

**AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE  
PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS,  
TO BE HELD FEBRUARY 28, 2000, AT 6:30 P.M., IN THE COUNCIL CHAMBERS,  
CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS**

**I. CALL TO ORDER**

**II. PURPOSE OF HEARING**

Request of owners 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:

1. Zoning Application No. 889

Legal Description: 16.7 acres out of Lot 30, A-304, Brazoria Co, TX (Broadway Street @ Wooten Road)

Owner: F.A.S.H. Family Partnership 1992  
3 Riverway, Suite 120  
Houston, TX 77056

Agent: Charlie Eason

**III. PERSONS WISHING TO SPEAK FOR THE PROPOSED REQUEST**

**IV. PERSONS WISHING TO SPEAK AGAINST THE PROPOSED REQUEST**

**V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION**

*Mr. Gene Tumlinson, Director of Community Development & Services*

**VI. ADJOURNMENT**

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Request of owners for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) to Light Industrial District (M-1) on the following described property, to wit:

1. Zoning Application No. 897

Legal Description: Tract I: Being 4.52 acres of land, more or less; and Tract II: Being 15.23 acres of land, more or less, both tracts being out of the W.T. Dobson Survey, A-187, Brazoria Co., TX (12932 Stone Road)

Owner: Paul & Katherine Urbanek  
5417 Brookside Road  
Pearland, TX 77581

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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 property, to wit:

1. Zoning Application No. 792

Legal Description: 2.00 acres of land out of Lot 22, Allison Richey Gulf Coast Home Co. Subdivision, Section 20, H. T. & B. R.R. Co. survey, A-506, Brazoria Co., TX according to a map or plat recorded in Vol. 2, pg 23, of the plat records of Brazoria Co., TX (1107 Linda Lane)

Owner: Brent A. Brown  
1107 Linda Lane  
Pearland, TX 77584

2. Zoning Application No. 884

Legal Description: .4537 acres out of the South ½ of Lot 25 of Allison Richey Gulf Coast Home Co. Subdivision, Section 7, A-219, Brazoria Co., TX, according to the map or plat thereof recorded in Vol. 2, pg 23, plat records of Brazoria Co., TX (O'Day Road)

Owner: George V. & Vivian R. Johnson  
Rt. 4, Box 3718  
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3. Zoning Application No. 888

Legal Description: A 5.9136 acre tract of land out of a called 9.29 acre tract out of the South ½ of Lot 30, Allison Richey Gulf Coast Home Co. Subdivision, Section 21, H. T. & B. R.R. Co. survey, A-309, Brazoria Co., TX (Fite Road)

Owner: Freeman T. II & Ollie Wyche  
4610 Northfork Drive  
Pearland, TX 77584

4. Zoning Application No. 895

Legal Description: 3.00 acres of land, more or less, being a part of Lots 58 & 59, Allison Richey Gulf Coast Home Co. Subdivision, Section 19, H. T. & B. R.R. Co. survey, A-243, Brazoria Co., TX (14202 Gardens Road)

Owner: Joe D. & Carol McWhorter  
14202 CR 556  
Pearland, TX 77581

5. Zoning Application No. 905

Legal Description: 2.75 acres, more or less, out of the H. T. & B. R.R. Co. survey, Section 20, A-506, out of Lot 49A, Allison Richey Gulf Coast Home Co. Subdivision, Brazoria Co., TX (4230 Hawk Road)

Owner: T.P. Three Enterprises, Inc.  
4230 Hawk Road  
Pearland, TX 77584

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Request of 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:

1. Zoning Application No. 886

Legal Description: Part of Lot J in Westgate Park Subdivision, Brazoria Co., TX (2555 Westgate)

Owner: Edwin Anderson  
4034 Avanti Drive  
Pearland, TX 77584

Agent: Johnston Builders and Associates

**III. PERSONS WISHING TO SPEAK FOR THE PROPOSED REQUEST**

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Request of owners for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) to Commercial District - Specific Use (C-S) to allow forklift repair on the following described property, to wit:

1. Zoning Application No. 904 and Specific Use No. 79

Legal Description: 5 acres, more or less, out of the North ½ of the Allison Richey Gulf Coast Home Co. subdivision, Section 19, A-243, as recorded in Vol. 2, pg 24, of the plat records of Brazoria Co., TX (1010 Lee Road)

Owner: Timothy S. Pounds  
1010 Lee Road  
Pearland, TX 77581

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Request of owners 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:

1. Zoning Application No. 903

Legal Description: 1 acre out of a 2.25 acre tract out of the H. T. & B. R.R. Co. survey, Section 20, A-506, out of Lot 49, Allison Richey Gulf Coast Home Subdivision, as recorded in Vol. 1213, pg 323, deed records of Brazoria Co., TX (4208 Hawk Road)

Owners: T.P. Three Enterprises, Inc.  
4230 Hawk Road  
Pearland, TX 77584

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Request of owners 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:

1. Zoning Application No. 893

Legal Description: 4.6945 acres of land situated in the Northeast 1/4 of Section 17, H. T. & B. R.R. Co. survey, A-242, Brazoria Co., TX, being a part of land described in Vol. 103, pg 156 and Vol. 233, pg 452, of the deed records of Brazoria Co., TX (2932 Manvel Road)

Owners: Arne W. Pepin  
2933 Manvel Road  
Pearland, TX 77584

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Request of owners 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:

1. Zoning Application No. 892

Legal Description: 2.4277 acres of land, more or less, out of Tract 39 out of the Allison Richey Gulf Coast Home Co. Subdivision, Section 85, H. T. & B. R.R. Co. survey, A-304, Brazoria Co., TX (Miller Ranch Road)

Owners: Kimberly G. Durrett  
P.O. Box 3037  
Pearland, TX 77588

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Owner: Hardcastle Family Limited Partnership  
P.O. Box 846  
Pearland, TX 77588

Agent: E. Mauris Hardcastle

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This site is accessible to disabled individuals. For special assistance, please call Young Lorfin at 281-652-1655 prior to the meeting so that appropriate arrangements can be made.

Posted: 18<sup>th</sup> day of February, 2000

Removed: \_\_\_\_\_ day of \_\_\_\_\_, 2000

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1. Zoning Application No. 903

Legal Description: 1 acre out of a 2.25 acre tract out of the H. T. & B. R.R. Co. survey, Section 20, A-506, out of Lot 49, Allison Richey Gulf Coast Home Subdivision, as recorded in Vol. 1213, pg 323, deed records of Brazoria Co., TX (4208 Hawk Road)

Owners: T.P. Three Enterprises, Inc.  
4230 Hawk Road  
Pearland, TX 77584

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Owner: George V. & Vivian R. Johnson  
Rt. 4, Box 3718  
Trinity, TX 75862

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Owner: Joe D. & Carol McWhorter  
14202 CR 556  
Pearland, TX 77581

5. Zoning Application No. 905

Legal Description: 2.75 acres, more or less, out of the H. T. & B. R.R. Co. survey, Section 20, A-506, out of Lot 49A, Allison Richey Gulf Coast Home Co. Subdivision, Brazoria Co., TX (4230 Hawk Road)

Owner: T.P. Three Enterprises, Inc.  
4230 Hawk Road  
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BUSINESS OF THE CITY COUNCIL  
CITY OF PEARLAND, TEXAS

COPY

AGENDA OF: <u>February 28</u> , 2000	ITEM NO. _____
DATE SUBMITTED: <u>Feb 8, 2000</u>	DEPARTMENT OF ORIGIN: <u>Planning/Permits</u>
PREPARED BY: <u>M. Phipps</u>	PRESENTOR: <u>G. Tumlinson</u>
SUBJECT: <u>ZONE CHANGE APPLICATION NO. 902</u>	
EXHIBITS: <u>Ordinance, map and application</u>	
EXPENDITURE REQUIRED <u>n/a</u>	
AMOUNT BUDGETED <u>n/a</u>	
ACCOUNT NO. <u>n/a</u>	
ADDITIONAL APPROPRIATION REQUIRED <u>n/a</u>	
ACCOUNT NO. <u>n/a</u>	
FUNDS AVAILABLE <u>n/a</u> (Finance Department Approval)	

EXECUTIVE SUMMARY

Zone Change Application No. 902 is a request to change the zoning classification from Suburban Development District (SD) to Commercial District (C).

RECOMMENDED ACTION

consider request

February 22, 2000

Honorable Mayor and Council Members  
City Hall  
Pearland, Texas 77581

**Re: RECOMMENDATION TO THE CITY COUNCIL ON ZONING APPLICATION  
NO. 902**

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

**Tract 1A-3, out of a 40 acre tract of land, known as the Southwest 1/4 of the Northwest 1/4 of  
Section 17, H. T. & B. R.R. Co. survey, A-242, Brazoria Co., TX (8001 Fite Road)**

Honorable Mayor and Council Members:

At a regular meeting held on February 21, 2000 after a Joint Public Hearing, the Planning and  
Zoning Commission considered the above-mentioned request.

A motion was made by Commissioner Donald Glenn and seconded by Commissioner Russ  
Selemon to recommend approval of Zone Change Application No. 902.

**Motion to approve passed 7 to 0.**

This is submitted for your consideration.

Sincerely,



Mary Starr, Chairman  
Planning & Zoning Commission

AGENDA REQUEST  
**BUSINESS OF THE CITY COUNCIL  
CITY OF PEARLAND, TEXAS**

**COPY**

AGENDA OF: February 28 , 2000 ITEM NO. \_\_\_\_\_

DATE SUBMITTED: Feb 8, 2000 DEPARTMENT OF ORIGIN: Planning/Permits

PREPARED BY: M. Phipps PRESENTOR: G. Tumlinson

SUBJECT: ZONE CHANGE APPLICATION NO. 899

EXHIBITS: Ordinance, map and application

EXPENDITURE REQUIRED n/a

AMOUNT BUDGETED n/a

ACCOUNT NO. n/a

ADDITIONAL APPROPRIATION REQUIRED n/a

ACCOUNT NO. n/a

FUNDS AVAILABLE n/a (Finance Department Approval)

**EXECUTIVE SUMMARY**

Zone Change Application No. 899 is a request to change the zoning classification from Suburban Development District (SD) to Commercial District (C).

**RECOMMENDED ACTION**

consider request

February 22, 2000

Honorable Mayor and Council Members  
City Hall  
Pearland, Texas 77581

**Re: RECOMMENDATION TO THE CITY COUNCIL ON ZONING APPLICATION  
NO. 899**

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

**2.5 acres of land out of a 40 acre tract of land in the Southwest 1/4 of the Northwest 1/4 of  
Section 17, H. T. & B. R.R. Co. survey, A-242, Brazoria Co., TX (8017 Fite Road)**

Honorable Mayor and Council Members:

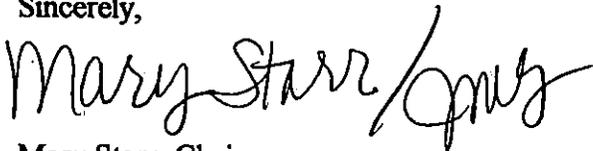
At a regular meeting held on February 21, 2000 after a Joint Public Hearing, the Planning and  
Zoning Commission considered the above-mentioned request.

A motion was made by Commissioner Todd Iocco and seconded by Commissioner Donald Glenn  
to recommend approval of Zone Change Application No. 899.

**Motion to approve passed 7 to 0.**

This is submitted for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Starr" followed by a stylized flourish or initials.

Mary Starr, Chairman  
Planning & Zoning Commission

**BUSINESS OF THE CITY COUNCIL  
CITY OF PEARLAND, TEXAS**

**COPY**

AGENDA OF: February 28 , 2000 ITEM NO. \_\_\_\_\_

DATE SUBMITTED: Feb 8, 2000 DEPARTMENT OF ORIGIN: Planning/Permits

PREPARED BY: M. Phipps PRESENTOR: G. Tumlinson

SUBJECT: ZONE CHANGE APPLICATION NO. 900

EXHIBITS: Ordinance, map and application

EXPENDITURE REQUIRED n/a

AMOUNT BUDGETED n/a

ACCOUNT NO. n/a

ADDITIONAL APPROPRIATION REQUIRED n/a

ACCOUNT NO. n/a

FUNDS AVAILABLE n/a (Finance Department Approval)

**EXECUTIVE SUMMARY**

Zone Change Application No. 900 is a request to change the zoning classification from Suburban Development District (SD) to Commercial District (C).

**RECOMMENDED ACTION**

consider request

February 22, 2000

Honorable Mayor and Council Members  
City Hall  
Pearland, Texas 77581

**Re: RECOMMENDATION TO THE CITY COUNCIL ON ZONING APPLICATION  
NO. 900**

**Request of Barker & Bucek, owner, for an amendment to the Land Use and Urban  
Development Ordinance of said City from Suburban Development District (SD) to  
Commercial District (C) on the following described property, to wit:**

**Lot 1A-6, H. T. & B. R.R. Co. survey, A-242, Brazoria Co., TX (8101 Fite Road)**

Honorable Mayor and Council Members:

At a regular meeting held on February 21, 2000 after a Joint Public Hearing, the Planning and Zoning Commission considered the above-mentioned request.

A motion was made by Commissioner Todd Iocco and seconded by Commissioner Donald Glenn to recommend approval of Zone Change Application No. 900.

**Motion to approve passed 7 to 0.**

This is submitted for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Mary Starr" followed by a stylized surname that appears to be "Lynn".

Mary Starr, Chairman  
Planning & Zoning Commission

BUSINESS OF THE CITY COUNCIL  
CITY OF PEARLAND, TEXAS

COPY

AGENDA OF: <u>February 28 , 2000</u>	ITEM NO. _____
DATE SUBMITTED: <u>Feb 8, 2000</u>	DEPARTMENT OF ORIGIN: <u>Planning/Permits</u>
PREPARED BY: <u>M. Phipps</u>	PRESENTOR: <u>G. Tumlinson</u>
SUBJECT: <u>ZONE CHANGE APPLICATION NO. 901</u>	
EXHIBITS: <u>Ordinance, map and application</u>	
EXPENDITURE REQUIRED <u>n/a</u>	
AMOUNT BUDGETED <u>n/a</u>	
ACCOUNT NO. <u>n/a</u>	
ADDITIONAL APPROPRIATION REQUIRED <u>n/a</u>	
ACCOUNT NO. <u>n/a</u>	
FUNDS AVAILABLE <u>n/a</u> (Finance Department Approval)	

EXECUTIVE SUMMARY

Zone Change Application No. 901 is a request to change the zoning classification from Suburban Development District (SD) to Commercial District (C).

RECOMMENDED ACTION

consider request

February 22, 2000

Honorable Mayor and Council Members  
City Hall  
Pearland, Texas 77581

**Re: RECOMMENDATION TO THE CITY COUNCIL ON ZONING APPLICATION  
NO. 901**

**Request of Blaine F. Barker II ABA Barker Development Co., owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Suburban Development District (SD) to Commercial District (C) on the following described property, to wit:**

**Lot 1A, H. T. & B. R. R. Co. survey, A-242, Parcel No. 42, Brazoria Co., TX (Fite Road)**

Honorable Mayor and Council Members:

At a regular meeting held on February 21, 2000 after a Joint Public Hearing, the Planning and Zoning Commission considered the above-mentioned request.

A motion was made by Commissioner Todd Iocco and seconded by Commissioner Donald Glenn to recommend approval of Zone Change Application No. 901.

**Motion to approve passed 7 to 0.**

This is submitted for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Mary Starr" followed by a stylized flourish.

Mary Starr, Chairman  
Planning & Zoning Commission

BUSINESS OF THE CITY COUNCIL  
CITY OF PEARLAND, TEXAS

**COPY**

<b>AGENDA OF:</b> <u>February 28 , 2000</u>	<b>ITEM NO.</b> _____
<b>DATE SUBMITTED:</b> <u>Feb. 8, 2000</u> <b>DEPARTMENT OF ORIGIN:</b> <u>Planning/Permits</u>	
<b>PREPARED BY:</b> <u>M. Phipps</u>	<b>PRESENTOR:</b> <u>G. Tumlinson</u>
<b>SUBJECT:</b> <u>ZONE CHANGE APPLICATION NO. 898</u>	
<b>EXHIBITS:</b> <u>Ordinance, map and application</u>	
<b>EXPENDITURE REQUIRED</b> <u>n/a</u>	
<b>AMOUNT BUDGETED</b> <u>n/a</u>	
<b>ACCOUNT NO.</b> <u>n/a</u>	
<b>ADDITIONAL APPROPRIATION REQUIRED</b> <u>n/a</u>	
<b>ACCOUNT NO.</b> <u>n/a</u>	
<b>FUNDS AVAILABLE</b> <u>n/a</u> (Finance Department Approval)	

**EXECUTIVE SUMMARY**

Zone Change Application No. 898 is a request to change the zoning classification from Suburban Development District (SD) to Commercial District (C).

**RECOMMENDED ACTION**

consider request

February 22, 2000

Honorable Mayor and Council Members  
City Hall  
Pearland, Texas 77581

**Re: RECOMMENDATION TO THE CITY COUNCIL ON ZONING APPLICATION  
NO. 898**

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

**10.00 acres of land situated in the Southwest 1/4 of the Northwest 1/4 of Section 17, H. T. &  
B. R.R. Co. survey, A-242, Brazoria Co., TX (2411 CR 89)**

Honorable Mayor and Council Members:

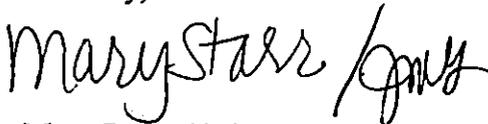
At a regular meeting held on February 21, 2000 after a Joint Public Hearing, the Planning and  
Zoning Commission considered the above-mentioned request.

A motion was made by Commissioner Donald Glenn and seconded by Vice-Chairman Tommy L.  
Scott to recommend approval of Zone Change Application No. 898.

**Motion to approve passed 4 to 1 (2 abstentions).**

This is submitted for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Mary Starr" followed by a stylized flourish.

Mary Starr, Chairman  
Planning & Zoning Commission

**AGENDA REQUEST  
BUSINESS OF THE CITY COUNCIL  
CITY OF PEARLAND, TEXAS**

<b>AGENDA OF:</b> <u>03/27/00</u>	<b>ITEM NO.</b> _____
<b>DATE SUBMITTED:</b> <u>03/16/00</u>	<b>DEPARTMENT OF ORIGIN:</b> <u>Planning/Permits</u>
<b>PREPARED BY:</b> <u>Jennifer Gonzales</u>	<b>PRESENTOR:</b> <u>G. Tumlinson</u>
<b>SUBJECT:</b> ZONE CHANGE APPLICATION NO. 897	
<b>EXHIBITS:</b> Ordinance, Map and Application	
<b>EXPEDITURE REQUIRED -</b> <u>n/a</u>	
<b>AMOUNT BUDGETED -</b> <u>n/a</u>	
<b>ACCOUNT NO.</b>	
<b>ADDITIONAL APPROPRIATION REQUIRED</b> <u>n/a</u>	
<b>ACCOUNT NO.</b> <u>n/a</u>	
<b>FUNDS AVAILABLE</b> <u>n/a</u> (Finance Department Approval)	

**EXECUTIVE SUMMARY**

Zone Change Application No. 897 is a request to change the zoning classification from Suburban Development District (SD) to Light Industrial District (M-1).

**RECOMMENDED ACTION**

consider request

March 7, 2000

Honorable Mayor and Council Members  
City Hall  
Pearland, Texas 77581

**Re: RECOMMENDATION TO THE CITY COUNCIL ON ZONING APPLICATION  
NO. 897**

**Request of Paul & Katherine Urbanek, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Suburban Development District (SD) to Light Industrial District (M-1) on the following described property, to wit:**

**Tract I: Being 4.52 acres of land, more or less; and Tract II: Being 15.23 acres of land, more or less, both tracts being out of the W.T. Dobson Survey, A-187, Brazoria Co., TX (12932 Stone Road)**

Honorable Mayor and Council Members:

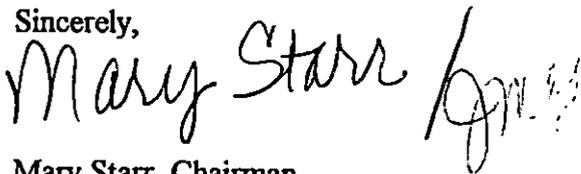
At a regular meeting held on March 6, 2000 after a Joint Public Hearing, the Planning and Zoning Commission considered the above-mentioned request.

A motion was made by Vice-Chairman Tommy L. Scott and seconded by Commissioner Russ Selemon to recommend denial of Zone Change Application No. 897.

**Motion to deny passed 5 to 0.**

This is submitted for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Mary Starr". To the right of the signature, there are some faint, illegible initials or marks.

Mary Starr, Chairman  
Planning & Zoning Commission

- AGENDA REQUEST  
BUSINESS OF THE CITY COUNCIL  
CITY OF PEARLAND, TEXAS

<b>AGENDA OF:</b> <u>03/27/00</u>	<b>ITEM NO.</b> _____
<b>DATE SUBMITTED:</b> <u>03/16/00</u>	<b>DEPARTMENT OF ORIGIN:</b> <u>Planning/Permits</u>
<b>PREPARED BY:</b> <u>Jennifer Gonzales</u>	<b>PRESENTOR:</b> <u>G. Tumlinson</u>
<b>SUBJECT:</b> ZONE CHANGE APPLICATION NO. 889	
<b>EXHIBITS:</b> Ordinance, Map and Application	
<b>EXPEDITURE REQUIRED -</b> <u>n/a</u>	
<b>AMOUNT BUDGETED -</b> <u>n/a</u>	
<b>ACCOUNT NO.</b>	
<b>ADDITIONAL APPROPRIATION REQUIRED</b> <u>n/a</u>	
<b>ACCOUNT NO.</b> <u>n/a</u>	
<b>FUNDS AVAILABLE</b> <u>n/a</u> (Finance Department Approval)	

**EXECUTIVE SUMMARY**

Zone Change Application No. 889 is a request to change the zoning classification from Suburban Development District (SD) to Commercial District (C).

**RECOMMENDED ACTION**

consider request

March 7, 2000

Honorable Mayor and Council Members  
City Hall  
Pearland, Texas 77581

**Re: RECOMMENDATION TO THE CITY COUNCIL ON ZONING APPLICATION  
NO. 889**

**Request of F.A.S.H. Family Parntership 1992, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Suburban Development District (SD) to Commercial District (C) on the following described property, to wit:**

**16.7 acres out of Lot 30, A-304, Brazoria Co, TX (Broadway Street @ Wooten Road)**

Honorable Mayor and Council Members:

At a regular meeting held on March 6, 2000 after a Joint Public Hearing, the Planning and Zoning Commission considered the above-mentioned request.

A motion was made by Vice-Chairman Tommy L. Scott and seconded by Commissioner Donald Glenn to recommend approval of Zone Change Application No. 889.

**Motion to approve passed 5 to 0.**

This is submitted for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Mary Starr" followed by a stylized flourish or initials.

Mary Starr, Chairman  
Planning & Zoning Commission

**AGENDA REQUEST  
BUSINESS OF THE CITY COUNCIL  
CITY OF PEARLAND, TEXAS**

<b>AGENDA OF:</b> <u>03/27/00</u>	<b>ITEM NO.</b> _____
<b>DATE SUBMITTED:</b> <u>03/16/00</u>	<b>DEPARTMENT OF ORIGIN:</b> <u>Planning/Permits</u>
<b>PREPARED BY:</b> <u>Jennifer Gonzales</u>	<b>PRESENTOR:</b> <u>G. Tumlinson</u>
<b>SUBJECT:</b> ZONE CHANGE APPLICATION NO. 891	
<b>EXHIBITS:</b> Ordinance, Map and Application	
<b>EXPEDITURE REQUIRED -</b> <u>n/a</u>	
<b>AMOUNT BUDGETED -</b> <u>n/a</u> <b>ACCOUNT NO.</b>	
<b>ADDITIONAL APPROPRIATION REQUIRED</b> <u>n/a</u> <b>ACCOUNT NO.</b> <u>n/a</u>	
<b>FUNDS AVAILABLE</b> <u>n/a</u> (Finance Department Approval)	

**EXECUTIVE SUMMARY**

Zone Change Application No.891 is a request to change the zoning classification from Suburban Development District (SD) to Commercial District (C).

**RECOMMENDED ACTION**

consider request

March 7, 2000

Honorable Mayor and Council Members  
City Hall  
Pearland, Texas 77581

**Re: RECOMMENDATION TO THE CITY COUNCIL ON ZONING APPLICATION  
NO. 891**

**Request of E. Mauris Hardcastle, agent for Hardcastle Family Limited Partnership, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Suburban Development District (SD) to Commercial District (C) on the following described property, to wit:**

**A 5.00 acre tract of land out of Section 17, H. T. & B. R.R. Co. survey, A-242, Brazoria Co., TX, as described in deed records in Vol. 1318, pg 843, of the deed records of Brazoria Co, TX (Manvel Road)**

**Honorable Mayor and Council Members:**

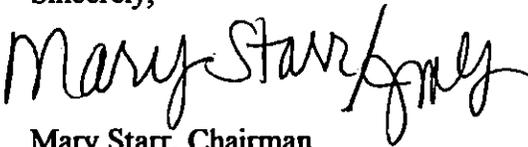
At a regular meeting held on March 6, 2000 after a Joint Public Hearing, the Planning and Zoning Commission considered the above-mentioned request.

A motion was made by Vice-Chairman Tommy L. Scott and seconded by Commissioner Russ Selemon to recommend approval of Zone Change Application No. 891.

**Motion to approve passed 5 to 0.**

This is submitted for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Mary Starr". The signature is written in black ink and is positioned above the printed name of the signatory.

Mary Starr, Chairman

**AGENDA REQUEST  
BUSINESS OF THE CITY COUNCIL  
CITY OF PEARLAND, TEXAS**

<b>AGENDA OF:</b> <u>03/27/00</u>	<b>ITEM NO.</b> _____
<b>DATE SUBMITTED:</b> <u>03/16/00</u>	<b>DEPARTMENT OF ORIGIN:</b> <u>Planning/Permits</u>
<b>PREPARED BY:</b> <u>Jennifer Gonzales</u>	<b>PRESENTOR:</b> <u>G. Tumlinson</u>
<b>SUBJECT:</b> ZONE CHANGE APPLICATION NO. 890	
<b>EXHIBITS:</b> Ordinance, Map and Application	
<b>EXPEDITURE REQUIRED -</b> <u>n/a</u>	
<b>AMOUNT BUDGETED -</b> <u>n/a</u> <b>ACCOUNT NO.</b>	
<b>ADDITIONAL APPROPRIATION REQUIRED</b> <u>n/a</u> <b>ACCOUNT NO.</b> <u>n/a</u>	
<b>FUNDS AVAILABLE</b> <u>n/a</u> (Finance Department Approval)	

**EXECUTIVE SUMMARY**

Zone Change Application No.890 is a request to change the zoning classification from Suburban Development District (SD) to Commercial District (C).

**RECOMMENDED ACTION**

consider request

March 7, 2000

Honorable Mayor and Council Members  
City Hall  
Pearland, Texas 77581

**Re: RECOMMENDATION TO THE CITY COUNCIL ON ZONING APPLICATION  
NO. 890**

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

**2.4277 acres of land, more or less, out of Tract 39 out of the Allison Richey Gulf Coast Home  
Co. Subdivision, Section 85, H. T. & B. R.R. Co. survey, A-304, Brazoria Co., TX (Miller  
Ranch Road)**

Honorable Mayor and Council Members:

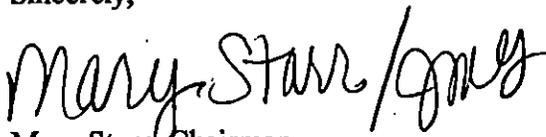
At a regular meeting held on March 6, 2000 after a Joint Public Hearing, the Planning and Zoning  
Commission considered the above-mentioned request.

A motion was made by Vice-Chairman Tommy L. Scott and seconded by Commissioner Donald  
Glenn to recommend approval of Zone Change Application No. 890.

**Motion to approve passed 4 to 0 (1 abstention).**

This is submitted for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Mary Starr" followed by a stylized signature that appears to be "JMS".

Mary Starr, Chairman  
Planning & Zoning Commission

**AGENDA REQUEST  
BUSINESS OF THE CITY COUNCIL  
CITY OF PEARLAND, TEXAS**

<b>AGENDA OF:</b> <u>03/27/00</u>	<b>ITEM NO.</b> _____
<b>DATE SUBMITTED:</b> <u>03/16/00</u>	<b>DEPARTMENT OF ORIGIN:</b> <u>Planning/Permits</u>
<b>PREPARED BY:</b> <u>Jennifer Gonzales</u>	<b>PRESENTOR:</b> <u>G. Tumlinson</u>
<b>SUBJECT:</b> ZONE CHANGE APPLICATION NO. 893	
<b>EXHIBITS:</b> Ordinance, Map and Application	
<b>EXPEDITURE REQUIRED -</b> <u>n/a</u>	
<b>AMOUNT BUDGETED -</b> <u>n/a</u> <b>ACCOUNT NO.</b>	
<b>ADDITIONAL APPROPRIATION REQUIRED</b> <u>n/a</u> <b>ACCOUNT NO.</b> <u>n/a</u>	
<b>FUNDS AVAILABLE</b> <u>n/a</u> (Finance Department Approval)	

**EXECUTIVE SUMMARY**

Zone Change Application No.893 is a request to change the zoning classification from Suburban Development District (SD) to Commercial District (C).

**RECOMMENDED ACTION**

consider request

March 7, 2000

Honorable Mayor and Council Members  
City Hall  
Pearland, Texas 77581

**Re: RECOMMENDATION TO THE CITY COUNCIL ON ZONING APPLICATION  
NO. 893**

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

**4.6945 acres of land situated in the Northeast 1/4 of Section 17, H. T. & B. R.R. Co. survey,  
A-242, Brazoria Co., TX, being a part of land described in Vol. 103, pg 156 and Vol. 233, pg  
452, of the deed records of Brazoria Co., TX (2932 Manvel Road)**

Honorable Mayor and Council Members:

At a regular meeting held on March 6, 2000 after a Joint Public Hearing, the Planning and Zoning  
Commission considered the above-mentioned request.

A motion was made by Commissioner Emil A. Beltz and seconded by Vice-Chairman Tommy L.  
Scott to recommend approval of Zone Change Application No. 893.

**Motion to approve passed 5 to 0.**

This is submitted for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Starr" followed by a stylized flourish or initials.

Mary Starr, Chairman  
Planning & Zoning Commission

**AGENDA REQUEST  
BUSINESS OF THE CITY COUNCIL  
CITY OF PEARLAND, TEXAS**

<b>AGENDA OF:</b> <u>03/27/00</u>	<b>ITEM NO.</b> _____
<b>DATE SUBMITTED:</b> <u>03/16/00</u>	<b>DEPARTMENT OF ORIGIN:</b> <u>Planning/Permits</u>
<b>PREPARED BY:</b> <u>Jennifer Gonzales</u>	<b>PRESENTOR:</b> <u>G. Tumlinson</u>
<b>SUBJECT:</b> ZONE CHANGE APPLICATION NO. 903	
<b>EXHIBITS:</b> Ordinance, Map and Application	
<b>EXPEDITURE REQUIRED -</b> <u>n/a</u>	
<b>AMOUNT BUDGETED -</b> <u>n/a</u>	
<b>ACCOUNT NO.</b>	
<b>ADDITIONAL APPROPRIATION REQUIRED</b> <u>n/a</u>	
<b>ACCOUNT NO.</b> <u>n/a</u>	
<b>FUNDS AVAILABLE</b> <u>n/a</u> (Finance Department Approval)	

**EXECUTIVE SUMMARY**

Zone Change Application No. 903 is a request to change the zoning classification from Suburban Development District (SD) to Commercial District (C).

**RECOMMENDED ACTION**

consider request

March 7, 2000

Honorable Mayor and Council Members  
City Hall  
Pearland, Texas 77581

**Re: RECOMMENDATION TO THE CITY COUNCIL ON ZONING APPLICATION  
NO. 903**

**Request of T.P. Three Enterprises, Inc., owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Suburban Development District (SD) to Commercial District (C) on the following described property, to wit:**

**1 acre out of a 2.25 acre tract out of the H. T. & B. R.R. Co. survey, Section 20, A-506, out of Lot 49, Allison Richey Gulf Coast Home Subdivision, as recorded in Vol. 1213, pg 323, deed records of Brazoria Co., TX (4208 Hawk Road)**

Honorable Mayor and Council Members:

At a regular meeting held on March 6, 2000 after a Joint Public Hearing, the Planning and Zoning Commission considered the above-mentioned request.

A motion was made by Commissioner Donald Glenn and seconded by Commissioner Russ Selemo to recommend approval of Zone Change Application No. 903.

**Motion to approve passed 5 to 0.**

This is submitted for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Starr / gms". The signature is written in a cursive, flowing style.

Mary Starr, Chairman  
Planning & Zoning Commission

**AGENDA REQUEST  
BUSINESS OF THE CITY COUNCIL  
CITY OF PEARLAND, TEXAS**

<b>AGENDA OF:</b> <u>03/27/00</u>	<b>ITEM NO.</b> _____
<b>DATE SUBMITTED:</b> <u>03/16/00</u>	<b>DEPARTMENT OF ORIGIN:</b> <u>Planning/Permits</u>
<b>PREPARED BY:</b> <u>Jennifer Gonzales</u>	<b>PRESENTOR:</b> <u>G. Tumlinson</u>
<b>SUBJECT:</b> ZONE CHANGE APPLICATION NO. 904 & SPECIFIC USE NO. 79	
<b>EXHIBITS:</b> Ordinance, Map and Application	
<b>EXPEDITURE REQUIRED -</b> <u>n/a</u>	
<b>AMOUNT BUDGETED -</b> <u>n/a</u>	
<b>ACCOUNT NO.</b>	
<b>ADDITIONAL APPROPRIATION REQUIRED</b> <u>n/a</u>	
<b>ACCOUNT NO.</b> <u>n/a</u>	
<b>FUNDS AVAILABLE</b> <u>n/a</u> (Finance Department Approval)	

**EXECUTIVE SUMMARY**

Zone Change Application No. 904 and Specific Use No. 79 is a request to Change from Suburban Development District (SD) to Commercial District - Specific Use (C-S) to allow forklift repair.

**RECOMMENDED ACTION**

consider request

March 7, 2000

Honorable Mayor and Council Members  
City Hall  
Pearland, Texas 77581

**Re: RECOMMENDATION TO THE CITY COUNCIL ON ZONING APPLICATION  
NO. 904 and SPECIFIC USE NO. 79**

**Request of Timothy S. Pounds, owner, for an amendment to the Land Use and Urban  
Development Ordinance of said City from Suburban Development District (SD) to  
Commercial District – Specific Use (C-S) to allow forklift repair on the following described  
property, to wit:**

**5 acres, more or less, out of the North ½ of the Allison Richey Gulf Coast Home Co.  
subdivision, Section 19, A-243, as recorded in Vol. 2, pg 24, of the plat records of Brazoria Co.,  
TX (1010 Lee Road)**

Honorable Mayor and Council Members:

At a regular meeting held on March 6, 2000 after a Joint Public Hearing, the Planning and Zoning  
Commission considered the above-mentioned request.

A motion was made by Vice-Chairman Tommy L. Scott and seconded by Commissioner Russ  
Selemon to recommend denial of Zone Change Application No. 904 and Specific Use No. 79.

**Motion to deny passed 5 to 0.**

This is submitted for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Starr" followed by a stylized flourish or initials.

Mary Starr, Chairman  
Planning & Zoning Commission

AGENDA REQUEST  
BUSINESS OF THE CITY COUNCIL  
CITY OF PEARLAND, TEXAS

AGENDA OF: <u>03/27/00</u>	ITEM NO. _____
DATE SUBMITTED: <u>03/16/00</u>	DEPARTMENT OF ORIGIN: <u>Planning/Permits</u>
PREPARED BY: <u>Jennifer Gonzales</u>	PRESENTOR: <u>G. Tumlinson</u>
SUBJECT: ZONE CHANGE APPLICATION NO. 886	
EXHIBITS: Ordinance, Map and Application	
EXPEDITURE REQUIRED - <u>n/a</u>	
AMOUNT BUDGETED - <u>n/a</u>	
ACCOUNT NO.	
ADDITIONAL APPROPRIATION REQUIRED: <u>n/a</u>	
ACCOUNT NO. <u>n/a</u>	
FUNDS AVAILABLE <u>n/a</u> (Finance Department Approval)	

**EXECUTIVE SUMMARY**

Zone Change Application No. 886 is a request to change the zoning classification from Suburban Development District (SD) to General Business District (GB).

**RECOMMENDED ACTION**

consider request

March 7, 2000

Honorable Mayor and Council Members  
City Hall  
Pearland, Texas 77581

**Re: RECOMMENDATION TO THE CITY COUNCIL ON ZONING APPLICATION  
NO. 886**

**Request of Johnston Builders and Associates, agent for Edwin Anderson, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Suburban Development District (SD) to General Business (GB) on the following described property, to wit:**

**Part of Lot J in Westgate Park Subdivision, Brazoria Co., TX (2555 Westgate)**

Honorable Mayor and Council Members:

At a regular meeting held on March 6, 2000 after a Joint Public Hearing, the Planning and Zoning Commission considered the above-mentioned request.

A motion was made by Vice-Chairman Tommy L. Scott and seconded by Commissioner Donald Glenn to recommend approval of Zone Change Application No. 886.

**Motion to approve passed 5 to 0.**

This is submitted for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Mary Starr" followed by a stylized flourish.

Mary Starr, Chairman  
Planning & Zoning Commission

**AGENDA REQUEST  
BUSINESS OF THE CITY COUNCIL  
CITY OF PEARLAND, TEXAS**

<b>AGENDA OF:</b> <u>03/27/00</u>	<b>ITEM NO.</b> _____
<b>DATE SUBMITTED:</b> <u>03/16/00</u>	<b>DEPARTMENT OF ORIGIN:</b> <u>Planning/Permits</u>
<b>PREPARED BY:</b> <u>Jennifer Gonzales</u>	<b>PRESENTOR:</b> <u>G. Tumlinson</u>
<b>SUBJECT:</b> ZONE CHANGE APPLICATION NO. 792	
<b>EXHIBITS:</b> Ordinance, Map and Application	
<b>EXPEDITURE REQUIRED -</b> <u>n/a</u>	
<b>AMOUNT BUDGETED -</b> <u>n/a</u> <b>ACCOUNT NO.</b>	
<b>ADDITIONAL APPROPRIATION REQUIRED</b> <u>n/a</u> <b>ACCOUNT NO.</b> <u>n/a</u>	
<b>FUNDS AVAILABLE</b> <u>n/a</u> (Finance Department Approval)	

**EXECUTIVE SUMMARY**

Zone Change Application No.792 is a request to change the zoning classification from Surburban Development District (SD) to Single Family Dwelling District (R-1).

**RECOMMENDED ACTION**

consider request

March 7, 2000

Honorable Mayor and Council Members  
City Hall  
Pearland, Texas 77581

**Re: RECOMMENDATION TO THE CITY COUNCIL ON ZONING APPLICATION  
NO. 792**

**Request of Brent A. Brown, owner, for an amendment to the Land Use and Urban  
Development Ordinance of said City from Suburban Development District (SD) to Single  
Family Dwelling District (R-1) on the following described property, to wit:**

**2.00 acres of land out of Lot 22, Allison Richey Gulf Coast Home Co. Subdivision, Section 20,  
H. T. & B. R.R. Co. survey, A-506, Brazoria Co., TX according to a map or plat recorded in  
Vol. 2, pg 23, of the plat records of Brazoria Co., TX (1107 Linda Lane)**

Honorable Mayor and Council Members:

At a regular meeting held on March 6, 2000 after a Joint Public Hearing, the Planning and Zoning  
Commission considered the above-mentioned request.

A motion was made by Commissioner Donald Glenn and seconded by Commissioner Emil A.  
Beltz to recommend approval of Zone Change Application No. 792.

**Motion to approve passed 5 to 0.**

This is submitted for your consideration.

Sincerely,



Mary Starr, Chairman  
Planning & Zoning Commission

**AGENDA REQUEST  
BUSINESS OF THE CITY COUNCIL  
CITY OF PEARLAND, TEXAS**

<b>AGENDA OF:</b> <u>03/27/00</u>	<b>ITEM NO.</b> _____
<b>DATE SUBMITTED:</b> <u>03/16/00</u>	<b>DEPARTMENT OF ORIGIN:</b> <u>Planning/Permits</u>
<b>PREPARED BY:</b> <u>Jennifer Gonzales</u>	<b>PRESENTOR:</b> <u>G. Tumlinson</u>
<b>SUBJECT:</b> ZONE CHANGE APPLICATION NO.884	
<b>EXHIBITS:</b> Ordinance, Map and Application	
<b>EXPEDITURE REQUIRED -</b> <u>n/a</u>	
<b>AMOUNT BUDGETED -</b> <u>n/a</u> <b>ACCOUNT NO.</b>	
<b>ADDITIONAL APPROPRIATION REQUIRED</b> <u>n/a</u> <b>ACCOUNT NO.</b> <u>n/a</u>	
<b>FUNDS AVAILABLE</b> <u>n/a</u> (Finance Department Approval)	

**EXECUTIVE SUMMARY**

Zone Change Application No.884 is a request to change the zoning classification from Suburban Development District (SD) to Single Family Dwelling District (R-1).

**RECOMMENDED ACTION**

consider request

March 7, 2000

Honorable Mayor and Council Members  
City Hall  
Pearland, Texas 77581

**Re: RECOMMENDATION TO THE CITY COUNCIL ON ZONING APPLICATION  
NO. 884**

**Request of George V. & Vivian R. Johnson, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Suburban Development District (SD) to Single Family Dwelling District (R-1) on the following described property, to wit:**

**.4537 acres out of the South ½ of Lot 25 of Allison Richey Gulf Coast Home Co. Subdivision, Section 7, A-219, Brazoria Co., TX, according to the map or plat thereof recorded in Vol. 2, pg 23, plat records of Brazoria Co., TX (O'Day Road)**

Honorable Mayor and Council Members:

At a regular meeting held on March 6, 2000 after a Joint Public Hearing, the Planning and Zoning Commission considered the above-mentioned request.

A motion was made by Commissioner Donald Glenn and seconded by Commissioner Emil A. Beltz to recommend approval of Zone Change Application No. 884.

**Motion to approve passed 5 to 0.**

This is submitted for your consideration.

Sincerely,



Mary Starr, Chairman  
Planning & Zoning Commission

**AGENDA REQUEST  
BUSINESS OF THE CITY COUNCIL  
CITY OF PEARLAND, TEXAS**

<b>AGENDA OF:</b> <u>03/27/00</u>	<b>ITEM NO.</b> _____
<b>DATE SUBMITTED:</b> <u>03/16/00</u>	<b>DEPARTMENT OF ORIGIN:</b> <u>Planning/Permits</u>
<b>PREPARED BY:</b> <u>Jennifer Gonzales</u>	<b>PRESENTOR:</b> <u>G. Tumlinson</u>
<b>SUBJECT:</b> ZONE CHANGE APPLICATION NO. 888	
<b>EXHIBITS:</b> Ordinance, Map and Application	
<b>EXPEDITURE REQUIRED -</b> <u>n/a</u>	
<b>AMOUNT BUDGETED -</b> <u>n/a</u> <b>ACCOUNT NO.</b>	
<b>ADDITIONAL APPROPRIATION REQUIRED</b> <u>n/a</u> <b>ACCOUNT NO.</b> <u>n/a</u>	
<b>FUNDS AVAILABLE</b> <u>n/a</u> (Finance Department Approval)	

**EXECUTIVE SUMMARY**

Zone Change Application No. 888 is a request to change the zoning classification from Suburban Development District (SD) to Single Family Dwelling District (R-1).

**RECOMMENDED ACTION**

consider request

March 7, 2000

Honorable Mayor and Council Members  
City Hall  
Pearland, Texas 77581

**Re: RECOMMENDATION TO THE CITY COUNCIL ON ZONING APPLICATION  
NO. 888**

**Request of Freeman T. II & Ollie Wyche, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Suburban Development District (SD) to Single Family Dwelling District (R-1) on the following described property, to wit:**

**A 5.9136 acre tract of land out of a called 9.29 acre tract out of the South ½ of Lot 30, Allison Richey Gulf Coast Home Co. Subdivision, Section 21, H. T. & B. R.R. Co. survey, A-309, Brazoria Co., TX (Fite Road)**

Honorable Mayor and Council Members:

At a regular meeting held on March 6, 2000 after a Joint Public Hearing, the Planning and Zoning Commission considered the above-mentioned request.

A motion was made by Commissioner Donald Glenn and seconded by Commissioner Emil A. Beltz to recommend approval of Zone Change Application No. 888.

**Motion to approve passed 5 to 0.**

This is submitted for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Mary Starr" followed by a stylized flourish.

Mary Starr, Chairman  
Planning & Zoning Commission

**AGENDA REQUEST  
BUSINESS OF THE CITY COUNCIL  
CITY OF PEARLAND, TEXAS**

<b>AGENDA OF:</b> <u>03/27/00</u>	<b>ITEM NO.</b> _____
<b>DATE SUBMITTED:</b> <u>03/16/00</u>	<b>DEPARTMENT OF ORIGIN:</b> <u>Planning/Permits</u>
<b>PREPARED BY:</b> <u>Jennifer Gonzales</u>	<b>PRESENTOR:</b> <u>G. Tumlinson</u>
<b>SUBJECT:</b> ZONE CHANGE APPLICATION NO. 895	
<b>EXHIBITS:</b> Ordinance, Map and Application	
<b>EXPEDITURE REQUIRED -</b> <u>n/a</u>	
<b>AMOUNT BUDGETED -</b> <u>n/a</u>	
<b>ACCOUNT NO.</b>	
<b>ADDITIONAL APPROPRIATION REQUIRED</b> <u>n/a</u>	
<b>ACCOUNT NO.</b> <u>n/a</u>	
<b>FUNDS AVAILABLE</b> <u>n/a</u> (Finance Department Approval)	

**EXECUTIVE SUMMARY**

Zone Change Application No. 895 is a request to change the zoning classification from Suburban Development District (SD) to Single Family Dwelling District (R-1).

**RECOMMENDED ACTION**

consider request

March 7, 2000

Honorable Mayor and Council Members  
City Hall  
Pearland, Texas 77581

**Re: RECOMMENDATION TO THE CITY COUNCIL ON ZONING APPLICATION  
NO. 895**

**Request of Joe D. & Carol McWhorter, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Suburban Development District (SD) to Single Family Dwelling District (R-1) on the following described property, to wit:**

**3.00 acres of land, more or less, being a part of Lots 58 & 59, Allison Richey Gulf Coast Home Co. Subdivision, Section 19, H. T. & B. R.R. Co. survey, A-243, Brazoria Co., TX (14202 Gardens Road (Hawk Meadows Road))**

Honorable Mayor and Council Members:

At a regular meeting held on March 6, 2000 after a Joint Public Hearing, the Planning and Zoning Commission considered the above-mentioned request.

A motion was made by Commissioner Donald Glenn and seconded by Commissioner Emil A. Beltz to recommend approval of Zone Change Application No. 895.

**Motion to approve passed 5 to 0.**

This is submitted for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Mary Starr / gmst".

Mary Starr, Chairman  
Planning & Zoning Commission

**AGENDA REQUEST  
BUSINESS OF THE CITY COUNCIL  
CITY OF PEARLAND, TEXAS**

<b>AGENDA OF:</b> <u>03/27/00</u>	<b>ITEM NO.</b> _____
<b>DATE SUBMITTED:</b> <u>03/16/00</u>	<b>DEPARTMENT OF ORIGIN:</b> <u>Planning/Permits</u>
<b>PREPARED BY:</b> <u>Jennifer Gonzales</u>	<b>PRESENTOR:</b> <u>G. Tumlinson</u>
<b>SUBJECT:</b> ZONE CHANGE APPLICATION NO. 905	
<b>EXHIBITS:</b> Ordinance, Map and Application	
<b>EXPEDITURE REQUIRED -</b> <u>n/a</u>	
<b>AMOUNT BUDGETED -</b> <u>n/a</u> <b>ACCOUNT NO.</b>	
<b>ADDITIONAL APPROPRIATION REQUIRED</b> <u>n/a</u> <b>ACCOUNT NO.</b> <u>n/a</u>	
<b>FUNDS AVAILABLE</b> <u>n/a</u> (Finance Department Approval)	

**EXECUTIVE SUMMARY**

Zone Change Application No.905 is a request to change the zoning classification from Suburban Development District (SD) to Single Family Dwelling District (R-1).

**RECOMMENDED ACTION**

consider request

March 7, 2000

Honorable Mayor and Council Members  
City Hall  
Pearland, Texas 77581

**Re: RECOMMENDATION TO THE CITY COUNCIL ON ZONING APPLICATION  
NO. 905**

**Request of T.P. Three Enterprises, Inc., owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Suburban Development District (SD) to Single Family Dwelling District (R-1) on the following described property, to wit:**

**2.75 acres, more or less, out of the H. T. & B. R.R. Co. survey, Section 20, A-506, out of Lot 49A, Allison Richey Gulf Coast Home Co. Subdivision, Brazoria Co., TX (4230 Hawk Road)**

Honorable Mayor and Council Members:

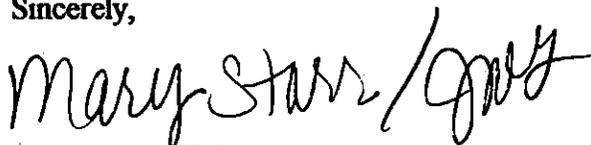
At a regular meeting held on March 6, 2000 after a Joint Public Hearing, the Planning and Zoning Commission considered the above-mentioned request.

A motion was made by Commissioner Donald Glenn and seconded by Commissioner Emil A. Beltz to recommend approval of Zone Change Application No. 905.

**Motion to approve passed 5 to 0.**

This is submitted for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Starr" followed by a stylized flourish or initials.

Mary Starr, Chairman  
Planning & Zoning Commission

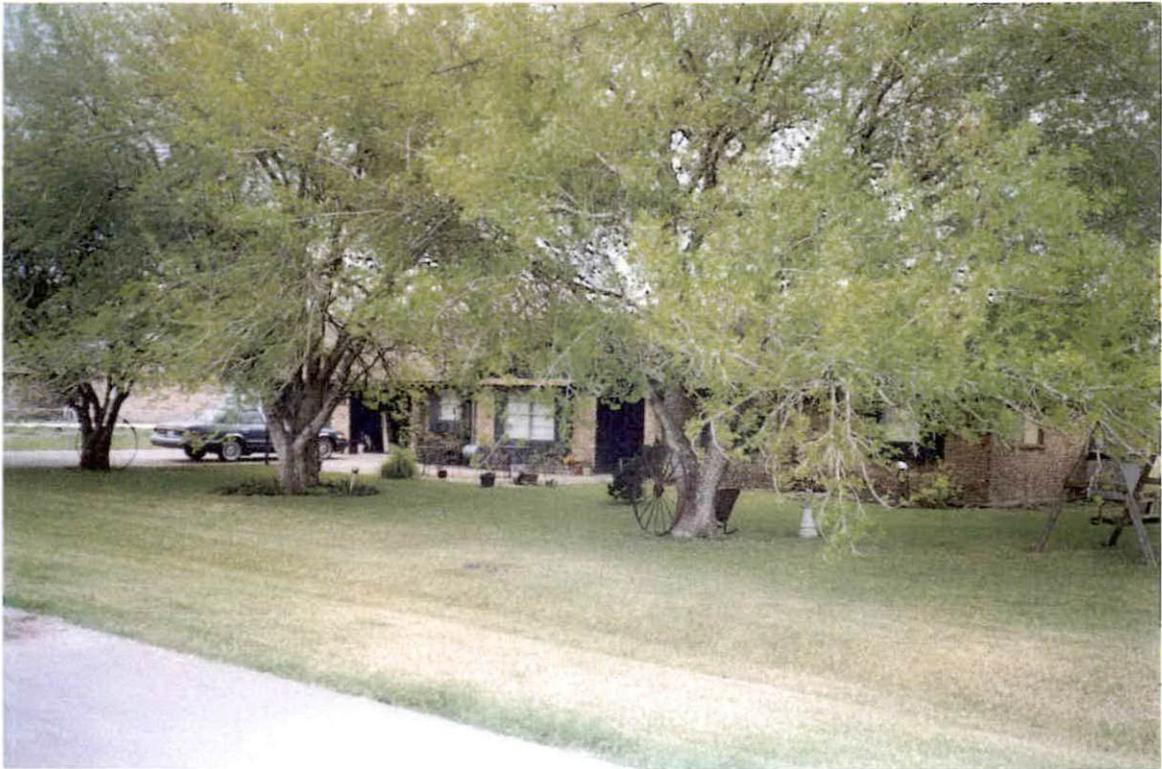
Advertised in newspaper for \_\_\_\_\_ Joint Public Hearing.

Applications no. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_













# Bethel Estates

Civic Club, Inc., Pearland, TX 77581

*Norton*

February 24, 2000

Dear Property Owners \*:

We need some quick help! One of the residents across Lee St from our subdivision owns a nice home on 5 acres. He has applied to the City of Pearland for a zone change to *Commercial, Specific Use* so that he can open a business to "repair fork lifts and related items". According to another resident who lives on Lee St, 18-wheel tractor-trailer rigs are already driving down this narrow, residential street bringing in equipment, some heavier than fork lifts, for repair on his property. The hearing is Monday, Feb 28th, which doesn't give us much time to react. Since there's no time for a petition, we are trying to quickly gather objection statements to this rezoning which will be presented in person at the City Council meeting. The applicant is: Timothy S. *Pounds*, 1010 Lee Road, Pearland, TX 77581.

If you object to this rezoning as we do, please sign the bottom of this notice. If you can, try to get others to sign below also. Then put this notice in either Tim Nguyen's or Julie Davidson's mail box by Monday, Feb 28, 5:00 p.m. We are hoping that this will be enough to influence the City Council to deny this request.

We know that some of you will not get this notice in time to respond, but we want to keep you informed. Even so, if you wish, you may sign and return this form to Julie Davidson, 13814 Stone Rd, Pearland, 77581. Then we will have your statement in the event that, if this application is defeated, the owner applies again for zoning *Commercial, something else*, and we have to react again on short notice. Your association is working to protect your property value.

Sincerely,

Temporary Officers, Bethel Estates Owners Association

\* Hand delivered to lots with mailboxes; mailed to others at address on county tax records, or owner-supplied address.

**I/We are against Application No. 904, Specific Use Permit Application No. 79, and any future applications to rezone this property for any commercial or industrial use:**

Name(s):	Address:	Signature(s):
<i>Steven B. Norton</i>	<i>2041 Lee Rd.</i>	<i>STEVEN NORTON</i>
<i>Donna Norton</i>	<i>2041 Lee Rd</i>	<i>Donna Norton</i>
<i>Bonnie Hogan</i>	<i>1030 Cheryl 664</i>	<i>Bonnie Hogan</i>
<i>Robert Martinez</i>	<i>1050 Cedar 664</i>	<i>Robert Martinez</i>
<i>Laesha Horton</i>	<i>13805 Stone Rd</i>	<i>Laesha Horton</i>
<i>Theresa Garcia</i>	<i>2078 Stone Rd</i>	<i>Theresa Garcia</i>
<i>Julio Martinez</i>	<i>1123 Lee Rd</i>	<i>Julio Martinez</i>





# Bethel Estates

Civic Club, Inc., Pearland, TX 77581

February 24, 2000

Dear Property Owners \*:

We need some quick help! One of the residents across Lee St from our subdivision owns a nice home on 5 acres. He has applied to the City of Pearland for a zone change to *Commercial, Specific Use* so that he can open a business to "repair fork lifts and related items". According to another resident who lives on Lee St, 18-wheel tractor-trailer rigs are already driving down this narrow, residential street bringing in equipment, some heavier than fork lifts, for repair on his property. The hearing is Monday, Feb 28th, which doesn't give us much time to react. Since there's no time for a petition, we are trying to quickly gather objection statements to this rezoning which will be presented in person at the City Council meeting. The applicant is: Timothy S. Pounds, 1010 Lee Road, Pearland, TX 77581.

If you object to this rezoning as we do, please sign the bottom of this notice. If you can, try to get others to sign below also. Then put this notice in either Tim Nguyen's or Julie Davidson's mail box by Monday, Feb 28, 5:00 p.m. We are hoping that this will be enough to influence the City Council to deny this request.

We know that some of you will not get this notice in time to respond, but we want to keep you informed. Even so, if you wish, you may sign and return this form to Julie Davidson, 13814 Stone Rd, Pearland, 77581. Then we will have your statement in the event that, if this application is defeated, the owner applies again for zoning *Commercial, something else*, and we have to react again on short notice. Your association is working to protect your property value.

Sincerely,

Temporary Officers, Bethel Estates Owners Association

\* Hand delivered to lots with mailboxes; mailed to others at address on county tax records, or owner-supplied address.

**I/We are against Application No. 904, Specific Use Permit Application No. 79, and any future applications to rezone this property for any commercial or industrial use:**

Name(s):	Address:	Signature(s):
(SANDRA A. BAILEY) Sandra A. Bailey	mailing address 13607 Broken Bridge, Houston, TX 77085 lot owner: Lee Road	Sandra A. Bailey
WILLIAM L. BAILEY	"	
W.L. Bailey		
Kellen Bender	4719 Hughes Ranch Rd Pearland TX 77581	





# Bethel Estates

Civic Club, Inc., Pearland, TX 77581

Garcia

February 24, 2000

Dear Property Owners \*:

We need some quick help! One of the residents across Lee St from our subdivision owns a nice home on 5 acres. He has applied to the City of Pearland for a zone change to *Commercial, Specific Use* so that he can open a business to "repair fork lifts and related items". According to another resident who lives on Lee St, 18-wheel tractor-trailer rigs are already driving down this narrow, residential street bringing in equipment, some heavier than fork lifts, for repair on his property. The hearing is Monday, Feb 28th, which doesn't give us much time to react. Since there's no time for a petition, we are trying to quickly gather objection statements to this rezoning which will be presented in person at the City Council meeting. The applicant is: Timothy S. Pounds, 1010 Lee Road, Pearland, TX 77581.

If you object to this rezoning as we do, please sign the bottom of this notice. If you can, try to get others to sign below also. Then put this notice in either Tim Nguyen's or Julie Davidson's mail box by Monday, Feb 28, 5:00 p.m. We are hoping that this will be enough to influence the City Council to deny this request.

We know that some of you will not get this notice in time to respond, but we want to keep you informed. Even so, if you wish, you may sign and return this form to Julie Davidson, 13814 Stone Rd, Pearland, 77581. Then we will have your statement in the event that, if this application is defeated, the owner applies again for zoning *Commercial, something else*, and we have to react again on short notice. Your association is working to protect your property value.

Sincerely,

Temporary Officers, Bethel Estates Owners Association

\* Hand delivered to lots with mailboxes; mailed to others at address on county tax records, or owner-supplied address.

**I/We are against Application No. 904, Specific Use Permit Application No. 79, and any future applications to rezone this property for any commercial or industrial use:**

Name(s):	Address:	Signature(s):
Gerardo Garcia	2078 Stone Rd	Gerardo Garcia
Theresa Garcia	2078 Stone Rd	Theresa Garcia
JULIE DAVIDSON	13814 STONE RD	Julie Davidson
Kim DAVIDSON	" " "	Kim Davidson

## Davidson, Julie (TcnLmq)

---

**From:** marieferg@echo-on.net  
**To:** JDavidson@Triconex.com  
**Subject:** Re: Zoning around Bethel Estates

> Dave & Marie:  
> One of the residents across Lee St from our subdivision owns a nice home on  
> 5 acres. He has applied to the City of Pearland for a zone change to  
> Commercial so that he can open a business to "repair fork lifts and related  
> items". According to Tim Nguyen who lives on Lee St, he is already driving  
> 18-wheel tractor trailer rigs down Lee St at midnight bringing in equipment  
> heavier than fork lifts for repair on his property. Only a few people were  
> notified by Pearland; I was not one of them. The hearing is Monday, Feb  
> 28th, which doesn't give us much time to react. Since there's no time for a  
> petition, we are trying to quickly gather objection statements to this  
> rezoning which Tim and I will present at the City Council meeting in person.  
> The following is information on the applicant:  
> Timothy S. Pounds  
> 1010 Lee Road, Pearland, TX 77581  
> 281-997-1235  
>  
> If you object to this rezoning as we do, please reply to this e-mail as soon  
> as possible, stating your objection. We are hoping that this will be enough  
> to influence the City Council to deny this request.  
>  
> Thanks.  
>  
> Julie [Newman] Davidson  
> Triconex/TPC  
> 409-933-1117  
> j davidson@triconex.com  
>  
>

Hi Julie,

I believe I can speak for Dave in that we both object to the re-zoning and 18 wheeler traffic through our area. One of the attractions of Bethel Estates was the fact that there were no commercial establishments near the subdivision, and we want it to stay that way. We do not want to see an increased noise level and wear-and-tear on the road surfaces due to the proposed activities of Mr. Pounds.

Dave and I are both out of town right now, but I am forwarding your message to him, so he can reply with any additional comments if he so wishes.

Thank you for altering us to this situation. We are hopeful that we will be returning to Texas within 5 years, and do plan to build on our property when we do.

Marie  
Ferguson



# Bethel Estates

Civic Club, Inc., Pearland, TX 77581

February 24, 2000

Dear Property Owners \*:

We need some quick help! One of the residents across Lee St from our subdivision owns a nice home on 5 acres. He has applied to the City of Pearland for a zone change to *Commercial, Specific Use* so that he can open a business to "repair fork lifts and related items". According to another resident who lives on Lee St, 18-wheel tractor-trailer rigs are already driving down this narrow, residential street bringing in equipment, some heavier than fork lifts, for repair on his property. The hearing is Monday, Feb 28th, which doesn't give us much time to react. Since there's no time for a petition, we are trying to quickly gather objection statements to this rezoning which will be presented in person at the City Council meeting. The applicant is: Timothy S. Pounds, 1010 Lee Road, Pearland, TX 77581.

If you object to this rezoning as we do, please sign the bottom of this notice. If you can, try to get others to sign below also. Then put this notice in either Tim Nguyen's or Julie Davidson's mail box by Monday, Feb 28, 5:00 p.m. We are hoping that this will be enough to influence the City Council to deny this request.

We know that some of you will not get this notice in time to respond, but we want to keep you informed. Even so, if you wish, you may sign and return this form to Julie Davidson, 13814 Stone Rd, Pearland, 77581. Then we will have your statement in the event that, if this application is defeated, the owner applies again for zoning *Commercial, something else*, and we have to react again on short notice. Your association is working to protect your property value.

Sincerely,

Temporary Officers, Bethel Estates Owners Association

\* Hand delivered to lots with mailboxes; mailed to others at address on county tax records, or owner-supplied address.

**I/We are against Application No. 904, Specific Use Permit Application No. 79, and any future applications to rezone this property for any commercial or industrial use:**

Name(s):

Address:

Signature(s):

Cruz Artemio Sosa 3406 Woodmont Houston TX 77045 Cruz Artemio Sosa  
DORA + Sosa 3406 Woodmont Houston TX 77045 Dora Sosa

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# Bethel Estates

Civic Club, Inc., Pearland, TX 77581

February 24, 2000

Dear Property Owners \*:

We need some quick help! One of the residents across Lee St from our subdivision owns a nice home on 5 acres. He has applied to the City of Pearland for a zone change to *Commercial, Specific Use* so that he can open a business to "repair fork lifts and related items". According to another resident who lives on Lee St, 18-wheel tractor-trailer rigs are already driving down this narrow, residential street bringing in equipment, some heavier than fork lifts, for repair on his property. The hearing is Monday, Feb 28th, which doesn't give us much time to react. Since there's no time for a petition, we are trying to quickly gather objection statements to this rezoning which will be presented in person at the City Council meeting. The applicant is: Timothy S. Pounds, 1010 Lee Road, Pearland, TX 77581.

If you object to this rezoning as we do, please sign the bottom of this notice. If you can, try to get others to sign below also. Then put this notice in either Tim Nguyen's or Julie Davidson's mail box by Monday, Feb 28, 5:00 p.m. We are hoping that this will be enough to influence the City Council to deny this request.

We know that some of you will not get this notice in time to respond, but we want to keep you informed. Even so, if you wish, you may sign and return this form to Julie Davidson, 13814 Stone Rd, Pearland, 77581. Then we will have your statement in the event that, if this application is defeated, the owner applies again for zoning *Commercial, something else*, and we have to react again on short notice. Your association is working to protect your property value.

Sincerely,

Temporary Officers, Bethel Estates Owners Association

\* Hand delivered to lots with mailboxes; mailed to others at address on county tax records, or owner-supplied address.

**I/We are against Application No. 904, Specific Use Permit Application No. 79, and any future applications to rezone this property for any commercial or industrial use:**

Name(s):

Address:

Signature(s):

RONALD P. SWEET      62710 FINCH ST      Ronald P. Sweet

Houston, TX 77028

LORNA G SWEET      11      Lorna G. Sweet



### INTRODUCTION

This investigation was conducted in response to Complaint No. 129900658 received at 4:30 p.m. on April 30, 1999, and assigned on May 3, 1999. The complaint alleges that concrete dust from Astro Concrete is blowing on to the complainants property and covering the yard, and swimming pool.

### INVESTIGATION SUMMARY

The investigator arrived at Astro Concrete, Inc. located at 2210 County Road (CR) 93, Pearland, Brazoria County at 11:30 a.m. on May 3, 1999. The temperature was approximately 80 degrees Fahrenheit and winds were westerly at around 5-10 miles per hour. An off site observation of the facility did not reveal any odorous emissions, however, visible emissions were observed blowing from Astro Concrete's property on to CR 93. The CR is a black asphalt road, that appeared to be intact and well maintained road.

The investigator entered Astro Concrete property. AC appeared to be in full operation. The hopper was being loaded and material conveyed to the mixer and silo, where mixing trucks were being loaded. In all approximately 10 mixing trucks were loaded. The physical condition of the plant would contribute to nuisance conditions if winds were from the South. Stock piles and in plant roads were observed to be very dry and dusty, a violation of Permit Exemption X-4357 Special Condition No. 1 dated April 6, 1983.

Ms. Kim Durrett, Owner was contacted and advised of the complaint and the condition of the plant. She stated that the watering truck was in the shop for repairs and that they had not watered today. She promptly called the control room and advised them to fill a mixer with water to wet the roads. The TNRCC was not notified of the inoperable water truck, a violation of agreed order Docket No. 95-0003-AIRE-E issued January 23, 1995. Further observation concluded that this technique was not effective at dispersing the water or controlling dust emissions.

Ms. Durrett was asked for the plant's TNRCC permit exemption registration information and account number. Ms. Durrett could not provide any of the requested documents during this investigation.

A review of TNRCC files determined that the company operates under permit exemption X-4357 dated April 6, 1983, and compliance was then determine:

Special Condition (SC) No. 1 - NIC. Plant roads and aggregate stockpiles shall be sprinkled with water and or chemicals as to control the emissions of dust to the minimum level possible

under existing conditions. **Stockpiles and in plant roads were observed to be very dry and dusty. Dust was observed blowing across CR 93, as well as inside the plant.**

Further file review determined that the company operates under an agreed order issued January 23, 1995, Docket No. 95-0003-AIR-E, stating that the company will implement the following corrective measures. Compliance with the agreed order was also determined :

(a) Keep all plant and entrance roads washed daily. **NIC. In-plant roads and entrances were observed to be very dry and dusty.**

(b) Maintain and use a back up system to the water pit so that watering required under TNRCC Special Exemption No. X-4357 will be done if water trucks cannot be filled using the water pit. **NIC. The company failed to implement a back up water system that would effectively control dust emissions.**

(c) Notify regional TNRCC office by telephone if the company is unable to water the facility roads. **NIC. The company did not notify the TNRCC regional office that they were not able to water the roads.**

(d) Avoid nuisance condition as defined by TNRCC General Rule 101.4 even during upset conditions. **IC. No nuisance conditions were documented during this investigation.**

The investigator could not visit the complainants property because the complainant did not provide the regional office with the most recent house address. The complainant was contacted by telephone and apprized with the results of the investigation. Further discussion with the complainant revealed that Houston Lighting and Power had issued new addresses to the houses and businesses on CR 93, and the complainant had not made the change on the mailbox. The complaint could not be confirmed. However, the complainant was advised by telephone the same day that if nuisance conditions persisted the investigator would be willing to make another site visit and collect tape lift samples.

Investigator's Comments  
Astro Concrete  
Pearland, Brazoria County

91-4357-Q  
05/03/99  
Page 1

CONCLUSION

The complaint was unconfirmed. Issue a Notice of Enforcement for violation of TNRCC Special Exemption No. X-4357 Special Condition No. 1, and for violation of agreed order issued January 23, 1995, Docket No. 95-0003-AIR-E. This account will be referred for Enforcement by the TNRCC central office.

  
Environmental Investigator  
Region 12

NGJ/mj  
Filename/COM.658

## Chapter 19

### NOISE

Art. I. In General, §§ 19-1—19-24

Art. II. Permit for Amplifying Devices, §§ 19-25—19-36

#### ARTICLE I. IN GENERAL

##### **Sec. 19-1. Prohibited generally.**

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the city.

##### **Sec. 19-2. Operation of power mowers; construction, demolition—Restricted.**

It shall be unlawful for any person to operate a motor-driven or power-operated lawn mower, or to engage in any construction or demolition work within the city between the hours of 10:00 p.m. and 6:00 a.m. the following day.

##### **Sec. 19-3. Same—Emergency permit.**

In the event of an emergency, a permit may be issued exempting any person from section 19-2 for any period of time specified on the face of the permit. The permit may be issued free of charge by the police department, building inspector or board of public works, and the issuing agency shall notify the other two (2) agencies enumerated herein of the permit.

##### **Sec. 19-4. Same—Government agencies, utilities.**

Section 19-2 shall not apply to emergencies of any governmental subdivision or any public utility.

##### **Sec. 19-5. Horns, warning devices.**

The sounding of any horn or other warning device on any automobile, motorcycle or other vehicle on any street or public

**Sec. 19-9. Defect in vehicle or load.**

The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise shall be deemed a violation of this chapter.

**Sec. 19-10. Loading, unloading, opening boxes.**

The creating of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers shall be deemed a violation of this chapter.

**Sec. 19-11. Pile drivers, hammers, etc.**

The operation between the hours of 10:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise shall be deemed a violation of this chapter.

**Sec. 19-12. Blowers.**

The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise shall be deemed a violation of this chapter.

**Sec. 19-13. Screeching of tires.**

The operation of any motor vehicle in such a way as to cause the tires thereof to screech except where the same is necessarily caused in an emergency in an attempt by the operator to avoid an accident or the causing of damage or injury shall be deemed a violation of this chapter.

**Secs. 19-14—19-24. Reserved.**



**TEXAS A&M UNIVERSITY**  
Soil & Crop Sciences  
College of Agriculture and Life Sciences  
College Station, Texas 77843-2474  
FAX (409) 845-0456

May 3, 1999

Sue Simler  
2658 Miller Ranch Rd  
Pearland, TX 77584

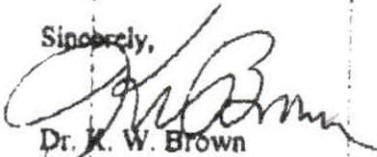
Dear Ms. Simler:

As you suggested, it is a well known fact that removal of vegetation increases runoff. On the attached table you can see that for a soil in hydrological group D, which would be a clay, the runoff curve number for fallow soil is 94, while for woods on the same soil the curve number ranges from 77 to 83, depending on the cover condition of the woods.

Using the figure we see that a 5 inch rain in one day would result in 4.8 inches of runoff from a fallow (bare soil) while the same soil when wooded would have between 2.6 and 3.2 inches of runoff depending on the condition of the surface cover. Thus, you could **get as much as 2.2 more inches of runoff from a 5 inch rain once the woods are removed.**

If I can be of further assistance please call.

Sincerely,

  
Dr. K. W. Brown  
Professor

Encl.



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13. Admissibility of evidence

In suit to cancel order of Water Commission granting application for permit to divert waters, record of hearing before Commission was properly excluded. *Halsell v. Texas Water Commission* (Civ.App.1964) 380 S.W.2d 1, ref. n.r.e.

In suit to cancel order granting permit for diverting waters, alleged error in permitting Water Commission's chief engineer to answer question regarding his professional opinion as to water losses caused by phreatophytes which would be salvaged by construction of dam was harmless, where a registered professional engineer subsequently testified without objection to nature of vegetation and trees in valley involved and their water consuming capacity. Id.

In suit by riparian owners for damages for diversion of river, admission of map showing the area generally was not error where witness testified that he was familiar with information shown on map, that size and location of objects shown were correct, and that he had verified distances on ground with speedometer on his automobile. *Tennessee Gas Transmission Co. v. Moorehead* (Civ.App.1966) 405 S.W.2d 81, ref. n.r.e.

In suit by riparian owners for damages for diversion of river, admission of 1949 agreement in which riparian owners agreed to limited diversion of river for limited purpose of showing gas transmission company acted in good faith in diverting river in 1961-1962 to totally bypass owners' property was not error. *Tennessee Gas Transmission Co. v. Moorehead* (Civ.App.1966) 405 S.W.2d 81, ref. n.r.e.

Even if landowner were only entitled to use water from ditch for irrigation purposes, since

the charging of his well was a direct and natural result of irrigation, court properly admitted testimony to the effect that defendant river authority's diversion of water from the irrigation ditch operated to dry up owner's domestic well and cause specific monetary loss. *San Antonio River Authority v. Hunt* (Civ.App.1966) 405 S.W.2d 700, ref. n.r.e.

14. Judgment

1905 judgment refusing abatement of dam did not bar suit for damages caused by enlargement of original dam after May 29, 1915. *Thomas v. Bunch* (Civ.App.1931) 41 S.W.2d 359, affirmed 121 T. 225, 49 S.W.2d 421.

15. Appeal and review

City's appeal from order of State Board of Water Engineers denying city's application for permit to appropriate, for municipal purposes, 100,000 acre-feet of water per annum of unappropriated water to be stored in proposed river dam and reservoir did not become moot by virtue of fact that United States had entered into contract with river authority granting authority right to utilize storage space in reservoir, or fact that city's application described a dam and reservoir larger than the one finally approved by United States, or fact that city had applied for more water than was available or fact that construction of smaller dam had been started. *City of San Antonio v. Board of Water Engineers of Tex.* (Civ.App.1960) 334 S.W.2d 325, ref. n.r.e.

The decisions of Texas Water Commission in field of appropriation of unappropriated waters should have extraordinary weight with courts in passing upon their validity. *Halsell v. Texas Water Commission* (Civ.App.1964) 380 S.W.2d 1, ref. n.r.e.

§ 11.086. Overflow Caused by Diversion of Water

(a) No person may divert or impound the natural flow of surface waters in this state, or permit a diversion or impounding by him to continue, in a manner that damages the property of another by the overflow of the water diverted or impounded.

(b) A person whose property is injured by an overflow of water caused by an unlawful diversion or impounding has remedies at law and in equity and may recover damages occasioned by the overflow.

(c) The prohibition of Subsection (a) of this section does not in any way affect the construction and maintenance of levees and other improvements to control floods, overflows, and freshets in rivers, creeks, and streams or the construction of canals for conveying water for irrigation or other purposes authorized by this code. However, this subsection does not authorize any

**ATTN: ANDY GALLAGHER**

"Walled and Roofed" means the building has in place two or more exterior, rigid walls and the roof is fully

secured so that the building will resist flotation, collapse and lateral movement.

### ARTICLE 3 - LOSSES NOT COVERED

We only provide coverage for direct physical loss by or from flood, which means we do not cover:

**A. Compensation, reimbursement or allowance for:**

1. Loss of use of the insured property or premises.
2. Loss of access to the insured property or premises.
3. Loss of profits.
4. Loss resulting from interruption of business, profession, or manufacture.
5. Your additional living expenses incurred while the insured building is being repaired or is uninhabitable for any reason.
6. Any increased cost of repair or reconstruction as a result of any ordinance regulating reconstruction or repair, except as provided in Coverage D - Increased Cost of Compliance.
7. Any other economic loss.

**B. Losses from other casualties, including loss caused by:**

1. Theft, fire, windstorm, wind, explosion, earthquake, land sinkage, landslide, destabilization or movement of land resulting from the accumulation of water in subsurface land areas, gradual erosion, or any other earth movement except such mudslides (i.e., mudflows) or erosion as is covered under the peril of flood.

2. Rain, snow, sleet, hail or water spray.

3. Land subsidence, sewer backup, or seepage of water unless, subject to additional deductibles as provided for at Article 7, (a) there is a general and temporary condition of flooding in the area, (b) the flooding is the proximate cause of the land subsidence, sewer backup, or seepage of water, (c) the land subsidence, sewer backup, or seepage of water damage occurs no later than 72 hours after the flood has receded, and (d) the insured building must be insured, at the time of the loss, for at least 80 percent of its replacement cost or the maximum amount of

insurance available under the National Flood Insurance Program.

4. Freezing, thawing, or the pressure or weight of ice or water.

5. Water, moisture, mildew, mold or mudslide (i.e., mudflow) damage resulting primarily from any condition substantially confined to the described dwelling or from any condition which is within your control (including but not limited to design, structural or mechanical defects, failures, stoppages or breakages of water or sewer lines, drains, pumps, fixtures or equipment).

**C. Losses of the following nature:**

1. A loss which is already in progress as of 12:01 A.M. of the first day of the policy term, or, as to any increase in the limits of coverage which is requested by you, a loss which is already in progress as of 12:01 A.M. on the date when the additional coverage becomes effective.

2. A loss from a flood which is confined to the premises on which your insured property is located unless the flood is displaced over two acres of the premises.

3. A loss caused by your modification to the insured property which materially increases the risk of flooding.

4. A loss caused intentionally by you or any member of your household.

5. A loss caused by or resulting from power, heating or cooling failure, unless such failure results from physical damage to power, heating or cooling equipment situated on the premises where the described building or unit is located, caused by a flood.

6. Loss to any building or contents located on property leased from the Federal Government, arising from or incident to the flooding of the property by the Federal Government, where the lease expressly holds the Federal Government harmless, under flood insurance issued under any Federal Government program, from loss arising from or incident to the flooding of the property by the Federal Government.

*INCREASED  
COST OF COMPLIANCE*



Occupational Safety & Health Administration  
U.S. Department of Labor



**Establishment Search Inspection Detail -- OSHA View**

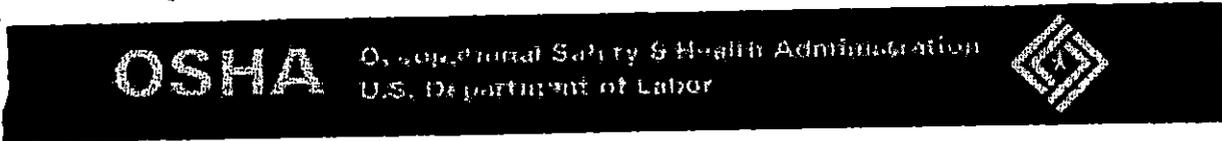
Definitions

**Inspection: 123605024 - Astro Concrete, Inc.**

<b>Inspection Information - Office: Houston South</b>	
Nr: 123605024 Report ID: 0626700 Open: 06/12/1997	
Astro Concrete, Inc. 2210 County Road 93 Pearland , TX 77584	
Union Status: NonUnion	
SIC: 3273/Ready-Mixed Concrete Mailing: P O Box 3037 , Pearland , TX 77588	
Inspection Type: Planned	
Scope: Complete	Advance Notice: N
Ownership: Private	
Safety/Health: Health	Close Conference: 06/13/1997
Planning Guide: Health-Manufacturing	Close Case: 10/10/1997

	Violation Summary					
	Serious	Willful	Repeat	Other	Unclass	Total
Nr Violations	3			1		4
Penalty Amount	2100.00					2100.00
FTA Amount						

Violation Items									
ID	Type	Standard	Issuance	Abate	Curr\$	Init\$	Fta\$	Contest	LastEvent
1	01001	Serious 19100212 A03 II	07/14/1997	07/24/1997	700.00	700.00	0.00		-
2	01002	Serious 19100253 B02 II	07/14/1997	07/21/1997	700.00	700.00	0.00		-
3	01003	Serious 19100305 B01	07/14/1997	07/21/1997	700.00	700.00	0.00		-
4	02001	Other 19040002 B02	07/14/1997	07/21/1997	0.00	0.00	0.00		-



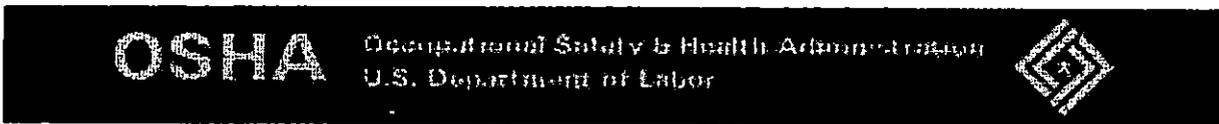
**Violation - Astro Concrete, Inc.**

**Standard Cited:** 19100253 B02 II *Oxygen-Fuel Gas Welding & Cutting*

Violation Information		
Nr: 123605024 Citation: 01002 Issuance: 07/14/1997 Report ID: 0626700		
Viol Type: Serious	Nr Instances: 1	Contest Date:
Abatement Date: 07/21/1997 X	Nr Exposed: 4	Final Order:
Initial Penalty: 700.00	REC:	Emphasis:
Current Penalty: 700.00	Gravity: 02	Haz Category:

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**Violation - Astro Concrete, Inc.**



**Violation - Astro Concrete, Inc.**

**Standard Cited:** 19100212 A03 II *Machines, General Requirements*

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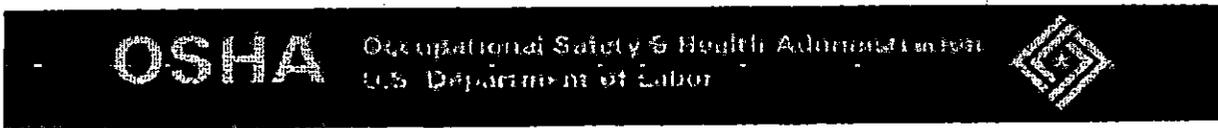
**Violation - Astro Concrete, Inc.**

**Standard Cited:** 19100305 B01 *Electrical, Wiring Methods, Components & Equipment*

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Abatement Date: 07/21/1997 X	Nr Exposed: 4	Final Order:
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Violation - Astro Concrete, Inc.



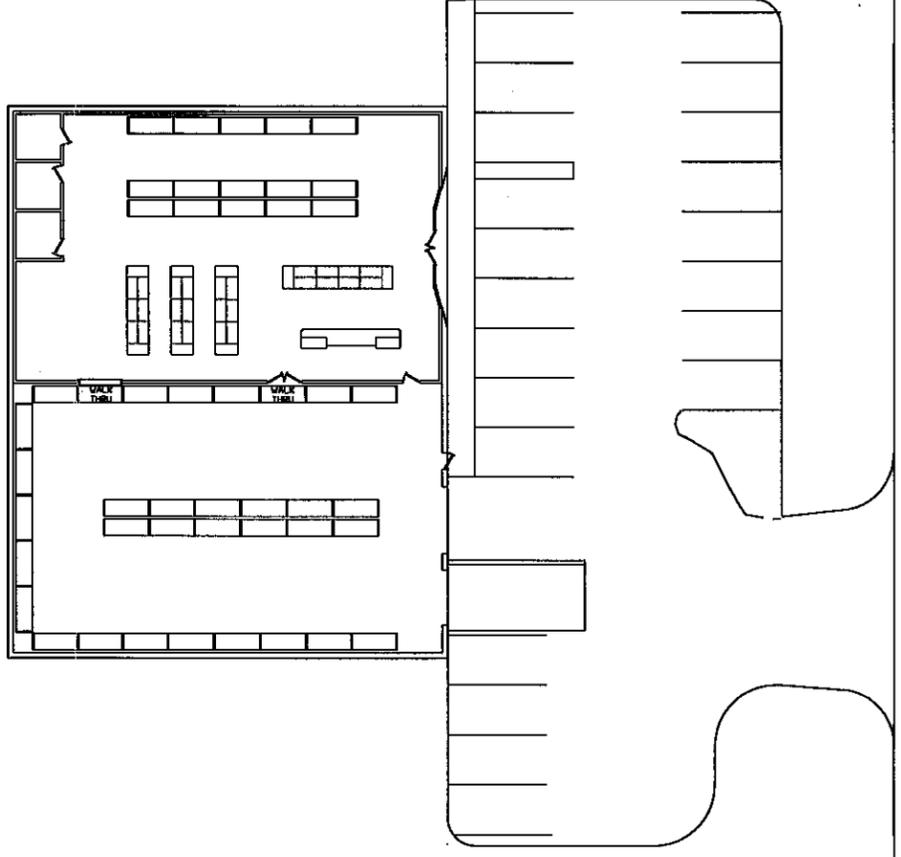
**Violation - Astro Concrete, Inc.**

**Standard Cited:** 19040002 B02 *Log & Summary of Occupational Injuries & Illnesses*

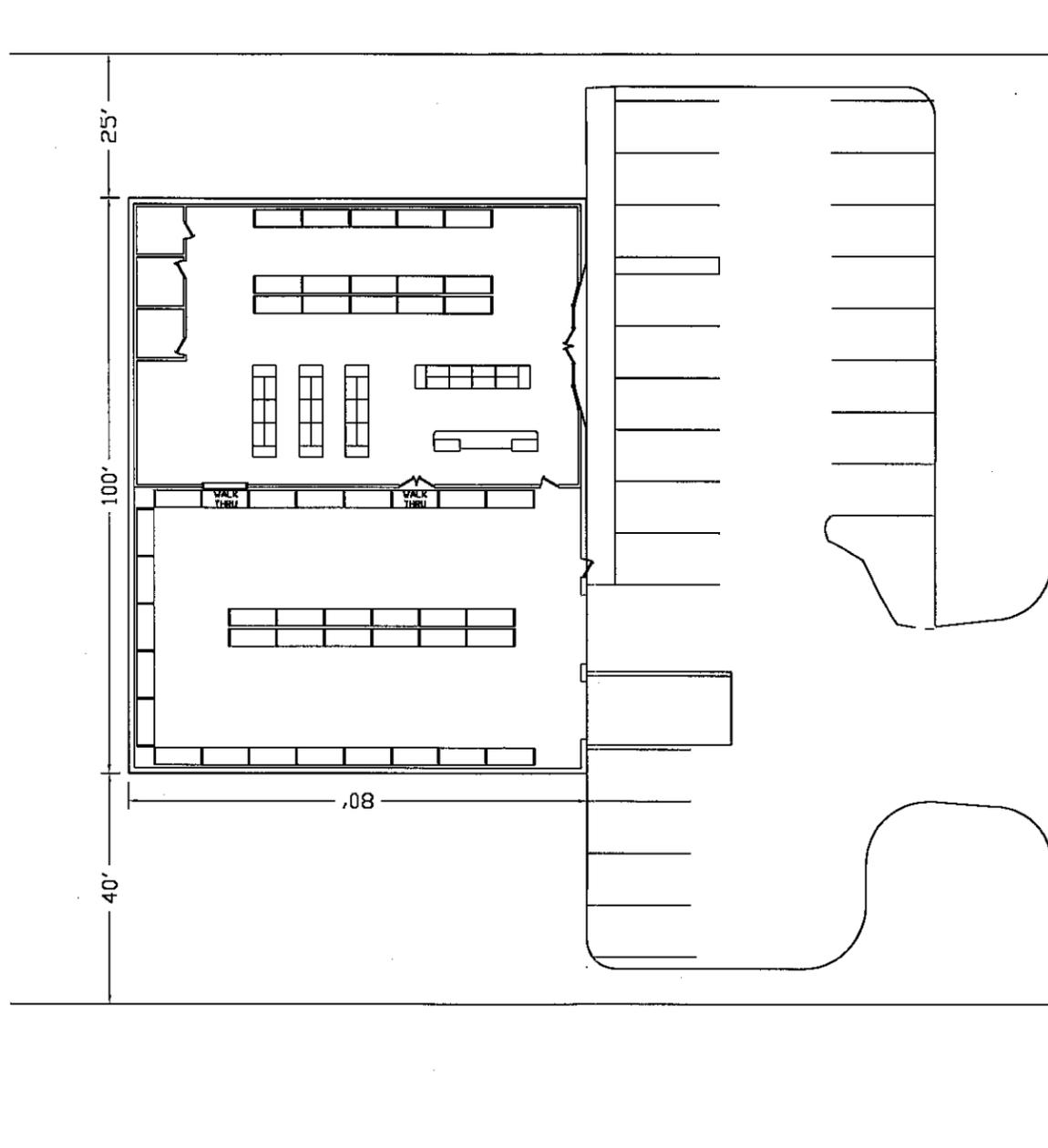
Violation Information		
Nr: 123605024 Citation: 02001 Issuance: 07/14/1997 Report ID: 0626700		
Viol Type: Other	Nr Instances: 1	Contest Date:
Abatement Date: 07/21/1997 X	Nr Exposed: 48	Final Order:
Initial Penalty:	REC:	Emphasis:
Current Penalty:	Gravity: 00	Haz Category:

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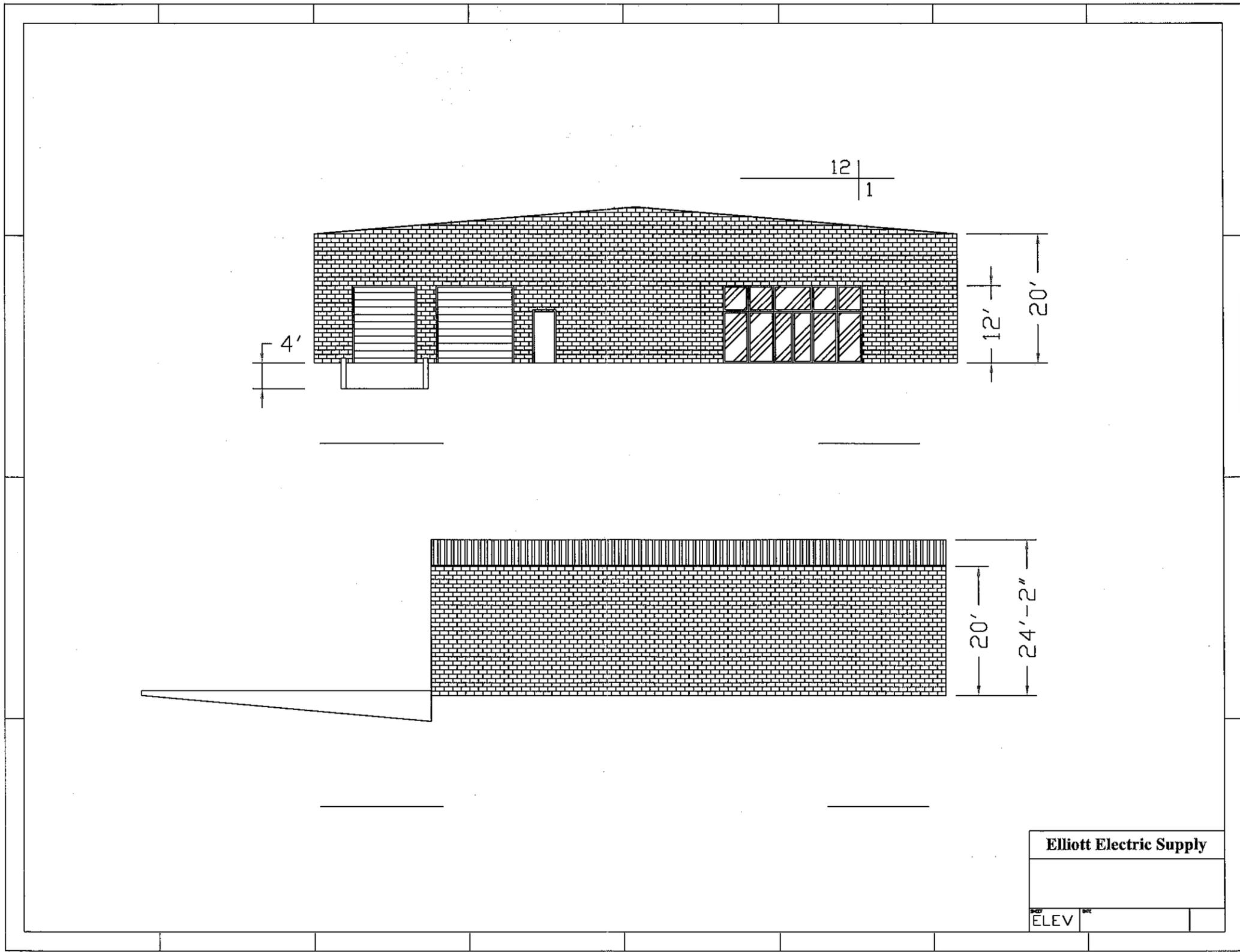
1.25 Acres



FM 1128, TRACT D



FM 1128, TRACT D



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- ✓ 893 SD-C
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remove from agenda - never got m: