

MINUTES OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION, OF THE CITY OF PEARLAND, TEXAS, HELD MONDAY, AUGUST 15, 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	Kevin Cole
Commissioner	Charles Philipp
Commissioner	Peggy Mayfield-Royer
Division Director - Planning, Public Works and Parks	Richard Burdine
City Engineer	John Hargrove
Secretary to the Commission	Wendy Standorf

APPROVAL OF MINUTES: Minutes of July 25, 1994

A motion to approve the minutes of the 7-25-94 meeting, was made by Vice Chairman Pat Lopez, seconded by Commissioner Marshall Eggers.

Motion Passed 7 to 0.

NEW BUSINESS

Landscape Plan Taco Bell, 2110 N. Main. Division Director Richard Burdine stated this landscape plan meets all of the provisions required by the Zoning Ordinance with regard to the Landscape Ordinance. Staff recommends approval as submitted.

Vice Chairman Pat Lopez made the motion, seconded by Commissioner Robert Larsen, to approve

the landscape plan, as submitted.

Motion Passed 7 to 0.

Landscape Plan Knights of Columbus, 2320 Hatfield. Mr. Burdine stated this landscape plan meets all of the provisions required by the Zoning Ordinance with regard to the Landscape Ordinance. Staff recommends approval as submitted.

Commissioner Charles Philipp made the motion, seconded by Commissioner Peggy Mayfield-Royer, to approve the landscape plan, as submitted.

Motion Passed 7 to 0.

Landscape Plan Kwik Kar Oil & Lube, 3021 E. Broadway. Mr. Burdine stated this landscape plan meets all of the provisions required by the Zoning Ordinance with regard to the Landscape Ordinance. Staff recommends approval as submitted.

Commissioner Marshall Eggers made the motion, seconded by Commissioner Kevin Cole, to approve the landscape plan, as submitted.

Motion Passed 7 to 0.

Landscape Plan McCoy's, 2814 S. Main. Chuck Blue and Robert Cantu, representing McCoy's were present requesting approval of the landscape plan. They are expanding the existing building to 18,000 square feet and have gone before the Zoning Board of Adjustments and were granted the 4 variances they requested. They are getting as close as possible to the requirements of the ordinance with the upgrades they have proposed.

Mr. Burdine recommended approval of the landscape plan as submitted.

Vice Chairman Pat Lopez made the motion, seconded by Commissioner Robert Larsen to approve the landscape plan as submitted.

Motion Passed 7 to 0.

Preliminary Plat Country Place Section 7. Mary Lou Henry of Vernon Henry & Associates was present requesting approval of the preliminary plat of Country Place Section 7 along with a variance requesting 20' building lines on cul-de-sac lots.

City Engineer Hargrove stated he had no problem with a 20' building line as long as the garage depth is enough so parked automobiles do not cross the sidewalk.

Vice Chairman Pat Lopez stated he does not particularly care for "blanket variances".

Commissioner Charles Philipp made the motion, seconded by Commissioner Peggy Mayfield-Royer to approve the preliminary plat of Country Place Section 7 and the variance as requested.

Motion Passed 7 to 0.

Preliminary Plat Pine Oaks Subdivision. Mr. Burdine wanted the Commission to note there is a private drive that will be built to City specifications.

City Engineer Hargrove stated the final plat will have a waterline easement along the property line. Staff recommends approval as submitted.

Vice Chairman Pat Lopez made the motion, seconded by Commissioner Kevin Cole to approve the preliminary plat of Pine Oaks Subdivision as submitted.

Motion Passed 7 to 0.

Preliminary Plat Bartlett Plaza. Mr. Burdine stated this is located 50' North of the new CiCi's Pizza parking lot in the K-Mart Addition. Staff recommends approval as submitted.

Commissioner Marshall Eggers made the motion, seconded by Commissioner Robert Larsen to approve the preliminary plat of Bartlett Plaza as submitted.

Motion Passed 7 to 0.

Recommendation to City Council: ZBA Recommendation to Amend Ordinance 509, Section 29.7 and Section 27.3. Mr. Burdine stated the Zoning Board of Adjustment acted on a variance request and was blasted by a property owner that wasn't aware the variance was being requested. State law requires that "due notice" be given to the public. Due notice in this case is the posting of the agenda 72 hours in advance of the meeting. If we treat a variance request like a zone change and notify property owners within 200' of the subject property, etc., the fee for a variance request would be raised to \$250, the same fee as collected for a zone change. The Zoning Board of Adjustment did not want to raise the fee, but wanted the adjoining property owners to be aware of the variance request. Hence, their decision to give the applicant forms to have their surrounding property owners sign stating whether they approve or disapprove of it.

A lengthy discussion among the Commissioners ensued regarding the notification process for variance requests and whether the fee should be increased if the cost to the City increased. If the process remains as it is, the fee should remain as it is.

Commissioner Kevin Cole made the motion, seconded by Vice Chairman Pat Lopez, to reject the Zoning Board of Adjustments recommendation to amend Ordinance No. 509, Section 29.7 and Section 27.3.

Motion Passed 7 to 0.

Commissioner Robert Larsen made the motion, seconded by Commissioner Peggy Mayfield-Royer to Amend Section 27.3 of the Ordinance by posting the agenda 72 hours in advance of the meeting as required by law and publish notice in the approved city newspaper, with the additional cost to be included in the variance fee.

Richard Burdine told the Commission they would be violating the Open Meetings Act if they act on this motion since it was not on the agenda.

Commissioner Robert Larsen withdrew his motion.

Director's Report:

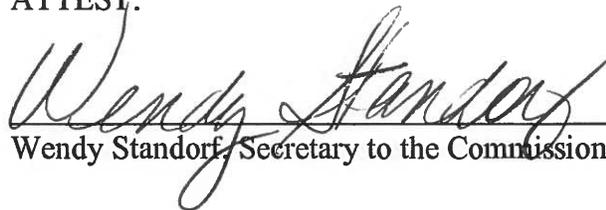
Next Meeting Date: August 29, 1994

Adjourned: 8:10 p.m.

Minutes approved as submitted and/or corrected this 29th day of August A.D., 1994.


Emil Beltz, Chairman

ATTEST:


Wendy Standorf, Secretary to the Commission

LANDSCAPE ANALYSIS

SEC. 20

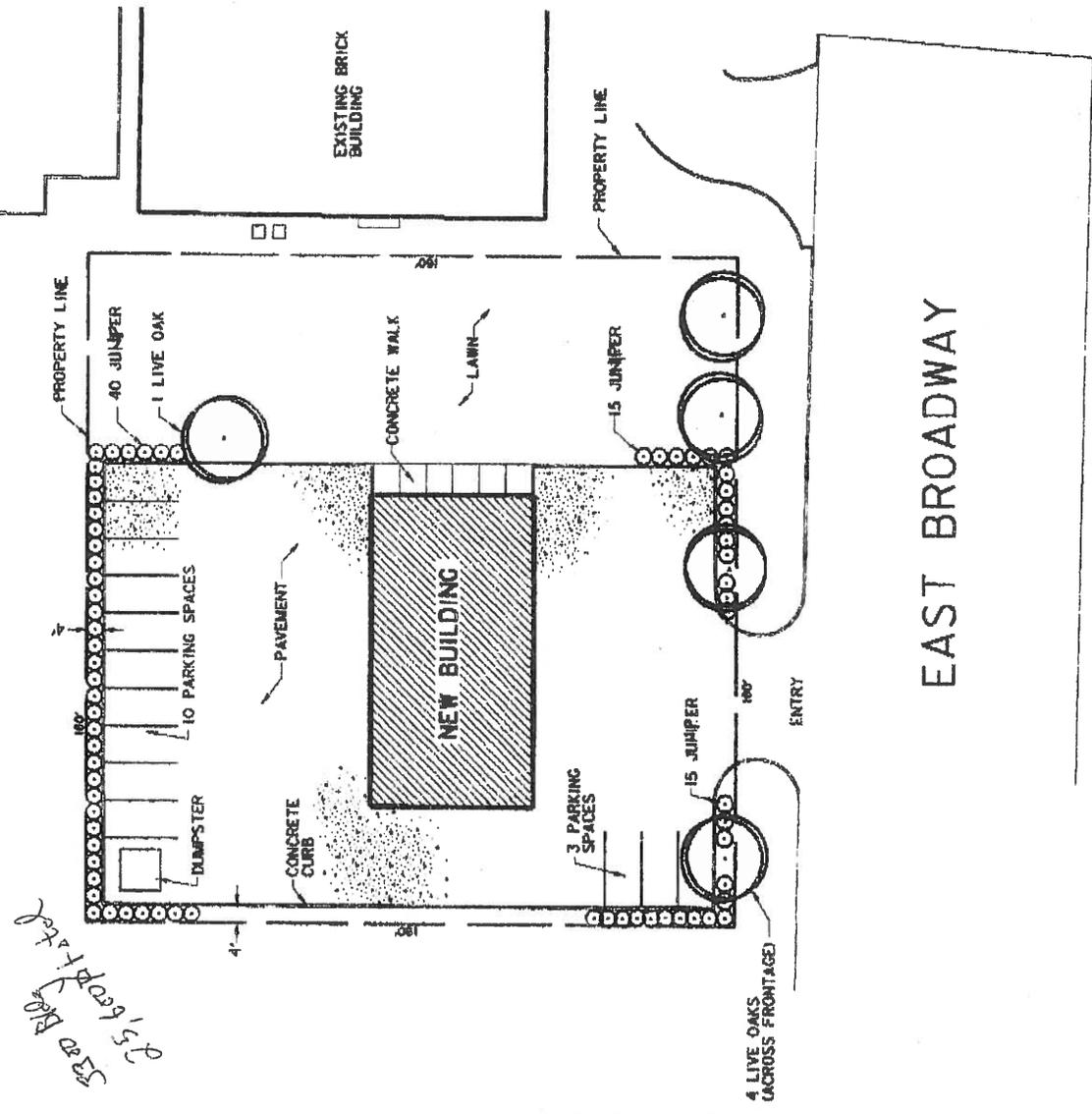
- A. STREET TREES REQUIRED
 - 180' STREET FRONTAGE x 15 = 10.88 CAL. INCHES OR 11 CAL. INCHES (RDU)
 - PLAN PROVIDES (4) 3" CALIPER TREES = 12 TOT. CAL. INCHES.
- B. PARKING/ADJACENT PROPERTY SCREENING (SHRUBS)
 - STREET TREE TOTAL CALIPER (11") x 5 = 55 REQUIRED SHRUBS.
 - PLAN PROVIDES (70) 1 GALLON 18" MIN. HT. EVERGREEN SHRUBS.
- C. PARKING AREA TREES
 - TOTAL PARKING SPACES = 13 + 5 = 2.6" CALIPER OR 3" CAL. (ROUNDED).
 - PLAN PROVIDES (1) 3" CALIPER TREE.

PLANT LEGEND

QUANTITY	SYMBOL	NAME	SIZE
4		LIVE OAK (QUERCUS VIRGINIANA)	3" CALIPER
70		JUNIPER JUNIPERUS HORIZONTALIS PLUMOSA	1 GALL. CONT.

TO: DON GUYRES
FOR YOUR REVIEW

FROM: PAUL KERLEY
977-7411 x 216



BERNARD JOHNSON YOUNG INC.

ARCHITECTURE • ENGINEERING • PLANNING • SYSTEMS

Wendy
Please piece
map together for
me.
RJ

TELEFAX TRANSMITTAL SHEET

FAX No. 713/977-4781

To Don Gwynes - Chief Building Inspector
From PAUL KERLEY

Date July 25, 1994

Time 3:30

J.O.

FAX No. 485-8764

RE: LANDSCAPE PLAN
KWIK KAR & OIL LUBE
① EAST BROADWAY

No. of Pages 2 (including this page)

Message:

MR. GWYNES,

PLEASE REVIEW PRELIMINARILY & CALL
ME AT YOUR CONVENIENCE.

PAUL KERLEY
977-7411 x 216

Any problems or questions, please call PAUL at (713) 977-7411 ext. 216

LETTER OF TRANSMITTAL

DATE JULY 29, 1994

J.O.

TO CITY OF PEARLAND
DON GUYNES
CHIEF CITY INSPECTOR

REFERENCE
KWIK KAR OIL & LUBE
PEARLAND, TEXAS

<p>The items listed below are transmitted:</p> <p><input checked="" type="checkbox"/> Attached</p> <p><input type="checkbox"/> Separate Cover</p> <p><input type="checkbox"/> By Messenger</p> <p><input type="checkbox"/> Other _____</p>	<p>Shop Drawing or Contractor Submittal Action:</p> <p><input type="checkbox"/> No Exceptions Taken</p> <p><input type="checkbox"/> Make Corrections Noted</p> <p><input type="checkbox"/> Revise and Resubmit</p> <p><input type="checkbox"/> Rejected</p>
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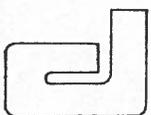
Description	No. Copies
10 COPIES LANDSCAPE PLAN	

REMARKS

Please advise if additional information is required.

By PAUL KERLEY (713) 977-7411
x 216

CC:



BERNARD JOHNSON INCORPORATED
SAM HOUSTON TOLL WAY PROJECT OFFICE
2313 WEST BELT NORTH, SUITE 103 • HOUSTON, TEXAS 77043 • 713/465-8880

OF

OFFICE OF THE CITY SECRETARY

CITY OF PEARLAND, TEXAS

TO: Emil Beltz, Chairman

DATE: August 9, 1994

Planning & Zoning Commission

c/o Wendy Standorf, Secretary to Commission

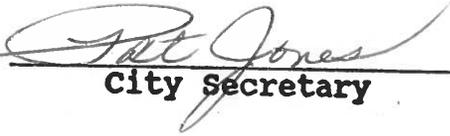
At the August 8, 1994 **meeting of the**
City Council of the City of Pearland, Texas, the following matter
was referred to you for appropriate disposal or for specific
action as indicated:

Per the attached letter from the Zoning Board of Adjustment,
Council has asked for the Commission's recommendation.

Documents Attached:

Letter 7-21-94

cc:



City Secretary



City of Pearland

3519 Liberty Drive • Pearland, Texas 77581-5416
(713) 485-2411 • Fax (713) 485-8764

July 21, 1994

Honorable Mayor and Council Members
City Hall
Pearland, Texas 77581

RE: RECOMMENDATION TO CITY COUNCIL TO AMEND ORDINANCE NO. 509,
SECTION 29.7

Honorable Mayor and Council Members,

At a regular meeting held on July 7, 1994, the Zoning Board of Adjustments considered the above mentioned recommendation.

Board Member Ben Lenamon made a motion that the fees remain \$100.00 and that a variance applicant be given forms to have their surrounding property owners sign stating that they are aware of the variance request and whether they approve or disapprove of it. Alternate Board Member Barbara Ellis seconded this motion.

Motion passed 5 to 0.

This recommendation is submitted for your consideration.

Sincerely,

John Lejsal, Chairman
Zoning Board of Adjustments

JL/mp

*Referred to PZ by Council
on 7-2-94.*

Section 27.2. Powers.

- A.** A request for interpretation of regulations or an appeal for variance from development controls may be taken by any person aggrieved or by any officer, department, or board of the City affected by a decision of the Enforcing Officer. Such appeal shall be taken within fifteen (15) days time after the decision has been rendered, by filing with the Enforcing Officer a notice of appeal specifying the grounds thereof. The Enforcing Officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.
- B.** The Board of Adjustment shall have the power to authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship and so that the spirit of the Ordinance shall be observed and substantial justice done.

In granting such variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.

Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in the District involved, or any use, expressly or impliedly, prohibited by the terms of this Ordinance in said District.

- C.** The Board of Adjustment shall have the power in appropriate cases and subject to appropriate conditions and safeguards to hear and decide special exceptions to the terms of this Ordinance upon which such Board is required to pass under this Ordinance.

Section 27.3. Hearing.

The Board of Adjustment shall fix a reasonable time for the hearing of an appeal, give public notice thereof, as well as due notice to the interested parties, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

In the exercise of the above mentioned powers the Board of Adjustment may reverse and affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and make such order, requirement, decision and determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

Section 27.4. Vote Required.

The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor

institute any appropriate action or proceedings in court to prevent, restrain, correct, or abate or to prevent any illegal act, conduct, business or use in or about any land; and the definition of any violation of the terms of this Ordinance as a misdemeanor, shall not preclude the City of Pearland from invoking the civil remedies given it by law in such cases; but same shall be cumulative of and in addition to the penalties prescribed for such violation.

Section 29.7. Fees.

Every application for a zone change or variance shall be accompanied by a filing fee in an amount sufficient to defray the actual cost of processing the application. Such application fee shall be based upon average current cost to the City of Pearland and shall be established and amended by Resolution of the City Council.

Section 29.8. Enactment.

All orders, ordinances, or parts of ordinances in conflict with this Ordinance or inconsistent with the provisions of this Ordinance, are hereby repealed only to the extent necessary to give this Ordinance full force and effect. Ordinance 246, heretofore adopted by the City Council on February 26, 1973, is hereby expressly repealed.

Section 29.9. Severability Clause.

Should any word, clause, phrase, sentence, section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid, and the remainder hereof shall remain in full force and effect.

Section 29.10. Effective Date.

This Ordinance shall be effective and in full force on the tenth day after its publication by caption in the official newspaper of the City of Pearland, Texas.

Section 29.11. Incorporation Into Code of Ordinances.

It is the intention of the City Council, and it is hereby ordained, that the provisions of this Ordinance shall be made a part of the Code of Ordinances City of Pearland, Texas, and the sections of this Ordinance may be renumbered to accomplish such intention.



City of Pearland

3519 Liberty Drive • Pearland, Texas 77581-5416
(713) 485-2411 • Fax (713) 485-8764

August 15, 1994

Honorable Mayor and Council Members
City Hall
Pearland, Texas 77581

Re: RECOMMENDATION TO THE CITY COUNCIL ON THE ZONING BOARD OF
ADJUSTMENT RECOMMENDATION TO AMEND ORDINANCE NO. 509,
SECTION 29.7, AND SECTION 27.3.

Honorable Mayor and Council Members:

The Planning and Zoning Commission, at a regular meeting held on August 15, 1994, considered the above mentioned recommendation to the City Council.

Commissioner Kevin Cole made the motion, seconded by Vice Chairman Pat Lopez, to reject the Zoning Board of Adjustments recommendation to amend Ordinance No. 509, Section 29.7 and Section 27.3.

Motion Passed 7 to 0.

This is submitted for your consideration.

Sincerely yours,

Emil Beltz
(ws)

Emil Beltz, Chairman
Planning & Zoning Commission

EB/wks

cc John Lejsal, Chairman
Zoning Board of Adjustment

AGENDA - REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, AUGUST 15, 1994, at 7:00 P.M. IN THE COUNCIL CHAMBERS AT CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

II. APPROVAL OF MINUTES: Minutes of July 25, 1994

III. NEW BUSINESS

- A. CONSIDERATION AND POSSIBLE ACTION - LANDSCAPE PLAN, Taco Bell, 2110 N. Main, Pearland, Texas.**
- B. CONSIDERATION AND POSSIBLE ACTION - LANDSCAPE PLAN, Knights of Columbus, 2320 Hatfield, Pearland, Texas.**
- C. CONSIDERATION AND POSSIBLE ACTION - LANDSCAPE PLAN, Kwik Kar Oil & Lube, 3021 E. Broadway, Pearland, Texas.**
- D. CONSIDERATION AND POSSIBLE ACTION - LANDSCAPE PLAN, McCoy's, 2814 S. Main, Pearland, Texas.**
- E. CONSIDERATION AND POSSIBLE ACTION - PRELIMINARY PLAT, COUNTRY PLACE SECTION 7, being 9.2 acres out of the J. Crawley Survey, A-174, Brazoria County, Texas.**

- 1. Variance request from Section 27-4(D)(1)(a)(C), to reduce front building lines to twenty feet in special cases where lot depths are less than one hundred five feet.**

Block 1, Lots 33, 34, 35. These lots face on the cul-de-sac bulb and, because their lot lines splay out around the corners of the tract, their depths exceed 105 feet even though the typical lot depth of all the other lots is only 100 feet.

In order for the lots that front on the cul-de-sac bulbs to have front yards comparable to the typical size lots, we request a variance to permit a front building line of 20' on all lots.

- F. CONSIDERATION AND POSSIBLE ACTION - PRELIMINARY PLAT OF PINE OAKS SUBDIVISION, being a 9.4863 acre tract of land being lot 24 of the Allison Richey Gulf Coast Home Company's Suburban Garden's Subdivision of Section 7, located in the H.T. & B. R.R. Co. Survey, Abstract 219, in Brazoria County, Texas.**

G. CONSIDERATION AND POSSIBLE ACTION - PRELIMINARY PLAT BARTLETT PLAZA, A re-plat of 4.000 acres being part of lot 32, Zychlinski subdivision, according to the plat thereof recorded in Volume 29. Page 43, Deed Records, Brazoria County, Texas.

H. CONSIDERATION AND POSSIBLE ACTION - RECOMMENDATION TO CITY COUNCIL Regarding The Zoning Board Of Adjustment Recommendation to Amend Ordinance No. 509, Section 29.7 and Section 27.3.

IV. DIRECTOR'S REPORT

V. NEXT MEETING DATE August 29, 1994 or September 19, 1994, to be determined by the Commission.

VI. ADJOURNMENT

Posted: 11th Day of August, A.D., 1994 3:45 P.M.
Removed: 16th Day of August, A.D., 1994