

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JUNE 16, 2008 AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

Chairperson Henry Fuyertes called the meeting to order at 8:36 p.m. with the following present:

Chairperson Henry Fuyertes
Commissioner Neil West
Commissioner Ron Capehart
Commissioner Charles Gooden, Jr.
Commissioner Darrell Diggs

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

II. APPROVAL OF MINUTES

Commissioner Ron Capehart made the motion to approve the revised copy with corrections to the Discussion Items, and Commissioner Darrell Diggs seconded the motion.

The vote was 5-0 for approval of the minutes of June 2, 2008.

III. NEW BUSINESS

A. REMOVE ITEM FROM TABLE – Zone Change No. 2008-12Z

A request by CBL and Associates, Inc., 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 Pearland Town Center.

Commissioner Ron Capehart made the motion to remove Zone Change No. 2008-12Z from the table, and Commissioner Charles Gooden, Jr. seconded.

The vote was 5-0. Zone Change No. 2008-12Z was removed from the table.

B. CONSIDERATION & POSSIBLE ACTION – Zone Change No. 2008-12Z

A request by CBL and Associates, Inc., 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 Pearland Town Center.

Planning Director Krishnarao read the staff report.

There was much discussion with regards to the parking ratio with Ms. Krishnarao stating the overall amendment would be okay if the PD stated one space for every one bedroom apartment, 2 spaces for every two bedroom apartment, and would like the ratio specified.

Discussion included the comparisons to other cities, with Commissioner West commenting that the numbers from Austin could be skewed because of the number of students. Discussion also took place with regards to holiday parking and Assistant City Manager Finan stating that he did not feel there would be that much shared parking with the mall. P&Z Chairperson Fuentes stated that he would not like to see that much asphalt, but more green. Commissioner Diggs asked if there was any consideration to having a green roof. Mr. Jeff Brewer of CBL and Associates, Inc. stated that this was not proposed for this property.

Discussion also ensued with regards to parking for a three-bedroom apartment. Mr. Ken Wittler of CBL and Associates, Inc. stated there were no plans for three bedroom units.

Commissioner Ron Capehart amended the motion to approve with staff's recommendation to have 1.5 parking spaces for 1-bedroom units, 2.0 parking spaces for 2-bedroom units, and 2.5 spaces for 3-bedroom units, and Commissioner Darrell Diggs seconded the motion.

The vote was 5-0. The amendment was approved.

The vote was 5-0. The original motion with the amendment was approved.

C. CONSIDERATION & POSSIBLE ACTION – Zone Change No. 2008-13Z

A request by Johnny Sims, applicant for Ted Slafka, 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

Single Family Residential – 1 District (R-1) to Neighborhood Service District (NS), on the following described property, to wit:

Legal Description: 2.00 acres, being Lots 15 and 16, Block 3, of Skyway Manor, Abstract 241, H.T. & B.R.R. Company Survey, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the East Side of Manvel Road (FM 1128), and Approximately 700 Feet North of Fite Road

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

Commissioner Capehart commented that he was pleased to see the course that these tracts were taking, and Chairperson Fuytes echoed his comments stating the long-term plan fits right in.

The vote was 5-0. Zone Change No. 2008-13Z was approved.

D. CONSIDERATION & POSSIBLE ACTION – Conditional Use Permit No. CUP2008-16

A request by Boundary One, LLC, applicant for Robert L. Thompson, 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 Single Family Residential – 1 District (R-1) to Office and Professional District (OP), on the following described property, to wit:

Legal Description: 5.84 acres, being out of a 19.5704 acre tract of land, being the residue of Lots 81 and 82 of the George W. Jenkins Subdivision, W.D.C. Hall Survey, Abstract 70, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the East Side of Dixie Farm Road, and Approximately 800 Feet North of Westfield Lane

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

Commissioner Gooden, Jr. stated that the Comprehensive Plan should be reviewed to see if this area could go commercial, but for now he is in favor of it remaining residential.

Commissioner Capehart stated that this is considered an upper-residential area and he is not in favor of the zone change.

Commissioner Diggs stated that he agrees that this should remain residential but asked staff if this needs to be considered for higher use.

Senior Planner Grahmann stated that even though this is a major thoroughfare, it does not have to be commercial and can remain residential.

Commissioner Fuytes inquired about the commercial property on FM 518 and if they were already zoned for commercial. Planning Director Krishnarao replied yes.

The vote was 0-5. CUP2008-16 was denied for reasons stated in the staff report and for reasons given by the commission that the area needs to remain residential.

E. CONSIDERATION & POSSIBLE ACTION – Conditional Use Permit No. CUP2008-18

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

Commissioner Diggs inquired about granting a CUP and does it stay with the location or the applicant. Deputy City Attorney Doan replied that the occupant couldn't take the CUP with them, as it stays with the location; however, expiration or conditions can be placed on the CUP.

There was much discussion on the topic of addition conditions with regards to the length of time they would allow the church to use the facility, the storage trailers, and the parking area.

Commissioner Gooden, Jr. made a motion that the CUP be contingent upon the storage trailer being removed after each Sunday church service, and that adequate parking be available in relations to the number of parking required by the UDC, and that the CUP expire when the church leaves or lease expires.

The motion died for a lack of a second.

Discussion continued with regards to conditions being placed on the CUP.

Commissioner Capehart made the motion to approve with the following conditions:

1. The trailers be removed and not remain on the YMCA location after the Sunday church service

2. If the YMCA changes their hours of operation and overlaps with the church service, then the CUP expires
3. CUP expires after three (3) years and the applicant would need to apply again

Chairperson Fuertes seconded the motion.

The vote was 4-1. The amendment was approved. Commissioner Diggs voted in opposition.

The vote was 5-0. The original motion with the amendment was approved.

F. PUBLIC HEARING – Second Partial Replat of Shadow Creek Ranch Commercial Site No. 18-A

A request by Rene Rodriguez, LJA Engineering & Surveying, Inc., for GC-Shadow Creek Ranch Village, L. P., owner, for approval of a second partial replat of 21.283 acres zoned Shadow Creek Ranch Planned Unit Development (PUD). The applicants are proposing 4 lots and a private street located north of Shadow Creek Parkway and east of Kirby Drive and the property is described as follows: Being 21.283 acres of land located in the T.C.R.R. Co. Survey, Section 3, A-678 and the T.C.R.R. Co. Survey, Section 4, A-675, and the Obediah Pitts Survey, A-717, City of Pearland, Brazoria County, Texas

Chairperson Henry Fuertes called the hearing to order at 10:10 p.m. and read the purpose of the hearing.

Plans and Plat Administrator Richard Keller read the staffs report.

The applicant was present but did not speak.

Commissioner Diggs expressed some concern with the street light change.

The hearing was adjourned at 10:19 p.m.

G. CONSIDERATION & POSSIBLE ACTION- Second Partial Replat of Shadow Creek Ranch Commercial Site No. 18-A

A request by Rene Rodriguez, LJA Engineering & Surveying, Inc., for GC-Shadow Creek Ranch Village, L. P., owner, for approval of a second partial replat of 21.283 acres zoned Shadow Creek Ranch Planned Unit Development (PUD). The applicants are proposing 4 lots and a private street located north of Shadow Creek Parkway and east of Kirby Drive and the property is described as follows: Being 21.283 acres of land located in the

T.C.R.R. Co. Survey, Section 3, A-678 and the T.C.R.R. Co. Survey, Section 4, A-675, and the Obediah Pitts Survey, A-717, City of Pearland, Brazoria County, Texas

Plans and Plat Administrator Richard Keller read the staff report stating that originally there were 17 outstanding items. The applicant has addressed all but one item, and this pertains to the Subdivision Improvement Agreement and Performance Bond. Mr. Keller stated that in addition to this, the streetlight issue needed to be addressed.

Deputy City Attorney Doan stated that the UDC does require the Subdivision Improvement Agreement and Performance Bond, and is unaware of one being in place for Commercial Site No. 18-A.

Mr. Carl High of LJA Engineering, 2655 Waverly Drive, League City, Texas spoke.

There was much discussion between the Commission/Staff/Legal/Applicant.

Commissioner West called for a vote, and Commissioner Capehart seconded. The vote to call the vote was 4-1.

The vote was 0-5. The Second Partial Replat of Shadow Creek Ranch Commercial Site No. 18-A was denied. Reasons for denial were:

1. Need to obtain the City Engineers approval of plans, including sidewalk and streetlights for private street included in this replat
2. Construct the private street included in this replat to City standards. The alternative is to provide a Subdivision Improvement Agreement, and Performance Bond or Letter of Credit in a form acceptable to the City Attorney guaranteeing completion of construction of the private street.
3. Depict all existing and proposed streetlights correctly on this plat including any proposed streetlights for the private street.

H. PUBLIC HEARING- Second Partial Replat of Shadow Creek Ranch Commercial Site No. 18-B

A request by Rene Rodriguez, LJA Engineering & Surveying, Inc., for ZT Shadow Creek Partners, L. P., owner, for approval of a replat of 7.546 acres zoned Shadow Creek Ranch Planned Unit Development (PUD). The applicants are proposing 3 lots and a portion of a private street located north of Shadow Creek Parkway and west of Business Center Drive and the property is described as follows: Being 7.546 acres of land located in the T.C.R.R. Co. Survey, Section 4, A-675 and the Obediah Pitts Survey, A-717, City of Pearland, Brazoria County Texas.

Chairperson Henry Fuertes opened the public hearing at 10:35 p.m. and read the purpose of the hearing.

Plans and Plat Administrator Richard Keller read the staffs report.

The applicant was present but did not speak.

There was no discussion among the Commission/Staff.

The public hearing was adjourned at 10:37 p.m.

I. CONSIDERATION & POSSIBLE ACTION- Second Partial Replat of Shadow Creek Ranch Commercial Site No. 18-B

A request by Rene Rodriguez, LJA Engineering & Surveying, Inc., for ZT Shadow Creek Partners, L. P., owner, for approval of a replat of 7.546 acres zoned Shadow Creek Ranch Planned Unit Development (PUD). The applicants are proposing 3 lots and a portion of a private street located north of Shadow Creek Parkway and west of Business Center Drive and the property is described as follows: Being 7.546 acres of land located in the T.C.R.R. Co. Survey, Section 4, A-675 and the Obediah Pitts Survey, A-717, City of Pearland, Brazoria County Texas.

Plans and Plat Administrator Richard Keller read the staffs report stating Items No. 6 and No. 11 are still outstanding.

Commissioner Ron Capehart made the motion to approve, and Chairperson Henry Fuertes seconded.

The vote was 0-5. The Second Partial Replat of Shadow Creek Ranch Commercial Site No. 18-B was denied for the following reasons:

1. Need to obtain City Engineer approval of plans for extension of utility and drainage service to these three lots
2. Second Partial Replat of Shadow Creek Ranch Commercial Site No. 18-A must be approved and recorded first to give access to two of these three lots

J. DISCUSSION ITEMS

The next P&Z meeting is scheduled for July 7, 2008. Deputy City Attorney Nghiem Doan will also conduct a Training/Workshop that was scheduled for June 16, 2008, but due to two commissioners being out, is being rescheduled.

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 7th day of July, A.D., 2008.

P&Z Chairperson, Henry Fuertes

Mayor Reid opened public hearing at 6:59 p.m. , and Chairperson Henry Fuertes opened for P&Z @ 6:59 p.m ,

Present were:

Mayor Tom Reid
Felicia Kyle
Helen Beckman
Kevin Cole

APH
Notes

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

Senior Planner Theresa Grahmann read the hearing process.

ZONE CHANGE NO. 2008-13Z

Henry Fuertes read the purpose of the hearing.

Theresa Grahmann read the staff report stating staff was recommending approval. Staff did not receive any public comment forms.

The applicant was present to speak but chose not to.

Mr. Daniel Cardena of 2943 Piper Rd, Pearland TX spoke with concerns for his neighbors and himself of what commercial use might come with a NS zone.

Theresa Grahmann explained that under NS office, limited retail, and restaurants and gas stations but would need a CUP. No industrial uses.

No further comments.

Adjourned at 7:12

ZONE CHANGE NO.2008-14Z

Mayor Reid opened at 7:13 pm.

Henry Fuertes read purpose of hearing

Theresa Grahmann read the staff report. Staff recommends denial. Staff received numerous emails in opposition.

Mr. Thomas Offenburger with Boundary One spoke on behalf of the owners. Owners live at rear of property and wish to change front area to OP. Gave example of businesses in front of Pine Hollow and Sunset Meadows.

The following spoke in opposition:

Diane Leaverton 2310 Buckholt
Marion De crest of Dixe Farm Rd
Mike Leaverton 2310 Buckholt
Neil Barnhill 1813 Oaklodge
Mark Sanchez 1505 Inverness Ct
Daniel Srubar 2226 Buckholt
Katherine Jones 2223 Buckholt
Anthony Tellez 2012 Fairwood St.
Larry Marcott
Anne Markwart 1921 Willow Lake Dr.
Greg Nelson 1617 Pine Crest Dr.

Karen Plotts

3540 Dixie Farm Rd neither for or against. Concerns w/ traffic. Her horses And getting trailer in and out.

In favor:

Theresa Thompson
Robert Thompson
Kurt Wipolt 3601 Buckholt

Helen Beckman opposed. Spot zoning.

Kevin cole agrees – spot zoning. Understands what the Thompsons are trying to do.

Foresees above avg. housing- custom built, estate lot homes.

Darrell Diggs inquired about a specific area. Theresa stated it was a school. Concerned - heard this has come up before in previous years. Need updated pictorials.

Theresa Grahmann responded to comments. Aerial photos are flown every two years and should be done again.

Previous case of zone change was a house seeking change to office.

Dixie Farm has always been a major thoroughfare. Recently made a main corridor. Driveways, streets would be considered for future enlargements of rd. Can have major thoroughfare that does not have business on it. Can be residential.

If approved, next step would be to plat, drainage, TIA.

Ron Capehart spoke. When changing zone we are zoning the dirt. Once we change zone, it is zoned from now on.

Mayor adjourned at 8:05 p.m.

Susan Sherrouse excused herself from the meeting at 8:05 P.M.

CONDITIONAL USE PERMIT NO. CUP2008-18

Mayor Reid opened meeting at 8:06 p.m.

Henry Fuertes read purpose of hearing.

Theresa Grahmann read staff report. Staff recommends approval. There were a few public comment forms received w/concern to the parking and use. Ms. Grahmann stated this concern was probably due to a recent Variance Request for an expansion at the YMCA, and was denied.

Mr. John Davis of 6520 Broadway #631, Pearland spoke on behalf of the applicant.

Mr. R E Napoleon of 2903 Yorkshire, Pearland spoke. Has no objection to a church using any facility. But is opposed to spot zoning. How long will the church be there?

Kevin Cole asked Theresa to answer Mr. Napoleons question.

Theresa explained the purpose of a CUP. She was unsure of a timeframe for the church to remain at the YMCA, but can set a limit and put in CUP.

Kevin Cole asked how long?

Owner – Ms. Strickland stated the lease is subject for annual review.

Kevin Cole asked how much of YMCA will be used.

Ms. Strickland – a portion.

How many attending church. Maximum is 242 in gymnasium. And have spoken to the fire marshal.

Mr. Davis stated this is temporary and will be looking for a permanent place.

Susan Sherrouses excused herself at 8:19 p.m. due to a family emergency.

Kevin Cole – can we put a limit on it, that if church moves out, another church would need a new CUP.

Felicia Kyle echoed his thoughts and added the example of adding a stipulations like was done on the gamerooms.

Mayor Reid felt this was a good use for a Christian church to use a Young Men Christian Activity (YMCA).

Adjourned at 8:23 p.m. Public hearings adjourned by Mayor at 8:23 p.m.

AGENDA – REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JUNE 16, 2008 AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

- I. CALL TO ORDER *Henry 8:38*
- II. APPROVAL OF MINUTES June 2, 2008
- III. NEW BUSINESS

A. REMOVE ITEM FROM TABLE – Zone Change No. 2008-12Z

A request by CBL and Associates, Inc., 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 Pearland Town Center

B. CONSIDERATION & POSSIBLE ACTION - Zone Change No. 2008-12Z

A request by CBL and Associates, Inc., 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 Pearland Town Center, on the following described property, to wit:

h. Krishnarao read staff rpt.

Legal Description: 142.9664 acres of land out of Pearland Town Center, a subdivision of 143.6500 acres as recorded under File Number 2007008914 of the Plat Records of Brazoria County, Texas, and situated in the H.T. & B.R.R. Company Survey, Abstract 300, Section 81, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the South Side of Broadway Street, on the East Side of Kirby Drive, and on the West Side of Business Center Drive

Darrell inquired about parking issue in question mark

C. CONSIDERATION & POSSIBLE ACTION – Zone Change No. 2008-13Z

A request by Johnny Sims, applicant for Ted Slafka, 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 Single Family Residential – 1 District (R-1) to Neighborhood Service District (NS), on the following described property, to wit:

Ron-m to approve revised copy
~~Charles~~
Darrell
5-0 approved

Ron-m
Charles-20
to remove
5-0 app

Darrell-m
Ron-2nd

150/1600 unit
150/1600 unit
2 spa per 2 be unit
1.5 per 1 bed units
→

Charles-M
Ron-2nd

Ron pleased to see the revised. These tracts are taken

Henry- long term plan fits right in.
5-0 approved.

Item B

Neil - #'s in Center could be
showered by students

There was discussion re: arborvitae

Much discussion re: Ratios

Much discussion w/ regards to holiday parking.

Nick doesn't feel would be that much shared prog
w/ mall.

Ron - clarify staff's recommendation.

Need specify

overall will be fine of 150/1bdrm unit & 150/2bdrm unit

In PUP would like to ^{state:} 1 sp for 1 bdrm
2 sp for 2 bdrm

would like ratio specified.

Henry - would not like
to 100 asphalt but green

Darrell asked
about green roof

Jeff stated
this is
not
proposed
on the
plan

Moody Ration
for lease.

Item B

2.5 / unit and expand

1.5 / 1 barn
2 / 2 barn

cond

berry
apple
~~apple~~
apple
= 2.5

Ken
withler
no 3
berry
units
Planned

Legal Description: 2.00 acres, being Lots 15 and 16, Block 3, of Skyway Manor, Abstract 241, H.T. & B.R.R. Company Survey, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the East Side of Manvel Road (FM 1128), and Approximately 700 Feet North of Fite Road

D. CONSIDERATION & POSSIBLE ACTION – Zone Change No. 2008-14Z

see back pgs 2

A request by Boundary One, LLC, applicant for Robert L. Thompson, 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 Single Family Residential – 1 District (R-1) to Office and Professional District (OP), on the following described property, to wit:

Legal Description: 5.84 acres, being out of a 19.5704 acre tract of land, being the residue of Lots 81 and 82 of the George W. Jenkins Subdivision, W.D.C. Hall Survey, Abstract 70, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the East Side of Dixie Farm Road, and Approximately 800 Feet North of Westfield Lane

E. CONSIDERATION & POSSIBLE ACTION – Conditional Use Permit No. CUP2008-18

Ron - m / Darrell - 2nd

A request by New Hope Church, applicant for YMCA Greater Houston Area, owner, for approval of a Conditional Use Permit for a "church/place of worship" in the Office and Professional District (OP), on the following described property, to wit:

Darrell asked about granting cup for use. does cup allow

Legal Description: 17.8810 acres, being the Minor Plat of Coppinger YMCA, a subdivision of land out of the Thomas J. Green Survey, Abstract 198, and the T.D. Yocum Survey, Abstract 399, as recorded in Document No. 2008001978 of the Official Records of Brazoria County, Texas, and being out of a called 16.5802 acre tract recorded in Brazoria County Clerk's File No. 99007098 and a called 1.5030 acre tract recorded in Brazoria County Clerk's File No. 01046582, City of Pearland, Brazoria County, Texas

w/ place. Neither can't take cup w/ them.

General Location: Generally Located on the South Side of Stratford Street/YMCA Drive, at 2820 Stratford Street

Expiration / or condition can be placed -> pg. 3 (back of)

F. PUBLIC HEARING – Second Partial Replat of Shadow Creek Ranch Commercial Site No. 18-A

A request by Rene Rodriguez, LJA Engineering & Surveying, Inc., for GC-Shadow Creek Ranch Village, L. P., owner, for approval of a second partial replat of 21.283 acres zoned Shadow Creek Ranch

Item B

5-0 to amend

5-0 to approve

Ron - amend motion to approve w/ staff's recommendations

1.5
2.0
3.0

Darrell 2nd

D.

Ron - m opened for discussion
Charles - 2nd

Charles

Comp. Plan needs to be
looked at & see if it could
go commercial
for now see if remaining residential

Ron

upper residential area
not in favor of zone change.

Darrell

spoke

agrees w/ residence.
Probably forewarned 3 yrs ago

Does it need to be considered for higher
use.

Henry

Inquired about comm. prop. on 518
were they already zoned for commerci.
near reside.

0-5

Denied

Reasons stated

Planned Unit Development (PUD). The applicants are proposing 4 lots and a private street located north of Shadow Creek Parkway and east of Kirby Drive and the property is described as follows: Being 21.283 acres of land located in the T.C.R.R. Co. Survey, Section 3, A-678 and the T.C.R.R. Co. Survey, Section 4, A-675, and the Obediah Pitts Survey, A-717, City of Pearland, Brazoria County, Texas

G. CONSIDERATION & POSSIBLE ACTION – Second Partial Replat of Shadow Creek Ranch Commercial Site No. 18-A

Action
Deadline:
6/20/08

A request by Rene Rodriguez, LJA Engineering & Surveying, Inc., for GC-Shadow Creek Ranch Village, L. P., owner, for approval of a second partial replat of 21.283 acres zoned Shadow Creek Ranch Planned Unit Development (PUD). The applicants are proposing 4 lots and a private street located north of Shadow Creek Parkway and east of Kirby Drive and the property is described as follows:

Being 21.283 acres of land located in the T.C.R.R. Co. Survey, Section 3, A-678, the T.C.R.R. Co. Survey, Section 4, A-675, and the Obediah Pitts Survey, A-717, and being a replat of all of Restricted Lots "A", "G", and "H" of Partial Replat of Shadow Creek Ranch Commercial Site No. 18-A and a replat of all of Restricted Lot "E" of Shadow Creek Ranch Commercial Site No. 18-A, City of Pearland, Brazoria County, Texas

H. PUBLIC HEARING – Replat of Shadow Creek Ranch Commercial Site No. 18-B

A A

A request by Rene Rodriguez, LJA Engineering & Surveying, Inc., for ZT Shadow Creek Partners, L. P., owner, for approval of a replat of 7.546 acres zoned Shadow Creek Ranch Planned Unit Development (PUD). The applicants are proposing 3 lots and a portion of a private street located north of Shadow Creek Parkway and west of Business Center Drive and the property is described as follows: Being 7.546 acres of land located in the T.C.R.R. Co. Survey, Section 4, A-675 and the Obediah Pitts Survey, A-717, City of Pearland, Brazoria County Texas.

I. CONSIDERATION & POSSIBLE ACTION – Replat of Shadow Creek Ranch Commercial Site No. 18-B

Action
Deadline:
6/20/08

A request by Rene Rodriguez, LJA Engineering & Surveying, Inc., for ZT Shadow Creek Partners, L. P., owner, for approval of a replat of 7.546 acres zoned Shadow Creek Ranch Planned Unit Development (PUD). The applicants are proposing 3 lots and a portion of a private street and the property is described as follows: Being 7.546 acres out of the T.C.R.R. Co. Survey, Sec. 4, A-675 and the Obediah Pitts Survey, A-717, and being a replat of Lot "A", Shadow Creek Ranch Commercial Site 18-B, City of Pearland, Brazoria County, Texas.

Item E.

Henry - how do you
~~state~~ state condition

Ngheir spoke.

Much discussion ensued

Charles amendment - motion
contingent upon
storage trailers. Removed after ea. ^{sunday} church service
adequate pricing in relation to # of parking
based on UTS

Diffs for lack of zap

Ron - motion to amend
w/ consent

1) trailer be

removed after
service & not
remain after church

2) 16 ymes change
operation... then dep. hrs of
hours of overlap hrs of
on Sunday

3) exp. of 3 yrs. that
CUP expire &
appl. make

Henry
zap

J. DISCUSSION ITEMS

- Next P&Z Meeting

July 7, 2008

ADJOURNMENT

10:42 pm

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 on the 13th day of June 2008, A.D., at 5:30 p.m.

Judy Krajca, Planning Secretary

Agenda removed _____ day of June 2008.

*(6) 4-1 amendment approved
motion as amended 5-0 approved*

F.
Henry called
to order @
10:10 pm
Henry read purpose hearing
R. Keller read staff rpt.
Lot G has been removed.

Carroll concern
~~appt.~~ streetlights - change

adj. @ 10:19 pm

G. R. K read staff rpt.
have 17 outstanding items
→ addressed all but 1 -
street light issue w/ re: private st.
construction drawing.

Lala - UDC does require
same of Dept as
Final & Minor.
He's unaware of any assurity
or S.A.

Subd. Impr. against
Performance
Bond. (Assurit)

Carehigh of WA eng
26 55 waverly Dr
League City spoke

Neil^{on} / Ron - 2nd to call the vote

4-1

Approval Of Minutes

Vote was

0-5 denied

H. Henry opened @ 10:35pm.
Richard read Staff rpt.

applicant present - no comment
no one present to speak

No discussion

adj. 10:37

I.

Res. motion to apprv.

Henry - 2nd

Item 6 & 11 ~~are~~ still outstanding

1) 2nd partial replat of 18 A be recorded

0-5 denied

Joint Public Hearing

SPEAKER'S CARD

If you wish to speak during the Public Hearing, please complete the following information and give this card to the Recording Secretary either before or after your comments. Thank you.

Name:

Carl High

Full Address:

2655 Waverly Drive

(include zip)

League City, TX 77573

I wish to speak regarding Item No.

G, I

Plats
18A
18B

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JUNE 2, 2008 AT 6:00 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 6:03 p.m. with the following present:

Chairperson Henry Fuertes
Vice-Chairperson Jerry Koza, Jr.
Commissioner Neil West
Commissioner Ron Capehart
Commissioner Charles Gooden, Jr.

Also in attendance were: Senior Planner Theresa Grahmann, and Plans and Plat Administrator Richard Keller. The following staff joined the meeting during the Discussion Items: Planning Director Lata Krishnarao, Assistant City Manager Nick Finan, and Planning Secretary Judy Krajca.

II. APPROVAL OF MINUTES

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

The vote was 5-0 for approval of the minutes of May 19, 2008.

III. NEW BUSINESS

A. CONSIDERATION & POSSIBLE ACTION - Preliminary Plat of Savannah Meadows Section Eight

A request by Christy Schmidt, Kerry R. Gilbert & Associates, for Savannah Development, Ltd., owners, for approval of a preliminary plat of 12.6+/- acres within the Pearland E.T.J. in the Savannah Planned Unit Development (PUD). The applicants are proposing 51 lots and four reserves in three blocks and the property is described as follows:

A subdivision of 12.6+/- acres out of the A.C.H. & B. Survey, A-403, and the J. S. Talmage Survey, A-562, Brazoria County, Texas.

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

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

The vote was 5-0. The plat was approved.

B. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of Savannah Meadows Section Seven

A request by Christy Schmidt, Kerry R. Gilbert & Associates, for Savannah Development, Ltd., owner, for approval of a preliminary plat of 16.8+/- acres within the Pearland E.T.J. in the Savannah Planned Unit Development (PUD). The applicant is proposing 79 lots and four reserves in four blocks and the property is described as follows:

A subdivision of 16.8+/- acres out of the A.C.H. & B. Survey, A-403, and the J.S. Talmage Survey, A-562, Brazoria County, Texas.

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

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

The vote was 5-0. The plat was approved.

Chairperson Henry Fuertes recused himself from the Public Hearing and Consideration and Possible Action of the Replat of Lot 2 Block 1 of Kirby Commons. Vice-Chairperson Jerry Koza, Jr. took the gavel.

C. PUBLIC HEARING – Replat of Lot 2 Block 1 of Kirby Commons

A request by Aaron Bourgeois, Lentz Engineering, L.C., for SCR C24 Investments, L.P., 518 At Kirby, L.L.C., and Shadow Creek Ranch Development Company, L.P. for approval of a replat of 28.5966 acres zoned Shadow Creek Ranch Planned Unit Development (PUD). The applicants are proposing 7 lots on 2 blocks located north of Broadway and west of Kirby Drive and the property is described as follows: Being 28.5966 acres of land located in the H. T. & B. R.R. Co. Survey, Section 82, A-565 and the T.C.R.R. Co. Survey, A-678, City of Pearland, Brazoria County, Texas.

Vice-Chairperson Jerry Koza, Jr. opened the public hearing at 6:07 p.m.

Plans and Plat Administrator Richard Keller read the Staff Report.

Vice-Chairperson Jerry Koza, Jr. adjourned the public hearing at 6:09 p.m.

D. CONSIDERATION & POSSIBLE ACTION – Replat of Lot 2 Block 1 of Kirby Commons

A request by Aaron Bourgeois, Lentz Engineering, L. C., for SCR C24 Investments, L.P., 518 At Kirby, L.L.C., and Shadow Creek Ranch Development Company, L.P., owners, for approval of a replat of 28.5966 acres zoned Shadow Creek Ranch Planned Unit Development (PUD). The applicants are proposing 7 lots on 2 blocks located north of Broadway and west of Kirby Drive and the property is described as follows:

Being 28.5966 acres of land located in the H. T. & B. R.R. Co. Survey, Section 82, A-565 and the T.C.R.R. Co. Survey, A-678, City of Pearland, Brazoria County, Texas.

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

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

The vote was 4-0. The plat was approved. Chairperson Henry Furtres abstained from voting.

E. CONSIDERATION & POSSIBLE ACTION – Final Plat of Southern Trails West Section Two

A request by Carol Redd, of Edminster, Hinshaw, Russ and Associates, for The Stoddard Group, Ltd., owners, for approval of a final plat of 40.8148 acres zoned Southern Trails Planned Unit Development (PUD). The applicants are proposing 117 lots and 6 reserves in 8 blocks and the property is described as follows: Being 40.8148 acres out of the H.T. & B. R.R. Co. Survey, Sec. 84, A-538, City of Pearland, Brazoria County, Texas.

Plans and Plat Administrator Richard Keller stated this plat had been withdrawn earlier in the day. No action necessary.

F. DISCUSSION ITEMS

There was brief discussion pertaining to the next meeting, scheduled for June 16, 2008. Planning Secretary Judy Krajca reminded the Commission to turn in their Travel Reconciliation Report from the National APA Conference. Planning Director Lata Krishnarao briefly discussed the Texas APA Planning Commissioners Workshop to be held on June 13, 2008, and the Commission agreed that this would be a good training opportunity for staff or ULI to present

in September for the bi-annual Commission Training. Planning Director Krishnarao stated she would get in contact with the Texas APA.

IV. ADJOURNMENT

Chairperson Henry Fiertes adjourned the meeting at 6:36p.m.

These minutes are respectfully submitted by:

Judy Krajca, Planning Secretary

Minutes approved as submitted and/or corrected on this 16th day of June, A.D., 2008.

P&Z Chairperson, Henry Fiertes

P&Z notes

P&Z Meeting

Henry called to order at 8:38 p.m.

Ron made motion to approve the revised copy of the minutes distributed by staff prior to the meeting, and Darrell 2nd.

Vote was 5-0 approved.

Item A Remove Tabled item Zone Change No. 2008-12Z

Ron motion to remove from table, and Charles 2^{ne}.

Vote 5-0 to approve

Item B

Zone Change No 2008-12Z

Lata read staff report. Reiterated that this zone change was partially approved on 5/19/08, and this item was tabled with regards to the parking ratio.

Darrell made motion to approve, and Ron 2nd,

Much discussion with questions in regards to Austin Mall and other malls including the arboritum.. Neil added that the #'s in Austin could be skewered by the students in the area.

Neil commended staff on their report.

Much discussion w/regards to holiday parking

Ron asked for clarification of staff's recommendation.

Lata – overall will be fine if 150/1 bdrm unit & 150 /2 bdrn. In PUD would like to state: 1 space for 1 bdrm, 2 space for 2 bdrm. Would like ratio specified.

Henry. Would not like to see asphalt but green.

Darrell asked about green roof. Jeff Brewer stated this mall;/ apt were not designed as green roof.

Ron made motion to amend, and Darrell seconded:

Modify rations for residential = 1.5 for 1 bdr.

2.0 for 2 bdr.

2.5 for 3 bdr.

Mr.. Ken Wittler of CBL stated they are not planning any 3 bdr apts.

Vote was 5-0 to approve amendment.

Vote was 5-0 to approve motion.

Item C
Zone Change No 2008-13Z

Charles made motion, Ron 2nd
Ron pleased to see the course these tracts are taking.
Henry – long term plan fits right in.

Vote was 5-0. Approved.

Item D
Zone Change No. 2008-14Z

Ron made motion to open for discussion
Charles 2nd

Charles – comp plan needs to be looked at and see if it could go commercial. For now he agrees to stay residential,

Ron – it is a upper residential area. Not in favor of zone change.

Darrell – agrees w/residence. Residence probably forewarned 3 years ago. Does it need to be considered for higher use

Henry – Inquired about commercial property on 518. Were they already zoned for commercial. Lata, yes.

Vote was 0-5. Denied for reasons given.

Item E
CUP2008-18

Ron made motion, Darrell 2nd.

Darrell asked about granting CUP for use does it stay with the place or the business.
Nghiem – stays w/.the place. Cannot take a CUP w/you

Henry asked Nghiem how do we state a condition. There was much discussion on ways to phrase this between Nghiem, staff and commission.