

MINUTES OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION, OF THE CITY OF PEARLAND, TEXAS, HELD MONDAY, JUNE 6, 1994, AT 7:00 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

The meeting was called to order with the following present:

Chairman	Emil Beltz
Vice Chairman	Pat Lopez
Commissioner	Robert Larsen
Commissioner	Marshall Eggers
Commissioner	Charles Philipp
Division Director, Planning, Public Works & Parks	Richard Burdine
City Engineer	John Hargrove
Secretary to the Commission	Wendy Standorf

Commissioners Kevin Cole and Barbara Lenamon were absent.

APPROVAL OF MINUTES

A motion to approve the minutes of the May 26, 1994 meeting, was made by Vice Chairman Pat Lopez, seconded by Commissioner Charles Philipp.

Motion Passed 5 to 0.

NEW BUSINESS

Preliminary Plat Southwyck Section 12. Thomas Stroh of Jones & Carter and Tom Wilcox of Southwyck Joint Venture were present requesting approval of the preliminary plat of Southwyck Section 12 with a variance requesting 20-foot building line setbacks on lots fronting the bulb portion of a cul-de-sac.

City Engineer Hargrove recommended approval as submitted.

Commissioner Marshall Eggers made the motion, seconded by Commissioner Robert Larsen to

approve the preliminary plat as submitted and to approve the variance as requested.

Motion Passed 5 to 0.

Preliminary Plat Southwyck Section 14. Thomas Stroh of Jones & Carter and Tom Wilcox of Southwyck Joint Venture were present requesting approval of the preliminary plat of Southwyck Section 14 with a variance requesting 20-foot building line setbacks on lots fronting the bulb portion of a cul-de-sac.

City Engineer Hargrove recommended approval with corrections as specified below.

Commissioner Charles Philipp made the motion, seconded by Commissioner Robert Larsen to approve the preliminary plat with the corrections specified by the City Engineer and to approve the variance as requested.

REQUIRED CORRECTIONS:

- (1) Remove the "& Building Line" on the back lots where it is referred to as 16' Utility Easement & Building Line.

Motion Passed 5 to 0.

Preliminary Plat Southwyck Section 15. Thomas Stroh of Jones & Carter and Tom Wilcox of Southwyck Joint Venture, were present requesting approval of the preliminary plat of Southwyck Section 15 with a variance requesting 20-foot building line setbacks on lots fronting the bulb portion of a cul-de-sac.

City Engineer Hargrove stated a variance would also be necessary at the time of final plat approval if the side lot line was to remain at 8' as shown rather than at 10' as required by ordinance. He recommended approval with corrections as specified below.

Vice Chairman Pat Lopez made the motion, seconded by Commissioner Robert Larsen to approve the preliminary plat of Southwyck Section 15 with the corrections specified by the City Engineer and to approve the variance as requested.

Motion Passed 5 to 0.

REQUIRED CORRECTIONS:

- (1) Remove the "& Building Line" on the back lots where it is referred to as 16' Utility Easement & Building Line.
- (2) Change side lot to 10' or request variance at time of final plat approval.

Final Plat Oakbrook Subdivision Section One Reserve B. Al Lentz of Lentz Engineering was present requesting approval of the final plat of Oakbrook Subdivision Section One Reserve B with a variance request to allow a 2' Fence Reserve along Dixie Farm Rd. instead of the 10' Planting Screening Easement as specified in Section 27-4(C)(5) of the Subdivision Ordinance.

The Commissioners questioned the materials of which the fence would be made. They also wanted to know to what extent could the Commission restrict the fence and does the City had any detailed specifications for fences.

City Engineer Hargrove stated he objects to lot lines going across the pipe line corridor.

Al Lentz said the pipe line companies have no problem with it, as long as there is no construction, they can live with the fence being there. Otherwise what are you going to do with it?

Mr. Hargrove maintained his objection but recommended approval as submitted.

Commissioner Robert Larsen made the motion, seconded by Commissioner Marshall Eggers to approve the final plat of Oakbrook Subdivision Section One Reserve B as submitted and to approve the variance as requested.

Motion Passed 5 to 0.

Discussion: Complaint of Mr. James Garner: Richard Burdine stated he wanted to bring this complaint to the attention of the Commission since the Zoning Board of Adjustment is considering requiring "notification of property owners" as a part of their variance process. It is not required by State law. However, should this process be proposed by the ZBA, it would then come to the Commission for it's recommendation to Council.

Discussion: Five Year Capital Improvement Program Projects: Mr. Burdine reminded the Commission of their responsibility according to the Charter to provide the City Manager with a 5 year Capital Improvement Plan recommendation. He also advised they would need to act on this item at the scheduled June 20, 1994 meeting in order to meet the July 1, 1994 deadline.

The Commission discussed the revised list of Capital Improvement Projects that was provided by staff (see attached) and made some adjustments according to priority.

Chairman Emil Beltz commented that there were no walkways or bikeways shown on the list, should there be?

Mr. Burdine responded that he would either add a category or include sidewalks and trails as part of other capital projects.

Director's Report: None.

Adjourned: 9:23 p.m.

Minutes approved as submitted and/or corrected this 20th day of June
A.D., 1994.

Emil H. Beltz
Emil Beltz, Vice Chairman

ATTEST:
Wendy Standorf
Wendy Standorf, Secretary to the Commission

I think Mr. Eggers

may either need to
use a phone or leave.

His pager has gone off
3 times.

May 11, 1994

Don Guynes
Code Enforcement Office
City of Pearland
3519 Liberty Drive
Pearland, Texas 77581

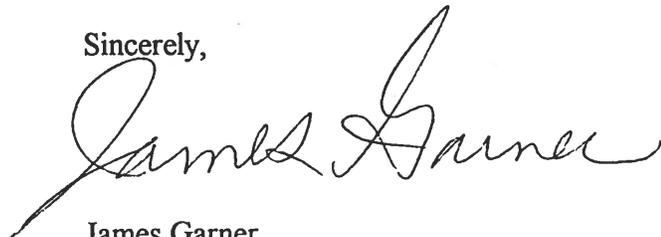
Dear Don:

Further to our conversation concerning the travel trailer located at 3002 Yost Road: This trailer is clearly being used as a residence, which you confirmed. I must formally protest the decision by the Zoning Board of Adjustment to approve this zoning variance without public input. This variance clearly is contrary to the Table of Uses listed in Pearland's Comprehensive Zoning Plan. Mobile homes are provided for in a specific zone and not allowed in R-1 zones. This kind of variance should have been considered only after public input. Property owners within 200 feet of the aforementioned location should have been notified by registered mail and notification of the meeting to consider this variance published in the local newspaper.

While I sympathize with the reasons the variance was requested, I must point out that a number of viable alternatives existed. Changing a zoning restriction via a variance can be interpreted as spot zoning and weakens our ordinance from a legal standpoint. While the variance was sought as a temporary solution, the time limit placed on the variance is indefinite. Our city government must strive to represent the city population as a whole for the betterment of our community. I look upon this variance as catering to a special interest group without consideration of the public in general.

In conclusion, I urge the Zoning Board of Adjustment, ZBA, to consider the impact on the population for variances granted to individuals. I also think the ZBA should institute some form of public notification, similar to the ones the Planning and Zoning Commission, P&Z, uses. Pearland's zoning ordinance, decisions made by the City Planning Staff and zoning decisions made by P&Z are totally ineffective if the ZBA continues to make arbitrary variances for an individual citizen's benefit without the input of the remainder of the population also affected.

Sincerely,

A handwritten signature in cursive script that reads "James Garner". The signature is written in black ink and is positioned above the typed name and address.

James Garner
2003 Willow Creek Lane
Pearland, Texas

CAPITAL IMPROVEMENTS PROJECTS

STREETS - MINOR PROJECTS

1. SHADYBEND-LIBERTY TO MISTY (1200' CONCRETE REBUILD, CURB TO CURB-28', \$100,000
2. WASHINGTON IRVING ASPHALT RECONSTRUCTION - BROM BONES TO WOODCREEK (1050') \$50,000
3. ~~INTERSECTION - WALNUT/518 AT MCLEAN~~
4. ~~BARRY ROSE - 518 TO WWTP~~
5. INTERSECTION - DIXIE FARM RD. - 518 (SOUTH BOUND TURNING LANE)
6. INTERSECTION HATFIELD AT HATFIELD
7. INTERSECTION HARKEY/O'DAY AT 518
8. ~~E. ORANGE - OLD ALVIN ROAD TO BARRY ROSE~~
9. ~~FIFE RD. - MCLEAN TO VETERANS~~

STREETS - MAJOR PROJECTS

1. HUGHES RD.
 - A. OILER DR. TO JOHN LIZER - Draft plans - Hargroves office
 - B. JOHN LIZER TO 518
 - C. SAGEMONT TO 518
2. DIXIE FARM RD.
 - A. BEAMER TO 518
 - B. 518 TO 35
3. MYKAWA - BELTWAY 8 TO VETERANS
4. 518 WIDENING - 35 TO O'DAY (CR 1128) - part of #3
5. ORANGE STREET & MAGNOLIA DRIVE - RR OVERPASSES
6. MAGNOLIA - RYAN ACRES TO SOUTHWYCK
7. CR 100 - 35 TO 288

REVISED MAY 31, 1994

8. MCHARD - COUNTRY PLACE TO CLEAR CREEK PKWY

~~9. CC TO WWTP~~
BRIDGE REPLACEMENT

1. DIXIE FARM RD. AT MARY'S CREEK
2. DIXIE FARM RD. AT COWART'S CREEK
3. DIXIE FARM RD. AT CLEAR CREEK
4. VETERAN'S DRIVE AT MARY'S CREEK
5. JOHN LIZER ROAD AT MARY'S CREEK

late summer '94
all approved in construction order

SEWER COLLECTION

1. INFLOW/INFILTRATION WORK -
2. E. WALNUT - UPGRADE 10" TO BARRY ROSE -
3. SLEEPY HOLLOW - WEST OF YOST TO WWTP
4. OLD TOWNSITE (GENERAL)
5. WWTPs EXPANSIONS
6. SOUTHWEST REGIONAL WWTP
7. DIXIE FARM - TRANSMISSION MAIN, 35 TO LONGWOOD
8. MAGNOLIA/VETERANS TO SW REGIONAL PLANT
9. SCOTT/MCHARD - MYKAWA TO BARRY ROSE WWTP
10. LIFT STATIONS - REHAB/EXPANSION
 - A. MARYS CREEK/LONGHERRIDGE
 - B. GREEN TEE
 - C. AT LONGWOOD WWTP

WATER DISTRIBUTION

1. ALICE TO KNAPP
2. DIXIE FARM UPGRADE TO 16" - 518 TO 35

REVISED MAY 31, 1994

3. 518 - COUNTY LINE WEST TO DIXIE FARM

4. PAUL - BRIARGLEN TO HAZELDALE

5. NORTHWEST LOOP - *O'day tied to Hatfield*

ENGINEERING

1. DIGITIZED AERIAL MAPPING BASE OF CITY LIMITS AND ETJ FOR GEOGRAPHIC INFORMATION SYSTEM (GIS) (\$100,000)

DRAINAGE

LOCAL

1. SHADYCREST - LONGHERRIDGE

2. WILLOWCREST - NORTHWEST CORNER

3. CORRIGAN - SOUTH/NORTH

4. E. ORANGE/OLD ALVIN

5. ORANGE STREET OUTFALL TO CLEAR CREEK

6. CHANNEL STABILIZATION AND CHANNEL WALLS

25 A. CLEAR CREEK

B. BARRY ROSE OUTFALL

C. MARY'S CREEK AT 35

DRAINAGE

REGIONAL

1. CITY WIDE DETENTION

CLEAR CREEK/HICKORY SLOUGH

A. NORTHEAST LAKE

MARY'S CREEK

A. PASTERNAK

B. CENTENNIAL PARK

COWARTS CREEK

A. CLOVER FIELD

B. SOUTH OF SHADYCREST

2. CHANNELIZATION
 - A. CLEAR CREEK
 - B. MARY'S CREEK
 - C. COWARTS CREEK
 - D. HICKORY SLOUGH

Walkway / Bikeways

AGENDA - REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, JUNE 6, 1994, at 7:00 P.M. IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

II. APPROVAL OF MINUTES: Minutes of May 26, 1994

III. NEW BUSINESS

A. CONSIDERATION AND POSSIBLE ACTION - PRELIMINARY PLAT SOUTHWYCK SECTION 12, A Subdivision of 22.98 acres of land out of the G.C. Smith Survey, Abstract No. 548 and the H.T.&B. R.R. Co. Survey, Abstract No. 309, Brazoria County, Texas.

1. Variance request to allow for 20-foot building line setbacks on lots fronting the bulb portion of a cul-de-sac.

B. CONSIDERATION AND POSSIBLE ACTION - PRELIMINARY PLAT SOUTHWYCK SECTION 14, A Subdivision of 24.41 acres of land out of the G.C. Smith Survey, Abstract No. 548 and the H.T.&B. R.R. Co. Survey, Brazoria County, Texas.

1. Variance request to allow for 20-foot building line setbacks on lots fronting the bulb portion of a cul-de-sac.

C. CONSIDERATION AND POSSIBLE ACTION - PRELIMINARY PLAT SOUTHWYCK SECTION 15, A Subdivision of 29.20 acres of land out of the G.C. Smith Survey, Abstract No. 548, Brazoria County, Texas.

1. Variance request to allow for 20-foot building line setbacks on lots fronting the bulb portion of a cul-de-sac.

D. CONSIDERATION AND POSSIBLE ACTION - FINAL PLAT OAKBROOK SUBDIVISION SECTION ONE RESERVE B, A Subdivision of 9.0343 acres as recorded in Vol. 19 page 41, map records, Brazoria County, Texas, out of the W.D.C. Hall League, Abstract No. 70, Brazoria County, Texas.

1. Variance request to allow a 2' Fence Reserve along Dixie Farm Rd. instead of the 10' Planting Screening Easement as specified in Section 27-4(C)(5) of the Subdivision Ordinance.

E. DISCUSSION - Complaint of Mr. James Garner regarding the Zoning Board of Adjustments decision to approve a variance without public input.

F. DISCUSSION - Five Year Capital Improvement Program Projects.

IV. DIRECTOR'S REPORT

V. NEXT MEETING DATE - Monday, June 20, 1994, 7:00 p.m.

VI. ADJOURNMENT

Posted: 3rd Day of June, A.D., 1994 12:00 P.M.

Removed: 17th Day of June, A.D., 1994