

**MINUTES OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND HELD ON MONDAY, DECEMBER 6, 1999 AT 6:30 P.M. IN THE COUNCIL CHAMBERS, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

**I. CALL TO ORDER**

The meeting was called to order at 6:32 P.M. with the following present:

Chairperson	Mary Starr
Vice-Chairperson	Tommy L. Scott
Commissioner	Emil Beltz
Commissioner	Donald Glenn
Commissioner	Todd Iocco
City Engineer	John Hargrove
Director of Planning & Community Services	Gene Tumlinson
P & Z Secretary	Jennifer Gonzales

Commissioner Charles Viktorin arrived at 6:52 P.M. and Commissioner Russ Selemon was absent.

**II. APPROVAL OF MINUTES**

Vice-Chairman Scott made a motion to approve the November 1, 1999 Public Hearing minutes and Commissioner Iocco seconded the motion.

**Motion to approve passed 5 to 0.**

**III. NEW BUSINESS**

**A. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 847**

**Request of owners 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:**

**1. Zoning Application No. 847**

**Legal Description: The South ½ of Lot 7, Allison Richey Gulf Coast Home Co. Subdivision, Section 19, H. T. & B. R.R. Co. survey, A-243, Brazoria Co., TX, according to the map of record in Vol. 2, pg 23, plat records of Brazoria Co., TX (1027 Cullen Boulevard)**

**Owner: M. R. Alford  
P.O. Box 218  
Pearland, TX 77588**

Commissioner Iocco made a motion to forward zoning application no. 847 to City Council for approval, and Commissioner Glenn seconded the motion.

Commissioner Iocco asked if there has been any other industrial zoning on Cullen that has been approved, and he stated that his concern is "consistency".  
Commissioner Beltz stated that there are no M-1's out there.

Commissioner Glenn asked if they can expand their business right now, and Mr. Tumlinson explained that they have been grand-fathered in and they cannot expand their business because they cannot be issued any building permits until they are zoned properly.

Commissioner Iocco then stated that he is not concerned about what is there now, he is concerned about what will go there in the future.

Mr. Tumlinson stated that he believes the owner is thinking that his business is more industrial more than commercial.

Discussion ensued between the Commissioners regarding the owner applying for Commercial zoning with a specific use, but the owner was not present to decide if he would like to do change the request.

Commissioner Iocco withdrew his first motion and made a recommendation to table zoning application no. 847, and Commissioner Beltz seconded the motion.

**Motion to table passed 5 to 0.**

## **B. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 852**

Request of owners 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:

### **1. Zoning Application No. 852**

Legal Description: Being 8.842 acres in the H. T. & B. R.R. Co. survey, A-243, Section 19, Allison Richey Gulf Coast Home Co. subdivision, Vol. 2, pg 23, Brazoria Co. map records (1115 Cullen Boulevard)

Owner: Paul Brent Durrett  
6120 Brookside Road  
Pearland, TX 77581

Chairperson Starr stated that this is also on Cullen Drive.

Director of Planning and Community Services Gene Tumlinson stated that this is on the corner of CR 403 and Cullen Drive and there is currently two businesses on the property.

The Commissioners again discussed the owner applying for Commercial zoning with a specific use and the owner was not present for discussion.

Commissioner Iocco made a recommendation to table zoning application no. 852, and Commissioner Beltz seconded the motion.

**Motion to table passed 5 to 0.**

**C. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 848 AND SPECIFIC USE NO. 74**

Request of owners for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) to General Business District-Specific Use (GB-S) for cabinet shop on the following described property, to wit:

**1. Zoning Application No. 848 & Specific Use No. 74**

Legal Description: Tract I- 1 acre out of Lot 8; Tract II- 1.36 acres out of Lot 8; Tract III- 1.0001 acre tract out of Lot 9, all out of the NE 1/4 of the SW 1/4, Section 14, H. T. & B. R.R. Co. survey, A-509, Brazoria Co., TX (5713 Cottonwood)

Owner: Follett Veneers, Inc.  
5713 Cottonwood  
Pearland, TX 77584

Commissioner Beltz stated that there was no opposition.

Commissioner Iocco made a motion to forward zoning application no. 848 and specific use no. 74 to City Council for approval, and Vice-Chairman Scott seconded the motion.

**Motion to approve passed 5 to 0.**

**D. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 850**

Request of owners for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development-Business District (SD-B) to General Business District (GB) on the following described property, to wit:

**1. Zoning Application No. 850**

Legal Description: Being 7.60 acres and 13.10 acres out of the T.D. Yocum Survey, A-399, and the A.C.H. & B. survey, A-147, Brazoria Co., TX (Pearland Parkway between Mary's Creek and John Lizer)

Owners: Robert D. & Jacquelyn Burgess  
2704 Pine Cone Lane  
Pearland, TX 77581

Zoning Application no. 850 was terminated at the Public Hearing on November 22, 1999.

**E. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 846**

Request of 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-4) on the following described property, to wit:

1. Zoning Application No. 846

Legal Description: A 5 acre tract being the North ½ of Lot 45, Allison Richey Gulf Coast Home Co. Subdivision, Section 85, H. T. & B. R.R. Co. survey, A-304, Brazoria Co., TX, according to map or plat recorded in Vol. 2, pg 107, Brazoria Co., TX (Miller Ranch Road)

Owner: Steven C. Muth  
8339 Dover  
Houston, TX 77061

Vice-Chairman Scott made a motion to forward zoning application no. 846 to City Council for denial, and Commissioner Iocco seconded the motion.

Vice-Chairman Scott stated that there is no purpose for an R-4 subdivision in the middle of nothing but R-1's and R-3's.

**Motion to deny passed 5 to 0.**

**F. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 849**

Request of 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:

1. Zoning Application No. 849

Legal Description: 1.25 acres situated in Lot 57, Allison Richey Gulf Coast Home Co. Suburban, Section 19, H. T. & B. R.R. Co. survey, A-243, Brazoria Co., TX according to the plat records in Vol. 2, pgs 23-24, plat records of Brazoria Co., TX (14015 CR 556 (Gardens))

Owner: Gregory R. Moore & Susan C. Dieterich  
14015 CR 556  
Pearland, TX 77581

Commissioner Glenn made a motion to forward zoning application no. 849 to City Council for approval, and Commissioner Beltz seconded the motion.

**Motion to approve passed 5 to 0.**

**G. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of South Hampton, a subdivision of 40.000 acres located in the H.T.&B. R.R. Co. Survey, Abstract 304, Pearland, Texas.**

City Engineer Hargrove stated that this is a re-submittal and staff recommends approval with two comments for the final plat:

1. The developer is responsible for ½ of the fees for the construction of Hooks Road.
2. They need to pay special attention to the grading and drainage plan for the south row of lots.

Vice-Chairman Scott made a motion to approve the Preliminary Plat of South Hampton with the comments made by the City Engineer for the final plat, and Commissioner Iocco seconded the motion.

**Motion to approve passed 5 to 0.**

**H. CONSIDERATION & POSSIBLE ACTION – Final Plat of Villages of Edgewater Estates Section 5, Phase 1, 33.596 acres out of the H.T.&B. R.R. Co. Survey, A-309.**

**Variance Request:**

1. **Use of a 20-foot front building line on cul-de-sac and thumbnail lots**

City Engineer Hargrove stated that this plat was tabled because there was no variance letter for use of a 10 foot sideyard setback which was noted in note 17, and the developer has removed note 17 so there is no letter needed.

Vice-Chairman Scott made a motion to approve the Final Plat of Villages of Edgewater Estates Section 5, Phase 1, and Commissioner Beltz seconded the motion.

**Motion to approve passed 6 to 0.**

**I. CONSIDERATION & POSSIBLE ACTION – Final Plat of Sunrise Lakes Section Two, a subdivision of 31.0800 acres of land within the H.T.&B. Railroad Company Survey, Abstract 304 in Pearland, Brazoria County, Texas.**

**Variance Request:**

1. **Use of a 20-foot front building line on cul-de-sac and thumbnail lots.**

Commissioner Iocco asked if this land is presently clear, and City Engineer Hargrove answered that it is clear.

City Engineer Hargrove then stated that Sunflower Court needs to be changed, and staff recommends approval. He then added that he would like the letter he received to be clarified. He stated that the developer must provide ½ of the cost of

the building of Hooks Road North and all of the cost between Sections One and Two.

Vice-Chairman Scott made a motion to approve the Final Plat of Sunrise Lakes Section Two with the variances and the comment by the City Engineer to change Sunflower Court, and Commissioner Iocco seconded the motion.

**Motion to approve passed 6 to 0.**

**J. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of The Lakes at Countryplace Section Eight, Brazoria County, Texas, being 34.8740 acres of land located in the F.B. Drake Survey, Abstract No. 510 (S. ½ Sec. 2) and in the J. Crawley Survey, Abstract No. 174.**

**Variance Request:**

- 1. Use of a 20-foot front building line on front access garages.**
- 2. Use of a 15-foot building line on houses with garages that do not face the street right-of-way.**
- 3. Use of a 10-foot side setback between houses.**

City Engineer Hargrove stated that staff recommends approval with the following changes:

1. Pipeline waiver statement is required on the final plat.
2. Brazoria County Clerk's file number for external easements is required on the final plat.
3. TBM elevation is required on the final plat.
4. Pavement width on N. Elder Grove must be 36 foot back to back.
5. The street name "Shadow Lakes Court" needs to be changed.
6. A deposit for McHard Road is required for the final plat.

Mr. Hargrove explained that the street is over the 600' minimum and he did not see a variance for the use of a greater length than 600' on the agenda.

Steve Gardner of Ferro Saylor's stated that all of The Lakes at Country Place has been built out with the exception of this section. Mr. Gardner shows a map and states his argument that he feels the area Mr. Hargrove is requesting a variance for is a loop rather than a cul-de-sac.

Mr. Hargrove states that he understands the argument however he feels this is a situation where everything that goes in has to go out. He then stated they may go ahead with the plat but as far as his role is concerned he needs to the width to be 36 feet back to back.

Mr. Gardner argues that traffic is limited in these sections.

Mr. Hargrove stated that he is following City Council's direction and that's the conditions for plat approvals.

Vice-Chairman Scott questioned whether this plat needs to be tabled.

Commissioner Viktorin made a motion to approve the Preliminary Plat of The Lakes at Country Place Section 8 with the variances and the comments outlined by the City Engineer, and Commissioner Beltz seconded the motion.

**Motion to approve passed 5 to 1.**

- K. CONSIDERATION & POSSIBLE ACTION – Final Plat of Willow Lake Estates Section Two, 17.0570 acres out of lots 1 and 2 Narregang’s Subdivision (Vol. 01, Pg. 92, B.C.D.R.) and being in the W.D.C. Willits Subdivision (Vol. 03, Pg. 65, B.C.D.R.) and being in the W.D.C. Hall League, Abstract No. 70, Pearland, Texas.**

**Variance Request:**

- 1. Use of a cul-de-sac length of greater than 600 feet on Stonecrest Court.**

City Engineer Hargrove stated that staff recommends approval as presented.

Vice-Chairman Scott made a motion to approve the Final Plat of Willow Lake Estates Section Two with the variance, and Commissioner Viktorin seconded the motion.

**Motion to approve passed 6 to 0.**

- L. CONSIDERATION & POSSIBLE ACTION – Final Plat of Richter Oaks, a subdivision of 19.9368 acres being lot 8 of the H. Masterson Subdivision of Section 5, H.T.&B. R.R. Co. Survey, Abstract 237, Brazoria County, Texas.**

City Engineer Hargrove stated that staff recommends approval with the following corrections:

1. The proposed 15-foot drainage easements across the pipeline must be relocated away from the pipeline.
2. Note 11 must be added: “No building permits will be issued for lots not providing detention and outfall needs.”

Commissioner Iocco made a motion to approve the Final Plat of Richter Oaks with the two corrections outlined by the City Engineer, and Commissioner Glenn seconded the motion.

**Motion to approve passed 6 to 0.**

- M. CONSIDERATION & POSSIBLE ACTION – Final Plat of Sawyer’s Pond, being a subdivision containing 9.711 acres out of lot 44 of the Allison Richey Gulf Coast Home Company Subdivision of Section 6, H.T.&B. R.R. Co. Survey (R.B. Lyle Survey), Abstract 544, Brazoria County, Texas.**

City Engineer Hargrove stated that staff recommends approval as presented with a note that the plans and specifications will need to be approved before he and the City Attorney will sign the plat.

Commissioner Glenn made a motion to approve the Final Plat of Sawyer's Pond, and Commissioner Beltz seconded the motion.

**Motion to approve passed 6 to 0.**

**N. CONSIDERATION & POSSIBLE ACTION – Final Plat of Park Village Estates Section One, a subdivision plat of 21.45 acres of land out of H.T.& B. R.R. Co. Survey, A-509, City of Pearland, Brazoria County, Texas.**

**Variance Request:**

- 1. Use of a 20-foot front building line setback on the cul-de-sacs.**

City Engineer Hargrove stated that staff recommends approval with the following comments:

1. They need to have the city limits on the vicinity map.
2. The 8-foot utility easement recordation notes have to be clarified and he explained that if you look below the drawing you will see where it reads "Donmar Development..." and next to that you will see an 8' utility easement with a blank line.
3. The water and sewer easement shown on the west side of Mustang Rd needs to be removed.
4. The spelling of Commissioner Viktorin's name needs to be corrected.

Vice-Chairman Scott made a motion to approve the Final Plat of Park Village Estates Section One, and Commissioner Viktorin seconded the motion.

**Motion to approve passed 6 to 0.**

**O. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of Waterbury Estates Section 2, Phase 1 at Silverlake, a subdivision of 26.4007 acres of land out of the R.B. Lyle Survey, Abstract No. 539, Brazoria County, Texas.**

**Variance Request:**

- 1. Use of 20-foot front building line setbacks on lots fronting the bulb portion of cul-de-sacs.**
- 2. Use of 5-foot side lot building line setbacks.**

City Engineer Hargrove stated that staff recommends approval as presented with one comment that the TBM needs to be on the final plat.

Commissioner Viktorin made a motion to approve the Preliminary Plat of Waterbury Estates Section 2, Phase 1 at Silverlake with the variances and one comment made by City Engineer to add the TBM on the final plat, and Commissioner Glenn seconded the motion.

Commissioner Iocco made a comment that they still have not seen any documentation on the allowance for a 5-foot sideyard setback.

**Motion to approve passed 4 to 2.**

**P. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of Fieldstone Village Section 2 at Silverlake, a subdivision of 33.8452 acres of land out of the A.C.H. & B. Survey, Abstract No. 415, Brazoria County, Texas.**

**Variance Request:**

- 1. Use of 20-foot front building line setbacks on lots fronting the bulb portion of cul-de-sacs.**
- 2. Use of 5-foot side lot building line setbacks.**
- 3. Use of cul-de-sacs greater than 600 feet length.**
- 4. Use of 28-foot wide pavement on a long cul-de-sac.**

City Engineer stated that this is one that requires commitments for the construction of County Road 90.

Cathy Mitchell of Jones and Carter, Inc. stated that CR 90 has been done with Section One, and all of South Fork will be built with Section 3.

City Engineer Hargrove then stated that the Fire Marshall has made a comment for a second access. Mr. Hargrove then asked when the plans for Section 3 will be submitted, and owner, Tom Wilcox replied that hopefully in May they will be turned in.

Cathy Mitchell then explained that to the east is Section One and there is a boulevard entry and Mr. Hargrove stated that between section one and two there is only one entry.

Mr. Hargrove then stated that he is not sure how to fix it but the north end of Bachelor drive is unacceptable and Cathy Mitchell states that on the plans there is median.

City Engineer Hargrove stated that he will just wait and see what the final plat looks like, and he withdrew the comment regarding the north end of bachelor drive.

Commissioner Glenn questioned the 28-feet on the cross section.

City Engineer Hargrove replies that Item 4 does tie into cul-de-sac variance request. He explained that the total 60-foot width will have to be 36 feet back to back. He stated that you couldn't request a variance to this because it is instructions from City Council. He explained that any cul-de-sac over 600 feet will require wider paving. He stated that the construction drawings will be looked at with that instruction.

Commissioner Glenn made a motion to approve the Preliminary Plat of Fieldstone Village Section Two with the variances and the 28-foot cross section looked over in the construction plans, and Commissioner Beltz seconded the motion.

**Motion to approve passed 6 to 0.**

**Q. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of Summerfield Section 1 at Silverlake, a subdivision of 23.0546 acres of land out of the R.B. Lyle Survey, Abstract No. 539, Brazoria County, Texas.**

**Variance Request:**

- 1. Use of 20-foot front building line setbacks on lots fronting the bulb portion of cul-de-sacs.**
- 2. Use of 5-foot side lot building line setbacks.**
- 3. Use of cul-de-sacs greater than 600 feet length.**
- 4. Use of an 11-foot back lot utility easement.**

Cathy Mitchell explained that this is the plat that was a through street. She then explained that now it is a long cul-de-sac. She then stated that they are taking a little off the back lots and that's noted in variance request number 4.

City Engineer Hargrove stated that staff recommends approval with a note to have 36' back to back pavement.

Commissioner Beltz made a motion to approve the Preliminary Plat of Summerfield Section 1 at Silverlake with the variances, and Commissioner Viktorin seconded the motion.

**Motion to approve passed 5 to 1.**

**R. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of Tract DD at Silverlake, a subdivision of 35.0361 acres of land out of the J.W. Maxey Survey, A-721, G.C. Smith Survey, A-548, R.B. Lyle Survey, A-539, and the A.C.H.&B. Survey, A-415, Brazoria County, Texas.**

**Variance Request:**

- 1. Use of 20-foot building line setbacks on lots fronting the bulb portion of cul-de-sacs.**
- 2. Use of 5-foot side lot building line setbacks.**

City Engineer Hargrove stated that there is a request for South Fork Drive to be constructed between Winfield and County Road 90, and Cathy Mitchell of Jones and Carter, Inc. stated that it already is.

Mr. Hargrove then listed other comments as:

- 1. There is an extra street light at block 1, lots 1 & 2 that needs to be removed, therefore the total street lights will be 17 and not 18.**
- 2. There needs to be a vicinity map on sheet 2.**

Mr. Hargrove then stated that he strongly suggests that preliminary plats are put on one sheet.

Cathy Mitchell replied that they could not fit all the meets and bounds description on one sheet.

Commissioner Glenn made a motion to approve the Preliminary Plat of Tract DD at Silverlake with the variances, and Commissioner Beltz seconded the motion.

**Motion to approve passed 4 to 2.**

**S. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of Home Depot U.S.A., Inc. Subdivision, being a subdivision of 14.654 acres of land out of the W.D.C. Hall Survey Abstract number 70, City of Pearland, Brazoria County, Texas.**

City Engineer Hargrove stated that staff recommends approval with comments for the final:

1. Add note for a 20-foot right-of-way dedication next to Dixie Farm Road.
2. Add signature line under the pipeline statement.

Vice-Chairman Scott made a motion to approve the Preliminary Plat of Home Depot U.S.A., Inc. and Commissioner Iocco seconded the motion.

**Motion to approve passed 6 to 0.**

**T. CONSIDERATION & POSSIBLE ACTION – Request for building permit application for 4322 Brookside Road by owner, Justin Brantley.**

Director of Planning and Community Services Gene Tumlinson stated that this is one of the applications where the owner has “jumped the gun” and started remodeling with out proper zoning and the Commissioners will need to make a recommendation to City Council whether or not to approve the application.

Chairman Starr asked if the Zone Change Application has been processed, and Mr. Tumlinson replied that it is in the works and the Commissioners will see it in January of 2000.

Commissioner Iocco asked how staff feels, and Mr. Tumlinson replied that they are comfortable with the request.

Commissioner Iocco made a recommendation to forward the building permit application to City Council for approval and Commissioner Beltz seconded the motion.

**Motion to approve passed 6 to 0.**

**U. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of Turbocare, being 23.69 acres of land in the F.B.Drake Survey, Abstract 1181, City of Pearland, Harris County, Texas.**

**Variance Requests:**

- 1. Request of variance for street lights.**
- 2. Request of variance from required utility easements.**
- 3. Request of variance from sidewalk requirements.**

City Engineer Hargrove stated that he has comments and listed them as:

1. They need an official benchmark.
2. The 20' drainage easement needs to be demonstrated adequately.
3. "Preliminary Plat" needs to be added to title block.
4. 10' utility easement needs to be 10 water and sewer easements.

He then stated that he has comments on the utility easements but the developer does send out letters requesting their approval so he will wait to see what happens with them. He then stated that he will approve the lack of utility easements if the utility companies do with the exception of the 10' utility easement that needs to be a water and sewer easement.

Vice-Chairman Scott shows concerns for the sidewalks and stated that this is a new major highway and he does not like the idea about sidewalks.

Mr. Hargrove then stated that all sidewalks have to be started at some time, and there are existing sidewalks next to thoroughfares. He then stated that this sidewalk requirement is in the subdivision ordinance and no where else.

Vice-Chairman Scott made a motion to approve the Preliminary Plat of TurboCare, and Commissioner Iocco seconded the motion.

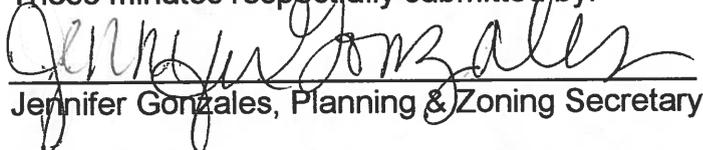
Mr. Hargrove stated that Commissioner Viktorin and Commissioner Beltz's name needs to be changed.

**Motion to approve passed 6 to 0.**

**IV. ADJOURNMENT**

The meeting adjourned at 8:00 a.m.

These minutes respectfully submitted by:

  
Jennifer Gonzales, Planning & Zoning Secretary

Minutes approved as submitted and/or corrected on this 5 day of January ~~1999~~ <sup>2000</sup>.

  
Mary Starr, Planning & Zoning Chairperson

Dec 6  
6:30 PM

**MEMBERS OF THE PLANNING & ZONING COMMISSION  
(3 YEAR TERM)  
(2 TERMS ALLOWED)**

<u>MEMBER</u>	<u>TERM EXPIRES</u>	<u>PHONE #'S</u>
MARY STARR, Chairperson 3007 E. Broadway (Office) Pearland, TX 77581	April, 1999	Office: 281-485-3291
TOMMY L. SCOTT, Vice-Chairman 3006 Oak Creek Dr. Pearland, TX 77581	April, 2000	Home: 281-485-3839 Office: 713-865-7176
EMIL A. BELTZ 2434 Killarney Pearland, TX 77581	April, 2001	Home: 281-481-4627
DONALD GLENN 1112 Gulfton Pearland, TX 77581	March, 2002	Home: 281-996-1809 Office: 713-892-0340
TODD IOCCO 3510 Shadycrest Pearland, TX 77581	March, 2002	Home: 281-997-3820 Office: 281-997-3747 Mobile: 281-923-8633
RUSS SELEMON 2312 John Pearland, TX 77581	November, 2002	Office: 409-766-6445
CHARLES H. VIKTORIN 2905 Smith Road Pearland, TX 77584	November, 2002	Home: 713-349-8314 Office: 281-352-5124

Yes

Yes

Yes

Yes

No

left a message

1/1/99 TO W...

281-331-2890

11-22-99

3:43pm

JUSTIN BRANTLEY  
P.O. BOX 583  
PEARLAND, TEXAS 77588-0583  
(281) 485-2350  
(281) 485-3840 - FAX  
(dl (281) 713) - 416-8588  
November 22, 1999

**COPY**

**TO:** Mr. John O. Harrist  
**COMPANY:** CITY OF PEARLAND  
**TELECOPY:** ~~(281) 485-8764~~ (281) 652-1702  
**FROM:** Justin Brantley  
**RE.:** BRAZORIA COUNTY PERMIT NO. 12,578 (4322 BROOKSIDE ROAD)

Dear John,

Further to your inquiry regarding the above referenced matter, please be advised that improvements at this site have been ongoing since I acquired the facility almost two (2) years ago. All improvements have been completed, and were performed in accordance with all applicable codes and standards. The long and tedious task of selecting a suitable candidate that will be an asset to the neighborhood and have a positive economic impact on our community has been completed a couple of months ago and I am pleased to advise that the tenant has occupied the facility and began operations.

I am confident that this long term, quality tenant will continue to operate in a responsible manner, and the corporation's insurance carrier will continue to perform audits to insure that full compliance will be met on a continuous basis. I take pride in having taken a once controversial subject that became an eye sore property contributing to criminal activity, and to have transformed it into a productive facility that all parties can be proud of.

I have heard rumors of the City annexing the surrounding area, please keep me informed on this matter since I would be interested in purchasing City utilities at this site in the future. Also at your convenience, please advise any progress on the McHard road extension, which should have a positive influence on this site.

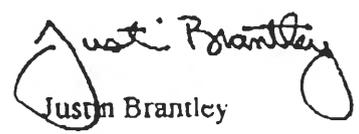
Should you have any questions or comments, please do not hesitate to contact me.

Office: (281) 485-2350

Mobile: (713) 416-8588

Respectfully,

Justin Brantley

  
Justin Brantley

P O Box 583  
Pearland, Texas 77588-0583

Fax: (281) 485-3640



# City of Pearland

3519 Liberty Drive • Pearland, Texas 77581-5416

PERMIT NO. \_\_\_\_\_

**COPY**

## BUILDING PERMIT APPLICATION

BUILDING INSPECTION DEPARTMENT

Phone (281) 485-2411, ext. 222

JOB ADDRESS <b>4322 Brookside Road</b>				SUBDIVISION <b>Allison Richey Gulf Coast Gardens S.D.</b>					
1	LEGAL DESCR. <b>1C</b>	LOT NO. <b>1C</b>	BLK <b>Section 19</b>	TRACT <b>1</b>	ABSTRACT <b>243</b>	SURVEY <b>HT&amp;B R.R. Co.</b>			
2	OWNER <b>JUSTIN BRANTLEY</b>		MAIL ADDRESS <b>P.O. Box 583 Pearland, TX 77588-0583</b>		ZIP <b>77588-0583</b>	PHONE <b>(281) 485-2350</b>			
3	CONTRACTOR <b>JUSTIN BRANTLEY</b>		MAIL ADDRESS "		PHONE "	REGISTRATION NO.			
4	ARCHITET OR DESIGNER <b>N/A</b>		MAIL ADDRESS		PHONE	REGISTRATION NO.			
5	ENGINEER <b>N/A</b>		MAIL ADDRESS		PHONE	REGISTRATION NO.			
6	LOT SIZE <b>2 ACRES</b>		LAND VALUE <b>\$21,000.00</b>		FLOOD ZONE <b>OUTSIDE DESIGNATED BOYR. Flood PL</b>				
7	USE OF BUILDING <b>COMMERCIAL</b>								
8	CLASS OF WORK: <input type="checkbox"/> NEW <input type="checkbox"/> ADDITION <input type="checkbox"/> ALTERATION <input type="checkbox"/> REPAIR <input type="checkbox"/> MOVE <input type="checkbox"/> DEMOLISH <input type="checkbox"/> SIGN <input checked="" type="checkbox"/> OTHER								
DESCRIPTION OF WORK <b>VARIOUS IMPROVEMENTS</b>									
INTERIOR WALLS				EXTERIOR		CEILINGS			
FLOOR				ROOF		FOUNDATION			
VALUATION OF WORK: \$ <b>28,000.00</b>				PLAN CHECK FEE		PERMIT FEE			
SPECIAL CONDITIONS: <b>ORIGINALLY PERMITTED BY BRAZORIA COUNTY</b>				TYPE OF CONST.		OCCUPANCY GROUP			
				SIZE OF BLDG. (Total) Sq. Ft. <b>12000 SQ.FT.</b>		NO. OF STORIES <b>1</b>			
				FIRE ZONE		USE ZONE			
APPLICATION ACCEPTED BY				PLANS CHECKED BY		APPROVED FOR ISSUANCE BY			
<p align="center"><b>NOTICE</b></p> <p>SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, PLUMBING, HEATING, VENTILATING OR AIR CONDITIONING. THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 6 MONTHS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 1 YEAR AT ANY TIME AFTER WORK IS COMMENCED.</p> <p>I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF COSTRUCTION.</p> <p>SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT _____ (DATE) <b>Justin Brantley</b>      <b>11-24-99</b></p> <p>SIGNATURE OF OWNER (IF OWNER BUILDER) _____ (DATE) <b>JUSTIN BRANTLEY</b></p> <p>PRINT SIGNATURE</p>				BLD HEIGHT <b>30'</b>		MAX. OCC. LOAD			
				FIRE ZONE		USE ZONE		FIRE SPRINKLERS RE <input type="checkbox"/> YES <input type="checkbox"/> NO	
				NO. OF DWELLING UNITS		PARKING REQUIRED		DRIVEWAY WIDTH	
				SPECIAL APPROVALS		REQUIRED		RECEIVED	
				ZONING					
				HEALTH DEPT.					
				FIRE DEPT.					
				ENGINEERING DEPT.					
				BOND					
				OTHER					

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

COPY

Change in Zoning Classification from SD to: C  
Change in Regulation in Section #: \_\_\_\_\_  
Specific Use for: \* \_\_\_\_\_

Property address: 4322 Brookside Road

Lot: 1c Block: Section 19 Subdivision: Allison Richey Gulf Coast

Metes & Bounds Description:  
(unplatted property only; attach survey)

Tax I.D. number: N/A

Proposed use of land within requested designation:

SERVICE/REPAIR, PARTS, INSP. & TECH. SUPPORT TO PEDESTAL MOUNTED BOOM CRANE INDUSTRY

Record owner's name: JUSTIN BRANTLEY

Owner's mailing address: P.O. Box 583 PEARLAND, TX. 77588-0583

Owner's telephone number: (281) 485-2350

Agent's name: N/A

Agent's mailing address: N/A

Agent's telephone number: N/A

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 Ordinance 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 used on properties in my vicinity.

Owner's signature: Justin Brantley 11/24/99

Agent's signature:

Fee paid: \$

Date paid:

Received by:

Application number:

WALKER L. TREESH  
Registered Public Surveyor

P. O. Box 2113  
Pearland, Texas 77588  
713-485-5191

COPY

FIELD NOTE DESCRIPTION OF A 2.0000 ACRE TRACT OF LAND OUT OF A 5.000 ACRE TRACT OUT OF LOT 1 OF THE ALLISON RICHEY GULF COAST HOME COMPANY SUBDIVISION OF SECTION 19, H.T.&B.R.R. CO. SURVEY, ABSTRACT 543, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 2, PAGES 23 AND 24 OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1 INCH IRON PIPE AT THE NORTHWEST CORNER OF THE AFOREMENTIONED 5.000 ACRE TRACT WHICH BEARS SOUTH A DISTANCE OF 30.00 FEET FROM THE NORTHWEST CORNER LOT 1, SAID PIPE ALSO BEING IN THE SOUTH RIGHT OF WAY LINE OF COUNTY ROAD NO. 106

THENCE EAST ALONG THE NORTH LINE OF SAID 5.000 ACRE TRACT AND THE SOUTH RIGHT OF WAY LINE OF COUNTY ROAD NO. 106, A DISTANCE OF 261.82 FEET TO A  $\frac{1}{2}$  INCH IRON ROD FOR CORNER;

THENCE SOUTH A DISTANCE OF 333.50 FEET TO A  $\frac{1}{2}$  INCH IRON ROD FOR CORNER IN THE SOUTH LINE OF SAID 5.000 ACRE TRACT;

THENCE N 89° 40' 21" W ALONG THE SOUTH LINE OF SAID 5.000 ACRE TRACT, A DISTANCE OF 261.82 FEET TO A  $\frac{5}{8}$  INCH IRON ROD FOR CORNER, ALSO BEING THE SOUTHWEST CORNER OF SAID 5.000 ACRE TRACT;

THENCE NORTH ALONG THE WEST LINE OF SAID 5.000 ACRE TRACT, A DISTANCE OF 332.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING 2.0000 ACRES OF LAND, MORE OR LESS

*Walker L. Treesh*

WALKER L. TREESH  
REGISTERED PUBLIC SURVEYOR No. 1895  
MARCH 3, 1986



December 7, 1999

Honorable Mayor and Council Members  
City Hall  
Pearland, Texas 77581

**Re: RECOMMENDATION TO THE CITY COUNCIL ON A BUILDING PERMIT  
APPLICATION FOR 4322 BROOKSIDE ROAD**

**Request of Justin Brantley, owner, for a building permit on property that is currently  
zoned Suburban Development (SD) at 4322 Brookside Rd.**

Honorable Mayor and Council Members:

At a regular meeting held on December 6, 1999, the Planning and Zoning Commission considered the above-mentioned request.

A motion was made by Commissioner Todd Iocco and seconded by Commissioner Emil Beltz to recommend approval of a building permit for 4322 Brookside Rd.

**Motion to approve passed 6 to 0.**

This is submitted for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Mary Starr". The signature is written in dark ink and is positioned above the typed name and title.

Mary Starr, Chairman  
Planning & Zoning Commission

**AGENDA OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, DECEMBER 6, 1999 AT 6:30 P.M. IN THE COUNCIL CHAMBERS OF THE CITY OF PEARLAND, 3519 LIBERTY DRIVE, TEXAS.**

**I. CALL TO ORDER**

**II. APPROVAL OF MINUTES:** Minutes of November 1, 1999 (Public Hearing)

**III. NEW BUSINESS**

**A. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 847**

Request of owners 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:

1. Zoning Application No. 847

Legal Description: The South ½ of Lot 7, Allison Richey Gulf Coast Home Co. Subdivision, Section 19, H. T. & B. R.R. Co. survey, A-243, Brazoria Co., TX, according to the map of record in Vol. 2, pg 23, plat records of Brazoria Co., TX (1027 Cullen Boulevard)

Owner: M. R. Alford  
P.O. Box 218  
Pearland, TX 77588

**B. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 852**

Request of owners 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:

1. Zoning Application No. 852

Legal Description: Being 8.842 acres in the H. T. & B. R.R. Co. survey, A-243, Section 19, Allison Richey Gulf Coast Home Co. subdivision, Vol. 2, pg 23, Brazoria Co. map records (1115 Cullen Boulevard)

Owner: Paul Brent Durrett  
6120 Brookside Road  
Pearland, TX 77581

**C. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 848 AND SPECIFIC USE NO. 74**

Request of owners for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) to General Business District-Specific Use (GB-S) for cabinet shop on the following described property, to wit:

1. Zoning Application No. 848 & Specific Use No. 74

Legal Description: Tract I- 1 acre out of Lot 8; Tract II- 1.36 acres out of Lot 8; Tract III- 1.0001 acre tract out of Lot 9, all out of the NE 1/4 of the SW 1/4, Section 14, H. T. & B. R.R. Co. survey, A-509, Brazoria Co., TX (5713 Cottonwood)

Owner: Follett Veneers, Inc.  
5713 Cottonwood  
Pearland, TX 77584

#### **D. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 850**

Request of owners for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development-Business District (SD-B) to General Business District (GB) on the following described property, to wit:

1. Zoning Application No. 850

Legal Description: Being 7.60 acres and 13.10 acres out of the T.D. Yocum Survey, A-399, and the A.C.H. & B. survey, A-147, Brazoria Co., TX (Pearland Parkway between Mary's Creek and John Lizer)

Owners: Robert D. & Jacquelyn Burgess  
2704 Pine Cone Lane  
Pearland, TX 77581

#### **E. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 846**

Request of 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-4) on the following described property, to wit:

1. Zoning Application No. 846

Legal Description: A 5 acre tract being the North 1/2 of Lot 45, Allison Richey Gulf Coast Home Co. Subdivision, Section 85, H. T. & B. R.R. Co. survey, A-304, Brazoria Co., TX, according to map or plat recorded in Vol. 2, pg 107, Brazoria Co., TX (Miller Ranch Road)

Owner: Steven C. Muth  
8339 Dover  
Houston, TX 77061

**F. CONSIDERATON & POSSIBLE ACTION – ZONING APPLICATION NO. 849**

Request of 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:

1. Zoning Application No. 849

Legal Description: 1.25 acres situated in Lot 57, Allison Richey Gulf Coast Home Co. Suburban, Section 19, H. T. & B. R.R. Co. survey, A-243, Brazoria Co., TX according to the plat records in Vol. 2, pgs 23-24, plat records of Brazoria Co., TX (14015 CR 556 (Gardens))

Owner: Gregory R. Moore & Susan C. Dieterich  
14015 CR 556  
Pearland, TX 77581

**G. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of South Hampton, a subdivision of 40.000 acres located in the H.T.&B. R.R. Co. Survey, Abstract 304, Pearland, Texas.**

**H. CONSIDERATION & POSSIBLE ACTION – Final Plat of Villages of Edgewater Estates Section 5, Phase 1, 33.596 acres put of the H.T.&B. R.R. Co. Survey, A-309.**

**Variance Request:**

1. Use of a 20-foot front building line on cul-de-sac and thumbnail lots

**I. CONSIDERATON & POSSIBLE ACTION – Final Plat of Sunrise Lakes Section Two, a subdividision of 31.0800 acres of land within the H.T.&B. Railroad Company Survey, Abstract 304 in Pearland, Brazoria County, Texas.**

**Variance Request:**

1. Use of a 20-foot front building line on cul-de-sac and thumbnail lots.

**J. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of The Lakes at Countryplace Section Eight, Brazoria County, Texas, being 34.8740 acres of land located in the F.B. Drake Survey, Abstract No. 510 (S. ½ Sec. 2) and in the**

J. Crawley Survey, Abstract No. 174.

**Variance Request:**

1. Use of a 20-foot front building line on front access garages.
2. Use of a 15-foot building line on houses with garages that do not face the street right-of-way.
3. Use of a 10-foot side setback between houses.

- K. CONSIDERATION & POSSIBLE ACTION** – Final Plat of Willow Lake Estates Section Two, 17.0570 acres out of lots 1 and 2 Narregang's Subdivision (Vol. 01, Pg. 92, B.C.D.R.) and being in the W.D.C. Willits Subdivision (Vol. 03, Pg. 65, B.C.D.R.) and being in the W.D.C. Hall League, Abstract No. 70, Pearland, Texas.

**Variance Request:**

1. Use of a cul-de-sac length of greater than 600 feet on Stonecrest Court.

- L. CONSIDERATION & POSSIBLE ACTION** – Final Plat of Richter Oaks, a subdivision of 19.9368 acres being lot 8 of the H. Masterson Subdivision of Section 5, H.T.&B. R.R. Co. Survey, Abstract 237, Brazoria County, Texas.

- M. CONSIDERATION & POSSIBLE ACTION** – Final Plat of Sawyer's Pond, being a subdivision containing 9.711 acres out of lot 44 of the Allison Richey Gulf Coast Home Company Subdivision of Section 6, H.T.&B. R.R. Co. Survey (R.B. Lyle Survey), Abstract 544, Brazoria County, Texas.

- 
- N. CONSIDERATION & POSSIBLE ACTION** – Final Plat of Park Village Estates Section One, a subdivision plat of 21.45 acres of land out of H.T.& B. R.R. Co. Survey, A-509, City of Pearland, Brazoria County, Texas.

**Variance Request:**

1. Use of a 20-foot front building line setback on the cul-de-sacs.

- O. CONSIDERATION & POSSIBLE ACTION** – Preliminary Plat of Waterbury Estates Section 2, Phase 1 at Silverlake, a subdivision of 26.4007 acres of land out of the R.B. Lyle Survey, Abstract No. 539, Brazoria County, Texas.

**Variance Request:**

1. Use of 20-foot front building line setbacks on lots fronting the bulb portion of cul-de-sacs.
2. Use of 5-foot side lot building line setbacks.

**P. CONSIDERATION & POSSIBLE ACTION** – Preliminary Plat of Fieldstone Village Section 2 at Silverlake, a subdivision of 33.8452 acres of land out of the A.C.H. & B. Survey, Abstract No. 415, Brazoria County, Texas.

**Variance Request:**

1. Use of 20-foot front building line setbacks on lots fronting the bulb portion of cul-de-sacs.
2. Use of 5-foot side lot building line setbacks.
3. Use of cul-de-sacs greater than 600 feet length.
4. Use of 28-foot wide pavement on a long cul-de-sac.

**Q. CONSIDERATION & POSSIBLE ACTION** – Preliminary Plat of Summerfield Section 1 at Silverlake, a subdivision of 23.0546 acres of land out of the R.B. Lyle Survey, Abstract No. 539, Brazoria County, Texas.

**Variance Request:**

1. Use of 20-foot front building line setbacks on lots fronting the bulb portion of cul-de-sacs.
2. Use of 5-foot side lot building line setbacks.
3. Use of cul-de-sacs greater than 600 feet length.
4. Use of an 11-foot back lot utility easement.

**R. CONSIDERATION & POSSIBLE ACTION** – Preliminary Plat of Tract DD at Silverlake, a subdivision of 35.0361 acres of land out of the J.W. Maxey Survey, A-721, G.C. Smith Survey, A-548, R.B. Lyle Survey, A-539, and the A.C.H.&B. Survey, A-415, Brazoria County, Texas.

**Variance Request:**

1. Use of 20-foot building line setbacks on lots fronting the bulb portion of cul-de-sacs.
2. Use of 5-foot side lot building line setbacks.

**S. CONSIDERATION & POSSIBLE ACTION** – Preliminary Plat of Home Depot U.S.A., Inc. Subdivision, being a subdivision of 14.654 acres of land out of the W.D.C. Hall Survey Abstract number 70, City of Pearland, Brazoria County, Texas.

**T. CONSIDERATION & POSSIBLE ACTION** – Request for building permit application for 4322 Brookside Road by owner, Justin Brantley.

**U. CONSIDERATION & POSSIBLE ACTION** – Preliminary Plat of Turbocare, being 23.69 acres of land in the F.B.Drake Survey, Abstract 1181, City of Pearland, Harris County, Texas.

**Variance Requests:**

1. Request of variance for street lights.
2. Request of variance from required utility easements.
3. Request of variance from sidewalk requirements.

**IV. NEXT MEETING DATE:** Monday, December 20, 1999 (Regular Meeting)

**V. ADJOURNMENT**

Posted: 3<sup>rd</sup> Day of December, 1999, A.D.

Removed: 7<sup>th</sup> Day of December, 1999, A.D.

**This site is accessible to disabled individuals. For special assistance, please call Young Lorfing at 281-652-1655 prior to the meeting so that appropriate arrangements can be made.**