MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD APRIL 21, 2008 AT 6:30 P.M., IN THE 2ND FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

Chairperson Henry Fuertes called the meeting to order at 9:30 p.m. with the following persons present:

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

Also in attendance were: Planning Director Lata Krishnarao, Senior Planner Theresa Grahmann, Deputy City Attorney Nghiem Doan, and Administrative Secretary Judy Krajca.

II. APPROVAL OF MINUTES

Commissioner Capehart made the motion to approve the Minutes of the April 7, 2008 Regular P&Z meeting, and Commissioner Diggs seconded the motion.

The vote was 7-0 for approval of the minutes of April 7, 2008 for the Regular P&Z meeting.

Commissioner Capehart made the motion to approve the Minutes of the April 7, 2008 Water and Sewer Impact Fee, and Commissioner Sherrouse seconded.

The vote was 7-0 for approval of the minutes of April 7, 2008, Water and Sewer Impact Fees.

III. NEW BUSINESS

A. CONSIDERATION & POSSIBLE ACTION – Conditional Use Permit No. CUP2008-15

A request by Houston Flex Fuels, LLC, applicant for American Rice Growers Cooperative, Inc., owner, for approval of a Conditional

Use Permit for a "bio-diesel plant" in the Light Industrial District (M-1), on the following described property, to wit:

Legal Description: 6.2244 acres of land, Abstract 232, H.T. & B.R.R. Company Survey, Tract 28A-39, City of Pearland, Brazoria County, Texas, Generally Located on the South Side of Halik Road, and Approximately 1,100 Feet West of State Highway 35 (Main Street).

Commissioner West made the motion to approve, and Commissioner Koza, Jr. seconded.

Commissioner Gooden, Jr. asked if the applicant was aware of the TxDOT study. The applicant was not aware until tonight's public hearing.

The vote was 7-0. CUP2008-15 was approved.

B. CONSIDERATION & POSSIBLE ACTION – Zone Change No. 2008-09Z

A request by Alan Mueller, applicant for Claudia Blakemore, 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 Spectrum District (SPD) District S5: The Light and Heavy Industrial District to Office and Professional District (OP), on the following described property, to wit:

Legal Description: 1.00 acres of land, out of the S.G. Haynie Survey, Abstract 362, City of Pearland, Harris County, Texas, Generally Located on the East Side of Almeda School Road, and Approximately 2,500 Feet North of Shadow Creek Parkway.

Commissioner Sherrouse made the motion to approve, and Commissioner West seconded.

Commissioner Diggs stated that an overwhelming majority of the council was in favor of the zone change. Commissioner Capehart stated a concern he had was spot zoning, and that staff should look into this.

Deputy City Attorney Nghiem Doan, and Planning Director Krishnarao both spoke on spot zoning. Much discussion ensued among the Commission/Staff/Applicant.

Commissioner Diggs made the motion to table, and Commissioner Gooden, Jr. seconded, asking to let the Zoning Board of Adjustment process this as a Special Exception.

The vote to table this item was 2-5. The Motion to table failed. Commissioners West, Sherrouse, Fuertes, Gooden, and Koza voted in opposition.

The vote for the motion to approve was 5-2. Zone Change No. 2008-09Z was approved. Commissioners Diggs and Capehart voted in opposition for the following reasons:

1. Feels it should go before the ZBA as a Special exception.
2. Feels staff should look further into the spot zoning issue.

C. CONSIDERATION & POSSIBLE ACTION – Zone Change No. 2008-10Z

A request by Kerry R. Gilbert and Associates, applicant for Beeman Strong, 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 General Business Retail District (GB), Single Family Residential – 3 District (R-3), and Single Family Residential – 2 District (R-2) to Planned Development District (PD), on the following described property, to wit:

Legal Description: 53.342 acres of land, in the Thomas J. Green Survey, Abstract 198, and being a portion of that certain called 118.755 acre tract of land described as Tract 2 in the deed recorded in Volume 1421, Page 25, of the Brazoria County Deed Records, City of Pearland, Brazoria County, Texas, Generally Located at the Northwest Corner of FM 518 (Broadway Street) and Pearland Parkway.

Commissioner Capehart made the motion to approve, and Commissioner Diggs seconded.

Commissioner Diggs made the motion to amend the motion to approve with staff comments including items 3 – 18 (omitting items 1 & 2), and Commissioner Koza, Jr. seconded. (No connectivity, no amenities.)

Commissioner Capehart asked if everything else was in compliance, and Planning Director Krishnarao answered yes.

The vote for the amendment to the motion was 7-0. The amendment was approved.

The vote for the original motion with the amendment was 7-0. The motion was approved.

D. DISCUSSION ITEMS

There was brief discussion in regards to the National APA Conference; and, the next P&Z meeting on May 5, 2008. Chairperson Fuertes and Commissioner Sherrouse will not be in attendance. Commissioner Capehart might have a conflict with the meeting, but foresees being in attendance.

IV. ADJOURNMENT

Chairperson Henry Fuertes adjourned the meeting at 10:42 p.m.

These minutes are respectfully submitted by:

_____
Judy Krajca, Planning Secretary

Minutes approved as submitted and/or corrected on this 21st day of April, A.D., 2008.

_____
P&Z Vice-Chairperson, Jerry Koza, Jr.

AGENDA – REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD APRIL 21 2008 AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. **CALL TO ORDER** 9:30 pm

II. **APPROVAL OF MINUTES** **April 7, 2008 Regular Meeting** Capehart/Diggs 7-0 approved
April 7, 2008 Impact Fee Capehart / Sherrouse 7-0 approved

III. **NEW BUSINESS**

A. CONSIDERATION AND POSSIBLE ACTION - Conditional Use Permit No. CUP2008-15 M-Neil / 2nd-Perry

A request by Houston Flex Fuels, LLC, applicant for American Rice Growers Cooperative, Inc., owner, for approval of a Conditional Use Permit for a "bio-diesel plant" in the Light Industrial District (M-1), on the following described property, to wit:
Charles asked if appl. knew of TX Dot study.
Legal Description: 6.2244 acres of land, Abstract 232, H.T. & B.R.R. Company Survey, Tract 28A-39, City of Pearland, Brazoria County, Texas 7-0 approved.

General Location: Generally Located on the South Side of Halik Road, and Approximately 1,100 Feet West of State Highway 35 (Main Street)

B. CONSIDERATION AND POSSIBLE ACTION - Zone Change No. 2008-09Z M-Susan, 2nd Neil

A request by Alan Mueller, applicant for Claudia Blakemore, 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 Spectrum District (SPD) District S5: The Light and Heavy Industrial District to Office and Professional District (OP), on the following described property, to wit:
Darrell - overwhelming majority of council was to approve.
Legal Description: 1.00 acres of land, out of the S.G. Haynie Survey, Abstract 362, City of Pearland, Harris County, Texas
Ron - concern that it appears to be spot zoning. Staff should look into this - to find a remedy.
General Location: Generally Located on the East Side of Almeda School Road, and Approximately 2,500 Feet North of Shadow Creek Parkway

Nghiem spoke on spot zoning. Much discussion ensued among Comm/Staff & applicant

Lata spoke re:
Spot zoning
and provisions of ZBA
granting spec. exception to this
non-conforming use.
Discussion ensued.

Darrell made motion to table
(let ZBA process as a Spec. exception)

Charles 2nd.

2-5 failed (Darrell/Ron - favor)

5-2 orig. motion passed
not here to vote on Lang
& not on how council feels.

amended motion

C. CONSIDERATION AND POSSIBLE ACTION - Zone Change No. 2008-10Z

Ron/Darrell (m/2nd) Darrell accept w/ staff comments less item 1 & 2

A request by Kerry R. Gilbert and Associates, applicant for Beeman Strong, 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 General Business Retail District (GB), Single Family Residential – 3 District (R-3), and Single Family Residential – 2 District (R-2) to Planned Development District (PD), on the following described property, to wit:

Jerry, 2nd (no connectivity, no amenities)

Ron asked if all is in compliance. Data, yes.

Legal Description: 53.342 acres of land, in the Thomas J. Green Survey, Abstract 198, and being a portion of that certain called 118.755 acre tract of land described as Tape 1 Side B described as Tract 2 in the deed recorded in Volume 1421, Page 25, of the Brazoria County Deed Records, City of Pearland, Brazoria County, Texas

amendment 7-0 approved.

General Location: Generally Located at the Northwest Corner of FM 518 (Broadway Street) and Pearland Parkway

orig motion w/ amend. 7-0 approved.

D. DISCUSSION ITEMS

Next P&Z Meeting	May 7, 2008,
National APA Conference (Las Vegas, NV)	April 27-May 1, 2008

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.

10: 42

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 on the 18th day of April 2008, A.D., at 5:30 p.m.

_____

Judy Krajca, Planning Secretary

Agenda removed _____ day of April 2008.

MINUTES OF THE MEETING OF THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE, OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, APRIL 7, 2008, AT 6:30 P.M., IN THE 2ND FLOOR CONFERENCE ROOM, CITY HALL 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

II. NEW BUSINESS

A. CONSIDERATION AND POSSIBLE ACTION: Discuss and take action of the 2007 Water / Sewer Impact Fee rates.

Mr. Mehran (Ron) Bavarian, P.E. spoke in regards to the Water/Sewer Impact Fee Rates.

There was much discussion among the Commission on topics ranging from explanation of increase in rates, future growth, and future meetings.

Assistant City Manager Mike Hodge, and City Engineer Narciso Lira were present to answer questions.

Commissioner Neil West made the motion to approved the 2007 Water/Sewer Impact Fee rates, and Commissioner Darrell Diggs seconded.

The vote was 5-0. The 2007 Water/Sewer Fee rates were approved.

III. ADJOURNMENT

Chairperson Henry Fuertes, of The Capital Improvements Advisory Committee, adjourned the meeting at 9:39 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 21st day of April, A.D., 2008.

_____

Chairperson Henry Fuertes

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD APRIL 7, 2008 AT 6:30 P.M., IN THE 2ND FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

Chairperson Henry Fuertes called the meeting to order at 7:17 p.m. with the following persons present:

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

Also in attendance were: Planning Director Lata Krishnarao, Senior Planner Theresa Grahmann, Plans and Plat Administrator Richard Keller, Planner Tim Chi, Deputy City Attorney Nghiem Doan, Assistant City Manager Nick Finan, and Administrative Secretary Judy Krajca.

II. APPROVAL OF MINUTES

Commissioner Charles Gooden, Jr. made the motion to approve, and Commissioner Capehart seconded the motion.

The vote was 6-0 for approval of the minutes of March 17, 2008.

III. NEW BUSINESS

A. CONSIDERATION & POSSIBLE ACTION – FINAL PLAT OF SOUTHERN TRAILS, PHASE 1, SEC. 9-A

Action Deadline: 4/10/08

A request by Eric Johnson, Pate Engineers, Inc., for CL, Ashton Woods, L.P., owner, for approval of a final plat of 16.34 acres zoned Southern Trails Planned Unit Development (PUD). The applicant is proposing (56) lots located east of Kingsley Drive and south of Southern Trails Drive and the property is described as follow:

A subdivision of 15.34 acres out of the H.T. & B.R.R. Co. Survey, Sec. 80, A-564 City of Pearland, Brazoria County, Texas. Also being out of the Allison-Richey Gulf Coast Home Company

Subdivision, part of lots 3, 4, 13, 14, 15, & 23, Block 80 as recorded in Volume 2, Page 98, B.C.P.R.

Plans and Plat Administrator Richard Keller read the staffs report. There are no outstanding items, and staff recommends approval.

Commissioner Susan Sherrouse made the motion to approve, and Commissioner Capehart seconded.

There was no discussion.

The vote was 6-0. The Final Plat of Southern Trails, Phase 1, Sec. 9-A was approved.

B. CONSIDERATION & POSSIBLE ACTION – FINAL PLAT OF STONEBRIDGE SEC. 2

Action Deadline: 4/10/08

A request by Hojin Lim, Brown & Gay Engineers, Inc., for Musgrave-Grohman Ventures, Ltd., owner, for approval of a final plat of 39.04 acres zoned Stonebridge (Pearland Parkway) Planned Unit Development (PUD). The applicant is proposing (140) lots located north of Orange Street, east of Old Alvin Road, and west of Pearland Parkway and the property is described as follow:

A subdivision of 39.04 acres of land located in the D.H.M. Hunter Survey, A-76 & The H.T. & B.R.R. Co. Survey, A-233 City of Pearland, Brazoria County, Texas.

Plans and Plat Administrator Richard Keller read the staffs report. There was one outstanding item, being the approval of the Tree Disposition Plan, by the City Urban Forester. Staff recommends approval with condition that the Tree Disposition be approved before recordation of the plat.

Commissioner Ron Capehart made the motion to approve with Staff comments, and Commissioner Darrell Diggs seconded.

The vote was 6-0. The Final Plat of Stonebridge Sec. 2 was approved with the condition that the Tree Disposition be approved before recordation of the plat.

C. CONSIDERATION & POSSIBLE ACTION – VARIANCE REQUEST NO. P&Z 2008-01

A request by Gilbert Guzman, Land Maps & Information, for Carlos Vasquez, owner, for approval of a variance request for undersized

lot width at 2413 Roy Road described as follows: Being 2.7430 acres out of that certain 9.743 Acre tract conveyed to Hopper Oil Tool Company, Inc. by Deed dated December 27, 1985, Recorded in Volume 226, Page 639 and re-filed in Volume 329, Page 741 both of the Official Records of Brazoria County, Texas also being Part of Lot 18 of the Allison Richey Gulf Coast Home Company Subdivision, according to plat recorded in Volume 2 Page 23 of the F.B. Drake Survey, Abstract No. 504.

Commissioner Darrell Diggs made the motion to approve, and Commissioner Capehart seconded.

Plans and Plat Administrator Richard Keller read the request for a variance. Mr. Keller stated that staff recommends denial of the variance. The created lot does not meet the width requirement for General Commercial (GC) zoning, by 3.7 feet.

Mr. Gilbert Guzman spoke on behalf of the owner stating his hardship. The previous business owner deeded the 2.7430 acres to Mr. Carlos Vasquez with Mr. Vasquez taking over the business known as Hopper Oil Tool Company, Inc. The parcel is 3.7 feet short of meeting the width requirement for conformity in the GC zoning district.

There was much discussion among Commission/Staff/Legal with the proposal of other options, such as the owner purchasing the 3.7 feet; or, asking for it to be deeded to them by the Hopper Estate. Discussion continued with concerns expressed by Staff as to why the Surveyor did not explain to the applicant that the property would have to be platted, at the time the new survey was prepared in 2005.

Commissioner Darrell Diggs made the motion to table the variance, and Commissioner Charles Gooden, Jr. seconded.

The Variance Request No. P&Z 2008-01 was tabled. The applicant was asked to work with Staff towards a solution.

D. CONSIDERATION & POSSIBLE ACTION – VARIANCE REQUEST NO P&Z2008-02

A request by Matthew and Alyssa Morgan, owners, for approval of a variance request for 60' right-of-way, dead-end street length of 630' without a cul-de-sac for access to property described as follows: 0/0 Hillhouse Road, Pearland, TX 77581, Tract 1, Acres 1.952, Block 1, A0506 H T & B RR, A & S Estates, Lot 1, Block 1.

City Engineer Narciso Lira made the staff presentation. Mr. Lira stated the applicant purchased property that is landlocked, and is proposing to plat a 60-foot Right-of-Way, which will include construction of a street to access their property.

There was much discussion among the Commission/Staff/Legal.

Mr. Lira explained that Staff is looking into possibly revising the Unified Development Code (UDC) from 70-feet R-O-W to 60-feet R-O-W. Mr. Lira also discussed whether to require a cul-de-sac or another approved turn around with the Fire Marshal's approval.

Discussion continued with regards to the cul-de-sac.

The Commission asked for clarification of what the variance is they are considering.

Planning Director Lata Krishnarao explained:

1. Allow length of cul-de-sac to be over 600 feet.
2. Waiver from requirement of a bulb cul-de-sac, using another cul-de-sac, with the Fire Marshal's approval.
3. Right-of-Way required of 70-feet, and applicant is proposing 60-feet.

Planning Director Lata Krishnarao brought up the discussion to make this road and cul-de-sac work for other landlocked properties, such as those to the west of the Morgan's.

Discussion continued, with Planning Director Krishnarao explaining to the Commission that the item could be tabled, in order for Staff to work with the Fire Marshal and Public Works Director.

Commissioner Susan Sherrouse made the motion to approve with stipulations, as follows:

1. 60-feet Right-of-Way for public road to be built meeting city standards
2. Cul-de-sac being modified for the length of 630-feet if approved by Fire Marshal

Commissioner Neil West seconded the motion.

Discussion continued.

Commissioner Susan Sherrouse made an amendment to the motion, and Commissioner Ron Capehart seconded, for the following:

1. 60-feet Right-of-Way for private road to be built meeting city standards
2. Cul-de-sac being modified for length of 630-feet if approved by the Fire Marshal and Public Works, for emergency vehicle use.

Commissioner Darrell Diggs feels this needs to be set aside until questions can be answered, as he feels there are too many undocumented questions brought up.

The vote for the Amendment to the motion was 5-1. The Amendment was approved as:

1. 60-feet Right-of-Way for private road to be built meeting city standards
2. Cul-de-sac being modified for length of 630-feet if approved by the Fire Marshal and Public Works, for emergency vehicle use.

Commissioner Darrell Diggs voted in opposition.

The vote for the original motion was 5-1. The motion was approved as:

1. 60-feet Right-of-Way for public road to be built meeting city standards
2. Cul-de-sac being modified for the length of 630-feet if approved by Fire Marshal

Commissioner Darrell Diggs voted in opposition.

E. DISCUSSION ITEMS

There was brief discussion in regards to the National APA Conference. Deputy City Attorney Nghiem Doan spoke about staff, specifically Legal Counsel's role with the Planning and Zoning Commission. Mr. Doan asked for the Commissions input about the legal aspect of Legal Counsel's role. Feedback consisted of the Commission's appreciation for his input, and if a legal opinion is offered, the Commission appreciates receiving this information early in the consideration and action process. The Commission also felt that Legal takes a more active role, possibly because the Commission is an appointed body, where as, the Council is an elected body. The Commission has never felt Legal Counsel was trying to steer the Commission to vote a particular way, and asked that when he does interject, he not be too blunt, so as not to appear as if he is snapping at the Commission.

IV. ADJOURNMENT

Chairperson Henry Fuertes adjourned the meeting at 9:02 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 21st day of April, A.D., 2008.

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P&Z Chairperson, Henry Fuertes