

AGENDA

CITY OF PEARLAND PLANNING & ZONING COMMISSION

MARCH 1, 2010

6:30 p.m.

Jerry Koza, Jr.
P&Z CHAIRPERSON

Ron Capehart
P&Z VICE-CHAIRPERSON

COMMISSIONERS

Neil West

Susan Sherrouse



Darrell Diggs

Richard Golden

Henry Fuentes

In accordance with the Texas Open Meeting Act the Agenda is posted for public information, at all times, for at least 72 hours preceding the scheduled time of the meeting on the bulletin board located at the front entrance of the City Hall, 3519 Liberty Drive.

AGENDA – REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD MARCH 1, 2010, AT 6:30 P.M., IN THE 2ND FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. APPROVAL OF MINUTES Regular Meeting of February 15, 2010

III. NEW BUSINESS

A. CONSIDERATION & POSSIBLE ACTION – PRELIMINARY PLAT OF SOUTHERN TRAILS SECTION ELEVEN

A request by Christy Smidt, Kerry R. Gilbert & Associates, Inc., for C. L. Ashton Woods, L. P., owner, for approval of a Preliminary plat of Southern Trails Section Eleven. Location is south of Southern Trails Drive within the Southern Trails PD. The applicant is proposing 81 single-family residential lots and three reserve areas for open space and detention in five blocks and the property is described as follows:

Being 30.4 acres of land out of the H.T. & B. R. R. Co. Survey, Sec. 84 A-538 and Sec. Sec. 80 A-564, City of Pearland, Brazoria County, Texas.

B. DISCUSSION ITEM

Update of Zoning Cases, <i>by Angela Gantuah, Senior Planner</i>	
Update of Future Land Use Plan, <i>by Lata Krishnarao, Planning Director</i>	
Planning Day Presentation	March 3, 2010
National APA Conference	April 10-14, 2010
Next P&Z Meeting	March 15, 2010
Next JPH	March 15, 2010

IV. 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.

I, Judy Krajca, Office Coordinator of the City of Pearland, Texas, do hereby certify that the foregoing agenda was posted in a place convenient to the general public at City Hall on the 25th day of February 2010 A.D., at 5:30 p.m.

Judy Krajca, Planning Office Coordinator

Agenda removed _____ day of March 2010 A.D.

APPROVAL

OF

MINUTES

MINUTES – REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD FEBRUARY 15, 2010 AT 6:30 P.M., IN THE 2ND FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

CALL TO ORDER

P&Z Chairperson Jerry Koza, Jr. called the meeting to order at 7:11 p.m., with the following present:

P&Z Chairperson Jerry Koza, Jr.
P&Z Vice-Chairperson Ron Capehart
P&Z Commissioner Neil West
P&Z Commissioner Richard Golden
P&Z Commissioner Henry Fuentes
P&Z Commissioner Darrell Diggs
P&Z Commissioner Susan Sherrouse

Also in attendance were: Planning Director Lata Krishnarao, Senior Planner Angela Gantuah, Planning Office Coordinator Judy Krajca, and Deputy City Attorney Nghiem Doan.

APPROVAL OF MINUTES

P&Z Commissioner Henry Fuentes made the motion to approve, and P&Z Commissioner Susan Sherrouse seconded. P&Z Vice-Chairperson Ron Capehart stated the minutes of the P&Z regular meeting of January 18, 2010 need to reflect that P&Z Commissioner Susan Sherrouse arrived following the approval of the minutes.

P&Z Commissioner Henry Fuentes amended his motion, and P&Z Commissioner Susan Sherrouse seconded.

The vote was 7-0. The minutes of the P&Z regular meeting of January 18, 2010 were approved with the amendment reflecting P&Z Commissioner Susan Sherrouse arriving after the approval of the minutes.

NEW BUSINESS

CONSIDERATION & POSSIBLE ACTION – CONDITIONAL USE PERMIT NO. CUP 2009-19

A request of Clear Wireless, LLC, applicant for PMSV Broadway West Storage, owner, for a conditional use permit to allow the addition of and antenna or co-location of a

cellular antenna in the General Commercial (GC) Zoning District, on the following described property, to wit:

Legal Description: Approximately 8.870 acres (386,368 square feet) more or less being that same certain tract conveyed from Eastgroup-LNH Corporation to Palms Properties. L.L.C. as recorded in file No. 96-021151, Official Records of Brazoria County, Texas, same being out of Lot 20, Allison Richey Gulf Coast Home Company's Suburban Section 85, Abstract No. 304, in Brazoria County. Texas.

General Location: 2850 Wooten Rd., Pearland TX

P&Z Commissioner Susan Sherrouse made the motion to approve, and P&Z Vice-Chairperson Ron Capehart seconded.

P&Z Commissioner Henry Fuertes stated this is one of the oldest cell towers in Pearland, and he is concerned as he has seen several pop-up in the Extra Territorial Jurisdiction (ETJ), without all of the city requirements.

P&Z Commissioner Darrell Diggs asked for confirmation of the utilization at 105%, and what is the maximum percentage.

Representative Blake Griggs for the applicant Clear Wireless, LLC replied 180%, and includes safety factor.

Discussion continued with questions pertaining to the longevity of the tower, consideration of other towers, the use of city water towers.

P&Z Vice-Chairperson Ron Capehart asked for consideration of shrubbery or that landscaping be added to the Wooten Road side of the structure. The Commission discussed adding slats to the existing chain-link fence, a masonry fence, and removal of the concertina wire on the top of the fence. Discussion ensued regarding the necessity of landscaping verses cost.

The vote was 7-0. Conditional Use Permit No. CUP 2009-19 was approved. No conditions were added.

CONSIDERATION & POSSIBLE ACTION – ZONE CHANGE NO. 2009-15Z

A request of Ron Jackson with Curry Architecture, applicant for Ross Maccammon, owner, for a change in zoning from the Single Family Residential-1 (R-1) Zoning District to the Planned Development Multi-Family (PD-MF) Zoning District, on the following described property, to wit:

Legal Description: Being a tract of land approximately 9.5171 acres in the W.D.C. Hall League, Abstract No. 70, Brazoria County, Texas and being the residue of that tract

sold by None Gay Carr to Ross A. McClendon, as described in deed recorded under Brazoria County Clerk's file No. 95- 022654.

Location: Located 2810 Dixie Farm Road, Pearland, Texas

P&Z Commissioner Darrell Diggs made the motion to approve, and P&Z Commissioner Henry Fuertes seconded.

Senior Planner Angela Gantuah began by stating that at the January 18, 2010 P&Z Regular meeting, the Commission voted to postpone the item, allowing the applicant to address the ten (10) items listed by City Council/Commission/Staff, as well as, the general public that voiced their concerns.

After holding another neighborhood meeting, the applicant began sending the revised Planned Development in a piecemeal manor. Staff only received a completed PD document on February 11, 2010, in order to review in its entirety. There are a few outstanding items.

- 1) Parking Deviation – not addressed
- 2) Evacuation Plan – addressed
- 3) Elevator – addressed
- 4) Common Open Space – does not meet Common Open Space requirements
- 5) Impervious Land – incomplete
- 6) Wording “housekeeping” – corrected
- 7) Wording “façade” – corrected
- 8) 6 ft. fence – incomplete. Need to address masonry fence requirement or Council's request of landscaping with wooden fence.
- 9) Proposed Setbacks – addressed
- 10) Parking – Much discussion among Commission/Staff/Applicant. Unresolved.

Speaking on behalf of the applicant were Ron Jackson and Dan Roach of Curry Architect; and, Scott Owens of SOC Engineers.

P&Z Chairperson Jerry Koza, Jr. stated that since staff did not receive in an adequate amount of time to review the final Planned Development document, he recommends this item be postponed again.

Much discussion ensued on the five (5) outstanding items. Planning Director Lata Krishnarao asked the commission how open they were to a variance on common open space; and their thoughts on the parking ratio. The UDC has a ratio. What does the Commission want?

The following were the commissioner's response to the Planning Directors questions, as well as other issues.

P&Z Commissioner Darrell Diggs – Feels staff did not receive in an adequate amount of time.

P&Z Chairperson Jerry Koza, Jr. – Suggested they take the ratio calculation from the Pearland Retirement Center and apply to this Retirement Residence. Also suggested they use the UDC to figure the common open space, and get a legal opinion on what constitutes open space.

P&Z Vice-Chairperson Ron Capehart – Needs clarification on new entrance and curb cut; and, feels the neighbors need to be re-notified of the next meeting. Wants to know where the overflow parking will be.

P&Z Commissioner Henry Fuertes – Staff needs time to review and prepare for the Commission. He also wants clarification on the income to be generated, and would like to see a new site plan showing changes made. There is a discrepancy on page 2, number 3 – 50,000 or 80,000. Mr. Fuertes did applaud the applicant for re-routing the entrance/exit. Mr. Fuertes still has concern with the transition zoning.

P&Z Commissioner Susan Sherrouse – commented that they needed to see a document before the night of the meeting; and is still uncomfortable with the parking.

P&Z Commissioner Neil West stated the applicant needs to look at the UDC and follow it.

P&Z Commissioner Richard Golden – stated based on his calculations, the new parking ratio is closer to being on target, than not.

Senior Planner Angela Gantuah stated there are 38 PD's in Pearland, and proceeded by reading the purpose and applicability of a Planned Development, as defined in the UDC.

P&Z Vice-Chairperson Ron Capehart made the motion to postpone the Consideration & Possible action of Zone Change No. 2009-15Z, allowing staff more time to review a completed PD document. Mr. Capehart also included that all property owners within the 200 feet radius be notified, as well as, everyone that commented at this meeting and the public hearing. P&Z Commissioner Darrell Diggs seconded the motion.

Zone Change No. 2009-15Z was postponed.

P&Z Chairperson Jerry Koza, Jr. recessed the meeting at 8:30 p.m. for a brief break.

P&Z Chairperson Jerry Koza, Jr. reconvened at 8:37 p.m.

DISCUSSION ITEM

Senior Planner Angela Gantuah gave a report on the tabled items. Deputy City Attorney Nghiem Doan arrived at 8:40 p.m. Mr. Doan explained that if a tabled item is not acted on by the end of the next meeting, it automatically dies.

Planning Director Lata Krishnarao went over the "slowpoke" report prepared by Planning Technician Ian Clowes regarding the notification signs.

Planning Director Lata Krishnarao went over the status of the Future Land Use Plan Presentations and thanked all of the Commissioners for their involvement.

Senior Planner Angela Gantuah spoke about the involvement and cost of having 3-D Visuals for Staff Presentations, as per a request from the Commission. The Commission agreed that maybe they were not clear what they wanted, and were satisfied with the current maps and presentation. There were several suggestions of different programs such as Google, and Pictometry.

Planning Office Coordinator Judy Krajca asked how many of the Commissioners would be attending the National APA Conference, in New Orleans, Louisiana on April 10-13, 2010. The Early-bird discount expires on February 18, 2010.

Next P&Z Meeting will be March 1, 2010. Staff also asked how many would be in attendance on March 15, 2010, as this was the beginning of Pearland ISD's Spring Break.

At the March 1, 2010 meeting, Assistant City Manager Mike Hodge will do a presentation on Annexation.

ADJOURNMENT

P&Z Chairperson Jerry Koza, Jr. adjourned the meeting at 9:14 p.m.

These minutes are respectfully submitted by:

Judy Krajca, Planning Office Coordinator

Minutes approved as submitted and/or corrected on this 1st day of March, 2010, A.D.

P&Z Chairperson Jerry Koza, Jr.

P&Z Agenda Item

A

SOUTHERN TRAILS SECTION ELEVEN

PRELIMINARY PLAT – STAFF REPORT

P & Z MEETING DATE: MARCH 1, 2010

APPLICANT: Christy Smidt, Kerry R. Gilbert & Associates, Inc., for C.L. Ashton Woods, LP., owner.

REQUEST: Preliminary Plat of 30.4 acres zoned PUD for a single-family residential development. The PUD was approved in February of 2004. A preliminary plat previously approved on October 20, 2008 will be replaced by this plat.

GENERAL LOCATION: The property is located southwest of Southern Trails Drive and east of Kingsley Drive.

PROPERTY DESCRIPTION: The property is undeveloped.

ZONING: PUD (single family residential). The proposed plat is consistent with the zoning.

SURROUNDING USES: Property will adjoin other single-family units of the Southern Trails PUD on the north and east sides. The areas to the west and southwest are also single family residential areas yet to be developed.

COMPREHENSIVE PLAN: The City of Pearland Land Use Plan designates the property for Low Density Residential. The existing zoning and proposed development are consistent with this plan.

TRAFFIC AND TRANSPORTATION: The Traffic Impact Analysis has been approved.

UTILITIES AND INFRASTRUCTURE: Water and sewer service will be extended to the site by the developer.

STORMWATER MANAGEMENT: Stormwater detention will be provided onsite in a detention reserve.

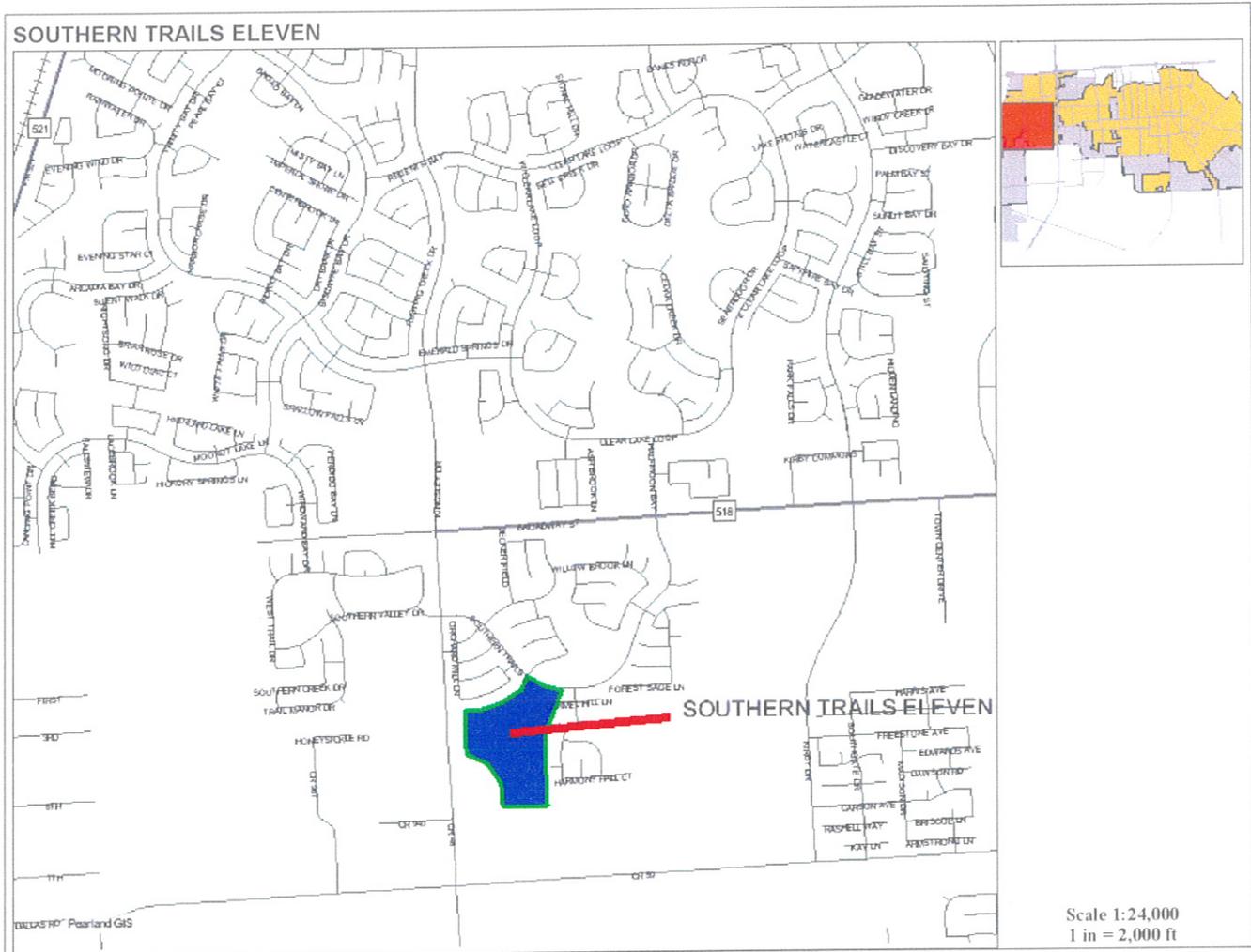
PARKS, OPEN SPACE, AND TREES: Park fees will be paid prior to final plat approval.

OUTSTANDING ITEMS:

- 1.) Please add a note that a pedestrian trail will be established along the entire length of the southern edge of Reserve C.
- 2.) Please add drainage channel as a purpose of Reserve C.
- 3.) Please change the tubular steel fence height from 6' to 4' along the entire northern edge of Reserve C in note number 24.

ATTACHMENTS:

1. Application Form
2. Preliminary Plat
3. Location map



PLAT APPLICATION

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

FEB 03 2010

Please Check Type of Plat Requested:

- Preliminary Subdivision Plat
- Final Subdivision Plat
- Minor (Subdivision) Plat
- Amending Plat
- Master Plat
- Preliminary Development Plat
- Final Development Plat
- Replat

***Please send any and all correspondence to:**

rkeller@ci.pearland.tx.us

SUBDIVISION NAME: Southern Trails, Sec. 11

NUMBER OF LOTS: 81

GENERAL LOCATION: South of Southern Trails Dr and east of Alameda School Rd.

PRIMARY CONTACT: Christy Smidt, Kerry R. Gilbert & Assoc.

MAILING ADDRESS: 23501 Cinco Ranch Blvd., A-250

CITY, STATE, ZIP: Katy, TX 77459

PHONE: 281/579-0340 **FAX:** 281/579-8212

E-MAIL ADDRESS: landplan@krqa.com

OWNER NAME: C.L. Ashton Woods, LP

MAILING ADDRESS: 11375 W. Sam Houston Pkwy, #100

CITY, STATE, ZIP: Houston, TX 77031

PHONE: (281) 561-7773 **FAX:** (281) 561-7774

E-MAIL ADDRESS: _____

A complete application must include all items shown on the corresponding submittal checklist for each different type of plat. See Page 2.

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

Owner's Signature: [Signature] Date: _____

Applicant's Signature: [Signature] Date: 1-15-10

I acknowledge that this plat has been submitted on this day, 2-2-10, and the Plat filing date is 2-3-10, which will be the first day it will be reviewed by the Planning Staff. I hereby sign and date this acknowledgement.

Signature: [Signature] Date: 2-2-10

All waiver requests must be received by the resubmittal time and date that corresponds to the Plat Resubmittal Deadline, per the Plat submittal schedule.

FEES PAID: _____
DATE PAID: <u>FEB 03 2010</u>
RECEIVED BY: _____
RECEIPT NO.: _____

P&Z Agenda Item

B

DISCUSSION ITEMS

UPDATE OF ZONING CASES

CASE #	NAME	LOCATION	JPH DATE	STAFF RECOMMENDATION	P & Z STATUS	CC STATUS
UDC2000T-11 Amendment to the UDC for Pools, Scriveners Error, and M-1 changes	Amendment to the UDC for Pools, Scriveners Error, and M-1 changes	N/A	6-15-09	Approval w/out conditions	Approval w/out conditions	Approved 7/27/09
CUP2009-09	Lyrbrand –Gas Station and C-Store	Kirby and CR59	July 20, 2009	Possible Removal from Table 12/14/09	Tabled 7/20/09 Need more details. Received a email stating they will return in March 2010	Closed
CUP2009-10	Life Pointe Church	3011 Yost Blvd.	August 17, 2009	August 17, 2009 Approval	Approval	Approved
CUP2009-11	Cole's Flea Market	1014 N. Main Street	August 17, 2009	August 17, 2009 consideration	Denial	Denied with Prejudice
CUP2009-12	Sonic Drive In/Thru Pearland ISD	1924 Main Street	August 17, 2009	Not posted properly/heard on 9/21/09	9/21/09 approved	Approved 9/28/09
2009-07Z	Jung Kwak	withdrawn				Withdrawn
2009-08Z	Dr. David Peter Patton	2905 FM 1128	July 20, 2009	Approval from R-1 to OP Denial from R-1 to GB	Tabled Scheduled for August 3 to remove from Table	
2009-09Z	Jung Kwak	2620 Cullen Parkway	August 17, 2009	Approval	Approval	Approval
2009-10Z	Lingo South Fork Ltd./Tracy Goza	3.8 acres on Kirby Dr. west of PTC,south of water		Waiting for proper legal description-sent 2 nd email 9/22/09	Closed File- Never received legal description	Closed

UPDATE OF ZONING CASES

2009-11Z	Warren Escovey	tower Province Village	September 21, 2009	Approval	Removed from Table 11/16/09	CC Reading 12/14/09
CASE #	NAME	LOCATION	JPH DATE	STAFF RECOMMENDATION	P & Z STATUS	CC STATUS
2009-14Z	Baker/Blaire Korndoffer	Between SH 35 and Old Alvin south of Hampshire	10/19/09	Denial- this is better used as a master plan no quorum	Withdrawn by applicant	Withdrawn by applicant
2009-12Z	Gerald Olson/Narmin Parpia	8017 Fite Road	9/21/09	Approval	Approval	Approved
2009-13Z	CBL/Pearland Town Center	Pearland Town Center	11/16/09	Consider the Zone Change for Off-Site Signage	Approved 11/16/09	CC 1 st Reading 12/14/09
2009-15Z	Ron/Curry Architecture	Pearland Retirement Center	1/18/09	Abutters not properly notified and needs to be readvertized for 1/18/09	Waiting for response letter due 12/21/09 for 1/18/10 JPH	Post poned to 3-15-10
CUP2009-13	Gerald Olson/Narmin Parpia	8017 Fite Road	9/21/09	Approval-can't go to CC until the Zone Change 2009-12Z goes to CC	Approval with conditions 1) No outside storage	Approved
CUP2009-14	Baker/Blaire Korndoffer	Between SH 35 and Old Alvin south of Hampshire	10/19/09	Denial- this is better used as a master plan no quorum	Withdrawn by applicant	Withdrawn by applicant
CUP2009-15	Baker/Blaire Korndoffer	Between SH 35 and Old Alvin south of Hampshire	10/19/09	Denial- this is better used as a master plan no quorum	Withdrawn by applicant	Withdrawn by applicant
CUP2009-	Chris	3406 Dixie	1/18/09	Withdrawn by applicant	Withdrawn by applicant	Withdrawn by

UPDATE OF ZONING CASES

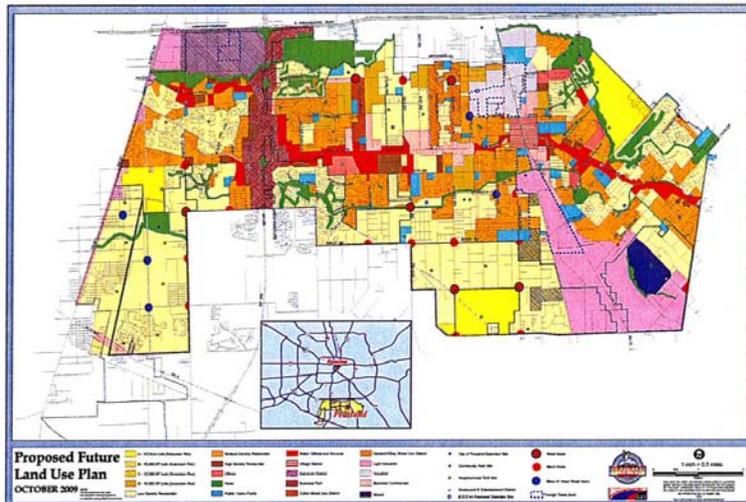
16	Hughes/New Hope Church	Farm Rd			12/16/09	applicant
CUP2009-17	Jose Mendieta/Emmas Mexican Restaurant	5070 Broadway suite 5010	11/16/09	Approved	Approved	Approved
CUP2009-18	Jay Dorsey/Triad Construction	2606 O'Day Road	11/16/09	Approved	Approved	Approved
CUP2009-19	Clear Wire	2850 Wooten Rd	2/15/10	Approved	Approved	Approved by CC on 2/22/10
CUP2009-20	Clear Wire	1411 Broadway	4/19/10			



PLANNING DAY PRESENTATION

OUR 13TH PRESENTATION, SINCE 2005

“FUTURE LAND USE PLAN – RECOMMENDATIONS”, and OLD TOWNSITE INCENTIVE PROGRAM



Please join us on March 3, 2010 at 8:30 a.m.

City Hall, Council Chambers

3519 Liberty Drive, Pearland, Texas

Please RSVP to Judy Krajca (281) 652-1768

Refreshments will be served

Door Prize Give-a-ways

**ADJOURN
MEETING**