

AGENDA

CITY OF PEARLAND PLANNING & ZONING COMMISSION

NOVEMBER 7, 2011

6:30 p.m.

Jerry Koza, Jr.
P&Z CHAIRPERSON

Richard Golden
P&Z VICE-CHAIRPERSON

COMMISSIONERS

Neil West

Henry Fuertes



Brandon Shimek

Phil Cessac

Sheila Fischer

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 & ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, NOVEMBER 7, 2011, AT 6:30 P.M., 2nd FLOOR CONFERENCE ROOM/COUNCIL CHAMBERS, CITY HALL 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

II. APPROVAL OF MINUTES P&Z Regular Meeting October 3, 2011

III. NEW BUSINESS

A. CONSIDERATION & POSSIBLE ACTION – PRELIMINARY PLAT OF SAVANNAH MEADOWS SECTION 9

Decision
Date
11/10/11

A request by Christy Smidt of Kerry Gilbert & Associates, applicant, on behalf of Savannah Development LTD., owner, for approval of a Preliminary Plat of Savannah Meadows Section Nine, generally located approximately 420 feet east of Savannah Bend Drive and Southern Orchard Lane, proposing a 25 single-family residential subdivision on the following described property, to wit

Being 6.325 acres of land located in the J.S. Tamage Survey, Abstract 562, Brazoria County Texas, more particularly being a portion of the residue of a called 161.450 acre tract (described as Tract 5) conveyed to Savannah Development, LTD., by an instrument of record File #00-037203, Official Records of said Brazoria County, Texas (B.C.O.R.) also being an instrument of record in File No. 200080225, Official Public Records of Fort Bend County, Texas.

B. CONSIDERATION & POSSIBLE ACTION – WAIVER OF DECISION FOR THE FINAL PLAT OF SOUTHERN TRAILS SECTION 11

A request by Pate Engineers, INC., applicant, on behalf of C.L. Ashton Woods, LP, owner for approval of the Final Plat of Southern Trails Section Eleven, generally located approximately 1500 feet south from the southeast corner the intersection of Southern Trails Drive and Kingsley Drive for approximately 23.16 acres, on the following described property, to wit

Legal Description: All that certain 23.16 acres of land, out of the 522.62 acre tract described in the deed from Ashton Southern Trails Joint Venture to CL Ashton Woods, LP., recorded under Doc. #2005016204, in the Official Records of Brazoria County, Texas, in the H.T. & B.R.R. Company Survey, Sec. 80, A-564, Brazoria County.

C. CONSIDERATION & POSSIBLE ACTION – FINAL PLAT OF SOUTHERN TRAILS SECTION 11

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D. CONSIDERATION & POSSIBLE ACTION – PLANNING AND ZONING COMMISSION RULES OF PROCEDURES

E. DISCUSSION ITEMS

- 1. Commissioners Activity Report
- 2. Update of Zoning Cases, Senior Planner Harold Ellis
- 3. P&Z Strategic Plan Presentation to City Council
- 4. P&Z Qualification Questionnaire
- 5. Annexation Updates of Area 3 and Area 4
- 6. Next Joint Public Hearings, November 21, 2011
- 7. Next P&Z Meeting, November 21, 2011

IV. ADJOURNMENT

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

I, Judy Krajca, Planning 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 4th day of November 2011, A.D., at 5:30 p.m.

Judy Krajca, Planning Office Coordinator

Agenda removed _____ day of November 2011.

APPROVAL

OF

MINUTES

MINUTES OF THE REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD OCTOBER 3, 2011 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 8:36 p.m. with the following present:

P&Z Chairperson Jerry Koza, Jr.
P&Z Vice-Chairperson Richard Golden
P&Z Commissioner Phil Cessac
P&Z Commissioner Neil West
P&Z Commissioner Henry Fuertes
P&Z Commissioner Sheila Fischer
P&Z Commissioner Brandon Shimek

Also in attendance were: Planning Director Lata Krishnarao, Senior Planner Harold Ellis, Planner II Evan DuVall, Deputy City Attorney Nghiem Doan, and Planning Office Coordinator Judy Krajca.

APPROVAL OF MINUTES

P&Z Commissioner Phil Cessac made the motion to approve the minutes of the Regular Meeting of September 19, 2011, and P&Z Commissioner Neil West seconded.

The vote was 7-0. The minutes of September 19, 2011 were approved.

EXCUSE ABSENCE

P&Z Commissioner Henry Fuertes made the motion to excuse the absence of P&Z Vice Chairperson Richard Golden and P&Z Commissioner Brandon Shimek from the P&Z Regular meeting of September 19, 2011. P&Z Commissioner Neil West seconded the motion.

The vote was 7-0. P&Z Vice Chairperson Richard Golden and P&Z Commissioner Phil Cessac's absence from September 19, 2011 was excused.

NEW BUSINESS

P&Z Chairperson Jerry Koza, Jr. opened a series of public hearings for Partial Replat of Shadow Creek Ranch SF-45, Partial Replat of Shadow Creek Ranch SF-45C and SF-45B, and Partial Replat of Shadow Creek Ranch SF-49 concurrently at 8:38 p.m.

Planner II Evan DuVall read the staff report stating the applicant is reconfiguring the lot sizes and making the lots larger. Staff received no public comment forms in favor or against, but did receive one phone call inquiring about the Partial Replat of Shadow Creek Ranch SF-45. There were three outstanding items remaining on all three partial replats.

- 1) No objection letters from AT&T and Centerpoint
- 2) 2 mylars with signatures
- 3) Tax Certificates from Brazoria and Fort Bend County

The applicant was present but chose not to speak.

There was no one present to speak for or against the partial replats.

P&Z Commissioner Henry Fuertes asked why tax certificates were needed for both Fort Bend and Brazoria County. Planner II Evan DuVall explained that the property fell within Fort Bend County, but City and School taxes were collected by Brazoria County.

Mr. Rene Rodriguez of LJA Engineering spoke about the positive change of larger lot sizes.

P&Z Chairperson Jerry Koza, Jr. adjourned the series of public hearings concurrently at 8:58 p.m.

CONSIDERATION & POSSIBLE ACTION – PARTIAL REPLAT OF SHADOW CREEK RANCH SF-45B

A request by LJA Engineering, Inc., applicant, on behalf of 741 SCR, LTD, Owner, for approval of a Partial Replat of Shadow Creek Ranch SF-45B to reconfigure lot sizes, totaling 24.173 acres on the following described property, to wit:

Legal Description: Being a subdivision of 24.173 acres of land situated in the George Mac Donald Survey, Abstract 557, The H. Levering Survey, Abstract 668 and the S.G. Haynie Survey, Abstract 620, City of Pearland, Fort Bend County, Texas; also being a Partial Replat of Shadow Creek Ranch SF-45B, As recorded in Plat No. 20050109 of the Plat Records of Fort Bend County, Texas.

General location: Mooring Point Drive and Biscayne Lake Drive

P&Z Commissioner Henry Fuertes made the motion to approve with staffs comments, and P&Z Commissioner Neil West seconded.

Planning Director Lata Krishnarao commented that under the old ordinance the plat could be recorded without infrastructure in place. However, due to this procedure, sidewalks and other amenities could be left incomplete. Under the new ordinance all

requirements must be completed prior to the plat being recorded. This subdivision is under the old ordinance and staff will assure the amenities are in place.

P&Z Chairperson Jerry Koza, Jr. called for the vote.

The vote was 7-0. Partial Replat of Shadow Creek Ranch SF-45B was approved with the condition that the following be provided before the plat is recorded:

- 1) No objection letters from AT&T and Centerpoint
- 2) 2 mylars with signatures
- 3) Tax Certificates from Brazoria and Fort Bend County

CONSIDERATION & POSSIBLE ACTION – PARTIAL REPLAT OF SHADOW CREEK RANCH SF-45C AND SF-45B

A request by LJA Engineering, Inc., on behalf of 741 SCR, LTD Owner, for approval of a Partial Replat of Shadow Creek Ranch SF-45C to reconfigure lot sizes, totaling 19.890 acres and a Partial Replat of Shadow Creek Ranch SF-45B subdivision to add a portion to Shadow Creek Ranch SF-45C, on the following described property, to wit:

Legal Description: Being a subdivision of 19.328 acres of land situated in the H. Levering Survey, Abstract 279 and the I.C. Stafford Survey, Abstract 669, City of Pearland Fort Bend County, Texas; also being a Partial Replat of Shadow Creek Ranch SF-45C, as recorded in Plat No. 20050110 of the Plat Records of Fort Bend County Texas.

And a portion Shadow Creek Ranch SF-45B, a subdivision of 24.173 acres of land situated in the George Mac Donald Survey, Abstract 557, The H. Levering Survey, Abstract 668 and the S.G. Haynie Survey, Abstract 620, City of Pearland, Fort Bend County, Texas; also being a Partial Replat of Shadow Creek Ranch SF-45B, as recorded in Plat No. 20050109 of the Plat Records of Fort Bend County, Texas.

General location: Caymen Bend Lane and Sunset Springs Drive.

P&Z Commissioner Phil Cessac made the motion to approve with staffs comments, and P&Z Commissioner Neil West seconded.

There was no discussion.

P&Z Chairperson Jerry Koza, Jr. called for the vote.

The vote was 7-0. Partial Replat of Shadow Creek Ranch SF-45C and SF-45B was approved with the condition that the following be provided before the plat is recorded:

- 1) No objection letters from AT&T and Centerpoint
- 2) 2 mylars with signatures
- 3) Tax Certificates from Brazoria and Fort Bend County

CONSIDERATION & POSSIBLE ACTION – PARTIAL REPLAT OF SHADOW CREEK RANCH SF-49

A request by LJA Engineering, Inc., on behalf of 741 SCR, LTD Owner, for approval of a Partial Replat of Shadow Creek Ranch SF-49 to reconfigure lot sizes, totaling approximately 25.890 acres in the Shadow Creek Ranch SF-49 subdivision, on the following described property, to wit:

Legal Description: Being a subdivision of 25.890 acres of land situated in the George Mac Donald Survey, Abstract 557, and the H.T. & B.R.R. Co. Survey, Sec. 83, Abstract 761, City of Pearland, Fort Bend County, Texas; also being a Partial Replat of Shadow Creek Ranch SF-49, as recorded in plat No. 20060136 of the Plat Records of Fort Bend County, Texas

General location: Northwest corner of Arcadia Bay Drive and Trinity Bay Drive.

P&Z Commissioner Sheila Fischer made the motion to approve with staffs comments, and P&Z Vice-Chairperson Richard Golden seconded the motion.

There was no discussion.

P&Z Chairperson Jerry Koza, Jr. called for the vote.

The vote was 7-0. Partial Replat of Shadow Creek Ranch SF-49 was approved with the condition that the following be provided before the plat is recorded:

- 1) No objection letters from AT&T and Centerpoint
- 2) 2 mylars with signatures
- 3) Tax Certificates from Brazoria and Fort Bend County

CONSIDERATION & POSSIBLE ACTION – REPLAT OF TRACT F OF SUNRISE LAKE VILLAGE PHASE II

A request by Wilson Survey, on behalf of Texas Community Bank, N.A., Owner, for approval of a Replat of Tract F of Sunrise Lake Village Phase II to create two lots, totaling approximately 2.072 acres in the Sunrise Lake Village Phase II subdivision, on the following described property, to wit:

Legal Description: Being a 2.072 acre tract "F", Block 1 of Sunrise Lake Village Phase II in the John W. Maxey Survey, Abstract No. 721 in the City of Pearland, Brazoria County, Texas as recorded in the Clerk's File No. 2006024597 in the Brazoria County Clerk's Office.

General location: 2700 Block of Silverlake Parkway

P&Z Commissioner Henry Fuertes made the motion to approve, and P&Z Commissioner Neil West seconded the motion.

Planner II Evan DuVall read the staff report stating Tract F was being divided into Tract F-1 and F-2. Staff did not receive any public comment forms and recommended approval of the replat.

Planning Director Lata Krishnarao inquired who owned the detention and suggested a need to see who will maintain it.

P&Z Commissioner Henry Fuertes amended his original motion for approval to verify maintenance agreement is in place to maintain the detention area with perpetuity; and P&Z Commissioner Neil West seconded the motion.

P&Z Chairperson Jerry Koza, Jr. called for the vote.

The vote was 7-0. Replat of Tract F of Sunrise Lake Village Phase II was approved with the condition:

- 1) Maintenance agreement be in place as to who will maintain the detention area with perpetuity

CONSIDERATION & POSSIBLE ACTION – VARIANCE REQUEST NO. 2011-05 REQUESTING A VARIANCE FROM SECTION 2.4.4.5 (c)(1)(b) REQUIRING A MINIMUM LOT WIDTH IN THE OT-GB (OLD TOWN GENERAL BUSINESS) ZONING DISTRICT

A request by Todd Slaton, applicant, on behalf of Paul and Vicki Howard, owner, for Variance from the requirements of the Unified Development Code Section 2.4.4.5 (c)(1)(c) to allow a minimum of 124-foot lot depth where 125' is required in the OT-GB (Old Town General Business) Zoning District.

General location: 2201 Main St.

P&Z Commissioner Phil Cessac made the motion to approve Variance No. 2011-05, and P&Z Commissioner Sheila Fischer seconded the motion.

Planner II Evan DuVall stated the Variance requested was less than 6 inches, but according to the UDC Ordinance, a Variance was required. There were no outstanding items and staff recommended approval.

P&Z Chairperson Jerry Koza, Jr. called for the vote.

The vote was 7-0. Variance Request No. 2011-05 was approved to allow a Variance from Section 2.4.4.5 (c)(1)(b) requiring a minimum lot width in the OT-GB (Old Town General Business) zoning district.

DISCUSSION ITEMS

Commissioners Activity Report – only item discussed was the upcoming Texas APA Conference. P&Z Commissioner Sheila Fischer will be attending with staff, and Council Member Susan Sherrouse will attend and receive her Commissioner of the Year award.

Update of Zoning Cases was presented by Senior Planner Harold Ellis.

Project Stars Update was discussed by Lata Krishnarao, Planning Director, and a brief powerpoint was shown for the 3 new Commissioners.

Planning Director Lata Krishnarao stated there would be no Joint Public Hearings on October 17, 2011, and Planner II Evan DuVall stated there were not any plats for that date either. There was discussion of having a workshop on the P&Z Commissioners Rules and Procedures.

Planning Director Lata Krishnarao stated that a date would be announced on when the Finance Director would come speak to the Commission about the In-City MUD/ETJ MUD – Debt ratio.

P&Z Chairperson Jerry Koza, Jr. stated he would not be present at the October 17, 2011 meeting as he would be out of the country.

ADJOURNMENT

P&Z Chairperson Jerry Koza, Jr. adjourned the P&Z Regular Meeting at 9:29 p.m.

These minutes are respectfully submitted by:

Judy Krajca, Planning Office Coordinator

Minutes approved as submitted and/or corrected on this 7th day of November 2011, A.D.

P&Z Chairperson Jerry Koza, Jr.

NEW BUSINESS

P&Z Agenda Item

A



City of Pearland

P&Z AGENDA REQUEST

TO: Planning & Zoning Commission
REQUESTOR: Evan M. DuVall
DATE: 11/02/2011
AGENDA ITEM SUBJECT: Preliminary Plat of Savannah Meadows Section Nine

Old Business New Business Discussion Item Workshop

Summary: A request by Christy Smidt of Kerry Gilbert & Associates, applicant, on behalf of Savannah Development LTD., owner, for approval of a Preliminary Plat of Savannah Meadows Section Nine, generally located approximately 420 feet east of Savannah Bend Drive and Southern Orchard Lane, proposing a 25 single-family residential subdivision

Staff Recommendation: Approval

PLANNING AND ZONING COMMISSION MEETING OF April 18, 2011

PRELIMINARY PLAT OF SAVANNAH MEADOWS SECTION NINE

A request by Christy Smidt of Kerry Gilbert & Associates, applicant, on behalf of Savannah Development LTD., owner, for approval of a Preliminary Plat of Savannah Meadows Section Nine, generally located approximately 420 feet east of Savannah Bend Drive and Southern Orchard Lane, proposing a 25 single-family residential subdivision on the following described property, to wit

Legal Description: Being 6.325 acres of land located in the J.S. Tamage Survey, Abstract 562, Brazoria County Texas, more particularly being a portion of the residue of a called 161.450 acre tract (described as Tract 5) conveyed to Savannah Development, LTD., by an instrument of record File #00-037203, Official Records of said Brazoria County, Texas (B.C.O.R.) also being an instrument of record in File No. 200080225, Official Public Records of Fort Bend County, Texas.

General Location: Approximately 420 feet east of Savannah Bend Drive and Southern Orchard Lane

Planning and Zoning Commission: November 7, 2011

SUMMARY: The applicant is requesting approval of a Preliminary Plat for a 25-lot single-family subdivision in Savannah. This proposed subdivision is fully in the Extraterritorial Jurisdiction (ETJ) of the City of Pearland and has a development agreement. This development does not have zoning, but does have requirements within the development agreement.

UNIFIED DEVELOPMENT CODE: Does not apply.

SAVANNAH DEVELOPMENT AGREEMENT: There are several portions of the Development Agreement that apply to this submitted Preliminary Plat of Savannah Meadows Section Nine.

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	ETJ (None)	Vacant Land
South	ETJ (None)	Detention Pound, vacant land
East	ETJ (None)	Vacant land
West	ETJ (None)	Vacant Single-Family lots

CONFORMANCE TO THE COMPREHENSIVE PLACE: The subject property is within the Low-Density Residential land use plan designation. The proposed subdivision is within the guidelines of Low-Density Residential land use designation.

PLATTING STATUS: A Preliminary Plat for Savannah Meadow Section Nine was approved on 10/04/2010. This request is to reduce the size of the originally planned subdivision. The previous approved Preliminary Plat will be expunged as a condition of approval for this request.

COMPARISON OF PREVIOUSLY APPROVED SAVANNAH MEADOWS SECTION NINE: On 10/04/2010, the Planning and Zoning Commission approved the Preliminary Plat Twelve of Southern Trails. This plat contained a total of 12.8 acres, 51 lots and five reserves. This Preliminary Plat reduces the total acreage to 6.3 acres, number of lots to 25 and reduction of reserves to four.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property is nested within the Savannah development with local streets. The northerly property line of this development abuts a future 120-foot Major Thoroughfare of Post Road.

ADDITIONAL COMMENTS: There have been no additional comments.

SITE PLAN CONSIDERATIONS: There have not been any site plans submitted with this document, but future development will have to satisfy the requirements of the Savannah Development Agreement. This agreement offers information as to the required setbacks and other development standards. As building permits are submitted, they will be reviewed in detail to satisfy the requirements of this agreement.

TRAFFIC AND TRANSPORTATION: A traffic impact analysis was submitted and approved as part of the Savannah Development Agreement.

UTILITIES AND INFRASTRUCTURE: Water and sewer service are available to for this subdivision.

STORMWATER MANAGEMENT: Detention will be provided in accordance to the

Savannah Development Agreement.

PARKS, OPEN SPACE, AND TREES: Park fees will be paid at the time of final plat.

COUNTY ROAD 58 FEES: As required by the Savannah Development agreement, the CR-58 Fees will have to be paid at time of Final Plat.

STAFF RECOMMENDATION: Staff recommends conditional approval of the Preliminary Plat of Savannah Meadows Section Nine as proposed by the applicant, for the following reasons:

1. The proposed subdivision will not cause any adverse impacts on the surrounding properties.
2. This request is in conformance with the comprehensive plan and Development Agreement.
3. The Savannah Development Agreement will assure the development of this property is in conformance with the goals of the city.

OUTSTANDING ITEMS:

There are no outstanding items regarding this plat.

CONDITION OF APPROVAL:

The previous approval for The Preliminary Plat of Savannah Meadows Section Nine is expunged.

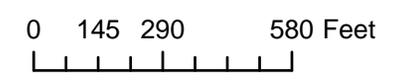
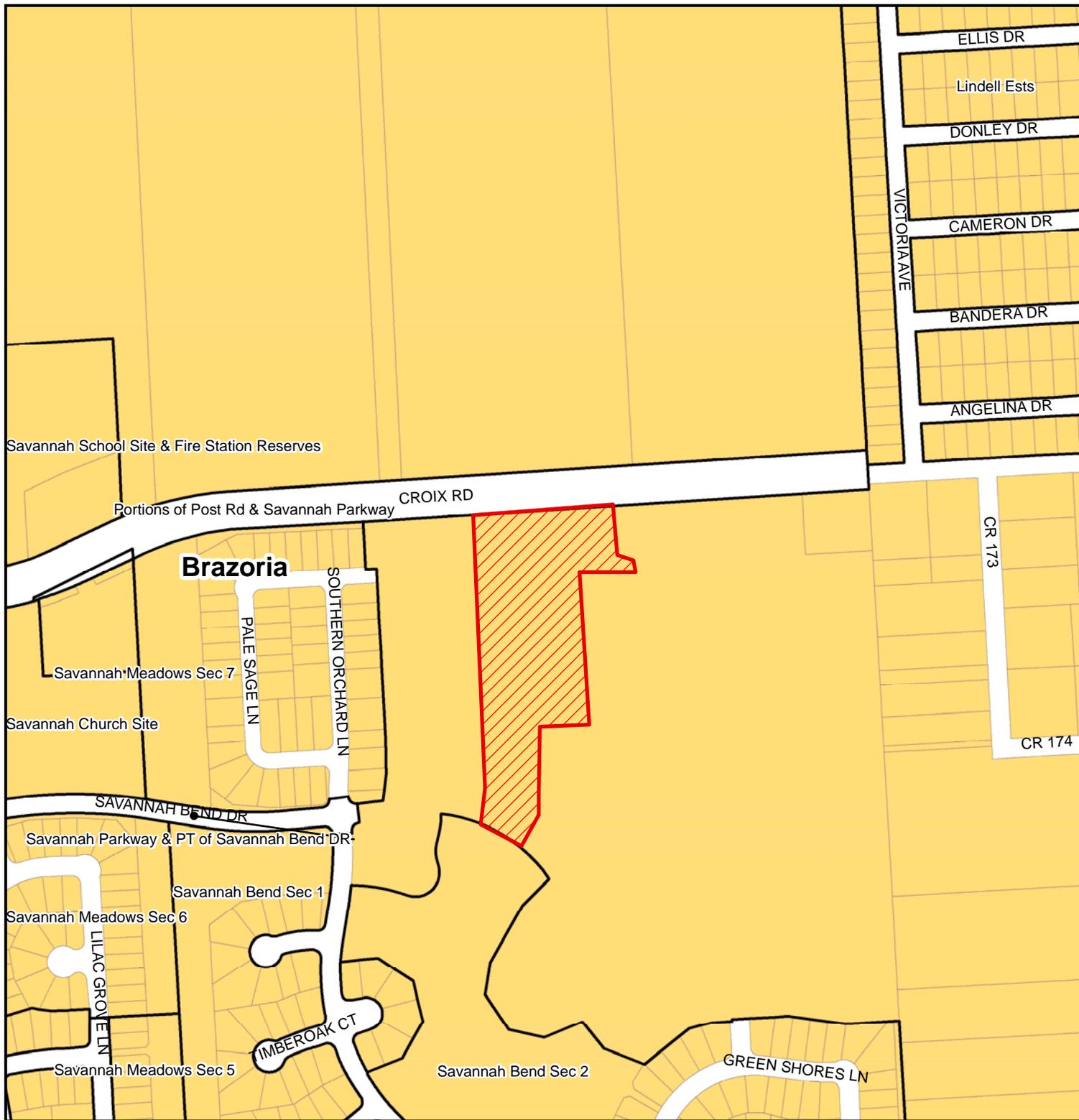
SUPPORTING DOCUMENTS:

- Vicinity Map
- Land Use Map
- Aerial Map
- Savannah Meadows Section Nine Plat



Vicinity Map

Savannah Meadows Section 9

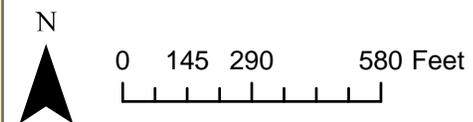
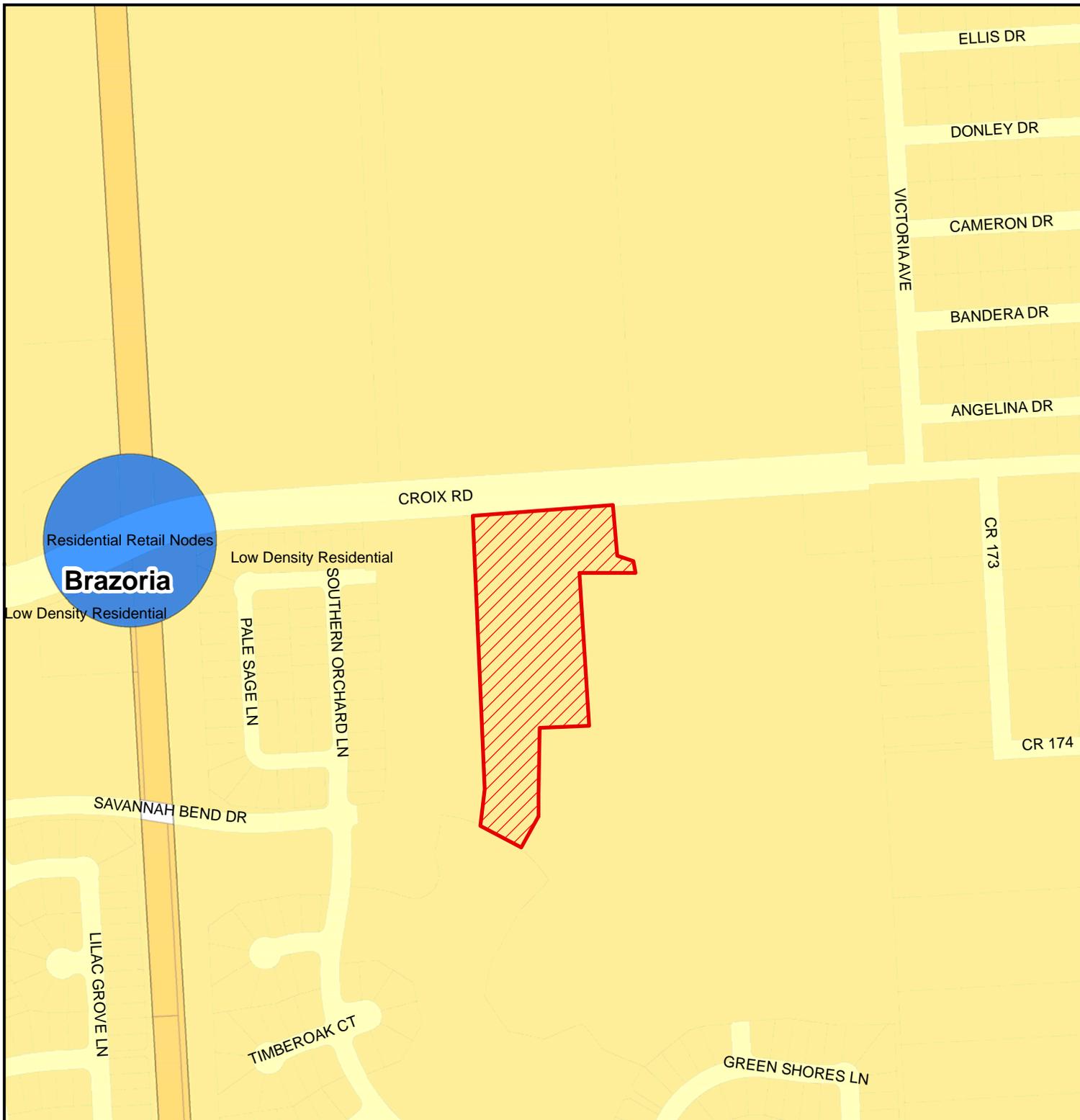


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



Future Land Use

Savannah Meadows Section 9



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Aerial Map

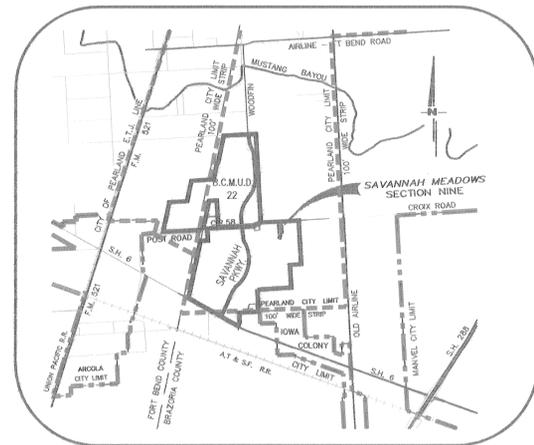
Savannah Meadows Section 9



0 145 290 580 Feet

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Acres



Vicinity Map
SCALE= 1"=500'

- GENERAL NOTE:
- "C.L.R." INDICATES CENTERLINE RADIUS.
 - "B.L." INDICATES BUILDING LINE.
 - "U.E." INDICATES UTILITY EASEMENT.
 - "W.L.E." INDICATES WATER LINE EASEMENT.
 - "S.M.S.E." INDICATES SANITARY SEWER EASEMENT.
 - "S.S.E." INDICATES SANITARY SEWER EASEMENT.
 - "W.S.E." INDICATES WATER LINE / SANITARY SEWER EASEMENT.
 - "D.E." INDICATES DRAINAGE EASEMENT.
 - "S.L." INDICATES STREET LIGHT LOCATION.
 - "E.E." INDICATES ELECTRICAL EASEMENT.
 - "B.C.P.R." INDICATES BRAZORIA COUNTY PLAT RECORDS.
 - "B.C.D.R." INDICATES BRAZORIA COUNTY DEED RECORDS.
 - "B.C.C.F." INDICATES BRAZORIA COUNTY CLERK FILE.
 - "B.C.P.P.R." INDICATES BRAZORIA COUNTY REAL PROPERTY RECORDS.
 - "B.C.M.U.D." INDICATES BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT.
 - THESE ARE 6 STREETLIGHTS ON THIS PLAT.
 - THIS TRACT LIES IN ZONE X OF THE FLOOD INSURANCE RATE MAP FOR BRAZORIA COUNTY, TEXAS, DATED JUNE 5, 1999, MAP NO. 4900000000. CONTACT THE BRAZORIA COUNTY FLOODPLAIN ADMINISTRATOR FOR THE FLOOD INFORMATION.
 - CITY OF PEARLAND C.P. 63
BENCHMARK IS A 5/8-INCH IRON ROD WITH CAP STAMPED "CITY OF PEARLAND" AND IS LOCATED APPROXIMATELY 18.60 FEET EAST OF THE EAST R.O.W. LINE OF B.C.R. 48 (OLD ARLINE) AND APPROXIMATELY 10.00 FEET SOUTH OF THE SOUTH R.O.W. LINE OF B.C.R. 58 (POST RD.).
ELEVATION: 58.31
1987 ADJUSTMENT.
 - CITY OF PEARLAND C.P. 64
BENCHMARK IS A 5/8-INCH IRON ROD WITH CAP STAMPED "CITY OF PEARLAND" AND IS LOCATED APPROXIMATELY 11.00 FEET NORTH OF THE CENTERLINE OF HWY. 6 AND APPROXIMATELY 37.00 FEET WEST OF THE WEST R.O.W. LINE OF B.C.R. 48 (OLD ARLINE).
ELEVATION: 58.98
1987 ADJUSTMENT.
 - TBM 1-27-3 "C" Cut on N.W. corner of concrete H.L. & P.
Lower Top of Tower No. 08788
Elevation: 65.68
1978 Adjustment
 - TBM "T": Top Metal "T" fence post set in ground approx.
55 ft. south of County Road 58 and approx. 1425 ft. west of the BOUND 21 east boundary.
Elevation: 65.75
1978 Adjustment
 - NOTE: TO CONVERT PROJECTS BENCHMARKS TO CITY OF PEARLAND VERTICAL DATUM, NAVD 28 1987 ADJUSTMENT, (BASED ON THE MARKS: GASTON COASTAL SUBMERGENCE DISTRICT (G.C.S.D.) MONUMENTATION), SUBTRACT 1.28 FEET FROM THE PROJECT BENCHMARKS.
 - NOTE: ALL ELEVATIONS ARE BASED ON THE VERTICAL CONTROL ESTABLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE HIGHWAY 63 STATE HIGHWAY 63 FEDERAL AID PROJECT NO. STP2000(40)001, CSJ 192-02-036, DATED OCTOBER 5, 1999. BROWN & GAY ENGINEERS PROJECT ELEVATIONS WERE ESTABLISHED FROM TYPICAL CONTROL POINT "102" AS SHOWN IN TYPICAL FIELD BOOK NO. 240, PAGE 16, FOR PROJECT NO. CSJ 192-02-036. CONTROL POINT "102" IS SHOWN IN SAID FIELD BOOK TO HAVE A TEXAS STATE PLANE COORDINATE OF X = 313588.5264, Y = 62078.8878 AND AN ELEVATION OF 68.52 FEET, NAVD 28 AND BEING ON THE 1978 ADJUSTMENT.
 - NOTE: ALL BEARINGS AND COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83). ALL DISTANCES AND COORDINATES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY MULTIPLYING BY A COMBINED ADJUSTMENT FACTOR OF 0.999870.
 - ALL SIDE LOT LINES ARE THE CENTERLINE OF 6" DRAINAGE EASEMENT TO EACH ADJACENT LOT.
 - A FOUR-FOOT SIDEWALK IS REQUIRED ON BOTH SIDES OF ALL STREETS CONTAINED WITHIN THIS PLAT. NO SIDEWALK ALONG POST ROAD (C.R.58) IS REQUIRED WITHIN THIS PLAT PER THE DEVELOPMENT AGREEMENT REFERENCED BELOW IN NOTE #22.
 - THIS SUBDIVISION IS CONSISTENT WITH THE THIRD AMENDMENT SINGLE FAMILY DWELLING DISTRICT IN ACCORDANCE WITH THE DEVELOPMENT AGREEMENT BETWEEN SAVANNAH DEVELOPMENT LTD., A TEXAS LIMITED PARTNERSHIP AND THE CITY OF PEARLAND DATED JUNE 13, 2005.
 - THIS PROPERTY IS WITHIN BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 21, AT THE TIME OF PLATING.
 - LOTS WHICH SIDE ONTO A PUBLIC STREET RIGHT-OF-WAY ARE DEMAND DIRECT DRIVEWAY ACCESS TO THE SAID PUBLIC STREET. ALL CORNER LOTS ARE FRONT ENTRY ONLY.
 - A SIX (6) FOOT HIGH MASONRY WALL SHALL BE PROVIDED ALONG POST ROAD (C.R.58) AT THE TIME OF DEVELOPMENT.

LINE	BEARING	DISTANCE
L1	S 00°13'22" E	47'
L2	S 12°43'37" E	49'
L3	N 15°41'51" W	102'
L4	S 86°52'55" W	2'
L5	S 87°23'46" W	115'
L6	N 03°09'57" W	90'
L7	S 07°35'51" E	100'
L8	S 08°38'18" E	92'
L9	N 64°26'48" E	30'
L10	N 69°49'20" W	111'
L11	N 13°22'40" W	24'
L12	S 39°02'17" W	60'

CURVE	RADIUS	DELTA	ARC	TANGENT	BEARING	CHORD
C1	25'	87°19'45"	38'	24'	S 49°27'12" E	35'
C2	325'	41°57'25"	238'	125'	N 07°36'02" E	233'
C3	25'	79°32'28"	35'	21'	N 11°17'29" W	32'
C4	470'	19°01'48"	159'	79'	N 60°28'37" W	165'

13600 BLOCK OF POST ROAD (C.R. 58)
A PRELIMINARY PLAT OF
SAVANNAH MEADOWS SECTION NINE
BEING ±6.3 ACRES OF LAND
CONTAINING 25 LOTS (60' X 115' TYP.) AND
FOUR RESERVES (0.42 AC.) FOUR BLOCKS.

OUT OF THE
**A.C.H.&B. SURVEY, A-403 AND
J.S. TALMAGE SURVEY, A-562**
BRAZORIA COUNTY, TEXAS
SURVEYOR / CONSULTING ENGINEER:
BROWN & GAY ENGINEERS, INC.
EDWARD F. TAYLOR, R.P.L.S. (281) 558-8700
RANDY RANDERMAN, P.E. (281) 558-5700
1077 WESTHEIMER, SUITE 400
HOUSTON, TEXAS 77042
OWNER:
**SAVANNAH DEVELOPMENT, LTD.,
A TEXAS LIMITED PARTNERSHIP**
MR. KEITH SCHOONOVER (281) 875-1000
560 GREENS PARKWAY, SUITE 100
HOUSTON, TEXAS 77067

KERRY R. GILBERT & ASSOCIATES, INC.
CONTACT: CHRISTY SMIDT
SCALE: 1" = 100'
PLAT NO. P-652F-2011-051
OCTOBER 28, 2011
KGA# 4708

Land Planning Consultants
23501 Cinco Ranch Blvd.
Suite A-250
Katy, Texas 77494
(281)579-0340

LAND USE TABLE

RESERVE	LAND USE	ACREAGE	SQ. FT.
A	LANDSCAPE / OPEN SPACE	0.08	3,409
B	LANDSCAPE / OPEN SPACE	0.19	8,222
C	LANDSCAPE / OPEN SPACE	0.06	2,774
D	LANDSCAPE / OPEN SPACE	0.09	3,934

LOT AREA SUMMARY

BLOCK	LOT	LOT WIDTH AT B.L.	SQ. FT.
BLOCK 1	1	73'	7,354
	2	71'	7,225
	3	58'	6,307
BLOCK 2	4	50'	5,758
	5	50'	6,179
	6	55'	6,586
BLOCK 3	1	57'	6,636
	2	50'	5,750
	3	50'	5,750
	4	50'	5,750
	5	50'	5,750
	6	50'	5,737
	7	52'	7,329
	8	50'	10,353
BLOCK 4	9	50'	8,030
	10	54'	8,495

ENCUMBRANCE CERTIFICATE
This is to certify that I, Edward F. Taylor, a Registered Professional Land Surveyor of the State of Texas, have plotted the above subdivision from an actual survey on the ground; that all exterior boundary corners of the actual survey have been set; that all block corners, reserve corners, lot corners, permanent reference monuments and permanent control points will be set at completion of construction; and that this plat correctly represents that survey made by me. All corners will be marked by iron rods 5/8-inch in diameter and 3-feet long. Except lot corners which will be marked with iron rods 1/2-inch in diameter. This tract is within two miles of the City Limits of Pearland.

APPROVED by Brazoria Drainage District No. 4, Brazoria County Texas, this _____ day of _____, 2011

Edward F. Taylor, R.P.L.S.
Registration No. 1615

DAN KELLER
Secretary
Drainage District No. 4
Brazoria County, Texas

Stacy L. Adams
Member
Drainage District No. 4
Brazoria County, Texas

Alfred E. Lentz, P.E.
District Engineer
Drainage District No. 4
Brazoria County, Texas

DISCLAIMER AND LIMITED WARRANTY

THIS PRELIMINARY SUBDIVISION PLAT HAS BEEN PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THE CITY OF PEARLAND SUBDIVISION AND ZONING ORDINANCES IN EFFECT AT THE TIME THIS PLAT WAS PREPARED. ANY VARIANCE OR VARIANCES TO THE PROVISIONS OF THE AFORESAID ORDINANCE WHICH ARE SUBSEQUENTLY GRANTED BY THE PEARLAND PLANNING COMMISSION AND/OR CITY COUNCIL, THIS PRELIMINARY PLAT WAS PREPARED FOR THE LIMITED PURPOSE OF GUIDANCE IN THE PREPARATION OF ACTUAL ENGINEERING AND DEVELOPMENT PLANS. THIS LIMITED WARRANTY IS MADE IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, AND NEITHER KERRY R. GILBERT & ASSOCIATES, INC., NOR ANY OF ITS OFFICERS, OR DIRECTORS, OR EMPLOYEES MAKE ANY OTHER WARRANTIES OR REPRESENTATIONS, EXPRESS OR IMPLIED CONCERNING THE DESIGN, LOCATION, QUALITY CHARACTER OF ACTUAL UTILITIES OR OTHER FACILITIES IN, ON, OVER, OR UNDER THE PREMISES INDICATED IN THE PRELIMINARY SUBDIVISION PLAT.

P&Z Agenda Item

B

November 2, 2011

City of Pearland
Planning Department
3523 Liberty Drive
Pearland, Texas 77581

Reference: Southern Trails, Section 11
Final Plat Approval
Pate Job No. 1511-017-00

Dear Planning & Zoning Commission/Planning Director:

Please accept for consideration the following request for waiver of decision time pursuant to Section 3.1.1.4 (b) of Pearland's Unified Development Code.

Pate Engineers hereby requests an additional twenty days before the Planning & Zoning Commission/Planning Director must act upon the plat know as Southern Trails, Section 11. This extension is needed to allow final construction adjustments and city inspection, testing, and acceptance of the project.

Pate Engineers agrees that the above waiver, if granted, shall be construed as tolling the official filing date of the above plat by the number of days granted pursuant to this request.

Very Truly Yours,

PATE ENGINEERS, INC.

TBPE No. F-002726



Eric D. Johnson, P.E.
Senior Project Manager

J:\1500\151001400 ST11 WSD\410 DESIGN\020 Corres\Plat - Final Submittal\Waiver of Decision Request 2011-11-02.doc

P&Z Agenda Item

C



City of Pearland

P&Z AGENDA REQUEST

TO: Planning & Zoning Commission
REQUESTOR: Evan M. DuVall
DATE: 11/02/2011
AGENDA ITEM SUBJECT: Final Plat of Southern Trails Section 11

Old Business New Business Discussion Item Workshop

Summary: A request by Pate Engineers, INC., applicant, on behalf of C.L. Ashton Woods, LP, owner for approval of the Final Plat of Southern Trails Section Eleven, generally located approximately 1500 feet south from the southeast corner the intersection of Southern Trails Drive and Kingsley Drive for approximately 23.16 acres. Staff is recommending approval of the Waiver of Decision as the infrastructure has not been accepted by the Engineering Department.

Staff Recommendation: Approval of Waiver of Decision

PLANNING AND ZONING COMMISSION MEETING OF NOVEMBER 7, 2011

Final Plat of Southern Trails Section Eleven

A request by Pate Engineers, INC., applicant, on behalf of C.L. Ashton Woods, LP, owner for approval of the Final Plat of Southern Trails Section Eleven, generally located approximately 1500 feet south from the southeast corner the intersection of Southern Trails Drive and Kingsley Drive for approximately 23.16 acres, on the following described property, to wit

Legal Description: All that certain 23.16 acres of land, out of the 522.62 acre tract described in the deed from Ashton Southern Trails Joint Venture to CL Ashton Woods, LP., recorded under Doc. #2005016204, in the Official Records of Brazoria County, Texas, in the H.T. & B.R.R. Company Survey, Sec. 80, A-564, Brazoria County.

General Location Approximately 1,500 feet south from the southeast corner the intersection of Southern Trails Drive and Kingsley Drive

SUMMARY: On behalf of C.L. Ashton Woods, Eric Johnson from Pate Engineers, INC has submitted the Final Plat for Southern Trails Section Eleven, which includes a total of 55 single-family residential lots and three reserves.

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Current Land Use</u>
North	PUD (Southern Trails)	Drainage
South	PUD (Southern Trails)	Vacant Land, future Single Family homes
East	PUD (Southern Trails)	Vacant Land, portion of Southern Trails
West	Extra-Territorial Jurisdiction	Vacant and Future Southern Trails Section 12

CONFORMANCE WITH THE SOUTHERN TRAILS PUD: The above submittal is in

conformance with the Southern Trails Planned Development.

PLATTING STATUS: On March 1, 2011 the Planning and Zoning Commission approved the Preliminary Plat of Southern Trails Section 11.

CONFORMANCE WITH THE COMPREHENSIVE PLAN: The Future Land Use designation for the subject land is Low Density Residential. This designation allows for a maximum of 4 dwelling units an acre. This Final Plat is in conformance with the Comprehensive Plan.

CONFORMANCE WITH THE THOROUGHFARE PLAN: The subject property is served by Kingsley Road, a 120-foot Major Thoroughfare.

AVAILABILITY OF UTILITIES: The subject parcel is served by public water and sewer lines, from the existing Southern Trails Development.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The proposed Final Plat should not have any significant adverse impacts on any surrounding structures or uses.

ADDITIONAL COMMENTS: There have not been any additional comments from other departments regarding this Final Plat of Southern Trails Section Eleven.

STAFF RECOMMENDATION: Staff recommends denial of the Final Plat of Southern Trails Section 11 as proposed by the applicant for the following reasons:

Reasons for recommending denial:

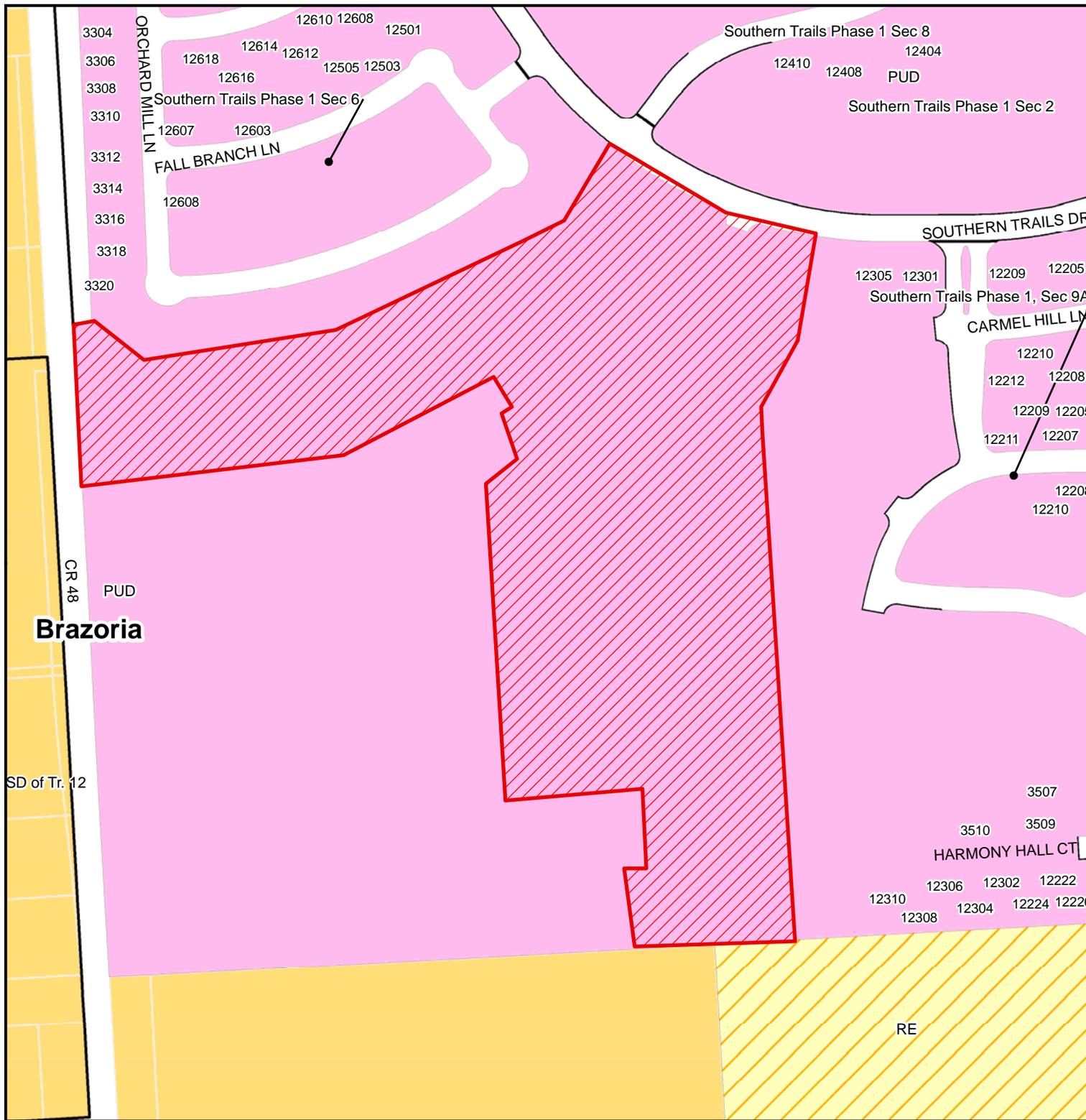
1. The proposed subdivision has not had its infrastructure accepted by the Engineering Department.

OUTSTANDING ITEMS:

1. The Engineering Department is in the process of accepting the infrastructure for Southern Trails Section 11. As of 11/02/2011, the engineering department has not completed the required inspections and testing for acceptance of the infrastructure. A Waiver of Decision has been submitted by the applicant to postpone the decision of the Final Plat, if the infrastructure has not been completed by the November 7, 2011 Planning and Zoning Commission Meeting.
2. Recordation and Courier Fee
3. 2011 Tax Certificates

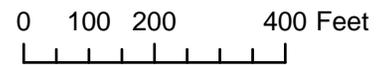
SUPPORTING DOCUMENTS:

Vicinity and Zoning Map
Future Land Use Plan
Aerial Map
Final Plat of Southern Section Eleven

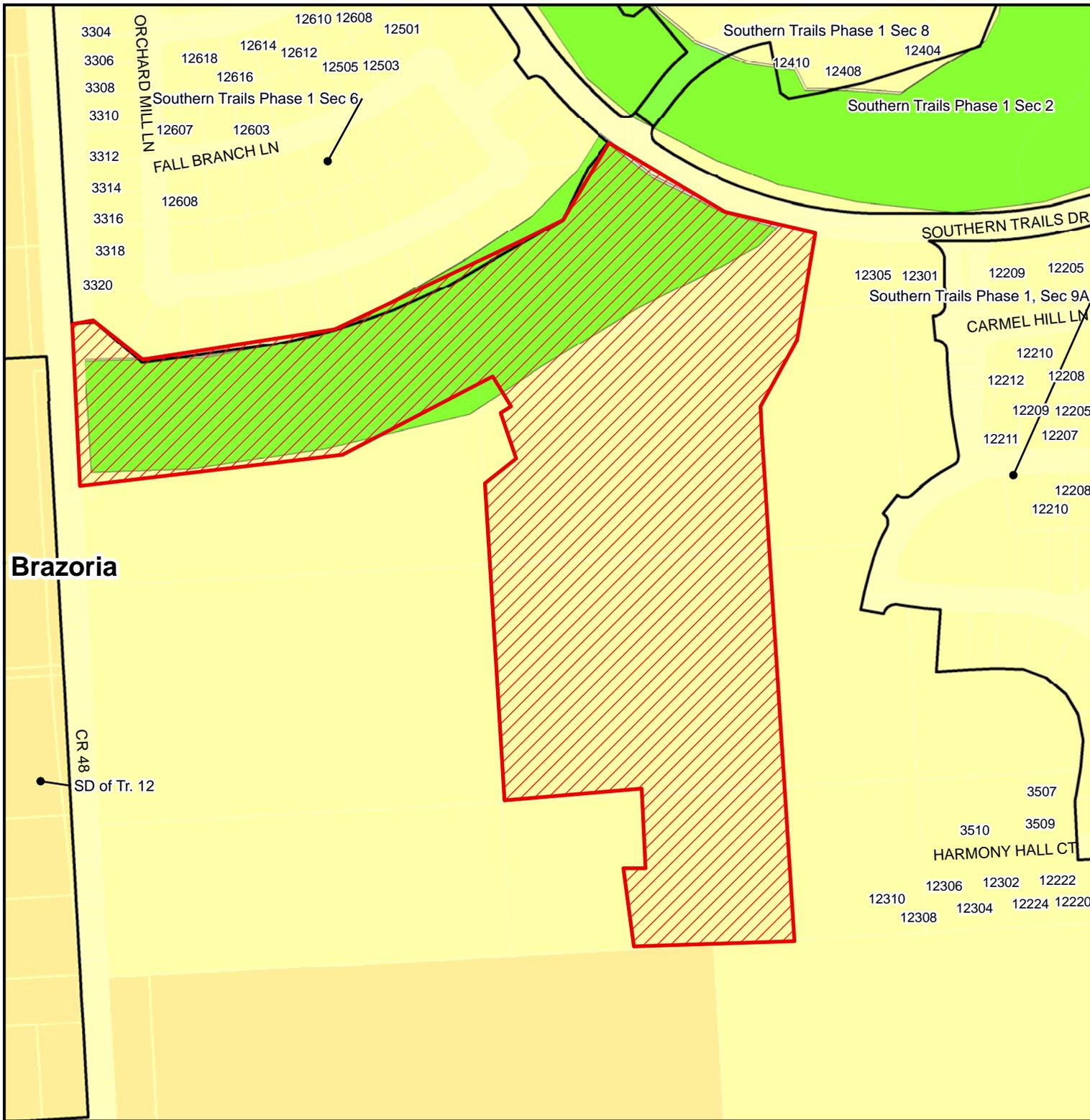


Zoning Map

Southern Trails Section 11

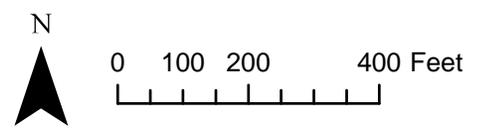


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

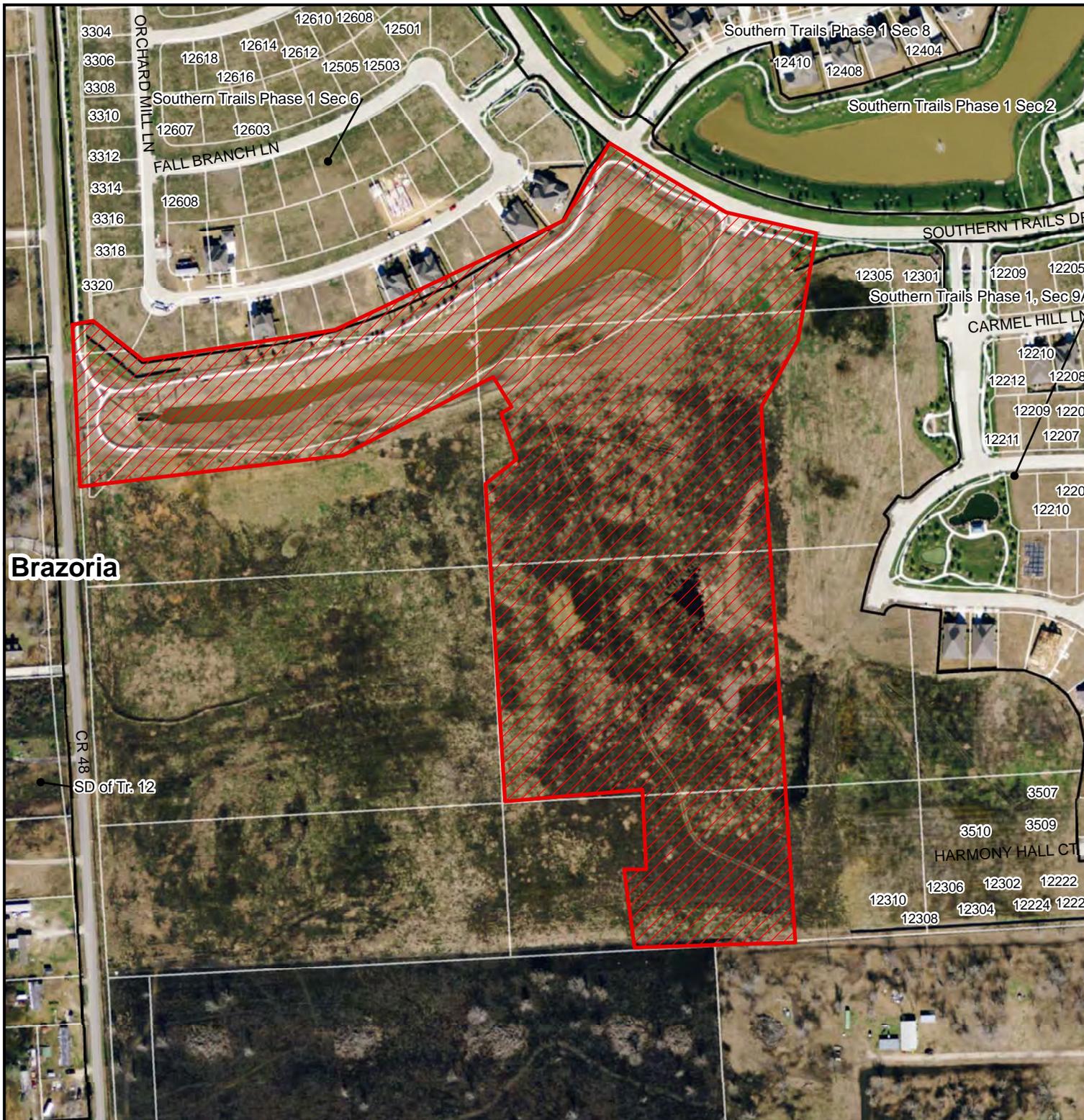


Future Land Use Map

Southern Trails Section 11

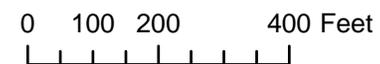


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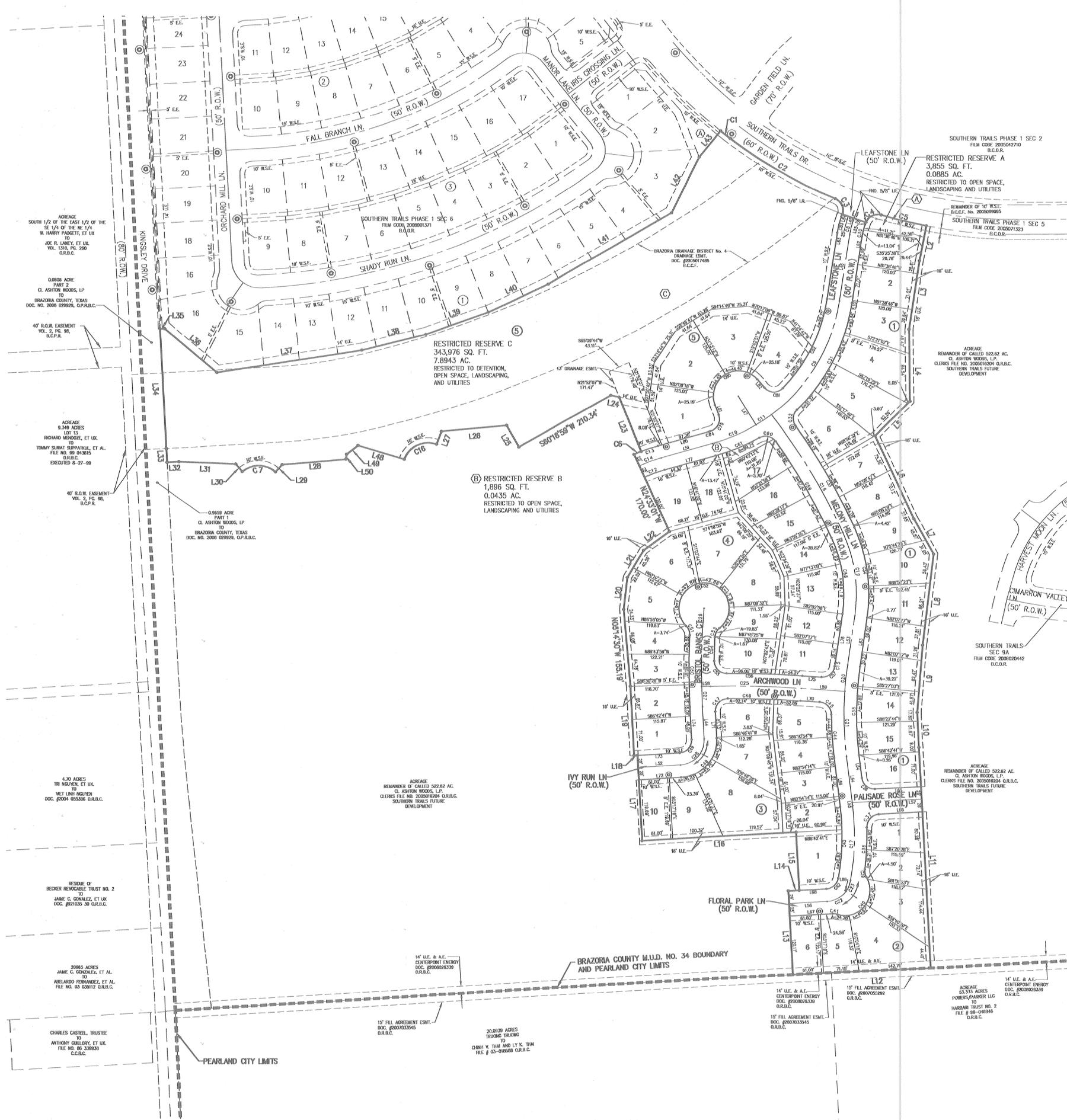


Aerial Map

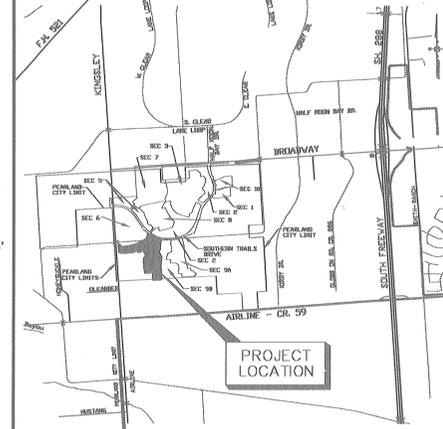
Southern Trails Section 11



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.



- GENERAL NOTES:**
- ABBREVIATIONS / SYMBOLS:
 - "C.L.R." INDICATES CENTERLINE RADIUS.
 - "FND." INDICATES FOUND.
 - "I.R." INDICATES IRON ROD.
 - "B.L." INDICATES BUILDING LINE.
 - "U.E." INDICATES UTILITY EASEMENT.
 - "W.L.E." INDICATES WATER LINE EASEMENT.
 - "S.M. SWR. ESMT." INDICATES STORM SEWER EASEMENT.
 - "S.S.E." INDICATES SANITARY SEWER EASEMENT.
 - "W.S.E." INDICATES WATER LINE / SANITARY SEWER EASEMENT.
 - "D.E." INDICATES DRAINAGE EASEMENT.
 - "TEMP. D.E." INDICATES TEMPORARY DRAINAGE EASEMENT.
 - "TEMP. W.L.E." INDICATES TEMPORARY WATER LINE EASEMENT.
 - "TEMP. S.S.E." INDICATES TEMPORARY SANITARY SEWER EASEMENT.
 - "TEMP. S.M. SWR. ESMT." INDICATES TEMPORARY STORM SEWER EASEMENT.
 - "S" = STREET LIGHT LOCATION.
 - "-S" = STREET NAME CHANGE.
 - "E.E." INDICATES ELECTRICAL EASEMENT.
 - "B.C.P.R." INDICATES BRAZORIA COUNTY PLAT RECORDS.
 - "B.C.D.R." INDICATES BRAZORIA COUNTY DEED RECORDS.
 - "B.C.C.F." INDICATES BRAZORIA COUNTY CLERK FILES.
 - "B.C.R.P.R." INDICATES BRAZORIA COUNTY REAL PROPERTY RECORDS.
 - "D.R.B.C." INDICATES OFFICIAL RECORDS OF BRAZORIA COUNTY.
 - THIS PLAT HAS BEEN PREPARED TO MEET THE REQUIREMENTS OF THE STATE OF TEXAS, BRAZORIA COUNTY AND THE CITY OF PEARLAND.
 - THIS PLAT WAS PREPARED FROM INFORMATION PROVIDED BY DOMINION TITLE, L.L.C., (GUARANTEE FILE) G.F. NO. 1003907003, EFFECTIVE DATE APRIL 29, 2011.
 - ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE N.A.D. 83.
 - ALL SUBDIVISION COMMON AREAS INCLUDING BUT NOT LIMITED TO DETENTION FACILITIES, EASEMENTS, AND OPEN SPACE WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE MAINTAINED BY A HOMEOWNERS ASSOCIATION, COMMERCIAL PROPERTY ASSOCIATION OR OTHER ENTITY AND SHALL NOT BE THE RESPONSIBILITY OF THE CITY OF PEARLAND OR BRAZORIA COUNTY.
 - BENCHMARKS:
 - CITY OF PEARLAND REFERENCE BENCHMARK: MONUMENT GPS - 9, BRASS SET FLUSH IN CONCRETE, STAMPED "CITY OF PEARLAND 9 - GPS MON. 1995". THE MONUMENT IS LOCATED IN THE NORTHWEST CORNER OF THE INTERSECTION OF THE WEST ACCESS ROAD TO HIGHWAY 288 AND COUNTY ROAD 92 AND F.M. 518. THE MONUMENT IS APPROXIMATELY 500 FEET NORTH OF COUNTY ROAD 92 AND 32.5 FEET NORTHWEST OF THE SOUTHWEST CORNER OF A CONCRETE PAD FOR STORM DRAIN INLETS. ELEVATION = 59.03 NAVD 29, 1991 ADJUSTMENT.
 - PROJECT REFERENCE BENCHMARK: N.C.S. BRASS DISK STAMPED "1868 1942" LOCATED ALONG F.M. 521, EAST OF THE PRESENT ROAD, IN THE NORTHEAST CONCRETE HEADWALL OF THE FORMAL HIGHWAY BRIDGE OVER A CANAL, ABOUT 0.15 NORTH OF THE FORT BEND - HARRIS COUNTY LINE, ELEV. 61.786, NAVD 88, 1991 ADJUSTMENT.
 - BENCHMARK (BM): BRASS DISK STAMPED 516 ON TOP OF INLET ON SOUTH SIDE OF FALL BRANCH LANE 440+ EAST OF INTERSECTION OF FALL BRANCH LANE AND ORCHARD MILL. N=13766512.63, E=3108433.02, ELEVATION = 61.23 NAVD 88, 1991 ADJUSTMENT.
 - NOTE: THE COORDINATES SHOWN HEREON ARE TEXAS STATE PLANE ZONE NO. 4204 STATE PLANE GRID COORDINATES (NAD83) AND MAY BE BROUGHT TO SURFACE BY APPLYING THE FOLLOWING COMBINED SCALE 1.00012997.
 - ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) MAP NO. 480530C0204, WITH THE EFFECTIVE DATE OF JUNE 5, 1989, THE PROPERTY IS LOCATED IN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE OF THE 100-YEAR FLOOD PLAIN).
 - ALL FLOOD PLAIN INFORMATION NOTED IN THE PLAT REFLECTS THE STATUS PER THE FEMA FIRM MAP THAT IS EFFECTIVE AT THE TIME THAT THE PLAT IS RECORDED. FLOOD PLAIN STATUS IS SUBJECT TO CHANGE AS FEMA FIRM MAPS ARE UPDATED.
 - ANY CONSTRUCTION PROPOSED TO BE INSTALLED WITHIN A PROPERTY EASEMENT WITH PRESCRIBED RIGHTS TO A PRIVATE ENTITY MAY REQUIRE THE PERMISSION OF THE PRIVATE ENTITY PRIOR TO THE START OF CONSTRUCTION. FAILURE TO SECURE SUCH PERMISSION MAY RESULT IN THE RIGHT HOLDER(S) OF THE EASEMENT REMOVING ANY UNAPPROVED PAVEMENT, STRUCTURES, UTILITIES, OR OTHER FACILITIES LOCATED WITHIN THE EASEMENT. THE RESPONSIBILITY OF SECURING APPROVAL FROM THE PRIVATE ENTITIES TO BUILD WITHIN AN EASEMENT IS SOLELY THAT OF THE PROPERTY OWNER.
 - THE MINIMUM SLAB ELEVATION FOR ALL BUILDINGS LOCATED WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE THE HIGHER OF (1) EITHER 12 INCHES ABOVE THE TOP OF CURB ELEVATION FOR A CURB STREET OR 12 INCHES ABOVE THE ELEVATION OF THE EDGE OF THE ROADWAY IF NO CURB EXISTS, OR (2) 12 INCHES ABOVE THE 100 YEAR FLOODPLAIN WATER SURFACE ELEVATION FOR STRUCTURES TO BE LOCATED WITHIN THE 100 YEAR FLOODPLAIN.
 - ANY PROPOSED DRAINAGE SYSTEM FOR THIS SUBDIVISION SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE CITY OF PEARLAND AND/OR BRAZORIA COUNTY DRAINAGE DISTRICT #4.
 - LOT LINES SHALL BE THE CENTER OF A 6 FOOT WIDE DRAINAGE EASEMENT.
 - THIS PROPERTY IS LOCATED WHOLLY WITHIN BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 34.
 - ALL LANDSCAPING AND STRUCTURES, INCLUDING FENCES AT INTERSECTIONS SHALL CONFORM TO THE CITY OF PEARLAND AND AASHTO SITE DISTANCE REQUIREMENTS FOR MOTORISTS.



(KEY MAP # 612 Q&R BRAZORIA COUNTY)

VICINITY MAP
SCALE 1" = 3,000'

- GENERAL NOTES CONT'D:**
- DRIVEWAY REQUIREMENTS FOR THE LOCATION, WIDTHS AND OFFSETS FROM AN INTERSECTION AND ANY EXISTING DRIVEWAY OR PROPOSED DRIVEWAYS, SHALL CONFORM TO THE REQUIREMENTS OF THE CITY OF PEARLAND ENGINEERING DESIGN CRITERIA MANUAL AND UNIFIED DEVELOPMENT CODE.
 - A FOUR (4') FOOT SIDEWALK IS REQUIRED ON BOTH SIDES OF INTERNAL PUBLIC STREET RIGHT-OF-WAYS CONTAINED WITHIN THE PLAT. A SIX (6') FOOT SIDEWALK WILL BE REQUIRED ON BOTH SIDES OF SOUTHERN TRAILS DRIVE AT THE TIME OF DEVELOPMENT.
 - NO LOT SHALL HAVE DIRECT ACCESS TO SOUTHERN TRAILS DRIVE.
 - A SIX (6') FOOT HIGH FENCE IS REQUIRED ALONG SOUTHERN TRAILS DRIVE AS DEPICTED IN EXHIBIT "E" OF THE P.U.D. - PROSPECT FENCING.
 - THERE ARE 13 STREET LIGHTS ON THIS PLAT.

LAND USE TABLE			
RESERVE	LAND USE	ACREAGE	SQ. FT.
A	OPEN SPACE/ LANDSCAPING/UTILITIES	0.0885	3,855
B	OPEN SPACE/ LANDSCAPING/UTILITIES	0.0435	1,896
C	DETENTION/OPEN SPACE/ LANDSCAPING/UTILITIES	7.8943	343,876

17300 Block of Southern Trails Drive
FINAL PLAT
SOUTHERN TRAILS SEC. 11
 A SUBDIVISION OF
23.16 ACRES
 CONTAINING
55 LOTS, 5 BLOCKS & 3 RESTRICTED RESERVES
 OUT OF THE
 H.T.&B.R.R. CO. SURVEY, SEC. 80, A-564
 CITY OF PEARLAND
 BRAZORIA COUNTY, TEXAS
 ALSO BEING OUT OF THE
 ALLISON-RICHEY GULF COAST HOME COMPANY SUBDIVISION,
 PART OF LOTS 3,4,13,14,15, & 23, BLOCK 80
 AS RECORDED IN VOLUME 2, PAGE 98, B.C.P.R.

OWNER: C.L. ASHTON WOODS, L.P.
 675 BERING DR., SUITE 500 - HOUSTON, TEXAS 77061 - MR. JUSTINE KLINER - (713) 664-1304

OWNER: BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT No. 34
 (RESERVE "C" ONLY)
 3200 SOUTHWEST FRY, SUITE 2000 - HOUSTON, TEXAS 77067 - ALLEN DOONE HUMPHREY ROBINSON LLP - (713) 660-6400

LAND PLANNER: KERRY R. GILBERT & ASSOCIATES, INC.
 25001 CINCO MARCH BLVD., SUITE A-250 - KATY, TEXAS 77454 - MS. CHRISTY SCHMIDT - (281) 970-0540

SURVEYOR: PATE SURVEYORS
 13333 NORTHWEST FRY, SUITE 300 - HOUSTON, TEXAS 77060 - MR. DOUGLAS V. TURNER, R.P.L.S. - (713) 462-3178

ENGINEER: PATE ENGINEERS, INC.
 13333 NORTHWEST FRY, SUITE 300 - HOUSTON, TEXAS 77060 - MR. RUC D. JOHNSON, P.E. - (713) 462-3178

NOVEMBER 2011 SCALE: 1" = 100' PATE JOB NO. 1511-017-00

SOUTHERN TRAILS, SECTION 11, LOT ANALYSIS

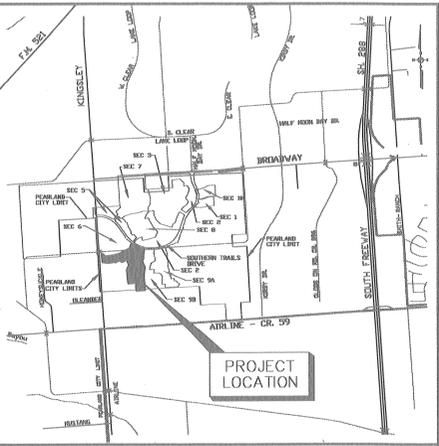
Table with columns: LINE, BEARING, LENGTH, CURVE TABLE (CURVE, DELTA, RADIUS, LENGTH, CHORD BEARING, CHORD).

Table with columns: BLOCK 1, LOT, AREA IN SQ. FT., LOT FRONTAGE AT BL.

Table with columns: BLOCK 4, LOT, AREA IN SQ. FT., LOT FRONTAGE AT BL.

Table with columns: BLOCK 5, LOT, AREA IN SQ. FT., LOT FRONTAGE AT BL.

SUMMARY table with columns: LOT, AREA IN SQ. FT., LOT FRONTAGE AT BL.



(KEY MAP # 612 Q&R BRAZORIA COUNTY)

VICINITY MAP SCALE 1" = 3,000'

STATE OF TEXAS COUNTY OF BRAZORIA

We, CL ASHTON WOODS, L.P., a Texas limited partnership, acting by and through Thomas H. Burleson, an Executive Vice President of CL TEXAS I C.P., L.L.C., the Managing General Partner of CL ASHTON WOODS, L.P., and Brazoria County Municipal Utility District No. 34, acting by and through Brian Thompson, President, Board of Directors, and Katrina Bogy, Secretary, Board of Directors, are owners of the 23.16 acre tract described in the above and foregoing map of SOUTHERN TRAILS SEC. 11, do hereby make subdivision of said property for and on behalf of said corporation, according to the lines, lots, building lines, streets, alleys, parks, and easements as shown hereon and dedicate for public use as such, the streets (except those streets dedicated as private streets), alley, parks and easements shown hereon forever, and do hereby waive all claims for damages occasioned by the establishment of grades as approved for the streets and drainage easements dedicated, or occasioned by the alteration of the surface, or any portion of the streets or drainage easements to conform to such grades, and do hereby bind ourselves, our heirs, successors and assigns to warrant and defend the title to the land so dedicated.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional eleven feet, six inches (11' 6") for ten feet (10' 0") perimeter ground easements or five feet, six inches (5' 6") for sixteen feet (16' 0") perimeter ground easements, from a plane sixteen feet (16' 0") above ground level upward. Located adjacent to and adjoining said public utility easements that are designed with aerial easements (U.E. and A.E.) as indicated and depicted, hereon, whereby the aerial easement totals twenty-one feet, six inches (21' 6") in width.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional ten feet (10' 0") for ten feet (10' 0") back-to-back ground easements, or seven feet (7' 0") for sixteen feet (16' 0") back-to-back ground easements or seven feet (7' 0") for sixteen feet (16' 0") back-to-back ground easements, from a plane sixteen feet (16' 0") above ground level upward, located adjacent to and adjoining said public utility easements that are designated with aerial easements (U.E. and A.E.) as indicated and depicted, hereon, whereby the aerial easement totals thirty feet (30' 0") in width.

In Testimony whereof, CL ASHTON WOODS, L.P., a Texas limited partnership, acting by and through CL TEXAS I C.P., L.L.C., and the Managing General Partner of CL ASHTON WOODS, L.P., has caused these presents to be signed by Thomas H. Burleson, an Executive Vice President, this 9th day of SEPTEMBER, 2011.

CL ASHTON WOODS, L.P. a Texas limited partnership By: Thomas H. Burleson Executive Vice President

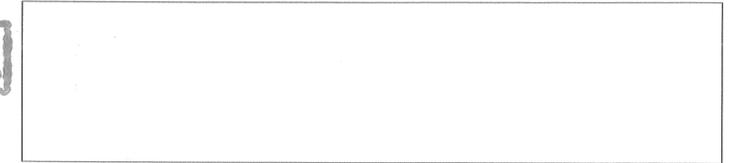
Signature of Thomas H. Burleson

JERRY KOZA, Chairman City Planning and Zoning Commission City of Pearland, Texas

APPROVED For the City of Pearland, Texas this _____ day of _____, 2011.

Darrin Coker, City Attorney; Narciso Lira, III, P.E., City Engineer

CERTIFICATE OF COUNTY CLERK



STATE OF TEXAS COUNTY OF DALLAS

Before me, the undersigned authority, on this day personally appeared Thomas H. Burleson, Executive Vice President of CL TEXAS I C.P., L.L.C., the Managing General Partner of CL ASHTON WOODS, L.P., a Texas limited partnership, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of said company, for the purposes and considerations therein expressed, and in the capacities therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 9th day of September, 2011.

Signature of Sironi C.R. Abdalgah; Printed Name: Sironi C.R. Abdalgah; Notary public in and for the State of Texas; Commission Expires: 1-28-12

STATE OF TEXAS COUNTY OF BRAZORIA

In Testimony whereof, Brazoria County Municipal Utility District No. 34, has caused these presents to be signed by Brian Thompson, President, Board of Directors, and Katrina Bogy, Secretary, Board of Directors, this 28th day of AUGUST, 2011.

Brazoria County Municipal Utility District No. 34

By: Brian Thompson, President, Board of Directors

Attest: Katrina Bogy, Secretary, Board of Directors

STATE OF TEXAS COUNTY OF HARRIS

Before me, the undersigned authority, on this day personally appeared Brian Thompson, President, Board of Directors, and Katrina Bogy, Secretary, Board of Directors, of Brazoria County Municipal Utility District No. 34, known to me to be the person whose names are subscribed to the foregoing instrument and acknowledged to me that the same was the act of said Board of Directors, for the purposes and considerations therein expressed, and in the capacities therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 28th day of AUGUST, 2011.

Notary Public, State of Texas; My Commission Expires: May 26, 2013

Signature of Fonda L. Holden; Printed Name: Fonda L. Holden; Notary public in and for the State of Texas; Commission Expires: 5/26/13

This is to certify that I, Douglas W. Turner, a Registered Professional Land Surveyor of the State of Texas, have plotted the above subdivision from an actual survey on the ground; that all exterior boundary corners of the actual survey have been set; that all block corners, reserve corners, lot corners, permanent reference monuments and permanent control points will be set at the completion of construction; and that this plot correctly represents the survey made by me. All corners will be marked with iron rods 5/8 inch in diameter. This tract is within the City Limits of Pearland.



Signature of Douglas W. Turner; Douglas W. Turner, Registered Professional Land Surveyor, Texas Registration No. 3988

SOUTHERN TRAILS, SEC. 11 METES AND BOUNDS DESCRIPTION OF 23.16 ACRES OF LAND IN THE H.T. & B. R.R. COMPANY SURVEY, SEC. 80, A-564 BRAZORIA COUNTY, TEXAS

All that certain 23.16 acres of land, out of the 522.82 acre tract described in the deed from Ashton Southern Trails Joint Venture to Cl. Ashton Woods, L.P., recorded under Doc. # 2009-016204, in the Official Records of Brazoria County, Texas, in the B. R. R. Company Survey, Sec. 80, A-564, Brazoria County, Texas, and more particularly described by metes and bounds as follows: (All bearings based on Texas State Plane Coordinate System, South Central Zone NAD 83)

BEGINNING at a 5/8" Iron rod found for the south end of the southeast right-of-way setback curve at the intersection of Southern Trails Drive (80' R.O.W.) and Leafstone Lane (50' R.O.W.), common to a point on a non-tangent curve to the right, having a central angle of 88° 59' 58", a chord bearing and distance of North 62° 58' 01" East - 34.42', and a radius of 25.00';

THENCE along said curve to the right, along said southeast right-of-way setback curve, in a northeasterly direction, an arc distance of 37.96', to a point on the Point of Compound Curvature of a curve to the left, having a central angle of 05° 40' 28", a chord bearing and distance of South 76° 22' 18" East - 92.07', and a radius of 930.00';

THENCE along said curve to the left, along said south right-of-way line, in an easterly direction, an arc distance of 92.10', to the northeast corner of the herein described tract;

THENCE South 10° 47' 32" West - 72.00' to an angle corner of the herein described tract;

THENCE South 08° 21' 14" West - 137.26' to an angle corner of the herein described tract;

THENCE South 01° 00' 57" East - 142.96' to an angle corner of the herein described tract;

THENCE South 44° 31' 34" West - 98.31' to an angle corner of the herein described tract;

THENCE South 25° 09' 44" East - 183.11' to an angle corner of the herein described tract;

THENCE South 29° 25' 47" East - 80.81' to a point on an angle corner of the herein described tract;

THENCE South 06° 33' 27" West - 183.46' to an angle corner of the herein described tract;

THENCE South 04° 20' 05" West - 135.60' to an angle corner of the herein described tract;

THENCE South 03° 11' 19" East - 89.48' to an angle corner of the herein described tract;

THENCE South 03° 17' 19" East - 441.35' to the southeast corner of the herein described tract;

THENCE North 86° 42' 41" West - 274.91' to the most southerly southwest corner of the herein described tract;

THENCE North 03° 17' 19" West - 170.17' to an angle corner of the herein described tract;

THENCE North 86° 42' 41" East - 21.63' to an angle corner of the herein described tract;

THENCE North 03° 17' 19" West - 115.00' to an angle corner of the herein described tract;

THENCE South 86° 42' 41" West - 306.92' to an angle corner of the herein described tract;

THENCE North 03° 17' 19" West - 169.69' to an angle corner of the herein described tract;

THENCE North 86° 42' 41" West - 6.43' to an angle corner of the herein described tract;

THENCE North 03° 17' 19" West - 137.87' to an angle corner of the herein described tract;

THENCE North 05° 14' 30" West - 155.19' to an angle corner of the herein described tract;

THENCE North 06° 24' 42" East - 63.54' to an angle corner of the herein described tract;

METES AND BOUNDS DESCRIPTION (CONT'D)

THENCE North 30° 02' 28" East - 63.41' to an angle corner of the herein described tract;

THENCE North 53° 38' 49" East - 63.41' to an angle corner of the herein described tract;

THENCE North 24° 33' 01" West - 170.00' to a point on a non-tangent curve to the right, having a central angle of 02° 40' 54", a chord bearing and distance of North 66° 47' 28" East - 15.21', and a radius of 325.00';

THENCE along said curve to the right, in an easterly direction, an arc distance of 15.21', to the end of curve;

THENCE North 21° 52' 07" West - 118.00' to an angle corner of the herein described tract;

THENCE North 78° 43' 00" West - 17.08' to an angle corner of the herein described tract;

THENCE South 60° 18' 59" West - 210.34' to an angle corner of the herein described tract;

THENCE North 29° 41' 01" West - 49.66' to an angle corner of the herein described tract;

THENCE South 85° 00' 04" West - 129.93' to an angle corner of the herein described tract;

THENCE South 20° 20' 19" West - 27.45' to a point on a non-tangent curve to the left, having a central angle of 90° 28' 44", a chord bearing and distance of South 65° 05' 57" West - 71.01', and a radius of 50.00';

THENCE along said curve to the left, in a westerly direction, an arc distance of 78.98', to the end of curve;

THENCE North 73° 00' 22" West - 95.97' to an angle corner of the herein described tract;

THENCE South 52° 22' 51" West - 28.83' to an angle corner of the herein described tract;

THENCE South 06° 49' 50" West - 10.25' to an angle corner of the herein described tract;

THENCE South 85° 15' 39" West - 127.03' to an angle corner of the herein described tract;

THENCE South 41° 59' 48" West - 19.91' to a point on a non-tangent curve to the left, having a central angle of 82° 43' 49", a chord bearing and distance of North 89° 22' 07" West - 66.09', and a radius of 50.00';

THENCE along said curve to the left, in a westerly direction, an arc distance of 72.20', to the end of curve;

THENCE North 40° 44' 01" West - 20.00' to an angle corner of the herein described tract;

THENCE North 87° 38' 00" West - 113.21' to an angle corner of the herein described tract;

THENCE South 86° 44' 13" West - 23.58' to the most westerly southwest corner of the herein described tract;

THENCE North 03° 15' 47" West - 27.84' to an angle corner of the herein described tract;

THENCE North 03° 15' 19" West - 238.02' to the northwest corner of the herein described tract. In a south line of SOUTHERN TRAILS PHASE 1 SEC. 8, according to the plat thereof recorded under Doc # 2008 001371, in the Official Public Records of Brazoria County, Texas;

THENCE North 86° 47' 10" East - 9.08', along said south line, to an angle corner of the herein described tract;

THENCE South 50° 05' 45" East - 136.24', continuing along said south line, to an angle corner of the herein described tract;

THENCE North 81° 08' 50" East - 291.14', continuing along said south line, to an angle corner of the herein described tract;

THENCE North 65° 03' 40" East - 131.31', continuing along said south line, to an angle corner of the herein described tract;

THENCE North 59° 28' 13" East - 284.07', continuing along said south line, to an angle corner of the herein described tract;

THENCE North 25° 34' 10" East - 125.69', continuing along said south line, to an angle corner of the herein described tract;

THENCE North 38° 45' 18" East - 87.77', continuing along said south line, to the north corner of the herein described tract. In the southwest right-of-way line of aforesaid Southern Trails Drive, common to a point on a non-tangent curve to the left, having a central angle of 01° 21' 07", a chord bearing and distance of South 51° 55' 39" East - 24.30', and a radius of 1030.00';

THENCE along said curve to the left, continuing along said south right-of-way line, in a southeasterly direction, an arc distance of 24.30', to the Point of Compound Curvature of a curve to the left, having a central angle of 14° 55' 50", a chord bearing and distance of South 60° 03' 58" East - 241.68', and a radius of 930.00';

THENCE along said curve to the left, in a southeasterly direction, continuing along said south right-of-way line, an arc distance of 242.34', to the west end of the southwest right-of-way setback curve at the intersection of said Southern Trails Drive and aforesaid Leafstone Lane, common to the Point of Reverse Curvature of a curve to the right, having a central angle of 88° 59' 58", a chord bearing and distance of South 24° 01' 55" East - 34.42', and a radius of 25.00';

THENCE along said curve to the right, along said southwest right-of-way setback curve, in a southerly direction, an arc distance of 37.96', to a 5/8" Iron rod found for the south end of said setback curve, in the west right-of-way line of said Leafstone Lane;

THENCE South 70° 31' 57" East - 50.00' to the POINT OF BEGINNING of the herein described tract and containing 23.16 acres of land.

13700 Block of Southern Trails Drive FINAL PLAT SOUTHERN TRAILS SEC. 11 A SUBDIVISION OF 23.16 ACRES CONTAINING 55 LOTS, 5 BLOCKS & 3 RESTRICTED RESERVES

OUT OF THE H.T.&B.R.R. CO. SURVEY, SEC. 80, A-564 CITY OF PEARLAND BRAZORIA COUNTY, TEXAS ALSO BEING OUT OF THE ALLISON-RICHEY GULF COAST HOME COMPANY SUBDIVISION, PART OF LOTS 3,4,13,14,15, & 23, BLOCK 80 AS RECORDED IN VOLUME 2, PAGE 98, B.C.P.R.

OWNER: C.L. ASHTON WOODS, L.P. 675 BIRCHING DR., SUITE 500 - HOUSTON, TEXAS 77057 - MR. JUSTINE KLINER - (713) 854-1304

OWNER: BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT No. 34 (RESERVE 'C' ONLY) 3500 SOUTHWEST Fwy., SUITE 2000 - HOUSTON, TEXAS 77027 - ALLEN MOORE HUMPHREYS ROBINSON LLP - (713) 850-6460

LAND PLANNER: KERRY R. GILBERT & ASSOCIATES, INC. 28001 CINCO MARCH BLVD., SUITE A-200 - KATY, TEXAS 77454 - MR. CHRISTY SCHMIDT - (281) 579-0540

SURVEYOR: PATE SURVEYORS 13333 NORTHWEST Fwy., SUITE 300 - HOUSTON, TEXAS 77040 - MR. DOUGLAS W. TURNER, R.P.L.S. - (713) 462-3170

ENGINEER: PATE ENGINEERS, INC. 13333 NORTHWEST Fwy., SUITE 300 - HOUSTON, TEXAS 77040 - MR. JEROME D. JOHNSON, P.E. - (713) 468-3170

NOVEMBER 2011 SCALE: 1" = 100' PATE JOB NO. 1511-017-00

P&Z Agenda Item

D



City of Pearland

P&Z AGENDA REQUEST

TO: Planning & Zoning Commission

REQUESTOR: Harold Ellis, Senior Planner
Nghiem Doan, Deputy City Attorney

DATE: November 2, 2011

AGENDA ITEM SUBJECT: Update to Planning and Zoning Commission Rules of Procedures

Old Business New Business Discussion Item Workshop

Summary: See attached document with proposed updates and changes.

Staff Recommendation: Approval of changes as proposed.

PLANNING AND ZONING COMMISSION

CITY OF PEARLAND, TEXAS



**RULES
OF
PROCEDURE**

Updated October 2011

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SERVING ON A BOARD OR COMMISSION

The City of Pearland Boards and Commissions consist of concerned citizens who volunteer their time and knowledge to make a difference in their community. The work of the citizens that serve on various boards and commissions assists the City Council and directly contributes to the quality of life in Pearland. Each Board or Commission member is selected by the City Council after applications are reviewed and candidates are interviewed. Serving on a board or commission is voluntary; board and commission members are not paid or compensated.

PURPOSE OF POLICIES AND PROCEDURES

The following policies and procedures have been adopted by the Planning and Zoning Commission of the City of Pearland concerning the preparation of their agendas, the scheduling and conduct of their meetings, the holding of public hearings, and the making of reports and recommendations and other similar matters to the City Council.

Planning and Zoning Commission Mission Statement:

To make informed recommendations regarding zoning change requests, capital improvements, and other tasks as mandated by City Charter.

ARTICLE I

Section I – NAME

The Planning and Zoning Commission for the City of Pearland will be operating under the title of "Planning and Zoning Commission" and will hereinafter be referred to as the "Commission."

Section II - EMPOWERMENT

The Commission is empowered by the State of Texas in accordance with Chapter 211 of the Texas Local Government Code, to allow local municipalities to exercise police powers over local development through the zoning of property and the subdivision of property, via platting.

The Commission is established by the City Charter of the City of Pearland, which calls for the appointment of a seven (7) member Commission, with the powers and duties outlined below.

SECTION III – POWERS AND DUTIES

As stated in the City Charter, the Commission shall have the power to perform any or all of the following duties:

- (1) Make recommendations regarding the amendment, extension, and additions to the ~~master~~ Master plan/Plan/Comprehensive Plan/Land Use Plan for the physical development of the City of Pearland.
- (2) Recommend, approve, or disapprove plats of proposed subdivisions submitted in accordance with City ordinance as adopted or hereafter amended.
- (3) Recommend to the City Council approval or disapproval of proposed changes in the zoning plan.
- (4) Make and recommend to the City Council for adoption, plans for the clearance and rebuilding of slum districts and blighted areas which may develop within the City.
- ~~(5) Recommend to the City Council the amendment, extension, and revision of the building code, which code shall include the minimum standards of construction for building, the minimum standards for plumbing, and the minimum standards for wiring.~~
- ~~(6)~~(5) Submit annually to the City Manager, not less than ninety (90) days prior to the beginning of the budget year, a list of recommendations for capital improvements which, in the opinion of the Commission, are necessary or desirable to be constructed during the forthcoming five (5) years. Such list shall be arranged in order of preference, with recommendations as to which projects shall be constructed in which year.
- ~~(7)~~(6) Meet no less than once each month, meetings to be held at the City Hall unless prior notice of change of meeting place be given by publication in the official newspaper in general circulation in the City of Pearland.

~~(8)(7)~~ Planning and Zoning Commission to be granted all powers as outlined by civil statutes of the State of Texas.

ARTICLE II

SECTION I – STRUCTURE

The Commission shall consist of seven (7) members, designated “Place 1” through “Place 7”, and all shall be appointed by the City Council. The City Manager or designee shall serve as liaison to the Commission.

SECTION II – QUALIFICATIONS OF MEMBERS

As required by the City Charter, all members of the Commission shall be residents of the City of Pearland, qualified voters of the City, real property owners, and shall not be employees of the City. All appointments and reappointments to the Commission will be for three (3) year terms.

SECTION III – APPOINTMENT

Any vacancy occurring during the unexpired term of an appointed Commission Member shall be filled by a City Council appointment for the remainder of the unexpired term. The Chairperson shall advise the City Council of any vacancies and the Commission may make recommendations regarding appointments to fill vacancies.

SECTION IV – RESIGNATION OR REMOVAL

Any Commission Member may resign at any time by giving written notice to the City Secretary. Such resignation shall take effect on the date of receipt of such notice or at any later date specified therein; and, unless otherwise specified therein, the acceptance of such resignation by the City Council shall be necessary to make it effective. The City Council may choose to remove a Commission Member at its discretion. Cause for removal may include, but not be limited to, absence from three (3) meetings without notice to the Chairperson prior to the meetings (unexcused) within any 12-month period. It is the responsibility of the Chairperson to ensure that attendance is reported to the City Council.

ARTICLE III

SECTION I – POWERS AND DUTIES OF OFFICERS

The Commission shall annually elect from its members a Chairperson and Vice Chairperson. Election of officers shall be held at the first regular meeting in July. The election shall occur by show of hands or confidential ballot, whichever the Commission prefers.

(a) Chairperson

The chairperson shall have the following duties:

- (1) Preside over all meetings of the Commission.
 - (2) Decide all points of procedure, subject to objection by a majority of the Commission.
 - (3) Limit debate and questioning to the appropriate duration.
 - (4) Participate in discussion on all matters before the Commission.
 - (5) Vote on all matters before the Commission (unless a conflict of interest exists).
 - (6) Sign the minutes of the Planning and Zoning Commission after approval of the minutes by the Commission.
 - (7) Be responsible for the efficient and orderly transaction of the Commission's business.
- ~~(7)(8)~~ Sign mylars for plats approved by the Commission.

The Chairperson may make a motion, second a motion, and debate from the chair. The Chairperson may only make a motion or second after first asking for a motion or second from the Commission.

(b) Vice Chairperson

The Vice-Chairperson shall have the following duties:

- (1) Perform the duties of the Chairperson in his or her absence, or his or her inability to perform the duties of Chairperson.
- (2) Succeed the Chairperson if that office is vacated and serve until the date of the next annual election of officers. A new vice-chairperson shall be elected at the next regular meeting following a vacancy of office.

(c) Secretary

The ~~Executive Director of Community Services, Planning Director,~~ or designee shall serve as the Secretary of the Commission. The Secretary of the Commission shall keep the minutes and records of the Commission and prepare the agendas for meetings. Minutes shall not be official until they are approved by a majority vote of the Commission members present at a/the meeting following the meeting that is described by the minutes. All meetings shall be recorded, and ~~tapes~~ audio recordings of the meetings will be kept on file with the Secretary for no fewer than 90 days.

Absent Chair

In the event that the Chairperson and Vice Chairperson are not present at a scheduled meeting, and a quorum of the Commission is present, those members present shall elect a temporary Chairperson for that meeting.

ARTICLE IV

SECTION I – OPEN MEETINGS ACT

In accordance with the Texas Open Meetings Act, official notice of the meetings of the Commission and joint public hearings must be posted 72 hours in advance of the meetings on the City notification bulletin board, which is located at the entrance to City Hall. A record of all proceedings shall be kept by the Secretary and shall become a public record.

SECTION II – QUORUM

A quorum shall consist of a majority of the members of the Commission. The quorum, or 4 members, shall be present for the consideration of any agenda items. An affirmative vote of a majority of those present shall be necessary to pass any item before the Commission.

The Secretary may poll the members by telephone or e-mail on the day of the meeting in order to assure that a quorum will be present. The Commission shall only meet if a quorum is present. Members who are aware of conflicts which will prevent their attendance at a scheduled meeting are responsible for notifying the Secretary of their absences in advance of the meeting.

SECTION III – REGULAR MEETINGS

The Commission shall hold two (2) meetings per month, at 6:30 p.m. on the first and third Monday of each month, or other designated times as posted in accordance with state requirements, at City Hall located at 3519 Liberty Drive, unless there is no business to discuss. Under special circumstances, such as holidays, the Chairperson may request a cancellation or rescheduling of scheduled meeting dates.

SECTION IV – JOINT PUBLIC HEARINGS

The Commission shall hold a joint public hearing with the City Council at 6:30 p.m. on the third Monday of each month, in the Council Chambers of City Hall, or as occasionally adjusted to accommodate various schedule changes. The Mayor or his or her designee will conduct the joint public hearings. Staff will present the items scheduled for the joint public hearing, including any correspondence received relative to the items under consideration.

The Mayor will open the public hearing, and call for testimony in support of or opposition to the agenda item. Once a public hearing is closed, no further testimony will be taken. The Commission and Council may ask questions as part of the fact finding process, but neither body may begin deliberation on the request. The purpose of the public hearing is for the Council, Commission, Staff, and the applicant to identify any potential issues that need to be addressed and resolved before the Commission makes a recommendation to the Council. Voting shall not take place during the joint public hearings.

Immediately following the joint public hearings, the Planning and Zoning Commission will usually adjourn and reconvene in a regular business meeting at City Hall to vote on the items that are on the joint public hearing agenda and any other items as specified on the regular agenda of the Commission.

SECTION V – ORDER OF BUSINESS

Meetings shall follow the order of the agenda. The order of the agenda may be changed in order to ensure the efficient operation of the meeting, at the request of any Commission member and approval by the majority of the Commission.

~~The meetings will be conducted per the latest version of Roberts Rules of Order. The following procedure will normally be observed in the conduct of business at a regular meeting:~~

- ~~(1) Call to order~~
- ~~(2) The Secretary shall record the members present and absent.~~
- ~~(3) Approval of minutes with any corrections~~
- ~~(4) New Business~~
 - ~~— Description of item~~
 - ~~— Staff presentation~~
 - ~~— Applicant's comments (at the Chairperson's discretion)~~
 - Motions and amendments**
 - ~~— Discussion of motion~~
 - ~~— Voting~~
 - ~~— Reconsideration (upon a motion and second from the prevailing side and approval of the majority of the voting members present. Must occur before adjournment of the meeting).~~
- ~~(5) Adjournment~~

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If the agenda and discussion becomes lengthy, a recess in the meeting can be taken at the discretion of the Chairperson or upon a motion approved by a majority of the Commission. When such recess occurs, the Chairperson or the Commission member making the motion should specify the period of time for the recess.

Because the agenda must be posted 72 hours in advance of the meeting, the Commission cannot take action on or discuss any item other than those specifically posted on the agenda.

SECTION VI – VOTING

All Commission members shall have one (1) vote equal in weight. All voting shall be by voice or hand vote at the discretion of the Chairperson. Each member of the Commission present must vote unless he or she has a conflict of interest, either as defined by state law or as expressed to the Commission by the Commission member. In the event that a case is recommended for denial, the Commission as a whole should state the reasons for their opposition, which will be included with the recommendation letter that is prepared by the Secretary and presented to the City Council.

Motions

A motion concerning an item may be made by a member of the Commission at any time following the presentation of an item. A motion must receive a second from another member of the Commission before it may be discussed. If no second is received, the

motion fails. Motions receiving a second are open for discussion by the Commission. When the Commission completes its discussion of the item, the chairperson will call for the vote.

A motion is approved if it receives a positive vote by the majority of the members present and voting.

A motion fails if it does not receive a positive vote by the majority of the members present and voting. A motion receiving a tie vote fails because it has failed to obtain a majority vote, and another motion is needed. Items receiving a tie vote will continue to be placed on future agendas.

Failure of a motion to deny shall not constitute approval of the motion and further consideration is required.

Consideration and discussion of an item is concluded when a motion is approved or denied.

Abstaining from voting

Each member in attendance shall vote on every matter that comes before the Commission. A member shall, after stating the reason, abstain from discussing and voting on a matter before the Commission when:

- (1) The member has insufficient information due to a prior absence.
- (2) The member has a conflict of interest under state law or city charter.
- (3) The member, because of personal circumstances, believes that he or she cannot render a fair and impartial decision in the matter.

SECTION VII – WORKSHOPS AND SPECIAL MEETINGS

Workshops and special meetings of the Planning and Zoning Commission shall be held at the call of the City Council, Commission Chairperson, City Manager or designee, or by any four (4) Commission members. The types of issues presented during work-shops shall include code amendments, rezoning requests, or controversial issues of significant impact. The Commission may comment, give direction to Staff, or request additional information on the request or issues, but the Commission may not take action during the work-shop on any item.

In most cases, workshops shall be scheduled after the regular agenda is completed, in order to allow sufficient time for discussion of workshop items without interfering with the starting time for the regular meeting and causing inconvenience to applicants and other interested parties.

Joint workshops between the Planning and Zoning Commission and the City Council shall be held at the call of the City Council or the City Manager or designee.

ARTICLE V

SECTION I – CONFLICT OF INTEREST

Members have the right and the obligation to vote on all issues before them and to participate in the business of the Commission, except when an actual or perceived conflict of interest exists.

A public official has a conflict of interest when he or she considers a matter in which he or she has some personal interest that could influence his or her independent judgment. Conflicts of interest are defined by State law and by the City Charter.

Refer to Appendix A for conflicts of interest as defined by the Texas Local Government Code and City Charter.

SECTION II – ETHICS

Ethical considerations in the decision making process of public officials are at the forefront of public scrutiny. Even the mere appearance of impropriety impacts the effectiveness of Pearland public officials. Public confidence and respect can best be promoted if Pearland public officials, whether paid or unpaid, whether elected or appointed, uniformly treat all citizens with courtesy, impartiality, fairness, and equality under the law and avoid both actual and potential conflicts between their private self-interest and the public trust. Ethics is often defined as the principle of right and good conduct, a system of moral turpitude, the study of the general nature of morals, and the specific moral choices to be made by the individual in his or her relationship with others.

A Commission member may also declare an ethical conflict of interest. This would include involvement with a case, which while not meeting the requirements for a statutory conflict of interest, would create an ethical concern by the Commission Member for his or her impartiality. A Commission member with an ethical conflict of interest shall inform the Chairperson prior to the meeting, and shall declare for the public record such conflict at the introduction of the case at the meeting. After notifying the Chairperson, any member of the Commission having a conflict of interest in a case must refrain from discussing the case during briefing or the business meeting, or from voting on the case during the business meeting.

SECTION III – MEETING WITH APPLICANTS OR OTHER INTERESTED PARTIES

Commission members are strongly discouraged from meeting with applicants or other interested parties prior to the public meeting regarding specific matters pending before the Commission. Adherence to this policy will dispel any speculation that a decision was made on any issue prior to the public meeting where all of the information and testimony is presented, or that any member has access to information which was not available to the entire Commission. The Commission should use their best judgment when approached with a matter that may be considered by the Commission in the future. Commission Members must also comply with the Open Meetings Act when meeting with interested parties and other Commission members.

If the Commission wishes information to be given to a group prior to a business meeting at which action will be taken on a particular item, the Commission may request that Staff meet with the group to provide such written information as may be available.

An applicant that wishes to present information to the Commission prior to consideration of any item may submit such information to the City Manager or designee, who in turn will convey such information to the Commission.

SECTION IV – CONDUCT

Commission members shall conduct themselves in a courteous and professional manner. Commission members must preserve order and decorum during meeting and when wishing to speak, should address the Chairperson, and upon receiving recognition, confine their questions or comments to the matters before the Commission.

Standards of conduct

- (1) A Commission member shall not accept or solicit any benefit or economic gain or advantage, nor use his/her position to secure special privileges or exemptions.
- (2) A Commission member shall not grant any special consideration, treatment, or advantage to a person or organization beyond that which is available to every other person or organization.
- (3) A Commission member shall not personally represent, or appear on behalf of, the private interests of others in matters before the Commission.

ARTICLE VI

SECTION I – RULES OF ORDER

All meetings shall generally be conducted according to the basic Parliamentary procedures. The Chairperson will facilitate meetings and will assist the Commission in focusing on agenda items and deliberations, limiting discussions to relevant topics, and generally directing the order of business. The Commission will govern themselves as to the length of the comments or presentations. The Chairperson will conduct public hearings and limit citizen or proponent comments to the specific agenda item and the amount of time allotted to any speaker.

SECTION II – ROBERT'S RULES OF ORDER

Robert's Rules of Order, latest revision, shall be the Commission's final authority on all questions of procedure and parliamentary law not covered by these Rules of Procedure.

SECTION III – AMENDMENTS AND REVIEW

The Commission at its discretion may amend these rules of procedure. A three-fourths majority (3/4) vote by all of the Commission Members is required to amend the rules of procedure. Any proposed amendment must be presented to the Commission Secretary for placement on an agenda at least thirty (30) days prior to the meeting in which the rules of procedure will be discussed and amended.

SECTION IV – CONFLICTS BETWEEN RULES OF PROCEDURE AND ORDINANCES

In the case of any conflict between any City Ordinance and these rules of procedure, the applicable Ordinance will take precedence.

In any instance where these rules of procedure are silent, the applicable ordinance or state statute will take precedence.

SECTION V – COMMISSIONERS REQUESTING ITEMS BE PLACED ON THE PLANNING AND ZONING AGENDA

The Planning Director, or designee, shall place an item on the agenda for workshop or discussion at the request of any two Planning and Zoning Commission members.

APPENDIX **A**

Conflict of Interest as Defined by the Texas Local Government Code.

The Texas Conflict of Interest Law is aimed at preventing local officials from using their positions to financially benefit themselves and/or their relatives. The law requires that if a local official (or close relative) either (1) has a "substantial interest" in or (2) stands to gain a financial benefit from a matter pending before a public agency upon which the official serves, then the official must publicly disclose his/her interest in such matter and abstain from deliberation and voting on it. The official must also sign a disclosure statement.

Business Interests:

An official is considered to have a substantial interest in a business entity if he or she:

- (a) owns ten percent (10%) or more of the voting stock or shares of the business entity,
- (b) owns \$15,000 or more of the fair market value of the business entity, or
- (c) if funds received by the person from the business entity exceed ten percent (10%) of the person's gross income for the previous year.

For purposes of the law, a business entity means a sole proprietorship, partnership, firm, corporation, holding company, joint stock company, receivership, trust, or any other entity recognized in law.

Real Estate Interests:

The official has a substantial interest in real property if:

- (1) it is reasonably foreseeable that an action on the matter will have a specific economic effect distinguishable from its effect on the public; and
- (2) the interest is an equitable or legal ownership with a fair market value of \$2,500 or more.

If a Commissioner has a substantial interest in a business entity or in real property, the Commissioner must file an affidavit with the Secretary, before a vote or decision on any matter involving the business entity or the real property, stating the nature and extent of the Commissioner's interest, and abstain from voting on the matter if:

- (a) in the case of a substantial interest in a business entity, the action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or
- (b) in the case of a substantial interest in real property, it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public.

Kin Interests

The official has a substantial interest if a person related to him or her in the first or second degree by blood or marriage has a substantial interest in the matter under consideration. The official should disclose the relationship and abstain from voting. First degree relatives include the parents, spouses, children, or siblings of the official. Second degree relatives include grandparents, grandchildren, or their spouses or siblings, of the official.

Interest in Subdivision Plats. A Commissioner has a "substantial interest" in a subdivided tract if the person:

- (a) has an equitable or legal ownership interest in the tract with a fair market value of \$2,500 or more;
- (b) acts as a developer of the tract;
- (c) owns ten percent (10%) or more of the voting stock or shares of or owns either 10% percent or more or \$5,000 or more of the fair market value of a business entity that:
- (d) receives in a calendar year funds from a business entity described above that exceed 10 percent of the person's gross income for the previous year.

If a Commissioner has a substantial interest in a subdivided tract, the Commissioner must file an affidavit with the Secretary, before a vote or decision regarding the approval of a plat for the tract, stating the nature and extent of the Commissioner's interest and shall abstain from voting on the matter.

The affidavits, copies of which are attached, are available from the Secretary.

A Commission Member is subject to penalty for the following actions:

- (1) participates in a decision on a matter involving a business entity in which he or she has a substantial interest if it is reasonably foreseeable that the action would confer an economic benefit to the business involved;
- (2) acts as a surety for a business entity that has a contract, work, or business with the governmental entity; or
- (3) acts as a surety on an official bond required of an officer of the governmental entity.

AFFIDAVIT

CITY OF PEARLAND

I, _____, as a member of the City of Pearland, Texas, Planning and Zoning Commission, make this affidavit and hereby an oath state the following: I, and/or a person or persons related to me, have a substantial interest in a business entity that would be peculiarly affected by a vote or decision of the Planning and Zoning Commission as those terms are defined in the Texas Local Government Code.

The business entity is _____.

_____ have/has a substantial interest in the business entity for the following reasons: (check all which are applicable)

- Ownership of 10% or more of the voting stock or shares of the business entity.
- Ownership of \$15,000 or more of the fair market value of the business entity.
- Funds received from the business entity exceed 10% of gross income for the previous year.
- Real property is involved with an equitable or legal ownership with a fair market value of at least \$2,500 or more.
- A relative of mine has a substantial interest in the business entity or property that would be affected by a decision of the Planning and Zoning Commission.
- I reside within 200 feet of the subject property under consideration.

Upon the filing of this affidavit, I affirm that I will abstain from voting on any decision involving this business entity and from any further participation on this matter whatsoever.

Signed this _____ day of _____, ~~2003~~2011.

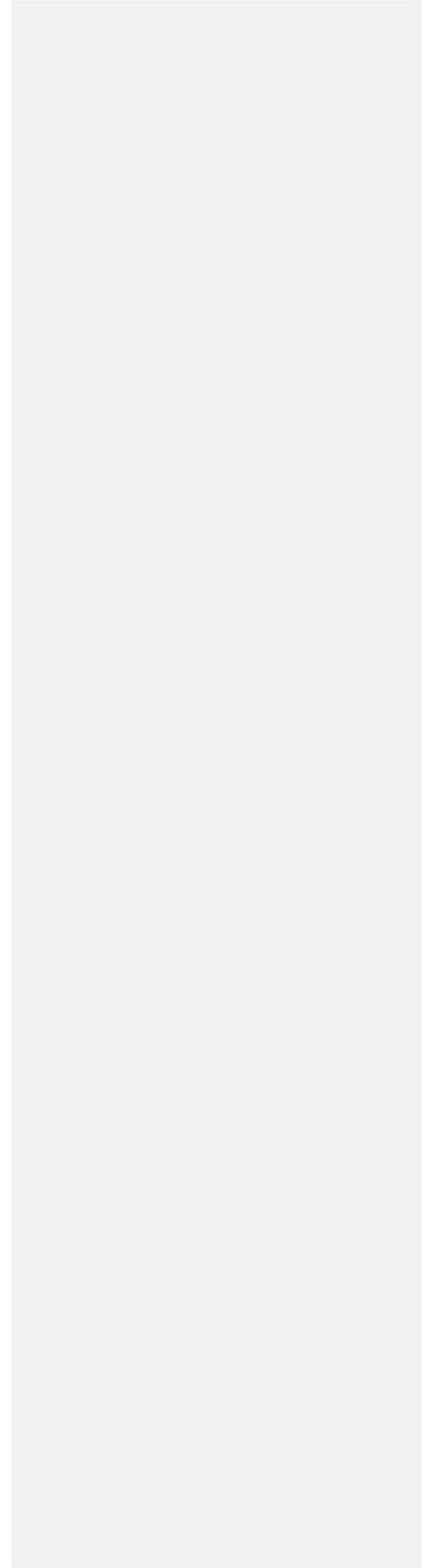
Signature of Official

BEFORE ME, the undersigned authority, this day personally appeared _____ an on oath stated that the facts hereinabove stated are true to the best of knowledge or belief.

Sworn to and subscribed before me on this _____ day of _____, ~~2003~~2011.

Notary Public in and for the State of Texas

My Commission expires



P&Z Agenda Item

E

DISCUSSION ITEMS

- 1.Commissioners Activity Report**
- 2.Update of Zoning Cases, Senior Planner Harold Ellis**
- 3.P&Z Strategic Plan Presentation to City Council**
- 4.P&Z Qualification Questionnaire**
- 5.Annexation Updates of Area 3 and Area 4**
- 6.Next Joint Public Hearings, November 21, 2011**
- 7.Next P&Z Meeting, November 21, 2011**



City of Pearland

P&Z AGENDA REQUEST

TO: Planning & Zoning Commission
REQUESTOR: Harold Ellis, Senior Planner
DATE: November 2, 2011
AGENDA ITEM SUBJECT: 6 Month Zone Change and CUP Update

Old Business New Business Discussion Item Workshop

Summary: See attached spreadsheet.

Staff Recommendation: Provide feedback and questions to Staff.

Zoning Update - May - October 2011

Zone Changes

Appl No	Property Owner, Applicant	Address or Location of Property
2011-07Z	J.G. Meade, Executor Myrtle Meade Estate	NW Corner of Bailey/Manvel Roads
2011-08Z	SHT/Kirby Ltd/Merit Medical	NW Corner Kirby/Riley Roads
2011-09Z	Rec Time, RV/Ed Weatherall	2850 S. Sam Houston Pkwy
CUP's		
Appl No	Property Owner, Applicant	Proposed Use
CUP 2011-07	First Church of Pearland/Steve Upland	New technoloy/alternative bldg material
CUP 2011-08	The Church for All People	Church
CUP 2011-09	Mike McGibbons/Furniture Repair Solutions	Furniture Repair
CUP 2011-10	Mrs. Dale Pillow/Adult Reading Center	Inst of Religious, Edu, or Philanthropic Nature
CUP 2011-11	Rec Time, RV/Ed Weatherall	Travel Trailer/RV Park/Campground (Short/Long T.)
CUP 2011-12	Esteban V. Rodriguez	Minor Auto Repair
CUP 2011-13	Piper Precision/R D Homes	Servent, caretakers, or Security Quarters

JPH	P & Z Meeting	P & Z Action	Current Zoning	Proposed Zoning	City Council Status
6/20/2011	7/18/2011	Approval	RE	GB	in process
6/20/2011	6/20/2011	Approval	SP1	PD	Approved
9/19/2011	9/19/2011	Approval	GB/GC	GC	Approved
Address or Location of Property	JPH	P & Z Meeting	P & Z Action	Current Zoning	City Council Status
1850 E Broadway	6/20/2011	6/20/2011	postponed	GB	n/a
1255 Old Alvin Road	6/20/2011	6/20/2011	Approval	R1&R2	Approved
3520 E. Broadway	7/18/2011	7/18/2011	Approval	GB	in process
2246 N. Washington	9/19/2011	9/19/2011	Approval	OTR	Approved
2850 S. Sam Houston Pkwy	9/19/2011	7/18/2011	Approval	GC	Approved
7900 Block Broadway	11/21/2011	11/21/2011	in process	GB	in process
4155 S. Main Street	11/21/2011	11/21/2011	in process	M1	in process

**ADJOURN
MEETING**