

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

Commissioner	Emil Beltz
Commissioner	Randy Patro
Commissioner	Jack D. Mathis
Commissioner	Mary Starr
City Engineer	John Hargrove
City Projects Coordinator	Alan Mueller
Secretary	Judy Highburger

The following were absent: Chairman Robert Larsen, Vice Chairman Pat Lopez, Commissioner Marshall Eggers, and Assistant City Manager, Richard Burdine.

Commissioner Mary Starr made a motion, seconded by Commissioner Randy Patro, to elect Commissioner Emil Beltz as Acting Chairman.

Motion passed 3 to 1 (Commissioner Beltz abstained).

II. APPROVAL OF MINUTES: Minutes of February 3, 1997.

A motion was made by Commissioner Jack D. Mathis, and seconded by Commissioner Starr to approve the Minutes of February 3, 1997.

Motion Passed 4 to 0.

III. NEW BUSINESS

- A. CONSIDERATION AND POSSIBLE ACTION - Final Plat of Meadowview, Section 2 at Silverlake. A subdivision of 6.2825 acres of land out of the John W. Maxey survey, Abstract No. 721, Brazoria County, Texas.**

Variance Request:

1. Use of 20 foot building line setbacks on lots fronting bulb portion of cul-de-sacs.
2. Use of 5 foot side lot building line setbacks.

Thomas Stroh of Jones and Carter Engineers was present and representing the owner, New Southwyck, L.P.. Mr. Stroh was seeking approval of the Final Plat of Meadowview, Section 2.

Mr. John Hargrove, City Engineer, recommended approval as presented.

Commissioner Starr made a motion seconded by Commissioner Patro to approve the Final Plat of Meadowview, Section 2 at Silverlake with the requested variances.

Motion passed 4 to 0.

- B. CONSIDERATION AND POSSIBLE ACTION - Final Plat of Garner Estates, 1.6821 acres out of Tract 7-1/2 H. Masterson Subdivision, Vol. 28, Pg. 6, BCPR Subdivision of Section 5, H.T.& B. R.R. Co. Survey, A-237, Pearland, Brazoria County, Texas.**

Variance Request:

1. Use of 25 foot building line.
2. Use of 16 foot utility easement along rear property.

Mr. Chuck Davis of C.L. Davis & Co. Land Surveying was present representing the owner, Leon E. Garner. Mr. Davis was requesting approval of the Final Plat of Garner Estates.

Mr. Hargrove informed the Commission that the Preliminary Plat had a 16 foot utility easement and drainage easement on the back of Lots 1 & 2, and the owner is requesting elimination of the 16 foot utility easement. He went on to say that he does not recommend eliminating the UE and DE from the back lot line.

Commissioner Patro asked if approval could be granted for the plat but deny the request for the 16 foot UE elimination. Mr. Hargrove replied that the Commission could accept or deny all or part of the request, and he along with the City Attorney would withhold their signatures until the 16 foot UE and DE are added to the plat.

Commissioner Patro made a motion, seconded by Commissioner Mary Starr to approve the Final Plat of Garner Estates with the requested use of 25 foot building line, and Mr. Hargrove and the City Attorney will withhold their signatures until the 16 foot UE and DE are added to the plat.

Motion passed 4 to 0.

C. CONSIDERATION AND POSSIBLE ACTION - Final Plat of Tara Exxon, 1.0672 acres out of the W.D.C. Hall Survey, Abstract No. - 70, Pearland, Brazoria County, Texas.

Mr. Al Lentz of Lentz Engineering was present representing the owner, Tara Commercial-Milestone Holdings, Inc.. Mr. Lentz was seeking approval of the Final Plat of Tara Exxon. He informed the Commission that at the last meeting, a temporary detention pond easement was presented and he now has the recorded document here for final consideration.

Mr. Hargrove stated he has read the lease and it will do as it is supposed to do, and he recommended approval as presented.

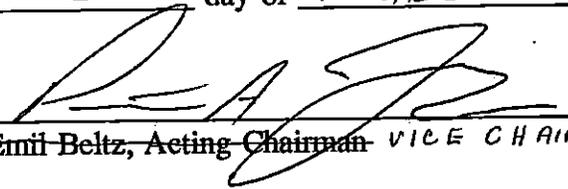
Commissioner Patro made a motion, seconded by Commissioner Mathis to approve the Final Plat of Tara Exxon.

Motion passed 4 to 0.

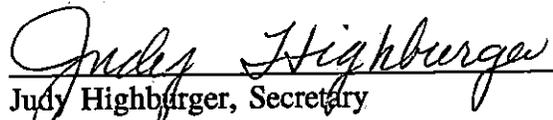
IV. NEXT MEETING DATE: Monday, March 3, 1997, 7:00 p.m., Joint Public Hearing.

V. ADJOURNED: 6:11 p.m.

Minutes approved as submitted this 3 day of MAR 03
A.D., 1997.


Emil Beltz, Acting Chairman ~~VICE CHAIR~~

ATTEST:


Judy Highburger, Secretary

MINUTES OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION, OF THE CITY OF PEARLAND, TEXAS, HELD MONDAY, FEBRUARY 3, 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	Robert Larsen
Vice Chairman	Pat Lopez
Commissioner	Emil Beltz
Commissioner	Marshall Eggers
Commissioner	Randy Patro
Commissioner	Jack D. Mathis
Commissioner	Mary Starr
Assistant City Manager	Richard Burdine
City Engineer	John Hargrove
City Projects Coordinator	Alan Mueller
Secretary	Judy Highburger

II. APPROVAL OF MINUTES: Minutes of January 20, 1997.

A motion was made by Commissioner Emil Beltz and seconded by Commissioner Mary Starr to approve the Minutes of January 20, 1997.

Motion Passed 7 to 0.

III. NEW BUSINESS

- A. CONSIDERATION AND POSSIBLE ACTION - The Lakes at Countryplace, Section 1. A Preliminary Plat of 31.6 Acres out of the F.B. Drake A-503, F.B. Drake A-510 and H.T. & B.R.R. Co. A-310 Surveys, Brazoria County, Texas.**

Variance Request:

1. Front building setback line of 20 feet on cul-de-sac lots.
2. Side setbacks with an aggregate of 10 feet between houses.
3. Block length exceeding 1,200 feet.

Mr. Don Lindsey, Mr. Stan Winter, and Mr. Steve Gardner were present representing the owner, U.S. Homes.

Mr. Stan Winter, Sr. Planner, Vernon Henry and Associates, gave a presentation to the Commission on a revised Master Plan for The Lakes at Countryplace. Some of the changes made were security monitoring of ingress/egress at the point of access to the subdivision, relocating some tees and greens, re-routing cart paths at the golf course, more lakes for improved drainage, maximize lot frontage on the golf course, no age restrictions to make the area more desirable, north of McHard Road general public will be denied access, additional 50 foot right-of-way for entry for emergency access has been provided in the development south of McHard Road. This Plan is similar to the one presented three years ago; there are 94 lots on 31½ acres and U. S. Homes plans to build 65-75 lots in the first phase. The streets will be private and the homeowners will be assessed maintenance fees for the upkeep of the subdivision streets, and deed restrictions will be enforced. The lots are 65' X 120', 5½ acres have been designated for amenity sites, 46 lots have golf course views.

Assistant City Manager, Richard Burdine, asked for timing on construction of McHard Road to the east edge of the subdivisions. Mr. Winter replied the County Commissioner was not in favor of constructing a dead end road which can lead to illegal dumping and drag racing.

Mr. John Hargrove, City Engineer, asked if the only emergency access into the subdivision was through the other subdivision, and Mr. Winter said yes. Mr. Burdine is concerned that east McHard Road will be forgotten. He went on to say the planned subdivision street is a cul-de-sac, and he has major concerns with the requested variance, and asks if the rest of the phases would be east or west. Mr. Winter said it may go east or west and he does not see a problem with the cul-de-sac, and there will be a connection to McHard Road. Mr. Hargrove said the street may have emergency access, but it is still a cul-de-sac.

Commissioner Emil Beltz asked why the County was hesitant to build the road, and Mr. Burdine said the County does not have the funds for speculative road building; and, we are responsible for enforcing the platting regulations to get questions answered regarding McHard Road. Commissioner Beltz inquired as to land donated to extend McHard Road, and Mr. Burdine said there is a temporary emergency access on the north side and there are two pipelines down the middle. Mr. Winter agreed there was a need for a major thoroughfare but there is a matter of phasing. If done prematurely, it could create problems for the homeowners' security and for the County maintenance. By building the road now, it would make the subdivision appear to have gone bust as many subdivisions did in the mid-1980's.

Vice Chairman Pat Lopez asked how many phases there will be, and Mr. Winter said that there would be several phases with 40-50 lots in each phase for a total of 600 lots.

Mr. Don Lindsay agreed that the street may be a cul-de-sac, and it is too long (by ordinance). Mr. Hargrove said the issue of the cul-de-sac length and the single point of entry to the subdivision are two separate issues; and, the issue of the length of the cul-de-sac raises concerns to staff. Mr. Hargrove said he would like more than one way to get to the houses. Mr. Winter asked if a loop was created off the main street, would it no longer be a cul-de-sac, to which Mr. Hargrove answered no.

Mr. Burdine said the engineering firm needs to present a proposal outlining the phases of development, and how to provide emergency access. The potential for emergency access by an all-weather road could come out in the first phase. Mr. Winter said the emergency access could be in the first phase and the paving of two lanes at east McHard Road could be in phase two. The reason for the single point of entry is for security as there is no police service in the area. Mr. Burdine asked what were the plans until there is adequate police service, and could the developer erect 911 gates across east McHard Road. Mr. Lindsey asked would emergency access at the point of entry work. Vice Chairman Lopez replied yes, but it was promised at the next phase. Mr. Hargrove does not approve of waiting until later to construct McHard Road.

Mr. Winter proposed building a temporary road. Mr. Lindsey felt that McHard Road was a separate issue, and is not in favor of McHard Road being built now and not used. Mr. Burdine said there was not a problem with concrete deteriorating like asphalt if it is not driven on. Mr. Lindsey said the developer would have to fund the road before it is needed.

Mr. Burdine said staff needed more specifics in regard to the cul-de-sac length and the phasing of the extension of McHard Road.

Mr. Winter informed the Commission that Section 1 could provide an extension on the cul-de-sac and others will be addressed. Mr. Winter asked for preliminary approval of The Lakes of Countryplace, Section 1. Mr. Burdine said staff needs three to five alternatives, and Mr. Lindsey said they would prefer to sit down with staff and go through the alternatives instead of providing alternatives. Mr. Burdine said staff had already had two meetings and no progress was made; however, staff would be glad to meet again.

Vice Chairman Lopez made a motion to approve the Preliminary Plat of The Lakes at Countryplace, Section 1 with the requested variances; and documentation for emergency access and the McHard Road construction time line must be provided before final plat approval. The motion was seconded by Commissioner Randy Patro.

Motion passed 7 to 0.

- B. CONSIDERATION AND POSSIBLE ACTION - Final Plat of a Replat of Briarglen Section 4 & 5. Being a 18.5850 acre tract as recorded in Briarglen Sect. 4 & 5, Vol. 19, Pg. 597, 598, of the Plat Records of Brazoria County, Texas, lying in the Perry and Austin League Survey Abstract 111, Brazoria County, Texas, being a portion of a 36.3870 acre tract of land conveyed to Bill Wooten, as**

recorded in Vol. 1055, Pg. 719 of the Deed Records of Brazoria County, Texas, a portion of a 3.632 acre tract of land, a portion of an abandon road out of the Hazeldale and Coffman Subdivision, as recorded in Vol. 3, Pg. 6, of the Plat Records of Brazoria County, Texas, portion of Briarglen Sect. 3, as recorded in Vol. 19, Pg. 483-484, of the Plat Records of Brazoria County, Texas, and a portion of a 4.13 acre tract of land conveyed to Tejas Gas Pipeline Co., as recorded in Vol. 983, Pg. 223, of the Plat Records of Brazoria County, Texas.

There was no representative present.

Mr. Hargrove said staff recommends approval as presented. He went on to say that Mr. Dan Rucker called to see if his presence was required and Mr. Hargrove told him it was not necessary.

Vice Chairman Lopez made a motion, seconded by Commissioner Emil Beltz to approve the Final Plat of a Replat of Briarglen Sect. 4 & 5.

Motion passed 7 to 0.

C. CONSIDERATION AND POSSIBLE ACTION - Final Plat of Tara Exxon, 1.0672 acres out of the W.D.C. Hall Survey Abstract No. 70, Pearland, Brazoria County, Texas.

Mr. Al Lentz was present representing Tara Commercial - Milestone Holding, Inc.. Mr. Hargrove said the corner does not relate to regional detention. Mr. Lentz said a temporary easement for local detention can be provided along with a conditional two year lease. Mr. Lentz pointed out the area on a map for the Commissioners.

Mr. Burdine said rather than a two year lease, he recommends keeping it under lease until it is no longer needed. Mr. Hargrove asked that reference to the lease be included on the plat. Mr. Lentz said the Commission can defer the approval for two weeks until the lease is straightened out to their satisfaction. Mr. Burdine asked if changes would be made on the face of the plat, and Mr. Lentz replied, yes.

Commissioner Mary Starr made a motion, seconded by Commissioner Beltz to table the Final Plat of Tara Exxon.

Motion passed to table 7 to 0.

D. CONSIDERATION AND POSSIBLE ACTION - Recommendation to the City Council on City-initiated zone changes in newly annexed areas.

Mr. Alan Mueller, City Projects Coordinator, displayed a color-coded map of the 1995 annexation showing recent zone changes. He told the Commission there were 77 pending applications, with the greatest number being requests for R-1.

Mr. Mueller said the consensus is the Comprehensive Plan is not up to date according to his conversation with the City Attorney. He has talked with Mr. Burdine about notifying property owners via mail to rezone their property to R-1 now without a fee. Mr. Mueller distributed a draft of a proposed letter and excerpts of State law concerning zoning in compliance with a Comprehensive Plan. Mr. Burdine said this state law is reiterated in the Land Use and Urban Development Ordinance. The case law on this subject seems to say that zoning can be done without a plan. However, you are making it up as you go which is all we can do in response to the rezone requests the Commission receives. However, it would be a bad policy for the City to initiate zone change requests without a plan. The concern is that if the City does initiate such a request, and a property owner objects, that might prejudice the Commission on a future request.

Chairman Robert Larsen asked how to incorporate the map to its best advantage, and Mr. Burdine said a concern is the pattern of Commercial and General Business along Hwy 518. If there is an existing business that needs C zoning to be in conformance, it makes sense to grant it. But when the property is vacant land the property owner should provide a better reason for the change than simply, "That's what I want." Chairman Larsen said that decisions need to be made regarding Commercial zoning in residential areas.

Mr. Burdine said that City Council needs to adopt a Comprehensive Plan before initiating zone changes, and in the meantime we can take care of the R-1s. He also said that it would be helpful to City Council if the Commission made a recommendation to not initiate zone changes until there is a Comprehensive Plan to follow.

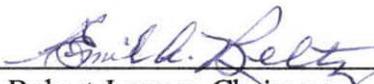
A motion was made by Commissioner Starr and seconded by Vice Chairman Lopez to forward a letter to City Council that the Commission does not wish to pursue a blanket policy of zone change approvals until there is a Comprehensive Plan adopted by City Council.

Motion passed 7 to 0.

IV. NEXT MEETING DATE: Monday, February 17, 1997.

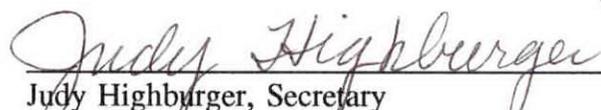
V. ADJOURNED: 7:32 p.m.

Minutes approved as submitted this 17th day of February
A.D., 1997.



Robert Larsen, Chairman
acting

ATTEST:



Judy Highburger, Secretary

AGENDA - REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, MARCH 3, 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 February 17, 1997

III. NEW BUSINESS

A. CONSIDERATION AND POSSIBLE ACTION - APPLICATION NO. 111

Request of Sherry L. Applewhite, agent, for Ayrshire Corporation, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Classification Suburban Development District (SD) to Multi-Family Dwelling District-Planned Unit Development (MF-PUD) on the following described property, to-wit:

Being 5.015 acres of land in the W.D.C. Hall Survey, A-23, Harris County, Texas, and being out of a 38.360 acre tract of land conveyed to Ayrshire Corporation by deed filed under Harris County Clerk File No. K-436255 of the Official Public Records of Real Property of Harris County.

IV. NEXT MEETING DATE: March 10, 1997, 7:00 p.m., Joint Public Hearing

V. ADJOURNMENT

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

Removed: _____ Day of _____, A.D., 1997

AGENDA - REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, FEBRUARY 17, 1997, 6:00 P.M. IN THE SECOND FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

II. APPROVAL OF MINUTES: Minutes of February 3, 1997

III. NEW BUSINESS

A. CONSIDERATION AND POSSIBLE ACTION - Final Plat of Meadowview, Section 2 at Silverlake. A subdivision of 6.2825 acres of land out of the John W. Maxey survey, Abstract No. 721, Brazoria County, Texas.

Variance Request:

1. Use of 20 foot building line setbacks on lots fronting bulb portion of cul-de-sacs.
2. Use of 5 foot side lot building line setbacks.

B. CONSIDERATION AND POSSIBLE ACTION - Final Plat of Garner Estates, 1.6821 acres out of Tract 7-1/2 H. Masterson Subdivision, Vol. 28, Pg. 6, BCPR Subdivision of Section 5, H.T.& B. R.R. Co. Survey, A-237, Pearland, Brazoria County, Texas.

Variance Request:

1. Use of 25 foot building line.
2. Use of 16 foot utility easement along rear property.

C. CONSIDERATION AND POSSIBLE ACTION - Final Plat of Tara Exxon, 1.0672 acres out of the W.D.C. Hall Survey, Abstract No. - 70, Pearland, Brazoria County, Texas.

IV. NEXT MEETING DATE: Monday, March 3, 1997, 7:00 p.m. Joint Public Hearing

V. ADJOURNMENT

Posted: 17th Day of February, A.D., 1997
4:00 A.M. (P.M.)

Removed: 19th Day of February, A.D., 1997