

MINUTES OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND HELD ON MONDAY, JUNE 5, 2000 IN THE COUNCIL CHAMBERS OF THE CITY HALL AT 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

The meeting was called to order with the following present:

Chairperson	Mary Starr
Commissioner	Emil A. Beltz
Commissioner	Donald Glenn
Commissioner	Todd Iocco
Commissioner	Russ Selemo
Commissioner	Charles Viktorin
Asst. City Engineer	Andy Gallagher
Director of Planning & Community Services	Gene Tumlinson
P & Z Secretary	Jennifer Gonzales

II. APPROVAL OF MINUTES

Commissioner Iocco made a motion to approve the May 15, 2000 minutes, and Commissioner Beltz seconded the motion.

Motion to approve passed 6 to 0.

III. NEW BUSINESS

A. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of Tranquility Lakes Section One, being 12.8881 acres (561,406 s.f.) of land located in the H.T.&B R.R. Company Survey, A-242 Brazoria County, Texas.

Variance Request:

- 1. Use of length greater than the 300-foot maximum length requirement for cul-de-sacs.**

Assistant City Engineer Andy Gallagher stated that staff recommends approval of the variance and the plat with the following comment:

- To add a streetlight at FM 518.

Commissioner Glenn made a motion to approve the Preliminary Plat of Tranquility Lakes Section One with the variance and the comment made by staff to add a street light, and Commissioner Viktorin seconded the motion.

Commissioner Selemo asked if this is the plat that was tabled due to drainage problems, and if it is, has the drainage problem been resolved.

John English of Rekha Engineering stated that he has submitted the required plans with the detention calculations.

Commissioner Selemon asked what Brazoria County thinks about this, and John English replied that the Brazoria Drainage District has given him verbal approval of the drainage.

Chairperson Starr called for a vote.

Motion to approve passed 6 to 0.

B. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of Winding Creek Estates, a tract or parcel of land containing 9.7099 acres being a replat of a portion of lots 16, 18, 19 and 20, O.W. Willits Subdivision in the W.D.C. Hall League, Abstract No. 70, City of Pearland, Brazoria County, Texas.

Variance Request:

- 1. To allow a tree survey to be done for each lot at the time a building permit is applied for.**

Assistant City Engineer Gallagher stated that staff recommends approval of the plat and they are supportive of the variance request for tree survey to be turned in when the three lots are developed.

Commissioner Iocco asked what the difference is between turning the survey in during the platting stages and turning the survey in with the permits. Assistant City Engineer Gallagher stated that he believes the reason is that the owner is trying to cover the costs.

Chairperson Starr stated that she feels another reason may be depending on the size of house that's built because that will make a big difference on what will need to be done with the trees.

Chip Hosek, owner, introduced himself and stated that it would be easier if the future owners of the property turned in the tree surveys. He stated the reason to be so that each individual can decide what they would like to do with the trees, and this will be depending on the size of their homes.

Commissioner Viktorin made a motion to approve the Preliminary Plat of Winding Creek Estates with the variance request and Commissioner Selemon seconded the motion.

Motion to approve passed 6 to 0.

C. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of Magnolia Estates Section One, 24.15 acres out of Section 12 in the H.T.&B. R.R. Co. Survey, Abstract No. 508, Brazoria County, Texas.

Assistant Andy Gallagher stated that staff recommends approval with three comments:

1. They need to add the reserve acreage in the title block.

2. The 2 reserves that were formerly a part of the plat now do not show any ownership. He stated that on the first preliminary plat they saw these two front acres we're included on the plat, and now they've been taken out, which brings the third point.
3. On the first preliminary mark-up they asked for 8 street lights along Magnolia, and now since they took out the acreage they only have 1 street light along Magnolia.

Mr. Gallagher stated that they have changed the configurations since they reviewed the plat. He stated that he thinks it should go ahead and be approved for now since the plat is only in the preliminary stages.

Commissioner Glenn made a motion to approve the Preliminary Plat of Winding Creek Estates with the three comments made by staff, and Commissioner Iocco seconded the motion.

Motion to approve passed 6 to 0.

- D. CONSIDERATION & POSSIBLE ACTION – Final Plat of Central Office Park, A subdivision of 4.7127 acres out of Lot 45, Allison Richey Gulf Coast Home Company's Suburban Gardens Subdivision, Vol 2, Pg 24 B.C.M.R. in H.T.&B. R.R. Co. Survey, Section 20, Abstract No. 506, Brazoria County, Texas.**

Assistant City Engineer Gallagher stated that staff recommends approval with the following comments:

1. The date needs to be filled in next to the owner's signature.
2. Former Commissioner Tommy L. Scott's name needs to be removed.

Commissioner Beltz made a motion to approve the Final Plat of Central Office Park with the comments requested by staff, and Commissioner Selemon seconded the motion.

Motion to approve passed 6 to 0.

- E. CONSIDERATION & POSSIBLE ACTION – Final Plat of Crestwood Cove at Silverlake, a subdivision of 21.1201 acres of land out of the R.B. Lyle Survey, Abstract No. 539, Brazoria County, Texas.**

Variance Request:

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

Assistant City Engineer Gallagher stated that the engineers of this project have requested to table this item until further notice.

Commissioner Beltz made a motion to table the Final Plat of Crestwood Cove at Silverlake, and Commissioner Selemon seconded the motion.

Motion to table passed 6 to 0.

F. CONSIDERATION & POSSIBLE ACTION – Final Plat of Pine Hollow Estates Section Two, being 8.2588 acres (359,755 s.f.) of land located in the W.D.C. Hall League A-70, Brazoria County, Texas.

Variance Request:

- 1. To propose allocating land from the 22 acres located on the south side of Mary's Creek to be included in a park bank to satisfy the requirements for parkland dedication.**

Assistant City Engineer Gallagher stated that staff recommends approval with the comment that the surveyor needs to sign the plat. He then pointed out a memo that Ed Hersh sent to Mr. Hargrove requesting that the required parkland fees be paid.

John English stated that Renee has a 22-acre tract of land she would like to use to create one large park rather than having small parks in each subdivision.

Assistant City Engineer Gallagher stated that he believes Ed's concerns are from the legal and economical perspective. He then pointed out that on the variance request letter they stated that the City may buy back the land at a certain dollar figure, and he feels Ed Hersh is not comfortable with this dollar figure.

Chairperson Starr stated that they could approve the plat now and leave the variance request to be negotiated by the City Engineer and the developer.

Commissioner Viktorin made a motion to approve the Final Plat of Pine Hollow Estates Section Two with the comment that the variance request will require an agreement between staff and the developer, and Commissioner Selemo seconded the motion.

Motion to approve passed 6 to 0.

G. CONSIDERATION & POSSIBLE ACTION – Final Plat of The Links at Green Tee, 4.900 acre tract out of W.D.C. Hall Survey Abstract No. 23, Pearland, Harris County, Texas.

Assistant City Engineer Gallagher stated that staff recommends tabling this plat for the following reasons:

1. The engineer/surveyor did not provide the Harris County Clerks Recordation Number for the 75' and 50' drainage easements.
2. They need to remove Tommy Scott's name.
3. The City Engineer recommended that a drainage easement proceed through lot 9 to feed to Country Club Drive because there is a national gulley that goes that way now. He did talk to the surveyor and they stated that they took note of the comment but they chose not to do this because there is supposed to be a big house built on that lot.

Commissioner Beltz made a motion to table the Final Plat of The Links at Green Tee, and Commissioner Selemo seconded the motion.

Motion to table passed 6 to 0.

H. CONSIDERATION & POSSIBLE ACTION – Final Plat of Lakeside Estates Section One, a subdivision of 44.0735 acres of land, being a part of lots 10, 11, 12, 35, 36 and 37 of the Allison Richey Gulf Coast Home Company Subdivision of Section 10 out of the H.T.& B. R.R. Company Survey, A-505 as recorded in Volume 406, Page 635 of B.C.D.R. Brazoria County, Texas.

Commissioner Iocco commented that this is a part of the huge tract that has been for sale. He then asked if this is a section that is going to be a part of the acreage that goes all the way to FM 518, and Mr. Gallagher replied that it will almost go to FM 518, but not all the way. He then pointed out that this is a MUD and he believes that they are going to put a lake in the middle of the subdivision.

Mr. Gallagher stated that the only comment he has is to erase Tommy Scott's name.

Mr. Iocco then asked about the bottom right hand side of where Cliffstone Road was supposed to line up with another road, and Chairperson Starr commented that this is a completely different layout.

Mr. Iocco stated that he remembers Mr. Hargrove having a problem with this plat previously, and Mr. Gallagher stated that the developer will have to be some planning but the section Mr. Hargrove was concerned with is outside of this plat.

Commissioner Glenn made a motion to approve the Final Plat of Lakeside Estates Section One with the comment made by staff to remove Tommy Scott's name, and Commissioner Viktorin seconded the motion.

Motion to approve passed 6 to 0.

I. CONSIDERATION & POSSIBLE ACTION – Final Plat of Alexander Landing Section 6, being a 6.0139 acre tract of land out of the Thomas J. Green Survey Abstract – 198 in the City of Pearland, Brazoria County, Texas.

Assistant City Engineer Gallagher stated that staff recommends approval with two minor comments:

1. They need to remove Tommy Scott's name from the plat.
2. They need to refer a benchmark adjacent or within the platted area.

Mr. Gallagher then stated that there is a benchmark out by Alexander Parc Drive that should be sufficient therefore all they will need to do is remove Tommy Scott's name.

Commissioner Iocco made a motion to approve the Final Plat of Alexander Landing Section 6 with the comment by staff to remove Tommy Scott's name off the plat, and Commissioner Glenn seconded the motion.

Motion to approve passed 6 to 0.

CONSIDERATION & POSSIBLE ACTION – Requesting a variance from the construction of six foot wide sidewalks along McLean Road for Park Village Estates.

Director of Planning & Community Development Gene Tumlinson stated that there has been a revision to the ordinance that any development that runs along any thoroughfare will be required to have six-foot long sidewalks.

Commissioner Iocco made a motion to deny the variance from the construction of six foot wide sidewalks along McLean Road, and Commissioner Glenn seconded the motion.

Motion to approve passed 6 to 0.

J. DISCUSSION ITEM – To discuss how to request discussion items on the future agendas.

Director of Planning and Community Development Gene Tumlinson stated that he got with the legal department because there were some concerns about putting a discussion item at the end of each meeting. He stated that according to the rules and regulations that we follow under the "Open Meetings Act" we have to itemize what we are going to talk about. He then stated that we couldn't have a blanket discussion.

Commissioner Viktorin stated that with regards to this item as listed, he thinks it is important that they share and trade information as various subjects come up.

Commissioner Iocco stated that he would like to read the tree ordinance and see how it relates to Planning and Zoning.

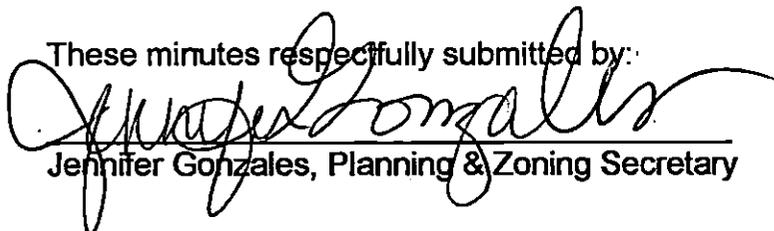
Commissioner Viktorin stated that he would also like to have a discussion to go over the section of the City Charter that relates to Planning and Zoning.

- IV. NEXT MEETING DATES:**
- June 12, 2000 (JPH meeting)**
 - June 19, 2000 (Regular meeting)**
 - June 26, 2000 (JPH meeting)**

V. ADJOURNMENT

The meeting adjourned at 8:05 P.M.

These minutes respectfully submitted by:


Jennifer Gonzales, Planning & Zoning Secretary

Minutes approved as submitted and/or corrected on this 17 day of July, 2000.


Mary Star, Planning & Zoning Chairperson

AGENDA – REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, JUNE 5, 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: May 15, 2000 (Regular Meeting)

III. NEW BUSINESS

- A. CONSIDERATION & POSSIBLE ACTION** – Preliminary Plat of Tranquility Lakes Section One, being 12.8881 acres (561,406 s.f.) of land located in the H.T.&B R.R. Company Survey, A-242 Brazoria County, Texas.

Variance Request:

1. Use of length greater than the 300-foot maximum length requirement for cul-de-sacs.

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Variance Request:

1. To allow a tree survey to be done for each lot at the time a building permit is applied for.

- C. CONSIDERATION & POSSIBLE ACTION** – Preliminary Plat of Magnolia Estates Section One, 24.15 acres out of Section 12 in the H.T.&B. R.R. Co. Survey, Abstract No. 508, Brazoria County, Texas.

- D. CONSIDERATION & POSSIBLE ACTION** – Final Plat of Central Office Park, A subdivision of 4.7127 acres out of Lot 45, Allison Richey Gulf Coast Home Company's Suburban Gardens Subdivision, Vol 2, Pg 24 B.C.M.R. in H.T.&B. R.R. Co. Survey, Section 20, Abstract No. 506, Brazoria County, Texas.

- E. CONSIDERATION & POSSIBLE ACTION** – Final Plat of Crestwood Cove at Silverlake, a subdivision of 21.1201 acres of land out of the R.B. Lyle Survey, Abstract No: 539, Brazoria County, Texas.

Variance Request:

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2. Use of 5-foot side lot building line setbacks.

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- G. **CONSIDERATION & POSSIBLE ACTION** – Final Plat of The Links at Green Tee, 4.900 acre tract out of W.D.C. Hall Survey Abstract No. 23, Pearland, Harris County, Texas.

- H. **CONSIDERATION & POSSIBLE ACTION** – Final Plat of Lakeside Estates Section One, a subdivision of 44.0735 acres of land, being a part of lots 10, 11, 12, 35, 36 and 37 of the Allison Richey Gulf Coast Home Company Subdivision of Section 10 out of the H.T.& B. R.R. Company Survey, A-505 as recorded in Volume 406, Page 635 of B.C.D.R. Brazoria County, Texas.

- I. **CONSIDERATION & POSSIBLE ACTION** – Final Plat of Alexander Landing Section 6, being a 6.0139 acre tract of land out of the Thomas J. Green Survey Abstract – 198 in the City of Pearland, Brazoria County, Texas.

- J. **CONSIDERATION & POSSIBLE ACTION** – Requesting a variance from the construction of six foot wide sidewalks along McLean Road for Park Village Estates.

- K. **DISCUSSION ITEM** – To discuss how to request discussion items on the future agendas.

- IV. **NEXT MEETING DATES:** June 12, 2000 (JPH meeting)
June 19, 2000 (Regular meeting)
June 26, 2000 (JPH meeting)

V. **ADJOURNMENT**

Posted: 1st Day of June, 2000, A.D.

Removed: 6th Day of June, 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.

celo 5/00

**MEMBERS OF THE PLANNING & ZONING COMMISSION
(3 YEAR TERM)
(2 TERMS ALLOWED)**

MEMBER

TERM EXPIRES

PHONE #'S

*** MARY STARR, Chairperson
3007 E. Broadway (Office)
Pearland, TX 77581

April, 1999

Office: 281-485-3291

yes

~~TOMMY L. SCOTT, Vice-Chairman
3006 Oak Creek Dr
Pearland, TX 77581~~

~~April, 2000~~

~~Home: 281-485-3839
Work: 713-218-5694~~

Left a message

EMIL A. BELTZ
2434 Killarney
Pearland, TX 77581

April, 2001

Home: 281-481-4627

yes

DONALD GLENN
1112 Gulfton
Pearland, TX 77581

March, 2002

Home: 281-996-1809
Office: 713-892-0340

yes

TODD IOCCO
3510 Shadycrest
Pearland, TX 77581

March, 2002

Home: 281-997-3820
Office: 281-997-3747
Mobile: 281-923-8633

yes

RUSS SELEMON
2312 John
Pearland, TX 77581

November, 2002

Office: 409-766-6445
Home: 281-996-9785

yes

CHARLES H. VIKTORIN
2905 Smith Road
Pearland, TX 77584

November, 2002

Home: 281-485-4111
Mobile: 281-352-5124
Work: 281-997-3438

Left a message

R. WEST DEVELOPMENT COMPANY, INC.

6302 Broadway, Suite 250

Pearland, Texas 77581

May 26, 2000

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

Subject: Pine Hollow Estates Section 2
1. Sec. 27-4, (E), (5): Community Assets, Code of Ordinances
2. Ordinance No. 741-1, Park land Dedication

Dear Mr. Hargrove:

In reference to Item #1. above, due regard has been shown for all natural features, such as large trees, watercourses, historical spots and similar community assets, which if preserved, will add attractiveness and value to the property.

In reference to Item #2. above, please see copy attached of Renee' West's letter submitted April 24th to Mr. Ed Hersh in which we request approval for the land designated (22 acres located on the South side of Mary's Creek) to be included in a park bank. We propose allocating land from this tract to satisfy the requirements for park land dedication for Pine Hollow Estates Section 2.

If you have any questions, please let me know.

Sincerely,



Linda Houston
Project Manager

/lh

Attachment



R. WEST DEVELOPMENT COMPANY, INC.

6302 Broadway, Suite 250

Pearland, Texas 77581

April 24, 2000

Mr. Ed Hersh and
Board Members
City of Pearland
Parks and Recreation

Dear Mr. Hersh,

I am writing this in response to the park land dedication ordinance. I have two projects to finish in the City of Pearland: Townlake, which by the park land ordinance the dedication would be 2.2 acres, and 7 acres for Bellavita at Green Tee and no other projects at this time.

I will bank 22 acres located on the South side of Mary's Creek and the East Side of Mclean Road, and will release from North to South starting at the North side of the property. Any other developer can do the same at \$15,000 per acre. At the end of three years if there is any land left, the City has the option to purchase for \$15,000 per acre. If they do not want to buy the remaining acreage then it would revert back to me.

There are some very important reasons why the land should not be dedicated in the Bellavita area.

- 1) This is a private community.
- 2) There is no access to the property since the City does not nor can they get an easement on either side.
- 3) There are wetlands in the area that we want to leave undisturbed and the Core of Engineers will not let these wetlands be disturbed.
- 4) It is a liability to the City with putting in a jogging trail that is in a secluded area with no lighting and heavily wooded. As you recall Memorial Park has numerous rapes, abductions and assaults every year.

Enclosed you will find a survey on the 22 acres. If you have any questions feel free to call me.

Sincerely,



Renee L. West



**DONMAR DEVELOPMENTS, LLC.,
13014 THATCHER DRIVE
HOUSTON, TEXAS
77077**

May 26th, 2000

Planning and Zoning Commission,
City of Pearland, Texas,
3519 Liberty Drive,
Pearland, Texas, -
77581

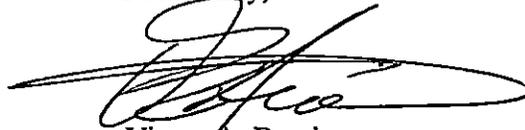
Dear Members of the Planning and Zoning Commission:

Please accept this letter as our request that the Planning and Zoning Commission approve a waiver regarding the construction of six foot (6') wide sidewalks along Mclean Road in front of the subdivision known as Park Village Estates.

This waiver is asked in return for the developer, Donmar Developments, LLC., agreeing to execute a final letter of agreement with the City of Pearland that will outline the developer, Donmar Developments, LLC., agreeing to escrow sufficient funds to pay for the construction of said sidewalks, sometime in the future, when the City installs a curb and gutter street along McLean Road in front of the Park Village Estates subdivision.

Please accept our sincere appreciation for your consideration of this matter.

Yours truly,

A handwritten signature in black ink, appearing to read "Victor A. Botrie", written over a horizontal line.

Victor A. Botrie,
President

VAB/db

Municipal Engineering Company, Inc.

CONSULTING ENGINEERS

3301 Federal Road Pasadena, Texas 77504

Telephone 713/941-8988

Fax: 713/941-0495

June 1, 2000

Mr. John W. Hargrove, P.E.
City Of Pearland
P.O. Box 2068
Pearland, Texas 77588-2068

Re: Winding Creek Subdivision

Gentlemen and Ladies:

We request that a variance be granted to allow a tree survey to be done for each lot at the time a building permit is applied for.

Thank you for your consideration.

Sincerely,



Kathryn M. Denton

KMD:kp