



JOINT PUBLIC HEARING
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF
THE CITY OF PEARLAND, TEXAS,
MONDAY, MARCH 21, 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. 2016-01

A request of James Elmore, applicant; on behalf of A & A Business, owner; for approval of a Conditional Use Permit (CUP) to allow for gasoline station and convenience store in the General Business (GB) zoning district; on approximately 0.8767 acre portion of land that is part of a 3.3825 acre tract, Pearland, TX

Legal Description: A tract or parcel containing 0.8767 acre portion of a 3.8325 acre tract of land situated in the Thomas J. Green Survey, Abstract 198, in the City of Pearland, Brazoria County, Texas.

General Location: NE Corner of Broadway Street and Alexander Lane, 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: March 21, 2016

Re: Conditional Use Permit Application No. 2016-01

A request of James Elmore, applicant; on behalf of A & A Business, owner; for approval of a Conditional Use Permit (CUP) to allow for gasoline station and convenience store in the General Business (GB) zoning district on approximately 0.8767 acre portion of land that is part of a 3.3825 acre tract, Pearland, TX.

General Location: NE corner of Broadway Street and Alexander Lane, Pearland, TX.

Summary of Request

The applicant is requesting approval of a Conditional Use Permit (CUP) to construct a gasoline station in a General Business (GB) zoning district on the northeast corner of Broadway Street and Alexander Lane. The proposed gasoline station includes a 4,000 square foot convenience store. Gasoline stations in the GB district require approval of a CUP to determine if there will be negative impacts on surrounding properties.

Recommendation

Staff recommends approval of the requested CUP on the approximately 0.8767 acre portion of the site to allow a gasoline station use for the following reasons:

1. This portion of the property is currently zoned General Business (GB) which is in conformance with the Future Land Use Plan designation of "Retail, Offices and Services."
2. It is not anticipated that the proposed change in zoning will have significant negative impacts on surrounding properties or developments as the CUP allows conditions to be placed to mitigate any negative impacts.

3. A CUP is required for all gasoline stations located in a GB zoning district. All requirements of the UDC will be met for any future redevelopment and expansion on the site. Screening and buffering, as well as new zoning/land use definitions as determined by City staff will protect the health, safety and welfare of the existing neighborhoods, as prioritized by the Comprehensive Plan.

Site History

The subject property was annexed into the City in 1960 and was zoned GB on February 13, 2006. The site is currently undeveloped.

The site is surrounded by primarily non-residential zoning districts except for the north side of the property. The residential areas to the north are approximately 380 feet from the convenience store area. Additionally the site plan also indicates a detention reserve will be located adjacent to the residential area. The below table identifies these surrounding uses and zoning districts:

	Zoning	Land Use
North	Single Family Residential-3 (R-3)	Single Family Residential
South	General Business (GB)	Retail/Commercial
East	General Business (GB)	Retail/Office/Auto
West	General Business (GB)	Retail/Commercial Center

Conformance with the Comprehensive Plan

The current zoning of GB on the subject property is in conformance with the future land use designation of the Comprehensive Plan which is "Retail, Offices and Services." The property is located along Broadway Street, a major retail corridor that allows for commercial uses.

Conformance with the Thoroughfare Plan

The subject property has approximately 163 feet of frontage along Broadway Street and 600 feet of frontage along Alexander Lane. Broadway Street is a Major Thoroughfare that requires 120 feet of right-of-way. According to GIS, Broadway Street is a major corridor that needs to be widened. Alexander Lane is a minor collector road of sufficient width.

Conformance with the Unified Development Code

The property is currently undeveloped. The applicant has plans to develop a 0.8767 portion of the property as a gas station with convenience store. A convenience store without gasoline sales is permitted within the GB zone. However, a CUP must be approved for the gasoline station to be in conformance with UDC requirements.

General Business (GB) Area Regulations		
Size of Lot	Required	Provided
Minimum Lot Size	22,000 sf.	166,944 sf
Minimum Lot Width	150 ft.	162.65' south property line 319.17' north property line
Minimum Lot Depth	125 ft.	440' east property line 600' west property line

Broadway Street is subject to the Corridor Overlay District (COD). The applicant has submitted a detailed landscaping plan showing the different species, calipers, and locations of trees, as well as a chart of the UDC requirements along Alexander Lane and in the Corridor Overlay District.

Platting Status

A minor plat has been approved by the City and was sent to the Brazoria County for recordation. The City is awaiting confirmation that the plat has been recorded. Platting will be required in the future for subdividing the property.

Availability of Utilities

City records indicate that water is provided to the site by a 10 inch main along Alexander Lane. An existing sewer line runs along a portion of the east property line.

Impact on Existing and Future Development

The proposed CUP will not significantly impact surrounding properties or developments. The site is surrounded by commercial uses and zoning districts. The proposed gasoline

station will be similar to the character of the surrounding area. All requirements of the UDC, including the COD requirements will have to be met upon development.

To further mitigate any potential impact on the surrounding properties proposed site plan for the site exceeds the minimum landscape requirements. The Site Plan indicates a 30 foot wide residential landscape buffer across the rear property line adjacent to the residential subdivision. Additionally a 75 foot wide detention pond will be placed adjacent to the landscape buffer. This will result in over 100 feet of separation between this property and adjacent residential. Landscaping along Broadway Street and Alexander Lane will consist of a row of 3" caliper Live Oaks along the right-of way. Crepe Myrtles with a minimum 3" caliper are shown staggered behind the Live Oaks. Red-Tipped Photinia shrubs will be planted near the Alexander Lane right-of-way, along the Alexander Lane entrance extending to the right side of the convenience store building. Another line of the same species will be planted on along the edge of the front and both sides of the paved parking and maneuvering areas.

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

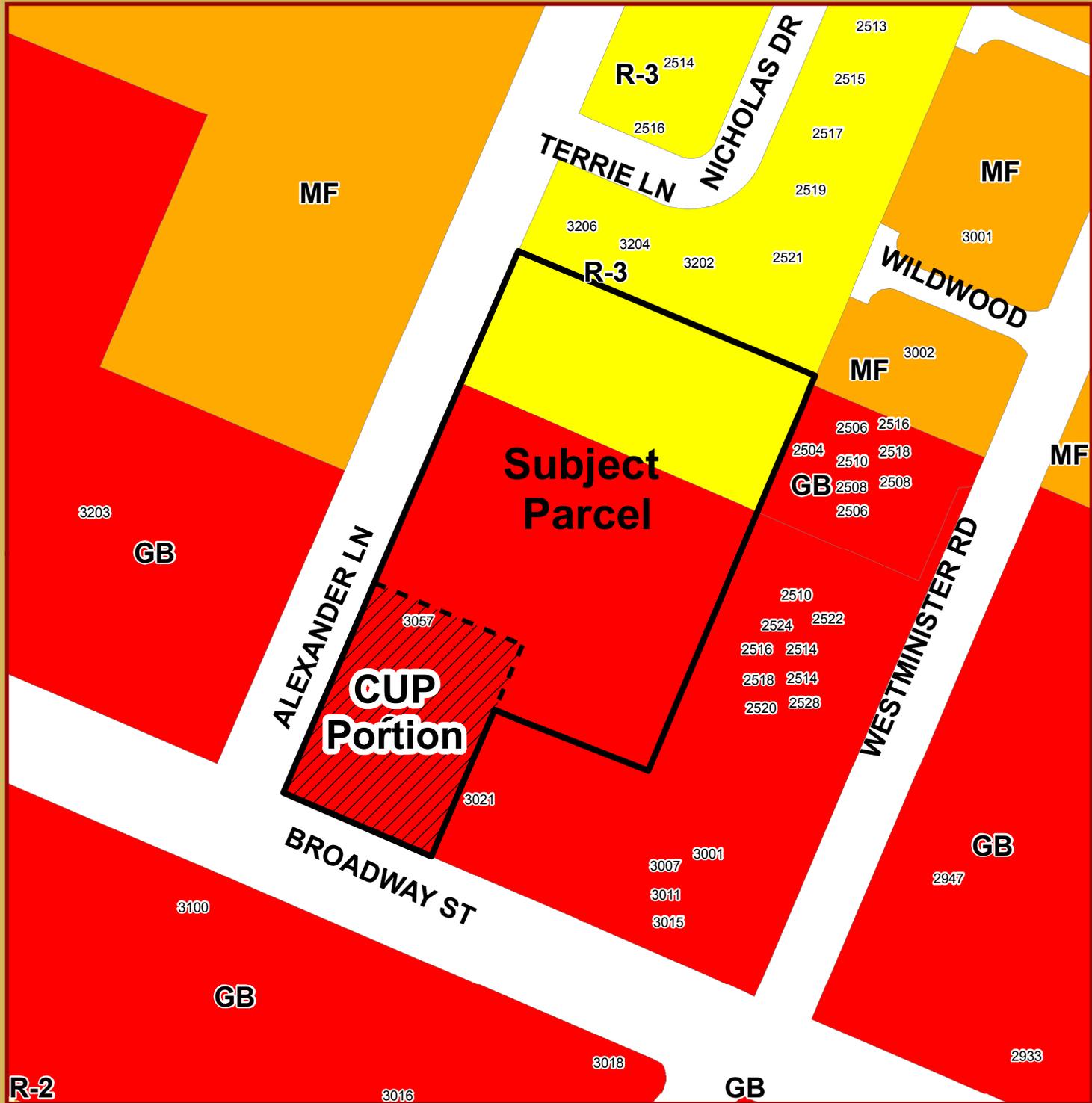


Exhibit 2

ZONING MAP

CUP 2016-01

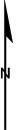
Broadway Street at Alexander Lane.



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 = 145 feet

FEBRUARY 2016
PLANNING DEPARTMENT



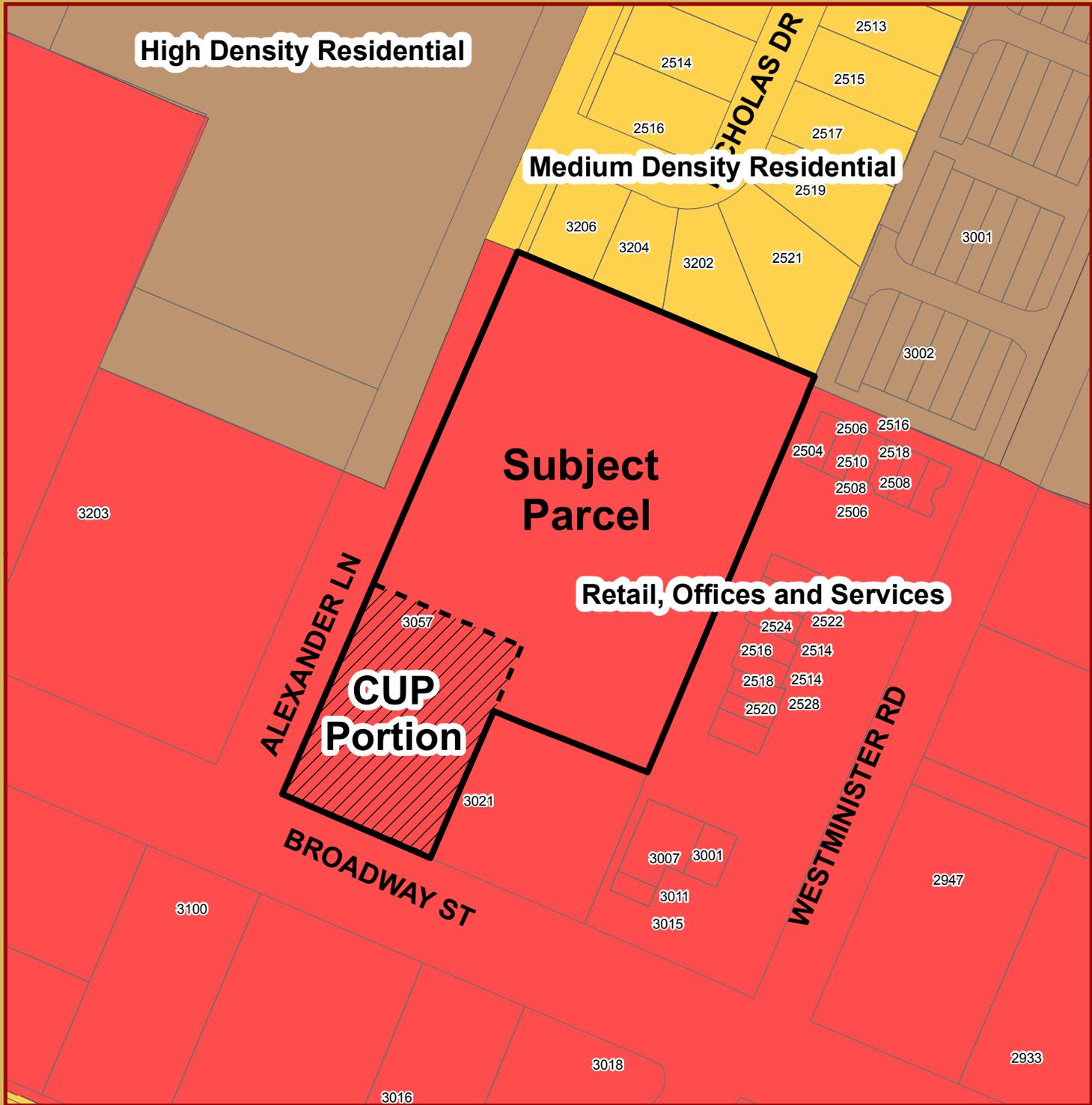


Exhibit 3

FLUP MAP

CUP 2016-01

Broadway Street at Alexander Lane.



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1 inch = 145 feet

FEBRUARY 2016
PLANNING DEPARTMENT

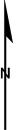


Exhibit 5

CUP 2016-01

Broadway @ Alexander

Property_Owner	City	Address	State	Zip
A1 COPELAND ENTERPRISES % CHURCHES FRIED CHICKEN	ATLANTA	255 E PACES FERRY RD NE STE 300	GA	30305
ALEXANDER LANDING SEC 6 HOMEOWNERS ASSN	PEARLAND	PO BOX 1671	TX	77588
BAKER REVOCABLE TRUST	PEARLAND	3506 LOCKHEED ST	TX	77581
DAC PROPERTIES INC	PEARLAND	3021 BRIARSAGE LN	TX	77581
DARBY CRAIG A & LISA M	PEARLAND	3805 PINE BRANCH DR	TX	77581
GARZA YESENIA	PEARLAND	3206 TERRIE LN	TX	77581
GEHRING ALICE F	PEARLAND	2526 WESTMINISTER ST	TX	77581
GOLDEN RULE SERVICES INC	PEARLAND	3801 LIBERTY DR	TX	77581
H B L PEARLAND LTD BANFIELD PROPERTIES	FRIENDSWOOD	161 W SHADOWBEND AVE STE 100	TX	77546
H T M R INC	HOUSTON	13503 FIELD SPRINGS LN	TX	77059
HORST ENTERPRISES INC	MISSOURI CITY	3360 CARTWRIGHT RD	TX	77459
KERN LLOYD JACOB & DEVIN K	PEARLAND	2521 NICHOLAS DR	TX	77581
KIM JE CHOL	PEARLAND	3006 BROADWAY ST	TX	77581
KLIESING JESSE DAN & SINGLETON AMY MICHELE	PEARLAND	2516 NICHOLAS DR	TX	77581
LANDRY EDWARD F	PEARLAND	3202 TERRIE LN	TX	77581
MATHEWS BUILDING LLC	HOUSTON	726 GARDEN OAKS BLVD	TX	77018
NICHOLSON KATHLEEN ANN	PEARLAND	3001 BROADWAY ST	TX	77581
PECOT JOSEPH & LINDA	PEARLAND	3204 TERRIE LN	TX	77581
REGIONS FINANCIAL CORP ATTN: REGIONS PROPERTY DEPT	HOOVER	250 RIVERCHASE PKWY E	AL	35244
TACCI JOHANNA & CHRISTOPHER J	MORGAN HILL	335 HEIDI DR	CA	95037
TARRER RICHARD A	PEARLAND	3203 E CEDAR HOLLOW DR	TX	77584
TURNER CORKEY L	PASADENA	6311 AVENEL DR	TX	77505
WHISPERING WINDS APARTMENTS LLC % BEN BEITEL	BROOKLYN	1364 53RD ST	NY	11219

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



APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

Conditional Use Permit Request for: RETAIL FUEL SALES IN
GENERAL BUSINESS
(list proposed use from the Table of Uses of the UDC)

Current Zoning District: GB

Property Information:

Address or General Location of Property: NW CORNER FM 518
AT ALEXANDER

Tax Account No. 0198-0001-003

Subdivision: ALEXANDER PLAZA Lot: PES A Block: ONE

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

PROPERTY OWNER INFORMATION:

NAME A+A BUSINESS
ADDRESS 611 E. RICHMOND RD
CITY HOU STATE TX ZIP 77073
PHONE (713) 524-2880
FAX (713) 524-9803
E-MAIL ADDRESS JAMES @ CIS-AXIS

APPLICANT/AGENT INFORMATION:

NAME JAMES ELMORE
ADDRESS 2501 W 11TH
CITY HOUSTON 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: 11 JAN 2016

Agent's/
Applicant's Signature: _____ Date: _____

OFFICE USE ONLY:

FEES PAID: <u>\$1025.⁰⁰</u>	DATE PAID: <u>1/11/16</u>	RECEIVED BY: <u>IC</u>	RECEIPT NUMBER: <u>108240</u>
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Application No. CUP-2016-01

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

- Application and checklist, filled out completely and signed by the owner of the property.
- If the applicant is the designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on his behalf. Section 1.2.1.1 (a) of the Unified Development Code (UDC).
- Metes and Bounds Description (survey or plat of the property that provides or contains the metes and bounds description).
- Parcel map, printer from the City of Pearland website, indicating the location and boundaries of the subject property.
- Letter of Intent, explaining the conditional use permit request in detail, specifying:
 - o Proposed Uses: RETAIL FUEL STATION & C-STORY
 - o Specific Operations of the use: _____
 - o Square footage of buildings/lot sizes: 4000
 - o Unique characteristics of the property: CUP ON HARD CORNER OIL
 - o Other necessary information (list here): _____
- Site plan that shows the following:
 - o Proposed layout of the subject property
 - o Proposed buildings
 - o Parking
 - o Landscape plan
 - o Detention ponds
 - o Fences
 - o Other relevant information (list here): _____
- Acknowledgement of the sign to be posted on the property ten (10) days prior to the public hearing.
- Provide evidence or proof that all taxes and obligations have been paid regarding the subject property.

2015 TAX STATEMENT



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

Certified Owner:
 A & A BUSINESS INC
 611 E RICHEY RD
 HOUSTON, TX 77073

Legal Description:
 A0198 T J GREEN (PEARLAND) TRACT 1AA
 ACRES 3.8325

Account No: 0198-0001-003

Appr. Dist. No.: 657203

Legal Acres: 3.8325

Parcel Address: E BROADWAY ST & ALEXANI

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						
\$834,720	\$0	\$834,720	\$834,720	\$0	\$0	\$834,720	\$0

Taxing Unit	Assessed Value (100%)	Exemptions		Taxable Value	Tax Rate	Tax
		Code	Amount			
BRAZORIA COUNTY <i>Amount saved by additional sales tax revenue \$.34</i>	\$834,720	OSP	\$834,390.00	\$330	0.4260000	\$1.41
SPECIAL ROAD & BRIDGE	\$834,720	OSP	\$834,390.00	\$330	0.0600000	\$0.20
PEARLAND ISD	\$834,720	OSP	\$834,390.00	\$330	1.4156000	\$4.67
BRAZORIA DRAINAGE DIST 4	\$834,720	OSP	\$834,390.00	\$330	0.1555000	\$0.51
CITY OF PEARLAND	\$834,720	OSP	\$834,390.00	\$330	0.7053000	\$2.33

Total Tax: \$9.12
Total Tax Paid to date: \$9.12
Total Tax Remaining: \$0.00

Exemptions:

OSP OPEN SPACE 1-D-1

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%
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
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%
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

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



0198-0001-003
 A & A BUSINESS INC
 611 E RICHEY RD
 HOUSTON, TX 77073

AMOUNT PAID:
 \$ _____

01980001003 2015 012016 000000000000 000000000000 000000000000 0

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
FM 518 @ Alexander**

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 FM 518 and Alexander. CUP would be limited to 0.8767 acres tract as described by exhibit "A1." 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,

James I. Elmore
Cisneros Design Group

ALEXANDER C-STORE: Metes & Bounds

BEING A **0.8767 ACRE** TRACT OUT OF A **3.8325 ACRE** TRACT OF LAND SITUATED IN THE THOMAS J. GREEN SURVEY, ABSTRACT 198, IN THE CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT A CAPPED "SOUTH TEXAS SURVEYING" 5/8 INCH CAPPED IRON ROD SET AT THE SOUTHWEST CORNER OF LANDSCAPING RESERVE "A", BLOCK 2, AMENDING PLAT OF ALEXANDER LANDING, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 21, PAGES 201-202 OF THE BRAZORIA COUNTY PLAT RECORDS AND BEING IN THE EAST RIGHT-OF-WAY LINE OF ALEXANDER LANE (70 FEET WIDE) FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 64 DEGREES 21 MINUTES 27 SECONDS EAST, ALONG THE SOUTH LINE OF SAID RESERVE "A", LOTS 1, 2, 3 AND 4, SAID BLOCK 2, ALEXANDER LANDING, A DISTANCE OF **319.17 FEET** TO A 1/2 INCH IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID LOT 4, BLOCK 2, ALEXANDER LANDING AND BEING THE NORTHWEST CORNER OF TRACT "B", WHISPERING WINDS GENERAL BUSINESS RESERVE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 17, PAGES 93-94 OF THE BRAZORIA COUNTY PLAT RECORDS AND BEING THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 25 DEGREES 38 MINUTES 33 SECONDS WEST, ALONG THE NORTHWEST LINE OF SAID TRACT "B", WHISPERING WINDS GENERAL BUSINESS RESERVE, A DISTANCE OF **440.00 FEET** TO A POINT FOR CORNER, SAME BEING THE NORTHEAST CORNER OF TRACT "B", BLOCK 1, ALEXANDER LANDING, SECTION 2, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 16, PAGE 265 OF THE BRAZORIA COUNTY PLAT RECORDS FOR THE MOST EASTERLY SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A 1/2 INCH IRON ROD FOUND BEARS SOUTH 30 DEGREES 36 MINUTES 12 SECONDS, 0.35 FEET;

THENCE NORTH 64 DEGREES 21 MINUTES 27 SECONDS WEST, ALONG THE NORTHEAST LINE OF SAID TRACT "B", ALEXANDER LANDING, SECTION 2, A DISTANCE OF **160.00 FEET** TO A 1/2 INCH IRON ROD FOUND FOR THE INTERIOR CORNER OF TRACT "B", BLOCK 1, ALEXANDER LANDING, SECTION 2, AND BEING AN INTERIOR CORNER OF THE HEREIN DESCRIBED PARENT TRACT, FOR THE POINT OF BEGINNING OF SUBJECT TRACT;

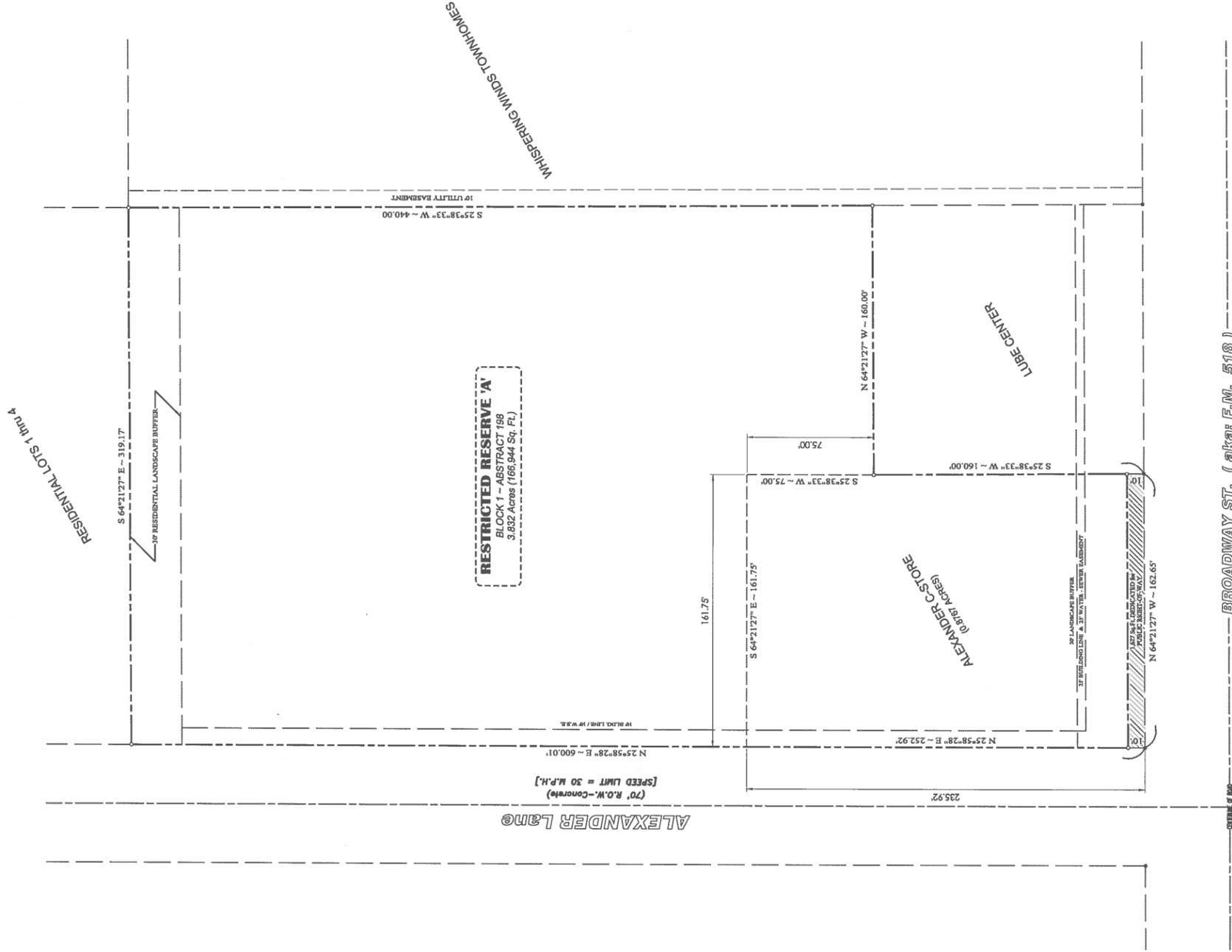
THENCE SOUTH 25 DEGREES 38 MINUTES 33 SECONDS WEST, ALONG THE NORTHWEST LINE OF SAID TRACT "B", ALEXANDER LANDING, SECTION 2, A DISTANCE OF **160.00 FEET** TO A POINT FOR THE MOST WESTERLY CORNER OF TRACT "B", BLOCK 1, ALEXANDER LANDING, SECTION 2, SAME BEING IN THE NORTH RIGHT-OF-WAY LINE OF EAST BROADWAY (AKA F.M. HIGHWAY 518) AND BEING THE MOST WESTERLY SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A 1/2 INCH IRON ROD FOUND BEARS SOUTH 16 DEGREES 09 MINUTES 22 SECONDS EAST 0.72 FEET;

THENCE NORTH 64 DEGREES 21 MINUTES 27 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF EAST BROADWAY, A DISTANCE OF **162.65 FEET** TO A CAPPED "SOUTH TEXAS SURVEYING" 5/8 IRON ROD SET IN THE EAST RIGHT-OF-WAY LINE OF SAID ALEXANDER LANE FOR THE MOST WESTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

BEGINNING AT THE 1/2 IRON ROD FOUND IN THE SOUTHWEST CORNER OF EAST BROADWAY AND ALEXANDER LANE, THENCE NORTH 25 DEGREES 58 MINUTES 28 SECONDS EAST, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID ALEXANDER LANE, A DISTANCE OF **235.92 FEET**;

THENCE SOUTH 64 DEGREES 21 MINUTES 27 SECONDS EAST A DISTANCE OF **161.75 FEET**;

THENCE SOUTH 25 DEGREES 38 MINUTES 33 WEST A DISTANCE OF **75.00 FEET** TO A 1/2 INCH IRON ROD, TO THE POINT OF BEGINNING AND CONTAINING **0.8767 ACRES** (38,190 SQUARE FEET) OF LAND, MORE OR LESS.



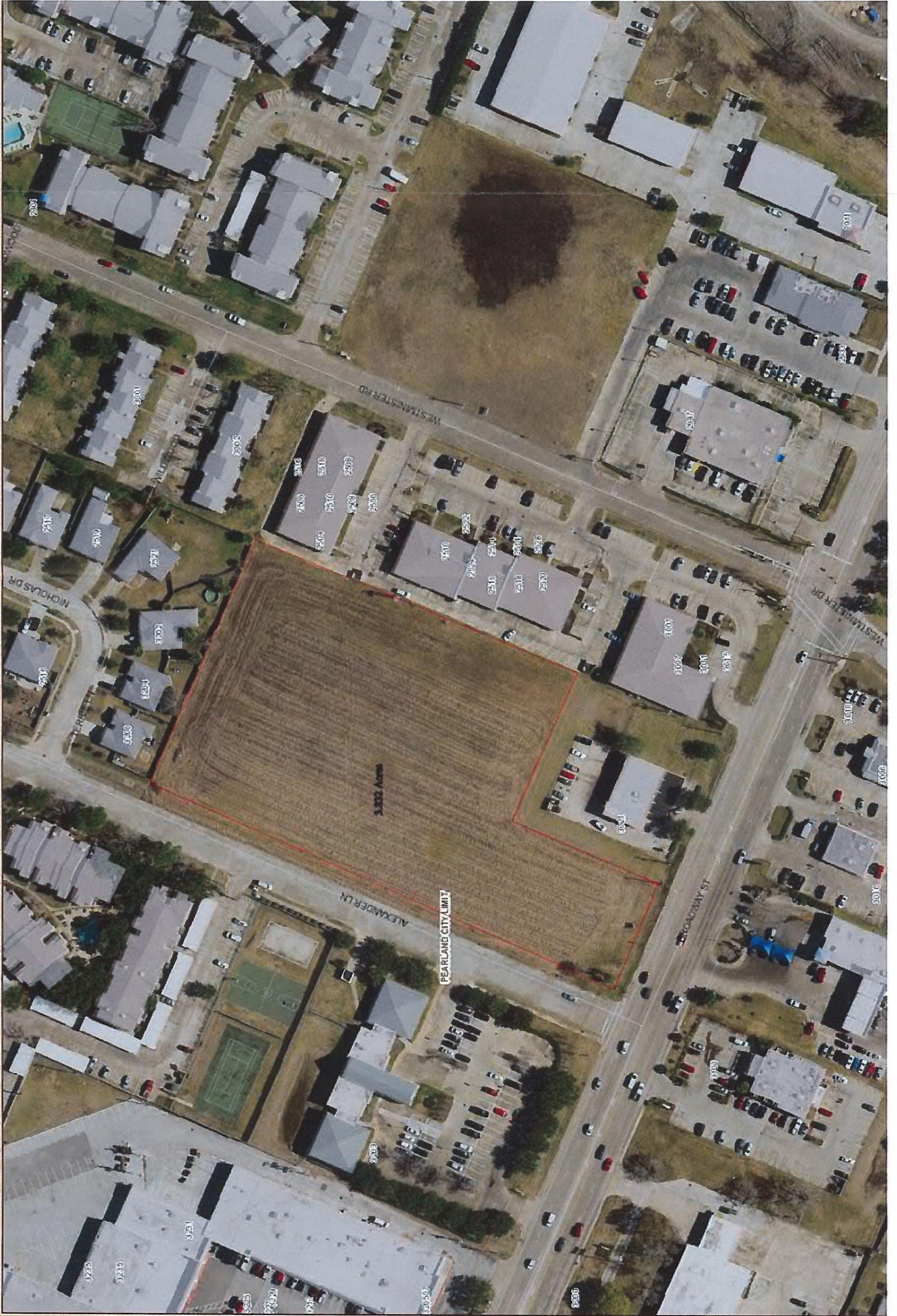
BROADWAY ST. (AKA: F.M. 518)
 (100' R.O.W. - Concrete) ~ (SPEED LIMIT = 40 M.P.H.)



This product is for informational purposes only. It is not intended to be used as a legal document. The information is subject to change without notice.



Scale 1:1,000
1 in = 100 ft
January 07, 2016



CITY of PEARLAND: NOTES

SITE PLAN NOTES:

- ALL MECHANICAL, ELECTRICAL & ROOF-MOUNTED EQUIPMENTS SHALL BE SCREENED AS PER THE REQUIREMENTS OF THE UDC.
- ALL LOADING & UNLOADING AREAS SHALL BE SCREENED AS PER THE REQUIREMENTS OF THE UDC.
- ALL REFUSE CONTAINERS & RECYCLING CONTAINERS SHALL BE SCREENED AS PER THE UDC.
- PERIMETER OF THE PARKING AREAS SHALL BE BOUNDED BY A RAISED or RIBBON CURBS.
- ALL PARKING SPACES SHALL HAVE A MINIMUM DIMENSION OF 9ft X 18ft & ALL AISLES SHALL HAVE A MINIMUM WIDTH OF 24ft.
- THERE SHALL BE NO OUTDOOR STORAGE, DISPLAY, or ACTIVITY.
- SIGHT VISIBILITY ANGLES SHALL NOT BE OBSTRUCTED ALONG DRIVEWAY ENTRANCES & OTHER AREAS.
- ALL APPLICABLE REQUIREMENTS OF THE UDC SHALL BE MET.
- SIGNAGE, INCLUDING FLAGS, REQUIRES A SEPARATE APPLICATION & IS NOT A PART OF THE SITE PLAN APPROVAL.
- ANY SIGNS, PAVING, STRUCTURE (EXCEPT FENCES, WALL, & SCREENS) ON EASEMENTS NEED A WAIVER OF ENCROACHMENT LETTER.
- FOR RESIDENTIAL ZONING DISTRICTS & BP-288 ZONE: AT THE TIME OF PLANTING, A MINIMUM OF 8ft SHALL BE PROVIDED BETWEEN A TREE TRUNK & THE BACK OF ANY CURB & BETWEEN A TREE TRUNK & ANY PLANNED or EXISTING UNDERGROUND PUBLIC UTILITY LINES.
- A MINIMUM OF 60% OF REQUIRED STREET TREES SHALL BE EVERGREEN.
- CORRUGATED METAL IS PROHIBITED.
- EACH LANDSCAPE ISLAND WITHIN A PARKING LOT SHALL CONTAIN A MINIMUM SQUARE FOOTAGE EQUIVALENT TO ONE (1) PARKING SPACE WITH A MINIMUM WIDTH OF 9ft. & SHALL ALLOW AT LEAST 3ft BETWEEN ANY TREES WITHIN THE ISLAND AND THE EDGE OF THE ISLAND.

CORRIDOR OVERLAY DISTRICT NOTES:

- ALL REQUIREMENTS OF THE CORRIDOR OVERLAY DISTRICT (COD) INCLUDING BUILDING COLOR, BUILDING ARTICULATION & TRANSPARENCY REQUIREMENTS SHALL BE MET.
- MINIMUM LIGHTING LEVEL OF 0.5-FOOT CANDLES SHALL BE PROVIDED IN THE PARKING LOTS IN COD.
- WOODEN LIGHT POLES ARE PROHIBITED.
- HIGH PRESSURE SODIUM or METAL HALIDE FIXTURES SHALL BE USED WITH NO DIRECT GLARE ONTO ADJACENT PROPERTIES or PUBLIC STREETS.
- WALKWAY LIGHTING SHALL NOT EXCEED 12'.
- UNDERGROUND MECHANICAL IRRIGATION SYSTEM SHALL BE INSTALLED THROUGHOUT THE LANDSCAPE AREAS.
- HEIGHT OF LIGHTING SHALL NOT EXCEED THE HEIGHT OF THE BUILDING.
- ALL UTILITIES SHALL BE UNDERGROUND.
- ALL FENCES VISIBLE FROM THE CORRIDORS SHALL BE MASONRY.
- ALL MECHANICAL, ELECTRICAL & ROOF-MOUNTED EQUIPMENTS SHALL BE SCREENED AS PER THE REQUIREMENTS OF THE UDC.

PAVING SPECIFICATIONS:

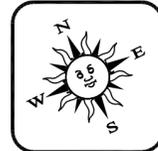
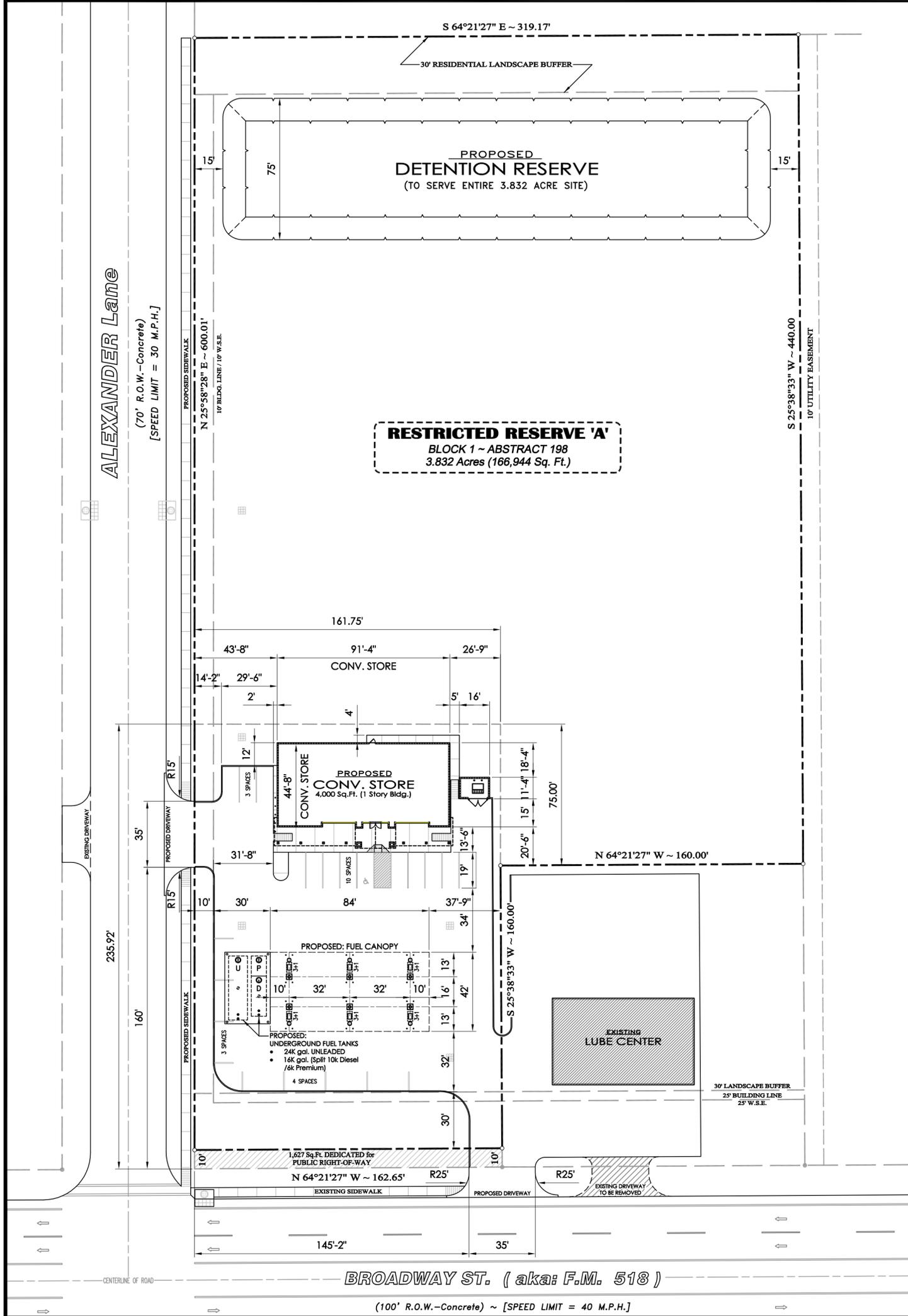
- ALL CONCRETE PAVING TO BE 3,000 POUNDS PER SQUARE INCH (P.S.I.) 5 SACK MIX WITH 4" TO 5" SLUMP
- APPROACHES TO MEET APPLICABLE CITY, COUNTY & STATE SPECS.
- GENERAL PAVING TO BE:
5" THICK WITH #3'S @ 16" O.C. EACH WAY WITH SEALED TREATED EXPANSION JOINTS TO BE 60'-0" O.C. EACH WAY, MAX. & SAW CONTROL JOINTS TO BE 20'-0" O.C. EACH WAY, MAX.
- FUEL TANKS FIELD COVER (MINIMUM 1,500 SQ. FT., TOTAL) TO BE 8" THICK WITH #4'S @ 12'-0" ON CENTER, EACH WAY.
- AN AREA OF 12 FT IN FRONT OF DUMPSTER TO BE 7" THICK WITH #4'S @ 16" O.C. EACH WAY.

PARKING TABLE

PROPOSED USE	Convenience Store
AREA OF USE	4,000 Square Feet
REQUIRED RATIO	1 / 200 Square Feet
NUMBER OF SPACES	20 Parking Spaces Prov. [20 Req.]

ZONING OF PROPERTY : GB/CO

GENERAL BUSINESS	REQUIRED	PROPOSED
MINIMUM LOT AREA :	22,500 S.F.	3,832 AC.
MINIMUM LOT WIDTH :	150 ft.	162.65 ft.
MINIMUM LOT DEPTH :	125 ft.	600.01 ft.
FRONT YARD :	30 ft.	30 ft.
SIDE YARD :	10 ft.	10 ft.
REAR YARD :	30 ft.	30 ft.
BUILDING HEIGHT :	20 ft. (Max)	18 ft. - 4 in.



DEVELOPMENT SITE PLAN

SCALE: 1" = 40'

BROADWAY ST. (aka: F.M. 518)

(100' R.O.W.-Concrete) ~ [SPEED LIMIT = 40 M.P.H.]

SEAL:

**ALEXANDER C-STORE
0 BROADWAY St., PEARLAND, TX 77581
LANDSCAPING SITE PLAN**

PROJECT:

REVISIONS & DATE

1)	11/25/2015

DRAWN BY:
Héctor Flores

DATE:
Nov. 5th, 2015

SCALE:
1" = 40'

SHEET NO:
SP1

LANDSCAPING REQUIREMENTS

ALEXANDER LANE

CHAPTER 4, SECTION 4.2.2.4 OF THE UNIFIED DEVELOPMENT CODE

PERCENTAGE OF GROSS LANDSCAPED AREA:

REQUIRED: 15% (PERCENTAGE BASED ON ZONE)

TOTAL of 600 Ln.Ft. along ALEXANDER LANE

STREET TREES with A MIN. of 2" CALIPER:

REQUIRED: 1" per 15-ft. of STREET FRONTAGE [40 IN. REQ.]
PROVIDED: 12 TREES @ 3" CAL. = 36-in.
2 TREES @ 2" CAL. = 4-in.
TOTAL CALIPER: 40 INCHES

SHRUBS TO SCREEN PARKING LOTS:

REQUIRED: 5 X TOTAL CALIPER INCHES of STREET TREES
5 X 40-in. = 160 REQ.
PROVIDED: 160 SHRUBS

SITE YARD LANDSCAPING:

REQUIRED: 35% of LENGTH of PARKING LOT
PROVIDED: 35%

EACH TREE PLANTED ON AT LEAST 36 Sq.Ft. & MIN. 6-ft DIMENSION

INTERIOR LANDSCAPING - PARKING LOT TREES REQUIRED:

REQUIRED: 2" CAL. MIN. ~ 1" per 5 PARKING SPACES
[20 SPACES TOTAL / 5 = 4 IN. REQUIRED]
PROVIDED: 2 TREES @ 2" CAL. = 4-in.
TOTAL CALIPER: 4" INCHES

- NO PARKING SPACE SHALL BE GREATER THAN 100-ft. FROM A TREE.
- LANDSCAPE AREAS WITH TREES = 36 Sq.Ft. MIN., WITH MIN. DIMENSION of 6-ft. WIDE.
- ISLANDS WITHIN PARKING LOT = 162 Sq.Ft., MIN. DIMENSION of 9-ft. MIN. 4-ft BETWEEN TREE AND EDGE OF ISLAND.
- 75% of LANDSCAPING INSTALLED IN FRONT YARD.
- ADJACENT TO A SINGLE-FAMILY USE OR ZONING DISTRICT: A 25 FT. WIDE LANDSCAPE BUFFER ALONG THE PROPERTY LINE THAT IS ADJACENT TO SUCH USE OR DISTRICT. MAY BE LOCATED WITH THE REQUIRED YARD / SETBACK AREA & MAY COUNT TOWARDS LANDSCAPED AREA.

CORRIDOR OVERLAY DISTRICT:

F.M. 518 (BROADWAY ST.)

CHAPTER 2, SECTION 2.4.5.1 OF THE UNIFIED DEVELOPMENT CODE

FRONT SETBACK LANDSCAPING:

REQUIRED: 30-ft. LANDSCAPE BUFFER for PARKING AREAS
PROVIDED: 30-ft.

SETBACK AREA LANDSCAPING:

REQUIRED: 15% SHALL CONSIST of LANDSCAPE OPEN AREAS
PROVIDED: 15%

PERCENTAGE (%) OF GROSS LANDSCAPED AREA:

REQUIRED: 15% OF THE GROSS AREA
PROVIDED: 15%

TREES: F.M. 518 (BROADWAY ST.)

REQUIRED: 50% of THE REQUIRED TREES SHALL BE LOCATED ALONG THE FRONT YARD ALONG CORRIDOR.
PROVIDED: 100%

TOTAL of 163 Ln.Ft. along F.M. 518 (BROADWAY ST.)

SHADE / STREET TREES with A MIN. of 2" CALIPER:

REQUIRED: 1" per 10-ft. of STREET FRONTAGE [17-in. REQ.]
PROVIDED: 5 TREES @ 3" CAL. = 15 IN.
1 TREE @ 2" CAL. = 2 IN.
TOTAL CALIPER: 17 INCHES

ORNAMENTAL TREES with A MIN. of 2" CALIPER:

REQUIRED: 1" per 15-ft. of STREET FRONTAGE [11-in. REQ.]
PROVIDED: 3 TREES @ 3" CAL. = 9-in.
1 TREE @ 2" CAL. = 2-in.
TOTAL CALIPER: 11 INCHES

PARKING LOT TREES with A MIN. of 2" CALIPER:

REQUIRED: 1" per 5 PARKING SPACES
[20 SPACES TOTAL / 5 = 4-in. REQUIRED]
PROVIDED: 2 TREES @ 2" CAL. = 4-in.
TOTAL CALIPER: 4 INCHES

EVERGREEN TREES:

REQUIRED: 60% of REQ. STREET TREES SHALL BE EVERGREEN.
PROVIDED: 60%

TREE SETBACKS:

REQUIRED: MIN. 8-ft. TREE BETWEEN TRUNK & THE BACK of CURB & BETWEEN A TREE TRUNK & A PLANNED / EXISTING UNDERGROUND PUBLIC UTILITY.
PROVIDED: 8 FEET

DISTANCE BETWEEN TREES:

REQUIRED: MIN. 6-ft. SHALL BE PROVIDED BETWEEN TREES
PROVIDED: 6 FEET MIN.

SHRUBS:

REQUIRED: 5 X TOTAL CALIPER INCHES of STREET TREES
PROVIDED: 210 SHRUBS

INTERIOR SITE LANDSCAPING:

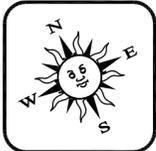
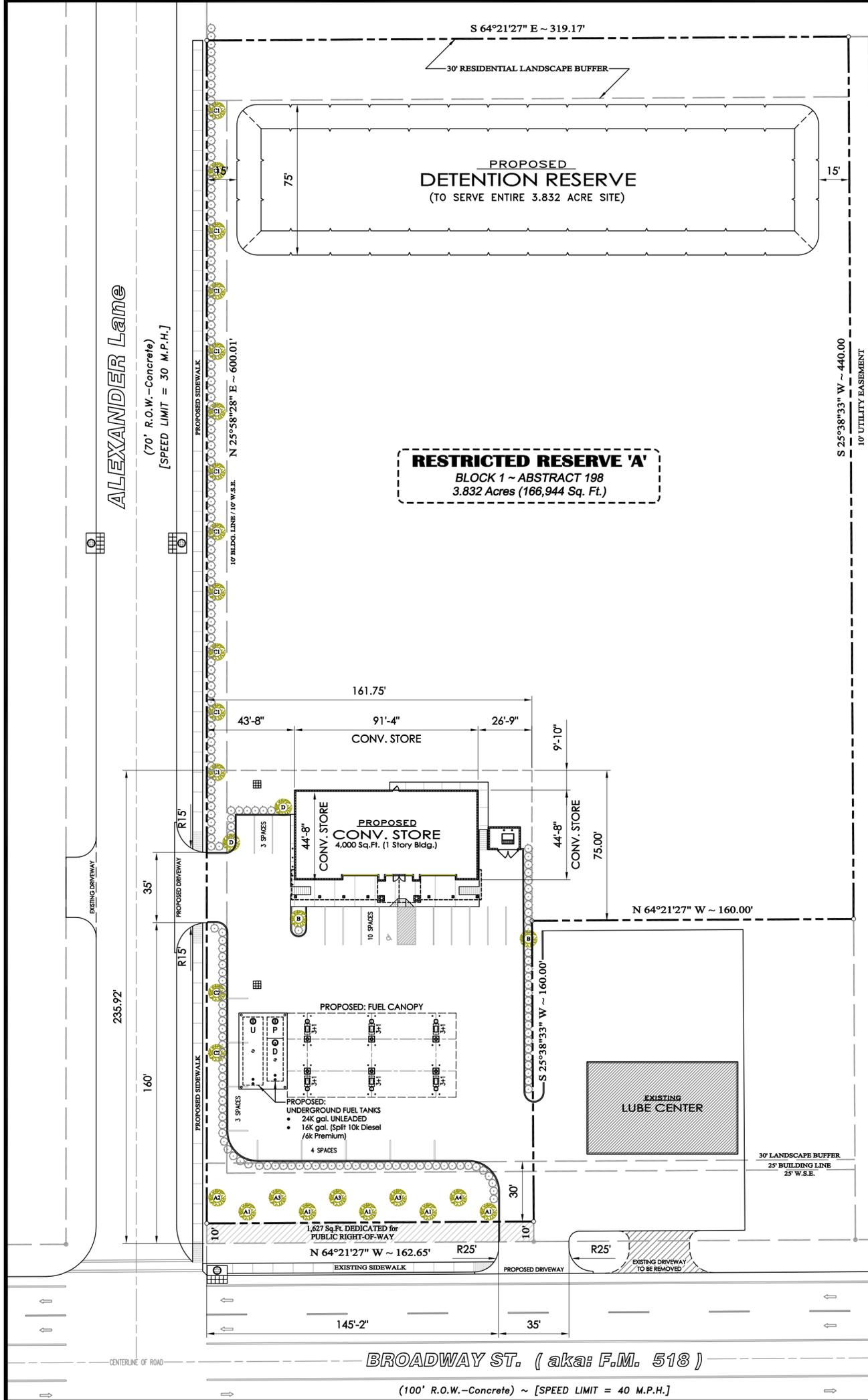
- NO PARKING SPACE SHALL BE GREATER THAN 50-ft. FROM A TREE. EACH ISLAND SHALL HAVE AT LEAST ONE (1) TREE.
- A MECHANICAL IRRIGATION SYSTEM IS REQUIRED TO BE INSTALLED AND MAINTAINED.
- ADJACENT TO A SINGLE-FAMILY USE OR ZONING DISTRICT: A 25-ft. WIDE LANDSCAPE BUFFER ALONG THE PROPERTY LINE THAT IS ADJACENT TO SUCH USE OR DISTRICT. MAY BE LOCATED WITH THE REQUIRED YARD / SETBACK AREA & MAY COUNT TOWARDS LANDSCAPE AREA.

PLANTING LEGEND: F.M. 518 (Broadway St.)

SHADE / STREET TREES		ORNAMENTAL TREES	
LIVE OAK 3" Caliper	LIVE OAK 2" Caliper	CREPE MYRTLE 3" Caliper	CREPE MYRTLE 2" Caliper
QUANTITY: 5	QUANTITY: 1	QUANTITY: 3	QUANTITY: 1
PARKING LOT TREES		SHRUBS	
LIVE OAK 2" Caliper	RED TIP PHOTINIAS 5 Gallon		
QUANTITY: 2	QUANTITY: 210		

PLANTING LEGEND: ALEXANDER LANE

SHADE / STREET TREES	PARKING LOT TREES	SHRUBS
LIVE OAK 3" Caliper	LIVE OAK 2" Caliper	RED TIP PHOTINIAS 5 Gallon
QUANTITY: 12	QUANTITY: 2	QUANTITY: 160



LANDSCAPING SITE PLAN
SCALE: 1" = 40'



JOINT PUBLIC HEARING
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF
THE CITY OF PEARLAND, TEXAS,
MONDAY, MARCH 21, 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. 2016-04

A request of Alfred Rucker, applicant; on behalf of Pogie USA LLC, owner; for approval of a Conditional Use Permit (CUP) to allow for bail bonds in the General Business (GB) zoning district; on approximately 3.1092 acres of land.

Legal Description: Being a 3.1092 acre tract of land out of Lot 46 of the Allison Richey Gulf Coast Home Company's Subdivision of Section 8, H.T.&B.R.R. Co. Survey also called the F.B. Drake Survey, Abstract 504, Brazoria County, Texas, according to the map or plat thereof recorded in Volume 2, Page 24, of the plat records of Brazoria County, Texas.

General Location: 6601 Broadway Street, Pearland, TX.

III. APPLICATION INFORMATION AND CASE SUMMARY

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

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

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

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



Staff Report

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: March 21, 2016

Re: Conditional Use Permit Application No. 2016-04

A request of Alfred Rucker, applicant; on behalf of Pogie USA LLC, owner; for approval of a Conditional Use Permit (CUP) to allow for bail bonds in the General Business (GB) zoning district; on approximately 3.1092 acres of land, Pearland, TX.

General Location: 6601 Broadway Street, Pearland, TX.

Summary of Request

The applicant is requesting approval of a Conditional Use Permit (CUP) to allow for a bail bonds business to be located in an existing structure within the General Business (GB) zoning district. Office, parole-probation and bail bonds uses, require approval of a CUP in GB zoning district. The proposed business would be in a suite in an existing gasoline station and would not involve expanding the existing structure.

Recommendation

Staff recommends approval of the requested CUP on the approximately 3.1092 acre site to allow for bail bonds for the following reasons:

1. The property is currently zoned GB which is in conformance with the Future Land Use Plan of Business Commercial.
2. Approval of a CUP is required by the Unified Development Code (UDC) for all Bail bonds located in a GB zoning district.
3. The proposed use will not have significant negative impacts on surrounding properties or developments such as noise, dust, excessive light or traffic as the property is located on a Major Thoroughfare in an existing building. Surrounding uses include residential to the north along Garden Rd and a hotel, a church and retail uses along Broadway Street.

4. All requirements of the UDC will be met for any future redevelopment and expansion on the site.

Condition: Staff also recommends that landscaping comply with the Corridor Overlay District (COD) requirements.

Site History

The site was developed with as a gasoline station with an additional retail lease area and received a certificate of occupancy in September of 2011.

Conformance with the Comprehensive Plan

The current zoning of GB on the subject property is in conformance with the future land use designation of the Comprehensive Plan. Future Land Use Plan (FLUP) indicates the property to be “Business Commercial.”

The Comprehensive Plan recommends that:

- a. Land uses should not detract from the enjoyment or value of neighboring properties.
- b. Potential negative land use effects such as noise, dust, excessive light and traffic should be considered in development review and approval and mitigated.
- c. Residential areas should be separated by a buffers.

Conformance with the Thoroughfare Plan

According to city records, Garden Road is a Major Collector Street that needs to be widened. Broadway Street is identified as a Major Thoroughfare that also needs to be widened. Major Collector Streets should have a minimum right-of-way of 80 feet and Major Thoroughfares should have a minimum width of 120 feet. On this parcel, the ROW has been dedicated, during platting.

Conformance with the Unified Development Code

The property is currently developed as a gasoline station with an additional retail lease area. It was developed prior to the requirement of a CUP for Gasoline stations. The proposed use is in conformance with the UDC.

In terms for landscaping, there are 16 parking spaces that do not meet the COD regulation requiring all parking spaces to be within 50 feet of a tree; 11 spaces are located directly in front of the building; 2 parking spaces on the east side of the building

and 3 parking spaces located on the west side of the property. Therefore staff has added a condition that the landscaping requirement of the COD be met.

The addition of this use will not change the parking ratios. The proposed CUP is a different use from the existing gasoline station and convenience store. Both the gasoline station and proposed bail bonds business uses require a parking ratio or 1 space per 300 square feet of gross building square footage. The development requires 17 parking spaces and there are currently 26 shown on the submitted site plan.

The below table identifies these surrounding uses and zoning districts:

	Zoning	Land Use
North	Garden/O'Day Mixed Use (G/O-MU)	Single Family Residential
South	General Business (GB)	Retail/Commercial
East	General Commercial District (GC)	Commercial/Hotel
West	General Business (GB)	Church

The property is surrounded on the south, east and west side by non-residential zoning districts and uses. Although the property to the north is zoned Garden/O'day Mixed Use, the property currently has a single family use on the property. A 30 foot buffer is required between non-residential and residentially use property. A 200 foot buffer exists between the rear façade and the rear property line which exceeds the minimum requirement. It is not required for this space to include trees or shrubs. A landscape buffer is also required along Broadway Street and Garden Road which is currently in place and meets city requirements.

Platting Status

The property is platted and is described as Garden Plaza, Block 1, Lot 1. A minor plat was recorded for this property on April 30, 2008, which included a .6086 acre right-of-way dedication (ROW) with a 10 foot of ROW on Broadway and 10 foot of ROW on Garden Rd.

Availability of Utilities

A 12 inch waterline runs along Garden Road adjacent to the property. An 8-inch sewer line runs along the north side of Bailey Road. The subject property is developed and is currently connected to City water and sewer. The proposed use will not have a significant impact on the existing facilities.

Impact on Existing and Future Development

The proposed use will not significantly impact surrounding properties or developments. The use is completely enclosed within the existing structure. There will be no emissions dust, odors, no additional lighting, and little additional traffic generated from this use.

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 2016-04

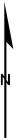
6601 Broadway St



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 = 118 feet

FEBRUARY 2016
PLANNING DEPARTMENT



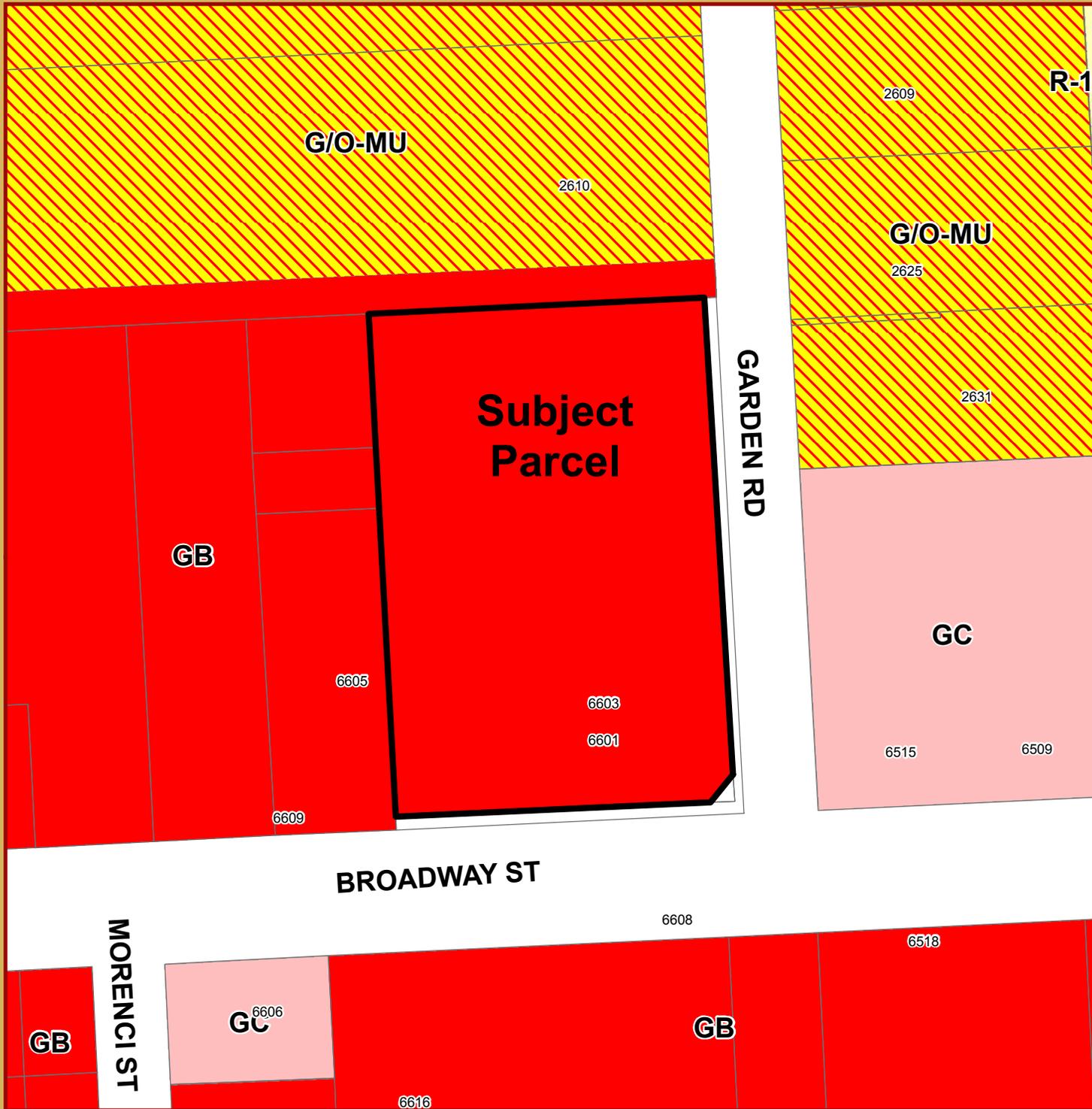


Exhibit 2

ZONING MAP

CUP 2016-04

6601 Broadway St



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1 inch = 118 feet

FEBRUARY 2016
PLANNING DEPARTMENT



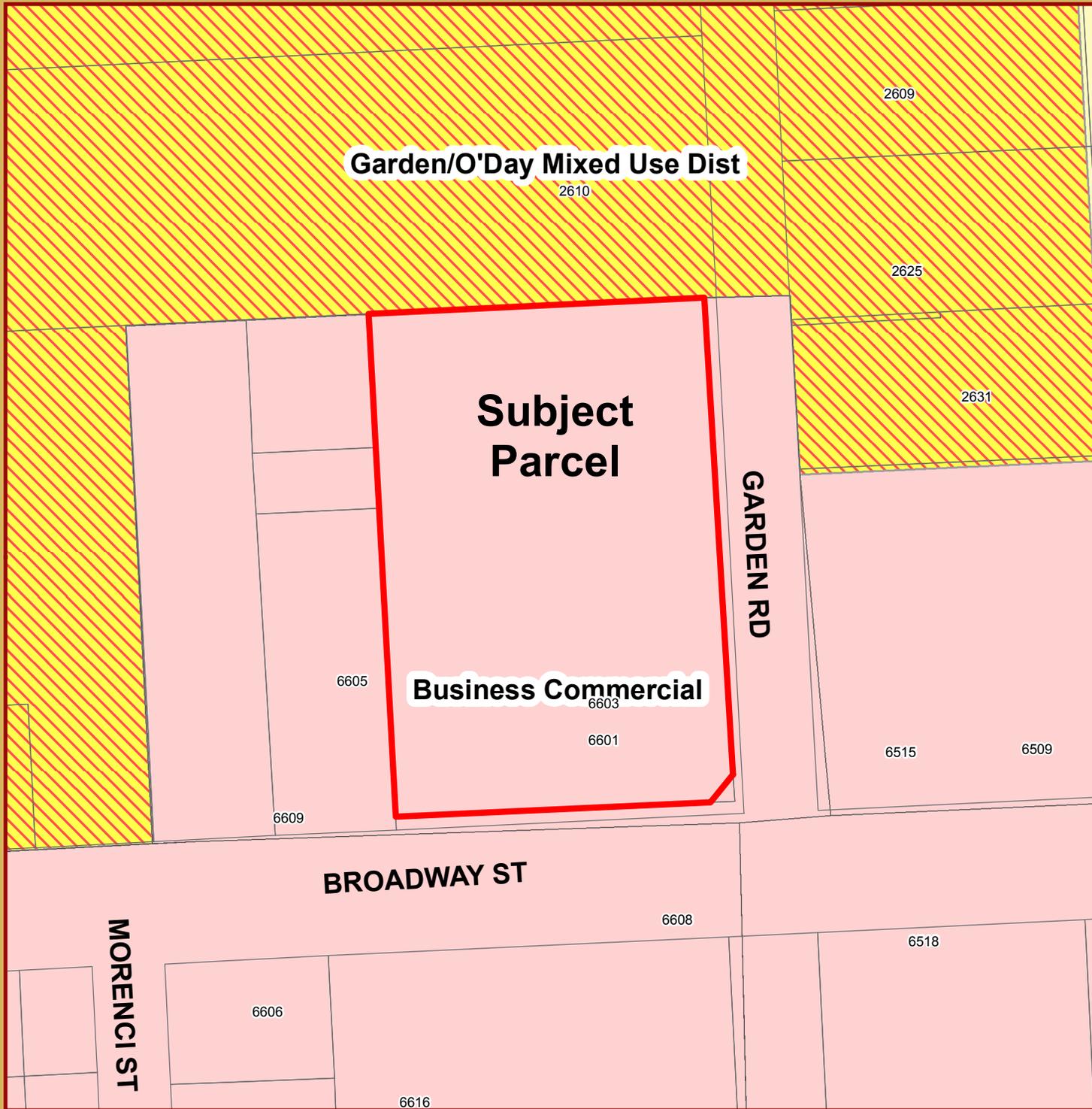


Exhibit 3

FLUP MAP

CUP 2016-04

6601 Broadway St



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1 inch = 118 feet

FEBRUARY 2016
PLANNING DEPARTMENT

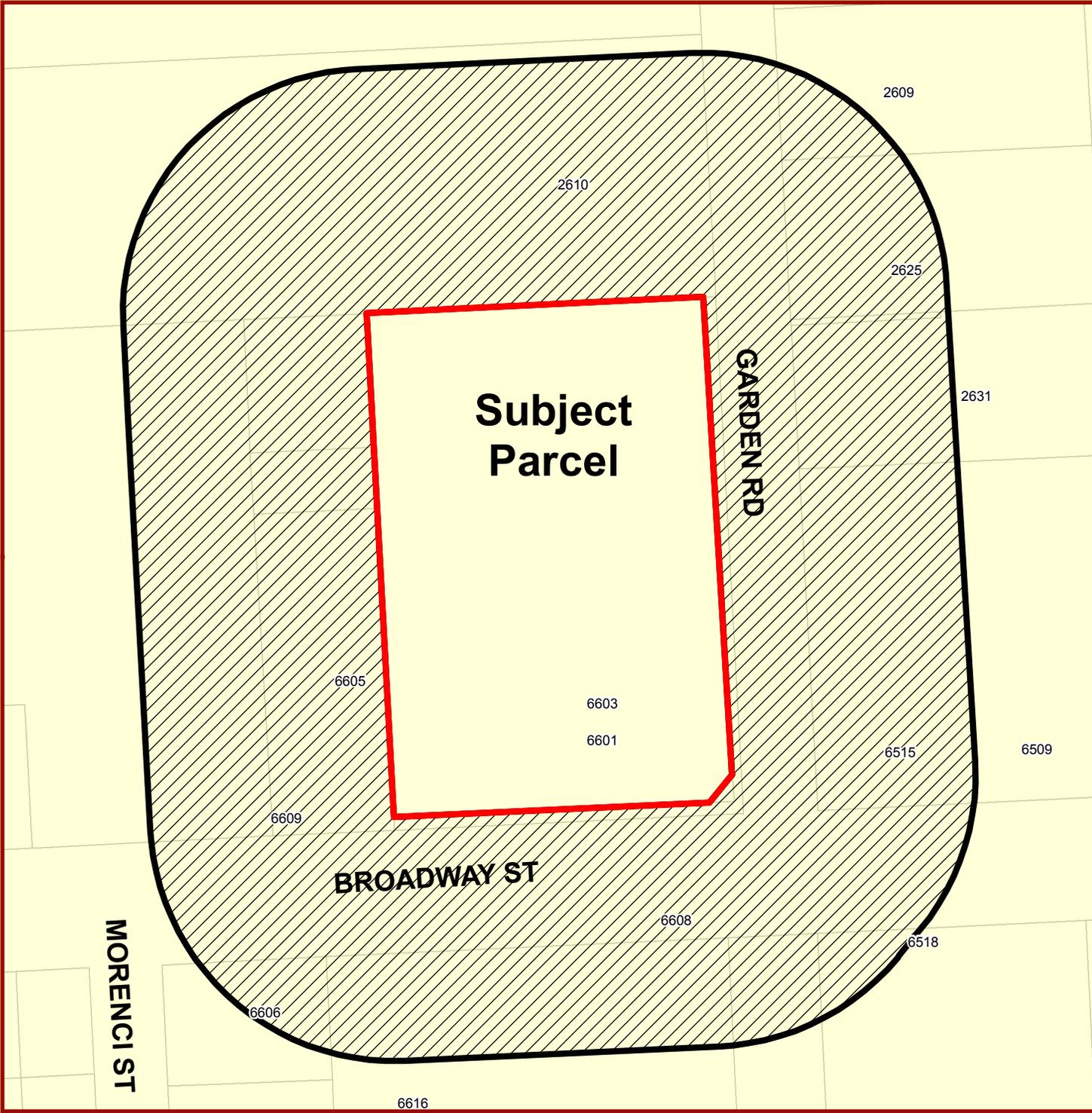


Exhibit 4

NOTIFICATION MAP

CUP 2016-04

6601 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 = 118 feet

FEBRUARY 2016
PLANNING DEPARTMENT

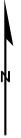


Exhibit 5

CUP 2016-04

6601 Broadway St.

Property_Owner	City	Address	State	Zip
CENTERPOINT ENERGY INC ELECTRIC OPERATIONS	HOUSTON	PO BOX 1475	TX	77251
CENTRAL CHURCH OF CHRIST		OF PEARLAND		0
COMMERCE EQUITIES INC	HOUSTON	11144 FUQUA ST STE 200	TX	77089
DOWDY ADRIAN E	PEARLAND	2610 GARDEN RD	TX	77581
FLORES JOSE G III	PEARLAND	2841 MORENCI ST	TX	77584
GARDEN ACRES DETENTION POND ASSOC % R WEST DEVELOPMENT CO	PEARLAND	7918 BROADWAY ST STE 106	TX	77581
JACKSON CHARLESTON BLAKE	PEARLAND	2625 GARDEN RD	TX	77581
MEMON ABDUL RAZZAQ & NAJMA	SUGAR LAND	4003 BRATTON ST	TX	77479
O'DAY ORLEN W & MICHAEL	PEARLAND	PO BOX 149	TX	77588
OMKAR ENTERPRISES PEARLAND LP	PEARLAND	6515 BROADWAY ST	TX	77581
PARRISH DORRILLA D	PEARLAND	2609 GARDEN RD	TX	77581
POGIE USA LLC	PEARLAND	PO BOX 956	TX	77588
RAY WHALEY	PEARLAND	7106 ROBIN SOUND ST	TX	77581



APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

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

Conditional Use Permit Request for: Midtown Bail Bonds
(list proposed use from the Table of Uses of the UDC)

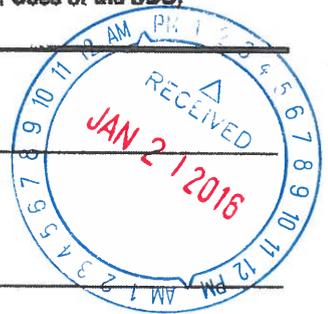
Current Zoning District: GB

Property Information:

Address or General Location of Property: 6601 Broadway Street
Pearland, TX 77581

Tax Account No. 175752

Subdivision: Garden Plaza Lot: A0504 HT & BRR Block: 1, Tract 1



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

PROPERTY OWNER INFORMATION:

NAME Pogie USA LLC
ADDRESS P O Box 956
CITY Pearland STATE TX ZIP 77588
PHONE (713) 545-3548
FAX (713) 667-1310
E-MAIL ADDRESS bruce.honore@icloud.com

APPLICANT/AGENT INFORMATION:

NAME Alfred Rucker
ADDRESS 2204 Austin St
CITY Hou STATE TX ZIP 77002
PHONE (832) 971-5516
FAX (281) 715-5268
E-MAIL ADDRESS rucker1@sbglobal.net

*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: 1-15-16

Agent's/
Applicant's Signature: X _____ Date: 1-12-16

OFFICE USE ONLY:

FEES PAID: <u>1025.00</u>	DATE PAID: <u>1/25/16</u>	RECEIVED BY: <u>AG</u>	RECEIPT NUMBER: <u>119501</u>
---------------------------	---------------------------	------------------------	-------------------------------

Application No. CUP 2016-04

**APPLICATION CHECKLIST FOR THE FOLLOWING
Conditional Use Permits (CUP)**

- Application, filled out completely, and signed by the owner of the property to be considered for the conditional use permit.
- 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.**
- Metes and Bounds Description, (Survey, or a Plat of the property that contain 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 conditional use permit request in detail, specifying proposed uses, specific operations of the use, square footage of buildings, unique characteristics of the property, and any other necessary information
- Application fee of \$250.00, by cash, check made payable to the City of Pearland, or credit card (Visa and MasterCard only)
- Site Plan or Plot Plan showing the proposed layout of the subject property, including any proposed buildings, parking, landscaped areas, detention ponds, fences, and any other relevant information
- Acknowledgement of the sign to be posted on the property 10 days prior to the public hearing
- Provide evidence or proof that all taxes and obligations have been paid regarding the subject property.
- Application packets that are not complete will not be accepted. When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, it may be necessary to postpone the proposed CUP/Zone Change and remove it from the scheduled agenda and place it on a future agenda date according to **Section 1.2.1.2. of the Unified Development Code.**

Pogie USA LLC
P O Box 956 Pearland, TX 77588
713-545-3548 Fax 713-667-1310



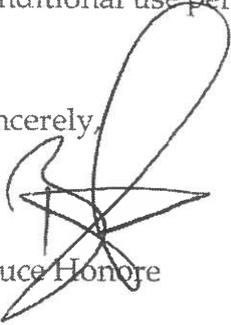
January 15, 2016

City of Pearland
Pearland, TX 77581

To Whom It May Concern,

I, Bruce Honore managing member of Pogie USA LLC, and property owner of 6601 Broadway Pearland, TX 77581 designate Alfred Rucker to file the application for a conditional use permit on my behalf.

Sincerely,


Bruce Honore





"No Bond Too Large or Too Small"

January 18, 2016

To Whom It May Concern:

This letter is request for a Conditional Use Permit for Midtown Bail Bonds. Midtown Bail Bonds has acquired retail space located @ 6601 Broadway Street, Pearland 77581. The square footage of the leased space is 1240. The layout of this space will be conducive for a general office setting.

The owner/landlord of the above space has full knowledge of the business use and has given his permission for Midtown Bail Bonds to occupy this space. Midtown Bail Bonds has been operating successfully in Fort Bend County for 8 years and 3 years in Harris County.

The daily operation of business use will consist of general office duties by providing bail services to those in need. Midtown Bail Bonds is ordered to comply with all rules and regulations set forth by Brazoria County Bail Bond. At this time, the bail bond board has granted approval to Midtown Bail Bonds for processing bonds within the county.

It is with great hopes that approval is received from the City of Pearland for Midtown Bail Bonds to operate and conduct business within the city.

If any questions are required of me, I may be reached at 832-423-9969

Alfred Rucker

Owner

Midtown Bail Bonds

2204 Austin Street, Houston Texas 77002

Office: 713-752-2663

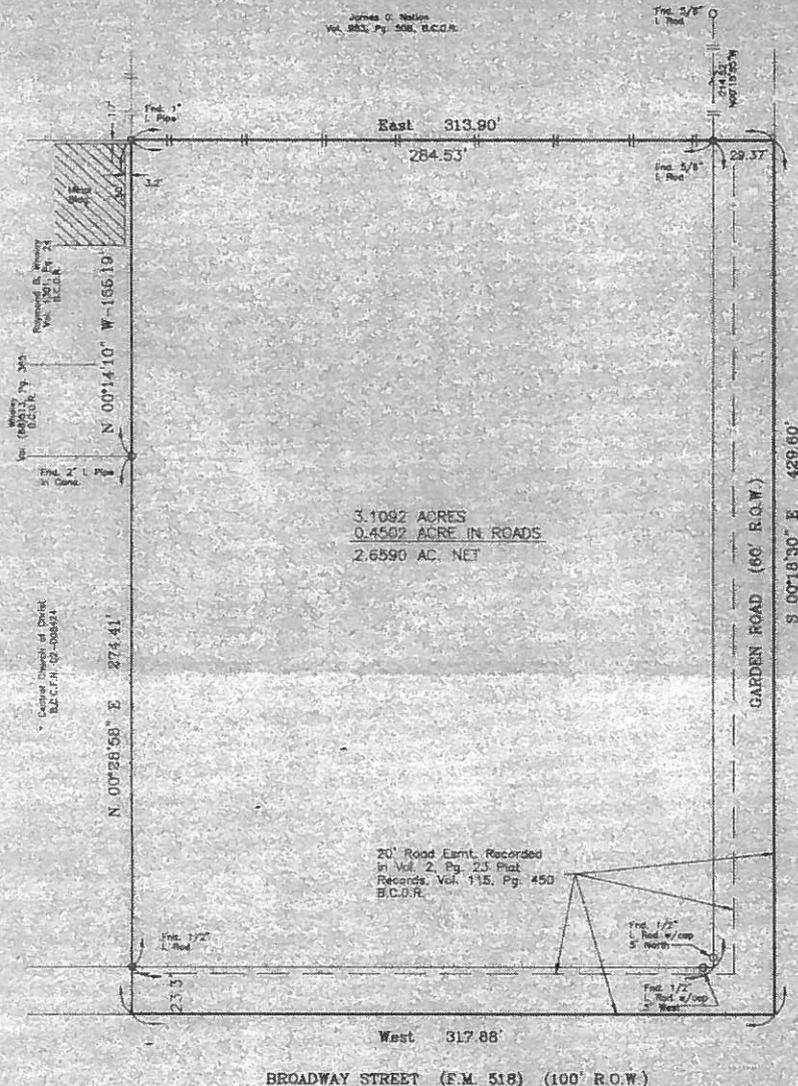
Fax: 713-658-1143

www.midtownbailbonds.com

WALKER L. TREESH

Registered Professional Land Surveyor
P.O. Box 2113 Pearland, Texas 77588 (281) 485-5191

Scale: 1"=60' Date: October 13, 2007 Job No. 07-3702
Purchaser: URB Holdings Inc
Property Address:



- GENERAL NOTES:**
1. This tract lies in Flood Zone "X" (unshaded) according to the F.E.M.A. Flood Insurance Rate Map for the City of Pearland, Texas; Community-Panel No. 480077 0040 A, Dated Sept. 22, 1999.
 2. The Surveyor has relied on commitment for title insurance issued by First American Title Co., OF No. 1103146-1109, effective date September 23, 2007, with regard to any recorded, easements, rights of way or set backs affecting the subject property.
 3. Bearings are based on deed records and found monumentation.
 4. The certification shown herein is revoked and this survey is null and void if this document is altered in any manner, used or relied upon by any person other than those addressed herein, or does not bear an original seal and signature of the Surveyor on a blue-line copy.

PLAT SHOWING A SURVEY OF A 3.1092 ACRE TRACT OF LAND OUT OF LOT 46 OF THE ALLISON RICHEY GULF COAST HOME COMPANY'S SUBDIVISION OF SECTION 8, H.T.&B.R.R. CO. SURVEY, ALSO CALLED THE F.B. DRAKE SURVEY, ABSTRACT 504, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGE 24, OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS.

To: First American Title Co. and URB Holdings, Inc., exclusively

I, Walker L. Treesh, Registered Professional Land Surveyor in the State of Texas, hereby certify that this plat represents a survey made on the ground under my direction and supervision on October 13, 2007. At the time of this survey there were no encroachments, conflicts or protrusions apparent on the ground, EXCEPT AS SHOWN. This survey was performed in connection with the transaction described in G.F. No. 1103146-1109 of First American Title Co. THIS SURVEY IS CERTIFIED FOR THIS TRANSACTION ONLY. USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY OTHER PARTIES SHALL BE AT THEIR OWN RISK AND THE UNDERSIGNED SURVEYOR IS NOT RESPONSIBLE FOR ANY LOSS RESULTING THEREFROM.

Walker L. Treesh
WALKER L. TREESH, R.P.L.S. NO. 1895



© Walker L. Treesh, R.P.L.S. This document work is protected under Copyright laws. Title 17, United States Code (17) and 102. All violations will be prosecuted to the fullest extent of the law. This survey is being provided solely for the use of the recipient named herein, and no license has been granted, extended or implied to copy the survey except as a necessary in conjunction with the original transaction, which shall take place within thirty (30) days from the date shown herein.

2015 TAX STATEMENT



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

Certified Owner:
 POGIE USA LLC
 PO BOX 956
 PEARLAND, TX 77588-0956

Legal Description:
 A0504 HT & B R R BLOCK 1 TRACT 1,
 GARDEN PLAZA ACRES 2.501 PEARLAND

Account No: 0504-0070-000
As of Date: 01/15/2016

Appr. Dist. No.: 175752

Legal Acres: 2.5010
Parcel Address: 6603 BROADWAY FM 518
Print Date: 01/15/2016

Market Value		Appraised Value	Assessed Value	Capped Value	Homesite Value	Agricultural Market Value	Non-Qualifying Value
Land	Improvement						
\$599,190	\$798,300	\$1,397,490	\$1,397,490	\$0	\$0	\$0	\$1,397,490

Taxing Unit	Assessed Value (100%)	Exemptions		Taxable Value	Tax Rate	Tax
		Code	Amount			
BRAZORIA COUNTY <i>Amount saved by additional sales tax revenue \$1,420.65</i>	\$1,397,490		\$0.00	\$1,397,490	0.4260000	\$5,953.31
SPECIAL ROAD & BRIDGE	\$1,397,490		\$0.00	\$1,397,490	0.0600000	\$838.49
PEARLAND ISD	\$1,397,490		\$0.00	\$1,397,490	1.4156000	\$19,782.87
BRAZORIA DRAINAGE DIST 4	\$1,397,490		\$0.00	\$1,397,490	0.1555000	\$2,173.10
CITY OF PEARLAND	\$1,397,490		\$0.00	\$1,397,490	0.7053000	\$9,856.50

Total Tax: \$38,604.27
Total Tax Paid to date: \$38,604.27
Total Tax Remaining: \$0.00

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%
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
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%
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

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: 01/15/2016

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



* 0 5 0 4 0 0 7 0 0 0 0 *

0504-0070-000
 POGIE USA LLC
 PO BOX 956
 PEARLAND, TX 77588-0956

AMOUNT PAID:

\$ _____

05040070000 2015 012016 00000000000 00000000000 00000000000 7

WALKER L. TREESH
Registered Professional Land Surveyor

P.O. Box 2113
Pearland, Texas 77588
(281) 485-5191

FIELD NOTE DESCRIPTION OF A 3.1092 ACRE TRACT OF LAND OUT OF LOT 46 OF THE ALLISON RICHEY GULF COAST HOME COMPANY'S SUBDIVISION OF SECTION 8, H.T.&B.R.R. CO. SURVEY ALSO CALLED THE F.B. DRAKE SURVEY, ABSTRACT 504, BRAZORIA COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 2, PAGE 24, OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at the northeast corner of the aforementioned Lot 46, said point being in the center-line Garden Road and being the northeast corner of the herein described tract;

THENCE S 00° 18' 30" E along the centerline of Garden Road and the east line of said Lot 46, a distance of 429.60 feet to a point for corner in Broadway Street (F.M. 518), being the southeast corner of said Lot 46;

THENCE WEST along the south line of said Lot 46 and Broadway Street, a distance of 317.88 feet to a point for corner;

THENCE N 00° 28' 58" E at a distance of 23.30 feet pass a ½ inch iron rod found for reference corner in the north right of way line of Broadway Street, continuing in all a total distance of 274.41 feet to found 2" iron pipe in concrete for angle point;

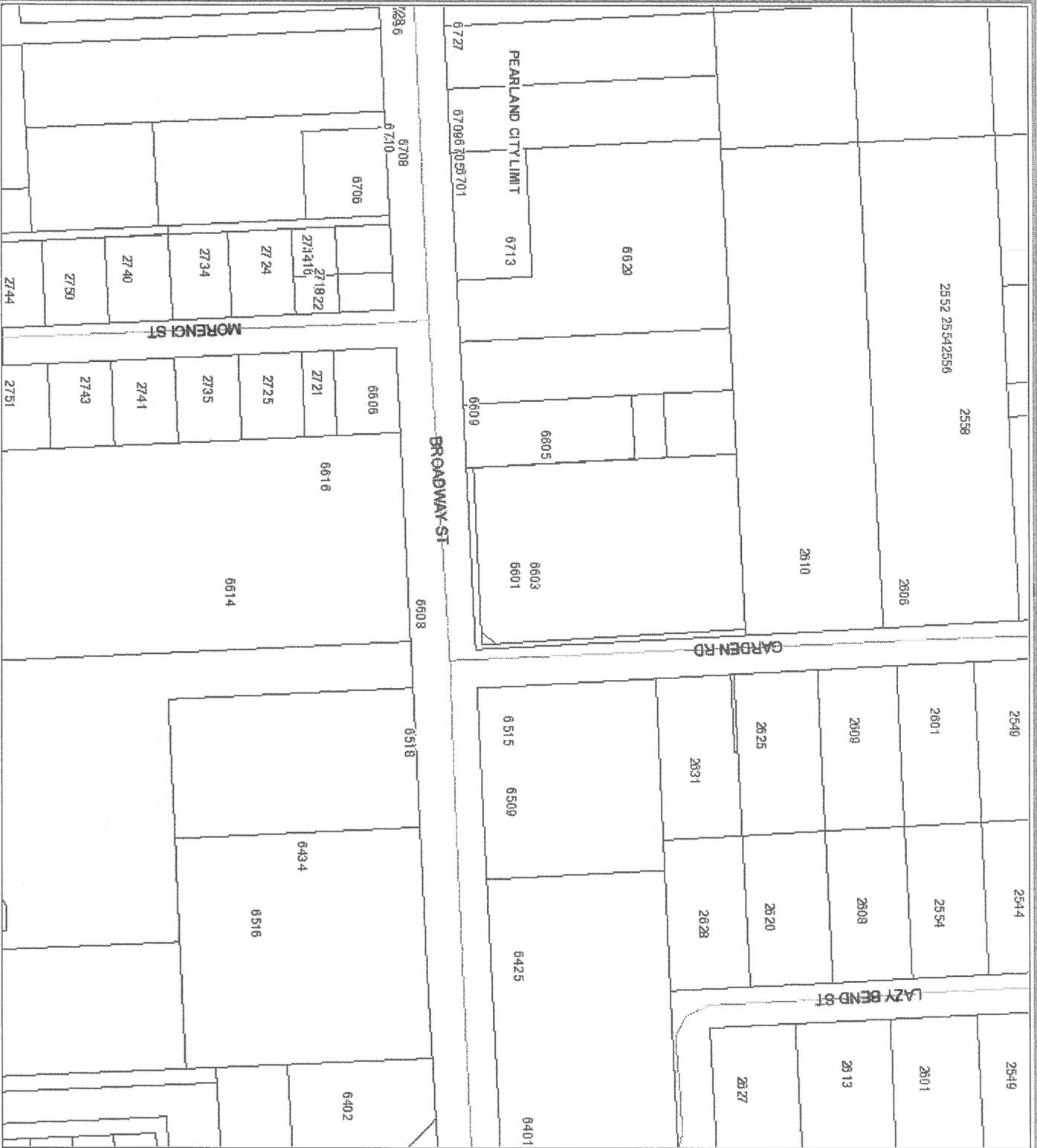
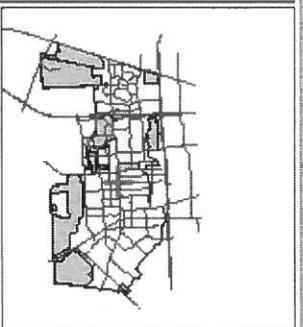
THENCE N 00° 14' 10" W a distance of 155.19 feet to a 1 inch iron pipe found for corner in the north line of said Lot 46;

THENCE EAST along the north line of said Lot 46, at a distance of 284.53 feet pass a 5/8 iron rod for reference corner in the west right of way line of Garden Road, continuing in all a total distance of 313.90 feet to the PLACE OF BEGINNING and containing 3.1092 acres of land, more or less.

Walker L. Treesh

Walker L. Treesh, R.P.L.S. No. 1895
October 16, 2007





This product is for informational purposes and they have not been prepared for or used in any legal proceeding. The information contained herein does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Scale 1:2,543
1 in = 212 ft
January 15, 2016



**DEVELOPMENT
SITE PLAN**
SCALE: 1" = 30'



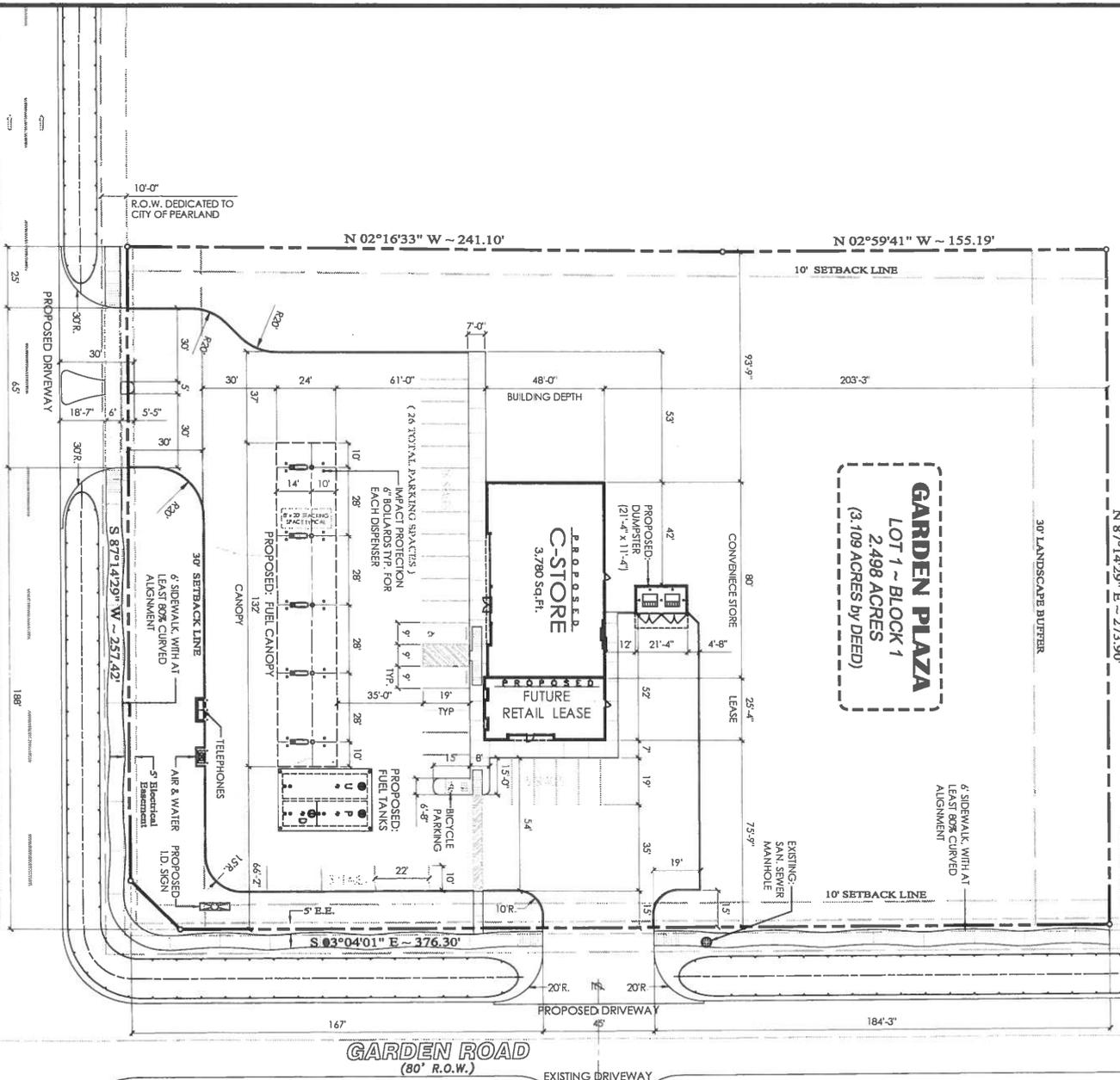
ZONING OF PROPERTY : GRS/CO

GENERAL BUSINESS	REQUIRED	PROPOSED
MINIMUM LOT AREA:	22,900 S.F.	108,812 S.F.
MINIMUM LOT WIDTH:	150' R.L.	273.20' R.L.
FRONT YARD:	30' R.L.	30' R.L.
SIDE YARD:	10' R.L.	93.75' R.L.
REAR YARD:	30' R.L.	203.25' R.L.
BUILDING HEIGHT:	20' R.L. (MAX)	16' R.L. - 8' H.

PARKING TABLE

PROPOSED USE:	Convenience Store & Liquor Store
AREA OF USE:	5,040 Square Feet
REQUIRED RATIO:	1,200 Square Feet
NUMBER OF SPACES:	42 (36 Parking Spaces (Reg))

- NOTES:**
- ALL FENCES VISIBLE FROM BROADWAY SHALL BE MASONRY.
 - MINIMUM LIGHTING LEVEL OF 0.5 FOOT CANDLES SHALL BE PROVIDED IN THE PARKING LOTS.
 - WOODEN LIGHT POLES ARE PROHIBITED.
 - HIGH PRESSURE SODIUM AND METAL HALIDE FIXTURES SHALL BE USED HERE ON PUBLIC STREET.
 - PROPERTIES LIGHTING SHALL NOT EXCEED 12'.
 - UNDERGROUND MECHANICAL IRIGATION SYSTEM REQUIRED IN ALL LANDSCAPE AREAS.
 - HEIGHT OF LIGHTING SHALL NOT EXCEED THE HEIGHT OF THE BUILDING.
 - ALL UTILITIES SHALL BE UNDERGROUND.
 - ALL MECHANICAL, ELECTRICAL, AND ROOF ACQUIRED EQUIPMENT SHALL BE SCREENED AS PER THE REQUIREMENTS OF THE U.D.C.
 - ALL PARKING SPACES SHALL HAVE A MINIMUM DIMENSION OF 9' X 18', AND ALL AISLES SHALL HAVE A MINIMUM WIDTH OF 24'. ANY SIGNS, PAVING, STRUCTURE (EXCEPT FENCES, WALLS OR SCREENS) ON EASEMENTS NEED A WAIVER OF ENCROACHMENT LETTER.
 - CORRUGATED METAL IS PROHIBITED.
 - PERIMETER OF PARKING AREAS SHALL BE BOUNDED BY A RAISED OR RIBBON CURBS.
 - ALL PARKING SPACES SHALL BE WITHIN 50' OF TREE.
 - THERE SHALL BE NO OUTDOOR STORAGE, DISPLAY, OR ACTIVITY.
 - ALL REUSE AND RECYCLING CONTAINERS SHALL BE SCREENED AS PER THE REQUIREMENTS OF THE U.D.C.
 - ALL APPLICABLE REQUIREMENTS OF THE U.D.C. SHALL BE MET. PROPOSED ID. SIGN PERMIT SEPARATELY.



BROADWAY ST. (AKA F.M. 518)
(120' R.O.W.) ~ (SPEED LIMIT = 45 M.P.H.)

CDG
CISNEROS DESIGN GROUP
2501 W 11th St
HOUSTON, TX
77008

OFFICE: 713.524.2880
EMAIL: cisneros@cis-axis.com

SCALE: 1" = 30'
SHEET NO: **SP2**

PROJECT:
SHELL CONVENIENCE STORE
6601 Broadway St., Pearland, Tx 77581
DEVELOPMENT SITE PLAN
//Work/Jobs/A222_Pearland/03 - SP2_Development Site Plan.dwg

REVISIONS & DATE
1) 10/27/2007 (02/18/2008)
2) 02/04/2008 (03/14/2010)
3) 05/20/2008
4) 10/20/2008
5) 02/12/2009
DRAWN BY: **Hector Flores**

DATE: 10/10/2007
SCALE: 1" = 30'



JOINT PUBLIC HEARING
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF
THE CITY OF PEARLAND, TEXAS,
MONDAY, MARCH 21, 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. 2016-03Z

A city initiated request for approval of a zone change in the recently annexed Area 2 (south of Bailey Road between FM 1128/Manvel Road and Veterans Road) from Suburban Development (SD) zoning district to General Business (GB) zoning district; on approximately 35.450 acres of land.

Legal Description: Being four tracts of land, approximately 27.581 acres in Annexation Area 2, identified as AO 549 H T & BRR tract 11A, Acres 7.635; LT 1B 549 H T & B, Acres 4.946; G.C. Smith LT 1 549 H T & B, Acres 5.000; and G.C. Smith LT2 549 H T & B, Acres 10.000.

General Location: near the Southeast corner of FM 1128/Manvel Road and Bailey Road, Pearland, TX.

And, **Legal Description:** Being five tracts of land, approximately 7.869 acres in Annexation Area 2, identified as A0549 H T & B R R Tract 21 B called Tract 1, Acres 2.200; LT 21B1 (called Tract 4) 550 H T & B, Acres 2.5; A0550 H T & B R R, Tract 21D, Acres 2.5; A0550 H T & B R R Tract 21, Acres 0.789; A0550 H T & B R R Tract 21E, Acres 2.25.

General Location: Southwest corner of Bailey Road and Veterans Road.

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: March 21, 2016

Re: Zoning Change Application No. 2016-03Z

A city initiated request for approval of a zone change in the recently annexed Area 2 (south of Bailey Road between FM 1128/Manvel and Veterans Road) from Suburban Development (SD) zoning district to General Business (GB) zoning district; on approximately 35.450 acres of land, to wit:

Being four tracts of land, approximately 27.581 acres in Annexation Area 2, identified as AO 549 H T & BRR tract 11A, Acres 7.635; LT 1B 549 H T & B, Acres 4.946; G.C. Smith LT 1 549 H T & B, Acres 5.000; and G.C. Smith LT2 549 H T & B, Acres 10.000.

General Location: near the Southeast corner of FM 1128/Manvel Road and Bailey Road, Pearland, TX.

And, five tracts of land, approximately 7.869 acres in Annexation Area 2, identified as A0549 H T & B R R Tract 21 B called Tract 1, Acres 2.200; LT 21B1 (called Tract 4) 550 H T & B, Acres 2.5; A0550 H T & B R R, Tract 21D, Acres 2.5; A0550 H T & B R R Tract 21, Acres 0.789; A0550 H T & B R R Tract 21E, Acres 2.25.

General Location: Southwest corner of Bailey Road and Veterans Road.

Summary of Request

The purpose of this request is to rezone approximately 35.450 acres of land that was annexed into Pearland on December 3, 2015 from Suburban Development (SD) district to the General Business (GB) district. This zone change affects two sections of land located within Area 2.

At the time of annexation the annexed areas were zoned SD, a default district for newly annexed land until zoned for a particular use.

Four tracts of land, approximately 27.581 acres, are located on the southeast corner of the intersection of Bailey Road and Manvel Road. Five tracts of land, approximately 7.869 acres, are located at the southwest corner of Bailey Road and Veterans Drive. The subject tracts are identified in the Future Land Use Plan as minor retail nodes. Key intersections in the City have been identified in the Comprehensive Plan as retail nodes and are intended for retail, office, and service uses. The Comprehensive Plan states that the nodes need not occupy one corner and the uses can be distributed among the intersection's four corners depending on factors such as property ownership, physical constraints, and jurisdictional influences. The proposed GB zoning is considered as an appropriate zone for these minor nodes.

Recommendation

Staff recommends approval of the zoning change application from SD to GB on the approximately 35.450 acre of land for the following reasons:

1. The proposed zoning designation of GB is in conformance with the Comprehensive Plan as both areas are located within Minor Retail Nodes (intersection of Bailey Road and Manvel Road and intersection of Bailey Road and Veterans Road). The Comprehensive Plan also supports retail and service use being located at intersections of thoroughfares and collector streets.
2. The proposed zoning district is in conformance with the Unified Development Code and will not result in any non-conforming uses.
3. Any change in use or expansion of use would be subject to regulations in the Unified Development Code.

Site History

This area was annexed into the City effective December 3, 2015. All properties had existing business uses at the time of annexation.

Conformance with the Comprehensive Plan

The Comprehensive Plan recommends that;

- a. Neighborhood retail and service should be located at intersection or at the edge of logical neighborhood areas; and,
- b. Retail areas to be clustered throughout the city and convenient to residential areas

The Future Land Use Plan (FLUP) indicates these areas to be “Minor Retail Nodes.” The proposed zoning is in conformance with the Comprehensive Plan.

Conformance with the Thoroughfare Plan

According to City records, Bailey Road is a Major Thoroughfare that is in the process of being widened. The full length of Bailey Road is in the Corridor Overlay District.

Conformance with the Unified Development Code

The proposed GB designation would be appropriate for all existing property uses that includes restaurant, beauty shop, insurance office, church, indoor batting cages, dance studio, nursery, learning center, and day care, and would not result in any nonconforming uses. The GB zone also allows other retail and commercial uses, in addition to the existing uses. The parcels in the proposed rezoning area will also be in conformance with the area and setback requirements of the GB zone

• General Business (GB) Area Regulations	
Size of Lot	Required
Minimum Lot Size	22,500 sf.
Minimum Lot Width	150 ft.
Minimum Lot Depth	125 ft.

Platting Status

At this time, platting is not required and the existing uses can continue in their current state. Platting will be required if any construction or subdivision of a property is proposed in the future.

Availability of Utilities

Most parcels are currently served by private water and septic systems. According to city records, a 4" sanitary force main exists along the west side of McLean with a lift station located south of Aimee Lane. A 4" sanitary force main also exists along the east side of Veterans Drive and terminates approximately 200 feet south of Bailey Road with a 2" force main extension across to the west side of Veterans ending in the southwest corner lot of Bailey Road and Veterans Drive.

Water and sewer installation in other areas will be determined according to the current Capital Improvement Project (CIP) schedule for each individual area. The current 5-year CIP shows 18" water lines being constructed along Veterans Drive and FM1128, south of Bailey Road. If future development creates a need, then, the services may be extended at that time.

Impact on Existing and Future Development

The proposed zoning should not have any negative impact on existing or future development as the uses are existing. Any changes would require conformance with the Unified Development Code.

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. A legal notice of the public hearing was published in the local newspaper. Additionally, staff had sent informational letters to all property owners in February 2016, to inform them of this zone change process.

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

Exhibit 1

AERIAL MAP

2016-03Z

Bailey Road Annexation SD to GB

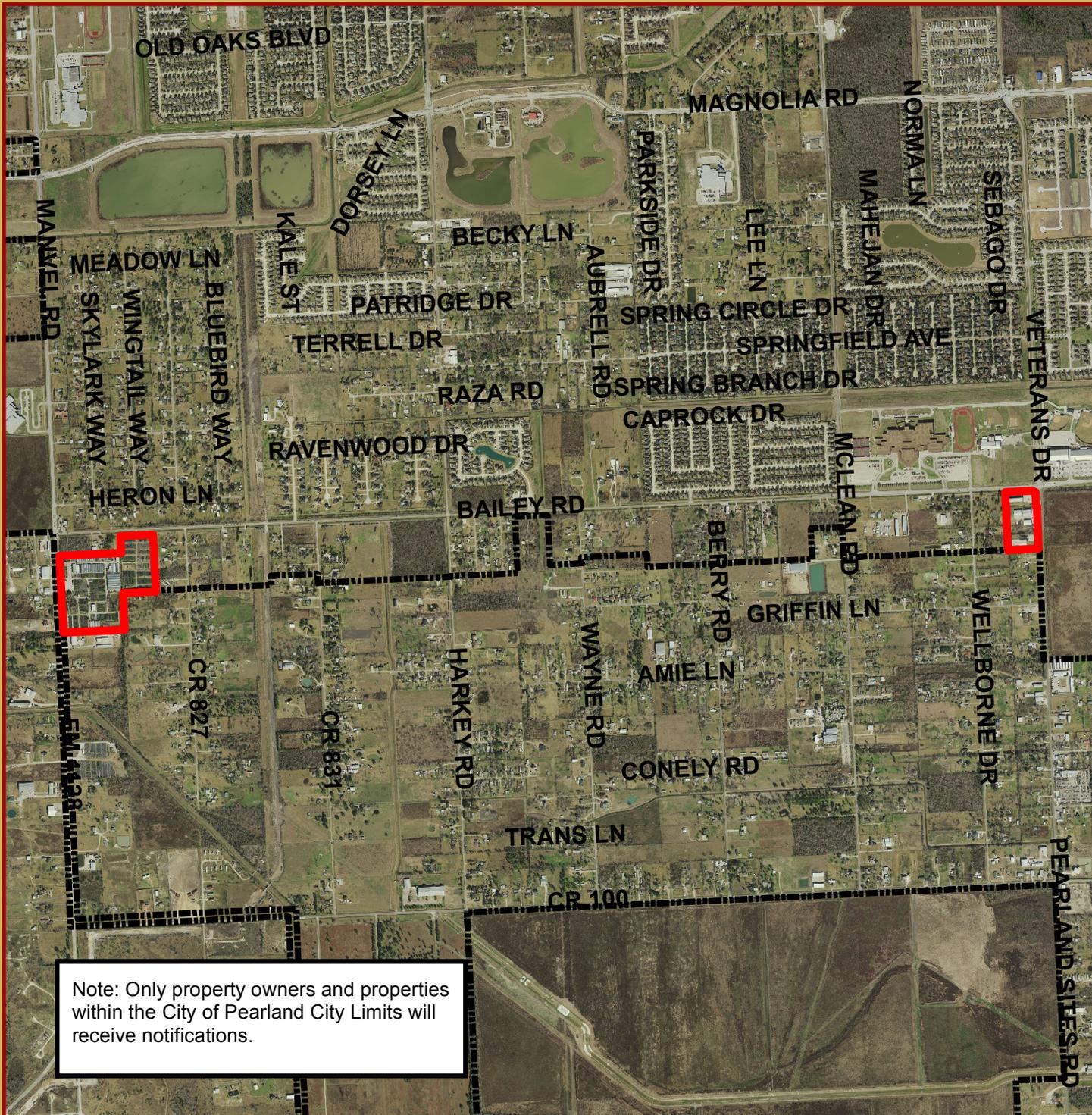
-  Subject Parcels
-  City Limits



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 = 1,937 feet

FEBRUARY 2016
PLANNING DEPARTMENT



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

Exhibit 2

ZONING MAP

2016-03Z

Bailey Road Annexation SD to GB

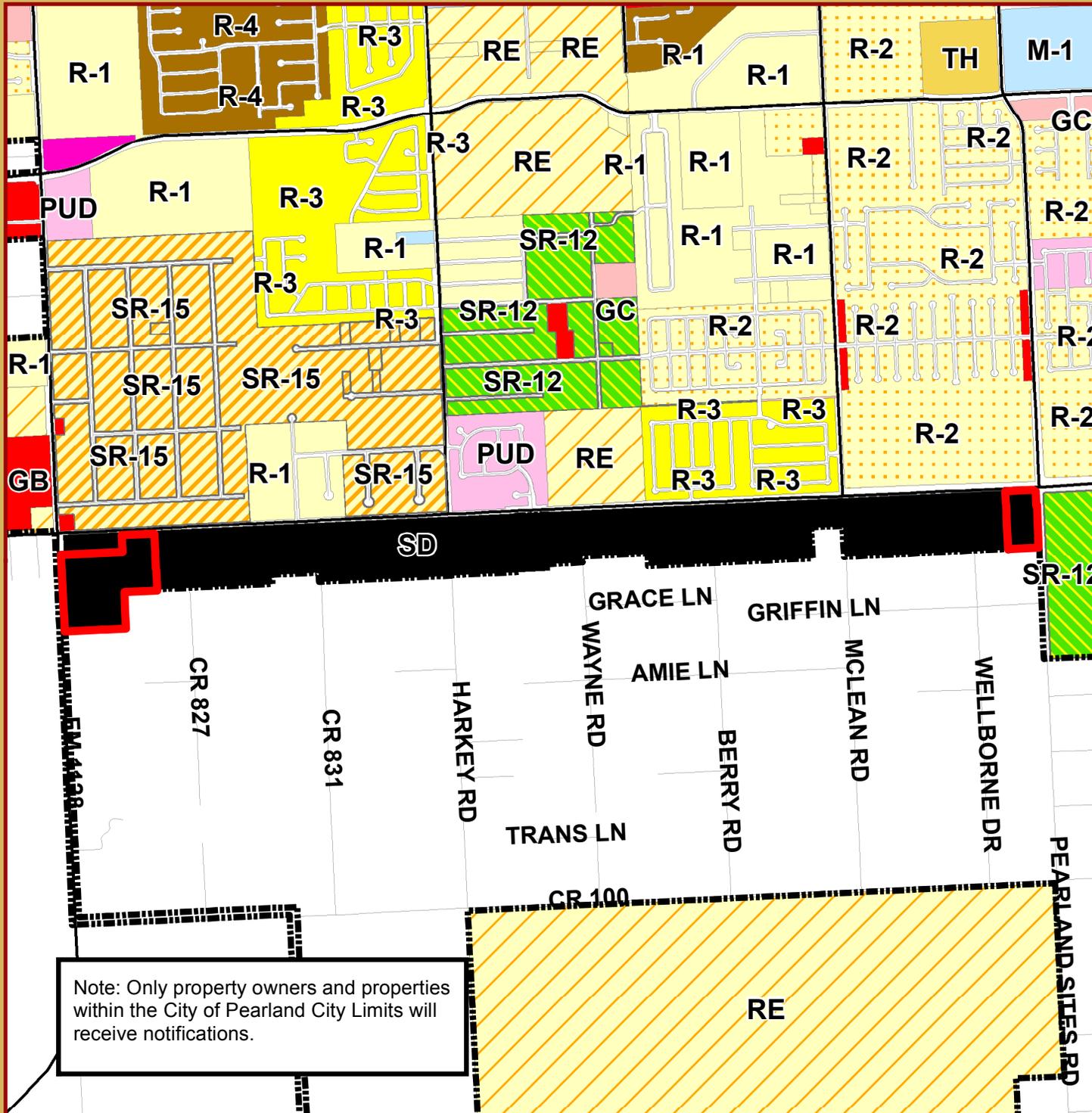
-  Subject Parcels
-  City Limits



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1 inch = 1,937 feet

FEBRUARY 2016
PLANNING DEPARTMENT



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

Exhibit 3

FLUP MAP

2016-03Z

Bailey Road Annexation SD to GB

-  Subject Parcels
-  City Limits



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1 inch = 1,937 feet

FEBRUARY 2016
PLANNING DEPARTMENT

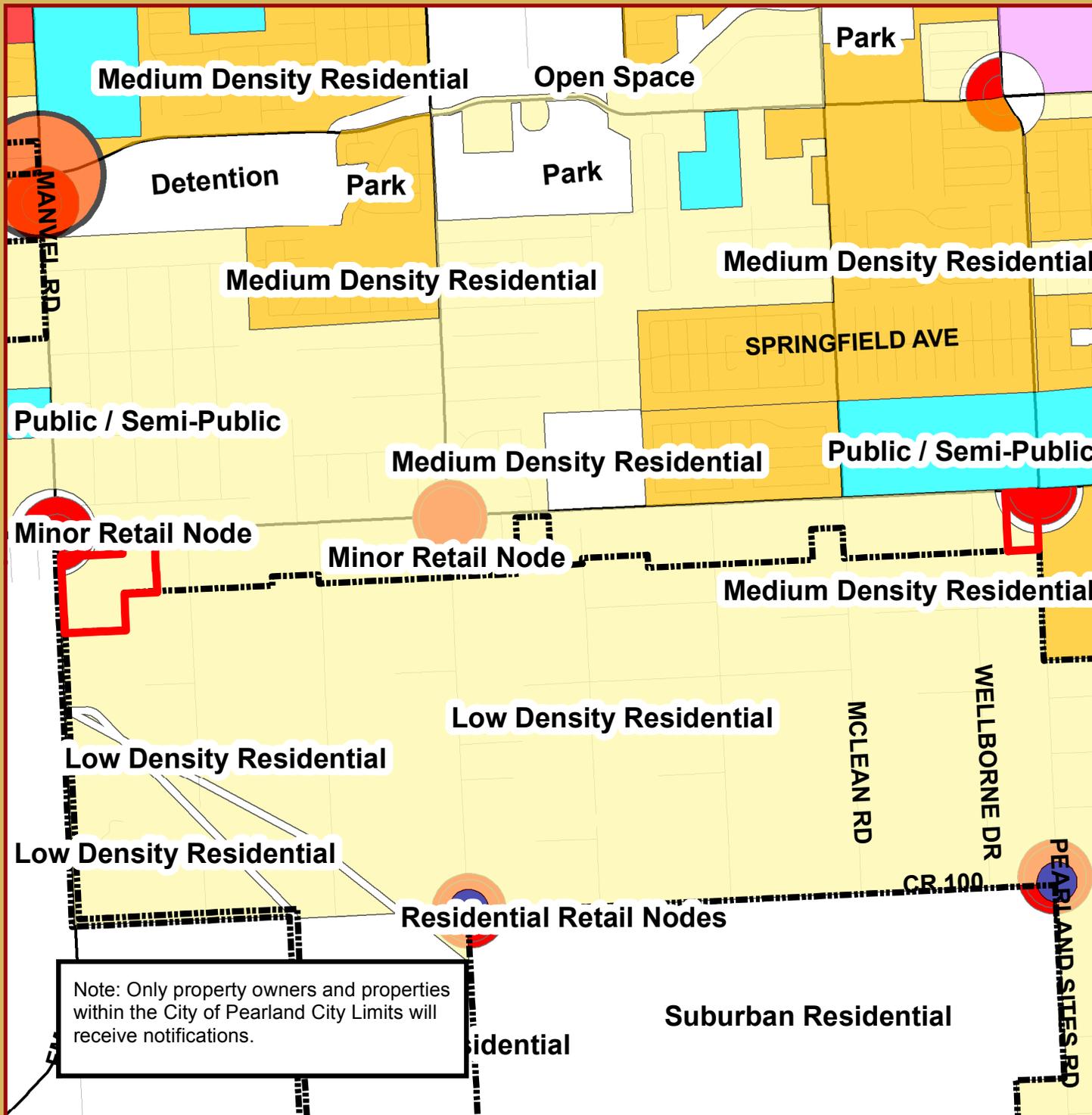


Exhibit 5

2016-03Z

Bailey Road Annexation Area 2 Commercial
SD to GB

Abbutting

Property_Owner	City	Address	State	Zip
BOULMAY RICHARD C & THOMAS M	GROVE	1524 W 63RD ST	OK	74344
GOFF ERNEST E	BRYAN	2207 W MERCERS LNDG	TX	77808
HART GEORGE LESTER	PEARLAND	6822 HERON LN	TX	77584
HENRY RICKY A	PEARLAND	16638 HERRIDGE RD	TX	77584
KARSTEN JOHN JR	PEARLAND	6910 HERON LN	TX	77584
MAI VAN DINH	PEARLAND	16903 WELLBORNE RD	TX	77584
NGUYEN TUAN QUOC & KIM HUONG THI	PEARLAND	16909 WELLBORNE RD	TX	77584
PEARLAND ISD	PEARLAND	PO BOX 7	TX	77588
RMJ MILLER HOLDINGS LTD	PEARLAND	PO BOX 1721	TX	77588
SCHAATT NORBERT & GEORGETTE	PEARLAND	6918 HERON LN	TX	77584
SNYDER TERRENCE E & PATRICIA	PEARLAND	2120 KILKENNY DR	TX	77581
TEXAS GLOBAL INVESTMENT GROUP LLC % NAIR SOMARA JAN	PEARLAND	2804 GREEN MOUNTAIN DR	TX	77584
TMTB INC	PEARLAND	3723 FM 1128 RD	TX	77584
TRAN LAU VAN	PEARLAND	16911 WELLBORNE RD	TX	77584
VILLAMIEL DOMINGO L	PEARLAND	16502 HERRIDGE RD	TX	77584
WHITE LEON & MOLLY	WEIMAR	1813 W SEDAN RD	TX	78962
WILLIAMS DAVID A & ROBIN S	PEARLAND	6930 HERON LN	TX	77584
WISEMAN RODGER & CHARLENE	PEARLAND	6818 HERON LN	TX	77584



JOINT PUBLIC HEARING
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF
THE CITY OF PEARLAND, TEXAS,
MONDAY, MARCH 21, 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. 2016-04Z

A request of the City of Pearland, for approval of a change in zoning designation from Suburban Development District (SD) to Suburban Residential - 15 (SR-15).

Legal Description: 213 acres more or less out of Kanawha-Texas Company subdivision, parts of sections 18 and 22, George C. Smith survey, abstract 547 and abstract 548 Brazoria County, Texas.

General Location: North of Bailey Road, south of Arnold Drive, east of Kennedy Drive, and west of Manvel Road, in Pearland, Brazoria County, Texas, also known as Area 1.

And,

Legal Description: 230 acres more or less out of lots 1, 2, 11, 21, 31, 41 and 51, Section 24, George C. Smith survey abstract 549 and lots 1, 11, 21, 31, 41 and 51, section 25 H.T. & B. R.R. company survey, abstract 245 and lots 1, 11 and 21, Section 26 George C. Smith survey, abstract 550, Brazoria County, Texas.

General Location: South of Bailey Road, East of Manvel Road, and West of Veterans Road, in Pearland, Brazoria County, Texas, also known as Area 2.

SAVE AND EXCEPT 35.450 acres of land, to wit:

Legal Description: Four lots, consisting of approximately 27.581 acres in Annexation Area 2, identified as AO 549 H T & B R R, Tract 11A, Acres 7.635; LT 1B 549 H T & B, Acres 4.946; G.C. Smith LT 1 549 H T & B, Acres 5.000; and G.C. Smith LT 2 549 H T & B, Acres 10.000.

General Location: near the Southeast corner of FM 1128/Manvel Road and Bailey Road, Pearland, TX.

And,

Five lots, consisting of approximately 7.869 acres in Annexation Area 2, identified as A0549 H T & B R R Tract 21 B called Tract 1, Acres 2.200; LT 21B1 (called Tract 4) 550 H T & B, Acres 2.5; A0550 H T & B R R, Tract 21D, Acres 2.5; A0550 H T & B R R Tract 21, Acres 0.789; A0550 H T & B R R Tract 21E, Acres 2.25.

General Location: Southwest corner of Bailey Road and Veterans Road.

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: March 21, 2016

Re: Zoning Change Application No. 2016-04Z

A request of the City of Pearland, for approval of a change in zoning designation from Suburban Development District (SD) to Suburban Residential - 15 (SR-15); to wit:

Area 1: 213 acres more or less out of Kanawha-Texas Company subdivision, parts of sections 18 and 22, George C. Smith survey, abstract 547 and abstract 548 Brazoria County, Texas.

General Location: North of Bailey Road, south of Arnold Drive, east of Kennedy Drive, and west of Manvel Road, in Pearland, Brazoria County, Texas.

And,

Area 2: 230 acres more or less out of lots 1, 2, 11, 21, 31, 41 and 51, Section 24, George C. Smith survey abstract 549 and lots 1, 11, 21, 31, 41 and 51, section 25 H.T. & B. R.R. company survey, abstract 245 and lots 1, 11 and 21, Section 26 George C. Smith survey, abstract 550, Brazoria County, Texas, also known as Area 2.

General Location: South of Bailey Road, East of Manvel Road, and West of Veterans Road, in Pearland, Brazoria County, Texas, also known as Area 2.

The following 9 lots are excluded from Area 2:

SAVE AND EXCEPT 37.3004 acres of land, to wit:

Four lots, consisting of approximately 27.581 acres in Annexation Area 2, identified as AO 549 H T & B R R, Tract 11A, Acres 7.635; LT 1B 549 H T & B, Acres 4.946; G.C. Smith

LT 1 549 H T & B, Acres 5.000; and G.C. Smith LT 2 549 H T & B, Acres 10.000.

General Location: near the Southeast corner of FM 1128/Manvel Road and Bailey Road, Pearland, TX.

And,

Five lots, consisting of approximately 7.869 acres in Annexation Area 2, identified as A0549 H T & B R R Tract 21 B called Tract 1, Acres 2.200; LT 21B1 (called Tract 4) 550 H T & B, Acres 2.5; A0550 H T & B R R, Tract 21D, Acres 2.5; A0550 H T & B R R Tract 21, Acres 0.789; A0550 H T & B R R Tract 21E, Acres 2.25.

General Location: Southwest corner of Bailey Road and Veterans Road.

Summary of Request

The purpose of this request is to rezone approximately 407.55 acres of land that was annexed into Pearland on December 3, 2016 from Suburban Development (SD) district to Suburban Residential-15 (SR-15) district. This zone change affects 213 acres of land in Area 1 (generally located north of Bailey Road, south of Arnold Drive, east of Kennedy Drive, and west of Manvel Road) and approximately 194.55 acres of land in Area 2 (generally located on the south side of Bailey Road; east of Manvel Road (FM 1128) and west of Veterans Drive. There was an error in the number of acres excluded due to General Business (GB) district rezoning in the public notice. The current excluded area totals 35.45 acres instead of approximately 37.00 acres.

At the time of annexation, the annexed areas were SD, a default district for newly annexed land until zoned for a particular use. The Future Land Use map indicates that the two areas should be low density residential with Minor Retail nodes at the intersections of Bailey Road with Cullen Parkway, Manvel Road (FM 1128), Harkey Road and Veterans Road. Based on the land use inventory conducted by staff, staff is recommending the SR-15 district (a minimum lot size of 15,000 square feet) for the residential areas. The proposed zone would be in conformance with the Future Land Use Map and would be an appropriate zone for the majority of large lots with residential uses/structures in the area.

The zoning district recommendation will result in seven non-conforming uses in Area 1 that has seven businesses; however, five of these also have residential structures on the property. In Area 2, there will be five non-conforming lots. One lot will be non-conforming in terms of a business use in SR-15 District. Two lots will be non-

conforming because their lot area is less than the required 15,000 square feet in SR-15 District. Four lots will be non-conforming due to lot widths being less than the required 100 feet width in the SR-15 District. Non-conforming business uses may continue to exist and function unless discontinued for six months or more. In case of discontinuance, non-conforming uses can be reinstated and expanded by approvals from the Zoning Board of Adjustments (ZBA). The ZBA may also grant a permit to repair and expand non-conforming structures in lots that do not meet the lot area, setback, and width requirements.

Recommendation

Staff recommends approval of the zoning change application from SD to SR-15 on approximately 407.55 acres for the following reasons:

1. The proposed zoning district of SR-15 is in conformance with the Comprehensive plan. The Comprehensive Plan calls for this area to be low density residential and the proposed zoning designation is considered appropriate for low density residential.
2. The proposed zoning district is generally in conformance with the Unified Development Ordinance as it results in few non-conformities.
3. Any change in use or expansion of use would be subject to regulations in the Unified Development Code.

Site History

This area was annexed into the City effective December 3, 2015. The current SD district is a default district for recently annexed properties until zoned for a particular use.

Conformance with the Comprehensive Plan

The Future Land Use Plan shows that the recently annexed areas should be low density residential with Minor Retail nodes at the intersections of Bailey Road with Cullen Parkway, Manvel Road (FM 1128), Harkey Road and Veterans Road. The proposed zoning is in conformance with the Comprehensive Plan.

Conformance with the Thoroughfare Plan

According to City records, Bailey Road is a Major Thoroughfare that is in the process of being widened. The full length of Bailey Road is in the Corridor Overlay District.

Conformance with the Unified Development Code

The proposed zoning of SR-15 is in conformance with the Unified Development Code because the area is primarily residential in nature and the majority of the properties are large lots that exceed the 15,000 foot minimum lot size of the SR-15 district.

Suburban Residential – 15 (SR-15) Area Regulations	
Size of Lot	Required
Minimum Lot Size	15,000 sf.
Minimum Lot Width	100 ft.
Minimum Lot Depth	90 ft.

Platting Status

At this time platting is not required and the existing uses can continue in their current state. Platting will be required if any construction or subdivision of a property is requested.

Availability of Utilities

Most parcels are currently served by private water and sewer systems. Cullen Park Estates is serviced by an 8" water main along Bailey Road extending west from Manvel Road turning north in to Moray Drive (Cullen Park Estates). Hydrants exist along Bailey Road and within Cullen Park Estates Subdivision. The lots in Cullen Park Estates have private septic systems.

According to city records, a 4" force main exists along the west side of McLean with a lift station located south of Aimee Lane. A 4" force main also exists along the east side of

Veterans Drive and terminates approximately 200 feet south of Bailey Road with a 2" force main extension across to the west side of Veterans ending in the southwest corner lot of Bailey Road and Veterans Drive.

Water and sewer installation in other areas will be determined according to the current Capital Improvement Project (CIP) Schedule for each individual area. The current 5-year CIP shows 18" water lines being constructed along Veterans Drive and FM1128, south of Bailey Road. If future development creates a need, then, the services may be extended at that time.

Impact on Existing and Future Development

The proposed zoning should not have any negative impact on existing or future development as the uses are existing. Any changes would require conformance with the Unified Development Code.

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. A legal notice of the public hearing was published in the local newspaper. Additionally, staff had sent informational letters to all property owners in February 2016, to inform them of this zone change process.

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

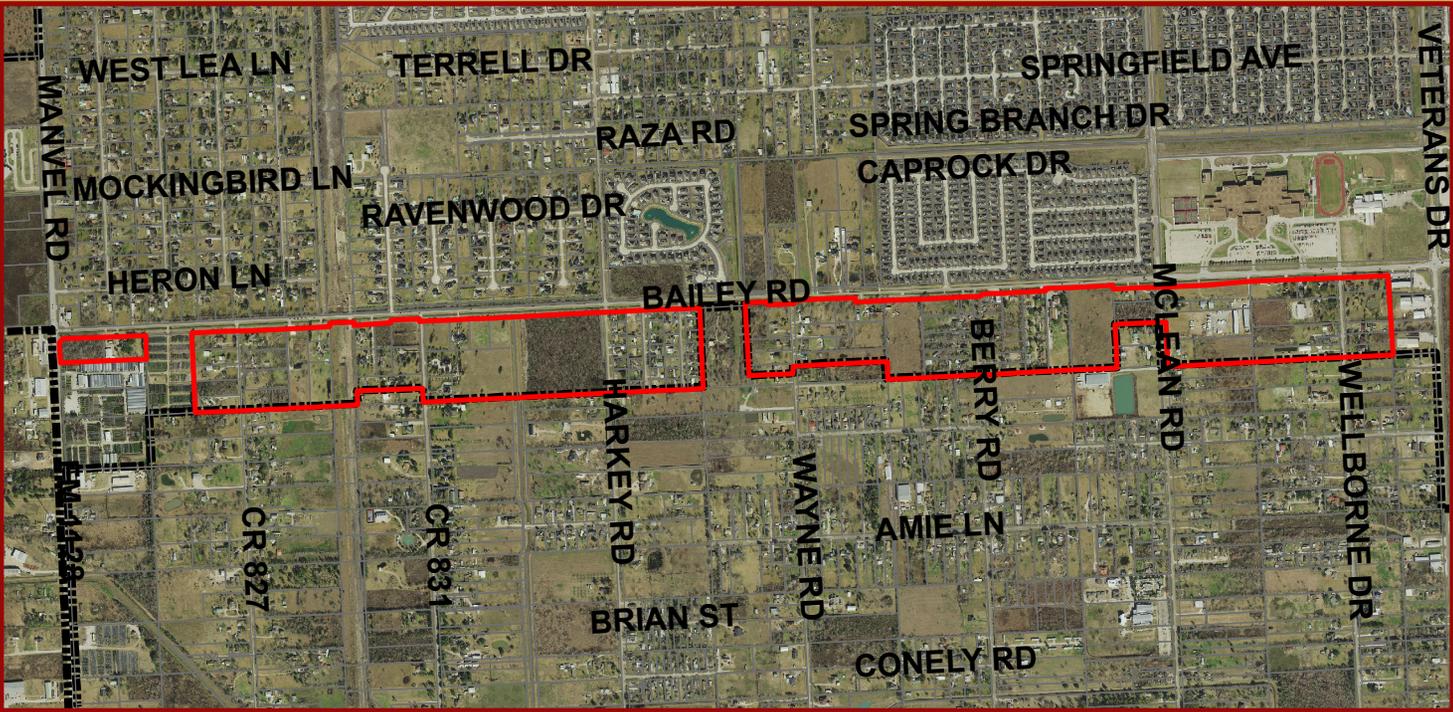
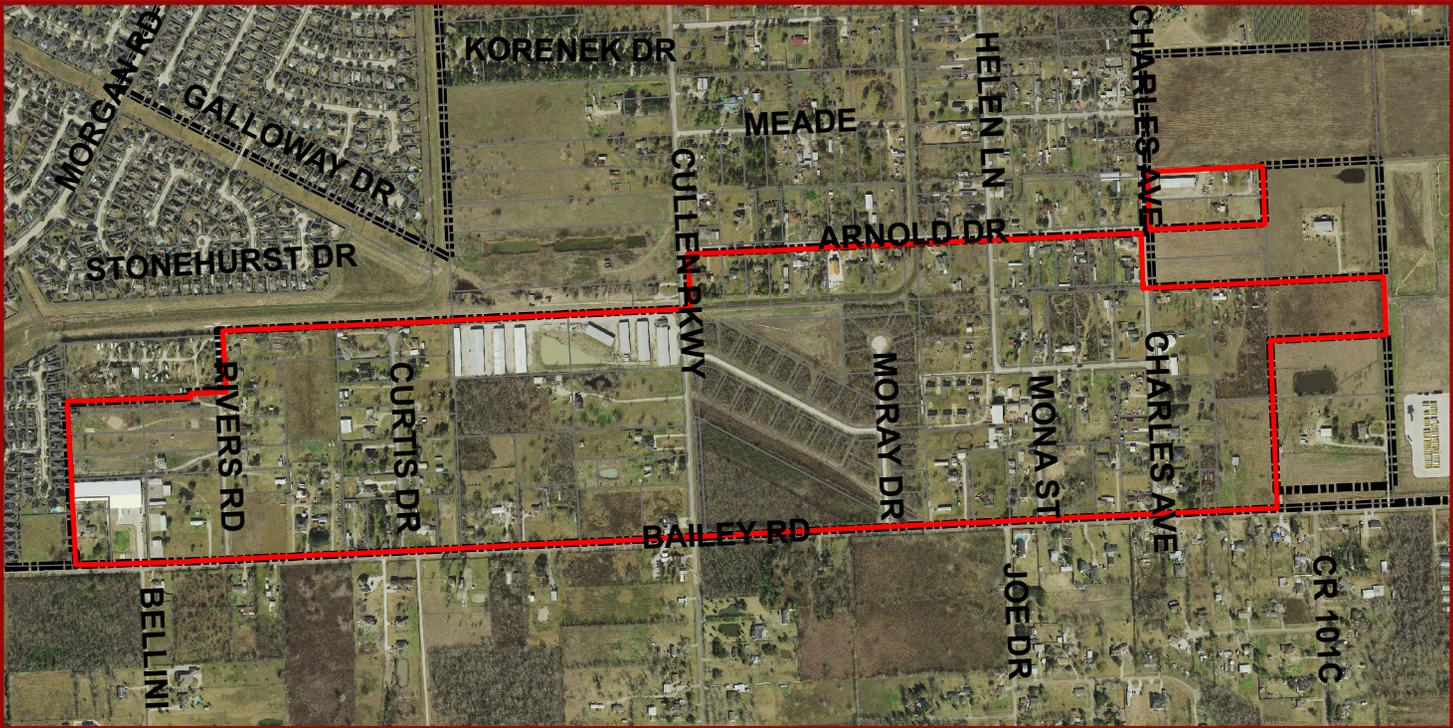
Exhibit 1

AERIAL MAP

2016-04Z

Bailey Road Annexation SD to SR-15

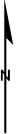
-  Subject Parcels
-  City Limits



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 = 1,083 feet

FEBRUARY 2016
PLANNING DEPARTMENT



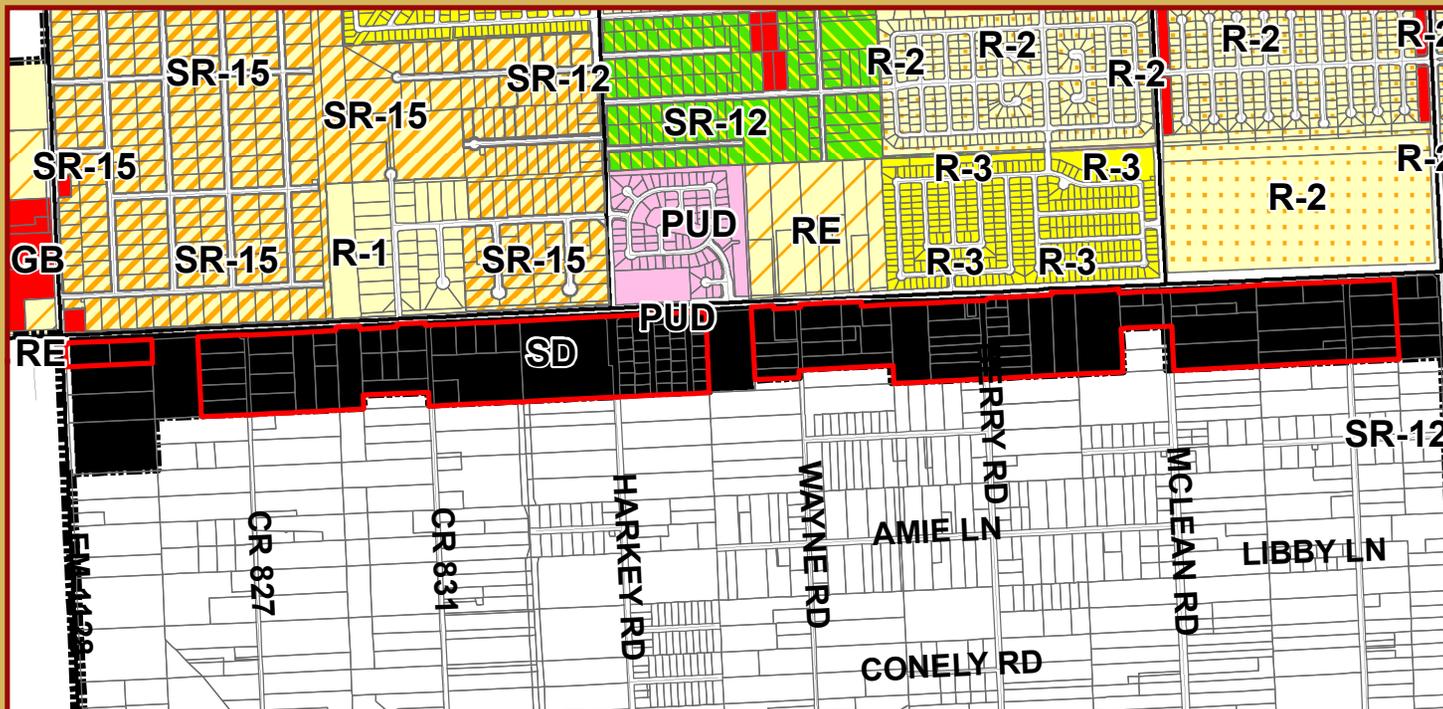


Exhibit 2

ZONING MAP

2016-04Z

Bailey Road
Annexation
SD to SR-15

-  Subject Parcels
-  City Limits



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1 inch = 1,083 feet

FEBRUARY 2016
PLANNING DEPARTMENT



Exhibit 3

FLUP MAP

2016-04Z

Bailey Road Annexation SD to SR-15

-  Subject Parcels
-  City Limits
-  Major Retail Node
-  Minor Retail Node
-  Low Density Residential
-  Medium Density Residential
-  Public / Semi-Public



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FEBRUARY 2016
PLANNING DEPARTMENT

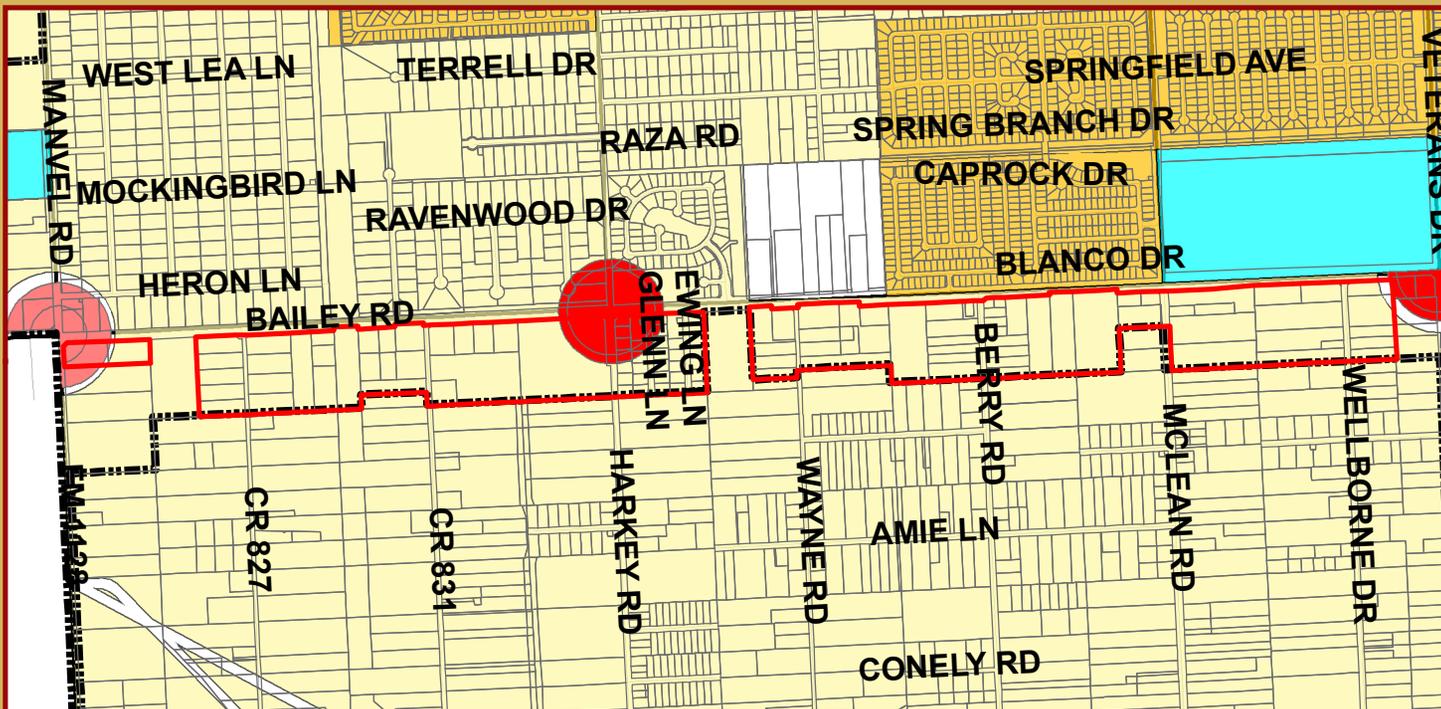
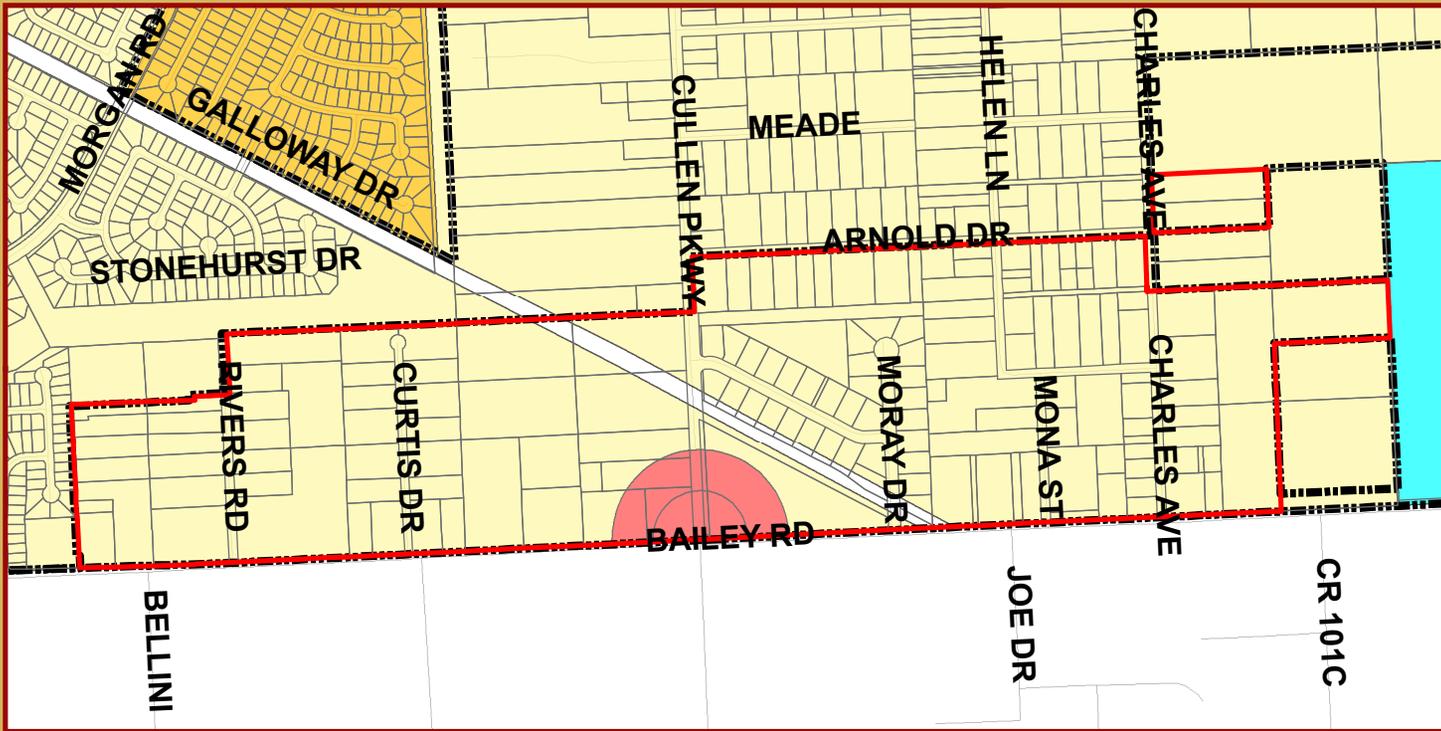


Exhibit 4

NOTIFICATION MAP

2016-04Z

Bailey Road Annexation SD to SR-15

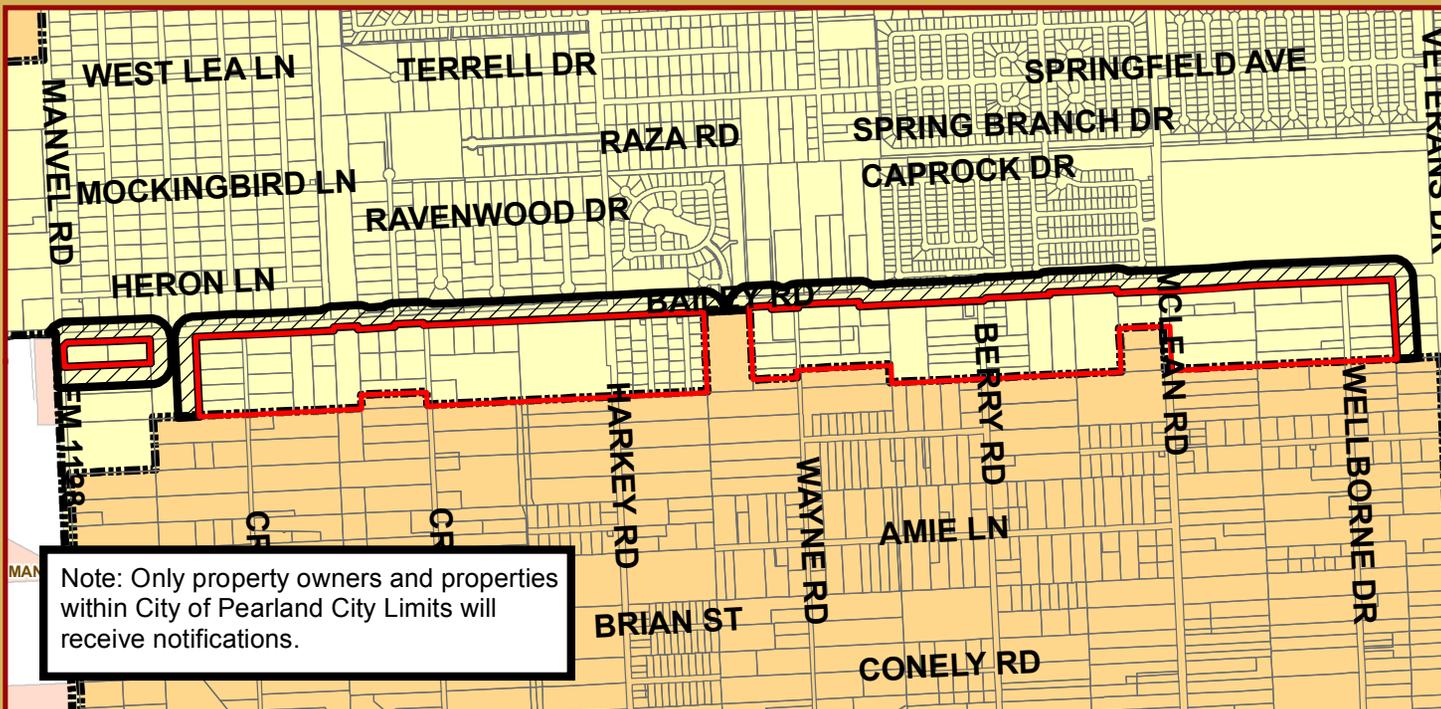
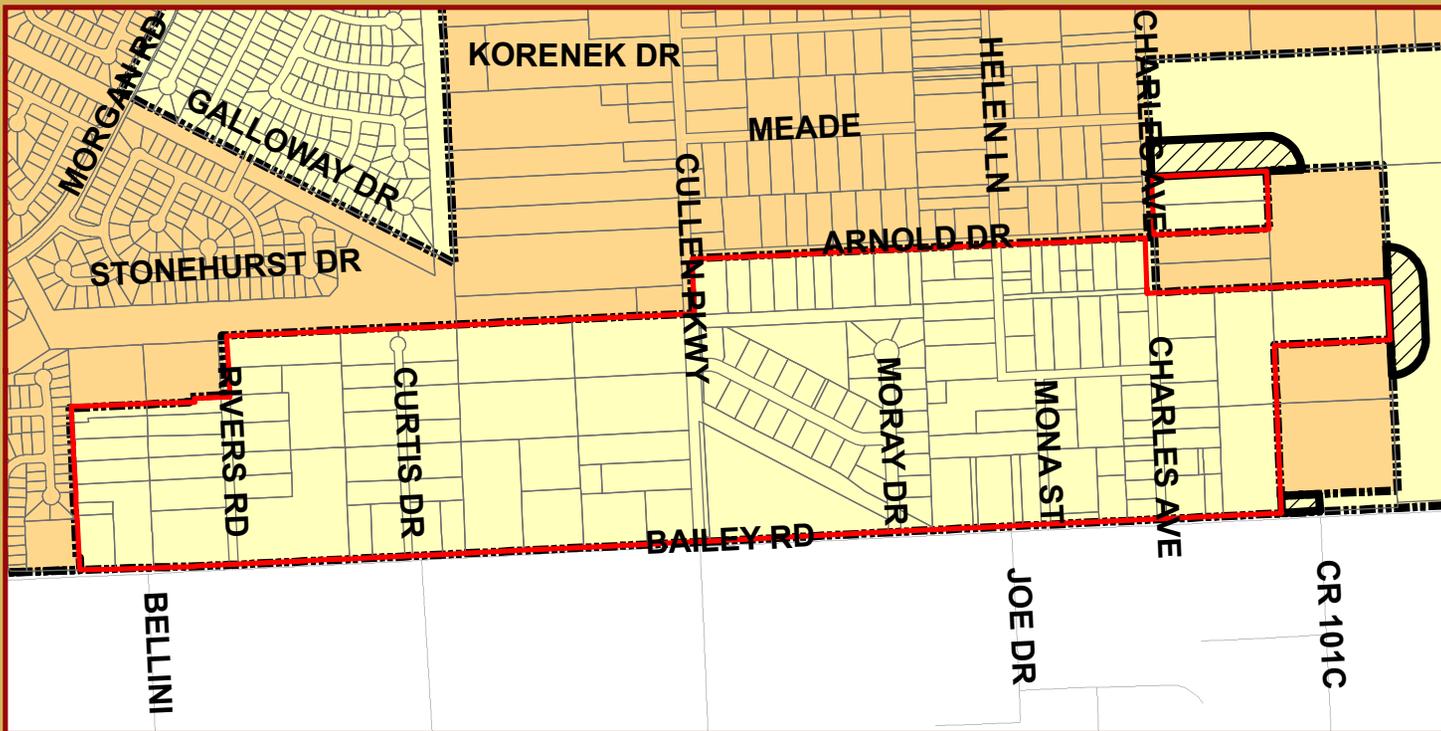
-  Subject Parcels
-  200ft Notice Area
-  City Limits
-  ETJ



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1 inch = 1,083 feet

FEBRUARY 2016
PLANNING DEPARTMENT



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

Exhibit 5

2016-04Z

Bailey Road Annexation Area 1 and 2 SD to SR-15

Property_Owner	City	Address	State	Zip
ALI SHARIF & BARKATALI MOMIN & NOORMOHAMMED ALI	HOUSTON	4115 OAK BLOSSOM CT	TX	77059
JOHN TIFFANY	PEARLAND	5302 BALMORHEA DR	TX	77584
MINJARES MICHAEL W & LAUREN L	PEARLAND	5108 BLANCO DR	TX	77584
VALDEZ DAVID & ELIZABETH C	PEARLAND	5204 BALMORHEA DR	TX	77584
BEAUGH JEREL L & SANDRA K	PEARLAND	5102 BLANCO DR	TX	77584
BENNETT KALISHA J HUDSON	PEARLAND	5110 BLANCO DR	TX	77584
CARDER DARRELL JR & ANITA	PEARLAND	5112 BLANCO DR	TX	77584
CARRASCOSA MARCELO H & DARNELL	PEARLAND	4042 RAVENWOOD CT	TX	77584
CHAMBERS JENNIFER J	PEARLAND	4042 RAVENCREST CT	TX	77584
CHAPA AARON & VANESA	PEARLAND	5304 BALMORHEA DR	TX	77584
COX JAMES & DEBORAH	PEARLAND	5802 LAWRENCE CT	TX	77584
CROASDAILE MICHELLE T & NELSON JR	PEARLAND	5603 BAILEY RD	TX	77584
DALE WALTER A & JULIE E	PEARLAND	4034 RAVENSWAY CT	TX	77584
DEFORD JANE N & KENNETH E	PEARLAND	5617 BAILEY RD	TX	77584
DELGADO ELLEN HITTINGER	PEARLAND	5308 BALMORHEA DR	TX	77584
DUHON TERESA	HUMBLE	12646 BLACKSTONE RIVER DR	TX	77346
ENGLISH BRYAN A	PEARLAND	5104 BLANCO DR	TX	77584
FINLEY BUBA D	PEARLAND	5406 BALMORHEA DR	TX	77584
GARRETT KERRI & RANDOLPH T	PEARLAND	4211 MUSTANG RD	TX	77584
GARZA MARCO A & LISA W	PEARLAND	5016 BLANCO DR	TX	77584
GHODRATI SAEIDEH	PEARLAND	5008 BLANCO DR	TX	77584
GILLILAND DAVID CLINTON & JENNIFER JAMES	PEARLAND	4042 QUAIL RUN DR	TX	77584
GILMORE LINDA M & COCHRAN KATHLEEN T	PEARLAND	5004 BLANCO DR	TX	77584
GONZALEZ ARISTEO & SOFIA	PEARLAND	6718 HERON LN	TX	77584
GRIMES RICHARD & MARANDA N	PEARLAND	4214 TAWAKON DR	TX	77584
GUTIERREZ BENNY M & IVY D	PEARLAND	3603 BARRINGTON CT	TX	77584
GUZMAN RODOLFO C & SILVIA	HOUSTON	7415 HEMLOCK P O BOX 4704	TX	77012
HART GEORGE LESTER	PEARLAND	6822 HERON LN	TX	77584
HAYNES DELORES A	PEARLAND	5404 BALMORHEA DR	TX	77584
HEBERT BRYAN	PEARLAND	4208 CLEBURNE DR	TX	77584
HICKS NORMAN W SR	PEARLAND	7409 BAILEY RD	TX	77584
HOPKINS KIMETRE R	PEARLAND	9720 BROADWAY ST APT 226	TX	77584
HUERTA JUAN I & LUZ L	PEARLAND	3410 TWEED WAY	TX	77584
HUSSAIN SYED SHAMSHEER	PEARLAND	5010 BLANCO DR	TX	77584
ILAHY RABIA	HOUSTON	1706 MORSE ST	TX	77019
ILIE IOAN & MARILENA	PEARLAND	7026 HERON LN	TX	77584
IZAGUIRRE JAIME	PEARLAND	5120 BLANCO DR	TX	77584
JAMES SUSAN VICTORIA	PEARLAND	5006 BLANCO DR	TX	77584
KARSTEN JOHN JR	PEARLAND	6910 HERON LN	TX	77584
KELLY SCOTT M	PEARLAND	5106 BLANCO DR	TX	77584
KIRBY RUN ASSOCIATES LP	PEARLAND	3605 LINDHAVEN DR	TX	77584
KNJ ENTERPRISES INC	MISSOURI CITY	4915 SHAPIRO CT	TX	77459
KOCH LORENA	PEARLAND	6618 HERON LN	TX	77584
LAGRONE JAMES D & SARI L	PEARLAND	4041 RAVENCREST CT	TX	77584
LAWRENCE PLACE HOA	PEARLAND	4001 HANS ST	TX	77584
LONG RONNIE D & MARGARET E	PEARLAND	5118 BLANCO DR	TX	77584
LOZANO JOSE ALBERTO & LILLIAN	PEARLAND	2820 WHITE OAK LN	TX	77584
MACE TERRY R JR	PEARLAND	5412 BALMORHEA DR	TX	77584
MAI MELINH	PEARLAND	16903 WELLBORNE RD	TX	77584
MAI PHUC ETUX NGUYET DOAN	PEARLAND	16645 COUNTY ROAD 831	TX	77584
MANSEL MARILYN R	PEARLAND	5206 BALMORHEA DR	TX	77584
MARTIN CODY LEE & VIRGINIA	PEARLAND	5014 BLANCO DR	TX	77584
MARTINEZ ANGELICA	PEARLAND	5012 BLANCO DR	TX	77584
MATZ ENTERPRISES LLC	ONALASKA	382 BRIDGELANDING	TX	77360
MCGUIRE MICHAEL C & LYNA L	PEARLAND	5511 BAILEY RD	TX	77584
MCHUGH PATRICK C & M KATHY	PEARLAND	5613 BAILEY RD	TX	77584
MERITAGE HOMES OF TEXAS LLC	HOUSTON	2901 W SAM HOUSTON PKWY N STE C250	TX	77043
MILLIS GREGORY W	PEARLAND	7010 HERON LN	TX	77584
MILLS KEVIN & CHERIE	PEARLAND	5122 BLANCO DR	TX	77584
MMSN ENTERPRISE OF TEXAS #2 LLC	HOUSTON	14311 HARVEST GLEN CT	TX	77062
MOLINA ALMA T	PEARLAND	5202 BALMORHEA DR	TX	77584
MYERS LAURA LUCAS	PEARLAND	5002 BLANCO DR	TX	77584
NORWOOD MICHAEL LEE	PEARLAND	5804 LAWRENCE CT	TX	77584
NWOBI CHINAEMELUM	PEARLAND	5312 BALMORHEA DR	TX	77584
OKWONNA ALEXANDER C & LISA G	PEARLAND	5402 BALMORHEA DR	TX	77584
ORTIZ GUSTAVO	ODENTON	2611 EVERGREEN RD	MD	21113
PARK VILLAGE EST COMM ASSN	HOUSTON	2000 S DAIRY ASHFORD RD STE 590	TX	77077
PARSON KAREN	PEARLAND	5416 BALMORHEA DR	TX	77584
PATKE JOHNNY FLOYD	PEARLAND	6706 HERON LN	TX	77584
PEARLAND ISD	PEARLAND	PO BOX 7	TX	77588
PEREZ JORGE JR	PEARLAND	6730 HERON LN	TX	77584
R WEST DEVELOPMENT CO INC	PEARLAND	7918 BROADWAY ST STE 106	TX	77581
RAVENWOOD ESTATES HOMEOWNERS % H & G MANAGEMENT SERVICES	PEARLAND	PO BOX 1279	TX	77588

Exhibit 5

2016-04Z

Bailey Road Annexation Area 1 and 2 SD to SR-15

ROCK OF POWER	PEARLAND	4118 VETERANS DR	TX	77584
RUIZ ALFREDO & MARTIZA	HOUSTON	13726 VIEW MEADOW LN	TX	77034
RUIZ CARLOS & RUTH	HOUSTON	8018 PEEKSKILL LN	TX	77075
RUSSELL MICHAEL S	PEARLAND	5116 BLANCO DR	TX	77584
RUTHERFORD JOHN J & MARIA E	PEARLAND	5807 LAWRENCE CT	TX	77584
SCHAATT NORBERT & GEORGETTE	PEARLAND	6918 HERON LN	TX	77584
SCOTT JACLYN	PEARLAND	5410 BALMORHEA DR	TX	77584
SHEPARD LESHAN & RISA HULTZ	PEARLAND	5306 BALMORHEA DR	TX	77584
SMITH KEN B & PATRICIA J	PEARLAND	5509 BAILEY RD	TX	77584
SNYDER TERRENCE E & PATRICIA	PEARLAND	2120 KILKENNY DR	TX	77581
SPRIGGINS ANTHONY T & DONNA	PEARLAND	3605 PARKSIDE DR	TX	77584
THOMPSON WILLIAM B & SUSAN K	MIDLAND	PO BOX 1965	MI	48641
THUMANN CHAD A	PEARLAND	3823 FM 1128 RD	TX	77584
TIGNER MARCELLA G & BENJAMIN F GRAY	ANGLETON	420 COUNTY ROAD 430	TX	77515
TIGNER MARCELLA G & BENJAMIN F GRAY	ANGLETON	1030 JIMMY PHILLIPS BLVD	TX	77515
UPSHAW CHARLES & MARGIE	PEARLAND	6634 HERON LN	TX	77584
WILLIAMS DAVID A & ROBIN S	PEARLAND	6930 HERON LN	TX	77584
WILLIAMS TRAVIS W & CRYSTAL	PEARLAND	4216 TAWAKON DR	TX	77584
WISEMAN RODGER & CHARLENE	PEARLAND	6818 HERON LN	TX	77584
WOOD JEREMY M & TRACY M	PEARLAND	5408 BALMORHEA DR	TX	77584
ZAMORA ADRIAN G	PEARLAND	5314 BALMORHEA DR	TX	77584
ZUELKE MICHAEL A	PEARLAND	3929 QUAIL RUN DR	TX	77584