

MINUTES OF A REGULAR MEETING OF THE PLANNING & ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, APRIL 5, 1999, IMMEDIATELY FOLLOWING THE JOINT PUBLIC HEARING, IN THE SECOND FLOOR CONFERENCE ROOM OF THE CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

The meeting was called to order at 7:35 p.m. with the following present:

Chairperson	Mary Starr
Vice-Chairman	Tommy L. Scott
Commissioner	Emil A. Beltz
Commissioner	Chris Cookson
Commissioner	Donald Glenn
Commissioner	Jack Mathis
City Engineer	John Hargrove
Director of Planning & Community Development	Dennis Smith
Planning & Zoning Secretary	Jennifer Mattingly

Commissioner Todd Iocco arrived at 7:55 p.m.

II. NEW BUSINESS

A. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 661

Request of owners for an amendment to the Land Use and Urban Development Ordinance of said City from Classification Suburban Development District (SD) to Heavy Industrial District (M-2) on the following described properties, to-wit:

Legal Description: Being 2.4988 acres out of Lot 13, Allison Richey Gulf Coast Home Co. subdivision, Section 7, H.T. & B. R.R. Co. survey, A-219, plat records of Brazoria Co., TX (13623 Garden Road)

**Owner: Weimer Construction Company
P.O. Box 1228
Pearland, TX 77581**

Agent: Freddie E. Weimer

Director of Planning & Community Development Dennis Smith stated that this business has been there a long time.

Commissioner Mathis made a motion to forward zoning application no. 661 to City Council for approval, and Vice-Chairman Scott seconded the motion.

Motion passed 6 to 0.

B. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO'S 315, 575, AND 655.

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 properties, to-wit:

1. Zoning Application No. 315

Legal Description: Being 0.505 acres of land out of a 10 acre tract in the South 2 of the Northeast 1/4 of the Southeast 1/4 of the G.C. Smith survey, Section 16, A-546, of the deed records of Brazoria Co., TX (Harkey Road)

**Owner: Keith Sanders
6041 Sharondale
Pearland, TX 77584**

2. Zoning Application No. 575

Legal Description: Being 2.0 acres, more or less, out of the H. T. & B. R.R. Co. survey, A-546, also known as Tract 7B1, according to the plat records of Brazoria Co., TX (15910 Harkey Road)

**Owner: Charles R. Upshaw and Paul Mulcahey
P.O. Box 218
Manvel, TX 77578**

3. Zoning Application No. 655

Legal Description: Lot M, Westgate Park subdivision, H. T. & B. R.R. Co. survey, A-243, according to the plat records of Brazoria Co., TX (2629 Westgate)

**Owner: Orlen W. & Michael P. O'Day
P.O. Box 149
Pearland, TX 77588**

Mr. Smith stated that the application no. 315 consists of a Septic Installation Storage Company, application no. 375 is an existing machine shop south of Live Oaks Farm, and he requested that the application no. 655 be tabled until further

Commissioner Mathis made a motion to exclude application no. 655 from agenda item B, and Vice-Chairman Scott seconded the motion.

Motion passed 6 to 0.

Vice-Chairman Scott made a motion to forward application nos. 315 and 575 to City Council for approval, and Commissioner Beltz seconded the motion.

Motion passed 6 to 0.

C. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 584

Request of owners for an amendment to the Land Use and Urban Development Ordinance of said City from Classification Single Family Dwelling District (R-1) and Neighborhood Services (NS) to General Business District (GB) on the following described properties, to-wit:

Legal Description: Being 1.91 acres, more or less, out of the W.D.C. Hall League, A-70, recorded in Volume 6, pg 142, plat records of Brazoria Co., TX (2105 E. Broadway)

**Owner: Charles P. Slack
2206-D E. Broadway
Pearland, TX 77581**

**Agent: Troy R. Spencer
1120 Nasa Road One #610
Houston, TX 77058**

Mr. Smith stated that a majority of the area is Neighborhood Services.

Commissioner Beltz made a motion to forward application no. 584 to City Council for denial, and Commissioner Mathis seconded the motion.

Motion passed 6 to 0.

D. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 589

Request of owners for an amendment to the Land Use and Urban Development Ordinance of said City from Classification Suburban

Pearland, TX 77581

3. Zoning Application No. 572

Legal Description: Lot 10, Block 8, Hickory Creek Place addition, according to the plat recorded in Volume 11, pg 1, plat records of Brazoria Co., TX (5939 Kelly Drive)

**Owner: Eric & Charlene Jandik
5939 Kelly Drive
Pearland, TX 77581**

4. Zoning Application No. 580

Legal Description: Lot 6, Block 4, Hickory Creek Place subdivision, Section 7, H. T. & B. R.R. Co. survey, A-219, recorded in Volume 11, pages 1 & 2, plat records of Brazoria Co., TX (14011 Michael Lane)

**Owner: Lynn & Jeanna Johnson
14011 Michael Lane
Pearland, TX 77581**

5. Zoning Application No. 609

Legal Description: Lots 13 & 14, Hickory Creek Place subdivision, according to the map recorded in Volume 11, page 1, plat records of Brazoria Co., TX

**Owner: Jack E. Perkins
14014 Michael Lane
Pearland, TX 77581**

6. Zoning Application No. 610

Legal Description: Lot 8, Block 4, Hickory Creek Place subdivision, according to the map recorded in Volume 11, page 1, plat records of Brazoria Co., TX (14014 Michael Lane)

**Owner: Jack E. Perkins
14014 Michael Lane
Pearland, TX 77581**

7. Zoning Application No. 623

Legal Description: Lot 3, Block 2, Wagonwheel subdivision, Section 14, H. T. & B. R.R. Co. survey, A-509, as recorded in Volume 8, pg 79, plat records of Brazoria Co., TX (6110 Larrycrest)

Owner: Edward E. Adams

Development District (SD) to General Business (GB) on the following described properties, to-wit:

Legal Description: Lot 2A, Sharondale subdivision, H. T. & B. R.R. Co. survey, A-546, being approximately 0.533 acres, as recorded in the plat records of Brazoria Co., TX (16230 Harkey Road)

**Owner: John L. Cole
3520 E. Circle
Pearland, TX 77581**

Mr. Smith stated that the area is mixed zoning, and General Business would probably be a less offensive zoning than Light or Heavy Industrial.

Vice-Chairman Scott made a motion to forward zoning application no. 589 to Council for approval, and Commissioner Beltz seconded the motion.

Motion passed 6 to 0.

E. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 481, 568, 572, 580, 609, 610, 623, 696.

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 properties, to-wit:

1. Zoning Application No. 481

Legal Description: Lot 4, Block 9, Hickory Creek Place subdivision, H. T. & B. R.R. Co. survey, A-219, recorded in Volume 11, pg 1, plat records of Brazoria Co., TX (5910 Kelly Drive)

**Owner: Richard L. Arriens
5910 Kelly Drive
Pearland, TX 77581**

2. Zoning Application No. 568

Legal Description: Lot 15, Block 6, Hickory Creek Place subdivision, Section 7, H. T. & B. R.R. Co. survey, A-219, recorded in Volume 11, pg 1, plat records of Brazoria Co., TX (5826 Kelly Drive)

**Owner: Milton W. & Elsie Clark
5826 Kelly Drive**

P.O. Box 913
Pearland, TX 77581

8. Zoning Application No. 696

Legal Description: A portion of a certain 10.0 acres situated in the South 2 of the Northeast 1/4 of the Southeast 1/4, G.C. Smith survey, Section 16, A-546, according to the plat records of Brazoria Co., TX (6125 Sharondale)

Owner: Thomas P. & Cynthia Fraley
6125 Sharondale
Pearland, TX 77584

Commissioner Beltz made a motion to approve all items as one, and Vice-Chairman Scott seconded the motion.

Motion passed 6 to 0.

Commissioner Beltz made a motion to forward zoning application nos. 481, 568, 572, 580, 609, 610, 610, 623, and 696 to City Council for approval, and Vice-Chairman Scott seconded the motion.

Motion passed 6 to 0.

F. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO'S 565, 588, AND 590.

Request of owners for an amendment to the Land Use and Urban Development Ordinance of said City from Classification Suburban Development District (SD) to Mobile Home District (MH) on the following described properties, to-wit:

1. Zoning Application No. 565

Legal Description: Lot 7, Block 1, Cas-Con Acres subdivision, the Northwest 1/4 of the Southwest 1/4, H. T. & B. R.R. Co. survey, Section 14, A-509, Volume 5, page 137, plat records of Brazoria Co., TX (6135 Willow Road)

Owner: Houston F. Gartner, Sr.
6135 Willow Road
Pearland, TX 77581

2. Zoning Application No. 588

Legal Description: Being 4.89 acres out of Tract 16A, H. T. & B. R.R. Co. survey, A-234, plat records of Brazoria Co., TX (13445 Max Road)

**Owner: John L. Cole
3520 East Circle
Pearland, TX 77581**

3. Zoning Application No. 590

Legal Description: Being Lot 11, Block 4, H. T. & B. R.R. Co. survey, A-509, Wagon Wheel subdivision, according to the plat records of Brazoria Co., TX (6218 Beckey Lane)

**Owner: John L. Cole
3520 Beckey Lane
Pearland, TX 77581**

Discussion ensued regarding the lots and it was noted that application no. 588 was the only one existing in a trailer park.

Vice-Chairman Scott made a motion to table zoning application nos. 565 and 590, and forward application no. 588 to City Council for approval, and Commissioner Mathis seconded the motion.

Motion passed 6 to 0.

Commissioner Iocco arrived at 7:55 p.m.

G. CONSIDERATION AND POSSIBLE ACTION---Preliminary Plat of Bellavita at Green Tee Section one. A subdivision of 55.9 acres out of the W.D.C. Hall survey, A-23, Harris County, Texas. 6 Blocks, 136 Lots, and 13 Reserves Totaling 19.8 Acres.

Variance Requests:

- 1. Use of a minimum front setback of 25' on lots 105' or greater in depth.**
- 2. Use of 10' utility easements.**
- 3. Use of a minimum 7' side building line with an aggregate of 15' between houses.**
- 4. Use of sidewalks.**

Chairman Starr noted that the variance requests were worded incorrectly and City Engineer Hargrove read the corrected variance requests.

Mr. Hargrove then stated that the variance requests were not covered on the preliminary plat. He then stated that he had several comments and listed them as:

1. He approved 20 street lights and they are coming in for 55. He then stated that this will constitute considerable increase on our light bill, and he does not know if City Council will go for this.
2. He did not receive any letter for annexation.
3. There is no benchmark reference.
4. There is no floodplain.
5. There is no surveyor statement or seal on the plat.
6. The title block has not been changed, and he stated that he can live with this, however, it is not our standard format and it does make it difficult for everyone to sign, and for his department to locate the plat in its file.
7. The names on the streets have been changed since staff review.

Mr. Hargrove stated that he recommends this plat to be denied.

Commissioner Beltz made a motion to deny the preliminary plat of Belavita due to the City Engineers comments and recommendation, and Vice-Chairman Scott seconded the motion.

Motion passed 7 to 0.

H. CONSIDERATION AND POSSIBLE ACTION---Preliminary Plat of The Lakes at Countryplace Section 4. A Subdivision of 22.05 Acres out of the F.B. Drake A-503 and F.B. Drake A-510 Surveys, Brazoria County, Texas. 3 Blocks, 45 Lots and 1 Reserve, Totaling 10.14 Acres with Private Streets.

Variance Requests:

1. **Use of a minimum front setback of 25' on lots 105' or greater in depth.**
2. **Use of a minimum 7' side building line with an aggregate of 15' between houses.**

Chairman Starr read the corrected variance requests from the variance request letter attached to the plat.

Mr. Hargrove stated that the first variance request is noted in note #8, however, there is not a note regarding the side lot setback. He then stated that he had a few comments as:

1. There needs to be a 100-year floodplain line on the plat.
2. Temporary turn around is not required.
3. He did not receive an explanation of detention that was requested.

4. There is no benchmark reference.
5. There needs to be a surveyor statement.

Commissioner Mathis made a motion to approve the preliminary plat of Lakes at Countryplace Section 4 with the corrections outlined by the City Engineer, and Commissioner Beltz seconded the motion.

Motion passed 6 to 1.

- I. **CONSIDERATION AND POSSIBLE ACTION---Preliminary Plat of The Lakes at Countryplace Section 6. A subdivision of 13.19 Acres out of The F.B. Drake A-503 and F.B. Drake A-510 Surveys, Brazoria County, Texas. 3 Blocks, 46 Lots and No Reserve with Private Streets.**

Variance Requests:

1. **Use of a minimum front setback of 25' on lots 105' or greater in depth.**
2. **Use of a minimum 7' side building line with an aggregate of 15' between houses.**

Commissioner Beltz asked if this is located inside the city limits and Mr. Hargrove replied that it is not.

Mr. Hargrove stated that the first variance request was noted in note #7. He then stated that he had a few comments and listed them as:

1. There needs to be a 100-year floodplain line on the plat.
2. There needs to be a benchmark reference.
3. The detention requirements were not answered.
4. There needs to be a surveyor statement.

Mr. Hargrove stated that he recommends approval with the corrections made.

Commissioner Mathis made a motion to approve the preliminary plat of Lakes at Countryplace Section 6 with the corrections made outlined by the City Engineer, and Commissioner Glenn seconded the motion.

Motion passed 6 to 1.

- J. **CONSIDERATION AND POSSIBLE ACTION---Preliminary Plat of Spartan Park. Being 3.162 Acres Out of Perry & Austin League, A-111 Pearland, Brazoria County, Texas. 2 Lots, 1 Block and 0 Reserves.**

Mr. Hargrove stated that staff recommends approval with a note that on the final will include a sidewalk statement on Broadway, and an explanation of detention be provided.

Commissioner Mathis made a motion to approve the preliminary plat of Spartan Park with the comments made by the City Engineer, and Vice-Chairman Scott seconded the motion.

Motion passed 7 to 0.

K. CONSIDERATION AND POSSIBLE ACTION---Final Plat of Tiffany's Acre. A Subdivision of a 1,0000 Acre Tract of Land Out of a 23.25 Acre Tract Known as Tract 1 of The Subdivision of 120.44 Acres of Land Out of The W.D.C. Hall League, Abstract 70, Brazoria County, Texas. 1 Block, 2 Lots.

Mr. Hargrove stated that staff recommends approval with a note that the final signatures from him and the City Attorney will be withheld until the Commissioner's names are corrected on the mylars and a description of the aerial easement needs to be graphically keyed to the map.

Commissioner Mathis made a motion to approve the final plat of Tiffany's Acre with the corrections requested by the City Engineer, and Commissioner Glenn seconded the motion.

Motion passed 7 to 0.

L. CONSIDERATION AND POSSIBLE ACTION---The Purpose of This Replat is to convert a Residential Lot to a Public R.O.W. Final Replat of Lots 24, 25, and 26, Block 1. A Tract of 0.5373 Acres of Land Being A Replat out of Weatherford Phase II at Silverlake. A Subdivision of 12.5102 Acres of Land Out of The R.B. Lyle Survey, A-539 Brazoria County, Texas As Recorded in Volume 20, Pages 53-54, B.C.P.R.

City Engineer Hargrove stated that staff recommends approval but he does need to have three Brazoria County Plat records references and explained which ones.

He then stated that he would have his signature and the City Attorney's signature withheld until the other easements are recorded or they could remove the utility easement references from the plat.

Vice-Chairman Scott made a motion to approve the Replat of Weatherford Phase II at Silverlake with the comment from the City Engineer to have the utility easements recorded or removed, and Commissioner Beltz seconded the motion.

Motion passed 7 to 0.

M. CONSIDERATION AND POSSIBLE ACTION---Final Plat Willow Lake Estates Section One. 22.2236 Acres out of lot 14 George W. Jenkins

Subdivision (Vol. 79 Pg. 616, B.C.D.R.) Lots 1 and 2 Narregang's Subdivision (Vol. 01, Pg. 92, B.C.D.R.) and Lot 25 O.W. Willits Subdivision (Vol. 03, Pg. 65, B.C.D.R.) and Being in the W.D.C. Hall League Abstract No. 70 Pearland, Brazoria county, Texas. 54 Lots, 3 Blocks, 4 Reserves.

Variance Request:

- 1. Use of a cul-de-sac length of greater than 600 feet on Windcrest Court.**
- 2. Use of a 20-foot building line on the cul-de-sac.**

City Engineer Hargrove stated that he has had difficulty getting a second access and stated that there is now a deed for the R.O.W. but he strongly agrees with Fire Marshall Larry Steed in objecting the plat.

Discussion between Al Lentz of Lentz Engineering, Fire Marshall Larry Steed, and City Engineer Hargrove ensued and it was finally agreed that a note 17 needs to be added. The note will read - A temporary all weather, 911-Gated second outlet road to be completed to permanent street standard upon completion of construction of streets in section two must be provided before issuance of any certificate of occupancy for houses.

Commissioner Beltz made a motion to approve the final plat of Willow Lake Estates Section One with the note made by the City Engineer to add a note 17, and Vice-Chairman Scott seconded the motion.

Motion passed 7 to 0.

- N. CONSIDERATION AND POSSIBLE ACTION---Final Plat of Pine Hollow Section 2-A, being a Subdivision of 32.3916 Acres. A Replat of Lots 27, 44 and Partial Replat of Lots 42, 45, and 46 of the George W. Jenkins Subdivision a Recorded in Volume 2, Page 20 of the B.C.D.R., Located in The Perry and Austin League, A-111, Brazoria County, Texas. 101 Lots 3 Blocks 11 Reserves (9.3896 Acres) (Approved on March 15, 1999 – Mylars need to be signed)**

It was noted that the Final Plat of Pine Hollow Section 2-A was approved on March 15, 1999 and the signatures were withheld until final comments were taken care of and the mylars are now ready for signatures.

- O. CONSIDERATION AND POSSIBLE ACTION---Final Plat of Twin Wood Section 2. A Tract or Parcel of Land Containing 14.5455 Acres Being a Combination of a So Called 4.731 Acre Tract Conveyed by the City Of Pearland in Instrument Dated June 28, 1995 and Recorded in File No. 95020332 of The Real Property Records of Brazoria County, Texas out of Lots 22 & 23 of Walcott's Subdivision and Out of Lot 91**

**of The Zychinski's Subdivision in The H .T. & B.R.R. Co. Survey,
Abstract 23 in Brazoria County, Texas. Containing 1 Block, 49 Lots
and 2 Reserves.**

City Engineer Hargrove stated that staff recommends approval with the notes:

1. He receives a meets and bounds description for Hickory Knoll.
2. A new R.O.W. dedication at the lift-station is reserved.
3. FEMA maps need to be updated.
4. Registered benchmark needs to be used for the benchmark.

Fire Marshall Larry Steed asked about the tie in at Glastonbury and Mr. Hargrove stated that it is in the construction drawings.

Vice-Chairman Scott made a motion to approve the final plat of Twin Woods Section Two with the comments outlined by the City Engineer, and Commissioner Mathis seconded the motion.

Motion passed 7 to 0.

P. CONSIDERATION AND POSSIBLE ACTION---Final Plat of "AAA" Storage-Pearland. A subdivision of 10.4535 Acres out of Lots 103 and 112 West Friendswood Subdivision in the Perry and Austin league Abstract no. 111 Pearland, Brazoria county, Texas. 1 Block, 3 Lots.

City Engineer Hargrove stated that Mr. Cookson's name needs to be corrected on the plat, and staff recommends approval.

Commissioner Mathis made a motion to approve the final plat of "AAA" Storage, and Vice-Chairman Scott seconded the motion.

Motion passed 7 to 0.

IV. NEXT MEETING DATE: April 12, 1999 (JPH Meeting)
April 19, 1999 (Regular Meeting)

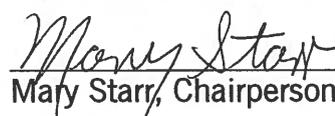
V. ADJOURNMENT

The meeting adjourned at 8:55 p.m.

Minutes respectfully submitted by:


Jennifer Mattingly, Planning & Zoning Secretary

Minutes approved as submitted and/or corrected this 20 day of July, A.D., 1999


Mary Starr, Chairperson