

AGENDA – REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND TO BE HELD MONDAY, MARCH 5, 2001, IMMEDIATELY FOLLOWING THE JOINT PUBLIC HEARINGS, IN THE SECOND FLOOR CONFERENCE ROOM OF THE CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

II. APPROVAL OF MINUTES: February 19, 2001

III. NEW BUSINESS

A. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NOS. 501, 593, & 596.

Request of owners for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) to Mobile Home District (MH) on the following described property, to wit:

1. Zoning Application No. 501

Legal Description: 1.450 acres out of Lot 8, being the Southeast 1/4 of the Northwest 1/4 of the H. T. & B. R.R. Co. survey, Section 14, A-509, Brazoria Co., TX (3713 Aubrell (old address: 16111 Aubrell))

Owner: Raymond & Rita Girod
3713 Aubrell
Pearland, TX 77584

2. Zoning Application No. 593

Legal Description: Lots 4 & 5, Block 2, Wagon Wheel Addition, H. T. & B. R.R. Co. survey, A-509, according to the plat records of Brazoria Co., TX (6118 Larrycrest)

Owner: John & Evie Johnson
6118 Larrycrest
Pearland, TX 77584

3. Zoning Application No. 596

Legal Description: Being 2.00 acres, Roy Acres II, Tract 168J-169U, H. T. & B. R.R. Co. survey, A-308, plat records of Brazoria Co., TX (7902 Warren)

Owner: Wesley & Phyllis Shafer
7902 #2 Warren
Pearland, TX 77584

B. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 967

Request of owners for an amendment to the Land Use and Urban Development Ordinance of said City from classification Single Family Dwelling District (R-2) to Single Family Dwelling District Planned Unit Development District (R-2 PUD) on the following described property, to wit:

Zoning Application No. 967

Legal Description: 60 acres, being Tracts 26-31 H. T. & B. R.R. Co. survey, A-219, Brazoria Co., TX (Hatfield Road)

Owner: Ronald Noles and Billy Noles
1730 Hatfield Road
Pearland, TX 77581

Agent: James Cornelius

C. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 971

Request of owners for an amendment to the Land Use and Urban Development Ordinance of said City from classification Single Family Dwelling District (R-1) to Single Family Dwelling Planned Unit Development District (R-1 PUD) on the following described property, to wit:

Zoning Application No. 971

Legal Description: 124.4087 acres, out of 297.58 acres conveyed to Aaron Pasternak by Warranty Deed dated January 14, 1969 and recorded in Vol. 1023, pg 297, Deed Records of Brazoria Co., TX and being in the Warren D.C. Hall League, A-70, Brazoria Co., TX (Pearland Parkway)

Owner: 313 Acre Pearland Joint Venture ET AL
Matt Pasternak
2142 Bolsover
Houston, TX 77005

Agent: John H. Taylor, Trustee

D. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 973

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:

Zoning Application No. 973

Legal Description: 5 acres, being the South ½ of Lot 50, Allison Richey Gulf Coast Home Co. Subdivision, Section 19, H. T. & B. R. R. Co. survey, A-243, Brazoria Co., TX, according to the map or plat thereof appearing in Vol. 2, pg 23-24, plat records of Brazoria Co., TX (1738 Stone Road (old address: 13418 Stone Road))

Owner: Mario Victorino & Ana Liza Juguilon
1738 Stone Road
Pearland, TX 77581

E. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 972 & 974.

Request of owners for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) to Estate Lot Single Family Dwelling District (R-E) on the following described property, to wit:

1. Zoning Application No. 972

Legal Description: Tract 4, out of and a part of Commercial Reserve, Block 2, West Lea Subdivision, Section 1, as per the map or plat thereof as recorded in Vol. 10, pg 19, Brazoria Co. plat records, Brazoria Co., TX (Manvel Road)

Owner: Juan Herrera
506 Manor
Houston, TX

2. Zoning Application No. 974

Legal Description: A 5.364 acre tract located in Lot 11, H. T. & B. R. R. Co. survey, Section 14, A-509, Brazoria Co., TX (5509 Bailey Road)

Owner: Ken & Patricia Smith

4016 Hazelwood Drive
Pearland, TX 77584

F. **DISCUSSION & POSSIBLE ACTION** – Discussion and Action regarding a recommendation to City Council exempting certain tracts of land from the platting requirement.

G. **DISCUSSION ITEM** – Future scheduling of Joint Public Hearings.

IV. **NEXT MEETING DATE:** March 19, 2001 (P&Z & JPH)

V. **ADJOURNMENT**

Posted: 2nd Day of March, 2001, A.D.

Removed: JPH 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.

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

MEMBER

TERM EXPIRES

PHONE #'S

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

March, 2002

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

Yes
EMIL A. BELTZ
2434 Killarney
Pearland, TX 77581

April, 2001

Home: 281-481-4627

Yes
TODD IOCCO
3510 Shadycrest
Pearland, TX 77581

March, 2002

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

closed
RANDY PATRO
5074 Broadway
Pearland, TX 77581

December, 2003

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

Yes
RUSS SELEMON
2312 John
Pearland, TX 77581

November, 2002

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

Yes
RICHARD F. TETENS
2105 W. Mary's Creek
Pearland, TX 77581

September, 2003

Home: 281-482-7065

Planning and Zoning Commission

MINUTES OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND HELD ON MONDAY, MARCH 5, 2001, IMMEDIATELY FOLLOWING THE JOINT PUBLIC HEARINGS, IN THE COUNCIL CHAMBERS OF THE CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

The meeting was called to order at 8:02 p.m. with the following present:

Chairman	H. Charles Viktorin
Vice-Chairman	Donald Glenn
Commissioner	Emil A. Beltz
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

II. APPROVAL OF MINUTES: February 19, 2001

Commissioner Tetens stated that he thought they tabled agenda items A & D.

The Commissioners agreed that the motion was to recommend approval contingent upon verification that the applications met the requirements of the requested zoning.

Manager of Administrative Support Tobin Maples stated that he would like to clarify that the applications did not meet the required standards, therefore staff will have to re-advertise and another Joint Public Hearing will be required.

Commissioner Iocco made a motion to approve the February 19, 2001 minutes, and Vice-Chairman Glenn seconded the motion.

Motion to approve passed 6 to 0 (Russ Selemon abstained due to his absence).

III. NEW BUSINESS

A. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NOS. 501, 593, & 596.

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

Request of owners for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) to Mobile Home District (MH) on the following described property, to wit:

1. Zoning Application No. 501

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**Owner: Raymond & Rita Girod
3713 Aubrell
Pearland, TX 77584**

2. Zoning Application No. 593

Legal Description: Lots 4 & 5, Block 2, Wagon Wheel Addition, H. T. & B. R.R. Co. survey, A-509, according to the plat records of Brazoria Co., TX (6118 Larrycrest)

**Owner: John & Evie Johnson
6118 Larrycrest
Pearland, TX 77584**

3. Zoning Application No. 596

Legal Description: Being 2.00 acres, Roy Acres II, Tract 168J-169U, H. T. & B. R.R. Co. survey, A-308, plat records of Brazoria Co., TX (7902 Warren)

**Owner: Wesley & Phyllis Shafer
7902 #2 Warren
Pearland, TX 77584**

Commissioner Tetens made a motion to forward Zoning Application Nos. 501, 593, and 596 to City Council for denial, and Commissioner Beltz seconded the motion.

Motion to deny passed 7 to 0.

B. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 967

Planning and Zoning Commission

Request of owners for an amendment to the Land Use and Urban Development Ordinance of said City from classification Single Family Dwelling District (R-2) to Single Family Dwelling District Planned Unit Development District (R-2 PUD) on the following described property, to wit:

Zoning Application No. 967

Legal Description: 60 acres, being Tracts 26-31 H. T. & B. R.R. Co. survey, A-219, Brazoria Co., TX (Hatfield Road)

**Owner: Ronald Noles and Billy Noles
1730 Hatfield Road
Pearland, TX 77581**

Agent: James Cornelius

Vice-Chairman Glenn made a motion to forward Zoning Application No. 967 to City Council for approval, and Commissioner Beltz seconded the motion.

Commissioner Tetens stated that they couldn't approve or act on this request with the 20-foot setbacks on the lots, which are not allowed in the zoning ordinance. Mr. Tetens stated that the lots should have 25-foot setbacks and the only 20-foot setbacks that are allowed are lots that meet the square footage requirement, which means they have to be a 100-foot deep and all of these lots are under 100-feet.

City Engineer Hargrove reminded the Commissioners that this is a "PUD".

Chairman Viktorin asked staff to address this situation.

Manager of Administrative Support Tobin Maples stated that he would first like to clarify that he is in no way being argumentative. He stated that everyone is entitled to their own opinion. He stated that staff's interpretation of a Planned Unit Development is when a developer comes in with a unique project because they would like to propose a mixed use of development standards that are not allowed or that are different from just the straight request of a standard R-1 through an R-4. He stated that also staff's interpretation of "PUD" is that when the developer submits a "PUD" document, they are proposing what development standards they would like, however, the Planning and Zoning Committee has the authority to recommend whether or not they would like to accept those standards. He then stated that City Council has the right to accept those deviations. He stated that he does not even like to use the word "variance" within a "PUD" document because a "PUD" is proposing their own development standards.

Planning and Zoning Commission

Commissioner Iocco asked if this would be similar to the agreement with Silverlake on the 5-foot setbacks on the sideyards. Commissioner Tetens argued that it is accepting something that is not allowed in our Subdivision Ordinance.

Commissioner Iocco argued that what other benefits would a developer have when they come to us with a "PUD".

Commissioner Tetens stated that City Council has the authority to allow for them to do something "different" and the Commissioners can recommend for them to approve this however, his own personal preference is that he will not recommend something that does not meet the City's ordinance.

Commissioner Patro stated that he has a problem with calling the lots an "R-2" or an "R-1", and some of these lots fit in an "R-3". He stated that the developer should just call it for what it is. He then stated that he feels like the developer is trying to disguise something, and he strongly disagrees with this. He stated that he feels like there is some "verbiage" that needs to be addressed in the Land Use book and this is going to be a conflict every time a "PUD" comes to them.

Chairman Viktorin stated that from listening to the Commissioner's he feels like they are questioning the whole concept of a "PUD". He stated that the Commissioner's are saying that a "PUD" has to meet the regular standards of zoning. He stated that from what he remembers learning, a "PUD" is used to allow a developer to be able to come in and maximize green space and to vary some of the setbacks so they won't have a "generic" looking frontage.

Commissioner Patro argued that the developers are taking advantage of a "PUD".

Commissioner Tetens agreed with the maximizing of green space, however he does not agree that any density should be any greater than what is allowed in that zoning designation.

Commissioner Iocco asked if the developer came to them with out doing a "PUD" and requested just the "R-2" zoning, what would be the significant difference, and Mr. Hargrove replied that the lot size and setbacks.

Mr. Maples stated that he is understanding that the Commissioners are having philosophical difference with the "verbiage" of a "PUD", and explained that the overall density meets the "verbiage" that is dictated by a "PUD" and that does meet the intent of the ordinance. He then stated that if the Commissioners have a problem with the ordinance then they need to get together and work on making an amendment to the Land Use Ordinance.

Planning and Zoning Commission

Commissioner Selemon asked if a "PUD" includes detention, and Mr. Maples stated that it is exclusive of detention, right-of-ways, and is basically a development of land.

Commissioner Selemon stated that he has another concern regarding this "PUD", and stated that he would not want to live on one of those lots with "M-1" zoning located right across the street because of inadequate buffering and/or greenbelt area between the lots and M-1 zoning.

Chairman Viktorin called for a vote.

Motion to approve passed 4 to 3.

C. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 971

Request of owners for an amendment to the Land Use and Urban Development Ordinance of said City from classification Single Family Dwelling District (R-1) to Single Family Dwelling Planned Unit Development District (R-1 PUD) on the following described property, to wit:

Zoning Application No. 971

Legal Description: 124.4087 acres, out of 297.58 acres conveyed to Aaron Pasternak by Warranty Deed dated January 14, 1969 and recorded in Vol. 1023, pg 297, Deed Records of Brazoria Co., TX and being in the Warren D.C. Hall League, A-70, Brazoria Co., TX (Pearland Parkway)

**Owner: 313 Acre Pearland Joint Venture ET AL
Matt Pasternak
2142 Bolsover
Houston, TX 77005**

Agent: John H. Taylor, Trustee

Commissioner Tetens made a motion to forward Zoning Application No. 971 to City Council for denial, and Commissioner Patro seconded the motion.

Commissioner Tetens stated that first of all the density is too great. He explained that it is an "R-1", and they are changing to an "R-1 PUD", which would be budded up to an "RE" sized lot subdivision. He then stated that he doesn't think it would be good to have such small lots backing up to half-acre size lots. He stated that the lot sizes are too small and there are too many of them.

Planning and Zoning Commission

Commissioner Selemon agreed with Commissioner Tetens and stated that there are 60' lot widths, and he would like to see bigger lots if possible.

Commissioner Patro asked where the information is on the setbacks for the sideyards, and Mr. John Taylor stated that it is located in the "Zoning" section.

Manager of Administrative Support Tobin Maples stated that you could only do one single-family unit per lot.

Mr. John Taylor stated that there is a 25-foot front building line and 15-foot sideyard setbacks. He then stated that the setbacks are just the same as every place else.

Chairman Viktorin called for a vote.

Motion to deny failed 4 to 3.

Commissioner Iocco made a motion to forward Zoning Application No. 971 to City Council for approval, and Commissioner Beltz seconded the motion.

Commissioner Patro stated that the developer is putting "R-3" sized lots in an "R-1" zoned area and that is a practice that they do not need to have, and they need to call it for what it is.

Commissioner Tetens stated that City Council is not passing very many R-3's or R-4's, so now the developer's are coming to them with R-1's and R-2's, making a "PUD" into small lots.

Commissioner Iocco argued that the Commissioner's are going by what the ordinance says, and according to staff this request does meet the ordinance, and that is what the Commissioner's are voting on. He stated that if the ordinance is incorrect then they need to let City Council handle that issue and correct it. He stated that he does agree with the Commissioner's however, they are going by the rules of the ordinance.

Commissioner Tetens argued that this is currently an "R-1" and they don't have to approve the request for an "R-1 PUD".

Chairman Viktorin called for a vote.

Motion to approve passed 4 to 3.

D. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 973

Planning and Zoning Commission

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:

Zoning Application No. 973

Legal Description: 5 acres, being the South ½ of Lot 50, Allison Richey Gulf Coast Home Co. Subdivision, Section 19, H. T. & B. R. R. Co. survey, A-243, Brazoria Co., TX, according to the map or plat thereof appearing in Vol. 2, pg 23-24, plat records of Brazoria Co., TX (1738 Stone Road (old address: 13418 Stone Road))

**Owner: Mario Victorino & Ana Liza Juguilon
1738 Stone Road
Pearland, TX 77581**

Commissioner Tetens made a motion to forward Zoning Application No. 973 to City Council for approval, and Commissioner Patro seconded the motion.

Motion to approve passed 7 to 0.

E. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 972 & 974.

Request of owners for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) to Estate Lot Single Family Dwelling District (R-E) on the following described property, to wit:

1. Zoning Application No. 972

Legal Description: Tract 4, out of and a part of Commercial Reserve, Block 2, West Lea Subdivision, Section 1, as per the map or plat thereof as recorded in Vol. 10, pg 19, Brazoria Co. plat records, Brazoria Co., TX (Manvel Road)

**Owner: Juan Herrera
506 Manor
Houston, TX**

2. Zoning Application No. 974

Planning and Zoning Commission

Legal Description: A 5.364 acre tract located in Lot 11, H. T. & B. R. R. Co. survey, Section 14, A-509, Brazoria Co., TX (5509 Bailey Road)

Owner: Ken & Patricia Smith
4016 Hazelwood Drive
Pearland, TX 77584

Commissioner Beltz made a motion to forward Zoning Application Nos. 972 & 974 to City Council for approval, and Commissioner Iocco seconded the motion.

Motion to approve passed 7 to 0.

F. DISCUSSION & POSSIBLE ACTION – Discussion and Action regarding a recommendation to City Council exempting certain tracts of land from the platting requirement.

Discussion ensued among the Commissioners regarding a possible amendment to the Subdivision Ordinance that will allow individuals under certain circumstances to be exempt from the platting requirement.

Chairman Viktorin stated that they are making a recommendation for staff to and in conjunction with the City Attorney to alleviate this requirement. He stated that this has been done in coordination with staff, who is the primary customer of this situation.

Vice-Chairman Glenn asked if there are any other guidelines for the property to be eto not be subdivided.

City Engineer Hargrove stated that first of all it cannot be a subdivision, and the other comment is that there can be no extension involved of City water and sewer mains or streets to reach the lot.

Commissioner Beltz asked if staff could have the City Attorney draw up a motion for Planning and Zoning that would qualify under the requirements that the City Engineer listed.

Chairman Viktorin stated that that is the intent of this discussion item.

Commissioner Tetens asked if a legal description would be included with the property.

Mr. Hargrove replied that there are a number of items that would have to be fulfilled such as having a right-of-way or an easement that has to be passed, which can be done with a written instrument. He stated that the processing and

Planning and Zoning Commission

filing costs would be less than a fifth of the cost of platting. He stated that he also does not like to collect plats for just one lot.

Commissioner Tetens stated that if you have a legal description on the land then there should be no problem drawing up a plat, and Mr. Hargrove argued that it may not be a problem however, it can cost up to \$7,000 to plat.

Manager of Administrative Support Tobin Maples verified that there may be certain situations where an exemption may be allowed for certain properties from the platting requirement. He stated that staff is proposing to move forward and come up with various options on when a tract of land may come up for this exemption.

City Engineer Hargrove stated that the problem is going to occur when the property owner will have to provide a drainage plan, which will be required whether the property is platted or not.

Commissioner Patro made a motion to have staff research and make a proposal on creating an amendment to the Subdivision Ordinance, and Commissioner Iocco seconded the motion.

Motion passed 7 to 0.

G. DISCUSSION ITEM – Future scheduling of Joint Public Hearings.

Manager of Administrative Support Tobin Maples stated that several months ago the schedule was changed to have Joint Public Hearings and Planning and Zoning on the same night. He stated that he made a comment to the City Manager last week regarding the Commission running into a problem space wise. He stated that the Commission is getting pushed to the second floor conference room due to the number of workshops City Council is having. Mr. Maples then stated that he would like to propose that the schedule be changed back to how it was and meet every Monday.

Commissioner Beltz stated that he likes the way they used to meet.

Commissioner Tetens stated that he likes the old process because it gives the Commissioner's more time to think about what they are voting on.

Commissioner Patro made a recommendation to not do any more Joint Workshops with the Parks Board, and Commissioner Iocco and Commissioner Selemo strongly disagreed.

Planning and Zoning Commission

Commissioner locco stated that even though he likes the extra Mondays off, he feels that it is in the best interest of the City and the citizens to have an extra week for them to think about the zone changes. Commissioner Selemon agreed.

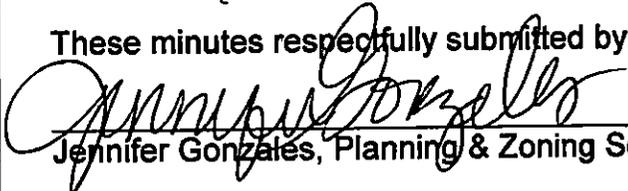
Vice-Chairman Glenn stated that he also would prefer the old way.

IV. **NEXT MEETING DATE:** **March 19, 2001 (P&Z & JPH)**

V. **ADJOURNMENT**

The meeting adjourned at 9:01.

These minutes respectfully submitted by:



Jennifer Gonzales, Planning & Zoning Secretary

Minutes approved as submitted and/or corrected on this 19 day of MAR, 2001.



Charles Viktorin, Planning & Zoning Chairman