

MINUTES OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION, OF THE CITY OF PEARLAND, TEXAS, HELD MONDAY, NOVEMBER 25, 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 7:24 with the following present:

Chairman	Robert Larsen
Vice Chairman	Pat Lopez
Commissioner	Emil Beltz
Commissioner	Randy Patro
Commissioner	Mary Starr
Assistant City Manager	Richard Burdine
City Engineer	John Hargrove
Secretary	Judy Highburger

Commissioner Marshall Eggers and Commissioner Jack D. Mathis were absent.

II. APPROVAL OF MINUTES: Minutes of November 18, 1996

A motion was made by Commissioner Randy Patro and seconded by Commissioner Emil Beltz to approve the Minutes of November 18, 1996.

Motion Passed 5 to 0.

III. NEW BUSINESS

- A. CONSIDERATION AND POSSIBLE ACTION - APPLICATION NO. 94.**
Request of James Medearis, 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:

A 9.014 acre tract of land in the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the H.T.&B. R.R. Company Survey, Section 17, Abstract 242, Brazoria County, Texas (8210 Broadway).

A motion was made by Commissioner Beltz to table Application No. 94, due to no representative being present. Motion failed for lack of a second.

Commissioner Patro questioned if the property would be better suited if it were zoned General Business, and Mr. Richard Burdine, Assistant City Manager, replied that the property will be a mini-storage business, and those are zoned Commercial.

A motion was made by Vice Chairman Lopez, and seconded by Commissioner Mary Starr to approve Application No. 94.

Motion passed 3 to 2. Commissioners Patro and Beltz voted nay.

B. CONSIDERATION AND POSSIBLE ACTION - APPLICATION NO. 95.

Request of Leo J. Gabriel, 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:

1.7512 acres of land, more or less, not platted, by lying on the north side of that 2.6513 acre tract platted as Gabriel Enterprises Subdivision which was filed at Vol. 19, pages 291-292 of the Deed Records of Brazoria County, and being out of a 12.00 acre tract, recorded in Vol. 868, page 239, Deed Records of Brazoria County, Texas, and being part of Vol. 595, page 63, Deed Records of Brazoria County, Texas (5915 W. Broadway).

Mr. Leo J. Gabriel, III, owner, was present and seeking approval of Application No. 95.

Discussion began with questions relating to existing use and accessibility to the property. Businesses within close proximity to the property and their present zoning were also examined.

Mr. Michael Cotter, 2547 Lazybend, Pearland, Texas, was present and questioning the distance of buffer zones between commercial businesses and residential areas. Mr. Burdine said there are requirements for screening and explained Section 21 of the Land Use and Urban Development Ordinance.

Further discussion continued with other options for zoning instead of Commercial. Chairman Robert Larsen said the issue is whether there should be a Commercial business in front of a residence. Vice Chairman Lopez addressed the issues of zoning down to General Business and then down to Neighborhood Service. Mr. Burdine said Commercial zoning allows businesses to have outside storage and General Business allows trade and business inside the building.

Mr. Burdine stated in his opinion, that the best use of the property would be zoned R-1; however, that is not how the Application is presented now. Chairman Larsen said the difficulty with arriving at a proper zoning category, is the fact that the property faces a residential area on two sides and faces other businesses on the other two sides.

A motion was made by Commissioner Patro, and seconded by Commissioner Beltz to deny Application No. 95.

Motion passed to deny 3 to 2 (Vice Chairman Lopez and Commissioner Starr abstained).

C. CONSIDERATION AND POSSIBLE ACTION - APPLICATION NO. 96.

Request of Rudolph and Randy Martinez, 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:

1.00 acre of land out of 3.144 acre tract of land out of Lot 23 of the Allison Richey Gulf Coast Home Company's Suburban Garden's Subdivision of Section 8, H.T.&B. R.R. Co. Survey, A-504, Brazoria County, Texas, said subdivision recorded in Vol. 2, Page 23 of the plat records of Brazoria County, Texas (6913 Broadway).

Some of the comments of the Commissioners were related to Application No. 96's category chosen for a zoning change, and if it would be better suited for General Business. Mr. Burdine said that information could be conveyed to the property owners.

A motion was made by Commissioner Starr to approve Application No. 96. Motion failed for lack of a second.

A motion was made by Commissioner Patro, and seconded by Commissioner Beltz to deny Application No. 96.

Motion passed to deny 3 to 2 (Chairman Larsen and Commissioner Starr voted nay).

D. CONSIDERATION AND POSSIBLE ACTION - SPECIFIC USE NO. 47.

Request of Dan M. Worrall, owner, for an amendment to the Land Use and Urban Development Ordinance of said City for a Specific Use Permit to allow a single family house with barn, hay pasture, and two to three horses in a Suburban Development District-Business Compatible on the following described property, to-wit:

18.4 acres out of the T.D. Yocum Survey, A-399 and the A.C.H.&B. Survey, A-147, Brazoria County, Texas (John Lizer Road).

Ms. Rita White, 1203 Hannington, Katy, Texas, Agent, was present representing Mr. Dan M. Worrall, owner, and seeking approval of Specific Use No. 47.

A motion was made by Vice Chairman Lopez, and seconded by Commissioner Starr to approve Specific Use No. 47, allowing three horses, as requested.

Motion passed 5 to 0.

- E. CONSIDERATION AND POSSIBLE ACTION - APPLICATION NO. 97.**
Request of Allen Patschke, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Classification Suburban Development District (SD) to General Business District (GB) on the following described property, to-wit:

The East 10.0 feet of Lot 7 and the West 70.0 feet of Lot 6 of the partition of the Mahanay Lands, H.T.&B. R.R. Co. Survey, Section 15, Abstract 241, Brazoria County, Texas (6834 Broadway).

Mr. Allen Patschke, owner, was present asking for approval of Application No. 97.

Commissioner Beltz made a motion, seconded by Vice Chairman Lopez, to approve Application No. 97.

Motion passed 5 to 0.

- F. CONSIDERATION AND POSSIBLE ACTION - SPECIFIC USE NO. 48.**
Request of Allen Patschke, owner, for an amendment to the Land Use and Urban Development Ordinance of said City for a Specific Use Permit to allow an existing single family dwelling in a General Business District (GB) on the following described property, to-wit:

The East 10.0 feet of Lot 7 and the West 70.0 feet of Lot 6 of the partition of the Mahanay Lands, H.T.&B. R.R. Co. Survey, Section 15, Abstract 241, Brazoria County, Texas (6834 Broadway).

A motion was made by Commissioner Beltz, and seconded by Commissioner Patro, to approve Specific Use No. 48.

Motion passed 5 to 0.

IV. NEXT MEETING DATE: Monday, December 9, 1996,

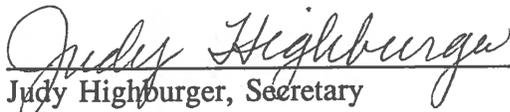
V. ADJOURNED: 8:05 p.m.

Minutes approved as submitted this 9 day of DECEMBER
A.D., 1996.



Robert Larsen, Chairman PAT LOPEZ, VICE CHAIRMAN

ATTEST:



Judy Highburger, Secretary

AGENDA - REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON 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

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

III. NEW BUSINESS

- 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).

- 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).

- 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).

- 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 $\frac{1}{2}$ of the northeast $\frac{1}{4}$ of Section 15, of the H.T. & B.R.R. Co. Survey, Abstract 241, Brazoria County, Texas (6613 Fite Road).

- 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).

- 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.

- 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) Boundry, 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: November 18, 1996, 6:00 p.m.

V. ADJOURNMENT

Posted: 7th Day of November, A.D., 1996
4:00 (P.M.)

Removed: 13th Day of November, A.D., 1996