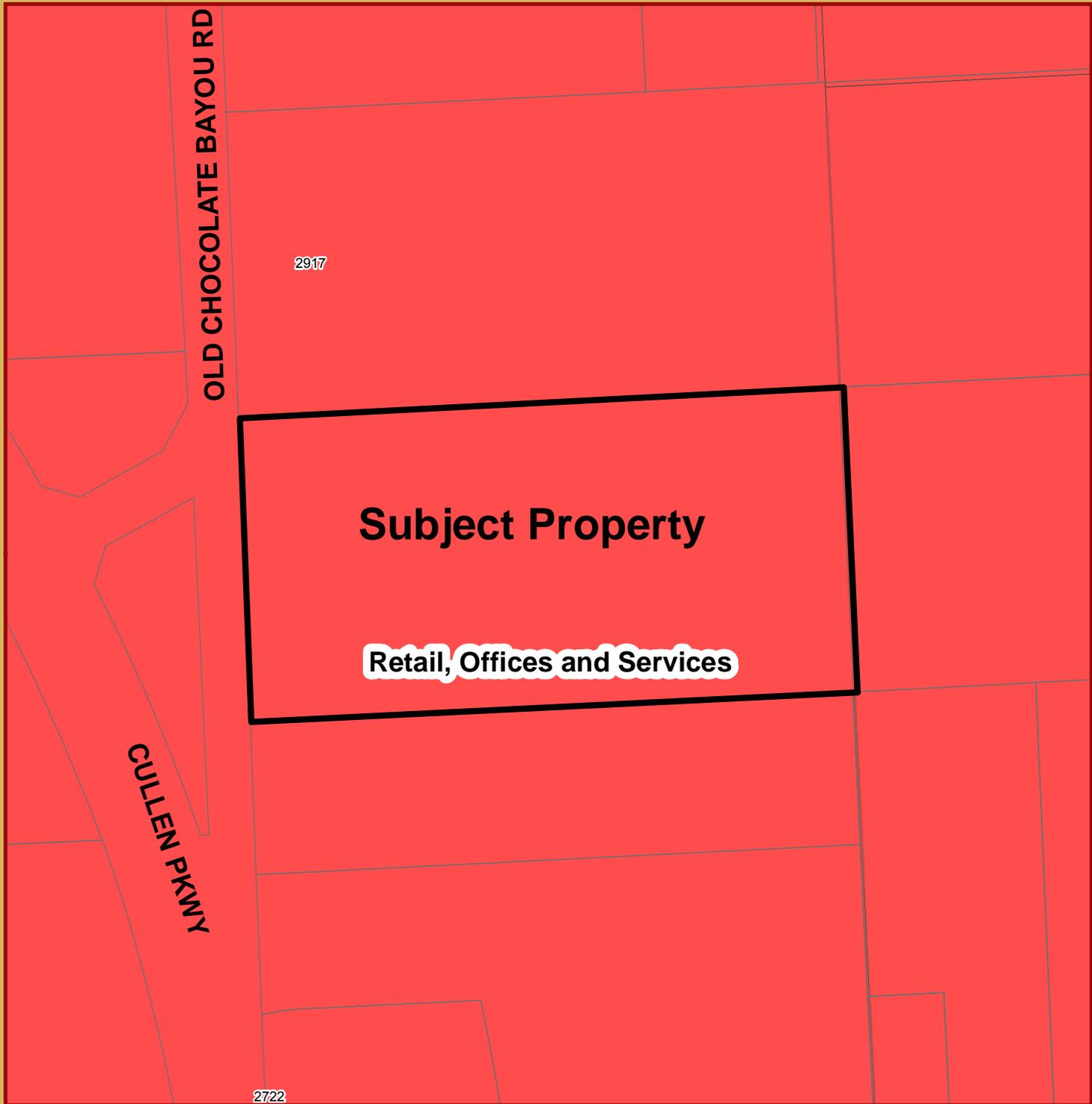


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APRIL 2016  
PLANNING DEPARTMENT





# Exhibit 3

**FLUP MAP**

**ZONE 16-00003**

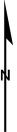
**Near intersection of  
Old Chocolate  
Bayou Rd. and  
Cullen Blvd.**

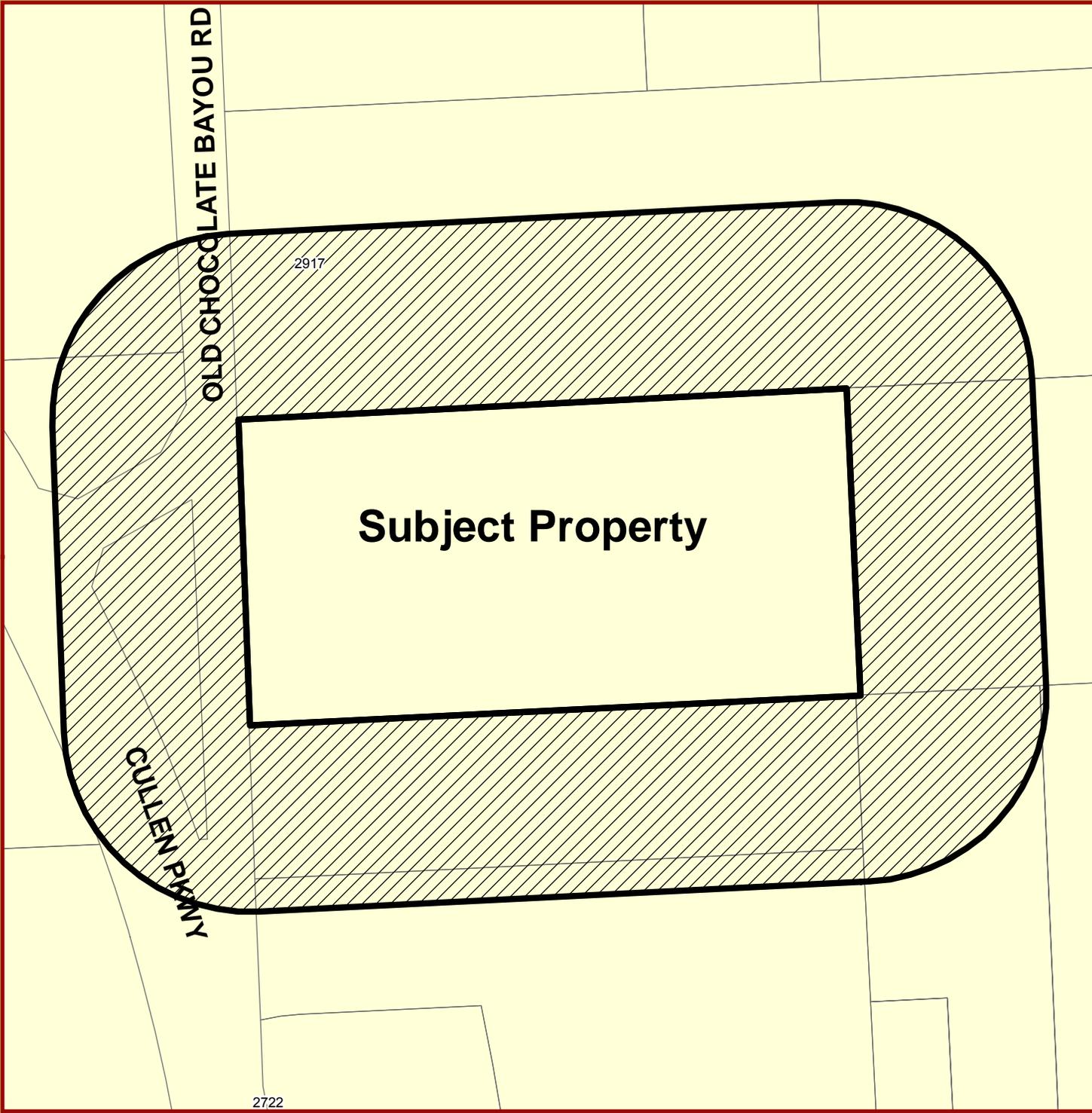


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APRIL 2016  
PLANNING DEPARTMENT





**Exhibit 4**

**NOTIFICATION MAP**

**ZONE 16-00003**

**Near intersection of  
Old Chocolate  
Bayou Rd. and  
Cullen Blvd.**



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1 inch = 155 feet

APRIL 2016  
PLANNING DEPARTMENT



2722

**Exhibit 5**  
ZONE 16-00003

<b>Property_Owner</b>	<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zip</b>
FITE INTEREST LTD % SIGNATURE COMPANIES	9337B KATY FWY	HOUSTON	TX	77024
FITE OFFICE PARK LTD % SIGNATURE COMPANIES	9337B KATY FWY	HOUSTON	TX	77024
G & B REAL ESTATE LTS	PO BOX 3334	PEARLAND	TX	77588
HTA - PEARLAND CULLEN LLC % HEALTHCARE TRUST OF AMERICA INC	16435 N SCOTTSDALE RD STE 320	SCOTTSDALE	AZ	85254
KUBERA INVESTMENTS	6910 DIAMONDLEAF CT	MISSOURI CITY	TX	77459
ONITSUKA EARL M	628 LORETTO DR	ROSEVILLE	CA	95661
<b>R WEST DEVLEOPMENT COMPANY</b>	<b>7918 BROADWAY ST, STE 106</b>	<b>PEARLAND</b>	<b>TX</b>	<b>77581</b>



# City of Pearland Planning Department Universal Application

City of Pearland  
Community Development  
3523 Liberty Drive  
(Community Center)  
Pearland, Texas 77581  
281.652.1765  
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 (from) GB (to) RI
- Cluster Development Plan
- Planned Development Workshop
- Plat (list type): \_\_\_\_\_

- ZBA Variance
- P&Z Variance
- Special Exception
- Conditional Use Permit

\*Plat Types include:  
Minor, Amending,  
Preliminary, Final,  
Master, Replat

### PROJECT INFORMATION:

Residential       Commercial       Property Platted       Property Not Platted

Project Name: Tranquility Lake Estates      Tax ID: To be formed

Project Address/Location: Fitz Road + CR 91 + 89

Subdivision: \_\_\_\_\_ No. of Lots: \_\_\_\_\_ Total Acres: 5

Brief Description of Project: Residential Development

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: (same as owner)

Name: R. West Development Company      Name: \_\_\_\_\_

Address: 7918 Broadway - Ste 106      Address: \_\_\_\_\_

City: Pearland      State: TX      Zip: 77581      City: \_\_\_\_\_      State: \_\_\_\_\_      Zip: \_\_\_\_\_

Phone: (281) 997-1500      Phone: \_\_\_\_\_

Fax: (281) 997-2886      Fax: \_\_\_\_\_

Email Address: Vickie@rwestdevelopment.com      Email Address: \_\_\_\_\_

\*\*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: 3/31/16

Agent's/  
Applicant's Signature: \_\_\_\_\_      Date: \_\_\_\_\_

### OFFICE USE ONLY:

FEES PAID: <u>\$1,025.00</u>	DATE PAID: <u>4/1/16</u>	RECEIVED BY: _____	RECEIPT NUMBER: <u>194762</u>
			APPLICATION NUMBER: <u>2016-06Z</u>

## APPLICATION CHECKLIST FOR THE FOLLOWING: Zoning Change

- 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, printed from the City of Pearland website, indicating the location and boundaries of the subject property.
- Letter of Intent explaining the zone change request in detail, why the zoning is being requested to be changed, and the uses that are being proposed.
- 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, as determined below, 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 zoning district requested
  - 25 to less than 50 acres
    - \$1025.00, plus \$25.00 per each type of zoning district requested
  - 50 to less than 75 acres
    - \$1050.00, plus \$25.00 per each type of zoning district requested
  - 75 to less than 100 acres
    - \$1075.00, plus \$25.00 per each type of zoning district requested
  - 100 acres and above
    - \$1100.00, plus \$25.00 per each type of zoning district requested

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

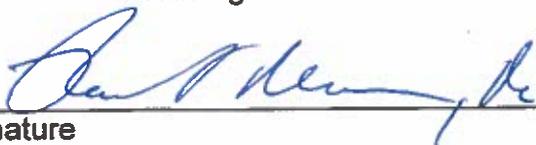
Any person, firm or corporation requesting a zoning change, a conditional use permit (CUP), or a variance shall be required to erect and maintain a sign(s), to be inspected by the City, upon the property for which a variance or zoning change has been requested.

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

3-31-2016  
Date



# **REKHA ENGINEERING, INC.**

**CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS**

## **LEGAL DESCRIPTION**

### **5.0000 ACRES OF LAND LOCATED IN THE H.T. & B. RR CO. SURVEY, ABSTRACT NO. 242 BRAZORIA COUNTY, TEXAS**

Being a 5.0000 acre (217,800 square foot) tract of land located in the H.T. & B. RR Co. Survey, Abstract No. 242, Brazoria County, Texas, said 5.0000 acre tract of land also being out of a called 10 acre tract conveyed to Robert L. Perkins as per an instrument recorded in Volume 1364, Page 135 of the Deed Records of Brazoria County, Texas and being more particularly described by metes and bounds as follows (bearings for this description are based on a previous survey issued by Pro-Surv, Job No. 1507035);

Beginning at a capped 1/2 inch iron rod set for the northwest corner of the herein described tract, same also being in the eastern portion of the right-of-way of County Road 89 and the called southwest corner of a 10 acre tract conveyed to Kubera Investments as per an instrument recorded in Brazoria County Clerk's File No 99-051259;

THENCE South 89°52'30" East, along the south line of the said Kubera Investments tract, same being the north line of the herein described tract; at 15.90 feet pass a 5/8 inch iron rod found for a point in the east right-of-way of County Road 89, a public right-of-way based on a variable width, in all a total distance of 660.00 feet to a capped 1/2 inch iron rod set for the northeast corner of the herein described tract;

THENCE South, across the said called 10 acre tract, a distance of 330.00 feet to a capped 1/2 inch iron rod set in the north line of a called 2.4069 acre tract conveyed to G&B Real Estate LTS as per an instrument recorded under Brazoria County Clerk's File No. 08-057328, for the southeast corner of the herein described tract;

THENCE North 89°52'30" West, along the north line of the said called 2.4069 acre tract and the north line of a called 1.7956 acre tract conveyed to Fite Interest LTD as per an instrument recorded under Brazoria County Clerk's File No. 01-011750, at 644.10 pass a 1 inch iron pipe found for a point in the said east right-of-way, in all a total distance of 660.00 feet to a capped 1/2 inch iron rod set for the southwest corner of the herein described tract;

THENCE North, along the west line of the herein described tract, a distance of 330.00 feet to the PLACE OF BEGINNING, containing 5.0000 acres (217,800 square feet) of land.

**R. WEST DEVELOPMENT COMPANY, INC.**

7918 Broadway, Suite 106

Pearland, Texas 77581

**LETTER OF INTENT**

March 30, 2016



Re: Re-Zoning Letter of Intent

This Letter of Intent is to serve as an indication of our interest in establishing an R-1 Single Family Development on the below referenced property. The general terms are as follow:

**PROPERTY:** A Vacant Tract of land consisting of 5.0492 acres located on old right of way that was re-routed and does not front on either Cullen or Old Chocolate Bayou. Access is limited. (See attached survey). It is behind a commercial tract on Cullen and in a location difficult to see; not suitable for commercial.

**PURPOSE:** Establish a R-1 single family residential development as outlined in the UDC to complete the 7.5 +/- acres fronting Fite Road and west of a 50 acre lake. The tract to the south is vacant as is the tract to the north and east.

**SCOPE:** The planned development is currently consistent with current zoning district regulations for this size and shape tract of land. It is one tract where 5 +/- acres is GB and the 7.5 +/- is R-1.

I have spoken with the owners of the warehouse adjacent to the R-1 but within 250 feet of the property and he has no objection; a letter will follow.

Sincerely,

Renee L. McGuire



# Texas Real-Tax Services, Ltd.

707 Crystal Creek Drive, Austin, TX 78746  
 Phone 512-328-0428 Fax 512-328-1608

TITLE COMPANY **INDEPENDENCE TITLE**  
 OWNER **CLARENCE S ONITSUKA**  
 BUYER **R WEST DEVELOPMENT COMPANY INC**  
 LEGAL DESCRIPTION **LOT 1A1 AND 1A3 HT & B R. R. CO**

GF# **1519705-LPHF** Closer **AJP**  
 Mailing Address **628 LORETTO DR ROSEVILLE CA 95661**  
 Property Address **FTTE RD CR 91 PEARLAND TX**

TAXING JURISDICTION	TAX RATE		W/O EXEMPTION		
<b>PEARLAND ISD (15)</b> 111 E. LOCUST ANGLETON TX 77515 979-864-1320	1.4156	Paid Through 2015	1) \$1,582.78 PAID 11/30/15	2) \$1,981.84 PAID 11/30/15	\$1,582.78
<b>PEARLAND CITY (15)</b> 111 E. LOCUST ANGLETON TX 77515 979-864-1320	0.7053	Paid Through 2015	1) \$788.60 PAID 11/30/15	2) \$987.42 PAID 11/30/15	\$788.60
<b>BRAZORIA COUNTY (15)</b> 111 E. LOCUST ANGLETON TX 77515 979-864-1320	0.426	Paid Through 2015	1) \$476.31 PAID 11/30/15	2) \$596.40 PAID 11/30/15	\$476.31
-	0		1) \$0.00	2) \$0.00	\$0.00
<b>BRAZORIA DRAINAGE #4 (15)</b> COLLECTED WITH COUNTY	0.1555	Paid Through 2015	1) \$173.86 PAID 11/30/15	2) \$217.70 PAID 11/30/15	\$173.86
-	0		1) \$0.00	2) \$0.00	\$0.00
<b>BRAZORIA ROAD &amp; BRIDGE (15)</b> COLLECTED WITH COUNTY	0.06	Paid Through 2015	1) \$67.09 PAID 11/30/15	2) \$84.00 PAID 11/30/15	\$67.09
-	0		1) \$0.00	2) \$0.00	\$0.00
<b>TOTALS</b>			1) \$3,088.64	2) \$3,967.36	\$3,088.64

### EXEMPTIONS

HOMESTEAD  OVER 65  VET  S.S.   
 HISTORICAL  AGRICULTURAL

### NOTES / COMMENTS / SPECIAL INSTRUCTIONS

Property is land only. If issuing on improvement/mobile home contact our office prior to closing. NOTE OWNER: EARL M ONITSUKA

County Acct #1	Billing Number	COUNTY	Acct #2	Billing Number
0242-0007-110	166355	0242-0007-130		166357
Market Land	Improvement	Market Land	Improvement	Mkt Assessed
105750	6060	140000		140000
AG Land	Improvement	AG Land	Improvement	AG Assessed
ACCT1 LEGAL <b>LOT 1A1 2.4033 ACRES</b>		ACCT2 LEGAL <b>LOT 1A3 10.00 ACRES</b>		

### DELINQUENT TAXES

TAX YEAR	JURISDICTION	BASE TAX AMOUNT	With P/I Through	With P/I Through

### HOMEOWNERS ASSOCIATION INFORMATION

Association \_\_\_\_\_ Association \_\_\_\_\_  
 Address \_\_\_\_\_ Address \_\_\_\_\_  
 Phone #/Contact \_\_\_\_\_ Phone #/Contact \_\_\_\_\_

### NOTES / COMMENTS

DUR RECORDS INDICATE NO MANDATORY HOA. PLEASE CHECK COMMITMENT PRIOR TO CLOSING AND CONFIRM.

### NOTES / COMMENTS

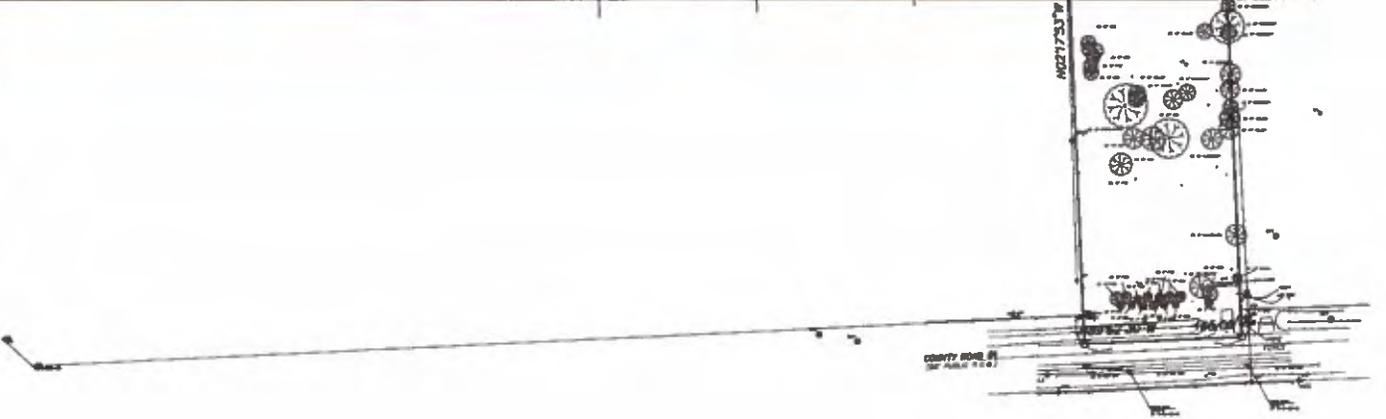
### OFFICE USE ONLY

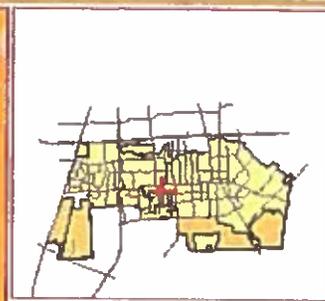
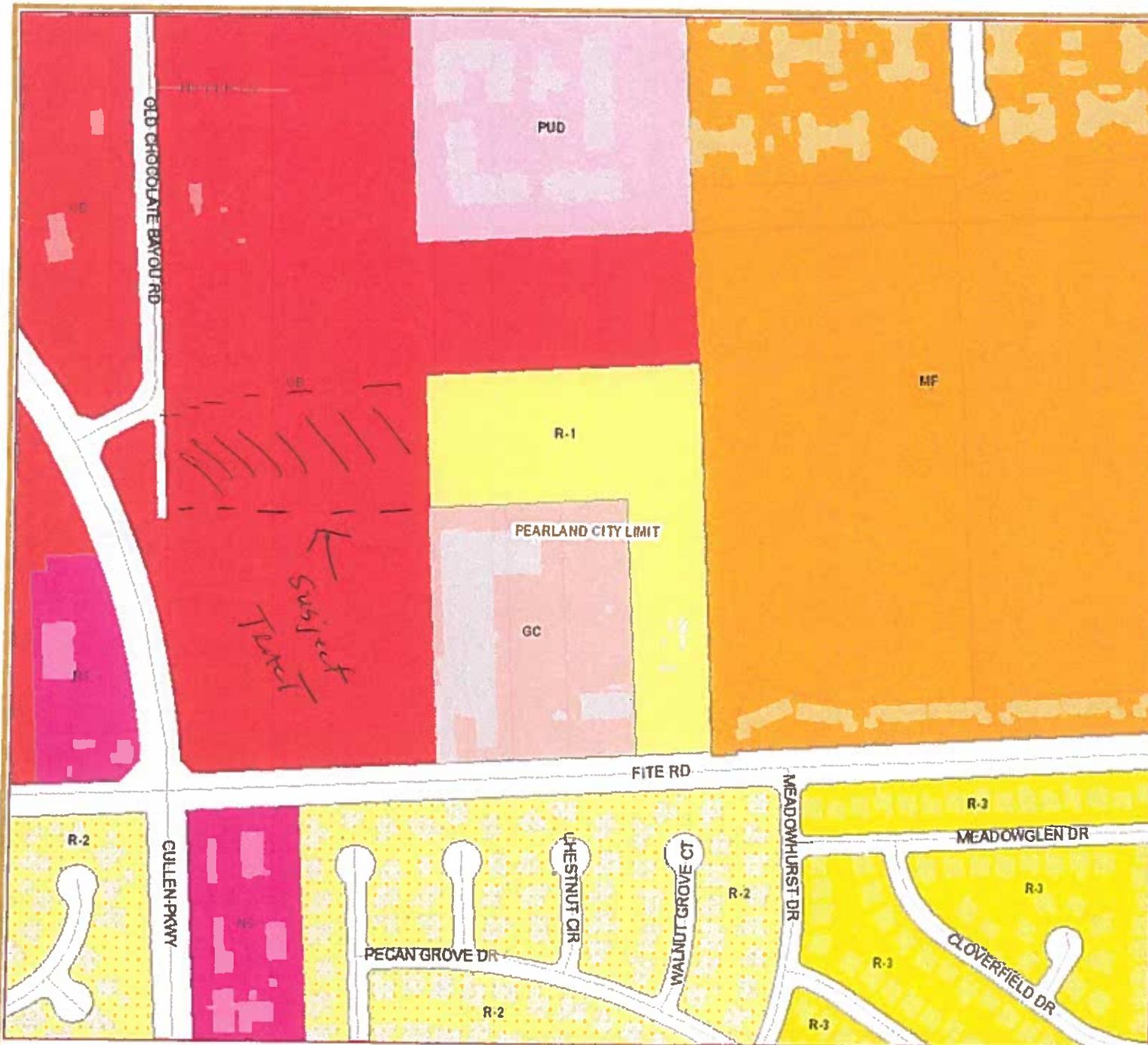
BASE FEE \$65.00  
 ADDN. FEE \$0.00  
 UPDATE FEE \$0.00  
 TAX \$4.39  
**TOTAL FEE \$69.39**

RECEIVED 6/25/2015  
 COMPLETED 1/14/2016



*NOT  
my property*





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Scale 1:4,029  
1 in = 336 ft  
June 18, 2015



OLD CHOCOLATE BAYOU RD

S017

08

08

PEARLAND CITY LIMIT

R-1

GC



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Scale 1:1,200  
1 in = 100 ft  
March 15, 2016











**JOINT PUBLIC HEARING**  
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF  
THE CITY OF PEARLAND, TEXAS,  
**MONDAY, JULY 18, 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. ZONE 16-00009**

A request of Kris Szecsy applicant, on behalf of George Gartner, owner; for approval of a an amendment to the Baks Brewery PD to change the name to Bakfish Brewing Co. PD and to allow a maximum of three food trucks and/or on site food sales from outside vendors during operating hours of the brewery; on approximately 2.939 acres of land.

**Legal Description:** Being a tract of land containing 2.939 acres out of Lots 20, 21 and 22 of the George W. Jenkins Subdivision, in Brazoria County, Texas, according to the map or plat thereof recorded in Volume 2, Page 20, of the Brazoria County, Texas Plat Records.

**General Location:** Northeast corner of Broadway and Shauntel Streets, Pearland, TX.

**III. APPLICATION INFORMATION AND CASE SUMMARY**

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

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**VI. ADJOURNMENT**

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# Staff Report

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: July 7, 2016

Re: Zone Change Application No. ZONE 16-00009

A request of Kris Szecsy applicant, on behalf of George Gartner, owner; for approval of an amendment to the Baks Brewery PD to change the name to Bakfish Brewing Co. PD and to allow a maximum of three food trucks and/or on-site food sales from outside vendors during operating hours of the brewery; on approximately 2.939 acres of land.

General Location: Northeast corner of Broadway and Shauntel Streets, Pearland, TX.

## **Summary of Request**

In 2014, the Baks Brewing PD was approved for the development of a micro-brewery at 1231 Broadway Street. The applicant is now requesting an amendment to the original PD ordinance to allow concessionaires to sell food inside and or outside in either trucks, trailers or under a tent. The brewery does not currently provide kitchen food to their customers. The applicant proposes that at any given time there will be a maximum of three concessionaires, open only during the operating hours of the brewery. No other changes to the PD are proposed.

The City of Pearland does not currently allow food trucks on a regular “permanent” basis but allows the activity through a temporary event permit process which is allowed up to four times per calendar year and all four permits in total are not allowed to exceed sixty days. The property currently has an approved temporary event permit that has allowed them to have concessionaires.

The key features of the applicant’s proposed PD amendment are as follow:

1. Limit the number of concessionaires (combination of trucks or tents) to a maximum of three.
2. Concessionaires will not use the site as a commissary.
3. Concessionaires will not be allowed to leave their equipment or stay overnight on the property.
4. The site plan (Exhibit A) indicates three locations for concessionaires which are outside the fire lane.
5. The site plan indicates that a sufficient amount of parking will be provided for the increased activity.
6. Food handlers follow current Pearland standard for obtaining a “Food Handlers Permit”.

## Recommendation

**Staff recommends approval of the PD amendment with conditions stated below**, for the following reasons:

1. A PD amendment to permit food trucks or trailers and inside food sales on this site will complement the brewery and make this site a destination for residents and tourists, a key objective of the 2015 Comprehensive Plan.
2. This PD amendment to permit food trucks on a single-use site located on a major thoroughfare with adequate buffers from adjoining residential uses, should not have any adverse impact on the surrounding properties.

This amendment is the result of a lengthy dialogue between the City and the business owner to find common ground to regulate and allow concessionaire activity in the form of food trucks and trailers. Staff recommends the following conditions:

1. Remove all references to canopy or tent and clarify the PD is for “food trucks or food trailers”
2. The site will limited to two concessionaires at any given time.
3. This approval may be reevaluated at any time to address any concerns as needed.

Staff finds that an overabundance of outside food concessionaires could detract from the high-quality environment which the City has worked to maintain along Major Corridors if not done on a very limited basis at specific sites in the community.

For instance, in the GB zoning classifications, outside activities are limited to merchandise where the transaction is located in an area adjacent to the structure, or by a special activity limited by time of year (i.e. Christmas tree sales, pumpkin patches, etc.). Food concessionaires in trucks differ in that the preparation of the food occurs completely inside the vehicle.

Staff wishes, and the Planning and Zoning Commission has supported in the past, to balance the interest of brick and mortar restaurants while expanding the ability for unique locations to serve as points of interest for the City. Staff supports this PD amendment to add an amenity to the brewery use which is a unique destination in our community especially for group events. We do not support generally a parking lot being used as a food court that would just be adding a use to an existing use just to increase traffic at a typical retail, trade, or business. The PD may be reevaluated at anytime to address any concerns as needed.

Staff proposes the following text as amendment:

This amendment adds the following definitions and regulations to the Zoning and Land Use section of the current PD.

A concessionaire is person or business who prepares food to sell on-site. A concessionaire may sell food from a truck, trailer, inside the main structure, or under the awning as shown in Exhibit A “the site plan”. No concessionaire will use the site as a commissary. A commissary will be defined as a location that the Pearland Health Officer has deemed to be acceptable to safely prepare food for the transportation to another location off the premises. This location will not act as a commercial kitchen except for the purposes required by the brewery process.

The site will be limited to two concessionaires at any given time regardless of method of delivery. All concessionaires will follow all appropriate Pearland Health regulations and obtain Food Handler’s Permits as required. No concessionaires will be allowed on site during non-business hours or for their vehicle or trailer to remain on the site over-night. Concessionaires will be allowed to serve customers only during normal brewery hours.

A food truck would be the largest concessionaire on site and would take up approximately 200 square feet. Assuming two food trucks would occupy 400 square feet and using the fast food restaurant parking ratio as a guide for calculating parking (1 space per 100 square feet) the addition of two food trucks would generate four additional required spaces. The brewery currently requires 40 spaces. The addition would bring the total to 44 required spaces. The site currently provides 49 spaces.

### **Site History**

The subject property is developed with an approximately 8,753 square foot building, and an approximately 400 square foot accessory building used for storage. The property was annexed into the City of Pearland in June, 1960, and the property was previously occupied by Sunbelt Rentals, a construction equipment and tool rental company. Bakfish Brewing, Co. has been the tenant of the building since the approval of the PD in 2014.

The site is surrounded by a mix of various uses, including Hazeldale Estates to the north, a single family subdivision; and various non-residential uses such as restaurants, a skate center and a strip retail center to the south; undeveloped land directly to the east and a daycare further east; and undeveloped land to the west, restaurants and various other non-residential uses further west. The below table identifies surrounding uses and zoning districts:

	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	Single Family Residential - 3 (R-3)	Hazeldale Estates Single Family Subdivision
<b>South</b>	General Commercial (GC)	Undeveloped Land, Restaurants, Skate Center
<b>East</b>	General Commercial (GC) Office Professional (OP)	Undeveloped, Daycare
<b>West</b>	General Business (GB)	Undeveloped Land

### **Proposal**

The applicant has proposed the following to be added to the Zoning and Land Use section of the original PD:

“In addition to having GB and GC uses, Food trucks and onsite food sales from concessionaires will be allowed. A food truck is defined as a large vehicle or trailer with the facilities for cooking and selling food. Food trucks will be parked on the property in one of three spots as shown in Exhibit A. The building does have a grease trap, but the food trucks/vendors will not use the building as a commissary. All food trucks/vendors will be required to leave the property at the end of the day.

Concessionaires will be either inside the building or under a 10' x 10' canopy in the designated area shown Exhibit A. A concessionaire for the purpose of this PD is a vendor that has a regular retail location that brings food onsite to prepare and sell. The concessionaire will not use the facility as a commissary.

Food will only be available during operating hours of the brewery (M-Th 3-9; F 3-10, Sa 12-10 and Su 12-9). Food will primarily be available on weekends, but we do wish to have the

flexibility to have events on any given day. For example, with the upcoming Super Bowl in Houston a group may wish to rent the facility on a Wednesday and have a food option for their guest. Another example is a Holiday may fall in the middle of the week where we may wish to have food onsite. Another example (which actually happened) is that a guest has a venue booked at another location that gets flooded out. They need to have the flexibility to get into our location and have a food option in under a week, which is quicker than the standard permitting process.

Any food truck or concessionaire will be required to be permitted to work in Pearland, and will show their Pearland Food Handler's Permit before they are allowed onsite. There will never be more than three food trucks and/or concessionaires onsite at any one time.

The largest Food trucks are around 8 feet by 24 feet long which is 192 square feet and a concessionaire would be half that size. Having three of the large food trucks onsite would equate to having 576 square feet of restaurant (fast food). The brewery is required to have 40 parking spaces (1 per 200 square feet) and having the maximum number of large food trucks (1 per 100 square feet) would add 5.76 parking spots which would bring the required parking to 46 required spaces with maximum food trucks. The brewery currently has 49 parking spaces.”

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

The subject property is located within the Retail, Offices and Services Future Land Use Designation, which incorporates neighborhood or convenience shopping centers, or developed or separate uses located on major street intersections, with limited outdoor retail activities, adequate buffers from adjacent single family subdivisions. Appropriate zoning districts include OP, NS, and selected GB uses. The proposed use will generally comply with the Comprehensive Plan, and is similar in nature and compatible to existing uses along Broadway Street. These uses include restaurants with bars, strip retail centers and various other non-residential uses.

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

According to City records, Broadway Street is a Major Thoroughfare to be widened. Major Thoroughfares are defined as having a minimum right-of-way of 120 feet. Broadway Street is in the Corridor Overlay District which allows the City to exercise greater control over aesthetic, functional, and safety characteristics of development along Major Thoroughfares where higher development standards can enhance the City's image as a desirable place to live, work, and shop. Shauntel Street is a local street which requires an ultimate right-of-way of 50 feet. Additional right-of-way will be required along Broadway Street at the time of platting and possibly along Shauntel Street.

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

The property is currently developed as a micro-brewery. While the property is currently zoned as PD, the base zoning is General Commercial (GC) and the development is currently in compliance with the requirements of the PD and the GC zoning district. In addition, a variance was approved by the Zoning Board of Adjustment to allow a reduction of the land area for a non-residential PD.

Food trucks would not be allowed within the City except through a temporary event permit or a PD. The temporary event permit is available to property in the GB or GC zoning districts to enable greater flexibility in commercial activity. This permit is limited to four times a year and a maximum of 60 days. The use of food trucks would specifically be permitted on the subject property through this amendment to the PD. Any regulations approved by this amendment would have to be met.

The lot requirements exceed the lot and setback requirements of the proposed GC zoning district, as indicated in the in the following table.

<b>General Commercial (GC) Area Regulations</b>		
<b>Size of Lot</b>	<b>Required</b>	<b>Proposed</b>
Minimum Lot Size	22,500 sq. ft.	Approximately 128,066 sq. ft.
Minimum Lot Width	150 ft.	Approximately 230 ft.
Minimum Lot Depth	125 ft.	Approximately 500 ft.

### **Platting Status**

The subject property does not have a recognized plat. The property was platted in 1980 as lots 20, 21, and 22 of George W. Jenkins Subdivision. Platting will be required if there was an expansion of 500 square-feet or more in parking or building area. The proposed additional use of food trucks would not trigger the requirement for platting.

### **Availability of Utilities**

The subject property has access to City water and sanitary sewer infrastructure. A 12-inch water line exists along the north side of Broadway Street, and an 8-inch sanitary sewer line runs along the south side of the street.

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

The property is currently zoned Baks Brewing Planned Unit Development (PUD) and abuts GB, General Business district to the west across Shauntel Street, the R-3, Single-Family Residential district to the north across Mary's Creek, and the GC, General Commercial district to the east and south across Broadway Street. The Future Land Use Plan indicates the property to be Retail, Offices, and Services. Surrounding uses along Broadway Street include a mix of uses including restaurants, retail strip centers and various other non-residential uses. The site is currently developed and the applicant does not intend to add any new buildings at this time. With the PD restrictions and conditions recommended by staff, there should be no major impact on existing or future developments. Due to the amount of open space (49%) near the rear of the property along the north side, this area will provide a natural buffer between the brewery and the single family subdivision to the north.

### **Additional Comments**

The request has been reviewed by the City's Development Review Committee (DRC), and there were questions as to the expansion of fixed seating area under the awning generating additional impact fees, the permitting of food trucks in Pearland, and if additional fees would be assessed to the property owner or food truck operator.

### **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**

**ZONE 16-00009**

**1231 E Broadway St**

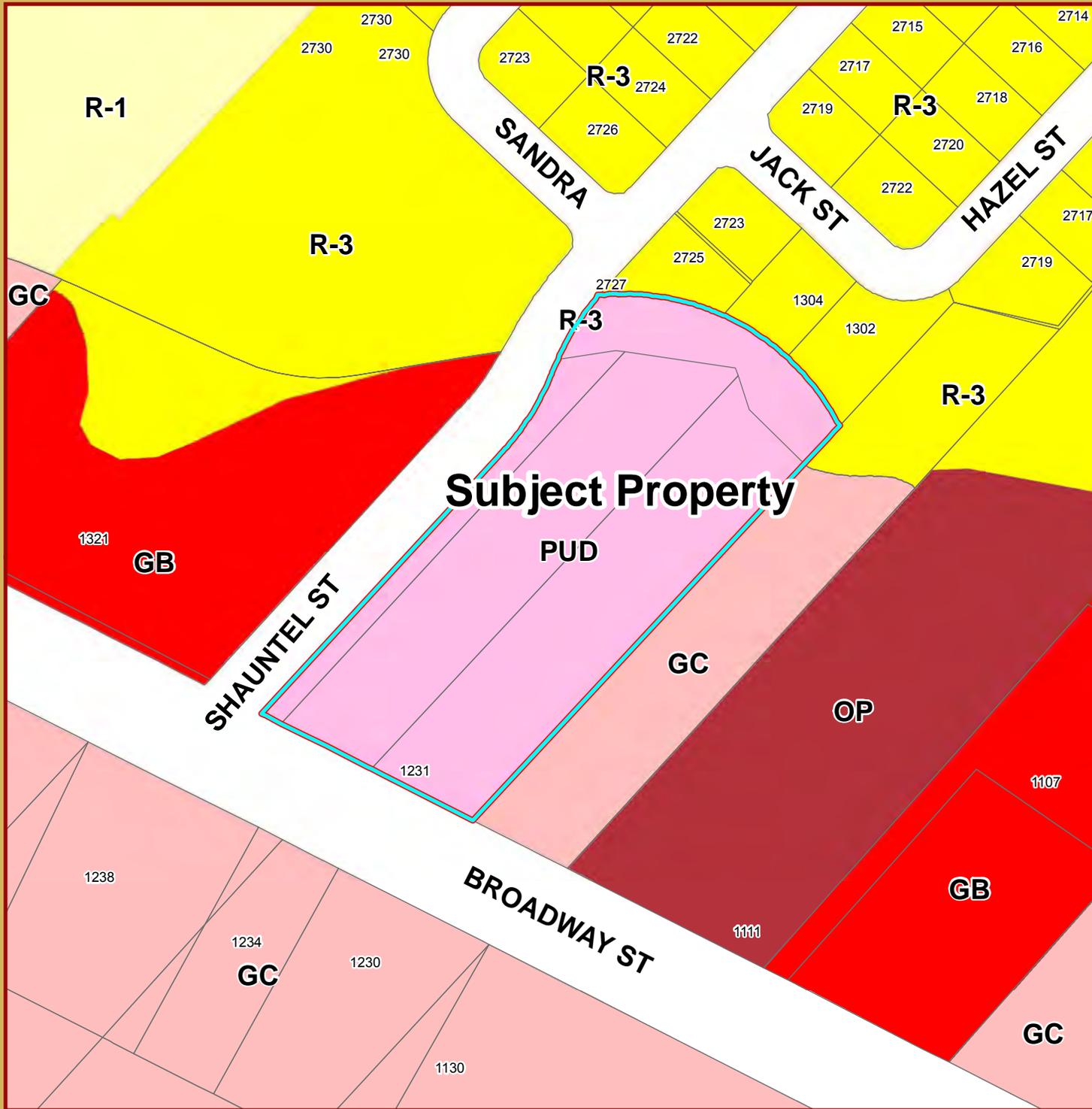


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 139 feet

JUNE 2016  
PLANNING DEPARTMENT





## Exhibit 2

### ZONING MAP

### ZONE 16-00009

1231 E Broadway St

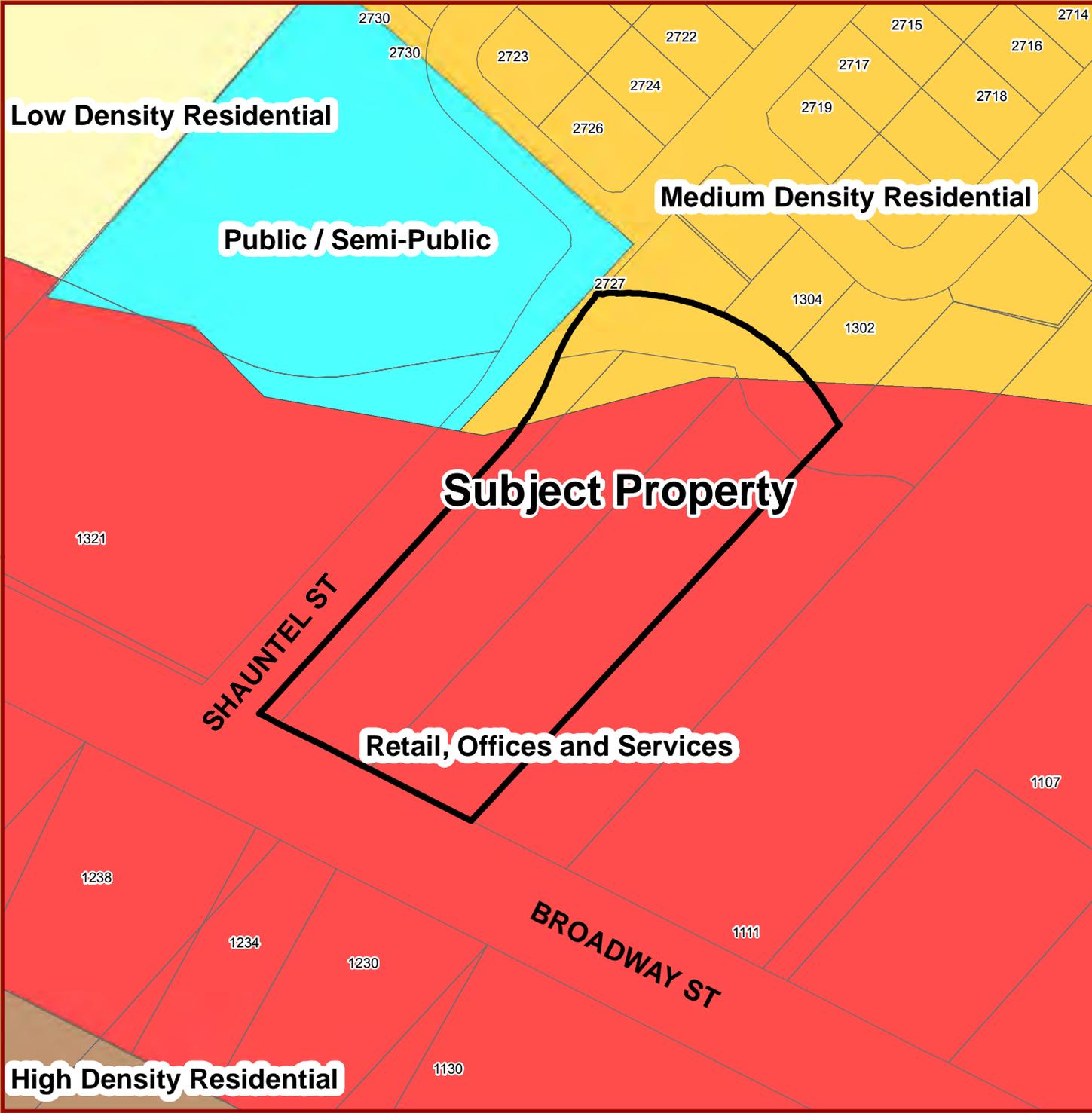


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1 inch = 139 feet

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**Exhibit 3**

**FLUP MAP**

**ZONE 16-00009**

**1231 E Broadway St**

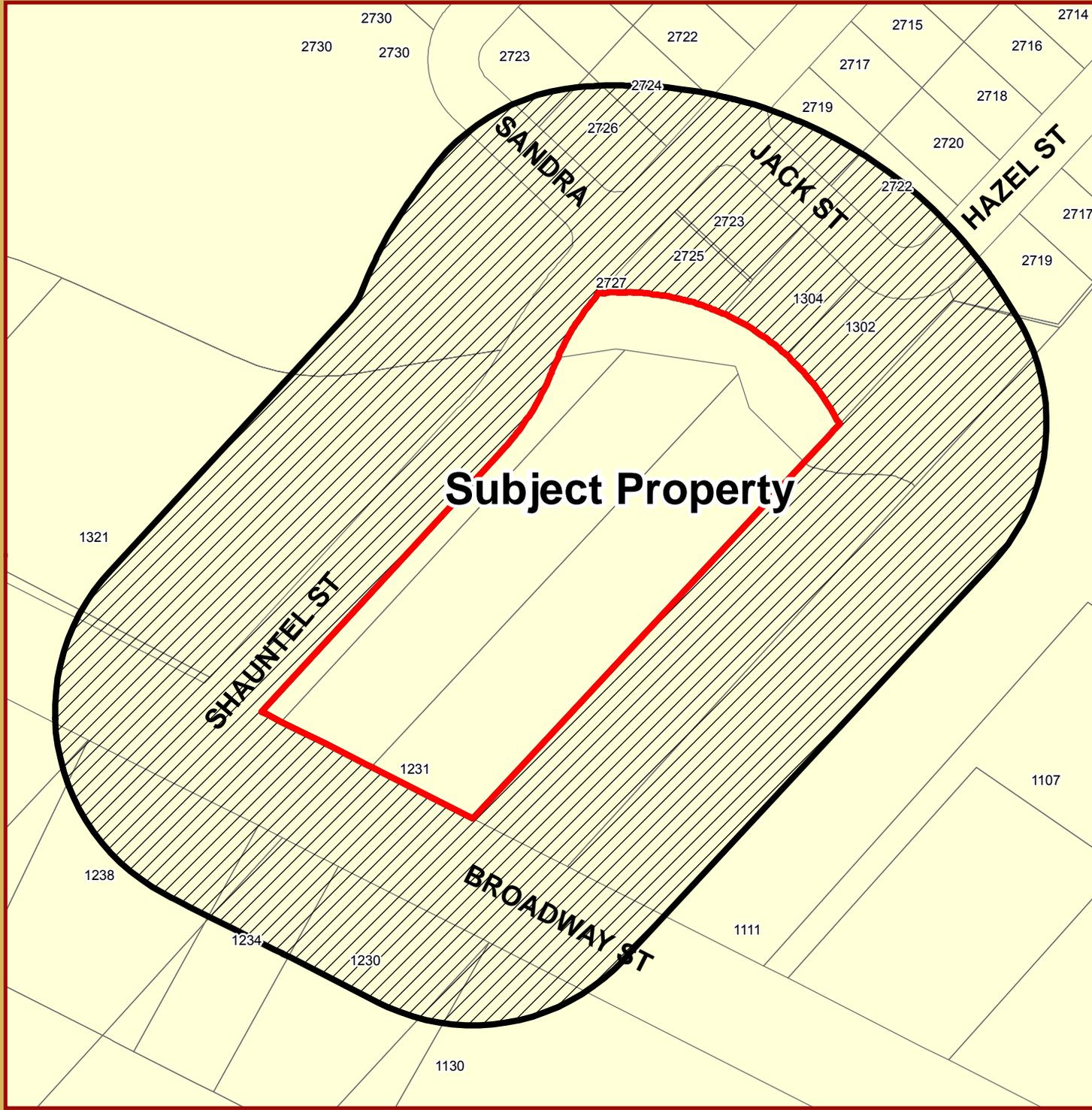


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# Exhibit 4

## NOTIFICATION MAP

### ZONE 16-00009

1231 E Broadway St



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1 inch = 139 feet

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**Exhibit 5**

ZONE 16-00009

<b>PROPERTY_OWNER</b>	<b>ADDRESS</b>	<b>CITY</b>	<b>STATE</b>	<b>ZIP_CODE</b>
ACHOUR BECHIR	2730 LEROY ST	PEARLAND	TX	77581
BEAN JENNIFER H & BRENT D	2722 HAZEL ST	PEARLAND	TX	77581
BELKANP PETER W & LINDA G	2723 SHAUNTEL ST	PEARLAND	TX	77581
BOYKIN DIXIE L	3703 W PINE ORCHARD DR	PEARLAND	TX	77581
BURGE-MAREZ NAOMI DELORA	2726 SHAUNTEL ST	PEARLAND	TX	77581
CLEMMONS LAURIE G	1111 BROADWAY ST	PEARLAND	TX	77581
DOCKSIDE THREADING INC				
EAVES JONATHAN	2719 HAZEL ST	PEARLAND	TX	77581
FLOYDS PEARLAND DEVELOPMENT INC	1300 BROADWAY ST	PEARLAND	TX	77581
<b>GARTNER INTEREST LTD</b>	<b>2433 MAX RD</b>	<b>PEARLAND</b>	<b>TX</b>	<b>77581</b>
HENDERSON CLARENCE J & VERONICA M	2725 SHAUNTEL ST	PEARLAND	TX	77581
HOBBS HELEN MERRITTIA	2722 SHAUNTEL ST	PEARLAND	TX	77581
JRC 1300 LLC	6307 WASHINGTON AVE	HOUSTON	TX	77007
MAULDIN TROY L & LOIS	1302 JACK ST	PEARLAND	TX	77581
MOORE MARTIN R	2404 LONGWOOD DR	PEARLAND	TX	77581
NGUYEN MY	8372 SANDALWOOD CIR	WESTMINSTER	CA	92683
OLALDE FRANCISCO & MELVINETTE	1304 JACK ST	PEARLAND	TX	77581
RIVERA PEREZ RAFAEL A & MARIA D CRISPIN	2723 LEROY ST	PEARLAND	TX	77581
RIVERWALK RETAIL	3100 S GESSNER, SUITE 115	HOUSTON	TX	77063
<b>SZECSY KRIS</b>	<b>1231 E BROADWAY ST</b>	<b>PEARLAND</b>	<b>TX</b>	<b>77581</b>



# City of Pearland Planning Department Universal Application

City of Pearland  
Community Development  
3523 Liberty Drive  
(Community Center)  
Pearland, Texas 77581  
281.652.1765  
281.652.1702 (fax)  
pearlandtx.gov

Please complete each field - incomplete applications will not be accepted. All applications, including the checklist, must be submitted in electronic format as a PDF and provided by email, USB / CD. 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 (from) PD (to) PD  
 Cluster Development Plan  
 Planned Development Workshop  
 Plat (list type): \_\_\_\_\_

- ZBA Variance  
 P&Z Variance  
 Special Exception  
 Conditional Use Permit

\*Plat Types include:  
Minor, Amending,  
Preliminary, Final,  
Master, Replat

### PROJECT INFORMATION:

Residential  Commercial  Property Platted  Property Not Platted  
 Project Name: BAKFISH Brewing Co Tax ID: 35-2489657  
 Project Address/Location: 1231 E Broadway  
 Subdivision: \_\_\_\_\_ No. of Lots: \_\_\_\_\_ Total Acres: 2.94  
 Brief Description of Project: Change in allowed uses - Addition of Food Truck as allowed use

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: George Gartner  
 Address: 2433 Max Rd  
 City: Pearland State: TX Zip: 77581  
 Phone: 281-997-3500  
 Fax: 281-997-3610  
 Email Address: info@gartnercoatings.com

### APPLICANT/AGENT INFORMATION:

Name: Kris Szecsy  
 Address: 1231 E Broadway  
 City: Pearland State: TX Zip: 77581  
 Phone: 281-908-0853  
 Fax: N/A  
 Email Address: kris@bakfishbrewing.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: 5/31/16

Agent's/  
 Applicant's Signature: \_\_\_\_\_ Date: 5/27/16

### OFFICE USE ONLY:

FEES PAID:	DATE PAID:	RECEIVED BY:	RECEIPT NUMBER:
Fees will be accepted by phone or in person. Please contact 281.652.1765 for instructions.			APPLICATION NUMBER:



**BAKS Brewing Management, LP.  
(Dba BAKFISH Brewing Co)  
Planned Development (PD)  
for City of Pearland**

## Summary

The Following PD is an addendum to the original PD (Ordinance No. 2000M-118) that was Approved on the 29<sup>th</sup> of September 2014. The PD is identical in wording with the exception of the following passage which has been added to the Zoning and Land Use section under the subsection Base Zone Description.

“In addition to having GB and GC uses, Food trucks and onsite food sales from outside vendors will be allowed. Food trucks will be parked on the property in one of 3 spots as shown in exhibit A. Food vendors will be either inside the building or under a 10 x 10 canopy in the designated area shown exhibit A. Food will only be available during operating hours of the brewery (M-Th 3-9; F 3-10, Sa 12-10 and Su 12-9). Any outside food vendor will be required to be permitted to work in Pearland, and will show their credentials before they are allowed onsite. There will never be more than 3 food trucks and/or food vendors onsite at any one time.”

Exhibit A may be found at the end of this document.

The Industry Overview section and a few of the pictures were removed from this version as well.

The end goal is to get the city to allow food trucks on our property to help allow our customers to be responsible and have some food if they feel that they may have had too much to drink, or give another non-alcoholic beverage option.

## Description of the Subject Property

Subject property is located at 1231 Broadway Street, in Pearland, Texas. It sits on 2.94 acres of which approximately half is developed and fenced and contains the primary building which is  $\pm$  8,753 SF total. This building includes a 2,000 SF showroom, 849 SF Office/s and 5,144 SF warehouse. Within the developed fenced area is an additional 1500 SF wash bay and 400 SF storage building. Besides facing Broadway, Shauntel Street runs adjacent to the property. The back section of the property is undeveloped green area which borders along Mary's Creek.



## **PROPOSED DEVELOPMENT DESCRIPTION**

The proposed development will be to convert the use of the building to a working production craft brewery with a public taproom (Think: wine tasting room).

## **COMPANY DESCRIPTION**

BAKS Brewing Management Inc. is a privately held corporation owned and managed by its founders, Brian Allen and Kris Szecsy. The business of the company is the production of quality, fresh, flavorful beer for the local market. BAKS believes that when looking at local breweries around the Houston area there are very few options for the Southern Houston region. Pearland is not only the town where Brian grew up, but with its growth over the last 10 years, it provides a prime market that can and will support a local brewery.

BAKS Brewing will initially produce five different styles of beer and a non-alcoholic root beer. These styles include: a Belgian Texas Blonde, American Pale Ale, Session India Pale Ale (IPA), Porter and American IPA. These products will be distributed in kegs to licensed retail outlets. The beers of the BAKS Brewing Company will be sold to bars and restaurants in the greater Pearland area with our initial focus being on the communities south of downtown Houston, including Pearland, Friendswood, Clear Lake, League City, Alvin, Webster, Kemah, Dickinson & Galveston.

BAKS Brewing will produce beer with a 20 barrel, stainless steel brewing plant. Production capacity of our 20-barrel plant with five fermenters is approximately 5000 barrels a year (1 barrel equals 31 gallons, which equals two standard 15.5-gallon kegs).

BAKS Brewing will have a tap room where customers may come to view and tour the operation of the brewery. They will also be able to purchase our beers at retail prices for both on-site consumption and beer to go in the form of growler fills (and eventually 6-packs & 22oz. bottles). Promotional merchandise with our name/logo such as pint glasses, t-shirts and growlers will also be sold.

Additionally, BAKS will have a dedicated area within the actual brewery warehouse that will be available for rental and special events, such as corporate meetings, wedding receptions and fund raising events.

BAKS will also provide scheduled tours of the brewery that will give an intimate and hands on experience. These tours will be reserved in advance and will take place with one of the owners or brewers. The tours will allow patrons to see, experience and taste the complete brewing process. They will be able to sample the ingredients (ie. Malt, hops, etc.), that go into making the beer as well as sample the beer at different stages of fermentation. We will be able to help educate them on the actual process of making the beer.

# **POTENTIAL IMPROVEMENTS & BENEFITS**

## **PROPERTY IMPROVEMENTS AND BENEFITS**

- Improved landscaping - will not only improve and add additional landscaping where available (currently most green area in and directly surrounding the property is already landscaped) but will add a row of shrubs along back fence to add one more layer of concealment from residential neighborhood
- Improved building façade - will cover the metal exterior with stucco, masonry or stone
- Will include a small rental area inside of the brewery (but separated from any brewing equipment) for event rentals such as birthdays, wedding receptions, corporate functions, etc.)
- New sprinkler system for both warehouse and retail area (tap room)
- Minimal building changes and renovations required to support the brewery - some minimal cosmetic improvements made to the front retail area to convert it to the tap room, installing trench drains are all that is required
- Improved green (outdoor) area behind property by adding seating & picnic nodes
- Will add a trail connecting to the proposed hike & bike trail to the brewery and will provide an area to park bicycles
- Will add park benches to green area between brewery and hike & bike trail

## **NEARBY AREA BENEFITS**

- Green area behind property will be maintained as a buffer to residential community located on the opposite side of Mary's Creek
- Will add an additional line of shrub coverage (eg. Large wax myrtles) along the outside of the back property fence
- Will support local eating establishments as we do not serve food and patrons will want some place to eat before/after visiting the tap room.
- Will also work with local area Pearland dining establishments to create custom beers based on their style preference
- Heavy equipment and large truck traffic will decrease as we will only have 1 small refrigeration truck stop by for loading/unloading kegs 1-2 times a week

## **OVERALL CITY BENEFITS**

- Additional tourism and related financial benefit for Pearland (Saint Arnold Brewery is currently a top 10 tourist destination for Houston)
- Hike & Bike Trail destination
- Additional tax dollars
- A destination for local residents seeking entertainment other than just a restaurant
- Pearland will have its own brewery producing and selling craft beer to the greater Houston area

## **Land Acreage Description**

The attached site survey shows the total property acreage to be 2.9388

## **PD Purpose & Intent Statement**

The purpose and intent of the PD established is to allow a new use 'Manufacturing, Industrial Storage or Assembly Process Not Prohibited by Law' (which has been identified by the city as the most appropriate) on this property which is currently zoned as General Commercial (GC).

This new use is described as a facility that houses manufacturing, storage, and assembly operations including, but not limited to, beverage plant, fabrication, metal finishing, foundry, ice plant, machine shop, mill, printing plant, publishing and bindery plant, masonry products manufacturing, refinery for nonagricultural products, food products, processing and packaging plant, and precision instruments manufacturing.

This use is not permitted by right in the GC zoning district and thus would require a zone change to operate. Based on this information and guidance from the city's planning/zoning department, the applicant determined the best path forward would be to apply for a Planned Development to operate a small craft brewery.

## **POSSIBLE CITIZEN'S CONCERNS**

- Increased traffic into neighborhood located behind property.

There is only one access gate onto Shauntel that would allow patrons to drive into the neighborhood. BAKS will post signage on both sides of the gate upon exiting that states: "DO NOT TURN RIGHT NOT A THRU STREET". This should eliminate the majority, if not all traffic from accidentally turning into the neighborhood. We will also close this gate when not needed to limit any traffic from entering/leaving our property via the Shauntel street entrance.

- Patrons being able to see, watch or speak to people (employees or children) located at the business and home two lots over BAKS will install (2) gates approximately 6' high blocking all traffic from entering the property on the east side and north side of the building. (see attached site plan for proposed gate locations) This will prohibit any and all traffic from being able to see, watch or speak to anyone else outside the property.

Additionally, the outdoor seating area is located adjacent to the building on the opposite side of the business which prevents any chance of anyone seeing or speaking to anyone else outside the property.

- Smells

The only smell produced by brewing beer is the smell of boiling grain to produce wort. The smell is not unpleasant and is similar to cooked oatmeal. Additionally, the smell will be contained and dispersed within the warehouse.

### **Additional Community Involvement**

We will work with other local Pearland businesses to help promote both enterprises. For instance, we have spoken with the owners of Pearland Coffee Roasters about providing roasted coffee beans to be used in specialty beers such as a coffee porter.

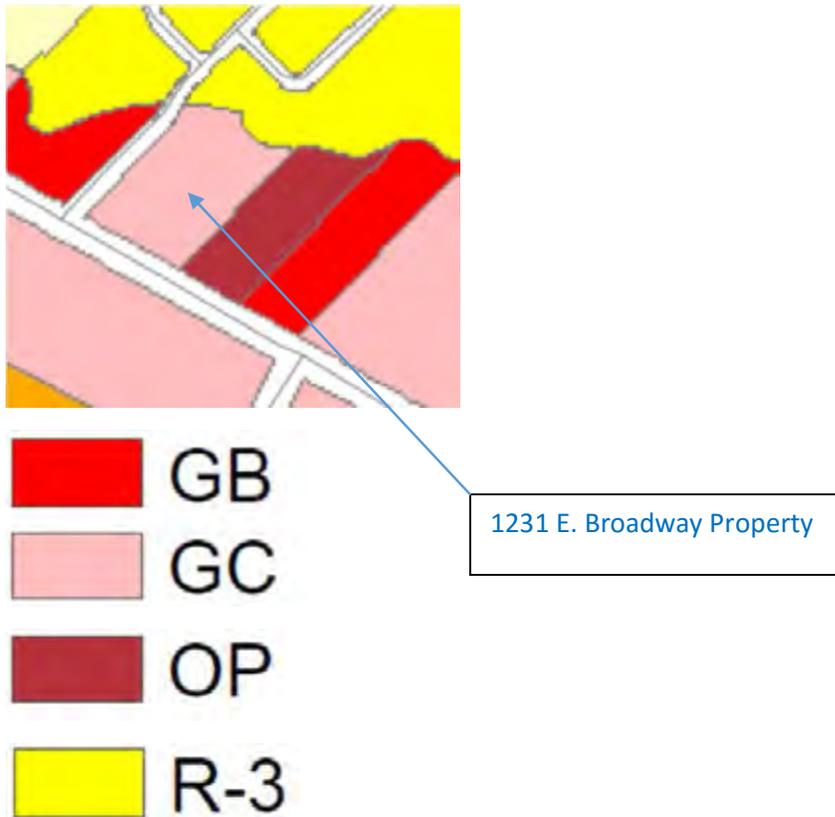
One of the only byproducts from brewing is spent grain (the grain that we have boiled to produce wort). This makes great livestock feed and generally, breweries work with local farmers to pick up and use the spent grain. We have spoken with the Agriculture Department of the Pearland Independent School District and will work with them (Hunter Morgan) to provide our spent grain at no cost to students to use for their livestock.

Lastly, we plan to hire locally and provide jobs for Pearland. Our first and currently only employee (part-time bookkeeper) is a Pearland resident.

# ZONING & LAND USE

## Existing zoning district and boundary description

The property is currently zoned as a General Commercial District (GC) which 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 uses. The front South West property line runs along a major thoroughfare, West Broadway, on which the other side is also zoned 'GC' (and includes a restaurant). The North West property line runs along Shauntel Street, on which the opposite property is zoned as 'General Business Retail District (GB). The North East property line runs along Mary's Creek, for which the District on the other side is zoned as a Single-Family Residential-3 (R3). Lastly, the South East property line runs adjacent to a property which is zoned as Office & Professional District (OP).



## Base zone description

The base zone to be overlaid will be GC.

This zone will encompass the entire property which has the same district boundaries as mentioned above, “The front South West property line runs along a major thoroughfare, East Broadway, on which the opposite side property is also zoned ‘GC’. The North West property line runs along Shauntel Street, on which the opposite property is zoned as ‘General Business Retail District (GB). The North East property line runs along Mary’s Creek, for which the District on the other side is zoned as a Single-Family Residential-3 (R3). Lastly, the South East property line runs adjacent to a property which is zoned as Office & Professional District (OP).”

In addition to having GB and GC uses, Food trucks and onsite food sales from outside vendors will be allowed. Food trucks will be parked on the property in one of 3 spots as shown in exhibit A. Food vendors will be either inside the building or under a 10 x 10 canopy in the designated area shown exhibit A. Food will only be available during operating hours of the brewery (M-Th 3-9; F 3-10, Sa 12-10 and Su 12-9). Any outside food vendor will be required to be permitted to work in Pearland, and will show their credentials before they are allowed onsite. There will never be more than 3 food trucks and/or food vendors onsite at any one time.

**Use Acres Percentage of Total Acres Zoning District**

Use	Acres	Percentage of Total Acres	Zoning District
Single Family	n/a	n/a	
Multiple Family	n/a	n/a	
General Business/Commercial	1.5	50	GC w/PD
Parkland to be dedicated to the city	n/a	n/a	
Common Open Spaces/Trails/Recreation	1.44	49	GC w/PD
Detention	n/a	n/a	
Thoroughfares/ROW	n/a	n/a	
Internal Streets/Vehicular Circulation	n/a	n/a	
Other	n/a	n/a	

## DESIGN STANDARDS

All zoning standards not expressly set forth for the district in the adopting ordinance shall be as provided in the base zoning district(s), and that any standard in this ordinance that has not been expressly varied in the adopting ordinance shall be applicable to subsequent development permits for land within the PD district. The following standards will be improved to meet both the ‘GC’ and ‘Corridor Overlay District’ UDC requirements:

- **Building Facade** - we will cover the existing metal facade with stucco in a neutral color (from the approved color palate) to match the existing brick. See attachment for rendering.
- **Signage** - Once the building facade has been covered will install sign with our company name that is not more than 15% of surface area. We will also update the existing monument sign which is also within the COD UDC requirement (ie. replace Sunbelt with BAKS)
- **Landscaping** - The current landscaping exceeds the UDC COD requirements, but we will replace all dead and diseased trees and shrubs, as well as lay all new mulch and ensure the installed irrigation system is working correctly.
- **Screening/Fencing** - The entire property (excluding open green area) is fenced with a 6’ black rod iron fence which is surrounded by additional landscaping. We will fix and replace any bent or damaged fencing as well as plant additional trees along the back of the property fence for additional screening.
- **Lighting** - All current (3) light poles on the property along with building lighting will be inspected and updated to meet current COD Standards

The following standards **exceed** both the ‘GC’ and ‘Corridor Overlay District’ UDC requirements:

- **Green Area** - BAKS Brewing currently provides approximately 49% of its property as green area and we plan for it to remain that way. Almost half of the property is an open green area (outside of the property fence) located at the rear of the property which end long Mary’s Creek. BAKS intends to promote the green area in support of the city’s proposed hike & bike trail by adding seating and picnic nodes, additional bench seating and a compacted gravel trail connecting the hike & bike trail to the rear of the brewery, where we will locate a (lockable) gate to provide access onto the brewery. We will also install a security camera to monitor traffic and provide an additional level of security
- **Bicycle Parking** - BAKS will have at least (2) separate bicycle parking facilities; one in front and one located at the back of the property where there will be a gate and pathway connecting the brewery to the city’s proposed hike & bike trail. BAKS will also support and promote local running and biking

PD Districts are “intended to encourage flexible and creative planning and property development” and this PD is for an existing property that already meets most of the standards. We understand that “the Corridors Overlay District (COD) is intended to help the City exercise greater control over the aesthetic, functional and safety characteristics of development along newly constructed major thoroughfares within the City where higher development standards can effectively enhance the City’s image as a desirable place to live, work, and shop.”

Due to the existing layout with existing parking lot, fence, irrigation system and landscaping that exceeds COD Standards, as well as several utility connections (including: AT&T box with 6 surrounding bollards, storm water access, fire hydrant, light pole, water line access and waste water lift station), we are proposing to build the sidewalk within the TxDOT ROW similar to what was done (2) lots down. We will work within the area to provide a 6' wide side walk and are currently working with Johnson Traffic Engineers for the TxDOT application. (See attachment for graphical presentation).

Additionally, where our sidewalk will end at the east end of property, there is only approximately 1100' to the end of the city limits.

Standard	GC/COD Requirement	PD Deviation
parking spaces	One space for each 1.5 employees = 4.5 spaces	We will exceed by providing 33 spaces that meet UDC standards
Sidewalk	6' wide, 6' separation from back of curb with 80% curved alignment	Due to existing conditions sidewalk will be 6' wide and constructed within TxDOT ROW but will not provide 6' separation from curb nor 80% curved alignment
Use	Does Not Allow for 'Manufacturing, Industrial Storage or Assembly Process Not Prohibited by Law'	Allows for 'Manufacturing, Industrial Storage or Assembly Process Not Prohibited by Law'
Landscaping	<ul style="list-style-type: none"> <li>- 15% of gross lot area shall consist of landscaped open areas</li> <li>- Large shade trees (2") caliper for each (10') of frontage = 78" for 386' frontage</li> <li>- Ornamental trees (1") caliper for each (15') of frontage = 26" for 386' frontage</li> </ul>	<p>We will exceed standard with ~50% of area for landscaped open areas</p> <p>We will exceed standard with 94" tree calipers on 386' of frontage</p> <p>We will exceed standard with 65" tree calipers on 386' of frontage</p> <p>Large undeveloped green area in back of property provides an additional 40+ shade trees 20' - 50' in height</p> <p>Will support future Hike &amp; Bike trail along Mary's Creek by connecting to it with a path and providing seating/picnic nodes</p>
Bicycle Parking	Amount equal to 5% of total parking spaces	We will exceed standard with an amount of 20% of total parking spaces provided for bicycle parking

# SCHEDULE

PD is approved  
Lease is signed

## Month 1

- Brewing equipment is ordered
- Apply for TABC & TTP Licenses

## Months 1-3

- 450 SF cold room assembled and attached to back of warehouse
- Trench floor drains are installed in the warehouse
- Sprinkler system installed in warehouse and public area (Tap room)
- Electrical and plumbing provisions are made to support forthcoming brew system
- Showroom is renovated to support the tap room
- Landscaping improvements are made
- Stucco is added to exterior of building
- Sidewalk is constructed in front of property

## Month 4

- Brew system arrives and is installed
- Building inspections approved
- New signage goes up

## Month 5

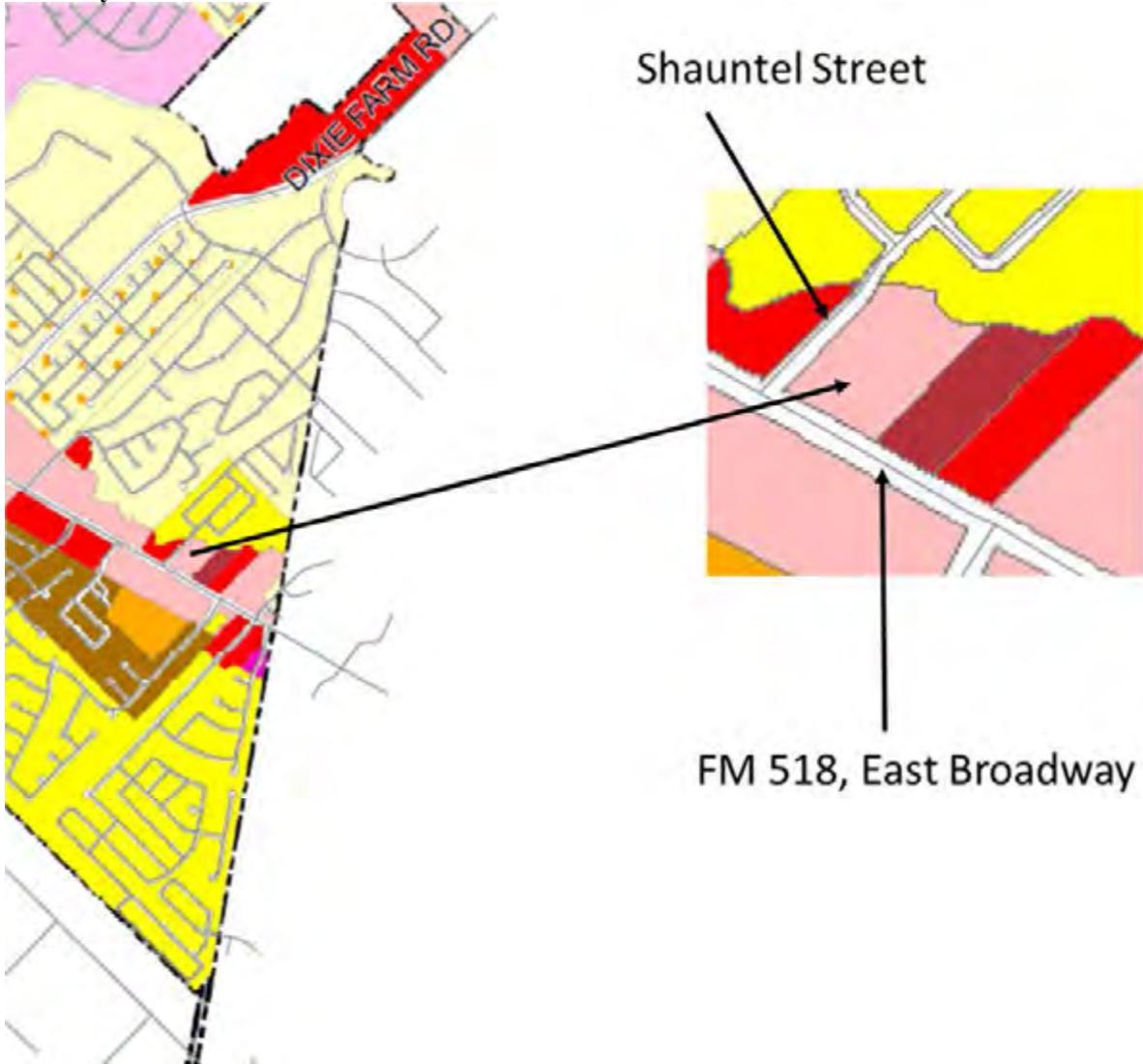
- Grand Opening.... Beer is made and happily served to excited customers!

## Month 6

- Picnic and seating nodes are added to undeveloped green area. A trail and bicycle parking will be added once the city has constructed the Hike & Bike trail along Mary's Creek in order to maximize the location and layout of the trail to best serve the public.

# PARCEL MAP

1231 E Broadway



LINE	BEARING	DISTANCE
L1	S 87°19'43" E	120.73'
L2	S 70°15'36" E	68.59'
L3	S 47°57'43" E	59.88'
L4	S 38°23'24" E	39.33'
L5	S 58°32'30" E	7.89'

Exhibit A



SCALE: 1" = 30'

BEING a 2.939 acre tract out of Part of Lot 20, Lot 21 and Lot 22, of Block 3 of the George W. Jenkins Subdivision, in Brazoria County, Texas, according to the map or plat thereof recorded in Volume 2, Page 20, of the Brazoria County Plat Records, and being more particularly described by metes and bounds as follows:

BEGINNING at the Southeast corner of a tract conveyed to Hazeldale Construction, in Volume (84)10, Page 459, Brazoria County Official Records, said point being on the North line of Broadway, a 100 foot right-of-way, also-known-as Farm to Market 518, said point being marked by a found "X";

THENCE North 45°35'04" East, a distance of 448.85 feet, to the the centerline of Mary's Creek and a found "X";

THENCE with the center line of Mary's Creek as follows:

- South 87°19'43" East, a distance of 120.73 feet;
- South 70°15'36" East, a distance of 68.59 feet;
- South 47°57'43" East, a distance of 59.88 feet;
- South 38°23'24" East, a distance of 39.33 feet;

South 58°32'30" East, a distance of 7.89 feet to the West line of a tract conveyed to Bruce Bristol in Volume 1010, Page 162 of the Brazoria County Deed Records;

THENCE South 45°35'04" West, following the West line of said Bruce tract, a distance of 492.73 feet, to the North line of said Broadway, and a found 1/2 inch rod;

THENCE North 59°36'42" West, following the said North line of Broadway, a distance of 265.98 feet to the point of beginning, and containing 2.939 acres (128,016 square feet) more or less.

49 Parking Stall  
1 Handicapped Stall

Light Pole	Grade Inlet
Flag Pole	Fire Hydrant
Drainage Manhole	Water Valve
Telephone Box	Tree
Electrical Box	Bush
Power Pole	Handi Cap Stall
Over Head Utility Lines	

Survey of a 2.939 acre tract out of Lots 20, 21, and 22 of the George W. Jenkins Subdivision, in Brazoria County, Texas, according to the map or plat thereof recorded in Volume 2, Page 20, of the Brazoria County Plat Records, and being more particularly described by metes and bounds hereon.

I hereby certify that on the below date, the herein described property, together with improvements located thereon, was surveyed on the ground and under my direction, and that this map, together with dimensions as shown hereon, accurately represents the facts as found on the ground this date.

Stephen C. Blaskey  
Registered Professional  
Land Surveyor No. 5856



SURVEY DATE: JULY 1, 2016  
FILE No.: BAKS  
DRAFTING: bsh  
JOB No.: 16-BAKS



801 HARBORSIDE DRIVE  
P.O. BOX 16142 (mailing)  
GALVESTON, TX 77552  
ph (409) 740-1617  
Registration Number: 10193855  
www.hightidelandsurveying.com

NOTES:  
1) This property does lie within the 100 Year Flood Plain as established by the Federal Emergency Management Agency.  
2) This property is subject to any restrictions of record and may be subject to setbacks from power lines as established by OSHA (call your power company).  
3) Bearings based on Monumentation of Center line of Shauntel Street, being a found "X" at the North Line of Broadway, and a found "X" at the center line of Mary's Creek.  
4) Surveyed without benefit of a Title Report.