

asurer

**PRELIMINARY PLAT OF
"CLEMENTS SUBDIVISION"**

**BEING A SUBDIVISION OF 2.135 ACRES OUT OF THE NORTHEAST
OF THE H. T. & B. R.R. Co. SURVEY, SECTION 13, ABSTRACT 24
OF THAT CALLED 15 ACRE TRACT OF LAND DESCRIBED IN DEED
McMAHAN TO JACK FITE, DATED MAY 21, 1956, AND RECORDED
PAGE 478, OF THE DEED RECORDS OF BRAZORIA COUNTY, TEXAS**

**OWNER: GEORGE CLEMENTS
5105 FITE RD.
PEARLAND, TEXAS**

**BLOCKS: 1
LOTS : 2
ACRES : 2**

**SCALE: 1" = 30'
DATE: JULY 5, 1991**



ity

BENCHMARK

R.R. SPIKE IN POWER POLE ON NORTH
SIDE OF F.M. 518 & EAST SIDE OF K-MART
DRIVEWAY ELEV. 48.78
BASED ON 1973 DATUM

T.B.M.

TOP NUT OVER 6" NOZZLE ON FIRE
HYDRANT AT N.E. CORNER COUNTRY
CLUB DR. @ WEXFORD ST.
ELEV. 44.12

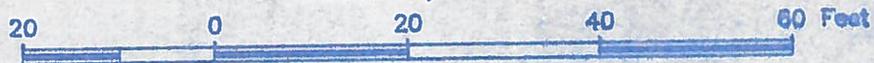
"X" IN CONC. AT CENTERLINE OF
LETRIM & COUNTRY CLUB
ELEV. 41.38

AMENDED PLAT
OF A PORTION
OF BLOCK 7 OF
GREEN TEE TERRACE
TOWNHOUSES

15,637.5 SQUARE FEET OUT OF BLOCK 7,
GREEN TEE TERRACE TOWNHOUSES, AS
RECORDED IN VOL. 177, PG. 60, OF THE
MAP RECORDS OF HARRIS COUNTY, TEXAS.

2 LOTS

OCTOBER 2, 1991



SCALE: 1" = 20'

OWNER:

LANCE SNYDER
7586 MORLEY
HOUSTON, TEXAS 77061
PHONE: (713) 643-0637

ENGINEER:

MUNICIPAL ENGINEERING CO., INC.
3301 FEDERAL RD.
PASADENA, TEXAS 77504
PHONE: (713) 941-8088

MEMBERS OF THE PLANNING AND ZONING COMMISSION (3 YEAR TERM)

Al Lentz, Chairman
5703 Rockland Drive
Pearland, Texas 77584

Term Expires: April, 1992
Home Phone: 485-5165
Office Phone: 796-1212
Fax Number: 796-1219

Helen Beckman, Vice Chairman
2705 Churchill
Pearland, Texas 77581

Term Expires: April, 1994
Home Phone: 485-3159
Office Phone: 485-2481

James K. Garner
2003 Willow Creek Lane
Pearland, Texas 77581

Term Expires: April, 1993
Home Phone: 485-7078
Office Phone: 956-0123
Fax Number: 956-7397

Mary Starr
3007 E. Broadway
Pearland, Texas 77581

Term Expires: April, 1993
Office Phone: 485-3291
Fax Number: 485-1649

Pat Courtin
2001 E. Mary's Creek
Pearland, Texas 77581

Term Expires: April, 1992
Home Phone: 485-4714

Mike Bunch
1410 N. Main
Pearland, Texas 77581

Term Expires: April, 1994
Home Phone: 997-7535
Office Phone: 485-2711

MINUTES OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON OCTOBER 7, 1991, IMMEDIATELY FOLLOWING THE JOINT PUBLIC HEARING, IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

The meeting was called to order at 9:25 P.M. with the following present:

Chairman	Al Lentz
Commissioner	Mary Starr
Commissioner	James Garner
Commissioner	Pat Courtin
City Engineer	Dick Qualtrough
Asst. to City Secretary	Leslie Schroeder

Helen Beckman had an excused absence.

APPROVAL OF MINUTES

It was moved by Mary Starr, seconded by Pat Courtin, that the Minutes of the September 10, 1991 meeting be approved as submitted.

Motion passed unanimously.

NEW BUSINESS

APPLICATION NO. 24, REQUEST OF DANIEL D. RUCKER, AGENT FOR RAMONA CRADDOCK ET AL AND GEORGE SLAUGHTER, JR. OWNERS, FOR AN AMENDMENT TO THE LAND USE AND URBAN DEVELOPMENT ORDINANCE FROM CLASSIFICATION R-1, SINGLE FAMILY DWELLING DISTRICT, TO R-2, SINGLE FAMILY DWELLING DISTRICT ON A 39.8 ACRE TRACT LOCATED IN LONGWOOD PARK.

Al Lentz informed the Commission that due to recent rulings by the City of Pearland's attorney, the petition received may constitute a form of protest.

Considering the petition may be a protest, the Commission felt they were unable to take any action at this time.

It was moved by Pat Courtin, seconded by James Garner, that Application No. 24 be tabled pending the advice of our legal counsel as to the implication the signatures have on the proposed change.

Motion passed unanimously.

APPLICATION NO. 25, REQUEST OF C. DAVIS WILSON, AGENT FOR FDIC (MANAGER OF THE FSLIC/RESOLUTION FUND) OWNER, FOR AN AMENDMENT TO THE LAND USE AND URBAN DEVELOPMENT ORDINANCE FROM CLASSIFICATION R-4, PLANNED UNIT DEVELOPMENT, TO R-3, SINGLE FAMILY DWELLING DISTRICT ON A 50.154 ACRE TRACT LOCATED ON THE S.W. CORNER OF W. BROADWAY AND HARKEY ROAD.

It was moved by Mary Starr, seconded by Pat Courtin, that recommendation be made to the City Council to approve Application No. 25 (R-4 PUD to R-3).

Motion passed unanimously.

PRELIMINARY PLAT OF CLEMENTS SUBDIVISION, BEING 2.135 ACRES OUT OF THE N.E. QUARTER OF THE H.T.&B. R.R. CO. SURVEY, SECTION 13, ABSTRACT 240, BRAZORIA COUNTY, TEXAS (FITE ROAD).

City Engineer Dick Qualtrough relayed to the Commission that the Brazoria County Drainage District signed the original plat.

Chairman Al Lentz commented that the names of the adjacent property owners are to be shown on the plat.

It was moved by Mary Starr, seconded by Pat Courtin, that the preliminary plat of Clements Subdivision be approved contingent upon ownership signatures being added to the plat.

Motion passed unanimously.

PHASE I, A PARTIAL REPLAT OF OAKBROOK SECTION ONE, BEING 50.0050 ACRES, OUT OF LOTS 5,6,7,8 AND 9 OF THE S.W. NARREGANG SUBDIVISION, ABSTRACT 70, BRAZORIA COUNTY, TEXAS (DIXIE FARM ROAD).

City Engineer Dick Qualtrough explained to the Commission that the requirements have been met. The plat has been divided into Phase I and Phase II. Phase I will not have any lots within the flood plain and will be eligible for financing by FHA.

It was determined that the property is currently owned by RTC and is being handled by Coastal Bank. There are some potential purchasers awaiting approval to begin construction.

The Commission requested the legal description be corrected on the final plat to depict the owner.

The Commission requested clarification regarding the owner. It is unclear if Coastal Bank is in fact the owner or the lien holder.

It was moved by Mary Starr, seconded by James Garner, to table Oakbrook Phase I pending the verification of ownership.

Motion passed unanimously.

PHASE II, A PARTIAL REPLAT OF OAKBROOK SECTION ONE, BEING PART OF LOTS 5,6,7,8 AND 9, NARREGANG SUBDIVISION, ACCORDING TO THE MAP OR PLAT OF THE NARREGANG SUBDIVISION RECORDED IN VOLUME 1, PAGE 92 OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS (DIXIE FARM ROAD).

It was moved by Pat Courtin, seconded by Mary Starr, to table Oakbrook Phase II pending verification of ownership.

Motion passed unanimously.

AMENDED PLAT OF A PORTION OF BLOCK 7 OF GREEN TEE TERRACE TOWNHOUSES, BEING 15,637.5 SQUARE FEET OUT OF BLOCK 7, GREEN TEE TERRACE TOWNHOUSES, AS RECORDED IN VOLUME 177, PAGE 60, OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS (COUNTRY CLUB DRIVE).

It was determined that these lots are part of the townhouse reserve and only the blocks have been platted. A 20' building line is shown on the property, but according to the subdivision ordinance a 25' building line is required.

At the request of the applicant, a variance to the subdivision ordinance which would allow him to have a 20' building line was granted. The reason for granting is as follows:

1. The Zoning ordinance requires a 20' set back for this area.
2. The existing structures on either side presently have a 20' building line.

Mr. John Garner informed the Commission that the Harris County Drainage District has approved and signed the plat. He also stated that if there was a problem with the plat having the word "amended", he could change it to "preliminary."

It was moved by James Garner, seconded by Pat Courtin, to accept the plat contingent upon changing the word "amended" to "preliminary" and before the Planning & Zoning Commission signs, the plat should be brought up to specification according to our procedures required on preliminary plats.

Motion passed unanimously.

ADJOURN

The meeting adjourned at 10:00 P.M.

Minutes approved as submitted and/or corrected this 29 day of
October, A.D., 1991.



Al Lentz
Chairman

ATTEST:



Pat Jones
City Secretary

AGENDA - REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD IMMEDIATELY FOLLOWING THE JOINT PUBLIC HEARING ON OCTOBER 7, 1991, IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. APPROVAL OF MINUTES: Regular Meeting of September 10, 1991

III. NEW BUSINESS

1. CONSIDERATION AND POSSIBLE ACTION - APPLICATION NO. 24, REQUEST OF DANIEL D. RUCKER, AGENT FOR RAMONA CRADDOCK ET AL AND GEORGE SLAUGHTER, JR. OWNER, FOR AN AMENDMENT TO THE LAND USE AND URBAN DEVELOPMENT ORDINANCE FROM CLASSIFICATION R-1, SINGLE FAMILY DWELLING DISTRICT, TO R-2, SINGLE FAMILY DWELLING DISTRICT ON A 39.8 ACRE TRACT LOCATED IN LONGWOOD PARK.
2. CONSIDERATION AND POSSIBLE ACTION - APPLICATION NO. 25, REQUEST OF C. DAVIS WILSON, AGENT FOR FDIC (MANAGER OF THE FSLIC/RESOLUTION FUND) OWNER, FOR AN AMENDMENT TO THE LAND USE AND URBAN DEVELOPMENT ORDINANCE FROM CLASSIFICATION R-4, PLANNED UNIT DEVELOPMENT, TO R-3, SINGLE FAMILY DWELLING DISTRICT ON A 50.154 ACRE TRACT LOCATED ON THE S.W. CORNER OF W. BROADWAY AND HARKEY ROAD.
3. CONSIDERATION AND POSSIBLE ACTION - PRELIMINARY PLAT OF CLEMENTS SUBDIVISION, BEING 2.135 ACRES OUT OF THE N.E. QUARTER OF THE H.T.&B. R.R. CO. SURVEY, SECTION 13, ABSTRACT 240, BRAZORIA COUNTY, TEXAS (FITE ROAD).
4. CONSIDERATION AND POSSIBLE ACTION - PHASE I, A PARTIAL REPLAT OF OAKBROOK SECTION ONE, BEING A 50.0050 ACRES, OUT OF LOTS 5,6,7,8 AND 9 OF THE S.W. MARREGANG SUBDIVISION, ABSTRACT 70, BRAZORIA COUNTY, TEXAS (DIXIE FARM ROAD).
5. CONSIDERATION AND POSSIBLE ACTION - PHASE II, A PARTIAL REPLAT OF OAKBROOK SECTION ONE, BEING PART OF LOTS 5,6,7,8 AND 9, NARREGANG SUBDIVISION, ACCORDING TO THE MAP OR PLAT OF THE NERREGANG SUBDIVISION RECORDED IN VOLUME 1, PAGE 92 OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS (DIXIE FARM ROAD).
6. CONSIDERATION AND POSSIBLE ACTION - AMENDED PLAT OF A PORTION OF BLOCK 7 OF GREEN TEE TERRACE TOWNHOUSES, BEING 15,637.5 SQUARE FEET OUT OF BLOCK 7, GREEN TEE TERRACE TOWNHOUSES, AS RECORDED IN VOLUME 177, PAGE 60, OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS (COUNTRY CLUB DRIVE).

IV. ADJOURN

POSTED: 4TH DAY OF October, A.D., 1991 5:00 P.M.
REMOVED: 11TH DAY OF October, 1991.

City Sec.

AGENDA - JOINT PUBLIC HEARING BY THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON OCTOBER 7, 1991, AT 7:00 P. M. IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF THE HEARING:

1. APPLICATION NO. 24 -

REQUEST OF DANIEL D. RUCKER, AGENT FOR RAMONA CRADDOCK ET AL AND GEORGE SLAUGHTER, JR., OWNERS, FOR AN AMENDMENT TO THE LAND USE AND URBAN DEVELOPMENT ORDINANCE OF SAID CITY FROM CLASSIFICATION R-1, SINGLE FAMILY DWELLING DISTRICT, TO R-2, SINGLE FAMILY DWELLING DISTRICT, ON THE FOLLOWING DESCRIBED PROPERTY, TO-WIT:

A 22.888 ACRE TRACT OUT OF ABSTRACT NO. 111, PERRY AND AUSTIN LEAGUE, BRAZORIA COUNTY, TEXAS AND BEING THE SAME TRACT SHOWN AS PROPOSED LONGWOOD PARK, SECTION TWO, ON THE RECORDED PLAT OF LONGWOOD PARK; AND

A 16.910 ACRE TRACT OF LAND, BEING A PART OF LOTS 9, 10, AND 11 OF THE HOIDALE AND COFFMAN SUBDIVISION, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGE 3, PLAT RECORDS OF BRAZORIA COUNTY, TEXAS, AND BEING IN THE PERRY AND AUSTIN LEAGUE, ABSTRACT 111, BRAZORIA COUNTY, TEXAS, AND BEING A PART OF THAT CERTAIN 54.818 ACRE TRACT KNOWN AS THE J. R. HOBBS TRACT AS RECORDED IN VOLUME 1137, PAGE 295, DEED RECORDS OF BRAZORIA COUNTY, TEXAS.

BEING A TOTAL OF APPROXIMATELY 39.8 ACRES (EXTENSION OF LEROY STREET FROM HAZELDALE)

III. PERSONS WISHING TO SPEAK FOR THE PROPOSED REQUEST.

IV. PERSONS WISHING TO SPEAK AGAINST THE PROPOSED REQUEST.

V. QUESTION AND ANSWER PERIOD

VI. ADJOURN



City of Pearland

P. O. Box 2068 • Pearland, Texas 77588-2068 • 485-2411

September 18, 1991

NOTICE OF A JOINT PUBLIC HEARING OF THE CITY COUNCIL

AND

THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS

Notice is hereby given that on the 7th day of October, 1991, at 7:00 P. M., the City Council and the Planning and Zoning Commission of the City of Pearland, Brazoria and Harris Counties, Texas, will conduct a Joint Public Hearing in the Council Chambers, City Hall, 3519 Liberty Drive, Pearland, Texas, on the request of Daniel D. Rucker, Agent for Ramona Craddock et al and George Slaughter, Jr., Owners for an amendment to the Land Use and Urban Development Ordinance of said City from Classification R-1, Single Family Dwelling District, to R-2, Single Family Dwelling District, on the following described property, to-wit:

A 22.888 Acre Tract out of Abstract No. 111, Perry and Austin League, Brazoria County, Texas, and Being the Same Tract Shown as Proposed Longwood Park, Section Two, on the Recorded Plat of Longwood Park; and

A 16.910 Acre Tract of Land, Being a Part of Lots 9, 10, and 11 of the Hoidale and Coffman Subdivision, According to the Plat Recorded in Volume 2, Page 3, Plat Records of Brazoria County, Texas and Being in the Perry and Austin League, Abstract 111, Brazoria County, Texas, and Being a Part of that Certain 54.818 Acre Tract known as the J. R. Hobbs Tract as Recorded in Volume 1137, Page 295, Deed Records of Brazoria County, Texas.

Being a Total of Approximately 39.8 Acres (Extension of Leroy Street from Hazeldale)

Application and map are attached hereto for your information.

At such time and place as above stated the City Council and the

Page Two
Joint Public Hearing Notice
September 18, 1991

Planning and Zoning Commission will hear all evidence concerning advisability of amending said Ordinance and also will hear all evidence in protest to the amendment of said Ordinance.

Yours truly,

A handwritten signature in cursive script that reads "Pat Jones". The signature is written in black ink and is positioned above the typed name and title.

Pat Jones
City Secretary

Encl.

CERTIFIED MAIL, RETURN RECEIPT REQUESTED
APPLICATION NO. 24

CITY OF PEARLAND
LAND USE CHANGE APPLICATION

ZONING CHANGE REQUESTED

() Change in Regulations in
Section _____
(X) Change in Zone Class
From: R-1
To: R-2

BOARD OF ADJUSTMENT & APPEAL

() Variance Appeal
() Appeal from Interpretation
() Special Exception Use
For: _____

PROPERTY IDENTIFICATION

Street or Road Address: Extension of Leroy St. from Hazeldale
Lot _____, Block _____ Addition _____

SUBMITTAL INFORMATION

1. Must be professionally drawn X
2. Minimum scale of 100' to inch. X
3. North Arrow X
4. Site Map attached X
5. Tract Dimension X
6. Location, size, relationship
of all existing structures to
Boundary lines X

LEGAL DESCRIPTION

Describe from Deed Records, attach copy of Deed, and use metes and bounds description:
Platted Lane: _____

Unplatted Land: (Must have metes & bounds description) Approximately 39.8
acres. (See attached exhibits)

PROPOSED USE OF LAND WITHIN REQUESTED DESIGNATION: Provide single-family
detached homes.

RECORD OWNER: Ramona Craddock et al and George Slaughter, Jr.

OWNER'S MAILING ADDRESS & PHONE NO.: Craddock: 5303 Glenmont, Hou., Tex. 77081
Ph: 666-3548 Slaughter: 1706 Strawberry, Pasadena, Tx. 77502 Ph: 920-2855

NAME & ADDRESS OF MORTGAGEE, if any: _____

AGENT'S NAME: Daniel D. Rucker PHONE NO.: 333-5875

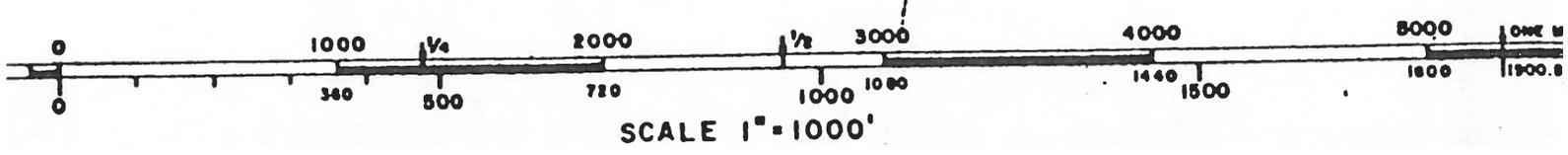
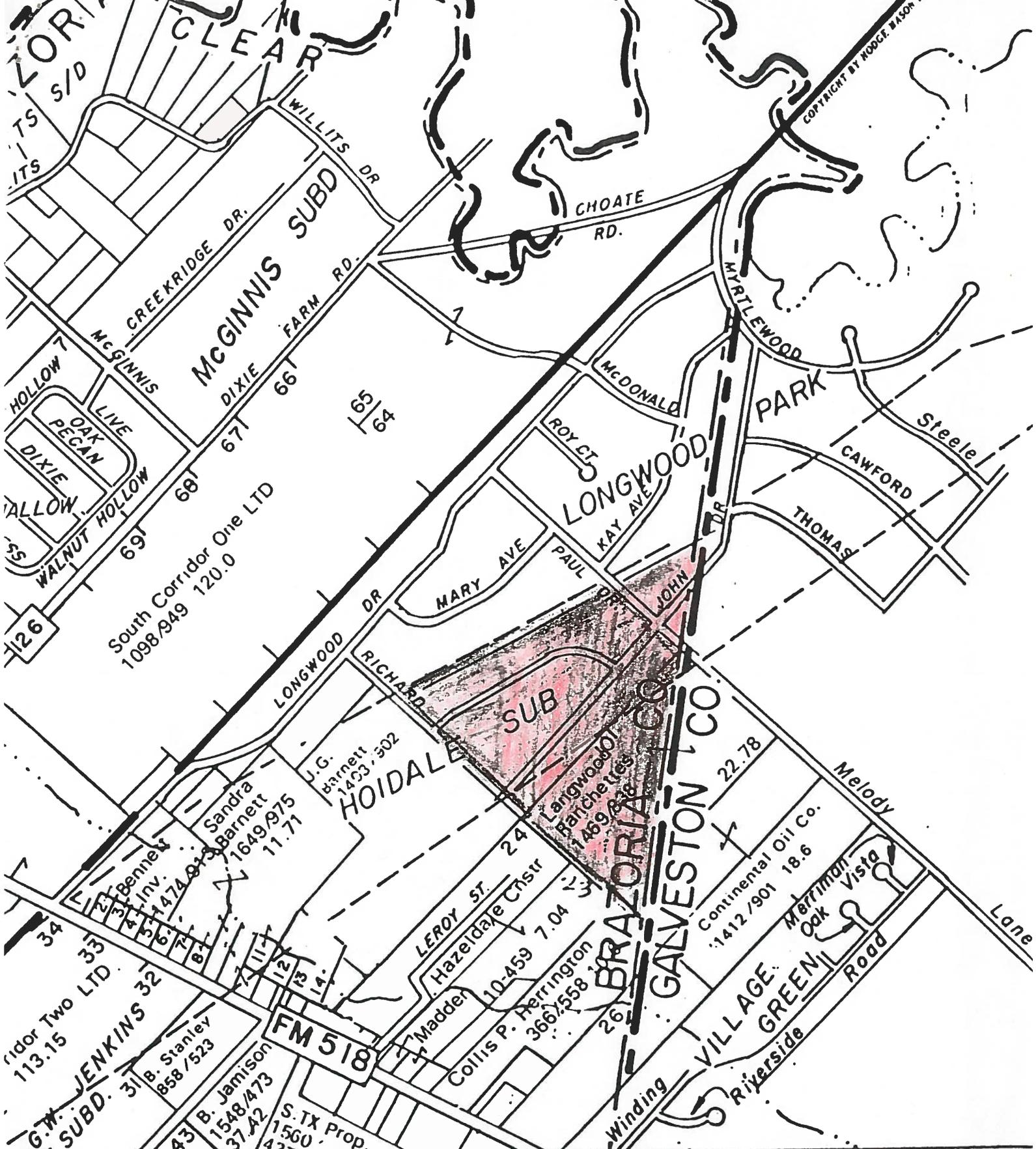
AGENT'S MAILING ADDRESS: 1100 Nasa Road I, Suite 500C, Houston, Texas 77058

PETITION As Owner/Agent, I hereby petition the City for approval of the above
described request as provided by the laws of the State of Texas and
Ordinances of the City of Pearland.

SIGNATURE Daniel D. Rucker SIGNATURE _____
Owner AGENT

FEE: \$ 250.00 DATE PAID: 9-4-1991

DATE FILED: 9-4-1991 APPLICATION NO. 24





City of Pearland

P. O. Box 2068 • Pearland, Texas 77588-2068 • 485-2411

October 30, 1991

Honorable Mayor and Councilmembers
City Hall
Pearland, Texas 77581

Re: **APPLICATION NO. 24, REQUEST OF DANIEL D. RUCKER, AGENT FOR RAMONA CRADDOCK ET AL AND GEORGE SLAUGHTER, JR. OWNER, FOR AN AMENDMENT TO THE LAND USE AND URBAN DEVELOPMENT ORDINANCE FROM CLASSIFICATION R-1, SINGLE FAMILY DWELLING DISTRICT, TO R-2, SINGLE FAMILY DWELLING DISTRICT ON A 39.8 ACRE TRACT LOCATED IN LONGWOOD PARK.**

Gentlemen:

The Planning & Zoning Commission, in a special meeting held on October 29, 1991, considered the above mentioned zoning request.

It was moved by James Garner, seconded by Mary Starr, that recommendation be made to Council that Application No. 24 be approved. The Commission voted as follows: 2 ayes - James Garner, Mary Starr, 1 no - Helen Beckman, 3 abstentions - Al Lentz, Emil Beltz, Jack Womack. Chairman Lentz informed the audience the motion had passed as Robert's Rules of Order states "While it is the duty of every member who has an opinion on the question to express it by his vote, yet he cannot be compelled to do so. He may prefer to abstain from voting, though he knows the effect is the same as if he voted on the prevailing side."

This is submitted for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Al Lentz', followed by a date '10/30'.

Al Lentz, Chairman
Planning & Zoning Commission

AL/lis

943 - F.4.I.
Oct. ISSUE OF T.M.L.

NATURE AND FUNCTION OF THE PLANNING COMMISSION

by David L. Pugh, A.I.C.P.

A planning commission is a voluntary group of local citizens who are appointed by a city's governing body for the purpose of advising the governing body on the scope and direction of the city's planning activities. This definition may appear to be simplistic and self-evident to some. However, the nature and function of the planning commission is often misunderstood by elected officials, public employees and persons asked to serve as commissioners. For this reason, it is important for the commission periodically to reconsider the theoretical and legal foundations of this unique American institution. Citizens asked to become planning commissioners, as well as those presently serving as commissioners, should initially and periodically ask themselves such questions as:

- 1) What is the purpose of the planning commissioner?
- 2) What should I do as a member?
- 3) What legal parameters should I know about?
- 4) As a planning commissioner, how can I tell if we are successful in providing the kind of leadership that our city's planning program really needs?

It is the purpose of this article to help you examine your own planning program and to answer these and other questions.

At the outset of this discussion, it is important that a distinction be made between the planning commission and the zoning commission. The act or process of planning is separate and distinct from the use or implementation of a plan after it has been prepared. It is legal in Texas to have a planning commission and a

separate zoning commission. Fort Worth is an example of a large city that has separate planning and zoning commissions. The reasons which justify the merger or separation of these two bodies are unique to each city. Middle-sized and larger municipalities sometimes find that their planning and zoning commissions spend an inordinate amount of time on zoning. Thus, the preparation of plans is largely forgotten in such a situation. When the commission reaches a point where it is spending too much time on zoning, the city may decide to form two separate groups as is illustrated in the following example.

It is also important to note that this article does not discuss the functions or responsibilities of the Zoning Board of Adjustment which has jurisdiction primarily over variances and special exceptions to the zoning ordinance.

Hartford, Milwaukee and Chicago are three cities credited with the earliest history of planning commissions. Early attempts to form commissions were usually aimed at securing approval and support of city plans by influential residents. The use of organized, officially recognized citizen groups to aid the city in preparing plans became popular in the 1920's.

In 1928, the U.S. Department of Commerce's Advisory Committee on City Planning and Zoning issued a Standard City Planning Enabling Act. This Act became a model which was adopted by many states. The authors of the Act recognized the wide acceptance of a planning advisory group of citizens. They incorporated the commission concept as the backbone of the model legislation. Section 7 of the Act outlines the intended purpose of the planning commission. It is interesting to note that while more than a half-century has elapsed since the creation of the Act, the purpose of the commission has remained largely unchanged.

RESPONSIBILITIES OF THE PLANNING COMMISSION

Section 7 states that the planning commission may prepare a comprehensive plan with the intent of

....guiding and accomplishing a coordinated, adjusted, and harmonious development of a municipality and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and the general welfare.

Thus, the primary purpose of the planning commission is to ensure that the municipality is equipped with a well prepared and up-to-date comprehensive plan along with any supporting plans needed to ensure its success. However, the commissioner should understand that it is not the commission's job literally to prepare the plan. That task is most appropriately undertaken by the city's planning staff. The members of the planning commission can, however, ensure that the values of all of the citizens living within the community are represented in the final plan. The commissioners can also propose major policies to the city council. The commission acts on behalf of and represents the citizens of the city as they prepare the comprehensive plan.

The preparation of the comprehensive plan is not the only task that is appropriately addressed by the planning commission. Unfortunately, many commissions fail to capitalize on the wide range of activities open to them. A typical list of activities in which a commission could become involved includes the following:

1. **Information Systems.** A planning program is limited by the size and accuracy of its information base. The planning commission should work closely with the planning staff and

other representatives of the public and private sectors to make sure that the city has a good, up-to-date information system. Often, the commission can play a vital role in explaining to the city's governing body and other city employees the importance of a coordinated, uniform information gathering and maintenance program.

2. Subdivision Regulation. Subdivision review and approval is often an important duty of the planning commission. Texas law gives the commission and governing body the exclusive responsibility for subdivision regulation. When coupled with a system of time development and community facility requirements, subdivision regulations become a potent planning tool. Therefore, it is important that the new planning commissioner understand the purpose and process of subdivision regulation.

3. Community Facilities Planning. The commission should be involved in reviewing and recommending standards for community facilities planning and programming. It should be involved in the location and development of schools, parks, health facilities and other public buildings.

4. Capital Improvements Programming. Capital improvements programming is the scheduling of non-recurring, publicly-financed, physical improvements for a specified period of time, and the identification of priorities for these improvements on the basis of public need and the municipality's financial capability. The planning commission can play an important role in providing the leadership needed for this important planning function.

5. Annexation. No municipality should annex territory before it has prepared a plan which outlines the reasons for the annexation, as well as the public costs and benefits associated with it. Working with the city planning and legal staff, the planning commission can develop standards for the annexation of areas and can aid the staff in the preparation of annexation plans for specific areas.

6. Urban Design and Appearance. The planning commission can provide leadership in seeking to ensure that the municipality encourages the use of good urban design principles by private developers. The commission can also render valuable service by supporting and assisting the city in efforts to make it more beautiful. This kind of activity may be sometimes as simple as a "paint-up, fix-up, clean-up" campaign. Such campaigns are often successful in improving the appearance

of a city, and the commission should be prepared to support them.

7. Educational Programming. Educational programs for both the general public and elected officials on the latest planning concepts and standards are essential. Unfortunately, many municipalities fail to understand the importance of an informed public and are unable to take advantage of the benefits associated with the use of an educational process. A planning commission should recognize the fact that it is much more likely to have its recommendations supported when it is willing to take the time to inform the citizens and elected officials about what it is doing and about the logic which supports such activities.

8. Public Involvement. Many Texas cities have never taken the time to determine the needs and desires of their citizens. "Goals" programs have become very popular in the past few years. Their use as a vehicle for involving the public appears to be gaining momentum. The planning commission can often play a key role in creating and directing such programs. The support of the Austin, Texas, Planning Commission in that city's "Goals for Austin" program was a significant contribution towards its success.

This list is not all encompassing. Planning commissioners sometimes voice their displeasure with the narrow and uninteresting duties with which they are charged. However, in most instances, such displeasure is a result of the commission's failure to approach the governing body with well designed, well thought out projects or programs. In many cases the city council is willing, if not eager, to entertain proposals for activities by the commission and will lend their support for such endeavors. In sum, the function of the planning commission is largely limited by the creativity and energy of the individuals composing the group.

It is important to remember that the planning commission is an advisory group to the governing body of the city. The commission has no authority other than its privilege of submitting recommendations to the city council. The commission does not create public policy. It merely recommends the adoption of public policy.

The planning commission's relationship with the various departments and employees of a municipality is also frequently misunderstood. The commission does not literally prepare plans. The commissioner does not perform the

Continued on page 23

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Almost daily you read about the insurance industry crisis. Even Congress is calling for tighter management and more regulation. So, why place all of your guaranteed investments with one insurance company?

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exercising authority over cable rates have to give formal public notice of their cable rate proceedings, provide an opportunity for written comments or a public hearing, and issue a formal statement and written reasons for its rulings. Cable operators are permitted to appeal denials of rate increases to the appropriate state court.

It is important to note that the authority to regulate rates, if a city is eligible, applies only to rates for basic cable service. Basic service is any tier or combination of tiers that include the re-transmission of broadcast signals and fees for such equipment as converter boxes and installation to receive basic service. Premium services that are sold separately, such as movie channels, pay per view, and tiers that don't contain any re-transmitted broadcast stations have always been exempt from local rate regulation. Second, cable operators still have the right under the Cable Act to automatically increase rates up to 5 percent a year even in cities where the local government can regulate rates. Finally, regulating rates under these rules is new territory. For detailed guidance, the city attorney and other experts should be consulted.

Michael Berg is a partner in the Washington law firm of Miller & Holbrooke. The firm has assisted cities and counties throughout Texas and the nation in cable television and telecommunications matters. Betty Ann Kane is a local government lobbyist for the law firm of Miller & Holbrooke and serves as the editor of Cable Update, a monthly report on cable television law and regulation for public officials. ♣

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duties of the city planning staff. The reason for this is quite simple. The function of the commission is to represent the public in the development of their community. Thus, it is common for the commission to rely on the plan-making capabilities of either planning staff or consultants employed by the city.

It is very important for the commission to work closely with the planning staff. At the same time, it should be understood that it is not the function of the commission to act in lieu of either the city manager or a department director in the supervision of planners. It is, however, the responsibility of the commissioner to provide the planner with a full cross-section of the values found in the community and to act as a sounding board for ideas and approaches

to problem solution. In short, it is the function of the planning commission to represent the public and its concerns for the present and future condition of the city.

STATUTORY FOUNDATION OF THE PLANNING COMMISSION

It is often surprising to the average person to learn that many of our states enacted municipal enabling laws for city planning after they had already authorized municipal zoning. Most people agree that zoning which precedes planning is a classic example of "the cart before the horse." Nevertheless, in the early 1920's, cities across America were anxiously attempting to control land use problems. When the U.S. Department of Commerce produced its Standard State Zoning Enabling Act in 1924, nineteen states adopted it within a year after publication.

It was not until four years after the production of the model zoning law that the same U.S. Department of Commerce published the Standard City Planning Enabling Act. This model legislation was not received with the same enthusiasm as the model zoning act. In fact, many cities, states, and at least one state supreme court, viewed a city's authority to plan a fait accompli created by the adoption and use of the aforementioned zoning enabling act. It is, therefore, understandable why states such as Texas do not have a separate enabling act for municipal planning. The enabling act for planning did, however, have a section pertaining to subdivision control, and Texas borrowed from this section in formulating laws on the subject.

Several passages from the Texas City Zoning Law provide ample evidence of a municipality's right to plan. Tex. Loc. Govt. Code, Sec. 211.004 states that zoning regulations must be in accordance with a comprehensive plan. It is interesting to note the purpose of zoning as described in this Section, for they might just as easily be applied to the comprehensive city plan.

...Such regulations shall be...designed to (1) lessen congestion in the streets; (2) to secure safety from fire, panic, and other dangers; (3) to promote health and the general welfare; (4) to provide adequate light and air; (5) to prevent the overcrowding of land; (6) to avoid undue concentration of population; (7) to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements. (b) Sec. 211.005 Such regulations shall

be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality...

Texas law permits a municipality to combine the planning and zoning responsibilities in a single commission. It should be noted, however, that the administration of subdivision regulations may not be performed by the zoning commission.

ORGANIZATIONAL STRUCTURE OF THE PLANNING COMMISSION

A planning commission is appointed by the legislative body of a city. State statute does not specifically describe the details of the planning commission's composition. Matters pertaining to the size and composition of the commission and to the qualifications and tenure of its membership are left to the discretion of the municipal governing body. Many cities have a commission composed of seven members. However, no fixed number is correct for each and every community. To meet the need for city-wide representation, larger cities may increase the size of their commissions.

The tenure of a commission also varies. Three years is a common term of office used in Texas. A commissioner's term of office should be long enough to enable the individual to understand the fundamental planning process and its relationship to municipal programs. The term should permit the individual to contribute as much to those programs as he or she can.

There are few specific qualifications for the job of the planning commissioner. However, there are several general guides which a mayor and city council should consider in selecting people to serve in this capacity. They are as follows:

1. **Vision.** The commission should be composed of people with a capability to understand both the short- and long-range impacts of various types of development on the municipality.
2. **Creativity.** The planning commissioner should be capable of providing staff and the city council with ideas on new projects, programs or alternative approaches to existing programs that may improve the quality of life for the residents of the city.

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3. **Analytical Skills.** A commissioner should be capable of utilizing information to determine alternative courses of action. Likewise, the commissioner should be able to weigh the benefits and problems associated with each alternative in selecting a final choice.

4. **Community Awareness.** The commissioner should be familiar with the physical, social and economic structure of the municipality.

5. **Cooperativeness.** Persons serving as commissioners should be able to work productively with public officials, employees, and the public in attempting to reach common goals.

6. **Impartiality and Fairness.** These qualities are particularly important for persons dealing regularly with the public. Prejudices based on ethnicity, religious beliefs, income or other similar grounds have no place on a city planning commission.

7. **Dedication and Availability.** The planning commissioner should be committed to improving the quality of life in the city. Dedication should not be compromised by inadequate personal time for the member to actively participate in commission business. It is therefore essential that the member have uncommitted time which will enable her or him to perform in a responsible fashion. When one's interest in planning commission responsibilities lessens, it is the duty of the commissioner to resign.

8. **Honesty and Courage.** The planning commission should be composed of persons whose integrity and ethical standards are beyond doubt. The commissioner should also have enough courage to defend a decision before the public once that decision has been reached.

9. **Representativeness.** This quality is one of the most important in this list. The planning commission should represent the full range of interests and concerns found in the city. Every effort should be made to avoid over-representation of special interest categories.

The planning commission is a voluntary group of local citizens appointed by a city council to recommend planning policy to the council. The primary function of the planning commission is the production and periodic revision of the city's comprehensive plan. Many other valuable services can and should

be rendered by the commission, and the range of such services is limited only by the energy and creativity of the planning commission working in concert with the city council.

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