

**MINUTES OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION, OF THE CITY OF PEARLAND, TEXAS, HELD MONDAY, NOVEMBER 20, 1995 AT 7:00 P.M., IN THE COUNCIL CHAMBERS, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

**I. CALL TO ORDER**

The meeting was called to order at 7:00 p.m. with the following present:

Chairman	Pat Lopez
Vice Chairman	Emil Beltz
Commissioner	Marshall Eggers
Commissioner	Robert Larsen
Commissioner	Peggy Mayfield-Royer
Commissioner	Randy Patro
Assistant City Manager	Richard Burdine
City Engineer	John Hargrove
Secretary to the Commission	Judy Highburger

Commissioner Jeffery O'Brien was absent.

**II. APPROVAL OF MINUTES:** Minutes of November 6, 1995

A motion to approve the minutes of the 11-6-95 meeting, was made by Commissioner Peggy Mayfield-Royer, seconded by Commissioner Emil Beltz. Commissioner Mayfield-Royer amended the motion with the re-wording of one paragraph under the Waiver of Landscape Requirements at 2219 North Austin.

**Motion Passed 5 to 1 (Commissioner Marshall Eggers abstained).**

**REQUIRED CORRECTIONS:**

"Richard Burdine advises approval of the waiver at this address since it is a single family residence, rather than the multi-family or commercial development from which the landscape requirements were written."

### III. NEW BUSINESS

A. **Specific Use No. 38.** Request of Carl E. Talbot, agent (Executive Director of Estate) for Essie Talbot, owner, for a Specific Use Permit to allow for a duplex or single family homes to be built in a General Business District (GB) on the following described property, to-wit:

Lots 29, 30, & 31, Block 6, Old Town Site (2232 Grand Boulevard)

Richard Burdine stated the Commission and City Council held a Joint Public Hearing on November 13, 1995, and had no opposition to Specific Use No. 38 and recommended approval. The lot numbers are correct, not the physical address.

A motion to approve Specific Use No. 38 was made by Commissioner Robert Larsen and seconded by Commissioner Marshall Eggers.

**Motion Passed 6 to 0.**

B. **Final Plat of Banbury Cross, Section 4**, being a 9.124172 acre tract out of the Thomas Greene Survey, Abstract 198 in the city of Pearland, Brazoria County, Texas.

John Garner of Municipal Engineering, requested approval of the final plat of Banbury Cross. John Hargrove recommended the plat be accepted as submitted with the following corrections:

1. Benchmark reference needs to be referenced to standard benchmarks.
2. Needs point of beginning of property description added to map.
3. Westminister Blvd. 20 foot front building line and 16 foot U.E. line reference to be put on drawing.
4. Note #9 be re-worded: "nor" to be replaced by "and".

Mr. Hargrove remarked that Municipal Engineering has to go back to Brazoria County Drainage District, as the rules have a one year expiration clause. Mr. Garner anticipates meeting the deadline.

Commissioner Mayfield-Royer questioned Westminister Blvd. going any further, and Mr. Hargrove explained it is close to connecting with Clear Creek Parkway. Mr. Burdine mentioned it remains

to be seen if there will be development on both sides of the Parkway, or just one side.

Commissioner Eggers made the motion, seconded by Commissioner Mayfield-Royer to approve the plat with the above stated corrections.

**Motion passed 6 to 0.**

**C. Preliminary plat of Southwyck, Section 8, Phase 2 & 3**, a replat of Southwyck, Section 8 and being 44.3374 acres out of the George C. Smith Survey, Abstract 548.

**Variance Request** - to use a 20 foot building line on cul-de-sac and thumbnail lots.

There was no representative for Southwyck; however, Mr. Hargrove did not have substantive questions on the plat. There are minor changes to be made (such as street light easements). Mr. Larsen asked if there were objections from the City Engineer to the requested variance and Mr. Hargrove indicated he had none.

Commissioner Mayfield-Royer made the motion, seconded by Robert Larsen, to table the item until the next meeting.

**Motion passed 6 to 0.**

**D. Discussion on Proposed Revisions to the Land Use and Urban Development Ordinance, and setting a Public Hearing date.**

Mr. Burdine referred to Ordinance No. 509-C, and More Revisions (11-20-95) attached hereto as Exhibits A and B.

After lengthy discussion, some of the items considered were "frontage" to replace "fronts on major thoroughfares"; and, "disabled parking spaces" changed to "parking spaces for the disabled".

Mr. Burdine stated it is more productive for the Commission to have its own public hearing then, recommend changes to the City Council. The Council will hold their own hearing. The public hearing notice has to be published for a minimum of 15 days before a hearing.

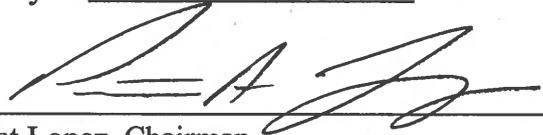
A motion was made by Commissioner Robert Larsen, seconded by Commissioner Marshall Eggers, to set a date for a Public Hearing on the proposed revisions to the Land Use and Urban Development Ordinance on January 15, 1996, at 7:00 p.m. in the Council Chambers.

**Motion passed 6 to 0.**

**IV. Next Meeting Date:** Monday, December 4, 1995; 7:00 p.m.

**V. Adjourned:** 8:47 p.m.

Minutes approved as submitted this 4 day of DECEMBER  
A.D., 1995.

  
\_\_\_\_\_  
Pat Lopez, Chairman

ATTEST:

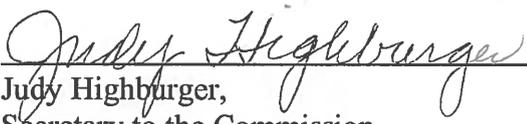
  
\_\_\_\_\_  
Judy Highburger,  
Secretary to the Commission

EXHIBIT "A"

ORDINANCE NO. 509-C

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING ORDINANCE NO. 509, THE LAND USE AND URBAN DEVELOPMENT ORDINANCE OF THE CITY OF PEARLAND BY AMENDING SECTION 3 THEREOF TO ADD A DEFINITION FOR ARCHITECTURAL METAL; BY AMENDING SECTIONS 9, 11, 12, 13 AND 14 TO ALLOW A SINGLE DRIVEWAY ON LOTS LESS THAN 110 FEET IN WIDTH AND ON LOTS WITH 1 AND 2 FAMILY DWELLINGS IN THE MF, OP, NS AND GB DISTRICTS, RESPECTIVELY; BY AMENDING SECTION 19 TO DELETE PEDESTRIAN LANES IN PARKING LOTS TO REVISE CONSTRUCTION AND MAINTENANCE STANDARDS; BY AMENDING SECTION 20 TO EXCEPT DETACHED, SINGLE FAMILY HOMES BUILT IN BUSINESS ZONES FROM LANDSCAPE REGULATIONS AND TO REVISE THE ROLE OF THE PLANNING AND ZONING COMMISSION IN LANDSCAPE PLAN REVIEW; BY AMENDING SECTION 22, SIGN REGULATIONS TO PROHIBIT SIGNS IN THE FORM OF BANNERS, POSTERS, PENNANTS, ROBBOONS, STREAMERS, STRINGS OF LIGHT BULBS, SPINNERS OR OTHER SIMILAR DEVICES; AND BY AMENDING TABLE VII THERETO TO ESTABLISH THE HEIGHT AND MINIMUM DISTANCE BETWEEN OFF-PREMISE DIRECTIONAL SIGNS; BY AMENDING TABLE III TO PROHIBIT BILLBOARDS AND POLE TYPE SIGNS IN CERTAIN COMMERCIAL ZONING DISTRICTS; PROVIDING A PENALTY FOR VIOLATION; HAVING A SAVINGS CLAUSE; HAVING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City Council has received the recommendations of the Planning and Zoning Commission concerning the matters herein dealt with, which recommendations were made after the holding of a public hearing before said Commission and before the holding of a public hearing before the City Council on such matters; and,

WHEREAS, notices have been published of the times and places of said public hearings held before the Planning and Zoning Commission and City Council concerning the changes herein made, which public hearings have been duly held; and,

WHEREAS, the City Council has determined that the amendments to the Land Use and Urban Development Ordinance of the City of Pearland herein made are in the best interest of the health, safety and general welfare of the citizens of the City of Pearland;

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

Section 1. THAT Ordinance 509, the Land Use and Urban Development Ordinance of the City of Pearland be amended by amending Section 3 thereof by adding the definition of the term, 'Architectural Metal', as follows:

**ARCHITECTURAL METAL:** A building facade material of interlocking metal panels, 26 gauge or thicker, having no exposed fasteners.

Section 2. THAT Ordinance 509, the Land Use and Urban Development Ordinance of the City of Pearland be amended by revising Section 9.4.(j.) to read as follows:

j. Access: There shall be provided a minimum of two (2) driveways per lot, no portion of which shall be any closer than fifteen (15) feet to adjacent lot lines. A single driveway may be permitted on lots less than 110' in width and on lots with 1 or 2 family dwellings.

Section 3. THAT Ordinance 509, the Land Use and Urban Development Ordinance of the City of Pearland be amended by revising Section 11.4.1.(a) to read as follows:

(a) Minimum lot size. Every lot within the zoning district shall be at least 12,500 square feet in area. See Section 24.2.1. for exception.

Section 4. THAT Ordinance 509, the Land Use and Urban Development Ordinance of the City of Pearland be amended by revising Section 11.4.7. to read as follows:

Access: A minimum of two driveways shall be required with no portion thereof closer than fifteen (15) feet to an adjacent lot line, unless otherwise approved by the City. One (1) driveway may be permitted on lots less than 110' in width and on lots with 1 or 2 family dwellings.

Section 5. THAT Ordinance 509, the Land Use and Urban Development Ordinance of the City of Pearland be amended by revising Section 12.4.1.(a) to read as follows:

- (a) Minimum lot size. Every lot within the zoning district shall be at least 12,500 square feet in area. See Section 24.2.1. for exception.

Section 6. THAT Ordinance 509, the Land Use and Urban Development Ordinance of the City of Pearland be amended by revising Section 12.4.7. to read as follows:

Access: Each lot shall have not less than two driveways with exterior driveways no closer than fifteen (15) feet from the adjacent lot line, ~~or as otherwise approved by the City.~~ One (1) driveway may be permitted on lots less than 110' in width and on lots with 1 or 2 family dwellings.

Section 7. THAT Ordinance 509, the Land Use and Urban Development Ordinance of the City of Pearland be amended by revising Section 13.4.1.(a) to read as follows:

- (a) Minimum lot size. Every lot within the zoning district shall be at least 22,500 square feet in area. See Section 24.2.1. for exception.

Section 8. THAT Ordinance 509, the Land Use and Urban Development Ordinance of the City of Pearland be amended by revising Section 13.4.7. to read as follows:

7. Access: Each lot shall have not less than two (2) driveways no closer than twenty-five (25) feet from adjacent lot lines, unless otherwise approved by the City. One (1) driveway may be permitted on lots less than 110' in width and on lots with 1 or 2 family dwellings.

Section 9. THAT Ordinance 509, the Land Use and Urban Development Ordinance of the City of Pearland be amended by revising Section 14.4.1.(a) to read as follows:

- (a) Minimum lot size. Every lot within the zoning district shall be at least 22,500 square feet in area. See Section 24.2.1. for exception.

Section 10. THAT Ordinance 509, the Land Use and Urban Development Ordinance of the City of Pearland be amended by revising Section 19.4.3.(a) to read as follows:

3. Access and Maneuvering:

- (a) Entrances and/or ~~exists~~ ~~exits~~ shall be so located as to minimize traffic congestion. Driveways shall be located so that the opening, including turning radii, is no closer than 25 feet to the end of a street intersection curb return. In no case shall such entrance or exit be closer than 35 feet from the intersection of any extended curb line. The width of the opening of entrances and exits measured at the property line, not including the turning radii of the driveway apron between the property line and the adjacent curb, shall be not less than twelve (12) feet in R-1, R-2, R-3, and R-4 areas and not less than twenty-five (25) feet in any district nor more than thirty-five (35) feet in any district. Between any two (2) adjacent entrances or exits serving the same parking facility there shall be provided at the property line a separation of not less than twenty-five (25) feet. Beyond the required number of driveways for each district, there shall be permitted no more than one additional driveway for each one hundred (100) feet of lot width above the minimum lot width. Common driveways may be allowed upon approval of the City.

Section 11. THAT Ordinance 509, the Land Use and Urban Development Ordinance of the City of Pearland be amended by deleting Section 19.4.5. and renumbering Section 19.4.6. to read as follows:

~~5. Pedestrian Lanes:~~

~~When the parking area is designed to accommodate more than 100 vehicles, and where a majority of the parking spaces are not located next to a building walkway at the perimeter of the building, there shall be provided separate, marked pedestrian walkways to enable pedestrians to safely transit the parking area with minimum hazard. Such walkways shall have a clear width of not less than four (4) feet exclusive of vehicle overhang where head-in parking adjoins the walkways.~~

6.5. Alternative Landscaping for Parking:

Section 12. THAT Ordinance 509, the Land Use and Urban Development Ordinance of the City of Pearland be amended by revising Section 19.5.1. to read as follows:

1. Paving and Drainage:

All off-street parking areas shall be paved with not less than five (5) inches of reinforced Portland cement concrete ~~or four (4) inches on compacted subgrade, or one and one-half (1-1/2) inches of hot-mixed asphaltic cement concrete with a six (6) inch lime treated subbase to adequately provide an on five (5) inches of approved granular base on six (6) inches of lime treated subbase, or equal, as approved by the Director of Public Works. This is required to provide an adequate all-weather surface to the building line. unless otherwise approved by the Director of Public Works.~~ Parking areas shall be graded and drained in such manner that run-off shall be properly channeled into a storm drain water course, ponding area, or other approved facility.

Section 13. THAT Ordinance 509, the Land Use and Urban Development Ordinance of the City of Pearland be amended by revising Section 19.5.6. to read as follows:

6. Maintenance Requirements.

To insure that all requirements set forth in this section are carried forward, it will be the responsibility of the owner of the parking area to maintain the facility, including repair of potholes and pavement failures at least every three (3) months. All off-street parking areas shall be kept free of trash, debris, vehicle repair operation or display and advertising uses. At no time after initial approval of the parking area layout can changes be made in the location and number of provided spaces without approval of the City.

Section 14. THAT Ordinance 509, the Land Use and Urban Development Ordinance of the City of Pearland be amended by revising Section 19.6.3. to read as follows:

3. Parking Space for Disabled.

Disabled parking spaces shall be provided and clearly marked as required in the Building Code 1985 edition, under the rules and regulations promulgated by the State Purchasing and General Services Administration, The Elimination of Architectural Barriers Program.

Section 15. THAT Ordinance 509, the Land Use and Urban Development Ordinance of the City of Pearland be amended by revising Section 20.1. to read as follows:

The landscape requirements of this section shall be minimum standards for and be applicable to the following districts, MF, MH, OP, NS, GB, C, PUD, M-1, M-2, and specific uses as permitted by Section 23 hereof, except for detached, single family homes built in said districts. The landscape requirements shall also apply when:

- (1) there is an enlargement exceeding 1,000 square feet in area of the exterior dimensions of an existing nonresidential or multi-family residential building for which a building permit is required; or
- (2) there is an existing parking lot which is expanded in area to provide additional parking spaces.

The building facade requirements of this section shall apply to all buildings fronting on major thoroughfares or located in the MF, OP, NS, GB or C districts. Existing buildings shall also conform to facade requirements upon a change of occupancy or expansion of the existing occupancy.

Section 16. THAT Ordinance 509, the Land Use and Urban Development Ordinance of the City of Pearland be amended by revising Section 20.2. to read as follows:

Prior to the construction and erection of a building or structure subject to the requirements of this section, a landscape plan shall be submitted for consideration and approval, by the Planning and Zoning Commission. A landscape plan shall also be submitted as part of a Planned Unit Development District. The landscape plan

shall contain as a minimum the following information:

- (a) A Conceptual Plan of the landscaping identifying general layout will be required.
- (b) The Plans should contain dimensions and elevations, where appropriate, of special structural elements such as building facades, walls, planters, foundations, berms, walkways and irrigating systems.
- (c) Building outlines, parking areas and arrangements, fences and structural features to be constructed on the site.
- (d) Landscape plans shall be prepared at a scale of 1" = 40' or larger scale and on a sheet size of 24" x 36". The plan sheets shall contain a scale, north arrow, name and address of the landscape architect, designer, or architect and the site owner and/or developer. The plans shall also identify the development and provide a brief description of the property and its location.

Section 17. THAT Ordinance 509, the Land Use and Urban Development Ordinance of the City of Pearland be amended by revising Section 20.3. Minimum Landscape Requirements, to read as follows:

Up to ten (10) percent of the entire area of the site not covered by buildings and not a part of the right-of-way or dedicated public streets or three (3) percent of the gross area of the site, whichever is greater, shall be required as landscaping to meet the requirements of this section.

- (a) The minimum landscape requirements shall be employed in accordance with the Tree Preservation and Landscape Design Guidelines (Guidelines) made a part hereof, to improve aesthetic appearance, to enhance the compatibility of different land uses, and to mitigate negative environmental influences on land uses (e. g. heat, noise, air pollution). Trees in Class I or II of the Guidelines with a minimum two inch (2") caliper measured twelve inches (12") from the ground shall be provided along street frontage(s) with the total caliper inches equal to one inch (1") for each fifteen feet (15')

of frontage.

- (b) Landscaping shall be required for the screening of parking areas from an abutting public right-of-way or adjacent property, ~~as required by the Planning and Zoning Commission~~. The number of shrubs shall be equal to the total caliper inches of street trees required under this article multiplied by five (5). Shrubs shall be maintained at a height of no more than thirty-six inches (36") nor less than eighteen inches (18") as measured from the surrounding soil line.
- (c) Interior landscaping shall be required ~~by the Planning and Zoning Commission~~ to be integrated into the overall design of the surface parking area in such a manner that it will assist in defining parking slots, pedestrian paths, driveways, and internal collector lanes, in limiting points of ingress and egress, and in separating parking pavement from street alignments. In addition to street trees required under Section 20.3.(a), trees in Class I or II of the Guidelines with a minimum two inch (2") caliper shall be provided within or adjacent to the parking area. The total caliper inches shall equal one inch (1") for each five (5) parking spaces.

Caliper inches of street and parking lot trees may be provided by planting a combination of trees that exceed the minimum two inch (2") caliper.

Where intensity of site development makes planting all required trees impractical, contributions to the Parks and Thoroughfares Landscaping Fund (Fund) may provide up to fifty percent (50%) of total required caliper inches of trees, ~~subject to review and approval of the Planning and Zoning Commission~~. A contribution rate per caliper inch shall be determined annually by the City Council and proceeds from the Fund shall be expended solely for the landscaping of public parks and thoroughfares.

- (d) Landscaping shall be required ~~by the Planning and Zoning Commission~~ to screen outside storage areas, loading docks and delivery entrances from adjacent property and public street right-of-way.

- (e) All landscaping shall be located so as not to interfere with the act of parking or with parking area maintenance and so as not to create a traffic hazard by obscuring driver or pedestrian vision of the intersections of walkways, driveways, collector lanes and streets or any combination thereof.
- (f) Landscaping may be required by ~~the Planning and Zoning Commission~~ to interrupt front building lines unbroken for a distance in excess of two hundred (200) feet.
- (g) Existing trees of larger than ten (10) inches in caliper measured twelve (12) inches from the ground shall be noted on the landscape plan. When possible, existing trees should be included in the landscape plan.

Credit toward required caliper inches of street and parking lot trees may be given by the Planning and Zoning Commission for the preservation of existing on-site trees (including any to be transplanted) when requested and depicted on the landscape plan. The Planning and Zoning Commission may give credit of up to three caliper inches (3") for each caliper inch of on-site trees preserved.

In order to be eligible for credit, an existing tree shall be in Class I through III in the Guidelines, in good condition, and be true to species, habitat and form.

- (h) Artificial plants and trees shall not be considered in the satisfaction of the requirements of this section.

Section 18. THAT Ordinance 509, the Land Use and Urban Development Ordinance of the City of Pearland be amended by revising Section 20.6. to read as follows:

Buildings shall have a minimum of seventy five percent (75%) masonry ~~appearance~~, glass or architectural metal on front and side exterior walls.

Section 19. THAT Ordinance 509, the Land Use and Urban Development Ordinance of the City of Pearland be amended by revising Section 22.11.(11) to read as follows:

- (11) Signs which ~~contain or have attached thereto~~ ~~in the form~~

of banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similar devices are prohibited.

Section 20. THAT Ordinance 509, the Land Use and Urban Development Ordinance of the City of Pearland be amended by revising Section 22.11.(12) to read as follows:

(12) Signs, or obsolete components thereof, which no longer advertise a bona fide business conducted, or a product sold, shall be removed or have blank faces installed by the owner, agent or person having beneficial use of the land, building or structure upon which such sign is located within thirty (30) days after written notification to do so from the Building Official. Upon failure to comply with such notice within the time specified in such order, the Building Official is authorized to file a complaint in Municipal Court and/or cause removal of such sign, and any expense incidental thereto shall be paid by the owner of the land, building or structure to which such sign is attached or upon which it is erected.

Section 21. THAT Ordinance 509, the Land Use and Urban Development Ordinance of the City of Pearland be amended by revising Section 22.17.(1) and (3) to read as follows:

- (1) One builder/subdivision sign may be located at the main entrance of any new subdivision. Four (4) additional directional signs may be located off-site premise at appropriate locations with no such sign closer than twenty five (25) feet to any other sign.
- (3) The maximum area of a subdivision directional sign shall not exceed 32 square feet (two sides maximum), with a length to width ratio not to exceed 3:1 and a height not to exceed eight (8) feet).

Section 22. THAT Ordinance 509, the Land Use and Urban Development Ordinance of the City of Pearland, be amended by revising Table III - Table of Uses, on the lines on page 86 (as currently paginated) in "RETAIL AND BUSINESS SERVICES" which are, "Signs (Billboard) Advertising" and "Signs, Pole Types (On Premise)", to read as follows:

SD R1 R2 R3 R4 MF MH OP NS GB C M1 M2

Signs (Billboard) Advertising

NO NO

Signs, Pole Types (On Premise)

NO YES YES YES

Section 23. THAT Ordinance 509, the Land Use and Urban Development Ordinance of the City of Pearland be amended by revising Table VII., Special Provisions, to read as follows:

Churches, colleges, government-owned buildings and institutional, educational uses shall be allowed on-premise building ground signs not exceeding 100 square feet per sign face.

Churches, colleges, government-owned buildings and institutional educational uses shall be allowed four off-premise sign(s), for directional purposes, not to exceed 32 square feet per face (2 sides maximum) and eight (8) feet in height, with no such sign closer than twenty five (25) feet to any other sign. Additional off-premise directional signs may be authorized by the Zoning Board of Adjustments along major thoroughfares as defined on Page 2-39 of the Pearland Comprehensive Development Plan (1978), or as amended."

Section 24. THAT Ordinance 509, the Land Use and Urban Development Ordinance of the City of Pearland be amended by revising Table VI., SCHEDULE OF OFF-STREET PARKING STANDARDS, (9) (a) and (11) (a) to read as follows:

USE	NUMBER OF REQUIRED <del>FOR</del> PARKING SPACES	EACH
(9) (a) Shopping Centers, Malls and Multi-occupancy uses over 3 acres	1	<del>200</del> 165 sq. ft. of floor area
(11) (a) Multi Use occupancy less than 3 acres	1	<del>165</del> 200 sq. ft. of

floor  
area

Section 25. Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon final conviction thereof shall be fined in a sum not to exceed \$2,000.00 for each offense. Each day such violation continues to exist shall constitute a separate offense. But in case any person, firm or corporation violates any of the provisions of this Ordinance or fails to comply therewith, the City of Pearland, in addition to imposing the penalties above provided, may 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 26. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this ordinance which can be given effect without the invalid provision or application and to this end the provisions of this ordinance are declared to be severable.

Section 27. All provisions of prior ordinances of the City in conflict with any provision of this ordinance are hereby repealed, but only to the extent of any such conflict.

Section 28. The City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause of this ordinance as provided by law.

PASSED, APPROVED and ADOPTED on first reading this

\_\_\_\_\_ day of \_\_\_\_\_, A. D., 199 .

\_\_\_\_\_  
Tom Reid, Mayor

ATTEST:

\_\_\_\_\_  
Yoland Benitez,  
City Secretary

PASSED, APPROVED and ADOPTED on first reading this

\_\_\_\_\_ day of \_\_\_\_\_, A. D., 199 .

\_\_\_\_\_  
Tom Reid, Mayor

ATTEST:

\_\_\_\_\_  
Yoland Benitez,  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Amy Motes McCullough,  
City Attorney

More Revisions (11/20/95)

Page 63., Section 22.15. Replacement or repair of sign.

- (1) When any sign, or a substantial part of it, is blown down or otherwise destroyed or taken down or removed for any purpose other than maintenance operations or for changing the letters, symbols or other matter on the sign, it may not be replaced, reerected, reconstructed, or rebuilt except in full conformance with the provisions and requirements of this ordinance.
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Page 70., Section 26 - Non-Conforming Uses, Land Use and Urban Development Ordinance:

**Section 26.9. Abandonment.**

A nonconforming use of any building, or structure or sign which has been abandoned shall not thereafter be returned to any nonconforming use. A nonconforming use shall be considered abandoned when:

- (a) It has been replaced with a conforming use, or
  - (b) Such building, or structure or sign is or hereafter becomes vacant and remains unoccupied or out of use for a continuous period of six (6) months, or the special equipment and furnishings peculiar to the nonconforming use have been removed from the premises and have not been replaced within such six (6) month period; or
  - (c) The intention of the owner to permanently discontinue the use is apparent.
- 

Page 89., Table III, Land Use and Urban Development Ordinance:

<u>SD</u>	<u>R1</u>	<u>R2</u>	<u>R3</u>	<u>R4</u>	<u>MF</u>	<u>MH</u>	<u>OP</u>	<u>NS</u>	<u>GB</u>	<u>C</u>	<u>M1</u>	<u>M2</u>
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Light Manufacturing Process Class A (see definition below)

NO	YES	YES										
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Page 11., Definitions, Land Use and Urban Development Ordinance:

**LIGHT MANUFACTURING PROCESS:** Light manufacturing process which does not emit detectable dust, odor, smoke, gas or fumes beyond the bounding property lines of the lot or tract upon which the use is located and which does not generate noise or vibration at the boundary of the district which is generally perceptible in frequency or pressure above the ambient level of noise in the adjacent areas.

ZONING CHANGE APPLICATION

PAID

CHANGE REQUESTED:

Change in Zoning Classification  Specific Use

From: GB

For: DUPLEX or

To: S

single family homes

RECEIVED  
OCT 18 1995

Change in Regulations in CITY OF PEARLAND  
Section \_\_\_\_\_ CITY SECRETARY'S OFFICE

PROPERTY IDENTIFICATION: 2232 GRAND BLVD. 485-3967

Street or Road Address: \_\_\_\_\_

Lot 29 / 30 / 31, Block 6, Addition OTS Tax I.D.# 03250-0006-000-29000

LEGAL DESCRIPTION:

Unplatted Land: (Must have survey & metes and bounds description) \_\_\_\_\_

PROPOSED USE OF LAND WITHIN REQUESTED DESIGNATION:

BUILD A NEW DUPLEX or single family homes

RECORD OWNER: ESSIE TALBOT c/o CARL TALBOT 485-3967

OWNER'S MAILING ADDRESS & PHONE NO.: 3208 REGAL OAKS  
PEARLAND, TX. 77581

AGENT'S NAME: \_\_\_\_\_ NO. \_\_\_\_\_

AGENT'S MAILING ADDRESS: \_\_\_\_\_

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: Carl J. Talbot SIGNATURE: \_\_\_\_\_  
OWNER EXEC. DIR. OF ESTATE AGENT  
(AGENT)

FEE: \$ 250<sup>00</sup> DATE PAID: 10-18-95 RECEIVED BY: KC

DATE FILED: 10-18-95 APPLICATION NO. 38

EXHIBIT "A"





# City of Pearland

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

November 21, 1995

Honorable Mayor and Council Members  
City Hall  
Pearland, Texas 77581

Re: RECOMMENDATION TO THE CITY COUNCIL ON SPECIFIC USE NO. 38, THE REQUEST OF CARL E. TALBOT, AGENT (EXECUTIVE DIRECTOR OF ESTATE) FOR ESSIE TALBOT, OWNER, FOR A SPECIFIC USE PERMIT TO ALLOW FOR A DUPLEX OR SINGLE FAMILY HOMES TO BE BUILT IN A GENERAL BUSINESS DISTRICT (GB) ON THE FOLLOWING DESCRIBED PROPERTY, TO-WIT:

LOTS 29, 30, & 31, BLOCK 6, OLD TOWN SITE (2232 GRAND BOULEVARD).

Honorable Mayor and Council Members:

The Planning and Zoning Commission, at a regular meeting held on November 20, 1995, considered the above mentioned recommendation to the City Council.

Commissioner Robert Larsen made the motion, seconded by Commissioner Marshall Eggers, to recommend to the City Council **approval** of Specific Use No. 38.

Motion Passed 6 to 0 (Commissioner Jeffery O'Brien was absent).

This is submitted for your consideration.

Sincerely yours,

*Pat Lopez* <sup>JH</sup>

Pat Lopez, Chairman  
Planning & Zoning Commission

PL/jh

**AGENDA - REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, NOVEMBER 20, 1995, 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 November 6, 1995

**III. NEW BUSINESS**

**A. CONSIDERATION AND POSSIBLE ACTION - Specific Use No. 38.** Request of Carl E. Talbot, agent (Executive Director of Estate) for Essie Talbot, owner, for a Specific Use Permit to allow for a duplex or single family homes to be built in a General Business District (GB) on the following described property, to-wit:

Lots 29, 30, & 31, Block 6, Old Town Site (2232 Grand Boulevard)

**B. CONSIDERATION AND POSSIBLE ACTION - Final Plat of Banbury Cross, Section 4,** being a 9.124172 acre tract out of the Thomas Greene Survey, Abstract 198 in the city of Pearland, Brazoria County, Texas.

**C. CONSIDERATION AND POSSIBLE ACTION - Preliminary Plat of Southwyck, Section 8, Phase 2 & 3,** a replat of Southwyck, Section 8 and being 44.3374 acres out of the George C. Smith Survey, Abstract 548.

**Variance Request - to use a 20 foot building line on cul-de-sac and thumbnail lots.**

**D. CONSIDERATION AND POSSIBLE ACTION - Discussion on proposed revisions to the Land Use and Urban Development Ordinance, and setting a Public Hearing date.**

**IV. NEXT MEETING DATE:** Monday, December 4, 1995; 7:00 p.m.

**V. ADJOURNMENT**

Posted: 17th Day of November, A.D., 1995 12:01 P.M.

Removed: 21st Day of November, A.D., 1995