

**AGENDA - REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, JUNE 23, 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 June 2, 1997

**III. NEW BUSINESS**

**A. CONSIDERATION AND POSSIBLE ACTION - 29 TRACTS IN GARDEN ACRES SUBDIVISION**

Request of owners 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 properties, to-wit:

Located in Garden Acres Subdivision, being the H.C. Johnston 99 Acre Tract, also being the south 99 acres of Section 7 of the H.T. & B.R.R. Company Survey, A-219, Brazoria County, Texas, and being more particularly described as follows:

**Zoning Application No. 139**

**Legal Description:** The north ½ of Lot A (175' x 300'), also being Lot A-1, Section 1, Garden Acres Subdivision.

**Address:** 2411 Garden Road

**Owner:** Billy T or Joyce J. Hill

**Zoning Application No. 140**

**Legal Description:** The south ½ of Lot A, Section 1, Garden Acres Subdivision.

**Address:** 6507 Laurie Street

**Owner:** Dinh Kim Pham

**Zoning Application No. 141**

**Legal Description:** 1.24 acres out of Tract C, Section 1, Garden Acres Subdivision.

**Address:** 6329 Laurie Street

**Owner:** Richard L & Betty Jo Gilbert

**Zoning Application No. 142**

**Legal Description:** 1.17 acres out of Tract C, also being Lot C-1, Section 1, Garden Acres Subdivision.

**Address:** 6325 Laurie Street

**Owner:** Doyle R. & Jean A. Rains

**Zoning Application No. 143**

**Legal Description:** 1.00 acre out of Lot D, also being Lot D-1, Section 1, Garden Acres Subdivision.

**Address:** 6221 Laurie Street

**Owner:** William & Julie Boughter

**Zoning Application No. 144**

**Legal Description:** Lot N, Section 1, Garden Acres Subdivision.

**Address:** 6330 Laurie Street

**Owner:** Ottis B. Lynch

**Zoning Application No. 145**

**Legal Description:** Lot M, Section 1, Garden Acres Subdivision.

**Address:** 6326 Laurie Street

**Owner:** John F. & Rosie R. Barta

**Zoning Application No. 146**

**Legal Description:** Lot L, Section 1, Garden Acres Subdivision.

**Address:** 6310 Laurie

**Owner:** Herman Edward Rhodes

**Zoning Application No. 147**

**Legal Description:** Lot K, Section 1, Garden Acres Subdivision.

**Address:** 6222 Laurie Street

**Owner:** Frank Simms

**Zoning Application No. 148**

**Legal Description:** Lot 1, Block 5, Section 2-A, Garden Acres Subdivision.

**Address:** 6319 Gardenia Street

**Owner:** Gerald D. McManus

**Zoning Application No. 149**

**Legal Description:** Lots 3 and 4, Block 5, Section 2-A, Garden Acres Subdivision.

**Address:** 6221 Gardenia Street

**Owner:** David L. & Carolyn Osteen

**Zoning Application No. 150**

**Legal Description:** Lot 8, Block 5, Section 2-A, Garden Acres Subdivision.

**Address:** 6113 Gardenia Street

**Owner:** W.E. Wittze

**Zoning Application No. 151**

**Legal Description:** Lot 5, Block 2, Section 2, Garden Acres Subdivision.

**Address:** 2609 Garden Road

**Owner:** Dave Mitchell Parrish & Dorrilla Dinnece Parrish

**Zoning Application No. 152**

**Legal Description:** Lot 3, Block 3, Section 2, Garden Acres Subdivision.  
**Address:** 2544 Lazybend Street  
**Owner:** Rupert Hugh Brown

**Zoning Application No. 153**

**Legal Description:** Lot 6, Block 3, Section 2, Garden Acres Subdivision.  
**Address:** 2620 Lazybend Street  
**Owner:** Rick D. Bertram

**Zoning Application No. 154**

**Legal Description:** Lot 2, Block 4, Section 2, Garden Acres Subdivision.  
**Address:** 2537 Lazybend Street  
**Owner:** Kenneth R. & Billie W. Williams

**Zoning Application No. 155**

**Legal Description:** Lot 3, Block 4, Section 2, Garden Acres Subdivision.  
**Address:** 2620 Lazybend Street  
**Owner:** Michael E. Cotter

**Zoning Application No. 156**

**Legal Description:** Lot 5, Block 4, Section 2, Garden Acres Subdivision.  
**Address:** 2613 Lazybend Street  
**Owner:** George H. McCaa

**Zoning Application No. 157**

**Legal Description:** A 2.5922 acre tract out of a 12.00 acre tract, Garden Acres Subdivision.  
**Address:** 6220 Gardenia Street  
**Owner:** Thomas E. & Melinda W. Rosinski

**Zoning Application No. 158**

**Legal Description:** Lot D, Section 3, Garden Acres Subdivision.  
**Address:** 6204 Gardenia Street  
**Owner:** Bill McNutt

**Zoning Application No. 159**

**Legal Description:** Lot 4, 5, & 6, Section 3, Garden Acres Subdivision.  
**Address:** 2550 Thelma Street  
**Owner:** Robert L. & Bettye L. Osteen

**Zoning Application No. 160**

**Legal Description:** Lots 1 & 2, Section 3, Garden Acres Subdivision.  
**Address:** 2626 Thelma Street  
**Owner:** Arthur & Janice Kneeland

**Zoning Application No. 161**

**Legal Description:** Lot 9, Section 3, Garden Acres Subdivision.  
**Address:** 2613 Thelma Street  
**Owner:** J.T. & Anna Taylor

**Zoning Application No. 162**

**Legal Description:** Lots 7 & 8, Section 3, Garden Acres Subdivision.  
**Address:** 2629 Thelma Street  
**Owner:** Mrs. Lee Latino

**Zoning Application No. 195**

**Legal Description:** 1.205 acres out of Tract E, Section 1, Garden Acres Subdivision.  
**Address:** 6201 Laurie Street  
**Owner:** Cary A. Johnston

**Zoning Application No. 204**

**Legal Description:** 1.41 acres out of Lot D, Section 1, Garden Acres Subdivision.  
**Address:** 6309 Laurie Street  
**Owner:** Robert L. & Jeanne Mizell

**Zoning Application No. 205**

**Legal Description:** Lots 10 & 15, Section 3, Garden Acres Subdivision.  
**Address:** 2603 Thelma Street  
**Owner:** William & Rhonda Cross

**Zoning Application No. 209**

**Legal Description:** Lot 11, Section 3, Garden Acres Subdivision.  
**Address:** 2551 Thelma Street  
**Owner:** Harold E. Forster

**Zoning Application No. 210**

**Legal Description:** Lots 16 & 17, Section 3, Garden Acres Subdivision.  
**Address:** 2626 O'Day  
**Owner:** E.E. & Wilma Rader

**B. CONSIDERATION AND POSSIBLE ACTION - APPLICATION NO. 215**

Request of Charlie Vatterott, agent for Frank D. Barringer, Trustee, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from the Classification of Suburban Development (SD) to Multi Family Dwelling District (MF) on the following described property, to-wit:

32.72 Acres out of the west 1/2 of the northeast 1/4, Section 15, of the H.T. & B.R.R. Survey, A-241, as Recorded in Volume 297, Page 98, Brazoria County, Texas.

**C. CONSIDERATION AND POSSIBLE ACTION - APPLICATION NO. 197**

Request of Bert & Ursula Jones, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Classification Suburban Development (SD) to General Business (GB) on the following described property, to-wit:

Lots 13 & 14, Section 3, Garden Acres Subdivision of the H.C. Johnston 99 Acre Tract, also being the south 99 acres of Section 7 of the H.T. & B.R.R. Company Survey, A-219, Brazoria County, Texas. (2538 O'Day)

**D. CONSIDERATION AND POSSIBLE ACTION - SPECIFIC USE PERMIT NO. 51**

Request of Bert & Ursula Jones, owner, for a Specific Use Permit for a residential dwelling in a General Business District on the following described property, to-wit:

Lot 13, Section 3, Garden Acres Subdivision of the H.C. Johnston 99 Acre Tract, also being the south 99 acres of Section 7 of the H.T. & B.R.R. Company Survey, A-219, Brazoria County, Texas. (2538 O'Day)

**E. CONSIDERATION AND POSSIBLE ACTION - SPECIFIC USE PERMIT NO. 52**

Request of Bert & Ursula Jones, owner, for a Specific Use Permit for a animal husbandry in a General Business District on the following described property, to-wit:

Lot 14, Section 3, Garden Acres Subdivision of the H.C. Johnston 99 Acre Tract, also being the south 99 acres of Section 7 of the H.T. & B.R.R. Company Survey, A-219, Brazoria County, Texas. (2538 O'Day)

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

**V. ADJOURNMENT**

Posted: \_\_\_\_\_ Day of \_\_\_\_\_, A.D., 1997  
\_\_\_\_\_ P.M.

Removed: \_\_\_\_\_ Day of \_\_\_\_\_, A.D., 1997

**MINUTES OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION, OF THE CITY OF PEARLAND, TEXAS, HELD MONDAY, JUNE 16, 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:

Chairman	Pat Lopez
Vice Chairman	Emil Beltz
Commissioner	Don Baker
Commissioner	Randy Patro
Commissioner	Tommy L. Scott
Assistant City Manager	Richard Burdine
City Engineer	John Hargrove
Secretary	Judy Highburger

City Projects Coordinator Alan Mueller arrived at 6:03 p.m., Commissioner Jack D. Mathis arrived at 6:05 p.m., Commissioner Mary Starr arrived at 6:28 p.m., and City Planning and Development Director Dennis Smith arrived at 6:35 p.m.

**II. APPROVAL OF MINUTES:** Minutes of June 9, 1997

Vice Chairman Emil Beltz made a motion, seconded by Commissioner Tommy L. Scott to approve the Minutes of June 9, 1997.

**Motion passed 5 to 0.**

**III. NEW BUSINESS**

- A. CONSIDERATION AND POSSIBLE ACTION** - Preliminary Plat of Fairway Village, Section 2, Phase 1 at Silverlake. A subdivision of 20.6233 acres of land out of the John W. Maxey Survey, Abstract No. 721, and the G.C. Smith Survey, Abstract No. 548, Brazoria County, Texas.

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.

Ms. Cathy Mitchell of Jones and Carter Engineering, was present representing the owners, New Southwyck, L.P., and asking for approval of the Preliminary Plat of Fairway Village, Section 2, Phase 1 at Silverlake.

City Engineer John Hargrove said staff recommends approval of the Preliminary Plat with the following comments:

1. The final plat to show updated Commissioners names;
2. and, future preliminary plats show appropriate detail that meets the purpose of a preliminary plat.

A motion was made by Vice Chairman Beltz, and seconded by Commissioner Don Baker to approve the Preliminary Plat of Fairway Village, Section 2, Phase 1 at Silverlake with the above recommended comments and the requested variance.

**Motion passed to approve 5 to 0 (Commissioner Mathis abstained due to arriving late).**

- B. CONSIDERATION AND POSSIBLE ACTION - Preliminary Plat of West Oaks Recreation Center. Being a 1.7915 Acre tract of land located in the H.T. & B. R.R. Company Survey, A-241, Pearland, Brazoria County, Texas and also being out of a called 160 acre tract as recorded in Vol. 708, Pg. 109 B.C.D.R, Brazoria County, Texas.**

Ms. Renee' West, owner, of R. West Development Company, was present requesting approval of the Preliminary Plat of West Oaks Recreation Center.

Mr. Hargrove said staff recommends approval as presented with the following exceptions:

1. Under General Notes: remove No. 10;
2. under T.B.M. No. 1, 2nd paragraph: ...FEMA MAPS ARE ON 1929 NGVD ( 1973 ADJ.) IN BRAZORIA COUNTY... be changed to ...(1978 ADJ);
3. update Commissioners names;
4. and, Final Plat to show signatures of HL&P.

A motion was made by Commissioner Mathis, seconded by Vice Chairman Beltz to approve the

Preliminary Plat of West Oaks Recreation Center with the above-stated exceptions.

**Motion passed to approve 6 to 0.**

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

Mr. Mueller led the discussion of the Subdivision Ordinance beginning with page 24, Section B, Blocks, on which minor changes were made. On Page 25, No. 3, Sidewalks, (a-d), were stricken and an addition made regarding construction specifications.

Page 26, Section 2C, Lots, No. 5, requires a reserve to be platted for planting or fence screens in lieu of an easement and shows a new paragraph regarding planting and fencing reserve specifications.

Page 27, Section D, Building Setback Lines, Nos. 1-3 were deleted, and a new paragraph included regarding conformance to the Land Use and Urban Development Ordinance.

Page 28, Section D, No. 5, allows front setback lines to be reduced by 5' for lots inside a cul-de-sac arc. Page 28, Section E, No. 1, calls for dedication of open space to conform to a City Park Dedication Ordinance. Page 28, Section E, Pa. 2, calls for 16' utility easements and 10' water and sewer easements at appropriate locations.

Page 31, Section 27-5, A, General No. 5, Guarantee of performance, a new Paragraph (a) was added pertaining to inspections paid for by contractors. Section No. 5(b) was amended in regard to the amount of the maintenance bond required.

Page 32, Section 27-5, No. 8, was added requiring new development to connect to water and sewer lines that are within 300' of the development.

Page 33, Section 27-5, B, Minimum standards, No. 2, refers to new exhibits (A & B), and No. 3 makes reference to rules that the City Engineer can promulgate that are not in conflict with City Ordinances.

Discussion stopped at this point. No action was taken.

**D. CONSIDERATION AND POSSIBLE ACTION - Discussion item to review the CO - Corridor Overlay District.**

Discussion was led by Mr. Mueller outlining the changes made to the draft based on discussion from the previous meeting. An introductory paragraph was added to address the handling of conflicts between the Overlay Ordinance and other ordinances. Page 2, Building Facade Standards, Section C-1, the Commissioners requested that "concrete block" be replaced with "splitfaced concrete masonry unit". Page 3, Landscaping Standards, Section B-6, was removed

so that required street trees along major thoroughfares must be planted behind the right-of-way line.

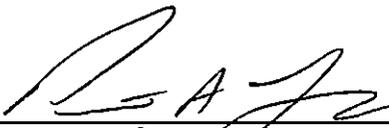
The Commissioners had concerns regarding the planting of median trees, and the responsibility for maintenance and irrigation. Mr. Burdine suggested the developers should be given the option to meet a portion of their landscaping requirements by planting median trees in conformance with an overall plan prepared by the City.

Discussion ended. No action was taken.

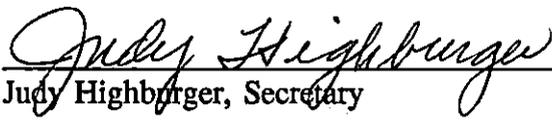
**IV. NEXT MEETING DATE:** Monday, June 23, 6:30 p.m., Joint Public Hearing.

**V. ADJOURNED:** 7:40 p.m.

Minutes approved as submitted this 23 day of June A.D., 1997.

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

ATTEST:

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

**AGENDA - REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, JUNE 23, 1997, IMMEDIATELY FOLLOWING THE JOINT PUBLIC HEARING IN THE SECOND FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

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**Zoning Application No. 139**

**Legal Description:** The north ½ of Lot A (175' x 300'), also being Lot A-1, Section 1, Garden Acres Subdivision.

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**Owner:** Billy T or Joyce J. Hill

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**Owner:** Doyle R. & Jean A. Rains

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**Legal Description:** 1.00 acre out of Lot D, also being Lot D-1, Section 1, Garden Acres Subdivision.

**Address:** 6221 Laurie Street

**Owner:** William & Julie Boughter

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**Legal Description:** Lots 3 and 4, Block 5, Section 2-A, Garden Acres Subdivision.

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**Owner:** Cary A. Johnston

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**Address:** 2551 Thelma Street  
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**Zoning Application No. 210**

**Legal Description:** Lots 16 & 17, Section 3, Garden Acres Subdivision.  
**Address:** 2626 O'Day  
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**B. CONSIDERATION AND POSSIBLE ACTION - APPLICATION NO. 215**

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32.72 Acres out of the west 1/2 of the northeast 1/4, Section 15, of the H.T. & B.R.R. Survey, A-241, as Recorded in Volume 297, Page 98, Brazoria County, Texas.

**C. CONSIDERATION AND POSSIBLE ACTION - APPLICATION NO. 197**

Request of Bert & Ursula Jones, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Classification Suburban Development (SD) to General Business (GB) on the following described property, to-wit:

Lots 13 & 14, Section 3, Garden Acres Subdivision of the H.C. Johnston 99 Acre Tract, also being the south 99 acres of Section 7 of the H.T. & B.R.R. Company Survey, A-219, Brazoria County, Texas. (2538 O'Day)

**D. CONSIDERATION AND POSSIBLE ACTION - SPECIFIC USE PERMIT NO. 51**

Request of Bert & Ursula Jones, owner, for a Specific Use Permit for a residential dwelling in a General Business District on the following described property, to-wit:

Lot 13, Section 3, Garden Acres Subdivision of the H.C. Johnston 99 Acre Tract, also being the south 99 acres of Section 7 of the H.T. & B.R.R. Company Survey, A-219, Brazoria County, Texas. (2538 O'Day)

**E. CONSIDERATION AND POSSIBLE ACTION - SPECIFIC USE PERMIT NO. 52**

Request of Bert & Ursula Jones, owner, for a Specific Use Permit for a animal husbandry in a General Business District on the following described property, to-wit:

Lot 14, Section 3, Garden Acres Subdivision of the H.C. Johnston 99 Acre Tract, also being the south 99 acres of Section 7 of the H.T. & B.R.R. Company Survey, A-219, Brazoria County, Texas. (2538 O'Day)

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

**V. ADJOURNMENT**

Posted: 20th Day of June, A.D., 1997  
2:00 P.M.

Removed: 24 Day of June, A.D., 1997

June 23, 1997

The City Council  
The Planning and zoning Commission  
Pearland, Texas

Re: Our objection to application No. 197  
Specific Use No. 52

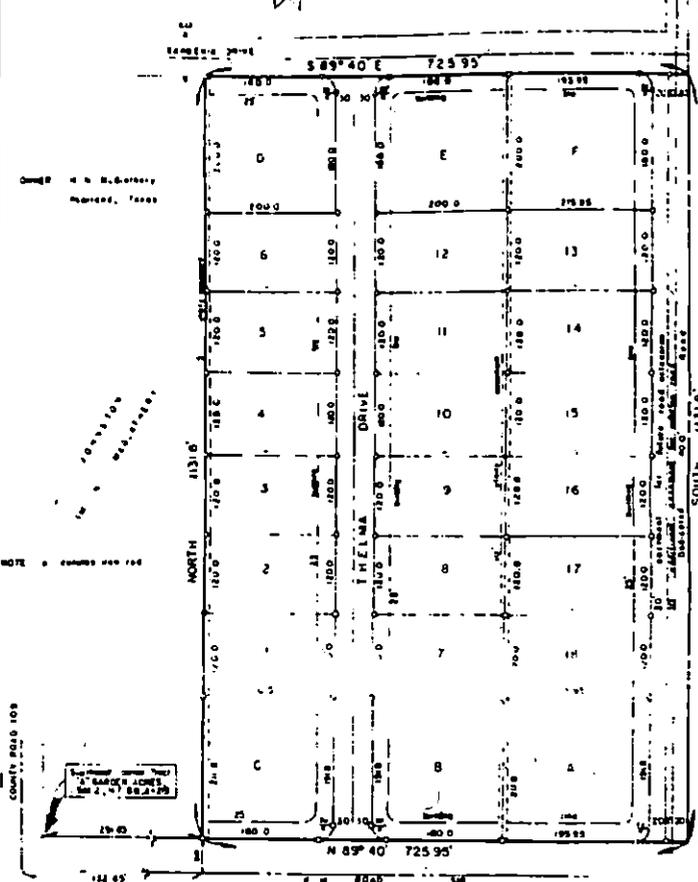
You have received a copy of the certified plat and the original deed restrictions filed in the Brazoria County Court house for the Garden Acres subdivision.

It is clear from the plat as filed, lots 13+14 are for the purpose of residential dwellings. General business use would violate the intended purpose by developers and would further violate the rights of the home owners who purchased property in reliance on that plat.

The smell and odor from the cows and their droppings, on many days, make it impossible to use and enjoy our yards.

Eugene E Lader  
2626 O'Day Rd.  
Lot #16+17

SCALE 1" = 100'



STATE OF TEXAS  
 COUNTY OF BRAZORIA

I, JAMES E. RAINES, a registered professional land surveyor of the State of Texas, do hereby certify that the plat is a correct and true copy of the original as shown to me by the owner of the same and that the same is in accordance with the laws of the State of Texas and the rules and regulations of the State Board of Land Surveyors.

STATE OF TEXAS  
 COUNTY OF BRAZORIA

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_ known to me to be the person whose name is subscribed to the foregoing plat and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this \_\_\_\_\_ day of \_\_\_\_\_, 1955.

Notary Public

PLAT OF  
 GARDEN ACRES, SEC No 3

I, JAMES E. RAINES, a registered professional land surveyor of the State of Texas, do hereby certify that the plat is a correct and true copy of the original as shown to me by the owner of the same and that the same is in accordance with the laws of the State of Texas and the rules and regulations of the State Board of Land Surveyors.

DRAWN BY James E. Raines  
 James E. Raines  
 P. O. Box 10831  
 Houston, Texas



APPROVED FOR FILING  
 The undersigned authority, with the representatives of the City of Pearland, submitted to the Board of City Council.

APPROVED BY John B. Kealy  
 Mayor  
 City of Pearland

A Subdivision of 30 lots having 16,882 acres of land out of Tract 34, of a subdivision of the N.T.S.A. R.R. Co. Survey, Section 7, Township 21S, Brazoria County, Texas.

APPROVED BY Will C. Wall  
 Will C. Wall  
 Brazoria City Engineer

SUBMITTED TO COUNTY PLAT BOOK RECORDER  
 Date 7-1-55  
 APPROVED BY COUNTY PLAT BOOK RECORDER  
 Date 7-1-55  
 Recorder W. C. Wall

RECORDED IN PLAT BOOK VOL. 10 PAGE 108  
 DATE 7-1-55  
James E. Raines  
 P.O. Box 10831  
 COUNTY SURVEYOR

APPROVED  
 COUNTY OF BRAZORIA  
 Date 7-1-55  
 COUNTY JUDGE: John B. Kealy  
 Commissioner: John B. Kealy  
 Commissioner: John B. Kealy  
 Commissioner: John B. Kealy  
 COUNTY ENGINEER: Will C. Wall

APPROVED  
 BRAZORIA COUNTY SPRING NO. 1  
 Commissioner: John B. Kealy  
 Commissioner: John B. Kealy

FILED FOR FILING  
 AT PEARLAND, TEXAS  
 THIS 1 DAY OF JULY, 1955  
 COUNTY CLERK

STATE OF MISSISSIPPI  
 COUNTY OF HANCOCK  
 GARDEN ACRES, SECTION NO. 3

APPROVED BY  
 [Signature]  
 [Signature]  
 [Signature]

COUNTY ENGINEER  
 [Signature]

COUNTY JUDGE  
 [Signature]

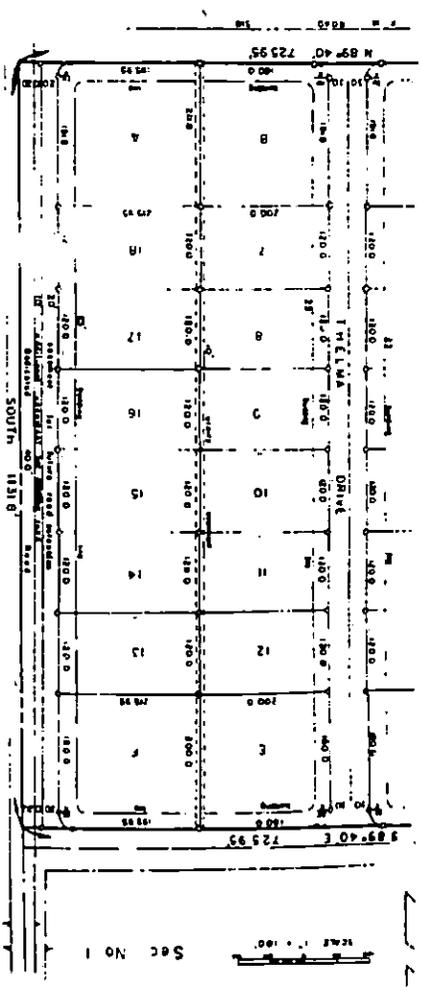
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RECORDED IN PLAT BOOK NO. 10  
 PLAT NO. 10

APPROVED BY  
 [Signature]  
 [Signature]

RECORDED IN PLAT BOOK NO. 10  
 PLAT NO. 10

GARDEN ACRES, SEC. NO. 3



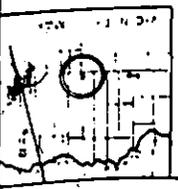
STATE OF MISSISSIPPI  
 COUNTY OF HANCOCK

APPROVED BY  
 [Signature]  
 [Signature]

RECORDED IN PLAT BOOK NO. 10  
 PLAT NO. 10

APPROVED BY  
 [Signature]  
 [Signature]

RECORDED IN PLAT BOOK NO. 10  
 PLAT NO. 10



There are no pipelines or other structures on this land and water.

11255

RESTRICTIONS FOR  
GARDEN ACRES, SECTION III

THE STATE OF TEXAS :  
COUNTY OF BRAZORIA :

WHEREAS, H. C. JOHNSTON and wife, THELMA JOHNSTON, are  
the legal owners of the following described property, to-wit:

Garden Acres, Section No. 3, a Subdivision of 24  
lots, being 18.862 acres of land out of Tract 36  
of a subdivision of the HT&B RR Co. Survey, Sec. 7,  
Abstract 219, Brazoria County, Texas, according to  
Plat of record in Vol. 10, Page 77, Plat Records,  
Brazoria County, Texas.

and the said H. C. JOHNSTON and wife, THELMA JOHNSTON, are desirous  
of imposing certain restrictions on the property listed hereinabove,  
of which Lots A, B and C of said Subdivision are hereby reserved  
for commercial purposes only, so as to establish and maintain a  
uniform plan for the improvement and development said Subdivision  
as a highly restricted and modern subdivision.

NOW, THEREFORE, H. C. JOHNSTON and wife, THELMA JOHNSTON  
acting herein by and through their duly appointed Attorney-in-Fact,  
H. D. JOHNSTON, by Power of Attorney recorded in Vol. 916, Page  
597 Deed Records of Brazoria County, Texas, do herenow impose  
the following restrictions on said property:

1. These restrictions shall be effective from July 26,  
1965 for a period of 10 years, and shall automatically be extended  
thereafter for successive periods of ten years; provided, by duly  
recorded instrument, signed by a majority of the property owners in  
said property described hereinabove, it is agreed to change said  
covenants, conditions and restrictions, in whole or in part.

2. All dwellings shall contain a minimum of 1400 square  
feet of living area and be of at least 75% masonry and of all new  
construction. There shall be no cement block building. Garages  
shall contain a minimum floor space of 350 square feet including  
wash room, tool room, etc., if desired. Servant quarters shall

CERTIFIED COPY CERTIFICATE  
STATE OF TEXAS  
COUNTY OF BRAZORIA

The above and foregoing is a full, true and correct photographic copy of the original  
record now in my local custody and possession, as the same is registered in  
the public records of my office. I hereby certify on 4-23-97



DOLLY SAELEY  
COUNTY CLERK  
BRAZORIA COUNTY, TEXAS  
BY [Signature] DEPUTY  
M. ADAMS

contain a minimum floor space of 500 square feet. All construction pertaining to utility houses, servants quarters, workrooms, etc. shall be under one roof and constructed in such a manner that real properties shall not depreciate due to their existence.

3. All construction on lots in said Subdivision shall be a minimum of 25 feet back from the front lot line.

4. No trade or business of any nature shall be carried on upon any lot, nor shall any noxious or offensive activity be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

5. No trailer, basement, tent, shack, garage, barn or other outbuilding erected on the lot shall at any time be used as a residence temporarily or permanently, nor shall any structure of a temporary character be used as a residence. No houses, homes or trailer houses shall be moved onto said lots.

6. No building shall be located nearer to the front lot line or nearer to the side street line than the building setback lines shown on the recorded plat. No dwelling shall be built on any lot with less than 100 feet road frontage.

7. No sanitary drainage or sewage disposal shall be drained into ditches of road right of way; sewage disposal shall comply with County Health Regulations and shall not be nearer than 10 feet to property lines. Garbage and other waste shall be handled in a clean and sanitary manner. There shall be no open toilets.

8. All vacant property must be mowed two (2) times per year, or \$10.00 per acre will be assessed against the property, and if said sum is not paid when due, shall bear interest at the rate of 10% per annum until paid.

9. All commercial property fronting on Highway 518, being Lots A, B and C of said Subdivision, shall be constructed of masonry fronts or the equivalent thereof.

10. Easements for installation and maintenance of utility

CERTIFIED COPY CERTIFICATE  
STATE OF TEXAS  
COUNTY OF BRAZORIA

The above and foregoing is a full, true and correct photographic copy of the original record now in my lawful custody and possession, as the same is kept and recorded in the public records of my office, this day of \_\_\_\_\_, 19\_\_\_\_.



DOLLY BARKLEY  
COUNTY CLERK  
BRAZORIA COUNTY, TEXAS  
BY \_\_\_\_\_ DEPUTY  
OF AGENT

and drainage facilities are reserved as shown on the recorded plat.

11. No building shall be erected, placed or altered on any building plot in this subdivision until the building plans, specifications and plot plan showing the locations of such building have been approved by the Architectural Control Committee which shall be composed of H. C. Johnston, H. D. Johnston and M. N. McGlathery. In the event of death or resignation of any member of said Committee, the remaining member or members shall have full authority to approve or disapprove such design and location, or to designate a representative with like authority.

12. The invalidity of any one of these covenants, whether by judgment, court order or otherwise, shall in no wise affect any of the other provisions which shall remain in full force and effect. If any of the parties hereto or any of their successors, heirs, assigns, or any owner of any interest in the above described property shall at any time violate or attempt to violate any of the covenants or restrictions herein, it shall be lawful for any person or persons owning any other lot or plot in the above described property to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenants or restrictions, and either to prevent him or them from so doing or to recover damages or other dues for such violations.

EXECUTED this 26th day of July, A. D., 1965.



H. D. Johnston, Agent and Attorney-in-fact for H. C. Johnston and wife, Thelma Johnston

CERTIFIED COPY CERTIFICATE  
STATE OF TEXAS  
COUNTY OF BRAZORIA

The above and foregoing is a full, true and correct photographic copy of the original record now in my lawful custody and possession, as the same is filed and recorded in the public records of my office. I hereby certify on 4-23-67



DOLLY BAILEY  
COUNTY CLERK  
BRAZORIA COUNTY, TEXAS  
BY [Signature] DEPUTY

THE STATE OF TEXAS :  
: COUNTY OF BRAZORIA :

BEFORE ME, the undersigned authority, on this day personally appeared H. D. JOHNSTON, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 29 day of

July, A. D., 1965.

*Ruth F. DeGos*  
Notary Public, Brazoria County,  
Texas.

RUTH F. DeGOS  
Notary Public in and for Brazoria County, Texas

FILED FOR RECORD  
AT 1:10 O'CLOCK P.M.  
JUL 29 1965

H. R. STEVENS, JR.  
Clerk County Court, Brazoria Co., Tex.  
BY *[Signature]* DEPUTY

CERTIFIED COPY CERTIFICATE  
STATE OF TEXAS  
COUNTY OF BRAZORIA

The above and foregoing is a full, true and correct photographic copy of the original record now in my lawful custody and possession, as the same is filed/recorded in the public records of my office. I hereby certify on 4-23-47



DOLLY BAILEY  
COUNTY CLERK  
BRAZORIA COUNTY, TEXAS  
BY *[Signature]* DEPUTY