

**MINUTES - REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, JUNE 1, 1998, AT 6:00 P.M., IN THE CITY COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE.**

**Attendees - Mary Starr, Chairperson, Tommy L. Scott, Vice-Chairperson, Jack Mathis, Member, Emil Beltz, Member, Pat Lopez, Member, Dennis Smith, Planning & Development Director, John Hargrove, City Engineer**

**I. CALL TO ORDER**

The meeting was called to order at approximately 6:00 p.m. by Chairperson Starr.

**II. APPROVAL OF MINUTES: Minutes of May 18, 1998**

Commissioner Beltz made a motion to approve the minutes as presented. The motion was seconded by Commissioner Mathis. The motion passed unanimously.

**III. NEW BUSINESS:**

**A. CONSIDERATION AND POSSIBLE ACTION - Preliminary Plat of Pine Hollow Section 3**

The plat was presented by City Engineer, John Hargrove, and was recommended for approval as presented. After some discussion, the motion was made to accept the plat by Commissioner Mathis; seconded by Commissioner Lopez, and the motion passed unanimously.

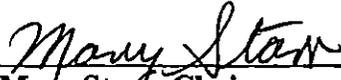
**B. DISCUSSION ITEM - Discussion of sideyard setback variances for MUD districts**

Planning Director Smith presented some documentation that the MUD districts were granted the five (5) foot side yard variance through the legal documents creating the districts. He stated that the City was apparently locked into this setback, but Interim City Attorney Darrin Coker would be at the next meeting to provide a more in-depth report on these variances and the Commission's ability to grant variances. Mr. Smith stated that there seemed to be some discrepancy between some ordinances and the City Charter.

**IV. NEXT MEETING DATE: The next regular meeting was set for June 15, 1998 at 6:00 p.m.**

**V. ADJOURNMENT: The meeting was adjourned at approximately 6:20 p.m.**

The minutes were approved as presented or with the following changes at the meeting of <sup>July 15</sup> ~~June~~  
6, 1998.

  
\_\_\_\_\_  
Mary Staff, Chairperson

ATTEST:

  
\_\_\_\_\_  
Dennis Smith, Planning Director

**AGENDA - REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, JUNE 1, 1998, AT 6:00 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

**I. CALL TO ORDER**

**II. APPROVAL OF MINUTES:** Minutes of May 18, 1998

**III. NEW BUSINESS**

**A. CONSIDERATION AND POSSIBLE ACTION** - Preliminary Plat of Pine Hollow Section 3, Being a Subdivision of 45.6982 Acres and a partial replat of lots 39, 40, 41, 42, 45, 46, 47, and 48 of the George W. Jenkins Subdivision as recorded in Volume 2, Page 20 of the B.C.D.R., located in the Perry and Austin League, A-111, Brazoria County, Texas.

**B. DISCUSSION ITEM** - Discussion of sideyard setback variances for MUD districts.

**IV. NEXT MEETING DATE:** June 15, 1998, 6:00 p.m.

**V. ADJOURNMENT**

Posted: 28<sup>th</sup> Day of May, A.D., 1998 3:00 pm

Removed: 2<sup>nd</sup> Day of June, A.D., 1998 8:10 am

**MINUTES - REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, JUNE 1, 1998, AT 6:00 P.M., IN THE CITY COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE.**

**Attendees - Mary Starr, Chairperson, Tommy L. Scott, Vice-Chairperson, Jack Mathis, Member, Emil Beltz, Member, Pat Lopez, Member, Dennis Smith, Planning & Development Director, John Hargrove, City Engineer**

**I. CALL TO ORDER**

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Commissioner Beltz made a motion to approve the minutes as presented. The motion was seconded by Commissioner Mathis. The motion passed unanimously.

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**B. DISCUSSION ITEM - Discussion of sideyard setback variances for MUD districts**

Planning Director Smith presented some documentation that the MUD districts were granted the five (5) foot side yard variance through the legal documents creating the districts. He stated that the City was apparently locked into this setback, but Interim City Attorney Darrin Coker would be at the next meeting to provide a more in-depth report on these variances and the Commission's ability to grant variances. Mr. Smith stated that there seemed to be some discrepancy between some ordinances and the City Charter.

**IV. NEXT MEETING DATE: The next regular meeting was set for June 15, 1998 at 6:00 p.m.**

**V. ADJOURNMENT: The meeting was adjourned at approximately 6:20 p.m.**

The minutes were approved as presented or with the following changes at the meeting of June \_\_\_\_\_, 1998.

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**Mary Starr, Chairperson**

**ATTEST:**

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**Dennis Smith, Planning Director**

June 1, 1998

6:05 PM

**MEMBERS OF THE PLANNING & ZONING COMMISSION  
(3 YEAR TERM)  
(TWO TERMS ALLOWED)**

*yes*  
*yes*  
*yes*  
*left message*  
*an not make it.*

<u>Member</u>	<u>Term Expires</u>	<u>Phone #'s</u>
PAT LOPEZ 3209 Dixie Farm Road Pearland, Texas 77581	April, 1998	Home: 281-482-1142 <b>Ofc: 281-482-4386</b> Fax: 281-482-2730
EMIL A. BELTZ 2434 Killarney Pearland, Texas 77581	April, 1998	<b>Home: 281-481-4627</b>
MARY STARR, Chairman 3007 E. Broadway (Office) Pearland, Texas 77581	April, 1999	<b>Ofc: 281-485-3291</b>
JACK D. MATHIS 2138 Tower Bridge Road Pearland, Texas 77581	April, 1999	<b>Home: 281-997-8135</b>
TOMMY L. SCOTT, Vice-Chairman 3006 Oak Creek Drive Pearland, Texas 77581	April, 2000	Home: 281-485-3839 <b>Ofc: 713-654-6176</b>
DON BAKER 2302 Kerry Circle Pearland, Texas 77581	April, 2000	<b>Home: 281-481-3226</b> Msg. Service: 281-350-1700 Neighborhood Center Fax: 281-992-1766
NGHIEM V. DOAN 2603 Shadybend Drive Pearland, Texas 77581	April, 2001	Home: 281-485-6829 Ofc: 713-963-4650 <b>Pager: 281-738-3465</b>

**MINUTES OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION, OF THE CITY OF PEARLAND, TEXAS, HELD MONDAY, MAY 18, 1998, IN THE SECOND FLOOR CONFERENCE ROOM, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

**I. CALL TO ORDER**

The meeting was called to order at 6:05 p.m. with the following present:

Chairman	Mary Starr
Vice Chairman	Tommy Scott
Commissioner	Pat Lopez
Commissioner	Emil Beltz
Commissioner	Don Baker
Commissioner	Jack D. Mathis
Commissioner	Nghiem V. Doan
City Engineer	John Hargrove
Director, Planning & Community Development	Dennis Smith
Planning & Zoning Secretary	Karla Canada

**II. APPROVAL OF MINUTES: Minutes of April 27, 1998**

Commissioner Emil Beltz stated that on page 6 in the second paragraph agenda item M has a misspelled word. The sentence reads "Commissioner Pat Lopez said he does not believe the final decisions should be **make** by Planning and Zoning". However, the sentence should read "...the final decisions should be **made** by Planning and Zoning."

Commissioner Emil Beltz made a motion, seconded by Commissioner Pat Lopez to approve the minutes of April 27, 1998, as corrected.

**Motion passed 7 to 0.**

**III. NEW BUSINESS**

**A. CONSIDERATION AND POSSIBLE ACTION - Final Plat of Gilbert Acres, A Subdivision of 3.0877 Acres out of Lots 11 and 12, West Friendswood Subdivision, Recorded in Vol. 1, Page 96, Brazoria County Plat Records in the Perry and Austin League, Abstract No. 111, Brazoria County, Texas.**

Commissioner Pat Lopez excused himself from this agenda item.

Al Lentz, Lentz Engineering was present. Mr. Lentz states that he does not have a mylar signed by the owners. He has sent it to them in Utah, however, has not received it back. It should be returned shortly.

Mr. Dennis Smith does not feel the final plat should be approved without the lienholders signatures.

Mr. Lentz said other entities approve plats with contingencies.

Pat Lopez spoke regarding the amount of red tape and expense involved in getting the signatures from lienholders. He suggests approval of plat while withholding signatures of Planning & Zoning Commission until lienholder has signed.

Commissioner Emil Beltz made a motion, seconded by Commissioner Don Baker to approve the Final Plat of Gilbert Acres and to hold all signatures until lienholder has signed.

**Motion Passed 6 to 0. Commissioner Pat Lopez abstained from voting.**

**B. CONSIDERATION AND POSSIBLE ACTION - Preliminary Plat of Westlake Residential, A Subdivision of 37.7982 Acres out of Section 15, H.T.B. & R.R. Company Survey Abstract No. 241.**

Al Lentz, Lentz Engineering was present. Mr. Lentz explained to the Commission that Reserve "A" is zoned Multi-family while Reserve "B" is zoned Commercial.

Dennis Smith pointed out that the East boundary shown along the drainage ditch should be 200' to the West. Mr. Lentz states that they did not own the 200' that they included in the PUD. He said he can add it to the plat, however, he had not been informed of that by the property owner.

City Engineer, John Hargrove noted that the city limits line on the vicinity map need to be updated. He also needs Al's signature.

Commissioner Pat Lopez made a motion, seconded by Vice-Chairman Tommy Scott to accept the Preliminary Plat of Westlake Residential with the corrections required by the City Engineer.

**Motion Passed 7-0.**

**Corrections required:**

- 1.) Update vicinity map and city limit boundary.
- 2.) Al Lentz's signature.

**C. CONSIDERATION AND POSSIBLE ACTION - Final Plat of Park Place, Section One, 40.0232 Acres, Being all of the West One-Half of the West One-Half of the Northeast One-Quarter, Section 14, H.T. & B., R.R. Co. Survey A-509, Brazoria County, Texas.**

Chuck Davis, C. L. Davis was present. City Engineer John Hargrove asked if signatory and attest are signed on Mylar. Mr. Davis answered yes.

City Engineer John Hargrove recommended commission approval subject to approved construction drawings and approved drainage plan.

Vice-Chairman Tommy Scott made a motion, seconded by Commissioner Jack Mathis to accept the Final Plat of Park Place, Section One with City Engineer requirements, and to approve the variance as requested.

**Motion Passed 7 to 0.**

**Variance Requests:**

- 1.) Variance from requirement for rear lot easement.
- 2.) Variance from requirement for 1200 block length.
- 3.) Variance from requirement for 600 cul-de-sac length.

**D. CONSIDERATION AND POSSIBLE ACTION - Preliminary Plat of Waterbury Estates, Section One at Silverlake, A Subdivision of 17.9880 Acres of land, out of the R.B. Lyle Survey, Abstract No. 539, Brazoria County, Texas**

Cathy Mitchell, Jones & Carter was present.

City Engineer John Hargrove told the Commission that at the pre-development meeting, staff recommended to have two entrances on the back side of subdivision. Rosebud is the second entrance and it stops on an easement. Cathy Mitchell noted that Rosebud will be connected on the next section.

City Engineer John Hargrove said that Richard Burdine had an agreement with developers in the four years he was here regarding the 5' side lot building line. This was from the original master plan. Anything outside the original master plan would not be approved for a 5' side lot building setback. Discussion ensued regarding the 5' side lot building line setbacks.

Mr. Hargrove said the City is desiring to not continue approving 5' side lot lines.

Mr. Hargrove also noted that the city limit boundary needs to be corrected, as well as a hold harmless for buildings within 100' of pipelines be noted on the final plat.

Commissioner Jack Mathis made a motion, seconded by Commissioner Nghiem Doan to accept the Preliminary Plat of Waterbury Estates, Section One at Silverlake with the corrections noted by City Engineer John Hargrove, and to approve the variance as requested.

**Motion passed 7-0.**

**Corrections required:**

- 1.) City limit boundaries corrected.
- 2.) Pipeline Hold Harmless statement placed on final plat.

**Variance Requests:**

- 1.) Use of 20-foot building line setbacks on lots fronting the bulb portion of cul-de-sacs.
- 2.) Use of 5-foot side lot building line setbacks.
- 3.) Use of cul-de-sacs greater than 600 feet in length.

**E. CONSIDERATION AND POSSIBLE ACTION - Final Street Dedication Plat of County Rd 90 and Morgan Road at Silverlake, Being 7.7439 Acres of land out of the John W. Maxey Survey, Abstract No. 721, R.B. Lyle Survey, Abstract No. 539, and the A.C.H. & B. Co. Survey, Abstract No. 415, Brazoria County, Texas.**

City Engineer John Hargrove recommended approval as submitted.

Vice-Chairman Tommy Scott made a motion, seconded by Commissioner Nghiem Doan to approve the Final Street Dedication Plat of County Rd 90 and Morgan Road at Silverlake.

**Motion passed 7-0.**

**F. CONSIDERATION AND POSSIBLE ACTION - Final Plat of Woodbend Section One At Silverlake, A Subdivision of 32.6379 Acres of land out of the R.B. Lyle Survey, Abstract No. 539, Brazoria County, Texas.**

Cathy Mitchell, Jones & Carter was present.

City Engineer John Hargrove noted that the mylars have not been signed by the owners. Mr. Hargrove asked Ms. Mitchell if this is in the original master plan discussed earlier. She

replied yes. Mr. Hargrove suggested that a copy of the original agreement letter regarding the 5' side lot building line setbacks be submitted.

Commissioner Don Baker made a motion, seconded by Commissioner Jack Mathis to approve the Final Plat of Woodbend, Section One at Silverlake with variances as requested subject to its being in the original master plan.

**Motion passed 7-0.**

**Corrections required:**

- 1.) Receive Mylar with signatures.
- 2.) Confirm presence of Woodbend in original master plan.

**Variance Request:**

- 1.) Use of 20-foot building line setbacks on lots fronting the bulb portion of cul-de-sacs.
- 2.) Use of 5-foot side lot building line setbacks.
- 3.) Use of cul-de-sacs greater than 600 feet in length.

**G. CONSIDERATION AND POSSIBLE ACTION - Preliminary Plat of Maryfield Section One, 35.89 Acres of land situated in the Northwest One-Quarter of Section 11, H.T. & B.R.R. Co. Survey, Abstract 239, Brazoria County, Texas.**

Chairman Mary Starr read a letter addressed to Mr. Hargrove from Ferro-Saylors, Inc. requesting the preliminary plat of Maryfield, Section one be withdrawn from this agenda.

Commissioner Jack Mathis made a motion, seconded by Vice-Chairman Tommy Scott to withdraw this action from the agenda.

**Motion passed 7-0.**

**H. CONSIDERATION AND POSSIBLE ACTION - Preliminary Plat of Southdown Section Ten, 15.65 Acres of land out of the H.T. & B.R.R. Co. Survey, Section One Abstract 310 and B. Drake Survey (South ½ of Section Two), Abstract 510, Brazoria County, Texas.**

City Engineer John Hargrove said that Southdown was a U.S. Home development as far as he can remember and believes the 5' setback also applies to Southdown. Southwyck, Southdown and Country Place are part of that agreement. He would like the agreement letter submitted prior to final plat approval.

Mr. Hargrove noted that there needs to be a place for the drainage district and surveyor to sign on plat. He recommended approval subject to variance requests.

Vice-Chairman made a motion, seconded by Commissioner Jack Mathis for approval of Preliminary Plat of Southdown, Section Ten with variances as requested and corrections as noted by City Engineer John Hargrove.

**Motion passed 7-0.**

Corrections required:

- 1.) Agreement letter addressing 5' side lot building line setbacks be submitted prior to Final Plat approval
- 2.) Drainage District and surveyor signatures on Mylar

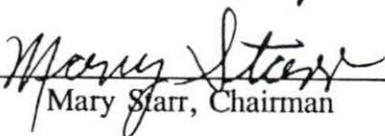
**Variance requests:**

- 1.) A 20-foot building line on cul-de-sac and thumbnail lots.
- 2.) A 5-foot side building setback

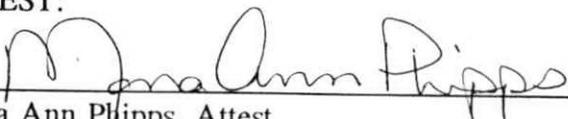
V. **NEXT MEETING DATE:** Monday, June 1, 1998; 6:00 p.m.

VI. **ADJOURNED:** 7:01 p.m.

Minutes approved as submitted this 1 day of June  
A.D., 1998.

  
\_\_\_\_\_  
Mary Starr, Chairman

ATTEST:

  
\_\_\_\_\_  
Mona Ann Phipps, Attest

RECEIVED MAY 13 1998

**Heritage Erectors Development, Inc.**

1215 Sunset Drive  
Friendswood, Texas 77546

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Phone 281-482-7585  
Fax 281-482-7586  
E-mail jerryb1@flash.net

May 13, 1998

City of Pearland  
Planning & Zoning  
3519 Liberty Drive  
Pearland, TX 77581

Gentlemen,

Ashton Park Section II preliminary plat was approved in 1994. We are now ready to develop Ashton Park and need final plat approval of Section II. We have not changed the layout of the streets, etc., and would like to request a variance to submit for final plat approval in lieu of re-submitting for preliminary approval.

Sincerely,



Donald R. Barras Sr.

## BRAZORIA DRAINAGE DISTRICT NO. 4

4805 West Broadway \* Pearland, Texas 77581-3934 \* (281)485-1434 \* Fax (281)485-0065

May 13, 1998

Mr. Don Barras  
1215 Sunset  
Friendswood, Tx. 77546

Re: Ashton Park Section One

Dear Mr. Barras:

The records of Brazoria Drainage District No. 4 confirm that the preliminary drainage plan and preliminary plat were approved on February 28, 1994, and the final drainage plan and final plat were approved on April 11, 1994.

The district also acknowledges that construction, as it was defined at that time, or clearing and dozing of the land, began within the one year period.

On April 14, 1998 you notified this district verbally of your intention to continue construction and stated that Ashton Park Section One would be built according to the recorded and approved final plat and approved final drainage plan.

If you have any questions please contact this office.

Sincerely,



Mike Yost  
Foreman

MY/kw