

**AGENDA - REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, MARCH 31, 1997, IMMEDIATELY FOLLOWING THE JOINT PUBLIC HEARING IN THE SECOND FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

**I. CALL TO ORDER**

**II. APPROVAL OF MINUTES:** Minutes of March 17, 1997

**III. NEW BUSINESS**

**A. CONSIDERATION AND POSSIBLE ACTION - APPLICATION NO. 199**

Request of Tom DeCicco, agent, for Pearland Plaza Partners, owners, for an amendment to the Land Use and Urban Development Ordinance of said City from Classification Suburban Development District (SD) to General Business District (GB) on the following described property, to-wit:

10.3945 acres, being the northerly portion of proposed Albertson's-Pearland Subdivision out of Lots 31, 32, 63, and 64, Allison Gulf Coast Subdivision of Section 9, H.T. & B. R.R. Survey, Abstract 234.

**B. CONSIDERATION AND POSSIBLE ACTION - SPECIFIC USE PERMIT NO. 49**

Request of Sharon L. Johnson, agent, for Bob Ellis, owner, for an amendment to the Land Use and Urban Development Ordinance of said City for a Specific Use Permit on the following described property, to-wit:

.7194 acre tract of land out of Tract 43 of the Zychlinski subdivision of the H.T. & B. R.R. Co. Survey, Section 2, Abstract 542, Brazoria County, Texas. (3909 Halik)

**IV. NEXT MEETING DATE:** April 7, 1997, 6:00 p.m.

**V. ADJOURNMENT**

Posted: 27th Day of March, A.D., 1997  
12:01 P.M.

Removed: 1st Day of April, A.D., 1997

**MINUTES OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION, OF THE CITY OF PEARLAND, TEXAS, HELD MONDAY, MARCH 17, 1997, AT 6:00 P.M., IN THE SECOND FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

**I. CALL TO ORDER**

The meeting was called to order at 6:00 p.m. with the following present:

Vice Chairman	Pat Lopez
Commissioner	Emil Beltz
Commissioner	Marshall Eggers
Commissioner	Randy Patro
Commissioner	Jack D. Mathis
City Engineer	John Hargrove
Secretary	Judy Highburger

Commissioner Mary Starr was absent. Assistant City Manager, Richard Burdine, and City Projects Coordinator, Alan Mueller arrived at 6:03 p.m.

**II. APPROVAL OF MINUTES:** Minutes of March 10, 1997.

A motion was made by Commissioner Jack D. Mathis, and seconded by Commissioner Emil Beltz to approve the Minutes of March 10, 1997.

Commissioner Marshall Eggers stated his name was missing from the Minutes.

Commissioner Mathis amended his motion to include Commissioner Eggers name listed as being absent from the meeting. Motion was seconded by Commissioner Beltz.

**Motion Passed 5 to 0.**

**III. NEW BUSINESS**

- A. CONSIDERATION AND POSSIBLE ACTION** - Final Replat of Final Plat of Crystal Lake Subdivision, Section One, being 49.426 acres of land out of the H.T. & B. R.R. Company Survey, Abstract 506, Brazoria County, Texas.

**Variance:**

1. Use of a 5 foot side lot setback.

Mr. John Taylor was present and representing JNT, Inc., owners, requesting approval of the Final Replat of Final Plat of Crystal Lake Subdivision, Section One.

Mr. John Hargrove, City Engineer, said staff had no comments. He recommended approval as presented with the requested variance, and removal of Chairman Robert Larsen's name on the final replat.

A motion was made by Commissioner Randy Patro, and seconded by Commissioner Mathis, to approve the Final Replat of the Final Plat of Crystal Lake Subdivision, Section One, with the above-stated recommendations.

**Motion passed 5 to 0.**

- B. CONSIDERATION AND POSSIBLE ACTION** - Final Replat of Cambridge Cove at Silverlake, being a Replat of Cambridge Cove at Silverlake, a subdivision of 35.4545 acres of land out of the J.W. Maxey Survey, A-721 and G.C. Smith Survey, A-548, Brazoria County, Texas, recorded in Volume 19, Pages 651-654, B.C.P.R.

Ms. Cathy Mitchell, representing the owners, New Southwyck, L.P., was present seeking approval of the Final Replat of Cambridge Cove.

Mr. Hargrove recommends approval of the plat. He said that the purpose of the replat needs to be stated in the immediate vicinity of the title on the plat (add notes 17 and 18), and Chairman Robert Larsen's name needs to be removed. Mr. Hargrove and the City Attorney will withhold their signatures until those items are completed.

A motion was made by Commissioner Patro, and seconded by Commissioner Mathis to approve the Final Replat of Cambridge Cove at Silverlake, with the recommendations so stated above.

**Motion passed 5 to 0.**

- C. CONSIDERATION AND POSSIBLE ACTION** - Final Plat of Weatherford, Phase I at Silverlake, a subdivision of 48.7859 acres of land out of the R.B. Lyle Survey, A-539, Brazoria County, Texas.

**Variance:**

1. Use of 20 foot building line setback on lots fronting the bulb portion of cul-de-sacs.
2. Use of 5 foot side lot building line setbacks.
3. Use of a 670 foot long cul-de-sac.

Ms. Cathy Mitchell, was present representing the owners, New Southwyck, L.P., and requesting approval of the Final Plat of Weatherford, Phase I at Silverlake.

Mr. Hargrove recommended approval of the plat with the requested variances. He requests removal of the letters "(65' X 115')" in the title block as it is unnecessary, and removal of Chairman Robert Larsen's name on the signature block. The City Engineer and City Attorney will withhold their signatures until the requested items are completed.

A motion was made by Commissioner Eggers, and seconded by Commissioner Patro to approve the Final Plat of Weatherford, Phase 1 at Silverlake with the requested variances, the removal of letters denoting size of lots, and removal of Chairman Robert Larsen's name.

**Motion passed 5 to 0.**

- D. CONSIDERATION AND POSSIBLE ACTION** - Final Plat of Southwyck, Section Nine, Phase Two, a Subdivision of 19.2713 acres of land within the H.T. & B. R.R. Company Survey, Section 21, Abstract 309 in Brazoria County, Texas.

**Variance:**

1. Use of 20 foot front building line on cul-de-sac and thumbnail lots.
2. Use of 20 foot front building line on Lots 1 through 16, Block 2 on the north side of Clarestone Drive and the east side of Wyckchester Drive.
3. Use of a 5 foot side lot setback.

Mr. Steve Gardner and Mr. Greg Coleman, representing the owners, Beazer Homes, Texas, Inc., were in attendance, and asking for approval of the Final Plat of Southwyck, Section Nine, Phase Two.

Commissioner Patro asked if 20 feet on cul-de-sacs was normal, to which Mr. Burdine replied, yes. Mr. Gardner informed the Commission that the previous plat was approved with those dimensions.

Mr. Burdine expressed concern regarding the unrecorded HL&P easements. There was much discussion on the ownership of the easements and their validity. The title report status was questioned as to dates and events regarding the easements. The consensus was abandonment of the easements is ongoing. Mr. Burdine said that for platting purposes, it is made formal by recording the easement or remove it from the plat. Mr. Hargrove's opinion is that it must be shown for information purposes only. Mr. Burdine requested a cross section sketch of the aerial easement on Lots 1 -13, add a note of the intention of the developer to pursue abandonment, remove Chairman Robert Larsen's name from the plat, and include a copy of a certificate of abandonment.

Commissioner Eggers made a motion, seconded by Commissioner Patro to approve the Final Plat of Southwyck, Section Nine, Phase Two, with the recommendations of Mr. Burdine.

**Motion passed 5 to 0.**

- E. CONSIDERATION AND POSSIBLE ACTION** - Preliminary Plat of HKS Ventures Subdivision. A subdivision of 1.534 acres tract of land out of a 5.8891 acre tract of land out of the Thomas J. Green Survey, Abstract 198, Brazoria County, Texas, and being out of the northeasterly part of that certain 25.117 acre tract described by deed dated April 11, 1952 from Marion A. Bailey to Jennie J. Settegast, recorded in Volume 532, Page 506, of the deed records of Brazoria County, Texas.

Mr. Ray McDowell was present representing the owner, HKS Ventures, L.L.C., and seeking approval of the Preliminary Plat of HKS Ventures Subdivision.

Discussion revolved around the ownership of the 6.036 acres east of the site. Mr. McDowell said the acreage was in the process of being sold but as yet has not been finalized.

Mr. Hargrove had several comments to make that have already been changed on the mylar:

1. Add statement: All exterior boundary monuments were found or set.
2. Remove Chairman Robert Larsen's name from the plat.
3. Signature of Brazoria County Drainage District not required (submitted approved drainage plan to City of Pearland).
4. Remove BCDD signature block on final plat.
5. Add acreage in title block.
6. Delete Note 8, revise Note 11.
7. Add owner's names, address, telephone number on right hand corner of plat.

A motion was made by Commissioner Eggers, and seconded by Commissioner Patro to approve the Preliminary Plat of HKS Ventures Subdivision, with the above-stated comments.

**Motion passed 5 to 0.**

- F. CONSIDERATION AND POSSIBLE ACTION** - Final Plat of Albertson's - Pearland, 20.8406 acres out of Lots 31, 32, 63, and 64 of the Allison - Richey Gulf Coast Home Co. Subdivision of the H.T. & B. R.R. Co. Survey, Section 9, Abstract 234, Brazoria County, Texas.

Mr. Greg Schmidt was present representing the owners, Albertson's, Inc.. He was asking for approval of the Final Plat of Albertson's.

Mr. Schmidt asked if it was possible for concrete to encroach in the easements, and Mr. Burdine replied, no. Mr. Hargrove said the City has some utility easements asphalted over. Mr. Burdine said landscaping can not be in the right-of-way.

Mr. Hargrove recommended approval of the plat and conditional upon approval of the construction drawings in the street right-of-way, and a release of responsibility for easement encroachment added to the plat as shown below. Signatures of the City Attorney and City Engineer will be added after the exceptions noted above are completed.

**WATER AND SANITARY SEWER EASEMENT NOTE**

The fee titleholder may only encroach on Water and Sanitary Sewer Easements (W.S.E.) with landscape improvements, including landscape irrigation systems, subject to said fee titleholder indemnifying and holding harmless the City of Pearland for any repairs to or replacement of said landscape improvements.

A motion was made by Commissioner Eggers, and seconded by Commissioner Beltz to approve the Final Plat of Albertson's with the above-mentioned requirements.

**Motion passed 5 to 0.**

**G. CONSIDERATION AND POSSIBLE ACTION - Discussion item to review proposed changes to the Subdivision Ordinance.**

Mr. Alan Mueller, City Projects Coordinator, referred the Commissioners to a draft of the Subdivision Ordinance before them. He explained this was not a final version and they can discuss all of, a part of, or a few chapters. Mr. Burdine suggested discussing approximately 10 pages.

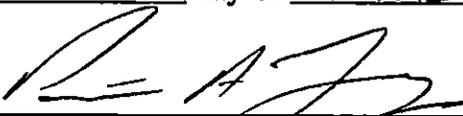
Mr. Mueller went item by item explaining each page and the additions/deletions thereon. The Commissioner understood each section as it was clear and straightforward. The Commission reviewed the ordinance through the preliminary plat section ending on page 13.

The Commission agreed to continue the review within the next 30 days.

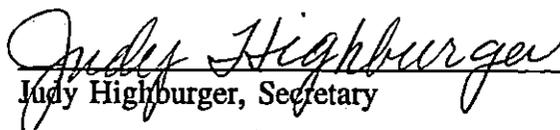
**IV. NEXT MEETING DATE:** Monday, March 31, 1997, 6:15 p.m., Joint Public Hearing.

**V. ADJOURNED:** 7:24 p.m.

Minutes approved as submitted this 31 day of MARCH  
A.D., 1997.

  
\_\_\_\_\_  
Pat Lopez, Vice Chairman

**ATTEST:**

  
\_\_\_\_\_  
Judy Highburger, Secretary