

**AGENDA – REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND TO BE HELD MONDAY, OCTOBER 1, 2001, AT 6:30 PM, IN THE SECOND FLOOR CONFERENCE ROOM OF THE CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

**I. CALL TO ORDER**

- II. APPROVAL OF MINUTES:** August 20, 2001  
September 10, 2001  
September 17, 2001

**III. NEW BUSINESS**

- A. CONSIDERATION & POSSIBLE ACTION** – Amending Plat of Parks at Walnut Bend Section One, Being a subdivision containing 85.7470 acres located in the HT&B R.R. Survey, A-239, City of Pearland, Brazoria County, Texas.
- B. CONSIDERATION & POSSIBLE ACTION** – Final Plat of Cabot Cove Section One, A subdivision of 36.0068 acres located in the HT&B R.R. Co. Survey, Abstract 508, City of Pearland, Brazoria County, Texas.
- C. CONSIDERATION & POSSIBLE ACTION** – Final Plat of Old Chocolate Bayou Subdivision, a subdivision of 8.236 acres.
- D. DISCUSSION ITEM** – PUD standards.
- E. DISCUSSION ITEM** – Pick a date for the HGAC sponsored Planning and Zoning Commission training.

- IV. NEXT MEETING DATE:** October 8, 2001 (JPH & Regular meeting)  
October 15, 2001 (Regular meeting)

**V. ADJOURNMENT**

**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.**

Posted: 28th day of September, 2001

Removed: \_\_\_\_\_ day of \_\_\_\_\_, 2001

## Planning and Zoning Commission

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### MINUTES OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND HELD ON MONDAY, OCTOBER 1, 2001, 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 with the following present:

P&Z Chairman	H. Charles Viktorin
P&Z Vice-Chairman	Donald Glenn
P&Z Commissioner	Todd Iocco
P&Z Commissioner	Kevin McDonald
P&Z Commissioner	Don Sederdahl
Plat and Plans Administrator	Richard Keller
P&Z Secretary	Jennifer Gonzales

P&Z Commissioner Russ Selemon and Commissioner Robert Scherrer were absent.

- II. APPROVAL OF MINUTES:                      August 20, 2001  
   September 10, 2001  
   September 17, 2001

#### AUGUST 20, 2001 MINUTES

Commissioner Iocco made a motion to approve the August 20, 2001 minutes as presented with a second by Chairman Viktorin.

**Motion to approve passed 4 to 0.**

#### SEPTEMBER 10, 2001 MINUTES

Commissioner Iocco made a motion to approve the September 10, 2001 minutes as presented with a second by Commissioner McDonald.

**Motion to approve passed 4 to 0.**

#### SEPTEMBER 17, 2001 MINUTES

Commissioner Iocco made a motion to approve the September 17, 2001 minutes as presented with a second made by Commissioner McDonald.

Commissioner Iocco asked if Commissioner Patro was legally authorized to act as a Planning and Zoning Commissioner, and City Attorney Darrin Coker replied that legally he was allowed to act as a Commissioner.

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Commissioner Iocco asked if there is any kind of rule regarding an absence of three consecutive meetings and City Attorney Darrin Coker replied that there is no written rule.

Vice-Chairman Glenn entered the meeting at 6:35 p.m.

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

Chairman Viktorin formally welcomed the two new Planning and Zoning Commissioners, Kevin A. McDonald and Don W. Sederdahl.

Chairman Viktorin then stated that he is going to allow a briefing, which would be made by the City Attorney Darrin Coker, as a non-agenda item.

City Attorney Darrin Coker stated that he would like to briefly go over platting and some of their requirements. He referred to chapter 2:11, which governs platting, and chapter 2:12, which governs zoning. Mr. Coker pointed out that during the introduction to the planning laws, which will be discussed at the APA Conference, one issue that will be discussed is the approval law for platting. He stated that the plats go to Planning and Zoning for a final decision and once a plat complies with all of the City's regulations, then it must be approved.

City Attorney Coker stated that the Subdivision Ordinance does not require a Traffic Impact Analysis therefore a plat cannot be turned down for this reason. He then stated that he is here to address this situation because a plat was denied due to a Traffic Impact Analysis and the plat should not have been denied for this reason.

Commissioner Iocco stated that he is one of the Commissioners who voted against the plat, and he referred to page 9 of the Land Use and Urban Development Ordinance, which stated that they should look out for the safety and welfare of the public.

City Attorney Darrin Coker pointed out that when the Commissioners are dealing with platting, they are dealing with the "infrastructure" part of the land, which is guided by the Subdivision Ordinance, and not the Land Use Ordinance.

Mr. Coker stated that he is not there to chastise the Commissioners, and that he is only there being informative.

Commissioner Iocco showed concern due to a previous denial of a preliminary plat located near County Road 59 because of the size of the road and the safety of the public, and Chairman Viktorin corrected him and pointed out that that was a zoning application that was denied.

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Commissioner McDonald asked if a plat is approved without a Traffic Impact Analysis, would the development be able to get through any other stages after platting, and City Attorney Darrin Coker replied that that is where the City staff will play its role, and referred to building permits or site work permits that would also be applied for after platting.

### III. NEW BUSINESS

#### A. CONSIDERATION & POSSIBLE ACTION – Amending Plat of Parks at Walnut Bend Section One, Being a subdivision containing 85.7470 acres located in the HT&B R.R. Survey, A-239, City of Pearland, Brazoria County, Texas.

Plat and Plans Administrator Richard Keller stated that staff recommends approval as presented.

Commissioner Iocco stated that he has concerns about how high they have built the houses up and asked if there would be any kind of provision for the other houses not to flood, and Plat and Plans Administrator Richard Keller replied that he was not here at the time this plat was approved, however, he is under the impression the Walnut Street would act as a dam.

Commissioner Iocco made a motion to approve the Amending Plat of Parks at Walnut Bend with a second made by Vice-Chairman Glenn.

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

#### B. CONSIDERATION & POSSIBLE ACTION – Final Plat of Cabot Cove Section One, A subdivision of 36.0068 acres located in the HT&B R.R. Co. Survey, Abstract 508, City of Pearland, Brazoria County, Texas.

Plat and Plans Administrator Richard Keller recommends approval of the Final Plat of Cabot Cove Section One since the corrections have been made and the required payment for road improvements has been paid.

Commissioner Iocco made a motion to approve with Final Plat of Cabot Cove Section One with a second made by Vice-Chairman Glenn.

Commissioner Iocco made an apology to the developer, Vic Botrie, for what happened at the last meeting.

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

#### C. CONSIDERATION & POSSIBLE ACTION – Final Plat of Old Chocolate Bayou Subdivision, a subdivision of 8.236 acres.

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Plat and Plans Administrator Richard Keller stated that staff recommends approval with the following corrections:

1. A 25' building line along Old Chocolate Bayou Rd.
2. There has been a miscommunication with the surveyor regarding some dimensions that we requested to be removed. He stated that the dimensions were actually for some easements and need to be put back on the plat.

Chairman Viktorin briefly explained to the Commissioners about approving plats in the past contingent upon corrections being made.

Commissioner Sederdahl asked how the Commissioners would know if the corrections have been made, and Commissioner Iocco replied that they rely on staff to monitor the corrections.

Plat and Plans Administrator Richard Keller stated that by not reading the corrections into the record they couldn't legally get the engineer to make the corrections.

Commissioner Sederdahl asked if drainage issues would be brought to the Commission and the Plat and Plans Administrator Richard Keller replied that they do not receive the actual drainage plans, however staff would let them know if there is a problem.

Commissioner Iocco asked why the zoning was not on the plat as a note, and Plat and Plans Administrator Richard Keller replied that staff started asking for zoning on plats after the original final plat was approved.

Discussion ensued regarding the Silverlake incident with the 10' sideyard setbacks between houses and that is the reason the Commissioners ask for the zoning on the plats now.

Vice-Chairman Glenn made a motion to approve the Final Plat of Old Chocolate Bayou Subdivision with a second made by Commissioner Iocco.

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

### **D. DISCUSSION ITEM – PUD standards.**

Chairman Viktorin explained that this has been brought back to the Commission for discussion and it is a subject that has come up several times over the last 4 to 5 months.

Commissioner Iocco briefly explained his reasoning for bringing this subject back up. He stated that they are not trying to hurt the developers. He stated that the

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PUD standards are currently a tool that is being abused. He pointed out that the developers are coming in and getting "R-1" property zoning and building "R-3" size lots. He stated that the current standards are misleading to the people of Pearland.

Vice-Chairman Glenn pointed out that the overall density requirements are being met.

Commissioner locco referred to the first paragraph of the packet that the Executive Director of Community Development Tobin Maples handed to them for review. He stated that a "PUD" should be a "PUD" classification of it's own, and it should be removed from the "R-1" – "R-4" zoning classifications. He stated that a "PUD" should be a unique situation.

Chairman Viktorin pointed out the Pro's and Con's on page 156.

Commissioner locco stated that he personally liked Sugarland's codes, and the first and second paragraph sums up his feelings.

Discussion ensued regarding the John Taylor tract and how most of the housing is "R-2" and "R-3", but they zoned it "R-1(PUD)" and Chairman Viktorin pointed out that he recalls the overall density being met and Commissioner locco pointed out the enormous walking trails.

Commissioner Sederdahl verified that the ultimate goal is to create a tool that is not abused.

Vice-Chairman Glenn stated that he would like to see a minimum percentage for the requested zoning developed, and explained that if they ask for a "R-1(PUD)" then there should be a set percentage of "R-1" housing, and it should be that way for every classification. Commissioner McDonald agreed.

Chairman Viktorin showed confusion as to how you could record this documentation to where any developer is going to follow it, and Commissioner locco suggested eliminating the lot size issue.

Discussion ensued between staff and the Commission regarding whether or not a flood plain should be counted in the density calculations and City Engineer Hargrove stated that he thought it should be counted as an amenity.

Commissioner locco asked what the consensus is of this whole discussion and asked if staff had could suggest any changes, and City Engineer commented that he does not because he is not a planner. Vice-Chairman Glenn again pointed out that for each category he would like to see a minimum number of lots meet the true zoning classification.



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10/01/01  
P&Z

**MEMBERS OF THE PLANNING & ZONING COMMISSION  
(3 YEAR TERM)  
(2 TERMS ALLOWED)  
as of 09/20/01**

**MEMBER**

**TERM EXPIRES**

**PHONE #'S**

*yes*  
H. CHARLES VIKTORIN, Chairman  
2905 Smith Road  
Pearland, TX 77584

*Let's go PM*  
November, 2002

Home: 281-485-4111  
Mobile: 281-413-1844  
Work: 281-997-3438  
Fax: 281-997-3728

*Yes*  
DONALD GLENN, Vice-Chairman  
1112 Gulfton  
Pearland, TX 77581

March, 2002

Home: 281-996-1809  
Office: 713-892-0340  
Fax: 713-892-0380

*Yes*  
TODD IOCCO  
3510 Shadycrest  
Pearland, TX 77581

*I don't care #*  
March, 2002

*would enjoy more*  
Office: 281-997-3747  
Mobile: 281-923-8633  
Fax: 281-403-1433

*Yes*  
KEVIN A. MCDONALD  
1802 Oak Hollow Dr. W  
Pearland, TX 77581

September, 2004

Office: 832-736-9300  
Work: 281-992-1693

*left a message*  
ROBERT SCHERRER  
5315 Colonial Drive  
Pearland, TX 77584

April, 2004

Office: 713-529-3992  
Fax: 713-529-8161

*left*  
DON W. SEDERDAHL  
3418 Shady Crest  
Pearland, TX 77581

September, 2004

*Home*  
Office: 713-942-7575  
~~Work~~: 281-412-0091

*No*  
RUSS SELEMON  
2312 John  
Pearland, TX 77581

November, 2002

*left msg*  
Office: 409-766-6445  
Home: 281-996-9785  
Fax: 409-766-6541

## Planning and Zoning Commission

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Fall 2001

Pearland Planning & Zoning Committee  
3519 Liberty Drive  
Pearland, TX 77581

Dear New Committee Member:

Welcome to Pearland's Planning & Zoning Committee. You should have received a package containing the ordinances that will assist you in making zone-change decisions. While it isn't necessary to commit the ordinances to memory, a thorough understanding of them is essential.

The Planning & Zoning committee is similar to a presidential cabinet. While the City Council may ask for an opinion, it doesn't necessarily have to follow the advice. The committee's decision does, however, have an impact by forcing Council to override a negative decision by a "super majority". Regardless, Council considers your opinion thereby giving you input in the matter.

As the Chairman of this committee, my personal advice to you is to become knowledgeable of the history of the area, listen to both sides of the discussion and make a decision based on the overall good of Pearland. While this may sound like a simple task, my experience has shown it to be sometimes an extremely tough assignment. I look forward to working with you and good luck on your new undertaking.

Sincerely,



H. Charles Viktorin  
Chairman, Pearland's Planning & Zoning Committee

**Section 6.19. Inconsistent ordinances.**

If the provisions of two (2) or more proposed ordinances or resolutions approved at the same election are inconsistent, the ordinance or resolution receiving the highest number of votes shall prevail.

**Section 6.20. Ordinances passed by popular vote, repeal or amendment.**

No ordinances or resolutions which may have been passed by the city council upon a petition or adopted by popular vote under the provisions of this article shall be repealed or amended except by the city council in response to a referendum petition or by submission as provided in section 6.15 of this charter.

**Section 6.21. Further regulation by city council.**

The city council may pass ordinances or resolutions providing other and further regulations for carrying out the provisions of this article consistent herewith.

**Section 6.22. Franchise ordinances.**

Nothing contained in this article shall be construed to be in conflict with any of the provisions of Article 9 of this charter, pertaining to ordinances granting franchises when valuable rights shall have accrued thereunder.

**ARTICLE 7. MUNICIPAL PLANNING AND ZONING\*****Section 7.01. Planning and zoning commission.**

The city council shall appoint a city planning and zoning commission, consisting of seven (7) members, who shall be residents of the City of Pearland, real property owners, and shall not be employees of the city.

- (a) *Term of office:* Seven (7) members will be appointed in 1971 within thirty (30) days after the regular city election. The

\*Code reference—Subdivisions, Ch. 27.

first two (2) members will be appointed for a one-year term. The next two (2) members will be appointed for a two-year term. The last three (3) members will be appointed for a three-year term. All reappointments after the original appointments will be for three-year terms.

- (b) *Rules of procedure:* The commission shall elect, annually, one (1) of its number chairperson and shall establish its own rules of procedure which shall include the following: A quorum shall consist of a majority of the members of the commission and an affirmative vote of a majority of those present shall be necessary to pass upon pending questions. All meetings shall be open to the public and a record of all proceedings shall be kept by the person performing the duties of the city secretary and shall be a public record.
- (c) *Vacancies:* Members on the planning and zoning commission shall be accompanied by active participation in the activities of the commission, and any member who is absent from three (3) consecutive meetings of the commission without valid excuse as determined by the commission, shall automatically be dismissed from membership. The commission shall at once notify the city council that a vacancy in the commission exists. Vacancies occurring in the commission, for whatever reason, shall be filled within thirty (30) days by appointment by the city council for the remainder of the unexpired term.
- (d) *Powers and duties:* The commission shall have the power and shall be required to:
- (1) Amend, extend and add to the master plan for the physical development of the city.
  - (2) Recommend, approve or disapprove plats of proposed subdivisions submitted in accordance with city ordinance as adopted or hereafter amended.
  - (3) Recommend to the city council approval or disapproval of proposed changes in the zoning plan.
  - (4) Make and recommend to the city council for adoption, plans for the clearance and rebuilding of slum districts and blighted areas which may develop within the city.

- (5) Recommend to the city council the amendment, extension and revision of the building code; which code shall include the minimum standards of construction for building, the minimum standards for plumbing and the minimum standards for wiring.
- (6) Submit annually to the city manager, not less than ninety (90) days prior to the beginning of the budget year, a list of recommendations for capital improvements which, in the opinion of the commission, are necessary or desirable to be constructed during the forthcoming five (5) years. Such list shall be arranged in order of preference, with recommendations as to which projects shall be constructed in which year.
- (7) Meet no less than once each month; meetings to be held at the city hall unless prior notice of change of meeting place be given by publication in a newspaper in general circulation in the City of Pearland.
- (8) Planning commission to be granted all powers as outlined by civil statutes of the State of Texas.

- (e) *Liaison with city council:* The city manager or his/her representative shall attend the meetings of the planning and zoning commission and shall serve as liaison between the commission and the city council.

(Res. No. R90-14, § III, ratified 5-5-90, approved 5-7-90)

#### **Section 7.02. Reserved.**

*Editor's note--*Res. No. R94-22, §§ I(17), III, ratified May 7, 1994, approved May 9, 1994, provided for the deletion of Sec. 7.02, Zoning board of adjustment, as amended by Res. No. R90-14, § III, ratified May 5, 1990, approved May 7, 1990; and Res. No. R94-22, § I(16), III, ratified May 7, 1994, approved May 9, 1994.

#### **Section 7.03. Platting of property.**

Hereafter, every owner of any tract of land situated within the corporate limits of the City of Pearland or its extraterritorial zones, who may divide the same in two (2) or more parts for the purpose of laying out any subdivision or any addition to the city shall comply with all applicable provisions contained in the code of ordinances of the city, as adopted or hereafter amended.

(Res. No. 78-9, § 4, ratified 4-1-78, approved 4-3-78)

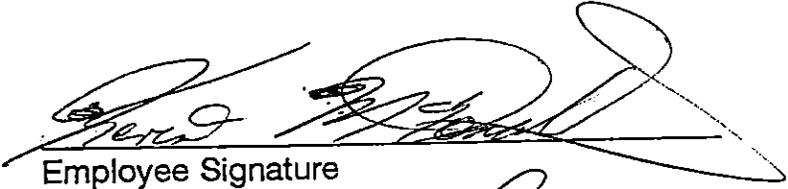
## ELECTION TO DISCLOSE OR KEEP CONFIDENTIAL PERSONAL INFORMATION

The Public Information Act permits you to choose whether the CITY OF PEARLAND discloses to the public upon request, your home address, home telephone number, social security number, or information that reveals whether you have family members.

If you want this information kept confidential, check the appropriate space(s) below.

After checking the appropriate space(s), sign, print your name, and write the date on the lines provided and return the completed form to the Personnel Office.

- I want my **home address** kept confidential; do not disclose it to the public.
- I want my **home telephone number** kept confidential; do not disclose it to the public.
- I want my **social security number** kept confidential; do not disclose it to the public.
- I want **information that reveals whether I have family members** kept confidential; do not disclose it to the public.

  
Employee Signature

Kevin McDonald  
Print Employee Name

19 Sep 2001  
Date