

AGENDA - REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, FEBRUARY 2, 1998, IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

II. APPROVAL OF MINUTES: Minutes of January 26, 1998

III. NEW BUSINESS

A. CONSIDERATION AND POSSIBLE ACTION - Final Plat of Villages of Edgewater Estates, Section One, Brazoria County, Texas, Being 45.826 acres of land located in the H.T. & B. R.R. Company Survey, Abstract 309.

Variance:

1. Use of a 20 foot front building line on cul-de-sacs.
2. Use of a 10 foot side setback between houses.

B. CONSIDERATION AND POSSIBLE ACTION - Preliminary Plat of Green Tee Terrace, Section 8, being 2.811 acres of land in the W.D.C. Hall Survey, A-23, Harris County, Pearland, Texas.

Variance:

Request for 20 foot building line on lots fronting the cul-de-sac portions of proposed street.

IV. NEXT MEETING DATE: February 16, 1998, 6:00 p.m.

V. ADJOURNMENT

Posted: 30th Day of January, A.D., 1998
2:00 P.M.

Removed: 3rd Day of January, A.D., 1998

MINUTES OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION, OF THE CITY OF PEARLAND, TEXAS, HELD MONDAY, JANUARY 26, 1998, IMMEDIATELY FOLLOWING THE JOINT PUBLIC HEARING IN THE SECOND FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

The meeting was called to order at 7:45 p.m. with the following present:

Chairman	Pat Lopez
Vice Chairman	Emil Beltz
Commissioner	Nghiem Doan
Commissioner	Jack D. Mathis
Commissioner	Mary Starr
Director of Planning and Development	Dennis Smith
Secretary	Judy Highburger

City Engineer John Hargrove, Project Coordinator Alan Mueller, and Commissioner Don Baker were absent. Commissioner Tommy Scott arrived at 7:49 p.m.

II. APPROVAL OF MINUTES: January 19, 1998

A motion was made by Commissioner Mary Starr and seconded by Commissioner Jack Mathis to approve the Minutes of January 19, 1998.

Motion passed to approve 5 to 0.

III. NEW BUSINESS

A. CONSIDERATION AND POSSIBLE ACTION - ZONING APPLICATION NO. 241

Request of Mr. James Mallett, agent, for Mr. Melvin Dilling, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Classification Suburban Development District (SD) to General Business (GB) on the following described property, to wit:

Being 0.89532 acres out of 4.846 acres, called the east one-half of the west one-half of Lots 63 & 64, section 9, HT & B RR Co. Survey, A-234, as recorded in Vol. 2, pg. 24, of the deed records of Brazoria Co., TX (7029 Broadway).

A motion was made by Vice Chair Emil Beltz, and seconded by Commissioner Starr to approve Zoning Application No. 241.

Motion to approve passed 6 to 0.

B. CONSIDERATION AND POSSIBLE ACTION - ZONING APPLICATION NO. 242

Request of Ms. Kim Durrett, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Classification Suburban Development District (SD) to Commercial District (C) on the following described property, to wit:

Being a parcel of land containing 9.901 acres, a portion of Lot 40 of the Allison Richey Gulf Coast Home Co. and from the HT & B RR survey, section 85, A-304, as recorded in Vol. 2, pg 107, of the deed records of Brazoria Co, TX.

Chairman Pat Lopez asked if this request was for an office building and retail rental facility, and Mr. Dennis Smith replied that there would be a sales office. Chairman Lopez questioned further if the structure was a construction holding office, and Mr. Smith said not to his knowledge: no formal plans have been presented.

Chairman Lopez asked the zoning category for the proposed F.W. Gartner facility, and Mr. Smith said that was zoned Commercial.

A motion was made by Commissioner Scott and seconded by Vice Chair Beltz to approve Zoning Application No. 242.

Motion to approve passed 6 to 0.

C. CONSIDERATION AND POSSIBLE ACTION - ZONING APPLICATION NO. 243

Request of Mr. Kevin J. & Mrs. Betty L. Leininger, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Classification Suburban Development District (SD) to Single Family Dwelling (R-1) on the following described property, to wit:

Being 1.50 acres, more or less, out of Lot 8, being the S.E. one-quarter of the North one-half, HT & B RR Co. Survey, section 14, A-509, Brazoria Co., TX (6319 Patridge Street).

Commissioner Scott had a comment on the proposed use, and asked if the property was currently being used as a residence, to which Mr. Smith replied, yes. Mr. Smith said the State of Texas regulates personal home care facilities, and Commissioner Starr said the zoning classification was immaterial since the business will be state regulated and suggested the zoning ordinance more clearly reflect those businesses. Mr. Smith said there would be an amendment added to the ordinance regarding state regulated businesses.

A motion was made by Commissioner Starr, and seconded by Commissioner Mathis to approve

the Zoning Application No. 243.

Motion to approve passed 6 to 0.

D. CONSIDERATION AND POSSIBLE ACTION - ZONING APPLICATION NO. 244

Request of Mr. Dane Beito, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Classification Suburban Development District (SD) to Mobile Home District (MH) on the following described property, to wit:

One acre, more or less, out of Lot 9, being the northeast one-quarter of the southwest one-quarter of HT & B RR Co. Survey, section 14, A-509 of the deed records of Brazoria Co. TX (6328 Cottonwood)

Commissioner Scott said the Land Use and Urban Development Ordinance does not have a category for a Mobile Home District, and Mr. Smith concurred. Mr. Smith said this does not appear to fit into a Mobile Home Park as the lot is approximately one acre (140' X 330').

Chairman Lopez feels the Commission will see similar future requests, and if this application is moved into a MH District, he is not in favor of the application. He went on to say he does not have a problem with mobile homes on lots whether it is 10 or 20 lot subdivisions.

Commissioner Scott said there should be allowances for replacement mobile homes if the owner is the same and the zoning stays Suburban Development. Mr. Smith said there is no provision in the Ordinance to do that, that the property would be grandfathered just as it is.

Chairman Lopez said that if this type of zoning is allowed then the City has mobile home subdivisions. Commissioner Scott asked how many mobile homes were on the property, to which Mr. C.F. Ryan said there was only one.

Mr. Smith agrees with the Commission and says the Ordinance must be followed, which requires three acres of land. Commissioner Scott asked if the Variance Board could approve replacements, and Mr. Smith said there is not a zone for that category. Chairman Lopez recommended denying the application.

Mr. Smith said the lot had deficiencies and referred to Land Use Ordinance Section 24.1, Uniformity and Section 24.2 Conformity with Regulations Required, and stated if all the regulations were met, it could be done with less than three acres.

Chairman Lopez asked if the property is a non-conforming use, and Mr. Smith said he would research it further with the City Attorney and report back as it does not have any way to stand alone.

A motion was made by Commissioner Scott and seconded by Vice Chair Beltz to deny Zoning Application No. 244, and the City's legal staff will research similar requests.

Motion to deny passed 6 to 0.

E. CONSIDERATION AND POSSIBLE ACTION - ZONING APPLICATION NO. 245

Request of Mr. James W. & Melanie Bagley, III, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Classification Suburban Development District (SD) to Single Family Dwelling District (R-1) on the following described property, to wit:

Being Lot 9, Block 13, West Lea subdivision, Section 3, HT & B RR Co. Survey, section 16, A-546, as recorded in Vol. 12, pg. 23 of the deed records of Brazoria Co. TX (3618 Wingtail Way)

A motion was made by Vice Chair Beltz, and seconded by Commissioner Scott to approve Zoning Application No. 245.

Motion passed to approve 6 to 0.

F. CONSIDERATION AND POSSIBLE ACTION - ZONING APPLICATION NO. 257

Request of Mr. Robert Lewis, agent, for ML Partnership, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Classification General Business District (GB) to Multi-Family Dwelling (MF) on the following described property, to wit:

Being a 12.24 ac. Tract in the Thomas J. Green survey, A-198, Brazoria Co. TX, being part of a 9.883 ac. tract recorded under C.C.F. 97-025082 also being part of a 9.883 ac. Tract recorded under C.C.F. 96-045024 and part of a 4.5925 ac. Tract recorded under C.C.F. 97-00021, of the deed records of Brazoria Co. TX.

Chairman Lopez abstained from the discussion due to a conflict of interest.

Vice Chair Beltz asked if the partnership considered a Planned Unit Development (PUD), and Mr. Smith said yes they had in previous Development Meetings, and Mr. Bob Lewis declined.

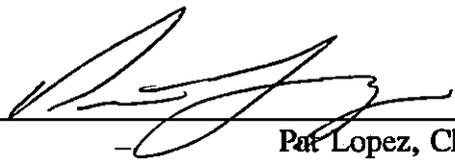
Commissioner Scott said he was reluctant to grant a MF zone not knowing what will be developed on the property. Mr. Smith said that three story upscale, gated apartments will be built there and he has seen renderings. Mr. John Gilbert was present representing the owners, and showed the Commission several renderings of the proposed buildings. He said that the three story buildings makes for fewer buildings on the property. Mr. Gilbert said the facility would have a fitness center, a business center, and a television center for the residents. Mr. Smith said under MF zoning, the site can not have over 30% coverage; therefore, three story structures is a good use of the land.

Motion to approve passed 5 to 1 (Chairman Pat Lopez abstained)

IV. NEXT MEETING DATE: February 2, 1998, 6:00 p.m.

V. ADJOURNED: 8:45 p.m.

Minutes approved as submitted this 2 day of FEBRUARY
A.D., 1998.



Pat Lopez, Chairman

ATTEST:



Judy Highburger, Secretary

RAYBURN CHERRY ENGINEERS, INC.

**P.O. BOX 266897
HOUSTON, TEXAS 77207**

**Consulting Engineers
(713) 644-2631
FAX (713) 644-2037**

**3734 GULF STREET
HOUSTON, TEXAS 77017**

January 23, 1998

RECEIVED JAN 23 1998

Planning & Zoning Commission
City of Pearland
3519 Liberty Drive
Pearland, TX 77588

Reference: Green Tee Terrace, Section 8 - Request for Variance

Commissioners:

On behalf of the Owners of the above referenced property, Kirkglenn Corporation, we respectfully request a variance from the Subdivision requirement regarding building lines on local streets.

As shown on the plat we are asking that a 20 foot building line be allowed on the lots that front on the cul-de-sac portion of the proposed street.

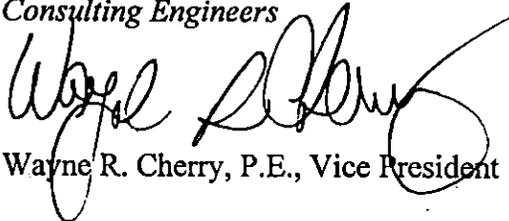
Please consider this matter at the Planning & Zoning meeting scheduled for February 2, 1998.

If you have any questions, please call.

Yours truly,

RAYBURN CHERRY ENGINEERS, INC.

Consulting Engineers



Wayne R. Cherry, P.E., Vice President

WRC/nw

Enclosures



January 23, 1998

Mr. John Hargrove, P.E.
City of Pearland
3519 Liberty Drive
Pearland, Texas 77588

Reference: Beazer Homes of Texas, Inc
Villages of Edgewater Estates Section One
FSI JO 95010-31

Variance Request

Dear Mr. Hargrove:

On behalf of Beazer Homes, we hereby request a variance on the plat for the Villages of Edgewater Estates Section One in reference to the following items:

1. Use of a 20-foot front building line on cul-de-sacs
2. Use of a 10-foot side setback between houses.

The request is based on the following considerations:

20-Foot Front Building Line

1. Lots that front on a cul-de-sac or thumbnail will have a greater distance between houses than the 100 foot (50' + 25' + 25') that occurs on the typical 50 foot right-of-way with a 25 foot building line on both sides. With a 20 foot building line, the separation between houses on a cul-de-sac will be 140 feet (100+20+20). There will not be the appearance from across the street of the houses being crowded.
2. The 20-foot building line outside the right-of-way provides adequate space to park a car without blocking the sidewalk.

10-Foot Setback Between Houses

The overall lot density for the Villages of Edgewater Estates is only 2.82 units per acre since compensating open space is provided in the 8.81 acre lake.

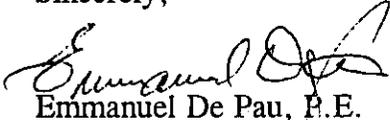


Ferro • Saylor, Inc.
Architecture • Engineering • Planning

Mr. Hargrove
January 23, 1998
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Based on these considerations, we request the variance request be approved.

Sincerely,


Emmanuel De Pau, P.E.
Project Engineer

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