

MINUTES OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION, OF THE CITY OF PEARLAND, TEXAS, HELD MONDAY, NOVEMBER 11, 1996, IMMEDIATELY FOLLOWING THE JOINT PUBLIC HEARING IN THE SECOND FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

The meeting was called to order at 8:31 with the following present:

Chairman	Robert Larsen
Commissioner	Emil Beltz
Commissioner	Marshall Eggers
Commissioner	Randy Patro
Commissioner	Mary Starr
Assistant City Manager	Richard Burdine
Secretary	Judy Highburger

Vice Chairman Pat Lopez was absent. Commissioner Jeffery O'Brien resigned.

II. APPROVAL OF MINUTES: Minutes of November 4, 1996

A motion was made by Commissioner Mary Starr and seconded by Commissioner Marshall Eggers to approve the Minutes of November 4, 1996.

Motion Passed 5 to 0.

III. NEW BUSINESS

Upon the recommendation of Assistant City Manager, Richard Burdine, the Commissioners concurred to change the order of business. A motion was made by Commissioner Mary Starr, and seconded by Commissioner Emil Beltz to begin with Item A, followed by Item G & H.

Motion passed 5 to 0.

- A. CONSIDERATION AND POSSIBLE ACTION - APPLICATION NO. 85.**
Request of Dave E. And Diana Rickey Hamm, owners, for an amendment to the Land Use and Urban Development Ordinance of said City from Classification Suburban Development District (SD) to Commercial District (C)) on the following described property, to-wit:

Tract 15, of Westchester Estates, according to the Jack C. McKnight Survey thereof dated April 6, 1962, a partition of Section 17, H.T.& B.R.R. Company Survey, Abstract 242, patented to Samuel Meyer, Assignee, by Patent No. 15, Volume 12 (2726 Westchester Circle).

- G. CONSIDERATION AND POSSIBLE ACTION - Request of the City of Pearland for an Amendment to the Land Use and Urban Development Ordinance of said City as follows:**

To allow for a Comprehensive Subdivision Directional Signs program.

- H. CONSIDERATION AND POSSIBLE ACTION - SPECIFIC USE NO. 46.**

Request of Pearland Area Homebuilders and Developers for an amendment to the Land Use and Urban Development Ordinance of said City for a Specific Use Permit to allow for a comprehensive subdivision directional signs program on the following described property, to-wit:

Major corridors defined as the area within five hundred feet (500') of the right-of-way of SH 288 from Clear Creek to the City's southern extraterritorial jurisdiction (ETJ) Boundary, Broadway (FM 518) from the east city limit to SH 288, Main Street from Clear Creek to the southern ETJ boundary, Dixie Farm Road from the northeast city limit to Main Street, Oiler Drive from Main Street to Centennial Boulevard and Centennial Boulevard from Oiler Drive to Blackhawk Boulevard.

A motion was made by Commissioner Starr, and seconded by Commissioner Beltz to table Items A, G & H.

Motion passed 5 to 0 to table.

- B. CONSIDERATION AND POSSIBLE ACTION - APPLICATION NO. 89.** Request of Jimmy and Adrienne Taylor, owners, for an amendment to the Land Use and Urban Development Ordinance of said City from Classification Single Family Dwelling District (R-1) to General Business District (GB) on the following described property, to-wit:

Tract I being a 0.64 acre tract of land called Lot 1 and Tract II being a 0.66 acre tract of land called Lot 2, out of 5.3 acres conveyed in Deed from M.N. McGlathery et ux to L.M. McGlathery, recorded in Volume 661, Page 628, Deed Records of Brazoria County, Texas, said 5.3 acre tract being out of a 27.09 acre tract, being that part of the Dagg 34 acre tract, in the W.D.C. Hall League,

Abstract 70, in Brazoria County, Texas, which lies North of the centerline of F.M. Road No. 518 (3224 Patricia Lane).

A motion was made by Commissioner Beltz, and seconded by Commissioner Patro to deny Application No. 89.

Motion passed 5 to 0 to deny.

- C. CONSIDERATION AND POSSIBLE ACTION - APPLICATION NO. 90.** On the request of Clayton Dykes, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Classification Commercial District (C) to Light Industrial District (M-1) on the following described property, to-wit:

A 1.6458 acre tract of land being a 1.4246 acre tract out of Lot 129 of the subdivision of Section 1, A.C.H & B. Survey, Abstract 147, Brazoria County, Texas, and a 0.2212 acre tract being the West 25 feet of an abandoned 50 foot road right-of-way adjoining the East line of the 1.4246 acre tract (Old Alvin Road and State Highway 35).

Discussion followed with recommendations of Zoning Ordinance usage better suited to the property.

Commissioner Patro made a motion to deny Application No. 90. Motion failed for lack of a second.

Commissioner Starr made a motion, seconded by Commissioner Beltz, to approve Application No. 90.

Motion passed 4 to 1. Commissioner Patro voted nay.

- D. CONSIDERATION AND POSSIBLE ACTION - APPLICATION NO. 91.** On the request of Bobby Shotwell, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Classification Suburban Development District (SD) to Light Industrial District (M-1) on the following described property, to-wit:

A 3 acre tract of land out of a 10 acre tract, situated in the west ½ of the northeast ¼ of Section 15, of the H.T. & B.R.R. Co. Survey, Abstract 241, Brazoria County, Texas (6613 Fite Road).

Consensus of the Commission was that if the zone change is accepted, the residence is non-conforming and the business would be conforming.

A motion was made by Commissioner Patro, and seconded by Commissioner Beltz, to deny Application No. 91.

Motion passed to deny 5 to 0.

- E. CONSIDERATION AND POSSIBLE ACTION - APPLICATION NO. 92.** On the request of Greg G. Gardiol, owner, for an amendment to the Land Use and Urban Development ordinance of said City from Classification Single Family Dwelling District (R-1) to General Business (GB) on the following described property, to-wit:

2.0474 acres of land, being part of Lots 22 & 23 of the George W. Jenkins Subdivision in the W.D.C. Hall League, A-70 in Brazoria County, Texas (2600 Dixie Farm Road).

Mr. Greg G. Gardiol, owner, was present and gave the Commissioners a site plan with no access to Rayburn Lane. Mr. Burdine stated this should have been presented to City Council, and that the discussion here should be usage of the property.

All the homeowners of Rayburn Lane were present. Some of their concerns were flooding, and increased traffic hazards since the street is one lane.

Commissioner Starr said that the street would have to be built up and this would cause more flooding from Mary's Creek. Mr. Burdine stated that regardless of what is built on the property, drainage plans would have to be presented to the City Engineer for approval.

Mr. Burdine was concerned that the zone change would have a negative effect on property values. He said Mary's Creek is a good dividing line for the subdivision, and recommended the Commission deny Application No. 92. The Chairman said the issue is if a business is wanted in that area.

Commissioner Patro made a motion, seconded by Commissioner Starr, to deny Application No. 92.

Motion passed to deny 5 to 0.

- F. CONSIDERATION AND POSSIBLE ACTION - APPLICATION NO. 93.** On the request of Gerald Munger Jr. of Century Engineering, Inc., agent for R & S Land Co., Inc., owners, for an amendment to the Land Use and Urban Development Ordinance of said City from Classification Multi-Family Dwelling District (MF) and General Business District to single Family Dwelling District (R-2 PUD) on the following described property to-wit:

That portion of the 2-Foot Fence Reserve "E", Block 2, out of Cobblestone, a subdivision of 36.074 acres as recorded in the Brazoria County Plat Records, Brazoria County, Texas, in Volume 19, Pages 323 and 324 as follows: North of and adjacent to Multi-Family Reserve "A" and General Business Reserve "B" of the aforementioned subdivision and south of and adjacent to Magnolia Road; and east of and adjacent to General Business Reserve "B" of the aforementioned subdivision and west of and adjacent to Veterans Road.

Discussion followed regarding an earlier application of the 2 foot fence reserve, and Commissioner Eggers stated the preliminary plat had no reserve for a fence, and Mr. Munger was required to return with a zone change to rectify the matter.

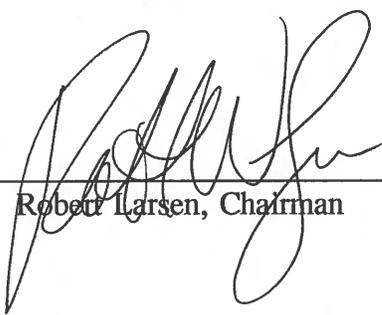
A motion was made by Commissioner Beltz, and seconded by Commissioner Starr, to approve Application No. 93.

Motion passed 5 to 0.

IV. NEXT MEETING DATE: Monday, November 18, 1996, 6:00 p.m.

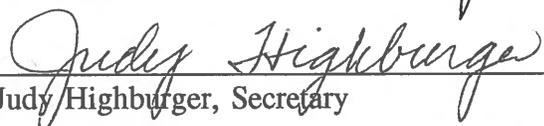
V. ADJOURNED: 8:50 p.m.

Minutes approved as submitted this 18th day of November
A.D., 1996.



Robert Larsen, Chairman

ATTEST:



Judy Highburger, Secretary

CITY OF PEARLAND
ZONE CHANGE APPLICATION
revised 3/5/96

Change in Zoning Classification from: VD to: C
Change in Regulations in Section #: _____
Specific Use for: * _____

Property address: 6830 Broadway Street

Lot: _____ Block: _____ Subdivision: _____

Metes & Bounds Description:
(unplatted property only; attach survey) see Attach. Paper

Tax I.D. number: _____

Proposed use of land within requested designation: COMMERCIAL
BUSINESS

Record owner's name: Charles Mallyon III

Owner's mailing address: 1905 Prairie Creek. 77581

Owner's telephone number: 485-3871

Agent's name: _____

Agent's mailing address: _____

Agent's telephone number: _____

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. *On a Specific Use Permit request to allow a residential use in a business zone (OP, NS, GB), I acknowledge that such use may be incompatible with current and future uses on properties in my vicinity.

Owner's signature: Charles Mallyon III

Agent's signature: _____

Fees paid: \$ N/C

Date paid: _____

Received by: Deer

Application number: 88

ROY ROAD

ZONE SD

200'
(TYP.)

BROADWAY STREET

ZONE SD

LOT 8

LOT 7

LOT 6

LOT 5

LOT 3

ZONE C

LOT 4

ZONE SD

LOT 2

200'
(TYP.)

AIR STRIP

LOT 9

ZONE SD

LOT 10

6830 BROADWAY STREET



City of Pearland, Texas

CHARLES MALLYNN III

ZONE CHANGE
FROM
SD TO C

SD SUBURBAN DISTRICT
C COMMERCIAL DISTRICT

Job No.:	Scale:	SHEET 1 OF 1
Date: AUG., 1996	HORIZ: 1" = 200' VERT: 1" = 100'	
Drawn By: J.E.B.	CAD FILE:	
Checked By: J. HARGROVE	96-1174	

CITY OF PEARLAND
ZONE CHANGE APPLICATION
revised 3/5/96

Change in Zoning Classification from: SD to: R-1

Change in Regulations in Section #: _____

Specific Use for: * _____

Property address: 2726 westchester Circle

~~Lot~~: _____ Block: _____ Subdivision: Westchester Estates

Metes & Bounds Description: Tract 15, Section 17 HT+BRR CO.
(unplatted property only; attach survey) ABSTRACT 242 BRAZORIA CO. TX

Tax I.D. number: _____

Proposed use of land within requested designation: Single Family Dwelling
Residential

Record owner's name: DAVE E & DIANA RICKY HAMM

Owner's mailing address: 2726 westchester Cir PEARLAND TX 77584

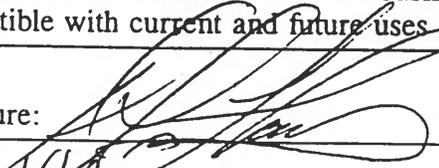
Owner's telephone number: 713-485 6425

Agent's name: _____

Agent's mailing address: _____

Agent's telephone number: _____

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. *On a Specific Use Permit request to allow a residential use in a business zone (OP, NS, GB), I acknowledge that such use may be incompatible with current and future uses on properties in my vicinity.

Owner's signature: 

Agent's signature: _____

Fees paid: \$ _____

Date paid: _____

Received by: JH

Application number: 85

LOT 50

ZONE SD

LOT 32

ZONE SD

MAX ROAD

BROADWAY STREET



2726 WESTCHESTER CIRCLE

LOT 3

ZONE SD

CITY LIMIT LINE

WESTCHESTER CIRCLE

MANVEL ROAD

SD SUBURBAN DISTRICT
 R-1 LOW DENSITY SINGLE FAMILY DWELLING DISTRICT



City of Pearland, Texas

DAVE AND DIANA HAMM

ZONE CHANGE FROM 8D TO R-1

Job No.:	Scale:	SHEET 1 OF 1
Date: AUG., 1996	HORIZ: 1" = 200' VERT: 1" = 10'	
Drawn By: J.E.B.	CAD FILE:	
Checked By: J. HARGROVE	96-1175	

Emmett P
1279 469

Fan Williams
Crow Morris
1737 9
1737 11

B-108	9.92	Billy C. Long	1289/922
29	61	J.A. Prebits	20
47	W.R. Pietsch 874/417	Louis E. Lentz 1143/214	730/227
48	Hurst Barbee 636/38	20.0	32
		12-280 10.0	W.D. Weir 1304/332
			J.F. Hegwood
49	E.R. Spradley	Ruby Lee Cox	Francis Powell 145/343
	D.Keller, Jr. 1748 488 9.98	K.E. Spradley 1726/570	10.0
50			E.P. Crow Jr 438/573 10.0
			Bill E. Holtey 1717/183 10.0

2	3A1	3A2	3A3	3A4	826	801	8	6	Bill Holley 1717/183
	Elaine St. Germain, Jr. 1760/27 13.30	Jon G. Hawk 1266/742 13.31	Jose Rodriguez RODRIGUEZ	WEST CHESTER ESTATES	826	801	Ed. R. Spradley 1286/3 12.0	9	12
2B	3C	3D	Runge	Mary B. Miller	Jon G. Hawk Tr. 1294/887 9.389	3	13	M. R. Rogers, Jr. 1697/683 16.61	15
	Kirby				Alfred C. Hrbacek	2	17	Donald R. Cate 983/130 941/133	16
						1	19	E.C. Burrage 767/40	15
								R. Furlow 666/40	

B. R. R. CO

5	1	23	45	67	89	20
	242	25	47	68	90	21
7	297	29		3	L.N.	
10	32	35	56	4	389	28
MANVEL RD.				75	OCOVEY	
MANVEL TERRACE				81	QUAIL MEADOWS	
20	42	64	86	15		35

John P. Smith, Jr.
1766/931 35.00

John P. Smith, Jr.
1557/819 35.00

L.M. Smith
96-778 9
Petro-Union Transport
1318-843 00
1196/150
5.0

MANVEL RD.
A-
Laura Mas
708/108
772/74

John R. Massey
708/109 160.0

FM 1128



City of Pearland

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

TO: PLANNING AND ZONING COMMISSION
FROM: AMY MOTES McCULLOUGH, CITY ATTORNEY
DATE: NOVEMBER 15, 1996
RE: SIGN ORDINANCE AMENDMENT

AMM/edj

In an effort to remedy the proliferation of illegal signage by homebuilders and developers, to alleviate unsightly clutter and safety hazards caused by multiple signs being placed along the City's major thoroughfares, and to direct prospective homebuyers to residential subdivisions by the safest and most direct route possible, the City proposes an amendment to Section 22.17 of the Land Use and Urban Development Ordinance No. 509, as amended, to allow for a Comprehensive Subdivision Directional Signs Program as an **alternative** to the current *Builder/Subdivision and Subdivision Identification Signs* provision.

In keeping with the City's aesthetic and safety interests, this program will define the number, size, and locations in which subdivision directional signs will be allowed within the City. It is my recommendation that the amendment address the following issues:

- Signs erected in accordance with this program may be located within the *main corridors* of the City known as districts and defined as the area within five hundred feet (500') of the right-of-way of SH 288 from Clear Creek to the City's southern extraterritorial jurisdiction (ETJ) boundary, Broadway (FM 518) from the east City limit to SH 288, Main Street (SH 35) from Clear Creek to the southern ETJ boundary, Dixie Farm Road from the northeast city limit to Main Street, Oiler Drive from Main Street to Centennial Boulevard and Centennial Boulevard from Oiler Drive to Blackhawk Boulevard (no signs shall be located on public rights-of-way).
- *Community entry ground signs* may be located:
 - (a) near the FM 518 exit from SH 288;
 - (b) on Dixie Farm Road near the City's northeast city limit;
 - (c) on north Main Street near the City's north city limit.

The number of these signs is limited to three (3) and shall be sixteen feet (16') in height and thirty-two feet (32') in width (one-sided), notwithstanding existing billboards, which may also be used for this program.

- *Subdivision directional signs* may be located within the main corridors defined herein at key intersections and decision points. The number of these signs is limited to sixteen (16) and shall be twelve feet (12') in height and eight feet (8') in width (two-sided).
- *New home information center signs* may be located at businesses within the major corridors defined herein. The number of these signs is limited to ten (10) and shall be four feet (4') in height and eight feet (8') in width (two-sided).
- Each sign erected in accordance with this program shall be allowed only upon issuance of a specific use permit in accordance with *Section 23-Specific Use Permit Regulations* of the Land Use and Urban Development Ordinance No. 509, as amended.
- Each specific use permit is temporary in nature and is valid for a term not to exceed three years, at which time the sign shall be removed and may not be used or converted for any other purpose unless a new permit is issued for said sign.

Upon the Planning and Zoning Commission's recommendation, I will gladly draft an amendment to reflect the necessary elements, in accordance with statutory and case law.

AMM/ldj

cc: Paul Grohman, City Manager
Richard Burdine, Assistant City Manager

AGENDA - REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, NOVEMBER 18, 1996, AT 6:00 P.M. IN THE COUNCIL CHAMBER AT CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

II. APPROVAL OF MINUTES: Minutes of November 11, 1996

III. NEW BUSINESS

A. CONSIDERATION AND POSSIBLE ACTION - Final Partial Replat of Lot 1, Block 1, Mykawa Acres.

A subdivision of 10.207 acres of land known as Lot 1, Block 1 of Mykawa Acres as recorded in Volume 16, Page 304 of the Brazoria County Plat Records, also being described as a tract in the east one-half of Tract 47 of the subdivision of Section 4 of the H.T. & B.R.R. Company Survey, Abstract No. 543, Brazoria County, Texas.

B. CONSIDERATION AND POSSIBLE ACTION - Preliminary Plat of Albertson'. 20.8406 acres out of Lots 31, 32, 63, and 64 of the Allison-Richey Gulf Coast Home Co. Subdivision of the H.T. & B.R.R. Co. Survey, Section 9, Abstract 234, Brazoria County, Texas.

C. CONSIDERATION AND POSSIBLE ACTION - Final Plat of West Oaks, Section Three, Phase 'A'. 18.3105 acres tract of land out of a 70.0131 acre tract of land as recorded in Vol. 772, Pg. 94, Brazoria County Deed records in the H.T. & B.R.R. Survey, A-241, Pearland, Brazoria County, Texas.

D. CONSIDERATION AND POSSIBLE ACTION - Final Plat of Oakwood Mobile Home Park. (A Partial Replat of Figland Orchard S/D No. 1). 3.705 acres out of the west ½ of Lot 15 and Lot 14, and part of Lot 11, Figland Orchard Subdivision No. 1, H.T. & B. Railroad Company Survey, Abstract 240, City of Pearland, Brazoria County, Texas.

- E. CONSIDERATION AND POSSIBLE ACTION - APPLICATION NO. 84.** Request of Charles Mallynn, III, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Classification Suburban Development District (SD) to Commercial District (C) on the following described property, to-wit:

The West Sixty-six feet (W.66') of Lot Five (5) and the adjoining East Ninety-five feet (E.95') of Lot Six (6) of the Partition of the East one-half (E. ½) of the Northwest one-quarter (NW.1/4) of Section Fifteen (15) of H.T. & B.R.R. Co. Survey, Abstract 241 of Brazoria County, Texas, according to the map of record in Volume 441, Page 265, of the Deed Records of Brazoria County, Texas, said map being confirmed per C/C Judgement recorded in Volume 593, Page 56, of the Deed Records of Brazoria County, Texas (6830 Broadway Street).

- F. CONSIDERATION AND POSSIBLE ACTION - APPLICATION NO. 85.** Request of Dave E. And Diana Rickey Hamm, owners, for an amendment to the Land Use and Urban Development Ordinance of said City from Classification Suburban Development District (SD) to Single Family Dwelling District (R-1) on the following described property, to-wit:

Tract 15, of Westchester Estates, according to the Jack C. McKnight Survey thereof dated April 6, 1962, a partition of Section 17, H.T. & B.R.R. Company Survey, Abstract 242, patented to Samuel Meyer, Assignee, by Patent No. 15, Volume 12 (2726 Westchester Circle).

- G. CONSIDERATION AND POSSIBLE ACTION - Request of the City of Pearland for an Amendment to the Land Use and Urban Development Ordinance of said City as follows:**

To allow for a Comprehensive Subdivision Directional Signs Program.

- H. CONSIDERATION AND POSSIBLE ACTION - SPECIFIC USE NO. 46.**

Request of Pearland Area Homebuilders and Developers for an amendment to the Land Use and Urban Development Ordinance of said City for a Specific Use Permit to allow for a comprehensive subdivision directional signs program on the following described property, to-wit:

Major corridors defined as the area within five hundred feet (500') of the right-of-way of SH 288 from Clear Creek to the City's southern extraterritorial jurisdiction (ETJ) Boundary, Broadway (FM 518) from the

east city limit to SH 288, Main Street from Clear Creek to the southern ETJ boundary, Dixie Farm Road from the northeast city limit to Main Street, Oiler Drive from Main Street to Centennial Boulevard and Centennial Boulevard from Oiler Drive to Blackhawk Boulevard.

IV. **NEXT MEETING DATE:** Monday, November 25, 1996; 6:30 p.m., Joint Public Hearing.

V. **ADJOURNMENT**

Posted: 15th Day of November, A.D., 1996

2:00 A.M./P.M.

Removed: 19th Day of November, A.D., 1996