

AGENDA – REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, APRIL 3, 2000 AT 6:30 P.M. IN THE SECOND FLOOR CONFERENCE ROOM OF THE CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

II. APPROVAL OF MINUTES: March 20, 2000 minutes

III. NEW BUSINESS

A. CONSIDERATION & POSSIBLE ACTION – Final plat of The Lakes At Countryplace Section Eight, Brazoria County, being 35.415 acres of land located in the F.B. Drake Survey, Abstract No. 510 (S. ½ Sec. 2) and in the J. Crawley Survey, Abstract No. 174.

Variance Request:

1. Use of a 20-foot front building line on front access garages.
2. Use of a 15-foot building line on houses with garages that do not face the street right-of-way.
3. Use of a 10-foot side setback between houses.

B. CONSIDERATION & POSSIBLE ACTION – Replat of Lots 2 and 3 of Lowe's Home Center Pearland to repartition lots 2 and 3, a resubdivision of 1.8785 acres out of the Thomas J. Green Survey, Abstract 198, Pearland, Brazoria County, Texas.

C. CONSIDERATION & POSSIBLE ACTION – A Final Plat of West Oaks Shopping Center, Being a 3.1076 acre tract of land located in the H.T.&B. R.R. Company Survey, A-241, Pearland, Brazoria County, Texas and also being out of a called 39.2484 acre tract as recorded in Film Code No. 96-015983 D.R.B.C.T. Brazoria County, Texas.

D. CONSIDERATION & POSSIBLE ACTION – Request of an extension for Villa D'Este and Villa Verde Section 1 plats.

E. CONSIDERATION & POSSIBLE ACTION – River Mist Section One – Variance of John Lizer Road Sidewalk Construction.

IV. NEXT MEETING DATE: April 10, 2000 (Special Meeting)
April 17, 2000 (P & Z Regular Meeting)
April 24, 2000 (Joint Public Hearing)

V. ADJOURNMENT

Posted: 31st Day of March, 2000, A.D.
Removed: 4th Day of April, 2000, A.D.

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

MINUTES OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, APRIL 3, 2000 AT 6:30 P.M. IN THE SECOND FLOOR CONFERENCE ROOM OF THE CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

The meeting was called to order at 6:32 p.m. with the following present:

Chairperson	Mary Starr
Vice-Chairperson	Tommy L. Scott
Commissioner	Emil A. Beltz
Commissioner	Donald Glenn
Commissioner	Todd Iocco
City Engineer	John Hargrove
P & Z Secretary	Jennifer Gonzales

II. APPROVAL OF MINUTES

Commissioner Glenn stated that on page 5 there are typos. He pointed out that in the third paragraph from the bottom, the word "asked" is misspelled, and the word "Thursday" is misspelled. He also pointed out that in the paragraph before that one the word "that" is stated two times in a row.

Vice-Chairman Scott made a motion to approve the March 20, 2000 minutes with the two spelling corrections and the deletion of the word "that" on page 5, and Commissioner Iocco seconded the motion.

Motion to approve passed 5 to 0.

III. NEW BUSINESS

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Commissioner Beltz asked if McHard Road has been extended or improved, and City Engineer Hargrove stated that one of his comments on the plat is that the developer will need to submit a check in the amount of \$57,835.32 for the construction of McHard Road.

Mr. Hargrove then listed his other comments as:

1. The staff review "mark-up" of the plat went to the engineer stating that the pipeline waiver statement is required on the plat, and this has not been done.

Chuck Davis of C.L. Davis Company, Inc. stated that he did submit a letter with that statement, and Mr. Hargrove stated that he would like it or the recording information of it to be on the plat.

Mr. Hargrove continued his comments:

2. He also asked for a variance request for the long cul-de-sac, and that also was not included.

Vice-Chairman Scott asked if he is referring to N. Elder Grove, and Mr. Hargrove replied that he is correct.

Commissioner Beltz asked how long the cul-de-sac actually is, and Mr. Hargrove replied that it is close to 700 feet. He then stated that his opinion is that because there is an emergency outlet at the end and it is so close to the 600' he did not ask for 36' of paving.

Mr. Scott then asked if it is a permanent emergency access, and Mr. Hargrove answered that it will be a 911 gate.

The Engineering Secretary pointed out that the check for the McHard Road Construction has been received and receipted.

Commissioner Viktorin entered at 6:45 p.m.

Mr. Hargrove stated that the cul-de-sac is longer than the 600' allowed in the ordinance. He then stated that it is in the Subdivision Ordinance only, and in order for this to be approved they will have to submit a letter asking for the variance.

Vice-Chairman made a motion to table the Final Plat of The Lakes at Countryplace Section Eight until a correct variance request letter is submitted, and Commissioner Glenn seconded the motion.

Motion to table passed 6 to 0.

B. CONSIDERATION & POSSIBLE ACTION – Replat of Lots 2 and 3 of Lowe's Home Center Pearland to repartition lots 2 and 3, a resubdivision of 1.8785 acres out of the Thomas J. Green Survy, Abstract 198, Pearland, Brazoria County, Texas.

City Engineer Hargrove stated that staff recommends approval with two changes and he listed them as:

1. They need to change the word "replat" to "amending" plat, and this change will require a refund to the developer or engineer.
2. They need to add a note that the point of amendment is to relocate the lot line between lots 2 and 3.

Mr. Hargrove then stated that the Deputy City Manager Alan Mueller would like for the driveway going into Randalls Shopping Center to show on the plat.

Commissioner Glenn made a motion to approve the Replat of Lowe's Home Center with the changes requested by the City Engineer to change the title, add a note explaining the purpose for the amendment, and to show the entrance into Randall's on the plat. Commissioner Viktorin seconded the motion.

Motion to approve passed 6 to 0.

C. CONSIDERATION & POSSIBLE ACTION – A Final Plat of West Oaks Shopping Center, Being a 3.1076 acre tract of land located in the H.T.&B. R.R. Company Survey, A-241, Pearland, Brazoria County, Texas and also being out of a called 39.2484 acre tract as recorded in Film Code No. 96-015983 D.R.B.C.T. Brazoria County, Texas.

City Engineer Hargrove stated that staff recommends approval with a note for the minutes that before the City Engineer and the City Attorney sign the plat, he will have to consult with the engineer to make sure that all the comments were taken care of from the "Staff Review Mark-up".

Vice-Chairman Scott made a motion to approve the Final Plat of West Oaks Shopping Center, and Commissioner Beltz seconded the motion.

Motion to approve passed 6 to 0.

D. CONSIDERATION & POSSIBLE ACTION – Request of an extension for Villa D'Este and Villa Verde Section 1 plats.

City Engineer Hargrove stated that he has no objections to this request.

Vice-Chairman Scott made a motion to approve the request for a six-month extension for the platting of Villa D'Este and Villa Verde plats, and Commissioner Viktorin seconded the motion.

Motion to approve passed 6 to 0.

E. CONSIDERATION & POSSIBLE ACTION – River Mist Section One – Variance of John Lizer Road Sidewalk Construction.

Commissioner Iocco asked if this request needs to go to the Zoning Board of Adjustments and City Engineer Hargrove replied that this variance comes from the Subdivision Ordinance, which Planning and Zoning enforces.

Mr. Hargrove stated that he would like to offer his advice on the four points in the variance request letter.

Mr. Hargrove stated first of all on their own sketch the location of the sidewalk would be between the extreme left hand in the cross section and the first right-of-way line indicated twenty-five right of the left line. He stated that line is sloped one foot for every 25 feet. He stated that the minimum cross slope on the park strips in the city is one on twelve,

and this is half as steep as we put our sidewalk in normally, and he does not believe point number one is valid.

Mr. Hargrove stated that on point number two regarding the additional liability risks due to having the sidewalk located along an elevated road with open ditches, he stated that the sidewalk will be located on the opposite side of the ditch and will not be adjacent to the roadway. Mr. Hargrove stated that he finds this second point invalid.

Mr. Hargrove stated that on the third point his comment is that all sidewalks have to start somewhere. He then stated that he does not understand the part of the letter referring to the residents of the subdivision, and how they would rather walk within the subdivision to go south rather than walking along a roadside ditch. He stated that he also found this point to be invalid.

Mr. Hargrove then stated that the fourth point, which states that if John Lizer Road is ever improved and becomes a curb and gutter street the sidewalk would have to be removed, is not true.

Vice-Chairman Scott stated that the cross section drawn looks very exaggerated. He stated that the graph has 1-foot increments going south and 10-foot increments going west.

Vice-Chairman Scott made a motion to deny the variance for the John Lizer Sidewalk Construction, and Commissioner Iocco seconded the motion.

Commissioner Iocco stated that he would like to comment that this has happened in his subdivision and they have no sidewalks. He then asked what would happen if in five or ten years an elementary school would be built and the kids would have no way to walk to school. Commissioner Viktorin also commented that he wishes they could go back and require sidewalks along FM 518.

Motion to deny passed 6 to 0.

Commissioner Viktorin made a proposal that they start reviewing the Subdivision Ordinance definitions and he would like to add a discussion item at the end of the agendas.

- IV. **NEXT MEETING DATE:** **April 10, 2000 (Special Meeting)**
 April 17, 2000 (P & Z Regular Meeting)
 April 24, 2000 (Joint Public Hearing)

V. **ADJOURNMENT**

The meeting adjourned at 7:10 p.m.

These minutes respectfully submitted by:

Jennifer Gonzales, Planning & Zoning Secretary

Minutes approved as submitted and/or corrected on this ____ day of _____, 2000.

Mary Starr

Mary Starr, Planning & Zoning Chairperson

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V. ADJOURNMENT

R. WEST DEVELOPMENT COMPANY, INC.

6302 Broadway, Suite 250

Pearland, Texas 77581

March 15, 2000

Planning & Zoning Commissioners &
Mr. John Hargrove
City of Pearland
3519 Liberty Drive
Pearland, Texas 77581

RE: Villa D' Este & Villa Verde Section 1
Preliminary Plat

To Whom it may concern:

We respectfully request a six-month extension of the approval granted by the Planning & Zoning Commission on September 27, 1999 for the above-captioned plats. We plan to submit for final plat approval within the next sixty- (60) days.

Thank you for your consideration in this matter. Please call if you have any questions or need additional information.

Sincerely,



Terry Brooks
Project Manager

cc: Eddle Taher
Century Engineering
John English



Office: (281) 997-1500

FAX: (281) 997-2886

DCI DEVELOPMENT CONSULTANTS INC.

March 24, 2000

Mr. John Hargrove, P.E.
City Engineer
City of Pearland
3519 Liberty Drive
Pearland, Texas 77581-5416

*JWT
3/28/00*

*photocopy to
Gene Trumble 3/29/00*

By Facsimile (281) 652-1702 and Mail

Re: River Mist, Section One
Variance of John Lizer Road Sidewalk Construction

Dear Mr. Hargrove:

On behalf of Centex Homes, the developer and builder for River Mist, Section One, we hereby request a variance from the requirement to place a sidewalk along John Lizer Road. The reasons for the variance are as listed below:

- John Lizer Road is an elevated asphalt roadway and with steep roadside ditches. (Please see the attached sections.) It is very difficult to construct a sidewalk on the slopes of roadside ditches and they are subject to undermining due to stormwater flows. With each heavy rainfall, the sidewalks are subject to flows and standing water which would undermine its base and leave it unsightly. The sidewalks would require constant maintenance by the City of Pearland along this area.
- There are additional liability risks associated with having the sidewalk located along an elevated road with open ditches. It is not only the dangers of the traffic, but also of the pedestrians riding bicycles and skateboarding along side an open ditch and an elevated roadway.
- The sidewalks do not lead to any other pedestrian area other than the proposed sidewalk along Pearland Parkway to be constructed by this developer. The residents of this subdivision would rather walk within the subdivision to Pearland Parkway to go south (which is the only way to go on the proposed sidewalk) than to go along a roadside ditch. For liability reasons, it would be preferable to have the pedestrian traffic discouraged along John Lizer Road. There is a Chevron on the west side of the tract and then S.H. 35. On the east side of Pearland Parkway is the park site, which does not have a sidewalk along it and is adjacent to the detention pond, which also would not seem desirable.
- If John Lizer Road is ever improved and becomes a curb and gutter street, the sidewalk, if it were constructed now, would have to be removed.

Mr. John Hargrove, P.E.
Page 2
March 24, 2000

We ask to be placed on the agenda for the next available Planning and Zoning meeting to request the variance for the placement of the sidewalk along John Lizer Road.

If you should have any questions, please let me know. We appreciate your attention to this matter.

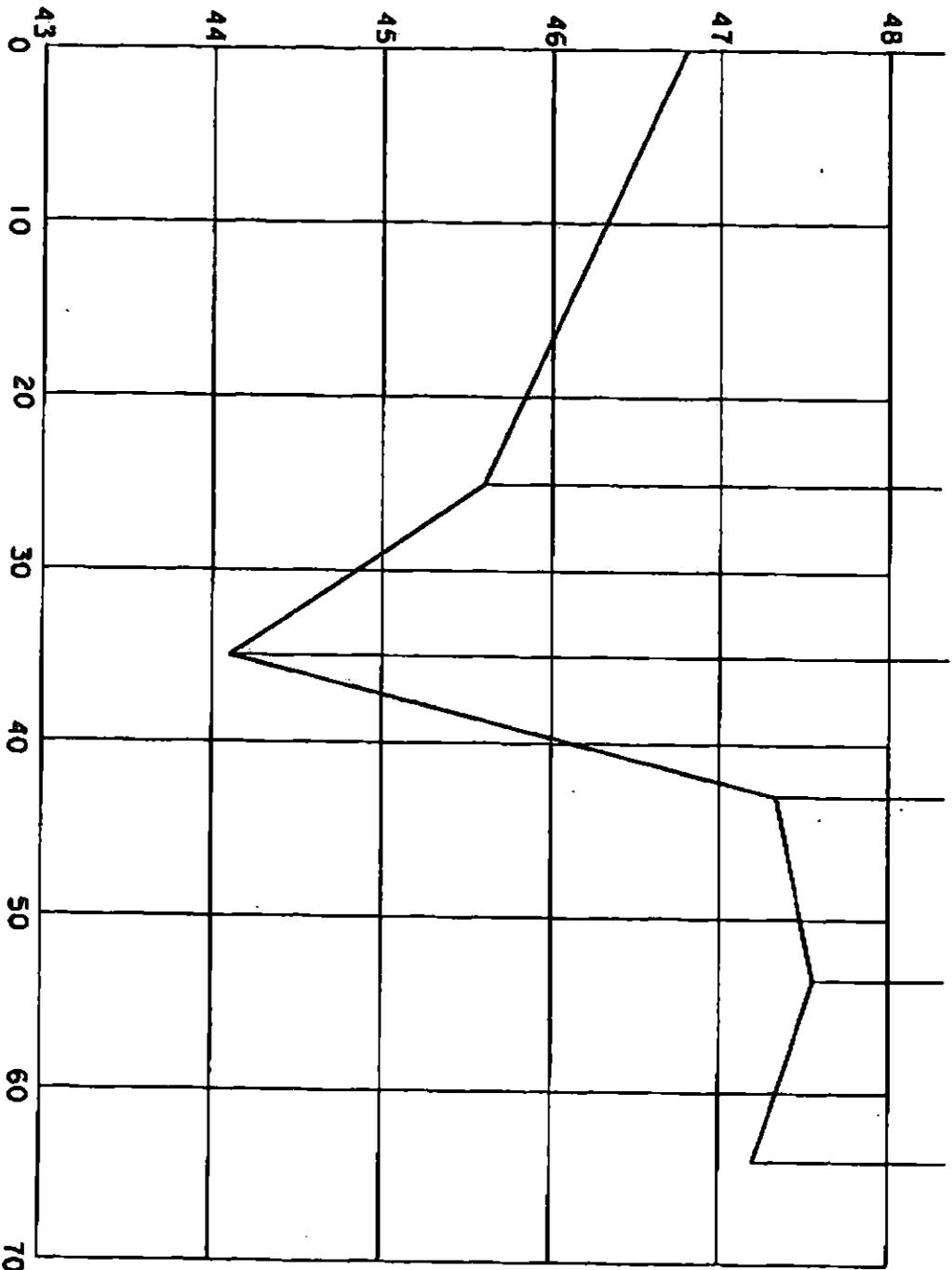
Sincerely,



Michael S. Doyle
Principal

Attachment

c: Mr. Rick Shaver, Centex Homes, with attachments
Mr. Alan R. Mueller, City of Pearland, with attachments, by facsimile (281) 652-1706 and mail



Back of Lot

R. O. W.

Road Side Ditch

Ex. John Lizer

Ex. C. L. John Lizer

Ex. John Lizer

Existing John Lizer
 (1" = 10' Horizontal, 1" = 1' Vertical)

c:\dgn\mst\sean.dgn Mar. 24, 2000 14:52:05

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