

**AGENDA – REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JANUARY 19, 2009 AT 6:30 P.M., IN ENGINEERING DEPARTMENT CONFERENCE ROOM, COMMUNITY CENTER, 3523 LIBERTY DRIVE, PEARLAND, TEXAS**

**I. CALL TO ORDER**

**II. APPROVAL OF MINUTES**                      **Regular Meeting of , January 5, 2009**

**III. NEW BUSINESS**

**A. Conditional Use Permit No. CUP 2009-01**

Request of William and Marjorie Baldy, applicants and owners, for approval of a Conditional Use Permit to permit a garage in Old Townsite Mixed Use (OT-MU) District, on the following described property:

**LEGAL DESCRIPTION:**        Lot 9, Block "F", of the Town of Pearland, Brazoria County, Texas, according to the map or plat thereof recorded in Volume 29, Page 41 of the deed record of Brazoria County, Texas.

**GENERAL LOCATION:**        Located at 2117 North Houston Avenue.

**B. Conditional Use Permit No. CUP 2009-02**

Request of Kimley Horn, applicant, and CVS Pharmacy Inc., owner, for approval of a Conditional Use Permit to permit Autowash Self Service, in General Business (GB) District, on the following described property:

**LEGAL DESCRIPTION:**        Lot 1 consisting of 1.0808 acres as shown in Replat CVS Sherwood, a subdivision of 4.8672 acres of land, being a partial replat of CVS Sherwood, Vol. 24, Pg. 170, B.C.P.R out of the Thomas J. Green Survey, A-198, City of Pearland, Brazoria County, Texas.

**GENERAL LOCATION:**        Located at the southeast corner of Broadway Street (FM 518) and YMCA Drive.

**C. Conditional Use Permit No. CUP 2009-03**

Request of Verizon Wireless, applicant, and Dennis & Vicki Walters, owners, for approval of a Conditional Use Permit to permit Cellular Communications Tower, in Suburban Residential – 12 (SR-12) District, on the following described property:

**LEGAL DESCRIPTION:**        6.1198 acre tract of land as conveyed to Dennis J. Walters and wife Vicki Z. Walters by Warranty Deed with Vendor's Lien dated May 20, 1986 and filed for record under Volume

86-280, Page 474 of the Brazoria County Deed Records, and also being a portion of Lot 7 of the Allison Richey Gulf Coast Home Company Subdivision as shown on plat filed for record under Volume 2, Page 23 of the Brazoria County Plat records..

GENERAL LOCATION: Located at 1709 Stone Road.

**D. Zone Change No. 2009-01Z**

Request of Stephen Engbrock, applicant for Third Coast Packaging, owner, for approval of a change in zoning district from classification Heavy Industrial (M-2) to Planned Development (PD), on the following described property:

LEGAL DESCRIPTION: 6.5953 acres located in the H.T & B.R.R. Co. Survey., Abstract 232, in the city of Pearland, Brazoria County, Texas as shown on the Amending Plat of Mykawa Investments Clerk's File No. 97-016096 B.C.C.O; remainder of a 12.00 acres Third Coast Packaging Inc. Clerk's File No. 97-016096 B.C.C.O.; and 2.9125 acres Third Coast Packaging, Inc. Clerk's File No. 00 022591 B.C.C.O.

GENERAL LOCATION: Located on 1871 Mykawa Road

**E. Zone Change No. 2009-02Z**

Request of Jung Kwak, applicant for Montalbano Lumber Co. Inc., owner, for approval of a change in zoning district from classification Light Industrial (M-1) to Planned Development (PD), on the following described property:

LEGAL DESCRIPTION: 26.34 acres of land, being parts of and the North half of Lot 44 and all of Lot 49 of Zychlinski's Subdivision in the HT&B RR Co. Survey, Section 3, Abstract 232, and R.B Lyle Survey, Abstract 542, in the Brazoria County, Texas.

GENERAL LOCATION: Located on the West Side of SH 35 (North Main Street), and on the South Side of McHard Road

**F. AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE (T-10)**

A request by the City of Pearland, for an amendment to the Unified Development Code, Ordinance No. 2000T, regarding platting of single family residential lots with existing structures.

**G. CONSIDERATION & POSSIBLE ACTION – Final Plat of Oakbrook Estates Section 7**

Decision  
Date  
1/24/09

A request by Ken Gruller, Gruller Surveying, LLC, for Oakbrook Estates, Ltd., owner, for approval of a final plat of Oakbrook Estates Section 7. The applicant is proposing 65 lots in 6 blocks zoned PUD and the property is described as follows:

Being a subdivision of 16.2241 acres of land located in the W.D.C. Hall League, A-70, City of Pearland, Brazoria County, Texas

**H. DISCUSSION ITEM**

- Next P&Z Meeting February 2, 2009
- Land Use Study

**IV. ADJOURNMENT**

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

I, Judy Krajca, Planning Secretary of the City of Pearland, Texas, do hereby certify that the foregoing agenda was posted in a place convenient to the general public at City Hall & at the Community Center on the 16<sup>th</sup> day of January 2009 A.D., at 5:30 p.m.

\_\_\_\_\_  
Judy Krajca, Planning Secretary

Agenda removed \_\_\_\_\_ day of 2009.

**APPROVAL**

**OF**

**MINUTES**

**MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD JANUARY 5, 2009 AT 6:30 P.M., IN ENGINEERING DEPARTMENT CONFERENCE ROOM, COMMUNITY CENTER, 3523 LIBERTY DRIVE, PEARLAND, TEXAS**

**CALL TO ORDER**

P&Z Chairperson Henry Fuertes called the meeting to order at 10:01 p.m. with the following present:

P&Z Chairperson Henry Fuertes  
P&Z Commissioner Susan Sherrouse  
P&Z Commission Ron Capehart  
P&Z Commissioner Darrell Diggs  
P&Z Commissioner Charles Gooden, Jr.  
P&Z Commissioner Neil West

Also in attendance were: Planning Director Lata Krishnarao, and Plans and Plat Administrator Richard Keller.

**APPROVAL OF MINUTES**

P&Z Commissioner Ron Capehart made the motion to approve the minutes of December 1, 2008, and P&Z Commissioner Darrell Diggs seconded.

The vote was 6-0. The minutes of December 1, 2008 were approved. Vice-Chairperson Jerry Koza, Jr. was not present.

Chairperson Henry Fuertes recused himself from the Hearing, and the Consideration & Possible Action of the Replat No. 2 of Lot 3 Block 1 and Lot 2 Block 2 of Kirby Commons, by leaving the room. P&Z Commissioner Susan Sherrouse was appointed as Acting Chairperson of P&Z.

**NEW BUSINESS**

**A. CONDUCT PUBLIC HEARING – Replat No. 2 of Lot 3 Block 1 and Lot 2 Block 2 of Kirby Commons**

A request by Aaron Bourgeois, Lentz Engineering, L.C., for SCR C24 Investments, L.P., owner, for approval of a replat of Lot 3 Block 1 and Lot 2 Block 2 of Kirby Commons. The applicant is proposing one additional lot zoned PUD and the property is described as follows:

Being an Amending Plat of the Replat of Lot 2 Block 1 of Kirby Commons as recorded in File No. 2008033752 of the Official Public Records of Brazoria County, Texas, City of Pearland, Brazoria County, Texas.

Acting Chairperson Susan Sherrouse opened the Public Hearing for Replat No. 2 of Lot 3 Block 1 and Lot 2 Block 2 of Kirby Commons at 10:03 p.m.

Plans and Plat Administrator Richard Keller read the staff's report.

The applicant/owner was not present to speak.

There was no one present to speak for or against the hearing.

There was no discussion among the Commission/Staff.

Acting Chairperson Susan Sherrouse adjourned the public hearing for Replat No. 2 of Lot 3 Block 1 and Lot 2 Block 2 of Kirby Commons at 10:05 p.m.

**B. CONSIDERATION & POSSIBLE ACTION – Replat No. 2 of Lot 3 Block 1 and Lot 2 Block 2 of Kirby Commons**

A request by Aaron Bourgeois, Lentz Engineering, L.C., for SCR C24 Investments, L.P., owner, for approval of a replat of Lot 3 Block 1 and Lot 2 Block 2 of Kirby Commons. The applicant is proposing one additional lot zoned PUD and the property is described as follows:

Being an Amending Plat of the Replat of Lot 2 Block 1 of Kirby Commons as recorded in File No. 2008033752 of the Official Public Records of Brazoria County, Texas, City of Pearland, Brazoria County, Texas.

P&Z Commissioner Darrell Diggs made the motion to approve, and P&Z Commissioner Ron Capehart seconded.

Plans and Plat Administrator Richard Keller read the staff's report stating there were three outstanding items remaining. These included a signed mylar, tax certificates, and the recordation/courier fees. Mr. Keller recommended approval with staff comments.

P&Z Commissioner Neil West how much was owed in fees. Plans and Plat Administrator Richard Keller explained that we are uncertain of the amount due, until we know how many pages of the plat will be submitted for recordation, and how many tax certificates are necessary

P&Z Commission Darrell Diggs expressed concern of approving a plat when outstanding items remain. Planning Director Lata Krishnarao and Plans and Plat Administrator Richard Keller each explained that some items when left outstanding could be approved with the condition that they be completed before the plat could be recorded. In this case,

the 3 outstanding items are all contingent upon recording, and that the applicant will get these submitted.

The vote was 5-0. The Replat No. 2 of Lot 3 Block 1 and Lot 2 Block 2 of Kirby Commons was approved with staff comments.

P&Z Chairperson Henry Fuyertes returned to the room at 10:13 p.m. and resumed the position as Chairperson.

Plans and Plat Administrator Richard Keller explained that the following items pertaining to the Replat of Greenwood were not necessary as the applicant withdrew the plat.

### **C. CONDUCT PUBLIC HEARING – Replat of Greenwood**

A request by C. L. Davis, C. L. Davis and Company, for Greenwood Development, Inc., owner, for approval of a replat of Greenwood. The applicant is proposing to reconfigure the two reserve areas into two reserve areas and one lot zoned GB and the property is described as follows:

Being Restricted Reserves "A" and "B" of Greenwood as recorded in Vol. 19 Pages 233-234 of the Brazoria County Plat Records, City of Pearland, Brazoria County, Texas.

Plat withdrawn. No hearing necessary.

### **D. CONSIDERATION & POSSIBLE ACTION – Replat of Greenwood**

A request by C. L. Davis, C. L. Davis and Company, for Greenwood Development, Inc., owner, for approval of a replat of Greenwood. The applicant is proposing to reconfigure the two reserve areas into two reserve areas and one lot zoned GB and the property is described as follows:

Being Restricted Reserves "A" and "B" of Greenwood as recorded in Vol. 19 Pages 233-234 of the Brazoria County Plat Records, City of Pearland, Brazoria County, Texas.

Plat withdrawn. No action necessary.

### **E. DISCUSSION ITEM**

There was brief discussion of the next meeting scheduled for January 19, 2009. Planning Director Krishnarao explained that it would be a long night based on the number of Joint Public Hearings.

There was also brief discussion with regards to flights for those attending the Texas APA Conference on February 4<sup>th</sup>-6<sup>th</sup>.

#### **IV. ADJOURNMENT**

P&Z Chairperson Henry Fuyertes adjourned the meeting at 10:15 p.m.

These minutes are respectfully submitted by:

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Judy Krajca, Planning Secretary

Minutes approved as submitted and/or corrected on this 19th day of January A.D., 2009.

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P&Z Chairperson Henry Fuyertes

# **P&Z Agenda Item**

**A**

**AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JANUARY 19, 2009, AT 6:30 P.M., IN THE COMMUNITY CENTER, CITY HALL, 3523 LIBERTY DRIVE, PEARLAND, TEXAS**

**I. CALL TO ORDER**

**II. PURPOSE OF HEARING**

Conditional Use Permit No. CUP 2009-01

Request of William and Marjorie Baldy, applicants and owners, for approval of a Conditional Use Permit to permit a garage in Old Townsite Mixed Use (OT-MU) District, on the following described property:

**LEGAL DESCRIPTION:** Lot 9, Block "F", of the Town of Pearland, Brazoria County, Texas, according to the map or plat thereof recorded in Volume 29, Page 41 of the deed record of Brazoria County, Texas.

**GENERAL LOCATION:** Located at 2117 North Houston Avenue.

**III. APPLICATION INFORMATION AND CASE SUMMARY**

**STAFF REPORT  
APPLICANT PRESENTATION**

**IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST**

**V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION**

**VI. ADJOURNMENT**

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# **P&Z Agenda Item**

**B**

**AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JANUARY 19, 2009, AT 6:30 P.M., IN THE COMMUNITY CENTER, CITY HALL, 3523 LIBERTY DRIVE, PEARLAND, TEXAS**

**I. CALL TO ORDER**

**II. PURPOSE OF HEARING**

Conditional Use Permit No. CUP 2009-02

Request of Kimley Horn, applicant, and CVS Pharmacy Inc., owner, for approval of a Conditional Use Permit to permit Autowash Self Service, in General Business (GB) District, on the following described property:

**LEGAL DESCRIPTION:** Lot 1 consisting of 1.0808 acres as shown in Replat CVS Sherwood, a subdivision of 4.8672 acres of land, being a partial replat of CVS Sherwood, Vol. 24, Pg. 170, B.C.P.R out of the Thomas J. Green Survey, A-198, City of Pearland, Brazoria County, Texas.

**GENERAL LOCATION:** Located at the southeast corner of Broadway Street (FM 518) and YMCA Drive.

**III. APPLICATION INFORMATION AND CASE SUMMARY**

**STAFF REPORT**

**APPLICANT PRESENTATION**

**IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST**

**V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION**

**VI. ADJOURNMENT**

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# **P&Z Agenda Item**

**C**

**AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JANUARY 19, 2009, AT 6:30 P.M., IN THE COMMUNITY CENTER, CITY HALL, 3523 LIBERTY DRIVE, PEARLAND, TEXAS**

**I. CALL TO ORDER**

**II. PURPOSE OF HEARING**

Conditional Use Permit No. CUP 2009-03

Request of Verizon Wireless, applicant, and Dennis & Vicki Walters, owners, for approval of a Conditional Use Permit to permit Cellular Communications Tower, in Suburban Residential – 12 (SR-12) District, on the following described property:

**LEGAL DESCRIPTION:** 6.1198 acre tract of land as conveyed to Dennis J. Walters and wife Vicki Z. Walters by Warranty Deed with Vendor's Lien dated May 20, 1986 and filed for record under Volume 86-280, Page 474 of the Brazoria County Deed Records, and also being a portion of Lot 7 of the Allison Richey Gulf Coast Home Company Subdivision as shown on plat filed for record under Volume 2, Page 23 of the Brazoria County Plat records..

**GENERAL LOCATION:** Located at 1709 Stone Road.

**III. APPLICATION INFORMATION AND CASE SUMMARY**

**STAFF REPORT  
APPLICANT PRESENTATION**

**IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST**

**V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION**

**VI. ADJOURNMENT**

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# **P&Z Agenda Item**

**D**

**AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JANUARY 19, 2009, AT 6:30 P.M., IN THE COMMUNITY CENTER, CITY HALL, 3523 LIBERTY DRIVE, PEARLAND, TEXAS**

**I. CALL TO ORDER**

**II. PURPOSE OF HEARING**

**Zone Change No. 2009-01Z**

Request of Stephen Engbrock, applicant for Third Coast Packaging, owner, for approval of a change in zoning district from classification Heavy Industrial (M-2) to Planned Development (PD), on the following described property:

**LEGAL DESCRIPTION:** 6.5953 acres located in the H.T & B.R.R. Co. Survey., Abstract 232, in the city of Pearland, Brazoria County, Texas as shown on the Amending Plat of Mykawa Investments Clerk's File No. 97-016096 B.C.C.O; remainder of a 12.00 acres Third Coast Packaging Inc. Clerk's File No. 97-016096 B.C.C.O.; and 2.9125 acres Third Coast Packaging, Inc. Clerk's File No. 00 022591 B.C.C.O.

**GENERAL LOCATION:** Located on 1871 Mykawa Road

**III. APPLICATION INFORMATION AND CASE SUMMARY**

**STAFF REPORT  
APPLICANT PRESENTATION**

**IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST**

**V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION**

**VI. ADJOURNMENT**

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# **P&Z Agenda Item**

**E**

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**I. CALL TO ORDER**

**II. PURPOSE OF HEARING**

Zone Change No. 2009-02Z

Request of Jung Kwak, applicant for Montalbano Lumber Co. Inc., owner, for approval of a change in zoning district from classification Light Industrial (M-1) to Planned Development (PD), on the following described property:

**LEGAL DESCRIPTION:** 26.34 acres of land, being parts of and the North half of Lot 44 and all of Lot 49 of Zychlinski's Subdivision in the HT&B RR Co. Survey, Section 3, Abstract 232, and R.B Lyle Survey, Abstract 542, in the Brazoria County, Texas.

**GENERAL LOCATION:** Located on the West Side of SH 35 (North Main Street), and on the South Side of McHard Road

**III. APPLICATION INFORMATION AND CASE SUMMARY**

**STAFF REPORT**

**APPLICANT PRESENTATION**

**IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST**

**V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION**

**VI. ADJOURNMENT**

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# **P&Z Agenda Item**

**F**

**AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JANUARY 19, 2009, AT 6:30 P.M., IN THE COMMUNITY CENTER, CITY HALL, 3523 LIBERTY DRIVE, PEARLAND, TEXAS**

**I. CALL TO ORDER**

**II. PURPOSE OF HEARING**

**AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE (T-10)**

A request by the City of Pearland, for an amendment to the Unified Development Code, Ordinance No. 2000T, regarding platting of single family residential lots with existing structures.

**III. APPLICATION INFORMATION AND CASE SUMMARY**

**STAFF REPORT**

**APPLICANT PRESENTATION**

**IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST**

**V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION**

**VI. ADJOURNMENT**

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# **P&Z Agenda Item**

**G**

**OAKBROOK ESTATES**  
**SECTION SEVEN**  
**FINAL PLAT – STAFF REPORT**  
**P & Z MEETING DATE: JANUARY 19, 2009**

**APPLICANT:** Ken Gruller, Gruller Surveying, LLC, for Oakbrook Estates, Ltd., owner.

**REQUEST:** Final Plat of 16.2241 acres zoned PUD for single-family residential development. The preliminary plat was approved on September 17, 2007.

**GENERAL LOCATION:** The property is located northwest of Dixie Farm Road east of Cowart Creek.

**PROPERTY DESCRIPTION:** The property is under development.

**ZONING:** PUD R-2, The proposed plat is consistent with the zoning.

**SURROUNDING USES:** Property will adjoin other single-family units of Oakbrook Estates on the south, a future section on the west, and Shadycrest Subdivision on the north.

**COMPREHENSIVE PLAN:** The City of Pearland Land Use Plan designates the property for Medium Density Residential. The existing zoning and proposed development are consistent with the Comprehensive Plan.

**TRAFFIC AND TRANSPORTATION:** The Traffic Impact Analysis was previously approved.

**UTILITIES AND INFRASTRUCTURE:** Water and sewer service have been provided.

**STORMWATER MANAGEMENT:** Stormwater detention will be provided onsite in a detention reserve.

**PARKS, OPEN SPACE, AND TREES:** Sufficient parkland has already been provided.

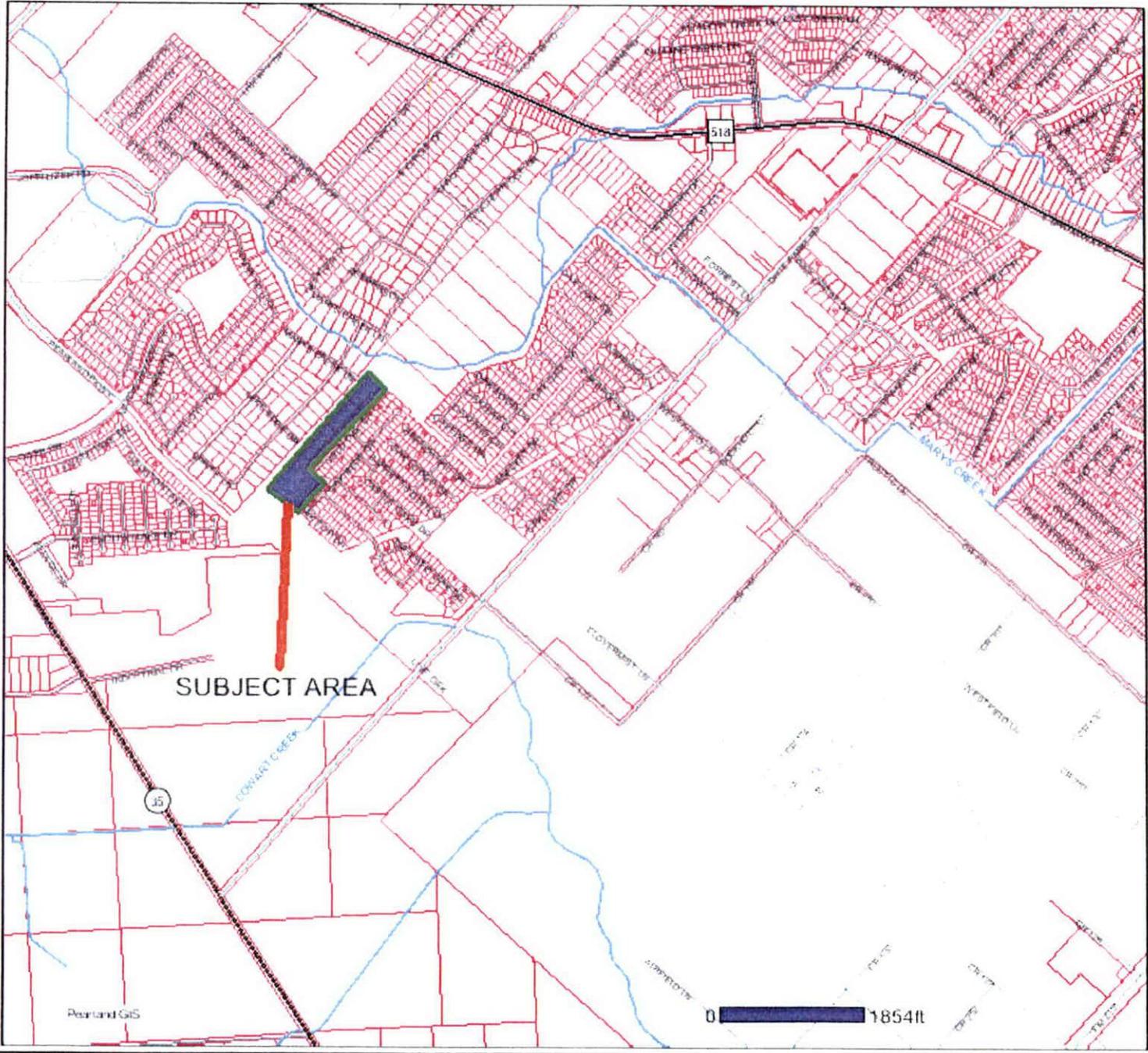
**OUTSTANDING ITEMS:**

- 1.) Trees to be planted along Dixie Farm Road entrance as per PUD agreement.
- 2.) Remove all building lines from the plat
- 3.) Check stated frontages on three of the lots

**ATTACHMENTS:**

1. Application Form
2. Location sketch
3. Replat

# OAKBROOK ESTATES SEVEN



Resland GIS

0 1854ft

City of Pearland  
 Community Development  
 3523 Liberty Drive  
 (Community Center)  
 Pearland, Texas 77581  
 281-652-1768  
 281-652-1702 fax  
 www.cityofpearland.com

# PLAT APPLICATION

**Please Check Type of Plat Requested:**

- Preliminary Subdivision Plat
- Final Subdivision Plat
- Minor (Subdivision) Plat
- Amending Plat
- Master Plat
- Preliminary Development Plat
- Final Development Plat
- Replat

\*Please send any and all correspondence to:

rkeller@ci.pearland.tx.us

**SUBDIVISION**

NAME: FINAL PLAT OAKBROOK ESTATES SEC. 7

NUMBER OF LOTS: 65

**GENERAL**

LOCATION: PEARLAND PARKWAY - NW OF

OAKBROOK ESTATES SECTION 516

PRIMARY CONTACT: KEN GRILLER

MAILING ADDRESS: 1726 AUGUSTA DR.

CITY, STATE, ZIP: HOUSTON, TX 77057

PHONE: 713 333 1466 FAX: 713 782 3755

E-MAIL ADDRESS: ken@grillersurveying.com

OWNER NAME: OAKBROOK ESTATES LTD

MAILING ADDRESS: 7676 WOODWAY, SUITE 238

CITY, STATE, ZIP: HOUSTON, TX 77063

PHONE: 713-784-6102 FAX: \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

A complete application must include all items shown on the corresponding submittal checklist for each different type of plat. See Page 2.

As owner and applicant, I hereby request approval of the above described plat as provided for by the Unified Development Code of the City of Pearland.

Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant's Signature: [Signature] Date: 1-11-2009

I acknowledge that this plat has been submitted on this day, \_\_\_\_\_, and the Plat filing date is \_\_\_\_\_, which will be the first day it will be reviewed by the Planning Staff. I hereby sign and date this acknowledgement.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

All waiver requests must be received by the resubmittal time and date that corresponds to the Plat Resubmittal Deadline, per the Plat submittal schedule.

FEE'S PAID:	<u>668.00</u>
DATE PAID:	<u>12-26-08</u>
RECEIVED BY:	<u>[Signature]</u>
RECEIPT NO.:	<u>73525</u>

# **ITEM H**

## **DISCUSSION ITEMS**

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD JANUARY 19, 2009 AT 6:30 P.M., IN ENGINEERING DEPARTMENT CONFERENCE ROOM, COMMUNITY CENTER, 3523 LIBERTY DRIVE, PEARLAND, TEXAS

**CALL TO ORDER**

P&Z Chairperson Henry Fuertes called the meeting to order at 8:59 p.m. with the following present:

P&Z Chairperson Henry Fuertes  
P&Z Vice-Chairperson Jerry Koza, Jr.  
P&Z Commissioner Susan Sherrouse  
P&Z Commission Ron Capehart  
P&Z Commissioner Darrell Diggs  
P&Z Commissioner Neil West

Also in attendance were: Planning Director Lata Krishnarao, Plans and Plat Administrator Richard Keller, Deputy City Attorney Nghiem Doan, Senior Planner Angela Gantuah, and Planning Administrative Secretary Judy Krajca. Assistant City Manager Mike Hodge was present intermittently throughout the meeting.

**APPROVAL OF MINUTES**

P&Z Commissioner Ron Capehart made the motion to approve the minutes of December 1, 2008, and P&Z Commissioner Susan Sherrouse seconded.

The vote was 6-0. The minutes of January 5, 2009 were approved. Commissioner Charles Gooden, Jr. was not present.

**NEW BUSINESS**

**A. CONSIDERATION & POSSIBLE ACTION – Conditional Use Permit No. CUP 2009-01**

Request of William and Marjorie Baldy, applicants and owners, for approval of a Conditional Use Permit to permit a garage in Old Townsite Mixed Use (OT-MU) District, on the following described property:

LEGAL DESCRIPTION: Lot 9, Block "F", of the Town of Pearland, Brazoria County, Texas, according to the map or plat thereof recorded in Volume 29, Page 41 of the deed record of Brazoria County, Texas.

GENERAL LOCATION: Located at 2117 North Houston Avenue.

P&Z Commissioner Susan Sherrouse made the motion to approve, and P&Z Commissioner Neil West seconded.

Planning Director Lata Krishnarao reiterated staff's comments with recommendations that (1) Parking be limited to one car and one truck inside the existing building, (2) No outdoor parking, activity, or storage allowed, and (3) No auto repair/shop or uses be permitted in the OT-MU district.

Commissioner Susan Sherrouse inquired if the conditions specify only two vehicles. Commissioner Ron Capehart stated that if it is enclosed, why limit it further. Commissioner Neil West agreed with Commissioner Capehart.

Commissioner Darrell Diggs expressed concern with the "automobile/storage" becoming a business in the future, and expressed concern with regards to street widths.

Planning Director Lata Krishnarao recommended adding "personal use" and not commercial use.

Commissioner Susan Sherrouse amended her motion for approval, and Commissioner Neil West seconded that the garage be used for personal use of a 1 ton vehicle or less – all to be interior, and no commercial activity.

Assistant City Manager Mike Hodge arrived at 9:07 p.m.

The vote was 6-0. Conditional Use Permit No. 2009-01 was approved with the following conditions:

1. The garage to be used to park personal vehicles,
2. No commercial activity on site, and
3. Vehicles to be parked inside the existing garage with no outdoor parking.

**B. CONSIDERATION & POSSIBLE ACTION – Conditional Use Permit No. CUP 2009-02**

Request of Kimley Horn, applicant, and CVS Pharmacy Inc., owner, for approval of a Conditional Use Permit to permit Autowash Self Service, in General Business (GB) District, on the following described property:

LEGAL DESCRIPTION: Lot 1 consisting of 1.0808 acres as shown in Replat CVS Sherwood, a subdivision of 4.8672 acres of land, being a partial replat of CVS Sherwood, Vol. 24, Pg. 170, B.C.P.R out of the Thomas J. Green Survey, A-198, City of Pearland, Brazoria County, Texas.

GENERAL LOCATION: Located at the southeast corner of Broadway Street (FM 518) and YMCA Drive.

Commissioner Ron Capehart made the motion to approve, and Vice-Chairperson Jerry Koza, Jr. seconded.

Commissioner Ron Capehart stated he felt that the building could be re-oriented. Chairperson Henry Fuytes stated that if it is not desirable to reorient, then it is not the right spot. Commissioner Neil West requested that an amended traffic study be done.

Commissioner Darrell Diggs made a motion to table Conditional Use Permit No. CUP 2009-02. The motion died for a lack of a second.

Vice-Chairperson Jerry Koza, Jr. stated he does not have a problem with the orientation as he feels 99% of the people that see the business do so while drive by, and not from a front direction. Commissioner Darrell Diggs agreed.

Planning Director Lata Krishnarao stated that the orientation and landscaping would make a difference. Commissioner Susan Sherrouse asked if they should approve, or address the orientation, landscaping, and traffic analysis.

Planning Director Lata Krishnarao recommended tabling and letting them come back with revisions since based on the joint public hearing, the applicant knew what the Council and Commission is looking for. Commissioner Ron Capehart agreed. Deputy City Attorney Nghiem Doan stated that all of this is good, as long as the Commission feels it is the highest and best use of the land.

Commissioner Susan Sherrouse recommended tabling Conditional Use Permit No. CUP 2009-02, and Vice-Chairperson Jerry Koza, Jr. seconded.

The vote was 5-1. Conditional Use Permit No. CUP 2009-02 was tabled, with Commissioner Neil West voting in opposition.

**C. CONSIDERATION & POSSIBLE ACTION – Conditional Use permit No. CUP 2009-03**

Request of Verizon Wireless, applicant, and Dennis & Vicki Walters, owners, for approval of a Conditional Use Permit to permit Cellular Communications Tower, in Suburban Residential – 12 (SR-12) District, on the following described property:

LEGAL DESCRIPTION: 6.1198 acre tract of land as conveyed to Dennis J. Walters and wife Vicki Z. Walters by Warranty Deed with

Vendor's Lien dated May 20, 1986 and filed for record under Volume 86-280, Page 474 of the Brazoria County Deed Records, and also being a portion of Lot 7 of the Allison Richey Gulf Coast Home Company Subdivision as shown on plat filed for record under Volume 2, Page 23 of the Brazoria County Plat records..

GENERAL LOCATION: Located at 1709 Stone Road.

Vice-Chairperson Jerry Koza, Jr. made the motion to approve, and Commissioner Ron Capehart seconded.

Planning Director Lata Krishnarao spoke with regards to the concerns remaining and the items that the Commission could require them to provide. Concerns were the facility fencing, enclosure, and landscaping, the paved road to the facility, a detailed plan of the landscaping, parking, height, and stealth techniques.

Mr. Jose Perez, representing the applicant, showed the Commissioners a map detailing the areas where their towers currently are located. There was much discussion among the Commission/Staff/Applicant with regards to co-leasing another tower, extending the height of other towers, and the effects on the neighbors.

Planning Director Lata Krishnarao recommended that if the CUP was tabled, the applicant return with more studies conducted in the area, alternatives, and if alternative sites benefited them.

Vice-Chairperson Jerry Koza, Jr. made a motion to table, and Commissioner Darrell Diggs seconded.

Deputy City Attorney asked why the Commission was tabling the CUP, if Verizon might not provide what the Planning & Zoning Commission is looking for.

Vice-Chairperson Jerry Koza, Jr. reversed his motion to table leaving the original motion to approve.

The vote was 0-6. The Conditional Use Permit was denied.

**D. CONSIDERATION & POSSIBLE ACTION – Zone Change No. 2009-01Z**

Request of Stephen Engbrock, applicant for Third Coast Packaging, owner, for approval of a change in zoning district from classification Heavy Industrial (M-2) to Planned Development (PD), on the following described property:

LEGAL DESCRIPTION: 6.5953 acres located in the H.T & B.R.R. Co. Survey., Abstract 232, in the city of Pearland, Brazoria County, Texas as shown on the Amending Plat of Mykawa Investments Clerk's File

No. 97-016096 B.C.C.O.; remainder of a 12.00 acres Third Coast Packaging Inc. Clerk's File No. 97-016096 B.C.C.O.; and 2.9125 acres Third Coast Packaging, Inc. Clerk's File No. 00-022591 B.C.C.O.

**GENERAL LOCATION:** Located on 1871 Mykawa Road

Commissioner Ron Capehart made the motion to approve, and Vice-Chairperson Jerry Koza, Jr. seconded.

Planning Director Lata Krishnarao stated staff's two concerns were removing the note regarding the number of parking spaces, and the reciprocal agreement to be approved by the legal department and recorded as necessary.

Commissioner Capehart made the motion to amend with staff's recommendations, and Vice-Chairperson Jerry Koza, Jr. seconded.

Commissioner Darrell Diggs expressed concern with the number of parking spaces.

The vote as 6-0. Zone Change No. 2009-01Z was approved with staff's recommendation to:

1. Remove the note regarding the number of parking spaces
2. The reciprocal agreement be approved by the City of Pearland Legal Department and recorded as necessary

**E. CONSIDERATION & POSSIBLE ACTION – Zone Change No. 2009-02Z**

Request of Jung Kwak, applicant for Montalbano Lumber Co. Inc., owner, for approval of a change in zoning district from classification Light Industrial (M-1) to Planned Development (PD), on the following described property:

**LEGAL DESCRIPTION:** 26.34 acres of land, being parts of and the North half of Lot 44 and all of Lot 49 of Zychlinski's Subdivision in the HT&B RR Co. Survey, Section 3, Abstract 232, and R.B. Lyle Survey, Abstract 542, in the Brazoria County, Texas.

**GENERAL LOCATION:** Located on the West Side of SH 35 (North Main Street), and on the South Side of McHard Road

Commissioner Darrell Diggs made the motion to approve, and Vice-Chairperson Jerry Koza, Jr. seconded.

Planning Director Lata Krishnarao reminded the Commission of staff's comments, with the biggest concern being Phase 2 of the project and the road being put in as the 9 acres, zoned M-2, is developed.

Commissioner Darrell Diggs expressed concern of approving a PD when it lacks details. Planning Director Krishnarao concurred with Mr. Diggs, the PD could require details.

Commissioner Ron Capehart stated his biggest concern was the property owner's lack of notification, traffic issues, the applicants' comments that they cannot get an agreement signed until the zoning is changed, the detention being shared with the city, and phasing of the road connecting Main Street and Halik Road.

Commissioner Darrell Diggs made a motion to table the Zone Change. The motion died for a lack of a second.

Commissioner Diggs left the room at 10:24 p.m. There was discussion regarding staff's comments. Commissioner Diggs returned at 10:29.

The vote was 0-6. Zone Change No. 2009-02Z was denied.

**F. CONSIDERATION & POSSIBLE ACTION – Amendments to the Unified Development Code (T-10)**

No action due to lack of a motion.

**G. CONSIDERATION & POSSIBLE ACTION – Final Plat of Oakbrook Estates Section 7**

Plans and Plat Administrator Richard Keller read staff's report stating there were no outstanding items.

Commissioner Ron Capehart made the motion to approve, and Vice-Chairperson Jerry Koza, Jr. seconded.

There was no discussion.

The vote was 6-0. The Final Plat of Oakbrook Estates Section 7 was approved.

**H. DISCUSSION ITEM**

Planning Director Lata Krishnarao stated that because there were no plats to be approved at the February 2, 2009 meeting, there would be no reason for the Commission to meet. However, City Council has scheduled this date for a workshop on the Land Use Study, and the Commission could sit in to listen. Planning Director Krishnarao passed out the 8 maps that are being reviewed, and asked the commission to bring these maps to this workshop.

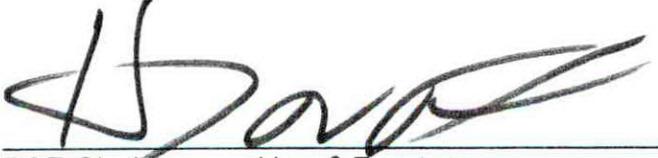
#### IV. ADJOURNMENT

P&Z Chairperson Henry Fuyertes adjourned the meeting at 9:48 p.m.

These minutes are respectfully submitted by:

  
\_\_\_\_\_  
Judy Krajca, Planning Secretary

Minutes approved as submitted and/or corrected on this 2nd day of February A.D., 2009.

  
\_\_\_\_\_  
P&Z Chairperson Henry Fuyertes

# PLANNING AND ZONING

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON **JANUARY 19, 2009**, AT **6:30** P.M., IN THE ENGINEERING CONFERENCE ROOM, TEMPORARY CITY HALL, 3523 LIBERTY DRIVE, PEARLAND, TEXAS.

## I. CALL TO ORDER

The Regular Meeting was called to order at 9:59 pm. with the following present:

P & Z Chairperson Henry Fuentes  
P & Z Vice-Chairperson Jerry Koza, Jr.  
P & Z Commissioner Neil West  
P & Z Commissioner Ron Capehart  
P & Z Commissioner Susan Sherrouse  
P & Z Commissioner Darrell Diggs  
P & Z Commissioner ~~Charles Gooden, Jr.~~ *absent*

Also in attendance: ~~Assistant City Manager Mike Hodge~~, Planning Director Lata Krishnarao, Senior Planner *Angela Gantuaah* Plans and Plat Administrator Richard Keller, Deputy City Attorney Nghiem Doan and Planning Administrative Secretary Judy Krajca. Others: \_\_\_\_\_

## II. APPROVAL OF MINUTES:

Dates: Approval of the Minutes of the **December 1, 2008** P&Z Regular Meeting

Ron made the motion to approve the minutes, (w/corrections) and Susan seconded. (Chairperson Fuentes stated \_\_\_\_\_ correction(s) needed to be made on the \_\_\_\_\_ minutes. Changes are:)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The vote passed 6-0 to approve the minutes (with corrections).

# PLANNING AND ZONING

## B. CONSIDERATION & POSSIBLE ACTION - CUP 2009-01

Leta Plans and Plat Administrator Richard Keller read the staff report stating there were \_\_\_ (No or # \_\_\_) outstanding items.

Susan made a motion to recommend approval, (w/staff comments) or (for the sake of discussion) and Neil seconded.

There was no discussion. Kate reiterated Staff comments  
There was brief discussion. 3-  
There was much discussion. Topics discussed were:

- Susan - re specifying 2 vehicles
- Ron - it's enclosed, why limit it further
- Neil - agree w/ Ron.
- Marrell - concern w/ "automobile/storage" if it became a business concern w/ street widths.
- Leta - add - for personal use and not commercial use.
- Susan amend / Neil seconded
  - garage for personal use of 1 ton vehicle or less - all to be interior.
  - no commercial activity.

The vote was 6-0. This motion was approved/denied/tabled.

Reasons for denial were:

- 1.
- 2.
- 3.
- 4.
- 5.

Mike Hodges  
arrived @  
9:07pm

# PLANNING AND ZONING

## B. CONSIDERATION & POSSIBLE ACTION - Cup 2009-02

Lata  
Plans and Plat Administrator Richard Keller read the staff report stating there were \_\_\_ (No or # \_\_\_) outstanding items.

Ron made a motion to recommend approval, (w/staff comments) or (for the sake of discussion) and Gerry seconded.

There was no discussion.

There was brief discussion.

There was much discussion. Topics discussed were:

Ron - feels site can be re-oriented  
Henry - if its not desirable to re-orient, then it's not the right spot.  
Neil - request amended traffic study.

Darrell - table until review amended traffic study.

Dies for lack of 2nd.

Gerry - does not have a problem w/ orientation. feels 99% of people see it as driving, as opposed to front. Darrell agrees.

Lata - Orientation & landscape will make a difference

The vote was \_\_\_ - \_\_\_. This motion was approved/denied/tabled.

Reasons for denial were:

1. Susan - do we want to approve
2. Susan - do we want to approve
3. if yes - then address orientation
4. landscape
5. +1A

Lata recommended tabling. Let them come back. They know what we want.

Ron agrees w/ tabling.  
inghem - all is good, if ~~we~~ ~~we~~ feels it is best use of land.

Susan recomended }  
Gerry second }  
5-1 (Neil opposed) } Orientation  
TIA

# PLANNING AND ZONING

## B. CONSIDERATION & POSSIBLE ACTION - CUP 2009-03

<sup>Lata</sup>  
Plans and Plat Administrator Richard Keller read the staff report stating there were \_\_\_ (No or # \_\_\_) outstanding items.

Jerry made a motion to recommend approval, (w/staff comments) or (for the sake of discussion) and Ron seconded.

There was no discussion.

There was brief discussion.

There was much discussion. Topics discussed were:

- Facility (fencing, enclosure) landscaping
- Paved Rd to facility
- Landscaping - detailed plan
- Parking
- stealth techniques
- height

Lata spoke about concerns remaining and items that the Comm. could require them to provide.

Jose Perez showed a map

Much discussion on co-leasing another tower & extending the height

The vote was \_\_\_-\_\_\_. This motion was height approved/denied/tabled. to benefit all.

Reasons for denial were:

- 1.
- 2.
3. Discussion about tabled.
- 4.
- 5.

Lata - ask for their studies  
• what are their alternatives  
• can they look @ alternative sites

Jerry motion to keep  
Darrell second

Nahoin asked... if Verizon might not provide →

Turn  
~~some~~ tapes  
Tape 1  
Side B

PLANNING AND ZONING

MEMORANDUM FOR THE BOARD OF PLANNING AND ZONING

DATE: 10/15/2010

TO: BOARD OF PLANNING AND ZONING

FROM: JERRY [unclear]

what P&Z is looking for.  
~~Jerry~~ Jerry resented motion to fail  
Neil - any other version  
~~David~~  
~~Jerry~~ 0 to failed.

# PLANNING AND ZONING

## B. CONSIDERATION & POSSIBLE ACTION -

2009-01 Z

Plans and Plat Administrator ~~Richard Keller~~ read the staff report stating there were \_\_\_ (No or # \_\_\_) outstanding items.

Ron made a motion to recommend approval, (w/staff comments) or (for the sake of discussion) and Jerry seconded.

There was no discussion.

There was brief discussion.

There was much discussion. Topics discussed were:

*Kata has 2 cond  
- remove note re: # of spaces  
parking are removed*

*- reciprocal agreement to be approved by legal Dept & record as necessary.*

*Ron amend w/ staff's recommendation  
Jerry 2nd.*

*Darrell had concerns w/ # of spaces.*

The vote was 6-0.  
approved/denied/tabled.

This motion was

Reasons for denial were:

- 1.
- 2.
- 3.
- 4.
- 5.

# PLANNING AND ZONING

## B. CONSIDERATION & POSSIBLE ACTION - 2009-02 Z

*Henry read purpose*  
Plans and Plat Administrator Richard Keller read the staff report stating there were \_\_\_ (No or # \_\_\_) outstanding items.

*Darrell* made a motion to recommend approval, (w/staff comments) or (for the sake of discussion) and *Larry* seconded.

There was no discussion.

There was brief discussion.

There was much discussion. Topics discussed were:

*Data reminder of Staff conditions  
Biggest concern is Phase 2  
re: road & develop 9 acres*

*Darrell - concern of approving a PD when it lacks details. <sup>zone M-2</sup> <sup>data concurred is a concern</sup>*  
*Ron - "big issue" - property owners <sup>100% of</sup> notification.*

- Traffic issue*
- Not impressed w/ applicant stating can't get an agreement signed until zone. Disagrees*
- Detention & sharing w/city*  
*Darrell motion to table*  
*Died motion to table*

*Darrell left the room @ 10:24 pm  
Darrell arrived @ 10:29 pm*

The vote was *0-6*. This motion was approved/denied/tables.

Reasons for denial were: *denied*

- 1.
- 2.
- 3.
- 4.
- 5.

# PLANNING AND ZONING

## B. CONSIDERATION & POSSIBLE ACTION - uDR 7-10

Plans and Plat Administrator Richard Keller read the staff report stating there were \_\_\_ (No or # \_\_\_) outstanding items.

\_\_\_\_\_ made a motion to recommend approval, (w/staff comments) or (for the sake of discussion) and \_\_\_\_\_ seconded.

There was no discussion.

There was brief discussion.

There was much discussion. Topics discussed were:

Concern w/ existing hmr in OT  
that straddles 2 lots. Would  
they need to Plat

changed  
tape  
Tape 2 side A  
10:40 pm

The vote was uDR  
approved/denied/tabled.

This motion was

Reasons for denial were:

- 1.
- 2.
- 3.
- 4.
- 5.

# PLANNING AND ZONING

*Final  
Plat of Oakbrook*

## B. CONSIDERATION & POSSIBLE ACTION –

Plans and Plat Administrator Richard Keller read the staff report stating there were \_\_\_ (No or # 0) outstanding items.

*Roy* made a motion to recommend approval, (w/staff comments) or (for the sake of discussion) and *Derry* seconded.

There was no discussion.  
There was brief discussion.  
There was much discussion. Topics discussed were:

The 6-0 vote was 6-0. This motion was approved/denied/tabled.

- Reasons for denial were:
- 1.
  - 2.
  - 3.
  - 4.
  - 5.

# PLANNING AND ZONING

## III. NEW BUSINESS

### A. CONDUCT A HEARING –

Chairperson Henry Fuertes opened the hearing at \_\_\_\_\_ p.m.

Staff made presentation.

Applicant/Owner spoke

Speaking for or against:

Commission/Staff/Applicant discussion:

Chairperson Henry Fuertes closed the public hearing at  
\_\_\_\_\_ p.m.

# PLANNING AND ZONING

C. CONDUCT A HEARING -

D. CONSIDERATION & POSSIBLE ACTION - Final Plat/ Preliminary Plat of \_\_\_\_\_

**DISCUSSION ITEMS:**

*Neil went to Parks Board Mtg about removing trees. Asked them to re-do Protected Tree list. Also asked them to consider what is being planted in resid. yards green space amenities, Hike a bike trail, advise on green space.*

**IV. ADJOURNMENT**

The meeting was adjourned at \_\_\_\_:\_\_\_\_ p.m.

The vote was \_\_\_\_ - \_\_\_\_.

*Lata passed out Land Use Plan & 8 maps at next P&Z mtg, no Plats. will be workshop on Land Use Plan.*

These minutes are respectfully submitted by:

\_\_\_\_\_  
Judy Krajca  
Planning Administrative Secretary

*Susan to sign Plat  
Henry to sign Plat*

Minutes approved as submitted and/or corrected on this \_\_\_\_\_ day of \_\_\_\_\_ 2005.

\_\_\_\_\_  
Henry Fuyertes  
Planning and Zoning Chairperson

3. South 45 Degrees 00 Minutes 30 Seconds East, a distance of 35.00 feet to a 5/8 inch iron rod with cap set;

4. North 44 Degrees 59 Minutes 30 Seconds East, a distance of 160.00 feet to a 5/8 inch iron rod found;

5. North 45 Degrees 00 Minutes 30 Seconds West, a distance of 327.28 feet to a 5/8 inch iron rod found for the west corner of Restricted Reserve "G" of said Section Five, being on the southeast line of Shadycrest Subdivision, a subdivision duly of record in Volume 8, Pages 95-98, B.C.M.R.

THENCE, coincident the southeast line of aforesaid Shadycrest Subdivision, South 45 Degrees 02 Minutes 03 Seconds West, a distance of 1,920.81 feet to a 5/8 inch iron rod set for the west corner of the herein described tract;

THENCE, through and across Lot 18 of aforesaid S.W. Narreganog Subdivision the following three (3) courses:

1. South 45 Degrees 01 Minutes 24 Seconds East, a distance of 183.71 feet to a 5/8 inch iron rod set;

2. North 44 Degrees 58 Minutes 36 Seconds East, a distance of 4.47 feet to a 5/8 inch iron rod set;

3. South 45 Degrees 01 Minutes 24 Seconds East, a distance of 380.00 feet to the POINT OF BEGINNING and containing 16.2241 acres of land.

FINAL PLAT  
OAKBROOK ESTATES SECTION 7  
A SUBDIVISION OF  
16.2241 ACRES OF LAND  
LOCATED IN THE  
W.D.C. HALL LEAGUE, A-70  
CITY OF PEARLAND  
BRAZORIA COUNTY, TEXAS  
6 BLOCKS/65 LOTS

JULY 2008

SCALE 1"=100'

OWNER:  
OAKBROOK ESTATES, LTD., A TEXAS LIMITED PARTNERSHIP  
GREATMARK INTERNATIONAL, INC., GENERAL PARTNER  
7676 WOODWAY SUITE 238  
HOUSTON, TEXAS 77063  
CLINTON F. WONG  
713-784-6102

SURVEYOR:  
KENNETH A. GRULLER, RPLS No. 5476

*Gruller Surveying, LLC*

PROFESSIONAL LAND SURVEYING  
1728 AUGUSTA DR., STE. 125  
HOUSTON, TEXAS 77067  
713.333.1488