

AGENDA

CITY OF PEARLAND PLANNING & ZONING COMMISSION

SEPTEMBER 21, 2009

6:30 p.m.

Jerry Koza, Jr.
P&Z CHAIRPERSON

Charles Gooden, Jr.
P&Z VICE-CHAIRPERSON

COMMISSIONERS

Neil West

Susan Sherrouse



Darrell Diggs

Ron Capehart

Henry Fuyertes

In accordance with the Texas Open Meeting Act the Agenda is posted for public information, at all times, for at least 72 hours preceding the scheduled time of the meeting on the bulletin board located at the front entrance of the City Hall, 3519 Liberty Drive.

AGENDA – REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD SEPTEMBER 21, 2009 AT 6:30 P.M., IN THE 2ND FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. APPROVAL OF MINUTES **Regular Meeting of August 17, 2009**

III. NEW BUSINESS

A. CONDUCT PUBLIC HEARING - THIRD PARTIAL REPLAT OF SHADOW CREEK RANCH COMMERCIAL SITE NO. 18-A

A request by Robert Kness, Windrose Land Services, Inc., for CG-Shadow Creek Ranch Village, L.P., owner, for approval of the Third Partial Replat of Shadow Creek Ranch Commercial Site No. 18-A located on the east side of Kirby Drive north of Shadow Creek Parkway (F.M. 2234). The applicant is proposing two lots in one block and the property is described as follows:

Being 16.216 acres out of the T.C.R.R. Co. Survey, Section 4, Abstract No. 675 and the Obediah Pitts Survey, Abstract No. 717, City of Pearland, Brazoria County, Texas

B. CONSIDERATION & POSSIBLE ACTION – THIRD PARTIAL REPLAT OF SHADOW CREEK RANCH COMMERCIAL SITE NO. 18-A

Decision Date 9/25/09

A request by Robert Kness, Windrose Land Services, Inc., for CG-Shadow Creek Ranch Village, L.P., owner, for approval of the Third Partial Replat of Shadow Creek Ranch Commercial Site No. 18-A located on the east side of Kirby Drive north of Shadow Creek Parkway (F.M. 2234). The applicant is proposing two lots in one block and the property is described as follows:

Being 16.216 acres out of the T.C.R.R. Co. Survey, Section 4, Abstract No. 675 and the Obediah Pitts Survey, Abstract No. 717, City of Pearland, Brazoria County, Texas

C. CONSIDERATION & POSSIBLE ACTION – Zone Change No. 2009-11Z

A request of LJA Engineering & Surveying, Inc., applicant for TexProj 2008 LLC, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Planned Development District (PD) to Planned Development

District (PD), an amendment to the existing PD for Province Village, on the following described property, to wit:

Legal Description: Approximately a 15 acre tract of land out of the Dissen called 136.995 acre tract, recorded in Volume 505, Page 86, of the Deed of Records of Brazoria County, Texas, situated in the Thomas J. Green Survey, Abstract 198, Brazoria County, Texas, and a 26,9158 acre tract of land in the Thomas J. Green Survey, Abstract 165, Brazoria County, Texas and being a part of that certain 136.955 acre tract conveyed from Jennie J. Settlegast, et al, to W.J. Dissen by instrument recorded in Volume 505, Page 86, of the Deed of Records of Brazoria County, Texas, and 5.7375 acres of land being situated in the W.D.C. Hall Survey, Abstract No. 23, Harris county, Texas, and being out of 468.92 acre tract being more fully described in Volume 1676, Page 362 of the Deeds of Records of Harris county, Texas said 1.3366 acres in Harris County Texas.

General Location: Generally Located on the Northeast Corner of Pearland Parkway and Broadway

D. CONSIDERATION & POSSIBLE ACTION – Zone Change No. 12Z

A request request of Narmin Parpia and Raj Ramlal, applicant for Gerald Olson, owner, for a change in zoning classification from Single Family Residential-1 (R-1) to the General Commercial (GC) Zoning District, on the following described property, to wit:

Legal Description: Approximately 2.4051 acres of property out of a 40 acre tract of land out of the Southwest ¼ of Northwest ¼ of Section 17, H.T. & B RR Co. Survey, Abstract 242, Brazoria County, Texas.

General Location: 8017 Fite, Pearland, TX

E. CONSIDERATION & POSSIBLE ACTION – Conditional Use Permit No. CUP2009-12

A request by Paul LaChance, applicant for Pearland ISD, owner, for approval of a conditional use permit in the Light Industrial (M-1) zoning district, on the following described property, to wit:

Legal Description: A parcel of land containing 0.9960 acres (43,385 square feet) more or less being all of lot 2, Block 1 according to the plat of the Pearland ISD Administration Building as recorded in File No. 2008043425, Official Records, Brazoria County, Texas, said 0.9960 acre tract being out of that certain tract conveyed by Wal-Mart Realty Company to Pearland Independent School District as recorded in File No. 2005071503, Official

record, Brazoria County, Texas, and being situated in the R.B. Lyle Survey, Abstract No. 542, Brazoria County, Texas

General Location: 1924 Main Street, Pearland, TX.

F. CONSIDERATION & POSSIBLE ACTION – Conditional Use Permit No. CUP2009-13

A request of Narmin Parpia and Raj Ramlal, applicant for Gerald Olson, owner, for a conditional use permit to allow a warehouse in the General Commercial (GC) Zoning District, on the following described property, to wit:

Legal Description: Approximately 2.4051 acres of property out of a 40 acre tract of land out of the Southwest ¼ of Northwest ¼ of Section 17, H.T. & B RR Co. Survey, Abstract 242, Brazoria County, Texas.

General Location: Located at 8017 Fite Rd., Pearland, TX.

G. DISCUSSION ITEMS

Planning Day Presentation, UDC 2000T-11	September 22, 2009
Builders Forum	September 29, 2009
Next P&Z Meeting	October 5, 2009
Texas APA Conference, Galveston, TX	October 7-9, 2009

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 Office Coordinator 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 on the 18th day of September 2009 A.D., at 5:30 p.m.

Judy Krajca, Planning Office Coordinator

Agenda removed _____ day of September 2009 A.D.

APPROVAL

OF

MINUTES

MINUTES OF THE REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON AUGUST 17, 2009, AT 6:30 P.M., IN THE 2ND FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

CALL TO ORDER

The Regular meeting was called to order at 9:21 p.m. by Chairperson Jerry Koza, Jr., in the Council Chambers, with the following present:

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

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

APPROVAL OF MINUTES

P&Z Vice-Chairperson Charles Gooden, Jr. made the motion to approve the minutes of August 6, 2009, and P&Z Commissioner Ron Capehart seconded.

The vote was 7-0. The minutes of August 6, 2009 were approved.

CONSIDERATION & POSSIBLE ACTION – FINAL PLAT OF THE CROSSING AT 288

A request by Scott Wright, Jones & Carter, Inc. for The Crossing at 288 Shopping Center, Ltd., owner, for approval of a Final Plat of The Crossing at 288 located at the northwest corner of Broadway (F.M. 518) and Smith Ranch Road (C.R. 94) within the Pearland E.T.J. The applicant is proposing eleven lots in one block and the property is described as follows:

Being 34.0810 acres out of Block 22, Lots 2 and 4; Block 23, Lots 2 and 4; Block 24, Lots 1-3; and Block 25, Lot 3 of Sections 3 & 4, T.C.R.R. Survey and Section 82, H.T. & B.R.R. and Obediah Pitts Survey, Vol. 2, Pg. 99-100, B.C.P.R. in the John M. Maxcy Survey, A-675, Brazoria County, Texas

Plans and Plat Administrator Richard Keller read the staff report stating there were two outstanding items remaining - the Lienholder Subordination, and the Courier & Recordation fees. Mr. Keller added that the property is in the ETJ and therefore there is no zoning.

P&Z Commissioner Henry Fuertes made the motion to approve, and P&Z Commissioner Susan Sherrouse seconded.

P&Z Commissioner Henry Fuertes inquired if these two items were minor, and Plans and Plat Administrator Richard Keller replied they were, but would be taken care of before the plat is recorded.

The vote was 7-0. The Final Plat of the Crossing at 288 was approved.

P&Z Chairperson Jerry Koza, Jr. stated that the following plats have been withdrawn and no action is necessary. These plats are:

Final Plat of Savannah Commercial Tract – withdrawn.

Final Plat of Savannah School Site and Fire Station Reserves – withdrawn.

Final Plat of Savannah Church Site – withdrawn.

Final Plat of Portions of County Road 58 and Savannah Parkway – withdrawn.

CONSIDERATION & POSSIBLE ACTION – ZONE CHANGE NO. 2009-09Z

A request by Jung Kwak, applicant and owner, for approval of a change in zoning district from the classification of Cullen-Mixed Use (C-MU) to General Business (GB) zoning district, on the following described property, to wit;

Legal Description: Approximately 2.389 acres of land out of Lot 59, of the Allison Richey Gulf Coast Home Company Subdivision of the H.T. & B.R.R. Company Survey.

General Location: Located 2620 Cullen Parkway, Pearland, TX

P&Z Vice-Chairperson Charles Gooden, Jr. made the motion to approve, and P&Z Commissioner Ron Capehart seconded.

P&Z Commissioner Darrell Diggs inquired about the Future Land Use Plan and the difference between C-MU and GB.

Planning Director Lata Krishnarao stated that when Mr. Kwak purchased the property it was zoned GB, but when the UDC was adopted, the property was rezoned to C-MU.

The vote was 7-0. Zone Change No. 2009-09Z was approved.

CONSIDERATION & POSSIBLE ACTION – CONDITIONAL USE PERMIT NO. CUP2009-10

A request by Cecil Whitton, applicant for Life Pointe Fellowship, owner, for approval of a conditional use permit in the Single Family Residential-1 (R-1) zoning district, on the following described property, to wit:

Legal Description: 4.793 acre tract of land in the W.D.C. Hall League Survey, Abstract No. 70 in Brazoria County, Texas. Said 4.793 acre tract is part of a 5.103 acre tract conveyed to Bethany Assembly of God Church as recorded in Volume 1158, Page 625 of the Deed Records of Brazoria County, said tract being out of Tract 1 of the Partition of 120.44 acres as shown on the Partition Map recorded in Volume 6, Page 142 in the Map Records of Brazoria County.

General Location: Located at 3011 Yost Boulevard, Pearland, TX

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

P&Z Commissioner Darrell Diggs asked if the church currently had a CUP.

Senior Planner Angela Gantuah replied there was not a CUP on the property, it has been grandfathered. Therefore, it is nonconforming.

P&Z Chairperson Jerry Koza, Jr. inquired about platting. Planning Director Krishnarao stated the applicant will need to plat, but not to get a CUP, but to get a building permit.

Discussion ensued on whether the CUP was necessary, and Deputy City Attorney Nghiem Doan referred to the UDC, Section 2.7.3.2 (a) (2).

The vote was 7-0. Conditional Use Permit No. CUP2009-10 was approved.

CONSIDERATION & POSSIBLE ACTION – CONDITIONAL USE PERMIT NO. CUP2009-11

A request by Scott Morrison, applicant for EJC Family Partnership, Ltd., owner, for approval of a conditional use permit in the Light Industrial (M-1) zoning district, on the following described property, to wit:

Legal Description: Approximately 16.176 acre tract of land, out of Lots 83 and 84 of the Subdivision of Section 2 and 3, H.T. & B.R.R. Co. Survey, Abstract No's. 542 and 232. Situated in Brazoria County, Texas and approximately 26.162 acres of land located within Lot No's 83 and 84 of the Subdivision and Section No's. 2 and 3, H.T. & B.R.R. Co. Survey, Abstract No's. 542 and 232.

General Location: Located at 1014 N. Main Street, Pearland, TX

P&Z Vice-Chairperson Charles Gooden, Jr. made the motion to approve, and P&Z Commissioner Darrell Diggs seconded.

P&Z Chairperson Jerry Koza, Jr. addressed the audience and stated the Commission would make a recommendation tonight to approve, deny, or table. The Commission would not be deciding on the violations.

P&Z Commissioner Susan Sherrouse stated the indoor auto repair might not be right with a CUP.

P&Z Commissioner Neil West inquired if gaming establishments were allowed, and Deputy City Attorney Nghiem Doan stated it was allowed with a CUP. Attorney Scott Morrison stated at present, there were no gaming establishments on the premise.

Deputy City Attorney Nghiem Doan stated the Commission can choose what is allowed under a CUP in the flea market, otherwise a separate CUP will be needed at sometime.

Discussion ensued between the Commission/Staff/Attorney's.

P&Z Vice-Chairperson Charles Gooden, Jr. asked what initiated the CUP.

Deputy City Attorney stated there was no disagreement between the City and Coles Flea Market on the structures that never received permits. Coles Flea Market would like to be in compliance.

P&Z Commissioner Neil West asked if any of the five prohibited uses existed at the flea market, and Attorney Scott Morrison commented on the museum, outdoor amusement area, and the temporary outdoor amusement.

P&Z Vice-Chairperson Charles Gooden, Jr. asked if the CUP application was accompanied by a site plan, and list of uses. Senior Planner Angela Gantuah replied that staff has requested this.

Discussion ensued on the possibility of a Planned Development, instead of a CUP, the number of parking spaces and how it was calculated, the site plan, and a comprehensive list of uses.

P&Z Commissioner Susan Sherrouse made the motion to table in order for the applicant to come back with concrete evidence, and P&Z Commissioner Neil West seconded.

The vote was 3-4. The recommendation to table failed.

Discussion ensued.

The vote was 0-7. The CUP was denied for the following reasons: lack of information, need for a site plan, need for a time table, and a list of uses that already exist.

P&Z Vice-Chairperson asked if the motion could be reconsidered. Deputy Attorney Nghiem Doan replied yes. The motion failed, for lack of a second.

P&Z Chairperson explained that City Council would make a decision at the August 31, 2009 meeting.

DISCUSSION ITEMS

Staff informed the Commission that there would not be a meeting on September 7, 2009 due to the holiday, and was unsure at this time if there would be a workshop on September 14, 2009.

P&Z Chairperson Jerry Koza, Jr. adjourned the meeting at 11:11 p.m.

These minutes are respectfully submitted by:

Judy Krajca, Planning Secretary

Minutes approved as submitted and/or corrected on this 21st day of September 2009, A.D..

P&Z Chairperson Jerry Koza, Jr.

P&Z Agenda Item

A

PUBLIC HEARING

- I. Call to order
- II. Purpose of Hearing
- III. Application Information and Case Summary
 - A. Staff Report
 - B. Applicant Presentation
- IV. Persons wishing to speak for or against the proposed request
- V. Commission/Staff discussion
- VI. Adjournment

P&Z Agenda Item

B



Windrose Land Services, Inc
3628 Westchase
Houston, Texas 77042
Phone (713) 458-2281 Fax (713) 461-1151

Professional Development Consultants

September 16, 2009

City of Pearland
Planning Department
3523 Liberty Drive
Pearland, Texas 77581

Re: *Third Partial Replat of Shadow Creek Ranch, Commercial Site No. 18A*

Dear Planning & Zoning Commission/Planning Director:

Please accept for consideration the following request for waiver of decision time pursuant to Section 3.1.1.4 (b) of Pearland's UDC. Windrose Land Services hereby request an additional 40 days before the Planning & Zoning Commission must act upon the plat known as *Third Partial Replat of Shadow Creek Ranch, Commercial Site No. 18A*. This extension is to allow for time to update the existing Traffic Impact Analysis.

Windrose Land Services agrees that the above waiver, if granted, shall be construed as tolling the official filing date of the above plat by the number of days granted pursuant to this request.

Sincerely,

Ted Whiting
Windrose Land Services
3628 Westchase
Houston, TX 77042
713-458-2281 fax 713-461-1151
ted.whiting@windroseservices.com

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 SEPTEMBER 21, 2009, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

Zone Change No. 2009-11Z

A request of LJA Engineering & Surveying, Inc., applicant for TexProj 2008 LLC, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Planned Development District (PD) to Planned Development District (PD), an amendment to the existing PD for Province Village, on the following described property, to wit:

Legal Description: Approximately a 15 acre tract of land out of the Dissen called 136.995 acre tract, recorded in Volume 505, Page 86, of the Deed of Records of Brazoria County, Texas, situated in the Thomas J. Green Survey, Abstract 198, Brazoria County, Texas, and a 26,9158 acre tract of land in the Thomas J. Green Survey, Abstract 165, Brazoria County, Texas and being a part of that certain 136.955 acre tract conveyed from Jennie J. Settlegast, et al, to W.J. Dissen by instrument recorded in Volume 505, Page 86, of the Deed of Records of Brazoria County, Texas, and 5.7375 acres of land being situated in the W.D.C. Hall Survey, Abstract No. 23, Harris county, Texas, and being out of 468.92 acre tract being more fully described in Volume 1676, Page 362 of the Deeds of Records of Harris county, Texas said 1.3366 acres in Harris County Texas.

General Location: Generally Located on the Northeast Corner of Pearland Parkway and Broadway

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT

B. APPLICANT PRESENTATION

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

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

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 SEPTEMBER 21, 2009, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

Zone Change No. 2009-12Z

A request request of Narmin Parpia and Raj Ramlal, applicant for Gerald Olson, owner, for a change in zoning classification from Single Family Residential-1 (R- 1) to the General Commercial (GC) Zoning District, on the following described property, to wit:

Legal Description: Approximately 2.4051 acres of property out of a 40 acre tract of land out of the Southwest ¼ of Northwest ¼ of Section 17, H.T. & B RR Co. Survey, Abstract 242, Brazoria County, Texas.

General Location: 8017 Fite, Pearland, TX

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT

B. APPLICANT PRESENTATION

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

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

P&Z Agenda Item

E

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I. CALL TO ORDER

II. PURPOSE OF HEARING

Conditional Use Permit No. CUP2009-12

A request by Paul LaChance, applicant for Pearland ISD, owner, for approval of a conditional use permit in the Light Industrial (M-1) zoning district, on the following described property, to wit:

Legal Description: A parcel of land containing 0.9960 acres (43,385 square feet) more or less being all of lot 2, Block 1 according to the plat of the Pearland ISD Administration Building as recorded in File No. 2008043425, Official Records, Brazoria County, Texas, said 0.9960 acre tract being out of that certain tract conveyed by Wal-Mart Realty Company to Pearland Independent School District as recorded in File No. 2005071503, Official record, Brazoria County, Texas, and being situated in the R.B. Lyle Survey, Abstract No. 542, Brazoria County, Texas

General Location: 1924 Main Street, Pearland, TX.

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT

B. APPLICANT PRESENTATION

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

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

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 SEPTEMBER 21, 2009, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF HEARING

Conditional Use Permit No. CUP2009-13

A request of Narmin Parpia and Raj Ramlal, applicant for Gerald Olson, owner, for a conditional use permit to allow a warehouse in the General Commercial (GC) Zoning District, on the following described property, to wit:

Legal Description: Approximately 2.4051 acres of property out of a 40 acre tract of land out of the Southwest ¼ of Northwest ¼ of Section 17, H.T. & B RR Co. Survey, Abstract 242, Brazoria County, Texas.

General Location: Located at 8017 Fite Rd., Pearland, TX.

III. APPLICATION INFORMATION AND CASE SUMMARY

A. STAFF REPORT

B. APPLICANT PRESENTATION

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

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. 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.

P&Z Agenda Item

G

**DISCUSSION
ITEMS**

PLANNING AND ZONING

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON **SEPTEMBER 21, 2009**, AT **6:30 P.M.**, IN THE **2ND FLOOR CONFERENCE ROOM**, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

The Regular Meeting was called to order at : **pm.** by **Chairperson** _____, with the following present:

- P & Z Chairperson Jerry Koza, Jr. ✓
- P & Z Vice-Chairperson Charles Gooden, Jr. - *arrived @ 8:32*
- P & Z Commissioner Neil West ✓
- P & Z Commissioner Susan Sherrouse ✓
- P & Z Commissioner Darrell Diggs ✓
- P & Z Commissioner Henry Fuentes ✓
- P & Z Commissioner Ron Capehart ✓

Circle names of attending commission & staff

Also in attendance: Assistant City Manager Mike Hodge, Planning Director Lata Krishnarao, Senior Planner Angela Gantuah, Plans and Plat Administrator Richard Keller, Planning Technician Ian Clowes, Deputy City Attorney Nghiem Doan and Planning Administrative Secretary Judy Krajca. **Others:** _____

II. APPROVAL OF MINUTES:

Dates: Approval of the Minutes of the **August 6, 2009** P&Z Regular Meeting

Ron made the motion to approve the minutes, (w/corrections) and Darrell seconded. (**Chairperson Fuentes stated** _____ **correction(s) needed to be made on the** _____ **minutes. Changes are:**) le - 0

(Charles not here)

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

PLANNING AND ZONING

III. NEW BUSINESS

A. CONDUCT A HEARING –

Chairperson Jerry Koza, Jr. opened the hearing at _____ p.m.

Staff made presentation.

*Defer
A & B
to next mtg
7-0*

Applicant/Owner spoke

Speaking for or against:

Ron. m./Darrell - 2nd

*waiver of decision
B -*

*Neil - m
Henry 2nd
7-0*

Commission/Staff/Applicant discussion:

Chairperson Jerry Koza, Jr. closed the public hearing at _____ p.m.

PLANNING AND ZONING

B. CONSIDERATION & POSSIBLE ACTION - 2009-112

Plans and Plat Administrator Richard Keller read the staff report stating there were _____ outstanding items.

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

Choose one
→

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

Need to flip drive thru lanes & ATM away from Residence.

*Susan - M } to table
~~Ch~~ Charles - 2nd }*

*Passed
7-0*

~~Ch~~

The vote was ____ - ____.

This motion was **approved / denied / tabled**.

Reasons for denial or conditions

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

PLANNING AND ZONING

B. CONSIDERATION & POSSIBLE ACTION - Gone Ching 12 E

Plans and Plat Administrator Richard Keller read the staff report stating there were _____ outstanding items.

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

Choose one
→

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

concerns & discussion
• Spring of property around area.
• Roads
• 7-0 approve

The vote was ____ - ____.

This motion was **approved** / denied / tabled.

Reasons for denial or conditions

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

PLANNING AND ZONING

B. CONSIDERATION & POSSIBLE ACTION – CUP 12

Plans and Plat Administrator Richard Keller read the staff report stating there were outstanding items.

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

Choose one
→

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

*Discussion on parking
North entrance
Orientation*

7-0 approved

The vote was ____ - ____.

This motion was **approved** / denied / tabled.

Reasons for denial or conditions

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

PLANNING AND ZONING

B. CONSIDERATION & POSSIBLE ACTION – _____

Plans and Plat Administrator Richard Keller read the staff report stating there were _____ outstanding items.

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

Choose one
→

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

The vote was ____ - ____.
This motion was approved / denied / tabled.

Reasons for denial or conditions

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

PLANNING AND ZONING

B. CONSIDERATION & POSSIBLE ACTION – _____

Plans and Plat Administrator Richard Keller read the staff report stating there were _____ outstanding items.

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

Choose one

→

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

The vote was ____ - ____.

This motion was approved / denied / tabled.

Reasons for denial or conditions

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

AGENDA – REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD SEPTEMBER 21, 2009 AT 6:30 P.M., IN THE 2ND FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. APPROVAL OF MINUTES *Ron-M Darrell - 2nd* Regular Meeting of August 17, 2009

III. NEW BUSINESS

A. CONDUCT PUBLIC HEARING - THIRD PARTIAL REPLAT OF SHADOW CREEK RANCH COMMERCIAL SITE NO. 18-A

A request by Robert Kness, Windrose Land Services, Inc., for CG-Shadow Creek Ranch Village, L.P., owner, for approval of the Third Partial Replat of Shadow Creek Ranch Commercial Site No. 18-A located on the east side of Kirby Drive north of Shadow Creek Parkway (F.M. 2234). The applicant is proposing two lots in one block and the property is described as follows:

Being 16.216 acres out of the T.C.R.R. Co. Survey, Section 4, Abstract No. 675 and the Obediah Pitts Survey, Abstract No. 717, City of Pearland, Brazoria County, Texas

deferred to next mtg because of waiver

U-O approved

B. CONSIDERATION & POSSIBLE ACTION – THIRD PARTIAL REPLAT OF SHADOW CREEK RANCH COMMERCIAL SITE NO. 18-A

Ron-M / Darrell - 2nd

A request by Robert Kness, Windrose Land Services, Inc., for CG-Shadow Creek Ranch Village, L.P., owner, for approval of the Third Partial Replat of Shadow Creek Ranch Commercial Site No. 18-A located on the east side of Kirby Drive north of Shadow Creek Parkway (F.M. 2234). The applicant is proposing two lots in one block and the property is described as follows:

Being 16.216 acres out of the T.C.R.R. Co. Survey, Section 4, Abstract No. 675 and the Obediah Pitts Survey, Abstract No. 717, City of Pearland, Brazoria County, Texas

Decision Date 9/25/09

Need Henry 2nd - 0 waiver

C. CONSIDERATION & POSSIBLE ACTION – Zone Change No. 2009-11Z

Susan-M / Henry - 2nd

A request of LJA Engineering & Surveying, Inc., applicant for TexProj 2008 LLC, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Planned Development District (PD) to Planned Development

*Data recommend that applicant list uses for
OP 1) Hours of operation*

District (PD), an amendment to the existing PD for Province Village, on the following described property, to wit:

*Susan-M
Henry - 2nd to table*

Legal Description: Approximately a 15 acre tract of land out of the Dissen called 136.995 acre tract, recorded in Volume 505, Page 86, of the Deed of Records of Brazoria County, Texas, situated in the Thomas J. Green Survey, Abstract 198, Brazoria County, Texas, and a 26,9158 acre tract of land in the Thomas J. Green Survey, Abstract 165, Brazoria County, Texas and being a part of that certain 136.955 acre tract conveyed from Jennie J. Settlegast, et al, to W.J. Dissen by instrument recorded in Volume 505, Page 86, of the Deed of Records of Brazoria County, Texas, and 5.7375 acres of land being situated in the W.D.C. Hall Survey, Abstract No. 23, Harris county, Texas, and being out of 468.92 acre tract being more fully described in Volume 1676, Page 362 of the Deeds of Records of Harris county, Texas said 1.3366 acres in Harris County Texas.

General Location: Generally Located on the Northeast Corner of Pearland Parkway and Broadway

D. CONSIDERATION & POSSIBLE ACTION – Zone Change No. 12Z

Ron M Neil 2nd

A request request of Narmin Parpia and Raj Ramlal, applicant for Gerald Olson, owner, for a change in zoning classification from Single Family Residential-1 (R-1) to the General Commercial (GC) Zoning District, on the following described property, to wit:

Legal Description: Approximately 2.4051 acres of property out of a 40 acre tract of land out of the Southwest $\frac{1}{4}$ of Northwest $\frac{1}{4}$ of Section 17, H.T. & B RR Co. Survey, Abstract 242, Brazoria County, Texas.

General Location: 8017 Fite, Pearland, TX

E. CONSIDERATION & POSSIBLE ACTION – Conditional Use Permit No. CUP2009-12

Ron M Susan 2nd

A request by Paul LaChance, applicant for Pearland ISD, owner, for approval of a conditional use permit in the Light Industrial (M-1) zoning district, on the following described property, to wit:

Legal Description: A parcel of land containing 0.9960 acres (43,385 square feet) more or less being all of lot 2, Block 1 according to the plat of the Pearland ISD Administration Building as recorded in File No. 2008043425, Official Records, Brazoria County, Texas, said 0.9960 acre tract being out of that certain tract conveyed by Wal-Mart Realty Company to Pearland Independent School District as recorded in File No. 2005071503, Official

record, Brazoria County, Texas, and being situated in the R.B. Lyle Survey, Abstract No. 542, Brazoria County, Texas

General Location: 1924 Main Street, Pearland, TX.

F. CONSIDERATION & POSSIBLE ACTION – Conditional Use Permit No. CUP2009-13

A request of Narmin Parpia and Raj Ramlal, applicant for Gerald Olson, owner, for a conditional use permit to allow a warehouse in the General Commercial (GC) Zoning District, on the following described property, to wit:

Legal Description: Approximately 2.4051 acres of property out of a 40 acre tract of land out of the Southwest ¼ of Northwest ¼ of Section 17, H.T. & B RR Co. Survey, Abstract 242, Brazoria County, Texas.

General Location: Located at 8017 Fite Rd., Pearland, TX.

Charles M Darrell 2nd

amended to have condition have no outside storage

G. DISCUSSION ITEMS

Data Spok

Planning Day Presentation, UDC 2000T-11
Builders Forum
Next P&Z Meeting
Texas APA Conference, Galveston, TX
workshop

September 22, 2009
September 29, 2009
October 5, 2009
October 7-9, 2009

Oct 12th

Sept. 28, 2009

IV. ADJOURNMENT

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

*Charles - wants to ask for add'l time.
Neil -*

I, Judy Krajca, Planning Office Coordinator 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 on the 18th day of September 2009 A.D., at 5:30 p.m.

Adj @ 9:58

Darrell - present what we have ask for add'l time on undecided issues.

Judy Krajca, Planning Office Coordinator

Agenda removed _____ day of September 2009 A.D.