

AGENDA – REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND TO BE HELD MONDAY, MARCH 19, 2001, AT 6:30 P.M. IN THE COUNCIL CHAMBERS OF THE CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

II. APPROVAL OF MINUTES: March 5, 2001

III. NEW BUSINESS

A. CONSIDERATION & POSSIBLE ACTION – Final Plat of Silverlake Power Center, a subdivision of 54.4837 acres of land out of the R.B. Lyle Survey, Abstract No. 539, H.T.&B. R.R. Co. Survey, Abstract No. 300, Brazoria County, Texas.

B. CONSIDERATION & POSSIBLE ACTION – Final Plat of Joseph's Gulf Coast Grille Section One, being 2.5633 acres of land located in the H.T.&B. R.R. Co. Survey, A-241, Brazoria County, Texas.

**C. CONSIDERATION & POSSIBLE ACTION – Final Plat of Barclay Place, a subdivision of 9.5268 acres situated in Section 12 of the H.T.&B. Railroad Company Survey, Abstract No. 508, Pearland, Brazoria County, Texas.
(Previously approved on 02/05/01)**

D. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of Southdown Section Fourteen Townhomes, a replat of 11.91 ac. Southdown Commercial Reserve, Tract "C" in Vol. 20, Pg. 227-228, B.C.P.R. out of the J. Crawley Survey, Abstract 174, Brazoria County, Texas.

Variance Request:

1. Use of a 10-foot aggregate setback between duplexes.

E. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of West Side Plaza Tract II, A 0.846 acre tract out of a tract "A" of the West Side Plaza, a subdivision of 5.89 acres out of Reserve A of Corrigan Addition, Section One, Pearland, Texas, according to map or plat recorded in Volume 17, Page 259 of the Plat Records of Brazoria County, Texas.

F. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of D A S Group, L.L.C. Subdivision, being a subdivision containing 2.5000 acres

located in the H.T&B. R.R. Co. Survey, A-242, City of Pearland, Brazoria County, Texas.

- G. CONSIDERATION & POSSIBLE ACTION** – Preliminary Plat of Shadow Creek Ranch SF-3, 30.985 acres, being out of the William Morris Survey, Abstract 344, and the T.C.R.R. Co. Survey, Section 4 Abstract 675, and the T.C.R.R. Co. Survey, Section 3 Abstract 678, Brazoria County, Texas.

- H. CONSIDERATION & POSSIBLE ACTION** – Preliminary Plat of Shadow Creek Ranch SF - 8A, 13.031 acres, 13.031 acres, being out of the William Morris Survey, Abstract 344 and the T.C.R.R. Co. Survey, Section 4 Abstract 675, Brazoria County, Texas.

- I. CONSIDERATION & POSSIBLE ACTION** - Preliminary Plat of Shadow Creek Ranch SF – 8B, 14.313 acres, being out of The William Morris Survey, Abstract 344 and the T.C.R.R. Co. Survey, Section 4, Abstract 675, Brazoria County, Texas.

- J. CONSIDERATION & POSSIBLE ACTION** – Partial Amending Plat of Block 2, Tract 4 of Ryan Acres, 3.2126 acres, being all of Tract 4, Block 2 of Ryan Acres Subdivision as recorded in Volume 9, pages 23 & 24 of the Brazoria County, Texas.

- K. CONSIDERATION & POSSIBLE ACTION** – Variance Request by owner, Donmar Developments, LP, regarding the construction of sidewalks along McLean Rd. and Bailey Rd.

- L. DISCUSSION ITEM** – Development standards for a Planned Unit Development (PUD).

IV. NEXT MEETING DATE: April 2, 2001 (JPH and Regular Meeting)

V. ADJOURNMENT

Posted: 15th Day of March, 2001, A.D.

Removed: 20th Day of March, 2001, 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.

Planning and Zoning Commission

MINUTES OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND HELD ON MONDAY, MARCH 19, 2001, AT 6:30 P.M. IN THE COUNCIL CHAMBERS OF THE CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

The meeting was called to order at 6:30 p.m. with the following present:

Chairman	H. Charles Viktorin
Commissioner	Todd Iocco
Commissioner	Randy Patro
Commissioner	Russ Selemon
Commissioner	Richard F. Tetens
City Engineer	John W. Hargrove
Manager of Administrative Support	Tobin Maples
P&Z Secretary	Jennifer Gonzales

Vice-Chairman Donald Glenn and Commissioner Emil Beltz were absent.

II. APPROVAL OF MINUTES: March 5, 2001

Commissioner Selemon stated that on page 5, paragraph 2, he actually stated that the reason for not wanting to live next on lots with "M-1" located right across the street is due to the inadequate buffering.

Commissioner Tetens made a motion to approve the March 5, 2001 minutes as corrected, and Commissioner Iocco seconded the motion.

Motion to approve passed 5 to 0.

III. NEW BUSINESS

A. CONSIDERATION & POSSIBLE ACTION – Final Plat of Silverlake Power Center, a subdivision of 54.4837 acres of land out of the R.B. Lyle Survey, Abstract No. 539, H.T.&B. R.R. Co. Survey, Abstract No. 300, Brazoria County, Texas.

City Engineer Hargrove stated that he has a question regarding the Traffic Signal Warrant Analysis and he wants to remind the engineer that a Traffic Impact Analysis will be required. He stated that he recommends approval and he will withhold his and the City Attorney's signature until he receives the requested TIA.

Planning and Zoning Commission

Commissioner Tetens made a motion to approve the Final Plat of Silverlake Power Center with the City Engineer's request for a Traffic Impact Analysis, and Commissioner Selemon seconded the motion.

Motion to approve passed 5 to 0.

B. CONSIDERATION & POSSIBLE ACTION – Final Plat of Joseph's Gulf Coast Grille Section One, being 2.5633 acres of land located in the H.T.&B. R.R. Co. Survey, A-241, Brazoria County, Texas.

City Engineer Hargrove stated that staff recommends approval as submitted.

Commissioner Tetens made a motion to approve the Final Plat of Joseph's Gulf Coast Grille Section One, and Commissioner Iocco seconded the motion.

Commissioner Patro asked why the developer has dedicated the right-of-way at the corners of Lazy Bend, and City Engineer Hargrove replied that they dedicated right-of-way at the southeast corner to provide a larger radius and at the northeast corner to ease that curb.

Motion to approve passed 5 to 0.

C. CONSIDERATION & POSSIBLE ACTION – Final Plat of Barclay Place, a subdivision of 9.5268 acres situated in Section 12 of the H.T.&B. Railroad Company Survey, Abstract No. 508, Pearland, Brazoria County, Texas.

(Previously approved on 02/05/01)

City Engineer Hargrove stated that this is identical to the plat they already approved back in February, and he had his signature withheld due to corrections. He explained that since then there has been a minor change on the plat, therefore he is bringing back the mylars for new signatures, and staff does recommend approval.

Commissioner Iocco made a motion to approve the Final Plat of Barclay Place, and Commissioner Tetens seconded the motion.

Motion to approve passed 5 to 0.

D. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of Southdown Section Fourteen Townhomes, a replat of 11.91 ac. Southdown Commercial Reserve, Tract "C" in Vol. 20, Pg. 227-228,

Mission Statement: To make informed recommendations regarding zoning change requests, capital improvements, and other tasks as mandated by the City Charter.

Planning and Zoning Commission

- **B.C.P.R. out of the J. Crawley Survey, Abstract 174, Brazoria County, Texas.**

Variance Request:

- 1. Use of a 10-foot aggregate setback between duplexes.**

City Engineer Hargrove stated that there has been a slight change in the layout, and they have eliminated the extra long cul-de-sacs. He stated that there is a 20-foot building line on block 2, and a 25-foot building line on block 1, and the aggregate setbacks between buildings are still 10'. He stated that staff recommends approval.

Commissioner Tetens made a motion to deny the Preliminary Plat of Southdown Section 14. He stated that the 10' aggregate is not sufficient between the buildings, and he does not feel that they have the authority to approve this variance.

Commissioner Patro seconded the motion

Discussion ensued regarding the 35' minimum width requirement on the cul-de-sacs, and Mr. Hargrove pointed out that the cul-de-sac widths are not established in the Subdivision Ordinance.

John Hammond of Friendswood Development Company argued that this is just like the other thousands of homes build out there.

Commissioner Selemon stated that he agrees with Commissioner Tetens as far as the plats are concerned however, they are finishing this out, and it seems that it would fit with the rest of the subdivision.

Commissioner Selemon then reminded the Commissioners about the memo that Interim City Manager Alan Mueller sent to them.

Chairman Viktorin called for a vote.

A lengthy discussion ensued between the Commissioner's regarding dimensions and whether or not the dimensions need to be shown on every lot, and Mr. Hargrove pointed out that they do not have to be on every lot on the Preliminary Plat. Mr. Hargrove then stated that there is at least a half of a dozen lots with dimensions.

Motion to deny passed 3 to 2.

E. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of West Side Plaza Tract II, A 0.846 acre tract out of a tract "A" of the West Side

Mission Statement: To make informed recommendations regarding zoning change requests, capital improvements, and other tasks as mandated by the City Charter.

Planning and Zoning Commission

- **Plaza, a subdivision of 5.89 acres out of Reserve A of Corrigan Addition, Section One, Pearland, Texas, according to map or plat recorded in Volume 17, Page 259 of the Plat Records of Brazoria County, Texas.**

Commissioner Tetens asked if this is located in the parking lot, and City Engineer Hargrove replied that it is.

Mr. Hargrove stated that he has not received a Traffic Impact Analysis, and it needs to be submitted before the final plat is brought in for review.

Commissioner Tetens made a motion to approve the Preliminary Plat with the comment that a Traffic Impact Analysis needs to be submitted, and Commissioner Iocco seconded the motion.

Motion to approve passed 5 to 0.

- F. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of D A S Group, L.L.C. Subdivision, being a subdivision containing 2.5000 acres located in the H.T&B. R.R. Co. Survey, A-242, City of Pearland, Brazoria County, Texas.**

City Engineer Hargrove stated that staff recommends approval with the comment that before staff will complete the final review they need the “Common Access Driveway Plan” in more detail.

Commissioner Iocco made a motion to approve the Preliminary Plat of D A S Group, L.L.C. with the City Engineer’s comment, and Commissioner Tetens seconded the motion.

Motion to approve passed 5 to 0.

- G. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of Shadow Creek Ranch SF-3, 30.985 acres, being out of the William Morris Survey, Abstract 344, and the T.C.R.R. Co. Survey, Section 4 Abstract 675, and the T.C.R.R. Co. Survey, Section 3 Abstract 678, Brazoria County, Texas.**

City Engineer Hargrove stated that he has comments for the final plat and listed them as:

1. They need to have Brazoria County Deed Recordation information on any external easements.
2. They need to add 4 streetlights.

Mission Statement: To make informed recommendations regarding zoning change requests, capital improvements, and other tasks as mandated by the City Charter.

Planning and Zoning Commission

Mr. Hargrove stated that the Preliminary Plat still shows 10' building lines on the corner lots, and the second reading to get that amendment approved is not until April 9th. He then suggested that the plat is approve with the question on the side lot lines be fixed before submittal of the final plat for review.

Commissioner Tetens made a motion to approve the Preliminary Plat of Shadow Creek Ranch SF-3 with staff's comments for the final plat, and Commissioner locco seconded the motion.

Commissioner Selemon stated that on sheet 2 of 2 he has a concern regarding note 12 and that he would like to see documentation supporting the parkland fee agreement, and Commissioner locco agreed.

Discussion ensued between staff and the Commissioners regarding how the parkland fee agreement should be documented, and Manager of Administrative Support Tobin Maples suggested that an extra note be added to the plat referencing their agreement.

Commissioner Selemon stated that he has the same comment for all of the Shadow Creek Ranch plats on the agenda.

Chairman Viktorin called for a vote.

Motion to approve passed 5 to 0.

H. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of Shadow Creek Ranch SF - 8A, 13.031 acres, 13.031 acres, being out of the William Morris Survey, Abstract 344 and the T.C.R.R. Co. Survey, Section 4 Abstract 675, Brazoria County, Texas.

City Engineer Hargrove stated that staff's comments are identical to the previous plat.

Commissioner Tetens made a motion to approve the Preliminary Plat of Shadow Creek Ranch SF-8A with the same comments listed for Shadow Creek Ranch SF-3, and Commissioner locco seconded the motion.

Motion to approve passed 5 to 0.

I. CONSIDERATION & POSSIBLE ACTION - Preliminary Plat of Shadow Creek Ranch SF – 8B, 14.313 acres, being out of The William Morris Survey, Abstract 344 and the T.C.R.R. Co. Survey, Section 4, Abstract 675, Brazoria County, Texas.

Mission Statement: To make informed recommendations regarding zoning change requests, capital improvements, and other tasks as mandated by the City Charter.

Planning and Zoning Commission

City Engineer Hargrove stated that staff's comments are the same as the two previous plats.

Commissioner Tetens made a motion to approve the Preliminary Plat of Shadow Creek Ranch SF-8A with the same comments listed for Shadow Creek Ranch SF-3, and Commissioner Iocco seconded the motion

Motion to approve passed 5 to 0.

J. CONSIDERATION & POSSIBLE ACTION – Partial Amending Plat of Block 2, Tract 4 of Ryan Acres, 3.2126 acres, being all of Tract 4, Block 2 of Ryan Acres Subdivision as recorded in Volume 9, pages 23 & 24 of the Brazoria County, Texas.

City Engineer Hargrove stated that this plat takes one large lot and is divided into two lots. He stated that staff recommends approval.

Commissioner Iocco made a motion to approve the Amending Plat of Ryan Acres, and Commissioner Tetens seconded the motion.

Motion to approve passed 5 to 0.

K. CONSIDERATION & POSSIBLE ACTION – Variance Request by owner, Donmar Developments, LP, regarding the construction of sidewalks along McLean Rd. and Bailey Rd.

City Engineer Hargrove stated that this has been presented to the wrong board and it actually needs to go to the Zoning Board of Adjustments for approval.

L. DISCUSSION ITEM – Development standards for a Planned Unit Development (PUD).

Chairman Viktorin made a motion to table this item because the memo distributed to them from the City Attorney contains an error, and he feels it is a pretty critical issue. He then stated that per discussion with the City Attorney it has been discovered that the last sentence on page 1 is incorrect and another document is going to be prepared.

Commissioner Selemon stated that he feels they should begin the discussion tonight.

Planning and Zoning Commission

Commissioner Selemo handed out information he has researched on the Internet regarding other cities and "PUD's".

A lengthy discussion ensued between staff and the Commissioner's regarding standards for a Planned Unit Development (PUD).

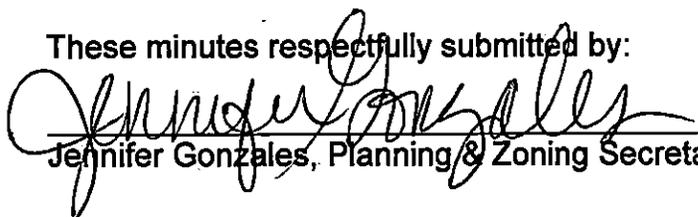
It was agreed between the Commissioners to continue having discussions at the end of their regularly scheduled meetings to organize their feelings on updating the standards for Planned Unit Development's and then propose to have a Joint Workshop with City Council regarding some possible amendments.

IV. **NEXT MEETING DATE:** April 2, 2001 (JPH and Regular Meeting)

V. **ADJOURNMENT**

The meeting adjourned at 7:45 p.m.

These minutes respectfully submitted by:


Jennifer Gonzales, Planning & Zoning Secretary

Minutes approved as submitted and/or corrected on this 2ND day of APR, 2001.


H. Charles Viktorin, Planning & Zoning Chairman

Advertised in newspaper for 3-19-01 Joint Public Hearing.

Applications no. 975 (SD-R1) (976 SD-G&B)
970 (SD-R3) 316 (SD-R3)
977+SU 91 ; SU 92 (SD-C(S)(S))

Land Use Amendments

NOTICE OF A JOINT PUBLIC HEARING OF THE CITY COUNCIL

AND

THE PLANNING AND ZONING COMMISSION

OF THE CITY OF PEARLAND, TEXAS

Notice is hereby given that on the 19th day of March, 2001, at 6:30 p.m., the City Council and the Planning and Zoning Commission of the City of Pearland, Brazoria, Harris, and Fort Bend Counties, Texas, will conduct a Joint Public Hearing in the Council Chambers, City Hall, 3519 Liberty Drive, Pearland, Texas, to consider amendments to Section 2.1.2), Zoning Map, Section 2.3., Zoning Changes, Chapter 3, Definitions, Section 6.4.2.(c), Section 7.4.2.(a), Section 8.4.2.(a), Section 9.4.2., Yard Requirements, Section 11.3.2, Minimum Dwelling Unit Size, Section 15.4.2.(a), Outdoor Activities and Uses, Section 22.1., Landscape and Building Façade Regulations, Section 22.6, Building Facades, Section 23.2 (f), Use Regulations, Section 24.1.(3) (f) 2., Section 24.1.(3) (j), Section 24.1.(3) (M), Signs Requiring Permits, Section 24.4.(1), Height Restrictions, Section 24.15, Replacement or Repair of Sign, Section 24.17(5), Builder/Subdivision and Subdivision Identification Signs, Section 24.18(6), Section 24.18(7), Use of Banners, Section 24.20, Offense, Section 29.2.D, Powers, Section 29.3, Hearing, Section 29.5., Posting Property for Variance Requests, Section 33.4, Public Hearing-City Council, Section 33.7, Posting Property for Zoning Changes, Table III, Schedule of Uses, Table VI, Schedule of Off-Street Parking Standards, Exceptions 2., Exceptions 4., and Special Provisions of the City of Pearland Land Use and Urban Development Ordinance.

At said hearing all interested parties shall have the right and opportunity to appear and be heard on the subject.

Young Loufing
City Secretary

Date Posted _____

Date Removed _____

NOTICE OF A JOINT PUBLIC HEARING OF THE CITY COUNCIL

AND

THE PLANNING AND ZONING COMMISSION

OF THE CITY OF PEARLAND, TEXAS

Notice is hereby given that on the 19th day of March, 2001, at 6:30 p.m., the City Council and the Planning and Zoning Commission of the City of Pearland, Brazoria, Harris, and Fort Bend Counties, Texas, will conduct a Joint Public Hearing in the Council Chambers, City Hall, 3519 Liberty Drive, Pearland, Texas, to consider amendments to Section 2.1.2), Zoning Map, Section 2.3., Zoning Changes, Chapter 3, Definitions, Section 6.4.2.(c), Section 7.4.2.(a), Section 8.4.2.(a), Section 9.4.2., Yard Requirements, Section 11.3.2, Minimum Dwelling Unit Size, Section 15.4.2.(a), Outdoor Activities and Uses, Section 22.1., Landscape and Building Façade Regulations, Section 22.6, Building Facades, Section 23.2 (f), Use Regulations, Section 24.1.(3) (f) 2., Section 24.1.(3) (j), Section 24.1.(3) (M), Signs Requiring Permits, Section 24.4.(1), Height Restrictions, Section 24.15, Replacement or Repair of Sign, Section 24.17(5), Builder/Subdivision and Subdivision Identification Signs, Section 24.18(6), Section 24.18(7), Use of Banners, Section 24.20, Offense, Section 29.2.D, Powers, Section 29.3, Hearing, Section 29.5., Posting Property for Variance Requests, Section 33.4, Public Hearing-City Council, Section 33.7, Posting Property for Zoning Changes, Table III, Schedule of Uses, Table VI, Schedule of Off-Street Parking Standards, Exceptions 2., Exceptions 4., and Special Provisions of the City of Pearland Land Use and Urban Development Ordinance.

An application and maps are enclosed for your information.

At said hearing all interested parties shall have the right and opportunity to appear and be heard on the subject.

Young Loring
City Secretary

2x7
3/19/01

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

MEMBER

TERM EXPIRES

PHONE #'S

left a message
H. CHARLES VIKTORIN, Chairman
2905 Smith Road
Pearland, TX 77584

November, 2002

Home: 281-485-4111
Mobile: 281-352-5124
Work: 281-997-3438
Fax: 281-997-3728

Yes

left a message
DONALD GLENN, Vice-Chairman
1112 Gulfton
Pearland, TX 77581

March, 2002

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

NO

No
EMIL A. BELTZ
2434 Killarney
Pearland, TX 77581

April, 2001

Home: 281-481-4627

No

left a message
TODD IOCCO
3510 Shadycrest
Pearland, TX 77581

March, 2002

Office: 281-997-3747
Mobile: 281-923-8633
Fax: 281-403-1433

?

~~RANDY PATRO
5074 Broadway
Pearland, TX 77581~~

~~December, 2003~~

~~Office: 281-412-6445
Fax: 281-412-4115~~

~~*Yes*~~

left a message
RUSS SELEMON
2312 John
Pearland, TX 77581

November, 2002

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

Yes

left a message
RICHARD F. TETENS
2105 W. Mary's Creek
Pearland, TX 77581

September, 2003

Home: 281-482-7065

Yes

DONMAR DEVELOPMENTS, LP
9149 ELIZABETH ROAD, HOUSTON, TX 77055

March 2, 2001

Planning and Zoning Commission
C/o Mr. John Hargrove, P.E.
City Engineer
3519 Liberty
Pearland, TX 77581

Re: Park Village Estates Sections One and Two
Variance for Sidewalks along McLean Rd. and Bailey Rd.
Job No. 1634-0202 (7.0)

Dear Mr. Hargrove:

Donmar Developments, LP respectfully requests a variance for Ordinance No. 509-F, Section 30.10 regarding the construction of sidewalks along major thoroughfares. At the City's request, we have calculated the cost for the length of sidewalk to be built along McLean Road and Bailey Road as follows:

Section One – Fronting McLean Road =	695' (excluding Village Creek Drive entrance)
Section Two - Fronting McLean Road =	422'
<u>Section Two – Fronting Bailey Road =</u>	<u>259'</u>
Total Linear Feet	1,376'

At 1,376 feet long and 6' wide (based on City of Pearland Ordinance No. 509-F, Section 30.10 D1, the total square footage of sidewalk is 8,256 sf. At \$4.00/sf the total cost for the sidewalk is \$33,024.00.

Due to the topography of the land along McLean Road, it is currently not possible to construct the sidewalk. Therefore we are requesting a variance and providing the City with the enclosed check for \$33,024, which is the total amount to build the sidewalk.

Please notify us at your earliest convenience if you have additional questions, comments, or if additional information is required.

Best regards,

Victor Botrie
President

Cc: David Prince – Donmar Developments, LP
Omar Escobar – LJA Engineering and Surveying, Inc.

DONMAR DEVELOPMENTS, LLC 11-99
13014 THATCHER DR.
HOUSTON, TX 77077

UNION PLANTERS BANK
NATIONAL ASSOCIATION
HOUSTON, TX 77008-6593
35-336/1130

1139

3/05/01

PAY TO THE
ORDER OF

CITY OF PEARLAND

\$ 33,024.00

Thirty Three Thousand and twenty four and 00/100

DOLLARS
Security features
included.
Details on back.

MEMO PARK VILLAGE ESTATES
SIDEWALK ALONG McLEAN & BAILEY ROADS

David M. Prince NP

⑈001139⑈ ⑆113003363⑆ ⑆1102011⑈

February 28, 2001

Dear Mayor Reid and City Council Members,

I welcome any comments and suggestions you may have to enhance the decision making of Pearland's Planning & Zoning Committee. As you are aware, I was elected chairman the first week in December, 2000 and have tried to provide quality direction and leadership.

Listed below are my goals as they existed on my first day of tenure and their current status of completion. I've tried not to be too ambitious, as I believe in taking small steps that gain momentum. As you can see a number of them have been accomplished already.

Short term:

1. Compose and adopt a mission statement for the group – P&Z Mission Statement: *To make informed recommendations regarding zoning change requests, capital improvements, and other tasks as mandated by the City Charter.* (Adopted Feb 19th, 2001)
2. Improve the information flow between P&Z, Staff, Council – I have had several discussions with Tobin Maples, John Hargrove, and Darrin Coker and believe there is a better flow of information than existed when I first became committee Chairman. In addition, I have previously sought feedback from Mayor Reid and am seeking your input via this letter.

Long term:

1. Recommend ordinance updates - a number of the zoning related ordinances are contradictory and outdated. This has caused confusion and frustration among committee members, staff members, and citizens. (P&Z recommendations were incorporated in the recent modifications presented to Council for approval.)
2. Prepare information folder for incoming P&Z members – I would like to have a general information folder for incoming members, prepared by the end of the second quarter.
3. Educate committee members on planning and zoning concepts. – I have requested that Tobin Maples subscribe committee members to planning and zoning trade publications. I have also been in contact with the PEDC and the HGAC regarding scheduling guest speakers to better educate the committee on topics such as "perfect zoning" and "potential hazards".

Implementing the above measures will, in my opinion, ensure that the Planning & Zoning Committee is able to best serve Council and Staff. Once again, I welcome any suggestions you may have, and I look forward to working with you in the future. Feel free to give me a call at 281-997-3438 at your convenience.

Sincerely,



H. Charles Viktorin
Chairman, Planning & Zoning Committee

CC: Tobin Maples
P&Z Committee Members

Darrin M. Coker
City Attorney
Telephone (281) 652-1666
Telecopier (281) 652-1679

Lisa D. Jones
Legal Secretary
Telephone (281) 652-1664
Telecopier (281) 652-1679



Nghiem V. Doan
Assistant City Attorney
Telephone (281) 652-1665
Telecopier (281) 652-1679

**PRIVILEGED AND CONFIDENTIAL
ATTORNEY-CLIENT COMMUNICATIONS**

TO: HONORABLE MAYOR AND CITY COUNCILMEMBERS
FROM: DARRIN M. COKER, CITY ATTORNEY
DATE: MARCH 8, 2001
SUBJECT: PLANNED UNIT DEVELOPMENTS

Several questions were raised at the March 5, 2001, Joint Public Hearing and the subsequent Planning and Zoning Commission meeting regarding planned unit developments ("PUDs"). Most concerns focused on the extent to which a PUD may deviate from the general conditions of a standard residential zone (*i.e.*, R-1 to R-1 PUD).

The purpose of a PUD is defined by Section 19.1 of the City's *Land Use and Urban Development Ordinance* in the following manner:

The PUD district is intended to be used in conjunction with other zoning districts to permit greater flexibility and permit more creativity and imaginative design. It is further intended to promote more economical and efficient use of the land while providing a harmonious variety of housing choices, a higher level of urban amenities, and preservation of natural scenic qualities of open spaces.

The intended flexibility of PUD is evident in Section 19.3 which regulates yard setback requirements by requiring that the applicable yard requirements for residential uses shall apply only to the lots within the PUD. This provision contemplates having yard setback requirements that deviate from the general conditions of a residential district, but limits such to the PUD boundaries. Also of concern is whether a PUD may have lot sizes that are not consistent with the general conditions of the property's residential zoning district. Neither R-1 PUDs nor R-2 PUDs regulate lot size or width, but have a maximum density requirement of four and five dwelling units per acre, respectively. Therefore, it is not uncommon to have varying lot sizes within a PUD.

As written, the *Land Use Ordinance* currently allows a PUD to have lot sizes and yard setbacks that differ from the general requirements of their respective residential requirements. Does such a tool allow developers to gain additional lots than would not normally be allowed under such circumstances?

Yes, in fact, the City has passed similar, but larger, PUDs for the Shadow Creek Ranch and Beazer golf course development. A planned unit development tends to act as a separate land use ordinance for a particular development, thus by its nature establishing a different set of standards by which development will occur.

It must be noted that due to the unique nature of a PUD, the Planning and Zoning Commission may discuss and make recommendations that are not consistent with general land use conditions because the net effect of a PUD is the creation of a new district. However, due to their effect, it may be necessary to discuss the concept of PUDs in a joint workshop between the City Council and the Planning and Zoning Commission to establish a consensus on the appropriateness of PUDs and the circumstances for which they should be considered. For your reference, I have provided the following table that may be used as a guide when issues relative to PUDs and variances arise.

	CITY	ETJ
PLATTING	Planning and Zoning Commission may issue a variance to the Subdivision Code that does not conflict with the Land Use Ordinance.	Land Use Code does not apply, but the Planning and Zoning Commission may issue variances to the Subdivision Code.
ZONING	<p>Planning and Zoning Commission <u>may not</u> issue variances to the Land Use Code.</p> <p>Note: PUD conditions affecting lot size and yard setbacks do not constitute a variance, but instead result in the creation of a new district.</p>	DOES NOT APPLY

If you have any questions or comments regarding this issue, please contact my office at your convenience.


 Darrin M. Coker

DMC/ldj

cc: Alan R. Mueller, Interim City Manager
 Planning and Zoning Commission