

MINUTES OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND HELD ON MONDAY, DECEMBER 18, 2000 AT 6:30 P.M. IN THE COUNCIL CHAMBERS OF THE CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

The meeting was called to order at 6:30 p.m. with the following present:

Chairman	Charles Viktorin
Commissioner	Emil A. Beltz
Commissioner	Todd Iocco
Commissioner	Russ Selemo
Commissioner	Richard F. Tetens
City Engineer	John Hargrove
P&Z Secretary	Jennifer Gonzales

Vice-Chairman Donald Glenn arrived 15 minutes late, and Commissioner Patro was absent.

II. APPROVAL OF MINUTES

**November 20, 2000 (Regular Meeting)
December 4, 2000 (Regular Meeting)**

Commissioner Tetens stated that on page 7 on the second to last paragraph the word "note" needed to be changed to "not".

Commissioner Iocco stated that Emil's name needs to be changed from "Emi" to "Emil" on sheet 1 of both sets of minutes.

Commissioner Iocco made a motion to approve the November 20, 2000 minutes with the corrections, and Commissioner Tetens seconded the motion.

Motion to approve passed 5 to 0.

Commissioner Selemo stated that on page 1, Commissioner Iocco made the motion to elect the Chairman, and he actually seconded the motion.

Commissioner Beltz stated that there are two spelling errors. He stated that first of all on page 2 the letter "e" needs to be added to the word "Grille", and also on page 1 the letter "n" needs to be added to the word "then" in the last paragraph.

Commissioner Tetens made a motion to approve the December 4, 2000 minutes as corrected, and Commissioner Iocco seconded the motion.

Motion to approve passed 5 to 0.

III. NEW BUSINESS

A. CONSIDERATION & POSSIBLE ACTION – Final Plat of Waterbury Estates Section 3 at Silverlake, a subdivision of 10.5621 acres of land being a replat of unrestricted Reserve “C” of Waterbury Estates Section 2 at Silverlake as recorded in volume 21, pages 167 & 168 of the Brazoria County Plat Records out of the R.B. Lyle Survey, Abstract No. 539, Brazoria County, Texas.

City Engineer Hargrove stated that the Commissioners' names on sheet 2 need to be corrected and the “Dunsmere Court” cul-de-sac is longer than 600' and requires a variance request.

Commissioner Tetens asked if Mr. Hargrove spoke to Tobin Maples about notes 14 & 15, and Mr. Hargrove replied that he spoke to Tobin and he has been instructed from his boss to continue with this practice with Silverlake as they have been doing in the past.

Commissioner Tetens explained to the Commissioners that he called Mr. Maples and asked how they can be approving any subdivision that is not abiding by the Subdivision Ordinance.

Cathy Mitchell of Jones & Carter, Inc. stated that she was instructed to handle these variances this way.

Commissioner Tetens then stated that the Commissioners should not be voting on something that does not comply with the Subdivision Ordinance.

Mrs. Mitchell argued that she was specifically instructed to handle these variances in this format.

Chairman Viktorin asked Mr. Hargrove if staff is recommending approval, and Mr. Hargrove stated that staff recommends approval with the comment that “Dunsmere Ct” being over 600-feet will have to meet the minute order requirements of the City Council.

Mrs. Mitchell argued that for the second comment they did not request a variance because the street has an emergency access easement. Mr. Hargrove then stated that he recommends that a variance be submitted because the ordinance does not state “...unless there is an emergency access,” and he explained there are no other ways through this. Mr. Hargrove argued that he instructed in the staff review “mark-up” to request a variance, and they chose not to, therefore he does not know what else to say.

Commissioner locco made a motion to table the Final Plat of Waterbury Estates Section 3 at Silverlake, and Commissioner Tetens seconded the motion.

Motion to table passed 6 to 0.

Commissioner Beltz asked what is staff recommending, and Mr. Hargrove stated that his suggestion is that they apply for a variance from the Subdivision Ordinance on the basis that they are providing an emergency access at the end of the cul-de-sac.

Commissioner locco asked for clarification on notes 14 & 15, and Mr. Hargrove stated that his instruction is that this is how the variances should be handled for Silverlake.

Mr. Hargrove then clarified with Planning and Zoning that the reason for tabling this is due to the variance request needed for the cul-de-sac length, and Chairman Viktorin stated that that is correct.

B. CONSIDERATION & POSSIBLE ACTION – Final Plat of Fieldstone Village Section 2 at Silverlake, a subdivision of 0.4459 acres of land, being a replat of restricted reserve “C” & “E” of Fieldstone Village Section 2, pages 205-208 of the Brazoria County Plat Records out of the A.C.H.&B. R.R. Co. Survey, Section No. 87, Abstract No. 415, Brazoria County, Texas.

City Engineer Hargrove stated that staff recommends approval with the same comment to change the Commissioner’s names, and he has a question for the Engineer. He then asked if a public hearing has been held yet for this replat.

Cathy Mitchell of Jones & Carter, Inc. stated that there has not been one yet but there will be one.

Mr. Hargrove then stated that he recommends that they act on it tonight and he will have the City Engineer and the City Attorney’s signatures withheld until the results of the Public Hearing.

Commissioner locco asked if this is to make a roadway, and Mr. Hargrove stated that it is not.

Commissioner Tetens made a motion to table the Final Plat of Fieldstone Village Section 2, and Commissioner locco seconded the motion.

Motion to table passed 4 to 2.

C. CONSIDERATION & POSSIBLE ACTION – Final Plat of Silverlake Commercial Park Phase V, a subdivision of 6.4897 acres of land out of the J.W. Maxey Survey, Abstract No. 721, Brazoria County, Texas.

City Engineer Hargrove stated that with the correction of the Commissioner's names, staff recommends approval.

Commissioner Tetens asked if there is going to be a note on the plat about the basis of the north arrow.

City Engineer Hargrove stated that normally there would be a note stating that the basis of the north is based on the deed of records, and it is not on the plat, therefore that will need to be added.

Commissioner Tetens made a motion to approve the Final Plat of Silverlake Commercial Park Phase V with staff's comments, and Commissioner Iocco seconded the motion.

Chairman Viktorin stated that he has a question in regards to County Road 666, and asked who is responsible for the issue of drainage, and City Engineer Hargrove replied that County is and they will also have to approve this plat as well.

Motion to approve passed 6 to 0.

D. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of Shadow Creek Ranch SF-2, 31.997 acres, being out of the T.C.R.R. Co. Survey, Section 3, Abstract 678, Brazoria County, Texas.

City Engineer Hargrove stated that these are the first subdivision plats of Shadow Creek Ranch, and he stated that he has a list of corrections and listed them as:

1. "Star Creek" should be changed to "Mountain Creek" all the way through from "Emerald Bay" up to "Shoal Landing" so that it is one street.
2. The street names between "Shoal Landing" and "Sterling Brook" which now separate and change between lots 17 & 18 of block 3 should be moved down to the knuckle lots at lots 21 & 22. He stated that this is for addressing purposes.
3. He then asked if there is any reason that the cul-de-sac cannot be "Bay Court," and David Tinney of LJA Engineering responded that if it's not a duplicate then that would not be a problem. Mr. Hargrove explained that they need to try to obtain a consistency with naming of the cul-de-sacs, and used the example "Court." He then stated that this can be changed on the Final Plat.

4. Mr. Hargrove stated that as of this moment, 20-foot side lot building lines are required. He then explained that this issue will be coming to a Public Hearing in January and it may be finalized by February.

Commissioner Tetens asked if he meant for cul-de-sac's and Mr. Hargrove replied that he meant for side lots.

Mr. Tinney asked about it being a part of a "PUD", and Mr. Hargrove answered that his suggestion is that for now this be a specific requirement for the final plat.

Chairman Viktorin verified with the City Engineer that his recommendation is to approve the preliminary plat with the condition of the ruling of the 20-foot side lot building setbacks.

City Engineer Hargrove then stated that he must get the original mark-up back from the engineer.

Commissioner Iocco asked about the 20-foot building line on the cul-de-sac and thumbnail lots, and City Engineer Hargrove replied that rule has been changed.

City Engineer Hargrove stated that they need to provide an extra wide entry for the Subdivision because there is no second access, and Mr. Tinney replied that there will be a second access.

Commissioner Tetens made a motion to approve the Preliminary Plat of Shadow Creek Ranch SF-2 with staff's comments, and Commissioner Beltz seconded the motion.

Commissioner Selemon stated that he has a request regarding note 16, which references that the Parkland Ordinance does not apply to Shadow Creek Ranch. He then stated that he would like to see a reference of when this was approved.

City Engineer Hargrove stated that he believes the Developer's Agreement was written before the Ordinance was approved.

Mr. Tinney stated that it's either because of the Developer's Agreement or because it's a PUD.

Commissioner Selemon stated that he would like to see some authoritative comment.

Motion to approve passed 6 to 0.

E. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of Shadow Creek Ranch SF-5, 36.337 acres, being out of the T.C.R.R. Co. Survey,

Abstract 675 and the T.C.R.R. Co. Survey, Abstract 678, Brazoria County, Texas.

City Engineer Hargrove asked if there is going to be an emergency access, and David Tinney of LJA Engineering stated that there is going to be one next to Kirby Drive.

City Engineer Hargrove then stated that he has the same comments as the last plat and some additional comments and listed them as:

1. The temporary benchmark is too far away, they need one close to or adjacent to the property.
2. They will need a surveyor's signature on the plat. He then stated his reason is that he wants to plat a survey, and not a map.
3. They need to change the Commissioner's names for the Final Plat.

Commissioner Glenn made a motion to approve the Preliminary Plat of Shadow Creek Ranch SF-5 with staff's comments, and Commissioner Tetens seconded the motion.

Commissioner Selemon stated that he has the same comment on the parkland ordinance note.

Motion to approve passed 6 to 0.

F. CONSIDERATION & POSSIBLE ACTION – Preliminary Right-of-Way Plat of Shadow Creek Ranch Village One, Phase One-B, 17.834 acres, being out of the William Morris Survey, Abstract 344; the T.C.R.R. Co. Survey, Section 4 Abstract 675; the T.C.R.R. Co. Survey, Section 3 Abstract 678; the H.T.&B. R. R. Co. Survey, Section 82 Abstract 565, and the Obediah Pitts Survey, Abstract 717, Brazoria County, Texas.

City Engineer Hargrove explained to the Commissioners that this is a right-of-way plat, and some things that you normally see on a subdivision plat will not appear on this plat, and he used the water and sewer easement as an example.

Mr. Hargrove then stated that staff has two basic questions other than the comment that the Commissioner's names need to be corrected. He then stated that he has a concern about the "Clear Lake Loop" for addressing purposes. He then requested that it be changed to "North, South, West, or East Clear Lake Loop. He stated his second request is that the radii at "Emerald Bay" and "Kirby Drive" be reconfigured. He then stated that this is a request and not a demand.

Commissioner Beltz made a motion to approve the Preliminary Plat of Shadow Creek Ranch Village One, Phase One-B with staff's comments, and Commissioner Iocco seconded the motion.

Motion to approve passed 6 to 0.

G. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of Savannah Parkway, Southern Oak Ln. & Commercial Reserve No. 1, being 24.33 acres of land containing five reserves in one block., out of the A.C.H. & B. Survey, A-403 & H.T.& B. R.R. Survey, A-280, Brazoria County, Texas.

City Engineer Hargrove stated that he has several comments that can be carried over to the Final Plat, and listed them as:

1. The ETJ line in the Vicinity Map is wrong.
2. At the intersection of Savannah Parkway and Hwy 6 the right-of-way needs to be increased from 25' to 35' to allow 45' radius pavement.
3. The City Manager is demanding a construction schedule of the whole subdivision.
4. Onsite TBM's are required.
5. The drainage plan for the reserve needs to be more detailed.
6. The sidewalk requirement on Highway 6 is required at the time of development and streetlights as well.
7. Before he accepts the liftstation he will need to see more details.

Randy Riley of Kerry Gilbert & Associates stated that the north boundary line is providing dual access, and he asked if this is to be shown on the plat, and Mr. Hargrove replied that it will need to be in the construction drawings.

City Engineer Hargrove then pointed out to the Commissioners that he has the Mark-up to work off of for the final plat.

Commissioner Glenn made a motion to approve the Preliminary Plat of Savannah Parkway, Southern Oak Ln. & Commercial Reserve No. 1 with the comments for the Final Plat, and Commissioner Selemon seconded the motion.

Motion to approve passed 6 to 0.

H. CONSIDERATION & POSSIBLE ACTION – Final Plat of The Enclave at Mary's Creek, being a total of 13.0629 acres out of the Thomas J. Green Survey, Abstract 198, in Pearland, Brazoria County, Texas.

City Engineer Hargrove stated that he would like to explain what is going on with this plat. He stated that he has been holding this for a very long time. He explained that historically there is a ditch that drained YMCA Drive and Nottingham, and the

