

MAP SHOWING
PROPOSED
THOROUGHFARES
IN & THROUGH
PEARLAND, TEXAS

INDICATES



City of Pearland

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

May 7, 1992

Councilmember Benny Frank
City of Pearland

Dear Benny,

Pursuant to your request, this letter will serve as a synopsis of the activities of the Planning and Zoning Commission during the last several months. The information contained herein is in addition to the normal duties of reviewing and approving plat, discussing with citizens concerning platting and zoning procedures, hearings regarding zoning changes, and other duties.

As you are painfully aware, there are numerous inconsistencies between the Land Use and Urban Development Ordinance and the Subdivision Ordinances. A majority of the conflicts deal with building lines, etc. In addition, the wording of the Zoning Ordinance precludes building across platted lot lines. There have also been numerous changes in the State Laws governing a City's rights to control development and subdivisions which need to be reflected in the City's Subdivisions Ordinance.

Since the addition of Jack Womack and Emil Beltz, the Commission has been reviewing the Subdivision Ordinance. This has provided the opportunity for all members of the Commission to become more familiar with the Ordinance they are commissioned to enforce. The Commission has been meeting generally weekly in workshop sessions so that a revised ordinance can be given to the Council at the earliest possible date.

One of the first items to be provided the Council will be a "Short Form Subdivision Ordinance" for small projects or amending plats. The Commission received a draft copy provided by the attorney on May 4, 1992.

The Commission is scheduled to discuss this item on May 11, 1992 and a recommendation will be immediately forwarded to the Council. This ordinance will alleviate many of the problems in the Old Town Site without the expense of changing the Zoning Ordinance.

The second item to be furnished the Council will be the Subdivision Ordinance. To date, seven workshops have been completed and the entire ordinance reviewed. The first draft is currently being typed.

Prior to being submitted to the Council for comment, the Commission will solicit the review by several prominent members of the development community of Pearland. The Commission will address each comment offered or clarification requested. The Commission anticipates submitting this package to the Council within the next two months pending review by the City Attorney.

Under separate cover, the Commission has provided the Council comments regarding proposed major Thoroughfare Plan. When the Plan was first presented, the Commission requested a workshop with Council to discuss the Plan. To date, no workshop has occurred.

Another item which the Commission has addressed is a potential violation of State Law. The Law requires a City to act on a plat (approved, disapproved, or approved with conditions) within thirty (30) days of its submittal. A plat is generally considered submitted when the fee is paid.

Staff has in the past accepted the plat, reviewed it, sent it back for corrections, reviewed it again, and then placed it on the agenda of the Commission. This process may take longer than thirty days. To alleviate this problem, the staff now accepts the plat, reviews it, and addresses a letter to the Commission recommending action. This letter lists any conditions that are deficient.

This procedure does require strict compliance with the ordinance and the agreements of the Council with other governmental entities. For example, no final plat should be accepted until the construction plans (if any) are approved by the City Engineer and no plat can be accepted until it has been approved by the Drainage District as mandated by Council agreement.

The Commission hopes this will give you some insight into our activities. If you have any questions or require any additional information please do not hesitate to call. I remain,

Very truly yours,

Alfred E. Lentz

AEL/lis

May 6, 1992

The Honorable Mayor and City Council
City of Pearland

Ladies and Gentleman:

At its meeting of April 14, 1992, the Planning and Zoning Commission reviewed and discussed the Proposed Thoroughfare In and Through Pearland Plan as had been presented to the Council. Councilman Wolfe was in attendance at this workshop and contributed greatly to the discussion. This was in preparation of our proposed joint workshop on this plan.

The Commission, while agreeing that this is a workable plan, would like to offer the following suggestions:

1. Align the intersection of Hughes Road, the Monroe Extension, and Orange Street. The Commission feels that this will provide better access to all areas of the City and create one major intersection for future traffic signalization.
2. Realign the intersection of John Lizer and Mary's Creek Drive to provide better access to FM 518 and another route east-west.
3. Carefully consider the intersection of CR 101 (road around high school) and Mary's Creek Drive.
4. Consider the extension of CR 100 to Dixie Farm Road to allow additional traffic flow.
5. Align the intersections of FM 865 (Cullen) and CR 89, Max Road (CR 108) and FM 1128, and Harkey Road and O'Day Road.
6. Align Veterans Memorial with San Antonio.
7. Rework the intersection of McLean, FM 518 and Walnut.

As Council is aware, the City currently has a major thoroughfare plan. Most of the proposed thoroughfares depicted on the new plan are contained on the current plan. The suggestions contained herein are shown on the attached plan in red.

The Commission would request that the Council schedule a workshop with us to consider this plan. The Commission believes that if the Council is considering adopting this plan, arrangements to do so should be made in a timely manner.

**MINUTES OF THE SPECIAL PLANNING AND ZONING COMMISSION MEETING
HELD OF MAY 11, 1992, AT 6:30 P.M., IN THE 2ND FLOOR CONFERENCE
ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS**

The meeting was called to order at 6:32 P.M. with the following members present:

Vice Chairman	Helen Beckman
Commissioner	Mary Starr
Commissioner	Jack Womack
Commissioner	Emil Beltz
Commissioner	James Garner
Commissioner	Pat Lopez
City Attorney	Lester Rorick
Staff Representative	Don Guynes
Asst. to City Secretary	Leslie Schroeder

Chairman Lentz had an excused absence.

APPROVAL OF MINUTES

It was moved by Emil Beltz, seconded by Mary Starr, that the minutes of the May 4, 1992 meeting be approved as submitted.

Motion passed 5 to 0 with Pat Lopez abstaining.

NEW BUSINESS

CONSIDERATION AND POSSIBLE ACTION - REVIEW OF THE PROPOSED ORDINANCE AMENDING THE SUBDIVISION ORDINANCE (SHORT FORM PLATTING PROCESS) WITH THE CITY ATTORNEY.

Lester Rorick, City Attorney, conveyed to the Commission that this particular amendment to the subdivision ordinance pertains primarily to the Old Townsite. In particular, lots that are 25' x 100' are curtailed from building under the current ordinance. If a person owned more than one of these 25' lots, this new amended ordinance would allow them to build across the building line thereby eliminating the re-platting process.

Several Commissioners pointed out that the Multi-Family zone was eliminated from this amended subdivision ordinance and should be added.

Currently the Zoning Board of Adjustment is handling these requests to cross building lines. Under the present ordinance the Permit Department will not issue a permit to erect a structure on

a 25' lot.

After further discussion, the Commission agreed that a reasonable fee schedule should be established to cover the cost of filing in Brazoria or Harris County, and the cost to the City.

It was moved by James Garner, seconded by Mary Starr, to add Multi-Family zoning to the amended subdivision ordinance. Mr. Garner also included in his motion that recommendation be made to City Council to establish a reasonable fee to cover all costs to the city including filing fees.

Motion passed 6 to 0.

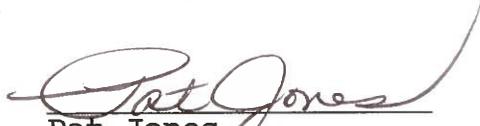
ADJOURN

The meeting adjourned at 7:25 P.M.

Minutes approved as submitted and/or corrected this 19 day of May, A.D., 1992.


Al Lentz, Chairman

ATTEST:


Pat Jones
City Secretary



City of Pearland

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

TO: THE HONORABLE PLANNING & ZONING COMMISSIONERS
FROM: LESTER G. RORICK, CITY ATTORNEY
DATE: APRIL 30, 1992
SUBJECT: DRAFT - ORDINANCE AMENDING SUBDIVISION ORDINANCE

Attached is a draft of an ordinance amending the
Subdivision Ordinance for your review and comments.

A handwritten signature in cursive script, appearing to read 'Lester Rorick', is written above a horizontal line.

Lester Rorick
City Attorney

LR/tjv
Attachment

DRAFT

ORDINANCE NO _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF CITY OF PEARLAND, TEXAS, AT CHAPTER 27, SUBDIVISIONS, BY ADDING SECTION 27-10 FOR THE PURPOSE OF ESTABLISHING RULES AND PROCEDURES FOR AMENDING PLATS; CONTAINING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, Section 212.016 of the Local Government Code authorizes a municipal authority responsible for approving plats to approve and issue an amending plat under certain circumstances;

WHEREAS, the Planning and Zoning Commission has recommended to the City Council that provisions of the aforementioned statute be adopted insofar as they pertain to areas of the City zoned R-1, R-2, R-3, or R-4; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

Section 1. The Code of Ordinances of City of Pearland, as the same may have been heretofore from time to time amended, is further amended at Chapter 27, Subdivisions, by the inclusion of a new Section 27-10, which shall hereafter read as follows:

"Sec. 27-10. Amending Plat.

(a) The Planning and Zoning Commission may approve and issue an amending plat, which may be recorded and is controlling over the preceding plat without vacation of that plat, if the amending plat is signed by the applicants only and is solely for one or more of the following purposes:

- (1) to correct an error in a course or distance shown on the preceding plat;
- (2) to add a course or distance that was omitted on the preceding plat;
- (3) to correct an error in a real property description shown on the preceding plat;
- (4) to indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
- (5) to show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
- (6) to correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
- (7) to correct an error in courses and distances of lot lines between two adjacent lots if:

- (A) both lot owners join in the application for amending the plat;
 - (B) neither lot is abolished;
 - (C) the amendment does not attempt to remove recorded covenants or restrictions; and
 - (D) the amendment does not have a material adverse effect on the property rights of the other owners in the plat;
- (8) to relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
- (9) to relocate one or more lot lines between one or more adjacent lots if:
- (A) the owners of all those lots join in the application for amending the plat;
 - (B) the amendment does not attempt to remove recorded covenants or restrictions; and
 - (C) the amendment does not increase the number of lots; or
- (10) to make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
- (A) the changes do not affect applicable zoning and other regulations of the municipality;
 - (B) the changes do not attempt to amend or remove any covenants or restrictions; and
 - (C) the area covered by the changes is located in an area that the planning commission has approved, after a public hearing, as a residential improvement area.
- (b) Notice, a hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat.
- (c) An amending plat does not require the approval of the Drainage Commission.
- (d) The provisions of this section shall be applicable only to those areas of the City which are, or may hereafter be, zoned as R-1, R-2, R-3 or R-4."

Section 2. All rights and remedies which have accrued in the favor of the City under its Subdivision Ordinance, and amendments thereto, shall be and are preserved for the benefit of the City.

Section 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and

such holding shall not affect the validity of the remaining portions thereof.

Section 4. This Ordinance shall become effective on _____.

PASSED and APPROVED on First Reading this ____ day of _____,
A. D., 1992.

C. V. COPPINGER
MAYOR

ATTEST:

PAT JONES
CITY SECRETARY

PASSED and APPROVED on Second and Final Reading this ____ day of
_____, A. D., 1992.

C. V. COPPINGER
MAYOR

ATTEST:

PAT JONES
CITY SECRETARY

APPROVED AS TO FORM:

LESTER G. RORICK
CITY ATTORNEY

AGENDA - SPECIAL MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, MAY 11, 1992, AT 6:30 P.M., IN THE 2ND FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

- I. CALL TO ORDER
- II. APPROVAL OF MINUTES: Meeting of May 4, 1992
- III. NEW BUSINESS
 - A. CONSIDERATION AND POSSIBLE ACTION - REVIEW OF THE PROPOSED ORDINANCE AMENDING THE SUBDIVISION ORDINANCE (SHORT FORM PLATTING PROCESS) WITH THE CITY ATTORNEY.
- IV. ADJOURN

POSTED: 8TH DAY OF May, A.D., 1992 5:00 P.M.
REMOVED: 12TH DAY OF May, 1992.